

TOWN OF SILER CITY BOARD OF ADJUSTMENT

The Siler City Board of Adjustment met in Regular Session on **Monday, August 9, 2021** at 6:30pm in Wren Memorial Library and remote electronic meeting conducted by simultaneous communication via Zoom with Chair Hudson presiding. Andrews gave the invocation with the recitation of the Pledge of Allegiance following. Meadows recited the Town of Siler City Mission Statement and Vision Statement.

MEMBERS PRESENT: Albert Alston, Daryl Andrews, Dennis Brooks, Butch Hudson, Linda Kolpack-Martindale, Travis Patterson, Ann Radcliffe.

MEMBERS ABSENT: Garrett Frank, Randy Parks

REMOTE ATTENDEES: Curtis Brown at 6:30, Town Attorney William Morgan

TOWN STAFF PRESENT: Planning Director Jack Meadows, Permit Specialist Justin Bridges.

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

A motion to approve the agenda as presented was made by Kolpack-Martindale, seconded by Andrews and unanimously approved.

CONSENT

A motion to approve the consent agenda which includes the August 10, 2020 Minutes was made by Kolpack-Martindale, seconded by Alston and unanimously approved.

NEW BUSINESS

Variance – Headen Road

Hudson requested a motion to declare the public hearing open. ***A motion to open the public hearing for Variance – Headen Road – was made by Andrews, seconded by Alston, and unanimously approved.***

Meadows read the opening statement.

Hudson stated that since we have at least six Board of Adjustment members present; therefore, we have a quorum.

Meadows read the legal notice of the subject case. Jorge Adrian Martinez Plata requests a variance from §243 to reduce the required vegetative buffer setback from 100 feet to 44 feet. The proposed development includes:

1. Single-family residential dwelling (35'x35', 2 story)
2. 10'x45' porch
3. 20'x20' concrete patio
4. 12'x18' storage building
5. 24'x24' attached garage
6. 24'x24' parking pad
7. 4'x14' concrete sidewalk
8. 4'x8' concrete landing
9. 12' wide concrete driveway

The subject property is located off of Headen Road. The property is identified as Lot 10 in Plat Book 8, Page 58 & parcel # 12932.

Meadows acknowledged that adjoining property owners received letters, and a sign was posted.

Hudson asked if there any exparte communication disclosures from Board members. No one had any.

Hudson asked if there were any possible conflicts of interest. There were no conflicts.

Hudson stated that if the Board of Adjustment is interrupted, disturbed, or disrupted, then the Board of Adjustment by majority vote can order the person to leave the room.

Hudson asked all persons who have standing in the subject case and wish to testify please stand. The following came forward:

1. Jorge Adrian Martinez Plata, 114 Amy Lane, Siler City, NC, 27344 (applicant)
2. Cheryl Siler Hill, 115 Headen Road, Siler City, NC, 27344
3. Douglas Allen, 154 Headen Road, Siler City, NC, 27344
4. Jack Meadows, 311 N. 2nd Ave., Siler City, NC 27344 (Town staff)

Hudson then administered the following oath:

"Do you solemnly swear or affirm that the testimony and information you are about to give is true and accurate to the best of your knowledge?" Mr. Plata, Ms. Hill, Mr. Allen and Mr. Meadows replied with yes.

Hudson asked the Town of Siler City Planning and Community Development Director to present a summary of the case. Meadows stated that the subject property is:

1. Owned by Jorge Adrian Martinez Plata
2. Lot was created in 1962
3. Lot area is .401 acres (17,451)
4. ~456 square feet of the subject lot area is located outside of the 100 feet vegetative buffer
5. Located within the R-10 zoning district
6. Located outside the Town's Corporate Limits
7. Not located within a watershed protection area
8. Not located within a special flood hazard area
9. Surrounded by the following land uses (single family residential, agriculture)
10. Surrounded by the following zoning districts: R-10 and A-R
11. Headen Road is a state-maintained road
12. Proposes to connect to Town water and sewer

Meadows stated that the attached documents were:

1. Definition of vegetative buffer and setback requirements
2. 2021 Aerial Photo
3. 2020 survey
4. Town water and sewer maps
5. 1962 plat
6. Adjoining property owner letter and list

7. Application including site plan, statements, and deed
8. 2003 UDO Amendment/401 Permit documents related to vegetative buffers

Proposed: Asking the Board of Adjustment to allow a reduction of the 100' buffer setback to 44' for development of the above items.

