

**TOWN OF SYLVA BOARD OF ADJUSTMENTS**  
***PROPOSED AGENDA***

**BOARD MEETING OF THURSDAY, MARCH 12, 2020**

83 Allen Street  
Sylva, North Carolina  
**5:30 P.M.**

**CALL TO ORDER**

**BOARD OF ADJUSTMENT**

1. Conditional Use Permit—Southern Properties and Development LLC

**ADJOURNMENT**

# Town of Sylva

## Application for a Conditional Use Permit

A Conditional Use Permit shall be required for all conditional uses identified in Article VI of the Town of Sylva Zoning Ordinance.

The application must be completed and the nonrefundable filing fee of \$250.00 for residential and \$350.00 for non-residential paid to the Town of Sylva before the Town Clerk will schedule a public hearing before the Sylva Zoning Board of Adjustments. **The applicant must obtain a copy of the Town of Sylva Zoning Ordinance and become familiar with it before finalizing the plans for a Conditional Use Permit. It is the applicant's responsibility to be fully aware of the zoning regulations.**

Applicants should anticipate a 3 month delay between submitting their application and receiving a decision from the Board of Adjustment. The delay time varies based on the submittal date of the application, staff review of the application and scheduling/advertising required for public hearings with the Planning Board and Town Board of Commissioners.

The following information must be addressed:

- (1) Name of Applicant: Southern Properties & Development LLC
- (2) Name of Property Owner: Donald Hensley, Gail Hensley, Roger Bartlett, Sue Bartlett
- (3) Daytime Telephone Number: 336-681-0144
- (4) Applicant Mailing Address: 3810 N Elm Street Ste 101, Greensboro, NC 27455
- (5) Property Location: #TBD Savannah Drive, Dillsboro, NC
- (6) Property Tax Identification Number: 7631-66-1393
- (7) Name of Applicants Legal Counsel: N/A

**(8) The following information must be attached to this application:**

- a. A site plan, drawn to a scale of at least one inch to forty feet (1" = 40'), indicating the property lines of the parcel upon which the use is proposed; the identity of neighboring properties; any adjacent streets, designated as public or private; any existing or proposed structures, rights-of-way and property lines; parking areas showing the number and arrangement of parking spaces and driveway entrances; utilities; surface water drainage; and significant natural features, such as wooded areas, streams or ponds. The site plan shall be neatly drawn and indicate a north point, name and address of the person who prepared the plan, date of the original drawing and an accurate record of any later revisions.

Adequate site plan \_\_\_\_\_ yes \_\_\_\_\_ no? *To be determined by zoning administrator.*

- b. A floor plan indicating the dimensions of the building, gross floor space and any other applicable information.

Adequate floor plan \_\_\_\_\_ yes \_\_\_\_\_ no? *To be determined by zoning administrator.*

- c. A complete and detailed description of the proposed use, together with any other pertinent information which the applicant feels would be helpful to the Zoning Board of Adjustment in considering the application.

Adequate description \_\_\_\_\_ yes \_\_\_\_\_ no? *To be determined by zoning administrator.*

- d. A plan showing the size, type and location of all signs.

Adequate site plan \_\_\_\_\_ yes \_\_\_\_\_ no? *To be determined by zoning administrator.*

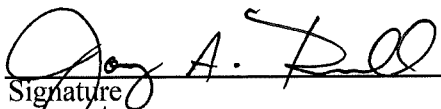
**Note: Some of these requirements may be waived, such as for changes of use in existing buildings involving no expansions in building or parking areas, etc.**

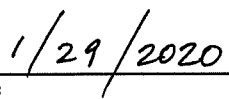
- (9) The Zoning Board of Adjustment shall grant and issue the Conditional Use Permit by a majority vote if it finds the following:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
2. The use meets all required conditions and specifications.
3. The use will not substantially injure the value of adjoining or abutting property or, in the alternative, the use is a public necessity.
4. The location and character of the proposed use will be in harmony with the area in which it is to be located and in general conformity with the development of the Town and its environs.

**If any one of the above conditions is not met, the Zoning Board of Adjustment shall deny the application.**

Applicant's signature stating that you have read and understand the requirements for getting a Conditional Use Permit.

