

**TOWN OF ERWIN
PLANNING BOARD/BOARD OF ADJUSTMENTS
MONDAY, MAY 20, 2024 AT 7:00 PM
ERWIN MUNICIPAL BUILDING BOARD ROOM**

AGENDA

1. **MEETING CALLED TO ORDER**
 - A. Invocation
 - B. Pledge of Allegiance
2. **CONSENT AGENDA**
 - A. Planning Board Minutes from Regular Meeting on April 15, 2024 (**Page 2**)
3. **OLD BUSINESS**
 - A. Updates
4. **NEW BUSINESS**
 - A. Outdoor Storage Facilities (**Page 5**)
 - B. ZT-2024-002 Update (**Page 7**)
5. **ADJOURNMENT**
6. **BOARD OF ADJUSTMENTS**
 - A. Call to Order
7. **CONSENT AGENDA**
 - A. Board of Adjustments Minutes from Regular Meeting on November 20, 2023 (**Page 18**)
8. **PUBLIC HEARING**
 - A. BOA-2024-001 (**Page 21**)
9. **ADJOURNMENT**

PLANNING BOARD
MEETING MINUTES
MONDAY, APRIL 15, 2024
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, April 15, 2024, at 7:00 PM.

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

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

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 Rebecca Kelly gave the invocation.

Board Member Jim Hartman led the Pledge of Allegiance.

CONSENT ITEMS

Board Member Howard Godwin made a motion to approve the minutes of March 18, 2024, and was seconded by Kathryn Moore. **The Board voted unanimously.**

OLD BUSINESS

Updates:

Town Planner Dylan Eure informed the Board that the Red Hill Church Road major subdivision has been approved by the Town Board.

The Accessory Dwelling Unit Amendment has been tabled until Dylan Eure can gather more information from other municipalities.

The Town will be hosting an Open House at the end of May in regards to the Highway Overlay Amendment to answer any questions that business owners may have.

The Penalty Amendment has been sent back to add specific time periods so that we may have more specific guidance for Code Enforcement and for Residents.

The Amusements Amendments were all discussed at the Workshop, and will be on the Agenda for approval at the next Town Board Meeting.

NEW BUSINESS

Corner Lot Text Amendment

Town Planner Dylan Eure informed the Board that the Town of Erwin Staff has proposed a text amendment to increase the side setbacks on corner lot homes. This would be to ensure the visibility of drivers, as well as safety of those residents who may be purchasing a home within Erwin. This would only affect one side of the property. Board Member Jim Harman questioned where the setback would be measured from- center of the road, edge of the road?

MINUTES CONTINUED FROM APRIL 15, 2024

Town Planner Dylan Eure responded that it would be measured from the property line, but would only affect the edge of property that abuts the right-of-way. This would only impact the side setback.

Board Member Kathryn Moore questioned whether this would have an impact on planting trees or shrubs- would the Town then be responsible for the maintenance of those?

Town Planning Dylan Eure responded that this amendment would only address the home itself, it does not have any effect on vegetation.

Board Member Howard Godwin made the motion to approve the Corner Lot Text Amendment, which was seconded by Board Member Kathryn Moore. **The Board voted unanimously.**

Drainage Easement Text Amendment

Town Planner Dylan Eure stated that The Town of Erwin Staff wishes to amend Chapter 18, Article 2, Section 18-24. The current verbiage does not differentiate between drainage easements and streams, rendering a number of parcels undevelopable due to current setback requirements. The updated language would leave the designated professionals within their specific fields to ensure that setbacks are appropriate.

Board Member Rebecca Kelly made the motion to approve the Drainage Easement Text Amendment, which was seconded by Board Member Howard Godwin. **The Board voted unanimously.**

Duplex, Multi-Family - RMV- Special Use

Town Planner Dylan Eure stated that The Town of Erwin Staff wishes to amend Chapter 36 entitled Zoning, Article VI-A, entitled Residential Mill Village. This type of residence is already a Special Use in the DMV zoning area, but this would also allow a Special Use for the RMV zoning area as well. We have had some interest in renovating properties to their original intended use within the Residential Mill Village.

Board Member Howard Godwin asked if this was intended to restore these properties to their original use.

Town Planner Dylan Eure confirmed that this was correct.

Chairperson Joshua Schmeiding clarified that this is to request a special use permit to enable an owner to restore the property from a single family home back to a multi-family residence as it was originally built.

Town Planner Dylan Eure confirmed that this was the case. The Special Use Permit would have to go before the Town Board for approval, the Town Planner would not be able to approve without Board approval.

Board Member Howard Godwin made the motion to approve the Duplex, Multi-Family - RMV- Special Use Amendment, which was seconded by Board Member Jim Hartman. **The Board voted unanimously.**

Outdoor Storage Text Amendment

Town Planner Dylan Eure presented the Outdoor Storage Text Amendment to Chapter 36, Article 2, entitled "Definitions". Mr. Eure stated that this Amendment was sent back by the Town Board for some edits.

Board Member Jim Hartman asked if this would apply to all existing businesses, or only new businesses going forward.

MINUTES CONTINUED FROM APRIL 15, 2024

Town Planner Dylan Eure clarified that it would only apply to new businesses. Board Member Kathryn Moore made the motion to approve the Outdoor Storage Text Amendment, which was seconded by Board Member Jim Hartman. **The Board voted unanimously.**

Penalty Text Amendment

Town Planner Dylan Eure stated that Penalty Text Amendment was sent back by the Town Board to add specific compliance schedules. This would allow Town Staff to ensure that compliance is better tracked and enforced.

Board Member Kathryn Moore made the motion to approve the Penalty Text Amendment, which was seconded by Board Member Jim Hartman. **The Board voted unanimously.**

Private Roads Text Amendment

Town Planner Dylan Eure explained that this amendment would remove contradictory language within the ordinances, and removing all sections of the ordinance to allow for private streets or roads to be allowed within the Town of Erwin.

Board Member Jim Hartman asked if this would be for future development.

Town Planner Dylan Eure confirmed that this will have no impact on any current private roads within the Town of Erwin, and would allow the Town to ensure that roads are being built to standard and being maintained.

