

**Board Chair:**  
Ike Holt, III

**Planning Director:**  
Matthew Hoagland



Commissioners' Meeting Room  
124 W Elm Street  
Graham, NC 27253  
February 19, 2026 at 5:30 PM

# ALAMANCE COUNTY BOARD OF ADJUSTMENT AGENDA

**Members' Present:**

Michael Wilson, Ray Cobb, Ike Holt, Bill Poe  
(Alternate), Rene Matthews (Alternate)

**Members Absent:** Debra Hyder, Michael  
Owens

**Staff Present:** Matthew Hoagland – *Planning Director*, Keyshawn Haith - *Planner*, Rik Stevens – *County Attorney*, Michelle Horn - *Assistant County Attorney*, Kwame Opata - *Assistant County Attorney*, Ryan Langley – *Alamance County Health Department On-Site Wastewater Supervisor*

## I. CALL TO ORDER

Chairman Ike Holt called the meeting to order at 5:35 PM.

Chairman Holt opened the meeting with introductory remarks explaining the role and authority of the Board of Adjustment. He stated that he likes to begin meetings with a brief explanation of what a Board of Adjustment is, noting that most people are not aware that the board is a quasi-judicial body appointed by the Alamance County Board of Commissioners. He explained that the Board operates under North Carolina General Statutes and North Carolina law. He emphasized that the Board is a heavily regulated body and cannot “just do what we think is right.” He stated that any evidence presented must be factual and that the board must base its opinions and vote strictly on the evidence presented. Addressing the applicant, Mr. Dyer, Chairman Holt stated that there would be questions asked during the hearing that the board would have to rely upon in making its decision. He further explained that the board acts in a capacity like a judge and jury, and to his knowledge, is the only board in the county that can overrule a county decision. In this case, he noted that the matter involved a variance request and that the county had not made a ruling, so the board would be acting on the variance request itself.

Chairman Holt informed the applicant that if he disagreed with the board’s decision, the next step would be to appeal to Alamance County Superior Court. He reminded the board that members are required to stay focused on the matter at hand and not get sidetracked, as the board is charged with following the law. He stated that the request before them involved a 15-foot easement where a 20-foot easement is required by local ordinance. Chairman Holt also noted that there may be times during the hearing when he polls members. He stated that he had exercised his authority as chairman to request that a representative from the Health Department be present at the meeting. He noted that while he has subpoena power, it was not necessary in this case. Chairman Holt also

thanked Mr. Ryan Langley from Environmental Health for attending and stated that his information would be important to the board's deliberation tonight.

## **II. OLD BUSINESS**

### 1. Approval of January 15, 2026 Meeting Minutes

Chairman Holt stated that there was a small amount of housekeeping items to address before proceeding to the hearing and moved to Old Business. Chairman Holt stated that he trusted all members had the opportunity to review the minutes from the January 15, 2026 meeting and asked if there were any corrections. Hearing none, Chairman Holt stated he would entertain a motion to approve.

Motion to Approve: Ray Cobb

Seconded by: Michael Wilson

All members voted unanimously to approve.

## **III. NEW BUSINESS**

### 1. Lacey Ridge Lot 4 Septic Easement Width Variance (Case# 2026-01)

Chairman Holt stated that the board would now open the meeting to what is referred to as a quasi-judicial hearing. He explained that the procedure for the hearing would be as follows: the Board would first hear from the County's representative, then from the applicant, Mr. Dyer, and afterward he would call Mr. Langley to provide information. He informed Mr. Dyer that he would be allowed to ask Mr. Hoagland or Mr. Langley questions if he felt it necessary, and that Board members would also likely ask questions throughout the proceeding. Chairman Holt further stated that any member of the audience who wished to speak regarding the matter would be allowed to do so; however, they must demonstrate standing in the case. He explained that in order to address the board, any statements made must be factual and supported by evidence, and not simply personal opinion. Chairman Holt referenced prior meetings in which neighbors appeared before the board but were determined not to have standing because they did not have factual evidence to support their statements. He reiterated that the board is heavily regulated under North Carolina law and that all testimony received must be factual. He then asked if there was anyone in the audience, other than Mr. Dyer, who wished to speak on the matter. Three individuals indicated they wished to speak. Chairman Holt recognized the first individual from the audience. A lady named Barbara Millikan stated that she did not understand the letter she had received and that was the reason she was present. Chairman Holt responded that he would still need to make a determination regarding standing. He then asked the individual to please identify herself for the record. Chairman Ike Holt asked whether she had an opinion as to whether she was in favor of or against the request being considered. Ms. Millikan responded that she did not, because she did not fully understand what

the matter involved. Chairman Holt stated that he would postpone ruling on whether she had standing until after she heard the presentation. He further stated that she likely would not have standing in the case because any statements made before the board must be factual and supported by evidence, and the board's decision must be based on factual information.

Chairman Holt stated that he believed the speaker was an adjoining property owner and that he had seen her name listed as such. A member of the Orozco family (neighboring property) confirmed that she was an adjoining property owner. She stated that there had been some lack of clarity surrounding the matter and that they had spoken with their attorney, as there were several questions regarding the request. She stated that they had walked the property and were not understanding how certain measurements, including the distance from outbuildings, had been determined. Chairman Holt responded that it would depend on how the discussion progressed during the hearing and expressed that many of the questions would likely be addressed during the presentations, though there could be follow-up comments afterward. Chairman Holt asked if her standing would be based on the fact that she was an adjoining property owner and whether she lived on the property. She confirmed that she did reside on the adjoining property. Chairman Holt then asked whether she had any factual evidence to present to the Board that evening. Ms. Orozco responded that she was not aware of everything that would be involved in the hearing but stated that there was approximately eight feet from the property line to an outbuilding. She questioned whether the requested variance required that nothing be located within the easement area and whether the outbuilding would impact that. She further questioned whether the applicant would need an easement onto her property and stated that they were present to gather more information about what was occurring.

Chairman Holt stated that the question raised by the adjoining property owner likely should have been directed to Mr. Hoagland earlier in the process. Mr. Hoagland indicated that the board could confirm procedural requirements with legal counsel if necessary. He suggested that after the staff presentation and once additional information had been conveyed during the hearing, the chairman could revisit the issue of standing with audience members and probe more specifically into whether there was a legitimate claim of standing before hearing from them later in the proceeding.

A citizen then asked Mr. Hoagland whether his information had been included in the materials that were sent to the adjoining properties. The adjoining property owner stated that she did not have any of the supporting information and had only received notice of the hearing date. Mr. Hoagland responded that the notice she received was simply notification of the hearing and asked whether she had an opportunity to reach out to staff prior to the meeting. The adjoining property owner indicated that she had not. The adjoining property owner stated that she was unsure how she would have obtained the additional materials prior to the meeting. Mr. Hoagland responded that there was an opportunity to obtain the information by contacting the Alamance County Planning Department and requesting the materials associated with that evening's hearing. The adjoining property owner acknowledged the response.

