

**TOWN OF WEDDINGTON
SPECIAL BOARD OF ADJUSTMENT MEETING
MONDAY, MAY 18, 2009
MINUTES**

The Board of Adjustment of the Town of Weddington, North Carolina, met in a Special Session in the Town Hall Council Chambers, 1924 Weddington Road, Weddington, NC 28104 on Monday, May 18, 2009, with Chairman Jack Steele presiding.

Present: Chairman Jack Steele, Vice-Chairman Rob Dow, Dorine Sharp, Scott Buzzard and Beth Masurat, Attorney Susan Matthews, Town Planner Jordan Cook and Town Administrator/Clerk Amy S. McCollum.

Visitors: Daniel Barry, Pat Garvey, Richard Sahlie, Genny Reid, Charles Beard, Carol and Walton Hogan, Mickey Key, Robert Vaughn, Bill McKee, Rick Hunt, Jan Kombs, John and Doris McCarver, Andrew Matthews, Bill and Barbara Scott and Dave Ruths.

Item No. 1. Open the Meeting. Chairman Jack Steele called the May 18, 2009 Special Board of Adjustment Meeting to order at 7:04 p.m. There was a quorum. Due to the absence of Sarah Lowe, Alternate Scott Buzzard sat as a member of the Board of Adjustment.

Item No. 2. Minimum Housing Issue - Parcel Number #06-096-023B for Property Located on Beulah Church Road - Owned by Rick and Irene Hunt. Chairman Steele - This is a continuation of the original hearing on this matter which was held on January 26th. It was resumed on March 23rd and as a result of the decision, there was to be a status report and update in connection with the required building permit, a pre-requisite of which we learned in more detail at the March meeting having to do with a septic tank design and approval. The initial purpose is to get the update on that and then if there are other issues and other witnesses that want to testify we will swear them in.

Attorney Matthews - The Town would like to start with Mrs. McCollum first to get general facts as to the status of the property since the last time we met in March. Mrs. McCollum, were you here at the last meeting when this board issued an order requiring Mr. Hunt, the property owner, to maintain a secured property and continue to mow his property?

Mrs. McCollum – Yes, I was.

Attorney Matthews – Do you have any knowledge as to whether or not Mr. Hunt continued to mow his property between the last meeting and this one?

Ms. McCollum - I went out on April 21 and noticed that the property needed to be mowed and a door on the bottom of the floor was not secure. I left a message for Mr. Hunt that day advising him of those two issues.

Attorney Matthews – Did he ever contact you back?

Mrs. McCollum – No.

Attorney Matthews – Did you go back out to the property at any point?

Mrs. McCollum - I went back out on May 4 and noticed it needed to be mowed again and the doors needed to be secured. There is a door on both sides.

Attorney Matthews – The property was even less secure at this point?

Mrs. McCollum - It may have been that way the first time but I only noticed the door on the right side (if you are looking at the house) the first time.

Attorney Matthews – If someone were trying to get into the building, did it appear that it could be easily accessed?

Mrs. McCollum – Yes.

Attorney Matthews – Did you see any signs of anyone having entered it or just that the boards had been kicked off?

Mrs. McCollum – No, just that there were no boards there. I did not go up to see if anyone had been in the house. I went back to the property on May 11. It looked like it had been mowed but the doors were still not secure. I went by again today and the house was secure. I did not look at the back of the property. It looked like those two doors were secure.

Attorney Matthews – Between March 23rd and today, have you heard from Mr. Hunt at all?

Mrs. McCollum – No.

Vice-Chairman Dow – Do we have standards for residents mowing their property?

Mrs. McCollum - I believe that is handled through the Minimum Housing Code.

Ms. Dorine Sharp - Did you call today and find out if a building permit had been issued?

Mrs. McCollum - I did not. I believe Mr. Leggett did.

Chairman Steele - You indicated that on the 21st of April it needed mowing and then on the 4th you said it needed to be mowed again. Had it been mowed?

Mrs. McCollum - Not that I know of. It may have been but the grass was still high when I went back on the 4th. When I rode back on the 11th is when I noticed it had been mowed.

Chairman Steele - How high are you talking?

Ms. McCollum – Knee high.

Attorney Matthews – Mr. Leggett, please remind the board what your position with the Town is.

