

MINUTES
BOARD OF ADJUSTMENT
City of Burlington, NC
May 13, 2014

Members Present

City:

Mr. Ed Wilson, Chairman
Mr. Mike Gee
Mrs. Joyce Lance

Members Absent

Mr. Todd Smith
Mr. Eric Grant

ETJ:

Mrs. Sylvia Greeson

Mr. David McDevitt

Also present was Mr. Joey Lea, Zoning Administrator and Mr. Chris Marland, Zoning Enforcement Officer.

Chairman Ed Wilson called the meeting of the Board of Adjustment to order at 8:30 a.m. Mr. Wilson stated the city representatives to the Board of Adjustment are appointed by the City Council. This is a quasi-judicial hearing. Everyone speaking before the Board should state their name, sign the log on the podium, and swear or affirm that everything they say is true to the best of their knowledge. Appeals of the Board's decisions may be taken to the Alamance County Superior Court. The City will state their position because of their knowledge of the case and the technical codes. The applicant will state their case, and then anyone from the public may speak. After the applicant and the public have presented all evidence, the Board will then close the meeting to the public and discuss the case and vote. During this time no more evidence shall be admitted nor any other arguments made unless the Board wishes to ask the Applicant a question pertaining to the evidence already presented. Anyone that tries to make an argument or present any evidence at this time will be out of order. The Chairperson may order any individuals who willfully interrupt, disturb, or disrupt to leave; failure to comply with this order is punishable by imprisonment up to 6 months, a fine of \$250.00 or both. An affirmative four-fifths vote is required to grant a variance, special use or an appeal.

DUE PUBLICATION

Mr. Chris Marland, Zoning Enforcement Officer with the City of Burlington, stated, due notice and publication of this meeting of the Board of Adjustment has been made, and all contiguous property owners were mailed a notice advising of this meeting.

SWORN TESTIMONY

Prior to testifying before the Board, each party was sworn in or affirmed that the testimony they were about to give was true to the best of their knowledge.

MEETING MINUTES

Chairman Mr. Ed Wilson stated, the first item of business for today is going to be the approval of the minutes from the March 11, 2014 meeting. Did everyone receive their 2 copies of the minutes? The second set is the correct version. Are there any opposed changes? Board Member Mrs. Sylvia Greeson stated yes, I didn't get a chance to look over the second set of minutes but I would like to submit the changes I made to the first set of minutes to be compared to the second set. Board Member Mrs. Joyce Lance made a motion that to submit these changes that are mostly grammar, spelling, and word errors and they can be compared with the corrected copy but there will be no changes in the substance of the discussion. Board Member Mrs. Sylvia Greeson seconded the motion. The Board voted unanimously to approve the May 13, 2014 Meeting Minutes.

ITEM NO. 1:

CASE NO. 04-14 – SPECIAL USE PERMIT (CITY)

Iglesia Misionera Pentecostes Camino De Santidad

1336 Plaza Dr.

Alamance County Tax Map 12-7-89

§ Section 32.9

Churches in I-2 zone.

EVIDENCE PRESENTED: Mr. Chris Marland stated, this is for a church at 1336 Plaza Drive in Burlington. This church will have 75 members. It's in an I-2 zone in the BMOC Burlington Mall Outlet. They have applied for a Special Use Permit for the church. It does meet parking requirements as such for 75 members. Also, he has been talking with Bill Davis in our Inspections Department because it was a restaurant and it is going to change into a church. He has an architect that has submitted plans to go ahead and get that aspect of it done. I did receive one phone call from a resident of Burlington to ask what was going on, I explained to him what was going on and he said that it was a welcome site.

Mr. Marco Carbajal stated, I am the pastor of the church and I would like to thank God for being here and thank you guys for being here on behalf of the members of the church we are happy to be here. Hopefully you can approve of the church in that location. I swear that I will state the truth. We have 75 members and the building that we are at currently is too small to hold all of us so that is why we are looking for a bigger building. Board Member Mrs. Joyce Lance asked, where are you now? Mr. Marco Carbajal stated, 1113 East Webb Avenue. Chairman Mr. Ed Wilson asked, is that a rented facility? Mr. Marco Carbajal stated, yes we are renting it. Board Member Mr. Mike Gee asked, the building that you are looking at, are you buying it or renting

