

ONslow COUNTY BOARD OF ADJUSTMENT MEETING MINUTES

September 24, 2019

Onslow County Government Center

Commissioners' Chambers

234 NW Corridor Blvd., Jacksonville, NC 28540

BOARD MEMBERS WERE PRESENT:

Mr. Jerome Shaw, Chairman

Mr. John Smith, Vice Chairman

Ms. Christina Asbury

Mr. Jeff Brown

Mr. Roger Brown

PLANNING AND DEVELOPMENT DEPARTMENT MEMBERS PRESENT:

Angie Manning, Land Use Administrator

Jennifer Ansell, Chief Zoning Officer

Jessica Rhue, Planning and Development Director

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 August 27, 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-2019-00009. Mr. Roger Brown seconded the motion. All members were in favor and the motion passed.

Mr. Smith made the motion to approve the Board Decision: SUP-2019-00010 Ms. Asbury seconded the motion. All members were in favor and the motion passed.

V. NEW BUSINESS

A. SUP-2019-00011— Morton Minerals, Inc. is requesting to establish a mine on property located off Freedom Way (NC Highway 24) in Hubert, NC, Parcel ID 1306-3.1:

Ms. Ansell provided an overview of the application SUP-2019-00011.

Applicant: Morton Minerals, Inc.

Summary of proposal: Morton Minerals, Inc is requesting a Special Use Permit to allow a 9.5 acre mine on property located off Freedom Way in Hubert, NC. The property is within the Rural Agricultural (RA) zoning district and is identified as tax map number 1306-3.1. The property consists of approximately 64 acres and is surrounded by properties zoned for rural agricultural land uses. There are no regulated wetlands on the site and the property is not located within a special flood hazard area. The Comprehensive Plan, Future Land Use Map shows the property as Rural Residential. The 2017 NCDOT Annual Average Daily Traffic counts show 22,000 vehicle trips per day along Freedom Way in the vicinity of this site. A TRC meeting was conducted on August 20, 2019 and it appears that all comments have been addressed. The property is located within the Flight Path Overlay District; per Tim McCurry, Marine Corps Liaison, the site will not have an effect on military operations.

Lori Morris, Parker & Associates, Inc., 306 New Bridge Street, Jacksonville, NC 28540.

Ms. Morris distributed a revised site plan to the Board showing a change to the mine location on the property. She stated that three different mines were used in the appraisal report and there was no evidence that the mine would have an effect on surrounding property values. This mine will eventually be turned into an amenity center for the proposed subdivision in the future. The lots will not be sold until the mine has been decommissioned.

Mr. Roger Brown asked how long the mine would be there before it is converted into an amenity site.

Ms. Morris stated that it could be a few years depending on how soon he would like to sell the lots.

Ms. Asbury asked if the owner plans to transfer subsurface, mineral and gas rights after it is converted to residential.

Justin Cosgrove, Parker & Associates, Inc., 306 New Bridge Street, Jacksonville, NC 28540.

Mr. Cosgrove stated that after the mine ceases operation it will become open space for the subdivision. It would follow normal property disclosure.

Ms. Asbury asked if the lots that will end up being developed will have all subsurface rights.

Mr. Justin Cosgrove answered that he is not sure.

Kelly Waldrop, 107 Rose Trellis Way, Hubert, NC 28539.

Mr. Waldrop stated that he has observed children riding their bicycles close to this area on the weekends. He is concerned that there are no signs and no barriers advising people to stay away.

Mr. Justin Cosgrove stated that it would be considered an active constructive site. He is not sure of the details for signage, but it would follow all rules for an active constructive site.

Mr. Shaw asked if there would be a gate when no one is there.

Mr. Justin Cosgrove answered that there is no gate and no fence. The haul road is open.

Ms. Asbury asked what the operating hours would be for the mine.

Mr. Justin Cosgrove answered he does not know the specific operating hours.

Mr. Smith stated that he had concerns about there being no gate to keep the general public out and prevent them from fishing or swimming.

Ms. Morris explained that there is only one haul road leading to this site that is currently used by multiple mines. There are no other roads connected to this site at the moment.

Ms. Asbury asked if there is a practical way to gate this property.

