

Minutes of the Yadkin County Board of Adjustment

January 11, 2016

Board Members Present:

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

Board Members Absent:

Staff Present:

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

Guests Present:

Sid Autry
John Mills

Joyce Pappas

Greg Cooper

Call to Order

Chairman Foster called the January 11, 2016 meeting of the Yadkin County Board of Adjustment to order at approximately 6:00 PM. Attendance and quorum were noted. No alternates were needed tonight.

Approval of Minutes

Tim Swain made a motion to approve the minutes from the November 9th 2015 meeting as submitted. Jeff Smith seconded. Motion was approved 5-0.

The requirement that variances must have a four fifths vote was discussed. Chairman Richard Foster asked the guests if they had signed in. They had. Everyone who wished to speak was sworn in. Chairman Richard Foster explained the quasi-judicial nature of the Board of Adjustment. The Board suspended the Regular Meeting to hold a Public Hearing.

Public Hearing- Richard Moles

Variance-Richard Moles/ John Mills -Article 12-Dimensional Requirements Table

Chairman Richard Foster asked if anyone wished to speak for the proposal. John Mills came forward. He works for Clayton Homes. In October they went to set up a singlewide manufactured home on Charlies Drive. The surveyor staked off the four corners to cut an acre off the two acre tract. Clayton Homes was doing this for the buyers, Richard and Scarlett Moles. Sometime between the surveyor staking the property and him going out to measure, it appears that the stakes were moved from the irons. Apparently, the next door neighbor had moved the stakes when he mowed. John Mills had assumed the stakes were correct. He had looked for the irons but not finding any he used the stakes. The mortgage company required an as built placement survey. When the as built survey was done that was when they discovered the porch was six feet off. The surveyor came back out and that was when they figured out the stakes had not been at the irons. It was not his intention to make a mistake and now he is trying to correct it.

Director Mike Poston said the home meets the setbacks. It's the covered deck that encroaches into the setback.

A Board member asked why they do not use the irons? Because flags can be moved by anyone at any time.

John Mills answered that that was true. It was an oversight on his part. It was totally his fault. He had texted the surveyor to ask why he used stakes instead of irons but did not receive a reply. He is not playing ignorant but he had never had that question posed to him before. All four corners were staked. He had no reason to question that that wasn't what he was looking at. He went with the flags because they were fresh wooden stakes.

A Board member asked if he tried to line up with the two stakes at the road and you were off by six feet? John Mills replied that by his calculations he had two feet to spare. By his calculations he was within two feet of where he needed to be...he had two feet to spare. It was only after he was shown the iron that was driven into the ground that he realized his measurements were incorrect.

A Board member asked how far he thought he was off the property line? John Mills said by his calculations the edge of the porch was 42 feet off the property line.

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

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

The Board concluded the public hearing on the Richard Moles variance request.

Regular Board Meeting

Staff gave a presentation on the proposal. Staff mailed notices to all adjacent property owners, advertised the hearing and posted the property.

The location was discussed. It is off Union Hill Road on the outskirts of East Bend. It is on a private dead end road off of another private road.

Director Mike Poston stated that staff had prepared suggested Findings of Fact and discussed the standards.

Chairman Richard Foster read the four applicable standards.

Tim Swain made a motion to approve the Variance request. Scott Pipes seconded

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

A Board member discussed a previous variance case in which the applicant had kept adding on to his house and went six feet over. The young man was sent to purchase land to eliminate the setback issue instead of getting a variance.

Another case had an electric pole in the way. The mobile home couldn't be moved where it was at. Again it was not meeting the requirements. If you would have used an iron or allowed more than two feet of error then we wouldn't be sitting here either telling you as a company that you have to move it and rebuild it or causing a hardship on a property owner.

We keep giving these variances for mistakes that are being made. Our job is to look at this on its own merit but also to protect the people that are coming after this case. He is concerned with granting approval because it should have been measured from an iron not a wood stake.

Director Mike Poston asked if the Board would like to go through the standards 1-4.

The Board discussed the standards. The owner did not make the mistake. Clayton Homes did.

He is on a dead end street. A Board member said that he did agree that that mitigates it.

A Board member discussed a project he had worked on. In Elkin, there is a front setback; every house is over that setback line. It wasn't anything due to the property owner. The inspector said it was fine. But when it came to the bank to finance it becomes a hardship on the property owner. This leaves the property owner in the middle not knowing what to do. This being a dead end private street, not DOT, due to the hardship...that it was Clayton Homes responsibility. That means that the property owner can't have a front porch. I think that's a hardship on the property owner.

Director Mike Poston stated that the ordinance does allow for stoops and uncovered porches to infringe upon the setbacks.

