

June 30, 2004
4:00 PM

MINUTES OF THE HENDERSON COUNTY
ZONING BOARD OF ADJUSTMENT

The Henderson County Zoning Board of Adjustment held its regularly scheduled June meeting, on Wednesday, June 30, 2004, at 4:00 p.m. in the Meeting Room of the Henderson County Land Development Building, 101 East Allen Street, Hendersonville, North Carolina. Those present were: Chairman Robert Fleming, Anthony Engel, Gary Griffin, Ann Pouch, Zoning Administrator Brad Burton, Planning Director Karen Smith, and Secretary to the Board Joyce Karpowski.

Chairman Fleming called the meeting to order at 4:20 PM and introduced the members of the Board. He presented the minutes of the meeting from May 26, 2004. There were no corrections or changes. All members voted to approve the minutes as presented.

While waiting for the fifth member to arrive, the Board decided to alter the agenda and do the Committee and Staff Reports.

COMMITTEE AND STAFF REPORTS: None

OLD BUSINESS: None

NEW BUSINESS: None

Chairman Fleming explained the procedure today. He explained that a 4/5ths vote was necessary to approve any applications and gave the applicants the option to continue their cases to the next meeting because only 4 members of the Board were present. After questions and discussion, all applicants chose to have their applications heard today.

Case V-04-12, – Michael Taylor, agent

Chairman Fleming called Case V-04-12, Michael Taylor, agent, requesting a variance of 9 feet.

Mr. Burton gave a summary of the issues. He corrected the summary of issues in that this case was not a continuation and was not advertised as such. He said Mr. Mike Taylor is the agent for Mr. Gilliland, also present. The lot is located at 218 Piney Ridge Drive. The petitioner has submitted an application for a nine-foot front yard setback variance on the south side of the parcel. The Parcel is located on Piney Ridge Drive and is zoned T-15. The applicant proposes to construct a 48' x 28' home on the property. From the proposed house site to the north on the parcel, there is both steep topography and the assigned location of the septic system by Henderson County Environmental Health Department. There is a perennial stream located on the northern end of the property that transverses the entire parcel. Mr. Burton spoke about Exhibits 1-5, 1-6 and 1-7. He pointed out the perennial stream across the property. The variance request is for 9 feet. He explained that 1-7 is a topographical plan showing the slope of the property. He described the photographs on page 1-8.

Mr. Burton said that he should be sworn in. Chairman Fleming called for anyone wishing to testify in today's proceedings to come forward to be sworn in. Those sworn in were: Zoning Administrator Brad Burton, Planning Director Karen Smith, Larry Gilliland, Jon Blatt, William Price, Jim Pace, Jon

Laughter, Mike Taylor, and Bart Salvaggio. Mr. Burton said, for the record, all the previous testimony he has given is the truth, the whole truth, and nothing but the truth, so help me God.

Mr. Burton continued describing the photographs on page 1-8. Mr. Burton said Mr. Taylor applied for a zoning permit on May 7, 2004. When Mr. Taylor realized he would not be able to meet the setback, he then applied for the variance.

Mrs. Pouch asked where the property was. Mr. Burton said the property was off US 25 North, past the Mountain Home Post Office, it is the first or second road on the left. There were no other questions for Mr. Burton.

Michael Taylor, agent for Mr. Gilliland came forward. Mr. Taylor said he is the manager of Southern Showcase Housing and Mr. Gilliland has the piece of property. Mr. Taylor said the lot was wooded and they initially applied for a 3-bedroom septic system. They found the property didn't have enough room for a 3-bedroom septic system, so they went to a 2-bedroom septic system. He said the Environmental Health Department wouldn't lay the system out, so they had to clear the property. Once they did everything and laid it all out, they found they would be 9 feet short on the front setback. The area is predominantly manufactured housing. Most of the older houses don't meet the current code. He said he is requesting a variance of 9-feet due to the topography of the land and the amount of area needed to be 50 feet from the stream and to have a 2-bedroom septic system and to have a repair area (required by the state). This will make the land usable for the owner, Mr. Gilliland, and development.