Mr. Leggett – I am employed through Centralina Council of Governments to enforce the Town's local codes including the Minimum Housing Ordinance.

Attorney Matthews – You have been familiar with this property for how long?

Mr. Leggett – More than a year.

Attorney Matthews – Have you had any contact with Mr. Hunt between March 23rd and tonight?

Mr. Leggett – No.

Attorney Matthews – Do you have any understanding as to whether or not Mr. Hunt has been able to obtain a building permit?

Mr. Leggett – I talked to the Union County Environmental Health Department this morning. They said they have reviewed a set of plans for a design septic system. They have approved one but have not issued a permit yet. I am not sure if this is a matter of coming in and saying I am ready for a permit to be issued. They have approved the plans that were submitted and are ready to permit.

Ms. Sharp - Did they give you a date?

Mr. Leggett – No, I did not ask for that.

Attorney Matthews – Did they give you any indication whether or not Mr. Hunt reapplied for his zoning permit?

Mr. Leggett – No.

Attorney Matthews – There is no indication that he did?

Mr. Leggett – Right.

Attorney Matthews – I want to talk more about the actual property. Did you ride by the property recently?

Mr. Leggett – I visited that property today also. I drove right in front of the building and got out and went entirely around the building. Each opening is now secure. Most of the openings were secured with two headed nails only and 4 x 8 OSB boards. It would be very easy for me to snatch it off if I wanted to go in. That was the condition at the end of our last meeting and I spoke with Mr. Hunt at the end of the last meeting and suggested that he go put some more nails or screws in those panels so that people could not simply snatch them off.

Attorney Matthews – Is it your statement that if someone wanted to get into this house, they could?

Mr. Leggett – Very easily.

Attorney Matthews – How long are these pieces of plywood?

Mr. Leggett – 4 x 8 sheets.

Attorney Matthews – Held together with a total of two nails per sheet?

Mr. Leggett – One on each side into the window frame.

Attorney Matthews – Did you happen to notice anything in the yard or surrounding area that had not been there previously?

Mr. Leggett – Yes. There has been a large amount of old pine logs and debris dumped behind the house. I noted today there is a lot of obscene graffiti spray painted on the back wall of the house.

Attorney Matthews – This is graffiti that was not present earlier?

Mr. Leggett – I had never seen it until today. It looked fairly new.

Attorney Matthews – When you say obscene?

Mr. Leggett – Four letter words that you would not want spoken in public.

Attorney Matthews – When you said there was dumping in the back, did it look like something Mr. Hunt had dumped?

Mr. Leggett – I could not tell. There is a large amount of debris back there now. It makes it hard to walk around the building.

Attorney Matthews – What was the status of the grass?

Mr. Leggett – It is to the point it is time to mow again. There is a large deep ditch on that property. If you didn't know it was there, you could easily back into the ditch and be stuck and have to be towed out.

Attorney Matthews – Since you originally issued your findings of fact, which is why we are all here tonight, you cited how many violations?

Mr. Leggett – 19 violations with the housing and local codes.

Attorney Matthews – If you had to reissue that order tonight how many violations would there be?

Mr. Leggett – At least 19 and possibly due to the dumping and graffiti you could probably add that to the list which would make it a longer list today.

Attorney Matthews – You are saying the property has worsened since we continue to delay this?

Mr. Leggett – That is correct.

Mr. Hunt – You checked every window and there are only two nails in all of them?

Mr. Leggett – I said in most of them.

Mr. Hunt – I put them all in there.

Mr. Leggett – There is more than two in the opening plywood to the left hand of the building facing the street. The rest of them are two nails per sheet. I just walked within the last hour and a half and touched them and counted the nails.

Mr. Hunt – Can you pull them off? Did you pull them off?

Mr. Leggett – I could easily pull them off but I did not.

Mr. Hunt – You don't know if they can be pulled off.

Mr. Leggett – I do enough carpentry work.

Mr. Hunt - The debris – is it trash?

Mr. Leggett – It is rotted pine wood.

Mr. Hunt - Is there any other trash that rodents could get in it or is it just trees?

Mr. Leggett – The Health Department does not allow firewood to be stacked within contact of the ground. That is a haven for rats and rodents.

Mr. Hunt – Did you see any rats or rodents?

Mr. Leggett – No.

