

River Bend Board of Adjustment
October 27th, 2022
Town Hall
6:00 PM

Board Members present: Chairman Paige Ackiss, Vice Chair Patty Leonard, Cinda Hill, Jon Hall, Kelly Forrest (ETJ Representative), Dave Zinni (Alternate)

Board Members absent: Chris Barta, Rick Fisher (ETJ Alternate)

Others present: Mayor John Kirkland, Councilman Buddy Sheffield (Liaison to BOA), Town Manager Delane Jackson, Assistant Zoning Administrator Allison McCollum, and 11 members of the public

SWEARING IN NEW MEMBERS

Mayor John Kirkland conducted the swearing in of Jon Hall and David Zinni as new members of the Board of Adjustment.

CALL TO ORDER

Chairman Paige Ackiss called the meeting to order at 6:04 PM on Thursday, October 27th, 2022 at the River Bend Town Hall with a quorum present.

APPROVAL OF JUNE 28TH, 2022 MEETING MINUTES

Vice Chair Patty Leonard made a motion to accept the minutes from the June 28th, 2022 meeting of the Board of Adjustment. Motion was seconded by Board Member Kelly Forrest and the motion carried unanimously.

EVIDENTIARY HEARING

Chairman Ackiss introduced the case. The Board of Adjustment assembled to conduct an evidentiary hearing and consider a special use permit to operate a specialty automotive shop at 5530 South US Highway 17, submitted by Kelsey Rowe

Chairman Ackiss explained the quasi-judicial nature of the case.

Chairman Ackiss swore in the following attendees as witnesses: Town Manager Delane Jackson, Assistant Zoning Administrator Allison McCollum, and the applicant, Kelsey Rowe.

Chairman Ackiss called for any necessary disclosures from the Board of Adjustment members. Chairman Ackiss and Board Member Jon Hall drove by the site separately. There were no other disclosures.

Chairman Ackiss, asked if anyone present wished to establish standing in the hearing. No one responded.

Town Manager Delane Jackson presented 15 exhibits that Town staff had prepared as relevant materials for the case. (See attached.)

During the presentation, board members asked questions regarding noise concerns, oil collection and containment, and hours of operation. Applicant Kelsey Rowe stated that there would be minimal noise; oil is to be contained in drums and collected by a third-party, and the shop hours would be 9am to 5pm, Monday through Friday.

Chairman Ackiss skipped items H-K on the agenda as there were no other parties present. He moved to open the deliberation portion of the meeting.

Chairman Ackiss asked if any board members had specific concerns or questions that they wanted to discuss. Board Members discussed noise concerns, location of storage, and location of inoperable vehicles. Chairman Ackiss closed the evidentiary hearing at 7:09 PM.

DECISIONS

Following the testimony and discussion, the Board voted on the following motions:

1. Vice Chair Patty Leonard moved that **the proposed use will not affect adversely the general plans for the physical development of the Town as embodied in these regulations or in any plan or portion thereof adopted by the Planning Board and/or the Town Council.** Board Member Kelly Forrest seconded and the motion carried unanimously.
2. Vice Chair Patty Leonard moved that **the proposed use will not be contrary to the purposes stated in the Town's zoning regulations.** Board Member Kelly Forrest seconded and the motion carried unanimously.
3. Vice Chair Patty Leonard moved that **the proposed use will not affect adversely the health and safety of residents and workers in the zoned area.** Board Member Kelly Forrest seconded and the motion carried unanimously.
4. Vice Chair Patty Leonard moved that **the proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses.** Board Member Kelly Forrest seconded and the motion carried unanimously.
5. Vice Chair Patty Leonard moved that **the proposed use will not be affected adversely by the existing uses.** Board Member Kelly Forrest seconded and the motion carried unanimously.
6. Vice Chair Patty Leonard moved that **the proposed use will be placed on a lot of sufficient size to satisfy the space requirements of the use.** Board Member Kelly Forrest seconded and the motion carried unanimously.
7. Vice Chair Patty Leonard moved that **the proposed use will not constitute a nuisance or hazard because of number of persons who will attend or use these facilities, vehicular movement, noise or fume generation, or type of physical activity.** Board Member Kelly Forrest seconded and the motion carried unanimously.
8. Vice Chair Patty Leonard moved that **the standards set forth for each particular use for which a permit may be granted have been met or will be met.** Board Member Kelly Forrest seconded and the motion carried unanimously.
9. Vice Chair Patty Leonard moved that **the proposed use shall be subject to the minimum area, setback, and other dimensional requirements of the zoning district in which it will be located.** Board Member Kelly Forrest seconded and the motion passed unanimously.
10. Vice Chair Patty Leonard moved that **the proposed use shall be subject to the off-street parking and service requirements of these regulations.** Board Member Kelly Forrest seconded and the motion carried unanimously.

Vice Chair Patty Leonard moved that the request for a special permit be approved with conditions as submitted with the following additional restrictions and standards necessary to protect the health and safety of workers and residents of the community, and to protect the value and used of property in the general neighborhood.

1. All outside storage must be behind an opaque fence at least six (6) feet in height and not visible from the road.
2. The property must comply with the Town's existing noise ordinance -- §13.01.004.
3. The sale of gasoline and diesel fuel is prohibited.

Board Member Kelly Forrest seconded and the motion carried unanimously.

ADJOURNMENT

Vice Chair Patty Leonard motioned to adjourn the meeting. Board Member Dave Zinni seconded the motion; it carried unanimously. The meeting adjourned at 7:15 PM.

Allison McCollum, Secretary