

**WILSON COUNTY BOARD OF ADJUSTMENT
MEETING
Tuesday, March 17, 2020
7:00 PM**



**Board of Commissioners'
Conference Room, 1st Floor
2201 Miller Road South
Wilson, NC 27893**

MEMORANDUM

TO: Board of Adjustment Members

FROM: Mr. Mark Johnson, AICP, CZO, MA
Planning Director

SUBJECT: Board of Adjustment Meeting

DATE: February 24, 2020

The Wilson County Board of Adjustment will meet at 7:00 p.m., Tuesday, March 17, 2020 in the Commissioners' Meeting Room, on the first floor of the Wilson County Government Center located at 2201 Miller Road South, Wilson, North Carolina.

A copy of the agenda, staff reports, and the minutes from the meeting of January 21, 2020 are enclosed.

Please contact Lisa Bisette at 252-399-2847 if you will **not** be able to attend this meeting.

Feel free to contact me with any questions you may have.

WILSON COUNTY BOARD OF ADJUSTMENT

**TUESDAY, MARCH 17, 2020 - 7:00 PM
WILSON COUNTY GOVERNMENT CENTER
BOARD OF COMMISSIONERS' MEETING ROOM (FIRST FLOOR)
2201 MILLER ROAD SOUTH
WILSON, NORTH CAROLINA**

AGENDA

1. CALL TO ORDER: Richard L. Skinner, Chairman
2. PRAYER
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF THE JANUARY 21, 2020 MINUTES (pp 1-5)
5. SWEARING IN OF NEW BOARD MEMBERS
6. SPECIAL USE PERMIT
 - SU 2020-01 – Special use permit to allow the operation of an animal shelter at the SW corner of Tucker Ct and NC Hwy 42 East, Gardners Township, Tax Parcel #3732-52-9078 (pp 6-14)
7. CHAIRMAN'S REPORT
8. DEVELOPMENT SERVICE DIRECTOR'S REPORT
9. ADJOURNMENT

**WILSON COUNTY BOARD OF ADJUSTMENT
Wilson County Government Center
Board of Commissioners' Room (1st floor)
2201 Miller Road, South, Wilson, NC 27893
January 21, 2020**

MEMBERS PRESENT: Charles Freeman, Vice-Chairman; Phillip Harrell; and Keenan Rouse, Alternate

MEMBERS ABSENT: Leon Skinner, Chairman; Clay Hinnant; Michael Worley; and Terri Godwin Hyman, Alternate

OTHERS PRESENT: Mark M. Johnson, Development Services Director; Evan Lee, County Attorney Office

CALL TO ORDER: Charles Freeman, Vice Chairman

PLEDGE OF ALLEGIANCE AND PRAYER:

At this time Mr. Freeman led the Board in the Pledge of Allegiance and prayer.

APPROVAL OF THE OCTOBER 15, 2020 MINUTES:

Phillip Harrell made a motion to approve the minutes of the October 15, 2019 meeting and Keenan Rouse seconded the motion. The motion passed unanimously.

CASE SU 2019-05:

At this time Mr. Freeman called on Mr. Johnson to present application for SU 2019-05 for Board consideration.

Mr. Johnson asked that all persons present who would like to speak on this matter come up to be sworn in. At this time Mr. Willie Lawrence came up to be sworn.

Mr. Johnson presented the following information which includes the Staff Report and Staff Comments for the Board's consideration:

**STAFF REPORT
Special Use Permit Request – Willie J. Lawrence, Sr
SU 2019-05
January 21, 2020**

TO: Board of Adjustment:

APPLICANT: Bartlett Engineering & Surveying, PC for Willie J. Lawrence, Sr.

REQUESTED ACTION: Conduct public meeting on January 21, 2020, at 7:00 p.m. to consider approval of SU 2019-05, to allow for an accessory dwelling

LOCATION: 5204 Little Farm Road, Elm City, NC in the Gardners Township with tax parcel number 3753-39-1061

LOT DESCRIPTION: .92 acres with a road frontage of 126 feet

EXISTING LAND USE: Property is zoned A/R; The existing land use is residential; Surrounding property is zoned A/R (Agricultural/Residential), with existing land residential as well.

