

**Board of Adjustment Meeting Minutes**  
**Monday, April 14, 1997**

The Siler City Board of Adjustment met on Monday, April 14, 1997, at 7:26 p.m. Minutes of the October 14, 1996 meeting were unanimously approved by a motion from Cindy Edwards and second by Roger Hinshaw.

**Members Present**

Byron Oldham, Chairman  
Joel Hunnicutt, Vice Chairman  
Cindy Edwards  
James Edwards  
Roger Hinshaw  
Arnold Headen  
Leota B. Thompson, Alternate  
Dr. Tim D. Scheetz, Alternate

**Members Absent**

Joyce Siler

**Staff Present**

H. Bernard Rogers, Planning Director  
William C. Morgan, Town Attorney

**Town Board Present**

Pemberton Hobbs, Town Commissioner

**BUSINESS SESSION**

**Agenda Item III**

**Special Use Permit Request - SUP-001-97 - Estelle Johnson**

Mr. Bernard Rogers, Planning Director reported Ms. Estelle Johnson requests a special use permit to expand a manufactured home park. The site is located south of East Eleventh Street and north of East Fifth Street, between Pine Glades Avenue and North Street. Ms. Johnson has adequately completed an application for a special use permit. The applicants response to the required findings is attached.

**Analysis**

Ms. Johnson has produced a site plan which meets all mobile home park standards, as required by the Siler City Unified Development Ordinance. The ordinance requires minimum 10,000 square foot lots and a maximum of four units per acre. The proposed development will be adequately served by the town's water and sewer. Additionally, the applicant wishes to be exempt from the ordinance's minipark requirement. The Siler City Unified Development Ordinance exempts developments with minipark requirements that do not exceed 2,000 square feet. Ms. Johnson's required minipark space is 2,156 square feet, assuming the mobile homes will have two bedrooms.

**Staff Recommendation**

Staff recommends approval of the special use permit pursuant to meeting all requirements of the Siler City Unified Development Ordinance. If any additional conditions are added they must comply with Section 55 of the UDO. Board action is requested at this time.

**Board of Adjustment Minutes**

**April 14, 1997**

**Page two**

**Discussion**

Mr. Oldham called the applicant, Ms. Estelle Johnson to be sworn in. Ms. Johnson asked the Board if she could be exempt from having a minipark in the new section of her Mobile Home Park. She stated children would have to cross a city street and that would endanger the lives of the children.

Mr. William Morgan, Town Attorney explained miniparks are a part of the Town's UDO and could not be exempt.

Cindy Edwards requested that Public Works to place "Children Playing" signs at each end of North Street.

Joel Hunnicutt asked if our UDO requires buffers.

Mr. Rogers stated buffers were not required in residential sections but the Board could require buffers as a condition on the Special Use Permit. He also informed the Board that our Ordinance requires a time frame when the minipark has to be finished.

With no further discussion, Mr. Oldham called for a vote on the Four Required Findings and Ms. Johnson's responses.

**a) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved.**

*Ms. Johnson's response - That the use of this land as a Mobile Home Park will not materially endanger the public health or safety if located and developed as proposed.*

*Joel Hunnicutt moved to approve, seconded by Cindy Edwards with 7 to 0 in favor.*

**b) That the use meets all the requirements (use, dimensional, parking/loading) established by this ordinance.**

*Ms. Johnson's response - That the use as proposed will meet all zoning requirements of the Town of Siler City for the property CR-6.*

*James Edwards moved to approve, seconded by Joel Hunnicutt with 7 to 0 in favor.*

**c) That the use will not constitute a nuisance or hazard from the generation of people, vehicles, noise, or other pollutants, and the use will not be detrimental to the use or development of adjacent properties and will not substantially injure the value of adjoining property, or that the use is a public necessity.**

*Ms. Johnson's response - That the use as proposed will not constitute a nuisance or hazard from the generation of people, vehicles, noise or other pollutants and that said proposed use will not otherwise be detrimental to or lesson the value of any adjoining property, or that the use is a public necessity.*

*James Edwards moved to approve, seconded by Roger Hinshaw with 7 to 0 in favor.*

**Board of Adjustment Minutes**

**April 14, 1997**

**Page three**

**d) The location and character of use, if developed according to plans submitted and approved, does not adversely affect the general plans for the physical development of the Town as embodied in this ordinance and in any plan or portion thereof adopted by the Planning Board of Commissioners.**

