

**Town of Siler City Board of Adjustment
July 12, 2010 Meeting Minutes**

The Siler City Board of Adjustment met on Monday, July 12, 2010 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 June 14, 2010. *Motion made by Mickey Pore, Richard Caviness seconded, followed by unanimous consent.*

Members Present

Harold Hart, Chair
Mickey Pore, Vice Chair
Richard Caviness
Dan McMasters
Vicky Tobar
JP Joyner
Dacia Hayes
Patty Poe, Alternate

Members Absent

Staff Present

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

BUSINESS SESSION

Agenda Item IV – Special Use Permit – 1121 East 11th Street – Internet Sweepstakes

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

Mr. Meadows reported that Rick Earnhardt of Siler Biz Center requests a special use permit for an internet sweepstakes business in the H-C zoning district. The subject property is located at 1121 East 11th Street.

Mr. Meadows stated that the subject property is:

1. is owned by MAJAJA Siler City, LLC - James A. Stewart;
2. is served by Town water and sewer;
3. is located within the Corporate Limits;
4. is surrounded by H-C and R-6 zoning;
5. is surrounded by the following land uses; retail, vacant, mobile homes, site built homes, multifamily, and service use;
6. includes an existing building 80' x 185' - 14,800 square feet that contains Family Dollar and Aaron's.

Mr. Meadows added that the proposed use will:

1. occupy ~2,291 square feet
2. have 40 computers
3. require 14 parking spaces - propose 2-3 additional parking spaces within the Andy's drive thru
4. 2-3 employees on a maximum shift 0 6-10 total employees
5. operate 24 hours, 7 days a week

Mr. Meadows reported that the Land Development Plan recommends general commercial development for the subject property.

1. Encourage attractive commercial development in appropriate locations suitable for commercial purposes.
2. Improve the appearance of commercial properties abutting major thoroughfares by providing landscaping to buffer parking lots and service areas.
3. Encourage the continued development of major shopping centers along major thoroughfares.

Mr. Meadows reported that the application is complete and the proposal meets the development criteria of the UDO. Based on the information received at this time, Staff recommends approval.

Mr. Meadows added that the following conditions are recommended:

1. Record the special use permit with the Chatham County Register of Deeds
2. Obtain zoning permit from the Siler City Planning Department
3. Obtain sign permits for any outdoor signage/advertising (if applicable) from the Siler City Planning Department
4. Install Type C Screen - 5 trees along the property boundary with East 11th Street - new trees located underneath overhead electric lines must be shorter than OEL at full maturity

Discussion

Patty Poe asked Mr. Earnhardt what was the status of the bill to ban sweepstakes parlors. Dacia Haynes added that the senate voted 86 to 27 to outlaw the parlors. Mr. Earnhardt replied that the bill is on the Governor's desk waiting to be signed and when the bill is signed it will go into effect December 1, 2010. Mr. Morgan added that the way this bill has been handled there will probably be some type of legal challenge if it is signed. Mr. Earnhardt stated that he was all for regulating and taxing this industry.

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

Special Use Worksheet

I. Application is complete

Motion made by Patty Poe, Dan McMasters seconded followed by unanimous consent.

II. The application complies with all applicable requirements of the Unified Development Ordinance

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

III. Conditions

1. Record the special use permit with the Chatham County Register of Deeds
2. Obtain zoning permit from the Siler City Planning Department
3. Obtain sign permits for any outdoor signage/advertising (if applicable) from the Siler City Planning Department
4. Install Type C Screen - 5 trees along the property boundary with East 11th Street - new trees located underneath overhead electric lines must be shorter than OEL at full maturity

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

IV. Approve the permit

Motion made by Dan McMasters, JP Joyner seconded, followed by unanimous

Agenda Item V – Special Use Permit – Camelia Avenue – Manufactured Home

Mr. Hart explained to the members that all testimony given tonight will have to be sworn in. Mr. Larry Marsh and Mr. Danny Powers were then sworn in.

Mr. Meadows reported Larry D. Marsh requests a special use permit for a manufactured home in the R-6 zoning district. The subject property is located along the western side of Camelia Avenue.

