



# **Town of Fairview**

## **PLANNING AND ZONING BOARD**

---

### **Agenda**

**November 20, 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: Victoria Estates ---Ed Humphries
4. Business:
  - a. Discussion on Tiny Houses
  - b. Discussion on New Alternate Member for Board
5. Approval of Previous Minutes:
  - a. October 16, 2018---Regular meeting
6. Public Comments
7. Adjourn

---

**From:** Brian Matthews [<mailto:brian.matthews@unioncountync.gov>]  
**Sent:** Tuesday, September 18, 2018 9:04 AM  
**To:** Ed Humphries  
**Subject:** RE: Tiny Houses

Hello Ed

I am doing well. The storm did not bother us too much. How is Fairview looking after the storm?

According to my building officials, tiny homes are allowed if built according to the NC Building Code (not on a trailer but on a foundation). NC does not allow a tiny home to be built on a trailer unless it meets HUD standards and is certified by HUD. That is highly unlikely. There is another route where a tiny home can be classified as a Park Model but we do not allow Park Models to be used as a residential structure. They are allowed in a RV park but not as a permanent residence.

I hope this helps.

Brian

**Brian Matthews, AICP**  
*Executive Director*



**Union County Government**  
**Growth Management**  
500 N. Main Street  
Suite 70  
Monroe, NC 28112  
  
T 704.292.2597  
[Brian.Matthews@unioncountync.gov](mailto:Brian.Matthews@unioncountync.gov)  
[www.unioncountync.gov](http://www.unioncountync.gov)

E-mail correspondence to and from this sender may be subject to the North Carolina Public Records law and may be disclosed to third parties. If you are not the intended recipient of this e-mail, please contact the sender immediately.

**From:** Ed Humphries [<mailto:ehumphries@fairviewnc.gov>]  
**Sent:** Tuesday, September 18, 2018 8:20 AM  
**To:** Brian Matthews <[brian.matthews@unioncountync.gov](mailto:brian.matthews@unioncountync.gov)>  
**Subject:** Tiny Houses

WARNING: This email originated outside of our organization.

## Ed Humphries

---

**From:** Brian Matthews [brian.matthews@unioncountync.gov]  
**Sent:** Tuesday, September 18, 2018 9:53 AM  
**To:** Ed Humphries  
**Subject:** Re: Tiny Houses

We treat it just like any home as far as setbacks and lot size. If he wants to build one there are some minimum size for the home. I think it adds up to around 300 sq ft. Essentially he will be building a house but it is small in size.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** Ed Humphries <ehumphries@fairviewnc.gov>  
**Date:** 9/18/18 9:42 AM (GMT-05:00)  
**To:** Brian Matthews <brian.matthews@unioncountync.gov>  
**Subject:** RE: Tiny Houses

WARNING: This email originated outside of our organization.

DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Fairview "Faired" well

On the tiny house do you have special setbacks, lot sizes? Would you treat like a single wide manufactured home?

We have a person who wants to replace a double-wide with a tiny house

### Ed Humphries

Land Use Administrator  
Town of Fairview  
7400 Concord Highway  
Monroe NC 28110  
704.564.3412  
[ehumphries@fairviewnc.gov](mailto:ehumphries@fairviewnc.gov)



## Ed Humphries

---

**From:** Ricky Hurley [rhurley@ashevillenc.gov]  
**Sent:** Monday, September 24, 2018 2:58 PM  
**To:** Ed Humphries  
**Subject:** Re: [ncplan] "tiny houses"  
**Attachments:** image001.png

Ed,

We don't allow them since they do NOT meet NC Building Code or HUD code. So you'll want to understand the actual construction method allowed in your jurisdiction. Otherwise we would limit them to the same campground standards and duration of tenancy on the site.

Ricky

On Mon, Sep 24, 2018 at 2:56 PM Ed Humphries <[ehumphries@fairviewnc.gov](mailto:ehumphries@fairviewnc.gov)> wrote:

If anyone has any requirements or regulations for "tiny houses", would you share with me?

