



VANCE COUNTY
PLANNING & DEVELOPMENT
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Planning Board Minutes

TO: Vance County Planning Board
FROM: Angie Blount
SUBJECT: Rezoning 651, 616 Bearpond Rd, Public Comment RV and Camper Use
DATE: November 8, 2018

Board Members Present: Thomas Shaw III, Chair, Agnes T. Harvin, Ruth Jones, Vice-Chair, Phyllis Stainback, Logan Darensburg

Board Members Absent: Alvin Johnson, Jr., Blake Haley

County Staff: Sam Hobgood, Director, Planning & Development, Angie Blount, Planner, Jonathan Care, County Attorney

Chairperson Shaw opened the November 8, 2018 meeting of the Vance County Planning Board immediately upon closing the Board of Adjustment meeting, around 4:30 pm. Chairperson Shaw stated that the first agenda item would be a review and approval of the minutes from the last meeting which was held August 9, 2018. Mrs. Harvin made a motion that the minutes be accepted and approved as submitted to which Mrs. Jones seconded. Chairperson Shaw declared that a motion had been made and seconded and called for a vote. He stated those in favor of approving the minutes to signify by saying Aye, those opposed by saying Nay. Chairperson Shaw stated that the motion to approve had been carried. Chairperson Shaw stated that the first item of business would be a rezoning, Case number RZ20181108-1, 616 Bearpond Rd, Tract 1 to be changed from AR (Agricultural Residential) to LI (Light Industrial), Tract 2, from AR (Agricultural Residential) to GC1 (General Commercial 1). Chairperson Shaw asked for comments from Planning Staff.

Angie Blount, Vance County Planner, explained that the applicant/owner in this case would be Vance County and that fees had been paid, all advertising, letters to adjoining property owners and property had been posted as required by NC state statute. Mrs. Blount stated that the lots in question met all minimum lot size and lot width requirements for the rezoning. Mrs. Blount stated that Mrs. Sherry Moss was present and would be acting as the representative for Vance County as applicant for the rezoning if the board had any questions for the applicant.

Mrs. Sherry Moss, Special Projects Coordinator for Vance County, took the podium and introduced herself to the board. Mrs. Moss stated that the county was seeking a rezoning for 616 Bearpond Rd in order to expand the Henderson-Vance Industrial Park. Mrs. Moss stated that in the next rezoning case, RZ20181108-2, is also being sought for addition for the purpose of expansion in phase 3 of the Henderson-Vance Industrial Park, possibly for economic development.

Chairperson Shaw asked if anyone else had any comment on the case. Mrs. Blount added that the second case, 651 Bearpond Rd, Applicant Bearpond Investments, would be seeking a rezoning of Light Industrial which would more closely match their current use, which is manufacturing of boat docks. Currently the property is zoned commercial. Mrs. Blount advised that both cases meet the road frontage and minimum lot size requirements for the proposed zoning.

Chairperson Shaw asked the board if they would like to address both cases with one motion, to which the board replied that they would. Mrs. Jones made a motion to recommend the rezoning for Case number RZ20181108-1, 616 Bearpond Rd, tract 1, 82.58 acres from AR (Agricultural Residential) to LI (Light Industrial) and tract 2, 2.05 acres, from AR (Agricultural Residential) to GC1 (General Commercial 1),

and Case number RZ20181108-2, 9.87 acres at 651 Bearpond Rd from GC1 (General Commercial 1) to LI (Light Industrial). Mrs. Jones made a motion that the changes to the zoning in both cases be recommended. Mrs. Stainback seconded the motion. Chairperson Shaw asked if there was any further discussion. Being none, Chairperson Shaw asked for those in favor of the rezoning to signify by saying Aye, and for those opposed to signify by saying Nay. Chairperson Shaw announced that the motion to recommend the rezoning carried.

Chairperson Shaw announced that the next agenda item would be a public meeting to discuss RV and Camper use within the county for possible amendment to the current zoning ordinance. Mrs. Blount asked that any member of the public who wished to speak on the subject to come to the front and record their name and location so that they could be captured for the minutes of the meeting. Mr. Hobgood, Director of Planning and Development, stated that several weeks prior there had been a committee meeting on the subject of RV and Camper use in the county, which was attended by planning staff, county commissioners, the county attorney, the county manager and members of the public. Mr. Hobgood stated that it was the committee's recommendation that the issue be brought before the planning board in a public meeting since it concerned possible amendment to the county zoning ordinance. Mrs. Harvin asked how many violations code enforcement had received regarding RV and Camper use. Mr. Hobgood replied that Mrs. Susette McClendon, citizen, is in attendance and has had issues with RV and Camper use next to her property and that code enforcement had been working with her to resolve the issues. Mr. Hobgood stated that the zoning code compliance officer had been sent to Mrs. McClendon's location several times to document the complaint. Mr. Hobgood stated that the ordinance is very difficult to enforce as written. Mr. Hobgood added that violations occur occasionally over a weekend and that enforcement staff does not work the weekend making it hard to establish facts. Mr. Hobgood stated that Mrs. McClendon, as a concerned citizen and landowner, has kept records in those instances where enforcement staff could not witness a violation.