Chairman **Ike Holt** administered the oath to all individuals intending to offer testimony in the matter. The oath was given as follows: “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?”

The record reflects that all individuals who intended to testify stood and were duly sworn (Mr. Hoagland (Planning Director) & Mr. Mark Dyer (Applicant)).

Chairman Holt thanked those present.

Mr. Hoagland presented the county’s position on the variance case.

Mr. Hoagland stated that the applicant, Mark Dyer of BCI Homes, Inc., is requesting a variance from Section 6.9.4(G)(5) of the Alamance County Unified Development Ordinance (UDO), which establishes minimum lot area requirements for residential lots utilizing wastewater systems.

Specifically, the applicant is seeking relief from the following requirement:

“A sewage easement of a minimum width of 20 feet must be provided between the house location and the designated system area.”

Mr. Hoagland explained that on the preliminary subdivision plat known as Mason Ridge, Mr. Dyer is proposing a 15-foot-wide private septic system access and maintenance easement (labeled PSSAME) spanning the entire southernmost border of Lot 4.

He stated that the septic easement is intended to serve Lot 3 by carrying wastewater from the residence on Lot 3 to an offsite containment area labeled “3A,” located within proposed Lot 9 on the same preliminary subdivision plat. Mr. Hoagland requested that the plat be displayed on the screen for reference.

Mr. Hoagland stated that a 15-foot-wide sewage easement cannot be approved administratively by County staff because the ordinance requires a minimum width of 20 feet. Therefore, Mr. Dyer is requesting a variance from the width requirement. Mr. Hoagland then read into the record the standards for granting a variance, as found in Section 2.3.1(A) of the Unified Development Ordinance: “When unnecessary hardships would result from carrying out the strict letter of the regulation, the Board of Adjustment shall vary any of the provisions of this ordinance upon a showing of all of the following:

*1. Unnecessary hardships would result from the strict application of the regulation. It shall not be 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 to the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make reasonable accommodation under the Federal Fair Housing Act.*

*3. The hardship did not result from actions taken by the applicant or property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as 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.”*

Mr. Hoagland advised the Board that, as they deliberate, they must evaluate the variance request under each of these criteria and make a decision on each criterion for the record. He further stated that pursuant to Section 2.3.3 of the UDO and North Carolina General Statutes, a four-fifths (4/5) vote of the Board is required to grant the variance. Mr. Hoagland requested that all documents related to the variance be entered into the public record unless there was an objection.

There was no objection, and the documents were accepted into the record.

Mr. Hoagland also noted for the record that hearing notice letters were mailed to all owners of land abutting the subject property on Friday, December 30, 2026, and that a sign was posted on the property on Tuesday, February 3, 2026, in order to satisfy the statutory time requirements of North Carolina General Statute 160D-406(b).

Mr. Hoagland concluded his presentation and stated that he was available to answer any questions from the Board.

Chairman Ike Holt asked if any Board members had questions for Mr. Hoagland. Mr. Michael Wilson asked Mr. Hoagland to repeat which lot the drain field would be located on.

Mr. Hoagland responded and referenced the subdivision plat displayed on the screen. He explained that the septic easement is intended to serve the residence located on Lot 3, with the wastewater being carried to the designated offsite containment area as shown on the plat. **Matthew Hoagland** further explained that the septic easement would pass through the southernmost border of **Lot 4**, which is where the easement is located. He stated that the wastewater would then discharge into the off-site septic area labeled “3A,” which is situated within the larger proposed **Lot 9** on the preliminary subdivision plat.

Chairman Ike Holt asked Mr. Hoagland whether the subdivision had been surveyed and whether the Health Department had approved septic systems for the entire subdivision at this time. Chairman Holt noted that he had observed that the Health Department had not approved septic systems for the entire subdivision and asked if that was correct. Mr. Matthew Hoagland responded that, to his understanding, that was correct. He stated that the subdivision is still in the preliminary phase. He explained that it is common practice, and in fact recommended, that preliminary plats be submitted for review to ensure compliance with the Unified Development Ordinance (UDO). Mr. Hoagland clarified that the subdivision is currently in the preliminary review phase and has not yet reached the final plat phase.

At that time, a member of the audience raised their hand seeking recognition from the Chair.

Chairman Ike Holt stated, "I'm sorry, ma'am," and indicated that there would be a time later in the hearing for public comment. He then redirected the discussion back to the Board and asked if there were any additional questions for Mr. Hoagland.

Board Member Bill Poe asked a question regarding development activity within the subdivision. He inquired whether there was currently a house being constructed on Lot #5. Mr. Mark Dyer, applicant, responded, "Yes, sir," confirming that a house is currently under construction on Lot #5. Board Member Bill Poe asked whether the subdivision was in the preliminary phase and questioned how the house currently under construction on Lot 5 had been approved and plotted.

Mr. Matthew Hoagland responded that, if he remembered correctly, the subdivision was being developed in two phases. He stated that several of the frontage lots had already been platted and approved in a prior phase.

Chairman Ike Holt stated that he needed to back up and acknowledged that he had not properly polled each Board member regarding any potential conflicts of interest prior to proceeding with the hearing. Chairman Holt stated that the earlier comment about familiarity with the property prompted him to address the matter. He then began polling the Board members individually.

Chairman Holt first addressed Mr. Cobb and asked whether he had any potential conflict of interest in the matter before the Board. Mr. Cobb stated that there could potentially be a conflict of interest. He disclosed that he has known Mr. Dyer for a long time, knows his wife, and described them as good people. He further stated that he has worked for Mr. Dyer in the past. Mr. Cobb indicated that he was unsure whether this relationship constituted a conflict but acknowledged the prior working relationship.

Chairman Holt clarified Mr. Cobb's statement and asked whether he had previously had a working relationship with Mr. Dyer. Mr. Cobb responded, "*Yes, sir, I have,*" confirming that he has had a prior working relationship with Mr. Dyer. Chairman Ike Holt asked Mr. Cobb how long ago the prior working relationship with Mr. Dyer had occurred. Mr. Cobb responded that

the working relationship occurred approximately ten to fifteen years ago and stated that it had been a while. Mr. Cobb further disclosed that Mr. Dyer installed the septic system at his residence approximately twenty-five years ago. He reiterated that it had been a long time.

Chairman Ike Holt asked the remaining Board members whether any member had concerns regarding Mr. Cobb's prior working relationship with Mr. Dyer as it related to a potential conflict of interest.

Board Member Michael Wilson stated that, in his opinion, Mr. Cobb could remain seated on the matter, provided that the prior relationship would not affect Mr. Cobb's decision-making process. Mr. Cobb stated that he felt comfortable remaining seated and indicated that his prior relationship with Mr. Dyer would not affect his ability to make an impartial decision.