PUBLIC NOTIFICATION: Adjoining property notices were mailed out and a sign was placed on the property on December 9, 2019. A public notice was posted on the County's website on December 27, 2019. Ads were placed in the Wilson Times on January 7, 2020 and January 17, 2020.

COMMENTS: See attached "Staff Comments"

STAFF COMMENTS
Special Use Permit Request – Willie J. Lawrence, Sr.
SU 2019-05
January 21, 2020

- As found in the Wilson County Unified Development Ordinance Table 7-2 "Table of Permitted Structures and Accessory Uses", "Accessory Structures" is a permitted use with the A-R (Agriculture-Residential) zoning district through the approval of a Special Use Permit by the Wilson County Board of Adjustment.
- This property is not located in the Public Water Supply Watershed Area.
- This property is not located within a Special Flood Hazard Area.
- A board worksheet to assist with the review is attached.
- Wilson County water is available.
- Must comply with standards of 7.3.3(A) (See standards below)

• Table 7-2 Table of Permitted Accessory Structures and Uses

ACCESSORY USE TYPE	ZONING DISTRICT													SPECIAL REQUIREMENTS
	AR	R-30	MH R-20	R-20	MH R-20	R-15	MH R-15	R-10	OI	B-1	B-2	M-1	M-2	
P = PERMITTED USE														S = SPECIAL USE
Accessory Use/Structure (Customary)	P	P	P	P	P	P	P	P	P	P	P	P	P	
Accessory Dwelling Unit	S	S		S										7.3.3(A)
Amateur Ham Radio / TV Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	7.3.3(B)
Canopies										P	P	P		7.3.3(C)
Caretaker Dwelling										P	P	P	P	7.3.3(D)
Child Care, Home (6 or fewer children)	P	P	P	P	P	P	P	P						7.3.3(E)
Drive Through Facilities										S	S			7.3.3(F)
Fences And Walls	P	P	P	P	P	P	P	P	P	P	P	P	P	
Garages	P	P	P	P	P	P	P	P	P	P	P	P	P	
Home Occupations	P	P	P	P	P	P	P	P	P					7.3.3(G)
Internet Café										P	P			7.3.3(H)
Outdoor Display / Sales										S	S	S		7.3.3(I)
Outdoor Storage										S	S	S	S	7.3.3(J)
Produce Stand	P									P	P			7.3.3(K)
Satellite Dish	P	P	P	P	P	P	P	P	P	P	P	P	P	7.3.3(L)
Stable (Accessory to a Residential Use)	P	S												7.3.3(M)
Swimming Pool	P	P	P	P	P	P	P	P	P	P				7.3.3(N)
Wind Turbine	P	P	P	P	P	P	P	P	P	P	P	P	P	7.3.3(O)

7.3.3 Specific Standards for Certain Accessory Uses

(A) Accessory Dwelling Units

Accessory dwelling units shall comply with the following standards:

- (1) Not more than one accessory dwelling unit per lot shall be permitted.
- (2) Accessory dwelling units shall be located within the principal dwelling or behind the principal dwelling as a freestanding building or above a detached outbuilding or garage.
- (3) The use of travel trailers, campers or similar vehicles as an accessory dwelling unit shall be prohibited.
- (4) Manufactured homes may be used as accessory dwelling units if they are allowed as a permitted use in the base zoning district upon which the principal dwelling is located.
- (5) The accessory dwelling unit shall be at least three hundred (300) square feet in size, but shall not exceed fifty percent (50%) of the gross habitable floor area of the principal structure. Accessory dwelling units located within principal dwellings shall not occupy more than twenty-five percent (25%) of the gross floor area of the principal structure.
- (6) Alterations to principal dwelling units to accommodate accessory dwelling units shall not cause the principal structure to appear to be a multi-family structure from any public or private street or adjoining property.
- (7) Accessory dwelling units shall be served by at least one off-street parking space (in addition to the required off-street parking serving the principal use) and shall be served by the same driveway as the principal dwelling.
- (8) Accessory dwelling units shall not be sold apart from the principal structure.
- (9) Accessory dwelling units shall not include home occupations.

