

# Town of Nashville

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EDDIE THOMAS, VICE CHAIRMAN  
TOMMY SASSER SR.  
DENNIS EVANS  
BRIAN WEST  
BILL LUMPP  
WAYNE SEARS

## TOWN OF NASHVILLE BOARD OF ADJUSTMENT MINUTES Tuesday, March 28, 2023

The Town of Nashville Board of Adjustment held a regular scheduled meeting on Tuesday, March 28, 2023, in the Town Council Chambers located at 114 W. Church Street in Nashville, NC.

**Members Present:** Ross Strickland, Eddie Thomas, Tommy Sasser, Sr., Dennis Evans, Brian West, Bill Lump, and Wayne Sears

**Members Absent:** None

**Staff:** Sherry Moss, Planning Director and Shawn Lucas, Planner

### 1. CALL TO ORDER:

The meeting was called to order by Vice Chairman Eddie Thomas at approximately 6:44pm. A quorum was present.

### 2. APPROVAL OF MINUTES OF THE PRECEDING MEETING (February 28, 2023):

Vice Chairman Eddie Thomas called for a motion to approve the February 28, 2023, minutes. A motion was made by Board Member Brian West to approve the minutes. Board Member Wayne Sears seconded the motion. There was no further discussion. The motion passed unanimously 5-0.

### 3. BOARD OF ADJUSTMENT PROCEDURE FOR EVIDENTIARY HEARINGS

Planning Director Sherry Moss presented the procedure for evidentiary hearings.

### 4. NEW BUSINESS (AGENDA & STAFF REPORT ATTACHED):

**EVIDENTIARY HEARING:** To allow reduced distance from the ½ mile minimum requirement from another family care home of the Nashville Code of Ordinances for property located at 1848 First Street Extension; ParID# 304499; PIN# 3811 1036 8326. The property is zoned A-1 (Agricultural) Zoning District.

Vice Chairman Thomas introduced the evidentiary hearing and called for persons to be sworn in.

Vice Chairman Thoms called for a motion to open the public hearing. Board Member Wayne Sears motioned, and Board Member Dennis Evans seconded.

The evidentiary hearing was opened for V2023-02, which is the variance request for 1848 First Street Extension. Vice Chairman Thomas stated the purpose of the hearing, verified that all parties speaking has been sworn in, and then asked for staff's presentation.

Planning Director Sherry Moss stated this is regards to the property at 1848 First Street Extension. Ms. McDowell is asking for reduced distance from another facility in the area, that is located at 1522 Glenn Eagles Court. She's just 200 feet shy from that facility from zoning lot to zoning lot and the backside of our property abuts Nash County zoning. And the front part of the property is zoned A-1

agriculture. Ms. Moss stated that every adjacent and nearby land uses the surrounds her is all residential.

Ms. Moss shared with the board the contents of the agenda packet and pointed out the distance comparisons between the map and driving. She mentioned that the map shows the distance of 2,445 feet and driving was approximately 1.6 miles but needs to meet the ½ mile (2,640 feet) requirement from zoning lot to zoning lot.

The reasoning for the half mile distance barrier was questioned.

Ms. Moss replied that by state statute, the town can put for these types of facilities that they at least have a half mile radius. And verified that it's a state standard and as the crow flies.

Vice Chairman Thomas asked were there any questions for staff and proceeded with the applicant's presentation and witnesses.

Sheila McDowell (1848 First Street Extension, Nashville) stated she and husband already run a licensed family care facility located at 3619 Cooley Lane. She stated most of the time they house total care clients that do not pose any type of threat to the community. Ms. McDowell had one of her clients with her. She mentioned that she assists her with all her daily needs, feeding, bathing, everything that she needs, and taking her to her doctor's appointments. She mentioned that she had Norma since she was 29 years old and now, she's 43 years old. She stated not only is she her client but became her child. Ms. McDowell reported that the house at 3619 Cooley Lane is the house that was licensed and where her husband was born and raised, and added the house was built in 1920s. The house that she moved to; she bought it from Randy Price in Nashville in 2014. Additional rooms were built, because there was only one bedroom downstairs and she wanted to move the facility to First Street. A bathroom was also added to accommodate these handicap clients to better facilitate their care in a more modern facility. Ms. McDowell reiterated the reason she wants to move to this location is because she feels it'd be a better fit for her and any future clients.

Ms. McDowell stated she only has one client but is licensed for three; two total care (in wheelchairs) and one that's able to walk on their own. She added that her license will stay at three at the new location.

The chairman asked if there were any more witnesses.

James Brown (1792 First Street Extension) stated he owns the property next door. He expressed concerns with the additional expansion to the home and the size of the facility.

Ms. Moss replied that state statute allows a max of six.

Further discussion took place by the board regarding the maximum clients allowed.

There were no additional comments or questions.

The chairman informed everyone that the documents included within this record for the quasi-judicial public hearing include all application materials submitted by the applicant, all materials included in the board of the adjustment packets, any PowerPoint or other presentations given this evening, all written referral and public comments received regarding the application, the public comment sign-up sheet, and other ethical regulations.

The evidentiary hearing was closed, and the board members deliberated amongst themselves.

The chairman then discussed the four ways of voting; 1) approval without conditions; acceptance of the project as submitted; 2) denial with specific finding and stated reasoning for such; 3) approval with a selection of conditions provided by staff, board members, and/or applicant; or 4) table for further study.

The chairman stated there was a draft order to grant the variance and he entertained a motion to approve or deny the variance request of V2023-02.

Board Member Bill Lumpp motioned to approve the order granting the variance request for the property located at 1848 First Street Extension. Board Member Wayne Sears seconded the motion. There was no further discussion and the motion passed unanimously 5-0.

**5. ANNOUNCEMENT OF NEXT MEETING:** April 25, 2023, at 6pm (or immediately after Planning Board Meeting)

Ms. Moss informed the board that the next meeting is April 25 if she has anything.

**6. ADJOURNMENT**

Motioned by Board Member Brian West and seconded by Board Member Dennis Evans. The meeting adjourned at approximately 7:14pm.

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Secretary

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Chairman Ross Strickland