

**MINUTES OF THE BOARD OF ADJUSTMENT  
ON SLOW COUNTY  
JACKSONVILLE, NORTH CAROLINA  
February 26, 2019**

**I. CALL TO ORDER:** Chairman Jerome Shaw called the Onslow County Board of Adjustment meeting to order at 6:30 pm.

**II. INVOCATION:** Jerome Shaw pronounced the invocation.

**III. PLEDGE OF ALLEGIANCE:** John Smith led all present in the Pledge of Allegiance.

**IV. ROLL CALL:**

Chairman Jerome Shaw  
John Smith  
Christina Asbury  
Marilyn Bunce  
Jeff Brown

**Staff Members Present:**

Jennifer Ansell, Chief Zoning and Environmental Officer  
Angie Manning, Land Use Administrator  
Kourtney Powell, Administrative Assistant

**V. APPROVAL OF THE MINUTES:**

Mr. Smith made the motion to approve the January 22, 2019 minutes. Mr. Brown seconded the motion. All members were in favor and the motion passed.

Ms. Asbury made the motion to approve the Board Decision: SUP-2018-00020. Mr. Smith seconded the motion. All members were in favor and the motion passed.

**VI. ELECTION OF OFFICERS:**

Ms. Bunce nominated Jerome Shaw as Chairman. Ms. Asbury motioned that the nominations be closed. Mr. Smith seconded. The motion passed by unanimous vote.

Mr. Brown nominated John Smith as Vice Chairman. Ms. Bunce motioned that the nominations be closed. Ms. Asbury seconded. The motion passed by unanimous vote.

**VII. NEW BUSINESS:**

**A. SUP-2019-00001 – Marcelino Perez is Requesting a Special Use Permit to set up a single Recreational Vehicle (RV) at 443 Deppe Road in Maysville, NC, Parcel ID 1235-3:**

Ms. Ansell provided an overview of the application SUP-2019-00001.

**Applicant:** Marcelino Perez

**Summary of proposal:** Mr. and Mrs. Perez are requesting a Special Use Permit to set-up a single RV on the property located at 443 Deppe Road in Maysville, NC. The property is within the Rural Agricultural (RA) zoning district and consists of approximately 2.21 acres. The property is identified as tax map number 1153-3. There are no regulated wetlands and the property is not located within the special flood hazard area.

**Staff Recommended Conditions:** A TRC was held on January 22, 2019 and staff is recommending the following conditions if the application is approved:

- 1) The RV should be identified with an address number for emergency response;
- 2) If no driveway exists on the property, a driveway permit from NCDOT will be required to install one;
- 3) Water service is available from ONWASA; and
- 4) A septic permit will be required to install a system on the property.

**Additional Information:** The property is not located within the Flight Path Overlay District.

**Zoning District Summary:** The property is in the Rural Agricultural (RA) Zoning District.

**Access/Traffic:** The 2017 NCDOT Annual Average Daily Traffic (AADT) counts show 1,500 vehicle trips per day along Deppe Road (SR 1436) within the vicinity of the site.

**Comprehensive Plan (CAMA Core Land Use Plan):** The Comprehensive Plan, Future Land Use Map shows the property as Agricultural/Forestry.

Marcelino Perez, 522 North 36<sup>th</sup> Street, Harrisburg, PA 17109.

Mr. Perez stated that he and his wife purchased this property so that they could visit family.

Ms. Bunce asked if there is a residence on this property now.

Mr. Perez answered that there is currently no residence on this property.

Ms. Bunce asked if he plans to install a septic system.

Mr. Perez answered that he does plan to install a septic system.

**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 the motion to approve the finding per the ordinance requirements. Ms. Asbury seconded the motion. Mr. Smith stated that as long as the applicant follows through with staff suggestions of a driveway permit, septic permit etc., 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. Ms. Asbury made the motion to approve. Mr. Smith seconded the motion. Ms. Asbury stated that if all staff recommendations are met then all requirements, special uses and specifications should be met. 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 the motion to approve the finding. Ms. Bunce seconded the motion. Ms. Asbury stated that considering the applicant had a NC licensed real estate appraiser prepare an opinion of potential impact of adjoining properties, she believes it is covered and certified by a professional.

