

**MINUTES OF THE BOARD OF ADJUSTMENT
ON SLOW COUNTY
JACKSONVILLE, NORTH CAROLINA**

February 12, 2013

I. CALL TO ORDER:

Chairman Hobgood called the Onslow County Board of Adjustment meeting to order at 6:30 pm.

II. INVOCATION: Jerome Shaw pronounced the invocation.

III. PLEDGE OF ALLEGIANCE: Jerry Bunting led all present in the pledge of allegiance

IV. ROLL CALL:

Chairman Homer Hobgood
Vice Chairman Jerome Shaw
Jerry Bunting
Glen Camp
John Napper
Alex Wood

Absent:

Beth Faleris

Staff Members Present:

Benjamin Warren, Director of Planning & Zoning
Sue McLaughlin, Chief Zoning and Environmental Officer
Angie Manning, Land Use Administrator
Ruben Ortiz, Land Use Enforcement Officer

V. APPROVAL OF THE MINUTES:

Mr. Napper made the motion to approve the December 11, 2012 minutes. Mr. Bunting seconded the motion. All members were in favor and the motion passed.

Mr. Shaw made the motion to approve the written decision for application LSU2012-00076 from the December 11, 2012 meeting. The motion was seconded by Mr. Napper. All members were in favor and the motion passed.

VI: NEW BUSINESS:

A. LSU2012-00102 – Mr. John F. Hare, proposed conversion of existing manufactured home park lots to RV/Campground lots at 745 NC Highway 172, Hubert, NC:

Ms. Sue McLaughlin stated that this is a special use request for converting existing manufactured home lots to RV/Campground lots within the Rural Agricultural (RA) District. This use is allowed under special use in the Rural Agricultural (RA) zoning district. The property is located on NC Highway 172, Hubert NC. The site plan depicts the location of existing buildings, existing manufactured home sites and the sites for the RVs. She showed a picture showing the property and listed the zoning districts in the surrounding area. Ms McLaughlin stated that the proposed change is consistent with the Comprehensive Plan. She stated that the property had been posted, the meeting advertised, and the adjacent property owners were notified as required.

Mr. Hare, PO Box 38, Hubert, NC, owner told the Board that he wants to be able to utilize the empty lots on his property. He stated that he has all the sewer and water lines on the lots which are able to accommodate campers and small RVs.

Mr. Napper asked about trash service for the area. Mr. Hare stated that the one dumpster that is on site is more than adequate as has been for the last 10 years.

Mr. Hobgood had a question in regards to the fire lane shown on the site map. He wanted to know if the fire lane could be maintained on the property rather than going through the adjacent property Mr. Hare owns. Mr. Hare said that he could keep the fire lane on the same property.

Mr. Wood asked how many RVs are going to be on each lot. Mr. Hare replied that he was advised by the health department that his septic system can handle two RVs per lot.

Mr. Wood asked Mrs. McLaughlin if a site plan had to be prepared by a surveyor. Mrs. McLaughlin stated that a surveyor does not need to prepare the site plan per the Zoning Ordinance.

First General Conclusion: That the special use, if approved, will not materially endanger public health or safety, if located where proposed according to the plan submitted and approved. Mr. Shaw made the motion to approve the finding. Mr. Napper seconded the motion. All members were in favor and the motion passed unanimously.

Second General Conclusion: That the use meets all special uses and specifications. Mr. Bunting made the motion that that the use meets all required special uses and specifications and Mr. Napper seconded the motion. All members were in favor and the motion passed unanimously.

Third General Conclusion: That the use would not substantially injure the value of the adjoining or abutting property, or that the use is a public necessity. Mr. Napper made the motion to approve the finding. Mr. Shaw seconded the motion. All members were in favor and the motion passed unanimously.

Fourth General Conclusion: That the location and character of the use, if developed according with the plan as submitted and approved, will be in harmony with the area in which it was to be located and in general conformity with the Onslow County Comprehensive Plan and other

Onslow County Ordinances. Mr. Bunting made the motion to approve the finding and Mr. Napper seconded the motion. All members were in favor and the motion passed unanimously. Mr. Hobgood announced to the applicant that the Special Use request had been approved by the Board.

B. LSU2012-00055 – Martin Marietta Materials, determine that the application submitted on July 24, 2012, is substantially different from the application submitted on June 25, 2010:

Mr. Hobgood asked that staff explain what the next issue on the agenda.

Mrs. McLaughlin explained to the Board that the Board will be determining if the application being submitted by Martin Marietta Materials, Inc is substantially different than the application submitted on June 25, 2010. This was in regards to property located on NC Highway 50 and Haws Run Rd, Maple Hill, NC.