Chairperson Shaw asked Mrs. McClendon if she would like to speak. Mrs. McClendon took the podium. Mrs. McClendon stated that she understood that it was hard for the planning department to witness every violation that occurs, and that she realized that a large part of enforcement of the ordinance depends on citizen input and participation. Mrs. McClendon stated that she did not have a problem with that, but that she did have a problem with the fact that in 2011 the same issue was brought up and the ordinance was rewritten but that it is still confusing. Mrs. McClendon stated that in different sections of the ordinance it references 14 days, then in another section 3 days, or 4 days if it is Memorial Day weekend or Labor Day weekend. Mrs. McClendon stated that she felt if a person using a camper does not have electricity it was her feeling they would not want to stay on a lot for any length of time. Mrs. McClendon stated that unfortunately there are individuals, for example people on her road, two families that purchased two lots, one specifically the King family, who made application to the Environmental Health Department for septic and well permits to build a single family home on one of the lots and were given those permits for a 3 bedroom, 2 bath home. She stated that they were also given power to the lot but never followed through on building the dwelling. She stated they pull their campers to the lot and hook their campers up to water, electricity and septic. Mrs. McClendon stated that she felt they had no intention of building on the lot when they received the permits. Mrs. McClendon stated that she feels that Vance County does not want to see campers set up in residential areas outside of approved camp grounds. Mrs. McClendon stated that she would like to see the ordinance become more strict regarding the use of RV's and Campers within the county, and would actually like to see them only in approved campgrounds and not out in the residentially zoned areas of the county. She stated that the ordinance could be written to state that if there is one utility present on a lot, a camper could be used for 3 days but could not return for 30, with the exception of Memorial Day or Labor Day. Mrs. McClendon stated that the people on her road who have 3 utilities on their property obviously misrepresented their plans for the property in order to obtain those utilities. Mrs. McClendon stated that the neighbors next door to the property with all three utilities are hooking in to the utilities on the adjacent lot. Mrs. McClendon stated her concern for the chemicals used in the camper toilets going into a septic system designed to be used with a site built home, citing chemicals leaking from the septic through leach fields and entering the well water. Mrs. McClendon stated that she felt the state

