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MINUTES
BOARD OF ADJUSTMENT
REGULAR MEETING
AUGUST 9, 2021
WHITTED BUILDING 7:00PM

MEMBERS PRESENT: Leon Meyers, Chair
Susan Halkiotis, Vice Chair
Kent Qandil
Jeff Scott
Beth Bronson

MEMBERS EXCUSED: Nathan Robinson

MEMBERS UNEXCUSED: Scott Taylor

STAFF PRESENT: Michael Harvey, Planner I
Elaina Cheek, Board Secretary
James Bryan, Staff Attorney

AGENDA ITEM 1: CALL TO ORDER

AGENDA ITEM 2: CONSIDERATION OF ADDITIONS TO AGENDA

Michael Harvey: Stated that each Board member had at their seat a required Oath of Office that each member is required to take and sign Elaina will notarize. All advisory boards are required to do this. If you will permit me, I will administer the Oath of office.

Leon Meyers: Asked if this was a different oath than previously taken

Michael Harvey: This Oath is specifically to the Board of Adjustment. So yes, you have to do it again. He continued by administering the Oath to the entire Board of Adjustment that were present.

AGENDA ITEM 3: APPROVAL OF MINUTES – December 14, 2020; January 11, 2021, July 12, 2021

There were no changes to the minutes

MOTION.was made by Kent Qandil and Seconded by Susan Halkiotis

VOTE: was unanimous to approve the minutes

AGENDA ITEM 4: PUBLIC CHARGE

Leon Meyers read the public charge.

The Board of Adjustment pledges to the citizens of Orange County its respect. The Board asks its citizens to conduct themselves in a respectful, courteous manner, both with the Board and with fellow citizens. At any time should any member of the Board or any citizen fail to observe this public charge, the Chair will ask the offending

1 person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the
2 Chair will recess the meeting until such time that a genuine commitment to this public charge is observed. All
3 electronic devices such as cell phones, pagers, and computers should please be turned off or set to
4 silent/vibrate.

5
6 The Board of Adjustment is a quasi-judicial administrative body established in accordance with the provisions of
7 local regulations and State law to perform specified functions essential to the County's planning program.
8 Action(s) taken by the board are based solely on competent, substantial, and material evidence presented during
9 a previously scheduled and advertised public hearing on a specific item. As detailed within Section 2.12.2 of the
10 UDO the Board chair reserves the right to exclude evidence and testimony that is deemed: 'incompetent,
11 irrelevant, immaterial, or unduly repetitious' and therefore fails to reasonably address the issues before the Board
12 of Adjustment. While it should be noted there is no time limit on the presentation of evidence, the Chair asks that
13 the presentation of evidence be consistent with established policies, rules of procedure, and acceptable levels of
14 decorum to ensure a fair and equitable hearing for all parties.
15
16
17

18 **AGENDA ITEM 5: CHAIR/VICE-CHAIR COMMENTS**

19
20
21 **AGENDA ITEM 6 : CASE BA21-0002-VARIANCE**

22 In accordance with Section(s) 2.10 *Variances* of the Unified Development Ordinance (hereafter 'UDO'), Duke Energy and
23 submitted a VARIANCE request from Section 5.9.2 (5) *Electrical Substations, Switching and Metering Stations, and*
24 *Associated Transmission Lines, Where Incoming Voltage Does Not Exceed 100 Kilovolts (kv)* requiring a Type E land use
25 buffer (i.e. 75 ft. land use buffer) for electrical substations.

