

IN THE MATTER OF
THE APPLICATION OF RICKY AND DEBBIE BEAL, INDIVIDUALLY AND ON BEHALF
OF MAIN STREET RENTALS, LLC, APPLICANTS,

The TOWN OF GOLDSTON having held a quasi-judicial hearing on September 10, 2018 to consider the application submitted by RICKY and DEBBIE BEAL, Individually and on behalf of MAIN STREET RENTALS, LLC, to request a Variance, makes the following FINDINGS OF FACTS. draws the following CONCLUSIONS, and enters this ORDER:

FINDINGS OF FACT

1. A quasi-judicial public hearing was held by the Board of Commissioners of the Town of Goldston on variance 2018-1. A quorum of 4 members was present at the meeting.
2. Ricky Beal is the owner of Parcel 9040 and Main Street Rentals, LLC is the owner of Parcel 9097. Both are parties to this proceeding.
3. Notice of this quasi-judicial hearing, pursuant to the Town's Mobile Home Ordinance was duly and timely given. This notice included notice sent by first class mail to the adjacent property owners.
4. All witnesses presented by any party were sworn as witnesses in this proceeding.
5. Without objection, the Board received into evidence a copy of the Variance Request Application and site plan from the Applicants and the testimony of Jason Sullivan, Ricky Beal. No party disputed any of the information contained in this evidence and the Board finds all the information contained in the Application and its attachments to be credible and to be facts for the purpose of this hearing.
6. Parcel 9097 contains approximately 2.45 acres and has three mobile homes situated thereon. Two (#) are currently occupied and all were set in place at the time of the adoption of the Town's mobile home ordinance.
7. The unit at 70 Town and Country Lane is located 27.4 feet from the nearest property line. The unit at 58 Town and Country Lane on the same parcel is 35.3 feet from the nearest property line. The remaining unit at 30 Town and Country Lane is located 37.4 feet from the boundary.
8. Parcel 9040 contains approximately 1.25 acres and has one mobile home situated thereon with an address of 32 Town and Country Lane. It was in place at the time of the adoption of the Town's Mobile Home Ordinance and is located 5.6 feet from the nearest boundary line.

9. The Town's Mobile Home Ordinance requires that all mobile homes in a park with more than three mobile homes be set back at least 50 feet from any outside park boundary line.
10. The variance application is for a reduction in the setback required for all of the units to the existing distances set forth herein.
11. The applicants have also requested variances from other requirements of the Town's Mobile Home Ordinance as follows:
 - a. to vary the road right of way width required by Section 6.3C entitled "Road Widths" to be varied to be the existing width located on Parcel 9097 at the southeast corner of the Fields property at the point labeled as EIP 2 on the Town and Country Mobile Home Park Site Plan attached hereto and incorporated herein by reference.
 - b. to vary and completely waive Section 7.1G concerning required street lights.
 - c. to vary and completely waive Section 5.4A concerning a required topographic map.
 - d. to vary and completely waive Section 5.4B concerning a required drainage plan.
 - e. to vary and completely waive Section 5.4C concerning required a utility plan.
 - f. to vary and completely waive Section 6.2 concerning the creation of mobile home lots.
 - g. to vary and completely waive Section 6.2(4) concerning screening of the adjoining JBM Properties of NC, LLC.
 - h. to vary and completely waive Section 7.1A concerning the monumenting of mobile home lots with iron pipe property corners; and
 - i. to vary and completely waive the required widening the entrance road off of Coral Avenue to 16 feet on the property of others
12. The applicants requested these variances so that they could develop the parcels as a mobile home park under the terms and conditions of the Town's ordinance.

CONCLUSIONS

1. All parties, and all persons entitled to notice, have been given proper notice of this hearing and afforded the right to be heard.
2. All parties were properly sworn in before the Board and all evidence presented herein was under oath, and was not objected to by any party. All evidence relied upon in this Order was credible and reliable.
3. The Ordinance grants the Board the jurisdiction to hear this matter.
4. The variance does meet all the standards of the Ordinance and the variance should be granted based on the reasons established below:

a. Unnecessary hardship would result from the strict application of the ordinance. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance which are greater than a mere inconvenience or a preference for a more lenient standard. Existing tenants would otherwise have to be displaced.

b. The hardship results from conditions that are peculiar to the property, such as the existing location of the units prior to the adoption of the Ordinance.

c. The hardship did not result from actions taken by the applicant or the property owner after the adoption of the Ordinance.

d. 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.

BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS, IT APPEARS THAT THE VARIANCE MUST BE GRANTED AND IT IS THEREFORE ORDERED BY THE BOARD OF COMMISSIONERS as follows:

The Applicants may have the variances requested as set forth herein.

This the 10th day of September 2018.

