

**TOWN OF ERWIN
PLANNING BOARD/BOARD OF ADJUSTMENTS
MONDAY, AUGUST 18TH, 2025 AT 7:00 PM
ERWIN MUNICIPAL BUILDING BOARD ROOM**

AGENDA

1. **MEETING CALLED TO ORDER**
 - A. Invocation
 - B. Pledge of Allegiance

2. **CONSENT AGENDA**
 - A. Planning Board Minutes from Regular Meeting on July 21st, 2025 (**Page 2**)

3. **OATHS OF OFFICE**
 - A. Marsha Woodard (**Page 6**)
 - B. Karen Beitar (**Page 7**)
 - C. Harold “Dean” Downing, Jr. (**Page 8**)

4. **OLD BUSINESS**
 - A. Updates

5. **NEW BUSINESS**
 - A. ZT-2025-005 (**Page 9**)
 - B. Accessory Structure Setbacks Amendment (**Page 25**)

6. **ADJOURNMENT**

PLANNING BOARD
MEETING MINUTES
MONDAY, JULY 21, 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, July 21st, 2025, at 7:00 PM.

Board members present were Chairperson Nicholas Skatell, Vice Chairperson Jim Hartman, In-Town Board Members Grace Watts, Rebecca Kelly and Michael Jackson, and Out-of-Town Board Member Howard Godwin.

Board members absent were: In-Town Board Members Kathryn Moore and Joshua Schmeiding, and In-Town Alternates Marsha Woodard and 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 7:03 PM. The delay in starting was to ensure a quorum was met.

Vice Chairperson Jim Hartman gave the invocation.

Board Member Howard Godwin led the Pledge of Allegiance.

CONSENT ITEMS

Board Member Jim Hartman made a motion to approve the minutes of June 16th, 2025, and was seconded by Howard Godwin. **The Board voted unanimously.**

OLD BUSINESS

Updates:

Town Planner Dylan Eure informed the Board that the rezoning request for 103 4th Street was approved by the Board of Commissioners.

The amendments for the fences, Animal Services, and residential height have also all been approved by the Board of Commissioners and are now active in our code of ordinances.

NEW BUSINESS

Sawyers Ridge Major Subdivision

Town Planner Dylan Eure informed the Board that this request is for the final plat for the major subdivision located off Red Hill Church Road, also known as Sawyer's Ridge, and located by its Harnett

County Tax PIN 1507-47-5272.000, which will be 12 single-family homes. This is zoned as RD (Rural District), and has met all the requirements of the subdivision section of the Town of Erwin Code of Ordinances. Additionally, the requirements for the final plat have been met, and the produced residential lots are in compliance with all RD zoning regulations, including lot size, required frontage, and width.

The applicant, Mr. Long, was present to answer any questions that the Board may have.

The Board had none.

Board Member Rebecca Kelly made a motion to approve the final subdivision plat, which was seconded by Michael Jackson. **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 final major subdivision plat for 12 single- family homes, zoned as RD (Rural District), to be built off Red Hill Church Road, and located by its Harnett County Tax PIN 1507-47-5272.000, has met all the requirements of the subdivision section of the Erwin Code of Ordinances. Additionally, the requirements for the final plat have been met, and the produced residential lots are compliant with all RD zoning regulations, including lot size, required frontage, and width.

The Applicant, Long Land Development, is aware of the required improvements on the property, to include drainage, waterlines, road installation, and electric power lines, and has included said improvements in the final plat.

It is recommended that this major subdivision final plat be **approved.**”

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

Town Planner Dylan Eure stated that this will now go to the Board of Commissioners for their decision on September 2025 so that the Planning Board minutes will be approved by that point.

ZT-2025-004

Town Planner Dylan Eure presented this rezoning request to the Board. This request is to rezone a parcel, located by its Harnett County Tax PIN 1507-13-5333.000, or its physical address of 209 4th Street. Currently, this parcel is zoned as R-10. The said petition would rezone the parcel to be entirely under the R-6 zoning classification.

This request just increases the density for this parcel. Town Planner Dylan Eure stated that he is currently working to rezone many of the lots in this area to be R-6 as they are non-conforming to their current classification.

The applicant was present to answer any questions that the Board may have, as well as speak to the request.

Brett Campbell of 1565 N Maye Street, Southern Pines NC, approached the Board to speak. He stated that the property was purchased with the intent to rezone and build some homes on this parcel.

Board Member Jim Hartman asked how many homes they were planning on building. Mr. Campbell stated that they have not had any survey work done yet, but that they were planning for 4 lots, possibly 5.

