

**Board of Adjustment Meeting Minutes  
January 10, 2000**

The Siler City Board of Adjustment met on Monday, January 10, 2000 at 7:00 p.m. Joel Hunnicutt called the meeting to order and Arnold Headen gave the invocation. Minutes of December 13, 1999 meeting were unanimously approved by a motion from Arnold Headen and seconded by Jimmie Pugh.

**Members Present**

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

**Members Absent**

James Patterson

**Staff Present**

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

**BUSINESS SESSION**

**Agenda Item III**

**A. Appeal – T&S Investors**

Joel Hunnicutt, Planning Board Chairman stated since Mr. Morgan, Town Attorney is involved with the appeal he will not be acting as counsel tonight that Mr. David M. Rook, III, Attorney will be counsel for the Board of Adjustment meeting. Mr. Hunnicutt swore in Bernard Rogers, Planning Director, William Morgan, Town Attorney, and Dennis Sawyer.

Mr. Rogers reported T&S Investors is appealing from the revocation of seven mobile home permits on November 2, 1999. As you are all aware the Board of Commissioners granted a Conditional Use Permit (CUP) for a major subdivision requested by T&S Investors on August 2, 1999. The CUP was the first step in the Town's two step subdivision process. Minutes from the public hearing, Planning Board review, and Town Board decision are attached. Also attached is the actual "Conditional Use Permit Granted" document. All conditions added to the development are detailed on the above document.

The Towns normal procedure requires developers to fulfill all conditions prior to final approval [the second step] of a major subdivision request. However, the Town Board can give authorization to complete imposed conditions based on a specified timetable. No such authorization was granted by the Town Board. Please note, conditions three (3), four (4), five (5), and six (6) are Unified Development Ordinance requirements. Whereas, conditions seven (7) through ten (10) are additional requirements imposed by the Board of Commissioners. Following final approval, the Planning and Building Inspections Departments authorize the placement of homes on the approved lots.

Mr. Rogers indicated that on October 5 and 8, 1999, during his absence the Planning Department Administrative Assistant issued a total of seven mobile home permits in error. The above permits authorized the placement of manufactured homes on the T&S Investors' property. Mr. Rogers immediately contacted Mr. Dennis Sawyer to make him aware that all conditions had not been satisfied and final approval was not granted. In addition a letter revoking the erroneously issued permits was mailed on November 2, 1999. T&S Investors' written notice of appeal is attached.

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

**Discussion**

Mr. Hoyt Tessener, Attorney for T&S Associates stated they understand they have to complete all the conditions on the conditional use permit (CUP) then come back to the Board for a final plat approval before they use the property for rental use. They did not realize there was any sequence to the CUP and there was no discussion about having to complete all the conditions before they could obtain any mobile home permits. He stated he was not hired to be here tonight that he was Tessener with T&S Investors and his father-in-law is Dennis Sawyer who is also a partner with T&S along with Mr. Sawyer's son. This is a family operation and the register agent is in Raleigh. He explained that Mr. Rogers, Planning Director, has been very helpful as they have gone through this process. The situation they find themselves in is they made the decision that it would be easier if they get the mobile homes on the property before they complete a lot of the conditions like paving the road and seeding the grass. They felt like if they did all the conditions first and then brought the mobile homes in they would tear up the roads and the grass. They knew they had to complete all the conditions before they occupied or rented the mobile homes. They came to the Planning Department on October 5 and October 8, 1999 and the mobile home permits were issued and they relied on the permits and started work. On November 2, 1999 the permits were revoked. The county has since implemented an impact fee of \$1,500 per dwelling. The situation they found themselves in is if the permits are revoked they will have to pay the impact fee for seven mobile homes and this just does not seem fair. Also section 43 of the Ordinance which the Town referred to in the letter revoking the permits does not apply to mobile home permits it applies to a CUP which has not been revoked. But the situation with the mobile home permits states we are not to use it for our intended use, we are not to occupy it, nor to sell any lots. He stated they are not going to do any of that nor can they do any of that and he would submit to the Board that if they did do any one of these things before final plat approval then the Town has every right to revoke our CUP.

Dennis Sawyer stated he started this project in June 1998 and has gone through the process and at no time was it ever mentioned to him that they had to do everything before they could put a mobile home on the property. He does not feel it reasonable to put a park in a year before anyone can live in the homes. Also to take a half of acre for the septic tank and then have to redo it when we setup the mobile homes. He stated if they had known to prioritize this they would have done it. Now they are in a "Catch 22" with the impact fees. The end result is going to be a nice park with everything done.

