

**THE ERWIN BOARD OF COMMISSIONERS  
JULY 2025 REGULAR MEETING  
THURSDAY, JULY 10, 2025 @ 7:00 P.M.  
ERWIN MUNICIPAL BUILDING BOARDROOM**

**AGENDA**

1. **MEETING CALLED TO ORDER**
  - A. Invocation
  - B. Pledge of Allegiance
2. **AGENDA ADJUSTMENTS /APPROVAL OF AGENDA**
3. **CONSENT**

*All items on Consent Agendas are considered routine, to be enacted on one motion without discussion. If a Board member or citizen requests discussion of an item, the item will be removed from the Consent Agenda and considered under New Business.*

  - A. Budget Workshop Minutes for May 15, 2025 **(Page 2)**
  - B. Special Called Workshop Minutes on May 22, 2025 **(Page 9)**
  - C. Regular Meeting Minutes on June 5, 2025 **(Page 15)**
  - D. US 421 S Annexation- Resolution Directing Town Clerk to Investigate **(Page 21)**
  - E. NCDOT- Erwin Pavement Marking Revision Concept **(Page 22)**
  - F. Updated Job Classification and Grade **(Page 23)**
  - G. SUP-2025-002 Approval Letter **(Page 25)**
4. **NEW BUSINESS**
  - A. Withers Ravenel- Engineer on Call Contract **(Page 26)**
5. **PUBLIC HEARING**
  - A. SUP-2025-003 **(Page 34)**
  - B. ZT-2025-002 **(Page 59)**
  - C. Chapter 36 Updates **(Page 84)**
6. **PUBLIC COMMENT**

*Each speaker is asked to limit comments to 3 minutes, and the requested total comment period will be 30 minutes or less. Citizens should sign up prior to the start of the meeting. Please provide the clerk with copies of any handouts you have for the Board. Although the Board is interested in hearing your concerns, speakers should not expect Board action or deliberation on the subject matter brought up during the Public Comment segment. Thank you for your consideration of the Town Board, staff, and other speakers. §160A-81.1*
7. **MANAGER'S REPORT**
8. **ATTORNEY'S REPORT**
9. **ADJOURNMENT**

**\*\*IN ACCORDANCE WITH ADA REGULATIONS, PLEASE NOTE THAT ANYONE WHO NEEDS AN ACCOMMODATION TO PARTICIPATE IN THE MEETING SHOULD NOTIFY THE TOWN CLERK AT (910) 591-4202 AT LEAST 48 HOURS PRIOR TO THE MEETING.\*\***

**ERWIN BOARD OF COMMISSIONERS****REGULAR MINUTES****JULY 10, 2025****ERWIN, NORTH CAROLINA**

The Board of Commissioners for the Town of Erwin, with Mayor Baker presiding, held its Regular Meeting in the Erwin Municipal Building Board Room on Thursday, July 10, 2025, at 7:00 P.M. in Erwin, North Carolina.

Board Members present were Mayor Randy Baker, Mayor Pro Tem Ricky Blackmon, and Commissioners David Nelson, Charles Byrd, Timothy Marbell, and Billy Turnage.

Board Member absent was Commissioner Alvester McKoy.

Town Manager Snow Bowden, Town Clerk Lauren Evans, Town Planner Dylan Eure, Deputy Town Clerk Katelan Blount, Police Chief Jonathan Johnson, Code Enforcement Officer Chris Jones, and Town Attorney Tim Morris were present.

Mayor Baker called the meeting to order at 7:00 PM.

Commissioner Nelson gave the invocation.

Commissioner Byrd led the Pledge of Allegiance.

**AGENDA ADJUSTMENT/APPROVAL OF AGENDA**

Commissioner Blackmon made a motion to approve the agenda as presented and was seconded by Commissioner Byrd. **The Board voted unanimously.**

**CONSENT**

Commissioner Blackmon made a motion to approve **(ITEM A)** Minutes of Regular Workshop on May 15, 2025 **(ITEM B)** Minutes of Special Called Workshop on May 22, 2025 **(ITEM C)** Minutes of Regular Meeting on June 5, 2025 **(ITEM D)** US 421 S Annexation- Resolution Directing Town Clerk to Investigate **(ITEM E)** NCDOT- Erwin Pavement Marking Revision Concept **(ITEM F)** Updated Job Classification and Grade **(ITEM G)** SUP-2025-002 Approval Letter and was seconded by Commissioner Nelson. **The Board voted unanimously.**



# TOWN OF ERWIN

P.O. Box 459 · Erwin, NC 28339  
Ph: 910-897-5140 · Fax: 910-897-5543  
www.erwin-nc.org

**RESOLUTION DIRECTING THE TOWN CLERK TO  
INVESTIGATE AN ANNEXATION PETITION  
RECEIVED UNDER G.S. 160A-31  
2024-2025—019**

**Mayor**  
Randy L. Baker  
**Mayor Pro Tem**  
Ricky W. Blackmon  
**Commissioners**  
Alvester L. McKoy  
Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

**WHEREAS**, a petition requesting annexation of an area described in the said petition was received on June 10, 2025, by the Mayor and Board of Commissioners of the Town of Erwin; and


**WHEREAS**, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

**WHEREAS**, the Mayor and Board of Commissioners of the Town of Erwin deem it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Board of Commissioners of the Town of Erwin that:

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Mayor and Board of Commissioners the result of her investigation.

**ADOPTED, this 10<sup>th</sup> Day of July 2025.**

  
Randy Baker  
Mayor

**ATTEST:**

  
Lauren Evans NCCMC  
Town Clerk



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David L. Nelson  
William R. Turnage

**TOWN OF ERWIN BOARD OF COMMISSIONERS  
RESOLUTION OF SUPPORT FOR THE PROPOSED  
PAVEMENT MARKING REVISION ON NC 82/NC 217  
2024-2025—020**

**WHEREAS**, the North Carolina Department of Transportation (NCDOT) Division Six has scheduled resurfacing work for a section of NC 82/NC 217 (South 13th Street) within the Town of Erwin, with completion anticipated by November 2026; and

**WHEREAS**, NCDOT Division Six staff identified and proposed additional improvements to this section of NC 82/NC 217, specifically a “pavement marking revision,” which is intended to enhance the usability and safety of this corridor; and

**WHEREAS**, the proposed pavement marking revisions are consistent with recommendations found in various regional and local transportation and land use plans, including the “Sandhills Bike Plan” and the “East Coast Greenway,” which incorporate this section of roadway; and

**WHEREAS**, these improvements are being proposed at no additional cost to the Town of Erwin, as this is a NCDOT-maintained road, and the resolution of support would serve to strengthen NCDOT’s request for funding and implementation of the enhancements; and


**WHEREAS**, the Town of Erwin acknowledges the importance of multimodal transportation options and is currently working with NCDOT to develop a comprehensive Bike/Pedestrian Plan to improve bicycle and pedestrian infrastructure throughout the Town; and

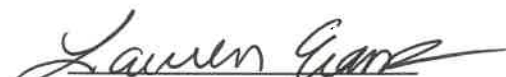
**WHEREAS**, the Town of Erwin believes that the proposed pavement marking revision would provide a benefit to the community by promoting safety and mobility for all users of the road, including cyclists and pedestrians; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Board of Commissioners of the Town of Erwin hereby express their support for the proposed pavement marking revision concept for NC 82/NC 217 as presented by NCDOT Division Six.

**PROCLAIMED** this 10<sup>th</sup> day of July 2025.

**ATTEST:**

  
Randy Baker  
Mayor

  
Lauren Evans NCCMC  
Town Clerk

**Town of Erwin**

**Job Classification and Grade 2025-2026**

<b><u>Departments</u></b>	<b><u>Number of Positions</u></b>	<b><u>Grade</u></b>
<b><u>Administration</u></b>		
Town Manager	1	80
Finance Director	1	71
Town Clerk/Human Resources Director	1	69
Fiscal Specialist/Deputy Town Clerk	1	59
<b><u>Fire</u></b>		
Fire Shift Lead	3	62
Firefighter/EMT	6	60
EMT	3	57
<b><u>Planning</u></b>		
Town Planner	1	63
Code Enforcement Officer	1	60
<b><u>Police</u></b>		
Police Chief	1	73
Lieutenant	1	68
Investigator/Community Officer	2	64
Patrol Sergeant	2	65
Corporal	2	63
Patrol Officer	6	62
School Resource Officer	2	62
Part-Time Patrol Officers	6	

Police Records Specialist/Evidence Tech	1	59
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**Public Works (Administration, Streets  
Sanitation, Storm Water**

Public Works Director	1	70
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Mechanic/Crew Leader	1	57
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Maintenance Worker	1	56
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Heavy Equipment Operator (Sanitation)	0	57
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Heavy Equipment Operator (Street)	2	57
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Part-time	Varies	
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**Parks and Recreation**

Parks & Recreation Director	1	70
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Athletic Program Director	1	62
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Park Maintenance Specialist	1	58
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Part-time	Varies	
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David L. Nelson  
William R. Turnage

To: Sean Johnson, True Homes  
Bryant St Matthews Investments, LLC  
Red Pill Partners, LLC

From: Erwin Board of Commissioners

Subject: SU-2025-002 Approval

Date: 7/10/2025

Please accept this letter of correspondence from the Town of Erwin as verification that the special use permit petitioned by Sean Johnson of True Homes to replace the previously permitted 43 attached single-family homes with 37 detached single-family homes with the following dimensional standards: 31ft of road frontage, 3,255 sqft lot sizes, 20ft front setbacks, 3ft side setbacks, 15ft rear setbacks, and 2 parking spaces including the garage space. Said request was an amendment to the already granted Planned Unit Development at Harnett County Tax Pins 1507-33-9627.000, 1507-34-9002.000, 1507-45-1001.000, and 1507-35-0329.000.

After the public hearing concluded at the June 5<sup>th</sup> regularly scheduled meeting, the Erwin Board of Commissioners engaged in final deliberation, which was followed by a vote that resulted in 6-0 unanimous approval of the proposed amended Planned Unit Development with all findings of facts being found in the affirmative.

If there is any further questions, please contact Erwin's Town Planner, Dylan Eure at 910-591-4201 or by email at [deure@erwin-nc.org](mailto:deure@erwin-nc.org).

Regards,

**ATTEST:**

Randy Baker  
Mayor

Lauren Evans, NCCMC  
Town Clerk

## MINUTES CONTINUED FROM JULY 10, 2025

### NEW BUSINESS

#### **Withers Ravenel- Engineer on Call Contract**

Town Manager Snow Bowden stated that we received the updated contract from Withers Ravenel. It was the same contract that was presented at the Board at the Workshop, but now included the approved changes. Since we did not have a completed contract at our Workshop, we put it under New Business for discussion.

Mayor Baker asked if Town Attorney Tim Morris had reviewed the contracts.

Town Attorney Tim Morris stated he did review the contract, and there were no discrepancies.

Commissioner Blackmon made a motion to approve the Withers Ravenel- Engineer on Call Contract and was seconded by Commissioner Nelson. **The Board voted unanimously.**

### PUBLIC HEARING

#### **SU-2025-003**

Commissioner Nelson made a motion to open the Public Hearing and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Town Planner Dylan Eure stated the first case we had was the special use application single parcel located by its physical address of 2401 Erwin Rd., with approximately .40 acres of land under the zoning classification of B-2. The request was to have a special use of vehicular services placed on the property. This had been the original use of the property, but when it was originally built and operated, no special use permit was required by the owners or any applicants. Since then, vehicular services have become an item under special uses, therefore requiring them to get a special use permit. In terms of when the use of the building was stopped was back in 2021 when water and sewer services were both disconnected, and it was not considered reoccupied until March of 2023 when both of those services were reconnected. A little bit more about the surrounding land uses, there was another site that was operating under an approved special use for vehicle services at 2302 Erwin Road, and there were several other ones to the east located at 2100 Erwin Road, with another site across the street approved for vehicular sales.

Mayor Baker asked if the Board had any questions for Town Staff.

Commissioner Blackmon clarified that the property was in compliance until we changed the ordinance, then it was vacated. It had always been that way until we changed the ordinance and placed it under Special Uses, and they have a certain amount of time to comply.

Town Planner Dylan Eure stated that was correct. All ordinances require 180 days for full compliance.

Mayor Baker asked the applicant to come forward.

Applicant Robert Thomas of 5521 Dunn Alley Drive, Fuquay Varina, came forward and was sworn in by Town Clerk Lauren Evans.

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

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To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: July 10, 2025

Subject: Withers Ravenel- Engineer on Call Contract

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The Town has received an updated contract from WithersRavenel to provide “engineer-on-call” services. If they provide any requested services, the Town will have to approve a task order. The task order will have a set fee for that scope of service.

**STATE OF NORTH CAROLINA**

**Contract Identification #25-0430**

**COUNTY OF HARNETT**

**MASTER AGREEMENT FOR ON-CALL  
PROFESSIONAL SERVICES**

THIS MASTER AGREEMENT FOR ON-CALL PROFESSIONAL SERVICES (“Agreement”) is entered into this the 10th day of July, 2025 (the “Effective Date”), by and between WithersRavenel, a North Carolina Corporation with its principal business offices located at 115 MacKenan Drive, Cary, NC 27511 (the “Professional”), and the **Town of Erwin**, a municipal corporation of the State of North Carolina, the “Town”. Town and Professional may collectively be referred to as “Parties” hereinafter.

**WITNESSETH:**

WHEREAS, the Town is engaged in the development, planning, operation, and utilization of infrastructure in the Town, including: stormwater control, general government services, roadway and pedestrian facilities, and greenway facilities, which periodically require design, revision, engineering, evaluation, surveying, testing, and other related services}; and

WHEREAS, the professional services of {DESCRIBE SERVICES ... engineers, surveyors, and others} will from time to time in the future be needed by the Town for the services as described above; and

WHEREAS, Town issued a "Request for Qualifications for Engineering Services" dated April 3, 2025 (“RFQ”); and

WHEREAS, Professional was one of several firms responding to RFQ with a Proposal dated May 15, 2025 (“Proposal”) and is willing to provide the engineering services outlined and authorized under this Agreement and will serve on an on-call basis for each project /task order authorized under this Agreement; and

WHEREAS, the Parties contemplate that the services of the Professional will be performed in various stages in accordance with Task Orders submitted by the Professional followed by separate authorizations to be issued by the Town, and the Parties desire to set forth the basic terms of their agreement herein rather than in the separate authorizations issued by the Town; and

WHEREAS, the Parties agree that this Agreement is non-exclusive and does not require or commit the Professional to being available to perform services until a Task Order is submitted, and does not preclude the Town from hiring other vendors or professionals to perform the same or similar work.

NOW, THEREFORE, in consideration of the foregoing recitals, and the premises and

mutual covenants herein contained, the receipt and adequacy of which is hereby acknowledged, the Parties, intending to be legally bound hereto, do contract and agree as follows:

**1. REQUEST FOR TASK ORDER.** Professional is qualified and able to provide one or more of the following specific categories of on-call services for the Town: design, revision, engineering, evaluation, surveying, and/or testing for stormwater control, roadway and pedestrian facilities, greenway facilities, and other related projects.

As the need for professional services contemplated by this Agreement arise, the Town will request a Task Order for said services from Professional which shall describe the scope of work, specifications, estimated schedule and the Town's requirements. If the Professional employs the qualified personnel that meet the Town's requirements to perform the requested services, Professional may submit to the Town within the time specified a written Task Order describing the professional services to be provided. The Task Order shall set forth in general terms the Professional's recommendations to carry out the work. Professional shall list the background and experience of Professional's personnel to be assigned to the project as requested by Town. The Task Order shall contain a project scope, schedule, and fee schedule setting forth the fees for the scope of services.

**2. ACCEPTANCE OF TASK ORDER.** The Town and the Professional contemplate certain discussions, negotiations and possible changes to the Task Order submitted by the Professional. Upon a meeting of the minds, Professional shall submit the final Task Order which shall set forth the agreement of the Parties; in the event of a conflict between the terms of the Task Order and this Agreement, this Agreement shall control unless the Task Order specifically notes the agreement of the parties that the conflicting term therein controls. If said Task Order is acceptable, the Town shall accept the same in writing by a duly authorized officer or agent of the Town. The Town and the Professional agree that such written acceptance may be provided by electronic mail.

**3. COMMENCEMENT AND COMPLETION OF SERVICES.** Professional shall commence and complete the work required by a Task Order as expeditiously as is in keeping with the applicable standard of care and will, consistent therewith, endeavor to commence and complete the work in accordance with the dates provided in the Task Order(s) as agreed upon by the Parties. Professional shall immediately notify the Town of any event or circumstance that may, immediately or in the future, impede the proper and timely execution of any work so that remedial action may be taken. Professional shall not begin any work pursuant to a Task Order until written authorization to proceed has been provided by the Town. If Professional has not commenced or completed the work on a schedule commiserate with the applicable standard of care, the Town may declare such delay a material breach of contract and may pursue all available legal and equitable remedies.

**4. PAYMENT OF SERVICES.** Professional shall submit to the Town monthly invoices for the services performed during that month, calculated based on the approved Task Order. The Town has the right to require the Professional to produce for inspection all of Professional's records related to the Task Order, billing rates of personnel, and charges for direct expenses for which cost-plus compensation is provided to verify the accuracy of all invoices. The Town shall

pay Professional's invoices within thirty (30) days of receipt unless a bona fide dispute exists between the Town and Professional concerning the accuracy of said invoice or the services covered thereby, in which event the Town shall pay any undisputed amounts within thirty (30) days of receipt of said invoice and provide contemporaneously with such partial payment a written explanation of all bases upon which the remaining amounts were withheld. Adjustments to an invoice for billing errors may extend the time for payment.

