

**DAVIE COUNTY  
DEVELOPMENT SERVICES**

172 Clement Street Mocksville, NC 27028  
PH : (336)753-6050 FAX : (336)751-7689



**NOTICE OF PUBLIC HEARING  
BEFORE THE BOARD OF ADJUSTMENT**

**NOTICE IS HEREBY GIVEN**, pursuant to the requirements of Article 20-B of Chapter 153-A of the General Statutes of North Carolina and Section 155.236 of the Davie County Code of Ordinances, that the Davie County Board of Adjustment will hold a **Public Hearing** in the **Commissioners Room** of the Davie County Administration Building, 123 South Main Street Mocksville, NC on **Monday March 15, 2010 at 6:00 p.m.** to hear the following request:

- A) **Spencer Wright** has applied to **amend a Special Use Permit** to an established **Catering Business** in the Residential Agricultural (R-A) zoning district pursuant to §155.236 of the Davie County Zoning Ordinance. The subject property is located at 205 Camellia Lane Mocksville, NC 27028 and is further described as Parcel of the Davie County Tax Map F30000009502.

A sign will be placed on the above listed properties to advertise the Public Hearing.

All parties and interested citizens are invited to attend said hearing at which time they shall have an opportunity to present facts and testimony in support of, or in opposition to, the request. Prior to the hearing, additional information on a request may be obtained by visiting the Development Services Department weekdays between 8:30 a.m. and 5:00 p.m. Monday through Friday, or by telephone at (336) 753-6050.

As a result of the public hearing, substantial changes might be made in the advertised proposal, reflecting objections, debate and discussion at the hearing. Anyone who needs an accommodation to participate in the meeting should notify the Development Services Department at least 48 hours prior to the meeting or call North Carolina Relay at 1-800-735-8262.

Andrew Meadwell  
Planning Department

###

**Legal Notice  
Affidavit Required  
Publication Dates:    March 4, 2010  
                                  March 11, 2010**

**DAVIE COUNTY  
DEVELOPMENT SERVICES**

172 Clement Street Mocksville, NC 27028  
PH:(336)753-6050 FAX:(336)751-7689



**March 15, 2010**

**Amendment to Existing Special Use Permit**

<b>Applicant:</b>	Spencer Wright (Phillip Crouse, owner)		
<b>Address:</b>	205 Camellia Lane, Mocksville, NC		
<b>Description and Location of Property:</b>	Approximately 1.0 acre of land located at the end of Camellia Lane, approximately 1,500 feet north of Danner Road.		
<b>Tax Map / Parcel</b>	F30000009502	<b>PIN #</b>	5820671378
<b>Public Water:</b>	No	<b>Public Water:</b>	No
<b>Current Zoning:</b>	Residential Agriculture (R-A)		
<b>Current zoning in area:</b>	Residential Agricultural (R-A)		
<b>Land Use Plan</b>	Rural Residential		
<b>Intended use of the property:</b>	<b>Private Catering Business</b>		
<b>Existing Land Uses in the area:</b>	Surrounding properties consist of single family homes (site-built and manufactured homes), farming operations, and open/vacant lands.		

**Summary:**

Spencer Wright has applied to amend a Special Use Permit to an established Catering Business in the Residential Agricultural (R-A) zoning district pursuant to §155.236 of the Davie County Zoning Ordinance. The subject property is located at 205 Camellia Lane Mocksville, NC 27028 and is further described as Parcel of the Davie County Tax Map F30000009502.

As a special use permit request, the Board of Adjustment may place reasonable conditions on the use related to expected impacts to adjacent or nearby properties.

The Board of Adjustment, in order to grant a permit, must find that:

1. The use as proposed **will not** adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;
2. The use as proposed **will not** be detrimental to the public welfare or injurious to property or public improvements in the neighborhood of the proposed use;
3. The use **will not** substantially injure the value of adjoining or abutting property; and,
4. The use meets all required conditions and specifications.

**CONDITIONS**

On November 19, 2007 the Board granted a special use permit to Phillip Crouse/Carolyn Jones, to operate a Private Catering Business/ Facility per their application and as per the submitted plans with the following conditions to help insure that the health and safety of persons residing or working in the neighborhood is not adversely affected:

1. The number of employees shall be limited to no more than 10 employees.
2. Commercial refuse containers shall be enclosed
3. All lighting shall be directed only onto the property at all times and shall not shine onto adjoining properties. Maximum height of lighting poles shall be 30 feet.
4. All lighting other than for the purposes for security and safety shall be turned off by 11:00 pm each night.
5. Building size/dimensions shall be limited to 2,250 sq. ft; further expansion of the facility shall be prohibited.

