

AMY H. CANNON
County Manager

TRACY JACKSON
Assistant County Manager



CUMBERLAND
COUNTY
NORTH CAROLINA

RAWLS HOWARD
Director

Vacant
Deputy Director

◆
Planning & Inspections Department

MINUTES
January 21, 2020

Members Present

Mrs. Diane Wheatley – Chairman
Mr. Carl Manning – Vice-Chair
Mr. Stan Crumpler
Dr. Vikki Andrews
Mr. Thomas Lloyd
Mrs. Jami McLaughlin
Mrs. Lori Epler
Ms. Patricia Hall
Mr. Mark Williams

Members Absent

Mr. Jordan Stewart

Others Present

Mr. Ed Byrne
Ms. Annie Melvin
Mrs. Laverne Howard
Mr. Rob Hasty

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Chair Wheatley delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

Mrs. Epler advised the Board that she wanted to pull Case P20-01 from Consent Items to Contested Items.

Mr. Manning made a motion, seconded by Mr. Crumpler to approve the adjustment to the agenda. Unanimous approval.

III. PUBLIC HEARING WITHDRAWAL / DEFERRAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF DECEMBER 17, 2019

Ms. Hall made a motion, seconded by Dr. Andrews to approve the minutes as submitted. Unanimous approval.

VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Chair Wheatley read the welcome and rules of procedures.

VII. PUBLIC HEARING CONTESTED ITEMS

REZONING CASE

- A. **P20-02.** REZONING OF 3.70+/- ACRES FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5877 & 5911 CLINTON ROAD, SUBMITTED BY KATHRINA VICTORIA (OWNER) & SHAWN VALLINI (AGENT).

Mr. Byrne presented the case information and photos.

In Case P20-02, the Planning and Inspections staff recommends denial of the rezoning from A1 Agricultural to C(P) Planned Commercial and find the request is not consistent with the adopted Stedman Land Use Plan (1999) which calls for "Farmland" at this location. Heavy commercial uses do not fit the "Farmland" designation's goal of maintaining the rural character of an area through farming and residential uses. Staff further finds that denial of the request is reasonable and in the public interest because the C(P) district is not in harmony with surrounding zoning and existing land uses, the parcels lack public sewer and the number of accesses/driveway permits are limited along NC Hwy 24.

Mr. Lloyd asked if the new Stedman Plan had been approved and what it called for.

Mr. Byrne said the plan was not approved but it called for Agricultural.

The public hearing opened.

There was one person present to speak in favor.

Mr. Shawn Vallini spoke in favor. Mr. Vallini presented a letter of support and photos to the Board. Mr. Vallini explained that he wanted to rezone the property for a car dealership. Mr. Vallini said he knew there were concerns about septic, but there would be no public restrooms available, they are going to start small with remodeling the house. Mr. Vallini feels that this would be a benefit to the community because of the lack of places to buy cars. There will be no additional driveways, there will be crush and run to cut down on costs. Mr. Vallini presented some slides which showed the property, showed distance from storage units and distance to other surrounding properties.

Mr. Lloyd asked Mr. Vallini about public water and if he was going to connect to it.

Mr. Vallini said they were on well water and that would serve the purpose for what they want to do.

Mr. Lloyd said that Mr. Vallini was asking for commercial and they are on well and septic but reminded the board that the Board of Commissioner's asked the Planning Department to come back with some recommendations because they didn't want to see commercial properties on septic, so there were some changes and one of the things was to ask if the use was compatible. Mr. Lloyd said the applicant was saying he was going to do a car lot but asking for C(P) which means that anything that's allowed in C(P) can go there once it's rezoned, instead of a Conditional Zoning at the least. The applicant is asking for a zoning that serves heavy commercial and it's only served by well and septic.

Mrs. Epler asked Mr. Vallini if staff ever discussed the possibility of conditional zoning with him.

Mr. Vallini said they talked about that, but he thought that C2(P) was what he needed for a car dealership, and he went based on what the other commercial properties were zoned around him, C(P).

