

ONSLow COUNTY BOARD OF ADJUSTMENT MEETING MINUTES

April 23, 2019

Onslow County Government Center

Planning Department

234 NW Corridor Blvd., Jacksonville, NC 28540

BOARD MEMBERS WERE PRESENT:

Ms. Christina Asbury

Mr. Roger Brown

Mr. John Smith, Vice Chairman

Mr. Jerome Shaw, Chairman

Ms. Marilyn Bunce

Mr. Jeff Brown

Ms. Amy Buchanan

PLANNING AND DEVELOPMENT DEPARTMENT MEMBERS PRESENT:

Jessica Rhue, Interim Director

Angie Manning, Land Use Administrator

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 March 26, 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: VAR-2019-00002. Mr. Roger Brown seconded the motion. All members were in favor and the motion passed.

V. NEW BUSINESS

A. SUP-2018-00013—John L. Pierce & Associates, LLC is requesting a Special Use Permit to operate a Recreational Vehicle (RV) Park on property located at 237 and 243 Fulcher Landing Road in Sneads Ferry, NC, Parcel ID 1001-25 and 1001-28:

Ms. Manning provided an overview of the application SUP-2018-00013.

Applicant: John L. Pierce & Associates

Summary of proposal: John L. Pierce & Associates, LLC is requesting a Special Use Permit on behalf of Fulcher Landing Rentals, LLC to allow a 7-lot RV Park on the property located at 237 and 243 Fulcher Landing Road in Sneads Ferry, NC. The property consists of approximately 1 acre and is surrounded by properties zoned for medium-density land uses. There are no areas of regulated wetlands shown on the site plan and the property is not shown to be within a flood hazard area.

Staff Recommended Conditions: A TRC was held on March 19, 2019. The application appears to be compliant with the standards as set forth in the Zoning Ordinance.

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 counts show 1,100 vehicle trips per day along Fulcher Landing Road within the vicinity of this site.

Comprehensive Plan (CAMA Core Land Use Plan): The Comprehensive Plan, Future Land Use Map, designates this property as Community Growth Activity Center and High Density Residential.

Brian Jarman, John L. Pierce & Associates, 405 Johnson Blvd, Jacksonville, NC 28540.

Mr. Jarman stated that he believes this use will fit in well with the neighborhood. It will be a part of an existing RV Park. They will follow all state requirements and staff recommendations. He stated that they have a statement from a licensed real estate appraiser confirming that the use

will be in harmony with the neighborhood and will not substantially alter or injure the value of adjoining properties. Mr. Jarman provided the Board with a current picture of the site.

Tom White, 386 Fulcher Landing Road, Sneads Ferry, NC 28460.

Mr. White stated that he was a member of the RV Park for 4 years before he purchased his home. He stated that if he had not purchased his home, he would still be living in the campground. He expressed that it was a nice, well managed campground.

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 they seem to have met all the requirements. 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 they have complied with all TRC requests and everything seems 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. Ms. Asbury made a motion to approve the finding. Mr. Smith seconded the motion. Ms. Asbury stated that based on the appraisal provided by a NC licensed appraiser, their professional opinion states that it will not substantially injure or alter the value of adjoining or abutting 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. Ms. Asbury made a motion to approve the finding. Mr. Roger Brown seconded the motion. Ms. Asbury stated it is a natural extension of Fulcher Landing campground and because there are other campgrounds and similar uses in that area of Sneads Ferry, she feels that it is in harmony. The motion passed by unanimous vote.

B. SUP-2019-00008—John L. Pierce & Associates, LLC is requesting a Special Use Permit to operate a Recreational Vehicle (RV) Park on property located at 156 Orvin Drive in Sneads Ferry, NC, Parcel ID 766-31.2:

Ms. Manning provided an overview of the application SUP-2019-00008.