**5. PROFESSIONAL STANDARDS AND DUTIES OF PROFESSIONAL.** Professional, in performance of its services, shall exercise the same degree of care, skill, and judgment as is ordinarily provided by a similar professional providing the same or similar services under the same or similar circumstances in the same or similar location at the time the services in question are performed by Professional.

**6. CONSULTANT AS CONSTRUCTION ADMINISTRATOR.** In the event a Task Order includes construction observation services by the Professional, Professional shall be responsible for determining that the construction actually observed by the Professional is in general conformity with the quality level specified and the plans and specifications. Town agrees that such observation of construction work or documents by Professional shall not relieve any contractor from liability in regard to its duty to comply with the standards for the Project, shall not give rise to a claim against Professional for a contractor's failure to comply with the applicable plans, specifications or standards, and that Professional is not responsible for the means, methods, sequencing, safety, or other operations of any contractor.

**7. TIME AND COST ESTIMATES.** Professional's cost estimates for construction, if required as part of a Task Order, shall be made on the basis of current labor and material prices and the Professional's experience and qualifications, and shall represent Professional's judgment as an experienced professional familiar with projects of the type described in the Task Order. Professional's estimates or forecast of schedules shall be made on the basis of its experience and qualifications and shall represent Professional's judgment as an experienced professional familiar with projects of the type described in the Task Order. Professional has no control over the resources provided by construction contractors to meet contract schedules, nor over the amount or reasonableness of bids or actual construction costs, and the Professional cannot and does not guarantee the proposals, bids or actual costs or schedules will not vary significantly from opinions of probable costs or time prepared by it. If at any time the Town wishes greater assurances as to schedules or the amount of any costs, it shall employ an independent cost estimator, scheduling consultant, or other third party to make such determination.

**8. INDEMNIFICATION.** To the extent permitted by law, the Professional agrees to indemnify and hold-harmless the Town, its elected and appointed officials, and employees against any and all losses, including all costs connected therewith, for any damages which may be recovered against or from the Town, its elected or appointed officials, or employees by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, resulting from the negligence of the Professional.

**9. APPLICABILITY OF LAWS AND REGULATIONS.** Consistent with the applicable standard of care, the Professional shall adhere to all applicable laws, ordinances, and regulations of the United States, the State of North Carolina, the County of Harnett, and the Town, in the

performance of the services required by a Task Order. The Parties agree that this Agreement shall be governed and construed in accordance with the laws of the State of North Carolina and all disputes hereunder shall be resolved in accordance with the laws of the State of North Carolina with jurisdiction and venue in the state courts of Wake County and all parties hereby consent to the jurisdiction and venue of such courts.

**10. E-VERIFY COMPLIANCE.** The Professional shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify). Professional shall require all of the Professional's subcontractors to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify).

**11. OWNERSHIP OF DOCUMENTS.** Upon full payment for the Professional's services, the Town, and not the Professional, will acquire, enjoy and retain ownership and intellectual property rights in all materials specifically prepared by the Professional in performance of its services under a Task Order (the "Work Product"); provided, however, that any modification to the Professional's Work Product or use of the Work Product for any purpose other than in connection with the project for which the Work Product was created shall be at the sole risk of Town; and provided further that Professional shall have the right to continue using any standard or pre-existing details, forms, formats, data, graphics or the like incorporated into any Work Product.

**12. INSURANCE.** The Professional shall maintain valid general liability insurance in the minimum amount of \$1,000,000, commercial automobile liability insurance in the minimum amount of \$1,000,000, and provide certificates of such insurance naming the Town as an *additional insured* by endorsement to the policies. If the policy has a blanket additional insured provision, the Professional's insurance shall be primary and non-contributory to other insurance. Additionally, the Professional shall maintain and show proof of workers compensation and employer's liability insurance in the minimum amount of \$1,000,000; and shall show proof of professional liability coverage in a minimum aggregate amount of \$2,000,000. The Professional shall provide notice of cancellation, non-renewal or material change in coverage to the Town within ten (10) days of their receipt of notice from the insurance company. All required certificates of insurance, endorsements, and blanket additional insured policy provisions are attached and considered part of this document. Notwithstanding the foregoing, neither the requirement of Professional to have sufficient insurance nor the requirement that the Town is named as an additional insured, shall constitute waiver of the Town's governmental immunity in any respect, under North Carolina law.

**13. DEFAULT.** In the event of substantial failure by Professional to perform in accordance with the terms of a Task Order, the Town shall have the right to terminate such Task Order upon seven (7) days written notice if Professional has failed to commence reasonable efforts to cure such failure within the seven (7) days after receipt of written notice, in which event Professional shall have neither the obligation nor the right to perform further services under the terminated Task Order.

**14. TERMINATION FOR CONVENIENCE.** The Town shall have the right to terminate a Task Order for the Town's convenience upon thirty (30) days written notice to Professional. Professional shall terminate performance of services under the Task Order on a schedule

acceptable to the Town, provided that in no event shall Professional be required to perform services after the effective date of termination. In the event of termination for convenience, the Town shall pay Professional for all services performed in accordance with the terms of the Task Order prior to the effective date of termination.

**15. NOTICE.** Any formal notice, demand, or request required by or made in connection with this Agreement or any Task Order shall be deemed properly made if delivered in writing or deposited in the United States mail, postage prepaid, to the address specified below.

TO PROFESSIONAL:

WithersRavenel, Inc.  
Attn: Dori Sabeh, PE, GISP  
137 S Wilmington Street, Suite 200  
Telephone: 919-678-3817  
Email: [dsabeh@withersravenel.com](mailto:dsabeh@withersravenel.com)

With a copy to: C. Chan Bryant, P.E. Chief Risk Officer

TO Town:

ATTN: Town of Erwin, North Carolina  
PO Box 459 Erwin, NC 28339  
Telephone: {910-897-5140  
e-mail: [townmanager@erwin-nc.org](mailto:townmanager@erwin-nc.org)

With a Copy to: Snow Bowden, Town Manager

Town  
ATTN: Snow Bowden  
ADDRESS PO Box 459 Erwin, NC 28339  
Telephone: PHONE 910-897-5140  
e-mail: [townmanager@erwin-nc.org](mailto:townmanager@erwin-nc.org)

**16. DELAY BEYOND THE CONTROL OF THE PARTIES.** Neither Professional nor Town shall be in default of any Task Order or the provisions of this Agreement for delays in performance due to forces beyond the control of the parties. "Forces beyond the control of the parties" shall include, but is not limited to, delay caused by fire, acts of God, flood, earthquakes, storms, lightning, epidemic, war, riot, and/or civil disobedience.

**17. NONWAIVER FOR BREACH.** No breach or non-performance of any term of this Agreement or any Task Order shall be deemed to be waived by either party unless said breach or non-performance is waived in writing and signed by the parties, and no such waiver of any breach or non-performance shall be deemed to constitute a waiver of any other or subsequent breach or non- performance.

18. **CONSTRUCTION.** Should any portion of this Agreement or any Task Order require judicial interpretation, it is agreed that the Court or Tribunal construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against any one party by reason of the rule of construction that a document is to be more strictly construed against the party who prepared the documents.

19. **DURATION OF AGREEMENT.** The initial term of this Agreement shall be a period of one year from the Effective Date, with the Town having the option to extend the Agreement for two (2) one-year extension periods.

20. **SEVERABILITY.** In the event for any reason that any provision or portion of this Agreement shall be found to be void or invalid, then such provision or portion shall be deemed to be severable from the remaining provisions or portions of this Agreement, and it shall not affect the validity of the remaining portions, which portions shall be given full effect as if the void or invalid provision or portion had not been included herein.

21. **COUNTERPARTS.** This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one instrument.

22. **MODIFICATION.** This Agreement contains the full understanding of the parties. Any modifications or addendums to this Agreement must be in writing and executed by both parties.

23. **BINDING EFFECT.** The terms of this Agreement shall be binding upon the parties and their successors and assigns.

24. **ASSIGNMENT.** Professional shall not assign, sublet, or transfer any rights under or interest in (including, but without limitation, monies that may become due or monies that are due) this Agreement without the written consent of the Town, which may be withheld in the sole and absolute discretion of the Town. Nothing contained in this paragraph shall prevent Professional from employing such independent consultants, associates, and sub-contractors as it may deem appropriate to assist Professional in the performance of services rendered.

25. **INDEPENDENT CONTRACTOR.** Professional is an independent contractor and shall undertake performance of the services pursuant to the terms of this Agreement and any Task Order as an independent contractor. Professional shall be wholly responsible for the methods, means and techniques of performance. Professional's work does not include any supervision or direction of the work of any other person or entity or their employees or agents (except to the extent such person or entity was actually retained by Professional), and Professional's presence shall in no way create any liability on behalf of Professional for failure of others, their employees or agents to properly or correctly perform their work.

26. **NON-APPROPRIATION.** Notwithstanding any other provisions of this Agreement, the parties agree that payments due from the Town hereunder and under any Task Order are from appropriations and monies from the Town Board and/or other governmental entities, by and through the Town. In the event sufficient appropriations or monies are not made available to the Town to pay the terms of this Agreement and Task Orders issued in connection herewith for any fiscal year, the Town may terminate this Agreement and any open Task Orders immediately

without further obligation of the Town except with respect to payment of Professional for work performed through the date of termination.

27. **IRAN DIVESTMENT ACT.** N.C.G.S. 147-86.60 prohibits the State of North Carolina, a North Carolina local government, or any other political subdivision of the State of North Carolina from contracting with any entity that is listed on the Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.58. N.C.G.S. 147-86.59 further requires that contractors with the State, a North Carolina local government, or any other political subdivision of the State of North Carolina must not utilize any subcontractor found on the State Treasurer's Final Divestment List. As of the date of execution of this Agreement the Professional hereby certifies that the Professional is not listed on the Final Divestment List created by the North Carolina State Treasurer and that the Professional will not utilize any subcontractors found on the Final Divestment List.

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals this 10th day of July, 2025.

**Professional**

**Town of Erwin**

Name: R.S. (Butch) Lawter, Jr. P.E.  
WithersRavenel, Inc.

Shaw Bowden / Town manager  
NAME / TITLE

By: DocuSigned by:  
R. S. Lawter Jr.  
135D23151E4A4E3...  
(Signature)

By: Shaw Bowden  
(Signature)

Title: Senior Delivery Officer / Vice  
President

Company: WithersRavenel, Inc.

Attest: DocuSigned by:  
C. Chan Bryant  
90CBAC51EF274A5  
(Secretary, if Corporation)

Attest: Jamun Grant  
NAME/TITLE



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Mayor Baker thanked Mr. Thomas for attending. He stated that the Board had his application and wanted to give him the opportunity to respond to the Board. The Board may have questions for Mr. Thomas; they may not. He asked Mr. Thomas to start off by explaining why he was requesting this special use permit.

Mr. Thomas stated he was requesting the special use permit for automotive services, to do body repair, paint, and body shop.

Mayor Baker clarified it would just be paint and body, no repairing engines or oil changes. Just a paint and body shop?

Mr. Thomas stated that at that time, it was his hope to eventually hire a mechanic. He was a painter. He had run a paint and body shop, but this was a bigger location than where he was in Fuquay. He hoped to have those services added on for oil changes and mechanic repair, but he did not employ a mechanic at the time of this meeting.

Mayor Baker asked how many employees he had.

Mr. Thomas stated he had three employees plus himself. He had a body man, a painter, and an upholstery man who had not joined them yet due to health issues, but he planned to join them soon.

Mayor Baker asked if the Board had any questions for the applicant.

Commissioner Byrd inquired with the Town Manager regarding the issue of U-Hauls.

Town Manager Snow Bowden stated the U-Hauls had been removed.

Commissioner Nelson asked if the paint booth had been installed.

Mr. Thomas stated the paint booth was already there, which was what interested him in the building. The Fire Marshall came through and did an inspection, stating the paint booth was grandfathered in.

Town Manager Snow Bowden stated the paint booth was grandfathered in; that was correct.

Mayor Baker asked if the Board had any other questions for the applicant.

No questions were asked.

Roger Chavis of 103 Twin City Street, Dunn, came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Chavis stated he had a scenario to show the Town Board, a picture proving this property had always been doing repairs for over 30 years. He has been here for over 30 years, and it should stay an auto repair. It wasn't going to be a beauty salon or a barber shop. That being said, they will help keep the vagrants out. If the Town does not allow this to be a permit, it will encourage vagrants, homeless people, and probably crack heads to have free rent at this establishment. He had already witnessed three separate occasions in the last couple of years of homeless people living under the shelter in the back of it. We already had homeless people under both bridges on Erwin Road and Hwy 421. Do you want to provide a Taj Mahal with free rent for the homeless

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people and crack heads? Do we want to put that burden on the Police Department to circle around 3-4 times a night to run them off? They will just come right back like cockroaches. He lived right across the road, diagonally from the back of the shop. He stated he could sit on his front porch to witness it, and he had. He did not want those vagrants in his neighborhood. Keep them down at the river and under the bridge. Do not give them a Taj Mahal to get in. Jerry Bayles was adding on to the building to have another 8,000 square feet for them to get under, and they had been known to break into his place as well. With that being said, the Town Board needed to provide a permit for them.

Mayor Baker asked if the Board had any questions for Mr. Chavis.

Commissioner Blackmon stated no, Mr. Chavis was very clear.

Mayor Baker asked if anyone else was present to speak in favor of the request.

No one came forward.

Mayor Baker asked if anyone was present to speak in opposition to the request.

Christopher Beasley of 200 Twin City Street, Dunn, came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Beasley introduced himself to the Board. He stated he stayed on Twin City Street with his mother. He was present to petition on behalf of the resident on Twin City Street. They had been fighting it since Ricky died. Jerry took the fences down and added onto his property without a permit. He spoke with Town Manager Snow Bowden, and he had a picture to provide the Board. There was so much traffic on that road. The property had so many cars parked on the road that you could not see past them to pull onto the road. Due to the traffic, the Town put up "Slow Children at Play" signs in that area in two different ways just to slow traffic down. He had pictures on his phone from two days prior showing two trucks dropping off cars. When a little kid gets run over or someone gets in a wreck, his mother was 88 because she cannot see past the obstructions, then who is going to be to blame? He stated he wanted people to have jobs, but they had been fighting this forever.

*He provided the Town Clerk with pictures to show the Town Board and a petition submitted by residents on Twin City Street. Those documents are attachments to these minutes.*

Mr. Beasley continued that there were ten other paint shops, garages in the area already there. The difference was that those other shops had room. The residents on Twin City Street had to fight to get out. The people who drop the trucks off don't care. They come flying down the road, and a little kid almost got hit three days prior, even with the flags up. He was a 100% service-connected Marine. He had a little car you have to ease up to the and ease up to the road to see. In the pictures provided, you can see the problem. It varies day to day. Those trucks block the road, and somebody is going to get hurt. He had been over this with Town Manager Snow Bowden multiple times, so much so that he probably got tired of seeing him. He recommended that the applicant find a location where he could have storage for cars without blocking the driveway. The paper stated special use, but there were ten other places in Erwin to go have your cars worked on. He asked the Town to look into that addition Jerry put on the back of the building; he did not think there was a permit for it. He and Jerry got into it because he told Jerry he needed to

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go to Town and pull a permit for it. There is now a civil issue because the addition was intruding on Mr. Beasley's property. He did building stuff, so he knew the addition was built without a permit. Since this was a body shop, when the cars are delivered wrecked and damaged, there was no fence; it's all open, and there are wrecked cars. The property values are going to go down, and someone was going to get hit; someone already almost got hit. If the Town approves the permit and someone gets hit? Who are we going to blame? The truckers don't care. This area was a residential place. The cops have been great, they police it and come when they call them when you can't see because cars are lined up the street. The police have to come in and get involved. How do we do it? He was afraid someone was going to be injured.

Mayor Baker asked Mr. Beasley for clarification of the dates from which the photos he provided were taken.

Mr. Beasley stated they were older photos. He had bigger photos on his phone, but the photo was basically showing how the cars come and go. The other day, there were cars everywhere.

Town Manager Snow Bowden showed a street view on the screen from 2020.

Mayor Baker asked Town Manager Snow Bowden to pull the property up on Google Earth. He clarified with Mr. Beasley that there had been an expansion of the building on the proposed property.

Mr. Beasley stated that was correct. There was an expansion, about the length of the building, probably 30 feet, with trusts and everything, which was running on his land. He informed Mr. Bayles that he had to get a permit. There was a land dispute; they were currently working on getting a surveyor to come out there. GIS is not correct according to the surveyor. The old Town Manager messed up when they placed Twin City Street where the curve is; 18 ft of that property was his family's property. They have an easement in place with the Town to keep up the ditches, and they do not have to pay taxes on the road.

Town Manager Snow Bowden stated he was not able to get Google Earth pulled up, but he was able to find a street view from 2024.

Mr. Beasley stated that the two cars he had taken pictures of two days ago were no longer there. He pointed out the road and where the wrecked cars are placed on the map. Now there is commercial traffic coming down.

Mayor Baker clarified that Mr. Beasley's biggest concern was the traffic and safety.

