

Town of Siler City Board of Adjustment

The Siler City Board of Adjustment met on Monday, December 8, 2014 in the courtroom at City Hall.

MEMBERS PRESENT: Darrell Andrews, Curtis Brown, Steve Crotts, Mary Harris, Dacia Hayes (Vice Chair), and JP Joyner (Chair)

MEMBERS ABSENT: Wallace Matthews

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

MEETING CALLED TO ORDER: Joyner called the meeting to order at 7:30 pm.

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA: *Motion made by Harris to approve the agenda, Hayes seconded, and unanimously approved.*

CONSENT AGENDA: *Motion made by Brown to approve the consent agenda including the minutes of October 13, 2014, Andrews seconded, and unanimously approved.*

NEW BUSINESS

a. Opening Statement: Meadows read the Town of Siler City Board of Adjustment Opening Statement

b. Special Exception Permit – 320 Fellowship Church Road – Detached Enclosed Carport: *Motion was made by Hayes to declare the public hearing open, Andrews seconded, and unanimously approved.* Joyner stated that a quorum is present.

Meadows read the legal notice of the case: James & Janet Tysor requests a special exception permit at 320 Fellowship Church Rd. The request is to reduce the required side yard building setback from 20' to 10.5' for an enclosed 20'x22' metal car port. The subject property is further identified as parcel # 69369. 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 if applicable.

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 who have standing in the subject case to state their name and how they have standing in the subject case. Jack Meadows (Planning Director), Jimmy and Janet Tysor (applicant), Ramon Perez (adjoining property owner) and Lois Garner (adjoining property owner). 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 applicant is requesting the side yard setback be reduced to ten and one half (10.5) feet from the western property line, which is a forty-seven and one half (47.5) percent reduction; 2) The proposed building is in conformity with all officially adopted plans; 3) The existing home is a conforming residential use and has existed for at least three (3) years; 4) The proposed building is more than ten (10) feet from any existing buildings/structures; 5) The applicant has submitted a completed application, sketch plan, and petition; 6) The petition states that the adjoining property values will not be adversely affected by a reduction in the side yard building setback.

Meadows added the petition shall be sufficient evidence from which the board may (but shall not be required to) make the required finding. The board may also make the required finding based on other competent evidence. Meadows said if the board approves the special exception permit, then Staff recommends the following conditions: 1) Record the special exception permit decision of the Board of Adjustment with the Chatham County Register of Deeds; and 2) Obtain required zoning and building permits. Meadows directed the board to the worksheets were they can approve, deny, or table request.

Joyner asked the applicant and applicant's witness if that want to present any testimony and evidence. Janet Tysor stated that she wants the carport to keep her convertible out of the weather. Ramon Perez stated he was here to support his friend and neighbor. Lois Garner said that the Tysors were good neighbors. *A motion to declare the public hearing closed was made by Brown, Hayes seconded, and unanimously approved.* Joyner directed the members to their worksheet.

Special Exception Permit Worksheet:

1. *Motion by Hayes that the application is complete, seconded by Harris, and unanimously approved.*
2. *Motion by Brown that the application complies with all of the required findings, seconded by Andrews, and unanimously approved.*
3. *Motion by Andrews to approve the conditions as recommended by Staff: 1) Record the special exception permit decision of the Board of Adjustment with the Chatham County Register of Deed; and 2) Obtain required zoning permit and building permits, seconded by Hayes, and unanimously approved.*
4. *Motion by Andrews to approve the permit, seconded by Harris, and unanimously approved.*

ADJOURNMENT: With no further business, *motion made by Andrews to adjourn at 7:47 p.m., Hayes seconded, and unanimously approved.*

JP Joyner
Chair

ATTEST:

Dee Lee Thompkins
Recording Secretary