



# **Town of Fairview**

## **PLANNING AND ZONING BOARD**

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### **Agenda**

**December 18, 2018 @ 6:30 p.m.**

**Meeting will be in the Council Meeting Room**

1. Roll Call and Determination of Quorum ---Chair Randall
2. Public Comments
3. Report on Council actions: ---Ed Humphries
4. Business:
  - a. Discuss and approve TC 18-138 Regulations for Small (Tiny) Houses
  - b. Discuss and recommend CUP 18-133 request by David Griffin to increase the size/operation of his business Griffin Surveying which is non-conforming
5. Approval of Previous Minutes:
  - a. November 20, 2018---Regular meeting
6. Public Comments
7. Adjourn

# Town of Fairview Staff Report for:

Planning Board

DATE—12-18-2018

<b>--CASE #: CUP 18-133</b>	
<b>Applicant(s):</b>	David Griffin 9310 Unionville Brief Road Monroe NC 28110
<b>Property Owner(s): N/A</b>	Same
<b>Requested Action:</b>	Owner request: to add a building (30x30) to a property that is non-conforming under the present Fairview Ordinance to be used in business
<b>Existing Zoning:</b>	RA-40 Non-conforming
<b>Requested Zoning:</b>	RA-40 CUP to add building to property that will be used in owner's business
<b>Location:</b>	9310 Unionville Brief Road Monroe NC 28110
<b>Property Size:</b>	1.26 Ac.
<b>Tax Parcel(s):</b>	08114010C
<b>Purpose/Narrative:</b>	Owner wants to add a building (30x30) to a property that is non-conforming under the present Fairview Ordinance. Building will be used in connect with Griffin Surveying ‘
<b>Surrounding Area Zoning:</b>	Residential and Farming
<b>Existing Conditions:</b>	Business RA-40 Non-conforming Use: Griffin Surveying Inc.
<b>Land Use Plan Recommendation:</b>	Must have CUP under the present Fairview Land use ordinance. See Article VIII Non-conforming situations Section 123 requiring Conditional Use Permit
<b>Compliance with Zoning Ordinance:</b>	Business-- non-conforming use
<b>Staff Comments on Conditional Use Permit Application:</b>	Business has been in operation for some time by owner. Was at one time part of his home parcel but now has been subdivided .

<b>Staff Recommendation on Conditional Use Permit Application:</b>	<p>Staff recommends recommending to Council for approval with conditions</p> <ol style="list-style-type: none"> <li>1. Building must be used as part of Business</li> <li>2. Building will be 30 x 30 in size</li> <li>3. Will be used for storage, supplies, equipment and a small portion (12x12) is to be set aside for exercise equipment for employees only</li> <li>4. Building will have power, heat and air, but no bathroom or running water</li> </ol>



- (c) For purposes of subsection (b), compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.
- (d) This section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it. A change in use of a developed nonconforming lot may be accomplished in accordance with Section 126.
- (e) Reserved

### **Section 123A Developed Nonconforming Lots**

Where two or more uses existed on a lot before the enactment of this ordinance and said lot cannot be subdivided to meet all minimum dimensional and lot area requirements, a subdivision may be permitted as long as minimum standards are adhered to as closely as possible. As an example, in an R-40 district, if two single-family residences occupy a 40,000 square foot lot, two 20,000 square foot lots may be created in order to facilitate the transfer of title for each home. If this is not feasible, a rezoning to a R-20 district would be needed to make the structures conforming with regard to lot size.

### **Section 124 Extension or Enlargement of Nonconforming Situations.**

- (a) Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.
- (b) A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this ordinance, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may be extended to additional buildings or to land outside the original building only in accordance with subsection (e) or Section 128 (Nonconforming Projects).
- (c) A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming only in accordance with subsection e) or Section 128 (Nonconforming Projects).
- (d) The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar

changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this section occur.

- (e) Subject to subsection (f), the Town Council may issue a special exception to allow:
- (1) A structure within which a nonconforming use is conducted to be enlarged; or
  - (2) Additional structures to be built on the lot where the nonconforming use is located, within which structures the nonconforming use can be enlarged; or
  - (3) A nonconforming use of land to be extended beyond geographical bounds in which it has been conducted.
- (f) A complete application for a special exception shall be submitted to the Administrator for a public hearing and decision by the Town Council. The public hearing shall be advertised by citing the appropriate Section.
- (g) The Town Council shall have the authority to issue the conditional use permit, along with any fair and reasonable conditions to assure conformance with this Ordinance, other plans adopted by the Town Council, and compatibility with surrounding properties. All additional conditions imposed by the Council in association with the Conditional Use Permit shall be agreed upon by the applicant prior to final consideration.

