

# Sanford/Lee County

Planning and Development  
P.O. Box 3729, Sanford, NC 27331-3729

May 10, 2024

Dear Adjacent Property Owner:

Please be aware that **the May 14, 2024 Sanford Board of Adjustment meeting has been cancelled** due to not having enough board members able to attend & participate that are needed to take action on a Special Use Permit application. **This case has been tentatively rescheduled for the next regularly scheduled Sanford Board of Adjustment meeting date, which is June 11, 2024.** Meetings are held at 6:00PM to allow the public to attend. Due to the amount of interest in this case, we will have a change of venue with the hearing being held in the Council Chambers of the Sanford Municipal Center at 225 E. Weatherspoon Street. You will receive a new notice with all of this information closer to the June meeting date. Let me know if you have questions.

Best Regards,

Amy McNeill, Senior Planner

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## *Original Notice Provided for Reference* **CITY OF SANFORD PUBLIC NOTICE**

Notice is hereby given that the Sanford Board of Adjustment will hold a regular meeting and conduct a public hearing on Tuesday, May 14, 2024 in the Buggy Conference Room on the first floor of the Buggy Company Building at 115 Chatham Street, Sanford, NC 27330. The public hearing will begin at 6:00p.m. or as soon thereafter as deemed practical by the Board to consider the following application:

### 1. SPECIAL USE PERMIT APPLICATION CASE 2024-0501

Application by Adult & Teen Challenge of Sandhills North Carolina, Inc. to obtain a Special Use Permit to allow the operation of group care facility & other rehabilitative services / faith-based recovery center for women at the Spring Lane Assembly of God church located at 1715 Spring Lane. This site is located within the jurisdiction of the City of Sanford and is zoned Residential Single-family (R-20). Per the Unified Development Ordinance, Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, a “Nursing, Supervision, Adult Care Homes, Group Care Facilities and other rehabilitative services)” is permitted in the Residential Single-family (R-20) zoning district upon issuance of a Special Use Permit, subject to the general development standards of the UDO. The property is depicted on Lee County Tax Map 9633.04 as Tax Parcel 9633-61-8936-00 Lee County Land Records.

The public is cordially invited to attend this quasi-judicial hearing. Due process requirements for quasi-judicial decisions mandate that certain standards be observed when these decisions are made. This includes the right of parties for or against the proposal to offer evidence, have sworn testimony, and have findings of fact supported by competent, substantial and material evidence. All interested parties have the right to be represented by an attorney.

**Further information may be obtained from the Sanford/Lee County Community Development Department, 115 Chatham Street, Suite 1, Sanford, N.C. 27330 or by contacting Amy McNeill at (919) 718-4656, ext. 5397 or [amy.mcneill@sanfordnc.net](mailto:amy.mcneill@sanfordnc.net).** Upon request and with 24-hour notice, the City will provide an interpreter for the hearing impaired or any other type of auxiliary aid.

# SANFORD BOARD OF ADJUSTMENT

## REGULAR MEETING

Tuesday, May 14, 2024, 6:00 PM

**Buggy Company Bldg., 115 Chatham Street - 1<sup>st</sup> Floor, Buggy Conference Room**

*All exterior doors for the Buggy Company Building automatically lock at 5:00pm with the exception of the ground floor level entrance. Therefore, please park in the large parking area at the rear of the building, enter the building via the ground floor level entrance, and take the elevator or stairs to the first floor.*

*The Buggy Conference Room is on your left when you exit the elevator.*

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### **NOTE THE PRESENCE OF A QUORUM FOR THE RECORD CALL TO ORDER – 6:00 PM**

Opening Statement by Chair: This hearing is a quasi-judicial evidentiary hearing, which means that it is a court-like hearing. State law sets specific procedures and rules concerning how this board must make its decisions. This board has limited discretion and must base its decision on competent, relevant, and substantial evidence in the record. A quasi-judicial decision is not a popularity contest. It is a decision limited by the standards in the Unified Development Ordinance (UDO) and based on facts presented at this hearing. If you are speaking as a witness, please focus on the facts and standards, not personal preference or opinion. This meeting is open to the public. Everyone is welcome to watch. Participation is limited. Only parties with standing may participate by presenting evidence, calling witnesses, and making legal arguments. Parties with standing are limited to the applicant, local governments (including the City of Sanford), and persons who can show they will suffer special damages. Other individuals may serve as witnesses when called by the board. Witness testimony is limited to facts, not opinions. For certain topics, the board is required to hear opinion testimony from expert witnesses. These topics include opinions on impact on property values and increased traffic caused by the proposal. Individuals providing expert opinions must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Witnesses must swear or affirm their testimony, be recognized by the Chair, and begin their testimony with their name and address.

- A. APPROVAL OF AGENDA** *(No Minutes to Approve)*
- C. DISCLOSURE OF CONFLICT OF INTEREST** – *Policy included in agenda packet for reference.*
- D. DISCLOSURE OF EX PARTE COMMUNICATION** – *Definition included in agenda packet for ref.*
- E. OLD BUSINESS** - *None*
- F. NEW BUSINESS**

**1. SPECIAL USE PERMIT APPLICATION CASE 2024-0501**

Application by Adult & Teen Challenge of Sandhills North Carolina, Inc. to obtain a Special Use Permit to allow the operation of a group care facility & other rehabilitative services / faith-based recovery center for women at the Spring Lane Assembly of God church located at 1715 Spring Lane. This site is located within the jurisdiction of the City of Sanford and is zoned Residential Single-family (R-20). Per the Unified Development Ordinance, Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, a “Nursing, Supervision, Adult Care Homes, Group Care Facilities and other rehabilitative services)” is permitted in the Residential Single-family (R-20) zoning district upon issuance of a Special Use Permit, subject to the general development standards of the UDO. The property is depicted on Lee County Tax Map 9633.04 as Tax Parcel 9633-61-8936-00 Lee County Land Records.

**2. OTHER BUSINESS** - *None, unless added by the board*

**3. ADJOURNMENT**

\*\*\* SEE LARGE PLANS AT REAR OF AGENDA PACKET \*\*\*

## **Conflict of Interest Policy Related to Land Use Decisions**

Pursuant to North Carolina General Statutes 160D-1-9, the following conflict of interest policies will apply to all land use decisions coming before staff, appointed boards or the governing boards as follows:

### **For Governing Board Members – *Sanford City Council***

A Sanford City Council member shall not vote on any legislative decision regarding a development regulation adopted pursuant to Chapter 160D, where the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Council member shall also not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business or other associational relationship.

### **For Appointed Board Members – *City of Sanford Planning Board & Board of Adjustment***

Members of the appointed boards shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member. Further, an appointed board member shall not vote on any zoning amendment of the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. A close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

For members of any board exercising quasi-judicial functions, the member shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex-parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

### **For Administrative Staff – *Sanford/Lee County Community Development Department Staff***

No staff member shall make a final decision on an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. A close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. If a staff member has a conflict of interest, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under the UDO unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

*This is general information provided by staff for inclusion in the Board of Adjustment agenda packet as a reference. It is intended as a reference only – if needed – and is not required to be read aloud at each meeting.*

## **Ex parte Communications**

Ex parte communication occurs when a board member communicates about a case outside of the evidentiary hearing. Examples of ex parte communication include a board member meeting with a developer; a board member taking a call from a neighbor; and an email conversation among board members in which they deliberate the merits of an upcoming application. A board member getting a briefing of the case with staff in advance of the evidentiary hearing also would amount to ex parte communication. Undisclosed ex parte communications are impermissible violations of the parties' constitutional due process rights.

Ex parte communications raise concern for multiple reasons. The first is fairness. If a board member hears information from one part or potential witness, the other party is not there to challenge the information and provide rebuttal. Second is quality decision making. When a board makes a decision, all board members should have the same information upon which to base their decision. Third is a potential bias. Undisclosed communications may indicate impermissible bias.

Board members must take steps to avoid communication with parties, witnesses, or the general public about the request under consideration. Emails from neighbors should be forwarded to staff to address. Conversations with interested community members (at the grocery store, for example) should be ended politely but directly with an invitation for that interested individual to address the entire board at the evidentiary hearing. Board members should avoid communications with each other about a particular case. Those communications should be reserved for deliberation during and at the conclusion of the evidentiary hearing.

Any ex parte communications that occur must be disclosed in the evidentiary hearing. And as discussed above, any record made or received the transaction of public business is a matter of public record and subject to disclosure, unless an exception applies. Any email, text message, letter, or other document sent to or from a board member and concerning a quasi-judicial case is a public record. It must be archived under records retention laws and is subject to disclosure, unless an exception applies.