Board Member Jim Hartman made a motion to approve the rezoning request, which was seconded by Rebecca Kelly. **The Board voted 4-1** (Howard Godwin).

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

Vice Chairperson Jim Hartman read the following Statement of Consistency:

“The requested rezoning from R-10 to R-6 Classification is compatible with all of the Town of Erwin’s regulatory documents. According to Erwin’s 2023 Land Use Plan and layout of the surrounding area, the R-6 zoning classification would best serve the area.

Therefore, it is recommended that ZT-2025-004 be **approved.**”

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

Flood Damage Prevention Ordinance

Town Planner Dylan Eure presented this ordinance to the Board. This would bring the Town of Erwin’s Ordinances in line with State Law. This would allow homeowners within that 100 year flood zone to be able to purchase flood insurance.

Board Member Jim Hartman made a motion to approve this request, which was seconded by Howard Godwin. **The Board voted unanimously.**

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

Vice Chairperson Jim Hartman 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 request be **approved.**”

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

Amount and Size of Accessory Structures Benchmarking

Town Planner Dylan Eure presented this information, which was requested by the Planning Board. Town Planner Dylan Eure benchmarked other Harnett County municipalities Accessory Structure Ordinances to see how the Town of Erwin compares. Based on the benchmarking, the Town of Erwin’s ordinances

regarding size and number of accessory structures is most lenient, so further relaxing those ordinances may not be approved by our Board of Commissioners.

County Commissioner Bill Morris joined the meeting at 7:19 p.m.

Board Member Michael Jackson stated that no other municipality, even in Harnett County, has the inherent nature of the Milltown District that Erwin has. Many lots are long and narrow, or short and wide, or some that come to a peak.

There was discussion among the Board and Town Planner Dylan Eure on possible ordinance updates, as well as gazebos and greenhouses and where they would fall into the definition.

Town Planner Dylan Eure stated that based on the discussion, he will remove the number of structures and do the flat 40% of the building size.

Board Member Jim Hartman made a motion to table this amendment to make the changes in verbiage, which was seconded by Howard Godwin. **The Board voted unanimously.**

ADJOURNMENT

Board Member Howard Godwin made a motion to adjourn the meeting at 7:30 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**



TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339
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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

OATH OF OFFICE

“I, Marsha Woodard, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as In Town Planning Board Member of the Town of Erwin, so help me God.”

Marsha Woodard

Sworn To and Subscribed Before Me
This 18th Day of August 2025.

Katelan Blount
Deputy Town Clerk



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William R. Turnage

OATH OF OFFICE

“I, Karen Beitar, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Alternate In Town Planning Board Member of the Town of Erwin, so help me God.”

Karen Beitar

Sworn To and Subscribed Before Me
This 18th Day of August 2025.

