

**VILLAGE OF WESLEY CHAPEL
BOARD OF ADJUSTMENT MEETING
March 21, 2011, 7 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 Lisa Ghannam, Tonya VanWynsberg, Creig Williard; Alternates David Boyce and Bill Rodriguez

Village Staff present: Cheryl Bennett, Village Clerk; Joshua Langen,

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
The agenda was adopted with no changes
3. Oath of Office for new alternate members David Boyce and William Rodriguez
Cheryl Bennett, Clerk administered the oath of office to David Boyce and William Rodriguez.
4. Approval of minutes of December 27, 2010
Creig Williard made a motion to approve the minutes of December 27, 2010. Tonya VanWynsberg seconded the motion.
The motion passed unanimously.
5. Review of Article 11 “Board of Adjustment” of Zoning Ordinance
Cheryl Bennett reviewed Article 11 with the Board.
6. Review of CUP Process when Village is Applicant and Quasi-Judicial Procedures
Joshua Langen noted when the Village is the applicant, the application comes to the Board of Adjustment for review and approval. CUP Article 6 was recently revised. He distributed copies of the CUP applications. Item “J” calls for a profile of the building on the site, also required is preliminary stormwater and landscaping plans at the staff level. Langen doesn’t do a recommendation letter for variances, but he does either recommend for or against a CUP. Planning Board usually has a comment period, if we include that for BOA, there might be two meetings scheduled. BOA would need to see final stormwater and landscape plans. Since BOA acts as Council would when approving a CUP, they would use

the findings of fact in Section 6.4.3 a-h. The burden of proof is on the applicant. Joshua Langen will address each item, but he is just making recommendations, BOA can make their own decisions. Regarding finding (d) – Langen noted we need to avoid spot zoning; finding (e) availability of services including water, he noted we need to work with Union County, but it is a bit of a catch-22 since they want an approved CUP before they issue a letter of availability. Finding (f) relates to traffic; the applicant can get data on traffic. For finding (g) on adequate safety and emergency services, they can obtain a letter from the service providers. Langen went over the steps involved; he will review the application, there will be a public comment period, the intent of the public hearing is to allow neighbors to have an early voice in the process. The State doesn't require public comments, it should be okay legally to have all comments and information in one evening. The Board can wait to render a decision in a second meeting, if desired. Chairman Byrum said he would be reluctant to have the public comment and public hearing all in one night. The Board's job is to protect the rights of the property owner and of the Village. It is hard to tell how long the presentation will take or how many questions will arise ahead of time.

The role of the alternates was discussed; if there is a regular member absent, or if a member is challenged as having a conflict of interest, the alternate will act as a regular member.

Quasi-judicial hearings include having witnesses sworn in and subject to cross examination. The decisions and deliberations are done in public.

Normally we have an attorney for the Board of Adjustment, since the decisions can be appealed to the Superior Court. The attorney draws up the findings of fact and makes legal conclusions. The Board of Adjustment makes the legal decision. Bill Rodriguez asked if he can bid on concrete work involved, the clerk will check on this.

David Boyce said he works for a company that does residential framing, and he won't bid in Wesley Chapel.

7. Adjournment

Bruce Ewing made a motion to adjourn; Lisa Ghannam seconded the motion.

The motion passed unanimously.

Respectfully submitted,

Cheryl Bennett, Village Clerk

Henry C. Byrum, Chairman