

BOARD OF ADJUSTMENT MINUTES  
Regular Meeting  
Commons Meeting Room  
November 12, 2013

**Call to Order**

Vice Chairman Todd Swaringen called the Board meeting to order at 7:30 p.m. on Tuesday, November 12, 2013, in the Commons Meeting Room.

**Roll Call**

***Board Members Presiding***

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

***Absent***

**Staff Attending**

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

Vice Chairman Swaringen asked if there were any corrections to the minutes of June 11, 2013. Hearing none, the Board proceeded as follows.

**Motion:** Richard Cosgrove made a Motion to approve the minutes of June 11, 2013, as written.

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

**Action:** The Board voted unanimously to approve the minutes of June 11, 2013, as written.

Vice Chairman Swaringen addressed the audience and stated that the Stanly County Board of Adjustment is a quasi-judicial Board and that the North Carolina State Supreme Court 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 02-01.

Linda Evans stated that under zoning ordinance Section 407.2, property owner, Joseph Ingram, was granted a temporary zoning compliance to place a singlewide manufactured home on this property on October 1, 2001, to be occupied by his mother-in-law, Donna H. Earnhardt. The Board of Adjustment has extended Mr. Ingram's time to allow the second home as follows:

One (1) year extension in 2002, to expire in 2003.

Three (3) year extension in 2003, to expire in 2006.

Three (3) year extension in 2006, to expire November, 2009.

Two (2) year extension in 2009, to expire November, 2011.

Two (2) year extension in 2011, to expire November, 2013

The property is zoned R-A and is approximately ten (10) acres in size. The size of the property would permit two homes, but the right-of-way of twenty (20) feet allows only one

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home. Mr. Ingram has tried to acquire additional right-of-way to his property but was unsuccessful.

The manufactured home was allowed on this property under a medical/financial hardship. At the time the temporary zoning compliance was issued, Mrs. Earnhardt's only income was from Social Security. Mr. Ingram stated that this amount did not allow his mother-in-law to support herself and buy needed medication. Staff found that Mr. Ingram was eligible for relief under section 407.2 of the zoning ordinance.

Mr. Ingram, within the proper time limit, has filed an application for another extension of time to leave the manufactured home on the property due to Mrs. Earnhardt's continuing medical/financial condition.

Staff has advised Mr. Ingram that, if the Board grants this extension for a period of time, he is required to file an application for another extension at the end of such period of time. Staff also advised Mr. Ingram that he will be required to remove the manufactured home from the property when Mrs. Earnhardt no longer lives there.

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

Mr. Ingram came forward and stated that Mrs. Earnhardt's situation has not changed and the hardship continues to exist. He asked the Board to extend the time to leave the manufactured home on the property.

After brief discussion by the Board regarding Mrs. Earnhardt's current age, social security disability, and the seclusion of the property from the public eye, Vice Chairman Swaringen stated that the Board would review the finding of fact. He stated that in order to approve an extension of time for the manufactured home to remain on the subject property the Board will have to find as a fact that the urgent hardship established by the zoning administrator continues 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.

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

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

Vice Chairman Swaringen asked for a motion to deny or uphold the zoning administrator's decision to permit the manufactured home on the property and to set a time limit for this extension of time to expire.

**Motion:** Richard Cosgrove made a motion to uphold the zoning administrator's decision and to grant an extension of time for two (2) years to expire on November 30, 2015.

**Second:** Dr. Eckman seconded the motion.

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

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Vice Chairman Swaringen stated that the proposed Rules of Procedure had been presented to the Board and suggested that the Board review these and offer any comments or suggestions. He stated that the Board will take a vote to modify or approve as them written at its next regular meeting.

Vice Chairman Swaringen stated if there were no objections he would hear a motion to approve the Board of Adjustment Meeting Date Schedule for 2014.

**Motion:** Houston Clark made a motion to approve the Board of Adjustment Meeting Date Schedule for 2014.

**Second:** Dr. Eckman seconded the motion.

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

The clerk reminded the Board that an election of officers had not been held for the July, 2013 to July, 2014 year. Vice Chairman Swaringen opened the floor for nominations for Chairman.

Richard Cosgrove nominated Todd Swaringen as Chairman; Dr. Eckman seconded the nomination; Benton Payne closed the nominations for Chairman. The Board voted unanimously to elect Todd Swaringen as Chairman.

Chairman Swaringen opened the floor for nominations for Vice-Chairman; Houston Clark nominated Richard Cosgrove as Vice-Chairman; Benton Payne seconded the nomination; Dr. Eckman closed the nominations for Vice-Chairman. The Board voted unanimously to elect Richard Cosgrove as Vice-Chairman.

Chairman Swaringen appointed Linda Evans as the Clerk to the Board; Linda Evans accepted the appointment as Clerk.

Chairman Swaringen asked for a motion to adjourn. Benton Payne made a motion to adjourn, seconded by Dr. Eckman. The meeting was adjourned at 8:00 p.m.

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Date

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Todd Swaringen, Vice Chairman

\_\_\_\_\_  
Date

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Clerk to the Board