

PLANNING & INSPECTIONS DEPARTMENT
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LETTER OF TRANSMITTAL
FORMAL NOTICE OF BOARD OF ADJUSTMENT ACTION

TO: Craig Benedict AICP – Planning Director/Zoning Officer
FROM: Elaina Cheek – Secretary Orange County Board of Adjustment
CC: John Roberts – County Attorney
James Bryan – Staff Attorney
Michael Harvey – Current Planning
FILE
DATE: March 20, 2017
RE: NOTIFICATION and FILING of decision concerning the disposition of Case Number A-1-17 by the Orange County Board of Adjustment

Pursuant to Section 2.11 of the Orange County Unified Development Ordinance (hereafter ‘Ordinance’), please be advised that the Orange County Board of Adjustment (hereafter ‘the Board’) held a PUBLIC HEARING on March 13, 2017 concerning the review of Case Number A-1-17, an appeal of the decision of the Planning Director or his designee.

Specially the appellants appealed the November 7, 2016 determination by Michael D. Harvey, Current Planning Supervisor for Orange County, relating to the review of a Zoning Compliance Permit associated with building permit application CB16-0020 involving the erection of a structure on a parcel of property identified utilizing Orange County Parcel Identification Number (PIN) 9729-50-7168 owned by Southeast Property Group LLC care off Ms. Kara Brewer. The appellants appealed Mr. Harvey’s determination that:

- The property owned by SPG is being used for bona fide farm purposes;
- That a structure being erected on property owned by SPG shall be used for bona fide farm purposes and is consistent with what constitutes ‘farming’ and ‘agricultural’ activities as defined within the general statutes; and
- That based on the applicable rules as detailed in the November 7 determination, no Zoning Compliance Permit, per Section 2.4 of the UDO, was required for permit number CB16-0020.

The Board, after reviewing all of the testimony and evidence submitted by all parties, affirmed in part and reversed in part the decision of the Current Planning Supervisor as articulated in the November 7, 2016 letter to Michael Rettie, specifically:

- A. Affirmed staff determination that the property is a bona fide farm.
- B. Affirmed, in part, staff determination that the structure, as proposed, is for bona fide farm purposes.

The Board affirmed the use of the barn structure for educational workshops, school field trips and the storage and processing of chestnuts, flowers and honey are bona fide farm purposes and would not require a Zoning Compliance Permit.

- C. Reversed the determination the use of the structure as a wedding and event center is not incidental or related to the bona fide farm purposes and concluded such events are for non-farm purposes and would require a Zoning Compliance Permit.

The formal order outlining this decision shall be prepared and executed by the Vice-chair of the Board of Adjustment and shall be sent to parties with standing once completed. The delivery of this order shall serve as final notification to the aforementioned parties and, in accordance with applicable State law, is subject to appeal to Orange County Superior Court.

Per Section 2.12.15 of the UDO, please note as Secretary to the Board, this Notice of Board of Adjustment Action concerning the disposition of the aforementioned case was filed in the office of the Planning Director on **Monday March 20, 2017**, 5 working days after action was taken by the Board.



Elaina Cheek
Secretary to the Board of Adjustment

3/20/17

Date