

**AGENDA
ZONING BOARD OF ADJUSTMENT
BRUNSWICK COUNTY, N.C.**

**6:00 P.M., Thursday
December 12, 2019**

**Commissioners Chambers
David R. Sandifer Administration Building
Brunswick County Government Center
Old Ocean Highway East, Bolivia**

- I. Call to Order.
- II. Roll Call.
- III. Consideration of Minutes of the November 14, 2019 Meeting.
- IV. New Business.
 - A). 19-17S Special Use Permit
Applicant: Brandon Hardee dba King Sand Mine
Location: 6380 Ludlum Road NW, Ash, NC 28420
Tax Parcels Portion of 16300016 & All of 1470001604
Applicant requests a Special Use Permit for a “Class I Mining Operation” consistent with Section 5.2.3 and Section 5.3.7.G of the Brunswick County Unified Development Ordinance (UDO).
 - B). 19-18S Special Use Permit
Applicant: Hot Mix, Inc.
Location: 1151 Whiteville Road NW, Shallotte, NC 28470
Tax Parcel 18000006
Applicant requests a Special Use Permit for a “Public or Private Waste Disposal Site, Recycling Non-Hazardous Solid or Liquid” consistent with Section 5.2.3 and Section 5.3.7.I of the Brunswick County Unified Development Ordinance (UDO).
 - C). 19-19S Special Use Permit
Applicant: Vincent C. Russo
Location: 3176 Exum Road NW, Ash NC 28420
Tax Parcel 0900001604
Applicant requests a Special Use Permit for a “Vehicle and Heavy Equipment Sales and Rentals” consistent with Section 5.2.3 and Section 5.3.5.S of the Brunswick County Unified Development Ordinance (UDO).
- V. Staff Report.
- VI. Adjournment.

MINUTES

ZONING BOARD OF ADJUSTMENT

BRUNSWICK COUNTY, N.C.

**6:00 P.M., Thursday
November 14, 2019**

**Commissioners Chambers
David R. Sandifer Administration Building
Brunswick County Government Center
Old Ocean Highway East, Bolivia**

MEMBERS PRESENT

Robert Williamson, Chairman
Alan Lewis
Virginia Ward
Ron Medlin, Alternate

MEMBERS ABSENT

Mary Ann McCarthy
Marian Shiflet

STAFF PRESENT

Helen Bunch, Zoning Administrator
Bryan Batton, Assistant County Attorney
Justin Brantley, Project Planner
Miranda Garmenn, Zoning Technician

OTHERS PRESENT

Charles Spivey
Lavern Nobles
Patrick Newton
Jamie Jones
Kaye Cheers Mattingly

I. CALL TO ORDER.

The Chairman called the meeting to order at 6:00 p.m.

II. ROLL CALL.

Ms. McCarthy and Ms. Shiflet were absent. Mr. Ron Medlin served as an Alternate.

III. CONSIDERATION OF MINUTES OF THE OCTOBER 17, 2019 MEETING.

Ms. Ward made a motion to accept the minutes of the October 17, 2019 meeting as written. The motion was seconded by Mr. Lewis and unanimously carried.

IV. AGENDA AMENDMENTS.

There were none.

V. FUNCTIONS OF THE BOARD OF ADJUSTMENT.

Ms. Ward explained that the Board of Adjustment is a quasi-judicial Board assigned the function of acting between the Zoning Administrator or Planning Director, who administer the Unified Development Ordinance (UDO), and the courts, which would have the final say on any matter. The Board's duties are to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator or Planning Director; to grant Special Use Permits and to grant Variances.

Ms. Ward said that the public hearing is not to solicit broad public opinion about how the Board should vote on a matter; rather, it is a time for submittal of relevant, factual evidence in the record by the applicants, proponents, opponents and staff. All parties involved must be affirmed or sworn in as required by the North Carolina General Statutes. The opposing parties have the right to cross examine witnesses and file documents into the record.

Ms. Ward stated that the Chairman will announce the case; the Zoning Administrator will submit into evidence the Staff Report; the applicant or person filing the application will present relevant evidence to the Board as it relates to the Approval Criteria outlined in Section 3.5.9.B. of the UDO; the opposition will have an opportunity to speak; and then the Zoning Administrator will provide recommended conditions based on the approval criteria and information provided during the public hearing. Once all parties have addressed the Board, all parties will have the opportunity for rebuttals and the Chairman will summarize all evidence presented. All parties will have the opportunity to comment on the summation given to the Board. Once the summary is accepted, the public hearing session will be over and the Board will discuss the matter amongst themselves and vote to grant or deny the Special Use Permit and/or Variance.

Ms. Ward informed the audience that if anyone was not satisfied with the outcome of the Board's decision, they may file an appeal to Superior Court.

VI. SWEARING IN OF APPLICANT, WITNESS, AND OTHER INTERESTED PARTIES.

The Chairman swore in and or/ affirmed Helen Bunch, Charles Spivey, Lavern Nobles, Patrick Newton, Jamie Jones, and Kaye Cheers Mattingly as to their testimony being truthful and relevant to the respective case.

VII. New Business.

- A) 19-14S: Special Use Permit
Applicant: Bledsoe Enterprises, Inc.
Location: 4437 Mount Misery Road NE, Leland NC 28451
Tax Parcel Portion of 00900105
Applicant requests a Special Use Permit for a “Class I Mining Operation” consistent with Section 5.2.3 and Section 5.3.7.G of the Brunswick County Unified Development Ordinance (UDO).

Ms. Bunch addressed the Board. Ms. Bunch read the Staff Report (attached). Ms. Bunch identified the subject property and surrounding properties on a visual map.

Property owner, Mr. Charles Spivey, addressed the Board. Mr. Spivey stated that his intention for the property is to dig a 5-acre pond for recreational purposes. Mr. Spivey continued that he wants to use the space to accommodate his large extended family for family reunions. Mr. Spivey stated that he isn't selling the dirt to get rich, he is selling the dirt to help dig the pond. He added that all the dirt will be sent to one single location offsite rather than multiple sites, and he will be applying to the State of North Carolina for a single-source pit.

Ms. Ward asked how long this process would take. Mr. Spivey responded that it should take around 6-8 months.

Mr. Williamson asked how many trucks would be in operation during operating hours. Mr. Spivey responded he is unclear on how many trucks will be in operation at a time. Mr. Spivey continued that the trucks will likely be running Monday through Friday. Mr. Williamson asked about the hours of operation. Mr. Spivey responded that the hours of operation would be 7 a.m. to 5 p.m. Mr. Spivey reiterated that work will be limited to Monday through Friday, with occasional work on Saturday if necessary.

Mr. Lavern Nobles addressed the Board. Mr. Nobles stated that he and his two sons are in the process of purchasing the property next to the site (Tax Parcel 00900107). Mr. Nobles stated that he would like to know how close the mining operation will be to the property he is in the process of purchasing. Mr. Nobles stated that there are two sand mines within the area and added that he has concerns regarding traffic and erosion.

Mr. Williamson asked Mr. Nobles if he intends to live on the property. Mr. Nobles responded yes.

Attorney Batton provided a copy of the site plan to Mr. Nobles and Mr. Lewis explained that the mining operation will take place on the opposite side of the property. Mr. Nobles stated that after seeing that the operation will be on the opposite side of the property from the property which he is working on purchasing, his concerns have been addressed.

Mr. Williamson asked Ms. Bunch to read the conditions of approval from the Staff Report.

Mr. Nobles stated that he has an additional concern. Mr. Nobles stated that there is a portion of a natural gas line that is located towards the rear of the property. Mr. Lewis pointed out that the site plan shows the easement at the rear of the property. Mr. Nobles stated that he is concerned with the sand mine being located in close proximity to the line and wanted the applicant to be aware of its presence.

With no further comments, the Chairman summarized that Mr. Spivey wants to have a "Class I Mining Operation" which is allowed within the zoning district. Mr. Williamson added that due to the size of the site and the fact that the sand is being relocated to only one (1) site, they do not need a state mining permit, but will need a permit from Brunswick County. They will, however, need to file a single-source application with the State of North Carolina. Mr. Williamson continued that the applicant testified that the intent is to develop a pond for recreational purposes. Mr. Williamson stated that the operation will take around 6-8 months with operating hours 7 a.m. to 5 p.m. Monday through Friday. He added that Mr. Nobles voiced concerns regarding the proximity of the operation to property he is looking to purchase and the location of the natural gas line at the rear of the site and how it could co-exist with the mine.

The Chairman asked if there were any comments to the summation. There were none. The Board discussed the worksheet and determined the following:

DECISION: Having heard all of the evidence and arguments presented at the hearing, the Board of Adjustment, at its meeting on November 14, 2019, finds and determines that the application is complete, and subject to the conditions imposed below, the following findings are made.

1. A written application was submitted and complete in all respects.
2. The use, a "Class I Mining Operation", for which the Special Use Permit is sought is in harmony with the area and is not substantially injurious to the value of properties in the general vicinity. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
 - a. The Staff Report states that this is a rural area, with the surrounding property zoned Rural Residential. As such, the proposed use is in harmony with the area.

- b. No expert testimony was provided, or report submitted by an appraiser regarding the value of properties.
 3. The use, a “Class I Mining Operation”, for which the Special Use Permit is sought, is in conformance with all special requirements applicable to this use. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
 - a. Section 5.2.3. of the Brunswick County Unified Development Ordinance lists a Class I Mining Operation as a permissible use in the Rural Residential (RR) Zoning District if approved by the Board of Adjustment through the Special Use Permit process.
 - b. Section 5.3.7.G. of the UDO outlines the additional criteria for Class I Mining Operations if approved by the Board of Adjustment through the Special Use Permit process.
 - c. The application packet submitted by the applicant was reviewed by the Zoning Administrator and found to meet all requirements and conditions of the ordinance, if all the conditions outlined in the Staff Report are met.
 - d. The applicant stated that he is aware of the County and State requirements for Class I Mining Operations and is willing to meet them.
 4. The use, “Class I Mining Operation”, for which the Special Use Permit is sought, if developed as proposed will not adversely affect the health and safety of the public. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
 - a. The Staff Report stated that the mining operation must include a minimum 10’ of buffer at 0.2 visual opacity surrounding the subject site. Buffer materials may include natural vegetation or plantings as required by the UDO.
 - b. The Staff Report indicated that the haul access road to the mine must be constructed of materials of a dustless nature.
 - c. The Staff Report indicated that there will be regulation of the project by both Brunswick County and the State of North Carolina, as a Mining Permit from both entities is required.
 - d. The goal of the mining operation is the creation of a 5-acre lake for family recreational use, which will have no negative affect on the health and safety of the public.
 5. The use, a “Class I Mining Operation”, if developed as proposed will adequately address the twelve (12) review factors identified in Section 3.5.9.B. of the Brunswick County Unified Development Ordinance. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
 - a. The Board concurs with the staff report which outlines the twelve (12) review factors as stated in the Unified Development Ordinance, specifically:
 1. **Circulation:** All access to the site will occur from Mt. Misery Road (SR 1426) via a 30-foot access easement to the

site with a 20-foot haul road developed within the parcel. The applicant will use a water truck as needed for dust control. As a condition of approval, the applicant must notify the North Carolina Department of Transportation (NCDOT) of the proposed change of use and provide the Brunswick County Planning Department with documentation from NCDOT stating whether site access improvements are warranted. Required improvements must be made prior to final zoning approval.

2. **Parking and Loading:** There will be no scales or office on-site. As a result, no employee parking will be required. Loading of the trucks will occur on the site. Based upon the proposed length of the haul road, adequate room is available for truck staging.
3. **Service Entrances and Areas:** All service vehicles will access the subject property from Mt. Misery Road, which is a state-maintained road.
4. **Lighting:** No outdoor lighting is proposed with this request. Any new outdoor lighting must meet the lighting requirements stated in Section 6.9. "Outdoor Lighting" of the UDO prior to installation.
5. **Signs:** Any signage must meet the requirements of Article 8, Signs of the UDO prior to installation. Signage is a separate permitting process.
6. **Utilities:** Public water and sewer will not be required for the proposed operation, as the mining site will not be manned.
7. **Open Space:** There are no separate open space requirements for this use.
8. **Environmental Protection:** The applicant must meet all applicable Federal, State and Local Government requirements.
9. **Screening, Buffering and Landscaping:** Project boundary buffers are required. RR Zoning to RR Zoning Undeveloped will require a 10' deep buffer with 0.2 visual opacity. If the opacity requirement cannot be met with existing vegetation, plantings must be added to meet the opacity requirements. A compliance inspection must be conducted by the County prior to the commencement of mining activities.
10. **Effect on Adjoining Property:** The effect on adjoining property is minimal as the current property owner owns the adjacent parcels.
11. **Compatibility:** The proposed use is permissible in the RR Zoning District with Special Use Permit approval by the Board of Adjustment.

12. **Impacts on Military Installations:** the proposed Special Use is not within five (5) miles of a military installation.
- b. The Board concurs with the staff report which outlines the additional review factors as stated in Section 5.3.7.G. for Class I Mining Operations in the Unified Development Ordinance, specifically:
 1. Class I Mining Operations may not occupy more than 20 acres. **The site plan denotes a 5 acre +- parcel.**
 2. Soil or other unconsolidated material (i.e. sand, marl, rock, fossil deposits, peat, fill or topsoil) may be removed for use off-site. However, no further on-site processing is permitted (i.e. use of conveyor systems; screening machines; crushing; or other mechanical equipment). Mining activities where other on-site processing activities are conducted are considered Class II Mining Operations. **Applicant is aware that the use of conveyor systems, screening machines, crushing, or other mechanical equipment may not take place at this location.**
 3. The use of explosives is not permitted **Applicant is aware that explosives will not be used in the mining operations.**
 4. All mining operations and their associated activities shall comply with the following standards when dewatering occurs:
 - i. Must be located a minimum of 100 feet from all property lines. **Applicant has stated that dewatering will not occur on this site.**
 - ii. The depth of each excavation pit shall not exceed 35 feet. **Applicant has indicated the pit will not exceed 35.**

Commentary: The pumping of surface waters from one excavation pit to another excavation pit when located on the same parcel of land as the mining operation shall not be considered dewatering.
 5. Temporary sand and soil mining activities undertaken in conjunction with land development may be considered a Temporary Mining or Borrow Pit subject to compliance with Section 5.5.4. **N/A**

Ms. Ward made a motion to grant the Special Use Permit if developed as proposed and subject to the conditions imposed below:

- a) will be in harmony with the area and not substantially injurious to the value of properties in the general vicinity,
- b) will be in conformance with all special requirements applicable to the use,

- c) will not adversely affect the health and safety of the public, and
- d) will adequately address the twelve (12) review factors identified in Section 3.5.9.B. of the Brunswick County Unified Development Ordinance with the following conditions:

1. The development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO).
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the special use permit application and kept on file by the Brunswick County Planning Department.
3. The applicant must legally subdivide Tax Parcel 00900105 in the manner denoted on the site plan, to include the proposed excavation area for the pond and the required buffer setbacks from the property line. The special use is to only be applicable to the mining site denoted on the site plan. The remaining parent parcel will not be a part of the Class I Mining Operation Special Use Permit.
4. The applicant must notify the North Carolina Department of Transportation (NCDOT) of the proposed change of use and provide the Brunswick County Planning Department with documentation from NCDOT stating whether site access improvements are warranted. Required improvements must be made prior to final zoning approval.
5. The applicant must notify the State of North Carolina to seek a mining permit if exported materials are hauled to more than one (1) project site. A copy of the mining permit must be filed with Brunswick County Planning Department.
6. Consistent with the application, mining operations will be limited to daylight hours only, Monday through Friday, and occasionally on Saturday.
7. The applicant must ensure that the haul road remains dustless in nature during its use.
8. The depth of each excavation pit shall not exceed 35 feet if dewatering occurs.
9. The applicant must request a visual inspection of the site prior to the commencement of mining activities to ensure all requirements have been met.
10. If the specified conditions addressed in this special use permit are violated, the permit shall be revoked, and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.

The motion was seconded by Mr. Lewis and unanimously carried. Approval of this permit confers upon the right to develop with the type and intensity of use as herein described and as shown on the approved site plan. Vested rights are hereby established pursuant to Section 9.5. of the Brunswick County Unified Development Ordinance.

- B) 19-15V: Variance
Applicant: Patrick Newton
Location: 4734 Patrick Newton Drive SE, Southport, NC 28461
Tax Parcel 221AE049
Applicant requests six (6) variances from the Unified Development Ordinance (UDO) to allow the relocation of an outdoor advertising structure. The variances are from the following Sections of the UDO: Section 8.5.2.; 8.8.1.G.1.; 8.8.1.I.; 8.8.1.L.1.; 8.8.1.L.2.; and 8.8.1.L.3. [Note: All requested variances must be approved for the case to be approved.]

Ms. Bunch addressed the Board. Ms. Bunch read the Staff Report (attached). Ms. Bunch identified the subject property and surrounding properties on a visual map. The applicant, Pat Newton dba Pat Newton Properties, LLC, has filed an application for the following Variances from Section 8 of the Brunswick County Unified Development Ordinance (UDO) to allow an Outdoor Advertising Structure to be relocated as follows: (1) Variance from Section 8.5.2. of the UDO to allow the double decking (stacking) of signage, as it is not allowed in the current ordinance for outdoor advertising signs; (2) Variance of 2,490 linear feet from Section 8.8.1.G.1. of the UDO to allow a non-conforming outdoor advertising structure to be relocated five hundred ten (510) linear feet from another off-premise sign as opposed to the minimum three thousand (3,000) linear feet of separation for off-premise structures required by the UDO; (3) Variance from Section 8.8.1.I. to allow the outdoor advertising structure to be located one (1) foot from the east property line and fourteen (14) feet from the west property line as opposed to the fifteen feet (15) from any property line setback required. This will equate to a 14' variance from the east property line and a 1' variance from the west; (4) Variance from Section 8.8.1.L.1., which requires 500 linear feet from the centerline of an intersection for sign placement. The proposed sign will be 26' from the intersection of Southport-Supply Road and Patrick Newton Drive, thus requiring a variance of 474 linear feet; (5) Variance from Section 8.8.1.L.2., which requires that another outdoor advertising be 150' from any existing on-premise sign. It is proposed to be 144' from the closest on-premise sign, requiring a 6' variance; (6) Variance is from Section 8.8.1.L.3.3., which requires an outdoor advertising structure to be 250' from any church. The proposed sign will be 1.5' from the church property line, which will require a variance of 248.5 linear feet. **All variances must be granted for the sign to be relocated.**

Mr. Patrick Newton addressed the Board. Mr. Newton stated that he has been working with the NCDOT since June of 2016 during the acquisition process associated with the widening project on Southport-Supply Road (NC 211). Mr. Newton stated that he owns three properties that have been impacted by this project.

