

**Village of Misenheimer**  
**Planning Board Variance Hearing-Community Building**  
**July 18, 2018**

**Board Members Present:** Jeff Watson, Chairman  
Lane Peeler, Vice Chairman  
Jon Byers  
Jamie Hammill  
Peter Edquist – Alternate

**Staff:** Anita Blair, Administrator/Clerk  
Erik McGinnis, Police Chief

**Visitors:** Mac McCarley, Village Attorney  
Michael “Frizbee” Herron, PB Alternate  
Micah Edquist, PB Alternate  
Jason Shrader – PB Alternate  
Michael Burrage – PB Alternate  
Anthony Fox, Pfeiffer University Attorney  
Colleen Keith, Pfeiffer University President  
Sharon Bard, Pfeiffer University  
Jeffrey Plyer, Pfeiffer University  
Barry Keith, Pfeiffer University  
Mary Ann Ludwig & Thomas Joines-Resident

**Board Members Absent:** Regina Simmons

**1. Call to Order:** Jeff Watson called the meeting to order at 6:00 pm.

**2. Introduction of Visitors:** Visitors were welcomed.

**3. Oaths – Planning Board Members and Alternates:** The following Planning Board Members and Alternates took their Oaths of Office: Jon Byers, Jamie Hammill, Lane Peeler, Jeff Watson, Alternates-Jason Shrader, Micah Edquist, Michael Herron, Michael Burrage, Peter Edquist.

**4. Approval of 07/18/18 Planning Board Agenda:** Peter Edquist moved to accept the meeting agenda as presented. Jamie Hammill seconded the motion and it was approved by a 5/0 vote.

**5. Adopt Rules of Procedure –** Jamie Hammill moved to adopt the “Rules of Procedure for the Village of Misenheimer Planning Board” as presented. Peter Edquist seconded the motion and it was approved by a 5/0 vote.

**6. Consideration and Determination of Cases**

**a. Variance Request from Pfeiffer University**

Chairman Jeff Watson recused himself from participating in the quasi-judicial hearing due to a potential conflict of interest since he is employed part-time with Pfeiffer University. Vice Chairman Lane Peeler stepped in to preside over the remainder of the hearing. Micah Edquist, second alternate, was seated to fill the vacancy created by Jeff Watson’s recusal.

Vice Chairman Lane Peeler introduced the Planning Board, Staff, and the Village Attorney. He then described the hearing process.

The following participants were sworn in by Village Clerk, Anita Blair: Anthony Fox, Colleen Keith, Sharon Bard, Jeffrey Plyler, Erik McGinnis, and Michael Herron.

Mac McCarley, described the hearing process in detail. He then qualified each Planning Board member individually to determine if any Planning Board member met any of these conditions:

- 1) had a fixed opinion prior to the hearing that was not susceptible to change
- 2) had communications about the matter before the hearing, if so, with whom and about what

- 3) had a close familial, business, or other associational relationship with a person affected by the application
- 4) had a financial interest in the outcome of the matter

None of the Planning Board members answered in the affirmative to the above questions.

Mac McCarley asked the applicant if there were any questions or concerns about the Board. None were noted.

Erik McGinnis, Zoning Officer, reviewed the three variance requests from Pfeiffer University and the current Zoning Ordinance referencing Article 6, Sections 6.6, 6.7 and 6.8 regarding directory signs on property zoned I-U.

Anthony Fox, Pfeiffer University Attorney, presented the following three variance requests to Article 6 of the Zoning Ordinance regarding directory signs on property zoned I-U:

Section 6.6 – Sign Height- 6’, Pfeiffer University request-maximum 15’

Section 6.7 - Number of Signs Permitted -1, Pfeiffer University request-2

Section 6.8 – Sign Area-15 square feet, Pfeiffer University request-maximum 105 square feet

Mr. Fox noted that the Board is required to make the following four findings before granting a variance in accordance with NC General Statute 160A-388:

- 1) unnecessary hardships will result from the strict application of the ordinance
- 2) hardship results from conditions that are peculiar to the property
- 3) the hardship did not result from actions taken by the applicant
- 4) the variance is in harmony with the spirit, purpose, and intent of the Zoning Ordinance and that public safety and welfare have been assured and substantial justice has been done

Dr. Colleen Keith, Sharon Bard, Jason Shrader (who was sworn in at 7:16 pm due to a late arrival) all presented sworn testimony in favor of the signs. Planning Board members posed questions throughout the various testimonies.

Mayor Michael Herron expressed that the issue arose from non-compliance with the zoning ordinance. He stressed that open communication moving forward will eliminate future issues.

Both Staff and applicant had an opportunity for rebuttal. Anthony Fox recapped the variance request.

Vice Chairman Lane Peeler concluded the presentation portion of the case. The Planning Board proceeded with discussion of the case. After discussion and deliberation, Jamie Hammill moved to grant all three (3) variance requests. Peter Edquist seconded the motion and it was approved 5/0.

Mac McCarley read his compilation of the Findings of Fact drafted during the hearing. The Planning Board had no changes or additions to his compilation. Micah Edquist moved to adopt the Findings of Fact compiled by Mac McCarley. Peter Edquist seconded the motion and it was approved 5/0.

The Order will be typed and sent to the applicant. (The Order will be attached as part of the minutes.)

**7. Adjournment:** The Planning Board meeting was adjourned at 7:50 pm.

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Chairman or Vice Chairman

Date

Anita E. Blair, Administrator/Clerk

Date