

MEMORANDUM

TO: Harnett County Board of Adjustment Members

FROM: Teresa Byrd, Senior Dept. Support Specialist/Board Clerk *TByrd*

DATE: February 1, 2024

RE: **February 12, 2024 Meeting**

On this meeting agenda, there are the following:

- A Singlewide in an RA-30 Zoning District.

PLEASE CALL in advance if you **WILL NOT** be able to attend the meeting.

AGENDA
HARNETT COUNTY BOARD OF ADJUSTMENT
Harnett County Development Services
420 McKinney Parkway
Lillington, NC 27546
February 12, 2024 @ 6:00 p.m.

PUBLIC HEARING

Procedure to be followed at each Board of Adjustment Meeting:

- | | |
|---------------------------------------------|-----------------------------------------------------|
| 1. Call to order | 8. Cross-examination from the Board and others |
| 2. Invocation | 9. Close Conditional Use Hearing |
| 3. Swearing in of witnesses | 10. Deliberation by Board of Adjustment |
| 4. Briefing on application being considered | 11. Findings of Fact Checklist |
| 5. Public Hearing opened | 12. Decision by Board of Adjustment or Other Motion |
| 6. Testimony from applicant | 13. Approval of Minutes |
| 7. Testimony from other witnesses | 14. Board in Closed Session |

Special Use

1. BOA2401-0015. Charles Wesley Tutor. A Singlewide Manufactured Home in an RA-30 Zoning District; Pin # 0635-79-9576.000; .43 acres; Buckhorn Township; Intersection of Hwy 42 & SR # 1403 (Cokesbury Road).

HARNETT COUNTY
BOARD OF ADJUSTMENTS
February 12, 2024

Staff Contact: Emma Harris, Planner I
(910) 893-7525 or eharris@harnett.org

CASE NUMBER: BOA2401-0015
APPLICANT: Charles Wesley Tutor
OWNER: Charles Wesley Tutor
LOCATION: 6749 COKESBURY RD FUQUAY VARINA, NC 27526
ZONING: RA-30
ACREAGE: .43
LAND USE CLASSIFICATION: Rural Center
WATERSHED DISTRICT: HQW

REQUEST: Single-wide Manufactured Home in RA-30 Zoning District

AERIAL: PIN#: 0635-79-9576.000



Directions from Lillington: Turn left on to McKinney Pkwy – Turn left onto US-401 N/ US 401 N – Keep straight to get onto US-401 N / US 401 N – Turn left onto Christian Light Rd – Turn left onto Oakridge Duncan Rd. – Turn left onto NC-42 / NC Highway 42 – Arrive at 6790 Cokesbury Rd, Fuquay-Varina, NC 27526.

PHYSICAL CHARACTERISTICS

- A. **Site:** Currently vacant and contains natural vegetation and forestry products.
- B. **Surrounding Land Uses:** Consist of single-family residential home sites, agricultural and religious activities, and undeveloped parcels containing natural vegetation and forestry products.
- C. **Utilities:** **Water** – Public **Sewer** – Private

TRANSPORTATION:

- The annual daily traffic count for this portion of Cokesbury Rd was unavailable. However, the annual daily traffic count for NC Highway 42 is 3800.
- Site distances are good.

BACKGROUND:

- This project will be required to obtain all required permits through Central Permitting.
- According to 2005 Harnett County Historical Aerial there was a house located on the property but has since been removed.

2005 Historical Aerial



2008 Historical Aerial



UNIFIED DEVELOPMENT ORDINANCE REGULATIONS

ARTICLE V. USE REGULATIONS

1.2 Table of Use Types & Regulations

	IND	LI	COMM	O&I	CONS	RA-40	RA-30	RA-20R	RA-20M	PARKING	USE GROUP LEVEL	BUILDING CODE CLASS
RESIDENTIAL USES												
Manufactured Homes (on individual parcel)							S*	P*	P*	2 per dwelling unit	1	R-3

3.1.2 Manufactured Homes

RA-30 Zoning District

All requirements or conditions shall be met prior to issuance of a Certificate of Occupancy (CO) for the home.