Mr. Wood asked if the summary of the site plan was provided by Martin Marietta Materials (MMM) or the county. Mrs. McLaughlin said that it was material provided by MMM but Staff created the table itself.

Mr. Lacy Reeves, 150 Fayetteville St, Raleigh, NC, attorney for MMM; gave an explanation on zoning laws in North Carolina, which allow an applicant to resubmit an application as long as there are significant changes in the application. He stated that they submit that there are significant changes in the 2012 application and that Mr. Badham will testify in regards to those changes.

Mr. Hobgood asked if there was a document showing the changes between the 2010 application and 2012 application. Mrs. McLaughlin brought up a slide showing the differences in table format.

Mr Paxton Badham, PO Box 3001, Raleigh, NC, explained the differences to the Board the between the 2010 and 2012 applications. The majority of the changes dealt with increasing the buffers and around the pit area and asserted that these are substantial changes between the two applications.

Mr. Wood asked what issues the Zoning Board voted against in 2010 and how those issues were addressed in the new 2012 application.

Mr. Reeves stated that it was required of them to achieve a 4/5 vote on each item set forth in the Onslow County Ordinance. To his recollection they achieved that on two of the issues and 3/5 vote on two others, dealing with adverse effect on adjoining property and whether the proposal was in harmony with the surrounding area. Mr. Reeves showed the Board that the increased buffers helped in addressing those issues.

Mr. Charles Busby, PO Box 818, Hampstead, NC, attorney; representing GMF Development, Inc., asked if these are in fact significant changes between the two applications. He believes that

there are no significant changes in regards to the issues that were voted against on the 2010 application. Mr. Busby also spoke about the possible long term effects that the operation would have on the surrounding area. He listed environmental (aquifer levels, hog farms) and financial (property value, blasting damage) issues that were issues in the 2010 application and have not been addressed in the 2012 application. He also pointed out that according to the Onslow County Comprehensive Plan land must be returned to a reusable state. Mr. Busby also stated that MMM has no commitments in place and at any point and time can abandon its operation leaving the County to deal with an unused mining pit.

Mr. Wood asked what the testimony was in regards to the blue shaded areas. Mr. Busby sated he does not know as he was not present at the hearing and the only thing he has to go off of is the submitted application that was given in 2010.

Mr. Reeves spoke up and stated that tonight was just to see if there was a significant change between the 2010 application and 2012 application. He was not informed that they would need testimonies and evidence for this meeting. Mr. Hobgood agreed with him on those points.

Mr. Wood asked if there are any residences in the northern part of the site. Mr. Reeves stated that there are some residences, but that they are scattered in. There are no highly populated residential areas around the proposed site.

Mr. Wood asked for an explanation on the proposed 1,600 foot buffer. Mr. Reeves explained that the buffer has been increased from 60 feet to 125 feet on the northern area and there is no 1,600 foot buffer all around the site. Mr. Badham explained that the 1,600 foot is the largest point on the site for one area of the proposed site between the pit and the property line.

Mr. Wood then asked if there was a map showing the site as it pertained to the 2010 application. Mr. Ben Warren spoke up and informed Mr. Wood that there is a copy of the site reflecting both the 2010 and 2012 applications.

Mr. Wood asked what difference was made with the buffer area near the processing plant between the 2010 application and the 2012 application. Mr. Badham explained to the Board that MMM included another piece of property in the 2012 application that was not in the 2010 application that will be used as a buffer.

Mr. Hobgood asked the board if there was a motion in regards to the changes between the 2010 application and the 2012 application. Mr. Bunting made the motion stating that there are major changes between the two applications. Mr. Napper seconded the motion. Four members were in favor and with one nay (Wood).

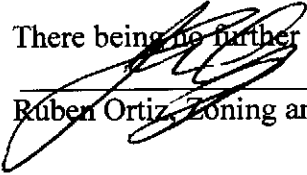
Mr. Hobgood has stated that the meeting will be continued until the Special Use Hearing on February 25 in the Superior Courtroom of Jacksonville, NC, when the Board will begin to hear testimony on the Special Use Application.

VIII. COMMENTS.

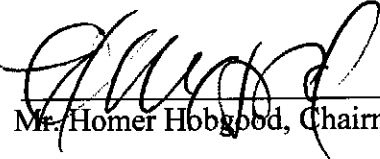
N/A

IX. ADJOURNMENT:

There being ~~no~~ further discussion, the meeting was adjourned at 7:43 pm.



Ruben Ortiz, Zoning and Environmental Officer



Mr. Homer Hobbod, Chairman