

LEWISVILLE ZONING BOARD OF ADJUSTMENT MINUTES
RM 110 - LEWISVILLE TOWN HALL
6510 SHALLOWFORD ROAD ROOM 110
TUESDAY, MAY 25, 2021 - 6:30 P.M.

NOTE: ALL cases on the Zoning Board of Adjustment agenda are quasi-judicial in nature; as a result, NO communications should take place between yourself and the Zoning Board of Adjustments members prior to the public hearing.

I. Call to Order

- A. Vice Chair Ken Wernick called the meeting to order at 6:30 p.m. Board members present were Lynn Fulton, Jennifer Hill, Vance Horner, David Hunt, and Philip May. Board member Alan Nealeans was excused from attending. Also present were Attorney Bo Houff, Secretary Amy McBride, and Planner Stacy Tolbert who introduced Hannah Etter, planning intern.

II. Adoption of Agenda

- A. Vance Horner moved to approve the agenda. The motion was seconded by Jennifer Hill and approved unanimously.

III. Oath of Office

- A. Attorney Houff administered the oath to Board members Fulton, Hill, Horner, Hunt and May as required by new G.S. 160D.

IV. Approval of Minutes

- A. January 28, 2020 (not approved at the meeting on February 25, 2020)
 - 1. Vance Horner moved to approve the January 28, 2020 minutes. The motion was seconded by Philip May and approved unanimously.
- B. Tuesday, February 25, 2020
 - 1. A typing error for correction was noted on 6.A. line 5.
 - 2. David Hunt moved to approve the minutes as amended. The motion was seconded by Vance Horner and approved unanimously.

V. Membership

- A. Scott Ayers and Rick Hermann reached their maximum 3-year, 3-term appointments which expired on March 31, 2020, which was already into COVID, and Susan Stevens asked not to be reappointed.
- B. Council has removed the 3-year term limits so that there is no longer a 9 year limitation.

VI. Election of Officers

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- A. Chair
 - 1. Jennifer Hill moved to nominate Ken Wernick as chair. The motion was seconded by Philip May and by acclamation was named as chair.
 - B. Vice Chair
 - 1. Vance Horner moved to nominate Jennifer Hill as Vice Chair. The motion was seconded by David Hunt and by acclamation was named as vice chair.
- VII. **Hearing and Determination of Cases** (continued from the February 25, 2020 meeting)
- A. Special Use Permit Renewals (Consent)
 - 1. Ms. McBride read the required findings into the record:
 - a. The Zoning Board of Adjustment shall issue a special use permit only when the Board makes an affirmative finding that:
 - (1) The use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
 - (2) The use meets all required conditions and specifications;
 - (3) The use will not substantially injure the value of adjoining or abutting property or that the use is a public necessity; and
 - (4) The location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Legacy Plan and Lewisville Comprehensive Plan.
 - b. Ms. McBride was sworn in.
 - 2. **Case # Z2100248** Dwayne and Dinah Burnette were requesting permission to continue to place an accessory dwelling (Manufactured Home, Class B) on a 1.72-acre tract of land with an existing Manufactured Home, Class A located at 602 Ketner Road, (accessory address is 594 Ketner) approximately 1 mile north of Shallowford Road. Property is zoned RS9. Tax Block 4425, Tax Lot 035F, PIN 5896-01-5542.
 - a. No changes since last seen by the board. First approval was in 2016. The front yard has high grass.
 - b. The public hearing was opened.
 - (1) Occupant Timothy Meetz was sworn in by Attorney Houff.
 - (a) Mr. Meetz wanted to explain why his front yard looked as it did. His home is back in the woods behind the other home.
 - c. The public hearing was closed since there were no other speakers.
 - d. Vance Horner moved to grant the special use permit for another five

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- (5) years with no restrictions. The motion was seconded by Jennifer Hill and approved unanimously.
3. **Case # Z2100264** Ruby Grimes was requesting permission to continue to place a Manufactured Home, Class C on a .48-acre tract of land located at 7730 Grapevine Road(north side of a private drive), approximately 650 feet northwest of intersection of Sedgewick Ridge Road and Grapevine Road. Property is zoned RS20. Tax Block 4612, Tax Lot 034L, PIN 5876-72-9421
- a. Everyone was advised that the only improvement noted on the application was that new rocks had been placed in the driveway.
 - b. The public hearing was opened.
 - c. There was no one to speak and the public hearing was closed.
 - d. Board members discussed the condition of the property, noting that the steps were a big safety concern, especially since Ms. Grimes couldn't walk very well. Board members were also concerned about the health and safety of Ms. Grimes.
 - (1) There was question whether there was only a visual inspection of the steps or whether a professional had inspected the property.
 - (2) Attorney Houff reminded everyone they are only to determine the case even though they are all concerned about Ms. Grimes health, that is not in their purview.
 - e. Board members were concerned and wanted to know how this can be handled.
 - f. Attorney Houff advised:
 - (1) Deny.
 - (2) Continue.
 - (3) Approve for less than 5 years to allow for concerns to be fixed.
 - (4) Grant the application.
 - g. After discussion, David Hunt moved to grant for two (2) years and to have the condition reviewed by a professional to determine what needs to be done. The motion was seconded by Vance Horner and approved unanimously.
4. **Case # Z2100270** Aaron and Kathy Crum were requesting permission to continue to occupy an accessory dwelling (Garage) on a .51-acre tract of land with an existing dwelling located at 912 Bouzeke Road, approximately 450 feet south of Holly Hedge Drive. Property is zoned RS9. Tax Block 4426B, Tax Lot 007, PIN 5885-63-6772.
- a. The public hearing was opened.

