

**MINUTES**  
**BOARD OF ADJUSTMENT**  
**City of Burlington, NC**  
**October 14, 2014**

**Members Present**

**City:**

Mr. Ed Wilson  
Mrs. Joyce Lance  
Mr. Eric Grant (Alt.)  
Mr. Robert Giles (Alt.)  
Mr. David McDevitt (Alt. ETJ)

**Members Absent**

Mr. Todd Smith  
Mr. Mike Gee

**ETJ:**

Mrs. Sylvia Greeson (Alt. ETJ) \*

\* Not Voting

Also present was Mr. Joey Lea, Zoning Administrator and Mr. Chris Marland, Zoning Enforcement Officer.

Chairman Ed Wilson called the meeting of the Board of Adjustment to order at 8:30 a.m. Chairman Wilson stated, the city representatives to the Board of Adjustment are appointed by the City Council. This is a quasi-judicial hearing. Everyone speaking before the Board should state their name, sign the log on the podium, and swear or affirm that everything they say is true to the best of their knowledge. Appeals of the Board's decisions may be taken to the Alamance County Superior Court. The City will state their position because of their knowledge of the case and the technical codes. The applicant will state their case, and then anyone from the public may speak. After the applicant and the public have presented all evidence the Board will then close the meeting to the public and discuss the case and vote. During this time no more evidence shall be admitted nor any other arguments made unless the Board wishes to ask the Applicant a question pertaining to the evidence already presented. Anyone that tries to make an argument or present any evidence at this time will be out of order. The Chairperson may order any individuals who willfully interrupt, disturb, or disrupt to leave; failure to comply with this order is punishable by imprisonment up to 60 days, a fine of up to \$1000.00 or both. An affirmative four-fifths vote is required to grant a variance. A majority vote is required to grant a Special Use Permit or to determine an appeal.

**DUE PUBLICATION**

Mr. Joey Lea, Zoning Administrator with the City of Burlington, stated, due notice and publication of this meeting of the Board of Adjustment has been made, and all contiguous property owners were mailed a notice advising of this meeting.

**SWORN TESTIMONY**

Prior to testifying before the Board, each party was sworn in or affirmed that the testimony they were about to give was true to the best of their knowledge.

## **VOTING OF OFFICERS**

Mr. Eric Grant made a motion to appoint Mrs. Kelly Peele as Board Secretary. Mr. David McDevitt seconded the motion. The board voted unanimously for Mrs. Kelly Peele to serve as Secretary. Mr. Eric Grant made a motion to appoint Mr. Mike Gee as Vice-Chairman. Mrs. Joyce Lance seconded the motion. The board voted unanimously for Mr. Mike Gee to serve another term as Vice-Chairman. Mr. Eric Grant made a motion to appoint Mr. H.E. "Ed" Wilson as Chairman. Mrs. Joyce Lance seconded the motion. The board voted unanimously for Mr. Ed Wilson to serve another term as Chairman.

## **MEETING MINUTES**

Chairman Mr. Ed Wilson stated, the first item of business for today is going to be the approval of the minutes from the July 8, 2014 meeting. Everyone received their copy of the minutes? Are there any changes? Board Member Mrs. Joyce Lance stated, I have changes that Board Member Mrs. Sylvia Greeson noted that need to be corrected. None of them were substantial just simply typos. Acting Chairman Mr. Mike Gee stated, ok any other changes that anyone noted? Acting Chairman Mr. Mike Gee stated, would anyone like to make a motion to approve the minutes with the proposed changes? Board Member Mr. Robert Giles made a motion that to approve the minutes as corrected. Board Member Mr. Eric Grant seconded the motion. The Board voted unanimously to approve the July 8, 2014 Meeting Minutes.

## **ITEM NO. 1:**

### **CASE NO. 08-14 – SPECIAL USE PERMIT (CITY)**

**Davina Woods**

910 S. Main St.

Alamance County Tax Map 17-62-16

§ Section 32.13.W, Child Care Center

**EVIDENCE PRESENTED:** Zoning Administrator Mr. Joey Lea stated, this is an application for a child care facility to be located at 910 South Main Street. This child care facility if approved will run three shifts. The application is in order and the requirements of the Special Use Permit have been met. Chairman Mr. Ed Wilson asked, is this an in-home child care or is this a child care center, is there a difference? Zoning Administrator Mr. Joey Lea stated, this is a commercial daycare. There is adequate parking, and an adequate play area according to ordinance requirements. Board Member Mrs. Joyce Lance asked, is lighting one of the requirements? Zoning Administrator Mr. Joey Lea stated, as general requirements for Special Use Permit yes. Board Member Mrs. Joyce Lance asked, did you receive any calls of concern on this? Zoning Administrator Mr. Joey Lea stated, not that I am aware of, no.

Ms. Davina Woods stated, my plans are to place a child care facility at 910 South Main Street that has the ability to operate three shifts if necessary. The current capacity we are looking at is approximately 35-40 students with a teaching team of staff members that will be about 5-7 members. Chairman Mr. Ed Wilson asked, the 35-40 students, is that every shift or do you know what your shift count is? Ms. Davina Woods stated, the shift count would be 35-40 students. Board Member Mrs. Joyce Lance asked, are you currently in the childcare business? Ms. Davina Woods stated, yes ma'am I have been in the child care profession for over 20 years. Chairman Mr. Ed Wilson asked, do you currently operate a facility of this size? Ms. Davina Woods stated, I do, I actually operate, and I'm the administrator and director of a facility larger than this. I'm currently with Excel Christian Academy located at 734 Apple Street. Chairman Mr. Ed Wilson asked, you are an employee there and now you are starting your own business? Ms. Davina Woods stated, yes sir. Board Member Mr. Eric Grant asked, is this an existing building that you have to renovate? Ms. Davina Woods stated, yes this is an existing building. Board Member Mr. Eric Grant asked, has this renovation been reviewed with the City's building department? Ms.