Mrs. Epler explained what a conditional zoning was to Mr. Vallini. Mrs. Epler said that the Planning Board and the Board of Commissioners feel better when there is a conditional zoning. It's hard to recommend approval to the County Commissioner's when this doesn't comply with the Land Use Plan, there's nothing adjacent to you that's zoned with what you're asking for and even though your neighbor's don't have a problem with it, legally it's a problem for us. Mrs. Epler asked Mr. Vallini if he would like for the Board to defer his case for one month so he could come back with a site plan that shows exactly what he wants to do and apply for a Conditional Zoning.

Mr. Vallini said that would be great.

The public hearing was closed.

Mr. Manning made a motion to defer the case until the February 18, 2020 meeting, seconded by Mr. Lloyd. Unanimous approval.

- B. **P20-01. REZONING OF 2.07+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR ALL ALLOWED USES WITHIN C(P) DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2960 CUMBERLAND ROAD, SUBMITTED BY ROY L. & SHEILA J. BULLOCK (OWNER).**

Mr. Byrne presented the case information and photos.

In Case P20-01, the Planning and Inspections staff recommends approval of the rezoning from C1(P) Planned Local Business District to C(P) Planned Commercial/CZ Conditional Zoning for all allowed uses within the C(P) district and find the request is consistent with the adopted Southwest Cumberland Land Use Plan (2013) which designates this parcel as "Mixed Use Development". Although commercial uses are typically of a lighter nature in a mixed-use development, heavier commercial uses are permitted. This request is also consistent with the Cumberland Road Business Street Plan's recommendation of encouraging conditional zoning requests along Cumberland Road to better manage development. Staff further finds the request is reasonable and in the public interest as the district requested is in harmony with existing land uses in the area as well as existing zoning. The parcel is near a heavily trafficked intersection in an area that is already transitioning from residential to commercial development and the size of the parcel and setback requirements will mitigate any commercial development that would be too large to fit in with the character of the area.

Public hearing opened.

Public hearing closed.

Mrs. Epler said that her reason for pulling the case was that she really had questions for staff. From what she understands the applicant is asking for a conditional zoning, and anytime there is a conditional zoning there is supposed to be a detailed site plan, the site plan we have says the existing structures are nonconforming but we don't know what setbacks they're nonconforming to. There are no dimensions from the buildings to the property lines, does staff know what setbacks they're not compliant with?

Mr. Byrne said the C(P) zoning required 50 feet from the front and 30 feet from the sides, the structure is not meeting the 30-foot side yard setback. There is also a small shed in the front which is also inside of the front yard setback so it's not meeting that requirement either. The existing billboard on Owen Drive they want to take down and replace with digital ones that will meet compliance.

Mrs. Epler advised the board of the current setbacks in C1(P), and what they would be in C(P) and the board wouldn't know if they comply because there is no current site plan. Mrs. Epler said that her reservation with this case is that as a board member she never wants to recommend approval of something that is already noncompliant and will be more noncompliant if approved. Mrs. Epler also wanted to know if the applicant was talked to about the possibility of subdividing off the tract where the billboard is and asking for conditional zoning only on that parcel.

Mr. Byrne said he didn't know because he didn't speak with him, but he didn't think they did.

Mrs. Epler stated for the record that the applicant was in the audience shaking his head that that was never discussed.

Mr. Byrne said that they don't always suggest someone subdivide their property if someone wants to rezone the entire site, the conditional zoning is approving the use not any future uses on the structures out there.

Mrs. Epler said if they change the use, they have to come back to the Planning Board, but if the conditional zoning is approved, they are approving every use allowed in C(P).

Mr. Lloyd said the house is legal nonconforming, if they come back with a conforming use in that district, he doesn't think it has to come back to the board if it's a use where they go from legal nonconforming to a conforming use of that district.

Mr. Byrne said the structure could remain even if it burned down, as long as it's not destroyed more than fifty percent, you can add on to it as long as you don't make it more nonconforming than what it is.

Mrs. Epler said she doesn't have a problem with them changing out a billboard, it's just from a zoning standpoint there is a better way to do it.

Mr. Lloyd said that in these conditional zoning when we're granting at the same time a waiver on the setbacks, what we're even granting.

Mr. Byrne said they're not granting waivers on the setbacks, just approving the uses.

Mrs. Epler said that the application has a checklist that the applicant is supposed to complete and one of those things is a landscaping plan the site plan in our packet shows no landscaping.

