

**Minutes for Zoning Board of Adjustment
March 25, 2010**

Roll Call

Present for the hearing were Chairman Landers, Vice Chairman Donahue, and Smith. Michele Braun was present as Clerk. Members of the public present included Richard Piro and David Blythe.

Approval of Minutes

A motion to approve the minutes for the January 28, 2010 Hearing was made by Donahue and seconded by Smith. **The motion passed 3-0-0.**

The Hearing began at 7:04 pm.

Chairman Landers stated the following:

1. All meetings of the Board of Adjustment shall be open to the Public.
2. The Officers of the Board of Adjustment may administer oaths to the witnesses.
3. All witnesses will be "Interested Persons" to the appellant. "Interested Persons" are owners of property abutting that of the appellant.
4. All testimony by "Interested Persons" and materials shall be germane to any issue under appeal.
5. All Hearings shall be open to the public and the rules of evidence at such hearings shall be the same as set forth in Title 3§810.
 - a) Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in superior courts of this state shall be followed.
6. The Board of Adjustment shall render its decisions, which shall include "Findings of Facts".

Hearing 100325-1: Richard and Cynthia Piro have applied for a variance for the addition to the Convenience Plus structure that was constructed in 1999, as that addition is closer to the boundary line than the regulations allow.

Mr. Piro and his attorney explained that the Planning Commission approved a site plan in 1999 in which Mr. Piro indicated that he intended to use a right-of-way next to the building to fulfill the setback requirement. Landers asserted that the Planning Commission was in error in allowing a right-of-way to be used in calculating setback.

Donahue moved to grant the variance; Smith seconded the motion. **The motion passed 3-0-0.**

Smith moved to adjourn. **The motion passed 3-0-0.**

These minutes are subject to approval at the next regular meeting; however, they are substantially correct.