

Board Chair:

Isaac Holt

Planning Director:

Matthew Hoagland



June 21, 2025 at 5:30 PM
Commissioner's Meeting Room
124 W. Elm Street
Graham, NC 27253

Alamance County Board of Adjustment Minutes

Members' Present:

Isaac Holt
Debra Hyder
Michael Owens
Michael Wilson
Rene Matthews

Members' Absent:

Staff Present:

Matthew Hoagland, *Planning Director*
Keyshawn Haith, *Planner I*
Michelle Horn, *Assistant County Attorney*

Alternate Members' Present:

William Poe

I. CALL TO ORDER

The meeting was called to order at 5:30 Pm.

Mr. Hoagland called the meeting to order due to not having an officially elected Chair and Vice chair. Mr. Hoagland said to the board their first order of business is to elect a new chair and vice chair. He expressed that he would oversee the election process, and turn the meeting over to the newly elected chair.

Motion to elect Ike Holt as chair: Ray Cobb

Second: Mike Owens

Vote: Unanimous

Mr. Holt opened the floor for an election for vice chair.

Motion to elect Ray Cobb as Vice Chair: Mike Owens

Second: Ike Holt

Vote: Unanimous

Motion to accept the minutes of March 21st, 2024: Ike Holt

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Second: Michael Wilson

II. OLD BUSINESS

1. Approval of March 21, 2024, Meeting Minutes

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

Second: Michael Owens

Vote: Unanimous

III. NEW BUSINESS

1. Adoption of 2025 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

2. Amended Rules of Procedure

Mr. Holt states that it looks like the discussions had from the March 7th meeting have been taken 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:

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Michael Owens
Second: Ray Cobb
Vote: Unanimous

A motion was made to relocate the Board of Adjustment meeting room to the Commissioners' Room located at 124 W. Elm Street, Graham, NC. The motion passed unanimously.

3. Pravette RV Parks of the Triad LLC Variance Hearing

Isaac Holt: The next thing—I'm going to do a little swapping around on our agenda for tonight—is making an amendment to the Rules of Procedure for our board. This may go into a little bit more discussion than what Matthew Hoagland is aware of. I have a couple of ideas that I want to add. So rather than keeping the main focus of our meeting tonight postponed—and we have people here with us—we'll move on to the RV Parks of the Triad variance hearing. So let me formally open that hearing now.

As customary, I need to swear in all the people that will participate tonight. That includes county staff as well as members. And if there's anyone in the audience that would like to address this board later on, I will address that issue a little later. So if everyone that needs to take this oath will please stand, I'll be glad to administer it.

[Flips to correct page]

OK, raise your right hand, please.

"I"—and state your name, please—

"Do you solemnly swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth, and nothing but the truth, so help you God?"

[All parties affirmed.]

Isaac Holt: Matthew, will you please present to the board the county's position on this variance request and a little bit of history?

Matthew Hoagland: Applicant Mr. Myron Prevatte, representing the development known as RV Parks of the Triad, LLC, is requesting a variance from the provisions of Section 6.14.1, Subsection B.1 of the Unified Development Ordinance. That section states: "RV parks shall have a clearway of 30 feet."

Mr. Prevatte has applied to construct a recreational vehicle park on the property located at 4441 Swepsonville-Saxapahaw Hall Road. This development has already been reviewed by the County's Technical Review Committee and is otherwise approvable pending other permits.

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On April 24th, 2025, it was discovered that a portion of the required clearway is narrowed by an existing barn on the west side and three large oak trees on the east side of the travel area.

This narrows the clearway down to 25 feet in that section. It's depicted more clearly in the exhibit for variance, which was included in your agenda packet. Mr. Prevatte is requesting to reduce the clearway to 25 feet in this one section, instead of the required 30 feet. The UDO defines a clearway as follows:

"A cleared area of land in a manufactured home park that is free of all obstacles that would prevent access by vehicles for emergency or other purposes. The clearway is privately owned by the manufactured home park operator."