**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 the motion to approve. Mr. Smith seconded the motion. Mr. Jeff Brown stated that according to what staff has said, the location meets the criteria.

Mr. Shaw announced to the applicant that the Special Use request had been approved.

**B. SUP-2019-00002 – William Davis is Requesting a Special Use Permit to operate a Recreational Vehicle (RV) Park at 1376 Pony Farm Road in Jacksonville, NC, Parcel ID 322-84 and 322-85.1:**

Ms. Ansell provided an overview of the application SUP-2019-00002.

**Applicants:** William Davis and Gary Watkins

**Summary of proposal:** William Davis is requesting a Special Use Permit to allow a 32-lot RV Park on the property located at 1376 Pony Farm Road in Jacksonville, NC. The properties are located in the Rural Agricultural (RA) zoning district and consists of approximately 5.7 acres. The properties are surrounded by properties zoned for rural agricultural land uses and was previously used as a manufactured home park. There are no known wetland areas on the site and the property is not located within a flood hazard area.

**Staff Recommended Conditions:** A TRC was held on January 22, 2019 and staff is recommending the following conditions if the application is approved:

- 1) The County Fire Marshal is recommending that a fire hydrant be installed within 1,000 feet of all structures;
- 2) A change of use permit issued by NCDOT for the driveway will be required;
- 3) The US Army Corps of Engineers recommends having a jurisdictional determination completed on the site in order to identify wetlands boundaries; and
- 4) A change of use septic permit will be required by Environmental Health for each septic system to be utilized.

**Additional Information:** The property is not located within the Flight Path Overlay District.

**Zoning District Summary:** The property is in the Rural Agricultural (RA) Zoning District.

**Access/Traffic:** The 2017 NCDOT Annual Average Daily Traffic (AADT) counts show 2,900 vehicle trips per day along Pony Farm Road (SR 1212) within the vicinity of the site.

**Comprehensive Plan (CAMA Core Land Use Plan):** The Comprehensive Plan, Future Land Use Map shows the property as Medium Density Residential (MDR).

William Davis, 603 Hughes Road Hampstead, NC.

Mr. Davis stated that the property was previously a mobile home park with 20 lots and they would like to change the use to RV lots. Mr. Davis stated that he believes an RV park will be an improvement to the area. The second owner of the property partly owns Cabin Creek Campground and they plan to use this site as an overflow for the campground when it is full.

Ray Zamora, Jr, 1376 Pony Farm Road, Jacksonville, NC.

Mr. Zamora, Jr stated he lives right behind this site. Mr. Zamora questioned how many RVs they want to put on the property and how many septic tanks they will be hooking up to. He also questioned if tenants were going to be driving back onto his property. He has concerns about the site being located on a curve and this RV park being located in front of his property. Mr. Zamora stated that he would have to drive through the park to reach his property. He explained that they have a 30' easement they obtained from the previous owner for their driveway.

Ray Zamora, Sr, 1376 Pony Farm Road, Jacksonville, NC.

Mr. Zamora, Sr explained that he is concerned about his grandchildren who live directly behind this site and their safety. He stated that most campgrounds and RV parks are loud and a lot of partying takes place. He stated that he is also concerned that his property is going to lose value.

Susan Jardine, 604 Greystone Avenue, Jacksonville, NC.

Ms. Jardine stated her concerns about safety, traffic and partying if an RV park is brought to this site. She also expressed her concerns about proper drainage to maintain the open site if it is cleared for RVs.

Kenneth Clouser 1382 Pony Farm Road, Jacksonville, NC.

Mr. Clouser lives at the property next to this site. He stated his concern about his property value lowering and his concern about his quiet neighborhood being disturbed from partying taking place at an RV park next door.

Christine Hedgorth, 706 Stonewall Avenue, Jacksonville, NC.

Ms. Hedgorth stated her concerns about traffic, drainage and tenants setting their RVs up permanently to live. She stated that she does not believe an RV park would increase the value of any property around it.

Chester Williams, 1769 Pony Farm Road, Jacksonville, NC.

Mr. Williams stated that he owns rental property near the proposed RV park. One of his tenants is an elderly, sick woman who needs her rest and Mr. Williams expressed his concern that a loud RV park would negatively affect her and his neighbors. He explained that he used to own a mobile home that was located in the previous mobile home park and that there used to be drainage issues. He stated that he is concerned those drainage issues would still be a problem.