Board Member Howard Godwin made the motion to approve the Private Roads Text Amendment, which was seconded by Board Member Jim Harman. **The Board voted unanimously**

Street Access Text Amendment

Town Planner Dylan Eure presented the Street Access Text Amendment to the Planning Board. This would correct contradictory statements within the Erwin Code of Ordinances. This is also beneficial for parcels that may be land-locked.

Board Member Jim Hartman made the motion to approve the Street Access Text Amendment, which was seconded by Board Member Kathryn Moore. **The Board voted unanimously**

ADJOURNMENT

Board Member Kathryn Moore made a motion to adjourn the meeting at 7:15 PM and was seconded by Howard Godwin. **Motion unanimously approved.**

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

Joshua Schmieding
Chairperson

Katelan Blount
Deputy Clerk

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Erwin's Board of Commissioners
From: Dylan Eure, Town Planner
Date: May 20, 2024
Subject: Outdoor Storage Facilities

Town Staff has prepared a proposed text amendment to Chapter 36 of the Erwin Code of Ordinances within Article 2 entitled "Definitions". Said amendment would require all future outdoor storage locations to adhere to additional regulations dealing with setbacks, permitted location, and screening requirements. The purpose of this amendment is to ensure proper screening from possible unsafe equipment, limit aesthetic concerns, and prevent possible vandalization of vehicles/equipment. According to the 2023 Erwin Land Use Plan this is a actionable task under Goal 1, LUH 7.

After benchmarking our current Code of Ordinances with all municipalities of Harnett it is the Town Planner's recommendation to amend our definition of outdoor storage facilities to include the following diction.

1. Outdoor Storage shall be entirely screened from the public right-of-way, public parking, or adjacent residential development or any other development by an 8 ft 100 % visual barrier. Said barrier may be a chain-linked fence with slats, wood, or buffer vegetation that will grow to be at least 8ft spaced to entirely limit the view of the proposed site.
2. Under no circumstance shall a plain chain-linked fence be acceptable.
3. Outdoor Storage shall be located entirely in the rear or side of the development.

Current Un-amended Diction:

Outdoor storage means the placement or storage of goods, equipment, or materials outside of an enclosed building for a period of more than 48 consecutive hours. Outdoor storage shall include vehicles not for immediate sale and those not considered junk or abandoned. The term "outdoor storage" does not refer to vehicular sales and rental, licensed vehicles in use by the person occupying the property, or other minor and incidental storage, such as items specifically designed for outdoor use, including lawn furniture, outdoor grill, swing set, lawn care equipment, which would not have a negative impact on the health, safety and general welfare of adjacent property owners and land uses.

Proposed Amended Diction:

Outdoor storage means a business in which has storage of goods, equipment, or materials outside of an enclosed building for a period of more than 1 consecutive week. Outdoor storage

shall include vehicles not for immediate sales and those not considered junk or abandoned. The term "outdoor storage" does not refer to vehicular sales and rental, licensed vehicles in use by the person occupying the property, or other minor and incidental storage, such as items specifically designed for outdoor use, including lawn furniture, outdoor grills, dirt for sale, mulch, swing sets, lawn care equipment, all which would not have a negative impact on the health, safety and general welfare of adjacent property owners and land uses.

1. Outdoor Storage shall be entirely screened from the public right-of-way, public parking, or adjacent residential development or any other development by an 8 ft 100 % visual barrier. Said barrier may be a chain-linked fence with slats, wood, or buffer vegetation that will grow to be at least 8ft spaced to entirely limit the view of the proposed site.
2. Under no circumstance shall a plain chain-linked fence be acceptable.
3. Outdoor Storage shall be located entirely in the rear or side of the development.



TOWN OF ERWIN

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

5/20/2024

ZT-2024-002 Memorandum Update

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 Staff wishes to request to rezone 2 split zoned parcels located off S 13th for the purpose of correcting split zoned classifications to make them align with their current use. Said parcels are as followed...

- 0597-50-9969- **Rezone to full B-2**
- 0597-50-9874-**Rezone to full B-2**

Property Description

- HC Tax Pin 0597-50-9969
 - Business on property
 - R-10: .28 Acres, 27.94%
 - B-2: .73 Acres, 72.06%
 - **Rezone to full B-2**
- HC Tax Pin 0597-50-9874
 - Business on Property
 - B-2: .03 Acres, 6.57%
 - R-6: .37 Acres, 93.43%
 - **Rezone to full B-2**

Findings of Fact

Surrounding Land Uses: The surrounding land uses for all of the 3 parcels are as followed

- Conservation to the West
- B-2 to the East / North East
- R-10 to the North and South
- R-6 to the East

The requested rezoning from being split zoned is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances the uses defined within the mixed use classification would best serve the above stated parcels. It is recommended that this rezoning request be **Approved**.

Regards,

Dylan Eure
Town Planner



**REZONING MAP REQUEST
STAFF REPORT**

Case: ZT-2024-002

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

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

Planning Board: 5/20/2024 Town Commissioners: TBD

The Town of Erwin Staff wishes to request to rezone 2 split zoned parcels located off S 13th for the purpose of correcting the split zoned classifications to make them align with their current use. Said parcels are as followed...

- 0597-50-9969- **Rezone to full B-2**
- 0597-50-9874-**Rezone to full B-2**

Applicant Information

Owners of Record:

Name: Kimber Group
Address: HC Tax Pin 0597-50-9969 / Mailing
Address PO Box 181
City/State/Zip: Erwin, NC 28339

Name: Kimber Group
Address: HC Tax Pin 0597-50-9874 / Mailing
Address PO Box 181
City/State/Zip: Erwin, NC 28339

Applicant:

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

Property Description

- HC Tax Pin 0597-50-9969
 - Business on property
 - R-10: .28 Acres, 27.94%
 - B-2: .73 Acres, 72.06%
 - **Rezone to full B-2**
- HC Tax Pin 0597-50-9874
 - Business on Property
 - B-2: .03 Acres, 6.57%

- R-6: .37 Acres, 93.43%
- **Rezone to full B-2**

Vicinity Map

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

Physical Characteristics

Site Description:

Total of 2 parcels located on S 13th Street and Mason Dr, which are both beside each other. Both parcels that are included have access to Harnett County water and sewer lines. According to Harnett GIS there are no wetlands, watersheds, or flood areas within any of the parcels discussed. Furthermore according to GIS there are no recorded easements through any of the properties. The exact acreage for each of the parcels are as followed.

