

Technicality delays Waxhaw hearing

By Jason deBruyn
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A contentious public hearing over a new shopping center will have to wait.

The Waxhaw Board of Commissioners was expected to hold a public hearing and take action on a request by B&H Holdings to rezone a property on Providence road across from The Oaks subdivision to allow a strip shopping center to be built.

An adjacent property owner, however, noticed a technicality in a Waxhaw ordinance that proved there was not adequate notice given about the public hearing, meaning the hearing should be postponed.

After a 15-minute closed session meeting, the board agreed and delayed the public hearing until Dec. 9.

Town Attorney Chaplin Spencer told the smaller than expected crowd that although he thought enough notification was given based on what is required by N.C. statutes, because Waxhaw has a line in its ordinances that is stricter, he advised the board to delay the hearing or face possible lawsuits.

"We're learning as we grow," said Mayor Daune Gardner adding that although it might be embarrassing to have a resident point out the town didn't follow its own rules that she takes it as "constructive criticism," and plans to be better for it.

James Miller pointed out to the board early in the meeting that because the date, time and location of the public hearing were not listed on the rezoning notice sign posted near the property, if it proceeded with the hearing, it would go against its ordinance.

"That's why there's a low turnout," he said while the commissioners were in closed session. The meeting room at the museum of the Waxhaws still had half a dozen seats open.

B&H Holdings officials said they were stunned by the decision and did not really know how to react. They asked not to be quoted.

Walking out of the museum after the decision Miller called the night a success, but added that the real battle will come when the public hearing is held. As of Tuesday night, the project was still going to go before the board for a public hearing and board decision. Town staff plan to have all the proper notification in place.

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