

**TOWN OF ERWIN  
PLANNING BOARD/BOARD OF ADJUSTMENTS  
MONDAY, MARCH 17<sup>th</sup>, 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 February 17, 2025 (**Page 2**)
3. **OATH OF OFFICE**
  - A. Michael Jackson (**Page 5**)
  - B. Marsha Woodard (**Page 6**)
4. **OLD BUSINESS**
  - A. Updates
5. **NEW BUSINESS**
  - A. ZT-2025-001 (**Page 7**)
  - B. Golf Cart Text Amendment (**Page 33**)
  - C. Sidewalk Exaction Text Amendment (**Page 43**)
  - D. Text Amendment to Variance Procedures (**Page 47**)
6. **ADJOURNMENT**
7. **BOARD OF ADJUSTMENTS**
  - A. Call to Order
8. **CONSENT AGENDA**
  - A. Board of Adjustments Minutes from Regular Meeting February 17, 2025 (**Page 58**)
  - B. BOA-2025-001 Approval Letter (**Page 66**)
  - C. BOA-2025-002 Approval Letter (**Page 67**)
9. **OLD BUSINESS**
  - A. Updates
10. **NEW BUSINESS**
  - A. BOA 2025-003 (**Page 68**)
  - B. BOA 2025-004 (**Page 83**)
11. **ADJOURNMENT**

PLANNING BOARD  
MEETING MINUTES  
MONDAY, FEBRUARY 17, 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, February 17, 2025, at 7:00 PM.

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

Board members absent were: Vice Chairperson Ronald Beasley and In-Town Alternate Vanessa Lech.

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

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

Board Member Grace Watts gave the invocation.

Board Member Jim Hartman led the Pledge of Allegiance.

CONSENT ITEMS

Board Member Jim Harman made a motion to approve the corrected Planning Board minutes from the Regular Meeting on October 21, 2024, and to approve the Planning Board minutes from the Regular Meeting on November 18, 2024. This was seconded by Nicholas Skatell. **The Board voted unanimously.**

ORGANIZATIONAL MEETING

The Board discussed nominations for the Chairperson and Vice Chairperson positions.

Board Member Rebecca Kelly nominated Nicholas Skatell for the position of Chairperson, which was seconded by Jim Hartman. **The Board voted unanimously.**

Board Member Grace Watts nominated JD Hartman for the position of Vice Chairperson, which was seconded by Howard Godwin. **The Board voted unanimously.**

OLD BUSINESS

**Updates:**

Town Planner Dylan Eure informed the Board will be presented with the amendments that have recently been approved by the Planning Board.

Additionally, the rezoning of the property located at 4507 NC Hwy 55, at the corner of Maynard Lake Road and Hwy 55, was unanimously approved by the Board of Commissioners and is now zoned as B2.

## NEW BUSINESS

### **Fence Regulations Amendment**

Town Planner Dylan Eure presented this amendment to the Board with the requested updates clarifying language regarding fence heights and front, rear, and side yards.

Board Member Nicholas Skatell asked if the maximum height for fences would be 4 ft.

Town Planner Dylan Eure explained that for homes that are on corner lots, the side and front yards would be a maximum of 4 ft due to traffic sightlines. Homes that are not on corner lots would be allowed 6 ft fences for the rear yards.

Board Member Howard Godwin made a motion to recommend this amendment for approval, which was seconded by Jim Hartman. **The Board voted unanimously.**

### **Residential Height Regulation**

Town Planner Dylan Eure presented the Residential Height Regulation Amendment. This amendment would allow increased development within Erwin and reduce the amount of variance requests. This variance would encompass residential and multi-family homes, with commercial heights staying the same as currently written.

Board Member Nicholas Skatell made a motion to recommend this amendment for approval, which was seconded by Jim Hartman. **The Board voted unanimously.**

### **Mixed/Multi-Use Facilities and Buildings Amendment**

Town Planner Dylan Eure presented this amendment. The purpose of this would be to allow mixed or multi-use facilities, such as commercial storefronts with loft apartments above in a conditional district.

Board Member Nicholas Skatell made a motion to recommend this amendment for approval, which was seconded by Kathryn Moore. **The Board voted unanimously.**

### **Utility Amendment**

Town Planner Dylan Eure presented this amendment. The purpose of this would be to correct contradictory language in the ordinance and remove the verbiage regarding Town utility systems, since the water system is now owned by Harnett Regional Water.

Board Member Nicholas Skatell asked if this was to meant to scale the distance.

Town Planner Dylan Eure stated no, it was just updating language and making sure the distances are all correct.

Board Member Nichlas Skatell asked if there were any changes in distances within the last ten years.

Town Manager Snow Bowden stated that the distances have stayed the same since at least the last fifteen years and stated that anything further than the 250 ft makes development harder and more expensive.

Board Member Jim Hartman made a motion to recommend this amendment for approval, which was seconded by Nicholas Skatell. **The Board voted unanimously.**

**Animal Services Amendment**

Town Planner Dylan Eure presented this amendment. The purpose of this would be to give definition to animal boarding facilities and allowing within RD and B2 zoning.

Board Member Jim Hartman made a motion recommend this amendment for approval, which was seconded by Nicholas Skatell. **The Board voted unanimously.**

**ADJOURNMENT**

Board Member Grace Watts made a motion to adjourn the meeting at 7:16 PM and was seconded by Jim Hartman. **The motion to adjourn was unanimously approved.**

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

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**Nicholas Skatell  
Chairperson**

---

**Katelan Blount  
Deputy 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

## OATH OF OFFICE

“I, Michael Jackson, 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.”

---

**Michael Jackson**

Sworn To and Subscribed Before Me  
This 17th Day of March 2025.

---

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



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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 Alternate of the Town of Erwin, so help me God.”

---

**Marsha Woodard**

Sworn To and Subscribed Before Me  
This 17th Day of March 2025.

---

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



# TOWN OF ERWIN

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www.erwin-nc.org

3/17/2025

## ZT-2025-001 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 conditional zoning request to rezone a single parcel located on Erwin Rd. from B-2 to an R-6 conditional district for a townhome development containing 7 attached single-family dwellings. Said parcel size is approximately 1.19 acres. According to the site plan, only .75 acres are planned to be developed due to an existing floodway on the property. If the conditional zoning is approved, the applicant will need to submit floodplain development permits and an elevation certificate before the zoning permit is issued as long as the parcel remains in the 100-year flood zone. If approved the applicant would also need to receive approved driveway permits from NCDOT, which the applicant have gotten preliminary approval on at the time of their application.

### Property Description

The parcel that is being proposed is located off of Erwin Rd within the corporate limits of the Town. According to Harnett County GIS and Harnett Regional Water there are both sewer and water lines accessible to the property. However, they do not know at the current time if any improvements will need to take place to meet capacity. The water line is a 6 inch main that converts into a 2 inch main as it approaches Dunn's corporate limits. In terms of environmental, there are no wetlands or protected watersheds on the property. The parcel is located within the 100 and 500 year flood zones as well as the floodway. This being said, according to Erwin's floodplain development ordinances, Chapter 16, Article 4 Section 16-119 states no portion of the floodway may be altered or developed in any way unless demonstrated development would not increase flood levels or a map revision is approved by FEMA. However, none of the proposed development is to occur in said floodway. The areas where the structures will be built are located within the areas located within the 100 and 500 year floodplains; and as long as the current maps are in effect, the applicant will have to have approved elevation and floodplain development permits completed by a certified land surveyor or engineer before final permit issuance. In terms of stormwater and soil/erosion permits from the North Carolina Department of Environmental Quality, this will not be required due to the developed areas being less than 1 acre, even though the parcel is over 1 acre. According to the 2023 Erwin Land Use Plan, this parcel is designated as medium density residential allowing for different styles of housing including townhomes on well selected sites. Based on the applicant's submitted site plan, each end parcel of the development meets R-6 side setbacks of 8ft while also meeting parcel size requirements and frontage

standards. The homes within the middle of the townhome complex each have a frontage and width of 17ft, while having a lot size of 2,550 sqft. The surrounding land uses are B-2 to the north-west and west, comprised of primarily automotive services along with some existing non-conforming uses of residences. To the west, there are also R-6 zoning classifications comprised of conforming single-family residences. To the south of the parcel is zoned as conservation, which has an existing cell-tower on the parcel. To the east of the parcel, the property is zoned as conservation, leading to Dunn's city limits. To the North the properties are zoned as R-6 and contain single family residences.

Regards,

Dylan Eure  
Town Planner





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

Staff Only: Zoning Case # Z-20 -  
Fee: \_\_\_\_\_ Check # \_\_\_\_\_ MO \_\_\_\_\_ Cash \_\_\_\_\_  
PB Recommendation: \_\_\_\_\_ A \_\_\_\_\_ D \_\_\_\_\_ A/W Conditions  
BOC Date: \_\_\_\_\_ Decision: \_\_\_\_\_ A \_\_\_\_\_ D \_\_\_\_\_ T \_\_\_\_\_ A/W Conditions

Print Applicant Name: MAULDIN-WATKINS SURVEYING PA % KEITH BROWN  
Name of Legal Property Owner ANNETTE A. BARFIELD  
Location of Property SOUTH SIDE OF ERWIN ROAD NEAR ITS INTERSECTION W/ RIVER DRIVE

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

Zoning change requested from BZ to R-6

If Conditional District, note conditions: TOWNHOUSE DEVELOPMENT

Harnett County Tax Map PIN 1506-59-7949

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

SEE ATTACHMENT  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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.

Keith A. Brown 919-552-9326  
Signature of Applicant Contact Number

P.O. Box 444 Fuquay-Varina NC 27526  
Mailing Address of Applicant

TODETTE W. WOOD  
CONNIE E. WOOD  
2002 ERWIN ROAD  
DUNN, NC 28334

# 2

LESIA C. RAYNOR  
201 RAYNOR STREET  
DUNN, NC 28334

# 1 \$ # 3

ELMON W. WILLIAMS, JR.  
IRIS D. HONEYCUTT  
203 BRIARCLIFF DRIVE  
DUNN, NC 28334

# 4

KARINA C. TREJO  
1808 ERWIN ROAD  
DUNN, NC 28334

# 5

ANDREW G. WEST, JR.  
702 QUEENS AVENUE  
DUNN, NC 28334

# 6 \$ # 7

TIME WARNER CABLE  
SOUTHEAST LLC  
7820 CRESCENT EXECUTIVE DRIVE  
CHARLOTTE, NC 28217

# 8 \$ # 9

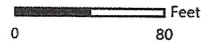
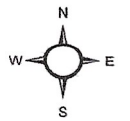
MOHAMMAD JOUDAH  
AHMED M. ISLEEM  
8633 SECRETO DRIVE  
RALEIGH, NC 27606

# 10 \$ # 11



Harnett.org/GIS  
February 19, 2025

- County Boundary
- City Limits
- Address Numbers
- Road Centerlines
- Parcels



L E G A L   D E S C R I P T I O N

Barfield Rezoning

Beginning at a point on the southern right-of-way of Erwin Road, said point being a common corner with Time Warner Cable Southeast LLC (Lot 2 - Map Book 2004, Page 1208) and being the northwestern most point of Lot 3 as shown in Map Book 15, Page 47 in the Harnett County Register of Deeds;

THENCE with said right-of-way South 61 degrees 37 minutes 42 seconds East for a distance of 171.24 feet to a point on the southern right-of-way;

THENCE leaving said right-of-way South 28 degrees 29 minutes 15 seconds West for a distance of 50.00 feet to a point;

THENCE South 61 degrees 26 minutes 41 seconds East for a distance of 50.00 feet to a point;

THENCE North 28 degrees 29 minutes 15 seconds East for a distance of 50.00 feet to a point on the southern right-of-way of Erwin Road;

THENCE with said right-of-way South 61 degrees 41 minutes 37 seconds East for a distance of 140.76 feet to a point on the southern right-of-way;

THENCE leaving said right-of-way South 28 degrees 22 minutes 18 seconds West for a distance of 150.00 feet to a point;

THENCE North 61 degrees 37 minutes 42 seconds West for a distance of 362.00 feet to a point;

THENCE North 28 degrees 22 minutes 18 seconds East for a distance of 150.00 feet to the point and place of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 1.188 acres more or less.

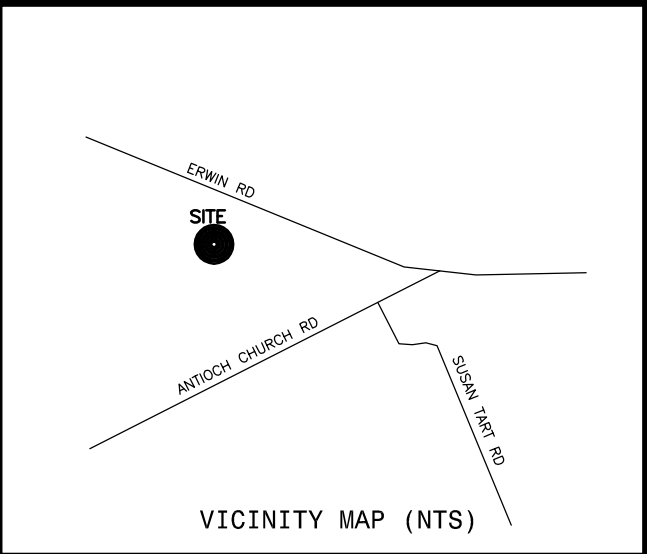
Dear Town of Erwin,

I would like to sincerely thank the Town of Erwin for allowing a request for zoning change from commercial to residential for the property identified by PIN 1506-59-7949.000. I greatly appreciate your time and consideration in facilitating a request and for supporting the potential growth of our community. I am fully in favor of any potential buyer requesting a zoning change for this property.

A handwritten signature in black ink that reads "Annette Barfield". The signature is written in a cursive, flowing style.

Warm regards,  
Annette Barfield

2/19/2025



(REF: DED. NORTH  
D.B.823, PG.196)

State of North Carolina, Wake County

I, James W. Mauldin, certify that this map was drawn under my supervision from an actual survey made under my supervision, that the ratio of precision as calculated by latitudes and departures is 1/10,000+, that the boundaries not surveyed are shown as broken lines plotted from information in book SEE, page SEE, that this map was prepared in accordance with G.S. 47-30 as amended.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

SIGNATURE \_\_\_\_\_

Licensed Number L-3247

PRELIMINARY PLAT  
NOT FOR RECORDATION

- I, James W. Mauldin, Professional Land Surveyor No. L-3247, Certify to one or more of the following as indicated thus  a. That this plat is of a survey that creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
- b. That this plat is of a survey that is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
- c. That this plat is of a survey of an existing parcel or parcels of land.
- d. That this plat is of a survey of another category, such as the recombination of existing parcels, a court-order survey or other exception to the definition of subdivision.
- e. That the information available to this surveyor is such that I am unable to make a determination to the best of my professional ability as to provisions contained in (a) through (d) above.

James W. Mauldin, Professional Land Surveyor No. L-3247

REFERENCES:  
D.B.643, PG.201  
D.B.823, PG.196  
M.B.15, PG.47  
M.B.2004, PG.1208  
OTHER REFERENCES AS SHOWN

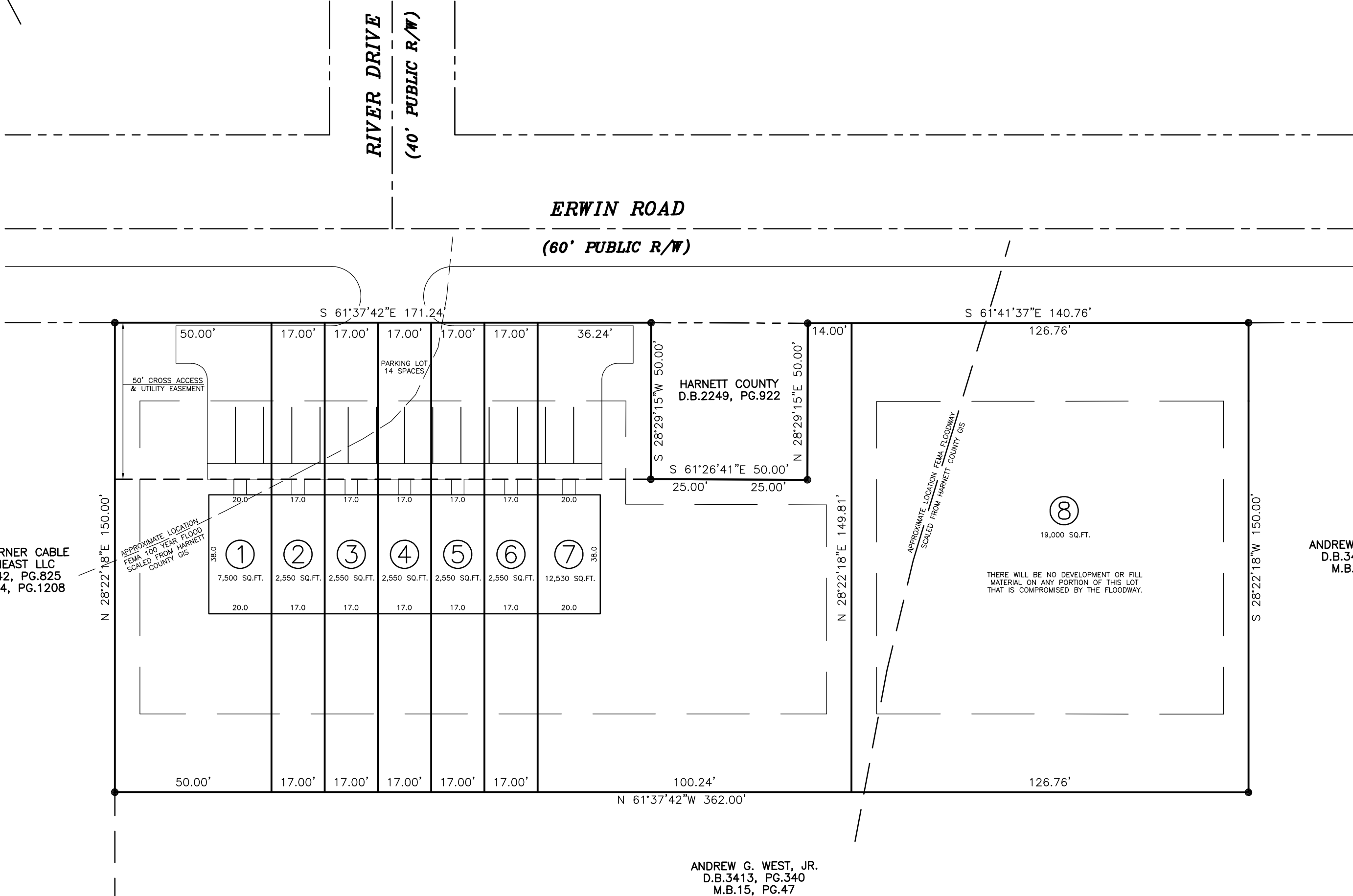
NOTES:  
(A.) THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING SAME.  
(B.) NO TITLE SEARCH HAS BEEN PERFORMED BY THIS FIRM DURING THE COURSE OF THIS SURVEY.  
(C.) THIS SURVEYOR DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF ANY UNDERGROUND UTILITIES THAT MAY OR MAY NOT BE PRESENT ON THIS SITE.

