

**TOWN OF SILER CITY BOARD OF ADJUSTMENTS**

The Siler City Board of Adjustments met in Regular Session on **Monday, August 13, 2018** at 6:30pm in City Hall Courtroom with Chair Hudson presiding. Brown 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, Curtis Brown, Guile Contreras, Butch Hudson, Linda Kolpack-Martindale, and Ann Radcliffe.

**MEMBERS ABSENT:** Darrell Andrews, and Randy Parks.

**TOWN STAFF PRESENT:** Town Attorney William Morgan, Planning Director Jack Meadows, and Administrative Support Specialist Tammy Livermore.

**AGENDA ADJUSTMENTS/APPROVAL OF AGENDA**

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

**CONSENT**

*A motion to approve the consent agenda which includes July 9, 2018 Minutes was made by Contreras, seconded by Alston and unanimously approved.*

**OLD BUSINESS**

None

**NEW BUSINESS**

**Opening Statement and Procedure for Holding a Public Hearing**

Hudson read the following open statement:

The Zoning Board of Adjustment handles four types of matters. It hears applications for variances, requests for special use permits, review for special exception permits, and appeals from decisions by Town staff.

A hearing before the Zoning Board of Adjustment is quasi-judicial in that the Board functions much like a court of law. Witnesses appearing before the Board will be sworn in and, being under oath, will be held accountable.

The purpose of an evidentiary hearing is to gather facts, not to solicit citizen opinions. The Board of Adjustment must do two things. First, it must determine the facts of the case. Second, it must apply the standards in the Unified Development Ordinance, sometimes referred to as the UDO, to those facts.

In quasi-judicial decisions, this Board must act much like a court to apply the UDO to the facts of a specific case. The purpose of the hearing is to gather legally acceptable evidence in order to establish sufficient facts to apply the appropriate ordinances. The questions before the Board will be whether the proposal or zoning administrator's decision meets the standards in the ordinance, not whether it is popular among the citizenry.

Although a hearing before this Board is somewhat less formal than a courtroom trial, it is expected that all participants will observe the basic decorum one would expect in a court of law, showing respect for the Board and all other participants. The Board chair can terminate the testimony of anyone who violates this principle, or who is offering immaterial, irrelevant, redundant or legally impermissible testimony.

All witnesses desiring to offer testimony before the Board must have standing. Standing refers to who has the right to participate in the hearing and support or contest the issuance of a permit. Not all persons in the community automatically have standing just because they happen to be residents, know the applicant or have an opinion on the case. The North Carolina General Statutes specify three categories of persons or entities with standing: (1) Those who applied for approval or who have a property interest in the project or property, including, but not necessarily limited to: the applicant; owners, lease holders, and option holders; (2) the local government's staff; and (3) other persons who will suffer special damages as a result of the decision, such as an adjacent property owner who contends the decision will adversely affect the value of his or her property.

Finally, persons with standing may be allowed to call expert witnesses in appropriate cases. For example, the General Statutes now require expert testimony on the issues of the effect of a development on neighborhood property values and on the effects of traffic. As to these two issues, the Board cannot rely on the opinion testimony of lay witnesses.

Following the public hearing, the Board will deliberate and announce its decision. Later, that decision will be reduced to writing and distributed to the applicant and others who have requested a copy in writing with the Department of Planning and Community Development.

Special Use Permit – 1309 North Ave – Manufactured Home Double Wide

Hudson requested a motion to declare the public hearing open.

***A motion to open the public hearing for Special Use Permit – 1309 North Ave – Manufactured Home Double Wide was made by Brown, seconded by Kolpack-Martindale and unanimously approved.***

Hudson stated 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.

Hudson stated that the public was notified by ads in the Chatham News two weeks prior to the hearing, adjoining property owners received letters, and a sign was posted if applicable.

Hudson asked if there any exparte communication disclosures from Board members? All present answered no.

Hudson asked if there are any possible conflicts and do all Board members think they can rule fairly and impartially? All present answered no.

Hudson stated 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 come to the front of the room.

The following came forward:

Jack Meadows	907 Woodland Drive	Siler City, NC 27344
Sofia Gomez	130 Santa Fe Circle	Siler City, NC 27344
Tony Hart	225 South Hillcrest Drive	Siler City, NC 27344

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?" All present answered yes.

