

**TOWN OF WEDDINGTON
CONTINUED BOARD OF ADJUSTMENT MEETING
MONDAY, SEPTEMBER 28, 2009
MINUTES**

The Board of Adjustment of the Town of Weddington, North Carolina, met in a Continued Session in the Town Hall Council Chambers, 1924 Weddington Road, Weddington, NC 28104 on Monday, September 28, 2009, with Chairman Jack Steele presiding.

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

Absent: None

Visitors: Daniel Barry

Item No. 1. Reopen the Meeting. Chairman Jack Steele called the September 28, 2009 Continued Board of Adjustment Meeting to order at 7:24 p.m. There was a quorum.

Item No. 2. Minimum Housing Issue - Parcel Number #06-096-023B for Property Located on Beulah Church Road. The Board of Adjustment received the following:

- A copy of the Order dated August 11, 2009
- Letter dated September 15, 2009 from Citizens South
- Copy of the North Carolina General Warranty Deed between Richard S. and Irene Hunt and Robert Hampton Batchelor, Jr. and Maleah Long Batchelor
- A copy of the Residential Building Permit from Union County

Chairman Steele – In your packets, you received a copy of the deed dated September 23. There was also a copy of the letter from Citizens South Bank dated September 15 indicating that at no fault of the applicant their property did not close on the 15th as we had specified in our prior order. You have in your packet a copy of the Residential Building Permit that was reissued on September 24, 2009. One procedural clarification, I am assuming even though the prior order from our July 27 meeting basically specified September 15 for closing on the property that we can continue forward as a continuation of this long standing matter.

Attorney Bill Brown – I think it would be good for the record that a simple motion be made to amend the order dated August 11 and make it effective September 30 nunc pro tunc.

Vice-Chairman Rob Dow moved to amend the prior order dated August 11 making the closing date by September 30. Ms. Dorine Sharp seconded the motion, with votes recorded as follows:

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

NAYS: None

Mr. Batchelor – We closed on Thursday and on Saturday we had a bush hog out there. Grading progressed on Friday to get the debris and trash removed from the property and getting the ditches dug out where they had overgrown. Plumbing starts next week. Concrete will be poured in the basement

the next week and framing will start the third week. We have a five month schedule right now. Basically by the end of next month, there will be significant actual building progress as far as the slab being poured in the basement, plumbing, electrical and framing started. Windows have already been ordered and they should be in at that time. At the next meeting, we will bring back pictures to support everything that we are doing.

Chairman Steele – We need a motion for the ongoing refurbishment of this property. I presume that we will retain jurisdiction as we have in the past to make sure that it is completed in a timely fashion. I would prefer to not have formal Board of Adjustment meetings if there is some way that we can schedule a meeting for six months down the road and require that a certificate of occupancy be issued by that time.

Vice-Chairman Dow - This is a new homeowner and new construction.

Attorney Brown - The complaint attaches to the structure itself and it is not necessarily who owns the structure. The structure is undergoing some changes that will bring it into compliance. It is a formal procedure and we have been formal up to this point to a successful fruition we hope. I think your order back at your meeting in July which resulted in the August 11 continuing order stated that you have said that you would provide a minimum of at least four months and possibly extending that two to three months more depending on what you heard at this meeting tonight. Your prior action would give them four months and we just heard testimony that they need five months. My recommendation would be to pick a benchmark somewhere out there such as six months and then specify that they have to have the certificate of occupancy by then. We would put the burden on the applicant if there is any disruption or discontinuation of construction for more than a two-week period or what you think is reasonable and that he has to notify the Town. That information will then be shared with the Board and the Board could call a meeting if needed.

Chairman Steele - Would it be okay to basically continue the hearing until March 22, 2010 and as part of that require the property to be maintained, construction to proceed and a certificate of occupancy to be issued, which will be six months from now? Then if there is some sort of suspension of construction, we can re-notice an earlier meeting if needed.

Attorney Brown - How will we know if there is a disruption of construction?

Chairman Steele - Can we not delegate to the Town Planner or someone the responsibility to notify us?

Vice-Chairman Dow - Can we not put the burden on the applicant in that period that if for unforeseen circumstances either construction halts or the certificate of occupancy is not going to be available then he lets the Town know?

Mr. Batchelor – I can bring the Town Planner an update every 30 days.

Ms. Sharp – The Town Planner can share the update with the Chairman and then if you decide that we need to meet then we will leave that to your discretion.

Mrs. Batchelor asked that the update be every 60 days instead of every 30 days.

Ms. Beth Masurat made the following motion:

1. Additional time is granted for the repair schedule on the following terms and conditions:

- A. The August 11, 2009 Order is amended nunc pro tunc to provide that the sale of the property to Robert Hampton Batchelor Jr., and wife Maleah Long Batchelor is to be closed on or by September 30, 2009.
- B. The Board of Adjustment will retain jurisdiction over this matter during the progress of construction and repair.
- C. The property is to remain cleaned and the structure secured throughout the repair period.
- D. The Certificate of Occupancy shall be issued prior to March 22, 2010. The hearing on this matter is continued to March 22, 2010 at 7:00 p.m. at the Weddington Town Hall. The property owner is to give a construction status report to the Town Planner every 60 days beginning September 28, 2009. If a lapse in construction occurs, the property owner is to contact the Town Planner who will inform the Chairman of the Board of Adjustment to determine whether a Special Board of Adjustment Meeting is needed.
- E. Except as modified above, the provisions of the December 18, 2008 Findings of Fact and Order, the January 28, 2009, March 24, 2009, May 22, 2009 and August 11, 2009 Decisions remain in full force and effect.

Ms. Sharp seconded the motion, with votes recorded as follows:

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

Item No. 3. Approval of Minutes.

A. Approval of July 27, 2009 Continued Board of Adjustment Meeting Minutes. Chairman Steele noted two corrections to the minutes. Ms. Sharp moved to approve the July 27, 2009 Continued Board of Adjustment Meeting Minutes. Vice-Chairman Dow seconded the motion, with votes recorded as follows:

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

Item No. 4. Continuation. Ms. Sharp moved to continue the meeting until March 22, 2010 at 7:00 p.m. at the Weddington Town Hall. Mr. Scott Buzzard seconded the motion, with votes recorded as follows:

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

The meeting ended at 7:40 p.m.

Jack Steele, Chairman

Attest:

Amy S. McCollum, Town Clerk