

REGULAR MEETING
TOWN OF WAYNESVILLE
BOARD OF ADJUSTMENT
SEPTEMBER 4, 2007
TUESDAY - 5:30 P. M.
TOWN HALL

The Board of Adjustment held its regular meeting Tuesday, September 4, 2007. Members present were Jack Suddath, Mack Noland, Mike Erwin, John Richardson and Neal Ensley. Also present at the meeting were Land Development Administrator Byron Hickox and Deputy Town Clerk Freida Rhinehart. Chairperson Mike Erwin called the meeting to order at 5:30 p.m.

Approval of Minutes of June 28, 2007

Jack Suddath moved, seconded by John Richardson to approve the minutes of June 28, 2007 as presented. The motion carried unanimously.

Variance Request - Roger Siske - 1111 Pigeon Road/1067 Pigeon Road - Francis Cove Rural District (FC-RD)

Byron Hickox stated Mr. and Mrs. Siske are seeking relief from the minimum lot size standards for property on Pigeon Road. He apologized to the Siske family for the delay in scheduling their public hearing on their variance request due to misplacing their paperwork. The minimum lot size in the Francis Cove Rural District is 0.5 acre. If this variance is granted to allow the subdivision, the new lot sizes will be 0.52 acre and 0.29 acre.

Mr. Hickox then presented the following Finding of Fact for the Granting of Variances (154.084(F)(2)(a)):

- a. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter.

Finding: The lot in question is .787 acres and contains two single-family residences. Subdividing this lot in any fashion would create at least one lot that is smaller than the required half-acre minimum.

- b. That if the applicant complies with the provisions of the chapter, the property owner seeking the variance can secure no reasonable return from, or make no reasonable use of his property.

Finding: The only reasonable use of the property is as two lots with one residence on each lot. Without a variance, the lot must be retained or sold as is.

- c. That special conditions and circumstances exist which are peculiar to the land, structure or building involved which are not applicable to other lands, structures or buildings located in the same land development district.

Finding: The special conditions associated with this lot are peculiar and are applicable to

- d. That the special conditions and circumstances do not result from the actions of the applicant.

Finding: While the special conditions and circumstances do technically result from the actions of the applicant, these actions were made before the existence of the current Land Development Standards.

- e. That the variance is in harmony with the general purpose and intent of this chapter and preserves its spirit.

Finding: While the variance would allow the creation of one lot that would be smaller than allowed by the Land Development Standards, many pre-existing lots in this district are smaller than the minimum lot size allowed.

- f. That the variance is the minimum necessary to afford relief.

Finding: The variance is the minimum necessary to afford relief.

- g. That the public safety and welfare have been assured and substantial justice has been done.

Finding: The public safety and welfare would be assured and substantial justice would be done by the granting of the variance.

John Richardson asked about Item d. Mr. Richardson pointed out that it was not actually the fault of Roger and Diana Siske since the houses were there when they obtained the property. Mr. Hickox responded that he was referring to the applicant's family.

Diana Siske said she and her husband own the property in question but do not live there. Her husband and his brother inherited the property from their mother. Subsequently, she and her husband bought out his brothers and have used it as rental property. Mrs. Siske's son wishes to purchase the house on the larger of the two proposed lots if the variance is granted.

Edna Davis stated she owns the property behind this tract. Her father gave a quick claim deed when the first house was built on the property. Ms. Davis said she did not understand where Ms. Siske is asking for an easement. Mr. Erwin replied Ms. Siske is not asking for an easement, only to subdivide the lot. The Town is required to notify adjoining property owners within 500 ft. of any property on which a public hearing is held.

Mack Noland moved, seconded by John Richardson, to grant a variance to Roger and Diana Siske based on the Findings of Fact presented and in compliance with general requirements of Section 154.301(B)(1)(a) Density and Dimensional Standards and Section 154.111(B)(1) Density/Lot Size Standards and specific requirements of Section 154.084(F)(2)(a) Granting of Variances. The motion carried unanimously.

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Adjournment

With no further business, Mack Noland moved, seconded by Neal Ensley to adjourn the meeting at 5:50 p.m.

Mike Erwin
Chairperson

Freida F. Rhinehart
Secretary