

The Alleghany County Board of Commissioners held a variance meeting on Tuesday, December 13, 2005 at 6:35pm in the Conference Room of the County Office Building, 90 South Main Street, Sparta, North Carolina. The purpose of this meeting is to discuss a subdivision variance request for property located off of Golf Course Road in the Gap Civil township.

Present: Chair Eldon Edwards, Vice-Chair Warren Taylor, Commissioner Graylen Blevins, Commissioner Sandy Carter Herndon, Commissioner Ken Richardson, County Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans.

Chair Eldon Edwards opened the meeting and explained this variance hearing is for Chris Barrett's property located off of Golf Course Road and Buckeye Ridge Road.

County Planner Amy Pardue reviewed the meeting procedures for this meeting.

Chair Eldon Edwards sworn in the following people for this meeting; Chris Barrett, Amy Pardue, Don Adams and Donna Shumate.

County Planner Amy Pardue gave the Board information packets from Chris Barrett about the variance request and explained that the addendum stemmed from suggestions made by her.

The Board of Commissioners reviewed the packets individually.

Chair Eldon Edwards asked if anyone had any objections to the admission of this written evidence.

The Board stated no objections.

Chair Eldon Edwards stated that the written evidence is now admitted.

Chair Eldon Edwards asked if the Board members have any potential conflicts with this application.

Commissioner Graylen Blevins stated that any possible knowledge that he has has been brought to the County Manager. He stated that he had no evidence before him, and his knowledge will not cloud his judgment.

Chair Eldon Edwards asked if he had seen any information.

Commissioner Graylen Blevins stated that he was told that this could be a possible variance request. He further stated that he can vote fairly either way.

County Attorney Donna Shumate stated that this is not enough information to be a conflict in this matter.

Commissioner Sandy Carter Herndon stated that she received a telephone call in regards to this and stopped the person before any information was revealed. She further stated that she has no prejudgment in this matter.

Chair Eldon Edwards asked for the applicant to speak.

Chris Barrett explained the addendum information including no reasonable use can be made

of the property without the variance, hardship is a result of the terms in the ordinance, hardship is related to the property, applicant has made every attempt to acquire additional property to meet the ordinance requirements and the hardship is peculiar to this property. He further explained that the variance request is necessary in order to meet the 50 foot right of way and 18 feet wide road guidelines. He stated that the property is accessed from Buckeye Ridge Road which is approximately 1,030 feet in length and 20 feet wide right of way with an 11 feet paved road surface. He further stated that he is proposing widening the paved surface to 15 feet wide. He explained that he tried to acquire additional right of way and hasn't been able to do so. He talked about the amount of traffic on the road daily; 15 cars, and the ability to pass other vehicles. He further talked about he will be marketing this subdivision to people looking for second homes. He displayed to the Board the location of the property on an area map.

Chair Eldon Edwards and Chris Barrett discussed the amount of traffic on the existing road and bad weather affecting these roads.

Chris Barrett explained to the Board that under the current ordinance he is allowed to divide his 130 acres into 13 lots without a variance. He further explained that he is asking to divide the acreage into 16 lots.

Commissioner Warren Taylor and Chris Barrett discussed the existing homes on Shadow Ridge Road being only Mr. Barrett's home.

Commissioner Ken Richardson asked if Mr. Barrett was aware of the right of way issue when he purchased the property.

Chris Barrett stated that he knew about the right of way when he purchased it and didn't think it would matter because the subdivision ordinance wasn't in effect.

Commissioner Ken Richardson and Planner Amy Pardue discussed that this variance only applies to Mr. Barrett's request at this meeting. They also discussed that if one of the owners of the 16 lots wanted to divide their property, the owner would have to apply for a variance.

County Manager Don Adams said that the decision of the Board can state conditions of the variance.

Commissioner Sandy Carter Herndon asked about the 32.87 acre tract on the proposed plot plan.

Chris Barrett explained that he does not plan to subdivide the 32 acres because that is where his house will be. He continued reviewing the written materials given to the Board concerning his application including the existing Buckeye Ridge Road, right of ways, cross section of a county standard road and cross section of the proposed road.

