

**Board of Adjustment Meeting Minutes
March 12, 2007**

The Siler City Board of Adjustment met on Monday, March 12, 2007 at 7:00 p.m. Larry Mendenhall called the meeting to order and Mickey Pore gave the invocation. Minutes of October 9, 2006 meeting were unanimously approved by a motion from Ethel Coble and seconded by Jerry Martin.

Members Present

Larry Mendenhall, Chairman
Ethel Coble, Vice Chair
Harold Hart
Arnold Headen
Mickey Pore
Dan McMasters, Alternate
Jerry Martin, Alternate

Members Absent

Richard Caviness
Cindy Bray

Staff Present

Jack Meadows, Planning Director
Joel J. Brower, Town Manager
William C. Morgan, Town Attorney
David M. Rook, III, Attorney
Dee Lee Thompkins, Administrative Support Specialist

BUSINESS SESSION

Agenda Item III

A. Appeal – BR Steele Construction, LLC

Mr. Mendenhall explained to the members that all testimony given tonight will have to be sworn in. Mr. Meadows, Mr. Morgan, Mr. Steele and Mrs. Andrews were then sworn in.

Jack Meadows, Planning Director for the Town of Siler City reviewed the following events with the members:

Proper notification for this public hearing has been completed as follows:

- A sign was posted on February 22, 2007;
- Written notice was mailed to the applicant and neighboring property owners within 150 feet of the subject property on February 23, 2007; and
- An ad was placed in The Chatham News in the March 1, 2007 and March 8, 2007 editions of the paper.

Mr. Meadows reported that BR Steele Construction, LLC, Mr. Bobby Steele appeals the decision of the administrator. The appeal is regarding a notice of violation letter that was sent to BR Steele Construction, LLC dated December 20, 2006. The notice of violation was for two reasons: (1) the construction of an addition without obtaining a zoning permit from the Town of Siler City; and (2) the addition does not meet the building setback along East Fifth Street. The subject property is located at 901 East Third Street Hometown Cleaners.

Mr. Meadows explained that construction began on the addition to Hometown Cleaners on October of 2006 as identified by Town staff. The Town's Code Enforcement Officer immediately notified Mr. Steele that a zoning and building permit were required prior to any construction. Mr. Steele submitted a completed site plan application on November 13, 2006. Mr. Meadows reported that comments from the Town's minor site plan review committee were received and a site plan review letter was submitted to Mr. Steele on November 30, 2006. Mr. Meadows stated that after not hearing from Mr. Steele, Town staff mailed a certified notice of violation letter on December 20, 2006 to BR Steele Construction. The letter was received by Mr. Steele on December 22, 2006. The Town's Building Codes Administrator also mailed a certified letter to BR Steele Construction on December 20, 2006. On February 1, 2007, Town staff received a letter dated January 26, 2007 from Andrews Law Group. On February 9, 2007, Town staff received an appeal application from BR Steele Construction that includes a letter, supplement, and deed. BR Steele Construction has not been issued a zoning permit for the boiler room addition.

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Mr. Meadows reported that the subject property is zoned Highway Commercial. The required street setback in the H-C zoning district is 40 feet from the right-of-way. The boiler room addition is only 19.35 feet from the right-of-way of East Fifth Street. The boiler room addition does not meet the street setback for the H-C zoning district. The established setback per approved site plan for Bruce Hall 9-16-2002 for the subject property is 32.5 feet from the apparent 30 foot right-of-way of East Fifth Street. The boiler room addition is 27.5 feet from the apparent 30 foot right-of-way of East Fifth Street. The boiler room addition does not meet the established setback. Mr. Meadows added that no inspections, electrical, building, plumbing have been completed for the boiler room addition. The applicant constructed an addition without first obtaining a zoning or building permit. The Town approved a site plan on September 16, 2002 for the subject property that established reduction into the required setback for the original building constructed. The Town was not given an opportunity to review the boiler room addition before construction. If the Town had been given this opportunity, then a location may have been found that would have honored the established setback. The original building has been expanded several times thereafter, and each expansion has honored the established setback that was determined on the approved site plan.

Mr. Meadows stated that staff recommends the Board of Adjustment affirm the decision of Town Staff. The decision is that the notice of violation letter is valid because a zoning permit has not been obtained and the addition does not meet the building setback along East Fifth Street.

