

MINUTES
Town of North Wilkesboro
Board of Adjustment
March 12th, 2020
6:00 p.m.

Members Present: Casey (Chair), Wilborn, Matthew, Staley

Also, Present: Meredith Detsch (Planning Director of North Wilkesboro), applicants Eddie Barnes (Planning Director of Wilkes County) Charles Johnson (applicant of 675 Pondview Dr.), Dale Shumate (Public Works Director of the Town of North Wilkesboro) and Wilson Hooper (Town Manager of the Town of North Wilkesboro) Michael Parsons (Board of Commissioner for the Town of North Wilkesboro) and Otis Church (Chair of the Planning Board).

Chairwoman Casey called the meeting to order at 6:00 pm.

The Chair asked for a motion to dispense of the minutes of the meeting held on February 13th, 2020. Upon a motion by Matthews, second by Wilborn, and unanimous vote (4-0), the February 13th 2020 minutes were approved.

The Chair asked for any additions or deletions to the agenda. There being none, Matthews moved to approve the agenda as submitted and Wilborn seconded it. The vote was called and it was approved unanimously, (4-0).

The Chair explained that the Board of Adjustment is tasked to uphold the Town's Zoning Ordinance, the Comprehensive Plan and all laws per the Town. The purpose of tonight is to hear the evidence and consider the impacts of the variances on the properties.

She asked Board members to state their name in order to determine a quorum. In addition to Casey; Matthews, Wilborn and Staley were present. Casey declared that a quorum was reached. Since the quorum had been made it was time to swear in all representatives that wished to speak. The Chair stated the Supreme Court has required that the Board base its decisions only on testimony given under oath, so anyone expecting to testify must come forward and be sworn. Swearing in of all individuals that wish to speak included Meredith Detsch the Planning Director and applicants Dale Shumate and Eddie Barnes. They came forward to be sworn by placing their hands on the bible. The Chair asked, "Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth so help you God?" Both individuals stated, "I do." The Chair reminded everyone that everything said tonight will be entered into evidence.

Detsch presented the first variance application from Charles Johnson on Parcel ID 2200412, approximately 675 Pondview Road, PIN 3878-73-2239. The property is located in R20, Rural Residential District. The relevant provision of the ordinance in Article VI Zoning Districts 6.6 Dimensional Requirements, Table 2 Setback Requirements, R20 Principal Residential Structure Minimum Setback in feet requirement is 12'. The request is for a side setback reduction to 8 feet verses the required 12 feet requirement. Eddie Barnes, representing the applicant Charles Johnson spoke that the location shown in the site plan was the optimal location on the property given the large easement on the property. Mr. Barnes explained the applicant was a grant recipient through the county for their home to be upgraded to a double wide manufactured home.

Meredith Detsch went through the four facts of findings in relation to the application.

The unnecessary hardship results from the strict application of the ordinance: Setbacks cannot be met due to the easement on the property. If the easement was not on the property the strict application of the ordinance would not be an issue.

The unnecessary hardship results from conditions that are peculiar to the applicant property: A 200 foot easement that Duke Power owns prevents much development on the property. A 200 foot easement is a very unusual easement to have on the property and nearly renders the property unusable.

The unnecessary hardship is not self-created: The easement is held by Duke Energy and may have been eminent domain on the property. It was not self-created by the applicant. *The variance request is consistent with the spirit, purpose and intent of the ordinance such that the public safety is secured and substantial justice is achieved:* The property will still have adequate space around the home and maintain some yard space. They will not be encroaching on any neighboring properties or houses. Adequate fire and building code will be met. The board members went through each fact of findings and found they all were met as stated by Meredith Detsch. Casey asked if there was any other discussion, hearing none she would entertain a motion. Matthews made a motion to approve the variance based on the four criteria being met as Detsch just described for a four foot reduction of the setback requirement to eight feet verses the required twelve feet. Wilborn seconded the motion. The motion passed unanimously 4-0.

