

**Board of Adjustment Meeting Minutes
March 8, 1999**

The Siler City Board of Adjustment met on Monday, March 8, 1999 at 7:15 p.m. Minutes of November 9, 1998 meeting were unanimously approved by a motion from Roger Hinshaw and seconded by Leota Thompson.

Members Present

Joel Hunnicutt, Chairman
Arnold Headen, Vice Chairman
Roger Hinshaw
James Patterson
Leota Thompson
Pat Lowman
Jimmy Pugh

Members Absent

John Brown, Alternate

Staff Present

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

BUSINESS SESSION

Agenda Item III

Special Exception Permit Request

A. SEP-001-99 – Doug and Shannon Townsend

Bernard Rogers reported Doug and Shannon Townsend wish to construct an addition to their home. The property is located in Pine Forest Subdivision at 120 Pineforest Drive. The proposed addition does not meet the fifteen foot side setback, required by Section 170 of the Unified Development Ordinance. Therefore, Mr. and Mrs. Townsend wish to obtain a Special Exception Permit to encroach the setback by seven foot and six inches, thus resulting in a seven foot and six inch side setback.

Staff recommends approval of SEP-001-99. Mr. and Mrs. Townsend's application is complete and meets the findings see Section I and II of the attached "Special Exception Permit Worksheet" 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. The petition may be used to but not required to make the required finding in Section II (G) of the worksheet. The section entitled "Denying the Application" gives the three situations that could warrant denial of the application. For more information see Section 83 of the Unified Development Ordinance which refers to Special Exception Permits.

Discussion

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

- Completeness of application – application was complete.
Motion made by Arnold Headen, Pat Lowman 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 Arnold Headen, Leota Thompson 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 Jimmy Pugh, Leota Thompson seconded, and majority approved
 - C. Special exception requested applies only to a setback from a lot line boundary.
Yes – Motion made by Arnold Headen, James Paterson seconded, and majority approved.

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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 (i.e.-5 feet).
Yes – Motion made by Arnold Headen, Roger Hinshaw 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 (i.e.-10 feet).
Yes – Motion made by Roger Hinshaw, Leota Thompson 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 Jimmy Pugh, James Patterson 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 Jimmy Pugh, Leota Thompson 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 (including roof overhangs), 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.

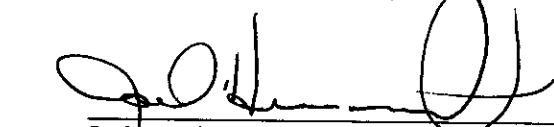
- **Granting The Application -** The application is granted subject to the above conditions.

Motion made by Arnold Headen, Jimmy Pugh seconded, and majority approved.


Agenda Item V

Other Business

With no further business, James Patterson made a motion for adjournment at 7:35 p.m., a second from Jimmy Pugh followed by unanimous consent.



Joel Hunnicutt
Chairman

ATTEST:


Dee Lee Thompkins
Recording Secretary

**Board of Adjustment Meeting Minutes
April 12, 1999**

The Siler City Board of Adjustment met on Monday, April 12, 1999 at 7:00 p.m. in the Siler City Court Room at City Hall. Joel Hunnicutt called the meeting to order and Roger Hinshaw gave the invocation. Minutes of March 8, 1999 meeting were unanimously approved by a motion from Roger Hinshaw and seconded by Leota Thompson.

Members Present

Joel Hunnicutt, Chairman
Arnold Headen, Vice Chairman
Roger Hinshaw
Leota Thompson
Jimmy Pugh
John Brown, Alternate
Cindy B. Bray, Alternate

Members Absent

James Patterson
Pat Lowman

Staff Present

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

Town Board Present

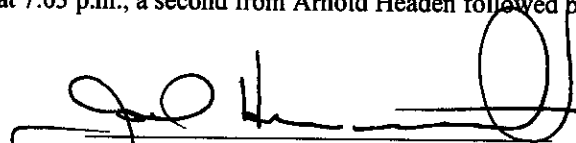
Alexander Graves, Town Commissioner

BUSINESS SESSION


Agenda Item III

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

Jimmy Pugh made a motion for adjournment at 7:03 p.m., a second from Arnold Headen followed by unanimous consent.


