

November 14, 2011

The Union County Board of Adjustment met in regular session on Monday, November 14, 2011 at 7:00 p.m. in the Union County Government Center, 1st Floor Board Room, 500 N. Main Street, with Chairman Bill McGuirt presiding.

BOARD MEMBERS PRESENT: Chairman Bill McGuirt, Mark Tilley, Rick Davis and Neil Forrest

BOARD MEMBERS ABSENT: Vice-Chairman Daren Greene, Louis Philippi

ALSO PRESENT: Richard Lee Jenson, Land Use Administrator, Susie Calkins, Secretary to the Board and Bill Sturges, Attorney for the Board

Chairman Bill McGuirt called the meeting to order at 7:00 p.m.

REGULAR MEETING

- A. Approval of minutes from August 8, 2011
Rick Davis made a motion to approve the minutes, seconded by Neil Forrest. Motion passed unanimously.
- B. Amendment to add discussion of Steve Wesenberg, Temporary Mobile Home Permit #091 to the meeting. Rick Davis made a motion to add the discussion, seconded by Mark Tilley. Motion passed unanimously.

Chairman Bill McGuirt asked Lee Jenson to come forward and be sworn in.

Lee Jenson stated the procedures on the Temporary Mobile Home Permit. He stated we never received the letter back from Mr. Wesenberg in a timely manner to approve the Temporary Mobile Home. Mr. Jenson stated he did some research that he found an obituary for a Marie Wesenberg that was formerly of Waxhaw and that was who the permit was approved for.

Mr. Jenson said he spoke to Bill Sturges right before the meeting and the suggestion was made to send out a letter to Mr. Wesenberg to see in fact if his findings were correct and if so, he would advise him how we would proceed from there on revoking the permit.

Rick Davis made a motion to have Lee Jenson to send out a certified letter to Mr. Wesenberg, seconded by Mark Tilley. Motion passed unanimously.

PUBLIC HEARING

- A. “Special Use 2011-005” – Vanessa Massey-Quinn requesting a “Special Use” under Section 54 and Appendix I of the Union County Land Ordinance to place a Class B manufactured home in a R-40 zoning district. Located at 916 Willoughby Road, being on Tax Map 06-006-013; presently zoned R-40.

Chairman Bill McGuirt asked Mr. Jenson if the petition submitted was complete. Mr. Jenson stated the petition was complete.

Chairman Bill McGuirt asked if any Board member had a conflict with this agenda item. No one came forward.

Lee Jenson came forward and presented staff analysis.

PRE-HEARING STAFF ANALYSIS*

Special Use Petition No. 2011-005

Property Owner: Elnorah Massey

Petitioner: Vanessa Massey-Quinn

Location: Willoughby Rd.

Request: Grant request to place Class B Manufactured Home.

Summary

This petition seeks approval to place a Class B Manufactured Home on approximately one acre of property.

Existing Zoning

North

The area to the north is zoned R-40.

East

The area to the east is zoned R-40.

South

The area to the south is zoned RA-40.

West

The area to the west is zoned R-40.

Subject Property

The petitioned property is currently zoned R-40.

Existing Land Use**North**

The area to the north consists of a church, low to medium density residential development, and vacant.

East

The area to the east consists of low density residential development, agriculture, and vacant.

South

The area to the south consists of low density residential development, agriculture, and vacant.

West

The area to the west consists of low to medium density residential development, agriculture, and vacant.

Subject Property

The subject property is currently vacant.

Proposed Land Use

The Union County, North Carolina 2025 Comprehensive Plan calls for this area to develop as Residential Low-Density (0-1DU/Acre).

Chairman Bill McGuirt asked if there was anyone present wishing to continue this to the next scheduled board meeting. No one came forward.

Mr. Jenson states that the mobile home will be on the very back side of the property. He also stated that there is an existing 20 ft. access easement that serves some lots in the back.

Bill Sturges asked if they had received Planning approval yet to subdivide the property out. Mr. Jenson stated that she was in the process of getting it approved, but she had a few minor details to work out. He stated he checked with Roger Horton in the Planning Department and he did not believe there would be issue on getting that done. It would then be approved as a minor subdivision.

Mr. Jenson also stated that there are other mobile homes in the area, so the mobile home she wanted to put in would not be out of character in the area.

Mark Tilley asked what the Planning Department wanted to be able to approve it as a minor subdivision. Mr. Jenson stated that they needed some notes added to the map on the drainage of the septic tank.

Bill Sturges asked if Mr. Jenson had a copy of the power of attorney allowing Mrs. Massey-Quinn to do what she is asking. Mr. Jenson stated we do not have a copy.

Rick Davis asked if we should have a copy of the POA before the petition was approved. Bill Sturges stated it would be a good idea to review it.

Chairman Bill McGuirt asked everyone presenting evidence to come forward and be sworn in.

Mrs. Massey-Quinn came forward and stated that she wanted to divide 1.9 acres from her mother's property for her (Mrs. Massey-Quinn) to live in. She also stated there was a copy of the power of attorney was on file in the county. Bill Sturges informed her that it was the Boards duty to review it to make sure everything was in order for them to be able to proceed. Mr. Sturges would review it and advise the Board.

Mrs. Massey-Quinn stated she currently lived with her mother. She stated they did the power of attorney with her mother at least 10 years ago.

Bill Sturges stated that in his observation it may be better to possibly continue the meeting, let the applicant gather more information and then hear the remainder of the meeting.

Mrs. Massey-Quinn was informed if she had a petition from the 3 adjoining property owners that stated they felt like their property would not be adversely affected by her putting a mobile home there, it would help their findings.

After discussions and deliberations were made by the Board, Mark Tilley made a motion to continue the petition until the next scheduled Board meeting, seconded by Rick Davis. Motion passed unanimously.

The following items were requested for the next meeting:

1. Copy of her power of the Power of Attorney in questions
2. Proper petition signed by the 3 adjoining property owners

There being no further business to come before the Board at this time, the public hearing was adjourned at 8:20 p.m.

Respectfully submitted,

Susan R. Calkins
Secretary to Board of Adjustment