Discussion

Mr. Mendenhall asked if a building permit had been issued. Mr. Meadows replied that normally the process is if you are doing an addition you have to have a zoning permit before you can get a building permit. Harold Hart wanted to know if we had any comments from the adjoining property owners. Mr. Meadows stated that we had not.

Jennifer Andrews, Attorney for Mr. Steele stated she had concerns about the process. She explained that she thought that the variance and appeal go together, and the supplement comments that she submitted are for both. She added that without the variance issues resolved, she is not sure that the appeal goes forward very smoothly. She would like to address both of the issues when presenting her comments, and not duplicate statements to the board. Mr. Morgan, Town Attorney decided that Mr. Meadows could go ahead and address the variance request to the board.

A. Variance – BR Steele Construction, LLC

Mr. Meadows reported that the subject property is zoned Highway Commercial. The required street setback in the H-C zoning district is 40 feet from the right-of-way. BR Steele Construction requests a variance to reduce the setback by 20.65 feet. This is a 51.6% reduction in the street setback. The established setback per approved site plan for Bruce Hall 9-16-2002 for the subject property is 32.5 feet from the apparent 30 foot right-of-way of East Fifth Street. The boiler room addition is 27.5 feet from the apparent 30 foot right-of-way of East Fifth Street. This is a 15.4% reduction in the established setback.

Mr. Meadows explained that a variance may be granted by the board of adjustment if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:

- (1) If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property.
- (2) The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public.
- (3) The hardship relates to the applicant's land, rather than personal circumstances.
- (4) The hardship is unique, or nearly so, rather than one shared by many surrounding properties.
- (5) The hardship is not the result of the applicant's own actions, and
- (6) The variance will neither result in the extension of a nonconforming situation in violation of Article VIII nor authorize the initiation of a nonconforming use of land.

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Mr. Meadows stated that staff recommends that the following conclusions (1), (3), (5), and (6) cannot be found for the following reasons:

1. No inspections electrical, building, plumbing have been completed for the boiler room addition, therefore public safety and welfare has not been secured;
2. The applicant constructed an addition without first obtaining a zoning or building permit. This hardship is the result of the applicants own actions and personal circumstances;
3. The Town approved a site plan on September 16, 2002 for the subject property that established reduction into the required setback for the original building constructed, therefore a nonconforming situation was created. This variance request is an extension of a nonconforming situation;
4. The Town was not given an opportunity to review the boiler room addition before construction. If the Town had been given this opportunity, then a location may have been found that would have honored the established setback. The applicant could have made reasonable use of the property;
5. The original building has been expanded several times thereafter, and each expansion has honored the established setback that was determined on the approved site plan.

Attorney Jennifer Andrews introduced herself to the board and stated that she was representing Mr. Steele. She presented some pictures of the cleaners and reviewed with the board the location of the boiler room addition. Mrs. Andrews explained that the previous boiler system was broken and nonfunctional. She added that a boiler is critical to the operations of a dry cleaner. She explained that after Mr. Steele talked to the boiler company, it was determined that the old boiler was inadequate, and for him to continue his business, he had to install a new larger boiler. Mrs. Andrews explained that the company told Mr. Steele that the new boiler would not need any new electric service or plumbing, but the new boiler would hook onto the outside of the building and would run straight into the existing system. They told Mr. Steele that they would take care of everything, and Mr. Steele relied on the contractor from the company to know if he needed a permit. She explained that the company did assure Mr. Steele that the boiler was installed to meet all building codes. Mrs. Andrews told the board if they have to tear the building down, the unfortunate thing is the cleaner is out of business. She added that Mr. Steele is not changing the use of the business, it has always been a cleaner. Mrs. Andrews stated that when Mr. Steele was notified of the violation, the addition was already finished. She added that she did not want the members to think that he was in the process of constructing the addition when the town notified him. Mrs. Andrews further added that Mr. Steele did try to do the right thing by submitting a site plan to bring this addition into compliance. She stated that the cleaners were shut down and not operating while the addition was being done, and that Mr. Steele probably paid extra to get the boiler installed so quickly. Mrs. Andrews added that unfortunately what Mr. Steele received back from the town was a letter stating that they did not like his site plan because it was in violation, and then the next letter said that he had to tear the addition down. She stated then Mr. Steele came to see her to see what he could do. Mrs. Andrews said she understands the concerns of the town wanting to comply with the ordinance. She added that if the board does not want to give any leeway into the interpretation of the ordinance on this matter, and if the board says tear it down or shut it down, then that will be the end of it. Mrs. Andrews stated if the board wants to have a little bit more perception, then they need to take a look at her supplemental comments that deal with the six findings you have to make. She explained that the reason she wanted these items heard together is if we don't deal with the variance issues and allow the encroachment on the setback, then there will be no need to get to the appeal. Mrs. Andrews then proceeded to review her supplemental comments with the board that was included in their agenda.