Mr. Freeman then asked Mr. Johnson, "In your opinion are there any health or environmental concerns related to this application? Mr. Johnson stated there were no issues that he was aware of.

Mr. Harrell then asked were there any issues expressed by the general public. Mr. Johnson stated that he had received numerous calls asking about the large special use permit sign

erected on the property by staff. However, once it was explained to the caller, there were no issues expressed or identified.

Mr. Freeman then called Mr. Lawrence to give testimony. Mr. Lawrence stated that the wish to convert the existing multi-purposed building in his rear yard into living quarters is for his aging father and a caregiver. He stated that his father is a WWII and Korean War veteran, serving in the US Air Force. He also stated that his father is now blind and requires 24-hour care and that he could not find suitable care in Wilson County facilities.

At the conclusion of Mr. Lawrence testimony, Mr. Freeman closed the public hearing and asked, "what is the pleasure of the board".

Mr. Harrell made the motion and seconded by Mr. Rouse that the request be approved. The motion passed unanimously.

Chairman Report:

None

Director's Report:

Mr. Johnson stated that he will be attending a workshop in Greenville on January 22 relating to NCGS 160D.

Adjournment:

Mr. Freeman asked for a motion to adjourn. Motion to adjourn was made by Mr. Harrell and second by Mr. Rouse. Motion passed unanimously.

STAFF REPORT
Special Use Permit Request – Wilson County
SU 2020-01
March 17, 2020

TO: Board of Adjustment:

APPLICANT: Bartlett Engineering & Surveying, PC for Wilson County

REQUESTED ACTION: Conduct Public Hearing on March 17, 2020, at 7:00 p.m. to consider approval of SU 2020-01, to allow the operation of an Animal Shelter.

LOCATION: West side of Tucker Court (SR 1501) in Gardners Township. More specifically SW corner of Tucker Ct. and NC 42 East, with the tax parcel number 3732-52-9078

LOT DESCRIPTION: 3.23+- acres; with a road frontage of 334.53 linear feet along Tucker Court and 330.93 linear feet along NC Hwy 42 East.

EXISTING LAND USE: Property is zoned A/R (Agriculture Residential District), Current use is vacant. Surrounding property is also zoned A/R. Adjacent use is the Wilson County Landfill.

PUBLIC NOTIFICATION: Adjoining property owner notices were mailed out on February 24, 2020 and a sign was placed on the property on February 24, 2020. A public notice was posted on the County's website on February 24, 2020. Ads were placed in the Wilson Times on March 5 and March 12, 2020.

COMMENTS: See attached "Staff Comments"

STAFF COMMENTS
Special Use Permit Request – Wilson County, Owner
SU 2020-01
March 17, 2020

- As found in the Wilson County Unified Development Ordinance Table 7-1 “Permitted Uses by District”, Animal Shelter is a permitted use within the A-R (Agricultural/Residential) zoning district through the approval of a Special Use Permit by the Wilson County Board of Adjustment subject to the standards of Section 7.2.1 are met.

7.2.1 Animal Shelter

(A) Minimum Separation Requirement

Animal Shelters shall not be located within two hundred fifty (250) feet of a structure used for residential purposes, or within two hundred fifty feet of a lot line of an adjoining property which is zoned for residential purposes.

(B) Minimum Lot Area

Where an Animal Shelter provides outdoor boarding of animals, a minimum of three (3) acres of lot area shall be provided for the first twenty (20) animals that the shelter has outdoor capacity for. An additional acre of lot area shall be provided for every ten (10) animals over the minimum lot area.

