**Town of Clayton**
**Board of Adjustment Minutes**
**Wednesday, February 16, 2022 @ 6:00 PM**
**Council Chambers**

**BOARD MEMBERS PRESENT:**
Bob Satterfield
Rebecca Berry
Jim Perricone
Marty Bizzell
Richie Wiggins
Thomas Antoine

**STAFF PRESENT:**
Bell Howell, Planning Director
Aaron Prichard, Planner II
Council Member Andria Archer (Board Liaison)

**BOARD MEMBERS ABSENT:**
John Saluppo

## 1 CALL TO ORDER

a) Chair Bizzell called the meeting to order.

## 2 ADJUSTMENT OF THE AGENDA

## 3 APPROVAL OF MINUTES

a) Draft Minutes
- January 19, 2022, DRAFT Minutes

**ACTION:** Adoption of January 19, 2022, Minutes with correction to Member Berry's name

Motion: Board Member Perricone
Second: Board Member Berry
Vote: Unanimous

## 4 PUBLIC HEARINGS

a) 2021-113-VAR - Buckskin Drive Garage Variance
*Presenter:* Aaron Prichard, Planner II

Attorney Rasberry provided an overview regarding the quasi-judicial process. He provided details about types of testimony that could be considered when rendering a decision Further, anyone wishing to offer testimony must do so under oath. Board Chair Bizzell issued the oath of affirmation to those who wished to offer testimony. Board Chair stated the voting board members would be Board Members Satterfield, Perricone, Bizzell, Berry and Antoine.

Mr. Prichard presented and stated applicant was requesting a variance from UDC Section 155.308(b)(2). Applicant is requesting place of an accessory structure in the form of a garage forward of the front line of the principal structure. Property is located at 2013 Buckskin Drive Clayton, and it is residential. Staff provided an aerial view of the property showing location of required public notice signage was placed. He shared details about the above section. He stated should approved the variance would remain with the land. Also shared were slides of plot plan as well as street view. Stated staff felt applicant had addressing Findings of Facts.

No questions for staff.

Applicant, Mr. Lewis, was present. He is the homeowner and applicant. He stated he was happy to answer any questions. Board Member Bizzell asked the applicant to summarize his request. Mr. Lewis stated that he had appraiser come out to do a site evaluation of his property and it was their opinion due to the EPA requirements due to two ravines the proposed location of the garage was the only option.

Board Member Perricone asked if garage would match home design and include landscaping. Mr. Lewis stated yes to both questions. Board Member Perricone noted that one neighbor attended the neighborhood meeting and asked if there were any concerns from other neighbors. Mr. Lewis stated there were none. Board Member Antoine asked Mr. Lewis about the professional that came and did the site visit and confirmed that the professionals advised this was the only location for the garage. He stated that was correct. Board Member Antoine asked why the garage could not be pushed back a little bit. Mr. Lewis stated it was due to the land drop off as well as sewer location. Board Member Berry confirmed this would be a garage and not a shed and Mr. Lewis stated that was correct, it would be a garage. Board Member Berry asked if it would be large enough to park a car in. Mr. Lewis stated it would. He further stated garage would be in the wood line. Board Member Berry asked if the door would face the driveway and applicant stated it would.

With no one further wishing to speak, the item was turned over the Board for their discussion and decision.

Board Member Bizzell confirmed staff was recommending approval with no additional conditions. Board Member Antoine pointed out that on page 10 of agenda packet staff had noted that structure would not deviate from the associated plot plan as submitted. Board Member Bizzell added the proposed garage would not encroach into the front or side setback.

**ACTION:** Approval of Variance with Staff Recommendation as Included in Staff Report

Motion: Board Member Antoine
Second: Board Member Satterfield
Vote: Unanimous

b) 2021-152-VAR - Med Spring Drive Shell Variance
*Presenter*: Aaron Prichard, Planner II

Board Chair Bizzell issued oath of affirmation to those wishing offer testimony.

Mr. Prichard presented this item which is a request for variance for Med Spring Shell located at Med Spring Drive and Johnston Estate Road. Existing use is an existing building with total property size of 2.12 acres. The request is to move landscape. He stated there is a natural gas line and the requested variance is to relocate landscape buffer to an area outside of an existing natural gas main easement. Mr. Prichard reminded that if variance was granted it goes with the property. Shared was a slide of landscape exhibit as well as a view of the property from the street. Applicant has addressed Findings of Fact.

Board Member Perricone asked about two lots that are affected by the gas easement and if they were constructed or vacant. Mr. Prichard stated he was not sure of use but believed one was constructed. Board Member Bizzell confirmed there was enough room for landscaping where it was proposed. Mr. Prichard stated there was no planned reduction in plantings just a relocation.

Mr. Blair Pittman with Bobbitt Design Build was present and stated he was representing the owner, Dr. Matthew Flynn. He also stated a landscape expert was also present. Attorney Rasberry shared details confirming the applicant was appearing as fact witness and not behaving as an attorney representing the owner would be. Mr. Pittman stated that was correct. He stated the project is for a medical office building that was slightly under 10,000 square foot and there is an existing 60' natural gas easement which restricts ability to place both street yard and perimeter buffer. He stated all required landscaping would be placed, there would be no reduction.

There were no questions for the applicant.

Mr. Talmage Marcol was present to address any concerns about the landscape plan. He stated there would be no reduction they were just asking to be allowed to relocate the required plantings. He stated he felt the submitted design was the best design for this location. He shared information about the details that go into the plan and ensuring mature sized plantings would fit in the location. He stated he felt this design would complement the building very well.

Board Member Berry asked if there had been conversations with the gas company directly. It was stated they did have conversation and no plantings are allowed in the easement. Ms. Berry asked if the gas company offered any other possible solution than the variance. Mr. Pittman stated they did not.

Board Member Antoine asked if Piedmont Gas had weighed in on the proposal. Mr. Pittman stated they had, and they were happy with proposed design.

Dr. Matt Flynn was present and stated he was the owner of the property and shared details about his dermatology practice.

With there being no one else wishing to speak the item was brought before the board for discussion and decision.

**ACTION:** Approval of Variance with Staff Recommendation (Exhibit A)

Motion: Board Member Antoine
Second: Board Member Perricone
Vote: Unanimous

## 5 OLD BUSINESS

## 6 NEW BUSINESS

a) Director Report

Mr. Howell provided a staff update and advised an offer was issued for a new development services coordinator who should be in place at the end of the February. He stated only position remains to be filled and that is for a Planning Technician.

## 7 ADJOURNMENT

a) Adjourn the Meeting

With there being nothing further, the meeting was adjourned at 6:48 p.m.

**ACTION:** Adjourn the Meeting

Motion: Board Member Satterfield
Second: Board Member Berry
Vote: Unanimous

Duly adopted this the 16th day of March 2022.

Marty D. Bizzell
Marty Bizzell, Chair

ATTEST:

Heidi L. Holland
~~Kimberly A. Moffett, CMC, NCCMC~~
~~Town Clerk~~
Clerk to the Board
Heidi L. Holland
Deputy Town Clerk