

BOARD OF ADJUSTMENTS MEETING MINUTES

Monday, November 17, 2014

6:00 p.m.

Members Present: Betty Hall, Jimmy Lemons, Tad Martin, Philip Morgan Laurie Jarrett and Don Waugh

Members Absent: Herman Johnson and Sandra Masho

Others Present: Jeff Earp, Town Manager, Charlie Davis, Town Attorney and Gill Frazier, Town Attorney

Business Meeting

Call to Order – Vice Chairman Waugh called the meeting to order at 6:00 pm.

Approval of Previous Meeting's minutes – May 19, 2014 – Philip Morgan made a motion to accept the minutes. The motion passed 6-0.

Old Business- There was no old business.

New Business:

6:02pm- Vice Chairman Waugh introduced the item for consideration and stated there has been a variance request received from Valinda "Mittie" Riley of Riley Rentals LLC. She is requesting a variance of Town Zoning Ordinance, Section 155.208, Paragraph F, for the lot located at 118 South Spray Place in Haw River legally described as Alamance County Tax Map # 13-4-33.

The variance request is to allow a mobile home to be placed back on the property. The property was nonconforming under our zoning ordinance and the original mobile home was removed over 180 days ago. Per the zoning ordinance it is not allowed back.

Town Manager Earp then informed the Board that the Attorney has informed him that the Board would also need to consider Town Zoning Ordinance, Section 155.207, Paragraph 1 (A) when deciding whether or not to grant the requested variance. The current Zoning Ordinance allows one residents per lot and the lot in question also has one site built house on it.

The Town Attorney Gill Frazier then swore in Ms. Riley and Town Manager Earp in order to allow them to give testimony. Vice- Chairman Waugh then asked Ms. Riley when the original mobile home was placed on the property and she stated she did not know exactly. She stated the original mobile home was removed around early January 2014. Vice Chairman Waugh then asked if the lot was big enough to be sub-divided and it was determined that under current zoning (R-12) it was not. The Board then had discussion about placement of the single wide only being allowed in an R-G zoning district in the Town.

The Vice Chairman then recognized Joseph P. Brezezinski of 115 Spray Place, Haw River who asked questions concerning different zoning classes to which the manager explained that the different classes were associated with minimum lot sizes. Ms. Riley explained that she had a lot renter whom she had promised the ability to place a new mobile home on this lot and this would allow the renter to have her son move into current dwelling in the same neighborhood. Ms. Riley stated that at the time she made the promise to the renter she was unaware that she could not replace the mobile home.

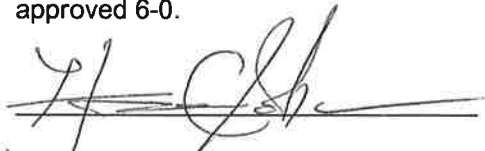
The Board of Adjustment then discussed other options that may remedy the situation. The Board of Adjustment then discussed the conditions that exist to see if they could determine an unnecessary hardship that would allow them to grant the variance in accordance with our ordinance. After discussion, it was determined that the Board could not determine the factors needed to grant the variance.

The Vice Chairman and Board member Morgan then asked Attorney Davis his opinion. He stated that in his opinion there was no evidence presented that met the needed findings to show that an unnecessary hardship existed.

After further discussion, Board Member Martin made a motion to deny the request because the needed hardship was unable to be determined. The motion was approved 6-0.

The Vice Chairman asked if there was any other business to discuss.

Adjourn- 6:31pm Board Member Martin made a motion to adjourn at 6:31pm. Motion was approved 6-0.

A handwritten signature in black ink, appearing to read 'H. Johnson', written over a horizontal line.

Herman Johnson
Chairman

DATE: 9/14/15