



**BOARD OF ADJUSTMENT MEETING
TUESDAY, APRIL 15, 2025
BOARD OF ADJUSTMENT MEETING MINUTES**

The Board of Adjustment met on the above date at 7:00 PM in the Town Hall Assembly Room, with Chairman Jeffrey Briley presiding. The following were present:

Jeffrey Briley, Chairman
Edward Reynolds, Vice Chair
Brian Miller, Member (excused)
Alfred Phillips, Member
Devin Micah Johnson, Member
Garrett Killian, Member
Keen Lassiter, Town Attorney
Stephen Penn, Planning and Economic Development Director
Donald Harvey, Town Clerk

CALL TO ORDER: Chairman Briley called the meeting to order at 7:00 PM on April 15, 2025.

WELCOME: Chairman Briley welcomed all Board members and the public to the meeting.

EXCUSED ABSENCES: Member Miller excused absence was noted.

Motion made by Member Killian and seconded by Member Johnson to approve the excused absence of Member Miller. Motion carried unanimously, 4-0.

APPROVAL OF AGENDA:

Motion made by Member Killian and seconded by Member Johnson to approve the agenda as presented. Motion carried unanimously, 4-0.

Member Phillips arrived at 7:10 pm.

NEW BUSINESS:

1. Parcel 13820- Class A Single-Family Home Special Use Permit.

Planning and Economic Development Director Penn presented the first agenda item regarding a special use permit for a Class A single-family home (multi-sectional mobile home) on Parcel 13820 on Davenport Farm Road. Mr. Penn explained that the 43.31-acre site was located at the southeastern corner of Davenport Farm Road and Reedy Branch Road, and the applicants, Blanie and Ardeth Moye, were the property owners who intended to place the mobile home near 237 Davenport Farm Road, with the exact location to be determined by a perk test.

Planning and Economic Development Director Penn detailed that the property was zoned Agricultural Residential and that proper notice had been given via property signage, legal ads in the Daily Reflector,

and notifications to adjacent property owners. He then outlined the special requirements for Class A single-family homes, including specifications about dimensions, roofing, siding, foundation, and placement. Planning and Economic Development Director Penn confirmed that the applicants had addressed all of these requirements in their application.

Chairman Briley requested that anyone wishing to speak, please come forward. Town Attorney Lassiter swore in Blaine Moyer, applicant.

Motion made by Member Reynolds and seconded by Member Killian to open the public hearing. Motion carried unanimously, 5-0.

Chairman Briley opened the public hearing.

Mr. Blaine Moyer spoke to the Board, explaining that he and his wife had lived on the property for 27-28 years in their current house, and they were planning to sell this house to their daughter. The proposed mobile home would allow them to downsize while staying on the property, accommodating Mr. Moyer's health issues including two knee replacements, as their current home has all bedrooms upstairs. Mr. Moyer mentioned that Charlie Humphrey, an environmental professional, had already conducted soil tests for the septic system, and they planned to use upgraded vinyl siding from Dynasty.

Chairman Briley asked for any other speakers for the public hearing.

Motion made by Member Reynolds and seconded by Member Killian to close the public hearing. Motion carried unanimously, 5-0.

Chairman Briley closed the public hearing.

Having heard all of the evidence and arguments presented at the public hearing, the Board of Adjustment makes the following FINDINGS OF FACT:

- (1) Conditions and Specifications. That the application filed as a Special Use Permit for Parcel 13820 meets all of the required conditions and specifications of the Zoning Ordinance and policies of the Town for a submission of a Special Use Permit.

Motion made by Member Phillips and seconded by Member Killian to approve Special Use Criteria (1). Motion carried unanimously, 5-0.

- (2) Notice. That those persons owning property adjacent to the proposed development or use, as listed on the current tax records, were served notice of the public hearing by mail in accordance with applicable requirements; and that notice of public hearing to consider the Special Use Permit was published on April 2, 2025 and April 9, 2025 in the Daily Reflector, a newspaper having general circulation in the area, and required by law.

Motion made by Member Phillips and seconded by Member Reynolds to approve Special Use Criteria (2). Motion carried unanimously, 5-0.

- (3) To hear and decide, in particular cases, and subject to appropriate conditions and safeguards, permits for special uses as authorized by Article VI. In granting a Special Use Permit, the Board shall make the following affirmative findings:
 - a) The Use requested is among those listed as an eligible Special Use in the district in which the subject property is located;

Motion made by Member Killian and seconded by Member Phillips to approve Special Use Criteria (3) a). Motion carried unanimously, 5-0.

- b) That the Special Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed;

Motion made by Member Johnson and seconded by Member Reynolds to approve Special Use Criteria (3) b). Motion carried unanimously, 5-0.

- c) That the Special Use meets all required conditions and specifications:

SR 3. Class A Mobile Home on Individual Lot

- a. The mobile home shall have a length not exceeding four times its width.
- b. The mobile home shall be at least 20 feet side.
- c. The pitch of the mobile home's roof shall have a minimum vertical rise of two and two tenths feet for each twelve feet of horizontal run (2.2' in 12') and the roof shall be finished with a type of shingle that is commonly used in standard residential construction.
- d. The exterior siding shall consist predominantly of vinyl or aluminum horizontal lap siding (that does not exceed the reflectivity of gloss white paint), wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- e. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, shall be installed under the mobile home.
- f. The tongue, axles, transporting lights, and removable towing apparatus are removed subsequent to final placement.
- g. The mobile home shall be placed on land owned by the owner of the mobile home. The mobile home shall be listed and taxed as real property.
- h. The mobile home shall be oriented so that the longest measurement shall be no more than twenty (20) degrees from parallel to the front property line, except on corner lots. The front of the mobile home shall face the front property line. The front of the mobile home is that side which has an entrance door leading to a living room, foyer, or hall and is the longer dimension of the mobile home's sides.

