

TOWN OF SILER CITY BOARD OF ADJUSTMENT

The Siler City Board of Adjustment met in Regular Session on **Monday, March 9, 2020** at 6:30pm in City Hall Courtroom 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, Darrell Andrews, Butch Hudson, Linda Kolpack-Martindale, Randy Parks, and Ann Radcliffe. Garrett Frank arrived at 6:47 p.m.

MEMBERS ABSENT: Henry Smith Jr.

TOWN STAFF PRESENT: Town Attorney William Morgan, Planning Director Jack Meadows, and Permit Specialist Justin Bridges.

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

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

CONSENT

A motion to approve the consent agenda which includes the February 10, 2020 Minutes was made by Parks, seconded by Andrews and unanimously approved.

NEW BUSINESS

Variance – Old Walden Road

Hudson requested a motion to declare the public hearing open. ***A motion to open the public hearing for Variance – Old Walden Road – was made by Andrews, seconded by Kolpack-Martindale, and unanimously approved.***

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. David Gonzalez requests a variance from §194 (Access to Lots) to allow a new subdivision lot to be developed for single family residential purposes on an existing perpetual easement/private drive that currently serves more than 4 subdivision lots. The subject property is located at 360/362 Old Walden Rd. The property is identified as Lot 19 in Plat Book 95, Page 60 & parcel # 71048.

Hudson acknowledged 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.

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

Hudson asked if there were any possible conflicts and do all Board members think they can rule fairly and impartially. There were no conflicts.

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:

1. David Gonzalez, 360 Old Walden Road, Siler City, NC, 27344 (applicant)
2. Jack Meadows, 311 N. 2nd Ave., Siler City, NC 27344 (Town staff)

Hudson then administered the following oath:

"I do solemnly, sincerely, and truly declare and affirm that the evidence I give shall be the truth, the whole truth and nothing but the truth." Mr. Gonzalez and Mr. Meadows replied with yes.

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

1. Owned by Lana Laverne Frazier-Gonzalez
2. 4.76 acres
3. Located within the Agriculture-Residential (A-R) zoning district
4. Located outside the Town's Corporate Limits
5. Located more than 1.5 miles from Town's Corporate Limits
6. Not located within a watershed protection area
7. Not located within a special flood hazard area
8. Surrounded by the following land uses (single family residential)
9. Surrounded by the following zoning districts (A-R)
10. Contains an existing single wide manufactured home (360 Old Walden Road) that is served by private well and septic system
11. Contains an existing in ground septic system for future 362 Old Walden Road:
 - a. Improvement Permit obtained from Chatham County Health Department on October 21, 1998
 - b. Sewage Disposal Operation permit obtained from Chatham County Health Department on July 19, 2000
12. Bordered by Old Walden Road:
 - a. Private maintained
 - b. Surfaced with gravel
 - c. Located within a 65' wide access easement
 - d. Bordered by 9 subdivision lots (less than 10 acres in area) developed for single family residential purposes.

Proposed:

1. Create one (1) new subdivision lot (minimum 40,000 square feet) with frontage along Old Walden Road for a single wide manufactured home @ 362 Old Walden Road
2. Remaining lot (minimum 40,000 square feet) with frontage along Old Walden Road for existing single wide manufactured home @ 360 Old Walden Road
3. Well to be shared with 360 & 362 Old Walden Road

Meadows explained which items were in the application: The property deed, and the deed explaining the direction of the easement. Copy of the UDO section 194 (Access to lots), a written statement for the reasons to pursue a variance. Copy of Improvement Permit, copy of Sewage Disposal Operation Permit, an aerial photo, previous subdivision map, and photos of the property. Meadows stated he received one phone call from an adjoining property owner seeking clarification and understanding about what was being proposed.

Meadows stated that if the variance is approved, then staff recommends standard conditions as proposed in the Board packet.

Hudson asked if anybody had any final discussion or questions. No one had comments or questions.

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

Hudson directed the Board of Adjustment members to the worksheet.

A motion that unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property was made by Parks, seconded by Kolpack-Martindale and unanimously approved.

A motion that the hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability was made by Andrews, seconded by Kolpack-Martindale and unanimously approved.

A motion that the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship was made by Kolpack-Martindale, seconded by Andrews and was unanimously approved.

A motion that the requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved was made by Parks, seconded by Kolpack-Martindale and unanimously approved.

A motion that appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance 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 was made by Kolpack-Martindale, seconded by Parks and unanimously approved.

BOARD MEMBER COMMENTS

None

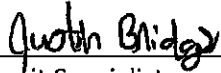
ADJOURNMENT

With no further business a motion to adjourn was made by Andrews, seconded by Parks, and unanimously approved at 6:50 p.m.



Butch Hudson, Chair

ATTEST:



Justin Bridges, Permit Specialist