

MINUTES
The Regular Meeting of the
Aberdeen Planning Board

December 20, 2012
Thursday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Planning Board met Thursday, December 20, 2012 at 6:00 p.m. for their Regular Board Meeting. Members present were Chairman Johnny Ransdell, Vice Chair Sarah Ahmad, Owen Gallagher, Joe Dannelley, Janet Peele, Raymond Lee and Graylin King. Alternates Tim Marcham and Peter Koch were also in attendance. Others in attendance were Planning Director Kathy Liles, Senior Planner Pam Graham, and Permit Technician Jenni Secrist. Members of the public present were Ms. Watson, Ms. Pace, Mr. McCrimmon, Mr. Locklear and several members of the Berkley community that did not wish to speak.

1. Call to Order

Chairman Johnny Ransdell called the meeting to order at 6:00pm.

2. Approval of the Agenda

Sarah Ahmad made a motion, seconded by Raymond Lee, to approve the agenda of the Regular Meeting of December 20, 2012.

3. Approval of Minutes

Ms. Ahmad commented she found several grammatical errors while reading through the submitted minutes and has given her corrections to Jenni Secrist, Secretary to the Planning Board.

a. Approval of Minutes for Regular Meeting of October 18, 2012.

Raymond Lee made a motion, seconded by Janet Peele, to approve the minutes of the Regular meeting of October 18, 2012 with corrections. Vote Unanimous.

b. Special Called meeting of November 2, 2012.

Owen Gallagher made a motion, seconded by Sarah Ahmad, to approve the minutes of the Special Called meeting of November 2, 2012 with corrections. Vote Unanimous.

4. New Business

a. Text Amendment UDO #12-09, Regarding non-conforming lots submitted by staff.

Ms. Graham presented the staff report and the background for this amendment request. An updated amendment was submitted to the Board and placed in the Board packet.

Mr. McCrimmon stated he purchased a lot at 119 Moore St. that had a double wide on it about nine months ago. At the time he purchased the property he was under the impression he could put a doublewide back on the property. He was informed that was not allowed and he would not be able to put anything back. Mr. McCrimmon also stated there are several properties in the Berkley community that have trees growing through the houses. He stated he would not be able to go to a bank and get a loan to build a new house if he was not able to build on his lot. It would be nice to be able to clean up the area, but he would not be able to get a loan with the restrictions that are in place at this time. He stated the area really needs to be cleaned up.

Mrs. Peele asked if anyone was living in the houses with the tree growing in them. Mr. McCrimmon stated no.

Chairman Ransdell stated this was not an enforcement board but suggested Mr. McCrimmon talk to the Planning Staff on getting the area cleaned up.

Mr. McCrimmon stated he would like to know what he could place on the lot he purchased at 119 Moore St. Ms. Graham stated she is aware of Mr. McCrimmon's situation and she and Planning Director Liles have found some possibilities for Mr. McCrimmon and would be happy to discuss that with him at a later date.

Mr. Locklear from the Berkley community stated he is looking into purchasing Ms. Hill's property. Mr. Locklear explained he would not be able to place a mobile home on this lot due to the Ordinance restrictions. Ms. Graham explained Mr. Locklear's situation and stated his only options would not be conducive with the surrounding area.

Chairman Ransdell stated the effort is not to rezone anything, he stated what is driving this procedure is there is several lots in Aberdeen where the property owners are unable to use the lots how they were intended to be used due to changes. He stated that is why this language is being submitted in order to help this situation.

Mr. Dannelley asked how would that reasonable relief be vetted from the 15 foot down to 10 foot setback, will there be an onsite inspection. Mr. Dannelley also asked if what he was seeing here in this amendment is to basically address the setback issue. Ms. Graham stated that this amendment was to address the setback issue because there is some language that already gives relief to other issues. Ms. Graham stated to answer Mr. Dannelley's first question typically what happens when going through the permitting process a site plan is required and it will show if the building meets the required setbacks and the inspector would also do a field inspection to check these.

