

February 11, 2013

The Union County Board of Adjustment met in regular session on February 11, 2013 at 7:00 p.m. in the Union County Government Center, 1st Floor Board Room, 500 N. Main Street, Monroe NC with Chairman Bill McGuirt presiding.

BOARD MEMBERS PRESENT: Bill McGuirt, Chairman
Darren Greene, Vice Chairman
Mark Tilley
Rick Davis
Louis Philippi

ALTERNATES PRESENT: Jennifer Stewart
Neil Forrest Jr.

ALSO PRESENT: Richard Lee Jenson, Land Use Administrator
Bill Sturges, Board Attorney
Susan Calkins, Secretary to the Board

REGULAR MEETING:

Chairman McGuirt called the meeting to order at 7:00 p.m. and declared a quorum.

Mark Tilley made a motion to approve the November 15, 2012 minutes as written and distributed; seconded by Darren Greene. The motion carried.

Approval of the December 10, 2012 minutes will be deferred to the next meeting.

PUBLIC HEARINGS:

“Special Use 2013-001” - Deania Cannon requesting a “Special Use” under Section 54 and Appendix I of the Union County Land Use Ordinance to build and operate a 2400 square foot animal kennel and grooming facility. Located at 6216 Indian Trail Fairview Road, being on Tax Map 07-060-003; presently zoned RA-40.

Mr. McGuirt asked if any board member had a conflict of interest with this agenda item. It was determined there were no conflicts of interest.

Chairman McGuirt instructed members of the public who wished to testify to fill out the green information card. He also informed the public that if anyone was dissatisfied with any decision the board rendered, they should fill out the form that is provided for that purpose.

The Chairman called Land Use Administrator Richard Jenson to testify and inquired whether the petition was complete? Mr. Jenson stated that it was complete.

Vice-Chairman Darren Greene made a motion to hear the petition; seconded by Mark Tilley. There was no discussion; the motion carried.

Mr. Jenson presented the following staff analysis:

Property Owner: Gary Spear

Petitioner: Deania Cannon

Location: 6218 Indian Trail Fairview Rd.

Request: To construct a 2400 square foot building in order to operate a dog boarding and grooming shop.

Summary

This petition seeks approval to construct a 2400 square foot building in order to operate a dog boarding and grooming shop.

Existing Zoning

North

The area to the north is zoned RA-40.

East

The area to the east is zoned RA-40, B-4, and within the jurisdiction of Indian Trail.

South

The area to the south is zoned RA-40.

West

The area to the west is zoned RA-40 and is located within the jurisdiction of Indian Trail.

Subject Property

The petitioned property is currently zoned RA-40.

Existing Land Use

North

The area to the north consists of low density residential development.

East

The area to the east consists of low to medium density residential development.

South

The area to the south consists of low density residential development and agricultural uses.

West

The area to the west consists of low to medium density residential development and general commercial uses.

Subject Property

The subject property is currently vacant, however, most recently was utilized as a greenhouse.

Proposed Land Use

The Union County, North Carolina 2025 Comprehensive Plan calls for this area to develop as low density residential 0-1 dwelling units per acre.

Mr. Jenson stated the property is in close proximity to existing commercial activity and that Ms. Cannon has spoken with the Environmental Health Department and has their verbal approval; that he had spoken with staff at the Environmental Health Department.

Mr. Jenson answered questions posed by Board Members regarding location of subject property in relation to existing commercial property.

Deania Cannon was affirmed and testified as follows:

Ms. Cannon stated there would be no outside runs, that when dogs are outside, they would be on a leash and would be handled by staff or herself, that the maximum number of dogs would be 20, that the building would be insulated for sound She distributed photographs to illustrate her testimony. She stated she had previously operated a kennel at another site and she never had any noise complaints; that she was inspected and passed all inspections. She presented Veterinarian Division of the Animal Welfare Center inspection reports dated November 18, 2008, September 14, 2009, July 29, 2010 and March 23, 2012.

Ms. Cannon presented a notarized letter from

The following Petitioner's exhibits were accepted into evidence:

- #1 - Application
- #2 - Photographs
- #3 - Photograph of what the kennel may look like
- #4 - Document relating to soundproofing material
- #5 - Inspection reports
- #6 - Notarized Letter from adjoining landowner

Gary Spear was affirmed and testified in favor of the special use permit. He discussed the prior use of the site and the commercial businesses nearby.

