

**PLANNING & INSPECTIONS DEPARTMENT**  
**Craig N. Benedict, AICP, Director**

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**Hillsborough, NC 27278**



May 5, 2017

**CERTIFIED MAIL:**  
**RETURN RECEIPT REQUESTED**

Southeast Property Group LLC  
ATTN Kara Brewer  
82 Jordan Hills  
Chapel Hill, NC 27517

In the matter of:       **CASE NUMBER ZEV17-0006**

**INITIAL NOTICE OF ZONING VIOLATION** of the Orange County Unified Development Ordinance (UDO) concerning activities and/or the condition of a parcel(s) of property located off of 7316 Morrow Mill Road **(PIN 9729-50-7168)**

To Whom It May Concern:

The purpose of the Orange County zoning regulations is to accomplish compatible development of land within Orange County in a manner that will best promote the health, safety and general welfare of local residents. Occasionally, residents may be unaware of the Orange County zoning regulations. Staff of the Orange County Planning Department endeavor to notify property owners where compliance may be in question, so that the County's rules can be explained and residents can independently correct the situation. This courtesy process can be better for all parties involved (residents, neighbors and staff) with regard to zoning matters.

The Orange County Planning Department is sending you a request for assistance in addressing zoning violation(s) on your property located at 7316 Morrow Mill Road. The parcel, further identified utilizing Orange County Parcel Identification Number (PIN) 9729-50-7168, is located within the Bingham Township of the county, is approximately 21 acres in area, and is zoned Agricultural Residential (AR) (hereafter 'the Property').

Beginning on April 28, 2017 staff began receiving numerous complaint(s), via e-mail and telephone calls, concerning activities being conducted on the property. Specifically, complaints center on what was described as an open house showcasing the use of the property as a wedding venue, a wedding photoshoot, and a special event/retreat held with/for representatives of the Global Institute for Experienced Entrepreneurship (GIEE). Staff received numerous screen shots

of Facebook and Instagram posting(s) outlining these activities occurring on April 26 through 28, 2017 respectively.

Staff also received a response from you concerning the allegations. According to the information you provided, said events involved:

- Wednesday April 26, 2017:
  - An open house/farm tour of the property and barn structure,
  - A photoshoot of the grounds and displays of various activities conducted on the property,
  - U-pick and educational workshops on floral design including: making of bouquets, center pieces, corsages, floral bracelets, etc.,
  - Staging of wedding scenes as a marketing effort as part of the photoshoot, and
  - A bee education area.
- Thursday April 27, 2017:
  - An educational workshop with GIEE involving approximately 12 people.

As you are already aware the property is a bona fide farm, as detailed in NC General Statute 153A-340 (b) (2). In accordance with an Order issued by the Orange County Board of Adjustment the existing barn is considered a farm structure and can be used for bona fide farm purposes namely educational workshops, school field trips, and the storage/processing of chestnuts, flowers, and honey. Per Section 1.1.8 *Regulation of Farming and Bona Fide Farm Activities* of the Orange County Unified Development Ordinance (UDO) local land use regulations do not apply to the use of property for 'bona fide farm purposes'. The use of the barn for non-farm purposes, including weddings, retreats, and as an event center, requires the issuance of a Zoning Compliance Permit prior to the holding of such activities within the aforementioned structure.

Based on the information received staff has determined:

- a. There is sufficient evidence demonstrating the 2 'events' conducted on April 26, 2017 are agricultural related with respect to the use of the property as a bona fide farm including, but not limited to:
  - i. A farm tour,
  - ii. Pick your own flowers,
  - iii. Educational workshops on floral design (i.e. making of bouquets, center pieces, corsages, floral bracelets, etc.),
  - iv. Educational workshop on your bee activities, and
  - v. A photoshoot documenting the farm activities on the property as well as potential use of same for various events.

Per Section 1.1.8 of the UDO they are exempt from local land use regulations/permitting requirements.

- b. The event held on April 27, 2017 was a retreat for non-farm purposes.