- This property is not located in any Watershed Protection Area.
- This property is not located within a Special Flood Hazard Area.
- A board worksheet to assist with the review is attached.
- Wilson County Water is not available.
- Buffer yard is not required because adjoining property is under same ownership as property proposed for development. (Section 9.3.4 (A) of Wilson County UDO)

Use Type	Zoning District													Special Requirements
	AR	R-30	R-MH R-30	R-20	R-MH R-20	R-15	R-MH R-15	R-10	OI	B-1	B-2	M-1	M-2	
RESIDENTIAL USE CATEGORY														
Dwelling, Single Family	P	P	P	P	P	P	P	P						
Dwelling, Duplex						P	P	P						7.2.6
Dwelling, Manufactured Home	P		P		P		P							7.2.7
Dwelling, Multi-Family (3 or more units)						S		S						7.2.8
Dwelling, Townhouse						S		S						7.2.9
Manufactured Home Park			P		P		P							7.2.14
Boarding / Rooming House	S													7.2.3
Family Care Home	P	P	P	P	P	P	P	P						
INSTITUTIONAL AND CIVIC USE CATEGORY														
Ambulance / EMS Station	S	S	S	S	S	S	S	S	P	P	P	P	P	
Adult Day Care Center	S								P		P			
Animal Shelter	S											P	P	7.2.1
Assisted Living Facility / Nursing Home	S	S	S	S	S	S	S	P	P		P			
Auditorium / Public Assembly									P	P	P			
Campgrounds	S													7.2.4
Cemeteries	P	P	P	P	P	P	P	P	P					
Child Care Center (up to 30 children)	S	S	S	S	S	S	S	S	P		P			7.2.5
Child Care Center (over 30 children)									P		P			7.2.5
Crematorium												P	P	
Civic and Fraternal Organizations	S								P	P	P			
Correctional Facility													S	



APPLICATION REQUESTING A HEARING BEFORE THE WILSON COUNTY, NORTH CAROLINA BOARD OF ADJUSTMENT

Applicant's Name: Wilson County

Date: 1-28-2020 Total Fee Submitted: \$ 0.00

TO THE WILSON COUNTY BOARD OF ADJUSTMENT:

I (We), the undersigned, do hereby make application for your consideration of my request as hereinafter described:

1. GENERAL PROPERTY INFORMATION

The property is located on the West side of Tucker Court having State Road # 1501 in the Gardners Township of Wilson County. The physical address is SW Corner of Tucker Ct. & NC Hwy 42 E and it is identified as Wilson County tax Parcel Identification Number 3732 - 52 - 9078 of the tax maps. The property has a frontage of 334.53 feet and contains 3.23 acres. The property is currently located in the AR zoning district.

2. REQUEST TYPE

I hereby request the following:

- Special Use Permit Watershed Variance
 Variance Floodplain Variance
 Appeal of decision rendered by Ordinance Administrator

NOTE: A supplemental application is required for any request.

3. REQUIRED ATTACHMENTS

- Fourteen (14) copies of a map prepared by a registered land surveyor showing the exact dimensions of the property, the metes and bounds legal description, and the tax identification numbers of surrounding properties. The survey map should also indicate (for all properties named on the attached list as an abutting property) surrounding land uses with respective zoning district classifications.
 The structures on abutting or adjacent properties within a 200 feet buffer are indicated on the map in relation to the property under consideration.
 A copy of the property deed that indicates current ownership.
 A list of all individuals, firms, or corporations that own property adjacent or adjoining within 200 feet of the property described above. The list must be generated using existing property boundaries as recorded at the Register of Deeds office at the time of submission of this application.

4. CERTIFICATION

I (We) hereby certify that the information furnished in this application is accurate to the best of my (our) knowledge. Applications must be signed by the property owner(s) or their duly authorized agent or attorney. Please attach an additional sheet if necessary.