Lloyd Trimble was affirmed and testified in favor of the special use permit. He testified that he is a real estate agent and sold her the property where she had a prior business; that both he and his sister take their dogs to Ms. Cannon for grooming and that the dogs come

home clean and well cared for. He also located the subject site for her and discussed the businesses nearby. He presented letters from other satisfied patrons. Mr. Trimble believes the building will blend well with the other businesses nearby and will not diminish the value of nearby property.

Exhibits 7, 8 and 9 were received into evidence.

#7 -

#8 -

#9 -

(A brief recess was taken)

The applicant offered no further evidence.

The following testimony was given in opposition:

J.W. Simpson was affirmed and testified as follows:

Mr. Simpson stated he owns property behind the subject property. He is concerned about the appearance and smell. He indicated on the plat where his property is in relation to her proposed building and stated a concern about “keeping his animals in and her animals out.” It was explained to Mr. Simpson that the dogs she would board and groom would be kept inside and not be allowed to run outside. Mr. Simpson had nothing further.

Kevin Pressley was affirmed and testified as follows:

Kevin Pressley, Mayor of Hemby Bridge, stated the town invited Ms. Cannon to a town meeting for a question and answer session and that she did appear and address concerns. He stated he was not opposed to the application but there were some concerns expressed by town residents. He said most of their concerns had been addressed but one concern is how will the property be used if Ms. Cannon decides to move to her business to another location, what will be allowed to be put there? Another concern is the possibility of smell and noise and the possibility of a dog getting loose and scaring farm animals.

Ms. Cannon was recalled and asked about the disposal of animal waste. She stated that it would be bagged and would be picked up by commercial service every week. She stated she had business and personal liability insurance in case of a dog getting loose and harming anyone.

Mr. Trimble returned to the witness stand and stated that he had observed Ms. Cannon walking dogs at the previous property he had never seen any off their leash and that no neighbors complained about dogs getting loose from their leashes.

J.W. Simpson was affirmed and testified as follows:

Mr. Simpson stated he owns property near the subject property and indicated on the plat where it is located. He said his concern is how the property will be maintained.

There was no further evidence.

The public hearing was closed and the board deliberated. Mr. Philippi made a motion to approve the petition with the following stipulations: provide insulation inside building and no outside kennels. Seconded by Mr. Greene. The motion carried unanimously.

PUBLIC HEARING

“Special Use 2013-002” - Barry Robinson requesting a “Special Use” under Section 54 and Section 178 of the Union County Land Use Ordinance to request a Temporary Dependent Care Residence. Located at 4418 Western Union School Road, being on Tax Map 05-006-011C; presently zoned RA-40.

Mr. McGuirt required whether any board member has a conflict of interest and determined there were no conflicts of interest.

Mr. Jenson presented the following staff analysis:

Property Owner: Dewey Robinson

Petitioner: Barry Robinson

Location: 4418 Western Union School Rd.

Request: To place a temporary dependent care residence on the property to care for aging parents.

Summary

This petition seeks approval to place a temporary dependent care residence on the property to care for aging parents.

Existing Zoning

North

The area to the north is zoned RA-40 and is located within the jurisdiction of Mineral Springs.

East

The area to the east is zoned RA-40.

South

The area to the south is zoned RA-40 and is located within the jurisdiction of Mineral Springs.

West

The area to the west is zoned RA-40 and is located within the jurisdiction of Mineral Springs.

Subject Property

The petitioned property is currently zoned RA-40.

Existing Land Use

North

The area to the north consists of low density residential development.

East

The area to the east consists of low density residential development and agricultural uses.

South

The area to the south consists of low density residential development and agricultural uses.

West

The area to the west consists of low density residential development and agricultural uses.

Subject Property

The subject property is currently has a single family dwelling and several accessory structures.

Proposed Land Use

The Union County, North Carolina 2025 Comprehensive Plan calls for this area to develop as low density residential 0-1 dwelling units per acre.

Mr. Jenson stated there was previously a mobile home in the location, but it had been removed.

Barry Robinson was affirmed and testified that his parents are elderly and need assistance with their daily living and that if the application is approved, he will be moving into the mobile home to help care for his parents. He answered questions posed by the board members.

Mr. McGuirt read a letter from Southern Piedmont Primary Care regarding the necessity for Mr. and Mrs. Dewey Robinson to have daily living assistance.

Petitioner's exhibits were received into evidence.

#1 - Application

#2 - Physicians letter

There was no further evidence by the petitioner and no evidence presented in opposition.

The board deliberated.

Mr. Greene made a motion to approve the petition; seconded by Mark Tilley. The motion carried unanimously.

The meeting adjourned at 9:29 p.m.

Respectfully submitted,

Susan R. Calkins
Secretary to Board of Adjustment