Mr. Beasley stated that was correct as well as the look of the property with the wrecked cars. There were also people getting U-Hauls, and there was nowhere to park, so they parked in the road and blocked the road. There was presently a car sitting on the side of the building with no front on it. Would you want your neighborhood looking like that? What is going to happen if they hit someone? Blame the Town? Blame the owner? Blame them? The police come out there and get frustrated, and the customers get frustrated at them, but the drivers cannot see. When Ricky left and Jerry bought the property, he took the fence down and never put it back up. He was just trying to look after the kids and their neighborhoods. The Police have been wonderful and always helped, but they shouldn't have to.

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Mayor Baker asked if the Board had any questions for Mr. Beasley.

No questions were asked.

Mayor Baker asked if anyone else was present to speak in opposition to the request.

No one came forward.

Mayor Baker invited the applicant to come back up and address any concerns.

Mr. Thomas stated he respected those concerns. He was a father as well. He was here to be a service to the community; he was not in Erwin to do anything other than work on cars and be a service and value to the community. To answer his concerns, he stated he answered question number six in the permit, stating that ingress and egress will remain available to the property to allow customers to park on the property without parking in the right-of-way, as well as keeping the rear of the establishment clean and clear of junk. That was an issue Mr. Jerry had already warned him about. He did not know about the fence or the property line, but he could make it his personal duty to make sure the cars are parked under the lean-to extension in the back of the building or the front of the building out of the way. As he was aware, he had not had any cars piled up at the road. He did have one truck that he just finished painting, which he moved it get it out of the way, but he would be happy to move it. Other than that, any concerned neighbors were welcome to come by his shop, let him know, and he would be happy to comply with that. His kids come to the shop with him in the summertime and go outside to play with the neighborhood kids and ride bikes with the kids. So far, they had had a great experience, and he hoped to be of value and take care of anything concerning that they had.

Mayor Baker clarified that Mr. Thomas himself did not add onto the building or have anything to do with the addition to the building. He was just using the building as it was rented to him.

Mr. Thomas stated that was correct. They were completing the lean-to extension when he first started renting the building.

Mayor Baker asked if the Board had any other questions.

Commissioner Nelson stated his question was for Town Planner Dylan Eure. Did our Code of Ordinances require a fence around it?

Commissioner Blackmon stated that was buffering in a residential area.

Town Planner Dylan Eure stated he would speak on it. Unfortunately, since the building has already been erected and the use has always been for vehicular service, our landscaping ordinance specifically excluded businesses that weren't changing use or an official building code change of use. That said, that excludes them from landscaping requirements along with parking requirements. Since this was a special use, conditions can be placed on it to hopefully avoid the neighbors having any harmful effects from unsightly cars or materials. We could require fencing, but we could not require any type of vegetation on the lot because of the way our ordinances were worded.

Commissioner Nelson asked if the property was vacant for a full 180 days.

Town Planner Dylan Eure stated by all means, yes.

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Commissioner Nelson asked if because of that, the applicant would be required to go through all the codes again.

Town Planner Dylan Eure stated theoretically, yes, but because of the way our ordinances are worded, specifically stating that if it was not an official change of use defined in the building code, then they were not required to comply with landscaping ordinances. Since the building was built to be an auto body shop, we could not require them to conform to our current landscaping ordinances. That was why it was not required, and why a site plan was not required as well, since they are specifically excluded, and there was no official change of use in the building code.

Mayor Baker stated that if they were going to change it to a beauty shop, office, or other type of business, then those items would be required.

Town Planner Dylan Eure stated that was correct, but only when those businesses abutted a residential district. He did want to point out that one thing that was unique about this area was that the parcel directly behind it was split-zoned B-2 and R-10, so that did provide a unique circumstance. He showed the Board the properties in Harnett County GIS.

Commissioner Blackmon asked if that was a separate lot behind it.

Town Planner Dylan Eure stated it was one parcel that was split.

Commissioner Nelson stated his biggest problem, as he stated in the workshop, how was the owner allowed to add an addition without permits, and we just let it happen?

Town Planner Dylan Eure stated that we did send Mr. Bayles a letter of violation, and he did have that with him. The letter was sent on February 7<sup>th</sup>, when Town Staff noticed the work was completed over a weekend. Code Enforcement Officer Chris Jones sent them a notice of violation, and Mr. Bayles continued to work under that notice of violation and ended up finishing it a couple of months later over a weekend.

Commissioner Nelson asked how we just let that happen.

Commissioner Blackmon asked if a stop-work order was ever sent to Mr. Bayles from the county.

Mayor Baker stated that a stop-work order was sent.

Town Planner Dylan Eure stated Town Staff had not seen an official stop-work order from the county. It was never sent to us, so he could not speak directly on the matter. He informed the Board that Town Staff sent a violation letter informing Mr. Bayles to come get permits. He did drop the permits off, but they were never approved due to the non-conformity of that building. B-2 zoning districts require 20 ft setbacks from the rear property line, and that was the reason why it was never approved. Mr. Bayles then finished the addition, and the tenant moved in. Town Staff then focused on the violation of the special use.

Commissioner Byrd stated he understood the issue of the shelter, but what did that have to do with the applicant? Per our ordinances, it has always been vehicular services. What Mr. Bayles does has nothing to do with what the applicant is going to do with that building. Does the

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applicant meet the requirements of our Town ordinances to be able to operate that business in that building?

Town Planner Dylan Eure stated the applicant did meet all of the ordinance he was required to meet. All the documentation he sent over was the documentation we would need. In terms of the addition, that would just be on Mr. Bayles. That being said, since the applicant was renting from Mr. Bayles, it does kind of force him into the situation we are in. Unfortunately, it was unfortunate for the applicant since he was at no fault for this. Mr. Bayles continued to work under the stop-work order, never attempting to get the proper permits, and continued with the structure anyway.

Commissioner Byrd informed Mayor Baker that Mr. Bayles was present now.

Mayor Baker stated we were still under Public Hearing, so Mr. Bayles could speak if he wished to do so. He asked if the Board had any other questions for Town Staff.

Commissioner Marbell stated, just to be clear, the applicant wishes to run the same business as Ricky Avery did.

Town Planner Dylan Eure stated that he was not aware of what Mr. Avery did, but the use was the same.

Town Manager Snow Bowden stated it would be the same business.

Mayor Baker asked if the Board had any other questions for Town Staff.

No questions were asked.

Mayor Baker asked if the Board had any other questions for the applicant.

Commissioner Byrd asked the applicant if he was committed to keeping the cars away from the road, with the concerns Mr. Beasley had.

Mr. Thomas confirmed he was committed.

Commissioner Byrd stated that when Ricky owned the property, it was hard to see past all the cars.

Mayor Baker stated that the owner, Jerry Bayles, had just arrived. He asked Mr. Bayles if he would like to speak.

Jerry Bayles of 236 Olde Ferry Lane, Dunn, came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Bayles stated he bought the old body shop when Ricky passed away. He tore down issues, but he was still working on it. Mr. Thomas is driving from Raleigh each day to try and provide a service to our community and make a living. The applicant also wanted to have U-Hauls at the property, and he told him to go get a permit. What was the issue tonight?

Mayor Baker stated that the application that was before us tonight was for the special use for an automobile service, like Mr. Avery used to do. Town Planner Dylan Eure could probably explain it better, but what was provided to us was that because the operation stopped, Mr. Avery was

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utilizing and operating the facility under a grandfathered use. Then, when Mr. Avery passed away and the property was set vacant before Mr. Bayles obtained it, it was set vacant for a period of time that now requires a special use.

Mr. Bayles stated the parcel never sat vacant for more than 180 days. He asked the Board who this gentleman was.

Mayor Baker informed Mr. Bayles that the gentleman was our Town Planner Dylan Eure.

Mr. Bayles stated oh, he's the Town Planner, well maybe he hasn't been around the block. He asked Town Planner Dylan Eure what he needed him to enlighten him on, and what did he not understand about this situation? The building had been in use since 1950. That's 77 years, and the Town has a problem with the applicant having a body shop there? It had been a garage for 77 years.

Mayor Baker asked Mr. Bayles to give Town Planner Dylan Eure a chance to explain.

Mr. Bayles told Town Planner Dylan Eure to enlighten him.

Town Planner Dylan Eure stated according to Harnett Regional Water's records, in December 2021, all services were disconnected from the site, being that no one was having that building, using that building. According to Harnett Regional Water's records, the services were only turned back on in 2023 when Mr. Bayles bought the property and turned the services back on.

Mr. Bayles asked how many months had lapsed in that time frame? Whether the water was on or not was not the issue. He asked if Town Planner Dylan Eure had checked to see if the power was on.

Town Planner Dylan Eure stated he was unable to check with the power company.

Mr. Bayles stated that if he could check on the water company, then he should be able to check with the power company.

Commissioner Blackmon informed Mr. Bayles that we were all going to speak to each other in a respectful manner.

Commissioner Byrd assured Mr. Bayles that everything was alright.

Mr. Bayles informed Commissioner Blackmon that he was tired of it. He stated he wasn't trying to be disrespectful. This building has been sitting there for 77 years, and he understood the Town had a new guy on the block. He was not trying to disrespect anyone, but when he'd had enough of something, then he'd had enough of it. He told Town Planner Dylan Eure to tell him what the applicant was doing to be non-conforming or not complying. What is he doing that was so bad? The Town is out here approving a bunch of storage units in residential areas. How can you put a business between two houses?

Mayor Baker stated the reason why we are here tonight, and everything had went along beautifully until now, is because the applicant is here to get a special use permit to operate that facility as an automobile service business. It would be a separate type of business for the rental of U-Hauls. Certainly, the applicant could apply for a special use permit for the rental of U-Hauls

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if he would like to. We were at the point now where we were ready to go into deliberation. We had testimony on both sides and had an understanding of what was going on here. He informed Mr. Bayles that the Town Board wanted to give him, as the landowner, a chance to speak.

Mr. Bayles stated he appreciated that, but was Town Planner Dylan Eure doing what he was supposed to do?

Mayor Baker assured Mr. Bayles that Town Planner Dylan Eure was doing exactly what he was supposed to do, and he would allow the Board to complete their hearing.

Mr. Bayles stated that the Board Members know him and shouldn't have asked him to speak then. He informed the Board that he will be here a little while longer. Just treat everybody the same way, and he won't have a problem with it. No matter what the Town does, just make sure it's across the board.

Mayor Baker asked if anyone else in the room had anything to add. We would not hear repeated testimony.

Mr. Beasley stated he had one more thing to add.

Mayor Baker stated that if it was different from what he already said, then come up.

Mr. Beasley stated there were fences up around the building when Ricky owned the building, and they were taken down on the corner side of the street and back.

Mr. Bayles asked if he needed to put a fence back up around his building to make everyone happy.

Commissioner Byrd stated that was what they were trying to find out. He asked Town Planner Dylan Eure if that was required.

Town Planner Dylan Eure stated it was not required according to our ordinances, but with that being said, a condition could be placed on the special use for a 6-foot visual fence to be placed around the rear of the building, and any vehicles not being serviced would be placed in that area of containment.

Commissioner Blackmon stated that you can list any conditions the Board feels are appropriate to make what the applicant is requesting comply.

Commissioner Byrd asked if Mr. Bayles would have any issues placing a fence around his property.

Mr. Bayles states he had no problem conforming to anything the Board asks of him. Ricky had a fence, and once Mr. Bayles bought the property, he discovered he owned an additional 10 ft. He doesn't mind putting up a privacy fence or any other fence as long as the Town makes everybody else with a business like this put a fence in their backyard. He doesn't mind doing whatever he needs to do, but everybody has to do the same thing.

Mayor Baker asked if Mr. Bayles had room to place a fence on his property.

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Mr. Bayles stated he has 10 ft, and if the Town requires that of every business like this business, then he will be the first to put his fence up. He has the post, the fencing, and the means to do it.

Mayor Baker asked if anyone else in the room had any factual evidence not brought up before.

Mr. Chavis stated it was not factual evidence, and you may not have known it, but that building was occupied even when there was no exchange of money. It had been rented out before if you take the times the vagrants had been there, when people left, and the several businesses in between, then it was occupied.

Commissioner Nelson asked if the property or the building was in any kind of violation of the surrounding properties.

Town Planner Dylan Eure stated that the only violation that was done and was presently outstanding was the addition that Mr. Bayles built without receiving approval from the Town. Everything else was grandfathered in. He couldn't say without a survey, but there could be some encroachment into some setbacks. However, our ordinances grandfather those in as long as no further encroachment is done.

Commissioner Nelson stated that Mr. Beasley had stated that Mr. Bayles' property was running water off onto his property. Was that a violation?

Town Planner Dylan Eure stated that was not a violation of our ordinances. That would be more of a private property concern.

Mr. Bayles asked to say one more thing before the Board moved forward. He stated that Town Planner Dylan Eure said he put up a shelter without proper approval. He came with spoke with Town Manager Snow Bowden and informed him that he had obtained the property, and he did not know where the line was, but it was substandard. The building was a hazard and did not look good. He asked Mr. Bowden if he would have any problem tearing the stuff down, cleaning his lot up, and putting the stuff back. He asked Mr. Bowden to correct him if he was wrong, but Mr. Bowden told him, as long as it looked better than it was and as long as he did not infringe on anybody else, that he did not have a problem with it. He stated he was never told that he had to get a building permit to clean up a bunch of junk. He asked Mr. Bowden if he was stating that in a correct form or not. He did not want to be called a liar later, did he and Mr. Bowden have that conversation or not?

Town Manager Snow Bowden came forward and was sworn in by Town Clerk Lauren Evans.

Town Manager Snow Bowden stated he did not recall having that conversation with Mr. Bayles regarding this property. He has had a lot of conversations with Mr. Bayles, and he probably said something similar with a similar property. The only conversation he recalled having with Mr. Bayles about this property was that he needed to get a permit for the shelter, and it ended with "We will see you in court." To his knowledge, there was no stop-work order ever issued, so we could not take that to court for the work that was done. But he did not recall saying exactly that; he probably did say things were looking better, and he was good with that. He stated he was not saying that it did not happen, but he did not recall saying that.

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Mayor Baker stated for the sake of the Board, Harnett County performs building inspections under contract for Erwin. He asked Town Manager Snow Bowden to explain, for the sake of the Board's understanding, the process of securing a building permit.

Town Manager Snow Bowden stated that Harnett County supplied building inspection for the Town of Erwin. Basically, if anyone wants to do work in Erwin, they come to Erwin, they come to Town Planner Dylan Eure, and get a zoning permit first. The zoning permit shows Harnett County that the person had permission to apply for a building permit for the work to be done in the Town of Erwin jurisdiction or ETJ. Harnett County would not issue any permit in Erwin or our ETJ without an approved zoning permit from the Town of Erwin. They would be the ones to issue a stop-work order for construction or condemnation in the Town if it were needed. We did not have an inspector on stage right now.

Mayor Baker asked if there was ever a zoning permit issued for obtaining a building permit.

Town Manager Snow Bowden stated that we were not able to issue one due to the setback encroachment.

Mayor Baker clarified that a zoning permit was withheld due to a violation the Town detected.

Town Manager Snow Bowden responded yes, sir.

Mayor Baker asked if the Board had any questions for Town Manager Snow Bowden.

Commissioner Nelson asked if the County or the Town ever issued a stop-work notice to Mr. Bayles.

Town Manager Snow Bowden stated that the Town sent a violation letter and told him to stop work. We did not issue a formal stop work order that he was aware of would hold any muster from a Code Enforcement side of things. He never saw a formal stop-work order from Harnett County. He stated he thought they may have gone by and told him to stop work, and that he needed to apply for a permit. That was when Mr. Bayles came by his office and they talked. He told Mr. Bayles about the setback issues, and there were some issues about the building being grandfathered. He then informed Mr. Bayles that he could not sign off on a zoning permit. That was what he recalled, but he never saw a formal stop-work order from Harnett County. If there was a formal stop-work order, it should have been posted on the site, and he never saw that personally.

Commissioner Nelson asked if that was something they would send to us to make us aware of it.

Town Manager Snow Bowden stated he believed they would have sent us a copy and posted it on the building, too. There would have been a placard on the building.

Commissioner Byrd asked if you had to have a permit if you were trying to fix something that was existing and doing it as the property owner. He stated he did not know. Do you have to have a permit?

Commissioner Blackmon answered absolutely. It is different for residential properties; this was commercial.

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Town Manager stated yes, you do. He stated it was bigger than 12x12.

Commissioner Blackmon stated that 12x12 did not apply to commercial and residential; it only talks about an accessory structure that was 12 feet in dimension, but in this case, that rule did not apply. It was attached, and it was a commercial structure.

Commissioner Byrd stated he did not know; he had no idea.

Town Manager Snow Bowden stated we could address the lean to later. That had nothing to do with the use of the building. The lean-to thing was done recently and can be addressed after this. The applicant could still do the work in the building without the issues of the lean-to. The lean to was an ongoing issue.

Commissioner Byrd stated that Town Planner Dylan Eure stated that the applicant had met every requirement of what we require. There was no requirement, but the Town could issue a special use with a condition to put a fence around it. What we were meeting about and what we were talking about was the applicant's permit. All of the other stuff should be handled separately.

Town Manager Snow Bowden stated that Town Staff was trying to handle them separately, but the timeline just did not mesh well. The applicant was here to ask for a special permit for a business that was allowed as a special use in B-2 zoning in a building that had always been a garage. The applicant was not asking for anything else; the paint booth was there before the Town of Erwin annexed the property.

Commissioner Blackmon made a motion to close the Public Hearing and was seconded by Commissioner Turnage. **The Board voted unanimously.**

Mayor Baker asked for deliberation from the Board.

No deliberation was had.