Mr. Newton provided a history of the property. Mr. Newton submitted additional documentation to the Board that shows how the property was configured in when he purchased it in 1987 (Exhibit 1). Mr. Newton explained that the property in question was a part of a larger parcel that he would later subdivide. Mr. Newton added that prior to this subdivision he sold parcel 2210007001 to the Saint Peters Lutheran Church in 1999. Mr. Newton further explained that the parcel was further subdivided to create the undeveloped West Trace Subdivision. Mr. Newton continued around this time Patrick Newton Drive was created in 2001. Mr. Newton stated that he retained the parcel on which the sign was located. Mr. Newton further explained that the sign is located on a forty (40') foot wide lot next to the sixty-foot (60") right of way (Exhibits 2 and 3).

Mr. Newton stated that when the NCDOT began the acquisition process they prioritized the south side of NC 211 which included this property. Mr. Newton stated that the original sign was relocated on the property by a contractor hired by the NCDOT. The contractor applied for and received a permit to relocate the sign in early 2017, with a compliance certificate issued on 6/16/2017. In March of 2018 the owner was notified that the permit was issued in error and that a Non-Conforming Use Permit and variance are required for the sign relocation.

Mr. Newton further explained the NCDOT acquisition and relocation process. Mr. Newton added that actual work on the roadway for the NC 211 project has not been completed. Mr. Newton continued and addressed each of the requested variances. These variances are also addressed within the application.

Mr. Newton submitted Exhibit 4 to the Board with recommendations for the findings of fact associated with the Board's determination. Mr. Newton stated that this language has been taken from similar cases that have been approved by the Board. Mr. Newton also provided the Board with copies of previous meeting minutes from similar cases (Exhibit 5). Mr. Newton submitted a Memorandum of Action with NCDOT (Exhibit 6), the latest plan sheet (Exhibit 7), list of sign inspections (Exhibit 8), the certificate of compliance from when the sign was relocated (Exhibit 9), a memo from Ms. Bunch addressing sign relocations with interested parties (Exhibit 10), a letter from Ms. Bunch sent to Mr. Newton's lawyer notifying him that the relocation permit was issued in error (Exhibit 11) and the transmittal of the Nonconforming Use Certificate (Exhibit 12).

With no further comments, the Chairman summarized that Patrick Newton owns a sign on property that was partly acquired by NCDOT for the widening of NC 211, resulting in relocation of the sign. Mr. Williamson added that he has obtained a Non-Conforming Use Certificate. Mr. Williamson continued that Mr. Newton is required to obtain six (6) separate variances for the relocation of the sign.

The Chairman asked if there were any comments to the summation. There were none. The Board discussed the worksheet and determined the following:

DECISION: Having held a public hearing to consider Case Number 19-15V, submitted by Patrick Newton, dba Pat Newton Properties, LLC a request for three (6) variances to use the property located at 4734 Patrick Newton Drive SE, Southport NC in a manner not permissible under the literal terms of the ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following **FINDINGS OF FACTS** and draws the following Conclusions:

1. It is the Board's **CONCLUSION** that, unnecessary hardship will result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This conclusion is based on the following **FINDINGS OF FACT:** The use of the parcel is limited due to the size/dimension of the parcel as shown on the maps provided denoting the parcel at the meeting, as part of the case information packet provided by staff, and by the testimony of the applicant.
2. It is the Board's **CONCLUSION** that the hardship does result from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for grant a variance. This conclusion is based on the following **FINDINGS OF FACT:** The size (width) of the 0.829-acre property along with limited opportunities for sign relocation on the site due to the need for the sign to be near Southport-Supply Road for advertising purposes causes the hardship.
3. It is the Board's **CONCLUSION** that the hardship does not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. This conclusion is based on the following **FINDINGS OF FACT:** The hardship is a result of the widening to a four-lane structure of

NC 211 (Southport Supply Road) by the North Carolina Department of Transportation. The initial structure was constructed prior to the implementation of zoning in the unincorporated area of Brunswick County. The structure has been nonconforming for some time and has been continuously utilized and maintained since construction. While it was initially located in error before the appropriate permits were obtained, it currently has a Nonconforming Use Certificate.

4. It is the Board's **CONCLUSION** that the requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This conclusion is based on the following **FINDINGS OF FACT**: The Staff Report indicated that the hardship was a result of the proposed widening of NC 211 (Southport Supply Road). Due to the size of the property, there is no area on the parcel where all requirements of the ordinance can be met without a variance, as an outdoor advertising sign must be located near the roadway to be of value.

THEREFORE, on the basis of all foregoing, IT IS ORDERED that the application for the VARIANCE be GRANTED, as motioned by Ms. Ward, seconded by Mr. Lewis and unanimously carried.

- C) 19-16S: Special Use Permit
 Applicant: Jamie Jones
 Location: 2811 Holden Beach Road SW, Supply, NC 28462
 Tax Parcel 232HC00109
 Applicant requests a Special Use Permit for a "Kennel"
 consistent with Section 5.2.3 and Section 5.3.5.U of the
 Brunswick County Unified Development Ordinance
 (UDO).

Ms. Helen Bunch addressed the Board. Ms. Bunch read the Staff Report (attached). She identified the subject property and surrounding properties on a visual map.

Ms. Jamie Jones addressed the Board. Ms. Jones stated that she would like to open up a "doggy day care" and overnight facility in the at 2811 Holden Beach Road SW. Ms. Jones continued that this would serve a need in the area for those who need care opportunities for their dogs on a regular or temporary basis. Ms. Jones stated that many community members have voiced an interest in this business. Ms. Jones stated that she intends to work with a local rescue program. Ms. Jones continued that part of the space in the facility will be donated to the rescue program to allow rescue dogs to stay in the facility.

Mr. Williamson asked how many dogs will occupy the facility. Ms. Jones responded that the maximum number of dogs occupying the facility will be thirty-five (35). Ms. Jones stated that she has researched a possible minimum square footage per dog for the but has had no luck. Ms. Jones stated that they are taking a more holistic approach with the animals. Ms. Jones continued that her intention was for the dogs to be manageable by limiting the number. Ms. Jones further explained that some facilities with higher numbers of dogs may cause stress in the animals.

Mr. Williamson asked how long the dogs will be allowed outside. Mr. Jones responded that the dogs will be taken out two (2) at a time for 15-minute breaks throughout the day. Ms. Jones added that they will not have the dogs running around free outside to prevent the likelihood of injury to the animals. Ms. Jones added that her staff will undergo training to learn how to better manage the dogs.

Ms. Ward asked if the dogs would be individually separated. Ms. Jones responded that the facility will feature a “cage-free” environment. Ms. Jones explained that the initial environment will be “cage-free” with an evaluation of dogs to determine if they can stay in that kind of environment. Ms. Jones stated that there will be 24-hour care for the animals so they will never be left alone. Ms. Jones further explained that this will reduce the likelihood of barking. Ms. Jones continued that this approach is different than typical “kennels” as far as providing a “cage-free” alternative. Ms. Jones added that larger dogs will be separated from smaller dogs.

Ms. Ward asked where the staff will receive training. Ms. Jones responded that many organizations offer trainings with certification. Ms. Jones stated that she is considering two older organizations for the training. Ms. Jones added that she wants her staff to be trained properly because there will be cameras in the facility. Ms. Jones stated that she wants the customers to be able to monitor their pets while they are at the facility.

Mr. Lewis asked how the business will take care of trash. Ms. Jones stated that they will be using miniature dumpsters so that trash is picked up more frequently. Ms. Jones added that they will be using cleaning products that are safe for the dogs as well as the environment.

Ms. Kaye Cheers Mattingly addressed the Board. Ms. Cheers stated that she received notice of the proposed use in the mail. Ms. Cheers added that she owns two rental properties that are adjacent to the project site. Ms. Mattingly stated that she has a concern with the potential noise from the proposed kennel, and both of her renters are concerned as well. Ms. Mattingly is concerned that if the noise generated by the kennel causes her tenants to move then she may have a difficult time finding new tenants.

Ms. Jones responded to Ms. Mattingly's concerns. Ms. Jones stated that she has had noise issues from the neighbors at one of the rental properties across the street. Ms. Jones continued that there is often noise from motorcycles, loose dogs, police visits, etc. Ms. Jones stated that she understands the concern about noise because people are noisy.

Ms. Jones addressed the location of the kennel and stated that the kennel area is located within the back third of the building. Ms. Jones continued that she is following the UDO as far as guidance for building a six-foot (6') wall between outdoor areas where animals are kept and any property line of an adjacent residential use in a nonresidential district. Ms. Jones added that the dogs will be taken outside on the opposite side of the building from the neighboring home. Ms. Jones said that she wants to live in harmony with the neighbors.

Ms. Jones stated that the building has had many other businesses throughout the years. Ms. Jones added that she is hopeful to be able to provide a service to the community and would be happy to work with the neighbors so that there is harmony.

Mr. Williamson asked how far the kennel is from the residences in question. Ms. Jones responded that the back of the building is located around one hundred seventy feet (170') to the mobile home next door. Ms. Jones added that she would estimate that the kennel area is located approximately three hundred feet (300') from the residence across the street.

Ms. Ward asked if the concrete pad is where the dogs will be taken outside. Ms. Jones responded that yes and that it will be surrounded by a wall. Ms. Jones stated that there would be a door added for access.

Mr. Williamson asked if the building would be located between the concrete pad and the mobile home. Ms. Jones responded yes.

Mr. Williamson asked Ms. Bunch to read the conditions of approval from the Staff Report.

With no further comments, the Chairman summarized that Jamie Jones wants to operate a kennel on a CLD zoning district. Mr. Williamson continued the kennel is a facility to care for dogs during the day and overnight. Mr. Williamson stated that the business will have a maximum of 35 dogs at a time. He continued that they will be housed within a completely closed in building. Mr. Williamson added that there will be an additional enclosed outside area that features a concrete pad for the dogs to be able to go outside periodically. Mr. Williamson stated that an adjacent property owner, Ms. Kaye Cheers Mattingly, has voiced concerns in regard to noise and run-off from the waste. Mr. Williamson continued that those concerns were addressed by Ms. Jones.

The Chairman asked if there were any comments to the summation. There were none. The Board discussed the worksheet and determined the following:

DECISION: Having heard all of the evidence and arguments presented at the hearing, the Board of Adjustment, at its meeting on November 14, 2019, finds and determines that the application is complete, and subject to the conditions imposed below, the following findings are made.

1. A written application was submitted and complete in all respects.
2. The use, "Kennel", for which the Special Use Permit is sought is in harmony with the area and is not substantially injurious to the value of properties in the general vicinity. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
 - a. Testimony provided indicates that there are only two (2) residences within view of the proposed location.
 - b. No expert testimony was provided, or report submitted by an appraiser regarding the value of properties.
3. The use, "Kennel", for which the Special Use Permit is sought, is in conformance with all special requirements applicable to this use. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
 - a. Section 5.2.3. of the Brunswick County Unified Development Ordinance Lists Vehicle and Heavy Equipment Sales and Rentals as a permissible use in the CLD Zoning District if approved by the Board of Adjustment through the Special Use Permit process.
 - b. Section 5.3.5.U. of the UDO outlines the additional criteria for Kennels approved by the Board of Adjustment through the Special Use Permit process.
 - c. The application packet submitted by the applicant was reviewed by the Zoning Administrator and found to meet all requirements and conditions of the ordinance, if all the conditions outlined in the Staff Report are met.
 - d. The applicant testified that all standards required by the UDO would be met.
4. The use, "Kennel", for which the Special Use Permit is sought, if developed as proposed will not adversely affect the health and safety of the public. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
 - a. The Staff Report addresses the minimum 12 standards for all commercial development and the standards outlined for Kennels in Section 5.3.5.U. of the UDO. The applicant has agreed to meet these standards.
 - b. The applicant will have the waste regularly collected, be always equipped with interior cameras and have an employee on-site.

5. The use, a “Kennel”, if developed as proposed will adequately address the twelve (12) review factors identified in Section 3.5.9.B. of the Brunswick County Unified Development Ordinance. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
 - a. The Board concurs with the staff report which outlines the twelve (12) review factors as stated in the Unified Development Ordinance, specifically:
 1. **Circulation:** All access to the site will occur from Holden Beach Road (NC 130) via an existing commercial driveway developed within the parcel. As a condition of approval, the applicant must notify the North Carolina Department of Transportation (NCDOT) of the proposed change of use and provide the Brunswick County Planning Department with documentation from NCDOT stating whether site access improvements are warranted. Required improvements must be made prior to final zoning approval.
 2. **Parking and Loading:** A minimum of one space per 250 square feet of structure must be provided for the kennel. With a square footage of 2,040 square feet of space, at least 8.16 parking spaces must be provided for the kennel, with one (1) of these spaces being an accessible space. There is adequate parking area for the creation of parking spaces on the site.
 3. **Service Entrances and Areas:** All service vehicles will access the subject property from Holden Beach Road, which is a state-maintained road.
 4. **Lighting:** No outdoor lighting is proposed with this request. Any new outdoor lighting must meet the lighting requirements stated in Section 6.9. “Outdoor Lighting” of the UDO prior to installation.
 5. **Signs:** Any signage must meet the requirements of Article 8, Signs of the UDO prior to installation. Signage is a separate permitting process.
 6. **Utilities:** Public water and a septic system are available for this site.
 7. **Open Space:** There are no separate open space requirements for this site.
 8. **Environmental Protection:** The applicant must meet all applicable Federal, State and Local Government requirements.
 9. **Screening, Buffering and Landscaping:** A ten-foot (10’) Project Boundary Buffer with 0.2 visual opacity is required for the portion of the property adjacent to undeveloped MR-3200 Zoning. Existing vegetation can be used to meet buffer requirements if the vegetation is available.

10. **Effect on Adjoining Property:** The effect on adjoining property is minimal as all adjacent parcels are vacant except for one parcel which is zoned CLD with a mobile home located on it.
11. **Compatibility:** The proposed use is permissible in the CLD Zoning District with Special Use Permit approval by the Board of Adjustment.
12. **Impacts on Military Installations:** The proposed Special Use is not within five (5) miles of a military installation.

b. **Additional Approval Criteria (Section 5.3.5.U): Veterinary Clinics, Animal Hospitals, and Kennels** shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. In the RR district, the use shall be permitted as a limited use subject to the standards in this Section. **NA.**
2. A 300-foot separation shall be maintained between the outdoor areas where animals are kept and any property line of any adjacent residential use in a residential district. **NA.**
3. A minimum six-foot highwall shall be installed and maintained between outdoor areas where animals are kept and any property line of an adjacent residential use in a non-residential district. **Applicant is aware of this requirement.**
4. The facility shall be constructed, designed, and located on the site to minimize noise, odor, and other impacts on neighboring properties. Adequate waste disposal shall be required to maintain sanitary conditions and control odor. **Applicant is aware of this requirement.**
5. All facilities shall be licensed by the animal Health Division of the North Carolina Department of Agriculture and Consumer Services, Article 3, and all other required permits or certificates shall be acquired and maintained. **Applicant is aware of this requirement.**

c. Ms. Jones stated that she is aware of the requirements and agreed to comply with all conditions of the permit.

Ms. Ward made a motion to grant the Special Use Permit if developed as proposed and subject to the conditions imposed below:

- a) will be in harmony with the area and not substantially injurious to the value of properties in the general vicinity,
- b) will be in conformance with all special requirements applicable to the use,
- c) will not adversely affect the health and safety of the public, and

d) will adequately address the twelve (12) review factors identified in Section 3.5.9.B. of the Brunswick County Unified Development Ordinance with the following conditions:

1. The development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO).
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the special use permit application and kept on file by the Brunswick County Planning Department.
3. The parking spaces in the parking lot must be delineated consistent with the requirements of the UDO with at a minimum the required number of spaces for each permitted use. In addition to the standard parking spaces, accessible spaces must be provided consistent with the UDO.
4. Indicate on the site plan the location and proposed screening of the dumpster.
5. Install and maintain a six-foot fence must be between outdoor areas where animals are kept and any property line of an adjacent residential use in a non-residential area.
6. All licenses must be received prior to the opening of the business.
7. Contact the Brunswick County Planning Department to complete an on-site zoning compliance Inspection prior to the opening of the business.
8. If the specified conditions addressed in this special use permit are violated, the permit shall be revoked, and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.

The motion was seconded by Mr. Medlin and unanimously carried. Approval of this permit confers upon the right to develop with the type and intensity of use as herein described and as shown on the approved site plan. Vested rights are hereby established pursuant to Section 9.5. of the Brunswick County Unified Development Ordinance.

VIII. Staff Report.

Ms. Bunch provided a copy of the memorandum that will be sent to the Planning Board regarding the development of a definition for a “model home”. Ms. Bunch explained that this was the result of the discussion at the last Board of Adjustment meeting. Ms. Bunch stated that she has not received any notice of appeal at this time.

IX. Adjournment.

With no further business, Mr. Lewis made a motion to adjourn. The motion was seconded by Mr. Williamson and unanimously carried.