Joel Hunnicutt
Chairman

ATTEST:


DeeLee Thompkins
Recording Secretary

**Board of Adjustment Meeting Minutes
May 10, 1999**

The Siler City Board of Adjustment met on Monday, May 10, 1999 at 7:00 p.m. in the Siler City Court Room. Joel Hunnicutt called the meeting to order and James Patterson gave the invocation. Minutes of April 12, 1999 meeting were unanimously approved by a motion from Leota Thompson and seconded by Roger Hinshaw.

Members Present

Joel Hunnicutt, Chairman
Roger Hinshaw
James Patterson
Leota Thompson
Pat Lowman
Jimmie Pugh
John Brown, Alternate

Members Absent

Arnold Headen, Vice Chairman
Cindy B. Bray, Alternate

Staff Present

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

BUSINESS SESSION

Agenda Item III

**Special Exception Permit Request
A. SEP-002-99 – Earl Short**

Planning Director Bernard Rogers reported Earl Short wishes to add a carport to his home. The property is located at 578 John Emerson Road. The proposed carport does not meet the twenty-five foot side setback, required by Section 170 of the Unified Development Ordinance. Therefore, Mr. Short wish to obtain a Special Exception Permit to encroach the setback by nine feet, thus resulting in a sixteen foot side setback.

Staff recommends approval of SEP-002-99. Mr. Short's application is complete and meets the findings (see Section I and II of the attached "Special Exception Permit Worksheet") 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. The petition may be used to (but not required to) make the required findings in Section II (G) of the worksheet. The section entitled "Denying the Application" gives the three situations that could warrant denial of the application. For more information see Section 83 of the Unified Development Ordinance which refers to Special Exception Permits.

Discussion

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

- Completeness of application – application was complete.
Motion made by James Patterson, John Brown 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 Roger Hinshaw, James Patterson 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 John Brown, Leota Thompson seconded, and majority approved
 - C. Special exception requested applies only to a setback from a lot line boundary.
Yes – Motion made by Roger Hinsahw, Pat Lowman seconded, and majority approved.

Board of Adjustment Minutes

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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 (i.e.-5 feet).

Yes - Motion made by John Brown, Roger Hinshaw 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 (i.e.-10 feet).

Yes - Motion made by Leota Thompson, James Patterson 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 John Brown, Jimmie Pugh 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 John Brown, Roger Hinshaw 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 (including roof overhangs), 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.

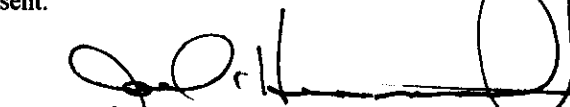
• **Granting The Application - The application is granted subject to the above conditions.**

Motion made by James Patterson, Pat Lowman seconded, and majority approved.


Agenda Item V

Other Business

With no further business, James Patterson made a motion for adjournment at 7:10 p.m., a second from Roger Hinshaw followed by unanimous consent.


Joel Hunnicutt
Chairman

ATTEST:


Dee Lee Thompkins
Recording Secretary

**Board of Adjustment Meeting Minutes
June 14, 1999**

The Siler City Board of Adjustment met on Monday, June 14, 1999 at 7:33 p.m. in the Siler City Court Room at City Hall. Minutes of May 10, 1999 meeting were unanimously approved by a motion from James Patterson and seconded by Leota Thompson.

Members Present

Joel Hunnicutt, Chairman
Roger Hinshaw
James Patterson
Leota Thompson
John Brown, Alternate
Cindy B. Bray, Alternate

Members Absent

Arnold Headen, Vice Chairman
Pat Lowman
Jimmie Pugh

Staff Present

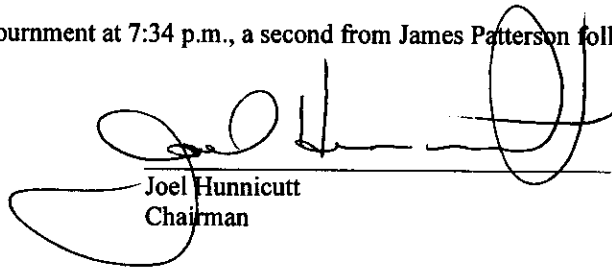
H. Bernard Rogers, Planning Director
Joel J. Brower, Town Manager

BUSINESS SESSION

Agenda Item III


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

Leota Thompson made a motion for adjournment at 7:34 p.m., a second from James Patterson followed by unanimous consent.



