



## Stanly County Planning Board July 18, 2011 - Meeting Minutes

### **Call to Order**

The Stanly County Planning Board held its regular meeting on July 18, 2011, at 7:00 p.m. in the Commons Meeting Room at 1000 N First Street, Albemarle, North Carolina.

### **Stanly County Planning Board Members Attending**

Billy Franklin Lee  
Allan McGuire  
Houston B. Clark, II  
William Lilly, Jr.  
Brenda Hunter  
Marvin Smith  
Sam Estridge, Jr.

### **Planning Board Members Absent:**

None

### **Stanly County Planning Staff Attending**

Linda Evans, Planner II, CZO  
Tim Swaringen, Zoning Enforcement Officer

**Others Present:** List filed with July 18, 2011, Planning Board minutes.

The meeting was called to order at 7:00 p.m. by Chairman Estridge.

Chairman Estridge asked if there were any corrections to the June 13, 2011, minutes

**Motion:** Marvin Smith made the motion to approve the June 13, 2011, meeting minutes as written.

**Second:** Houston Clark seconded the motion.

**Action:** The Board unanimously approved this motion.

Chairman Estridge called the first item on the agenda and asked Linda Evans to present the case, ZA 11-10.

Mrs. Evans stated that Cleotilde Jaimes respectfully requests rezoning of a 1.5 acre parcel of land from HB to RA (tax record number 3858). The property is located at the intersection of S. Stanly School Road and Herring Road. The purpose of this requested amendment is to allow the Jaimes family to continue to use this structure as a residence. The applicant's family has lived at this location for several years and has already made some improvements to the structure. Applicant wishes to obtain permits to continue to improve the property and bring it up to code

for residential use. The adjoining properties are zoned R-20 to the west, M-2 to the east/north, and RA/R-20 to the south. The property is served by public sewer and water. This property is not located in a regulated floodplain but is located in a WSIV Water Supply Watershed. The property in question is located within a growth area according to the Stanly County Land Use Plan. Traffic on this section of S. Stanly School Road is approximately 2500 cars per day as of 2009 NCDOT data. Planning staff recommends this request due to fact that rezoning this property will bring a non-conforming use into compliance with the zoning ordinance.

Chairman Estridge made several statements regarding the importance of prospective buyers getting a proper title search and title insurance before purchasing property. He then called the applicant to come forward and present her case.

Cleotilde Jaimes came forward and stated that she had not hired a lawyer before buying the property and that the transaction was strictly between her and the previous property owner. She stated that she would like to have the property rezoned so that she and her family can continue to live in this place that has been the family's home for several years.

Marvin Smith asked Ms. Jaimes for clarification on the location of this structure. Ms. Jaimes stated that it is on the corner of S. Stanly School Road and Herring Road.

Allan McGuire asked Linda Evans if changing the zoning to RA on this property would put any burden on the existing M2 zoning across the road. Mrs. Evans answered that it would not.

Chairman Estridge asked if anyone else would like to speak regarding this case. No one came forward.

Chairman Estridge stated that he would entertain a motion at this time.

**Motion:** Houston Clark made a motion to send this case to the County Commissioners with a recommendation to approve this request for rezoning.

**Second:** Marvin Smith seconded the motion.

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

Chairman Estridge called the next item on the agenda and asked Linda Evans to present the case, ZA 11-11.

Mrs. Evans stated that Terrell J. Whitley respectfully requests rezoning of a portion ( 2.02 acres) of a 2.581 acre tract of land from RA to M-2 (tax record number 26115). The property is located at 24495 NC 24/27 Hwy. The purpose of this requested amendment is to allow for the continuation of a non-conforming auto salvage yard on the property. The adjoining properties are zoned RA Residential Agriculture, with some R-20 to the east. Public water is available to the property but public sewer is not; the property is currently served by a septic tank. This property is not located in a regulated floodplain or a Water Supply Watershed. The property in question is located within a growth area according to the Stanly County Land Use Plan. Rezoning this parcel will bring into conformity a long time non-conforming land use. Traffic on this section of NC Hwy 24/27 is approximately 12,000 cars per day as of 2009 NCDOT data. Planning staff recommends this request due to fact that the rezoning will bring a long standing non-conforming land use into compliance with the zoning ordinance.

Chairman Estridge asked the applicant to come forward and present his case.

Terrell Whitley came forward and stated that he has been operating his business on this property for twenty four years. He stated that he had rezoned the property many years ago but had been told recently by Tim Swaringen that the property was not zoned to operate the business and he would be required to rezone to continue operation of the business.

Chairman Estridge asked if anyone else would like to speak regarding this case.

Grita Swain came forward and stated that she is present to speak on behalf of her mother, Geneva Eudy, who owns property across the road from the Whitley property. She stated she does not want to see the automobile salvage yard enlarged and is opposed to the rezoning. She asked if a fence would be required around the M2 zoned property and was told that a fence would be required and that Mr. Whitley will have to meet all the current requirements for an automobile salvage yard.

Tim Swaringen asked to speak and told the Board that Mr. Whitley had operated the salvage yard for many years and had told him that he had obtained a zoning change for the business years ago. Mr. Swaringen stated that neither he nor Michael Sandy have been able to find any paperwork in the file to substantiate Mr. Whitley's statement. While Mr. Swaringen believes Mr. Whitley is telling the truth, there is no documentation to back this up. Therefore, the only option for Mr. Whitley is to rezone the property or remove the vehicles.

Allan McGuire asked Linda Evans if a business zoning such as Highway Business would be more appropriate for this property. Mrs. Evans stated that Mr. Whitley has too many vehicles to fit any business category and M2 zoning will allow him to keep all the vehicles as long as he fences them in.

Chairman Estridge stated that he would entertain a motion at this time.

**Motion:** Marvin Smith made a motion to send this case to the County Commissioners with a recommendation to approve this request for rezoning.

**Second:** Brenda Hunter seconded the motion.

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

### **Adjournment**

Chairman Estridge asked for a motion to adjourn. A motion to adjourn was made by William Lilly and seconded by Marvin Smith. The meeting was adjourned at 7:30 p.m.

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Sam Estridge, Jr., Chairman

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Linda Evans, Clerk