

BOARD OF ADJUSTMENT MEETING MINUTES

Monday, April 19, 2010

6:00 p.m.

Members Present: Herman Johnson, Cathy Wilson, Laurie Jarrett, Tad Martin, Jimmy Lemons, Don Waugh, Charles Belcher
Members Absent: Sandra Masho
Also Present: Jeff Earp, Rob Jennings, Tammy Speicher

Call to Order – Chairman Johnson called the meeting to order.

Approval of Previous Meeting's minutes – August 17, 2009 – Don Waugh made a motion to approve the minutes; Laurie Jarrett seconded. Motion passed 7-0.

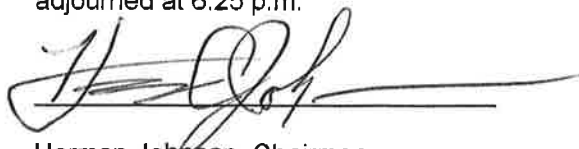
Old Business - None

New Business

Request to hear Variance request from Jeanette Amash, 506 Rolling Rd, to reduce the required protective fence height of no less than 6' to 4' in regards to the installation of a new in ground fence: –Town Manager Jeff Earp and Ms. Jeanette Amash were sworn in by Clerk Speicher. Ms. Amash stated that she initially contacted Alamance County Inspections concerning the placement of an in-ground pool. She was informed by Mr. Chris Faucette that everything was good and that her existing 4' parameter fence would suffice to meet the fence requirement for the state building code. Manager Earp explained that the contractor came to Town Hall to obtain a permit and he informed her of the 6' fence requirement. Don Waugh asked if the existing fence had any openings and if the gates were secure. Ms. Amash stated that, according to Mr. Faucette, the fence and gates were fine. Manager Earp cautioned the Board that they must find unnecessary hardship to grant a variance. Tad Martin stated that the Town's ordinance should not be more restrictive than the states. He asked that Town Manger Earp request the Council change the 6' fence requirement to mirror the State's requirement. Herman Johnson stated that he also felt the Town should not be more stringent than the State. He also felt the requirement should be changed so that this did not happen again. He stated he did see it as a hardship to require Ms. Amash to place a second 6' fence. Don Waugh stated that there are two premises with 4' fences that were grandfathered in in 1994. He asked if anyone was aware of any incidence with either of the grandfathered pools. No one was aware of any. He cautioned that the Board of Adjustment is forbidden to make zoning ordinance changes; they can only grant variances. Also, the hardship cannot be created by the person requesting the variance. Manager Earp stated that the Board must find all of (3) (a-h), *incorporated by reference*, to be a hardship in order to grant the variance. Don Waugh confirmed with Attorney Jennings that the appeal for a variance denial was to the Superior Court. Laurie Jarrett stated that the resident received her information from the Inspections Department. Manager Earp stated that, since the County does not have zoning, they most likely mirror the state concerning fencing. Don Waugh addressed Ms. Amash stating the hardship was not created by her; the Council needs to address the fence requirement. Charles Belcher asked Ms. Amash why she did not come to the Town first. She stated that it never occurred to her to check with the Town first. Don Waugh stated that it was an important factor that the County inspector gave Ms. Amash advice. Charles Belcher stated that the citizen acted in good faith. He asked Manager Earp to have a talk with the County about inspectors offering advice in Haw River. Herman Johnson stated that he too would like the Council to address this issue; the Town should parallel the County. Tad Martin made a motion to grant a variance to Ms. Amash for a 4' fence; Laurie Jarrett seconded. Motion carried 7-0.

Don Waugh made a motion to adjourn; Cathy Wilson seconded. Motion carried unanimously. Meeting adjourned at 6:22 p.m.

Manager Earp addressed the Planning & Zoning Board and distributed information requested by Charles Belcher regarding town-owned property, grant award information and Planning Board Information. Manager Earp offered to drive anyone around who would like to see the town's property. Laurie Jarrett made a motion to adjourn; Don Waugh seconded. Motion carried unanimously. Meeting adjourned at 6:25 p.m.



Herman Johnson, Chairman

DATE: MAY 17, 2010