



# BOARD OF ADJUSTMENT

## MINUTES

### Town of Carrboro

301 W. Main Street Carrboro, North Carolina 27510

May 6, 2020

7:00PM

Remote Meeting

MEMBERS PRESENT		TOWN ATTORNEY	STAFF
Garrett Baker	Michael Crowell	Nicholas Herman	Marty Roupe
James Baker	Brian Hageman		Dorian McLean
Linda Bowerman			
Joseph Collins			

**Absent/Excused:** Richard Ellington, Sriv Navaratnam

**Town Council Representative:** Damon Seils

Brian Hageman opened the May 6, 2020 Board of Adjustment meeting by calling the meeting to order and reading the Agenda.

Martin Roupe, town staff, asked Nicholas Herman, town attorney to discuss the proper procedure of how the remote Board of Adjustment meetings needed to be conducted.

Nicholas Herman, town attorney, explained the procedure of how this and future Board of Adjustment remote meetings should be conducted in accordance with North Carolina General Statutes. When speaking each individual needs to state their name before speaking, and when making a decision to vote that each individual call out their name and vote AYE or NOE. Mr. Herman explained to Brian Hageman, Chair of the Board of Adjustment, that he would not be able to vote on the order due to his absence from the February 19, 2020 Board of Adjustment meeting.

### **MINUTES APPROVAL:**

Michael Crowell noted that one correction to the minutes on Page 2, 5<sup>th</sup> paragraph starting with Michael Crowell and the 6<sup>th</sup> paragraph beginning with Richard Ellington. The two names need to be placed in opposite places.

MOTION MADE BY MICHAEL CROWELL AND SECONDED BY JOSEPH COLLINS TO APPROVE MINUTES FROM FEBRUARY 19, 2020 MEETING. VOTE: James Baker, Linda

Bowerman, Joseph Collins, Michael Crowell). ABSENT/EXCUSED 3 (Garrett Baker, Richard Ellington, Sriv Navaratnam)

**CONSIDERATION AND APPROVAL OF APPEAL ORDER:**

Martin Roupe, town staff, discussed the consideration and approval of Appeal Order of the Zoning Administrator's decision regarding a stream buffer encroachment on property located at 3200 Damascus Church Road.

Nicholas Herman has drafted for the Board of Adjustment a proposed order based on the decision made on the matter of the Appeal Order of the property located at 3200 Damascus Church Road. Board of Adjustment members should know that it is their order and the draft can be decided on and edited as needed. Only four board members are present at the current moment from the February 19, 2020 minutes and those four should vote on the Appeal Order.

Nick Herman noted that on May 4, 2020 Mr. Patrick Shillington, representative of the property owners for 3200 Damascus Church Road, wrote an email to Martin Roupe. Nick quoted the email as saying the following, "Marty, I have reviewed the summary you applied and you inaccurately summarized what I said at the meeting."

Brian Hageman intervened informing the Board of Adjustment members that Garrett Baker had joined the Board of Adjustment meeting and that he would be able to vote on the draft appeal order as he was present at the February 19, 2020 Board of Adjustment meeting. Brian informed members present that the draft Appeal Order being discussed should be accurate and asked if any modifications are needed to be done to the order. Brian Hageman informed the board that former board member Wil Heflin resigned from the Board of Adjustment and that the order would need to be amended to not include Wil Heflin's name.

Michael Crowell suggested that some of the language in the order be modified. James Baker and Mr. Crowell discussed possible modifications, and Nicholas Herman discussed with Board members as well whether the modification were necessary. After the board discussed the order no modification was needed and everyone was in agreement on the draft order.

Brian Hageman proceeded with a motion to vote on the order by members of the Board of Adjustment.

**MOTION WAS MADE BY MICHAEL CROWELL AND SECONDED BY GARRETT BAKER TO APPROVE THE APPEAL ORDER FOR 3200 DAMASCUS CHURCH ROAD VOTE: James Baker, Garrett Baker, Linda Bowerman, Joseph Collins, Michael Crowell). NOES 0: ABSENT/EXCUSED 2 (Richard Ellington, Sriv Navaratnam)**

James Baker asked if the order could be amended to remove former Board of Adjustment member Wil Heflin's name.

MOTION WAS MADE BY JAMES BAKER AND SECONDED BY JOSEPH COLLINS THAT THE ORDER BE AMENDED WITH THE REMOVAL OF A FORMER BOARD MEMBER WIL HEFLIN NAME. VOTE: (James Baker, Garrett Baker, Linda Bowerman, Joseph Collins, Michael Crowell,). NOES 0: ABSENT/EXCUSED 2 (Richard Ellington, Sriv Navaratnam)

Nicholas Herman informed the board that the State Legislature has approved and enacted a bill that allows for remote quasi-judicial meetings and hearings to occur. Technology is allowing boards throughout the state to actively hold meetings using this procedure. Board members discussed holding such meetings and agreed to do so when needed.

### **OLD/NEW BUSINESS**

Martin Roupe informed the board about the possibility of 2 or 3 upcoming Special Exceptions, a SUP Minor Modification for OWASA, and possibly a variance application as well. Martin Roupe asked if the board would look at the dates of May 20 or May 27 for the next Board of Adjustment meeting.

Brian Hageman available May 20 and May 27  
Linda Bowerman available May 20 and May 27  
Joseph Collins available May 20 and May 27  
Michael Crowell available May 20 and May 27  
Garrett Baker available May 20 and May 27  
James Baker did not know his availability

Martin Roupe asked Dorian McLean to send out a poll of availability to the other Board of Adjustment Members for May 20 or May 27 date. Mr. Roupe thanked the board for how well the first remote Board of Adjustment went tonight.

### **ADJOURN**

MOTION MADE BY LINDA BOWERMAN AND SECONDED BY GARRETT BAKER THAT THE MAY 6, 2020 BOARD OF ADJUSTMENT MEETING BE ADJOURNED. VOTE: (James Baker, Garrett Baker, Linda Bowerman, Joseph Collins, Michael Crowell, Brian Hageman) ABSENT/EXCUSED 2 (Richard Ellington, Sriv Navaratnam)