



**Town of Stanley Board of Adjustment Meeting
Official Minutes
Tuesday, March 21, 2023**

The Planning Board Special meeting was held on Tuesday, March 21, 2023 at the Town of Stanley Town Hall. The following elected officials, staff and applicants were present:

Philip McGinnis, Chairman
Judy Billings, Board Member
Sally Davis, Board Member
Ronald Eddington, Board Member
Nina McDowell, Board Member

Greg Dimmer, Applicant
Sarah Penley, Planning Director
John Russell, Town Attorney

Call to Order:

Chairman McGinnis called the meeting to order at 6:00 p.m.

Agenda Item – Approval of Minutes

Chairman McGinnis called for a motion to approve the meeting minutes from the December 12, 2022 Meeting. Board member McDowell made the motion, seconded by Board member Billings. A vote was called for and the motion passed unanimously (5 to 0).

Agenda Item – Approval of Agenda

Chairman McGinnis called for a motion to approve the meeting Agenda as presented. Attorney John Russell pointed out that the cover sheet for public hearing item number two (2) listed a Variance Request and asked for confirmation. Planning Director confirmed that it should be corrected to a Special Use Permit. Chairman McGinnis called for a motion to approve the meeting Agenda with the noted correction for item number two (2). A motion was made by Board member Davis, seconded by Board member Eddington. A vote was called for and the motion passed unanimously (5 to 0).

Introduction to Hearing

Chairman McGinnis read into record a general introduction and outline for the public hearing:

1. This hearing is a quasi-judicial hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this Board must make its decision.
2. The Board's discretion is limited. The Board must base its decision upon competent, relevant, and substantial evidence in the record. A quasi-judicial decision is not a popularity contest. It is a decision constrained by the standards in the Ordinance and based on the facts presented.
3. Parties with standing have rights to participate fully. Parties may present evidence, call witnesses, and make legal arguments. Parties are limited to the applicant, an individual with an ownership interest in the subject property, the local government, and individuals who can show they will suffer special damages. General witness testimony is limited to facts, not opinions. Witnesses must swear or affirm their testimony.
4. For a variance hearing, a four-fifths vote of the Board is required to grant a variance. For all other hearings, the decision will be made by a simple majority vote of the Board.

Agenda Item – Old Business

None

Agenda Item – New Business

- A. Special Use Permit Application (SUP 23-01)
Applicant: Greg Dimmer
Property Address: 515 Wilson Street, Unis A/B
Request: To construct a duplex dwelling in the (R-8) Residential Zoning District

Chairman McGinnis asked for a motion to enter into public hearing. Board member Billings made a motion, seconded by Board member McDowell. A vote was called for and the motion passed unanimously (5 to 0).

Chairman McGinnis explained that parties to this case are entitled to an impartial Board. A Board member may not participate in this hearing if he/she has a fixed opinion about the matter, a financial interest in the outcome of the matter, or a close relationship with an affected person. Chairman McGinnis then asked if this applied to any Board members present, to which none applied.

Chairman McGinnis administered the oath to all individuals who intended to provide witness testimony. Planning Director Sarah Penley and applicant Greg Dimmer were sworn in by the Chairman.

Planning Director Sarah Penley provided a brief overview of the application based upon the details provided on the application; the Future Land Use Plan designation of Higher Density Neighborhood; similar permits approved and/or outstanding in the immediate vicinity; and, the consistency with the Comprehensive Land Use Plan. It was also noted that vacant homes in the

immediate area had been recently purchased, removed and refurbished with new, similar style housing.

Board member Eddington asked if adjoining property owners had been notified of the public hearing. Staff responded that yes, notifications were distributed by mail, as well as, signage posted on the property and a legal ad ran in the local newspaper.

No further questions or comments were addressed to staff.

The applicant was provided an opportunity to address the Board. Mr. Greg Dimmer went over the following findings of fact:

1. Does not materially endanger the public health or safety: Mr. Dimmer responded that the site should be safer with the removal of the uninhabitable home that was previously on site and proposed to be replaced with new duplex housing
2. Meets all required conditions and specifications: Mr. Dimmer responded that his application had been reviewed by staff and that if approved, would meet all requirements of the Ordinance
3. Would not substantially injure the value of adjoining property or be a public necessity: Mr. Dimmer responded that the area values would increase with the addition of new housing on the site
4. Will be in harmony with the area in which it is located and in general conformity with the comprehensive land use plan: Mr. Dimmer responded that he is currently building or has built similar housing types on the adjoining lots and that staff has reviewed his application for consistency with the Comprehensive Land Use Plan and that it meets consistency; new project will be the same as previous work he has done on Wilson Street and will be an improvement to the area.

Chairman McGinnis asked if any questions for staff or the applicant. Seeing none, Chairman McGinnis then opened for discussion of the Special Use Permit application. Board member Billings commented that the proposed construction of a new duplex will improve the area. Board member McDowell stated that she had visited the site and was looking forward to new structures in that area and that they would make a huge difference. Chairman McGinnis noted that he appreciates the extra layer of attention given to these types of requests and the uninhabited homes needing to be cleared.

Chairman McGinnis then read aloud for record, the four findings of fact, mentioning that the Board had to find all four (4) to be in the affirmative in order to approve the application.

The Chairman then asked for a motion to close the public hearing. Board member McDowell made the motion, with Board member Eddington seconded. A vote was called for and the motion passed unanimously (5 to 0).

Chairman McGinnis then asked for a motion to approve, approve with conditions, or deny the request. Board member Billings made the motion providing the following reason “*the applicant met all four (4) requirements and findings of fact*”, with Board member McDowell seconded. A vote was called for and the motion passed unanimously (5 to 0).

Chairman McGinnis then asked for a final vote on this request, which was unanimous (5 to 0) to approve.

Agenda Item - Adjournment

Chairman McGinnis asked for a motion to recommend adjournment. Board member Davis made a motion, seconded by Board member Eddington. A vote was called for, and the motion passed unanimously (5 to 0).

The Board of Adjustment Meeting for March 21, 2023 was adjourned at approximately 6:23 p.m.

Respectfully Submitted:

Philip McGinnis – Chairman

(OFFICIAL TOWN SEAL)

Heath Jenkins – Town Manager

Olga Grishin - Town Clerk