William Morgan informed the Board he was directly involved with the revocation of the permits. On the first of November he got a call from Mr. Brower, Town Manager, explaining that the permits had been issued prior to final plat approval. His advice to Mr. Brower was to immediately revoke the permits because the ordinance does not authorize us to issue any permits before final plat approval. We are bound to the ordinance just like the Town is bound by the ordinance and this is the same ordinance that applies to the developer. Every developer has to comply with the CUP ordinance. Mr. Morgan stated he has ridden through a lot of subdivisions with nice paved streets and lots with green grass and no houses yet and thought this is all going to be torn up when they do the homes but this is just the way the ordinance is written. He hopes everyone reviews his letter that was in their agenda that he sent to Attorney Hoyt Tessener and Michael Sawyer who has been advising the applicant. The letter is the Town's written response to the appeal. Mr. Morgan explained there are two ways you can apply for a mobile home rental community under our ordinance. One way is to apply for a zoning, special use or a conditional use permit and do it as a rental community on one big lot. The second is to do a subdivision. In this case they could only apply for a subdivision because under our manufactured home rental community ordinance you have to have city water and sewer which city water and sewer is not available on this property. On a subdivision the only way you can get final plat approval is to show that all the conditions of the CUP have been completed and no permits can be issued until you have final plat approval. The CUP authorizes you to put in your roads and anything else the ordinance requires. You do not have separate lots until you file for final plat approval and the Town does not give final plat approval until all the conditions on the CUP have been completed. By the permits being issued erroneously it authorizes them to put seven mobile homes on one lot, which is in violation of our ordinance. This is an unfortunate situation because of the interplay of the impact fee and there is a lot of money involved but this is a county fee and the Town does not receive any of the fee, all the money goes to the County School Board. We are not asking them to remove the homes at this time. In regards to the applicant not knowing the requirements he could appreciate that because they are not like professional developers who have an engineer coming in and doing all this for them and so forth. Never the less everyone is charged with knowing what the ordinance requires. Final plat approval is insuring everything is done. Mr. Rogers is applying the ordinance equally to all the developers.

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Mr. Tessener responded that we get into the legal argument and that is something he has not addressed. He stated that they are charged in knowing the ordinance and it is clear to read and the ordinance does not apply to their situation. In the letter dated January 6 from Mr. Morgan, he talks about the revocation of the permits and Mr. Tessener does not see anywhere in the ordinance that it authorizes the revocation of mobile home permits. It does talk about the revocation of a CUP. He feels like we are arguing about the same thing. Section 64 of the ordinance under subdivision and final plat approval talks about two things, improvement to the land authorized by the CUP, which they are trying to do and second you cannot sell any lots until after final plat approval. The ordinance states you have to have final plat and a CUP before you can sell any lots and they have not sold any lots. If they had sold any lots then under section 64 you could revoke their permits. The revocation letter that they received referenced section 43, which states no occupancy, use or sale of lots until requirements fulfilled. Again this talks about the intended use not be commenced which they have not done, no building occupied, which none are and no lots sold, which they have not sold any lots. The only thing they have done is to get mobile home permits to bring the homes on the property and there is nothing in the ordinance that states they cannot get the permits. So they have not violated the ordinance. If they had violated any of the provisions then we could revoke their CUP. The ordinance only talks about the CUP and that what provides the door with the authority to police any of these developers. If the situation arises that someone wants to rent or sell the property before they get their final plat approval then they could apply for a special exception and they did not come and ask for the special exception because they are not selling, renting or occupying the property. The situation they have found themselves in is like essentially a breach of contract. We came in and paid our money for the mobile home permits and we got the permits and we are doing what we were suppose to be doing and all of a sudden the Town comes and says we have made a mistake and it is going to cost you \$9,500.00. The provision that the ordinance talks about does not apply to their situation. They will get final plat approval before they do any one of the three things the ordinance talks about and if they did try to rent, sell, or occupy the property then their CUP should be revoked and they would not have any grounds to appeal. He just asked the Board to look at their situation and the actual ordinance, which just does not apply to their situation. He stated they would hold the permits in escrow and they will complete their conditions in any order. The situation they find themselves in is at no fault of their own, outside of trying to comply with everything within this ordinance they are also looking at a fee of \$9,500.00. He then thanked the Board for their consideration.