- A. The structure shall be built to the HUD code for manufactured homes.
- B. The structure shall have an a-pitched roof that is covered with material commonly used in standard residential roofing construction. Said material shall be installed properly and be consistent in appearance.
- C. The structure shall have underpinning consisting of a brick curtain wall or have galvanized metal sheeting, ABS, or PVC plastic color skirting with interlocking edges, installed around the perimeter of the home. Skirting shall be consistent in appearance, in good condition, continuous, permanent, and unpierced except for ventilation and access.
 1. In cases where the proposed home is located in Flood Zone AE, the home shall be located on a masonry foundation only, with approved flood vents or breakaway skirting. See "Flood Damage Prevention" Section of this Ordinance for more information.
- D. The exterior siding shall consist predominantly of vinyl, aluminum, wood or hardboard; and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction. Said exterior siding shall be in good condition, complete, and not damaged or loose.
- E. The tongue or towing device shall be removed or landscaped.

SITE PHOTOS

Site / 6749 Cokesbury Rd.



Across Street/NC Highway 42



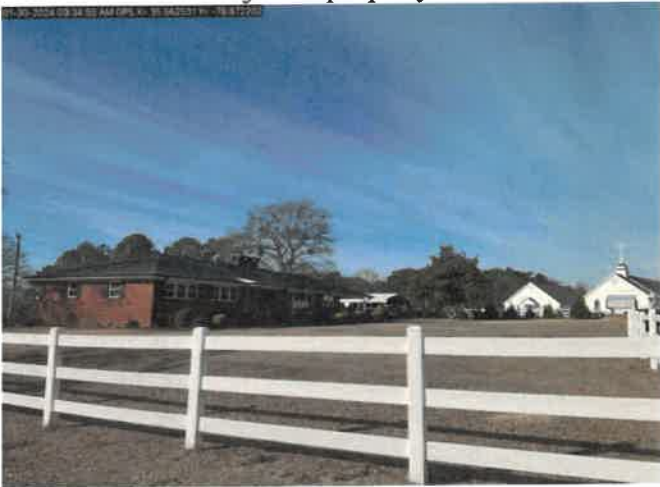
Across Street/Cokesbury Rd



Streetview on Cokesbury Rd



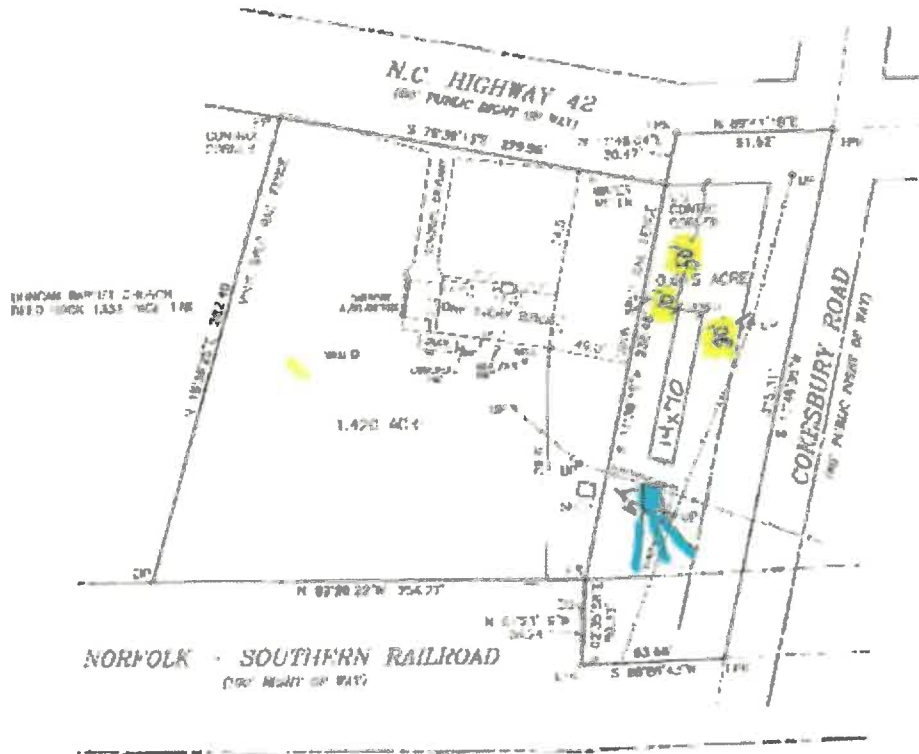
Adjacent property



Sign Posted



SITE PLAN



- SEPTIC TANK + LINES
- SET BACKS

WESLEY TUTOR
 6749 COKEBURY RD
 FUQUAY VARENA NC 27526

919-669-5544



Residential Special Use Permit

Planning Department
420 McKinney Parkway
P.O. Box 65, Lillington, NC 27546
Phone: (910) 893-7525 Fax: (910) 893-2793