Mr. Dannelley stated he wanted to make sure that designs are not drawn up with the idea that relief on the setbacks will automatically be given. Ms. Graham stated the way this is worded there will not be a lot of subjectivity when granting relief. Mr. Dannelley had some concerns about applicants getting relief when it would not necessarily be needed. Ms. Graham stated that only existing non-conforming lots will be affected by this amendment.

Mr. Lee suggested changing the language in Part D section a. and d. from the “administrator shall allow”, which sounds like they are going to, to “may allow.”

Planning Director Liles suggested an additional subsection “c” that states “applicant shall present a sketch plan that demonstrates how the reduction of setback is both needed and minimized to the greatest extent possible.”

Mr. Dannelley stated he believes that language both protects the Town and the property owners.

Ms. Ahmad asked if staff has had any discussion with the residents of existing developed lots and if there would be any noise issues. Ms. Graham stated she would hope when this amendment goes to the Public Hearing we would get more input from residents of Aberdeen and their opinion on this.

Ms. Ahmad asked about the change in use language. Ms. Graham explained that if a change in use is requested the applicant will have to go through the Planning Board for approval.

There was some additional discussion clarifying the language.

Raymond Lee made a motion, seconded by Owen Gallagher, that UDO #12-09 is not inconsistent with all adopted plans of the Town of Aberdeen including the 2030 Land Development Plan, the Hazard Mitigation Plan, the Pedestrian Plan and the Bicycle Plan and the Green Growth Tool Box. Vote unanimously carried.

Owen Gallagher made a motion, seconded by Joe Dannelley, to recommend the following amendments with suggested changes to the Town of Aberdeen Board of Commissioners to:

- Amend the definition of “Nonconforming Lot”, §152-121(4).
- Amend “Nonconforming Lots,” §152-123 as indicated in the attached draft text amendment.
- Amend “Table of Density and Dimensional Regulations”, §152-181 as indicated in the attached draft text amendment.
- Amend “Minimum Lot Area”, §152-183 as indicated in the attached draft text amendment.

Vote unanimously carried.

- b. Rezoning RZ #12-01 for Forest Hills Block G Lot 17 submitted by Paige Godin.

Planning Director Liles presented the staff report and the results of the Joint Public Hearing on December 10th, 2012 for Board members that where unable to attend.

Mr. Lee asked why the applicant needed to change the zoning. Planning Director Liles stated the applicant was informed because of zoning changes she would not be able to subdivide the lot. The applicant stated she did not receive notification of any changes.

Ms. Ahmad asked why this would not be considered spot zoning. Planning Director Liles stated that the lot is adjoining lots that are zoned the same as the applicant is requesting. Ms. Ahmad asked how this change will not impact the existing houses on the street. Planning Director Liles stated that would be what the Board will have to determine.

Mr. Dannelley and Planning Director Liles commented on the possibility of other lots in the area being able to reduce their zoning and possibly setting a precedent.

Ms. Peele asked what the tax benefits would be for the Town. Planning Director Liles stated it would depend on what the owner put on the lots potentially you would have one net increase of a Single Family Resident. It could possibly double the tax revenue of that lot if it were split but that is dependent on what is put on the lots.

Mr. Lee recommends certified mail as an option when notifying residents of changes.

Chairman Ransdell asked if any of the neighbors had anything to say. Ms. Secrist stated she received one phone call but they did not object to the request.

Ms. Peele stated the only problem she has with this is setting a precedence and ending up with a spotty neighborhood. She also stated she does not see where the hardship is to make this change necessary.

Mr. Lee asked what her intentions were when she purchased the lot. Planning Director Liles stated the owner informed her she had intended to use the lot as an investment property.

Ms. Ahmad is concerned about the impact this request will have on the adjoining neighbors.

Owen Gallagher made a motion, seconded by Graylin King, to recommend denial to the Board of Commissioners the request for rezoning RZ #12-01 for Forest Hills Block G Lot 17 submitted by Paige Godin. Vote unanimously carried.

- c. Special Use Permit SU #12-05, for canine rehabilitation (home occupation) at 403 Brian Rd. submitted by Sandra Watson.

Before testimony is given all parties were sworn in.

Planning Director Liles presented the staff report.