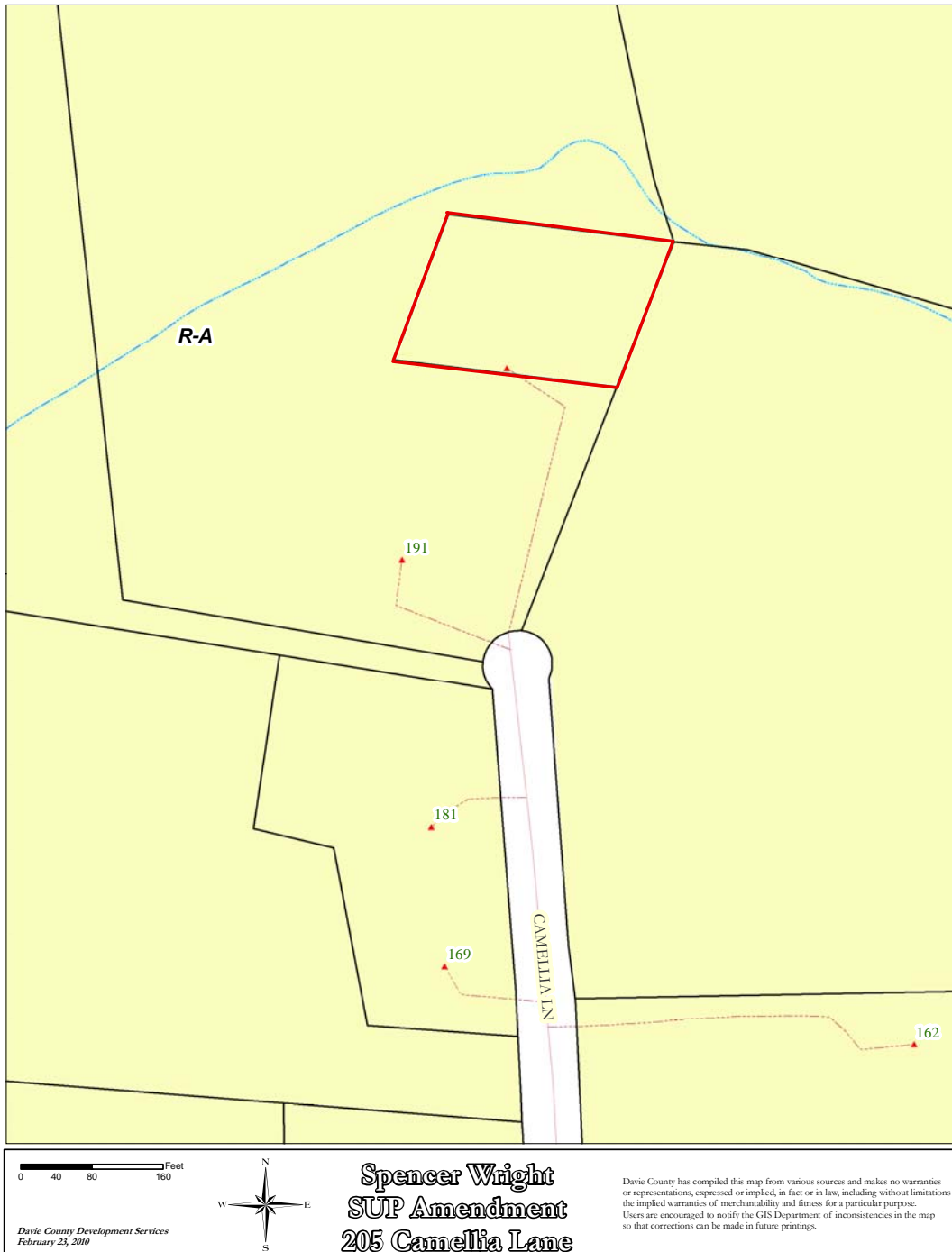
6. Signage for the use shall be limited to a monument sign that is 16 square feet in area and has a maximum height of 4 feet.
7. No activity associated with the use shall be allowed between the hours of 11:00 pm and 6:00 am.
8. No outdoor storage of any kind shall be permitted. Outdoor storage includes materials, equipment, parts, supplies of any type, or any other item located on the property not contained within the building shown on the site plan.
9. Appropriate permits and approvals shall be obtained prior to commencement of any construction activities.