  
Signature \_\_\_\_\_

  
Date \_\_\_\_\_

  
Printed Name \_\_\_\_\_

# THE BLUFFS DILLSBORO, NC

**SITE INFORMATION:**  
 6.83 +/- ACRES  
 1654 UNITS/ACRES  
 ZONING: B2 COMMERCIAL BUSINESS DISTRICT W/ CONDITIONAL USE PERMIT  
 SETBACKS: 20'-0" ON ALL SIDES  
 BUILDINGS: (3) 3-STORY APARTMENT BUILDING  
 (1) 1-STORY CLUBHOUSE W/ COMMUNITY SPACES  
 SPRINKLERS: 1/8" K  
 PARKING SPACES: 156 SPACES REQUIRED @ 1.75 PER UNIT  
 150 SPACES PROVIDED

**UNIT INFORMATION:**

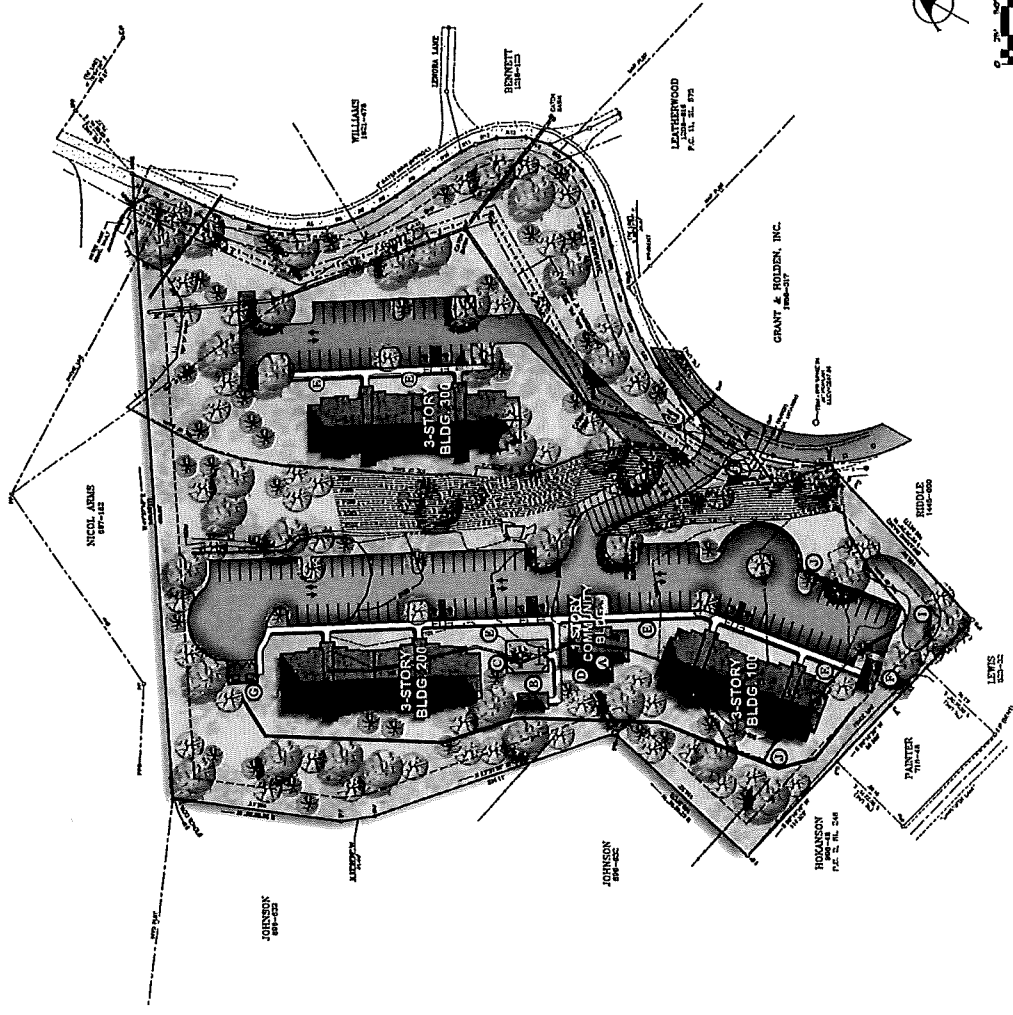
	NET	HEAT	300	200	300	TOTAL UNITS	TOTAL NET
1 BR / 1BA - A	746	705	12	18	12	24	8,932
2 BR / 1BA - B	890	845	12	18	12	24	21,276
3 BR / 2BA - C	2507	2159	24	24	24	72	72,258
<b>TOTAL NET BY BUILDING</b>	<b>20,182</b>	<b>25,067</b>	<b>36</b>	<b>36</b>	<b>36</b>	<b>108</b>	<b>102,466</b>
<b>TOTAL HEATED BY BUILDING</b>	<b>19,184</b>	<b>23,864</b>	<b>36</b>	<b>36</b>	<b>36</b>	<b>108</b>	<b>97,224</b>

**REQUIRED SITE AMENITIES:**

- Ⓐ MULTI-PURPOSE ROOM - (MIN. 250 SQ. FT.)
- Ⓑ COVERED PICNIC AREA W/ 2 TABLES & GRILL (500 SF)
- Ⓒ PLAYGROUND
- Ⓓ COVERED PATIO AREA (500 SF)
- Ⓔ OUTDOOR SITTING AREA WITH BENCH - (MIN. 3 LOCATIONS)

