

Minutes of the Yadkin County Board of Adjustment

June 9, 2014

Board Members Present:

Richard Foster- Chair
Gray Gentry
Landon Wagoner
Tim Swain

Board Members Absent:

Jeff Smith –Vice chair
Charles Collins- Alternate

Staff Present:

Mike Poston, Director of Planning and Development
Dawn Vallieres, County Planner

Guests Present:

Julie Santuccio	Melissa King	Debbie Evans
James Davis	Jim Whitaker	Jon Davis
Rob Lease	Edith Holcomb	Phillip Hoots

Call to Order

Chairman Foster called the June 9, 2014 meeting of the Yadkin County Board of Adjustment to order at approximately 6:05 PM. Attendance and quorum were noted. Alternate Dale Holcomb was made a voting member for this meeting.

Approval of Minutes

Chairman Foster called for a vote to approve the minutes of the April 14, 2014 meeting. Tim Swain made a motion to approve, Dale Holcomb seconded. The Board voted to approve the minutes 5-0.

The Board Adjourned the Regular Meeting to hold three Public Hearings. Chairman Richard Foster asked if everyone wishing to speak had signed in. He then affirmed all those who planned on speaking.

Public Hearing- Pam Richards on Pea Ridge Pass Rd

Conditional Use Permit Application- Article 17 Conditional Uses. Section 8. Modular dwelling in a Highway Business zone.

Chairman Richard Foster asked if anyone wished to speak for the proposal. James Davis of Clayton Homes spoke. We are trying to get a modular home installed on this property but it is zoned for business. A modular home has to be on a permanent foundation or crawl space just like a house. When it is set up it is deeded like a house. It is done as real estate. Not like a doublewide, a double wide can always be moved because it has a frame.

Chairman Richard Foster covered some differences between a manufactured home and modular

home. Manufactured homes are titled as personal property. They are not permanently attached to the property. Modular homes are considered real property as opposed to personal property.

Director Michael Poston spoke on the State of North Carolina laws regarding modular and stick built housing.

Will this come in multiple units? Yes, it will. Two halves but it will be on a rollback/ flat bed truck.

What is the roof pitch? James Davis had to look it up. It is a six twelve roof pitch.

Chairman Richard Foster asked if anyone wished to speak against the proposal.

Jim Whitaker came forward. He was there to represent an adjacent property owner, his mother Gail Whitaker. On the property owner's behalf he does oppose the intended use and stated that the 2011 Land Use Plan says that the subject property in a rural area is intended to remain as such. The development plan specifically says "maintain rural character, preserve agricultural use and family farms, and limit the proliferation of manufactured housing" so it would seem that this use is inconsistent with the Land Use Plan.

Secondly, he also looked at the Zoning Ordinance and the zoning for this particular land use type, the Rural Agriculture district, is designed to prevent intrusion of non-agriculture land uses which might create a nuisance or detract from quality of life.

From the adjacent property owner perspective, it appears that the requested change in use is inconsistent with the County's planning guidelines and that the requested change in use will not only change the quality of life in a negative manner, but also perhaps devalue the property. So the adjacent property owner's request is to deny the petition.

Chairman Richard Foster commented that the thrust of that is the statement of the Land Use Plan regarding changing the flavor of the neighborhood. It is your position that moving one modular home onto 2.9 acres of land will change that?

Jim Whitaker stated that yes, it is currently agricultural use today. He described the area as rolling hills, trees, fields, farms, outbuildings.

Is that piece of property currently being cultivated? No, it is not.

Julie Santuccio spoke for the use. She and her sister own the land. They had received it from their grandmother. They have had it for sale for awhile. We did offer this land to all the adjacent landowners. They all refused. After that they put it on the market. They have an offer. It will not be a single wide trailer that will devalue the property. The land is not being cultivated. No one has been interested in cultivating the property.

Jim Whitaker said that there had been an attempt to negotiate a fair and reasonable price but the parties could not come to terms on a sale price.

Chairman Richard Foster asked if anyone else wished to speak either for or against this project?

No one came forward. The Board concluded the public hearing on the Pam Richards modular dwelling on Pea Ridge Pass Road public hearing.

Public Hearing- Debbie Evans on Legans Rd

Conditional Use Permit Application- Article 17 Conditional Uses. Section 8. Kennel in a Rural Agricultural zone.

Debbie Evans spoke. She currently has a dog boarding/grooming facility. She has outgrown the facility and needs a larger building to better serve her clients.

How long have you been in business? She has been grooming for over 20 years but received her boarding license this year.

Debbie Evans stated that she had already spoken to NCDOT, to Mr. Riggins, about a commercial driveway. He has visited the property, seen the plans, and he said there would not be a problem.

Do you currently own the property? Yes.

Have you had the septic tested? Not since they built their house.

Do you live on the property? Yes, we do.

The location was discussed. It is off of Ray T. Moore Road. There are several acres of trees on all sides of their location.

Chairman Richard Foster asked if anyone else wished to speak for this item?

A Board member asked about the size of the building? 40' by 80 is shown on the plan.

Does this include the runs? Yes, and grooming area, a handicapped bathroom and a waiting area. There is a parking area designated as well.

Chairman Richard Foster asked if anyone else wished to speak against this?

Mr. Phillip Hoots came forward. He owns property across the road and to the east. There are about six acres between him and the applicant. He wanted to find out more information. He was concerned about the noise ordinance and if a dog kennel would decrease the value of the land. The applicant had already been boarding dogs before and he did not know if they were being turned loose or getting loose. He was just speaking against it.