Mr. Sawyer added after they put the mobile home on the property they still do not have occupancy rights. There are inspections for the septic tank, tie downs, plumbing, heating and air condition and even a final inspection to see if the house numbers are put on the home. Only after the home has passed all these inspections is when the Town will let them have power to the home for them to occupy. There are three or four more protections before they can occupy the home.

Mr. Rooks, Attorney advised the Board the issues they have to look at is if the permits were issued in violation of the ordinance and if the Planning Director was correct in revoking the permits.

Joel Hunnicutt, Planning Chairman reviewed with the Board Mr. Morgan's letter dated 1-6-2000. He stated what Mr. Morgan is maintaining is seven mobile home permits have been issued for one piece of land. Because the developers have not completed all their conditions on their CUP they cannot get their final plat approval to subdivide this property into seven separate parcels and based on our ordinance you cannot have seven mobile homes on one piece of property. Obviously the complicated matter is the \$1,500.00 impact fee per lot and we are talking about a substantial amount of money. Had the permits not been issued in error the impact fee would have applied anyway. While it is certainly a big issue for the applicant it is not an issue the Board can be involved in because it is not a Town issue but a County Impact Fee. We know the permits were issued in error and was it the correct decision by Mr. Rogers in revoking the permits?

John Brown asked how can the applicant fulfill their environmental health conditions without any homes on the property?

Mr. Rogers explained he cannot explain the Environmental Health process, but this is one of the conditions and if the applicant cannot fulfill this condition then he needs to come back to the Board and discuss this issue with them. If the water and sewer cannot be approved without a home being on the property and he can not speak for the Town Board but they would have to address this issue with them.

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Mr. Morgan stated the CUP states if any of the conditions affixed hereto or any part thereof shall be held invalid or void, then the permit shall be void and of no effect and you have to start over. The Environmental Health will come out to inspect to see if lot is big enough and that it will perk for a septic system. He stated he could not imagine putting thousands of dollars into a home and not knowing if that is going to be approved or not.

Mr. Rooks explained that under the Environmental Health regulations they do go out and do a preliminary determination and there is a final sign off when you have a completed system.

Mr. Rogers stated we do require that the preliminary permits are in hand when someone comes to get a permit to build a house. Some of the applicant conditions are ordinance requirements and some are imposed conditions. If there are any problems taking care of any of the conditions before hand then there needs to be some dialogue as to why.

Mr. Morgan stated that the issue here tonight is whether or not these mobile home permits were revoked improperly. If the conditions that were placed on the CUP were unreasonable they should have appealed from that determination. We are not here tonight to pass judgement on whether or not those conditions were good and wise conditions.

Mr. Rooks stated that seven mobile home permits were issued on one zoning lot, which your ordinance does not permit you to have seven permits for one lot. That is the zoning violation that the Director based the revocation of the permits. The decision the Board is looking at tonight is if the revocation of the permits by the Director was an accurate decision. Terms for the CUP are not an issue here tonight

Mr. Hunnicutt explained to the Board that by the mobile home permits being issued in error have created a situation of being in violation of our ordinance. The action that the Planning Director took was to rectify the situation. What the Board needs to have a vote on tonight is if Mr. Rogers acted properly in revoking the permits by bringing the lot back to compliance with the ordinance.

Arnold Headen stated that Mr. Rogers had to revoke the seven mobile home permits to bring the lot back into compliance with our ordinance.

John Brown asked what Mr. Rogers stated in his letter to Mr. Sawyer?

Mr. Hunnicutt reviewed Mr. Rogers letter to Mr. Sawyer dated 11-2-99 with the Board. He stated that Mr. Rogers referred to section 43 of the ordinance and it states no occupancy, use or sale of lots until requirements fulfilled.

Mr. Tessener stated he agreed that you cannot have seven homes on one lot but what the zoning ordinance is talking about is that you cannot have people occupy the homes. In their case that was not happening. The homes were just sitting there waiting until they could get final plat approval and then they would rent them. This is no different than if they bought seven mobile homes and stored them on their property and we never rented or sold them. The only thing that happened here was they just put the homes there because it made sense with the CUP.

