

River Bend Board of Adjustment
March 28th, 2024
Town Hall
6:30 PM

Board Members present: Vice Chair Patty Leonard, Chris Barta, Cinda Hill, Jon Hall

Board Members absent: Chairman Paige Ackiss, Rick Fisher (ETJ Alternate), Kelly Forrest (ETJ Representative), Dave Zinni (Alternate)

Others present: Councilman Buddy Sheffield (Liaison to BOA), Councilman Buddy Sheffield, Councilwoman Barbara Maurer, Town Manager Delane Jackson, Assistant Zoning Administrator Allison McCollum, Town Attorney Dave Baxter, and 6 members of the public

CALL TO ORDER

Vice Chair Patty Leonard called the meeting to order at 6:30 PM on Thursday, March 28th, 2024 at the River Bend Town Hall with a quorum present.

APPROVAL OF OCTOBER 27TH, 2022 MEETING MINUTES

Board Member Chris Barta made a motion to accept the minutes from the October 27th, 2022 meeting of the Board of Adjustment. Motion was seconded by Board Member Cinda Hill and the motion carried unanimously.

EVIDENTIARY HEARING

Vice Chair Leonard introduced the case. The Board of Adjustment assembled to conduct an evidentiary hearing and consider a special use permit to construct a water treatment facility on a portion of Parcel #8-200-028, adjacent to the existing Public Works Building. The Application was submitted by Town Manager Delane Jackson on behalf of the Town of River Bend.

Vice Chair Leonard explained the quasi-judicial nature of the case.

Vice Chair Leonard swore in the following attendees as witnesses: Town Manager Delane Jackson and Assistant Zoning Administrator Allison McCollum.

Vice Chair Leonard called for any necessary disclosures from the Board of Adjustment members. There were no disclosures.

Vice Chair Leonard asked if anyone present wished to establish standing in the hearing. No one responded.

Assistant Zoning Administrator Allison McCollum presented 12 exhibits that Town staff had prepared as relevant materials for the case. (See attached.)

Town Manager Delane Jackson (acting as the applicant) gave a PowerPoint presentation about the proposed water treatment facility.

During the presentation, board members asked questions regarding security of the facility. Board Member Chris Barta asked several questions about the extent of the security measures required by the state code and questioned if those requirements were outdated and should be expanded on. Board Member Jon Hall raised concerns that the location of this building might inhibit further road development. Board Members briefly discussed conditions Town Attorney Dave Baxter noted that discussions need to be related to things directly related to the development, not based on suppositions with no evidence.

Vice Chair Leonard skipped items H-K on the agenda as there were no other parties present. He moved to open the deliberation portion of the meeting.

Vice Chair Leonard asked if any board members had specific concerns or questions that they wanted to discuss. Board Members discussed security issues again, specifically 24/7 surveillance and security cameras. Vice Chair Leonard closed the evidentiary hearing at 7:11 PM.

DECISIONS

Following the testimony and discussion, the Board voted on the following motions:

1. Board Member Chris Barta moved that **the proposed use will not affect adversely the general plans for the physical development of the Town as embodied in these regulations or in any plan or portion thereof adopted by the Planning Board and/or the Town Council.** Board Member Cinda Hill seconded and the motion carried unanimously.
2. Board Member Chris Barta moved that **the proposed use will not be contrary to the purposes stated in the Town's zoning regulations.** Board Member Jon Hall seconded and the motion carried unanimously.
3. Board Member Chris Barta moved that **the proposed use will not affect adversely the health and safety of residents and workers in the zoned area.** Board Member Jon Hall seconded and the motion carried unanimously.
4. Board Member Chris Barta moved that **the proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses.** Board Member Cinda Hill seconded and the motion carried unanimously.
5. Board Member Chris Barta moved that **the proposed use will not be affected adversely by the existing uses.** Board Member Cinda Hill seconded and the motion carried unanimously.
6. Board Member Chris Barta moved that **the proposed use will be placed on a lot of sufficient size to satisfy the space requirements of the use.** Board Member Jon Hall seconded and the motion carried unanimously.
7. Board Member Chris Barta moved that **the proposed use will not constitute a nuisance or hazard because of number of persons who will attend or use these facilities, vehicular movement, noise or fume generation, or type of physical activity.** Board Member Jon Hall seconded and the motion carried unanimously.
8. Board Member Chris Barta moved that **the standards set forth for each particular use for which a permit may be granted have been met or will be met.** Board Member Cinda Hill seconded and the motion carried unanimously.

9. Board Member Chris Barta moved that **the proposed use shall be subject to the minimum area, setback, and other dimensional requirements of the zoning district in which it will be located.** Board Member Jon Hall seconded and the motion passed unanimously.
10. Board Member Chris Barta moved that **the proposed use shall be subject to the off-street parking and service requirements of these regulations.** Board Cinda Hill seconded and the motion carried unanimously.

Board Member Chris Barta moved that **the request for a special permit be approved with conditions as submitted with the following additional restrictions and standards necessary to protect the health and safety of workers and residents of the community, and to protect the value and used of property in the general neighborhood.**

1. **Security cameras with 24-hour surveillance be established at the location.**

Board Member Cinda Hill seconded and the motion carried unanimously.

ADJOURNMENT

Board Member Chris Barta motioned to adjourn the meeting. Board Member Cinda Hill seconded the motion; it carried unanimously. The meeting adjourned at 7:21 PM.

Allison McCollum, Secretary