

ONslow COUNTY BOARD OF ADJUSTMENT MEETING MINUTES

October 22, 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

PLANNING AND DEVELOPMENT DEPARTMENT MEMBERS PRESENT:

Jessica Rhue, Planning and Development 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

Mr. Jeff Brown made the motion to approve the September 24, 2019 minutes. Ms. Asbury seconded the motion. All members were in favor and the motion passed.

Ms. Asbury made the motion to approve the October 8, 2019 minutes. Mr. Jeff Brown seconded the motion. All members were in favor and the motion passed.

Mr. Smith made the motion to approve the Board Decision: SUP-2019-00011. Mr. Jeff Brown seconded the motion. All members were in favor and the motion passed.

Ms. Asbury made the motion to approve the Board Decision: SUP-2019-00012. 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-2019-00013. Ms. Asbury seconded the motion. All members were in favor and the motion passed.

V. NEW BUSINESS

A. SUP-2019-00014— Jesse Sellers is requesting to allow the expansion of an existing recreational vehicle (RV) park at 113 Silver Sands Drive in Sneads Ferry, NC, Parcel ID 765-60.1:

Ms. Manning provided an overview of the application SUP-2019-00014.

Applicant: Jesse Sellers

Summary of proposal: Mr. Sellers is requesting a Special Use Permit to add an additional 24 RV-lots to his existing recreational vehicle park located at 113 Silver Sands Drive in Sneads Ferry. The property is within the Highway Business (HB) zoning district and is identified as tax map number 765-60.1. The park existed prior to County-wide zoning and contained a mix of manufactured homes and RV's. Through the years, most of the lots have been converted to recreational vehicle lots. The property consists of approximately 8.49 acres and is surrounded by properties zoned for commercial and low-density residential land uses. The property is not located within a special flood hazard area. The Comprehensive Plan, Future Land Use Map shows the property as Community Growth Activity Center. The Sneads Ferry Community Plan shows the property as Village Center. The NCDOT Annual Average Daily Traffic counts show between 7,400 and 17,000 vehicle trips per day along NC Highway 172 and between 14,000 and 18,000 vehicle trips per day along NC Highway 210 in the vicinity of this site. A TRC meeting was conducted on September 17, 2019 and it appears that all comments have been addressed.

Earl Hobbs, 196 Zion Lane, Sneads Ferry, NC 28460.

Mr. Hobbs stated that he is one of the owners and managers of Silver Sands RV Park.

Ms. Asbury asked if Mr. Hobbs owns the driveway easement that accesses the RV Park.

Mr. Hobbs stated that they own that tract of land.

Ms. Asbury asked if the rentals were long-term or short-term.

Mr. Hobbs answered that they will be long-term. They only do yearly leases. There are no permanent residences at this RV Park.

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 since it is an expansion of an existing park that has been there for years, he does not believe it will cause any issues. 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 that it appears to be compliant with the standards set forth in the Zoning Ordinance. Ms. Asbury stated that she would like to add a condition that a full buffer be installed along the northern property line and the property line adjacent to the Sneads Ferry Holdings LLC property on the east.

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 an appraisal report was provided by a NC licensed appraiser stating there will be no adverse conditions or effects on neighboring property values. 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. Smith seconded the motion. Mr. Jeff Brown stated it appears to be in general conformity with the Onslow County Comprehensive Plan. The motion passed by unanimous vote.

B. SUP-2019-00015— James L. Manley is requesting to allow the operation of a Drinking Establishment (bar/lounge/pub) at 115 Sugar Lane in Sneads Ferry, NC, Parcel ID 765-14.57:

Ms. Manning provided an overview of the application SUP-2019-00015.

