

McDowell County Planning Board
Regular Meeting
08/25/2014
Minutes

The McDowell County Planning Board met in regular session on August 25, 2014 at 7pm. The meeting was held at the County Administration Building located at 60, East Court Street, Marion, NC.

Members Present:

C.B. Edwards, Vice Chairman
Tommy Stamey
Arvin Hicks
Benny Stamey
Bob Brendle
Dennis Whitson
Tony Brown, Alternate

Members Absent:

Max Boyd, Chairman, Medical Leave
Sam Dotson
Dan Thornton

Staff Present:

Jim Edwards, IPDC
Ronald Harmon, Board Secretary
Phoenikx Buathier, Planning Assistant

Other Present:

Van Boyd

Call to Order:

Vice Chairman C.B. Edwards called the meeting to order and announced that a quorum of members was present. The next item on the agenda was seating of Alternate Members, Tony Brown was present and seated on the Board.

The next item on the agenda was approval of the August meeting agenda. Motion to approve was made by Benny Stamey, second from Tommy Stamey, vote taken motion carried.

The next item on the agenda was approval of the July 28th meeting minutes. Motion to approve was made by Benny Stamey, second from Tommy Stamey, vote taken motion carried.

Van Boyd Bear Cliff Variance Request:

Vice Chairman Edwards turned the floor over to Ronald Harmon for a brief introduction of the request. Ronald explained that Van Boyd was asking for a variance from the Lake James Protection Ordinance regarding the setback for roads and driveways. Ronald explained that Mr. Boyd has a 6 acre parcel of land that is more of a peninsula on the lake, and wanted the variance to build the road closer to the buffer.

Ronald explained that a road had been built to island many years back. Ronald asked Mr. Boyd how wide the roadway leading to the island was, Mr. Boyd replied that he wasn't sure exactly how wide the road was. Ronald explained that Appendix D of the North Carolina Fire Code would dictate road width on development that has three or more lots. He further explained that Mr. Boyd wanted to create three lots on the peninsula.

Mr. Boyd explained that half the island was deeded off for boat slips, he further explained that the remaining restrictions on the land had been lifted allowing for development of the property. The Board and Mr. Boyd had preliminary discussion of the property. Mr. Boyd stated that he was asking for a 15 foot variance from the roadway setback, stating that placing the road 60 feet from the reference line would make developing the lots easier. Mr. Boyd stated that each lot would be approximately 1.7 acres in size, and that Environmental Health has said that would accommodate well and septic.

Bob Brendle asked if rules would be placed on how homes were to look, so they would blend in more with the surroundings. Mr. Boyd stated that they would have rules on colors etc. so homes would blend in. Vice Chairman Edwards asked Mr. Boyd if he would remove a lot of vegetation to build the road. Mr. Boyd said he would remove as little as possible. Dennis Whitson stated with the 15 foot variance the road would be approximately 34 feet from the water. Bob Brendle asked Mr. Boyd if he needed a variance to sell the lots. Mr. Boyd stated that he did not.

Dennis Whitson asked if the portion of land that is graveled and connects the island to the main marina tract would be grandfathered. Ronald stated that per the rules of the Subdivision Ordinance he thought it would be since it was deeded and recorded prior to 2007. Arvin Hicks stated that it would really have to be grandfathered to allow for access. The Board and Mr. Boyd discussed the connector road in a general discussion. Mr. Boyd explained that he could make the road work staying within the 75 foot setback, but a variance of 15 feet would allow for better building lots.

Dennis Whitson explained that the land was originally sold as a conservation easement. He further explained that Crescent was now willing to amend those restrictions and allow the property to be sold as residential lots. Mr. Boyd explained that he would require the homes that were built on the lots to be able to blend in with the surroundings. Mr. Boyd further explained that they would likely restrict the homes to 1 story with a basement. Dennis Whitson asked Mr. Boyd if they had considered selling 2 lots instead of 3 to avoid having to meet the Appendix D road requirements. Mr. Boyd explained that they originally tried to sell the land as 1 lot, but had no offers. He stated that 3 lots would allow them to sell the lots at a lower price, thus making it easier to sell.

Dennis Whitson asked if the access road connecting the peninsula to the main parcel of land as it exists. He further explained because the roadway was closer to the water than 75 feet. He stated that beforehand the road was just a drive leading to the property, now with development it will become the main entrance for the housing lots. Ronald stated that in his opinion there wasn't anything that could be enforced because it was existing and the only way to access the property. Mr. Whitson explained that a hardship variance could be granted for the road.

Vice Chairman Edwards asked Mr. Boyd how soon he wanted to begin the subdivision of the property and construction of the road. Mr. Boyd explained as soon as possible, due to the fact land was selling at the current time. Benny Stamey made a motion to table discussion on the variance until the September meeting, to allow members to go look at the property and Mr. Boyd copy Ronald with the deed restrictions that will be placed on the lots and what is built on them. Second from Bob Brendle, vote taken motion carried.

Updates and Communications:

Ronald gave the Board a brief description of the Broadband survey and why it was so important that Board Members or anyone they knew that had poor or no internet access complete the survey and send it in. Bob Brendle stated that the questionnaire addressed broadband and satellite connections, but not phone line (DSL) connections. Jim Edwards explained that DSL was indeed broadband service. Ronald stated that even if you are not happy with your service complete the survey and send it in.

Benny Stamey stated that he would like to revisit the variance request. He stated that the Lake James Protection Ordinance does not distinguish between commercial and residential development. Mr. Stamey further explained that when Mr. Boyd put the docks in on the peninsula there was not a graveled road/path leading to the docks. Mr. Stamey stated that if allowing them to use the existing logging road for access was allowable, then any lot on Lake James with an old logging road that was close to the water could be utilized in the same manner. Ronald stated that his opinion was if there was another alternative to access the property that would be a violation, however that is the only access point for the property. Mr. Stamey explained that his point was in the beginning when the property was purchased it wasn't going to be developed because it was a conservation easement. Mr. Whitson explained that Crescent has since come back and explained that they are willing to remove the restrictions to allow for development, as well as Crescent getting compensation with each lot sold.

Tommy Stamey asked if Mr. Boyd stated that he could not comply with the rules and still be able to develop his land. Ronald replied, stating that Mr. Boyd said he would be able to continue with his plans with or without the variance. The Board had discussion of the ramifications of granting the variance vs. building by the rules. Tommy Stamey stated that Mr. Boyd stated that if he could make it work within the rules, why would the Board even consider the variance since we had turned down other requests for the same reason. Benny Stamey asked how they were able to put the road in that leads to the docks without being in compliance with the ordinance. Jim Edwards stated that the definition of a hardship has nothing to do with economics, a hardship has to do with the property itself and a situation that is totally unique to the property and no others.

Vice Chairman Edwards stated that the word hardship wasn't used by Mr. Boyd to explain his situation. Dennis Whitson stated that a variance would be needed for the first portion of the 1 way drive onto the property, is he in violation because he put gravel on the roadway. Mr. Whitson further stated does Mr. Boyd need a variance to correct that issue, but not grant a variance beyond that point.

Ronald asked if the boat docks on the peninsula were public or private. The Board said they could be rented by anyone. Ronald explained if the docks were open for public use the path leading to them would have to be ADA compliant.

With no further business or discussion Vice Chairman Edwards asked for a motion to adjourn. Motion to adjourn was made by Benny Stamey, second from Arvin Hicks, vote taken meeting was adjourned.