Minutes Recorded by Odyssey Brown

PLANNING & ADJUSTMENT BOARD MEETING MINUTES

MARCH 17, 2025 @ 10 AM

Planning & Adjustment Board members Eddie Drake, Ada Morgan, David Manning, Barbara Taylor and George Barnes, the zoning applicants Steve Fuller on behalf of Judy Vanmale for a variance request and Raquel Harris with her father Danny Harris considering a manufactured home (MH) permit, the town Attorney Brian Pridgen, and zoning officer/clerk Odyssey Brown were all in attendance.

The meeting was called to order by Mr. Drake at 10:03 am. The first order of business on the agenda was to consider a variance application and conduct a judiciary hearing for the Judy Vanmale property at 114 Edgewood Drive, Pinetops, NC, and identified as Edgecombe County Tax parcel ID# 4704-37-7661. This request was to vary the minimum lot size from 41,382 square feet to 28,977 square feet to allow for construction of a single-family residence on the above-listed property. Such an enlargement would not be permissible under the literal terms of the Town of Pinetops Zoning Ordinance. Brian Pridgen explained that a judiciary hearing would be like a court room with the Board members being the judges and the applicants as the plaintiff's pleading their case.

Mr. Fuller was sworn in to speak on Mrs. Vanmale's behalf. Brian Pridgen explains that the property is compliant with the current zone R20 for 114 Edgewood Drive and they are seeking variance to carve off a 12,000 square foot part of the property. Then he opened the floor for Mr. Fuller to state his case for the Board to hear. Mr. Fuller mentioned that he went by the zoning listed on the Edgecombe County GIS that still showed the old zoning district R12 in which the lot size is 12,000 square feet. The house they'd like to place on the south side carved off portion of the property is 12046 sq ft which would have been in compliance with the R12 zoning. The home that would be placed on the carved off parcel would be for Mrs. Vanmale's disabled daughter to have a forever home, since Mrs. Vanmale is getting older she wants to ensure her daughter will be taken care of. Brian Pridgen politely interjected that the Edgecombe County GIS map is inconsistent with our current zoning maps adopted in the last 15-20 years. This is being updated to relieve this confusion, and he asked Ray Wilson the GIS technician to take down the zoning until it has been updated.

Having held an evidentiary hearing to consider the variance application after having heard all of the evidence and arguments present Brian Pridgen asked if the board would make the findings of fact and draw the conclusion this would result in unnecessary hardship and made a motion to recommend approval of an order granting the variance. Mr. Barnes made the motion and Mr. Manning seconded with the recommendation passing unanimously.

The next order of business on the agenda was the consideration of an application for a manufactured home to be placed on property at 1316 NC 111 South, Pinetops, NC, identified as Edgecombe County Tax parcel ID# 3795-91-7848 and at 2909 NC 43 North, Pinetops, NC, Identified as Edgecombe County Tax parcel ID # 4704-39-2251. This consideration will be based

on the prior discrepancies mentioned in the Edgecombe County GIS. The county GIS website shows these areas as AR20 which is a zone that was eradicated when the zoning map was updated. Those sections have now been zoned as R20, which does not allow manufactured or mobile homes. George Barnes mentioned that they changed the zone for manufactured homes not fitting the setbacks or being allowed in the area. The property addressed as 1316 NC 111 S previously had a mobile home on the property about 15 years ago when they were allowed although that home has been removed they would like to place a brand-new manufactured home there. Brian Pridgen let the Board know this decision is up to their discretion seeing as there wouldn't be a text amendment to change the zoning just a small adjustment to let these properties be grandfathered in as they are the only vacant lots in these particular areas and surrounded by other mobile homes. He also mentioned if the Board approved the homes would have to be in compliance with the current zoning. The Board agreed that it would make an unnecessarily difficult for them to place brand new stick-built homes in areas already surrounded by mobile homes. Single-wide homes would still not be allowed but doublewide or modular homes would be acceptable on those lots. Barbara Taylor made a motion to approve the placement of doublewides on these lots. Ada Morgan seconded the motion, and it was unanimously approved.

With no other items on the agenda the meeting was adjourned at 10:22am by Eddie Drake.

Planning & Adjustment Board Chairperson:

Eddie Drake

Eddie Drake

Attest:

Odyssey B

Odyssey Brown

TOWN OF PINETOPS
ORDER GRANTING A VARIANCE

The Board of Planning and Adjustment for the Town of Pinetops, having held an evidentiary hearing on the 17th day of March, 2025, to consider an application submitted by Judy Van Male, a request for a variance from the Town of Pinetops Zoning Ordinance, to vary the minimum lot size from 41,382 square feet to 28,977 square feet to allow for construction of a single family residence on property located at 114 Edgewood Drive (Edgecombe County Tax Parcel # 4704-37-7661-00), such enlargement not being permissible under the literal terms of the Town of Pinetops Zoning Ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

1. It is the Board's CONCLUSION that unnecessary hardship would result from the strict application of the ordinance. *(It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.)* This conclusion is based on the following FINDINGS OF FACT.

   The minimum lot restriction will prevent construction of a multifamily dwelling. The lot size exceeds that required for a single-family home. The newly created lot will match the size of lots adjoining the new lot and meeting requirements of the ordinance as they existed at the time the existing home was constructed.

2. It is the Board's CONCLUSION that the hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. This conclusion is based on the following FINDINGS OF FACT:

   The lot is larger than the majority of the adjoining properties and has an unusual boundary. The new lot would have been compliant with ordinance requirements as they existed prior to adoption of the current district requirements.

3. It is the Board's CONCLUSION that the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. This conclusion is based on the following FINDINGS OF FACT:

   The lot size requirements existing at the time of the applicant's purchase of the property would have permitted a lot of the size proposed via the subdivision.

4. It is the Board's CONCLUSION that the requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This conclusion is based on the following FINDINGS OF FACT:

   The granting of the variance will not run counter to the purposes of the Zoning Ordinance, nor will it negatively impact adjacent properties. Construction of a dwelling will provide more housing for the Pinetops community and the newly created lot will match the size of adjoining existing lots.

THEREFORE, on the basis of all of the foregoing, IT IS ORDERED that the application for a VARIANCE be GRANTED.

Ordered this 17th day of March, 2025.

ZONING ADMINISTRATOR

CHAIRMAN
BOARD OF PLANNING AND ADJUSTMENT

NOTE: If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of Edgecombe County within thirty (30) days after this notice is served on you, or the date the decision is filed in the office of the Zoning Officer, whichever is later.