Applicant: John L. Pierce & Associates

Summary of proposal: John L. Pierce & Associates is requesting a Special Use Permit on behalf of Tracy and Georgeanna Whaley to allow a 45-lot RV Park on the property located at 156 Orvin Drive, Sneads Ferry, NC. The property consists of approximately 6.63 acres and is surrounded by properties zoned for rural agricultural, highway business and medium-density land uses. The property was previously used as a mobile home park. There are no areas of regulated wetlands and the property is not located within a flood hazard area.

Staff Recommended Conditions: A TRC was held on March 19, 2019. The application appears to be compliant with the standards as set forth in the Zoning Ordinance.

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 2016 NCDOT Annual Average Daily Traffic (AADT) counts show 5,700 vehicle trips per day along Old Folkstone Road within the vicinity of this site.

Comprehensive Plan (CAMA Core Land Use Plan): The Comprehensive Plan, Future Land Use Map, designates this property as Traditional Neighborhood.

Brian Jarman, John L. Pierce & Associates, 405 Johnson Blvd, Jacksonville, NC 28540.

Mr. Jarman stated that he feels this use will fit in well with the community. If it is approved, it will replace an existing mobile home park that is currently not well managed. They will meet all state and federal requirements. He stated that they have a statement from a licensed real estate appraiser, and in their opinion, this use will be harmony with the neighborhood and will not substantially injure or alter the value of the adjoining properties.

Ms. Asbury asked if the maintenance agreement for Orvin Drive will benefit all homeowners along Orvin Drive.

Mr. Jarman confirmed that the maintenance agreement would be beneficial to everyone along Orvin Drive.

Mr. Jeff Brown asked if Orvin Drive is a gravel road.

Mr. Jarman confirmed that it is a gravel road.

Tracy Whaley, 443 Maready Road, Chinquapin, NC 28521.

Mr. Whaley stated that he acknowledged the concerns the property owners have about the conversion of the mobile home park into an RV Park. He believes this RV Park will be an improvement to the community. When he purchased the property, the entrance road was almost impassible, there were abandoned trailers that were dilapidated, and based on information received from Onslow County Sherriff's Department, the place was infested with illegal drugs and substances. Several of the residents in the trailer park had criminal records. Mr. Whaley stated that since he has purchased the property, he has made improvements to the entrance road and the road inside the trailer park. He explained that he has also demolished and hauled most of the dilapidated trailers to the landfill with the intentions of cleaning up all of them. He stated that the residents involved in the drug activity are either gone or on the way out. The intention is to replace the mobile homes with campers. The camper spaces will only be rental spots; therefore, there will be no continuous flow of campers in and out daily. The contract for the renters will not allow any tolerance for illegal substances of any kind. Excessive partying and drinking will not be tolerated. Mr. Whaley stated that he is a Christian and a family man and he wants this RV Park to reflect that.

Ms. Bunce asked if there will be onsite management at the RV Park.

Mr. Whaley answered that there will not be anyone there fulltime at first, but there will be an office located there for management.

Norman Patterson, 177 Orvin Drive, Sneads Ferry, NC 28460.

Mr. Patterson provided the Board with a packet including pictures of the site and questions that he has. He explained his property is right across the street from the proposed RV Park. He

expressed his concerns about security and the condition of the road with increased traffic. He stated that he purchased 2 tractors to maintain the ditches and the road in previous years. Due to surgery and his health, he is no longer able to maintain the road himself. The pictures that were provided show other RV Parks; Mr. Patterson pointed out that the other RV Parks are located on a main road, not a private road. He stated that he believes Orvin Drive should be shown on the site plan and that a maintenance agreement should apply to all of Orvin Drive.

Ms. Asbury asked about the security issues.

Mr. Patterson responded that someone else would be discussing that with the Board.

Ms. Asbury asked if there was currently a road maintenance agreement on Orvin Drive.

Mr. Patterson responded that there is currently no maintenance agreement.

Ms. Asbury stated all the properties that are currently located on Orvin Drive are not going to be eligible for VA or most government loans, so everyone who owns property down there are already negatively impacted by the lack of a road maintenance agreement. The applicant is trying to take over and create maintenance of this road to at least maintain it from Old Folkstone Road to the entrance of the RV Park at their own expense. She stated that no one is going to want to pull their RV down a road full of potholes, so in order make their business successful, the applicant is going to maintain that road well.

Mr. Patterson asked if the road maintenance agreement will be in writing and how they can monitor it.

Ms. Asbury responded that a road maintenance agreement would be recorded with the Register of Deeds and would be a legally binding document.

Mr. Patterson asked why nothing has been done to the road thus far.

Ms. Asbury explained that the applicant is not going to spend a lot of money until they know they have approval to construct the RV Park.

Mr. Patterson stated that meters were already put in prior to it being approved.

Mr. Whaley stated that he set the meters, but when he came to get the building permit he discovered that he needed a special use permit and he stopped.

Ms. Asbury stated that she felt it would be safe to assume that the traffic count is probably as high as it would have been with all the mobile homes and tenants being there doing whatever activities that they wanted to do. She stated that with the illegal drug activity that was taking place in the mobile home park, there was probably more traffic coming through then than would be coming through in an RV Park.

Mr. Patterson asked what happens if the applicant does not keep the road up.

Mr. Whaley promised that as long as he owns the land, it will be maintained better than it was when he purchased it.

Charles Cummings, 156 Orvin Drive, Sneads Ferry, NC 28460.

Mr. Cummings stated that he was speaking on behalf of his mother who owns the land at 156 Orvin Drive. Their property connects to the property where the proposed RV Park will be going. Mr. Cummings expressed his concerns about privacy and security. He explained that his mother has been there 31 years. He discussed multiple theft attempts such as: their home being broken into twice, someone hooking up to their outside water faucet and stealing their water and having to take the battery out of their lawnmower after mowing the lawn and locking it in the house to prevent it from being stolen. Lastly, he mentioned his concerns about the septic tanks and the 25' clearance from the back for runoff. Mr. Cummings stated that for the last 31 years they have drove to their property through Orvin Drive. He asked Mr. Whaley if they could discuss this entrance and the effect it may have on access to his mother's property.

Mr. Whaley stated that they are more than welcome to continue accessing their property the way they always have.

Mr. Cummings stated he would still like to have a one on one discussion with Mr. Whaley about it.

Mr. Shaw asked if Mr. Jarman could explain what type of vegetation would be installed for the buffer.

Mr. Jarman explained that it is an 8' wide planted buffer. He stated that they are following the zoning ordinance requirements. There will be a certain number of large shrubs, small shrubs and trees. They will be staggered. They are intended to screen and block view.

Brenda Haire, 174 Orvin Drive, Sneads Ferry, NC 28460.

Ms. Haire expressed her concerns about the septic tanks. She also stated that she has concerns about security. She explained that when she first moved to her home, her air conditioning unit was ripped off of the outside of her house in an attempt to steal the whole unit. Ms. Haire questioned if there would now be a noise issue with the RV Park.

Ms. Asbury explained how septic tank flow is calculated and engineered and informed the property owners that septic tank permitting is done through Environmental Health and are State permits.

Mr. Patterson stated that he has already spoken with an inspector in Environmental Health and he feels comfortable that they will inspect the septic systems thoroughly.

Shelly Robinson, 419 Bald Cypress Lane, Sneads Ferry, NC 28460.

Ms. Robinson stated that the property for the proposed RV Park is visible from the back of her property. It used to be blocked by trees and shrubs, Hurricane Florence tore those down. Ms. Robinson asked what company assessed the area to determine if their property values would be affected by the proposed RV Park.

Ms. Asbury answered that Susanne Nelson with Realty Services of Eastern Carolina performed the appraisal.

Ms. Robinson asked if there was anyone else who has performed an appraisal as a second opinion.

Ms. Asbury stated that the only professionals in the State of North Carolina who can assess value and impact on value is a licensed North Carolina appraiser.

Ms. Robinson asked would there have been any incentive for the appraiser to say the proposed RV Park would have no negative impacts on the surrounding properties. She also asked if it was possible to get a second opinion.

Ms. Bunce explained that an appraiser would be in a lot of trouble with the State of North Carolina if they determined there was any incentive to providing a good opinion to the Board. She also explained that a second opinion could be provided if Ms. Robinson would like to pay for one.

Ms. Robinson asked what they would do if they go to sell their home and there is extensive value loss.

Ms. Asbury explained that property values change daily and that an appraisal is only good for the day it is written.

Ms. Robinson stated that the prices for homes all around their home are steadily increasing and she is curious of what happens if they decide to sell their property, and because you can see the RV Park through their window, their value lowers.

Ms. Bunce explained that there is no way for anyone to predict property values years in advance. She stated that according to the professional opinion provided about this RV Park, it is not going to affect the property values in the area.

Ms. Robinson asked if there will be pet regulations. She stated that they already have multiple strays around their home and she wants to keep their pets safe.

Mr. Whaley stated there will be pet regulations within the contract for the RV Park tenants.

Danielle Hampton, 427 Bald Cypress Lane, Sneads Ferry, NC 28460.

Ms. Hampton expressed her concerns about security and asked if there was going to be anything done to separate their community from the RV Park neighborhood. She stated that her truck was stolen out of her driveway when she first moved into her house. She is concerned about rift raft that will come from that neighborhood into the back of her property. She asked if there was going to be any border security separating her yard from that neighborhood.

Mr. Whaley stated that his intentions are to bring better people into the RV Park than the tenants who were living in the mobile home park.

Ms. Hampton asked if there was going to be a fence installed to separate her property from their property.

Mr. Whaley answered that there will be a planted buffer as shown in the plans and no trees on is property will be cut down.

Susan Lempke, 179 Orvin Drive, Sneads Ferry, NC 28460.

Ms. Lempke stated that she knows many people who live in RV Parks permanently, and she is aware of what takes place in an RV Park. She stated that Mr. Whaley cannot guarantee that there will be no drug problem.

Mr. Whaley stated that if he finds out there is any drug activity taking place, those tenants will be gone.

Ms. Lempke asked if they were going to allow people to live there permanently.

Mr. Whaley responded that they will be annual rental spots. They will not be allowed to be a permanent residence, but Mr. Whaley stated that he cannot tell the tenants how long they are able to stay there.

Joyce Bailey, 158 Bumps Creek Road, Sneads Ferry, NC 28460.

Ms. Bailey asked if there was a rule that someone can not live in the RV permanently.

Mr. Shaw responded that it would be up to the agreement the owner establishes.

Rhonda Faircloth, 175 Orvin Drive, Sneads Ferry, NC 28460.

Ms. Faircloth stated that her concerns are with the road and the emergency vehicle access. She asked what happens if there is a fire down there and a fire truck is coming in that one access.

Ms. Bunce asked if TRC had any comments about emergency access.

Ms. Manning responded that a 20' road is the requirement for emergency access.

Ms. Faircloth expressed that she is also concerned about security.

Mr. Jeff Brown asked what the owner's intention is on the road.

Mr. Whaley responded that grading is the main thing needed right now then once it is graded they plan to come back with ABC stone or something similar.

Mr. Jeff Brown asked if there was going to be any lighting in the RV Park.

Mr. Whaley responded that there are security lights.

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. Roger Brown made a motion to approve the finding. Mr. Jeff Brown seconded the motion. Mr. Roger Brown stated that it seems as if the problem is being removed and it should be an improvement. 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 it appears that all of the specifications have been 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 a motion to approve the finding with the condition that the road maintenance agreement will be recorded with Register of Deeds for the benefit of all. Mr. Jeff Brown seconded the motion. 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. Roger Brown seconded the motion. Mr. Jeff Brown stated that it appears to be in generally conformity with the Onslow County Comprehensive Plan. The motion passed by unanimous vote.

VI. COMMENTS:

There were no comments.

VII. ADJOURNMENT

There being no further discussion, the meeting was adjourned at 8:00 p.m.



Jerome Shaw, Chairman

ATTEST:



Kourtney R. Powell, Administrative Assistant