Commissioner Blackmon made a motion, seconded by Commissioner Byrd, that the use requested is listed among the special uses in the district for which the application is made. Reasoning that Vehicular services are a listed use in the B-2 zoning district. **The motion passed 4 to 1 (Nelson).**

Commissioner Blackmon made a motion, seconded by Commissioner Byrd, that the requested use is essential or desirable to the public convenience or welfare. Reasoning that by having an additional vehicular services lot in Erwin this will allow citizens greater options to support local businesses when repairing their vehicles. **The motion passed 3 to 2 (Nelson & Turnage).**

Commissioner Byrd made a motion, seconded by Commissioner Blackmon, that the requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. Reasoning that there are already several vehicular services establishments in the area that have approved conditional or special use permits and are on file with the Town of Erwin. **The motion passed 4 to 1 (Nelson).**

Commissioner Byrd made a motion, seconded by Commissioner Blackmon, that the requested use will be in conformity with the Land Development Plan. Reasoning that, according to the

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2023 Land Use Plan, the areas are designated for commercial or mixed-use development. **The motion passed 4 to 1 (Nelson).**

Commissioner Byrd made a motion, seconded by Commissioner Blackmon, that adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities have been or are being provided. Reasoning that the site already contains adequate connections to all available services. **The motion passed 4 to 1 (Nelson).**

Commissioner Blackmon made a motion, seconded by Commissioner Byrd, that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Reasoning that the current establishment already has its driveway, as this was constructed before the Town of Erwin's Ordinances were adopted. **The motion passed 4 to 1 (Nelson).**

Commissioner Nelson made a motion, seconded by Commissioner Byrd, that the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners with the condition of a 6ft chain link fence with slats be installed in the rear of the property. Reasoning that the existing structure is grandfathered in, as the structure was built before Erwin's incorporation. Upon any official change of use on the property, they shall conform to Erwin's Ordinances to the best of their ability. **The motion passed 4 to 1 (Nelson).**

Commissioner Blackmon made a motion, seconded by Commissioner Byrd, that, according to Erwin's 2023 Land Use Plan and the surrounding land uses, the proposed special use permit for vehicular services located at 2401 Erwin Rd is recommended to be approved. **The motion passed 4 to 1 (Nelson).**

Commissioner Byrd made a motion, seconded by Commissioner Blackmon, to recommend that the proposed special use application meets all the Findings of Facts in the Affirmative. **The motion passed 4 to 1 (Nelson).**

Commissioner Byrd made a motion, seconded by Commissioner Blackmon, to recommend approval of SUP-2025-003 Special Use Application to operate vehicular services at 2401 Erwin Road, HC Tax PIN # 1507-40-5511.000, with additional conditions requiring a 6ft chain link fence with slats to be installed in the rear of the property. **The motion passed 4 to 1 (Nelson).**

**ZT-2025-002**

Commissioner Blackmon made a motion to open the Public Hearing and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Town Planner Dylan Eure stated this was a pretty straightforward rezoning request to rezone 103 4<sup>th</sup> Street to be entirely R-10. Currently, the parcel was split zoned between two zoning districts, with a large sliver being B-2 and a small sliver being R-10. The applicant was requesting the parcel to be rezoned to R-10 to expand his home as his family grew.

Mayor Baker asked if the Board had any questions for Town Staff.

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: July 10, 2025

Subject: SUP-2025-003

---

The Town of Erwin has received an application for a Special Use Permit to operate a vehicular services operation at 2401 Erwin Road. This property has been used for vehicular services in the past. There are no records of a Conditional Use Permit or Special Use Permit ever being issued to the property for vehicular services. Due to the fact that this building stopped being used as a vehicular services facility for several months, the new operators of this facility need to obtain a special use permit to operate a vehicular services facility.

At the time of writing this memo, the current tenant is working with U-Haul to have the U-hauls on that site removed. He has been made aware that he cannot have those U-hauls on that site without an additional special use permit for outdoor storage. According to the applicant, the employee with U-Haul told him that the site had been used for U-Haul rentals in the past.

### Attachments:

- SUP 2025-003 staff memo/report
- SUP 2025-003 application



# TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339  
Ph: 910-897-5140 • Fax: 910-897-5543  
www.erwin-nc.org

**Mayor**  
Randy L. Baker  
**Mayor Pro Tem**  
Ricky W. Blackmon  
**Commissioners**  
Alvester L. McKoy  
Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

7/10/2025

## **SU-2025-0023** **Memorandum**

### **Special Use and Site Description**

A single parcel located by its physical address of 2401 Erwin Rd. with approximately .40 acres of land under the zoning classification of B-2 has requested to have a special use permit authorized for vehicular services. The previous use of said site was for vehicular services of which were established before the Town of Erwin's zoning ordinances. This said, according to Harnett Regional Water's billing system, the previous legal non-conforming use halted in December of 2021 when water services were disconnected. After which, the said site remained unoccupied until March of 2023, when the property's water connection was reestablished. Erwin's Code of Ordinances states that when a non-conforming use is discontinued for a period longer than 180 days, the future use shall conform to the current standards within the Erwin Code of Ordinances. Since the building has sat with no use for more than 180 days, any future vehicular services shall obtain a special use permit in order to continue operation.

### **Surrounding Land Uses**

The surrounding land uses comprise a mix of residential and commercial uses, with the primary commercial use being vehicular sales and vehicular services. To the direct north of the property, at 2302 Erwin Rd. there is an approved conditional use permit for vehicular services and directly to the east is a vehicular sales lot that has an approved conditional use permit on file for vehicular sales. To the west and south, there are primarily single-family homes. To the east, there is an additional vehicular service establishment located at 2100 with an approved conditional use permit that is approximately 750 feet away from 2401 Erwin Rd.

Regards,

Dylan Eure  
Town Planner



**TOWN OF ERWIN**  
 100 West F St., Post Office Box 459  
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**SPECIAL USE PERMIT APPLICATION**

**In the Matter Of the Request to the Erwin Board of Commissioners**

Applicant Name	Robert Thomas	Property Owner Name	Jerrey Bayles
Mailing Address	557 L Dunallie Dr	Mailing Address	P.O. Box 843
City, State, Zip	27506 Fayetteville NC	City, State, Zip	ERWIN NC 28339
Telephone	919 8133253	Telephone	(910) 658-9271
Email	apbnc@yahoo.com	Email	N/A

Address of Subject Property	2401 ERWIN Rd, Dunn		
Parcel Identification Number(s) (PIN) of Subject Property	1507 - 40 - 5311 .000		
Legal Relationship of Applicant to Owner	Tenant	Floodplain SFHA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Legal Description: Lot	Block	Subdivision	
Zoning District	B2	Wetlands	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Public Water Available:	<input checked="" type="checkbox"/> Y or N	Public Sewer Available:	<input checked="" type="checkbox"/> Y or N
Existing Septic Tank:	Y or N		
Number of Buildings to Remain	Gross Floor Area to Remain		
Describe Proposed Project or Request with Conditions proposed by applicant:			
Special use permit request for Auto Repair at 2401 Erwin Rd. No <sup>additional</sup> special conditions requested			
Total Acreage or Square Footage to be Disturbed	NA		
Estimated Cost of Project \$	NA		

Attach a scaled illustrative plot or site plan showing all lot dimensions, buildings, structures, driveways, parking spaces, and distances between structures and property lines.

Provide complete mailing addresses for each adjacent property owners (also property within 100 feet) and/or property owners directly across a street, if any. Names and addresses must be from current Harnett County tax listings.

Date Application Submitted	5/2/25	Office Use Only	Application Fee \$ 350	Received By	[Signature]
Case #	SU-20 25-003				

**PAID**  
 MAY 23 2025  
 [Signature]  
 TOWN OF ERWIN



## TOWN OF ERWIN

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### Special Use Signature Page

It is understood by the undersigned that the development and execution of the Special Use Permit is based upon the division of the Town into districts within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, is substantially uniform. It is recognized, however, that there are certain uses which, because of their characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular location. Such special uses fall into two categories.

1. Uses publicly operated or traditionally affected with a public interest
2. Uses entirely private in character, but of such unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

The Zoning Ordinance as originally adopted and as subsequently amended is presumed by the Town to be appropriate to the property involved and that the burden of proof for a Special Use approval rests with the applicant. Applicant is encouraged to discuss the proposed use with affected property owners.

It is further understood that prior to the granting of any special use, the Board of Commissioners may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the special use as it is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in 9-411.5 of the Town Code. In all cases in which special uses are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

- Such conditions may include a time limitation;
- Conditions may be imposed which require that one or more things be done before the use requested can be initiated. (For example, "that a solid board fence be erected around the site to a height of 6 feet before the use requested is initiated");
- Conditions of a continuing nature may be imposed. (For example, "exterior loud speakers shall not be used between hours of 10:00 p.m. and 9:00 a.m.")

**Compliance with Other Codes:** Granting of a Special Use Permit does not exempt applicant from complying with all of the requirements of building codes and other ordinances.

**Revocation:** In any case where the conditions of the Special Use Permit have not been or are not being complied with, the Building Inspector shall give the permitted notice of intention to revoke such permit at least ten (10) days prior to a Board of Commissioners review thereof. After conclusion of the review, the Board of Commissioners may revoke such permit.

**Expiration:** In any case where a Special Use Permit has not been exercised within the time limit set by the Board of Commissioners, or within one year if no specific time limit has been set, then without further action, the permit shall be null and void. "Exercised" as set forth in this section shall mean that binding contracts for the construction of the main building have been let; or in the absence of contracts that the main building is under construction to a substantial degree; or that pre-requisite conditions involving substantial investment are contracted for, in substantial development, or completion (sewer, drainage, etc.). When construction is not part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions set for in the permit.

**Duration:** Duration of a special use and any conditions attached shall be perpetually binding to the property unless it is expressly limited.

Applicant Signature and Date:

*Renato Thomas* 5/20/25



# TOWN OF ERWIN

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## SPECIAL USE APPLICATION Record of Adjacent Property Owners With Mailing Addresses Per Harnett County Land Records

Property Owner (1)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (2)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (3)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (4)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (5)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (6)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (7)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (8)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (9)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (10)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (11)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (12)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (13)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____

**Town of Erwin Planning Board  
Special Use Guidelines for Findings of Fact**

1. The use requested is listed among the special uses in the district for which application is made:

Yes    No \_\_\_\_\_

2. The requested use is essential or desirable to the public convenience or welfare

Yes    No \_\_\_\_\_

3. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare

Yes    No \_\_\_\_\_

4. The requested use will be in conformity with the Land Development Plan

Yes    No \_\_\_\_\_

5. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided

Yes    No \_\_\_\_\_

6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets

Yes    No \_\_\_\_\_

7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners pursuant to the recommendations of the Planning Board

Yes    No \_\_\_\_\_



## TOWN OF ERWIN

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### SPECIAL USE APPLICATION PROCEDURES

1. Completed application for the Special Use Permit, signed by the applicant, shall be addressed to the Board of Commissioners and presented to the Administrative Official. Applications must be submitted by the first Friday of the month prior to the following Town Board.
2. Each application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and existing conditions.
3. Pay the Special Use Permit Fee as established by the Board of Commissioners and found in the Schedule of Fees in the Office of the Town Clerk. Current fee is \$300.

#### Conditions and Guarantees

Prior to the granting of any special use, the Board of Commissioners may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified by ordinance. In all cases in which special uses are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

- Such conditions may include a time limitation;
  - Conditions may be imposed which require that one or more things be done before the use requested can be initiated. (For example, "that a solid board fence be erected around the site to a height of 6 feet before the use requested is initiated");
  - Conditions of a continuing nature may be imposed. (For example, "exterior loud speakers shall not be used between hours of 10:00 p.m. and 9:00 a.m.")
1. Administrative official posts property at least one (1) week prior to public hearing
  2. Newspaper advertisement once (1) each week for two (2) successive weeks prior to the public hearing
  3. The Board of Commissioners shall approve, modify or deny the application for Special Use Permit following the public hearing.

### **Action by the Board of Commissioners**

In granting a Special Use Permit the Board of Commissioners shall make written findings that the applicable regulations of the district in which it is located are fulfilled. With due regard to the nature and state of all adjacent structures and uses, the district within which same is located, and official plans for future development, the Board of Commissioners shall also make written findings that the following provisions are fulfilled:

1. The use requested is listed among the special uses in the district for which application is made
2. The requested use is essential or desirable to the public convenience or welfare
3. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare
4. The requested use will be in conformity with the Land Development Plan
5. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided
6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets
7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners.



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### IMPORTANT

This is a complete Special Use Application package consisting of 10 pages. For this application to be accepted, it must be completed and returned with all required documents and entries.

Do be aware that under certain conditions the applicant may be required to obtain a Driveway Permit from the NC Department of Transportation prior to Special Use Permit approval.

#### Using the Zoning Ordinance

- Go to the applicable zoning district in Article 3. That section will serve as a guide to begin the development of your site plan. This section will also direct you to pertinent requirements such as: parking, sign, lighting, and other general provision such as streetscape requirements and other general development regulations that may apply to the proposed development.
- Be sure to read Article 11 – Special Uses.
- Complete the Special Use Permit Application, the Special Use Signature page, and the Record of Adjacent Property Owners sheet; and include other required information with the application. Use additional pages if necessary. Adjacent property owners' names must be from current Harnett County tax listing; so this requires that the applicant contact Harnett County. Addresses of the adjacent property owners must be complete which includes name, mailing address, and zip code.
- The submitted site plan must be drawn to scale and include all dimensions and required provision. Of these dimensions and other requirements, be sure to include the following:
  - Existing structures on the proposed lot, their dimensions and distances between on another and the lot's property lines
  - Proposed structures including their dimensions and distances from other structures on the lot and proposed distances from property lines (i.e. setbacks)
  - All easements and rights-of-way located on the proposed lot
  - All natural features including tree lines, drainage ways, etc.
  - The location and dimensions of required parking area(s) as may be required by Ordinance
  - Proposed lighting plans as may be required by Ordinance
  - Demonstration of the placement of buffers and streetscape as may be required by ordinance



## **TOWN OF ERWIN**

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### **Processing Requirements**

Special Uses are not Uses by Right. It is the responsibility of the applicant to demonstrate that the requested use will meet the minimum requirements set forth in the Erwin Zoning Ordinance. The Board's decision will be greatly influenced by the completeness and neatness of the submitted application.

A requested and very necessary tool is the site plan. Its importance cannot be overstated. Applicant is encouraged to portray in detail and to accurately scale the property boundaries, improvements, and any natural features. In some cases, approval or denial may depend on the quality of the Site Plan.

If the proposed use involves business operations, description of the anticipated activity needs to be sufficiently disclosed. This will assist the Board in determining the Town's infrastructure capability, the public health and safety considerations such as traffic and noise, and how neighboring property may be affected.

All uses require dedicated parking spaces and some may require lighting, buffering, fences, landscaping, and other elements. It is suggested that the applicant spend some time reading the Town's Zoning Ordinance prior to application. Copies of the Zoning Ordinance may be purchased at Town Hall. Copies are available in the Erwin Library and Town Hall for review. An electronic copy of the Ordinance can be found on the Town website as well at [www.erwin-nc.org](http://www.erwin-nc.org).

A complete application consists of all documents included in the application package and any required maps, site plan, and/or related documents. These documents become the property of the Town. It is the applicant's responsibility to submit 10 copies of this completed application. Each member of the Governing Board receives a copy including the Town Manager, Town Clerk, Town Attorney, and Code Enforcement Officer.

The completed application and fees must be submitted no later than the first Friday of the month to be placed on following month's Town Board Agenda.

**Town of Erwin  
Record and Decisions**

**Office Use Only**

Notice Mailed \_\_\_\_\_ Property Posted \_\_\_\_\_ Newspaper Advertised Date \_\_\_\_\_

**Public Hearing Date and Comments:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

<u>Governing Body Motion</u>	Record of Decision:	Yea	Nay
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

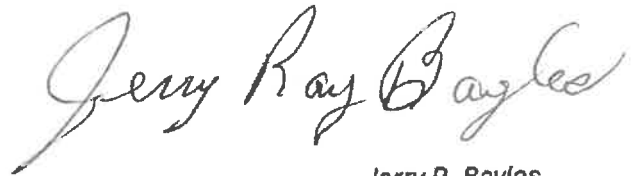
Town Board Decision and Date \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Certified By:** \_\_\_\_\_

May 19, 2025

To whom it may concern:

I, JERRY BAYLES, owner of 2401 Erwin Rd., give my consent and permission for the application for a special use permit for auto repair with the Town of Erwin; in the name of my tenant: Robert Thomas.

A handwritten signature in cursive script that reads "Jerry R. Bayles". The signature is written in black ink and is positioned to the right of the typed name below it.