Property Owner: Wilson County Phone Number: 252-395-2804
Signature: *Dan Goff* Extension: _____
Mailing Address: P.O. Box 1728
Wilson, NC 27893

Property Owner: _____ Phone Number: _____
Signature: _____ Extension: _____
Mailing Address: _____

Agent/Attorney: _____ Phone Number: _____
Signature: _____ Extension: _____
Mailing Address: _____

OFFICE USE ONLY	
Petition Received on:	_____ by _____
Case Number Assigned:	_____
Total Fees Collected:	_____ paid by _____



APPLICATION FOR SPECIAL USE PERMIT
 ISSUED BY WILSON COUNTY, NORTH CAROLINA
 BOARD OF ADJUSTMENT

Applicant's Name: Wilson County

Date: 1-28-2020 Total Fee Submitted: \$ 0.00

I (We), the undersigned, do hereby submit this application for a Special Use Permit as herein requested:

1. Specify development/use(s) proposed:

Animal Shelter

2. Standards

In granting a Special Use Permit, the Board of Adjustment may attach reasonable requirements in addition to those specified in the Wilson County Unified Development Ordinance, ensuring that the development in its proposed location will meet the standards mentioned below. Please briefly indicate how your request meets or exceeds these standards (please attach additional sheets if necessary).

A. The use requested is among those listed as an eligible Special Use in the district in which the subject property is located:

The requested use is an eligible special use in the existing AR Zoning Designation per Table 7-1 of the Wilson County UDO.

B. The required Special Use Permit is either essential or desirable for the public convenience or welfare:

The SUP for this project is both essential and desirable for the public convenience and welfare, due to the condition of the existing animal shelter site.

C. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, nor will be detrimental to the health, morals, or welfare of the community:

The proposed use will blend in with the character of the surrounding and adjoining districts and will not be detrimental to the health, morals or welfare of the community.

D. The requested permit will be in conformity with all officially adopted land development plans:

The requested permit will conform to the Wilson County Land Development Plans.

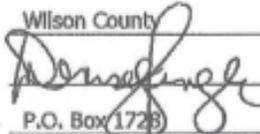
E. Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities have been or are being provided:

All necessary improvements will be provided per Wilson County Design Specifications.

3. **Additional Standards** (see attachment, if applicable)

4. **Certification**

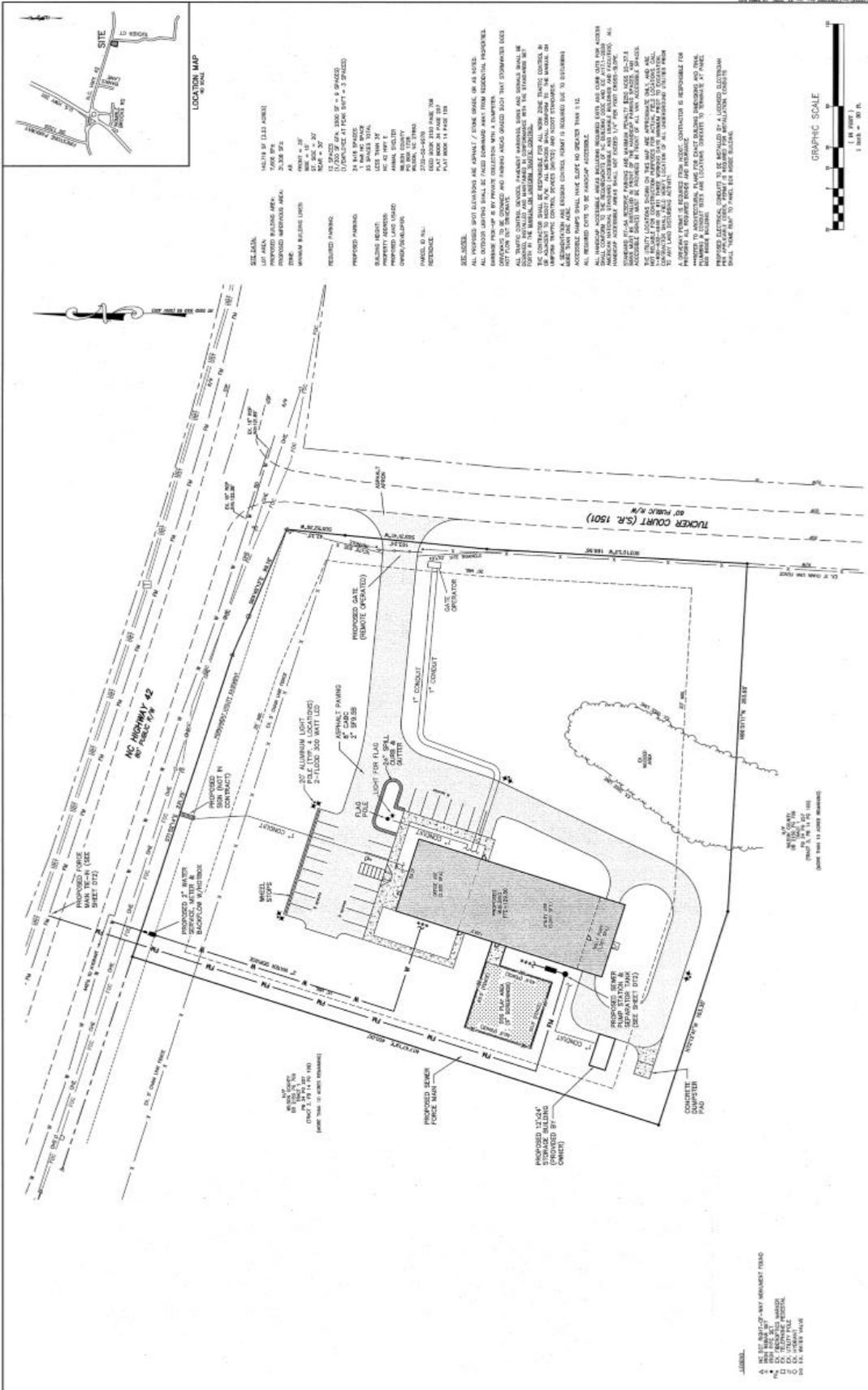
I (We) hereby certify that the information furnished in this application is accurate to the best of my (our) knowledge. Applications must be signed by the property owner(s) or their duly authorized agent or attorney. Please attach an additional sheet if necessary.