Mr. Morgan stated there is some confusion regarding section 43 of the ordinance. He explained that the use is not someone living in the unit but the use of the property is for a subdivision and you cannot use the property as a subdivision until all the requirements have been fulfilled. Also, storage of mobile homes is not a permissible use in the A-R zoning district.

Jimmie Pugh asked the applicant did he not know or have the knowledge that all the conditions had to be met?

Mr. Sawyer stated he did not realize there was any priority of the conditions and he did not know that his conditions had to be fulfilled before issuing any of the permits. He just does not seem logical to him to bring the mobile homes in after he has paved the roads and seeded the lots. He added that no one told him that he had to fulfill the conditions before he could place the homes on the lots.

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Jimmie Pugh stated that a person should ask what procedure his conditions had to be done and he should have known that all his conditions had to be fulfilled when he received his CUP.

Mr. Tessener stated that the permits were issued legally and there is nothing in the ordinance that prevented the issuing of these permits.

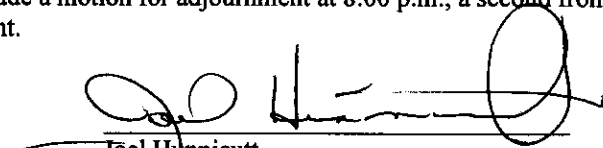
Mr. Morgan informed the Board as far as the remedy there was a case just handed down last Monday by the North Carolina Court of Appeals (Broome v. City of Mt. Holly) that involved a mistakenly issued mobile home permit. In that case it was a non-conforming use, they had not occupied the lot for twenty-four months so it lost its grandfather status. The applicant came in and applied for a permit and a staff person issued the permit in error. Not only did they issue the permit but the Planning Director confirmed it and wrote a letter to the applicant the next week stating they could put the mobile home on the lot. The Town Attorney or someone caught the mistake and revoked the permit. The final decision from the Court of Appeals was that the Board of Adjustment acted properly in enforcing section 70.1 of their ordinance by properly revoking the applicant's permit as being invalid from this exception. The fact there was no legal authority to issue the permit is saying to him the only remedy is revocation because there was no authority to issue the permit to begin with so it was like it never existed. Mr. Morgan added there is an issue for you to decide but there is only one decision that can be made in that there was no authority to issue them to begin with.

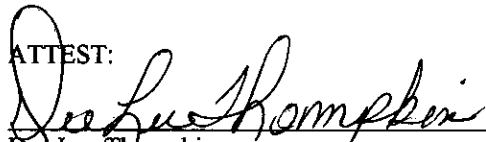
Mr. Hunnicutt asked for a motion to affirm or reverse Mr. Rogers' ruling. Arnold Headen made a motion to affirm Mr. Rogers ruling. Cindy Bray seconded, and six voting in favor with Pat Lowman opposed.

**Agenda Item V**

**Other Business**

With no further business, Arnold Headen made a motion for adjournment at 8:00 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  
February 14, 2000**

The Siler City Board of Adjustment met on Monday, February 14, 2000 at 9:00 p.m. in the Siler City Court Room at City Hall. Minutes of January 10, 2000 meeting were unanimously approved by a motion from Jimmie Pugh and seconded by Leota Thompson.

**Members Present**

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

**Members Absent**

James Patterson  
Pat Lowman

**Staff Present**

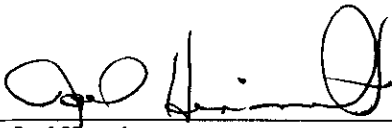
H. Bernard Rogers, Planning Director  
William C. Morgan, Town Attorney


**BUSINESS SESSION**

**Agenda Item III**

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

Cindy Bray made a motion for adjournment at 9:01 p.m., a second from Jimmie Pugh followed by unanimous consent.

  
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Joel Hunnicutt  
Chairman

ATTEST:  
  
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Dee Lee Thompkins  
Recording Secretary

**Board of Adjustment Meeting Minutes  
March 13, 2000**

The Siler City Board of Adjustment met on Monday, March 13, 2000 at 8:00 p.m. Minutes of February 14, 2000 meeting were unanimously approved by a motion from Jimmie Pugh and seconded by John Brown.

