

1 **COLUMBUS BOARD OF ADJUSTMENT MEETING**
2 **Minutes of Board of Adjustment Meeting**
3 **Wednesday July 23, 2014**

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5 The Town of Columbus Board of Adjustment met on Wednesday, July 23, 2014, at 5:00 p.m., at the
6 Columbus Town Hall, 95 Walker Street, Columbus, North Carolina.

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8 **Board Members Present:** Jimmi Buell
9 Chris Rome
10 Mary Shambaugh

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12 **Board Members Absent:** Kathleen Nowakowski
13 Bevin Corbin
14 Joan Scoggins

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16 **Staff Present:** Tim Barth, Interim Town Manager
17 Devon LaFromboise, Town Clerk

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19 **ROLL CALL AND RECOGNITION OF QUORUM**

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21 The meeting was called to order at 5:05 p.m. A roll call was taken and the elected Chairman
22 acknowledged all present except Bevin Corbin, Joan Scoggins and Kathy Nowakowski. Mrs.
23 Shambaugh made a motion to approve the minutes of the June 18, 2014 meeting as written, Ms. Buell
24 seconded the motion, motion carried.

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26 There were no public comments

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28 **Consideration of Order for Special Use Permit for a Local Government Office in Central Business**
29 **District - SU-01-14**

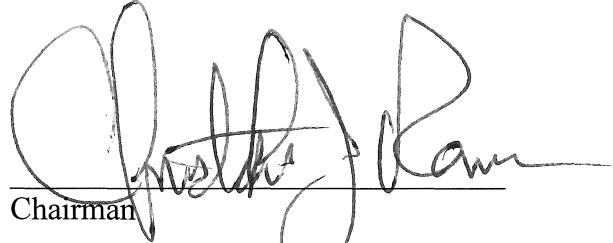
30 Mr. Rome asked for discussion on the order. Interim Manager Barth discussed the order, the findings of
31 fact, and the conclusions of the law. If the decision is ever appealed, these items must be in the order to
32 show the Board of Adjustments approved the order per the regulations required by the Town of
33 Columbus.

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35 Interim Manager Barth also explained the Special Use process, first the permit must be approved and
36 then the order must be approved. Ms. Buell stated that each item was reviewed and approved during the
37 June 18, 2014 meeting.

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39 Ms. Buell made a motion to approve the Order on Application by Polk County for a Special Use Permit
40 for a Local Government Office in the Central Business District (CBD) and found that the order meets all
41 regulations required by the Town of Columbus, Mrs. Shambaugh seconded, motion carried.

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43 There being no further business, Ms. Buell made a motion to adjourn, Mrs. Shambaugh seconded,
44 motion carried. The Board of Adjustment meeting was adjourned at 5:12 p.m.
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Handwritten signature of Jeffrey Rame in cursive script, positioned above a horizontal line.

Chairman



Handwritten signature of Deven Gosnell in cursive script, positioned above a horizontal line.

Clerk

**Order on Application by Polk County
for Special Use Permit for Local Government Office in Central Business District (CBD)**

DECISION: APPROVED

Board of Adjustment members Jimmi Buell, Mary Shambaugh, and alternate Bevin Corbin voted to approve the special use permit request.

No Board of Adjustment members voted against approval of the Special Use Permit request.

SUMMARY

On June 18, 2014, SU-01-14 was considered by the Town of Columbus Board of Planning and Adjustment, sitting as the Board of Adjustment (the "Board of Adjustment"). The Board of Adjustment received into evidence the staff report of Town of Columbus Manager and Zoning Administrator Jonathan Kanipe; oral testimony of Town of Columbus Manager and Zoning Administrator Jonathan Kanipe; oral testimony of the Applicant's representatives, including the Applicant. Each witness was sworn and subject to cross-examination. The Board of Adjustment also accepted into evidence without objection Exhibits 1 through 3b, including the Town Manager's Memo, the Special Use Permit application, the aerial plat layout, and the entire agenda packet. The Board of Adjustment closed the hearing on June 18, 2014, and subsequently deliberated and approved SU-01-14.

