



## REQUEST FOR BOARD ACTION

ITEM NO. 26.

**DATE OF MEETING:** July 11, 2011

**REQUESTED BY:** Ashley Frank, Planner II, Department of Planning & Community Development

**SHORT TITLE:** Resolution to Approve a Special Use Permit (SUP) for the Construction/Operation of a Photography Studio (NAICS Sector 541921 – Photography Studios, Portrait).

**BACKGROUND:** Thomas Henn, applicant, on behalf of Nadine M. Shingleton, owner, is requesting approval of a Special Use Permit (SUP) for the construction and operation of a Photography Studio (NAICS Industry Code 541921). The subject property is located at 310 Hoover Road in Hampstead and may be identified as PIN 3283-90-8155-0000. The property is currently zoned RP, Residential Performance District, and uses in the NAICS Sector 54 are permitted via SUP in the RP zoning district.

**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider the approval of a Special Use Permit for the construction and operation of a Photography Studio.

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**RESOLUTION**

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED**, that on July 11, 2011 the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit (SUP) for the construction and operation of a Photography Studio (NAICS Sector 541921 – Photography Studios), as described herein, and the Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

**AMENDMENTS:**

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

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

YEA VOTES: Brown \_\_\_ Rivenbark \_\_\_ Tate \_\_\_ Ward \_\_\_ Williams \_\_\_

\_\_\_\_\_  
Chairman 7/11/2011  
Date

\_\_\_\_\_  
ATTEST Date

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

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**SUMMARY:**

**Hearing Date:** July 11, 2011

**Applicant:** Thomas Henn

**Property Owner:** Nadine M. Shingleton

**Case Number:** 11-07-11-02

**Land Use Proposed:** The applicant, Thomas Henn on behalf of the owner, Nadine M. Shingleton is requesting the approval of a Special Use Permit (SUP) for the construction/operation of a Photography Studio (NAICS Sector 541921 – Photography studios, portrait).

**Property Record Number and Location:** The subject property is located at 310 Hoover Road, Hampstead and may be identified as PIN 3283-90-8155-0000.

**Zoning District of Property:** The property is currently zoned RP, Residential Performance District, and uses in the NAICS Sector 54 (Professional, Scientific & Technical Services) are permitted via SUP in the RP zoning district.

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**PROJECT DESCRIPTION:**

The applicant, Thomas Henn on behalf of the owner Nadine M Shingleton, is requesting the approval of a Special Use Permit (SUP) for the construction and operation of a Photography Studio to be located at 310 Hoover Road Hampstead. This submittal consists of developing one (1) tract totaling 2.38 acres.

This proposal includes the construction of a ±1,500 square foot photography studio. The building will have a reception area, photographic area with changing room, restroom facility and a client consulting area. At this time the number of employees will total three (3), which includes the owner. The proposed hours of operations are from 9am to 5pm, Tuesday through Saturday.

As shown on the site plan the photography studio would be located in the front of the property allowing for the future construction of a single family dwelling to be constructed towards the rear of the property. The single family dwelling is permitted-by-right in the RP, Residential Performance District and is not considered part of this Special Use Permit application.

The proposal has direct access via Hoover Road. The North Carolina Department of Transportation will require a driveway permit for this use.

The proposal will utilize an on-site private well along with an individual on-site septic system; both subject to review and approval from Pender County Environmental Health.

Prior to the issuance of zoning approval and building permits; a Major Site Development Plan must be submitted and reviewed in accordance with all applicable provisions as prescribed the Pender County Unified Development Ordinance. The site plan submitted with this application is considered conceptual and does not reflect any approvals or regulations in effect.

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
<b>Sector 54: PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES</b>											
Professional, Scientific, & Technical Services	54	S	S			P	P	P	P	P	