Applicant: James L. Manley

Summary of proposal: Mr. Manley is requesting a Special Use Permit to allow the operation of a Drinking Establishment (bar/lounge/pub) at 115 Sugar Lane in Sneads Ferry. The property is within the Highway Business (HB) zoning district and is identified as tax map number 765-14.57. The structure existed prior to County-wide zoning and was previously operated as an existing non-conforming drinking establishment. Because the use was discontinued, a special use permit is now

required for re-occupancy as a drinking establishment. The property consists of approximately 33,150 square feet and is surrounded by properties zoned for commercial use. The property is not located within a special flood hazard area. The Comprehensive Plan, Future Land Use Map shows the property as Community Growth Activity Center; the Sneads Ferry Plan designates this area as Village Center. The NCDOT Annual Average Daily Traffic counts show between 7,400 and 17,000 vehicle trips per day along NC Highway 172 and between 14,000 and 18,000 vehicle trips per day along NC Highway 210 in the vicinity of this site. A TRC meeting was conducted on September 17, 2019 and it appears that all comments have been addressed.

James Manley, 210 Reef Lane, Richlands, NC 28574.

Mr. Manley stated that they are planning to open this business as a bar/lounge with the intent of adding a kitchen and restaurant. He stated that he has roughly 40 years of experience in the restaurant and lounge industry. He expressed that he plans to be the best bar/restaurant in the Sneads Ferry area.

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. Mr. Smith seconded the motion. Ms. Asbury stated that the building was there before County-wide zoning and was previously operating as an existing non-conforming drinking establishment, so the request seems reasonable. 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. Ms. Asbury seconded the motion. Mr. Smith 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. Mr. Jeff Brown seconded the motion. Ms. Asbury stated that an appraisal report was provided by a NC licensed appraiser stating that there will be no injury to the value of adjoining 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. Smith seconded the motion. Ms. Asbury stated that it is within the Highway Business zoning district and in the Community Growth Activity Center. The motion passed by unanimous vote.

C. SUP-2019-00016— Rachel Rogers is requesting to replace a nonconforming manufactured home at 126 S Loy Avenue in Jacksonville, NC, Parcel ID 754B-22:

Ms. Manning provided an overview of the application SUP-2019-00016.

Applicant: Rachel Rogers

Summary of proposal: Ms. Rogers is requesting a Special Use Permit to replace a nonconforming manufactured home on the property located at 126 S. Loy Avenue in Jacksonville. The property is within the Residential 15 (R-15) zoning district and is identified as tax map number 754B-22. There was a septic permit issued for a manufactured home in 1984, prior to County-wide zoning. A manufactured home existed on the property until at least 2012. The property consists of approximately 1.61 acres and is surrounded by properties zoned for medium-density residential use. 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 1,100 vehicle trips per day along Verona Road in the vicinity of this site. A TRC meeting was conducted on September 17, 2019 and no comments were received.

Ms. Asbury asked if there were records of a manufactured home being on the property after 2012.

Ms. Manning stated there were no records.

Rachel Rogers, 2817 Zacks Mill Road, Anger, NC 27501.

Ms. Rogers stated that she would like to put a manufactured home back where there was one before and improve the property. Currently, the lot is vacant. She stated she is under contract to purchase this lot and the vacant lot next to it.

Mr. Smith asked if her intent was to purchase both properties.

Ms. Rogers confirmed. She stated both properties are being sold as one.

Mr. Jeff Brown asked if the County would be required to make a site visit and check the septic system.

Ms. Manning explained that when a set-up permit is applied for, Environmental Health is included in the review and they will determine whether a site visit is needed.

Ms. Asbury asked Ms. Rogers if the property has been purchased yet.

Ms. Rogers answered that she has not purchased anything yet. She did not want to purchase it unless this special use was approved.

Eddie Williamson, 310 Old Loy Avenue, Jacksonville, NC 28540.

Mr. Williamson stated that he maintains the road and he is concerned of more traffic using the road. He also expressed his concerns about a drainage ditch.

Mr. Shaw asked if the road is public.

Ms. Manning explained that it appears it was a right-of-way that was recorded years ago but was never fully developed.

