

## **..TITLE**

Request by Scott Schultz for a revision to an existing conditional use permit on Parcel No. 84022, located at 6545 NC 87 N, currently approved for a boarding kennel, to modify Condition Number 9 by granting an extension of two years to begin construction.

## **..ABSTRACT**

### **Action Requested:**

Request by Scott Schultz for a revision to an existing conditional use permit on Parcel No. 84022, located at 6545 NC 87 N, currently approved for a boarding kennel, to modify Condition Number 9 by granting an extension of two years to begin construction.

### **Introduction & Background:**

A quasi judicial public hearing was held on this request August 19, 2013. Planning staff presented the request to the Board of Commissioners. The applicants were also present. There was no additional discussion.

On August 18, 2008, the Commissioners approved a conditional use permit for a boarding kennel. One of the conditions of approval was a time frame in which the applicant had to construct and occupy said business. The condition reads "a building permit shall be obtained and remain valid at all times or this permit shall become void. The first building permit for the first structure shall be approved and submitted within 24 months of this approval or the permit becomes void; or the expiration of the appeal period or any court decision, whichever is later."

**(The Planning Board meeting information is noted in "BOLD" below)**

### **Discussion & Analysis:**

The applicant has stated in the application due to the economic downturn in 2008, shortly after the approval of the conditional use permit, they were not in a position to move forward. They began looking for ways to modify the design in an effort to get started on the project and that did not happen. Based on the Permit Extension Act the conditional use permit is set to expire on January 1, 2014.

They are now ready to move forward and have requested a time extension to begin construction. The five findings of the conditional use permit request are unchanged and therefore continue to be met.

**The Planning Board discussed the request at the regularly scheduled meeting on September 1, 2013. Planning staff presented the request and information from the public hearing. There was no other discussion.**

### **Recommendation:**

**The Planning Board** recommends approval of a time extension to begin construction of the boarding kennel. **The Planning Board** recommends Condition No. 9 be changed to read:

“A building permit to construct the first building shall be secured within two (2) years from the date of the conditional use permit revision approval. The building permit shall remain valid at all times or the conditional use permit becomes void.”