**Members Present**

Joel Hunnicutt, Chairman  
James Patterson  
Pat Lowman  
Leota Thompson  
Jimmie Pugh  
John Brown  
Cindy B. Bray, Alternate  
Don Tarkenton, Alternate

**Members Absent**

Arnold Headen, Vice Chairman

**Staff Present**

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

**BUSINESS SESSION**

**Agenda Item III**

**A. Final Plat Review – SUP-004-99 – E. F. Evans Construction Co.**

Bernard Rogers, Planning Director reported Mr. E. F. Evans is requesting final plat approval for a private multi-family town house complex. The proposed development will consist of four buildings containing three units each. The site is located in Homewood Acres between Tanglewood Drive and North Glenn Street.

During its November 8, 1999 meeting the Board of Adjustment approved a special use permit for the above mentioned development. The SUP authorized the applicant to proceed with physical improvements to the land. Town water and sewer are currently available to the site. Mr. Evans fulfilled all conditions attached to his SUP. Final plat approval will permit Mr. Evans to sell individual lots and start constructing town homes.

Staff recommends final plat approval.

**Discussion**

Mr. Hunnicutt asked for a motion. Jimmie Pugh made the motion of approval, a second from Leota Thompson and followed by unanimous consent.

**Agenda Item V**

**Other Business**

With no further business, Jimmie Pugh made a motion for adjournment at 8:03 p.m., a second from Cindy Bray followed by unanimous consent.

  
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Joel Hunnicutt, Chairman

ATTEST:  
  
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Dee Lee Thompkins, Recording Secretary

**Board of Adjustment Meeting Minutes  
April 10, 2000**

The Siler City Board of Adjustment met on Monday, April 10, 2000 at 7:00 p.m. Joel Hunnicutt called the meeting to order and John Brown gave the invocation. Minutes of March 13, 2000 meeting were unanimously approved by a motion from John Brown and seconded by Leota Thompson

**Members Present**

Joel Hunnicutt, Chairman  
James Patterson  
Leota Thompson  
Pat Lowman  
Jimmy Pugh  
John Brown,  
Don L. Tarkenton, Alternate

**Members Absent**

Arnold Headen, Vice Chairman  
Cindy B. Bray, Alternate

**Staff Present**

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

**BUSINESS SESSION**

**Agenda Item III**

**Special Exception Permit Request**

**A. SEP-001-00 – James D. Brower, Sr.**

Bernard Rogers reported James D. Brower, Sr., wishes to add a carport to his home. The property is located in Homewood Acres at 904 Sedgefield Drive. The proposed addition does not meet the fifteen (15) foot side setback, required by Section 170 of the Unified Development Ordinance. Therefore, Mr. Brower wishes to obtain a Special Exception Permit to encroach the setback by seven (7) feet and six (6) inches, thus resulting in a seven (7) foot and six (6) inch side setback.

Staff recommends approval of SEP-001-00. Mr. Brower's application is complete and meets the findings 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 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 Jimmie Pugh, Leota Thompson 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 John Brown, Jimmie Pugh 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 Leota Thompson, Jimmie Pugh seconded, and majority approved*
  - C. Special exception requested applies only to a setback from a lot line boundary.  
*Yes – Motion made by Jimmie Pugh, Pat Lowman 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 Jimmie Pugh, James Patterson 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 Jimmie Pugh, 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 John Brown, Leota Thompson 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 Don Tarkenton, Jimmie Pugh seconded, and majority approved.*

• **Consideration Of Proposed Conditions**

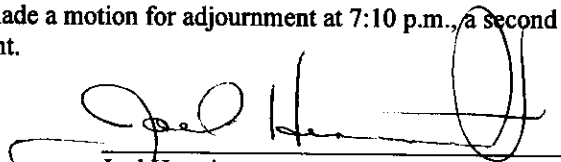
If the application is granted, the permit shall be issued subject to the following conditions:

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 Jimmie Pugh followed by unanimous consent.

  
Joel Hunnicutt  
Chairman

ATTEST:  
  
Dee Lee Thompkins  
Recording Secretary

**Board of Adjustment Meeting Minutes  
May 8, 2000**

The Siler City Board of Adjustment met on Monday, May 8, 2000 at 8:45 p.m. in the Siler City Court Room at City Hall. Minutes of April 10, 2000 meeting were unanimously approved by a motion from John Brown and seconded by Jimmie Pugh.

