

Town of Seven Devils
Board of Adjustment Meeting
Tuesday, January 24, 2023
5:30pm

The Seven Devils Board of Adjustment met on Tuesday, January 24, 2023 at Town Hall. In-person attendance included: Members - Bob Bridges, Faye Brock, Bobbye Hurlbrink, Stu Ryan. Alternate Richard Blonshine participated in the proceedings; Alternate Quinn Morris viewed only. John Wells IV was absent.

Staff included Eddie Barnes-Zoning Administrator; the minutes recorded by Hillary Gropp-Town Clerk. Also in attendance:
Clark Barrow as Representative for Yardy & Barbara Williams, Applicants

CALL TO ORDER

Zoning Administrator Barnes called the meeting to order at 5:30pm.

OATH OF OFFICE

The oath of office was administered by Town Clerk Gropp to new/reappointed members.

ROLL CALL

Board of Adjustment members Richard Blonshine, Stu Ryan, Bob Bridges, Faye Brock, Bob Bridges and Barbara Hurlbrink stated their name and announced their presence for Roll Call. A quorum was met.

NOMINATION OF CHAIR

Zoning Administrator Barnes opened the floor for nominations of Chairperson. Member Hurlbrink nominated Bob Bridges; Member Ryan seconded the motion. With no other nominations, all members agreed. The gavel and meeting were turned over to Chair Bob Bridges.

NOMINATION OF VICE CHAIR

Chair Bridges asked for nominations for Vice Chairperson. Member Hurlbrink nominated Stuart Ryan; Member Brock seconded the motion. Member Ryan accepted, with no other nominations, all members agreed.

ADOPT AMENDED AGENDA

The Oath of Office and Roll Call were switched as items of business at the start of the meeting. Member Brock made a motion to adopt the amended agenda; Member Hurlbrink seconded the motion. All members agreed.

OLD BUSINESS

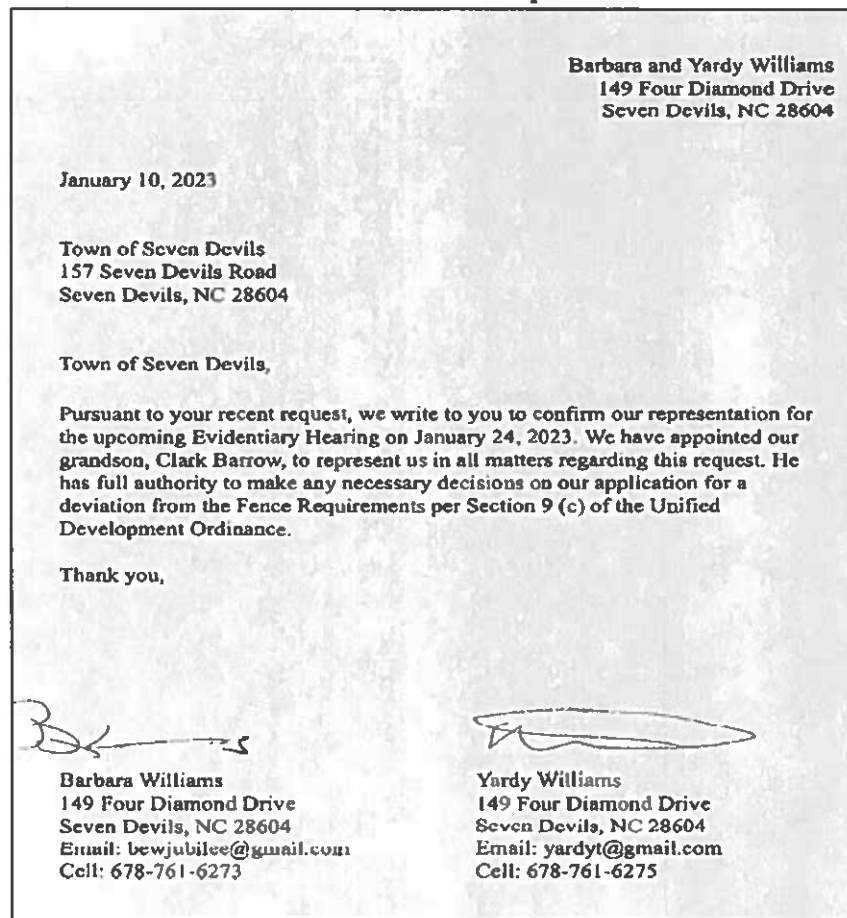
A. Approve Minutes

(i) Board of Adjustment - Meeting - August 23, 2022

Member Brock made a motion to approve the minutes; Member Hurlbrink seconded the motion. All members agreed.

