

**Board of Adjustment Meeting Minutes  
August 12, 2002**

The Siler City Board of Adjustment met on Monday, August 12, 2002 at 7:10 p.m.

**Members Present**

Don Tarkenton, Vice Chairman  
Jeff C. Brewer  
Cindy B. Bray  
Larry Mendenhall  
Larry Cheek

**Members Absent**

Jimmie Pugh, Chairman  
Leota Thompson

**Staff Present**

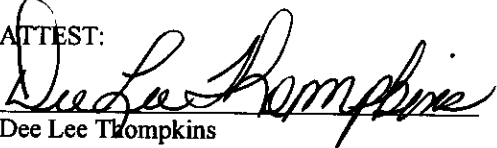
Jack Meadows, Planning Director  
Joel J. Brower, Town Manager  
William C. Morgan, Town Attorney

**BUSINESS SESSION**

The meeting was cancelled due to lack of a quorum.

  
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Jimmie Pugh  
Chairman

ATTEST:

  
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Dee Lee Thompkins  
Recording Secretary

**Board of Adjustment Meeting Minutes  
September 9, 2002**

The Siler City Board of Adjustment met on Monday, September 9, 2002 at 7:30 p.m. Minutes of the December 10, 2001 meeting were unanimously approved by a motion from Jeff Brewer and seconded by Don Tarkenton.

**Members Present**

Jimmie Pugh, Chairman  
Don Tarkenton, Vice Chairman  
Leota Thompson  
Jeff C. Brewer  
Cindy B. Bray  
Larry Mendenhall  
Larry Cheek

**Members Absent**

**Staff Present**

Jack Meadows, Planning Director  
Joel J. Brower, Town Manager  
William C. Morgan, Town Attorney

**BUSINESS SESSION**

**Agenda Item III**

**Special Exception Permit Request**

**A. SEP-001-02 – Sam and Sheila Williams**

Sam and Sheila Williams have plans to construct a detached garage/carport on their property located at 95 Pinewood Drive along the southeast corner of Pinewood Drive and Pine Lake Drive. The proposed garage/carport will not meet the fifteen foot side setback, required by Section 170 of the Unified Development Ordinance. Therefore, the applicant wishes to obtain a Special Exception Permit to encroach the setback by 5 feet, thus resulting in a side setback of 10 feet.

The subject lot is surrounded by single-family development, which is all zoned Residential-20.

Mr. and Mrs. Williams application is complete and meets the findings required to grant a special exception. Included with the application is a petition, signed by adjacent property owners, stating that they have no objections to the proposed addition.

Staff recommends approval of SEP-001-02. The applicant will be required to submit and obtain approval of a zoning permit prior to issuance of a building permit.

**Board action is requested at this time.**

**Discussion**

Mr. Pugh directed the board to their worksheet to go through each finding.

- Completeness of application – application was complete.  
*Motion made by Jeff Brewer, Larry Mendenhall seconded, and majority approved.*
- Findings Required By Section 83
  - A. Existing building is a conforming residential use in a residential district.  
*Yes – Motion made by Jeff Brewer, Cindy Bray seconded, and majority approved.*
  - B. Existing building has existed for at least three (3) years prior to the date of the application for a special exception permit.  
*Yes – Motion made by Jeff Brewer, Don Tarkenton seconded, and majority approved.*
  - C. Special exception requested applies only to a setback from a lot line boundary.  
*Yes – Motion made by Larry Cheek, Larry Mendenhall seconded, and majority approved.*

**Board of Adjustment Minutes**

**September 9, 2002**

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- D. The special exception being requested does not exceed 50% of the required setbacks of section 170(a), nor would it permit any part of a building to be located closer to a lot boundary than a distance equal to one-half of the minimum building separation requirement of the North Carolina State Building Code.  
*Yes – Motion made by Larry Mendenhall, Jeff Brewer seconded, and majority approved.*
- E. The special exception being requested would not permit any part of a building to be located closer to a pre-existing building than the distance equal to the minimum building separation requirement of the North Carolina State Building Code.  
*Yes – Motion made by Jeff Brewer, Larry Mendenhall seconded, and majority approved.*
- F. The special exception, if granted, will not create a threat to the public health or safety.  
*Yes – Motion made by Larry Cheek, Larry Mendenhall seconded, and majority approved.*
- G. The special exception if granted, will not adversely affect the value of adjoining or neighboring properties.  
*Yes – Motion made by Don Tarkenton, Larry Cheek seconded, and majority approved.*

• **Consideration Of Proposed Conditions**

If the application is granted, the permit shall be issued subject to the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Siler City Town Hall. Any deviations from or changes in these plans must be submitted to the Zoning Administrator in writing and specific written approval obtained as provided in section 60 of the Unified Development Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That the special exception is granted only to the extent necessary to provide for the proposed addition, and that no other additions, or enlargements of any other portion of the house is permitted by this special exception permit.
4. Other conditions as necessary or desired.

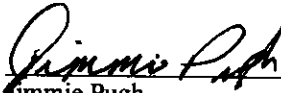
- **Granting The Application** - The application is granted subject to the above conditions.

*Motion made by Don Tarkenton, Cindy Bray seconded, and majority approved.*


**Agenda Item V**

**Other Business**

With no further business, Don Tarkenton made a motion for adjournment at 7:38 p.m., a second from Larry Mendenhall followed by unanimous consent.

