



INDIAN TRAIL  
north carolina

Town of Indian Trail, NC  
P.O. Box 2430  
Indian Trail, North Carolina 28079  
Telephone (704) 821-5401

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

## Special Use Permit Staff Report

<b>Case: SUP 2015-001 Special Use Permit</b>			
<b>Reference Name</b>	<b>Tender Grooming LLC</b>		
	<b>Proposed Use</b>	Dog Grooming Major Home Occupation	
<b>Existing Site Characteristics</b>	<b>Existing Zoning</b>	CBD (O-VC) Central Business District with Village Center Overlay	
	<b>Existing Use</b>	Single Family Residence	
	<b>Site Acreage</b>	1.04 acres	
<b>Applicant</b>	Tracey Dierking		
<b>Submittal Date</b>	February 25, 2015		
<b>Location</b>	312 North Indian Trail Road		
<b>Tax Map Number(s)</b>	07-111-014 & 07-111-014A		
<b>Plan Consistency</b>	Town of Indian Trail Land Use Map	<b>Designation</b>	Downtown
		<b>Consistent with Request</b>	Yes

### PROJECT SUMMARY

The applicant wishes to open a dog grooming business on the subject property. A dog grooming business in a home is considered a major home occupation which requires a Special Use Permit. This is described in detail in section 780.090 (Major Home Occupation, enclosed) of the Unified Development Ordinance. The applicant has a contract with intent to purchase the property from David and Patricia Sikes, who have signed the application providing consent for the application of the SUP.

The property is considered a legal non-conforming use and received a certificate stating that the property is allowed to continue as a single family residence. There is a main house on the property and a second accessory dwelling/cottage (i.e. *Mother-in-Law* suite). The main house was built in 1942 and the cottage was constructed in 1980; both homes have been continuously occupied by the current owners. A copy of the Nonconforming Certification has been attached to this report (*see Attachment 3*).

### ANALYSIS

The intent of the home occupation permit is to acknowledge that some types of business operations can be conducted at home with little or no effect on the surrounding neighborhood. The regulations that are in place require that home businesses remain clearly incidental and subordinate in floor space to the residential use.

Major home occupations are businesses that are more likely to have employees and to generate traffic associated with its clients/customers coming to the site. It is the Board of Adjustment's responsibilities to permit the use if they can determine that the business will have limited effects on the surrounding neighboring properties and that the home occupation will generally comply with the requirements and standards of Section 780.070 (General Standards, see below).

## **GENERAL STANDARDS**

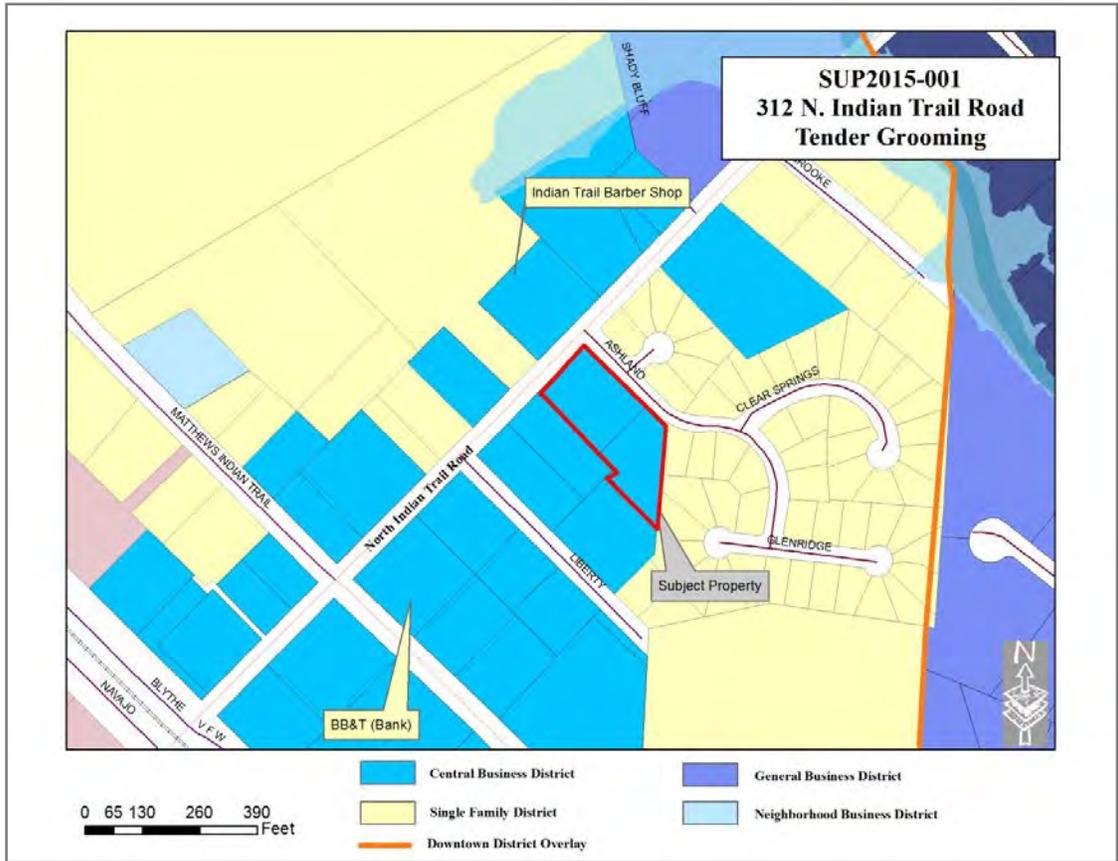
The following requirements must be met for the issuance of a permit:

