

MINUTES OF A SPECIAL MEETING  
OF THE BOARD OF ADJUSTMENT  
APRIL 5, 2018

The Board of Adjustment held a regular meeting on Thursday, April 5, 2018, at 5:30 p.m. in the City Hall council chamber.

Members present: Cleveland Ellison  
Will Flynt  
David L. Everett  
Hope Gilley  
Jackie Hampton  
Charles Johnson  
Terry Shelton  
Barney Walker

Members absent: Kennith White  
Diana Biggs\*

Staff present: Kelly K. Stultz, Planning Director  
Debra M. Madison, Planning Coordinator/Legal Assistant

Others present: Victor Cestari, Applicant

\*Excused absence.

The meeting was called to order by Board Chairman, Cleveland Ellison. The roll was called and it was determined that a quorum was present.

APPROVAL OF MINUTES OF A REGULAR MEETING ON OCTOBER 19, 2017.

The minutes of the regular meeting on October 19, 2017, were presented to the Board. Barney Walker made a motion that the minutes be approved as submitted. Hope Gilley seconded the motion. Motion carried unanimously.

UNFINISHED BUSINESS: NONE

ITEMS FROM STAFF: NONE

NEW BUSINESS:

**SPECIAL USE PERMIT            980 WESTERLY PARK ROAD            SU-18-02**

Consideration of a special use permit for a Major Home Occupation (Antique Shop) as allowed for in Section 11.26(c)(3)(c)(5), the special use requirements of the Board of Adjustment section of the City of Eden Zoning Ordinance as requested by Victor Cestari.

Cleveland Ellison swore in the persons that planned to speak during the hearing: Kelly K. Stultz and Victor Cestari.

Mrs. Stultz told the Board that the office had received several calls concerning the application but no one had expressed opposition to the special use permit. She presented the Staff Report which included the Findings of Fact and Staff Analysis and Staff Conclusion as follows:

FINDINGS OF FACT:

- (a) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted;
- (b) That the use meets all required conditions and specifications;
- (c) That the use will not substantially injure the value of the adjoining or abutting properties, or that the use is a public necessity;
- (d) That the location and character of the use, if developed according to the plan as submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development for Eden and its environs.

STAFF ANALYSIS:

With respect to the findings of fact, staff provides the following analysis:

- (a) The applicant has submitted an application to operate an antique shop in the existing barn located on the property. Staff is of the opinion that such use on the subject property would be in harmony with the surrounding neighborhood and would not be a danger to public health and safety in the area.
- (b) The use meets all required conditions and specifications:
  - (1) The major home occupation will be located in an existing structure (barn) located on the property, which is secondary to the primary dwelling.
  - (2) The barn is situated behind the principal dwelling and approximately 250 feet from the road.
  - (3) No new building(s) may be erected nor substantial alterations made to the existing building to house the major home occupation.
  - (4) Traffic will not be substantially increased in the area.
  - (5) There is adequate parking on the property for the use. No on-street parking shall be permitted.
  - (6) No business activities shall be permitted before 8:00 a.m. or after 6:00 p.m.
  - (7) If the dwelling is no longer occupied as a single family dwelling, the use shall be discontinued.
- (c) Staff is of the opinion that the use would not substantially injure the value of the adjoining or abutting properties.
- (d) Staff is of the opinion that the use would be in harmony with the surrounding area and in conformity with the general development plans for the area.

Staff recommended approval of the Special Use Permit.

Hope Gilley – Are the hours of 8:00 a.m. and 6:00 p.m. a recommendation or a requirement?

Kelly Stultz – If the Board approves it into the Special Use Permit, it will be a requirement. It was a recommendation from the staff.

Hope Gilley made a motion that “No business activities shall be permitted before 8:00 a.m. or after 8:00 p.m.” Charles Johnson seconded the motion and it passed.

Cleveland Ellison asked that Kelly clarify the occupancy requirement.

Charles Johnson asked about the vehicle restrictions and any potential changes to the existing barn.

Kelly explained that the provision concerning the weight of the vehicles would require an amendment to the Zoning Ordinance. She also stated they couldn’t make major changes to the barn such as making it significantly larger.

Terry Shelton asked how the parking requirements in No. 5 would be enforced.

Kelly told them that the Special Use Permit could be revoked.

Mr. Ellison explained to Mr. Cestari the process of the hearing.

Mr. Cestari told the board that he had read the Special Use Permit and was o.k. with the provisions. He also told them how his vintage antique shop business started and his plans for the future.

Charles Johnson made a motion to approve the Special Use Permit as amended. David Everett seconded the motion and it passed unanimously.

**ADJOURNMENT:**

There being no further business to come before the Board, a motion and a second was made for adjournment. Motion carried unanimously.

Respectfully submitted,

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Kelly K. Stultz, Administrative Assistant to  
the Board of Adjustment

ATTEST:

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Cleveland Ellison, Chairman