

AGENDA

ORANGE COUNTY BOARD OF ADJUSTMENT

**LOWER LEVEL CONFERENCE ROOM
(ROOM #004)
WEST CAMPUS OFFICE BUILDING
131 W. MARGARET LANE
HILLSBOROUGH, NORTH CAROLINA**

**NOVEMBER 11, 2013
5:00 p.m.**

No.	Page(s)	Agenda Item
1.		CALL TO ORDER
2.		CONSIDERATION OF ADDITIONS TO AGENDA
3.		APPROVAL OF MINUTES <ul style="list-style-type: none">a. September 10, 2013b. October 14, 2013
4.		PUBLIC CHARGE <p><i>The Board of Adjustment pledges to the citizens of Orange County its respect. The Board asks its citizens to conduct themselves in a respectful, courteous manner, both with the Board and with fellow citizens. At any time should any member of the Board or any citizen fail to observe this public charge, the Chair will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed. All electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate.</i></p> <p><i>The Board of Adjustment is a quasi-judicial administrative body established in accordance with the provisions of local regulations and State law to perform specified functions essential to the County's planning program. Action(s) taken by the board are based solely on competent, substantial, and material evidence presented during a previously scheduled and advertised public hearing on a specific item. As detailed within Section 2.12.2 of the UDO the Board chair reserves the right to exclude evidence and testimony that is deemed: 'incompetent, irrelevant, immaterial, or unduly repetitious' and therefore fails to reasonably address the issues before the Board of Adjustment. While it should be noted there is no time limit on the presentation of evidence, the Chair asks that the presentation of evidence be consistent with established policies, rules of procedure, and acceptable levels of decorum to ensure a fair and equitable hearing for all parties.</i></p>

5. A-3-13 – Appeal of a decision made by the Zoning Officer submitted by Michael Buck:

In accordance with the provisions of Section 2.3.7 of the Orange County Zoning Ordinance, enforced at the time the appeal application was submitted (now contained within Section 2.11 of the Orange County UDO adopted April 5, 2011), the applicant has appealed a decision of the Zoning Officer related to the Churton Grove, formerly Scotswood, Planned Development within the Hillsborough Township of Orange County.

The appeal arises out of the recordation of a plat within Plat Book 103 Pages 63-64 of the Orange County Registrar of Deeds Office for the final phase of the aforementioned development.

The applicant alleges the provision of recreational amenities within the development is inconsistent with existing County regulations and has appealed staff's approval of the aforementioned plat.

(This item is continued from the September 10, 2013 Board of Adjustment regular meeting. The October 14, 2013 meeting was cancelled due to conflicts.)

(PLEASE BRING AGENDA ITEM MATERIALS FROM THE SEPTEMBER 10, 2013 MEETING and the OCTOBER 14, 2013 MEETING)

6. ADJOURNMENT

IF UNABLE TO ATTEND THIS MEETING, PLEASE CALL THE PLANNING DEPARTMENT (NUMBERS LISTED BELOW – PRESS 1 PLUS EXTENSION 2575 OR 2585). STAFF CAN THEN DETERMINE IF A QUORUM WILL BE PRESENT FOR THE MEETING.

**HILLSBOROUGH - 732-8181
CHAPEL HILL - 967-9251**

**MEBANE - 227-2031
DURHAM - 688-7331**

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WEST CAMPUS OFFICE BUILDING
131 W. MARGARET LANE
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**NOVEMBER 11, 2013
7:30 p.m.**

<u>No.</u>	<u>Page(s)</u>	<u>Agenda Item</u>
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- 1. CALL TO ORDER**
- 2. CONSIDERATION OF ADDITIONS TO AGENDA**
- 3. PUBLIC CHARGE**

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4. 1-106 A-4-13 – Class B Special Use Permit – Riding Stables

In accordance with Section(s) 2.7 *Special Uses*, 5.2.2 *Table of Permitted Uses*, 5.3.2 *Application of Use Standards – Special Uses*, and 5.6.6 *Standards for Riding Stables* of the UDO the North Carolina Therapeutic Riding Center (NCTRC) has submitted a Class B Special Use Permit application seeking a permit to operate a therapeutic riding center on a 28 acre parcel of property at 4705 Nicks Road further identified utilizing Orange County Parcel Identification Number (PIN) 9822-81-4391.

The property in question is zoned Agricultural Residential (AR) and Cane Creek Protected Watershed Protection Overlay District. The proposed use is permitted on the property subject to the issuance of a Class B Special Use Permit. The property was a farm operation with existing stables and horse rinks.

NCTRC is looking to assume ownership of the property and utilize the existing infrastructure to operate a therapeutic riding facility designed to offer riding and animal care opportunities as part of a therapy program for children and adults with physical, emotional, mental, and social disabilities.

None of the clients will stay on the property overnight but accommodation for staff, who will care for the animals, will be available. Access to the site will be through an existing driveway off of Nicks Road.

5. 107-186 A-5-13 – Class B Special Use Permit – Telecommunication Facility

In accordance with Section(s) 2.7 *Special Uses*, 5.2.2 *Table of Permitted Uses*, 5.3.2 *Application of Use Standards – Special Uses*, and 5.10 *Standards for Telecommunication Facilities* of the UDO American Tower and AT and T Mobility have submitted a Class B Special Use Permit application seeking a permit to erect a 199 foot telecommunication tower on a 34 acre parcel of property at off of Saddle Club Road further identified utilizing Orange County Parcel Identification Number (PIN) 9826-76-9834, which is owned by Murray Lynch.

The property in question is zoned Agricultural Residential (AR) and Back Creek Protected Watershed Protection Overlay District. The proposed use is permitted on the property subject to the issuance of a Class B Special Use Permit. The property is currently utilized as a farm.

As detailed within the application, the applicant wishes to erect a telecommunication tower within a 100 foot by 100 foot leased area on the aforementioned parcel. There will be an equipment cabinet at the base of the tower to house equipment for the various communication providers utilizing the tower within a 60 foot by 60 foot fenced compound.

Access to the proposed facility shall be through an easement running through property, also owned by Murray Lynch, with direct frontage along Saddle Club Road. This property is further identified utilizing Orange County Parcel Identification Number (PIN) 9826-66-7738.

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