Ms. Morris answered there is no way because of the several mines using this road multiple times a day.

Ms. Asbury stated that there is a safety concern of the public traveling this haul road and accessing the mine.

Ms. Morris stated that they could possibly gate the mine site but not the road.

Mr. Justin Cosgrove stated that adding a gate to the mine is feasible.

Bill Cosgrove, 713 Aria Lane, Hubert, NC 28539.

Mr. Bill Cosgrove asked if there was a site plan showing the proposed subdivision next to the existing Peytons Ridge subdivision.

Ms. Morris showed Mr. Bill Cosgrove on the aerial where the proposed lots are.

Mr. Bill Cosgrove stated his concerns about safety and accessibility to the mine, operating hours and noises, and dust.

Mr. Justin Cosgrove explained that part of the State's permit requires a Prevention Plan and Operating and Maintenance agreement which details the operations of the mine and how dust should be controlled.

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 a motion to approve the finding with the condition that a gate be installed to eliminate public access on the weekends. Mr. Smith seconded the motion. 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. Roger Brown seconded the motion. Ms. Asbury 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. Smith made a motion to approve the finding. Ms. Asbury seconded the motion. Mr. Smith stated that because there are several mines in the area, he does not see where it will injure the value of surrounding properties. Ms. Asbury added that a report indicating there would be no negative impact on surrounding properties was provided by a licensed appraiser. 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. Roger Brown made a motion to approve the finding. Mr. Smith seconded the motion. Mr. Roger Brown stated that it appears to be in conformity with the Onslow County Comprehensive Plan and Ordinance. The motion passed by unanimous vote.

- B. SUP-2019-00012— Mr. Alan Welch and Ms. Kathryn Tucci are requesting to expand an existing nonconforming structure located at 3861 Old Wilmington Highway Jacksonville, NC, Parcel ID 753-1.2:**

Ms. Ansell explained that the applicants were not able to be present for the meeting.

Ms. Asbury made a motion to continue the hearing to the October 8, 2019 alternate meeting date. Mr. Jeff Brown seconded the motion. The motion passed by unanimous vote.

- C. SUP-2019-00013— John L. Pierce & Associates is requesting to establish a towing/recovery business (junkyard) at 3424 Burgaw Highway in Jacksonville, NC, Parcel ID 316-53.4:**

Ms. Ansell provided an overview of the application SUP-2019-00013.

Applicant: John L. Pierce & Associates P.A.

Summary of proposal: John L. Pierce & Associates, on behalf of Billy Goines, is requesting a Special Use Permit to allow a towing/recovery business (junkyard) on his property at 3424 Burgaw Highway in Jacksonville, NC. The property is within the Rural Agricultural (RA) zoning district and is identified as tax map number 316-53.4. The property consists of approximately 7.42 acres and is surrounded by properties zoned for rural agricultural land uses. There are no regulated wetlands on the site and the property is not located within a flood hazard area. The Comprehensive Plan, Future Land Use Map shows the property as Medium Density Residential. The 2018 NCDOT Annual Average Daily Traffic counts show 5,700 vehicle trips per day along Burgaw Highway within the vicinity of this site. A TRC meeting was conducted on August 20, 2019 and it appears that all comments have been addressed.

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

Mr. Jarman stated that he feels as if with the existing and proposed required buffer, this use will fit in well with the surrounding area. They have satisfied all the ordinance and staff requirements and have provided a statement from a licensed real estate appraiser that the use will be in harmony with the neighborhood and will not alter the value of adjoining properties. Also, the use is in conformity with the Onslow County Comprehensive Plan and the Onslow County Zoning Ordinance.

Ms. Asbury asked if this property is already being used as a towing/recovery business.

Mr. Jarman confirmed that it is already being used.

Mitch Sprunger, 109 Quail Hollow Drive, Jacksonville, NC 28540.

Mr. Sprunger distributed a packet of information and pictures to the Board. He stated that he is opposed to this Special Use Permit. His concerns are the visibility from his property, the noise, the light being produced, and potential wildlife impacts. He stated that looking out his back window, stacked vehicles are visible. He believes that this has already affected his property value. He stated that he hears machinery from his living room, and he has had to black out one of his rooms due to the bright lights that have been installed. He stated that he is also concerned about rats since the vehicles will be abandoned and stored there for an undetermined amount of time.