DRAFT

**COUNTY OF BRUNSWICK
ZONING BOARD OF ADJUSTMENT**

For Office Use Only
File# 19-175

Special Use Permit Application Form

NT#18011

Application Number 19-175 Date 10-30-2019
Application Fee \$250.00 300.00 Receipt # 22 3450; 22 3446
Date of Meeting 12-12-19 Application Deadline _____

Applicant Brandon Hardee King Sand Mine Owner King Carolina Properties, LLC
Address 131 Houghton Place SW Address 4872 Whiteville Road NW
Sunset Beach, NC 28468 Ash, NC 28420
Telephone (L) _____ (C) 910-443-1067 Telephone (L) _____ (C) 910-287-6369
Relationship of Applicant to Owner Business Relationship
Property Street Address 6380 Ludlum Road
(portion of) and all of
Tax Map # 16300016 1470001604 Parcel Zoning Designation RR
Proposed Use of Property sand mine Class I Mining operation

PLEASE ENCLOSE WITH APPLICATION:

1. A **detailed statement of all proposed uses** of the property (Attach separate sheet).
2. **Site plan** showing all buildings, outdoor facilities, parking lots, all signs, proposed lighting, sanitation facilities, and utilities. (Attach separate sheet.) Site plan must include dimensions of parcel of land dimensions of existing structures and/or proposed structures including setbacks, i.e., distance from adjacent properties.
3. Detailed plan for any amplification or other entertainment equipment located outdoors.
4. In the space below, please indicate how the proposed project will or will not substantially injure the value of adjoining or abutting property.
The proposed project will create a fresh water lake at the end of the mining operation. This should increase the value of the adjoining properties.

5. Other information and documents, as requested.
 - **APPROPRIATE FEE MUST ACCOMPANY ALL APPLICATIONS.**
 - **PROVIDE 1 ORIGINAL OF ALL ATTACHMENTS TO BE INCLUDED AS PART OF THE APPLICATION DOCUMENT. ADDITIONAL COPIES WILL BE REQUESTED ONCE THE APPLICATION HAS BEEN REVIEWED BY STAFF.**

REPRESENTATION IS REQUIRED AT ALL BOARD MEETINGS

10-22-19 James S. Hardee White & Hardee, Inc.
Date Signature of Applicant Signature of Property Owner

CASE 19-17S

ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
1470000201	BROOKS MAE (MRS)	1005 N MAIN ST	OAKBORO	NC	28129
14700001	YEAGER AUDREY	3450 PHILLIPS CHAPEL ROAD	HAW RIVER	NC	27258
1630002105	GORE DON ERIC	4564 SQUIRREL AVE NW	SHALLOTTE	NC	28470
14700002	SMITH JOHNNIE DALE SR ETUX	6098 LUDLUM RD	ASH	NC	28420
1470001603	KINCER KATHERINE BURRISS	6355 LUDLUM RD NW	ASH	NC	28420
16300021	SIMMONS ELIZABETH G	5726 LITTLE PRONG RD NW	ASH	NC	28420-4110
1630002106	SIMMONS GENE A	2580 WHITEVILLE RD NW	ASH	NC	28420
14700003	EARP RANDY C SR ETUX	6104 LUDLUM ROAD NW	ASH	NC	28420
1470000302	EARP RANDY C JR	6104 LUDLUM RD NW	ASH	NC	28420-3212
14700016	EVANS J R	2675 WHITEVILLE RD NW	ASH	NC	28420
16300017	ASHTON FARMS LLC	115 N 3RD ST STE 300	WILMINGTON	NC	28401-4076
16300013	ASHTON FARMS LLC	115 N 3RD ST STE 300	WILMINGTON	NC	28401-4076
16300022	MCCUMBEE DELORES	2597 WHITEVILLE RD NW	ASH	NC	28420-3223
147000076	BENZ BELINDA M ETVIR	2603 WHITEVILLE RD NW	ASH	NC	28420

OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
1470001604	KING CAROLINA PROPERTIES LLC	4872 WHITEVILLE RD NW	ASH	NC	28420
16300016	KING CAROLINA PROPERTIES LLC	4872 WHITEVILLE RD NW	ASH	NC	28420

APPLICANT(S)

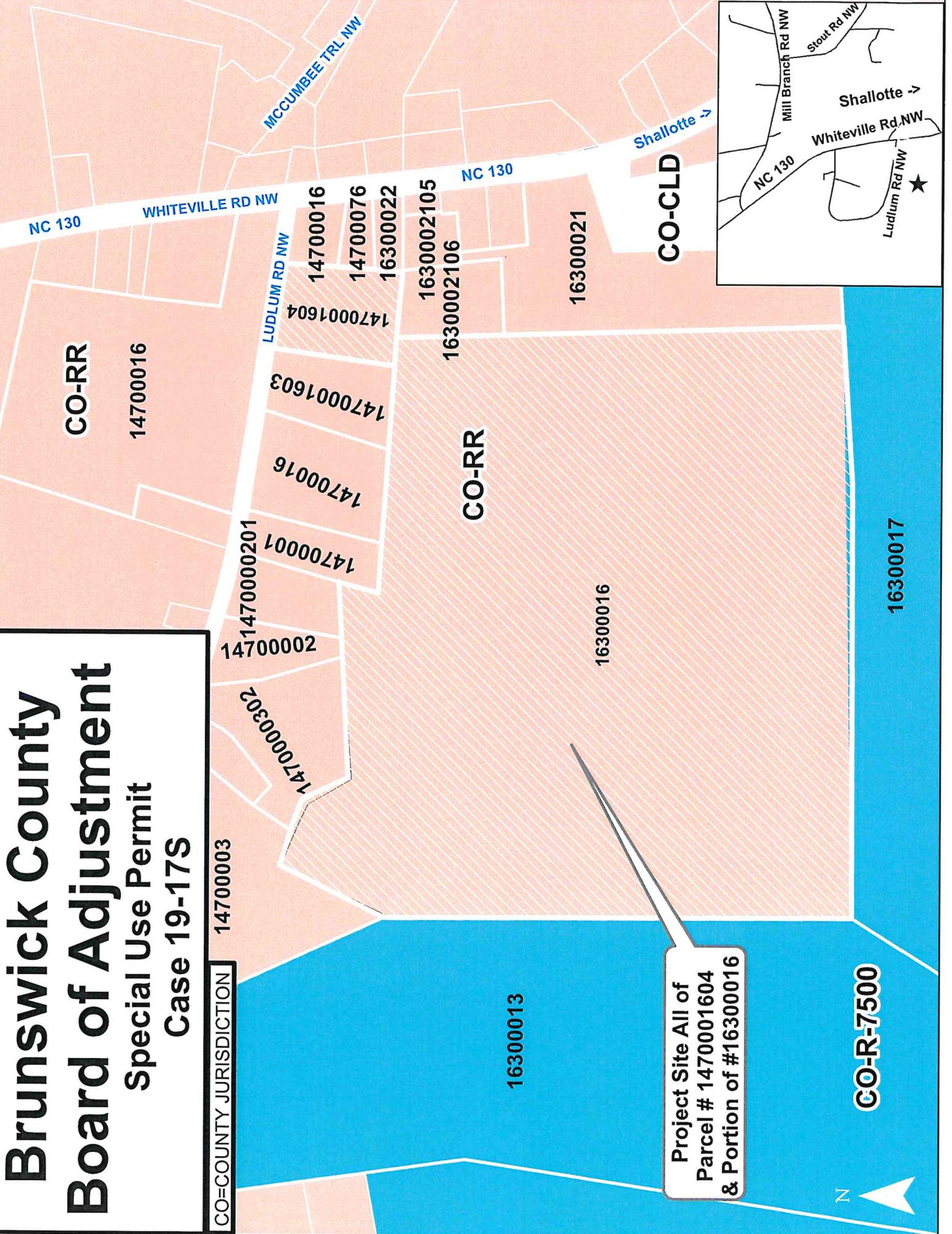
PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
N/A	BRANDON HARDEE	131 HOUGHTON PLACE SW	SUNSET BEACH	NC	28468

Brunswick County Board of Adjustment

Special Use Permit Case 19-17S

CO-COUNTY JURISDICTION

14700003



Project Site All of
Parcel # 1470001604
& Portion of #16300016



Brunswick County Board of Adjustment

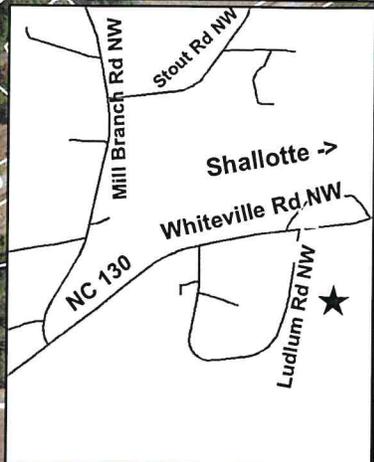
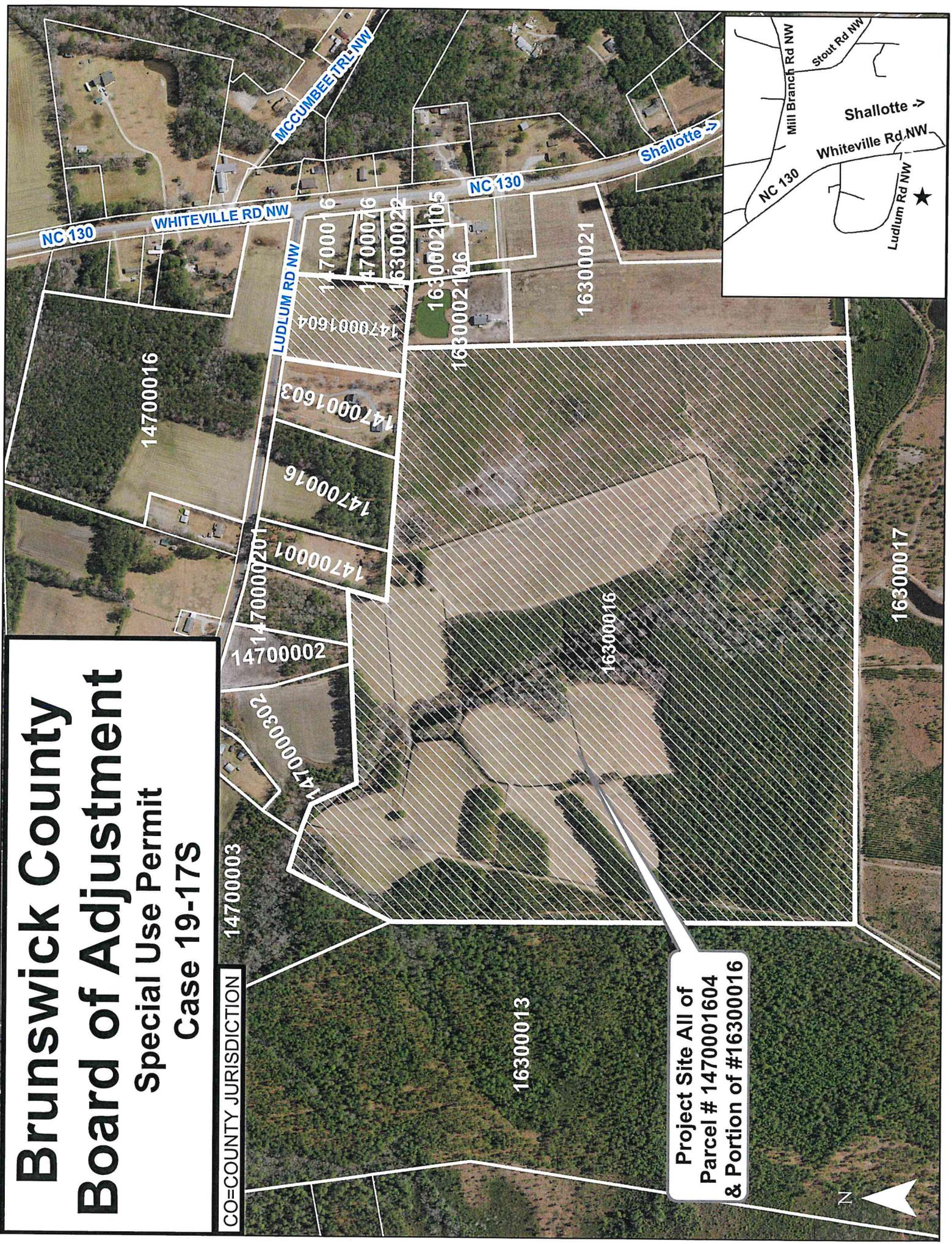
Special Use Permit
Case 19-17S

CO-COUNTY JURISDICTION

14700003

16300013

Project Site All of
Parcel # 1470001604
& Portion of #16300016



**BRUNSWICK COUNTY BOARD OF ADJUSTMENT
SPECIAL USE PERMIT APPLICATION
STAFF REPORT**

December 12, 2019

Application No. 19-17S

Applicant: Brandon Hardee

Property Location: 6380 Ludlum Road, Ash NC 28420

Parcel Numbers: Portion of 16300016 and all of 1470001604

Zoning District: Rural Residential (RR)

Intent: “The Rural Low-Density Residential District is intended to accommodate nonresidential agricultural uses and low-density residential development, as well as limited nonresidential uses that are supportive of the County’s traditional agricultural orientation including farming, silviculture operations and related activities. Development in this District should rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal, respectively, although clustered residential development served by public water and wastewater systems may be allowed.”

Surrounding Zoning: **North:** RR **South:** RR and R-7500
 East: RR **West:** RR and R-7500

Proposed Use of Property: “Class I Mining Operation”

The application was submitted to the Brunswick County Planning Department on November 19, 2019.

Brandon Hardee desires to develop a Class I Mining Operation at the above referenced location. The Brunswick County Future Land Use Plan designates the subject parcel as Low Density Residential (LDR). The proposed use is only permissible in the RR Zoning District with Special Use Permit approval by the Brunswick County Board of Adjustment. A similar request was made to the Board of Adjustment on October 11, 2018, however at the meeting the case was withdrawn by the applicant. Per Section 3.5.13 of the UDO “Resubmittals”, one (1) year must pass before an application can be resubmitted.

Approval Criteria – Section 3.3.9.B:

1. **Circulation:** All access to the site will occur from Ludlum Road (SR 1323) via a 60-foot access easement to the site with a 20-foot asphalt haul road developed within the parcel. As a condition of approval, the applicant must notify the North Carolina Department of Transportation (NCDOT) of the proposed change of use

and provide the Brunswick County Planning Department with documentation from NCDOT stating whether site access improvements are warranted.

Required improvements must be made prior to final zoning approval.

2. **Parking and Loading:** There will be no scales or office on-site. As a result, no employee parking will be required. Loading of the trucks will occur on the site. Based upon the distance from Ludlum Road to the proposed mine (542 feet), adequate room is available for vehicle stacking.
3. **Service Entrances and Areas:** All service vehicles will access the subject property from Ludlum Road (SR 1323).
4. **Lighting:** No outdoor lighting is proposed with this request. Any new outdoor lighting must meet the lighting requirements stated in Section 6.9. "Outdoor Lighting" of the UDO prior to installation.
5. **Signs:** Any signage must meet the requirements of Article 8, Signs of the UDO prior to installation. Signage is a separate permitting process.
6. **Utilities:** Public water and sewer are not available to this site, however, neither will be required for the proposed operation as this is an unmanned mining site.
7. **Open Space:** There are no separate open space requirements for this use.
8. **Environmental Protection:** The applicant must meet all applicable Federal, State and Local Government requirements.
9. **Screening, Buffering and Landscaping:** Project boundary buffers are required. RR Zoning to RR Zoning Undeveloped will require a 10' deep buffer with 0.2 visual opacity. RR Zoning to RR Zoning Existing Residentially Developed will require a buffer with 0.4 visual opacity, which will be 20' in depth, unless the depth is reduced by adding a six-foot fence or wall. RR Zoning to R-7500 Undeveloped will require a buffer with 0.2 visual opacity, which will be 10' in depth. If the opacity requirement cannot be met with existing vegetation, plantings must be added to meet the opacity requirements. A compliance inspection must be conducted by the County prior to the commencement of mining activities.
10. **Effect on Adjoining Property:** The effect on adjoining property is minimal as two (2) parcels are residentially developed, which will require a 20' deep buffer planted at 0.4 visual opacity. The remaining parcels will require a minimum of a 10' deep buffer planted at 0.2 visual opacity. In addition, the applicant has proposed to asphalt the haul road from Ludlum Road to the mining site.
11. **Compatibility:** The proposed use is permissible in the RR Zoning District with Special Use Permit approval by the Board of Adjustment.
12. **Impacts on Military Installations:** The proposed Special Use is not within five (5) miles of a military installation.

Additional Approval Criteria (Section 5.3.7.G.): Class I Mining Operation

Class I Mining Operations shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. Class I Mining Operations may not occupy more than 20 acres. **The site plan denotes 19.91 acres as the proposed parcel acreage.**
2. Soil or other unconsolidated material (i.e. sand, marl, rock, fossil deposits, peat, fill or topsoil) may be removed for use off-site. However, no further on-site processing is permitted (i.e. use of conveyor systems; screening machines; crushing; or other mechanical equipment). Mining activities where other on-site

processing activities are conducted are considered Class II Mining Operations. **Applicant has confirmed that the use of conveyor systems, screening machines, crushing, or other mechanical equipment will not take place at this location.**

3. The use of explosives is not permitted. **Applicant has confirmed that explosives will not be used in the mining operations.**
4. All mining operations and their associated activities shall comply with the following standards when dewatering occurs:
 - i. Must be located a minimum of 100 feet from all property lines. **Applicant has stated that dewatering will not occur on this site.**
 - ii. The depth of each excavation pit shall not exceed 35 feet. **Applicant has indicated that there will not be dewatering, therefore this requirement is not applicable.**

***Commentary:** The pumping of surface waters from one excavation pit to another excavation pit when located on the same parcel of land as the mining operation shall not be considered dewatering.*

5. Temporary sand and soil mining activities undertaken in conjunction with land development may be considered a Temporary Mining or Borrow Pit subject to compliance with Section 5.5.4. **N/A**

Conditions:

If approved, this development shall have a vested right for a period of three years. A two-year extension may be requested by the applicant to the Brunswick County Board of Adjustment.