Staff read from the ordinance:

ARTICLE 14. EXCEPTIONS AND MODIFICATIONS

Section 2. Other Yard Modifications

Where through lots occur, the required front yard shall be provided on both streets. Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies and similar features, and uncovered porches may not project more than four (4) feet into any required yard setback.

The fact that this porch is covered and is six feet on one side prevents staff from handling this administratively.

A Board member said that he felt it was an honest mistake. In the future Clayton Homes needs to be more careful or allow more room. We are dealing with an outside force, the person moving the stakes. He didn't see a problem with letting it go like it is. Clayton may want to allow a little more setback in the future. The surveyor should have called back but he does understand that an attempt was made to contact the surveyor.

There being a motion on the table...the vote was 4-1 (Richard Foster against) to approve the Variance application reducing the front setback 6 feet.

Public Hearing- Joyce Pappas/ Holly Ridge Campground Expansion.

Conditional Use Permit-Holly Ridge Campground. -Article 15 - Expansion of a Nonconforming Use

Chairman Richard Foster asked if anyone wished to speak in favor of the proposal. Greg Cooper came forward. He said they were blessed to be in Yadkin County and they wanted to expand the campground. He spoke about the history of the business. They are blessed to be on good soil. We would like to minimally destroy the environment, if we could, and use an abandoned hayfield in the back, just snuggle right in and be comfortable.

The Board discussed the site plan and site access. On site amenities were discussed. The Yadkin Surry electric power line easement was discussed at length. The site plan shows 50 feet off the easement. If they do not have to be 50 feet off the easement then it would be environmentally better than placing sites beyond the electric easement. The standards require 50 feet off public and private rights-of-way and property lines not easements. Staff checked the ordinance to confirm. There was discussion on where the sites would be placed if they do not have to be placed north of the power line easement.

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

Chairman Richard Foster asked twice if anyone wished to speak against the proposed change. No one came forward.

The Board concluded the public hearing on Holly Ridge Campground Conditional Use Permit request.

Regular Board Meeting

Staff gave a presentation on proposal.

Tim Swain made a motion to approve the Conditional Use Permit request as shown or revised due to not needing to be 50' off the utility easement. Scott Pipes seconded.

The Board asked Mr. Cooper about grading. Cooper replied that they would be doing as little grading as possible, especially if they can place sites south of the easement there will not be much. The requirements for an erosion control plan were discussed. Septic locations were discussed.

The Board discussed the standards for an expansion of a nonconformity.

There being a motion on the table...the vote was 5-0 to approve the Conditional Use Permit for expansion of a nonconforming use to allow an additional fourteen RV spaces at the existing campground/RV park.

Public Hearing- Shacktown Church of Christ

Variance-Steve Johnson/Shacktown Church of Christ -Article 12-Dimensional Requirements Table

Chairman Richard Foster asked if anyone wished to speak for the proposal. Sid Autry came forward. He completed a survey for Shacktown Church of Christ. They would like to add some handicapped bathrooms. The existing bathrooms are located at the front of the church. When the building was built there were no ADA requirements. They are trying to bring the restrooms in compliance with ADA. They currently have two church members in wheelchairs. They would like to bring the building forward an additional nine feet, then move the existing open steps forward. The new building would be about 31' from the right of way. Everything would be behind the Bartlett pears and utility lines located in front of the church. Nothing they are doing here will encroach on NCDOT sight triangle for the intersection.

A Board member asked if he would be the contractor? No. Mr. Autry had been hired to do the site plan.

A Board member asked about connecting on the left? The bathrooms are split on either side of the entrance. Women's on one side, men's on the other.

The site plan was discussed.

Chairman Richard Foster asked if anyone else wished to speak in favor of variance. No one came forward. Chairman Richard Foster asked twice if anyone wished to speak against the variance. No one came forward.

The Board concluded the public hearing on the Shacktown Church of Christ variance request.

Regular Board Meeting

Staff gave a presentation on the proposal. Staff mailed notices to all adjacent property owners, advertised the hearing and posted the property.

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

The general standards were covered. Tim Swain made a motion to approve the Variance request. Scott Pipes seconded.

There being a motion on the table...the vote was 5-0 to approve the Variance application reducing the front setback for Shacktown Church of Christ to install handicapped accessible bathrooms.

Chairman Richard Foster discussed recent changes to the solar farm tax incentives at the state level.

The 2016 Meeting Schedule was voted on. Tim Swain made a motion to approve. Richard Foster seconded. The vote was 5-0.

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 7:57 p.m.

Respectfully Submitted,
Dawn Vallieres, Secretary to the Board

Approved on _____