**ADDITIONAL AMENITIES:**

- Ⓐ GAZERO (1000 SF)
- Ⓑ DUMPSTERS
- Ⓒ PROJECT SIGN
- Ⓓ DETENTION POND
- Ⓔ RETAINING WALL



NOT RELEASED FOR CONSTRUCTION

**MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.**  
 215 CHURCH STREET SUITE 200 DECATUR GEORGIA 3000-329 404-373-2800

**THE BLUFFS**  
 DILLSBORO NC

ARCHITECTURAL SITE PLAN

**CSP.1**

NO.:	2016-141	DATE:	1-16-2016	DRAWN BY / CHECKED BY:	TMC
PROJECT:		SCALE:		DATE:	

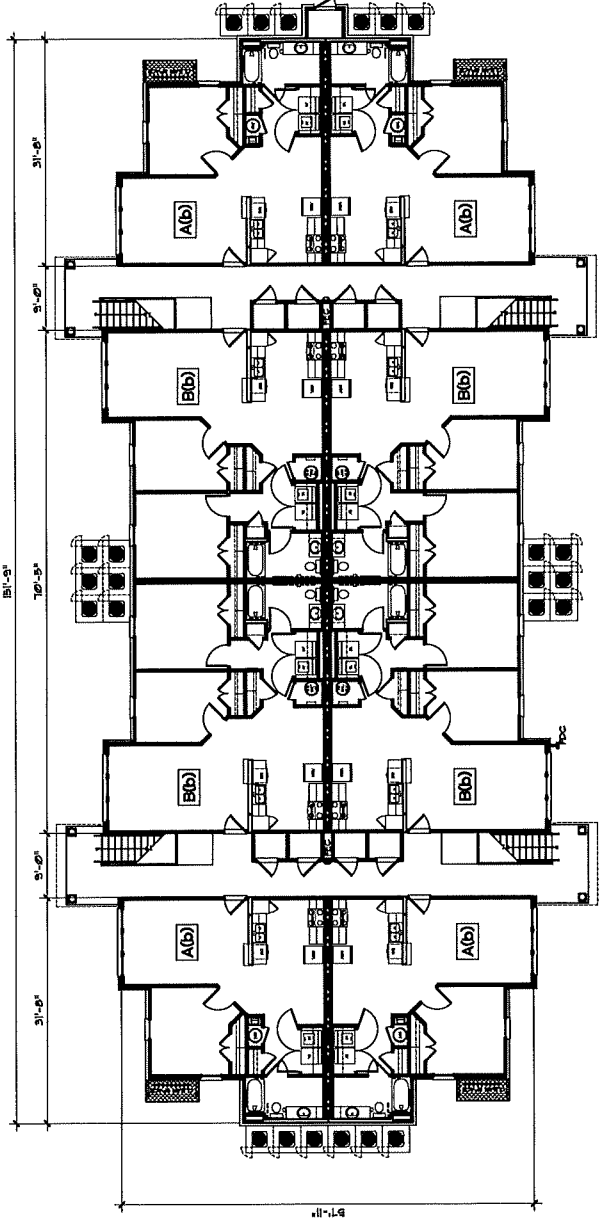


ALL

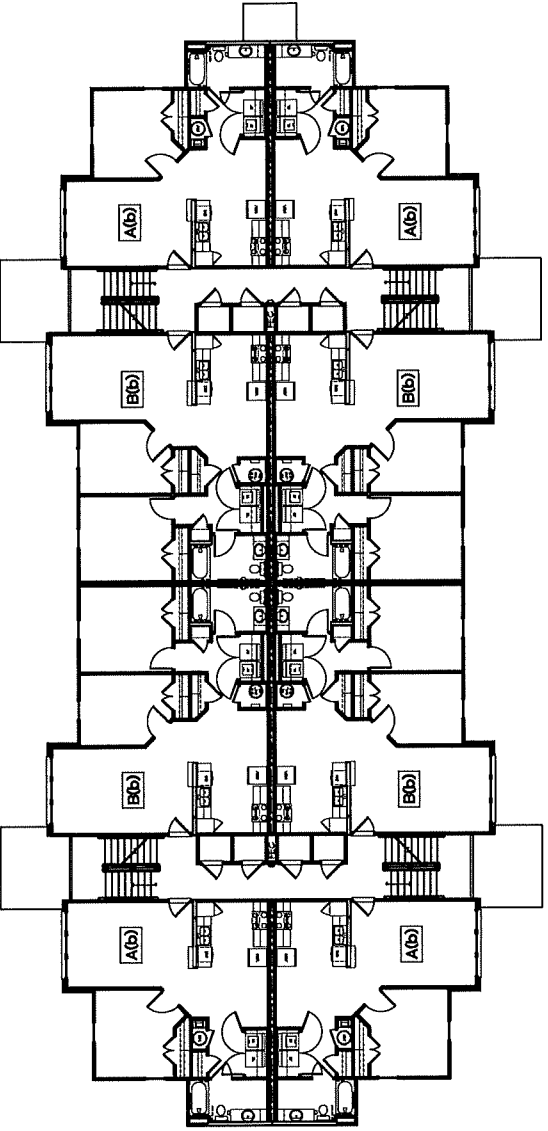
MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.  
25 CHURCH STREET SUITE 200 DECATUR GEORGIA 30030-3323 404-373-2800  
DILLSBORO NC  
THE BLUFFS