Notably, the concern of ex parte communications is a concern about communications with the decision-maker (the board) and not about communications with staff. The applicant, other parties, and interested citizens can and should contact local government staff to access the materials, ask questions, and better understand the process.

Source: *Quasi-Judicial Handbook, a Guide for Boards Making Development Regulation Decisions* by David W. Owens and Adam S. Lovelady, Copyright 2017, School of Government, the University of North Carolina at Chapel Hill, pages 23 and 24



**\*\*\*INSERT\*\*\***

The SUP Application,  
along with all supporting documentation  
and a full-size site plan  
are attachments to this agenda package.

# Sanford Board of Adjustment

## Public Hearing Information for a Special Use Permit Request

### May 14, 2024

#### APPLICATION# 2024-0501 FOR A SPECIAL USE PERMIT

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**Applicant:** Adult & Teen Challenge of Sandhills North Carolina, Inc. | Russell Cambria, CEO/President  
**Owner:** Abundant Life International, Inc. | Jerdewarrene Farrar, Lead Deacon  
**Request:** Special Use Permit to allow the operation of a group care facility & other rehabilitative services / faith-based recovery center for women at the Spring Lane Assembly of God church  
**Location:** 1715 Spring Lane, Sanford, NC 27330  
**Township:** West Sanford  
**Tax Parcel:** 9633-61-8936-00  
**Adjacent Zoning:** North: Residential Single-family (R-20)  
South: Residential Single-family (R-20)  
East: Residential Single-family (R-20)  
West: Residential Single-family (R-20)

#### Adjacent Land Uses:

North: Opposite Spring Lane, vacant/wooded land  
South: Residential single-family homes in the Carbonton Heights and the Planters Ridge Subdivisions  
East: Residential single-family homes in the Carbonton Heights Subdivision  
West: Residential single-family homes in the Planters Ridge Subdivision

**Introduction:** Mr. Russel Cambria of Adult & Teen Challenge of Sandhills, North Carolina, Inc. (a North Carolina non-profit corporation) has submitted a Special Use Permit application to allow the operation of a group care facility & other rehabilitative services / faith-based recovery center for women at the Spring Lane Assembly of God church. The church would continue to operate at this location. The SUP use would allow an additional use to occupy/operate within a portion of the existing structure on site.

Per the local zoning ordinance (Unified Development Ordinance or UDO), the proposed use is allowed in the Residential Single-family (R-20) zoning district only upon issuance of a Special Use Permit by the Board of Adjustment and is subject to all other applicable standards of the ordinance and those requirements that may be reasonably imposed by the BOA. Therefore, Mr. Cambria of has submitted this SUP application for your consideration.

**Site and Area Description:** The subject property is located on the west side of Sanford, off of Spring Lane just beyond the Riverbirch Corner Shopping Center. It is on the south side of Spring Lane, between Sutphin Drive and Plantation Drive. It is illustrated as a 5.85 acre tract on a 2022 recombination plat for Abundant Life International, Inc. recorded in Plat Cabinet 2022, Slide 152 of the Lee County Register of Deeds Office.

**Surrounding Land Uses:** This section of Spring Lane is developed with residential single-family homes. To the south are Carbonton Heights and Planters Ridge Subdivisions. On the opposite side of Spring Lane is the Westlake Valley Subdivision.

**Zoning District Information:** The Residential Single-family (R-20) zoning district is established to provide areas for low-density single-family uses, with a maximum of two dwelling units per acre, which may provide buffers between the agricultural and the higher density areas of the County of Lee. It includes density and minimum lot size requirements to allow for market and design flexibility, while preserving the neighborhood character.

Minimum lot size:	20,000sf
Minimum lot width:	100ft
Minimum lot depth:	125ft
Minimum building setback, front:	30ft, measured from the r/o/w of the public street
Minimum building setback, rear:	30ft, measured from the rear property line
Minimum building setback, side(s):	15ft, measured from the side property lines
Maximum building height:	40ft
Maximum impervious surface:	N/A, not taking into consideration watershed regulations

Examples of uses permitted by right within the R-20 zoning district include detached single-family homes (site/stick built and modular), parks/playgrounds/athletic fields operated on a noncommercial basis, and religious complexes/churches (less than 350 seats). There is a list of permitted uses for this zoning district included within the agenda for your reference. The R-20 zoning district with a Mobile Home Overlay District allows the same permitted uses as the R-20 zoning district and mobile home parks. There is a list of all of the permitted uses for this zoning district within the agenda packet for your reference

**Overlay Districts and Long-Range Plan:** This site is not located within any of the local overlay districts – i.e. it is not located along a roadway corridor with architectural design standards, is not in a Watershed Conservation Overlay District, a Flood Hazard Area/Floodplain, or a local Historic District.

Long Range Plan: The *Plan SanLee* long-range land use plan designates this site as Suburban Neighborhood, which are residential areas on the outskirts of a core urbanized area that facilitates large scale development of single-family residential and are walkable, with a high degree of transportation connectivity between neighborhoods and surrounding network throughfares. Information from the land use plan is provided as attachments to this report for your reference.

**Utilities:** Public water appears to be available via an 8-inch water main line that runs along Spring Lane. Staff verified that the church is being billed for public water and sewer. This information is per our GIS mapping system. The water and sewer connections for all projects must be approved by the City of Sanford Public Works Dept./Engineering Dept. to verify compliance with all policies and regulations, including—but not limited to—off site improvements or upgrades.

**Transportation:** There is public road frontage on Spring Lane, a NCDOT maintained public roadway with a 60ft right-of-way width in the area of the subject property. This information is per our GIS mapping system and NCDOT must approve any proposed driveways and/or driveways associated with a change of use via the site plan review/approval process to verify compliance with all applicable regulations, including—but not limited to—traffic studies and roadway improvements/turn lanes.

**Staff Analysis:** Staff does not provide a recommendation for Special Use Permit request since this is a quasi-judicial process as opposed to a legislative process like a rezoning request. Staff has provided the application with supplemental attachments and a staff report for the board's reference.

## ATTACHMENTS

- GIS Maps of Property - tax information, aerial images, and zoning of the site
- 2022 Recombination Plat
- *Plan SanLee* long range plan information for this site
- Unified Development Ordinance (UDO) references
- List of Permitted Uses for R-20 zoning district
- Public Hearing Notice
- Adjacent Property Owner Notification of Public Hearing / Certification / List
- Special Use Permit Hearing Procedures

**REQUIRED FINDINGS FOR A SPECIAL USE PERMIT:** Special Use Permits (SUP) provide a form of discretionary approval for certain uses which are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design and configuration. Special Use Permits ensure the appropriateness of the use at a particular location within a given zoning district. The Board of Adjustment shall consider the application, supporting documents, the site plan, and examine factual evidence presented at the hearing before ruling on the following four findings of facts.

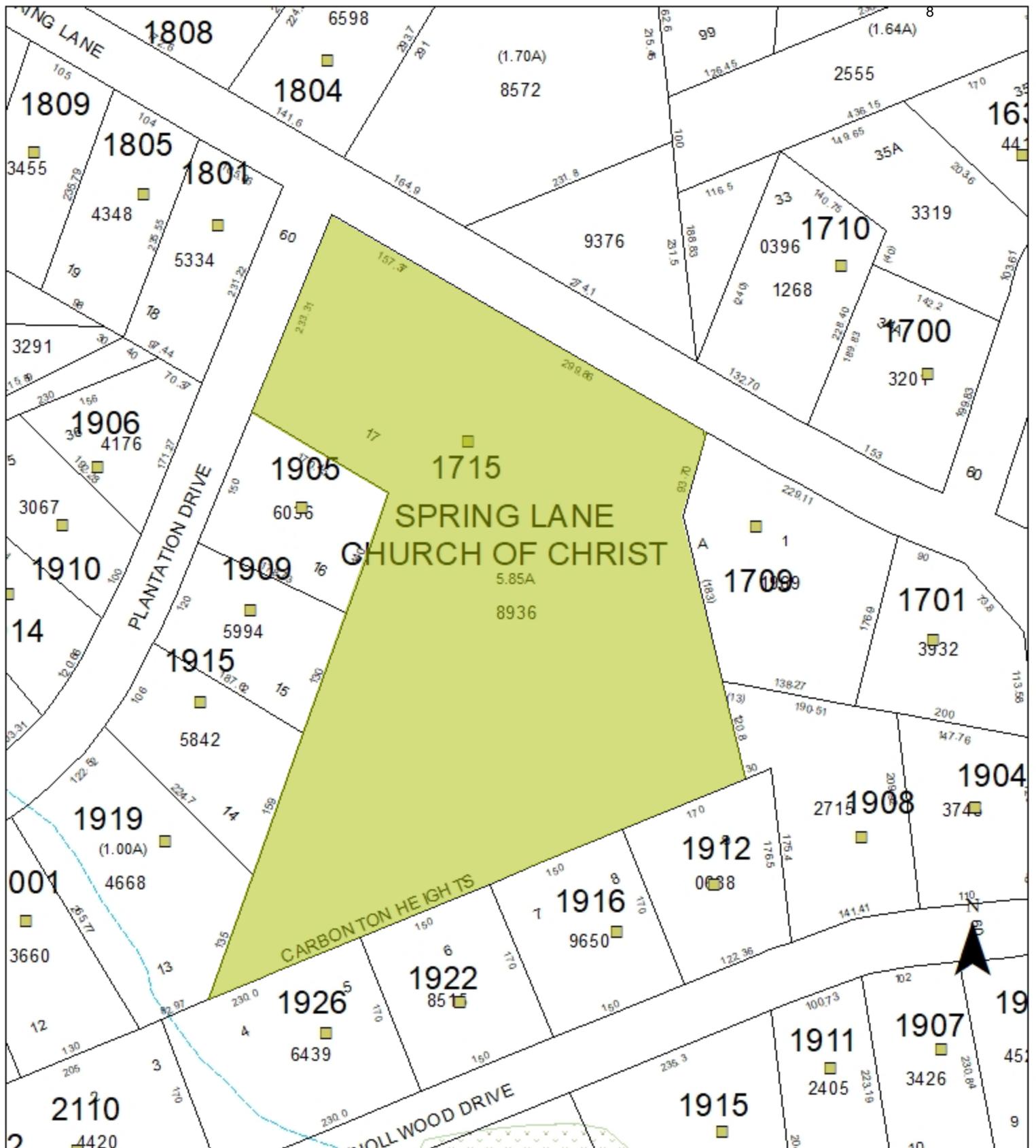
In granting the Special Use Permit, the board shall find:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved.
2. That the use meets all required conditions and specifications.
3. That the use will not substantially injure the value of the adjoining or the abutting property, or that the use is a public necessity.
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which site is located and in general conformity with all adopted land use plans.

