

**MINUTES**

**ZONING BOARD OF ADJUSTMENT**

**BRUNSWICK COUNTY, N.C.**

**6:00 P.M., Thursday  
August 13, 2020**

**Commissioners Chambers  
David R. Sandifer Administration Building  
Brunswick County Government Center  
Old Ocean Highway East, Bolivia**

MEMBERS PRESENT

Robert Williamson, Chairman  
Mary Ann McCarthy  
Marian Shiflet  
Virginia Ward, Alternate  
Clayton Rivenbark, Alternate

MEMBERS ABSENT

Alan Lewis  
Ron Medlin

STAFF PRESENT

Helen Bunch, Zoning Administrator  
Bryan Batton, Assistant County Attorney  
Justin Brantley, Project Planner  
Miranda Garmenn, Zoning Technician  
Brandon Hackney, Project Planner

OTHERS PRESENT

Allen Mattison  
Mary Ellen Miller  
Dr. Daniel Richardson  
Robert Parker

I. CALL TO ORDER.

The Chairman called the meeting to order at 6:01 p.m.

II. ROLL CALL.

Mr. Lewis and Mr. Medlin were absent. Ms. Ward and Mr. Rivenbark served as the alternates for the meeting.

III. CONSIDERATION OF MINUTES OF THE JULY 9, 2020 MEETING.

Mr. Rivenbark made a motion to accept the minutes of the July 9, 2020 meeting as written. The motion was seconded by Ms. Shiflet and unanimously carried.

IV. AGENDA AMENDMENTS.

There were none.

V. FUNCTIONS OF THE BOARD OF ADJUSTMENT.

Ms. McCarthy explained that the Board of Adjustment is a quasi-judicial Board assigned the function of acting between the Zoning Administrator or Planning Director, who administer the Unified Development Ordinance (UDO), and the courts, which would have the final say on any matter. The Board's duties are to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator or Planning Director; to grant Special Use Permits and to grant Variances.

Ms. McCarthy said that the public hearing is not to solicit broad public opinion about how the Board should vote on a matter; rather, it is a time for submittal of relevant, factual evidence in the record by the applicants, proponents, opponents and staff. All parties involved must be affirmed or sworn in as required by the North Carolina General Statutes. The opposing parties have the right to cross examine witnesses and file documents into the record.

Ms. McCarthy stated that the Chairman will announce the case; the Zoning Administrator will submit into evidence the Staff Report; the applicant or person filing the application will present relevant evidence to the Board as it relates to the Approval Criteria outlined in Section 3.5.9.B. of the UDO; the opposition will have an opportunity to speak; and then the Zoning Administrator will provide recommended conditions based on the approval criteria and information provided during the public hearing. Once all parties have addressed the Board, all parties will have the opportunity for rebuttals and the Chairman will summarize all evidence presented. All parties will have the opportunity to comment on the summation given to the Board. Once the summary is accepted, the public hearing session will be over and the Board will discuss the matter amongst themselves and vote to grant or deny the Special Use Permit and/or Variance.

Ms. McCarthy informed the audience that if anyone was not satisfied with the outcome of the Board's decision, they may file an appeal to Superior Court.

VI. SWEARING IN OF APPLICANT, WITNESS, AND OTHER INTERESTED PARTIES.

The Chairman swore in and or/ affirmed Helen Bunch, Allen Mattison, Miranda Garmenn, Mary Ellen Miller, Daniel Richardson, and Richard Parker as to their testimony being truthful and relevant to the respective case.

VII. NEW BUSINESS.

- A) 20-01V: Variance  
Applicant: Allen Mattison  
Location: 1560 Windsong Drive, Ocean Isle Beach, NC 28469  
Tax Parcel 229NB037  
Applicant requests a variance from Section 4.3.3.B. of the Brunswick County Unified Development Ordinance (UDO) to allow an existing building to be located 5.6 feet from the rear property line as opposed to the 9 feet required by the ordinance.

Ms. Bunch addressed the Board. Ms. Bunch read the Staff Report (attached). Ms. Bunch identified the subject property and surrounding properties on a visual map.