Discussion

Harold Hart asked Mr. Meadows if Mr. Steele had not built a building around the boiler would he be in compliance with his setback. Mr. Meadows replied that air conditioning units and utilities outside a building are exempt from setbacks when not considered a structure.

Mr. Mendenhall asked Mr. Steele if the people that installed the boiler told him that he had to have a state inspection on the boiler. Mrs. Andrews replied that the company has told him it was installed to all regulations. She added that she is checking to see if the boiler has to be inspected by the state, and if it does, they will submit to a state inspection.

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Arnold Headen asked if you do have to tear down the building, where would you locate it? Mrs. Andrews answered that the cleaners will have to shut down. Mr. Steele stated that was the only location that the boiler could be located.

Mr. Mendenhall asked Mr. Steele if the board is willing to grant the variance is he willing to apply for all his building permits and pay for those fees. Mr. Andrews answered that Mr. Steele would, and also, they would submit to a state inspection on the boiler if it is required.

Harold Hart stated it was obvious that Mr. Steele is not within compliance, but he does not feel that Siler City needs to be putting people out of business if we can work something out.

Mr. Rooks advised the board that they have two issues before them. He stated that it is his suggestion they consider the appeal first. They need to confirm or overturn staff decision that the structure is in violation of the setback requirements. By overturning the decision then there will be no need to consider the variance. If it is their decision to confirm the decision of staff, then they will need to consider the variance.

Larry Mendenhall asked if he had a motion to confirm or overturn staff's decision. Ethel Coble made a motion to approve staff's decision on the appeal. Dan McMaster seconded, with all voting in favor.

Variance Worksheet

1. If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property.

Mickey Pore moved to approve, seconded by Harold Hart with all in favor.

Reason for conclusion no hardship suffered by neighbors.

2. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public:

Mickey Pore moved to approve, seconded by Arnold Headen with all in favor.

Reason for conclusion No hardships by neighbors

3. The hardship relates to the applicant's land, rather than personal circumstances.

Jerry Martin moved to approve, seconded by Dan McMasters with all in favor.

Reason for conclusion hardship relate to applicant's land not a personal circumstances.

4. The hardship is unique, or nearly so, rather than one shared by many surrounding properties.

Arnold Headen moved to approve, seconded by Mickey Pore with all in favor.

Reason for conclusion lay of lot.

5. The hardship is not the result of the applicant's own actions: and

Dan McMasters moved to approve, seconded by Harold Hart with all in favor.

Reason for conclusion Chairman will decide later

6. The variance will neither result in the extension of a nonconforming situation in violation of Article VIII nor authorize the initiation of a nonconforming use of land.

Harold Hart moved to approve, seconded by Dan McMasters with all in favor.

Reason for conclusion authorizing violation of setbacks

7. Are there any reasonable conditions that the Board wishes to add?

Jerry Martin moved to approve, seconded by Mickey Pore with all in favor.

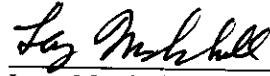
Reason for conclusion Mr. Steele will secure all necessary permits and inspections.

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Agenda Item V


Other Business

With no further business, Ethel Coble made a motion for adjournment at 8:05 p.m., a second from Mickey Pore followed by unanimous consent.



Larry Mendenhall
Chairman

ATTEST:



Dee Lee Thompkins
Recording Secretary

**Board of Adjustment Meeting Minutes
April 9, 2007**

The Siler City Board of Adjustment met on Monday, April 9, 2007 at 9:00 p.m. Larry Mendenhall called the meeting to order. Minutes of March 12, 2007 meeting were unanimously approved by a motion from Ethel Coble and seconded by Richard Caviness.