Joel Hunnicutt
Chairman

ATTEST:



Dee Lee Thompkins
Recording Secretary

**Board of Adjustment Meeting Minutes
August 9, 1999**

The Siler City Board of Adjustment met on Monday, August 9, 1999 at 8:20p.m. Minutes of June 14, 1999 meeting were unanimously approved by a motion from Arnold Headen and seconded by Leota Thompson.

Members Present

Joel Hunnicutt, Chairman
Arnold Headen, Vice Chairman
Leota Thompson
Jimmie Pugh
John Brown
Cindy B. Bray, Alternate

Members Absent

James Patterson
Pat Lowman

Staff Present

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

BUSINESS SESSION

Agenda Item III

**Special Use Permit Request
A. SUP-002-99 – SBA, Inc.**

Bernard Rogers reported SBA Inc. requests a Special Use Permit to construct a telecommunication tower. The structure will be located on 15.49 acre parcel behind the Siler Crossing Shopping Center on US Hwy 64. The above location will place the tower over 1133 feet from the US Hwy 64 right-of-way. Access to US Highway 64 is by way of an existing easement across the Siler Crossing property. The proposed 300 foot self supporting tower and all associated structures will be enclosed in a 100'X100' fenced area. Please see the attached proposal submitted by SBA, for more detail about the project.

The tower will be located 315.6 feet, 145.5 feet, 620.6 feet and 468.1 feet from the north, south, east and west property lines respectively. All of the above boundaries are screened by existing trees except the southern boundary, which faces the Siler Crossing loading docks. The character of the area around the site is rural and commercial. Therefore the impact of the tower should be less intrusive than if it were in a more densely populated residential area.

SBA, Inc has also given written verification of the tower's safety in the unlikely event of a collapse. The conclusion is that the tower will fall within the fenced area shown on the attached site plan. In order to get an idea of the scope of this tower, Board Members should visit the WNCA tower on US Hwy 64 west of Town. The WNCA tower is 200 feet tall.

Finally, SBA has obtained a determination of no hazard from the FAA. The proposed tower is outside all of the Town's airport hazard areas and is not an air navigation hazard.

Staff recommends approval of the special use permit. Please note that you may add conditions to approvals based on guidelines set by section 55. For your convenience a SUP worksheet is attached. The worksheet will help you determine whether to deny or approve the proposed special use permit. **Board action is requested at this time.**

Discussion

Mr. Hunnicutt asked Mr. Gray Styers, Regional Zoning Consultant for SBA, Inc. to address the board.

Board of Adjustment Minutes

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Mr. Styers explained digital phones are not available in Siler City now. SBA is working with Bell South and Sprint to provide this coverage for the area. He explained that when looking for a site they try to look for one away from residential area. They are fortunate to find this site due to the close location of Hwy 421 and Hwy 64 and that the owners of the property were willing to lease the site. Once the tower is installed the maintenance representatives will make a check on the tower once a month, so traffic into the tower area will be minimal. The tower will be used for Bell South and Sprint with the capacity for three more carriers.

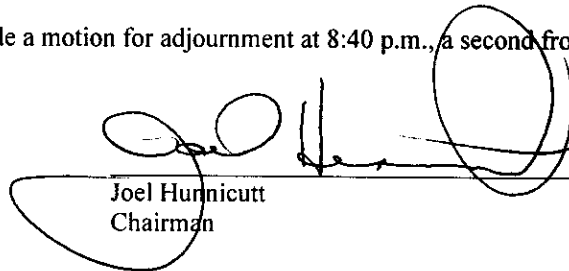
Mr. Hunnicutt directed the board to their worksheet to go through each finding.