Ms. Asbury asked if there was a road maintenance agreement for that street.

Mr. Williamson answered that he is not aware of a road maintenance agreement.

Ms. Asbury explained that the road concerns would need to be discussed with anyone who purchases that property, not just someone moving a manufactured home onto the property. Ms. Asbury stated that a road maintenance agreement may be something that he and his neighbors want to consider for the benefit of all that use that road.

Becky Lewis, 305 Old Loy Avenue, Jacksonville, NC 28540.

Ms. Lewis stated that when the previous owner purchased the property, he had stated he would help maintain the road, which never happened. Ms. Lewis expressed that she would like the new owner to help and participate in maintaining the road with herself and the other neighbors. She also expressed her concerns in making sure it would be used as a residence and not a junkyard.

Ms. Rogers clarified that she would be entering and exiting her property the opposite of where the neighbors live. She explained that she has equipment and intends to improve the property.

Brandi Davis, 132 S. Loy Avenue, Jacksonville, NC 28540.

Ms. Davis asked if Ms. Rogers plans to maintain the road where she intends to drive in and out. She explained that the road is narrow and very wet. She expressed her concerns about how they will get a manufactured home to this property without messing up the road. She also wanted to make sure that it would only be one mobile home and not a mobile home park or a junkyard business/garage.

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. Mr. Smith seconded the motion. Ms. Asbury stated that there was already a home on the property and there is an existing septic system and that everything will be properly permitted once the owner goes through the process. 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 that it appears to be compliant with the standards set forth in the Zoning Ordinance. Ms. Asbury added that there are other manufactured homes in that area. 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. Jeff Brown seconded the motion. Ms. Asbury stated that an appraisal report was provided by a NC licensed appraiser showing no injury to the value of surrounding 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. Mr. Jeff Brown made a motion to approve the finding. Ms. Asbury seconded the motion. Mr. Jeff Brown stated that there are other manufactured homes in the area, so it appears to be in harmony. The motion passed by unanimous vote.

D. SUP-2019-00017— Earl and Wanda Hobbs are requesting to establish a 3-lot recreational vehicle (RV) park at 188 Zion Lane in Sneads Ferry, NC, Parcel ID 772-114:

Ms. Manning provided an overview of the application SUP-2019-00017.

Applicant: Earl and Wanda Hobbs

Summary of proposal: Mr. Earl and Mrs. Wanda Hobbs are requesting a Special Use Permit to set-up three RV's on their property located at 188 Zion Lane in Sneads Ferry. The property is within the Residential 8M (R-8M) zoning district and is identified as tax map number 772-114. The property consists of approximately 2 acres and is surrounded by properties zoned for high-density residential purposes. The property is not located within a special flood hazard area. The Comprehensive Plan, Future Land Use Map shows the property as High-Density Residential and Conservation; the Sneads Ferry Community Plan designates the property with both the Waterfront Living and Conservation categories. The 2017 NCDOT Annual Average Daily Traffic counts show 5,000 vehicle trips per day along Sneads Ferry Road in the vicinity of this site. A TRC meeting was conducted on September 17, 2019 and it appears that all comments have been addressed.

Earl Hobbs, 196 Zion Lane, Sneads Ferry, NC 28460.

Mr. Hobbs stated that the property has an existing 3-bedroom septic system. He would like to utilize the septic system with three RV lots. His intention is to put one RV on the property to be used for family when they come into town to visit. He would like to utilize the other two spaces to rent out long-term in the future. He stated that he does not believe all three RV's would be occupied at once. Mr. Hobbs stated he owns the adjoining properties and his house is located on this property so he will be near the sites.

Ms. Asbury asked what happened to the mobile home that was previously on the site.

Mr. Hobbs stated that it was moved when he purchased the property.

Ms. Asbury asked where the septic system for the house is located.

Mr. Hobbs stated that it is close to the front of the house.

Ms. Asbury asked Mr. Hobbs to explain his statement on the map about maintaining the road.