Chairman Holt then asked Mr. Wilson whether he had any conflict of interest in the matter before the Board. Mr. Michael Wilson responded that he did not.

Chairman Holt continued polling the Board members for potential conflicts of interest. The remaining members present stated that they had no conflict of interest in the matter before the Board. Chairman Holt determined that no disqualifying conflicts existed and that the Board was properly constituted to hear the case.

Chairman Holt asked whether any member of the Board had personally visited or inspected the subject property prior to the hearing. Mr. Cobb stated that he had driven by the property several times. He further stated that he was familiar with the tract from years ago and knew the family that previously owned the land. He indicated that he was aware of the road located beside the lot and referenced familiarity with the surrounding area. He confirmed that he had been through the area but did not indicate that he had conducted a formal inspection related to the variance request. Chairman Holt acknowledged that he also had familiarity with the area. He then thanked the members for their responses regarding site visits. Chairman Holt stated that he had needed to complete those procedural disclosures before proceeding and apologized for not doing so earlier in the hearing.

Chairman Holt then invited the applicant, Mr. Mark Dyer, to present his position to the Board.

Mr. Mark Dyer, applicant, presented his position to the Board and distributed copies of supporting materials to the members. He referenced a larger version of the site plan displayed on the screen, which illustrated the proposed layout and existing conditions on the property. Mr. Dyer stated that there was previously an existing house on the property and that on Lot #4 there is currently an existing septic system permitted for a two-bedroom residence. He stated that they are in the process of upgrading that system to accommodate a three-bedroom residence. He explained that the lots within the subdivision are very limited due to soil conditions and site constraints. He stated that he hired a soil scientist to evaluate the entire 30-acre tract, which took approximately six months to complete. He further stated that the Health Department has been

reviewing and verifying the proposed septic locations and soil evaluations. He indicated that representatives from the Health Department had visited the property, including Lot #4 and Lot #3, and were present to address any related questions. Mr. Dyer stated that he relies on his professional team, including zoning and Health Department staff, for guidance regarding regulatory requirements. He stated that his role is to build homes and that he depends on staff to interpret and apply the applicable regulations. Regarding Lot #4, Mr. Dyer stated that there is an existing well, existing septic system, and existing structures that he intends to leave in place. He explained that the proposed house location is essentially the only feasible location on the lot due to existing septic lines, designated repair areas, and significant subsurface granite. He referenced the site drawing, noting that the small circles represented granite rock formations. He stated that the area contains substantial granite, referencing the nearby quarry as evidence of the geological conditions. Mr. Dyer explained that Lot #3 will contain a residence that utilizes a spray irrigation septic system with a designated repair area. He stated that the wastewater from Lot 3 is proposed to be pumped through a two-inch line to an offsite septic field labeled "3A," located within proposed Lot #9 on the subdivision plat. He stated that the most feasible location for the sewer line is along the rear property line of Lot #4. He explained that this alignment minimizes intrusion onto Lot #4 and that the 15-foot easement area would not significantly impact future use of Lot #4, as building restrictions would already limit construction in that area. Mr. Dyer stated that he was advised that in order to allow the sewer line to be installed in that location, he would need to request a reduction of the required 20-foot sewage easement to 15 feet. He stated that this request is the sole reason he is before the Board. Mr. Dyer also referenced photographs submitted into evidence, stating that they demonstrate the presence of granite rock on the site. Chairman Ike Holt asked Mr. Dyer to further explain the photographs that had been submitted into the record. Mr. Mark Dyer further stated that the photographs were provided as factual information to demonstrate the presence of rock on the property. He stated that individuals who have walked the property would be able to observe the rock conditions firsthand. He referenced Health Department staff, indicating that based on their evaluation and recommendation, the proposed easement location was determined to be the best placement for the septic line. Mr. Dyer stated that he initially proposed an alternative location; however, Health Department staff advised that the proposed rear alignment was the most appropriate location and informed him that a variance would be required in order to proceed.

Mr. Holt asked Mr. Dyer whether he anticipated utilizing the existing septic system located on #Lot 4.

Mr. Dyer responded, "*Absolutely*," confirming that he anticipates using the existing septic system on Lot #4, subject to the necessary upgrades and Health Department approval.

Mr. Dyer further stated that in addition to the existing septic system on Lot #4, there is a designated repair area located in front of the existing system. He noted that the repair area is situated in an area where rock is present on the property. Mr. Dyer referenced the larger site plan displayed on the screen and clarified the location of the septic components on Lot #4. He

indicated that the existing septic system is located near the driveway area and stated that the designated repair area is situated adjacent to it. He further identified the proposed house location on the plan.

Mr. Dyer stated that due to the placement of the existing septic system, the designated repair area, and the presence of rock, there is very limited flexibility for relocating septic infrastructure on the lot. He explained that septic soil areas are critical to development, stating that without an approved soil area, a residence cannot be constructed. He further stated that septic areas cannot be disturbed, built upon, driven over, or excavated. Mr. Dyer reiterated that he hired a soil scientist to identify suitable septic locations and that he works closely with Health Department staff, who provide guidance regarding limitations and regulatory requirements. He stated that he attempts to design within those constraints.

Board Member Ray Cobb asked whether there is currently a house located on Lot #2 within the subdivision. Mr. Dyer responded that there is currently one existing house located on Lot #2, and that another house is presently under construction on Lot #5. He stated that those are the only houses currently on the property. Board Member Ray Cobb stated that he was asking because the referenced lots are located adjacent to Lot 5, near the Class I unbuilt private road that extends toward a neighboring property. Mr. Cobb recalled that at one time there had been a small frame house located on Lot #2 and inquired whether that structure was still present. Mr. Dyer confirmed that there is still a house located on Lot #2. Mr. Cobb further inquired regarding ownership of Lot 1, asking whether it belonged to Mr. Dyer. Mr. Dyer clarified that Lot 1 is owned by DCI Homes, Inc., and not by him personally. Mr. Cobb acknowledged the clarification. Mr. Dyer stated that the referenced lots are part of Phase Two of the subdivision. He explained that soil science work has been completed for that phase and that five suitable soil areas were identified for five separate lots. He indicated that development of those lots would occur at a later time and is not part of the current variance request. Mr. Dyer stated that there is already an existing septic system and well located on the property. He indicated that there is an existing septic system located approximately in the middle portion of Lot #1.

Board Member Mr. Cobb asked Mr. Dyer how far the proposed well would be located from the requested 15-foot septic easement. Mr. Dyer responded that the well is already existing on the property. He stated that the existing well will be utilized for the residence. Board Member Ray Cobb asked Mr. Dyer how far the existing well is located from the proposed 15-foot septic easement. Mr. Dyer responded that he did not know the exact distance between the existing well and the proposed 15-foot septic easement. Chairman Holt referenced the survey and stated that, according to the survey, the distance from the property line to the existing well is approximately 27.97 feet, or generally 28 feet.

