

**Town of Siler City Board of Adjustment  
February 9, 2009 Meeting Minutes**

The Siler City Board of Adjustment met on Monday, February 9, 2009 at 7:05 p.m. Ethel Coble called the meeting to order. Ms. Coble asked for a motion to approve the minutes of December 8, 2008. *Motion made by Dan McMasters, JP Joyner seconded, followed by unanimous consent.*

**Members Present**

Ethel Coble, Chair  
Richard Caviness  
Arnold Headen  
Mickey Pore  
Dan McMasters  
Patty Poe, Alternate  
JP Joyner, Alternate

**Members Absent**

Harold Hart, Vice Chair  
Vicky Tobar

**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 – Special Exception Request – Fortino Ocampo**

Ms. Coble explained to the members that all testimony given tonight will have to be sworn in. Mr. Meadows and Fortino Ocampo were then sworn in.

Mr. Meadows reported On December 19, 2008, Fortino Ocampo met with Town staff to discuss two issues. The first issue was that Mr. Ocampo had converted a portion of an existing detached garage into a residential dwelling without obtaining a zoning permit or building permit.

Mr. Meadows explained that the second issue was that a detached residential dwelling is not allowed within the A-R zoning district. In an attempt to resolve the second issue, it was suggested that Mr. Ocampo combine the detached residential dwelling to the existing single family dwelling with a breezeway. Mr. Meadows reported that the existing detached garage does not meet the side yard setback for the A-R zoning district. Town staff suggested that Mr. Ocampo apply for a special exception permit.

Mr. Meadows explained that Fortino Ocampo requests a special exception permit to allow a six feet reduction into the required side setback. The request is for a five feet wide breezeway that will connect the existing site built single family dwelling to an existing detached garage. The subject property is located at 2759 Hamp Stone Road and is further identified as Tax Parcel Number 13592.

Mr. Meadows added that the existing detached garage does 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 nineteen feet from the southern property line, which is a twenty four percent reduction.

Mr. Meadows explained 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.

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 reported that staff recommends approval of the special exception permit with the following conditions:

1. Record the special exception permit decision of the Board of Adjustment with the Chatham County Register of Deeds;

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2. Combine lots one, two, three, and twenty two into one lot and record the document with the Chatham County Register of Deeds; and
3. Obtain required zoning and building permits for the five feet wide breezeway and the residential conversion within the existing detached garage.
4. Obtain septic approval from Chatham County Environment Health Department.

**Discussion**

Mr. Meadows passed out a letter that he received today from an adjoining property owner's daughter. He explained that Clarence and Audrey Felts own the property that adjoins the south side of this property. Mr. Meadows reviewed the letter with the board.

Town Attorney William Morgan explained that the board should not get bogged down because the property owner does not have all the signatures of the adjoining property owners. He stated that the ordinance does not require all adjoining property owner signatures but that it makes it easier if you have their approval.

Dan McMasters stated that the concern from the Felts' letter is the septic system and drainage. He asked does requiring that the applicant obtain septic approval from the Chatham County Environmental Health Department address the Felts problem. Mr. Meadows stated that it would address the septic issue.

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

**Special Exception Worksheet**

- I. The application was complete  
*Motion made by Patty Poe, Dan McMasters seconded followed by unanimous consent.*
- II. The application complies with all applicable required findings  
*Motion made by Arnold Headen, JP Joyner seconded followed by unanimous consent.*
- III. Conditions as recommended by Staff
  1. Record the special exception permit decision of the Board of Adjustment with the Chatham County Register of Deeds;
  2. Combine lots one, two, three, and twenty two into one lot and record the document with the Chatham County Register of Deeds; and
  3. Obtain required zoning and building permits for the five feet wide breezeway and the residential conversion within the existing detached garage.
  4. Obtain septic approval from Chatham County Environmental Health Department.  
*Motion made by Dan McMaster, Arnold Headen seconded followed by unanimous consent.*
- IV. The permit is recommended for approval with conditions  
*Motion made by Richard Caviness, Dan McMasters seconded, followed by unanimous*

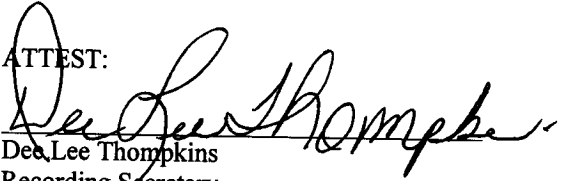
**Agenda Item IV - Other Business**

Mr. Meadows thanked everyone for coming to the workshop. He stated that he thought the workshop was very informative for everyone.

With no further business, *motion was made by JP Joyner, Richard Caviness seconded, followed by unanimous consent for adjournment at 7:30 p.m.*

  
Ethel Coble  
Chair

ATTEST:

  
Dee Lee Thompkins  
Recording Secretary