

MEETING MINUTES
OF THE
GREENSBORO BOARD OF ADJUSTMENT
May 28, 2019

The meeting of the Greensboro Board of Adjustment was held on Tuesday, May 28, 2019 at 5:37 p.m. in the Council Chamber Room of the Melvin Municipal Office Building. Board members present: Chair Chuck Truby, Mary Skenes, James Waddell, Vaughn Ramsey, Ted Oliver, Leah Necas, and Deborah Bowers. Chair Truby explained the procedures and policies of the meeting. City staff present: Shayna Thiel and Mike Kirkman (Planning) and Andrew Kelly, Assistant City Attorney.

Chair Truby welcomed everyone to the meeting and advised of the policies and procedures in place for the Board of Adjustment. Chair Truby further explained the manner in which the Board conducts its hearings and method of appealing any ruling made by the Board. The Chair advised that each side, regardless of the number of speakers, would be allowed a total of 20 minutes to present evidence.

APPROVAL OF THE MINUTES (April 22, 2019)

Mr. Waddell made a motion to approve the minutes, second by Ms. Skenes. The board voted 7-0 in favor of the motion. (Ayes: Truby, Skenes, Waddell, Ramsey, Oliver, Necas, and Bowers. Nays; 0.)

SWEARING IN OF STAFF

Shayna Thiel and Mike Kirkman were sworn in for their testimony in the following cases.

CONTINUANCES/WITHDRAWALS

Ms. Thiel advised in regard to case number BOA-19-20, 410 Sunset Drive, the applicant is requesting a continuance. **(GRANTED)**

Ms. Amanda Hodierno, 804 Green Valley Road, Suite 200 presented on behalf of the Greensboro Country Club requesting a 30-day continuance.

Chair Truby inquired if there was anyone else to speak on the matter. No one came forward. Chair Truby requested the reason for the continuance.

Ms. Hodierno stated the Country Club is governed by a volunteer board with a large membership. Additional time is needed to ensure members interested in this matter have all the details regarding the proposal and ensure everyone is on the same page moving forward with the plans. Chair Truby clarified the last request for this property was withdrawn and not a continuance. He did not see any issue with it. Chair Truby requested a motion to continue this item to next month. Ms. Necas made a motion to continue, second by Mr. Waddell. The board voted 7-0 in favor of the motion. (Ayes: Truby, Skenes, Waddell, Ramsey, Oliver, Necas, and Bowers. Nays; 0.)

OLD BUSINESS

No Old Business.

NEW BUSINESS

1. VARIANCES

The applicants were sworn in for testimony.

a. BOA-19-17: 400 HOBBS ROAD. Brandon and Jessica Ma requesting a variance to allow a proposed addition to encroach 3.3 feet into a required 30-foot rear setback and will be 26.7 feet from the rear of the property. **(GRANTED)**

Ms. Thiel stated in BOA-19-14, at 400 Hobbs Road, the applicant Brandon and Jessica Ma request a variance to allow a proposed addition to encroach 3.3 feet into a required 30 foot rear setback. The addition will 26.7 feet from the rear property line.

Evidence from the applicants include Exhibits A and B. Supporting documentation from staff includes Exhibits 1 through 7. The Land Development Ordinance reference is Section 30-7-3.2, Table 7-1. R-3, minimum rear setback is 30 feet.

Background and Site Information: The subject lot is located on the north side of Hobbs Road, west of Beverly Place and zoned R-3. Tax records indicate the lot contains approximately 15,682 square feet and the house was constructed in 1984. The applicants propose to construct an addition at the back of the existing house that will encroach 3.3 feet into the required rear setback and be 26.7 feet from the rear property line.

Ms. Thiel provided the land use, zoning for this property and surrounding properties, and noted there are no applicable overlays or plans.

Chair Truby requested the applicant come to the podium and provide their name and address.

Brandon and Jessica Ma, 400 Hobbs Road, Greensboro. Ms. Ma stated they are requesting to add a proposed addition for a master bedroom, bath, closet and a one car garage.