Notice of the public hearing shall be given as follows:

- Such notice shall be published once a week for two successive weeks in a newspaper having general circulation in the Town. The first notice shall be published not less than ten days nor more than twenty-five days before the date fixed for the hearing. In computing this period the date of publication shall not be counted but the date of the hearing shall be.
  - The owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing shall be mailed a notice of the public hearing by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing.
- (h) Once the public hearing has been concluded, The Town Council may issue the permit described if it finds that:



# ***Town of Fairview***

7400 Concord Highway  
Monroe NC 28110

## **CONDITIONAL USE PERMIT APPLICATION**

**Fees:** \$325 to \$500

Application Number: CUP18133

Date of Application: 11/13/2018

### **I. Applicant / Owner Information**

- A. Applicant's Name: David Griffin  
Address: 9310 Unionville Brief Rd  
Phone: 704-641-7169 Email: david@griffinsurveying.net
- B. Owner's Name: David Griffin  
Address: 9310 Unionville Brief Rd  
Phone: 704-641-7169 Email: david@griffinsurveying.net

### **II. Property Information**

- A. Property Location: 1310 East Brief Rd Monroe NC 28110  
Monroe, Nc
- B. Tax Parcel Number: 08114010C
- C. Deed Book 6677 Page 545
- D. Existing Zoning Residential Proposed Zoning Residential
- E. Existing Use Surveying Office Proposed Use Surveying Office
- F. Property Size 1.26 (Acres)
- G. Is a Rezoning Application being submitted with CUP Application? No

### **III. Other Required Information (Attach The Following)**

- A. Narrative describing the requested conditional use in sufficient detail and a justification that the conditional use meets the standards and intent contained in the Land Use Ordinance.
- B. The owners' names, addresses, the tax parcel numbers use(s), and current Zoning Classifications of all adjoining properties. Please include this information on the Attachment "A" form.
- C. A scaled boundary survey drawn to an appropriate scale prepared by and certified to be correct by a surveyor or engineer registered with the State of North Carolina,

showing dimensions of the property and adjacent lots and streets, the total acreage, present zoning classification(s), date and north arrow. On copies of this survey shall be drawn the following Information:

- (1) All existing easements, reservations, right-of-way and all yard requirements for the zoning district.
  - (2) A site plan showing all existing and/or proposed buildings, storage areas, parking and access areas, proposed size layout and setbacks of land and proposed structures, and proposed number, type, and location of signs. For residential uses this shall include the number of units and an outline of the area here the structures will be located. For nonresidential uses, this shall include the approximate square footage of all structures and an outline of the area where the structures will be located.
  - (3) Traffic, parking and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets. (Shopping Centers, having two (2) or more individual uses shall show the parking spaces, channelization and ratios shown, service areas, off-street loading facilities, service drives and dimensions thereon; and all pedestrian ways.)
  - (4) Landscape plan at the same scale as the site plan showing existing and proposed trees, ground cover and landscape material, proposed screening, and buffering (if applicable) including walls, fences or planted areas as well as treatment of any existing natural features.
- D. Plans and elevations for all proposed structures.
- E. A map at the same scale as the site plan showing the following:
- (a) Delineation of areas within the floodplain as shown on the official flood hazard boundary maps.
  - (b) Accurate mapping of all soil classifications found on the site and general depths thereof. The applicant shall use the same classifications used by the U. S. Department of Agriculture.
  - (c) Existing and proposed topography at five (5) feet contour intervals.
  - (d) Plans for providing potable/public water and for the treatment of wastewater.
- F. Certification from owner of record that applicant has authorization to apply for this zoning action. (This is needed only if the applicant is not the property owner). Certification shall be notarized.

- G. State whether or not the applicant or owner, owns, has a proprietary interest, or in any way has any other contractual interest in any land that is contiguous to the land, which is the subject of this request. If so, please provide a sufficient legal description of such land and state the interest of the applicant or owner.
- H. Application processing fee of **\$325** for buildings 1000 square feet or less and **\$500** for buildings 1001 square feet or more. Attach check, payable to the *Town of Fairview*, Attn: Ed Humphries 7400 Concord Highway Monroe NC 28110

Comments: \_\_\_\_\_

I, the undersigned owner or authorized representative, hereby submit this application with the attached information. The information and documents provided are complete and accurate to the best of my knowledge.

11/13/18  
DATE

  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

(The Following Information is to be Completed by the Land Use Administrator)

RECOMMENDATIONS OF THE PLANNING BOARD: 12-18-2018  
See ARTICLE VIII NONCONFORMING SITUATIONS  
SECTION 124 (Page 107)  
EXTENSION OR ENLARGEMENT OF NONCONFORMING  
SITUATIONS

PUBLIC HEARING DATE: \_\_\_\_\_

Notice of Public Hearing Published On: 12-21 and 12-28-2018

Notices to Applicant and Adjoining Property Owners Mailed on: 12-27  
(Verification Attached)





**GRIFFIN SURVEYING SERVICES, PA**

*SBE - Certified*

704-753-5008

FAX 704-753-9041

New Storage Building:  
December 6, 2018  
Page 1 of 1

**Griffin Surveying Services, PA** is proposing to build a new storage building behind the existing office building. The proposed building will be no greater than a 30'x 30', with a look that will try to match the existing office.

