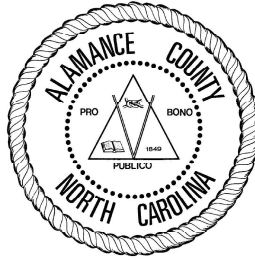


**Board Chair:**

**Planning Director:**  
Matthew Hoagland



Commissioners' Meeting Room  
124 W Elm Street  
Graham, NC 27253  
May 15, 2025 at 5:30 PM

# **ALAMANCE COUNTY BOARD OF ADJUSTMENT AGENDA**

- I. CALL TO ORDER**
- II. OATHS OF OFFICE**
- III. ELECTION OF CHAIR AND VICE CHAIR**
- IV. OLD BUSINESS**
  - 1. Approval of March 7, 2024 Meeting Minutes
- V. NEW BUSINESS**
  - 1. Adoption of 2025 Meeting Calendar
  - 2. Amending Rules of Procedure
  - 3. New Board Member Training/Presentation
- VI. ANNOUNCEMENTS/DISCUSSION**
  - 1. Next Scheduled Meeting: June 19, 2025
- VII. ADJOURNMENT**

**Board Chair:**

Isaac Holt

**Planning Director:**

Matthew Hoagland



County Office Annex Meeting Room

201 W Elm Street

Graham, NC 27253

March 21, 2024 at 5:30 PM

# ALAMANCE COUNTY BOARD OF ADJUSTMENT MINUTES

**Members Present**

Isaac Holt  
Debra Hyder  
Michael Owens  
Ray Cobb

**Members Absent**

Michael Wilson

**Staff Present**

Matthew Hoagland, *Planning Director*  
Ian Shannon, *Planner II*  
Janet Moreno, *Planning Technician*  
Rik Stevens, *County Attorney*

**Alternate Members Present**

Tom King  
Henry Chandler

## I. CALL TO ORDER

The meeting was called to order at 5:37 PM.

Chairman Mr. Holt asks everyone to turn all phones down and go into prayer.

Mr. Holt then introduced himself as chair and the Board of Adjustment. He gives a summary that the board is a newly created board and the members were appointed by the Board of Commissioners. He also states that the board is a quasi-judicial board and is regulated by North Carolina general statutes. Mr. Holt stated that they look at and make their decisions based on four questions and the facts. Everyone who is trying to speak to the board must have standing to participate in the case. Meaning that not just anyone from the audience can come up and speak and give their personal opinion. Mr. Holt explains that they are like an appeal court. He also explains that he has the power to decide if someone has standing and if they don't like the way he ruled on it then they can appeal it to the entire board. Everyone is required to take an oath to speak including county staff. If this board decision does not favor you, you can appeal and the only appeal from the board is to go into the court system state of North Carolina which would be the Superior Court. The chairman states that he trusts the members of the board are fair and has known most of them for a few years.

Chairman Holt explained they are not allowed by law to discuss the case beforehand, but the board was sent a packet of information the board by the county staff, which included for example

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# **ALAMANCE COUNTY BOARD OF ADJUSTMENT MINUTES**

a copy of their application. Before the case hearing begins the board will move on to old business.

## **II. OLD BUSINESS**

### **1. Approval of March 7, 2024 Meeting Minutes**

Motion to approve the March 7th meeting minutes: Ray Cob

Second: Michael Owens

Vote: Unanimous

### **2. Amended Rules of Procedure**

Mr. Holt states that it looks like the discussions had from the March 7th meeting have been taken to note in the minutes and everything talked about was covered. He asked if anyone has any comments or sees anything that needs to be corrected about the Rules of Procedure. Michael Owens made a motion to approve. Mr. Holt stated that the rules can be amended in the future if needed.

Motion to approve the Alamance County Board of Adjustment Rules of Procedure:

Michael Owens

Second: Ray Cobb

Vote: Unanimous

### **3. Adoption of 2024 Meeting Calendar**

Mr. Holt summarized the proposed calendar for the board, which is the 3rd Thursday at 5:30 in the same room, each month unless no meeting is necessary. He noted that the calendar can also be changed later if necessary.

Motion to approve the Board of Adjustment Calendar: Ray Cobb

Second: Michael Owens

Vote: Unanimous

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Isaac Holt

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Matthew Hoagland



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### **III. NEW BUSINESS**

#### **1. Rodriguez Variance Hearing (Case No. 2024-001)**

Mrs. Rodriguez excused herself and requested to switch spots with her husband Mr. Rodriguez who is now present. The chairman explains that after he submits the oath if she wishes to speak then she would have to take the oath as well.

Mr. Hoagland asked Mr. Holt to sign the rules of procedure since they had a few moments while they waited on the Rodriguez family.

The meeting proceeds and Mr. Rodriguez takes a seat.

Chairman Holt stated that Mr. Wilson is absent tonight but the Board does have alternates available. Mr. Holt calls up Alternate #1 Richard Tom King to serve in place of Mr. Wilson tonight. Mr. Holt states that it is set out in the guidelines of the rules of procedure and that is how he was selected. Mr. Holt makes it known that Tom was sworn in at an earlier date with the rest of the board members with the exception of Ray Cobb. The Chairman states that Ray Cobb has been previously sworn in at an earlier date and Mr. Hoagland confirms that he has been sworn in.

Chairman Holt goes on to read out case number 2024-001, the applicants are Pedro and Kristie Rodriguez at 4191 L Lawrence Trail, Graham, N.C. 27253 in the Newlin township.

Chairman Holt states that Mr. Rodriguez might have missed a few important things about how the board works. He starts by explaining that the board is a quasi-judicial board and that they are sort of like the jury and judge all in one. The board will hear two sides, the county will be able to present its side of the situation then the applicants will also have an opportunity to present their side. Four questions must be answered to the board and must be proven by the applicant for the board to base their decision. Mr. Holt states that the board is heavily regulated and they are not allowed to do as they would like. All of their determinations have to be based on finding facts and not hearsay; that it must be strictly based on facts. Mr. Holt asks other members if he needs to mention anything else. No one does.

Chairman Holt goes on to ask if there is anyone in the audience who might feel they have possible standing to speak before the board tonight. Two people out of the audience raised their hands.

Mr. Holt asked for one of them to come up front so that he may ask a few questions to see if they might have to standing in order to speak before the board tonight.

Mr. Eddie Vaughn stands before the board and states that he lives at 4173 L Lawrence Trail Graham, N.C. 27253 and that he's on the west side and is he is a neighbor of the Rodriguez family.



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Chairman Holt once again states that should he decide that Mr. Vaughn does not have standing then Mr. Vaughn can appeal that decision to the entire board. Mr. Holt then asks Mr. Vaughn his basis for coming tonight.

Mr. Vaughn stated that the pastures that go around the houses of the property that Pedro and his family own have always been neighbors and he has them leased for the keeping of cows. Mr. Vaughn is concerned that it was once a very open community when they moved out there. Mr. Holt interrupts Mr. Vaughn to let him know what he needs to be factual about what he thinks the outcome of this case would mean to him. Mr. Holt gives Mr. Vaughn some examples; whether he thinks it might be a monetary problem, a traffic problem on the road, or whatever might be factual. His opinions will simply not work and they need to know specifically what his complaint is. Mr. Vaughn states that he thinks it would be a possible loss of property value.

Mr. Holt asked Mr. Vaughn if he had any means or evidence to support his reasoning. Mr. Vaughn stated the paperwork he received and read said that they lived in a housing development. Mr. Holt asked if he had any background paperwork to show the board to back up his claim. Mr. Vaughn said he does not have the paper but that it was given to the four adjacent landowners and that it did come from the county.

Mr. Vaughn asked the second person in the audience if they had the letter that was sent out. The second person in the audience states that the letter states that the Rodriguez's are asking for a subdivision variance and they do not live in a subdivision.

Mr. Holt states that the letter has no connection to the value of the properties. The chairman finds the neighbor does not have standing to present arguments in the case. The reason being he doesn't have any factual backup to his claim. Mr. Holt expresses that he is sympathetic to his argument but that they need documentation to back up what he is saying, for example, if Mr. Vaughn might have hired an appraiser or a realtor to tell you that it would devalue their properties then the chairman may find that they had standing.

Mr. King asked the chairman if there was any way to see where Mr. Vaughn's property is in relation to the Rodriguez property. Mr. Owens stated that he just pulled it up and believes that he does have standing. Mr. King asked if they could pull it up on GIS to see.

Mr. Hoagland said they can but it might take them a moment to pull up the GIS map. He asks Mr. Vaughn for his address and Mr. Vaughn shares his address again.

Planning Department staff pulls up GIS and Mr. Hoagland states that 4191 is the subject property and is to the right with 4173 to the left on the screen.

Mr. King asks Mr. Vaughn about the leased pasture land. Mr. Vaughn states that it goes all the way around the Rodriguez's house and the back of Barbra's house which is the first house as you come in the street.

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Mr. Holt asked Mr. King if that answered his question. Mr. King said yes it did.

Mr. Holt said he would be glad to hear from the second person in the audience. A lady from the audience said she would rather sit as she speaks and that she lives next door to the Rodriguez's and that right now there are problems with communication between them. Mr. Holt asks if she can speak up. She states again that she and Mr. Rodriguez have communication problems right now and she doesn't know why. She states that he has strings on her side of the property only and has markers every two to three feet. She states this is preventing her from functioning and doing what she needs to do, she has lived out there for almost 30 years. She moved out there for the privacy in that space. She states she is scared that it is going to turn into a development.

Mr. King asks the lady speaking for her name. She states her name is Barbara Huneycutt and that she owns the land that goes around the Rodriguez's, almost 10 acres.

Mr. Shannon points out the two parcels that Barbara Huneycutt owns on the GIS map for everyone to see.

Mrs. Huneycutt states that she also owns the road coming in. The chair asks if she has the right way off Highway 87, and Mrs. Huneycutt states that she does.

Mr. Owens said that Barbara Huneycutt's land actually goes all the way to Highway 87 the way he sees it; the right of way to her property all the way in.

Mr. Holt determines that Mrs. Huneycutt's testimony will not be relevant tonight, and that if she would like to appeal to the whole board that is fine. Mr. Holt explains everyone has property owners next to them and just because Mrs. Huneycutt and Mr. Rodriguez have communication problems it is certainly not a factor the board can take into consideration.

Mrs. Huneycutt states that if you want to be a good neighbor you try to be a good neighbor. Mr. Holt agrees with Mrs. Huneycutt but said that from their standpoint it will not be something they will be able to consider. Mr. Holt brings up that earlier in the meeting he talked about how the board is regulated heavily.

Mrs. Huneycutt mentions that she is afraid to leave her house because of hostility. Mr. Holt convey to Mrs. Huneycutt that he is sorry that's the case but his ruling is that he will not be able to consider it for tonight.

Mr. Holt moves on to the people involved and asks Mrs. Rodriguez if she would like to come back into the room for the oaths if she does wish to speak tonight.

Mr. Holt states that for the record if people who are going to be sworn in today can please state their names. Mr. Hoagland gives his name and notes that he is the planning director for Alamance County. Ian Shannon gives his name and states his title is Planner II for Alamance

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County. Kerstie Rodriguez and Pedro Rodriguez introduce themselves both as the applicants and owners of the property in question.