Katelan Blount
Deputy Town Clerk



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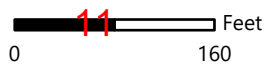
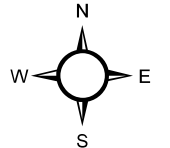
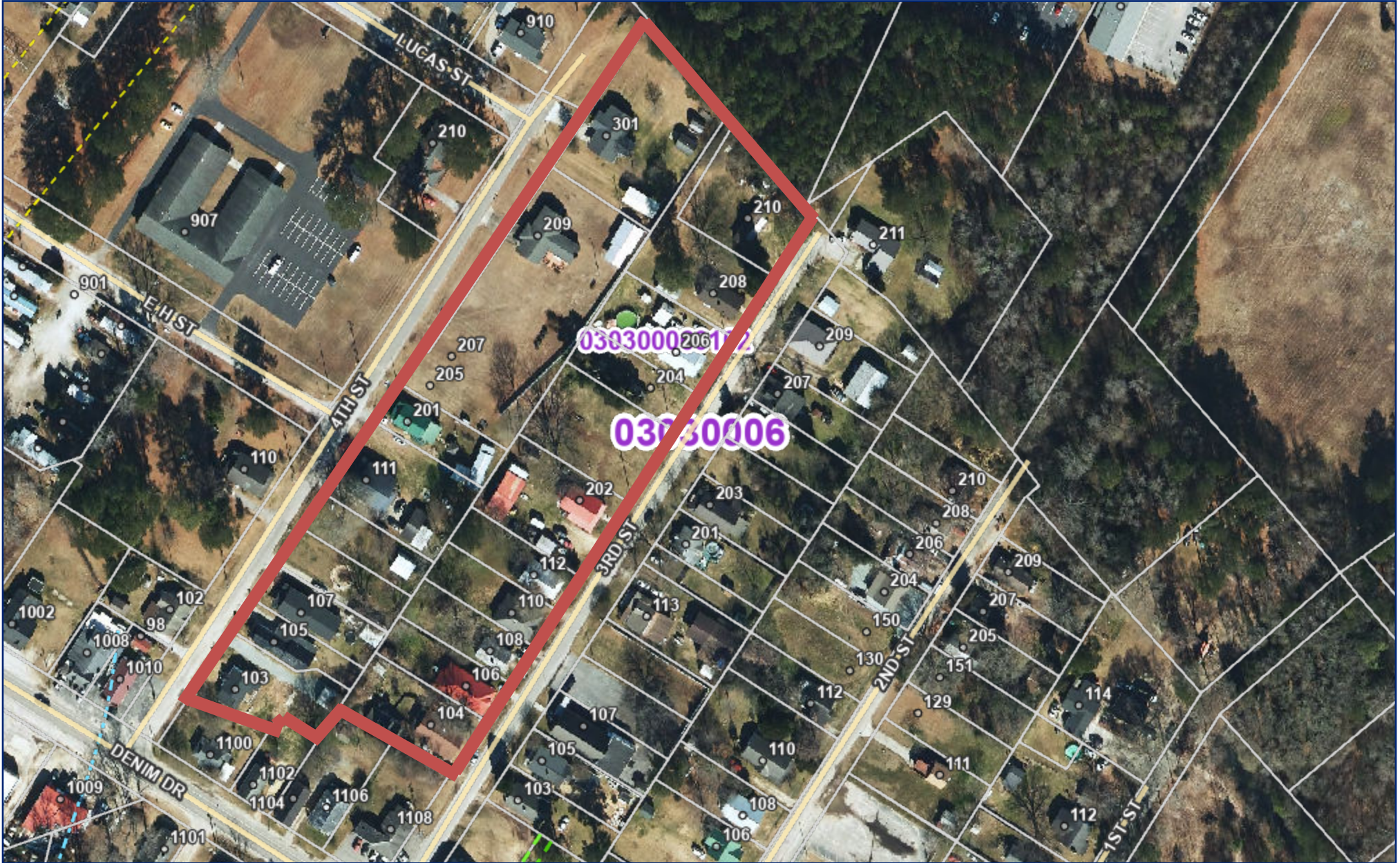
OATH OF OFFICE

“I, Howard ‘Dean’ Downing, Jr., do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Alternate In Town Planning Board Member of the Town of Erwin, so help me God.”

Howard ‘Dean’ Downing, Jr.

Sworn To and Subscribed Before Me
This 18th Day of August 2025.

Katelan Blount
Deputy Town Clerk



Sec. 36-172. Permitted principal uses and structures.

The following are permitted uses and structures:

- (1) Single-family dwelling units.
- (2) Religious uses, including churches and other places of worship, religious education buildings, and parish houses.
- (3) Family care home.
- (4) Municipal facilities.
- (5) Manufactured home, Class A.
- (6) Customary home occupation.

(Code 1977, § 9-4027.2; Ord. of 5-3-2001; Ord. of 11-6-2014; Ord. No. 2023-2024-001 , 7-6-2023)

Sec. 36-173. Permitted accessory uses and structures.

Permitted accessory uses and structures include any use or structure customarily incidental to a principal use or structure or to a conditional use for which, a permit has been issued. (See article XV of this chapter.)

(Code 1977, § 9-4027.3)

Sec. 36-174. Special uses.

The following are conditional uses:

- (1) Day care centers, day nurseries, preschools, and similar uses. Day care centers, day nurseries, preschools, and similar uses may not be located within a 300-foot radius measured from the center of the property of another day care center, day nursery, preschool, or similar use.
- (2) Planned unit developments.
- (3) Condominium and townhouse developments.
- (4) Two-family dwelling.
- (5) Multifamily dwelling.
- (6) Public facilities.

(Code 1977, § 9-4027.4; Ord. of 5-3-2001; Res. No. 2021-2022-001 , 7-1-2021; Ord. No. 2023-2024-001 , 7-6-2023)

Sec. 36-144. Permitted uses and structures.

The following are permitted uses and structures:

- (1) Single-family dwellings.
- (2) Municipal facilities.
- (3) Religious uses, including churches and other places of worship, religious education buildings, and parish houses, but not including cemeteries.
- (4) Family care home.
- (5) Public facilities.
- (6) Customary home occupations.

(Code 1977, § 9-4026.2; Ord. of 5-3-2001; Ord. No. 2023-2024-001 , 7-6-2023)

Sec. 36-145. Permitted accessory uses and structures.

Permitted accessory uses and structures include any use or structure customarily incidental to a principal use or structure or to a conditional use for which a permit has been issued. (See article XV of this chapter.)

