



Board of Adjustment  
6:30 PM **Monday, October 6, 2025**

Regular Meeting  
Holly Springs Town Hall Council Chambers  
128 S. Main Street, 2<sup>nd</sup> Floor

## Agenda

### **Call to Order**

### **Roll Call**

### **Pledge of Allegiance**

### **Invocation**

### **Agenda Adjustment**

### **Approval of Minutes**

1. August 4, 2025 Regular Meeting Minutes

### **Variances**

2. 25-VAR-01 & 25-VAR-02 7434 Ironrod Way

### **Other Business**

### **Adjournment**

In accordance with ADA regulations please contact the Town Clerk's office at least 48 hours before the meeting to request an auxiliary aid or service needed to participate in this meeting:

[linda.mckinney@hollyspringsnc.us](mailto:linda.mckinney@hollyspringsnc.us) 919-557-3900



# Holly Springs Board of Adjustment

*Board of Adjustment Agenda Cover Sheet*

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## **Agenda Item#: 1.**

**Title:** August 4, 2025 Regular Meeting Minutes

**Strategic Priority Area:** Growth Management & Economic Vitality

**Staff Resource:** Nikki St. Pierre, Development Services

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**Action(s):**

- Approve August 4, 2025 meeting minutes

**Explanation:**

**Background:**

**Funding Source(s):**

**Attachment(s):**

1. August\_2025\_Minutes

Town of Holly Springs  
BOARD OF ADJUSTMENT MEETING MINUTES  
Monday, August 4, 2025 – 6:30 p.m.

Agenda Item #1, 2, 3 & 4:

The Board of Adjustment of the Town of Holly Springs met for their regularly scheduled meeting on August 4, 2025 in the Council Chambers at 128 South Main Street. At 6:29p after determining a quorum was present, Chair Copeland called the meeting to order.

Staff Members Present: Cheryl Caines, Senior Planner  
Brett Gosney, Planner I  
Jay Osborne, Assistant Town Attorney  
Angele Sharrett, Board of Adjustment Clerk

The Board completed roll call

Members Present: Ben Copeland,  
Kimberly Day (ETJ)  
Afua Tetteh  
Thomas Rushing  
David Williams

Alternate Members Present: (Non-Voting):  
David Britt  
Yan Higgins  
Herman Goldstein (ETJ)

Members Absent:

Agenda Item #5: Agenda Adjustment

There were no agenda adjustments.

Agenda Item #6: Minutes

- a. March 3, 2025 Minutes

Motion:  
Motion to approve March 3, 2025 Minutes.

*Motion by: Ben Copeland*

*Second by: Thomas Rushing*

*Action: The Board of Adjustment voted in favor of the Motion. (5-0)*

Agenda Item #7: Other Business

- Quasi-Judicial Training

Staff went over a brief presentation on Quasi-Judicial training for the August 4<sup>th</sup>, 2025 Board of Adjustment meeting.

*Agenda Item #8: Adjournment*

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Motion:

Motion to adjourn.

Motion by: Herman Goldstein

Second by: Yan Huggins

*Action: The Board of Adjustment voted in favor of the Motion. (5-0)*

Time: 7:06 PM

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Angele Sharrett

*Board of Adjustment Clerk*



# Holly Springs Board of Adjustment

## Board of Adjustment Agenda Cover Sheet

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### Agenda Item#: 2.

#### Public Hearings

**Title:** 25-VAR-01 & 25-VAR-02 7434 Ironrod Way

**Strategic Priority Area:** Growth Management & Economic Vitality

**Staff Resource:** Brett Gosney, Development Services

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#### Action(s):

- Conduct Quasi-Judicial Public Hearing.
- Make and Accept the Findings of Fact for consideration or/and approve/deny Variance 25-VAR-01.
- Make and Accept the Findings of Fact for consideration or/and approve/deny Variance 25-VAR-02.