Mr. Holt then asked everyone presenting testimony to stand and raise their right hands. Mr. Holt performs the oath and Mr. Hoagland, Mr. Shannon, and Mr. and Mrs. Rodriguez are now sworn.

Mr. Holt begins to introduce the rest of the members on the Board of Adjustment, first, he begins with himself stating that he is the chairman of the board. Going alphabetically Ray Cobb Debra Hyder, Michael Owens, and Richard Tom King all introduce themselves as well.

Mr. Holt goes on to poll each member individually to ask if anyone might have any conflict of interest. Every board member confirms they have no conflict of interest.

Mr. Holt asked the board members if anyone had anything to disclose to the board as to doing a site visit or anything else. He then discloses that he has looked online on GIS looking at the lot and how it is in proximity to neighbors. Mr. Owens discloses that he drove by the property. Mr. Holt states that is good and could be helpful to the board. Mr. King notes he has also looked at GIS to look at the pattern of the development along the private road. Mr. Cobb mentions that he has not looked at the GIS but he has done a job and built a cabin at the end of L. Lawrence Trail. He helped do this job maybe two years ago so he has been up and down L. Lawrence but not to this specific piece of property.

Mr. Holt has now asked staff to present the County's reasoning for turning down this particular subdivision. Mr. King asks the chair if they have opened the hearing yet or if he had missed it. Mr. Holt states that it has been opened.

Mr. Hoagland then presents the following:

Pedro and Kerstie Rodriguez are requesting a variance from the provisions of Section 6.9.4.G.v.a. of the Unified Development Ordinance which states: "In the calculation of lot areas, lot depths, and lot widths, land within any street right-of-way or railroad right-of-way easement shall not be considered," as well as Section 6.9.4 E.i which requires each parcel on a private road be at least one (1) acre in size.

Mr. and Mrs. Rodriguez own the 2.04-acre lot at 4191 L. Lawrence Trail, Graham in the Newlin Township. L. Lawrence trail is a private road.

Mr. and Mrs. Rodriguez are seeking to divide their existing 2.04-acre lot into Lot 1, which would total 1.03 acres with .25 acres within the right of way and Lot 2, which would total 1.01 acres with .12 acres in the right of way. Respectively, this would result in an area outside the right of way for Lot 1 of .78 acres and for Lot 2 of .89 acres. Neither of these lot sizes would comply with one-acre minimum lot size requirement of Section 6.9.4.E.i. Given

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that the resultant lots would total less than the required one acre outside the right of way, the Planning Department cannot administratively approve such a division of property.

Planning Department staff emailed the surveying company working with Mr. Rodriguez on February 7, 2024 letting them know that we cannot approve this subdivision as it is laid out, based on the substandard size of the lots. On February 8, 2024 we informed him of the option to apply for a variance. Mr. and Mrs. Rodriguez then submitted the variance application on February 15th.

Mr. Hoagland then reads out the standards for granting a variance which are found in section 2.3.1A of the U.D.O. He then asked the board members to evaluate the variance request on each of the individual criteria and decide on each for the public record. He then reiterates that Sections 2.3.3.1 and state law require that a fourth-fifth (4/5) vote is necessary to grant a variance.

Mr. Hoagland tells the chairman that he would like to enter all documents related to the variance case into the public record unless there is an objection.

Chairman Holt then objects and states that he thinks they need to discuss some of the emails that were sent out to them. Mr. Holt tells Mr. Hoagland they can take it up after he finishes his presentation.

Mr. Hoagland then concludes by stating that a hearing notice sign was placed at the property and letters notifying adjoining property owners were mailed in a timely manner to satisfy statutory requirements. He also notes that an altered version of the email thread involving Mr. Rodriguez, Planning Department staff, and professional surveying firms were sent to all parties with standing in the case on Monday, March 18th. Mr. Hoagland then concludes by letting the chairman know that he will answer any questions that they might have before proceeding with the hearing.

Mr. Holt said he will wait and address questions after the Rodriguez's present, and then they will open it up for questions. Mr. Holt calls upon Mr. and Mrs. Rodriguez. Before the Rodriguez speaks Mr. Holt stated would like to reemphasize the criteria for granting a variance because he believes he did not read it and that the board is hard to read as well.

Mr. Hoagland told the chairman that there are copies on the desks and that each board member should have a copy as well of the information that is shown on the board. Matthew Hoagland points out that the packet of information handed out includes 160D-705D which is the criteria for granting a variance, the documents also include criteria for standing and the specific sections of the U.D.O. which the Rodriguez's are requesting a variance from.

Mr. Holt calls on Mr. Rodriguez to present his case. Mr. Rodriguez asked what they would like for him to explain if they want him to explain the situation or what he is planning on doing. Mr. Holt tells Mr. Rodriguez that what he said before them tonight needs to be factual

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and he needs to address each one of the four hurdles, for lack of better terms. Mr. Holt explains that, in order to grant them the variance, they will hear some debate among the board because there are some issues, and Mr. Rodriguez will need to address the criteria in a factual way.

Mr. Rodriguez states that from what he has read he believes they check off every mark with the unnecessary hardship, for example from the lot sizes. Pedro Rodriguez explains that the bank will not finance two homes on one lot, it has to be separate lots. Mr. Holt asked Mr. Rodriguez if he has any documentation to back that up. Mr. Rodriguez states that he does not but he has spoken with multiple finance companies and they will not finance the house. Mr. Holt tells Mr. Rodriguez that it is important to remember that when he is presenting his case it has to be factual, he tells Mr. Rodriguez that he is not disputing his word.

Mr. Rodriguez states he should have brought the paper but that no bank will finance a home that is already on a lot with a lean on it. The home already on the property has a lean so they won't finance it. They need to have two separate lots in order to finance the mobile home.

Mr. Rodriguez said when he was reading the second criteria said the hardship results from the location, size of the lot. On the third criteria, Mr. Rodriguez reads aloud that none of these hardships result from the actions taken by the applicant or property owner. He then reads the fourth criteria, and said that their proposal will not cause anyone any harm, or any of the lots or anything else. Mr. Rodriguez states from reading each criterion he believes they check out every single part of the section.

Mr. Holt asked Mr. Rodriguez if that was all he had to present to the board. Mr. Rodriguez states that it was and that he was not 100% sure how this worked and that it was their first time doing this. Mr. Holt states that he understands and as he explained earlier tonight most people don't even know what a quasi-judicial meeting is all about, and they are regulated by the law where they have to have findings of fact to make their determinations.

Mr. Rodriguez states that they spoke to the Planning Department about a year ago and was told that it was possible to get done until the last time they brought out a second surveyor to the property. He mentioned that at first, they were allowed to and then whoever was in charge of the Planning Department at that time did not have all the proper information when he emailed them. Mr. Rodriguez asked if the board had seen the emails which were included in the packet of information and Mr. Holt confirms that they have. Mr. Rodriguez states that is all the information he has.

Mr. Holt then said he would like to address the findings of fact for the record. He said to Mr. Shannon that his name is mentioned a lot in the emails from 2022. Mr. Holt said he will now open it up for one question for each one of the board members to start out. Mr. Holt said he is glad Mr. Rodriguez mentioned the emails which have now opened the door to address what happened in 2022. Mr. Holt said he may have some reservations....

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Mr. Hoagland interrupts and said he may defer to the county attorney on the matter but if the chair does not believe that the email thread should be part of the record of evidence then he believes legally it would be best to make a motion to dispense that being part of the record rather than debate any of the specifics of it.

Mr. Holt said he does not really want to dispense with it, he wants to get on record that Ian is willing to testify that the emails that have his name on them are in fact emails that he participated in. Mr. Shannon stated that he did.

Mr. Holt entertains a motion that the board accepts the evidence packet that the county sent out. Mr. King mentioned that he believes it has already been entered into the record. Mr. Hoagland states that unless there is an objection it is automatically entered in.

Mr. Holt said he will go alphabetically and ask each member to ask one question and after everyone has an opportunity to ask one the chair will open it up for open discussion for questions.

Mr. Holt called on Ray Cobb. Mr. Cobb stated that he had no questions. Mrs. Hyder was also called on but stated she had no questions.

Mr. King asked if the applicants had applied to subdivide the property yet or if it was a precursor reading review on whether it was going to work out or not.

Mr. Shannon said he can answer the questions and give some context to the board on their review process. He stated that the majority of the time a surveyor will email the Planning Department a sketch plan to see if something is feasible and then later on they will send over a preliminary plat. The Planning Department had received an actual plat, so they accepted that as an application to subdivide.

Mr. King asked if the mylar had been submitted. Mr. Shannon replied that the mylar had not but a digital plat had been sent. Mr. Hoagland mentioned it was a preliminary plat that was emailed to the staff.

Mr. Owens asked Mr. Rodriguez why he was seeking financing. Mr. Rodriguez states that he can't pay for the house in cash. Mr. Owens then asked a second question. He asked Mr. Rodriguez if he lives in the house that currently sits on the property. Mr. Rodriguez said that he does and that he inherited the house after his father passed away last year, but he said they have owned for over 24 years. Michael Owens asked if he is trying to get the home refinanced. Mr. Rodriguez mentions he is trying to put another home on the lot but they will not finance it to him if there is already a home with a lean on the lot.

Chairman Hold then opened the floor for all questions and asked for Ian to go to May of the year 2022. He pointed out that in the emails county staff informed Boswell surveying that the

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easement of the road crossing Mr. Rodriguez's property could be included in lot sizes in subdivisions.

Mr. Shannon stated that as far as he could tell in the email chain, he did not recall any specific discussion with Tonya Caddle the former planning director at the time or Taylor Perschau who was the Planner II at the time reviewing it. He remembers that he had initially looked at the Boswell submission but said he could not recall if it was some time before they were looking at another potential subdivision along L. Lawrence Trail and they were looking at it as a potential non-conforming private road. Mr. Shannon said he then sent an email out to Boswell letting them know that they were looking at that private road issue at the time. He concluded that was the most of his involvement.

Mr. Holt asked if he read the emails properly the planning director and senior planner at the time did in fact say that the lots could be subdivided and that the acreage be included in lot size. He asked if that's a fair statement and if he's reading these emails properly.

Mr. Shannon mentions that in one of Tonya's initial emails from May 23rd at 3:46 pm, Tonya had told Janet with Boswell Surveyors that each lot would need to be a full acre since it is on a private road. Then later on the email chain, there are two instances of Taylor saying that the acreage within the right of way would be able to count towards that.

Mr. Holt that he understands that Tonya is no longer working for the county to ask her, but he would IMr. to ask again if the county staff did tell Boswell Surveyors, that it would be okay to subdivide the lots and include the right of way in 2022. Mr. Shannon confirms that is correct.

Mr. Holt asked Mr. Hoagland if there have been any changes to the subdivision law as to the resubdivision of property, that was maybe sold as a subdivision with a fixed amount of lots initially. Mr. Hoagland responded that he didn't believe there have been any UDO amendments to these provisions since 2022.

