**Caswell County Board of Adjustment**

**March 9, 2021 Meeting Minutes**

**Members Present:** Timothy Yarbrough, Stephen Barmann, John Claggett, Ray Shaffner, and Nikki Turner. Also Present: Matthew Hoagland, *County Planner*, and Ashley Powell, *Administrative Assistant*, Paula Seamster, *Clerk to the Board.*

**Members Absent:** All members were present

**Call to Order**

Mr. Hoagland called the meeting to order at 2:05 p.m.

**Elections and Appointments**

1. **Chairman**

Mr. Hoagland opened the floor for nominations for Chairman. Mr. Claggett nominated Mr. Yarbrough for Chairman, seconded by Mrs. Turner. The motion carried unanimously.

1. **Vice Chair**

Chairman Yarbrough opened the floor for nominations for Vice Chairman. Mrs. Turner volunteered to be Vice Chairman. The motion carried unanimously.

1. **Secretary**

Chairman Yarbrough opened the floor for nominations for Secretary. Mr. Claggett nominated Ashley Powell for Secretary, seconded by Mr. Shaffner. The motion carried unanimously.

**Rules of Procedure**

Mr. Hoagland presented the Board with the rules and procedures for the Board of Adjustments. Mr. Claggett made a motion to approve the rule and procedures, seconded by Vice Chairman Turner. The motion carried unanimously.

**Oaths of Office**

Mrs. Seamster gave the oath of office to all Board members.

**New Business**

1. **Marin / Widmark Variance Petition**

Mr. Claggett stated that he rode by the property and noticed there was a for sale sign in the yard. Since the Marin’s have received notice of this meeting and they aren’t present today, he isn’t sure how to handle this matter procedurally. Then questioned Mr. Hoagland if the property changes ownership is the appeal valid. Mr. Hoagland replied they would lose their standings as property owners. Mr. Claggett questioned so the appeal would be null and void. Mr. Hoagland replied yes.

Mr. Shaffner questioned what address where the owners notified at. Mr. Hoagland replied at 189 Taylor’s Cove Road, which is listed as their mailing address on the Caswell County GIS and he has a signature that they received the notice through mail.

Chairman Yarbrough swore in George Daniels.

Mr. Daniel questioned Mr. Hoagland If there has been a meeting like this before. Mr. Hoagland replied yes, in the past the Caswell County Board of Commissioners served as the Board of Adjustments. Mr. Daniel questioned has there been any meetings regarding Hyco Lake property. Mr. Hoagland replied he was not a 100% sure. Mr. Daniel stated this property was divided up back in the 1960’s. To the best of his knowledge there were 5-7 lots. There was one lot that was so small, that his father and George Brandon purchased the lot. The other lots were purchased by family members except one. Years down the road he purchased two lots with a home on it for $20,000 in January 1977. This property was next to his uncle Jacks and his mother’s property was located across the road way. These two properties were put up for sale around the same time the Petry’s and the Marin’s. These lots are very small roughly 9,000 square feet and it abuts the road way. Matt and Christine Marin had asked him if they could build their boat house and he agreed to it; It was within 2ft of the property line. But when they came to him and asked him about the garage, he told them it was really tight quarters and this is my mother’s property and he could not speak for her, it would be up to him and his sibling’s; shortly after that they requested a variance. Then in October he received a notice and we replied. The big issue was that no matter what the garage would still touch the property line or well within the setbacks. Today here we are and the notice has been given, by certified mail, and a posting on the property. In order for the Board to move forward to take up any business you either have to swear them in and allow them to give their standings, if they are not present the Board does not have anything to vote on. Whether you call it a denial or dismissal, how many times will you continue the matter. This is a very important matter; he gave a reason why he couldn’t attend the first meeting. He does not think that this is a hardship on the Marin’s and they do not have the evidence to prove it.

Chairman Yarbrough questioned the Board on how they wanted to proceed with this matter. Mr. Hoagland stated 160D-406 regarding rules and procedures; it was unclear on how to handle this matter. Mr. Daniel questioned Mr. Hoagland if it is his responsibility to deny or approve the variance. Mr. Hoagland replied that he denied their site plans, which left them two options: appeal or request a variance. Mr. Daniel stated it is up to you to make them appear and state their case. Mr. Claggett questioned that date on the hearing. Mr. Hoagland replied March 1st, state laws require mail notices 10-25 days before the hearing. The notice was mailed late February and they received it on March 1st. Mr. Daniel questioned the Chairman if he was going to put this matter off and see if the property was sold. Mr. Shaffner stated there is a lot of legality that we don’t know how to proceed and suggested reaching out to the County Attorney. Mr. Claggett questioned Mr. Hoagland if the Board would have access to the County Attorney. Mr. Shaffner stated that in Article 3 and 4 it speaks on that behalf. Vice Chairman Turner suggested tabling this matter until the Board receives feedback from the County Attorney. Then she questioned Mr. Hoagland if the Marin’s were aware of the setbacks when they purchased the property. Mr. Hoagland replied yes.

Mr. Claggett made a motion to continue the variance until after discussing this matter with the County Attorney, seconded by Mr. Shaffer. The motion carried unanimously.

1. **Aldridge Conditional Use Permit**

Mr. Shaffner excused himself from the discussion at the time this matter was brought to the Planning Board he was serving on that Board.

Mr. Hoagland stated that the Aldridge’s are here today seeking a conditional use permit for their property at 150 Crutchfield Road in Semora. The applicants have proposed to erect a new double wide manufactured home on their lot. The property is located in the residential zoning district of Hyco Lake. Then Mr. Hoagland gave a brief overview of the regulations and requirements of the Hyco Lake zoning district.

Mr. Barmann questioned the Aldridge’s if the home was an Oakwood home. Mr. Aldridge replied yes. Mr. Barmann questioned if it would have a brick foundation. Mr. Aldridge replied yes. Mr. Barmann questioned if the well and septic are preexisting. Mr. Aldridge replied yes.

Mr. Claggett made a motion to approve the conditional use permit for the Aldridge’s, seconded by Vice Chairman Mrs. Turner. The motion carried unanimously.

**Rules of Procedure Revisions**

Mr. Hoagland stated that the Board must establish a meeting schedule, in the UDO It states on the first Tuesday of every month.

Mr. Claggett made a motion for Mr. Hoagland to direct the Planning Board to start the process of amending the UDO, changing the Board of Adjustments meetings to the second Tuesday of the month, seconded by Mr. Shaffner. The motion carried unanimously.

Mr. Hoagland stated that the Board of Commissioners made a request that the Board of Adjustments member determine their length of how long they would like to serve on the Board of Adjustments.

Mr. Claggett made a motion to submit the Board members length of service to the Caswell County Commissioners as follows, Tim Yarbrough 3 years, Ray Shaffner 3 years, John Claggett 3 years, Nikki Turner 2 years, and Stephen Barmann 2 years, seconded by Vice Chairman Mrs. Turner. The motion carried unanimously.

**Adjournment**

Mr. Claggett made a motion to adjourn the March 9, 2021 at 3:15 p.m., seconded by Mr. Shaffner. The motion carried unanimously.