TOWN OF GOLDSTON

By: Timothy J. Cunniff
Mayor

ATTEST:

Annice R. Ruiz - Dawn

Clerk

Variance Request - TOWN AND COUNTRY MHP

1) Section 6.2B (1) Mobile Home Setbacks and Buffer Strips

Reduction in setback for the following units :

- 70 Town and Country Lane - 27.4 ft. from the nearest property line
- 58 Town and Country Lane - 35.3 ft. from the nearest property line
- 30 Town and Country Lane - 37.4 ft. from the nearest property line
- 32 Town and Country Lane - 5.6 ft. from the nearest property line

2) Section 6.3C Road Widths

Allow small reduction in the road right of way width at the southeast corner of the Fields property at the point labeled as EIP 2 on the Mobile Home Park survey map.

3) Section 7.1G

Request waiver of required street lights

4) Section 5.4A

Request waiver of topographic map

5) Section 5.4B

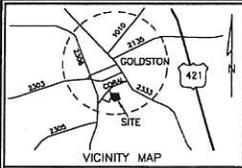
Request waiver of a drainage plan

6) Section 5.4C

Request of Utility plan

7) Section 6.2

Request waiver of creating mobile home lots



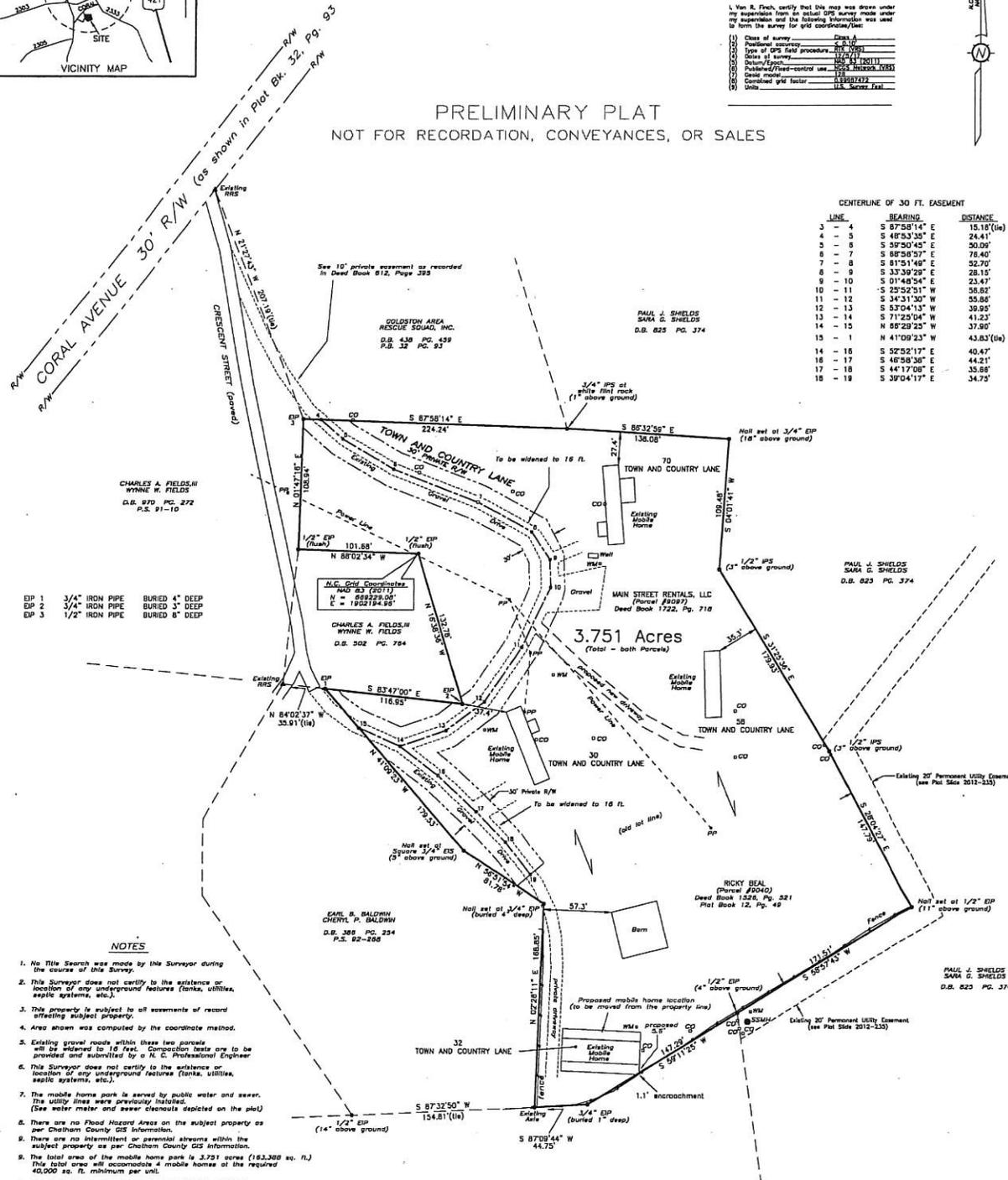
L. Van R. Finch, certify that this map was drawn under my supervision from an actual GPS survey made under my supervision and the following information was used to form the survey for grid coordinates/line:

Class of survey	Plan A
Positional accuracy	S.D. 100
Type of GPS field procedure	RTK (100%)
Date of survey	11/13/2018
Station/Epoch	1001/1001
Reference/Field-control use	NOIS (Fixed/NOIS)
Units	Feet
Combined grid factor	0.99997474
Units	US Survey Feet

PRELIMINARY PLAT
NOT FOR RECORDATION, CONVEYANCES, OR SALES

CENTERLINE OF 30 FT. EASEMENT

LINE	BEARING	DISTANCE
3 - 4	S 87°58'14" E	15.18'(10)
4 - 5	S 48°53'35" E	24.41'
5 - 6	S 82°02'45" E	20.02'
6 - 7	S 88°58'57" E	76.40'
7 - 8	S 81°51'46" E	52.70'
8 - 9	S 33°38'29" E	28.15'
9 - 10	S 01°48'54" E	23.47'
10 - 11	S 25°52'51" W	56.82'
11 - 12	S 34°31'30" W	55.88'
12 - 13	S 37°04'13" W	39.95'
13 - 14	S 71°25'04" W	41.23'
14 - 15	N 85°29'25" W	37.90'
15 - 1	N 41°09'23" W	43.83'(10)
14 - 16	S 52°52'17" E	40.47'
16 - 17	S 48°58'36" E	44.21'
17 - 18	S 44°17'05" E	35.86'
18 - 18	S 39°04'17" E	34.79'



- EP 1 3/4" IRON PIPE BURIED 4" DEEP
- EP 2 3/4" IRON PIPE BURIED 3" DEEP
- EP 3 1/2" IRON PIPE BURIED 0" DEEP

NOTES

- No Title Search was made by the Surveyor during the course of this Survey.
- The Surveyor does not certify to the existence or location of any underground features (tanks, utilities, septic systems, etc.).
- This property is subject to all assessments of record affecting subject property.
- Area shown was computed by the coordinate method.
- Existing gravel roads within these two parcels will be widened to 18 feet. Compaction tests are to be provided and submitted by a N.C. Professional Engineer.
- The Surveyor does not certify to the existence or location of any underground features (tanks, utilities, septic systems, etc.).
- The mobile home park is served by public water and sewer. The utility lines were previously installed.
- There are no Flood Hazard Areas on the subject property as per Chatham County GIS information.
- There are no intermittent or seasonal streams within the subject property as per Chatham County GIS information.
- The total area of the mobile home park is 3.751 acres (163,360 sq. ft.) The total area will accommodate 4 mobile homes at the required 40,000 sq. ft. minimum per unit.
- All mobile homes are separated by a minimum of 30 ft.

PRELIMINARY PLAT
NOT FOR RECORDATION, CONVEYANCES, OR SALES

TOWN AND COUNTRY MHP

SURVEY FOR
GULF TOWNSHIP CHATHAM COUNTY, N.C.
OWNERS: MAIN STREET RENTALS, LLC; JOSEPH RICKY BEAL.
DATE: FEBRUARY 22, 2018
REVISED: APRIL 13, 2018
REVISED: AUGUST 6, 2018

VAN R. FINCH - LAND SURVEYS, P.A.
109 Hillsboro St. Pittsboro, N.C. 27312
FIRM LICENSE #C-513
919-542-2503

MAP LEGEND

■ EP	EXISTING IRON PIPE
■ EIS	EXISTING IRON STAKE
○ IPS	IRON PIPE SET
○ ISS	IRON STAKE SET
■ ECKM	EXISTING CONCRETE MONUMENT
■ ARS	RAILROAD SPIKE
■ EXN	EXISTING NAIL
■ PFP	POWER POLE
■ CWP	COMPUTED POINT
○ SSMH	SANITARY SEWER MANHOLE
○ CO	CLEANOUT
○ HYD	FIRE HYDRANT
○ HW	WATER VALVE
○ WM	WATER METER
○ TELPEP	TELEPHONE PEDESTAL
---	EXISTING GRAVEL ROAD

I certify that this map was drawn under my supervision from an actual survey made under my supervision (as described in the record in D.B. 1722, PG. 718 and D.B. 1526, PG. 211) that the boundaries not surveyed are indicated as shown from information found in other reference sources. I also certify that the map meets the requirements of the Standards of Practice for Land Surveying in North Carolina as set forth in the Rules of the Board of Surveying, 2018.