The Special Use Permit, if granted, shall include approval of the preliminary site plan. The Board may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use to lessen the impact or intensity of the use on the surrounding area. All conditions shall become a part of the SUP approval and shall be included/illustrated on the final site plan, which is provided to staff after the SUP is approved, but prior to the development of the site. The SUP shall run with the land and shall be binding on the original applicants, their heirs, successors and assigns. Violations of the SUP, including any conditions placed thereon, shall be treated as a violation of the local zoning ordinance.

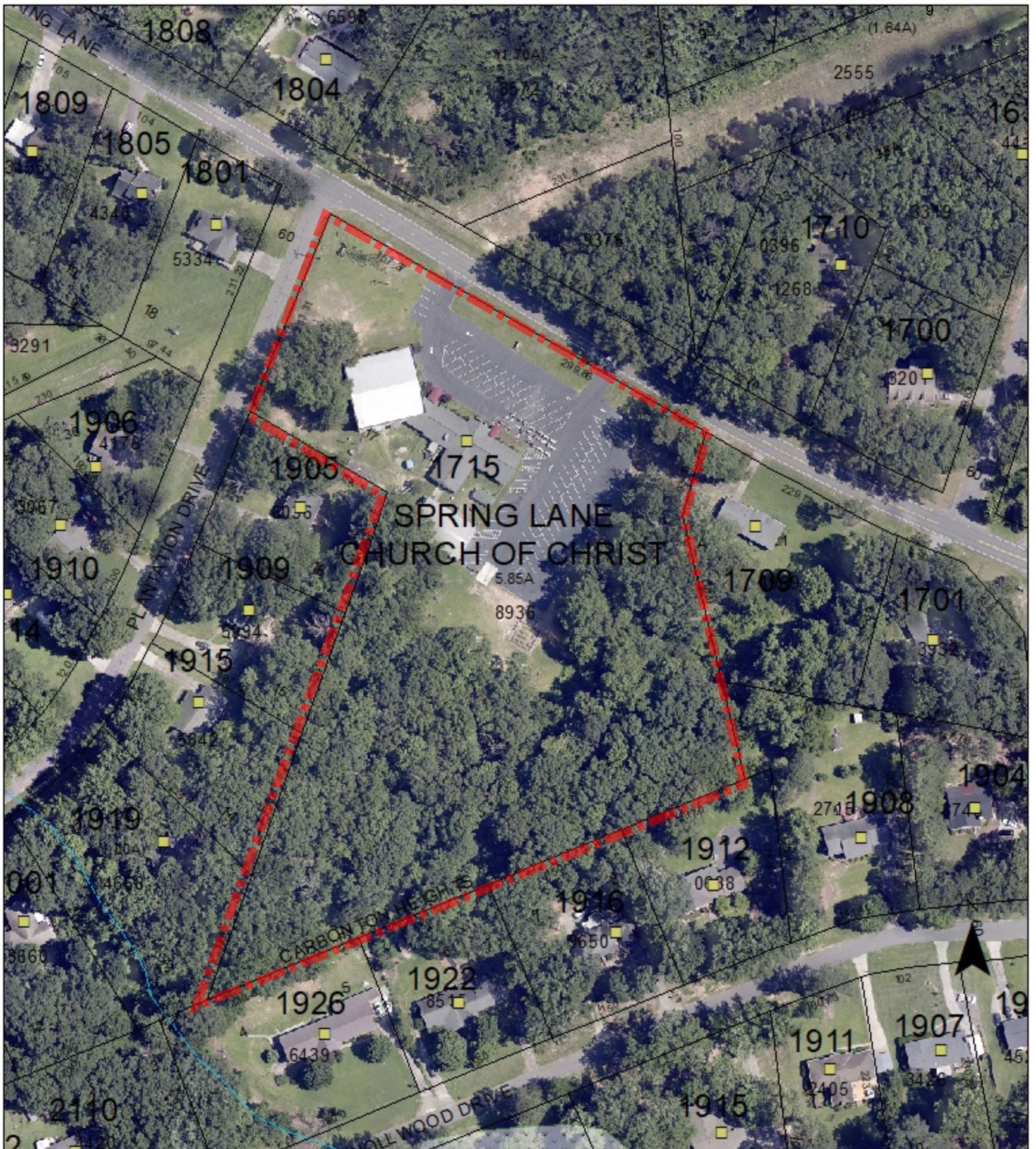
Minor field alterations or minor revisions to an approved SUP may be approved by the Administrator if the intent of the standards established with the original approval are still met and the alterations/revisions are limited to changes that do not increase the intensity, density, or character of the use. If the Administrator determines that the change is not minor, the Board of Adjustment must approve the alterations/revisions. Please reference the application for specific information regarding how the applicant has addressed the criteria for the SUP request.

This decision of the board is effective upon filing the written decision with the Clerk to the Board. Decisions of the Board of Adjustment shall be appealed to the Lee County Superior Court within 30 days of the final decision.



