

BOARD OF ADJUSTMENT MINUTES
Regular Meeting
Commons Meeting Room
January 14, 2014

Call to Order

Chairman Todd Swaringen called the Board meeting to order at 7:30 p.m. on Tuesday, January 14, 2014, in the Commons Meeting Room.

Roll Call

Board Members Presiding

Todd Swaringen
Richard Cosgrove
Dr. John Eckman
Benton Payne
Kevin Brickman
Michael D. Efird
Jennifer H. Lisk, Alternate

Absent

Houston B. Clark, II

Staff Attending

Linda Evans, CZO, Planner II, Clerk to the Board
Tim Swaringen, Zoning Enforcement Officer

Chairman Swaringen asked if there were any corrections to the minutes of November 12, 2013. Hearing none, the Board proceeded as follows.

Motion: Richard Cosgrove made a Motion to approve the minutes of November 12, 2013, as written.

Second: Dr. Eckman seconded the motion.

Action: The Board voted unanimously to approve the minutes of June 11, 2013, as written.

Chairman Swaringen stated that the agenda is amended as follows: Voting on the Rules of Procedure will be first, swearing in of new members second, and case number SUP 14-01 third.

Chairman Swaringen stated that the proposed amended Rules of Procedure had been presented to the Board at its November 12, 2013, meeting. He asked the Board for discussion regarding approval of or amendments to the proposed Rules. Hearing none, he asked for a motion to modify them or approve as them written.

Motion: Benton Payne made a motion to approve the proposed amended Rules of Procedure as written.

Second: Kevin Brickman seconded the motion.

Action: The Board voted unanimously to approve the proposed amended Rules of Procedure as written.

Chairman Swaringen asked the new Board members to come forward. Michael D. Efird and Jennifer H. Lisk came forward and were individually sworn in by Clerk/Notary Public Linda Evans.

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Chairman Swaringen addressed the audience and stated that the Stanly County Board of Adjustment is a quasi-judicial Board and that the North Carolina State Supreme Court requires that the Board base its decisions only on testimony given under oath. He informed the audience that any person, who, while under oath during this proceeding, willfully swears falsely, is guilty of a Class 1 misdemeanor.

Chairman Swaringen asked the Clerk to present the first case, SUP 14-01.

Linda Evans stated that Larry Todd, on behalf of the property owner, Judith T. Carpenter, is requesting an addendum to the Special Use Permit (SUP 11-01) issued to the above-referenced property, Tax Record Number 14941, in November, 2011, granting permission to operate a recreational and entertainment activity for private and public events. Applicant wishes to add to that Special Use Permit a lodge facility, in direct relationship with the recreational and entertainment activity, that will make available amenities, exclusively for participants of the recreational and entertainment activities provided on the property, to stay overnight on the property, or for a number of nights, and to have meals provided by the lodge facility. Since the issuance of SUP 11-01 applicant has purchased additional adjacent property, approximately 105 acres, Tax Record Number 13644, upon a portion of which this lodge facility will be placed and tied in with the parent property which currently operates the recreational and entertainment activity under SUP 11-01. Pending further testimony at the public hearing, staff has determined that, under Sections 601.2 of the zoning ordinance, the applicant is eligible to apply for an Addendum to the Special Use Permit issued in November, 2011; said Addendum to allow the property owner to construct and operate a lodge facility, in direct relationship with the recreational and entertainment activity approved in SUP 11-01, that will make available amenities exclusively for participants of the recreational and entertainment activities provided on the property to stay overnight on the property, or for a number of nights, and to have meals provided by the facility. If granted, staff suggests that the Board consider imposing the following conditions on the Addendum: 1) That the lodge facility shall be used exclusively by participants of the Recreational and Entertainment activities conducted on said property, allowed under Special Use Permit 11-01, and not as a hotel for visitors merely visiting the Stanly County area. 1) That the number of guests shall be limited to a total of 300 guests for the recreational and entertainment activity and the lodge facility combined.