Mr. Hunt – How high was it when you went out there? Everything was secure, right? The majority of the property was mowed except for the ditch.

Mr. Leggett – The rest of the property needs to be mowed again. It is beyond what it is supposed to be.

Mr. Hunt – Are you talking about the ditch?

Mr. Leggett – The ditch and the rest of the property as well.

Mr. Hunt – The rest of the property is not more than knee high. It is more like ankle high.

Mr. Leggett – It is beyond what we require.

Mr. Hunt – How low do you have to have it?

Mr. Leggett – 6” or less.

Mr. Hunt – There is property all around Weddington that is more than knee high. You are trying to single me out for everything.

Attorney Matthews – Can I ask you about the security of the plywood now on the building? How does that compare to the way it was secured back in February? We met in March and the property had been secured at that point.

Chairman Steele - January was the meeting that it was required to be secured. It was not secure prior to January.

Attorney Matthews – Testimony in March showed that it was secured the weekend of February 20-22, even though the Board ordered it to be secured February 6th. Do you know how that compares to the original securing of the property?

Mr. Leggett – The building was shabbily and sloppily boarded. It is still two nails per sheet and it would be very easy to walk up and snatch them off.

Attorney Matthews – You were here the night that Ms. McCollum testified that those boards had been removed as of no later than April 21st.

Mr. Leggett – Right.

Vice-Chairman Dow - How secure is secure? There is no question that if someone wants to break into a house they can break into a house by just breaking the glass. The attempt is to secure the house to keep children or whatever from getting inside. At what point do we call secure? I don't know if this Board makes that decision. Would you consider this house easier to get into than any house?

Mr. Leggett – Yes. We have ordered it to be boarded. You have sheets of plywood over the opening but a 10-year old child could snatch it right off. The State Building Code has standards in it for the fastening schedule and how you attach plywood and the number of nails and the size nails you use. That is not even close.

Vice-Chairman Dow – We do have that in our ordinance?

Mr. Leggett – Not in the housing code but I refer to the building code on questions like that. Two nails per sheet are not even close. I would never approve that. If someone is ordered to secure it by plywood, I am going to see to it that they are going to use screws and a good number of them or nails. After the meeting ended last time, I asked him quietly to go down there and add more nails to the plywood.

Vice-Chairman Dow – When you refer to 6" of grass is that written in a code?

Mr. Leggett – That is a standard we try to use if we were to cite you for a lot that you owned. The question is how low do you mow it? Six inches is what we always use as a guideline. It is okay to go lower.

Vice-Chairman Dow – Does that apply to the developments that are partially built?

Mr. Leggett – I suppose so.

Vice-Chairman Dow – All the developments here in Weddington with halfway developed neighborhoods are supposed to be kept mown at 6"? That is hard for me to believe when those lots are not even roughed out.

Chairman Steele - Was there any evidence when you examined the property today that anyone had tried to break in or had previously pulled the plywood off in order to get inside?

Mr. Leggett – The fact that someone stayed around back long enough to spray paint all the graffiti tells me that someone is loitering back there. That may explain why the plywood has been put on openings on the far end away from the left hand of the building facing the road. Those openings have been recently re-nailed with quite a few more than two nails. I don't know if it was in response of someone breaking in or because of the message Mrs. McCollum left Mr. Hunt.

Chairman Steele - Did you notice any evidence that somebody had broken in and had to reattach the plywood or that someone had tried unsuccessfully to break in? Graffiti could come from anywhere.

Mr. Leggett – No.

Chairman Steele swore in Genny Reid who asked to provide testimony.

Ms. Reid - I live in Lake Providence.

Attorney Matthews - Are you here on behalf of the Lake Providence Homeowners Association?

Ms. Reid - I am a resident of Lake Providence. I am not a member of the association.

Attorney Matthews - Do you live in close proximity to that property?

Ms. Reid - Yes I do.

Attorney Matthews - Have you gone out there between March 23rd and tonight and taken pictures?

Ms. Reid – Yes.

Attorney Matthews – This is Exhibit M. Are these accurate pictures taken by you of the property?

Ms. Reid – Yes.

Attorney Matthews - These are pictures of the property as they look unsecured. Please describe what you saw when you went to the property.