Mr. Holt asks if they know how many lots were in the subdivision initially since it was a private road subdivision. Mr. Holt stated the he is asking since he knows there are some restrictions. Mr. Hoagland asked Mr. Hot if when he said initially did he mean at the time the lot was created. Mr. Holt said he was asking about when the subdivision was created. Mr. Hoagland said he does not believe that they have looked at that specifically and said that the plat that created the lot was initially from the mid-1990s and included four lots. Mr. Holt said that he believes that it was 1995. Mr. Hoagland explained that at the time the current private road was existing then as well and that today, from staff examination, there are 13 applicable lots along the private road because there are several lots that are greater than 10 acres and they are exempt from certain aspects of the subdivision regulation. So, with regard to applicable sub-10 acre lots there are currently 13 by staff calculations, Mr. Hoagland said.

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Mr. Holt said that if the 10-plus acres are included the amount of traffic and number of parcels on the road is upward of 20 parcels and expressed concerns about the safety involved on private roads with EMTs and other things.

Mr. Shannon added that when he was talking about the non-conforming private road issue when they were looking at another subdivision around that time the property on the northwest—David Allen Holt was the name on the plat—that had to come through and the developer did have to make some road improvements up to the last lot they were subdividing. Mr. Shannon concluded that, from what he can recall it was where the cul-de-sac is and it would be considered a Class 2 private road for the county standards.

Mr. Holt asked Mr. Rodriguez if there is some kind of mechanism for the upkeep of L. Lawrence Trail; in other words, asking does everybody contributes to a fund or anything to maintain the road. Mr. Rodriguez stated that there is not one that he knows of.

Mr. Holt stated that he believes that he has looked at the GIS there was indeed a road maintenance agreement reached at some point in time.

Mr. Owens asked Mr. Rodriguez when he purchased the property. Mr. Rodriguez stated that it was in 2023. Mr. Holt asked Mr. Rodriguez if he inherited the property and Mr. Rodriguez said he did. Mr. Owens asked when was the deed in his name, and Mr. Rodriguez answered in March 2023. Mr. Owens also asked if Mr. Rodriguez had an attorney who did it for him, and Mr. Rodriguez said that he did. Mr. Owens stated that the attorney should have disclosed to Mr. Rodriguez that, being part of that subdivision there, the property could not be further subdivided.

Mr. Rodriguez asked if Mr. Owens could repeat what he said. Mr. Owens said that it should have been disclosed to Mr. Rodriguez that the lot could not ever be subdivided again.

Mr. Rodriguez asked where would that information be and Mr. Owens stated that through the deed restrictions on the property future subdivisions of lots are prohibited. Mr. Rodriguez asked on which one if it is on the deed. Mr. Owens said that it should be on the deed and on the deeds to all the lots that started off in 1995.

Mr. King Asked Mr. Owens if he could tell for the record where he is pulling the information from. Mr. Hoagland stated that he can read that clause of the ordinance for the board. Mr. Hoagland read from UDO Section 6.9.4 E: *"Private roads may be allowed in any development in which a tract of land is divided into no more than 14 parcels along the private road and each parcel should not be less than one acre in size provided the following conditions are met, condition A reads that through deed restrictions future resubdivision of lots into smaller tracts is prohibited."*

Mr. Hoagland asked Mr. Owens if that is what he was referring to, and Mr. Owens confirmed that it was.



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Mr. Owens said that basically they have to prove a hardship and so far, they haven't done that. He said he feels like the two people in the audience do have a standing not based on his opinion but based on the rights statute 160D-1402 "by easement or a covenant." Mr. Owens stated that since all the properties in the subdivision have the road going through their property, that's an easement and everybody is affected. He also said by the covenant on the deeds and he felt as though the two people do have a standing. He said that is his opinion and he does not know if he wants to let everyone else discuss it or not.

Mr. Holt called upon the County Attorney Rick Stevens. He stated that he ruled upon this issue earlier. Mr. Stevens recalled that there was no objection to the ruling earlier but, with that being said, the standing question is as to that person's independent ability to assert a claim. Mr. Stevens said that he does not know that there's any reason why the board couldn't decide to ask questions to persons who have not yet been sworn in, but they would need to be sworn in and be willing to participate in the hearing.

Mr. Stevens asked the chairman if what he said made sense. Mr. Holt said yes and no. He clarified that what he is referring to is his ruling earlier. Mr. Stevens said that Mr. Holt ruled and there was no rejection to the ruling. Mr. Holt stated that it was right. Mr. Owens interjected and said that he did not know that they could speak and object to the chair. Mr. Holt said the board can always object.

Mr. King said the idea is that if someone can provide factual information to help the board in understanding the road maintenance and other issues. Mr. Holt stated that was the problem; he did not hear anything factual, that was the reason he ruled against their claim of standing.

Mr. Owens said they did not get to ask any questions about standing, he was concerned about that issue if it was to go further. Mr. Stevens stated that, leaving the standing issue aside, he thinks if the board wanted to hear from witnesses who might be present in the gallery, then the board could choose to do that and they could ask the person if they would want to participate or give testimony. If so, that person would have to be sworn in before they could give testimony.

Mr. Holt said that is still not answering his question, he stated he does not know the process of reversing his decision from earlier. Mr. Stevens stated that he does not think he can reverse it at this stage, what he is saying is that they can still participate but there is a different way that would be.

Mr. Owens said that they were just discussing and not necessarily saying that they have to do it.

Mr. King adds that the two people in the audience would be participating more as witnesses than a party to the case. Mr. Stevens stated that is correct.

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Mr. Hoagland said that he believes that the quasi-judicial procedures do allow for that. Mr. Holt said that they do but they also have to be sworn in. Mr. Hoagland said that is correct.

Mr. Holt said he thinks they need to take a vote on the situation to further allow them to open it back up.

Mr. King states that they need to be clear on what subject they are discussing is the private road. Mr. holt said nothing but the private road.

Mr. Holt stated he is glad to entertain a motion to let them address the board for the purpose of addressing the private road issue. Mr. Owens said since he brought this subject up and he made a motion. Mr. Cobb seconded the motion.

Mr. Holt said there's a motion and a second that the board allows a neighbor to testify for the board as a witness. Mr. Holt asked if there is any discussion before voting on the matter.

The motion was approved unanimously.

Mr. Holt called upon Mr. Vaughn and said he is now able to address to the board about the road issue. Mr. Vaughn asked if he needed to be sworn in. Mr. Holt swore in Edgar Duke Vaughn III he also goes by Eddie. Mr. Vaughn is now sworn in.

Mr. Vaughn said that when referring to the road and he does not know if its old water to speak on the road he thinks he can still provide not at this moment but where they tried to get everyone on the road and got prices on the road for the upkeep because the road is so bad right now. No one but Mrs. Honeycutt wanted to help, he did not receive an email back from her but she verbally said yes. Mr. Vaugh also said that the pipe that exists under the road presently there if you ride down and look at the right-hand side there is erosion there, and there are two inches of water coming this weekend the water is hydraulically under the 30-inch pipe it is going under the curve. Mr. Vaughn also states that they have a lot of traffic and it has also been that way and he has been there 21 years. He said no one wants to help but the road is an issue and its factual that anyone can go there at any given time and see it today. He stated that you can see where the rock is, if you are going east towards Highway 87 the water runs down the road because it has been scraped flat over the years instead of having a hip in the middle and the water runs off the left side towards 87 and it is eroded into the road now. Mr. Vaughn said he does not know probably that far into the road now and it has taken all the rock and gone either underneath the pipe or through the pipe and it is on the right side. Mr. Vaughn states that if you put more people and you put more vehicles what is going to happen it is just going to increase and that is the issue with the road. Mr. Vaughn said but they have tried and they have sent stuff out and they have had it priced and nobody wanted to help. Mr. Holt said there was no participation, Mr. Vaughn confirmed that and that they were going to do the road all the way to the cul-de-sac. Mr. Vaughn stated he believes a gentleman named Francis lives at the cul-de-sac and that is about as far as they priced it and he also said that it is about another  $\frac{3}{4}$  of a mile back and they take a bobcat and do their stuff because a lot of

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horse trailers come in and out. Mr. Vaughn said that the front half is bad and he is glad there hasn't been snow because the road would sink up by 87. Mr. Vaughn said he knows for a fact that Mrs. Huneycutt and her husband asked for help the other year and they put either \$800 or \$900 worth of rocks which is about two and a half truckloads. He said that traffic is an issue out there, he states they have big trucks, and have people in the back that bring heavy equipment in and if it gets approved by the county, they cannot do anything about it. Mr. Vaughn also mentions that they even asked the state to pave over it and sign a petition but the state wouldn't take it over. He said they are a tight-knit community and that is all he has to address over the road. Mr. Holt thanked Mr. Vaughn and said the information had been helpful.

Mr. Holt mentions that private roads that have upwards of 20 parcels far exceed what the criteria are for private roads even though the state allows for 10-plus acres to be exempt that does not mean there is no traffic.

Mr. King asked how many lots total pieces of property on the road that are served directly by the road. Mr. Holt answers there are 19 lots. Mr. King asked how many are greater than 10 acres. Mr. Hoagland said there are six greater than 10 acres and from staff calculations, there are 13 applicable lots. Mr. King asked when he said applicable lots does he mean less than 10 acres? Mr. Hoagland said yes.

Mr. Owens said that there are a lot of lots and that he drove to the end of the road and there were some rather large holes and he noticed that there was a 5-acre lot and it looks like someone already put two houses on that one. He states that he assumes they can do that without splitting the property. Mr. King stated that either way, you can get additional homes because there is no prohibition on how many homes can be on an individual lot.

Mr. King asked Mr. Shannon if back in 2022 was there an interpretation that the former planning director had made regarding the right of way and when you can count it or when you can't. Mr. Shannon said that nothing particular came to mind. Mr. Hoagland said he can only speculate that after reading the old emails it is accurate to say the Rodriguez's were given wrong advice about the interpretation as to whether or not the right of way can be classified as part of the total acreage, but they were also given conflicting advice. In particular, he said, the email from Tonya said to make sure all the lots are one acre since they are on a private road. Mr. King asked if he was referring to the email where she said to make sure all the lots were one acre? Mr. Hoagland confirmed, yes. He the read from the email dated May 23, 2022 at 3:46 p.m.: *"Janet, also be sure that when the subdivision is complete that the two lots each have a full acre since this is on a private road."*

Mr. Hoagland clarified he was not heaping judgment on former staff since most of the work he's seen they have seen was excellent.

Mr. Hoagland said, in response to Mr. King's questions, if you look at Item 6 in Subsection E of the regarding private roads it says "subdivisions accessed by nonconforming private roads

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shall be approved when the following conditions are met: *The tract to be subdivided has at least a minimum sixty feet of road frontage on the road; an original tract of land adjoining a nonconforming private road may be divided utilizing this provision only once every two years; the private road disclosure statement as provided in Appendix K shall be recorded, and all other provisions of this section are complied with.*

Mr. Hoagland said perhaps previous staff looked at this as a nonconforming private road it might be deemed achievable and they would have given that feedback to the surveyor. However, Mr. Hoagland said his interpretation leads him to believe that where it says "*all other provisions of this section are complied with,*" then it must exclude counting right-of-way areas from the one acre minimum. Mr. King stated that he thinks the section makes it clear that the right of way is not included in the total acreage. Mr. King said the ordinance is put online and that someone else could have consulted over it to double-check.