Mr. Byrne said under the residential uses already there, it's not changing, and the billboard doesn't require landscaping. If they do a change in use on any portion of that building it would have to comply with the landscaping requirements for that new use. The billboard is exempt from landscaping and the existing house is already there if that use changes, they would have to have a revised plan that would show landscaping.

Mr. Crumpler asked if they change to a real estate office, would they meet the setbacks?

Mr. Byrne said that the building is already legal nonconforming, so as long as they don't tear it down more than fifty percent or make it more nonconforming or try to add on to the front, they couldn't do anything without approval.

Mrs. Epler said if they are granted this conditional zoning, they can add on to that building less than fifty percent of its current value at the same setbacks.

Mr. Byrne said as long as it's not more nonconforming.

Mr. Lloyd asked why wouldn't the applicant want a waiver?

Mr. Byrne said they talked with the applicant about that and he's not really concerned about the rest of the property, he is just concerned with the billboard right now. The house is currently being used for a residence. In the future he may sell, but right now his main concern is to make the zoning district more compliant for the special use permit for the billboard.

Mrs. Epler asked what the minimum lot size was for C(P)?

Mr. Byrne said there was no minimum lot size for C(P).

Mrs. Epler said that there was nothing stopping this property owner from subdividing this property where the billboard is asking for conditional zoning on just that corner and leaving the rest of the property as it is.

Mr. Byrne said there is nothing from us, but Department of Transportation (DOT) can restrict them, because they can say you're cutting out a lot specifically for a billboard and just making a small lot, they can come back and deny the billboard request because your specifically making a lot zoned for a billboard.

Mrs. Epler said if that happened as far as an access problem for maintenance for a billboard the applicant could give himself an easement across the other property to get to it

Mr. Byrne said yes.

Mr. Lloyd made a motion to approve, seconded by Dr. Andrews

Chair Wheatley asked if there was any discussion.

Mrs. Epler asked the applicant if he would be willing to defer his case for thirty days to go back to staff and find a better way to get his rezoning.

Mr. Bullock said he didn't foresee a problem, this piece of property was a trash dump and he and his wife made major improvements to the property to make it suitable. They have no intentions of adding onto the house, he would bulldoze it now if it were up to him.

Mrs. Epler said her comments regarding landscaping were made because the application was not sufficient.

Mr. Bullock said he was doing what he was told. If that's required, then that's what we'll have to do.

Mr. Byrne said that's not required.

Mr. Epler asked Mr. Bullock if was willing to take an extra month to go back and work with staff on something that might get approved.

Mr. Bullock said he would prefer not to.

Mrs. Epler said they needed an answer, yes or no.

Mr. Lloyd said this request follows the plan, what does anyone on the board have against the plan.

Mr. Bullock said that the permit that he has from the State of North Carolina says that he has a conforming sign, the sign has been there since 1963 but it's not conforming to the County, he doesn't understand that.

Mrs. Epler said that her biggest concern is creating a more nonconforming lot.

Mr. Lloyd said that could be addressed now by granting a waiver right now, we don't have to wait a month to do that. If it follows the plan and the concern is the setback it's like any other conditional zoning when we look at this site plan, we can address anything on it because the whole lot is included in the request.

Mrs. Epler asked if it's a conditional zoning could additional conditions be added.

Mr. Byrne responded yes, but the applicant must agree.

Mrs. Epler asked if they could add a condition that the structure could not be added on to in the future.

Mr. Lloyd said that he didn't think that the board could say that the applicant can't do something that the ordinance allows him to do.

Mrs. Epler told Mr. Lloyd that as a board member that was his opinion.

Mr. Lloyd said that is what the ordinance says.

Mr. Byrne said that was correct in the sense that they are allowed to normally as long as they don't make it more nonconforming then it already is.

Mr. Lloyd said that after listening to staff, he wanted to know what makes the application incomplete, he understands that the setbacks aren't on it.

Mrs. Epler said not only that, in her opinion it's incomplete because the application that was filled out by the petitioner, on the second page it says for all new nonresidential and mixed use development abutting a public street, all required landscaping must be included on the site plan.

Mr. Lloyd said this isn't new development.

Mr. Byrne said at this time, and the very first condition on the pre permit if they do anything nonresidential or have a change in use they would have to submit a site plan revision.