#### Explanation:

- The Town has received a request for a variance from the Unified Development Ordinance Table 2.2.1-A Development Standards for Residential Use Districts — Minimum Lot Frontage to reduce the minimum lot frontage requirement for RR Rural Residential District from 50' to 0'.
- The variance would allow for the creation of 2 new residential lots by minor subdivision.

#### Background:

- The subject property is currently zoned as RR Rural Residential.
- UDO Table 2.2.1-A requires all lots within the RR Rural Residential District to have a minimum lot frontage of 50'.
- The currently established lot is a legal non-conforming lot of record because it does not meet the minimum lot frontage requirement for the RR Rural Residential District.
- The current lot is approximately 15 acres and the applicant is requesting to create three lots in total (2 new lots) that would each be approximately 5 acres. This is consistent with the size requirement for the RR Rural Residential District which requires a minimum of 2 acres per lot.

#### Funding Source(s):

N/A

#### Attachment(s):

1. 25VAR01-02\_StaffReport
2. 25VAR01\_Application
3. 25VAR02\_Application
4. 25VAR01-02\_SitePlan

5. 25VAR01-02\_Exhibits



**Project Type:** Variance

**Concurrent Applications:**

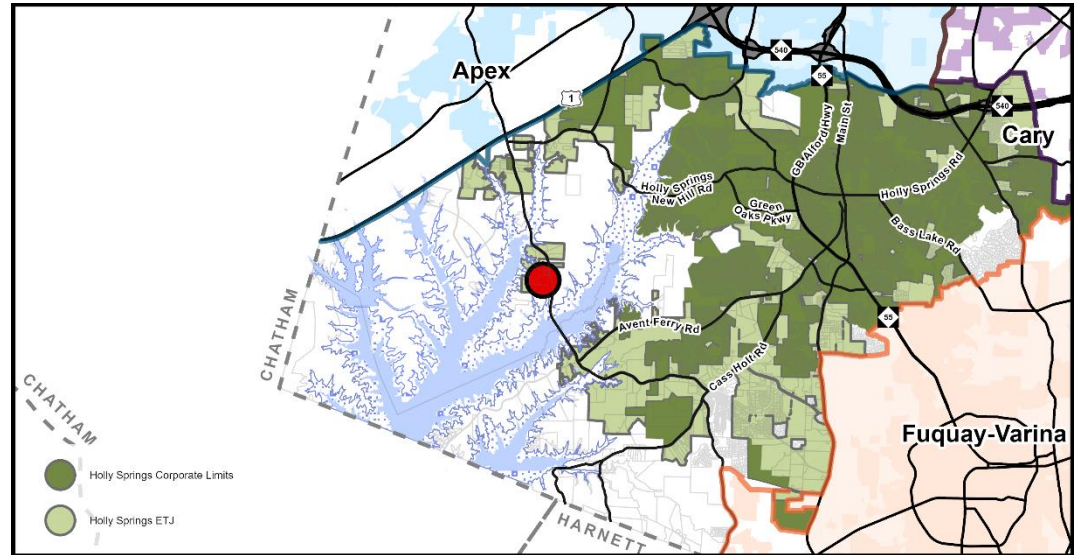
UDO Permit / WAV

**Applicant / Petitioner:**

Carl & Krisi Melby  
7434 Ironrod Way  
New Hill, NC 27562

**Property Address:** 7434 Ironrod Way

**Property Area:** 15.07 ac.



Located in:  Holly Springs Corporate Limits  Holly Springs ETJ  Annexation Pending

**Project Summary:**

A Variance from the Unified Development Ordinance Table 2.2.1-A Development Standards for Residential Use Districts – Minimum Lot Frontage to allow the creation of 2 residential lots by minor subdivision with a reduction in the minimum lot frontage requirement for RR Rural Residential District from 50' to 0'.

**Requested Action:**

Quasi-Judicial Decision: The Board of Adjustment must hold a quasi-judicial hearing to collect facts and then make a decision based on the written and oral evidence presented and adopted town policies and procedures.