NEW BUSINESS

A. Application for Variance – Yardy& Barbara Williams – 5.901 acres, Lots 8 & 10 Clark Barrow – Owner's Representative



Open Evidentiary Hearing

Member Brock made a motion to open the Evidentiary Hearing; Member Hurlbrink seconded the motion. All members agreed.

Opening Statement

Chair Bridges read the following opening statement:

"This hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this board must make its decision. These rules are different from other types of land use decisions like rezoning cases."

"The board's discretion is limited. The board must base its decision upon competent, relevant, and substantial evidence in the record. A quasi-judicial decision is not a popularity contest. It is a decision constrained by the standards in the ordinance and based on the facts presented. If you will be speaking as a witness, please focus on the facts and standards, not personal preference, or opinion."

"Participation is limited. This meeting is open to the public. Everyone is welcome to watch. Parties with standing have the right to participate fully. Parties may present evidence, call witnesses, and make legal arguments. Parties are limited to the applicant, the local government, and individuals who can show they will suffer special damages. Other individuals may serve as witnesses when called by the board. General witness testimony is limited to facts, not opinions. For certain topics, this board needs to hear opinion

testimony from expert witnesses. These topics include projections about impacts on property values and projections about impacts of increased traffic. Individuals providing expert opinion must be qualified as experts and provide the factual evidence upon which they base their expert opinion."
"Witnesses must swear or affirm their testimony."

Determination of Witnesses

Parties with Standing:

Clark Barrow, Applicant's Representative

Derek Brosterhous – 155 Divine View Court, Seven Devils, NC

Expert Witness:

None

General Witness:

Eddie Barnes, Zoning Administrator

Witness Oath

Town Clerk Gropp administered the Witness Oath to all individuals who will provide witness testimony.

Disclosures

Chair Bridges stated the following:

"The parties to this case are entitled to an impartial board. A board member may not participate in this hearing if she or he has a fixed opinion about the matter, a financial interest in the outcome of the matter, or a close relationship with an affected person. Does any board member have any partiality to disclose and recusal to offer?"

No board member replied.

Ex Parte Communication

Chair Bridges stated the following: *"The parties to this case have rights for any ex parte communication to be disclosed. Ex parte communication is any communication about the case outside of the hearing. That may include site visits as well as conversations with parties, staff, or the general public. Does any board member have any site visits to disclose?"*

Chair Bridges and Member Blonshine stated that they have driven by the subject property.

Chair Bridges asked the following: *"Does any board member have any conversations or other communications to disclose?"*

No board member replied.

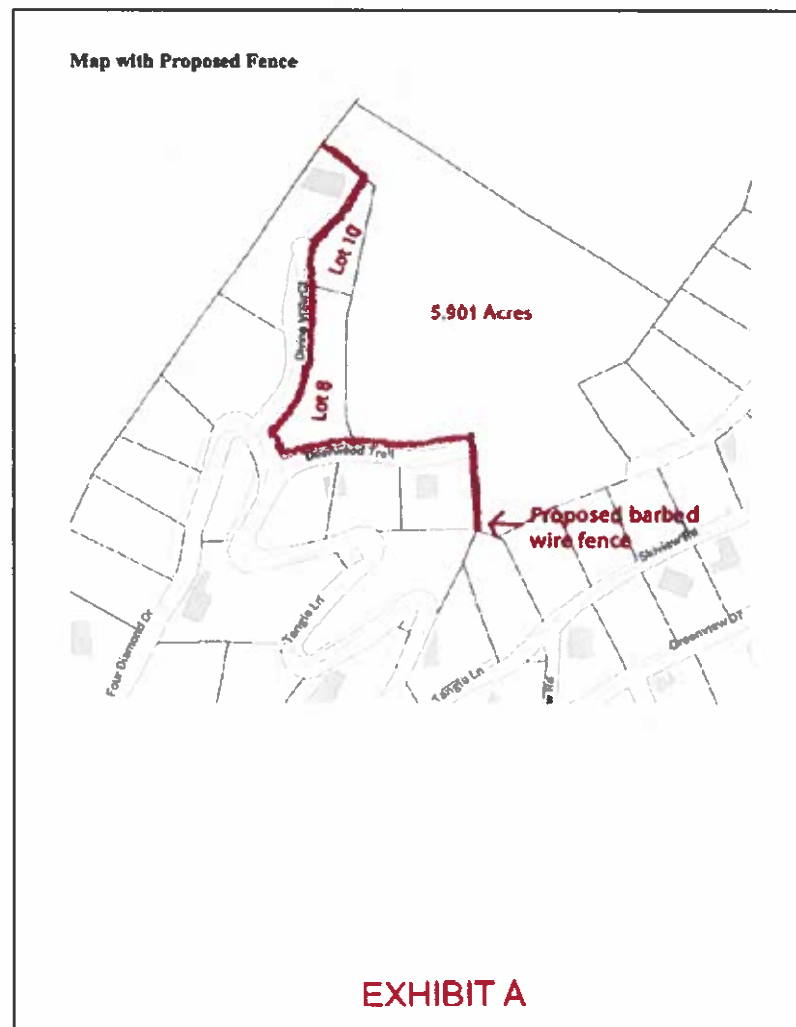
Chair Bridges asked the following: *"Based on the disclosures we've heard from the board concerning partiality and ex parte communications, does any member of the board or any party to this matter have an objection to a board member's participation in this hearing?"*