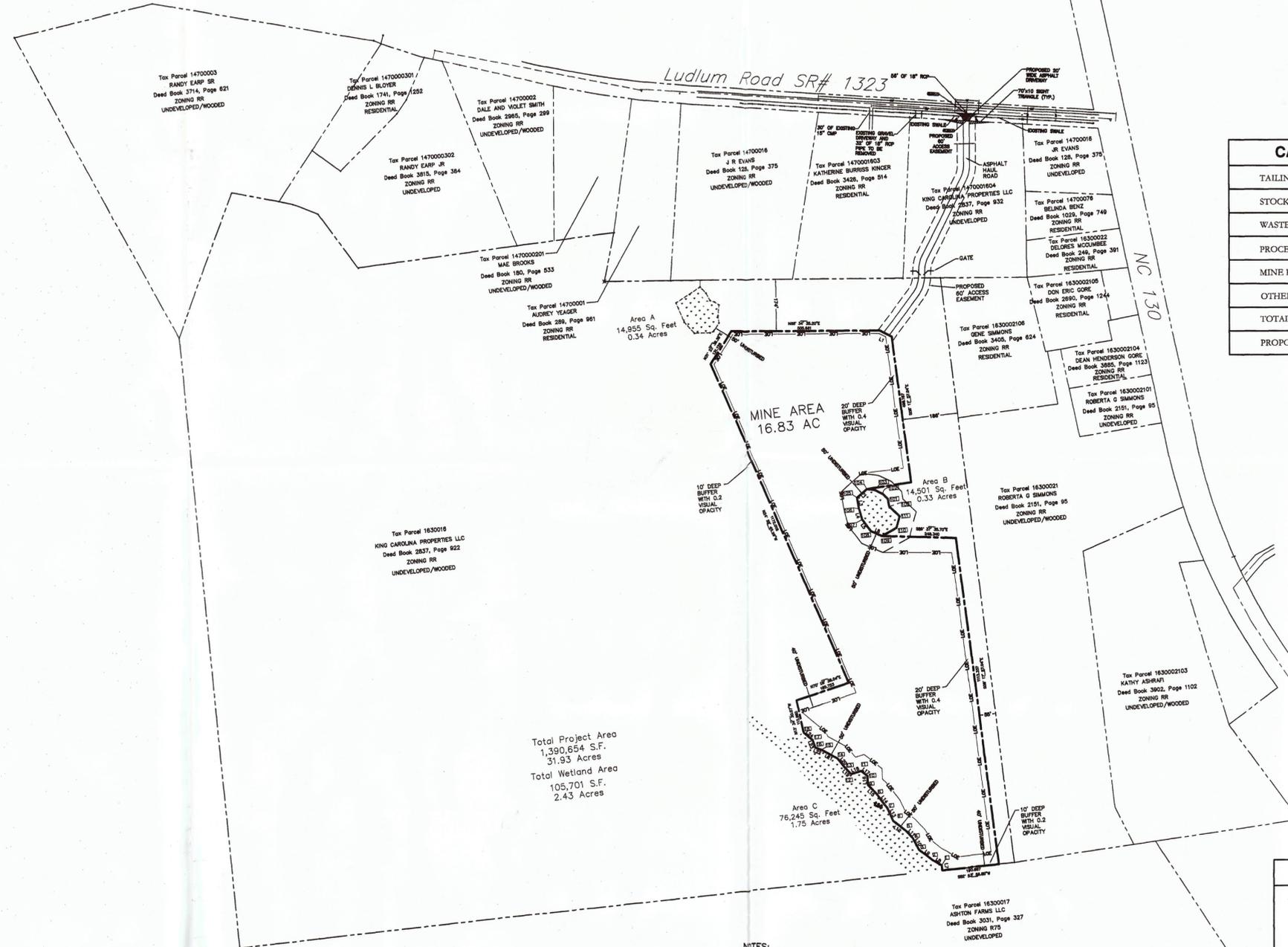
1. The development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO).
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the special use permit application and kept on file by the Brunswick County Planning Department.
3. The applicant must legally recombine and subdivide Tax Parcels 16300016 and 1470001604 in the manner denoted on the site plan. The special use is to only be applicable to the mining site denoted on the site plan. The remaining parent parcel will not be a part of the Class I Mining Operation Special Use Permit.
4. The applicant must provide a 60' access easement to the subdivided Tax Parcel 16300016, with a 20' haul road.
5. The applicant must apply for and receive a State Mining Permit from the North Carolina Department of Environmental Quality (DEQ). Prior to the beginning of any excavation activities on the property, a copy of the State Mining Permit must be filed with the Brunswick County Planning Department.

6. The applicant must notify the North Carolina Department of Transportation (NCDOT) of the proposed change of use and provide the Brunswick County Planning Department with documentation from NCDOT stating whether site access improvements are warranted. Required improvements must be made prior to final zoning approval.
7. Consistent with the application, mining operations will be limited to daylight hours only, Monday through Friday.
8. The depth of each excavation pit shall not exceed 35 feet if dewatering occurs.
9. The applicant must request a visual inspection of the site prior to the commencement of mining activities to ensure all requirements have been met.
10. If the specified conditions addressed in this special use permit are violated, the permit shall be revoked, and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.



VICINITY MAP
N.T.S.

LINE	BEARING	DISTANCE
L1	S83°40'19.33" E	44.56'
L2	S47°38'10.32" W	43.13'
L3	S10°47'57.51" E	38.03'
L4	S18°59'12.81" E	37.48'
L5	S38°05'17.04" E	48.89'
L6	S67°36'53.34" E	39.93'
L7	N07°08'01.15" W	17.01'
L8	N81°51'32.96" W	36.86'
L9	N52°37'01.61" W	55.58'
L10	N29°40'53.00" W	44.11'
L11	N43°56'16.03" W	35.45'
L12	N52°34'19.12" W	54.02'
L13	N25°10'17.24" W	46.63'
L14	N37°48'56.99" W	58.67'
L15	N44°38'54.62" W	43.98'
L16	N22°57'12.45" W	35.56'
L17	N52°10'16.22" W	26.96'
L18	S70°08'48.80" W	35.53'
L19	N44°16'05.38" W	29.42'
L20	N39°52'09.87" W	42.10'
L21	N62°28'56.01" W	60.50'
L22	N69°18'24.11" W	22.49'
L23	N20°01'57.95" W	26.57'
L24	N51°59'43.70" W	38.71'



Total Project Area
1,390,654 S.F.
31.93 Acres
Total Wetland Area
105,701 S.F.
2.43 Acres

- NOTES:
1. A PORTION OF TAX PARCEL 147001604 AND 1630016 WILL BECOME A 60' ACCESS EASEMENT FOR THE MINE.
 2. MINE SHALL COMPLY WITH THE FOLLOWING BUFFER REGULATIONS:
 - a. RR ZONING TO RR ZONING UNDEVELOPED WILL REQUIRE A 10' DEEP BUFFER WITH 0.2 VISUAL OPACITY.
 - b. RR ZONING TO RR ZONING EXISTING RESIDENTIALLY DEVELOPED WILL REQUIRE A BUFFER WITH 0.4 VISUAL OPACITY, WHICH WILL BE 20' IN DEPTH, UNLESS THE DEPTH IS REDUCED BY ADDING A 6-FOOT FENCE OR WALL.
 3. MINING TO COMMENCE ON AN AS NEEDED BASIS.
 4. RECLAMATION IS REQUIRED PRIOR TO MINE CLOSE OUT.
 5. NO PERMANENT STRUCTURES OR PERMANENT EMPLOYEES ARE PROPOSED ON SITE.
 6. BUFFERS SHALL BE NATURAL VEGETATION SUPPLEMENTED WITH PLANTINGS AS NECESSARY TO MEET UDO REQUIREMENTS.
 7. ALL REQUIREMENTS OF SECTION 5.3.7.G.VF THE UDO SHALL BE MET.
 8. MINE OPERATOR SHALL USE A WATER TRUCK TO CONTROL DUST ALONG THE HAUL ROAD AS NECESSARY.
 9. A SEPARATE PARCEL WILL BE CREATED FOR THE MINE AREA.

CATEGORY	AFFECTED ACREAGE
TAILINGS/SEDIMENT PONDS	0
STOCKPILES	0
WASTEPILES	0
PROCESSING AREA/ HAUL ROADS	.33 AC
MINE EXCAVATION	16.83 AC
OTHER (EXPLAIN)	0
TOTAL DISTURBED ACREAGE	17.16 AC
PROPOSED PARCEL ACREAGE	19.91 AC

LEGEND	
	PROPERTY LINE
	LIMITS OF EXCAVATION
	WETLANDS AREA

SCALE: 1" = 200'



SYMBOL	DATE	DESCRIPTION	BY
		REVISIONS	

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OVERALL MINE MAP
KING SAND MINE
LUDLUM ROAD
BRUNSWICK COUNTY, NORTH CAROLINA

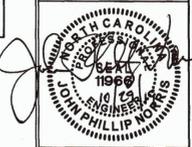
OWNER:
KING CAROLINA
PROPERTIES, LLC

NORRIS & TUNSTALL
CONSULTING ENGINEERS P.C.
902 MARKET STREET
WILMINGTON, NC 28401
PHONE (910) 343-9653
1429 ASHLITTLE RIVER RD, NW
ASH, NC 28620
PHONE (910) 281-5900

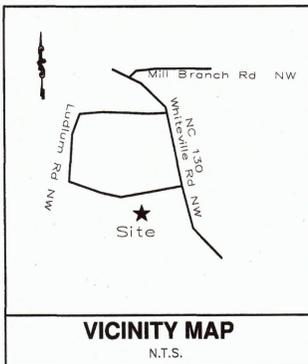
License #C-3641

18011

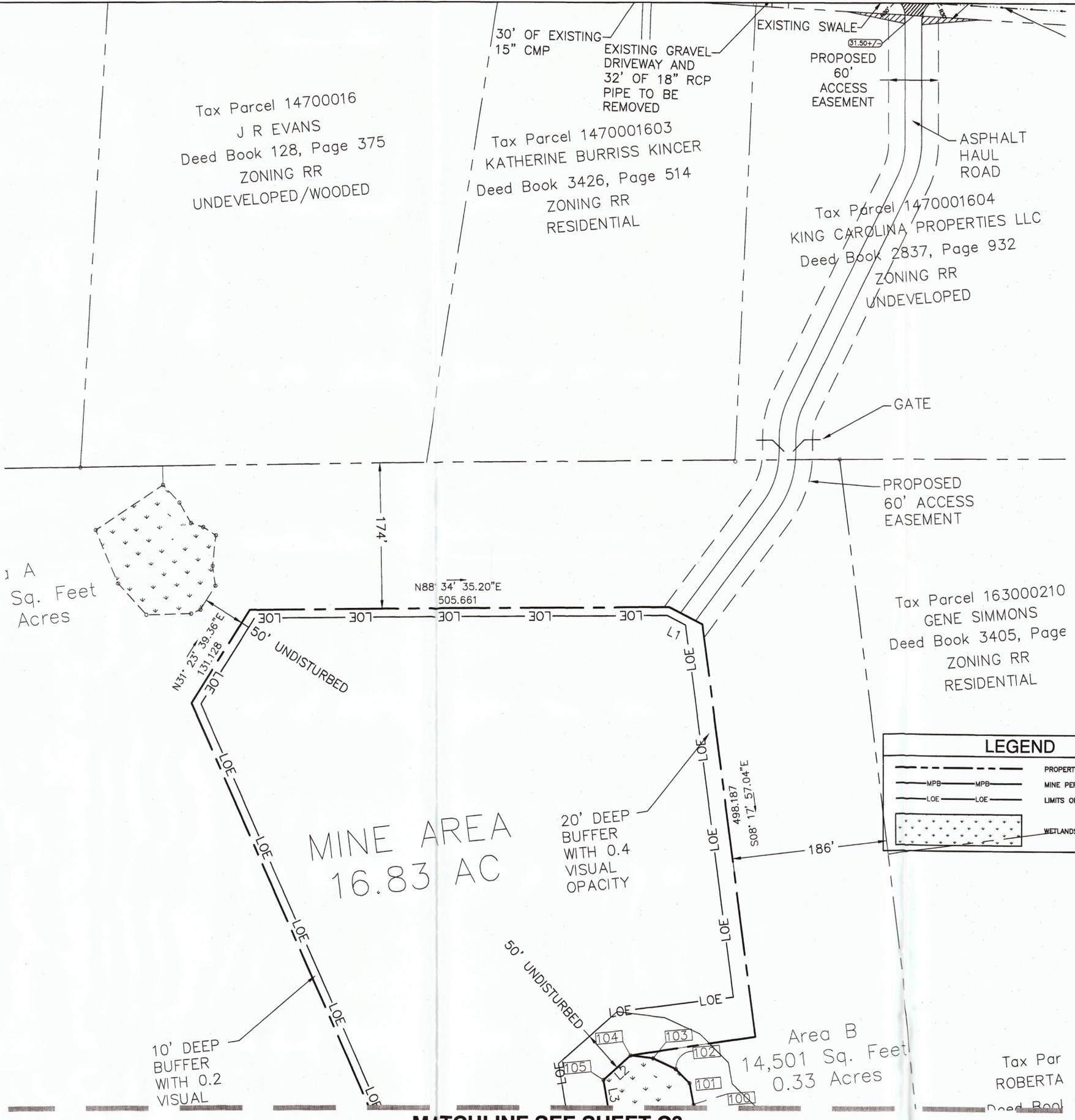
DES. JPN
CHK. JPN
DRWN. ZAC
DATE 03/13/19



C1

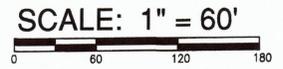


- NOTES:**
1. A PORTION OF TAX PARCEL 1470001604 WILL BECOME A 30' ACCESS EASEMENT FOR BOTH MINES, AND A PORTION OF MINE 1 WILL HAVE A 30' ACCESS EASEMENT FOR MINE 2.
 2. MINES SHALL COMPLY WITH THE FOLLOWING BUFFER REGULATIONS:
 - A. RR ZONING TO RR ZONING UNDEVELOPED WILL REQUIRE A 10' DEEP BUFFER WITH 0.2 VISUAL OPACITY.
 - B. RR ZONING TO RR ZONING EXISTING RESIDENTIALLY DEVELOPED WILL REQUIRE A BUFFER WITH 0.4 VISUAL OPACITY, WHICH WILL BE 20' IN DEPTH, UNLESS THE DEPTH IS REDUCED BY ADDING A 6-FOOT FENCE OR WALL.
 3. MINING TO COMMENCE ON AN AS NEEDED BASIS.
 4. RECLAMATION IS REQUIRED PRIOR TO MINE CLOSE OUT.
 5. NO PERMANENT STRUCTURES OR PERMANENT EMPLOYEES ARE PROPOSED ON SITE.
 6. BUFFERS SHALL BE NATURAL VEGETATION SUPPLEMENTED WITH PLANTINGS AS NECESSARY TO MEET UDO REQUIREMENTS.
 7. ALL REQUIREMENTS OF SECTION 5.3.7.G.VF THE UDO SHALL BE MET.
 8. MINE OPERATOR SHALL USE A WATER TRUCK TO CONTROL DUST ALONG THE HAUL ROAD AS NECESSARY.
 9. A SEPARATE PARCEL WILL BE CREATED FOR EACH MINE AREA.



