

GASTON COUNTY REZONING APPLICATION (REZ-24-12-16-00203)

STAFF REPORT

APPLICATION SUMMARY	
Request:	
To conditionally rezone the property from the (R-3) Single Family General Zoning District with (US) Urban Standards Overlay District to the CD/(R-3) Conditional Zoning District with the (US) Urban Standards Overlay District	
Applicant(s):	Property Owner(s):
DeWayne Jordan and Cappie Courneya	DeWayne Jordan and Cappie Courneya
Parcel Identification (PID):	Property Location:
145599	4545 Crowders Crest Dr., Gastonia
Total Property Acreage:	Acreage for Map Change:
.69	.69
Current Zoning:	Proposed Zoning:
(R-3)	CD/(R-3)
Existing Land Use:	Proposed Land Use:
Residential Single-Family	Residential / Manufactured Home Park

COMPREHENSIVE LAND USE PLAN
Area 5: Scenic Gaston/Southwest Gaston
Key issues for citizens in this area include: <ul style="list-style-type: none">- Preservation of open space- Road improvements and better connectivity to other areas of the County- Preservation of existing conditions while allowing low to moderate growth- Repurpose vacant buildings and facilities for new economic opportunities- Increased commercial opportunities along existing major thoroughfares
Comprehensive Plan Future Land Use: Rural Community
Rural communities are areas characterized by a high concentration of residential buildings on smaller lots, typically situated close to the roadway. These areas have a neighborhood feel and may not serve a purpose other than providing homes.
Staff Recommendation:
Staff find that the request is consistent with the current existing, non-conforming, land uses of the area. However, the requested use is in substantial conflict with the provisions of the Unified Development Ordinance in that it specifically restricts the permitting of new manufactured home parks. The proposed use is also not consistent with the goals and visions of the comprehensive land use plan as it does not envision the creation of new manufactured home parks.

UTILITIES AND ROAD NETWORK INFRASTRUCTURE
Water/Sewer Provider:
Private well / private septic
Road Maintenance: Crowders Crest Dr.
Crowders Crest Dr. is an NCDOT-owned right-of-way.

Technical Review Committee (TRC) comments provided by Gaston Lincoln, Cleveland Metropolitan Planning Organization (MPO)

The GCLMPO provided their standard letter and shared that there are no funded transportation improvement plans in the immediate vicinity of the subject site on the State Transportation Improvement Plan (STIP), the Metropolitan Transportation Plan (MTP), or the Comprehensive Transportation Plan (CTP).

Environmental Health shared the following comments:

- The homes cannot be connected to the same septic system. A second septic permit and system would be required to support the second home.
- The second home appears to be too close, and possibly on top of the existing septic system.
- The current septic permit was only approved and permitted for up to two bedrooms.

The following departments had no comments at the time of request: Natural Resources, GEMS, and Building Inspection Plan Reviewers.

STAFF SUMMARY

Prepared By: Jamie Mendoza Kanburoglu, Director of Planning and Zoning

Overview and Timeline

- This property is located off of Crowders Crest Dr. in the southwestern part of the County.
- The site was rezoned from (R-1) to (R-3) in April of 2023. A list of allowed uses for the (R-3) district has been included in the attachments. This request was the result of conversations with the property owner, as he wanted to place a single-wide manufactured home on the property. Before 2023, the site was vacant.
- A zoning and building permit were pulled for the site in March of 2023.
 - Final inspections have not been completed – this is likely due to the first code case being called in on September 13, 2023.
 - The voided-out cases on file for the property were the result of internal processes not being followed; however, throughout this time, the site remained out of compliance. During this time, there were conversations between planning and zoning and the building inspections department, where staff were coordinating the best way to process a case for the second home being set up on the lot.
- This request was the result of several code case violations. (COD-Z-24-07-02-00835 is the only active one.)
 - The complaint was that a second home was being set up on the property.
 - The property was found in violation on October 9, 2024, and given a compliance date of October 25, 2024.
 - The property was found in violation on October 25, 2024, at the follow-up inspection.
 - The power was pulled from the site on November 6, 2024.
- The applicant submitted this rezoning application on December 16, 2024, which placed the active code case on hold.

Public Information Meetings

The applicant held two public information meetings on March 27th and 28th. Staff assisted with scheduling and coordinating the PIMs. PIMs were advertised as required by the UDO. Comments from the meetings are summarized below. For the first meeting, the adjacent property owner to the right (Mr. Kenneth Lutz) was present. Mr. Lutz attended the next meeting with a friend. Staff did not get the name of the person he brought with him.