Mr. Mattison, Carolina Home Exteriors, addressed the Board. Mr. Mattison stated that he has prepared variances in the past for his company, but they are typically done at the beginning of a project rather than at the end. Mr. Mattison explained that he reviews every project, marks where the project will be located, and, in this case, he missed that the project was located within the required setback. Mr. Mattison added that typically when a project does not meet the setback requirement it will not be allowed to move forward. He continued that this was his first experience with a project moving forward that was within the required setback. Mr. Mattison reiterated that he missed the error but at this time there is a finished product on site within the setback at no fault of the property owner.

Mr. Mattison stated that if he had known early in the process, he would have remedied the situation by applying for a variance or cancelling the project. Mr. Mattison stated that he is requesting a variance to be granted for the structure. Mr. Mattison stated that no neighbors have contested the variance.

Mr. Mattison continued that there were five inspections throughout the process, and he was never notified of the issue. Mr. Mattison stated that he found out that the project was within the setback when the structure was surveyed to meet the setback certification requirements.

Ms. Shiflet asked Mr. Mattison if he is currently involved with other projects within Windsong Villas. Mr. Mattison replied that he is not aware of having any other projects within the development. Ms. Shiflet asked if he was aware of any other properties that may have been incorrectly surveyed. Mr. Mattison replied that he is not aware of any other issues.

Ms. McCarthy stated that Mr. Mattison's office received an email from Brunswick County on June 6, 2019 asking for the distance of the proposed covered porch to the rear property line. Ms. McCarthy asked if this was correct. Mr. Mattison responded that he is not involved with that portion of the process and does not know. Ms. McCarthy stated that Mr. Mattison's office responded that there was twenty feet available. Ms. McCarthy added that even with the twenty feet there wouldn't have enough room for the structure. Ms. McCarthy stated that she is confused because this was at the beginning of the project. Mr. Mattison stated that he was not aware of this until foundation survey was performed.

Ms. McCarthy stated that the County asked for the foundation survey in August 2019 and the project moved forward. Mr. Mattison stated that the project was allowed to move forward without the foundation survey being performed. Mr. Mattison continued that there was a series of inspections performed. Mr. Mattison supplied the foundation survey after the rough-in electrical inspection prior to the scheduling of the final inspection.

Ms. McCarthy asked for clarification on the date of the foundation survey provided and if this was the one performed by Mr. Barber.

Ms. McCarthy asked if he reviews the foundation surveys for projects. Mr. Mattison stated that he reviewed the original survey from 2015 that was used. Mr. Mattison continued that when he reviewed the original survey, he was aware that the project would be located within the setback. Ms. McCarthy asked why this wasn't addressed with the County. Mr. Mattison clarified that he was made fully aware of the issue when he met with the Zoning Administrator. [Point in time that Zoning Administrator advised him of the closeness of the structure to the rear property line.]

Ms. McCarthy stated that an inaccurate site plan was submitted with the application that showed the project within the setback. Ms. McCarthy asked if the County advised that there was an issue. Mr. Mattison responded that they were given a permit. Ms. McCarthy stated that there was an email from the County stating that there was not enough space. Mr. Mattison stated that he is not aware of conversations between his staff and county staff as he was not directly involved. Mr. Mattison continued that the permit was allowed to move forward, and he and the County did not catch the issue. Mr. Mattison added that he should not have been issued a permit.

Mr. Williamson asked Ms. Bunch if Mr. Mattison should have been issued the permit. Ms. Bunch responded that a permit should not have been issued and added that Miranda Garmenn, Zoning Technician, is available to testify and elaborate further.

Ms. Garmenn addressed the board. Mr. Williamson asked Ms. Garmenn to explain her role. Ms. Garmenn responded that she is a Zoning Technician with the Planning Department and it is her responsibility to review residential projects for zoning compliance.

Ms. Garmenn stated that based on conversations with Janet Duffy with Carolina Home Exteriors and reviewing the most recent site plan submitted it was determined that there was enough room for the project.

Mr. Williamson asked Ms. Garmenn to clarify that the final site plan submitted indicated that the setback requirements would be met. Ms. Garmenn responded yes. Ms. Garmenn continued that after determining the site plan met the requirements the project was approved. Once the foundation survey was received it was determined that the site plan was inaccurate.

