

TOWN OF YADKINVILLE
Board of Adjustment Meeting
Town Hall
February 7 2012

Members Present

Ruth Shermer, Chair
Mary Reavis
Ed Hartman
Dale Wilhelm
Aric Wilhelm
Virgil Dodson
J.E. Southard

Members Absent

Danny Coe

Staff Present

Christopher Ong, Town Manager

Guests Present

Katherine Paulette Tilley
Kathleen Speaks
Donald Speaks
Homer Creed
Janice Wagoner
Princess Tilley

Call to order

Chair Shermer called the meeting to order at approximately 5:30 p.m.

Approval of Minutes

Ms. Reavis made a motion to approve the November 1, 2011 meeting minutes of the Town Board of Adjustment as presented. Mr. Dodson seconded the motion and it was approved unanimously.

Public Hearing

Chair Shermer opened up the hearing at approximately 5:35 p.m. and asked Mr. Ong to testify. Mr. Ong spoke to the Board, informing them that they were hearing an administrative appeal of the Code Administrator's interpretation of Section 9-3-24(a) of the Town Zoning Ordinance which allows for the continuance of a non-conforming use.

Mr. Ong introduced the case, stating that Ms. Katherine Tilley had originally been issued a zoning permit in error by Town Hall staff in December to replace a single-wide manufactured home with a double-wide manufactured home at 1153 Myers Road in the ETJ of Yadkinville. Mr. Ong continued that he contacted Ms. Tilley and informed her that she could not place a manufactured home on the property identified as PIN# 5817 (00) 64-1973, as the property was located in the R-20 (Rural Residential) Zoning District which does not allow for manufactured homes. Mr. Ong stated that the case is an interpretation of a non-conforming use as the original manufactured home was placed on the property prior to the adoption of Town zoning regulations which currently prohibit the placement of manufactured homes in the R-20 District. Mr. Ong stated that Section 9-3-24(a) lays out the guidelines for regulating the continuance of a non-conforming use.

Mr. Ong stated that the petitioner's position is that the proposed double-wide manufactured home is a significant improvement over the current single-wide manufactured home in terms of safety and aesthetics, and that the proposal has no detrimental impact on surrounding property owners. Furthermore, the petitioner holds that the property is located on a large parcel at the outside of the Town's ETJ in a rural, agricultural community where the manufactured home is not visible.

Mr. Ong continued that the petitioner had filed an administrative appeal in accordance with Section 9-3-144 of the Zoning Ordinance, had paid the appropriate fees and that the Town had satisfied all public notice requirements in accordance with state and local laws.

Applicant, Ms. Tilley testified next, stating to the Board that she was unable to continue living in the current manufactured home due to structural issues and that she was appealing to the Board to allow her to replace the current manufactured home with the proposed double-wide manufactured home.

Mr. Dale Wilhelm inquired about the size of the proposed manufactured home. Ms. Tilley responded that it was bigger than the one currently on the property. Mr. Dale Wilhelm asked about the ages of the current and proposed manufactured homes. Ms. Tilley answered that the current single-wide manufactured home is a 1980 model, and that the proposed double-wide is a 1998 model.

Mr. Dodson asked if there was anyone in opposition of the proposal. Ms. Tilley answered that none of her neighbors opposed the request, rather that they supported it and she brought forth a petition in support of the request. No one spoke in opposition of the proposal.

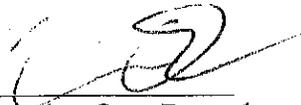
Chair Shermer asked for a motion to approve the appeal. Mr. Dodson made the motion and Mr. Aric Wilhelm seconded the motion. The motion passed unanimously.

Adjournment

With no other business to discuss, Mr. Dodson made a motion to adjourn. The motion was seconded by Mr. Dale Wilhelm and approved unanimously. The Board adjourned at approximately 5:49 p.m.

Ruth Shermer

Ruth Shermer, Chair



Christopher Ong, Recorder