

IN THE MATTER OF THE APPLICATION OF

ROGER GAGNON, Applicant,
to the
HENDERSON COUNTY ZONING BOARD OF ADJUSTMENT,
Permit Authority, Regarding

SPECIAL USE PERMIT for OUTDOOR STORAGE >5000SQFT

The Henderson County Zoning Board of Adjustment held a quasi-judicial hearing June 26, 2019 to consider the application SUP-19-06, seeking a special use permit under Chapter 42 of the Henderson County Code (“the Code”). The application was submitted by the owners of the property in question. Having heard all of the evidence and arguments presented at the hearing, the Zoning Board of Adjustment makes the following findings of fact:

1. A quasi-judicial hearing was held by the Henderson County Zoning Board of Adjustment on the special use permit application SUP-19-06. A quorum of members of the Zoning Board of Adjustment was present. The members present and participating were:

Ronald S. Kauffman, Chair
Ed Marshall
Tony Engel
Bill Fishburne
Louise St.Romain

2. All members of the Zoning Board of Adjustment affirmed their ability to make an impartial decision in this matter, and no party or member objected to any other member’s participation in this hearing.

3. Notice of the quasi-judicial hearing, pursuant to the Code was duly and timely given in accord with the provisions of §42-371. This included mailing to the applicants and all adjacent property owners to the boundary of the subject property and the posting of notice on the subject property.

4. This application was filed by Roger Gagnon (the “Applicant”), as applicant and property owner. The property to be included in the application consists of Henderson County PIN 9650886117. This property is currently zoned Community Commercial (CC).

5. At the commencement of this hearing, the Chair stated that the Board recognized the Applicants and Henderson County staff as parties to this hearing and inquired whether any person or entity sought to become a party to this action.

6. Applicants included Roger Gagnon. The supplemental requirements and screening requirements are as follows:

SR 2.10. Outdoor Storage greater than 5,000 square feet (1) Locational Requirements. Storage areas shall not be placed in a front yard. (2) Screening. Screen Class Three (3) or Four (4) shall be provided consistent with the requirements of §42-182 (Screen Classification).

C. Screen Class Three (3). A fence or wall constructed with a minimum height of six (6) feet, that is at least 75 percent opaque, where all spaces are evenly distributed, and with the finished side of the fence facing the adjacent property or road. Fences longer than 20 linear feet shall be landscaped with:

a row of shrubs spaced a maximum of ten (10) feet apart, or a row of evergreen trees planted no more than 15 feet apart (see Figure 5D).

7. The information contained in the Request for Board Action and staff report was received by the Board without objection. The statements found therein are found to be fact by this Board.

8. A motion was made to grant the special use permit, with the following conditions: screening must be installed by January 2020 or the Special Use Permit is void. The application was unanimously approved by motion by Bill Fishburne and second by Louise St.Romain.

From the foregoing, the Zoning Board of Adjustment concludes as follows:

1. All parties were properly before the Board, and all evidence presented herein was under oath, and was not objected to by any party. All evidence relied upon in this Order was credible and reliable.

2. The Zoning Board of Adjustment has jurisdiction to hear this matter.

3. All parties, and all persons entitled to notice, have been given proper notice of this hearing and afforded the right to be heard.

4. The application for the variance must be granted, subject to the conditions stated above.

IT IS THEREFORE ORDERED by the Henderson County Zoning Board of Adjustment that Henderson County application SUP-19-06 to grant a special use permit for Outdoor Storage.

Announced 26 June 2019, and approved in final form, this the 31st day of July 2019.

HENDERSON COUNTY ZONING BOARD OF ADJUSTMENT

By: _____
RONALD S. KAUFFMAN, Chairman

Attest:

TOBY LINVILLE, Secretary to the Zoning Board of Adjustment