



Stanly County Board of Adjustment

October 8, 2019 - Meeting Minutes

Call to Order Chair Cindy Fish called the meeting to order on October 8, 2019, at 6:30 p.m. in the Stanly County Commissioners meeting room at 1000 N First Street, Albemarle, North Carolina. Bailey Emrich served as Clerk of the meeting.

Chair Cindy Fish asked Ms. Emrich to call the roll.

Stanly County Board of Adjustment Members Attending Cindy Fish; Brenda Farmer; Billy Franklin Lee; David Dulin; Richard Cosgrove, alt. Michael Efird

Board of Adjustment Members Absent: Jennifer Lisk, Devron Furr; Jim Starnes.

Stanly County Planning Staff Attending Bob Remsburg: Planning Director; Bailey Emrich: Planner 1

Others Present: Jamie and Leslie Harvell, community members.

The Chair invited the board to review the minutes of the previous meeting which was held on September 9, 2019.

Motion: Richard Cosgrove made a motion to approve the September 9, 2019 minutes as written.

Second: David Dulin seconded the motion.

Action: The Board unanimously approved the motion.

Chair Fish announced the purpose of this meeting was to consider case SUP 19-02, a request by Leslie Harvell, for a Special Use Permit. The Chair explained that this is a quasi-judicial hearing and will be conducted in accordance with special due process safeguards.

Chair Fish outlined the statutory requirements that restrict the board to base its decisions only on testimony given under oath. Any person who swears falsely is guilty of a class 1 misdemeanor.

Chair Fish asked those testifying to come forward to be sworn in. Leslie Harvell and Bailey Emrich were sworn in.

Chair Fish asked if any board member had any possible conflicts and needed to withdraw from the case. Each indicated that they believe they could rule fairly based upon the facts to be presented in the case.

Chair Fish opened the hearing and indicated that the order of business would be that first, we will hear from the Planning Department staff, then we will hear from the applicant and their witnesses, and lastly we will hear from the opponents to the request.

Chair Fish asked the Clerk to present the case, SUP 19-02.

Bailey Emrich, shared the following:

Leslie and Jamie Harvell have proposed an Event Venue on their property facing Highway 138. This parcel of land is zoned County, RA which is labeled as the Residential Agricultural zoning district. This requires them to obtain a Special Use Permit in order to operate "entertainment activities" per section 601.2 of the Stanly County Zoning Ordinance. The land consists of 28.2 acres and the event venue would be on the backside of the property that cannot be seen from the road.

They plan to construct a 4,200 square foot building that will host up to 250 people or less for weddings, parties, reunions and corporate gatherings. They plan to include 2-3 restrooms and a prep kitchen with this building. A small outside chapel is also planned near a pond on the property. Parking will be in a gravel lot near the new building and the Harvells that indicated activities will most likely be on the weekends and all should end by 11:00.

Section 601.2 of the zoning ordinance requires that the Harvells provide the "proposed location, intended activities, operation schedule, site plan layout, or any other information deemed necessary to evaluate the impact on the neighborhood or community in general". The Board of Adjustment "may allow, conditionally allow, or disallow proposed activities, regulate the use and location of proposed buildings, set time of operations, or specify other conditions necessary to assure protection to the neighborhood or community in general". The Harvells would need to agree to any additional or specific requirements prior to approving the Special Use Permit.

In order to grant this Special Use Permit, the Board must make findings of fact and should consider the following standards. That the project will not materially endanger public health or safety if located where proposed and if developed and operated according to the plan submitted. Standard #2 that the project will not substantially injure the value of adjoining property. Standard #3 that the project will be in harmony with or compatible with its neighbors and is generally consistent with the latest Stanly County Land Use Plan. Standard #4 that the project meets all other required conditions and specifications.

Chair Fish asked if there were any questions for Ms. Emrich

Mrs. Harvell then gave her testimony explaining that they had purchased this piece of property back in February. The land was recently timbered and cleared and the perk test had already been completed. She continued to explain that having law enforcement available was accessible and completely understandable. Liquor insurance would be acquired by them for safety precautions and when alcohol was being served at these events it would be heavily monitored and surveillance would be available. She expressed she would rather be open until 10 instead of 11 due to personal reasons. It was something her family wanted to share with the community for them to enjoy, she furthered express how her neighbors seemed excited for the possibility of an event venue.

Chair Fish then asked if there were any questions for Ms. Emrich

Richard Cosgrove asked If there was only one access road for the public to gain access to the event venue or if there was a road on the street adjoining the back road to get in to that side of the property. Mrs. Harvell concluded that was was in fact only once access into the property but traffic will be directed as needed.

David Dulin asked if Mrs. Harvell has spoken with the neighbors that are adjoining her property that received a letter in the mail. Mrs. Harvell addressed that she had spoken with the neighbors and had also been approached by some. She stated that most of them were excited for something like this to be coming. One neighbor even included that he suspected his property value would go up. She continued by saying there was one concerned neighbor next door to them that were worried about the noise. Mrs. Harvell let the board know that there were several acres in between the two properties therefore noise should not be a problem. She expressed she was not trying to make this anything inappropriate or obnoxious. Yet, these neighbors have worked well with them when it came to Duke Power coming out about the power lines. They were willing to help and discuss this matter.

Michael Efird asked if it resides close to Union Grove Baptist Church. Mrs. Harell stated that it in fact did. Yet, she did not plan on having anything on Wednesday nights. Mainly events would take place on Thursdays, Fridays and Saturdays. She concluded by saying that the event space was to help provide an income for her family and a place where people in the community will be excited about. It will mostly be an open space facility and will stay within code and make sure to follow all of the regulations that come with that.

Chair Fish asked if there was anyone else to speak in favor. No one came forward.

Chair Fish called on any in opposition to the Special Use Permit request to speak. No one came forward.

Chair Fish closed the hearing.

Chair Fish asked the Board to review the findings of Fact.

Finding 1 - That the project will not endanger public health or safety

Motion: Michael Efird made a motion to accept finding 1 as true.

Second: David Dulin

This finding was approved 6-0

Finding 2 - That the project will not substantially injure the value of adjoining property.

Motion: Richard Cosgrove made the motion to accept finding 2 as true.

Second: Billy Franklin Lee

This finding was approved 6-0

Finding 3 - That the project will be in harmony with or compatible with its neighbors and is generally consistent with the Stanly County Land-Use Plan.

Motion: David Dulin made a motion to accept finding 3 as true.

Second: Billy Franklin Lee

This finding was approved 6-0

Finding 4- That the project meets all other required conditions and specifications for the construction of placement of the structure.

Motion: Richard Cosgrove made the motion to accept finding 4 as true.

Second: Brenda Farmer

This finding was approved 6-0

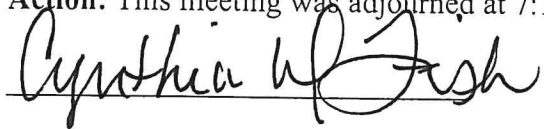
Motion: David Dulin made a motion to approve the request for an Event Venue to be allowed on the property of Leslie and Jamie Harvell..

Second: Brenda Farmer

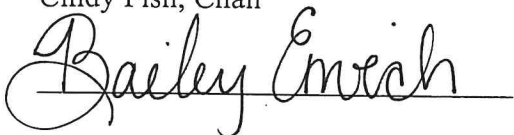
Action: The Board voted unanimously to approve the motion.

The chair informed those present that anyone affected by this decision has (30) days to appeal this to the Stanly County Superior Court.

Action: This meeting was adjourned at 7:15.



Cindy Fish, Chair



Bailey Emrich, Acting Clerk