No board member, nor party with standing replied.

Presentation – Eddie Barnes – Zoning Administrator

Zoning Administrator Barnes presented the following:

- The Town of Seven Devils received an Application for Variance from Clark Barrow on behalf of Barbara & Yardy Williams on November 3, 2022.
- The application was submitted with the \$300 fee.
- The variance request is for a barbed wire fence on 5.901 acres, Lots 8 & 10
- Letters were mailed to “Parties with Standing” on January 9, 2023 and signage was posted on January 10, 2023.
- Parties with Standing attending tonight include Derek Brosterhous; additionally, Michael Hershorn and Ziva Allen are viewing remotely and have submitted a written letter.
- Clark Barrow, Representative for the Applicants – Barbara & Yardy Williams is also in attendance.
- The subject parcel has a large rock outcropping that hikers climb, even though no trespassing signs are posted at the property.
- As part of the Application for Variance, Applicant submitted a “Map with Proposed Fence” upon which the proposed barbed wire fencing location is evidenced by a solid red line. **Exhibit A**



Chair Bridges asked Zoning Administrator Barnes to summarize the letter submitted by Michael Hershorn/Ziva Allen.

Summary points include:

1. Subject property is surrounded by short term vacation rentals.
2. Barbed wire poses a danger to families, children, and wildlife.
3. Disapprove of a barbed wire fence but are open to alternative options.

Member Hurlbrink asked, "what is the height of the proposed fence?"

Zoning Administrator Barnes replied, "5 feet" and Representative Barrow confirmed it would be 5 strands of barbed wire, with distance of about 1 foot between strands.

Presentation of Application – Clark Barrow – Owner's Representative

Barrow summarized the following points for requesting the variance.

- The subject property has been owned by Barbara & Yardy Williams for over two decades.
- Lots 8 & 10, and approximately a 6 acre parcel has a unique feature being a large rock outcropping.
- The purpose of the variance request is considered a hardship by the Owners, as they want to protect the safety of others, and limit their liability.
- The variance request is for a barbed wire fence. The owner's concluded this type of fence will deter trespassers, be the least visible and have less impact on the environment.
- The proposed barbed wire fence will border the 5.901 acre parcel along Deerwood Trail, and then lots 8 & 10, along Divine View Court. The steep height of the rock outcropping or steep terrain/topography causes limitations of where the fencing can be practically installed.
- A map with proposed fence was provided to the Board of Adjustment. (*see below*)
- No trespassing signs are posted in several locations on the subject property.
- Police have been called prior for trespassers, and some have been prosecuted, but generally the police response time lags and they do not arrive in time to have contact with the trespasser.
- This has been an ongoing issue for decades, and now with social media, trespassers post photos while on the rock outcropping and the issues have compounded.
- Trash/debris and evidence of alcohol/illegal substances have been found on the subject parcel, as well as lots 8 & 10.
- A trail camera was installed by someone other than the owners in 2021. The owners have since removed it.
- A picnic table has been placed on the subject property, but not by the owners. The owner's had the subject property surveyed to confirm the location of the picnic table.
- Even as recently as 2 weeks ago, the police were notified of trespassers on subject property.
- Barrow acknowledged that it is more probable that short term renters are trespassing, than local citizens.
- The owners have discovered a well-worn and dangerous trail that extends beyond lot 11 on Divine View Court leading to the subject parcel.

Chair Bridges asked if the BOA members had any questions for Barrow.

Member Hurlbrink asked for clarification of ownership of lots 8 & 10, the map diagram indicating placement of proposed barbed wire fence and setback.