park down the road was meant for camping and she did not feel it was necessary for campers to be on residential lots. Mrs. McClendon stated her recommendation would be to allow camping on a lot that for 3 days only, with the exception of Memorial Day and Labor Day, then they have to leave for 30, take the 14 day reference out of the ordinance. She stated that as for lots that obtained utilities for the purpose of building, they should be made to build. She commented that for the cost of the camper they are placing on the property they could certainly afford to build a house. Mrs. McClendon closed by stating that she hoped the ordinance could be made a little more restrictive than it is now. Mr. Darensburg asked Mrs. McClendon where her property was located. Mrs. McClendon replied that her property is located on Poole Rock Shores Lane. Mr. Darensburg asked if they were camping on the property, to which Mrs. McClendon replied that they were, and that when they come their camping is not restricted to just the two campers but that they also bring tents. Mr. Darensburg asked who owned the land. Mrs. McClendon replied it was owned by the people who are coming up and camping on it. Mr. Darensburg asked if they had utilities on the property such as septic tanks, to which Mrs. McClendon replied that one lot has water, electricity and septic, but that those utilities are meant for dwellings, not for RV's. Mr. Darensburg advised that the RV has to have someplace to dump sewage, to which Mrs. McClendon advised they were dumping into the septic. Mr. Darensburg asked about the second lot that does not have septic. Mrs. McClendon advised that they are dumping into the septic on the adjoining lot. Mrs. McClendon advised the lots are owned one by the King family and the other by the Young family, and that they are both using a septic tank that is meant for residential waste from a dwelling, not chemicals from RV's or campers. Mr. Darensburg stated that was a violation. Mrs. McClendon stated that they were in violation, but that Environmental Health cannot do anything unless the septic fails, then they can make them replace it. Mrs. McClendon stated that she felt it was the job of the planning board to keep that situation from happening in the first place. Mrs. McClendon stated that these are people who are obtaining permits for septic through Environmental Health but never following through with building a dwelling. Mr. Darensburg asked if Environmental Health went out on the weekends to check for violations. Mrs. McClendon stated that like zoning code enforcement, Environmental Health does not work on the weekends. Mr. Darensburg stated that maybe they should go out on the weekends. Mr. Darensburg stated that regarding a food truck the health department goes out and inspects before an event on the weekend. Mrs. McClendon stated that the issue was bigger than just the use of the septic tanks, she stated that it was devaluing the property. Mrs. Harvin asked if Pool Rock Shores Ln was a public road. Mrs. McClendon stated it was a public road. Mrs. Harvin asked if there was a homeowners association, to which Mrs. McClendon stated that they did not. Mrs. Harvin asked if there were any restrictive covenants associated with the lots, to which Mrs. McClendon stated there were not. Chairperson Shaw advised that the covenants on the properties expired in 1999, according to the notes they were given. Mrs. McClendon stated that even if there were restrictive covenants, this is not what the citizens want throughout the county, to have campers parked in residential neighborhoods. Mrs. Harvin agreed that were true, but in Mrs. McClendon situation it could be a solution. Mr. Darensburg asked if it would be possible to require them to have a portable waste container. Mrs. Jones advised that would be likened to what you would find in an RV park. Mrs. McClendon stated that the property is not an RV park or campground, but that is what it has turned into. She stated that there is Kerr Lake and the surrounding camp ground for that. Mrs. Harvin asked if those two lots border the lake, to which Mrs. McClendon stated they were not, but have access to deeded easements to the lake. Mrs. Harvin asked how they access the lake. Mrs. McClendon stated they use a golf cart path easement made available to all residents of the subdivision to access the lake and the community dock. Mrs. McClendon advised that the community dock is for the lots across Pool Rock Shores Ln to access the lake. Mrs. Jones asked if there was a building on the lot. Mrs. McClendon advised that there was not. Mrs. Jones stated that she had talked to someone who lived in the area and that there was a building on one of the lots. Mrs. McClendon advised that is what they call the Jiffy Lube, which consists of 600 sq. ft. apartment and was approved in 2014. Mrs. McClendon stated that she talked to the NCDOI about the structure trying to find out if it met building code for a single family dwelling and was told it did. She stated that now that regulation has changed to include tiny homes. Mrs. Jones asked how many families were involved in this, to which Mrs. McClendon advised it was the two families that have large RV's are close friends, and advised she did not have information about the lot next door which contained the Jiffy Lube. Mrs. McClendon stated that in the zoning ordinance it states that campers can be stored on a property if a family dwelling is on the

