

Minutes of the Yadkin County Board of Adjustment August 13, 2012

Board Members Present:

Richard Foster- Vice Chair
Jeff Smith
Larry Vestal
Tim Swain – Alternate

Board Members Absent:

Landon Wagoner
Gray Gentry
Charles Collins- Alternate

Staff Present:

Mike Poston, Director of Planning and Development
Dawn Vallieres, County Planner

Guests Present:

None

Call to Order

Vice Chairman Foster called the August 13, 2012 meeting of the Yadkin County Board of Adjustment to order at approximately 6:00 PM and attendance and quorum were noted. Tim Swain was made a voting member at the meeting.

Approval of Minutes

Vice Chairman Foster called for a vote to approve minutes of the June 11 2012 meeting. A motion was made, seconded and passed. The Board voted to approve minutes 4-0.

Additional Business

Vice Chairman Foster asked if there was any additional business. There being none, Vice Chairman Foster opened the public meeting.

Public Hearings

There being no business requiring a public hearing, the Board moved on to the Regular Meeting.

Regular Meeting

Election of Officers - Director Michael Poston asked for a nomination for chairman. Larry Vestal nominated Richard Foster, Jeff Smith seconded. The vote was unanimous in favor of Richard Foster being chairman 4-0.

Chairman Foster asked for nomination for vice-chair. Jeff Smith was nominated. The nomination was seconded. The vote was unanimous in favor of Jeff Smith being vice-chair 4-0.

Chairman Foster asked for nomination for secretary. Dawn Vallieres was nominated. The nomination was seconded. The vote was unanimous in favor of Dawn Vallieres being secretary 4-0.

Other Business – Chairman Foster spoke of the protocol in the past to have the public hearing, ask questions then suspend the public hearing. The motion is made in a positive manner i.e. I make a motion that we approve the CUP. Just because you make the motion in a positive manner does not mean that you are for it. Making the motion in the positive makes everything clearer but we do not have to vote for approval.

Director Michael Poston concurred and spoke of a case that clearly did not meet the requirements but the motion was still made in the positive.

Chairman Foster discussed procedures and previous cases.

Director Michael Poston discussed procedures and the 30 day appeal process goes directly to Superior Court if there is a challenge to the Board of Adjustment's decision. He also discussed the need for proactively looking down the road. There are often issues when people move in or out. We need to weigh the needs of today against how it fits into the Land Use Plan that looks ahead 20 years.

Chairman Foster discussed how in future cases he would like information from staff not people with a vested interest. The Board also needs precise measurements for any variance requests.

Director Michael Poston discussed how previous Director Christopher Ong had combined the departments into a central permitting system He also mentioned that many people are not aware of zoning and that we are looking at ways to educate the public about this.

The Board discussed the issue of neighbors and if they are not affected or complaining, and the issue does not affect the community at large, why not permit it. The issue of different neighbors being there 5 years from now was brought up. The issue of being careful about setting precedents was brought up.

Director Michael Poston spoke about each case being slightly different. Facts should be used, specifically the facts that were presented that night at the hearing.

A Board member asked if any cases had been appealed.

Chairman Foster said that the 4 wheelers (Arnolds) and the augers at grain bins (Lake Phelps Grain) had.

The Board discussed the PowerPoint presentations and staff presenting proposed findings of facts at future hearings. The Board would also like to see minutes in the next week to ten days.

Director Michael Poston discussed “ ex parte communication” (when an applicant or anyone concerned with a case discusses or attempts to discuss the case with any members of the Board prior to the hearing) and that decisions need to be based on information given that night and the procedure should be to report any conversations concerning the case to the chairperson.

Discussion ensued with examples.

A Board member asked if it would be better to address some issues before they became problems.

Director Michael Poston listed some of the upcoming new issues that were being brought before the Planning Board later that night.

Adjournment

With no other business to discuss, a motion was made, seconded and passed unanimously 4-0, and the meeting was adjourned at approximately 7:50 p.m.

Respectfully Submitted,

Dawn Vallieres
County Planner

Approved _____

Chairman