



COUNTY COMMISSIONERS

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Diana Hales, Vice Chair
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Karen Howard
Walter Petty

COUNTY MANAGER: Renee Paschal

Established 1771

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A RESOLUTION APPROVING A CONDITIONAL USE PERMIT REQUEST

BY Darren Eck dba Villa Giallo

WHEREAS, Darren Eck dba Villa Giallo has applied to Chatham County for a conditional use permit on Parcel No. 5772, located at 4352 Pea Ridge Rd. New Hill, Cape Fear Township, for a Bed and Breakfast Inn with no more than six rooms for rent and as further defined in the Chatham County Zoning Ordinance, 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. R-1 Residential Districts allow for a conditional use permit for a Bed and Breakfast Inn to be applied for as stated in Section 10.13 of the Zoning Ordinance. The inn may host events such as weddings, small business meetings, et cetera, with up to 6 overnight rooms for rent to overnight guests provided all other local and state requirements are met.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, this business will be a low-intensity commercial operation that will fit into the existing rural agricultural location and offer a more affordable rate than other similar facilities within the county. This proposal would offer more luxurious accommodations and venues than other less expensive venues in the county per the applicant's testimony.
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 home is not visible from the public roadway. Events associated with the bed and breakfast guests will be held on the backside of the home utilizing tents as needed. Activity for events are mainly on weekends during low traffic peaks times.
4. The requested permit is consistent with the objectives of the Land Development Plan by, The portion of the property the bed and breakfast inn (applicant's home) is located is within the WSIV-Critical Area Watershed where a maximum of 24% impervious surface is allowed. This project would be less than 5%. The rear portion of the property under the WSIV-PA allows for up to 36% impervious surface and no impervious area is proposed in this area.
There are currently three ponds on the property and no changes are proposed to those features. Since the maximum impervious surface area is not being utilized, there is additional area available should any be needed



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in order to provide parking for the room rentals. This application also supports the need to support travel and tourism as stated in the plan by providing an additional venue for services already being sought in this portion of the county.

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 is served by the county water system and will continue to be connected to the system. Private septic is currently used for the residence. Environmental Health will conduct an evaluation of the system to ensure it will support the B & B Inn and advise the owner accordingly. For special events associated with guest rentals, the owner may utilize portable restrooms as required by building inspections and environmental health regulations. A special events application must be submitted and approved before any events take place on the property in connection with the guest of the B & B.

A preliminary approval has been provided by NCDOT for a commercial driveway permit. The applicant has also obtained a letter from the US Army Corps of Engineers stating they would not limit the issuance of a commercial driveway permit for the applicant's 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 and as shown in "Attachment A", Darren Eck dba Villa Giallo, and incorporated herein by reference with specific conditions as listed below;

Site Specific Conditions

1. Any outdoor events associated with the commercial use of the property for the Bed and Breakfast Inn shall end by 11:00 pm. Temporary lighting shall only be used during an event and shall be turned off within one hour following the end of said event.
2. The recommendations by the Chatham County Appearance Commission shall be followed and implemented at the next optimal planting season.
3. No permanent signage has been approved for the site. Signage regulations in the Zoning Ordinance shall be complied with.
4. Failure to begin the bed and breakfast inn within two years from the date of this approval, shall cause this permit to become null and void.
5. A revised site plan shall be provided to and approved by planning staff prior to starting the B&B Inn.

Standard Site Conditions

6. The application, standards and adopted regulations of the applicable ordinances and policies, and the stated conditions of approval shall be complied with by the applicant. Changes or variations must be approved



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through the Planning Department or other approving board before any such changes can take place. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.

7. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, Environmental Health Division, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department to the initiation of the operation/business.

Standard Administrative Conditions:

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 inspections.
9. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditional listed above.
10. Non-Severability – If any of the above conditions is held to be invalid, this approval in it's 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 16th day of May 2016

By: _____

James S. Crawford
James Crawford, Chair
Chatham County Board of Commissioners

ATTEST:

Lindsay K. Ray
Lindsay K. Ray, Clerk to the Board
Chatham County Board of Commissioners





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ATTACHMENT "A"

Being Parcel No. 5772, approximately 13.05 acres, located at 4352 Pea Ridge Rd., New Hill, Cape Fear Township.