LEGEND

	PROPERTY LINE
	MINE PERMIT BOUNDARY
	LIMITS OF EXCAVATION
	WETLANDS AREA



MATCHLINE SEE SHEET C3



SYMBOL	DATE	DESCRIPTION	BY
		REVISIONS	

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PROPOSED MINE AREA
KING SAND MINE - BOA CASE 18-16S (#2)
6376 LUDLUM ROAD NW, ASH NC 28420
BRUNSWICK COUNTY, NORTH CAROLINA

OWNER:
KING CAROLINA PROPERTIES, LLC

NORRIS & TUNSTALL
CONSULTING ENGINEERS P.C.
902 MARKET STREET
WILMINGTON, NC 28401
PHONE (910) 343-9633

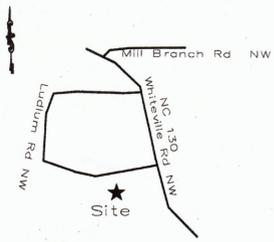
Licence #C-3641

18011

DES. JPN
CHK. JPN
DRWN. ZAC

DATE 03/13/19

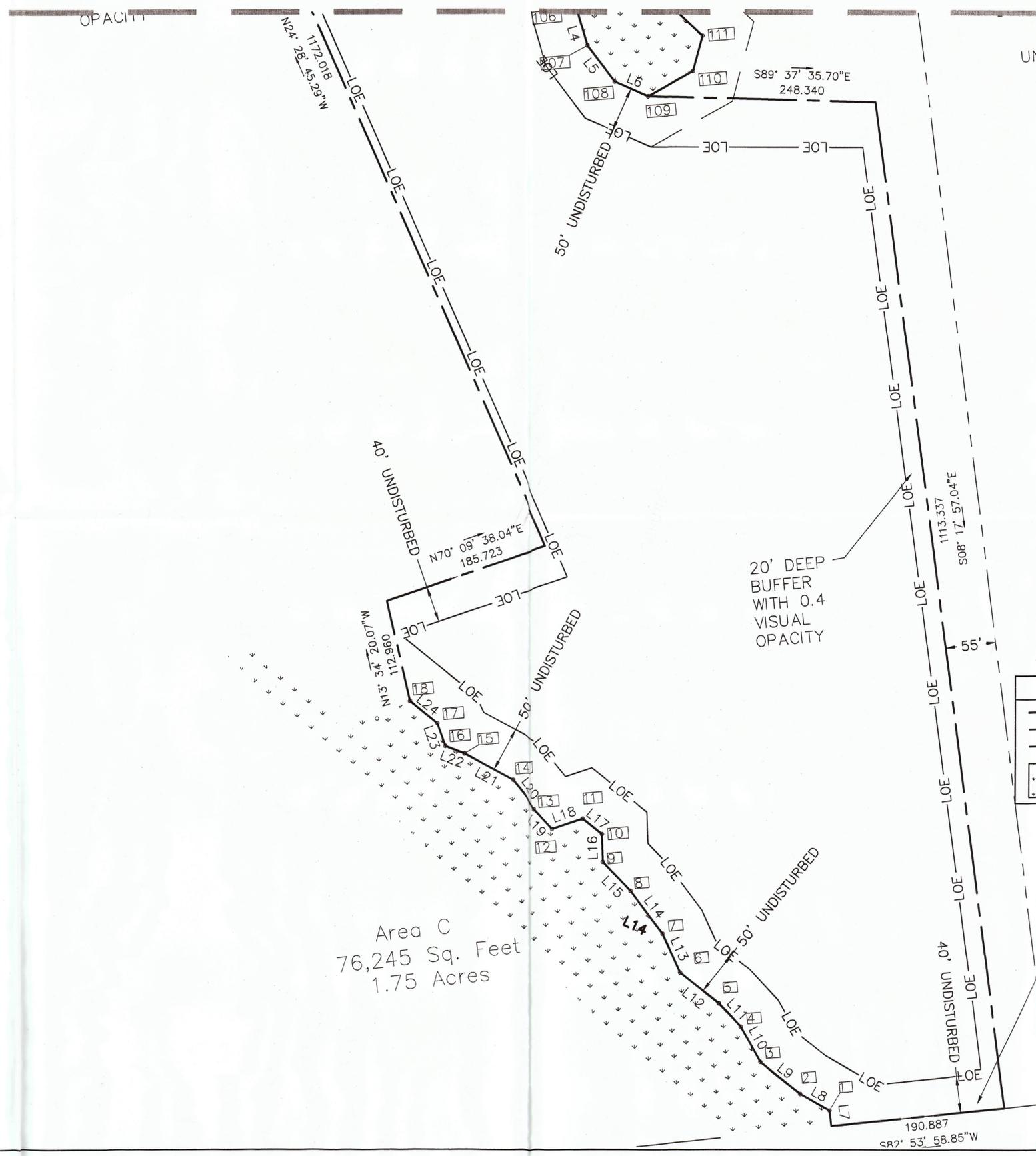
C2



VICINITY MAP
N.T.S.

- NOTES:**
1. A PORTION OF TAX PARCEL 1470001804 WILL BECOME A 30' ACCESS EASEMENT FOR BOTH MINES, AND A PORTION OF MINE 1 WILL HAVE A 30' ACCESS EASEMENT FOR MINE 2.
 2. MINES SHALL COMPLY WITH THE FOLLOWING BUFFER REGULATIONS:
 - A. RR ZONING TO RR ZONING UNDEVELOPED WILL REQUIRE A 10' DEEP BUFFER WITH 0.2 VISUAL OPACITY.
 - B. RR ZONING TO RR ZONING EXISTING RESIDENTIALLY DEVELOPED WILL REQUIRE A BUFFER WITH 0.4 VISUAL OPACITY, WHICH WILL BE 20' IN DEPTH, UNLESS THE DEPTH IS REDUCED BY ADDING A 6-FOOT FENCE OR WALL.
 3. MINING TO COMMENCE ON AN AS NEEDED BASIS.
 4. RECLAMATION IS REQUIRED PRIOR TO MINE CLOSE OUT.
 5. NO PERMANENT STRUCTURES OR PERMANENT EMPLOYEES ARE PROPOSED ON SITE.
 6. BUFFERS SHALL BE NATURAL VEGETATION SUPPLEMENTED WITH PLANTINGS AS NECESSARY TO MEET UDO REQUIREMENTS.
 7. ALL REQUIREMENTS OF SECTION 5.3.7.G.VF THE UDO SHALL BE MET.
 8. MINE OPERATOR SHALL USE A WATER TRUCK TO CONTROL DUST ALONG THE HAUL ROAD AS NECESSARY.
 9. A SEPARATE PARCEL WILL BE CREATED FOR EACH MINE AREA.

MATCHLINE SEE SHEET C2



LEGEND

	PROPERTY LINE
	MINE PERMIT BOUNDARY
	LIMITS OF EXCAVATION
	WETLANDS AREA



SCALE: 1" = 60'

SYMBOL	DATE	DESCRIPTION	BY
		REVISIONS	

© 2018 NORRIS & TUNSTALL
PROPOSED MINE AREA
KING SAND MINE - BOA CASE 18-17S (#2)
 6380 LUDLUM ROAD NW, ASH NC 28420
 BRUNSWICK COUNTY, NORTH CAROLINA

OWNER:
 KING CAROLINA
 PROPERTIES, LLC

NORRIS & TUNSTALL
 CONSULTING ENGINEERS P.C.
 902 MARKET STREET
 WILMINGTON, NC 28401
 PHONE (910) 343-9653
 1429 ASH-LITTLE RIVER RD. NW
 ASH, NC 28420
 PHONE (910) 287-5900

Licence #C-3641
18011
 DES. JPN
 CVD. JPN
 DRWN. ZAC
 DATE 03/13/19



C3

TEMPORARY/PERMANENT GRASS SPECIFICATION

- CHISEL COMPACTED AREAS AND SPREAD TOPSOIL 3 INCHES DEEP OVER ADVERSE SOIL CONDITIONS.
- RIP THE ENTIRE AREA TO A 8 INCH DEPTH.
- REMOVE ALL ROCKS, ROOTS AND OTHER OBSTRUCTIONS LEAVING SURFACES SMOOTH AND UNIFORM.
- APPLY AGRICULTURAL LIME AND FERTILIZER UNIFORMLY AND MIX WITH SOIL.
LIME: 45 LBS. PER 1000 S.F.
PHOSPHORUS: 20 LBS PER 1000 S.F.
FERTILIZER: 17 LBS. PER 1000 S.F.
- CONTINUE TILLAGE UNTIL A WELL PULVERIZED, FIRM, UNIFORM SEED BED IS PREPARED 4-8 INCHES DEEP.
- SEED ON A FRESHLY PREPARED SEED BED AND COVER SEED LIGHTLY.
2 - 3 LBS PER 1000 S.F. (SEE MIXTURE BELOW)
- MULCH IMMEDIATELY AFTER SEEDING AND ANCHOR MULCH.
STRAW & HAY AT 75 TO 100 LBS PER 1000 S.F.
GRAIN CHIPS AT 500 LBS. PER 1000 S.F.
JUTE & WESH AS PER MANUFACTURER
- ASPHALT FOR ANCHORING MULCH SHALL BE TYPE SS-1 EMULSION AND APPLIED AT A RATE OF 1000 GAL. PER ACRE FOR SLOPE STABILIZATION, AND 150 GAL. PER TON OF STRAW FOR ANCHORING STRAW.
- INSPECT ALL SEEDING AREAS AND MAKE NECESSARY REPAIRS OR RESEED WITHIN THE PLANTING SEASON, IF POSSIBLE. IF GRASS STAND SHOULD BE OVER 60% DAMAGED, REESTABLISH FOLLOWING ORIGINAL LIME, FERTILIZER AND SEEDING RATES.
- CONSULT CONSERVATION INSPECTOR ON MAINTENANCE, TREATMENT, AND FERTILIZATION AFTER PERMANENT COVER IS ESTABLISHED.
- SEED FOR TEMPORARY AND PERMANENT APPLICATIONS SHALL BE:
20% CARPET GRASS
24% BERMUDA GRASS
20% TURF FESCUE 10% CREEPING RED FESCUE
24% ANNUAL RYE GRASS
*BERMUDA SEED SHALL BE HULLED FOR WARM WEATHER PLANTING. PURITY OF SEED SHALL BE A MIN. OF 98% AND GERMINATION SHALL BE A MIN. OF 85%.

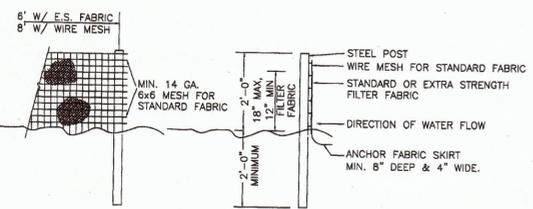
ALL DISTURBED AREA SHALL BE SEED WITHIN 15 DAYS OF THE COMPLETION OF GRADING. CONSULT CONSERVATION ENGINEER OR SOIL CONSERVATION SERVICE FOR ADDITIONAL INFORMATION CONCERNING OTHER ALTERNATIVES FOR VEGETATION OF DENuded AREAS. THE ABOVE VEGETATION RATES ARE THOSE WHICH DO WELL UNDER LOCAL CONDITIONS, OTHER SEEDING SCHEDULES MAY BE POSSIBLE.

NPDES STABILIZATION TIMEFRAMES		
SITE AREA DESCRIPTION	STABILIZATION	TIMEFRAME EXCEPTIONS
PERIMETER DIKES, SWALES, DITCHES AND SLOPES	7 DAYS	NONE
HIGH QUALITY WATER (HWQ) ZONES	7 DAYS	NONE
SLOPES STEEPER THAN 3:1	7 DAYS	IF SLOPES ARE 10' OR LESS IN LENGTH AND ARE NOT STEEPER THAN 2:1, 14 DAYS ARE ALLOWED
SLOPES 3:1 OR FLATTER	14 DAYS	7 DAYS FOR SLOPES GREATER THAN 50' IN LENGTH
ALL OTHER AREAS WITH SLOPES FLATTER THAN 4:1	14 DAYS	NONE, EXCEPT FOR PERIMETERS AND HWQ ZONES

PUMPING SPECIFICATIONS:

MAKE	GODWIN
SIZE	4"
HOURS OF OPERATION	M-F 7AM-5PM
NEAREST WELL	N/A

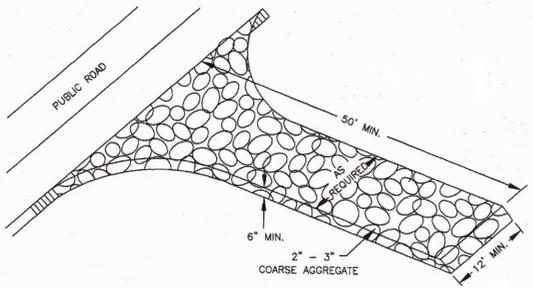
EROSION CONTROL NOTES AND MAINTENANCE PLAN
 1. ALL EROSION AND SEDIMENT CONTROL MEASURES WILL BE CHECKED FOR STABILITY AND OPERATION FOLLOWING EVERY RUNOFF-PRODUCING RAINFALL, BUT IN NO CASE, LESS THAN ONCE EVERY WEEK AND WITHIN 24 HOURS OF EVERY HALF-INCH RAINFALL.
 2. ALL POINTS OF EGRESS WILL HAVE CONSTRUCTION ENTRANCES THAT WILL BE PERIODICALLY TOP-DRESSED WITH AN ADDITIONAL 2 INCHES OF #4 STONE TO MAINTAIN PROPER DEPTH. THEY WILL BE MAINTAINED IN A CONDITION TO PREVENT MUD OR SEDIMENT FROM LEAVING THE SITE. IMMEDIATELY REMOVE OBJECTIONABLE MATERIAL SPILLED WASHED OR TRACKED ONTO THE CONSTRUCTION ENTRANCE OR ROADWAYS.
 3. ALL SEEDING AREAS WILL BE FERTILIZED, RESEED AS NECESSARY, AND MULCHED, ACCORDING TO SPECIFICATIONS IN THE VEGETATIVE PLAN, TO MAINTAIN A VIGOROUS, DENSE VEGETATIVE COVER. ALL SLOPES WILL BE STABILIZED WITHIN 21 CALENDAR DAYS. ALL OTHER AREAS WILL BE STABILIZED WITHIN 15 WORKING DAYS. WATER QUALITY REQUIRES ALL SEEDING AREAS WILL BE FERTILIZED, RESEED AS NECESSARY AND MULCHED ACCORDING TO SPECIFICATIONS IN THE VEGETATIVE PLAN TO MAINTAIN A VIGOROUS, DENSE VEGETATIVE COVER. ALL PERIMETER DIKES, SWALES, HORIZONTAL TO 'DITCHES, PERIMETER SLOPES, ALL SLOPES STEEPER THAN 3 VERTICAL (3:1) AND ALL HIGH QUALITY WATER (HWQ) ZONES SHALL BE '1 PROVIDED TEMPORARY OR PERMANENT STABILIZATION WITH GROUND COVER AS SOON AS PRACTICABLE BUT IN ANY EVENT WITHIN SEVEN (7) CALENDAR DAYS FROM THE LAST LAND-DISTURBING ACTIVITY. ALL OTHER DISTURBED AREAS SHALL BE PROVIDED TEMPORARY OR PERMANENT STABILIZATION WITH GROUND COVER AS SOON AS PRACTICABLE BUT IN ANY EVENT WITHIN FOURTEEN (14) CALENDAR DAYS FROM THE LAST LAND-DISTURBING ACTIVITY.



- NOTES:
 1. SYN. FENCE FABRIC SHALL BE MIN. OF 30" IN WIDTH WITH 30 LB/IN TENSILE STRENGTH FOR STANDARD FABRIC AND 50 LB/IN FOR EXTRA STRENGTH.
 2. FABRIC SHALL BE CONTINUOUS LENGTH. IF JOINTS ARE NECESSARY, LAP FABRIC POST TO POST.
 3. STEEL POST SHALL BE MIN 4" IN HEIGHT AND BE OF THE SELF-FASTENER STEEL ANGLE TYPE.

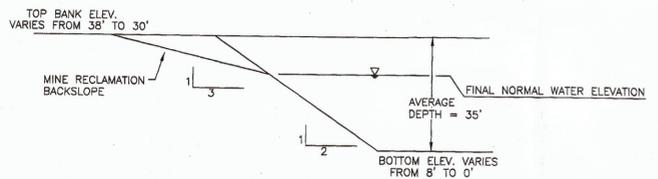
TEMPORARY SILT FENCE

NTS



TEMPORARY GRAVEL CONSTRUCTION ENTRANCE

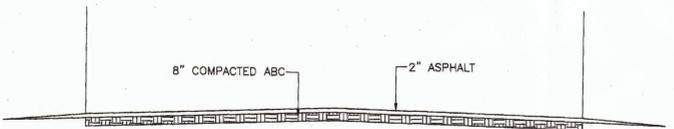
NTS



MINE SLOPE & RECLAMATION CROSS SECTION

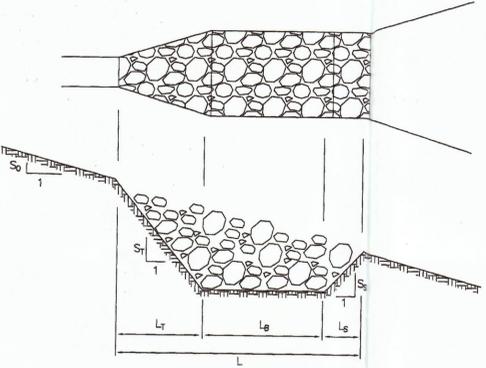
NTS

- NOTES:
 1. DEPTH OF MINE WILL BE DICTATED BY SUITABLE MATERIAL.
 2. AT RECLAMATION ALL BANKS ABOVE NORMAL WATER WILL BE SLOPED & GRADED AT 4:1 & STABILIZED WITH GRASSING.



HAUL ROAD SECTION

NTS



STILLING BASIN CONSTRUCTION

NTS

SYMBOL	DATE	DESCRIPTION	BY
		REVISIONS	

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DETAILS

KING SAND MINE
LUDLUM ROAD
BRUNSWICK COUNTY, NORTH CAROLINA

OWNER:
 BRANDON HARDEE
 131 HOUGHTON PLACE SW
 SUNSET BEACH, NC 28468
 910-443-1067

NORRIS & TUNSTALL
 CONSULTING ENGINEERS P.C.