**EVALUATION:**

- A. **Public Notifications:** Advertisements for the proposal have been placed in the *Topsail Voice* and *The Pender Post*. Adjacent property owners were notified by first class mail.
- B. **Basis for Granting SUP:** See attachment A for approval procedures (§3.10.3-4 of Unified Development Ordinance) and revocation procedures.
- C. **Unified Development Ordinance Compliance:** The property is currently zoned RP, Residential Performance District, and uses in the NAICS Sector 54 (Professional, Scientific & Technical Services) are permitted via Special Use Permit (SUP) in the RP, Residential Performance District., as prescribed by the Pender County Unified Development Ordinance, Article 5.2.3 Table of Permitted Uses.
- D. **2005 CAMA Land Use Plan Compliance:** The subject property is currently classified as Urban Growth Areas. The proposed development is consistent with this classification. Urban Growth Areas provides for the continued development of areas provided with water and/or sewer services or where the county is actively engaged in planning these community services. These areas also have excellent access to the regional transportation system for a mixture of more intensive commercial and industrial or job creating uses and a range of residential land uses and housing types. It is focused on the Rocky Point area and the Highway 17 Corridor.
- E. **2010 Comprehensive Land Use Plan Compliance:**
  1. The subject property is currently classified within the Suburban Growth area. The proposed land use is compliant with the Suburban Growth Area land use designation, as the 2010 Comprehensive Land Use Plan calls for areas classified as Suburban Growth to contain areas include medium-high density residential (single-family site-built and modular homes); limited non-residential uses - commercial, office, or public/institutional - meeting locational criteria. The Suburban Growth land use classification identifies those areas of Pender County where significant residential growth is expected to occur within the planning horizon.
  2. Comprehensive Land Use Plan Policies:
    - i. **Growth Management**  
*Policy 1A.1.2 Encourage development in areas where the necessary infrastructure – roads, water, sewer, and schools are available planned or can be most cost effectively provided and extended to serve existing and future development.*
    - ii. **Policy 1A.1.5** *The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.*
- F. **Existing Land Use in Area:** The existing land uses in the area are composed of: Low-density single family residential to the north, east, south, and west. To the southeast of the property is agricultural, low-density single family residential.
- G. **Site Access Conditions:** The property has direct access to Hoover Road.
- H. **Conditions To Consider In Issuing A Revision of the Special Use Permit For This Project:**
  1. Unless approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void, if a final zoning permit has not been issued for the project within 12 months.
  2. The project shall comply with all requirements of the Pender County Unified Developed Ordinance.

3. A separate permit must be obtained for any proposed signs in accordance with Article 10 of the Pender County Unified Development Ordinance.
4. Any violations of the conditions of this permit, confirmed by the Zoning Administrator shall result in this permit becoming void, if not corrected within 30 days of receipt of the notice of violation.
5. The obligations imposed by this permit will be the responsibility of the property owner and operator and shall continue in affect for the duration of this permit
6. The project shall be developed and maintained in accord with the conditions contained in this permit.
7. The hours of operation shall be Tuesday through Saturday 9am to 5pm.
8. No junk, debris, trash, or inoperable vehicles, recycled or salvaged materials shall be stored on the site. All debris shall be removed from the site prior to issuance of a zoning permit.
9. Review of this proposal will occur within the regulations prescribed in the Pender County Unified Development Ordinance, Adopted June 21, 2010.
10. Other applicable local, state, and federal permits as required.

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**TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:**

**Cape Fear Council of Governments RPO**

*No response.*

**Four County Electric Company**

*No response.*

**NC DENR Division of Coastal Management**

*No comments regarding this project.*

**NC DENR Division of Forestry**

*No response.*

**NC DENR Division of Land Resources**

*No response.*

**NC DENR Division of Waste Management**

*No response.*

**NC DENR Division of Water Quality**

*No response.*

**NC DOT Division of Highways**

*Driveway permit will be required. Doug Racine or Daniel Jones will be the contact.*

