



**EDENTON-CHOWAN
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**Chowan County Planning Board
October 18, 2011
Chowan County Public Safety Center
305 West Freemason Street
7:00 pm**

Mr. Leggett asked Planner Landin Holland to call the roll; Jim Leggett, Patti Kersey, Allen Nixon, Mary-Margaret McKinney, and Mike Williams were present. Joe Ward was absent.

Mr. Leggett asked for any corrections or additions to the meeting minutes of September 20, 2011.

Ms. McKinney moved to approve the minutes as submitted. Mr. Williams seconded the motion. The motion carried unanimously. (5-0)

Mr. Leggett introduced the first item on the agenda, **An application from Chowan County amending the text of the Chowan County Zoning Ordinance Article 12, Section 12.03.**

Mr. Holland spoke on behalf of the application. He stated that a few months ago the Cape Colony Homeowner's Association filed an appeal of the zoning administrator's decision regarding the replacement of a burned out manufactured home. He stated that an individual person purchased the replacement manufactured home while pieces or parts of the burned out unit still existed on the site. He stated that the burned out unit sat on the lot for about a year. He stated that when the new owner came in to receive their building permit and zoning permit for a new manufactured home she presented a receipt for the demolition and removal of the burned out unit. He stated that there is a 180 day time period when you can replace a manufactured home in a nonconforming area. He stated that the zoning administrator based the 180 day time frame off of the date on the receipt from the demolition and removal of the burned out unit. He stated that the HOA contests that the date on the receipt was the day the final pieces were removed but various parts and pieces had been removed during the previous year. He stated that the HOA is contending that the 180 day period should have begun on the day of the fire when the structure became uninhabitable. He stated that the President of the HOA and their attorney had decided that they did not want to cause a financial hardship on the new owners and that they just wanted the language in the Zoning Ordinance clarified so that in moving forward this type of situation doesn't happen again.

Mr. Leggett asked for any questions or comments from the Board.

Ms. Kersey asked for clarification that the new owners would be able to keep their replacement manufactured home and that this text amendment was just to ensure that a situation like this didn't happen again.

Mr. Holland stated that was correct and in the future when someone wanted to replace a manufactured home in a zoning district where they were no longer allowed, the building inspector would have to go out and confirm that the home is a habitable structure. He stated that if the home had been removed, documentation would have to be provided indicating the structure was habitable when it was removed. He stated that the 180 day clock would start when the habitable manufactured home is removed or suffers substantial damage.

Ms. McKinney asked how it would affect the status of an uninhabitable manufactured home that is sitting on a piece of property now.

Mr. Holland stated that if the manufactured home is uninhabitable and has been for more than 180 days then it would not be able to be replaced in a nonconforming area.

Ms. McKinney asked if the owners of a currently uninhabitable manufactured home would have any notice of the new text in the Ordinance.

Mr. Holland stated that they would not receive any notice.

Mr. Williams asked if the building inspectors go out and inspect it and declare it uninhabitable, what options the owners would have.

Mr. Holland stated that the text amendment as written provided no options.

Ms. McKinney asked if the manufactured home could be made habitable again.

Mr. Holland stated that was not an option as the text amendment is currently written and that there was a conscious decision to not allow manufactured homes in this particular zoning district when the Zoning Ordinance was re-written. He stated that a standard could be added saying that the current utility and water services would deem the structure habitable regardless of structural condition or it could be added that during the 180 day time period that they property owner would have the opportunity to bring it up to minimum code.

Ms. Kersey asked for clarification on if they were allowing replacement within 180 days or if they were allowing the owners to bring an existing mobile home up to code within 180 days.

Mr. Holland stated that when someone comes in and says that they want to replace an existing manufactured home the building inspector will then go out and inspect the property and deem whether it is habitable or uninhabitable. If it is uninhabitable it cannot be replaced with a new unit.

Mr. Nixon expressed concerns over owners possible being tied up with insurance companies in the case of a fire or other disaster for a long period of time.

Mr. Holland stated that the 180 days has always been the standard time frame given in the Zoning Ordinance.

There was more discussion on what would be allowed to be replaced and what would not be allowed to be replaced.

Mr. Holland stated that if a person was currently living in a manufactured home with current utilities and wanted to upgrade to a newer unit that would be allowed within the 180 day window but if a mobile home had been sitting vacant for a length of time and was uninhabitable and dilapidated it could not be replaced at all.

Ms. McKinney expressed concern over someone who is currently living in a manufactured home having a fire or other disaster and suddenly the building inspector goes out and declares the manufactured home uninhabitable and them not being able to replace it.

Mr. Holland suggested defining an uninhabitable manufactured home as a unit that does not meet minimum housing code standards and removing the wording "suffered damages exceeding 60% of the structures fair market value" and then adding in a provision that states that if a structure is damaged by fire, hurricane, etc. that the 180 days begins from the date of the disaster and that the damage is not a factor in that scenario. He stated that the burden of proof would fall on the owner to provide documentation on when the disaster occurred or when the unit was last occupied.

Mr. Williams stated that he would like the terms habitable and uninhabitable clarified.

Mr. Holland suggested continuing the application to the November meeting to allow more time for him to review the minutes and make some modifications to the language. He stated that he would present the text amendment with the modifications at the next Planning Board meeting.

Mr. Nixon stated that he would like the owners of manufactured homes in this zoning district to be notified of the changes.

Mr. Holland stated that a letter could be sent informing them of the changes.

Ms. McKinney asked if that would be setting a precedent and that if in the future they would have to notify property owners anytime a text amendment was done.

Mr. Holland stated that could be setting a precedent and that the cost may be prohibitive. He stated that he would come up with some new language addressing the issues raised by the Board and that he would present the text amendment again in November.

Mr. Leggett noted that the next item on the agenda was the discussion of training options for the Planning Board members. He asked Mr. Holland for his thoughts on the matter.

Mr. Holland stated that he could put together training and overviews on anything related to planning and zoning. He stated that courses were available but they were usually held in Chapel Hill. He stated that if the members could give him an idea of what they'd like an overview of or what they'd like to go over, he would put together a training presentation.

Ms. Kersey stated that she felt like it would be helpful to hear why different parcels are zoned different ways and what the vision was when the County was zoned.

Mr. Holland stated that he could put together a presentation that talks about the development of the Land Use Plan and the role it serves and how that relates to the Zoning Ordinance.

There was some discussion on the Recycling Center that was approved at the last meeting and their screening requirements.

There was some discussion on what types of applications the Board could talk about prior to their meetings and what types they could not.

There being no further business, the meeting was adjourned.