

December 11, 2018
6:45 p.m.

Public Hearing to consider a variance to the Development Ordinance to allow a Class A Manufactured Home (DWMH) in a R-10 Zoning District. The vacant property has a current physical address of 201 Circle Court, and is further described as Tax Parcel Record #20506, owned by Pauline King.

The Town of Pink Hill held a public hearing on Tuesday, December 11, 2018 at 6:45 p.m. in the Town Hall Board Room. Present for the meeting were Mayor Carol Sykes, Commissioners Mike Hill, James Quinn and Penny Murphy, Town Attorney George Jenkins, Public Works Director Timmy Kennedy, Public Works Assistant Phillip Swinson, Police Chief Joey Thigpen, and Town Clerk Kimberly Mitchell.

See attached sheet for visitors present during the public hearing.

Mayor Sykes welcomed everyone to the public hearing. She stated that it has come to her knowledge that we need to have a motion and a second and we need to go into closed session for a few minutes before we open the meeting for all responses. If I can have a motion to do so. Commissioner Hill made a motion to go into closed session and Commissioner Murphy seconded the motion. Mayor Sykes said I have a motion and a second, is there any discussion? If not all in favor signify by saying "Aye" and the motion carried unanimously. Mayor Sykes said so while y'all are sitting in here we are going to have to go into another room for just a few minutes, George has something to explain to us and he will do the explaining when he gets back out here what we discussed.

When the town board returned to the board room Mayor Sykes asked George to explain to the public. Town Attorney George Jenkins said we were in the back and I was talking to the commission about what the law is as to variances and what they have as their consideration. They will vote either to grant a variance or not grant a variance. They cannot put conditions on it. For instance if they say we will grant a variance but only if you pave the driveway. They can't do that. He said or they can vote not to grant a variance. To grant a variance they have to find that an unnecessary hardship could result from a strict compliance with the zoning ordinance and they have to find that the hardship results from conditions peculiar to the property such as its location, size, and topography. And they have to find that the requested variance is consistent with the spirit, purpose, and intent of the zoning ordinance such that public safety is secured and substantial justice is achieved. George said and that was what we discussed in closed session. Mayor Sykes said was that understandable?

Mayor Sykes asked Wayland Humphrey to speak and thanked him for coming and helping us out. Wayland said just to add on to what George was telling you as far as the law is and the reason behind that is that a variance procedure is that the governing board cannot possibly anticipate every circumstance that will arise from the implementation of zoning and development of ordinances. Zoning statutes allow variance request to be considered when the board concludes that practical difficulties or unnecessary hardships would result from strict application of the zoning requirements. The board is going to, as George stated, go through findings and

facts. As Zoning Administrator I have the following conclusions on those findings and facts. The board will have to make their own. He said a stick built or modular home would be cost prohibitive for the applicant/agent. The hardship is suffered by the applicant/agent and not by the neighbors or general public. The hardship relates to the applicants land and not the result of personal circumstances. The hardship is unique to the applicant/agent and not shared by surrounding properties. The hardship is not the result of applicant/agent's own actions. The variance request is the minimum variance that will make possible the legal use of the land.

Wayland said I have some other observations. I talked with the people in the tax department and got some data to relay to you. This property at 201 Circle Court. On Circle Court the average year of built homes is 1972. There is five residence total there. Two of those are brick veneer, one wood siding and one vinyl siding, and one single wide mobile home. The average finished area which is basically a heated area, this is all from the tax information most current. Most of the non-manufactured housing which is the houses not the mobile homes, the average finished area of those houses on Circle Court is 1,400 square feet. The total fair market value for the same properties is approximately \$67,000. Johnnie Sheppard asked Wayland to repeat that again, the market value of what? Wayland said the fair market value of the properties with houses on them not manufactured homes is \$67,000. Johnnie Sheppard replied good luck with that. Mayor Sykes asked is that every house in Park Circle or is it just in the area. Kim said just Circle Court. Wayland replied just Circle Court where this is at. Mayor Sykes said okay. Wayland said a street over on Park Circle average year built 1961 and all but one of those homes are brick veneer. There is a varying wide range in the finished area of those homes. The lowest being under 1,100 and the highest being over 3,200 square feet. An average of 2,064 square feet but there is so much disparity there the average really don't tell the story. The same with the totally fair market value ranges from \$77,000 up to \$147,000. Again with an average of \$105,000 but you have got a \$7,000 disparity in the high and low there. Also in research with the tax department the home values from a taxation standpoint of view were not necessarily dropped due to having a vacant lot being improved with a doublewide mobile home on it. Basically in their reevaluation of properties and stuff, is they compare for values. He said stick built homes are not compared to manufactured homes as in similar comparisons for appraisal purposes and that is all from me. Mayor Sykes said thank you Wayland.

Mayor Sykes said okay now we can have comments from the public. She said when you speak if you will come up here so our recorder will pick it up. Mayor Sykes said so all in favor of this establishment being put in, if you can speak first. Then the ones if you are not in favor of it or have a different opinion, if we can kind of get it all together and make it go a little bit faster. Mayor Sykes said anyway however or whomever wants to speak first in favor of it.