Davina Woods stated, this is the first step in the renovation process. We must get the Special Use Permit in order for my architect to begin the plans for renovating it from commercial to an educational facility. Chairman Mr. Ed Wilson stated, it would be your intent to comply with all rules and regulations associated with this building process? Ms. Davina Woods stated, absolutely. Chairman Mr. Ed Wilson asked, you are aware that the State has to approve your facility as well and you won't get that approval until you get this Special Use Permit? Ms. Davina Woods stated, of course. Chairman Mr. Ed Wilson asked, do you intend to comply with all the State ordinances required for the child care facility? Ms. Davina Woods stated, yes sir. Board Member Mrs. Joyce Lance asked, what is the age range of the children? Ms. Davina Woods stated, age range would be birth through 12 years old. Board Member Mrs. Joyce Lance asked, you refer to your teaching team, do you have them ready or is this too soon for that? Ms. Davina Woods stated, it is too soon, however I do have staff members or personnel that are ready and willing to fill those positions once our numbers require additional staff members. Board Member Mrs. Joyce Lance asked, are you by chance a school teacher? Ms. Davina Woods stated, I am not. Board Member Mrs. Joyce Lance stated, you call it teaching team so I wondered what the educational experiences were. Ms. Davina Woods stated, both myself and the teaching staff I am planning on bring on board do have qualifications to teach in a public school system. Board Member Mrs. Joyce Lance asked, so they are like teacher assistants is that what you mean? Ms. Davina Woods stated, no they have 4 year degrees and licenses to teach in an elementary school and some high school as well. Board Member Mr. Eric Grant asked, what are the structures located on each side of this particular piece of property? Ms. Davina Woods stated, adjacent to 910 South Main Street is a property that is of the same square footage. They both were built by Mr. Lacey Brown. Adjacent to 910 South Main Street is I believe 912 South Main Street which is 1800 sq. ft. and built the same way. Across the street is another building structure but I'm not certain of the specifications of that building. Board Member Mr. Eric Grant asked, the building across the street was formerly Piedmont Gas office building isn't it? Ms. Davina Woods stated, I'm not from Burlington but that is what I am thinking. Board Member Mrs. Joyce Lance asked, do you have any traffic concerns in that area? Ms. Davina Woods stated, I do not. The main street accommodates the traffic of LabCorp and so I would not have any concerns in regards to traffic for 35 students. Chairman Mr. Ed Wilson asked, parking, when it comes to your facility, will be in a parking lot? Ms. Davina Woods stated, yes sir. Chairman Mr. Ed Wilson asked, are there adequate spaces to handle your pick up and drop off with shift changes and all? Ms. Davina Woods stated, yes sir. Chairman Mr. Ed Wilson asked, what are your hours for your school? Ms. Davina Woods stated, our hours would be from 6:00 am to 6:00 pm for first shift, 6:00pm to 12:00am then 12:00am to 6:00am. Board Member Mrs. Joyce Lance asked, are you starting out with just the first two shifts? Ms. Davina Woods stated, yes. Chairman Mr. Ed Wilson stated, we see you shared plans for a 4,000 sq. ft. fenced in outdoor play area. Ms. Davina Woods stated, yes sir that is correct. Chairman Mr. Ed Wilson asked, that currently doesn't exist, right? Ms. Davina Woods stated, the space is currently there but it's not fenced in yet. It is our intent to fence this in. Chairman Mr. Ed Wilson asked, you are aware that if you go less than 4,000sqft then that will affect how many children you can have. Ms. Davina Woods stated, yes sir. Board Member Mrs. Joyce Lance asked, have you spoken to any of your neighbors about your plans? Ms. Davina Woods stated, we actually had the opportunity to speak with the Shoemaker business and some of their employees, Mr. and Mrs. Brown who are actually the owners of that property were more than kind enough to introduce us to the neighbors. No one has had any questions or concerns in regard to the type of facility we are looking to put in at 910 South Main Street. Chairman Mr. Ed Wilson asked, so you believe that your facility will be in character and harmony with the area? Ms. Davina Woods stated, I do, since we have the martial arts center and we have both the drum, and guitars lessons right there. They actually accommodate many students and so it is rather a good fit to the area. Chairman Mr. Ed Wilson asked, do you anticipate your business will substantially injure the value of any of the adjoining or butting properties? Ms. Davina Woods stated, no sir not at all. Chairman Mr. Ed Wilson

asked, do you think that your facility will materially endanger public health or safety? Ms. Davina Woods stated, no sir not at all. Board Member Mrs. Joyce Lance asked, where is the nearest child care facility from this location? Ms. Davina Woods stated, the nearest center would be First Presbyterian Church which would be less than half a mile away. Board Member Mr. Eric Grant asked, Mr. Lea have you had any comment from the public based on the advertisement of this? Zoning Administrator Mr. Joey Lea stated, no sir.

**DISCUSSION & FINDING OF FACTS:** Chairman Mr. Ed Wilson stated, I think that through the applicant testimony we have heard facts for all of the necessary findings that we have to make. Everything seems to be in order in my opinion.

**DECISION:** Board Member Mrs. Joyce Lance stated, I would like to make a motion that the four required conditions for issuing a Special Use Permit in accordance to Section 32.13.B(1)(a) are met due to the following Finding of Fact:

1. **the use will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved;**  
the findings of fact are, the applicant stated she sees no reason this could endanger the public health or safety and there is no one here to provide conflicting testimony to that. It is a well-established older neighborhood in town with other businesses as well.
2. **the use meets all required conditions and specifications;**  
the findings of facts are, Mr. Lea has testified that all the City's requirements have been met. The applicant is in the process of opening a commercial child care center and she is aware that she has to meet all the state requirements, etc..
3. **the use will not substantially injure the value of adjoining property or that the use is a public necessity;**  
the findings of fact are, now in our society, in most households, both parents work so child care is obviously a public necessity and there is no one here to suggest that this, in any way, will injure the property values in that area of town.
4. **The location and character of the use if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Burlington and its environs;**  
the findings of fact are, the applicant has stated that there are two other child care centers in close proximity to this so harmony is not an issue.

Board Member Mr. Eric Grant seconded the motion.

**AYES: Lance, Wilson, Giles, McDevitt, Grant**

**NOES:**

Board Member Mrs. Joyce Lance stated, I would like to make a motion to approve the Special Use Permit for Genesis Child Development Center located at 910 South Main Street due to the previously stated Findings of Fact, and the applicant be required to comply with all of the State and City requirements, and that the applicant/owner shall complete the development according to the plans submitted and approved by this Board, and if any of the conditions affixed hereto or any part therefore shall be held invalid or void then this permit shall be void and of no affect. Chairman Mr. Ed Wilson stated, I have one friendly amendment to that if accepted, the applicant be required to obtain and maintain a permit from the North Carolina Department of Health and Human Services allowing them to operate a child care facility.

Board Member Mr. David McDevitt seconded the motion. The board voted unanimously to approve the Special Use Permit.

