

The Alleghany County Board of Commissioners reconvened the variance meeting from Tuesday, December 13, 2005 on Monday, December 19, 2005, at 11:30am in the Conference Room of the County Office Building, 90 South Main Street, Sparta, North Carolina.

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 reconvened the meeting.

Chris Barrett discussed the proposed restrictions for the Shadow Ridge subdivision.

Commissioner Warren Taylor and Chris Barrett discussed the potential of adjoining property selling and using the same roads as the Shadow Ridge subdivision.

Commissioner Ken Richardson and Chris Barrett talked about the meaning of recreational purposes mentioned in the restrictions.

Commissioner Ken Richardson and County Attorney Donna Shumate talked about once the plat has been recorded, the plat information will be inserted into the restrictions.

Commissioner Ken Richardson and Chris Barrett talked about the road not being on the state maintenance system and the wording of the restrictions when discussing the roads in the subdivision.

Commissioner Ken Richardson pointed out to everyone that there is a clause in these restrictions that if all of the property owners agree then the restrictions can be changed.

County Manager Don Adams stated that is why he is recommending for the Board to pick the restrictions they wish to enforce and record them directly on the plat.

The Board mentioned two restrictions that need to be placed on the plat; not being able to subdivide further and the adjoining properties not using the same roads as the subdivision.

County Manager Don Adams stated that the subdivision ordinance requires road maintenance language to be recorded on the plat. He suggested that everything that is associated with our subdivision ordinance be put on the plat.

Commissioner Ken Richardson talked about the map shows 16 tracts. He asked if the 32 acres should be identified as tract 17.

Chris Barrett said yes it is 17 tracts.

Commissioner Sandy Carter Herndon stated that she recommends the 32 acres be labeled as tract 17 in order for all of the requirements to apply to that tract as well.

Commissioner Warren Taylor and Chris Barrett discussed the subdivision ordinance currently allows this subdivision to be divided into 13 lots because the lots would be 10 acres or more.

Commissioner Warren Taylor stated that the items that need to be recorded on the plat are

no access to adjoining property can be given through this subdivision, no further division of tracts or lots are allowed and road maintenance agreement. He asked if something needs to be on the plat regarding the upgrading of the 1,000 feet on Buckeye Ridge Road. He talked about putting this subdivision on a substandard state maintained road.

Commissioner Sandy Carter Herndon made a motion to approve the variance request with conditions that no further division of land can be made, no other access can be granted to adjoining property and the road maintenance statement must be recorded on the plat. Commissioner Warren Taylor seconded the motion.

County Attorney Donna Shumate explained the rules of procedures for the variance meetings about written finding of fact.

The Board of Commissioners talked about the findings.

Commissioner Ken Richardson made a motion to accept this application as written finding of fact. Commissioner Graylen Blevins seconded the motion.

Commissioner Sandy Carter Herndon withdrew her motion.

County Attorney Donna Shumate explained what written findings of fact meant.

Commissioner Ken Richardson stated that one thing he was going to suggest was to refine and adopt rules of procedures for future variance hearings. He mentioned a couple of suggestions to add to the procedures.

The Board of Commissioners voted on the motion on the floor. Vote 5:0.

Commissioner Sandy Carter Herndon made a motion to approve the variance request as presented with the conditions that no further division of any properties, no other access can be granted to adjoining property owners' property and the road maintenance statement must be recorded on the plat.

Planner Amy Pardue asked about if future right of way is granted.

The Board of Commissioners stated that would be a separate request.

County Attorney Donna Shumate talked about the three things that Commissioner Herndon mentioned should go on the plat and require that the Buckeye Ridge Road be upgraded as proposed in the variance application and the roads in Shadow Ridge be upgraded as proposed in the variance application.

Commissioner Warren Taylor seconded the motion on the floor with the addition of the County Attorney's items.

County Manager Don Adams restated that everything in the application must be accomplished plus the three things to be recorded on the plat.

The Board voted on the motion on the floor. Vote 5:0.

Commissioner Warren Taylor made a motion to adjourn.

The Board of Commissioners, County Manager Don Adams, County Attorney Donna Shumate and Amy Pardue talked about the time frame for a written response, items to include in the rules of procedures and presenting the procedures to the Board for their consideration.

Being no further business, Commissioner Warren Taylor said that his motion to adjourn stands. Commissioner Sandy Carter Herndon seconded the motion. Vote 5:0.

The Board was adjourned at 12:03pm.

Respectfully Submitted,

Karen Evans  
Clerk to the Board

Attest:

Eldon Edwards  
Chairman