**NC DOT Transportation Planning Branch**

*No response.*

**NC Office of State Archaeology**

*No response.*

**NC Wildlife Resources Commission**

*No response.*

**Pender County Building Inspections**

*No response.*

**Pender County Emergency Management**

*No response.*

**Pender County Environmental Health**

*No response.*

**Pender County Fire Marshall**

*No response.*

**Pender County Parks and Recreation**

*No response.*

**Pender County Public Library**

*No response.*

**Pender County Public Utilities**

*County water is not available at this location (no comment).*

**Pender County Schools**

*This project should not be any problem for Pender County Schools.*

**Pender County Sheriff's Department**

*No response.*

**Pender County Soil and Water Conservation District**

*No comment.*

**Progress Energy Corporation**

*No response.*

**US Army Corps of Engineers**

*No response.*

**Wilmington Metropolitan Planning Organization**

*This development occurs outside of the WMPO area.*

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## Attachment A

### **3.10.3 Procedures for Reviewing Applications**

- A. The special uses, as specified in the various districts, may be established only after review and approval by the Board of Commissioners.
- B. The Board of County Commissioners, acting in a quasi-judicial manner and setting, shall hear evidence from the applicant and any interested members of the public.
- C. The Board of Commissioners shall hold a public hearing on the application for a Special Use Permit within sixty (60) days after the completed application is filed.
- D. The Administrator shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date fixed for the hearing.
- E. All Special Use Permit applications must be presented to the Administrator for a determination of completeness.
- F. An appeal from a completeness determination may be made to the Board of Adjustment within twenty (20) days of the determination.
- G. The Board of Commissioners shall approve, modify, or deny the application for a Special Use Permit. In approving a Special Use Permit, the Board of Commissioners, with due regard to the nature and state of all adjacent structures and uses in the district within same is located, shall make written findings that the following are fulfilled:
  - 1. The use requested is listed among the special uses in the district for which application is made, or is similar in character to those listed in that district;
  - 2. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;
  - 3. The proposed use shall not constitute a nuisance or hazard;
  - 4. The requested use will be in conformity with the Pender County Land Use Plan and other official plans or policies adopted by the Board of County Commissioners;
  - 5. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
  - 6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public roads;
  - 7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and
  - 8. The proposed use shall not adversely affect surrounding uses and shall be placed on a lot of sufficient size to satisfy the space requirements of said use.

### **3.10.4 General Provisions Concerning Special Use Permits**

- B. Revocation - 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 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 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.

## APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP 11.07.11.02	Date	5.13.2011
Application Fee	\$ 300.00 + \$150.00 (301.50)	Receipt No.	107578
Pre-Application Conference	N/A	Hearing Date	July 11, 2011
<b>SECTION 1: APPLICANT INFORMATION</b>			
Applicant's Name:	THOMAS NENN	Owner's Name:	Nadine M. Shingleton
Applicant's Address:	17365 CARIBOU DR.	Owner's Address:	416 Peanut Rd
City, State, & Zip	MONUMENT, CO 80132	City, State, & Zip	Hampstead, NC 28443
Phone Number:	719-481-8529	Phone Number:	n/a
Legal relationship of applicant to land owner:	719.287.8529 (cell) → property under-contract.		
<b>SECTION 2: PROJECT INFORMATION</b>			
Property Identification Number (PIN):	3283-90-8155-0000	Total property acreage:	2.38 → 2.38 Acres
Zoning Classification:	RP <del>MSO</del>	Acreage to be disturbed:	2.38 → 2.38 Acres
Project Address:	310 HOOVER RD	NAICS Code:	
Description of Project Location:	One floor stick built 1001-1100 sq. ft. residence with car building		
Describe activities to be undertaken on project site:	see attached attachment NAICS: 54		
<b>SECTION 3: SIGNATURES</b>			
Applicant's Signature	<i>Thomas Nenn</i>	Date:	5/6/11
Owner's Signature	<i>Nadine Shingleton Miller</i>	Date:	5/11/11
<b>NOTICE TO APPLICANT</b>			
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on the Special Use Checklist.</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 found on page 1 of this application</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>			

plus  
1.50 for  
copies

Office Use Only							
<input checked="" type="checkbox"/> <b>General/</b> Fees: \$300 +\$10 per acre over 5 acres, Max. of \$5,000 <input type="checkbox"/> <b>Tower over 75 Feet/</b> Fees \$500 <input type="checkbox"/> <b>Minor Revisions /</b> Fees \$ 100 <input type="checkbox"/> <b>Mining Borrow Pit/</b> Fees \$750 <input type="checkbox"/> <b>Mining Other/</b> Fees \$1000 + \$5 per acre					<b>Total Fee Calculation:</b> \$ <u>300.00</u>		
					<b>Application#:</b> <u>SUP 11-07.11.02</u>		
					<b>Date of Hearing:</b> <u>July 11, 2011</u>		
Attachments Included with Application: (Please include # of copies)							
CD /other digital version	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	San	Plan Sets	# of large	# of 11X17	Other documents/Reports	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
		<u>n/a</u>	<u>n/a</u>	<u>n/a</u>			
<b>Payment Method:</b>		<b>Cash :</b> <input type="checkbox"/> \$ _____		<b>Credit Card:</b> <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		<b>Check:</b> <input checked="" type="checkbox"/> Check # <u>2416</u>	
Application received by:		<u>Ashley W. Frank</u>				Date: <u>5.13.2011</u>	
Application completeness approved by:		<u>Ashley W. Frank</u>				Date: <u>5.13.2011</u>	

