



EDENTON-CHOWAN
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Chowan County Board Of Adjustment
March 17, 2015
6:00 p.m.
2nd floor training room
Chowan County Public Safety Center
West Freemason Street

Minutes

Chairman Brian White called the meeting to order. He asked Planner Landin Holland to call the role. Brian White, Sheri Hare, Ron Andronowitz, Charles Britton and Shelli Simmons were present. Tanya Parrish was absent.

Mr. White asked if there were any corrections or additions from the minutes of the November 19, 2013 or March 3, 2015.

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

Mr. Holland briefed the Board on the County Planning situation stating that he would no longer be serving as the planner for Chowan County. He thanked the County and the Board for the opportunity to serve as planner for the last few years.

Mr. White thanked Mr. Holland for his service to Chowan County.

Mr. White administered the oath to all who wished to speak on behalf of the applications.

Mr. White noted the first application on the agenda, a continuation from the last meeting for a **variance request from Thomas Biggs requesting relief from Article XII, Section 12.03(C) of the Chowan County Zoning Ordinance; Extension, Enlargement or Replacement of a Nonconforming Use for property located at 502 White Oak Drive. (PIN 7813-11-66-4189)**

Mr. White asked to be recused from the application from the Biggs' due to the fact that Mr. Biggs is his minister and the fact that Mr. White also sits on the Cape Colony Property Owner's Association Board. He stated that Vice-Chair Charles Britton would preside over the portion of the meeting dealing with the Biggs' variance and that he would take over as Chairman for the second variance application on the agenda.

Mr. Andronowitz moved that Mr. White be recused. Ms. Simmons seconded the motion. The motion carried unanimously. (4-0)

Mr. Holland gave a brief explanation of the variance request. He stated that in 2006 zoning was established in the County and manufactured homes were no longer allowed in the R-15 Zoning District. He stated that there was a dilapidated manufactured home on the property in question and that power and water were turned off at the home due to a medical emergency experienced by the tenants of the manufactured home. He stated that there was a 180 day window for the replacement of manufactured homes in the R-15 Zoning District. He stated that the policy also states that if you do replace a manufactured home within the 180 day time frame it cannot be smaller than the previous home. (you can't replace a doublewide with a singlewide mobile home) He stated that the applicants are asking for relief from the 180 day time frame for the mobile home replacement. He stated that he had seen the property and that the home was in very bad shape and that a replacement would definitely be an improvement and would be beneficial to the surrounding property owners in terms of aesthetics and property values. He stated that he had spoken with Sidney Wilkins, the Cape Colony Property Owner's Association President, and that he felt that the POA would want to move to a more formal prohibition tactic in regards to manufactured homes in Cape Colony after this case is handled.

Mr. Britton asked how long the power and water had been turned off.

Mr. Holland stated that it had been off for roughly a year.

Mr. Andronowitz asked if there were any other situations over the past five years that fell into this same type of situation.

Mr. Holland stated that a case like this had come up before and that case triggered a text amendment to the Zoning Ordinance that did not go far enough in setting rules for situations like this one.

Mr. Britton read through the six criteria that must be considered in granting a variance:

- (a) If the applicant complies strictly with the provisions of the Ordinance, he can make no reasonable use of his property;
- (b) The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;
- (c) The hardship relates to the applicant's land, rather than personal circumstances;
- (d) The hardship is unique, or nearly so, rather than one shared by many surrounding properties;

- (e) The hardship is not the result of the applicant's own actions; and
- (f) The variance will neither result in the extension of a nonconforming situation in violation of [Article XII, Nonconforming Situations](#) nor authorize the initiation of a nonconforming use of land.

Mr. Britton asked Ms. Hughes (tenant) if she had any comments to make before the Board began their discussion.

Ms. Hughes stated that she did not have any comments at this time.

Mr. Holland stated that if there was a unanimous decision, the criteria did not have to be voted on individually but could be handled with one vote that covered all six criteria.

Mr. Andronowitz moved that the application met all the requirements for the granting of a variance. Ms. Hare seconded the motion. The motion carried unanimously. (4-0)

Mr. Britton stated that the Board had been asked to make a recommendation to the Cape Colony POA on amending their manufactured home policy.

Mr. Andronowitz moved that the policy be amended. Ms. Hare seconded the motion. The motion carried unanimously. (4-0)

Mr. Andronowitz moved that Mr. White resume his role as Chairman. Ms. Hare seconded the motion. The motion carried unanimously. (4-0)

Mr. White resumed his role as Chairman and noted the next application on the agenda, **A variance request from Robert & Nancy Taylor requesting relief from the front, rear and side yard setback standards within the A-1 zoning district for property located at 413 Center Hill Road. (PIN 6990-00-98-4011)**

Mr. Taylor spoke on behalf of the application. Mr. Taylor explained that the manufactured home he had purchased was too long to meet the side setback requirements on his lot.