Jorge Plata: The only reason I'm trying to build the house is where I purchase the land the previous owner told me that there were no restrictions on that land. This was the reason I got the land. To build. I'm just trying to build a house for me and my son.

Andrews: How long have you owned it?

Plata: I owned it for almost a year now. I did not know I would have to go through all of this. If I would have known, I would not have messed with it. But I was told that there were no restrictions.

Andrews: The other guy mislead you.

Cheryl Hill: Good evening. My name is Cheryl Hill. I have lived at Headen Road for 35 years. We live in a small quite neighborhood with only seven homes with the exception of my sister. Douglas Allen who lives at 54 Headen Road is the care taker of his parents and the rest are widows. I am very concerned about the peace and quite that has been apart of my life on this road will soon give away to more traffic and construction equipment if Mr. Plata is allowed to build his home in this community. This project has been nothing but trouble since it began with Otis Martin when he bought this property. For all the water that runs off the streets during heavy storms. The entire area is low lying. This area is low lying as well as lots next to it. No one has been able to build there because of the creek storm drains next to it. After Mr. Martin found out that his land was not suitable to pass on. Mr. Plata spoke to Mr. Martin and he told him that Mr. Plata planned to fix this property to use it for construction for his equipment. This is what Mr. Otis Martin told me out of his own mouth. Mr. Plata was going to put his construction equipment there. I came outside one day and Mr. Plata began clearing the land, didn't even have a permit there. A permit with the state or whoever he was supposed to get it with. And then the storms, rain and all came. What you did caused a big flood at a house. I've never seen the rain come up to mister Allen's door in all these years. Miss Wanna's house was flooded out. I had been down to DOT, East Raleigh St. number of times and asked them if they would come and clean the storm drains out close to my house and the other side of the house. Never could come down to get them to do that. So I say to myself, if I can't get them to come down there to clean the drains out, to this day no one has ever answered my question about that. What's going to happen if Mr. Plata gets a house down there and this right here happen what's going to happen then? You can't get nothing done then. So the homes on Headen Road are small one story homes, which all face the road. The house that Mr. Plata plans to build is a two-story home. He told me that he was going to have his house facing the trees and stuff, all our houses facing the road. He himself told me if he built a home down there he is going to face his home toward the trees. How is he going to build this great big ole house, two story house facing the road, with a garage and driveway and other things he plans to build. I'm asking the Board to protect the integrity of our road, community neighborhood. I'm asking the Board to deny the request of the variance of the vegetative buffer setback to make it 100' to keep the creeked area in place to keep the water contained. To keep the neighborhood of our quite widows peaceful, enjoyable with the wild life and the trees. Thank you.

