

Minutes of the Yadkin County Board of Adjustment

June 8, 2015

Board Members Present:

Richard Foster- Chair
Dale Holcomb
Jeff Smith –Vice chair
Tim Swain
Charles Collins- Alternate

Board Members Absent:

Scott Pipes- Alternate

Staff Present:

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

Guests Present:

Mark Casstevens
Susan Cranford

Call to Order

Chairman Foster called the June 8, 2015 meeting of the Yadkin County Board of Adjustment to order at approximately 6:00 PM. Attendance and quorum were noted. Alternate Charles Collins was made a regular member for this meeting.

The minutes from the April 13th meeting was moved to be the last agenda item.

The Board Adjourned the Regular Meeting to hold a Public Hearing. Chairman Richard Foster asked the guests if they had signed in. They had. Everyone who wished to speak was sworn in.

Public Hearing- Jay & Laura Staley

Conditional Use Permit-Jay & Laura Staley -Article 17- Residential in Highway Business

Chairman Richard Foster asked if anyone wished to speak for the proposal. Susan Cranford came forward. She is the applicant's mother. She read a letter from the applicants explaining that they had been gifted the property from applicant's father. They wanted to place a home on the property to be closer to the Forbush Kitchen which is owned by the applicant's father. They will be taking over running the restaurant. The letter was submitted as part of the record.

Double setbacks on the site plan were discussed. The right-of-way was discussed.

Chairman Richard Foster asked if anyone else wished to speak in favor of this project. No one came forward.

Chairman Richard Foster asked twice if anyone wished to speak against this project. No one came forward.

The Board concluded the public hearing on the Jay & Laura Staley Conditional Use Permit request.

Regular Board Meeting

Chairman Richard Foster asked the Board if there was any discussion on the request.

Director Mike Poston stated that staff had mailed notices to all adjacent property owners, advertised the hearing and posted the property. Staff has the suggested Findings of Facts that the Board should speak to.

The Board went through the items. Staff showed additional slides. The driveway to the existing house on the property was shown, and where they propose to put the new driveway.

The buffering was asked about. There is more than twenty feet of natural wooded area surrounding the property. The mix of nearby zoning was covered.

The general standards were covered.

Jeff Smith made a motion to approve the Conditional Use Permit request. Tim Swain seconded. There being a motion on the table...the vote was 5-0 to approve the Conditional Use Permit for a residence in a highway business zone.

Public Hearing- Mark Casstevens

Conditional Use Permit-Mark Casstevens -Article 17-Expansion of a Nonconforming Use

Mark Casstevens came forward. The Board asked about property lines. The applicant is buying a portion of the adjacent property owned by his sister and combining a portion of the house lot into the business lot.

The Board asked about the zoning. When zoning was instituted, apparently, the house was zoned as community business while the two parcels that the business is actually on were zoned rural agriculture. Rezoning the property in the future was discussed. Applicant may do that to clear up the issue.

The timeline of applicant's building plans was discussed. He wants to get this building in as quickly as possible.

Is this building big enough to get RVs in? The applicant replied, yes. Applicant did not intend for this to grow but his business has been expanding.

The nonconforming status of his house was discussed. The house was made nonconforming when zoning was instituted and the property was zoned community business.

All of this property will be combined into one lot. The site plan was discussed. Ownership of the property and recombining the portions of land were discussed. The time frame to get the portion of the adjoining property conveyed was discussed.

Is the remainder of the back parcel of land landlocked? An easement was discussed.

Staff pointed out that the portions of the lots had to be recombined in order to meet setbacks which would have to be done before applicant can get the zoning and building permits.

The public hearing was closed.

Regular Board Meeting

A Board member asked about the buffering. With an expansion of a nonconforming use, since it is an existing use there is not a requirement in the zoning ordinance for a buffer. Staff stated that the Board has the authority to add an additional condition that buffering is needed. Since it is an existing business, staff would not require it. The Board suggested that the lot line be moved to encompass at least 20 feet of the natural wooded area to act as a buffer. Staff suggested that the Board could offer applicant the option to either install a buffer or to move the lot line into the natural wooded area.

The remainder of the back parcel was discussed. If it is currently landlocked, there is no requirement to provide an easement. The Board did feel that it would be beneficial to take care of the easement as soon as possible.

Future ownership of the buffer if it is not included in the parcel that the business is on was discussed. If that parcel ever went to a different owner, then the new owner could potentially remove the buffer.

Tim Swain made a motion to approve the Conditional Use Permit request as long as the right of way is created to go into Tamera Shore's property PIN# 489800971016 and the new lot line is moved twenty feet into Tamera Shore's property PIN# 489800971016.

Mike Poston asked the Board if they would like to recommend as opposed to require.

Due to the potential value of commercial property, the Board felt that it was in applicant's best interest to have the right of way created now.

Charles Collins seconded.

There being a motion on the table...the vote was 5-0 to approve the Conditional Use Permit for expansion of a nonconforming use.

Approval of Minutes

On occasions when we have multiple public hearings, the Board discussed separating the minutes for each case.

Staff updated the Board on the appeal of the Mackie/Johnson application for a change of a nonconforming use.

Chairman Foster called for a vote to approve the minutes of the April 13, 2015 meeting as amended by reformatting. Tim Swain made a motion to approve, Jeff Smith seconded. The Board voted to approve the minutes 5-0.

Director Michael Poston covered the changes to the ordinance that were approved by the County Commissioners. These included small shops size increasing to 1500 sq ft.

Gray Gentry's term has expired. We are going to ask Scott Pipes if he would like to be made a regular voting member.

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 7:15 p.m.

Respectfully Submitted,
Dawn Vallieres, Secretary to the Board

Approved on _____