Planning Director Liles explained the proposal will not endanger public health or safety, will be in harmony in the area in which it is to be located, will be well screened and backs up to commercially owned property. The nearest residential dwelling is over three hundred feet away and animals will be kept within the Garage.

Planning Director Liles read through the Recommended Conditions as followed:

- 1) Approval of the home occupation does not confer approval for employees in addition to the owner.
- 2) The applicant is restricted to no more than the legal number of dogs allowed by the UDO.
- 3) Dogs may not be boarded.
- 4) No exterior signage is authorized.
- 5) Sufficient parking must be made available for no less than four vehicles.
- 6) The space dedicated to the home occupation must be kept in a safe and sanitary manner at all times with proper disposal of waste generated on the site.
- 7) Noise must be managed to prevent impact on adjoining properties. If the business generates three valid noise complaints within one year, then a noise study must be conducted and appropriate sound-proofing techniques implemented.
- 8) Building and Fire Inspections and Town of Aberdeen Business License are required prior to beginning operation, all to be coordinated through Planning and Inspections Department.

Ms. Watson stated the unit she will be using is a treadmill that is surrounded by plexiglass and is filled with water. It is for rehabilitation and exercise. All water is clean. There are no additives to the water. Ms. Watson stated she would not be able to handle more than 4 dogs per day due to time.

Mr. Dannelley stated he thinks it's a great idea. He asked what would be the business hours. Ms. Watson stated she intends to be open between 9:00 a.m. to 5:00 p.m. Mr. Dannelley asked if there is a fence on the property. Ms. Watson stated she has two fences on her property and would be placing another fence on her property. She stated she is very careful with the confinement of her animals but animals brought in for rehab would not be let out unless they are there for weight loss purposes and then they would be able to run around in a pen. Mr. Dannelley asked how the drainage of the tanks would be handled. Ms. Watson stated the tank holds 15 to 25 gallons depending on the animal's size. It would either be placed in the existing drains in the garage or she may recycle the water and use it, for example to water the yard. Mr. Dannelley asked if she intended to use volunteers. Ms. Watson stated yes. Mr. Dannelley asked when talking to the State are there any other businesses that do this type of operation. Planning Director Liles said the person from the State she talked to stated he has seen this type of operation but not anywhere around in this area.

Mr. Lee asked if the garage will be heated. Ms. Watson stated the garage is currently insulated and heated.

Mr. Koch asked how you get the animals into the tank. Ms. Watson stated it is a walk in tank.

Mr. King asked about the traffic on the driveway. Ms. Watson stated the driveway is asphalt and does not feel there will be any issue with the extra traffic.

Ms. Debbie Pace the adjoining neighbor asked if Ms. Watson was the owner of the property and is there a vacant lot between her and Brian Rd. Ms. Watson stated it is and would like to purchase the lot beside her. Ms. Pace asked if she would be allowed to expand her business onto this lot which would make this a large business and would devalue the surrounding area. Ms. Liles stated the home occupation would be restricted to 25% of the residence.

Raymond Lee made a motion, seconded by Graylin King, that SU #12-05 is complete as submitted. Vote unanimously carried.

Raymond Lee made a motion, seconded by Peter Koch, that SU #12-05 satisfies Finding #1: will not endanger public health or safety. Vote unanimously carried.

Owen Gallagher made a motion, seconded by Janet Peele, that SU #12-05 satisfies Finding #2: will not injure the value of adjoining or abutting property. Vote unanimously carried.

Janet Peele made a motion, seconded by Owen Gallagher, that SU #12-05 satisfies Finding #3: will be in harmony with the area in which it is located. Vote unanimously carried.

Raymond Lee made a motion, seconded by Owen Gallagher, that SU #12-05 satisfies Finding #4: will be in conformity with the land-use plan, thoroughfare plan, or other plan (Hazard Mitigation, Pedestrian and Bicycle Plans) officially adopted by the Town Board. Vote unanimously carried.

Owen Gallagher made a motion, seconded by Joe Dannelley, that based on the findings of fact and the evidence presented the Planning Board recommends approval of SU #12-05 with the recommended conditions. Vote unanimously carried.

5. Meeting Adjourned at 8:15 p.m.

Johnny Ransdell, Chairman

Jenni Secrist, Secretary