

MINUTES
BOARD OF ADJUSTMENT
City of Burlington, NC
November 10, 2015

Members Present

City:

Mr. Ed Wilson, Chairman
Mr. Mike Gee, Vice-Chairman
Mrs. Joyce Lance
Mr. Robert Giles II (Alt.)

Members Absent

City:

Mr. Todd Smith
Mr. Eric Grant (Alt.)

ETJ:

Mrs. Sylvia Greeson (Alt. ETJ)

ETJ:

Mr. David McDevitt (Alt. ETJ)

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

Chairman Mr. Ed Wilson called the meeting of the Board of Adjustment to order at 8:30 a.m. Chairman Mr. Ed 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 60 days, a fine of up to \$1000.00 or both. An affirmative four-fifths vote is required to grant a variance. A majority vote is required to grant a Special Use Permit or to determine 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

Vice-Chairman Mr. Mike Gee made a motion to approve the minutes as corrected. Board Member Mr. Robert Giles, II seconded the motion. The Board voted unanimously to approve the July 14, 2015 Meeting Minutes.

ITEM NO. 1:

CASE NO. 11-15 SPECIAL USE PERMIT (City)

Life's Journey UCC

1908 S. Mebane St.

Alamance County Tax Map number 12-11-1

§ Section 32.9

Church with a non-profit clinic

EVIDENCE PRESENTED: Zoning Enforcement Officer Mr. Chris Marland stated, case number 11-15 Life's Journey UCC, located at 1908 South Mebane Street, Burlington is applying for a Special Use Permit for a church which is also going to operate a non-profit outreach clinic for up to no more than three days in a one month period. This is an R-9 district and the church, has been there awhile. We have received probably 4 to 5 phone calls; I say probably because I received 1 on a message but I called the lady back and she never returned my call; but none of them expressed their opinion either for or against the case. We explained in detail about what was going on between the church and the non-profit clinic and what they seemed to be questioning the most was the fact that there is a house beside the church that the church owns and they were wondering if the church was expanding into that area. We explained to them that it was not, Vice-Chairman Mr. Mike Gee asked, a Special Use Permit is necessary even though this has been a church historically? Zoning Enforcement Officer Mr. Chris Marland stated, correct, they also need one for the non-profit clinic that they are applying for. The clinic is considered a philanthropic, eleemosynary use per ordinance which requires a Special Use Permit as well. Also, the church, Life Journey UCC did not receive a Special Use Permit before. Zoning Administrator Mr. Joey Lea stated, technically they would not have to have a Special Use Permit for the church because the church is nonconforming. We decided that it was better to put the church under a Special Use Permit which brings it into compliance. There will be no alterations to the church, the church will be used as it always has been but that just brings it into compliance. Chairman Mr. Ed Wilson asked, so we are here today because of the church and the outreach clinic services that they are adding? Zoning Enforcement Officer Mr. Chris Marland stated, yes. Board Member Mrs. Sylvia Greeson asked, you're just adding another function into an existing building?

Mr. Phil Hardy stated, I am the pastor of Life Journey United Church of Christ located at 1908 South Mebane Street. The church that was located at this building was St. John's New Mission United Church of Christ prior and to that it was St. John's United Church of Christ. A church has existed on this property since 1953. The property, including the church and the two houses and the adjoining lot to the rear are currently under contract to another church group. In response to their stated desire to operate the Al-Aqsa Community Clinic on the church premises we respectfully request a Special Use Permit to allow for this specific activity. The clinic will provide free medical services to the community two or more Saturdays per month. Chairman Mr. Ed Wilson asked, so your church is the property owner? Mr. Phil Hardy stated, yes indeed we are. Chairman Mr. Ed Wilson asked, and then you lease your facility to the other organization, to the other church? Mr. Phil Hardy stated, we are under contract to sell the church. Chairman Mr. Ed Wilson asked, so the other church is going to operate the clinic? Mr. Phil Hardy stated, they are. Chairman Mr. Ed Wilson asked, is the other church Life's Journey, or is your church Life's Journey? Mr. Phil Hardy stated, we are Life's Journey. Board Member Mrs. Sylvia Greeson

asked, you said that the clinic would be open at least two Saturday's a month, earlier the statement was made no more than three days per month, is it two, no more than three or are we anticipating more than three? Mr. Phil Hardy stated, I will need to refer those questions for a member of the group purchasing the church and they are here to address those questions. Vice-Chairman Mr. Mike Gee asked, who was the Special Use Permit to be issued to? Zoning Administrator Mr. Joey Lea stated, the Special Use Permit is for the land, but there will be a new user. They are selling the church to the folks that will operate the church and the clinic. Chairman Mr. Ed Wilson asked, the Special Use Permit doesn't go with the land does it? Zoning Administrator Mr. Joey Lea stated, it goes with the land. Board Member Mrs. Joyce Lance asked, so you are the seller and when you sell it then you are no longer a part of this new venture, or are you staying on? Mr. Phil Hardy stated, we will no longer be on the premises, no. Zoning Administrator Mr. Joey Lea asked, was the house used as a parsonage? Mr. Phil Hardy stated, many years ago. Zoning Administrator Mr. Joey Lea asked, is it just a rental now? Mr. Phil Hardy stated, yes, two rental properties adjoining on each side. Chairman Mr. Ed Wilson asked, are you selling those as well? Mr. Phil Hardy stated, yes. Chairman Mr. Ed Wilson asked, are families living in them? Mr. Phil Hardy stated, yes.

