

ADJOURNED MEETING CITY COUNCIL
July 20, 2011

The City Council of the City of Albemarle met in an adjourned session on Wednesday, July 20, 2011, at 6:30 p.m. at the Rosebriar Restaurant. Mayor Elbert L. "Whit" Whitley presided and the following Councilmembers were present, to wit: Troy E. Alexander, Martha Sue Hall, Judy Holcomb, Jeanette M. Napier, Jack F. Neel, Dexter Townsend and T. Ed Underwood. Absent, none.

The City Council held a meeting with the members of the Planning and Zoning Board and the Zoning Board of Adjustment to discuss matters of common interest.

Mayor Whitley recognized and thanked Ms. Carrie Lyerly for her years of service on the Zoning Board of Adjustment.

Director of Planning and Community Development Keith Wolf introduced recently appointed board members.

Mr. Wolf reminded the group of the training scheduled for August 16 in the city Hall Training /Community Room on variance and conditional use cases that require quasi-judicial proceedings be conducted.

Mr. Wolf indicated that a public hearing of the City Council is set for August 1 to consider amending the findings of fact used for quasi-judicial proceedings. He said the City currently has more findings to be considered than most jurisdictions and the finding are being altered for clarity.

Councilmember Neel said it is his belief a variance should only be granted due to an actual hardship and not be based on subjective issues.

Mr. Wolf said he wanted to discuss issues involving the City's setback requirements as they relate to fences. He said the Zoning Board of Adjustment has recently approved three similar fence variances on corner lots. He noted that if exceptions to the same rule are being made over and over, then the rule itself should possibly be considered for changing. Mr. Wolf also provided examples of how the setback requirements from street right of ways affect lots differently, even when the same rule is being applied. He noted that in some cases, the setbacks make fencing impractical.

The issue of procedures for variances and conditional use permits was brought up again. Councilmember Holcomb said everyone needs to be aware of the procedures and restrictions on discussing these matters prior to the hearings. Mr. Wolf indicated the law requires these matters to be handled like a matter before a court of law.

Councilmember Neel reported that former Planning and Zoning Board member Elworth Plyler and his wife have moved to Winston-Salem to be closer to family.

There being no further business, the meeting was adjourned.