Chairman Holt stated that if the proposed septic easement is 15 feet in width from the property line, that would leave approximately 12 feet between the edge of the easement and the existing well.

Board Member Renee Matthews asked Mr. Dyer a question regarding the rock conditions on the property. She asked whether the areas where rock was identified had been fully evaluated and whether digging into the rocks had been exhausted as an option. She further inquired whether the decision not to dig through the rock was based on cost considerations or whether it was determined that excavation through the rock was not a feasible option. Mr. Mark Dyer responded that, in his opinion, the best location for the septic line serving Lot #3 to reach the offsite area on Lot 9 is along the rear property line of Lot #4. He stated that because Lot #4 will eventually be sold to a separate owner, he cannot dictate how that owner will want to use their property, and therefore he believes the rear alignment minimizes impact. Mr. Dyer further testified that the granite rock present on the site is substantial, describing some formations as “car-sized” and extending deep below the surface. He stated that the sewer line would need to be buried approximately 30 inches deep, which would require significant excavation through rock. He also stated that installation along other potential routes would require crossing a dry creek bed area that can be swampy, particularly further north on the property. He testified that excavation in those areas would involve digging through wet soils and additional rock formations. Mr. Dyer stated that he initially proposed a different easement location; however, upon review by the Health Department, he was advised that the preferred alignment was along the rear of the property and that a variance would be necessary to proceed. He testified that, based on discussions with Health Department staff, he does not believe there is a feasible alternative location for the septic line.

Board Member Renne Matthews asked for clarification, stating that she wanted to ensure she understood correctly. Ms. Matthews asked whether installing the septic line in another location was technically possible, but that the Health Department had advised against that option. Mr. Dyer responded that while alternative routes may be technically possible, they would require significant excavation through granite rock formations. He stated that installation in other locations could involve blasting rock, extensive grading, and substantial expense.

Mr. Dyer testified that alternative alignments could also require removal of trees and disturbance of natural areas. He stated that he prefers to minimize environmental disturbance where possible.

He reiterated that he initially proposed a different easement alignment; however, after discussion with County planning staff and subsequent review by the Health Department, he was advised that the septic line should be located along the rear of the property and that a variance would be required to allow a 15-foot easement in that location. Mr. Dyer stated that the final proposed location was based on guidance provided by staff and the Health Department.

Board Member Renne Matthews asked a follow-up question regarding the requested 15-foot easement along the rear of Lot #4. Ms. Matthews asked what specific infrastructure would be located within the easement area. She inquired whether the septic tank itself would be placed within the easement or whether the easement would contain only the sewer line. Mr. Dyer responded that the infrastructure within the requested 15-foot easement would be underground

and not visible. He testified that the easement would contain a two-inch sewer line installed in an approximately 30-inch-deep trench. He stated that once the pipe is installed and the trench is backfilled, there would be no visible structures remaining on the surface. Mr. Dyer explained that the purpose of the easement is to allow future access for maintenance or repair if needed. He stated that in the event of a pipe failure years in the future, the easement would allow a contractor to access and repair the line. He further stated that the owner of Lot #4 would be notified prior to any work occurring within the easement area, similar to how utility companies access easements on private property for repairs.

Chairman Holt stated that it is not uncommon for sewer systems to be pumped to a different location when site conditions require it. He explained that in some instances, topography or soil conditions may necessitate pumping wastewater uphill in order to reach suitable soil for a septic field.

Board Member Renne Matthews asked whether the proposed 15-foot septic easement would allow the current or future owner of Lot #4 to retain full use of their property. Ms. Matthews specifically asked whether shrubs or other landscaping could be placed within the easement area. Mr. Dyer responded that the easement would run along the back property line and would adjoin the neighboring property rather than cut through the usable portion of the lot. He stated that there is already a fence along that property line and that once the line is installed underground, there would be no visible disturbance. He testified that, in his opinion, the easement would not negatively impact the use of Lot #4.

Board Member Bill Poe asked whether the garage shown on the plans was proposed or already existing. Mr. Dyer responded that the garage is already existing on the property. Board Member Bill Poe asked for confirmation that the only new structure to be constructed on the lot would be the house. Mr. Dyer confirmed that the only structure proposed for construction is the house.

Board Member Ray Cobb asked for clarification that the proposed 15-foot septic easement across Lot 4 would be entirely located on the applicant's property and would not extend onto any adjacent property. Mr. Cobb further asked whether, if that were the case, the easement would have no impact on adjoining property owners. Mr. Dyer responded, "*Correct,*" confirming that the proposed 15-foot septic easement would be located entirely on Lot 4 and would not extend onto adjacent properties.

Chairman Holt asked the Health Department representative to state his name and credentials for the record. Chairman Holt noted that under quasi-judicial procedures, individuals offering expert testimony are required to provide their qualifications so that the Board may recognize them as expert witnesses. Mr. Ryan Langley stated his name for the record and identified himself as the Home Site Supervisor with the Alamance County Environmental Health Department. He testified that he has been employed in that department for approximately ten years. Mr. Langley further stated that his highest degree was obtained from NC State University. Chairman Ike Holt

thanked Mr. Langley for attending the hearing and stated that he had requested his presence to provide clarification. Chairman Holt asked Mr. Langley to provide information regarding applicable setback requirements and specifically how the 20-foot sewage easement requirement was established. He noted his understanding that the Environmental Health Department operates under state law rather than county ordinance and asked Mr. Langley to address the difference between the 15-foot request and the 20-foot requirement. Chairman Holt asked whether Mr. Langley was familiar with how the 20-foot requirement was determined.

Mr. Ryan Langley, Environmental Health Home Site Supervisor, responded that the question regarding how the 20-foot requirement was established predated his tenure. Mr. Langley testified that under North Carolina State wastewater rules, the required minimum sewage easement width is 15 feet. He stated that the 20-foot requirement contained in the Alamance County Unified Development Ordinance is a local standard that exceeds the minimum requirement established under state law.

Chairman Ike Holt raised a question regarding the proximity of the proposed 15-foot easement to the existing well, referencing the previously stated approximate 12-foot separation between the edge of the easement and the well. Chairman Holt asked about the potential impact in a hypothetical situation involving a leak in the sewer line, particularly considering long-term conditions and possible joint failures over time. He further inquired about the topography of the land and how it slopes in relation to the well location. Chairman Holt referenced prior testimony indicating that the land slopes downward toward a branch or creek area and sought clarification as to whether that was a dry-weather or wet-weather branch. Chairman Holt stated that the setback distance to the well appeared to be a concern and warranted clarification.

Mr. Langley addressed the question regarding the setback distance between the sewer line and the existing well. Mr. Langley testified that the standard setback requirement between a wastewater line and a well is 50 feet under typical conditions. He explained that the setback may be reduced under certain circumstances depending on the materials used for the supply line. He stated that the setback may be reduced to 25 feet if the line is installed using Schedule 40 PVC. He further testified that the setback may be reduced to 15 feet if the line is sleeved and constructed using Schedule 80 PVC, in accordance with state wastewater rules.