### SPECIAL USE PERMIT CHECKLIST

<input checked="" type="checkbox"/>	Signed Application Form (Both Applicant and Owner)
<input checked="" type="checkbox"/>	Application fee
<input checked="" type="checkbox"/>	Legible list of all property owners adjacent to the property upon which the use is to be located. The list shall include the mailing address & physical address of these property owners (The application will not be advertised for public hearing until the list is accurate & complete)
<input checked="" type="checkbox"/>	One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list.
<input checked="" type="checkbox"/>	<b>Project Narrative--</b> Written description of the project ( <u>max of 3 pages</u> ) including the following: <ul style="list-style-type: none"> <li><input type="checkbox"/> Location of the project and type of access to project site</li> <li><input type="checkbox"/> Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc.</li> <li><input type="checkbox"/> Description of all construction activities to be undertaken on the site</li> <li><input type="checkbox"/> Describe type of utilities that will serve project and status of approval from applicable providers</li> <li><input type="checkbox"/> List of all state and federal permits that will be required for the project</li> <li><input type="checkbox"/> Describe any potential impacts the project will have on the community or adjacent properties such as traffic, noise, etc. and explain efforts to mitigate these impacts (<u>this item must be addressed by the applicant</u>). The applicant may also wish to describe any positive benefits the project will provide for the community and/or neighbors of the project.</li> </ul>
<input checked="" type="checkbox"/>	<b>Project Map(s)--</b> Map or maps of the special use project site with boundaries of the project if less than the parcel boundaries. This map or maps shall be drawn to a <u>readable</u> scale. The scale shall be not more than 200' to the inch. The map shall display an accurate bar graph scale, date prepared, north arrow and the author of the map. This map(s) shall show the following: <ul style="list-style-type: none"> <li><input type="checkbox"/> Boundaries of the property upon which the special use will be located, the acreage in the property and project site, with a north arrow and bar graph.</li> <li><input type="checkbox"/> Access from the site and/or project boundaries to the nearest publicly maintained road.</li> <li><input type="checkbox"/> Location of any existing structures or uses on the property and within 50' of the property.</li> <li><input type="checkbox"/> Location of the project boundaries if they do not coincide with the property boundaries.</li> <li><input type="checkbox"/> Existing and proposed structures, other on-site improvements, and location of all activities associated with the use, location of well, septic tank, and/or other utilities.</li> <li><input type="checkbox"/> Boundary of all clearing, grading, and/or land disturbing activities on the site and the calculated acreage of all land disturbing activities on the site.</li> <li><input type="checkbox"/> Parking, loading areas, and access to the project (See Article 6, Pender County UDO)</li> <li><input type="checkbox"/> Landscaping and buffering (See Article 7, Pender County UDO)</li> <li><input type="checkbox"/> All signs to be located on the property (See Article 9, Pender County UDO)</li> <li><input type="checkbox"/> Pedestrian walks, area lighting and flood lighting.</li> <li><input type="checkbox"/> Existing natural features of the site including, wooded areas, tree lines, ponds, streams, other water bodies or ditches on or adjacent to the site, designated flood hazard areas &amp; known or designated wetlands on the site.</li> <li><input type="checkbox"/> Drainage plan and/or direction of flow of runoff from the project and site.</li> <li><input type="checkbox"/> After review by the Planning and Community Development Department, additional information may be required to be submitted.</li> <li><input type="checkbox"/> Two full size and twenty reduced size (max. 11"x17") copies of this map(s) shall be submitted.</li> </ul>
<b>RETURN COMPLETED APPLICATION TO:</b> Pender County Planning & Community Development P.O. Box 1519 Burgaw, NC 28425	

# 310 Hoover Rd., Hampstead, NC

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## Project Narrative

Location – Building to locate on 310 Hoover Rd., Hampstead, NC 28443

Road Access is currently stone/gravel. It would be expanded to include a small parking area for clients to access the studio.

Detail Description – The construction of a Photographic Studio of approximately 1500 sq. ft. The photography Studio would consist of reception area, photographic area, changing area, along with a production and viewing (client consultation area) room. Intended hours 9:00 AM – 5:00 PM of operation and would be Tuesday – Saturday. Intended Number of employees will be one besides the owner and wife. Photography services would consist of portrait and commercial products.

Construction Description – this would be a wood frame building with windows and front and rear entry access. Exterior will probably be brick or stucco.

Potential impacts – No impact would occur since clients are by scheduled appointments and the studio would want the clients in a calm relaxing environment.

## Project map

See attachment diagram of boundaries, layout of building and access points

- Landscaping would include scrubs/brushes, flower garden, and with large existing trees.
- Sign(s) showing TH Photographic along with street address of property based on what is permitted by Pender County regulations.
- Walkway to front of studio would be paved as to allow easy access to front entrance.
- Solar energy lighting could be used where needed as part of the walkway and driveway area.
- Drainage – Drainage already in place for property access.

## *Disc. Section 2*

This letter is in response to your request to provide information for the use of 310 Hoover Rd., Hampstead, NC (PID – 3283-90-8155-0000)

Should we acquire the property from the current owner, the buildings would be demolished because of their current condition and replaced with a studio to run a small family photographic business. A residential house would also be built in the rear part of the lot.