(Code 1977, § 9-4026.3)

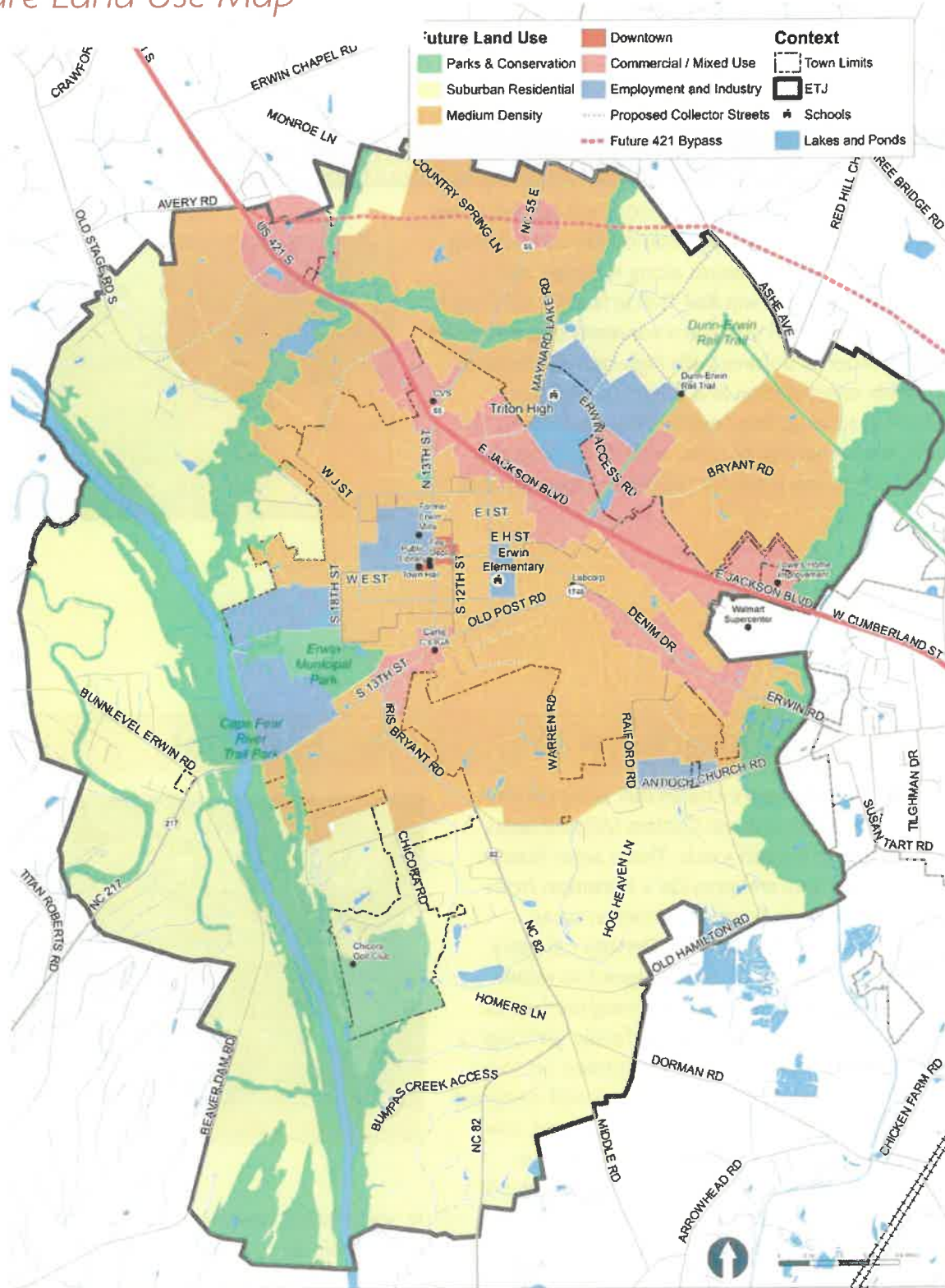
Sec. 36-146. Special uses.

The following are conditional uses:

- (1) Day care centers, day nurseries, preschools, and similar uses. Day care centers, day nurseries, preschools, and similar uses may not be located within a 300-foot radius measured from the center of the property of another day care center, day nursery, preschool, or similar use.
- (2) Planned unit development.
- (3) Condominiums and townhouse development.
- (4) Nursing homes.
- (5) Clubs or lodges.

