



**TOWN OF YADKINVILLE
BOARD OF ADJUSTMENT
MONTHLY MEETING MINUTES**

MAY 23, 2016

6:00 P.M.

**TOWN HALL – COMMISSIONERS CHAMBERS
213 VAN BUREN STREET, YADKINVILLE NC 27055**

BOARD OF ADJUSTMENT MEMBERS

(PRESENT/ABSENT):

Steve Brown – Chairman
Virgil Dodson – Vice Chairman
Chris Matthews
Mary Reavis-ABSENT
Dale Wilhelm
H. L. Wooten

TOWN OFFICIALS

PRESENT:

Perry Williams – Town Manager
Shelia Weathers – Town Clerk
Richard Smith – Planning Advisor

Quorum is met – Meeting proceeded

1. MEETING CALLED TO ORDER

Mr. Steve Brown called the meeting to order at 6:00 p.m. and established that a quorum was present to conduct board business.

2. APPROVAL OF MINUTES

Mrs. Chris Matthews made a motion to approve the minutes for February 22, 2015. Mr. Dale Wilhelm seconded the motion and passed unanimously.

Vote: 5/0

3. NEW BUSINESS

Conditional Use Permit (CUP) – Planning Advisor Richard Smith:

The applicants, Mickey and Joyell Leonard of Companion Ministries, are requesting a Conditional Use Permit in order to develop a Planned Unit Development (PUD) in the R-10 Neighborhood Residential zoning district. The subject property is identified as Yadkin County Parcel Identification Number (PIN) 580608888972. The property is located at the southeast corner of Lee Avenue and Carolina Avenue in Yadkinville.

Chairman Steve Brown swore in Mickey and Joyell Leonard, Charles Stone and Joseph Brannon to address the Board and answer any questions.

Mr. Richard Smith presented the Findings of Fact to the Board. The Town's Zoning provisions, under Section 9-3-119 Planned Unit Developments, state that the Board of Adjustment may

approve a CUP for this form of development in the districts that allow it as a conditional use, which the R-10 district allows, provided:

- a) The project is an integrated plan designed for the primary purpose of residential use.
 - *Project is integrated and plan meets requirements of the Ordinance.*
- b) At least two (2) principal buildings are included in the plans.
 - *Twelve units are on the plan with an additional community building.*
- c) The total parcel of land is under single ownership or control, and there is reasonable assurance that the project can be successfully completed and maintained, including care and maintenance of all common open space, recreation space and other common land area.
 - *Land would be under single ownership. The property and common areas will be maintained by the owners. (Attachment #1 – Narrative from the Leonards)*
- d) The Board of Adjustment may impose other conditions at its discretion including, but not limited to, provisions for additional utilities, drainage, landscaping, lighting, streets and access ways, and compatibility of design.
 - *Adjacent property owner asked if improvements could be made to the fence.*
 - *Letter from Property Owner Bernice Howell addressing rezoning instead of a Conditional Use Permit. (Attachment #2).*
- e) All principal buildings and accessory buildings or uses abutting the property lines of the project must meet the minimum yard requirement of the district where the project is located for all yards abutting the property lines. All height requirements shall be met for the district where the project is located.
 - *Meets front set-backs and perimeter. Plans went beyond what is required in the Ordinance.*
- f) The overall use of the area for buildings shall be no more than twenty-five percent (25%) of the total land area. The Board of Adjustment shall follow and encourage adherence to accepted principles of responsible growth management and open space preservation.
 - *The plan is well under the 25 percent of the total land area (5 percent)*
- g) Off-street parking shall be provided at a ratio of one and one-half (1 1/2) spaces per dwelling unit.
 - *Plan meets requirements of the Ordinance*
- h) All streets and parking areas shall be constructed and paved according to the standards of the town.
 - *Plan meets requirements of the Ordinance*

Further, the ordinance refers to the PUD as a concept that offers developers the possibility of more efficient and flexible development of property, and provides residents of the project with larger open spaces for recreation and other activities properly related to residential uses.

Mr. Smith stated that the use will not materially endanger the public health or safety if located according to the plan submitted and approved. The use meets all required conditions and specifications and will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is located and in general conformity with the 2025 Land Development Plan.

Planning Advisor Richard Smith advised that he received a letter from an adjacent homeowner asking for improvements to the fence located on the property. An additional letter was received from another landowner regarding the property rezoning instead of a CUP. Mr. Smith notified the landowner and clarified that the request was for a Conditional Use Permit.