Have you seen dogs loose? Yes.

Ms. Evans stated that any loose dogs were not from her business.

A Board member asked where he lived in relation to this? Mr. Hoots said it was probably about nine acres away but he could go out the door of his house and dogs would start barking.

Board members asked several questions about the site plan. Staff pulled up an aerial to show where Mr. Hoots lives in relation to the applicant's property.

Chairman Richard Foster asked if anyone else wished to speak for or against this proposal? No one came forward. The Board closed the public hearing for the Debbie Evans kennel at 1849 Legans Road.

Public Hearing- Ted Ashley/Strata Solar- Solar Farm on Old U.S. 421 Hwy

Conditional Use Permit Application- Article 17 Conditional Uses. Section 8. Solar Farm for Ted Ashley/ Strata Solar at 4716 West Old U.S. 421 Hwy., Hamptonville, NC 27020

This project was already before the Board and it was approved and now it comes before us as a modification.

Staff stated that there had been a decrease from 35 acres to 31 acres. Duke Power tie in required a reduction from 5 megawatts to 4 megawatts. It has to do with the substation capacity.

Chairman Foster asked if the applicant wished to speak.

Rob Lease spoke on behalf of Strata Solar. After they received approval from the Board, they received notice from Duke Power that it would only be 4 megawatts due to the capacity of the substation. They only have 30 days after Duke issues an interconnection agreement which is why they typically ask for the Conditional Use Permit before the interconnection agreement is finished.

Chairman Richard Foster asked if anyone else wished to speak for or against this proposal? No one came forward. The Board closed the public hearing for the Old U.S. 421 Hwy Solar Farm and reconvened to the regular Board meeting.

Regular Board Meeting

Staff gave a presentation on the Pam Richards application.

Board members asked several questions about the area, the setbacks, buffering requirements, neighboring uses, and the existing shed on the property.

A Board member asked if there was a reason that it was zoned highway business. Director Michael Poston spoke on this. This area has actually been commercial since zoning was instituted in 2003. There has been no request to change it. Once the area was initially zoned all the residences became nonconforming and are grandfathered in. It is in the Land Use Plan as a commercial corridor. Because that property is commercial there is a whole list of by right commercial uses that were shown in the presentation.

Are there any commercial uses now? There is one slightly up the road on Wilkes Yadkin Highway. It was a convenience store/ gas station but it is closed now. There is another building to the east on Pea Ridge Pass that was a store but is now used as residential.

Chairman Foster asked if any Board member wanted to make a motion regarding the project.

Tim Swain made a motion to approve. Gray Gentry seconded. Discussion ensued.

Chairman Foster spoke on the original enactment of zoning. The intent of the committee was to identify areas that could be used as commercial, therefore if someone wished to come in and add to the tax base, the zoning would already be there. The result of it is that the growth areas have been in conflict with the way the people actually use the property.

A Board member asked what would happen if there was a fire or something catastrophic was to happen. Staff replied that for any building with nonconforming status the owners have three months to get permits to rebuild and six months to start rebuilding. If it is longer than that then they could apply for reestablishment of a nonconforming use. This one would be a little bit different because they are applying for a conditional use permit. A conditional use permit runs with the land so there is a permit to have this as long as they meet the standards.

The buffer was discussed. It is usually required on property lines, typically not along road right of ways because it is separated, and the concern of potentially putting a buffer in the sight triangle. If the Board does feel that additional buffering is needed than the Board could require additional buffering.

The driveway accessing both roads was questioned. It was not required but several houses in the area have driveways that do access both roads.

There being a motion on the table...the vote was 4-1 to approve.

For- Foster, Gentry, Holcomb, Swain

Against- Wagoner

Staff gave a presentation on the Debbie Evans application.

Will this be a fully enclosed building? There will be an enclosed building and there will be out door runs. The dogs will be put up, they will not be outside at all times.

The Board felt that there should be a consideration of a buffer to help with the noise.

Which side will the runs be on? There will be 10 runs on the east and 10 runs on the west side of the building. The plan was looked, at including the location of the applicant's house and Mr. Phillip Hoots house. Buffering was discussed further.

Landon Wagoner stated that he is currently employed by Mr. Hoots brother and feels that he needs to be recused. Tim Swain made a motion to recuse Landon Wagoner. Dale Holcomb seconded. The Board voted 4-0 to recuse Landon Wagoner.

Tim Swain made a motion to approve the kennel with the condition that two rows of staggered pines be planted on the eastern side of the dog runs immediately adjacent to the runs.

Dale Holcomb seconded the motion.

There being a motion on the table...the vote was 4-0 to approve.

For- Foster, Gentry, Holcomb, Swain

Abstaining- Wagoner

Staff gave a presentation on the Ted Ashley/Strata Solar application.

Board members discussed requiring a buffer closer to the fence line due to the distance of the existing buffer from the solar panels.

Chairman Foster asked if the Board wished to entertain a motion...Gray Gentry made a motion to approve the conditional use for a solar farm with the conditions that additional buffering be planted immediately adjacent to the operational fence line and a that a survey showing the required buffer be recorded with the lease documents; Tim Swain seconded the motion.

There being a motion on the table...the vote was 5-0 to approve.

Adjournment

With no other business to discuss, a motion to adjourn was made and seconded, the vote passed unanimously 5-0, and the meeting was adjourned at approximately 7:00 p.m.

Respectfully Submitted,

Dawn Vallieres, Secretary to the Board

Approved on _____