

**ONSLOW COUNTY BOARD OF ADJUSTMENT MEETING MINUTES**

**January 28, 2020**

**Onslow County Government Center**

**Commissioners' Chambers**

**234 NW Corridor Blvd, Jacksonville, NC 28540**

**BOARD MEMBERS WERE PRESENT:**

Mr. Jerome Shaw, Chairman

Mr. John Smith

Mr. Roger Brown

Ms. Christina Asbury

Mr. Jeff Brown

Ms. Marilyn Bunce

**PLANNING AND DEVELOPMENT DEPARTMENT MEMBERS PRESENT:**

Jessica Rhue, Planning and Development Director

Charles Davis, Planning and Development Deputy Director

Angie Manning, Land Use Administrator

Austin Brinkley, Chief Zoning and Environmental Officer

Matthew Stuart, Planner

Kourtney Powell, Administrative Assistant

**I. MEETING CALLED TO ORDER**

Mr. Jerome Shaw, Chairman, called the meeting to order at 6:30 p.m.

**II. INVOCATION**

Mr. Jerome Shaw pronounced the invocation.

**III. PLEDGE OF ALLEGIANCE**

Mr. Smith led all present in the Pledge of Allegiance.

**IV. APPROVAL OF MINUTES AND DECISIONS**

Ms. Asbury made the motion to approve the December 17, 2019 minutes. Mr. Smith seconded the motion. All members were in favor and the motion passed.

Mr. Jeff Brown made the motion to approve the Board Decision: SUP-2019-00022. Mr. Smith seconded the motion. All members were in favor and the motion passed.

Mr. Smith made the motion to approve the Board Decision: SUP-2019-00020. Mr. Jeff Brown seconded the motion. All members were in favor and the motion passed.

**V. NEW BUSINESS**

**A. SUP-2019-00026— Charleston White is requesting to install an underground wire and power pole to connect a recreational vehicle (RV) on property in Sneads Ferry, NC, Parcel ID 1000-59:**

Mr. Stuart provided an overview of the application SUP-2019-00026.

**Applicant:** Charleston White

**Summary of proposal:** Mr. White is requesting a Special Use Permit to install an underground wire and power pole in order to connect a recreational vehicle on property located in Sneads Ferry. The parcel is located at 107 Everett Lane and is owned by Charles and Alma Woodard. The property is within the Residential 8M (R-8M) zoning district and designated as Community Growth Activity Center on the Future Land Use Map. The Sneads Ferry Community Plan shows the property as lying within a Waterfront Living Area. A TRC meeting was conducted on December 10, 2019 and all comments appear to have been addressed.

Ms. Bunce asked if this would be a permanent residence.

Mr. Stuart responded this would be their residence.

Ms. Asbury asked if the application is for the power pole or to set-up an RV.

Mr. Stuart explained that the RV is already on the property, but in order to make it a residence, there would need to be a power pole.

Mr. Roger Brown asked if there was septic.

Ms. Manning responded that there is septic.

Ms. Asbury asked if there was an updated site plan provided showing the flood zone area per the TRC comments.

Mr. Stuart responded that he has not received an updated map showing the flood zones.

Due to missing information in the packet that was requested from the applicant by Planner, Matthew Stuart, on December 10, 2019, Ms. Asbury made a motion to continue this item until the next regular Board of Adjustment meeting on February 25, 2020. Mr. Smith seconded the motion. The motion passed by unanimous vote.

**B. SUP-2019-00028— Donald A. Duell is requesting to install an 18-lot recreational vehicle (RV) park on property in Sneads Ferry, NC, Parcel ID 1005-8:**

Mr. Stuart provided an overview of the application SUP-2019-00028.

**Applicant:** Donald A. Duell

**Summary of proposal:** Mr. Duell is requesting a Special Use Permit to set-up an 18-lot RV Park on the property located at 160 Clay Hill Road in Sneads Ferry, NC. The property owners are Donald and Tasha Duell. The property is within the Residential 8M (R-8M) zoning district. The Future Land Use Map shows this property within a High-Density Residential land use category. The Sneads Ferry Community Plan shows the property as lying within a Traditional Neighborhood Area. A TRC meeting was conducted on December 10, 2019 and all comments appear to have been addressed.

Donald Duell, 241 Riverside Drive, Sneads Ferry, NC 28460.

Mr. Duell stated that the property was his wife's grandmother's and they purchased it to keep it in the family. He explained that this would be for annual leases, where people could park their RV to visit.