**AYES: Lance, Wilson, Giles, McDevitt, Grant**

**NOES:**

**ITEM NO. 2:**

**CASE NO. 09-14 – SPECIAL USE PERMIT (CITY)**

**Amanda & Wendy Terrell**

778 S. Graham Hopedale

Alamance County Tax Map 149-582-11

§ Section 32.13.X, Animal Services

**EVIDENCE PRESENTED:** Zoning Administrator Mr. Joey Lea stated, this is a Special Use Permit for animal services and this is a new ordinance that was just developed this year. This is a type of business that is becoming more and more popular. The requirements were laid out in order to help the surrounding areas from noise and other things that may be associated with having a large numbers of animals. This is a doggie daycare and they also do grooming at this location. A doggie daycare can actually run three shifts. So if there is a need for folks to work late and need to have their animals taken care of, it is possible for a doggie daycare to work three shifts. One of the things that our ordinance does not allow is overnight boarding. That may sound like an oxymoron because you would have dogs there overnight, but overnight boarding is where you would leave your animal for an extended period of time, that's your normal overnight boarding. There is a conflict with our ordinance for kennels. This would be one of the reasons that we did not allow the overnight boarding as we do not see that as part of this type of operation. This type of business is more of a daycare, grooming facility that takes care of the animals during a certain period of time. This application, to my knowledge, is complete and the ordinance requirements as I know are being met. Board Member Mrs. Joyce Lance stated, maybe this will reveal itself during testimony, but it seems a little unclear that it states here as part of the ordinance that overnight boarding shall not be permitted and yet in the same breath we are saying that there may be situations when in fact it is. Zoning Administrator Mr. Joey Lea stated, you have to distinguish the difference between boarding and daycare. The daycare will be for that number of hours, and if you are boarding a dog then you are boarding that dog for days and weeks at a time, there is a difference. There may be times when there are no dogs there at night. Board Member Mrs. Joyce Lance asked, and so are you saying that there may be times that there are dogs there at night? Zoning Administrator Mr. Joey Lea stated, yes, there could be. Board Member Mrs. Joyce Lance asked, because of course I'm going to look at the worst case scenario a person could be in a catastrophic event, have an illness, or car wreck, and be out for weeks and weeks, so I mean that's permitted because it's an emergency situation, you are just not calling it a kennel? Zoning Administrator Mr. Joey Lea stated, well they would have to find somewhere else to board their dog. Board Member Mrs. Joyce Lance asked, who over sees that? Zoning Administrator Mr. Joey Lea stated, we would upon a complaint. Board Member Mrs. Joyce Lance stated, ok that's what I thought. Zoning Enforcement Officer Mr. Chris Marland stated, we have received numerous calls and a few walk-ins to the office about this case, mainly about the overnight boarding. Basically they were asking why we don't allow it and we explained it like Mr. Lea just explained it to you of the differences between a third shift and overnight boarding. Chairman Mr. Ed Wilson asked, so you didn't have people complaining about the dogs being overnight? Zoning Enforcement Officer Mr. Chris Marland stated, no we had people complaining that we didn't allow it. Chairman Mr. Ed Wilson asked, Mr. Lea who writes the zoning ordinance and who approves the zoning ordinance? Zoning Administrator Mr. Joey Lea stated, I wrote the ordinance and the ordinance was approved by City Council. Chairman Mr. Ed Wilson asked, does this board have the authority to change or amend the ordinance? Zoning

Administrator Mr. Joey Lea stated, no sir it does not. Board Member Mrs. Joyce Lance asked, when was this ordinance put into place? The reason I ask is because this is the first time we have ever looked at this ordinance and now there is two in the same day so I find that really interesting. Zoning Administrator Mr. Joey Lea stated, it was enacted in July of this year. Board Member Mrs. Joyce Lance asked, so that's the very reason we haven't seen it is because it wasn't in place until then. There's been nothing prior to that, right? Zoning Administrator Mr. Joey Lea stated, this ordinance was written in such a fashion that the district of which they are allowed in, they are allowed only by Special Use Permit, not by conditional zoning. Chairman Mr. Ed Wilson asked, so when these businesses come into the city we will see more and more of this? Zoning Administrator Mr. Joey Lea stated, that is correct. The main reason for the ordinance and for the Special Use Permit is a lot of these, not this particular one, but a lot of these businesses will operate within shopping centers so there has to be parameters set forth in order to protect not only the center itself, but the adjacent tenants as far as sound proofing and other things because dogs at times make a lot of noise. There are requirements for that and that's the reason we wouldn't allow it as a matter of right. So it is a type of business that, if not conducted properly, could cause problems. Chairman Mr. Ed Wilson asked, is there another type of business that does allow overnight boarding of animals? Zoning Administrator Mr. Joey Lea stated, no we have an ordinance that pertains to kennels but that's a totally different animal. Chairman Mr. Ed Wilson asked, a business can choose to be a doggie daycare or choose to be a kennel and if they chose to be a kennel then they could board dogs long term over night? Zoning Administrator Mr. Joey Lea stated, that has to be approved through the police department. Chairman Mr. Ed Wilson asked, there's a process procedure for that? Zoning Administrator Mr. Joey Lea stated, yes. Chairman Mr. Ed Wilson asked, Burlington citizens will have an opportunity to board dogs overnight in some fashion, right? Zoning Administrator Mr. Joey Lea stated, kennels and vets are typically the places you would board dogs. Board Member Mrs. Joyce Lance asked, so a person who wanted to open up a business like this could make arrangements with an area veterinary if long term overnight stay services are required that they could utilize those, that would be a business made between the daycare/grooming service and a vet, right? Zoning Administrator Mr. Joey Lea stated, that is correct. In putting this ordinance together, we had to make a distinction between the two, and we thought this was primarily a business that would generally operate during the day. The thing that lends itself to the other shifts is the doggie daycare. Just like a child daycare there are times that people who work different shifts that have no one else to take care of their dog can use this doggie daycare. So there is a distinct difference in my mind between this and what would be overnight boarding. Board Member Mrs. Joyce Lance asked, in your mind what is the latest that a person could have their dog there that's not overnight boarding? Zoning Administrator Mr. Joey Lea stated, let's say someone worked third shift and didn't have anyone to take care of their dog, then for those hours if the business operates in that fashion then that dog could be allowed to be there during that time. Board Member Mr. Robert Giles asked, is there an hour limit? Zoning Administrator Mr. Joey Lea stated, there is no hour limit. The reason that we did not put a limit on it was because even if this service runs let's say first shift, there is always going to be times where people can't get there and pick up their animal on time. Just like a child daycare they are going to charge extra for those hours. You've got to be there by a certain time to pick them up, that's my understanding. That's the reason we did not put an hour limit on it. That's something that we can't really control and it's difficult to enforce. The hours would be just like a child daycare with the possibility of three shifts. If you are in a shopping center you do have to provide information for sound proofing, it's not as strict as a veterinary establishment because veterinary establishment have dogs 24/7. Their separation requirements are stricter than what we put in for this because the anticipation is if there are dogs there at night then it won't be that many. That's the difference in boarding and what a doggie daycare is in our opinion. Board Member Mrs. Joyce Lance asked, you do understand overnight boarding of animals shall not be permitted period? Zoning Administrator Mr. Joey Lea stated, absolutely I do understand that it's hard to