Chairman Ike Holt sought clarification from Mr. Langley. Chairman Holt asked whether the minimum allowable setback between the sewer line and the well would be 15 feet if Schedule 80 PVC pipe is used and properly sleeved. Mr. Langley responded in the affirmative.

Mr. Ryan Langley responded that during review of the property, Environmental Health staff conducted field measurements in addition to reviewing the survey. He testified that staff measured approximately 30 feet from the property line to the existing well. Based on those measurements, he stated that a 15-foot easement from the property line would still allow an additional 15-foot setback between the sewer line and the well, thereby meeting the minimum

allowable setback under state rules if properly constructed. Mr. Langley clarified that his comments were not intended to discount the survey but to explain that field measurements were also conducted to verify compliance.

Board Member Ray Cobb asked Mr. Langley whether the minimum setback for a supply line to a property line is five feet, regardless of size or position. Mr. Langley responded that, generally, yes, that is correct. Mr. Cobb then asked Mr. Langley whether he was familiar with the rock outcroppings present on Lot #4.

Mr. Ryan Langley responded that he had reviewed photographs and the permit drawings depicting the rock outcroppings on Lot #4. Mr. Langley provided additional context regarding the layout shown on the permit drawing. He explained that the existing septic system on Lot #4 is located toward the southern portion of the lot. He stated that the proposed expansion area for upgrading the system to serve a three-bedroom residence is shown to the north of the existing system. He further noted that the designated repair area is shown generally to the east of the expansion area, toward the lower portion of the lot. Mr. Langley testified that when progressing from the existing septic system to the expansion area and then beyond, the rock outcropping is encountered in that vicinity, as shown on the permit drawing.

Board Member Ray Cobb commented on the difficulty of excavating through rock outcroppings. He stated, based on his experience, that digging through substantial rock formations can be extremely challenging and hard on equipment.

Chairman Holt sought further clarification regarding the setback requirement between the sewer line and the existing well. Chairman Holt asked whether the pipe itself must maintain a minimum 15-foot separation from the well. He further asked whether that requirement would be specified by the Environmental Health Department on the issued permit so that the installer would know the exact placement requirements during installation. Mr. Langley responded that in situations where setback distances are tight, the Environmental Health Department would place specific conditions on the permit. He testified that the permit would specify that within certain sections, the sewer line must maintain a minimum 15-foot separation from the well, utilizing the appropriate sleeved Schedule 80 PVC as required. He further stated that as the separation distance increases, the requirements would adjust accordingly — requiring a 25-foot setback with Schedule 40 PVC, and once the line exceeds 50 feet from the well, normal installation standards would apply without additional sleeving or pressure requirements.

Board Member Michael Wilson sought clarification regarding the placement of the sewer line within the proposed 15-foot easement. Mr. Wilson asked whether the pipe would be located at the edge of the easement. He noted that if the easement is 15 feet wide and the minimum setback from a property line is five feet, the pipe would not necessarily have to be installed directly along the edge of the easement. Mr. Wilson stated that the pipe could potentially be shifted within the easement area to maintain required setbacks, depending on exact measurements. He expressed

concern about ensuring that the Board properly accounts for the difference between the easement boundary and the actual location of the pipe within that easement. Mr. Wilson further noted that if the pipe were centered within a 15-foot easement, that would provide approximately 7.5 feet of separation from either side of the easement boundary, allowing flexibility in placement while maintaining compliance with setback requirements.

Mr. Holt asked Mr. Ryan Langley whether requests to reduce the sewage easement width from 20 feet to 15 feet are common. Mr. Ryan Langley testified that this was the first time he had encountered a request to reduce the local 20-foot sewage easement requirement to 15 feet. Mr. Langley stated that he did not wish to contradict Mr. Dyer's earlier testimony and clarified that Environmental Health staff suggested the variance as a potential solution. He explained that when issuing permits, the department considers the impact on both the property owner and the developer, including cost implications. He testified that routing the sewer line around the entire property instead of across the rear would significantly increase installation costs. Mr. Langley stated that under state wastewater rules, a 15-foot easement width is permitted. He further noted that the County is currently reviewing the Unified Development Ordinance to potentially align the local 20-foot requirement with the 15-foot state standard. He testified that based on those considerations, Environmental Health staff suggested that Mr. Dyer pursue a variance as a possible resolution.

Chairman Ike Holt asked Mr. Hoagland for clarification. He stated that he wanted to ensure he understood correctly and asked whether County staff is currently considering amending the Unified Development Ordinance to reduce the required sewage easement width from 20 feet to 15 feet. Mr. Hoagland, Planning Director, responded that County staff is currently reviewing a potential amendment to the Unified Development Ordinance to reduce the required sewage easement width from 20 feet to 15 feet. Mr. Hoagland stated that the purpose of the proposed amendment would be to align the County's local standard with the 15-foot requirement established under state wastewater rules, as referenced by Mr. Langley.

Board Member Ray Cobb asked a follow-up question regarding the alternative alignment previously discussed. He referenced the dry creek area on the property and asked whether routing the sewer line through that area would involve crossing wetland-type conditions or similar terrain. Mr. Langley responded that installation methods can vary depending on site conditions. He testified that the line may be installed at a depth of approximately 30 to 36 inches below grade without sleeving under certain conditions, or it may be installed above that depth if properly sleeved in accordance with applicable state wastewater regulations. Mr. Cobb asked whether there is a standard required depth for installation of a supply line, or whether no specific depth requirement exists under the applicable regulations. Mr. Langley responded that there is no specific depth requirement for the line if it is not required to be sleeved, under the applicable state wastewater rules.

Mr. Cobb asked a follow-up question, stating that in general practice, if a supply line is installed across a property and buried at a depth of 12 inches or more, whether that would typically be considered acceptable. Mr. Langley sought clarification regarding the prior question and asked whether the reference to a 12-inch depth was in relation to installation beneath a creek crossing. Mr. Cobb clarified that he was not referring to a creek crossing, but rather to a general installation across a yard. He asked whether, in general practice, burying a supply line at a depth of approximately 12 inches would be considered acceptable. Mr. Langley responded that there is no specific minimum depth requirement.

Board Member Renne Matthews stated that she wanted to return to her earlier question regarding the rock outcroppings on the property. Ms. Matthews referenced Mr. Dyer's testimony that the Health Department advised against routing the line through the area where rock is located. She asked Mr. Langley to elaborate on that determination and provide additional detail regarding why that area was not recommended. Mr. Langley responded that routing the sewer line through the area containing rock is potentially feasible; however, it would involve a significantly longer distance and substantially higher cost. He testified that excavation through rock would be difficult and expensive. He stated that, in considering practical options and impacts to the property owner and developer, Environmental Health staff advised that pursuing a variance to allow the 15-foot easement could be a reasonable alternative, subject to approval by the Board of Adjustment. Mr. Langley reiterated that while the alternative route is technically possible, it would be considerably more difficult and costly to implement.