THE SURVEYOR RELIED UPON THE CITY OR COUNTY FOR APPROVAL OF ALL APPLICABLE ORDINANCE AND HAS MADE NO INTERPRETATIONS OF THE ORDINANCES.

- LEGEND
- Existing Iron Stake (Control Point)
  - Iron Stake Set (unless otherwise noted)
  - Existing Concrete Monument (Control Point)
  - Concrete Monument Set
  - X Computed Point Only

All measurements shown are horizontal ground measurements unless otherwise noted.  
Area computed by coordinates

Zone: B2 Pin#: 1506-59-7949.000  
PID#: 061507 0081



EXISTING ZONING - B2  
REQUESTED ZONING - R-6  
TOWNHOUSE DEVELOPMENT

R-6 MINIMUM  
BUILDING SETBACKS  
FRONT - 25'  
REAR - 25'  
SIDE - 8'

OWNER:  
ANNETTE A. BARFIELD  
1304 GUY AVENUE  
DUNN, NC 28334

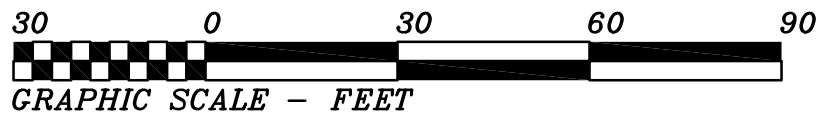
**REZONING & PRELIMINARY MAP FOR:  
KMB BUILDING LLC**

DUKE TOWNSHIP, HARNETT COUNTY, NORTH CAROLINA  
SCALE 1" = 30' FEBRUARY 19, 2025

MAULDIN - WATKINS SURVEYING, P.A.  
P.O. BOX 444 / 139 N. MAIN ST.  
FUQUAY VARINA, NORTH CAROLINA 27526  
(919) 552-9326 C-929

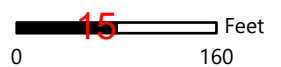
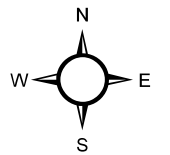
JOB# 5359

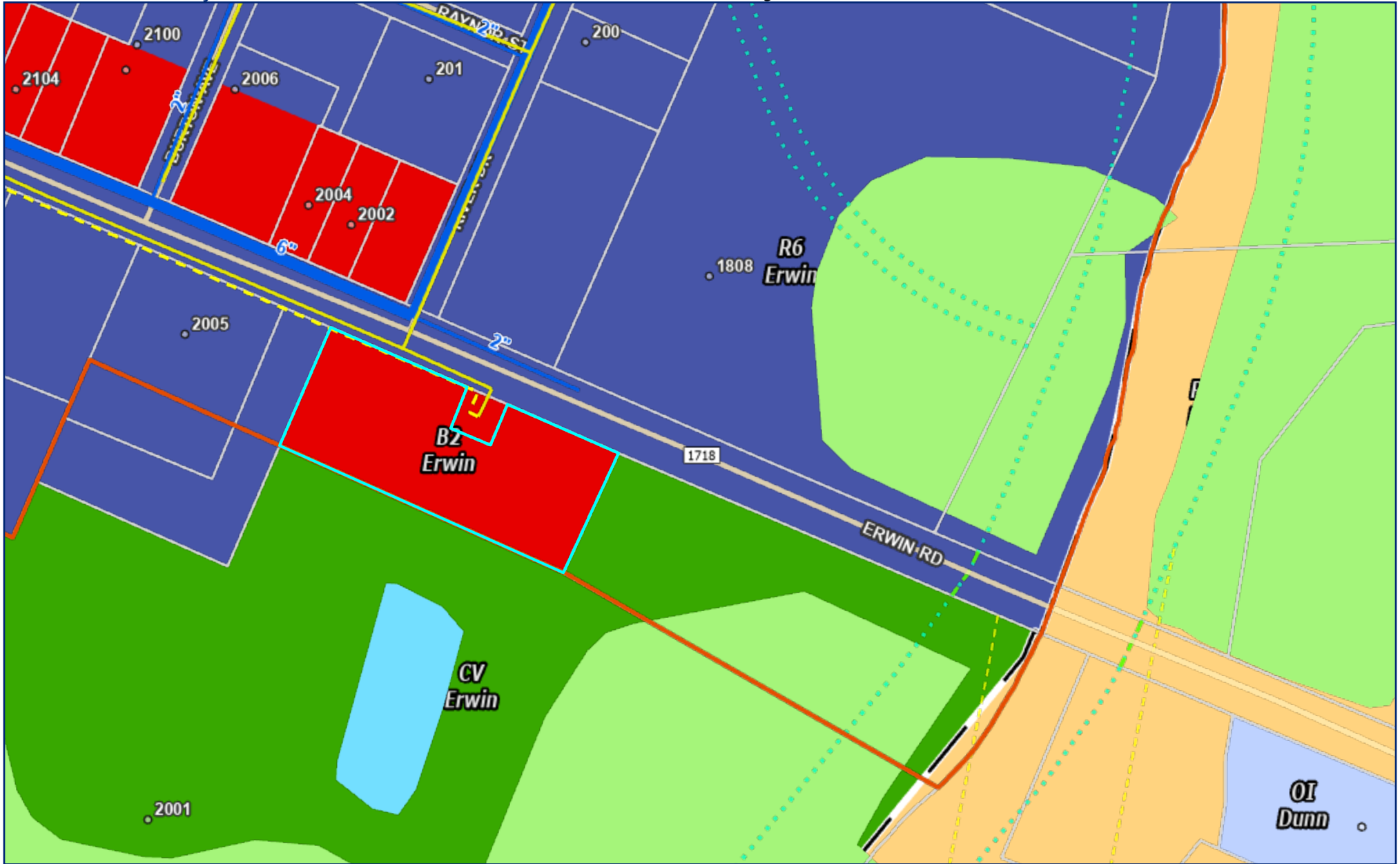
RECORDED HARNETT COUNTY MAP NUMBER 2025 PAGE \_\_\_\_\_



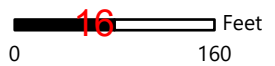
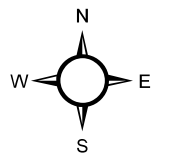


County Boundary	Gravity	Drainage	Freshwater Forested/ Shrub Wetland
City Limits	Force Main	Parcels	Freshwater Pond
Address Numbers	Road Centerlines	Watershed HUC12	
2 - 5	Ingress_Egress	Watershed HUC8	
6 - 36	Electric		





County Boundary	Gravity	Drainage	Freshwater Forested/ Shrub Wetland	OI
City Limits	Force Main	Parcels	Freshwater Pond	R-20
Address Numbers	Road Centerlines	Watershed HUC12	B2	R6
2 - 5	Ingress_Egress	Watershed HUC8	CV	ETJ
6 - 36	Electric			





February 17, 2025

Mr. Kenneth McLaughlin  
97 Shooting Star Lane  
Fuquay-Varina, NC 27526  
[kmcinc.kenneth@gmail.com](mailto:kmcinc.kenneth@gmail.com)

Re: Water and Sewer Availability  
PIN#1506-59-7949, Erwin Road at River Drive, Erwin NC (adjacent to SLS-142)  
Proposed Multi-Family Residential Development

Dear Mr. McLaughlin,

I am responding to your request for water and sanitary sewer availability for the property located at PIN 1506-59-7949 on Erwin Road across from River Drive in Erwin, NC. A multi-family residential development is proposed for the property.

There is an existing 6-inch diameter water main adjacent to the subject property along the north shoulder of Erwin Road east of and to the River Drive intersection. An existing 8-inch diameter gravity sanitary sewer line tributary to Harnett Regional Water sanitary sewer pump station SLS-142 is located along the south side of Erwin Road east of SLS-142. The subject property may connect to the Harnett Regional Water utilities at these locations following preliminary plan submittal review, utility construction plan submittal review, receipt of system development fees and utility plan approval.

This letter does not guarantee water capacity or wastewater capacity. Current/future capacity may not be available. This development may require additional improvements to the existing water and wastewater system to meet future water and wastewater demands prior to a preliminary plan, construction plan and/or final plat approval.

Please refer to the Harnett Regional Water - Water and Sewer Use Ordinance for additional information as it relates to the approval process. This information can be found on the Harnett County website [www.harnettwater.org](http://www.harnettwater.org). If you need additional information, please contact our office.

Sincerely,



Seann Byrd  
Assistant Director

cc: Kenneth Keel, PE – Utility Engineer



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**Pin Number: 1506-59-7949**

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**From** Salazar, Travis B <tbsalazar@ncdot.gov>

**Date** Tue 2/18/2025 3:42 PM

**To** Dylan Eure <deure@erwin-nc.org>

Good Afternoon, Dylan,

Mr. Keith Brown came into the office today and said he needed an email from us.

We don't mind giving him a driveway for the townhomes across from River driveway.

Let me know if you need anything else.

Thanks,

**Travis B Salazar**

Assistant District Engineer

North Carolina Department of Transportation

Division Six/ District Two

910 364-0601 Office

910 437 2529 Fax

[tbsalazar@ncdot.gov](mailto:tbsalazar@ncdot.gov)

600 Southern Avenue

Post Office Box 1150

Fayetteville, NC 28302



*Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.*

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Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

# Future Land Use

## Future Land Use

The Future Land Use Map provides general land use guidance and identifies the intended development pattern for the Town of Erwin's planning jurisdiction, which includes the town's extraterritorial jurisdiction. The map uses color-coded character areas to guide the intended character and intensity of the desired future land uses.

The Future Land Use Map is a representation of the community's vision and should be used to guide policies that achieve the community's vision. It does not update zoning, but should be used when making rezoning or development decisions and it may influence regulatory changes. The Future Land Use Map should be used as a guide for infrastructure and service investment decisions.

The Future Land Use Map includes six character areas, indicated on the map legend on the following page. Descriptions of the character areas and recommendations to support the Future Land Use Map and Character Areas follow.

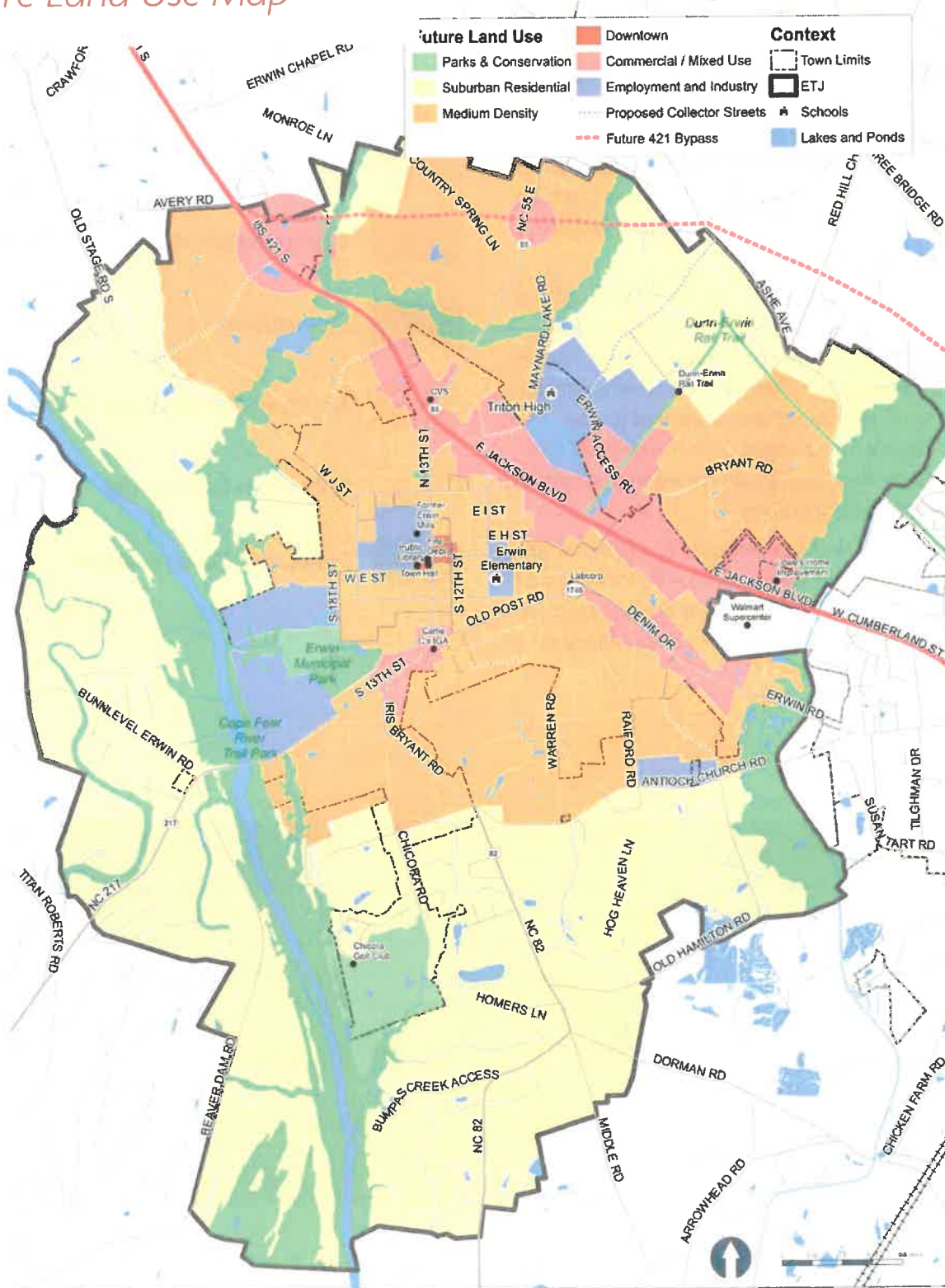
## Future Land Use Map Character Areas

	Employment and Industry
	Commercial/Mixed Use
	Downtown
	Medium Density Residential
	Suburban Residential
	Parks and Conservation

### What is a Future Land Use Map?

- ◆ A Future Land Use Map provides the geographic framework to describe the City's land use policies and development decisions. Consistency with the Future Land Use Map is one of the points of consideration when elected officials review rezoning requests, however, consistency is not required.
- ◆ A Future Land Use Map represents the community's view of their best possible future, protects character and property values, provides predictability to the private sector and residents, and guides public investment priorities.
- ◆ It is a key component of a Comprehensive Plan. A reasonably maintained Comprehensive Plan is required by NC G.S. Ch. 160D.
- ◆ The Future Land Use Map does not infringe on existing uses or buildings, inhibit decision-makers during rezonings, initiate downzonings, create nonconformities, nor does it change the zoning code.

# 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.



## 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.





**REZONING MAP REQUEST  
STAFF REPORT**

Case: ZT-2025-001

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

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

Planning Board: 3/17/2025

Town Commissioners: 5/01/2025

The Town of Erwin has received a conditional zoning request to rezone a single vacant parcel located on Erwin Rd. (near the bridge over the Black River heading into Dunn) from B-2 to an R-6 conditional district for a townhome development containing 7 attached single-family dwellings. Said parcel size is approximately 1.19 acres. According to the site plan, only .75 acres are planned to be developed due to an existing floodway on the property. If the conditional zoning is approved, the applicant will need to submit floodplain development permits and an elevation certificate before the zoning permit is issued, as long as the parcel remains in the 100-year flood zone, as well as receive a NCDOT driveway permit.

