



**ONslow COUNTY BOARD OF ADJUSTMENT
MEETING MINUTES
September 22, 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
Mr. Ricky Cannon
Mr. Jeff Brown
Ms. Marilyn Bunce
Mr. Kyle Fountain

ONslow COUNTY STAFF MEMBERS PRESENT:

Brett DeSelms, County Attorney
Jessica Rhue, Planning and Development Director
Austin Brinkley, Chief Zoning and Environmental Officer
Kourtney Lanier, Administrative Assistant

I. MEETING CALLED TO ORDER

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

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

Mr. Jeff Brown made the motion to approve the August 25, 2020 minutes. Mr. Roger Brown seconded the motion. All members were in favor and the motion passed.

Mr. Jeff Brown made the motion to approve the Board Decision: SUP-2020-00019. 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-2020-00017. 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-2020-00016. Mr. Jeff Brown seconded the motion. All members were in favor and the motion passed.

V. SPECIAL USE APPLICATIONS

A. SUP-2020-00008 (Continued from 5/26/2020)— Eric Quinn is requesting to add 10 additional RV lots to an existing 4 lot RV park in Swansboro, NC, Parcel 1314-10.

Mr. Brinkley provided an overview of the application SUP-2020-00008.

Applicant: Eric & Flor Quinn

Summary of proposal: Eric Quinn is requesting a Special Use Permit to add 10 additional RV lots to an existing 4 lot RV Park on Ray Lane in Swansboro, NC. The property is within the Rural Agriculture (RA) Zoning District. The subject property consists of approximately 13.20 acres. The Future Land Use Map shows this property as being within the Medium-Density Residential Land Use Designation. A TRC meeting was conducted on March 17, 2020, and the following comments were received:

1. An emergency turnaround was requested to be shown on the site plan (Coleby Lane)
2. The buffer placement in certain locations was requested to be changed

Mr. Roger Brown asked if the RVs met all the septic requirements.

Mr. Brinkley responded that to his knowledge, Environmental Health has all the permits that are required for this RV park.

Mr. Jeff Brown asked if the RV park was accessed off Coleby Lane.

Mr. Brinkley confirmed that it will be accessed from Coleby Lane. The address is Ray Lane but the main access point is Coleby Lane.

Mr. Roger Brown asked if these are long-term or short-term rentals.

Mr. Brinkley stated that the applicant's representative would answer that question.

Mr. Cannon asked if all the TRC meeting items have been addressed.

Mr. Brinkley stated that all the items have been addressed.

Rhonda Jones, 153 Coleby Lane, Swansboro, NC 28584 spoke on behalf of the applicant, who is currently in Japan and could not attend the meeting. Ms. Jones explained that she just recently evicted the tenant who was storing things on this property and they are in the process of having him collect his things and moving them off the property. She stated that she will be managing the RV park because she lives next to the property. Ms. Jones stated that she has planted shrubbery as a buffer. She and her husband maintain Coleby Lane with the help of one of their neighbors. She has spoken with NCDOT about having the ditches cleaned out to help with the drainage and the road. She expressed that there will be an application process including a background check for anyone who wishes to have an RV in the RV park.

Mr. Roger Brown asked if she will be installing any additional lighting.

Ms. Jones responded that there are security lights but she plans to add more lighting.

Sam Franck, 127 Racine Drive, Wilmington, NC 28403 spoke against the special use request. Mr. Franck stated that he was representing Heather Wilson, Rick and Alfreda Stout, David and Susan Baptist, and Polly Page. He stated that all his clients owned their properties prior to the initial special use request in 2014. He expressed that the subject property looks better today in preparation for this hearing than it has in years. Mr. Franck submitted photos to the Board to be included in the record. He stated that he does not believe this application satisfies any of the criteria for the Special Use Permit. He explained that the access road is insufficient to meet the special use standards. He stated that this use will materially endanger the public health or safety due to their only being a single point of access. Ray Lane cannot be utilized for accessing the RV park due to it only being a 10-foot private right-of-way. The road is not the required minimum of 20 feet and is not maintained in an all-weather condition. It is not only tenants of the RV park that require this road for access but the surrounding homeowners utilize it as well. Most of Coleby Lane is dirt, some of it has gravel, and it is between 9 feet and 19 feet wide. There is no maintenance agreement in place for this road. He stated that this use will substantially injure the value of the adjoining and abutting properties. Mr. Franck stated that the appraisal report did not include any photographs or any evidence that the appraiser has physically seen the property. He stated that he does not feel that the appraisal report adequately supports that there is no harm to the value of the neighboring properties. He expressed that the location and character of the expanded use, if developed according to the plan, will not be in harmony with the area in which it is to be located. The applicant has historically used pallets stood vertically to serve as a fence. He stated that does not meet the standards because it is neither opaque nor 6 feet tall and he does not believe it is aesthetically acceptable to serve as a visual barrier. Mr. Franck stated that since the original Special Use Permit was issued in 2014 for four RVs, several of the conditions have been violated. At least one RV has been positioned outside of the site plan's approved location, representations about the condition of the site and the manner in which it will be maintained have been ignored, and based on the appearance of the RVs, several are not in running condition or able to leave. There are several inoperable and unlicensed vehicles that have been stored on the property. For all these reasons, the applicant has failed to satisfy any of the fundamental criteria necessary for an amended Special Use Permit. Mr. Franck respectfully requested that the Board deny this