Neighbor's Concerns:

- Utilities – mainly concerned about septic capacity and the feasibility of connecting two homes to one septic system

- Process questions – the neighbor initially thought that the request was for a variance to allow for two manufactured homes on one property; staff clarified that the applicant is seeking a conditional rezoning request to establish a manufactured home park with no more than two dwelling units
- Not in harmony with the area – Mr. Lutz shared he did not feel the request was in harmony with the surrounding area

Site Plan and Staff Findings:

- The site plan for the request shows the existing homes on the site and general property information.
- There is only one zoning permit on file for this property, which pertains to the manufactured home located closer to the right-of-way of the road. (ZON-23-03-15-03465)
- Staff are concerned that there may not be enough room on site to support a second septic system for the second home.
- Staff estimate that the second home was placed on the lot later that year (2023), as we received a code complaint about a second home being placed on the property without permits. The code case was started and closed because internal procedures were not followed.
- A new code case was created in February of 2024, and it resulted in a “Stop Work Order” on the installation of the second home on the property. (COD-Z-24-02-20-00770)
- A third case was called back in and entered on July 2, 2024, for the continuation of installing a second home on the property. Zoning staff coordinated with the Building Inspections Department to have the power removed from the site in an effort to halt all work being done on the site. Power was pulled from the site in November of 2024. (This is the only active code case presently.)
- The applicant applied for a conditional rezoning on December 16, 2024. The goal of the Conditional District is to establish a manufactured home park on the lot, allowing for two manufactured homes to be permitted on a single lot.

Relevant UDO Sections

UDO Section		Staff Comment:
Chapter 2 – Definition of a Manufactured Home Park	A “Manufactured Home Park” is defined as “any premises where two or more manufactured homes are parked for living and sleeping purposes, or any premises used for or set apart for the purpose of supplying to the public, parking space for manufactured homes for living and sleeping purposes.”	<p>“In <i>Graham Court Assocs. V. Town Council of Chapel Hill</i>, 53 N.C. App. 543, 281 S.E.3d 418 (1981), the court held zoning can regulate land use, but not the form of ownership.”¹</p> <p>The UDO definition mentions that the use is defined as premises “used for or set apart for the purpose of supplying to the public” – this definition assumes that spaces can be rented or leased out - because of the findings of the case noted above and standard practice, staff finds that the proposed use and site plan meet the intent of the definition of a manufactured home park, as we cannot assume, predict, or enforce whether or not the current or future property owner would use the homes for personal use or rent out the homes to others.</p>
Chapter 5 – Section 5.8.2: Temporary Uses	The UDO allows for Temporary Manufactured Homes and Temporary Health Care Structures.	<p>The regulations for temporary manufactured homes are not applicable.</p> <p>160D-915 defines “temporary family health care structures” as: “a</p>

¹ <https://canons.sog.unc.edu/2012/08/can-we-consider-ownership-in-a-zoning-decision/#:~:text=In%20Graham%20Court%20Assocs.,not%20the%20form%20of%20ownership.>

	<p>Temporary manufactured homes may only be permitted in the event of disasters and during the construction of a single-family residence.</p> <p>Temporary health care structures shall be permitted in accordance with NCGS 160D-915</p>	<p>transportable residential structure providing an environment facilitating a caregiver’s provision of care for a mentally or physically impaired person <u>that ... has no more than 300 gross square feet...</u>” – the size requirement alone on temporary health care facilities make the second home ineligible from being classified as a temporary health care facility as the second home is estimated to be around 980 sqft.</p>
Chapter 7 – Table of Uses	The “Manufactured Home Park” use is only allowed if the park existed before the adoption of the ordinance and is subject to specific limitations.	Staff interprets this to mean that no new manufactured home parks may be established “by-right” within the county’s zoning jurisdiction.
Chapter 8 – Section 8.1.8: Manufactured Home Park	This section provides supplemental regulations for existing manufactured home parks.	Staff find that the regulations in this section do not apply as this park did not exist before the effective date of the current ordinance.
Chapter 8 – Section 8.1.17: Private Residential quarters	“Private residential quarters shall be permitted as an accessory use to any single-family detached dwelling unit (excluding manufactured homes)...”	When reviewing options with the property owner, staff noted that the second home could not be classified under the private residential quarters use and regulations, as PRQs cannot be permitted for manufactured homes.
Chapter 14 – Manufactured Home Parks	See the table below. While the regulations for Chapter 14 are for all manufactured home parks that existed prior to the effective date of this ordinance – staff found that these are the only standards to review the use against, as the UDO does not have standards for new manufactured home parks.	