Ms. Asbury asked Mr. Sprunger how long he has lived in his home.

Mr. Sprunger answered that he and his family have lived there since the middle of May.

Mr. Jarman stated that there is a required screening that will be installed to prevent visibility of the vehicles. The new light was installed by Jones Onslow and a shield can be installed to redirect the light. He stated that since it is a towing company and business is all throughout the day, there was no way to address the noise concern. He explained that vehicles will not be stored on this property. Wrecked vehicles may be there for a few weeks, but they will eventually be transported to a salvage yard.

Mr. Shaw asked about the vehicle stacking.

Mr. Jarman expressed that Mr. Goines is aware that he cannot have anything above his screen and those stacked vehicles will be taken down.

Mr. Shaw asked what type of screen would be installed.

Mr. Jarman stated that it would be a 6 feet opaque fence around the entire perimeter with landscaping on the outside.

Virgil Dwyer, 3418 Burgaw Highway, Jacksonville, NC 28540.

Mr. Dwyer stated that he has lived in the area of the proposed junkyard for roughly 30 years. He has known Mr. Goines for 13 years and he stated that he has been a wonderful neighbor. He stated that he keeps his junkyard clean and well organized. Mr. Dwyer stated that this business has not affected his property value. He is thankful for the lights that have been installed because it has increased security. He stated that this business is no hinderance to him and he has no problem with this business being operated on this property.

Trina Dwyer, 3418 Burgaw Highway, Jacksonville, NC 28540.

Ms. Dwyer stated that she and her husband do not hear any noise throughout the week from this business. She appreciates the lighting that has been installed. She stated that they had issues with people coming through and stealing, but since the lights have been installed, they have had no problems. She explained that Mr. Goines is a good and dependable neighbor that she and her husband appreciate.

Peggy Vance, 3380 Burgaw Highway, Jacksonville, NC 28540.

Ms. Vance stated that the property surrounding the proposed junkyard property is all hers and she has never had an issue with him as a neighbor. She expressed that she likes the security lights that were installed.

Ed Brosinski, 3415 Burgaw Highway, Jacksonville, NC 28540.

Mr. Brosinski stated that he has never had an issue with noise from this junkyard. He has lived at his residence for a little over 2 years and has not had any issues with Mr. Goines and his business.

Mitch Sprunger expressed that he has no doubt that Mr. Goines is a good neighbor; he is just concerned with the arrangement behind his house. He stated that he will still have high visibility even with a 6 feet fence.

Ms. Asbury asked what type of fence Mr. Goines plans to install.

Mr. Goines explained that he will install whatever type of fence will satisfy his neighbors.

Ms. Asbury asked if Mr. Goines would be opposed to an 8 feet fence bordering residential property.

Mr. Goines stated he is not opposed. He will install whatever is needed.

Ms. Vance stated that Mr. Goines installed a 6 feet fence along her property line, and she is not able to see inside of it. She explained that she is sure if she cannot see inside from her yard that the properties in the back will not be able to see inside either.

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. Roger Brown seconded the motion. Mr. Smith stated that he does not see it being a problem with the buffer installed as required. 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. Ms. Asbury seconded the motion. Mr. Jeff Brown 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. Ms. Asbury made a motion to approve the finding with the condition that something be done about the light pollution, whether the lights are dimmed, or a shield is installed to block the lighting onto neighboring properties. Mr. Smith 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. Ms. Asbury made a motion to approve the finding. Mr. Jeff Brown seconded the motion. Ms. Asbury stated that it is located in the Rural Agricultural zoning district, has plenty of acreage, and is within the Medium Density Residential land use category. The motion passed by unanimous vote.

VI. COMMENTS:

There were no comments.

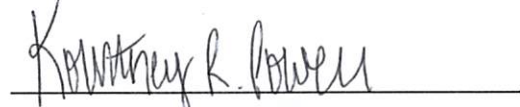
VII. ADJOURNMENT

There being no further discussion, the meeting was adjourned at 7:29 p.m.



Jerome Shaw, Chairman

ATTEST:



Kourtney R. Powell, Administrative Assistant