Commissioner Warren Taylor and Chris Barrett discussed the distance of Buckeye Ridge Road that would have to be improved regarding this variance.

Chris Barrett explained why the State requires 50 feet right of ways and that Shadow Ridge subdivision will be a private community with all of the utilities installed.

Chair Eldon Edwards stated that the problem is from Golf Course Road to Shadow Ridge Lane.

Chris Barrett stated that yes that is the problem.

Commissioner Sandy Carter Herndon stated that the right of way starts at 20 feet, and then goes to 30 feet and then goes to 50 feet.

Chris Barrett agreed. He stated that he is providing underground utilities with a paved road. He discussed the road maintenance agreement and that a homeowners association would be formed. He continued reviewing the addendum packet. He stated that currently there are 9 homes on Buckeye Ridge Road with 8 having Allegheny County addresses. He further stated that in November he didn't pass one vehicle while traveling on this road. He said that the variance he is asking for would not go against the subdivision ordinance's intent to promote orderly growth.

Commissioner Graylen Blevins and Chris Barrett talked about the number of available home sites on Buckeye Ridge Road being one tract is for sale and there are 2 to 3 tracts without houses and the burden on extending the 1,030 feet on Buckeye Ridge Road.

Commissioner Sandy Carter Herndon and Chris Barrett discussed the property owners' maintenance of Buckeye Ridge Road.

Commissioner Warren Taylor asked who Mr. Barrett has to notify about the extension of Buckeye Ridge Road.

Chris Barrett stated that legally he doesn't have to notify anyone because he has the right of way.

County Attorney Donna Shumate stated that is correct.

Commissioner Ken Richardson and Planner Amy Pardue discussed emergency vehicles needing ample room to turn around, and this location has room at both ends of the road.

The Board of Commissioners, Planner Amy Pardue and Chris Barrett discussed the proposed roads for this subdivision.

Commissioner Warren Taylor talked about if this subdivision was placed off of a state-maintained road, this wouldn't be a problem. He asked what assurances does the Board have that further subdividing won't happen.

Planner Amy Pardue explained that any further subdivisions would have to come before the Board the same as any other subdivision does.

County Attorney Donna Shumate talked about placing conditions on granting the variance to ensure that further subdividing doesn't happen.

County Manager Don Adams reminded Chris Barrett that the private road disclosure must be placed on the plat before it can be recorded.

The Board of Commissioners and County Attorney Donna Shumate discussed the process of placing conditions on the variance if they decide to grant the variance and recessing this meeting for the Board to consider issues that have been brought up that could be a condition of the variance.

Chris Barrett talked about the restrictions that will be placed on the proposed subdivision. He told the Board to take their time to come up with conditions that need to be placed on the variance request.

Chair Eldon Edwards, Commissioner Ken Richardson and County Manager Don Adams reviewed the options that the Board has in dealing with this variance.

Commissioner Sandy Carter Herndon talked about this information is new to everyone. She commended Chris Barrett for the excellent job of putting the information together. She stated she recommends recessing this meeting until after the next regular Commissioners meeting in order to give everyone time to think about the request and review a copy of the restrictions.

The Board of Commissioners talked about reviewing the restrictions to be placed on the subdivision.

County Manager Don Adams stated that the Board might want to consider the subdivision ordinance's purpose when reviewing the conditions and looking into the future.

The Board of Commissioners discussed a couple of potential conditions to be placed on the variance.

Commissioner Sandy Carter Herndon made a motion to recess this meeting until after the December 19<sup>th</sup> Board of Commissioners meeting in order to have time to review the restrictions and other conditions. Commissioner Warren Taylor seconded the motion.

The Board of Commissioners talked about recessing the meeting.

Chair Eldon Edwards recessed the meeting at 8:10pm until immediately after the December 19<sup>th</sup> Commissioners meeting.

Respectfully Submitted,

Karen Evans  
Clerk to the Board

Attest:

Eldon Edwards  
Chairman