

LEE COUNTY BOARD OF ADJUSTMENT
REGULAR MEETING
MONDAY, JANUARY 13, 2020, 6:00 PM
Buggy Company Bldg., 115 Chatham St. – 1st Floor, Buggy Conference Room

All exterior doors for the Buggy Company Building automatically lock at 5:00pm with the exception of the ground floor level entrance. Therefore, please park in the large parking area at the rear of the building, enter the building via the ground floor level entrance and take the elevator to the first floor. The Buggy Conference Room is on your left when you exit the elevator.

CALL TO ORDER – 6:00 PM

- A. APPROVAL OF AGENDA** - *No minutes to approve*
- B. DISCLOSURE OF CONFLICT OF INTEREST**
- C. OLD BUSINESS** - *None*
- D. NEW BUSINESS**

1. Application by the Ruby and Ernest McSwain Worthy Lands Trust, H. Lynn Blackmon, Trustee, to obtain a Special Use Permit for a proposed meeting/community/reception/wedding hall to be located at an existing house known as the “Worthy House” (or “Hickory House”) addressed as 2400 Tramway Road. The site is located within the jurisdiction of Lee County and is zoned Residential Agricultural (RA). Per the Unified Development Ordinance, Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, new civic, social, and fraternal organizations, including community centers, meeting halls, community halls, reception halls, wedding halls, for assembly and recreation are permitted in the Residential Agricultural (RA) zoning district upon issuance of a Special Use Permit, subject all applicable standards of the UDO. The property is the same as depicted on Lee County Tax Maps 9641.03, 9641.01, and 9631.02, as Tax Parcel 9641-25-0146-00, Lee County Land Records.

- E. OTHER BUSINESS**
- F. ADJOURNMENT**

**** PLEASE REFERENCE THE ADDITIONAL INFORMATION PROVIDED AT THE
REAR OF THE AGENDA PACKAGE****

Lee County Board of Adjustment

Public Hearing Information for a Special Use Permit

January 13, 2020

APPLICATION# 2020-0101 FOR A SPECIAL USE PERMIT (SUP)

Applicant: Ruby and Ernest McSwain Worthy Lands Trust | Mr. H. Lynn Blackmon, Trustee
Owner: Ruby and Ernest McSwain Worthy Lands Trust | Mr. H. Lynn Blackmon, Trustee
Request: Special Use Permit for a meeting/community/reception/wedding hall
Location: 2400 Tramway Road, Sanford, NC 27330
Township: Jonesboro
Tax Parcel: 9641-25-0146-00
Adjacent Zoning: North: Residential Agricultural (RA) and Residential-Mixed (R-12)
South: RA and Office & Institutional (O&I), opposite Tramway Road
East: Residential Agricultural (RA) and Residential-Mixed (R-12)
West: Residential Agricultural (RA) and Office & Institutional (O&I)

Introduction: Mr. Blackmon would like to use an existing historic home known as the Worthy House (or the Hickory House) at 2400 Tramway Road as a meeting hall for small gatherings, such as Christmas parties for the McSwain Agricultural Center located next door, luncheons for charitable organizations, and meetings of the Ruby and Ernest McSwain Worthy Lands Trust members. Therefore, he is requesting a Special Use Permit (SUP) to allow the conversion of the existing house into a meeting/community/reception/wedding hall.

Site and Area Description: The subject property is a 231 acre \pm tract of land with public road frontage that is developed with three houses, Mr. Blackmon's residence at 2308, the Worthy House at 2400, and a vacant house at the rear of the Worthy House that shares the same address, all of which appear to be served by public water and private septic system(s). There are also several outbuildings buildings on the property that are used as part of the farm use. The houses share a driveway located in front of Mr. Blackmon's house at 2308 Tramway Road. The Worthy House is located in the southwestern corner of the property, opposite the Hickory House Road intersection.

Surrounding Land Uses: The area is zoned Residential Agricultural (RA) and Office & Institutional (O&I). The RA land is developed with houses, farm fields, and woodlands. The O&I land is developed with institutional buildings, such as the McSwain Extension Education & Agricultural Center and SanLee Middle School.

Zoning District Information: The subject property is currently zoned Residential Agricultural (RA) zoning district, which is established to provide areas for low density single family uses, low intensity agricultural operations as well as agri-business and supportive industrial and commercial uses. Industrial operations are not permitted unless they clearly support an agricultural use. RA zoning protects and preserves valuable agricultural areas, implements agricultural protection zoning, establishes performance standards for rural businesses, preserves rural areas, preserves pasture land and agriculture, sets maximum permissible densities or new zoning districts, defines specific areas for rural commercial uses, and identifies areas appropriate for agricultural preservation. The dimensional requirements include a minimum lot width of 100

feet, a minimum lot depth of 150 feet, a minimum lot size of 40,000 square feet, with principal building setbacks of 30 feet from the front property line, 30 feet from the rear property line, and 15 feet from the side property lines, with a maximum building height of 40 feet.

Examples of uses permitted by right within the RA zoning district include single-family detached homes (site-built, modular, or manufactured/mobile), religious complexes churches, schools, animal and crop production, forestry, stables and riding academies, and in-home daycares for children & adults. There is a list of permitted uses for this zoning district included within your agenda for your reference.

Overlay Districts and Long Range Plan: The overall tract has Flood Hazard Area/Floodplain along Persimmon Creek on the northern portion of the parcel, but not in the area of the Worthy House. The site is not located within a Watershed Conservation Overlay District or a designated historic district. Per the applicant, past renovations to the house have made it unable to have an official state historic designation.

Long Range Plan: The *Plan SanLee* Land Use Plan identifies the future land use place type for this tract of land as “Suburban Neighborhood”, which has the following characteristics:

- Residential areas on the outskirts of a core urbanized area
- Facilitates large scale development of single-family residential
- Walkable, with a high degree of transportation connectivity between neighborhoods and surround network thoroughfares
- A local example is the Westlake Valley neighborhood in Sanford.

Land use designations include open space, civic, and residential. The proposed zoning districts are medium density residential (primary) and low density residential (secondary). Suggested infrastructure includes public water and wastewater/sewer. The preferred characteristics are interconnected curvilinear streets with 600ft block lengths, curb & gutter & sidewalks with street trees. Reference the attached information from the *Plan SanLee* Land Use Plan.

Utilities: Per GIS, there is a 12-inch water line along Tramway Road and staff has verified that 2400 Tramway Road is being billed for public water. If the SUP is approved, all public water connections for the new use must be approved by the City of Sanford Public Works Department to verify compliance with all applicable regulations, such as the installation of backflow prevention devices, etc.

Transportation: Tramway Road/NC Hwy 78 is an NCDOT maintained two-lane public road with a center turn lane and a 100ft right-of-way in the area of the Worthy House. At this time, there are no plans to improve the roadway in front of this site.

Staff Comments: The house is believed to have been built in the mid-1880s by Kenneth and Margret Worthy per The History of Architecture of Lee County North Carolina by J. Daniel Pezzoni (reference page included in the agenda packet). In later years, a restaurant called the Hickory House operated at this location and the kitchen and bathrooms were renovated to accommodate the restaurant use. A fire damaged the interior and roof of the kitchen area at the rear of the home and the restaurant closed. The home was repaired and, in more recent times, used as a second residence for Mrs. Ruby McSwain. Mrs. McSwain passed away in 2015 and the land and house now belongs to the Ruby and Ernest McSwain Worthy Lands Trust of which Mr. Lynn Blackmon is the Trustee. Mr. Blackmon would like to fulfill Mrs. McSwain’s wish that the Worthy House be used for meetings and luncheons for the Agricultural Center, the Ruby & Ernest McSwain Worthy Lands Trust board members, and other charitable organizations. Whether or not the Worthy House will be available for public or private use was left to the

discretion of the Trust and it is not proposed to be open to the public at this time. Even though the home may not be available for use by the everyone in the general public, the land use is still changing from a residential single-family home to a meeting hall and it must therefore comply with the local zoning ordinance (UDO) and all applicable codes, such as Building Code, Fire Code, ADA Code, and Health Code.

Planning staff has determined that the proposed use falls within the “new civic, social, and fraternal organizations, including community centers, meeting halls, community halls, reception halls, wedding halls, for assembly and recreation” land use category. Per the UDO, this use is permitted in the Residential Agricultural (RA) zoning district only where approved by the Lee County Board of Adjustment through the issuance of a Special Use Permit.

There are no specific design standards associated with this use and the applicant would like for the site to remain as is to preserve the residential character and charm of the house and grounds. Therefore, the applicant is proposing to use the existing gravel/soil driveway as access, the grass yard area to the west of the house as the parking area, and does not plan to install additional landscaping so that when meetings are held, it simply appears that there is a large family gathering taking place at an old home. This would be a condition of approval as illustrated on the preliminary site plan associated with this request. No site grading is proposed.

For comparison, the general landscaping standards for the proposed use includes a 15ft wide buffer composed of one large tree per 75ft, one small tree per 100ft, and one landscaping point per linear foot along the 256ft adjoining property line for the McSwain Agricultural Center. There is an existing split rail fence in this area with a row of five pine trees (60pts), a holly tree (6pts), three dogwood trees (18pts), a walnut tree (12pts), and five pecan trees (60pts) within the yard between the Worthy House and the Ag Center property line. Four large trees and three small trees are required and there are four existing pine trees and three existing dogwood trees with the yard area that suffice to comply with the large and small tree design standard. The existing landscaping in the side yard totals 156pts as compared to the 265pts required; therefore allowing the existing landscaping to suffice to meet the intent of the buffer yard requirement or requiring additional plantings either along the property line or in the yard area between the Worthy House and the Ag Center would be a condition of approval as previously mentioned.

Also, for comparison purposes, the general parking standards for the proposed use require one parking space per each three seating accommodations, plus one space per each two employees on the longest shift. There will be no employees to take into consideration and it appears that the parking area will accommodate approximately 14 standard parking spaces and two handicap accessible parking spaces based on the dimensions of the parking area. It may be possible for additional parking to be accommodated in the grass yard area if needed.

There is a typical residential yard light provided by the electricity provider and no additional site lighting is proposed. If, in the future, there are security concerns, additional residential yard lighting may be installed. The existing smaller house at the rear of the main house would not be used in conjunction with the meeting hall.

The architectural character of the home will be preserved; therefore, no architectural plans illustrating exterior renovation are provided. Photographic images from Google Earth software are provided to show what the house what looks like from various angles. This images also show the existing driveway and the landscaping. The photos were taken in September of 2018, but the house and landscaping are the same, with the exception of it now being winter (leaves off of the deciduous trees) and the owner is making roof repairs and painting the house to prevent further deterioration.

No signage is proposed at this time. Staff suggests that, since it is in the intent to maintain the residential character house, future signage comply with the standards for home occupation signage in the RA zoning district. This would allow one 12 square foot sign mounted flush to the dwelling surface and one nine square foot ground sign, with a maximum height of four feet located outside of the street right-of-way.

The preliminary site plan was reviewed by the Sanford/Lee County Technical Review Committee (TRC) in December of 2019 and the board was amenable with the request moving forward for review/approval by the Board of Adjustment. The NCDOT representative indicated that a Driveway Permit will be required when/if the SUP is granted and prior to occupying the structure in the manner proposed, but it does not appear that any driveway/roadway improvements will be triggered. The Sanford/Lee County Building Inspections Dept., the Office of the Lee County Fire Marshal, and the Lee County Environmental Health Dept. will also review the plans submitted for the Change of Occupancy/Building Permit process when/if the SUP is granted and the zoning approval is issued. Staff has discussed this process with Mr. Blackmon and he is aware that renovation of the existing house and possibly improvements to the existing septic system may be required for the proposed use.