Barrow confirmed the lots 8 & 10 are owned by Yardy & Barbara Williams, the fence placement will be on the bold red line, with a five (5) foot setback.

Member Ryan inquired what the barbed wire would be posted to? A metal pole, a tree, or wood post? Barrow replied, "it could be any of those choices, or the preference of the Board." However, the terrain should be considered, with ease to penetration into the ground of the post.

Member Brock asked if the entire subject property has been surveyed, or just the boundary line for the proposed fence? Barrow replied, "the recent survey is for the boundary lines." The subject parcels were previously surveyed many years ago.

Chair Bridges asked if the Applicants have talked with the neighboring owners about blocking off the path? Barrow replied, "no." Chair Bridges asked if the Applicants have removed the picnic table? Barrow replied, "no." Chair Bridges inquired "why not?" the picnic table is on your property. If part of the Applicant's reason for requesting a variance has to do with the path or the picnic table, is it reasonable to have a communication with the neighbor. Barrow replied, "the variance request is the course of action that was decided to be pursued by the Applicants."

Chair Bridges inquired about trees already marked with ribbons, Barrow confirmed those are marked for an approved tree pruning permit. Bridges stated any trees that have a post nailed to them would be in conflict with the Town's Tree City USA designation.

Member Blonshine asked for clarification on the fence at lot 11. Barrow stated the terrain is very steep, difficult, and challenging to navigate, so fencing would not be needed at every point along lot 11.

Member Ryan asked who is trespassing and climbing on the rock outcropping? Renters or local citizens? Chair Bridges asked if the house on lot 11 is a short term rental?

Barrow replied, the neighboring house is a short term rental. Based on the days of Thursday to Sunday having the most trespassing occurrences, it is the Applicants belief renters are trespassing.

Barrow stated the purpose of the variance request is to have a fence installed that deters trespassers, not a standard fence, such as split rail that could easily be climbed over.

Member Blonshine asked for clarification on the fence at 142 Deerwood Trail. Barrow stated the terrain is very steep, difficult to navigate and not needed at every point.

Barrow offered the land offers a natural barrier in some locations; therefore, fencing is not needed.

Parties with Standing – Witness Presentation

Derek Brosterhous – Owner of 155 Divine View Court – Lot 11

Brosterhous stated he and his wife are the owners of 155 Divine View Court and that they visit their home regularly, but it is also a short term rental.

They are supportive of keeping hikers off the rock outcropping and have witnessed trespassers.

Brosterhous confirmed the trash and debris that Barrow spoke about is a problem, but also a problem for them too. Brosterhous also confirmed "No Trespassing" signage has been improved, with approximately 15 signs now posted.

Brosterhous stated there has not been communication between them as owners, and the Applicants.

He also said a first step should be to notify renters of the subject parcel as private property and do not trespass, this might be a deterrent.

Brosterhous acknowledged they own the picnic table, and this was on the subject property, due to the narrowness of their lot 11, as well as the driveway is the property line, the picnic table has been removed. Brosterhous stated they are against the variance request of a barbed wire fence for the following reasons:

- To change the circumstances of not having a fence, to a barbed wire fence is extreme.
- A barbed wire fence is aesthetically displeasing.
- A barbed wire fence is environmentally negative and will harm the wildlife, including bear, deer, vultures, and turkey.
- They have only seen wildlife on the path that extends beyond their lot 11, not people on the trail.
- As neighboring owners, they are agreeable to a split rail fence, or other alternatives, but not barbed wire.
- Since the Brosterhous driveway is at the property line, there is not enough width for a setback. It is less than 10 ft width. This presents a danger to people getting in & out of vehicles.

Member Hurlbrink asked the exact location of the discussed trail. Brosterhous confirmed the trail extends off at the end of their driveway to the Diamond Creek property.

Member Brock asked Brosterhous if they own only lot 11? Brosterhous replied, "they own lots 11 & 12."

Chair Bridges asked the Barrow-Owner's Representative if he had anything further to add or rebuttal to the Parties with Standing testimony.

Barrow replied, "an alternative fence type could be considered, but it should be able to be installed on the terrain."

In regard to the letter submitted by Michael Hershorn & Ziva Allen, Chair Bridges asked the Board members if they had enough information already or needed time to read and discuss the letter submitted by Hershorn & Allen and summarized by Zoning Administrator Barnes.

No Board member replied.

Chair Bridges moved the proceedings on to Discussion/Board Deliberations.