Ms. Reid - I went inside the house. I saw the trash in the back which is in the pictures. These pictures were taken Sunday, May 10.

Attorney Matthews - Was it easy to get into the house?

Ms. Reid – Yes. The boards had been knocked down.

Attorney Matthews - Did it look like rain had knocked them down or did it look like someone had torn them off the walls?

Ms. Reid - I really didn't look at that.

Attorney Matthews - Did you see any evidence that anyone had entered the property?

Ms. Reid – No. I am concerned because I live in the neighborhood and it is a fire hazard. I was here for the January meeting where he was given milestones. I saw that they were not being followed. They were totally ignored. It is important to us. We care about our neighborhood.

Mr. Hunt – Did you go out every day and find that or do you have pictures of just one day or a whole week?

Ms. Reid - I go by the house everyday.

Mr. Hunt - Did you take a picture everyday?

Ms. Reid – No.

Mr. Hunt – I cannot go out there everyday.

Ms. Reid - That is the reason I took the pictures. They hadn't been there. I knew that you were asked to keep it secured which is important to us. I saw that you did not do that. That is why I took the pictures.

Mr. Hunt - Did you take pictures from May 5- 10?

Ms. Reid - I ran by several times with it unsecured.

Mr. Hunt - We don't know if it was off for 20 days or six months.

Ms. Reid - It wasn't six months. You were not given the milestones until the January 26 meeting.

Mr. Hunt – Since you guys told me what I needed to do I have been doing it. I went back over there to check the property, boarded it back up, put more nails in it, and mowed the lawn. It might not be 6" – it is probably over that. It has been mowed to a reasonable amount. I have a building permit here for it. I was going to try to get septic.

Chairman Steele - You do have the building permit?

Mr. Hunt - I have the septic tank, the permit is done, and the building permit is issued. I did what I said I was going to do. It has not been easy. I am doing my part. I just got the septic permit today at 4:59 p.m. They said I had that authorization. They told me it would be ready today. I paid \$750 for that, \$150 for the septic permit.

Mr. Leggett - That explains why when I called they hadn't issued it.

Mr. Hunt - But I had authorization for the septic.

Attorney Matthews – We met here March 23. When did you apply for the septic tank?

Mr. Hunt - I applied before March 23. They said we can't issue a permit because we have to have a septic tank. That was already in the works. They went out to it and did not find it fully operable so I had to get a soil scientist to go back.

Attorney Matthews - Between March 23 and tonight at 4:59 p.m., when did you go and get that soil test performed?

Mr. Hunt – It took them three weeks.

Attorney Matthews - We met two months ago – so it took you five weeks to get the soil test done?

Mr. Hunt - That is why you gave me the five weeks.

Attorney Matthews - It took you another three weeks to walk into the Building Permit Inspection Office?

Mr. Hunt - You cannot go to the building department unless you have your authorization for your septic permit.

Attorney Matthews - And when did you receive that?

Mr. Hunt – Today.

Attorney Matthews - And then you went immediately?

Mr. Hunt – Exactly.

Ms. Sharp - You commented on the fact that you go and look at the property. How often do you go by the property?

Mr. Hunt - Every week – maybe every three days. I am not going to mow the lawn every week.

Ms. Sharp - With all the rain, it has been difficult for a lot of people. When you said you had everything secured and then you went by and you saw the doors were open and you had to redo them, have you filed anything with the Union County Sheriff's Department?

Mr. Hunt - No – do I need to?

Ms. Sharp - I would make them aware that there might be a problem. We do have deputies that could drive by the property. If there is vandalism, they should know about it.

Mr. Hunt – Okay.

Ms. Beth Masurat - Where did the trash come from? Was that there before?

Mr. Hunt – No it was not. Some people tried to clear the lot before. Those are not my trees. I did not do it.

Vice-Chairman Dow - Part of the problem with the delay in the septic was that you originally had a plan for it from several years ago. You assumed that was still good only to find out that it wasn't. One of the reasons we allowed for more time was because there was a reasonable reason.

Mr. Hunt – Yes.

Ms. Sharp - Do you have any kind of a timetable for construction?

Mr. Hunt - I am working on that now.