From the photographic position, it would operate by appointment five days a week. This would not be an open store front use. The type of photography to be done would be mostly portrait photographs that would include; families, High School seniors, wedding portraits and etc. We would also be doing some commercial work such as: food photography, product work, etc.

Best Regards,  
Thomas Henn  
719-287-8529  
[Tl2bfree@hotmail.com](mailto:Tl2bfree@hotmail.com)





**Applicant:**  
Thomas Henn

**Owner:**  
Nadine M. Shingleton

**SUP 11-07-11-02**  
Henn

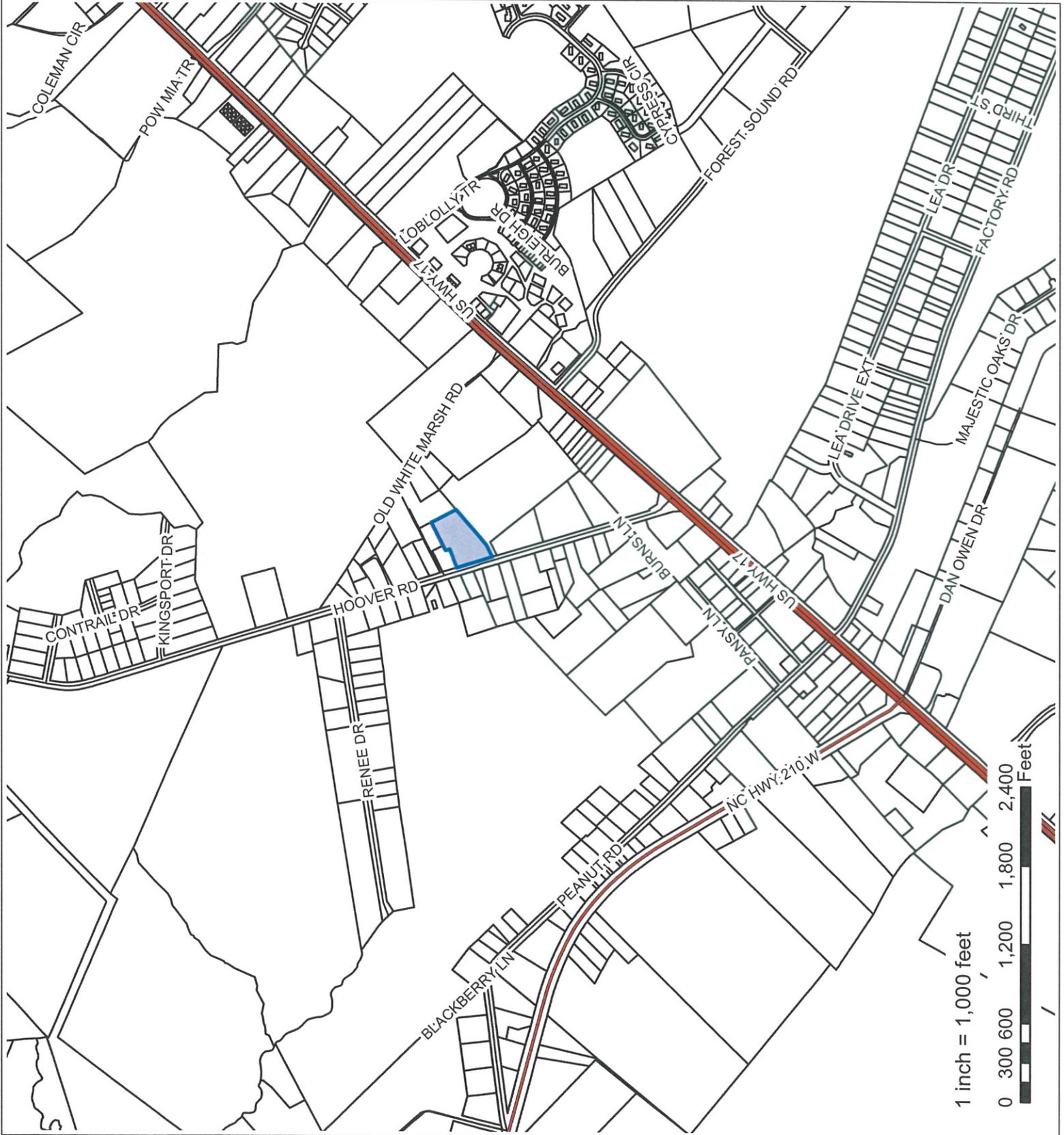
**Photography Studio**  
NAICS Sector 541921