Mr. Shaher Sayed stated, I am here to talk on behalf of the Burlington Masjid, which is the church that is buying the Life Journey Church property. Board Member Mrs. Joyce Lance asked, what is your relationship to the church? Mr. Shaher Sayed stated, I'm the chairman of the board. We are purchasing the Life Journey Church and continuing the use of it as a church for orderly and just activities and with the addition of providing the occasional service of a general health screening and services free of charge for people. The difference between what the gentleman from zoning said and what the Pastor Phil said, right now we are operating two Saturdays per month. We have been doing this in Greensboro for the past seven years and if we add to it it's not going to be more than one more day. Board Member Mrs. Joyce Lance asked, are you a physician? Mr. Sayed stated, no ma'am I'm not. Board Member Mrs. Joyce Lance asked, who will be doing that health screening? Mr. Sayed stated, we have a lot of community doctors who are local and they volunteer. The whole thing is on a volunteer based. Board Member Mrs. Joyce Lance asked, so you are adding services similar to what is done at the open door clinic? Mr. Sayed stated, similar to that except we just do the service part of it. It's part of bringing a church to add more than just a prayer service in the area. We want to help a little bit more in the community than just going and praying for everybody. Vice-Chairman Mr. Mike Gee asked, so it's really an outreach for the church? Mr. Sayed stated, yes sir. Vice-Chairman Mr. Mike Gee asked, if it's a church outreach we're just considering the fact that this church usage, I'm not trying to beat this to death, but I mean if that's a church outreach does that change what we are doing? Zoning Administrator Mr. Joey Lea stated, it is but it's not a typical use for a church to have a clinic. This is a residential district and a clinic is a commercial type operation and the thought process there is that we understand you are a non-profit and we understand you may operate only a couple days a month but we also understand that this could turn out to be a full-fledged doctor's office operating inside a church in a residential district, which would not be allowed. Yes, it is an outreach program for the church but it also has the potential of becoming something more, so we wanted it under a Special Use Permit as a non-profit entity and to make sure it only operated a certain amount of time. Board Member Mrs. Joyce Lance asked, do you think it would help if it's not called a clinic? It's not really a clinic, not by definition. Zoning Administrator Mr. Joey Lea stated, technically it's not but, what they are going to do as we understand it, will be offering these services to anyone from the public, where a doctor checks them out. Board Member Mrs. Joyce Lance asked, so it is open to the public? Zoning Administrator Mr. Joey Lea stated, it is open to the public. It's not just for the church members, it's a public clinic. Vice-Chairman Mr. Mike Gee asked, and that's for the benefit of the community? Zoning Administrator Mr. Joey Lea stated, yes. Vice-Chairman Mr. Mike Gee asked, but for the protection of the community we want to look at limiting this to say, three days

per month? Zoning Administrator Mr. Joey Lea stated, yes. Board Member Mrs. Sylvia Greeson asked, our Special Use Permit should include that limitation of three days per month? Zoning Administrator Mr. Joey Lea stated, that is what we had agreed on, but that is the thought process behind what we are doing here so that it doesn't become something other than what is intended. Board Member Mrs. Joyce Lance asked, could I ask a little more about the discussion and the planning phase? I'm very familiar with churches that have health screening days, often times it's nurses from the hospital or it's nurses that are actually a part of the congregation that do blood pressure and blood sugar, you know it's basic health screening stuff that's not really a clinic; it's more of a screening. Some people would call it a screening clinic. But it's sort of like a health day or health screening day, and I think everyone is familiar with that but what I'm not familiar with is opening it up to the public because we already have the Open Door Clinic. There are other churches around that are doing these screenings; what is the thought process of opening it to the public, is it to enlarge the congregation, the membership of the church? I'm not sure why this service is needed when services are already provided. Mr. Shaher Sayed stated, I don't want to discredit any of the services that already exist and may God bless anyone that does something to help, but it's adding more of that use in the community. We never believed in the restriction of good services at our church to anybody and that's why we believe it should be open to anybody. As far as the restrictions, we are ok with that and understand that there is that issue of you not wanting it to turn into a business. We never had that intention or process of thought, not in future plans. We strictly want to keep it as just a service to help people. Board Member Mrs. Joyce Lance asked, will it be advertised? Mr. Shaher Sayed stated, we haven't done any type of advertising or thought about advertising. People hear about it, and some people want to know more and we tell them about it. Vice-Chairman Mr. Mike Gee asked, Mr. Sayed, just to confirm, we've got different things we've got to justify and I think it's great anytime you are doing an outreach in the community, but you are ok stating that you are not going to operate this service outreach more than three times a month? Mr. Shaher Sayed stated, yes sir. Vice-Chairman Mr. Mike Gee asked, obviously church activities has some impact on the community and there was a question about the house but do you think that you will materially endanger the public health or safety if we grant the permit? Mr. Sayed stated, no sir, it will not endanger anybody. Vice-Chairman Mr. Mike Gee asked, I guess another question is, if we allowed this, is it substantially injuring the value of any adjoining or abutting properties? Do you think that operating as a church number one, and number two as a medical clinic three times a month will have a negative impact on the surrounding property owners? Mr. Sayed stated, no sir. Vice-Chairman Mr. Mike Gee asked, I guess the last question has to do with the location and the character of the use, I mean as a church it's been there since 1953, it's kind of in harmony with the area in that it's in a largely residential area, and again we are just looking at a different use for the property, do you think that if we approve this request with the restrictions on the usage for the clinic that the church, and the way you are going to operate it, is going to be in harmony with the surrounding area? Mr. Shaher Sayed stated, yes sir. Chairman Mr. Ed Wilson asked, I see one house is that being purchased with the property? Mr. Sayed stated, there are two. There is one house here on this side and the other house on the other side. It's a separate parcel, I think. Chairman Mr. Ed Wilson asked, are you buying both houses and the church? Mr. Sayed stated, yes sir. Chairman Mr. Ed Wilson asked, what are your plans for the two houses? Mr. Sayed stated, after talking with staff on this, we plan on keeping them and renting it to the same people. They have been there for a while and they have been taking care of the houses. We don't have any plans on changing any of that. Board Member Mrs. Joyce Lance asked, so the houses are currently occupied by renters? Mr. Sayed stated, yes and we've already conveyed a message to them.

Dr. Vasia Kahnn stated, I was going to answer your question on what is it going to bring to the community. We started initially in Greensboro seven years ago and as a physician on this side you know there is a big, big void for the medical care for a lot of people. We were trying to fill that gap by providing this service and then the project of Burlington Masjid came and we thought

it would be a good place to also start another clinic there. It's an open door clinic and it's does a whole lot for the community. So, it's not really a full clinic but its here to kind of fill the gap and bridge out some of the services that we can provide. I think it will be really good for the community and the public, helping out somebody. Chairman Mr. Ed Wilson stated, thank you. Is there anybody form the public that wishes to speak to this matter?