Mr. Williamson asked how it was determined that the site plan was inaccurate. Ms. Garmenn explained that the foundation survey included the home and addition and demonstrated that the home was set back twenty-one (21') feet from the front property line. The site plan that was submitted for the project showed the home being sixteen (16') feet from the front property line which illustrated that the approved site plan was inaccurate.

Mr. Williamson asked if the survey requested allowed staff to identify that the structure was in the required setback. Ms. Garmenn responded yes.

Ms. Shiflet asked if Ms. Garmenn had the authority to stop the work once the issue is identified. Ms. Garmenn responded that she is personally unable to tell them to stop building and that is the responsibility of Building Inspections. The applicant was able to continue work. Ms. Shiflet asked if any notification was given to Building Inspections to be cautious. Ms. Garmenn responded no.

Mr. Williamson asked if the permit was issued properly. Ms. Garmenn responded yes.

Mr. Mattison identified the original site plan and the foundation survey. Mr. Mattison stated that the project was always located within the setback and should not have been constructed. He continued that the project was completely within the setback.

Ms. Shiflet stated that the site plan shows the original structure being located approximately 20.6 feet from the rear property line. Mr. Mattison stated that the same site plan shows the house being located in the setback provided on the initial site plan.

Ms. Bunch stated that looking at the distances from the structure to the rear property line on the site plan showed there was enough room. Ms. Bunch clarified that these setback lines on the initial plan were incorrect.

Mr. Rivenbark stated that Mr. Mattison should have been aware that there were issues with the setback based on the site plan and reiterated that the rear setback on this plan was incorrect.

Mr. Mattison said that the project moved forward because they were not aware of any issue with the required setback and were never stopped.

Mr. Williamson asked when the foundation survey was completed. Mr. Mattison stated that the foundation was completed prior to scheduling the final inspection. Mr. Mattison added that the foundation survey was completed, and the project was stopped prior to the final inspection due to the project being identified as being located within the required setback as shown on the foundation survey.

Mr. Williamson stated that the County notified the applicant that there was a potential problem and asked what Mr. Mattison did at that point. Mr. Mattison said that work was done until the submitted foundation survey stopped the project prior to the final inspection. Mr. Mattison explained that the project was nearly complete when he attempted to schedule a final inspection and discovered that the results of the foundation survey stopped the project. Mr. Mattison added that his intentions are always to meet the county requirements.

Mr. Williamson stated that the project contact received an email from Ms. Garmenn on June 7<sup>th</sup> stating that “it does not appear that a 13’ deck will fit in 20’ of space” and asked what the company did after that email. Mr. Mattison stated that he did not know as he was not directly involved.

Mr. Williamson asked when the construction began. Mr. Mattison stated that the project was scheduled to start on August 13, 2019 and started around that time.

Mr. Williams stated that two months before construction was scheduled the project contact was made aware that there was a potential problem with the site plan.

Mr. Rivenbark stated that Ms. Garmenn commented on June 11, 2019 and stated that the project was permissible. Mr. Mattison stated that they would have stopped if they were told to do so. Ms. Bunch clarified that statement indicated that the use was permissible in the zoning but did not necessarily imply that the setback requirement was met.

Mr. Batton stated that the second survey in the packet shows (Survey # 2) that the project is located outside of the setback. Mr. Batton continued that the plan showed that from the closest point of the rear of the home to the property line was 20.6’. Mr. Batton stated that a question was called regarding a

previous comment by Ms. Garmenn which questioned a thirteen feet structure being located in 20.6' of space. Mr. Batton continued that it appears that one of the sides of the addition is twelve feet and eleven inches (12' 11").

Mr. Batton identified the site plan that was originally received and added that the comments in the permitting system stated that the site plan shows a thirteen-foot structure being proposed for 20 feet of space.

Mr. Batton continued that the initial site plan showed that the project was located within the required setbacks. Mr. Batton asked when the foundation survey is required for the project. Ms. Garmenn stated that in this situation the foundation survey can be done any time between the time the foundation is in place and the time of the final inspection. The final inspection is not able to be completed without a submitted and approved foundation survey.

Ms. Bunch stated that sometimes people choose to continue construction when a foundation is identified as being located within the required setback, but they are proceeding at their own risk. Ms. Bunch continued that the purpose of the foundation survey being required is to check that projects meet the setback requirements and to prevent further construction from occurring.