In Case P20-01, Mr. Lloyd made a motion, seconded by Dr. Andrews to approve the rezoning from C1(P) Planned Local Business District to C(P) Planned Commercial/CZ Conditional Zoning for all allowed uses within the C(P) district and find the request is consistent with the adopted Southwest Cumberland Land Use Plan (2013) which designates this parcel as "Mixed Use Development". Although commercial uses are typically of a lighter nature in a mixed-use development, heavier commercial uses are permitted. This request is also consistent with the Cumberland Road Business Street Plan's recommendation of encouraging conditional zoning requests along Cumberland Road to better manage development. The board further finds the request is reasonable and in the public interest as the district requested is in harmony with existing land uses in the area as well as existing zoning. The parcel is near a heavily trafficked intersection in an area that is already transitioning from residential to commercial development and the size of the parcel and setback requirements will mitigate any commercial development that would be too large to fit in with the character of the area. Unanimous approval.

- C. **P19-50.** REZONING OF 100.00+/- ACRES FROM RR RURAL RESIDENTIAL TO M(P) PLANNED INDUSTRIAL/CZ CONDITIONAL ZONING FOR A BORROW SOURCE OPERATION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED NORTH OF ROCKFISH CREEK, EAST OF SR 2341 (CLAUDE LEE ROAD); SUBMITTED BY JOSEPH R. RIVENBARK, JOELLA RIVENBARK POWELL, ROBERT L. RIVENBARK AND SUZANNE RIVENBARK SHEARON ON BEHALF OF R. LINWOOD RIVENBARK HEIRS (OWNER) & SETH THOMPSON (AGENT).

Mr. Byrne presented the case information and photos.

In Case P19-50, the Planning and Inspections staff recommends denial of the rezoning from RR Rural Residential to M(P) Planned Industrial/CZ Conditional Zoning and instead recommend approval of the rezoning from RR Rural Residential to A1 Agricultural/CZ Conditional Zoning for a borrow source operation and find the recommendation of A1/CZ is consistent with the adopted South Central Land Use Plan (2015) which calls for "Low Density Residential & Open Space" as the A1 district allows for residential uses at a low density level as well as protection for the existing residential areas. Staff further finds the recommendation of A1/CZ is reasonable and in the public interest because the A1 district is more in harmony with surrounding zoning and existing land uses. The required riparian buffer and required buffer from PWC's sewer line will further protect the creek and existing residential neighborhoods.

Mrs. Epler asked if the applicant agreed to A1 Agricultural/CZ Conditional Zoning.

Mr. Byrne said the applicant wants to press for the M(P) Planned Industrial/CZ Conditional Zoning because they have future plans, which they say they will address.

Mrs. Epler asked if the airport had any comments on this and advised the board that the FAA had regulations on open bodies of water because they attract things like geese and fowl.

Mr. Byrne said there were no comments from the airport.

The public hearing was opened.

There were people present to speak in favor and in opposition.

Mr. Chris Pusey with 4-D Site Solutions spoke in favor. Mr. Pusey said they were helping the applicant with this rezoning. Mr. Pusey said that one thing they do when looking at a borrow pit is to have an end game. The end game for this request is an industrial subdivision allowing. Low density residential that is recommended for this area is pinched between light and heavy industrial. Rockfish Creek and the PWC sewer line provide for a natural buffer to all the residential on the south side of the creek. The closest home to the mining operation is located 300 feet away from the mine. Mr. Pusey said they will only permit about ten acres at a time for mining.

Mrs. Epler asked if this site is in the area that the Board of Commissioner's decided to extend water to.

Mr. Pusey said he didn't know. They are 1.65 miles south of the runway, one of the things they have done in the past to deal with the open water problem is floating balls, which are non-shiny plastic balls that are placed in an open body of water and this helps to keep water fowl away.

Ms. Hall asked Mr. Pusey if they would still be clear cutting trees a block at a time?

Mr. Pusey said that was correct.

Ms. Hall asked if there have ever been plans to come back and plant the trees?

Mr. Pusey said he's never seen them not replant, because normally they volunteer.