Mrs. Pouch asked if the adjoining properties were built upon. Mr. Taylor said there was a mixture of single-wide homes, double-wide homes, and modular homes. Mr. Taylor presented pictures taken today and explained them. He said they would have to bring about 50 loads of fill dirt and then compact it. Then they will sell the land to a buyer to put a modular home on it, with the 2 bedroom septic system. Chairman Fleming asked if the 2-bedroom septic system has already been approved. Mr. Taylor said yes, by the Environmental Health Department.

Mrs. Pouch asked if the property has been sold. Mr. Taylor said it has not been sold. He said Mr. Gilliland wants to develop the property to be usable. There were no other questions.

Larry Gilliland came forward. He said he owned the property and it has been there since 1980 and it was grown over and had collected stuff before they cleaned it. He said that the 2-bedroom would come within feet of working. The septic system would just barely work. He said if they couldn't go forward the 9 feet, he can't get the dirt high enough to make the house look good. He said the septic is already in place. He said the creek caused the problem.

Chairman Fleming asked if Piney Ridge Road was state maintained. Mr. Gilliland said yes it is a paved road. He said he didn't know if it was state maintained. Mr. Burton said that it was.

William Price came forward and asked if the proposed house would be lower than the road or even with the road. Mr. Price said that if the house was going up high, he protested the variance. He explained that they live directly across the street and that would be very close to their bedroom. He would like that considered. If the house would be down over the bank, in a line with the house next to it, he could understand it.

Mr. Taylor said this was the first concern he had heard. He said they would not have the house above road level, because, economically, it would not work. They would have to drive down into it. Mr. Taylor said it would be down below road level at least 5-10 feet.

Mr. Price asked if below road level was 2 feet or 10 feet. He said it means a lot to them. Chairman Fleming said that the Board really could not dictate the height of anyone's home. The Board can

only determine if a variance could be granted. Mr. Price said there was quite a slope and if this new home was placed down like the other homes, it would be quite a bit below the road.

Mr. Gilliland said that they would not be quite as close to the road as the picture and Mr. Price is up on a hill, so he would say they would be at least 8-10 feet below the road. He said they could not bring it up to the road.

Mr. Price said a lot depends on how low the house will be sitting. If it's only a couple of feet below the road, then he protests the variance. If it's a distance down, then they have no complaint. Mr. Taylor asked Mr. Gilliland if he had stated 8-10 feet below the road. Mr. Gilliland said yes. Then Mr. Price said he had no protest to that.

There were no more questions or comments and Chairman Fleming closed the public hearing.

Mrs. Pouch said there are practical difficulties or unnecessary hardships in carrying out the requirements of the district, as demonstrated by if the applicant complies with the literal terms of the district, he cannot secure a reasonable return from or make a reasonable use of his property. Chairman Fleming said that he can only build a 2 bedroom house with the septic permit, which is minimal and also due to the topography. Mrs. Pouch continued that the hardship which the applicant complains results from unique circumstances related to the applicant's land. Mr. Engel said the creek is there and the septic system just fitting there. Chairman Fleming said the septic system had to be set back 50 feet from the creek and the slope of the property. Mrs. Pouch said the hardship is not the result of the applicant's own action. Mr. Engel said because of the creek and the septic system taking up as much space as it does, plus the requirement of the backup repair system. Mrs. Pouch said the variance is in harmony with the general purpose and intent of the ordinance and will preserve its spirit. Chairman Fleming said everything around there has been developed with homes. Mrs. Pouch said an unsightly lot has been cleared to develop. Mrs. Pouch said the variance will secure the public safety and welfare and will do substantial justice. Chairman Fleming said there are no public or safety issues and it will not hurt any other property owners in the subdivision or damage anybody in any way.