*Ms. Johnson's response - That the proposed use if approved does not adversely affect the general plans for the physical development of the Town as embodied in this ordinance and in any plan or portion thereof adopted by the Planning Board of Commissioners.*

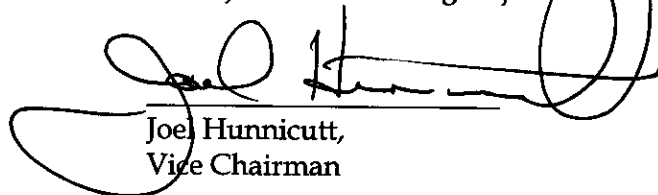
*Cindy Edwards move to approve, seconded James Edwards with 7 to 0 in favor.*

The following conditions were placed on the applicant.

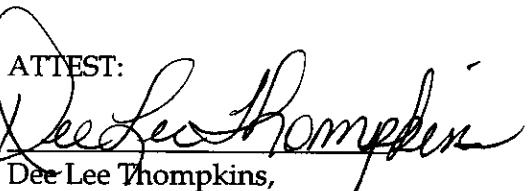
- *Cindy Edwards moved for maintaining existing buffering on Eleventh Street and adjoining property of Beal, McSwain and Johnson.*
- *Joel Hunnicutt moved for completion of a minipark within Sixty Days of completion of the last lot.*

Mr. Oldham asked if there were any more questions or discussion, if not, he would obtain a motion for approval of SUP-001-97-Estelle Johnson with said conditions. Cindy Edwards made the motion, with a second from James Edwards, followed by unanimous consent.

Mr. Oldham asked if there was any other business to be discussed. With no response, Mr. Oldham called for a motion to adjourn. James Edwards moved to adjourn, was seconded by Joel Hunnicutt, and unanimously carried. Board of Adjustment meeting adjourned at 8:10 p.m.

  
Joel Hunnicutt,  
Vice Chairman

ATTEST:

  
Dee Lee Thompkins,  
Recording Secretary

**Board of Adjustment Meeting Minutes**  
**Monday, October 27, 1997**

The Siler City Board of Adjustment met on Monday, October 27, 1997, at 7:20 p.m. Minutes of the April 14, 1997 meeting were unanimously approved by a motion from Roger Hinshaw and second by Arnold Headen.

**Members Present**

Joel Hunnicutt, Chairman  
Cindy Edwards, Vice Chair  
Joyce Siler  
Roger Hinshaw  
Arnold Headen  
James Patterson  
Leota B. Thompson, Alternate  
Pat Lowman, Alternate

**Members Absent**

James Edwards

**Staff Present**

H. Bernard Rogers, Planning Director  
Joel J. Brower, Town Manager  
William C. Morgan, Town Attorney

**Town Board Present**

Earl Fitts, Mayor  
Pemberton Hobbs, Town Commissioner  
Charles Turner, Town Commissioner  
Adam Smith, Town Commissioner  
Robert Siler, Town Commissioner

**BUSINESS SESSION**

**Agenda Item III**

**Special Exception Permit Request**

**A. SEP-001-97 - John and Harriett Riley**

Bernard Rogers, Planning Director, reported Mr. and Mrs. Riley wish to add an open sided carport to their home. The property is located in the Pine Forest Subdivision at 423 Pinelake Drive. The proposed carport does not meet the required fifteen(15) foot side setback required by Section 170 of the Unified Development Ordinance. Therefore, the Riley's wish to obtain a Special Exception Permit to encroach the setback by four (4) feet, thus resulting in an eleven (11) foot side setback.

Staff recommends approval of SEP-001-97. The Riley application is complete and meets the findings. Included with the application is a petition, signed by adjacent property owners, stating that they have no problems with the proposed carport. This petition may be used to make the required finding in Section II(G) of the worksheet. The section entitled "Denying the Application" gives the three situations which could warrant denial of the application.

Mr. Rogers directed the Board to the worksheet to go through each finding.