- Completeness of application – application was complete.
Motion made by Arnold Headen, John Brown seconded, and majority approved.
- Compliance with the ordinance requirements – application complies with all applicable requirement of Unified Development Ordinance.
Motion made by Jimmie Pugh, Arnold Headen seconded, and majority approved.
- Granting the application – **application is granted**
Motion made by Jimmie Pugh, Arnold Headen seconded, and majority approved.

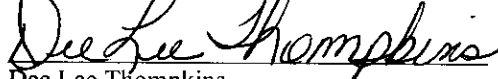
Agenda Item V

Other Business

With no further business, Jimmie Pugh made a motion for adjournment at 8:40 p.m., a second from Arnold Headen followed by unanimous consent.


Joel Hunnicutt
Chairman

ATTEST:


Dee Lee Thompkins
Recording Secretary

**Board of Adjustment Meeting Minutes
September 13, 1999**

The Siler City Board of Adjustment met on Monday, September 13, 1999 at 7:13 p.m. Minutes of August 9, 1999 meeting were unanimously approved by a motion from Jimmie Pugh and seconded by Leota Thompson.

Members Present

Joel Hunnicutt, Chairman
Arnold Headen, Vice Chairman (seated at 7:35 p.m.)
Pat Lowman
Leota Thompson
Jimmie Pugh
John Brown

Members Absent

Cindy B. Bray, Alternate
James Patterson

Staff Present

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

BUSINESS SESSION

Agenda Item III

A. Appeal – Tommy Duncan

Bernard Rogers reported Mr. Tommy Duncan requests an appeal from a decision of the Zoning Enforcement Officer. Mr. Duncan wishes to operate a motor vehicle sales lot in an Agricultural-Residential district. The site is located at 17320 Hwy. 64 West. There is an existing home on the 2.56 acre tract.

On July 23, 1999 staff informed Mr. Duncan that he was in violation of Article X of the Town's Unified Development Ordinance. Article X prohibits motor vehicle sales in areas other than commercial zoning districts. A copy of this section was provided for his reference. Mr. Duncan requested that he be allowed to operate a Rural Home Occupation. Staff interpreted the definition of Rural Home Occupation to exclude uses that require activity or storage outside an enclosed building. Please note the difference between a Rural Home Occupation and a Home Occupation. A Rural Home Occupation allows business to be conducted within a separate building, rather than only inside the home. Based on the two definitions staff concluded that the intent of the Home Occupation/Rural Home Occupation is to allow business as long as there is no external impact on the surrounding residential area. It is staff's opinion that Mr. Duncan's proposed use will have a visual impact and is identical to any other commercial auto sales lot. Thus, in my opinion the proposed use does not qualify as a Rural Home Occupation.

Mr. Duncan was notified to correct this violation immediately. He was also informed that he had a right to appeal my decision to the Siler City Board of Adjustment within fifteen days of the receipt of his letter.

Mr. Rogers directed the Board to two letters he had received from adjoining property owners stating their opposition to the car lot. He also received three phone calls from members of the church across the road voicing their opposition.

Staff requests that the Board of Adjustment affirm or reverse the appealed decision.

Board of Adjustment Minutes

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Discussion

Mr. Hunnicutt opens the meeting for public comments. Mr. Tommy Duncan (5383 Snow Camp Road) was sworn in. Mr. Duncan stated he had to move his car lot from his previous location because the property was sold. When he moved to his present location he thought he was outside the city limits and under the county zoning where you can have a car lot in a residential zoning district. Mr. Duncan asked the Board to table the appeal until next month so he could apply for a rezoning. If the Board upholds Mr. Rogers' ruling then he will have to move his cars tomorrow off of the property.

Mr. Hunnicutt directed the Board to Article X of the ordinance. A car lot is not a permissible use in the A-R zoning district.

Mr. Morgan informed the Board for someone to qualify for a home occupation that you have to reside on the property.

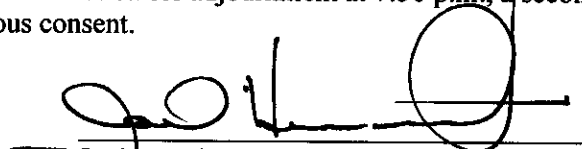
Jimmie Pugh stated his intention is not to deny a person his livelihood but you have to try to keep harmony in the community. A car lot is totally out of character for this neighborhood.