Board Member Ray Cobb asked whether attempting to excavate through the rock could result in fracturing the rock.

Mr. Cobb stated that excavation through rock could fracture the rock formation. He then asked Mr. Langley, as the expert witness, whether fracturing rock during excavation could create pathways that might increase the risk of groundwater contamination if a sewer line were to leak. Mr. Langley responded that he would agree that fracturing rock formations could potentially create pathways for groundwater movement.

Chairman Holt addressed Board Member Ray Cobb and summarized the prior testimony. Chairman Holt stated that, based on the discussion regarding rock fracturing and potential groundwater impacts, it would appear preferable to avoid excavating through the rock formations if possible. He asked Mr. Cobb whether that was his understanding.

Chairman Holt asked Mr. Dyer whether he had any questions for Mr. Langley.

Mr. Dyer stated that he had a question and clarification regarding the variance request as it relates to the distance from the existing well. Mr. Dyer testified that the setback requirement from the well operates as a radius, rather than a straight-line measurement across the entire easement. He stated that while the survey reflects a request for a 15-foot easement across the entire length, the reduced distance may only be necessary in a limited area near the well. Mr.

Dyer indicated that outside of that specific area, the easement could remain at 20 feet. He further stated that, from his perspective, maintaining a 20-foot easement across most of the property would be preferable, as it would provide greater flexibility in routing the line around trees and minimizing root disturbance. He explained that digging too close to the root ball of trees can damage or kill them.

Chairman Holt stated that the Board has previously addressed situations in which a variance was granted for only a specific portion of a property rather than the entire length of a requirement. He noted that while he could not recall a similar instance involving a septic line, the Board has done so in cases involving road alignments.

Mr. Dyer stated that, if acceptable to the Board, he could have his surveyor revise the plat to reflect a limited variance area. He suggested that the reduced 15-foot width could be shown as a semicircular or localized area near the well, with the remainder of the easement maintained at the required 20-foot width. Mr. Dyer indicated that this approach would allow the majority of the easement to comply with the ordinance standard while addressing the specific area where the reduced width is needed.

Chairman Holt asked Mr. Dyer whether he would be willing to revise the survey and variance request to reflect a limited reduction to 15 feet only in the area necessary. Mr. Dyer responded, "Absolutely," and stated that revising the easement to reduce the width only where necessary would actually be beneficial from his perspective.

Board Member Michael Wilson commented that introducing curves into the alignment of the sewer line would increase the total linear footage of excavation. He stated that additional linear footage would result in greater soil disturbance and potentially increase the amount of pipe installed. Mr. Wilson further noted that increasing the length and complexity of the installation could increase the possibility — though not necessarily the probability — of issues arising in the future.

Chairman Holt summarized Mr. Wilson's comment by stating that increasing the number of Mr. Wilson further stated that adding bends in the line would require additional joints, which could increase the potential for future issues. He also noted that curving the line could require additional excavation, potentially affecting tree roots and increasing soil disturbance. Mr. Wilson commented that, generally, a straight-line installation would involve less digging than a curved alignment.

Chairman Holt stated that one of the Board's responsibilities is to be mindful of setting precedent for future cases. He commented that staff's indication that the County is considering amending the Unified Development Ordinance to align the 20-foot easement requirement with the 15-foot state standard was a significant factor in his consideration of the request. He further stated that he remained concerned about ensuring that the proper type of pipe would be installed, referencing Schedule 80 versus Schedule 40 PVC, particularly in relation to protecting groundwater and

preventing well contamination. Chairman Holt emphasized that groundwater contamination is a serious issue and expressed the importance of ensuring appropriate safeguards are in place.

Mr. Langley testified that the Environmental Health Department would inspect all components of the system, including the septic tank, supply line, and associated infrastructure. He stated that required inspections would be conducted and documented to ensure compliance with applicable regulations and permit conditions.

Chairman Holt addressed Mr. Dyer and clarified that the Board is not permitted to grant a variance based solely on cost considerations. He stated that financial impact is not one of the statutory criteria for granting a variance and must remain outside the Board's decision-making framework. Chairman Holt stated that while cost may be mentioned during testimony, the Board must focus strictly on the required findings under the ordinance. He further noted that many members of the public may not fully understand the role and legal constraints of the Board of Adjustment and emphasized the importance of adhering to proper procedure. Chairman Holt also commented that he appreciated the collaboration between Planning staff and the Environmental Health Department in assisting the applicant in identifying a potential solution. He stated that it was positive to see County staff working proactively rather than simply denying proposals without guidance.

Chairman Holt then asked whether there were any additional questions from the Board for the applicant.

Board Member Bill Poe asked Mr. Langley whether there is a required setback between a structure and a sewer supply line. He referenced the existing garage on the property and asked whether any minimum separation distance is required between the garage and the proposed pipe, similar to the previously discussed five-foot setback from a property line. Mr. Langley responded that a minimum setback of five (5) feet is required between a structure and the sewer supply line.

Chairman Holt asked Mr. Langley to remain available in the event additional questions arose during deliberations. Chairman Holt then addressed the members of the audience. He stated that now that the presentations had been made, he would revisit the issue of standing. He reiterated that simply being an adjoining property owner does not automatically confer standing in a quasi-judicial hearing. Chairman Holt indicated that he would evaluate standing based on whether individuals could present factual testimony relevant to the variance request.

An adjoining property owner addressed the Board and stated that one of the reasons they attended the hearing was to understand the setback requirements. The citizen stated that they understood there to be a five-foot setback requirement from a structure to the sewer pipe, and a five-foot setback from the property line to the pipe. The citizen further stated that there is approximately eight feet from the corner of the existing building on Lot #4 to the property line. The citizen expressed concern regarding how the pipe could be installed while maintaining all required setbacks based on those dimensions.

Chairman Holt responded that he did not believe there were additional setback issues beyond those already discussed, particularly as they relate to the variance request before the Board. Chairman Holt stated that the Board's consideration is limited to the specific variance request concerning the sewage easement width. Mr. Langley responded that the sewer line would not be installed in a manner that would encroach upon the required setbacks at the corner of the building. He stated that required setback distances, including the five-foot separation from structures and property lines, would still be maintained. Langley indicated that installation would be adjusted as necessary to ensure compliance with applicable setback requirements.

Chairman Holt addressed the citizen and explained that, due to the close proximity to the well, a thicker-walled pipe would be required. He referenced prior testimony indicating that the pipe would need to meet higher material standards, such as Schedule 80 PVC, to comply with state setback requirements.