Attorney Matthews – As you are aware, we are here tonight because Mr. Hunt has dragged his feet for almost 6 ½ years to bring this property up to compliance. He has taxed this Town's resources. He has taxed your efforts and more importantly this property has remained a nuisance to the Town residents exposing them to potential injury and harm directly resulting from Mr. Hunt's delay. I think it is very important that tonight six months after Mr. Leggett issued the Finding of Fact and Order that we go through the timeline of what has happened. As you are aware there has been testimony over the last three times we have met that this house structure was moved onto the property in December 2002 – 6 ½ years ago. It was September 2003 when the structure was put in the location but it wasn't even set on a foundation at that point. It took another five months to get it on a foundation and then it sat there. Nothing happened that we are aware of other than maybe mowing the property and there has been no evidence to that between January 2004 and May 2008 when Mr. Leggett met with Mr. Hunt. Remember the Town had no right or ability to correct this violation until November 2007. This was not the Town's jurisdiction. Even though the Town was receiving complaints according to Mrs. McCollum, there was nothing that could be done. It wasn't until Mr. Leggett was brought in March 2008 to inspect the property and it was found to be noncompliant that things began rolling with the property. In May 2008 Mr. Hunt and Mr. Leggett met at the property. They discussed all of the potential violations. Nothing was noticed officially. It was just cited for being a violation of the minimum housing standards. Mr. Hunt then agreed that he needed to obtain a building permit and go ahead and begin repair. June passed, July passed, August passed, and September passed. Nothing happened. The property was mowed once

according to Mr. Leggett. November 2008 the Town decided that they needed to step in because at this point there was testimony that there were children that were tearing off plywood from the side of it, using it as bicycle ramps to ride over it and causing an attractive nuisance to children. The Town stepped in and in December, Mr. Hunt was cited for 19 violations of the Town's minimum housing standards. According to Mr. Leggett, we are still at 19 if not more tonight – six months later. Mr. Hunt appealed the notice of violation stating he needed more time. He said "I can get my building permit by January 13. I can mow my property by January 13". He did neither. We gave him extra time and it is understandable to give him extra time. His property needed to be brought into compliance if it could be brought into compliance. We met again in March to see if he had his building permit. He didn't. He had applied for a septic permit and he had to go through some extra tests. Tests that maybe he knew five years ago he was going to need but he didn't at this point. So we delay a little longer. Between January and March we waived the fact that he failed to meet your requirements to secure that property on February 6. He waited two additional weeks and boarded it the weekend of February 20-22nd. When we met here March 23, we had a boarded property that had been mowed with no building permit. We delayed again and we are back here tonight and he has a building permit that was issued at 4:59 p.m. but most importantly, we also have evidence that the property was unsecured at a minimum from April 21 – May 11. Children could enter or loiter on that property. There is graffiti and six months more damage to the property that resulted from the elements because he has taken no steps. We are asking you that if you delay this further, you are just allowing Mr. Hunt to drag his feet. I would remind you that when Mr. Leggett issued his Findings of Fact and Order in December, the maximum that the State of North Carolina and the Town Council will allow him to bring the property to repair is 90 days. It doesn't matter if the property needs to be mowed or the property needs to be brought up entirely– 90 days is the max. No exception. It is extensive because it should have been done 6 ½ years ago. We are also at a time right now where kids are getting out of school. We are going to have kids out there on bicycle ramps and they could potentially injure themselves if you don't do something now. If we continue to delay, we continue to let Mr. Hunt use this Town's resources, use its tax dollars, use your efforts and potentially injure the residents of this Town. We respectfully request that you find Mr. Hunt has dragged his feet too long doing what he should have done 6 ½ years ago – deny his appeal and uphold Mr. Leggett's order as it has been amended by you and allow us to proceed in correcting this violation.

Mr. Hunt – The property was taken into Weddington in November 2007. When Weddington got jurisdiction, I wish you would have gotten on me then. If you knew this was a problem – get on me when it happened – we could have gotten this process started and now we would be further on in the process. In March 2008 that is when you finally told me. That is six months later. Why did you wait six months to get on my case about it? Then you wait until December to do some findings on it. If this was such a problem, if all the residents were complaining so much when it got annexed into Weddington, why wasn't everyone down here saying let's tear this thing down. You all waited too. I have done everything you wanted me to do. If you guys really cared about it, you would go nail it down. You would say I am going to nail it down. I don't want kids going there and doing graffiti. If the residents were so worried about it, if they did care about someone getting hurt, their own kids, they should have done that. I am doing what I am supposed to do. I showed you everything I tried to do. It is not a last minute thing. I have been trying to get the septic approval and have paid more money for this thing than anybody has done. I'm doing what I have to do since the Town of Weddington got on me. I feel you delayed also. The residents delayed. It is one big storm right now.