Mr. Hunnicutt asked for a motion to affirm or reverse Mr. Rogers ruling. Jimmie Pugh made a motion to affirm Mr. Rogers ruling. Arnold Headen seconded, followed by unanimous consent.


Agenda Item V

Other Business

With no further business, Jimmie Pugh made a motion for adjournment at 7:50 p.m., a second from Arnold Headen followed by unanimous consent.


Joel Hunnicutt
Chairman

ATTEST:


Dee Lee Thompkins
Recording Secretary

**Board of Adjustment Meeting Minutes
October 11, 1999**

The Siler City Board of Adjustment met on Monday, October 11, 1999 at 7:10 p.m. in the Siler City Court Room at City Hall. Minutes of September 13, 1999 meeting were unanimously approved by a motion from Arnold Headen and seconded by Leota Thompson

Members Present

Joel Hunnicutt, Chairman
Arnold Headen, Vice Chairman
James Patterson
Leota Thompson
Pat Lowman
Jimmie Pugh
Cindy B. Bray, Alternate

Members Absent

John Brown

Staff Present

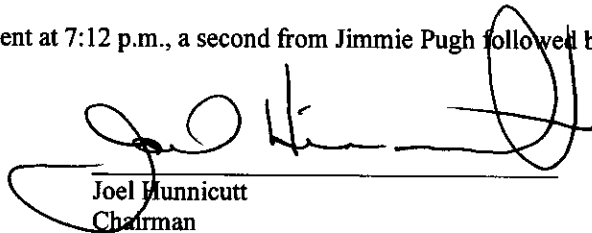
H. Bernard Rogers, Planning Director
William C. Morgan, Town Attorney

BUSINESS SESSION

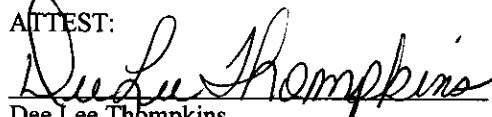
Agenda Item III

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

James Patterson made a motion for adjournment at 7:12 p.m., a second from Jimmie Pugh followed by unanimous consent.


Joel Hunnicutt
Chairman

ATTEST:


Dee Lee Thompkins
Recording Secretary

**Board of Adjustment Meeting Minutes
November 8, 1999**

The Siler City Board of Adjustment met on Monday, November 8, 1999 at 7:07 p.m. Minutes of October 11, 1999 meeting were unanimously approved by a motion from Jimmie Pugh and seconded by Arnold Headen.

Members Present

Joel Hunnicutt, Chairman
Arnold Headen, Vice Chairman
James Patterson
Pat Lowman
Jimmie Pugh
John Brown
Cindy B. Bray, Alternate

Members Absent

Leota Thompson

Staff Present

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

BUSINESS SESSION

Agenda Item III

Special Use Permit Request

A. SUP-001-99 – General Tower

Planning Chairman Joel Hunnicutt declared the public hearing *open* and swore in Mr. James Hilton representative for General Tower.

Mr. Hilton explained to the board General Tower is looking to lease the Walter Armstrong property to construct a 190' telecommunication tower. They will have a twenty-year lease with two five-year renewal term. The tower will have capability for four carriers. They have been approved by the FAA for a 200' tower and have their FCC license for the site. AT&T is a prospective tenant and they are working with another tenant from Dallas. The erection of the tower will offer this area better rates and more services.

Arnold Headen asked if there was a leak at the water tower if there were any type of risk of radioactivity and if they have any other towers in North Carolina?

Mr. Hilton responded there will be no risk with the tower and they have five other towers in North Carolina.

Dennis Hahn (2240 Buckner Clark Road, Pittsboro) was sworn in. Mr. Hahn told the board he was a pilot that flies out of the Siler City Airport and he expressed the danger and his concerns to the board about the tower being unlighted. He feels like the light would add one extra measure of safety.

Mr. Hilton told the board General Tower would install the lighting on the tower if required.