Members Present

Larry Mendenhall, Chairman
Ethel Coble, Vice Chair
Richard Caviness
Harold Hart
Arnold Headen
Micky Pore
Dan McMaster, Alternate

Members Absent

Cindy Bray
Jerry Martin

Staff Present

Jack Meadows, Planning Director
Joel J. Brower, Town Manager
William C. Morgan, Town Attorney
Dee Lee Thompkins, Administrative Support Specialist

BUSINESS SESSION

Agenda Item III

Other Business


Larry Mendenhall asked for a motion for the approval of the Written Decision for Bobby Steele. Mickey Pore made the motion and Dan McMaster seconded with unanimous consent.

Agenda Item IV

Other Business

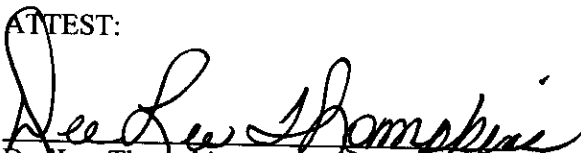
Larry Mendenhall, Chairman reported there were no business items to be heard tonight.

Ethel Coble made a motion for adjournment at 9:05 p.m., a second from Mickey Pore followed by unanimous consent.



Larry Mendenhall
Chairman

ATTEST:



Dee Lee Thompkins, Recording Secretary

Board of Adjustment Meeting Minutes
July 9, 2007

The Siler City Board of Adjustment met on Monday, July 9, 2007 at 7:00 p.m. Larry Mendenhall called the meeting to order and Ethel Coble gave the invocation. Minutes of April 9, 2007 meeting were unanimously approved by a motion from Ethel Coble and seconded by Richard Caviness.

Members Present

Larry Mendenhall, Chairman
Ethel Coble, Vice Chair
Cindy Bray
Richard Caviness
Arnold Headen
Mickey Pore
Dan McMasters, Alternate

Members Absent

Harold Hart

Staff Present

Jack Meadows, Planning Director
William C. Morgan, Town Attorney
Dee Lee Thompkins, Administrative Support Specialist

BUSINESS SESSION

Agenda Item III

Special Exception Permit Request

A. SEP – 001-07 – 213 South Hillcrest Drive

Mr. Mendenhall explained to the members that all testimony given tonight will have to be sworn in. Mr. Meadows, Angela B Newkirk, Tim Willett, Samanta Rachelle Hilliard Tucker and Cone Hilliard were then sworn in.

The public hearing was declared open. There were no public comments.

Mr. Meadows reported that Angela B. Newkirk requests a special exception permit to allow a fifty percent reduction into the required setback. The request is for a 14'x24' addition to the existing home. The subject property is located at 213 South Hillcrest Drive and is further identified as Tax Parcel Number 16376.

Mr. Meadows stated that the proposed addition will not meet the required rear yard building setback, which is twenty feet for the R-10 zoning district. The applicant is requesting the rear yard setback be reduced to ten feet from the northern property line, which is a fifty percent reduction.

Mr. Meadows added that the proposed exception is in conformity with all officially adopted plans. The existing home is a conforming residential use and has existed for at least three years. The addition will be at least ten feet from any other structure.

Mr. Meadows reported that the applicant has submitted a completed application, sketch plan, and petition. The petition states that the adjoining property values will not be adversely affected by a reduction in the rear yard building setback. The petition shall be sufficient evidence from which the board may (but shall not be required to) make the required finding. The board may also make the required finding based on other competent evidence.

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Mr. Meadows reported that staff recommends approval of the special exception permit.

Discussion

With no further discussion, Mr. Mendenhall directed the board to their worksheet to go through each finding.

I. The application was complete.

Motion made by Dan McMaster, Ethel Coble seconded, and unanimously approved.

II. Required Findings.

1. The existing primary building is a conforming residential use and has existed for at least three (3) years prior to this application.

2. The request does not exceed 50% of the required setback from a lot boundary line.

3. The request is not less than five (5) feet from a lot line boundary.

4. The proposed building will not be located closer than ten (10) feet to an existing building.

Motion was made by Ethel Coble, Dan McMasters seconded, and unanimously approved

III. The permit is granted.

Motion made by Cindy Bray, Richard Caviness seconded, and unanimously approved

B. SEP – 002-07 – 615 Bish Road

The public hearing was declared open.