Board Member Ray Cobb stated that the use of Schedule 80 PVC pipe would provide a thicker-walled material. He asked Mr. Langley to confirm that Schedule 80 would be sufficient for the conditions discussed. Mr. Langley responded in the affirmative, confirming that Schedule 80 PVC pipe would provide the necessary thickness under the conditions discussed. Mr. Langley further testified that when the sewer line is required to be sleeved with Schedule 80 PVC due to reduced setback distances, it must also be pressure tested as an additional requirement. He clarified that the pressure testing requirement applies to the supply line in areas where the enhanced material standards are required.

Board Member Ray Cobb stated that a two-inch Schedule 40 supply line must be pressure tested and referenced requirements for testing the entire supply line, including off-site portions. Mr. Langley confirmed that pressure testing is required for the full length of the applicable supply line in accordance with state rules. Mr. Cobb acknowledged that additional testing requirements may apply to off-site components but stated that those matters were outside the scope of the variance currently before the Board. Mr. Cobb further stated his understanding that the use of Schedule 80 pipe provides additional safeguarding in relation to well protection concerns. Mr. Langley indicated agreement with that understanding.

Another member of the audience addressed the Board and stated that they were uncertain why they had received notice of the hearing, as they believed their property is located across the street from the subject property. Chairman Holt responded that questions regarding receipt of the hearing notice should be directed to Mr. Hoagland and Planning staff. Chairman Holt stated that, regardless, the Board was glad to have the citizen present.

Mr. Hoagland explained that in quasi-judicial proceedings, Planning staff typically leans on the side of enhanced notification and transparency. He stated that while state law requires notice to adjoining property owners, staff often expands notification to include adjacent properties as well.

He explained that this is why the citizen may have received a notice, even if their property does not directly adjoin the property.

Chairman Holt stated that he would rule on the evidence presented by Mr. Dyer and accepted the submitted materials into the record. Chairman Holt asked whether there were any additional questions from the Board at that time. Hearing none, he stated that he would close the evidentiary portion of the hearing. He clarified that closing the floor did not preclude the Board from asking additional questions during deliberations, but that no further public input would be taken at that time.

Board Member Bill Poe asked a follow-up question to Mr. Dyer regarding flexibility. Mr. Poe asked whether, if the pipe alignment were narrowed and encountered a tree that Mr. Dyer preferred to preserve, he would ultimately be willing to remove the tree if necessary to comply with installation requirements. Mr. Dyer responded, "Absolutely, yes, sir," confirming that he would be willing to remove a tree if necessary to comply with installation requirements and applicable regulations.

Chairman Holt stated that the Board would close the public portion of the hearing and move into deliberations. Chairman Holt clarified that closing the public hearing did not preclude the Board from asking additional questions during deliberations if necessary. He informed the audience that they would not be permitted to participate further during deliberations. Chairman Holt then invited discussion among the Board members and asked Mr. Cobb for his thoughts on the matter. During deliberations, Board Member Ray Cobb stated that he has extensive experience installing supply lines within 15-foot easements and noted that such width is common in other jurisdictions. Mr. Cobb acknowledged that Alamance County currently requires a 20-foot easement but referenced staff testimony indicating that the County is in the process of reviewing the Unified Development Ordinance to potentially align the standard with the 15-foot state requirement. Mr. Cobb stated that the use of Schedule 80 PVC pipe in areas of reduced setback near the well, along with ductile iron or equivalent materials in more sensitive areas such as near the creek crossing, would provide sufficient protection. He expressed confidence in the inspection process conducted by the Environmental Health Department, stating that inspections would be thorough and compliant with regulatory requirements. Mr. Cobb concluded that, based on the testimony presented, the proposed 15-foot easement would satisfy state requirements and that he did not have concerns with granting the variance as requested.

Board Member Michael Wilson stated that he agreed with Mr. Cobb and expressed support for approving the 15-foot easement variance.

Board Member Bill Poe stated that he had no issue with granting the variance. He stated that the applicant would still be required to maintain the necessary setbacks from the property line and from existing structures, in accordance with state regulations. Mr. Poe also referenced staff's

comments regarding the potential amendment to the Unified Development Ordinance to align the local standard with the state requirement

Chairman Ike Holt addressed Board Member Renne Matthews, referencing her earlier comments. He reiterated that the Board is not permitted to base its decision on monetary cost considerations. Chairman Holt stated, however, that Mr. Cobb had raised a valid point regarding the potential consequences of excavating through rock. He noted that fracturing rock formations could potentially create pathways for groundwater movement and that avoiding unnecessary disturbance of rock may reduce the risk of unintended impacts. Chairman Holt further commented that, based on the testimony presented, significant rock exists on the property and that excavating to a depth of approximately 30 inches may be challenging without encountering rock formations. Chairman Holt then asked Ms. Matthews whether she had any additional concerns. Board Member Renne Matthews stated that, based on the testimony provided by Mr. Dyer, she felt the information presented was detailed and helpful. She noted that the sewer line would be a two-inch pipe installed underground and that the easement would allow for future maintenance if necessary. Ms. Matthews stated that she had no issues with approving the requested variance.

Chairman Holt stated that he did not believe it was necessary to require Mr. Dyer to revise the easement to include a reduced radius only near the well while maintaining a 20-foot width elsewhere. Chairman Holt acknowledged Mr. Dyer's willingness to modify the request in that manner but stated that, given staff's testimony that the County is considering amending the Unified Development Ordinance to align with the 15-foot state standard, he believed such a revision was unnecessary. Chairman Holt stated that, in light of the potential ordinance amendment and the testimony presented regarding state compliance, the proposed adjustment appeared to be a moot point. He further noted that he had previously considered that option but did not believe it was required under the circumstances.

Mr. Hoagland addressed the Board and stated that, in cases where variances are granted, it is typical practice to require that a note be added to the final plat reflecting the specifics of the variance. Mr. Hoagland stated that he had already discussed this matter with Mr. Dyer. He suggested that, if the variance were approved, the Board may wish to require that additional notes be placed on the plat specifying the approved easement width, the material requirements (including Schedule 40 or Schedule 80 pipe where applicable), and any related conditions. Mr. Hoagland stated that including such notes would provide clarity regarding what was approved by the Board and would ensure transparency for future property owners and for long-term maintenance purposes.

Board Member Ray Cobb responded to Mr. Hoagland's suggestion regarding additional plat notes and asked to address Mr. Langley. Mr. Cobb stated that, during final inspections of septic systems, including supply lines, Environmental Health staff typically GPS the installed components. He stated that the location of the supply line would therefore be documented and

retained in the Environmental Health Department's records. Mr. Cobb noted that this GPS documentation would provide a permanent record of the installation and would be beneficial if future maintenance or repairs were required.

Chairman Holt stated that he could see an advantage to including the variance details on the final plat. He noted that documenting the specific conditions on the plat would provide clarity and serve as a useful reference for future property owners. Board Member Bill Poe stated that future property owners may not have ready access to septic permitting documentation at the time of purchase. He noted that while such documentation might be obtained at closing, the recorded plat would be more readily available. Mr. Poe expressed support for including the relevant variance details on the plat to ensure that future owners would have clear notice of the approved easement and related conditions.