Bernard Rogers reported General Tower requests a Special Use Permit to construct a telecommunication tower. The structure will be located on the west side of North Second Avenue Extension and .5 miles north of Hwy. 64. The proposed 200 foot self supporting tower and all associated structures will be enclosed in a 80'X60' fenced area. Please see the enclosed proposal submitted by General Tower, for more detail about the project.

The proposed tower site is located within the northern approach to the Town's Municipal Airport. The Federal Aviation Administration has determined that the structure is not a hazard to air navigation.

However, the Town's Airport Hazard Ordinance height restrictions require that the tower be lowered to approximately 190 feet above ground level.

Board of Adjustment Minutes

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Staff feels the location is appropriate, due to its remote location. The site is over 1,000 feet from any street right-of-way, and in a currently undeveloped area.

Staff recommends approval upon satisfaction of the following conditions:

- The applicant shall provide a USGS map with precision instrument approach overlay and accurate location of proposed tower.
- The applicant shall provide an accurate calculation of maximum tower height with no penetration of the precision instrument approach surface (includes tower and lightning rods).
- The applicant shall provide proof of access easement.
- Tower shall have lighting that meets the FAA requirements for towers over 200 feet.

You may agree with staff's recommendation or propose your own recommendation and conditions refer to Section 55 of the UDO, which pertains to adding conditions. For your convenience a SUP worksheet is attached. The worksheet will help you determine whether to deny or approve the proposed special use permit.

Board action is requested at this time.

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

- Completeness of application – application was complete.
Motion made by James Patterson, John Brown seconded, and majority approved.
- Compliance with the ordinance requirements – application complies with all applicable requirement of Unified Development Ordinance.
Motion made by Arnold Headen, Jimmie Pugh 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.
 - The applicant shall provide a USGS map with precision instrument approach overlay and accurate location of proposed tower.
 - The applicant shall provide an accurate calculation of maximum tower height with no penetration of the precision instrument approach surface (includes tower and lightning rods).
 - The applicant shall provide proof of access easement.
 - Tower shall have lighting that meets the FAA requirements for towers over 200 feet.
Motion made by John Brown, Pat Lowman seconded, and majority approved.
- Granting the application – application is granted subject to above conditions.
Motion made by James Patterson, Jimmie Pugh seconded, and majority approved.

Special Use Permit Request

B. SUP-003-99 – Ray McMahon

Planning Chairman Joel Hunnicutt declared the public hearing *open* and swore in Mr. Ray McMahon.

Mr. McMahon (1202 East 11th Street, Siler City) stated he wanted to add a couple of billiard tables to his business. He already has several video games with no problems and has had several requests for billiard tables from his customers. He is open six days a week from 9:30 a.m. to 11:00 p.m. at the latest.

Bernard Rogers reported Mr. Ray McMahon requests a special use permit to operate a game room. The property is located at 1202 East 11th Street and zoned Highway-Commercial. Mr. McMahon has adequately completed an application for a special use permit.

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The applicant's location is an existing building, which is currently used for TV repair. The applicant operates seven electronic games within his current business. However, a special use permit is required when billiard tables will be present. Staff does not feel the addition of billiard tables will be a substantial deviation from the existing activity.

Staff recommends approval of the special use permit request subject to the following condition:

- Building Inspector to inspect premises to make sure there are no safety hazards in the game room area.

You may agree with staff's recommendation or propose your own recommendation and conditions. For your convenience a SUP worksheet is attached. The worksheet will help you determine whether to deny or approve the proposed special use permit.

Board action is requested at this time.

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

- Completeness of application – application was complete.
Motion made by Jimmie Pugh, John Brown seconded, and majority approved.
- Compliance with the ordinance requirements – application complies with all applicable requirement of Unified Development Ordinance.
Motion made by Jimmie Pugh, 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.**
 - **Building Inspector to inspect premises to make sure there are no safety hazards in the game room area.**
 - **Must close by midnight.**
- Granting the application – **application is granted subject to above conditions.**
Motion made by Jimmie Pugh, John Brown seconded, and majority approved.