it? Mr. Marco Carbajal stated, we are buying this building. Board Member Mr. Mike Gee asked, if we approve this Special Use permit do you think that being in that location is going to cause any danger to the public? Mr. Marco Carbajal stated, this church will actually be a blessing for those around us so we don't think it will have a negative impact. Board Member Mr. Mike Gee stated, tell us a little bit about what you are going to do to the building. Mr. Marco Carbajal stated, the restaurant portion of where that used to be that is where we are going to have the altar. The other side where the kitchen used to be, right now there is a room there and in that room is where we are going to have the little kids have their Sunday School classes. For right now that is about how much we have planned out because of finances. We have all the blue prints from the architect if you all would like to take a look at that. Chairman Mr. Ed Wilson asked, anything you give us we have to keep is that ok? Mr. Marco Carbajal stated, yes that's fine. Mr. Chris Marland stated, you don't have to look at the blue prints. It is not necessary. Board Member Mr. Mike Gee asked, Mr. Marland does this use meet the required conditions specifications? Mr. Chris Marland stated, yes it does, all parking requirements are met as well. Board Member Mrs. Joyce Lance asked, do you believe that having a church there will injure the property values around the church. Mr. Marco Carbajal stated, no I do not believe that because we plan to remodel the church and make it better in looks and we're all together going to keep up with the maintenance of the area and the areas around us. With the parking we are also going to paint it and make it look really nice as well. That is our plans. Board Member Mrs. Joyce Lance asked, so you feel that you are actually going to improve the property? Mr. Marco Carbajal stated, yes. Chairman Mr. Ed Wilson asked, are there other churches nearby there? Mr. Marco Carbajal stated, not that we are aware of. Mr. Chris Marland stated, there is one church over by the bridal shop.

DISCUSSION & FINDING OF FACTS: Chairman Mr. Ed Wilson stated, seems pretty straight forward, there's other churches there, and has been in existence there. Board Member Mr. Mike Gee stated, I think this area needs all the help it can get. Board Member Mrs. Sylvia Greeson stated that restaurant has been vacant a long time. It would be nice to see it cleaned and fixed up. Board Member Mrs. Joyce Lance stated, I can't see any problem with it and it meets the requirements.

DECISION: Board Member Mr. Mike Gee stated, I would like to make a motion that the four required conditions for issuing a Special Use Permit in accordance to Section 32.13.B(1)(a) are met due to the following Finding of Fact:

1. ***the use will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved;***
the findings of fact are testimony from the applicant that there would be no negative impact. There has been no contradictory testimony to suggest otherwise and in discussion with the board members this will actually be an improvement to the property as oppose to creating any type of safety issues;

2. **the use meets all required conditions and specifications;**
the findings of facts are as testified by the staff members Mr. Marland and Mr. Lea this use does meet all requirements by conditions. There is ample parking. This was previously a public use facility and it is just a change in that use;
3. **the use will not substantially injure the value of adjoining property or that the use is a public necessity;**
the findings of fact are that this will not injure the value of adjoining properties. The testimony by the applicant is that this property will actually be remodeled and because it will be occupied after the church purchases the property it should actually improve the property potentially improving the value of the adjoining properties;
4. **The location and character of the use if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Burlington and its environs;**
the findings of fact are that this use will actually be in harmony with other uses in this area. This is an old outlet mall and there is one other church located probably half a mile from this location so this would be in harmony and of the same character as that use ;

Board Member Mrs. Joyce Lance seconded the motion.

AYES: Lance, Gee, Wilson, Greeson

NOES:

Board Member Mr. Mike Gee stated, I would like to make a motion to approve the Special Use Permit for Iglesia Misionera Pentecostes Camino De Santidad to be located at 1336 Plaza Dr. Burlington. Due to the previously stated Findings of Fact and the applicant be required to comply with all of the State and City requirements and that the applicant/owner shall complete the development according to the plans submitted and approved by this Board any if conditions affixed hereto or any part therefore shall be held invalid or void then this permit shall be void and of no affect.

Board Member Mrs. Sylvia Greeson seconded the motion. The board voted unanimously to approve the Special Use Permit.

AYES: Lance, Gee, Wilson, Greeson

NOES:

NEW BUSINESS:

Zoning Administrator Mr. Joey Lea stated, as you know the statute in the ordinance that has the variances has changed. I am giving you a copy of this because it is a little more extensive than what it used to be. When we do a variance we are going to have to do it just like a special use permit. You need to have the Finding of Fact for each one of those four things. If one of these four things doesn't meet the requirement, then we can't do a variance. It has to be a specific finding of facts. I will email this to you all so that there is enough room between this listing for each one of you to take notes. So when you make your motion you will know what to say for each one of these. This is an example of letters that we will send out. I just wanted you to be aware of the fact that there will be changes on the way that we do this for a Special Use permit. When sending out the letters we will have to be a little more specific than the way we have been doing them. Also, Chris will conduct all the meetings. You will address Chris. I will swear in just in case I need to say anything. There are some things right now that Chris may not be able to answer so that is the only reason I will be swearing in. Primarily Chris is the one that will be addressed.

MEETING ADJOURNED

Ed Wilson, Chairman

Chris Marland, Secretary