Chairman Swaringen called anyone who wished to speak on this case to come forward and be sworn in. Larry Todd, Jo Ann Howell, Larry Mabry, Debbie Bauchat, Linda Evans, and Tim Swaringen were sworn in by the Chairman.

Chairman Swaringen asked applicant to come forward and state his case.

Larry Todd came forward and stated that property owner is proposing to construct a twelve (12) room lodge with kitchen facility to use as a retreat for schools and other organizations in need of this type facility.

Todd Swaringen asked if a shooting schedule had been planned, Mr. Todd answered no.

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Dr. Eckman asked for clarification that this facility will be a guest house and not a hotel. Mr. Todd stated that it will be a guest house.

Benton Payne asked what the frequency of use of the facility will be. Mr. Todd answered hopefully more than once a month.

Kevin Brickman asked how the facility hoped to draw people in. Mr. Todd stated the website and word of mouth.

Chairman Swaringen asked if anyone from the audience wished to speak for or against this case.

Debbie Bauchat came forward and stated that she is not speaking for or against but has some questions. Her questions included: Are the guests by private invitation only? How often will the shooting take place? Will there be shooting on Sunday? How will parking be handled? Will her property taxes go up? What about extra traffic? Will her property still be considered a farm use?

Chairman Swaringen stated that this application does not affect her property in relation to farm use status and taxes. He stated that a detailed site plan that provided for parking has been submitted by the applicant and was approved by the zoning department.

Larry Mabry came forward and stated that he had looked at the map but could not figure out where the proposed facility will be located. He approached the Board and was shown where the facility will be. Several people from the audience came forward and looked at the map and determined that the facility will not be located near their property.

Chairman Swaringen asked Mr. Todd if he had planned a buffer strip around the facility. Mr. Todd answered that there will be buffer strips as required by the zoning department.

Debbie Bauchat questioned the need for a buffer strip if they would be shooting clay pigeons in the air. Chairman Swaringen answered that the buffer strip is a shield for the facility and not the shooting activity.

Dr. Eckman asked if the property is wooded and Mr. Todd answered that it is wooded around the location of the lodge facility.

Hearing no further discussion, Chairman Swaringen asked Mr. Cosgrove to read the findings of fact. Mr. Cosgrove read and the Board found as follows:

The use shall not adversely affect the health or safety of persons residing or working in the neighborhood. Mr. Cosgrove pointed out that the lodge facility will be located in the middle of a very large tract of land and that the facility will not abut or even be close to any surrounding residences in the area.

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Motion: Kevin Brickman made a motion to find this fact true based on testimony at the hearing.

Second: Dr. Eckman seconded the motion.

Action: The Board unanimously voted to approve the motion.

The use shall not be detrimental to public welfare or be injurious to property or public improvements in the neighborhood.

Motion: Richard Cosgrove made a motion to find this fact true based on the fact that the facility, which is basically a very large house, will be centrally located on a very large tract of land and not in close proximity to adjoining property owners' residences.

Second: Dr. Eckman seconded the motion.

Action: The Board unanimously voted to approve the motion.

Chairman Swaringen asked for a motion to grant or deny SUP 14-01.

Motion: Benton Payne made a motion, with the stipulation that applicant continues to meet the restrictions and conditions of SUP 11-01, inclusive of staffs' suggested conditions on the addendum, to grant SUP 14-01. Conditions on SUP 14-01 are as follows:

1. That applicant shall continue to meet requirements and conditions set out in the zoning ordinance and in SUP 11-01.
2. That the lodge facility shall be used exclusively by participants of the Recreational and Entertainment activities conducted on said property, allowed under Special Use Permit 11-01, and not as a hotel for visitors merely visiting the Stanly County area.
3. That the number of guests shall be limited to a total of 300 guests for the recreational and entertainment activity and the lodge facility combined.

Second: Richard Cosgrove seconded the motion.

Action: The Board unanimously voted to approve the motion.

Chairman Swaringen asked for a motion to adjourn. Dr. Eckman made a motion to adjourn, seconded by Benton Payne. The meeting was adjourned at 8:15 p.m.

Todd Swaringen, Chairman

Clerk to the Board