Hudson asked the Town of Siler City Director of Planning and Community Development to present a summary of the case.

Meadows stated Sofia Gomez requests a special use permit to locate a manufactured home (double wide) within the R-6 (Residential-6,000) zoning district. The subject property is identified as 1309 North Ave. & parcel # 68403.

The subject property is:

1. owned by Sofia Gomez;
2. located within the Residential (R-6) zoning district;
3. located inside the Town's Corporate Limits;
4. located within Central Chatham fire districts;
5. located within the Duke Progress Energy service district;
6. not located within a watershed protection area; and
7. not located within a special flood hazard area.

Meadows shared the size of tract:

1. Subject tract is 0.32 acre and includes 1 property owner and 1 tax parcel
2. Size of surrounding tracts is an average of 1.5 acres

Meadows shared the compatibility with existing Comprehensive Plan

The Land Development Plan recommends:

1. High density residential development for the subject property. These are areas appropriate for either multi-family or single-family residential development, with maximum densities of approximately 28 units per acre.
2. High density residential objectives:
  - a. Limit impacts of development of the environment and promote sustainability.
  - b. Encourage development to occur in areas with existing or planned infrastructure such as water, sewer, roads, and sidewalks.
  - c. Improve the appearance of properties.

- d. Permit residential development at a higher density that would allow multi-family structures.
  - e. Maintain the integrity of existing neighborhoods.
  - f. Promote walkable, interconnected neighborhoods.
  - g. Encourage the development of affordable housing.
  - h. Encourage close proximity of higher-density residential uses to mixed-use areas and compatible industrial areas.
  - i. Encourage provision of recreation and park land for Town residents.
  - j. Encourage efficient use of transportation networks.
3. High density residential strategies:
- a. The portions of the planning region within and near the existing Town limits and not designated as industrial or mixed use areas should be preserved for future residential growth and the extension of public water and sewer to these areas should be a top priority.
  - b. Urban development densities should be restricted to areas in which sufficient water and sewer service is available.
  - c. Continue to promote a variety of housing types to meet the demand of citizens from various economic levels.
  - d. Preserve the existing density and scale of development in established residential neighborhoods by excluding the introduction of intensive, non-residential land uses into such neighborhoods and by avoiding the rezoning of established residential areas to a higher density.
  - e. Encourage in-fill development in established residential areas.
  - f. Preserve the existing housing stock by vigorously enforcing the minimum housing code and providing financial assistance to rehabilitate and stabilize deteriorating housing.
  - g. Require that as a condition of receiving public water and/or sewer service, all new developments be incorporated into the Town limits.
  - h. Revise zoning and subdivision ordinance standards to promote interconnectivity of neighborhoods and use of sidewalks.
  - i. Promote cluster development with usable open space and amenities.
  - j. Ensure quality aesthetics in developments through appropriate landscaping, lighting, parking, and signage standards.
  - k. Encourage planned developments.
  - l. Develop driveway regulations to require access from service drives, prevent multiple driveways on a single lot, and control the spacing of driveways.
  - m. Develop specific standards for those properties abutting major highway corridors, to place more stringent controls on building setbacks and height, vehicular access, sign size and location, and buffering of parking and service areas.
  - n. Designate areas of the Town's planning jurisdiction as growth areas and give priority to utility extensions in those areas.
  - o. Provide parks and recreation programs to meet the recreation and fitness of all citizens of Siler City.
  - p. Expand the greenway system of trails for bicyclists and pedestrians, and the Town's sidewalk network, in accordance with the Town's Pedestrian Plan.
  - q. Coordinate with county schools to look for ways to share recreation facilities and to encourage pedestrian access to schools.

- r. Explore the option of allowing developer fees-in-lieu for park facilities and other public facilities.
- s. Develop a planting plan for street trees along public rights-of-way.
- t. Encourage schools and other public facilities to be located in walkable, convenient locations proximate to high-density areas.
- u. Modify the development ordinances to be more user friendly where possible.
- v. Develop policies to encourage maintenance of structures.
- w. Implement recommendations from the Town's 2016 Natural Resource and Conservation Study.
- x. Prevent the conversion of residences to other land uses unless such conversion will assist in stabilizing the large residential neighborhood or unless such conversion will preserve the unique quality or architectural significance of residences.