Mr. Aaron McRow stated, I live at 2115 Huntington, the house right behind the church. The church has been operating fine. My concern is the medical clinic. I'm still a little fuzzy on the Special Use Permit as far as it's been a church and now they have to have a permit? So that means the gentleman over here to my left gave me an indication that something is going on that in the future they may need to expand out on somethings. The church also had a daycare at one point in time but bringing in the medical clinic is going to bring in more traffic to the area. They are saying two days and maybe go to three days, I don't know. Do we intend to do a shelter at some point in time? Can that be included in this special permit? The big impact as far as what is it going to do to our neighborhood is what I'm still a little concerned with. I don't know how it's going to affect the safety and the dynamics out our neighborhood currently. Board Member Mrs. Joyce Lance asked, are you asking us to make it clear that if a permit is approved that there can not be a shelter located at this church? Mr. Aaron McRow stated, yes I ask that. Yes, I understand they are trying to do a good thing don't get me wrong. I think it's redundant in services because there are other services that the county provides and there is no sense in coming in and disrupting that. You've got Mebane Street as busy as it is already. We're going to get the increase in traffic coming in with the additional people seeking their services. I do ask that if you do decided to do this, to at least make sure that it's strict and basically you set the rule that there is no shelter and limited to three days, no more than that at all. Also, make sure they don't have the kind of freedom to do whatever else after, if you do chose to approve the permit. Chairman Mr. Ed Wilson stated, Mr. Lea or Mr. Marland, can you guys address that, with this permit what additional usages are we permitting or not? Zoning Enforcement officer Mr. Chris Marland stated, I don't know that you are permitting any additional uses beyond what they are asking for. Chairman Mr. Ed Wilson asked, would they be able to operate a shelter? Zoning Enforcement officer Mr. Chris Marland stated, no sir. Chairman Mr. Ed Wilson asked, so they would have to come back before this Board or the City to seek additional approval to operate a shelter? Zoning Enforcement Officer Chris Marland stated, yes. Chairman Mr. Ed Wilson asked, this permit does not allow for them to expend the building or the footprint or anything? Brick and mortar has to stay the same? Zoning Enforcement officer Mr. Chris Marland stated, correct. Board Member Mrs. Joyce Lance asked, since there are two houses on either side, if we approve this permit is it sort of as is because you are talking about expansion and so forth. Maybe we have approved permits where we say as being used right now; which shuts down any additional things like shelter or evicting tenants because they decide they are going to have the clinic there. Are we allowed to do that? Zoning Administrator Mr. Joey Lea stated, you can put restrictions on Special Use Permit. Now keep in mind that the Special Use Permit is only for this property and this house, not the other house. Board Member Mrs. Joyce Lance asked, just the one house? Zoning Administrator Mr. Joey Lea stated, just the one. The other house is stand alone. This house just happens to be on the parcel with the church. Board Member Mrs. Joyce Lance asked, ok is this your house? Mr. Aaron McRow stated, no ma'am my house is the one that backs up to the church. The church does have property that is right beside my house and that's the other little lot that is to the left. Board Member Mrs. Joyce Lance asked, would that be an unusual thing? Zoning Administrator Mr. Joey Lea stated, no it's not unusual. You can make the stipulation that the house is only to be used as one, the parsonage, or two, anything outside of this. Under this Special Use Permit they can only use this for the church and the clinic. They have already stated that the house will remain as is. You can put a stipulation on that for the Special Use Permit if you want to make sure it's used for nothing else. Mr. Aaron McRow stated, I think that kind of answered that right there. Like I said, my biggest concern is bringing into the neighborhood

traffic and people. Chairman Mr. Ed Wilson asked, you're interested in finding out about service hours? Mr. Aaron McRow stated, service hours, how it's going to impact traffic, what they are going to do to secure that facility at night, and what they are going to do to secure the people coming in. Chairman Mr. Ed Wilson asked, how's the facility secured now at night? Mr. Aaron McRow stated, right now it's not being used as a clinic, start turning it into a clinic and you've got medical items, you've got drugs, you've got stuff that may be held in the clinic. Chairman Mr. Ed Wilson stated, not from our understanding. Mr. Aaron McRow stated, I'm guessing that's where I may not understand and that's the reason I'm asking for a little more clarification. Board Member Mrs. Joyce Lance stated, we all think of a clinic as a full service health clinic and apparently this is not what is happening. At one point I do want to ask Dr. Kahn a question before we proceed. I do understand your concerns. There is another concern however, when it's out on the street that there is a free clinic, you may have two or three Saturdays designated but if this happens to be Wednesday afternoon and somebody wants to be seen they are likely going to go there to see if they can get in. It's just human nature, and it's what happens with every healthcare clinic. I want you to know that we do have some limitations here regarding what we can do and what we can consider. The things that Mr. Gee talked about as far as being in harmony with the neighborhood and not endangering the public, that's what we have to look at. But your concerns are legitimate as a neighbor to something brand new. Board Member Mrs. Joyce Lance asked, I certainly don't want to insult any homework that you have done but have you spoken with the Board of Medicine regarding the services that you want to provide here? What I'm concerned about is when you said, let's say someone comes in from out of town and they need their prescription filled, you have to have a chart on a person if they are getting medication. Are you keeping charts there and documentation there? Dr. Kahn stated, yes we do. We do have charts and sometimes that might be the only visit that they have. Board Member Mrs. Joyce Lance stated, the only reason I bring that up is because if you are going to keep charts there it makes it look even more like a clinic. Where with the health screening day you might have a simple form and have their blood pressure written. I'm only asking you this because I wouldn't want to see you as an individual get yourself in any kind of trouble with the Board of Medicine. Dr. Kahn stated, in North Carolina as a medical physician you do volunteer. You actually have to notify them of the number of hours that you are there for their benefit. To answer the neighbor's question, we won't take a lot of walk-ins. Our clinic is very organized, most of the time it is by an appointment and mostly it's the first and third Saturday of each month. So they have to call and make an appointment and we only take certain numbers depending on how many physicians we have. It's really not a huge number that come to the clinic one day. The Clinic is a feasible name for everyone because everyone knows there's going to be some kind of health care provided there. Board Member Mrs. Joyce Lance asked, so you feel very well versed in the medical liability you are taking on? Dr. Kahn stated, yes they are aware of it so I don't worry. Chairman Mr. Ed Wilson stated, do you provide the medicine or do you provide a prescription? Dr. Kahn stated, we provide medicine's also. Chairman Mr. Ed Wilson asked, are those medicines kept there? Dr. Kahn stated, the medicines will not be kept there, no. Chairman Mr. Ed Wilson asked, they come daily with you? Dr. Kahn stated, yes they come in with us and we bring it from our other offices, they are in boxes and we bring them back to the other offices, so it's not going to be kept there. Board Member Mrs. Joyce Lance asked, you said you have been doing this in Greensboro for seven years or so? Dr. Kahn stated, yes. Board Member Mrs. Joyce Lance asked, are you adding to your existing Greensboro clinic, or are you just moving here? Dr. Kahn stated, no, it's just going to be part of Alamance County. We will stay about once a week in Greensboro also. Chairman Mr. Ed Wilson asked, what are your typical hours on a Saturday? Dr. Kahn stated, it's usually open from 10 am to 1pm. Board Member Mrs. Sylvia Greeson asked, will you be leaving any of the medical supplies or charts on the property here, or will all that go with the Doctors? Dr. Kahn stated, I would say that the charts will probably stay because that's going to be a little problem to move. Board Member Mrs. Sylvia Greeson asked, but these will be locked up? Dr. Kahn stated, of course. Board

