



Andrew Osterlund, Architect, PLLC

Raleigh, North Carolina

THE CHILDREN'S HEARTH HOME CENTER
PROJECT #1118

APPLICATION for CONDITIONAL USE PERMIT ADDENDUM #1

March 28, 2012

Ms Angela Birchett, Zoning Administrator
Chatham County Planning Department
Pittsboro, NC
angela.birchett@chathamnc.org

cc: Talitha Sanders, property Owner of 235 Easy Street

Ms Birchett –

Thank you for your support through this process for Conditional Use Permit Application for the **Sanders property at 235 Easy Street in Pittsboro.**

Following is a response to concerns communicated in the recent Public Hearing on March 19, 2012. The property Owner and our design team take these concerns seriously, and believe that the concerns have been or will be addressed directly and amicably through the future intended use of the property.

Please note that the comments below are based on memory of the Public Hearing conversation. This letter is an attempt to demonstrate the Owner's resolve for the completion of the project and her intention to address any open concerns cooperatively with the County.

Sincerely,

Andrew Osterlund, AIA, LEED AP
President, AOArch

The following concerns were heard in the Public Hearing on March 19, 2012, related to a Conditional Use Permit for Day care centers for 15 or fewer children at 235 Easy Street in Pittsboro:

1. Residency Intention.

- a. The plan for the proposed day care facility maintains a Master Bedroom and Bath Suite for permanent residency. See plan provided in Application under "Supplemental: PROPOSED FACILITY INFORMATION."
- b. Chatham County Zoning Ordinance 10.13. Table 1: Zoning Table of Permitted Uses explicitly differentiates between Day Care Centers in a principal residence and otherwise. Ms Sanders is pursuing a Conditional Use that does not imply principal residence. See attached "Supplemental Evidence" letter, prepared by the Owner, Paragraph #4, for additional commentary.
- c. NC Building Code 310.1 R-3 Residential occupancy describes permanent occupancy, day care for five or fewer children, OR other use not classified. Principal residence is not implied.
- d. Ms Sanders currently has residency at an adjacent property at 135 Easy Street. Relocating to 235 is convenient and feasible. However, principal residence at 235 appears to be a restriction that is not otherwise required by zoning or building ordinances. We ask the Zoning board to not impose this residency restriction unless implicitly required for the Conditional Use requested.
- e. As stated publicly on March 19, Ms Sanders intends to live in the house at 235 Easy Street during the time the home is used for a Day Care. She is willing to reassign her driver's license and other public documents to this address. Ms Sanders public statement was truthful, and specifically indicates her resolve to open this facility and to comply with perceived or actual requirements for the facility.

2. Suitability of a Manufactured Home for a Day Care for (5) or fewer children.

- a. We remain confident that the house at 235 Easy Street will be suitable for the intended use as a Day Care facility for (5) or fewer children.
- b. Please note the scale and condition of similar properties and occupancies as listed in the Application Packet, under FINDING #2, Survey of Similar Uses.
- c. The Owner intends to make cosmetic and necessary repairs to the facility consistent with her application with the health department and facility licensing boards. Ms Sanders has the financial resources available for the work and has begun some of the cosmetic improvements. Ms Sanders intends to begin repairs in earnest following resolution of the Conditional Use permit process.
- d. The suitability of the existing facility for the intended use is understood to be a Building Department concern directly, subsequent to the Conditional Use Permit.

- e. At the Public Hearing, we heard a discrepancy of comments by the Building Department regarding use of the Residential Facility at 235 Easy Street. [The Architect] was able to speak with Building Inspector, Mr. Al Davis, again on March 21, to better understand the discrepancy.
 - i. Mr. Davis expressed that he was unclear whether the facility was for (5) or fewer children as allowed by Building Code, or for (15) or fewer children as allowed by zoning code. [The Architect] was able to clarify that the intended use is for (5) or fewer children.
 - ii. Mr. Davis confirmed that the Building Department would be unconcerned with a residential facility for day care for (5) or fewer children, as inherently allowed by the Building Code for a residence.
 - iii. Mr. Davis confirmed that he did not expect the NC DOI Office of State Fire Marshall Memorandum, dated 5/28/2009, regarding manufactured housing, to be applicable to a residential facility for day care for (5) or fewer children.
 - iv. This conversation was consistent with the original conversation on about 2/15/2012, as described in the Application packet. It confirmed [The Architect's] assumptions and clarified the discrepancy heard in the Public Hearing.
- f. In addition to the Architect's Statement included in the Application packet, we have requested and received a proposal from Ross Linden Engineers PC, licensed in North Carolina. Ms Sanders has the financial resources to employ the engineers' services and make repairs if deemed necessary by the Building Department or other official. The Engineer's proposal is as follows:

“verify that the existing manufactured home is adequate to support a Day Care facility. It is currently used as a residence (40 psf live load per the code), and we want to confirm that it can be used as a Day Care (also a 40 psf live load per the code). We essentially need to confirm that the structure is adequate for its intended purpose (i.e. no deterioration or any insufficient members). Our scope includes the following: trip to site, measure/observe existing structure, calculations as required, sealed letter for permitting department. I am assuming that we will find that the existing structure will be adequate, since there is no change to the load to the structure. Under this assumption, I propose a fee of \$750 for this service. If the structure is in bad condition and needs repair, we may need some additional time to prepare reinforcement details as needed. Could be an additional \$400 or so, depending on the scope of the problems. I am hopeful that repairs will not be needed, however, and the only fee would be the \$750.”
- g. We have requested a formal interpretation from the Department of Insurance regarding a manufactured home for (5) or fewer children, for our files, relating to Insurance concerns.

3. Neighborhood concerns regarding road maintenance, use, and traffic.

- a. See the Application Packet, FINDING #3, for commentary regarding trip generation and road capacity, as reviewed by the NC Department of Transportation.
- b. Over the past weeks, the property Owner has consulted on these concerns with attorneys familiar with the road maintenance covenants related to 235 Easy Street.
- c. See attached "Supplemental Evidence" letter, prepared by the Owner, Paragraphs #5 and following, for significant commentary related to current road usage, cooperative intentions with neighbors, and covenantal road maintenance responsibilities.

###

APPLICATION for CONDITIONAL USE PERMIT

ADDENDUM #1

ATTACHED: "Supplemental Evidence for Conditional Use Permit for Parcel 0075481 located at 235 Easy Street", prepared by Talitha Sanders and Ellen Martin, dated on about 3/26/2012.

Supplemental Evidence for Conditional Use Permit for Parcel 0075481 located at 235 Easy Street

There is every reason to allow these landowners to put this property to its highest and best use and no reason to prevent the development of this small Chatham County business.

Allowing a home day care center at 235 Easy Street would provide many positive benefits to the residents of Chatham County. Quality child care is critically necessary to allow parents of young children to return to the work force. However, there is a shortage of available child care. In preparation for opening this day care home, Owners contacted all of the licensed child care facilities in the 27312 zip code and all of the day care homes were full to capacity. The parent of a young child in this area wishing to make an economic contribution to the community and earn a living had few, if any, options available.

In addition, this day care home will contribute to the local economy by buying supplies and materials from local vendors. Further, a business use of this property may even provide additional tax revenue to the County.

Owners have had to seek this conditional use permit because the front door is slightly less than 50 feet from the road. Otherwise, Chatham County Zoning Ordinances would allow this use as a matter of right. Compliance with this setback would be costly and counterproductive. It would require Owners to construct an additional driveway at the rear of the home for the pick up and drop off of 5 children. It might not even be possible to do so without impacting the existing septic system. However, children can already be delivered safely to the front steps and/or parking area, both of which are located well away from the lightly traveled road.

Easy Street is accessible to, and regularly accessed by, emergency and non-emergency vehicles. Owners have personally observed the following vehicles navigating Easy Street without difficulty:

- Ambulance
- Garbage Truck
- Large Moving Van
- Mobile Home on Trailer
- Federal Express, UPS and other delivery trucks

As improvements were made to the 235 Easy Street property, materials including a large play structure were delivered to the home and workers were able to easily access it.

Easy Street and its intersecting private road, Bingo, are dead ends. They do not connect to any other roads. As attested to by the Architect, the use of this home as a day care home would have limited impact on the road itself and the 12 trips a day of traffic is

similar to, if not less than, trips taken by a large family who might otherwise occupy this 5 bedroom structure. Therefore, a home day care would not increase wear and tear on the road any more than already permitted residential use.

Furthermore, Easy Street is the subject to an existing road maintenance agreement (attached). Ellen Martin, one of the owners of 235 Easy Street, met with attorney Paul Messick and was advised that Owners are in compliance with the road maintenance agreement. She also consulted with Mr. Messick about what steps could be taken to relieve the concerns of Debra Bright and Robert Franklin. The home at 235 Easy Street is not subject to the road maintenance agreement. Nevertheless, the owners stand willing to contribute to the road upkeep, maintenance and improvement.

Talitha Sanders

Date

Ellen Martin

Date