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**Applicant Information**

**Owner of Record:**

Name: Annetta A. Barfield

Address: 1304 Guy Avenue

City/State/Zip: Dunn, NC 28334

**Applicant:**

Name: Mauldin-Watkins Surveying / Keith

Brown

Address: PO Box 444

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

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**Property Description**

Harnett County Tax Pin: 1506-59-7949.000

Zoning Classification: B-2

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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:

The parcel that is being proposed is 1.19 acres located off of Erwin Rd. within the corporate limits of the Town. According to Harnett County GIS and Harnett Regional Water there are both sewer and water lines accessible to the property. However, they do not know at the current time if any improvements will need to take place to meet capacity. The water line is a 6 inch main that converts into a 2 inch main as it approaches Dunn's corporate limits. In terms of environmental, there are no wetlands or protected watersheds on the property. The parcel is located within the 100 and 500 year flood zones as well as the floodway. This being said, according to Erwin's floodplain development ordinances, Chapter 16, Article 4 Section 16-119 states no portion of the floodway may be altered or developed in any way unless demonstrated development would not increase flood levels or a map revision is approved by FEMA. However, none of the proposed development is to occur in said floodway. The areas where the structures will be built are located within the areas located within the 100 and 500 year floodplains; and as long as the current maps are in effect, the applicant will have to have approved elevation and floodplain development permits completed by a certified land surveyor or engineer before final permit issuance. In terms of stormwater and soil/erosion permits from the North Carolina Department of Environmental Quality, this will not be required due to the developed areas being less than 1 acre, even though the parcel is over 1 acre. According to the 2023 Erwin Land Use Plan, this parcel is designated as medium density residential allowing for different styles of housing including townhomes on well selected sites. Based on the applicant's submitted site plan, each end parcel of the development meets R-6 side setbacks of 8ft while also meeting parcel size requirements and frontage standards. The homes within the middle of the townhome complex each have a frontage and width of 17ft, while having a lot size of 2,550 sqft.

### Surrounding Land Uses:

The surrounding land uses are B-2 to the north-west and west, comprised of primarily automotive services along with some existing non-conforming uses of residences. To the west, there are also R-6 zoning classifications comprised of conforming single-family residences. To the south of the parcel is zoned as conservation, which has an existing cell-tower on the parcel. To the east of the parcel, the property is zoned as conservation, leading to Dunn's city limits. To the North the properties are zoned as R-6 and contain single family residences.

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### Services Available

- Both Harnett County water and sewer are available to the property.
  - 6-inch water line that converts into a 2-inch line.
  - Gravity-fed sewer line.
    - Harnett Regional Water has confirmed that they will be able to connect the proposed homes to said lines, permitting that they have capacity when the homes are built.
- Duke Energy for electric and gas.
- Bright Speed for telephone/internet services.
- Education



- Erwin Elementary School
- Coats-Erwin Middle School
- Triton High School

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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 from B-2 to R-6 with conditions for townhomes is reasonable and the benefits outweigh any potential inconvenience or harm to the community.

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

- **Reasoning:** The Erwin 2023 Land Use Plan states that the areas under the medium density areas, a variety of residential types including townhomes, are desirable in the correct locations.

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

- **Reasoning:** The proposal does enhance the surrounding area, and by being residential, we are removing possible hazards from being placed near the current floodway that are associated with commercial development.

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

- **Reasoning:** Only one parcel containing 1.19 acres is petitioning to be rezoned from B-2 to R-6 with conditions for townhomes.

<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.</p>	<p>Due to the rezoning being a conditional district, the only use allowed would be for what is specified by the applicant, which is townhomes.</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.)</p>	<p>The only use for the district would be for townhomes, therefore limiting the style of development to be only what the developer has submitted at the current time. If the applicant wished to change the use or density of the development, he would have to reapply or amend his current application.</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.</p>	<p>There is no evidence that townhomes in this area of town would negatively impact the surrounding area.</p>
<p>The proposed change is in accord with the Land Development Plan and sound planning principles.</p>	<p>The proposed change has been able to meet the Town of Erwin standards and will follow Erwin's floodplain development process.</p>

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**Statement of Consistency**

The requested rezoning from being B-2 to an R-6 conditional district with special uses for townhomes is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan, a variety of housing types are appropriate in areas designated for medium density. It is recommended that this conditional zoning district be **approved**.

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**Statement of Inconsistency (Only read if denied)**

The requested rezoning from B-2 to an R-6 conditional district with special uses for townhomes is **NOT** compatible with all of the Town of Erwin’s regulatory documents. This area of land is found not to be appropriate for townhomes. It is recommended that this conditional zoning district be **DENIED**.

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**Special Use Evaluation**

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

- **Reasoning:** Townhomes are a listed special use within the R-6 zoning district.

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

- **Reasoning:** By allowing for townhomes, the Town of Erwin is diversifying its housing inventory, which increases Erwin’s housing resiliency.

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:** The request will not impair the integrity or character of the surrounding or adjoining districts, nor is there any evidence that the development will be detrimental to the health, morals, or welfare to the community.

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

- **Reasoning:** The proposed special use for townhomes site plan is in accordance with the Town of Erwin's set standards and procedures.

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

- **Reasoning:** According to Harnett Regional Water the proposed townhomes will be able to connect to Harnett County’s water and sewer lines.

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:** NCDOT has given clearance for a driveway connection for the homes to be placed on Erwin Rd.

Yes No 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.

- **Reasoning:** The special use shall meet the standards set forth in Erwin’s Code of Ordinances as well as similar approved townhome developments in other areas of town.
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### **Statement of Consistency**

According to Erwin’s 2023 Land Use plan and the Code of Ordinances, the proposed townhome development located at Harnett County Tax Pin 1506-59-7949 is desirable and has been able to meet all of the requirements for the special use to be granted.

### **Statement of Inconsistency**

According to Erwin’s 2023 Land Use plan and the Code of Ordinances, the proposed townhome development located at Harnett County Tax Pin 1506-59-7949 is **NOT** desirable and is **NOT** able to meet all of the requirements for the special use to be granted.

**Statement of Consistency**  
**ZT-2025-001 Rezoning**

The requested rezoning from B-2 to an R-6 conditional district with special uses for townhomes is compatible with all of the Town of Erwin’s regulatory documents. According to Erwin’s 2023 Land Use Plan, a variety of housing types are appropriate in areas designated for medium density.

It is recommended that this conditional zoning district be **approved**.

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Nicholas Skatell  
Chairperson

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Katelan Blount  
Deputy Town Clerk

**Statement of Inconsistency**  
**ZT-2025-001 Rezoning**

The requested rezoning from B-2 to an R-6 conditional district with special uses for townhomes is **NOT** compatible with all of the Town of Erwin’s regulatory documents. This area of land is found not to be appropriate for townhomes.

It is recommended that this conditional zoning district be **DENIED**.

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Nicholas Skatell  
Chairperson

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Katelan Blount  
Deputy Town Clerk

**Statement of Consistency**  
**ZT-2025-001 Special Use**

According to Erwin’s 2023 Land Use plan and the Code of Ordinances, the proposed townhome development located at Harnett County Tax Pin 1506-59-7949 is desirable and has been able to meet all of the requirements for the special use to be granted.

It is recommended that the Special Use be **approved**.

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Nicholas Skatell  
Chairperson

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Katelan Blount  
Deputy Town Clerk

**Statement of Inconsistency**  
**ZT-2025-001 Special Use**

According to Erwin’s 2023 Land Use plan and the Code of Ordinances, the proposed townhome development located at Harnett County Tax Pin 1506-59-7949 is **NOT** desirable and is **NOT** able to meet all of the requirements for the special use to be granted.

It is recommended that the Special Use be **denied**.

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Nicholas Skatell  
Chairperson

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Katelan Blount  
Deputy Town Clerk



## Erwin Planning Board

### REQUEST FOR CONSIDERATION

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To: Erwin's Planning Board Members

From: Dylan Eure, Town Planner

Date: March 17, 2025

Subject: Erwin Golf Cart Ordinance Memo

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Town Staff has prepared an update to our Golf Cart ordinance. Most of these updates are included to bring our current ordinance into compliance with other North Carolina General Statutes. We understand that some of these improvements, such as seat belts, might take some time to implement, but seat belts are required by North Carolina law. The penalties for violating this ordinance are also included in the proposed updated ordinance. Town Staff has received a lot of complaints involving golf carts, and the proposed penalties should help us enforce the rules and regulations for golf carts.

## **ARTICLE XIV. GOLF CARTS**

### **Sec. 32-384. Purpose; definitions.**

- (a) *Purpose.* The purpose of this article shall be to establish a golf cart ordinance within the town to promote the health, safety and welfare of persons operating carts within the town.
- (b) *Definitions.* For the purpose of this section, the following words and phrases shall have the following meanings:

*Driver's license* means a valid license issued to operate a motor vehicle issued by this state or any other state.

*Financial responsibility* means liability insurance coverage on a golf cart in an amount not less than required by state law for motor vehicles operated on public highway in the state.

*Golf cart* means a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 mile per hour.

*Operator* means only persons over 16 years of age and holding a driver's license may operate a golf cart.

(Ord. of 8-8-2008, §§ A, B)

### **Sec. 32-385. Rules and regulations.**

- (a) Carts may be driven on roads only from dawn to dusk, unless the cart is equipped with two operating headlights (one on each side of the front of the golf cart) and two operating tail lights with brake lights (one on each side of the rear of the cart) which are visible from a distance of 500 feet.
- (b) Carts must be equipped with rear vision mirror and a rear triangle reflector of the same type required by state law.
- (c) Cart drivers must have a valid driver's license in their name.
- (d) Cart drivers will stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking vehicles.
- (e) The number of occupants in a golf cart shall be limited to the number of persons for whom individual seating is installed and provided on the golf cart. The operator and all occupants shall be seated in the golf cart and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart while the golf cart is in motion.
- (f) All applicable state laws shall be adhered to, including the possession and use of alcoholic beverages.
- (g) The operator of the golf cart shall comply with all traffic rules and regulations adopted by the state and the town which governs the operation of motor vehicles.
- (h) Carts will adhere to all traffic flow patterns and will operate on the right side of the roadway.
- (i) Carts shall not be operated on sidewalks.
- (j) Carts shall not be operated on private property, without the permission and consent of the property owner.
- (k) No cart may be operated on the following streets: Denim, Old Post, 13th Street US 421. These roads may be crossed at a proper intersection.

(l) Chicora Club Road and all roads in Chicora Country Club are exempt from this article.

(Ord. of 8-8-2008, § 1)

**Sec. 32-386. Inspection and fees.**

The inspection by the chief of police, or designee, will cover the following safety requirements and every cart operating on town streets must have the following safety equipment:

- (1) Permits/stickers issued to operators/owners of golf carts by the town police department.
- (2) Each owner must have proof of ownership, and liability insurance, and a completed waiver of liability, releasing the town, its employees, and affiliates from all liability that may arise as a result of operating a cart inside the town. A current waiver of liability must be on file with the town police department, and must be renewed annually.
- (3) All carts must meet the requirements or minimum standards of safety equipment as set forth in section 32-385.
- (4) All cart operators must present a valid driver's license.
- (5) Permits/stickers will be issued annually, and are valid from July 1 of each year. The following fees shall apply:

Inspection by police department (includes permit/sticker)	\$10.00 annually
Re-inspection by police department (if a cart fails the initial inspection)	\$5.00

- (6) Lost or stolen permit/stickers are the responsibility of the owner. A police report must be filed in the event of a lost or stolen permit/sticker. The chief of police will have the discretion in determining whether a permit/sticker may be re-issued in this instance. If no record can be found of a previous application, or the receipt of a permit/sticker, the chief of police may direct the applicant to reapply, and also resubmit any and all fees necessary, before a replacement permit/sticker is issued.
- (7) Any person who operates a cart in the town and fails to receive and properly display a town permit/sticker will be subject to all applicable state laws, in addition to being in violation of this article.
- (8) Cart owners must complete the attached registration form, waiver of liability form and provide a copy of the proof of liability insurance prior to the cart being inspected. The completed forms and proof of insurance will be maintained by the town police department.

(Ord. of 8-8-2008, § 2)

Town of Erwin Golf Cart Ordinance

Article XIV Golf Carts

Sec. 32-384. - Purpose, definitions

(A) DEFINITIONS

(1) GOLF CART. A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes that is not capable of exceeding speeds of 20 mph. N.C.G.S 20-4.01(12a)

(2) OPERATE. To drive or to be in physical control of a golf cart that is moving or has its key inserted and in the on position.

Section- 32-385 Rules and Regulations

(B) REGULATION OF GOLF CARTS ON STREETS, ROADS, AND HIGHWAYS.

(a) Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a city may, by ordinance, regulate the operation of golf carts, as defined in G.S. 20-4.01(12a), on any public street, road, or highway where the speed limit is 35 miles per hour or less within its municipal limits or on any property owned or leased by the city.

(b) By ordinance, a city may require the registration of golf carts, charge a fee for the registration, specify who is authorized to operate golf carts and specify the required equipment, load limits, and the hours and methods of operation of golf carts.

~~Section 32-386 Inspection and fees~~— Registration and Permit Requirements

(1) Registration and Permit required. To operate a golf cart in the corporate limits of the Town of Erwin under this section, the golf cart must be registered annually with the Erwin Police Department using an application furnished by the Police Department. A twenty-five dollar (\$25.00) per year registration fee must be paid to the Town before a registration sticker is issued. The registration sticker must be displayed on the body of the golf cart where it is visible. Low-speed vehicles subject to state regulation and licenses will be exempt from permits and inspection, but the Town of Erwin requests low-speed vehicle owners to register with the Town and obtain a sticker free of charge so the Town can maintain an accurate count of low-speed vehicles in Erwin.

(2) Basic requirements. In order to register a golf cart and secure an annual permit, the owner and golf cart must meet the following basic requirements:

(a). All golf cart operators must be over 16 years of age and possess a valid driver's license, except any driver or operator 18 years of age or older with a medical or physical condition that prevents that individual from being able to obtain a valid North Carolina driver's license. Any driver or operator with such a medical or physical condition must have certification from an appropriate medical professional that they can safely operate a golf cart. Any driver or operator that is exempt from the requirement of a valid North

Carolina license must still present and have a valid North Carolina Identification card on record and while operating a golf cart.

(b). The owner must possess and maintain liability insurance in an amount not less than required by North Carolina law for traditional motor vehicles operated on a public street or highway.

(c). The golf cart must have an identifiable vehicle identification number.

(3) Required safety features. In order to register a golf cart and secure an annual permit, a golf cart must have the following safety features installed:

a. Two operating front headlights or an equivalent light bar, visible from a distance of at least 250 feet; if operating at night.

b. Two operating tail lights, with brake lights and turn signals, visible from a distance of at least 250 feet. If operating at night.

c. A rear vision mirror;

d. A horn

e. Stop lamps

f. At least one triangle reflector;

g. A parking brake;

h. A seat belt assembly is installed at each designated seating position.

i. A windshield; and

j. Must be limited to a maximum of 3 rows of seats.

k. Any modification to the golf cart must comply with all safety requirements of this section and must be inspected by the appropriate Town staff prior to operation.

(4) Unobstructed views. No golf cart shall be registered, approved for use, or operated on the city's streets if the operator's view is materially obstructed, obscured, or impaired by any sign, poster, sticker, or other non-transparent material placed upon any front windshield, or side or rear window.

(5) Inspection. Prior to the issuance of a permit, designated town staff shall inspect the golf cart for compliance with the requirements of this section. No golf cart shall be registered and permitted unless it is in compliance with all requirements.

(6) Acknowledgment. Prior to the issuance of a permit, the owner shall sign an acknowledgment that he or she has read and understands the provisions of this section.

(7) Disqualified vehicles. All-terrain vehicles, 4-wheel utility vehicles, go-karts, and other similar utility vehicles that are not manufactured for operation on a golf course, and/or a golf cart which has been modified so that it no longer meets the definition of a golf cart may not be registered as a golf cart under this section or shall such vehicles be operated on the public roads, streets, and highways within

the town unless such vehicles are registered and permitted under the motor vehicle laws of North Carolina.

(8) Exceptions:

- a. The operation of golf carts on private property, with the consent of the owner
- b. The operation of golf carts within private, gated, or limited access communities, unless the streets of the community are dedicated for public use and maintained by the town;
- c. The use of a golf cart in connection with a parade, a festival, or other special event provided the consent of the sponsor is obtained, the police department is notified, and provided the golf cart is only used during such event; and
- d. The use of town vehicles by town personnel, or other governmental agencies and/or public service agencies on official business.

Section 36-387 Operation on Public Streets and Roads:

(D) It is unlawful to operate a golf cart on any public street or road within the City except in accordance with the following regulations:

(1) The golf cart may only be operated on town streets and roads that have a posted speed limit of 35 miles per hour or less.

(2) Golf Carts may not be operated on the following NC DOT maintained roadways: Denim Dr. US 421 Hwy (East and West Jackson Blvd.), NC 217 Hwy (North and South 13<sup>th</sup> St.), Old Post Road, Chicora Road and Iris Bryant Rd.

(3) Golf carts may cross a road with a posted speed limit greater than 35 mph. However, once this segment of road has been transversed, the golf cart is still required to travel only on or along a roadway with a speed limit of 35 mph or less. Golf carts must cross in a manner that is the most direct route in order to decrease crossing distance, i.e. no riding along a road or crossing at an angle. Under no circumstance is a golf cart allowed to cross a control access facility other than at bridges which cross over or under a control access facility.

(4) A golf cart must display a valid city-issued golf cart annual registration sticker.