26 If approved, development would include the upgrading of the existing electrical substation, placement of additional
27 gravel impervious area, and development of a stormwater control measure (SCM) within the required 75 ft. land use
28 buffer

29 Leon Meyers: Called read the case item and asked for Mr. Harvey to be sworn. Ms. Cheek swore in Mr. Harvey.

30 Michael Harvey: Presents the short summary of details about the case. This is variance request for a parcel of property
31 located at 1910 White Cross Road with a Parcel Identification Number (PIN) of 9748-43-2367. Specifically the applicant
32 in this case Duke Energy Corporation is requesting relief from section 5.9.2 (5) *Electrical Substations, Switching and*
33 *Metering Stations, and Associated Transmission Lines, Where Incoming Voltage Does Not Exceed 100 Kilovolts (kv)*
34 requiring a Type E land use buffer (i.e. 75 ft. land use buffer). If approved, development would include the upgrading of
35 the existing electrical substation, placement of additional gravel impervious area, and development of a stormwater
36 control measure (SCM) within the required 75 ft. land use buffer as further detailed herein. This package begins on
37 page 59 of your agenda. There is attachment 1 of the application packet that begins on page 66. I will call your attention
38 to page 81 of your packet, where the applicant Duke Energy has provided the site plan exhibit for your consideration as
39 a part of this request. Attachment 2 begins on page 82. Those are 2 maps showing you the subject property based on
40 the county GIS mapping data. Attachment 3 begins on page 84 that is the notification of this meeting. Attachment 4
41 beginning on pages 97, is the finding of facts for if the relief should be granted. I ask for the board to formally place
42 pages 59 through 100 in the record and I will turn it over to the applicant to present their variance request.

43 Leon Meyers: Stated that before this is material is entered into the record that he is acquainted with at least one
44 property owner in the area of this project. And that will not interfere with my making a fair judgement call in this case.
45 Anyone else have any statements with regards to possible conflicts.

1 Susan Halkiotis: Stated that she is also acquainted with one of the property owners and doesn't feel that will in anyway
2 effect a decision in this case.

3

4 Leon Meyers: Dealing with standing before entering the evidence. Asked Mr. Harvey if he had applications for standing
5 for others other than the applicant.

6

7 Michael Harvey: Stated he did not, but he did have a Mr. Justin Tucker in the room. He may have interest in addressing
8 the board.

9

10 Leon Meyers: Asked Mr. Tucker to come forward. At this time it is just about determining your standing as a witness in
11 this hearing. If you could state why you believe you have standing.

12

13 Justin Tucker: Stated that his property shares two property lines with Duke Energy's property.

14

15 Leon Meyers: Asked if he felt that there might be potential damages related to this project.

16

17 Justin Tucker: Stated that it isn't particularly damages but the concern is in future expansion, which would put
18 equipment closer to my property lines/. Duke energy can then use as justification to come on to my property cut trees
19 and if they stay where they are currently they would not need to cut those trees down.

20

21 Leon Meyers: Asked James Bryan if that would qualify him as a person with standing for this case.

22

23 James Bryan: Stated that is the discretion of the Board, if you have heard something you have asked for special
24 damages as long as you can find something that is fine. The material must be competent and substantial evidence but
25 that would be a later threshold. I think that is fine.

26

27 Leon Meyers: Stated that additional evidence would be later in the hearing after standing is established. Asked the
28 board for a motion that both the applicant and Mr. Tucker have standing.

29

30 Susan Halkiotis: Confirmed that there is no one else in the room that has standing

31

32 Leon Meyers: Stated there were only 2 parties.

33

34 **MOTION** made by Susan Halkiotis that both Justin Tucker and the applicant have standing. Seconded by Kent Qandil..
35 **VOTE:** unanimous

36

37 Leon Meyers: Asked for the representative for the applicant to come forward.

38

39 Michael Harvey: Asked the chair that the representative identify himself for the record.

40

1 Steve Parascandola: Identified himself as Duke Energy's attorney and that they are seeking a variance. Specifically to
2 replace a substation that was built at 1910 White Cross Road in 1972. It is at its end of its life and needs to be replaced
3 to provide reliable power a little over 2000 homes that part of the end of the line. As part of that upgrade, we need
4 additional area for gravel as noted in the application. The substation was built, platted and subdivided in 1971 well
5 before the UDO. The gravel needs to be expanded because we have to put temporary transformers on the property and
6 they will remain while the substation is being replaced and remain even after that so that there are additional sources of
7 power in case of outages. The extra space also helps with things like falling debris, trees and animals possibly affecting
8 power. The tight area of the property is the purpose of variance request. I will call on Duke Energy representative for
9 any additional technical questions you may have and to address Mr. Tucker's questions.