Property Owner: Wilson County Phone Number: 252 399-2607
Signature:  Extension: _____
Mailing Address: P.O. Box 1728
Wilson, NC 27893

Property Owner: _____ Phone Number: _____
Signature: _____ Extension: _____
Mailing Address: _____

Agent/Attorney: _____ Phone Number: _____
Signature: _____ Extension: _____
Mailing Address: _____

**This application must be accompanied by an application requesting a hearing before the Wilson County, North Carolina Board of Adjustment.*



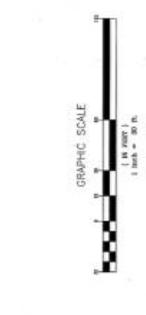
DATE: JAN. 2020
SCALE: 1" = 30'
DATE: JAN. 2020
SCALE: 1" = 30'

PROJECT: WILSON COUNTY ANIMAL SHELTER
CLIENT: WILSON COUNTY
PROJECT NO.: 19-001

DESIGNED BY: BARTLETT ENGINEERING & SURVEYING, PC
CHECKED BY: [Name]
DATE: [Date]

GENERAL NOTES:

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
2. ALL UTILITIES SHALL BE DEEPER THAN THE FOUNDATION OF ANY STRUCTURE.
3. ALL UTILITIES SHALL BE PROTECTED BY A MINIMUM OF 18" OF GRANULAR FILL.
4. ALL UTILITIES SHALL BE PROTECTED BY A MINIMUM OF 18" OF GRANULAR FILL.
5. ALL UTILITIES SHALL BE PROTECTED BY A MINIMUM OF 18" OF GRANULAR FILL.
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9. ALL UTILITIES SHALL BE PROTECTED BY A MINIMUM OF 18" OF GRANULAR FILL.
10. ALL UTILITIES SHALL BE PROTECTED BY A MINIMUM OF 18" OF GRANULAR FILL.



