

Minutes 03.19.07  
Approved 12.17.07

VILLAGE OF WESLEY CHAPEL  
BOARD OF ADJUSTMENT MEETING  
MONDAY, March 19, 2007  
7:00 PM

MINUTES

The Board of Adjustment of the Village of Wesley Chapel, North Carolina, met in the Fellowship Hall of the Wesley Chapel United Methodist Church at 120 Potter Road South, Wesley Chapel, North Carolina with Chairman Butch Byrum presiding.

**Present:** Chairman Butch Byrum, Mike DeDora, Sondra Bradford, Lisa Ghannam, Bill Fairman, Kim Ormiston

**Absent:** Bruce Ewing

**Also Present:** Cheryl Bennett, Village Clerk, Justin Krieg Planning/Zoning Administrator

**Visitor:** Carol Mullis

Item # 1

Welcome

Chairman Byrum called the meeting to order at 7:05 PM.

Item # 2

Pledge and Invocation

Chairman Byrum led the Pledge of Allegiance, and the invocation.

Item # 3

Approval of Minutes

Changes were made to the December 18, 2006 minutes to show Kim Ormiston, Bruce Ewing, Bill Fairman and Justin Krieg as present. Ormiston made a motion to approve the minutes, as corrected. Bradford seconded the motion.

Item # 4

Consider appointment of new Secretary

Ormiston nominated Cheryl Bennett as secretary. DeDora made a motion to close nominations; Ghannam seconded the motion.

The motion passed unanimously.

Ghannam made a motion to appoint Bennett as Secretary. Ormiston seconded the motion.

The motion passed unanimously.

Item # 5

Other Business

Krieg reported on ETJ: in November the Village received approval from the County; in December the County voted to rescind their approval. The statutes require a two year notice to rescind. We are waiting on a declaratory judgment from Superior Court. The

Minutes 03.19.07

Approved 12.17.07

Board of Adjustments has their own rules of procedure, and they are the only group that may amend their rules. Krieg has proposed language changes to amend the Rules of Procedure to incorporate ETJ representation.

*Added to Section 11.1.2: Additionally, the Board of Adjustment will include two (2) members from the Extra Territorial Jurisdiction (ETJ) Area. This number is based on proportionate population representation and should be annually reviewed by the Village Council to ensure adequacy. ETJ members shall have and may exercise all powers and duties of regular members. The initial appointment of the ETJ members will consist of an initial staggered 2 and 3 year terms. Thereafter, members shall be appointed for a term of (3) years each.*

*Added to Section 11.1.3: Each member of the Board of Adjustment shall have equal rights, privileges, and duties in all matters coming under the Board's purview.*

The Village Council computed the representation rate for the ETJ area as being two new members. Discussion was held on whether we should add this language, not knowing if ETJ will be approved by the Courts. Krieg reported we have an agreement with the County, whereby we both approve any zoning matters in the ETJ area for the time being. Krieg was not sure what would happen if a decision got appealed; would it go to the County Board of Adjustments as well as the Wesley Chapel Board of Adjustments? Chairman Byrum had a concern that ETJ members might make decisions for the rest of the Village; and if ETJ ends, they may be gone; would the decisions be void, and how would this impact the Village. Fairman suggested we just have the ETJ members vote on ETJ area decisions. Guidance was requested from the Village Attorney. Ormiston suggested we use the minimum number of representatives, and length of term, as we can always make increases. Chairman Byrum suggested we add language, but minimize the involvement to the ETJ area. Bradford made a motion to add two members to the Board of Adjustments for the ETJ area; DeDora seconded the motion.

The motion was approved unanimously.

DeDora made a motion that the ETJ members have all powers and duties of regular members. The motion died.

Ormiston made a motion that the ETJ members have limited powers and duties to the ETJ area until such time as ETJ is legally or otherwise decided; if ETJ becomes legal, they would then get all voting authority. Ghannam seconded the motion.

The motion passed 4-1, with DeDora voting nay.

Fairman suggested one member have a two year term, and one have a one year term. Ormiston made a motion for the new members to have one and two year staggered terms, until the lawsuit is determined. Ghannam seconded the motion.

The motion passed unanimously.

It was noted that the Board of Adjustments is neither in favor of, nor against ETJ, just complying with necessary procedures.

Minutes 03.19.07

Approved 12.17.07

Krieg will re-work the wording for the next meeting and check with the Village attorney regarding whether an issue that goes to the BOA goes to both the County and Village BOA.

Item #6

Adjournment

Motion to adjourn by Ormiston and seconded by Ghannam. The motion passed unanimously and the meeting adjourned at 8:15 PM.

Respectfully submitted,

---

Cheryl Bennett, Interim Village Clerk

---

Henry C. Byrum, Chairman