



Stanly County Board of Adjustment
May 4, 2021 - Meeting Minutes

Call to Order Vice Chair David Dulin called the meeting to order on May 4, 2021 at 6:30 p.m. in the Stanly County Managers meeting room at 1000 N. First Street, Albemarle, North Carolina. Bob Remsburg served as Clerk of the meeting.

Stanly County Board of Adjustment Members attending Michael Efird, Brenda Farmer, Billy Franklin Lee, David Dulin, Richard Cosgrove, Michael Fleming

Absent: Devron Furr, Shannon Maynard, Cindy Fish

Stanly County Planning Staff Attending Bob Remsburg, Planning Director; Bailey Emrich, Planner I

Others Present: Dan Coley, Eric Roberts, Jeff Pickett

Vice Chair Dulin announced the first order of business was to install the new alternate Board of Adjustment member, Michael J. Fleming.

Bob Remsburg conducted the ceremony of swearing in Michael J. Fleming. Michael Fleming joined the board to comply with the $\frac{2}{3}$ rule.

Vice Chair Dulin asked for a motion to adopt the agenda if no changes needed to be made.

Motion: Richard Cosgrove

Second: Brenda Farmer

Approved 6-0

Vice Chair Dulin asked for a motion to approve the minutes from January 12, 2021

Motion: Richard Cosgrove

Second: Billy Franklin Lee

Approved: 6-0 - with the addition of Brenda Farmer to the attendance list.

Vice Chair Dulin stated the case to be heard was ZV 21-01 a request by Jeff and Tina Pickett to reduce the required size of campsites from 40' to 20' wide. This will allow the creation of 10 new campsites. All persons wishing to testify in this case should have signed up on the attendee sign in sheet for this hearing. All those audience members and staff wishing to testify please proceed to the front of the room to be sworn in.

Dan Coley, Eric Roberts and Jeff Pickett were all sworn in to speak on behalf of ZV 21-01.

Vice Chair Dulin stated “The Stanly County Board of Adjustment is a quasi-judicial board. Therefore, the North Carolina State Statute, requires that the board base its decisions only on testimony given under oath. Any person who, while under oath during this proceeding, willfully swears falsely, is guilty of a class 1 misdemeanor. If anyone refuses to be sworn, your statement will not not be treated as evidence on which to base a decision but merely as arguments”.

Chair Dulin stated “Before opening the evidentiary hearing, I would like to give Board members a chance to reveal any possible conflicts that you may have and withdraw from these proceedings if necessary”.

No Board members had a conflict.

Chair Dulin stated “Any Board members who have any information or special knowledge about the case that may come out at the hearing tonight, please describe that information for the record so that interested persons will know and can respond”.

Vice Chair Dulin explained the proceedings.

Vice Chair Dulin stated “Parties may cross examine each witness after the witness testifies when questions are called for. If you want the Board to see written evidence such as reports and maps or exhibits, the witness who is familiar with the evidence should ask that it be introduced during or at the end of his / her testimony. The Board cannot accept reports from persons who are not here to testify. Attorneys who speak should not give factual testimony but may summarize their client’s case. Before you begin your testimony, please clearly identify yourself for the record.”

Vice Chair Dulin asked Planning Staff to share testimony for ZV 21-01

Jeff and Tina Pickett have owned the Cotton Patch Gold Mine at 41697 Gurley Road, New London for several years. As part of the business, they operate a campground. The campground was begun by former owners and has been in use for many years. The Picketts have cleaned up the campground from past years and wish to expand to include more campsites. The old campground and spacing were grandfathered. This portion of the property is zoned RR-Rural Recreational which allows for camper trailers and recreational vehicles.

According to the Picketts, the number of requests for camping spaces has increased. This is primarily because contractors coming to serve construction and other projects in the area are using self-contained recreational vehicles and camper trailers instead of having to use motel rooms. A sketch showing the proposed extension of the campground is enclosed along with aerial views of the affected area. The plan will increase the number of spaces from 15 to 25. In order to accommodate the number of spaces, the Picketts have requested that the spaces be narrower than allowed in the Zoning Ordinance. Section 407.5.A(2) of the ordinance states “Every campsite shall consist of a minimum of 2,500 square feet, having a minimum width of forty (40) feet.” The Picketts would like to reduce the minimum width to twenty (20) feet for a

minimum of 1,250 square feet. Notices have been sent to all adjoining and the notice has been posted.