Mr. Holt noted that there was a discussion on how Boswell Surveying in the emails did question twice about the private road acreage. Mr. Owens said based on the fact that the surveyors asked twice, perhaps they were seeing if they could slide something by staff even though it may not have been totally in line with the rules. Mr. Holt added that county had some responsibility from 2022 in their answers to Boswell Surveying.

Mr. Holt asked if anyone else on the board had any questions for the Rodriguez's and the staff before they went into their deliberations. He also asked if Mr. Rodriguez had anything further to add or any other questions.

Mr. Rodriguez has questions on conflict of interest and asked what is a conflict of interest. Mr. Holt responded that, for example, if they were related by family then that may be a conflict or if they had a financial interest in the outcome of the case. Mr. Rodriguez asked if a personal friend counts and asked what is Mr. Owens's relationship with Mr. Vaughn and if there are any personal friendships there. Mr. Rodriguez states that he does not understand how Mr. Owens went to the property and that someone must have talked to him. Mr. Holt explained the board has the right and are somewhat encouraged to go out and see the property. Rather than simply view the issue on paper, Mr. Owens had the right to go and drive in and have a look to help him make a better decision. Mr. Holt explained further how he also looked on the GIS to show his house due to the limited information in the packets to see about the number of houses on the road and the condition of it, for example.

Mr. Holt also said that one of the hurdles that Mr. Rodriguez faces is variance criteria number four about the safety issue and that he had mentioned earlier that private road historically can have problems with EMTs, and fire equipment and those are some of the things that the board has to take into consideration.

Mr. Rodriguez states that what Mr. Vaughn said is not true that the road is not in bad condition and that anyone can go down the road. He said that another developer had built a lot in the back and recently fixed the road to get the parcel subdivided a couple of months

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ago before Mr. Rodriguez put in his application for his subdivision. Mr. Holt replied that is the reason why he asked Mr. Rodriguez earlier if he had a formal road maintenance agreement that he might have been aware of. The witness said there has been an effort to keep up the maintenance of the road and that the L. Lawrence Trail is not unique to have maintenance problems and is also a hurdle to get NCDOT to take a road over but that's not really something they need to address here.

Mr. Holt asks if there are any other questions. Mr. Rodriguez reiterates that he does not have a picture of the road but there is no problem with it. Mr. Holt said that is in Mr. Rodriguez's opinion. Mr. Rodriguez said not only in his opinion but also in the planning department's opinion to allow the developer to subdivide land and improve the road. He does not think in a few months the road will be unsafe.

Mr. Holt asked from his personal perspective what is going to happen in the future with the road? Mr. Holt again brought up the road maintenance agreement already in place since 1995 or 1996 which has not been upheld. He also mentioned again that there is a board member who went out and looked at the road himself.

Mr. Rodriguez asked what can he do or what is the process if there was a conflict of interest on the board.

Mr. Holt said he's not entirely sure what the process would be but he thinks it would be a legal process and they might need to hire an attorney and say that he thinks he was mistreated and would have to appeal it to a superior court. The person could then be subpoenaed to testify. Mr. Holt said he didn't see how there's an advantage for anyone on the board or anything that creates a conflict of interest.

Mr. Holt asked the attorney for advice regarding any conflict of interest and if the next step on that would be superior court. The next step would be to go to the superior court and the person could be subpoenaed to court and would have to testify if they had any conflict. Mr. Stevens said that being this far into the proceeding that is correct, they should allow for the proceeding to continue and that would serve as the basis.

Mr. Holt told Mr. Rodriguez that if he feels that someone does have a potential conflict, and if they don't make a judgment in his favor then those would be the steps he would take. Mr. Rodriguez said he understands.

Mr. Holt asked Mr. Rodriguez if they had any other questions. Mr. Rodriguez asked if they could clarify the definition of a hardship. Mr. Holt and Mr. King try to give examples and definitions of what a hardship would be.

Mr. Rodriguez said since his lot is 2.04 acres and not including the road, he said that's what is unique which is the size of the lot and right of way.

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Mr. Owens said to Mr. Rodriguez that his property is not unique and that there are similar lots on the subdivision and the same size. Other neighboring lots have the same issues and hardships that his property has which makes it not a unique situation. Mr. Owens said that they have to follow the letter of the law and unfortunately his lot is not different. Mr. Owens said perhaps if it was the only lot along the road like this then maybe it would be a unique situation but it's not. Mr. Rodriguez asked to see what lot Mr. Owens is speaking about.

Planning staff pulls up the lot that Mr. Owens is speaking about. Mr. Owens stated that everyone is using the same road and has the same problem. If Mr. Rodriguez's lot was the only lot in the subdivisions with these issues he would have a standing argument but he does not. Everyone has a road going through their lots.

Mr. King said that he thinks they have gotten into weeds on the road itself which is not the subject, it is the right of way being included in the lot area.

Mr. Owens states that to let Mr. Vaughn speak was part of the law and the two people did have standing and are trying to go by the rules in case it is appealed because they might go to the court and state that they have a standing issue.

Mr. Rodriguez states that the Environmental Health Department has already given him a permit to allow him to put a second home on the property even if the Planning Department does not allow him to subdivide the land. Mr. Hoagland shook his head no and Mr. Holt said that he understood there was also an issue with the bank. Ian spoke about how there was an old subdivision where the road was improved back in 2022. At the time, it was required for the developer to improve the road up to the cul-de-sac and it would have been inspected by the deputy fire marshal at the time.

Mr. Hoagland said he would like to add that there are innumerable aspects of a subdivisions that they review prior to final approval. He mentioned road conditions, proper certificates, plat layout, size of lots, setbacks, easements, and similar issues and those are separate from the two specific variance criteria that were being discussed now.

Mr. Rodriguez states that he is allowed to put a home in the back of the property without it being subdivided so the traffic is going to be the same amount of traffic if it was not subdivided. He states he already has a permit from environmental health that he can put a home in the back. Mr. Holt explains that he does understand that it is a banking issue.

Mr. Holt moves on to the deliberation, and stated that he saw issues with variance criteria number 4, which means a lot to him. He brought up how Mr. Owens has already commented about how he went out and saw the road conditions. Mr. Holt paraphrases and reads out that the requested variance is consistent with the spirit purpose and in regulation such that public safety is secured. Mr. Holt states that he personally thinks there is a safety issue.

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Tom King said that his thoughts on it is to consider what is the purpose which is the one-acre minimum lot size on the private road and two why the area in the right of way matters. Mr. King stated that it is common in subdivision regulations and zoning regulations to not count the right of way in the minimum lot size.

Mr. Holt said another issue that has some bearing with him is that Mr. Rodriguez was given bad information in 2022 and since that time he's gone forward has spent money and time based on the information that he was told that it could be subdivided.

Mr. Rodriguez asked if he could make a comment but Mr. Holt denied it.

Mr. Holt said their job is to weigh the evidence and hopefully come up with something that is reasonable. Mr. Holt went on to speak about how it was a big factor to ask staff, with a surveyor or not, and be given information that is not correct and then proceed based on the information he thinks it is a hardship after giving that the people that had the authority, for lack of a better term, have changed their mind. Mr. Holt said that he thinks if it wasn't for the bad information given then by county staff it would be cut and dry and that it should be a factor to be considered. Mr. Holt says that should be given consideration because Mr. Rodriguez has commenced with work and spent money based on bad information.

Mr. King confirmed that Mr. Holt is referring to variance criteria number three which said the hardship is not in the result in actions taken by the applicant. Mr. Holt agreed.

Mr. Holt asked Mr. Cobb for his thoughts. Mr. Cobb asked Mr. Shannon about the emails from 2022 and if there was an understanding implied by the emails that the Rodriguez could move forward. Mr. Shannon said that is a fair assessment since that is what the surveyor was told, essentially. Mr. Cobb said he understands what Mr. Holt is saying but the way it's looking to him is that if county authorities made the statement, in any fashion, that they could move forward and then once they start the process they are stopped. He thinks they were misleading from the beginning. Mr. Holt agreed and said there were certainly mistakes.

Mr. Holt asked for Mrs. Hyder's thoughts. She stated that she was confused about the road situation. She asked about the road not being built up enough for an ambulance to get in there.

Mr. Owens states that the road is not that bad but it is not kept up. Mr. Cobb asked when he went down the road Mr. Owen states he went down two days ago and that the further down he went the worse it got. Mr. Cobb also stated he has been to the road in the past and the road was not in the best condition. They discuss what sections of the road are the worst and what the condition of the road is.

Mr. Holt asked Mr. Owens for his thoughts he said that he agreed and does think they have unintended hardship that they did not put on themselves. He said it's a shame that the county essentially gave them bad advice a few years ago. He mentioned, however, that on variance

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criteria number four he does not think there is a safety issue he only has a problem with the first two hardships.

Mr. King wants to go back to number four and said there are several large pieces of property on this road that are non-conforming and now it is a Class II. Mr. Shannon clarified that it would have been around August or September of 2022 when three or four lots were created on L. Lawrence and two off of John Lawson were approved around August. After the fifteenth lot the road has to be brought up to public standards right now there are only thirteen applicable lots.

Mr. Hoagland said he felt he needed to say something. He said he understands that the road is an issue but road requirements and requiring subdividers to become parties to a road maintenance agreement is also part of the staff review process when they review preliminary plats. He continued, saying that even if it is not mentioned in the emails or immediately evident, it does not indicate that it is not part of their process for giving final approval. The two issues that hung up the process were the minimum lot size and the right of way which are simply the two specific criteria for the asking of this variance.

Mr. King stated that it seems to him there's a mechanism in place to maintain the road but the fact that it's not being maintained is not something they can solve. Mr. Hoagland said they understand that there's an existing road maintenance agreement for the road and that one part of the Planning Department's procedures before final approval would be to ensure there's a certificate on the final plat, with the signature of the subdivider, that binds them to that maintenance agreement. The issue here is that they just didn't get to that part of the process because the other issues came up which necessitated the variance request.

Mr. Owens reverted back to the issues of deed restrictions not allowing future subdivisions. Mr. Hoagland said he thinks that's an excellent point. He answered by saying that if there was an existing lot created years before that particular requirement became part of the subdivision ordinance, even if it was created and that rule should have attached to it and attached to the deed, he's not sure they can retroactively require them to adhere to the rule. However, he said, they can ensure that for any future lots that come their way they can ensure that the rule is in place before final approval. Mr. Owens asked then if that requirement is part of their deed. Mr. Hoagland responded that he's not sure if it is or isn't.

Mr. Cobb asked when the lot was originally subdivided. Mr. Shannon said the four lots were in 1995 but is not sure about the other lots. The road was a non-conforming private road before it was upgraded in place before 1974. Mr. Cobb asked the county attorney if the deed restrictions and covenants have to be renewed after 25 years or then they expire, Mr. Stevens said yes. Mr. Cobb then said that if they have not renewed them, they have expired.

There was some brief minor discussion about the nature of maintenance agreements then Chairman Holt asked for any further discussion before they get into each of the variance criteria.