Wade Hunter, 1385 Pony Farm Road, Jacksonville, NC.

Mr. Hunter lives across the street from the proposed RV park. He expressed that he does not want the drainage to come across on to his property and he does not want the extra traffic that an RV park will bring.

Jose Sandoval, 301 Denise Drive, Jacksonville, NC.

Mr. Sandoval expressed his concerns about potential drainage issues, safety for his nephew, school buses, and traffic. He questioned if this site will be used for repairing RVs or if it will be an RV park.

Mr. Davis came back to address issues and questions. He stated that the site can be restored as a mobile home park with the current zoning and that is their alternative plan. He stated that he believes an RV park would be a more positive use than a mobile home park. Mr. Davis stated that the site would be an RV park where tenants could live temporarily or permanently and managed through Cabin Creek Campground.

Mr. Jeff Brown asked if the septic systems have been evaluated yet.

Ms. Manning stated that the applicant was waiting until after the Board of Adjustment meeting to have them evaluated. If approved by the Board of Adjustment, the applicant would submit a change of use through Onslow County Environmental Health.

Ms. Bunce asked how many lots there were in the mobile home park previously and how many RV lots they are proposing.

Mr. Davis answered there were 20 mobile home lots and they are proposing 30 RV lots.

Ms. Bunce asked what plans they have to upgrade and maintain the 30' easement that Mr. Zamora and his family travel to get to their home.

Mr. Davis answered that they plan to install more rock and they have the equipment to maintain the driveway.

Ms. Jardine asked if they would be required to replace or upgrade any of the existing septic systems.

Mr. Davis answered that is up to Environmental Health when they evaluate the systems.

Mr. Zamora Sr asked if there would be a permanent office and someone tending to this park. He questioned if tenants would be bothering his family for needs within the park.

Mr. Davis answered that there plan is to use the office at Cabin Creek Campground on Hwy 17, but at some point they may consider putting a remote office at this site. He stated there would be a phone number posted for the tenants to call if they needed anything.

Mr. Sandoval explained that his house does not flood currently, but he is concerned that when RVs are pulled onto this site that has been empty for so long, he may begin to have flooding and drainage issues.

Ms. Jardine expressed that without anyone there managing the property, she feels that the responsibility of supervising the park is left up to the neighborhood, which is unfair.

Ms. Hedgcorth expressed her concern about the children waiting for the bus on the same curb that the proposed RV park will go. She also expressed concerns about no management in the park and the types of tenants that may live in the park. She stated that she does not feel that an RV park or a mobile home park would benefit the area.

Phil Phillips, 215 Blue Creek Farms Drive, Jacksonville, NC.

Mr. Phillips explained that water runs over the road at this site even in the summer, and the road freezes in this area during the winter. He expressed that the size of the RVs were not mentioned and even with the existing flooding and drainage issues, no study of drainage was conducted or presented. He stated that he believes an RV park brings danger and does not benefit the community.

**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. Ms. Asbury made the motion to deny the finding per the ordinance requirements. Ms. Bunce seconded the motion. Ms. Asbury stated the lack of a proper site plan indicating stormwater runoff and stormwater management plan for impervious surface area and other stormwater runoff is a concern for her. She stated that she feels like with a proper plan they may be able to make a better decision, but with the information provided she does not see a way to approve it. Ms. Bunce added that many people have made a case for public health and safety issues if an RV park is added to the area. She stated it is not a vacation spot; it is a neighborhood. The motion to deny passed by a vote of 3 to 2 (Shaw and Brown).

**Second General Conclusion:** That the use meets all special uses and specifications. Ms. Asbury made the motion to deny. Ms. Bunce seconded the motion. Ms. Asbury stated she cannot approve based on that the lack of a proper site plan showing any Army Corps of Engineers jurisdictional wetlands determinations to see exactly how this would affect this site or the density of the RVs that are being proposed. Ms. Bunce expressed that is hard to make a decision when one of the requirements is to have a wetlands determination which they do not have in front of them and will not have until the Special Use is denied or approved. She stated that requirement should have been met prior to the meeting. Ms. Asbury added that a wetlands determination would have shown the impact on any proposed septic systems. Mr Jeff Brown stated that he believed a wetlands jurisdiction and septic evaluation is something out of the Board's hands. He stated that the applicant could restore the mobile home park with the same wetlands and septic tanks and it be approved. Ms. Bunce stated that it would have not have been expensive or hard to request a wetlands determination prior to the meeting to present to the Board. The motion to deny passed by a vote of 3 to 2 (Shaw and Brown).