Member Mrs. Joyce Lance stated, the Board of Medicine does not want you to transport medical charts in the car. Board Member Mrs. Sylvia Greeson asked, but any medical supplies, prescription, nonprescription drugs, all of that will go with you? Dr. Kahn stated, yes. Chairman Vice-Chairman Mr. Mike Gee asked, Dr. Kahn, just to clarify, it's interesting to learn how you operate, so you take appointments only within a three hour window? How many community members do you anticipate coming through on a given day? Dr. Kahn stated, let me give you an example, the other place is a very small place. We have three exam rooms and again it depends on the physicians. One weekend we might have three physicians, so maybe seven patients per physician, so maybe 21-25 patients. Vice-Chairman Mr. Mike Gee asked, I don't think we are in the business of trying to limit the number, but do you anticipate the same thing being the max at 25-30 on a Saturday? Dr. Kahn stated, yes, also Guilford County is a big county and Alamance is a smaller county so you have to kind of go by that. Vice-Chairman Mr. Mike Gee asked, to jump on that a little bit more, given those numbers, vehicle circulation on any given Saturday if you've got 30 over a 3 hour period, you're talking maybe 10 people coming in and out of the parking lot in an hour, correct? Dr. Kahn stated, I think so, yes. Vice-Chairman Mr Mike Gee stated, and a lot more traffic on Mebane Street. Where you are, can you go left or right out of the parking lot? Dr. Kahn stated, yes we can. Vice-Chairman Mr. Mike Gee stated, one way out and it's a right only? Board Member Mrs. Sylvia Greeson stated, correct. So again with 10 people an hour roughly, is the parking adequate? Dr. Kahn stated, I have seen the parking lot and its looks pretty big. Vice-Chairman Mr. Mike Gee stated, from the diagram here it's obvious there is more than 10 spaces here in the parking lot. I don't think you will have any parking issues. In Greensboro where you are located, has it created any impact on the properties that are beside you? Dr. Kahn stated, we have been in the same place and it actually was donated to us. The building had been for sale for a while and they just let us use it for no cost. The services entrances and areas; the facilities of the church are adequately enough to handle any waste that is going to be generated by the use? Dr. Kahn stated, the only waste we have is from the finger sticks. We don't do anything else there. But yes we do dispose of them properly. Vice-Chairman Mr. Mike Gee asked, so you have bio-hazard and everything? Dr. Kahn stated, yes. Board Member Mrs. Joyce Lance asked Mr. Lea, in our roll of deciding whether or not to approve this Special Use Permit, are we going in the wrong direction asking so many specific questions about the clinic? Is it getting beyond our per-view for the duties of this committee? Zoning Administrator Mr. Joey Lea stated, so far I don't think so. The questions you are asking are important. The questions on the facility are certainly crucial, the amount of traffic is crucial; you are asking the right questions. Chairman Mr. Ed Wilson asked, what are the hours of your services? Mr. Shaher Sayed stated, the weekly services are on Friday between 12:00 and 2:00. Our services in there are just minor and we don't anticipate but only a few people to be there at any time. That's why we stick with Saturdays because there is nothing going on. Chairman Mr. Ed Wilson asked, how large of a crowd do you expect? Mr. Sayed stated, that's the thing, we don't have a large Muslim community in Burlington, it's very small. In the general population how many people that live in Burlington even go to church, then scale that down to how many muslims and out of those how many choose to go to church? We hope that everyone shows up but we don't expect it.

Ms. Tracy Lee stated, I actually live in the neighborhood and Dr. Kahn actually answered a lot of the things. For 18 years I lived at 2009 Huntington Road, the dead end part, and was very aware of the impact of the complexes over there, and even though I don't live there anymore there are still people that I am close to that live there. I'm concerned about they're property values, for people that have lived there 45-50 years. As a realtor as well, anything that will devastate their property values will be a concern to me. In my private life I have volunteered many times with the clinic, and one of the things I was going to say was it is done by appointment only for the physicians that were able to volunteer for that particular day, so it is spread out. It's not an abundance of vehicles; I do understand that is a concern to the gentleman that lives behind the