- No more than 25% or 500 square feet of the home is to be used for the business
- Any home occupation issued prior to the effective date of this section that don't meet the requirements of this section shall be considered legal non-conforming home occupations
- Storage outside of a fully enclosed structure is prohibited
- No hazardous materials are permitted
- The home cannot be altered that changes the residential character
- Only residents of the dwelling may be engaged in the home occupation
- No noise, vibrations, glare, fumes, etc. can be detectable at the property line
- There shall be no exterior evidence of the businesses operation
- Clients or business related visitors shall be by appointment only
- Hours of operation are 7:00am to 8:00pm
- The number of vehicles used by clients is limited to two at any one time

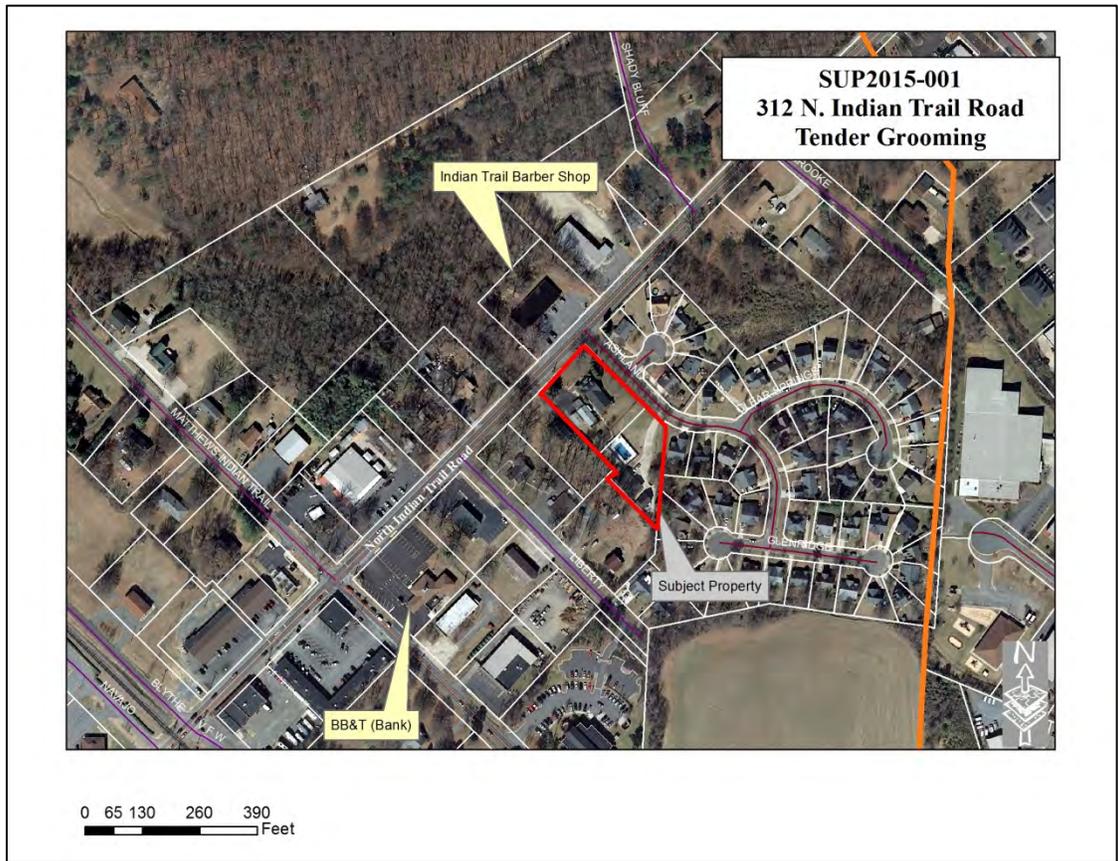
## **APPLICANT INTENT/SCOPE OF WORK**

The applicant has stated that they will meet or exceed the general standards listed above by operating the animal grooming business as described below:

- The applicant is currently located at 104 Indian Trail Road (same building as Johnny Ks restaurant), where she previously came to the Board of Adjustment for a Special Use Permit (Case SUP2010-009).
- The storage, bathing and grooming area will be located in an accessory building located on the property. The accessory building is approximately 500 square feet. The main home is approximately 2,100 square feet in size.
- There is no previously recorded home occupation for this property.
- There is no outdoor storage of any materials or animals.
- No hazardous materials are used in cleaning the animals.
- No exterior changes are proposed to the home or accessory building.