(Code 1977, § 9-4026.4; Ord. of 5-3-2001; Res. No. 2021-2022-001 , 7-1-2021; Ord. No. 2023-2024-001 , 7-6-2023)

Future Land Use Map



Downtown

Downtown is the Town’s original historic center, including the central business district and immediate surrounding areas. It includes the businesses along H Street and is bisected by the Dunn-Erwin Rail Trail (a former rail line). It is intended to foster an urban environment characterized by blending older structures with high-quality context-sensitive new construction and public spaces that integrate with surrounding neighborhoods. Downtown accommodates a variety of uses, such as commercial, office, and upper-story residential (where appropriate).



Medium Density Residential

The Medium Density area includes mill village homes built around the former Erwin Cotton Mill and areas with access to utilities and roads. These areas feature homes on smaller lots and provide a transition from the historic downtown to more suburban areas. New development in the Medium Density category should be context-sensitive and designed to retain the established character of existing neighborhoods. These areas are predominately single family, although a variety of housing types may be appropriate on some sites including duplexes, townhomes and well-designed small-scale multifamily buildings. Some isolated, low-intensity commercial and office uses may also be appropriate in certain locations. New neighborhoods should include green space and dead end streets and cul-de-sacs should be discouraged. Efforts should be made to provide pedestrian connections to the Dunn-Erwin Rail Trail, schools and other destinations.





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7/24/2025

Dear Property Owner,

Town of Erwin Staff is currently reviewing the town's official zoning map. This said, the right side of 4th Street and the left side of 3rd Street are currently zoned as R-10 meaning that lots shall have a minimum of 10,000 sqft with a minimum of 75 ft of width. This leaves several lots along the right side of 4th Street and the left side of 3rd Street lacking area/frontage to conform to the current R-10 standard. At the current time this is not an issue for property owners, however if said properties wished to expand or if vacant parcels wished to build they would have to seek a hardship variance in order to get approval.

In order to correct this issue and make properties conforming to zoning regulations, the Town of Erwin is working to rezone both previously mentioned areas to be under R-6 zoning which requires 6,000 sqft with a minimum of 50 ft of width. Said proposed changes would not have any adverse effects for any property owners. This is simply an effort to make lots conforming to current standards and ensure property owners may expand or build in the future without having to seek a hardship variance. The proposed changes will be presented first to the Erwin Planning Board for their recommendation and then to the Erwin Board of Commissioners during a public hearing. All property owners in the identified area will receive a letter notifying them of the day of the public hearing and will have the opportunity to speak in favor or against the proposed changes if they so choose to attend.

The reason in which the R-6 zoning district is optimal is due to the right side of 3rd Street, along with 2nd and 1st Street are all current under the R-6 zoning district and many lots are the same size as the said lots on the foresaid streets. Even if a lot is conforming to the current R-10 standards, town staff is wishing to rezone all of the R-10 lots on the right side of 4th Street and the left side of 3rd Street to have consistency of the zoning of parcels.

Again the proposed rezoning's would not have adverse effects on property owners nor it would it cause any home to be a nonconforming use. The purpose of this letter is to inform you of the proposed changes. In the coming months you will be receiving a formal notice of public hearing with a date and time for when the hearing will be held. Questions concerning this effort can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at deure@erwin-nc.org.

Regards,

Dylan Eure
Town Planner



**REZONING MAP REQUEST
STAFF REPORT**

Case: ZT-2025-005

Dylan Eure, Town Planner

deure@erwin-nc.org

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

Planning Board: 08/18/2025

Town Commissioners: 10/09/2025

The Town of Erwin has initiated a town-sponsored rezoning request to rezone the left side of 3rd Street and the Right Side of 4th Street from residential R-10 to residential R-6 to make parcels more conforming to current zoning districts and standards. Said rezoning contains 19 properties, totaling approximately 5.7 acres, and are listed below.

103 4th St.

- Harnett County Tax Pin: 1507-13-2100.000
- Harnett County Map Book: 2021 pg. 209 (most recent survey)
- .27 acres
- R-10: 100%

105 4th St.

- Harnett County Tax Pin: 1507-13-2153.000
- Harnett County Map Book: 2021 pg. 209
- .13 acres
- R-10: 100%

107 4th St.

- Harnett County Tax Pin: 1507-13-2187.000
- Harnett County Map Book: 3 pg. 35
- .17 acres
- R-10: 100%

HC Tax Pin: 1507-13-3201.000

- Harnett County Map Book: 3 pg. 35
- .17 acres
- R-10: 100%

HC Tax Pin: 1507-13-3236.000

- Harnett County Map Book: 3 pg. 35
- .16 acres
- R-10: 100%

111 4th St.

- Harnett County Tax Pin: 1507-13-3372.000
- Harnett County Map Book: 3 pg. 35
- .35 acres
- R-10: 100%

201 4th St.

