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MINUTES

OCTOBER 4, 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, Planning / Zoning Administrator Andrew Thomas, Jr., Members Terry Hedlund, Graham Stallings, and Catherine Redd, Interim Town Administrator Roe O'Donnell, Town Attorney Edward Bartholomew, and Town Clerk Emily Hurd. Members Joseph Johnson and Larry Wiggins were not in attendance.

The first item on the agenda was to approve the minutes from the August 2, 2018 Board of Adjustment Meeting.

MOTION: TO APPROVE THE MINUTES FROM THE AUGUST 2, 2018 BOARD OF ADJUSTMENT MEETING

The motion was made by Member Stallings 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 a Conditional Use Application from Amy Sossamon for property located at 2862 Cedar Creek Road.

Town Clerk Hurd swore in those wishing to testify; Andrew Thomas, Jr., Roe O'Donnell, Amy Sossamon and Jim Moss.

Thomas gave a preliminary statement to describe the case before the Board. He read Staff Findings. Thomas stated Amy Sossamon signed and filed a complete application with site specific plans on August 7, 2018 requesting a Conditional Use Permit for a mulch yard outdoor sales. The property is owned by For C's Sons, LLC in Henderson, NC. The property consists of a single lot shaped like a "T" consisting of 2.92 acres. There is an existing small building and it has a driveway. The applicant intends to use the property as a storage yard for mulch sales. The preliminary site plan illustrates the arrangement of the drives, building and where the mulch will be stored. It is noted that whatever employees that are on-site will park at the adjacent residence. The property already has non-residential use with the bulk gas storage.

The subject property is located at 2862 Cedar Creek Road in the Commercial District (C) where retail business with outdoor sales are permitted as a conditional use per Sec. 308-.1.2 (b).

Staff Findings included a picture of the property. Surrounding zoning and land uses included: on the east was C and a vacant mobile home, on the west was C and bulk gas storage, on the south was C and a mini-storage facility, and on the north was Residential Agricultural (RA) with a vacant wooded lot.

Thomas stated he met with the applicant on July 5, 2018, where the applicant indicated a desire to use the property improvements as is. There is an existing drive to the rear of the property. There is a building pad at the front of the lot that is intended to accommodate a future building. No special approval will be needed if a building is placed there in the future.

Thomas stated if the application is favorably considered, the staff recommends the following conditions: any additional lighting to be directed inward towards the site. No increase in lumens beyond the property line.

Thomas stated the Planning Board met on September 25, 2018 and voted unanimously to recommend approval, subject to the interior lighting condition, as suggested by Planning Staff.

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 her application. Amy Sossamon explained their business, Deadwood Reclaimed Materials, LLC, uses reclaimed wood from job sites from one of their other business, Changing Landscapes Grading and Development, LLC. She explained they felt it was important to recycle the material instead of allowing it to go to a landfill. Mrs. Sossamon noted they also have future plans for the addition of firewood, reclaimed lumber, stone, and other landscaping material. She explained the wood was treated offsite.

Member Redd wanted to clarify that Mrs. Sossamon was renting from Curtis White's business and the answer was yes. Member Redd noted Mr. White had recently added a mobile home to the adjoining lot but now they were adding more commercial and Mrs. Sossamon explained the mobile home was on a separate lot. Member Redd noted the driveway to the shed and asked about future buildings. Mrs. Sossamon explained they had future plans to build a warehouse as they expanded their business. Member Redd expressed concerns about the residential property next door and Mrs. Sossamon noted she did not think there were any plans at this time to rezone that property. Mrs. Sossamon explained they were paying a lot in fees to dispose of the wood so they came up with a plan to help cover the costs and recycle the wood. Member Redd asked if the property lines have changed and Mrs. Sossamon stated the owner, Curtis White, had

purchased extra land from Jim Moss. She explained they wanted to extend the lot so the mulch could be further from the road.

Chairman Flowers wanted to clarify that the mulch was processed at a different location and Mrs. Sossamon explained it was processed in Apex and trucked to Youngsville.

Member Redd asked about the driveway and Mrs. Sossamon stated there were no plans to extend at this point. Mrs. Sossamon explained they did not have a high volume of sales. She stated they were servicing residential and local landscapers so they did not have to go to Raleigh for mulch. Chairman Flowers asked how the mulch was being loaded and Mrs. Sossamon stated they have purchased a small backhoe and a used dump truck.

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. Jim Moss, owner of the adjoining property, stated he felt the proposed use was consistent with the zoning and would be an asset to the community. He had no opposition to the proposed use.

Member Redd asked if the land sold to Curtis White was part of the Panic Point property and Mr. Moss stated it was. She asked if the house located on that property was used as residential and Mr. Moss explained the house on the property was the main office for Panic Point. Member Redd asked how that property was zoned and Mr. Moss stated commercial.

Mr. Moss wanted to also mention that the mobile home placed on the adjoining lot by Mr. White was originally intended to have a commercial use. However, he was unable to move forward with the plan so it was rezoned to residential. Chairman Flowers noted he remembered when that happened about a year or so ago.

Chairman Flowers noted Thomas had presented the Staff Findings during his preliminary statement and asked if there was any further information. Thomas just wanted to note that he felt it was a wonderful thing to process recycled wood instead of taking it to the landfill.

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

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

Chairman Flowers asked for evidence to be entered into the record. Attorney Bartholomew explained, based on his research, the Board can list the items of evidence and accept all items in one motion. Hurd listed the items for evidence as Staff Findings (Sossamon #1), Application Packet (Sossamon #2), Amy Sossamon Testimony (Sossamon #3), and Jim Moss Testimony (Sossamon #4).

MOTION: TO ACCEPT FOUR ITEMS OF EVIDENCE: STAFF FINDINGS (SOSSAMON #1), APPLICATION PACKET (SOSSAMON #2), AMY SOSSAMON TESTIMONY (SOSSAMON #3), AND JIM MOSS TESTIMONY (SOSSAMON #4).

The motion was made by Member Redd and was seconded by Member Stallings. The motion passed unanimously. Attorney Bartholomew noted the testimony by Thomas was part of Staff Findings and did not need to be entered as a separate evidence.

Chairman Flowers asked if there was any more discussion or questions. He noted there was one proposed condition requested by Staff.

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

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

Chairman Flowers opened up the deliberation section of the Hearing for the Board. Member Hedlund stated he felt this was a positive asset and Member Redd noted the location was right for it. Member Stallings stated he thought it was a great idea. The Board agreed on the condition in Staff Findings #7 that stated that “any additional lighting to be directed inward towards the site. No increase in lumens beyond the property line.” Mrs. Sossamon agreed to the condition.

MOTION: TO ADOPT THE CONDITION AS PRESENTED IN STAFF FINDINGS #7: ANY ADDITIONAL LIGHTING TO BE DIRECTED INWARD TOWARDS THE SITE. NO INCREASE IN LUMENS BEYOND THE PROPERTY LINE

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

Attorney Bartholomew read the Findings of Facts.

1. 710.1.1 The proposed use will comply with all of the dimensional and other standards which this ordinance applies to all users? 3 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. 3 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. 3 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. 3 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. 3 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. 3 ayes / 0 nays

Attorney Bartholomew stated the Conditional Use Permit for Amy Sossamon has been approved with one condition that any additional lighting to be directed inward towards the site. No increase in lumens beyond the property line.

The next item on the agenda was Reports and Other Business. There was no comment.

The meeting adjourned at 7:29 pm.