Chairman Steele - The closing comments are not evidence. They are just arguments on behalf of the Town and Mr. Hunt.

Ms. Sharp - The last minutes state that a building permit to perform the necessary repairs shall be issued by Union County and submitted to the Town no later than May 18, 2009 which is today. We also had discussed from the original order changing May 18 to July 18 and that referred to a written progress

report. We had three dates identified and we changed the building permit date to today and then we talked about changing the written progress assessment to our July meeting.

Chairman Steele - From the very first meeting in January, when we thought a building permit could be issued by March 1, we essentially had seven weeks for a progress report. The deadline for the building permit was March 1. Substantial completion was originally to be September 1. That is six months to complete the construction.

Ms. Sharp - We changed September 1 to November 1. We moved everything back two months.

Chairman Steele - I don't think that was a part of the actual order?

Ms. Sharp - We discussed adding two months to each of those dates.

Chairman Steele - That would be consistent with the time table we adopted in January.

Ms. Sharp - He has met the May 18 deadline. I am concerned about the property meeting or not meeting the original order for the structure to remain secured throughout the time period. It is questionable whether that has been met.

Chairman Steele - If Mr. Leggett is going to start citing everybody anytime their grass gets over six inches high he is going to be a busy man.

Vice-Chairman Dow – In our Minimum Housing Ordinance, do we cite State guidelines?

Ms. Sharp - I would think that we would basically at this point maintain jurisdiction and would expect a progress report at our July meeting.

Vice-Chairman Dow – The point is he has met the requirement. The only grounds we would have is arguing over 6-12" of grass or maintaining the security of the building. What are our guidelines for secure?

Chairman Steele - We came up with a timetable in January. In March we allowed the timetable for the building permit to slip because of the septic issue and delays and requirements of Union County. We discussed but did not incorporate into any order the subsequent dates. We basically said you come back by the 18th of May with a building permit. If you have it, at that point then it would be incumbent on us, unless we find some other reason not to move forward, to set the dates for a progress report on actual construction which should eliminate the security issue. We had six months before the project was substantially complete. It has to meet all the building codes in order to get a Certificate of Occupancy.

Mr. Buzzard - If the state only allows 90 days, why did we pick six months?

Vice-Chairman Dow - This property was annexed. Given the time frame and the time of notification of the violation, it stood to reason that we needed to give longer than 90 days.

Chairman Steele - March 1 was the earliest deadline we were looking at. We are 75 days past. I think we recognized and discussed the Minimum Housing Ordinance. It is one thing to take a completed structure and make repairs to it. It is a whole different thing to take a house that hasn't had anything done to it. It is basically a shell moved onto a piece of property. That is how we came up with the original timetable.

Vice-Chairman Dow - Does our Minimum Housing Code require a CO?

Mr. Leggett - If a house deteriorates to the point that it is in violation of the Town's Minimum Housing Code, a building permit is required; then at the conclusion of the building permit a CO is required.

Vice-Chairman Dow – The building permit is for two years?

Mr. Leggett - We are talking about an existing house that is in violation of a local housing code. The Code Enforcement Officer tends to tighten those time frames up a little bit.

Vice-Chairman Dow - The requirements of the permit itself are that work must be started within six months.

Mr. Leggett – That is State Building Code for permits.

Ms. Sharp – It can't sit idle for 12 months.

Mr. Leggett - If you don't start work within six months of the date of the permit, then the permit expires. Typically as I do minimum housing code enforcement; it is going to depend on the conditions of the property as to whether I let you take your leisure to start within six months. If you have safety issues, I am going to be pushing you to start immediately. On your previous orders that you issued on this particular property, they required Mr. Hunt to keep that property mowed. If I am the one who has to decide how low it shall go, six inches is what we generally do. Most towns I work for have an overgrown lot ordinance. It may say that if the grass is over 10", 12", or 18", then we make them mow it. We generally require them to go down at least 6". The Town doesn't have an overgrown lot ordinance. If we are involved with a property that is in violation of minimum housing, overgrown grass is also a violation and there are some very general standards in the housing code that we use to try to get that corrected.

