

**TOWN OF ERWIN
PLANNING BOARD/BOARD OF ADJUSTMENTS
TUESDAY, JANUARY 16, 2024, 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 December 18, 2023 (**Page 2**)
3. **OATH OF OFFICE**
 - A. Jim Hartman (**Page 5**)
4. **ORGANIZATIONAL MEETING**
 - A. Election of Chairperson and Vice-Chairperson
5. **OLD BUSINESS**
 - A. Updates
6. **NEW BUSINESS**
 - A. Accessory Structure Text Amendment (**Page 6**)
7. **ADJOURNMENT**

PLANNING BOARD
MEETING MINUTES
MONDAY, DECEMBER 18, 2023
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, December 18, 2023, at 7:00 PM.

Board members present were Vice-Chairperson Joshua Schmieding, In-Town Board Members Rebecca Kelly and Kathryn Moore, and Out-of-Town Board Member Howard Godwin.

Board members absent were: In-Town Board Member Ronald Beasley, Out-of-Town Board Member Nicholas Skatell, and In-Town Alternate Vanessa Lech.

Town Planner Dylan Eure and Town Clerk Lauren Evans were present.

Vice-Chairperson Joshua Schmieding called the meeting to order at 7:00 PM.

Board Member Kathryn Moore gave the invocation.

Board Member Howard Godwin led the Pledge of Allegiance.

CONSENT ITEMS

Board Member Kathryn Moore made a motion to approve the minutes of November 20, 2023, and was seconded by Howard Godwin. **The Board voted unanimously.**

The Oath of Office was removed from the agenda.

NEW BUSINESS

ZT-2023-006

Town Planner Dylan Eure stated that the Town received a request to rezone a property located at 261 Suggs Road in Dunn, NC. Said parcel was currently zoned under Industrial and the request was to move it to its neighboring land use type under the Rural District to allow a single-family home. The owner of the parcel, Eldridge and Franklin Investments of Clayton North Carolina, had intentions to sell said parcel for the development of a single-family home. The overall size of the property was 1.9 acres totaling approximately 53,500 Sq Feet with the closest accessible road being Suggs Road off of Red Hill Church Road. Its current zoning classification was M-1 Industrial but has been used for single-family homes in the past. According to Harnett County GIS, the parcel was approximately .6 of a mile away from Erwin's corporate limits and was in the municipality's planning jurisdiction. According to GIS, the parcel was not within a flood zone, wetland, or watershed location.

Vice-Chairperson Joshua Schmieding asked if anyone was present to speak in favor of the request.

Applicant, Brantley Baker of Eldridge and Franklin Investments, located at 4065 Powhatan Road, Clayton NC 27520 came forward and addressed the Board. He stated everything around the property was residential and the property on Suggs Road needed to be rezoned. He had spoken to many people and did not understand why it was industrial. They were requesting to rezone the property to residential and put a house on it.

Vice-Chairperson Joshua Schmieding asked if anyone else was present to speak in favor of the request.

No one came forward.

Vice-Chairperson Joshua Schmieding asked if anyone was present to speak against the request.

No one came forward.

Board Member Kathryn Moore made a motion in the affirmative that the impact to the adjacent property owners and the surrounding community was reasonable, and the benefits of the rezoning outweighed any potential inconvenience or harm to the community and was seconded by Howard Godwin. **The Board voted unanimously.**

Board Member Rebecca Kelly made a motion in the affirmative that the requested zoning district was compatible with the existing Land Use Classification and was seconded by Howard Godwin. **The Board voted unanimously.**

Board Member Kathryn Moore made a motion in the affirmative that the proposal does enhance or maintain the public health, safety, and general welfare and was seconded by Howard Godwin. **The Board voted unanimously.**

Board Member Kathryn Moore made a motion in the affirmative that the request was for a small-scale rezoning and should be evaluated for reasonableness and was seconded by Howard Godwin. **The Board voted unanimously.**

Board Member Howard Godwin made a motion in the affirmative, seconded by Kathryn Moore and **unanimously approved by the Board** that there was 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. The rezoning was for a single parcel to be considered residential so a single-family home may be built on the parcel.

Board Member Kathryn Moore made a motion in the affirmative, seconded by Howard Godwin, and **unanimously approved by the Board** that there was 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.) The rezoning would only classify a single parcel to be residential like the other parcels in the surrounding area.