- HC Tax Pin 0597-50-9969 - 1 acres
- HC Tax Pin 0597-50-9874 - .40 acres

Surrounding Land Uses: The surrounding land uses for all of the 8 parcels are as followed

- Conservation to the West
- B-2 to the East / North East
- R-10 to the North and South
- R-6 to the East

Services Available

- Harnett County Water and Sewer are accessible for all properties.
- Duke Progress for energy.

Staff Evaluation

The Town of Erwin has requested 3 parcels to be rezoned to correct zoning map conformities to align parcels to a single zoning classification in which fits each parcel best based on their current use.

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's are compatible with the surrounding community and would not cause any inconvenience to those within the area.

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

- **Reasoning:** According to Erwin’s current Land Use Plan done in 2023 the properties are assigned to be zoned under mixed use that promotes residential and commercial uses.

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

- **Reasoning:** The rezoning would correct zoning nonconformities and ensure that clear uses are defined for the parcels.

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

- **Reasoning:** This rezoning request includes 2 parcels that are beside each other.

<p>There is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group. YES</p>	<p>Parcels are currently split zoned and by rezoning would ensure that their current uses are permitted.</p>
<p>There is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.) YES</p>	<p>Both parcels are designated under the Erwin 2023 Land use Plan to be either residential or mixed use.</p>
<p>There is a convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change. YES</p>	<p>The rezoning's would not alter the character of the neighborhood in anyway. Rezoning's would ensure clarity for owners and not take away rights that they currently have to their land.</p>
<p>The proposed change is in accord with the Land Development Plan and sound planning principles. YES</p>	<p>Both of the parcels that are included are designated to be mixed in the 2023 Erwin Land Use Plan for the purposes of residential and commercial.</p>

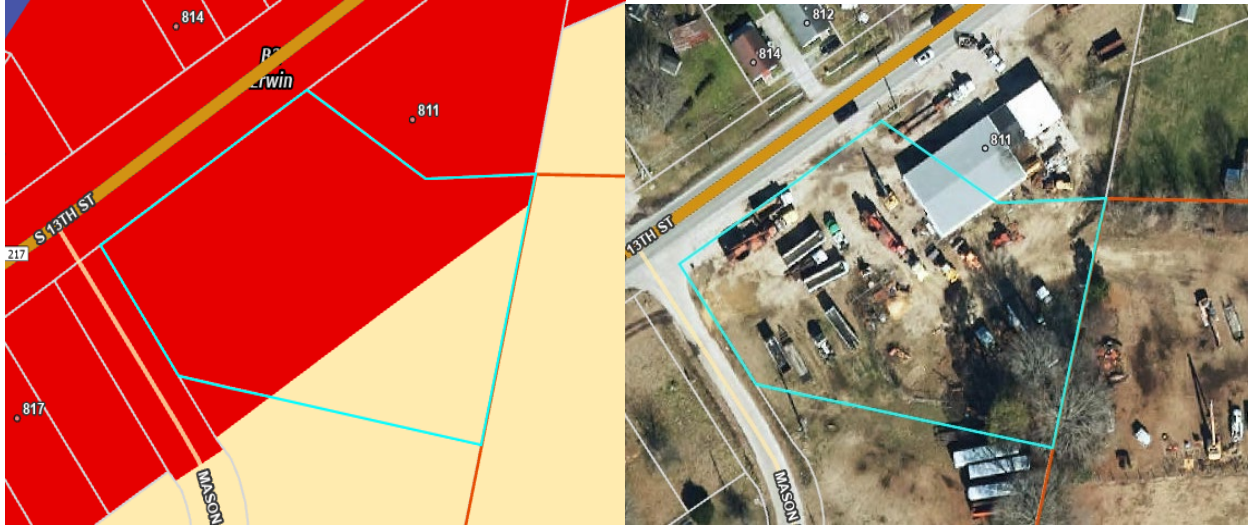
Statement of Consistency

The requested rezoning from being split zoned is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances the uses defined within the mixed use classification would best serve the above stated parcels. It is recommended that this rezoning's request be **Approved**.

Attachments:

- ZT-2024-002 Memo
- Harnett County GIS Image with zoning districts
- Harnett County GIS Image without zoning districts
- Adjacent property owner sheets
- Public notice letter sent to adjacent property owners

HC Tax Pin: 0597-50-9969- Rezone to full B-2



HC Tax Pin:0597-50-9874-Rezone to full B-2



Harnett GIS

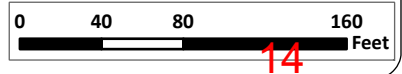
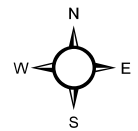
NOT FOR LEGAL USE