Board Member Ray Cobb stated that, if the easement is properly marked on the recorded plat, it provides clear notice of its location. He referenced a prior project in another county involving a 15-foot easement where the supply line was installed in the center of the easement. Mr. Cobb acknowledged that Environmental Health staff in Alamance County now utilize GPS technology during inspections to document the location of septic components. He stated that inspection documentation is maintained by the Health Department and is accessible upon request. Mr. Cobb expressed that, based on the level of inspections currently conducted in Alamance County and the availability of records through the Health Department, he believed adequate documentation would exist regarding the installation and location of the supply line.

Board Member Bill Poe responded to Mr. Cobb, stating that a typical homeowner purchasing property may not think to contact the Health Department directly for septic records. He noted that while such documentation may be obtained through the closing process, it is more practical and transparent for relevant easement information to be clearly reflected on the recorded plat.

Chairman Holt addressed Mr. Dyer and asked whether he had any objection to requiring his surveyor to update the plat to reflect specific conditions related to the installation of the sewer line, including maintaining the required setback from the well and ensuring proper placement within the easement. Chairman Holt stated that the Board's primary concern centered on the proximity of the sewer line to the existing well and ensuring appropriate safeguards were clearly documented. Mr. Dyer stated that he did not object to the requested condition. He expressed that having additional documentation reflected on the plat would be beneficial for future reference. He agreed that future homeowners are more likely to reference the recorded plat than to independently contact the Health Department for septic records.

Board Member Mr. Poe stated that the condition could be satisfied by including a simple note on the recorded plat. He indicated that, in his view, adding a notation clarifying the approved easement width and related installation requirements would be sufficient.

Chairman Holt stated that requiring a note on the plat would not create a significant expense and would provide clarity for future property owners. He acknowledged Mr. Cobb's comments regarding GPS documentation but stated that Mr. Poe's point about ensuring clear notice on the recorded plat was well taken and would be beneficial to future homeowners. Chairman Holt then asked whether there was any further discussion.

Hearing none, he asked whether the Board was ready to vote on the four required findings for the variance request.

Chairman Ike Holt proceeded to read the first required finding for the variance:

**Finding #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.*

Chairman Holt then stated that he would entertain a motion regarding Finding #1.

- Board Member Michael Wilson made a motion to approve Finding #1, stating that unnecessary hardship would result from the strict application of the regulation and that such hardship would impact the intended use of the property.
  - o Seconded by: Ray Cobb

Following the motion on Finding #1, Mr. Hoagland requested clarification for the record. He asked that the Board articulate how the strict application of the 20-foot easement requirement would create an unnecessary hardship, in order to ensure that the finding was properly supported by evidence presented during the hearing.

- In response to staff's request for clarification, Board Member **Michael Wilson** stated that strict application of the 20-foot easement requirement would prevent installation of the sewer supply line as proposed. He stated that, due to the existing well and existing structures on the property, compliance with the 20-foot requirement would restrict placement of the line and effectively prevent the project from proceeding as designed. Mr. Wilson stated that this limitation would create an unnecessary hardship tied to the physical constraints of the property.
  - o The motion was put to a vote.
  - o Vote on Finding #1: Approved unanimously.

Chairman **Ike Holt** read **Finding #2** into the record:

**Finding #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 reasonable accommodation under the Federal Fair Housing Act for a person with a disability.*

Chairman Holt then stated that he would entertain a motion regarding Finding #2.

- Board Member Ray Cobb made a motion to approve Finding #2. In support of the motion, Mr. Cobb stated that the hardship results from conditions peculiar to the property, specifically the topography and the granite rock outcroppings present on the site. He stated that the rock formations, along with the location of the designated repair area, make it impractical to install the supply line elsewhere on the property. Mr. Cobb stated that, based on the evidence presented, the proposed location is the only feasible placement for the supply line. Mr. Cobb articulated that the hardship is directly related to the physical characteristics of the property, including the topography and granite outcropping.
  - o Seconded by: Michael Wilson
  - o Vote on Finding #2: Approved unanimously

Chairman Ike Holt read **Finding #3** into the record:

**Finding #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.*

Chairman Holt then stated that he would entertain a motion regarding Finding #3.

- Board Member Bill Poe made a motion to approve Finding #3. In support of the motion, Mr. Poe stated that the applicant did not create the hardship, and that the hardship is the result of existing topographical conditions and existing physical characteristics of the property.
  - o Seconded By: Ray Cobb
  - o Vote on Finding #3: Approved unanimously

Chairman Ike Holt read **Finding #4** into the record:

**Finding #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.*

Chairman Holt then called for a motion regarding Finding #4.

- Board Member Ray Cobb made a motion to approve Finding #4. In support of the motion, Mr. Cobb stated that the applicant had taken appropriate steps to protect public safety, including compliance with Environmental Health requirements, use of enhanced pipe materials near the well, and adherence to inspection protocols. He stated that the proposal was consistent with the intent of the regulation and would not compromise public safety.
  - o Seconded by: Ike Holt
  - o Vote on Finding #4: Approved unanimously

Following approval of the required findings, Chairman Ike Holt addressed Mr. Dyer and stated that the Board's decision would be formalized through signed documentation to be provided by Planning staff. Chairman Holt stated that, while the Health Department would enforce applicable setback requirements, the Board had not formally addressed the maximum achievable distance from the well within the easement. He stated that the Board should require additional documentation to reflect that the pipe would be installed to achieve the maximum feasible setback distance from the well. Chairman Holt then motioned to require Mr. Dyer to submit an updated plat to the Planning Department reflecting that the maximum distance possible from the well would be achieved in the installation of the supply line. Chairman Holt asked for a second to that motion. Board Member Michael Wilson stated that he believed such a requirement could constitute an overstep of the Board's jurisdiction. He expressed concern that imposing additional installation-specific requirements beyond the variance itself may exceed the Board's authority. Mr. Wilson stated that, for that reason, he would not support such a motion.

- Seconded By: Bill Poe
- Vote On Motion: 4 in favor; 1 opposed.

Chairman Holt informed Mr. Dyer that Planning staff would provide the necessary documentation reflecting the Board's approval, which he would sign. Chairman Holt congratulated Mr. Dyer and expressed hope that the project would proceed successfully.

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

Mr. Matthew Hoagland informed the Board that, pursuant to recently adopted procedural rules, a follow-up meeting is required in cases where a variance is granted. He explained that the purpose of the follow-up meeting is for the Board to formally approve the specific written language of the variance, including the time and manner of approval. Mr. Hoagland advised Board members to mark their calendars and plan to attend the March meeting for that purpose.

#### **V. ADJOURNMENT**

The meeting was adjourned at 7:40 p.m.