Mr. Hobbs explained that he has been maintaining the road and he plans to maintain up to 20' of the road if the special use for the RVs is approved.

Ms. Asbury asked if he would be willing to set up a road maintenance agreement to the benefit of everyone if this special use is approved.

Mr. Hobbs stated that he would agree to a road maintenance agreement if everyone on Zion Lane would contribute. He expressed that he knows there will be concerns about traffic, but he believes

there will be less traffic with RVs than there would be with a mobile home rental. Mr. Hobbs explained that if the special use for the RVs is not approved, he plans to put a mobile home there for his family when they visit from out of town. He stated that he does not want an RV park next to his home. If this use is approved, he plans to have one RV for now and possibly add two more in the futures since the septic permit allows for it here.

Woodie Wenstell, 184 Zion Lane, Sneads Ferry, NC, 28460.

Mr. Wenstell provided the Board with maps and pictures showing where the RVs are proposed to go and where the wetlands are on the property. He stated that he does not suggest putting a permanent home on this property.

Limuel Tyrance, 221 Fulcher Landing Road, Sneads Ferry, NC 28460.

Mr. Tyrance stated that he is fine with the RV Park. His property is located on the other side of the creek and the RVs will not affect his property.

Stephanie Malpass, 197 Zion Lane, Sneads Ferry, NC 28460.

Ms. Malpass stated that she is neighbors with Mr. and Mrs. Hobbs. She explained that she feels as if her property value will depreciate if there is an RV park right across from her house and she stated that she is concerned about traffic.

Marian Roddy, 113 Ramblewood Lane, Sneads Ferry, NC 28460.

Ms. Roddy explained that she was under the assumption that this was going to be a trailer park and she had concerns about littering trash onto the back side of her property. She stated that if the RVs do not invade her property, she has no objection.

Woodie Wenstell, 184 Zion Lane, Sneads Ferry, NC, 28460.

Mr. Wenstell stated that there is nothing in writing about the maintenance of the road and he explained the condition of the road. He also stated that he believes there will be an issue with traffic if RVs are put here.

Ted Shepard, 164 Zion Lane, Sneads Ferry, NC 28460.

Mr. Shepard stated that he has used his tractor a few times to fix the road, picked trash up, and helped take care of it. He also expressed that his concerns about partying, the graveyard that has be drove through to access the RVs, and the sand/dirt when it rains that affects the condition of the road.

Limuel Tyrance, 221 Fulcher Landing Road, Sneads Ferry, NC 28460.

Mr. Tyrance asked for clarification on the High-Density and Conservation listed on the Future Land Use Map.

Ms. Manning explained that High-Density and Conservation is the County's high-level plan. In the future, if sewer was available and the roads were upgraded in that area, High-Density would be an appropriate use. The Conservation areas are the floodplain areas.

Herman Fair, 114 Fulcher Landing Road, Sneads Ferry, NC 28460.

Mr. Fair and the church helped build and pave Zion Lane. Mr. Fair stated that he is concerned about the road and the traffic.

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. Mr. Smith seconded the motion. Ms. Asbury stated that there is an existing septic system that served a mobile home previously, so there appears to be water and sewer. 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. Mr. Jeff Brown seconded the motion. Mr. Smith 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. Mr. Smith seconded the motion. Ms. Asbury stated that an appraisal report was provided a NC licensed appraiser stating that there are no adverse effects to the surrounding community from the three RV spaces. 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 deny the finding. Mr. Jeff Brown seconded the motion. Ms. Asbury stated that this plan is not in line with the Comprehensive Plan for that area. She stated that the vote is not just on three recreational vehicles but on establishing an RV park. The motion passed by unanimous vote. The motion to deny passed by a vote of 3 to 1 (Shaw).

V. COMMENTS:

There were no comments.


VI. ADJOURNMENT

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



Jerome Shaw, Chairman

ATTEST:



Kourtney R. Powell, Administrative Assistant