



**The Town of Clayton
Clayton Board of Adjustment Minutes
Wednesday, April 19, 2017 @ 6:00 PM
Council Chambers**

BOARD MEMBERS PRESENT:

Bobby Bunn
Mark Helmer
Johnny House
Tom Medlin
William Wenzel
Matt Evans

STAFF PRESENT:

David DeYoung, Planning & Development Director
Jay McLeod, Senior Planner
Kimberly Moffett, Town Clerk & Clerk to the Board
Merrick Parrott, Town Attorney

MEMBERS ABSENT:

Donna White

1 CALL TO ORDER

- a) Mr. Evans, Vice Chair called the meeting to order at 6:03 p.m.

2 ROLL CALL

- a) Roll Call

Roll call was completed and a quorum was noted.

- b) Election of Chair and Vice Chair

Mr. Wenzel nominated Mr. Evans to serve as Chair and Mr. Medlin to serve as Vice Chair,

ACTION: Election of Chair and Vice Chair

Motion: Board Member Wenzel

Second: Board Member House

Vote: Unanimous

3 ADJUSTMENT OF THE AGENDA

4 APPROVAL OF MINUTES

- a) Approval of December 21, 2016 Draft Minutes

ACTION: Approval of December 21, 2016 Minutes

Motion: Board Member Wenzel

Second: Board Member Medlin

Vote: Unanimous

5 NEW BUSINESS

- a) Conditional Use Permit - 2017-29-CUP - The Rainlily Patch Playgarden Daycare
Presenter: David DeYoung, Planning & Development Director

Attorney Parrott provided information regarding Quasi-Judicial proceedings to include the type of testimony to be considered.

All those wishing to offer testimony were administered the oath via affirmation by the Town Clerk. Mr. DeYoung provided information regarding the request for an in-home daycare center. There would be up to eight children and a maximum of two employees. The site is .86 acres and is zoned Residential - 8 (R-8). Mr. DeYoung stated the applicant would utilize the home's driveway as space for parents to drop off and pickup children. The driveway could accommodate up to five vehicles at a time. Mr. DeYoung stated the site includes outdoor play areas. The proposed use is consistent with Unified Development Code and all Findings of Fact have been addressed. Staff recommends approval with conditions as included in staff report.

Mr. Wenzel had concerns regarding any left hand turn issues on N. O'Neil Street and any future road improvement. Mr. DeYoung stated O'Neil Street is not included in any improvements/widening at this time. Mr. DeYoung spoke about future northern connector that would help alleviate any heavy traffic already on O'Neil Street.

Attorney Parrott reminded everyone regarding the burden of the applicant with regard to Findings of Fact.

There were no questions for staff.

Mr. Steven Farr of 107 Lake Drive stated that he felt every homeowner in the subdivision should have received a notice. Mr. DeYoung stated per code everyone within 100' must be notified and all required notifications were made.

Attorney Parrott provided information regarding Quasi-Judicial proceedings to include type of testimony that can be considered.

Mr. Vic Wynn of 104 Gordon Street stated he lives across the street from the applicant address and does not see any issues with the request for an in-home daycare.

Ms. Meghan McLeod, applicant, addressed the board and stated she was excited to be able to offer high quality day care.

With there being nothing further, the item was turned over to Board for deliberation at 6:16 p.m.

ACTION: Motion to Re-Open Discussion

Motion: Board Member Bunn
Second: Board Member Medlin
Vote: Unanimous

Mr. Bunn asked if any negative feedback was received from the Neighborhood meeting. Mr. DeYoung stated there was none.

Mr. Wenzel had some concern regarding increased number of vehicles. Mr. DeYoung stated that of the eight students, two students are the applicant's children and a third child would be child of employee. This would mean the possibility of a maximum of six additional cars coming in and out of the neighborhood. Mr. DeYoung stated that because daycare centers drop off and pickup hours are mostly before and after peak traffic times this would not be a concern.

ACTION: Approval with Conditions as Listed in Staff Report

Motion: Board Member Evans

Second: Board Member Bunn

Vote: Unanimous

6 OLD BUSINESS

7 INFORMAL DISCUSSION AND PUBLIC COMMENT

- a) Legislative/Policy/Procedural Update
Presenter: Merrick Parrott, Town Attorney

Attorney Parrott provided an annual update regarding statutory authority, quasi-judicial decisions, type of evidence presented and allowed and legislative changes.

Mr. Wenzel questioned about parties cross-examining each other. Attorney Parrott stated the Chair could intervene if cross-examination got off point, offered non competent or substantial information and reminded parties need to stick to the four Findings of Fact.

ACTION: For informational purposes, no action required.

- b) Zoning Districts
Presenter: Jay McLeod, Senior Planner

Mr. McLeod provided a refresher on the zoning districts. Mr. McLeod spoke about Comprehensive Plan, Future Land Use, Use Table and Official Zoning Map. A PowerPoint was provided regarding the recent April 3, 2017 changes to the Use Table. Mr. McLeod provided additional information regarding Future Land Use Map and Designations and Transportation Map.

Mr. Wenzel asked about the proposed 540 and how close it might be to Johnston County and Clayton's ETJ. Mr. McLeod stated the interchanges would be at 70 Bypass, Cornwallis, Rock Quarry and Old Baucom Roads.

Mr. McLeod provided information about the Bicycle and Pedestrian concept.

Vice Chair Evans requested members of board receive an updated version of the Comprehensive Plan. Mr. McLeod stated that he would provide that.

ACTION: For informational purposes, no action required.

- c) Variance Standards Supplemental Information
Presenter: Jay McLeod, Senior Planner

Mr. McLeod provided information regarding articles from Coates Canon through the UNC School of Government. These articles could be used as resources for Variance Standards education and refreshers.

ACTION: For informational purposes, no action required.

8 ADJOURN

- a) Motion to Adjourn

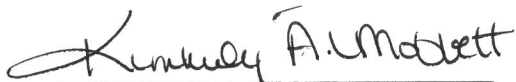
With there being nothing further, the meeting was adjourned at 6:51 p.m.

Motion: Board Member Wenzel
Second: Board Member Medlin
Vote: Unanimous



Matt Evans, Chairman

ATTEST:



Kimberly Moffett, CMC, NCCMC
Town Clerk / Clerk to the Board