The standards for granting a variance are found in Section 2.3.1(A) of the UDO. They state that the Board of Adjustment shall vary any of the provisions of this ordinance upon a showing of all of the following:

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 or from conditions common to the neighborhood or the general public may not be used as a basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge of the circumstances does not create a self-inflicted 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.

As you deliberate tonight, please evaluate this variance request against each of those four criteria and make a determination for the public record. Pursuant to Section 2.3.3 and state law, a 4/5 vote is necessary to grant a variance.

At this time, Mr. Chairman, I would like to enter all of the documents related to the variance into the public record—unless there is an objection. That would include the email exchange with the Fire Marshal, which came after the agenda packets were sent out.

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Isaac Holt: Before I move on, I'd like to poll each board member. Now that we know who the applicant is and the variance has been recorded, I want to ask each member if there's any potential conflict of interest.

Ray Cobb: I'd like to recuse myself, Sir.

Isaac Holt: You feel that you have a conflict of interest in this case?

Ray Cobb: I've known Mr. Myron Prevatte for quite some time. I know Mr. Lawson, Mr. Lawson's wife, and Mr. Prevatte's wife. I would prefer, personally, not to be involved in this issue.

Isaac Holt: OK, I'll accept that and allow you to be recused.

Ray Cobb: Thanks, Sir.

Isaac Holt: Mr. Mike Wilson?

Mike Wilson: I have no conflict.

Isaac Holt: Debra Hyder? Mike Owens?

(No objections noted.)

Isaac Holt: OK. According to procedure, we have two alternate members here tonight. Rena Matthews, I believe that's you. Please come forward. It's a good way to get broken in—everybody was sitting up here.

Rena Matthews: I was like, OK, we're ready to go. I'm ready to listen.

Isaac Holt: For the record, please state your name.

Rena Matthews: Rena Matthews.

Isaac Holt: This is Rena's first meeting with the Board of Adjustment, so I want to take a moment to welcome you to the board. You're here just for the variance request. After we finish, if Mr. Cobb is still available, he'll resume his seat.

Let me also say that I normally go into a presentation before I begin, but because Mr. Prevatte is represented by Mr. Brown—who I know has briefed him well—I'll skip that. Just to explain briefly, we are a quasi-judicial board, which means we operate like an appellate court. Everything we do has to be based on fact. That's why we swear people in. We are bound by

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North Carolina General Statutes. So while you might feel sympathy in some cases, we have to be guided strictly by the facts and the law.

I trust you were paying attention when Matthew Hoagland gave his presentation.

Rena Matthews: I was.

Isaac Holt: Great. Once Mr. Brown and Mr. Prevatte present their case, I'll open it up for questions. Normally, I start with one question, then go to each member, and then open it up for broader discussion. There are four main issues Matthew touched on that we'll need to vote on individually. If anything is unclear, feel free to ask. We're all here to help. Again, welcome to you and Mr. Poe, as alternates. Now, let's get started.

Isaac Holt: Mr. Brown, would you like to present Mr. Prevatte's position?

Mr. Brown: It was interesting when Myron called me and said, "I've got a hearing before the Board of Adjustment." I said to myself, "Well, I've been doing this for 50 years—this September—and I didn't even know Alamance County had a Board of Adjustment." They're fairly new, less than two years old.

Myron is going to testify that he's been working on this RV park for several years. The critical issue for us is whether this presents a safety issue. And I think the file reflects that the fire department has no concerns about passage over this short stretch of road. That's the critical thing.

But we need to establish all the facts that you need in order to rule in Mr. Prevatte's and RV Parks' favor. Thank you all for your service. I served for 15 years on the City of Burlington's board, and as many of you know, I'm also the in-house attorney for the City of Mebane and part of the Vernon Law Firm.

I've been doing this a long time. With me tonight is Chandler Woods, who is new to our firm. He's a recent high school graduate and currently serves on the Board of Adjustment in Burlington. I asked Chandler on the way here, "How much have you heard about this case?" And he said, "Zero." So we're all in learning mode tonight.