**Staff Recommendation**

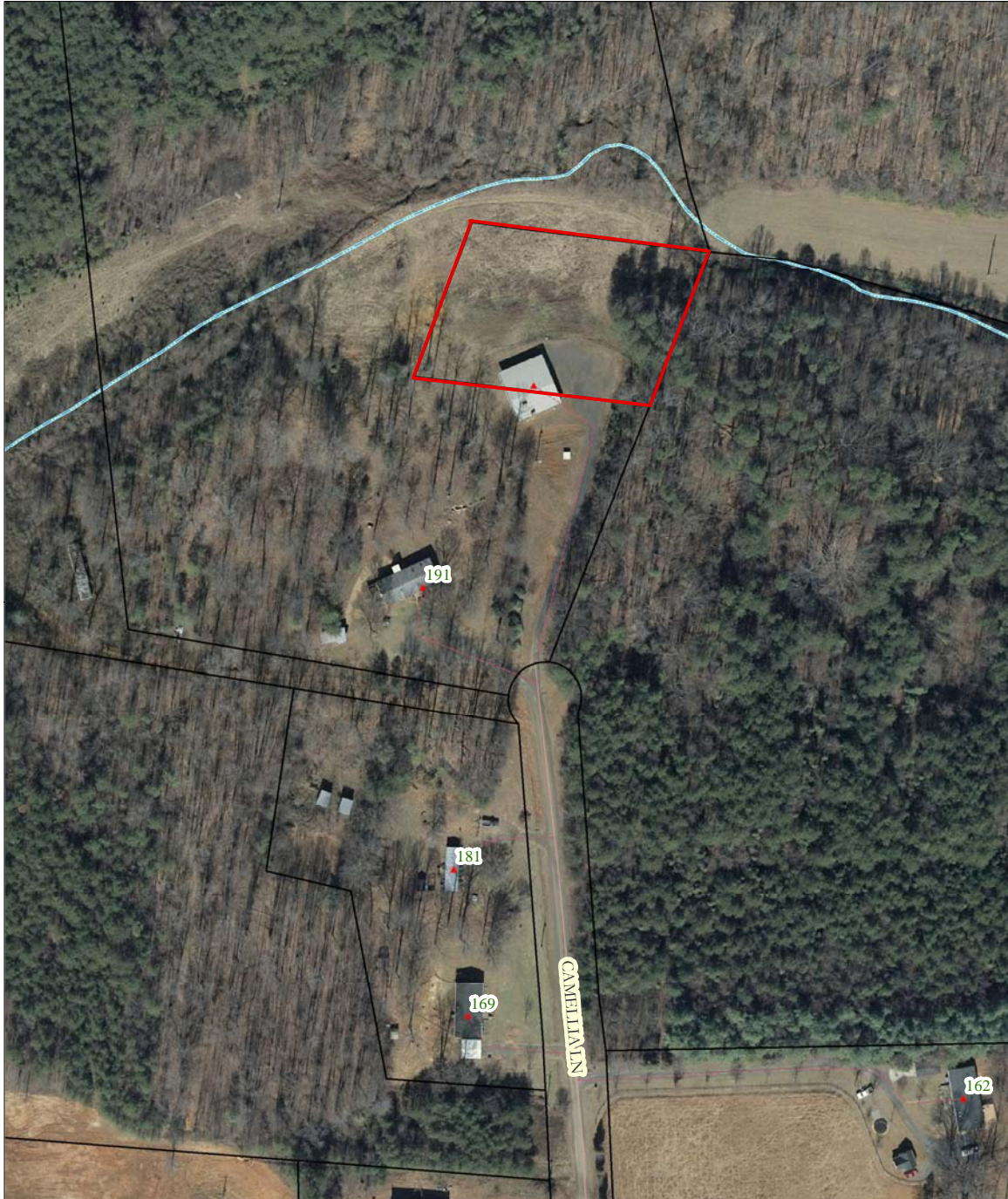
If the Board of Adjustment finds that the accessory structure as proposed meets the spirit, intent, and purposes of the Zoning Ordinance(which are "to promote the public health, safety, morals, and general welfare of the county; promote the orderly development of the area; lessen congestion on the roads and streets; secure safety from fire, panic, and other dangers; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements"), Staff would recommend the following conditions(as well as any other conditions found necessary by the Board to meet the standards of the ordinance):

1. Board to find the application of Spencer Wright to amend an existing Special Use Permit on property located at 205 Camellia Lane Mocksville, NC 27028 Davie County Tax Map F30000009502. The special use permit meets the general standards contained in the Zoning Ordinance and all applicable specific requirements for a catering business.