Harnett County GIS

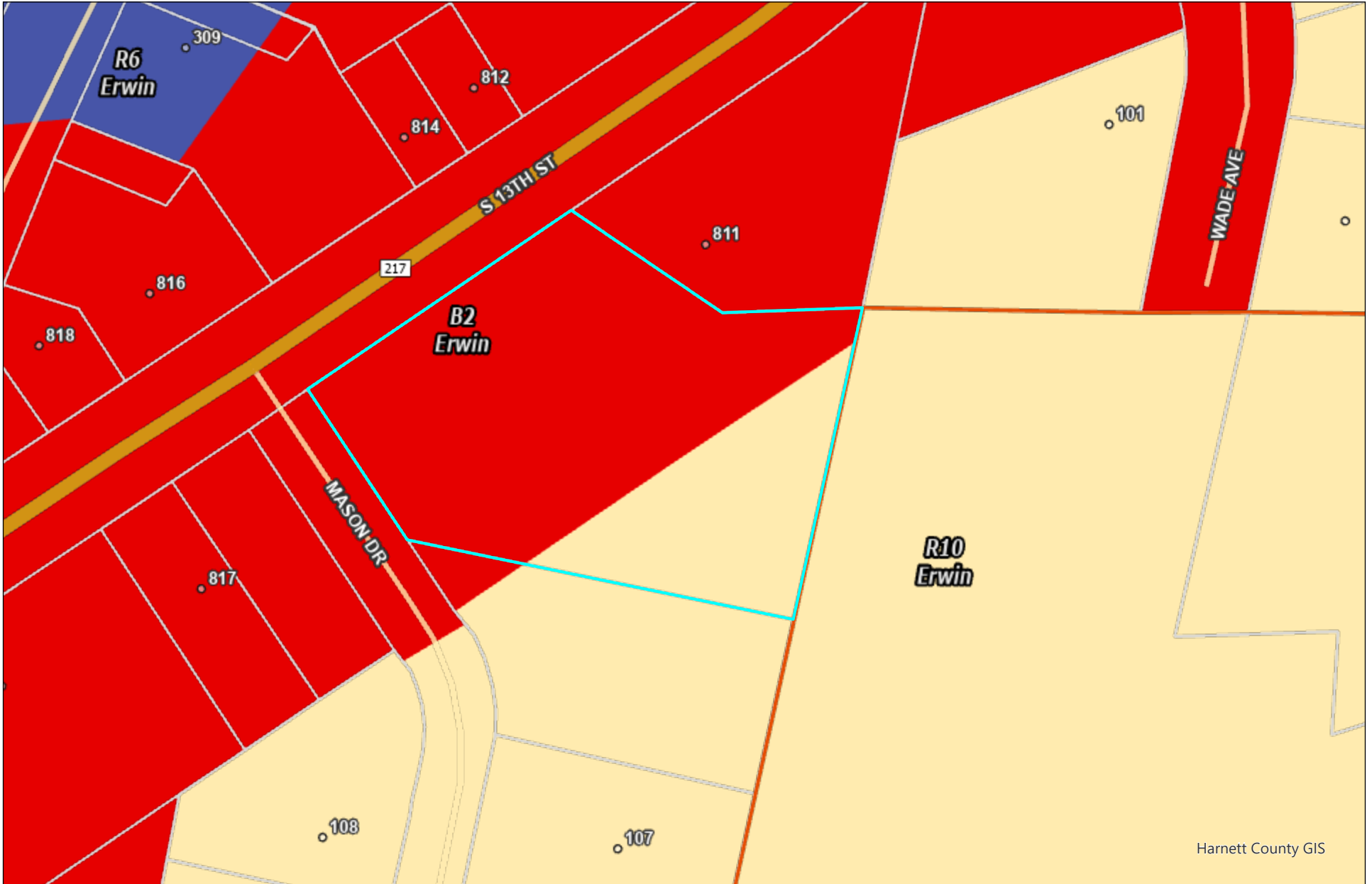
- County Boundary
- City Limits
- Address Numbers
- Road Centerlines
- Major Roads**
- NC
- Parcels
- Watershed HUC12
- Watershed HUC8

GIS/E-911 Addressing
April 23, 2024



Harnett GIS

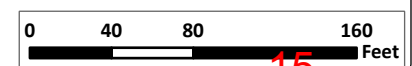
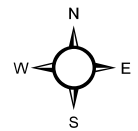
NOT FOR LEGAL USE



Harnett County GIS

GIS/E-911 Addressing
April 23, 2024

- | | | | |
|-----------------|-------------------|------------------------|-----|
| County Boundary | MajorRoads | Watershed HUC8 | R10 |
| City Limits | NC | ETJ | R6 |
| Address Numbers | Parcels | ZoningDistricts | |
| RoadCenterlines | Watershed HUC12 | B2 | |



Harnett GIS

NOT FOR LEGAL USE

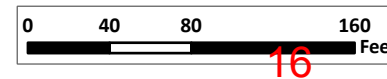
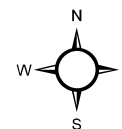


Harnett County GIS

- County Boundary
- City Limits
- Address Numbers
- Road Centerlines
- Major Roads**
- NC
- Parcels
- Watershed HUC12
- Watershed HUC8