10
11 Kevin Mason is sworn in

12
13 Kevin Mason: Stated he was here to answer any questions concerning the site development. For the record, Duke
14 Energy's commitment to Mr. Tucker at that time. They do commit that the station foot print will not exceed any further
15 than it is now to the West and to the North. Property lines that are shared with Mr. Tucker.

16
17 Michael Harvey: Asked to approach the witness to show him a map of the property to confirm the area discussed.

18
19 Leon Meyers: Confirmed that the West property line is the line across White Cross Road and the North property line
20 would be adjacent to the driveway that is very close to the property line.

21
22 Kevin Mason: Agreed with the map shown.

23
24 Beth Bronson: Asked if the substation is being completely replaced?

25
26 Kevin Mason: Stated right now the transformer in the existing station is being replaced due to possible failure. It is the
27 original transformer from 1972-73.

28
29 Beth Bronson: Is it like one of those cars where you put a new part in the rest of it starts to break?

30
31 Kevin Mason: Stated no

32
33 Susan Halkiotis: Stated she is assuming that the demand on that substation is greater now than it was in 1971-73?

34
35 Kevin Mason: Stated yes

36
37 Susan Halkiotis: So this improvement that is being requested addresses the increase in population? Would you just
38 speak to that?

39
40 Kevin Mason: As population grows, the demand for energy continues. This is a 44 KB substation and we will continue
41 to operate it as a 44 KB substation. As demand grows, eventually we will have to up it to a 100KB. But we have no
42 imminent plans to do that right now.

43
44 Susan Halkiotis: But can you do that in the application footprint in front of us tonight?

45
46 Kevin Mason: Stated yes ma'am.

47
48 Leon Meyers: Then that changes the category of the substation in the UDO? Is that right?

49

1 Michael Harvey: There are effectively 2 categories of substations. The trigger point is 100 kilovolts. Anything under 100
2 kilovolts is acted on by staff to approve the site plan. Anything over 100 kilovolts involves the issuance of a Special Use
3 Permit by the body. But that is not a part of this application.

4
5 Jeff Scott: Asked where is the service lines? Are they coming in from the Northeast?

6
7 Kevin Mason: They are coming in from the South across White Cross Road and parallel with Mr. Tucker's driveway.

8
9 Leon Meyers: Across White Cross would be more like east, yes?

10
11 Kevin Mason: Stated that was correct.

12
13 Beth Bronson: And does it run behind or into Mr. Tucker's driveway?

14
15 Kevin Mason: No it ends at the station and will continue to end at the station.

16
17 Beth Bronson: What is the line near then?

18
19 Kevin Mason: The transmission line that is existing now continues white cross and goes east.

20
21 Leon Meyers: Asked about the stormwater control measure that is a part of this expansion/

22
23 Kevin Mason: Stated we are reading the orange county stormwater design manual and since gravel is considered
24 impervious that is what the use/purpose of the stormwater control pond will be.

25
26 Leon Meyers: It looks like this basin is not very deep.

27
28 Kevin Mason: Stated, no it won't be deep.

29
30 Leon Meyers: But it does involve removing some trees both along the west property line and on the south property line,
31 right?

32
33 Kevin Mason: Responded, yes sir.

34
35 Leon Meyers: And you have asked in your application to be relieved of the landscaping requirements that are a part of
36 the UDO as well?

37
38 Kevin Mason: Stated we are requesting a variance for a waiver in the 75 foot buffer. The site is very densely wooded
39 and we even had a tree surveyed for 6 inches and greater. So there is a lot of material in there that will remain that will
40 contribute to the buffer if the waiver is granted.

41
42 Leon Meyers: Asked Mr. Harvey about the landscaping requirement. If this were a new property/project, would a 75 foot
43 buffer be required and also the plantings in that buffer? Is that right?

