



MINUTES OF
CITY OF CREEDMOOR
BOARD OF ADJUSTMENT
AUGUST 10, 2020
7 P.M.

Present in Person at City Hall Boardroom

In attendance were Chair Dennis Daniel, Vice-Chair Hugh Robertson, and Kevin Brown. Also present were Community Development Director Michael Frangos, City Clerk Terry Hobgood, City Planner Michael Malecek, and City Attorney Kevin Hornik.

Present via Zoom Videoconference

Nicole Martin

Absent

None

Call to Order

Chair Dennis Daniel called the meeting to order at 7:05 p.m.

Adopt Agenda

Kevin Brown moved to approve the agenda as presented; seconded by Hugh Robertson. Motion was approved by roll call vote 4-0.

Dennis Daniel: Yes

Hugh Robertson: Yes

Kevin Brown: Yes

Nicole Martin: Yes

February 3, 2020 Meeting Minutes

Hugh Robertson moved to approve the February 3, 2020 Meeting Minutes; seconded by Kevin Brown. Motion was approved by roll call vote 4-0.

Dennis Daniel: Yes

Hugh Robertson: Yes

Kevin Brown: Yes

Nicole Martin: Yes

Petition for Variance (VAR-2020-01): 714 N. Durham Ave.

After allowing several minutes to allow the applicant, Lisa Parrott, the opportunity to join the meeting, City Attorney Kevin Hornik presented the issues the Board of Adjustment should consider when determining if it is prudent to move forward with an evidentiary hearing with the applicant absent. Mr. Hornik stated that the Board of Adjustment is permitted to conduct the hearing, but could also choose to recess the meeting with the hope that the applicant would attend the continued meeting to present her case. Mr. Hornik explained that legal standing can only be determined during the meeting by the Board of Adjustment, and listed steps that city staff took to ensure that all those with standing had consented to the potential of a remote meeting, including the applicant. Staff had taken the precaution of sending letters to all nearby property owners requesting that they respond with their concurrence or denial that the Board of Adjustment be allowed to hold a remote hearing. Mr. Hornik stated that the Board should determine if they would like to proceed with the hearing, and if so, evaluate as a group at the conclusion of the

presentation of all written and pre-submitted evidence if it was prudent to make a decision without the presence or testimony of the applicant. Community Development Director Michael Frangos concurred with Mr. Hornik's legal opinion, and asked that the Board at least begin the evidentiary hearing in deference to the level of effort put forth by city staff to prepare for the August 10 meeting.

Kevin Brown moved to proceed with the evidentiary for VAR-2020-01; seconded by Hugh Robertson. Motion was approved by roll call vote 4-0.

Dennis Daniel: Yes
Hugh Robertson: Yes
Kevin Brown: Yes
Nicole Martin: Yes

Chair Dennis Daniel opened the evidentiary hearing at 7:30 p.m.

City Planner Michael Malecek entered the application for VAR-2020-01: 714 N. Durham Ave. and the PowerPoint presentation prepared for the August 10, 2020 Board of Adjustment meeting into the official meeting record.

Mr. Malecek gave a PowerPoint presentation related to the application for a variance (VAR-2020-01) by Lisa Parrott to improve a temporary aboveground front yard pool by installing a deck, fencing, and access ramp at 714 N. Durham Ave. A public meeting notice was mailed to nearby property owners on July 22, and a sign was posted at 714 N. Durham Ave. on the same date. Mr. Malecek presented a sketch by the applicant showing the location of the pool on the property, and Mr. Malecek showed the plans for the deck that described dimensions of the deck structure and fencing. Mr. Malecek stated that staff would like clarification from the applicant related to the pool dimensions, which were not shown in the plans. Mr. Malecek also stated when he was on site, the applicant notified him that they were considering a six foot fence instead of the four foot fence shown in the plans. Staff would like the applicant to provide clarification on this point as well. Mr. Malecek continued by presenting photos showing the current site conditions at 714 N. Durham Ave.

The Board engaged in discussion of the property's size, the distance from the home to the rear property line, and required setbacks for storage buildings and swimming pools from a neighboring property line as well as from the primary dwelling itself. The Board also discussed the topography of the property, and the effect that the property's terraced layout has on the placement options for a pool.

The Board then transitioned to a discussion of the nature of the Creedmoor Development Ordinance §2.13-7 (Swimming Pools) and the specifics of the variance to this ordinance being requested with Community Development Director Michael Frangos. The variance requested by the applicant is to place a permanent pool in the front yard instead of the side or back yards. Mr. Frangos also discussed the requirements of the North Carolina Building Code, which would apply to this permanent structure and is reflected in the plans and drawings submitted by the applicant. Mr. Frangos stated that he believes the current ordinance prohibiting pools in front yards is primarily an aesthetic consideration. The Board and Mr. Frangos also discussed the potential consequences of the city changing the ordinance to allow any property owner to construct a pool in a front yard. The Board and staff discussed the need for further information and clarification from the applicant related to the proposed height, width, and design of the proposed deck.

The Board of Adjustment gave consensus to direct staff to send four questions to the applicant that either the Board or staff would like additional information on at the continued meeting:

1. Provide dimensions of the deck and existing aboveground pool.
2. Specify the type of fence to be installed on the deck.
3. Specify the total fence height on the deck.
4. Provide approximate distances between the proposed deck and the nearest property lines, and provide approximate distance from the edge of the access ramp/bridge to the front of the house.

Hugh Robertson moved to forgo deliberation and decision on VAR-2020-01 until testimony and evidence have been presented by the applicant at the continued meeting; seconded by Kevin Brown. Motion approved by roll call vote 4-0.

Dennis Daniel: Yes
Hugh Robertson: Yes
Kevin Brown: Yes
Nicole Martin: Yes

At 8:09 p.m., Kevin Brown moved to recess the evidentiary hearing to be continued on Monday, August 24 at 7:00 p.m.; seconded by Hugh Robertson. Motion was approved by roll call vote 4-0.

Dennis Daniel: Yes
Hugh Robertson: Yes
Kevin Brown: Yes
Nicole Martin: Yes

Staff Update

Community Development Director Michael Frangos presented an update on recent departmental activity including the near completion of the Cross City Trail and NC DOT project R-5707 to reconfigure the NC Hwy 56 and US Hwy 15 intersection.

Recess to a Time and Place Certain

At 8:25 p.m., Hugh Robertson moved to recess the meeting to be continued on Monday, August 24 at 7:00 p.m.; seconded by Kevin Brown. Motion was approved by roll call vote 4-0.

Dennis Daniel: Yes
Hugh Robertson: Yes
Kevin Brown: Yes
Nicole Martin: Yes




Terry A. Hobgood, Jr., City Clerk