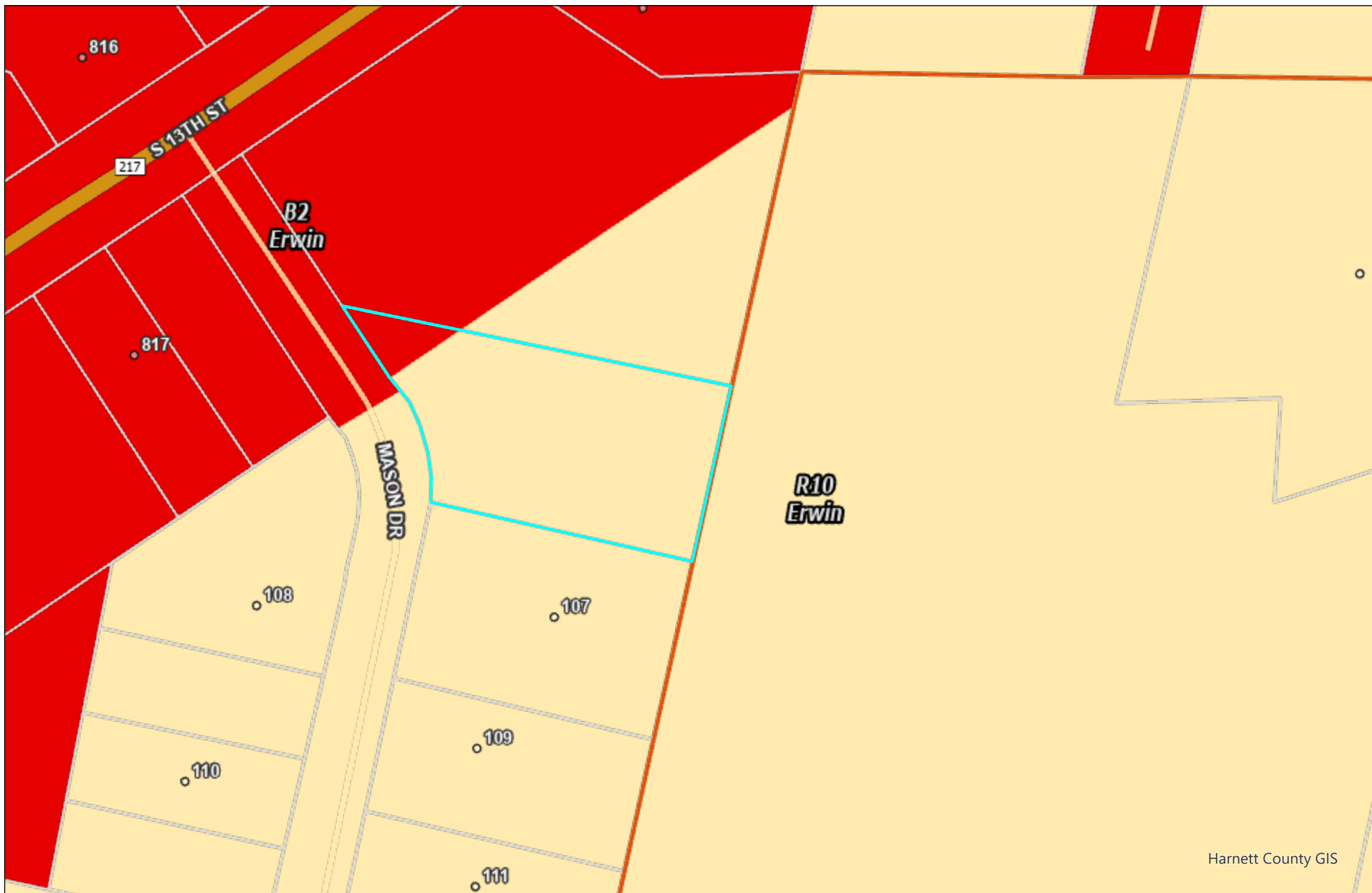
GIS/E-911 Addressing

April 23, 2024



Harnett GIS

NOT FOR LEGAL USE



Harnett County GIS

GIS/E-911 Addressing
April 23, 2024

County Boundary

City Limits

Address Numbers

Road Centerlines

Major Roads

NC

Parcels

Watershed HUC12

Watershed HUC8

ETJ

Zoning Districts

B2

R10

0 40 80 160 Feet

17

BOARD OF ADJUSTMENTS
MEETING MINUTES
MONDAY, NOVEMBER 20, 2023
ERWIN, NORTH CAROLINA

The Town of Erwin Board of Adjustments held its regular meeting in the Erwin Municipal Building Board Room 110 West F Street, Erwin NC on Monday, November 20th, at 7:04 PM.

Board members present were In-Town Board Members Ronald Beasley, Rebecca Kelly, and Kathryn Moore, and Out-of-Town Board Members Nicholas Skatell and Howard Godwin.

Board members absent were: Vice-Chairperson Joshua Schmieding and In-Town Alternate Vanessa Lech.

Town Manager Snow Bowden, Town Clerk Lauren Evans, and Town Planner Dylan Eure were present.

In the absence of Vice-Chairperson Joshua Schmieding, Board Member Ronald Beasley presided over the meeting and called the meeting to order at 7:04 PM.

CONSENT ITEMS

Board Member Howard Godwin made a motion to approve the minutes of July 17, 2023, and was seconded by Nicholas Skatell. **The Board voted unanimously.**

PUBLIC HEARING

BOA-2023-007

Board Member Nicholas Skatell made a motion to open the public hearing and was seconded by Kathryn Moore. **The Board voted unanimously.**

Town Planner Dylan Eure informed the Board that the Town of Erwin received a request for a variance from Mr. Steven Godwin who resided within the municipality at 4169 Old Stage Rd. Mr. Godwin was requesting that item (3) be waived to allow him to have a three-sided four-foot fence to be constructed around the pool, which would abut to the back of the home. However, the Town's ordinances state that when any pool was being constructed, it must be enclosed by a fence that was between six and eight feet tall.

Applicant, Steven Godwin, of 4169 Old Stage Road came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Godwin thanked the Planning Board for their time and expressed his appreciation for what they do. He stated he was requesting to build a three sided four foot fence around the pool on his property.

Board Member Kathryn Moore inquired why Mr. Godwin wanted a four-foot fence rather than a higher fence.

Mr. Godwin stated a four-foot fence would have a better appearance and there was no one around him, his family owned all the land around him.

Board Member Kathryn Moore asked if there was ever a possibility that someone could develop around his property and expressed her concern for the safety of possible future children or grandchildren.

Mr. Godwin stated that he and his family own 53 acres so no development would conflict with his request.

Vice Chairman Joshua Schmieding arrived at 7:11 PM and was in attendance in the audience.

Board Member Ronald Beasley stated this property was in our ETJ and he expressed a concern for taxation without representation. He did not see an issue with Mr. Godwin's request.

Town Planner Dylan Eure stated that a four-foot fence was in line with the North Carolina General Statute.

Board Member Ronald Beasley asked if anyone else would like to come forward and speak in favor of the request.

No one came forward.

Board Member Ronald Beasley asked if anyone would like to come forward and speak against the request.

No one came forward.

Board Member Howard Godwin made a motion to close the public hearing and was seconded by Kathryn Moore. **The Board voted unanimously.**

Board Member Ronald Beasley 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. The reason was that Mr. Godwin's property was a large tract of land with nothing around it.

Board Member Ronald Beasley 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. The reason was that a four-foot fence was in line with North Carolina General Statutes.

Board Member Ronald Beasley 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 residence of the district in which the property is located.

Board Member Ronald Beasley made a motion 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 to the general welfare.

Board Member Ronald Beasley made a motion in the affirmative that the special circumstances are not the result of the actions of the applicant.

Board Member Ronald Beasley 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.

Board Member Rebecca Kelly made a motion to recommend that the proposed hardship variance application meets all the findings of fact in the affirmative and was seconded by Nicholas Skatell. **The Board voted unanimously.**

Board Member Nicholas Skatell made a motion to recommend approval of BOA-2023-007 Hardship Variance request for a four-foot fence to be installed around a pool on the parcel located at 4169 Old Stage Road. (HC Tax PIN # 0597-08-7839.000) and was seconded by Rebecca Kelly. **The Board voted unanimously.**

ADJOURNMENT

Board Member Nicholas Skatell made a motion to adjourn the meeting at 7:18 PM and was seconded by Howard Godwin. **Motion unanimously approved.**

Minutes recorded and typed by

Lauren Evans Town Clerk

Joshua Schmeiding

Chairperson

Katelan Blount

Deputy Town Clerk



TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339
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www.erwin-nc.org

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

5/20/2024

BOA-2024-001 **Memorandum**

Variance Description

Mr. Skandier has requested for a variance of 3ft for the side set back of the accessory building and 6ft for the rear of the accessory building at his property located at 65 Big St in Erwin's ETJ. According to the site plan provided by Mr. Skandier there is a necessary hardship as of why he is not able to meet the required setbacks for accessory uses. Per site plan provided has a septic drain field preventing Mr. Skandier from placing any permanent structure on any other portion of his back yard. Therefore it is in the view of the Planner for the Town of Erwin that the variance be approved for a 3ft and 6ft side/rear variance.

