

**Town of Siler City Board of Adjustment
August 8, 2011 Meeting Minutes**

The Siler City Board of Adjustment met on Monday, August 8, 2011 at 7:40 p.m. Harold Hart called the meeting to order. Mr. Hart asked for a motion to approve the minutes of July 11, 2011. *Motion made by Mary Harris, JP Joyner seconded, followed by unanimous consent.*

MEMBERS PRESENT: Curtis Brown, Mary Harris, Harold Hart (Chair), Dacia Hayes, JP Joyner, Wallace Matthews, Dan McMasters, and Patty Poe

MEMBERS ABSENT: Mickey Pore (Vice Chair)

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

VARIANCE – PINEY GROVE CHURCH ROAD – RAUL & CARMEN LUJAN: Mr. Hart explained that all testimony given tonight must be sworn testimony. Charles Eliason and Jack Meadows were sworn in.

Planning Director's Report: Jack Meadows reported that on June 30, 2011, Town staff received a variance application from Mr. Raul Lujan. Mr. Lujan requests a variance from Article XVIII Parking, §284 Vehicle Accommodation Area Surfaces of the Town's Unified Development Ordinance (UDO). The subject property is located at the corner of Old US 421 North and Piney Grove Church Road. The UDO requires that the vehicle accommodation area for the proposed 3,600 square feet (sf) tractor trailer repair facility be paved. The owner is requesting a variance to allow the vehicle accommodation area be surfaced with gravel.

Staff Interpretation: Mr. Meadows stated that the subject property is zoned Highway Commercial and a tractor trailer repair facility is a permitted use. The proposed 3,600 sf tractor trailer repair facility (8.3 use) is required to provide one parking space per 200 sf of gross floor area (gfa) per §279 Parking Requirements. Calculation: 3,600 sf of gfa divided by 200 sf of gfa equals 18 parking spaces. Since the proposed tractor trailer repair facility requires more than 10 parking spaces and would be used regularly at least five days per week, then §284 requires that the vehicle accommodation area be surfaced with asphalt or concrete. If the proposed facility was 2,000 sf or less (require 10 parking spaces or less), then the vehicle accommodation area could be surfaced with gravel.

Staff Recommendation: Mr. Meadows recommended that the following findings (1), (2), (3), and (4) cannot be found for the following reasons:

(1) The applicant can make reasonable use of the property. The property is zoned H-C and the following uses are permitted within the H-C zoning district: (1) sales and rental of goods, merchandise, and equipment; (2) church; (3) motor vehicle related sales and operations; (4) open air market; (5) horticulture sales; (6) office and services not primarily associated with goods or merchandise; and (7) nursery school/day care center. Requiring the vehicle accommodation area to be surfaced with asphalt or concrete does not prevent the owner from making reasonable use of the property.

(2) The hardship is one suffered by neighbors and the general public. All new uses that require more than 10 parking spaces must surface the vehicle accommodation area with asphalt or concrete.

(3) The hardship does not relate to the applicants' land. The hardship does relate to a personal circumstance. The applicant's land does not have any features that would create a hardship due to having to pave with asphalt or concrete. The applicant has stated one personal circumstance which is that paving would be an expensive maintenance cost. Cost/expense considerations, standing alone, are not proper reasons on which to justify a finding of "unnecessary hardships".

(4) The hardship is not unique. Town staff (§284) requires that all new uses that require more than 10 parking spaces pave vehicle accommodation area surfaces with asphalt or concrete.

Discussion: Charles Eliason agent for Raul Lujan passed out a packet to board members. Mr. Eliason asked why several surrounding businesses were allowed to have graveled parking lots. Mr. Eliason explained that Mr. Lujan is proposing a maintenance facility for his tractor trailers that includes three repair bays and a small office space. He explained that only two people would work in the facility. Mr. Lujan's business would provide parking and storage for his tractor trailers and would not provide service on any vehicles that were not owned by him. Mr. Eliason stated that Mr. Lujan feels that tractor trailer rigs are very heavy and impose great stress to pavement and would cost an additional \$100,000 to pave.

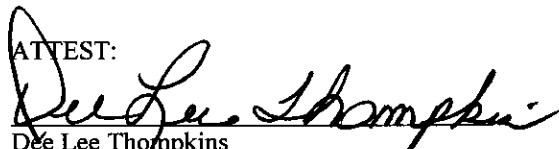
Dan McMasters asked if the applicant had considered a smaller building and why was the surrounding business not required to pave. Mr. Meadows answered that the surrounding business were developed before he was employed by the Town of Siler City.

Patty Poe asked if there was a compromise. Mr. Meadows answered that staff had compromised with the applicant and Mr. Eliason during several pre-application consultations.

Harold Hart explained that tractor trailers are hard on paved surfaces and further stated that the applicant has paid for the property and now needs to be able to use it. Mr. Meadows and Mr. Morgan suggested tabling the variance so that staff could work on finding a way for the applicant to avoid paving the vehicle accommodation area. Mr. Hart asked for a motion to table the variance. *Motion by Dan McMasters, seconded by JP Joyner, followed by unanimous consent.* Mr. Hart asked for staff to report back to the board on their findings.

ADJOURNMENT: With no further business, Mr. Hart asked for a motion to adjourn. *Motion by Dan McMasters, seconded by Mary Harris, followed by unanimous consent.* Adjourned at 8:15 p.m.


Mickey Pore
Vice Chair

ATTEST:

Dee Lee Thompkins
Recording Secretary