BUILDING 1020 - FLOOR PLANS

DATE: 1-16-2020  
DRAWN BY: J. KERSNEY  
CHECKED BY: J. KERSNEY



1 BUILDING 1020 - FIRST FLOOR PLAN  
1/8\"/>



2 BUILDING 1020 - SECOND FLOOR PLAN  
1/8\"/>

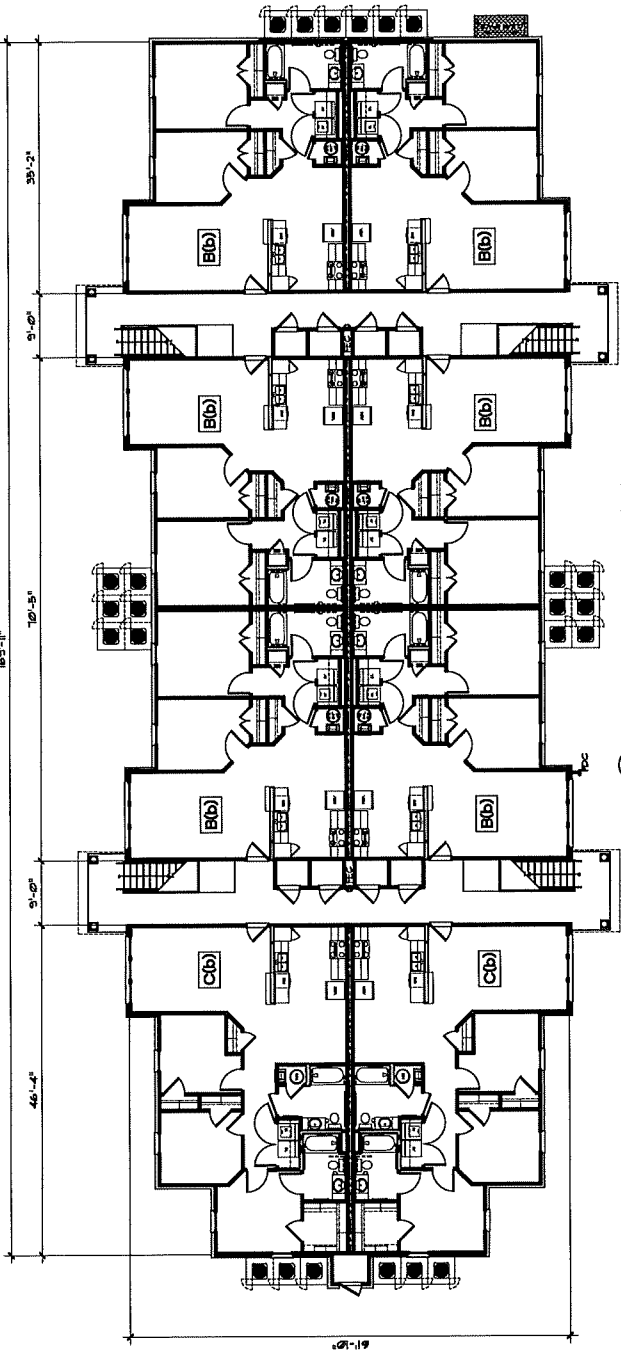


A1.2

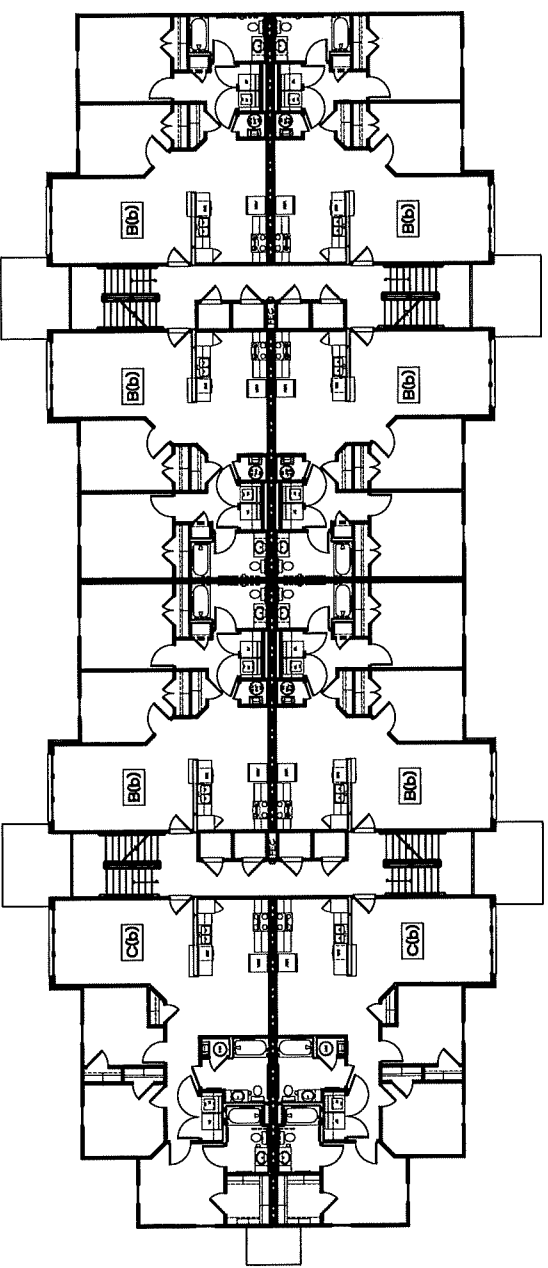
MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.  
25 CHURCH STREET SUITE 200 DECATUR GEORGIA 30030-3333 404-373-2800  
DILLSBORO NC  
THE BLUFFS