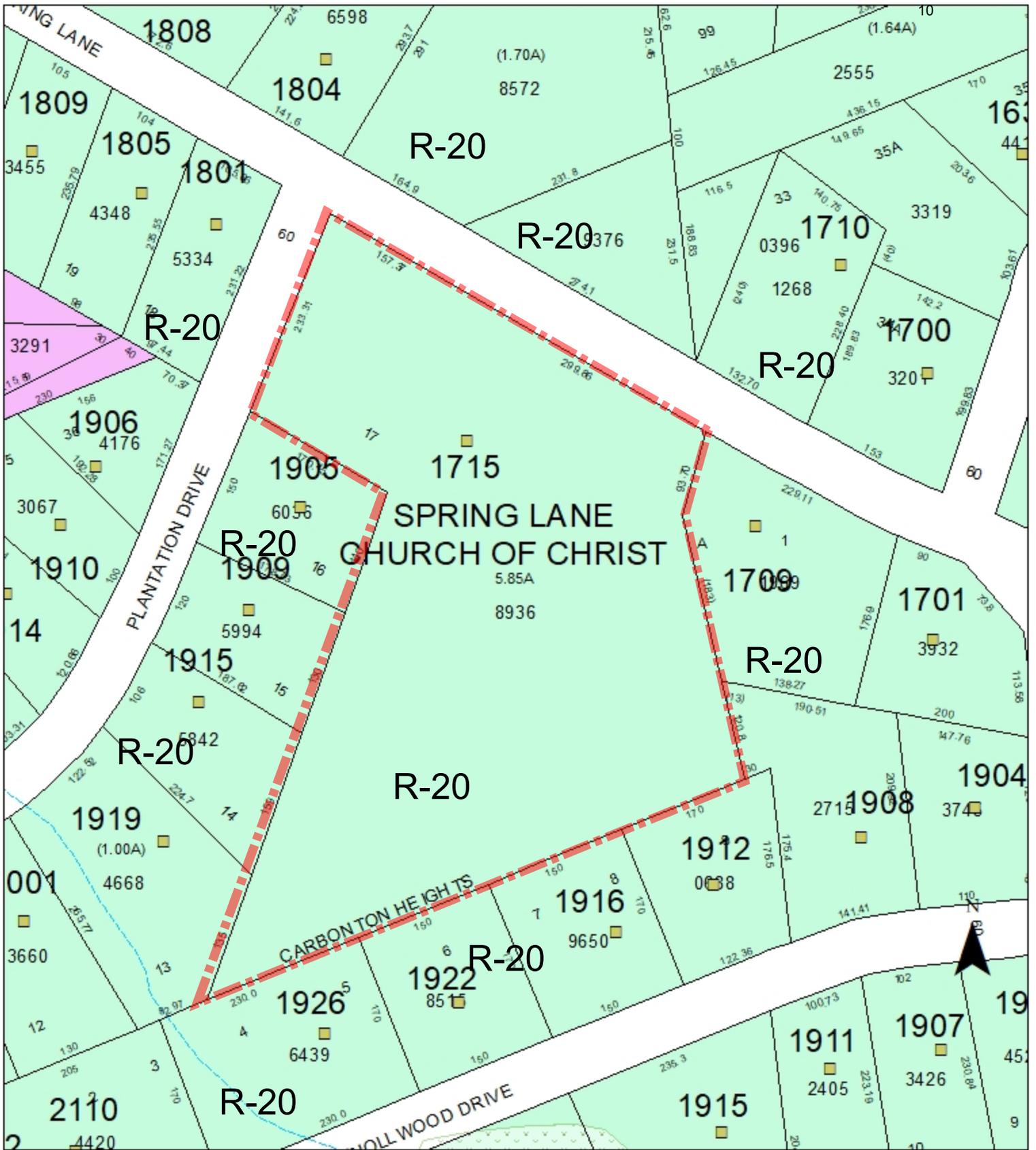
**SUP APPLICATION 2024-0501:**  
 Requesting a Special Use Permit for a group care facility & other rehabilitative service  
 at a church addressed as 1715 Spring Lane.

This is a graphic illustration and not a legal document.  
 All information is comprised of layers of data that may or may not align correctly.



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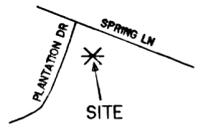
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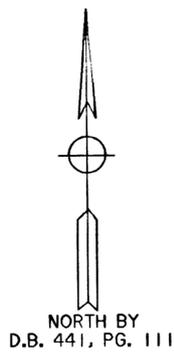
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PC 2022 SL 152



NOT TO SCALE  
VICINITY MAP



I, MELVIN A. GRAHAM, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 441, PAGE 111, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK N/A, PAGE N/A; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1: 10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 9 DAY OF AUGUST, A.D. 2022

*Melvin A. Graham*  
MELVIN A. GRAHAM, PLS. REGISTRATION NUMBER L-3471

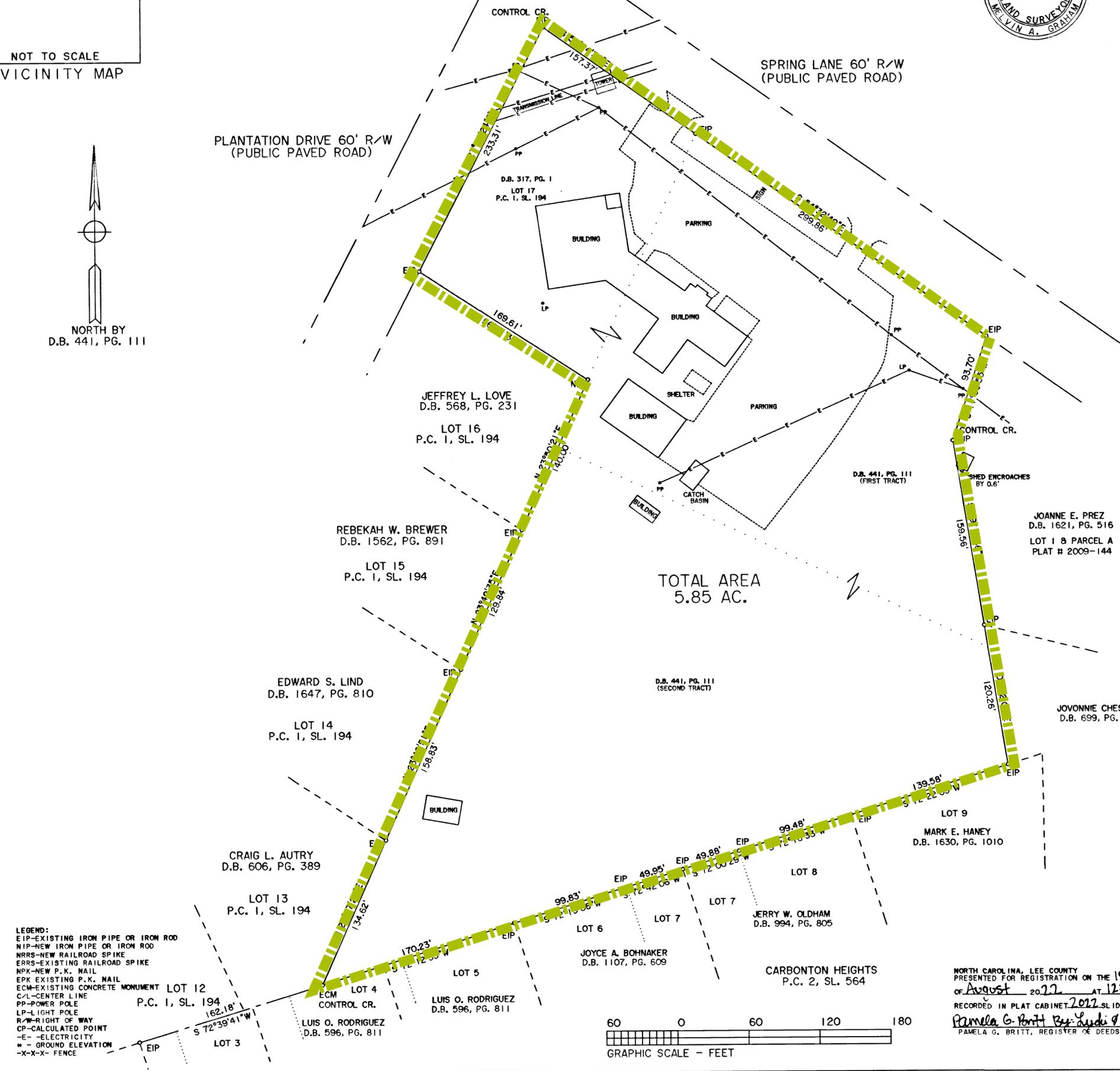
NOTE:  
THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.  
*Melvin A. Graham*  
SURVEYOR

STATE OF NORTH CAROLINA  
COUNTY OF LEE  
I, *Renee C. Scott* REVIEW OFFICER OF LEE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING. *8/18/2022* *Renee C. Scott*  
DATE REVIEW OFFICER

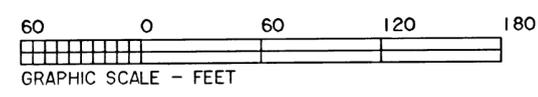
NOTE:  
THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT OF WAYS, AND AGREEMENTS OF RECORD PRIOR TO THIS PLAT.

NOTES:  
PROPERTY CONSIST OF ALL OF THE WESTLAKE ASSEMBLY OF GOD ABUNDANT LIFE CHRISTIAN CENTER PROPERTY AS RECORDED IN D.B. 317, PG. 1 AND D.B. 441, PG. 111 (TRACTS 1 & 2) LEE COUNTY REGISTRY.