Chairman Steele - We need to take a look at an overgrown lot ordinance for the future.

Mr. Leggett - There is a good model for one with the North Carolina League of Municipalities.

Vice-Chairman Dow - Is there any violation we can cite?

Chairman Steele - A violation of our prior order that the property be kept continuously secure.

Attorney Matthews – That is in the March order also.

Chairman Steele - Is that alone sufficient to require the tear down of the house given that it has been mowed and some attempt was made to secure it and that the building permit that we required has been issued?

Mr. Buzzard - What about the debris in the back?

Chairman Steele – The evidence is that he didn't put it there and so we don't know if it has been there for 10 days or how long. There was no mention of that at the March meeting. I don't see that some third party putting tree stumps on the back of someone's property unknown to him without his permission is grounds for us to do anything other than get it taken care of.

Ms. Sharp – Personally, going by our statement at our March Meeting that Item C - a building permit to perform the necessary repairs shall be issued by Union County and a copy submitted to the Town no later than May 18, 2009 has been done. We now need to set the next deadline. Our previous one was two

months after the permit was received. Our meeting is early so I would say at our July meeting we require a list from Mr. Hunt of everything that has been done such as building supplies purchased, contracts let, something showing progress.

Mr. Buzzard - Are we going to come up with the list?

Chairman Sharp - We had said originally he must show progress that is substantial and continuing on the repairs to the property.

Mr. Buzzard - We will leave it to Mr. Leggett to determine substantial and reasonable?

Vice-Chairman Dow – No, we will decide when he shows us what he has done.

Chairman Steele - I think we need to require a minimum of six to ten color photographs showing what has been done and the current condition. I don't think the Town should incur the expense to have to go out and generate the pictures. This is something Mr. Hunt should provide. He should show if there have been any inspections. If there have been inspections prior to our July meeting, we want to get that information from Mr. Hunt. I would suggest that we get Mr. Hunt's report a week ahead of time. If the documentation is there and it is obvious that there has been substantial completion, we don't need to have Mr. Leggett go out and double check it.

Ms. Sharp - Our original statement said a written progress report submitted by the property owner together with a written progress assessment from the Code Enforcement Officer.

Chairman Steele - Do we need to go to that expense of the second step? Given he has paid an engineer to go out and design the septic system. He has paid to get the septic system approved. He has paid another fee to get the building permit. If there is any issue about the substantial progress by our July 27 meeting, then we can ask Mr. Leggett to go back out and give us a report.

Vice-Chairman Dow – What permits could be expected in two months?

Chairman Steele - If you are doing new construction, you certainly will have to have your preliminary plumbing and rough in.

Mr. Leggett - It appeared to me, what we had was a dried in shell which would mean you would have your electrical, mechanical and plumbing to be roughed in and then that would have to be inspected. After it is approved, you could insulate and hang dry wall and continue on.

Ms. Sharp - At what stage are doors and windows installed?

Mr. Leggett - A lot of builders would put them in immediately. It would allow light to enter the building so they could see how to work.

Chairman Steele - If you don't have your rough in for the framing and electrical in two months, you will be hard pressed to get a CO at the end of 6 months.

Ms. Sharp - Do you have to advertise again? How much time would you need as lead time as far as calling for a meeting?

Attorney Matthews – You need to continue to a date, time and place certain and the Clerk does not have to do anything except send the property owner notice.

Ms. Sharp – Who is going to review the information once it is submitted to the Town Hall or should we just get copies and meet?

Chairman Steele - I don't know that we meet informally. We require that everything be submitted by the 17th and we will deal with it at our meeting on July 27. The issue is who is going to make the judgment call.

Ms. Sharp - We will continue with the hearing on the 27th and will require that they submit everything by July 17th and that would give us time to at least let Mr. Leggett look at the submission and whether he decides he needs to go out and visit the property.

Vice-Chairman Dow - No one here at Town Hall needs to make that decision.