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- b. There was no one to speak and the public hearing was closed.
 - c. The only change was that of the tenant.
 - d. Several members indicated they had driven by the property and that was neat and well kept.
 - e. Jennifer Hill moved to grant the special use permit for another five (5) years with no restrictions. The motion was seconded by Philip May and approved unanimously.
- B. Other Special Use Permits (New) (continued from February 25, 2020)
- 1. Ms. McBride read the required findings into the record:
 - a. The Zoning Board of Adjustment shall issue a special use permit only when the Board makes an affirmative finding that:
 - (1) The use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
 - (2) The use meets all required conditions and specifications;
 - (3) The use will not substantially injure the value of adjoining or abutting property or that the use is a public necessity; and
 - (4) The location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Legacy Plan and Lewisville Comprehensive Plan.
 - 2. **Case # Z2000130** William and Candy Doomy were requesting a special use permit for a constructed oversized accessory structure on a 1.422-acre tract of land located at 3345 Clarice Avenue. Property is zoned RS30. Tax Block 4677, Tax Lot 120, PIN 5887-68-0300.
 - a. Information was read from the UDO explaining the amount (percentage) of property that could be used for an out building. In Lewisville, it is 5% or less of the lot size, which is different from the county and other municipalities in the county.
 - (1) Using the 5% or less calculation, the building should be 1,500 square feet.
 - (2) The building that was permitted by Inspections is 4,400 square feet.
 - b. The public hearing was opened.
 - (1) Mr. William Doomy was sworn in by Attorney Houff.
 - (a) Mr. Doomy stated he never heard of the 5% rule. He presented plans that he had drawn up for the three lots he owns and they were approved to build and permits

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issued. The accessory building is 40x60 and includes a lean-to, used to shade vehicles.

- c. Having no other speakers, the public hearing was closed.
 - d. After discussion, David Hunt moved to approve the request. The motion was seconded by Vance Horner and approved unanimously.
- C. Variances (continued from February 25, 2020)
- 1. **Case # Z2000117** William and Candy were requesting a variance of the required rear yard setback for a constructed accessory structure on a 1.422-acre tract of land located at 3345 Clarice Avenue. Property is zoned RS30. Tax Block 4677, Tax Lot 120, PIN 5887-68-0300.
 - a. The Findings were read again.
 - b. The rear set back was approved per the drawing at 12.5 feet; however, the set back should have been 35 feet.
 - c. Mr. Doomy was advised that he was still sworn in.
 - (1) He advised that he moved the location of the building after the plans were approved and that the building is now 28 feet off the back of the property. He also advised that he could have had things changed if the variance had been caught prior to the approval.
 - d. Attorney Houff asked if this is a hardship since it was a government entity that approved the plan. Additionally, he advised that the town contracts with City County Inspections to do permitting for the town.
 - e. After additional discussion, Philip May moved to grant the variance as built. The motion was seconded by Jennifer Hill and approved unanimously.
- D. Appeals
- 1. None.
- E. Withdrawal or Continuance Requests
- 1. None.

VIII. Unfinished Business

- A. None.

IX. New Business

- A. Orientation on G.S. 160D
 - 1. Board members were provided a handout with material on Chapter 160D. The State Legislature has been working on consolidating county and municipal statutes into one chapter. This chapter of the General Statutes will replace references to 160A. References to the Zoning Board will change

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from 160A to 160D.

2. Additionally, Attorney Houff provided additional information on:
 - a. The reason for the existence of the Zoning Board of Adjustment.
 - (1) There must be a finding of fact.
 - b. The Open Meetings Law.
 - (1) He explained why one should not REPLY ALL.
 - c. Conflict of Interest.
 - d. Hearing procedures and quorum.

X. Board Discussion

- A. None.

XI. Other

- A. None.

XII. Adjournment

- A. Having no other business to discuss, at 8:07 p.m., Vance Horner moved to adjourn the meeting. The motion was seconded by Jennifer Hill and approved unanimously.

Ken Wernick, Chair

ATTEST:

Joyce C. McWilliams Walker, Town Clerk