**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 the motion to deny the finding. Ms. Bunce seconded the motion. Ms. Asbury stated that the lack of a value impact study done by a NC licensed real estate appraisor was not provided to show any potential impacts on

neighboring or surrounding property values. The motion to deny passed by a vote of 4 to 1 (Brown).

**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 the motion to approve. Mr. Smith seconded the motion. Mr. Jeff Brown stated there are other similar uses in the area and it meets the criteria of the zoning ordinance. The motion to approve passed by a vote of 4 to 1 (Bunce).

Mr. Shaw announced to the applicant that the Special Use request had been denied.

**C. SUP-2019-00003 – Keith Fisher on behalf of First Church of God is Requesting a Special Use Permit to expand an existing nonconforming use at 2311 Dawson Cabin Road in Jacksonville, NC, Parcel ID 739-13:**

**Applicant:** Keith Fisher

**Summary of proposal:** Mr. Keith Fisher is requesting a Special Use Permit on behalf of the First Church of God to expand the existing nonconforming use by constructing a new fellowship hall at 2311 Dawson Cabin Road. The church and existing fellowship hall are considered to be nonconforming because they were constructed prior to the implementation of County zoning and do not have a special use permit. The property consists of approximately 1.8 acres and is in the Residential 8M (R-8M) zoning district. It is surrounded by properties zoned for low to medium-density residential use.

**Staff Recommended Conditions:** A TRC was held on January 22, 2019 and staff is recommending the following conditions if the application is approved:

- 1) The total number of parking spaces and the number of seats within the largest assembly area should be provided. For churches, one (1) parking space for each four (4) seats in the largest assembly area is required; and
- 2) The existing septic system should be shown on the site plan.

**Additional Information:** The property is not located within the Flight Path Overlay District.

**Zoning District Summary:** The property is in the Residential 8M (R-8M) Zoning District.

**Access/Traffic:** The 2017 NCDOT Annual Average Daily Traffic (AADT) counts show 5,600 vehicle trips per day along Dawson Cabin Road (SR 1107) within the vicinity of the site.

**Comprehensive Plan (CAMA Core Land Use Plan):** The Comprehensive Plan, Future Land Use Map shows the property as Rural Residential.



Keith Fisher, 863 Ernest King Road, Jacksonville NC.

Mr. Fisher stated that they have demolished their old fellowship hall and would like to build a bigger one to accommodate their congregation.

Bob Duffy, 360 Mills Court, Jacksonville, NC.

Mr. Duffy asked how much bigger the building would be and if there has been any preparation for water drainage.

Mr. Fisher answered that the building would be almost 3,000 square feet and showed Mr. Duffy on the map where the water would drain.

**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 the motion to approve the finding per the ordinance requirements. Ms. Asbury seconded the motion. Mr. Smith stated that there is no evidence that what they are building is going to affect the surrounding water or anything else. The motion passed by unanimous vote.

**Second General Conclusion:** That the use meets all special uses and specifications. Ms. Asbury made the motion to approve. Ms. Bunce seconded the motion. Ms. Asbury stated that it appears to be compliant with the standards set forth in the zoning ordinance.

**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 the motion to approve the finding. Ms. Asbury seconded the motion. Mr. Jeff Brown stated that it will not change the value because they are rebuilding something that was there previously.

**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. Smith made the motion to approve. Ms. Asbury seconded the motion. Mr. Smith stated it will be for community use.

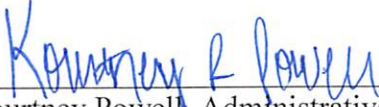
Mr. Shaw announced to the applicant that the Special Use request had been approved.

**VII. COMMENTS:**

None.

**VIII. ADJOURNMENT:**

There being no further discussion, the meeting was adjourned at 7:46 PM.

  
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Kourtney Powell, Administrative Assistant

  
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Mr. Jerome Shaw, Chairman