The second variance request was from the Town of North Wilkesboro. The Town of North Wilkesboro is proposing to construct a water tower on Parcel ID # 1406167, River Road Liberty Grove Road, PIN 3889-25-0136. The property is located in the GI, General Industrial District. The relevant provision of the ordinance states in Article VII Section 7.8 Height Limit Exceptions (B) "When adjacent to a lot or lots located in a residential district, any part of a non-residential structure which extends above the height limit shall, at a minimum, be separated from adjacent residential lots by a distance equal to its height measured from the ground." The Town of North Wilkesboro is requesting a variance of 50 feet. Dale Shumate, Town of North Wilkesboro's Public Works Director presented the item to the board. He explained this location was the ideal spot on the property due to the topography, close proximity to the proposed National Guard, and general vicinity to the existing water line. Dale Shumate explained if they moved the tower back they would lose topographical grade and the tank would have to be built higher to accommodate the lower topography. Every foot moved down in grade would add a foot to the height. He further explained its height and location was also co-located to the other water tanks in town so their pressure would all work off one another. Back in the late 90's the water line was installed in the Industrial park and this location was carved out for the water tank. At the time there was no ordinance limiting the location or height of tanks to his knowledge. In addition this tank would supply adequate fire suppression to the existing manufacturer in the Industrial Park, Jeld-Wen as well as provide much needed pressure to the surrounding water association Blue Ridge Water Association. Lisa Casey asked where the other water tanks were in Town and Dale listed the ones existing: Trogdan Avenue, Old Flint Hill Road, White Pine Street, Finley Avenue, Summit Avenue and one in the Highland Park area. Frieda Matthews asked why this water tank was needed. Dale Shumate explained about five years ago Jeld-Wen had issues with their fire suppression and also Blue Ridge Water Association was having pressure issues with their customers due to higher demands. The Town provides water to Blue Ridge Water Association which serves the Roaring River area of the County. Discussion between the Board members and Dale regarding safety concerns and Dale explained this tank was structurally engineered and built with fall zones in mind. Discussion of tanks failing was mentioned and the last one any of them had heard of was in the late 80's and it was a single spear type tank verses the multiple leg tank that is proposed. Meredith Detsch went through the four criteria of the application with the board.

The unnecessary hardship results from conditions that are peculiar to the applicant property

The North Wilkesboro's Industrial Park has varying steep topography throughout the park. The site was picked for the proposed water tower due to its proximity to a higher elevation as well as the existing water line and easement running through the Town owned parcel.

The unnecessary hardship is not self-created:

Based on engineering studies this site is the best location in the Industrial Park for topography, water line location and preserves a potential marketable industrial site. The original engineer chose this location over twenty years ago when the water line was installed since it had the optimal topography for the tank. The grade at the location is approximately 1202.36 feet. The further down the tower is moved on the site the taller it will need to be to achieve the optimum pressure with other towers in the area, industrial needs and more linear water line will need to be installed. The location was also chosen based on maximum lot potential for the existing lot and the lot for the National Guard.

The unnecessary hardship results from the strict application of the ordinance

“7.8 Height Limitation Exceptions. (A) The height limitations of this chapter shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; and shall not apply to monuments, water towers, observation towers, chimneys, smokestacks, conveyors and flag poles. (B) When adjacent to a lot or lots located in a residential district, any part of a non-residential structure which extends above the height limit shall, at a minimum, be separated from adjacent residential lots by a distance equal to its height measured from the ground.”

The height of the water tower is exempt from height requirements, General Industrial allows structures to be 80' tall, and 7.8 (A) exempts the height limit for the water tower. The water tower is proposed to be approximately 150' tall. The location of the tower is located in the Industrial Park in North Wilkesboro. The adjacent lot is within unincorporated Wilkes County where there is no zoning. The property appears to be residential in nature based on the structures on the property. To achieve the separation of the tank from the adjacent property it will need 50' variance relief from 7.8 (B).


The variance request is consistent with the spirit, purpose and intent of the ordinance such that the public safety is secured and substantial justice is achieved

The Zoning Ordinance purpose under Article I. Authority and Purpose states “facilitate the adequate and economic provision of public facilities and infrastructure”. In this case the need for a new water tower in this location will not only facilitate economic development of the Town's Industrial Park but also the assurance that public utilities will be adequate and substantial. The additional infrastructure is designed to enhance safety with adequate pressure and water supply for the fire suppression within the industrial park. This is also the most appropriate use of the land as to the west of the location is the proposed site for the National Guard and the south east is a pad ready site. To speak to the public safety aspect of this project the water tower is an engineered structure and designed to withstand various severe weather events including sustained winds.

The board members went through each fact of findings and found they all were met as stated by Meredith Detsch. Casey asked if there was any other discussion, hearing none she would entertain a motion. Staley made a motion to approve the variance based on the four criteria being met as Detsch just described for a fifty foot reduction of the setback requirement in Article VII Section 7.8 Height Limit Exceptions (B) “When adjacent to a lot or lots located in a residential district, any part of a non-residential structure which extends above the height limit shall, at a minimum, be separated from adjacent residential lots by a distance equal to its height measured from the ground.” Wilborn seconded the motion. The motion passed unanimously 4-0.

Chair Casey asked for a motion to adjourn and at 6:30 pm Wilborn made a motion to adjourn and Matthews seconded the motion. The motion passed 4-0.


Meredith Detsch, Planning Director
Board of Adjustment Secretary


Lisa Casey
Board of Adjustment Chair