Property Description

The parcel is .67 acre and it has an existing structure located on the parcel that is a single family home. The home is approximately .38 of a mile outside of municipal limits but still within Erwin's extraterritorial jurisdiction. According to GIS there are no wetlands, watersheds, or flood zones. This parcel is located off Big J St. within Erwin's ETJ which is off Russel Dr. and Pump Station Rd. The surrounding zoning classifications are R-10 to the North, and Conservation to the East. All of the other surrounding zoning classification are RD.

Applicable Regulations

Chapter 36 Article XV General Provisions Section 36-419 Subsection B states
(b)Each accessory structure shall not exceed 40 percent of the rear or rear yard
(1)Minimum side setback: Ten feet.
(2)Minimum rear setback: Ten feet.
(3)Minimum setback from principal structure: Ten feet.

Regards,

Dylan Eure
Town Planner



PAID

APR 24 2024

CHK #110Z

TOWN OF ERWIN

FB

Variance Application (February 2011)

Name of Applicant	Trey Skardier	Property Owner	
Mailing Address	65 Big J St.	Mailing Address	
City, State, Zip	Erwin, NC, 28339	City, State, Zip	
Telephone	919-606-9529	Telephone	
Email	t.skardier@gmail.com	Email	
Address of Subject Property		65 Big J St. Erwin, NC 28339	
Parcel Identification Number(s) (PIN) of Subject Property		060597 0035 06	

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.

Trey Skardier
Print Name

Signature of Owner or Representative

4/29/2024
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.

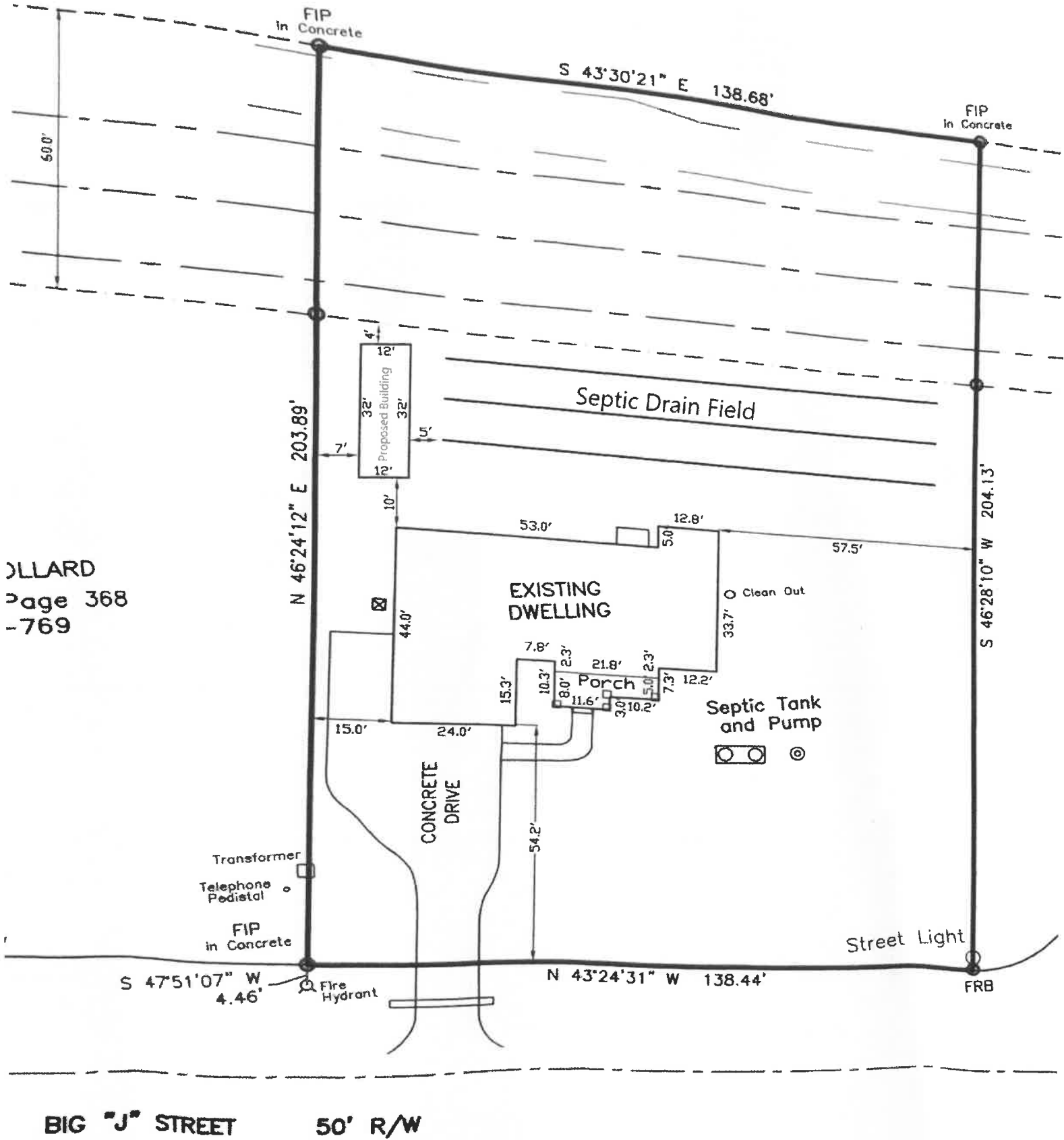
In considering all proposed variances from this ordinance the Board shall, before making any finding in a specified case, first determine that the proposed variance will not constitute any change in the zone shown on the zoning map and will not impair an adequate supply of light and

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.