Mr. Pickett has expressed that since the primary users are contractors and workers temporary to the area, there is no need for recreational space or major spacing between the campers. Septic and water connections will be available to each camper trailer or recreational vehicle. A soil science engineer is required to determine the appropriate methods to provide septic service for this facility. Based on aerial photography, the existing campsites in the grandfathered campground range from approximately 20' wide to 35' wide. An extra 10 units will add less than 100 vehicles per day to the traffic on Gurley Road. The latest traffic count on the northern end of Gurley Road is 290 vehicles per day from 2016.

The four standards that must be met for approval are:

Standard #1 - the unnecessary hardship results from the strict application of the ordinance;

Standard #2 – the unnecessary hardship results from conditions that are peculiar to the applicant's property;

Standard #3 – the unnecessary hardship is not a self-created hardship;

Standard #4 – the requested variance is consistent with the spirit, purpose and intent of the ordinance such that public safety is secured and substantial justice is achieved.

If these standards are found to be true, then it would be appropriate to approve the request. I also included several things to consider for this request in your memo regarding the findings of fact.

There were no questions for Mr. Remsburg from the Board.

Vice Chair David Dulin invited the applicant to speak.

No attorneys were present

Jeff Pickett stated "Good Evening, since Bob gave you a small review, it sums up everything that I have planned for the expansion of the site. I have been able to go in and lay out a more accurate spacing on the property. There is almost 2 acres there. We can get 25 feet wide with a 1500 square foot minimum area on that, instead of the requested 20. I did take the liberty to do a little research on the adjoining county regulations that surround Stanly County. I looked at the zoning requirements on those".

Mr. Pickett read through the surrounding county regulations.

Stanly and Montgomery Counties are the most stringent on RV campgrounds.

Richard Cosgrove asked "Do you still have gold panning?"

Mr. Pickett stated "No, by special requests we still have the Boy Scouts and church groups, and school groups. But the economy got so bad in '08 there were more people coming to pan for gold and trying to save themselves. So we had to make the decision to close it down. There was not enough traffic to maintain employment for two people.

Richard Cosgrove asked “What about your bath house?”

Mr. Pickett stated the bath house is still there and functional. We have a laundry facility we are about to expand also. We do have a general store also.”

Brenda Farmer stated “This ordinance talks about the fact that the bath house needs to be 300 feet from the spaces, how will that work?”

Mr. Pickett stated “The bath house regulation is more for people without hook up RV, and we require a full hookup RV. We have the hookups available at each site.”

Mr. Fleming stated “ So you no longer allow tents?”

Mr. Pickett stated “That is correct.”

Mr. Fleming “Do you still have cabins?”

Mr. Pickett stated “We do but we do not rent them out right now, We may in the future as time goes on.”

Mr. Cosgrove asked “How are your vacancies? Do you have open spots right now?”

Mr. Pickett stated “We have a waiting list of over 40 people. We get calls three to five months before construction projects start. They have to have a place to sleep”.

Brenda Farmer asked “Is it ten acres?”

Mr. Pickett “The whole property is around 21-22 acres. This section with 6 acres is zoned RR.”

Mr. Dulin asked “What about the 25 feet, that you stated earlier?”

Mr. Pickett stated “I laid it all out and I can do 25 feet as opposed to the requested 20 feet. I can get better spacing and more efficient land use with 25 feet rather than it not being utilized.”

Mr. Fleming asked “ You would still be keeping the length at 62 ½ feet?”

Mr. Pickett stated “They vary, I am going by square footage, most of the sites are 70 feet.”

Mr. Fleming stated “Right, but if you take the 2500 divided by 40 its 62.5. What I am wondering is that with the 62.5, we have 30 foot parking required in front of the space. We also have a 60 foot wide roadway easement. So from the edge of the reload starts your 20 feet, then you have the 62.5. But, since you are beside county, RA zoning you also have a 60 foot rear setback in the campground ordinance. So since you are surrounded by RA including your own property, my concern is that when you have all of these things added up, you are out of room.”

Mr. Pickett stated "It actually is tight. I have a 50 foot denuded basin around my property. I have about 25 to 30 foot area between the denuded area and my development. I am close but I can make it."

Brenda Farmer asked "So you will be upgrading your septic facility?"

Mr. Pickett stated "Yes, I just applied for that today. Mr. Ezzell assured me that the land will be able to perk very easily out there."

Brenda Farmer asked "How long are these people staying?"

Mr. Pickett stated "None of them are permanent, but most of them are there a month to three months. They will go home a week to two weeks and come back. But no one there is a permanent resident."

Richard Cosgrove asked "What about the sheriff's activity, do you have any crime?"

