

TO: Mayor J.B. Lawrence and the Blowing Rock Town Council
FROM: Kevin Rothrock, Planning Director
SUBJECT: CUP 2010-03 Foggy Rock Restaurant – minor amendment
APPLICANT: Burt Myers
DATE: May 5, 2015

REQUEST

Mr. Bert Myers is requesting a minor amendment to the conditional use permit issued for Foggy Rock restaurant to enclose and add a shed roof to the existing deck. The enclosure will match the recent improvements on the restaurant with weathered oak barn siding and metal roofing. The enclosure will not require any additional parking based on the size and the number of seats on the existing deck.

Section 16-4.17.1 of the Land Use Ordinance allows minor design modifications to be approved by Town Council without a formal application or public hearing. The proposed deck enclosure meets this section of the ordinance in that it has no substantial impact on neighboring properties or the general public.

Enclosed are photos of the finished front of the restaurant building, and a photo of the current south side of the building where the deck enclosure is planned. Also attached is a sketch of the proposed enclosure provided by the applicant.

ATTACHMENTS

1. Recorded CUP 2010-03 amendment
2. Photos of existing restaurant
3. Sketch of proposed deck enclosure

NORTH CAROLINA

WATAUGA COUNTY

**MAJOR AMENDMENT
TO TOWN OF BLOWING ROCK CONDITIONAL USE PERMIT
Foggy Rock Restaurant
CUP No. 2010-03
(Amendment to CUP No. 2007-08)**

On the date listed below, the Board of Commissioners of the Town of Blowing Rock considered the following application for a proposed major amendment to the Conditional Use Permit that was previously approved for the Holli's Biscuits Restaurant (CUP No. 2007-08), approved on September 11, 2007, and recorded at Book of Records 1335, Page 761 of the Watauga County Public Registry.

Applicant: Burt Myers

Project Name: Foggy Rock Restaurant

Property Location: 8180 Valley Blvd

Tax Parcel No.: 2817-05-9999-000

Property Owners of Record: 8180 Valley Blvd, LLC.

Proposed Use of Property: Restaurant

Current Zoning Classification of Property: GB, General Business

Meeting Date: September 14, 2010

Having heard all of the evidence and arguments presented at the above-referenced meeting, the Board finds that the application complies with all applicable requirements of the Code of Ordinances of the Town of Blowing Rock, and that, therefore, the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable conditions of the Land Use Code and the following additional conditions:

1. Based on the parking provided, no more than 12 outdoor seats may be used on the existing deck. Any modifications to the deck to bring into compliance with the NC Building Code must be completed prior to use.

2. Any rooftop mechanical and electrical equipment shall be screened from the view of streets and adjacent property. Any other ground-mounted HVAC must be reasonably shielded from adjacent properties by landscaping. The existing propane tank shall be painted, buried, or screened with landscaping and perpetually maintained.

- 3. The Land Use Ordinance requires a total of 33 parking spaces for the proposed project. The Applicant will provide at least 33 spaces on site, including 2 handicap-accessible spaces.
- 4. The restaurant is bound by the restrictions of the Town Code and noise ordinance regarding service and/or consumption of food or beverages outside a fully enclosed structure. In addition, no amplified live outdoor music shall be permitted on site.
- 5. The Applicant shall be responsible for the perpetual maintenance of all trees, plants and landscaping required herein. Any dead, unhealthy, or missing vegetation, or any vegetation disfigured by severe pruning, shall be replaced with new vegetation.
- 6. All sidewalk requirements required through CUP 2007-08 have been completed.
- 7. The dumpster screening shall be painted to match the building materials. Shrubbery shall be added around the sides of the screening to soften the appearance.
- 8. The Applicant is required to comply with the Town Code recycling ordinance and to properly dispose of recyclables.
- 9. Based on the available parking, the basement of the restaurant building may be used for storage and equipment areas only.
- 10. Failure to comply with any provision herein shall subject the Applicant to forfeiture of the Permit and a stop work order on any further construction.
- 11. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this Permit shall be void and of no effect. All conditions of the original conditional use permit (CUP 2007-08) shall remain in effect, except as amended herein.