**Legend**

- Subject Property



**VICINITY MAP**





**Applicant:**  
Thomas Henn

**Owner:**  
Nadine M. Shingleton

SUP 11-07-11-02  
Henn

Photography Studio

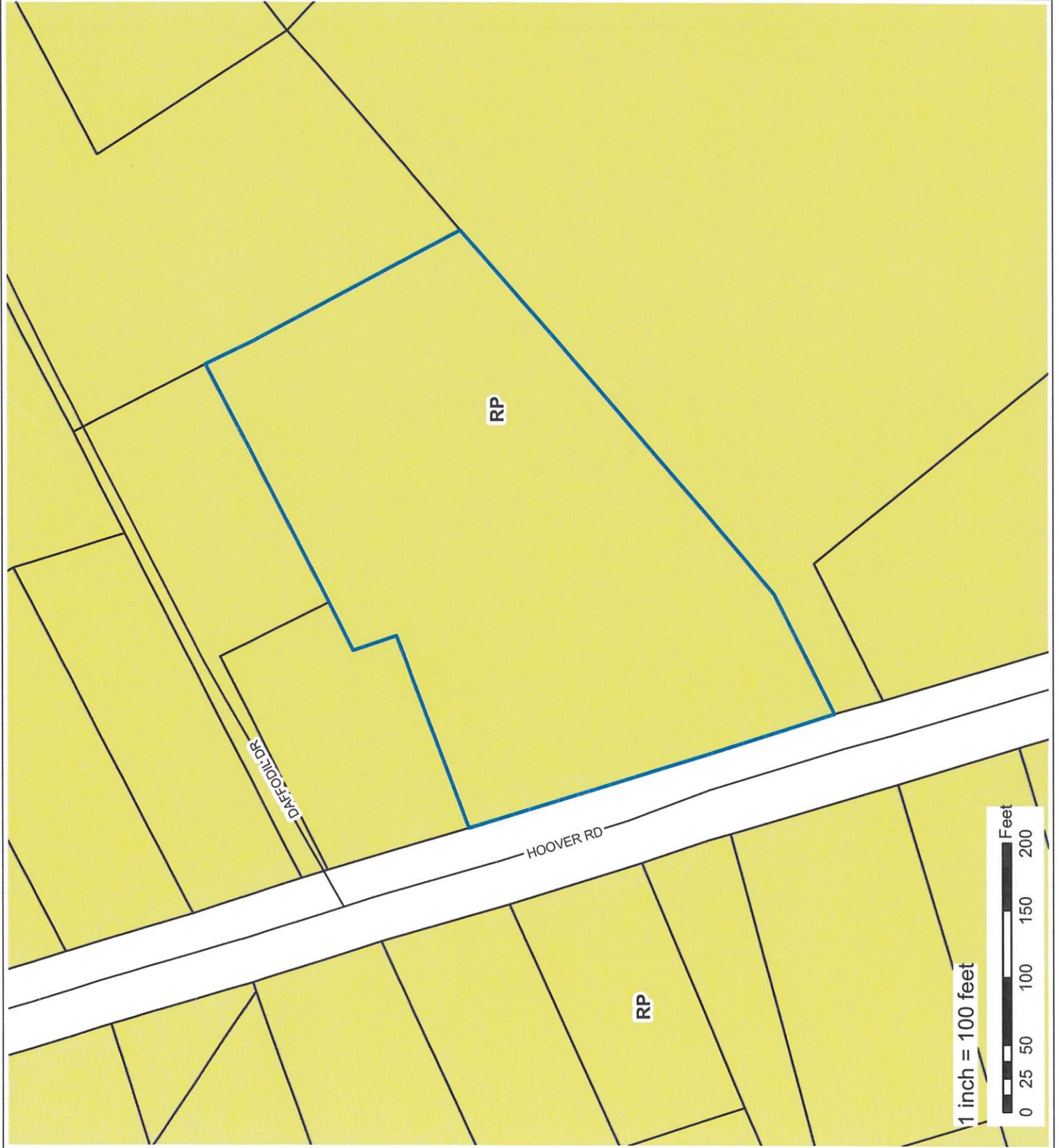
NAICS Sector 541921

**Legend**

- Subject Property
- Zoning Classification**
- General Business (GB)
- General Industrial (GI)
- Industrial Transition (IT)
- Office & Institutional (OI)
- Rural Agricultural (RA)
- Planned Development (PD)
- Residential Performance (RP)
- Environmental Conservation (EC)
- Incorporated Areas (INCORP)
- Manufactured Home Park (MH)
- Residential Mixed (MF)