  
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Jimmie Pugh  
Chairman

ATTEST:

  
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Karen Alman  
Recording Secretary

**Board of Adjustment Meeting Minutes  
December 9, 2002**

The Siler City Board of Adjustment met on Monday, December 9, 2002 at 7:00 p.m. Jimmie Pugh called the meeting to order and gave the invocation. Minutes of the September 9, 2002 meeting were unanimously approved by a motion from Don Tarkenton and seconded by Larry Mendenhall.

**Members Present**

Jimmie Pugh, Chairman  
Don Tarkenton, Vice Chairman  
Leota Thompson  
Cindy B. Bray  
Larry Mendenhall  
Richard Caviness, Alternate  
Harold Hart, Alternate

**Members Absent**

Jeff Brewer  
Larry Cheek

**Staff Present**

Jack Meadows, Planning Director  
Joel J. Brower, Town Manager  
William C. Morgan, Town Attorney

**BUSINESS SESSION**

**Agenda Item III**

**Special Use Permit Request**

**A. SUP-001-02 – Fletcher Harris**

Mr. Meadows reported that Fletcher Harris has requested a special use permit to operate a nursery school/day care center. The subject property is vacant and is located at the northwestern corner of Martin Luther King, Jr., Blvd. and North Third Court. A satellite parking area will be at the northwest corner of North Third Court and East Fourth Street adjacent to Reid's Barber Shop/ Marley's Cleaners. The applicant has adequately completed an application for a special use permit.

He explained the definition of nursery school/day care center as provided by the UDO is as follows; "*Day Care Center. Any child care arrangement that provides day care on a regular basis for more than four hours per day for more than five children of preschool age*".

The principle lot is surrounded by single-family development, while the satellite parking lot is surrounded by single family duplex, and commercial development.

The parking requirements for a nursery school/day care center are as follows; 1 space per employee plus 1 space per 200 square feet of gross floor area. The applicant plans to have 8 employees and 4,500 square feet of gross floor area. Therefore, the minimum parking requirements for the proposed use is 31 parking spaces. The screening requirements for the principle lot and satellite parking lot are to construct an opaque screen type A opaque from the ground to a height of at least 6 feet, with intermittent visual obstructions from the opaque portion to a height of at least 20 feet along the property lines adjoining residential property.

Mr. Meadows explained the request is consistent with the Land Use Plan Map, which recommends general residential development for the subject property. The location of a nursery school/day care center in proximity to residential and commercial areas should be encouraged.

Staff recommends approval of the special use permit with the following conditions:

- Must obtain site plan approval prior to issuance of a zoning permit.
- A contractual agreement must be maintained between Mr. Harris and the property owner of the satellite parking lot if the nursery school/day care center is to continue operation.
- Satellite parking must be used by employees.

Please note that you may add conditions to approval based on guidelines set by section 55.

**Board action is requested at this time.**

**Discussion**

Planning Chairman Jimmie Pugh declared the public hearing *open* and swore in Fletcher Harris.

Mr. Harris explained to the board the nursery school/ day care center will be able to accommodate 95 children. The director will be required to have a master's degree and all the teachers will have a minimum of an associate's degree and all assistance teachers will have to have a high school diploma. Also, he will be required to have one teacher certified in CPR for every 25 kids. The nursery school/ day care center will be open 24 hours. There will be video cameras in every classroom and his exit doors will have panic bars with no outside access.

The board members questioned Mr. Harris with their concerns about his contractual agreement with the property owner of the satellite parking and use of the satellite parking by employees. The board decided to change the conditions as follows:

- A 10 year contractual agreement approved by the Town Attorney must be maintained between Mr. Harris and the property owner of satellite parking lot if the nursery/day center is to continue operation.
- Employees should use the satellite parking lot.

Don Tarkenton explained to Mr. Harris that if his contractual agreement becomes null and void he would have to come back to the board to modify his permit.

Mr. Pugh directed the board to their worksheet to go through each finding.

- Completeness of application – application was complete.  
*Motion made by Larry Mendenhall, Don Tarkenton seconded, and majority approved.*
- Compliance with the ordinance requirements – application complies with all applicable requirement of Unified Development Ordinance.  
*Motion made by Larry Mendenhall, Cindy Bray seconded, and majority approved.*
- Consideration of proposed conditions-
  - **The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Siler City Town Hall. Any deviations from or changes in these plans must be submitted to the Zoning Administrator in writing and specific written approval obtained as provided in Section 60 of the Unified Development Ordinance.**
  - **If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.**
  - **Must obtain site plan approval prior to issuance of a zoning permit.**
  - **A 10 year contractual agreement approved by the Town Attorney must be maintained between Mr. Harris and the property owner of the satellite parking lot if the nursery/day center is to continue operation.**
  - **Employees should use the satellite parking lot.**  
*Motion made by Don Tarkenton, Larry Mendenhall seconded, and majority approved.*
- Granting the application – **application is granted subject to above conditions.**  
*Motion made by Don Tarkenton, Harold Hart seconded, and majority approved.*

**Agenda Item V**

**Other Business**

With no further business, Don Tarkenton made a motion for adjournment at 7:42 p.m., a second from Cindy Bray followed by unanimous consent.

  
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Jimmie Pugh, Chairman

ATTEST:

  
Dee Lee Thompkins, Recording Secretary