



# Chatham County, NC

## Legislation Text

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**File #:** 18-2562, **Version:** 2

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Vote on a request by Beth & Joseph Pendola dba Old Lystra Inn, Parcel No. 18649, located at 1164 Old Lystra Road, for a Conditional Use Permit for a Bed and Breakfast Inn on approximately 10.034 acres, Williams Township.

### **Action Requested:**

Vote on a request by Beth & Joseph Pendola dba Old Lystra Inn, Parcel No. 18649, located at 1164 Old Lystra Road, for a Conditional Use Permit for a Bed and Breakfast Inn on approximately 10.034 acres, Williams Township.

### **Introduction & Background:**

A quasi-judicial public hearing was held on April 16, 2018. Planning staff presented the request. Jason Landers also spoke in favor of the request and noted the history associated with the property and opportunity for the public to visit and utilize their services.

The parcel is currently zoned R1, Residential, and the applicant is requesting approval of a conditional use permit for a bed and breakfast inn. The property is located adjacent to Old Lystra Road and is approximately 1 mile from US 15-501 North. The adjoining properties are zoned R1, Residential and are primarily wooded several dwellings located in the area.

The parcel is located within a WS-IV Protect Area and is within the Jordan Lake drainage. There are no water features shown on the USGS topographic map or NRCS soil survey maps. Additionally, there are no special flood hazard areas identified on the property.

This property was previously named Windy Oaks Inn and operated as a non-conforming permitted use until closing more than ten years ago. The current owner has operated as an owner-occupied bed and breakfast which is allowed by right in a residential zoning district since purchasing the property in May 2017. It is their desire to include hosting events as was previously done on the property.

**Planning Board discussions are noted below.**

### **Discussion & Analysis:**

In considering approval of a conditional use permit, the Board has to find that all of the following Findings of Facts are supported. Per the Zoning Ordinance "In considering an application for a conditional use permit the Board of Commissioners shall give due regard that the purpose and intent of this Ordinance shall be served, public safety and welfare secured and substantial justice done. If the Board should find, after public hearing, the proposed conditional use permit should not be granted, such proposed permit shall be denied."

**Finding 1 - The use requested is among those listed as an eligible conditional use in the**

**district in which the subject property is located or is to be located.** The use being proposed is allowed in the R-1 zoning district as a conditional use permit. Adjacent and adjoining parcels are zoned R-1 Residential. There is no error in the ordinance.

**It is planning staff opinion this finding has been met.**

**Finding 2 - The requested conditional use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare.** The inn was used for weddings and other events under different ownership, but the non-conforming status expired. The bed and breakfast component offered accommodations for wedding parties and guest attending the events. The location is convenient to a highly populated area of the county, as well as Orange County. Residential development is increasing in this area and more services such as this historical, outdoor, natural areas will be needed per the applicant.

Other similar venues include the Fearington Barn, The Parlour at Mann's Chapel, Forest Hall at Chatham Mills, The Bradford, Doyle's Vineyard, and Shady Oaks Farm. These venues are located in different areas of the county and draw people from surrounding counties. The inn will be family run with outside vendors providing services for the gatherings.

The property has established landscaped and is screened from the main road, which will be maintained. No new structures or buildings are needed with the exception of a prepared area for a tent. The existing five structures will be utilized which include restrooms that were permitted approximately 12 years ago.

**It is planning staff opinion this finding has been met.**

**Finding 3 - The requested permit or revision to the existing permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.** There will be no activities held in the front of the property. Peak traffic will occur on the weekends when most events are held. All parking will be accommodated on-site. Lighting and noise will meet the county's regulation and the appearance of the property will be virtually unchanged in order to maintain the rural character of the project.

Because the owners will live on site, they plan to operate on a limited basis with peak times on Saturdays during the months of March to June and September to October.

**It is planning staff opinion this finding is met.**

**Finding 4 - The requested permit will be or remain consistent with the objectives of the Comprehensive Plan.** Page 41 of Plan Chatham states under Goal 1 preserving the rural character and lifestyle of the county. The main house on this property will be used as the bed and breakfast. It also states to preserve and restore cultural and historic resources that contribute to the identity of the county. The applicant has provided information on preserving the historic character and information from Pulitzer Prize winning author, Paul Green, who lived on this property. They wish to share the historic property with those who may be interested in remembering the iconic humanitarian and playwright. Photos of the historic marker and Mr. Green in front of one of the cabins has been provided in the application materials.

Page 48 of Plan Chatham encourages a mix of uses that include agriculture, large lot residential, supporting service uses, and home-based & small scale businesses as seen under the rural

category. The owners of the property will continue to live on site and they will offer a rural setting for the business that promotes its preservation.

Page 68 of Plan Chatham, Strategy 7.4 encourages allowing for flexibility for rural businesses that have minimal impact on adjacent properties or rural character and this project appears to meet that strategy. There will be a slight change to the internal drive to allow for better traffic flow on the site but should not be impacted from the roadway.

**It is planning staff opinion this finding is met.**

**Finding 5 - Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies, and regulations.** All required utilities are existing and adequate for the proposed use. The property is served by well water, septic, and private trash haulers. No additional infrastructure is needed at this time unless required by local, state, or federal regulations.

Out of the 10.034 acres, 3.61 is allowed to be covered with impervious surface which is 36% as allowed in the WSIV-PA watershed classification. Currently there is approximately 1 acre total built upon are with minimal increase proposed to accommodate the driveway reconfiguration.

**It is planning staff opinion this finding is met.**

**Based on all five (5) findings being addressed and supported, it is planning staff opinion the CUP should be approved.**

### **Planning Board**

The planning board discussed this item during their regularly scheduled meeting on May 1, 2018. Planning staff reviewed the application and there was limited discussion about the request by the board. There was overall support in having the bed and breakfast inn resume operation to allow a wider range of events.

### **How does this relate to the Comprehensive Plan?**

Page 41 of Plan Chatham states under Goal 1 preserving the rural character and lifestyle of the county. The main house on this property will be used as the bed and breakfast. It also states to preserve and restore cultural and historic resources that contribute to the identity of the county.

### **Recommendation:**

The planning board recommends approval (by vote of 9-0) and adoption of a resolution approval of the conditional use permit with the following conditions:

### **Site Specific Conditions**

1. The recommendations of the Chatham County Appearance Commission (CCAC) shall be followed. Planning staff and/or CCAC members may inspect said requirements at any time for compliance with the ordinance guidelines and standards.
2. The use as a bed and breakfast inn shall be operational within two (2) years of this approval or the permit becomes null and void.

### **Standard Site Conditions**

3. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes to or variations from any requirements of this permit must be approved through the Planning Department or other approving board before any such changes can take place.
4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, and Environmental Health Division, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the platting process.

### **Standard Administrative Conditions:**

5. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
6. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
7. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
8. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.