

**Town of Siler City Board of Adjustment  
March 14, 2011 Meeting Minutes**

The Siler City Board of Adjustment met on Monday, March 14, 2011 at 7:00 p.m. Harold Hart called the meeting to order and Mickey Pore gave the invocation. Mr. Hart asked for a motion to approve the minutes of December 13, 2010. *Motion made by JP Joyner, Richard Caviness seconded, followed by unanimous consent.*

**MEMBERS PRESENT:** Richard Caviness, Harold Hart (Chair), Dacia Hayes, JP Joyner, Wallace Matthews, Dan McMasters, Patty Poe, and Mickey Pore (Vice Chair)

**MEMBERS ABSENT:** Vicky Tobar

**ELECTED OFFICIALS PRESENT:** Commissioner Tony Siler

**STAFF PRESENT:** William C. Morgan (Town Attorney), Jack Meadows (Planning Director), and Dee Lee Thompkins (Administrative Support Specialist)

**SPECIAL EXCEPTION PERMIT:** Mr. Hart explained that all testimony given tonight will have to be sworn in. Commissioner Tony Siler and Jack Meadows were sworn in. Mr. Hart declared the public hearing open.

**Planning Director's Report:** Mr. Meadows reported that Selena Shoffner-Alston requests a special exception permit to allow a five feet reduction into the required side yard building setback. The request is for an 18' x 40' detached metal car shelter. The subject property is located at 616 East Fifth Street and is further identified as Tax Parcel Number 16869.

Mr. Meadows explained the applicant is requesting the side yard setback be reduced to five feet from the northern property line, which is a fifty percent reduction.

Mr. Meadows reported 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 proposed storage building is more than ten feet from a building that is located on an adjacent lot.

Mr. Meadows added 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.

**Staff Recommendation:** Mr. Meadows stated 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; and
2. Obtain required zoning and building permits.

**Discussion:** Commissioner Tony Siler spoke on behalf of Selena Shoffner-Alston. Commissioner Siler stated that Mrs. Shoffner-Alston obtained approval in 1997 for one shed and added a second shed in 2010. Commissioner Siler asked why is the Town asking for a permit now. Commissioner Siler explained that Mrs. Shoffner-Alston always keeps a nice yard.

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

**Worksheet**

- I. The application was complete  
*Motion made by Dan McMasters, Wallace Matthews seconded followed by unanimous consent.*
- II. The application complies with all applicable required findings  
*Motion made by Dan McMasters, Richard Caviness seconded followed by unanimous consent.*

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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. Obtain required zoning and building permits.

*Motion made by Dan McMasters, JP Joyner seconded followed by unanimous consent.*

IV. The permit is recommended for approval with conditions

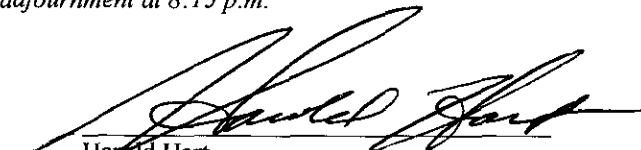
*Motion made by Wallace Matthews, Richard Caviness seconded, followed by unanimous*

**VARIANCE AND APPEAL WORKSHOP:** Mr. Morgan explained that a variance is the primary reason that the Board of Adjustment exists. Hearing a variance is the Board's most important function and a variance should be very difficult to obtain. He explained that the board is representing everyone and the board should reserve the granting of a variance to extreme situations. The board will know when it is an extreme situation because the applicant cannot make any other use of their property. When the board grants a variance the board is allowing the applicant to do something that is against the law (ordinance) or that is not allowed for all other people. The board should look at variances very critically. A variance should be very hard to obtain because you are making an exception for one person. Mr. Morgan stated that it is the responsibility of the applicant to provide evidence to support their request. A variance should not be granted if the hardship is the result of the applicant's own actions. Spending money is not a hardship (ex. New York City skyscraper case). State law requires a 4/5 majority vote to grant a variance.

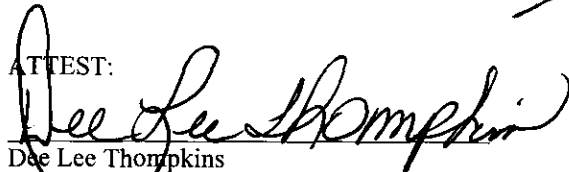
Mr. Morgan explained that an applicant can appeal a decision that has been made by Town staff. The responsibility of the board is to determine if staff has interpreted the ordinance correctly or incorrectly. Mr. Morgan stated that Mr. Meadows typically consults with him before rendering a difficult decision.

**PLANNING ACTIVITY UPDATE:** Mr. Meadows reviewed the planning activity update memo with the board members.

**MEETING ADJOUNED:** With no further business, *motion was made by Mickey Pore, JP Joyner seconded, followed by unanimous consent for adjournment at 8:15 p.m.*



Harold Hart  
Chair

ATTEST:  


Dee Lee Thompkins  
Recording Secretary