Special Use Permit Request

C. SUP-004-99 – E. F. Evans Construction Co.

Planning Chairman Joel Hunnicutt declared the public hearing *open* and swore in Mr. Ernie Evans, Jimmy Brower, Ernest Rickman, Judy McNeil, and Cindy Fesmire Shaw.

Mr. Ernie Evans (500 Kirkman Ford Rd, Siler City) stated they are proposing a 12 unit retirement type community. The homes will sell for approximately in the mid \$120,000.00 and will be owner occupied and maintained by the homeowner's association. Each resident will pay a maintenance fee to the association to maintain the property. Units will be brick face front, with 1,400 to 1,700 square feet with two bedrooms, two baths, and a two car garage with two parking spaces. The site will be filled in with dirt and have a walking trail with a couple of bridges. Mr. Evans explained he has been developing in Homewood Acres since 1977 and feels like this community will be a benefit to the neighborhood and not hurt the value of adjoining property owners.

Jimmy Brower (509 West 10th Street, Siler City) explained he had two lots that adjoin this property and he expressed concerns about the development not being single family detached homes and the swampy nature of the property.

Arnold Headen stated that Homewood Acres is a very nice neighborhood and he personally would not want to vote for anything that will bring down the neighborhood.

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Judy McNeil (809 Tanglewood Drive, Siler City) stated she was opposed to apartment type housing across the street from her and expressed concerns about the swampiness of the property.

Ernest Rickman (901 Tanglewood Drive, Siler City) stated he has \$150,000.00 in his home and if these homes are \$125,000.00 they will hurt the value of his home.

Cindy Fesmire Shaw (1010 Cliftwood Drive, Siler City) stated before she bought the two lots that she now owns on Candlewood she was looking to purchase a condominium. She feels there is a need for condominiums in Siler City for single, widows and one person homes. If the price will stay at the minimum \$120,00.00 you will be getting the nice neighbors.

Planning Chairman Joel Hunnicutt declared the public hearing close and turn the meeting over to Planning Director Bernard Rogers.

Mr. Rogers reported E. F. Evans requests a special use permit in order to develop a private multi-family town house complex. The proposed development will consist of four buildings with three units each. The site is located in Homewood Acres between Tanglewood Drive and North Glenn Street. Mr. Evans' application, dated August 24, 1999 was reviewed and deemed complete by staff.

Mr. Evans' preliminary site plan has been reviewed. The site plan complies with all density and dimensional requirements of the Siler City Unified Development Ordinance.

The town's water and sewer are currently available to the site. The site also has access to two Town Maintained streets. Storm water on the site will sheet flow to a natural drainage ditch to the rear of the units. The Public Works Director has indicated concerns regarding storm water facilities in the right-of-way, and requests further review to resolve this issue.

Staff recommends approval of the special use permit request subject to the following conditions:

- Storm water facilities must be to the Public Works Director's satisfaction prior to issuance of any permits or starting site work.
- Legal documentation identifying the entity responsible for control and maintenance over common area to be reviewed by Town Attorney.
- Erosion Control plan must be submitted and approved prior to starting site work.

Please review the applicants' site plan. You may agree with staff's recommendation or propose your own recommendation and conditions. For your convenience a SUP worksheet is attached. The worksheet will help you determine whether to deny or approve the proposed special use permit.

Board action is requested at this time.

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

- Completeness of application – application was complete.
Motion made by Jimmie Pugh, Pat Lowman seconded, and majority approved.
- Compliance with the ordinance requirements – application complies with all applicable requirement of Unified Development Ordinance.
Motion made by John Brown, Jimmie Pugh 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.**
 - **Storm water facilities must be to the Public Works Director's satisfaction prior to issuance of any permits or starting site work.**

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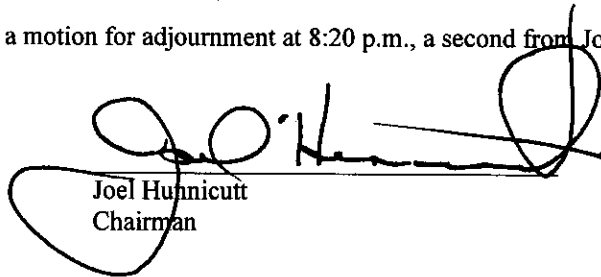
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- **Legal documentation identifying the entity responsible for control and maintenance over common area to be reviewed by Town Attorney.**
- **Erosion Control Plan must be submitted and approved prior to starting site work.**
- **Granting the application – application is granted subject to above conditions.**
Motion made by Jimmie Pugh, John Brown seconded, and five voting in favor with Arnold Headen opposed.

