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## **A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT REQUEST BY R. L. Matthews**

**WHEREAS, R. L. Matthews**, has applied to Chatham County for a conditional use permit on Parcel No. 19386, for a heating, plumbing, electrical, cabinet, and similar shops, located on approximately 1.197 acres, Williams Township;

**WHEREAS**, the Chatham County Board of Commissioners, having considered all of the evidence in the whole record and based upon the competent, substantial and material evidence in the record, including, without limitation, the Applicant's written materials, all of which are incorporated herein by reference, hereby finds as follows:

1. The use/s requested are among those listed as eligible uses in the district in which the subject property is located or is to be located. The Neighborhood Business District lists these as permitted uses.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, the Land Conservation and Development Plan encourages the preservation of rural character as well as providing employment opportunities that could contribute the county's economy with lodging, food, and labor income, and a continued tax revenue for developed property. Currently there are no other similar services available in the northern portion of Chatham County. No additional public improvements will be needed and new property value will increase.
3. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community. This facility will not be a "retail" operation where traffic will be coming and going throughout the day. Workers will arrive in the morning, get their schedules, leave and return at the end of the work day. Most workers will take their vehicles home so there will not be a fleet of vehicles to garage. The property will maintain the appearance of a residential property. No alterations to the exterior of the current structure will be done. A small garage will be constructed on the rear of the property for equipment storage and two handicap parking spaces will be provided in the front, side yard area. All other parking will be in the rear of the structure. Existing vegetation to remain as well as additional plantings as directed.

4. The requested permit is consistent with the objectives of the Land Development Plan by, among other things, maintaining the form and function of rural character at the property and by locating compatible business enterprises in an area of sustainability where currently there are no other similar uses. The property will utilize approximately 27% of the 36% impervious surface allowable by the ordinance.

5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided through the proposal consistent with the County's plans, policies and regulations and confirmed through conditions placed on its approval as seen below. The property will be served by county water and the sewer system currently operated by Aqua NC. No stormwater measures or erosion and sedimentation control devices will be needed for this project as there is no land disturbing activity, other than a parking area, to be done on the property.

**NOW, THEREFORE, BE IT RESOLVED BY THE CHATHAM COUNTY BOARD OF COMMISSIONERS,** as follows:

That a Conditional Use Permit be, and it hereby is, approved for the reasons hereinabove stated subject to the additional stipulations and conditions set forth hereinafter; and

**BE IT RESOLVED FURTHER,** that the Chatham County Board of Commissioners hereby approves the application for the conditional use permit in accordance with the plan submitted by the Applicant, R. L. Matthews, attached hereto and incorporated herein by reference with specific conditions as listed below:

**Site Specific Conditions:**

1. The recommendations of the CCAC shall be followed and plantings shall be made at the next optimal planting season after approval. In addition to these recommendations, the applicant shall submit a sign design to the Planning Department that will be reviewed by the CCAC before a permit may be issued for said sign. The sign can be no larger than 25 square feet, no taller than six feet, and a monument style sign. Annual reviews by the Planning Department and/or the CCAC may be made to ensure landscaping, signage, and lighting continue to support the intent of the ordinances and the listed requirements.
2. The amount of area for parking required by the ordinance shall be made available to the north side and rear of the existing structure. However, the graveling, paving, or otherwise preparation for the entire area does not have to be created until which time the applicant needs the additional space. This will limit the amount of disturbance and decrease the amount of impervious surface on the property.
3. No outdoor storage of materials shall be permitted.

**Standard Site Conditions:**

4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Section, Stormwater Management, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the issuance of a Certificate of Occupancy.

5. Lighting shall be installed and maintained as per the adopted lighting regulations located in Section 13 of the revised Chatham County Zoning Ordinance. Any lighting or fixtures found to be non-compliant, existing or new, with the regulations shall be replaced at the expense of the landowner/operator and shall hold no liability against Chatham County for the compliance measures.
6. An “as-built” impervious surface calculation shall be submitted to the Planning Department prior to issuance of a certificate of occupancy.
7. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
8. A building permit shall be obtained and remain valid at all times or this permit shall become void. The first building permit shall be approved within 24 months of this approval or the permit becomes void; or from the time of the expiration of an appeal period or any court decision, whichever is later.

**Standard Administrative Conditions:**

9. Appeal - The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision. Nothing in this paragraph shall require the applicant to indemnify and hold the County harmless from any losses or costs associated with defense of the County’s actions or procedures in considering and acting upon this application.
10. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspection, established from time to time.
11. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
12. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
13. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant’s property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

(R.L. Matthews Resolution Approving CUP)

**BE IT FURTHER RESOLVED**, that the Board of Commissioners of the County of Chatham hereby approves the application for a conditional use permit in accordance with the plans and conditions listed above.

Adopted this, the 16th day of March 2009

By: \_\_\_\_\_  
George Lucier, Chairman

ATTEST:

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Sandra B. Sublett, CMC, Clerk to the Board  
Chatham County Board of Commissioners