Mrs. Pauline King said well I do. I am the one that is interested in selling the property and the reason for that is of course the property has been there empty for many years. I feel like that we have an opportunity to have a young family here that wants to settle in Pink Hill, wants to pay taxes in Pink Hill, and wants to be a part of Pink Hill. I don't know of any people building houses in Pink Hill currently so I see this as an asset to our community. I know the people are concerned about the tax values but we're not in the country club section and all the houses are pretty much the same thing. I know what he has done to the property that he has lived in and so I also know that whatever he will do, it will be first class and will be very very nice. So of course

I support the variance. I just feel like that it is a wonderful way to have a family here in our area again. When growing up we had 23 children in our area that was growing up and now we have a few more children that is coming in and it is exciting to have those. So I certainly hope everybody will give that some consideration that we want Pink Hill to grow with young families. Mayor Sykes said thank you. She then asked if anyone else would like to speak in favor. There were no more to speak in favor of it. Mayor Sykes said okay can we have the other section to speak.

Mrs. Catherine Sheppard said there are 25 homes and 2 vacant lots on Park Circle and most of the houses are brick veneer and most of them are occupied by their owners. There are a few that are rental units. According to the Zillow findings the development has a market value of \$3,057,000. I am here because I own two houses and one vacant lot on Park Circle. I am opposed to mobile homes coming into that neighborhood because I think it hurts the value of the brick homes that are there now. I am here because I would like to protect the value of the property that I do own. Through the years the lots were sold rather rapidly and developed. It was a very popular area. When there were no more lots available and the vacant lot that I have was a property of someone else and they did not wish to sell it, but there were people who were disappointed that there was no more spaces in there for them to build on. They liked to live there because it was near to everything. At that time the elementary school was here. Our children walked to school. It was such a safe place. They could ride their bicycles in the street. They could play out until after dark. I didn't realize the number of children that were there until Pauline said that there were 23. Through the years the homes sold quickly but there was almost never a home for sale because when we built we were all about the same age. Our children grew up together and then unfortunately, sadly, we began to die out. She said and it is only since there have been deaths in the neighborhood that there have been houses for sale. Mrs. Sheppard said and you are talking about the zoning ordinance. Mobile homes do reduce the value of your home. I mean I think everybody understands that. A neighborhood goes down when mobile homes appear in the neighborhood. Now I have absolutely nothing against Mr. and Mrs. Heath who want to put a doublewide mobile home in there. I would be perfectly happy with that if it were a situation in which they wished to buy a lot and build a stick built home. I do have a problem with it being a used doublewide home. No matter how well a mobile home is kept up, it is still a mobile home. It is kind of like old ladies. We can be painted. We can be dusted. We can be perfumed. We can look good for a while but after dark we are still an old lady. Mayor Sykes said thank you Catherine. She asked if anyone else had anything to say.

Carolyn Whitfield said I don't live in Park Circle but I do live in Pink Hill and I was very involved with the zoning ordinance and back when we were asked by the town board to form a committee, to come up with the zoning, and planning for our town because we felt like this was a very important step for our town to make. At that time and if you read in it and some of the things that were said. I think it is important to have a plan and to have guidelines to go by. I think when you say you don't want a mobile home in my neighborhood, well there are reasons for that. I have some very good friends that live in mobile homes. It doesn't have anything to do with the mobile home, it has to do with the value and the appearance you want your town to make. And I do realize that there are situations where variances would have to be made for different reasons, but to me you don't want to take a step backwards. You have a well-established little community there. I can't think of the word that I want to say what Park Circle

is. Someone said subdivision. Carolyn said thank you, a subdivision. A little neighborhood subdivision all stick built homes except for the trailer that has been there for a long, long time. And just to me to just go in there I think you might have a hard time stopping that situation when you do this one because what is your reason going to be the next time when someone wants to do it. A mobile home is a mobile home. It is mobile. You can cut the tongue off. You can brick around it but you can still knock that brick out and hook it up and pull it out of there when you decide you don't want to be in that neighborhood. I think it might be setting a precedent for our town. And you know you don't want personal feelings to get in it. It doesn't have anything to do with it. It just has to do with, you have to look at the big picture for your town. I live in a neighborhood that I have neighbors that I wish they would fix up what they have got right there. I can't do anything about it. I mean their houses are stick built and that doesn't have anything to do with it. It just has to do with there is a reason why if you look at probably every zoning and planning booklet like we did, manufactured homes are not going to be allowed in an R-10 zoning area. There is a history and a reason why that's for our town and this board, or not this board, but this committee here asked for it and I think we need to uphold it. Mayor Sykes said thank you. Does anyone else want to speak?

Glen Elmore said I will. Mayor Sykes said okay. Mr. Elmore said as one of those who grew up on Park Circle as a child. My grandfather and my mother I think had built the majority of those houses at our own Park Circle and in the surrounding area. As a property owner on Park Circle I do believe that bringing a mobile home in, even though Wayland said you know it might not decrease the value, I believe it would decrease the value of the property. And as a property owner I would hate to see that occur. You know bring down the value of my property or anybody else's that has it in the area including Penny. You know I don't know Mr. Heath. He is probably a fine fella. I don't know his family and I just think that a stick built home would best suffice for the area and the property surrounding it and help to maintain the values that are there. He said thanks. Mayor Sykes said thank you. She asked is there anyone else?

Mayor Sykes said if there is no further comments to be made, I'll have a motion to close the public hearing. Commissioner Hill made a motion to close the public hearing. Mayor Sykes said do I have a second? Commissioner Quinn seconded the motion. Mayor Sykes said I have a motion and a second, is there any discussion? If not all in favor signify by saying "Aye" and the motion carried unanimously.

Mayor Sykes said thank you all for coming and sharing your opinions with us.