1429 ASHLITTLE RIVER RD. NW
 ASH, NC 28420
 PHONE (910) 287-5900

902 MARKET STREET
 WILMINGTON, NC 28401
 PHONE (910) 345-9653

Licence #C-3641

18011

DES. JPN
 CKD. JPN
 DRWN. ZAC

DATE 10/2/18



C4

**BRUNSWICK COUNTY
SPECIAL USE PERMIT
FINDINGS OF FACT WORKSHEET**

Application No. 19-17S

Applicant: Brandon Hardee dba King Sand Mine

Property Location: 6380 Ludlum Road, Ash NC 28420

Zoning District: RR **Land Use Classification:** Low Density Residential

Surrounding Zoning: North: RR, South: RR & R-7500, East: RR, West: RR & R-7500

Proposed Use of Property: Class I Mining Operation

FINDINGS OF FACT

Having heard all of the evidence and arguments presented at the hearing, the Board of Adjustment, at its regular meeting, determined that application is complete / incomplete and finds:

I. WHETHER THE PROPOSED USE IS IN HARMONY WITH THE AREA AND NOT SUBSTANTIALLY INJURIOUS TO THE VALUE OF PROPERTIES IN THE GENERAL VICINITY:

Yes

No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

II. WHETHER THE USE IS IN CONFORMANCE WITH ALL SPECIAL REQUIREMENTS APPLICABLE TO THE USE:

Yes

No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

**BRUNSWICK COUNTY
SPECIAL USE PERMIT
FINDINGS OF FACT WORKSHEET**

Application No. 19-17S

III. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL NOT ADVERSELY AFFECT THE HEALTH AND SAFETY OF THE PUBLIC:

- Yes
- No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

IV. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL ADEQUATELY ADDRESS THE TWELVE (12) REVIEW FACTORS IDENTIFIED IN SECTION 3.3.9.B. OF THE BRUNSWICK COUNTY UNIFIED DEVELOPMENT ORDINANCE:

- Yes
- No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

V. DECISION:

1. MOTION TO GRANT PERMIT:

“I move that we GRANT the special exception because the proposed use, if developed as proposed and subject to the conditions imposed below:

- a) **will be in harmony with the area and not substantially injurious to the value of properties in the general vicinity,**
- b) **will be in conformance with all special requirements applicable to the use,**
- c) **will not adversely affect the health and safety of the public, and**
- d) **will adequately address the twelve (12) review factors identified in Section 3.3.9.B. of the Brunswick County Unified Development Ordinance.”**

**BRUNSWICK COUNTY
SPECIAL USE PERMIT
FINDINGS OF FACT WORKSHEET**

2. MOTION TO DENY PERMIT: (state all that are applicable)

“I move that we DENY the special exception permit because the proposed use, if developed as proposed:

- a) **will not be in harmony with the area and not substantially injurious to the value of properties in the general vicinity, and/or**
- b) **will not be in conformance with all special requirements applicable to the use, and/or**
- c) **will adversely affect the health and safety of the public, and/or**
- d) **does not adequately address the twelve (12) review factors identified in Section 3.3.9.B. of the Brunswick County Unified Development Ordinance.”**

CONDITIONS:

- 1. That the development shall proceed in conformity with all plans and design features submitted as part of the special use permit application and kept on file by the Brunswick County Planning Department.
- 2. That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
- 3. That if the specified conditions addressed in this special use permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.
- 4. _____

- 5. _____

- 6. _____

**COUNTY OF BRUNSWICK
ZONING BOARD OF ADJUSTMENT**

For Office Use Only File# _____

Special Exception Permit Application Form

Application Number 19-185 Date November 12, 2019
Application Fee ~~\$250.00~~ \$300.00 Receipt # 223444
Date of Meeting December 12, 2019 Application Deadline November 14, 2019

Applicant Hot Mix, Inc. Owner Hot Mix, Inc.
Address 3370 Mount Pisgah Cemetary Rd. Address 3370 Mount Pisgah Cemetary Rd
Conway, SC 29526 Conway, SC 29526
Telephone (H) 843-369-7283 (O) _____ Telephone (H) 843-369-7283 (O) _____
Relationship of Applicant to Owner Same
Property Street Address 1151 Whiteville Road, Brunswick County - NC
Tax Map # 18000006 Lot Dimensions 34.84 ac. Zoning CI
Proposed Use of Property C & D Recycling Center

PLEASE ENCLOSE WITH APPLICATION:

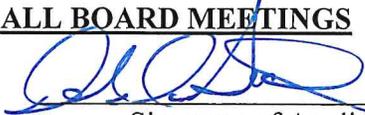
1. A **detailed statement of all proposed uses** of the property (Attach separate sheet).
2. Site plan showing all buildings, outdoor facilities, parking lots, all signs, proposed lighting, sanitation facilities, and utilities. (Attach separate sheet.) Site plan must include dimensions of parcel of land dimensions of existing structures and/or proposed structures including setbacks, i.e., distance from adjacent properties.
3. Detailed plan for any amplification or other entertainment equipment located outdoors.
4. In the space below, please indicate whether the proposed project will or will not substantially injure the value of adjoining or abutting property.
The subject project location is currently zoned CI and is undeveloped. The adjoining parcels on the interior are all zoned CI with only the bordering properties being zoned RR. These parcels zoned RR are all currently vacant but will be sufficiently buffered as to not degrade their value. The property about 1500 ft North of the proposed development is Shallotte Business Park which consists of lumber yards, metal fabrications shops, cement plant, etc. which is in line with this proposed development.
The project as proposed will not injure the value of adjoining or abutting property.

5. Other information and documents, as requested.

- **APPROPRIATE FEE MUST ACCOMPANY ALL APPLICATIONS.**
- **PROVIDE 1 ORIGINAL AND 12 COPIES OF ALL ATTACHMENTS TO BE INCLUDED AS PART OF THE APPLICATION DOCUMENT.**

REPRESENTATION IS REQUIRED AT ALL BOARD MEETINGS

DATE November 12, 2019



Signature of Applicant

ORIGINAL



East Coast Engineering & Surveying, P.C.

ENGINEERS • PLANNERS • SURVEYORS

PROPOSED USES

for

Express Recovery

Shallotte, North Carolina

East Coast Engineering & Surveying, P.C.

Express Recovery is a recycling center located about 2 miles up Whiteville Rd from US17 on the left. The tax ID number for the property 18000006. The total project area is 34.84 acres, and is currently undeveloped, woodlands..

The Solid Waste Management Facility will operate under a permit granted by the NCDEQ – Solid Waste Division. NCDEQ Permit # 1011-mwp-2017, Express Recovery Center was originally approved in February 17, 2017, and extended on November 1, 2019. Express Recovery Center, in accordance with the above mentioned permit, plans to receive the following waste materials: broken asphalt & concrete, untreated wood, metals, plastics, drywall, shingles, carpet & padding, and clean soil. The site will not accept any hazardous or non-permitted waste.

CASE 19-18S

ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
18000001	SLOANE WILLA RAE	1769 HARBORAGE DR SW #E	OCEAN ISLE BEACH	NC	28469
1810001001	WHITE ROBERT H	P O BOX 40	SHALLOTTE	NC	28459
1800000203	KING ALEXANDER ETUX SAUNDRA	PO BOX 754	SHALLOTTE	NC	28459
180000003	STATE OF NORTH CAROLINA	3441 ARENELL STREET	MOREHEAD CITY	NC	28557
180000008	BRUNSWICK ELECTRIC MEMBERSHIP CORP	P O BOX 826	SHALLOTTE	NC	28459
180000007	GARLAND ENTERPRISES LLC	PO BOX 6309	OCEAN ISLE BEACH	NC	28469
1800000601	GARLAND ENTERPRISES LLC	743 HOLLYBRIAR LOOP RD	BOLIVIA	NC	28422-4001
1800000204	HILL JOHN HENRY	6 EDINBURGH DR	SHALLOTTE	NC	28470-4725
180000005	MARY H JAMES REVOCABLE TRUST THE	2059 CROSS KEYS HWY	UNION	SC	29379-9219
196000019	BRUNSWICK TIMBER LLC	15 PIEDMONT CTR NE SUITE 125C ATLANTA	ATLANTA	GA	30305-1527
181000006	BRUNSWICK TIMBER LLC	15 PIEDMONT CTR NE SUITE 125C ATLANTA	ATLANTA	GA	30305-1527

OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
180000006	HOT MIX INC	3370 MT PISGAH CEMETRY RD	CONWAY	SC	29526-5357

APPLICANT(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
180000006	HOT MIX INC	3370 MT PISGAH CEMETRY RD	CONWAY	SC	29526-5357

Brunswick County Board of Adjustment

Special Use Permit
Case 19-18S

CO=COUNTY JURISDICTION
SH=SHALLOTTE JURISDICTION

18000005

18000001

180000203

180000204

WHITEVILLERD NC130

Shalotte

Whiteville

1800003

1800008

180000601

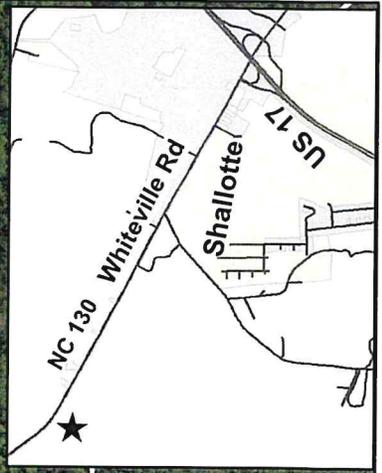
1800007

1810001001

18100006

19600019

Project Site
Parcel #18000006



Brunswick County Board of Adjustment

Special Use Permit
Case 19-18S

CO=COUNTY JURISDICTION
SH=SHALLOTTE JURISDICTION

CO-RR

18000001

SH-RM-10

SH-LI

WHITEVILLE RD NC 130
Shallotte ->

1800000203
1800000204

1810001001

18100006

<- Whiteville

18000005

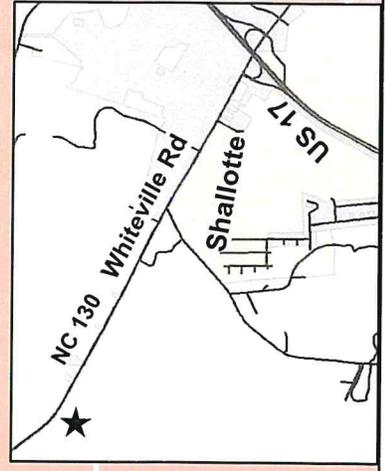
18000007
180000601
18000008

CO-CI

19600019

CO-RR

Project Site
Parcel #18000006



**BRUNSWICK COUNTY BOARD OF ADJUSTMENT
SPECIAL USE PERMIT
STAFF REPORT**

December 12, 2019

Application No. 19-18S

Applicant: Hot Mix, Inc.

Property Location: 1151 Whiteville Road, Shallotte NC 28470

Parcel Number: 18000006

Zoning District: Commercial Intensive (C-I)

Intent: “The C-I District is intended for uses which require close access to major highways. Anticipated uses include those which are necessary to service more intensive commercial and industrial districts, such as warehousing, storage, moving, service and repair, distribution, wholesaling, marketing of specialty goods and light manufacturing plants.”

Surrounding Zoning: **North:** C-I; RR **South:** RR
 East: C-I; RR **West:** RR

Proposed Use of Property: Public or Private Waste Disposal Site, Recycling Non-Hazardous Solid or Liquid

The application was submitted to the Brunswick County Planning Department on November 12, 2019.

Hot Mix, Inc., requests to develop a Waste Disposal Site recycling non-hazardous solid or liquid at the above referenced location. The Brunswick County Future Land Use Plan designates the subject parcel as Low Density Residential. The proposed use is only permissible in the C-I Zoning District with Special Use Permit approval by the Brunswick County Board of Adjustment. On April 14, 2016 an identical application was made for this site and was approved by the Board of Adjustment with a three-year vested right period. Because the project did not begin during this time period and the applicant did not ask for an extension, a new project was required to be submitted for review and approval by the Board of Adjustment.

Approval Criteria – Section 3.3.9.B:

1. **Circulation:** All access to the site will occur from Whiteville Road (NC 130). A revised driveway permit may be required. The applicant has notified the North Carolina Department of Transportation (NCDOT) of the proposed use and has provided the Brunswick County Planning Department with documentation from NCDOT stating improvements will not be necessary.
2. **Parking and Loading:** Per Section 6.12.6.A. of the Brunswick County Unified Development Ordinance (UDO), one (1) parking space per 500 square feet of enclosed area plus (1) space per 5,000 square feet of outside storage area is required for all waste related services. Additionally, one (1) parking space per 300 square feet of enclosed floor area is required for offices. A total of seventeen (17) parking spaces are required. Seventeen (17) parking spaces are delineated on the site plan.
3. **Service Entrances and Areas:** All service vehicles will access the subject property from Whiteville Road. (NC 130).
4. **Lighting:** Outdoor lighting is not planned at this time. Any new outdoor lighting must meet the lighting requirements stated in Section 6.9. "Outdoor Lighting" of the UDO prior to installation.
5. **Signs:** Any signage must meet the requirements of Article 8, Signs of the UDO prior to installation. Signage is a separate permitting process.
6. **Utilities:** Water will be provided by Brunswick County. The applicant has applied for a septic system, with the proposed location shown on the site plan.
7. **Open Space:** There are no separate open space requirements for this use.
8. **Environmental Protection:** The applicant must meet all applicable Federal, State and Local Government requirements.
9. **Screening, Buffering and Landscaping:** A 20' deep street buffer adjacent to Whiteville Road will be necessary. The applicant must install one (1) canopy tree or two (2) understory trees per one hundred (100) linear feet for all portions of the property fronting Whiteville Road. Add one canopy tree to the 210.15' interval within the street buffer, as only one (1) canopy tree is shown to be within the buffer.

Project boundary buffers of 0.6 or 0.8 opacity, depending upon whether the adjacent parcel is developed, will be required around Tax Parcel 18000003, and adjacent to Tax Parcels 18000005; 19600019; 18100006; and 18100010. The buffer depths are denoted on the site plan. The project boundary buffer around Tax Parcel 18000003 is 0.8 opacity or 50' as the property is developed. Use of existing vegetation is permissible but must be documented. A project boundary buffer will not be necessary adjacent to Tax Parcels 18000007, 180000601, 18000008 and 1810001001 because they are zoned C-I, as is the subject parcel.

10. **Effect on Adjoining Property:** The effect on some of the adjoining property is lessened by the buffer requirements and the requirement that the proposed driveway and off-street parking surfaces must be washed stone or some other type of dustless material. A portion of the property has been designated as 404 wetlands, which will limit development in those areas.
11. **Compatibility:** The proposed use is permissible in the C-I Zoning District with Special Use Permit approval by the Board of Adjustment.
12. **Impacts on Military Installations:** The proposed Special Use not within five (5) miles of a military installation.

Additional Approval Criteria (Section 5.3.7.I.) Public or Private Waste Disposal Site, Non-Hazardous Solid or Liquid

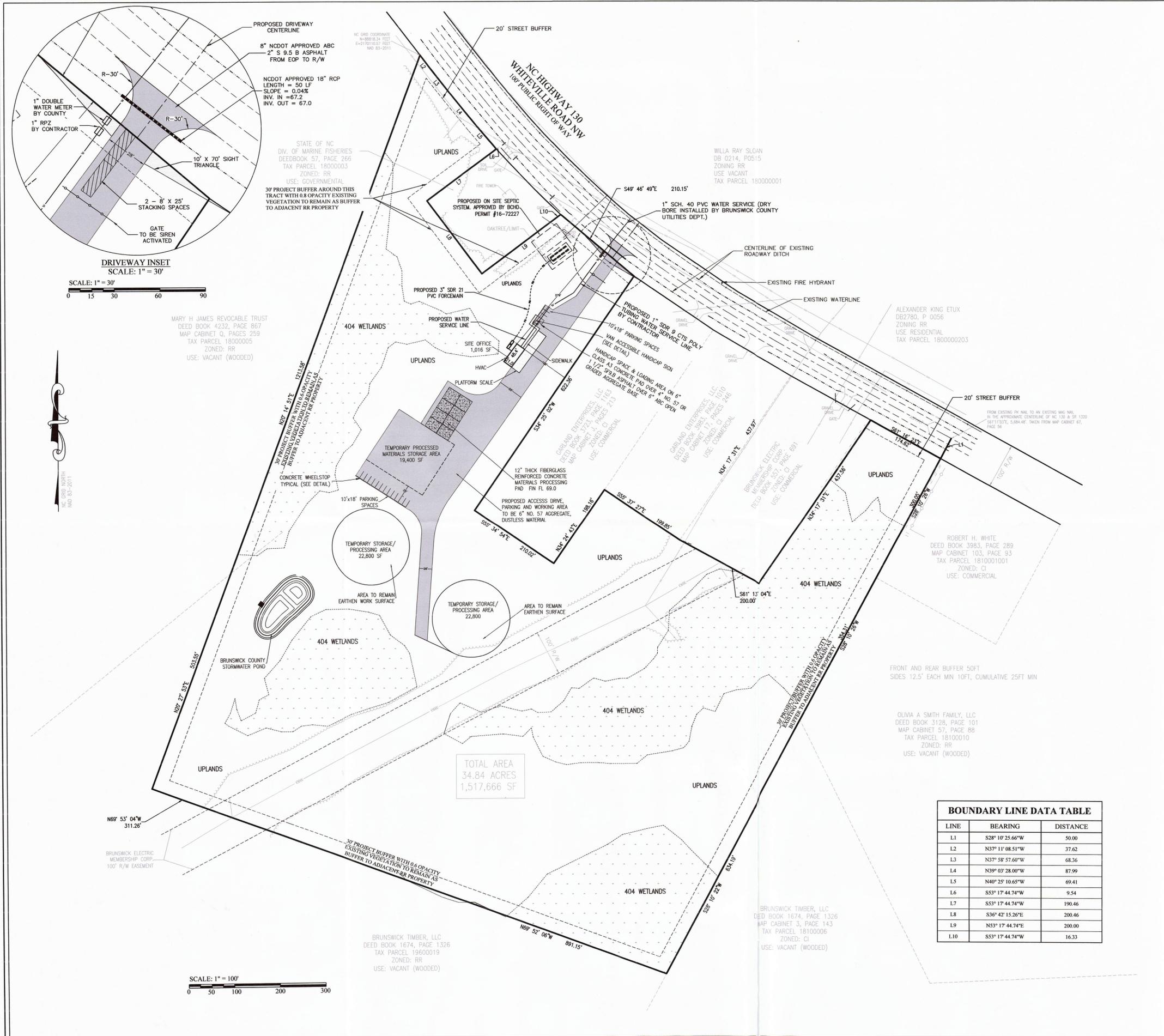
Public or private non-hazardous solid or liquid waste disposal sites (including municipal waste) shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. No waste material deposited in the waste disposal site may originate outside of the County borders. **Applicant is aware of this requirement.**
2. All federal, state, and local guidelines and regulations regarding site design, construction, and operation shall apply. **Applicant is aware of this requirement.**

Conditions:

If approved, this development shall have a vested right for a period of three years. A two-year extension may be requested by the applicant to the Brunswick County Board of Adjustment.

