

**MINUTES
BOARD OF ADJUSTMENT
REGULAR MEETING**

City of High Point
Municipal Office Building
Council Chambers

July 8, 2021
4:00 P.M.

MEMBERS PRESENT: Deborah Davis
David Horne, Chair
Sandra Hayes
Nho Bui (Alt)

MEMBERS ABSENT: Matt Witmeyer
Tyler Walsh (Alt)

STAFF PRESENT: Lee Burnette, Planning and Development Director
Chris Andrews, Development Services Administrator
Sam Hinnant, Senior Planner
David Fencl, Senior Planner
Montana Brown, Recording Secretary
Gina Lindsey, Recording Secretary
Lisa Arthur, Attorney with Fox Rothschild

The meeting began at 4:01 p.m.

A. Call to Order

Mr. Horne, Chair, determined that a quorum was present and called the meeting to order at 4:01 p.m.

B. Approval of Minutes

1. Approval of the June 10, 2021 Minutes of the Board of Adjustment

Ms. Sandra Hayes made a motion to approve the June 10, 2021 minutes of the regular meeting of the Board of Adjustment as presented. Ms. Deborah Davis seconded the motion. The minutes of the June 10, 2021 meeting of the Board of Adjustment were approved by a vote of 4-0.

C. Unfinished Business

1. Amendments to the Board of Adjustment Rules of Procedure

Mr. Chris Andrews, Development Services Administrator, reminded the Board of the amendments to the Board's Rules of Procedure, which were presented in detail at the Board's June 10, 2021 meeting. The amendments were necessitated by recent Development Ordinance text amendments related to the adoption of Chapter 160D of the North Carolina General Statutes. He opened the floor to questions, but no questions were asked. Ms. Sandra Hayes made a motion to approve the amendments to the Rules

of Procedure. Dr. Nho Bui seconded the motion. The amendments to the Rules of Procedure were approved by a vote of 4-0.

D. Hearing Items

1. Pat Cardillo 909 Johnson Street AP-21-01

The applicant has filed an appeal from a decision of the Historic Preservation Commission denying a Certificate of Appropriateness (COA). The application is filed pursuant to Section 2.4.5 - Appeal of the Development Ordinance.

All speakers offering testimony were sworn in.

Mr. Sam Hinnant, Senior Planner, entered the agenda packet, including the staff report, into the record and gave a general overview of the case. The packet contained facts and documents that were reviewed during the previous Historical Preservation Commission Certificate of Appropriateness case for Mr. Pat Cardillo. Mr. Hinnant reminded the Board that they were to determine if quasi-judicial procedure was followed, if HPC used factual evidence to make their decision, and if the decision supports local laws and ordinances.

Mr. Hinnant called Mr. David Fencl, Senior Planner for the City of High Point, to offer testimony as the staff member that works along with the Historical Preservation Commission.

Mr. Fencl provided the following information in response to questions from the Board:

- He was unsure of the amount of decks within the district, as it wasn't a discussion HPC had. However, there was wide consensus of the residents within the district that there are no rooftop decks currently present within the Johnson Street Historical District.
- Mr. Fencl explained the correct process of obtaining a COA. The first step would be to contact himself or another staff member from the city to discuss what is planned. Staff looks at the plans and evaluates if they fit in with the design standards. At that time, staff makes a decision whether it is required for the HPC to grant approval as a major works or if it's a project that can be approved by staff as a minor works. Most new exterior changes to a site would require approval from the Historical Preservation Commission. After approval, the project could be started and would later be scheduled for inspection.

Mr. Cardillo provided the following information during his testimony:

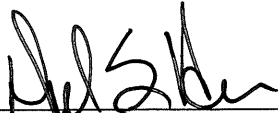
- He insisted that the deck is non-compliant according to building codes only because he received a stop work order from the city, thus the project remains unfinished.
- Rooftop decks aren't specifically referenced in the historical district design standards and thus no precedent had previously been set.
- He completed the work on the property without an additional contractor.
- He purchased the home with the assistance of a realtor and was aware that the property is located within a historical district.
- He was not aware of the Historic Preservation Commission or the existence of COA and its application process. However, he was aware that most municipalities have a permitting process for new construction, which he did not follow.
- He purchased the home in August of 2020.
- He began working on the home about 4 weeks after the purchase.

- The rooftop deck was a cheaper solution to repairing the flat slope of his roof, which was causing the ceiling to sag in the study room below.

After no further testimony was offered, the board began its deliberation. Ms. Deborah Davis made a motion to deny appeal application AP-21-01. Ms. Sandra Hayes seconded the motion. By a vote of 4-0, the Board of Adjustment ordered that appeal application AP-21-01 be DENIED.

E. Adjournment

With there being no further business, Ms. Sandra Hayes made a motion to adjourn the meeting. Dr. Nho Bui seconded the motion. The board voted 4-0 in favor of adjournment. The meeting adjourned at 4:41 PM.



DAVID HORNE, CHAIRMAN

8-19-2021

DATE