Mr. Batton asked when the project was denied in the system. Ms. Garmenn responded that the project was denied after the receipt of the foundation survey. Ms. Garmenn explained that the foundation survey is required to identify potential issues earlier in the process. Ms. McCarthy asked if it was in the best interest of the contractor to perform the foundation survey as early as possible to identify issues. Ms. Garmenn responded yes. Ms. Bunch further explained that for larger projects there would be a greater number of inspections that would have held up the project during the process as opposed to at the end of the project.

Ms. McCarthy stated that the project received a stop work order at some point. Mr. Mattison stated that the foundation inspection was requested on August 23, 2019 and the foundation survey was requested from the applicant on August 23, 2019.

Ms. Shiflet asked if the foundation survey was requested on August 23, 2019. Mr. Mattison stated that is how it appears. Mr. Mattison stated that the foundation survey was submitted and they were prevented from scheduling a foundation survey. Mr. Mattison stated that as soon as this was brought to his attention, he met with the Zoning Administrator. Mr. Mattison reiterated that it was an oversight on his part and the issue was not caught by any party involved.

Ms. Shiflet asked if a certificate of occupancy can be issued without a final inspection. Mr. Batton asked Ms. Bunch if the residence was previously occupied and asked if this project was an addition. Ms. Bunch responded yes. Ms. McCarthy clarified that the County gave clear directions and comments for the project asking for a foundation survey as early as June 7, 2019. Mr. Mattison stated that was not involved with the project at that point. Mr. Mattison stated that he is notified if a project receives a stop work order or if other issues are identified.

Mr. Mattison stated that he understands the purpose of the foundation survey and added that the foundation survey was done late in the project.

Ms. McCarthy stated that the foundation survey was completed late in the project. Mr. Mattison stated that the foundation survey was required late in the process. Ms. McCarthy stated that the survey was requested multiple times, but the applicant chose to wait till later in the project. Mr. Mattison stated that the project moved very fast and the project was not held up until the time of the final inspection.

Mr. Batton stated referred to the comment made on June 11, 2019 which notified the project contact that foundation survey is required after the foundation inspection. Mr. Batton added that the foundation inspection was scheduled for August 23, 2019.

Mr. Williamson asked if there was a bike path located directly behind the house. Ms. Bunch responded yes. Mr. Williamson stated that to grant a variance the Board must determine something wrong with the property or identify extenuating circumstances.

Mr. Mattison stated that the foundation survey was requested and once the foundation survey was performed it was identified that there was an issue with the setback.

Mr. Williamson asked Mr. Mattison if he thought the project was located within the required setback and did not prioritize the foundation survey until it was required. Mr. Mattison responded yes and added that he did not think there was any issue with the project.

Ms. Shiflet asked if he was aware of the problem with the 2015 Survey. Mr. Mattison responded that he was not aware of any issues with the project at the time.

Ms. Mary Ellen Miller, property owner, addressed the Board. Ms. Miller provided dates for various inspections of the project. Ms. Miller continued that the first inspection failed on June 27, 2019 and added that a foundation inspection failed on August 20, 2019.

Ms. Bunch clarified that the 15-foot strip of property located directly behind the property is a separate parcel designated as a community bike path that has not yet been constructed. Ms. Bunch added that this path could be developed at any time.

With no further questions, the Chairman summarized that the project is permitted in the zoning district. Mr. Allen Mattison submitted a site plan indicating that there was enough room to build the addition and meet the setback requirements. Throughout the project Mr. Mattison assumed that the project met the setback requirements. When the foundation survey was completed it was identified that the project could not meet the rear setback requirement of 9 feet. The applicant then applied for a variance of 3.4 feet to allow the structure to be located within the required setback. Mr. Williamson added that the fifteen (15') foot wide property located directly behind the property is a separate tax parcel and will be developed as a bike path in the future.

