

MINUTES OF A SPECIAL MEETING  
OF THE BOARD OF ADJUSTMENT  
MARCH 2, 2017

The Board of Adjustment held their regular meeting on Thursday, March 2, 2017, at 5:30 p.m. in the City Hall council chamber. An oath of office was administered to reappointed members Kenneth White, Barney Walker, Charles Johnson, Diana Biggs and Jackie Hampton.

Members present: Cleveland Ellison  
Diana Biggs  
David L. Everett  
William T. Flynt, Jr.  
Jackie Hampton  
Charles Johnson  
Terry Shelton  
Kennith White

Members absent: Barney Walker\*

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

\*Excused absence.

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

APPROVAL OF MINUTES OF A SPECIAL MEETING ON FEBRUARY 9, 2017.

The minutes of the regular meeting on April 2, 2015 were presented to the Board. Kenneth White made a motion that the minutes be approved as submitted. Jackie Hampton seconded the motion. Motion carried unanimously.

UNFINISHED BUSINESS: NONE

ITEMS FROM STAFF: NONE

**SPECIAL USE PERMIT 912 BETHLEHEM CHURCH RD SU-17-01**  
CONSIDERATION OF A SPECIAL USE PERMIT FOR AN EVENT CENTER AS ALLOWED FOR IN SECTION 11.26(C)(3)(C)(13), THE SPECIAL USE REQUIREMENTS OF THE BOARD OF ADJUSTMENT SECTION OF THE CITY OF EDEN ZONING ORDINANCE AS REQUESTED BY WILLIAM G. GOLDSTON, JR.

Mrs. Stultz explained that this was a request to bring the uses being undertaken at 912 Bethlehem Church Road more into compliance with activities taking place at this property.

Mrs. Stultz 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 use the former farmhouse on the property for a restaurant and private recreation uses. There is ample off-street parking on the property. Staff is of the opinion 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) The development must adhere to all applicable district requirements including, but not limited to, maximum lot coverage, minimum yard requirements, height limitations, sign regulations and development standards, except as specifically stated elsewhere. The facility is an existing structure, and the exterior of the building and the property will not be altered. Therefore, the development plans as submitted adhere to all district regulations.
- (c) Consideration has been given to the location of the facility with respect to adjacent properties. The proposal is to use the existing structure and parking areas. The property adjoins a golf course and there is sufficient buffer between the property and adjoining residential properties, which must be maintained. Staff is of the opinion that the proposed use will not create any conditions which would injure the value of the adjoining or abutting properties.
- (d) Staff is of the opinion that maintaining the appearance of the existing structure and the property with respect to the surrounding residential neighborhood is appropriate. Staff is of the opinion that the proposed use would not adversely affect the surrounding area, and that the use is in keeping with the development plan for the city.

In addition to these findings of fact, staff recommends the following conditions be implemented as a part of the special use permit:

- (1) The special use must adhere to all requirements of Section 11.26(c)(3)(c)(13) of the City of Eden Zoning Ordinance.
- (2) All parking shall be located on the property;

- (3) The use shall adhere to all land use regulations of the City of Eden;
- (4) The event center may engage in the service of food prepared on-site or catered from other locations; food shall be served and consumed on-site and primarily indoors. Meals may be served to the public at large or to private parties. Meals shall be served in a “sit-down” fashion; no “fast food” establishments shall be permitted.
- (5) No private recreation uses shall be undertaken before 6 a.m. nor shall any private recreation activities be permitted after 11 p.m.
- (6) No outdoor activities shall be undertaken before 6 a.m. nor shall any outdoor activities be permitted after 11 p.m.
- (7) The property owner shall provide for on-site supervision at all times when the building is being utilized for recreational activities.

Staff recommended approval of the permit.

Diana Biggs asked if this special use permit would stay with the property?

Kelly told her yes unless the abandoned their intent to use the property as a special event which is 6 months.

Kennith White made a motion that the request be approved as submitted and with the recommended conditions. A second was made by Terry Shelton and the motion carried 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,

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

ATTEST:

\_\_\_\_\_  
Kennith White, Vice Chairman