distinguish between the two. But if you are going to let a childcare facility operate for three shifts then why can't a dog care facility operate for three shifts? Board Member Mrs. Joyce Lance asked, should that not be part of the ordinance? Can this be amended, I don't mean right now, but could we look at the potential problems here? The way it's written can we make some kind of a recommendation that this be clarified? Zoning Administrator Mr. Joey Lea stated, absolutely you have the authority to make a recommendation that the ordinance be changed. As you know you can't change the ordinance, I'll just say that there is no perfect ordinance and I do understand your concerns, it was a concern of mine as well. When we put in the language "no overnight boarding", I realized that a daycare, if it operates truly as a daycare for dogs, then there is a possibility they could run different shifts just like a child daycare. Chairman Mr. Ed Wilson stated, the premise being that the care provided while the pet owner is working. If the pet owner worked second or third shift then care would be needed for that animal during those shifts. Zoning Administrator Mr. Joey Lea stated, and that person will come back and get the dog. There is no difference. But overnight boarding is long term care, there is a difference. Board Member Mrs. Joyce Lance stated, but this sentence is written very concretely in black and white. There is no obstruction here for what you are talking about, that's what concerns me about the way it's written. I don't want to see business owners, neighbors and so forth having concerns that could be addressed by putting in writing what we really mean because this is not what we really mean, overnight boarding of animals. Zoning Administrator Mr. Joey Lea stated, it is what we really mean. Board Member Mr. David McDevitt stated, I think the issue is the abuse of it; saying it's going to be overnight and that turns into 24 hours so I think that comes back to the enforcement of it. The complaint would be looked into and to see how long the dog has been there and if they see it's been more than a normal shift of 12 hours then we're going into long term care and that is not daycare. As I said I think it would fall back on the enforcement rather than the process. Board Member Mrs. Joyce Lance stated, for our daycare we don't have a statement that says overnight stays would not be permitted. We know there is going to be a third shift in daycare. I think now that we have entered this arena, there needs to be some clarifying here that it states what it means. I get what you are saying; I'm just having a problem reconciling that. What you are saying I get, but that is not what this says. I think it will be upsetting to some people and I'm trying to figure out how we're going to deal with that because I think it's unfair to the business owners.

Ms. Amanda Terrell stated, we have been in business for five years. This just affected us this July. We do offer daycare and we have always offered boarding as well. We have someone at the facility 24 hours a day so they are never alone. Chairman Mr. Ed Wilson asked, have you existed at this location for five years? We started at a smaller building on 2411 West Webb Ave. and we have moved three times since. We moved to a bigger location after the first year because we had so much interest in the doggie daycare. We moved to 1750 West Webb Ave. last year when the state inspector lady came in and we had to change a whole bunch of stuff, so we moved again in January to a better suited facility for the state to approve us. Chairman Mr. Ed Wilson asked, that's the facility at 778 South Graham Hopedale Road and you have been there since January? Ms. Amanda Terrell stated, yes. We feel like we do a lot for the community; if someone gets sick they can bring their dog in at any time. They just give us a call and we have a gentleman there overnight and he lets them in the door and we take care of them. We have gotten a lot of clients that way. Chairman Mr. Ed Wilson asked, do you provide veterinary services? Ms. Amanda Terrell stated, no, but we do work with a local vet at Phoenix Animal Hospital in Gibsonville if we ever have a problem she is there. Chairman Mr. Ed Wilson asked, is the majority of your business grooming or daycare for dogs? Ms. Amanda Terrell stated, the majority is grooming it's about 60% grooming and 15% daycare and then 15% boarding. Because we have daycare and boarding we're allowed to keep our grooming prices a lot lower than most others for the neighborhood that we are in, that way people can take better care of their dogs in the area that we are in. Chairman Mr. Ed Wilson asked, people bring their dogs in to get

a shave and a haircut? Ms. Amanda Terrell stated, yes we are cage-less also, so they can drop off their dogs while they go to work then they come back and pick them up. That way the dogs don't have to sit in a cage all day and they get to play with dogs that are their own size as long as the people want them to. Some people prefer not have their dog's cage-less and if that's the case then we keep them in a cage. Chairman Mr. Ed Wilson stated, tell us about your daycare. Ms. Amanda Terrell stated, our daycare is cage-less and the state says we can have four dogs to an area, we keep them size appropriate for example: small dogs with small dogs and big dogs with big dogs. Chairman Mr. Ed Wilson asked, does the state define what an area is? Ms. Amanda Terrell stated, yes she comes in and lets us know what is preferable for them. Board Member Mrs. Joyce Lance asked, what state agency is that? Ms. Amanda Terrell stated, Elizabeth Garner with N.C. Department of Agriculture and Consumer Services. Chairman Mr. Ed Wilson asked, how often do they come in? Ms. Amanda Terrell stated, we've seen her three times now just because we had to move and we had to be approved. She said she would be back sometime about Christmas time, so I assume once a year. Board Member Mrs. Joyce Lance asked, is it an annual license check? Ms. Amanda Terrell stated, yes I believe so. Chairman Mr. Ed Wilson asked, do you operate on shifts? Ms. Amanda Terrell stated, well we did. We work from 7:00am to 6:30pm then the overnight gentleman comes in and works from 6:30pm to 7:00am. Chairman Mr. Ed Wilson asked, do you have customers that work 1<sup>st</sup> shift, 2<sup>nd</sup> shift or 3<sup>rd</sup> shift that pick up and drop off their dogs? Ms. Amanda Terrell stated, we have one lady whose dog stays there probably from 1<sup>st</sup> to 2<sup>nd</sup> shift because sometimes she doesn't get there till about 8:00pm or 9:00pm. We never had to implement 2<sup>nd</sup> and 3<sup>rd</sup> shift daycare. That was something we were going to have to look into since he said we couldn't do overnight boarding. The overnight guy was there for the boarding of dogs. Chairman Mr. Ed Wilson stated, tell me about your boarding. Ms. Amanda Terrell stated, it's basically the same as daycare with dropping the dogs off overnight for weekends or a week. They play in the daycare then at night time they are separated and they sleep. Chairman Mr. Ed Wilson asked, is that provided typically during vacation times? Ms. Amanda Terrell stated, yes and we have a gentleman who is a firefighter and he'll drop off his dog for a couple days when he has to work overnight shifts. We also have people that, when they go out of town, they will drop them off; holidays are usually busier time. We only do ten over nights. We don't do very many because we have to have room for the daycare but it is something that we offer. Most of our boarding customers are our daycare customers and we have a few that aren't. Board Member Mrs. Joyce Lance asked, are you open on weekends? Ms. Amanda Terrell stated, we're open on Saturdays for grooming from 9:00am to 3:00pm but again a gentleman is there on the weekends for boarding as well. Ms. Wendy Terrell stated, we have always been open for emergency drop-offs. Chairman Mr. Ed Wilson asked, what would be an emergency drop-off? Ms. Amanda Terrell stated, somebody needing to go to the hospital, a death in the family, we've had that arise and customers needed to drop-off their pets off at night, needing to catch an early flight and go out of town. Board Member Mrs. Joyce Lance asked, have you had a concern with the new ordinance? Ms. Amanda Terrell stated, yes, we've depended on that boarding revenue for our business and to be able to keep our prices low. We've only raised our prices once since we've been open five years. We have been discussing how we might have to rearrange things so we can continue to do business. Chairman Mr. Ed Wilson asked, you are aware then, that if you receive that Special Use Permit today, that you will no longer be allowed to provide overnight boarding as defined as long term boarding? Ms. Amanda Terrell stated, correct, but to my knowledge we have to receive this to be able to do daycare and grooming. Board Member Mrs. Joyce Lance asked, but are you willing to change the way you conduct business? Ms. Amanda Terrell stated, yes, if I have to, or I can move out of the City of Burlington. Zoning Administrator Mr. Joey Lea stated, Mr. Chairman it doesn't say in the ordinance that a childcare can operate three shifts either. Because our interpretation is that you can run three shifts, I think if the applicant is willing to state that they will not do overnight boarding, but will operate three shifts, then I think that will cover most everything that they are doing. Given the nature of the business if there was an emergency and a dog had to stay more