church. Vice-Chairman Mr. Mike Gee asked, I'm not saying that we will put this restriction on there, but are you ok with a condition for the clinic to be by appointment only? Dr. Kahn stated, yes but if somebody comes in and, let's say a hungry person comes and you had food, would you turn them away? So that would be my logic. I would think that if there are three physicians available and they can see that patient, I would so I wouldn't say no. It's by appointment only and we will make sure that it is by appointment only, but if there is somebody in need, we will not deny the service. Chairman Mr. Ed Wilson asked, and that is during clinic hours correct? Dr. Kahn stated, yes. Mrs. Joyce Lance asked, we understand the Saturday clinics, no more than three and we have heard all that testimony. We know that your formal service is on Friday from noon to 2 o'clock and other than that usage of the building what other days will it be occupied? I understand it's a new, growing church with programs yet to be created and all that, but right now we know that there is going to be action there on Friday and Saturday, how about the rest of the week? Mr. Sayed stated, the daily prayers will be done daily, nothing of significance, you can say that we won't do anything outside what is allowed for a church to provide or do. Board Member Mrs. Joyce Lance asked, what times are the daily prayers? Mr. Sayed stated, they start from we have noon prayer, evening prayer, and a little bit later in the evening. Board Member Mrs. Joyce Lance asked, so three prayers? Mr. Sayed stated, no a total of five. Board Member Mrs. Joyce Lance asked, noon, afternoon, am I missing something? Mr. Sayed stated, I'm sorry, morning, noon, afternoon, evening and late evening. Dr. Kahn stated, remember how we were talking about the medications, I do want to point out that some of the medication is kept in the refrigerator so we might not be able to move those. It will just be like insulin, so I just want to make sure of that. Chairman Mr. Ed Wilson asked, is any of the medicine that you give out narcotics? Dr. Kahn stated, they are not drugs, they are medication. Chairman Mr. Ed Wilson asked, not something that someone will break into the church for? Dr. Kahn stated, no nothing like that, we don't even prescribe that actually. We want to provide more of a medical care not pain management or other things.

DISCUSSION & FINDING OF FACTS: Chairman Mr. Ed Wilson stated, again this is an application for a Special Use Permit by Life's Journey Church, an existing church since 1953, which is being sold along with the two houses to Burlington Masjid and they will be operating an outreach clinic. That's the matter before us for a Special Use Permit and we have the two part vote process for approving a Special Use Permit. I think we have asked all the questions pertinent to the motions and to the general conditions of the ordinance and as this is a religious facility, there are no additional specific conditions. Board Member Mr. Joyce Lance stated, I can tell you just by the nature of a free clinic, it cannot set appointments; when you set appointments you assume people have cars and transportation. The histories of making appointments in free clinics and reduce fee clinics is that you have no shows, so it doesn't work, appointments are not going to work. I just wanted to bring that up since that was a question. It will be walk-in and first come first serve I'm sure, and like she said, some appointments, but to make it as a stipulation is my point, we couldn't do that; it would shut them down. Board Member Mrs. Sylvia Greeson stated, I don't think we need to limit that. Board Member Mrs. Joyce Lance stated, that's way beyond what we do. Board Member Mrs. Sylvia Greeson stated, setting the hours, I don't even know if we want to limit that, just the number of times per month it can occur is really all we need to concern ourselves with. No more than three days per month. Board Member Mrs. Joyce Lance stated, I think we should put no shelter, just because I think it is not even planned at this point, but since it's a concern of some of the neighbors and since Mr. Lea says that's a legitimate thing to do, I'm ok with it. Chairman Mr. Ed Wilson stated, in limiting the activities to the existing church and not extending the activities to rental home. Vice-Chairman Mr. Mike Gee stated, I would say instead of saying no shelter, I would require any change to be brought back for an amendment to the permit.

DECISION & FINDINGS OF FACT: Vice-Chairman Mr. Mike Gee stated, I would like to make a motion that the four required conditions for issuing a Special Use Permit in accordance with Section 32.13.B(1)(a) are met due to the following Findings 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, the testimony given by Mr. Sayed and Dr. Kahn with no contradictory testimony that it would be an endangerment to the public health and safety. I think that it can be argued that the proposed additional use, outside of a traditional church, actually has the potential to enhance public health or safety just because it will provide a service that may not be available at this time.
2. **the use meets all required conditions and specifications;**
the findings of facts are, directly related to testimony from Dr. Kahn as we discussed the general condition for issuing a Special Use Permit, which included vehicle circulation, parking and the effect on adjacent properties, services and utilities screening. I think the minutes of the discussion and the questioning would indicate to those questions.
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, testimony from Dr. Kahn along with testimony from Mr. Sayed and the City, this church has historically operated as a church and has been a church in some form or fashion since 1953.
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, it will be in harmony with the area where it is going to be located. This is primarily a church facility and will continue to be operated as a church facility as stated before. It has been a church for 70 years and this additional outreach that will occur on several Saturdays thru the month just enhance that to serve the community.

Board Member Mrs. Sylvia Greeson seconded the motion.

AYES: Giles, 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 Life's Journey UCC to be located at 1908 South Mebane Street due to the previously stated Finding of Facts, and that the applicant be required to operate the proposed clinic no more than three Saturdays in any given month, let me take that back, no more than three days in any given month and that the Special Use Permit will be limited to the existing uses for all facilities on the property. Any changes to those uses would have to be approved again by the City or this Board. The applicant shall complete the development in accordance with the plans submitted and approved by this Board and if any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no affect.

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

AYES: Giles, Lance, Gee, Wilson, Greeson

NOES: none

ITEM NO. 2:

CASE NO. 12-15 SPECIAL USE PERMIT (City)

Kool Kidz Place

1824 E. Webb Ave.

Alamance County Tax Map number 127-516-102

§ Section 32.13.W

Child care facility.

EVIDENCE PRESENTED: Zoning Enforcement Officer Mr. Chris Marland stated, Ms. Shelia Noble is asking for a Special Use Permit for a child care facility for up to 40 kids on 2 shifts to be located at 1824 East Webb Avenue. An area in the back that shows a fenced in area, you will notice that it's 2,000 sq. ft., our requirement is 100 sq. ft. per child. So they will take the children out in shifts of up to 20 out there at a time. They have also gotten this approved through the State. They have done extensive work here upgrading the facility by adding handicap parking upfront and a lot of upgrades on the inside as well.