Motion made by Member Reynolds and seconded by Member Phillips to approve Special Use Criteria (3) c). Motion carried unanimously, 5-0.

- d) That the Special Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

Motion made by Member Reynolds and seconded by Member Killian to approve Special Use Criteria (3) d). Motion carried unanimously, 5-0.

- e) That the location and character of the Special Use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Town and its environs.

Motion made by Member Phillips and seconded by Member Killian to approve Special Use Criteria (3) e). Motion carried unanimously, 5-0.

Motion made by Member Killian and seconded by Member Reynolds to approve the special use permit for a Class A single-family home on Parcel 13820. Motion carried unanimously, 5-0.

Chairman Briley stated that the Special Use Permit is approved.

2. 237 Blount Street.- Variance request from front yard fence height of 4-foot maximum.

Planning and Economic Development Director Penn presented the second agenda item regarding a variance request for 237 Blount Street. The property owners wished to install a 6-foot fence that would extend into the front yard, whereas town ordinance limits front yard fences to a maximum height of 4 feet. The 0.35-acre property is located at the corner of Blount Street and Academy Street, directly across from AG Cox Middle School.

Planning and Economic Development Director Penn showed the Board images of the property and explained that the applicants wanted to place the 6-foot fence behind an existing row of mature evergreen trees. Planning and Economic Development Director Penn noted that the fence would be permitted at 6 feet in height if it were aligned with the front of the house, but because it extended beyond the front of the house, the ordinance restricted it to 4 feet.

Chairman Briley requested that anyone wishing to speak, please come forward. Town Attorney Lassiter swore in speaker, Steven Potter.

Motion made by Member Killian and seconded by Member Phillips to open the public hearing. Motion carried unanimously, 5-0.

Chairman Briley opened the public hearing.

Steven Potter spoke to the Board, explaining that following the current regulation would effectively cut their side yard in half. He mentioned that he and his wife are retired with grandchildren and "grand dogs," and they sought additional privacy due to increased noise and activity from the recently remodeled AG Cox School. He noted that most of the fence would be behind existing Leyland Pines trees and that he had already discussed his plans with neighbors.

Chairman Briley asked for any other speakers for the public hearing.

Motion made by Member Reynolds and seconded by Member Phillips to close the public hearing. Motion carried unanimously, 5-0.

Chairman Briley closed the public hearing.

Chairman Briley went through the following criteria:

Having heard all of the evidence and arguments presented at the public hearing, the Board of Adjustment makes the following FINDINGS OF FACT:

- a) Conditions and Specifications. That the application filed as a Variance Application for the property listed above meets all of the required conditions and specifications of the Zoning Ordinance and policies of the Town for a submission of a Variance Application.

Motion made by Member Reynolds and seconded by Member Phillips to approve Variance Criteria
a). Motion to approve carried unanimously, 5-0.

- b) Notice. That those persons owning property adjacent to the proposed development or use, as listed on the current tax records, were served notice of the public hearing by mail in accordance with applicable requirements; and that notice of public hearing to consider the variance was published on April 5, 2025 and April 12, 2025 in the Daily Reflector, a newspaper having general circulation in the area, and required by law.

Motion made by Member Reynolds and seconded by Member Phillips to approve Variance Criteria
b). Motion to approve carried unanimously, 5-0.

- c) Variances. When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon showing all of the following:

1. An unnecessary hardship results from the strict application of the ordinance.

Motion made by Member Reynolds and seconded by Member Phillips to approve Variance Criteria
c) 1. Motion to approve carried unanimously, 5-0.

2. The hardship results from conditions that are peculiar to the property.

Motion made by Member Reynolds and seconded by Member Killian to approve Variance Criteria
c) 2. Motion to approve carried unanimously, 5-0.

3. The hardship is not a self-created hardship.

Motion made by Member Phillips and seconded by Member Johnson to approve Variance Criteria
c) 3. Motion to approve carried unanimously, 5-0.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Motion made by Member Johnson and seconded by Member Phillips to approve Variance Criteria
c) 4. Motion to approve carried unanimously, 5-0.

Based on the facts found above and in consideration of all other evidence presented at the public hearing; the Board of Adjustment voted on the Variance Application.

Motion made by Member Reynolds and seconded by Member Phillips to approve the variance for a 6-foot fence in the front yard at 237 Blount Street. Motion carried unanimously, 5-0.

Chairman Briley stated the variance approved.

REPORTS FROM STAFF – INFORMATIONAL ITEMS:

Planning and Economic Development Director Penn reported on status of items.

COMMENTS FROM BOARD OF ADJUSTMENT MEMBERS:

None.

ADJOURN:

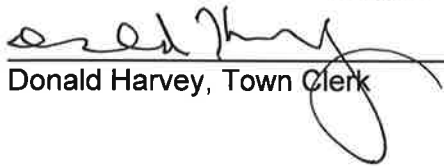
Having no further business to come before the Board of Adjustment meeting, Chairman Briley requested a motion to adjourn.

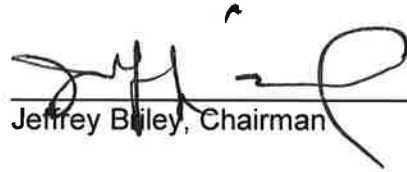
Motion made by Member Reynolds and seconded by Member Phillips to adjourn the meeting. Motion carried unanimously, 5-0. Meeting adjourned at 7:33 pm.

Adopted this the 16th day of December 2025.



ATTEST:


Donald Harvey, Town Clerk


Jeffrey Briley, Chairman