

**BOARD OF ADJUSTMENT
MINUTES
Thursday, May 27, 2004**

The Blowing Rock Board of Adjustment met on Thursday, May 27, 2004 at 7:30 p.m. Members present were Chairman Lowell Thomas, Lisle Snyder, Ron Oberle, Mark Klein, and Jim Thirtle. Staff present was Kevin Rothrock, Planning Director, Allen Moseley, Town Attorney, Chris Hudson, Planning Intern, and Sherrie Pitts, Administrative Assistant.

APPROVE MINUTES:

*Ron Oberle made a motion to approve the minutes. Mr. Thirtle seconded the motion. **All were in favor of the motion.***

PUBLIC HEARINGS:

Mr. Oberle made a motion to delay the beginning of the hearing until the Town Attorney arrived. Mr. Thirtle seconded the motion; Mr. Snyder opposed the motion. Chairman Thomas moved to withdraw the motion and second as the Town Attorney arrived.

Variance #2004-02

The clerk to the board swore Kevin Rothrock, Wayne Miller, and David Moose.

Mr. Rothrock presented the staff report on a variance request pertaining to Section 16-171 (B)(2) of the Land Use Ordinance. The applicant requested a variance to build a retaining wall that exceeds six feet in height within the required setback on a vacant lot behind 186 Laurel Drive.

Mr. Rothrock advised that he understood the applicant had made contact with Mr. & Mrs. Jonathan Commander. According to the Commanders no contact had been made. The Commanders indicated to Mr. Rothrock that they would be willing to work with the applicant to arrive at a solution.

Mr. Moseley, Town Attorney, asked Mr. Moose if he would be favorable to talking to and working with the Commanders to create a solution suitable to all parties.

Mr. Snyder, board member, asked if Laurel Drive was a town street. Mr. Rothrock stated that Laurel Drive is a private road maintained by the property owners. Garbage is picked up on the street edge.

Mr. Snyder, asked if the Glen Burney Trail crossed the applicant's property. Mr. Rothrock advised the trail was across the river from this property. Part of the Glen Burney Trail on

the applicant's property is only a proposed trail, and if built as proposed would cross the applicant's property.

Mr. Thirtle, board member, asked if the only problem was actually the setback. Mr. Rothrock advised that was correct. Chairman Thomas stated because the proposed wall is in the setback and over six feet it has to come before the Board of Adjustments. Mr. Rothrock said that was correct. Section 16-171 (B)(2) states that no fence or wall shall exceed six feet in height above grade within setback areas.

Mr. Wayne Miller, applicant and contractor, said the wall is wedge shaped from 0 to 14 feet. Chairman Thomas asked if the wall would be above the grade of the road. Mr. Miller stated no more than 12 inches. Chairman Thomas asked about the location of parking spaces. Mr. Miller said that parking would be provided on the driveway as well as the parking area at the house.

Chairman Thomas, asked whether logs currently stacked on the driveway for slope retention would be moved. Mr. Miller advised the logs are on Mr. Moose's right of way, and therefore would have to be moved to allow backfilling to take place.

Mr. Moose stated he had bought the property about two years ago. He said that Mr. Commander built his house within the setback and adjusted the property lines to meet the setbacks.

Mr. Thirtle, board member, asked whether any future development on lot B would be looking at an 18-foot wall. Mr. Moose said the view of the wall from Lot B would depend on the orientation of the home on the property.

Mr. Moseley, town attorney, stated if the Commanders are willing to work with the Moooses, they should try to work out an easement. Mr. Moose said he would like to work something out.

Chairman Thomas asked if the applicant wanted to withdraw or table the application.

*Mr. Oberle made a motion to table the application. Mr. Snyder seconded the motion. **All were in favor.***

Other Business

Chairman Thomas asked if a verbiage review of the Findings of Fact had been done. Mr. Rothrock stated the language in Findings of Fact are shared with many other jurisdictions. Mr. Oberle said when considering Findings of Fact people often have differences of opinion, and everyone has to listen to those opinions and make the best judgement.

Chairman Thomas stated the Board of Adjustment is the only board that meets at 7:30. *Mr. Oberle made a motion to change meeting to 7:00. Mr. Klein seconded the motion. **All were in favor of the motion.***

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Adjourn

With no further business, the Board adjourned at 8:30 p.m.

Lowell Thomas, Chairman

Sherrie Pitts, Administrative Assistant