than one shift, I personally don't see that as an issue. What we are trying to prevent is the creation of a kennel, and once again that is different. Chairman Mr. Ed Wilson asked, Ms. Terrell do you understand that? Ms. Amanda Terrell stated, yes we've never been a kennel I wouldn't say by any means. Chairman Mr. Ed Wilson stated, one of the conditions for us to approve this Special Use Permit is that the second condition states that the Use meets all required conditions and specifications. One of those specifications is that overnight boarding of animals shall not be permitted so we need to understand that the current business model will change once you receive this permit and that there will not be any overnight boarding. If you would like to take Mr. Lea's stipulations and say that you will operate the doggie daycare facility on three shifts, just to clarify. Ms. Amanda Terrell stated, we haven't done any of the overnight since we heard about the ordinance. Chairman Mr. Ed Wilson asked, and you do intend to operate on three shifts? Ms. Amanda Terrell stated, yes correct. Chairman Mr. Ed Wilson asked, tell me about your outside play areas, is the outside play area further than 100ft from any residential zoned property? Ms. Amanda Terrell stated, yes. Chairman Mr. Ed Wilson asked, are you the only dog daycare grooming facility in that complex? Ms. Amanda Terrell stated, yes we are. Chairman Mr. Ed Wilson asked, is your facility sound proof? Ms. Wendy Terrell stated, we are in a stand-alone building. We are 300ft away from the closest building. We were ok without having to sound proof the building. Chairman Mr. Ed Wilson asked, you are not in a multi-tenant structure? Ms. Amanda Terrell stated, no. Chairman Mr. Ed Wilson asked, what zoning is this? Is this B-3 or I-1, Mr. Lea? Zoning Administrator Mr. Joey Lea stated, this is I-2 Light Industrial. Chairman Mr. Ed Wilson asked, 7 and 8 of the ordinance do not apply then? Zoning Administrator Mr. Joey Lea stated, that's correct. Chairman Mr. Ed Wilson asked, it seems from your testimony that you meet all the requirements for animal services under the new ordinance. Do you think that your establishment will materially endanger public health or safety? Ms. Amanda Terrell stated, no. Chairman Mr. Ed Wilson asked, do you think that it will substantially injure the value of adjoining properties? Ms. Amanda Terrell stated, no. Chairman Mr. Ed Wilson asked, do you believe that it will be in harmony with the area? Ms. Amanda Terrell stated, yes. Chairman Mr. Ed Wilson asked, do you ladies have anything else to say on this case? Ms. Amanda Terrell stated, I have letters from people that couldn't be here this morning about approving us for the daycare. Chairman Mr. Ed Wilson asked, could you summarize the tone of the letters? Ms. Amanda Terrell stated, everyone is basically supporting our continued daycare, and boarding if possible, but we do understand that it's not possible. Chairman Mr. Ed Wilson asked, the letters are in support of your current business market? Ms. Amanda Terrell stated, right. Chairman Mr. Ed Wilson asked, about how many letters do you have? Ms. Amanda Terrell stated, about 5 letters and 100 or so signatures on a petition that we did. Is there any way that we could look into getting established as a kennel, can we do daycare and a kennel at the same location? Chairman Mr. Ed Wilson stated, I think that is a different process. You would have to visit the City about that. And you could also get with the City about getting the ordinance changed, you could motivate some of the people that wrote letters and gave their signature to go to the City Council meeting but at this meeting all we can do is insure that you intend to comply with the ordinance that is written. Is there anyone here from the public that would like to speak on this matter? I assume that all of you are in favor of the business and would like to speak, and in the interest of time I'm not sure we want to hear the same sentiments over and over again. I assume that they are the same sentiments that are in the letters, is that correct? Ms. Amanda Terrell stated, yes that's correct. Chairman Mr. Ed Wilson asked, is there anybody out of the group that has a point that was not made pervious?

Ms. Miley Winemaker stated, I've been a customer for 4 years. I'm retired from ARMC and since then I have gone to work as an actor. I've done thirty or so movies and a couple dozen television shows and commercials in North Carolina, South Carolina and Georgia. The only reason I mentions this is because when I get a call in the middle of the night asking can you be on set in the morning, I have to do something with my dog. I can call anytime of the day or night

I'm on the way with Rhett my dog and they will take him in until I can get back and take him home. No matter what time of day or night that it is, and in that respect I'm speaking specifically of the example of third shift daycare if you will. I just wanted to make that point that yes, I need that service specifically and I won't go anyplace else but Waggin Tails for any of the services they offer. Chairman Mr. Ed Wilson stated, well I think that they indicated they do plan on staying open and providing shift care.