44
45 Michael Harvey: Stated that is correct. Per section 6.8 of the UDO, you would have a 75ft land use buffer. That buffer
46 has several different options as detailed in 6.8.6 (d) of the UDO to give the board. Mr. Harvey reads directly from the
47 UDO. Stated just to clarify, the issue here is that with the land disturbance the applicant is proposing Duke Energy is
48 obligated under the provisions of the UDO in order to have a stormwater control measure. Because they are disturbing
49 greater than what would currently be allowed. The necessity of the variance, at least detailed in the application and as
50 detail as the agenda abstract is, there is no real way to configure the site to allow for the additional material stormwater

1 control measure or the additional gravel unless you reduce the required land use buffer. That is apart of the variance. I
2 will confirm that with Mr. Mason's testimony that there is a lot of existing vegetation on the property. It is heavily
3 wooded. We are here this evening to look at and very if the applicants have met their burden with the ordinance to
4 justify their issuance of a variance.

5
6 Leon Meyers: Asks if the application request relief from the planting requirement in addition to the buffer requirement.

7
8 Michael Harvey: The applicant is requesting a reduction in the typical required 75ft land use buffer so that there can
9 actually be additional development activity occurring on the property

10
11 Beth Bronson: Do they follow all other requirements of that land use buffer?

12
13 Leon Meyers: I don't see any indication on this site plan of any plantings. I haven't heard of any reason why it wouldn't
14 be appropriate to meet the planting requirements.

15
16 Kevin Mason: Stated that the existing vegetative met or exceeded the buffer planting requirements. If it is the board's
17 wish we are more than happy to go back and do additional plantings.

18
19 Michael Harvey: Stated without trying to sway you, because I am not going to be accused of that, I will confirm Mr.
20 Mason's testimony that the existing foliage is probably going to meet the minimum requirements for x number of trees
21 for every linear foot for the site. If the board and Mr. Mason's approve condition that the staff will ensure the site plan
22 shows the existing foliage on the property meets the strict interpretive requirements 6.8.6. That there will be x number
23 of trees per 100 linear feet. And that Mr. Masons agreed to willingly allow that condition to be imposed on the variance.

24
25 Leon Meyers: Stated he can see on the South, It looks dense enough for sure. On the North and West particularly,
26 where the clearing approaches the property line. That is not entirely clear. Mr. Mason has said that he would accept
27 such a condition.

28
29 Beth Bronson: Wanted to clarify, you are taking from the south side right?

30
31 Kevin Mason: Yes

32
33 Beth Bronson: How many feet past the line is the driveway/entryway compared to property line? Your driveway to the
34 south property line?

35
36 Kevin Mason: Stated off the top of my head 30 feet.

37
38 Leon Meyers: Stated to there will be a site plan that comes back to the staff for approval based on the board's approval
39 of this development plan. I didn't see any indications of new plantings.

40
41 Beth Bronson: The ones showing on the development plan are the ones to be?

42
43 Leon Meyers: To be removed as I understand it.

44
45 Kevin Mason: It is hard to see on an 8x11, we actually had a tree survey done on a 25ftx25ft square. Trees 6 inches or
46 greater were captured. That is noted in black and anything in the dark green will remain.

47
48 Susan Halkiotis: Restates what Mr. Harvey said if the board so chooses we can make this motion in such a way that
49 staff will oversee this, which they would anyway, with regard to plantings and so forth.

50

1 Leon Meyers: We would be adding a condition

2

3 Susan Halkiotis: Right

4

5 Leon Meyers: Right now there is no planting requirement in this. Asked for any more questions from the board.

6

7 Susan Halkiotis: We can put that staff will make that determination what is needed

8

9 Leon Meyers: If the condition says, the project will be approved based on staff confirming either existing vegetation or
10 new plantings to satisfy the planting requirements in 6.8.6.

11

12 Susan Halkiotis: I would like to make that motion when we get to this point.

13

14 Beth Bronson: Asked about a tree preservation plan, is that also required to be followed with the variance?

15

16 Leon Meyers: Defers to Mr. Harvey.

17

18 Michael Harvey: Per UDO, there can be removal of existing trees and foliage regardless of the size, depending on the
19 nature of the site plan all other trees outside of that site plan are to be preserved. That is required within the existing
20 ordinance. That would be a requirement of the site plan I receive regardless of board action this evening.

