

**VILLAGE OF WESLEY CHAPEL
BOARD OF ADJUSTMENT MEETING
February 23, 2010, 7:00 PM**

MINUTES

The Board of Adjustment of the Village of Wesley Chapel, North Carolina, met at the Wesley Chapel United Methodist Church, 120 Potter Road, Monroe, NC 28110.

Present: Chairman Butch Byrum; Vice Chairman Bruce Ewing; Members Diana Bowler, Lisa Ghannam, Tonya VanWynsberg

Village Staff present: Cheryl Bennett, Village Clerk; Joshua Langen, Planning/Zoning Administrator

1. Welcome and Determination of Quorum
The meeting was called to order; a quorum was present.
2. Additions, Deletions, Corrections, and Adoption of the Agenda
Diana Bowler made a motion to adopt the agenda; Bruce Ewing seconded the motion.
The motion passed unanimously
3. Oath of Office for new member Tonya VanWynsberg
Cheryl Bennett administered the oath of office to Tonya VanWynsberg.
4. Approval of Minutes of September 21, 2009
Diana Bowler made a motion to approve the minutes of September 21, 2009; Lisa Ghannam seconded the motion.
The motion passed unanimously.
5. Call for public hearing on Variance Request for Fire Station
Joshua Langen reported that the Fire Department submitted an application for variances to build a new fire station. Members may call him for factual information on the application. The variance application was given to the members.
Diana Bowler made a motion to call for a public hearing on the variance request here at Wesley Chapel United Methodist Church, 120 Potter Road, Monroe, NC 28110 at 7 pm on March 10, 2010. Bruce Ewing seconded the motion.
The motion passed unanimously.
6. Review of Quasi-Judicial hearing procedures
At the hearing we will first determine if anyone has a conflict of interest, and the applicant can challenge. Butch Byrum noted he did the Fire Department corporate charter twenty years ago, and was on their board fifteen years ago, when they got a ladder truck about five years ago he did their closing. He did not

feel like he has a conflict, but if requested he would recuse himself. A supermajority vote is needed to approve the variance, which is four out of five members. We will make sure there are no procedural problems, that the request was made properly, and proper notice was given. Each side will offer testimony, and witnesses will be sworn in. People from the audience can speak, but if they are not sworn in, you can not consider their testimony. Butch Byrum asked if the board would have an attorney. Cheryl Bennett said George Sistrunk the Village's attorney would attend. Butch Byrum said he is the Village's attorney, not the Board of Adjustment's (BOA) attorney. Lisa Ghannam and Diana Bowler felt the attorney should be someone else. Bruce Ewing said George is the Village attorney and might lean toward them. Butch Byrum said the BOA is not a political body; to avoid any appearance of impropriety the BOA should have a separate attorney. Cheryl Bennett said she would contact Council regarding funding. In the past we used Ligon Bundy and Bill Sturges as BOA attorney. Cheryl Bennett noted that time is of the essence; we hope to have a decision by BOA the night of the hearing. Butch Byrum said he didn't know how many witnesses would be involved, but he assumed we could make a decision in that time frame. Butch Byrum noted that if anyone is not happy with the BOA decision, they can appeal to Superior Court; so he would feel more comfortable with an attorney for the BOA. Cheryl Bennett will contact Council about engaging an attorney.

Lisa Ghannam asked a question about normal setbacks. Joshua Langen said they are forty feet in the rear, fifteen feet side and seventy five feet in the front. Joshua Langen reminded members no not discuss the variance request, nor to read newspaper articles about it. Butch Byrum read aloud Section III. D. from the Rules of Procedure for the BOA.

Joshua Langen noted they are asking a variance from Article 4.2, which is general screening and landscaping regulations. Article 4.2.1 says whether you allow driveways in the buffer, you can't reduce it to less than ten feet. Table 4.2 is a sliding scale, they are 3.7 acres, so you round down to 3.5 which requires a buffer width of 24 feet, which can be reduced by twenty per cent (to 19.2 feet) by providing a wall, which they are doing. Other relevant sections are 4.2.8 which defines what may be allowed in the buffer. If the area is determined to be parking and not driveway, you can only reduce to ten feet. Joshua Langen reviewed the definitions for setback at Article 2; also Section 5.3.3 point to the requirements on setbacks. Article 9.1.4(e) says parking areas should not be extended into the required side or rear setbacks. A driveway is allowable in a setback. The BOA will have to decide what is driveway and what is parking. Article 11.3 has the findings of fact and goes over variances. We do have a definition of a parking bay in Article 2. Cheryl Bennett asked if we should be going into these discussions at this time. Butch Byrum noted we should avoid getting into factual discussions until the hearing.

7. Adjournment

Diana Bowler made a motion to adjourn; Tonya VanWynsberg seconded the motion.

The motion passed unanimously.

Minutes 02.23.2010
Approved 06.21.2010

Respectfully submitted,

Cheryl Bennett, Village Clerk

Henry C. Byrum, Chairman