- Applicant will be the only animal groomer, there will be no employees.
- All operations of the business are located inside the accessory building.
- Clients drop off their animals by appointment only, typically at 9am and noon.
- Clients will use the current driveway which is approximately 145 feet in length for parking/drop off, there is sufficient amount of parking for 3-4 vehicles at one time
- Hours of operation are 9:00am to 3:00pm Monday through Friday
- Applicant will obtain a Town Privilege License prior to operation if granted the SUP



*Zoning Map*



*Aerial Map*

**STREETVIEW**



*Street View (North Indian Trail Road)*



*Street View (Ashland Drive)*

## EXTERIOR OF ACCESSORY BUILDING & PARKING



*Exterior of Accessory Building*



*Three Vehicles Parked in Driveway*



*145' Long Driveway*



*Additional Area for Parking*



*Security Fence*



*Fence Separating Main House*

# INTERIOR OF HOME OCCUPATION AREA



*Sink Will Be Replaced w/ Tubs*



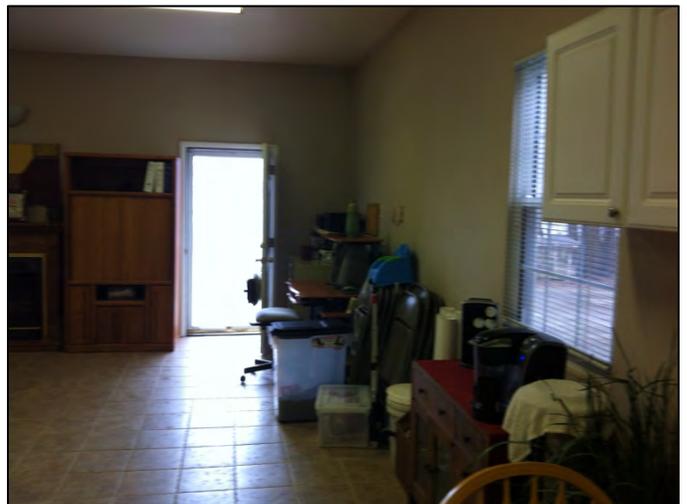
*Oven/Ice Machine will be Removed*



*Tile Floors*



*Open Floorplan*



## **Real Estate Appraisal Report (Attachment 2)**

The Town requires a real estate appraisal report to be submitted as part of the SUP submittal (UDO Section 360.010). The purpose is to determine whether or not there will be a substantial negative impact on neighboring property values as a result of the proposed use. The applicant has submitted such a report as part of her application prepared by Morrison Appraisal, Inc. (Dated 2/16/2015). The findings in the report state the use of a dog grooming business as a major home occupation is not deemed to have any detrimental effect nor diminution in value to the surrounding area.