21

22 Steve Parascandola: To sum up, the need for this request is based on the need to provide reliable power to about
23 2000+ citizens. The hardships include the uniquely tight dimensions of the property. There is no real benefit to Duke
24 here as the owner and applicant, it is to benefit the community. And that is what is driving this.

25

26 Justin Tucker is sworn in.

27

28 Justin Tucker: Stated he lives to the north of the subject property at 1946 White Cross Road. He has questions
29 regarding the variance. The planting requirement, Is there any sort of standard that UDO specifies for that or is it along
30 as there is trees there?

31

32 Leon Meyers: There is a planting standards for this buffer.75ft standard buffer. That includes 3-4 options.

33

34 Michael Harvey: There are 4 options in the UDO. Continues to describe the different options within the UDO

35

36 Leon Meyers: Staff could determine that existing vegetation satisfies that requirement.

37

38 Justin Tucker: Asked if there was any sort of configuration because from my standpoint it looks like volunteer growth.

39

40 Leon Meyers: Defers to Mr. Harvey on how staff would evaluate a site plan to determine whether additional plantings
41 are required.

42

43 Michael Harvey: Stated he was a little hesitant because that is not the reason for the public hearing. When a site plan is
44 received staff is obligated and required under Section 2.5 to review the site plan for compliance with the complete
45 standards of the Unified Development Ordinance. That includes Article 6 Development standards. That is parking,
46 lighting, etc. and landscaping. As part of the landscaping requirement, if there is existing natural buffer, staff is obligated
47 to verify the width of the buffer and the existence of the types of trees and does form the required typical buffer or not. If
48 it doesn't then it has to be augmented to include plantings, and that is where a landscape plan comes in. In this
49 instance, if this board chooses to grant the variance, you will be reducing what the typical 75 foot land use buffer is. I
50 am going to call your attention to page 60 of the abstract of the agenda package. That there will effectively be a 30 foot

1 area along the property line that could support landscaping. There would be a 30 foot wide area along West on the
 2 property line that would support landscaping. And there would be a 40 foot potential area along the northern property
 3 line that could potentially support landscaping. So what staff would work with the applicant to verify that there is existing
 4 foliage in those areas that would meet the minimum landscaping requirements for type land use buffer albeit to a
 5 reduced size.

6
 7 Leon Meyers: Does that answer your question Mr. Tucker

8
 9 Justin Tucker: I think so

10
 11 Leon Meyers: Stated there are standards for interpretations for this variance.

12
 13 Justin Tucker: Stated as representatives from Duke indicated as we talked beforehand and they agreed to not expand
 14 their equipment any farther to the north or the west. I just want to confirm it is documented in these minutes sufficient
 15 for me to bring up later.

16
 17 Leon Meyers: Stated I suspect the board is going to want to add a condition to this variance that will limit expansion
 18 under this variance.

19
 20 Justin Tucker: Stated okay that answered my questions.

21
 22 Leon Meyers: Asked the board if they had any other questions. Asked Mr. Harvey to provide summary.

23
 24 Michael Harvey: Asked if there are anyone in the public or of the applicant if they wish to make a final presentation. I
 25 wanted to do a couple housecleaning items. I think the staff abstract speaks for itself. On page 97 is the applicant
 26 suggested findings. Remember that in order to approve a variance you are required to go through the script that begins
 27 on page 97 outlining your rationale for either approval or disapproval of the variance. Mr. Harvey reads the
 28 requirements on the facts of findings.