Chair Truby asked if there are questions for the applicant. Ms. Necas asked if neighbors have been notified regarding the addition. Mr. Ma responded yes. The next door neighbor on Beverly called him and wanted to know which way the car would enter from, how many feet of variance was being requested and what was being built but did not express any opposition. Ms. Necas asked if they are adding something to the garage. Mr. Ma responded it would be an attached garage with a first-floor master, bath, and small sitting area. Ms. Necas asked if it was only 3 feet back. Mr. Ma responded that was correct. Ms. Skenes inquired of the height of the addition. Mr. Ma responded it is one story. Ms. Skenes stated there is an addition in back and asked if was going to be an addition to the sunroom. Ms. Ma responded it would be incorporated as the living area. Ms. Skenes asked if they had any renderings of what it will look like. Ms. Ma responded they did not have any definite plans. It will be a standard 8 to 9 foot ceiling height. She assumed the builder would adjust the roof lines to accommodate the runoff. Mr. Ma stated the builder's initial external elevation will be roughly the same height as the current garage and the back room will become a sitting room. A new door where the current door is located for entrance to the home. The area will be incorporated with the rest of the addition in the first- floor master. Ms. Skenes asked if the height would be the same as the existing garage as that is two stories. Mr. Ma responded the garage is one story with dormers and will not be any higher than that. It will not be a two-level addition, only one level. Mr. Waddell asked if an existing garage on the side of the house would no longer be a garage. Ms. Ma stated it would be a three-car garage. The current garage will be the same and attached to second garage with the entrance off the existing driveway. A diagram was provided and explained to the Board.

Chair Truby inquired if there any further questions for the applicant. No further questions. Chair Truby inquired if there was anyone to speak in opposition to the request. No one came forward. Chair Truby requested a motion to close the public hearing.

Mr. Waddell so moved, second by Ms. Bowers to close the public hearing. The board voted 7-0 in favor of the motion. (Ayes: Truby, Skenes, Waddell, Ramsey, Oliver, Necas, and Bowers. Nays; none.)

BOARD DISCUSSION

The Board members indicated their support of the application. Chair Truby did suggest having staff advise all applicants to provide renderings with their application to aid the Board.

Mr. Oliver stated based on the stated Findings of Fact, moved that the Zoning Enforcement Office be overruled and the Variance granted based on the following:

1. If the applicant complies with the provisions of the ordinance, unnecessary hardship will result to the property and unique circumstances related to the applicant's property because it appears that the option of an addition would not be possible.

2. The hardship of which the applicant complains results from conditions that are peculiar to the property and unique circumstances related to the applicant's property because there is no other place on the lot to put an addition. The front setback is almost 2 times the ordinance requirement.
3. The hardship is not the result of the applicant's own actions because the home was built in 1984, which the current owners acquired in December of 2015.
4. The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit and assures public safety, welfare and substantial justice because the proposed addition complies with the character of the surrounding neighborhood.

Second by Mr. Waddell. The Board voted 7-0 in favor of the variance. (Ayes: Truby, Skenes, Waddell, Ramsey, Oliver, Necas, and Bowers. Nays; none.)

b. BOA-19-18: 3736-3742. CARDINAL DOWNS DRIVE. Thomas D. Carruthers, on behalf of GL Sutphin Properties, LLC requesting a variance to allow proposed deck additions on four townhouses to encroach 10-feet into a required 20-foot rear setback. **(GRANTED)**

Ms. Thiel stated in BOA-19-18, 3736-3742, Cardinal Downs Drive, the applicant, Thomas D Carruthers on behalf of GL Sutphin Properties, LLC, request a variance to allow proposed deck additions on four townhouses to encroach 10-feet into a required 20-foot perimeter setback. The deck additions will be 10 feet from the perimeter property line.

Evidence provided by the applicant includes Exhibits A through C. Supporting documentation from staff includes Exhibits 1 through 10. The Land Development Ordinance reference is Section 30-7-3.2, J1, Perimeter setback for a four-unit townhouse is 20-feet.