IN WITNESS WHEREOF, the Town of Blowing Rock has caused this Permit to be issued in its name and the undersigned being property owner(s) and/or agent(s) of the property owner(s) does hereby accept this Conditional Use Permit, together with all of its conditions as binding upon them and their successors in interest.

TOWN OF BLOWING ROCK

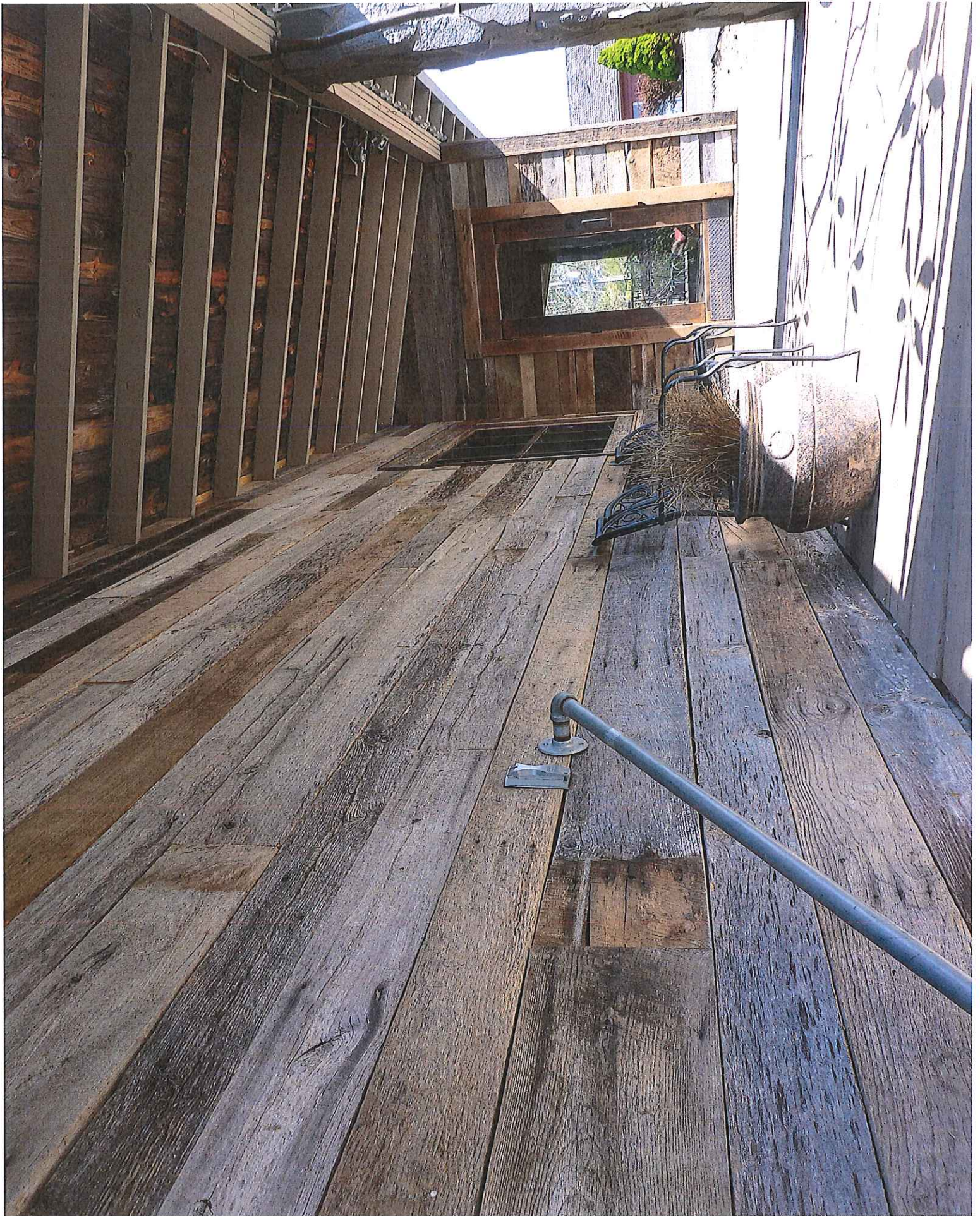
By: _____
 J.B. Lawrence, Mayor

ATTEST: _____
 Sharon H. Greene, Town Clerk

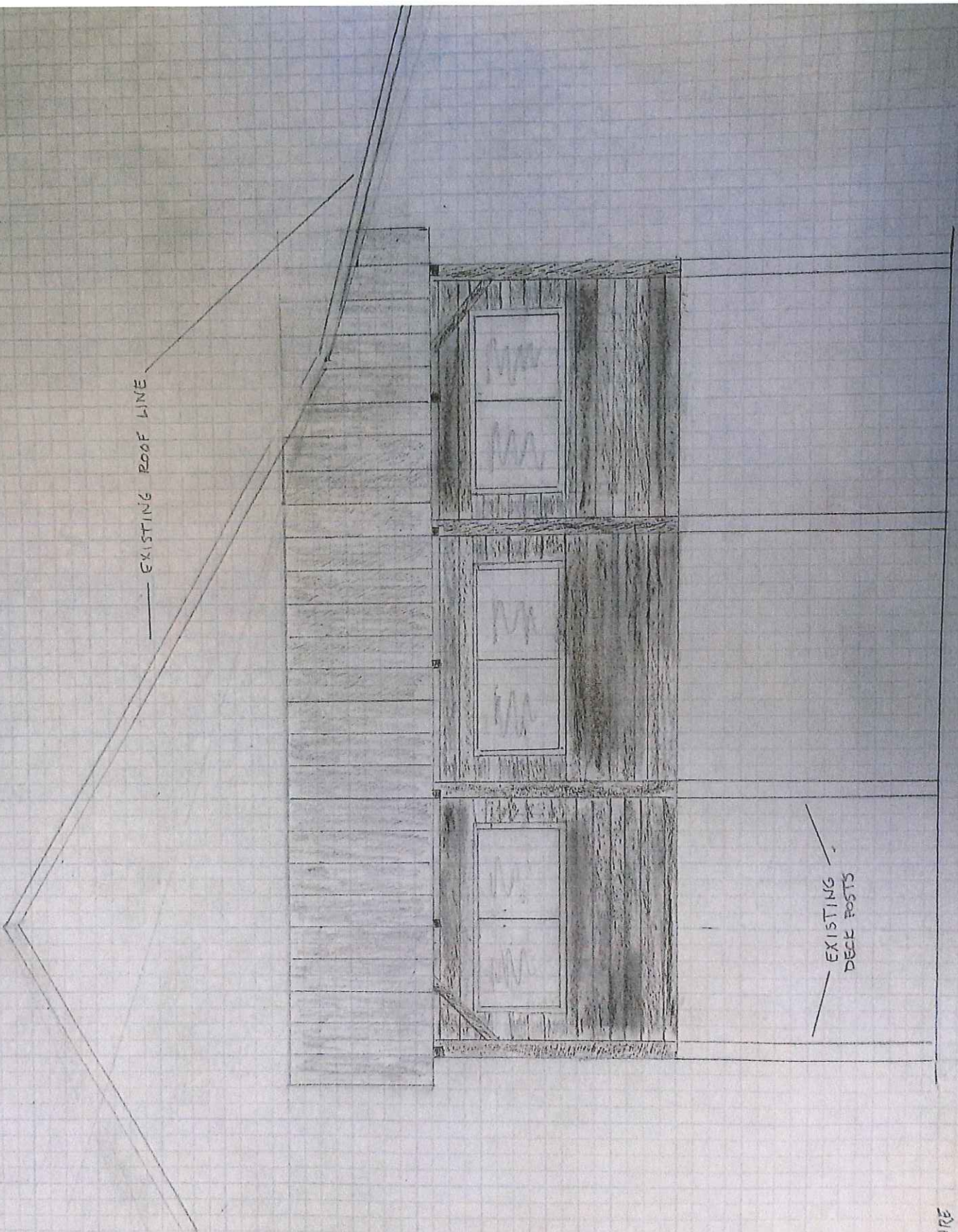
(CORPORATE SEAL)











EXISTING ROOF LINE

EXISTING DECK POSTS

PROPOSED DECK ENCLOSURE
FOGGY ROCK EATERY
GREY BARNWOOD SIDING