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MINUTES

APRIL 19, 2018

7:00PM

BOARD OF ADJUSTMENT

YOUNGSVILLE COMMUNITY HOUSE

Chairman Fonzie Flowers called the meeting of the Town of Youngsville Board of Adjustment to order at 7:05 pm. Chairman Flowers initiated a roll call. In attendance were Chairman Fonzie Flowers, Town Clerk Emily Hurd, Town Attorney Edward Bartholomew, Interim Town Administrator Roe O'Donnell, Members Catherine Redd, Graham Stallings, Larry Wiggins, Joseph Johnson, and Terry Hedlund, and Planning / Zoning Administrator Andrew Thomas, Jr.

The first item on the agenda was to approve the minutes from the March 1, 2018 Board of Adjustment Meeting.

MOTION: TO APPROVE THE MINUTES FROM THE MARCH 1, 2018 BOARD OF ADJUSTMENT MEETING

The motion was made by Member Johnson and was seconded by Member Hedlund. The motion passed unanimously.

The next item on the Agenda was Old Business. There was no Old Business.

The next item on the Agenda was New Business.

The first item under New Business was an Appeal for Variance from DRCW Investments, LLC for property located at 203 S Nassau Street.

Thomas gave a preliminary statement to describe the case before the Board. Thomas stated the applicant, David Williams of DRCW Investments, LLC, is requesting variances from Section 307.2 (lot width) and Section 307.2 (lot area) of the Zoning Ordinance to build a single-family dwelling at 203 S Nassau Street. He noted Section 307.2 dictates that lot width is to be 100' and the lot area is to be 15,000 square feet. The lot in question is an existing lot that was created on an unrecorded map in 1959. Single-family residence is a permitted use in the district. The requested variances are in excess of the exceptions for existing parcels.

Thomas gave a brief summary of the Staff Findings. He noted David Williams had filed a complete application, with site specific plans, on March 22, 2018 requesting variances associated with a proposed single-family dwelling at 203 S Nassau Street. Thomas stated Mr. Williams requested a lot width variance of 47.5' from the required 100' lot width and lot area variance of 3,980 square feet from the required 15,000 square foot minimum. He noted the property to the north is a smaller lot that contains a single-family dwelling. Thomas explained the property is

owned by Helon Kearney Heirs, C/O Joe Louis Dunn in Wake Forest, and the applicant has an offer to purchase the property. He noted the property consists of a single rectangular shaped .235 acre vacant lot. Thomas stated the preliminary site plan illustrates a building footprint that would exceed the minimum required setbacks. He stated the property is located within the Residential Single Family (RS) Zoning District where single-family dwellings are permitted.

Thomas explained there was an unrecorded survey and map prepared by Phil R Inscoe, Registered Surveyor dated March 21, 1959. That map laid out the lots on S Nassau Street, some of which have been recombined, but there are several vacant tracts that are not owned by the adjoining. This lot is under separate ownership from the adjoining properties.

Thomas explained Section 208.3.1 allows the administrative granting of a 20% reduction in the required standards, though for situations that require more than the 20% reduction, a Variance is needed. He noted the Zoning Ordinance was adopted in 1993.

Thomas noted that a map, plot plan, construction information, floor plan, and elevations are included with the application. He explained the last page of the package shows all of the substandard lots in the area, including the ones with homes built on them.

Town Clerk Hurd swore in those wishing to testify; Andrew Thomas, Jr. and David Williams.

Chairman Flowers polled the Board as to any conflicts of interest or bias. The Board answered no, unanimously, to not having a fixed opinion prior to hearing the matter that is not susceptible to change. Chairman Flowers asked the Board if there had been any undisclosed ex parte communications and the Board answered no, unanimously. The Board answered no, unanimously, to having a close familial, business, or other associational relationship with an affected person or entity; or a financial interest in the outcome of the matter.

Chairman Flowers opened the floor for the applicant to present evidence for his application. David Williams stated Thomas had given a very thorough, in-depth account of his application. He noted the home would be a single-family dwelling that will be put up for sale when completed. Mr. Williams asked if the Board had any questions, and they did not at this time.

Chairman Flowers opened the floor to ask questions of the applicant. He asked that anyone speaking identify themselves and their relationship to the property. There were no questions.

Chairman Flowers opened the floor to any persons in support of the application that would like to present evidence. There were no comments.

Chairman Flowers noted Thomas had presented the Staff Findings during his preliminary statement.

Chairman Flowers opened the floor for questions of the Staff. There were no questions.

Chairman Flowers opened the floor to any persons opposed to granting the application that would like to present any evidence. There were no comments.

Chairman Flowers opened the floor for rebuttals to opposing testimony. There were no comments.

Chairman Flowers asked if there was any more discussion or questions. Commissioner Redd asked if fencing, or additional buffering, would be added since it was a small lot. Thomas explained there was no requirement in the Zoning Ordinance. He also noted that since this was a Variance, as opposed to a Special / Conditional Use, conditions could not be required, only requested.

MOTION: TO CLOSE THE COLLECTION OF EVIDENCE PORTION OF THE HEARING.

The motion was made by Member Wiggins and was seconded by Member Stallings. It passed unanimously.

Chairman Flowers opened up the deliberation section of the Hearing for the Board. There was no discussion.

Attorney Bartholomew read the Findings of Facts.

707.3.2.1 There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size, or topography, that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of the ordinance unrealistic. 5 ayes / 0 nays

707.3.2.2 Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located. 5 ayes / 0 nays

707.3.2.3 A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located. 5 ayes / 0 nays

707.3.2.4 The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare. 5 ayes / 0 nays

707.3.2.5 The special circumstances are not the result of the actions of the applicant. 5 ayes / 0 nays

707.3.2.6 The variance requested in the minimum variance that will make possible the legal use of the land, building, or structure. 5 ayes / 0 nays

707.3.2.7 The variance is not a request to permit a use which is not a permitted or conditional use in the district involved. 5 ayes / 0 nays

Chairman Flowers stated the Application for Variance for DRCW Investments, LLC has been approved with no conditions.

The next item on the agenda was Reports and Other Business. Thomas reminded the Board that the quarterly Board of Adjustment Hearing would be May 3rd. He noted there may be two cases and possibly the need for a Hearing in June.

MOTION: TO ADJOURN THE BOARD OF ADJUSTMENT HEARING

The motion was made by Member Wiggins and was seconded by Member Stallings. The motion passed unanimously.

The meeting adjourned at 7:22 pm.

Note: Application package and Staff Findings were never entered into evidence. They will be entered into evidence at our next Board of Adjustment Hearing. Under Old Business, the Hearing will be reopened, evidence will be entered, and the Board will validate the Findings of Fact before closing the Hearing.