

Jeff Wenzel
Mayor

Pamala Hall
Mayor Pro-Tem

Greg Hines
Councilmember

Dexter Sholar
Councilmember

Rena Bragg
Councilmember

Thomas Hedrick
Councilmember

Town of Holly Ridge

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Heather Reynolds, CMC
Town Manager

Tracy Martin
Deputy Town Clerk

HOLLY RIDGE BOARD OF ADJUSTMENT MEETING AGENDA July 27, 2021 6:00pm

1. Call to Order
2. Pledge of Allegiance
3. Adoption of Agenda
4. Approval of March 23, 2021 Meeting Minutes
7. New Business
 - A. Special Use Permit Request
**Thomas & James Knott—720 Popkin Road
Resuming Non-Conforming Use—Manufactured Home
within R-20 Zoning District**
8. Board Questions/Comments
9. Adjournment



**Planning & Zoning Department
Staff Report
Special Use Permit
Board of Adjustment Meeting Date:
July 27, 2021**

Thomas and James Knott are requesting the issuance of a Special Use Permit to resume a nonconforming use on their property by replacing an existing manufactured home with a newer model.

<p>Applicant: Thomas and James Knott</p> <p>Property Owner: Thomas & Janice Knott</p> <p>Property/Parcel#: 720 Popkin Road 034783 (Map #735-31.1)</p> <p>Current Zone: R-20</p> <p>Acreage: 2.84</p> <p>Number of Properties: 1</p> <p>Board of Adjustment Action Required: Yes</p> <p>Town Council Action Required: No</p> <p>Actions:</p> <ol style="list-style-type: none">1. Approve or Deny of the proposed Special Use permit for resumption of a non-conforming use by replacing an existing manufactured home, as presented in the Staff Report or with changes.2. Continue to a future date to obtain additional information or to further consider information presented. The next available meeting date is August 24, 2021 or at special time of Board's choosing3. Determine findings in granting approval or denying proposal.	<p>Current Zoning: R-20</p> <p>Relevant History: All parcels abutting this parcel are zoned R-10 and R-20. The properties abutting this parcel consists of single-family dwellings within The Neighborhoods of Holly Ridge and The Homeplace subdivisions. There is also vacant residentially zoned property adjoining to the West. There appears to be a manufactured home currently located on the property. The tax card provided through Onslow County notes that 2 old singlewide manufactured homes and 1 old camper exists on the property. The subject parcel is found within the ETJ of Holly Ridge.</p>
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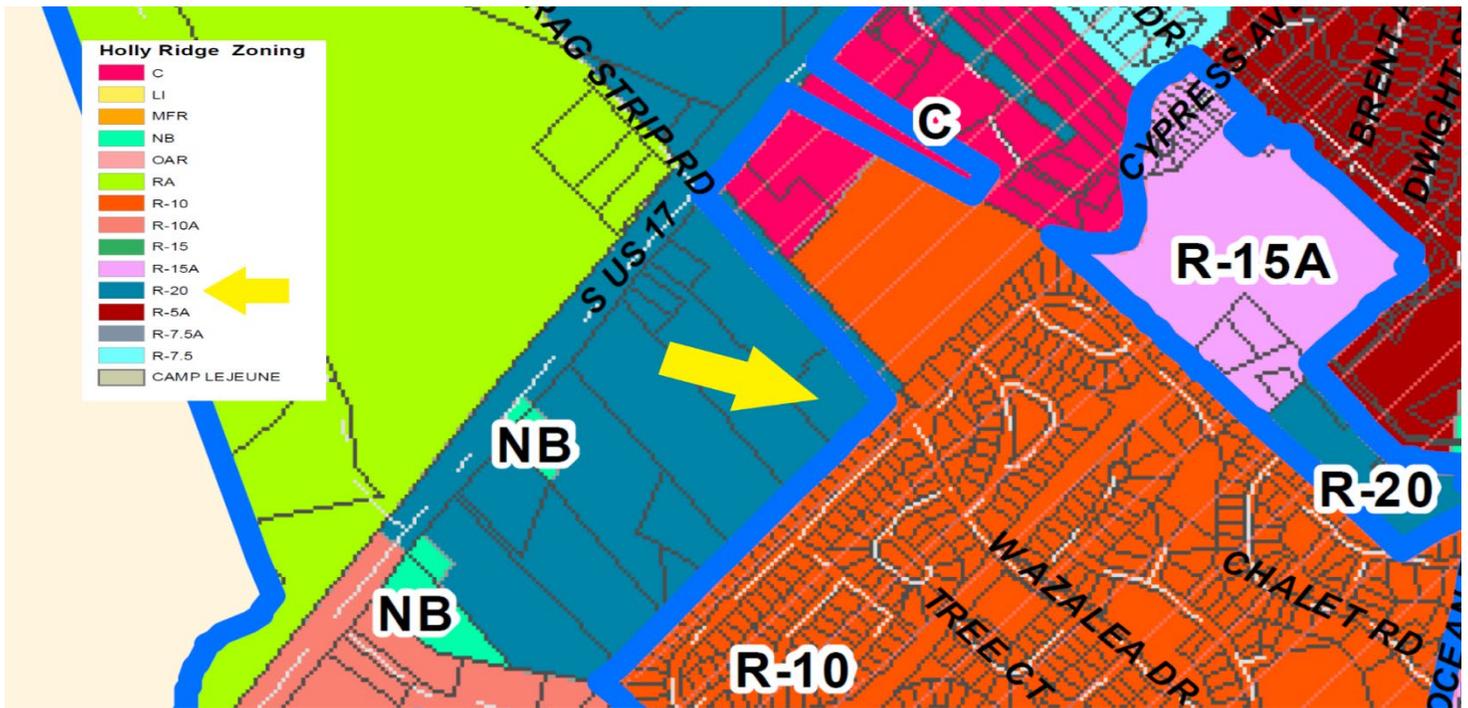