29
 30

| REQUIREMENT | UDO | SUPPORTING EVIDENCE | Staff | BOA |
|---|----------------|--|---------------|-----|
| FINDINGS: | | | | |
| In accordance with Section 2.10.3 of the UDO, the Board of Adjustment shall also consider the following before the application for a VARIANCE can be approved. | | | | |
| Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. | Sec 2.10.3 (A) | Application package (ATTACHMENT 1) inclusive including: 1. Narrative; 2. Site Plan; 3. Staff Abstract; 4. Attachment 2 – Site Assessments. The substation was developed in 1973 prior to the adoption of current land use regulations, most notably the 75 ft. Type E land use buffer. Existing utility infrastructure has reached/is past its useful life and needs to be replaced/upgraded | Staff agrees. | Yes |

| | | | | |
|---|----------------|---|---------------|-----|
| | | in order to avoid service disruption. The existing substation is located within the required 75 ft. land use buffer. As a result, Duke Energy is unable to make necessary site improvements thereby impacting approximately 2,000 clients. | | |
| The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or general public, may not be the basis for granting a variance. | Sec 2.10.3 (B) | Application package (ATTACHMENT 1) inclusive. The hardship results from imposition of current land use buffer standards on property developed at a time when such standards did not exist. The hardship is not a result of personal circumstances and is not a common condition. It's based on the existing development, the size and topography of the lot, and location of the existing utility infrastructure. | Staff agrees. | Yes |
| The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. | Sec 2.10.3 (C) | Application package (ATTACHMENT 1) inclusive including: 1. Narrative; 2. Site Plan; 3. Staff Abstract; 4. Attachment 2 – Site Assessments. The hardship is based on existing development, the size and topography of the lot, and location of the existing utility infrastructure. Further, Duke is required/obligated to comply with industry standards concerning design and safety protocols that dictate size of parking/access area, placement of electrical infrastructure, security, etc. The site was developed at a time when the Type E land use buffer was not applicable. | Staff agrees. | Yes |
| The requested variance is consistent with the spirit, | Sec 2.10.3 (D) | Application package (ATTACHMENT 1) inclusive. Without the variance, existing | Staff agrees. | Yes |

| | | | |
|--|--|---|--|
| <p>purpose, and intent of the Ordinance, such that public safety is secured and substantial justice is achieved.</p> | | <p>electrical infrastructure cannot be upgraded. As a result, there will be an impact in service provision to local customers.</p> <p>The granting of the variance merely allows existing infrastructure to be improved, the site brought into compliance with applicable industry safety practices, and ensure continued provision of electrical service to customers consistent with Duke Energy and County policies.</p> <p>The request is consistent with the spirit, purpose, and intent of the UDO.</p> | |
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Michael Harvey: Unless you have any additional questions from me, I will step down for any closing presentations.

Leon Meyers: Asked if there was anyone else in the room that would like to speak. Asked the Attorney and the applicant if they would like to close.

Steve Parascandola: Stated he would like to close by just saying the need for this variance is being driven by the benefit of the public and not by any interest or benefit to the owner/applicant. As staff indicated as well, it is topographically difficult site to operate within and it is a very old substation.

James Bryan: asked Mr. Meyers to ask Mr. Parascandola if both were meant as conditions offered by the applicant the planted one and earlier Mr. Tucker said Mr. Mason talked about a commitment to the development. If there agent can offer that as intended as a condition.

Leon Meyers: Asked Mr. Parascandola if he could answer. I think the two conditions you have heard discussed tonight and those are adding planting requirement and prohibiting further expansion to the west of north would be conditions that are acceptable to the applicant. If that the question you want answered James?

Steve Parascandola: I believe the answer is yes. I think we said we would meet the existing planting requirements.

Leon Meyers: Existing Planting requirements, correct.

Leon Meyers: Asked if there were any additional questions, And now close the hearing.

Beth Bronson: Asked for clarification on the planting requirements. The planting requirements are now B? They remain B. The tree per 100 linear feet.(44:00)

Leon Meyers: Stated my understanding is that the applicant for relief from the planting requirements that are part of the buffer requirement. And there condition that suggested another seemed to be acceptable are that those planting requirements remain and that the board grant relief for the purpose of the buffer width. Does that answer your question?

Beth Bronson: I think so.

1 Leon Meyers: Asked if there were any questions or comments from the board?

2

3 Susan Halkiotis: Yes so now I don't want to belabor this point. Let me restate what we said earlier. Which is, I am
4 perfectly comfortable with the applicant working with staff to assure that the remaining buffer is appropriately planted.