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Development Standards	Page 13
Decision-Making Information	Page 16



**Case Summary**

**Current Zoning:**

- RR Rural Residential
- Conditional Zoning District

**Current Major Subdivision Plan:**

N/A



Aerial Photograph

**Growth Strategy Map:**

Places to Enhance

**Small Area Plan Designation:**

N/A

**Future Land Use Plan Designation:**

Conservation Neighborhood

**Staff Analysis:**

The Variance application is:  Complete  Incomplete

The Variance application is complete and is not requesting a type of Variance that is prohibited by the Unified Development Ordinance. Staff does not provided recommendations to the Board of Adjustment and the Board must determine, by the presentation of factual evidence, as to whether the proposed Variance satisfies the criteria established by the Unified Development Ordinance.

**Staff Recommendation:** N/A





### Development Standards Information

Unified Development Ordinance

The following is a summary of the proposed Variance request and the applicable 2022 Holly Springs Unified Development Ordinance (UDO) Standards.

#### Variance Summary

UDO Section: Table 2.2.1 – A Development Standards for Residential Use Districts; Minimum Lot Frontage in Rural Residential District – 50'

A Variance to allow for the creation of 2 residential lots by minor subdivision with a reduction in the minimum lot frontage requirement for RR Rural Residential District from 50' to 0'.

TABLE 2.2.1-A - DEVELOPMENT STANDARDS FOR RESIDENTIAL USE DISTRICTS					
	RR	SR	NR	NCR	MXR
<b>Minimum Lot Frontage (ft) (N6)</b>					
<i>All Buildings/Uses</i>	50	20	18	18	18
<i>All Buildings/Uses (Conservation Subdivision) (N7)</i>	20	20	20	--	--

#### Development Standards Summary

##### Purpose & Intent

The Rural Residential District is established to allow agricultural Uses; rural residential Uses; preserve prime agriculture land; and, protect open areas and other rural areas from the encroachment of scattered urban-type Uses that may inhibit the overall development of the community in accordance with the Comprehensive Plan. The RR District is not expected to be supported with public water and sewer in the short-term and may accommodate very low-density residential land Use including conservation subdivisions and limited public and institutional Uses. The RR District should be located near the periphery of the jurisdictional boundary and is not expected to develop in the short term, as locations appropriate for this district are located in the Town's Extraterritorial Jurisdiction.

Frontage along a public street is typically required to ensure orderly growth and development in a manner that is consistent with the character of an area or consistent with the Comprehensive Plan and to ensure that adequate public services can be provided to the lot. Public services may include police, fire, garbage and recycling, street lighting, public utilities, and similar public services.



**Development Standards (UDO Section 2 & Master Plan):**

Standard	Proposed
50' Frontage	0' Frontage *The current Lot is nonconforming and has 0' of Frontage. The applicant is proposing a minor subdivision to create 3 lots total (2 new lots). 25-VAR-01 is a request for a Variance to reduce the Lot Frontage from 50' to 0' on proposed Lot 2 and 25-VAR-02 is a request for a Variance to reduce the Lot Frontage from 50' to 0' on proposed Lot 3.

Frontage is defined as "the line of contact of an abutting property with the Street Right-of-Way along a Front Lot Line which allows unobstructed, direct Access to the Lot."

The Lot Frontage is measured along the Front Lot Line abutting a Public Street. Where no Public Street exists and the Lot fronts a Private Street or common Open Space, the Frontage shall be measured along the Lot Line abutting the Private Street or Alley and each Lot shall gain access to and from a Public Street across a perpetual recorded public access easement.



## Decision-Making Information

### Variance Staff Analysis

The Variance application is complete and is not requesting a type of Variance that is prohibited by the Unified Development Ordinance. Staff does not provided recommendations to the Board of Adjustment and the Board must determine, by the presentation of factual evidence, as to whether the proposed Variance satisfies the criteria established by the Unified Development Ordinance.

