



## Legislation Details (With Text)

<b>File #:</b>	17-576	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Agendas	<b>Status:</b>	Passed		
<b>File created:</b>	6/1/2018	<b>In control:</b>	Board of Aldermen		
<b>On agenda:</b>	6/5/2018	<b>Final action:</b>	6/5/2018		
<b>Title:</b>	Conditional Use Permit Extension for Previously Issued Conditional Use Permit for The Matthew's Family Building at 609 Highway 54 West				

PURPOSE: The Board is asked to review a request for an extension of the date when a Conditional Use Permit would otherwise expire for the Matthew's Family Building at 609 Highway 54 West. The Town Staff recommends approval of the request.

### Indexes:

### Code sections:

**Attachments:** 1. Attachment A - Staff Report, 2. Attachment B - Letter from Applicant, 3. Attachment C - Resolution Extending CUP

Date	Ver.	Action By	Action	Result
6/5/2018	1	Board of Aldermen	approved	Pass

### TITLE:

Conditional Use Permit Extension for Previously Issued Conditional Use Permit for The Matthew's Family Building at 609 Highway 54 West

**PURPOSE:** The Board is asked to review a request for an extension of the date when a Conditional Use Permit would otherwise expire for the Matthew's Family Building at 609 Highway 54 West. The Town Staff recommends approval of the request.

**DEPARTMENT:** Planning Department

**CONTACT INFORMATION:** James Thomas, 918-7335 or [jthomas@townofcarrboro.org](mailto:jthomas@townofcarrboro.org)

**INFORMATION:** The property owner, Mr. Bud Matthews, has requested that the date on which a previously issued Conditional Use Permit (CUP) that expired on October 20<sup>th</sup>, 2017 be re-established to an expiration date of October 20<sup>th</sup>, 2019.

The Board of Aldermen originally granted the Conditional Use Permit on September 25<sup>th</sup>, 2007. The CUP allowed the renovation of the existing 3,200 square foot building and the construction of metal type prefabricated building that is approximately 3,000 square feet in size.

The Board of Aldermen extended the CUP once before and set the new expiration on September 25<sup>th</sup>, 2010 and then State Bill 831 extended the expiration of this CUP till November 21<sup>st</sup>, 2013.

The Board of Aldermen extended the CUP for an additional year at with an expiration date of November 21<sup>st</sup>, 2015 and this CUP was extended once again till October 20<sup>th</sup>, 2017.

The applicant intended to extend the CUP prior to the expiration date, but there was an inadvertent oversight by town staff stating the incorrect expiration date of the CUP. Upon staff and the applicant realizing this, the applicant immediately submitted the application requesting an extension. Based on the circumstances and equities, the Town Attorney has advised that the application should be considered to have been submitted on time and the extension is therefore approvable.

In a letter submitted to staff regarding this matter, Mr. Matthews cited market conditions and economic factors as reasons why he has not moved forward expeditiously with construction of the project.

Should the Board choose to grant the permit extension request, please note that construction plans must still be reviewed and approved, and a pre-construction meeting must be held before construction may begin.

**FISCAL & STAFF IMPACT:** None

**RECOMMENDATION:** The Town Staff recommends that the Board of Aldermen adopt the attached resolution approving the permit extension request. The new expiration date for the permit would be October 20<sup>th</sup>, 2019.