# ZONING MAP



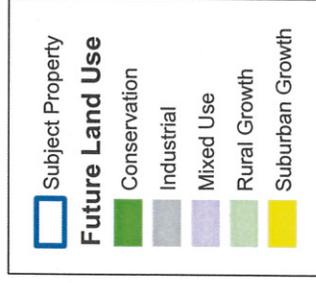


**Applicant:**  
Thomas Henn

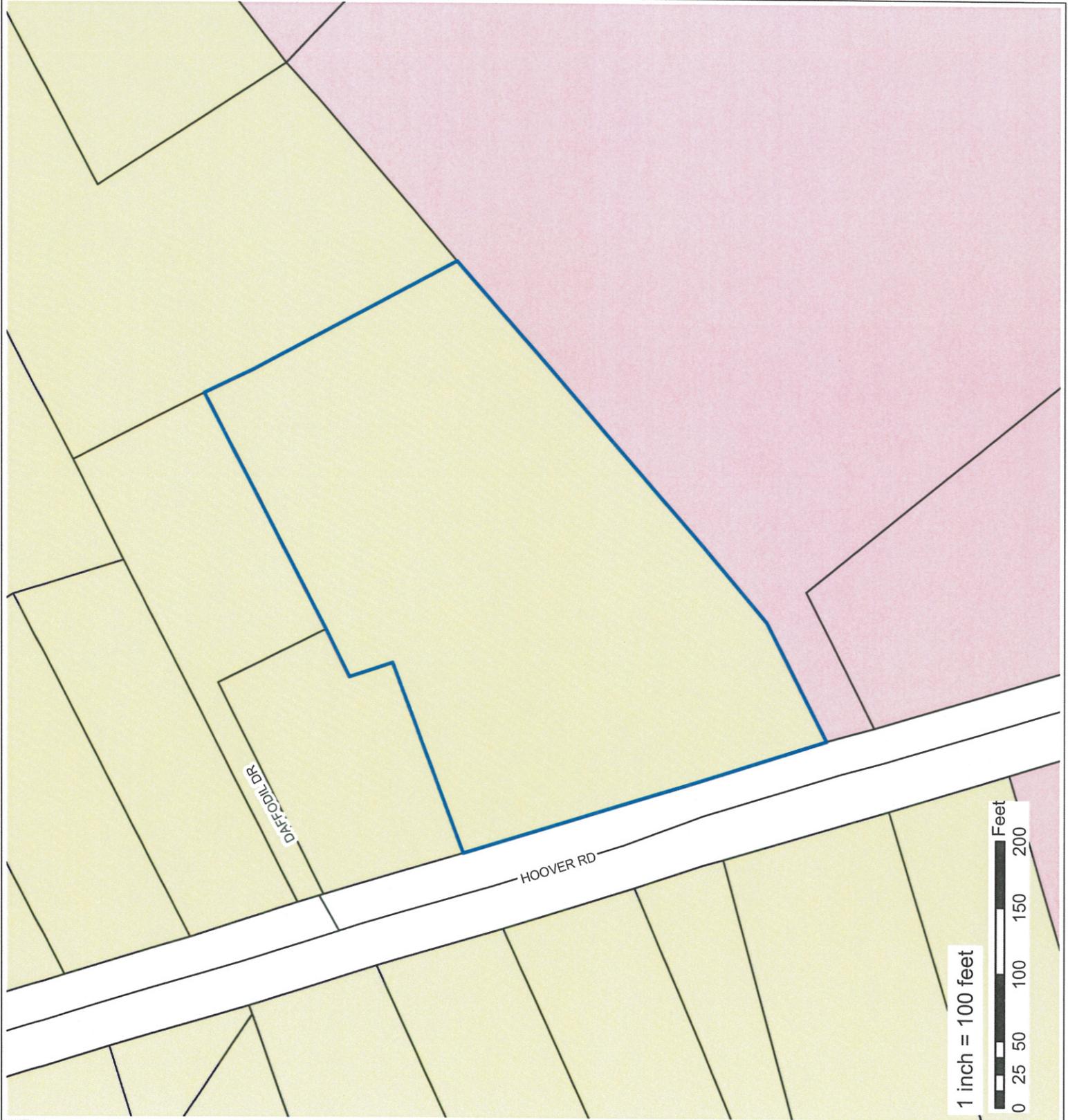
**Owner:**  
Nadine M. Shingleton

**SUP 11-07-11-02**  
Henn

**Photography Studio**  
**NAICS Sector 541921**



**2010 Comprehensive  
Future Land Use**





**Applicant:**  
Thomas Henn

**Owner:**  
Nadine M. Shingleton

**SUP 11-07-11-02**  
Henn

**Photography Studio**

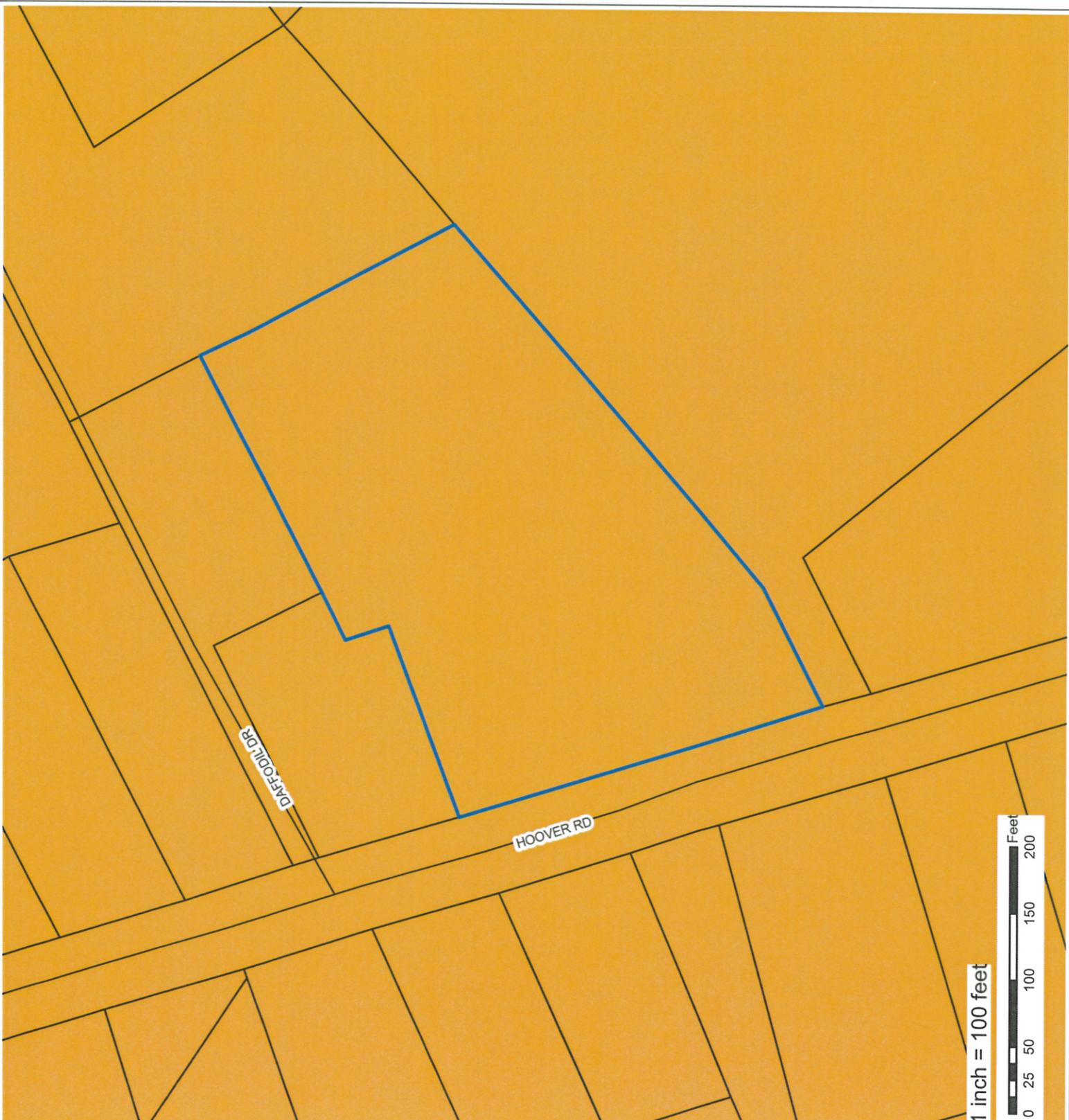
**NAICS Sector 541921**

**Legend**

- Subject Property
- Future Land Use (CAMA)
- Conservation Area I
- Conservation Area II
- Transition Areas
- Urban Growth Areas
- Rural Clusters
- Rural Areas



**CAMA (2005)**  
**LAND USE MAP**





**Applicant:**  
Thomas Henn

**Owner:**  
Nadine M. Shingleton

**SUP 11-07-11-02**  
Henn

**Photography Studio**  
**NAICS Sector 541921**

Legend

 Subject Property



**Aerial Map**