Ms. Bunce asked if the RVs would be permanent residences.

Mr. Duell confirmed they would be permanent residences.

Ms. Bunce asked if the tenants would be able to use the RVs as rental property.

Mr. Duell answered there would be no subleasing allowed. They could use the RV as a second home for vacationing. He explained that they wanted to avoid RVs coming in for just the weekend. They want long-term leases for this park.

Mr. Smith asked if there would be an office onsite.

Mr. Duell responded that he lives approximately 1 ½ -2 miles from this location.

Mr. Roger Brown asked if Mr. Duell would ensure that the tenants get a building permit if they decide to build a deck, porch or other accessories.

Mr. Duell explained that is addressed in the lease documents.

Ms. Asbury expressed her concerns about navigating a truck and RV into the driveway off Clay Hill Road.

Mr. Duell stated that during TRC, NCDOT requested that they revise the angle of the driveway coming off Clay Hill Road. That was the only concern provided during TRC. He stated that the driveway is 20 feet wide.

**First General Conclusion:** That the special use, if approved, will not materially endanger the public health or safety, if located where proposed according to the plan submitted and approved. Mr. Jeff Brown made a motion to approve the finding. Mr. Smith seconded the motion. Mr. Jeff Brown stated that it appears that it will not materially endanger the public health or safety. The motion passed by unanimous vote.

**Second General Conclusion:** That the use meets all special uses and specifications. Mr. Smith made a motion to approve the finding. Mr. Roger Brown seconded the motion. Mr. Smith stated that it appears to be compliant with the standards set forth in the zoning ordinance. The motion passed by unanimous vote.

**Third General Conclusion:** That the use would not substantially injure the value of the adjoining or abutting property, or that the use is a public necessity. Mr. Jeff Brown made a motion to approve the finding. Mr. Smith seconded the motion. Mr. Jeff Brown stated that it does not appear to injure the value and an appraisal report was provided by a NC licensed appraiser stating that there will be no injury to the value of adjoining properties. The motion passed by unanimous vote.

**Fourth General Conclusion:** That the location and character of the use, if developed according with the plan as submitted and approved, will be in harmony with the area in which it was to be located and in general conformity with the Onslow County Comprehensive Plan and other Onslow County Ordinances. Mr. Jeff Brown made a motion to approve the finding. Mr. Smith seconded the motion. Mr. Jeff Brown stated that it appears to be in general conformity with the Onslow County Comprehensive Plan. The motion passed by unanimous vote.

**C. SUP-2019-00025— Alvin Carr is requesting construct a fire escape/deck on a nonconforming structure on property in Sneads Ferry, NC, Parcel ID 1004-37:**

Ms. Manning provided an overview of the application SUP-2019-00025.

**Applicant:** Alvin B. Carr

**Summary of proposal:** Mr. Carr is requesting a Special Use Permit to construct a fire escape/deck on a nonconforming structure located at 265 Sneads Ferry Road in Sneads Ferry, NC. The property owner is Alvin Carr. The property is within the Community Business (CB) zoning district. The Future Land Use Map shows this property within a High-Density Residential land use category. The Sneads Ferry Community Plan designates this property as being within the Traditional Neighborhood place type. There was a fire in this building months ago and the property owner applied for a building permit to rebuild the deck and fire escape. Because the structure is nonconforming with respect to the setbacks, a Special Use permit is required to rebuild. A TRC meeting was conducted on December 10, 2019, and asked that the septic system, all existing structures, and the parking areas be shown on the site plan.

Ms. Asbury asked if the deck was the fire escape and if you need the fire escape in order to receive a Certificate of Compliance and occupy the property.

Ms. Manning responded that is correct. She stated that there were repairs that needed to be done inside and when the application was submitted for those repairs, they informed the property owner of the Special Use Permit that would be required to rebuild the deck and fire escape.

Ms. Asbury asked if the revised site plan was submitted showing the septic system and parking areas.

Ms. Manning confirmed that they had received the revised site plan.

Mr. Smith asked if the building was on two separate lots.

Ms. Manning responded that there are two structures that contain a party wall on that property. The building was constructed years ago and there were two property owners.

Ms. Asbury asked if the sheds in the back will be removed to create parking spaces.

Ms. Manning stated that the applicant was available and could answer those questions.

Alvin Carr, 265 Sneads Ferry Road, Sneads Ferry, NC 28460.

