

**TOWN OF SILER CITY BOARD OF ADJUSTMENT**

The Siler City Board of Adjustment met in Regular Session on **Monday, February 10, 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, Garrett Frank, Butch Hudson, Linda Kolpack-Martindale, Randy Parks, and Ann Radcliffe.

**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 Parks, seconded by Andrews and unanimously approved.*

**CONSENT**

*A motion to approve the consent agenda which includes the September 9, 2019 Minutes was made by Kolpack-Martindale, seconded by Frank and unanimously approved.*

**NEW BUSINESS**

**Variance - North Dogwood Avenue - Dogwood Downs Lot 7**

Hudson requested a motion to declare the public hearing open. *A motion to open the public hearing for Variance – North Dogwood Avenue – Dogwood Downs Lot 7 was made by Kolpack-Martindale, seconded by Alston, 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. E.F. Evans Const. Co. requests a variance from §170 (Building Setback Requirements) to reduce the street building setback along W. 11<sup>th</sup> St. from 25' to 10.2' (14.8' reduction) for a proposed 24' x 69' duplex. The subject property is located at the southeast corner of N. Dogwood Ave. and W. 11<sup>th</sup> St. The property is identified as Lot 7 in Plat Book 2019, Page 291 & parcel # 15611.

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

Hudson verified that the public was notified by ads in the Chatham News prior to the hearing.

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. Ernie Evans, 500 Kirkman Ford Road, Siler City, NC, 27344 (applicant and property owner)
2. Jack Meadows, 311 N. 2<sup>nd</sup> 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. Evans 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 EF Evans Construction Co.;
2. 12,134 square feet in area;
3. Located within the Residential-6 (R-6) zoning district;
4. Located inside the Town's Corporate Limits;
5. Not located within a watershed protection area;
6. Not located within a special flood hazard area;
7. Surrounded by the following land uses (single family residential, multifamily residential, and vacant);
8. Surrounded by the following zoning districts (R-6 and R-10);
9. Served by public water and sewer; and
10. Bordered by E. 11<sup>th</sup> Street (state maintained, boulevard) and N. Dogwood Avenue. (town maintained)

Meadows stated that the Land Development Plan recommends medium density residential development for the subject property. These are areas of residential development, typically single-family structures, with minimum lot sizes of approximately ¼ acre or greater. All of the other items that talk about medium density residential are listed in the Board packet.

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

Meadows explained which items were in the application: The property deed, Mr. Evans statement providing some reasons for what he is asking for, copy of the UDO section 170 (specifically letter a, R-6 street set back of 25'), a survey that shows the proposed building and exact distance from the property line along 64, an aerial photo, zoning map, DOT map, and letters that were sent to all adjoining property owners. Meadows stated he received one phone call from 1105 N. Garden asking questions about what was being proposed. Meadows stated that these were the facts of the case and reiterated that E.F. Evans Const. Co. requests a variance from §170 (Building Setback Requirements) to reduce the street building setback along W. 11<sup>th</sup> St. from 25' to 10.2' (14.8' reduction) for a proposed 24' x 69' duplex.

Mr. Evans spoke to the Board about the set back and the need for a set back reduction. He stated that there is no access from that side of the lot that he is requesting a variance for.

Hudson asked if anybody opposed and asked for any comments or questions. No one opposed, had comments or questions.

***A motion to close the public hearing for Variance – North Dogwood Avenue – Dogwood Downs Lot 7 was made by Andrews, seconded by Parks, 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 Kolpack-Martindale, seconded by Parks 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 Parks, seconded by Andrews and was approved by six of the seven Board of Adjustment members (Garrett opposed).***

***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.***

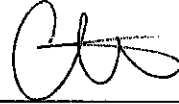
***A motion that appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance 1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board, a copy of which is filed in the City 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 Alston and unanimously approved.***

#### BOARD MEMBER COMMENTS

None

#### ADJOURNMENT

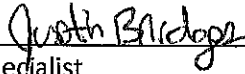
With no further business a motion to adjourn was made by Parks, seconded by Andrews, and unanimously approved at 6:49 p.m.



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Butch Hudson, Chair

**ATTEST:**



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Justin Bridges, Permit Specialist