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Mr. Hoagland mentioned that each of them have a worksheet that Mr. King put together and gave out to help the board find a verdict. Mr. Holt said he appreciated the worksheets and Mr. Hoagland offered to read any of the variance criteria or general statutes as they vote.

Mr. Holt clarified that mentions are not needed on each item; they can vote on them at the end if desired. He then read criteria one and asked if there was a motion.

*(1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.*

Board Member Tom King made a motion concluding that an unnecessary hardship would not result in the strict application of the regulation. Mr. King stated that there has been no evidence presented to demonstrate that there is a unique hardship that wouldn't be suffered by other residents on the road if they wanted to subdivide. He stated that they are in a similar situation and there are lots of a similar size. Board Member Michael Owens seconded the motion. Chairman Isaac Holt clarified that this motion is to find that the unnecessary hardship will not result from a strict application of the regulations because there are other lots in the subdivision of equal size and that it is not unique to the Rodriguez's property.

The vote to deny the variance on these grounds was unanimous.

*(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.*

Board Member Ray Cobb made a motion that the variance does not meet this criterion. Mr. Cobb reference what Mr. King said earlier about other properties along the road that wouldn't be able to subdivide either. Chairman Holt inquired of Mr. Cobb that he is referring to other lots that are equal in size. Mr. Cobb responded, "that's correct." Mr. King also mentioned that there was no evidence presented to show any physical hardship with the property, it just happens to be a situation where there's not enough land area to meet the ordinance requirement. Mr. Cobb concurred with Mr. King's statement. Mr. King then

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seconded the motion. Chairman Holt said, “there is a motion and a second that the hardship does not result from peculiar hardships to this property such as location, size, or topography.”

The vote to deny the variance on these grounds was unanimous.

*(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.*

Mr. Owens made a motion that the hardship did not result from Mr. Rodriguez’s actions. This motion was seconded by Mr. Cobb. Chairman Holt clarified that there is a motion and second that the hardship did not result from actions taken by the applicant or the property owner. Mr. King added a finding of fact that the applicants did pursue this subdivision based on erroneous information provided by former Planning Department staff. Mr. King said they were told that the area within right of way would count towards the one-acre minimum lot size on two separate occasions in 2022.

The vote to approve the variance based on these grounds was unanimous.

*(4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.*

Mr. Owens made a motion to approve the variance based on this criterion. Board Member Debra Hyder seconded the motion. Mr. Owens went on to state that he has been on the road and that the road is safe to travel. Mrs. Hyder indicated that there were no safety issues present based on the previous discussion regarding the road.

The vote to approve the variance on these grounds was unanimous.

Chairman Holt informed the board that they should take one final vote. He would like to entertain a motion on whether or not to approve the applicant’s petition for the variance.

Mr. King made a motion to deny the variance on the basis of findings of fact in numbers one and two. Mr. Owens seconded the motion. Chairman Holt clarified that there is a motion and a second to deny the variance on the basis of findings of fact in numbers one and two.

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The vote to deny the variance request based on these findings of fact was unanimous.

Mr. Holt explains that the board has found that the application does not meet the criteria to issue a variance. Should Mr. Rodriguez wish to not accept what the board has said they can appeal to Alamance County Superior Court. Mr. Holt explains they had to find their finding based on facts and not personal deals.

Mr. King said that the next step is that staff will need to write up a final decision document, it will be reviewed and approved by the board. Once that is approved, the chair will sign it and it will be delivered to the Rodriguez's. After that they will be able to file an appeal with superior court if they wish to. Mr. King explained that the appeal will be a review of the record of the case that was compiled tonight, and for example, if he believes the board didn't operate correctly or had a conflict of interest then the court would review that record and make a decision. If they believe the board made any errors then they could remand this case back to this board to rehear it or they could even overrule the board and grant the variance. He informed Mr. Rodriguez that once he received that written decision then he would have 30 days if they would like to appeal to Alamance County Superior Court.

### **IV. ANNOUNCEMENTS/DISCUSSION**

Mr. Holt asked if there was anything else. Mr. Hoagland thanked Mr. King for explaining that process to the Rodriguez family. Mr. Holt then asked if there was a motion to adjourn.

### **V. ADJOURNMENT**

Motion to adjourn: Ray Cobb

Second: Debra Hyder

Vote: Unanimous

Adjourned at 7:22 PM.

# Alamance County

PLANNING DEPARTMENT  
201 W. Elm Street  
Graham, North Carolina, 27253  
Tel. (336) 570-4053

## **2025 Board of Adjustment Calendar**

All meetings begin at 5:30 PM.

Meeting location:  
Commissioners' Meeting Room  
124 W. Elm Street, 2<sup>nd</sup> Floor  
Graham, NC 27253

Meeting Date	Agenda Item Submittal Deadline
February 20, 2025	1/21/2025
March 20, 2025	2/19/2025
April 17, 2025	3/19/2025
May 15, 2025	4/17/2025
June 19, 2025	5/21/2025
July 17, 2025	6/17/2025
August 21, 2025	7/23/2025
September 18, 2025	8/19/2025
October 16, 2025	9/17/2025
November 20, 2025	10/21/2025
December 18, 2025	11/18/2025
January 15, 2026	12/16/2025

Agenda mail-out/posting date may vary based on general statutes and agenda items.  
Meetings may be cancelled due to a lack of agenda items.

Adopted:

# *Alamance County Board of Adjustment Rules of Procedure*

## Article I: Meetings

### Section 1.1 Regular Meetings

Regular meetings of the Alamance County Board of Adjustment shall take place on the Third Thursday of each month. Meetings will be held at 5:30 p.m. at the ~~Alamance County Office Annex Building, 201 West Elm Street, Graham, NC 27253.~~ Commissioner's Meeting Room, 124 W. Elm Street, Graham, NC 27253.

### Section 1.2 Annual Meetings

The annual meeting of the Alamance County Board of Adjustment shall be the in the month of January of each year, or the first regular meeting of the calendar year. At the annual meeting, the Board shall elect members to the office of Chair and Vice Chair. The Board shall also adopt a meeting schedule for the entire calendar year, including the meeting date of the annual meeting for the next calendar year.

### Section 1.3 Special Meetings, Change of Meeting Date, Time, or Location.

In the event that a special meeting is necessary, the Board Chair shall call the meeting in a manner consistent with North Carolina General Statutes. All other board members shall be notified in writing no less than forty-eight (48) hours prior to the time of the special meeting. Notification of any other change in meeting date, time, or location shall be done in accordance with applicable North Carolina General Statutes which regulate such notifications.

### Section 1.4 Order of Proceedings

All Board meetings shall follow, in general, the following order of proceedings:

1. Call to Order
2. Approval of Previous Meeting Minutes
3. Old Business
4. New Business
5. Other Business / Announcements
6. Adjournment

The Chair of the Board may, at their discretion, make changes to the order the agenda to more efficiently dispense with meeting business.

### Section 1.5 Meetings open to the Public

It is the public policy of North Carolina and of Alamance County that the meetings, deliberations, and actions of this Board be conducted openly. Each official meeting of the Board of Adjustment shall be open to the public and any person is entitled to attend such meetings. An official meeting of the Board of Adjustment is defined as any gathering together at any time or place, or the simultaneous communication by telephone or electronic means of a majority of the board members,

PRACTICE CASES ONLY:

VARIANCE PETITION

AND

ADMINISTRATIVE APPEAL

# Alamance County Planning Department

Matthew Hoagland, Planning Director  
201 W. Elm Street, Graham, NC 27253  
Phone: (336) 570-4053 | Email: Matthew-Hoagland@Alamance-NC.com

Chair and Board of Adjustment members:

The Belshner family is requesting a variance from Article 6, Section 6.1.1. of the Alamance County Unified Development Ordinance which, among other things, requires a 30-foot setback from the front of all buildings along local roads.

Their proposed home addition would encroach five feet and one inch into the front setback. The front of the home is currently exactly 30 feet from the front right of way, which is the county's minimum standard. This layout is detailed on the engineered drawing labeled "S1" in your agenda packet.

The Belshners are requesting this variance because they feel it is difficult to accomplish various tasks based on the layout of the current entrance. These tasks include bringing groceries and furniture into the home as well as welcoming guests when they arrive. In their request, the Belshners state that they have resorted to driving over the lawn to access their back entrance and they feel that this home addition would improve the home's curb appeal.

As you deliberate, please consider each of the variance criteria:

- (1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

Remember that a four-fifths vote is required to grant a variance. Please address each of these criteria individually for the record.

With that, I will be glad to answer any questions that I can before you hear from the applicant.



# PLANNING REVIEW APPLICATION



## Alamance County Planning Department

201 W. Elm Street Graham, NC 27244

[planning@alamance-nc.com](mailto:planning@alamance-nc.com)

(336) 570-4053

Submit one (1) printed copy and electronic set of plans to the Planning Office for review.

PROJECT SUMMARY: expanding the front entryway

A. Project Name: Belscher Residence

B. Type of Plan:

<input type="checkbox"/> Minor Subdivision ( $\leq 14$ lots)	<input type="checkbox"/> Sexually Oriented Business	<input type="checkbox"/> Solar Energy Systems
<input type="checkbox"/> Major Subdivision ( $> 14$ lots)	<input type="checkbox"/> Commercial Development	<input type="checkbox"/> Wireless Communication Facility*
<input type="checkbox"/> Exempt Subdivision	<input type="checkbox"/> Heavy Industrial Development*	<input type="checkbox"/> Ordinance Variance*
<input type="checkbox"/> Manufactured Home Park	<input type="checkbox"/> Floodplain Development*	<input type="checkbox"/> Use Verification Letter
<input type="checkbox"/> RV Park	<input type="checkbox"/> Watershed Site Plan*	<input type="checkbox"/> Stream Determination
<input checked="" type="checkbox"/> Other (please specify in Section K below)		

\*Note: these projects have additional required forms. Please refer to the Planning Department website (<https://www.alamance-nc.com/planningdept/>) or contact the Planning Department for more information.

C. Review Stage: ☒ Technical Review Committee ☐ Preliminary Plat ☐ Construction Plan ☐ Final Plat

D. Property Street Address: 6720 Samuel Road Burlington NC

Property Description: single-family home on a corner lot

E. Owner/ Applicant: Joe Belscher

Owner/Applicant Address: 6720 Samuel Road Burlington NC

F. Report Comments to: Joe Belscher

Telephone Number: 336-234-1023

E-Mail: mbelscher48@gmail.com

Fax Number:

Report Comments to (additional contact): Cardarelle and Associates, INC.

Telephone Number: 952-454-2705

E-Mail: will.orfield3@gmail.com

Fax Number:

G. Tax Map / Block / Parcel # (s): 107826

H. Total Tract Acreage: 0.41

I. Watershed: ☐ yes ☒ no If yes, which watershed:

J. Floodplain: ☐ yes ☒ no (A Floodplain Development Permit may also be required if the property is in the Floodplain)

K. Proposed Use (use separate page if necessary): home attachment

L. Number and Type of Lots: 1 single-family resident lot

### PLAN SUBMISSION GUIDELINES

All Major Subdivisions must submit a preliminary plat for review and undergo a TRC meeting before submitting a final plat. Minor and Exempt Subdivisions may submit preliminary plats to be reviewed digitally before submitting final plats.