ALL AREAS BY COORDINATE METHOD  
PROPERTY ZONED R-20  
PIN # 9633-61-8853-00  
9633-62-6292-00



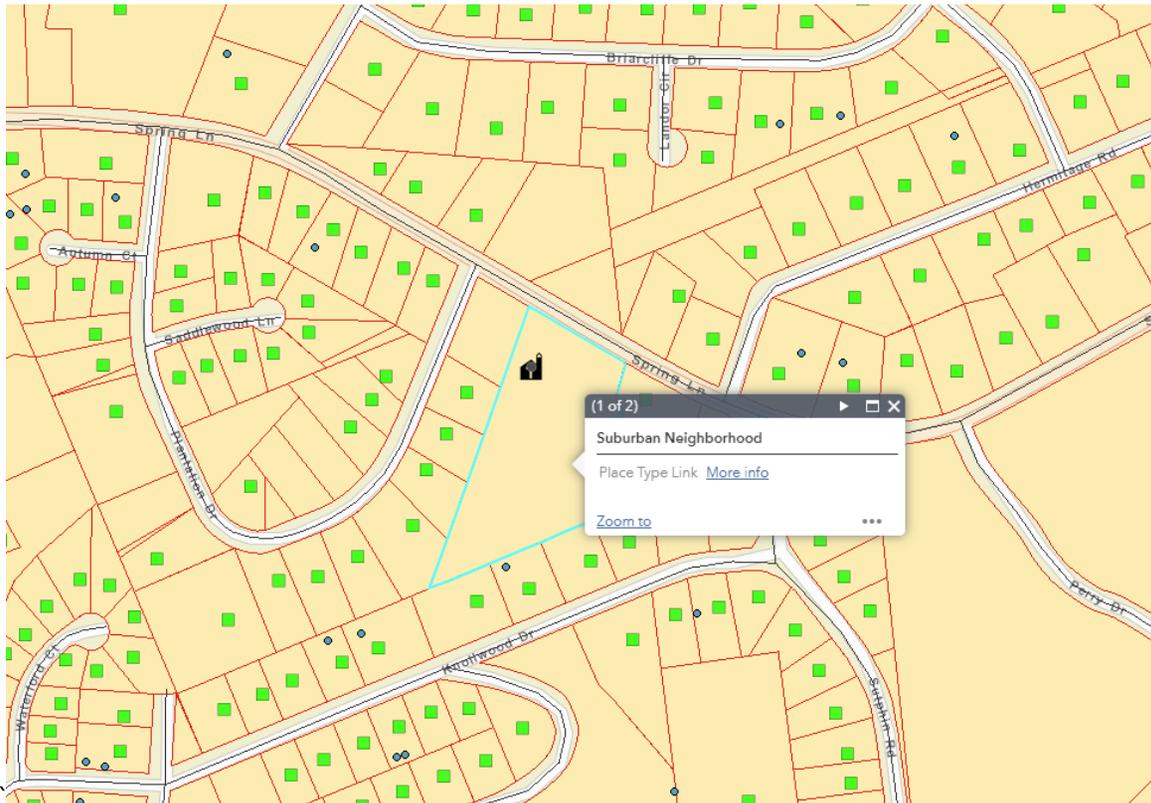
- LEGEND:  
EIP-EXISTING IRON PIPE OR IRON ROD  
NIP-NEW IRON PIPE OR IRON ROD  
NRRS-NEW RAILROAD SPIKE  
ERRS-EXISTING RAILROAD SPIKE  
NPK-NEW P.K. NAIL  
EPK-EXISTING P.K. NAIL  
ECM-EXISTING CONCRETE MONUMENT  
C/L-CENTER LINE  
PP-POWER POLE  
LP-LIGHT POLE  
R/W-RIGHT OF WAY  
CP-CALCULATED POINT  
-E- ELECTRICITY  
\* - GROUND ELEVATION  
-X-X-X- FENCE



NORTH CAROLINA, LEE COUNTY  
PRESENTED FOR REGISTRATION ON THE 18th DAY  
OF August 2022 AT 12:22 AM  
RECORDED IN PLAT CABINET 2022 SLIDE 152  
*Pamela G. Britt* By: *Lynette Phillips*, Deputy  
PAMELA G. BRITT, REGISTER OF DEEDS

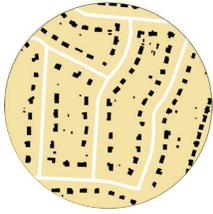
TOWNSHIP	COUNTY	STATE
WEST SANFORD	LEE	NC
RECOMBINATION SURVEY FOR (OWNER) ABUNDANT LIFE INTERNATIONAL, INC 1715 SPRING LANE SANFORD, NC 27330		DATE: 08/02/2020
		SCALE: 1" = 60'
		PROJECT: 11222
MELVIN A. GRAHAM, PLS. 3679 NICHOLSON ROAD CAMERON, NC 28326 PHONE (919) 499-6174		REVISION:

## Plan SanLee Land Use Plan – Interactive Map of Site



### Place Types

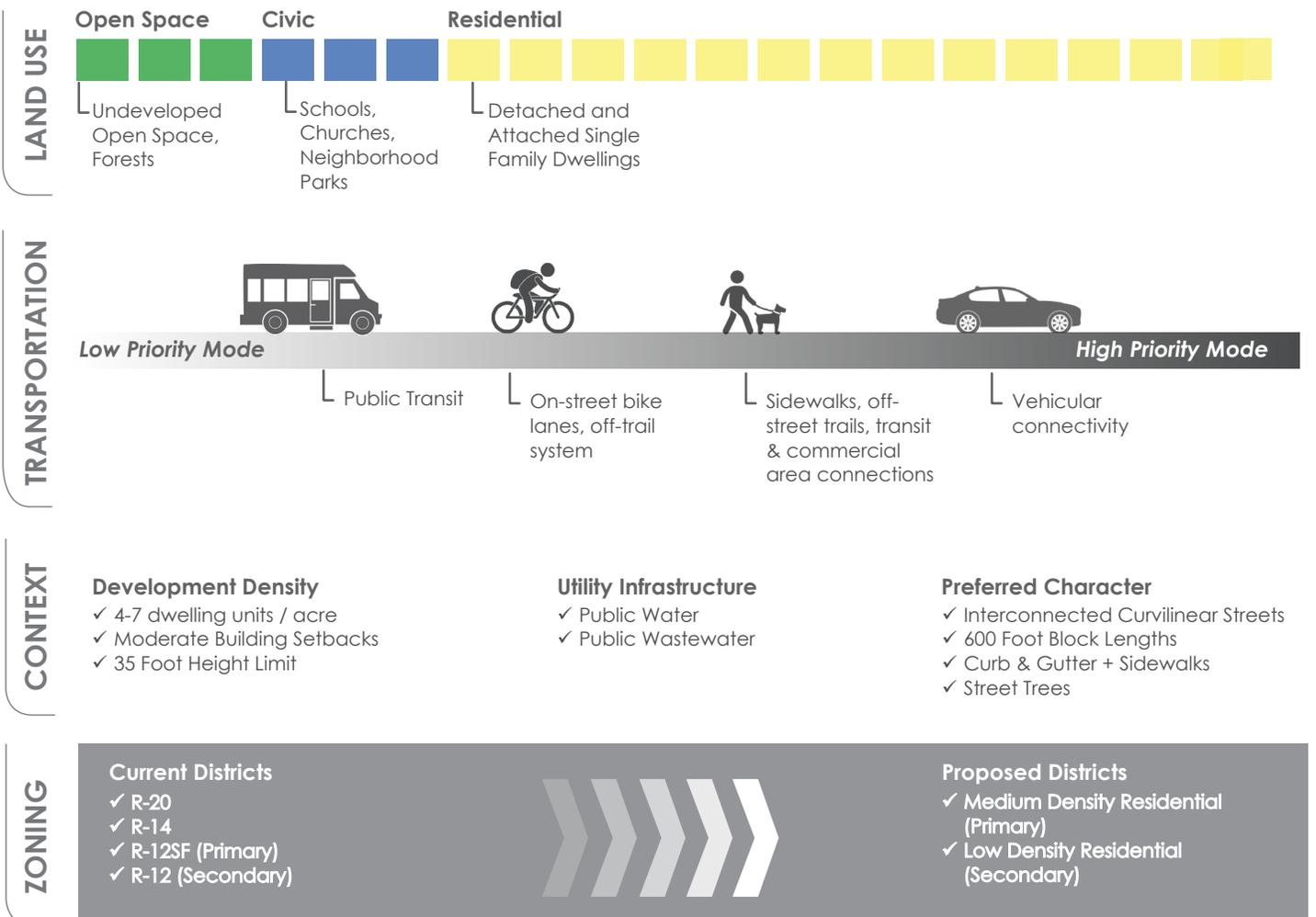
- Commercial Corridor
- Countryside
- Crossroads
- Downtown
- Industrial Center
- Maker District
- Mixed Use Activity Center
- Neighborhood Center
- Neighborhood Transition
- Professional and Institutional Campus
- Suburban Neighborhood
- Urban Neighborhood
- Village Center
- Village Neighborhood



## SUBURBAN NEIGHBORHOOD

- ✓ Residential areas on the outskirts of a core urbanized area
- ✓ Facilitates large scale development of single family residential
- ✓ Walkable, with high degree of transportation connectivity between neighborhoods and surrounding network thoroughfares