Background and Site Information: The four subject properties are located on the east side of Cardinal Downs Drive, north of Cardinal Way, zoned RM-5. Tax records indicate the properties contain a total of approximately 5,227 square feet. The site plan for this phase of the Cardinal Downs Drive development was approved on May 31, 2018, with footing and foundation permits issued on November 6, 2018. When the applicants submitted as built surveys, City staff noted the locations of the units did match the approved site plan and included elevated decks instead of concrete patios. Completion permits were issued March 7, 2019, following approval by applicable city staff. At grade patios can encroach into required setbacks and uncovered decks less than 4-feet above grade can encroach up to 50% into the setback but elevated decks cannot encroach without a variance.

The applicant is seeking to allow the proposed deck additions to encroach 10 feet into the required perimeter setback. If the variance is approved, city staff can approve the final plat for these units, including the elevated decks and then be recorded with the Register of Deeds. When the final plat is recorded, completion permits can be approved and if all inspections have passed, certificates of occupancy can be issued.

Ms. Thiel provided the land use and zoning for this property and surrounding properties. There are no applicable overlays or plans.

In response to a question, Mr. Kirkman responded the completion permits listed for March were for the townhome units without decks because they could not meet the setbacks. If the variance is granted, it will allow the decks to be built and the completion permits will be updated based upon that. In response to a question, Mr. Carruthers stated no Certificate of Occupancy has been granted yet. Chair Truby elaborated further on the steps involved for the permits in order to be granted a Completion Permit.

Chair Truby requested the applicant to come forward and provide their name and address for the record.

Thomas D. Carruthers, 3316 VanAllen Circle, Greensboro. Mr. Carruthers responded to a question regarding doors in the balconies that if a variance were not granted they would create what is called a Juliette balcony. He stated this development has faced two challenges related to Infill Development. His client GL Sutphin Properties, LLC, had constructed a 3-unit townhome, two of which were occupied, and are completing the four-unit townhome complex before the Board. Mr. Carruthers provided an exhibit of a proposed plat indicating the four units. He pointed out a dotted line left and in front of the finished building. He noted the building had to be shifted both to

the right and to rearward to meet the needs of the construction, which created a problem as Cardinal Downs HOA had been, deeded the property by plat and deed. In working with the Slaughter Black Law firm and the HOA who had to vote a 75% approval to adjust the property lines and change the HOA bylaws to permit the adjustment of the property lines. It has been completed. The final deeds have not been exchanged, but the HOA at the request of the City, signed off on the final plat which is the outline showing the new property lines and the placement of what would either be rear patios or rear decks of the same size. He has the plat but feels it speaks well that for the HOA had signed off on it and they are waiting for direction from the Board of Adjustment on what is the last step.

Ms. Skenes asked to clarify the approval by the HOA, that was for the repositioning units but the HOA did not get into patios versus decks. Mr. Carruthers responded that was correct. Mr. Carruthers provided pictures of the four unit building currently. They are not occupied and final COs have not been entered. The units were built in harmony with the neighborhood under close supervision of the HOA. Pictures were shown indicating the rear of the building with no deck constructed. Mr. Carruthers advised the Board if they look to the west or southwest of the building they will see rear decks 4 feet or less which is typical in the neighborhood. Pictures were shown indicating a 10 foot encroachment into the rear setback and pictures depicting southeast of the property of an existing building and what is typical in the neighborhood.

Mr. Carruthers stated the primary unnecessary hardship is that without the deck variance and this would be the only townhome units in this community without rear decks overlooking the Cardinal golf course. This is a golf club community with each person having the exact same setup of a rear deck overlooking the golf course. This is part of the desirability and uniformed design of the neighborhood. The hardship is because of the topography. From the parking lot to the rear property line, the topography lines reveal about an 18 foot drop. He stated this is not a hardship as a result of the applicants' own action and indicated on a photograph depicting the original design of the project. Marked utilities were underground and it was understood all the utilities were between the water meter and street. When construction began a power line was severed and had to shift the building 6-feet backwards exactly against the rear setback. It was not chosen originally but occurred because of how the utilities were placed and the building had to be moved. Mr. Carruthers advised the decks could have been 6 feet deep at that point and not touch the rear setback. One could have been 6 feet, two could have been 10 feet and one could have been 8 feet since the property line runs diagonally along the back and only would corner would allow decks being within 10-feet of the property line. Mr. Carruthers feels this is in harmony with the neighborhood as it is exactly the design of the other townhomes in this neighborhood. People are buying these townhomes to enjoy for their view of the golf course. He stated this request supports public safety and the common welfare and does substantial justice for the citizens because they can enjoy the deck and survey the rear of the lot and property to include the golf course, and it would give them the same general welfare of every other townhome in this neighborhood. The HOA has been very active with work on the townhomes and is aware of the variance request. Everyone wants to move to the final stage with the variance. Three of the four units are under contract but there will be no sale until this issue is clarified. He stated they are here requesting that permission.