Douglas Allen: Before I say what I wanted to say, I'm just going to character what Ms. Hill had to say. So, this property was purchased by um. Let me go back, we are going back to 2019. And the current owner of this property, which I do not have his name at this point, had the property for over 50 years. He was a 96 year old man. He was attempting to sell the property for \$1,500. At that time Ms. Wanna Florez was at 146 and she unable to purchase it, I told her to go ahead and make it a part of your backyard because nothing can be done with it. Well, three months after the sign was out there, the old man died and it went to his estate. So then Mr. Otis Martin purchased the property through auction I believe and he paid a lot more than \$1,500. Somewhere between him buying the land, coming out to see it I saw himself myself and I explained the conditions. All of the water that runs off of Third St. and the adjoining streets up to Rick Murr's house, everybody knows Rick Murr, he is an officer. It comes down and it sits on the bottom of that land. And so after Otis Martin figured out he couldn't do anything with the land, he enrolled Mr. Plata to do some work at his house. That's the story, where he then traded him the land for the work. Now on the record on the deed it is listed that the land was sold for \$1,000. Now this is alleged so therefore you would have to go to Mr. Otis Martin, so that's the back story of this property. Now, that was in June of 2019. Now that is before covid, keep that in mind. A year later Mr. Plata was seen by myself, and I did take it over to Jack Meadows office, excavating the land without a permit. He cleared off all the land and he created a flood. Now I do have on my phone some pictures that I will be able to give you access to. Mr. Justin Bridges as well as Mr. Jack Meadows have those photos as well. It flooded Ms. Wanna's entire yard. It flooded my yard. And I had just purchased over \$200 worth of plants to put in my yard. All the rocks in Ms. Wanna's driveway rolled over into my yard. No compensation was made for that by Mr. Plata. And no compensation was made for the destruction that was in my yard. He even excavated the ditches that the state had put in. And I have given all of that information to Mr. Justin Bridges as well as Mr. Jack Meadows. So now according to what I have to say tonight and I'm going to speak just to the application. So if you look at page 19 in the packet, if you go back into the middle it actually says that all of these buildings will be built inside creek buffer zone. Also the house and garage will be built only 10' from the property instead of the 20' setback required by R-10 zoning classification of this lot. So, therefore, not only is Mr. Plata asking for a variance for the 100' creek buffer, now he wants an additional 10'. Because now you don't want to abide by the 20' setback. He says unless this variance is given no building can be constructed on this lot because the entire lot is covered by the creeks buffer. That is true. And he says as mentioned before the entire lot is covered by the creeks buffer. There is no room at all that could normally allow any construction on the lot without the granting of this variance being requested. He goes on to say I had no knowledge of the creeks buffer or restrictions on the lot when I purchased the property. I asked the person and I'm going to insert Otis Martin who sold it to me and I was told that I could build on the lot but he never mentioned I needed a permit and any special kind of permits or processes other than a regular permit. Well, NC is a caveat emptor state. Which simply means, buyer beware. So, Mr. Plata chose not to contact a real estate agent. He chose not to contact a lawyer. He chose not to contact a surveyor. So caveat emptor is recognized in this state. Now, in your packet it says the hardship results from the conditions that are peculiar to property, that are peculiar to the property. Such as location, size or topography. Now it says it must be peculiar to the property. So I have an aerial view of Headen Road here. And Mr. Plata's lot is 12932. And if you see next to his lot you have 75878. That lot is also affected by the creek buffer. If you go down to 75878, it's right across from Ms. Hill's lot on 12933. That's also affected by the creek buffer. If you go over, and I'm at 13047, 75877 that lot is also affected by the creek buffer. Now I have the biggest lot on the street, which is 2.3 acres, and if I intended to build in the back of my house I would also be affected by the creek buffer. So it is not peculiar to Mr. Plata's lot. So that brings me to substantial justice. The concept of substantial justice raises issues of fairness for the community

and neighbor. This concept echo's the requirement that the hardship must be peculiar to the property not shared by the community. So therefore, since this hardship is shared by the community, I ask that you vote no to this variance according to the statute. Thank you. Excuse me, I did have one other thing to add, I forgot about this. This weekend I went out to the land that is closest to me, which would be lot number 75877. And there is a creek going through that, that's not buildable and I also identified a beaver family out there. So we'd have to get fish and wildlife involved. And I don't know if any of you have been down to actually view the road but if you haven't, I behoove you to. To kind of check how things are in the neighborhood. And if you have any questions for me I'll be glad to answer them.

Meadows: I just wanted to make one correction. Mr. Allen brought up a good point. In the application that the applicant made on page 19 he references a required 20' setback, that's not the case. It used to be a 20' setback in R-10 for the rear. But a couple of years ago the Town changed the zoning ordinance to make the lot boundary setbacks the same, so that whether it was a side or rear, they are the same. So it is 10' is the required setback in R-10. The 20' is an old standard that used to be around but it is not there anymore.

Hudson: Any questions from the Board? If you want to ask questions now is the time before we close the public hearing.

Andrews: Has this whole lot been cleared?

Meadows: For the most part. I'll speak to that. Mr. Allen brought up another good point that should be apart of the record. We got involved with this property through complaints, and we found out that they had cleared the buffer, removed trees and so forth. So it became a complaint, a violation that was addressed through our code enforcement department. And we've worked with Mr. Jorge over a period of time. I was obviously talking with Mr. Allen as well while we were doing that. But we've got it back to a point where grass is growing, trees have been planted. It is not like it was, but we are still working towards that direction. It's supposed to be left in its natural state is what a buffer is. If there was going to be a variance it's got to come from this Board. That is the only way to develop this piece of property is to get a variance application.

Andrews: Has it been prepared to where there is no wrong?

Meadows: I can't speak to that. I've got pictures in my office of what it used to look like. You can see them on Google maps. And it was just a fully wooded, forested, thick deer brush where deer and rabbit would be and that's about it. You couldn't have used it for walking around it was really thick. And now it's not back to like it was, so it has not been returned completely like it was. Which is what we would want, if it was not going to be developed the property would just be left to be grown up in its natural state again.

Andrews: Do we know whether or not it will perk?

Meadows: It's got city water and sewer.

Alston: Is that a flood zone in there?

