



## REQUEST FOR BOARD ACTION

ITEM NO. 28.

**DATE OF MEETING:** June 22, 2009

**REQUESTED BY:** Kyle M. Breuer, Planner II, Planning & Community Development

**SHORT TITLE:** Resolution to approve a Special Use Permit – Storage of merchandise, materials or equipment on site outside an enclosed building, excluding salvage.

**BACKGROUND:** The property is identified by record number 2276-17-6035-0000 and is located along the east side of Bell Williams Road, approximately ½ miles northwest of the intersection of NC Hwy 210 and Malpass Corner Road, Grady Township, NC. The applicant is requesting to store equipment related to his clearing/grading business.

**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider the approval of the storage of merchandise, materials or equipment on site outside an enclosed building, excluding salvage.

**PLANNING STAFF REPORT**  
**Special Use Permit**

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**SUMMARY:**

**Hearing Date:** June 22, 2009  
**Case Number:** 09-06-22-16 Pierce  
**Applicant:** Alton Pierce  
**Property Owner:** Same

**Land Use Proposed:** The applicant is requesting the approval of a Special Use Permit (SUP) for the storage of merchandise, materials or equipment on site outside an enclosed building, excluding salvage.

**Property Record Number and Location:** The property is identified by record number 2276-17-6035-0000 and is located along the east side of Bell Williams Road, approximately ½ miles northwest of the intersection of NC Hwy 210 and Malpass Corner Road, Grady Township, NC.

**Zoning District of Property:** The property is zoned RA, Rural Agricultural District, and the storage of merchandise, materials or equipment on site outside an enclosed building, excluding salvage is permitted via Special Use Permit.

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**PROJECT DESCRIPTION:**

On April 30, 2009, Pender County's Code Enforcement Division issued a notice of violation for the illegal storage of commercial equipment on property zoned RA, Rural Agricultural, without a Special Use Permit, and the placement of two (2) commercial signs without obtaining permits. Mr. Pierce inquired about the violations in which County Staff directed him towards this Special Use Permit request.

The applicant, as provided in his submitted narrative of the project, states that he would like to be able to store equipment directly related to his current land clearing and grading business on the subject property. This equipment will be stored in a discrete area and be hauled to job sites to complete a contracted job. There will be no usage of the equipment on the property except for the clearing and grading of the site for a personal single-family structure in the future. The area to be utilized for the storage of equipment will be 100'x100' or approximately 10,000 square feet.

**EVALUATION:**

- A) Public Notifications:* Advertisements for the proposal have been placed in the Topsail Voice and Pender Post. Adjacent property owners were notified by first class mail.
- B) Basis for Granting SUP:* See attachment A for approval procedures (15.3 of Zoning Ordinance) and revocation procedures (15.4b of Zoning Ordinance).
- C) Zoning Ordinance Compliance:* The project location is zoned RA, Rural Agricultural District, and the storage of merchandise, materials or equipment on site outside an enclosed building, excluding salvage is permitted via a special use permit (see attached zoning map).
- D) 2005 Land Use Plan Compliance:* The Special Use Permit area contains the classification of Rural Areas according to the 2005 CAMA Land Use Plan. In addition to farm and timber operations, the Rural Area provides for very low-density residential uses, home-based businesses, other businesses traditionally associated with rural farm areas and extraction activities. The storage of equipment is consistent with this Land Use Plan classification.
- E) Existing Land Use in Area:* The surrounding property contains single-family residential dwellings at a very low net density (one (1) residential unit per usable acre of project land).

**F) Site Access Conditions:** The property has an existing driveway; however evaluation from the NCDOT will be necessary prior to County permitting.

**G) Conditions To Consider In Issuing A Revision of the Special Use Permit For This Project:**

1. No junk, debris, trash or inoperable vehicles, recycled or salvaged materials shall be stored on the site.
2. The storage of merchandise, materials, and or equipment on site, outside an enclosed building shall be related to the clearing and grading of land only.
3. Equipment usage on site shall be limited to the site work associated with the future residence only.
4. All operations must follow federal, state, and local standards, regulations, ordinances, permits, statutes, and/or laws.
5. The project must have commercial site plan review for a zoning permit.
6. The project shall be developed in accord with the provisions of the Pender County Zoning Ordinance and the applicant's final revised site plan as approved by the Zoning Administrator and the conditions contained in this permit.
7. In any case where the Special Use Permit or the conditions of a Special Use Permit have not been or are not being complied with, the Zoning Administrator may initiate a notice of violation for the provisions of this ordinance and the conditions of the Special Use Permit not in compliance or the Zoning Administrator, may initiate notice of a public hearing to consider revocation of the permit by the Board of Commissioners or both actions may be initiated. Procedures for notice of such hearing shall be the same as procedures for consideration of an initial application for a Special Use Permit and the permittee shall be notified.