Chair Truby asked if the foundation survey was done and since it wasn't in the exact location as the original plan, how was the completion permit approved. Mr. Kirkman responded the discovery was the foundation was not matching up with property lines and there was an effort to redo the lots to match up with those foundations. There was also a building code issue that caused a slight shift. It is important with townhomes that walls match with the foundation. Mr. Kirkman stated the lots now match up with the foundation and if the variance is approved, they will be allowed to do the elevated decks within that footprint of the revised lot. Ms. Bowers asked if there are safety concerns with the decks being closer to the golf course. Mr. Carruthers stated he did not think so. In looking at the overall topography, the property line drops 20-feet to the course below where there is a creek and a golf cart path. There is substantial space overlooking the course and trees that provide a buffer. These are not decks looking over other neighbors in the backyards; they will be looking down a small valley of a golf course and across the course. There are single-family homes on the other side. Mr. Oliver asked if they did not have to move the units after the discovery of the utility line, would there have been a need to come before this Board. Mr. Carruthers stated they could have built a 6 foot deep deck on the unit closest to the rear setback, an 8-foot and two 10-foot decks. Ms. Necas asked if it was only one townhome encroaching into the 10 feet. Mr. Carruthers stated it might be 6, 6, and 8 feet. The last unit does not encroach except for a few inches. The decks cannot be larger than shown on the footprint or they would extend into common areas. Ms. Necas referred to the photos indicating the

topography and asked if the bottom floor area is a basement. Mr. Carruthers responded they are daylight basements in the units. Mr. Waddell asked if there are any written statement from the HOA about the hearing. Mr. Carruthers stated due notice was sent and he talked with their attorney, Harmony Taylor. Their signature is on the recorded plat indicating the squares will either be patios or decks and feels that indicates their support for this design.

Chair Truby asked if there were any further questions. No further questions. Chair Truby asked if there was anyone else to speak in favor.

Ben Herndon, 5709 Birchbrook Circle, Greensboro. Mr. Herndon stated he lives directly across these townhomes and his wife's parents are moving into the unit that is least encroaching and are intending to build a sunroom once the main construction is done. Mr. Herndon asked is the variance request only for the deck or would a variance be required to put a sunroom where the deck is. Mr. Carruthers asked if this was a sunroom that would not be considered furnished by a heated addition requiring a proper foundation with sub-floor construction and would be an enclosure of the deck. Mr. Herndon stated he did know what the intentions are. Mr. Carruthers asked if it was going to be an enclosure of a deck and if adjusted in size and did not encroach, would it require any further variance from the Board. Mr. Kirkman stated if the Board grants a variance to the setback the broader answer was yes, when the deck is covered with a roof and the structures extended, it is then considered part of a house and must meet the rear setback requirements. In this case the deck is elevated and is already asking to be encroaching into the rear setback and would not make a substantial difference as it is still at the same requirement of meeting the rear setback line. The Board may decide the facts themselves lend differently but he felt the question is if you allow an encroachment of a deck more than 4-feet high into the rear setback, an enclosure of a sunroom would be allowed. Mr. Carruthers advised it might be more of an HOA question than a City question. Chair Truby thought they would have to get permission from the HOA.

Chair Truby asked if there were any other questions. No further questions. Chair Truby requested a motion to close the public hearing. A motion was made by Ms. Bowers, seconded by Mr. Waddell to close the public hearing. The board voted 7-0 in favor of the motion. (Ayes: Truby, Skenes, Waddell, Ramsey, Oliver, Necas, and Bowers. Nays; none.)