Relief Requests

UDO Section	Required	Proposed
Chapter 14	<p>This chapter outlines the regulations of existing manufactured home parks. Because this request is limited to two homes on the lot, staff recognize that some of the regulations in Chapter 14 go above what would be practical for this type of development.</p>	<p>The following requirements shall be met:</p> <ul style="list-style-type: none"> - 14.6.1 - Setback requirements - 14.6.2 - Location of accessory structures - 14.6.4 - Site, underpinning, and tie-down - 14.6.5 - Steps and patios - Parking - 14.6.12 - Electric, telephone, and cable television utilities - 14.6.13 - Mailboxes shall be in accordance with the United States Postal Service requirements - 14.6.19 - Maintenance <p>The applicant is requesting and staff recommends that the following sections of Chapter 14 not apply to the conditional district:</p>

- 14.6.6 - Space Numbers – there will only be two structures on the lot. Staff feel that address numbers will be sufficient
- 14.6.7 - Park Identification Signs – The structures are intended to be inhabited by family members. The intention is not to operate a traditional manufactured home park.
- 14.6.8 - Interior streets, drainage, and markings – There is only one driveway servicing both structures.
- 14.5.11 - Lighting – not applicable as there will not be more than five spaces
- 14.6.14 - Administrative Office – there will not be an administrative office on site
- 14.6.15 - Water and Sewer requirements – the requirements in the UDO may be above and beyond what is needed or required by the Health Department – staff believes a standard well and septic verification and permit will be sufficient
- 14.6.17 - Screening – Minimal screening on the right-hand side of the property is being proposed as a condition of approval
- 14.6.18 - Interior landscaping – Staff feel this regulation is more applicable for traditional multi-lot manufactured home parks
- 17.4 – Enforcement and Penalties – Enforcement shall be completed under the regular enforcement procedures of the UDO

The application and proposed use are consistent with the Comprehensive Land Use Plan. There are two registered/established manufactured home parks located on the same street as the subject property.

- Crowders Crest MHP – 19 approved lots
- Charles Gillispie MHP – 2 approved lots

The Environmental Health Department has issued a new septic permit, which has been included as an attachment to this staff report.

Because the site plan is not signed/sealed, the measurements are being treated as estimates.

Staff Recommended Conditions of Approval:

- A foundation survey showing all existing structures shall be submitted prior to any zoning permits being issued for the property. The survey shall include measurements of the structures and setbacks of all existing structures on the site.
 - o Justification: The site plan provides sufficient information to give an overview of what is being requested in this case. However, if the request is approved, a survey of the property with exact setback measurements of all existing features will be required to ensure compliance with all setback regulations. In 2023, a new process was implemented that required foundation surveys for all new residential dwelling units. Staff believe that a foundation survey would ensure that the homes comply with all zoning setback regulations, as well as the requirements for the well and septic systems.
- A landscape buffer shall be installed on the right side of the property before passing the final zoning inspection. The landscape buffer shall be a Type A buffer as outlined in the UDO, at a minimum.
- All applicable permits and approvals shall be obtained before the issuance of the zoning permit for the second home.
- All applicable zoning and building permits shall be obtained for the accessory structure noted on the site plan.
- A dumpster shall not be permitted on-site as a trash facility. All solid waste shall be collected and disposed of in accordance with Gaston County's Solid Waste Ordinance.
- An administrative office, as typically associated with traditional manufactured home parks, shall not be allowed on-site.
- In no instance shall the manufactured home park be allowed to expand in the number of dwelling units or lots on site.
- If one of the manufactured homes shown on the site plan is removed from the site, the property owner shall have 90 days following the removal of the structure to replace it. If the structure is not replaced within 90 days, it shall not be permitted to be replaced on-site.

PLANNING AND ZONING BOARD MEETING DATE

The Planning and Zoning Board heard this request at their October 6, 2025, meeting and recommended that the request not be approved as they found the request to be inconsistent with the Unified Development Ordinance. They did share that they felt the use was consistent with the existing uses in the area, though.

Attachments: Application, Maps, Site Plan, Septic Permit, and GCLMPO Letter, Allowed uses in the (R-3) district