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED,** that on June 22, 2009 the Pender County Board of Commissioners (approved, modified, denied) a special use permit for the storage of merchandise, materials or equipment on site outside an enclosed building, excluding salvage as described herein, and Jimmy T. Tate, Chairman to the Board, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

**AMENDMENTS:**

**MOVED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**APPROVED** \_\_\_\_\_ **DENIED** \_\_\_\_\_ **UNANIMOUS** \_\_\_\_\_

**YEA VOTES:** Tate \_\_\_ Brown \_\_\_ Blanchard \_\_\_ Rivenbark \_\_\_ Williams \_\_\_

\_\_\_\_\_  
**Jimmy T. Tate,**  
**Chairman**

6/22/2009  
**Date**

\_\_\_\_\_  
**ATTEST**

6/22/2009  
**Date**

# PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



## APPLICATIONS COVER SHEET

Date Application Filed: \_\_\_\_\_

### I. REQUIRED NAMES:

Applicant <u>Alton Pierce</u>	Owner <u>Alton/Loretta Pierce</u>
Address <u>PO Box 345</u>	Address <u>PO Box 345</u>
<u>Leland NC 28451</u>	<u>Leland, NC 28451</u>
Phone <sup>910</sup> <u>520-9677</u> Fax <sup>910</sup> <u>399-2025</u>	Phone <sup>910</sup> <u>520-9677</u> Fax <sup>910</sup> <u>399-2025</u>
Email _____	Email _____

Legal Relationship of Applicant to Property Owner: Self

Consultant Name/Company B+B Construction

Address PO Box 345 Leland NC 28451

Phone 910-520-9677 Fax 910-399-2025

Email \_\_\_\_\_

Loretta Pierce / Alton  
(Signature of Applicant)

Loretta Pierce / Alton  
(Signature of Owner)

\*If owner is different from applicant, both signatures are required.\*

### II. TYPE OF APPLICATION:

(Please check one)

#### Board of Adjustment:

- Variance
- Appeal

#### Zoning:

- Text Amendment
- Map Amendment
- Special Use Permit

#### Plans:

- Planned Development
- Subdivision Preliminary Plat



## PLANNING AND COMMUNITY DEVELOPMENT

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## SPECIAL USE PERMIT APPLICATION

THIS SECTION FOR OFFICE USE			
Application No.		Date	
Permit Fee		Receipt No.	
APPLICANT INFORMATION			
Applicant Name <u>Alton Pierce</u>		Owner Name <u>Alton/Loretta Pierce</u>	
Address: <u>PO Box 345</u> <u>Leland NC 28451</u>		Address: <u>PO Box 345</u> <u>Leland, NC 28451</u>	
Phone No: <u>910-520-9677</u>		Phone No: <u>910-520-9677</u>	
Legal relationship of applicant to owner: <u>self</u>			
PROJECT INFORMATION			
Property tax record No. <u>2276-17-6036</u> <del>cccc</del>		Total property acreage: <u>5</u>	
Zoning Designation: <u>RA</u>		Acreage to be disturbed: <u>8</u>	
Acreage to be used for project: <u>1</u>			
Project location and address: <u>Bell Williams Road</u>			
Describe activities to be undertaken on project site: <u>Storage of equipment outside 2 signs on</u> <u>ec side driveway</u>			
SIGNATURES			
Applicant: <u>Louette Pierce</u>	Date: <u>5-8-09</u>	Owner: <u>Louette Pierce</u>	Date: <u>5-8-09</u>
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on page two of this form.</li> <li>2. Applicant or agent authorized in writing must attend the public hearing.</li> <li>3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Commissioners or other authorized person agrees to table or delay the hearing.</li> <li>4. Applicant may wish to review the required findings for approval of a Special Use Permit (p. 3).</li> <li>5. Permit will become void after 12 months if a final zoning permit is not obtained, unless specifically requested at the time of public hearing.</li> </ol>			

COMMUNITYDEVELOPMENT@PENDER-COUNTY.COM • 805 S. WALKER STREET, BURGAW, NC

PHONE: 910.259.1202

FAX: 910.259.1295

May 27, 2009

To Whom It May Concern:

We are selling our house and property in Brunswick County and are relocating to Pender County. We have purchased land on Bell Williams Road in Pender County and are in the process of clearing the land. We will need to have our own personal tractor and backhoe equipment parked on our property while clearing and preparing the property for our house. We expect to be moving to this property in the near future. We do not conduct and business on this property but do need our equipment parked on this piece of property while we are preparing our land for our new house and this equipment will remain here s this is our future residence.

Our business requires that we go to our customers' properties and haul dirt, rocks, etc. in clearing their properties, but do intend to leave our equipment on this property on Bell Williams Road.

Thank you for your attention to this matter.

Sincerely,

**Alton and Loretta Piercer**

*Loretta Piercer*  
*Alton Piercer*