ATTACHMENTS

- GIS Maps of property
- Page 227 of The History of Architecture of Lee County North Carolina by J. Daniel Pezzoni
- Google Earth images from September of 2018
- Unified Development Ordinance (UDO) references
- Public Hearing Notice for Special Use Permit Application
- Adjoining Property Owner Notification of Public Hearing
- Certification of Adjacent Property Owner Notification
- List of Adjoining Property Owners
- Special Use Permit Hearing Procedure
- Special Use Permit Application, Attachment, and Site Plan

REQUIRED FINDINGS FOR A SPECIAL USE PERMIT

Special Use Permits provide a form of discretionary approval for certain uses which are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design and configuration. Special Use Permits ensure the appropriateness of the use at a particular location within a given zoning district. The Board of Adjustment shall consider the application, supporting documents, the site plan and examine factual evidence presented at the hearing before ruling on the following four findings of facts.

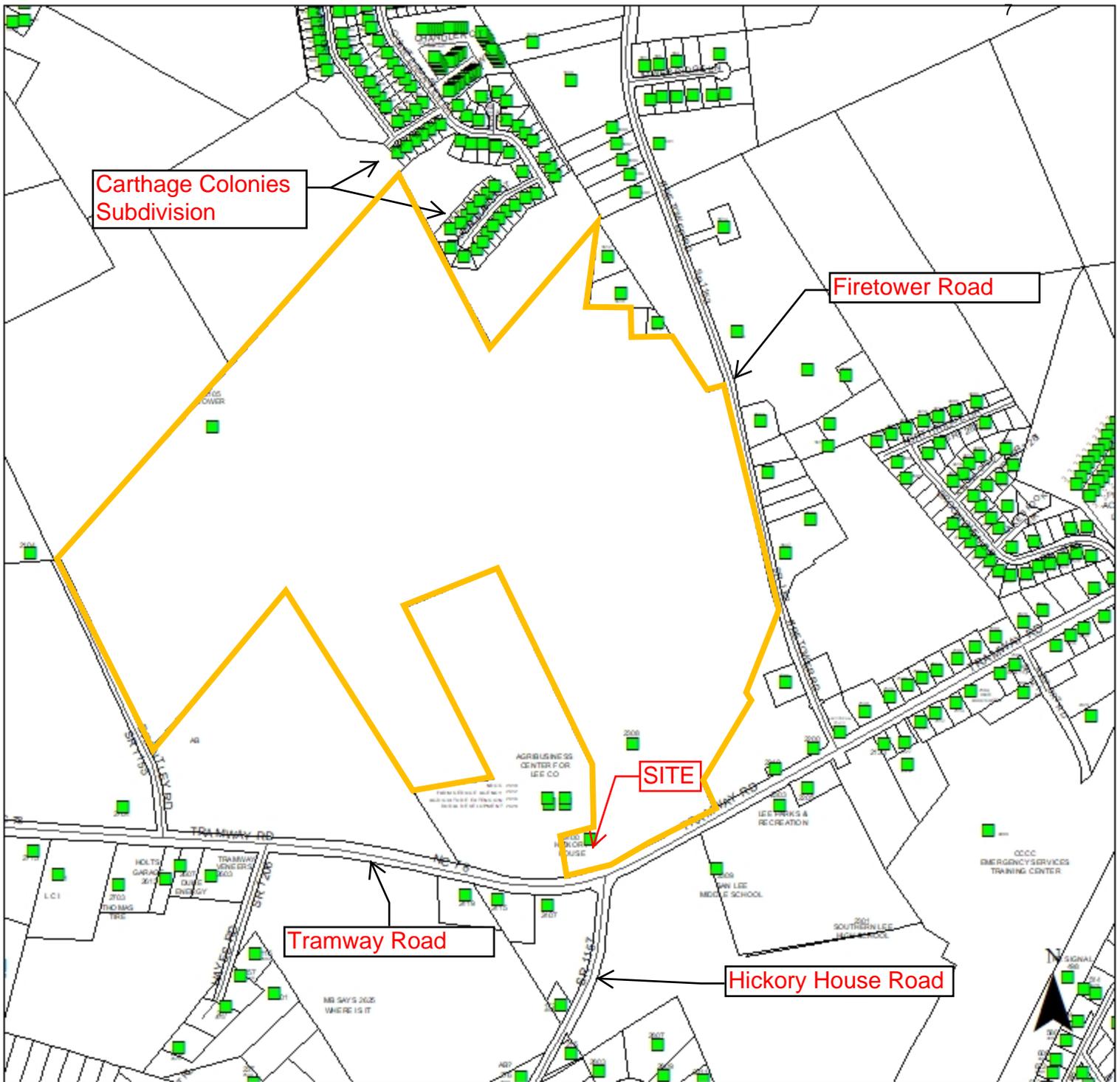
In granting the Special Use Permit, the board shall find:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved.
2. That the use meets all required conditions and specifications.
3. That the use will not substantially injure the value of the adjoining or the abutting property, or that the use is a public necessity.
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which site is located and in general conformity with all adopted land use plans.

The Special Use Permit, if granted, shall include approval of the site plan. The Board may place conditions on the use as deemed necessary. All conditions shall run with the land and shall be binding on the original applicants, their heirs, successors and assigns.

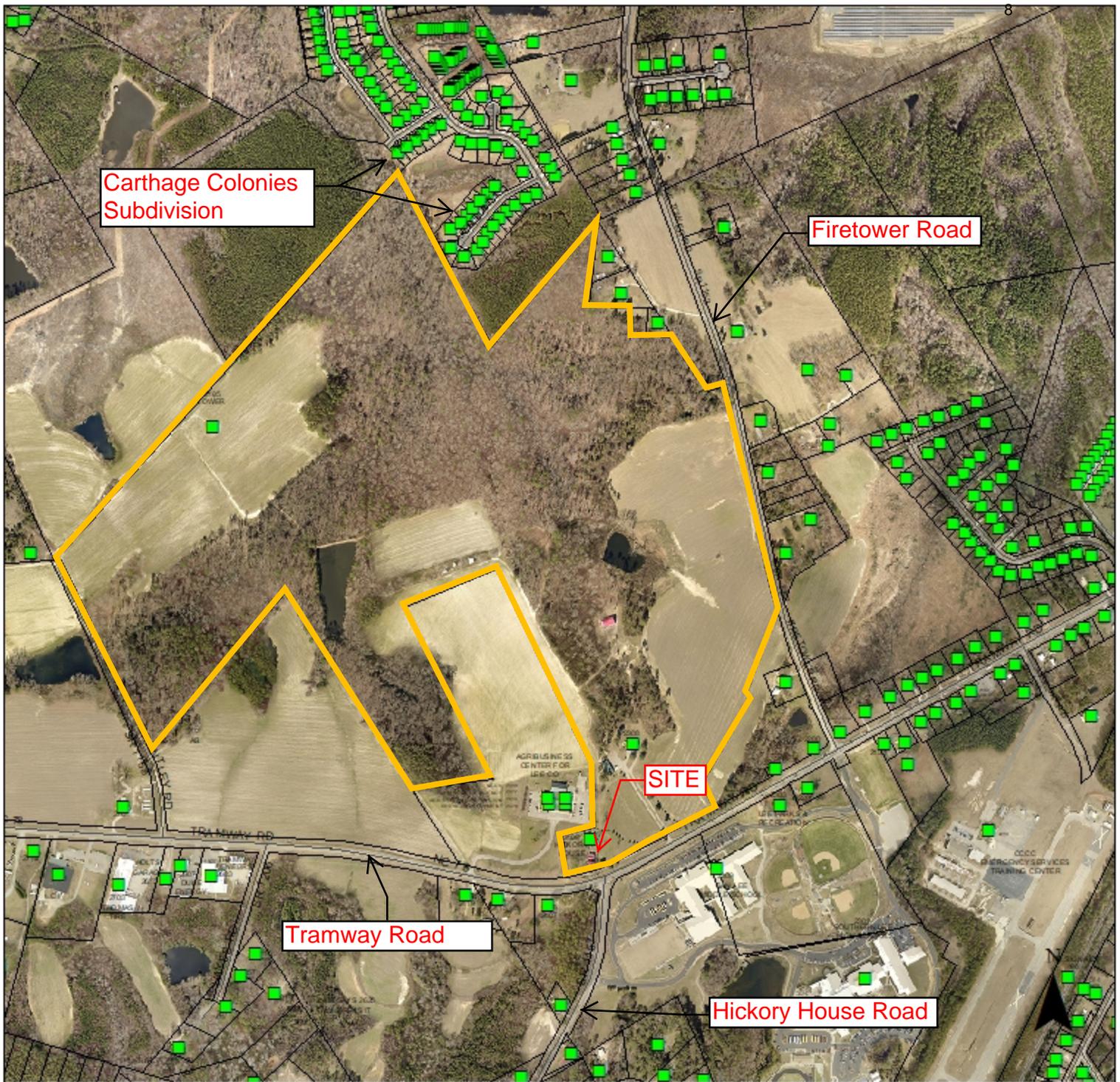
Please reference the application for specific information regarding how the applicant has addressed the criteria for the Special Use Permit request.

This decision is effective upon filing the written decision with the Clerk to the Board. Decisions of the Board of Adjustment shall be appealed to the Lee County Superior Court within 30 days of the final decision.



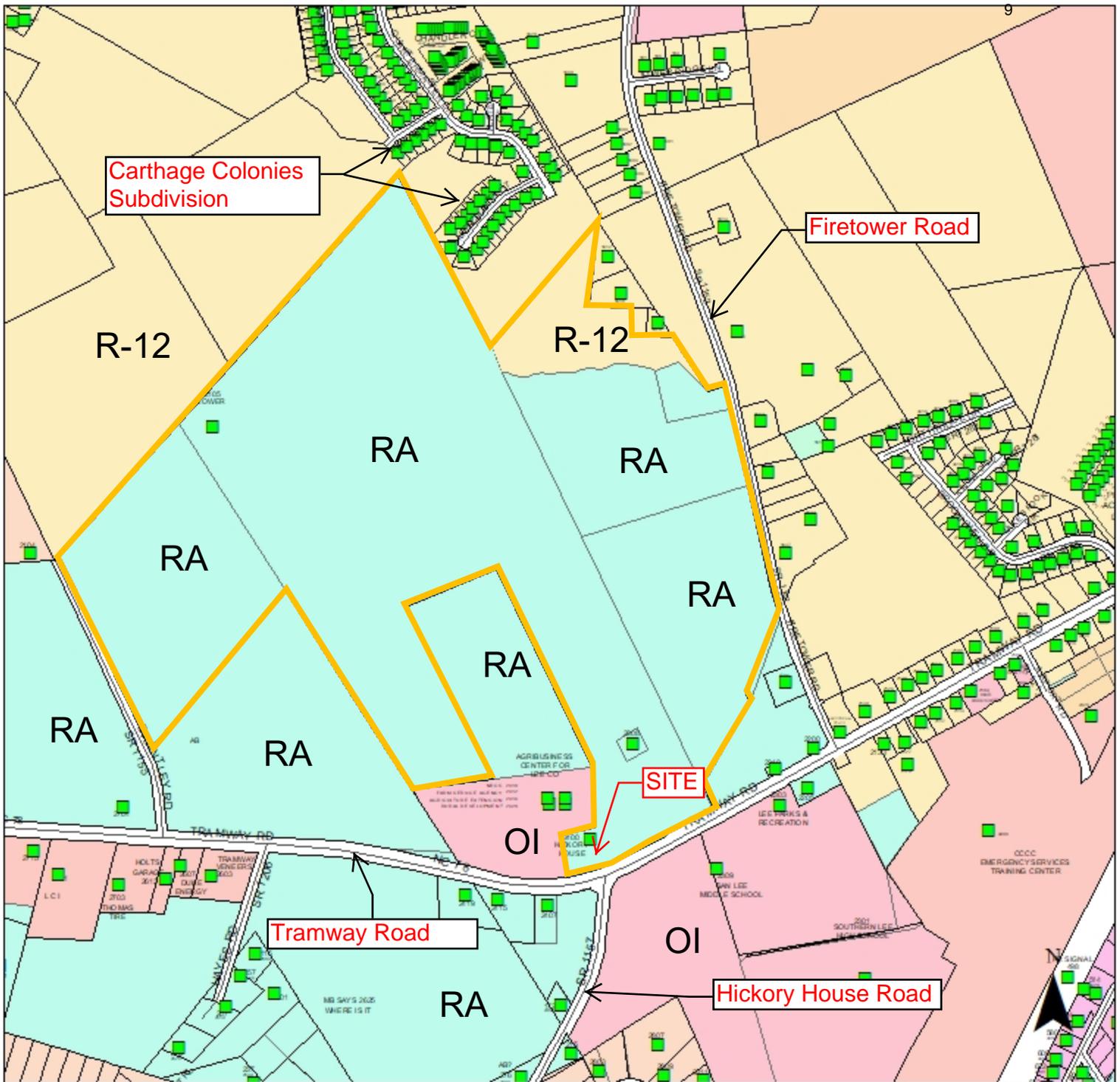
SPECIAL USE PERMIT APPLICATION 2020-0101:
Application by the Ruby and Ernest McSwain Worthy Lands Trust
for a SUP to operate a meeting/community/reception/wedding hall
at 2400 Tramway Road