Meadows: It is. It is not a designated FEMA flood zone but it floods. That area in there does flood. We've pictures from Mr. Allen and video showing flooding. We had some really heavy rain storms in 2019 and 2020 and it does. That area does flood. There are some culvert pipes that go under Headen Road. I'm not sure that they are doing what they are supposed to. Mr. Allen is correct. I have talked to DOT he has talked to DOT about flood concerns. So there are some real flooding issues existing. And if the property is developed, there is more built upon area it was actually increase, I'm not sure what level, but obviously you would have an increase when you put more roof top and concrete in the area. That is something we have learned with storm water controls. You are going to have more storm water issues. That may be something that if the Board was moving forward with a variance those may be considerations that you'd want to take into account and maybe conditions of approval if you go that route. There are several ways that you can go about this application. You can deny it based on evidence that you have heard. You can approve it based on evidence heard. Or you can approve it with conditions. Staff has one condition that we recommended and there may be some others that you've picked up on this evening. You can ask for a revised application. There is a number of things that you can do with one of these variances. So there is that and do not close this public hearing until you are done talking about it. And your decisions are based on what you have heard, not what your feelings and opinions are. It's got to have been stated to make a decision. Keep that in mind, if you've got questions that you need information on I encourage you to ask those questions rather than volunteer information. William, do you have anything to offer?

Town attorney Morgan: Not in particular, no.

Hudson: Mr. Allen, would you like to speak again?

Allen: I do have a little more history to Mr. Jack Meadows concerning this property area. My parents have owned this property, 154 Headen Road since 1972. They put my grandmother in it and gave her lifetime rights. In 1992 they came down here to be apart of the Siler City community in which my mother grew up in. She is 92 years old has Alzheimer's and dementia and my father has a touch of it and I take care of both of them. This property has not had flooding like this since my grandmother lived in the house. There was a pond next to the house. And as a result of the flooding that was caused by the pond, they allowed the pond to go out, because it would back up to the house and the road. Like Mr. Meadows mentioned several years ago we did have some big flooding. But that was a result of the whole state being labeled a catastrophe. The flooding that is occurring now is a direct result of what Mr. Plata has done with the property. So I want to make that clear. Now the other question I'd like to ask is the city prepared to mitigate the damages. Because when Mr. Plata builds his house, he's going to want to push the water somewhere else. Where is it going? And as I said, his property is not the only property that has this unique condition. And you must remember that during your decision. Do you have any questions, I can answer any questions anybody would like to ask me?

Alston: Does the water go all the way back to Crestview?

Allen: The water goes all the way back to Crestview. So the normal path of the water would go through the storm drains down by my house and the creek, but it doesn't all run to the creek it runs to the edge of my property and it goes all the way down to the end of Crestview on Elder Rd and it sits there. Sometimes it goes out and sometimes you can go swimming there.

Meadows: I'm going to answer Albert's question. So this water is coming from a pond.

Hudson: Excuse me Jack, is that all you got?

Allen: No, they were asking me questions. I think she was going to ask me a question.

Meadows: So there is a pond that is kind of south of Lake Drive. West of Homewood Acres. This creek comes out of that, comes across Third St. and it splits this property that we are talking about. Goes across Headen Rd. Then it goes behind the lots on Elder Road. It kind of parallels those, and then it dumps into Blood Run Creek. We have a pump station down at the end of Elder Road, it's called Blood Run Creek pump station. That's kind of the flow but it appears to be a large drainage area that serves this creek. Its fairly large, this is almost towards the end of this creek.

Hudson: I didn't mean to cut you off I was just trying to get all of you in order.

Allen: Of we are fine, we are in order.

Hill: I was going to say, I don't know what you call it but the two big pipes that is on the east end of the road, the one that's right there at my house, and it's what do you call those big pipes that they put under the road? Well, see the water sits there when it runs. I can go out there my boy was a little boy that water was so high right there at my driveway in those little pipes. Sonny Horton worked for the state for years, and if it wasn't for Sonny getting those great big pipes in the road I mean we'd still have the little pipes under the road I do believe. But they finally put those great big pipes and he got out there and that water actually the water come all the way up to his waist. That's how it stands in my driveway into my house. That water it stands when it rains like that and the mosquitos are so bad down there. I don't know if Mr. Plata, all of those bricks that was on the all the bricks with he was going to build his home. All those bricks you can't never ever see them big pipes on that side, the state would have never came down there and cleaned that side out, if it wasn't for Mr. Alen and me cleaning the other side out. No bricks was never allowed neither. We'd have to clean around that, but I stopped doing it because I'm too old, I have to get somebody to come do my yard now, I can't do it. There's no rocks around there, and the water do not flow through those big holes because the trees that done took over, it's never clean. The state has done been down there numerous times, tell you and complain to them about cleaning it out. But the trees, debris, and erosion have just took over. You cannot even see those great big pipes on the other side of the road where Mr. Plata is intending to build his home. And the water just stands and there is mosquitos and it smells. Snakes is out there too but I can't go down there. But you cannot even see it when its on Ms. Wanna's side down there. They never come and clean, and like I said the water stands. But when my grandchildren come I can't let them go toward the road because the water just stands after a big rain. The rain come and it just stands out there. On the side of the road were that creek is at. My house is on the side of the road where that creek is at. So I have to be careful when my grandchildren do come because that water just stands days and days and days after it rains.