DILLARD
Page 368
-769





BOARD OF ADJUSTMENTS VARIANCE REQUEST STAFF REPORT

Case: BOA-2024-001

Dylan Eure, Town Planner

deure@erwin-nc.org

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

Board of Adjustments Meeting Date: 5/20/2024

Requesting a variance for an accessory use building setback for 4ft for the rear and 7ft for the side. (6ft and 3ft variance)

Applicant Information

Owner of Record:

Name: Trey Skandier

Address: 65 Big J

City/State/Zip: Erwin, NC 28339

Applicant:

Name: Trey Skandier

Address: 65 Big J

City/State/Zip: Erwin, NC 28339

Property Description

Harnett County Tax PIN: 0587-97-8900

Acres: .67 of an acre

Zoning District: RD

Vicinity Map

- See Attached Document

Physical Characteristics

Site Description: The parcel is .67 acre and it has an existing structure located on the parcel that is a single family home. The home is approximately .38 of a mile outside of municipal limits but still within Erwin's extraterritorial jurisdiction. According to GIS there are no wetlands, watersheds, or flood zones.

Surrounding Land Uses: This parcel is located off Big J St. within Erwin's ETJ which is off Russel Dr. and Pump Station Rd. The surrounding zoning classifications are R-10 to the North, and Conservation to the East. All of the other surrounding zoning classification are RD.

Services Available

- HRW for water
- Private Septic
- South River Electric for electricity
- Century Link for telephone

Findings of Fact

Mr. Skandier has requested for a variance of 3ft for the side set back of the accessory building and 6ft for the rear of the accessory building at his property located at 65 Big St in Erwin's ETJ. According to the site plan provided by Mr. Skandier there is a necessary hardship as of why he is not able to meet the required setbacks for accessory uses. Per site plan provided has a septic drain field preventing Mr. Skandier from placing any permanent structure on any other portion of his back yard. Therefore it is in the view of the Planner for the Town of Erwin that the variance be approved for a 3ft and 6ft side/rear variance.

Staff Evaluation

Staff Evaluation

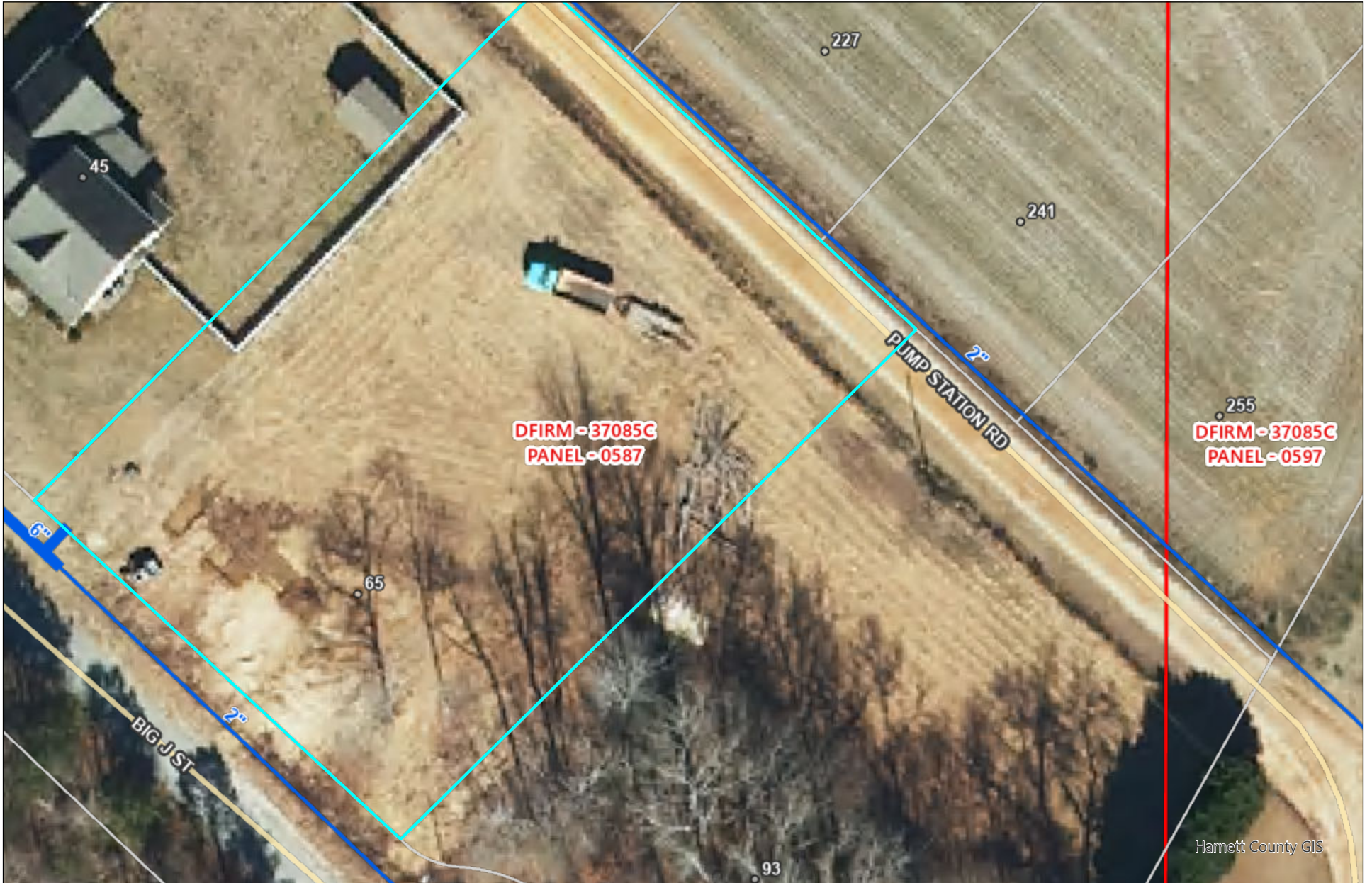
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district. **Yes**
 - **Reasoning:** Drainage field takes up a majority of the back yard.
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. **Yes**
 - **Reasoning:** The applicant is seeking a variance due to a drainage field being in his back yard.
3. 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. **Yes**
 - **Reasoning:** By enforcing the dimensional requirements in consideration of the drainage field the applicant would not be able to place an accessory building 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 to the general welfare. **Yes**
 - **Reasoning:** Will only be a detached garage located on the rear of the property and will not cause any burdens to the general public.

5. The special circumstances are not the result of the actions of the applicant. **Yes**
 - **Reasoning:** The length of the drainage field takes up the majority of the property.

6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structures. **Yes**
 - **Reasoning:** The applicant's variance request is what will allow the applicant to place the shed and nothing additional.