(5) All golf cart operators must be over 16 years of age and possess a valid driver's license, except any driver or operator 18 years of age or older with a medical or physical condition that prevents that individual from being able to obtain a valid North Carolina driver's license. Any driver or operator with such a medical or physical condition must have certification from an appropriate medical professional that they can safely operate a golf cart. Any driver or operator that is exempt from the requirement of a valid North Carolina license must still present and have a valid North Carolina Identification card on record and while operating a golf cart.

(6) No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions, and in no instance at a speed greater than 20 miles per hour.

(7) No golf cart may be operated in a careless or reckless manner

(8) The driver and passengers must be properly seated while the golf cart is in motion, the seating capacity with seat belts shall not be exceeded. Both the golf cart operator and all passengers will wear seat belts in accordance with state law. Child safety seats will be used as necessary in accordance with state law as well

(9) Golf carts must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic

(10) Golf carts may not be operated or parked on any sidewalk, except for golf carts operated by governmental or public service agencies for official purposes.

(11) Golf carts must be operated in accordance with all applicable state and local laws and ordinances, including all laws, regulations, and ordinances pertaining to the possession and use of alcoholic beverages and other impairing substances.

(12) Golf carts may only be parked in the same manner and at the same places designated for the parking of motor vehicles or in parking spaces specifically dedicated for golf cart parking.

(13) Golf carts may only park in handicapped parking spaces if the driver has a valid handicapped placard or sticker and the same is clearly posted or displayed in the golf cart.

(14) Golf carts may not be used for the purpose of towing another cart, trailer or vehicle of any kind, including a person on roller skates, skateboard, or bicycle.

(15) The possession of open containers of alcohol and/or consumption of alcohol by the driver and/or passengers of a golf cart is prohibited.

(16) Golf carts may not be used as a taxicab or bus or for the commercial carrying of passengers or the hauling of freight.

(17) All golf carts are required to maintain liability insurance at the same level as required for automobiles.

(18) Golf carts shall not be operated on or across any public or private properties without the permission of the property owner.

(19) During an emergency situation or at a special event, any police officer supervising or controlling traffic may direct that golf carts be operated only on or upon certain streets or locations as directed by the officer.

#### Section 36-387 (E) PENALTIES (NEW SECTION)

(1) In addition to constituting a misdemeanor or infraction as provided by G.S. 14-4, violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of \$

25.00 for the first offense, \$50.00 and a 30 day permit suspension for the second offense and \$100 and a one year permit revocation from the date of the offense for the third offense.

(2) Operating a golf cart under the influence of an impairing substance (i.e., alcohol or drugs) on a public street or road is a violation of state law, and is punishable as provided therein. The charging officer does not have the discretion to issue a civil citation for violation of this subsection.

(3) The town may refuse to register and issue a permit for the operation of a golf cart or may revoke a previously issued permit if the registered golf cart and/or the owner of the golf cart is involved in three or more violations of this section within a three-year time period. Said revocation and/or denial of a permit shall be effective for one year.

(4) the Chief of Police or designee may immediately revoke a permit for the following:

- (a) Failure to maintain required insurance;
- (b) Failure to maintain required safety equipment in good working order;
- (c) Violations of State Laws; and or
- (d) Failure to pay fines for violation of this chapter.

#### Section 36-388 (F) LIABILITY DISCLAIMER (NEW SECTION)

(1) This section is adopted to address the interest of public safety. Golf carts are not designed or manufactured to be used on the public streets and the town in no way advocates or endorses their operation on public streets or roads. The town, by regulating this operation, is addressing obvious safety issues, and the adoption of this section is not to be relied upon as a determination that operation on public streets is safe or advisable if done in accordance with this section. All persons who operate or ride upon golf carts on public streets or roads do so at their own risk and peril and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The Town has no liability under any theory of liability and the Town assumes no liability, for permitting golf carts to be operated on the public streets and roads under the special legislation granted by the state legislature.



**Statement of Consistency**  
**Golf Cart Ordinance Amendment**

The requested amendment to the code of ordinance regarding golf cart use within the Town of Erwin, is compatible with all of the Town of Erwin’s regulatory documents, and with the North Carolina State motor vehicle laws.

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

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Nicholas Skatell  
Chairperson

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Katelan Blount  
Deputy Town Clerk

**Statement of Inconsistency**  
**Golf Cart Ordinance Amendment**

The requested amendment to the code of ordinance regarding golf cart use within the Town of Erwin, is incompatible with all of the Town of Erwin’s regulatory documents, and/or with the North Carolina State motor vehicle laws.

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

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Nicholas Skatell  
Chairperson

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Katelan Blount  
Deputy Town Clerk

# Erwin Planning Board

## REQUEST FOR CONSIDERATION

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To: Erwin's Planning Board Members

From: Dylan Eure, Town Planner

Date: June 16, 2024

Subject: Sidewalk Exaction Amendment

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The Town of Erwin Staff wishes to amend Chapter 30 Article 3 Section 30-77 for the purpose of removing the requirement for developers of major subdivisions to install ADA-compliant sidewalks within major subdivisions due to the requirements from the state that now require approved maintenance agreements for sidewalks in right-of-ways belonging to NCDOT.

### **Current 30-77**

#### **Sec. 30-77. - Sketch plan for major subdivisions.**

(a) *Number of copies and contents.* Prior to the preliminary plat submission, the subdivider shall submit to the subdivision administrator, two copies of a sketch plan of the proposed subdivision containing the following information:

- (1) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways;
- (2) The boundaries of the tract and the portion of the tract to be subdivided;
- (3) The total acreage to be subdivided;
- (4) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- (5) The proposed street layout with approximate pavement and right-of-way width, lot layout and size of lots;
- (6) The name, address and telephone number of the owner;
- (7) The name, if any, of the proposed subdivision;
- (8) Streets and lots of adjacent developed or plated properties;
- (9) The zoning classification of the tract and of adjacent properties;
- (10) A statement from the county health department that a copy of the sketch plan has been submitted to them, if a septic tank system or other on-site water or wastewater systems are to be used in the subdivision.

(11) ADA-compliant sidewalk along at least one side of the entirety of each street created by the subdivision or existing road.

**Proposed 30-77**

**Sec. 30-77. - Sketch plan for major subdivisions.**

(a) *Number of copies and contents.* Prior to the preliminary plat submission, the subdivider shall submit to the subdivision administrator, two copies of a sketch plan of the proposed subdivision containing the following information:

- (1) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways;
- (2) The boundaries of the tract and the portion of the tract to be subdivided;
- (3) The total acreage to be subdivided;
- (4) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- (5) The proposed street layout with approximate pavement and right-of-way width, lot layout and size of lots;
- (6) The name, address and telephone number of the owner;
- (7) The name, if any, of the proposed subdivision;
- (8) Streets and lots of adjacent developed or plated properties;
- (9) The zoning classification of the tract and of adjacent properties;
- (10) A statement from the county health department that a copy of the sketch plan has been submitted to them, if a septic tank system or other on-site water or wastewater systems are to be used in the subdivision.
- ~~(11) ADA-compliant sidewalk along at least one side of the entirety of each street created by the subdivision or existing road.~~

**Statement of Consistency**  
**Sidewalk Exaction 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, the proposed text amendment would best address the issues of the lack of pedestrian walkways within new major subdivisions. It is recommended that this text amendment be **Approved**.

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Nicholas Skatell  
Chairperson

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Katelan Blount  
Deputy Town Clerk

**Statement of Inconsistency**  
**Sidewalk Exaction Amendment**

The proposed text amendment is incompatible 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 proposed text amendment would NOT best address the issues of the lack of pedestrian walkways within new major subdivisions. It is recommended that this text amendment be **disapproved**.

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Nicholas Skatell  
Chairperson

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Katelan Blount  
Deputy Town Clerk

# Erwin Planning Board

## REQUEST FOR CONSIDERATION

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To: Erwin's Planning Board Members  
From: Dylan Eure, Town Planner  
Date: January 21, 2025  
Subject: Text Amendment to Variances Procedures / Owner & Rental Occupied Structures

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The Town of Erwin Staff wishes to amend Chapter 36 within Article XVI Section 36-457, 36-460, 36-461 along with Chapter 30 within Article 2 Section 30-40 and the Erwin Special Use Application to allow the Erwin Board of Adjustment to grant variances for non-conforming structures, subdivisions, and approved special use permits when requested. Along with correcting language that is no longer considered legal in terms of discrimination between owner-occupied and renter-occupied structures.

### **Current 36-457:**

#### **Sec. 36-457. - Extension of nonconforming uses and their buildings.**

- (a) Nonconforming uses and nonconforming portions of buildings shall not hereafter be enlarged or extended in any way; provided, however that a building which is nonconforming solely because of its encroachment is a required yard area that may be extended in any lawful manner that does not further encroach in that yard.
- (b) The board of commissioners shall determine the following exceptions for owner occupied residents (not renter occupied): Owner-occupied residents may extend a nonconforming building up to a maximum of 500 square feet to be granted on a one time basis for the nonconforming building. If the nonconforming building changes ownership or remains in the same ownership, further nonconforming extensions will not be allowed. In addition, extensions of the nonconforming building will not be granted by the town board of commissioners if the existing setbacks cannot be met or if there is any health or safety concern.

### **Proposed 36-457:**

#### **Sec. 36-457. - Extension of nonconforming uses and their buildings.**

- (a) Nonconforming uses and nonconforming portions of buildings shall not hereafter be enlarged or extended in any way; provided, however that a building which is nonconforming solely because of its encroachment in a required yard area that may be extended in any lawful manner that does not further encroach in that yard, **or due to an existing structure on a lot that is too small for the current zoning classification, permitting that is able to meet current zoning setbacks.**
- ~~(b) The board of commissioners shall determine the following exceptions for owner occupied residents (not renter occupied): Owner-occupied residents may extend a nonconforming building up to a maximum of 500 square feet to be granted on a one time basis for the nonconforming building. If the nonconforming building changes ownership or remains in the same ownership, further nonconforming extensions will not be allowed. In addition, extensions of the nonconforming building will not be~~

~~granted by the town board of commissioners if the existing setbacks cannot be met or if there is any health or safety concern.~~ **board of adjustment shall determine if non-conforming properties shall be allowed to expand through an approved variance if said non-conformity is due to more serve non-conformities. However, this does not exempt the property from meeting all other applicable regulations upon expansion.**

**Current 36-460:**

**Sec. 36-460. - Destruction of nonconforming uses.**

If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by any means to an extent of more than 60 percent of its assessed valuation at the time of destruction, such structure may not be restored as a nonconforming structure or for a nonconforming use. If destroyed by less than 60 percent but not restored within 12 months of the time such damage occurred, it may not be restored as a nonconforming structure or for a nonconforming use. Owner-occupied residences, which are nonconforming uses may be rebuilt regardless of the extent of the destruction. However, existing setbacks shall be enforced.

**Proposed 36-460:**

**Sec. 36-460. - Destruction of nonconforming uses.**

If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by any means to an extent of more than 60 percent of its assessed valuation at the time of destruction, such structure may not be restored as a nonconforming structure or for a nonconforming use. If destroyed by less than 60 percent but not restored within 12 months of the time such damage occurred, it may not be restored as a nonconforming structure or for nonconforming use. **Said requirement does not apply to single-family dwellings that are not considered manufactured and accessory structures. Structures meeting these requirements may be reconstructed as long as such reconstruction does not increase the nonconformity of the original structure and is compliant with any potential flood plain regulations.** ~~Owner-occupied residences, which are nonconforming uses may be rebuilt regardless of the extent of the destruction. However, existing setbacks shall be enforced.~~

**Current 36-461:**

**Sec. 36-461. - Repair and alteration of nonconforming uses.**

Normal maintenance and repair in a building occupied by a nonconforming use is permitted provided it does not increase the bulk of the structure nor extend the nonconforming use. Exception: Existing nonconforming manufactured homes.

(1)*Purpose.* There are a number of existing manufactured homes that are nonconforming because of type rather than use in the corporate limits of the town and its exterritorial jurisdiction. The town board of commissioners deems it proper to allow the replacement of manufactured homes (residence use) that meet the following criteria:



a. *Application for replacement.* The applicant shall deliver a completed application, furnished by the town, to the administrative official. The application will then be forwarded to the town board of commissioners for consideration. The application will contain, at minimum, the following statements and information:

1. Owner name, contact number, mailing address, and property address.
2. Name and address of property owners within 300 feet of the manufactured home lot being considered.
3. A statement that the applicant currently resides in the existing unit and was owner of the unit and lot prior to September 7, 2000.
4. A statement that applicant will occupy the proposed new unit for at least one year.
5. A site plan drawn to scale (one inch = 30 feet maximum) showing lot shape, size, and all dimensions. All structures and improvements, including primary and accessory buildings, shall be drawn to scale, positioned on-site plan showing the distances from each other and from the front, rear and side yard property lines.
6. A statement that the replacement unit will meet the following criteria:
  - (i) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
  - (ii) The front entrance to the manufactured home has stairs and a porch, the porch being at least four feet by six feet in size. Stairs, porches, entrance and exit to and from the home shall be installed or constructed in accordance with the state building code.
  - (iii) The manufactured home is set up in accordance with the standards set by state department of insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced, except for required ventilation and access, is installed under the perimeter of the manufactured home.
  - (iv) The moving hitch, wheels, axles, and transporting lights have been removed.
  - (v) Manufactured home shall comply with the FHA (Federal Housing Administration) requirements relative to tie downs.

b. *Fee.* The board of commissioners shall set a fee, payable to the town to cover the necessary administrative costs. This set fee shall be posted in the town clerk's office.

(2) *Action by board of commissioners.* The board shall review all applications and determine if newer units may replace existing manufactured homes on individual lots. The board will not grant replacement if zoning district setbacks and lot coverage cannot be met or if the board determines that imposing other conditions cannot adequately protect the public health, safety and general welfare.

(3) *Intent.* It is the intent of this criteria to ensure that these manufactured homes, when installed, shall have substantially the appearance of an on-site conventionally built single-family dwelling, to include landscaping in harmony with surrounding dwellings.

(4)*Expiration.* Any replacement of noncompliant or nonconforming manufactured homes allowed by ordinance, must be applied for and completed within six months of the demise or removal of such unit.

### **Proposed 36-461:**

#### **Sec. 36-461. - Repair and alteration of nonconforming uses.**

Normal maintenance and repair in a building occupied by a nonconforming use is permitted provided it does not increase the bulk of the structure nor extend the nonconforming use. ~~Exception: Existing nonconforming manufactured homes.~~

*Purpose.* There are a number of existing manufactured homes that are nonconforming because of type rather than use in the corporate limits of the town and its exterritorial jurisdiction. The town board of commissioners deems it proper to allow the replacement of manufactured homes (residence use) that meet the following criteria:

##### **1. Replacement Home:**

- a. A nonconforming manufactured home on an individual lot may only be replaced with a unit that is no less conforming than what is currently on the lot.
- b. Double-wide or manufactured class A units may only be replaced with equivalently sized units or larger. (No single-wide or manufactured class B or C)
- c. If a nonconforming manufactured home is destroyed to any degree then Sec. 36-460 of this article shall apply.
- d. If the nonconforming mobile home goes unoccupied or is removed from the lot for more than 180 days then such use shall be replaced with a conforming use as per Sec. 36-459 of this article
- e. Replacement units shall meet all applicable standards of Flood Damage Protection.
- f. A statement that the replacement unit will meet the following criteria:
  - i. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
  - ii. The front entrance to the manufactured home has stairs and a porch, the porch being at least four feet by six feet in size. Stairs, porches, entrance and exit to and from the home shall be installed or constructed in accordance with the state building code.
  - iii. The manufactured home is set up in accordance with the standards set by state department of insurance and a continuous, permanent masonry foundation or

- masonry curtain wall, unpierced, except for required ventilation and access, is installed under the perimeter of the manufactured home.
- iv. The moving hitch, wheels, axles, and transporting lights have been removed.
  - v. Manufactured home shall comply with the FHA (Federal Housing Administration) requirements relative to tie downs.

- 2. **Expansions Prohibited:** A nonconforming manufactured home on an individual lot may not be enlarged or altered externally in any way except where such alternation is required by law or an order from a building inspector, fire chief, or the administrator to ensure the safety of the structure, or where such alternation increases the degree of conformance of the home.
- 3. **Routine Maintenance Permitted:** Routine maintenance of such manufactured housing is permitted so long as no expansion of the nonconformity occurs as a result of maintenance.
- 4. **Nonconforming Manufactured Home Parks:**
  - a. Continuation Permitted: Manufactured home parks which are nonconforming, either as to use or development standards, may continue to operate.
  - b. Replacement of Units: Replacement of manufactured housing units is permitted as follows.
    - i. Only existing spaces as of the effective date of this ordinance may be used. No additional spaces may be created or occupied unless the site is zoned under an approved Mobile Home Park district that is conforming as determined by the zoning administrator.
    - ii. Replacement units may not increase the degree of nonconformity of setbacks from streets, property lines, structures, or watercourses.
    - iii. Replacement shall meet all applicable floodplain development standards.

### **Current 30-40:**

#### **Sec. 30-40. - Variances.**

The town board may only authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the town board shall make the findings required below, taking into account the nature of the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the town board finds all four of the following conditions to clearly exist:

- (1) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of their land.
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- (3) That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristics of other parcels in the jurisdiction of this article.

(4) That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated.

