

Minutes of the Yadkin County Board of Adjustment

June 13, 2016

Board Members Present:

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

Board Members Absent:

Scott Pipes
Charles Collins- Alternate

Staff Present:

Dawn Vallieres, Planning Director

Guests Present:

Pamela Abell	Marcelle Clavette	Michael Potter
Scott Spurlock	Donna Spurlock	

Call to Order

Chairman Foster called the March 14, 2016 meeting of the Yadkin County Board of Adjustment to order at approximately 6:02 PM. Attendance and quorum were noted.

Chairman Richard Foster asked the guests if they had signed in. They had.

Approval of Minutes

Tim Swain made a motion to accept the minutes as submitted from the March 14, 2016 meeting as submitted. Jeff Smith seconded. Motion was approved 4-0.

There was discussion about the petition. Director Dawn Vallieres explained that it is a resumption of a nonconformity. There used to be a singlewide mobile home on there. It was there until 2010. But the property is zoned Residential Limited so the county would only allow doublewides, stick built or modular. There had been a singlewide on the property up until 2010. The singlewide had been put in before 2003 when zoning was instituted.

Chairman Richard Foster asked if when the property was developed there were restrictions?

Planning director Dawn Vallieres answered that there were but they did not restrict manufactured homes.

Chairman Richard Foster asked so at the time it was put on the property it met those restrictions and it met our restrictions because it was pre-zoning?

The property was developed prior to zoning. So we (the county) did not have any restrictions, as far as being a singlewide it met the covenants, the private covenants. As far as the setbacks I'm not sure if it did meet the setbacks or not. I had included the 2010 aerial and it looks like it's awfully close but those property lines are not completely accurate on the GIS.

But the property was developed prior to zoning so the singlewide was grandfathered in. Right. Under the zoning regulations.

The covenants do not say anything about singlewide or doublewide. Manufactured homes are permitted per the covenants but the county does not enforce private covenants. That is something between the land owners and the developers.

Chairman Richard Foster said so we are here because it was a nonconforming use in order to continue a nonconforming use it takes approval by the Board of Adjustment.

If the singlewide was still on there the use could continue but they took the singlewide off and it has been more than a year.

So if they had a lot and have a singlewide they could just pull that on off and put another on it they would just have to do the underpinning to get power turned on. Yes. But because it has been over a year ...how long is the grandfather status good for?

Planning director Dawn Vallieres stated that they have one year to continue it. If they had taken the singlewide off and put another singlewide in the same place they could have continued and just gotten regular permits which could have been approved administratively.

How long is the nonconforming status good for? The ordinance does not speak to that.

They moved it out in 2010 so it's been gone for 4 or 5 years. The nonconforming ceased to exist at the time they pulled it out? After one year. The ordinance gives them one year to resume the use.

After a year they have to come before the board of adjustment.

It is not a continuance, it is a resumption.

Chairman Foster pointed out that the site plan did not have a vicinity map. Usually the survey has the vicinity map. Board members discussed the location and area.

The Board Adjourned the Regular Meeting to hold a Public Hearing.

Public Hearing- Terry & Louise Wagoner/CMH, Inc.

Conditional Use Permit- Terry & Louise Wagoner/CMH, Inc. -Article 17- Resumption of a Nonconforming Single-wide manufactured home in Residential Limited.

Chairman Richard Foster explained the quasi-judicial process. Everyone who wished to speak was sworn in. Chairman Richard Foster asked if anyone wished to speak for the proposal.

Marcelle Clavette spoke. She is a representative from CMH, Clayton Mobile Homes. She is here on behalf of Mr. Amer Abell who is proposing to put the 16 by 76 singlewide home on the property. It would be ordered brand new. If you have any logistical questions about the home or

the process she will be happy to answer. She has been out on site to flag it. She is the project manager for Clayton Homes in charge of all the construction.

Pamela Abell spoke. They were the first in the neighborhood. Her doublewide has been in since 1987. Her son was born and raised there. Her son has cleaned this lot up. It was overgrown, very dirty, and had trash all over it. And is very much looking forward to resuming living there.

A Board member asked where her home is in relation to this site?

Her home's location was discussed. She is the one beside Michael Potter.

Chairman Richard Foster asked if there was anyone else who would like to speak in favor of the proposal?

