

BOARD OF ADJUSTMENT MINUTES
Regular Meeting
Commons Meeting Room
March 19, 2019

Call to Order

Clerk Bob Remsburg called the meeting to order at 7:30 PM and invited Brenda Farmer to the front to be sworn in as the newest Board of Adjustment member.

Following her swearing in, Ms. Farmer took her place on the board as a regular member.

The Clerk called the roll.

Roll Call

Board Members Presiding

Michael Efird
Jennifer Lisk
David Dulin
Brenda Farmer
Billy Franklin Lee
Cindy Fish (arrived late)

Absent

Houston B. Clark, II
Jim Starnes
Devron Furr

Staff Attending

Bob Remsburg, Planner, I

The first order of business was the election of officers for the new board.

Motion: Michael Efird made a motion to elect Cindy Fish as chair.

Second: David Dulin

Action: The Board voted unanimously to elect Cindy Fish as chair.

Motion: Michael Efird made a motion to elect David Dulin as vice-chair.

Second: Jennifer Lisk

Action: The Board voted unanimously to elect David Dulin as vice-chair.

Cindy Fish arrived at the meeting and was handed the gavel to serve as chair.

Chair Fish appointed Bob Remsburg to serve as Clerk for the Board of Adjustment.

Chair Fish called on the Board to review the minutes of the last meeting, September 11, 2018.

Motion: David Dulin made a Motion to approve the minutes of September 11, 2018 as written.

Second: Jim Starnes seconded the motion.

Action: The Board voted unanimously to approve the minutes of September 11, 2018 as written.

Chair Fish explained that the purpose of the meeting was to consider the Case #SUP 19-01, a request by Terry and Sharon Fraley to allow the placement of a double-wide manufactured home on their lot which is zoned, R-20 Residential and to consider amending the Board's Rules of

Procedure. The Chair explained that this is a quasi-judicial hearing and will be conducted in accordance with special due process safeguards.

Chair Fish outlined the statutory requirements that restrict the board to base its decisions only on testimony given under oath. Any person who swears falsely is guilty of a Class 1 misdemeanor.

Chair Fish asked those testifying to come forward to be sworn in. Sharon Fraley and Bob Remsburg were sworn in by the Chair.

Chair Fish asked if any board member had any possible conflicts and needed to withdraw from the case. Each indicated that they believed they could rule fairly based upon the facts to be presented in the case.

Chair Fish opened the hearing and indicated that the order of business would be that first, we will hear from the Planning Department staff, then we will hear from the Applicant and their witnesses, and lastly we will hear from opponents to the request.

Chair Fish asked the Clerk to present the case, SUP 19-01.

Bob Remsburg, Clerk, shared the following:

Terry and Sharon Fraley request a Special Use Permit to allow the placement of a Class A – double-wide manufactured home on a lot they own on Palmerville Road, New London, Tax Record #15709. The property is zoned R-20 which requires a Special Use Permit to allow a Class A manufactured home. No other type of manufactured home is allowed in the R-20 District. A Class A home must have masonry or k-rock style underpinning, a deck of at least 24 square feet at one entrance and 9 square feet at the other entrance. Class A manufactured homes must also have siding that is similar to standard home siding (usually vinyl) and a roof that is similar to a standard site-built home (either asphalt shingle or standing seam metal).

Property to the north along Palmerville Road is in the Palmerville Beach community which is zoned R-20. Property to the south and west is zoned RA – Residential Agricultural. In the RA District, manufactured homes (Class A – double-wide and Class B – single-wide) are allowed. Additional conditions could be placed on this request if desired by the board. Possible conditions could include requiring only masonry skirting, requiring buffers of trees or shrubs to adjoining properties, requiring a paved driveway, etc. The owners would need to agree to any additional requirements prior to approving the Special Use Permit.

The four standards that must be met for approval are:

Standard #1 - That the project will not materially endanger public health or safety; if located where proposed, and if developed and operated according to the plan submitted;

Standard #2 – That the project will not substantially injure the value of adjoining property.

Standard #3 – That the project will be in harmony with or compatible with its neighbors and is generally consistent with the latest Stanly County Land-Use Plan.

Standard #4 – That the project meets all other required conditions and specifications for the construction or placement of a Class A double-wide manufactured home in the R-20 Zoning District.

Chair Fish asked if there were any questions for Mr. Remsburg. There were none.

Chair Fish called on the applicant to come forward and present her case to the Board.

Ms. Sharon Fraley came forward and explained that they were acquiring a 1,900 square foot 4 bedroom home from Clayton Homes. They were planning a 12x20 porch and deck on the front of the home. The sewer perk test was pending. She presented a photo of the home and indicated that they were planning a brick underpinning. They had owned the property for 10 years. The woods would remain and they would landscape the yard.

Chair Fish asked if there were others to speak in favor of the variance. There were none.

Chair Fish asked if there were any to speak in opposition to the variance. There were none.

Chair Fish closed the hearing.

Chair Fish asked the Board to review the Findings of Fact.

Finding 1 - That the project will not materially endanger public health or safety.

Motion: David Dulin made the motion to accept finding 1 as true.

Second: Jennifer Lisk

This finding was approved 6-0.

Finding 2 - That the project will not substantially injure the value of adjoining property.

Motion : Mike Efird made the motion to accept finding 2 as true.

Second: David Dulin

This finding was approved 6-0.

Finding 3 - That the project will be in harmony with or compatible with its neighbors and is generally consistent with the Stanly County Land-Use Plan.

Motion: Jennifer Lisk made the motion to accept finding 3 as true.

Second: Billy Franklin Lee

This finding was approved 6-0

Finding 4 - That the project meets all other required conditions and specification for the construction of placement of the structure.

Motion: Billy Franklin Lee made the motion to accept finding 4 as true.

Second: Brenda Farmer

This finding was approved 6-0

Motion: Mike Efird made a Motion to approve the request for special use permit to allow the placement of a double-wide manufactured home on this lot.

Second: Jennifer Lisk seconded the motion.

Action: The Board voted unanimously to approve the motion.

The chair informed those present that anyone affected by this decision has thirty (30) days to appeal this to the Stanly County Superior Court.

Chair Fish introduced the second item on the agenda, an update to the Rules of Procedure for the Board of Adjustment. The Chair asked Mr. Remsburg to present information regarding this update.

Mr. Remsburg spoke about the inflexibility of the current Board Rules of Procedure and the need to bring these up-to-date. He reviewed the various components that were problematic. This update would allow the Board to set meeting dates as needed and make the language more inclusive. Mr. Remsburg shared that the Board would be able to vote to amend the Rules of Procedure at their next meeting.

The Board reviewed the information and discuss preferred meeting times. All present agreed that an earlier meeting time would be preferable. The Board will consider adoption of the recommended changes at their next meeting.

With all business completed, the chair asked for a motion to adjourn the meeting.

Motion: Mike Efird made the motion to adjourn

Second: David Dulin

Action: The meeting was adjourned at 8:30 PM.


Cindy Fish, Chair


Robert Remsburg, Clerk