### **Impacts**

- Noise* – Since the animals are inside the entire time, the adjacent property owners are unlikely to hear the barking of any dogs.
- Smell* – All droppings will be collected and double bagged and disposed of daily by applicant.
- Parking* – As shown in the pictures above there is ample parking for three vehicles at a time. Mrs. Dierking has stated that she has no more than 3 clients at any one time dropping off or picking up the pets.

### **Outside Agency Comments**

*Union County Building Code Enforcement – Terry Griffin (3/11/2015)*

Dog grooming as a major home occupation would be allowed in the single family residential accessory building without modification provided that the property owner lives in the home and operates the home occupation personally.

### **Plan Consistency**

The subject site is located within the Downtown Village of the Comprehensive Plan and the Downtown Master Plan Area. The Village promotes a variety of uses while avoiding potential land use conflicts. Additionally the master plan area also promotes neighborhood commercial retail and service. Based on analysis of this use, Staff is of the opinion that the proposed use is in harmony with the surrounding area based on the following goals:

- **Land Use and Housing Goal No. 1:** *Promote a mix of different types of land uses within each village and avoid potential land use conflicts between neighboring properties and surrounding municipalities.*
- **Economic Development Goal No. 2:** *Create a more balanced tax base by promoting the development of office parks, businesses, retail centers and industrial parks. Promote a diverse local economy that will support varied employment opportunities.*

The proposed ancillary use of this property as a dog grooming business will be compatible with the surrounding properties and will avoid any potential land use conflicts since the use is completely enclosed in the accessory building on the property. Because of the size of the property (1.04 acres) and the ability to accommodate customer traffic the physical characteristics of the site allows space for such a use. The entrance located on Ashland Drive will be dedicated to individuals dropping off and picking up their pets. By having the entrance off Ashland Drive individuals can safely exit the neighborhood at the intersection instead of the driveway on N. Indian Trail Road.

The proposed ancillary use will also enable the retention of an existing Indian Trail business within Downtown Indian Trail and provide a professional service to Indian Trail residents and visitors.

Under **UDO Section 360.080**, the Board of Adjustment, when considering whether to approve an application for a special use permit, shall review and evaluate the following:

1. **Whether the application is complete.**
  - a. Staff is of the opinion that the application for SUP2015-001 is complete.
2. **The Board will consider whether the application complies with all of the applicable requirements of this ordinance.**
  - a. As per the stated conditions of this special use permit, staff is of the opinion that SUP 2015-001 is in compliance with the requirements set forth by the Unified Development Ordinance (UDO).
3. **If the Board of Adjustment concludes that all such requirements are met, it will issue the permit unless it adopts a motion to deny the application for one or more of the reasons set forth in UDO Section 360.030.** Such a motion will propose specific findings, based upon the evidence submitted, justifying such a conclusion.

Under **UDO Section 360.030**, the Board of Adjustment must make these required considerations of public health, safety, and welfare. The Board of Adjustment's authority in the review of this special use permit application is broad and the Board may approve with conditions if it concludes, based upon the information submitted at the hearing, that the proposed development will:

1. **Not materially endanger the public health or safety; and**
2. **Not substantially injure the value of adjoining or abutting property; and**
3. **Be in harmony with the area in which it is to be located; and**
4. **Be in general conformity with the Town of Indian Trail Comprehensive Plan and other adopted plans.**

If one of these findings cannot be made, then the Board must move to deny the special use permit request, stating for the record why the Board has decided to do so.

## **Recommendation**

If the Board is of the opinion that the above required findings can be made to approve the project, staff recommends the site be subject to the following conditions, along with the Board's approval of the special use permit:

1. The applicant shall obtain all required permits from appropriate agencies (Local, State & Federal if applicable) including but not limited to: privilege license, interior up-fit and building permits, if necessary.
2. Business operating hours should be limited to 9am-5pm, Monday through Saturday.
3. Clients or business related visitors shall be by appointment only and shall access off Ashland Drive.
4. Disposal and storage of pet waste shall be kept in a sanitary manner limiting odor as much as possible at all times.
5. All components associated with the animal care business will be located inside.
6. No Veterinary or Boarding Services are permitted.

