

**COUNTY COMMISSIONERS**

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## **A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT REQUEST BY Michael Gress**

**WHEREAS, Michael Gress** has applied to Chatham County for a conditional use permit on Parcel No 80117, located at 56 Weaver Trail, on approximately 1 acre out of a 5.490 acre tract, Cape Fear Township for a contractor's storage facility 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, a contractor's facility is listed as contractor's storage yards and staging areas.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, the county has been creating ways for citizens to utilize their property for residential and non-residential uses. The applicant also lives on the same property the contractor's facility is to be located. The applicant has an established business in Wake County that serves a multi-county area and this may increase business opportunities for Chatham citizens.
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. The Chatham County Appearance Commission has approved the site plan in regards to landscaping, parking, and lighting and are satisfied that the residential character is being preserved. The 4,000 square foot, brick and metal building is a mixed use for non-residential and residential purposes and will conform to the appearance of the residence. Traffic will be limited to residents and employees; no retail traffic.
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 site currently has a single family dwelling and the new structure is built to conform to the same look at the residence. The property is screened with existing vegetation and newly planted landscaping material to continue with maintaining

rural character. A second concept is to encourage home-based businesses which promote the opportunity to work from home while requiring appropriate performance standards to prevent adverse impacts on neighbors or the environment.

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 property is currently served by well and a separate septic system will be used for the business. There is a fire hydrant within 400 feet of the property that is supplied by county water;

**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, Michael Gress, and incorporated herein by reference with specific conditions as listed below;

**Site Specific Conditions**

1. A map detailing the existing disturbed areas and impervious surface as well as a map detailing any proposed additional disturbed areas and impervious surface shall be provided to the Planning Department and the Environmental Quality Department prior to beginning any further land disturbing activities.

**Standard Site Conditions**

2. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance.
3. 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.
4. 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, Building Inspections, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.

**Standard Administrative Conditions:**

5. 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.

6. 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.
7. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
8. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
9. 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 6th day of September 2011

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

Brian Bock, Chair  
Chatham County Board of Commissioners

ATTEST:

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