Board Member Kathryn Moore made a motion in the affirmative, seconded by Howard Godwin, and **unanimously approved by the Board** that there was a convincing demonstration that the character of the neighborhood would not be materially and adversely affected by any use permitted in the proposed change. The area affected was already zoned under RD and has single-family homes on the lots.

Board Member Howard Godwin made a motion in the affirmative, seconded by Kathryn Moore, and **unanimously approved by the Board** that the proposed change was in accord with the Land Development Plan and sound planning principles. Even though the parcel is labeled in the 2023 Land Use Plan to be Industrial, all of the surrounding parcels being used are for Residential uses.

Board Member Howard Godwin made a motion in the affirmative that the requested rezoning to RD is compatible with all of the Town of Erwin's regulatory documents and would not only have a positive impact on the surrounding community, but would enhance the public health, safety, and general welfare as stated in the evaluation. It is recommended that this rezoning request be Approved and was seconded by Kathryn Moore. **The Board voted unanimously.**

ADJOURNMENT

Board Member Howard Godwin made a motion to adjourn the meeting at 7:10 PM and was seconded by Kathryn Moore. **Motion unanimously approved.**

Minutes recorded and typed by

Lauren Evans Town Clerk

Joshua Schmieding
Vice-Chairperson

Lauren Evans, NCCMC
Town Clerk



TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339
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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

OATH OF OFFICE

“I, Jim Hartman 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 In Town Planning Board Member of the Town of Erwin, so help me God.”

Jim Hartman Jr.

Sworn To and Subscribed Before Me
This 16th Day of January 2024.

Lauren Evans
Town Clerk



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1/16/2023

Accessory Structure 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

Amendment Description and Trade Offs

Town Staff has prepared a proposed text amendment to our Article XV General Provisions, specifically under section 36-419 entitled “Accessory buildings/structures”. Said text amendment would increase the size of accessory structures that homes may construct on their property. The current language in our ordinances relating to accessory structure is as follows “Each accessory structure shall not exceed 40 percent of the total area of the principal structure. At no time shall the total area of accessory use exceed 25 percent of the rear yard”. The proposed amended language is as follows "Each accessory structure shall not exceed 40 percent of the total area of the side or rear yard”.

By amending our code it would allow for accessory structures greater than 40 percent of the principal structure, allowing for accessory structures larger than the principal structure. An example of this is having a garage with more square feet than the home has to store vehicles.

Findings

Town staff wishes to update Erwin’s Code of Ordinances to allow for larger accessory structures to loosen size restrictions for said structures. To find the best possible solution to solve this issue, I benchmarked against all municipalizes within Harnett County’s jurisdiction along with some in Wake and Mecklenburg Counties which include Fuquay-Varina, Knightdale, Raleigh, and Charlotte but are not limited to. One of the possible solutions explored was to allow for accessory structures on adjacent lots if the property owner is the same. No municipal government that I came across in my research allowed for accessory structures on adjacent properties, even if the owners are the same. This is mainly due to two factors; one being the challenge of selling the property that has a preexisting structure on the premises without a principal structure and the other being the requirement of having a principal building on the property. However, some municipalities, instead of basing the size of the accessory structure off of the principal structure used the size of the parcel to determine the size of accessory structure.

After conducting research to evaluate the best option for the home owners and the Town of Erwin. I am offering this recommendation to the honorable members of the Erwin Planning

Board for their thoughts and discussion. This said, I am open for any additional comments and am willing to explore other possible options upon request.

Regards,

Dylan Eure
Town Planner

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Erwin's Planning Board Members
From: Dylan Eure, Town Planner
Date: January 16, 2024
Subject: Accessory Structure Text Amendment

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After conducting research to evaluate the best option for the home owners and the Town of Erwin. I am offering this recommendation to the honorable members of the Erwin Planning Board for their thoughts and discussion. If this is recommended it will then go to Erwin's Town Commissioners for final approval. This said, I am open for any additional comments and am willing to explore other possible options upon request.

Current Un-amended Diction: “Each accessory structure shall not exceed 40 percent of the total area of the principal structure. At no time shall the total area of accessory use exceed 25 percent of the rear yard”.

Proposed Amended Diction: "Each accessory structure shall not exceed 40 percent of the total area of the side or rear yard".