



**The Town Of Clayton
Clayton Board of Adjustment Minutes
Wednesday, November 16, 2016 @ 6:00 PM
Town Council Chambers**

BOARD MEMBERS PRESENT:

Donna White (Chair), Matt Evans (Vice Chair), Johnny House, Bill Wenzel, Mark Helmer, Tom Medlin, Bobby Bunn and Butch Lawter (Ex-Officio)

STAFF PRESENT:

Jay McLeod, Town Planner; Haley Hogg, Town Planner, Merrick Parrott, Town Attorney and Laura Gray, Clerk to Board.

MEMBERS ABSENT:

1 CALL TO ORDER

- a) Donna White called roll.

2 ADJUSTMENT OF THE AGENDA

- a) Bobby Bunn was sworn in as a new member.

3 APPROVAL OF MINUTES

- a) June 15, 2016 meeting minutes.

ACTION: Motion to approve minutes.

Motion: Matt Evans
Second: Johnny House
Vote: Unanimous

4 REPORTS AND COMMENTS

- a) None.

5 OLD BUSINESS

- a) None.

6 NEW BUSINESS

- a) 2016-210-VAR The Warrick Tract
NC Pin : 175000-30-9566 & 175000-30-6174

The applicant is requesting a variance from the minimum lot size requirements

for single-family residential lots that are zoned Residential-Estate (R-E).

Jay McLeod, Town Planner, presented The Warrick Tract to the Board of Adjustment.

The applicant is requesting a variance from the minimum lot size requirements for single-family residential lots that are zoned Residential-Estate (R-E). Specifically, the applicant is requesting a variance to allow a minimum lot size of 25,000 square feet instead of the required 30,000 square feet. The applicant is also requesting to allow a maximum density of 1.03 dwelling units per acre.

The request is running concurrent with a Major Subdivision application to develop the subject parcels into 24 single family residential lots. This associated project will be presented to the Planning Board on November 28th.

The Unified Development Code requires that all single-family residential lots zoned Residential-Estate and hooked to one of either public water or sewer have a minimum lot size of 30,000 square feet, and a maximum density of 1 dwelling unit per acre. The applicant is requesting a variance to allow the subject parcels to be developed into lots that have a minimum lot size of 25,000 square feet and a maximum density of 1.03 dwelling units per acre. The applicant's request is based on the soil characteristics, which would allow the denser layout with no loss in the provision of suitable septic field area for percolation on each lot. Said differently, the applicant proposes that the variance allows the subdivision to better conform to the physical restrictions of the site, while still maintaining a large lot subdivision that is consistent with the surrounding developments.

If platted at 26 lots, the applicant's requested variance would still result in an average lot size of 42,437 sq. ft., even though the minimum lot size would be 25,000 sq. ft. Even if the land proposed to remain with the existing home is removed from the equation, the remaining 25 lots would still have an average lot size of 39,158 sq. ft.

The subject parcels are located within the Town of Clayton's ETJ, and are bordered by two existing residential subdivisions. The neighboring subdivisions are on well water with septic fields, and are both zoned Residential-Estate with single-family residential lots that are not less than 30,000 square feet in size. The County Environmental Health Department has regulations regarding minimum separation requirements between wells and septic drain fields. The subdivision would still have to adhere to these requirements.

Bill Wenzel asked if the subdivision would meet all other setbacks.

Mr. McLeod stated they meet all other requirements, the variance would not change any setback requirements.

Johnny House expressed concern about the septic area with large homes.

The applicant, James Lipscomb of 328 E. Main Street, came forth to give additional information.

Mr. Lipscomb stated the subdivision will be annexed into the Town's limits.

Mr. Lipscomb stated the soils can support the septic for the size of the homes and the proposed 26 lots.

Mr. Lipscomb stated a neighborhood meeting was held and no one was in opposition of the additional two lots.

Merrick Parrot gave a briefing of the instructions of the hearing. When considering a Variance application, The Board of Adjustment shall consider specific Findings of Fact. A Variance which fails to meet any of these Findings shall be deemed adverse to the public interest and shall not be approved.

Donna announced they will go into closed session.

Donna opened the session and asked for a motion.

ACTION: Conditions of Approval:

1. Any subdivision shall still adhere to the minimum separation requirements for well and septic fields, as determined and administered by the appropriate body; in this case, the Johnston County Environmental Health Department.
2. Average lot size shall be at least 30,000 sq. ft. This calculation shall not include existing homes on land to be subdivided off of the rest of the tract.
3. Minimum lot size shall be 25,000 sq. ft.
4. The maximum number of lots for the land in question shall be 26.

Finding of Facts:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
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.

Matt Evans read the Finding of Facts and made a motion to approve 2016-210-

VAR.

Motion: Matt Evans
Second: Mark Helmer
Vote: Unanimous

- b) 2017 Board of Adjustment meeting calendar

ACTION: Motion to approve 2017 calendar.

Motion: Matt Evans
Second: Johnny House
Vote: Unanimous

7 INFORMAL DISCUSSION AND PUBLIC COMMENT

- a)
None.

8 ADJOURN

- a)
Motion to adjourn.

Motion: Matt Evans
Second: Donna White
Vote: Unanimous

Donna White
Chair

ATTEST:

Laura Gray
Clerk to the Board