Mr. White asked if the house was already in place.

Mr. Taylor stated that the house was in place and that the water had been turned on but that the power had not been turned on.

Mr. Holland explained that the Zoning Ordinance required that manufactured homes be placed parallel to the road but that the Board could grant a variance to that requirement if the setbacks could not be met if the home was placed parallel to the road but could meet the setbacks if it was turned sideways on the lot.

Mr. Britton asked when the home was placed on the lot.

Mr. Taylor responded. (inaudible)

Mr. Holland stated that the County was not involved in the placement of the home at all and the County was unaware of the situation until Mr. Taylor attempted to get his power turned on at the property. He stated that the power could not be turned on until a building permit and zoning permit was purchased and the mobile home setup passed inspection.

Mr. White asked what the current side setback was.

Mr. Holland stated that the side setback was 15 feet and that the applicant had 10 feet on each side of his home.

Glorious Elliott, neighboring property owner, stated that her rental property was adjacent to Mr. Taylor's property. She stated that she had no objection to what the Taylor's were requesting and that she wanted to be sure that the applicants had a place to live.

Mr. Britton asked for clarification that Mr. Taylor had 10 feet on each side of his home.

Mr. Taylor stated that was correct.

Mr. Andronowitz stated that sometimes property owners are unsure of where their property lines actually are and questioned the accuracy of the drawing submitted.

Mr. White asked if the drawing submitted with the application was accurate.

Mr. Holland stated that the County was sure that the applicant had 10 feet on each side of his home and that they were requesting 5 feet of relief on each side of the home.

Mr. Andronowitz asked if there were any other properties in the area that faced the same type of situation.

Mr. Holland stated that 100 foot wide lots were very common in the area but that he had not looked at the property on GIS.

Mr. Holland suggested going through each of the six criteria that must be considered in granting a variance and voting on each one separately. He stated that approval would require a 4/5th vote of the Board so if there were two dissenting votes on any one of the six criteria it would result in denial of the variance request.

Mr. Britton asked if Mr. Taylor had the home prior to purchasing the land.

Mr. Holland stated that Mr. Taylor owned the home which was located on another piece of property but that the home had to be moved so Mr. Taylor purchased the lot where the home is now located for that purpose.

Ms. Simmons asked if the manufactured home was turned sideways would it meet the setback requirements.

Mr. Holland stated that it would meet the setback requirement but would be creating a non-conforming use by not being situated parallel to the road.

Ms. Simmons asked if manufactured homes came in sizes smaller than 80 feet long.

Mr. Holland stated that they did.

Mr. Britton stated that to him, it was a reasonable hardship in light of the fact that the applicants already own the home. He stated that the applicants had been paying to live in a hotel for three months while waiting for a variance.

Mr. Holland stated that the manufactured home had been set on the property for a year with no one from the County notifying the applicants that they were in violation of any Ordinance.

Mr. White asked if a precedent would be set if they granted this variance.

Mr. Holland stated that no precedent would be set.

Mr. Britton moved that if the applicant complies strictly with the provisions of the Ordinance, he can make no reasonable use of his property. Mr. White seconded the motion. The motion carried unanimously. (5-0)

Mr. Andronowitz moved that the hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public. Ms. Simmons seconded the motion. The motion carried unanimously. (5-0)

Mr. Britton moved the hardship relates to the applicant's land, rather than personal circumstances. Ms. Hare seconded the motion. The motion carried unanimously. (5-0)

Mr. White moved that the hardship is unique, or nearly so, rather than one shared by many surrounding properties. Ms. Hare seconded the motion. The motion carried unanimously. (5-0)

Ms. Simmons expressed concerns over the next criteria, that the hardship is not the result of the applicant's own actions. She stated that although they had not obtained a building permit or zoning permit, the fact that the County Water Department turned their water on would have given the applicant the impression that everything was alright to move ahead with the project.

Mr. White agreed that was a County mistake and that the violation should have been caught much earlier.

Mr. Britton moved that the hardship is not the result of the applicant's own actions. Mr. Andronowitz seconded the motion. The motion carried unanimously. (5-0)

Mr. White moved that the variance will neither result in the extension of a nonconforming situation in violation of [Article XII, Nonconforming Situations](#) nor

authorize the initiation of a nonconforming use of land. Ms. Hare seconded the motion. The motion carried unanimously. (5-0)

Mr. Britton moved to grant the variance with the condition that it applies only to the manufactured home currently located on the property at 413 Center Hill Road and not to any future dwellings. Mr. Andronowitz seconded the motion. The motion carried unanimously. (5-0)

There being no further business, the meeting was adjourned.

