

BOARD OF ADJUSTMENT MINUTES  
Regular Meeting  
Stanly County Commons Meeting Room  
June 9, 2009

**Call to Order**

Chairman Steve Watson called the Board meeting to order at 7:30 p.m. on Tuesday, June 9, 2009, at Stanly County Commons.

**Roll Call**

***Board Members Presiding***

Steve Watson, Chairman  
Grover Stewart, Vice Chairman  
Dr. John Eckman  
Benton Payne  
Todd Swaringen  
Cathy Bennett  
Richard Cosgrove, Alternate

***Absent***

Andrew Eades

**Staff Attending**

Linda Evans, CZO, Planner II, Clerk to the Board  
Tim Swaringen, Code Enforcement Officer

**Others Present:** List filed with June 9, 2009 minutes.

**Approval of Minutes**

Chairman Watson asked if there were any corrections to the minutes of April 14, 2009. Hearing none, Chairman Watson asked for a motion to approve the minutes of April 14, 2009.

**Motion:** Benton Payne made a Motion to approve the minutes of April 14, 2009.

**Second:** Todd Swaringen seconded the motion.

**Action:** The Board voted unanimously to approve the minutes of April 14, 2009, as written.

Chairman Watson announced that it is required by law that each person speaking at this public hearing be sworn in and requested that everyone who intends to speak on the first case stand and be sworn in. Mildred Caraway, Julia Poplin, and Linda Evans were sworn in by Chairman Watson.

Chairman Watson called the first case, AR 01-01, and asked the Clerk to present the case.

Under zoning ordinance Section 407.2, the property owners were granted a temporary zoning compliance to place a doublewide manufactured home on this property in March, 1992, for a medical hardship involving Rayfield Ponds, a family relative and disabled veteran. At the one year expiration of temporary zoning compliances, the ordinance requires that hardship cases be reviewed periodically by the Board of Adjustment to establish continued hardship. The property owners have, within the proper time limits, appeared before the Board on several occasions since March, 1992, and have been granted extensions of time, the last one

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for a period of 3 years, to expire on June 30, 2009. The property is zoned R-A, and is approximately 1.254 acre (approx. 55,000 square feet). At least one acre per dwelling unit is required when placing more than one dwelling unit on a single parcel of land (Section 405.3A), and 40,000 square feet per parcel is required if the property is subdivided (Section 701). This property meets neither of these criterions.

Chairman Watson called on the applicant to come forward and present her case to the Board.

Ms. Caraway came forward and stated Mr. Rayfield Ponds' medical condition remains the same and he continues to need a caregiver; therefore, she requests an extension of time to leave the manufactured home on the property for Mr. Ponds' residence.

Chairman Watson asked for questions from the Board.

Todd Swaringen asked the clerk if three years is standard for extending the time limit. Ms. Evans answered that it is not standard; the Board has the option of granting the extension for any period of time applicable to the specific case.

Richard Cosgrove asked the age of Mr. Ponds. Ms. Caraway responded that he is 72 or 73.

Grover Stewart stated that he was in service also and asked if Mr. Ponds is disabled due to combat. Ms. Caraway stated that he was injured in service but she is not sure how the injury occurred. Mr. Stewart asked Ms. Caraway to tell Mr. Ponds "thank you" for his service to our country.

Chairman Watson asked if anyone else wished to speak for this case.  
No one came forward

Chairman Watson asked if anyone wished to speak against this case.  
No one came forward

Chairman Watson stated that if there is no further discussion he would request that the Secretary read the finding of fact.

Cathy Bennett read as follows:

That the urgent hardship situation as established by the Zoning Administrator shall be upheld and the home shall be allowed to remain on subject property due to the fact that the hardship remains to exist.

**Motion:** Grover Stewart made a motion to find this fact true based on the fact that it has been established that the hardship still exists. He also moved that the Zoning Administrator's decision be upheld and the home shall be allowed to remain on subject property for the use of Mr. Rayfield Ponds for a period of two years until June 30, 2011, at which time applicant shall appear before the Board and request another extension of time.

**Second:** Dr. John Eckman seconded the motion.

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**Action:** The Board voted unanimously to approve the motion.

Chairman Watson called the second case, AR 01-02, and asked the Clerk to present the case.

Board member Benton Payne requested to be excused from hearing and deciding this case due to personal involvement with the applicants. Chairman Watson granted his request and Mr. Payne stepped down from the Board for this case only.

Chairman Watson asked Mrs. Evans to continue with the presentation of the case.

Under zoning ordinance Section 407.2, the property owners were granted a temporary zoning compliance to place a doublewide manufactured home on this property in May, 2000, for a medical hardship involving Julia Poplin's elderly grandmother, Onnie Redmond. At the one year expiration of temporary zoning compliances, the ordinance requires that hardship cases be reviewed periodically by the Board of Adjustment to establish continued hardship. The property owners have, within the proper time limits, appeared before the Board on several occasions since May, 2000, and have been granted extensions of time, the last one for a period of 3 years, to expire on June 30, 2009. The property is zoned R-A, and is approximately 1.401 acre (approx. 62,000 square feet). At least one acre per dwelling unit is required when placing more than one dwelling unit on a single parcel of land (Section 405.3A), and 40,000 square feet per parcel is required if the property is subdivided (Section 701). This property meets neither of these criterions.

Chairman Watson called on the applicant to come forward and present the case to the Board.

Mrs. Poplin came forward and stated Mrs. Onnie Redmond's medical condition remains the same and she continues to need a caregiver; therefore, she requests an extension of time to leave the manufactured home on the property for Mrs. Redmond's residence.

Chairman Watson asked if Mrs. Redmond is in pretty good health. Mrs. Poplin stated that her health is better this year than last and that she is able to work outside in her flowers this year. Chairman Watson asked for other questions from the Board.

There were no other questions.

Chairman Watson called on anyone else who would like to speak for or against this case to come forward.

No one came forward.

Chairman Watson stated that if there is no further discussion he would request that the Secretary read the findings of fact.

Cathy Bennett read as follows:

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That the urgent hardship situation as established by the Zoning Administrator shall be upheld and the home shall be allowed to remain on subject property due to the fact that the hardship remains to exist.

**Motion:** Todd Swaringen made a motion to find this fact true based on the fact that it has been established that the hardship still exists. He also moved that the Zoning Administrator's decision be upheld and the home shall be allowed to remain on subject property for the use of Mrs. Onnie Redmond for a period of two years until June 30, 2011, at which time applicant shall appear before the Board and request another extension of time.

**Second:** Richard Cosgrove seconded the motion.

**Action:** The Board voted unanimously to approve the motion.

Chairman Watson called for a motion to adjourn. Grover Stewart made a motion to adjourn. Todd Swaringen seconded the motion and Chairman Watson declared the meeting adjourned at 8:00 P.M.

\_\_\_\_\_  
Date

\_\_\_\_\_  
E. Stephen Watson, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk to the Board