Figure 2—Current Zoning

SPECIAL USE PERMIT REQUIREMENTS

Because the proposal requires a Special Use Permit, additional considerations must be considered by the Board of Adjustment. Per Section 7-5-10, the Board must make an affirmative finding of each of the following items prior to issuance of the Special Use Permit. Staff has provided some guidance for each item; however, the applicant is responsible for the burden of proof in establishing each item below has been duly addressed.

Section 7-5-10 (B) The Board of Adjustment shall issue a Special Use Permit only when the Board makes an affirmative finding for each of the following:

- (1) That the use will not materially endanger the public health or safety, if located where proposed and developed according to the plan submitted and approved;

A plan has not been submitted at this time though the applicant’s intentions are to replace an existing manufactured home. The use of the property has existed prior to the Town having regulations associated with permitted land uses within the zoning districts. Along with the required building permit application, a site plan is required to be submitted to ensure compliance with current setbacks. Additionally, approval for connections of utilities from the respective entities will also need to be submitted. Being that is the case, Staff is not aware of any additional immediate dangers to public health as a result of this proposal.

- (2) That the use meets all required standards set forth in this Ordinance;

The proposed use does not meet all the required standards of this ordinance. However, if a Special Use Permit is approved to resume the nonconforming use and prior to issuance of a building permit the applicant will be required to provide the following:

- a) Site plan illustrating the location of the new proposed structures;

- b) Approval of water/sewer availability from ONWASA;
- c) Evidence that the existing manufactured home is being replaced by a newer home;
- d) Verification of compliance for all, if any, additional reasonable conditions posed by the Board.

If the proposal is approved, the conditions above should be included.

(3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;

The adjoining properties are all zoned for residential uses. If the Town supports resuming the use of the property for the replacement of an existing manufactured home, then the proposed use could be considered a public necessity.

(4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Holly Ridge Comprehensive Plan.

Being as the use of the property has existed prior to the Town having current regulations in place, the legal non-conforming use is permitted to remain. Though the use of the manufactured home has ceased to exist within the allotted time period, the applicant is expressing his intentions to replace the current home with a newer version.