Meadows shared the property is served by public water and sewer. Street/road frontage:

Street/Road	Road Frontage (feet)	Travel Lanes	Pavement Width (feet)	Maintenance	Speed Limit (mph)	Average Daily Trips
North Ave	0	2	NA	Town	35	NA
Private Drive	85	1	NA	Private	NA	NA

Meadows shared the impact on landowners, immediate neighbors, and surrounding Community Proposed:

1. Manufactured Home double wide
  - a. 2000 model with HUD Label
  - b. 28'x40'
  - c. 12'x20' uncovered rear deck
  - d. 8'x12' uncovered front deck
  - e. Masonry foundation
  - f. Graveled on-site parking for 2 vehicles
  - g. Total area of disturbance is less than 1 acre
  - h. Proposed built upon area is 13%

Meadows shared the relationship of uses:

1. Current use of subject property is vacant (no dwelling has been shown on an aerial photo since 2007)
2. Surrounding land uses include; vacant lot, manufactured home single wide, and single family residential site built
3. Surrounded by R-6 zoning district.

Meadows shared the staff recommendation:

The application is complete. The proposal meets the development criteria of the Unified Development Ordinance. If the Board grants the application, then Staff recommends the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board, a copy of which is filed in the City Hall; and

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; and
3. Prior to any work applicant must record the written decision with the Chatham County Register of Deeds, obtain site plan review approval, and obtain zoning permit approval; and
4. The private drive from North Ave. shall be sufficiently illuminated to ensure the security of property and the safety of persons using the drive; and
5. The private drive from North Ave. shall have access to it that is sufficient to afford and allow a reasonable means of ingress and egress for emergency vehicles (fire, rescue, police, etc.) as well as for all those likely to need or desire access to the property in its intended use; and
6. The private drive from North Ave. shall have a, at minimum, twelve (12) feet wide traversable roadway with adequate graveling; and
7. A fifteen (15) feet paved driveway turnout from the edge of North Ave. with turn radius.

Hudson stated that the applicant and applicant's witnesses may present testimony and evidence.

Hudson stated that any opposing parties may cross examine the applicant and witnesses after the witness's testimony.

Hudson stated that the Board of Adjustment Members may ask questions of opponent and each witness after the witness's testimony.

Hudson asked if there were any more questions from the Board of Adjustment Members.

Hudson requested a motion to declare the public hearing closed.

***A motion to close the public hearing for Special Use Permit – 1309 North Ave – Manufactured Home Double Wide was made by Brown, second by Kolpack-Martindale and unanimously approved.***

Hudson directed the Board of Adjustment Members to the worksheets.

***A motion that the application for a Special Use Permit – 1309 North Ave – Manufactured Home Double Wide is complete was made by Kolpack-Martindale, seconded by Brown and unanimously approved.***

***A motion that the application for a Special Use Permit – 1309 North Ave – Manufactured Home Double Wide complies with all applicable requirements of the Unified Development Ordinance was made by Brown, seconded by Contreras and unanimously approved.***

***A motion that the application for a Special Use Permit – 1309 North Ave – Manufactured Home Double Wide is granted, subjected to the following conditions: the applicant shall complete the development strictly in accordance with the plans approved by the Board, a copy of which is filed in City Hall, if any conditions affixed hereto or any part thereof shall be held invalid or void and of no effect, conditions recommended by Staff, and conditions recommended by the Board: Obtain water and sewer permits from the Town of Siler City Public Works Director was made by Brown, seconded by Kolpack-Martindale and unanimously approved.***

**BOARD MEMBER COMMENTS**

None

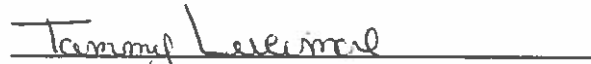
**ADJOURNMENT**

*A motion to adjourn at 6:54pm was made by Brown, seconded by Kolpack-Martindale and unanimously approved.*



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Butch Hudson, Chair

**ATTEST:**



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Tammy S. Livermore, Administrative Support Specialist