BUILDING 200 - FLOOR PLANS

DATE: 12-14-11  
SCALE: 1/8" = 1'-0"  
PROJECT: 1-16-2020



1 BUILDING 200 - FIRST FLOOR PLAN  
1/8" = 1'-0"



2 BUILDING 200 - SECOND FLOOR PLAN  
1/8" = 1'-0"



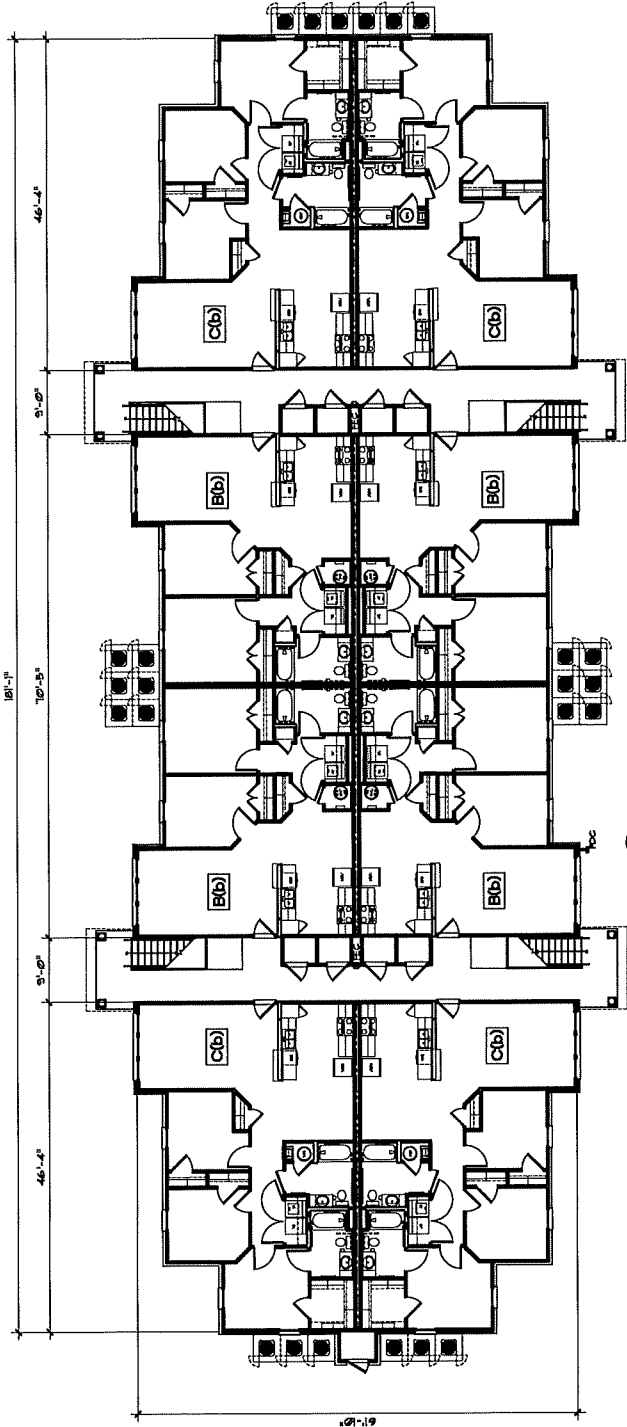
A13

THE BLUFFS  
DILLSBORO, NC

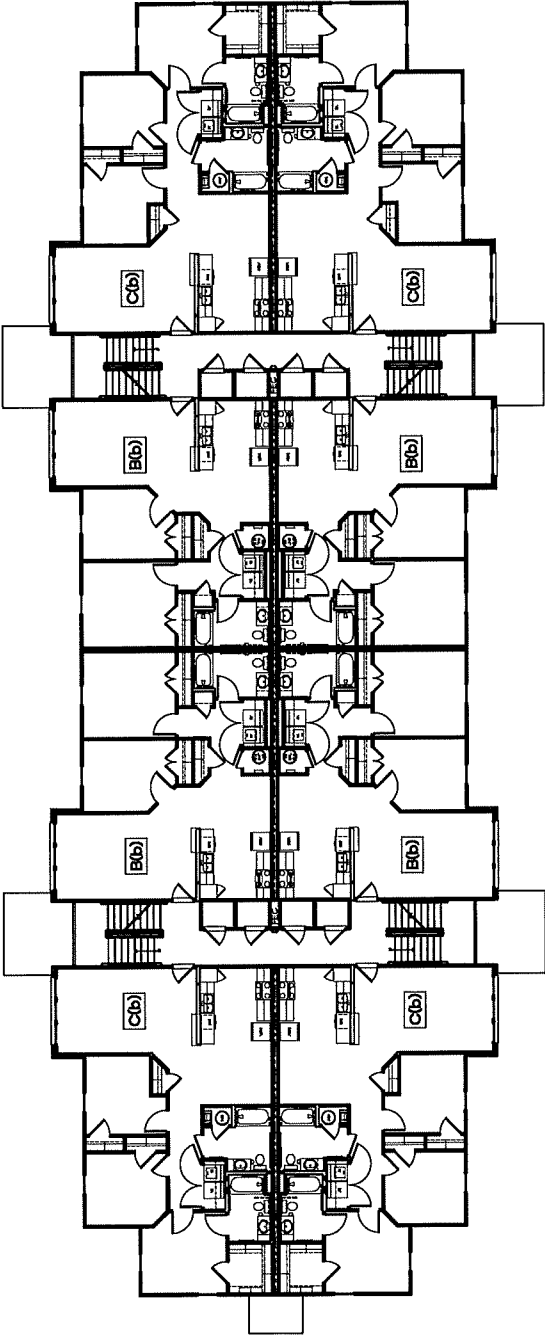
MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.  