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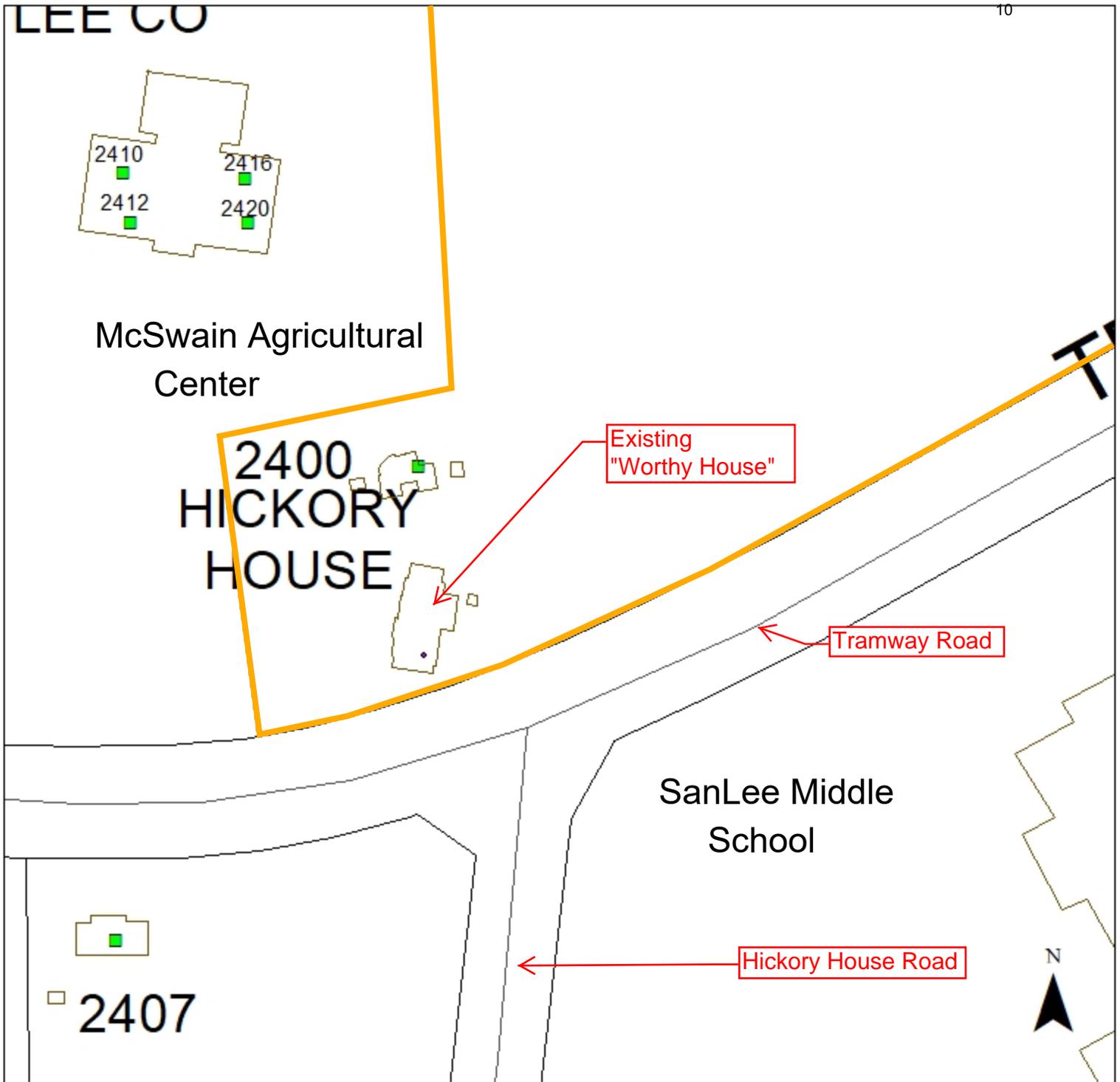
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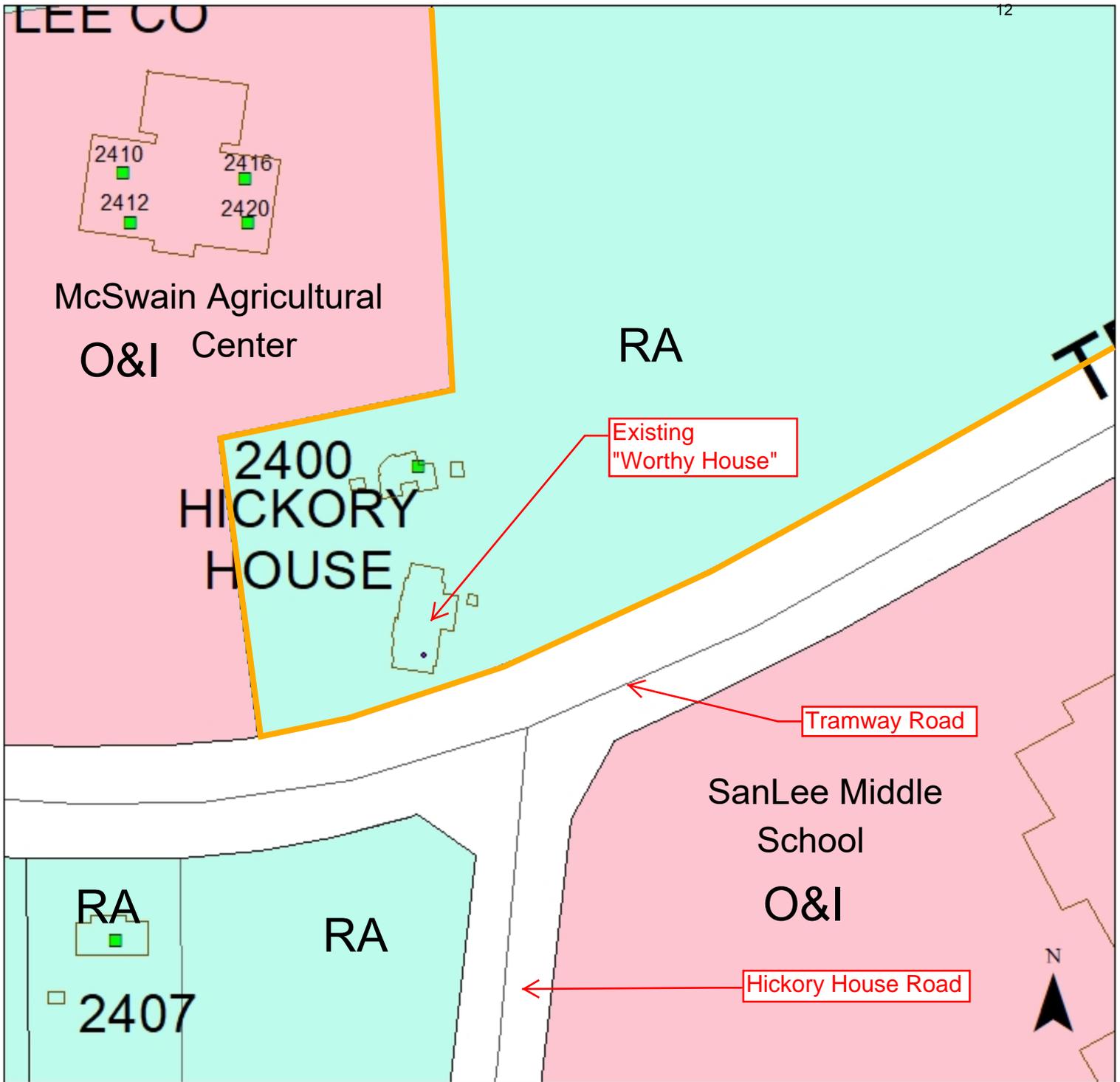
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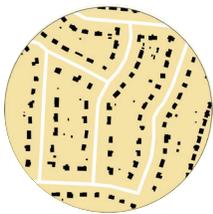
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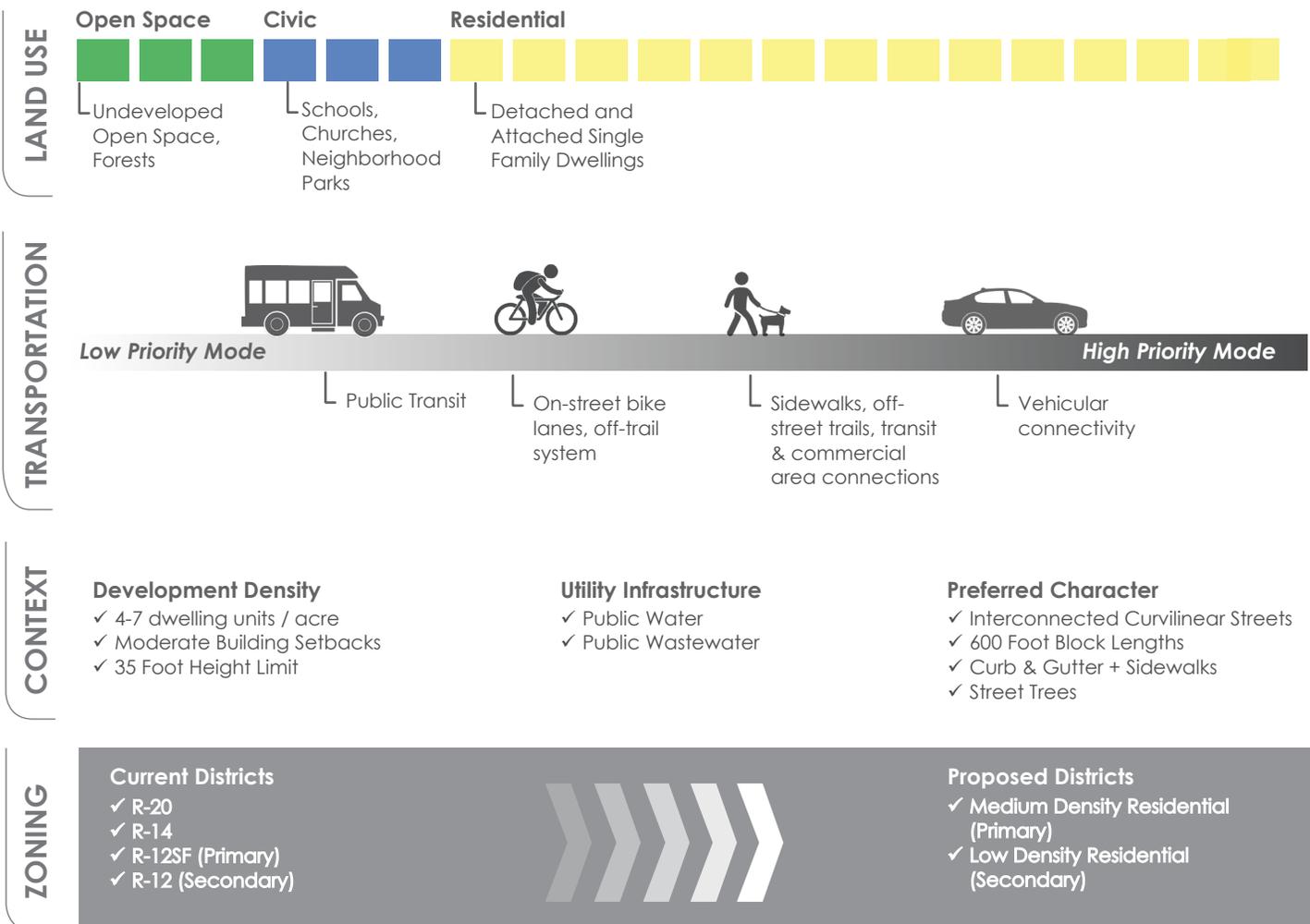
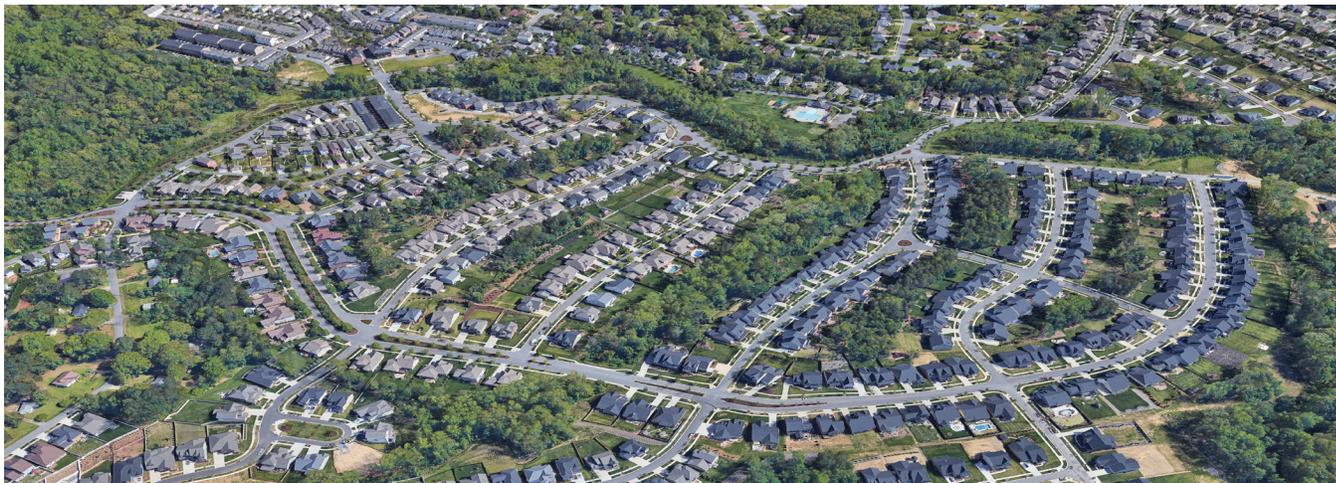
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SUBURBAN NEIGHBORHOOD