**Staff Recommendation:** N/A

## Previous Case Related Items

### Background Information

- The subject property is located at 7434 Ironrod Way and has the Conservation Neighborhood Future Land Use Designation per the Town's Comprehensive Plan.
- The subject property is zoned RR Rural Residential.
- The UDO requires properties within the RR Rural Residential Zoning District to have a minimum lot frontage of 50'.
- Frontage is defined as, "The line of contact of an abutting property with the Street Right-of-Way along a Front Lot Line which allows unobstructed, direct Access to the Lot."
- The applicant is requesting to reduce the minimum lot frontage requirement to 0' to allow for the subdivision of the property into three total lots (2 new lots) by minor subdivision.
- The currently established lot is a legal non-conforming lot of record because it does not meet the minimum lot frontage requirement for the RR Rural Residential District.
- The currently established lot gains access from the public right of way (New Hill Holleman Rd.) via a 30' shared private access easement (Ironrod Way).
- As the lot is currently nonconforming without public street frontage, any further subdivision of the lot would require a Major Subdivision and would include the construction of a public street or private street (built to a public street standard) to provide the required lot frontage. If the variances are approved, a subdivision could occur without public or private street frontage.
- The current lot is approximately 15 acres and the applicant is requesting to create three lots in total (2 new lots) that would each be approximately 5 acres. This is consistent with the size requirement for the RR Rural Residential District which requires a minimum of 2 acres per lot.

## Board of Adjustment Consideration & Action

### Quasi-Judicial Public Hearing

Prior to the Quasi-Judicial Public Hearing:

- Mailed notice has been sent to all property owners within 500 feet of the project.
- Posted notice has been made with a public hearing sign on the property.



Board of Adjustment Decision Type: Quasi-Judicial Decision

*Quasi-Judicial Decision:*

Quasi-Judicial decisions are determined by the presentation of factual evidence as to whether the proposed Variance satisfies the criteria established by the Unified Development Ordinance. The Board of Adjustment must hold a Quasi-Judicial public hearing to collect facts and then make a decision based on the written and oral evidence presented. A Quasi-Judicial decision must be made on facts and evidence and cannot be based on opinions or hearsay. Anyone who presents facts and evidence during the Quasi-Judicial public hearing must be sworn in under oath and may be subject to cross-examination.

**Variance Action**

When unnecessary hardships would result from carrying out the strict letter of a Development Standard in the Unified Development Ordinance, the Board of Adjustment may vary any of the provisions of the Development Standard.

The Board of Adjustment may not grant a Variance for any of the following:

1. Density and Building intensity limitations of this UDO and the Comprehensive Plan.
2. District land use restrictions pursuant to Table 3.2.A – Table of Permitted Uses of this UDO.
3. Review and procedural requirements of this UDO.
4. Any condition of approval imposed upon the property/development as part of an associated UDO application/permit (e.g., Special Use Permit, Conditional Zoning District (CD)).
5. State and federal regulations, whereas any deviations from said standards shall be sought through the associated government agency.
6. Environmental permits and riparian modifications relating to Chapter 8 of the Code of Ordinances – those situations are processed as a Type 2b Review.

The Board of Adjustment shall consider the following criteria in determining whether to approve, approve with conditions, or deny the Variance application. These criteria shall be used to evaluate whether an applicant has an unnecessary hardship imposed by unique site characteristics, development patterns, or similar condition. The applicant’s proposed findings of fact are provided in Exhibits 1 and 2.

Criterion 1: Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

Criterion 2: The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.



- Criterion 3: The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- Criterion 4: The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

In granting a variance, the Board shall have the authority to impose such conditions as deemed necessary by the Board to protect the interests of the surrounding area, preserve the spirit and intent of the UDO, and to promote the health, safety, morals, comfort convenience and welfare of person residing or working in or adjacent to the property. Such conditions can be the following non exclusive list of examples:

1. Limit the variance for specific duration.
2. Require the provision of additional landscaping, screening, fencing or other methods to allow the varied property to harmonize with adjacent properties.
3. Require the applicant to takes steps towards the elimination or reduction of noise, light, dust, vibration or other possible nuisance problems.
4. Require more stringent signage limitations than provided under the UDO.
5. Limit the hours of operation of a non-residential site.