**Members Present**

Joel Hunnicutt, Chairman  
Arnold Headen, Vice Chairman  
James Patterson  
Leota Thompson  
Jimmie Pugh  
John Brown  
Donald L. Tarkenton, Alternate

**Members Absent**

Pat Lowman  
Cindy B. Bray, Alternate

**Staff Present**

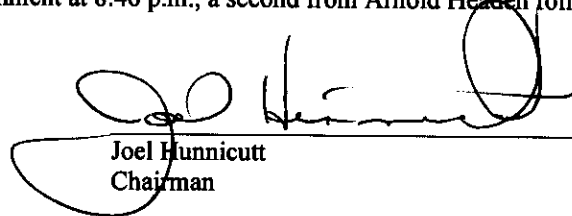
H. Bernard Rogers, Planning Director  
Joel J. Brower, Town Manager  
William C. Morgan, Town Attorney

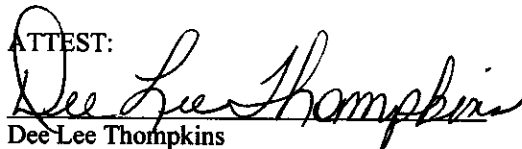
**BUSINESS SESSION**

**Agenda Item III**

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

Leota Thompson made a motion for adjournment at 8:46 p.m., a second from Arnold Headen followed by unanimous consent.

  
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Joel Hunnicutt  
Chairman

ATTEST:  
  
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Dee Lee Thompkins  
Recording Secretary

**Board of Adjustment Meeting Minutes  
June 12, 2000**

The Siler City Board of Adjustment met on Monday, June 12, 2000 at 7:00 p.m. Joel Hunnicutt called the meeting to order and James Patterson gave the invocation. Minutes of May 8, 2000 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  
Leota Thompson  
Pat Lowman  
Jimmie Pugh  
John Brown  
Cindy B. Bray, Alternate  
Don Tarkenton, Alternate

**Members Absent**

**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-001-00 – Chad Langely**

Bernard Rogers reported Chad Langely requests a special use permit to operate a motor vehicle painting and body work in Light-Industrial (L-I) zoning district. The site is located at 2719 Old US 421-North. The applicant has adequately completed an application for a special use permit.

The applicant's proposed location is within an existing building which meets all dimensional and density requirements of the Unified Development Ordinance (see Article XII). However, the proposed use requires additional parking and screening, according to the UDO. Staff feels the proposed use has a similar impact to adjacent industries, and thus fits into the area's existing character. Across the road are two business and one home (which belongs to the subject property owner). Thus, the impact will be minimal with respect to these uses.

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 to determine whether to deny or approve the proposed special use permit.

**Board action is requested at this time.**

**Discussion**

Planning Chairman Joel Hunnicutt declared the public hearing *open* and swore in Chad Langely.

Mr. Langely explained that this was a brand new building that would have all new equipment. All of the vehicles would be parked either inside the building or the enclosed fence.

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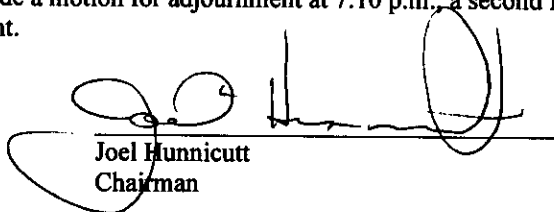
Mr. Hunnicutt directed the board to their worksheet to go through each finding.

- Completeness of application – application was complete.  
*Motion made by Jimmie Pugh, Arnold Headen 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 writhing and specific written approval obtained a 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.**  
*Motion made by Jimmie Pugh, Arnold Headen seconded, and majority approved.*
- Granting the application – **application is granted subject to above conditions.**  
*Motion made by Arnold Headen, Jimmie Pugh seconded, and majority approved.*

**Agenda Item V**

**Other Business**

With no further business, Arnold Headen made a motion for adjournment at 7:10 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  
August 14, 2000**

The Siler City Board of Adjustment met on Monday, August 14, 2000 at 7:25 p.m. Minutes of June 12, 2000 meeting were unanimously approved by a motion from Jimmie Pugh and seconded by Leota Thompson.