- **The application was complete.**  
*True*
- **The existing building is a conforming residential use in a residential district.**  
*True*
- **Existing building has existed for a least three years prior to the date of the application for a special exception permit.**  
*True.*
- **Special exception requested applies only to a setback from a lot line boundary.**  
*True*
- **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.**  
*True*
- **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.**  
*True*

Joel Hunnicutt asked for a motion that the findings were found affirmative based on Mr. Rogers recommendation. Roger Hinshaw made the motion, Cindy Edwards seconded, and majority approved.

#### **Discussion**

Mr. Hunnicutt asked the applicant, Mr. John Riley, to be sworn in. Mr. Riley explained to the Board they would like to add a three sided open carport that would be attached to their house. They would be encroaching four feet of their setback. They had talked and showed their plans to Terry and Patsy Andrews who live on the side they would be encroaching on and they have signed the petition stating they have no problems with the proposed carport.

Mr. Hunnicutt asked Mr. Riley if they would be using their same driveway.

Mr. Riley responded that the driveway would be the same place but that they would be repaving.

Cindy Edwards asked Mr. Riley to explain where the people who signed the petition live in relationship to his house.

Mr. Riley stated John J. Brown lives straight across the street from them, and Terry and Patsy Andrews live on the side they would be encroaching. Hal and Julia-Brent Milholen live on the right side of them and the Armstrong's live behind them.

Cindy Edwards noted he had good representation of his neighbors.

Cindy Edwards made a motion that the special exception, if granted, will not create a threat to the public health or safety. James Patterson seconded and majority approved.

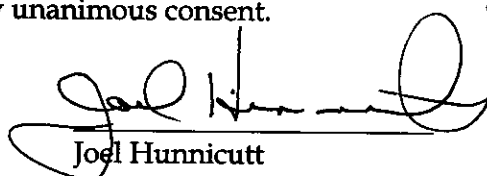
James Patterson made the motion that the special exception, if granted, will not adversely affect the value of adjoining or neighboring properties. Roger Hinshaw seconded and majority approved.

Cindy Edwards made a motion to grant the application under said conditions:

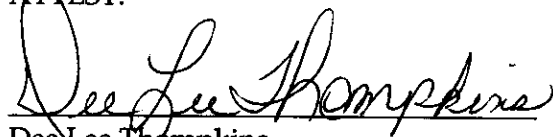
- The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Siler City Town Hall. Any deviations from or changes in these plans must be submitted to the Zoning Administrator in writing and specific written 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.
- That the special exception is granted only to the extent necessary to provide for the proposed addition (including roof overhangs), and that no other additions, or enlargements of any other portion of the house is permitted by this special exception permit.
- Other conditions as necessary or desired.

James Patterson seconded and majority approved.

With no further business, James Patterson made a motion for adjournment at 7:40 p.m., a second from Arnold Headen, and followed by unanimous consent.

  
Joel Hunnicutt  
Chairman

ATTEST:

  
Dee Lee Thompkins  
Recording Secretary

**Board of Adjustment Meeting Minutes**  
**Monday, December 8, 1997**

The Siler City Board of Adjustment met on Monday, December 8, 1997, at 7:28 p.m. Minutes of the October 27, 1997 meeting were unanimously approved by a motion from Roger Hinshaw and seconded by Leota Thompson.

**Members Present**

Joel Hunnicutt, Chairman  
Arnold Headen, Vice Chair  
Roger Hinshaw  
Arnold Headen  
James Patterson  
Leota B. Thompson, Alternate  
Pat Lowman, Alternate

**Members Absent**

James Edwards  
Joyce Siler

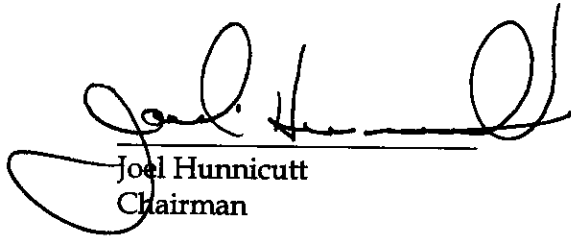
**Staff Present**

H. Bernard Rogers, Planning Director  
William C. Morgan, Town Attorney


**BUSINESS SESSION**

Joel Hunnicutt, Chairman, reported there were no business items to be heard tonight.

James Patterson made a motion for adjournment at 7:32 p.m., a second from Leota Thompson, and followed by unanimous consent.

  
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Joel Hunnicutt  
Chairman

ATTEST:

  
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Dee Lee Thompkins  
Recording Secretary