

PLANNING AND ZONING BOARD MEETING MINUTES
Monday, April 21, 2008
6:00 p.m.

Members Present: Herman Johnson, Wade Clapp, Cathy Wilson, Laurie Jarrett, Tad Martin, and Charles Belcher

Members Absent: Sandra Masho and Don Waugh

Business Meeting

Call to Order – Chairman Johnson called the meeting to order.

Old Business

Approval of Previous Meeting's Minutes – March 17, 2008 – Laurie Jarrett made a motion to approve the minutes, seconded by Cathy Wilson. Passed 6 to 0.

New Business

Consideration of a request from Margaret Lambert concerning set back of carport at 1336 Haywood St.

The Planning Board was advised that Manager Earp was contacted by the Alamance County Building Inspections Office that they had received a complaint concerning the placement of a carport on the above mentioned property. They ask Mr. Earp to provide them with the zoning and setbacks for the property identified as Tax Map 13-12A-19. The property is zoned as R-12 and requires a 10' setback on sidelines not abutting a street. They also asked if Mr. Earp had signed a permit application to erect a carport on the property. After reviewing Town records Mr. Earp responded that he had not.

The inspections office then contacted the land owner Ms. Lambert and advised that she would need to get a building permit and come into compliance with the setbacks in order to keep the carport on the property.

Ms. Lambert then went through the process of getting the permit. She however did not agree that she needed to be 10' off of the property line because the restrictive covenants placed on the property in 1966 states that an accessory building can be erected within 5' of the sideline.

Mr. Earp had the Town Attorney review the issue and it is his opinion that the Zoning Ordinance "trumps" the covenants.

Ms Lambert then requested that the Planning Board review the situation and allow the 5' setback for the carport based on the restrictive covenants.

After discussion the Planning Board instructed Manager Earp to notify Ms. Lambert that the issue would need to be presented to the Board of Adjustments for a variance. They also instructed Manager Earp to make Ms. Lambert aware of the rules of hardship she would have to

meet in order to get a variance; several members felt that the hardship rules would be hard to meet in this case. No further action was taken.

Discussion by Planning Board of a Request by Teresa Long to subdivide property on HWY 49.

The Manager ask the planning board to review a request from Ms. Teresa Long requesting guidance to determine if she would be allowed to subdivide property on HWY 49 identified as Tax Map 13-2-17. The issue was that the side lines may not meet the minimum of 120' in depth. After discussion the Planning Board instructed Manager Earp to notify Ms. Long that the issue would need to be presented to the Board of Adjustments for a variance if determined after a survey the minimum depth was not met. They also instructed Manager Earp to make Ms. Lambert aware of the rules of hardship she would have to meet in order to get a variance; several members felt that the hardship rules would apply in this case because of right of way/ road changes over the years. No further action was taken.

Discussion of complaint by Earl Michael Thompson concerning Mobile Home located 105 S. Spray Street owned by Timothy Blalock in regards to setbacks.

The Planning Board was informed that Manager Earp received a complaint concerning the placement of a mobile home on the above mentioned property. The property is identified as Tax Map 13-4-45. The property is zoned as R-12 and requires a 10' setback on sidelines not abutting a street and 25% of lot depth for back lines. The complaint is that the mobile home is less than a foot from the backline of the property.

After researching the property, a mobile home (according to the tax records) has been on the property since 1995. A permit was issued in 1999 by Alamance County Building inspections to place the mobile home on the site. The Inspections Department also approved the placement and gave a CO and had the power turned on to the mobile home. After reviewing Town records Manager Earp could not find any records concerning this mobile home.

Manager Earp also informed the Board that the Town Attorney was reviewing the issue.

Several Planning Board members felt that as long as there was not an encroachment that we may not have the right to ask the owner to move the mobile home, because inspections had permitted and approved the placement.

After discussion the Planning Board referred the issue to the Town Attorney and took no further action.

Tad Martin made a motion to adjourn. The motion was seconded by Cathy Wilson and was approved unanimously.


Herman Johnson
Chairman

DATE: 5/19/08