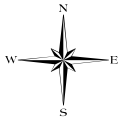
## Zoning Map



**Aerial Map**



0 40 80 160 Feet



*Davie County Development Services  
February 23, 2010*

**Spencer Wright  
SUP Amendment  
205 Camellia Lane**

Davie County has compiled this map from various sources and makes no warranties or representations, expressed or implied, in fact or in law, including without limitations the implied warranties of merchantability and fitness for a particular purpose. Users are encouraged to notify the GIS Department of inconsistencies in the map so that corrections can be made in future printings.

## Davie County Special Use Permit Application



SUP No. # \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

### A. Request Type

Special Use Permit

Special Use Permit Amendment (SUP #)

Note: All applicants are strongly urged to have a Pre-Application Conference with the Davie County Development Services Department staff.

### B. Applicant/Owner Representative Information

#### Applicant

Name:	SPENCER WRIGHT
Address:	2443 JINK STREET WINSTON-SALEM
Phone (w):	(336) 771 1001
Fax:	( )
Email:	spencerwright@hotmail.com

#### Property Owner (if different)

Name:	PHIL CRAUSE
Address:	MT. AIRY
Phone (w):	(336) 971 2117
Fax:	( )
Email:	deerecrause.com

Will an attorney, engineer, or realtor represent the applicant and/or property owner in this matter? **NO**

Professional Affiliation:	
Name:	
Address:	
Phone (w)	( )
Fax:	( )
Email:	

## Fees required

Please refer to the **Zoning Fees Schedule** on the website for the current fee structure for Davie County. Fees for a Special Use Permit are under the subheading Zoning Reviews.

**All checks must be paid to the order of Davie County.**

## How will the public be notified of a Special Use Permit Application?

The public will be notified in three ways. First, a sign will be posted on the property requesting the Special Use Permit. Second, a notice being sent to all property owners located within 500 feet of the property lines of the property requesting the Special Use Permit. Thirdly, a notice being published in the *Davie County Enterprise* within one week of the hearing will notify the public.

## When can I expect to have my Special Use Permit Application heard?

The Board of Adjustment meets the third Monday of each month. A **completed** application must be submitted 30 days prior to these scheduled meetings.

## Project Overview Statement

On the following lines, please give a synopsis or overview of the project, including information relevant to use, density, lot, layout, housing type, planned amenities, and similar information. Please attach any supporting documentation to your application.

MY INTENTION IS TO ESTABLISH AN OFF-SITE CATERING BUSINESS. I WILL BE TAKING FOOD AND GOODS FOR EVENTS TO SEVERAL DIFFERENT VENUES THROUGHOUT DAVIE COUNTY AND BEYOND. MY FOCUS WILL BE NORTH CAROLINA WEDDINGS AND LOCAL RESIDENTIAL DROP-OFF SERVICE. I EXPECT MINIMAL TRAFFIC AT THE BUSINESS ADDRESS, AS I WILL BE CONDUCTING THE MAJORITY OF EVERYTHING OFF-SITE, I WILL BE ACQUIRING THE MAJORITY OF THE RAW MATERIALS FOR THIS BUSINESS, WITH A ONCE A WEEK/MIDDAY FOOD WHOLESALE DELIVERY. I EXPECT TO BE MAKING LITTLE TO NO NOISE OR LIGHT.






**I. Signatures**

When the applicant is someone other than the current property owner, the signatures of both the current property owner and the applicant shall be provided unless a power of attorney authorization is in effect. If power of attorney is in effect, a properly executed copy is required to be submitted with this application.