Jerry R. Bayles

For Registration Matthew S. Willis  
Register of Deeds  
Harnett County, NC  
Electronically Recorded  
2021 Dec 16 11:02 AM NC Rev Stamp: \$ 250.00  
Book: 4090 Page: 275 - 278 Fee: \$ 26.00  
Instrument Number: 2021029530

HARNETT COUNTY TAX ID #  
061507 0010 04

12-16-2021 BY: ED

Excise Tax \$250.00 Recording Time, Book and Page  
Parcel ID No. 061507 0010 04 Verified by \_\_\_\_\_ County on the \_\_\_ day of \_\_\_\_\_, 20\_\_  
By: \_\_\_\_\_

Mail/Box to: Tart Law Group, P.A., 700 West Broad Street, Dunn, NC 28334

This instrument was prepared by: Lee L. Tart Malone, Attorney at Law

Brief description for the Index:

**NO TITLE CERTIFICATION**

**NORTH CAROLINA GENERAL WARRANTY DEED**

This deed made this 15<sup>th</sup> day of December, 2021 by and between:

<p><b>GRANTOR:</b></p> <p><b>Dianna Turnage Avery a/k/a/Dianna Lee Avery;</b> <b>and</b> <b>Dianna Turnage Avery, Executrix of the Estate of Ricky David Avery, Sr.</b></p> <p><b>808 Rosemary Street</b> <b>Erwin, NC 28339</b></p>	<p><b>GRANTEE:</b></p> <p><b>Jerry Ray Bayles, Sr. and wife,</b> <b>Faye P. Bayles</b></p> <p><b>236 Old Ferry Lane</b> <b>Dunn, NC 28334</b></p>
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The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH: that the Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents doth grant, bargain, sell and convey unto the Grantee in fee simple in all that certain lot or parcel of land situated near the City of Erwin, Duke Township, Harnett County, North Carolina, and more particularly described as follows:

**SEE ATTACHED EXHIBIT "A" INCORPORATED HEREIN BY REFERENCE AND MADE A PART OF THIS INSTRUMENT.**

All or a portion of the property herein conveyed does \_\_\_ or XX does not include the primary residence of the Grantor.

Submitted electronically by "Dwight Snow Attorney at Law"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Harnett County Register of Deeds.

Dianna Turnage Avery is the duly qualified acting Executrix of the Estate of Ricky David Avery, Sr., deceased, who was the owner of the above described real property tract at the time of his death on June 8, 2021, which he devised to his wife, Dianna Turnage Avery in his probated Last Will. As Executrix, Dianna Turnage Avery executes this Deed for the purposes as set forth in N.C. General Statutes § 28A-17-12, the first Notice to Creditors having been published on October 29, 2021. See Harnett County Estate File No. 21 E 865.

A map showing the above described property is recorded in Plat Cabinet "E", Slide 78-B.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor, covenants with the Grantee, that Grantor is seized of said premises in fee simple, has right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and will forever defend the said title against the lawful claims of all persons whomsoever, other than the following exceptions:

- a) General utility easements and right of ways appearing of record.
- b) Ad valorem taxes for the year 2021 and subsequent years, not yet due and payable.

IN TESTIMONY WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written.

*Dianna Turnage Avery*  
 a/k/a *Dianna Lee Avery* (SEAL)  
 Dianna Turnage Avery a/k/a Dianna Lee Avery

*Dianna Turnage Avery*  
 Executrix of the Estate of  
*Ricky David Avery* (SEAL)  
 Dianna Turnage Avery, Executrix of the  
 Estate of Ricky David Avery

STATE OF NORTH CAROLINA  
 COUNTY OF Harnett

I, Denise Godwin Penny, Notary Public of the County and State aforesaid, certify that Dianna Turnage Avery a/k/a Dianna Lee Avery, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and notarial seal, this 15 day of December, 2021.



*Denise Godwin Penny*  
 Notary Public

My Commission Expires: 5-5-26

STATE OF NORTH CAROLINA  
COUNTY OF Harnett



I, Denise Godwin Penny, Notary Public of the County and State aforesaid, certify that Dianna Turnage Avery, Executrix of the Estate of Ricky David Avery, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and notarial seal, this 15 day of December, 2021.

Denise Godwin Penny  
Notary Public

My Commission Expires: 5-5-26

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Being all that certain 17,497 sq. ft. parcel shown as Parcel "A", located in the Town of Erwin, Duke Township, Harnett County, North Carolina, according to a plat recorded in Plat Cabinet "E", Slide 78-B, Harnett County Registry, and being further described by metes and bounds as follows:

BEGINNING at a found re-bar corner located in the intersection of the western right-of-way margin of Twin City Street (30' R/W) and the southern right-of-way margin of Dunn-Erwin Road (60' R/W); thence the beginning point and continuing as the western right-of-way margin of Twin City Street South 19 degrees 23 minutes 15 seconds West 150.00 feet to a new set re-bar corner with John W. Suggs (Deed Book 448, Page 430); thence leaving the right-of-way margin and as a new line with John W. Suggs North 70 degrees 37 minutes 38 seconds west 122.65 feet to a new set re-bar corner; thence another new line with Suggs North 28 degrees 03 minutes 57 seconds East 168.32 feet to a new set re-bar corner located in the southern right-of-way margin of Dunn-Erwin Road; thence as the southern right-of-way margin of Dunn-Erwin Road South 61 degrees 03 minutes 45 seconds East 98.62 feet to the point of BEGINNING and containing 17,497 square feet and being a portion of that tract Deeded to John w. Suggs as recorded in Book 448, Page 430 and Deed Book 305, Page 536, Harnett County Registry.

This being the identical property conveyed to John G. Ballard and Ricky Avery by Deed dated March 6, 1991 and recorded in Book 931, Page 782, Harnett County Registry.



# SPECIAL USE REQUEST STAFF REPORT

Case: SUP-2025-003

Dylan Eure, Town Planner

deure@erwin-nc.org

Phone: (910) 591-4201 Fax: (910) 897-5543

Public Hearing Date: Thursday, July 10th, 2025

Request to have a special use permit authorized for 2401 Erwin Rd for vehicular services. The said location was originally constructed in 1950 before Erwin's incorporation for vehicular services, with no special use ever authorized due to the continued use of vehicular services. However, according to water billing, the building was no longer occupied in December of 2021, and no services were reconnected until March of 2023, therefore requiring an authorized special use permit to continue the use of vehicular services due to more than 1 year elapsing with no vehicular services being operated.

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## Applicant Information

### Owner of Record:

Name: Jerry and Faye Bayles

Address: PO BOX 343

City/State/Zip: Erwin, NC 28339

### Applicant:

Name: Robert Thomas

Address: 5521 Dunallie Dr.

City/State/Zip: Fuquay-Varina, NC  
27526

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## Property Description

Address of Property: 2401 Erwin Rd.  
Harnett County Tax PIN: 1507-40-5511.000  
Acres: Approximately .40 of an acre  
Zoning District: B-2

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## Vicinity Map

- See Attached Document

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**Physical Characteristics****Site Description:**

A single parcel located by its physical address of 2401 Erwin Rd. with approximately .40 acres of land under the zoning classification of B-2. The previous use of said site was for vehicular services of which were established before the Town of Erwin's zoning ordinances. This said, according to Harnett Regional Water's billing system, the previous legal non-conforming use halted in December of 2021 when water services were disconnected. After which, the said site remained unoccupied until March of 2023, when the property's water connection was reestablished. Erwin's Code of Ordinances states that when a non-conforming use is discontinued for a period longer than 180 days, the future use shall conform to the current standards within the Erwin Code of Ordinances. Since the building has sat with no use for more than 180 days, any future vehicular services shall obtain a special use permit in order to continue operation.

**Surrounding Land Uses:**

The surrounding land uses comprise a mix of residential and commercial uses, with the primary commercial use being vehicular sales and vehicular services. To the direct north of the property, at 2302 Erwin Rd. there is an approved conditional use permit for vehicular services and directly to the east is a vehicular sales lot that has an approved conditional use permit on file for vehicular sales. To the west and south, there are primarily single-family homes. To the east, there is an additional vehicular service establishment located at 2100 with an approved conditional use permit that is approximately 750 feet away from 2401 Erwin Rd.

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**Services Available**

- Electricity (Duke Energy)
- Harnett Regional Water and Sewer
- Erwin Police / Fire

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**Zoning District Compatibility**

Special Use	B-2
Vehicular Services	X

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**Staff Evaluation**

Yes  No The use requested is listed among the special uses in the district for which the application is made.

- **Reasoning:** Vehicular services are a listed use in the B-2 zoning district.

Yes  No The requested use is essential or desirable to the public convenience or welfare.

- **Reasoning:** By having an additional vehicular services lot in Erwin, this will allow citizens greater options to support local businesses when repairing their vehicles.

Yes  No The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare.

- **Reasoning:** There are already several vehicular services establishments in the area that have approved conditional or special use permits and are on file with the Town of Erwin.

Yes  No The requested use will be in conformity with the Land Development Plan.

- **Reasoning:** According to the 2023 Land Use Plan, the areas are designated for commercial or mixed use development.

Yes  No Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities have been or are being provided.

- **Reasoning:** Site already contains adequate connections to all available services.

Yes  No That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

- **Reasoning:** The current establishment already has its driveway, as this was constructed before the Town of Erwin's Ordinances were adopted.

Yes  No The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners.

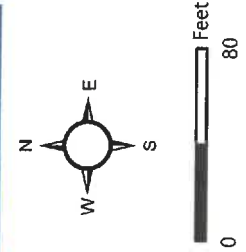
- **Reasoning:** The existing structure is grandfathered in as the structure was built before Erwin's incorporation. Upon any official change of use on the property, they shall conform to Erwin's Ordinances to the best of their ability.

### Statement of Consistency

According to Erwin's 2023 Land Use Plan and the surrounding land uses, the proposed special use permit for vehicular services located at 2401 Erwin Rd is recommended to be **approved**.

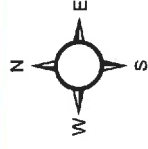


	County Boundary		Gravity		Watershed HUC12
	City Limits		Force Main		Watershed HUC8
	Address Numbers		Road Centerlines		Unnamed Flowline
	6 - 36		Parcels		





County Boundary	Gravity	Watershed HUC12	R6
City Limits	Force Main	Watershed HUC8	ETD
Address Numbers	Road Centerlines	Unnamed Flowline	
6 - 36	Parcels	B2	



BAYLES JERRY RAY SR & BAYLES FAYE  
P  
PO BOX 343 ERWIN, NC 28339-0343

BLALOCK JAMES & BLALOCK NANCY  
2403 ERWIN RD DUNN, NC 28334-6523

CALDERON SERAFIN CALDERON &  
MARCOS BLANCA MANGATO  
1504 LAKESHORE DR DUNN, NC 28334

BEASLEY BARBARA  
200 TWIN CITY ST DUNN, NC 28334-6518

COVARRUBIAS FERNANDO MANUEL  
ROMO  
107 TWIN CITY ST DUNN, NC 28334-6515

CHAVIS ROGER ALLEN & CHAVIS  
JUANITA L  
103 TWIN CITY STREET DUNN, NC 28334-0000

LEWIS RODNEY RAY  
746 TIMBERLAKE DR CLINTON, NC 28328-8204

RAYNOR LESIA C  
201 RAYNOR ST DUNN, NC 28334

LUCAS RODNEY DEAN & LUCAS FLORA  
GAIL  
2302 DUNN ERWIN ROAD DUNN, NC 28334-0000

MANNING JASON D & MANNING CALLIE  
F WIFE  
329 SALT MARKET ST DUNN, NC 28334U



# TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339  
Ph: 910-897-5140 • Fax: 910-897-5543  
[www.erwin-nc.org](http://www.erwin-nc.org)

6/16/2025

## Notice of a Public Hearing SU-2025-003

**Mayor**  
Randy L. Baker  
**Mayor Pro Tem**  
Ricky W. Blackmon  
**Commissioners**  
Alvester L. McKoy  
Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on July 10th, 2025 at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment regarding the approval of a special use permit.

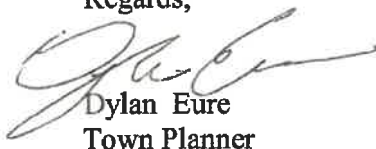
There has been a special land use application submitted to the Town. The special use request includes a single parcel of land that is listed below:

- Harnett County Tax Pin: 1507-40-5511.000 / Physical address: 2401 Erwin Rd. Dunn, NC

The applicant has requested to have a special use of vehicular services established on the property.

A copy of this case is available for review at the Erwin Town Hall. Questions concerning this case can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at [deure@erwin-nc.org](mailto:deure@erwin-nc.org).

Regards,



Dylan Eure  
Town Planner

### NOTICE OF PUBLIC HEARING

The Town of Erwin Board of Commissioners will conduct a Public Hearing on the following items pursuant to NC General Statute 160D-406, on **Thursday, July 10, 2025, at 7:00 P.M.** in the Erwin Municipal Building Board Room located at 100 West F Street, Erwin, NC 28339. Questions can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at [deure@erwin-nc.org](mailto:deure@erwin-nc.org).

- Case ZT-2025-002: Request to rezone the split-zoned parcel located at 103 4th Street. from B-2 and R-10 to entirely R-10. The property can also be identified by its Harnett County Tax PIN # 1507-13-2100.000.
- Case SUP-2025-003: Special Use Request to operate vehicular services at 2401 Erwin Road. The parcel can also be identified by its Harnett County Tax PIN 1507-40-5511.000
- Text Amendments to Chapter 36- Zoning in the Town of Erwin Code of Ordinances.

These cases are available for review at the Erwin Town Hall. All persons desiring to be heard either for or against the proposed items set forth above are requested to be present at the above-mentioned time and place.

6/20,27/2025

MINUTES CONTINUED FROM JULY 10, 2025

No questions were asked.

Mayor Baker asked if anyone was present to represent the rezoning request.

The applicant, Corbin Smith, and his wife, Linda Overholt, came forward.

Mr. Smith stated he and his wife wished to put an addition on the home. They enjoy living in Erwin, and they would rather expand their home to accommodate their needs for their family.

Mayor Baker asked if the Board had any questions for the applicant.

No questions were asked.

Mayor Baker asked if anyone was present to speak in favor of the rezoning.

No one came forward.

Mayor Baker asked if anyone was present to speak in opposition to the rezoning.

Emily Tew of 600 Old Farm Road came forward. She was not against the zoning or the applicant, but she was doing some research on the list of organizations that were LLCs. She did not understand why this was being allowed. Every time a rezoning occurred, it went along with a big development.

Town Planner Dylan Eure informed Ms. Tew that NC general statutes require that if a property is being rezoned or requesting a special use, the Town was required to mail out notification to surrounding property owners up to 100 feet. The list of companies was surrounding property owners, not companies supporting the rezoning request.

Mayor Baker asked if anyone else was present to speak in opposition to the rezoning.

No one came forward

Commissioner Turnage made a motion to close the Public Hearing and was seconded by Commissioner Nelson. **The Board voted unanimously.**

Commissioner Blackmon made a motion, seconded by Commissioner Byrd and unanimously approved by the Board, that the impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community. Reasoning that the rezoning is compatible with the surrounding community and would not cause any inconvenience to those within the area.

Commissioner Byrd made a motion, seconded by Commissioner Blackmon and unanimously approved by the Board, that the requested zoning district is compatible with the existing Land Use Classification. Reasoning that, according to Erwin's current Land Use Plan, done in 2023, the property is assigned to be zoned as residential for medium-density development.

Commissioner Blackmon made a motion, seconded by Commissioner Byrd and unanimously approved by the Board, that the proposal does enhance or maintain the public health, safety, and general welfare. Reasoning that the rezoning would allow the property owners to make additions, enhance, and maintain the current residence, and make the current use of the parcel conform to Erwin's ordinances, thereby bettering the community.

MINUTES CONTINUED FROM JULY 10, 2025

Commissioner Blackmon made a motion, seconded by Commissioner Byrd and unanimously approved by the Board, that the request is for a small-scale rezoning and should be evaluated for reasonableness. Reasoning that this rezoning request includes a single parcel to be rezoned to be completely zoned under R-10.

Commissioner Byrd made a motion, seconded by Commissioner Blackmon and unanimously approved by the Board, that there is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group. According to the 2023 Erwin Land Use Plan, this area is to allow for medium-density residential development that would allow the property owners to enhance their homes as well as better the general well-being of the area.

Commissioner Byrd made a motion, seconded by Commissioner Blackmon and unanimously approved by the Board, that there is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.) Many of the surrounding properties are already zoned under R-10 classification, indicating that R-10 zoning is acceptable on 4th St. and the surrounding area.

Commissioner Nelson made a motion, seconded by Commissioner Byrd and unanimously approved by the Board, that there is a convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change. The surrounding neighborhood currently has R-10 zoning, and there is no evidence that 103 4th St. being entirely zoned as R-10 would adversely affect the community.

Commissioner Nelson made a motion, seconded by Commissioner Byrd and unanimously approved by the Board, that the proposed change is in accord with the Land Development Plan and sound planning principles. The Erwin 2023 Land Use Plan has this parcel of land to be zoned under a medium density zoning classification.

Commissioner Byrd made a motion that the requested rezoning from B-2/R-10 to the R-10 classification is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances, the uses defined within the R-10 zoning classification would best serve the above-stated parcel. It is recommended that this rezoning request be approved, and was seconded by Commissioner Nelson. **The Board voted unanimously.**

Commissioner Blackmon made a motion to recommend that the proposed rezoning application meet all the Findings of Facts in the Affirmative, that the requested rezoning from B-2/R-10 to the R-10 classification is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances, the uses defined within the R-10 zoning classification would best serve the above-stated parcel. It is recommended that this rezoning request be approved, and recommended approval of Ordinance For Map Amendment Case # ZT-2025-002 Amendment To The Official Zoning Map To Rezone From B-2 and R-10 To Entirely R-10 Per Zoning Ordinance Article XXIII For Harnett County

**MINUTES CONTINUED FROM JULY 10, 2025**

PIN 1507-13-2100.00. The motion was seconded by Commissioner Byrd. **The Board voted unanimously.**

**Chapter 36 Updates**

Commissioner Blackmon made a motion to open the Public Hearing and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Town Planner Dylan Eure stated we had four text amendments to go through. First was the Animal Services text amendment. The way that the animal control ordinance is worded, it alludes that kennels are allowed somewhere in town; that being said, it provides a definition for animal services, what we consider animal services, and also requires them to be a special use in B-2 and RD districts. In no way would this interfere with the joint agreements we have with other municipalities in Harnett County or Animal Control. This would just clean it up and make sure we have specified uses.