property.¹ Mrs. Jones commented that was probably the reason for the “Jiffy Lube” building containing the apartment. Mrs. MClendon stated that the Jiffy Lube building has a camper stored on either side of the building and that a house down the road also has two campers stored. Mrs. MClendon stated that the definition of storage to her means stored but not occupied. Mrs. Jones asked if the stored campers were hooked up to septic all the time, to which Mrs. MClendon replied she did not know if they were now, but that she had brought this to the planning board’s attention in the past and had shown them photos of the stored campers hooked into septic at both locations. Mrs. Harvin asked if the RV’s were present on the properties all the time, to which Mrs. MClendon replied that they were not. Mrs. Jones asked if they were rotated in and out of the storage facility, to which Mrs. MClendon replied that the campers were there all summer until July and then there were no less than 20 people camping on the property and running up and down the road. Mrs. Jones asked if they were riding 4-wheelers and golf carts, to which Mrs. MClendon replied that they were riding everything, and using profanity. Mr. Darensburg asked if the state could buy the land from these people. Mrs. MClendon replied that she did not know. Mrs. Harvin asked if Mrs. MClendon had called the planning department and made a complaint at the beginning of the summer, what would have been done. Mrs. MClendon answered that it would have been as it has in the past, they would receive a fine. Mrs. Harvin asked the amount of the fine. Mr. Hobgood answered that it was \$100 per day. Mrs. Harvin asked if they paid the fine, to which Mr. Hobgood answered not to his knowledge. Mrs. Harvin asked what planning did when the violators don’t pay, and maybe it is that the ordinance has no teeth when applied as written. Mr. Darensburg stated whoever is in charge of enforcement is the key. Mr. Hobgood stated that when a violator does not pay fines in which he has been levied, it becomes a legal issue and is referred to the County Attorney for abatement. Mr. Jonathan Care, County Attorney, stated that as he recalled the most recent incident it was realized that they were not technically in default of the ordinance, so the county could not issue and enforce that fine. He continued that they removed the campers within the time frame given to do so, but that he felt they were playing the system as they are using the lot that contains multiple utilities, but they are actually camping on a separate lot. He added that the way the ordinance was written, it was geared toward a particular lot, not a community of lot owners coming together and pooling their utility resources to make it feasible for them to go out there and stay for an extended period of time comfortably. Chairperson Shaw asked if there was a hookup that ran from the lot with utilities onto the lot without. Mr. Care commented that a hookup can be nothing more than an extension cord or a garden hose. Chairperson Shaw clarified that he did not know if they had ran actual sewer lines onto the property, to which Mrs. MClendon stated they had not. Mr. Care added that from what he knew about the RV’s in question, they were Coaches and he was certain they probably had onboard generators enough to be self-sufficient. Mrs. Jones commented that it was almost like an RV park then, to which Mrs. MClendon stated that it was. Mrs. MClendon stated that the county cannot allow this to continue on property with lake views that everyone else has to pay such high taxes on because they built homes. She added that she knew this was not the correct department to be talking to about taxes, but she went on to say that allowing this use is not protecting adjacent property owners, that it was allowing a camp ground. Mrs. MClendon stated that the ordinance is written stating that if you have two or more utilities available on a lot, you can have a camper for three days if you move it off for thirty, that stating it like that it is clear the ordinance is allowing a camp ground on residential property. She went on to state that those rules are not being followed. Mrs. MClendon went on to say the ordinance as written is too wordy, hard to understand and hard to enforce. Mrs. MClendon added that the definition of storage needs to be looked at because it should not mean storage of an occupied camper at your home. She went on to state that maybe this is just happening on her road, but that it is not helping her property value. Mrs. Stainback asked if the campers have generators, to which several replied that some or most do. Mrs. Stainback asked if they make a lot of noise, Mr. Care answered that most are diesel and make very little noise, but if a person goes out and buys a Homelite from Lowes, it could be very noisy. Mrs. MClendon asked what was next, what was the procedure after this meeting. Mr. Hobgood stated that the planning board would discuss and then it would be taken back to the committee. Mrs. MClendon asked when the committee meeting would be, to which Mr. Hobgood replied that there is no set time. He further stated that it would be up to the planning board as to whether they wanted to do more research before it is sent

¹ The Vance County Zoning Ordinance does not contain this condition.