I'd like to hand up some exhibits that I think are important. One of the things I like to do when I go to court—or to a board meeting—is to prepare a draft order. Now, Mr. Hoagland and Ms. Horne will ultimately prepare the official order—hopefully in our favor. But even if not, one will still be created.

I've prepared a draft order that lays out a number of key facts, along with some supporting exhibits that we'll be testifying about. Normally, in a courtroom, I wouldn't testify directly—I'd

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just put Mr. Prevatte on the stand. But in a quasi-judicial setting like this, I like to be sworn in as a party representative.

So with no further ado, I'd like to introduce Mr. Prevatte and ask him a few questions.

Mr. Brown: Myron, would you please state your name for the record?

Mr. Myron Prevatte: Myron Homer Prevatte.

Mr. Brown: And what is your relationship to RV Parks of the Triad?

Mr. Myron Prevatte: I'm the owner.

Mr. Brown: And are you the member-manager as well?

Mr. Myron Prevatte: Yes.

Mr. Brown: Let me hand you this document—everyone on the board will have a copy. Can you explain this site plan?

Mr. Myron Prevatte: This site plan shows 11 RV sites at 4435 Sweatsonville-Saxapahaw Road.

Mr. Brown: How long have you been working on this project?

Mr. Myron Prevatte: Four years.

Mr. Brown: Prior to you beginning this work, was there an RV park ordinance in place?

Mr. Myron Prevatte: No. There was only a mobile home park ordinance at that time.

Mr. Brown: So that ordinance became a stumbling block. Can you explain how?

Mr. Myron Prevatte: Well, the way the ordinance was written, a lot of it just doesn't apply well to RV parks. I mean, there are things like a 60-foot clearway that was originally required—not 30. But when you factor in septic fields, 40-foot setbacks—one of which I even have on a lot I own next door—it really limits what you can do.

You take a 150-foot-wide lot, apply the setbacks, and add the 30-foot clearway requirement, and you're out of usable space. After Matthew Hoagland came onboard with the county, I went back and spoke with him. I didn't think I was going to be able to do this RV park. But he said, "Tell me everything you can do and what you can't do based on the ordinance."

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I think I've met everything required by the ordinance—except for this one section. I realized late in the process that the barn and oak trees were creating an issue. The oak tree roots are growing under the barn. When Duke Power came to install the electricity lines, one of the roots was huge—coming right under the barn. It would be detrimental to try to remove those trees just to gain 5 more feet.

So what I'm asking for is this: the ordinance requires a 30-foot clearway with a 24-foot-wide road. I'm requesting that in this section—in front of the barn—it be allowed to have a 25-foot clearway, but still maintain the 24-foot-wide road. That way, emergency vehicles still have full road access.

Mr. Brown: Now let me direct your attention to the exhibit each board member has. Does this exhibit accurately show the area where you are requesting the variance?

Mr. Myron Prevatte: Yes, it does.

Mr. Brown: Does it show the 42-inch and 40-inch oak trees that are more than 100 years old?

Mr. Myron Prevatte: Yes.

Mr. Brown: And does it show the barn, which is at least 70 years old?

Mr. Myron Prevatte: Yes.

Mr. Brown: Mr. Prevatte, I assume you did not plant those trees or build or expand the barn?

Mr. Myron Prevatte: No. The only thing we've done is some cosmetic work to the barn.

Mr. Brown: Mr. Chairman, I'd like to enter all of these exhibits into evidence as part of this file. I'll also point out that the fire department is satisfied with the requested 5-foot variance.

I'd also like to call your attention to one exhibit highlighted in yellow. It shows that the total variance represents just 6.69% of the overall clearway area. This is a very short section of road, and the full width of the road will still be maintained.

Based on all of that, I believe Mr. Prevatte has met the burden of proof for unnecessary hardship. In my opinion, this is a public benefit—preserving a historic barn and century-old trees.

You've heard that Mr. Prevatte has worked with the county for over four years on this. I appreciate the cooperation and consistency. I believe this request is consistent with the spirit and purpose of the ordinance, public safety is secured, and substantial justice is achieved.