Meadows: There is one other thing I wanted to share with the Board Ms. Sheryl brought up a couple of points that need to be added to. She mentioned about construction equipment. This property is zoned R-10 and there's limits on allowing that type of vehicle parked in R-10. They are not allowed. So there's some limits there. If you've got a tractor trailer or big dump trucks, they're not allowed or large trailers

with double axles those are not allowed in R-10. So there would be a limit by ordinance. But we can make some additional conditions if you would like. There are some concerns. The other thing is in that same section of the ordinance there is a limit on built upon area. When we are talking about flood water, again if you allow someone to build upon as much as they can then you are going to have some sort of a way to address that water if it is already causing problems. I just wanted to point out those two things. That those were concerns that were mentioned. The ordinance somewhat addresses that but the ordinance does not currently address, I don't want to say it doesn't. If a property owner does something that impacts those downstream they are responsible for that. They can't cause neighbors added substantial damage. The ordinance is clear on that. So, I just wanted to share those. Conditions of approval can help improve those situations rather than making them worse. If the Board sees, if the Board wants to go in that direction. That's all I've got Mr. Chairman.

Patterson: It sounds like it's a much larger issue, the flooding. Is there anything that can be done to off set some of that water runoff? Or is it too big of an issue for the neighborhood as a whole?

Meadows: No its just a complicated issue that needs professional direction. We've got some issues of our own in Town that we are working at and we hire professional engineers to look at them so that'd be my best advice Travis. From a planning standpoint you hear of a concern, I can identify that but we've got to have some help to get some solutions. And it could be costly.

Hudson: I think Travis what you are looking at is if he doesn't build the flooding is still going to be there.

Allen: Actually not. It doesn't flood. It only floods like that.

Hudson: Well, that's what you've been telling me for ten minutes.

Allen: No, no, no, no, no. No I haven't. I haven't said that. So point of correction. I haven't said it floods when it rains. I did say as a point of record due to what he did that's what causing the flood. And I do remember saying since 1992 it has not flooded like that. Since we had a state of emergency. That's what I did say. Does everyone agree? Thank you.

Hudson: I stand corrected, I make mistakes all the time.

Allen: And I do apologize.

Hudson: Well let me finish. I gave you time to talk. I'm going to continue.

Allen: I'm apologizing.

Hudson: I'm apologizing to you. So hold on just a second. I'm just trying to get it correct if its going to continue to flood if he walks away from the lot. I mean I can see Mr. Plata, it sounds t me like he has one thousand dollars involved in it. Or whatever traded out, whatever he did. If he walks away from it and didn't pay his taxes somebody is going to buy it at auction again. And if they buy it they are going to come back here to us. So we are discussing it tonight because of what happened with the Town increasing for our reservoir. It has nothing to do with the lotor the flooding its just because that line was drawn in the

sand because we increased our reservoir north of Town. And we've gone through this once, twice, three times with other people, and they had other uses for their land. In this case, looking at it he has no other use, except buy, let Chatham County auction it again. The flooding is not, the only thing we are looking at is the buffer. And he is reducing it 60', 37' something like that, is that right Jack?

Meadows: Yeah from 100' to 44'.

Hudson: 100' to 44', 56'. That's all we are discussing. I can't help the flood. I mean I don't think this Board has the power to do that. All we are looking at is the buffer. Is that correct? We can put conditions but I don't know how we can put condition to continue to keep the water from draining except through his property. I mean, you've got to see where we come from. I mean that's what we are looking at, the buffer. And I understand that you are worried about the water. But only we concerned when we close this hearing is the buffer itself. Now you may speak.

Allen: And like I said I was going to apologize to you.