Harnett GIS

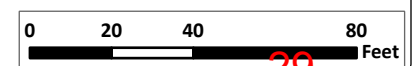
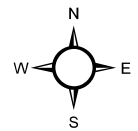
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Harnett County GIS

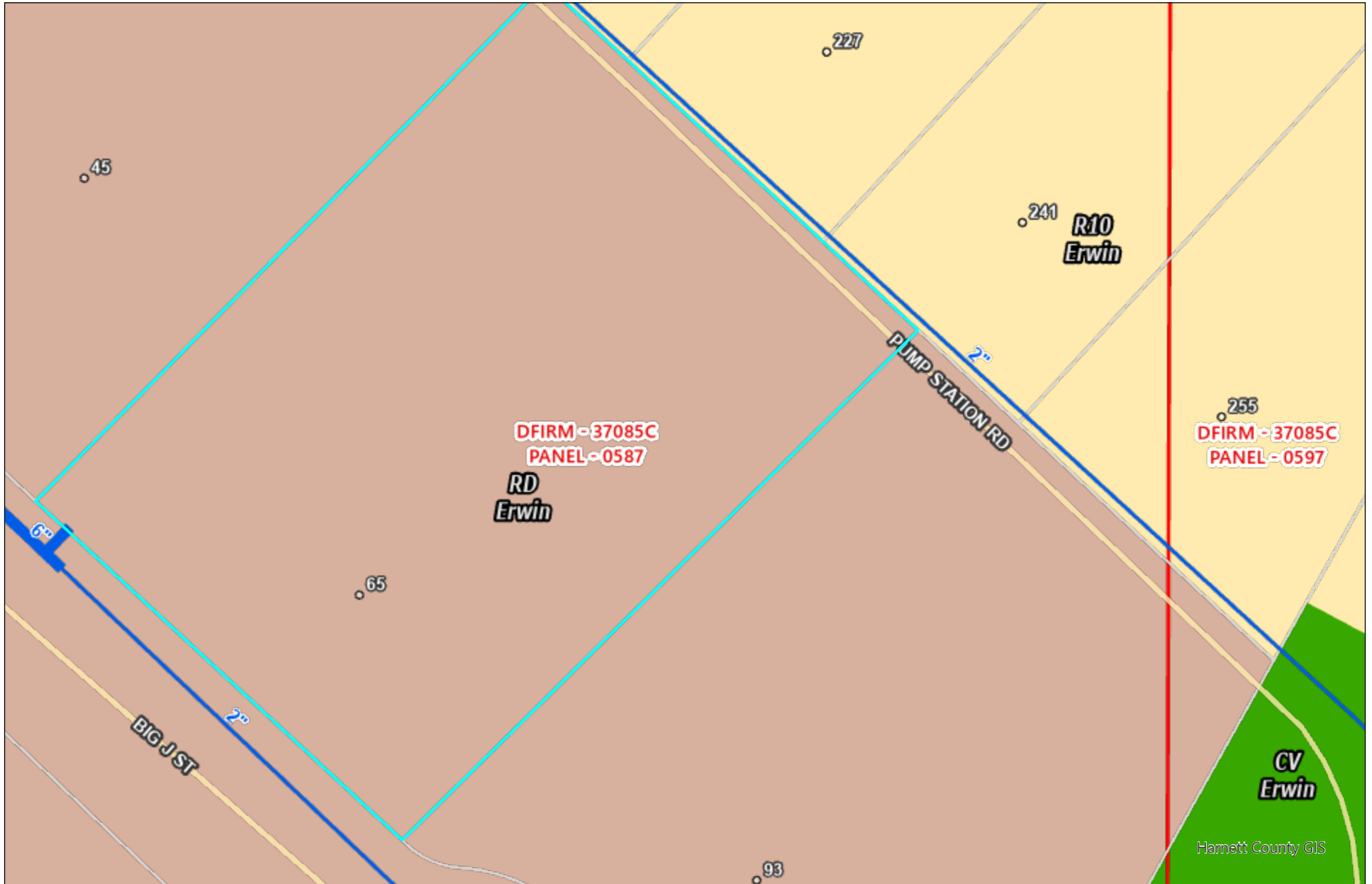
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|-----------------|---------------------------|------------------|
| Flood Map Index | County Water Mains | Road Centerlines |
| County Boundary | 2 - 5 | Parcels |
| Address Numbers | 6 - 36 | Watershed HUC12 |
| | | Watershed HUC8 |

GIS/E-911 Addressing
April 26, 2024



Harnett GIS

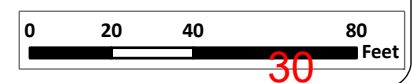
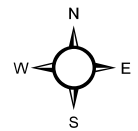
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Harnett County GIS

- | | | |
|--------------------|------------------|-------------------------|
| Flood Map Index | 6 - 36 | ETJ |
| County Boundary | Road Centerlines | Zoning Districts |
| Address Numbers | Parcels | CV |
| County Water Mains | Watershed HUC12 | R10 |
| 2 - 5 | Watershed HUC8 | RD |

GIS/E-911 Addressing
April 26, 2024



James and Wendy Pollard
45 BIG J ST ERWIN, NC 28339-9076

Fisher Building Group
604 WONDERTOWN DR ERWIN, NC 28339

Trey & Angela Skandier
65 Big J Erwin, NC 28339

Joshua & Carla Blackmon
702 LUCAS ST ERWIN, NC 28339-2316

JSJ Property Services
117 E STONEYBROOK CT BENSON, NC 27504-6595



TOWN OF ERWIN

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

5/2/2024

Notice of a Public Hearing BOA-2024-001

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 Adjustments of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on May 20th, 2024 at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment on a proposed setback variance of 6 ft for the rear and 3 feet for the side of an accessory use garage/shed.

The requested variance is the following parcel:

- 65 Big J St Erwin, NC 28339

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

Regards,

Dylan Eure
Town Planner

NOTICE OF PUBLIC HEARING

The Town of Erwin Board of Adjustments will hold a Public Hearing on the following item pursuant to NC General Statute 160D-406, on Monday, May 20, 2024, 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.

Case BOA-2024-001: Hardship Variance request for reduced side and rear setbacks at the parcel located at 65 Big J Street. It can also be identified by its Harnett County Tax PIN # 0587-97-8900.00.

This case is 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.

5/3,10/2024