In support of its decision and based on the evidence received by the Board of Adjustment at its June 18, 2014 meeting and applicable Town of Columbus ordinances, the Board of Adjustment makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Each witness who appeared before the Board of Adjustment during the hearing on June 18, 2014 regarding SU-01-14 was sworn and subject to cross-examination.
2. Town Code section 154.082(C)(2) provides five standards for special use permit approval:

The Board shall issue a special use permit if it has evaluated an application and determined that the proposed use satisfies the following standards:

- (a) The use requested is among those listed as an eligible special use in the district in which the subject property is located;
- (b) The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed;

- (c) The special use meets all required conditions and specifications;
 - (d) The special use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - (e) The location and character of the special use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the town.
3. Town Code section 154.065 lists “Local government office” as a special use in the Central Business (CBD) zoning district.
4. Jonathan Kanipe, Town Manager and Zoning Administrator for the Town of Columbus, submitted his staff report into evidence and provided oral testimony without objection as Exhibit 1. Through his staff report and oral testimony, Jonathan Kanipe testified that:
- (a) The Property is zoned CBD;
 - (b) SU-01-14 requests approval of a special use permit for the purpose of local government offices; and
 - (c) Local government offices are permitted as a special use within the CBD zoning district;
 - (d) Town Staff recommends approval of SU-01-14.
5. The special use permit application, SU-01-14, and following associated documents were accepted into evidence as Exhibits 3a, 3b, and 3c.
- (a) 2a -- Special Use Permit application
 - (b) 2b – Aerial plat layout
 - (c) 3 –Entire Board of Adjustment agenda packet
6. In his professional opinion as the Town Manager and Zoning Administrator, Jonathan Kanipe concluded that:
- (a) The use requested by SU-01-14 is among those listed as an eligible special use in the district in which the subject property is located;
 - (b) The special use application, SU-01-14, was accompanied by a site specific plan that includes all of the information required by Town Code section 154.081(B)(3); and
 - (c) SU-01-14 is consistent with the plans and policies of the Town of Columbus.

7. Ms. Cathy Ruth, Polk County Planner and representative for the applicant, was qualified and accepted as an expert witness without objection, and testified that:
 - (a) The special use permit application was intended to provide a real property and vehicle tax office and license plate tag office within Polk County;

CONCLUSIONS OF LAW

SU-01-14 satisfies each of the five standards contained in Town Code section 154.082(C)(2) and, therefore, is hereby APPROVED. Based upon the Facts set forth, the Board of Adjustment hereby makes the following Conclusions of Law:

1. The special use application, SU-01-14, was accompanied by a site specific plan which includes all of the information required by Town Code section 154.081(B)(3).
2. The Local Government office use requested by SU-01-14 is among those listed as an eligible special use in the CBD zoning district, within which the subject property is located.
3. SU-01-14 will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed.
4. SU-01-14 meets all required conditions and specifications.
5. SU-01-14 will not substantially injure the value of adjoining or abutting property.
6. The location and character of SU-01-14, if developed according to the plan as proposed, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Town.
7. SU-01-14 is consistent with the plans and policies of the Town of Columbus.
8. All terms and conditions of the special use permit application as submitted by the Applicant on May 29, 2012 are approved.

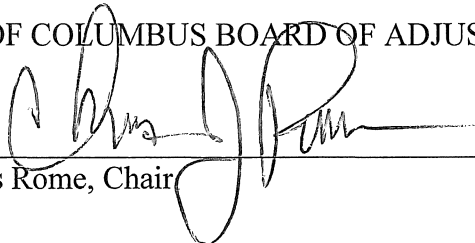
WHEREFORE, SU-01-14 meets the requirements set forth in Town Code section 154.082(C)(2) and is hereby APPROVED:

This 23rd day of July, 2014.

TOWN OF COLUMBUS BOARD OF ADJUSTMENT

By: _____

Chris Rome, Chair



ATTEST:

By: Devon LaFromboise
Devon LaFromboise, Town Clerk