BOARD DISCUSSION

Chair Truby stated it appeared to be a comedy of errors and a lot of people at fault. They have jumped through many hoops to get where they are today and he would hate to be the Board that squashed it which could hurt the units and be unsightly. The other Board members also indicated their support of the request.

Ms. Bowers made a motion in case BOA-19-18, 3736 to 3743 Cardinal Downs Drive, based on the stated findings of fact, moved that the Zoning Enforcement Officer be overruled and the variance granted based on the following:

1. If the applicant complies with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because all the other townhomes in the neighborhood have rear decks which overlook the golf course. Without a deck, these four units would not have the same usefulness and desirability as other units in the neighborhood and it would deny these owners the same uses of their properties as others in the neighborhood.
2. The hardship of which the applicant complains results from conditions that are peculiar to the property and unique circumstances related to the applicant's property because the lot for the four units slopes approximately 18 feet from the street to rear property line, while other lots are flat or have a slight grade to the rear and are able to have low decks (4 feet or less), which do not require a variance.
3. The hardship is not the result of the applicant's own actions because the building structure as originally sited did not encroach into the rear setback. During construction, the private utilities were marked and an unknown main electrical cable (installed by others and pre-existing) was discovered where the building was supposed to go. The building site had to therefore be moved back towards the rear setback.
4. The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit and assures public safety, welfare and substantial justice because each other townhome in the

neighborhood has a deck overlooking the golf course. This will permit consistent reasonable use with the other properties while preserving the spirit of the ordinance.

Second by Mr. Waddell. The Board voted 7-0 in favor to grant the variance. (Ayes: Truby, Skenes, Waddell, Ramsey, Oliver, Necas, and Bowers. Nays; none.)

c. BOA-19-19: 1198 NEALTOWN ROAD. Thomas H. Johnson with Williams Mullen, Raleigh, NC., on behalf of PeakNet, LLC, requesting a variance to allow access to a wireless telecommunication facility compound from a separate driveway connection to a public street when access from the street is required. **(GRANTED)** Ms. Thiel stated in case BOA-19-19, at 1198 Nealtown Road, Thomas H. Johnson on behalf of PeakNet, LLC, requests a variance to allow access to a wireless telecommunication facility compound from a separate driveway connection to a public street instead of from the interior of the site.

Evidence from the applicant include Exhibits A - E. Supporting documentation from staff are Exhibits 1 through 7. The Land Development Ordinance reference is Section 30-8-10.2, K-6, Access to the compound must be from the interior of the site and not from a separate driveway connection to a public or private street.

Background and Site Information: The subject property is located on the north side of Nealtown Road, south of Tuskegee Street and is zoned R-5 and CD-HI. Tax records indicate the property contains approximately 14.69 acres. The subject property is owned by the City of Greensboro and adjacent to the White Street Landfill. Duke Energy holds an electrical easement and has an existing tower on the subject property subject to this variance request. PeakNet, LLC is a subsidiary of Duke Energy, Inc. and authorized to proceed with work on the subject property. In December of 2018, the applicant submitted plans for a review by the City's Technical Review Committee to construct unmanned telecommunications facilities at an existing tower site, number 2018-2593. During the review, staff advised the applicant access to the wireless telecommunications facility compound must be from the interior of the site and not from a separate driveway. The applicant seeks a variance to allow access to the site from a separate driveway off Nealtown Road instead of the interior of the site via the landfill.

Ms. Thiel stated there are no applicable overlays or plans. Ms. Thiel provided the land use and zoning for this property and surrounding properties.

Mr. Thomas H. Johnson, Attorney with Williams Mullin, 301 Fayetteville Street, Suite 1700, Raleigh, N.C. Here on behalf of PeakNet. Mr. Johnson clarified this will be a wireless telecommunications site but the antennas will be located on the top of existing electrical transmission towers that Duke Energy has there. There is no new structure or typical wireless towers there and are using existing infrastructure. The difference is the development restricted site meaning it is intended to serve as a buffer for the landfill. The only access is a landfill access road, which has a different elevation and is restricted in terms of its usage to normal business hours. For the tower site, they need to have access 24/7 if there is an issue with the wireless equipment on site. Normally the intent would be going in on a developed piece of property and provide the access within the development, but this will not be developed as it is a buffer area. They are not doing a new access outside of the interior access as none is there and not intended to be there and why they are in this unique situation. Mr. Johnson went through each of the factors in requesting the variance.