**Variance Findings of Fact and Action**

*The concurring vote of 4/5 of the Board of Adjustment is necessary to grant a Variance*

The Board of Adjustment will need to make findings of fact and consider each variance request independently. While the findings of fact may be similar, the Board of Adjustment may come to different conclusions on each request. The Board of Adjustment may:

- Consider granting approval (with or without conditions) of both Variances.
- Consider granting approval (with or without conditions) of 1 Variance and not the other.
- Consider denial of both Variances.

**Action #1 Variance 25-VAR-01 – Lot 2**

**Motion** to make and accept Findings of Fact for and to approve/deny Variance 25-VAR-01 to allow for a Variance of Unified Development Ordinance Table 2.2.1-A Development Standards for Residential Use Districts – Minimum Lot Frontage, to allow for a reduction in the minimum lot frontage requirement for RR Rural Residential District from 50' to 0' to allow for a new residential lot (lot 2) by minor subdivision for the property located at 7434 Ironrod Way, Wake County PIN 0628368160.

In addition, the following conditions must be satisfied: (state conditions)



**Action #2 Variance 25-VAR-02 – Lot 3**

**Motion** to make and accept Findings of Fact for and to approve/deny Variance 25-VAR-02 to allow for a Variance of Unified Development Ordinance Table 2.2.1-A Development Standards for Residential Use Districts – Minimum Lot Frontage, to allow for a reduction in the minimum lot frontage requirement for RR Rural Residential District from 50' to 0' to allow for a new residential lot (Lot 3) by minor subdivision for the property located at 7434 Ironrod Way, Wake County PIN 0628368160.

In addition, the following conditions must be satisfied: (state conditions)

Judicial Review

Every decision of the Board of Adjustment shall be subject to review by the Superior Court. Any appeal to the Superior Court shall be taken within 30 days after the decision of the Board of Adjustment is to be filed in the office of the Development Services Department, or a written copy thereof is delivered to the petition by personal service, registered mail or certified mail, return requested, whichever is later.



## Holly Springs Board of Adjustment Findings of Fact

1. The application for a variance was filed by all the owners of the land affected by the Variance.
2. The property is described as follows:  
  
Site Address: 7434 Ironrod Way  
  
PIN: 0628368160  
  
Total Lot Size: 15.07 ac.  
  
Current Zoning District: RR – Rural Residential
3. The property is improved with a detached dwelling unit.
4. The zoning district requires a minimum lot frontage of 50'.
5. The requested variance is to reduce the required minimum lot frontage from 50' to 0'.
6. An Administrative Adjustment was unable to address the requested Variance.
7. There are no specific zoning conditions or conditions of approval that are part of a Special Use Permit, Planned Unit Development, or Conditional Zoning District that will be varied by this request.
8. A Plot Plan/Survey depicting the Variance has been submitted by the Applicant.
9. The Variance application and other records pertaining to the Variance request are part of the record.



10. Notice of the Quasi-Judicial Hearing has been provided as required by NCGS and the Town of Holly Springs Unified Development Ordinance.

Additional Findings of the Board of Adjustment

11.

12.

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21.



## Holly Springs Board of Adjustment Findings of Fact

1. The application for a variance was filed by all the owners of the land affected by the Variance.
2. The property is described as follows:  
  
Site Address: 7434 Ironrod Way  
  
PIN: 0628368160  
  
Total Lot Size: 15.07 ac.  
  
Current Zoning District: RR – Rural Residential
3. The property is improved with a detached dwelling unit.
4. The zoning district requires a minimum lot frontage of 50'.
5. The requested variance is to reduce the required minimum lot frontage from 50' to 0'.
6. An Administrative Adjustment was unable to address the requested Variance.
7. There are no specific zoning conditions or conditions of approval that are part of a Special Use Permit, Planned Unit Development, or Conditional Zoning District that will be varied by this request.
8. A Plot Plan/Survey depicting the Variance has been submitted by the Applicant.
9. The Variance application and other records pertaining to the Variance request are part of the record.