Mayor Baker asked if the Board had any questions for Town Staff.

No questions were asked.

Mayor Baker asked if anyone was present to speak in favor of the request, in opposition to the request, or to ask a question.

No one came forward.

Town Planner Dylan Eure stated the next text amendment was Residential Height Regulations to address new styles of housing that may pop up, such as townhomes and multi-family. We were trying to make sure our ordinances are prepared for the growth the Town of Erwin was expecting without requiring some kind of variances. This text amendment increases the height limitation for townhomes or attached single-family homes and two-family dwellings.

Mayor Baker asked if the Board had any questions for Town Staff.

Commissioner Byrd asked if that changed our current ordinance on height for traditional homes.

Town Planner Dylan Eure stated no, for a traditional single-family detached dwelling would stay the same.

Mayor Baker asked if anyone was present to speak in favor of the request, in opposition to the request, or to ask a question.

Emily Tew of 600 Old Post Road came forward and expressed her concern for all the phases. All the changes to the ordinances have to do with these developments. They have been here, and they have been going on for a long time.

Town Planner Dylan Eure stated the third text amendment, Mixed Uses and their Buildings, clarifies a few things, allowing for multi/mixed-use facilities to be constructed in appropriate zoning classifications within a conditional zoning district. For example, if an individual wanted to come through and put a mixed-use facility with commercial on the bottom floor and residential on the upper level, our ordinance would not currently allow for that. This text amendment would also confirm that you could not have multiple complementary uses.

## MINUTES CONTINUED FROM JULY 10, 2025

Mayor Baker asked if the Board had any questions for Town Staff.

No questions were asked.

Mayor Baker asked if anyone was present to speak in favor of the request, in opposition to the request, or to ask a question.

No one came forward.

Town Planner Dylan Eure stated the last text amendment was an update to our ordinance for fences. This text amendment would be for type A lots, which were primarily single-family dwellings, to limit the height of their side fencing in order to preserve visibility when going out of neighborhoods. This would put a 4ft limitation on a side yard fence next to the right of way.

Mayor Baker asked if the Board had any questions for Town Staff.

No questions were asked.

Mayor Baker asked if anyone was present to speak in favor of the request, in opposition to the request, or to ask a question.

Marsha Woodard of 301 S 7<sup>th</sup> Street came forward. She asked whether this limitation would be up to a certain point of your home.

Town Planner Dylan Eure stated that we would measure the side yard fencing would be parallel to the wall of the home. He showed Ms. Woodard an example on Harnett County GIS. This amendment only applies to corner lots.

Mayor Baker asked if anyone else was present to speak in favor of the request, in opposition to the request, or to ask a question.

No one came forward

Commissioner Nelson made a motion to close the Public Hearing and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Commissioner Blackmon made a motion to approve the Erwin Board of Commissioners Resolution of Statement of Consistency for Chapter 36-Zoning 2024-2025—021 and was seconded by Commissioner Byrd. **The Board voted unanimously.**

## PUBLIC COMMENT

Dennis Schuh of 102 Masonic Road came forward and expressed his concern for the tall grass on the job site across from his home.

## MANAGER'S REPORT

Town Manager Snow Bowden provided the Board with a detailed report at their seats. He stated that if they had any questions, they should give him a call.

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: July 10, 2025

Subject: ZT-2025-002

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Town Staff has received an application to rezone the one parcel located at 103 4th Street. The parcel is currently split zoned between B-2 and R-10. The applicant has requested that this parcel be rezoned fully to R-10 (residential) so they can expand the home. The Planning Board has recommended this rezoning request be approved. The public hearing for the rezoning request is scheduled for our July Town Board meeting.

Attachments :

- ZT-2025-002 staff report
- ZT-2025-002 application



# TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339  
Ph: 910-897-5140 • Fax: 910-897-5543  
www.erwin-nc.org

7/10/2025

## ZT-2025-002 Memorandum

**Mayor**  
Randy L. Baker  
**Mayor Pro Tem**  
Ricky W. Blackmon  
**Commissioners**  
Alvester L. McKoy  
Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

### Rezoning Description

The Town of Erwin has received a request to rezone a parcel located by its physical address of 103 4<sup>th</sup> St, Erwin, NC 28339. Currently, this parcel is split zoned as B-2 and R-10. The said petition would rezone the above parcel to be entirely under R-10 zoning classification. The parcel size is .27 acres and is currently occupied by a single-family residence.

### Property Description

A single parcel located at 103 4<sup>th</sup> St within Erwin's contiguous limits being accessible from a municipal road. The parcel is currently occupied by a single-family residence and is considered non-conforming due to the home being within the B-2 zoning classification. Said rezoning would ensure that the use of a single-family residence conforms to Erwin's Code of Ordinances. The current home does have access and is connected to Harnett Regional's water and sewer lines for services. According to Harnett GIS, the sewer line that the home is connected to is a gravity-fed line with a 6-inch water line. GIS also shows no recorded of easements on the property, along with no wetlands or flood zones. The surrounding land uses are primarily single-family residences under the zoning classification of R-10, with some being under the B-2 classification. The remaining parcels that are near the property are commercial, which contain an upholstery business, golf cart services, and a church, under the B-2 zoning district.

Regards,

Dylan Eure  
Town Planner



# Application for an Amendment To The Official Zoning Map of Erwin, NC

Staff Only: Zoning Case # Z-2025-002  
Fee: 350 Check # \_\_\_\_\_ MO \_\_\_\_\_ Cash   
PB Recommendation: A D A/W Conditions  
BOC Date: \_\_\_\_\_ Decision: A D T A/W Conditions

Print Applicant Name: Corbin Smith  
Name of Legal Property Owner Paul Overholt  
Location of Property 103 4th Street, Erwin, NC 28339

Please Circle One of the Following Less than one Acre One to 4.99 Acres Five or more Acres

Zoning change requested from split R-2/R-10 to solely R-10

If Conditional District, note conditions: \_\_\_\_\_

Harnett County Tax Map PIN 1507-13-2100

Property owner(s) of area requested and address(es)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(If more space is required, please attach to this document separately)

- Submit names and addresses of property owners immediately adjacent to the proposed rezoning area (and properties within 100 feet of proposed rezoning area) and across any street(s) and identify on an area map
- Attach a metes and bounds description, deed drawing of the area involved or a reference to lots in an approved subdivision on the entire property requested for change
- This application must be filed with the Town Hall by 4:00 p.m. on the Friday which is at least 25 days before the meeting at which it is to be considered and may be withdrawn without penalty no later than 19 days prior to the public hearing

Whenever an application requesting an amendment has been acted on and denied by the Town Board, such application, or one substantially similar shall not be reconsidered sooner than one year after the previous denial.

It is understood by the undersigned that the Zoning Map, as originally adopted and as subsequently amended, is presumed by the Town to be appropriate to the property involved and that the burden of proof for a zoning amendment rests with the applicant. Applicant is Encouraged to Discuss the Proposed Zoning Amendment with Affected Property Owners.

Corbin Smith  
Signature of Applicant

(636) 352-9750  
Contact Number

**PAID**

103 4th Street, Erwin, NC 28339  
Mailing Address of Applicant

MAY 14 2025

TOWN OF ERWIN

*JE*  
(Cash)

May 13, 2025

Dear Town of Erwin,

I would like to sincerely thank the Town of Erwin for allowing a zoning change request for the property address of 103 4th Street, Erwin, NC 28339. The purpose of this rezoning is to allow for the opportunity to build an addition on the home at 103 4th street. Our daughter, Michelle, and her husband, Corbin, would like to grow the family and raise their family in Erwin, and rather than move they would prefer to extend their current home to accommodate their growing family.

The property addressed is currently split zoned as Business/Commercial and Residential (B-2/R-10) and we would like to request it be rezoned to fully Residential (R-10) We greatly appreciate the time and consideration in facilitating this rezone request, and again, for the opportunity to support our children as they build roots in Erwin.

Sincerely,  
Paul Overholt  
Linda Overholt

Handwritten signatures of Paul Overholt and Linda Overholt in cursive script.

For Registration Matthew S. Willis  
Register of Deeds  
Harnett County, NC  
Electronically Recorded  
2021 Aug 19 10:51 AM NC Rev Stamp: \$ 0.00  
Book: 4031 Page: 748 - 750 Fee: \$ 26.00  
Instrument Number: 2021019343

HARNETT COUNTY TAX ID #  
061507 0291

08-19-2021 BY: ED

**NORTH CAROLINA GENERAL WARRANTY DEED**

**Excise Tax: \$ None**  
**Tax Identification Number: 061507 0291**

Prepared by/Mail to: Adcock Law Firm, P.A., PO Box 1478, Fuquay-Varina, NC 27526

Brief Description for the index

103 4<sup>th</sup> Street

THIS DEED made this 30<sup>TH</sup> day of JUNE, 2021, by and between

GRANTOR	GRANTEE
PAUL OVERHOLT and wife, LINDA OVERHOLT And MICHELLE A. OVERHOLT, an unmarried person (aka Michele A. Overholt) As Joint Tenants with Right of Survivorship 445 Wenger Rd. Chesapeake, VA 23322	PAUL OVERHOLT and wife, LINDA OVERHOLT And MICHELLE A. OVERHOLT, an unmarried person, As Joint Tenants with Right of Survivorship 445 Wenger Rd. Chesapeake, VA 23322

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in or near the City of Erwin, Duke Township, Harnett County, North Carolina and more particularly described as follows:

**BEING all of Lot B, containing 0.27 acre as shown on map entitled "Recombination Survey prepared for Woods Investment Enterprise, LLC" dated January 7, 2020 by Powers Surveying and recorded in Map Number 2021, Page 209, Harnett County Registry. See said plat for a more complete and accurate description of said real property by metes and bounds. (See also Map Number 2021, page 27, Harnett County Registry).**

**Property Address: 103 4<sup>th</sup> St, Erwin, NC 28339**

***The purpose of this deed is to correct the spelling of the Grantee name from "Michele" to "Michelle."***

submitted electronically by "Adcock Law Firm, PA"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Harnett County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3997, page 766, Harnett County Registry.

A map showing the above described property is recorded in Map Number 2021, page 209 and page 27.

**TO HAVE AND TO HOLD** the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

1. All easements, covenants, restrictions and right of ways of record;
2. 2021 ad valorem taxes;
3. Subject to the right of way of 4<sup>th</sup> Street.

*(The remainder of this page is left intentionally blank)*

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Paul Overholt (SEAL)  
PAUL OVERHOLT

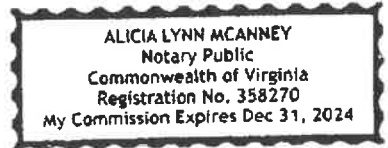
Linda Overholt (SEAL)  
LINDA OVERHOLT

Michelle A. Overholt (SEAL)  
MICHELLE A. OVERHOLT

STATE OF Virginia  
COUNTY OF Chesapeake

I, the undersigned notary public, do hereby certify that **Paul Overholt**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this 1 day of July, 2021.

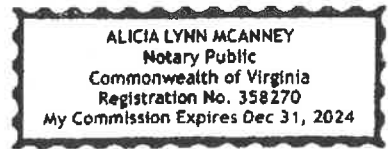
Alicia Lynn McAnney Notary Public  
Printed Name: Alicia Lynn McAnney  
My commission expires: December 31, 2024



STATE OF Virginia  
COUNTY OF Chesapeake

I, the undersigned notary public, do hereby certify that **Linda Overholt**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this 1 day of July, 2021.

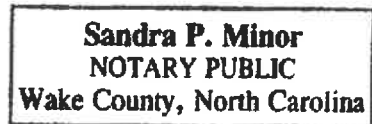
Alicia Lynn McAnney Notary Public  
Printed Name: Alicia Lynn McAnney  
My commission expires: December 31, 2024



STATE OF North Carolina  
COUNTY OF WAKE

I, the undersigned notary public, do hereby certify that **Michelle A. Overholt**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this 16<sup>th</sup> day of August, 2021.

Sandra P. Minor Notary Public  
Printed Name: Sandra P. Minor  
My commission expires: 3-28-2022





**REZONING MAP REQUEST  
STAFF REPORT**

Case: ZT-2025-002

Dylan Eure, Town Planner  
deure@erwin-nc.org

Phone: (910) 591-4201 Fax: (910) 897-5543

Planning Board: 05/19/2025 Town Commissioners: 07/03/2025

The Town of Erwin has received a request to rezone a parcel located by its physical address of 103 4<sup>th</sup> St, Erwin, NC 28339. Currently, this parcel is split zoned as B-2 and R-10. The said petition would rezone the above parcel to be entirely under R-10 zoning classification. The parcel size is .27 acres and is currently occupied by a single-family residence.

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**Applicant Information**

**Owner of Record:**

Name: Paul & Linda Overholt  
Address: 445 Wenger Rd.  
City/State/Zip: Chesapeake, VA 23322

**Applicant:**

Name: Corbin Smith  
Address: 103 4<sup>th</sup> St.  
City/State/Zip: Erwin, NC 28339

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**Property Description**

- Harnett County Tax Pin #1507-13-2100.000
- Harnett County Map Book: 2021 pg 209
- .27 acres
- B-2: .23 acres or 83.98%
- R-10: .04 acres or 16.02%

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**Vicinity Map**

- See Attached Harnett County GIS Image with zoning districts
- See Attached Harnett County GIS Image without zoning districts

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## Physical Characteristics

### Site Description:

A single parcel located at 103 4<sup>th</sup> St within Erwin's contiguous limits being accessible from a municipal road. The parcel is currently occupied by a single-family residence and is considered non-conforming due to the home being within the B-2 zoning classification. Said rezoning would ensure that the use of a single-family residence conforms to Erwin's Code of Ordinances. The current home does have access and is connected to Harnett Regional's water and sewer lines for services. According to Harnett GIS, the sewer line that the home is connected to is a gravity-fed line with a 6-inch water line. GIS also shows no recorded of easements on the property, along with no wetlands or flood zones.

### Surrounding Land Uses:

The surrounding land uses are primarily single-family residences under the zoning classification of R-10, with some being under the B-2 classification. The remaining parcels that are near the property are commercial, which contain an upholstery business, golf cart services, and a church, under the B-2 zoning district.

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## Services Available

- Harnett County Water & Sewer
- Erwin Fire
- Harnett County EMS
- Erwin Police
- GFL Waste Services
- Duke Energy for electric
- Brightspeed for telecommunications

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## Staff Evaluation

Yes  No The IMPACT to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community

- **Reasoning:** The rezoning is compatible with the surrounding community and would not cause any inconvenience to those within the area.

Yes  No The requested zoning district is COMPATIBLE with the existing Land Use Classification.

- **Reasoning:** According to Erwin's current Land Use Plan, done in 2023, the property is assigned to be zoned as residential for medium-density development.

Yes  No The proposal does ENHANCE or maintain the public health, safety, and general welfare.

- **Reasoning:** The rezoning would allow the property owners to make additions, enhance, and maintain the current residence and make the current use of the parcel conform to Erwin’s ordinances, thereby bettering the community.

Yes  No The request is for a SMALL SCALE REZONING and should be evaluated for reasonableness.

- **Reasoning:** This rezoning request includes a single parcel to be rezoned to be completely zoned under R-10.

