

BOARD OF ADJUSTMENT MINUTES  
Regular Meeting  
Commons Meeting Room  
June 11, 2013

**Call to Order**

Vice Chairman Todd Swaringen called the Board meeting to order at 7:30 p.m. on Tuesday, June, 11, 2013, in the Commons Meeting Room.

**Roll Call**

***Board Members Presiding***

Todd Swaringen  
Richard Cosgrove  
Dr. John Eckman  
Benton Payne  
Kevin Brickman  
Rebecca Carter  
Houston B. Clark, II

***Absent***

Cathy Bennett  
Grover Stewart

**Staff Attending**

Linda Evans, CZO, Planner II, Clerk to the Board

Vice Chairman Swaringen asked if there were any corrections to the minutes of April 9, 2013. Hearing none, the Board proceeded as follows.

**Motion:** Richard Cosgrove made a Motion to approve the minutes of April 9, 2013, as written.

**Second:** Benton Payne seconded the motion.

**Action:** The Board voted unanimously to approve the minutes of April 9, 2013, as written.

Vice Chairman Swaringen addressed the audience and stated that the Stanly County Board of Adjustment is a quasi-judicial Board; therefore, the North Carolina State Supreme Court, under NCGS 153A-345, requires that the Board base its decisions only on testimony given under oath. He informed the audience that any person, who, while under oath during this proceeding, willfully swears falsely, is guilty of a Class 1 misdemeanor.

Vice Chairman Swaringen asked the Clerk to present the first case, AR 01-01.

Linda Evans stated that under zoning ordinance Section 407.2, the property owners were granted a temporary zoning compliance to place a doublewide manufactured home on this property in March, 1992, for a medical hardship involving Rayfield Ponds, a family relative and disabled veteran. At the one year expiration of temporary zoning compliances, the ordinance requires that hardship cases be reviewed periodically by the Board of Adjustment to establish continued hardship. The property owners have, within the proper time limits, appeared before the Board on several occasions since March, 1992, and have been granted extensions of time, the last one for a period of two (2) years, to expire on June 30, 2013. The property is zoned R-A, and is approximately 1.254 acre (approx. 55,000 square feet). At least one acre per dwelling unit is required when placing more than one dwelling unit on a

BOARD OF ADJUSTMENT MINUTES  
Regular Meeting  
Commons Meeting Room  
June 11, 2013

single parcel of land (Section 405.3A), and 40,000 square feet per parcel is required if the property is subdivided (Section 701). This property meets neither of these requirements.

Vice Chairman Swaringen called on the applicant to come forward and present her case to the Board.

Mildred Caraway came forward and stated that Rayfield Ponds still needs someone to take care of him. She asked the Board to extend the time to leave the manufactured home on the property so that she could care for Mr. Ponds. She requested that the Board not set a time limit and to let her notify the County when she no longer needed the mobile home.

Vice Chairman Swaringen stated that it is not likely the Board will be able to grant an open ended extension of time since the zoning ordinance requires that hardship cases are revisited periodically. He added that this decision will be made at the discretion of the Board.

Richard Cosgrove asked the age of Mr. Ponds; Ms. Caraway answered that he is 77.

Todd Swaringen asked Ms. Caraway if any changes have been made to the property and she answered no.

Benton Payne asked if she has received any complaints from the neighbors and Ms. Caraway answered no.

Vice Chairman Swaringen called on anyone else who would like to speak for or against this case. No one came forward.

Vice Chairman Swaringen stated that, if there were no other questions or comments, the Board would review the finding of fact. Richard Cosgrove read the finding of fact, and the Board found as follows:

That the urgent hardship situation as established by the Zoning Administrator shall be upheld and the home shall be allowed to remain on subject property due to the fact that the hardship remains to exist.

**Motion:** Dr. Eckman made a motion to find this true based on the fact that it has been established from testimony given that the hardship still exists, and to grant an extension of time for two (2) years to expire on June 30, 2015.

**Second:** Houston B. Clark seconded the motion.

**Action:** The Board unanimously voted to approve the motion.

Vice Chairman Swaringen asked that everyone who intends to speak on the next case, AR 01-02, come forward and be sworn in. Julia Poplin and Linda Evans were sworn in by Vice Chairman Swaringen.

Vice Chairman Swaringen asked the Board members if any one of them had a conflict with this case. No one responded.

BOARD OF ADJUSTMENT MINUTES  
Regular Meeting  
Commons Meeting Room  
June 11, 2013

Vice Chairman Swaringen asked the Clerk to present the first case, AR 01-02, property located at 17858 Porter Hill Road

Linda Evans stated that under zoning ordinance Section 407.2, the property owners were granted a temporary zoning compliance to place a doublewide manufactured home on this property in May, 2000, for a medical hardship involving Julia Poplin's elderly grandmother, Onnie Redmond. At the one year expiration of temporary zoning compliances, the ordinance requires that hardship cases be reviewed periodically by the Board of Adjustment to establish continued hardship. The property owners have, within the proper time limits, appeared before the Board on several occasions since May, 2000, and have been granted extensions of time, the last one for a period of two (2) years, to expire on June 30, 2013. The property is zoned R-A, and is approximately 1.401 acre (approx. 62,000 square feet). At least one acre per dwelling unit is required when placing more than one dwelling unit on a single parcel of land (Section 405.3A), and 40,000 square feet per parcel is required if the property is subdivided (Section 701). This property meets neither of these requirements.

Vice Chairman Swaringen called on the applicant to come forward and present her case to the Board.

Julia Poplin came forward and stated that she brought her grandmother here from out of state thirteen years ago. Her grandmother is ninety eight years old now and continues to need care. She asked the Board to consider extending the time to leave the manufactured home on the property so that she can have her grandmother near and continue to take care of her.

Todd Swaringen asked if any changes have been made to the property and Mrs. Poplin answered no.

Vice Chairman Swaringen called on anyone else who would like to speak for or against this case. No one came forward.

Vice Chairman Swaringen stated that, if there were no other questions or comments, the Board would review the finding of fact. Richard Cosgrove read the finding of fact, and the Board found as follows:

That the urgent hardship situation as established by the Zoning Administrator shall be upheld and the home shall be allowed to remain on subject property due to the fact that the hardship remains to exist.

**Motion:** Dr. Eckman made a motion to find this true based on the fact that it has been established from testimony given that the hardship still exists, and to grant an extension of time for a period of two (2) years to expire on June 30, 2015.

**Second:** Kevin Brickman seconded the motion.

**Action:** The Board unanimously voted to approve the motion.

BOARD OF ADJUSTMENT MINUTES  
Regular Meeting  
Commons Meeting Room  
June 11, 2013

The Board briefly discussed HB 276 and the proposed changes impacting the Board of Adjustment.

The Board discussed a time for Board of Adjustment training and it was decided that the training will be held on a regularly scheduled meeting day, the 2<sup>nd</sup> Tuesday of each month, in September or October, or whenever it can be scheduled at a time when no cases are on the agenda.

Vice Chairman Swaringen asked for a motion to adjourn. Benton Payne made a motion to adjourn, seconded by Dr. Eckman. The meeting was adjourned at 7:50 p.m.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Todd Swaringen, Vice Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk to the Board