

Town of Youngsville  
P. O. Box 190  
134 US 1A South  
Youngsville, NC 27596  
(919) 556-5073  
Fax (919) 556-0995  
Townyngs@townofyoungsville.org

## MINUTES

**MARCH 1, 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 7:00 pm. Chairman Flowers initiated a roll call. In attendance were Chairman Fonzie Flowers, Zoning Administrator Andrew Thomas Jr, Members Terry Hedlund, Joseph Johnson, Larry Wiggins, Graham Stallings, and Catherine Redd, Town Attorney Edward Bartholomew, and Town Clerk Emily Hurd.

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

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

The motion was made by Member Hedlund and was seconded by Member Redd. 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 a Special Use Permit (SUP) Application from DRCW Investments, LLC for property located at the corner of N College Street, Highway 96, and Park Avenue.

Attorney Bartholomew outlined the evidentiary and conduct guidelines for Board of Adjustment Hearings. He explained the Board of Adjustment sits as a panel of judges and can only hear relevant testimony presented on actual knowledge of facts or opinions of experts. Hearsay is not allowed and should be disregarded. All testimony should be under oath which includes Staff, the applicant or their agent, and neighbors to the property at issue. Witnesses who are not neighbors should not be able to testify unless that witness can show that the decision would actually affect their property and not just that they are opposed or supportive of the application. Cross examinations and rebuttals are allowed. After all of the evidence has been presented, the Board will then deliberate.

Thomas gave a preliminary statement to describe the case before the Board. He gave a brief summary of the Staff Findings. Thomas explained the SUP included four parcels, noting the northern most parcel already contained an existing duplex. Thomas stated the property was

rezoned to Residential Single, Multi-Family (RSM) on December 14, 2017. He stated the applicant, David Williams, was requesting a SUP to build three duplex buildings on a tract that contains an existing duplex. Due to concerns, Thomas explained Mr. Williams had redrawn the site plan so that the duplexes will all use shared driveways, limiting the impact of driveways on both Park Avenue and N College Street.

Thomas stated no review by the Technical Review Committee has been commenced at this time, as this is a sketch design for approval. If the SUP is approved, then the applicant will prepare a detailed construction plan for review. Thomas noted Staff has requested a sidewalk be installed on N College Street, from the northern most point of the property, approximately 200 feet towards Park Avenue. He stated Staff was recommending approval subject to the addition of the sidewalk.

Thomas noted the site was surrounded by residential uses, including a duplex development to the east.

Thomas stated the Planning Board considered this request at its February 6, 2018 meeting and the vote was unanimous to recommend approval subject to the addition of the sidewalk to be installed along N College Street.

Town Clerk Hurd swore in those wishing to testify; Andrew Thomas, Jr., Assistant Fire Chief Justin Graney, Curtis White, Lisa Fields, Cora Lee, and James Lee.

Attorney Bartholomew 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. Attorney Bartholomew 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.

Attorney Bartholomew opened the floor for the applicant to present evidence for his application. Curtis White stated he would be representing the applicant, as David Williams was called out of state for an award. Mr. White stated he was in favor of the SUP, as he is pro-development. He noted it would increase the tax base.

Attorney Bartholomew 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.

Attorney Bartholomew 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.

Attorney Bartholomew opened the floor for questions of the Staff. When asked, Thomas stated Staff is recommending the installation of the sidewalk on N College Street and to retain as many of the trees and shrubbery as possible.

As there was no further discussion, Hurd asked that the Staff Findings be entered into evidence as Youngsville #1.

**MOTION: TO ACCEPT STAFF FINDINGS AS EXHIBIT YOUNGSVILLE #1**

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

Hurd then requested the application by DRCW Investments, LLC be entered into evidence as Youngsville #2.

**MOTION: TO ACCEPT THE SPECIAL USE PERMIT APPLICATION BY DRCW INVESTMENTS, LLC AS EXHIBIT YOUNGSVILLE #2**

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

Attorney Bartholomew opened the floor to any persons opposed to granting the application that would like to present any evidence.

Lisa Fields, 504 N Hillsboro Street, stated she was unsure if she was “against” the SUP as she did not have any information concerning the project. She stated she wanted the current house to remain. Mrs. Fields explained she wanted to know how the duplexes would be laid out, how many driveways, and how they would affect an already traffic heavy area. She also wanted to know if the duplexes would be used for low-income housing. Thomas explained questions such as the type of homes was not an appropriate question for this type of Hearing, though he did state the applicant indicated they would not be low-income housing.

Mrs. Fields asked if there would be fencing or some other way of containing the properties and Thomas stated there were regulations for buffering in the Zoning Ordinance that would have to be met. Thomas stated the existing duplex would remain. Mrs. Fields asked if there was any fencing requirements in the Zoning Ordinance and Thomas stated there was not.