Mr. Robert Van Goens, Economic Development Director, spoke in favor. Mr. Van Goens said it is their job to attract companies here to bring jobs and development of the necessary products. Mr. Van Goens said he was surprised by the limited inventory of buildable sites when it comes to soils, road access, infrastructure and where we don't have an over conflict of existing residential development. Mr. Van Goens came across the subject property and reached out to the owners about the site's potential. This site is near the airport and I-95, there are also a number of industrial uses around the site. Mr. Van Goens said that he would appreciate any help the Board could give them.

Mr. Lloyd asked if this site was all going to be used for a borrow pit.

Mr. Van Goens said a large portion of it will be used for a borrow pit, but that western portion along with the adjacent property to the west looking to design it to be different levels future industrial development pads.

Chair Wheatley asked if anyone had talked with anyone at the airport.

Mr. Van Goens said that he was on the board and spoke with Bradley Whitted and they are working on an airport economic strategy.

Mr. Lloyd said he questions where the disconnect is between the staff recommendation and the application, because it's going to be more than a borrow source operation that it's got clarification to.

Mr. Byrne said the applicant only asked for the borrow source, not the other industrial uses. So, staff was looking at the one specific use because the borrow source is a use allowed in the A1 and M(P). There are no specific plans for an industrial park. So, staff recommended the A1 as they would have to come back for a rezoning for the future industrial uses anyway. The staff was told about the industrial park after the staff recommendation meeting.

Mr. Lloyd asked if anyone called and asked about this, because this is going to the Commissioner's as just a borrow source.

Mr. Byrne said this was advertised as a borrow source only.

Mrs. Epler said if we recommend approval of this, we would be going against the staff recommendation.

Mr. Byrne said they would be voting against the Land Use Plan which calls for low density residential.

Mrs. Epler said they could always approve the A1/CZ and let them come back later when the industrial does happen and reapply for whatever zoning they need then.

Mr. Byrne said that's what staff was saying, because they would have to go back and reapply anyway for the other uses.

Mr. Williams asked how long it would be before the borrow pit came back as usable commercial property.

Mr. Pusey said it depended on how quickly they burn through the dirt that's available. If they do a grading plan for the industrial site, that is the end game and that calls for a cut of six to eight feet. However quickly

the dirt can be sold would determine how quickly they need to permit more acres and keep going and therefore reclaim.

Dr. Andrews asked if there would be night operations.

Mr. Pusey indicated that it was on the application, six days a week seven to six. The intent was to get a time on the application that would cover most situations.

Dr. Andrews asked Mr. Van Goens if he spoke to the airport, yes or no, if they were okay with this there would be something from them expressing their approval.

Mr. Van Goens said in the airport economic development strategy about to be adopted industrial development at this intersection is included as a goal that they are pursuing and are for it that is not the same as me saying that the airport authority endorsed this application. That entire area is targeted for industrial development and recruitment. They are for industrial development.

Mr. Lloyd stated that his concern was that the board has to act based on the Land Use Plan, the application says that we are only considering a borrow source, but based on testimony this is going to be more than a borrow source, and staff is denying it. Mr. Lloyd asked if this is so time sensitive that this application couldn't be amended. Mr. Lloyd said his biggest concern is that it goes against the plan.

Mrs. Epler said she would be more comfortable with this if there was an opinion from the airport.

Ms. Hall asked if anyone considers erosion.

Mr. Byrne said that is looked at when they go to the State for permits. Part of the conditions is that they have to have approval from the Department of Environmental Quality (DEQ).

Mr. Lloyd said he has concern about this being zoned Agricultural for a borrow pit and coming back for when they want to do industrial and rezoning back to industrial, we're going to have to go against the plan. He also has a problem with the application process and wishes there had been more communication on this recommendation. Mr. Lloyd said there could have been a better job in the communication process between the application and the testimony.

Mr. Crumpler said that part started after the staff meeting, it's not staff's fault.

Mr. Lloyd asked when the staff meeting was and when Mr. Van Goens spoke to staff. Mr. Van Goens said a few days ago

Mr. Byrne said staff meeting was a week ago and explained what happened when they found out.

Mr. Jeff Brooks spoke in opposition. Mr. Brooks stated that his concerns with this rezoning are the possible flooding issues and is also concerned about the change to a new zoning.

Mrs. Epler asked Mr. Brooks what side the flooding came from the last time there was a flood.

Mr. Brooks said Rockfish Creek.