**Members Present**

Joel Hunnicutt, Chairman  
Jimmy Pugh, Vice Chairman  
Arnold Headen  
Leota Thompson  
Pat Lowman  
John Brown,  
Don L. Tarkenton  
Jeff C. Brewer, Alternate

**Members Absent**

Arnold Headen  
Cindy B. Bray, Alternate

**Staff Present**

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

**BUSINESS SESSION**

**Agenda Item III**

**Special Exception Permit Request**

**A. SEP-002-00 – Wallace Thurman Degraffenreidt**

Bernard Rogers, Planning Director reported Wallace Thurman Degraffenreidt, wishes to add a garage to his home. The property is located at 317 East 9<sup>th</sup> Street. The proposed addition does not meet the ten (10) foot side setback, required by Section 170 of the Unified Development Ordinance. Therefore, Mr. Degraffenreidt wishes to obtain a Special Exception Permit to encroach the setback by five (5) feet, thus resulting in a five (5) foot side setback.

Mr. Degraffenreidt's application is complete and addresses all findings required to grant a special exception. However, the Board must decide whether property values will be harmed by the proposed construction. The above is due to the absence of one adjacent property owner's signature on the petition in support of the applicant's request. The subject adjacent property owner is located beside Mr. Degraffenreidt on the same side which the addition will be located. In staff's opinion the proposed construction will in no way limit the use of adjacent property. Staff also obtained the informal opinion of a local appraiser who stated the construction would have no impact on adjacent property values. Attached is a worksheet to aid your decision. Also see Section 83 of the Unified Development Ordinance for more information regarding special exception permits.

**Discussion**

Chairman Joel Hunnicutt declared the public hearing open and swore in Wallace Thurman Degraffenreidt, Barbara Langley and Eddie Thompson.

Barbara Langley stated she was not aware that Mr. Degraffenreidt would be encroaching on his property lines when she signed the petition. She further noted he could build his garage in the back of his property.

Mr. Thompson explained that the garage would have no affect on him so he has no problem with Mr. Degraffenreidt constructing his garage.

Mr. Degraffenreidt explained he the reason he wants to build his garage on the side is because there is a concrete slab that has been there for eighteen years. He has some expensive collector cars that he wants to store in the garage.

**Board of Adjustment Minutes**  
**August 14, 2000**  
**Page two**

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

- Completeness of application – application was complete.  
*Motion made by Jimmie Pugh, Don Tarkenton 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 Don Tarkenton, Jimmie Pugh 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 Jimmie Pugh, John Brown seconded, and majority approved.*
  - C. Special exception requested applies only to a setback from a lot line boundary.  
*Yes – Motion made by Jimmie Pugh, Don Tarkenton seconded, and majority approved.*
  - 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 Don Tarkenton, John Brown 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 Jeff Brewer, Pat Lowman 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 Don Tarkenton, John Brown 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 Don Tarkenton, Jimmie Pugh 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 Jimmie Pugh, Don Tarkenton seconded, and majority approved.*


**Agenda Item V**

**Other Business**

With no further business, Jimmie Pugh made a motion for adjournment at 7:55 p.m., a second from Don Tarkenton followed by unanimous consent.

  
Joel Hunnicutt, Chairman

ATTEST:

  
Dee Lee Thompkins, Recording Secretary

**Board of Adjustment Meeting Minutes  
September 11, 2000**

The Siler City Board of Adjustment met on Monday, September 11, 2000 at 7:25 p.m. Minutes of August 14, 2000 meeting were unanimously approved by a motion from Leota Thompson and seconded by Jimmie Pugh.

**Members Present**

Joel Hunnicutt, Chairman  
Jimmie Pugh, Vice Chairman  
Leota Thompson  
Pat Lowman  
John Brown  
Don Tarkenton  
Jeff C. Brewer, Alternate

**Members Absent**

Arnold Headen  
Cindy B. Bray, Alternate

**Staff Present**

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

**BUSINESS SESSION**

**Agenda Item III**

**Special Use Permit Request**

**A. SUP-002-00 – Bruce Hall**

Bernard Rogers reported Bruce Hall requests a special use permit to construct an outdoor entertainment center; miniature golf and batting cage in a Central-Commercial (C-C) zoning district. The site is located on Chestnut Street between South Chatham Avenue and South Second Avenue. The applicant has adequately completed an application for a special use permit.

The applicant's site plan complies with all dimensional and density requirements of the Unified Development Ordinance. Staff feels the site is in a transitional area of downtown which includes a mix of business and residential uses. Mr. Hall is required by the UDO to screen adjoining residential uses to lessen the impact of his development on those properties. The proposed development should mesh well with the existing environment.