Plans submitted for TRC Review must be submitted ten (10) days prior to the desired TRC meeting (TRC meetings may be scheduled for the 2<sup>nd</sup> & 4<sup>th</sup> Thursdays of each month). Submittals must be complete in order to be scheduled for review.

I have read, understood and completed the attached plan to the best of my knowledge and ability:

Applicant Signature: Joe Belscher

Phone: 336-234-1023 Date: 1-10-23



# Alamance County

PLANNING DEPARTMENT  
201 W Elm St  
Graham North Carolina 27253  
Tel. (336) 570-4053

## Alamance County Planning Fee Schedule FY 2023-2024

<b><u>Subdivision Review</u></b>		<b><u>Heavy Industrial Development Ordinance</u></b>	
Preliminary Plat Review	\$160.00	Heavy Industrial Intent to Construct Permit	\$510.00
Technical Review Committee Submittal	\$310.00	Heavy Industrial Operations Permit	\$60.00
Final Plat Review	\$160.00 + \$40 per lot	Heavy Industrial Development Variance	\$310.00
Exempt Plat Review	\$60.00	Solar Energy System	\$510.00
Mobile Home Park/ RV Travel Trailer Park	\$160.00 + \$40 per lot		
Resubmittal of plans for each submission after two denials	\$110		
Review Office Signature	\$25.00		
Subdivision Ordinance Waiver (per item)	\$310.00	<b><u>Maps</u></b>	
Existing Non-Conforming Private Road Determination	\$60.00	GIS Maps (8.5x11, black and white)	\$0.15 per page
Site Plan Review	\$35.00	GIS Maps (8.5x11, color)	\$0.50 per page
		GIS Maps (11x17, color)	\$1.00 per page
		GIS Maps (18x24, color)	\$5.00 per page
<b><u>Wireless Communication Facilities</u></b>		GIS Maps (24x36, color)	\$7.50 per page
Cell Tower Application Fee	\$2,550.00	GIS Maps (36x48, color)	\$12.50 per page
Collocation Permit	\$60.00		
<b><u>Floodplain, Watershed and Streams</u></b>		Custom GIS Maps	\$25.00 per hour
Floodplain Development Permit	\$110.00		
Floodplain Variance	\$310.00	<b><u>Copies</u></b>	
Watershed Site Plan Review	\$110.00	Map Copies- 18x24-small (black & white)	\$1.00 each
Floodplain Waiver Review	\$310.00	Map Copies- 18x24-small (color)	\$2.50 each
Watershed Ordinance Variance	\$310.00	Map Copies- Larger than 18x24 (color)	\$5.00 each
		Any Ordinance (8 ½ x 11)	\$5.00
<b><u>Sexually Oriented Businesses</u></b>			
Sexually Oriented Business Owner's License	\$510.00	<b><u>Misc. Items</u></b>	
SOB Owner's License-Renewal (yearly)	\$260.00	Appeal of Administrative Decision	\$160.00
Sexually Oriented Business Manager's License	\$110.00	Road Signs	\$350.00
SOB Manager's License-Renewal (yearly)	\$60.00	Use Verification Letter/RV Exception	\$35.00

## EXPLANATION OF REQUEST:

The Belschner family is requesting a 5'1" setback variance to expand the front entryway to be able to accommodate better accessibility when bringing items like groceries and furniture into the home. Currently, the small entry landing has only 3 inches of clearance between the edge of the open door and the first step of the stairway which requires the person answering the door to step back up onto the stairs when letting someone into the entry. This makes standing next to someone who needs help almost impossible. The family has resorted to driving over the lawn into the backyard because the backyard entry is bigger, which is not possible year-round.

The proposed new entry improves accessibility and curb appeal and is overall an improvement to the property.

**Figure 1 – Current entry**

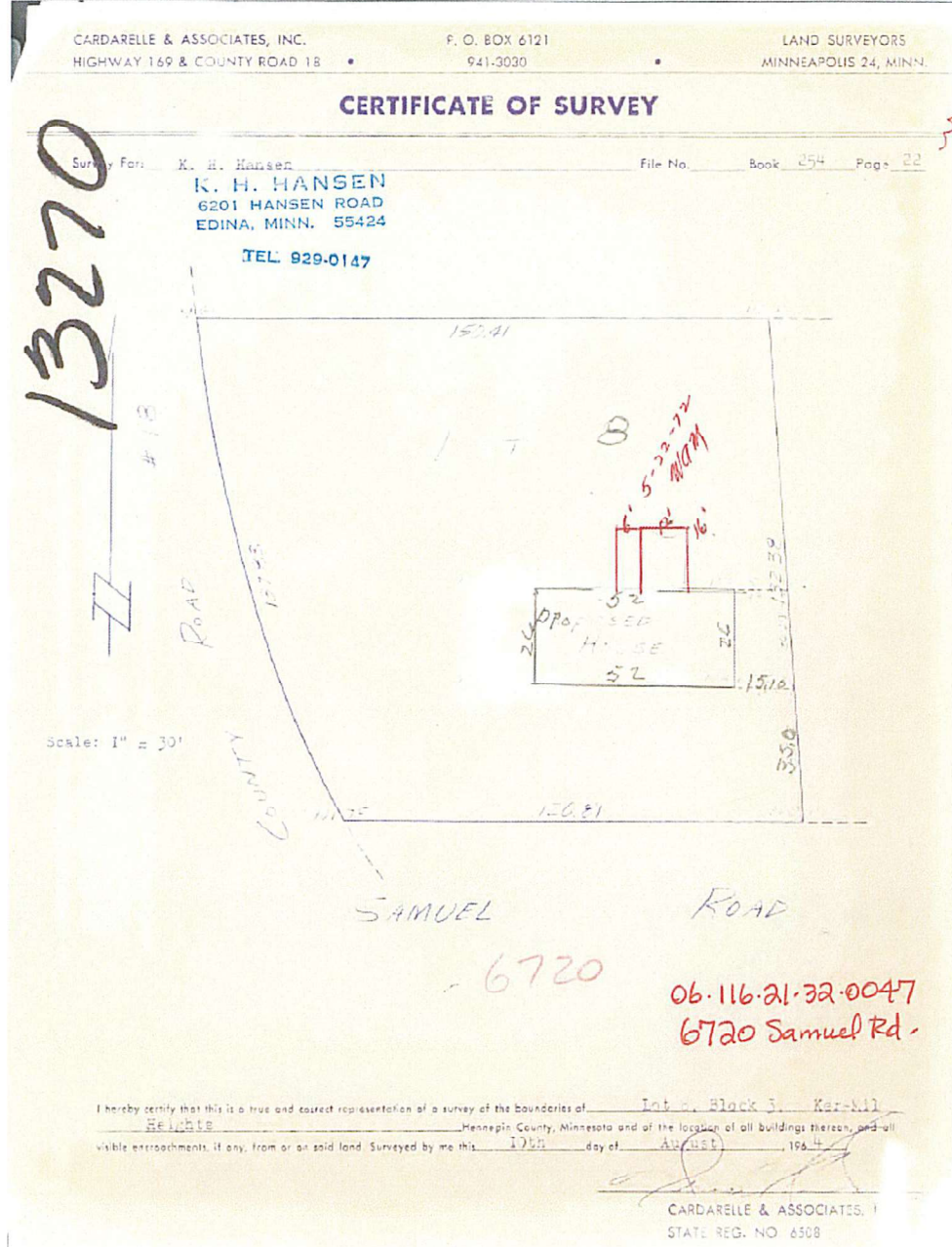


**Figure 2 – Clearance between door and steps**





Figure 6 – Lot Survey



EMAIL: will.orfield@gmail.com  
ARCHITECT: NAME: Orfield Drafting Services PHONE: 952-454-2705  
SURVEYOR: NAME: Cardarelle & Associates, Inc. PHONE: \_\_\_\_\_  
EMAIL: \_\_\_\_\_

**\*Note:** As of July 15, 2020, Advance Surveying & Engineering, Co, located at 17917 Highway 7, Minnetonka, MN 55345 has been retained to do a "Full Survey of an Addition". We are waiting for a confirmed date that they will schedule the work and will update the City as soon as we know.

LEGAL DESCRIPTION:  
Lot 8, Block 3, Ker-Mil Heights, Hennepin County, Minnesota.

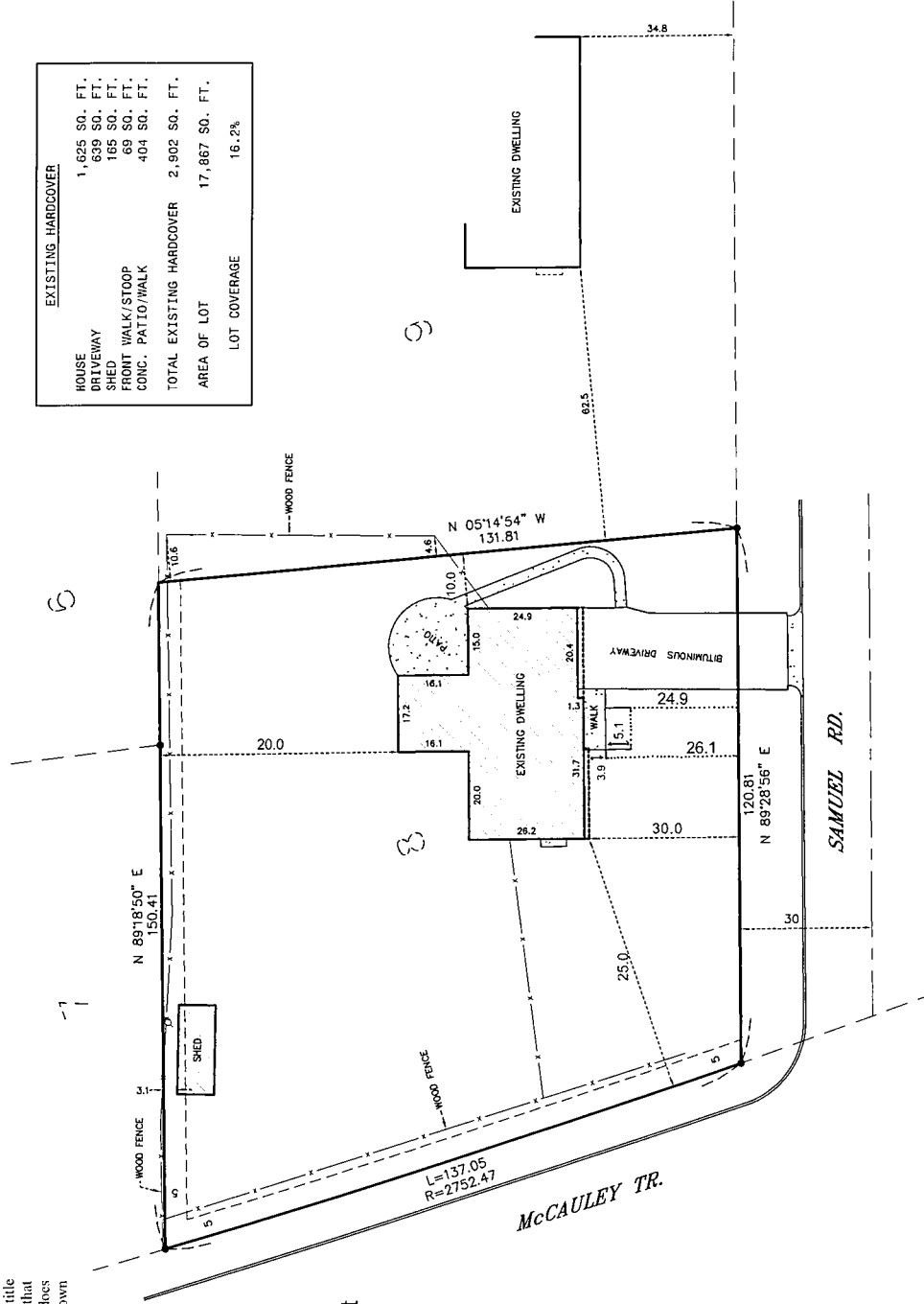
SCOPE OF WORK & LIMITATIONS:

- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- Existing building dimensions and setbacks measured to outside of siding or stucco.
- Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
- This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.

STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes iron survey marker, found, unless otherwise noted.

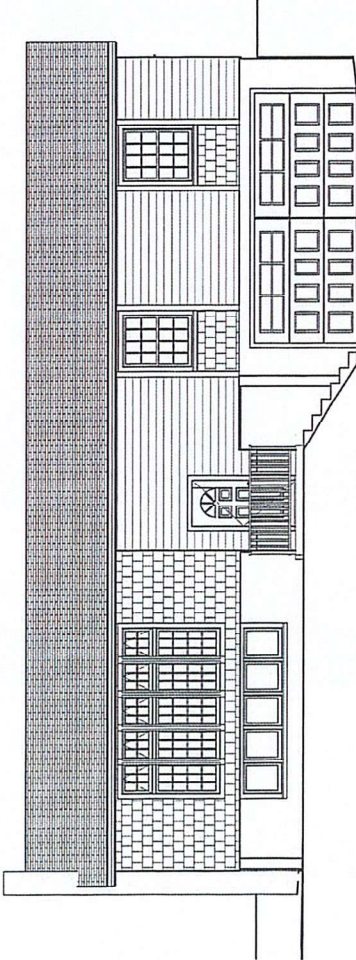
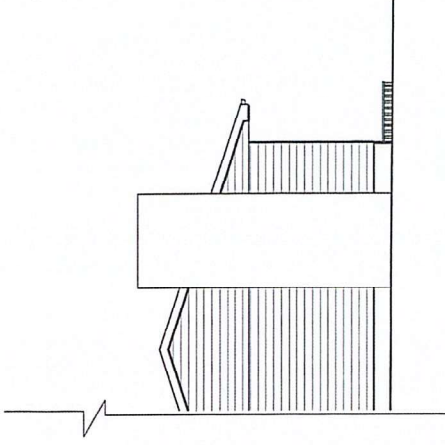
EXISTING HARDCOVER	
HOUSE	1,625 SQ. FT.
DRIVEWAY	639 SQ. FT.
SHED	165 SQ. FT.
FRONT WALK/STOOP	69 SQ. FT.
CONC. PATIO/WALK	404 SQ. FT.
TOTAL EXISTING HARDCOVER	2,902 SQ. FT.
AREA OF LOT	17,867 SQ. FT.
LOT COVERAGE	16.2%



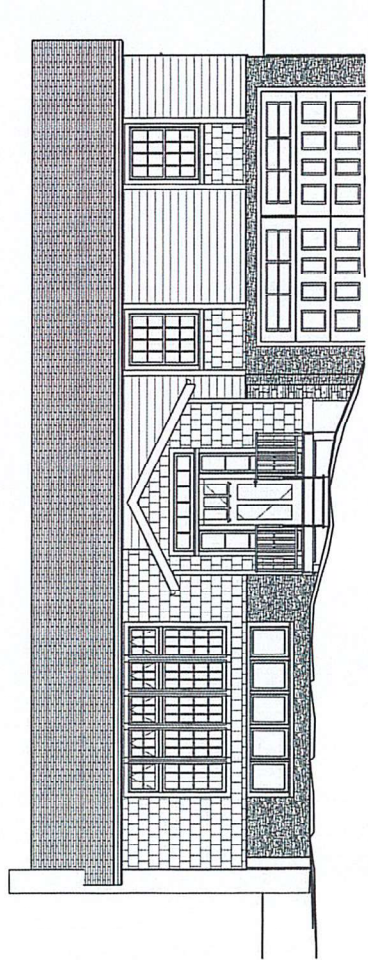
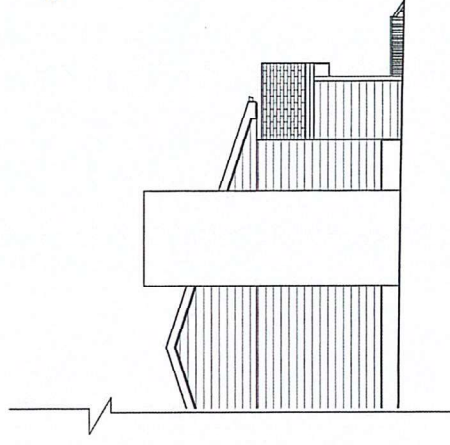
3.9 pre-existing setback encroachment  
5.1 new setback request

previous setback: 26.1  
Proposed setback: 24.9

DATE	REVISION DESCRIPTION	DRAWING ORIENTATION	SCALE	CLIENT/JOB ADDRESS	JAY BELSCHNER 6720 SAMUEL RD. EDINA, MN	Advance Surveying & Engineering, Co. 13017 Highway 104, 7 Minnetonka, Minnesota 55345 Phone (952) 474-7864 Web: www.advance.com	DATE SURVEYED: AUGUST 7, 2020	DATE DRAFTED: AUGUST 13, 2020	SHEET TITLE EXISTING SURVEY	SHEET NO. S1
							SHEET SIZE: 17 X 22		DRAWING NUMBER 201188 WP	
							DATE		SHEET 1 OF 1	

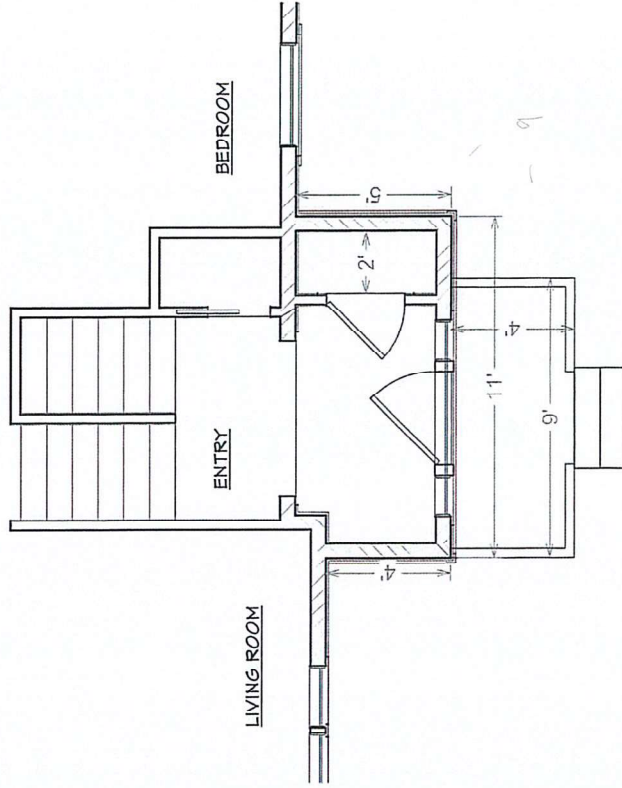


Existing  
Proposed



PLANNING DEPARTMENT  
JUN 17 2020  
CITY OF EDINA

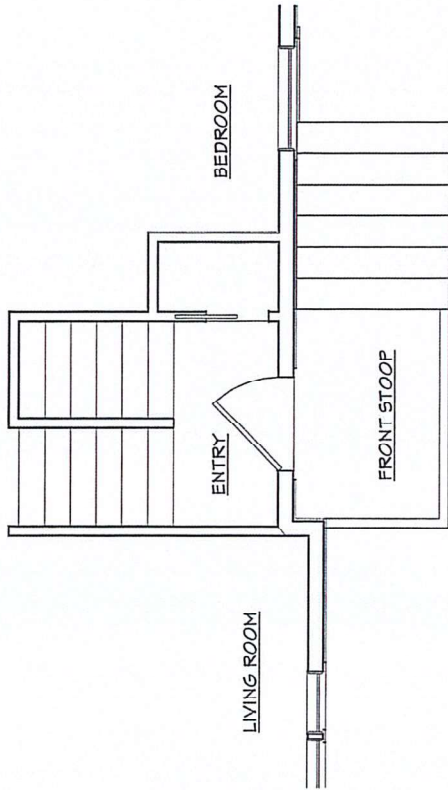




PLANNING DEPARTMENT

JUN 17 2020

CITY OF EDINA





**Figure 3 – Current view from the street**



**Figure 4 – Proposed view from street**







PLANNING DEPARTMENT

JUN 17 2020

CITY OF EDINA

SHEET TITLE:

PROJECT DESCRIPTION:

DRAWINGS PROVIDED BY:  
Orfield Drafting Services  
3507 W 50th St.  
Minneapolis, MN 55410  
(952)-454-2705

Beltschner Residence  
6720 Samuel Rd  
Edina, MN 55439

DATE:  
6/23/2016  
SCALE:  
SHEET:  
A-3



Figure 5 – Exterior Perspective – West to East From Street



# Alamance County Planning Department

Matthew Hoagland, Planning Director  
201 W. Elm Street, Graham, NC 27253  
Phone: (336) 570-4053 | Email: Matthew-Hoagland@Alamance-NC.com

Chair and Board of Adjustment members:

The Belshner family is appealing my administrative decision to deny their proposed division of land of their 31.17-acre parcel of land along NC Highway 49 South in the Coble Township.

In my letter to the Belshners, I stated the following:

*“Dear Mr. and Mrs. Belshner:*

*I have decided to deny your application to divide your 31.17-acre property because of your previous activities related to a different property that you own within the county. On that property, you requested a variance in order to build a new entry way on your home which would have encroached five feet into to the front property setback. The Board of Adjustment (denied or approved) that request. However, the process of hearing your variance request required a lot of staff time and board time, which came at a great inconvenience.*

*With this proposed division of your property, I am afraid that you will once again tie up a great deal of staff time and possibly board time. Therefore, I am denying your preliminary plat review.*

*Sincerely,  
Matthew Hoagland  
Alamance County Planning Director”*

With that, I will be glad to answer any questions you may have or you may hear from the applicants.

Chatham County Planning Division  
PO Box 54, 80 A East St  
Durham, NC 27312  
Ph: (919) 542-8264

Prepared March 2005  
Revised June 2015

### APPEAL APPLICATION

THIS FORM SHALL BE FILED FOR AN APPEAL FROM AN ACTION OR DETERMINATION OF THE ZONING ENFORCEMENT/LAND USE OFFICER, ZONING ADMINISTRATOR AND/OR AN INTERPRETATION OF THE ORDINANCE AGAINST A PARTICULAR PARCEL OF PROPERTY PURSUANT TO SECTION 18 OF THE CHATHAM COUNTY ZONING ORDINANCE.