1. The development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO).
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the special use application and kept on file by the Brunswick County Planning Department.
3. The applicant must comply with all requirements specific to this use outlined in Section 5.3.7.I. of the Brunswick County UDO. No waste material deposited in the waste disposal site may originate outside of the County borders. All federal, state, and local guidelines and regulations regarding site design, construction, and operation of the facility shall apply.
4. The applicant must apply for and receive a driveway permit from the North Carolina Department of Transportation (NCDOT).
5. Any Outdoor Lighting installed on the property must meet the requirement outlined in Section 6.9. of the UDO.
6. The applicant must comply with all Federal, State and Local requirements related to this use.
7. If the specified conditions addressed in this special use permit are violated, the permit shall be revoked, and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.



OWNER INFORMATION:

PROPERTY OWNER: HOT MIX, INC.
3370 MT PISGAH CEMETERY ROAD
CONWAY, SC 29526-5337

PROPERTY INFORMATION:

TAX PARCEL NUMBER: 18000007
DEED REFERENCE: BOOK 3759, PAGE 117

PROPERTY ADDRESS: 1151 WHITEVILLE ROAD NW
SHALLOTTE, NC 28470

SITE AREA: 34.84 ACRES (1,517,666 SF)

CURRENT ZONING: COMMERCIAL-INTENSIVE (CI)
MINIMUM LOT AREA: 20,000 SF (WITHOUT WATER AND SEWER)
MINIMUM LOT WIDTH: 100 FEET

BUILDING SETBACKS:
FRONT YARD-50', REAR YARD-50', SIDES-10', STREET SIDE-10'
MAXIMUM BUILDING HEIGHT: 50'

CURRENT USE: VACANT
PROPOSED USE: PUBLIC WASTE DISPOSAL, SITE RECYCLING NON HAZARDOUS SOLID WASTE
TOTAL SQUARE FOOTAGE OF OFFICE SPACE: 1,016 (ENCLOSED FLOOR AREA)
TOTAL SQUARE FOOTAGE OF OUTSIDE STORAGE AREA: 65,000

PARKING:
1 PER 300 SF OFFICE AREA: 4 SPACES
1 PER 5,000 SF OUTSIDE STORAGE AREA: 13 SPACES
TOTAL: 17 SPACES
PARKING SPACES PROVIDED: 17 SPACES
(INCLUDING 1 VAN ACCESSIBLE HANDICAP SPACE)

IMPERVIOUS AREA CALCULATIONS:

PROPOSED IMPERVIOUS DRIVEWAY AND PARKING: 80,254 SF
CONCRETE SIDEWALK: 483 SF
BUILDING: 1,016 SF
TOTAL IMPERVIOUS AREA = 81,753 SF (1.88 AC)

AREA OF TRACT = 1,517,666 SF (34.84 AC)
PERCENTAGE OF IMPERVIOUS AREA = 5.38%

NOTES:

- THIS PLAN COMPLIES WITH THE BRUNSWICK COUNTY UNIFIED DEVELOPMENT ORDINANCE.
- ACCORDING TO CURRENT FEMA FLOOD MAP # 3720107800K, THIS PARCEL APPEARS TO BE LOCATED IN THE FOLLOWING ZONE: X.
- THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, COVENANTS, RESTRICTIONS, RIGHT-OF-WAYS OF RECORD, GOVERNMENTAL ORDINANCES AND/OR REQUIREMENTS WHICH MAY LIMIT THE USE OF THIS PROPERTY.
- ALL INTERIOR PLANTINGS SHALL BE BLOCKED FOR PROTECTION.
- THIS MAP DEPICTS 404 WETLANDS AS DELINEATED BY LAND MANAGEMENT GROUP, WILMINGTON NC.
- PROPOSED LIGHTING, IF REQUIRED, SHALL BE INTERNALLY ORIENTED AND MUST MEET THE REQUIREMENTS IN SECTION 6.6 OF THE BRUNSWICK COUNTY U.D.O.
- SIDEWALKS ARE NOT REQUIRED PER BRUNSWICK COUNTY PLANNING.
- LANDSCAPING, LIGHTING, AND BUILDING PLANS TO BE PREPARED BY OTHERS AND PROVIDED BY OWNER.
- TRASH WILL BE DISPOSED OF BY ROLL OUT CART METHOD.
- THE HANDICAP PARKING SPACE AND LOADING AREA SHALL BE ON A CONCRETE PAD PER A.D.A. STANDARDS, 2.00% MAX. SLOPE IN ALL DIRECTIONS, 8' WIDE x 18' LONG HC SPACE, 8' WIDE x 18' LONG LOADING AREA. STRIPING PER LATEST A.D.A. STANDARDS.
- ANY NEW OR PROPOSED SIGNAGE WILL REQUIRE A SEPARATE PERMIT FROM BRUNSWICK COUNTY.
- THIS PLAN SHALL BE REVIEWED BY THE COUNTY STORMWATER ADMINISTRATOR PRIOR TO ISSUANCE OF PERMITS.
- AREA BY COORDINATE METHOD.
- CONTRACTOR SHALL DETERMINE SIZE, DEPTH, AND LOCATION OF EXISTING WATER SERVICE LINE IN FIELD PRIOR TO CONSTRUCTION. CONTACT ENGINEER IF CONFLICTS EXIST.
- CONTRACTOR SHALL COORDINATE RPZ BACKFLOW PREVENTER SIZE, FITTINGS, AND LOCATION WITH THE EXISTING WATER SERVICE LINE. RPZ SHALL NOT BE LOCATED WITHIN 3' OF ANY PARKING, DRIVING, OR WALKING SERVICE. CONTACT ENGINEER IF CONFLICTS EXIST.
- THIS OFFICE WILL BE SERVED BY AN INDIVIDUAL SEPTIC SYSTEM ON SITE, PERMITTED BY THE BRUNSWICK COUNTY HEALTH DEPARTMENT, (BCHD # 16-72227)
- ANTICIPATED WASTE STREAM FLOWING INTO FACILITY TO CONSIST OF BROKEN ASPHALT AND CONCRETE, UNTREATED WOOD, METALS, PLASTICS, DRYWALL, SHINGLES, CARPET AND PADDING, AND CLEAN SOIL.
- SITE WILL OPERATE UNDER PERMIT BY THE N.C. SOLID & HAZARDOUS WASTE DIVISION. (NCDEQ PERMIT # 101-AW9-2017, EXPRESS RECOVERY CENTER.) (BRUNSWICK COUNTY, FID 1360555)
- NO HAZARDOUS OR NON PERMITTED WASTE WILL BE ACCEPTED.
- NO UNCOVERED WASTE SHALL BE ALLOWED TO ACCUMULATE ON SITE.

Revisions

4-4-2016	revised per BCPD commits
4-7-2016	revised per BCPD commits
5-9-2016	revised per BOA approval
11-14-2019	Project name changed, updated property owner, & septic information provided.

East Coast Engineering & Surveying, P.C.
ENGINEERS-PLANNERS-SURVEYORS
4918 Main Street
Post Office Box 2469
Shalotte, North Carolina 28459
Phone: 910.754.8029
Fax: 910.754.8049
Firm License Number C-3014

SITE PLAN
EXPRESS RECOVERY CENTER
CENTER
SHALLOTTE, NORTH CAROLINA

Date: 03-15-2016
Scale: 1"=100'
Drawn By: MGB/JDS
Checked By: JCR

THIS PLAN IS NOT ISSUED FOR CONSTRUCTION WITHOUT AFFIXED CORPORATE SEAL.

C2.0

**BRUNSWICK COUNTY
SPECIAL USE PERMIT
FINDINGS OF FACT WORKSHEET**

Application No. 19-18S

Applicant: Hot Mix, Inc.

Property Location: 1151 Whiteville Road, Shallotte NC 28470

Zoning District: C-I **Land Use Classification:** Low Density Residential

Surrounding Zoning: North: C-I/RR, South: RR, East: CI/RR, West: RR

Proposed Use of Property: "Public or Private Waste Disposal Site, Recycling Non-Hazardous Solid or Liquid"

FINDINGS OF FACT

Having heard all of the evidence and arguments presented at the hearing, the Board of Adjustment, at its regular meeting, determined that application is complete / incomplete and finds:

I. WHETHER THE PROPOSED USE IS IN HARMONY WITH THE AREA AND NOT SUBSTANTIALLY INJURIOUS TO THE VALUE OF PROPERTIES IN THE GENERAL VICINITY:

Yes

No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

II. WHETHER THE USE IS IN CONFORMANCE WITH ALL SPECIAL REQUIREMENTS APPLICABLE TO THE USE:

Yes

No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

**BRUNSWICK COUNTY
SPECIAL USE PERMIT
FINDINGS OF FACT WORKSHEET**

Application No. 19-18S

III. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL NOT ADVERSELY AFFECT THE HEALTH AND SAFETY OF THE PUBLIC:

- Yes
- No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

IV. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL ADEQUATELY ADDRESS THE TWELVE (12) REVIEW FACTORS IDENTIFIED IN SECTION 3.3.9.B. OF THE BRUNSWICK COUNTY UNIFIED DEVELOPMENT ORDINANCE:

- Yes
- No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

V. DECISION:

1. MOTION TO GRANT PERMIT:

“I move that we GRANT the special exception because the proposed use, if developed as proposed and subject to the conditions imposed below:

- a) **will be in harmony with the area and not substantially injurious to the value of properties in the general vicinity,**
- b) **will be in conformance with all special requirements applicable to the use,**
- c) **will not adversely affect the health and safety of the public, and**
- d) **will adequately address the twelve (12) review factors identified in Section 3.3.9.B. of the Brunswick County Unified Development Ordinance.”**

**BRUNSWICK COUNTY
SPECIAL USE PERMIT
FINDINGS OF FACT WORKSHEET**

2. MOTION TO DENY PERMIT: (state all that are applicable)

“I move that we DENY the special exception permit because the proposed use, if developed as proposed:

- a) **will not be in harmony with the area and not substantially injurious to the value of properties in the general vicinity, and/or**
- b) **will not be in conformance with all special requirements applicable to the use, and/or**
- c) **will adversely affect the health and safety of the public, and/or**
- d) **does not adequately address the twelve (12) review factors identified in Section 3.3.9.B. of the Brunswick County Unified Development Ordinance.”**

CONDITIONS:

- 1. That the development shall proceed in conformity with all plans and design features submitted as part of the special use permit application and kept on file by the Brunswick County Planning Department.
- 2. That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
- 3. That if the specified conditions addressed in this special use permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.
- 4. _____

- 5. _____

- 6. _____

**COUNTY OF BRUNSWICK
ZONING BOARD OF ADJUSTMENT**

For Office Use Only
File# 19-~~100~~5
19

Special Use Permit Application Form

Application Number 19-~~100~~5 Date 11-14-2019
Application Fee ~~\$250.00~~ \$300.00 Receipt # 223443
Date of Meeting 12-12-2019 Application Deadline _____

Applicant Vincent C Russo Owner S/A
Address 3176 Exum Rd NW Address S/A
ASH, NC 28420

Telephone (L) _____ (C) 516 690 4869 Telephone (L) _____ (C) _____
VINMAN B @ AOL.COM
Relationship of Applicant to Owner owner

Property Street Address 3176 Exum Rd NW, ASH NC 28420
Tax Map # 0900001609 Parcel Zoning Designation RR
Proposed Use of Property Vehicle and Heavy Equipment Sales and Rentals

PLEASE ENCLOSE WITH APPLICATION:

1. A detailed statement of all proposed uses of the property (Attach separate sheet).
2. **Site plan** showing all buildings, outdoor facilities, parking lots, all signs, proposed lighting, sanitation facilities, and utilities. (Attach separate sheet.) Site plan must include dimensions of parcel of land dimensions of existing structures and/or proposed structures including setbacks, i.e., distance from adjacent properties.
3. Detailed plan for any amplification or other entertainment equipment located outdoors.
4. In the space below, please indicate how the proposed project will or will not substantially injure the value of adjoining or abutting property.
There should be no effect on adjacent property because
all business will be by appointment and this will
keep the additional traffic to a minimum
5. Other information and documents, as requested.

- **APPROPRIATE FEE MUST ACCOMPANY ALL APPLICATIONS.**
- **PROVIDE 1 ORIGINAL OF ALL ATTACHMENTS TO BE INCLUDED AS PART OF THE APPLICATION DOCUMENT. ADDITIONAL COPIES WILL BE REQUESTED ONCE THE APPLICATION HAS BEEN REVIEWED BY STAFF.**

REPRESENTATION IS REQUIRED AT ALL BOARD MEETINGS

11/13/19 Date Vincent C Russo Signature of Applicant _____ Signature of Property Owner _____
Page 1 of 1

Vincent C Russo
3176 Exum Rd NW
Ash, NC 28420
VinmanR@aol.com
516-690-4869

Application for Special Use Permit
Vehicle Sales Office
Parcel #0900001604

I'm applying for a Special Use Permit form my property at 3176 Exum Rd NW, Ash NC 28420 to operate a Used Auto Sales office. The office will be a 10'x10' area operated in a garage separate from the main residence. The property is 5.23 acres zoned RR with an existing home on it.

The main business model would be sale to individuals by order. This would keep the number of vehicle on site to a minimum, vehicles will be stored and displayed in the enclosed garage with the three gravel spaces north of the garage as an additional storage area. Theses spaces are screened from view by natural woodland to the West (approx 75 feet to the property line), to the North (over 400 feet to property line) and by the garage and house to the South and East. The property has a 12 foot wide gravel driveway that can accommodate loading and unloading of vehicles. There are three gravel parking spaces set up to the South side of the garage approximately 70 feet from Exum Rd

Lighting: the property has two street lights on at each side of the driveway also there is a floodlight above the garage entrance door that illuminates the parking area.

Brunswick County Board of Adjustment

Special Use Permit
Case 19-19S

CO=COUNTY JURISDICTION

090000025

Project Site
Parcel #0900001604

0900001606

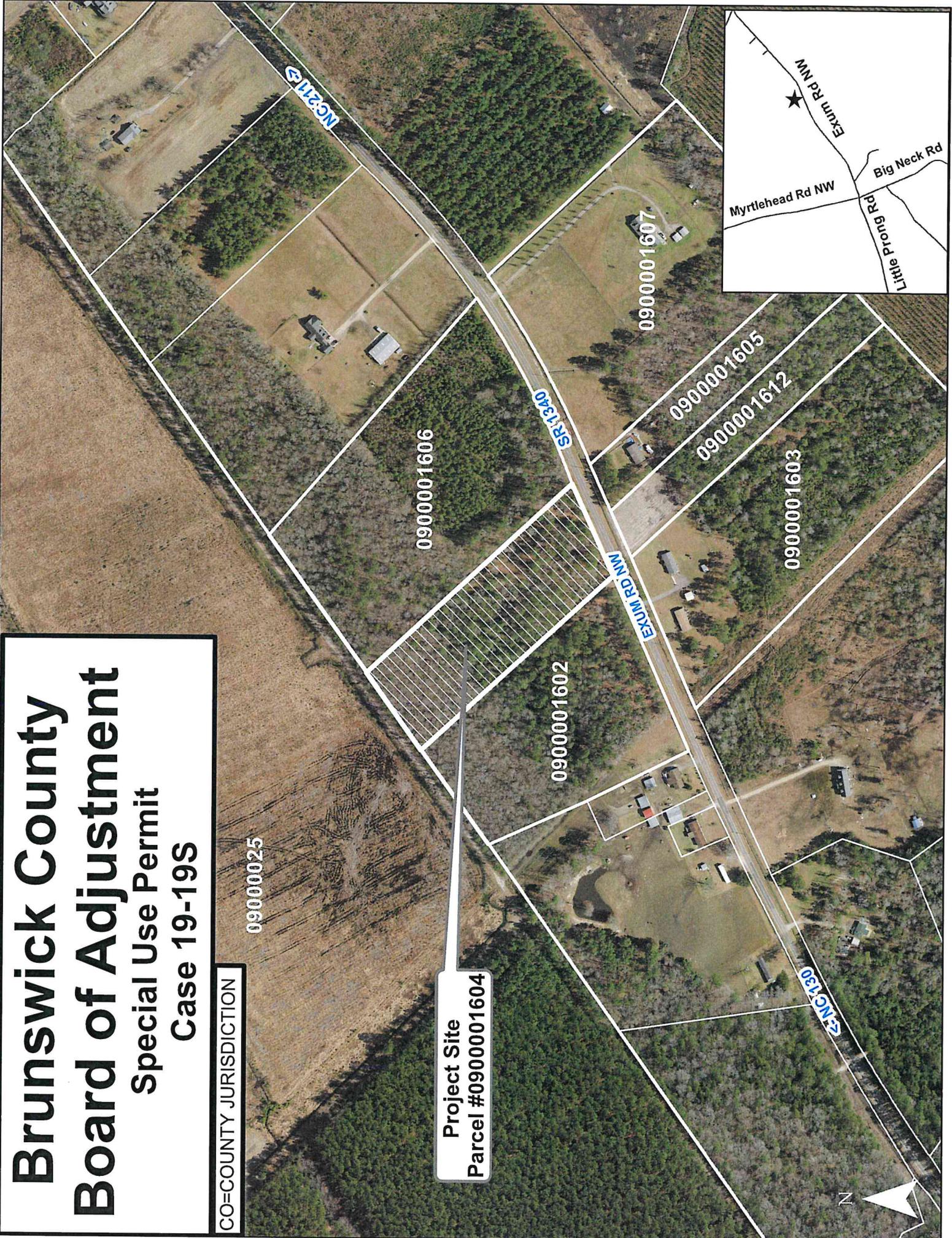
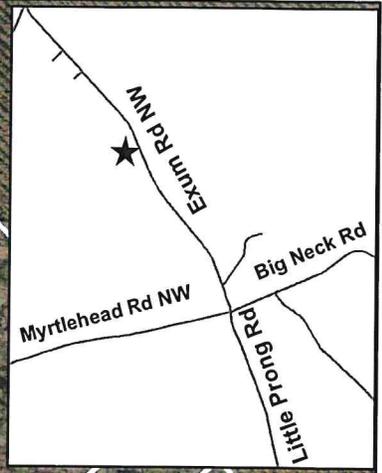
0900001602