**Attachment 1** – Application with Letter of Intent

**Attachment 2** – Real Estate Appraisal Report

**Attachment 3** – Nonconforming Use Certification

**Staff Contact**

Kevin P. Icard

Senior Planner

[kicard@planning.indiantrail.org](mailto:kicard@planning.indiantrail.org)

**ATTACHMENT 1**  
APPLICATION

R-000588

**SPECIAL USE PERMIT  
APPLICATION**

Home Occupation



**Planning & Neighborhood Services  
PO Box 2430  
Indian Trail, NC 28079  
Telephone (704) 821-5401  
Fax (704) 821-9045**

**ONLY COMPLETE APPLICATIONS ACCEPTED**

Processing Fee \$300.00 for Major Home Occupation, \$400 for Non-Residential Use  
+ \$100 for Engineering Review for Commercial Plans

Notification Fee \$2.50 per notice

Notices sent to all property owners within 400 feet of subject property

Date Received 2-25-15

TSR 2-25-15



# SPECIAL USE PERMIT APPLICATION

11-25-15 P03:29 JK

## Submittal Requirements

- Completed Application
- Notarized signatures of applicant and property owner
- Letter of Intent
- 8 copies of Concept Plan (including a digital copy)
- Statement of Justification (used to determine if Findings of Fact can be made at public hearing)
- Statement of Appraisal (8 hard copies and 1 digital)
- Fees associated with review

## General Information

Project Address 312 Indian Trail Rd  
 City Indian Trail State NC Zip 28079  
 Tax Parcel ID 07-111-014  
07-111-014-A Zoning Designation \_\_\_\_\_  
 Total Acres 1.04 Impervious Area \_\_\_\_\_  
 Project Description \_\_\_\_\_

## Contact Information – Applicant

Name Tracey Dierking  
 Address Tender Grooming LLC 104 N Indian Trail  
 City Indian Trail State NC Zip 28079  
 Phone 704-684-0090 Fax \_\_\_\_\_  
 Email tendergrooming@earthlink.com

## Contact Information – Property Owner

Name David and Patricia Sikes  
 Address 312 N- Indian Trail Rd  
 City Indian Trail State NC Zip 28079  
 Phone 704-821-6297 Fax \_\_\_\_\_  
 Email dsikes@syncoproperties.com

21-25

2-25-15 KPI  
~~02-25-15 P03:53 JW~~



## SPECIAL USE PERMIT APPLICATION

**PLEASE PROVIDE INFORMATION REGARDING THE FOLLOWING ITEMS TO BE  
CONSIDERED COMPLETE AS AN SUP APPLICATION:**

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1.) **Concept Plan** - Need to include specifics on the following items:

- Building footprint (including setbacks, height, dimensions, etc.)
- Parking Area (On and off-site, handicap spaces, truncated domemats, etc.)
- Open Space Areas
- Signage
- Sidewalks, trail and bikeways
- Lighting
- Utilities
- Stormwater/Drainage Calculations and Plan
- Other Requirements related to this concept plan as may be needed or required by the Unified Development Ordinance, Land Development Standards, Comprehensive Plan, and/or other related plans

2.) **Letter of Intent** – Need to include specifics on the following items:

- Hours of Operation (if not a residential use)
- Size and scope of potential use
- General outline of Concept Plan described above
- Other Requirements related to this letter of intent as may be needed or required by the Unified Development Ordinance, Land Development Standards, Comprehensive Plan, and/or other related plans

### STATEMENT OF APPRAISAL

Please add a written consulting report from a North Carolina State Certified Real Estate Appraiser that conforms to Standard 5 of the Uniform Standards of Professional Appraisal Practice.

*Impact Statement*

### STATEMENT OF JUSTIFICATION (see attached form next page)

The applicant must prove the following in a letter addressing each item in this list individually.

- 1.) That the use will not endanger the public health, safety, and welfare
- 2.) That the use will not injure the value of adjoining or abutting property (a statement from a Certified Real Estate Appraiser is required).
- 3.) That the use will be in harmony with the area in which it is located.
- 4.) That the use will be in conformity with the land development plan, thoroughfare plan, and other plans officially adopted by the Town Council.