Mrs. Pouch said with regard to the application of Mike Taylor for a variance from the minimum front yard requirements, I move the Board to make the following findings of facts: 1) strict enforcement of the regulations would result in practical difficulties or unnecessary hardship to the applicant; 2) the variance is in harmony with the general purpose and intent of the ordinance and will preserve its spirit; and 3) in the granting of the variance the public safety and welfare have been secured and substantial justice has been done. Accordingly, I further move the Board to grant the requested variance in accordance with and only to the extent represented in the application. Mr. Engel seconded the motion.

Chairman Fleming asked for a vote by a show of hands:

Mr. Griffin	-	Yes
Mr. Fleming	-	Yes
Mrs. Pouch	-	Yes
Mr. Engel	-	Yes

Chairman Fleming said the variance has been granted.

Case CU-04-13, Gary Salvaggio, agent

Chairman Fleming called Case CU-04-13, Gary Salvaggio, agent, requesting a Conditional Use Permit to construct a mini-storage building and opened the hearing.

Mr. Burton gave a summary of the issues. Mr. Burton distributed copies of a new site plan containing lighting and fencing information. He corrected the application number on the summary of issues to CU-04-13. Gary Salvaggio is the agent. Bart Salvaggio and Jon Laughter are present today. The parcel fronts both Mills Street and Highway 176. The petitioner has submitted an application for a Conditional Use Permit to construct a mini-warehouse facility (light industry) in a C-4 zoning district. The proposed project area is composed of three parcels as of the date of this report; identified on the Henderson County Tax Map as PIN 00956875979355, 00957777821755 and 00957777814155, which will be recombined if a favorable recommendation is found today. The total acreage is 2.83 acres. The proposed project is for 362 storage units contained in five buildings, plus an office. Section 200-22.B(2) of the Henderson County Zoning Ordinance (hereafter, the Ordinance) allows for Light Industry as a Conditional Use in the C-4 zoning district. Section 200-7 of the Ordinance defines Light Industry as "any use which is listed as permitted by right in the I-1 Light Industrial District, Section 200-23.A of this chapter." Section 200-23.A(12) of the Ordinance lists "warehouses" as a use allowed by right. The C-4 zoning district requires side and rear yard setbacks "the same as the side yard requirements to which the district is contiguous." The site plan, as submitted 06/07/2004 complies with this requirement (T-15 as the contiguous district). Front yard setbacks are adequate, also. The site plan illustrates five parking spaces. Section 200-40 of the Ordinance requires "1 space for each 2 employees at maximum employment on a single shift, plus 1 space for each company vehicle operating from the premises." It is unknown how many individuals are to be employed at this facility, or how many company vehicles are to be on site. The site plan submitted complies with Section 200-38.3 of the Ordinance and is complete.

Mr. Burton spoke about Exhibit 2-6, showing the location of the property. An aerial photo was Exhibit 2-7 and 2-8 was a site plan – the present site plan supersedes that one. Mr. Burton said there is nothing on the property now, except an apparent portable storage building. Mr. Burton said lighting, fencing, landscaping, and hours of operation have not been addressed in the site plan submitted. He said the new site plan does appear to have lighting information on it. There were no questions for him.