<p>There is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group. <b>YES</b></p>	<p>According to the 2023 Erwin Land Use Plan this area is to allow for medium-density residential development that would allow the property owners to enhance their homes as well as better the general well-being of the area.</p>
<p>There is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.) <b>YES</b></p>	<p>Many of the surrounding properties are already zoned under R-10 classification, indicating that R-10 zoning is acceptable on 4<sup>th</sup> St. and the surrounding area.</p>
<p>There is a convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change. <b>YES</b></p>	<p>The surrounding neighborhood currently has R-10 zoning, and there is no evidence that 103 4<sup>th</sup> St. being entirely zoned as R-10 would adversely affect the community.</p>
<p>The proposed change is in accord with the Land Development Plan and sound planning principles. <b>YES</b></p>	<p>The Erwin 2023 Land Use Plan has this parcel of land to be zoned under a medium density zoning classification.</p>

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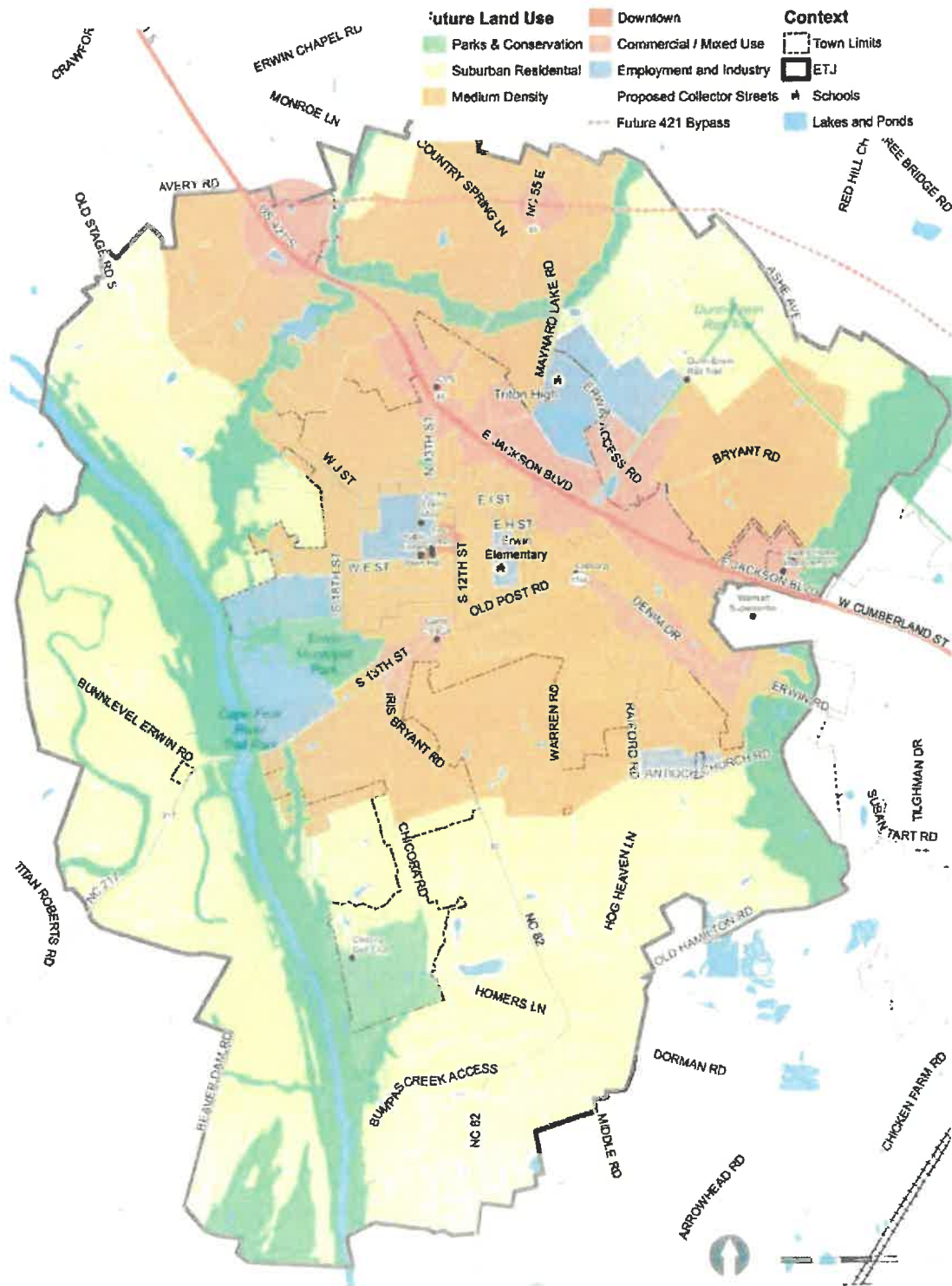
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**Statement of Consistency**

The requested rezoning from B-2/R-10 to the R-10 classification is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances, the uses defined within the R-10 zoning classification would best serve the above-stated parcel. It is recommended that this rezoning request be **approved**.



# Future Land Use Map



## Town of Erwin Land Use Plan

### Future Land Use Character Areas

The Future Land Use Map (*FLUM*) and character areas guide land use and infrastructure decisions, as well as land use regulations within Erwin's planning jurisdiction. The FLUM categorizes land into six color-coded character areas. These designations describe the desired types, intensity, and spatial arrangement of land uses in Erwin's planning jurisdiction.

#### Employment and Industry

The Employment Center designation provides primary locations for employment and economic development opportunities where there is adequate infrastructure. Employment Centers are typically located on larger parcels to accommodate future employment growth. This designation includes some industrial uses and supporting commercial uses to serve employees.



#### Commercial/Mixed Use

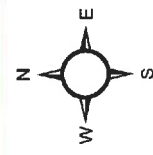
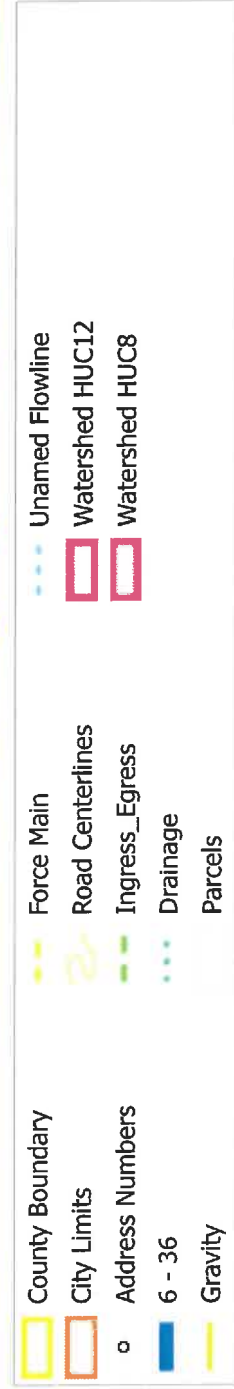
The Commercial/Mixed Use designation features small-large scale commercial, and office uses oriented primarily along Highway 421 and at major intersections. Small-medium scale commercial and offices uses should be located at major intersections. Medium-large scale commercial and office uses should be located along Highway 421. A mix of uses should be encouraged to serve both a local and regional market. Although this designation is more auto oriented, efforts should be made to provide both pedestrian and vehicle connectivity. This character area may also include a mix of residential types where appropriate.

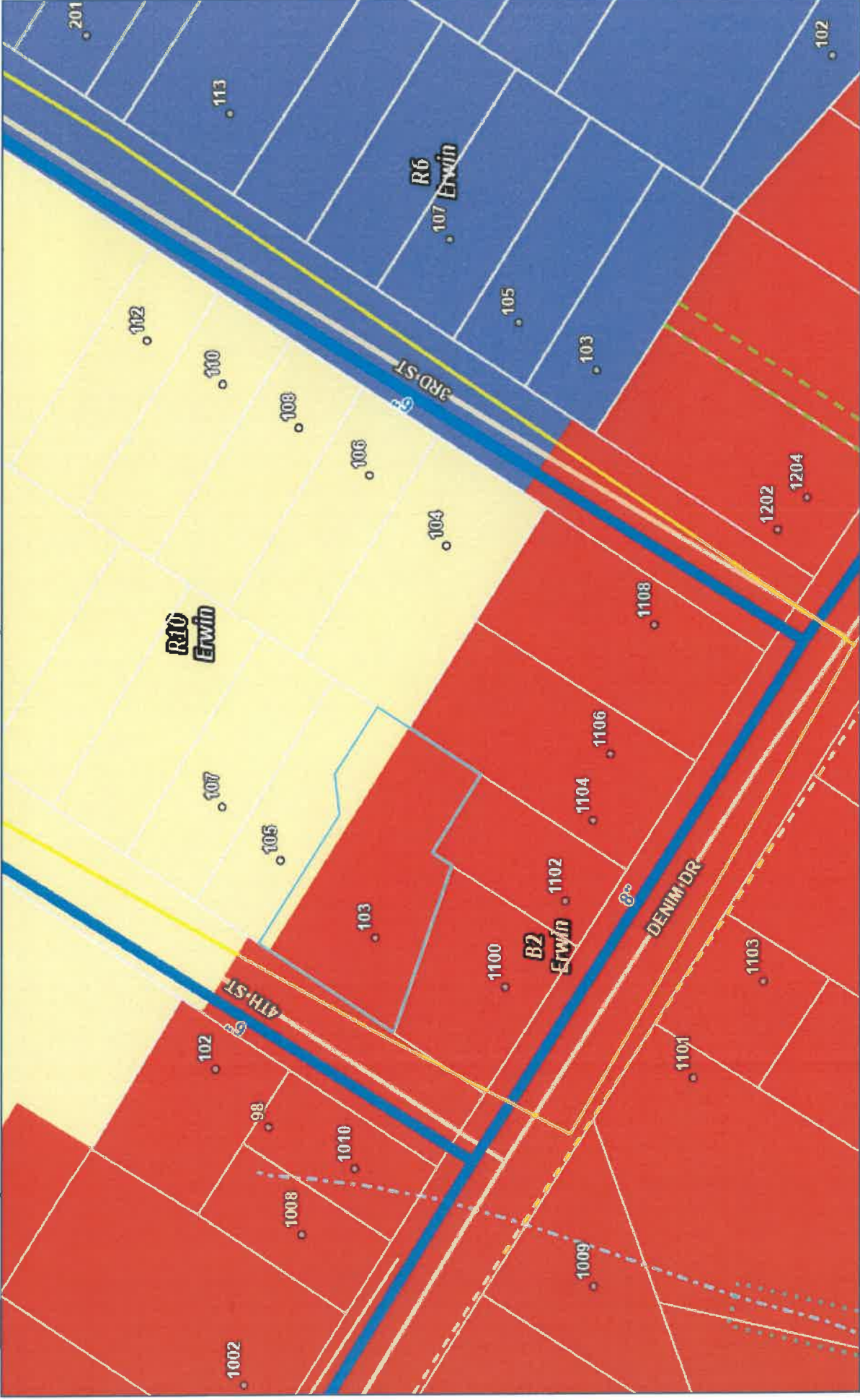




Harnett.org/GIS

May 14, 2025





County Boundary	R10
City Limits	R6
Address Numbers	Unnamed Flowline
6 - 36	Watershed HUC12
Gravity	Watershed HUC8
	ETJ
	B2
Force Main	
Road Centerlines	
Ingress_Egress	
Drainage	
Parcels	

North arrow pointing North (N), South (S), East (E), and West (W). Scale bar showing 0 to 80 feet.

PLANNING BOARD  
MEETING MINUTES  
MONDAY, MAY 19, 2025  
ERWIN, NORTH CAROLINA

The Town of Erwin Planning Board held its regular meeting in the Erwin Municipal Building Board Room 100 West F Street, Erwin NC on Monday, May 19, 2025, at 7:00 PM.

Board members present were Chairperson Nicholas Skatell, Vice Chairperson Jim Hartman, In-Town Board Members Kathryn Moore, Grace Watts, and Michael Jackson, In-Town Alternate Marsha Woodard, and Out-of-Town Board Member Howard Godwin.

Board members absent were: In-Town Board Members Rebecca Kelly, Joshua Schmeiding, and In-Town Alternate Vanessa Lech.

Staff members present were Town Manager Snow Bowden, Town Planner Dylan Eure, and Deputy Clerk Katelan Blount.

Chairperson Nicholas Skatell called the meeting to order at 7:00 PM.

Board Member Kathryn Moore gave the invocation.

Board Member Michael Jackson led the Pledge of Allegiance.

CONSENT ITEMS

Board Member Jim Hartman made a motion to approve the minutes of April 21, 2025, and was seconded by Kathryn Moore. **The Board voted unanimously.**

OLD BUSINESS

**Updates:**

Town Planner Dylan Eure informed the Board that the removal of the sidewalk requirements for major subdivisions, as well as the requirement for mailed subdivision notices will be going to the next Board of Commissioners meeting for approval.

NEW BUSINESS

**ZT-2025-002**

Town Planner Dylan Eure informed the Board that the Town of Erwin Staff has received a rezoning request for the parcel located at 103 4<sup>th</sup> Street, Erwin NC 28339. This parcel is currently split-zoned at about 83% B-2 and the remaining 17% R-10. The petition would rezone the above parcel to be entirely under the R-10 classification. The parcel size is 0.27 acres, and is currently occupied by a single-family residence. Rezoning would make the existing home conforming.

Board Member Michael Jackson asked if the rezoning request is based upon bringing the home into a conforming status, in order to be allowed to add on to the existing home.

## MINUTES CONTINUED FROM MAY 19, 2025

Town Planner Dylan Eure confirmed that yes, the applicant would like to add on to the home, but since the home is non-conforming due to the split zoning classification, he is not currently able to do so. There may be a variance somewhere down the line, but this would be the first step in that process.

Board Member Kathryn Moore asked if this property butts up to the business next to it.

Town Planner Dylan Eure stated that it doesn't butt up to the business, but is across from McLamb's Upholstery and a church.

The applicants, Corbin and Michelle Smith, of 103 4<sup>th</sup> Street, Erwin, approached the podium to answer any questions that the Board may have. Mr. Smith stated that the home is currently owner occupied. For clarity, Ms. Smith's parents own the home, and Ms. Smith is on the deed of the home. They are working through the process of getting Mr. Smith on the deed as well.

Chairperson Nicholas Skatell asked if any Board Members had any additional questions. Being none, Chairperson Nicholas Skatell asked for a Board Member to read through the staff evaluation.

Board Member Michael Jackson asked that the Board would dispense with the reading of each item of the staff evaluation. The Board has already read through the Staff Evaluation.

Board Member Michael Jackson made a motion to approve ZT-2025-002, which was seconded by Jim Hartman. **The Board voted unanimously.**

Chairperson Nicholas Skatell asked the Board to read the Statement of Consistency.

Board Member Jim Hartman read the following Statement of Consistency:

"The requested rezoning from B-2/R-10 to the R-10 classification is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan, and Erwin's Code of Ordinances, the uses defined within the R-10 zoning classification would best serve the above-stated parcel. It is recommended that this rezoning be approved."

Board Member Kathryn Moore made a motion in the affirmative, which was seconded by Jim Hartman. **The Board voted unanimously.**

### **PUD (Planned Unit Development) Density Amendment**

Town Planner Dylan Eure presented this amendment request to the Board. This amendment would ensure that all future Planned Unit Developments, including apartments, townhomes, and condominiums, would have the same standards applied. This specifically applies to density standards, so this would require any townhome developments with 10 or more townhomes to allow for infill development.

Board Member Michael Jackson asked if all other requirements would remain the same- parking, setbacks, etc.

Town Planner Dylan Eure confirmed that that was correct, all other requirements would remain the same.

Board Member Howard Godwin made the motion to approve the PUD (Planned Unit Development) Density Amendment, which was seconded by Board Member Kathryn Moore. **The Board voted unanimously.**

Chairperson Nicholas Skatell asked the Board to read the Statement of Consistency.

**MINUTES CONTINUED FROM MAY 19, 2025**

Board Member Grace Watts read the following Statement of Consistency:

“The proposed text amendment is compatible with all of the Town of Erwin’s regulatory documents. According to Erwin’s Planning Documents, the proposed text amendment would ensure that Erwin is applying its ordinances uniformly across its jurisdiction. It is recommended that this amendment be approved.”

Board Member Howard Godwin made a motion in the affirmative, which was seconded by Jim Hartman. **The Board voted unanimously.**

**Accessory Structure Benchmarking**

Town Planner Dylan Eure stated that there was not a vote required on this request, but rather this was informational for the Board.

Board Member Michael Jackson had requested benchmarking for the Accessory Structure Ordinances to determine if an amendment should be authored to reduce the number of variances brought before Erwin’s Board of Adjustments.

Board Member Michael Jackson stated that he agreed that the updated ordinances would be especially helpful for the Mill Village area of town. He stated that he believed that the setbacks should be brought down to 5ft from 10ft.

The Board agreed with Mr. Jackson.

Town Planner Dylan Eure stated that since the Board had consensus, he would type up the amendment and have it ready to present at the next Planning Board meeting.

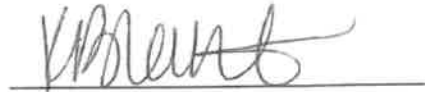
**ADJOURNMENT**

Board Member Howard Godwin made a motion to adjourn the meeting at 7:13 P.M. and was seconded by Jim Hartman. **Motion unanimously approved.**

**Minutes recorded and typed by  
Katelan Blount, Deputy Town Clerk**



**Nicholas Skatell  
Chairperson**



**Katelan Blount  
Deputy Town Clerk**

**Statement of Consistency**  
**ZT-2025-002**

The requested rezoning from B-2/R-10 to the R-10 classification is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances, the uses defined within the R-10 zoning classification would best serve the above-stated parcel.

It is recommended that this rezoning request be **approved**.



**Nicholas Skatell**  
**Chairperson**



**Katelan Blount**  
**Deputy Town Clerk**

**ANCHOR INVESTMENT PROPERTIES LLC**  
311 JARCO DR FUQUAY VARINA, NC 27526-2901

**BABEL AMANDA LYNNE**  
105 4TH ST ERWIN, NC 28339-2403

**CSJD LTD LLC**  
205 PINEVIEW DR ERWIN, NC 28339-1202

**FIRST NATIONAL BANK OF AMERICA**  
PO BOX 980 EAST LANSING, MI 48826-0980

**MACON LINDY WADE & WADE EDMOND  
TYRONE**  
2251 OLD STAGE RD S ERWIN, NC 28339-8939

**TELLEZ ODILON**  
102 4TH STREET ERWIN, NC 28339-0000

**OVERHOLT PAUL JT W/ROS &  
OVERHOLT LINDA JT W/ROS**  
445 WENGER RD CHESAPEAKE, VA 23322-1612

**DECKER GERALD JAMES & DECKER  
HOPE ELAINE**  
107 4TH ST ERWIN, NC 28339-2403

**TLC PROPERTIES AND INVESTMENTS  
LLC**  
111 WALNUT GREEN LN DUNN, NC 28334-6437

**CEBALLOS ARMANDO & CEBALLOS  
FAYE C**  
104 3RD ST ERWIN, NC 28339-0000

**MCLAMB RICHARD C**  
1008 DENIM DRIVE ERWIN, NC 28339-0000

**MATTHEWS CORNELIUS F & MATTHEWS  
ELIZABETH S**  
407 MARLOWE RD RALEIGH, NC 27609-7017



# TOWN OF ERWIN

P.O. Box 459 · Erwin, NC 28339  
Phone: 910-897-5140 · Fax: 910-897-5543  
[www.erwin-nc.org](http://www.erwin-nc.org)

6/16/2025

## Notice of a Public Hearing ZT-2025-002

**Mayor**  
Randy L. Baker  
**Mayor Pro Tem**  
Ricky W. Blackmon  
**Commissioners**  
Alvester L. McKoy  
Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on July 10th, 2025 at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment on a proposed rezoning.