25 CHURCH STREET SUITE 200 DECATUR GEORGIA 30030-3323 404-373-2800

BUILDING 3000 - FLOOR PLANS

DATE: 1-18-2020  
DRAWN BY: JH  
CHECKED BY: JH



1 BUILDING 3000 - FIRST FLOOR PLAN  
1/8\"/>



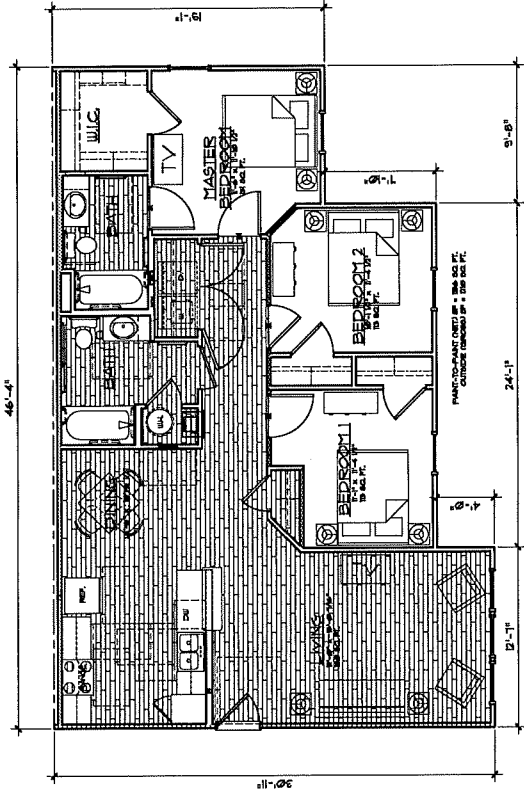
2 BUILDING 3000 - SECOND FLOOR PLAN  
THIRD FLOOR PLAN RETAIL  
1/8\"/>