10. Notice of the Quasi-Judicial Hearing has been provided as required by NCGS and the Town of Holly Springs Unified Development Ordinance.

Additional Findings of the Board of Adjustment

- 11.
- 12.
- 13.
- 14.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.

**BOARD OF ADJUSTMENT HEARING WORKSHEET**

Date of Hearing: \_\_\_\_\_ BOA Member: \_\_\_\_\_  
 Case Number: \_\_\_\_\_

<b>Finding of Fact</b>	<b>Fact</b>	<b>In Petitioner's Application</b>	<b>From Staff Report</b>	<b>Testimony at Hearing</b>	<b>Proven by Competent &amp; Material Evidence?</b>
<i>Ex.</i>	<i>The property is located at 123 Main Street</i>	X	X	X	X
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					



BOARD OF ADJUSTMENT HEARING WORKSHEET

Date of Hearing: \_\_\_\_\_ BOA Member: \_\_\_\_\_  
Case Number: \_\_\_\_\_

Finding of Fact	Fact	In Petitioner's Application	From Staff Report	Testimony at Hearing	Proven by Competent & Material Evidence?
Ex.	<i>The property is located at 123 Main Street</i>	X	X	X	X
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

### VARIANCE REMINDERS

- The board can take issue with the facts that are presented by the applicant and find that the facts are NOT “competent,” “material,” or “substantial” and determine that the applicant has failed to establish a prima facie case (ie, the application fails)
  - **Material Evidence**- is recognized to mean “evidence having some logical connection with the facts of consequence or issues.”
  - **Substantial Evidence**- means such “relevant evidence as a reasonable mind might accept as adequate to support a conclusion.”—“It must do more than create the suspicion of the existence of the fact to be established... It must be enough to justify, if the trial were to a jury, a refusal to direct a verdict when the conclusion sought to be drawn from it is one of fact for the jury. Substantial evidence depends on the burden of proof. In a criminal trial, the evidence has to be so substantial as to overcome “reasonable doubt.” However, in civil matters (such as variances), it only needs to overcome a “preponderance of the evidence” standard. It only has to tip the scale of justice a little bit- not all the way as in a criminal matter.
  - **Competent evidence** is evidence that the fact finder determines has a sufficient indicia of reliability (ie, not hearsay or general nonsense) but evidence that as a tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.
    - Additionally, evidence that is deemed to be not competent and which should not be considered by the Board includes lay opinion testimony of: (1) how the proposed variance would affect the value of surrounding properties; (2) that the proposed variance would pose a danger to public safety as a result of increased traffic; and (3) matters only an expert would generally be qualified to testify about. (from 160A-393(k)(3)).
- Use of Expert Testimony: An expert is generally someone smarter than the fact-finder on a given subject (typically licensed in their field). In a judicial proceeding, they are the only ones where their “opinion” is competent, material, and substantial evidence. An example would be a licensed real estate appraiser offering evidence of an opinion of an increase or decrease in property value, or a land planner stating that they are familiar with the “spirit and intent” of the UDO and in their professional opinion, the project is in keeping with the spirit and intent. Expert witness testimony may be challenged, however unless some fault is determined (like they based their opinion on bad data or hearsay), typically you need an another expert to offer an expert opinion to contradict what the first expert said. (Exception- the courts have consistently held that a property owner may give their opinion as to the value of their own property, even if they are not a licensed appraiser, however they are often trying to testify as to what the *future* value of their land would be if a project went through, and they are not likely competent to give evidence as to their properties future value.
- Board members sitting in a quasi-judicial capacity must base their decision to grant or deny a variance on objective factors, which are based upon the evidence presented, and not upon their subjective preferences or ideas.
- Board members should not accept outside evidence (conversations outside of sworn testimony, site visits, emails, unsworn documents) and should only rely on facts offered at the hearing, under oath.