Discussion/Board Deliberations on Variance Request

Chair Bridges read the following statement:

"We will now begin the deliberation of this request. As a reminder this board is tasked with deciding if, based on the evidence presented, this proposal meets the applicable standards. This decision cannot be based on the personal preference of board members. Rather it is based on standards and evidence.

"Board members are encouraged to reference the applicable standards and specific evidence in their deliberation.

"For this particular case, the board is asked to decide: Does the record include competent, relevant, and substantial evidence is true; The board must make the following three (3) findings; all must be true.

1. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance. All of the following must be true under this finding:

a. The hardship results from the application of the ordinance.

- b. The hardship is suffered by the applicant's property rather than personal circumstances.*
- c. The hardship is not the result of the applicant's own actions.*
- d. The hardship is peculiar to the applicant's property.*

2. The variance is in harmony with the general purpose and intent of the UDO, Vision Statement, and Comprehensive Use Plan, and preserves their spirit.

3. In granting the variance, the public safety and welfare have been assured and substantial justice has been done.

Chair Bridges stated:

The board must decide on the following findings, and all must be **TRUE** to approve the Variance request.

1. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance. All of the following must be true under this finding:

a. The hardship results from the application of the ordinance.

Chair Bridges stated this is **NOT TRUE**.

Chair Bridges acknowledged the inconvenience of the rock outcropping, but stated it is no different from an owner having multiple parcels that they want to use barbed wire for a perimeter, the situation is not unique and is shared by others in the community. Lots 8 & 10 do not present a hardship; however, the 5.901 acre parcel is unique and might be a consideration. The hardship for the Applicant must be greater than the hardship shared by other, and this is not true.

b. The hardship is suffered by the applicant's property rather than personal circumstances.

Chair Bridges stated this is **TRUE**.

c. The hardship is not the result of the applicant's own actions.

Chair Bridges stated this is **TRUE**.

d. The hardship is peculiar to the applicant's property.

Chair Bridges stated this is **TRUE**.

Chair Bridges acknowledged the rock outcropping is the draw to the subject property.

2. The variance is in harmony with the general purpose and intent of the UDO, Vision Statement, and Comprehensive Use Plan, and preserves their spirit.

3. In granting the variance, the public safety and welfare have been assured and substantial justice has been done.

Chair Bridges stated that he believes this to be the case with findings #2 and #3.

Chair Bridges asked the Board members for discussion.

Member Ryan spoke about the reality of this Town having many short term rentals, and therefore renters. He understands the Applicant's dilemma, as he experienced similar with ownership of a lakefront

home and trespassers, and potential liability. He referred to this situation as an “attractive nuisance,” and even with posting signage, there continues to be potential liability to the owner, and a fence helps to make every effort to protect them from liability.

Chair Bridges asked Member Ryan, is it the Town’s responsibility to save the Applicant from liability?

Member Ryan replied, “yes,” it is our responsibility as a Board to allow the Applicant to protect himself, as it also protects the Town. Chair Bridges asked Member Ryan, “why?” Member Ryan stated if the Board does not allow the Applicant to protect himself, then if something happens, it makes us liable.

Chair Bridges stated the Town has an existing ordinance. Member Ryan countered does the existing ordinance protect the Applicant? Chair Bridges questioned this line of reasoning. Member Ryan replied that is the reason the Applicant has made this variance request, so a fence can be installed that does not allow others to walk over it and trespass. Member Ryan understands the variance request for a fence that is more substantial, although he does not agree with a barbed wire fence. Member Ryan does agree with the Applicant they should protect themselves from this “attractive nuisance.”

Member Ryan then offered up, that more important is communicating with the neighbors to solve the issue, by blocking the trail that extends beyond the driveway, educating renters and engaging extra police patrol and fines.

Member Hurlbrink asked Member Ryan, what type of fence does protect the Applicant?

Member Ryan did not have a definitive answer but is not in favor of barbed wire.

Member Hurlbrink stated that renters come from all over, not just within Seven Devils or the adjacent properties. Member Hurlbrink said one justification a court used as a decision to close down the 2nd road in the Town from Highway 184 was based on extra traffic coming into the Town. Member Hurlbrink stated she has been asked by passing vehicular traffic passengers, what direction to drive to get to the “rock?” She spoke of the Town and region having many more renters visiting now, and they are aware of the rock and seek it out. She agrees that if the Town does not allow the Applicant to protect themselves, the Town could be liable.

Member Blonshine stated the Applicant has posted signage for “No Trespassing” but should be allowed to have more protection against trespassers, including stronger language on signage, surveillance cameras, drones, and fines.