**Signature of Property Owner(s)**

**I/We the undersigned, do hereby certify that all information given above is true, complete and accurate to the best of my/our knowledge, and do hereby request the County of Davie Board of Adjustment to take action as sought by this application.**

_____	_____	____/____/____
(Owner Print Name)	(Owner Signature)	(Date)
_____	_____	____/____/____
(Owner Print Name)	(Owner Signature)	(Date)
_____	_____	____/____/____
(Owner Print Name)	(Owner Signature)	(Date)
<u>SPENCER WRIGHT</u>		<u>2/22/10</u>
(Applicant Print Name)	(Applicant Signature)	(Date)
_____	_____	____/____/____
(Representative Print Name)	(Representative Signature)	(Date)

**Note:** If there are additional property owners, applicants or representatives, please attach an additional signature sheet with their names and signatures.

Corporations, Partnerships or other similar entities please include notarized Official Corporate Certification authorizing representative to sign on behalf of the corporation.

**Office Use Only**

Board of Adjustment Hearing Date: \_\_\_\_\_/\_\_\_\_/\_\_\_\_

Board of Adjustment Action:  Approval  Denial

Comments: \_\_\_\_\_

Fee Paid:  Yes  No Amount Paid: \$ \_\_\_\_\_

Received By: \_\_\_\_\_/\_\_\_\_/\_\_\_\_  
(Staff Signature) (Date)

2/17/2010

To whom it may concern, This letter is to notify Andrew Meadwell that Spencer Wright Is applying for a special use permit for the property located @ 205 Camellia Lane Mocksville N.C.

There is a purchase contract entered into between Donald Wright (Buyer) and Philip Crouse and wife Kathryn Crouse ( Sellers). His son Spencer Wright will applying for the permit for his catering business We give permission for Mr. Wright to apply for permit for the property...

thank you,

Philip and Kathryn Crouse

Philip Crouse  
Kathryn Crouse

SPENCER WRIGHT  
HOME 771 1001  
CELL 473 8790

EARNHARDT AND RUSS BUILDERS

PO BOX 536  
COOLEEMEE, NC 27014

MCCLAMROCK JAMES RONALD

263 WILKESBORO STREET  
MOCKSVILLE, NC 27028

GHOLSON AMY  
GHOLSON BRUCE  
191 CAMELLIA LANE  
MOCKSVILLE, NC 27028

HINSDALE T EUGENE  
HINSDALE FRANCES  
169 CAMELLIA LANE  
MOCKSVILLE, NC 27028

MITCHELL GAYLE JOHNSON

734 OLIN LOOP  
OLIN, NC 28660

P & R REAL ESTATE INVESTMENTS

P O BOX 1015  
KING, NC 27021

CARTNER RACHEL BOGER

3660 NEEDMORE ROAD  
WOODLEAF, NC 27054

DANNER DONALD JOE

941 TAMWORTH ROAD  
ASHEBORO, NC 27203

Spencer Wright  
2443 Sink Street  
Winston-Salem, NC 27107

**Minutes of the  
Davie County Board of Adjustment  
March 15, 2010  
Regular Meeting**

**Members Present**

Michael Branham  
Jack Jerome  
J.T. Smith  
Wayne Webb  
Daphne Frye  
Michael Beck

**Members Absent**

**Others Attending**

Andrew Meadwell  
Amy Litz  
Lorri Hayes  
Sally Smith, Martin & VanHoy, County Attorney

**Call to Order**

**Chairman Branham** called the meeting to order. He welcomed those attending, introduced the Board members.

**Adopt Agenda**

*Mr. Jerome made a motion to adopt the agenda. Mr. Beck seconded the motion. The Board voted six (6) in favor and none opposed to adopt the agenda.*

**Approval of the Minutes**

The minutes from the **October 19, 2009** meeting were reviewed.

*Mr. Webb made a motion to approve the minutes with correction. Mr. Jerome seconded the motion. The Board voted six (6) in favor and none opposed to approve the minutes.*

**Recognitions/Proclamations**

*The Board recognized and presented a plaque to Michael Branham for his dedication and service to the Board of Adjustment.*

**ITEMS BEFORE THE BOARD OF ADJUSTMENT**

***Andrew Meadwell sworn in***

*Mr. Meadwell introduces the item before the Board.*

**Mr. Meadwell** Mr. Wright would like to establish a similar permit as Mrs. Crouse. There were conditions established. 9 separate conditions. Staff would probably recommend that the same 9 conditions be established. The primary purpose is to change permit into the name of Mr. Wright.