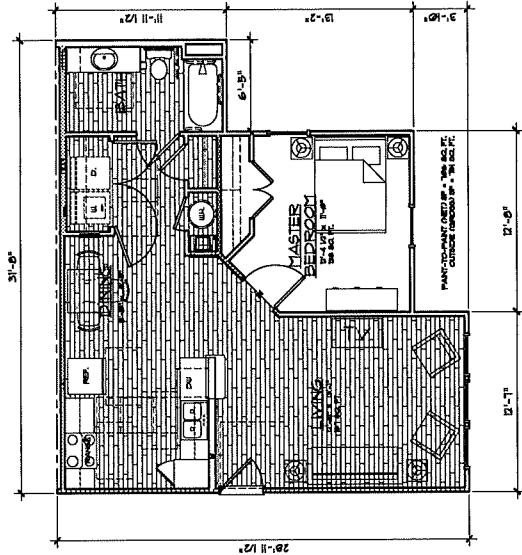
A21

MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.  
215 CHURCH STREET, SUITE 200, DECATUR, GEORGIA 30030-3329 404-373-7800  
THE BLUES  
DILLSBORN, INC.  
UNIT FLOOR PLANS

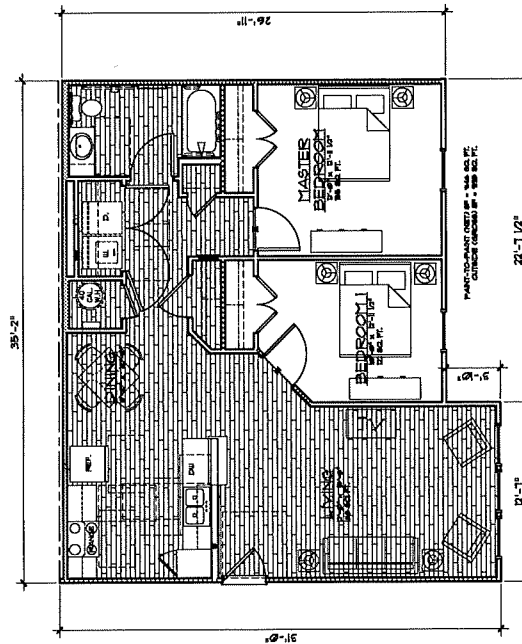
DATE	1-16-2020
BY	1-16-2020
SCALE	3/8" = 1'-0"
PROJECT	



3 TYPICAL THREE BEDROOM UNIT 'C1' - FLOOR PLANS  
1/4" = 1'-0"  
PAINT TO PAINT AREA = 1,086 SF.



1 TYPICAL ONE BEDROOM UNIT 'A1' - FLOOR PLANS  
1/4" = 1'-0"  
PAINT TO PAINT AREA = 768 SF.



2 TYPICAL TWO BEDROOM UNIT 'B1' - FLOOR PLANS  
1/4" = 1'-0"  
PAINT TO PAINT AREA = 968 SF.





## **Responses for Town of Sylva “Application for a Conditional Use Permit”**

8.

(a) See attached

(b) See attached

(c) The proposed use is for the development of a 72 unit apartment community in 3 buildings, with a separate community building, and other amenities for families in the Sylva area of Jackson County.

(d) See attached



Town of Sylva, North Carolina  
Conditional Use Permit Request  
Staff Report - February 10, 2020

**Project:** The Bluffs – Multi-family Apartments  
**Applicant:** Southern Properties and Development, LLC  
**Property Location:** Savannah Drive, Sylva – PIN 7631-66-1393  
**Property Zoning:** Business 2 (B2) - ETJ  
**Ordinance Section for Request:** Article VI – Conditional Use Permit

**Description of Request:** The applicant is requesting a Conditional Use Permit to allow for a Multi-Family residential development in the Business 2 (B2) - ETJ. The application is for the construction and management of three, three story buildings containing 72 units (150 bedrooms total) and a community area that includes a clubhouse/multi-purpose room, covered picnic area, playground, covered patio area and gazebo. Currently, the Town of Sylva allows multifamily apartments in the B2 district only when a *Conditional Use Permit* is issued by the Town of Sylva Board of Adjustment (Board of Commissioners).

**Background:** The property for these potential apartments is located on the south and west sides of Savannah Drive and approximately 1,120 lf south of the intersection of Business 23 (West Main Street) and Savannah Drive. The area of this vacant property is 6.83 total acres and this proposed apartment complex would be developed on the entire tract. Public utilities will be provided by Tuckasegee Water and Sewer Authority (water and sanitary sewer) and Duke Power. This property will be served by the Sylva Fire Department. Driveway access and 3-party encroachment (sidewalk) will be required from NCDOT during their review/approval process as Savannah Drive is a state road (S.R. 1356).