**Proposed 30-40:**

**Sec. 30-40. – Subdivision Variances.**

The ~~town board~~ **board of adjustment** may only authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the town board shall make the findings required below, taking into account the nature of the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the ~~town board~~ **board of adjustment** finds all ~~four~~ of the following conditions to clearly exist:

~~(1) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of their land.~~

~~(2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.~~

~~(3) That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristics of other parcels in the jurisdiction of this article.~~

~~(4) That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated.~~

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district

(2) Granting the variance the requested will not confer upon the applicant any special privileges denied to other residents of the district in which the property is located

(3) A literal interpretation of the provisions of this ordinance will deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

(4) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or the general welfare

(5) The special circumstances are not the result of the actions of the applicant.

(6) The variance requested is the minimum variance that will make possible the legal use of the land, building, or structures.

**Current Language in Erwin’s Special Use Applications:**

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 regulations may, in each instance, be modified by the Board of Commissioners pursuant to the recommendation of the Planning Board.

**Proposed Language to be changed to Erwin’s Special Use Applications:**

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 regulations may, in each instance, be modified by the **Board of Adjustment through an approved variance.** ~~Board of Commissioners pursuant to the recommendation of the Planning Board.~~

**Current 36-642- Application for conditional use**

**Sec. 36-642. - Application for conditional use.**

(a)*Application for conditional use permits.* Application for the conditional use permit, signed by the applicant, shall be addressed to the board of commissioners and presented to the administrative official. 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. The application shall be forwarded to the board of commissioners and the administrative official shall notify the chairperson of the planning board of the application. The site specific development plan shall include the following:

- (1)The metes and bounds and acreage of the site and its relation to surrounding properties.
- (2)The layout of the entire project including the proposed use and location of all buildings.
- (3)The location and dimension of present and proposed streets and private drives, and pedestrian facilities.
- (4)The location of points of entry and exit for motor vehicles and the internal vehicular circulation pattern.
- (5)The location and layout of all off-street parking and loading spaces, including the number of spaces shown and required for each use.
- (6)The location of existing and proposed plantings and screenings, including the type and size of each plant to be installed.
- (7)The location and size of existing and proposed utility lines, water courses and drainage lines and easements.
- (8)Title, north arrow, scale, names of owner, developer, surveyor, and the date of preparation of the plan. Scale no smaller than one inch equals 100 feet on standard sheet sizes of 8.5 inches × 11 inches, 8.5 inches × 14 inches, 11 inches × 17 inches or 18 inches × 24 inches. The applicant shall furnish an electronic or PDF copy of all site plan sheets larger than 8.5 inches × 14 inches.

(9) Proposed phasing, if any, and approximate completion time of the project.

(10) Any and all conditions and requirements of this article.

### **Proposed 36-642- Application for conditional use**

#### **Sec. 36-642. - Application for ~~conditional~~ special use.**

(a) *Application for ~~conditional~~ special use permits.* Application for the ~~conditional~~ special use permit, signed by the applicant, shall be addressed to the board of commissioners and presented to the administrative official. 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. The application shall be forwarded to the board of commissioners and the administrative official shall notify the chairperson of the planning board of the application. The site specific development plan shall include the following:

(1) The metes and bounds and acreage of the site and its relation to surrounding properties.

(2) The layout of the entire project including the proposed use and location of all buildings.

(3) The location and dimension of present and proposed streets and private drives, and pedestrian facilities.

(4) The location of points of entry and exit for motor vehicles and the internal vehicular circulation pattern.

(5) The location and layout of all off-street parking and loading spaces, including the number of spaces shown and required for each use.

(6) The location of existing and proposed plantings and screenings, including the type and size of each plant to be installed.

(7) The location and size of existing and proposed utility lines, water courses and drainage lines and easements.

(8) Title, north arrow, scale, names of owner, developer, surveyor, and the date of preparation of the plan. Scale no smaller than one inch equals 100 feet on standard sheet sizes of 8.5 inches × 11 inches, 8.5 inches × 14 inches, 11 inches × 17 inches or 18 inches × 24 inches. The applicant shall furnish an electronic or PDF copy of all site plan sheets larger than 8.5 inches × 14 inches.

(9) Proposed phasing, if any, and approximate completion time of the project.

(10) Any and all conditions and requirements of this article.

**Current Section 36-647 Subsection A**

*(A) Compliance with other codes.* Granting of a special use permit does not exempt applicants from complying with all of the requirements of building codes and other ordinances.

**Proposed Section 36-647 Subsection A**

*(A) Compliance with other codes.* Granting of a special use permit does not exempt applicants from complying with all of the requirements of building codes and other ordinances. **If once a special use permit is authorized and the applicant wishes to file for a variance they shall be able to do so, permitting that the variance does not change the original use of the special use permit nor increase the approved density of the site.**

**Statement of Consistency**  
**Text Amendment to Variance Procedures**  
**Owner & Renter Occupied Structures**

**Statement of Consistency**

The proposed text amendment to Variance Procedures 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**.

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Nicholas Skatell  
Chairperson

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Katelan Blount  
Deputy Town Clerk



**Statement of Inconsistency**  
**Text Amendment to Variance Procedures**  
**Owner & Renter Occupied Structures**

The proposed text amendment to Variance Procedures is incompatible 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 **disapproved**.

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Nicholas Skatell  
Chairperson

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Katelan Blount  
Deputy Town Clerk

BOARD OF ADJUSTMENTS  
MEETING MINUTES  
MONDAY, FEBRUARY 17, 2025  
ERWIN, NORTH CAROLINA

The Town of Erwin Board of Adjustments held its regular meeting in the Erwin Municipal Building Board Room 100 West F Street, Erwin NC on Monday, February 17, 2025, at 7:00 PM.

Board members present were: Chairperson Joshua Schmieding, In-Town Board Members Kathryn Moore, Jim Hartman, Grace Watts, and Rebecca Kelly, and Out-of-Town Board Members Howard Godwin and Nicholas Skatell.

Board members absent were: Vice Chairperson Ronald Beasley, and In-Town Alternate Vanessa Lech.

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

Chairperson Joshua Schmieding called the meeting to order at 7:16 PM.

CONSENT ITEMS

Board Member Jim Hartman made a motion to approve the minutes of September 16, 2024, as well as the BOA-2024-004 Approval letter, and was seconded by Howard Godwin. **The Board voted unanimously.**

NEW ITEMS

BOA-2025-001

PUBLIC HEARING -

Board Member Jim Hartman made a motion to open the Public Hearing for BOA-2025-001, which was seconded by Nicholas Skatell. **The Board voted unanimously.**

Town Planner Dylan Eure explained that we are in public hearing for BOA-2025-001. This does have two variances to go with it, and first the Board will address the parking side, and then the height. If at any time there is a denial of one of the findings of facts, with a failure of 4/5 majority, there will be no need to proceed with this variance.

As an update, Mr. Bobby Funk is present to speak on behalf of the two variance requests. There is an update due to miscommunication for how much parking variation they are requesting, and that updated variance request was received by Mr. Eure this morning. The parking space variation request is not 2.5 to 1.5 per unit as stated, but rather, 2.5 to 1.75 spaces per unit. This will change the reduction of spaces from 96 to 112 parking spaces with a difference in what the Town requires of 48 parking spaces.

FGM Development LLC of Raleigh, North Carolina, submitted a variance in the amount of 8 inches for the building height for a multi-family development apartment at the corner of Maynard Lake Rd and US 421, as well as a parking variance from 2.5 to 1.75 spaces, resulting from 160 parking spaces to 112 parking spaces. This reduction is a total of 48 parking spaces. According to the applicant's letter, the request for the variance, the reason for the increase of height is due to the roof design, making the building slightly higher than what is allowed in the zoning district, which is 35 feet. In terms of parking, the applicant states that the

reason for reduction is to allow for greater vegetative buffers from adjacent properties, along with decreasing the amount of impervious surfaces, therefore benefiting storm water concerns. The applicant also includes that according to the North Carolina Housing Agency, they only require 1.75 parking spaces per unit for non-age restricted multi-family dwellings.

Mr. Bobby Funk, Development Director of Mills Construction, approached the podium to speak on behalf of the variance, and was sworn in by Deputy Clerk, Katelan Blount. He provided Ms. Blount with handouts for the Board.

He stated that the proposal for the property at the corner of US 421 and Maynard Lake Rd is for a 64 unit multi-family development, for which a special use permit has been approved by the Town a few weeks ago. They are requesting a few minor variances, one to increase the height by 8 inches. Referencing the handout, he stated that the goal with the parking is to retain a relatively significant portion of property where it abuts the single family homes, to retain open space and undeveloped space as much as possible. The company manages and has developed about 50 properties across the state, and generally they have parking ratios of 1.75, some as low as 1.1, and some around 2. They do not have any to his knowledge that approach the 2.5 space requirement. From his perspective, this ratio is very in line with other properties they have across the state and they have found that they don't have an undersupply of parking for this sort of development. The goal with the parking request is to reduce the overall amount of paved area of the property so that the buildings will be far beyond what the minimum setbacks are against the neighboring properties, particularly to the north of the property. They would like to keep as much vegetative barrier there as possible.

As far as building height variance request, slide number 8, page 4 of the handout outlines the request. The ordinance that the Town of Erwin has requires 35', as measured as an average height between the end of the vertical flat wall of the building and peak of the highest roofline of the property. The average is 8" beyond what the standard is, so they are requesting the variance to retain the architectural design of the development. If you look at the middle of the building, there is just a small point that rises above that regulation. The rest of the roofline, looking at the following page, can be seen in pictures that give context of the architectural articulation of the property and how it leads to a really good design that isn't a long flat wall of a building with a monolithic even roofline, where you have a big flat front façade and would tend to have a flat roofline. The building will have a lot of articulation and interesting detail, which the developer believes will help with the marketability of the property and makes it a lot less boring to look at. The request is to allow that small area at the top of the roofline to remain as currently designed. The developer has a lot of buildings across the state with this design. Mr. Funk stated that he is happy to answer any questions.

Board Member Rebecca Kelly asked if they were asking for this variance to have more vegetation.

Mr. Funk stated that yes, in particular to the parking variation, that was correct.

Board Member Rebecca Kelly stated that it looked like a mansard roofline and asked if it was a mansard roof.

Mr. Funk stated he is not an architect, but is familiar with the term. He stated it was similar, yes.

Board Member Grace Watts stated that in the building, they would have both types of facades and rooflines, and asked if that was correct.

Mr. Funk stated that the front and rear elevation drawings in the handouts show the facades, and that the height variance request is only pertinent to the 3-story buildings. There are several 2-story buildings but that

the 2-story buildings will be placed most closely to the single-family homes so as to not disturb private land uses.

Board Member Rebecca Kelly asked if there would be any storage in the mansard roof section of the building.

Mr. Funk stated no, it would be attic space and insulation.

Board Member Nicholas Skatell asked what the total acreage of the project was going to be.

Mr. Funk stated that total it would be about 5 and a half acres, and that he didn't have a copy of the impervious surface in front of him, but around 3 acres, maybe a little less. He apologized but explained that it was still early in the design process.

Chairperson Joshua Schmieding asked if anyone else was present to speak in favor of the variance requests.

No one came forward.

Chairperson Joshua Schmieding asked if anyone was present to speak against the requested variances.

No one came forward.

Board Member Kathryn Moore made a motion to close public hearing, which was seconded by Nicholas Skatell. **The Board voted unanimously.**

The Board went through the findings of fact for BOA-2025-001.

-Board Member Nicholas Skatell made a motion in the affirmative, stating that there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.

-Reasoning: To meet the parking ordinance, the layout of the site would cause parking areas to be disconnected from the development, along with potentially putting it in an area that is not zoned for residential uses.

The motion was seconded by Kathryn Moore. **The Board voted unanimously.**

-Board Member Jim Hartman made a motion in the affirmative, stating that granting the variance requested will not confer upon the applicant any special privileges denied to other residents of the district in which the property is located.

-Reasoning: There are no special privileges denied to other properties of the same district.

The motion was seconded by Nicholas Skatell. **The Board voted unanimously.**

-Board Member Nicholas Skatell made a motion in the affirmative, stating that a literal interpretation of the provisions of this ordinance will deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

-Reasoning: There are no special privileges denied to other properties of the same district.

The motion was seconded by Jim Hartman. **The Board voted unanimously.**

Board Member Jim Hartman made a motion in the affirmative, stating that the requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or the general welfare.

-Reasoning: The variance will be in harmony with the purposes and intent of the ordinance to provide adequate parking for the developed area, and not be injurious to the neighborhood. By reducing the parking requirement, it will allow the development to have additional vegetative buffers for the surrounding area.

The motion was seconded by Nicholas Skatell. **The Board voted unanimously.**

-Board Member Kathryn Moore made a motion in the affirmative that the special circumstances are not the result of the actions of the applicant.

-Reasoning: The applicant took no action to result in the circumstances of the variance request.

The motion was seconded by Rebecca Kelly. **The Board voted unanimously.**

-Board Member Grace Watts made a motion in the affirmative, stating that the variance requested is the minimum variance that will make possible the legal use of the land, building, or structures.

-Reasoning: The variance would allow the developer of the property within the standards of the North Carolina Housing Authority.

The motion was seconded by Howard Godwin. **The Board voted unanimously.**

-Board Member Nicholas Skatell made the motion in the affirmative that there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.

-Reasoning: To meet the height requirement while retaining the number of units, it would cause the developer to create additional impervious surfaces, thereby potentially increasing storm water impacts to adjacent properties.

The motion was seconded by Kathryn Moore. **The Board voted unanimously.**

-Board Member Jim Hartman made a motion in the affirmative that granting the variance requested will not confer upon the applicant any special privileges denied other residents of the district in which the property is located.

-Reasoning: There are no special privileges denied to other properties of the same district.

The motion was seconded by Kathryn Moore. **The Board voted unanimously.**

-Board Member Grace Watts made a motion in the affirmative that a literal interpretation of this ordinance will deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

-Reasoning: Reducing the pitch of the roof would make the building less energy-efficient, potentially causing increase costs for future tenants as well as decreasing the aesthetic appeal of the development.

The motion was seconded by Rebecca Kelly. **The Board voted unanimously.**

-Board Member Rebecca Kelly made a motion in the affirmative that the requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or the general welfare.

-Reasoning: The variance allowing for an additional 8 inches will allow the structures to be built in the most aesthetically pleasing way without having to add additional buildings on the site.

The motion was seconded by Kathryn Moore. **The Board voted unanimously.**

-Board Member Kathryn Moore made a motion in the affirmative that the special circumstances are not the result of the actions of the applicant.

-Reasoning: The applicant took no action to result in the circumstances of the variance requested.

The motion was seconded by Rebecca Kelly. **The Board voted unanimously.**

-Board Member Rebecca Kelly made a motion in the affirmative that the variance requested is the minimum variance that will make possible the legal use of the land, building, or structures.

-Reasoning: The variance would allow the developer of the property within the standards of the North Carolina Housing Agency.

The motion was seconded by Howard Godwin. **The Board voted unanimously.**

Due to all of the statements of reasonableness being found in the affirmative, and all characteristics of hardship being met and compatible with the Town of Erwin's Code of Ordinances, said variances for the property located at Harnett County Tax Pin 0597-77-7438, this request is **approved** for parking and height. The motion was made by Board Member Jim Hartman, and was seconded by Kathryn Moore. **The Board voted unanimously.**

Town Planner Dylan Eure stated that with all the findings of fact, and the statement of consistency, that BOA-2025-001 has been approved.

BOA-2025-002

PUBLIC HEARING-

Board Member Jim Hartman made a motion to open Public Hearing for BOA 2025-002, which was seconded by Nicholas Skatell. **The Board voted unanimously.**

Town Planner Dylan Eure explained that we are in Public Hearing for BOA-2025-002, submitted by MR1 Ventures LLC of Cary, North Carolina has submitted a variance in the amount of 3,000 sqft in order to build of the current existing home located at 109 E I Street, Erwin NC. The required footage for the RMV zoning district is 7,000 sqft. According to Harnett County GIS, the year that the original structure was built in 1964, which was before Erwin's incorporation as a Town. Per the submitted site plan, the addition would not further encroach into the side yard setbacks and will be able to meet the district rear setbacks for the addition. The variance for this request is for 3,000 sqft. The parcel is 4,000 sqft, and the requirement of that district is 7,000 sqft.

Town Planner Dylan Eure showed the Board the property on Harnett County GIS.

Board Member Howard Godwin asked if the addition would be at the rear of the home.

Town Planner Dylan Eure stated that yes, the addition will be able to meet the rear setbacks of the home and will not encroach on any of the side setbacks, but that because of the size of the parcel, it does require a variance since it is a non-conforming lot which does not meet the required 7,000 sqft.

Board Member Grace Watts pointed out a building on the GIS image and asked if that building was going to be moved.

Town Planner Dylan Eure confirmed that yes, the shed structure would be moved. He stated that the applicant was also present to speak to the request if needed.

Board Member Grace Watts stated that she was asking because the addition wouldn't be possible if that building was to remain.

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

Mr. Ryan Smith, owner of MR1 Ventures, approached the podium to speak on behalf of the variance, and was sworn in by Deputy Clerk, Katelan Blount.

Mr. Ryan Smith stated that he is planning on removing the structure in the back of the property.

Board Member Nicholas Skatell asked if the structure is a shed.

Mr. Ryan Smith confirmed that yes, it is just a shed.

Chairperson Joshua Schmieding asked if they will be meeting all other requirements, other than the size of the lot.

Town Planner Dylan Eure clarified that the Town Ordinances do allow for additions onto current homes, as long as the additions do not further encroach into the side yards. The addition that Mr. Smith is planning to add only extends from the rear of the home, and does not extend into the side yard any further, which the Town Ordinances do allow for.

