



CONDITIONAL USE PERMIT STAFF REPORT

Case Number: **ZCR1072**

Report Date: **October 14, 2010**

Applicant: ***Surry County Administration***

Zoning: **RA**

Applied For: ***Consideration for Revocation of Junkyard Operating Permit***

Tax Parcel ID Number(s): 4983-00-35-5203

Nature of the Request

The Planning Board is authorized to revoke special use or conditional use permits after a duly noticed quasi-judicial hearing under Article 2, Section 5 of the Zoning Ordinance, if it is found:

1. That the approval was obtained by fraud; or
2. That the use for which such approval was granted is not being executed; or
3. That the use for which such approval was granted has ceased to exist or has been suspended for one year or more; or
4. That the permit granted is being, or recently has been, exercised contrary to the terms for conditions of such approval; or
5. That the permit granted is in violation of an ordinance or statute; or
6. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

Article 15, Section 6 of the Zoning Ordinance (see Attachments) extends this authority to include revocation of Operating Permits issued by the County for grandfathered junkyards and conditioned upon continued compliance with the provisions of that Section.

The property in question is found by the Local Ordinance Officer to be in violation of provisions B., C., D. and F. of Article 15, Section 6, which are site-related requirements for maintaining a grandfathered automobile salvage yard/junkyard.

Minimum Yard Setbacks: 40 feet front, 12 feet side, 25 feet rear, applied also to storage areas.

Article 16 conditional use requirements provide for doubling of these setbacks for auto salvage yards/junkyards.

Property Specifics

Property Owners: Ronald Lee Matthews and Carol Matthews

Property Location: 173 Beach Road, Elkin

Township: Marsh **Acreage:** 4.36

Deed Book: 489 **Page:** 340

Zoning History of Parcel(s): This parcel has been zoned RA since 2001.

Character of the Area

Overview: The property is located in a rural area with predominantly low-density residential and agricultural uses.

Existing Land Use(s) on the Property: One occupied single-family residence (doublewide manufactured home); one unoccupied singlewide manufactured home which appears abandoned and/or uninhabitable. Liberal use of the open space for storage of well/septic service vehicles, equipment, and materials. Equally liberal use of the open space for storage of junk and solid waste, including several wrecked vehicles and enclosed truck beds used as storage buildings; to the general effect that junk and non-junk items and storage areas are overlapping and largely indiscernible. Owner was granted the junkyard operating permit for the purpose of salvaging junked vehicles and equipment for parts to maintain his working vehicles and equipment.

Surrounding Land Use(s) and Zoning:

Location	Land Use	Zoning
North	Residential, Agricultural	RA

South	Residential, Agricultural	RA
East	Residential, Agricultural	RA
West	Residential, Commercial	RA

Historic Properties: There are no inventoried properties located on or relatively near the property in question.

Infrastructure and Community Facilities

Fire District: South Surry

Water and Sewer Services:

Private Well Private Septic Public Water Public Sewer

Public Water/Sewer Provider: None

Public Water/Sewer Planning: No public water and sewer plans are proposed for this area according to the Capital Improvement Plans.

Transportation:

Property Access:

ADT: Year:

Proposed Improvements: None

Projected Traffic Generation: Unknown

Thoroughfare Plan Consistency:

Environmental Assessment

Topography: Level to rolling.

Flood Hazard: n/a

Streams: No **Perennial:** No

Wetlands: Unknown

Watershed: Fisher River WS-II-BW

Watershed Development Density: 12% built-upon area maximum; 1 dwelling per-acre maximum. Special intensity allocations are available case-by-case, to allow up to 70% built-upon area where no more than 10% of the total watershed area is impervious.

Land Use Planning Consistency

Applicable Land Use Plan(s): Land Use Plan 2015

Future Land Use Classification(s): Rural Areas

Consistency Principle(s):

- 5.3.1 Seek a balance among the many diverse interests in the County, especially between the economic and environmental concerns.
- 5.4.1.2. The County shall protect, enhance and encourage a high quality of life that results from greater economic opportunity and preservation of the rural environment.
- 5.4.1.3 The benefits of continued economic development shall be balanced against the possible detrimental effects such development may have on the quality of life enjoyed by area residents.
- 5.4.6.2 Appropriate non-residential uses should be permitted in rural and agricultural areas on a case-by-case basis, which blend well with the rural/agricultural framework.
- 5.4.11.2 Development, which preserves the natural features of the site, including existing topography and significant existing vegetation, shall be encouraged.

Pre-application Meeting

The Planning staff met with the owner Mr. Matthews on October 5, 2010. Procedure for the revocation hearing was explained. Staff advised that owner should bring the property into compliance before the November 8, 2010 Planning Board hearing; but that compliance or degree thereof may not bear on the decision to revoke the operating permit, due to the demonstrated history of non-compliance at this property.

Review Criteria

The conditional use permitting process is quasi-judicial and only facts acquired during the hearing from testimony may be considered; therefore staff does not provide a recommendation. Staff will present facts and answer any questions from the Board during the hearing.

Attachment(s)

Site plan, pictures