

Minutes of the Yadkin County Board of Adjustment

January 14, 2013

Board Members Present:

Richard Foster- Chair
Jeff Smith –Vice chair
Larry Vestal
Landon Wagoner
Gray Gentry
Tim Swain – Alternate

Board Members Absent:

Charles Collins- Alternate

Staff Present:

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

Guests Present:

Kim & Joyce Hinshaw
Ronnie & Constance Macemore
Lenuel Chamberlain
Curt Baity
Lindsay Craven

Call to Order

Chairman Foster called the January 14, 2013 meeting of the Yadkin County Board of Adjustment to order at approximately 6:00 PM and attendance and quorum were noted. No alternates were needed.

Approval of Minutes

Chairman Foster called for a vote to approve minutes of the August 13, 2012 meeting. A motion was made, seconded and passed. The Board voted to approve the minutes 5-0.

Additional Business

Chairman Foster asked if there was any additional business. There being none, Chairman Foster opened the public meeting for the first item, the Macemore petition.

Public Hearing- Macemore

Conditional Use Permit Application- Article 17. Conditional Uses. Section 8.
Modular home in Highway Business for Ronnie D. & Constance G. Macemore at 5725 Old U.S. Hwy. 421, Hamptonville, NC 27020.

Staff gave a PowerPoint presentation on the Macemore property. There was a question on the parcel shown on the presentation. Currently, the lot size is 5 acres but the site plan shows just over an acre which is where they want to place the modular dwelling. There was discussion regarding the double setbacks. The site plan showed double setbacks from the property line

which, for this parcel, is the center of the road. The 80 foot front setback needs to be from the street Right of Way. Ronnie Macemore spoke for the proposed use. They have a son who wants to place a modular dwelling there. Chairman Richard Foster commented that the parcel would have more theoretical value in the future for potential commercial use if it did conform to the commercial setbacks. No one came forward to speak against the use.

Regular Meeting-Macemore

A motion was made by Jeff Smith to approve the petition for a Conditional Use Permit with the condition that they meet the 80 foot front setback, seconded by Landon Wagoner and passed unanimously 5-0.

Director Mike Poston asked that the Board approve and adopt the Findings of Facts.

A motion was made by Jeff Smith to accept the Findings of Fact as submitted by staff, seconded by Landon Wagoner and passed unanimously 5-0.

Public Hearing- Hinshaw

Conditional Use Permit Application- Article 17. Conditional Uses. Section 8. Expansion of a non-conforming use for Kim Hinshaw at 2107 Iron Ridge Drive, East Bend, NC 27018.

Staff gave a PowerPoint presentation on the Hinshaw property. His shop is in the RA zoning and he would like to add a 24' by 30' addition for storage. He was in business prior to zoning. When the County adopted county wide zoning the business was not zoned commercial, possibly due to parcel size or county staff not being aware of the business. Mr. Hinshaw told the Board a little about the business and why he needed the addition for storage. No one came forward to speak against the expansion.

Regular Meeting-Hinshaw

There was discussion regarding the zoning and why it wasn't zoned as a business when zoning was instituted. The Board discussed concerns about the business owner not having the proper rights that he would have enjoyed if zoned commercial. If the property had been zoned commercial there would be no need for this hearing. Director Mike Poston explained that he did have rights in non-conforming status and that it could be more problematic to try to rezone now because it would not be in accordance with the Land Use Plan. The non conforming status will continue to be recognized as long as it is the same use.

A motion was made by Jeff Smith to accept the Findings of Fact as submitted by staff, seconded by Landon Wagoner and passed unanimously 5-0.

A motion was made by Landon Wagoner to approve the petition for a Conditional Use Permit for the expansion, seconded by Jeff Smith and passed unanimously 5-0.

Director Mike Poston introduced the next two cases. These next two items are new to the ordinance. The standards are in the slide show. We also provided the Board with new updated zoning ordinances.

Public Hearing- Gregory

Conditional Use Permit Application- Article 17. Conditional Uses. Section 8. Auto, truck and motorcycle sales- Small scale for Jerry Gregory at 1841 Cheek Road, Hamptonville, NC, 27020. Staff gave a PowerPoint presentation on the Gregory property. The proposed use is a small scale auto sale business. It is zoned RA, and surrounded by RA property. The new ordinance has been approved by both the planning board and the County Commissioners'. There was discussion on the buffering. There is twenty feet of natural vegetation on the back. The sides are approximately four to five feet high but it should grow to the required eight feet. The aerial photography does not show much buffering but it was noted that the aerials are from early 2010. No one came to the meeting to speak against the use.

Regular Meeting-Gregory

There was discussion on the ordinance change. There have been several requests for this type of use (dealers being able to sell a small number of cars at their home). The County has done conditional rezoning to permit this type of use. Staff felt that it was better to allow it as a conditional use with some standards. A motion was made by Jeff Smith to accept the Findings of Fact as submitted by staff, seconded by Larry Vestal and passed unanimously 5-0.

A motion was made by Larry Vestal to approve the petition for a Conditional Use Permit, subject to adequate buffering per the ordinance, seconded by Landon Wagoner and passed unanimously 5-0.

Public Hearing- Chamberlain

Conditional Use Permit Application- Article 17. Conditional Uses. Section 8. Restaurant as an Accessory Use at a Horse Show Arena for Deep Creek of Yadkin, LLC /Lenuel Chamberlain at 1850 Bethel Church Road, Yadkinville, NC 27055.

Staff gave a PowerPoint presentation on the Chamberlain property. There was discussion on the tourism aspect of horse arena, similar to vineyards. The restaurant as an accessory use has been in the zoning ordinance for vineyards; we used the same language for a restaurant as accessory use at a horse arena. Mr. Chamberlain explained how there was food being wasted between events. Mr. Curt Baity spoke. He is the chef for the kitchen that provides concessions, now. No one came to the meeting to speak against the use.

Regular Meeting-Chamberlain

There was discussion about the differences between concessions and full scale restaurant. Main difference is that the concessions can only run during events. The restaurant would be able to be open at other times. It was noted that everything else has already been approved. The seating expansion has already been approved. Typically there would not be screening at the front of the building which is where the additional seating space will be.

A motion was made by Larry Vestal to accept the Findings of Fact as submitted by staff, seconded by Landon Wagoner and passed unanimously 5-0.

A motion was made by Larry Vestal to approve the petition for a Conditional Use Permit, seconded by Jeff Smith and passed unanimously 5-0.

Other Business

The County is changing to direct deposit of the Board stipends. Staff handed out forms that need to be filled out to implement this change. The 2013 meeting schedule was discussed and adopted.

Adjournment

With no other business to discuss, a motion was made, seconded and 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 _____

Chairman