Mr. Meadows reported that Samantha Rachel Hilliard Tucker requests a special exception permit to allow a fifty percent reduction into the required setback. The request is for two detached residential accessory buildings one a 22' x 21' and the other is 28' x 22'. The subject property is located at 615 Bish Road and is further identified as Tax Parcel Number 12724.

Mr. Meadows explained that the proposed buildings will not meet the required side yard building setback, which is twenty five feet for the A-R zoning district. The applicant is requesting the side yard setback be reduced to twelve and one-half feet from the northern property line, which is a fifty percent reduction.

Mr. Meadows stated that the proposed exception is in conformity with all officially adopted plans. The existing home is a conforming residential use and has existed for at least three years. The addition will be at least ten feet from any other structure.

Mr. Meadows reported that the applicant has submitted a completed application, sketch plan, and petition. The petition states that the adjoining property values will not be adversely affected by a reduction in the side yard building setback. The petition shall be sufficient evidence from which the board may (but shall not be required to) make the required finding. The board may also make the required finding based on other competent evidence.

Mr. Meadows stated that staff recommends approval of the special exception permit.

Board of Adjustment Minutes

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Discussion

Mr. Hilliard stated that there was a dilapidated storage building located on the existing concrete pad. When the property was bought they were under the impression they could tear the building down and build it back the same size. He would like to utilize the entire existing concrete pad.

Mr. Meadows reported that the existing pad would not meet current setbacks even with the special exception permit.

With no further discussion, Mr. Mendenhall directed the board to their worksheet to go through each finding.

I. The application was complete.

Motion made by Dan McMaster, Ethel Coble seconded, and unanimously approved.

II. Required Findings.

1. The existing primary building is a conforming residential use and has existed for at least three (3) years prior to this application.

2. The request does not exceed 50% of the required setback from a lot boundary line.

3. The request is not less than five (5) feet from a lot line boundary.

4. The proposed building will not be located closer than ten (10) feet to an existing building.

Motion was made by Cindy Bray, Dan McMasters seconded, and unanimously approved

III. The permit is granted.

Motion made by Cindy Bray, Arnold Headen seconded, and unanimously approved

Agenda Item V

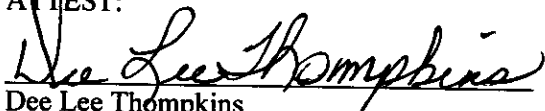
Other Business

With no further business, Ethel Coble made a motion for adjournment at 7:20 p.m., a second from Mickey Pore followed by unanimous consent.



Larry Mendenhall
Chairman

ATTEST:



Dee Lee Thompkins
Recording Secretary

**Board of Adjustment Meeting Minutes
August 13, 2007**

The Siler City Board of Adjustment met on Monday, August 13, 2007 at 7:00 p.m. Larry Mendenhall called the meeting to order and Richard Caviness gave the invocation. Minutes of July 9, 2007 meeting were unanimously approved by a motion from Richard Caviness and seconded by Mickey Pore

Members Present

Larry Mendenhall, Chairman
Ethel Coble, Vice Chair
Richard Caviness
Harold Hart
Arnold Headen
Micky Pore
Dan McMaster, Alternate

Members Absent

Cindy Bray

Staff Present

Jack Meadows, Planning Director
William C. Morgan, Town Attorney
Dee Lee Thompkins, Administrative Support Specialist

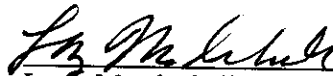
BUSINESS SESSION

Agenda Item III

Other Business

Larry Mendenhall, Chairman reported there were no business items to be heard tonight.

Harold Hart made a motion for adjournment at 7:02 p.m., a second from Dan McMasters followed by unanimous consent.



Larry Mendenhall
Chairman

ATTEST:



Dee Lee Thompkins, Recording Secretary

**Board of Adjustment Meeting Minutes
November 12, 2007**

The Siler City Board of Adjustment met on Monday, November 12, 2007 at 7:05 p.m. Larry Mendenhall called the meeting to order and Arnold Headen gave the invocation. Minutes of August 13, 2006 meeting were unanimously approved by a motion from Ethel Coble and seconded by Richard Caviness.