Mr. Joe Sumner stated, I've had my dog over there for about four and a half years and he just loves it. As far as boarding a dog at a vet there is a lot of difference. Several dogs I have brought to the vet to be boarded and they are always stressed out. They just do not do well. This dog, when I bring him over to Waggin Tails he does really well, I have no problem with him. Two and a half years ago my wife had some trouble with her vocal cords so being able to take our dog over to Waggin Tails anytime has really taken a lot of burden off of us. I just feel like, by boarding him at Waggin Tails, he has always done real well. As far as going over to Waggin Tails anytime, I never hear any noise or nothing like that. With my wife's medical problems we have had to go to Baptist Hospital and Chapel Hill Hospital so we never know when we will have to go back and Waggin Tails has always taken our dog whenever we have needed them to. Board Member Mr. Eric Grant asked, what is the longest time in consecutive days or hours that you have had your dog at Waggin Tails? Mr. Joe Sumner stated, about four days. We went to Chapel Hill thinking we would be there about four hours and we ended up staying four days. Board Member Mr. Eric Grant asked, Ms. Winemaker what's the longest time in consecutive days or hours that you have had your dog at Waggin Tails? Ms. Wiley Winemaker stated, five to ten days. I've also had him there for the daycare and the grooming. Chairman Mr. Ed Wilson stated, does the board have any questions for the Terrell's or the City? Board Member Mrs. Joyce Lance asked, didn't you say that the total number of dogs that you could have at any one time is four? Ms. Amanda Terrell stated, according to the state we can have up to sixty dogs, we've only ever had about thirty dogs. You can have four dogs to a play area. Depending on the size of the play area and the size of the dog, so the little ones we can have four in at a time. With the Lab or German Shepherd mixes, we do two maybe three depending on the size of the play area. Board Member Mr. Eric Grant asked, Mr. Lea this application states boarding and that's in direct violation of the ordinance? Zoning Administrator Mr. Joey Lea stated, that would be correct. Board Member Mr. Eric Grant stated, as it is submitted right now we cannot approve it. Board Member Mr. David McDevitt stated, that says boarding under existing use, it does not say for the proposed use. Zoning Administrator Mr. Joey Lea stated, I think that if they make the statement that they want to operate three shifts and not boarding for dogs then I think you can approve it. I just want to make one thing clear; there was a lot of time and effort put into the research of this. Boarding of animals is not a typical operation for a doggie daycare. The places I talked to across the state do not allow overnight boarding for doggie daycares. I did realize that, in drafting this ordinance, that a doggie daycare being a daycare could operate in shifts just like a normal child daycare. At the Planning and Zoning Commission meeting, just so everyone here will know, when an ordinance is adopted outside of the time and research it takes to write the ordinance it has to go before the Planning and Zoning Commission and the Planning and Zoning Commission then makes a recommendation to the City Council and the City Council has the final say on the adoption of the ordinance. At the Planning and Zoning meeting there was a concern about the hours of operation. There were some that wanted it to only operate as a daytime business, stopping no later than 7:00pm and that's typically the operation of a doggie daycare/ grooming business. We have an operation here that is not typical in my opinion. When it comes to the boarding of dogs there are other legitimate places to board dogs. I just want to make sure that everyone is aware that if there is a suggestion or if any of the applicants come forward and wishing to petition to have this ordinance changed there's a distinct possibility that it could end up being more restrictive than what it is now. I tried to write this ordinance with as much flexibility as possible. I think running three shifts and not doing overnight boarding was

more than adequate. I also believe that if there are temporary situations where a dog had to stay more than two or three days because you are running three shifts 24/7 I don't know if that's really a problem. It wouldn't necessarily be a problem where this location is, but you put this same situation over in a shopping center and you've got a real problem. That's why we made the distinction between stand alone and a shopping center. Up until a couple years ago a veterinary establishment could not operate in a shopping center. That ordinance was changed to allow it. But the sound proofing is extensive. That's where we are with this and that's the reason it was compiled the way it was. Once again, I'll say there is no perfect ordinance, we can't make everybody happy. The whole idea of the ordinance is to protect the public. Board Member Mr. Eric Grant asked, should we ask the applicant to delete the word boarding from this application? Chairman Mr. Ed Wilson stated, I think that it reads under the existing use it says grooming, daycare, and boarding and under the proposed use on the next line down it says grooming and doggie daycare animal services. They did acknowledge that they are currently doing boarding and they did testify that they will comply with the ordinance going forward once they receive their Special Use Permit. Zoning Administrator Mr. Joey Lea stated, based on what I just got through saying, we work on a complaint bases number one. Number two, the other places that she has been and where she is now we had no knowledge of this until she came to us. I forget how she was sent to us, it might have been through the tax department, and normally when a business comes to the tax department and they are not familiar with that type of business they send them to us directly. For the last three or four years we have had people coming to us to do this exact type business. Our ordinance stipulates that if you do not have that type of use listed in our Table of Permitted Uses or we don't have anything close to it, then it can only go into one zoning district and that is a I-3 zone. We have been telling people for the last four or five years, that is the only place you can go. And every one of them went to another town, county, or somewhere else because they couldn't find a place that was suitable; we're talking about commercial locations that butted up to residential districts. All of that was taken into account when this ordinance was written.

**DISCUSSION & FINDING OF FACTS:** Chairman Mr. Ed Wilson stated, we have heard a lot of testimony about the ordinance and why it was written and why it was changed and why it now exists. Again we are not here to deal with that, it's the ordinance as it is and it's up to us to interpret it. We've heard testimony from the Terrell's and testimony from the City and in my opinion they have met the conditions necessary to grant this Special Use Permit. I will say that the long term boarding service they are currently providing and testified that once they receive the Special Use Permit, they will no longer provide long term overnight boarding, but will have and operate on a shift basis, three shifts; therefore allowing them to care for dogs overnight and to take in emergency dogs. That seems to be the biggest sticking point on the ordinance here. Board Member Joyce Lance stated, I think that we are experiencing growing pains with the ordinance. I do not wish to harm this applicant in anyway. Obviously they know what they are doing; they are running a good business and they have plenty of people here to attest to that. I have no problem granting this. I will say though, if we had fifty people here against this, in my mind, we would have a hard time following this ordinance to the letter. Having said that, I defer to the lawyer on the committee because what do I know. These are good folks providing a good service and what's written on a piece of paper is not going to sway me, and like I said, we are darn lucky that all these people are here for this in my opinion. Mr. Lea, if in any way I insulted you regarding the way this is written, I apologize because that is not my point. I'm simply talking about, as Chairman Mr. Ed Wilson said, that we interpret this as written, and I think that is difficult. I'm sure that a lot of work went into this. I don't think you do anything lightly. But I do feel the need to be honest. Board Member Mr. Robert Giles stated, I think the ordinance is written clearly. I don't have a problem with this. I agree with Mr. Lea's interpretation of it, that overnight boarding of animals shall not be permitted. I think that is the definition of overnight boarding so I don't think it conflicts with that.