The rezoning request includes a single parcel of land that is listed below:

- 103 4<sup>th</sup> Street Erwin, NC 28339. (Harnett County Tax Pin: 1507-13-2100.000)

Currently this parcel is split zoned between B-2 and R-10 zoning districts and the petition would rezone the said parcel to be entirely under the R-10 zoning.

A copy of this case is available for review at the Erwin Town Hall. Questions concerning this case can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at [deure@erwin-nc.org](mailto:deure@erwin-nc.org)

Regards,



Dylan Eure  
Town Planner

### NOTICE OF PUBLIC HEARING

The Town of Erwin Board of Commissioners will conduct a Public Hearing on the following items pursuant to NC General Statute 160D-406, on **Thursday, July 10, 2025, at 7:00 P.M.** in the Erwin Municipal Building Board Room located at 100 West F Street, Erwin, NC 28339. Questions can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at [deure@erwin-nc.org](mailto:deure@erwin-nc.org).

- Case ZT-2025-002: Request to rezone the split-zoned parcel located at 103 4th Street. from B-2 and R-10 to entirely R-10. The property can also be identified by its Harnett County Tax PIN # 1507-13-2100.000.
- Case SUP-2025-003: Special Use Request to operate vehicular services at 2401 Erwin Road. The parcel can also be identified by its Harnett County Tax PIN 1507-40-5511.000
- Text Amendments to Chapter 36- Zoning in the Town of Erwin Code of Ordinances.

These cases are available for review at the Erwin Town Hall. All persons desiring to be heard either for or against the proposed items set forth above are requested to be present at the above-mentioned time and place.

6/20,27/2025

**Statement of Consistency**  
**ZT-2025-002**

The requested rezoning from B-2/R-10 to the R-10 classification is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances, the uses defined within the R-10 zoning classification would best serve the above-stated parcel. It is recommended that this rezoning request be **approved**.



Randy Baker  
Mayor



Lauren Evans NCCMC  
Town Clerk



# TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339  
Ph: 910-897-5140 • Fax: 910-897-5543  
www.erwin-nc.org

Mayor  
Randy L. Baker  
Mayor Pro Tem  
Ricky W. Blackmon  
Commissioners  
Alvester L. McKoy  
Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

**ORDINANCE FOR MAP AMENDMENT CASE # ZT-2025-002  
AMENDMENT TO THE OFFICIAL ZONING MAP TO REZONE  
FROM B-2 AND R-10 TO ENTIRELY R-10 PER ZONING ORDINANCE  
ARTICLE XXIII FOR HARNETT COUNTY PIN 1507-13-2100.000.  
ORD 2024-2025: 024**

Per Chapter 36 Zoning, Article XXIII, Changes and Amendments, Harnett County PIN 1507-13-2100.000 owned by Paul and Linda Overholt has been rezoned to R-10 (Residential) Case # ZT-2025-002.

**B4031 - P 748**

For Registration Matthew S. Willis  
Register of Deeds  
Harnett County, NC  
Electronically Recorded  
2021 Aug 19 10:51 AM NC Rev Stamp: \$ 0.00  
Book: 4031 Page: 748 - 750 Fee: \$ 28.00  
Instrument Number: 2021019343

HARNETT COUNTY TAX ID #  
061507 0291

08-19-2021 BY: ED

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$ None  
Tax Identification Number: 061507 0291

Prepared by/Mail to: Adcock Law Firm, P.A., PO Box 1478, Fuquay-Varina, NC 27526

Brief Description for the index

103 4<sup>th</sup> Street

THIS DEED made this 30<sup>TH</sup> day of JUNE, 2021, by and between

**GRANTOR**

PAUL OVERHOLT and wife,  
LINDA OVERHOLT  
And  
MICHELLE A. OVERHOLT, an unmarried person  
(aka Michele A. Overholt)  
As Joint Tenants with Right of Survivorship  
445 Wenger Rd.  
Chesapeake, VA 23322

**GRANTEE**

PAUL OVERHOLT and wife,  
LINDA OVERHOLT  
And  
MICHELLE A. OVERHOLT, an unmarried person,  
As Joint Tenants with Right of Survivorship  
445 Wenger Rd.  
Chesapeake, VA 23322

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in or near the City of Erwin, Duke Township, Harnett County, North Carolina and more particularly described as follows:

BEING all of Lot B, containing 0.27 acre as shown on map entitled "Recombination Survey prepared for Woods Investment Enterprise, LLC" dated January 7, 2020 by Powers Surveying and recorded in Map Number 2021, Page 209, Harnett County Registry. See said plat for a more complete and accurate description of said real property by metes and bounds. (See also Map Number 2021, page 27, Harnett County Registry).

Property Address: 103 4<sup>th</sup> St., Erwin, NC 28339

The purpose of this deed is to correct the spelling of the Grantee name from "Michele" to "Michelle."

Submitted electronically by "Adcock Law Firm, PA"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Harnett County Register of Deeds.

**B4031 - P 749**

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3997, page 766, Harnett County Registry.  
A map showing the above described property is recorded in Map Number 2021, page 209 and page 27.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

1. All easements, covenants, restrictions and right of ways of record;
2. 2021 ad valorem taxes;
3. Subject to the right of way of 4<sup>th</sup> Street.

*(The remainder of this page is left intentionally blank)*

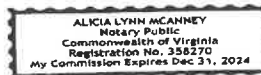
IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Paul Overholt (SEAL)  
PAUL OVERHOLT  
Linda Overholt (SEAL)  
LINDA OVERHOLT  
Michelle A. Overholt (SEAL)  
MICHELLE A. OVERHOLT

STATE OF Virginia  
COUNTY OF Chesapeake

I, the undersigned notary public, do hereby certify that Paul Overholt, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this 1 day of July, 2021.

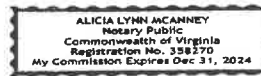
Alicia Lynn McAnney Notary Public  
Printed Name: Alicia Lynn McAnney  
My commission expires: December 31, 2024



STATE OF Virginia  
COUNTY OF Chesapeake

I, the undersigned notary public, do hereby certify that Linda Overholt, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this 1 day of July, 2021.

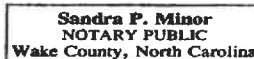
Alicia Lynn McAnney Notary Public  
Printed Name: Alicia Lynn McAnney  
My commission expires: December 31, 2024



STATE OF North Carolina  
COUNTY OF Wake

I, the undersigned notary public, do hereby certify that Michelle A. Overholt, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this 16<sup>th</sup> day of August, 2021.

Sandra P. Minor Notary Public  
Printed Name: Sandra P. Minor  
My commission expires: 3.28.2022



Adopted this the 10<sup>th</sup> day of July 2025.

Randy Baker  
Randy Baker  
Mayor

ATTEST:

Lauren Evans  
Lauren Evans NCCMC  
Town Clerk

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: July 10, 2025

Subject: Chapter 36 Updates

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Our Town Planner Dylan Eure has prepared a few updates to Chapter 36 “Zoning” in our Town Code. The updates include: animal services, residential building height and mixed uses [(residential/commercial uses on the same parcel (where appropriate))]. We have already discussed a few of these updates. The Planning Board has recommended these updates. We have scheduled a public hearing at our July Town Board meeting to discuss these updates.

#### Attachments:

- Town Staff memo
- Proposed text amendments

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners

From: Dylan Eure, Town Planner

Date: July 10, 2025

Subject: Animal Services Text Amendment

---

The Town of Erwin Staff wishes to amend Chapter 36 Articles II, IV, and X of the Erwin Code of Ordinances to add animal services as a special use to B-2, clarifying its special use in RD and giving a definition of animal services. The purpose of this is to ensure clarity in the areas of town where animal services can be placed and the scope of their services.

**Proposed Definition to be added to Chapter 36 Article II:**

Animal Services – refers to the care and treatment of animals, including but not limited to veterinary services, boarding of animals, and the training of animals. This may also include facilities such as animal shelters or kennels. However, this does not include equine stables.

**Current Special Use within Chapter 36 Article IV:**

- Animal medical care.

**Proposed Special Use to replace Chapter 36 Article IV (Rural District- RD):**

- Animal medical care
- Animal services

**Proposed Special Use to be added to Chapter 36 Article X (Highway Business- B-2)**

- Animal services

**Statement of Consistency**

The proposed text amendment is compatible with all of the Town of Erwin's regulatory documents according to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances. It is recommended that this text amendment be **approved**.

**Statement of Inconsistency (Only when denied)**


The proposed text amendment is **NOT** compatible with all of the Town of Erwin's regulatory documents according to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances. It is recommended that this text amendment be **denied**.

**Statement of Consistency**  
**Animal Services Amendment**

The proposed text amendment is compatible with all of the Town of Erwin's regulatory documents according to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances. It is recommended that this text amendment be approved.



Joshua Schmieding  
Chairperson



Katelan Blount  
Deputy Town Clerk

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners

From: Dylan Eure, Town Planner

Date: July 10, 2025

Subject: Residential Height Regulation Text Amendment

---

The Town of Erwin Staff wishes to amend its ordinances specifically Chapter 36 Article VII-A Section 36-185 Subsection B (4), Article VII Section 36-175 Subsection B (4), Article VI-A Section 36-156 Subsection B (4), and Article VI Section 36-147 Subsection B (4) for the purpose of decreasing height limitations for high-density residential developments.

### **Current Regulation:**

(4) Maximum building height: 35 feet.

The maximum height of any structure shall be the same as required by the underlying zoning district unless otherwise stated herein. Non-residential buildings located within the areas identified Medium Intensity, High Intensity, Downtown, and Employment Center Land Use Classifications are exempt from the district height requirement if they conform to the following:

- a. Highest point of the building shall not exceed 80 feet.

### **Proposed Regulation:**

(4) Maximum building height: 35 feet.

The maximum height of any structure shall be the same as required by the underlying zoning district unless otherwise stated herein. Non-residential buildings, two-family, multifamily, and townhomes located within the areas identified Medium Density, High Intensity, Downtown, and Employment/ Industry Land Use Classifications are exempt from the district height requirement if they conform to the following:

- a. Highest point of residential townhomes and two-family dwellings shall not exceed 40 feet.
- b. Highest point of residential multifamily shall not exceed 65 feet.
- c. Highest point of nonresidential building shall not exceed 80 feet.

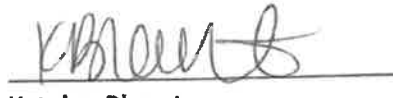
**Statement of Consistency**  
**Residential Height Amendment**

The requested amendment to the code of ordinance regarding decreasing height limitations of high-density residential developments, with height conformations for townhomes and multi-family dwellings is compatible with all of the Town of Erwin's regulatory documents.

It is recommended that this amendment request be **Approved**.



Joshua Schmieding  
Chairperson



Katelan Blount  
Deputy Town Clerk

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners

From: Dylan Eure, Town Planner

Date: July 10, 2025

Subject: Mixed Uses and their Buildings Text Amendment

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The Town of Erwin Staff wishes to amend Chapter 36 within Article XV Section 36-416 to allow for multi/mixed-use facilities to be constructed in appropriate zoning classifications.

### **Current 36-416:**

#### **Sec. 36-416. - Relationship of building to lots.**

Every building hereafter erected, moved, or structurally altered shall be located on a lot and in no case shall there be more than one principal building and its customary accessory building on a lot except in the following cases:

- (1) Multifamily dwellings in appropriate zoning districts.
- (2) An approved planned unit development or complex of residential or commercial buildings in an appropriate zoning district.
- (3) Institutional or industrial uses such as a school campus, hospital campus, industrial parks, research parks, etc.

### **Proposed 36-416:**

#### **Sec. 36-416. - Relationship of buildings **and uses** to lots.**

Every building hereafter erected, moved, or structurally altered shall be located on a lot and in no case shall there be more than one principal building/**use** and its customary accessory building on a lot except in the following cases:

- (1) Multifamily dwellings in appropriate zoning districts.
- (2) An approved planned unit development or complex of residential or commercial buildings in an appropriate zoning district.

(3) Institutional or industrial uses such as a school campus, hospital campus, industrial parks, research parks, etc.

(4) An approved multi-use facility that contains elements of both commercial and residential elements in an approved zoning district.

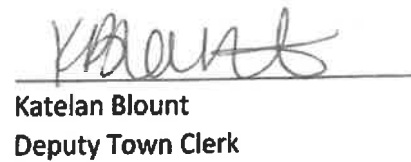
(5) Multiple complimentary uses that are permitted or considered as a special use in the same zoning district.

**Statement of Consistency**  
**Mixed/Multi-use Facilities and Buildings Amendment**

The requested amendment to the code of ordinance regarding the allowance of mixed or multi-use facilities and buildings to be constructed within appropriate zoning classifications is compatible with all of the Town of Erwin's regulatory documents.

It is recommended that this amendment request be **approved**.

  
Joshua Schmieding  
Chairperson

  
Katelan Blount  
Deputy Town Clerk

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners

From: Dylan Eure, Town Planner

Date: July 10, 2025

Subject: Fence Text Amendment

---

The Town of Erwin Staff wishes to amend its fence ordinance specifically Chapter 36 Article XV Section 36-433 Subsection 4 and 6 to differentiate requirements for front/side yards and to provide clarity on the height of fences for lots that may front two streets along with providing additional regulations for fences in front yards.

(4)Maximum height.

D. Fences for front yards shall be measured at the front corner of the structure to the edge of the Right-of-Way. Side fences for side yards shall be measured parallel from the front corner to the rear corner of the structure. Rear fences for rear yards shall be measured from the back corner of the structure to the rear property line.

E. For type A lots on corner parcels that have frontage on two streets the side yard abutting the street may only be permitted to erect a maximum of a 4ft fence.

(6) General fence requirements

G. Location of fence to allow maintenance. No fence shall be erected in any location that prohibits the owner of the property on which said fence is erected from having access, for maintenance purposes, to all sides of such fence.

Fences in yards abutting Right-of-way shall be placed a minimum of 2 ft away from the right-of-way or sidewalk.

### **Statement of Consistency**

The proposed text amendment is compatible with all of the Town of Erwin's regulatory documents according to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances. It is recommended that this text amendment be **approved**.

### **Statement of Inconsistency (Only when denied)**

The proposed text amendment is **NOT** compatible with all of the Town of Erwin's regulatory documents according to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances. It is recommended that this text amendment be **denied**.

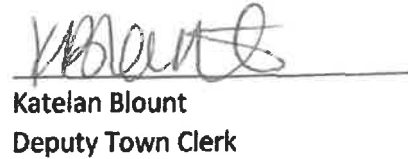
**Statement of Consistency**  
**Fence Amendment**

The requested amendment to the code of ordinance regarding placement and height, along with determination of yard space of fences is compatible with all of the Town of Erwin's regulatory documents

It is recommended that this amendment request be **Approved**.



Joshua Schmieding  
Chairperson



Katelan Blount  
Deputy Town Clerk



# TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339  
Ph: 910-897-5140 • Fax: 910-897-5543  
www.erwin-nc.org

**ERWIN BOARD OF COMMISSIONERS  
RESOLUTION ON STATEMENT OF CONSISTENCY  
FOR CHAPTER 36- ZONING  
2024-2025--021**


**Mayor**  
Randy L. Baker  
**Mayor Pro Tem**  
Ricky W. Blackmon  
**Commissioners**  
Alvester L. McKoy  
Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

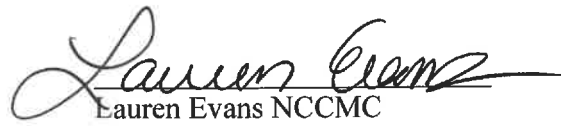
**WHEREAS**, the Erwin Board of Commissioners do hereby find and conclude that the proposed Ordinance Amendments to Chapter 36 – Zoning are reasonable and in the public interest to better reflect the desired development within the Town’s Planning Jurisdiction; and

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Board of Commissioners of the Town of Erwin do hereby approve and adopt the proposed text amendments to Chapter 36 – Zoning as presented.

**ADOPTED** this the 10<sup>th</sup> day of July 2025.

**ATTEST:**

  
\_\_\_\_\_  
Randy Baker  
Mayor

  
\_\_\_\_\_  
Lauren Evans NCCMC  
Town Clerk

MINUTES CONTINUED FROM JULY 10, 2025

*The Manager's Report is part of these minutes as an attachment.*

ATTORNEY'S REPORT

Town Attorney Tim Morris thanked the Board for allowing him to be their Town Attorney.

ADJOURNMENT

Commissioner Blackmon made a motion to adjourn at 8:32 P.M. and was seconded by Commissioner Nelson. **The Board voted unanimously.**

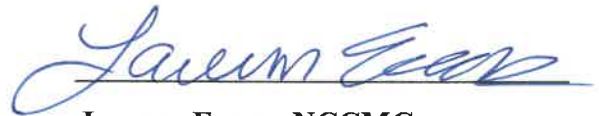
MINUTES RECORDED AND TYPED BY  
LAUREN EVANS TOWN CLERK

ATTEST:



Randy Baker

Mayor



Lauren Evans, NCCMC

Town Clerk