11-22-12



SPECIAL USE PERMIT APPLICATION

Applicant's Certification

Signature Tracy Dierking Date 2-4-15

Printed Name/Title Tracy Dierking

Signature of Notary Public [Signature] Date 2/11/15

Notary Seal: PHUEN TAYLOR, Notary Public, Cabarrus Co., North Carolina, My Commission Expires May 15, 2019

Property Owner's Certification

Signature Don B. [Signature] Patricia [Signature] Date 2/7/15

Printed Name/Title OWNERS

Signature of Notary Public [Signature] Date February 7 2015

Notary Seal: Staff Note: Original has raised seal.

TOWN OF INDIAN TRAIL OFFICE USE ONLY
CASE NUMBER: R-000588
DATE RECEIVED: 2-25-15 / Money of 3-4-15 -> 15 check was wrong AMOUNT
AMOUNT OF FEE: \$300
RECEIVED BY: KPI
RECEIPT #: Invoice 23378

2-25-15 KPI



# SPECIAL USE PERMIT APPLICATION

## Statement of Justification:

Please fill out this form or provide attached documentation as needed

For each item, please specify as to how each required finding can be met and satisfied:

1. That the use will not endanger the public health and safety

*Fenced Driveway & Facility on Private Property*

2. That the use will not injure the value of adjoining or abutting property (a statement from a certified appraiser may be required to show this)

*See attached*

3. That the use will be in harmony with the area in which it is located

*Totally fenced in corner lot. Dogs are dropped off and picked up by owners within a short period of time (like 2 hours) also in an enclosed building the entire time.*

4. That the use will be in conformity with the Comprehensive Plan, Thoroughfare Plan, or other plan officially adopted by the Town Council

*2-25-15 KPI*

*02-20-11 P03-53*



Just use 2 parking spaces now for drop off & pick up of pets.

**ATTACHMENT 2**  
**REAL ESTATE APPRAISAL REPORT**



## Morrison Appraisal, Inc.

613 Euclid St  
Monroe, NC 28110  
704-283-2286  
704-283-8989 fax  
morrisonappraisal@carolina.rr.com

February 16, 2015

Planning Dept.  
Town of Indian Trail  
P.O. Box 2430  
Indian Trail, NC 28079

Dear Sir or Madam:

As requested, I have studied the property located at 312 North Indian Trail Road in Indian Trail, NC. The property was inspected on February 10, 2015. The property consists of 1.04 acres of land, a single family house and detached buildings. The property is owned by David Sikes. Charles and Tracy Dierking are wanting to open an dog grooming business as a home occupation in one of the detached buildings which requires a special use permit.

Based on the information gathered, it is my opinion that the use of the property for a home occupation will not substantially injure the value of the abutting or adjoining properties.

If you have any questions please let me know.

Sincerely,

Rob Morrison



**ATTACHMENT 3**  
NONCONFORMING USE CERTIFICATION



# Miscel Permit

## Town of Indian Trail

**PLANNING AND ZONING**  
100 Navajo Trail  
Indian Trail, NC 28079  
Phone: (704) 821-5401

### JOB LOCATION

Parcel No 07111014  
Address 312 N INDIAN TRAIL RD  
Indian Trail  
Subdivision

Permit Number: M-001589  
Date Issued: 19-Mar-2015  
Date Applied: 19-Mar-2015

### RESPONSIBLE PARTY

Contractor: SIKES DAVID B And PATRICIA V  
Street Address: 312 INDIAN TRAIL RD  
City State: INDIAN TRAIL NC  
Zip: 28079  
Phone:

### OWNER / LESSEE

### NOTES / PERMIT CHARACTERISTICS

Desc Work NCC Non Conforming Certification for 312 N. Indian Trail Road, property is zoned CBD with O-DD, current use as single family residence with accessory apartment is permit and deemed grandfathered. This certification will run with the land and not the owner. See additional conditions below.

### Conditions

1. The accessory residential unit (310 N. Indian Trail Road) can not be subdivided from the property to create a new lot.
2. No expansion of the non-conforming status is allowed except if it meets the criteria setforth in Division 1400 of the Unified Development Ordinance.

**APPROVED**

By Kevin Icard AICP, CZO at 2:48 pm, Mar 19, 2015

### FEES

Job Cost: \$0 Total Fee: \$0.00 Fee Paid: \$0.00