- ✓ Residential areas on the outskirts of a core urbanized area
- ✓ Facilitates large scale development of single family residential
- ✓ Walkable, with high degree of transportation connectivity between neighborhoods and surrounding network thoroughfares

Local Example - Westlake Valley Neighborhood in Sanford



2400 Tramway Road (NC 78)
Tramway vicinity
Ca. 1880

Kenneth H. (1820–1901) and Margaret Worthy are believed to have had this stylish Victorian house built in the mid-1880s, although the possibility exists that the house was already standing by 1877. The house may have been built with lumber from the K. H. Worthy & Son sawmill, which was in operation during the period. In more recent years the Hickory House restaurant occupied the house.

The two-story frame Worthy House features a two-room-deep plan under a hip roof. A bracketed Italianate cornice is interrupted on the front by a small gable with a round louvered vent. The one-story front porch has ornate supports comprising slender posts with paneled pedestals and brackets incorporating sawn and turned millwork. Between the supports are balustrades with rotund balusters. On the two side elevations are bay windows with pink-tinted panes, and an early one-story ell extends to the rear.

Despite a fire in recent years, the interior of the Worthy House retains most of its original detailing. The mantels are in a variety of Victorian forms, with robust moldings and lozenge-shaped appliqué ornament. The center-passage stair has a turned and faceted newel post that is not original to the house but is in keeping with its character. Scratched into the parging of the chimney in the rear wing is the date "1884." Also on the property are a frame barn, several frame tobacco barns, and a modern one-story frame rental house assembled from old farm buildings.

Owner: Ruby C. McSwain.

Sources: Ruby C. McSwain; Charles T. Worthy; James Vann Comer, Lee County historian; 1980 Historic Lee County calendar; business directories.



Kenneth H. and Margaret Worthy House



Front porch detail



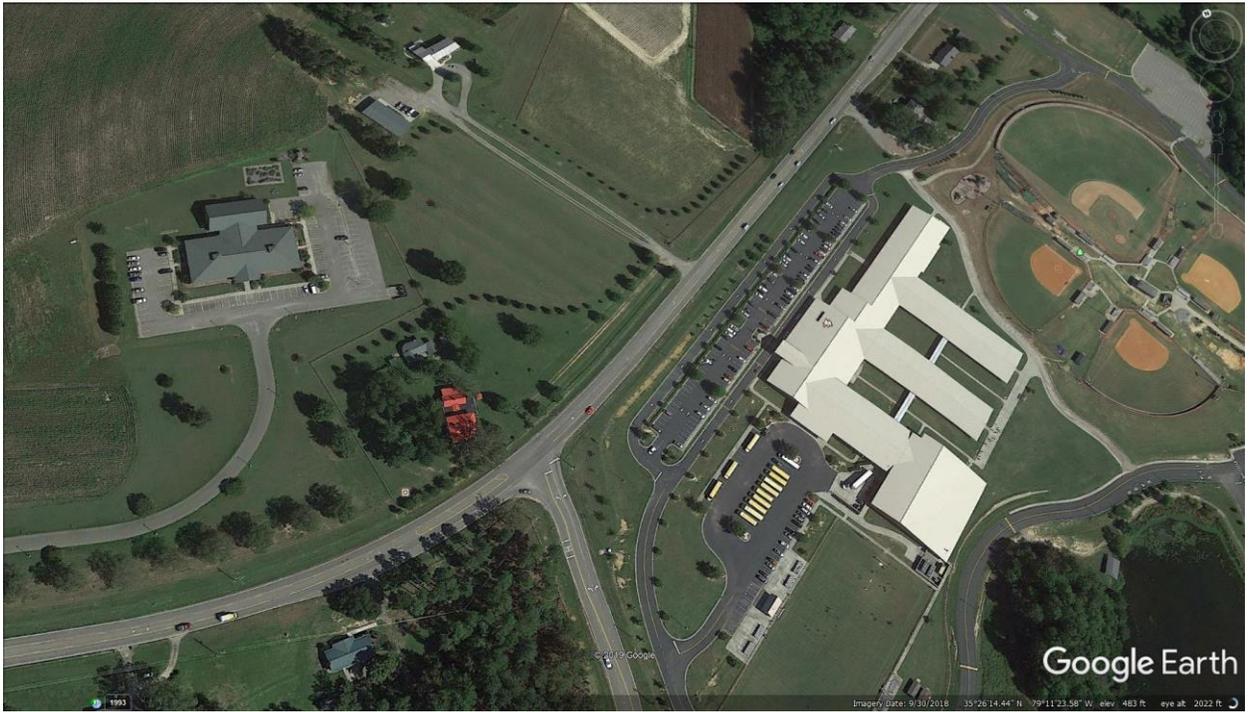
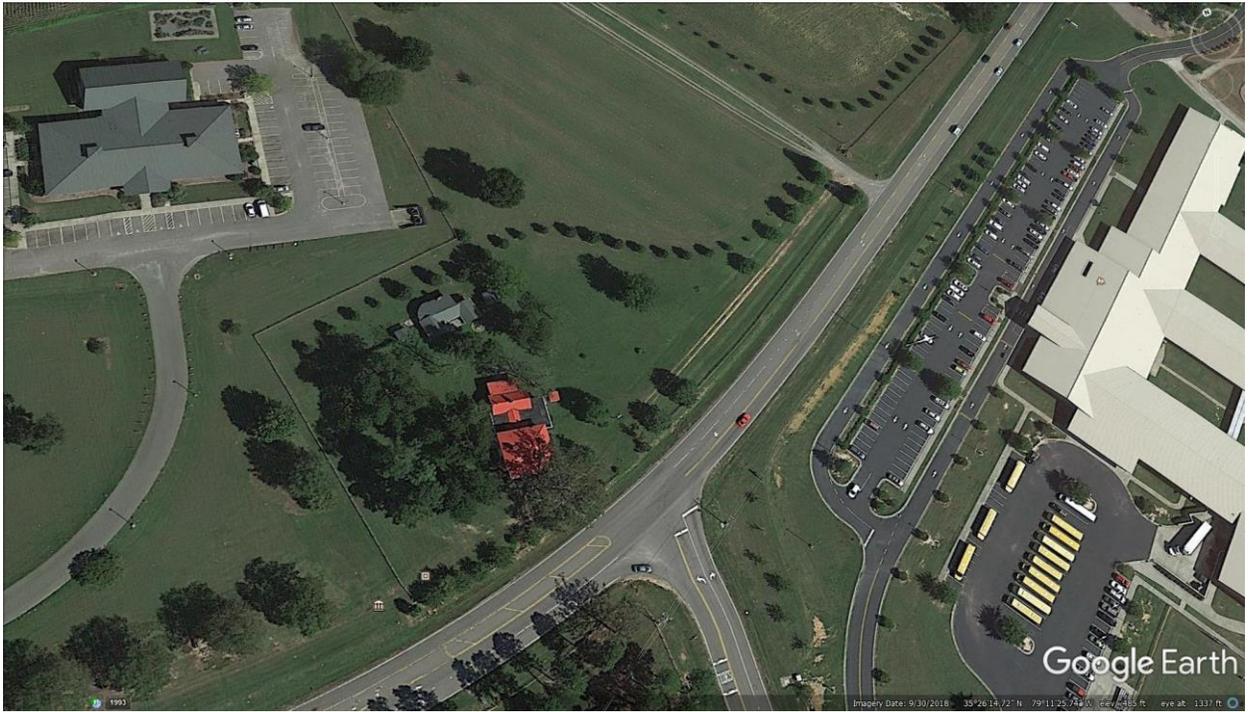
A first-story mantel











Key: "P" means permitted as of right, "S" means permitted as a special use, "D" means development regulations apply (see Article 5), "A" means permitted only as an accessory use, "-" means prohibited. Section numbers as provided in the use column(i.e. § 5.1) provide additional reference regarding the supplemental design standards as found within other sections of this Ordinance. Refer to Appendix A or the sources referred to under "Land Use Coding" for specific definitions of uses.