application, but if the Board chooses to approve, he asked that they approve it with conditions. He provided a list of these conditions to the Board.

Mr. Jeff Brown asked if Coleby Lane was a dedicated easement.

Mr. Franck stated that he did not do any research on Coleby Lane and was not sure if it was a dedicated easement. He only knew that there was no established maintenance agreement in place for Coleby Lane.

Ms. Jones came forth to address comments and questions. She stated that the items that were provided in the pictures were removed prior to May 2020. The photos were not recent. She shared that there is a pallet fence that she put up for the safety of one of their tenants who have pets. She stated that there used to be trees that grew along the property line but the neighbors proposed to construct a barn on their property, and the trees were cleared. Ms. Jones stated that they have not moved forward with installing a fence because they were waiting for the outcome of this meeting. She explained that the tenants do not use Ray Lane. She stated that the road washed out after Hurricane Florence and the neighbors used her family's properties to exit to the main highway. She stated that she has an interest in this RV park and will be a positive influence on her brother's special use request.

Mr. Shaw asked if she has seen the proposed conditions that were submitted.

She stated that she has not seen them. She also added that the driveway on Ray Lane can be used to enter and exit. She stated that the main road is not the only way in and out for an RV or the tenants.

Mr. Brinkley provided her with a copy of the proposed conditions and Mr. Shaw asked if she would step back and review them.

Mr. Brinkley stated that in order to use Ray Lane, it would have to be a 20-foot access easement to fit the criteria. He also showed the Board on the site plan that Coleby Lane is a recorded easement.

Mr. Brown asked if it was a 20-foot easement.

Mr. Brinkley stated that it is a 30-foot easement.

Heather Wilson, 144 Ray Lane, Swansboro, NC 28584 spoke against the special use request. She stated that she refutes Ms. Jones' claim that no one uses Ray Lane to access the RV park. She stated that Ray Lane has been used countless times to access the RV park and it contributes to the deterioration of Ray Lane. She respectfully asked the Board to deny this special use request.

Rick Stout, 161 Coleby Lane, Swansboro, NC 28584 spoke against the special use request. He stated that he did not clear any trees on the subject property, only on his property and there was no brush removed. They were cleared in case he decided to build a building there in the future.

Ms. Jones stated that she would like to agree to the conditions, but she is not the applicant. She expressed that she can do her best in trying to make sure that the conditions are met in her brother's absence. There is a conventional septic system onsite currently. Ms. Jones stated that she is in contact with Environmental Health about installing another 1,000-gallon septic tank and updating another septic system on the property. She expressed that any junk vehicles on the property are being removed and all vehicles on the property in the future will be required to be tagged and insured.

Mr. Stout stated that the maintenance of Coleby Lane has been his and the Jones' responsibility. He shared that the applicant has not helped maintain the road. He stated that there is no way that he can continue to maintain this road with his equipment if this Special Use Permit is approved. He does not feel that is his responsibility.

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 with the condition that a minimum 20-foot gravel road be maintained including an emergency turnaround. Mr. Smith seconded the motion. Mr. Jeff Brown stated that he does not feel that an RV park will materially endanger the public health or safety but a 20-foot maintained road is required for an RV park. 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 with the 10 conditions that were provided by Mr. Franck. Mr. Jeff Brown seconded the motion. Mr. Smith stated that it appears to meet all required special use standards and specifications with the added conditions. 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. Cannon made a motion to approve the finding. Mr. Jeff Brown seconded the motion. Mr. Cannon stated that with the conditions added from the previous finding, he does not believe it will 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. Mr. Jeff Brown made a motion to approve the finding with the condition that all the improvements that were added in the previous finding, including the all-weather 20-foot road, is installed prior to any RVs being permitted. Failure to meet this requirement would result in the Special Use Permit being void. Mr. Roger Brown seconded the motion. Mr. Jeff Brown stated that with these conditions, he believes that it will be in harmony with the surrounding area. The motion passed by unanimous vote.