Ms. Skenes asked Mr. Johnson if he could show where the access will come from Nealtown Road. Mr. Johnson indicated on the diagram where the access will come in from Nealtown Road and provided the exhibit indicating where the tower is located. Mr. Oliver asked how long the new road is versus the existing access. Mr. Johnson responded based on the width of the road, approximately 150 to 200-feet into the site. He then noted that using the landfill road it would a 1000 feet or more and indicated the distance from the landfill road to the site on the diagram.

Chair Truby inquired if there were any other questions. Chair Truby then inquired if there was anyone else to speak on this item. No one came forward. Chair Truby requested a motion to close the public hearing. A motion was made by Mr. Waddell, seconded by Mr. Ramsey to close the public hearing. The board voted 7-0 in favor of the motion. (Ayes: Truby, Skenes, Waddell, Ramsey, Oliver, Necas, and Bowers. Nays; none.)

BOARD DISCUSSION

Chair Truby stated a driveway permit could be obtained if it is a safe place to access that doesn't conflict with any of the adjacent property owners and is not sure why this variance is in the ordinance. He stated the only way to change it is to give him a variance. Ms. Necas stated it is good for the environment and using a tower already built. Board members indicated their support of the request.

Ms. Necas made a motion based on the stated Findings of Fact, moved that the Zoning Enforcement Officer be overruled and the Variance granted based on the following:

1. If the applicant complies with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the only access would be using a portion of the road that services a landfill and has limited accessibility during hours it is open to the public.
2. The hardship of which the applicant complains results from conditions that are peculiar to the property and unique circumstances related to the applicant's property because the property shared a road with the landfill and accessibility is limited to public use hours and wireless carriers need 24/7 access to the site.
3. The hardship is not the result of the applicant's own actions because the parcel has been owned by the City of Greensboro since 1984 and an easement with Duke Energy and the transmission tower have been in place since 1959.
4. The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit and assures public safety, welfare and substantial justice because it avoids the need for a new tower and increases access to wireless service and 911 for surrounding areas.

Second by Ms. Skenes. The Board voted 7-0 in favor to grant the variance. (Ayes: Truby, Skenes, Waddell, Ramsey, Oliver, Necas, and Bowers. Nays; none.)

2. SPECIAL EXCEPTION

a. BOA 19-21, 602 MUIRS CHAPEL ROAD. Zakiyyah Jones requesting two special exceptions. **(APPROVED)**

Zakiyyah Jones was sworn in for testimony.

Ms. Thiel advised in case BOA 19-21, at 602 Muirs Chapel Road, Zakiyyah Jones requests two special exceptions.

1. To allow a proposed family care home to be 2, 615 feet from another family care home located at 722 Muirs Chapel Road when 2,640 feet is required.
2. To allow a proposed family care home to be 2, 615 feet from another family care home located at 603 Montrose Drive when 2,640 feet is required.

Evidence from the applicant include Exhibit A. Supporting documentation from staff include Exhibits 1 through 7. Land Development Ordinance reference is Section 30-8-10.1, B1. No new family care home may be located within 1/2 mile of an existing family care home unless a special exception is granted by the Board of Adjustment for reduced separation.

Background and Site Information: Ms. Thiel stated the subject property is located on the east side of Muirs Chapel Road, north of Meade Drive, zoned R-3. Tax records indicate the lot contains approximately 11,761 square feet. The house was constructed in 1955. The applicant wishes to operate a licensed residential family care home for individuals diagnosed with developmental disabilities at the subject property located within 1/2 mile of two other existing facilities. A family care home operated by Umar Services, Inc. is located at 722 Muirs Chapel Road, 2615 away. A family care home operated by Rising Phoenix, Inc. is located at 603 Montrose Drive, 2,615 away.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted there were no applicable overlays or plans.