At this time there is no evidence the ‘*educational workshop*’ was farm related and only involved 12 people. A retreat of this type is only allowed within the barn structure through the review and issuance of a Class B Special Use Permit.

The holding of this activity violated provisions of the UDO, namely:

1. **VIOLATION(S)** of Section 2.4 *Zoning Compliance Permits* of the UDO in that you engaged in an activity, specifically the holding of a special event/retreat, without the issuance of a Zoning Compliance Permit authorizing same. Per Section 5.2.1 *Table of Permitted Uses* a retreat center is only permitted through the submittal and approval of a Class B Special Use permit.

Please note this NOV documents/identifies violation(s) of zoning/land use regulations as embodied within the UDO. This document should not be construed as serving as a final assessment of all violations of County regulations existing on the property arising out of the use of the property detailed herein. Additional enforcement action may be taken to address the condition of the property. A copy of this letter is being provided to various County agencies and the Planning Department will continue to coordinate inspections amongst these various agencies in order to ensure enforcement of applicable County regulations.

Action to address or abate this NOV does not necessarily mean violations of other County regulations will not be pursued nor will any appeal of this determination impact the initiation of additional enforcement action(s) by other County entities to address identified infractions of County regulations.

The use of the structure as a retreat center has already ceased. Through this letter we are requiring that you **IMMEDIATELY** desist from holding future non-farm related retreats within the barn until required permit(s) are obtained, in this case a Class B Special Use Permit for a *Camp/Retreat Center*. As indicated herein this represents a final and binding determination based on the various facts in our possession concerning the aforementioned retreat held on April 27, 2017.

Staff is also taking this opportunity to offer an advisory opinion on the use of the barn for holding: ‘*weddings, retreats, and events*’. If it is your intention to use the barn for these non-farm activities, you will need to submit a Zoning Compliance Permit seeking authorization allowing for same. At the writing of this letter you have submitted a Zoning Compliance Permit application seeking authorization to establish a *Rural Special Events* use on the property. If approved, this use would allow for: ‘*temporary or seasonal commercial activity*’ on the property for more than 20 people at a given time.

Your cooperation in this matter can help to avoid additional enforcement action in accordance with Article Nine (9) *Enforcement* of the UDO, which may include any of the following:

- The assessment of Civil Penalties in the amount of five hundred dollars (\$500.00) per day for each day the violation(s) continue beyond the allotted time frame specified within this, or subsequent, notices.
- The revocation of any and all permits, certificates, or other authorizations granted under the Ordinance allowing for the use of the property,

- The denial of future permits until the identified violation has been abated, and
- Obtaining injunctive and abatement relief in Superior Court.

In accordance with Section(s) 2.11, and 9.5.4 of the UDO, you have the right to appeal this notice of violation to the Orange County Board of Adjustment.

In accordance with Section(s) 2.24 and 2.11 of the UDO this appeal must be submitted on the appropriate application form, available at the Planning Department, include the required review fee as denoted on the adopted Orange County Fee Schedule, and be filed with the Planning Department within thirty (30) days of the date of this letter and no later than **5:00 p.m. Monday June 5, 2017.**

If you continue to use the barn structure for non-farm events such as weddings, retreats, or as an event center without obtaining required authorization, or appeal this decision to the Board of Adjustment by the date detailed herein, staff will initiate additional enforcement action to compel compliance as detailed herein consistent with Article 9 of the UDO.

The Orange County Planning Department looks forward to working with you on this matter and the Planning staff will be more than happy to address any concerns you may have. Please contact me at (919) 245-2597 for assistance. Thank you in advance for your attention to this matter.

Sincerely,



Michael D. Harvey, AICP, CFM, CZO  
Current Planning Supervisor  
Orange County

CC: Travis Myren, Assistance County Manager  
Craig Benedict, Planning Director  
James Bryan, County Attorney's office  
Michael Rettie, Building Inspections  
Allan Clapp, Environmental Health  
File