- Harnett County Tax Pin: 1507-13-4328.000

- Harnett County Map Book: 3 pg. 35
 - .18 acres
 - R-10: 100%
- 301 4th St.
- Harnett County Tax Pin: 1507-13-6752.000
 - Harnett County Map Book: 2006 pg. 882
 - .57 acres
 - R-10: 100%
- 210 3rd St.
- Harnett County Tax Pin: 1507-13-7675.000
 - Harnett County Map Book: 3 pg.35
 - .34 acres
 - R-10: 100%
- 208 3rd St.
- Harnett County Tax Pin: 1507-13-7526.000
 - Harnett County Map Book: 210 pg. 92
 - .34 acres
 - R-10: 100%
- 206 3rd St.
- Harnett County Tax Pin: 1507-13-6570.000
 - Harnett County Map Book: 3 pg. 35
 - .26 acres
 - R-10: 100%
- 204 3rd St.
- Harnett County Tax Pin: 1507-13-6445.000
 - Harnett County Map Book: 3 pg. 35
 - .17 acres
 - R-10: 100%
- HC Tax Pin: 1507-13-5387.000
- Harnett County Map Book: 3 pg. 35
 - .34 acres
 - R-10: 100%
- 202 3rd St.
- Harnett County Tax Pin: 1507-13-5340.000
 - Harnett County Map book: 3 pg. 35
 - .35 acres
 - R-10: 100%
- 112 3rd St.
- Harnett County Tax Pin: 1507-13-5214.000
 - Harnett County Map Book: 3 pg. 35
 - .16 acres
 - R-10: 100%
- 110 3rd St.
- Harnett County Tax Pin: 1507-13-4280.000

- Harnett County Map Book: 3 pg. 35
- .17 acres
- R-10: 100%

108 3rd St.

- Harnett County Tax Pin: 1507-13-4156.000
- Harnett County Map Book: 3 pg. 35
- .18 acres
- R-10: 100%

106 3rd St.

- Harnett County Tax Pin: 1507-13-4121.000
- Harnett County Map Book: 3 pg 35
- .17 acres
- R-10: 100%

104 3rd St.

- Harnett County Tax Pin: 1507-13-3097.000
- Harnett County Map Book: 3 pg.35
- .26 acres
- R-10 100%

Applicant Information:

Name: Town of Erwin
Address: 100 W F St.
City/State/Zip: Erwin, NC 28339

Property Description:

- See above property description.

Type of Decision:

- Legislative

Vicinity Map

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

Physical Characteristics

Site Description:

The proposed rezoning contains 19 properties. Currently, 16 of the 19 properties have primary structures already placed on the said properties, with the majority of them being built prior to Erwin’s incorporation. That said, 10 out of the 19 parcels do not have sufficient width and square footage to conform to the current zoning classification of R-10. This means if an existing home on a non-conforming lot was destroyed or if a vacant non-conforming lot wished to be developed, they would have to seek a hardship variance to rebuild/develop the property, therefore delaying the approval process and potentially denying the rebuild or development. By rezoning the said properties to be R-6, this would ensure all property owners have sufficient land to either conform to R-6 square footage and width requirements, or said property would fall under Erwin’s “Substandard of Lot” ordinance. In terms of utilities available to the properties, both Harnett Regional water and sewer lines are available to all the properties, with all of the developed lots already connected to the service. As far as environmental concerns on the property, there are no flood zones or wetlands on the property.

Surrounding Land Uses:

The surrounding land uses are comprised of primarily single-family residences. That said, there are some differing land uses, such as a mobile home park on E H St and the Redemption Hill Church property under R-10 zoning. As well as all of the single-family homes to the direct west of 4th St. At the beginning of 4th St., there is B-2 zoning with businesses such as McLamb Upholstery and the Open Door Church of Christ. At the beginning of 3rd St, there are additional B-2 properties such as Shear EFX Salon and Teienda Hispana. To the north of the properties, there are additional B-2 zoning that contains businesses such as Miller’s and Bradham Chiropractic. The closest R-6 zoning is on the right side of 3rd St, approximately 50ft away. This said, all of the lots within 1st, 2nd and right side of 3rd are already zoned as R-6, and said lots were created at the same time as the lots on the left side of 3rd St. and right side of 4th St. They also have similar dimensions as the previously stated properties. According to the Erwin 2023 Land Use Plan, the proposed parcel is identified to be medium-density residential, which can be interpreted as R-6.

Services Available

- Harnett Regional Water & Sewer
 - Erwin Fire & Rescue
 - Erwin Police
 - Duke Energy for electric
 - Brightspeed for telecommunications
-
-

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, as all of the lots on 1st, 2nd, and right side of 3rd are already zoned under residential R-6 and were created at the same time as the lots on the right side of 4th and left side of 3rd.