Total Fee: \$175-00

Receipt:

Date Submitted: 1/8/2024

Meeting Date: 2/12/2024

Case #: BIA 2401-0015

Applicant Information

Owner of Record:

Name: Charles Wesley Tutor
Address: 6560 COKEBURY RD
City/State/Zip: FUGUE VARIAN NC 27526
E-mail: WESLEY.TUTOR@AOL.COM
Phone: 919 669 5544

Applicant:

Name: SAME
Address:
City/State/Zip:
E-mail:
Phone:

Property Description

PIN(s): 063579 9574 Acreage: 1.43 acres
Address/SR No.: 6749 COKEBURY RD FUGUE VARIAN NC 27526
Directions from Lillington:

Chrisedun
of Hwy 42
+ SR # 140
Cokebury

Deed Book: 997:0585 Page: 585
Zoning District: RA-30
Flood Plain & Panel: X
Water: Public (Harnett County)
 Private (Well)

Plat Book: 2007 Page: 564
Township: BUCKHORN
Watershed Dist: ~~HOPE HILL~~
JL

Requested Use:

Special Use for: FOR SINGLE WIDE MODEL HOME

Required Information:

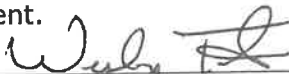
- Is an Erosion and Sedimentation Control Plan required? No Yes
If yes, is one on file? No Yes (Please attach a copy to your application)
- It is recommended that all non-residential developments have preliminary discussions with NC DOT concerning driveways and other traffic issues for each project. Has this been done? No Yes
Date of Meeting: _____ NCDOT Contact: _____
- Is a Driveway Permit required? No Yes
If yes, is one on file? No Yes (Please attach a copy to your application)
- Have you contacted applicable local, state, and federal agencies regarding building, fire, and other possible code compliance issues? No Yes

SKETCH PLAN REQUIRED: Provide a sketch plan along with application. It is strongly encouraged that sketch plans be prepared by a NC Professional Land Surveyor and that it meet the following (as applicable):