Ms. Shelia Noble stated, I am interested in operating a child care center for children ages 3-12 years old; basically a preschool and a before and after school program. Chairman Mr. Ed Wilson asked, it says here you are applying for up to 40 kids on 2 shifts, is that 40 children per-shift or is that 20 kid's per-shift? Ms. Shelia Noble stated, I think based on square footage and what the requirements are, we are pretty much being limited to 30-35 children. We know it will probably reach to capacity, and on the second shift we would love to have that but on a norm with what I've dealt with in the past it's usually about 15-20 kids on a second shift. Chairman Mr. Ed Wilson asked, what are your hours on a shift? Ms. Shelia Noble stated, from 6am to 11:30 at night. Chairman Mr. Ed Wilson asked, has a State Inspector been out to the site? Ms. Shelia Noble stated, we've had sanitation out, we've had the fire department out and all of this has been approved and signed off; I've got all the paperwork for that. I've talked to the State Consultant and of course I've had to come through zoning first. I've done everything at this point; the last step now is for the State Consultant to come out and to issue the license. We've done all the necessary requirements. Chairman Mr. Ed Wilson stated, the State Consultant hasn't been on site until all this paperwork is completed? Ms. Sheila Noble stated, right. Chairman Mr. Ed Wilson stated, with regard to the fence and the amount of children the City has a requirement, what's the State's requirement on square footage per child? Ms. Shelia Noble stated, the State's requirement is 100 square feet per child. Chairman Mr. Ed Wilson stated, that's the City's requirement. Enforcement Officer Mr. Chris Marland stated, yes our requirement is 100 sq. ft. per child. As we know it, the State's requirement is 80 sq. ft. per child. We are higher than the state. Chairman Mr. Ed Wilson asked, so you are aware then that the fenced in area is not large enough to accommodate your 30, 35, or 40 that is being applied here? Ms. Shelia Noble stated, yes, so what happens is they go out at different times. Board Member Mrs. Sylvia Greeson asked, what is the building currently being used as? Ms. Shelia Noble stated, it's not; I'm not sure what it was previously but it's not being currently used at all. Board Member Mrs. Joyce Lance asked, where is the closest day care center to the location that you are proposing? Ms. Shelia Noble stated, there is one on Albany Street. The one that I operate is Boys and Girls at the intersection of Tucker and Morehead. Board Member Mrs. Joyce Lance asked, about how far is Albany Street from you either walking or driving? Ms. Shelia Noble stated, maybe a mile or so. Board Member Mrs. Joyce Lance asked, so it's in the neighborhood? Ms. Shelia Noble stated, right. Chairman Mr. Ed Wilson asked, you currently operate a child care center? Ms. Shelia Noble stated, I do; I've been with Boys and Girls learning center which is at the intersection of Tucker and Morehead for 20 years. Chairman Mr. Ed Wilson asked, you operated that? Ms. Shelia Noble stated, yes owner, operator. Board Member Mrs. Sylvia Greeson asked, will you continue to own

and operate that one? Ms. Shelia Noble stated, I will. Board Member Mrs. Joyce Lance asked, how many employees will you have? Ms. Shelia Noble stated, probably 3. Board Member Mrs. Joyce Lance asked, are you actually present and you are going to go back and forth? Ms. Shelia Noble stated, absolutely. Board Member Mrs. Sylvia Greeson asked, you do not own this property? Ms. Shelia Noble stated, no ma'am. Board Member Mrs. Sylvia Greeson asked, so you are leasing it? Ms. Shelia Noble stated, yes. Board Member Mrs. Sylvia Greeson asked, the landlord has no problem with what you want to do? Ms. Shelia Noble stated, no.

DISCUSSION & FINDING OF FACTS: Chairman Mr. Ed Wilson stated, this is an application for a Special Use Permit for Kool Kidz Place to be located at 1824 East Webb Avenue. It is a child care facility seeking up to 40 children per-shift. Ms. Noble owns and operates another childcare center. It looks like she has been through all the processes she needs to do this and then she needs to get the State permitting.

DECISION: Board Member Mrs. Joyce Lance 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, the State requirements either have been met or will be met by opening day.
2. **the use meets all required conditions and specifications;**
the findings of fact are, just as I said, the State requirements are being met so now it's just a matter of getting this permit approved.
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 a daycare center is needed at this particular location. The closest one is about a mile away and given the fact that in most households you have 1 or 2 working parents we know that daycare is a public necessity. We also don't have anybody here, any real estate expert, or appraiser, to testify that there could be any injury to the adjoining or abutting property.
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, Ms. Noble's testimony is that there is an existing daycare on Albany Street which is approximately a mile from the location in which she will open Kool Kidz Place.

Board Member Mrs. Sylvia Greeson seconded the motion.

AYES: Giles, Lance, Gee, Wilson, Greeson

NOES:

Board Member Mrs. Joyce Lance stated, I would like to make a motion to approve the Special Use Permit for Kool Kidz Place to be run by Shelia Noble at 1824 East Webb Avenue, Burlington, due to the previously stated Finding of Facts, and the applicant be required to continue to meet the requirements of both the City and the State that have been testified to, and that the applicant and owner shall comply in accordance with the plans submitted and approved

by this Board, and if any of the conditions affixed hereto or any part thereof 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: Giles, Lance, Gee, Wilson, Greeson

NOES:

ITEM NO. 3:

CASE NO. 13-15 VARIANCE (City)

Bruce Mebane

842 Sharpe Rd.

Alamance County Tax Map number 12-55-176

§ Section 32.10.A.1

Side and rear yard setbacks for accessory structures.

EVIDENCE PRESENTED: Zoning Enforcement Officer Mr. Chris Marland stated, Mr. Bruce Mebane at 842 Sharpe Road is applying for a variance. What he has is a single car garage that he built on the side of his property, towards the rear of the property. As you can see on his application and site plan he is 2 ft. off the side and 6 ft. off the rear. He should be 10 ft. off the side and 25 ft. off the rear. He is asking for a 19 ft. setback reduction on the rear and an 8 ft. setback reduction on the side. We received 2 phone calls on this. One gentleman asked what it was, I explained to him in detail and he said o.k. and hung up the phone. The other one is a neighbor to Mr. Mebane who expressed some concerns on the other side of the property. However, she said she has no problem with the garage being built on this side of the property. Chairman Mr. Ed Wilson asked, so this garage is built or it is being built? Zoning Enforcement Officer Mr. Chris Marland stated, it is as you see it right now. Zoning Administrator Mr. Joey Lea stated, it's 95% completed. Zoning Enforcement Officer Mr. Chris Marland stated, he's got to put the siding up. Board Member Mrs. Joyce Lance asked, so he learned after the fact? Zoning Enforcement Officer Mr. Chris Marland stated, yes ma'am. Chairman Mr. Ed Wilson asked, any other neighborhood disapproval? Zoning Enforcement Officer Mr. Chris Marland stated, no that's all the concerns.