5

6 Jeff Scott: I understood that the staff would work with the applicant to make sure that if any of that foliage does not meet
7 that tree buffer that there may be some additional plantings to help visually block out. But it sounds like that tentatively
8 that is not necessarily a concern.

9

10 Susan Halkiotis: That is a restatement of what I just said that staff would work with the applicant again, to assure that all
11 those things are appropriately followed.

12

13 Leon Meyers: Are there any questions or comments from the board? Then a motion is in order.

14

15 Susan Halkiotis: Well I would like to make that motion. I don't want to get out of order here. Items A through D are all
16 met the hardships that are listed on page 97 are all met in hearing this application. Do we need a motion for that
17 James? That they have met the hardships.

18

19 James Bryan: If you could have 3 separate motions. One would be that met all the standards by the evidence
20 presented. Then adding any conditions necessary. And then a final motion to approve the variance or not.

21

22 Leon Meyers: Subject to the conditions in the findings.

23

24 James Bryan: correct

25

26 Susan Halkiotis: I will make a motion that all the hardships have been met necessary.

27

28 Leon Meyers: And that is the 5 findings listed on page 97, 98, 99.

29

30 Susan Halkiotis: We usually do those separately. Can we do them together?

31

32 James Bryan: I am okay with it together.

33

34

35 **MOTION** made by Susan Halkiotis that it meets the 5 findings that is covered on page 97, 98 and 99. Seconded by Jeff
36 Scott.

37 **VOTE:** Unanimous

38

39 Susan Halkiotis: And then for conditions. I don't even see this much as a condition because I know that staff is going to
40 do this anyway. But for conditions that the applicant will work with staff to assure that in this remaining buffer. This
41 motion needs to also include we are granting the variance for the reduced buffer. And that inside that buffer and the
42 remaining buffer that staff will work the applicant. Staff will make sure and adequate to the buffer that remains. Is that
43 easy to understand? That we are going to grant the variance for the reduced buffer.

44

45 Michael Harvey: I know what the board's condition is and what the applicants agreed to. I am comfortable.

46

47 Susan Halkiotis: I think we are making it more complicated than it is.

48

49 Beth Bronson: Is your condition that they follow the rules?

50

1 Susan Halkiotis: of course yes, which is going to happen anyway.

2

3 Leon Meyers: Work with respect to plantings.

4

5 Susan Halkiotis: With the second condition with going beyond, would someone who really knows how to word that
6 needs to do it. So can we just go with this one condition that we grant the variance and that we are going to meet the
7 planting requirements for the buffer.

8

9 Leon Meyers: What we are voting on now is voting on conditions will be apart of the final granting of the variance.

10

11 Susan Halkiotis: In that case lets stick with we know that they are going to work together and assure that this buffer is
12 planted accordingly to county regulation. So that would be my one condition. That I am offering into a motion.

13

14 **MOTION** made by Susan Halkiotis that the applicant and staff are going to work together and assure that this buffer is
15 planed accordingly to county regulation. Seconded by Kent Qandil.

16

17 **VOTE:** Unanimous

18

19 Leon Meyers: I think the board was open to a second condition regarding future expansion to the west and north. Is
20 there a motion to add that condition?

21

22 **MOTION** made by Susan Halkiotis that there is no expansion to the north or west. Seconded by Jeff Scott.

23

24 **VOTE:** Unanimous

25

26 Leon Meyers: I need a motion to grant the variance subject to the findings and the conditions.

27

28 **MOTION** made by Beth Bronson to approve the variance with the conditions in the findings intact. Seconded by Susan
29 Halkiotis

30

31 **VOTE:** Unanimous

32

33 **AGENDA ITEM 6: ADJOURNMENT**

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35 **MOTION** made by Susan Halkiotis to adjourn the meeting. Seconded by Kent Qandil

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37 **VOTE:** Unanimous

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Leon Meyers 
NAME OF CHAIR, CHAIR
26 October 2021