Board Member Rebecca Kelly asked if this was adding onto the kitchen.

Mr. Ryan Smith stated that he would be just adding an additional bathroom.

Board Member Rebecca Kelly asked if this was a rental property.

Mr. Ryan Smith confirmed that yes, it is a rental property.

Chairperson Joshua Schmieding asked if there were any further questions.

No one had any additional questions.

Chairperson Joshua Schmieding asked if there was anyone else present to speak for the request.

No one came forward.

Chairperson Joshua Schmieding asked if there was anyone present to speak against the requested variance.

No one came forward.

Board Member Nicholas Skatell made a motion to close public hearing, which was seconded by Jim Hartman. **The Board voted unanimously.**

The Board went through the findings of fact for BOA-2025-002.

Chairperson Joshua Schmieding stated that MR1 Ventures LLC of Cary, North Carolina has submitted a variance in the amount of 3,000 sqft in order to build off the current existing home in order to extend the kitchen, as well as add an additional room off the back of the home located at 109 E I Street. The required square footage for the RMV zoning district is 7,000 sqft. According to Harnett GIS, the year that the original structure was built was 1964, which was before Erwin's incorporation as a Town. Per the submitted site plan, the additional would not further encroach into the side yard setbacks and will be able to meet the district rear setbacks for the addition.

-Board Member Kathryn Moore made a motion in the affirmative that there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.

-Reasoning: The parcel was created and the home was built prior to the Town of Erwin's regulations being enacted.

The motion was seconded by Board Member Rebecca Kelly. **The Board voted unanimously.**

-Board Member Kathryn Moore made a motion in the affirmative that granting the variance requested will not confer upon the applicant any special privileges denied to other residents of the district in which the property is located.

-Reasoning: Any other parcel that has been created before Erwin's incorporation that fails to meet dimensional requirements has the right to apply for a hardship variance.

The motion was seconded by Board Member Rebecca Kelly. **The Board voted unanimously.**

-Board Member Kathryn Moore made a motion in the affirmative that a literal interpretation of the provisions of this ordinance will deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

-Reasoning: By denying this hardship variance, it would deprive the property of rights commonly enjoyed by other residents of the district.

The motion was seconded by Board Member Jim Hartman. **The Board voted unanimously.**

-Board Member Jim Hartman made a motion in the affirmative that the requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or the general welfare.

-Reasoning: There is no evidence that the extension would be injurious to the surrounding neighborhood.

The motion was seconded by Nicholas Skatell. **The Board voted unanimously.**

-Board Member Nicholas Skatell made a motion in the affirmative that the special circumstances are not the result of the actions of the applicant.

-Reasoning: The property was originally built prior to Erwin's regulations taking place, therefore not having to conform to dimensional standards when the original home was built.

The motion was seconded by Kathryn Moore. **The Board voted unanimously.**

-Board Member Rebecca Kelly made a motion in the affirmative that the variance requested in the minimum variance that will make possible the legal use of the land, building, or structures.

-Reasoning: The variance of 3,000 sqft is the minimum variance that would permit the extension of the home to take place.

The motion was seconded by Nicholas Skatell. **The Board voted unanimously.**

Due to all of the statements of reasonableness being found in the affirmative, and all characteristics of hardship being met and compatible with the Town of Erwin's Code of Ordinances, said variance for the property located at 109 E I Street, Erwin NC, Harnett County Tax Pin 0597-64-9996.000, is **approved** for



variance. The motion was made by Kathryn Moore, and was seconded by Howard Godwin. **The Board voted unanimously.**

**ADJOURNMENT**

Board Member Kathryn Moore made a motion to adjourn the meeting at 7:46 PM and was seconded by Nicholas Skatell. **The Board voted unanimously.**

**Minutes recorded and typed by**

**Katelan Blount, Deputy Town Clerk**

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Nicholas Skatell  
Chairperson

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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](http://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

To: Bobby Funk, FGM Development LLC

From: Erwin Board of Adjustment

Subject: BOA-2025-001 Approval

Date: 3/17/2025

Please accept this letter of correspondence from the Town of Erwin as verification that the variance application petitioned by Bobby Funk to allow for 1.75 parking spaces per unit as well as a 8 inch height variance for an approved multi-family housing complex located at Harnett County Tax Pin: 0597-77-7438.000 was heard by the Erwin Board of Adjustment on 2/17/2025 during a public hearing.

After the public hearing concluded, the Erwin Board of Adjustment engaged in final deliberation which was followed by a vote that resulted in unanimous approval of both of the proposed variances with all of the findings of fact being found in the affirmative.

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

Regards.

ATTEST:

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Nicholas Skatell

Chairman

---

Katelan Blount

Deputy Clerk



# TOWN OF ERWIN

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Charles L. Byrd  
David L. Nelson  
William R. Turnage

To: Ryan Smith, MR1 Ventures  
From: Erwin Board of Adjustment  
Subject: BOA-2025-002 Approval  
Date: 3/17/2025

Please accept this letter of correspondence from the Town of Erwin as verification that the variance application petitioned by Ryan Smith of MR1 Ventures for 3,000 square feet to build an addition off the rear of the home located at 109 E I St. was heard by the Erwin Board of Adjustment on 2/17/2025 during a public hearing.

After the public hearing concluded, the Erwin Board of Adjustment engaged in final deliberation which was followed by a vote that resulted in unanimous approval of the proposed variance with all of the findings of fact being found in the affirmative.

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

Regards.

ATTEST:

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Nicholas Skatell

Chairman

---

Katelan Blount

Deputy Clerk



# TOWN OF ERWIN

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Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

3/17/2025

## **BOA-2025-003** **Memorandum**

### **Variance Description**

Andrew Edwards, property owner of 111 W D St., has submitted a variance in the amount of 5 feet for the setback from the home along with the side property line against S 14<sup>th</sup> St. for the purpose of building a detached garage. Per Erwin's Zoning Ordinances, detached garages are required to be 10 feet away from the property line along with 10 feet away from any other structure placed on the property.

### **Property Description**

The parcel is .19 acres or approximately 8,200 square feet located at the corner of W D St. and S 14<sup>th</sup> St. Currently, there is only the principal structure on the property with no accessory structures. The zoning of the property is under the Residential Mill Village District. According to Harnett GIS there are no environmental concerns on the property. Due to the placement of the home on the property, it prohibits the applicant from placing a detached garage on any other portion of the parcel where a variance would not be required. The surrounding land uses are primarily single-family residential under the same zoning classification as the property located at 111 W D St, along with a religious institution to the south. To the far north of the parcel is the Central Carolina Industrial Park under M-1 zoning.

### **Applicable Regulations**

- Accessory Structure Setback Requirements:
  - 10 feet from all property lines.
  - 10 feet from all structures.

Regards,

Dylan Eure  
Town Planner



**Variance Application** (February 2011)

Name of Applicant	Andrew Edwards	Property Owner	Andrew Edwards
Mailing Address	111 W D St	Mailing Address	111 W D St
City, State, Zip	Erwin NC 28339	City, State, Zip	Erwin NC 28339
Telephone	919-820-2351	Telephone	919-820-2351
Email	efd548@yahoo.com	Email	efd548@yahoo.com

Address of Subject Property	111 W D St Erwin NC 28339
Parcel Identification Number(s) (PIN) of Subject Property	

**Variance Description:** On a separately attached document, please state the particular zoning regulation for which the variance is being requested. Also state the requested variance (For instance, in the case of a setback variance request: If the required side yard setback is 12' and the applicant can only meet a 10' setback; then the applicant will be requesting a 2' variance from the 12' setback requirement.). Please attach a site plan with all appropriate dimensional notations needed to demonstrate the variance request if applicable.


**Findings of Fact:** The following are the findings of fact associated with a variance request. Applicant is to note that all of the following findings must be found in the affirmative in order for the requested variance to be granted. The applicant is requested to review each of these findings and answer the same to the best ability of the applicant. Responses to each of these findings may be attached to this application on a separate document.

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- b. Granting the variance the requested will not confer upon the applicant any special privileges denied to other residents of the district in which the property is located.
- c. A literal interpretation of the provisions of this ordinance will deprive the applicant of rights commonly enjoyed by other residence of the district in which the property is located.
- d. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- e. The special circumstances are not the result of the actions of the applicant.
- f. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

**Owner/Applicant Must Read and Sign**

The undersigned property owner, or duly authorized agent/representative thereof certifies that this application and the forgoing answers, statements, and other information herewith submitted are in all respects true and correct to the best of their knowledge and belief. The undersigning party understands that any incorrect information submitted may result in the revocation of this application. The undersigning party authorizes the Town of Erwin to review this request and conduct a site inspection to ensure compliance to this application as approved.

Andrew Edwards  
Print Name

  
Signature of Owner or Representative

02-03-25  
Date



## Variance Application Information

Part 9  
Chapter 4  
Article 10

### Board of Adjustments

#### § 9-4101.2 Powers and duties.

The Board of Adjustment shall have the following powers and duties:

To authorize upon appeal in specific cases variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in undue hardship, so that the spirit of this ordinance shall be observed and substantial justice done.

A charge shall be made to the appellant according to town policy in order to cover administrative and advertising costs (Subsection (d)).

A public hearing shall be held at which all of the following conditions must be found to exist:

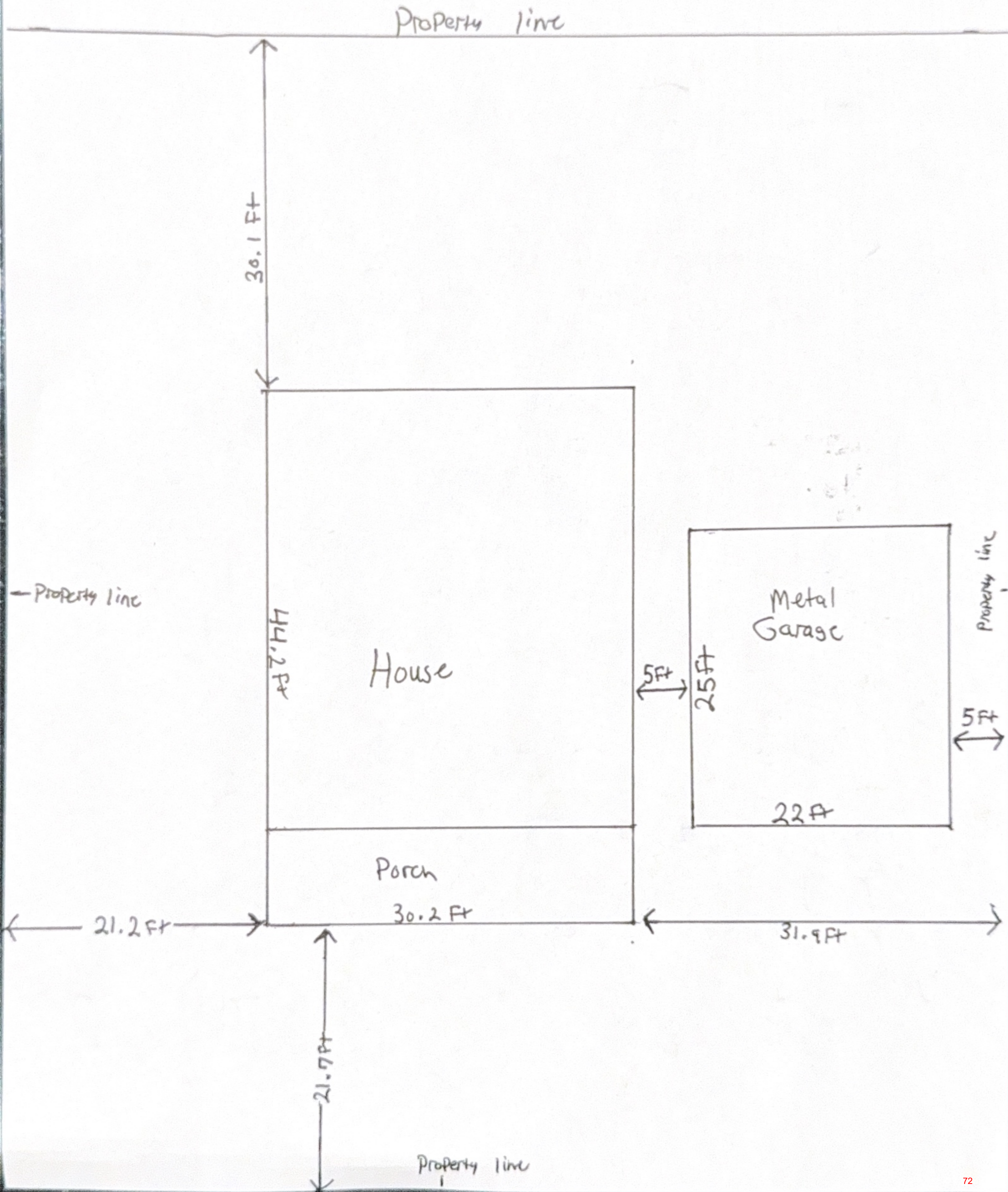
- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- b. Granting the variance the requested will not confer upon the applicant any special privileges denied to other residents of the district in which the property is located.
- c. A literal interpretation of the provisions of this ordinance will deprive the applicant of rights commonly enjoyed by other residence of the district in which the property is located.
- d. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- e. The special circumstances are not the result of the actions of the applicant.
- f. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

In considering all proposed variances from this ordinance the Board shall, before making any finding in a specified case, first determine that the proposed variance will not constitute any change in the zone shown on the zoning map and will not impair an adequate supply of light and

air to adjacent property, or materially increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, morals, and general welfare.

No permitted use of land in other districts shall be considered grounds for the issuance of a variance. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any expressly or by implication prohibited by the terms of this ordinance in said district.

In granting a variance the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purposes of this ordinance. Violation of such conditions and safeguards when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.







# TOWN OF ERWIN

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2/24/2025

## Notice of a Public Hearing BOA-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 Adjustment of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on March 17th, 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 proposed variance.

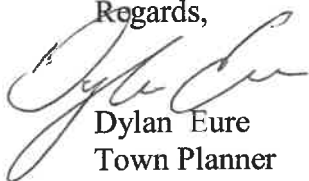
There has been a variance submitted to the Town. The variance request includes a single parcel of land that are listed below:

- 111 W D St. Erwin, NC 28339 (Harnett County Tax Pin:0597-62-2848)

The applicant has requested a variance for setbacks for a proposed shed of 5 feet for spacing between the home and the property line against S 14<sup>th</sup>.

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

**BROWN ROSETTA**

109 WEST D STREET ERWIN, NC 28339

**SECURE INC**

119 N SALISBURY ST RALEIGH, NC 27603

**ELMORE INVESTMENT COMPANY LLC**

255 SALT MARKET ST DUNN, NC 28334

**WALDEN RICKY O & WALDEN ANGELA N**

502 SOUTH 14TH STREET ERWIN, NC 28339-0000

**PERRY STACY R**

408 S 14TH STREET ERWIN, NC 28339-0000

**QUINONES ROSETTA IVINIA**

108 W D ST ERWIN, NC 28339

**FORTIER ISAAC**

107 W D ST ERWIN, NC 28339-2627

**WOOD SUE M**

3827 CANTERURY ROAD WILMINGTON, NC 28403-7103

**DZIEDZIC ERIC MARSHALL & DZIEDZIC GARY THOMAS**

308 WEST B STREET ERWIN, NC 28339-0000

**JOHNSON KENNETH E**

350 JOSIE DR BENSON, NC 27504

**PARKER RENTALS LLC**

88 SANDY RD FOUR OAKS, NC 27524

**MALIA JOHN J & COOK BRENDA M**

106 W D ST ERWIN, NC 28339-2628

## NOTICE OF PUBLIC HEARING

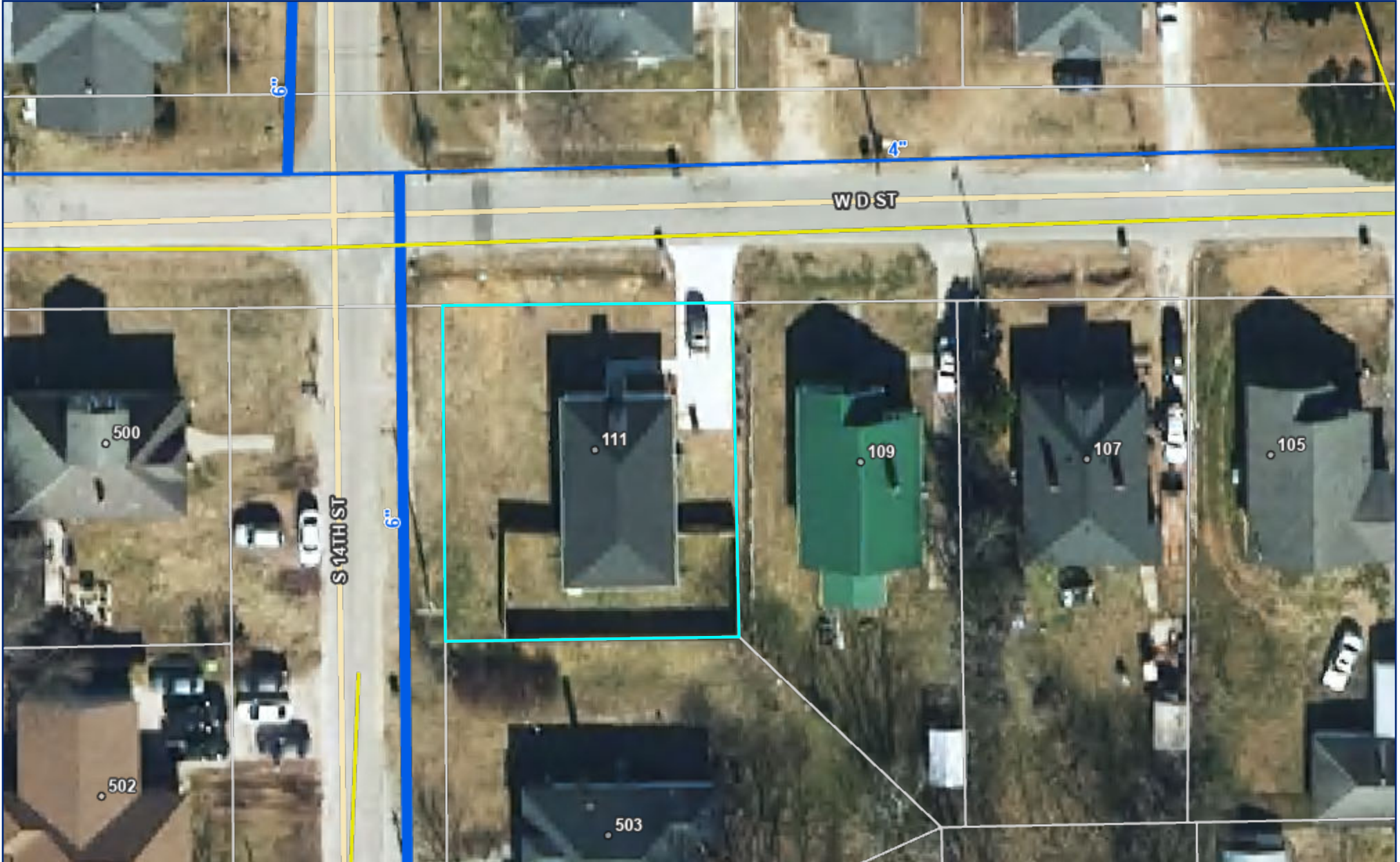
The Town of Erwin Board of Adjustments will hold a Public Hearing on the following items pursuant to NC General Statute 160D-406, on Monday, March 17, 2025, at 7:00 P.M. in the Erwin Municipal Building Board Room located at 100 West F Street, Erwin, NC 28339. Questions can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at [deure@erwin-nc.org](mailto:deure@erwin-nc.org).