Jon Laughter came forward. He said he had prepared the drawings and would answer any questions. He said they hope the Board would approve the project. He said the site plan shows 2 driveways off of US 176 and there is sewer and water there. They have added lighting fixtures on the new plan and also a fence around. They included a building summary, the number of units, how much open space, and the sign in front. Chairman Fleming asked the widths of the entrances. Mr. Laughter said there is a curb cut there that is 24 feet and that will be duplicated. He said they have submitted to the Department of Transportation. Mrs. Pouch said the property says For Sale. Mr. Laughter said the buyer is here and it has not closed. Closing is contingent on the property being used as the buyer would like. Mrs. Pouch asked who the Permit is given to. Mrs. Smith said the Conditional Use Permit runs with the property. Mr. Burton said there is a letter from MSM Enterprises making Mr. Salvaggio agent. Chairman Fleming asked the type of lighting to be used. All the lighting will be on the building. Mrs. Pouch asked if there will be any landscaping. There will be a grassed area in front and there will be appropriate landscaping along the little branch there and the back slope will be landscaped. Mr. Engel asked if there would be a fence along the mobile home park boundary. Mr. Laughter said yes. Chairman Fleming asked if there would be an entrance on Mill Street. Mr. Laughter said no. Mr. Engel asked what type of fence would be used. Mr. Laughter said a cyclone fence. Mr. Griffin said a security fence. Mr. Laughter said yes. There were no more questions.

Bart Salvaggio came forward, agent for Gary Salvaggio, his father. He said they will be partners. He said they plan on having just one employee and one vehicle. There will not be a company vehicle. The hours will be 9 – 5 six days a week. Chairman Fleming asked if there would be 24-hour access. Mr. Salvaggio said yes, through keypad entry gates. There will be 8 camera units for constant surveillance and security. Mrs. Pouch said the plan looked crowded and asked if all setbacks were met. Mr. Salvaggio said yes, 75 feet in the front and 60 feet off Mill Street. There is 20 feet between the buildings. Mrs. Smith asked if there would be parking for RVs and boats. Mr. Salvaggio said he didn't think there was room and they hadn't planned on that. He said that he wouldn't want to be limited. Mr. Laughter said it was a one-way drive. Mr. Salvaggio said there are 2 gates – an entrance and an exit. Mr. Griffin said there are 360 odd units and what would happen to traffic if they all came at the same time. Mr. Salvaggio said there would be someone in the office who could control access – he hoped it was that busy. Chairman Fleming said he would like to know where RVs would be placed, if they did outside RV outside storage. Mr. Salvaggio said at this time he didn't plan to put RVs there. Mrs. Pouch asked if the units were large enough to put boats in. Mr. Salvaggio said maybe a small boat.

Jon Blatt, representing Ernest Williams, came forward. He said Mr. Williams reviewed the basic plan and he asked Mr. Blatt to come and say he is strongly in favor of the property being used for this purpose. He said it is a five-lane highway with industrial and commercial uses around it. Mr. Blatt said Mr. Williams was strongly in favor of it, as is he.

Mrs. Smith came forward representing the Planning Board. The Board received a memo from the Planning Board. She said as a matter of practice Conditional Use Permit requests are forwarded to the Planning Board and this one was presented to the Planning Board at its June 15, 2004 meeting. She discussed the meeting and basically the Planning Board voted 3-3 on a motion to send this Board a favorable recommendation, subject to this Board receiving satisfactory responses on issues regarding parking, fencing, landscaping and hours of operation. The 3 votes against the application were because the applicant wasn't there. She said it was a miscommunication issue that the applicant wasn't at the meeting.

Mr. Laughter said they he normally goes to Planning Board meetings, but they did not know about the meeting. And it was also the night of the Hearing for the Upward Road issue. He said if they had known, they would certainly have been there.

Signs were discussed and there are no specific standards for signage. Mr. Laughter said they used the City of Hendersonville for standards. Mr. Griffin asked how the sign would be lit. Mr. Laughter said it would have an inside light.

Chairman Fleming asked Mr. Salvaggio to come forward to answer some questions. He asked what size in height will the fence be. Mr. Laughter said it was 13½ feet high. He asked if it would be standard chain link or color-coded. Mr. Salvaggio said it would be standard chain link with 3 rows of barbwire on the top because it is a security fence.

There were no further questions and Chairman Fleming closed the public hearing. He asked for discussion among the Board.

Chairman Fleming said that he would like to make sure it is landscaped where we feel it needs landscaping. He said he personally has a problem with the fence and the barbwire. He said it is a visible piece of property and doesn't want it to become an eyesore.

