

**TOWN OF HOPE MILLS
BOARD OF ADJUSTMENT SPECIAL MEETING
FEBRUARY 20, 2017, 6:00 P.M.
BILL LUTHER BOARD MEETING ROOM**

Mayor Pro Tem Gorman called the special meeting of the Hope Mills Board of Adjustment to order on Monday, February 20, 2017 at 6:02 p.m.

GOVERNING BOARD MEMBERS PRESENT

Mayor Pro Tem Gorman, Commissioners Bryan Marley, Pat Edwards and Jerry Legge were in attendance.

GOVERNING BOARD MEMBERS ABSENT

None.

STAFF MEMBERS PRESENT

Interim Town Manager Melissa P. Adams, Deputy Town Clerk Deborah Holland, Town Attorney Dan Hartzog and Planning and Development Administrator Chancer McLaughlin.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was led by Commissioner Legge, followed by the Pledge of Allegiance led by Mayor Pro Tem Gorman.

1. APPROVAL OF AGENDA

Motion made by Commissioner Marley, seconded by Commissioner Edwards and carried unanimously, to approve the agenda as presented.

2. APPROVAL OF MINUTES – JANUARY 23, 2017.

Motion made by Commissioner Legge, seconded by Commissioner Edwards and carried unanimously, to approve the minutes from the Board of Adjustment Training Meeting on January 23, 2017 at 6:00 p.m.

3. PUBLIC HEARING

P16-01-HM: CONSIDERATION OF A VARIANCE TO ALLOW A 27 FOOT 1 INCH FRONT YARD SETBACK WHERE 30 FEET IS REQUIRED IN AN R10 RESIDENTIAL DISTRICT ON .41+/- ACRE LOT, LOCATED AT 1604 CITATION COURT; SUBMITTED BY CUMBERLAND HOMES, INC (OWNER) & DENNIS NORRIS (AGENT)(HOPE MILLS).

Chancer McLaughlin, Planning and Development Administrator, presented Case No. P16-01 HM to the Board. The residence that sits on the subject property is approximately 90% complete

and has access to water and sewer. Mr. McLaughlin commented that according to the ordinance, 102A-1706 Subsection B, there are 4 variance hardships criterion that need to be met for consideration of this case. Due to the quasi judicial nature of these proceedings, and since a variance typically requires a 4/5 vote and there are only 4 Board Members present, the decision must be a unanimous vote. The Variance Hardships Criterion to be taken into consideration when deciding to approve or deny the variance request:

1. Unnecessary hardship that would result from the strict application of the ordinance.
2. Hardship that would result from the conditions particular to the subject property, such as size, location or topography.
3. Hardship did not result from the action taken by the applicant or property owner.
4. Requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Mayor Pro Tem Gorman asked Mr. McLaughlin why the property had not been examined prior to the home being built. Mr. McLaughlin responded that from a planning stand point, it did not require any zoning approvals and this question would be best answered by the applicant. Applicant Dennis Norris, President of Cumberland Homes, remarked the plot plan submitted to the Town included the proper setbacks but somewhere in the building process, the site plan was mistakenly reduced. This mistake was caught during a foundation survey in July 2016 which prompted Mr. Norris to begin with this proceeding.

Commissioner Legge asked if a plot plan or blueprint was turned in, Mr. Norris responded that it showed the right setbacks but when the site plan was mistakenly reduced, it threw off the dimensions. Commissioner Marley asked if the house would remain empty if the variance is not approved. Mr. Norris responded that the house is 90% complete and sits empty as all construction was halted when Cumberland Homes found they were in violation. Mr. Norris commented that he had approximately \$180,000 invested in this home and wished not to tear it down.

Motion made by Commissioner Legge, seconded by Commissioner Marley and carried unanimously, to close the public hearing.

During the voting portion, the Board was instructed they may make comments at the time of reviewing each criterion and they will vote on each individually.

1. Unnecessary hardship that would result from the strict application of the ordinance.

Commissioner Marley commented that it would put a financial hardship on the owner. Commissioner Legge remarked that having to move during the construction would cause a hardship against the owner.

A vote was taken for Criterion 1 and all Board members voted unanimously that the hardship was met to satisfy Criterion 1.

2. Hardship that would result from the conditions particular to the subject property, such as size, location or topography.

Commissioner Legge commented that the error was caught by the applicant who realized it was not in compliance with the setback.

A vote was taken for Criterion 2 and all Board members voted unanimously that the hardship was met to satisfy Criterion 2.

3. Hardship did not result from the action taken by the applicant or property owner.

Commissioner Edwards commented that the setback was not deliberate and when the owner realized the mistake, he came forward immediately to settle this issue.

A vote was taken for Criterion 3 and all Board members voted unanimously that the hardship was met to satisfy Criterion 3.

4. Requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Commissioner Edwards remarked that she believed the safety regulations were adhered to and for that she voted in favor of hardship 4 being met.

A vote was taken for Criterion 4 and all Board members voted unanimously that the hardship was met to satisfy Criterion 4

Motion made by Commissioner Legge, seconded by Commissioner Marley and carried unanimously, to close the comments period of the public hearing.

FINDINGS:

Motion made by Commissioner Marley, Seconded by Commissioner Edwards and carried unanimously, to grant an indefinite Duration Variance for Case P16-01-HM to allow a non compliance front yard setback as required in R10 Residential District.

4. ADJOURNMENT

Motion made by Commissioner Marley, seconded by Commissioner Edwards and carried unanimously, to adjourn the meeting.

Mayor Pro Tem Gorman adjourned the meeting at 6:40 p.m.

Bob Gorman, Mayor Pro Tem

ATTEST:

Deborah Holland, Deputy Town Clerk