Thanks in advance! ----Edh

## Ed Humphries

Land Use Administrator

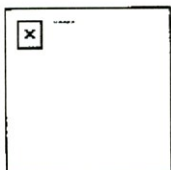
Town of Fairview

7400 Concord Highway

Monroe NC 28110

704.564.3412

[ehumphries@fairviewnc.gov](mailto:ehumphries@fairviewnc.gov)



## Ed Humphries

---

**From:** Mary Jo Gollnitz [mjgollnitz@matthewsnc.gov]  
**Sent:** Tuesday, September 25, 2018 9:07 AM  
**To:** Ed Humphries  
**Subject:** Re: [ncplan] "tiny houses"  
**Attachments:** image001.png

Ed,

Good morning.

Hope you are doing well.

We do not have any regulations on tiny homes. They are considered a single-family dwelling and must meet the requirements for the zoning district it is to be built in. However, we do have a cottage cluster provision that is designed for tiny homes, with common areas and min/max lot sizes. It would have to be a subdivision that would go through a rezoning process.

So if someone wants to build a 700 sq ft home on two acres, they can.

Hope this helps and let me know if you have any questions.

Mary Jo Gollnitz, CZO  
Senior Planner/Zoning Administrator  
Planning and Development  
Town of Matthews  
232 Matthews Station Street  
Matthews, NC 28105  
Town Hall (704) 847-4411  
Direct line (704) 708-1229  
Fax (704) 845-1964  
[mjgollnitz@matthewsnc.gov](mailto:mjgollnitz@matthewsnc.gov)  
[www.matthewsnc.gov](http://www.matthewsnc.gov)



Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review.

On Mon, Sep 24, 2018 at 2:56 PM Ed Humphries <[ehumphries@fairviewnc.gov](mailto:ehumphries@fairviewnc.gov)> wrote:

If anyone has any requirements or regulations for "tiny houses", would you share with me?

Thanks in advance! ----Edh

## Ed Humphries

---

**From:** Rox Burhans [rhb@indiantrail.org]  
**Sent:** Tuesday, September 25, 2018 9:50 AM  
**To:** Ed Humphries  
**Subject:** Tiny Houses

Hi Ed:

I hope this finds you well. There was a good series of articles on tiny houses in the Charlotte Observer about 6-months ago or so. They were related to a project that was being proposed near some traditional neighborhoods and the neighbors were not pleased.

From what I recall, the City of Charlotte did not have the ability to apply any higher standards on this project than they would apply to a conventional neighborhood since the tiny homes would all have their own lots and meet setback requirements. Fair Housing Laws and the removal of architectural design requirements by the State was cited (if I recall correctly) as reasons. The project was in essence a subdivision with smaller houses. There is a lot of higher level literature on the APA website and through other resources if you would like to broaden your research.

Good luck.

Rox



## **Manufactured Building**

Wayne Goodwin, Commissioner of Insurance  
Rick McIntyre, Assistant State Fire Marshal

### **MEMORANDUM**

Date: October 21, 2015 (replaces September 16, 2015 Tiny Homes in North Carolina memo)

To: Code Officials, Manufacturers, Consumers, and other Interested Parties

From: C. Patrick Walker, PE  
Technical Services Manager  
Manufactured Building Division  
Office of State Fire Marshal/NC Department of Insurance

Re: Guidelines for Tiny Homes in North Carolina

There has been a nationwide movement recently regarding the usage of "Tiny Homes" as a viable single-family dwelling. Tiny Homes are acceptable as permanent single-family dwellings in North Carolina provided they meet the following minimum requirements.

**NOTE: This is not intended to be an all-inclusive list of requirements.** All code references are to the *North Carolina State Residential Code, 2012 edition* unless otherwise noted.

#### **Tiny Homes in North Carolina**

##### **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

##### **Construction Requirements**

1. Unit and its foundation must comply with the *North Carolina State Residential Code, 2012 Edition – Section 101.3.2.11 NC Administrative Code.*
2. Habitable Space is defined as a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered *habitable spaces.* - *Section R202*