Use	LBCS Function		LBCS Structure																	
			RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial	
Hunting and trapping, game retreats, game and fishing preserves	9520		S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Movie Theater	3120		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	
Museums and art galleries	5210	4400	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	
Outdoor stage, bandstand, or similar structure (maximum 3,000 sq. ft.)	6970		S	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	
Parks, playgrounds, and athletic fields operated on a noncommercial basis	5500		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Performance Theaters (outdoor)	5110	3110	S	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	
Performance Theaters or auditoria (indoor)	5110	3110	S	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	
Racetracks, drag strips (motorized vehicles) 5.27	5130		S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/D	P/D
Recreation activities, commercial indoor , not otherwise listed	5300		S	-	-	-	-	-	-	-	-	-	P	P	P	-	S	P	P	
Recreation activities, commercial outdoor (defined in Article 5), not otherwise listed 5.28	5310	4440	S/D	-	-	-	-	-	-	-	-	-	-	P/D	-	-	-	P/D	P/D	
Skating Rink - Ice Or Roller Skating	5390		-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	
Sports stadiums or arenas	5120	3300	S	S	S	S	S	S	S	S	S	-	P	P	P	S	S	P	P	
Stables/Riding Academies	8240		P/D	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Stable, Accessory to Dwelling	5300	8240	P/D	P/D	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Studios for artists, designers, musicians, photographers, sculptors, woodworking (not as home occupation)	5210	4410	S	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-	-	
Travel Trailer Parks (see § 5.36)			S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Zoos	5230	4450	S	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	
Education, Public Administration, Health Care, and Institutional																				
Cemeteries, public and private (does not include individual family plots) (see § 5.6)	4700		P/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	
Civic, Social, and Fraternal Organizations, including community centers, meeting halls, community halls, reception halls, wedding halls, for assembly and recreation	6830	3700 3800	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	
Community food services (see § 5.7)	6563		-	-	-	-	-	-	-	-	-	-	P/D	P/D	-	-	P/D	-		
Correctional facilities (see § 5.9)	6222	4600	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/D	
Crematorium & Embalming	6720	4800	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	
Day Care facility, Child Care Center (see § 5.10)	6562		S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	P/D	P/D	P/D	P/D	P/D	-	-		

3.5 SPECIAL USE PERMITS

3.5.1 APPLICABILITY.

3.5.1.1 The purpose of this Section is to establish procedures and standards for the processing and approval of Special Use Permits. Special Use permits provide a form of discretionary approval for certain uses which are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration. Special Uses ensure the appropriateness of the use at a particular location within a given zoning district.

3.5.1.2 Only those uses that are enumerated as Special Uses in a zoning district, as set forth in the Use Matrix (§ 4.6, Table 4.6-1 of this Ordinance), shall be authorized by the Board of Adjustment.

3.5.2 APPROVAL PROCEDURE

3.5.2.1. No special use permit shall be authorized, developed, or otherwise carried out until the applicant has secured approval of the special use by the Board of Adjustment and approval of a final site plan by the Administrator.

3.5.2.2. Applications for special use permit approvals shall be filed with the Administrator. Pre-application meetings with the Administrator prior to filing are required.

3.5.2.3. Major site plan applications (see Appendix B) shall be filed concurrently with special use permit applications. The information shall be provided to the Board of Adjustment during their deliberations.

3.5.2.4. The Board of Adjustment shall conduct a quasi-judicial hearing in accordance with the requirements of § 3.1.7 of this Ordinance. The Board of Adjustment shall deny the request, approve the request; or approve the request with conditions.

3.5.2.5. The Board of Adjustment may place conditions on the use as part of the approval to

assure that adequate mitigation measures are associated with the use. The conditions shall become a part of the special use permit approval and shall be included in the final site plan application.

3.5.2.6. Violations of any of the conditions shall be treated in the manner as set forth in § 1.6 of this Ordinance.

3.5.2.7. An application for a special use permit that has been denied may be resubmitted only if there has been a substantial change in circumstances, as determined by the Administrator, or if substantial revisions have been made to the application for development approval (see § 3.5.6 for further restrictions on reapplication).

3.5.2.8. Minor field alterations or minor revisions to approved special uses may be approved by the Administrator if the special use still meets the intent of the standards established with the original approval. Minor alteration/revisions shall be limited to changes that do not increase the intensity, density, or character of the use. If the Administrator determines that the change is not minor, the Applicant shall apply for a revised Special Use Permit. The applicant may appeal the decision of the Administrator to the Board of Adjustment.

3.5.3 APPROVAL CRITERIA.

Uses permitted subject to Special Use review shall be permitted only if the applicant demonstrates to the Board of Adjustment that:

3.5.3.1 The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved,

3.5.3.2 The use meets all required conditions and specifications,

3.5.3.3 The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and

3.5.3.4 The location and character of the use, if developed according to the plan submitted and approved, will be in harmony with the area

in which it is located and in general conformity with all adopted land use plans.

3.5.3.5 The Board may impose additional conditions upon granting the Special Use Permit so long as said conditions are reasonable and appropriate.

3.5.4 ADDITIONAL STUDIES FOR CERTAIN LAND USES.

3.5.4.1 Upon determining that the proposed use will have particular impacts potentially inconsistent with any of the above approval criteria, the County may retain the services of a consultant mutually acceptable to it and the applicant to conduct a study of such impacts as related to the above criteria. The applicant shall pay a fee as part of the special use permit application for the cost of the consulting services incurred by the County, and the report of the study results shall be submitted to and approved by the County prior to issuance of the special use permit.

3.5.4.2 This section 3.5.4 shall apply only to those land uses requiring a Special Use Permit and as listed within the “Industrial and Manufacturing” or “Transportation, Communications and Utilities” land use subcategories as found in the Permitted Use Matrix (§ 4.6, Table 4.6-1 of this Ordinance).

3.5.5 VOTING.

A majority of the members of the Board of Adjustment shall be required to decide on whether or not to grant a Special Use Permit. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

3.5.6 SCOPE OF APPROVAL.

3.5.6.1 The approval of a Special Use permit shall authorize the applicant to apply for final site plan approval pursuant to § 3.6 of this Ordinance. All approvals of Special Use permits require approval of the site plan. Any Special Use permit approval shall become null and void if a required site plan is not approved within 24 months after the date of the approval.

No Zoning Clearance Permit may be issued until the final major site plan and Special Use permits are approved. Approval of a Special Use permit does not authorize any development activity.

3.5.6.2 Minor field alterations or minor revisions to approved Special Uses may be approved by the Department of Community Development if the Special Use still meets the intent of the standards established with the original approval. Minor alteration/revisions shall be limited to changes that do not increase the intensity, density, or character of the use. If the Department of Community Development determines that the change is not minor, The Applicant shall apply for a revised Special Use Permit. The applicant may appeal the decision of the Department of Community Development to the Board of Adjustment.

3.5.6.3 Violations of any of the conditions shall be treated in the manner as set forth in § 1.6 of this Ordinance.

3.5.7 RECORDATION

The applicant shall obtain certification of the approved Special Use Permit from the Clerk to the Board and shall record this Order in the office of the register of deeds of Lee County. The Applicant must provide the Department of Community Development a copy of the recorded notification, affixed with the Register's seal and the date, book and page number of recording in order to receive approval of the application for a zoning clearance.

3.5.8 SUBSEQUENT APPLICATIONS

In the event that an application for a Special Use Permit is denied by the Board of Adjustment, the Board of Adjustment shall refuse to accept another application for the same amendment on the same property or any portion of the same property within one (1) year of the original hearing. However, the Board of Adjustment may consider such application within that time if relevant evidence that was not reasonably available at the time of the original hearing is presented.

3.6 SITE PLAN REVIEW

3.6.1 PURPOSE.

The site plan review provisions and regulations of this Section are intended to promote the safe, functional, and aesthetically pleasing development of property and to ensure that new structures, utilities, streets, parking, circulation systems, yards, and open spaces are developed in conformance with the standards of this Ordinance. The site plan review considers the siting of structures and related site improvements to promote harmonious relationships with adjacent development.

3.6.2 MAJOR/MINOR SITE PLAN DEFINED.

No application for development approval in the following categories shall be approved unless a site plan has been approved in accordance with the procedures prescribed in this Section.

(a) The following shall require MINOR SITE PLAN approval:

- An application for development approval requesting a non-residential use or any multi-family dwelling unit, which is permitted by right in the applicable zoning district.
- Any application for approval of a use for which a site plan is required pursuant to Article Five of this Ordinance.

(b) The following applications shall require MAJOR SITE PLAN approval:

- Any application for approval of a Planned Unit Development (PUD), Traditional Neighborhood Development (TND), or Transit-Oriented Development (TOD) district.
- An application for approval of a Special Use permit.

(c) The foregoing approvals shall be referred to in this Section as the "Underlying Zoning Application."

3.6.3 EXEMPTIONS.

Detached single-family dwelling units and duplex developments on individual lots of record shall be exempt from the provisions of this section. Detached single-family dwelling units and duplexes on individual lots of record shall be reviewed in accordance with § 3.2.3.

3.6.4 CONFORMITY WITH APPROVED PLAN.

Development activities subject to the requirements of this Section may be carried out only in substantial conformance with the approved site plan and attached any conditions or restrictions. Any substantial deviation from the approved site plan, unless approved in advance and in writing by the Department of Community Development, shall be deemed a violation of this Ordinance. Further, no certificate of compliance shall be issued if the development activities do not conform to the approved site plan

3.6.5 APPROVAL PROCEDURE FOR MINOR SITE PLANS.

Approval of a Minor Site Plan is a one-step process. The Applicant submits a Minor Site Plan for approval by the Department of Community Development and an application for a Zoning Clearance Permit. If the site plan is complete, but does not conform to the provisions of this Ordinance and/or required conditions (if applicable), the Department of Community Development shall deny the site plan and return to applicant for revision and resubmission

3.6.6 APPROVAL PROCEDURE FOR MAJOR SITE PLANS.

3.6.6.1 GENERALLY.

Approval of a Major Site Plan is a two-step process. As the first step, the Applicant submits a Preliminary Site Plan for review by the Department of Community Development, which is accompanied by an application for a Special Use permit, conditional zoning, or a rezoning to a zoning district for which a Major Site Plan is required. As the second step, after the decision-making agency renders its decision on the underlying zoning map amendment

and/or Special Use permit application, the applicant files a final site plan for approval by the Department of Community Development and an application for a Zoning Clearance Permit.

3.6.6.2 PRELIMINARY SITE PLAN.

(a) The Department of Community Development shall determine whether the application for a preliminary site plan is complete as prescribed in Appendix B.

(b) If the preliminary site plan is complete, the Department of Community Development shall forward the application, along with the zoning amendment or Special Use permit application, to the Planning Commission as prescribed in § 3.4, or the Board of Adjustment as prescribed in § 3.5. If the preliminary site plan is incomplete, the Department of Community Development shall return it to the applicant with a statement of the reasons why the proposed preliminary site plan does not conform to the provisions of Appendix B.

3.6.6.1 FINAL SITE PLAN.

After a final decision to approve, or approve with conditions the zoning map amendment or Special Use permit application and preliminary site plan, the applicant may file an application for Final Site Plan approval. The final site plan shall be prepared and submitted to the Department of Community Development in the same manner as set forth in § 3.6.5, above.

3.6.7 FINAL INSPECTION.

The Department of Community Development shall inspect the site for compliance with the approved site plan before a Zoning Clearance Permit is issued for the project. The Department of Community Development will write a letter to the applicant stating any deficiencies.

3.6.8 SCOPE.

3.6.8.1 The Department of Community Development will sign and date the site plan to indicate approval. Approval shall become effective immediately.