**Local Example - Westlake Valley Neighborhood in Sanford**



Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Travel trailer/Recreational Vehicle/Motor home/Camper, to be used as a Temporary Residence <b>Unincorporated Lee County and ETJ areas of Sanford and Town of Broadway</b> (see § 5.34.2.9)			P/D	P/D	P/D														
<b>Accommodations and Group Living</b>																			
Bed and breakfast inn (see § 5.4)	1310		P/D	P/D	-	-	S/D	S/D	S/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	-	-
Boarding house/Room Renting	1320		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dormitories for the students of colleges, commercial schools, staff of hospitals	1320	1320	S	S	S	S	S	S	S	S	S	P	S	P	P	S	-	-	-
Family Care Homes (see NCGS § 160D-907 (see § 5.12))	6520		P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	-	-	-	-	-	-	-	-	-
Group Home/Residential Care Facility, Level I	6520	-	-	-	-	-	-	-	-	S	P	P	P	P	P	-	-	-	-
Group Home/Residential Care Facility, Level II	6520	-	-	-	-	-	-	-	-	S	P	P	P	P	P	-	-	-	-
Group Home/Residential Care Facility, Level III	6520	-	-	-	-	-	-	-	-	S	S	S	S	S	-	-	-	-	-
Group Home/Residential Care Facility, Level IV	6520	-	-	-	-	-	-	-	-	S	S	S	S	S	-	-	-	-	-
Hotel, Motel, and Tourist Court (see § 5.17)	1330	1330	-	-	-	-	-	-	-	-	-	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D
Hotel, Motel or Tourist Court, Extended Stay (see § 5.41) <b>City of Sanford and Town of Broadway</b>	1330	1330	-	-	-	-	-	-	-	-	-	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D
Child and Youth Services	6561		-	-	-	S	S	S	S	S	P	-	-	-	-	P	-	-	-
Nursing, Supervision, Adult Care Homes, Group Care Facilities and other rehabilitative services	6520		S	S	S	S	S	S	S	S	P	-	P	P	P	P	-	-	-
<b>General Sales or Service</b>																			
ABC Store (liquor Sales), incorporated areas only	2155		-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	P
Administrative Services, Travel Arrangement and Reservation Services, Investigation and Security Services (locksmiths)	2420- 2440		-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Agricultural equipment, sales and service	2120		-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P	P
Animal Hospitals, Veterinary services, Animal Shelters, Kennels / Animal Pet Services (see § 5.3)	2418 2720		S/D	-	-	-	-	-	-	-	-	P/D	P/D	P/D	-	-	P/D	P/D	P/D
Antique Shops	2145	2230	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P
Appliance Sales, Repair and Maintenance, (no outside storage)	2125		-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	P
Art dealers, supplies, sales and services	2142		-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P
Auction sales, general merchandise (no vehicular sales)	2140		-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	P
Auction Sales, vehicular sales			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Bakeries, retail, including manufacturing of goods for sale on the premises only	2151		-	-	-	-	-	-	-	-	S	P	P	P	-	P	P	P	P
Bicycle (non motorized) Sales and/or Repair	2113		-	-	-	-	-	-	-	-	S	P	P	P	-	P	P	P	P
Books, Magazines, music, etc.	2135		-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P
Building, Mixed Use - Mixed commercial and residential use where commercial use is primary on first floor, with dwellings occupancy second floors or above (no unenclosed storage)		2300	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-

to the aforesaid centerline or railroad track mid-point.

- Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- Where a street, highway, railroad or other physical monument or marker on the ground, by which a boundary is determined, varies from that as shown on the Official Zoning Map, the physical monument or marker located on the ground shall control. Where physical or cultural features, such as flood plains, vary from those shown on the Official Zoning Map, or in other circumstances not covered above, the Department of Community Development shall determine the district boundaries.

**4.6 USE REGULATIONS (INCLUDES PERMITTED USE MATRIX)**

**4.6.1 GENERALLY.**

No use shall be permitted pursuant to this Ordinance, and no Development Permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless said use is listed as a permitted or Special Use in this § 4.6 and all applicable permits and approvals have been issued by the agency or official with final decision-making authority. Those uses

permitted as Primary Uses or Buildings within each zoning district shall be those uses listed in the Use Matrix (Table 4.6-1) and as forth in § 4.6, below.

**4.6.2 PRIMARY USES.**

No Zoning Clearance Permit shall be issued for a Primary use not specifically mentioned or described by category in the Use Matrix (Table 4.6-1). Notwithstanding any provision of this Section to the contrary, uses which are preempted by state statute are not listed in the Use Matrix, and may be permitted in accordance with state law.

**4.6.2.1 INTERPRETATION OF USE MATRIX.**

The use categories listed in the first column of Table 4.6-1 are defined in this Ordinance, the LBCS or in other resources cross-referenced in this Ordinance. In determining whether a use is permitted by right, permitted as a Special Use, or prohibited within each zoning district, the following rules of construction apply:

**4.6.2.2 PUD AND TND EXCLUDED.**

Uses in the PUD and TND Districts shall be governed by their respective Sections in this Ordinance and shall not be subject to Table 4.6-1.

<b>P</b>	Permitted Uses. The letter “P” indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of this Ordinance.
<b>D</b>	Permitted Uses with Development Regulations. The letter “D” indicates that the use is also subject to development regulations as prescribed in Article 5. The use may be permitted as of right or as a Special Use, but will also be subject to the requirements of Article 5 Supplemental Development Regulations.
<b>S</b>	Special Uses. The letter “S” indicates that the listed use is permitted within the respective zoning district only after review and approval of a Special Use Permit, in accordance with the review procedures of § 3.5 of this Ordinance. Special Uses are subject to all other applicable standards of this Ordinance and those requirements that may reasonably be imposed by the County of Lee consistent with the criteria set forth in § 3.5 of this Ordinance and any Development Regulations which apply to said use.
<b>-</b>	Prohibited Uses. A dash (“-”) indicates that the listed use type is not allowed within the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Ordinance.

**USES PERMITTED IN  
R-20 RESIDENTIAL SINGLE-FAMILY DISTRICT**

<b><u>Accessory Uses</u></b>
Accessory Uses (See 5.1)
<b><u>Residential Uses</u></b>
Dwelling modular home
Dwelling single family detached
<b><u>Arts, Recreation &amp; Entertainment</u></b>
Parks, playgrounds, and athletic fields operated on a noncommercial basis
<b><u>Education, Public Administration, Health Care and Institutional</u></b>
Day care facility, adult
Religious complex (less than 350 seats), new site
Religious complex (any size), addition to existing complex/site
Schools, Pre-K –Secondary (nursery and preschool, grade schools, elementary, middle, and high school), addition to existing site
<b><u>Transportation, Communication, and Utilities</u></b>
Utility lines (including electric lines, phone/cable lines, distribution circuits, gas/fuel lines, water lines, steam/air conditioning lines, irrigation channels, and sewer/waste water lines)
<b><u>Agriculture</u></b>
Animal production and support services (unincorporated Lee County)
Crop production and support functions, (unincorporated Lee County)
Forestry and logging and support services, (Unincorporated Lee County)

**PERMITTED USES WITH DEVELOPMENT REGULATIONS**

The uses listed below are permitted as of right and are also subject to the requirements of Supplemental Development Regulations.

<b><u>Residential Uses</u></b>
Home occupations (See 5.16)
<b><u>Accommodations and Group Living</u></b>
Family care homes (See NCGS 168-21) (See 5.12)
<b><u>Industrial &amp; Manufacturing Uses</u></b>
Landfills, LCID (2 acres or less in size) (See 5.19)
<b><u>Art, Recreation &amp; Entertainment</u></b>
Stables/accessory to dwelling
<b><u>Education, Public, Administration, Health Care, and Institutional</u></b>
Day Care facility, Home Child Care Center (See 5.10)

### **PERMITTED AS A SPECIAL USES**

Special uses are subject to all other applicable standards of this ordinance and those requirements that may reasonably be imposed by the County of Lee consistent with the criteria set forth in 3.5 of this ordinance any Development Regulations which apply to said use.

<b><u>Accommodations and Group Living</u></b>
Dormitories for the students of colleges commercial schools, staff of hospitals
Nursing, supervision, adult care homes, group care facilities and other rehabilitative services
<b><u>Arts, Recreation &amp; Entertainment</u></b>
Fitness and recreational sports, gym, health spa, reducing salon, swimming pool/auditorium, racquet club or athletic club (not otherwise listed)
Golf courses, public and private
Golf driving ranges
Sports, stadiums or arenas
<b><u>Education, public Administration, Health Care, and Institutional</u></b>
Civic, social and fraternal organizations, including community centers, meeting halls, community halls, reception halls, wedding halls for assembly and recreation
Fire, sheriff, and emergency services
Governmental functions, not otherwise listed
Libraries
Religious complex (more than 350 seats), new site
Schools, continuing education (alternative, adult colleges and universities, and technical, trade and other specialty schools)
Schools, pre-k – secondary (nursery and preschool, grade schools, elementary, middle and high school) new site
<b><u>Transportation, Communication, and Utilities</u></b>
Sewage treatment and water treatment plants

### **PERMITTED AS SPECIAL USE WITH DEVELOPMENT REGULATIONS**

The uses below are permitted as a special use, but will also be subject to the requirements of Supplement Development Regulations.

