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## **A RESOLUTION APPROVING A CONDITIONAL USE PERMIT REQUEST**

### **BY Courtney Hopper and Dana Kadwell dba C and D Events**

**WHEREAS**, Courtney Hopper and Dana Kadwell dba C and D Events has applied to Chatham County for a conditional use permit on Parcel No. 5802, on approximately 7.925 acres, located off Pea Ridge Road, Cape Fear Township, for a bed and breakfast inn as defined in Section 10.13, and also banquets, conventions, and other similar events (i.e. weddings, reunions, etc.), and;

**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. In the list of Permitted Uses within the Chatham County Zoning Ordinance, all the uses being sought and those that would be customary accessory uses are permitted as stated within the regional business district category.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, the applicant has demonstrated a difference in appearance and amenities that may appeal to a different client base than other similar uses in this area. There will be employment opportunities, full time and part time available at varying times throughout the year, the facility can accommodate year round events, and the property will utilize both well and county water to maintain and serve the property.
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. Traffic generated by the use of the facility generally has off peak time hours such as weekends and evenings. A commercial driveway permit issued from NCDOT will be supplied and followed. The Chatham County Appearance Commission has reviewed the landscaping, deer fencing, lighting, parking, and signage and has approved the plan submitted and modified by the applicants.
4. The requested permit is consistent with the objectives of the Land Development Plan by, among other things, encouraging a mix of development by guiding balanced growth to suitable

locations while maintaining rural character. The bed and breakfast will help support tourism and recreation by providing lodging options and rental facilities for wedding parties, business travelers, as well as vacationers to the area. Page 31 encourages home-based businesses throughout the county. One of the applicants plans to reside on-site in a detached single family dwelling. The project will create less than 20% impervious surface of the 36% - 50% allowed by 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 any additional conditions placed on its approval as seen below. The site will use both well and county water to supply and serve the various aspects of the project. The drive to the facility will meet the NCDOT guidelines as well as provide adequate fire access as defined by the NC Fire Code. Stormwater measures will be met as required by ordinance.

**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, Courtney Hopper and Dana Kadwell dba C and D Events, and incorporated herein by reference with specific conditions as listed below;

**Site Specific Conditions**

- 1) Recommendations as provided by the Chatham County Appearance Commission shall be complied with and as required in Section 12 of the Zoning Ordinance. Plantings shall be installed at the next optimal planting season following the start of development and shall be complete before a certificate of occupancy is issued. The landscaping shall be maintained so as to thrive and survive at all times.
- 2) Once development of the commercial business starts, the project shall be completed within two (2) years of the date of approval of the building permit associated with the business portion.
- 3) A final survey for the site with final impervious surface calculations shall be provided to the Planning Department before the certificate of occupancy is issued.

**Standard Site Conditions**

- 4) Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance.
- 5) The application and approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place.
- 6) All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health

Division, Storm water Management, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the mulching operation.

**Standard Administrative Conditions**

- 7) 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.
- 8) 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.
- 9) Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
- 10) Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
- 11) 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.

**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 17th day of January 2012

By: \_\_\_\_\_

Brian Bock, Chair  
Chatham County Board of Commissioners

ATTEST:

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