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Hardship resulted from the presence of the barn and the trees when Mr. Prevatte purchased the property. He was unaware at the time that this specific clearway regulation existed. I believe public safety is preserved, and the hardship is due to existing site conditions that deserve preservation.

We are happy to answer any questions you may have about the exhibits or Mr. Prevatte's testimony.

Isaac Holt: Before we move on, I need to rule on the packet you've given us. We've not seen it until tonight. I have a couple of questions. Without having time to study and read through it—who took the pictures?

Mr. Myron Prevatte: I took the pictures.

Isaac Holt: So, you're willing to swear that those are indeed pictures of the property?

Mr. Myron Prevatte: Yes.

Isaac Holt: Then I'll gladly allow the photographs into the record. I'm a little hesitant about the rest of the packet, since we haven't had time to fully review it. Now, if you think it's critical, we can take time now to read it.

Mr. Brown: I don't think it's necessary to read the proposed order at all, Mr. Chair. I'll withdraw that request. That was presumptuous on my part—it's just something I routinely do as part of my process.

Isaac Holt: Fair enough. We'll accept the photographs into the record, and the rest will be noted as withdrawn. And I believe part of what you referenced was already in our county packet, which we've had time to review.

Anything further before we move to questions?

Mr. Brown: Nothing further.

Isaac Holt: OK. Then I'll open it up for our board's questioning session.

Isaac Holt: Matthew, I have a question. This 30-foot clearway—mentioned in the Unified Development Ordinance—is that based on a state regulation? Or where does that come from?

Matthew Hoagland: I'm not aware of any state regulations related to clearways or right-of-way widths for RV parks. As far as I understand, it's a local requirement set by the county.

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Isaac Holt: So the 30-foot clearway is strictly a county regulation. OK. Mike Owens, do you have any questions?

Michael Owens: Yeah, I've got a few. You said earlier that the tree roots are under the barn. Are any of those roots under the proposed driveway? Could that be a problem in the future?

Mr. Myron Prevatte: I couldn't say for sure. I don't know.

Michael Owens: Do you know how wide a fire truck is? Or an ambulance? Who from the fire department came out and looked at the site?

Mr. Myron Prevatte: It was the Fire Marshal—John Payne, I believe.

Michael Owens: But he didn't send a letter, right? The Deputy Fire Marshal, Jessie Gwynn, did. Did you ask John Payne for a letter?

Mr. Myron Prevatte: He told me he would follow up with Matthew and let him know everything was fine. We do have an email that came from his office, I believe.

Michael Owens: That one tree closest to the barn—do you know how far away it is?

Mr. Myron Prevatte: It's about 25 feet.

Michael Owens: Did you ever consider removing that tree? It looks like if you took just that one out, you'd gain more clearance.

Mr. Myron Prevatte: No, they're all pretty close. All within that 30-foot margin.

Mr. Brown: I'd just like to note that we do have the June 16th email at 3:32 PM from Jessie Gwynn, Deputy Fire Marshal, stating that the Fire Marshal's Office is satisfied with the proposed road clearance at the RV park.

Isaac Holt: Yes, we've reviewed that email in our packets.

Michael Owens: For reference, I did a little research. The average fire truck is about 10 feet wide, same as an ambulance. For example, a Ford F-550 ambulance is 106.5 inches wide, mirror to mirror. So technically, if two emergency vehicles had to pass, they could.

Mr. Myron Prevatte: But it's designed to be a one-way road.

Michael Owens: Even so, in an emergency situation, like if a volunteer firefighter is trying to get in and it's dark, visibility matters. I don't see any lighting on your barn. Just something to think about.

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Also, you mentioned earlier that these are two separate lots, correct?

Mr. Myron Prevatte: Yes, three actually.

Michael Owens: And the first part of your project—those mobile home lots—was done under the old rules, right?

Mr. Myron Prevatte: Yes, I was grandfathered in.

Michael Owens: But the parcel we're discussing now didn't have any RVs or mobile homes on it?

Mr. Myron Prevatte: Correct.

Michael Owens: So this is essentially a new development.

Mr. Myron Prevatte: Yes.

Michael Owens: OK, that's all I've got for now.