**Staff Findings:** Based on the submitted documents by the applicant, the requirements for a Conditional Use Permit have been met for the use of multifamily apartments in the B2 district.

The findings as required by **Article VI: Conditional Use Permits:**

*Section 38-152 - Procedures:*

- A. A Site Plan: The attached aerial, concept site plan, floor plans and building elevations show building locations, parking, driveways, ingress/egress to the property, type of units and exterior building materials. Additionally, the applicant has submitted a narrative supporting their project. Any future signage for this project will be required to comply with the sign regulations set forth in the Town of Sylva Zoning Ordinance.
- B. Call for a Public Hearing
- C. The Zoning Board of Adjustment shall grant and issue the Conditional Use Permit by a majority vote if it finds the following:
  - 1. *The use will not materially endanger the public health or safety if located where proposed and development according to the plan as submitted and approved.*
  - 2. *The use meets all required conditions and specifications.*
  - 3. *The use will not substantially injure the value of adjoining or abutting property or, in the alternative; the use is a public necessity.*

4. The location and character of the proposed use will be in harmony with the area in which it is to be located and in general conformity with the development of the Town and its environs.

Section 38-153 Required Public Purpose for Assigning Conditions to Conditional Use Permits:

- 1) *Traffic safety, congestion and visibility:*  
**Other than normal travel associated with this multifamily apartment complex, traffic congestion should be expected during peak hours. However, the intersection of Savannah Drive and U.S. Highway Business 23 (West Main Street) is a signalized intersection.**
- 2) *Parking consistent with Section 38-77:*  
**The parking stalls required for this project would be 108. The submitted plan indicates 126 proposed parking stalls.**
- 3) *Adequate vegetative or structural buffers between residential uses and all other uses:*  
**A Landscape Plan showing the proposed buffering will be required at the time of permit approval and will meet all landscape buffering requirements per the Town of Sylva Zoning Ordinance.**
- 4) *Adequate space for traffic ingress and egress:*  
**The proposed driveways and alleys on the submitted concept plan appear to meet the standards set forth in Appendix A of the Town of Sylva's Zoning Ordinance. Full compliance with these standards will be reviewed on a dimensioned Site Plan prior to permit issuance. Staff is concerned with the location of the proposed access to this development off of Savannah Drive as it is in a blind curve.**
- 5) *Adequate stormwater drainage:*  
**Stormwater drainage and erosion control measures will meet the standards set forth in Appendix E (Stormwater Standards) of the Town of Sylva's Zoning Ordinance. Full compliance with these standards will be reviewed on the final site construction plans prior to permit issuance.**
- 6) *Adequate landscaping along all public roads:*  
**A Landscape Plan showing the proposed landscaping will be required at the time of final site construction plan review and prior to permit approval; all landscaping and buffering shall meet the minimum requirements per the Town of Sylva Zoning Ordinance.**
- 7) *That signs, consistent with Article IV, are designed, placed, illuminated and landscaped in harmony with the adjoining properties:*  
**Any signage erected shall be in accordance with the Town of Sylva's sign regulations.**
- 8) *That outside lighting is screened, turned off or directed away from residential neighborhoods:*  
**Structure lighting per the NC Building Code will be required. The applicant has not indicated lighting on the submitted concept plan, however, due to the nature of this project, a multi-family apartment complex, lighting should be encouraged for all walkways, parking areas and community areas (playground, clubhouse, picnic area, etc.); lighting should be designed to be downcast, no "halo effect" and not directed toward the public right-of-way or adjacent properties.**

9) *That commercial machinery or activities producing noise are conducted within the confines of an enclosed building:*

***Not applicable.***

10) *That the design of the proposed building and its use shall be consistent with the surrounding character of the neighborhood and purposes of the zoning district:*

***The surrounding neighborhood consists of single-family detached homes and multi-family residential units. Businesses providing some household and daily-life essentials/services are located nearby at the intersection of West Main Street (Business 23) and Savannah Drive which is 1,120 lf to the north of the subject property. The proposed residential structures and accessory buildings are professionally designed.***

**Recommendation:**

- All final site construction plans be reviewed for full compliance of the Town of Sylva Zoning Ordinance.
- A 5' wide sidewalk be constructed and connect the proposed interior sidewalk network to the required sidewalk along Savannah Drive.
- To ensure safety for residents and visitors, provide site lighting for the parking areas, pedestrian walkways and public spaces. Lighting should be designed to be downcast, no "halo effect" and not directed toward the public right-of-way or adjacent properties.
- That the developer coordinate with Planning Staff and the NCDOT for an alternate ingress/egress location on the property.