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 properties are assigned to be zoned as medium-density, which includes small residential lots such as R-6.

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

- **Reasoning:** This rezoning would ensure that the current and future property owners of said properties have the ability to redevelop/develop without having to obtain a hardship variance.

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

- **Reasoning:** This rezoning contains 19 properties totaling approximately 5.7 acres, all of which are contiguous and are a part of the same area.

<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. YES</p>	<p>The only difference in permitted uses between R-6 and R-10 is that R-6 allows for manufactured class A homes while R-10 allows for public facilities.</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.) YES</p>	<p>All uses currently permitted in the R-10 zoning district are allowable in the R-6 district besides public facilities and the only permitted use added would be manufactured class A.</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. YES</p>	<p>Many lots in the area match R-6 dimensional requirements.</p>
<p>The proposed change is in accord with the Land Development Plan and sound planning principles. YES</p>	<p>The Erwin 2023 Land Use Plan has this parcel of land to be zoned under a medium-density classification such as R-6.</p>

Statement of Consistency

The requested rezoning from R-10 to the R-6 classification is compatible with all of the Town of Erwin’s regulatory documents. According to Erwin’s 2023 Land Use Plan and layout of the surrounding area the R-6 zoning classification would best serve the described properties. Therefore, it is recommended that **ZT-2025-005 be approved.**

Statement of Consistency

ZT-2025-005

The requested rezoning from R-10 to the R-6 classification is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and layout of the surrounding area the R-6 zoning classification would best serve the described properties.

Therefore, it is recommended that **ZT-2025-005 be approved.**

Nicholas Skatell
Chairperson

Katelan Blount
Deputy Town Clerk

Statement of Inconsistency

ZT-2025-005

The requested rezoning from R-10 to the R-6 classification is not compatible with any or all of the Town of Erwin’s regulatory documents. According to Erwin’s 2023 Land Use Plan and layout of the surrounding area the R-6 zoning classification would not best serve the described properties.

Therefore, it is recommended that **ZT-2025-005 NOT be approved.**

Nicholas Skatell
Chairperson

Katelan Blount
Deputy Town Clerk

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Erwin's Planning Board Members

From: Dylan Eure, Town Planner

Date: August 16th, 2024

Subject: Accessory Setbacks Amendment

The Town of Erwin Staff wishes to amend its Code of Ordinances to allow for reduced setbacks for accessory structures in dense residential zoning districts, along with removing the requirement regarding how many accessory structures a property may have. The said amendments are within Chapter 36, Article XV Section 36-419 and Article 2, Section 36-34. The purpose of this amendment is to take into consideration smaller parcel sizes to prevent variances being granted for accessory structures as well as allow property owners to have additional accessory structures, provided they do not exceed 50% of lot coverage nor 40% of the side/rear yard. While also providing updated definitions.

Current Section 36-419:

- (a) Accessory buildings/structures are restricted to rear and side yards. Only one accessory building/structure shall be permitted on lots less than 15,000 square feet. Larger lots are allowed an extra accessory building/structure for each additional 15,000 square feet. There shall be a minimum of ten feet between the primary structure and any accessory building/structure as well as ten feet between each accessory building/structure.
- (b) Accessory structures shall not exceed 40 percent of the total area of the side and/or rear yard.
 - (1) Minimum side setback: Ten feet.
 - (2) Minimum rear setback: Ten feet.
 - (3) Minimum setback from principal structure: Ten feet.
 - (4) Maximum building height for accessory structures shall not exceed 20 feet mean roof height with the exception of schools, churches, hospitals, municipal facilities, and other such campuses, provided that at least one acre comprises the total land area of the development. The maximum height for accessory structures in such instances shall not exceed 35 feet mean roof height.
- (c) The following uses are permitted within accessory buildings in residential areas:
 - (1) Parking.
 - (2) Gazebo.
 - (3) Pool houses.

- (4) Equipment enclosure.
- (5) Workshop.
- (d) Trash containers, mechanical equipment and minor outdoor storage shall be located only within the rear yard.
- (e) Mailboxes, newspaper boxes, wall, fences, birdhouses, flagpoles and pump covers may be placed in any front, side or rear yard. Doghouses may be placed in rear yards only.
- (f) All freestanding carports shall be located in the side or rear yard of the lot. Freestanding carports may be placed no closer than five feet to the property line when placed against principal structure. In addition, the freestanding carport cannot extend into front yard unless it is connected/attached to the principal structure. A maximum of two freestanding carports are allowed except when an accessory building is located on the lot. When an accessory building is located on the lot, only one freestanding carport will be allowed.