DATE: JAN. 2020	SCALE: 1" = 30'	PROJECT: WILSON COUNTY ANIMAL SHELTER	CLIENT: WILSON COUNTY
DESIGNED BY: BARTLETT ENGINEERING & SURVEYING, PC	CHECKED BY: [Name]	DATE: [Date]	PROJECT NO.: 19-001

WILSON COUNTY ANIMAL SHELTER
 - WILSON COUNTY, NC -

SITE UTILITIES PLAN

BARTLETT ENGINEERING & SURVEYING, PC
 1925 HIGH STREET NORTH
 WILSON, NC 27157
 TEL: (919) 399-0704
 FAX: (919) 399-1700
 WWW.BARTLETT-ES.COM



LEGEND:

- 1. 12" WATER MAIN
- 2. 12" SEWER MAIN
- 3. 12" GAS MAIN
- 4. 12" ELECTRIC MAIN
- 5. 12" CABLE TV MAIN
- 6. 12" FIBER OPTIC MAIN
- 7. 12" RAINWATER MAIN
- 8. 12" STORMWATER MAIN
- 9. 12" FIRE MAIN
- 10. 12" SANITARY MAIN

WILSON COUNTY ANIMAL SHELTER
 - WILSON COUNTY, NC -

LEGAL DESCRIPTION
(Portion of 3732-52-9078)

Lying and being in the Gardners Township of Wilson County, and being more particularly described as follows: Beginning at a point at the intersection of the southern right-of-way line of NC Highway 42, and the western right-of-way line of Tucker Court (S.R. 1501), thence along said right-of-way line of Tucker Court (S.R. 1501), S05°52'39"W a distance of 42.33' to a point, thence S05°31'41"W a distance of 103.24' to a point, thence S03°10'53"W a distance of 188.96' to a point, thence leaving aforesaid right-of-way line N86°51'11"W a distance of 253.68' to a point, thence N72°12'41"W a distance of 163.35' to a point, thence N17°47'19"E a distance of 400.00' to a point on the southern right-of-way line of NC Highway 42, thence along said right-of-way line S71°52'14"E a distance of 231.75' to a point, thence S66°48'13"E a distance of 99.18' to the point of beginning, containing 3.23 acres, and being a portion of Tract 1, as shown on a plat, recorded in Plat Book 34, Page 257

Wilson County Board of Adjustment
Special Use Permit
Board Consideration Worksheet

APPLICANT: _____

PROPERTY LOCATION: _____

PROPOSED USE: _____

I. COMPLETENESS OF APPLICATION

The application is complete.

The application is incomplete in the following ways:

II. COMPLIANCE WITH ORDINANCE REQUIREMENTS

The application complies with all applicable requirements of the Zoning Ordinance.

The application is not in compliance with the following requirements of the Zoning Ordinance:

III. GRANTING THE APPLICATION

The application is granted, subject to the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Wilson County Development Services Department.
2. Development shall further be in accordance with any additional conditions affixed hereto in "EXHIBIT 1".
3. In any case where a Special Use Permit has not been exercised or consummated within the time limit set by the Board of Adjustment, or within one (1) year if no specific time limit was established, then without further action, the permit shall be null and void.
4. In any case where the plans or conditions of a Special Use Permit have not or are not being complied with, the permittee will receive a written notice by the Zoning Enforcement Officer of the intention to revoke the permit. Failure to comply with the conditions attached to a Special Use Permit shall be deemed a violation of the Unified Development Ordinance and shall be punishable upon conviction as provided in the Unified Development Ordinance.
5. If any of the conditions affixed hereto or any part thereof is held invalid or void, then this permit shall be void and of no effect.
6. All conditions shall run with the land and shall be binding on the original applicants for the Special Use Permit, their heirs, successors, and assigns.

IV. DENYING THE APPLICATION

The application is denied because it is incomplete for reasons set forth above in Section I.

The application is denied because it does not comply with the ordinance's requirements set forth in Section II.

The application is denied because if completed as proposed, there is reason to believe development is likely to:

Will materially endanger the public health or safety for the following reasons:

Will substantially injure the value of adjoining or abutting property for the following reasons:

Will not be in harmony with the area in which it is to be located for the following reasons:

Will not be in general conformity with the Wilson Growth Plan, Thoroughfare Plan, or other plans that have been officially adopted by the Wilson County Board of Commissioners for the following reasons:
