



**ONslow COUNTY BOARD OF ADJUSTMENT
MEETING MINUTES**

August 22, 2023

**Onslow County Government Center
Commissioners' Chambers**

234 NW Corridor Blvd, Jacksonville, NC 28540

BOARD MEMBERS PRESENT:

Jerome Shaw, Chairman
John Smith, Vice-Chairman
Jeff Brown
Kyle Fountain
Christina Asbury

ONslow COUNTY STAFF MEMBERS PRESENT:

Carter Metcalf, Planning Director
Brett, DeSelms, County Attorney
Kendrick Stanton, Zoning Administrator
Michael Montgomery, Administrative Assistant

I. MEETING CALLED TO ORDER

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

II. INVOCATION

Mr. Jeff Brown pronounced the invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. APPROVAL OF MINUTES AND DECISIONS

Mr. Fountain made the motion to approve the July 25, 2023, minutes. Ms. Asbury seconded the motion. All members were in favor and the motion passed.

Mr. Fountain made a motion to defer the vote on the minutes to the end of the meeting. Ms. Asbury seconded the motion. All members were in favor and the motion passed.

Ms. Asbury made a motion to approve the Board Decision: SUP-2023-00013. Mr. Fountain seconded the motion. All members were in favor and the motion passed.

V. SPECIAL USE APPLICATION

SUP-2023-00014 — James Lane and Hilary Maready requested a Special Use Permit to establish a Mining and Quarrying Operation (1 Acre or Greater) on a 18.19-acre parcel on US Highway 17, Stump Sound, NC known as Tax Parcel 759-1.6.

Applicant/Owner: James Lane & Hilary Maready

Summary of proposal: Mining and Quarrying Operations.

Mr. Stanton provided an overview of the application SUP-2023-00014.

James Lane, 103 Hideaway Shores Rd, Hampstead, spoke on behalf of the application. He stated that they use it for family recreation. There are two small ponds out there currently. They are going to dig and create one big pond. They will plant trees around the property once the digging is done. It will be used as recreation. He wants to dig a big lake and sell the dirt but needs a mine permit to build the lake.

Ms. Asbury asked how the applicant intends to move the equipment over the wetlands.

Mr. Lane said he will not be crossing the wetlands.

Ms. Asbury asked if he will be using the access off of Highway 17.

Mr. Lane said that was correct. He does not impact the wetlands using that access. Only public road being used is highway 17. Woods surround the area so it will control the dust.

Ms. Asbury asked what the depth will be for the pond.

Mr. Lane informed the Board that the pond could be 25 to 30 feet out in the center. It will be sloped. The surrounding area ponds are 20 feet deep.

Branch Smith, 205 Sierra Dr, Wilmington, He said he has done these types of projects before and asked if the Board had any questions.

Ms. Asbury voiced concern over the 50-foot buffer between wetlands and the edge of the pond. She asked how the pond can impact the wetlands that are so close and why they did not propose a larger buffer.

Mr. Smith said the wetlands are not water dependent, they are isolated and there is not a draw done. The development is not going to dewater, the water is going to subside to ground level. It will all balance out. This will not draw water out of the wetlands. The State only requires a 50 foot buffer. The wetlands will not be affected.

Ms. Asbury asked if the topography of the area influences the water training towards the pond.

Mr. Smith said the land is flat. The wetlands are further to the east and a creek is further down. It is flat near the site but falls further down towards Pilcher's branch.

Ms. Asbury asked if all the dirt that is dug will be removed from the site.

Mr. Land responded by saying not all the dirt will be removed some will be used for building up the area. The wetland is never wet, it is dry. Any runoff will go into the woods away from Highway 17.

Ms. Asbury asked Mr. Lane if he access his property from Pilcher's Branch at any time.

Mr. Lane said sometimes he does.

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. Brown made a motion to approve the finding. Mr. Smith seconded the motion. Mr. Brown stated that this will not pose an immediate threat to 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 a motion to approve the finding. Mr. Fountain seconded the motion. Ms. Asbury stated that it appears to meet all required special use standards 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. Mr. Fountain made a motion to approve the finding. Mr. Brown seconded the motion. Mr. Fountain stated that based on the report provided by a licensed appraiser, the proposed structure will not substantially injure the value of the adjoining or abutting property. The motion passed by unanimous vote.

Fourth General Conclusion: That the location and character of the use, if developed according to 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. Brown seconded the motion. Ms. Asbury stated that it appears to not be in harmony with the surrounding area and not in general conformity with the Onslow County Comprehensive Plan. The motion passed by unanimous vote.

Mr. Smith made a motion to rehear SUP-2023-0001. Mr. Brown seconded the motion. Mr. Smith said he made the wrong decision after reviewing the application and additional information. The motion passed by a 3 to 1 (Asbury) vote. Chairman Shaw recused himself from voting.

V. COMMENTS

A. PUBLIC

There were no comments from the public.

B. BOARD OF ADJUSTMENT MEMBERS


There were no comments from the Board.

C. PLANNING DEPARTMENT STAFF

There were no comments from staff.


VI. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:15 p.m.



Jerome Shaw, Chairman

ATTEST:



Michael Montgomery, Clerk to the Board