Member Hurlbrink replied that often times a posted sign does the opposite, it makes people more curious and take a chance with ignoring a sign.

Member Brock stated that barbed wire fences are ugly, and this would set a precedent.

Chair Bridges provided his thoughts on the practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, with some being true, not all.

Chair Bridges suggested alternatives to fencing with encompassing the 5.901 acre parcel, while moving the proposed fence line at lots 8 & 10 with setbacks along the back of the lots, and away from the road.

Chair Bridges asked Board members for feedback, including allowing barbed wire fence or not.

Member Ryan offered allowing a split rail fence, with perhaps a single strand of barbed wire at the top.

Barrow – Owner’s Representative reiterated, along lot 8 to lot 10, the natural incline of the rock serves as a boundary, therefore no fence is needed at portions.

Member Ryan asked Barrow, “Is barbed wire fence needed?” Barrow replied, “No, but a split rail fence can be easily climbed over by trespassers.”

Discussion among Board members turned to alternative fencing that is allowable, including vinyl with wire mesh.

Chair Bridges inquired with Zoning Administrator Barnes, would vinyl fence with wire mesh be allowed. Zoning Administrator Barnes read the ordinance, with allowable fence types, including vinyl fence and emphasizing chain link fences are prohibited. Chair Bridges asked the definition of vinyl fence. Zoning Administrator Barnes suggested panel fence, but without clear language in the ordinance, vinyl fencing is open to interpretation.

Member Blonshine asked again for clarification with the rock face and natural boundary, and the access points to the path in viewing the map provided. Barrow reviewed with him individually.

Member Bridges stated that he cannot support allowing fencing along the road on Deerwood Trail or Divine View Court on the basis those properties are not creating a unique problem. Bridges is supportive of a fence with the least visual impact, possibly barbed wire, and with adequate setback, suggested 6 ft., to offer a solution for the 5.901 acre parcel only.

Discussion occurred about other distances for suggested setback requirements, including up to 12ft, to be less visually impactful.

Member Blonshine stated that barbed wire fence is harmful to wildlife, and people who still choose to trespass, and those who are determined to trespass will climb over a mesh fence/barbed wire. Barbed wire is not compatible with the environment and a safer material should be decided upon by the Board. Chair Bridges asked Member Blonshine for his recommendation of a fence.

Member Blonshine replied to allow a 16 gauge vinyl galvanized fence.

Member Hurlbrink stated a 16 gauge vinyl galvanized fence is not a deterrent, and still can be climbed.

Member Ryan asked Barrow – Owner’s Representative about setback locations with variations along the parcels. Barrow stated setback locations can vary, but the terrain will be a consideration. Barrow stated the Applicants considered a barbed wire fence to be less visually impactful, but they will consider other options suggested by the Board.

Member Ryan asked if additional “No Trespassing” signs could be installed. Barrow replied yes, at the access points, however, several signs are already posted.

Member Ryan asked if the path could be blocked with large rocks/boulders, in cooperation with the neighbors.

Barrow replied that all of the suggestions offered tonight, and potential to work together with the neighbors, to have language in rental agreements warning against trespassing, having a disclaimer on rental platforms, i.e., Airbnb, sounds good, but so far, posted signage of “No Trespassing” has been ineffective, and trespassers post photos online of being atop the rock outcropping, and the problem continues to persist, especially for those determined to climb the rock outcropping, as it is featured on Google maps.

Member Ryan asked Barrow, "if the barbed wire fence is allowed, but does not deter trespassers, and the problem continues to persist, what is the next course of action by the Applicant?" Barrow replied, to reassess the situation, and to review again the access points being used by trespassers.

Barrow emphasized that neither he, nor the Applicants think the problems are directly related to the actions of the neighboring owners, but more the renters that are visiting the town, whether from within the Town limits, or from the area at large. The open access point of the trail invites trespassers.

Barrow reemphasized the reason this problem only exists on this side of the subject property; the other side of the subject property is very steep terrain, provides a natural barrier and not readily accessible to the rock outcropping. Although some might choose to try and access on this side, it would not be easy.

Member Blonshine wanted to discuss the danger of wildlife getting into barbed wire, the interruption of the natural migration of wildlife by fence, as it is not compatible with wildlife. He would prefer other methods, such as notifying renters, not a fence. But if a fence is needed, it should be a different type of material.

Member Blonshine is sympathetic to the Applicant's issue but does not think a barbed wire will stop the problem.

Brosterhous – Parties with Standing -spoke again to work with the Applicants about cutting off the access point of the trail with moving some rocks/boulders as a barrier. A natural barrier, if constructed will deter the casual hiker from trespassing.