Mrs. Pouch had a question and Chairman Fleming reopened the public hearing. Mr. Engel asked if Mr. Salvaggio would be clearing the woods out. Mr. Salvaggio said that it was already cleared. He said the property was completely cleared and in the corner, where there were still some trees, they don't plan to do anything. Mr. Engel pointed out trees in the photograph and Mr. Salvaggio said the

trees were on the mobile home park's property. Mr. Salvaggio said the office will be a nice design, not just a metal building. He also said they thought about possibly not having the barbwire on the fence facing Spartanburg Highway. Mr. Salvaggio said that most storage facilities do have barbwire and it will not be an obtrusive, ugly place. He said they want people to come in and use it.

Chairman Fleming asked about a color scheme. Mr. Salvaggio said they were not sure, but possibly a light tan and green, but the color will not be bright. Chairman Fleming asked about the roof. Mr. Salvaggio said the roof would be metal.

Since there was no further discussion, Chairman Fleming closed the public hearing.

Mr. Griffin said that the Henderson County Zoning Ordinance requires approval of a conditional use permit if the following findings of fact are made: the use for which the permit is sought will not adversely affect the health and safety of persons working and residing 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.

Mr. Griffin read the provisions that the Board should address or consider prior to granting a Conditional Use Permit: satisfactory ingress and egress to the property, provisions of off-street-parking and loading areas (if required), utilities, buffering, open space, landscaping, building and structures with reference to location, size and use. Mr. Griffin read it should be noted that if a specific condition could be placed on the permit to cure a problem so that it meets the above findings, the Board must grant the permit with that specific condition attached.

Mr. Griffin said the use for which the permit is sought will not adversely affect the health and safety of persons working and residing in the neighborhood and will not be detrimental to the public welfare or injurious to property or public improvements. Mr. Griffin said he didn't think there were any safety problems there. Chairman Fleming said there is plenty of ingress and egress. He said they would not be using Mill Street, so people couldn't drive through. Mr. Griffin said it will not be detrimental to the public welfare or injurious to property or public improvements. Mr. Griffin said it would be useful and looks nice. Chairman Fleming said that it has access to public utilities.

Chairman Fleming said he would like to look at a condition as far as the fencing is concerned. He said he would like the fencing to be in harmony with the rest of the construction of the buildings, as far as height – a minimum of 13 feet - and he doesn't like the barbwire. Mrs. Smith asked, for purposes of enforcement, what does "in harmony" mean? Chairman Fleming said just the height. Mr. Engel suggested they have to follow the site plan submitted at the meeting. Mr. Griffin asked if the plan showed any landscaping. Mr. Burton said there was none, just the grass in front. Mr. Laughter said they had talked about it, but it could be a condition. Mr. Griffin said they would probably do it anyway to attract customers. Chairman Fleming said to put the condition that they adhere to the site plan that came before the Board today. Mr. Engel said that it was set down in a hole, so it wouldn't be very obtrusive.

Mr. Griffin said with regard to the application of Gary Salvaggio for a conditional use permit authorizing the operation of mini storage on the property in question, I move the board to make the following finding of facts: the proposed use will not adversely affect the health and safety of persons working and residing in the neighborhood of the proposed use; and the proposed use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood. Accordingly, I further move the Board to grant the requested Conditional Use Permit with and only to the extent represented in the application with the following condition: that they follow the site plan as presented to the Board today. Mrs. Pouch seconded the motion.

Chairman Fleming asked for a vote by a show of hands:

Mr. Griffin - Yes

Mr. Fleming - Yes
Mrs. Pouch - Yes
Mr. Engel - Yes

Chairman Fleming said the conditional use permit has been granted.

Case CU-04-14, Jim Pace

Chairman Fleming called Case CU-04-14, Jim Pace, petitioner.