Mr. Bruce Mebane stated, It didn't start off to be a garage at first, it was supposed to be a retaining wall with a metal top. I had the wall built and then I had the metal top people come out and they said they couldn't do it. They said it would be in my best interest to stick build it and I just got too far gone with it and that's where I'm at now. Vice-Chairman Mr. Mike Gee asked, you started off where you were going to have a carport. Mr. Bruce Mebane stated, yes that hill behind my house goes up about 6 ft. I had to dig that out and you can see where the bricks are going down the hill. Vice-Chairman Mr. Mike Gee asked, are you building it yourself? Mr. Bruce Mebane stated, yes. Board Member Mrs. Joyce Lance asked, when did you purchase the property? Mr. Bruce Mebane stated, in the 80's. Chairman Mr. Ed Wilson asked, is there a photograph there that shows the retaining wall? Mr. Bruce Mebane stated, that's it right there with the brick. It's block on the inside, 12 in. block with brick veneer. Vice-Chairman Mr. Mike Gee asked, Mr. Mebane when you started building this, were you aware that you were too close to the back and the side? Mr. Bruce Mebane stated, yes. Once I built the wall, I was so much into it and just kind of took the chance. Not that I was trying to get away with anything, I just figured I was too far gone to tear it down. Board Member Mrs. Joyce Lance stated, we appreciate your honesty; I will let you know that, but that makes out job tougher. Mr. Bruce Mebane stated, I did talk to my neighbor prior to even starting the work on the wall, he had no problem with it and we talked about it and I let him know, his name is Jody Wiley, I said Jody I'm a little too close over

here, I'm not on your property but I'm right by the line on my driveway and he said Bruce, I have no problem. The property behind me, you can take a look at the aerial view, that property has been undeveloped forever, since I was a kid. I actually maintain a lot of that property, clearing it so it doesn't just grow up on my property. I've also cleared that property behind my neighbors to kind of help them along. Chairman Mr. Ed Wilson asked, what is that property behind you? Mr. Bruce Mebane stated, it is nothing. Board Member Mrs. Sylvia Greeson stated, well I see a structure back there. What is it? Mr. Bruce Mebane stated, I've got a stand-alone building sitting on it. The next road is Lewis Street which is coming off of Mt. Clair. Behind my property there's a hill that goes up and it drops into a water way probably a good 30 ft. The land to me doesn't seem like it's going to be developed. If any property is going to be built I think it's probably going to be on the Lewis Street side coming off of Mt. Clair. Chairman Mr. Ed Wilson asked, so that's your building we see in this photo that's on your neighbor's property? Mr. Bruce Mebane stated, no, that's no one's property. I'm not saying no one's property but it's just a stand-alone shed sitting on blocks. Board Member Mrs. Sylvia Greeson asked, but you put the shed there? Mr. Bruce Mebane stated, yes ma'am. Chairman Mr. Ed Wilson asked, do you know who owns the property? Mr. Bruce Mebane stated, no sir, not at this point. The last known owner, he was one of the guys who built the houses down on Rauhut Street. I went to him 10 years ago or more and asked them if I could buy that piece directly behind me, but I think since then he has lost the property. Chairman Mr. Ed Wilson asked, did he allow you to put that building there? Mr. Bruce Mebane stated, he didn't allow me to, no but if you look at all that property behind on that street right there you'll see everybody is using that property there because it's been like that. I've been there for 25 years and if we didn't do some type of maintaining, then it would be just grow up to the house. Board Member Mrs. Joyce Lance asked, so when you were building the garage, did you know that you needed to talk to the City about it? Did you have those concerns at all? It sounds to me, correct me if I'm wrong, but you went ahead and did this and then an inspector finds out and you knew you were out of compliance and that's why you are here today? Mr. Bruce Mebane stated, yes ma'am. Board Member Mrs. Joyce Lance asked, did you know that you needed to come and talk to the City? Mr. Bruce Mebane stated, yes ma'am. Board Member Mrs. Joyce Lance stated, so you did it and, quite frankly, you were just hoping that you didn't get caught because there's a lot of things out there that may not be in compliance and you just figured you would do it? Mr. Bruce Mebane stated, I didn't mean to do it, but like I said, I got to a certain point and I just continued. Chairman Mr. Ed Wilson asked, to the City, would a retaining wall require a permit? Zoning Enforcement Officer Mr. Chris Marland stated, it depends on the height of the retaining wall. Zoning Administrator Mr. Joey Lea stated, under the building code there is a certain height for the retaining wall that requires a certain type of permit but otherwise we would not require a permit for a retaining wall. Chairman Mr. Ed Wilson asked, based on these photos, I want to know if this retaining wall would have required a permit? Zoning Administrator Mr. Joey Lea asked, how tall is the retaining wall? Is it less than 6ft or 8ft? Mr. Bruce Mebane stated, yes. Zoning Administrator Mr. Joey Lea stated, I can't testify to that directly, but I believe if it's over 6 ft. there is a building code requirement. Board Member Mrs. Joyce Lance asked, I'm trying to follow your decision process, tell me a little bit more about when you started out you were going to do a retaining wall. You planned on doing a carport, is that right? Mr. Bruce Mebane stated, yes ma'am. Board Member Mrs. Joyce Lance asked, that's what you are calling your metal roof? Mr. Bruce Mebane stated, yes ma'am. Board Member Mrs. Joyce Lance asked, so someone said that wouldn't work, who said that and why wouldn't it work? Mr. Bruce Mebane stated, when I built the wall, the guy came out and we talked about it, but their buildings come in sections and his guys are not carpenters. So, the way the wall is built, it starts off low and then it angles up and flattens out. Their metal building would not fit that shape, and he said that he would have loved to do that job, but it would have cost \$25,000 and they still couldn't have guaranteed it. Board Member Mrs. Joyce Lance asked, ok so that's when you decided that you would just build a garage because you can do this? Mr. Bruce Mebane stated, exactly. He said I would be better off