back to the committee, to see what they want to change. Mr. Care stated that he believed the way it worked last time was that the planning board put together a proposal of recommended changes to the ordinance and presented that to the committee. Mrs. Stainback asked if there was a legal way to enforce and collect the fines. Mr. Care advised they absolutely could be collected. Mrs. Stainback asked if the campers could be taken. Mr. Care answered they could not go that far. Mrs. McClendon stated that she had talked to Jordan about the boats and water toys stored at the Jiffy Lube and suggested to him that she knew for a fact Vance County property taxes were not being paid on them, she suggested that might be a way of stopping this particular land use. Mrs. McClendon stated that per NC law, whatever county these items are stationed in on January 1st is where property tax needs to be paid. Mrs. Stainback stated that they were probably paying property tax on the lots since they own them. Chairperson Shaw thanked Mrs. McClendon and she withdrew from the podium. Mrs. Harvin surmised that this is most definitely a problem that occurs at the lake, and that other parts of the county probably don't have this problem where there is no reason to camp. Mrs. Harvin referred to her copy of the Warren County Ordinance in her packet and asked what a TC (Lakeside Tent-Trailer Camp) Zoned area refers to in Warren County. Mrs. Blount advised she could not remember what it stood for but that it refers to the areas on the map adjacent to the lake where campers are allowed. It is a specially zoned area of 15 acres or more for the development of private campgrounds, or actually are privately owned functioning campgrounds. Chairperson Shaw commented that they are private campgrounds and added that the only parts of Warren County that are zoned are at the lake, Norlina and Warrenton. Mrs. Blount produced the Warren County Zoning Map and advised the board that the TC zoning stood for lakeside Tent-Trailer Camp and confirmed this is a privately owned campground. Mrs. Harvin commented that the county should zone areas which allow RV or Campers which would make things simpler. Mrs. Stainback commented that the county's definition of campground was not too good. Mrs. Harvin read the zoning designation of TC from the Warren County information in the Planning Board Packet, and commented that there is only one area with this designation. Mrs. Blount commented that a parcel seeking this zoning designation has to be 15 acres in size and that they were basically privately owned campgrounds. Mrs. Harvin commented that there is also a designation of Lakeside Group Camp. Mrs. Blount commented that if Vance County could implement a new zoning designation for RV/Camper areas. Mrs. Harvin commented they could get rid of their current ordinance regarding RV/Camper use and come up with something new, as what the county has now is confusing, and cannot be enforced. Mr. Care stated that it was not that it could not be enforced, it was that all the boxes that needed to be checked in order to call something a violation and then seek remedy had not been checked. Chairperson Shaw asked if the part of the ordinance which allows a camper to be on a lot for 14 calendar consecutive days causes a problem, to which several board members agreed it was very hard to understand and also contradicted itself. Mr. Care explained the ordinance to mean that Section 3.2, (D), (4) (a) and (b), referring to the length of time a camper can stay, (a), if a camper is on a lot, 14 consecutive calendar days is the limit that it may stay at one time, and (b), if a camper is present for 3 consecutive calendar days, or 4 for Memorial Day or Labor Day weekend, but leaves, it may not return for 30. Mrs. Harvin asked if 14 days was the entire amount of time a camper could be on a lot in a year, to which Mrs. Blount replied that 90 days out of a year is all that a camper could be present, 14 days at a time, leave for 30, or 4 days at a time, leave for 30, they just would not be able to exceed 90 days out of a 12 month period. Mr. Care advised it was written that way to prevent people coming up for two or three days and then leaving, to prevent it being an every weekend event. He advised that the 30 day penalty could be extended, but that this was what was discussed when they last amended this part of the ordinance. Mrs. Stainback stated that the problem Mrs. McClendon was having was people using the lots as a campground. Mr. Hobgood commented that if there is only one of the utilities in place on the lot, then they can technically be on the lot for 90 days. Mrs. Harvin asked what the planning department could have done differently to make the ordinance easier to enforce. Mr. Hobgood replied that he did not know, but that as Mr. Care had stated earlier, the campers has pushed the ordinance to the limit. Mr. Hobgood stated that Mrs. McClendon had done a great job in alerting the planning department when a violation was occurring, but by the time enforcement responds two days could have gone by, the violation has by then occurred but the enforcement clock is not ticking until the compliance officer verifies the violation. Chairperson Shaw added that if they unhook the camper from the utilities and move it to a different lot, then the prior complaint is invalidated by the time enforcement has a chance to see it. Mrs. Stainback

asked if they could be arrested for violating the ordinance, to which Mr. Care advised they could not. Mrs. Stainback commented that compared to the other county ordinances, Vance County has the most restrictive one. Mrs. Blount advised it some ways it is, but in other ways no. Mrs. Harvin commented she thought Warren County had the most restrictive ordinance regarding this issue. Mrs. Stainback asked what the TC Zoning stood for on the Warren County Zoning Map. Mrs. Blount replied it was for Lakeside Tent-Trailer Camping, but reminded the board that this was a specific rezoning of a private property for this use. Mrs. Blount advised that most ordinances agree in their language regarding RV/Camper use as to them not being used for living purposes. She advised that every jurisdiction has a different definition, but that it is only going to be important as to what Vance Counties definitions are and how ours are interpreted in our zoning ordinance. Mrs. Stainback added that the Vance County definition for campground is not very strict. Mrs. Jones commented that one family, spoken of earlier, had plans to build a house, was that on file with planning. Mrs. Blount advised they had a perk test. Mr. Hobgood advised that was probably issued in 2005 or 2006. Mr. Care advised that many developers at the lake keep a septic permit in place and that after five years it will expire unless you renew it. He advised as long as you keep it renewed the new rules won't apply. Mrs. Jones asked how planning would be able to best enforce the ordinance. Mrs. Jones asked if the planning department could put some suggestions together and present it at the next planning board meeting. Mr. Hobgood stated that they could. He advised that staff could do further research and put something together, but that ultimately it would be up to the planning board to recommend changes. Mr. Care suggested that the planning department put together a couple of alternatives and present those to the planning board. Chairperson Shaw announced that the planning staff would put together examples of amendments to the zoning ordinance regarding RV and Camper use within the county and present them to the board at the next planning board meeting. Mr. Hobgood stated that planning staff would present these at the next planning board meeting and then the planning board would make their recommendations to the committee. Mrs. Jones asked if this was something that could be done by meeting in December or would it need to roll into the New Year. Mr. Hobgood advised that it would depend on what was on the agenda, but that at the next meeting the board needed to approve the meeting dates for 2019.

Chairperson Shaw stated that if there was no further business, this would now adjourn the November 8, 2018 meeting of the Vance County Planning Board.