



TOWN OF YADKINVILLE

"A TOWN IN PROGRESS"

BOARD OF ADJUSTMENT BOARD REGULAR MEETING

MONDAY, APRIL 17, 2023, 5:30 P.M.

Yadkinville Town Hall
Commissioners Chambers
213 Van Buren Street, Yadkinville, NC 27055
MINUTES

BOARD OF ADJUSTMENT MEMBERS

(PRESENT/ABSENT):

Anna Logan Howe, Chair – Present
R.J. Speaks - Present
Danny Coe – Present
Steve Brown - Present
Virgil Dodson – Absent
Tony Snow - Absent

TOWN OFFICIALS PRESENT:

Mike Koser, Town Manager
Abigaile Pittman, Planning Director

1. CALL MEETING TO ORDER

Anna Logan Howe, Chair called the meeting to order at 5:40 p.m. and determined that a quorum was present.

2. SWEARING IN OF DANNY COE AND STEVE BROWN (ALTERNATE)

The Town Clerk, Alex Potts, swore in Danny Coe and Steve Brown.

3. APPROVAL OF MINUTES

- Approval of the Minutes of March 20, 2023

R.J. Speaks moved to approve the March 20, 2022 Minutes. Danny Coe seconded the motion, and the motion passed unanimously by a vote of 4-0.

4. NEW BUSINESS

- Minor Special Use Permit (mSUP) 23-2
Ana Mendez Garcia is requesting a Minor Special Use Permit for an accessory dwelling unit at 349 E. Willow Street, in a Residential Medium Density (RM) zoning district. The property is further identified as Parcel 133362 and comprises approximately .379 acre.

Planning Director Abigaile Pittman introduced the request by Ana Mendez Garcia. Ms. Pittman explained that the request is a quasi-judicial procedure for the Board of Adjustment and the decision must be based upon competent, material, and substantial evidence in the record to establish the facts of the case.

Ms. Pittman explained that as listed in Section 3.3.3 Table 3.1, an accessory dwelling unit is permitted subject to approval (with findings of fact) by the Board of Adjustment; and compliance with the following requirements provided in Section 3.4.2.1 of the Development Ordinance:

- A. Accessory dwellings shall be limited to one (1) unit per principal dwelling.

This requirement is met.

- B. Accessory dwellings shall be built to North Carolina Building Code Standards and shall each have at least one (1) external entrance, kitchen and bath.

The structure has been inspected by the Yadkin County Building Inspector, Gary Hayes. He has provided a report of items that will need to be addressed within 30 days (should the Board approve the request). This report is attached to this staff report.

- C. Detached accessory dwellings shall be located in the rear yard of the principal dwelling and shall meet the principal structure setbacks for the district in which they are located. Detached accessory dwellings shall be located no closer to the principal building than 20 feet.

The accessory dwelling would be 30 feet from the principal building and is in the rear portion of the yard. Therefore, these requirements are met.

The minimum rear and front setbacks of the accessory structure exceed the 30 foot minimum; and the eastern side setback exceeds the 10 foot minimum. However, there is a storage shed attached to the accessory dwelling along its western side that encroaches into the 10 foot minimum side setback. This requirement cannot be met unless the storage shed is removed. Should the Board approve this request, approval would be conditional on removal of the shed.

- D. The accessory dwelling shall not exceed one-half (1/2) of the total area of the principal dwelling or 1,200 square feet, whichever is greater, but in no case shall exceed that of the principal dwelling.

The accessory dwelling has approximately 1,050 square feet. The primary dwelling has 1,235 finished square feet plus a large covered rear porch. Therefore, this requirement is met.

Ana Garcia was sworn in and addressed the Board. She stated that she did not that a permit was required to convert the garage into living quarters for her and her children.

The Board of Adjustment members discussed making the required 30 day compliance condition longer. They came to an agreement that the shed on the side of the garage could be taken down within 30 days from this date of approval, and everything else on the list must be completed within 90 days from this date of approval.

Steve Brown made a motion to revise the conditions to revise the conditions of approval as follows below, and the motion was seconded by Danny Coe. The motion passed by a vote of 4-0.

The Board of Adjustment approved the following conditions of approval for a Minor Special Use Permit for an accessory dwelling unit at 349 E. Willow St. :

- Compliance with the items to be addressed issued by Gary Hayes, the Yadkin County Building Inspector in his report of April 10, 2023 (attached for reference).
- From the Yadkin County Building Inspector's list, the shed on the west side of the house shall be taken off no later than 30 days from approval of the Minor Special Use Permit, which would be May 17, 2023.
- From the Yadkin County Building Inspector's list, all other items except for taking down the shed shall be addressed no later than 90 days from approval of the Minor Special Use Permit, which would be July 17, 2023.
- Both the Town of Yadkinville and the Yadkin County Building Inspector require that the accessory dwelling unit have its own water and sewer taps with a separate service account.

RJ Speaks made a motion to approve the mSUP-2023-02 request subject to the recommended revised conditions and the required findings of fact, and the motion was seconded by Danny Coe.

By a unanimous vote of 4-0, the Board of Adjustment approved the request for a Minor Special Use Permit for an accessory dwelling unit at 349 E. Willow St. subject to the following conditions:

- Compliance with the items to be addressed issued by Gary Hayes, the Yadkin County Building Inspector in his report of April 10, 2023 (attached for reference).
- From the Yadkin County Building Inspector's list, the shed on the west side of the house shall be taken off no later than 30 days from approval of the Minor Special Use Permit, which would be May 17, 2023.
- From the Yadkin County Building Inspector's list, all other items except for taking down the shed shall be addressed no later than 90 days from approval of the Minor Special Use Permit, which would be July 17, 2023.

- Both the Town of Yadkinville and the Yadkin County Building Inspector require that the accessory dwelling unit have its own water and sewer taps with a separate service account.

This conditional recommendation of approval was based on the following findings of fact:

1. The use would not materially endanger the public health or safety, if located where proposed according to the plan submitted and approved. The accessory dwelling unit would comply with the Yadkin Building Code requirements as well as the requirements of the Development Ordinance and other utility service requirements of the Town of Yadkinville.
2. The use would comply with all required standards, conditions and specifications of the Town of Yadkinville Development Ordinance.
3. After being brought into compliance with all Code requirements, the accessory dwelling unit would not substantially injure the value of adjoining or abutting property;
4. The location and character of the accessory dwelling unit, developed according to the conditional approval criteria, will be in harmony with the area in which it is to be located.
5. The location and character of the accessory dwelling unit is medium density residential, which, when developed according to the conditional approval criteria, will be in general conformity with the Comprehensive Plan and other adopted plans and policy guidance.

The Board stated that should the applicant and/or property owner fail to complete the terms of the conditions as stipulated, the requested Minor Special Use Permit would be deemed denied.

5. UPDATES

Planning Director Pittman informed the Board members that they, as the Planning Board would be hearing a rezoning request on Progress Lane at the May 15, 2023 meeting.

6. OTHER BUSINESS

Planning Director Pittman advised the Board that the Planning Board/Board of Adjustment still needs to fill two vacancies.

7. ADJOURNMENT – The next regularly scheduled Board of Adjustment/Planning Board meeting is May 15, 2023.

Steve Brown made a motion for the Board of Adjustment to adjourn. RJ Speaks seconded the motion and the motion passed unanimously by a vote of 4-0.

Anna L Howe
Anna Logan Howe, Chair

11/20/23
Date