The Chairman asked if there were any comments to the summation. There were none. The Board discussed the worksheet and determined the following:

**DECISION:** Having held a public hearing to consider Case Number 20-01V, submitted by Allen Mattison, a request for a variance to use the property located at 1560 Windsong Drive, Ocean Isle Beach, NC, in a manner not permissible under the literal terms of the ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following **FINDINGS OF FACTS** and draws the following Conclusions:

1. It is the Board's **CONCLUSION** by a vote of 4-1 that, unnecessary hardship will 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. This conclusion is based on the following **FINDINGS of FACT**: The addition to the property has been completed and will have to be torn down to meet the requirements of the ordinance.
2. It is the Board's **CONCLUSION** that by a vote of 5-0 the hardship does not result 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 grant a variance. This conclusion is based on the following **FINDINGS OF FACT**: Mistakes were made in that the site plan provided to the applicant for use in constructing the addition was not accurate and was not caught by the applicant prior to project construction. During construction additional inspections were made by Code Administration,

however, the setback issue was not caught at the construction site. Comments regarding the setback issue were provided by the Planning Department initially, however the software did not transmit the information to the applicant. Mistakes were made. Recommendations were not followed.

3. It is the Board's **CONCLUSION** by a vote of 3-2 that the hardship does 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. This conclusion is based on the following **FINDINGS OF FACT**: The hardship is a result of County staff approving a permit that did not meet the requirements of the ordinance and the inspectors not catching the problem when inspections were made. The rear of the home will be no closer to another home, as there is property designated by the homeowner's association for a bike path adjacent to the rear lot line.
4. It is the Board's **CONCLUSION** by a vote of 5-0 that 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. This conclusion is based on the following **FINDINGS OF FACT**: The home will be closer to the property designated for the bike path, but not to a point that the safety of the proposed bike path is jeopardized.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE be GRANTED, as motioned by Mr. Rivenbark, seconded by Ms. Ward by a vote of 5-0.

- B) 20-05V: Variance  
Applicant: Center of Applied Sciences and Technology  
Location: 1109 Old Ocean Highway, Bolivia, NC 28422  
Tax Parcel 1530000120  
Applicant requests two variances to allow an 18' 11" Accessory Solar Collector. The first variance requested is from Section 5.4.11.B. of the UDO to allow the structure to be 18' 11" in height as opposed to the maximum 6' high structure permitted in the Brunswick County Unified Development Ordinance (UDO). The second variance requested is from Section 6.4.2.A.1. of the UDO to allow no (0) screening of the accessory solar collector as opposed to the six feet (6') screening height around the perimeter of the structure required by the UDO.

Ms. Bunch addressed the Board. Ms. Bunch read the Staff Report (attached). Ms. Bunch identified the subject property and surrounding properties on a visual map.

Dr. Daniel Richardson, on behalf of the Center of Applied Sciences and Technology (COAST), addressed the Board. Dr. Richardson stated that he came across a grant opportunity that places solar technology in schools in cooperation with NC Greenpower. Dr. Richardson stated that the school applied last July for a grant and were one of five (5) schools across the state to be accepted. Dr. Richardson informed the Board that the State Employees Credit Union contributed \$15,000 to the installation. Dr. Richardson stated that the grant was a matching grant and the school was required to raise funds through fundraising and donations. He continued that during the grant process he was under the impression that the installation would be permitted. Dr. Richardson stated the purpose of the system is to promote careers in solar technology and for instruction of students. Dr. Richardson stated the reason for the variance is both for NC Greenpower to construct the facility that was specified in the grant and for the safety of those on campus. Dr. Richardson stated that COAST is a Brunswick County public school and is not functioning as a solar field. He continued that the structure must be constructed to a height where the hookups cannot be reached by unqualified personnel.

Mr. Williamson asked Dr. Richardson if the panel could be installed lower to the ground. Dr. Richardson responded that the grant agency is not permitted to build lower than the height stated in the grant and doing so would disqualify them from receipt of the grant.

Mr. Williamson asked why “0” screening was part of the variance. Dr. Richardson responded that the grant does not cover screening costs and with the panel elevated to the height that is asked for, the panel would be ten (10) feet at the lowest point, not causing a concern for safety. Dr. Richardson added that a roof-mounted panel was not available at the time of grant submittal.

Mr. Williamson clarified that the applicant is asking for no screening because there would be no funds available. Dr. Richardson responded yes.

Mr. Williamson asked if a variance of three (3’) feet was granted if that would be acceptable. Dr. Richardson responded that the height variance is more of a concern than the screening variance.

Mr. Rivenbark stated that the use of screening is to prevent glare for oncoming traffic. He continued that since the lowest part of the panel would be ten (10’) feet above the ground, screening would not cover the panel.