The public hearing closed.

Dr. Andrews said that she was concerned that no one was present from the airport authority and feels that they need to have something that gives some indication about how the airport feels about this request as part of their consideration.

Mr. Byrne said a request for comments was sent out, but they never got anything back.

Mr. Lloyd made a motion, seconded by Mrs. McLaughlin to defer the case to March 17, 2020 and come back to reflect the uses of the testimony other than the borrow source and demand comments from the airport manager to staff indicating their position on this. Unanimous approval.

Mr. Lloyd made an amended motion, seconded by Mrs. Epler to defer the case to March 17, 2020 and come back to reflect the uses of the testimony other than the borrow source and request comments from airport manager to staff indicating their position on this. Unanimous approval.

VIII. PUBLIC HEARING WAIVER CASE

- A. **CASE NO. 19-129.** CONSIDERATION OF THE DONNIE G. BEARD & MICHAEL G. BEARD PROPERTY; SUBDIVISION REVIEW; REQUEST FOR A WAIVER FROM THE MAXIMUM NUMBER OF LOTS TO BE SERVED USING A CLASS "C" PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTIONS 2304.C.4.C(4), PRIVATE STREETS; ZONED: A1; TOTAL ACREAGE: 10.76 +/-; LOCATED AT 3432 & 3460 SUNNY DALE DRIVE; SUBMITTED BY DONNIE G. BEARD AND MICHAEL G. BEARD (OWNERS).

Chair Wheatley swore in Mr. Donnie Beard and Mr. Ed Byrne.

Mr. Byrne presented the case information and case photos.

This is a request to allow one illegally deeded lots on a class "C" private street that exceeds the maximum number of allowed lots.

The original subject property was legally platted on January 28, 1982 (Plat Bk. 51, Pg. 25 – Lot 4) as a ten acre lot and was one of six lots approved on the class "C" private street. In 1982 the maximum number of allowed lots on a class "C" private street was seven, where today only 4 lots are allowed.

In 1997 Lot 4 (The subject property) was subdivided into two lots by deed by the property owner's making them illegal under the County Subdivision Ordinance (Bk. 4730, Pg. 607 & Bk. 4730, Pg. 609).

Four additional lots have been approved and platted out of the original Lot 5 (Plat 58, Pg. 27 – 8-23-85), increasing the number of lots approved to nine. Two additional lots have also been subdivided out of Lot 3 making them illegal under the County Subdivision Ordinance (Deed Bk. 3695, Pg. 416- 8-15-91 & Bk. 4845, Pg. 652 – 4-20-98). The two illegal subject property lots and the two additional illegal lots increase the number of lots on the class "C" private street to eleven lots.

The one subject property lot is the only illegal lot under consideration for this request.

The public hearing opened.

Mr. Donnie Beard spoke in favor and gave a brief history and said that the home has been through a lot and needs to get permits so they can upgrade the home. They are in the gen x area and can't even get a well.

Mrs. Epler asked Mr. Beard if he was given a copy of the findings of facts and if he had any information that would help the board find the findings of fact to be true.

Mr. Beard said it was in his packet. He would encounter a hardship because he would have to move off of his property. The condition of the home because of the storms has developed mold. He does need a new dwelling, or he would have to move off of the property and move somewhere else. Any new dwelling would have a higher value than the current home so that would add to the tax value, the previous owners who fell under the same rules as him were able to subdivide.

Mr. Lloyd made a request that application have the answers to the finding of facts.

In Case No. 19-129 Mr. Crumpler made a motion, seconded by Mr. Lloyd for favorable consideration by the Planning Board based on the following summary of the basis for this request: a) Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to: he would be forced to move and purchase new property, b) The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to: the new property would have a greater tax value than the current home. c) The property owner would not be afforded a special privilege denied to others, because: previous owners were able to subdivide the property and the opportunity to subdivide would be afforded to others. Unanimous approval.

IX. DISCUSSION

- Mr. Lloyd stated that he felt the data sheet needs to be updated to reflect everything.
- Dr. Andrews said there appears to be a communication disconnect between the Board and staff and it is affecting how the board is able to do their job, and it needs to be corrected.
- Mrs. Epler said that she felt the board could not do an adequate job for the citizens with the information they're being given.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 8:23 pm.