<b><u>Industrial &amp; Manufacturing Uses</u></b>
Landfills C&D or LCID (greater than 2 acres in size) (See 5.20)
Mining and quarries
<b><u>Education, Public Administration, Health Care, and Institutional</u></b>
Cemeteries, public and private (does not include individual family plots) (See 5.6)
Day care facility, home child care center (See 5.10)
<b><u>Transportation, Communication, and Utilities</u></b>
Telecommunication towers (See 5.33)

L:UDO/Permitted Use/R-20 Residential Single-Family

## CITY OF SANFORD PUBLIC NOTICE

Notice is hereby given that the Sanford Board of Adjustment will hold a regular meeting and conduct a public hearing on Tuesday, May 14, 2024 in the Buggy Conference Room on the first floor of the Buggy Company Building at 115 Chatham Street, Sanford, NC 27330. The public hearing will begin at 6:00p.m. or as soon thereafter as deemed practical by the Board to consider the following application:

1. SPECIAL USE PERMIT APPLICATION CASE 2024-050

Application by Adult & Teen Challenge of Sandhills North Carolina, Inc. to obtain a Special Use Permit to allow the operation of group care facility & other rehabilitative services / faith-based recovery center for women at the Spring Lane Assembly of God church located at 1715 Spring Lane. This site is located within the jurisdiction of the City of Sanford and is zoned Residential Single-family (R-20). Per the Unified Development Ordinance, Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, a “Nursing, Supervision, Adult Care Homes, Group Care Facilities and other rehabilitative services)” is permitted in the Residential Single-family (R-20) zoning district upon issuance of a Special Use Permit, subject to the general development standards of the UDO. The property is depicted on Lee County Tax Map 9633.04 as Tax Parcel 9633-61-8936-00 Lee County Land Records.

The public is cordially invited to attend this quasi-judicial hearing. Due process requirements for quasi-judicial decisions mandate that certain standards be observed when these decisions are made. This includes the right of parties for or against the proposal to offer evidence, have sworn testimony, and have findings of fact supported by competent, substantial and material evidence. All interested parties have the right to be represented by an attorney.

Further information may be obtained from the Sanford/Lee County Community Development Department, 115 Chatham Street, Suite 1, Sanford, N.C. 27330 or by contacting Amy McNeill at (919) 718-4656, ext. 5397 or amy.mcneill@sanfordnc.net. Upon request and with 24-hour notice, the City will provide an interpreter for the hearing impaired or any other type of auxiliary aid.

Cualquier ciudadano que tenga preguntas o comentarios de las cosas al referido, puede comunicarse a el departamento de desarrollo para Sanford/Condado de Lee, llame al (919) 718-4656.

Thank you.

Bonnie Davis, Clerk - City of Sanford

*Please publish the attached Public Notice in the Sanford Herald Classifieds Legal Section on Thursday, April 25, 2024 and on Thursday, May 2, 2024. If you have any questions regarding this notice, please call or email me. Please reference this account (30031885) on the invoice and refer to as City of Sanford Board of Adjustment Public Hearing Notice. You may send the publishers affidavit to the Sanford/Lee County Community Development Office, P.O. Box 3729, Sanford, NC 27330, Attention: Angela Baker.*

**ADJOINING PROPERTY OWNERS LIST**

APPLICATION BY: Adult &amp; Teen Challenge of Sandhills North Carolina, Inc.

REQUEST: Special Use Permit to allow the operation of a group care facility & other rehabilitative services /  
faith-based recovery center for women at the Spring Lane Assembly of God church

LOCATION: 1715 Spring Lane, Sanford, NC 27330

PIN: 9633-61-8936-00

DATE: April 23, 2024

No.	PIN	PROP ADDR	OWNER 1	OWNER2	M #	MAIL ST	MAILCITY	ST	ZIP
01	9633-71-1969-00 Carbonton Heights <i>No Lot # reference</i>	1709 SPRING LN	PEREZ, JOANNE E	-	1709	SPRING LN	SANFORD	NC	27330
02	9633-71-2715-00 Carbonton Heights <i>No Lot # reference</i>	1908 KNOLLWOOD DR	CHESNEY, W JOVONNIE	CHESNEY, LYNNE	1908	KNOLLWOOD DR	SANFORD	NC	27330
03	9633-71-0688-00 Carbonton Heights Lots 9, Blk K	1912 KNOLLWOOD DR	HANEY, MARK E	HANEY, DAWN L	1912	KNOLLWOOD DR	SANFORD	NC	27330
04	9633-61-9650-00 Carbonton Heights Lots 7*-8, Blk K	1916 KNOLLWOOD DR	OLDHAM, JERRY W	OLDHAM, SHEILA C	1916	KNOLLWOOD DR	SANFORD	NC	27330
05	9633-61-8515-00 Carbonton Heights Lots 6-7*, Blk K	1922 KNOLLWOOD DR	COORE, MICHELLE L	-	1922	KNOLLWOOD DR	SANFORD	NC	27330
06	9633-61-6439-00 Carbonton Heights Lots 4-5, Blk K	1926 KNOLLWOOD DR	RODRIGUEZ, LUIS O	RODRIGUEZ, MARLENE	1926	KNOLLWOOD DR	SANFORD	NC	27330
07	(No #7 on map)	-	-	-	-	-	-	-	-
08	9633-61-4420-00 Carbonton Heights Lots 1*,2,&3*, Blk K	2110 KNOLLWOOD DR	TALLANT, CHRISTOPHER NEAL	TALLANT, MOLLI LEN	2110	KNOLLWOOD DR	SANFORD	NC	27330
09	9633-61-3660-00 Planters Ridge Lot 12	2001 PLANTATION DR	LEE, THOMAS B	LEE, LOU-ANN J	2001	PLANTATION DR	SANFORD	NC	27330
10	9633-61-4668-00 Planters Ridge Lot 13	1919 PLANTATION DR	AUTRY, CRAIG L	AUTRY, JUDITH O	1919	PLANTATION DR	SANFORD	NC	27330
11	9633-61-5842-00 Planters Ridge Lot 14	1915 PLANTATION DR	LIND, EDWARD STEVE	-	1915	PLANTATION DR	SANFORD	NC	27330
12	9633-61-5994-00 Planters Ridge Lot 15	1909 PLANTATION DR	BREWER, REBEKAH W	-	1909	PLANTATION DR	SANFORD	NC	27330

13	9633-62-6036-00 Planters Ridge Lot 16	1905 PLANTATION DR	LOVE, JEFFREY L	-	1905	PLANTATION DR	SANFORD	NC	27330
14	9633-62-4176-00 Planters Ridge Lot 36	1906 PLANTATION DR	BLAND, WALLACE W	BLAND, JOAN T	1906	PLANTATION DR	SANFORD	NC	27330
15	9633-62-5334-00 Planters Ridge Lot 18	1801 SPRING LN	ELLIS, TERESA	-	1801	SPRING LANE	SANFORD	NC	27330
16	9633-62-6598-00 Westlake Valley <i>No Lot # reference</i>	1804 SPRING LN	ESCALANTE, JOSE RAFAEL	-	1804	SPRING LANE	SANFORD	NC	27330
17	9633-62-8572-00	0 SPRING LN	STEWART, LOUISE T	-	384	WATERVIEW LN	SANFORD	NC	27330
18	9633-62-9376-00	0 SPRING LN	STEWART, LOUISE T	-	384	WATERVIEW LN	SANFORD	NC	27330
19	9633-72-0396-00	0 SPRING LN	STEWART, LOUISE T	-	384	WATERVIEW LN	SANFORD	NC	27330
20	9633-72-1268-00 Westlake Valley Lot 33*	1710 SPRING LN	ACA/PJA LLC	-	-	P.O. BOX 3367	SANFORD	NC	27331
21	9633-72-3201-00 Westlake Valley Lot 34A, Section 1	1700 SPRING LN	BEZUIDENHOUT, DALENE	-	1700	SPRING LN	SANFORD	NC	27330
22	APPLICANT	ADULT & TEEN CHALLENGE OF SANDHILLS, NORTH CAROLINA, INC.	APPLICATION SIGNED BY: RUSSELL CAMBRIA, CEO/PRESIDENT	CONTACT: NELSON HODGE, DEVELOPMENT & ADVANCEMENT COORDINATOR	-	P.O. BOX 1701	SOUTHERN PINES	NC	28388
23	PROPERTY OWNER	ABUNDANT LIFE INTERNATIONAL, INC.	APPLICATION SIGNED BY: JERDEWARRENE FARRAR, LEAD DEACON	-	1715	SPRING LN	SANFORD	NC	27330

(0) = No address assigned to this parcel. Typically, it is vacant.

