

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

R-31-08

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 8th day of September, 2008:

Present:	Vote:
David M. Sparks	Nay
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye

Motion was made by Mr. Evelyn, which carried 4:1, to adopt the following resolution:

**A RESOLUTION TO APPROVE CONDITIONAL USE
PERMIT APPLICATION CUP-01-08, AUTHORIZING THE
INTENSIFICATION OF A HOME OCCUPATION
(MARTIN VENDING PRODUCTS) LOCATED AT
3570 VAIDENS POND ROAD**

WHEREAS, Mr. Randy P. Martin has submitted a "Conditional Use Permit Application" dated 10 July 2008; and

WHEREAS, said application requests a conditional use permit for a home occupation, to authorize the intensification of such occupation, at 3570 Vaidens Pond Road, identified on the New Kent County digital map as GPIN #F24-2288-0633 (Tax Map 44-3-58); and

WHEREAS, said application was formally referred to the New Kent County Planning Commission (the "Planning Commission") in accordance with applicable procedures; and

WHEREAS, within the timeframes established by the Code of Virginia and New Kent County Code, the Planning Commission scheduled and conducted a formal and duly advertised public hearing on 18 August 2008, and carefully considered the application and conditions; and

WHEREAS, the Planning Commission voted 7:0:1 to forward the subject application to the New Kent County Board of Supervisors ("the Board of Supervisors") with a favorable recommendation; and

WHEREAS, this application has been advertised for public hearing before the Board of Supervisors in full accord with applicable provisions of the Code of Virginia; and

WHEREAS, approval of the request through the adoption of this Resolution will further the public necessity, convenience, general welfare, and good zoning practices in the County of New Kent; and

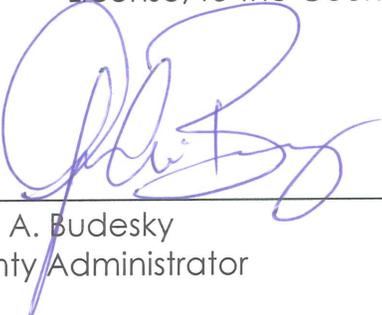
WHEREAS, the Board of Supervisors has found the following, with regard to this application:

- The proposal is not prejudicial to the character of the neighborhood.
- The proposed use, in this location, will not adversely affect the general plans for the physical development of the County as embodied in the Comprehensive Plan.
- The proposed use will encourage economic development activities that provide desirable employment and enlarge the County's tax base.
- The application is generally in conformance with the New Kent County Comprehensive Plan, "Vision 2020".
- The proposed use, with accompanying conditions, will not be detrimental to the use or development of adjacent properties or the general neighborhood, nor will it impair the value of buildings or property in surrounding areas.

NOW THEREFORE BE IT RESOLVED this, the 8th day of September 2008, by the New Kent County Board of Supervisors, that application CUP-01-08 be, and it hereby is, approved, subject to the following conditions:

1. This Conditional Use Permit shall authorize the conduct of a vending machine services business as a home occupation on property located at 3570 Vaidens Pond Road, and further identified as Tax Parcel F24-2288-0633 on the New Kent County Geographic Information System digital map.
2. Within two (2) years from the date of board approval of CUP-01-08, the property owner shall relocate the business to a parcel in New Kent County, having a zoning classification that permits this business. At such time, this Conditional Use Permit will become void.

3. There will be no expansion of the existing 588 square feet of office/storage space within the home or garage that is used for purposes of conducting the home occupation.
4. There will be no expansion of the existing 400 square foot parking area that is used for purposes of conducting the home occupation.
5. The hours of operation shall be limited to the period between 7:30 a.m. and 6:00 p.m., Monday through Friday, and 7:30 a.m. and 2:00 p.m. on Saturday.
6. No more than three (3) non-resident employees may be employed on the site.
7. The property owner shall contribute to the organization that maintains Vaidens Pond Road, the amount of \$20 per month (mutually agreed upon) that will cover the cost of maintaining Vaidens Pond Road from the intersection with North Waterside Drive (Route 627) to the owner's driveway, for a period of two (2) years.
8. All site lighting shall utilize full "cut-off" fixtures and luminaires that prevent upward light scatter and preserve the dark night sky. Luminaires shall be installed to prevent direct glare into adjacent properties and rights-of-way.
9. All loading areas and parking areas shall be screened from view of all streets and residential properties by landscaping supplemented by privacy fencing.
10. The applicant shall, within one (1) week of CUP-01-08 approval, submit an application for a Certificate of Zoning (Home Occupation) and an application for a New Kent County Business License, to the County.



John A. Budesky
County Administrator



James H. Burrell
Chairman