**DECISION:** Chairman Mr. Ed Wilson stated, I would like to make a motion that the four required conditions for issuing a Special Use Permit in accordance to Section 32.13.B(1)(a) are met due to the following Finding of Fact:

1. **the use will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved;**  
the findings of fact are, the business has been in existence at this location since January and the other finding of fact is the applicant testified in their belief that they would not endanger the public health or safety.
2. **the use meets all required conditions and specifications;**  
the findings of facts are, Mr. Marland and Mr. Lea from the City testified as such and that the applicant also testified that they're willingness to comply with all of the Special restrictions under 32.13.X animal services and most noteworthy over the restriction on the overnight boarding. They did testify they will allow shift care for three shifts and overnight services.
3. **the use will not substantially injure the value of adjoining property or that the use is a public necessity;**  
the findings of fact are, the applicant testified in their belief it will not injure the value of adjoining or abutting properties. Again this business has been operational since January and we have no one here to contest that.
4. **The location and character of the use if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Burlington and its environs;**  
the findings of fact are, the business has been in existence in this location since January and has been operating in this community for four-five years. Also the applicant testified that they believe it is in harmony with the area and again we have no one here to contest this.

Board Member Mr. Eric Grant seconded the motion.

**AYES: Lance, Wilson, Giles, McDevitt, Grant**

**NOES:**

Chairman Mr. Ed Wilson stated, I would like to make a motion to approve the Special Use Permit for Waggin Tails for Amanda and Wendy Terrell located at 778 South Graham Hopedale Road in Burlington, NC due to the previously stated Finding of Facts, and the applicant be required to comply with all of the State and City requirements, and that the applicant/owner shall complete the development according to the plans submitted and approved by this Board and if any of the conditions affixed hereto or any part therefore shall be held invalid or void then this permit shall be void and of no affect.

Board Member Mr. Eric Grant seconded the motion. The board voted unanimously to approve the Special Use Permit.

**AYES: Lance, Wilson, Giles, McDevitt, Grant**

**NOES:**

**ITEM NO. 3:**

**CASE NO. 10-14 – SPECIAL USE PERMIT (CITY)**

**Brandi & Rolland Heagy**

1145 St. Marks Church Rd.

Alamance County Tax Map 3-26A-3

§ Section 32.13.X, Animal Services

**EVIDENCE PRESENTED:** Zoning Enforcement Officer Mr. Chris Marland stated, this business is named Woof Watchers at 1145 Saint Marks Church Road also known as Shoppes at Savannah West. Ms. Heagy has applied for a doggie daycare grooming under the Animal Service section of our ordinance. It's kind of the same thing that you just heard. We have posted it and letters have been sent out. I have received one phone call about it; a gentleman from a shop across the street was wondering what was going on and we explained it to him and he said he had no problem with it. That is all we have heard out of anyone. Chairman Mr. Ed Wilson stated, so this application has been reviewed by the City, do you believe it meets all conditions and specifications. Zoning Enforcement Officer Mr. Chris Marland stated, yes sir.

Chairman Mr. Ed Wilson asked, is this an existing business? Ms. Cindy Becker stated, the doggie daycare is not but the grooming has been in that facility right there for six and a half years. Chairman Mr. Ed Wilson asked, is it called Woof Watchers? Ms. Cindy Becker stated, it was called Barking Bubbles and will merge together if this is approved. Chairman Mr. Ed Wilson asked, so you own and operate Barking Bubbles currently? Ms. Cindy Becker stated, correct. Chairman Mr. Ed Wilson asked, how long have you been doing that? Ms. Cindy Becker stated, since June of 2008. Chairman Mr. Ed Wilson asked, and that was just grooming? Ms. Cindy Becker stated, yes correct just grooming. Board Member Mrs. Joyce Lance asked, your daycare hours will be what? Ms. Cindy Becker stated, 6:00am through 7:00pm. Mrs. Brandi Heagy stated, so it will only be one shift. Board Member Mrs. Joyce Lance asked, any overnight boarding? Mrs. Brandi Heagy stated, no. Board Member Mrs. Joyce Lance asked, any drop ins, any, in the middle of the night stuff, can you come and get our dog and keep it? Ms. Cindy Becker stated, no ma'am. We do have a lady that goes into the home and takes care of the dog several times a week and if we needed to we will use her. Board Member Mrs. Joyce Lance asked, Monday thru Friday, or Saturday, or 7 days a week? Ms. Cindy Becker stated, right now Barking Bubbles is open six days a week. Monday is the only day that we are closed. We will probably be open seven days a week. Chairman Mr. Ed Wilson asked, you are in a multi-tenant facility? Ms. Cindy Becker stated, yes. Chairman Mr. Ed Wilson asked, do you currently comply with the sound proofing requirement of this ordinance? Ms. Cindy Becker stated, we are planning on sound proofing the walls. There wasn't really any directions on what we had to use. Right now I know the walls are thick with insulation in them and so we are planning on putting up sound proofing panels on the wall and if that doesn't take care of it, then there are the baffles that we will hang. Board Member Mrs. Joyce Lance asked, have you had any complaints from your neighbors? Ms. Cindy Becker stated, in the six years we have been there we have never heard a complaint. Board Member Mrs. Joyce Lance asked, if you are at full capacity what is the number of dogs you are licensed to have? Ms. Cindy Becker stated, she has not said. What we will have to have is one employee per ten dogs. Chairman Mr. Ed Wilson asked, that was the State Agriculture Department? Ms. Cindy Becker stated, it is. Board Member Mrs. Joyce Lance asked, is the license you get annual? Ms. Cindy Becker stated, yes. Chairman Mr. Ed Wilson asked, is your facility within 100ft of residential zoned property? Ms. Cindy Becker stated, no sir. Chairman Mr. Ed Wilson asked, are you the only tenant in this multi-tenant that you are in that does dog services? Ms. Cindy Becker stated, yes sir. Board Member Mrs. Joyce Lance asked, have you read every word of this new ordinance? Ms. Cindy Becker stated, yes we have.