Hudson: I accepted your apology.

Allen: Because that is not what I said.

Hudson: I stand corrected.

Allen: Ok, now, please don't confuse me with Ms. Hill. What she said and what I said is two different things. I'm coming from the standpoint of the statute. What the statute reads, that is what I'm coming from. So therefore, yes, if he does not build the land will remain like it has for the last 50 to 60 years just like the land would be otherwise. So, what is the city prepared to do in reference to the creek that involves the other property, the wildlife that I have recently found and the environmental protection agency? What are we going to do with that?

Hudson: As I state again I think I'm correct Jack we are here for the buffer, is that right?

Meadows: That is the request at hand, is to allow the proposed development to be built in the buffer. Is to request a variance. You follow the guidelines for issuing a variance. You've got your worksheet that lists out what you are going to be looking at. But you've also got some condition limitations. You can't just put any condition on a variance.

Hudson: Do we have to decide this tonight? Can we table it?

Meadows: You can most certainly table it.

Hudson: So some of you can go look at it.

Meadows: I'm going to get Williams advise on this obviously there is a couple of important things with a quasi-judicial decision. Your only information you use to make this decision is what you hear amongst us. So, if you tabled it I would think you would want to ask for more information. Do you need more

information from staff, the applicant or the opposition that's, you want us to bring back information so when you really make that decision your able to only utilize that information. If you learn something outside of this room that's great but I don't think that is evidence that can be used to make a decision. William you were saying something.

Town Attorney Morgan: I was just agreeing with you Jack. It wouldn't really be tabling it, it would be a motion to continue it to the next planning, zoning, Board of Adjustment meeting. That way you would not have to re-advertise it. You wouldn't close the public hearing you would just continue the public hearing until September whatever date it is. So it'd be a motion to continue the hearing until a date, and time and place. And if there is a desire by the Board to receive more information that'd be the most appropriate way to do it so that you would not have to re-advertise.

Meadows: I'd like to get some direction from the Board on what information you'd like for the parties involved here to provide, including myself if you do want to recess. We don't want to recess just to be recessing.

Dennis Brooks: I'd like to re-propose my question that I placed at the improper time because I wasn't aware. What is the maximum area that a lot can be covered with impervious?

Meadows: Good question. The lot is zoned R-10. For proposing single family residential use, the maximum built upon area is 40%. That is by ordinance. By condition you could limit that, you could say its going to be a maximum of 10% or you could go above and beyond that if you needed to. I believe we are under 40%.

Brooks: The driveway does not, he just gave a 12' wide driveway. What would be the length of the driveway? Do you have that information?

Meadows: I may have that, hold on.

Plata: It is about 70' from the house to the road.

Meadows: Yeah, I've got 90' of driveway to the edge of pavement.

Brooks: So 90'x12'.

Meadows: I think I did the calculation and felt comfortable that it was under 40%. But we can double check it. Anybody got a number so far?

Brooks: About 26 and a half percent.

Meadows: I was thinking I checked that. You are under 30%. Probably comfortably under 30%.

Brooks: So that will satisfy our obligation with the?

Meadows: With that part of the ordinance. The only exception they are asking for is to be allowed to build in the buffer. They would meet all the other requirements. That I am aware of at this time. But it sounds like there is some concerns about storm water runoff and added flooding. The Board of adjustment would want to take into consideration. But if you have some thoughts that you want to help you get some additional information to help you make a decision, that is ok.

Hudson: What type of information would the Board like?

Alston: I'd like to see some research on this.

Hudson: Anybody else?

Kolpack-Martindale: I'm fine with what has been presented.

Hudson: What is the Boards decision? Do you want to do a continuance? We would have to close the public hearing, so I would have to have a motion to close the public hearing.

Kolpack-Martindale: I'll make a motion.

A motion to close the public hearing for Variance – Headen Road – was made by Kolpack-Martindale, seconded by Andrews, and unanimously approved.

Hudson stated that the public hearing is now closed.

Hudson directed the Board of Adjustment members to the worksheet.

Meadows explained how many votes are needed concerning the variance decision. He stated that if the variance is approved then you could have conditions at the end.

A motion that unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property was made by Kolpack-Martindale, seconded by Andrews and a 5-2 vote. 5 votes for the motion, 2 opposed. No further motion needed. The application was denied.

ADJOURNMENT

With no further business Hudson declared the meeting closed at 7:41 p.m.



Butch Hudson, Chair

ATTEST:


Justin Bridges, Permit Specialist