

**TOWN OF FRASER BOARD OF ADJUSTMENT
MINUTES**

DATE: Wednesday, November 29, 2017

MEETING: Zoning Board of Adjustment Meeting

PLACE: Fraser Town Hall Board Room

PRESENT

Commission: Commissioners: Vice Chair Steve Sumrall, Mayor Philip Vandernail, Parnell Quinn, Sam Brewer, Cody Clayton Taylor and Margaret Bowles (via phone)

Staff: Town Planner, Catherine Trotter; Town Clerk, Antoinette McVeigh

Others: See Attachment

Vice Chairperson Sumrall called the meeting to order at 6:30 p.m.

1. Roll Call

2. Approval of March 8, 2017 Minutes

Commissioner Brewer moved, and Commissioner Taylor seconded the **motion** to approve the minutes of March 8, 2017. **Motion carried: 6-0.**

3. Public Hearings and Action Items:

a. Public Hearing

Variance to allow bike and vehicular garage construction within the 25' railroad setback on Lot 3 and Lot 4 according to the Final Plat for Cozens Pointe at Grand Park, a Condominium Community, being a replat of Grand Park PDD, Planning Area 3WA, Reception # 2006-009841.

Commissioner Taylor moved, and Commissioner Quinn seconded the **motion** to open the public hearing. **Motion carried: 5-0.**

The BOA has five voting commissioners, Wolter, Sumrall, Brewer, Taylor and Bowles with two alternate voting commissioners, Vandernail and Quinn. Chair Wolter has recused herself. The remaining BOA commissioners must vote for an alternate commissioner in the absence of the Chair. Mayor Vandernail nominated Commissioner Quinn. The BOA vote carried 6-0.

The BOA shall have the power to grant variances from the provisions of the Zoning Code, only if it finds all of the following conditions are present:

- There are unique physical circumstances or other conditions peculiar to the affected property, such as exceptional topography or irregularity, narrowness or shallowness of lot;

- The unique physical circumstances or other conditions do not exist throughout the neighborhood or district in which the property is located;
- The unique physical circumstances or other conditions, or any other hardship complained of, have not been created by the applicant;
- Because of the unique physical circumstances or other conditions, the property cannot be reasonably developed in conformity with the provisions of this Chapter;
- The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use of adjacent conforming property;
- The variance, if granted, is the minimum variance that will afford relief and is not detrimental to the public good or to the purpose, intent and spirit of this Chapter of the Town Comprehensive Plan.

The applicant answered questions and the BOA determined that the conditions listed above apply to the variance request.

Commissioner Quinn moved, and Commissioner Brewer seconded the **motion** to close the public hearing. **Motion carried: 5-0.**

Commissioner Taylor **moved** and Commissioner Quinn seconded the **motion** to approve Resolution 2017-11-01 as amended. **Motion carried 4-1**, Yes Quinn, Taylor, Bows and Sumrall, Nay Brewer.

3. Adjourn:

Commissioner Taylor moved, and Commissioner Brewer seconded the **motion** to adjourn. **Motion carried: 6-0.** Meeting adjourned at 6:20pm.

Antoinette McVeigh, Town Clerk