Mr. Meadows stated that the subject property is:

1. owned by Larry D. Marsh;
2. served by Town water and sewer;
3. located within the Corporate Limits;
4. surrounded by R-6 and L-I zoning;
5. surrounded by the following land uses; site built homes and vacant;
6. currently vacant;
7. located just west of the railroad;
8. within a vegetative buffer

Definition of Manufactured Home. A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- a. the minimum width of a home shall be 22 feet heated living space.
- b. the pitch of the home's roof has a minimum vertical rise of three feet for each twelve feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- c. the exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
- d. a continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home;
- e. the tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
- f. the home shall be placed so that the apparent entrance or front of the home faces or parallels the principal street frontage, except where the lot size exceeds one acre.

Mr. Meadows stated that the Land Development Plan recommends general residential development for the subject property.

1. Promote the development of high quality housing in varying types and costs to meet the demands of all income levels and age groups.
2. Maintain the integrity of existing neighborhoods.
3. Encourage the continual development of affordable housing on individual lots.
4. Continue to promote a variety of housing types to meet the demand of citizens from various economic levels.
5. Encourage in-fill development in established residential areas.

Mr. Meadows reported that the application is complete and the proposal meets the development criteria of the UDO. Based on the information received at this time, Staff recommends approval.

Mr. Meadows stated that the following conditions are recommended by staff:

1. Record the special use permit with the Chatham County Register of Deeds;
2. Obtain zoning and building permit.

Discussion

Richard Caviness asked if there were any other mobile homes in this area. Mr. Meadows replied that all the homes were site built.

Danny Powers stated that he would like to speak in opposition because there are no mobile homes in that area. If you allow one where does it stop at? There is a three acre field on the south side of West 5th Street and a large wooded area on the north side of West 6th Street that is empty right now. He said that he did not personally have anything against Mr. Marsh, but where does it stop if you allow one in. Mr. Powers stated that Happy Holler has 14 and Lincoln Heights has 75. He said that it does not fit the neighborhood. The neighborhood is already in decline and you are just going to have more deterioration in property values. We just don't know where it is going to stop. Does it stop with one or ten? There is plenty of room around it. Does it stop with the house across the street if it catches on fire, burns down, is not insured, and the owner decides to bring in a mobile home? Where does it stop at?

Larry Marsh reported that he owns a lot of rental property in Siler City. The property that he owns was run down when he bought it, but made lots of improvements afterwards. He stated that his reputation speaks for itself. Mr. Marsh explained the reason he wants to put a double wide mobile home on the property is to keep the cost down since it is rental property. He added that he would put brick underpinning and a small porch on the home. JP Joyner asked if the mobile home was a new one? Mr. Marsh replied that it was a late model used one. Vicky Tobar asked if Mr. Marsh would consider a modular home? Mr. Marsh stated that the cost for a modular is too high.

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

Special Use Worksheet

- I. Application is complete
Motion made by Dan McMasters, JP Joyner seconded and the Board voted 6-1 (Richard Caviness voted no).

- II. Application complies with all applicable requirements of the Unified Development Ordinance
Motion made by Dan McMasters, Mickey Pore seconded followed by unanimous consent.

- III. Conditions
 1. Record the special use permit with the Chatham County Register of Deeds;
 2. Obtain zoning and building permit.*Motion made by Dan McMasters, Patty Poe seconded and the Board voted 4-3 (Richard Caviness, Dacia Hayes and JP Joyner voted no).*

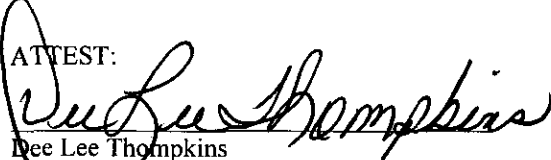
- IV. Approve the permit
Motion made by Dan McMasters, Mickey Pore seconded and the Board voted 2-5 (Richard Caviness, Dacia Hayes, JP Joyner, Patty Poe and Harold Hart voted no).

- V. Deny the permit
 1. Application will materially injure the value of adjoining or abutting property and
 2. Application will not be in harmony with the area in which it is located*Motion made by Patty Poe for the fact that it is a neighborhood with no other structure of that type and it opens a can of worms, Dacia Hayes seconded and the Board voted 5-2 (Dan McMasters and Mickey Pore voted no).*

Agenda Item IV - Other Business

With no further business, *motion was made by Dan McMasters, JP Joyner seconded, followed by unanimous consent for adjournment at 7:53 p.m.*


Mickey Pore, Vice Chair

ATTEST:

Dee Lee Thompkins
Recording Secretary