Chairman Steele – Mr. Hunt, you need to understand because you will have to get the work going out there. What we are saying is that if the Board approves this, you will have six months from today to get your certificate of occupancy which will require everything to be done. On July 17, two months from now, you will need to submit a progress report describing what has been in done in writing, copies of any permits and color photographs showing the progress that you have made. We are not requiring you to have the final inspection or any permit. We are requiring you to make a good faith effort to show substantial completion. If you come back here on the 17th of July and nothing has been done to that building then you are out of here. Substantial completion is for the end. Significant progress towards substantial completion.

Mr. Hunt – I need in writing exactly what I need to do.

Chairman Steele - We are not trying to tell you how to manage the construction project. We are perfectly capable of judging whether you are making significant effort towards completion particularly with Mr. Leggett's experienced help.

Mr. Hunt – Do I get Weddington's or Union County's inspection?

Chairman Steele - Weddington does not have building inspectors. That is all Union County.

Mr. Buzzard - We can require him to mow the grass but we can't require him to remove the debris?

Ms. Sharp - We are going back to our original orders and that was not in our original order.

Mr. Buzzard - We are amending our original order with the dates.

Chairman Steele - The original order and the subsequent order required the property to be mowed and required the building to remain secure and that can and should continue as part of this order. You were asking also about a specific requirement that the wood be removed.

Vice-Chairman Dow - I think we are going to get into trouble if we keep coming in with specific things because they are going to get met at the last minute and probably unsatisfactory but met. I think we are far better off keeping this open to the point where Mr. Hunt has to show us good faith. If we can decide what that is then we can put an end to this if we do not think he has. It is not our job or our problem. Now that he has a building permit – let's see something. We have to be satisfied. It gives us a lot of leeway.

Mr. Buzzard - I don't disagree with that. It is not like we are asking him to clear out a wooded area.

Ms. Masurat - I don't think that is the biggest issue. We want this house to be safe and that is unfair for his neighbors to have to look at this for five years. We want to see progress.

Chairman Steele – Our goal and the Town's goal is for Mr. Hunt to get a certificate of occupancy issued in as short a time as possible. The certificate of occupancy will ensure that the building is secure and things are done and that it is not an eye sore.

Ms. Sharp moved the following:

The Board of Adjustment will retain jurisdiction over this matter during the progress of construction and repair. The property is to remain cleaned and the structure secured throughout the repair period. Mr. Rick Hunt shall submit a written report to the Town Hall by 5:00 p.m. on July 17, 2009, including documents, receipts, materials, pictures, etc. showing that substantial progress towards completion of the repairs necessary to correct each of the violations of the Minimum Housing Code, as cited in the December 18, 2008 Findings of Fact and Order, has been made. At that time, the Town's Building Inspector will receive and review the documentation. A Board of Adjustment Meeting will be held on July 27, 2009, at 7:00 p.m. in Weddington Town Hall to review the written report, hear from the Building Inspector, and determine whether Mr. Hunt has complied with the December 18, 2008 Order, and to possibly set future deadlines.

Chairman Steele – It needs to be made known that we are looking at a certificate of occupancy six months from today. In terms of what we consider substantial progress needs to be taken into account that we were looking at a six month CO period. Your progress is affected by when your completion date is.

Vice-Chairman Dow seconded the motion, with votes recorded as follows:

AYES:	Masurat, Sharp, Vice-Chairman Dow and Chairman Steele
NAYS:	Buzzard

The Board of Adjustment received the following Exhibits:

Exhibit N – Genny Reid Pictures

Exhibit O – Building Permit

Item No. 3. Approval of Minutes.

A. Approval of March 23, 2009 Special Board of Adjustment Meeting Minutes. Ms. Sharp moved to approve the March 23, 2009 Special Board of Adjustment Meeting Minutes. Vice-Chairman Dow seconded the motion, with votes recorded as follows:

AYES:	Buzzard, Sharp, Masurat and Vice-Chairman Dow
NAYS:	None

Item No. 4. Continuation. Vice-Chairman Dow moved to continue the meeting until July 27, 2009 at 7:00 p.m. at the Weddington Town Hall. Ms. Sharp seconded the motion, with votes recorded as follows

AYES:	Buzzard, Sharp, Masurat and Vice-Chairman Dow
NAYS:	None

The meeting ended at 8:30 p.m.

Jack Steele, Chairman

Attest:

Amy S. McCollum, Town Clerk