

**Town of Siler City Board of Adjustment
October 10, 2011 Meeting Minutes**

The Siler City Board of Adjustment met on Monday, October 10, 2011 at 7:00 p.m. Harold Hart called the meeting to order and Mary Harris gave the invocation. Mr. Hart asked for a motion to approve the minutes of September 12, 2011. *Motion made by JP Joyner, Wallace Matthews seconded, followed by unanimous consent.*

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

MEMBERS ABSENT: Patty Poe

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

VARIANCE – 916 NORTH CHATHAM AVENUE – JUAN GARCIA ALMANZA: Mr. Hart explained that all testimony given tonight must be sworn testimony. Jack Meadows and Juan Garcia Almanza were sworn in.

Planning Director's Report: Jack Meadows reported that Juan Garcia Almanza requests a variance from Article XII Density and Dimensional Regulations, §170 Building Setback Requirements and §171 Accessory Buildings Setback Requirements of the Town's Unified Development Ordinance. The subject property is located at 916 North Chatham Avenue. The subject property is zoned R-10 and the building setback along the side property line is ten (10) feet. The variance request is to reduce the required building setback along both side property lines from ten (10) feet to one (1) foot (a 9 feet or 90% reduction). The variance request is for an existing accessory building (18' x 19' unenclosed metal car shelter).

Mr. Meadows stated that proper notification for this public hearing has been completed as follows: 1) written notice was mailed to the applicant and neighboring property owners within 150 feet of the subject property on September 23, 2011; 2) a sign was posted at the subject property on September 23, 2011; and 3) an ad was placed in The Chatham News in the September 29, 2011 and October 6, 2011 editions of the paper.

Discussion: Mr. Almanza's interpreter explained that he had purchased the carport awhile back and the carport helps with the weather.

Dan McMasters asked if the carport could be moved to the back yard. Wallace Matthews stated that he visited the property. He further said that the carport could be moved to the back yard but that there is not enough room on either side of the home to drive a car around. The interpreter for Mr. Almanza agreed with Mr. Matthews.

Mr. Hart asked Mr. Meadows if he had received any comments from the adjoining property owners. Mr. Meadows stated that he received one phone call and the property owner wanted to know what was the reason for the hearing and if they could attend the Board of Adjustment meeting.

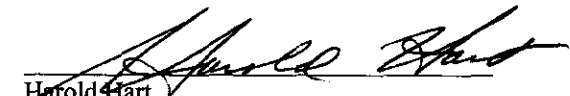
Mr. Morgan asked why the applicant did not consider a Special Exception Permit. Mr. Meadows explained that a Special Exception Permit only allowed up to a 50% reduction in the required building setback. The applicant was requesting a 90% reduction. Mr. Morgan then suggested that the applicant consider a smaller carport and then apply for a Special Exception Permit. Dacia Hayes and Mr. Matthews both voiced concerns about the possibility of an additional expense and hardship on the applicant.

Variance Worksheet:

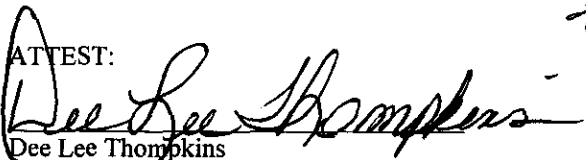
1. If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property. *Dan McMasters made a motion that the applicant can make reasonable use of his property, seconded by JP Joyner, followed by unanimous consent. Reason for conclusion: applicant can make reasonable use of his property and does not need a car shelter. (Finding Denied)*
2. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public. *Wallace Matthews moved to approve, seconded by Dan McMasters, followed by unanimous consent. Reason for conclusion: shape of the land. (Finding Approved)*
3. The hardship relates to the applicant's land, rather than personal circumstances. *Dan McMasters moved to approve, seconded by JP Joyner, followed by unanimous consent. Reason for conclusion: shape of the land. (Finding Approved)*
4. The hardship is unique, or nearly so, rather than one shared by many surrounding properties. *Dan McMasters moved to approve, seconded by JP Joyner, followed by unanimous consent. Reason for conclusion: shape of the land. (Finding Approved)*
5. The hardship is not the result of the applicant's own actions. *Wallace Matthews moved to approve, seconded by Dan McMasters, followed by unanimous consent. Reason for conclusion: land was there before the applicant purchased. (Finding Approved)*
6. 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. *Dan McMasters made a motion that the variance will result in the extension of a nonconforming situation, seconded by Mickey Pore, followed by unanimous consent. Reason for conclusion: would authorize the extension of a nonconforming situation. (Finding Denied)*

The variance request was denied based on findings #1 and #6 not being approved.

ADJOURNMENT: With no further business, Mr. Hart asked for a motion to adjourn. *Motion by JP Joyner, seconded by Wallace Matthews, followed by unanimous consent. Adjourned at 7:25 p.m.*


Harold Hart
Chair

ATTEST:


Dee Lee Thompkins
Recording Secretary