

CITY OF GRAHAM
BOARD OF ADJUSTMENT
November 19, 2013

There was a meeting called of the Board of Adjustment on Tuesday, November 19, 2013 at 7:00 pm following the Planning Zoning Board meeting in the Graham Municipal Building. Board members present were as follows: Bonnie Blalock, Bill Teer, Dean Ward and Ricky Hall. Board members absent were Michael Benesch. Staff members present were Melissa Guilbeau, City Planner, Kaitland Finkle, Planning Intern, Darcy Sperry, Zoning Enforcement Officer and Martha Johnson, Zoning/Inspections Technician.

Chairman Ricky Hall called the meeting to order and explained the function of the Board.

The Oath of Office was administered to alternate Board member Tim Beshel by Martha Johnson, Notary Public. After receiving the Oath, Tim Beshel left the meeting.

Invocation was given by Ricky Hall.

1. Bonnie Blalock made a motion to accept the February 19, 2013 minutes, second by Dean Ward, motion carried unanimously.
2. Variance for Side Yard at 909 Washington St (VR131). Request of Washington Properties II, LLC for a variance from the side yard setback for property located at 909 Washington St (GPIN 8884084619).

Martha Johnson, Notary Public proceeded to swear in Melissa Guilbeau, City Planner and Sam Unsworth with Richard Jones Real Estate representing the owners of the property.

Mr. Sam Unsworth informed the Board that a long term tenant of the property is moving out. Therefore the property owners would like the flexibility to both lease and sell the property. In order to sell the building, the property must be subdivided into two parcels. Bonnie Blalock asked to which building he was referring, the brick or aluminum. Sam Unsworth said the metal building belongs to the land owners and has a business and the brick building would be for sale/rent.

Ricky Hall asked if any of the property is located in the railroad right of way. Sam Unsworth said no. Ricky Hall asked Melissa Guilbeau if approved, would the property meet parking requirements. Melissa Guilbeau responded that this is only a request for a variance. They would still need to have council approval as it is considered a major subdivision and would therefore come back before the Planning Board. Parking, screening and additional requirements would be addressed during the process of subdividing the properties. Ricky Hall asked if the variance would simply be for one side of the property. Melissa Guilbeau responded that she suggested approval of a condition that the variance shall only apply to the two existing buildings in relation to the new property line and shall not apply to any future development on the property or to the property as a whole. Ricky Hall asked if the property had road frontage or access off of North Main Street. Sam Unsworth said that North Main turns into a gravel road when coming back

behind the buildings. Dean Ward asked if the gravel road was a dedicated road or an easement, or if it was part of the plan. Sam Unsworth responded that if the variance was approved, the gravel road would be an easement for both buildings.

Bill Teer asked if there were any plans that had been prepared. Sam Unsworth answered no, however there were people looking at the property and they wanted to be flexible enough to have the variance and the subdivision complete. In case someone bought it, they wanted to have the 2-3 month process already completed. Bill Teer asked if there had been any complaints about what was being proposed. Sam Unsworth responded no. Dean Ward asked if either one of the buildings were vacant at this time. Sam Unsworth responded no. Dean Ward asked if there are tenants in both or if the same company owned both and was operating out of both. Sam Unsworth said a property management company owns both, the owners do their business out of the metal building and the old brick building is leased (where the tenant will be moving out).

Ricky Hall asked if given approval would the variance apply solely to the new lot or will the remaining lot be included as well. Melissa Guilbeau responded that there will not be a new lot until they go before city council for the subdivision, so this approval would apply to the entirety of the existing lot. Ricky Hall asked if the property currently meets the requirements for parking and screening. Melissa Guilbeau responded that she did not know the answer and would have to investigate it further.

Ricky Hall asked if anyone else had anything to say.

Martha Johnson, Notary Public proceeded to swear in Jim Wright, 225 Trollinger Road, Haw River who owns the seed and feed store. His questions were regarding ingress/egress to the property. Mr. Wright asked if all of the traffic come off of the dead end section of Main Street. He said currently most of the traffic that comes to the building goes through his property causing him additional expenses. Bill Teer asked him what he suggested. Jim Wright said he currently has no problems however he is concerned with who the new tenants will be and how much traffic they will generate.

Dean Ward asked if there was a representative from Washington Properties LLC. Sam Unsworth said he was serving as that individual.

Ricky Hall said it looks as if part of the property is currently being encroached on by the cemetery.

Bill Teer asked where North Main Street ends. Melissa Guilbeau said according to the GIS data, it ends at the pavement. Ricky Hall said you must go by the plat, because the road may go all the way to the right of way, and that without having a plat in front of us that would be a hard thing to say for sure. Dean Ward asked if we could get a plat to look at. Melissa Guilbeau said she may be able to but was unsure and could not produce it immediately.

Bill Teer asked if it could be looked at some more before deciding on a final decision. Melissa Guilbeau said yes.

Dean Ward said he had a few more questions to ask about the proposed entry to the property of Mr. Unsworth. He asked about the location of the loading dock doors on the second building. Mr. Unsworth went up and showed Dean Ward on the map. Dean Ward asked if there would be room for the trucks between the buildings after the properties were subdivided. Mr. Unsworth said that there would be an easement both off of Main Street and between the buildings.

Ricky Hall said his problem was that one side of the property is already encroaching into the railroad right of way. Mr. Unsworth said the owners had never been notified of this. Ricky Hall said it would not benefit the City to give this variance. We would be putting the City at liability.

Dean Ward made a motion to continue the hearing to the next month; this was seconded by Ricky Hall. All voted in favor.

Dean Ward requested some additional documents for the particular plat of the property and street locations. Bill Teer asked to include the railroad right of way.

There was a motion and a second to continue the meeting until the meeting next month. All voted aye. Ricky Hall moved that the application be reopened at the next regularly scheduled meeting on December 17th. Melissa Guilbeau said the meeting is still open and ex parte communications is still in play.

There being no further business, the meeting was adjourned.

Respectfully Submitted,
Martha Johnson, Secretary