Isaac Holt: Debra Hyder, do you have any questions?

Debra Hyder: No, sir. I'm listening to everything.

Isaac Holt: Mike Wilson?

Mike Wilson: No, I don't see any issues.

Isaac Holt: Rena Matthews?

Rena Matthews: I do have a few questions, but I think I'll save them for later. Mr. Owens asked some good ones, and that helped me understand the situation better. So I'll pass for now.

Isaac Holt: Matthew, anything further the county would like to say?

Matthew Hoagland: There were a couple of points brought up during discussion where I considered interjecting, but I didn't want to interrupt. So I'll just address them now.

From the county's perspective, this is a new development. I believe there's documentation from 2021 about an initial submittal, but typically, if a project goes more than a year without moving forward, then it's treated as a new proposal.

Regarding the Fire Marshal's email—if the board feels it's not appropriate to include in the record, that's your prerogative. But I think the distinction is worth noting: the fire code covers

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road width, while the **clearway** requirement is specific to our county ordinance. Those are two different things.

Isaac Holt: And I believe Jessie addressed that in his email?

Matthew Hoagland: Yes, he did. Also, John Payne is out of town this week. He felt it would be more appropriate for Mr. Gwynn to weigh in. That's why you received the email from the Deputy Fire Marshal instead.

Isaac Holt: Do you know whether Jessie actually visited the site?

Matthew Hoagland: I believe the Fire Marshal's Office visited the site, yes.

Mr. Brown: I can confirm that—John Payne, Jessie Gwynn, and another individual from the Fire Marshal's Office came out and inspected the site.

Isaac Holt: Mr. Prevatte, one of the things we have to consider when making our decision is how this could set precedent. I understand this is not a property line issue—you own other property there. But the layout of the lot is what determined the road placement.

Having served on the Alamance County Planning Board years ago, I remember the rural fire departments playing a big role in deciding what kind of road widths are needed. Travel ways are a serious issue—especially in rural areas. I've operated a lot of big equipment in my time, and I know how important space and turning radiuses are.

Now, you're only asking for a variance on a small portion of the road, which I understand. But I think Mr. Owens brought up a good point—we want to avoid creating a bottleneck.

Mr. Myron Prevatte: I understand. This 24-foot-wide road is still wider than a typical state road.

Isaac Holt: I get that. But looking at these pictures—it's hard for me to see how the road curves. Once you reach the barn, how quickly does it turn?

Mr. Myron Prevatte: See that post back there beside the truck? That's about where it turns. I'd estimate the distance to the turn is about 100 feet from where the road enters off Swepsonville-Saxapahaw Road.

Isaac Holt: OK, show me again—where is the barn in relation to that?

Mr. Brown: The barn is located right here. The road comes in, stays 30 feet wide until it reaches this point, and that's where it narrows to 25 feet.

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Isaac Holt: Got it. I'm sorry—my vision's not great. I just had a cornea replacement three weeks ago, so I'm still adjusting.

Rena Matthews: Do we have a way to put this on the screen so everyone can see?

Mr. Myron Prevatte: Sure, if you come down to this section—it stays 30 feet wide until it hits this curve, and then narrows to 25 feet just in front of the barn.

Isaac Holt: I see now.

Matthew Hoagland: That layout is also depicted in the exhibit we included in your packet.

Isaac Holt: That helps. Now, just for clarification—not related to this specific variance—but does the ordinance allow for 90-degree turns in an RV park road without requiring a clear sight distance?

Matthew Hoagland: The RV park ordinance doesn't really speak to curves, right angles, or sight distance. That's something that might need to be clarified in future updates.

Isaac Holt: That's unusual. Most road design standards address those issues.

Matthew Hoagland: Agreed—it's a little outside the scope of this hearing, but that's a good point. It would be helpful to both administrators and developers to have more clarity.

Isaac Holt: Back to the road—does this connect to another road on the property?

Mr. Myron Prevatte: Yes, it loops around and comes back out to Saxapahaw Road. That's why it's a one-way layout.