\* = portion of the lot number referenced.

**ADJACENT PROPERTY OWNERS NOTIFICATION CERTIFICATION**

I, Amy J. McNeill, hereby certify that the property owners and adjacent property owners of the following Special Use Permit request, as indicated on the Lee County Tax Maps, were notified by First Class U.S. Mail on Tuesday, April 23, 2024.

1. SPECIAL USE PERMIT APPLICATION CASE 2024-0501:

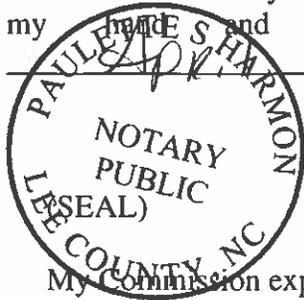
Application by Adult & Teen Challenge of Sandhills North Carolina, Inc. to obtain a Special Use Permit to allow the operation of a group care facility & other rehabilitative services / faith-based recovery center for women at the Spring Lane Assembly of God church located at 1715 Spring Lane. This site is located within the jurisdiction of the City of Sanford and is zoned Residential Single-family (R-20). Per the Unified Development Ordinance, Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, a "Nursing, Supervision, Adult Care Homes, Group Care Facilities and other rehabilitative services)" is permitted in the Residential Single-family (R-20) zoning district upon issuance of a Special Use Permit, subject to the general development standards of the UDO. The property is depicted on Lee County Tax Map 9633.04 as Tax Parcel 9633-61-8936-00 Lee County Land Records.

Signature: Amy J. McNeill Date: 2024.04.23

Title: Senior Planner

Lee County, North Carolina

I, Paulette S. Harmon, a Notary Public for Lee County and State of North Carolina do hereby certify that Amy J. McNeill personally appeared before me on this day and acknowledged the due execution of the foregoing Instrument. Witness my hand and official seal, this the 24<sup>th</sup> day of April, 2024.



Paulette S. Harmon  
Notary Public Signature

My Commission expires October 11<sup>th</sup>, 2025

# Board of Adjustment

## Special Use Hearing Procedures

May 14, 2024

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Reference the agenda memo for the following items:

- Note the presence of a quorum and call to the meeting to order
- Opening Statement by Chair
- Approval of Agenda
- Approval of Minutes of previous meeting
- Election of a Chair and Vice-Chair
- Disclosure of Conflict of Interest
- Disclosure of Ex Parte Communication
- Old Business - *None*
- New Business

### 1. SPECIAL USE PERMIT APPLICATION CASE 2024-0501

Application by Adult & Teen Challenge of Sandhills North Carolina, Inc. to obtain a Special Use Permit to allow the operation of a group care facility & other rehabilitative services / faith-based recovery center for women at the Spring Lane Assembly of God church located at 1715 Spring Lane. This site is located within the jurisdiction of the City of Sanford and is zoned Residential Single-family (R-20). Per the Unified Development Ordinance, Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, a “Nursing, Supervision, Adult Care Homes, Group Care Facilities and other rehabilitative services)” is permitted in the Residential Single-family (R-20) zoning district upon issuance of a Special Use Permit, subject to the general development standards of the UDO. The property is depicted on Lee County Tax Map 9633.04 as Tax Parcel 9633-61-8936-00 Lee County Land Records.

**Provided below are the procedures for the New Business item.**

### **SPECIAL USE PERMIT HEARING**

#### 1. Chair to announce the case:

“We will now hold a public hearing to consider Special Use Permit Application Case 2024-0501, which is the application by Adult & Teen Challenge of Sandhills North Carolina, Inc seeking a Special Use Permit to allow the operation of a group care facility & other rehabilitative services / faith-based recovery center for women at the Spring Lane Assembly of God church located at 1715 Spring Lane.”

2. Chair to ask the following questions:

- A. Is the applicant Mr. Russell Cambria (of Adult & Teen Challenge of Sandhills North Carolina, Inc.) present?
- B. Are you ready to proceed?
- C. Are you represented by counsel?

3. Chair then states:

Those wishing to testify in this case must affirm their testimony; however, anyone in attendance may ask questions of the person testifying.

At this time, we will administer the affirmation for all individuals who intend to speak this evening. *(The Chair will read the Affirmation.)*

Affirmation: “I solemnly affirm that the evidence that I shall give shall be the truth, the whole truth, and nothing but the truth.”

Thank you. You may be seated.

As a reminder, please state your name and address for the record when you come forward to give testimony.

4. Chair then calls on the applicant or the applicant’s counsel to present the case *in favor* of granting the Special Use Permit.

**The procedure with applicant will be as follows:**

- A. Applicant/counsel testifies
- B. Those in opposition cross-examine the applicant/counsel
- C. Questions from the Board of Adjustment
- D. Redirect examination of applicant/counsel
- E. Re-cross examination of applicant/counsel by those in opposition
- F. Further questions by Board of Adjustment
- G. Questions by the public (must give name and address for the record)

5. Chair then call on witnesses *in favor* of application to speak, and observes the same procedure as noted above.
- 

6. After the applicant has completed presenting his/her case, the Chair then calls upon those *in opposition* to the application to present their witnesses.

**The procedure with witnesses will be as follows:**

- A. Witness/counsel in opposition testifies
  - B. Applicant or his counsel cross-examines witness in opposition
  - C. Questions from the Board of Adjustment
  - D. Redirect examination by witness in opposition
  - E. Re-cross examination of witness in opposition by applicant
  - F. Further questions by Board of Adjustment
  - G. Questions by public (must give name and address for the record)
7. Chair to call the next and each succeeding witness in opposition to speak, and observe the same procedure as noted above.
  8. After all witnesses for the applicant and those that are in opposition have testified, the Chair calls upon the applicant to present whatever evidence he/she has in rebuttal.

Note: This is not an invitation to rehash everything the applicant/counsel or those in opposition has gone over in their direct testimony, but is the opportunity to present new evidence that the applicant/council or those in opposition has in rebuttal to what the other has stated.

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**REBUTTAL**

9. The applicant/counsel can present any *new* evidence they have for rebuttal.
10. After the applicant/counsel rebuttal has been presented, then the opponents have the opportunity to present any *new* evidence in rebuttal.
11. This would complete the hearing of evidence in the matter unless either party should ask for a chance to present further evidence. This would be a matter within the discretion of the Board.
12. Chair to call on the applicant/counsel to present their summation or argument to the Board in favor of granting the Special Use Permit.

13. Chair to call on those in opposition to present their summation or argument to the Board as to why the Special Use Permit should be denied.
- 

Finally, after all evidence and the rebuttals have been presented,

14. Chair should summarize the evidence.

*(The Clerk should write this summary down for inclusion in the minutes.)*

15. Chair should tell the parties that the summary is intended to be the record of what has been presented and that they may offer any objections, corrections, or additions that will more accurately present their case.

This concludes the hearing and the Board shall then deliberate and make a decision.

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16. Chair should state for the Board and those in attendance, that **the granting of the Special Use Permit is based upon four findings of fact. Each finding requires a majority vote by the Board to be approved. When voting, the Board must render a decision on *each* of the required findings and must state a reason for approval or denial of *each* finding of fact.**

*(The Board members should indicate **for each** required finding the evidence on which the finding was based. On the basis of these findings, a Board member should offer a motion either to grant or deny the Special Use Permit. This motion should be discussed and any suitable conditions appended to it.)*

17. Chair should also state that **if one of the required findings fail, they all fail.**

The Board of Adjustment does not have unlimited discretion on deciding whether to grant a Special Use Permit. Under the state enabling act, the Board is required to reach four conclusions before we may issue a Special Use Permit.

In granting the Special Use Permit, the Board of Adjustment shall find:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
2. That the use meets all required conditions and specifications.

3. That the use will not substantially injure the value of the adjoining or abutting property, or that the use is a public necessity.
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Land Use Plan for Sanford and Lee County.

Reasonable and appropriate conditions may be imposed upon these permits.

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#### **AFTER THE BOARD'S DECISION HAS BEEN RENDERED**

18. Chair should state that this decision is effective upon filing the written decision with the Clerk to the Board. This decision shall be subject to review by the Superior Court. If anyone is dissatisfied with the decision of the Board, an appeal may be taken to the Lee County Superior Court within 30 days after the decision has been filed with the Clerk to the Board in the Sanford/Lee County Community Development Department.