Mr. Carr stated that he has owned this building for 20 years. The fire escape was constructed 20 years ago. There is only one other staircase, which is in the back of the building, so it is required to have a second fire escape. The building was damaged from a fire almost a year ago. More than 50 percent of the deck was damaged, but there was less than 50 percent of the interior building damaged. He would like to be able to restore the building back to how it was.

Mr. Smith asked what is on the second floor.

Mr. Carr responded that there are two apartments upstairs and one large apartment downstairs.

Ms. Asbury asked if all of the apartments have direct access to the deck.

Mr. Carr confirmed that they do.

Ms. Asbury asked if there was a need for the deck to be 10 feet wide if it is only serving as a fire escape.

Mr. Carr stated that there is an existing concrete pad in front of the building. When he constructed the deck originally, he built it to the edge of the concrete pad. He stated that he is still 20 feet from the edge of the road. He stated that the deck has served as a safety barrier over the years. He shared that it has prevented cars coming from Clay Hill Road from running into the building before.

Ms. Asbury asked if his plan is to rent out the apartments or to run a business in this building.

Mr. Carr stated that he plans to rent out all three apartments.

Mr. Jeff Brown asked how far the building is from the NCDOT right-of-way.

Ms. Manning stated that it looks as if it comes right up to the right-of-way, but she is not for sure the exact dimensions.

Marian Roddy, 402 Maplehurst Drive, Jacksonville, NC 28540.

Ms. Roddy stated that she owns property on 113 Ramblewood Lane. She explained that the building is not very far from the road and the road curves right where the building sits. When the building was being used for a business before, vehicles parked straight in and the back part of the vehicles stuck out into the road. She expressed her concerns about the building be used for a business again and her concerns about the parking.

Mr. Jeff Brown asked if the intent was for the parking to be in the front or the back of the building.

Mr. Carr responded that in the past, people mostly parked on the side or in the back. If anyone parks in the front, the parking will be parallel with the deck and the vehicle would not be sticking out into the road.

Ms. Asbury asked what Mr. Carr plans to do with the sheds and buildings located in the back.

Mr. Carr responded that he plans to sell and move those sheds out to create additional parking in the back.

**First General Conclusion:** That the special use, if approved, will not materially endanger the public health or safety, if located where proposed according to the plan submitted and approved. Mr. Smith made a motion to approve the finding. Mr. Jeff Brown seconded the motion. Mr. Smith stated that the application is to repair a deck and fire escape that previously existed. The motion passed by unanimous vote.

**Second General Conclusion:** That the use meets all special uses and specifications. Ms. Asbury made a motion to approve the finding. Mr. Jeff Brown seconded the motion. Ms. Asbury stated that it appears to be compliant with the standards set forth in the zoning ordinance as long as the offsite parking is provided. The motion passed by unanimous vote.

**Third General Conclusion:** That the use would not substantially injure the value of the adjoining or abutting property, or that the use is a public necessity. Mr. Jeff Brown made a motion to approve the finding. Mr. Smith seconded the motion. Mr. Jeff Brown stated that an appraisal report was provided by a NC licensed appraiser stating that there will be no injury to the value of adjoining properties.

**Fourth General Conclusion:** That the location and character of the use, if developed according with the plan as submitted and approved, will be in harmony with the area in which it was to be located and in general conformity with the Onslow County Comprehensive Plan and other Onslow County Ordinances. Ms. Asbury made a motion to approve the finding. Mr. Roger Brown seconded the motion. Ms. Asbury stated that it is within the High-Density land use classification and Traditional Neighborhood Area and she is happy to hear that it is being revitalized.

**D. SUP-2019-00027— Robert Howell is requesting to expand an existing storage building on property in Hubert, NC, Parcel ID 1314B-75:**

Mr. Brinkley provided an overview of the application SUP-2019-00027.

**Applicant:** Robert M. Howell

**Summary of proposal:** Mr. Howell is requesting a Special Use Permit on the property located at 112 Pond Drive in Hubert, NC. The property owner is Robert Howell. The property is within the Residential 8M (R-8M) zoning district. The Future Land Use Map shows this property within a Medium Density Residential land use category. The reason that this structure is considered nonconforming is because the garage sits isolated on a parcel without a residence. Accessory structures are not permitted to be located on a parcel as a standalone structure. Mr. Howell owns the property next door and was advised to combine the properties into one and a Special Use Permit would not be required. Mr. Howell does not wish to combine the properties. A recorded deed was provided by the developer, Vance Properties, for the Board to take into consideration. A TRC meeting was conducted on December 10, 2019 and no comments were made on this Special Use proposal.