Michael Owens: Can we back up for a second? You mentioned earlier that you went back to revise your site plan after realizing the clearway issue. At that time, Matthew told you to review and figure out if any variances would be needed?

Mr. Myron Prevatte: That's right. I originally went to a TRC meeting and was told we were grandfathered in for that first layout. Matthew said to go back, look at the ordinance, and determine what, if anything, I needed a variance for.

Isaac Holt: So that was you speaking with Matthew Hoagland?

Mr. Myron Prevatte: Yes. I reviewed everything and reworked the layout to meet the ordinance—except for this one issue near the barn. Everything else meets the requirements.

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Michael Owens: About the adjoining property you own—was there any reason you couldn't combine the lots?

Matthew Hoagland: I don't remember all the details, but since there were already structures on that lot, we agreed it would be easier to develop the RV park from a clean slate.

Michael Owens: I understand. And I do appreciate you mentioning that the clearway is wider than many DOT roads. That's all I have.

Isaac Holt: Then I'm going to close the comment section, and we'll deliberate this among ourselves. I will say this, Mr. Prevatte, and I'm, and I'm sure Mr. Brown has already told you, the four questions that we have to take into consideration and act upon is required by state law. There at the end, it's sort of like when someone comes before us, it has to be factual that that's the reason, you know, I question about the pictures, photographs, who took that we had to make. We had to be satisfied that it's factual. So, with that, Mike, what's your feelings?

Michael Owens: In short, I was going to give the variance.

Isaac Holt: You would vote, yes?

Michael Owens: Yes, Sir.

Isaac Holt: Debra, do you agree with that?

Debra Hyder: I agree with that.

Isaac Holt: Mike Wilson?

Mike Wilson: Same here. I rode out to the site yesterday and just rode through it and I've driven big pieces, equipment used to drive a 45-foot bus, and I could have put it through there 30 miles an hour if I needed to. So I don't have a problem with it.

Isaac Holt: Rene?

Rena Matthews: So, I agree. It was just a short section that did not. That was down to 25, I mean. Everything and it's great, exactly. And everything else was in order, so I agree.

Isaac Holt: OK. One of the things that we can't consider here is the expense that's associated with any improvements. The ordinance, the state law says specifically that that's not an issue that we can take into consideration. One of the things that I think a little bit about was I know it's expensive to have trees taken down. I had some trees taken down last year, 3 trees around the house cost me \$10,000.

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Mike Wilson: Takes a long time to grow a tree. Yeah, especially one that size.

Isaac Holt: So I know that, you know, it's something to fight. OK, having said all that, there's no further discussion. OK. Well, let's let's let's go 1 by 1 just for the record, and I'd like to have a motion on each, each Item individually. I'll read them out.

Isaac Holt: 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. I'll, I'll be glad to entertain a motion.

Matthew Hoagland: Yes, Sir. I'll just make a quick note that as you make your motions and seconds and put a point on it, whether you vote yes or no. A statement of finding a fact is helpful in building a proper case.

Isaac Holt: Yes, that's the reason we'll need some statement of fact. Yes, Sir. And also for our new member I didn't tell you this for this variance to be approved, it takes a four fifth vote. It's not just a simple majority vote. Under our normal regulations, it's a normal, just a regular majority, but under a variance request it takes 4/5. So, does anyone have a motion for me on item number one?

Michael Owens: I'll make a motion.

Isaac Holt: And what does your motion say?

Michael Owens: He does make that unnecessary hardship, and I think several ways that one by the gate they called it that ordinance, not if you throw a foot when the state roads only 24 feet. He's been put in hardship and the State is playing by different set of rules.

Isaac Holt: So let me make sure and let me restate that I understand you're making a motion that that we say he does have an initial based on the fact that the state of North Carolina on their DOT roads does not require a wider travel way. That's a motion. Is there a second?

Mike Wilson: Second.

Isaac Holt: All—any discussion? All in favor say I.

All Members: I.

Isaac Holt: Let it be shown some unanimous. As to requirement #2, I'll read it. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardship 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

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accommodation under the federal Hire house talking about handicapped, which doesn't apply. I'll be glad to entertain a motion here as well.

