

Town of Siler City Board of Adjustment

The Siler City Board of Adjustment met on Monday, May 11, 2015 in the courtroom at City Hall.

MEMBERS PRESENT: Darrell Andrews, Curtis Brown, Steve Crotts, Mary Harris, Dacia Hayes (Vice Chair), Butch Hudson, JP Joyner (Chair), Linda Kolpack-Martindale and Ann C Radcliffe

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

MEETING CALLED TO ORDER: Joyner called the meeting to order at 7:59 pm.

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA: *Crotts made a motion to approve the agenda, Hudson seconded, and unanimously approved.*

CONSENT AGENDA: *Harris made a motion to approve the consent agenda including the minutes of January 12, 2015, Crotts seconded, and unanimously approved*

NEW BUSINESS

a. **Opening Statement:** Meadows read the Opening Statement

b. **Variance – 119-A west Dolphin Street – S&H Oil & Gas – 4’x16’ covered unenclosed porch**

Joyner requested a motion to declare the public hearing open. *Motion made by Brown, Andrews seconded, followed by unanimous consent.* Joyner noted that we have seven Board of Adjustment members present, therefore we have a quorum. Meadows read the legal notice of the case: Abercrombie Oil Co./S&H Oil & Gas requests a variance at 119-A W. Dolphin St. The request is to reduce the required front/street yard building setback from 30’ to 0’ for an existing 4’x16’ covered unenclosed porch. The subject property is further identified as parcel # 61287. Joyner asked if the public was notified by ads in the Chatham News two weeks prior to the hearing, adjoining property owners received letters, and sign was posted. Meadows replied yes. Joyner asked if there are any exparte communication disclosures from Board members. There was no response. Joyner asked if there are any possible conflicts and do all Board Members think they can rule impartially? There was no response.

Joyner 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. Joyner stated that all persons who have standing in the subject case and wish to testify please come to the front of the room. Joyner asked all persons to state their name and how they have standing in the subject case. Jack Meadows (Planning Director), Mike Holt, Manager of Abercrombie Oil Co./S&H Oil & Gas came to the front of the room. Joyner asked them to raise their right hand and answer the following question. Do you solemnly swear or affirm that the testimony and information you are about to give is true and accurate to the best of knowledge. All responded with I do.

Joyner asked the Town of Siler City Director of Planning and Community Development to present the summary of the case. Meadows reported that: 1) the property is located within the Town’s corporate limits; 2) the property is zoned Light-Industrial (L-I); 3) the property is currently being used as the sale of goods; 4) the porch is an addition to an existing building that does not meet the required front/street building setback; 5) the porch is no closer to the property line than the existing building; 6) the porch is approximately 64 square feet in size; 7) property owners within the Siler City corporate limits are unable to place a porch on their property because building setbacks cannot be met; 8) the applicant installed the porch prior to obtaining a zoning permit from the Town; and 9) town staff was not given an opportunity review the location of the porch before placement.

Meadows added that if the variance is approved, then staff recommends the following conditions: 1) record the variance written decision order (provided by staff) in the Chatham County Register of Deeds office; 2) obtain required site plan and zoning permit approval. Meadows further stated that Board action is to: 1) hold public hearing in order to receive comments, testimony, and exhibits, and 2) approve or deny request using the variance worksheet or table request.

Holt apologized for building the porch without the proper permits. He stated that the building had been there before his time and all they did was extend the porch to the full length of the building. Holt said the porch beautified the building. Brown asked if he had damage from the snow. Holt stated that there was a canopy that collapsed from the snow and damaged the steps which was their only entry. This is why he extended the porch so they could get into the building. Andrews asked if he refurbished the old or just added to the existing porch. Holt stated the he just added to the old porch. Brown asked if the extension of the porch was done just to replace the steps. Holt answered that was right. Hayes asked if he had any complaints for the neighbors. Holt stated he had not.

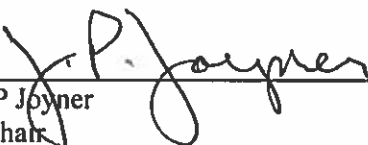
With no further discussion, Joyner requested a motion to declare the public hearing closed. *Motion was made by Hudson, Hayes seconded, followed by unanimous consent.* Joyner directed the board to their worksheets.

Variance Permit Worksheet:

1. *Motion was made by Brown that unnecessary hardship would result from the strict application of the ordinance (reason for conclusion just to replace steps), Hayes seconded, followed by unanimous consent.*
2. *Motion was made by Hudson that the hardship results from conditions that are peculiar to the property, such as location, size, or topography (reason for conclusion location and size were not a factor when original building was built), Brown seconded, followed by unanimous consent.*
3. *Motion was made by Hayes that the hardship did not result from actions taken by the applicant or the property owner, (reason for conclusion hardship was not because actions of the applicants but due to weather related conditions and safety) Harris seconded, followed by unanimous consent.*
4. *Motion was made by Hudson that the requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved, (reason for conclusion public safety is secured to existing building) seconded, followed by unanimous consent.*
5. *Motion was made by Brown that the variance will neither result in the extension of a nonconforming situation in violation of Article VIII nor authorize the initiation of a nonconforming use of land, (reason for conclusion no closer to property line than original building, grandfathered) Harris seconded, followed by unanimous consent.*
6. *Motion made by Hudson that there are reasonable conditions that the Board wishes to add: 1) record the written decision in the Chatham County Register of Deeds office; 2) obtain required site plan and zoning permit approval; and 3) meet all building and planning standards on new part, Crotts seconded, followed by unanimous consent.*

The variance was approved.

ADJOURNMENT: With no further business, *motion made by Brown to adjourn at 8:20 p.m., Crotts seconded, followed by unanimous consent.*



JP Joyner
Chair

ATTEST:



Dee Lee Thompkins
Recording Secretary