B. SUP-2020-00021— Annie and Terry Thacker are requesting to set-up a single RV on property located in Maysville, NC, Parcel ID 1118-22.5:

Mr. Brinkley provided an overview of the application SUP-2020-00021.

Applicant: Annie and Terry Thacker

Summary of proposal: Annie and Terry Thacker are requesting a Special Use Permit to set-up a single RV on property located at 1185 Gibson Branch Road in Maysville, NC. The property is within the Residential 30M (R-30M) Zoning District. The subject property consists of approximately 2.51 acres. The Future Land Use Map shows this property as being within the Agriculture/Forestry Land Use Designation. A TRC meeting was conducted on August 18, 2020 and the following comment was received:

1. A note has been required that indicates any accessory structures, porches, etc. require building permits.

Annie Thacker, 222 Bear Creek Road, Lot 19, Hubert, NC 28539 stated that Mr. Terry Thacker has no where to stay and she purchased this RV for him to live in. She stated that Mr. Thacker cannot afford to put anything different on the property.

Mr. Brown asked how old the RV is.

Ms. Thacker was not sure of how old it was, but she stated that she did not believe it was very old.

Mr. Brown asked if the RV was in good shape.

Ms. Thacker stated that it is in good condition; otherwise, she would not have purchased it for Mr. Thacker to live in.

Tim Price, 1197 Gibson Branch Road, Maysville, NC 28555 stated that he has lived in his home since 1985. His property shares a border with the subject property. Mr. Price had questions about the special use request.

Mr. DeSelms stated that there are no questions asked in this meeting. The public is invited to provide testimonies. He informed Mr. Price that he could meet with a staff member after the meeting to ask any questions he may have.

Donald Price, 1209 Gibson Branch Road, Maysville, NC 28555 stated that he has lived in this area since 1985. Mr. Price stated that the RV does not bother him. He stated that Mr. Thacker keeps a beautiful yard and takes care of his property. He shared his concern about the possibility of more RVs being brought onto the property. In the past, there has been a mobile home and two other RVs on this property. He asked that if the Special Use Permit is approved, that there be a limitation so no more RVs or items can be added. Mr. Price stated that he was in support of the approval of this Special Use Permit.

Richard Carrillo, 1190 Gibson Branch Road, Maysville, NC 28555 stated that he is directly across the street from the subject property. Mr. Carrillo stated that he has no issue with the RV on Mr. Thacker's 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. Smith made a motion to approve the finding. Mr. Jeff Brown seconded the motion. Mr. Smith stated that setting up a single RV in this area will not pose an immediate threat to the public health or safety. The motion passed by a unanimous vote.

Second General Conclusion: That the use meets all special uses and specifications. Mr. Jeff Brown made a motion to approve the finding with the condition that the expansion may not encroach onto the neighboring property. Mr. Smith seconded the motion. Mr. Jeff Brown stated that the application appears to be compliant with the standards set forth in the Zoning Ordinance. The motion passed by a 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. Cannon made a motion to approve the finding. Mr. Roger Brown seconded the motion. Mr. Cannon stated that there is no evidence that the use will injure the value of the adjoining or abutting property according to the NC licensed appraiser's report. The motion passed by a 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. Mr. Jeff Brown made a motion to approve the finding. Mr. Roger Brown seconded the motion. Mr. Jeff Brown stated that the use appears to be in harmony with the area and in general conformity with the Onslow County Comprehensive Plan. The motion passed by a unanimous vote.

VII. COMMENTS

A. PUBLIC

Mr. Donald Price asked if the Special Use Permit that was just approved for the single RV only allowed the set-up of one RV on the property.

Mr. Shaw confirmed and informed Mr. Price that if another RV is brought to the property that he can call Onslow County Planning and Development.

Mr. Donald Price asked who he would contact if they notice issues with the septic hookup.

Ms. Rhue stated that he would contact Onslow County Environmental Health with any septic concerns.

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 7:53 p.m.



Jerome Shaw, Chairman

ATTEST:



Kourtney Lanier, Administrative Assistant