The Board of Adjustment raised several questions regarding funding of the project, type of material to construct home, if manager or host family will reside on-site, maintenance of the homes/grounds, location of the dumpster site, qualifications for families, and surrounding property values.

Mickey and Joyell Leonard presented their case to the Board and explained the heart of their ministry is to see homelessness end in Yadkin County. Mr. Leonard explained that this property was not income producing, but to address an unseen homeless problem in Yadkin County. He stated that the small (336 square feet) cottages constructed would be fully functioning. A picture of the cottages was presented to the Board of Adjustment. Mr. Leonard noted that although the cottages were primarily for homeless families, it could serve as housing for victims of domestic abuse as well, along with low-income families. Referrals from the school system social workers have identified that thirty-two (32) elementary children return from school without having a place to call home. The Leonard's stated their desire was to house these families until they could get back on their feet and provide them life skills training. They will interact weekly with families at the on-site community building and maintenance of the grounds will be contracted. Mr. Leonard affirmed that he felt the surrounding property values would not depreciate by allowing the development in this area. He conveyed that this project is something Yadkinville could be proud of in helping the less fortunate. Mr. Leonard stated that no qualifications were necessary and each hardship will be accessed on an individual basis. He stated that funding would come from local churches, ministries, and fund raisers. Construction of the houses would occur in three to four phases as funds become available. Companion Ministries will own, construct, and maintain the cottages. Mrs. Leonard commented that it was their hope to appoint an on-site house family as a point of contact in their absence. It was noted that the dumpster would need to be relocated and in order to provide the driver an area to turn around.

Mr. Richard Smith opened the floor for public comment. Mr. Joseph Brannon was sworn in and expressed his concern about security. He stated that businesses were moving into a residential zoning district. Mr. Charles Stone was sworn in and noted he was standing in for his wife Patsy Stone. His concern was regarding the property value, type of people this project will attract and take away from the residential neighborhood. Mr. Stone noted some confusion by the request for a Conditional Use Permit versus changing the zoning district. Planning Advisor Richard Smith explained the difference and why a Conditional Use Permit was requested. Furthermore, Mr. Smith addressed Mr. Stone's concern and cautioned him about property value assumptions.

Planning Advisor Richard Smith reiterated the actions that the Board of Adjustment needed to make on the Conditional Use Permit as requested by Mr. and Mrs. Leonard; 1) motion to accept

evidence provided, 2) motion to approve findings of fact for the Conditional Use Permit or 3) motion to approve, approve with condition, or deny the issuance of the Conditional Use Permit. The Planning Board was apprised on Companion Ministries request, and they were not in opposition. Mr. Smith stated that based upon the findings; staff recommended approval of the Conditional Use Permit based on the Findings of Fact, the conceptual site plan, and compliance with all Local, State, and Federal Ordinances.

Mr. H. L. Wooten made the motion to approve the evidence and findings of fact for the Conditional Use Permit as presented by Planning Advisor Richard Smith. The motion was seconded by Mr. Dale Wilhelm and passed unanimously.
Vote: 5/0

Several board members continued to express concerns on the property values, change of use of the property should Companion Ministries decide to leave, and type of housing to be located there. The Leonard's endeavored to address the concerns of the Board members.

After further discussion, Mr. H. L. Wooten made a motion to approve the issuance of the Conditional Use Permit with the conditions that the fence be removed and possible relocation of the dumpster if necessary. The motion was seconded by Mrs. Chris Matthews and the motion failed.

Vote: 2/3 (Opposed by Steve Brown, Virgil Dodson, and Dale Wilhelm)

Mr. Richard Smith advised the Leonard's that they can reapply for another Conditional Use Permit in six (6) months if they so desired.

4. OTHER BUSINESS

Town Manager Perry Williams asked the Board to consider changing their meeting time from 7:00 p.m. to 6:00 p.m.

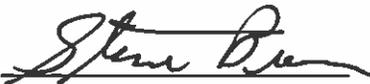
Mr. Virgil Dodson made a motion to change the regular meeting time to 6:00 p.m. The motion was seconded by Mr. Dale Wilhelm and passed unanimously.

Vote: 5/0

5. ADJOURNMENT

With no further business, Mr. Dale Wilhelm made a motion to adjourn. The motion was seconded by Mr. Virgil Dodson and approved unanimously. The Board adjourned at approximately 7:04 p.m.

Vote: 5/0


Steve Brown
Chairman


Shelia B. Weathers
Town Clerk