3. Must have at least one habitable room with not less than 120 square feet of gross floor area - *Section R304.1*
4. Other habitable rooms must have not less than 70 square feet of floor area - *Section R304.2* - Exceptions: Kitchens
5. Habitable rooms must not be less than 7 feet in any horizontal dimension - *Section R304.3*
6. Ceilings Height Effect on Room Area – Portions of a sloped ceiling measuring less than 5 ft. or a furred ceiling measuring less than 7 ft. from the finished floor the finished ceiling shall not be considered as contributing to the minimum required habitable area for that room.
7. Ceiling heights must be a minimum 7 foot in habitable spaces, hallways, bathrooms, and toilet rooms – *Section R305*
8. Every dwelling unit must have toilet facilities – water closet, lavatory, and a bathtub or shower – *Section R306.1*
9. Must have a kitchen area with a sink – *Section R306.2*
10. All plumbing fixtures must be connected to a sanitary sewer or to an approved private sewage disposal system – *Section R306.3* (Storage tanks are not acceptable)
11. Must be provided with a heating facility – *Section R303.8*
12. Must meet the means of egress requirements - *Section R311*
13. Must meet the energy conservation requirements – *Section N1101.1*
14. **IF the unit is constructed through the NC Modular Construction Program**, the unit must also meet the following minimum construction and design standards for modular homes - *NC General Statute GS § 143-139.1.*,
  - (1) Roof pitch. - For homes with a single predominant roofline, the pitch of the roof shall be no less than five feet rise for every 12 feet of run.
  - (2) Eave projection. - The eave projections of the roof shall be no less than 10 inches, which may not include a gutter around the perimeter of the home, unless the roof pitch is 8/12 or greater.
  - (3) Exterior wall. - The minimum height of the exterior wall shall be at least seven feet six inches for the first story.
  - (4) Siding and roofing materials. - The materials and texture for the exterior materials shall be compatible in composition, appearance, and durability to the exterior materials commonly used in standard residential construction.
  - (5) Foundations. - The home shall be designed to require foundation supports around the perimeter. The supports may be in the form of piers, pier and curtain wall, piling foundations, a perimeter wall, or other approved perimeter supports. (1971, c. 1099; 1989, c. 653, s. 2; 2003-400, s. 17.)
15. **IF the unit is constructed through the HUD Manufactured Housing Construction Program** the unit must also contain a minimum of 320 sq. ft. of floor area when erected.  
*24 CFR 3280.2 - Definition of Manufactured Home*

**NCDOT NOTE:** This memo addresses structures intended for use as a permanent single-family dwelling. Units that are manufactured and certified by the **Recreational Vehicular Industry Association (RVIA)** are considered recreational vehicles and should be treated as such.

**NCDOT NOTE:** See the NCDOT Recreational Park Trailer Memo for Requirements for Recreational Park Trailers (Park Models, Park Model RV's)



**Town of Fairview  
Planning Board Meeting  
October 16, 2018**

The following Planning Board members were present: Kelvin Baucom, Doug Buchanan, Sara Furr, Tony Helms, Mike Medlin and Josh Presley

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

**Public Comments**

None

**Reports**

Ed Humphries reported that at the October Council meeting the Council approved the sign for Bethlehem Presbyterian Church with the ability to change the frequency of the message anytime between 30 seconds to once each week. The 2018 Fairview Fall Festival was a hit and attendance was great.

**Items of Business**

A. Review Conditional Use Permit CUP 18-112

Ed Humphries stated that Faulk and Foster had applied for a conditional use permit to construct a cell tower at 1008 Brief Road Parcel # 08210001E. Mr. Humphries presented the permit information and the Board discussed.

Mike Medlin made a motion to recommend approval of the conditional use permit CUP 18-112 per construction plans and requirements to the Council. Sara Furr seconded the motion. Council members Buchanan, Furr, Helms, Medlin and Presley voted yes, Baucom voted no (5-1).

B. Review and adopt updated Fairview Future Land Use Plan (Verbiage)

Ed Humphries presented the written Fairview Future Land Use Plan to the Board. The Board discussed. (Council approved Future Land Use Plan Map March 12, 2018)

Doug Buchanan made a motion to recommend approval of the written Fairview Future Land Use Plan to the Council. Mike Medlin seconded the motion. Board members Baucom, Buchanan, Furr, Helms, Medlin and Presley voted yes (6-0).

C. Minutes

Kelvin Baucom made a motion to approve the September 18, 2018 minutes. Sara Furr seconded the motion. Board members Baucom, Buchanan, Furr, Helms, Medlin and Presley voted yes (6-0).

Mike Medlin made a motion to adjourn. Doug Buchanan seconded the motion. Board members Baucom, Buchanan, Furr, Helms, Medlin and Presley voted yes (6-0).

Respectfully submitted,

\_\_\_\_\_  
Teresa Gregorius  
Town Clerk

\_\_\_\_\_  
Tony Helms  
Vice Chairman

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