

**MINUTES FROM A PUBLIC HEARING TO HEAR CITIZEN COMMENTS CONCERNING A REQUEST TO AMEND THE WARREN COUNTY ZONING ORDINANCE, HELD BY THE WARREN COUNTY BOARD OF COMMISSIONERS ON MONDAY, MAY 7, 2018 AT 6:00 PM IN THE WARREN COUNTY ARMORY CIVIC CENTER, MEETING ROOM, WARRENTON, NC.**

The public hearing was called to order by Chairman Victor Hunt. Other Commissioners present: Bertadean Baker, Tare Davis, Jennifer Pierce and Walter Powell. Others in attendance: County Manager Robert Davie, Interim Finance Director Jamie Holtzman and County Attorney Hassan Kingsberry.

Clerk to the Board Angelena Kearney-Dunlap read the Notice of Public Hearing:

**Notice of Public Hearing**

Notice is hereby served that the Warren County Board of Commissioners will hold a public hearing on Monday May 7, 2018 at 5:30 PM in the Warren County Armory Civic Center, Warrenton, NC. The purpose of this hearing is to receive citizen's comments regarding:

**Request to amend the Warren County Zoning Ordinance under Section II – District Regulations, Conditional Use Permits AND Section VIII - Board of Adjustment.**

All questions or written comments should be directed to:

Ken Krulik, Warren County Planning and  
Zoning Administrator  
542 West Ridgeway Street  
Warrenton, North Carolina 27589  
Telephone: (252) 257-7027  
**KenKrulik@warrencountync.gov**

Copies of the proposed text amendments are available for review in the office of the Warren County Planning and Zoning Administrator. All interested citizens are urged to attend this public hearing.

Victor Hunt, Chairman, Warren County Board of Commissioners

An overview of the request was given by Planner/Zoning Administrator Ken Krulik and Richard Harkrader of Carolina Solar Energy. Krulik also shared suggested amendments to the Board of Adjustment.



**Planning/Zoning and Code Enforcement Department**

542 West Ridgeway Street  
Warrenton, NC 27589  
(PH) 252-257-7027 (FX) 252-257-1083

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TO: Warren County Board of Commissioners, County Manager, County Attorney  
FROM: Ken Krulik, AICP CZO - Planning and Zoning Administrator *KMK*  
DATE: April 10, 2018 (delivery date)  
RE: Board of Commissioners agenda-public hearing (5/7/18)  
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At the February 6, 2018 Planning Board meeting the following proposed text amendments to the County's Zoning Ordinance were reviewed, approved and recommended to the Board of Commissioners (Planning Board Members present voted in favor – staff recommends approval):

**SECTION II - DISTRICT REGULATIONS**

USES	AR	RL	R	GC	TC	LB	NB	HB	LI	HI	NOTES PER DISTRICT
Substations, electric - and related equipment structures for this use	CU	CU	CU	X	X	CU	CU	CU	CU	CU	Impervious surface requirements shall be met per the respective zoning district.

Conditional Use Permit Provisions:

- a. All buildings and ground mounted equipment shall be set back a minimum of fifty (50) feet from all exterior property lines (except where the district specifies a greater minimum setback distance).
- b. Structure height shall not exceed the maximum height requirements for the zoning district where the construction is located except for associated transmission infrastructure and lightning masts.
- c. Vegetative buffer of 20 feet (within the minimum setback distances for that zoning district) shall be provided unless natural vegetation exists that will meet this same requirement.
- d. Security fencing required.
- e. Service parking area shall be provided on the same lot (parcel, property) and be at least twice as large as the building footprint for the buildings and ground mounted equipment on-site.

**SECTION VIII- BOARD OF ADJUSTMENT:**CURRENT TEXT FOR REVIEW OF VARIANCES

- a. That the special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures or buildings in the same district.
- b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this ordinance.
- c. That the hardship is not the result of the applicant's own action.

- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
- e. That, if the applicant complies with the provisions of the ordinance, he can secure no reasonable use of his property.
- f. That granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

PROPOSED TEXT AMENDMENT (PER G.S.) FOR REVIEW OF VARIANCES

- a. 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.
- b. 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 the general public, may not be the basis for granting a variance.
- c. 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.
- d. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

PROPOSED TEXT AMENDMENT (PER G.S.) FOR BOARD OF ADJUSTMENT VOTING

- (1) The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
- (2) A member of any board exercising quasi-judicial functions pursuant to this Article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

PROPOSED TEXT AMENDMENT FOR BOARD OF ADJUSTMENT QUORUM

1. No appeal may be heard unless a quorum is present. A quorum shall consist of ~~four~~ **three (3)** members in attendance.

Clerk to the Board read the Public Hearing Procedures. There were no Public Comments.

On motion of Commissioner Pierce, seconded by Commissioner Powell, the public hearing was adjourned at 5:50 pm.

  
Angelina Kearney-Dunlap, Clerk