Michal Potter spoke. He lives at 3839 Meadow Lane. He is gone a lot, he spoke about his job. He's known Amer for a long while. He's a really good kid. It would make him feel better knowing that Amer is one of his neighbors. The property right next to him is a rental, sometimes there's problems there, sometimes there isn't. He would like to see someone that has a vested interest move in there. He has noticed over the years that as the neighborhood has become more transient the trash problem has gotten worse.

Chairman Richard Foster asked twice if there was anyone else who would like to speak for?
No one came forward.

Chairman Richard Foster asked if there was anyone who would like to speak against the proposal?

Donna Spurlock spoke. She is representing her daughter who lives beside Michael Potter's land. They wrote this letter.

A Board member asked where her daughter's property was located? Holland, almost across the road. (The area map was looked at)

The letter was submitted to the board. Ms. Spurlock continued. They wrote this letter because they don't want to let the property values drop. They're under the same impression that we are, we live at 3920. When we bought our land Mr. Dinkins told us only doublewides were allowed. Everybody in there has a nice doublewide with brick underpinning. They don't want to see their property values go down because of singlewides.

Scott Spurlock spoke. It is a nice quiet neighborhood. They invest a lot of their time in their yard. There is a lot of trash that accumulates. He personally has cleaned up the road more than once. He is relieved to know there is going to be a new home there. He is somewhat torn now that he knows all the facts. Our bylaws when we bought in to this demanded that we have a doublewide with a brick underpinning. Our investment is considerable.

Chairman Richard Foster said we understand that but we have no jurisdiction over covenants. We only have jurisdiction over the zoning. We understand your concerns but we are limited to the legality of it in conformance to the planning and zoning ordinance.

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

The Board concluded the public hearing on the Terry & Louise Wagoner/ CMH, Inc. Conditional Use Permit request.

Regular Board Meeting

Staff gave a presentation on the property.

A Board member asked about the access? The driveway has access onto Meadow Lane which is a private road.

A Board member asked if there was a road maintenance agreement? Planning director Dawn Vallieres said she did not believe there was.

A Board member asked about the encroachment of a carport on the neighboring property? There is a slight encroachment of the corner of the carport. This was discussed.

This survey should have showed the encroachment.

A Board member asked for confirmation that the Board has nothing to do with the homeowner's covenants. Chairman Richard Foster confirmed that the Board only handles the planning and zoning.

A Board member asked about the term "the resumption of a nonconforming use' One would think that it were being resuming that it would be more continuous, being removed for 5 years it would be a completely new use.

In order for it to be a resumption it had to be a nonconforming use in existence before zoning ordinance started. Then the zoning ordinance started and made it nonconforming. If it hadn't been moved off for over a year then it would be a continuation as opposed to a resumption.

Chairman Richard Foster asked the Board if there was any discussion on the request. The Board discussed the application. The underpinning, the way the home would be facing, the steps, etc.

Was there a reason they went singlewide instead of doublewide? Pamela Abell answered that they were trying to go doublewide but for financial reasons they originally looked at singlewides. This singlewide has more square footage than her doublewide.

There was discussion on the doublewide versus the singlewide.

Tim Swain made a motion to approve the Conditional Use Permit request. Jeff Smith seconded. There being a motion on the table...the vote was 3-1 (Foster, Smith, Holcomb-FOR) (Tim Swain -AGAINST) to approve the Conditional Use Permit for Resumption of a nonconforming singlewide manufactured home.

Regular Board Meeting

Planning director Dawn Vallieres passed out the newly adopted watershed ordinance to board members. The watershed board has not met for four years, all the members terms have expired. The county commissioners have appointed this board to sit as the watershed review board. Chairman Richard Foster was the chairman of the watershed board so that should provide continuity.

Chairman Richard Foster explained how the regulations came to be and the responsibilities of the board in regards to the watershed ordinance. Special intensity allocations were discussed. Commercial development was discussed.

Adjournment

With no other business to discuss, a motion to adjourn was made and seconded, the vote passed unanimously 4-0, and the meeting was adjourned at approximately 6:45 p.m.

Respectfully Submitted,
Dawn Vallieres, Secretary to the Board

Approved on Oct 10, 2016