TITLE BLOCK INFORMATION	
Name of Project & Date (Including all Revision Dates)	<input type="checkbox"/>
Applicant/Owner(s) Contact Information (Name, Address, & Phone)	<input type="checkbox"/>
Surveyor/Engineer Contact Information (Name, Address, & Phone)	<input type="checkbox"/>
Parcel ID Number/Tax ID of Tract(s)	<input type="checkbox"/>
Deed Reference of Tract(s)	<input type="checkbox"/>
Zoning Classification of Tract(s)	<input type="checkbox"/>
Location (Including Township, County, & State)	<input type="checkbox"/>
Flood Plain Depicted & Noted (Zone, Map Number, & Effective Date)	<input type="checkbox"/>
Watershed District Noted & Extent of Coverage Depicted	<input type="checkbox"/>
GENERAL REQUIREMENTS	
Map Size 22" x 34" & Scale 1"=100' or Larger	<input type="checkbox"/>
North Point, Graphic Scale, & Vicinity Map	<input type="checkbox"/>
Name(s) & Location(s) of Adjacent Property Owner(s) & Use(s)	<input type="checkbox"/>
Existing Boundaries of Tract(s) Showing Bearings & Distances	<input type="checkbox"/>
Gross Acreage of Development	<input type="checkbox"/>
Name(s) & Right(s)-of-way of Streets & State Road Number(s), Including Notation of Public or Private	<input type="checkbox"/>
Name, Location, Width, & Acreage of Additional Easement(s) & Right(s)-of-way Within or Adjacent to Site	<input type="checkbox"/>
Building Envelope & Required Setbacks	<input type="checkbox"/>
Existing & Proposed Utilities	<input type="checkbox"/>
Signage Location, Easement, Type, & Size	<input type="checkbox"/>
Existing Structure(s) Located on Site	<input type="checkbox"/>
SITE PLAN	
Fire Hydrant(s) & Street Light(s) Noted	<input type="checkbox"/>
Erosion Control Plan Submitted	<input type="checkbox"/>
Hours & Days of Operation	<input type="checkbox"/>
Impervious Surface (% Coverage of Lot)	<input type="checkbox"/>
Hazardous Materials to be Stored on Site	<input type="checkbox"/>
Existing & Proposed Mechanical Areas	<input type="checkbox"/>
Existing & Proposed Trash Containment Areas	<input type="checkbox"/>
Existing & Proposed Utility Areas	<input type="checkbox"/>
Parking Space Typical	<input type="checkbox"/>
Parking Lot Material	<input type="checkbox"/>
All parking areas on site (Based on Type of Business and/or Sq. Ft.)	<input type="checkbox"/>
Existing & Proposed Fencing, Screening, Gate(s) and/or Dock(s)	<input type="checkbox"/>
Spillage & Pollution Prevention & Response Methods	<input type="checkbox"/>
BUFFERING REQUIREMENTS	
Buffering Regulations (Per Harnett County Zoning Ordinance)	<input type="checkbox"/>

Signatures

I, as the landowner, hereby CERTIFY that the information contained herein is true to the best of my knowledge; and by accepting this Permit (if approved) shall in every respect conform to the terms of this application and to the provisions of the Statutes and Ordinances regulating development in Harnett County. Any VIOLATION of the terms above stated immediately REVOKES this Permit. I further understand this structure is not to be occupied until a CERTIFICATE OF OCCUPANCY is issued. This Permit expires 24 months (2 years) after the date the Permit is granted by the Harnett County Board of Adjustment.



 Property Owner(s) Signature

1-8-24

 Date

Written Statement

** Applicant is required to answer the following questions under oath at the Board of Adjustment Meeting - Please print answers **

Public Convenience & Welfare

1. Why are you requesting this use? FOR MOBILE HOMES FOR MY DAUGHTER
2. Why is this use essential or desirable to you? IT'S MINE
3. Why is this use essential or desirable to the citizens of Harnett County? IT WILL NO LONGER BE GROWN UP WITH GRASS AND SMALL TREES.

On-site & Surrounding Land Uses

4. What is on the property now? GRASS + WEEDS
5. What uses are on the surrounding properties in the general vicinity? Church and homes
6. How will the use you are requesting affect the surrounding properties, residents and businesses in the area? Describe in detail **why and how** it will or will not affect the surrounding area. IT WILL BE CLEANED UP WITH FAMILY AND CHILDREN IN THE YARD, INSTEAD OF OVER GROWN GRASS + WEEDS

Utilities, Access Roads, Drainage, etc...

7. Please select one: Public (County) Water Private Well
 Public (County) Sewer Private Septic Tank
8. Describe the driveway (width and surface) that you will be using to enter and exit the property. GRAVEL DRIVEWAY THAT HAS BEEN THERE FOR YEARS
9. Describe the drainage of this property. HAS DRAINAGE ON LEFT + BACK OF PROPERTY.
10. How is your trash and garbage going to get to the landfill? I HAVE A 30 YARD DUMPSTER ON MY LAND FOR OUR TRASH.

Traffic

11. Describe the traffic conditions and sight distances at the State Road that serves the property. 4 WAY STOP SIGNS AT INTERSECTION
12. What is the approximate distance between your driveway and the next nearest driveway or intersection? 50' ONE WAY AND ABOUT THE SAME ON THE OTHER

Conditions

13. State any conditions that you would be willing to consider as part of the approved Special Use Permit. AWAY
14. Additional Comments the Board should consider in reviewing your application: THIS PROPERTY IS NARROW AND NOT MUCH THAT I CAN DO WITH IT.