Case BOA-2025-003: The applicant at 111 W D Street, Erwin NC 28339 is requesting a variance for setbacks for a proposed shed, of 5 feet of spacing between the home and the property line against South 14th Street, for the single family home located at Harnett County Tax Pin 0597-62-2848.000.

Case BOA-2025-004: The applicant at 406 E H Street, Erwin NC 28339 is requesting a variance for setbacks for a carport of 1 foot 1 inch for spacing between the carport and the property line against 404 East H Street, for the single family home located at Harnett County Tax Pin 0597-84-4622.000.

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

2/28;3/4/2025



County Boundary

City Limits

Address Numbers

Gravity

2 - 5

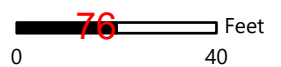
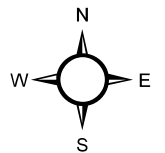
6 - 36

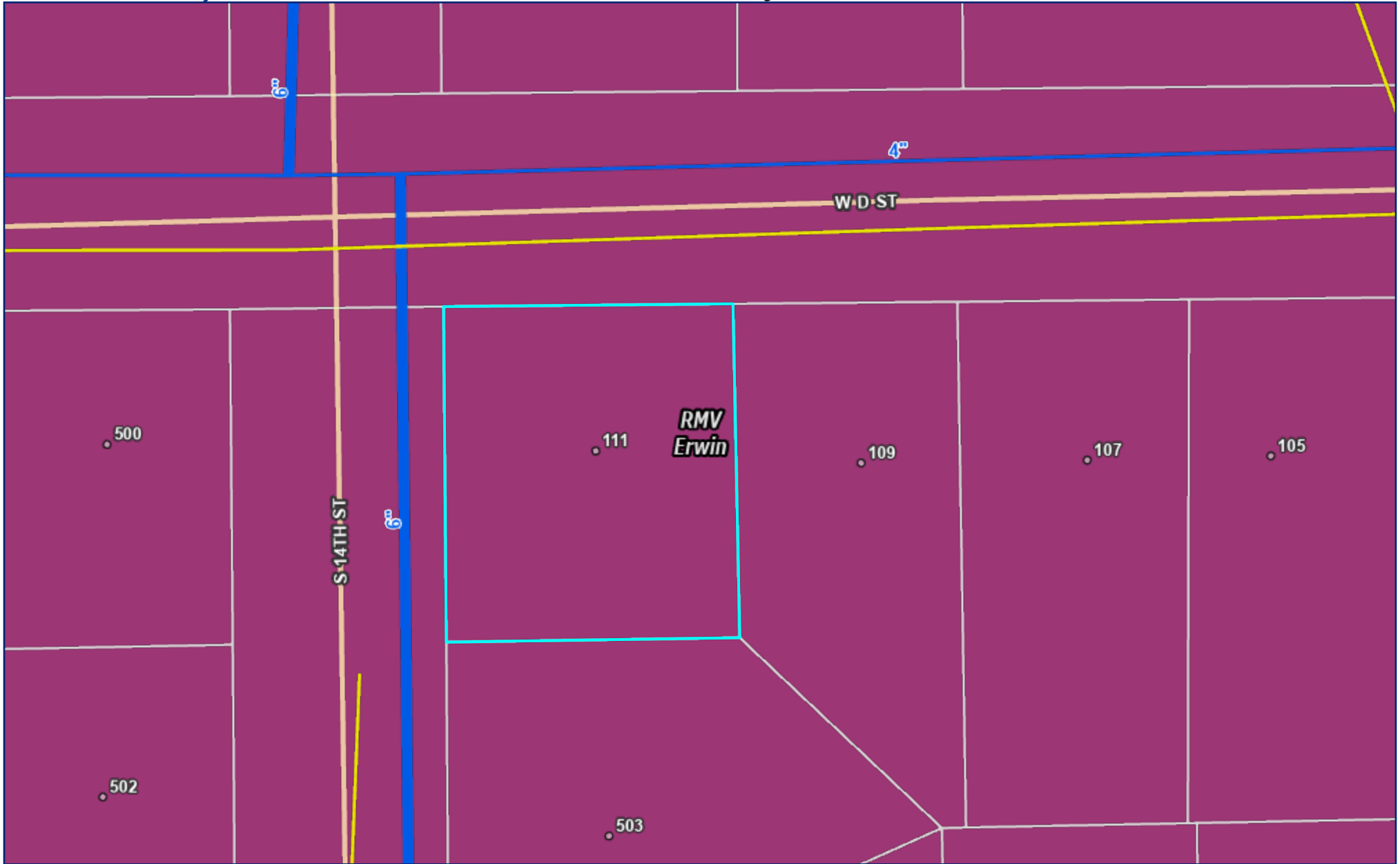
Road Centerlines

Parcels

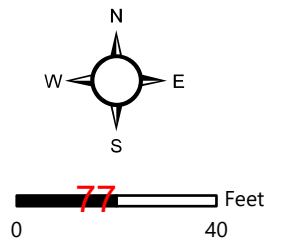
Watershed HUC12

Watershed HUC8





County Boundary	6 - 36	RMV
City Limits	Road Centerlines	ETJ
Address Numbers	Parcels	
Gravity	Watershed HUC12	
2 - 5	Watershed HUC8	





# BOARD OF ADJUSTMENTS VARIANCE REQUEST STAFF REPORT

Case: BOA-2025-003  
Dylan Eure, Town Planner  
deure@erwin-nc.org  
Phone: (910) 591-4201 Fax: (910) 897-5543

Board of Adjustments Meeting Date: 3/17/2025

Requesting a variance of 5 feet from the side property line adjacent to S 14<sup>th</sup> and 5 feet from the home for a proposed detached garage.

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## Applicant Information

### Owner of Record:

Name: Andrew Edwards  
Address: 111 W D St.  
City/State/Zip: Erwin, NC 28339

### Applicant:

Name: Andrew Edwards  
Address: 111 W D St.  
City/State/Zip: Erwin, NC 28339

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## Property Description

Harnett County Tax Pin: 0597-62-2848  
Acres: .19 acres  
Zoning District: RMV

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## Vicinity Map

- See Attached Document

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## Physical Characteristics

Site Description: The parcel is .19 acres or approximately 8,200 square feet located at the corner of W D St. and S 14<sup>th</sup> St. Currently there is only the principal structure on the property with no accessory structures. The zoning of the property is under the Residential Mill Village District. According to Harnett GIS there are no environmental concerns on the property. Due to the placement of the home on the property it prohibits the applicant from placing a detached garage on any other portion of the parcel where a variance would not be required.

Surrounding Land Uses: The surrounding land uses are primarily single-family residential under the same zoning classification as the property located at 111 W D St, along with

religious institution to the south. To the far north of the parcel is the Central Carolina Industrial Park under M-1 zoning.

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## Services Available

- HRW for water and sewer.
- Duke for electricity/power.
- Brightspeed for telephone.

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## Findings of Fact

Andrew Edwards who is the property owner of 111 W D St. has submitted a variance in the amount of 5 feet for the setback from the home along with the side property line against S 14<sup>th</sup> St. for the purpose of building a detached garage. Per Erwin's Zoning Ordinances detached garages are required to be 10 feet away from the property line along with 10 feet away from any other structure placed on the property.

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## Staff Evaluation

### Staff Evaluation

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district. **Yes**
  - **Reasoning:** Due to the parcels size and placement of home it prohibits the property owner from placing a detached garage anywhere else on the property that would not require a variance.
2. Granting the variance requested will not confer upon the applicant any special privileges denied to other residents of the district in which the property is located. **Yes**
  - **Reasoning:** Any other property that share similar circumstances would have the ability to apply for a variance if they could not place a detached garage on their property in a way that would be conforming to the Town of Erwin's Zoning Ordinances.
3. A literal interpretation of the provisions of this ordinance will deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located. **Yes**
  - **Reasoning:** By denying this hardship variance, it would deprive the property of rights commonly enjoyed by other residents of the district and prevent the owner from placing their desired structure on the property.

4. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or the general welfare. **Yes**
  - **Reasoning:** There is no evidence that the addition of the detached garage would be injurious to the surrounding neighborhood.
  
5. The special circumstances are not the result of the actions of the applicant. **Yes**
  - **Reasoning:** None of the applicants' actions were the cause of the requirement of the variance.
  
6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structures. **Yes**
  - **Reasoning:** The variance in the amount of 5 feet for both the property line and home is the minimum amount that would allow the applicant to place the detached garage.

## Statement of Consistency

Due to all of the statements of reasonableness being found in the affirmative and all characteristics of hardship being met and compatible with the Town of Erwin's Code of Ordinances, said variance(s) for the property located at 111 W D St is approved.

## Statement of Inconsistency (Only read if denied)

Due to at least 1 of the statements of reasonableness not found in the affirmative and all characteristics of hardship not being met and compatible with the Town of Erwin's Code of Ordinances, said variance(s) for the property located at 111 W D St is denied.



**Statement of Consistency**  
**BOA-2025-003**

Due to all of the statements of reasonableness being found in the affirmative and all characteristics of hardship being met and compatible with the Town of Erwin's Code of Ordinances, said variance(s) for the property located at 111 W D St is **approved**.

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Nicholas Skatell  
Chairperson

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Katelan Blount  
Deputy Town Clerk

**Statement of Inconsistency**  
**BOA-2025-003**

Due to at least 1 of the statements of reasonableness not found in the affirmative and all characteristics of hardship not being met and compatible with the Town of Erwin's Code of Ordinances, said variance(s) for the property located at 111 W D St is **denied**.

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Nicholas Skatell  
Chairperson

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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

**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

3/17/2025

## **BOA-2025-004** **Memorandum**

### **Variance Description**

April Odom who is a relative of the property owners of 406 E H St. has submitted a variance on behalf of the owners of 406 E H St. in the amount of 1'1" for the side setback against the property line for a carport. Per Erwin's Zoning Ordinances when a carport is placed against the primary structure there shall be a minimum of 5 feet between the carport and property line.

### **Property Description**

The parcel is .28 acres or approximately 12,200 square feet located on the 4<sup>th</sup> block of E H St. Currently there is a principal structure on the property along with a shed used for storage. The property is zoned under the Downtown Mill Village District. According to Harnett GIS, there are no environmental concerns on the property that would need to be taken into consideration. The vegetation and location of trees on the property prevent the carport from being able to be placed anywhere else on the property which would not require a variance granted. The surrounding land uses of the parcel include both residential and commercial uses due to the parcel's location within the mixed-use district of the Downtown Mill Village. To the north of the parcel is a two-family residential home. The direct east and west of the property are both single-family residences. Across the street to the South is Good Hope Hospital. Three parcels to the east is Cape Fear Primary Care. To the far west is Erwin's Downtown.

### **Applicable Regulations**

- Sec. 36-419 of Article XV Subsection 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.

Regards,

Dylan Eure  
Town Planner



## Variance Application (February 2011)

Name of Applicant	April Odom	Property Owner	Debra Kelley/John Kelley
Mailing Address		Mailing Address	406 East H Street
City, State, Zip		City, State, Zip	Erwin NC 28339
Telephone	910-489-2723	Telephone	910-292-0394
Email	April@wellonsconstruction.com		

Address of Subject Property	406 East H Street Erwin, NC
Parcel Identification Number(s) (PIN) of Subject Property	

**Variance Description:** On a separately attached document, please state the particular zoning regulation for which the variance is being requested. Also state the requested variance (For instance, in the case of a setback variance request: If the required side yard setback is 12' and the applicant can only meet a 10' setback; then the applicant will be requesting a 2' variance from the 12' setback requirement.). Please attach a site plan with all appropriate dimensional notations needed to demonstrate the variance request if applicable.

**Findings of Fact:** The following are the findings of fact associated with a variance request. Applicant is to note that all of the following findings must be found in the affirmative in order for the requested variance to be granted. The applicant is requested to review each of these findings and answer the same to the best ability of the applicant. Responses to each of these findings may be attached to this application on a separate document.

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- b. Granting the variance the requested will not confer upon the applicant any special privileges denied to other residents of the district in which the property is located.
- c. A literal interpretation of the provisions of this ordinance will deprive the applicant of rights commonly enjoyed by other residence of the district in which the property is located.
- d. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- e. The special circumstances are not the result of the actions of the applicant.
- f. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

### Owner/Applicant Must Read and Sign

The undersigned property owner, or duly authorized agent/representative thereof certifies that this application and the forgoing answers, statements, and other information herewith submitted are in all respects true and correct to the best of their knowledge and belief. The undersigning party understands that any incorrect information submitted may result in the revocation of this application. The undersigning party authorizes the Town of Erwin to review this request and conduct a site inspection to ensure compliance to this application as approved.

April Odom  
Print Name

April Odom  
Signature of Owner or Representative

2/15/25  
Date

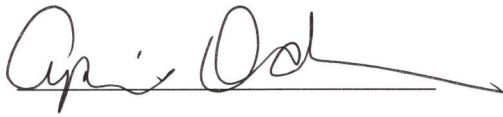
To whom it may concern,

The zoning regulation in Erwin requires a 5' side yard setback from the carport in my parent's yard at 406 East H Street, Erwin.

