

**BOARD OF ADJUSTMENTS MEETING MINUTES**  
**Monday, May 19, 2014**  
**6:00 p.m.**

Note: Don Waugh was sworn in for 3 year term on Planning and Zoning/ Board of Adjustment Boards before start of meeting.

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

Members Absent: Sandra Masho

Others Present: Jeff Earp, Town Manager, Rob Jennings and Melanie Hamilton, Town Clerk

**Business Meeting**

**Call to Order** – Chairman Johnson called the meeting to order at 6:00 pm.

**Approval of Previous Meeting's minutes – March 31, 2014** – Philip Morgan made a motion to accept the minutes, seconded by Jimmy Lemons. The motion passed 7-0.

**Old Business-** There was no old business.

**New Business:**

6:02pm- Chairman Johnson introduced the item for consideration and stated there has been a variance request received from Robert Weavil and Jerry Hollars. They are requesting a variance of Town Zoning Ordinance, Section 155.067, Table of Permitted Usage for the lot located at 114 South State Street in Haw River legally described as Alamance County Tax Map # 13-4-140 and 13-4-138.

The variance request is to allow a retail store to be established in existing building on property with 1-2 zoning, instead of normal I-1 zoning.

The Town Clerk swore in Mr. Hollars and Town Manager Earp in order to allow them to give testimony. Mr. Hollars stated that he was present to represent Mr. Weavil and himself. He stated that he plans to lease property from Mr. Weavil at the teamwork facility (5500 Sq. Ft.) and would like to open a "feed and seed" store. He stated that while our ordinance does allow some retail operations in I-2 zoning his (feed and seed) is not specifically listed. He also stated that the area he is planning to open the establishment has several zonings such as B-2, I-2 and Residential along East Main Street. Manager Earp then explained that the area has houses, a car lot, and industry beside subject property.

The Board of Adjustment then discussed the hardship of the building and industry being on the subject property before the zoning, the different zonings around subject property, and how our ordinance is written.

The Board then discussed with Mr. Hollars how traffic flow would work.

After discussion Board Member Martin made a motion to approve request and that the Board of Adjustment had found that all requirements set forth in §155.267 POWERS OF THE BOARD, Variances, Land Usage (1) (2) and (3) A-H had been satisfied and that a Variance be granted to Mr. Robert Weavil and Mr. Jerry Hollars; motion was seconded by Board Member Morgan. Motion carried 7-0.

6:20pm- Chairman Johnson introduced the item for consideration and stated there has been a variance request received from Mr. Joey Blackard of ERR Rentals LLC. He is requesting a variance of Town Zoning Ordinance, Section 155.067, Table of Permitted Usage for the lot

located at 157 Wilkins Road in Haw River legally described as Alamance County Tax Map # 13-5-10B.

The variance request is to allow a multi-family complex within existing building on property with R-12 zoning, instead of normal R-G zoning.

The Town Clerk swore in Mr. Blackard and Town Manager Earp in order to allow them to give testimony. Mr. Blackard stated that he had recently purchased the property from the Swink Estate and requested the variance to build a three apartment complex in the footprint of the existing building that was an old shop and storage/warehouse type facility.

Manager Earp noted that the property is currently non-compliant with the R-12 zoning and this project would also be non-compliant, but would bring the property back to a residential use. Mr. Earp also stated that a rezoning was not requested because of set back issues and the shape of the lot due to NCDOT ROW's that effect the property. Mr. Earp also stated that the property is another example of the structure and use being in place before the Town's original zoning was in place.

The Board of Adjustment then discussed the hardships of the building and industry being on the subject property before the zoning, the different zonings around subject property.

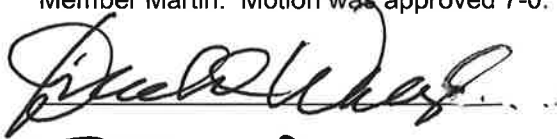
The Board and Mr. Blackard discussed several issues concerning the project such as construction, parking and plans for adjoining property.

After discussion Board Member Don Waugh made a motion to approve request and that the Board of Adjustment had found that all requirements set forth in §155.267 POWERS OF THE BOARD, Variances, Land Usage (1) (2) and (3) A-H had been satisfied and that a Variance be granted to Mr. Joey Blackard; motion was seconded by Board Member Martin. Motion carried 7-0.

**Other Business- NONE**

Don Waugh asked the Board to consider revisiting our zoning map and ordinance to possibly look at making changes to avoid these types of situations. By consensus the Board asked the manager to place this issue on the next agenda for the planning and zoning Board at the regular meeting date in June.

**Adjourn-** Board Member Lemons made a motion to adjourn at 6:34pm, seconded by Board Member Martin. Motion was approved 7-0.

  
Herman Johnson      Don Waugh  
Chairman              Vice-Chair

DATE: 11/17/14