



Board of Adjustment Minutes

March 14, 2019

Members Serving:

David Nail, Chairman
Steve McGlothlin, Vice Chairman
Rosalind Campbell
Danny Martin
Mark Brady

Also Present:

Craig Culberson, Senior Planner
Jackie Thompson, Administrative Specialist

Not Serving:

John Robertson
Alan Johnson
Mitch Abraham
Joan Hutton

Absent:

Rawls Howard, Director

Mr. Nail called the meeting to order at 7:22 P.M.

- 1.) Approval of the minutes from the January 10, 2019 board of Adjustment meeting.

ACTION: A motion by Mr. McGlothlin, seconded by Ms. Campbell to approve the minutes. The motion was unanimously approved.

- 2.) Consider a **VARIANCE** request from Hopper Communities. The property is located on West Waterlynn Road, further referenced by Iredell County Tax Map PIN# 4646-86-5125. The request is in reference to 9.2.5 block Design.

Mr. Culberson was sworn in.

Craig Culberson: Mr. Chairman and Board this variance is 2019-01 Waterlynn Road North West. The applicant is Hopper Communities. Owner is M&J Land. The request is to section 9.2.5 Block Design. The applicant is requesting to convert the required block intersection to pedestrian green space path. In section 9.2.5 the Ordinance requires that average block length be around 600 feet and in no case can a block exceed 880 feet without having a vehicular cross street to break up that block. The applicants request tonight is to ask relief from the requirement of that vehicular connection. In place of that propose a pedestrian connection. Pedestrian crossing would give access to the amenity area. The topography on the property does have a lot of slope from the eastern side of the property to the western side where it slopes down to the lake. Pedestrian connection that is proposed utilizes trails to connect the street to common open space areas. The Town's Engineering, Fire protection and other requirements mandates a street not exceed 8% in slope. There is a 16% slope. This variance request will only follow with this plan. If this plan does not move forward, then that variance would not carry with the property.

In a variance case, the findings of fact must be answered in the affirmative:

1. There are practical difficulties or unnecessary hardships in application of the Ordinance requirements; and
2. Any Practical difficulties or unnecessary hardships are not the result of the actions of the applicant;
3. The reasons set forth in the application justify the granting of a Variance, and that the Variance is the minimum action that will make possible the reasonable use of land or structures; and
4. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
5. In the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.

The Board can:

1. Approve the request based on affirmative findings of fact
2. Approve the request with reasonable conditions
3. Deny the request

Note: if any of the findings are voted in the negative, the request must be denied.

Brett Sword was sworn in. Explained the engineering aspects to the slope of the project.

Kimberly Smith was sworn in: Concerned that once the area is cleared how will you protect our community from fire spreading up into our area.

Steven Brevig was sworn in: Concerned about the amount of traffic this will create and the amount of traffic on the lake.

Dustin Onufrak was sworn in: Confused about the traffic getting in and out. What about the narrow road?

Craig Culberson: Explained that these questions will be better asked at the rezoning hearing. Explaining again that this tonight is a Variance Hearing. As I stated earlier the staff has not reviewed this. Have not given a concept plan approval. It does not have a TIA done on it. If this plan moves forward a lot of the questions this gentleman has will be answered. We can not answer the questions right now because we have not gotten that far in the process.

ACTION: A motion by Mr. Nail, seconded by Ms. Campbell to approve the Finding of Facts. The motion was unanimously approved. The Variance was granted unanimously with the condition that they install a pedestrian trail per the exhibit that was shown.

ACTION: A motion by Mr. Brady, seconded by Mr. McGlothlin, to adjourn the March 14, 2019 Board of Adjustment meeting. The motion was unanimously approved.

The meeting adjourned at 8:04 P.M.