3.6.8.2 The owner of a use or property subject to the site plan will be notified if site plan approval must be suspended. Suspension is caused by 1.) violation of any applicable provision of this section, or 2.) failure to comply with any applicable required conditions.

3.6.8.3 If ownership changes of the site plan or structure in question, the site plan approval remains valid.

- (21) A detailed exterior lighting plan.
- (22) Number of copies to be submitted shall be specified on the application, as it may vary subject to the approving board(s) that may review plan.

B-6 LANDSCAPING PLAN (as required).

If applicable, a Landscaping Plan shall include the following information:

- (1) A general landscaping delineation indicating the treatment of materials used for open space, landscaped buffers and common ownership (Minimum scale of 1" = 40').
- (2) Planting areas drawn to scale with a list of the botanical and common names, number, and size of all plants designated for each area.
- (3) Location, name, and size of all existing trees, shrubs, groundcover and other plant materials that are to be incorporated as part of the landscape plan consistent with the Tree Preservation Regulations (§ 9.3 of this Ordinance).
- (4) Location and width of landscaped buffer strips, including height of berms.
- (5) Location and sizes of irrigation facilities adequate to maintain the planting areas. (Use of automatic watering systems is encouraged). The provisions of this subsection shall not apply to landscaped areas using xeriscape plantings.

B-7 GRADING PLAN (as required).

If applicable, a Grading Plan shall include the following information:

- (1) The plan shall have a minimum scale at 1" = 40' with 2' contour intervals based on the USGS quadrangle maps or a field survey.
- (2) The plan may be on the same or on a separate plan sheet from the site plan and shall consist of one or more plan sheets showing:
 - a. topographic information showing existing features and conditions, including floodplains, waterways, vegetation, trees, and slopes exceeding fifteen percent (15%) and proposed clearing and grading; and
 - b. the extent, location, and type of proposed fill materials.
 - c. proposed cuts and fills required by the location of all building structures and streets and roads.
 - d. the location and type of erosion control measures required by the North Carolina Sedimentation Control Commission.
- (3) The plan shall show the degree to which the proposed development will preserve existing features on the site. This shall include features such as healthy desirable trees, shrubs and other vegetation, waterways, vistas, and historic sites.
- (4) The Grading Plan may also include information as required for a Flood Prevention Plan (see below).

B-8 ARCHITECTURAL PLANS (as required).

(a) APPLICABILITY

This Section applies to any application for site plan approval. This Section shall not apply to any application for approval of a Building Permit.

(b) CONTENTS

The architectural plans shall depict architectural details of the proposed development and shall include the following information:

-
- (1) Preliminary renderings of building elevations plus typical cross sections to clearly define the character of the project;
 - (2) A cross-section elevation plan depicting all buildings, structures, monuments, and other significant natural and man-made features of the proposed development;
 - (3) An exterior building materials inventory; and
 - ↑ (4) any covenant or dedication establishing an architectural review board. ↑
-

B-9 FLOOD HAZARD DEVELOPMENT PERMIT (See: § 13.1)

(a) GENERALLY

The floodlands development permit shall include three (3) sets of plans drawn to scale showing:

- (1) The nature, location, dimensions and elevations of the area in question;
- (2) The boundaries of the Base Floodplain;
- (3) the existing or proposed structures; and
- (4) the location of fill, materials storage areas and drainage facilities.

(b) SPECIFIC INFORMATION

Specifically, the following information is required:

- (1) Where base flood elevation data is provided in accordance with Article 13 of this Ordinance, the application for a development permit within Zone A on the flood insurance rate map shall show:
 - a. The elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures; and
 - b. If the structure has been floodproofed in accordance with Article 13 of this Ordinance, the elevation (in relation to mean sea level) to which the structure was floodproofed.
- (2) Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least two (2) feet above the highest adjacent grade.
- (3) Where any watercourse will be altered or relocated as a result of proposed Development, the application for a floodlands development permit shall include:
 - a. A description of the extent of watercourse alteration or relocation;
 - b. An engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to the properties located both upstream and downstream; and
 - c. A map showing the location of the proposed watercourse alteration or relocation.
- (4) When a structure is floodproofed, the applicant shall provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structures meet the floodproofing criteria in Article 13 of this Ordinance.
- (5) A floor elevation or floodproofing certification is required after the lowest floor is completed. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local Department of Community Development a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct

LEE COUNTY LEGAL NOTICE

Notice is hereby given that the Lee County Board of Adjustment will conduct a public hearing on Monday, January 13, 2020, in the Buggy Conference Room on the first floor of the Historic Buggy Company Building at 115 Chatham Street, Sanford, NC. The public hearing will begin at 6:00p.m. or as soon thereafter as deemed practical by the Board to consider the following application:

1. Application by the Ruby and Ernest McSwain Worthy Lands Trust, H. Lynn Blackmon, Trustee, to obtain a Special Use Permit for a proposed meeting/community/reception/wedding hall to be located at an existing house known as the “Worthy House” addressed as 2400 Tramway Road. The site is located within the jurisdiction of Lee County and is zoned Residential Agricultural (RA). Per the Unified Development Ordinance, Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, new civic, social, and fraternal organizations, including community centers, meeting halls, community halls, reception halls, wedding halls, for assembly and recreation are permitted in the Residential Agricultural (RA) zoning district upon issuance of a Special Use Permit, subject all applicable standards of the UDO. The property is the same as depicted on Lee County Tax Maps 9641.03, 9641.01, and 9631.02, as Tax Parcel 9641-25-0146-00, Lee County Land Records.

The public is cordially invited to attend this quasi-judicial hearing. Due process requirements for quasi-judicial decisions mandate that certain standards be observed when these decisions are made. This includes the right of parties for or against the proposal to offer evidence, have sworn testimony, and have findings of fact supported by competent, substantial and material evidence.

All interested parties have the right to be represented by an attorney. Further information may be obtained by contacting the Sanford/Lee County Zoning & Design Review Department at 115 Chatham Street, Sanford, NC 27330 or by calling 919-718-4656. Upon request and with 24-hour notice, the City will provide an interpreter for the hearing impaired or any other auxiliary aid.

Cualquier ciudadano que tenga preguntas o comentarios de las cosas al referido, puede comunicarse a el departamento de desarrollo para Sanford/Condado de Lee, llame al (919) 718-4656.

Thank you.

By Jennifer Gamble, Clerk
Lee County Board of Commissioners

Please publish in the Legal Notices Section of the Sanford Herald on Friday, January 3, 2020 and Friday, January 10, 2020. If you have any questions regarding this notice, please call Amy J. McNeill at 718-4656, ext. 5397. Charge to Account 30031885 and refer to as Lee County Board of Adjustment Notice.

Please send publisher's affidavit to the Sanford/Lee County Community Development Dept., P.O. Box 3729, Sanford, NC, and attention: Angela Baker. Thank you.

January 3, 2020

Dear Adjacent Property Owner:

The Unified Development Ordinance of Lee County, North Carolina requires that adjacent property owners be notified when a request for a Special Use Permit has been scheduled for a public hearing before the Lee County Board of Adjustment. Special Use Permits provide a form of discretionary approval for certain uses which are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration to ensure the appropriateness of the use at a particular location.

LEE COUNTY PUBLIC NOTICE

Notice is hereby given that the Lee County Board of Adjustment will conduct a public hearing on Monday, January 13, 2020, in the Buggy Conference Room on the first floor of the Historic Buggy Company Building at 115 Chatham Street, Sanford, NC. The public hearing will begin at 6:00p.m. or as soon thereafter as deemed practical by the Board to consider the following application:

1. Application by the Ruby and Ernest McSwain Worthy Lands Trust, H. Lynn Blackmon, Trustee, to obtain a Special Use Permit for a proposed meeting/community/reception/wedding hall to be located at an existing house known as the “Worthy House” (or “Hickory House”) addressed as 2400 Tramway Road. The site is located within the jurisdiction of Lee County and is zoned Residential Agricultural (RA). Per the Unified Development Ordinance, Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, new civic, social, and fraternal organizations, including community centers, meeting halls, community halls, reception halls, wedding halls, for assembly and recreation are permitted in the Residential Agricultural (RA) zoning district upon issuance of a Special Use Permit, subject all applicable standards of the UDO. The property is the same as depicted on Lee County Tax Maps 9641.03, 9641.01, and 9631.02, as Tax Parcel 9641-25-0146-00, Lee County Land Records.

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Thank you.

By Jennifer Gamble, Clerk, Lee County Board of Commissioners

Attachments: GIS map and site plan

ADJACENT PROPERTY OWNER NOTIFICATION CERTIFICATION

I, Amy J. McNeill, hereby certify that the property owners and adjacent property owners of the following Special Use Permit Application, as indicated on the Lee County Tax Maps, were notified by First Class U.S. Mail on Friday, January 3, 2020.

1. Application by the Ruby and Ernest McSwain Worthy Lands Trust, H. Lynn Blackmon, Trustee, to obtain a Special Use Permit for a proposed meeting/community/reception/wedding hall to be located at an existing house known as the "Worthy House" addressed as 2400 Tramway Road. The site is located within the jurisdiction of Lee County and is zoned Residential Agricultural (RA). Per the Unified Development Ordinance, Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, new civic, social, and fraternal organizations, including community centers, meeting halls, community halls, reception halls, wedding halls, for assembly and recreation are permitted in the Residential Agricultural (RA) zoning district upon issuance of a Special Use Permit, subject all applicable standards of the UDO. The property is the same as depicted on Lee County Tax Maps 9641.03, 9641.01, and 9631.02, as Tax Parcel 9641-25-0146-00, Lee County Land Records.

Signature: Amy Jo McNeill Date: 2020.01.03

Title: ZONING ADMINISTRATOR

Lee County, North Carolina

I, WILLIAM E. MORGAN, a Notary Public for Lee County and State of North Carolina do hereby certify that AMY JO McNEILL personally appeared before me on this day and acknowledged the due execution of the foregoing Instrument. Witness my hand and official seal, this the 03 day of JANUARY, 2020.

William E Morgan
Notary Public Signature

My Commission expires MAY 24, 2021 (SEAL)



ADJOINING PROPERTY OWNERS LIST

PETITION BY: Ruby and Ernest McSwain Worthy Lands Trust | H. Lynn Blackmon, Trustee 31
 REQUEST: Meeting/Community/Reception/Wedding Hall in the RA Zoning District
 LOCATION: 2400 Tramway Road, Sanford, NC 27330
 PIN: 9641-25-0146-00
 DATE: 2020-01-02

