



Board of Adjustment

MINUTES
September 19, 2024
6:00 PM

Members Present	Absent Members	Staff/Others Present
Linda Amos, Chair	Brenee Orozco-Alt	David Moon
Marva Lucas-Moore-Vice Chair	Jovan Bowser-Alt	Timothy Doersam Amanda Ozanich
Gregory Parks	Veronica Mitchell-Rozier-Alt	Gary Silverman-Alt Donald Brooks-Alt
Vickie Mullins		
Kenneth Turner		Robert Hasty (Asst County Attorney)

Chair Amos called the meeting to order at 6:00 p.m. in Public Hearing Room #3 of the Historic Courthouse.

1. INVOCATION

Vickie Mullins said the invocation.

PLEDGE OF ALLEGIANCE

Recited by all.

Vice Chair Amos stated the procedural matters are to turn off all cell phones or to place them on silent. Vice Chair Amos requested speakers addressing the board to not repeat what has previously been stated and make the board aware that you agree with the previous speaker. If any Board member wishes to speak, please ask to be recognized by the Chair.

2. ROLL CALL

Mr. Moon called roll call and made note of the absence of Mrs. Jovan Bowser and Mrs. Brenee Orozco. Mr. Moon stated we do have a quorum.

SWEAR IN OF STAFF

Chair Amos swore in staff David Moon and Timothy Doersam.

3. ADMINISTERING OATH TO NEW MEMBERS

Kenneth Turner swore into the Oath of Office as a regular member.

4. ADJUSTMENTS TO THE AGENDA

August 15, 2024 Minutes approval postponed to the next meeting.

5. APPROVAL OF THE 15 AUGUST 2024 MINUTES

Postponed till next meeting.

6. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)

There were none.



7. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

8. POLICY STATEMENT REGARDING APPEAL PROCESS:

Mr. Moon read the policy statement.

9. PUBLIC HEARING(S)

Chair Amos read:

BOA-2024-0015: Consideration of a Special Use Permit to allow for a Day Care Facility in an RR Rural Residential District on 1.30 +/- acres, located at 2450 Lillington Hwy; submitted by Del Crawford (Agent) on behalf of Gabriel Sital (Owner).

Mr. Moon: Gave the zoning ordinance use definition for a Daycare facility. He also pointed out that in RR zoning a SUP is a permitted use according to the use matrix. Mr. Moon provided a definition of Special use according to the Zoning Ordinance (Section 1606: Amd. 4-18-11). Mr. Moon provided the board with the special use criteria that the board must consider in granting or deny the special use permit. He also stated that the Burden of proof is placed on the applicant to demonstrate compliance with each of these four criteria. Mr. Moon closed his presentation with giving the final disposition to the board as authorized under NC General Statute Chapter 160D and stated that the applicant/landowner must give written consent to all imposed conditions.

Timothy Doersam: Introduced himself as a planner 1 for county planning and inspections dept. Mr. Doersam gave a brief overview of location, zoning, surrounding zoning, site plan, hydric and hydric inclusion soils, waterline is present, and no sewer is present which will requiring a septic system on the property. Mr. Doersam discussed the requirements for paved driveway according to sec 906 of the zoning ordinances.

Mr. Doersam provide the Key conditions:

- The Special Use Permit shall only be for a day care facility.
- A sufficient paved driveway must accommodate at least two motor vehicles at one time for the purpose of loading and unloading passengers in addition to any off-street parking area.
- Minimum of two off-street parking spaces, plus one off-street parking space for each employee, shall be provided. Off-street parking shall be provided in accordance with the standards of Article XII.
- A 6' wide sidewalk shall be established from the ADA parking spaces to the building entrance and shall allow for an unobstructed traversal from the ADA parking space to the day care facility.
- Re-submit the revised Special Use Site Plan to removed gravel parking and replace with paved parking lot.
- Applicant shall submit a final site plan and landscape plan to the Current Planning Section prior to any construction activity, including clearing and grading, demonstrating compliance with the requirements and information required herein in this. No activity on the site shall occur until a final site plan has been approved by the Current Planning Section.

Mr. Doersam restate the board's ability to approve, deny, or approve with conditions in granting approval of a Special Use Permit, the Board of Adjustment shall impose such reasonable terms and conditions as it may deem necessary for the protection of the public health, general welfare and public interest and as authorized under N.C. Gen. Stat. Chapter 160D. The applicant/landowner must give written consent to all imposed conditions. This concluded staff presentation.

David Moon: Staff found that the SUP Site plan did not comply with the zoning code because of gravel parking being proposed. The ordinance calls for concrete or asphalt parking. Gravel parking is also a concern because the site is located at two other roadways and the 2 of those carry higher volumes of daily traffic and higher speeds. So,



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gravel might carry out might become a public safety issue. Staff brought this to the applicant, and they showed a willingness to change the site plan to show the paved parking.

Chair Amos: opened the public hearing to speakers. Ms. Amos swore in the first speaker, Mr. Del Crawford. and second speaker Mr. Greg Spears.

Del Crawford: Mr. Crawford was sworn in and gave his name and address. Spoke to meeting the 4 criteria and that it will comply with regulations and building code. The house will be renovated to make community proud. The client will be compliant of the conditions but does express the cost is high for this.

Ken Turner: questioned if the site plan meets all setbacks. The site plan doesn't show distances.

David Moon: Believes it has met the setback requirements.

Vickie Mullins: ask how many kids will be in the daycare.

Del Crawford: stated 30-40 but it will follow the regulations.

Ken Turner: asked when hours of operation are. If it would be a 24hr daycare. Mr. Turner also inquired about septic system.

Del Crawford: stated probably 7am till 6pm the typical hours. Did not think it would 24hr daycare. Mr. Crawford said they were working with Environmental Health to determine needs on the septic system.

Chair Amos: swore in Mr. Greg Spears.

Greg Spears: Mr. Spears was sworn in and gave his name and address. Stated he is broke and part owner of the property. Mr. Spears stated they would adhere to the conditions provided by the staff but wanted it noted that the expense to do so is extremely high with requirements for fire code, pavement, and exits. He is hoping to continue with this project, but he thinks it might be another 60k-80k on top of the 100k they already put into the building. Childcare is highly needed in the area, but requirements are making it near impossible to open one for the regular businessperson.

Chair Amos: There were no more speakers and chair closed the public hearing and opened to board discussion. No discussion was had.

Greg Parks: Motioned to approve the special use permit. Applicants meet the 4 findings of fact and met the requirements of DOT. As the evidence and testimony by what the planning board has put forth, the applicant's response, the testimony provided this evening, information from the staff reports, and the special use site plan.

Marva Lucas-Moore: Second the motions. All are in Favor.

Members Vote	In Favor
Linda Amos, Chair	YES
Marva Lucas-Moore-Vice Chair	YES
Gregory Parks	YES
Vickie Mullins	YES
Kenneth Turner	YES

11. DISCUSSION/UPDATE(S):

- a. there was some discussion from the board to the Assistant Attorney about a Zon-24-0010 from last month SUP hearing and if the applicant pulled proper permits. Mr. Rob Hasty said that he checked with staff and permits were pulled and inspections were done. It was also discussed the hurdles that the applicant will have to go through moving forward with driveway improvements and environmental health septic permit and fencing.

12. ADJOURNMENT

Gregory parks motioned to adjourn and Ken Turner 2nd. All are in favor.

Chair Amos: Adjourned at 6:45pm.