

**TOWN OF UNIONVILLE
PLANNING BOARD
MINUTES OF REGULAR MEETING**

The Planning Board of the Town of Unionville met on Monday, October 2, 2023, at Unionville Volunteer Fire Department #22, 3229 Concord Highway, Monroe, NC. Board members Jerry Adams, Steve Outen, Doug Helms, Devin Clontz and Alternate Lana Kirkpatrick were present. Absent were Barry Baucom, Matt Price, Roddie Baucom, and Alternate JR Hayes.

Everyone stood and recited the Pledge of Allegiance to the United States flag, after which Chairman Adams asked Devin Clontz to lead the invocation. Chairman Adams called Alternate Lana Kirkpatrick to sit on the Board. He then welcomed everyone and called the meeting to order at 7:31 p.m.

Chairman Adams brought forward the consideration of the minutes of the September 5, 2023, Regular Meeting. After a motion duly made by Steve Outen, seconded by Doug Helms, the Board unanimously approved the minutes from the September 5, 2023, Regular Meeting.

In the next item of business, Chairman Adams opened the floor for the recommendation of Text Amendment #TC-23-01, a request to amend the location requirements for accessory structures on large parcels only. Land Use Administrator Gaddy said that this had been an ongoing issue in Unionville. In the ordinance, Section 185 (b), accessory structures are allowed if they are located entirely behind the principal structure's rear line. Mr. Whitaker and another gentleman inquired about getting an accessory structure permit recently and their planned structures did not meet the requirement in the ordinance that the structure be placed behind the rear line of the principal building. Mr. Whitaker submitted a request for a text amendment. After a review, Land Use Administrator Gaddy recommended that the text amendment include that the lot size be at least five or more acres in size, the accessory structure would have no visibility from the roadway, and that the request still meets the requirements in Section 184 of the Land Use Ordinance. It would fall on the landowner to prove that the structure would not be visible from the roadway. If there are existing trees serving as a barrier, consideration would need to be made if those trees were to be cut down, which could change the visibility. The Land Use Administrator told the Board that they would need to make a recommendation to the Council. At that time, the Council would set a public hearing for the text amendment, and then the Council would decide. She told the Planning Board that they could choose to table this decision for more time to investigate it or decide tonight. She told the Board that she had supplied them with a copy of the Town of Fairview's ordinance, which is slightly different from the proposed verbiage.

Steve Outen asked how a "large parcel" would be defined. Land Use Administrator Gaddy said that the language would specify five or more acres. Jerry Adams then said that with this amendment, the landowner could place the house by the lake and set an accessory structure off to the side. He asked if the setbacks would be affected. Land Use Administrator Gaddy said there would still be the same setbacks required for the accessory structure, 5 feet from the boundary lines along the rear and sides of the structure if it is 12 feet in height or less. For every added foot of height, there will be one foot of added setback, up to the required principal setback. Land Use Administrator Gaddy reminded the Board that this amendment would apply to the entire town, not just one or two parcels. Jerry Adams asked that if the proposed accessory structure was in front of the house or property line, the next property towards the road could be within five feet of the property line. Land Use Administrator Gaddy said that the accessory structure could not be visible from the road, so that concern could be partially addressed with that.

The petitioners, Mr. & Mrs. Whitaker, then asked if they could address the Board. Mrs. Whitaker presented pictures of the property with 14.10 acres and noted that several surrounding properties are owned by the City of Monroe. Mr. Whitaker wanted to address his concerns about Section 185 of the Land Use Ordinance, which he read to the Planning Board. He said that he had spoken with family, friends, and two attorneys, the attorney for the City of Monroe's zoning administration and Unionville's attorney, Ken Helms. He disagrees with Land Use Administrator Gaddy's interpretation and application of this ordinance and said that there was nowhere in the ordinance that required an accessory structure to go behind the primary structure. He went on to say that he felt that not every piece of property should be treated the same. He said that the ordinance would need to be updated to say what Land Use Administrator Gaddy proposed. He then read Section 185 (b) to the Board, where the accessory structure must be behind the rear line of the primary structure. He said that the requirement for the accessory to be behind the primary was not enforceable because it was not in the ordinance. He told the Planning Board that he would like to get out of the City of Monroe and wanted to be left alone. He said that he had a tractor sitting out on the property that he uses as he has been cleaning up the property. He said that if he could get permission, based on the existing ordinance, he would fully support the idea that the Town would still need to do a text amendment because he does not think that the current ordinance covers what the Town thinks it does. He said that he could not put the building behind his house. Steve Outen asked if he was limited on feasible locations to put a building. Mr. Whitaker said that he was. Devin Clontz asked if he had already begun building the primary structure and dug footings for the home. Mr. Whitaker said they had not gotten to that point into the construction of the primary structure, but that it was in the works. Devin Clontz asked that since construction had not begun if they could shift their plans for the placement of the primary and accessory structures to meet the ordinance. Mr. Whitaker said there was no way to move any of the planned structures. He said there was a 20-foot drop from the rear of the proposed home to the lake. He said that he could not haul in dirt or concrete to build a foundation for the building. He went on to say that he had 14 acres, so the structure would not be visible from the road, and it would not hurt a thing. He said that it would also not be in violation of the existing ordinance. Land Use Administrator Gaddy stated that Mr. Whitaker had read the permit wording, and that wording was taken directly from the ordinance when the accessory structure permit application was created. She told the Board that they must go by what has been voted in and the Ordinance is what they have to go by. She went on to say that this request is one case and when considering a text amendment, it cannot be considered on a case-by-case basis. This would be applied to the entire town. Mr. Whitaker said that he had read over the ordinance a couple or three times. When he reads it, all he sees is what pertains to section 185, which only pertains to that 5-foot setback.

Steve Outen asked Mr. Whitaker if Ken Helms agreed with his interpretation of the Ordinance. Mr. Whitaker said that Ken Helms had not returned his call yet. He said that Richard Long (City of Monroe Attorney) had seen it and agreed with him. Mr. Whitaker said he wants to build his building and move on to being a part of this community. Jerry Adams asked how many acres of land would be needed to qualify for the farm use program. Land Use Administrator Gaddy said he would need 10 acres or more in production; however, since they are building a house, it would need to meet the ordinance requirements.

Devin Clontz said that making this text amendment is going to set a precedence for every other piece of property that meets this requirement. He made a motion that the Board table the request to have some time to discuss the Ordinance with the Town's lawyers and think through how this wording could be addressed. There may be some better wording that may make it more palatable for lakefront homeowners, which could address this situation. Doug Helms seconded the motion. The motion passed with four voting for tabling the text amendment and one abstaining.

Land Use Administrator Gaddy asked the Board to send her some ideas of what they are considering for the text amendment. Jerry Adams said the other properties would not be involved with setbacks from the City of Monroe. Devin Clontz suggested researching municipalities with lakefront access to see if there was any wording that addressed lakefront properties. He said there might be a way to specify properties on a lakefront, which would not affect general property elsewhere in the town.

There being no other business, the meeting was adjourned at 7:54 pm.

Respectfully submitted,

Melody Braswell, Deputy Clerk