Robert Howell, 110 Pond Drive, Hubert, NC 28539.

Mr. Howell stated that his intent was to clean up his yard by expanding his garage for storage. He explained that this garage has existed on this property for over 20 years and he has never been contacted about it being an issue. He expressed his concerns about others in the area being noncompliant with the recorded covenants, including Vance Properties. He stated that he does not wish to combine his properties in case there is a reason that he needs to sell the property in the future.

Mr. Smith asked what Mr. Howell intends to use the building for.

Mr. Howell stated that he intends to use it for storage for tools, lawnmower, etc.

Ms. Asbury asked how much impervious surface area Mr. Howell has with all his structures. She asked if it was roughly under 3,000 square feet.

Mr. Howell confirmed that is correct.

Ms. Asbury asked when Mr. Howell purchased the property in 1999, if he was aware of the recorded covenants that governed what he could and could not do on his property.

Mr. Howell stated that he was not aware that the covenants stated there was an approval process for obtaining a storage building.

Charles Nelson, 114 Pond Drive, Hubert, NC 28539.

Mr. Nelson stated that he is neighbors with Mr. Howell. He expressed that he has no issues with the storage building or the expansion. He stated that he feels Mr. Howell has improved the property.

**First General Conclusion:** That the special use, if approved, will not materially endanger the public health or safety, if located where proposed according to the plan submitted and approved. Mr. Jeff Brown made a motion to approve the finding. Mr. Smith seconded the motion. Mr. Jeff Brown stated that it appears that will not materially endanger the public health or safety. The motion passed by unanimous vote.

**Second General Conclusion:** That the use meets all special uses and specifications. Mr. Jeff Brown made a motion to approve the finding. Mr. Smith seconded the motion. Mr. Jeff Brown stated that it appears to meet all special uses and specifications. The motion passed by unanimous vote.

**Third General Conclusion:** That the use would not substantially injure the value of the adjoining or abutting property, or that the use is a public necessity. Ms. Asbury made a motion to deny the finding. The motion was not seconded and failed. Mr. Jeff Brown made a motion to approve the finding. Mr. Smith seconded the motion. Mr. Jeff Brown stated that an appraisal report was provided by a NC licensed appraiser stating that there will be no injury to the value of adjoining properties. Ms. Asbury stated that she had to consider the long-term precedent that would be set if the Board of Adjustment went against a more restrictive layer of covenants or conditions imposed upon a property owner. The restrictive covenants for this area state that you cannot set up an accessory structure on a lot with no primary structure. She stated that the simple solution to this issue is to survey both properties and combine them into one to become compliant with the covenants. Ms. Bunce stated that she believes that the Board of Adjustment should only consider the obligations that they have to make sure that the special use requirements are met. Mr. Shaw added that he believes that if the homeowner has met the County's requirements then it can be approved, and the homeowner can handle the recorded covenants with Vance Properties in court if he wishes. Mr. Jeff Brown stated that he thinks this accessory structure is an improvement because it will make the lot look more uniform. Mr. Smith stated that he believes the Board of Adjustment should vote based upon the County's requirements and Vance Properties and Mr. Howell can handle the covenants issue separately. The motion to approve passed by a vote of 4 to 1 (Asbury).

**Fourth General Conclusion:** That the location and character of the use, if developed according with the plan as submitted and approved, will be in harmony with the area in which it was to be located and in general conformity with the Onslow County Comprehensive Plan and other Onslow County Ordinances.

Mr. Jeff Brown made a motion to approve the finding. Mr. Roger Brown seconded the motion. Mr. Jeff Brown stated that it appears to be in conformity with the Onslow County Comprehensive Plan. The motion passed by unanimous vote.

**VI. COMMENTS**

**A. PUBLIC**

There were no comments from the public.

**B. BOARD OF ADJUSTMENT MEMBERS**

There were no comments from the Board of Adjustment.

**C. PLANNING DEPARTMENT STAFF**

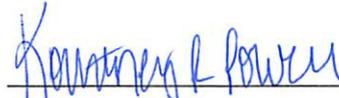
There were no comments from the Planning Department staff.

**VII. ADJOURNMENT**

There being no further discussion, the meeting was adjourned at 7:59 p.m.

  
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Jerome Shaw, Chairman

ATTEST:

  
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Kourtney R. Powell, Administrative Assistant