Proposed Definition to be added to Chapter 36 Article 2 Section 36-34

Detached Garage- An entirely closed building that is separate from the primary structure, typically used for the storage of vehicles or other items.

Pool houses – A building that is separate from the primary structure, designed to complement poolside activities that may have facilities for storage, changing rooms, or bathrooms.

Equipment Storage / Workshop – A building that is separate from the primary structure, typically used for the storage of tools or yard care equipment, that may also contain an area for repairing or assembling personal goods/ items.

Carport- *also freestanding carport*, means a structure that is open on at least ~~three~~ one side and is customarily used for the sheltering/shading of a parked vehicle.

Proposed Amendment to Chapter 36 Article XV Section 36-419:

- (a) Accessory buildings/structures are restricted to rear and side yards. ~~Only one accessory building/structure shall be permitted on lots less than 15,000 square feet. Larger lots are allowed an extra accessory building/structure for each additional 15,000 square feet. There shall be a minimum of ten feet between the primary structure and any accessory building/structure as well as ten feet between each accessory building/structure.~~
- (b) Accessory structures shall not exceed 40 percent of the total area of the side and/or rear yard, nor should any accessory structure cause a residential property to exceed the 50 percent lot coverage as described by Sec. 36-417.

Zoning District	Setback from Property Line	Setback from Principal / Accessory Structure(s)
Industrial District (M-1)	10ft	10ft
Highway Business (B-2)	10ft	10ft
Neighborhood Business (B-1)	10ft	10ft
Central Business (CB)	10ft	10ft
Downtown Mill Village (DMV)	5ft	5ft
Rural District (RD)	10ft	10ft
Residential (R-15)	10ft	10ft
Residential (R-10)	10ft	10ft
Residential (R-6)	5ft	5ft
Residential Mill Village (RMV)	5ft	5ft
Mobile Home Park (MHP)	10ft	10ft
Conservation District (CON)	10ft	10ft
Conditional Districts (CD)	Use base district standard.	Use base district standard.

~~(1) Minimum side setback: Ten feet.~~

~~(2) Minimum rear setback: Ten feet.~~

(1) Minimum setbacks for accessory structures used in connection with commercial/industrial establishments may require greater setbacks in accordance with the North Carolina Building Code.

(2) Maximum building height for accessory structures shall not exceed 20 feet mean roof height with the exception of schools, churches, hospitals, municipal facilities, and other such campuses, provided that at least one acre comprises the total land area of the development. The maximum height for accessory structures in such instances shall not exceed 35 feet mean roof height.

(c) The following uses are permitted as accessory buildings in residential areas:

~~(1) Parking. Carports~~

~~(2) Gazebo. Detached garages~~

(3) Pool houses.

(4) Equipment enclosure / Workshop.

~~(5) Workshop.~~

(d) Trash containers, mechanical equipment and minor outdoor storage shall be located only within the rear yard.

- (e) Mailboxes, newspaper boxes, wall, fences, birdhouses, flagpoles and pump covers may be placed in any front, side or rear yard. Doghouses may be placed in rear yards only.
- (f) All freestanding carports shall be located in the side or rear yard of the lot. Freestanding carports may be placed no closer than five feet to the property line when placed against principal structure. In addition, the freestanding carport cannot extend into front yard unless it is connected/attached to the principal structure. ~~A maximum of two freestanding carports are allowed except when an accessory building is located on the lot. When an accessory building is located on the lot, only one freestanding carport will be allowed.~~

Statement of Consistency

The proposed text amendment is compatible with all of the Town of Erwin's regulatory documents. The proposed text amendment would better serve the citizens of Erwin by allowing for additional accessory structures for storage and other uses, while providing clear regulations.

Statement of Consistency
Accessory Structure Setbacks Amendment

The proposed text amendment is compatible with all of the Town of Erwin's regulatory documents. The proposed text amendment would better serve the citizens of Erwin by allowing for additional accessory structures for storage and other uses, while providing clear regulations. Therefore, it is recommended that **the Accessory Structure Setbacks Amendment be approved.**

Nicholas Skatell
Chairperson

Katelan Blount
Deputy Town Clerk

Statement of Inconsistency
Accessory Structure Setbacks Amendment

The proposed text amendment is not compatible with some or all of the Town of Erwin's regulatory documents. The proposed text amendment would not better serve the citizens of Erwin by allowing for additional accessory structures for storage and other uses, while providing clear regulations. Therefore, it is recommended that **the Accessory Structure Setbacks Amendment NOT be approved.**

Nicholas Skatell
Chairperson

Katelan Blount
Deputy Town Clerk