Uses in the central-commercial zoning district are exempt from UDO's parking requirements. However, the proposed development provides twelve (12) spaces and has many additional spaces on the adjacent streets.

Existing drainage patterns will be maintained. The property currently drains to the south and eventually into Loves Creek. There should be no adverse effect on adjacent property, due to the run-off. However, staff feels the run-off from the paved parking area should be dissipated on-site rather than directed to the creek.

Finally, staff feels the proposed use will add diversity among the downtown businesses and will hopefully draw people to the central business district.

Staff recommends approval of the special use permit with the following condition:

- Applicant must work with staff, regarding final parking lot design, to ensure the run-off from parking lot will not impact Loves Creek.

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 to determine whether to deny or approve the proposed special use permit.

**Board action is requested at this time.**

**Discussion**

Planning Chairman Joel Hunnicutt declared the public hearing *open* and swore in Bruce Hall and Holly Kozelsky.

Mr. Hall explained he wanted to construct an outdoor entertainment center with miniature golf and batting cage. He is going to put a fence around the creek and his closing time will probably be 10:30 to 11:00 p.m. on weekends and till 9:00 p.m. on weekdays.

Holly Kozelsky stated she felt this would be a great area for an outdoor entertainment center and feels this will be good for the community.

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

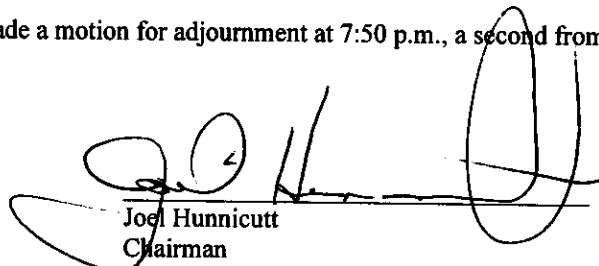
- Completeness of application – application was complete.  
*Motion made by Jimmie Pugh, Pat Lowman seconded, and majority approved.*
- Compliance with the ordinance requirements – application complies with all applicable requirement of Unified Development Ordinance.  
*Motion made by Don Tarkenton, Leota Thompson 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 writhing and specific written approval obtained a 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.**
- **Applicant must work with staff, regarding final parking lot design, to ensure the run-off from parking lot will not impact Loves Creek.**  
*Motion made by Jeff Brewer, Jimmie Pugh seconded, and majority approved.*
- **Granting the application – application is granted subject to above conditions.**  
*Motion made by Jimmie Pugh, Leota Thompson seconded, and majority approved.*

**Agenda Item V**


**Other Business**

Mr. Rogers asked for the Board input on scheduling a workshop meeting. After discussion the Board decided to meet at Best Food Cafeteria on October 5, 2000 at 6:00 p.m.

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



Joel Hunnicutt  
Chairman

ATTEST:  
  
Dee-Lee Thompkins  
Recording Secretary



**Board of Adjustment Meeting Minutes**  
**October 9, 2000**

The Siler City Board of Adjustment met on Monday, October 9, 2000 at 7:35 p.m. in the Siler City Court Room at City Hall. Minutes of September 11, 2000 meeting were unanimously approved by a motion from Jimmie Pugh and seconded by Leota Thompson.

**Members Present**

Joel Hunnicutt, Chairman  
Jimmie Pugh, Vice Chairman  
Arnold Headen  
Leota Thompson  
John Brown  
Donald L. Tarkenton

**Members Absent**

Cindy B. Bray, Alternate  
Jeff C. Brewer, Alternate

**Staff Present**

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

**BUSINESS SESSION**

**Agenda Item III**

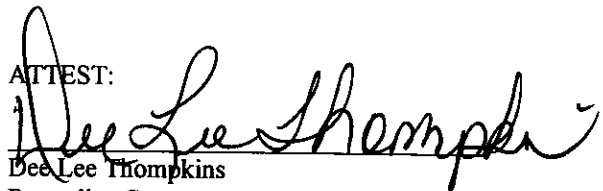
**Other Business**

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

Jimmie Pugh made a motion for adjournment at 7:36 p.m., a second from Don Tarkenton followed by unanimous consent.

  
\_\_\_\_\_  
Jimmie Pugh  
Chairman

ATTEST:

  
\_\_\_\_\_  
Dee Lee Thompkins  
Recording Secretary