Action by the Board of Adjustment

The Board of Adjustment shall approve, modify, or deny the Application for Special Use Permit following the Public Hearing. In granting a Special Use Permit, the Board of Adjustment shall make written findings that the applicable regulations of the district in which it is located are fulfilled. With due regard to the nature and state of all adjacent structures and uses, the district within which it is located and official plans for future development, the Board of Adjustment shall also make written findings that the following provisions are fulfilled:

- 3.1 The requested use **is** in harmony with the surrounding area and compatible with the surrounding neighborhood.
- 3.2 The requested use **will not** materially endanger the public health and safety.
- 3.3 The requested use **will not** substantially injure the value of adjoining property, or, alternatively, the requested use **is** or **will be** a public necessity.
- 3.4 The requested use **will** meet all required conditions and specifications.
- 3.5 The requested use **is** in general conformance with the Harnett County Unified Development Ordinance (UDO), Land Use Plan, and other relevant adopted plans.

The Board of Adjustment may impose conditions on special use permits as part of the approval process. Conditions placed on the special use permit must be adhered to as part of the developmental process. Consent to any specified conditions must be received prior to the issuance of any development permits.

Note: The Board of Adjustment is a "Quasi-Judicial" Administrative Board. Quasi-Judicial means that the Board functions like a Court when proceedings are conducted. Sworn testimony is given, so everyone wishing to speak for or against an application or ask questions about a case must be sworn in. Those persons who cannot be sworn in for religious reasons may be "Affirmed". Land use professionals, including architects and engineers, land use planners, and other agents for the property owner may appear and testify as to factual matters and any expert opinions that they are qualified to present at the Board of Adjustment hearing; however, the presentation of other evidence, including the examination and cross-examination of witnesses, making legal arguments, and the advocacy for approval of the application on behalf of the property owner(s) is the practice of law that may only be performed by a licensed attorney at law.

A party wishing to submit a document into evidence must provide a copy to the Clerk during the hearing. Any document submitted into evidence will not be returned to the individual and must be retained by the Clerk as part of the official record of the case. The Board will accept a single copy of a proposed exhibit; however it is strongly recommended that enough copies are provided for each of the five Board members and the Clerk. Photographs, Videos, Recordings, Power Points or other types of evidence that are submitted via an electronic or digital device; must be pre-approved by the Harnett County IT Department prior to the start of the hearing. Personal computers such as laptops or other external media devices not belonging to the County will not be permitted to attach to the County's internal network. Documents cannot be submitted after the close of the hearing.

Action taken by this Board is final and cases are not taken to the Harnett County Board of Commissioners for review. Appeals of this Board must be filed with Superior Court. There must be three (3) Board of Adjustment members present at the meeting to hear a request for a Special Use Permit. A concurring vote from the simple majority of the Board shall be necessary to grant a Special Use permit.

** I have received and read the above statement:

Charles W. J. [Signature]
Signature

1-8-24
Date

**HARNETT COUNTY BOARD OF ADJUSTMENT
CONDITIONAL USE PERMIT WORKSHEET**

APPLICANT: Charles Wesley Tutor

CASE NUMBER: BOA2401-0015

1. The requested use **is / is not** in harmony with the surrounding area and compatible with the surrounding neighborhood for the following reasons:

2. The requested use **will / will not** materially endanger the public health and safety for the following reasons:

3. The requested use **will / will not** substantially injure the value of adjoining property, **or**, alternatively, the requested use **is / is not** or **will / will not** be a public necessity for the following reasons:

4. The requested use **will / will not** meet all required conditions and specifications for the following reasons: _____

5. The requested use **is / is not** in general conformance with the Harnett County Unified Development Ordinance (UDO), Land Use Plan, and other relevant adopted plans for the following reasons: _____

CONDITIONS TO CONSIDER:

1. _____
2. _____
3. _____
4. _____
5. _____