Brosterhous spoke to the other point of trash/debris on Divine View Court, as brought up the Barrow-Owner's Applicant, Brosterhous states that a split rail fence should solve this problem.

Chair Bridges, agreeing with Member Ryan stated that the solution might be discussion with the neighboring property owners, and not a variance for a fence.

Member Ryan agreed with Chair Bridges and said this is a neighborhood solution. If working the problem out with neighbors is ineffective, then come back to the Board of Adjustment again. All efforts should be exhausted before allowing a barbed wire fence.

Chair Bridges asked Barrow – Owner's Representative, his reaction on the Board of Adjustment not taking action or a vote tonight on this variance request, but instead working with the neighbors. Chair Bridges asked Barrow, "does he want the Board of Adjustment to vote tonight?"

Barrow did not reply.

Zoning Administrator Barnes informed the Board members of the following:

- If the BOA vote to deny the variance, the Applicant cannot reapply for 1 year.
- If the Applicant withdraws the variance request, to try other methods of suggested solutions, and if those are ineffective, the Applicant could come back within 1 year. The Board of Adjustment can take the issue back up.

Member Hurlbrink asked Chair Bridges about voting on alternate types of fences. "Is this possible?"

Chair Bridges replied in the affirmative.

Member Hurlbrink asked Barrow – Owner's Representative, if he was agreeable to a vote on an alternate fence material?

Barrow stated that he would be agreeable to a vote on something other than barbed wire, that isn't sharp, however, the fence type should not be easily scaled by trespassers, therefore he would not agree with a vote or approval for three (3) rail fence. Possibly a mesh fence might work.

Barrow introduced into evidence a (phone) picture of a 16 gauge vinyl galvanized fence for consideration by the Board of Adjustment, rather than a standard barbed wire material. **Exhibit C**

Several Board members said a vote on a fence should deter people, but in reality, people will still come. Barrow stated although some trespasser might cut a wire fence, it is unlikely that people be in possession of wire cutters if out on a hike.

Chair Bridges asked specifically for a type of fence that the Applicant would agree to.

Member Blonshine stated it should be 16 gauge vinyl galvanized fencing.

Chair Bridges asked the Zoning Administrator if vinyl is acceptable with the ordinance. Upon review of the language Chair Bridges concluded vinyl is already acceptable with the ordinance.

Chair Bridges stated that since vinyl fencing is already allowed, the variance request should now consider the setback.

Chair Bridges stated the Board of Adjustment can do one of the following:

- Deny the variance request.
- Approve the variance request with conditions.
- Approve the variance request, as is.

Member Ryan asked if the item could be tabled? Zoning Administrator replied, "yes."

Discussion continued among Board members to allow a vinyl fence for the Applicants.

Zoning Administrator Barnes stated in consideration of lack of language in the ordinance defining vinyl fence, should the Board vote on vinyl, specific details should be included in the motion. This would restrict other citizens from installing this same detailed vinyl fence without a variance request.

Zoning Administrator Barnes stated he interprets the ordinance of vinyl fence, as a privacy type fence.

Decision/Motion

Chair Bridges made the following motion:

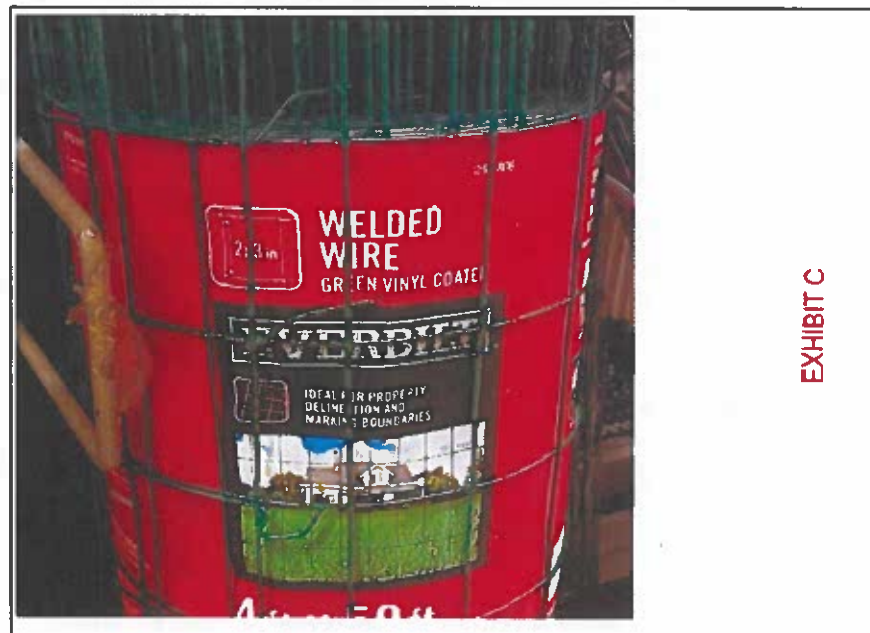
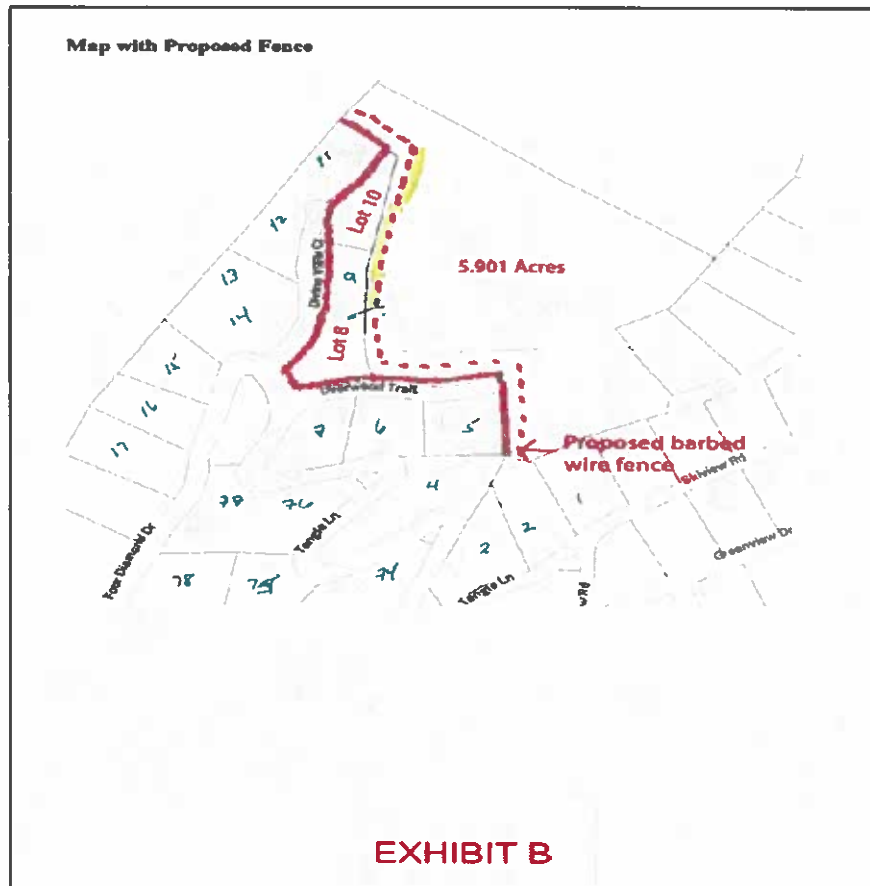
Approve with Conditions:

Conditions: Per the application map, 16 gauge vinyl galvanized fencing begin on the property line between Lot 5 and the 5.9 acre tract (minimum 6ft. setback from Lot 5); then turn left parallel with upper side of Deerwood Trail (minimum 6ft. setback from the road edge) until it meets the Lot 8 property line; continuing at the rear property lines of Lots 8 & 10 (minimum 6ft. setback from Lots 8 & 10, where possible); finishing parallel between lots 10, 11 and the 5.9 acre tract (minimum 6ft. setback from Lots 10 & 11). Adherence of fencing to free standing trees will be held to a minimum, with final inspection approved by the Zoning Administrator for compliance. **Exhibit B and Exhibit C**

Member Blonshine seconded the motion.

Clerk's Note

Conditions are represented by dotted line on Exhibit B



Vote on Motion: The Board of Adjustment voted to Approve with Conditions the Variance Request.
 (5) Yeas (0) Nays

A roll call vote of the Board of Adjustment members is as follows:

Richard Blonshine-Yea Stuart Ryan-Yea Faye Brock-Yea Bob Bridges-Yea Barbara Hurlbrink-Yea

Close Evidentiary Hearing

Member Brock made a motion to close the Evidentiary Hearing; Member Hurlbrink seconded the motion. All members agreed.

ADJOURN

The meeting adjourned at 7:28pm.



Robert D. Bridges, Chairperson



Hillary Gropp, Town Clerk

