



**TOWN OF OAK RIDGE BOARD OF ADJUSTMENT
FEBRUARY 12, 2015 - 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

Beth Walker, Chair
Nancy Stoudemire, Vice Chair
Bill Barbour
Dede Cunningham, Alternate (Sitting)

Staff Present

Sandra Smith, Town Clerk
Bruce Oakley, Town Manager
Michael Thomas, Town Attorney

Members Absent

Jay Cumbus
Gray Cassell

1. CALL MEETING TO ORDER

Beth Walker called the meeting to order at 7:00 p.m.

2. ROLL CALL

The roll was called and Bill Barbour, Beth Walker, Nancy Stoudemire and Dede Cunningham were present; Jay Cumbus and Gray Cassell were not in attendance.

3. APPROVE AGENDA

Dede Cunningham made a **motion** to approve the meeting agenda. **Bill Barbour** seconded the motion, and it was passed unanimously (4-0).

4. APPROVE MINUTES OF DECEMBER 11, 2014, MEETING

Bill Barbour made a **motion** to approve the minutes. **Nancy Stoudemire** seconded the motion, and it was passed unanimously (4-0).

**5. OLD BUSINESS
CMT Commons**

- **Case No. 12-11-ORPL004854:** The appeal of CMT Commons, LLC, to the Guilford County Superior Court, from an order of this Board affirming a Certificate of Appropriateness issued by the Town of Oak Ridge Historic Preservation Commission, is remanded by the Superior Court to this Board for remand to the Historic Preservation Commission with instructions as set forth on the Court's order of January 13, 2015.

Walker said the case had to do with the appeal of the CMT Commons case. She asked staff for input, saying it was her understanding that the Board needed to remand the case back to the Historic Preservation Commission. Town Attorney Michael Thomas told Walker that she was correct. Walker asked if there was a special motion needed, and Town Manager Bruce Oakley said a sample motion had been provided in the Board's information packet.

Beth Walker made the following **motion**:

Whereas:

1. In Case No. 2-11-ORPL-004854, CMT Commons, LLC, appealed in the nature of certiorari from Certificate of Appropriateness No. 10-12 issued on October 23, 2012, by the Historic Preservation Commission; following hearing of the appeal, this Board entered an order on March 18, 2013, upholding the certificate of appropriateness, which order of this Board was appealed by CMT Commons, LLC, to the Guilford County Superior Court;
2. On January 13, 2015, the Hon. Lindsay R. Davis, Superior Court Judge, filed an order in the Superior Court appeal, in part upholding this Board's decision and in part remanding the matter to this Board for remand in turn to the Historic Preservation Commission for the limited purpose of setting forth findings of fact as to certain aspects of Certificate of Appropriateness No. 10-12, as indicated below;
3. Compliance with the Superior Court's order requires the remanding of Certificate of Appropriateness No. 10-12 by this Board to the Historic Preservation Commission;

Therefore, be it moved:

That in compliance with the order of the Guilford County Superior Court filed January 13, 2015, in Guilford County File No. 13 CVS 5506, the third through seventh claims in the Petition filed by CMT Commons, LLC, et al., as identified by the Superior Court in said order, are remanded to the Historic Preservation Commission with the instructions that the Historic Preservation Commission provide findings of fact with specific references to provisions of the Town's historic preservation ordinance and any guidelines or other factors considered by the Historic Preservation Commission in making the decision reflected in the October 23, 2012, Certificate of Appropriateness No. 10-12 as to the three items the Superior Court identified as remaining in dispute, namely:

1. "Overhead front ... doors to be reduced in size to match the height of the smaller entry doors...."
2. "[W]indows to be in the top of all doors on the front ... elevation[]." "
3. "The front faux hayloft doors to be installed...."

Bill Barbour seconded the motion, and it was passed unanimously (4-0).

6. NEW BUSINESS

Election of chair and vice chair.

Walker said she has served on the Board for some time and, as she was retiring from her current position and would be doing more personal travel, suggested that she switch places with Cunningham as an alternate, and that Cunningham be named a regular member of the Board of Adjustment. Walker stated that she was ready to take a lesser role but still wanted to be a part of the Board of Adjustment.

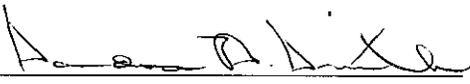
Oakley and Thomas said the Town Council would need to approve the changes to the Board positions, and Oakley said he could make that recommendation at the next Council meeting. The Board agreed by consensus.

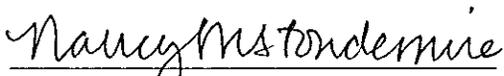
Dede Cunningham made a **motion** to continue the election of chair and vice chair until the next BOA meeting. **Nancy Stoudemire** seconded the motion, and it was passed unanimously (4-0).

7. ADJOURNMENT

Nancy Stoudemire made a **motion** to adjourn the meeting at 7:17 p.m. **Dede Cunningham** seconded the motion, and it was passed unanimously (4-0).

Respectfully Submitted:


Sandra B. Smith, CMC, Town Clerk


Nancy Stoudemire, Vice Chair