Cora Lee, 501 N Hillsboro Street, stated it was difficult to leave the side roads and driveways in that area due to the high volume of traffic. She explained adding more driveways and cars would make matters worse. Mrs. Lee noted she would love to see more housing but this area was a difficult junction of three roads.

Attorney Bartholomew opened the floor for rebuttals to opposing testimony. Curtis White wanted to reiterate that site plans had been changed to decrease the amount of driveways to help reduce the impact. He agreed traffic in this area was a legitimate concern, as it was in almost all of Youngsville.

Attorney Bartholomew gave a brief summary of the evidence. Thomas noted Staff had requested the change in the site plan concerning driveways to help minimize impact in an already high traffic area.

Chairman Flowers asked if there was any more discussion or questions and the Board stated that there were not.

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

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

Attorney Bartholomew stated the Application and Staff Findings had been entered into evidence. He stated the applicant's agent, Curtis White, gave testimony on the SUP application. Attorney Bartholomew stated two witnesses expressed concerns about keeping the existing duplex, buffering, and traffic.

Chairman Flowers opened up the deliberation section of the Hearing for the Board. Member Redd agreed traffic in that area was horrible and was appreciative that most of the cars from the duplexes will be exiting off of N College Street. She noted it was great that the developer was planning on keeping some of the trees and shrubbery, when possible. Member Redd stated she was happy about the sidewalk. When asked for clarification on the location of the sidewalk, Thomas explained the proposed sidewalk would be on the N College Street side of the property, going approximately 200 feet towards Park Avenue. After a lengthy discussion concerning the location and length of the sidewalk, it was determined to ask Mr. Williams if he would install sidewalks on both sides of the property, both N College Street and Park Avenue. In essence, the triangle edge of the property where all three roads converge.

710.2 Any additional negotiated conditions.

**MOTION: TO REQUIRE SIDEWALK ON N COLLEGE STREET AS PROPOSED IN STAFF FINDINGS: THE INSTALLATION OF SIDEWALK ALONG N COLLEGE STREET FROM THE NORTHERN PROPERTY CORNER APPROXIMATELY 200 FEET SOUTHWARD TOWARDS THE INTERSECTION OF PARK AVENUE**

The motion was made by Member Stallings and was seconded by Member Wiggins. The motion passed with four (4) aye votes and one nay vote from Member Redd.

**MOTION: TO RETAIN EXISTING TREES / SHRUBBERY WHEN REASONABLY POSSIBLE AS PROVIDED IN SECTION 211 – TREE ORDINANCE OF THE TOWN OF YOUNGSVILLE ZONING ORDINANCE**

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

Attorney Bartholomew explained the Board would vote on each Finding of Fact. If the answer is yes/true then we can proceed to the next Finding. If the answer is no/false, then the Board can add additional conditions after the first round of voting, if acceptable to the applicant, and revote to see if the answer changes to yes/true.

Attorney Bartholomew read through the Findings of Fact.

1. 710.1.1 The proposed use will comply with all of the dimensional and other standards which this ordinance applies to all users? 5 ayes / 0 nays
2. 710.1.2 Access roads or entrance and exit drives are or will be suitable in size and properly located to ensure automotive and pedestrian friendly safety and convenience, traffic flow, and control and access in case of fire or other emergency. 5 ayes / 0 nays
3. 710.1.3 Off-street parking, loading, refuse, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic glare, odor, and other impacts on adjoining properties in the general neighborhood. 5 ayes / 0 nays
4. 710.1.4 Utilities, schools, fire, police and other public and private facilities and service will be adequate to handle the proposed use. 5 ayes / 0 nays
5. 710.1.5 The location and arrangement of the use of the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts. 5 ayes / 0 nays
6. 710.1.6 The type, size and intensity of the proposed use, including such consideration as hours of operation and number of people who are likely to utilize or be attracted to use, will not have significant adverse impact on adjoining properties or the neighborhood. 5 ayes / 0 nays

Attorney Bartholomew stated the Special Use Permit for DRCW Investments, LLC has been approved with two conditions.

The next item on the agenda was Reports and Other Business. Chairman Flowers noted Staff was currently looking into having the Planning Board take over some portions of the Board of Adjustment Meetings, especially as the town grows. He explained the Planning Board could hear the public comment / evidence section of the Hearings, and the Board of Commissioners would then vote based on that Hearing.

Chairman Flowers reminded the Board that there would be another Board of Adjustment Hearing on April 19<sup>th</sup>.

The meeting adjourned at 8:02 pm.