Ms. McCarthy asked if there are homes across the street. Mr. Rivenbark responded yes.

Ms. Shiflet asked if a roof mounted system was considered. Dr. Richardson responded that COAST does not know what that means for cost of installation due to fundraising for a pole mounted system. Dr. Richardson stated that when the solar panel was applied for, NC Greenpower had not yet obtained their license for roof mounted systems.

Ms. Shiflet asked if a roof mounted system would now be considered. Dr. Richardson responded that he would have to ask his installer and stated that the installer is present.

Mr. Rivenbark asked Dr. Richardson if the solar system is wanted to be visible due to the school becoming a technical school. Dr. Richardson responded yes.

Mr. Robert Parker, installer for Cape Fear Solar Systems, stated the reason for the grant is visibility and education. Mr. Parker stated that installation would be part of COAST's curriculum and the intention from NC Greenpower is for jobs to be created. Mr. Parker stated that a roof mounted system would be possible, but it would go against the goal of the grant program and be out of sight from the public. Mr. Parker continued that the pole mounted system has to be over a certain height so that qualified personnel are the only ones able to access the panel. Mr. Parker stated that screening would block the view of the solar power system.

Ms. McCarthy asked if the solar system would provide power to the facility, Mr. Parker that it is a working system and a usable structure.

With no further comments, the Chairman summarized that the Center of Applied Sciences and Technology (COAST) is requesting a variance to allow a solar panel to be erected at a height of 18' 11", which is above the 6' maximum height permitted by the UDO. He continued that the proposed height would make it inaccessible to unqualified personnel. Mr. Williamson stated that COAST is also asking for a 6' screening variance. Mr. Williamson stated that if the variances are not granted COAST could lose their finances for the grant.

The Chairman asked if there were any comments to the summation. There were none. The Board discussed the worksheet and determined the following:

**DECISION:** Having held a public hearing to consider Case Number 20-05V, submitted by the Center of Applied Sciences and Technology, a request for a variance to use the property located at 1109 Old Ocean Highway, Bolivia, NC 28422 in a manner not permissible under the literal terms of the ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACTS and draws the following Conclusions:

1. It is the Board's **CONCLUSION** that, unnecessary hardship will 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. This conclusion is based on the following **FINDINGS OF FACT:** This project is a result of a grant received from NC GreenPower for a solar structure to be used as a teaching tool for both the students who attend the Center and the general public. Donations from local business, industry and individuals and the contributions made by NC GreenPower and the NC State Employees' Credit Union will make the project possible. The grant comes with specific requirements. If the project does not meet the requirements, the Center has the potential to lose the project.
2. It is the Board's **CONCLUSION** that the hardship does result from conditions that are peculiar to the property, such as location, size, and 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 grand of a variance. This conclusion is based on the following **FINDINGS OF FACT:** The proposed location of the solar panel is critical to its success and should be visible to the students and general public in order to embrace technology and to learn however, sufficient in height to meet the safety needs of all.
3. It is the Board's **CONCLUSION** that the hardship does 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. This conclusion is based on the following **FINDINGS OF FACT:** NC GreenPower awarded the grant to the Center of Applied Sciences and Technology that came with specific conditions to be honored if the school wishes to participate.
4. It is the Board's **CONCLUSION** that 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. This conclusion is based on the following **FINDINGS OF FACT:** The granting of the variance will ensure safety as the panel will be outside of the reach of all participants.

A motion was made by Ms. Ward, seconded by Ms. Shiflet to unanimously approve the requested height variance. A motion was made by Mr. Rivenbark, seconded by Ms. Ward and unanimously carried to approve the requested screening variance.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for two VARIANCES be GRANTED, with the condition that the installation must comply with all other components listed in the UDO related to Accessory Solar Collectors, with no exceptions.

VIII. NEW BUSINESS.

There was none. Mr. Rivenbark requested that the foundation survey be revisited to see if the process can be improved further.

IX. STAFF REPORT.

Ms. Bunch advised the Board that there would be a September 10, 2020 meeting.

X. ADJOURNMENT.

With no further business, Ms. Shiflet made a motion to adjourn. The motion was seconded by Ms. McCarthy and unanimously carried.