Subdivision

Alamance

#### Applicant Information:

Name: Joe Belscher

Address: 6720 Samuel Rd  
Burlington NC

Contact Phone Number: 336-234-1023 Email mbelscher48@gmail.com

#### The adverse decision was made with respect to property described below:

Landowner: Joe Belscher

Parcel No.: 119711 Acreage 31.17

Address: S NC 49 hwy

PIN No.: \_\_\_\_\_

Deed Book \_\_\_\_\_ Page \_\_\_\_\_

Phone Number: 336-234-1023

Existing Zoning District none

Directions to property: if you are driving North on S NC 49 hwy  
the property will be to your left.

☐ I, Joe Belscher hereby appeal to the Board of Adjustment the following adverse action or decision of the Zoning Enforcement/Land Use Officer, Zoning Administrator, or other staff of the Planning Division: (Give a general description of the decision or action being appealed and attach relevant documentation) I WAS NOT  
allowed to subdivide my land and was also  
denied to build a home on the land.

☐ STATEMENT BY APPELLANT: In the space provided below, or on a separate sheet, present your interpretation or reason for the appeal for the property in question. Provide justification for your position.  
everything would be done right and will be in  
compliance. There is nothing in the ordinance were are  
going against.

☐ If needed, a map has been attached for illustration purposes at a scale no larger than 1 inch equals 400 feet.

#### I hereby request an interpretation of:

☐ Section/s 6-9 of the Alamance CO. U.D. ordinance

☐ Section/s \_\_\_\_\_ of the conditional use permit issued for the operation of \_\_\_\_\_

☐ The current zoning map

CONTINUED ON REVERSE SIDE....

I certify that all the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

Joe Belscher  
Applicant

Amount of Fee \_\_\_\_\_

Date Fee Paid \_\_\_\_\_

Date Signed \_\_\_\_\_

---

OFFICE USE ONLY BELOW THIS LINE

---

- 1) Date completed application received by Clerk to the Board of Commissioners \_\_\_\_\_
- 2) Date of BOA hearing \_\_\_\_\_
- 3) Date of mailing notifications to adjacent property owners for Board of Adjustment meeting \_\_\_\_\_  
\_\_\_\_\_
- 4) Date notice of meeting posted on property \_\_\_\_\_
- 5) Date notice of meeting sent to local paper \_\_\_\_\_
- 6) Dates notice of meeting appeared in local paper \_\_\_\_\_  
\_\_\_\_\_
- 7) Date of decision on the application by the Board of Adjustment \_\_\_\_\_
- 8) Action/decision of the BOA  
☐ Appeal Granted  
☐ Appeal Denied

---

Zoning Enforcement/Land Use Officer

---

Date



A hand-drawn map titled "MOUNTAIN MAP". The map shows a "MOUNTAIN" area represented by diagonal hatching. A dashed line labeled "ENTRANCE TO MOUNTAIN" runs horizontally across the map. A line labeled "1/2 MILE" points to the hatched area. Other labels include "SOUTH ROAD" on the left, "RIVER" on the right, and "CITY" at the bottom right. A scale bar is at the bottom.

## Administrative appeal

To: Board of Adjustments  
201 W. Elm Street.  
Graham, NC 27253  
January, 26, 2024

Location: S NC 49 Hwy

Parcel Id: 119711

Dear Board of Adjustments:

I am here to give notice that I am submitting an appeal over the decision to deny the subdivision of land and construction of a home on my property.

The property parcel is 31.17 acres. I was denied the right to subdivide the land and to build a stick-built home on one of the parcels after the property was subdivided. The parcel is located in the county's unincorporated portion with no zoning. I was told that since I have had complications with past projects this project could also possibly cause unwanted complications. The ordinance does not state that past project complications are reasons to deny future projects. There is no valid reason that I should have been denied due to everything complying. My past projects and complications should not be in correlation with this new project and should not be the reason for denying us the right to subdivide and build this house.

Thank you, Board of Adjustments for taking the time to read this letter and considering this appeal. I hope to hear back from you, if there are any questions or concerns you can contact me at (336)-234-1023.

Sincerely,

Joe Belscher



QTH

Q-  
Code



**§ 160D-1110. Building permits.**

(a) Except as provided in subsection (c) of this section, no person shall commence or proceed with any of the following without first securing all permits required by the State Building Code and any other State or local laws applicable to any of the following activities:

- (1) The construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any building or structure.
- (2) The installation, extension, or general repair of any plumbing system except that in any one- or two-family dwelling unit a permit is not required for the connection of a water heater that is being replaced if (i) the work is performed by a person licensed under G.S. 87-21 who personally examines the work at completion and ensures that a leak test has been performed on the gas piping, and (ii) the energy use rate or thermal input is not greater than that of the water heater that is being replaced, there is no change in fuel, energy source, location, capacity, or routing or sizing of venting and piping, and the replacement is installed in accordance with the current edition of the State Building Code.
- (3) The installation, extension, alteration, or general repair of any heating or cooling equipment system.
- (4) The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment, except that in any one- or two-family dwelling unit a permit is not required for repair or replacement of electrical lighting fixtures or devices, such as receptacles and lighting switches, or for the connection of an existing branch circuit to an electric water heater that is being replaced if all of the following requirements are met:
  - a. With respect to electric water heaters, the replacement water heater is placed in the same location and is of the same or less capacity and electrical rating as the original.
  - b. With respect to electrical lighting fixtures and devices, the replacement is with a fixture or device having the same voltage and the same or less amperage.
  - c. The work is performed by a person licensed under G.S. 87-43.
  - d. The repair or replacement installation meets the current edition of the State Building Code, including the State Electrical Code.

However, a building permit is not required for the installation, maintenance, or replacement of any load control device or equipment by an electric power supplier, as defined in G.S. 62-133.8, or an electrical contractor contracted by the electric power supplier, so long as the work is subject to supervision by an electrical contractor licensed under Article 4 of Chapter 87 of the General Statutes. The electric power supplier shall provide such installation, maintenance, or replacement in accordance with (i) an activity or program ordered, authorized, or approved by the North Carolina Utilities Commission pursuant to G.S. 62-133.8 or G.S. 62-133.9 or (ii) a similar program undertaken by a municipal electric service provider, whether the installation, modification, or replacement is made before or after the point of delivery of electric service to the customer. The exemption under this subsection applies to all existing installations.

(b) A building permit shall be in writing and shall contain a provision that the work done shall comply with the North Carolina State Building Code and all other applicable State and local laws. Nothing in this section requires a local government to review and approve residential building plans submitted to the local government pursuant to the North Carolina Residential Code, provided that the local government may review and approve the residential building plans as it deems necessary. If a local government chooses to review residential building plans for any structures subject to regulation under the North Carolina Residential Code for One- and



Two-Family Dwellings, all initial reviews for the building permit must be performed within 15 business days of submission of the plans. A local government shall not require residential building plans for one- and two-family dwellings to be sealed by a licensed engineer or licensed architect unless required by the North Carolina State Building Code. No building permits shall be issued unless the plans and specifications are identified by the name and address of the author thereof, and, if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a licensed architect or licensed engineer, no building permit shall be issued unless the plans and specifications bear the North Carolina seal of a licensed architect or of a licensed engineer. When any provision of the General Statutes of North Carolina or of any ordinance or development or zoning regulation requires that work be done by a licensed specialty contractor of any kind, no building permit for the work shall be issued unless the work is to be performed by such a duly licensed contractor.

(c) No permit issued under Article 9 or 9C of Chapter 143 of the General Statutes is required for any construction, installation, repair, replacement, or alteration performed in accordance with the current edition of the North Carolina State Building Code costing twenty thousand dollars (\$20,000) or less in any single-family residence, farm building, or commercial building unless the work involves any of the following:

- (1) The addition, repair, or replacement of load-bearing structures. However, no permit is required for replacement of windows, doors, exterior siding, or the pickets, railings, stair treads, and decking of porches and exterior decks that otherwise meet the requirements of this subsection.
- (2) The addition or change in the design of plumbing. However, no permit is required for replacements otherwise meeting the requirements of this subsection that do not change size or capacity.
- (3) The addition, replacement, or change in the design of heating, air-conditioning, or electrical wiring, devices, appliances, or equipment, other than like-kind replacement of electrical devices and lighting fixtures.
- (4) The use of materials not permitted by the North Carolina State Building Code.
- (5) The addition (excluding replacement) of roofing.
- (6) Any changes to which the North Carolina Fire Prevention Code applies.

(d) A local government shall not require more than one building permit for the complete installation or replacement of any natural gas, propane gas, or electrical appliance on an existing structure when the installation or replacement is performed by a person licensed under G.S. 87-21 or G.S. 87-43. The cost of the building permit for such work shall not exceed the cost of any one individual trade permit issued by that local government, nor shall the local government increase the costs of any fees to offset the loss of revenue caused by this provision.

(e) No building permit shall be issued pursuant to subsection (a) of this section for any land-disturbing activity, as defined in G.S. 113A-52(6), or for any activity covered by G.S. 113A-57, unless an erosion and sedimentation control plan for the site of the activity or a tract of land including the site of the activity has been approved under the Sedimentation Pollution Control Act.

(f) No building permit shall be issued pursuant to subsection (a) of this section for any land-disturbing activity that is subject to, but does not comply with, the requirements of G.S. 113A-71.

(g) No building permit shall be issued pursuant to subdivision (1) of subsection (a) of this section where the cost of the work is thirty thousand dollars (\$30,000) or more, other than for improvements to an existing single-family residential dwelling unit as defined in G.S. 87-15.5(7) that the owner occupies as a residence, or for the addition of an accessory building or accessory structure as defined in the North Carolina Uniform Residential Building Code, the use of which is incidental to that residential dwelling unit, unless the name, physical and mailing address,

telephone number, facsimile number, and electronic mail address of the lien agent designated by the owner pursuant to G.S. 44A-11.1(a) is conspicuously set forth in the permit or in an attachment thereto. The building permit may contain the lien agent's electronic mail address. The lien agent information for each permit issued pursuant to this subsection shall be maintained by the inspection department in the same manner and in the same location in which it maintains its record of building permits issued. Where the improvements to a real property leasehold are limited to the purchase, transportation, and setup of a manufactured home, as defined in G.S. 143-143.9(6), the purchase price of the manufactured home shall be excluded in determining whether the cost of the work is thirty thousand dollars (\$30,000) or more.

(h) ~~any~~ No local government may withhold a building permit or certificate of occupancy that otherwise would be eligible to be issued under this section to compel, with respect to another property or parcel, completion of work for a separate permit or compliance with land-use regulations under this Chapter unless otherwise authorized by law or unless the local government reasonably determines the existence of a public safety issue directly related to the issuance of a building permit or certificate of occupancy.

(i) Violation of this section constitutes a Class 1 misdemeanor. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 30, 51(a), (b), (d); 2021-192, s. 4(a).)