Mr. Burton gave a summary of the issues. He corrected the number of the petition on the summary of issues to CU-04-14. The location is Adger Drive, off Willow Road. The petitioner has submitted an application for a Conditional Use Permit to operate a customary incidental home occupation in his residence. The parcel is zoned R-40. The applicant's home is in an R-40 zoning district and compromises 4.36 acres of land.

Mrs. Smith reminded the Board to open the public hearing, which the Chairman did.

Mr. Burton repeated his previous statements and continued with the summary of issues. Section 200-7 of the Henderson County Zoning Ordinance (hereafter, the Ordinance) defines a customary incidental home occupation as:

Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof; provided, further, that no mechanical equipment is installed or used except such as is normally used for domestic or professional purposes and that not over 25% of the total floor space of any structure is used for a home occupation. No home occupation shall be conducted in any accessory building. Customary incidental home occupations permitted as accessory uses in a residence include, but are not limited to, dressmaking, cooking, baking, music instruction, woodworking, arts and crafts and the practice of such professions as insurance, medicine, artistry, architecture and accounting. This definition shall not be used to regulate home schools in any way.

[Amended 6-5-1995; 5-16-2001]

Section 200-13.C(2) of the Ordinance allows for a customary incidental home occupation in an R-40 zoning district upon the granting of a Conditional Use Permit. The applicant has been operating a dental crown/cap business at this location for approximately one year and three months, and currently employs two full-time individuals on site. The applicant stated to the zoning administrator that his residence contains 4000 square feet of heated living area. The basement where the crown-making laboratory is located is 837 square feet in size per the site plan submitted, or 21% of the heated living area. The *total* square footage of the residence is greater than 4000 square feet, ergo; the applicant is under the 25% floor space requirement as outlined above. Off-street parking requirements, if applied to a professional office (1 space per each square feet of gross floor space), would require 13 spaces per Section 200-40 of the Ordinance, but the circumstances of the applicant's business are such that no patrons actually visit his residence; work is shipped out via UPS and a delivery person. The driveway area has no problems accommodating any size UPS vehicle and parking for staff appears adequate. The applicant employs two employees that do not reside on the property, and a third that performs delivery functions, but generally is not "based" on the property during the day. The applicant has made no mention of erecting any sort of sign on the property, nor is there any sign there at this time.

Mr. Burton said that Mr. Pace came to him, explained what he was doing and asked the legality of it. Mr. Burton said it appeared to be a customary home occupation operating without a permit. Mr. Burton explained how to rectify the situation and Mr. Pace is here today.

Mr. Burton cited Exhibit 3-5 in the packet, a site map. Exhibit 3-6 is an aerial view showing a lot of open space. Exhibit 3-7 is the site plan and floor plan of the laboratory. Mr. Burton explained that the area marked basement on the plan is exactly that with household storage. Exhibit 3-8 is photographs, which Mr. Burton explained. There were no questions.

Chairman Fleming called the petitioner forward. Jim Pace came forward. Mr. Pace said that he had been in the business for about 24 years and he has worked in commercial laboratories. He said that he had to stay home with his wife because she had problems. So he started the dental lab in his home. He spoke to someone before he built the home and he thought he would be okay. When he spoke to Mr. Burton, then he learned he needed a Conditional Use Permit. He said that he just wants to have everything legal. Mr. Pace said that no one really knows that he is there (except the UPS driver) and no one complains. He said that his wife home schools. Mr. Pace said that he may have just one employee beside himself. He said it is getting to be too much for him to handle. He said his limit is 3 employees, but he doesn't ever plan on that.

Mrs. Pouch said again he would not have more than 3 employees. Mr. Pace said never and he doesn't want 3 employees. Mrs. Pouch asked about the signage. Mr. Pace said no, he didn't want any signage. He said it is not commercial property and he doesn't want any signs there.