The Town’s Future Land Use map contained in the Comprehensive Growth Strategy Plan identifies this property for future Low Density use. The request for the Special Use Permit is not pertaining to the density of the property and would therefore remain as low density. The proposal for replacing the existing manufactured home would be in general conformity with the Holly Ridge Comprehensive Plan.

The current and future land use designation of the site is primarily “Residential.”

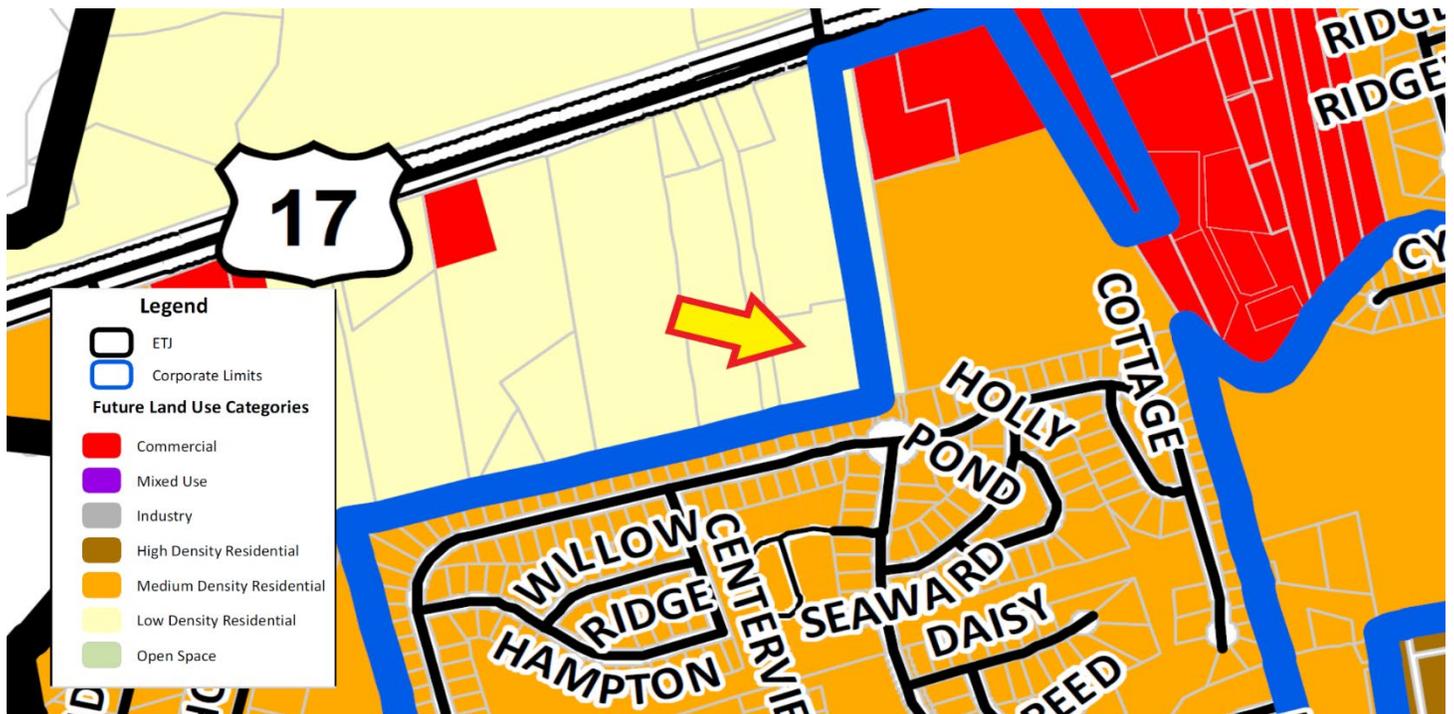


Figure 3—Current Zoning of Property and Surrounding Area

In addition to the standards noted above regarding issuance of Special Use Permits, Section 7-6-5 states that “after taking evidence and testimony, the Board of Adjustment shall find whether the proposed alteration, expansion, change or rebuilding of the non-conforming use will have a substantial adverse impact upon adjacent properties, the neighborhood or the public. If it finds that a petition will not have a substantial adverse impact, the Board of Adjustment may grant a Special Use Permit and may impose reasonable conditions and safeguards on the issuance of such permit. If the Board of Adjustment finds that a petition will have a substantial adverse impact, it shall consider:

- A. The possible detriment or benefit to the owner of the non-conforming use from refusing to issue the permit, issuing it but requiring, either wholly or partially, that the non-conforming use be brought into compliance, or issuing it as requested;
- B. The possible detriment or benefit of the owners of adjacent or neighboring properties from refusing to issue the permit, issuing it but requiring, either wholly or partially, that the non-conforming use be brought into compliance, or issuing it as requested; and
- C. The possible detriment or benefit to the public from refusing to issue the permit, issuing it but requiring, either wholly or partially, that the non-conforming use be brought into compliance, or issuing it as requested and furthermore consideration of setting a precedent for other areas of the Town.

Prior to the issuance of building permits, the following will need to be submitted:

- a) Site plan illustrating the location of the new proposed structures;
- b) Approval of water/sewer availability from ONWASA;
- c) Evidence that the existing manufactured home is being replaced by a newer home;
- d) Verification of compliance for all, if any, additional reasonable conditions posed by the Board.

BOARD OF ADJUSTMENT ACTION

The following sequence should be utilized during the Special Use Permit quasi-judicial hearing:

1. Chair opens hearing and announces case.
2. Witnesses are sworn in.
3. Staff gives summary overview the case.
4. The applicant presents case, documents, evidence, witnesses. BOA may ask questions. Chair allows cross-examination.
5. Objectors present case (if present), documents, evidence, witnesses. BOA may ask questions. Chair allows cross-examination.
6. Applicant’s rebuttal (if applicable).
7. Objector’s rebuttal (if applicable).
8. Chair summarizes evidence and excludes hearsay, opinion. BOA may add/clarify.
9. Deliberation and determination of facts and conclusions.

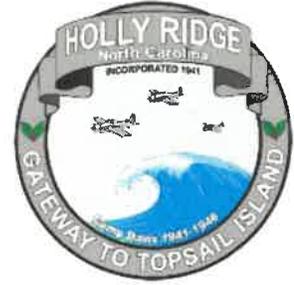
10. Motion and vote on each of the four findings below:

1. That the use will not materially endanger the public health or safety, if located where proposed and developed according to the plan submitted and approved;
2. That the use meets all required standards set forth in this Ordinance;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Holly Ridge Comprehensive Plan.

11. Hearing closed.

Town of Holly Ridge

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SPECIAL USE PERMIT APPLICATION

Town of Holly Ridge Zoning Ordinance

JUNE 24-2021

034783

Date of Application

Application Number

Parcel ID Number

Name of Owner/Applicant : THOMAS E. KNOTT / James Knott

Mailing Address : 110 PUPPY LANE

Street Address : #19

City, State, Zip : JACKSONVILLE NC 28590

Telephone : 910 398 3778 Alternate: 910 581-9543

Description of Proposed Use : REPLACE EXISTING TRAILER WITH
OF 40+ YEARS. WITH NEWER MODEL

Zoning District : R-20

Conditional Use Fee : 200-

I certify that the above information is true and accurate.

Owner/Applicant Signature : Thomas E. Knott / James Knott

Owner/Attorney in Fact

Supporting data and information shall include a Site Plan in addition to the application fee as set out in the Schedule of Fees, as adopted. Application must be submitted to the Holly Ridge Planning/Zoning Department.

Date received : 06/25/2021

Received by : MARSHA-GRAY KIRCHER

A FEE WILL BE REQUIRED AT SUBMISSION OF THIS APPLICATION PER CURRENT ADOPTED FEE SCHEDULE.