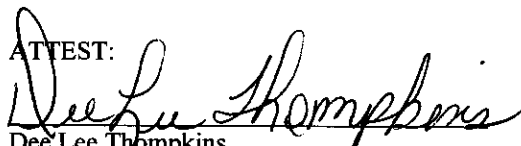
Agenda Item V

Other Business

With no further business, Jimmie Pugh made a motion for adjournment at 8:20 p.m., a second from John Brown followed by unanimous consent.



Joel Hunnicutt
Chairman

ATTEST:

Dee'Lee Thompkins
Recording Secretary

**Board of Adjustment Meeting Minutes
December 13, 1999**

The Siler City Board of Adjustment met on Monday, December 13, 1999 at 7:40 p.m. Minutes of November 8, 1999 meeting were unanimously approved by a motion from James Patterson and seconded by Jimmie Pugh.

Members Present

Joel Hunnicutt, Chairman
Arnold Headen, Vice Chairman
James Patterson
Leota Thompson
Pat Lowman
Jimmie Pugh
John Brown
Cindy B. Bray, Alternate

Members Absent

Staff Present

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

Town Board Present

Helen Buckner, Town Commissioner

BUSINESS SESSION

Agenda Item III

A. Appeal – Richard Vanderford

Joel Hunnicutt, Planning Board Chairman swore in Bernard Rogers, Planning Director and Mr. Richard Vanderford.

Bernard Rogers reported Mr. Richard Vanderford requests an appeal from a decision of the Zoning Enforcement Officer. Mr. Vanderford wishes to occupy a travel trailer for residential purposes in a Highway-Commercial zoning district. The site is located at 725 Greensboro Avenue.

On November 15, 1999 staff informed Mr. Vanderford that he was in violation of Article X of the Town's Unified Development Ordinance. Article X prohibits travel trailers as a permitted residential dwelling in Highway-Commercial zoning districts. A copy of this section was provided for his reference. Mr. Vanderford stated that he should be allowed to occupy a travel trailer as a night watch facility at his business, because he thinks the ordinance is very vague. He also alleges that the UDO does not say anything definite about campers being used for or at a business.

Staff feels the ordinance is very clear, regarding travel trailers in commercial district. Subsection 139(C)(3) of Article X specifically prohibits travel trailers as a temporary or permanent residence in all districts. The UDO definition of Temporary Emergency, Construction, or Repair Residence includes structures used for on-site security. Thus, the prohibition described in subsection 139(C)(3) applies to Mr. Vanderford's situation.

Staff requests that the Board of Adjustment affirm or reverse the appealed decision.

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Discussion

Mr. Vanderford stated he has the travel trailer for security purposes at night and also it provides a place for the gentleman to live that may otherwise be on the streets.

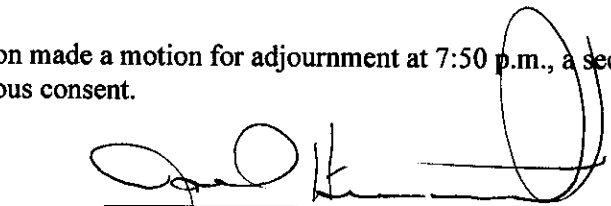
Mr. Hunnicutt stated that our ordinance is clear concerning travel trailers and likes to apply the ordinance fairly.

Mr. Hunnicutt asked for a motion to affirm or reverse Mr. Rogers ruling. John Brown made a motion to affirm Mr. Rogers ruling. Arnold Headen seconded, followed by unanimous consent.

Agenda Item V


Other Business

With no further business, James Patterson made a motion for adjournment at 7:50 p.m., a second from Jimmie Pugh followed by unanimous consent.



Joel Hunnicutt
Chairman

ATTEST:



Dee Lee Thompkins
Recording Secretary