**Mr. Smith** What's he doing, taking over the business?

**Mr. Branham** Was there a time limit on this?

**Mr. Meadwell** As previously stated, application to amend a special use in 2009, and have the permit put in his name as it was originally granted to Mrs. Crouse.

**Mr. Branham** Is there anyone in opposition that would like to speak?

None

**Mr. Branham** Is there anyone in favor that would like to speak?

**Mr. Wright** I would like to speak.

*Mr. Wright is sworn in.*

Spencer James Wright

**Mr. Wright** I would like to open a catering business. Off-premise catering. Hours 9am-8pm. I will be dealing with wedding planners and wineries. I have spent 25 years cooking good food and would like to bring some of that good food to Davie County.

**Mr. Branham** Have you gone over the conditions of the previous permit?

**Mr. Meadwell**

1. The number of employees shall be limited to no more than 10 employees.
2. Commercial refuse containers shall be enclosed
3. All lighting shall be directed only onto the property at all times and shall not shine onto adjoining properties. Maximum height of lighting poles shall be 30 feet.
4. All lighting other than for the purposes for security and safety shall be turned off by 11:00 pm each night.
5. Building size/dimensions shall be limited to 2,250 sq. ft; further expansion of the facility shall be prohibited.
6. Signage for the use shall be limited to a monument sign that is 16 square feet in area and has a maximum height of 4 feet.
7. No activity associated with the use shall be allowed between the hours of 11:00 pm and 6:00 am.
8. No outdoor storage of any kind shall be permitted. Outdoor storage includes materials, equipment, parts, supplies of any type, or any other item located on the property not contained within the building shown on the site plan.
9. Appropriate permits and approvals shall be obtained prior to commencement of any construction activities.

**Mr. Wright** I have no problem with any of the conditions.

**Mr. Branham** Do you see any substantial difference in your business?

**Mr. Wright** One Sysco truck once a week. I think I will actually have less traffic than the previous occupant. I want to be a good neighbor.

**Mr. Branham** Mr. Webb had some concerns?

**Mr. Webb** The property line...set backs...compliance

**Mr. Meadwell** The map aerial is skewed. There are no property line conflicts.

**Mr. Jerome** Do you do this anywhere now?

**Mr. Wright** I work for Flint Rock Vineyards as the sous chef.

**Mr. Branham** Anyone else to testify in favor?

None

Anyone in opposition?

None

**Mr. Branham** Are we ready for a motion?

**Mr. Jerome** makes a motion to approve as stated. We find that it will not adversely affect the public welfare or safety.

*Mr. Jerome made a motion to approve the request as stated. Mrs. Frye seconded the motion. The Board voted six (6) in favor and none opposed to approve the request.*

**Mr. Branham** Any Old or New business?

*Mr. Meadwell speaks on change in accessory structure ordinance*

**Mr. Branham** Any other old business?

**Mr. Jerome** Do you elect his successor?

**Mr. Meadwell** The next meeting we will elect the new members.

**Mr. Branham** Are you not anticipating a meeting next month?

**Mr. Meadwell** I haven't talked to anyone-no.

**Mr. Branham** Motion to adjourn?

### **ADJOURNMENT**

*Mr. Jerome made a motion to adjourn. Mrs. Frye seconded the motion. The Board voted six (6) in favor and none opposed to adjourn.*

**NORTH CAROLINA  
DAVIE COUNTY**

**DAVIE COUNTY, NORTH CAROLINA  
SPECIAL USE PERMIT**

On the date(s) listed below, the Board of Adjustment of Davie County met and held a public hearing to consider the following application:

**Applicant:** Spencer Wright  
**Record Owner(s):** Philip Crouse, Kathryn Crouse and Donald Wright with offer to purchase agreement  
**Property Location:** 205 Camellia Lane, Mocksville, NC 27028  
**Tax Map & Parcel #** F30000009502 **Acreage:** 1.0 acres  
**Deed Reference: BOOK** 572, **PAGE** 328  
**Type and Intensity of Use:** Private Catering Business/Facility  
**Board Meeting Date(s):** November 19, 2007, March 15, 2010  
**Approval Date:** November 19, 2007, March 15, 2010

**SECTION 1. FINDINGS:** Having heard all of the evidence and arguments presented at the hearing, the Board of Adjustment, at its regular meeting, finds and determines that the application is complete, and subject to the conditions imposed below, the following findings are made:

1. The existing use as presented is on a tract of land approximately 1.0 acre in size, with road frontage along Camellia Lane, and is presently zoned Residential Agricultural, located in north central Davie County in an area comprised generally of scattered single-family housing and predominantly agricultural farming uses (livestock, wooded lands, etc.).
2. The property is identified as Rural Residential on the Davie County Land Development Plan. The predominant land use will be rural activities including farming, rural commercial business, and limited residential development. This category is not intended for intense urban or suburban development, including major residential subdivisions (limited residential development may be appropriate). The rural-residential land use is intended to preserve the rural character of the County.
3. The property is presently occupied by an existing 2,250 square foot metal building with attached porch. The existing structure is situated in the center portion of the property (see attached site plan).
4. The Application as presented was complete, and due notice was given of the hearings in this matter.
5. The property is owned by Philip and Kathryn Crouse. Mr. and Mrs. Crouse have provided written consent for the applicant to apply for a Special Use Permit. (See attached written statement).
6. An Offer to Purchase agreement between Phillip Crouse and Donald Wright (father of applicant) has been provided. (See attached agreement).
7. The applicant has stated that 2-3 people will be employed by the operation with a possible expansion to 10 employees as the business grows.
8. Building setbacks in the RA zoning district are 40 feet front the street right of way or front property line, 15 feet from each side property line, and 30 feet from the rear property line. Accessory buildings must be located in the rear yard and at least 10 feet from a side or rear lot line.

9. An existing septic system is located on the property and a preliminary evaluation by the Environmental Health Department has been completed (see attached Health Department Permit).
10. The facility shall meet all applicable state and local codes.
11. The use **will not** adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use and will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.
12. Issuance of the permit with conditions **will not** adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use and will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.
13. The use as presented **will not** substantially injure the value of adjoining or abutting property.
14. If the specified conditions addressed in the special use permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted
15. The use meets all required conditions and specifications.
16. The development of the property shall proceed in conformity with all plans and design features submitted as part of the special use permit application and kept on file by the Davie County Planning Department.

**SECTION 2. CONDITIONS:** Now, therefore, the application to make use of the above described property for the purpose indicated is hereby approved and granted, subject to all applicable provisions of the Davie County Zoning Ordinance, Section 3 of this permit, and the following special condition(s) which the Board of Adjustment finds to be in the public interest:

1. Board to grant a special use permit to Spencer Wright, to operate a Private Catering Business/ Facility per his application and as per the submitted plans with the following conditions to help insure that the health and safety of persons residing or working in the neighborhood is not adversely affected:
  - o The number of employees shall be limited to no more than 10 employees.
  - o Commercial refuse containers shall be enclosed
  - o All lighting shall be directed only onto the property at all times and shall not shine onto adjoining properties. Maximum height of lighting poles shall be 30 feet.
  - o All lighting other than for the purposes for security and safety shall be turned off by 11:00 pm each night.
  - o Building size/dimensions shall be limited to 2,250 sq. ft; further expansion of the facility shall be prohibited.
  - o Signage for the use shall be limited to a monument sign that is 16 square feet in area and has a maximum height of 4 feet.
  - o No activity associated with the use shall be allowed between the hours of 11:00 pm and 6:00 am.



- o No outdoor storage of any kind shall be permitted. Outdoor storage includes materials, equipment, parts, supplies of any type, or any other item located on the property not contained within the building shown on the site plan.
- o Appropriate permits and approvals shall be obtained prior to commencement of any construction activities.

**SECTION 3. VESTED RIGHTS.** Approval of this permit confers upon the property the right to develop with the type and intensity of use as herein described and as shown on the approved site plan. Development of the property, however, shall be subject to any and all future amendments to the Davie County Zoning Ordinance which do not affect the type and intensity of use (e.g. landscaping, design standards, screening, etc) as herein approved.

**SECTION 4. SEVERABILITY.** Invalidation of any one or more of these conditions shall not adversely affect the balance of said conditions, which shall remain in full force and effect.

**By:** \_\_\_\_\_  
**Michael Branham, Chairman**  
**Board of Adjustment**

**Attest:**

\_\_\_\_\_  
**Andrew Meadwell, Clerk**  
**Board of Adjustment**

**Date:** \_\_\_\_\_

Note: If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of Davie County within 30 days after receipt of this order.