building a stick built garage. Vice-Chairman Mr. Mike Gee asked, at that point the gentleman you were talking to, did he tell you that you had an issue with the City? Mr. Bruce Mebane stated, no. Vice-Chairman Mr. Mike Gee asked, so at that point you weren't aware that you were going to be building too close to the property lines? Mr. Bruce Mebane stated, yes I already knew I was too close to the property lines, I mean it's obvious that I'm too close to the property lines. I spoke to my neighbor before I even started this retaining wall. I'm not going to stand here and try and say I don't know a little something. Vice-Chairman Mr. Mike Gee asked, you were aware that your neighbor might have an issue with it but you might not have been aware that the City was going to have an issue with it? Mr. Bruce Mebane stated, I was aware that my neighbor did not have any problem with it and I did know that I didn't need a permit for the retaining wall. Board Member Mrs. Joyce Lance asked, you have already built the wall? Mr. Bruce Mebane stated, yes. Board Member Mrs. Joyce Lance asked, Mr. Lea had he finished it out as a carport would he have needed a Special Use Permit because it has a roof? Zoning Administrator Mr. Joey Lea stated, he would have needed a variance with the distance between the building and the property line, you couldn't put anything in without a variance. Vice-Chairman Mr. Mike Gee asked, so you didn't know you needed a variance? Mr. Bruce Mebane stated, no, I didn't know. Board Member Mrs. Sylvia Greeson asked, you just knew that you didn't want to upset your neighbor, that was your only concern and the only thing that you knew to be concerned about was not upsetting your neighbor by getting a little close to his property line? Mr. Bruce Mebane stated, yes I wanted to make sure it was ok with him before I had done anything. I talked to him about it. Board Member Mrs. Sylvia Greeson asked, but you did not know that there was anything beyond that you needed to be concerned with. Mr. Bruce Mebane stated, no ma'am. Vice-Chairman Mr. Mike Gee asked, the reason we are here today is because the house sits too far back? Mr. Bruce Mebane stated, yes the main house does go up the hill quite a bit. Vice-Chairman Mr. Mike Gee asked, so when you bought the property 25 years ago you didn't know, but were you aware there might be a problem with the City if you wanted to put a garage in the back of the property? Mr. Bruce Mebane stated, no. Vice-Chairman Mr. Mike Gee asked, and you stated that there's really nothing behind you other than the wooded area for the most part? Mr. Bruce Mebane stated, yes. Vice-Chairman Mr. Mike Gee asked, at one point you pursued the option to try and purchase a piece of that property behind you? Mr. Bruce Mebane stated, yes. Vice-Chairman Mr. Mike Gee asked, and you weren't able to do that? Mr. Bruce Mebane stated, yes. Vice-Chairman Mr. Mike Gee asked, so really, from a backyard neighbor, there is really no endangerment to anybody back there where you have this garage? Mr. Bruce Mebane stated, no, not at all. Chairman Mr. Ed Wilson asked, Mr. Lea did you state that anything he built will require a variance because of the house, I didn't quite understand that? Zoning Administrator Mr. Joey Lea stated, correct he would need a variance because there is no way he can put a structure there behind the house and have it meet the setback requirements. Chairman Mr. Ed Wilson asked, the house is pretty much taking up the complete building envelope on the lot? Zoning Administrator Mr. Joey Lea stated, pretty much and I think the hill comes into play here. Chairman Mr. Ed Wilson asked, the hill is in the back of the property or the front? Zoning Administrator Mr. Joey Lea stated, it's in the back. Board Member Mrs. Sylvia Greeson stated, if you get the 25 ft. setback you would have had to put this garage in the house or in your front yard? Mr. Bruce Mebane stated, I couldn't get between the house and the garage. Zoning Administrator Mr. Joey Lea stated, our main concern with this issue, outside the variance, is the building code requirements. There are requirements for structures as far as separation between each other on different properties. There are no separation requirements for structures on the same property. The distance requirements for separate parcels is, the closer you get you have to start fire rating the walls; this does meet the building code requirements. Board Member Mrs. Sylvia Greeson asked, fire rating codes have been met? Zoning Administrator Mr. Joey Lea stated, correct but because there are none required based on where it is sitting, but it does meet the building code. Board Member Mrs. Sylvia Greeson asked, is this the first time you have run into anything like this? Mr. Bruce Mebane stated, yes ma'am.

DISCUSSION: Chairman Mr. Ed Wilson stated, ok there's some discussion on this application for variance. Vice-Chairman Mr. Mike Gee stated, pretty complex. We could probably make a motion unless anybody has any questions.

DECISION & FINDINGS OF FACT: Vice-Chairman Mr. Mike Gee stated, I would like to make a motion that the Board grant a variance to the property located at 842 Sharpe Road, Burlington, North Carolina for Mr. Bruce Mebane. It will be a rear yard setback variance of 19 ft. and a side yard setback variance of 8 ft. due to the following findings of fact:

- 1) **Unnecessary hardship would result from a strict application in the ordinance.**
It would be a tremendous hardship given the state of the construction that's in place right now. It's impractical to go backward to tear down and relocate a structure that is 90% complete.
- 2) **The hardship results from conditions that are particular to the property.**
It's been testified by Mr. Mebane that one of the hardships that is particular to the property is that the house is set so far back on the existing lot, the City has also testified that the size of the lot and the house size created an interesting situation for the structure.
- 3) **The hardship did not result from actions taken by the applicant or the property owner.**
Mr. Mebane was not aware when he started this project that the actions that he were taking was going to result in any type of negative consequence with the City. He was very concerned about making sure it was not going to have a negative impact on his neighbors and made a point of working with them prior to starting the project. When he did start, he was not told by any of the contractors that were originally involved, that he would be in conflict with the City.
- 4) **The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and financial justice is achieved.**
I think if we grant this that it is consistent with the spirit of the ordinance. There are no safety issues as testified by Mr. Lea, it does meet the code requirements and for those reasons

Board Member Mrs. Sylvia Greeson seconded the motion. The Board voted unanimously to approve the variance.

AYES: Giles, Lance, Gee, Wilson, Greeson

NOES:

NEW BUSINESS: None

MEETING ADJOURNED

Ed Wilson, Chairman

Kelly Peele, Secretary