



**MINUTES OF THE BURLINGTON PLANNING  
AND ZONING COMMISSION MEETING**

**June 27, 2016**

**Council Chamber, Burlington Municipal Building**

**CITY MEMBERS:**

Richard Parker, Present  
John Black, Present  
Early Kenan, Jr., Present  
Ryan Kirk, Absent  
James Kirkpatrick, Present  
Margaret Stephens (Alternate), Absent  
Nicole Enoch (Alternate), Absent

**EXTRATERRITORIAL MEMBERS:**

Earl Jagers, Present  
Bill Abplanalp, Present

**STAFF PRESENT:**

Amy Nelson, Director of Planning and Zoning  
Joey Lea, Zoning Administrator  
Kelly Peele, Commission Secretary

**ITEM NO. 1:** Chairman Mr. Richard Parker called the meeting to order at 7:00 p.m.

**ITEM NO. 2:** Minutes of the meeting held May 23, 2016, were unanimously approved.

**ITEM NO. 3:** Ms. Ana R. Santibanez, representing J&S New Adventures, Inc., to present an application to rezone from B-2 General Business District to CR Conditional Residential District for the use of a Duplex, single family dwelling. The property is located at 114-116 Tucker Street, referenced as Alamance County tax identification number 136433.

Ms. Ana R. Santibanez stated, I'm here representing J&S New Adventures for the property that you just mentioned because we received a permit for remodeling and for an addition. Because of the property's past history with water damage to the footings and foundation of the house; we got a permit then decided to add 4 ft. to replace the old steps going down to the basement because we couldn't access the air conditioning unit or the water heater in a proper manner because of the way it was built in the past.

Chairman Mr. Richard Parker asked, Mr. Lea would you enlighten us on this case?

Zoning Administrator Mr. Joey Lea stated, this is a legal non-conforming duplex that is located in a B-2 General Business District, which does not allow duplexes. This structure was built in 1938 according to the tax records. As far as I know it's always has been a duplex. This duplex has been in continuous use as a duplex. These folks have purchased it and are remodeling it. They got their permits to remodel but during that remodel they added on to the rear for the reasons that she just stated. By ordinance you cannot expand a non-conformity and the Board of Adjustment is unauthorized to give a variance to the expansion of a non-conformity. They are requesting the property be rezoned to conditional residential for the use of a duplex. You are not recommending approval of the expansion, the expansion just goes along with it; what you will be

doing is recommending approval, if you recommend approval, for the use of the duplex; which it already is and always has been. The Land Use Plan calls for the area to be residential; the zoning in the area is a hodgepodge of commercial, industrial, residential, single-family, and multi-family. So the use of a duplex fits within the Land Use Plan and with that staff is recommending approval of the rezoning.

Chairman Mr. Richard Parker asked, is this going to be a spot zoning?

Zoning Administrator Mr. Joey Lea stated, to my knowledge there has been no court cases that have been addressed spot zoning with conditional zoning. I wouldn't consider it spot zoning because it's a residential use and it is consistent with the uses in the area so I personally wouldn't consider it spot zoning.

Commission Member Mr. Bill Abplanalp asked, looks like there is a residence next door?

Zoning Administrator Mr. Joey Lea stated, that is also a duplex.

Commission Member Mr. Bill Abplanalp asked, ok and then a vacant lot?

Zoning Administrator Mr. Joey Lea stated, correct. Across the street there is an apartment building and a single-family home. There are single-family homes along Davis. There are also other apartments along Davis.

Commission Member Mr. Bill Abplanalp asked, we couldn't rezone all 3 lots?

Zoning Administrator Mr. Joey Lea stated, if the other 2 lots were ever combined it has the potential for it to become a commercial use so we wouldn't want to zone those properties right now.

Chairman Mr. Richard Parker asked, if lot number 471 burned down would they have to rezone to rebuild?

Zoning Administrator Mr. Joey Lea stated, they would have to do commercial or rezone.

Chairman Mr. Richard Parker asked, isn't this the same kind of thing we had on the north side of town?

Zoning Administrator Mr. Joey Lea stated, we wouldn't want to rezone it right now unless the owner wanted to rezone it. He has options with that property that this property does not have.

Chairman Mr. Richard Parker asked, they couldn't combine all 3 for a commercial application?

Zoning Administrator Mr. Joey Lea stated, you have separate owners so the possibility of that is slim, but it is a possibility.

Commission Member Mr. James Kirkpatrick stated, I just want to tell you what you are doing with that property I think looks fantastic.

Ms. Ana R. Santibanez stated, we are working really hard on it.

Chairman Mr. Richard Parker asked, is there anyone that would like to speak from the audience?

With no public comment does anyone have a motion?

Commission Member Mr. James Kirkpatrick made a motion to approve the rezoning. Commission Member Mrs. Earl Jagers seconded the motion. The Commission voted unanimously to recommend approval of the rezoning.

Chairman Mr. Richard Parker asked, is there any other business that needs to come before the Commission?

Zoning Administrator Mr. Joey Lea stated, yes sir, Mr. Chairman; I would like to introduce Mr. Mathew Dodson. He is our new alternate on the City side. He will be starting with us this next month. We haven't had the time to meet with him yet but we will give him the whole spill, just wanted to introduce him to you all. We still have a vacancy on the ETJ side. We will need another alternate. I was just telling Mr. Abplanalp for all practical purposes right now until I find out different he will become a regular member for ETJ. It's tough to find ETJ folks but we are trying.

Chairman Mr. Richard Parker stated, ok any other business?

Director of Planning and Zoning Mrs. Amy Nelson stated, I just wanted to say we had another assessment meeting last week and I thought if James wanted to give you an update from his prospective that would be helpful.

Commission Member Mr. James Kirkpatrick stated, it's coming along. I don't know how they put it all together. It's a lot that they are putting together and this book is thicker than it needs to be. I think they are honestly doing a great job; they are kicking over every stone and every possibility. From what I saw and from what I've witnessed its well done and almost over done but I don't know how it could be done any other way. It was 4 hours and I sat through the entire thing. It was very interesting and was pretty good discussion. We talked a lot on downtown; it was one of the main topics and how to address it. I think it was somewhat fascinating and they are doing a great job; I was impressed.

Chairman Mr. Richard Parker asked, when is the next presentation at a work session?

Director of Planning and Zoning Mrs. Amy Nelson stated, we are trying to set up a meeting for them to go to Council and hopefully Council will recommend how they want the Code Assessment and then we can start hopefully soon writing modules so you will start examining the actual code itself. I will get that to you as soon as that becomes available.

Commission Member Mr. James Kirkpatrick stated, the thing that was probably the most impressive was how Ratio and Code Right take suggestions and ideas and kind of take your words and turn it into zoning and code. It was interesting how they take ideas and shape it. They are doing a fantastic job and it was interesting to be a part of it.

Chairman Mr. Richard Parker asked, Mrs. Nelson, do you have any idea when this document will be finalized?

Director of Planning and Zoning Mrs. Amy Nelson stated, with it all finished it will probably be 2018 but we are looking at 2017.

There being no further business to discuss, the meeting was adjourned at 7:12 p.m.

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**Richard Parker, Chairman**

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**John Black, Vice Chairman**

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**Kelly Peele, Secretary**