Members Present

Larry Mendenhall, Chairman
Ethel Coble, Vice Chair
Richard Caviness
Harold Hart
Arnold Headen
Mickey Pore
Dan McMasters, Alternate
Vicky Tobar, Alternate (Not Voting)

Members Absent

Cindy Bray

Staff Present

Jack Meadows, Planning Director
Joel J. Brower, Town Manager
T. C. Morphis, Attorney
Dee Lee Thompkins, Administrative Support Specialist

BUSINESS SESSION

Agenda Item III

A. Variance Request – Robie Johnson

Mr. Mendenhall explained to the members that all testimony given tonight will have to be sworn in. Mr. Meadows and Robie Johnson were then sworn in.

Mr. Meadows reported that proper notification for this public hearing has been completed as follows:

1. Written notice was mailed to the applicant and neighboring property owners within 150 feet of the subject property on October 26, 2007;
2. A sign was posted on October 29, 2007; and
3. An ad was placed in The Chatham News in the November 1, 2007 and November 8, 2007 editions of the paper.

Mr. Meadows stated that Mr. Johnson visited the Planning Department to request a building permit for the above stated dwelling. During the office visit, Staff determined that the dwelling could not meet the required setbacks. After further research which included a discussion with the Town Attorney, Staff suggested to Mr. Johnson that he apply for a variance.

Mr. Meadows reported that on October 15, 2007, Staff received a variance application from Robie Johnson.

Mr. Meadows stated that Robie Johnson requests a variance from §170 Building Setback Requirements of the UDO to allow a reduction in the required building setback along both side lot boundary lines. The request is for a proposed 23'-4" x 46' single family residential dwelling. He added that the subject property is located at 521 Old Plank Road and is zoned Agricultural Residential (A-R). Mr. Meadows also added that the required side setback in the A-R zoning district is 25 feet. He reported that Robie Johnson requests a variance to reduce the setback by 13 feet. This is a 52% reduction in the side setback. The proposed structure would be 12 feet from both side lot boundary lines.

Mr. Meadows reported that a variance may be granted by the board of adjustment if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:

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- (1) If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property.
- (2) The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public.
- (3) The hardship relates to the applicant's land, rather than personal circumstances.
- (4) The hardship is unique, or nearly so, rather than one shared by many surrounding properties.
- (5) The hardship is not the result of the applicant's own actions, and
- (6) The variance will neither result in the extension of a nonconforming situation in violation of Article VIII nor authorize the initiation of a nonconforming use of land.

Staff recommends that the proposal can meet all of the above conclusions.

Discussion

Mr. Mendenhall stated that the application states that the side setback as 15'. Mr. Meadows replied that the actual side setback is 12'. Mr. Mendenhall then asked if Mr. Johnson would be centering the house in the center of the lot. Mr. Johnson responded that he would be centering the house with the lot. Mr. Mendenhall then asked if there was any opposition from the surrounding property owners. Mr. Johnson stated that he had the surrounding property owners' approval. Mr. Mendenhall then asked if there were any dwellings on either side of this property. Mr. Meadows stated that there were not.

With no further discussion, Mr. Meadows directed the board to their worksheet to go through each finding.

Variance Worksheet

1. If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property.
Arnold Headen moved to approve, seconded by Dan McMasters with all in favor.
Reason for conclusion - width of lot
2. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public:
Harold Hart moved to approve, seconded by Richard Caviness with all in favor.
Reason for conclusion - width of lot
3. The hardship relates to the applicant's land, rather than personal circumstances.
Ethel Coble moved to approve, seconded by Dan McMasters with all in favor.
Reason for conclusion - lot shape
4. The hardship is unique, or nearly so, rather than one shared by many surrounding properties.
Arnold Headen moved to approve, seconded by Ethel Coble with all in favor.
Reason for conclusion - lot shape
5. The hardship is not the result of the applicant's own actions: and
Ethel Coble moved to approve, seconded by Arnold Headen with all in favor.
Reason for conclusion - pre-existing
6. The variance will neither result in the extension of a nonconforming situation in violation of Article VIII nor authorize the initiation of a nonconforming use of land.
Harold Hart moved to approve, seconded by Dan McMasters with all in favor.
Reason for conclusion - no existing nonconforming situation
7. Are there any reasonable conditions that the Board wishes to add?
Condition - House to be placed in center of lot
Ethel Coble moved to approve with condition, seconded by Arnold Headen with all in favor.