Mike Wilson: I'll make a motion that it satisfies the paragraph two of the whatever you call it.

Isaac Holt: Based on what?

Mike Wilson: Based on that, it's particular to that condition. You got trees and a building, which would be a hardship to replace or to move.

Isaac Holt: OK, let me make sure I understand you're you're making a motion. That that we say. That the hardship results from conditions that are already there.

Mike Wilson: Yes.

Isaac Holt: OK. And you don't think it needs to be moved, and it really does not. It really does not create a hardship that's not workable.

Mike Wilson: Correct. I mean, Mother Nature could move it tonight. Who knows? But we don't need to be requiring him to move it.

Isaac Holt: OK there's a motion and a second on the floor. As to the second question that the hardship creates a handicap that is really not a hardship in this situation to not grant a variance. Is that fair?

Mike Wilson: I think I'm not sure exactly what you said. You talked like a lawyer. You talking in backwards.

Isaac Holt: In other words, what we're saying here is what, what your motion is then and the 2nd that that we don't consider a hardship that that can't be overcome. Right. Is that good enough for you, Matthew?

Matthew Hoagland: For those, yeah.

Isaac Holt: All in favor, say I.

All Members: I.

Isaac Holt: All opposed. Let it be shown it's unanimous. The third hurdle, the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with the knowledge of circumstances that exists may justify the granting of a variance. If it is not self created hardship. I'll be glad to entertain a motion here.

Board Chair:

Isaac Holt

Planning Director:

Matthew Hoagland



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Mike Wilson: That's pretty much already been stated, hasn't I'd say.

Isaac Holt: So you make a motion?

Mike Wilson: I will.

Isaac Holt: That that the hardship is not a result.

Mike Wilson: Of anything he did.

Michael Owens: I'll second.

Isaac Holt: There's a motion and a second. Any discussion? All in favor say I.

All Members: I.

Isaac Holt: All opposed? Let the record show that it was a unanimous decision. The last hurdle: 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.

Michael Owens: I'll make a motion. It's obvious that ambulance can go through their easement easily, fire truck can pass through easily. So safety is not going to be concerned.

Isaac Holt: OK, any Second?

Rena Matthews: I'll second.

Isaac Holt: OK. Let me restate the motion. Let me restate the motion that is required—what item 4? There's a motion to say that the variance is consistent with the spirit and the emergency. It is the view of the board that emergency—and it is adequate for emergency vehicles. Any discussion? All in favor say I.

All Members: I.

Isaac Holt: Any opposed? Let the record show please that it's unanimous again. Mr. Prevatte, I believe you'll be able to proceed. The county will forward to you shortly a letter that—and I think that's what Mr. Brown was talking about earlier. I'll have to sign some documentation, but that that'll be out to you shortly. Matthew, can you give him a time on that? Maybe roughly?

Matthew Hoagland: Well, let me just read for you the statute. So everybody's on the same page for exactly what the procedure will be. So, this is 160D-406(j) decisions. The Board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the quasi-judicial decision is effective upon filing of the written decision with the clerk to

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the board—that's me—or such other official as the development regulation specifies. The decision of the board shall be delivered within reasonable time by personal delivery, electronic mail or first class mail to the applicant, landowner and any person who—or any person who has submitted requesting a copy. The person required to provide notice shall certify to the local government that proper notice has been made and the certification shall be deemed conclusive in the absence of fraud.

So I think ideally the board will approve of it at the next meeting. It's a signed documentation and then mail it to the applicant.

Mr. Myron Prevatte: OK, at the next meeting—next March?

Isaac Holt: We're going to address that with some further business here tonight. That's the reason I put something off here earlier.

Matthew Hoagland: Third Thursday in July.

Isaac Holt: We're going—we're going to address that here shortly.

Mr. Brown: Thank y'all very much.

Isaac Holt: OK, then let me close this variance request. Rena, thank you for your service.

IV. ANNOUNCEMENTS/DISCUSSION

V. ADJOURNMENT

Meeting was adjourned at 6:48 Pm.