

Town of Seven Devils
Board of Adjustment Meeting
Tuesday, August 23, 2022
5:30pm

The Seven Devils Board of Adjustment met on Tuesday, August 23, 2022, at Town Hall. In attendance included: Bob Bridges, Faye Brock, Bobbye Hurlbrink, Jack Byrnes, and Stu Ryan, Alternate. Member Frank Sell joined the meeting at the Determination of New Witnesses. Member John Wells IV, Alternate was absent. Staff included: Debbie Powers, Town Manager and Eddie Barnes, Zoning Administrator viewed only remotely via Go To Meeting #939933693.

CALL TO ORDER

Chairperson Bridges called the meeting to order at 5:30pm.

ROLL CALL

Board of Adjustment members Stu Ryan, Faye Brock, Bob Bridges, Bobbye Hurlbrink and Jack Byrnes stated their name for Roll Call. A quorum was met.

ADOPT AGENDA

Member Brock made a motion to adopt the agenda; Member Hurlbrink seconded the motion. All members agreed.

OLD BUSINESS

Approve Minutes – Board of Adjustment – July 26, 2022

Member Hurlbrink made a motion to approve the minutes; Member Brock seconded the motion. All members agreed.

NEW BUSINESS

Application for Special Use Permit – Mark Williams – 268 E. Rocky Top Trail

Member Brock made a motion to open the Evidentiary Hearing from recess of July 26, 2022; Member Byrnes seconded the motion. All members agreed.

Summary Statement

Chair Bridges read the following summary statement:

The original hearing was recessed to give the Applicant sufficient time to complete the Special Use Permit application for the installation of solar panels, in accordance with the requirements set forth in Town of Seven Devils Unified Development Ordinance (UDO) and the Alternate Energy Resources Ordinance. Procedural instructions and statements previously provided in the original July 26, 2022, BOA meeting (e.g., any decision made is a quasi-judicial decision based on evidence in the record) remain in effect. Remind all witnesses previously sworn in that they remain under oath.

Disclosures

Chair Bridges asked if there were any disclosures since the meeting of July 26, 2022.

Chair Bridges stated he has had conversations with staff in regard to the agenda and procedural issues for tonight's meeting. No other BOA members had disclosures.

Chair Bridges asked if the witnesses or parties with standing any objections with participation based on the disclosures. There was no response.

Determination of New Witnesses

Parties with Standing:
Tiffany Williams, Applicant

Expert Witness:

Quint Davis – High Country Energy Solutions – Draftsman- Provided his working experience and educational background. BOA qualified him as an expert witness.

Chair Bridges administered the Witness Oath the new witnesses.

Presentation of Application – Continuation

Tiffany Williams, Applicant stated Quint Davis, High Country Energy Solutions would present. Quint Davis stated he was the draftsman for the original plans but was unaware of a zoning ordinance to be followed by the Town. He has made revisions (highlighted in red) to comply with the requests of the Board of Adjustment for the site plan.

Chair Bridges asked Board members if they had any questions. No response.

Chair Bridges asked Quint Davis, “what is the source of the survey on site plan?”

Quint replied the survey was provided to him by the owners, and since he is not a licensed surveyor, he cannot stamp the site plan, and the site plan is labeled, *This is not a survey*.

“When asked if the newly submitted expanded set back measurements page was a blown up version of the originally submitted site survey (the original survey set back measurements were unreadable), Quint replied in the affirmative. Thus, the set back measurements are considered to have been provided by an independent surveyor.”

In reviewing the submitted documentation for the Special Use Permit, a survey is stamped and dated March 14, 2020.

Chair Bridges asked if there were any more comments or questions. There were none.

DELIBERATIONS/DISCUSSION

Chair Bridges read the following:

“We will now begin the deliberation of this request. As a reminder this board is tasked with deciding if, based on the evidence presented, this proposal meets the applicable standards. This decision cannot be based on the personal preference of board members. Rather it is based on standards and evidence.

“Board members are encouraged to reference the applicable standards and specific evidence in their deliberation.

Chair Bridges outlined the standards as follows:

The BOA shall issue the Special Use Permit unless it concludes, based on the information submitted at the evidentiary hearing, that one (1) or more of the following is true (i.e., if any one is true, no Special Use Permit shall be approved):

1. The application is incomplete.
2. The proposed use will be located, designed, and/or operated in a way that will endanger the public health, safety, or general welfare.

3. The proposed use will seriously interfere with the existing uses on adjacent properties, with the character of the area, or with the purpose of the zone in which it is proposed.
4. The proposed use will impose an undue burden on any public improvements, facilities, utilities, or services available in the area.
5. The proposed use will substantially injure the value of adjoining or abutting property.
6. The proposed use will not be in general conformity with the Vision Statement, Comprehensive Land Use Plan or other plan officially adopted by the Town Council.

Chair Bridges asked for discussion from BOA members.

Member Sell stated the Applicant has met the criteria.

Member Byrnes agreed and stated the requested documents have been supplied.

Chair Bridges concurred the Applicant has met the criteria requested.

Chair Bridges asked for a motion.

Member Brock made a motion to approve the Special Use Permit application as submitted.

Member Byrnes seconded the motion. Motion passed 6 yeas - 0 nay

Roll Call

Stu Ryan, Alternate - Yea Frank Sell - Yea Faye Brock - Yea Bob Bridges - Yea

Bobbye Hurlbrink - Yea Jack Byrnes - Yea

Board members thanked the Applicant for their patience, as well as the steps of completion of the requested items that apply to the Town's standard for issuance of a Special Use Permit. The BOA suggested that although this is the first request for a SUP to install solar panels, it likely won't be the last. Complying with the procedures while setting a precedent is vital to the application process.

ADJOURN

Member Brock made a motion to adjourn; Member Hurlbrink seconded the motion. All members agreed. The meeting adjourned at 5:47pm.

Robert D. Bridges, Chair

Hillary Gropp, Town Clerk - *Minutes submitted as viewed via Go To Meeting recording.*