Agenda Item IV

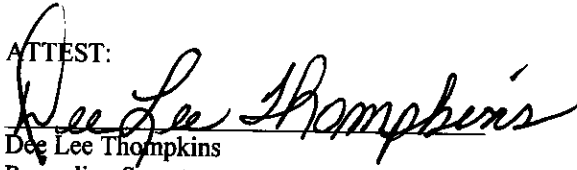
Other Business

With no further business, Ethel Coble made a motion for adjournment at 7:20 p.m., a second from Mickey Pore followed by unanimous consent.



Larry Mendenhall
Chairman

ATTEST:


Dee Lee Thompkins
Recording Secretary

**Board of Adjustment Meeting Minutes
December 10, 2007**

The Siler City Board of Adjustment met on Monday, December 10, 2007 at 7:00 p.m. Larry Mendenhall called the meeting to order and Arnold Headen gave the invocation. Minutes of November 12, 2007 meeting were unanimously approved by a motion from Harold Hart and seconded by Ethel Coble.

Members Present

Larry Mendenhall, Chairman
Ethel Coble, Vice Chair
Cindy Bray
Richard Caviness
Harold Hart
Arnold Headen
Dan McMasters, Alternate

Members Absent

Mickey Pore
Vicky Tobar, Alternate

Staff Present

Jack Meadows, Planning Director
Dee Lee Thompkins, Administrative Support Specialist

BUSINESS SESSION

Agenda Item III

Special Exception Permit Request

A. SEP – 003-07 – Jose Martin Carrillo

Mr. Mendenhall explained to the members that all testimony given tonight will have to be sworn in. Mr. Meadows and Jose Martin Carrillo were then sworn in.

The public hearing was declared open.

Mr. Meadows reported that Jose Martin Carrillo requests a special exception permit to allow a two and four tenth feet reduction into the required rear setback. Mr. Meadows explained that the request is for an addition 9.4' x 20.4' to the existing home. He added that the subject property is located at 74 Dan Henry Siler Road and is further identified as Tax Parcel Number 14661. Mr. Meadows reported that the proposed addition will not meet the required rear yard building setback, which is twenty-five feet for the A-R zoning district. He added that the applicant is requesting the rear yard setback be reduced to twenty-two and six tenth feet from the southern property line nearest to the home, which is a nine and sixth tenth percent reduction.

Mr. Meadows stated that the proposed exception is in conformity with all officially adopted plans. He reported that the existing home is a conforming residential use and has existed for at least three years. He added that the addition will be at least ten feet from any other structure.

Mr. Meadows stated that the applicant has submitted a completed application, sketch plan, and petition. The petition states that the adjoining property values will not be adversely affected by a reduction in the rear yard building setback. He explained that the petition shall be sufficient evidence from which the board may but shall not be required to make the required finding. Mr. Meadows added that the board may also make the required finding based on other competent evidence.

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Attached is a copy of the worksheet.

Mr. Meadows stated that Staff recommends approval of the special exception permit.

Discussion

Richard Caviness asked if there have been any objections. Mr. Meadows stated that not to his knowledge.

With no further discussion, Mr. Mendenhall directed the board to their worksheet to go through each finding.

I. The application was complete.

Motion made by Ethel Coble, Richard Caviness seconded, and unanimously approved.

II. Required Findings.

1. The existing primary building is a conforming residential use and has existed for at least three (3) years prior to this application.
2. The request does not exceed 50% of the required setback from a lot boundary line.
3. The request is not less than five (5) feet from a lot line boundary.
4. The proposed building will not be located closer than ten (10) feet to an existing building.

Motion was made by Harold Hart, Richard Caviness seconded, and unanimously approved


III. The permit is granted.

Motion made by Ethel Coble, Harold Hart seconded, and unanimously approved

Agenda Item V

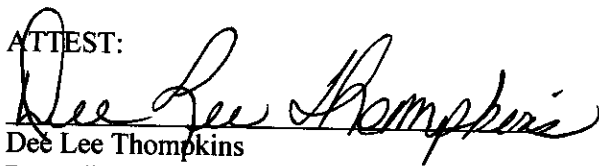
Other Business

With no further business, Ethel Coble made a motion for adjournment at 7:15 p.m., a second from Arnold Headen followed by unanimous consent.



Larry Mendenhall
Chairman

ATTEST:



Dee Lee Thompkins
Recording Secretary