Ms. Zakiyyah Jones, 3801 Rock Haven Drive, Greensboro. Ms. Jones stated when the application was submitted she did live at 602 Muirs Chapel and has since moved. She would like a special exception in order to provide services for clients with development disabilities such as Autism, Downs Syndrome, Intellectual Developmental disabilities. She stated she had been providing services for these individuals for 25 years. She also stated there is a huge need for this population for quality residential placement homes when families are no longer able to care for them. The ordinance states .5 miles and the two group homes are .6 miles and are just a few feet from being within the ordinance requirement. She feels strongly because there is such a need for this population that a special exception should be granted.

Chair Truby asked how many people would be in the house. Ms. Jones responded 3 individuals, one staff per shift from 6:30 a.m. to 6:30 p.m. She does the selection of the people who will live in the home and will ensure they are a good fit for the community. She spoke with neighbors on left and right side who have no complaints and a neighbor who is familiar with group homes. Chair Truby asked the ages of the residents. Ms. Jones responded 18 and above but she is focusing on 30 and above. Mr. Oliver asked if she owned the home. Ms. Jones responded she does. Chair Truby inquired of any other questions. No further questions. Chair Truby requested a motion to close the public hearing. A motion was made by Mr. Waddell, seconded by Ms. Necas to close the public hearing. The board voted 7-0 in favor of the motion. (Ayes: Truby, Skenes, Waddell, Ramsey, Oliver, Necas, and Bowers. Nays; none.)

BOARD DISCUSSION

Chair Truby stated he does not generally support these types of request but because this was so close and there is a need, he will support this request. Board members indicated their support of the request. Ms. Skenes made a motion.

Ms. Skenes advised in BOA-29-21, 602 Muirs Chapel Road, based on the stated Findings of Fact, moved that the Zoning Enforcement Officer be overruled and the Special Exception granted based on the following:

1. The special exception is in harmony with the general purpose and intent of this ordinance and preserves its spirit because the requested special exception is to allow a new group home to exist 25 feet closer to other group homes than the ordinance currently allows.
2. The granting of the special exception assures the public safety and welfare and does substantial justice because based on testimony given there is a need for additional group homes for adult citizens with disabilities in Guilford County.

Mr. Waddell asked if it should be noted both special exception 1 and 2 would be in the motion. Ms. Skenes stated this is for both requested special exceptions with the same findings of fact. Second by Mr. Waddell. The Board voted 7-0 in favor to grant the variance. (Ayes: Truby, Skenes, Waddell, Ramsey, Oliver, Necas, and Bowers. Nays; none.)

OTHER BUSINESS

Mr. Kirkman presented the Boards and Commissions Guidelines and Code of Conduct adopted by City Council and outlined the changes to attendance and punctuality, code of conduct, communication, dress code, use of personal devices and personal data. Mr. Kirkman detailed each of the specific changes in the Board and Commissions Guidelines handbook and in the Code of Conduct handbook. Mr. Kirkman expressed staff's appreciation for the Board's service and dedication as a volunteer position.

Ms. Skenes asked what would happen if they refuse to sign it. Mr. Kirkman stated his understanding was Council would consider in terms on whether the person would continue to serve on the Board or not. So far, it has not gotten to that point. Ms. Skenes stated she thinks it is well beyond the scope of what should be dictated as they are appointed in good conscience and they show up at the meetings. Mr. Kirkman feels part of this approach is to ensure that there is an appropriate number of people at the meetings so business is able to be done and for due notice ahead of time when possible so the City is aware. Mr. Kirkman reiterated it is 3 unexcused absences in a 12-month period and it is a rolling 12 months. He understands what is being said and will be happy to convey the information back to the City Council. Ms. Skenes stated if Council is truly that concerned about attendance and quorums on Boards and Commissions, they need to be timelier in making their appointments, which has been an

issue more so than absences. Mr. Kirkman advised he would make that known. Ms. Skenes stated Council needs to observe their own requirements by making sure the Boards and Commissions have a full complement of membership and alternates before attempting to dock them because a regular sitting member does not show up.

ADJOURNMENT

The meeting was adjourned by Chair Truby at approximately 6:55 p.m.

Respectfully submitted,

Chuck Truby,

Chair of the Board of Adjustment Commission