Mr. Pace said that he makes dental caps, bridges, implants and does work for 2 local doctors here. The rest are shipped out via UPS. For the couple of Asheville accounts, he has a driver pick them up. Mrs. Pouch asked if they (UPS) come[s] every day. Mr. Pace said the UPS, yes. Mr. Pace explained that his property was not in a subdivision [alluding to restrictive covenants], so that he could have the lab in his home.

Mrs. Pouch said the permit stays with the property, so if he sells the house, it still has this permit. Mr. Burton said with whatever conditions the Board puts on it. Mr. Pace said that he does not plan to sell it that way. If he ever moved, everything would be gutted out. Mr. Griffin said they could go back and use it for something else. Mrs. Smith said if they changed the nature of the business, they would have to come back before the Board. Mr. Engel asked if the Board could stipulate just this one owner. Mrs. Smith said if that was agreeable to the applicant. Mr. Engel asked Mr. Pace if that was agreeable. Mr. Pace said yes to just him. Mr. Burton said the permit could terminate upon the sale of the property.

Mrs. Smith came forward representing the Planning Board. The Board received a memo from the Planning Board. She said this application was also presented to the Planning Board at its June 15, 2004 meeting. Mr. Pace was there to address some of the issues in the Zoning Administrator's report. The Planning Board had 3 suggested conditions for this Board. The Planning Board suggested no more than 3 full-time equivalent employees on site. They also suggested that the applicant acknowledges that no clients will be coming to the lab. Also, that no yard signs advertising the business will be erected. The Planning Board voted 7-0 to send a favorable recommendation to this Board subject to the items in the memo and the 3 suggested conditions.

Chairman Fleming asked if there was any other discussion. He closed the public hearing.

Mr. Griffin said he didn't see anything wrong with it as long as we adhere to the Planning Board's suggestions.

Mr. Engel said that the Henderson County Zoning Ordinance requires approval of a conditional use permit if the following findings of fact are made: the use for which the permit is sought will not adversely affect the health and safety of persons working and residing 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. Mr. Engel read the following are provisions that the Board should address or consider prior to granting a Conditional Use Permit: satisfactory ingress and

egress to the property, provisions of off-street-parking and loading areas (if required), utilities, buffering, open space, landscaping, building and structures with reference to location, size and use. Mr. Engel read it should be noted that if a specific condition could be placed on the permit to cure a problem so that it meets the above findings, the Board must grant the permit with that specific condition attached.

Mr. Engel said the use for which the permit is sought will not adversely affect the health and safety of persons working and residing in the neighborhood. Chairman Fleming said Mr. Pace has 4 acres of land and adequate for what he is doing and would not pose any health or safety problems in the neighborhood. Mr. Engel continued and will not be detrimental to the public welfare or injurious to property or public improvements. Mr. Engel said it is set back so you hardly know it exists. Chairman Fleming said there will be few employees and no clients on the property. Mrs. Pouch said there will be no sign. Chairman Fleming said the Board will add the conditions suggested by the Planning Board as conditions 1, 2, and 3, and number 4 will be if there is a sale of the property, the permit will be terminated.

Mr. Engel said with regard to application CU-04-14 for a conditional use permit authorizing the operation of a dental laboratory on the property in question, I move the board to make the following finding of facts: the proposed use will not adversely affect the health and safety of persons working and residing in the neighborhood of the proposed use; and the proposed use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood. Accordingly, I further move the Board to grant the requested Conditional Use Permit with and only to the extent represented in the application with the following conditions that were just discussed. Mrs. Pouch seconded the motion.

Chairman Fleming asked for a vote by a show of hands:

Mr. Griffin	-	Yes
Mr. Fleming	-	Yes
Mrs. Pouch	-	Yes
Mr. Engel	-	Yes

Chairman Fleming said the conditional use permit, with conditions, has been granted.

There being no further business, Mrs. Pouch made a motion to adjourn, Mr. Griffin seconded the motion, and all members voted in favor. The meeting was adjourned at 5:53 PM.

Robert Fleming, Chairman

Joyce Karpowski, Secretary