No.	PIN	PROP ADDR	OWNER 1	OWNER2	M #	MAIL ST	MAILCITY	ST	ZIP
01	9641-44-2926-00	2200 TRAMWAY RD	PETTUS, ROBERT WAYNE	-	-	PO BOX 1313	SANFORD	NC	27331
02	9641-44-2783-00	2210 TRAMWAY RD	DIGNUS COMM. CLUB	-	8008	BLUERIDGE DR	RALEIGH	NC	27615
03	9641-45-3256-00	1706 FIRE TOWER RD	PETTUS, LANELIA GRAY	-	-	PO BOX 1313	SANFORD	NC	27331
04	9641-55-0952-00	0 FIRE TOWER RD	ESPLANADE COMMUNITIES OF FLORIDA LLC	-	3000	GULF BREEZE PKWY	GULF BREEZE	FL	32563
05	9641-46-4145-00	1637 FIRE TOWER RD	BOWMAN, GARY WILLIAM	-	1629	FIRE TOWER RD	SANFORD	NC	27330
06	9641-46-4307-00	0 FIRE TOWER RD	SANDCOR LLC	-	506	CARTHAGE ST	SANFORD	NC	27330
07	9641-46-3466-00	0 FIRE TOWER RD	SANDCOR LLC	-	506	CARTHAGE ST	SANFORD	NC	27330
08	9641-46-3517-00	0 FIRE TOWER RD	SANDCOR LLC	-	506	CARTHAGE ST	SANFORD	NC	27330
09	9641-46-2771-00	0 FIRE TOWER RD	SANDCOR LLC	-	506	CARTHAGE ST	SANFORD	NC	27330
10	9641-46-1990-00	1619 FIRE TOWER RD	THOMAS, DEBRA J	THOMAS, JAMES L	1619	FIRE TOWER RD	SANFORD	NC	27330
11	9641-47-1693-00	1525 FIRE TOWER RD	JACKSON, MALCOLM C	-	650	SALEM CHURCH RD	SANFORD	NC	27330
12	See #11: What appears to be a separate parcel is actually part of 9641-47-1693-00 separated by Fire Tower Road.								
13	9641-37-5479-00	1524 FIRE TOWER RD	STOVALL, ELSIE D	STOVALL, HENRY R	1909	TRAMWAY ROAD	SANFORD	NC	27330
14	9641-37-4542-00	0 FIRE TOWER RD	STOVALL, ELSIE D	STOVALL, HENRY R	1909	TRAMWAY ROAD	SANFORD	NC	27330
15	9641-37-2793-00	1518 FIRE TOWER RD	BOWMAN, DONALD	BOWMAN, CAROLYN	1518	FIRE TOWER RD	SANFORD	NC	27330
16	9641-37-2923-00	1512 FIRE TOWER RD	SHOEMAKER, DEAN	SHOEMAKER, SUSAN	1512	FIRE TOWER RD	SANFORD	NC	27330
17	9641-38-3248-00	1508 FIRE TOWER RD	LEAKE, PHYLLIS H	-	1508	FIRE TOWER RD	SANFORD	NC	27330
18	See #23: What appears to be a separate parcel is actually part of 9641-18-7421-00.								
19	9641-27-3942-00	919 MERCHANTS CT	KEELS, PHILLIP G	-	919	MERCHANTS CT	SANFORD	NC	27330
20	9641-27-2956-00	918 MERCHANTS CT	JERNIGAN, JASON C	JERNIGAN, TIFFANY A	918	MERCHANTS CT	SANFORD	NC	27330
21	9641-28-2140-00	916 MERCHANTS CT	STUCKER, SHARON R/TR	RUDOLPH A & SHARON R STUCKER LIV TRUST	916	MERCHANTS CT	SANFORD	NC	27330
22	9641-28-3420-00	0 CHOWNINGS DR OPEN AREA #2	RESERVE AT CARTHAGE COLONIES COM ASSOC.	-	207	MILLBROOK RD	SANFORD	NC	27330
23	9641-18-7421-00	0 FIRE TOWER RD	GALLUP, CAROLE P	-	4971	TOWNSEND GLEN CIRCLE	WINSTON SALEM	NC	27106
24	9631-97-6049-00	0 BRANTLEY RD	DOUGLAS, EARLY M & DOUGLAS, GRACE D/TR	THE DOUGLAS FAMILY TRUST	1510	PENDERGRASS RD	SANFORD	NC	27330
25	9631-86-5489-00	2100 BRANTLEY RD	WALL, SHIRLEY B	-	2332	JEFFERSON DAVIS HWY	SANFORD	NC	27332
26	9631-95-2119-00	2704 TRAMWAY RD	LAWRENCE, GRACE R	-	1616	LORRAINE RD	RALEIGH	NC	27607
27	9641-14-2832-00	0 TRAMWAY RD	LAWRENCE, LUCY A	CAMERON, DAVID R	112	PEARSON LN	BLACK MOUNTAIN	NC	28711
28	9641-25-5063-00	2410 TRAMWAY RD	NC AGRICULTURAL FOUNDATION INC	-	-	PO BOX 7645	RALEIGH	NC	27695
29	APPLICANT & PROPERTY OWNER:	2400 TRAMWAY RD	RUBY AND ERNEST MCSWAIN WORTHY LANDS TRUST	H. LYNN BLACKMON, TRUSTEE	-	PO BOX 2280	SANFORD	NC	27330

(0) = No address assigned to this parcel. Typically, it is vacant

Board of Adjustment Special Use Hearing Procedures

1. PRELIMINARY MATTERS

- 1) Note for the record the presence of a quorum.
- 2) Chairman calls the meeting to order.
- 3) Approval of agenda. (Board members may add or delete items upon a majority vote.)
- 4) Approval of minutes of previous meeting.
- 5) Disclosure of conflict of interest and ex-parte communication by Board Members.

Conflict of Interest (Defined under new law) - A member of the board or any other body exercising quasi-judicial functions pursuant to this Ordinance shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

- 6) Old Business.
- 7) New Business.

2. SPECIAL USE HEARING

- 1) Chairman to announce the case:

“We will now hold a public hearing to consider the next matter on the agenda, which is the application of: Mr. /Mrs. XXXXXXXXX, seeking a Special Use permit for
“ _____.”

- 2) Chairman to read statement:

A Special Use hearing is a quasi-judicial hearing which means that all parties have the right to offer evidence, cross-examine adverse witnesses, inspect documents, have sworn testimony, have the decision based only on evidence that is properly in the hearing record, and have written findings of fact supported by competent, substantial and material evidence.

Since this is a quasi-judicial hearing, it is improper for a member of the Board of Adjustment to discuss this case or to independently gather evidence outside of this hearing.

3) Chairman then ask:

Does any board member have a conflict that they need to disclose?

4) Chairman then states:

Those wishing to testify must be sworn; however, anyone in attendance may ask questions of the person testifying.

5) Chairman then ask the following questions:

A. Are the applicant(s) Mr. /Mrs. _____ present?

B. Are you ready to proceed?

C. Are you represented by counsel?

6) Chairman calls for all witnesses who will testify in favor of the application to come forward to be sworn.

7) Chairman then calls for all witnesses who will testify in opposition to the petition to come forward and be sworn.

8) Chairman then call on the applicant or his counsel to present their case *in favor* of granting the Special Use Permit.

The PROCEDURE with applicant will be as follows:

A) Applicant/counsel testifies

B) Those in opposition cross-examine the applicant/counsel

C) Questions from the Board of Adjustment

D) Redirect examination of applicant/counsel

E) Re-cross examination of applicant/counsel by those in opposition

F) Further questions by Board of Adjustment

G) Questions by public (Must give name and address for the record)

9) Chairman then call on witnesses *in favor* of application to speak, and observe the same procedure as noted above.

10) After the applicant has completed presenting his/her case, Chairman then call upon those *in opposition* to the application to present their witnesses.

The PROCEDURE with witnesses will be as follows:

- A) Witness/counsel in opposition testifies
 - B) Applicant or his counsel cross-examines witness in opposition
 - C) Questions from the Board of Adjustment
 - D) Redirect examination by witness in opposition
 - E) Re-cross examination of witness in opposition by applicant
 - F) Further questions by Board of Adjustment
 - G) Questions by public (Must give name and address for the record)
- 11) Chairman to call the next and each succeeding witness in opposition to speak, and observe the same procedure as noted above)
- 12) After all witnesses for the applicant and those that are in opposition have testified, call upon the applicant to present whatever evidence he/she has in rebuttal. (Note: This is not an invitation to rehash everything the applicant/counsel or those in opposition has gone over in their direct testimony, but is the opportunity to present new evidence that the applicant/council or those in opposition has in rebuttal to what the other has stated.)

The REBUTTAL process:

- A) Applicant/counsel can present any new evidence they have for rebuttal.
 - B) After the applicant/counsel rebuttal has been presented, then the opponents have the opportunity to present any new evidence in rebuttal.
- 13) This would complete the hearing of evidence in the matter unless either party should ask for a chance to present further evidence. This would be a matter within the discretion of the Board.
- 14) Chairman to call on the applicant/counsel to present their summation or argument to the Board in favor of granting the Special Use Permit.
- 15) Chairman to call on those in opposition to present their summation or argument to the Board as to why the Special Use Permit should be denied.

Finally, after all evidence and the rebuttals have been presented,

- 16) The Chairman should summarize the evidence. (The secretary should write this summary down for inclusion in the minutes.)

- 17) The Chairman should tell the parties that the summary is intended to be the record of what has been presented and that they may offer any objections, corrections, or additions that will more accurately present their case.

This concludes the hearing and the Board shall then deliberate and make a decision.

- 18) The Chairman should state for the Board and those in attendance, that the granting of the Special Use Permit is based upon four findings of fact. Each finding requires a majority vote by the Board to be approved. When voting, the Board must render a decision on *each* of the required findings and *must state a reason for approval or denial of *each* finding of fact. (*The Board members should indicate **for each** required finding the evidence on which the finding was based. On the basis of these findings, a Board member should offer a motion either to grant or deny the Special Use Permit. This motion should be discussed and any suitable conditions appended to it.)

- 19) Chairman should also state that if one of the required finding fail, they all fail.

In granting the Special Use Permit, the Board of Adjustment shall find:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
2. That the use meets all required conditions and specifications;
3. That the use will not substantially injure the value of the adjoining or abutting property, or that the use is a public necessity; and
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Land Use Plan for Sanford and Lee County.

Note: Reasonable and appropriate conditions may be imposed upon these permits.

After the Board's decision has been rendered,

This decision is effective upon filing the written decision with the clerk to the board. This decision shall be subject to review by the superior court. If anyone is dissatisfied with the decision of the Board, an appeal may be taken to the Lee County Superior Court within 30 days after the decision has been filed in the clerk to the board in the Planning Department.

\$500 FEE*(SUP for a telecommunications tower requires an additional \$4,000.00 application fee.)*Application No. 2020-01-01Energov Case No. SUP-001322-2019**SPECIAL USE PERMIT APPLICATION**

Circle Jurisdiction That Applies:

City of Sanford

Lee County

Town of Broadway

The Special Use Permit Process

A Special Use Permit is necessary when a proposed land use may have some consequences that may warrant review by the Board of Adjustment. This review is to insure there will be no detrimental effects to surrounding properties, nor will it be contrary to the public interest.

In order to apply for a Special Use Permit, a completed application along with the application fee and all supporting documentation is required to be submitted to the Sanford/Lee County Zoning & Design Review Department at 115 Chatham Street, Sanford, NC. Information regarding the submittal requirements, deadline dates, and meeting dates is provided in a separate handout labeled City of Sanford Board of Adjustment Deadlines, Meeting Dates & Info. that is available upon request. In order for the Board of Adjustment to grant approval of the Special Use Permit, the applicant must provide all of the information required.

If the Board finds that all approval criteria have been met, they may impose reasonable conditions upon the granting of any Special Use Permit to insure public health, safety, and general welfare. If the application is approved, the applicant may then proceed with securing all required local and state permits necessary for the endeavor. Failure to follow conditions set in the approval process would result in a violation of the Sanford / Broadway / Lee County Unified Development Ordinance (UDO).

For questions concerning this process, you may contact the Sanford/Lee County Zoning & Design Review Dept. on the first floor of the historic Buggy Company Building at 115 Chatham Street in downtown Sanford during regular business hours M-F 8:00am to 5:00pm. Staff does require an in person consultation with the applicant and property owner prior to accepting a Special Use Permit submittal so that we can fully explain the process and legalities associated with this request. For questions you may contact Amy J. McNeill, Zoning Administrator at 919-718-4656, Ext. 5397 or amy.mcneill@sanfordnc.net.