Mr. Pickett stated "No, but we have had our incidents. Most everyone is great. We have a strict policy of no open carry drinking. I don't think we have had maybe 20 calls in 15 years. The previous Sheriff thanked me for cleaning up the place."

Richard Cosgrove asked "Are they able to barbecue out there?"

Mr. Pickett stated "Yes, we do have grills available for use if they would like. Most of them come in and go to sleep."

Brenda Farmer asked "S every campsite has a fire pit and a picnic table?"

Mr. Pickett stated "Everyone that requests it, I don't promote that. Most of them get used as ashtrays and those sorts of things."

Vice Chair David Dulin invited those opposing the request to speak.
No attorney was present.

Dan Coley stated "I am the co-owner of Coley properties. We own the property that adjoins the gold mine. All of that was one tract at one time. I am very sorry to hear you are not gold panning, my grandfather sold that out of the family because my father would not agree to keep the gold mine there. I don't really have an opposition. I have a question. The reason we have the strip of land down there between you and the road is because there is a freshwater spring down there. If we put a sewer system in there is that going to contaminate that underground water or running water? As Long as he is far enough back, that is my only concern because the 41773 address will be behind that property. Will the county evaluate that with the stream being there?"

Mr. Remsburg stated "Permission to speak, I am not sure we can really answer that. Mr. Ezzell could be a little better, but obviously the septic system is designed to deal with it at that spot and not to allow for the

contamination of groundwater. In a regular residential situation there is a distance. Basically the well is on one side of the house and the septic is on the other.”

Brenda Farmer stated “Someone should note to the health department when they come to do the perk test that the spring is there and mark it well. Because they do have limitations on how close they can come to that.”

Mr. Coley stated “I am not trying to stand in the way of development, I love development. I just wanted to make sure.”

Mr. Pickett stated “In response to your question, when we took the place over we had to have that septic redone and we pulled it back away from that spring. Normally it is dry except for when it rains.”

Eric Roberts stated “I live in the land adjoining him on the southeast side and I have never met him because I have never had an issue. That should tell you what kind of camp he runs. I just want you to know I have no issue proceeding. I have worked in construction for 20 years so I know how hard it is to just find somewhere to go to sleep. So I have no issue.”

Vice Chair Dulin asked planning staff if they had any more comments.

Mr. Remsburg stated “The challenge may be the question about being self-inflicted. It is something he wants to do but on the other hand he is bound by the shape of his property. It is a growing business concern in the county. Any numbers in the ordinance are basically something that can be challenged or ask for a variance. This is one of those situations so you can ask for the numbers to be adjusted. It sounds like you as a board have the authority to adjust that number. Mr. Pickett stated that 25 feet is sufficient.”

Vice Chair Dulin asked if the Board had any further questions

Michael Fleming asked “First, anything that you do evidently has to be reviewed by the Planning Department. In terms of meeting all the criteria that would be on Planning. The second is that we would restate the variance with a new number? So that it may not be confusing to someone reading this so it will not be confusing to someone else?”

Brenda Farmer asked “You cannot put these ten places in with the forty feet?”

Mr. Pickett stated “No I cannot. There are a ton of trees I would have to cut out if I were to do that. I cannot go the other way because there is an old mine shaft out there.”

Vice Chair Dulin closed the evidentiary hearing.

Vice Chair Dulin began reading the findings of fact.

Standard #1 - the unnecessary hardship results from the strict application of the ordinance.

Motion: Richard Cosgrove

Second: Michael Efirm

Found to be true: 6-0

Standard #2 – the unnecessary hardship results from conditions that are peculiar to the applicant's property

Motion: Billy Franklin Lee

Second: Michael Fleming

Found to be true: 6-0

Standard #3 – the unnecessary hardship is not a self-created hardship

Motion: Michael Efirm

Second: Richard Cosgrove

Found to be true: 6-0

Standard #4 – the requested variance is consistent with the spirit, purpose and intent of the ordinance such that public safety is secured and substantial justice is achieved.

Motion: Michael Fleming - found to be true with the 25 foot width

Second: Brenda Farmer

Found to be true: 6-0

Vice Chair Dulin asked for a motion to approve the zoning variance for 25 feet

Motion: Richard Cosgrove

Second: Michael Efirm

Approved 6-0

Vice Chair Dulin asked for a motion to adjourn the meeting

Motion: Michael Efirm

Second: Billy Franklin Lee

Time of adjournment: 7:34 PM

Vice Chair, David Dulin

Clerk, Bob Remsburg