We have a total of 10 employees and the additional space is needed. It will have a garage door, for cleaning and small repairs to the vehicles. The storage building will also have power, heat and air, but no bathroom or running water. The intent of the new building will be to store supplies, equipment, and a small portion 12'x12'+/- is to be set aside for exercise equipment, for employees only. The drive area will be extended for coverage in and out of the building.

Please feel free to give me a call if you have any questions.

Respectfully Submitted,  
*David E Griffin, PLS*  
President

Mailing Address:  
PO Box 98 Monroe, NC 28111-0098

Shipping Address:  
1310 Brief Rd. E. Monroe, NC 28110  
[david@griffinsurveying.net](mailto:david@griffinsurveying.net)

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# Town of Fairview Staff Report for:

Planning Board

DATE: Dec 18 2018

<b>--CASE #: TC-18-138</b>	
<b>Applicant(s):</b>	Town of Fairview
<b>Property Owner(s):</b>	
<b>Requested Action:</b>	Text change to Land Use Ordinance
<b>Existing Zoning:</b>	
<b>Requested Zoning:</b>	
<b>Location:</b>	Land Use Ordinance Article XII Section 191
<b>Property Size:</b>	
<b>Tax Parcel(s):</b>	
<b>Purpose/Narrative:</b>	Land Use Administrator has a request to add section 191 to the Land Use Ordinance –Small Tiny
<b>Surrounding Area Zoning:</b>	
<b>Existing Conditions:</b>	
<b>Land Use Plan Recommendation:</b>	
<b>Compliance with Zoning Ordinance:</b>	
<b>Staff Comments on Conditional Use Permit Application:</b>	
<b>Staff Recommendation on Text Amendment Application:</b>	Recommend approval See requirements

## Article XII Density and Dimensions

### Section 191 Small (Tiny) Houses

- a) A home can be any size, if:
  - 1) Meets the minimum construction and design standards as required by the North Carolina State Residential Code, 2012 Edition – Section 101.3.2.11 NC Administrative Code
- b) Administrative Requirements:
  - 1) Must be permitted by the local building official having jurisdiction over the building site – *Section 106.1 – NC Administrative Code and Policies, 2012 Edition*
  - 2) Must be of open construction so unit can be fully inspected by the local building official - *Section 107.1 – NC Administrative Code and Policies, 2012 Edition*
  - 3) May be constructed of closed construction at an off-site location if the off-site construction is inspected and certified under the NC Modular Construction Program. *NC General Statute 143.139.1*
  - 4) Must meet local zoning and set-back requirements as applicable
  - 5) Must meet community protective covenant requirements as applicable

TC 18-138





**Town of Fairview  
Planning Board Meeting  
November 20, 2018**

The following Planning Board members were present: Kelvin Baucom, Doug Buchanan, Tony Helms, Mike Medlin, Greg Morgan, Rick Pigg, and Nancy Randall

Others present: Ed Humphries, Land Use Administrator / Deputy Clerk, Teresa Gregorius, Town Clerk

**Public Comments**

None

**Reports**

Ed Humphries reported that he, Mayor Thomas and Councilman Gary Wilfong met with a group of Victoria Estates landowners to discuss the delays they are experiencing getting building permits. The required installation of a county water line has put all building permits on hold until installation is complete, and that date has not been determined. After several conversations with the county public works, rather than continuing to hold up the landowners, Council decided to waive the requirement for public water allowing the landowners to apply for zoning and building permits using a well as their source of water.

**Items of Business**

A. Discussion on Tiny Houses

Mr. Humphries presented tiny house information to the Board that he had received from various towns and counties. The Board discussed and asked Mr. Humphries to draft an ordinance for their review.

B. Discussion on New Alternate Member for Board

Mr. Humphries stated that since Board alternate, Sara Furr, has moved out of the Town of Fairview there is an opening that would need to be filled. He asked that if the Board members knew of anyone that would be interested in applying, please ask them to go to the website and fill out an application.

C. Minutes

Doug Buchanan made a motion to approve the October 16, 2018 minutes. Kelvin Baucom seconded the motion. Board members Baucom, Buchanan, Helms, Medlin, Morgan, Pigg, and Randall voted yes (7-0).

Nancy Randall stated upon the suggestion of Mayor Thomas she attended a forum in Wesley Chapel regarding solar farms. There were two presenters. Wesley Chapel is currently working on a draft ordinance to address solar farms. Ms. Randell suggested the Board wait and review the ordinance they produce.

Tony Helms made a motion to adjourn. Rick Pigg seconded the motion. Board members Baucom, Buchanan, Helms, Medlin, Morgan, Pigg, and Randall voted yes (7-0).

Respectfully submitted,

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Teresa Gregorius  
Town Clerk

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Nancy Randall  
Chair

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018