TO THE BOARD OF ADJUSTMENT:

I hereby petition the Board of Adjustment to grant the following Special Use Permit request:

Applicant's Name: Ruby and Ernest McSwain Worthy Lands Trust - H. Lynn Blackmon, TrusteeAddress: P.O. Box 2280, Sanford, NC 27331Telephone No.: 919-774-1419Email Address: worthylands@gmail.com

Property Owner's Name: Ruby and Ernest McSwain Worthy Lands Trust
 Address: 2400 Tramway Rd., Sanford, NC 27332 (P.O. Box 2280, Sanford, NC 27331)
 Telephone No.: 919-774-1419
 Email Address: worthylands@gmail.com

Parcel Information

Existing Use of Property: R1:Residential - UW: Use-Forest

Proposed Use of Property: Special Use Permit SUP

Existing Zoning: RA Property Location: 2400 Tramway Rd.

Property Acreage: 233.33 Tax Map and Parcel No. (PIN): 964125014600

Land Use of Adjacent Properties (Provide plat map if available)

North: Single Family Residence Zoning: R12

South: XSCH County Schools Zoning: OI

East: Single Family Residence Zoning: RA

West: XNCS: NC State Zoning: RA

General Requirements

The UDO imposes the following general requirements on the use requested by the applicant. Under each requirement, the applicant should explain, with reference to the attached plans where applicable, how the proposed use satisfies these requirements.

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

Limited to small groups. (See attachment #1)

2. That the use meets all required conditions and specifications;

n/a

3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

No effect on adjoining properties.

4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Sanford/Lee County Land Use Plan.

Yes it will be in harmony for the long range use plans for Lee County.

The UDO also imposes SPECIFIC REQUIREMENTS on the use(s) requested by the applicant. The applicant should be prepared to demonstrate that, if the land is used in a manner consistent with the plans, specifications, and other information presented to the Board, the proposed use(s) will comply with specific requirements concerning the following:

Nature of use (type, number of units, and/or area):

Special Events.

Accessory uses (if any):

n/a

Setback Provisions

Principle Use: Front: n/a Side: n/a Rear: n/a

Accessory Use: Front: _____ Side: _____ Rear: _____

Height Provisions

Principle Use n/a Accessory Use _____

Off street parking and loading provisions: (include calculations)

n/a

Sign provisions: (include sketch drawing with dimensions)

n/a

Provisions for screening landscaping and buffering: (if required add to site plan)

n/a

Provisions for vehicular circulation and access to streets: (provide NCDOT permit if necessary)

n/a

Adequate and safe design for grades, paved curbs and gutters, drainage systems, and treatment or turf to handle storm waters, prevent erosion, subdue dust:

n/a

An adequate amount and safe location of play areas for children and other recreational uses according to the concentration of residential property:

n/a

Compliance with overlay zones including but not limited to the latest adopted Thoroughfare Plan:

n/a

Compliance with the Flood Damage Prevention Ordinance:

n/a

Other requirements may be requested by the applicant or specified by the Board for protection of the public health, safety, welfare, and convenience:

n/a

Predefined Standards

Some Special Uses as listed in the UDO also have additional specific standards imposed. Refer to the Unified Development Ordinance, Article 5 Supplemental Development Regulations, for these requirements. Each standard should be addressed in the site plan submitted along with this application.

Required Attachments/Submittals

- City of Sanford: Sixteen (16) copies of the site plan and all supporting documentation shall be submitted with the completed application.
- Lee County: Twelve (12) copies of the site plan and all supporting documentation shall be submitted with the completed application.
- Town of Broadway: Twelve (12) copies of the site plan and all supporting documentation shall be submitted with the completed application.

CERTIFICATION

I hereby acknowledge that the information contained herein is true. It is further understood that this application will be reviewed for completeness and accuracy and that it shall not be scheduled for official consideration until all required contents in proper form and a \$240 fee payable to the City of Sanford are submitted to the City of Sanford/Lee County Planning & Development Department.

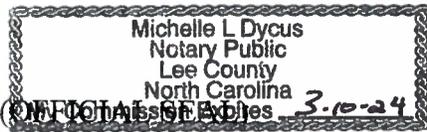
Hubert Lynn Blackmon
Hubert Lynn Blackmon
Signature of Applicant (Print & Sign)

10-25-2019
Date

This signature to be notarized below.

STATE OF NORTH CAROLINA
LEE COUNTY

I, Michelle L. Dycus, a Notary Public for Lee County and State of North Carolina do hereby certify that Hubert Lynn Blackmon personally appeared before me on this day and acknowledged the due execution of the foregoing Instrument. Witness my hand and official seal, this the 25 day of October, ~~2018~~ 2019.



Michelle L. Dycus
Notary Public Signature
My Commission expires: 3-10-2024

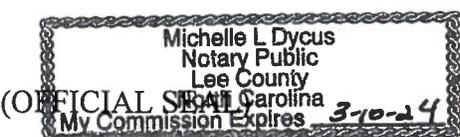
Hubert Lynn Blackmon Trustee
Hubert Lynn Blackmon Trustee
Ruby + Ernest McSwain Worthy Lands Trust
Signature of Property Owner (Print & Sign)

10-25-2019
Date

This signature to be notarized below.

STATE OF NORTH CAROLINA
LEE COUNTY

I, Michelle L. Dycus, a Notary Public for Lee County and State of North Carolina do hereby certify that Hubert Lynn Blackmon personally appeared before me on this day and acknowledged the due execution of the foregoing Instrument. Witness my hand and official seal, this the 25 day of October, ~~2018~~ 2019.



Michelle L. Dycus
Notary Public Signature
My Commission expires: 3-10-2024

Ruby & Ernest McSwain Worthy Lands Trust

*P.O. Box 2280
Sanford, NC 27331
919.774.1419*

October 18, 2019

Attachment #1

Amy J. McNeill
Zoning Administrator
115 Chatham Street, Suite 1
Sanford, NC 27330

Re: Zoning for Worthy (Hickory) House

Dear Amy,

I wanted to take the opportunity to provide some clarification regarding the Worthy House located at 2400 Tramway Rd. I am enclosing article "Part A" from the Trust document which provides the directive for use.

It is our intention as the Trustee's for the Ruby and Ernest McSwain Worthy Lands Trust to use the Worthy House as follows:

1. Meetings, possibly luncheons (catered only) for the Agricultural Center and NCSU affiliates that are linked to the Agricultural Center. This does not include all the departments that are located in the McSwain Center.
2. Trustee meetings with advisory board members.
3. Meetings with charitable organizations.
4. All meetings will be limited to small groups.

Ms. Ruby left it the discretion of the Trustees to determine if the Worthy House would be available for public or private use. At this time, it will not be opened to the general public.

If you have any further questions, please feel free to call me.

Regards,



H. Lynn Blackmon, Trustee

Encl.

Cc: Tommy Knight & Bob Bracken

PART A

Preservation of the Worthy House

A portion of the Trust Estate created hereby is comprised of the house and appurtenances thereto known as the Worthy House. My Trustees shall use and apply so much of the net income and of the principal of the Trust assets, without limit as to amount, as the Trustees consider necessary and appropriate for the upkeep, maintenance and preservation of the Worthy House. The Trustees are authorized (and encouraged) to seek and employ the assistance of persons and organizations versed in the maintenance and preservation of historic properties as may be reasonable or necessary. It is my intention that the Worthy House be preserved for the use, benefit and enjoyment of the people of Lee County and North Carolina for generations to come.

In their sole and absolute discretion, the Trustees may make the Worthy House available for public or private use, and charge reasonable rents and fees therefore, and dedicate any such fees or rents to the operation and maintenance of the Worthy House.

PART B

THE RUBY and ERNEST
McSWAIN-WORTHY LANDS TRUST
DB 1199, P. 940
PLAT SLIDE 2010, SLIDE 1
PIN 9641-25-0146

THE RUBY and ERNEST
McSWAIN-WORTHY LANDS TRUST
DB 1199, P. 940
PLAT SLIDE 2010, SLIDE 1
TRACT 1
PIN 9641-25-0146

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THE RUBY and ERNEST
McSWAIN-WORTHY LANDS TRUST
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PLAT SLIDE 2010, SLIDE 1
TRACT 1
PIN 9641-25-0146

ROBERT WAYNE PETTUS
DB 981, P. 478
PC 2005, SLIDE 48
FIRST TRACT
PC 2011, SLIDE 113

COUNTY OF LEE
DB 859, P. 217
PC 10, SLIDE 22-G
21.58 ACRE TRACT

COUNTY OF LEE
DB 860, P. 696
PC 10, SLIDE 22-G
63.00 ACRE TRACT

OWNER:
THE RUBY and ERNEST
McSWAIN-WORTHY LANDS TRUST
PO BOX 2280
SANFORD, NC 27331

THE RUBY and ERNEST
McSWAIN-WORTHY LANDS TRUST
DB 1199, P. 940
PLAT SLIDE 2010, SLIDE 1
PIN 9641-25-0146

235.29 ACRES TOTAL
CALCULATED BY COMPUTER

BOUNDARY SURVEY FOR:
**THE RUBY and ERNEST
McSWAIN-WORTHY LANDS TRUST**

STATE: NORTH CAROLINA	COUNTY: LEE	TOWNSHIP: JONESBORO	DATE COMPLETED: 12-17-2019
THOMAS J. MATTHEWS PROFESSIONAL LAND SURVEYOR 226 E. TRADE STREET SUITE 2 SANFORD, N.C. 27332 (919) 776-3400 matthewssurveying@yahoo.com		SCALE: 1" = 60' PARCEL: 9641-25-0146 ZONE: RA	REVISIONS: JOB # 3918A
		TAX MAP: 9641.01 9641.03	

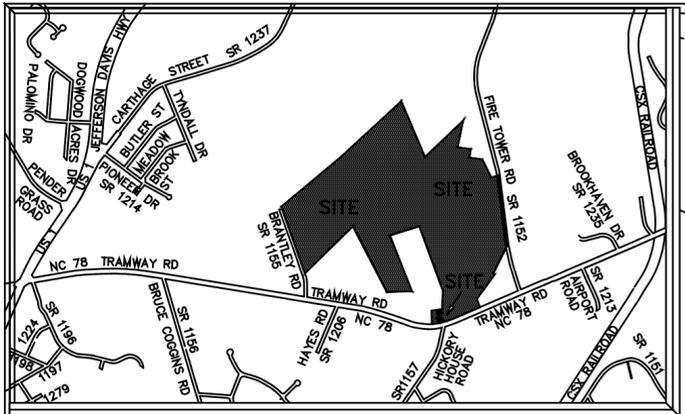
NOTE:
AC. CAL. BY COMPUTER
WATER.....WELL/PUBLIC
SEWER.....SEPTIC TANK
MIN. BUILDING SETBACK LINES
30' FRONT
30' REAR
15' SIDE

NOTE:
THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS.

I, Thomas J. Matthews, certify that this plat was drawn under my supervision from an actual survey made under my supervision deed description recorded in Book SEE page MAP; That the boundaries not surveyed are clearly indicated as drawn from information found in Book SEE Page MAP. That the ratio of precision as calculated is 1: 10,000; that this plat was prepared in accordance with GS 47-30 as amended. WITNESS my original signature registration number and seal this 17th day of DECEMBER A.D. 2019

Thomas J. Matthews
LAND SURVEYOR
PLS. # L-1255

VICINITY MAP



NORTH CAROLINA AGRICULTURAL FOUNDATION, INC.
CORRECTION DEED
DB 627, P. 378
DB 624, P. 366
PC 8, SLIDE 92-A

THE RUBY and ERNEST
McSWAIN-WORTHY LANDS TRUST
DB 1199, P. 940
PLAT SLIDE 2010, SLIDE 1
TRACT 1
PIN 9641-25-0146

50' ROADWAY ACCESS
PC 8, SLIDE 92-A

EXISTING NCGS
CONCRETE MONUMENT
"HICKORY"
GRID COORDINATES
N 613,948.30'
E 1,943,044.45'

COUNTY OF LEE
DB 860, P. 696
PC 10, SLIDE 22-G