0900001607

0900001605

0900001612

0900001603



Brunswick County Board of Adjustment

Special Use Permit
Case 19-19S

CO-COUNTY JURISDICTION

CO-RR

CO-RR

090000025

0900001606

0900001602

0900001607

0900001605

0900001612

0900001603

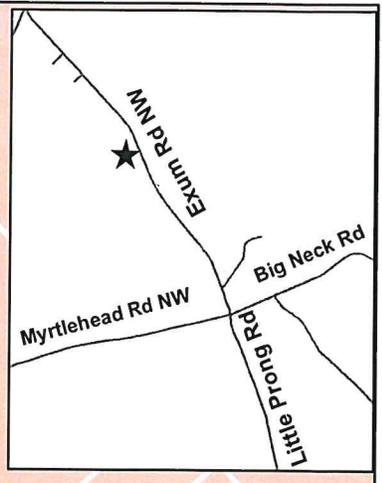
Project Site
Parcel #0900001604

NC 271 →

SR 1340

EXUM RD NW

← NC 130



CASE 19-19S

ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
0900001606	MOBBS ELTON & JEAN COTTER	3924 OLD WASHINGTON RD	WALDORF	MD	20602
0900001607	ROBERTS GERALD DUANE ET JUDY ANN	3121 EXUM ROAD NW	ASH	NC	28420
0900001605	MILLER M GRANT	3173 EXUM RD NW	ASH	NC	28420
0900001612	SACHS EDWARD B	3185 EXUM RD NW	ASH	NC	28420-2740
0900001603	MUELLER JUDITH ANN	3199 EXUM RD NW	ASH	NC	28420-2740
09000025	K&E TIMBER ENTERPRISES LLC	1235 NORTH LOOP W #205	HOUSTON	TX	77008
0900001602	HERRON MATTHEW ETUX	3190 EXUM RD NW	ASH	NC	28420-2739

OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
0900001604	RUSSO VINCENT C ETUX	3176 EXUM RD NW	ASH	NC	28420

APPLICANT(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
0900001604	RUSSO VINCENT C ETUX	3176 EXUM RD NW	ASH	NC	28420

Parcel #09000025
974 acres
K&E Timber Enterprises LLC
C/O Harding & Carbone
3903 Bellaire Blvd
Houston, TX 77025



Parcel #0900001604
5.23 acres
Zone - RR

Parcel # 0900001606
11.02 acres
Mobbs Elton & Jean Cotter
3924 Old Washington Rd
Waldorf, MD 20602

Parcel #0900001602
7.19 acres
Herron, Matthew & Stephanie
3190 Exum Rd NW
Ash, NC 28420

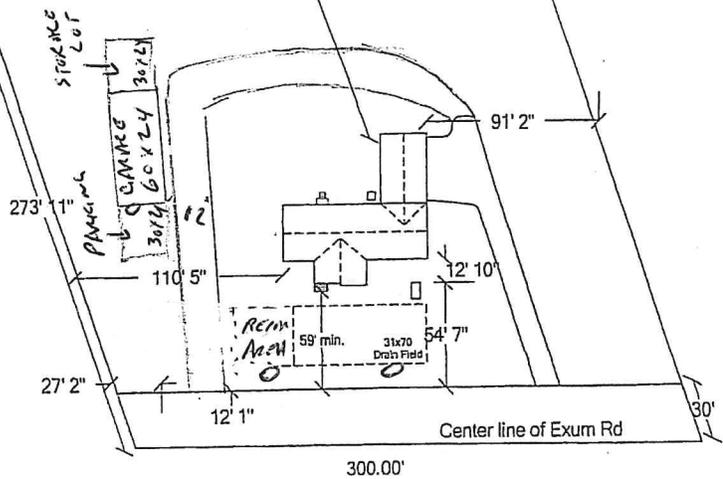
802.5'

286.09'

834.24'

671' 3"

Flood Zone "A"
Begins at Approx.
This Line.



1" = 100'

Vincent C Russo
3176 Exum Rd NW
Ash, NC 28420

Initial Site Plan - Revised Site Plan to be Provided



**Brunswick County Planning Department
P.O. Box 249
75 Courthouse Drive N.E., Bldg I
Bolivia NC 28422**

November 21, 2019

Mr. Vincent C. Russo
3176 Exum Road NW
Ash, NC 28420

RE: Review of Case 19-19S for "Vehicle & Heavy Equipment Sales and Rentals"

Dear Mr. Russo:

We have completed the review of the application submitted for the "Vehicle and Heavy Equipment Sales and Rentals" business proposed for 3176 Exum Road NW, Ash. Please address the following items:

- The site plan dimensions provided for the application packet differ from the survey dimensions provided. Please address.
- Label on the site plan all structures on the parcel; the distance from the property line to each structure and distances between buildings; and the proposed use and square footage of each structure.
- Confirm that the only uses on the property will be the current residential home and the proposed Vehicle Sales lot.
- Address your plan for dealing with inoperable vehicles.
- Indicate on the site plan the area for loading/unloading vehicles.
- Address on the site plan the landscaping standards for the street buffer and periphery buffer area.
- Identify on the site plan the vehicle display area.
- Address lighting. Note that all outdoor lighting must comply with Section 6.9 of the Brunswick County Unified Development Plan (UDO).
- Address parking (both standard and handicapped accessible), knowing that each parking space must be 9 feet wide and 18 feet deep, with an adequate drive-aisle. In addition to the vehicle space, the accessible space must have an aisle for wheelchairs and the standard handicap sign.
- Denote on the site plan the location of the well and septic system for the office.
- Indicate on the site plan the driveway width and proposed drive circulation markings.
- Address Stormwater.

- In addition to the standard components of the site plan, there are additional limitations outlined for this particular use in Section 5.3.5.S. of the UDO. Please address each of the following:
 - Automobile and light truck sales and rentals are permitted as an Accessory Use to a Vehicle Wrecking, Jun or Salvage Yard only in the I-G Zoning District.
 - Junked or inoperable vehicle/heavy equipment shall not be on the premises unless such is within an enclosed building or screened area.
 - Vehicle or equipment repairs made on-site shall be subject to the same restrictions under Section 5.3.5.T, Vehicle Service and Garage.
 - Adequate on-site area shall exist for the loading and unloading of vehicles from car carriers to ensure that no such loading or unloading occurs in any public right-of-way.
 - Vehicle sales, leasing and rental facilities shall meet the following landscaping standards rather than those of Section 6.12.10, Vehicle Use Area Landscaping:
 - Trees shall be planted at the rate of one tree per 75 linear feet, and shrubs at the rate of one shrub per ten linear feet of display area.
 - Plants may be grouped together, provided that at least 250 square feet of contiguous growing area, not encroached upon by impervious surfaces, surrounds each planted tree.
 - Project boundary buffers shall be provided as required by Section 6.3.9, Plantings required in paragraphs 1 and 2 above may not be counted towards the project boundary planting requirements.
 - The provisions of Section 6.22 Outdoor Display shall not apply.
 - Vehicle may not be located in any required yard or buffer area, even for temporary display purposes.
 - Permanent vehicle sales areas may not be located in ay required parking spaces.
 - Vehicle sales or display areas may not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.
 - Adequate lighting shall be provided in conformance with Section 6.9, Outdoor Lighting.
 - Aircraft and boat sales and rentals are permitted as an Accessory Use to an aircraft or boat manufacturing facility only in the I-G Zoning district.

We will need this additional information by 8:30 a.m. on Tuesday, November 26th in order to prepare for the December 12th Board of Adjustment Meeting.. You may send it via US Mail, email it to helen.bunch@brunswickcountync.gov, or drop it off at our offices. Please feel free to contact me with any questions and/or concerns.

Sincerely,

Helen Evans Bunch

Helen Evans Bunch, CZO
Zoning Administrator

/heb

**BRUNSWICK COUNTY BOARD OF ADJUSTMENT
SPECIAL USE PERMIT APPLICATION
STAFF REPORT**

December 12, 2019

Application No. 19-19S

Applicant: Vincent C. Russo

Property Location: 3176 Exum Road NW Road NW, Ash NC 28420

Parcel Number: 0900001604

Zoning District: Rural Low Density Residential (RR)

Intent: “This District is intended to accommodate nonresidential agricultural uses and low density residential development, as well as limited nonresidential uses that are supportive of the County’s traditional agricultural orientation including farming, silviculture operations and related activities. Development in this District should rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal, respectively, although clustered residential development served by public water and wastewater systems may be allowed.”

Surrounding Zoning: **North:** RR **South:** RR
 East: RR **West:** RR

Proposed Use of Property: “Vehicle and Heavy Equipment Sales and Rentals”

The application was submitted to the Brunswick County Planning Department on November 14, 2019.

Vincent C. Russo proposes to open a business for “Vehicle and Heavy Equipment Sales and Rentals” at the above referenced location. The Brunswick County Future Land Use Plan designates the subject parcel as Low Density Residential. The proposed use is permissible in the Rural Low Density Residential (RR) Zoning District with Special Use Permit approval by the Brunswick County Board of Adjustment.

Approval Criteria – Section 3.5.9.B:

1. **Circulation:** All access to the site will occur from Exum Road (SR 1340) via an existing circular residential driveway developed within the parcel. As a condition of approval, the applicant must notify the North Carolina Department of Transportation (NCDOT) of the proposed change of use and provide the Brunswick County Planning Department with documentation from NCDOT stating

whether site access improvements are warranted. Required improvements must be made prior to final zoning approval.

2. **Parking and Loading:** A minimum of two (2) standard and one (1) accessible parking space must be provided, based upon the square footage of the office structure.
3. **Service Entrances and Areas:** All service vehicles will access the subject property from Exum Road, which is a state-maintained road.
4. **Lighting:** No outdoor lighting is proposed with this request. Any new outdoor lighting must meet the lighting requirements stated in Section 6.9. "Outdoor Lighting" of the UDO prior to installation.
5. **Signs:** Any signage must meet the requirements of Article 8, Signs of the UDO prior to installation. Signage is a separate permitting process.
6. **Utilities:** Public water and sewer are not available to the structure that will be utilized as the office for the building. The applicant will use his personal home restroom.
7. **Open Space:** There are no separate open space requirements for this use.
8. **Environmental Protection:** The applicant must meet all applicable Federal, State and Local Government requirements.
9. **Screening, Buffering and Landscaping:** Project boundary buffers and a street buffer are required. RR Zoning to RR Zoning Undeveloped will require a 10' deep buffer with 0.2 visual opacity. RR Zoning to RR Zoning Existing Residentially Developed will require a buffer with 0.4 visual opacity, which will be 20' in depth, unless the depth is reduced by adding a six-foot fence or wall. If the opacity requirement cannot be met with existing vegetation, plantings must be added to meet the opacity requirements. The front yard will require a twenty-foot (20') street yard with one (1) canopy tree or two (2) understory trees per one hundred linear feet (100') of street frontage. Landscaping requirements per Section 5.3.5.S. of the UDO specifically for vehicle sales and display businesses must be met.
10. **Effect on Adjoining Property:** The effect on adjoining property is minimal as one (1) adjacent parcel is residentially developed, which will require a 20' deep buffer planted at 0.4 visual opacity. The adjacent parcels will require a minimum of a 10' deep buffer planted at 0.2 visual opacity with the exception of those across Exum Road, which will be buffered by a 20' deep street buffer.
11. **Compatibility:** The proposed use is permissible in the RR Zoning District with Special Use Permit approval by the Board of Adjustment.
12. **Impacts on Military Installations:** The proposed Special Use is not within five (5) miles of a military installation.

Additional Approval Criteria (Section 5.3.5.S.): Vehicle and Heavy Equipment Sales and Rentals

Vehicle sales, leasing, and rentals shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. Automobile and light truck sales and rentals are permitted as an Accessory Use to a Vehicle Wrecking, Junk or Salvage Yard only in the I-G Zoning District. **N/A**

2. Junked or inoperable vehicles/heavy equipment shall not be on the premises unless such is within an enclosed building or screened area. **Applicant is aware of this requirement.**
3. Vehicle or equipment repairs made on-site shall be subject to the same restrictions under Section 5.3.5.T, Vehicle Service and Garage. **N/A- Vehicle Sales only.**
4. Adequate on-site area shall exist for the loading and unloading of vehicles from car carriers to ensure that no such loading or unloading occurs in any public right of way. **Applicant to denote proposed area on the site plan.**
5. Vehicle sales, leasing, and rental facilities shall meet the following landscaping standards rather than those of Section 6.12.10, Vehicular Use Area Landscaping:
 - i. Trees shall be planted at the rate of one tree per 75 linear feet, and shrubs at the rate of one shrub per ten linear feet of display area. **Applicant to address as part of Landscaping Plan.**
 - ii. Plants may be grouped together, provided that at least 250 square feet of contiguous growing area, not encroached upon by impervious surfaces, surrounds each planted tree. **Applicant to address as part of Landscaping Plan.**
 - iii. Project boundary buffers shall be provided as required by Section 6.3.9, Plantings required in paragraphs i. and ii. above may not be counted towards the project boundary planting requirements. **Applicant to address as part of Landscaping Plan.**
6. The provisions of Section 6.22, Outdoor Display, shall not apply. **Applicant is aware of this issue.**
7. Vehicles may not be in any required yard or buffer area, even for temporary display purposes. **Applicant is aware of this requirement.**
8. Permanent vehicle sales areas may not be located in any required parking spaces. **Applicant is aware of this requirement.**
9. Vehicle sales or display areas may not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic. **Applicant is aware of this requirement.**
10. Adequate lighting shall be provided in conformance with Section 6.9, Outdoor Lighting. **Applicant is aware of this requirement.**
11. Aircraft and boat sales and rentals are permitted as an Accessory Use to an aircraft or boat manufacturing facility only in the I-G Zoning District. **N/A**

Conditions:

If approved, this development shall have a vested right for a period of three years. A two-year extension may be requested by the applicant to the Brunswick County Board of Adjustment.

1. The development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO).
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the special use permit application and kept on file by the Brunswick County Planning Department.

3. The applicant must notify the North Carolina Department of Transportation (NCDOT) of the proposed change of use and provide the Brunswick County Planning Department with documentation from NCDOT stating whether site access improvements are warranted. Required improvements must be made prior to final zoning approval.
4. Revise the Site Plan to address all comments outlined in the November 21, 2019 email.
5. Provide a Landscaping Plan that addresses the requirements for periphery buffers and front yard buffers for "Vehicle and Heavy Equipment Sales and Rentals" as well as requirements for landscaping outlined in Section 6.12.10.
6. The applicant must request a visual inspection of the site prior to the commencement of "Vehicle and Heavy Equipment Sales and Rentals" activities to ensure all requirements have been met.
7. If the specified conditions addressed in this special use permit are violated, the permit shall be revoked, and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.

**BRUNSWICK COUNTY
SPECIAL USE PERMIT
FINDINGS OF FACT WORKSHEET**

Application No. 19-19S

Applicant: Vincent C. Russo

Property Location: 3176 Exum Road NW, Ash NC 28420

Zoning District: RR **Land Use Classification:** Low Density Residential

Surrounding Zoning: North: RR, South: RR, East: RR, West: RR

Proposed Use of Property: Vehicle and Heavy Equipment Sales and Rentals

FINDINGS OF FACT

Having heard all of the evidence and arguments presented at the hearing, the Board of Adjustment, at its regular meeting, determined that application is complete / incomplete and finds:

I. WHETHER THE PROPOSED USE IS IN HARMONY WITH THE AREA AND NOT SUBSTANTIALLY INJURIOUS TO THE VALUE OF PROPERTIES IN THE GENERAL VICINITY:

- Yes
- No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

II. WHETHER THE USE IS IN CONFORMANCE WITH ALL SPECIAL REQUIREMENTS APPLICABLE TO THE USE:

- Yes
- No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

**BRUNSWICK COUNTY
SPECIAL USE PERMIT
FINDINGS OF FACT WORKSHEET**

Application No. 19-19S

- III. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL NOT ADVERSELY AFFECT THE HEALTH AND SAFETY OF THE PUBLIC:
 Yes
 No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

- IV. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL ADEQUATELY ADDRESS THE TWELVE (12) REVIEW FACTORS IDENTIFIED IN SECTION 3.3.9.B. OF THE BRUNSWICK COUNTY UNIFIED DEVELOPMENT ORDINANCE:
 Yes
 No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

V. DECISION:

1. MOTION TO GRANT PERMIT:

“I move that we GRANT the special exception because the proposed use, if developed as proposed and subject to the conditions imposed below:

- a) **will be in harmony with the area and not substantially injurious to the value of properties in the general vicinity,**
- b) **will be in conformance with all special requirements applicable to the use,**
- c) **will not adversely affect the health and safety of the public, and**
- d) **will adequately address the twelve (12) review factors identified in Section 3.3.9.B. of the Brunswick County Unified Development Ordinance.”**

**BRUNSWICK COUNTY
SPECIAL USE PERMIT
FINDINGS OF FACT WORKSHEET**

2. MOTION TO DENY PERMIT: (state all that are applicable)

“I move that we DENY the special exception permit because the proposed use, if developed as proposed:

- a) **will not be in harmony with the area and not substantially injurious to the value of properties in the general vicinity, and/or**
- b) **will not be in conformance with all special requirements applicable to the use, and/or**
- c) **will adversely affect the health and safety of the public, and/or**
- d) **does not adequately address the twelve (12) review factors identified in Section 3.3.9.B. of the Brunswick County Unified Development Ordinance.”**

CONDITIONS:

- 1. That the development shall proceed in conformity with all plans and design features submitted as part of the special use permit application and kept on file by the Brunswick County Planning Department.
- 2. That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
- 3. That if the specified conditions addressed in this special use permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.
- 4. _____

- 5. _____

- 6. _____