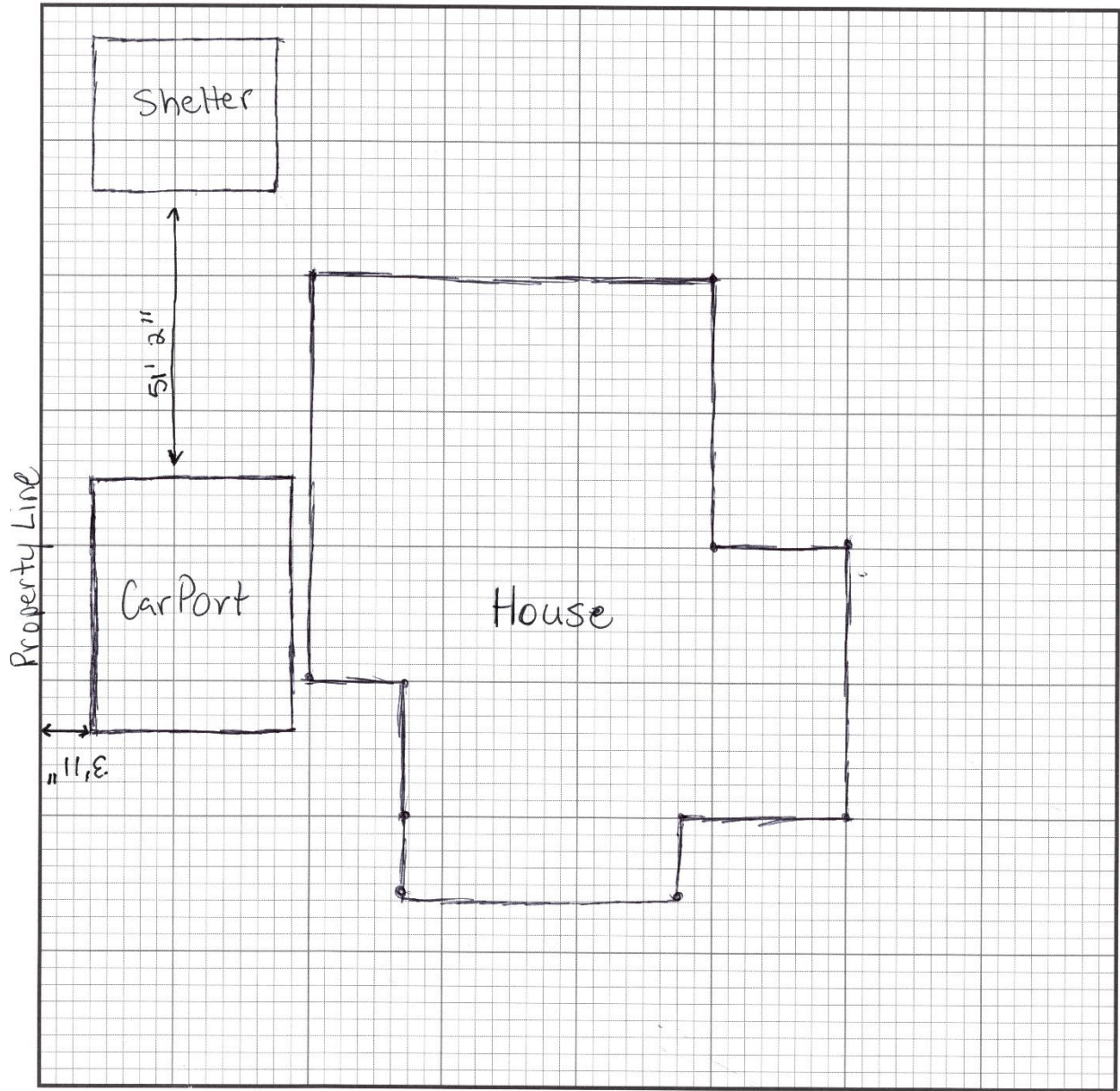
Due to limited space in their yard, there is only a 3' 11" setback. We are requesting a variance of 1' 1" from the 5' setback requirement.

Thank you for your time and consideration,

April Odom

A handwritten signature in black ink that reads "April Odom". The signature is written in a cursive style and is positioned above a horizontal line that extends to the right, ending in a small arrowhead.

Signature





# TOWN OF ERWIN

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Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

2/25/2025

## Notice of a Public Hearing BOA-2025-004

The Board of Adjustment of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on March 17th, 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 proposed variance.

There has been a variance submitted to the Town. The variance request includes a single parcel of land that are listed below:

- 406 E H St. Erwin, NC 28339 (Harnett County Tax Pin:0597-84-4622)

The applicant has requested a variance for setbacks for a carport of 1'1" for spacing between the carport and the property line against 404 E H St.

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

**GREGORY WILLIAM BENTLY**  
404 EAST H STREET ERWIN, NC 28339-0000

**DONALD BAREFOOT INVESTMENTS LLC**  
PO BOX 488 DUNN, NC 28335-0488

**MONDS WILLIAM ALLEN & MONDS  
ROBERT EARL**  
704 LUCAS ST ERWIN, NC 28339

**GOOD HOPE HOSPITAL**  
ATTN: BILL LARRISON PO BOX 639 ERWIN, NC  
28339-0000

**WINNIE DENISE RACHELLE**  
402 E H ST ERWIN, NC 28339-2207

**RIVER DASH LLC**  
101 N 10TH ST ERWIN, NC 28339-1801

**PRICE SHELTON R & PRICE JUDY R**  
408 EAST H STREET ERWIN, NC 28339-0000



## NOTICE OF PUBLIC HEARING

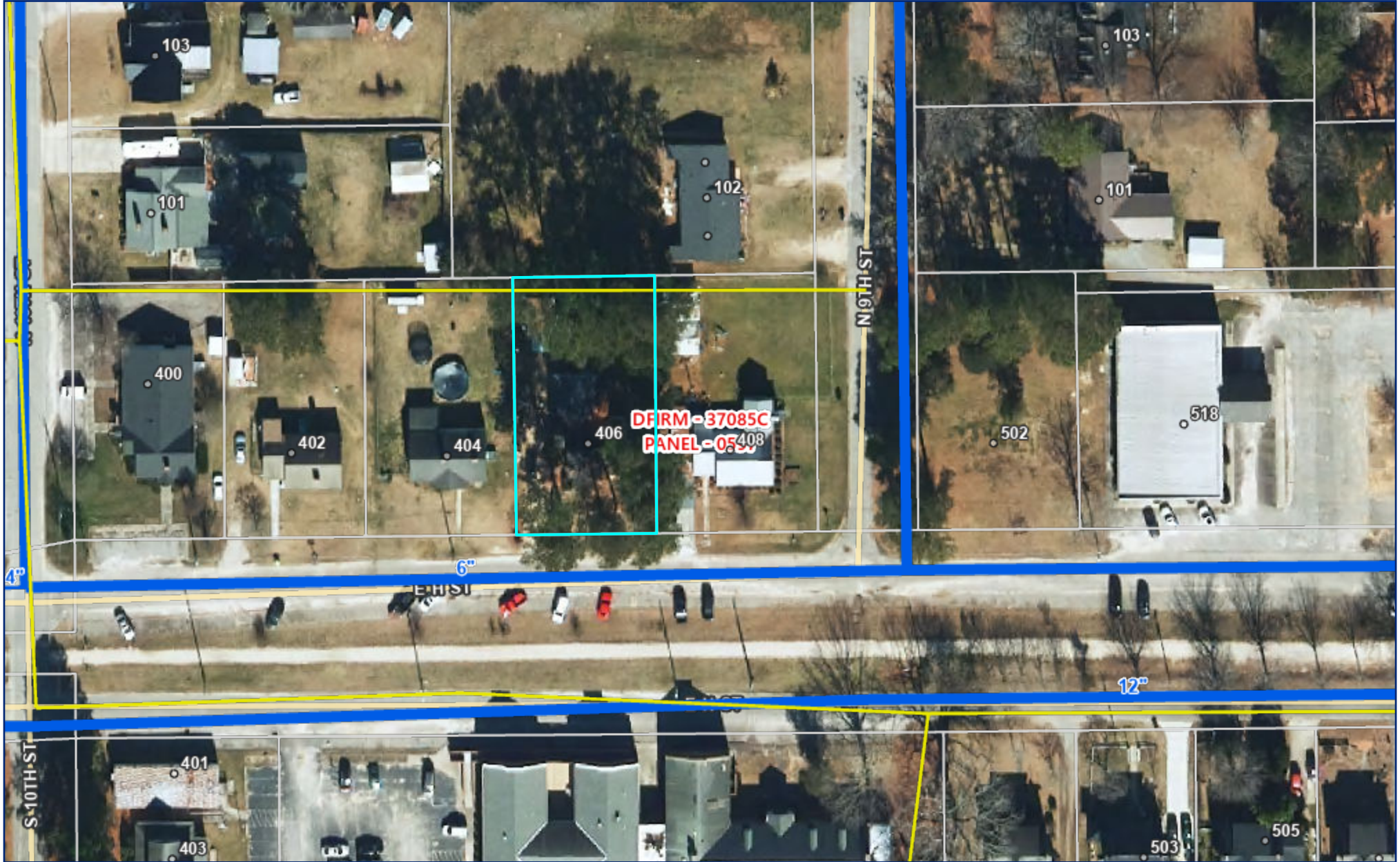
The Town of Erwin Board of Adjustments will hold a Public Hearing on the following items pursuant to NC General Statute 160D-406, on Monday, March 17, 2025, at 7:00 P.M. in the Erwin Municipal Building Board Room located at 100 West F Street, Erwin, NC 28339. Questions can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at [deure@erwin-nc.org](mailto:deure@erwin-nc.org).

Case BOA-2025-003: The applicant at 111 W D Street, Erwin NC 28339 is requesting a variance for setbacks for a proposed shed, of 5 feet of spacing between the home and the property line against South 14th Street, for the single family home located at Harnett County Tax Pin 0597-62-2848.000.

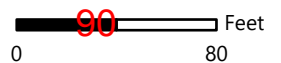
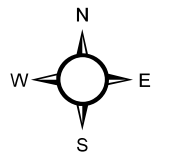
Case BOA-2025-004: The applicant at 406 E H Street, Erwin NC 28339 is requesting a variance for setbacks for a carport of 1 foot 1 inch for spacing between the carport and the property line against 404 East H Street, for the single family home located at Harnett County Tax Pin 0597-84-4622.000.

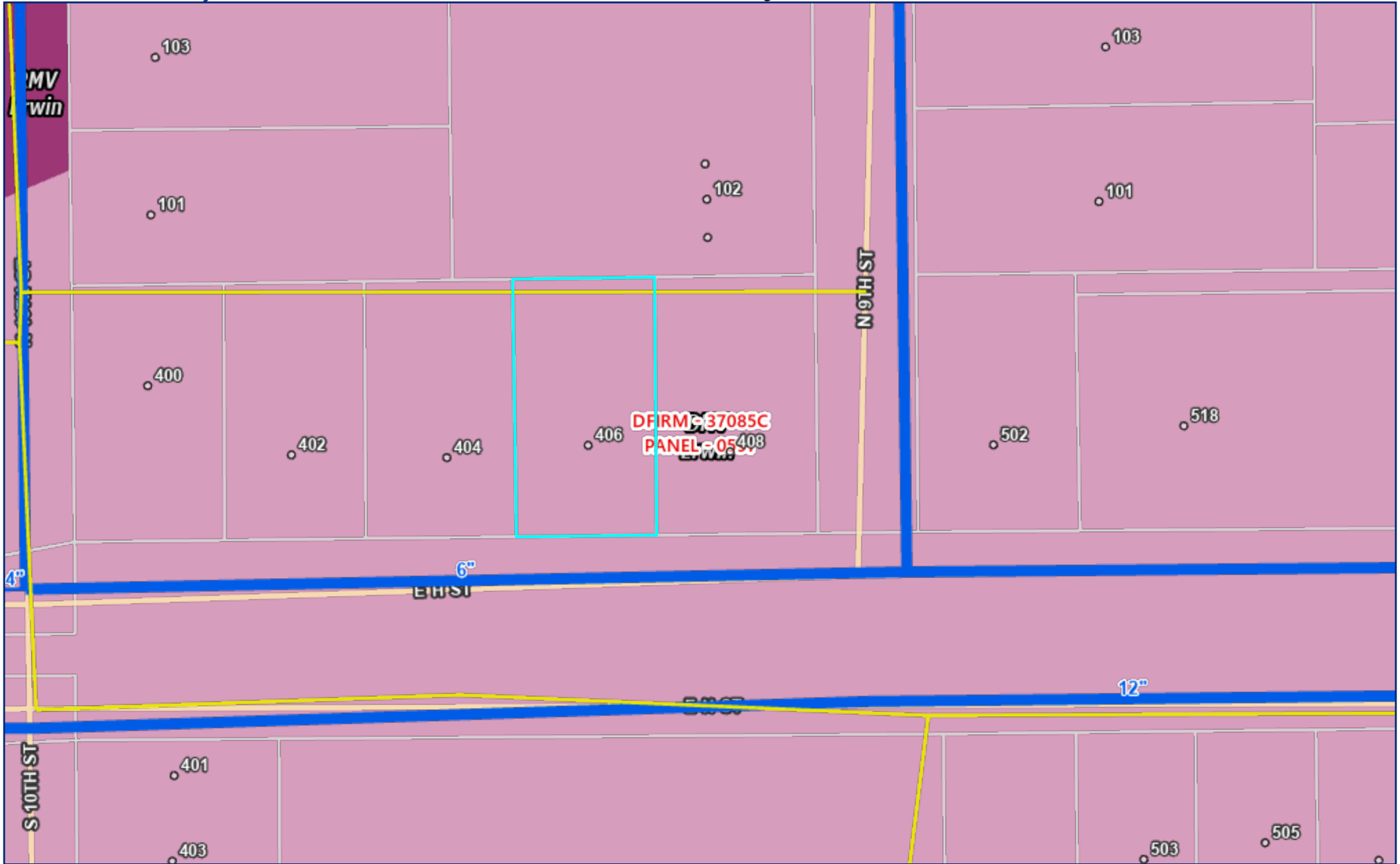
These cases are available for review at the Erwin Town Hall. All persons desiring to be heard either for or against the proposed item set forth above are requested to be present at the above-mentioned time and place.

2/28;3/4/2025

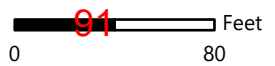
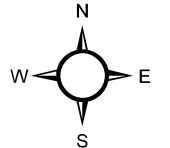


Flood Map Index	2 - 5	Parcels
County Boundary	6 - 36	Watershed HUC12
City Limits	Gravity	Watershed HUC8
Address Numbers	Road Centerlines	





Flood Map Index	2 - 5	Parcels	RMV
County Boundary	6 - 36	Watershed HUC12	ETJ
City Limits	Gravity	Watershed HUC8	
Address Numbers	Road Centerlines	DMV	





# BOARD OF ADJUSTMENTS VARIANCE REQUEST STAFF REPORT

Case: BOA-2025-004  
Dylan Eure, Town Planner  
deure@erwin-nc.org  
Phone: (910) 591-4201 Fax: (910) 897-5543

Board of Adjustments Meeting Date: 3/17/2025

Requesting a variance of 1 foot 1 inch from the side property line adjacent to 404 E H St. for the purpose of a carport placed against the home at 406 E H St.

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## Applicant Information

### **Owner of Record:**

Name: Debra & John Kelley  
Address: 406 E H St.  
City/State/Zip: Erwin, NC 28339

### **Applicant:**

Name: April Odom  
Address: 406 E H St.  
City/State/Zip: Erwin, NC 28339

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## Property Description

Harnett County Tax Pin: 0597-84-4622.000  
Acres: .28 acres  
Zoning District: DMV

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## Vicinity Map

- See Attached Document

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## Physical Characteristics

Site Description: The parcel is .28 acres or approximately 12,200 square feet located on the 4<sup>th</sup> block of E H St. Currently there is a principal structure on the property along with a shed used for storage. The property is zoned under the Downtown Mill Village District. According to Harnett GIS, there are no environmental concerns on the property that would need to be taken into consideration. The vegetation and location of trees on the property prevent the carport from being able to be placed anywhere else on the property which would not require a variance granted.

Surrounding Land Uses: The surrounding land uses of the parcel include both residential and commercial uses due to the parcel's location within the mixed-use district of the Downtown Mill Village. To the north of the parcel is a two-family residential home. The direct east and west of the property are both single-family residences. Across the street to the South is Good Hope Hospital. Three parcels to the east is Cape Fear Primary Care. To the far west is Erwin's Downtown.

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## Services Available

- HRW for water and sewer.
- Duke for electricity/power.
- Brightspeed for telephone.

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## Findings of Fact

April Odom who is a relative of the property owners of 406 E H St. has submitted a variance on behalf of the owners of 406 E H St. in the amount of 1'1" for the side setback against the property line for a carport. Per Erwin's Zoning Ordinances when a carport is placed against the primary structure there shall be a minimum of 5 feet between the carport and property line.

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## Staff Evaluation

### Staff Evaluation

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district. **Yes**
  - **Reasoning:** Due to the vegetation and trees on the property it prevents the property owners from moving the carport into another area that would not require a variance.
2. Granting the variance requested will not confer upon the applicant any special privileges denied to other residents of the district in which the property is located. **Yes**
  - **Reasoning:** Any other property that share similar circumstances would have the ability to apply for a variance if they could not place a carport on their property in a way that would be conforming to the Town of Erwin's Zoning Ordinances.
3. A literal interpretation of the provisions of this ordinance will deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located. **Yes**

- **Reasoning:** By denying this hardship variance, it would deprive the property of rights commonly enjoyed by other residents of the district and prevent the owner from placing their desired structure on the property.
4. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or the general welfare. **Yes**
    - **Reasoning:** There is no evidence that the addition of the carport would be injurious to the surrounding neighborhood.
  5. The special circumstances are not the result of the actions of the applicant. **Yes**
    - **Reasoning:** None of the applicant's actions were the cause of the requirement of the variance.
  6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structures. **Yes**
    - **Reasoning:** The variance in the amount of 1'1" against the side property line against 404 E H St. is the minimum amount that would allow the continuation of the carport's placement.

## Statement of Consistency

Due to all of the statements of reasonableness being found in the affirmative and all characteristics of hardship being met and compatible with the Town of Erwin's Code of Ordinances, said variance(s) for the property located at 406 E H St is approved.

## Statement of Inconsistency (Only read if denied)

Due to at least 1 of the statements of reasonableness not found in the affirmative and all characteristics of hardship not being met and compatible with the Town of Erwin's Code of Ordinances, said variance(s) for the property located at 406 E H St. St is denied.

**Statement of Consistency**  
**BOA-2025-004**

Due to all of the statements of reasonableness being found in the affirmative and all characteristics of hardship being met and compatible with the Town of Erwin's Code of Ordinances, said variance(s) for the property located at 406 E H St is **approved**.

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Nicholas Skatell  
Chairperson

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Katelan Blount  
Deputy Town Clerk

**Statement of Inconsistency**  
**BOA-2025-004**

Due to at least 1 of the statements of reasonableness not found in the affirmative and all characteristics of hardship not being met and compatible with the Town of Erwin's Code of Ordinances, said variance(s) for the property located at 406 E H St. is **denied**.

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Nicholas Skatell  
Chairperson

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Katelan Blount  
Deputy Town Clerk