Board Member Mrs. Joyce Lance asked, other than the sound proofing that you haven't done yet, is there anything there that is of concern to you? Ms. Cindy Becker stated, no ma'am. Board Member Mrs. Joyce Lance asked, so you are doing all that already? Ms. Cindy Becker stated, we are. Board Member Mrs. Joyce Lance asked, all you are doing is expanding your business? Ms. Cindy Becker stated, yes. Board Member Mrs. Joyce Lance asked, this meets society needs? Ms. Cindy Becker stated, yes, over the years we have had so many customers wanting it. Board Member Mrs. Joyce Lance asked, where is the nearest grooming business? Ms. Cindy Becker stated, right around the corner is Natures Emporium and then Petsmart is down the road. Board Member Mrs. Joyce Lance asked, do you think that your business has or will injure the property value of anybody around you? Ms. Cindy Becker stated, no. Chairman Mr. Ed Wilson asked, do you think it will endanger the public health or safety? Ms. Cindy Becker stated, no sir. Chairman Mr. Ed Wilson asked, do you think it is in harmony with the area? Ms. Cindy Becker stated, yes sir. Chairman Mr. Ed Wilson stated, since there isn't anyone here, there is no public comment. Board Member Mr. David McDevitt asked, would we need to put in there it needs to be sound proofed to comply? Chairman Mr. Ed Wilson stated, I think that it would be up to the enforcement officer to make sure they are following our ordinance. We certainly do have the right to state that again in the motion if we wanted to. Zoning Administrator Mr. Joey Lea stated, our enforcement procedure on this, as she stated, there is no direction on sound proofing. There is no direction on sound proofing for a veterinary establishment. There are standards but it would be hard for us to put that into the ordinance. Our method of operation is going to be complaint based. If we start getting complaints, then however they have it set up now, they will have to do more sound proofing in order to satisfy complaints. Chairman Mr. Ed Wilson stated, so again this board, should it choose to, could require any amount of sound proofing or we could allow for it to flow through the City process. Board Member Mrs. Joyce Lance stated, this is sort of the same thing; it says it will be sound proofed. So you are saying we're not going to do anything unless there is a complaint, so if they have the same sound proofing in place now as the hairdresser next door and the dress shop on the other side and the building is built and everything done the same, this says it's going to be sound proofed but we're not going to worry about any type of enforcement unless someone says we're tired of listening to your barking dogs. Zoning Administrator Mr. Joey Lea stated, that would be correct and the reason for that is normal construction between those walls could meet some type of sound proofing; we have no idea. Chairman Mr. Ed Wilson stated, the applicant did testify they were thick walls and well insulated. Zoning Enforcement Officer Mr. Chris Marland stated, we have also explained this to them about how this would operate if we do get complaints. Board Member Mrs. Joyce Lance stated, if I were a business owner I wouldn't spend money on the sound proofing if there weren't any complaints and you were not enforcing it. Zoning Administrator Mr. Joey Lea stated, I don't think the statement should be that it's not sound proofed. Board Member Mrs. Joyce Lance stated, no additional sound proofing. Zoning Administrator Mr. Joey Lea stated, at this time it doesn't seem necessary. It could be necessary if we receive complaints. Board Member Mrs. Joyce Lance stated, when a building is constructed is that part of the ordinance that there will be any type of sound proofing or can you have a piece of plaster and another piece of plaster on the other side or is there something that is required in these multi-tenant buildings? Zoning Enforcement Officer Mr. Chris Marland stated, there is nothing required for sound proofing per say depending on construction and uses there could be fire rated walls in there that are constructed differently than your typical wall.

**DISCUSSION & FINDING OF FACTS:** Chairman Mr. Ed Wilson stated, this applicant has testified that they are aware and intend to comply with all the conditions of 32.13.X Animal Services. They do not currently do overnight boarding. There will be one shift, 6:00am to 7:00pm. They currently have been in business since June of 2008 providing grooming services and now expanding to include doggie daycare services. We have heard a lot of discussion about the sound proofing and they intend to comply with the sound proofing as well. Board Member

Mrs. Joyce Lance stated, I think this is easy compared to our previous one. I think we worked out a lot of this in our previous discussion. I don't see any problem, they have been there six and a half years, they have an established business and they are expanding their business. I don't see a problem at all.

**DECISION:** Board Member Mrs. Joyce Lance stated, I would like to make a motion that the four required conditions for issuing a Special Use Permit in accordance to Section 32.13.B(1)(a) are met due to the following Finding of Fact:

1. **the use will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved;**  
the findings of fact are, this establishment has been there for six and a half years in the same location. There is nothing in the testimony that would show any endangerment to the public health or safety.
2. **the use meets all required conditions and specifications;**  
the findings of facts are, as stated that this is an established business for six and a half years, so it's only been enhanced to add daycare services and testimony to all city, county and state conditions have been met.
3. **the use will not substantially injure the value of adjoining property or that the use is a public necessity;**  
the findings of fact are, per the applicants testimony they have had many requests for doggie day care and this has become a standard in society today. There is no one here to suggest to us in any way that this will injure the value of adjoining properties.
4. **The location and character of the use if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Burlington and its environs;**  
the findings of fact are, there are other doggie daycares within a reasonable area and as stated this is an established business for six and a half years.

Board Member Mr. David McDevitt seconded the motion.

**AYES: Lance, Wilson, Giles, McDevitt, Grant**

**NOES:**

Board Member Mrs. Joyce Lance stated, I would like to make a motion that this permit for the business named Woof Watchers, the applicant is Brandi Heagy and Cindy Becker to be located at 1145 Saint Marks Church Road suites G and H in Burlington. The applicant shall complete the development in accordance with the previously stated Finding of Facts, and the applicant be required to comply with all of the State and City requirements, and that the applicant/owner shall complete the development according to the plans submitted and approved by this Board and if any of the conditions affixed hereto or any part therefore shall be held invalid or void then this permit shall be void and of no affect.

Board Member Mr. David McDevitt seconded the motion. The board voted unanimously to approve the Special Use Permit.

**AYES: Lance, Wilson, Giles, McDevitt, Grant**

**NOES:**

Board Member Mrs. Joyce Lance stated, I would like to make a motion to amend the address with the additional services of doggie daycare will be in suite E & F. My understanding is that this business now will be in suites E, F, G, and H.

Board Member Mr. Eric Grant seconded the motion. The board voted unanimously to approve the amendment.

**AYES: Lance, Wilson, Giles, McDevitt, Grant**

**NOES:**

**NEW BUSINESS:**

Zoning Administrator Mr. Joey Lea stated, I just wanted to let the board know that we have had several text amendments this past year, I was hoping to get them to you today and I was not able to do that, so by our next meeting, I will get those text amendments to you so that you can update your ordinances.

**MEETING ADJOURNED**

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Ed Wilson, Chairman

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Kelly Peele, Secretary