- The board may not deny a permit in their unguided discretion or because, in their view, it would adversely affect the public interest.—“The denial of the conditional use permit may not be based on conclusions which are speculative, sentimental, personal, vague or merely an excuse to prohibit the requested use.”
- The Board sitting in a quasi-judicial capacity are performing as judges and must be neutral, impartial, and base their decisions solely upon the evidence submitted.—“Neutrality and the appearance of neutrality are equally critical in maintaining the integrity of our judicial and quasi-judicial processes”
- “Speculative assertions or mere expression of opinion about the possible effects of granting a permit are insufficient to support the findings of a quasi-judicial body”
- In quasi-judicial proceedings, no board or council member should appear to be an advocate for not adopt an adversarial position to a party, bring in extraneous or incompetent evidence, or rely upon ex parte communications (out of hearing) when making their decision.

**Exhibit 1 – Applicants Findings**

- 1) **Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

*Applicant Response:* Strict application of the minimum lot frontage requirement found in UDO Table 2.2.1A would result in an unnecessary hardship because the subject property currently has no direct road frontage, due to circumstances outside the property owner's control. The lot is uniquely situated behind a narrow strip of land owned by Duke Energy, which was acquired through eminent domain as part of the land buffer for the power plant. Although the Town requires a minimum of 50 feet of frontage, this buffer parcel interrupts what would otherwise be a standard connection to the public right of way.

- 2) **The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.**

*Applicant Response:* This lot is otherwise suitable for residential development, meets all other dimensional and zoning requirements, and the would be consistent with surrounding properties in terms of size, use, and access. Property has physical and practical access via an easement, and this lack of frontage does not compromise public safety, emergency access, or neighborhood compatibility.

- 3) **The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**

*Applicant Response:* This creates an undue burden based solely on a historic utility acquisition, not on any action taken by the current owner.

- 4) **The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.**

*Applicant Response:* Without the variance, the property cannot be legally subdivided despite being fully functional and consistent with the character of nearby parcels and meeting all other development ordinances.

**Exhibit 2 – Applicants Findings**

**1.) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

*Applicant Response:* Strict application of the minimum lot frontage requirement found in UDO Table 2.2.1A would result in an unnecessary hardship because the subject property currently has no direct road frontage, due to circumstances outside the property owner's control. The lot is uniquely situated behind a narrow strip of land owned by Duke Energy, which was acquired through eminent domain as part of the land buffer for the power plant. Although the Town requires a minimum of 50 feet of frontage, this buffer parcel interrupts what would otherwise be a standard connection to the public right of way.

**2.) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.**

*Applicant Response:* This lot is otherwise suitable for residential development, meets all other dimensional and zoning requirements, and the would be consistent with surrounding properties in terms of size, use, and access. Property has physical and practical access via an easement, and this lack of frontage does not compromise public safety, emergency access, or neighborhood compatibility.

**3.) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**

*Applicant Response:* This creates an undue burden based solely on a historic utility acquisition, not on any action taken by the current owner.

**4.) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.**

*Applicant Response:* Without the variance, the property cannot be legally subdivided despite being fully functional and consistent with the character of nearby parcels and meeting all other development ordinances.



# VARIANCE OF DEVELOPMENT STANDARDS APPLICATION

DPM Appendix #A.16 Supplement 20 February 2023

<b>PETITION CONTACT INFORMATION</b> <i>(Attach additional sheets if needed)</i>	
Applicant and Financially Responsible Party will need to register for an account on the <a href="#">Portal</a>	
<b>Project Applicant</b> Check One: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Owner's Agent <input type="checkbox"/> Design Professional <input type="checkbox"/> Developer <input type="checkbox"/> Other	
Name: Kristi Melby	Company:
Mailing Address: 7434 Ironrod Way	
City, State, Zip: New Hill, NC 27562	
Telephone: 304-268-8545	E-Mail: melbykristi@yahoo.com
<b>REQUIRED: Property Owner(s) if different from Applicant/Contact</b> <i>(Attach additional sheets if needed)</i>	
Name: Carl and Kristi Melby	Company:
Mailing Address: 7434 Ironrod Way	
City, State, Zip: New Hill, Nc 27562	
Telephone: 304-268-8545	E-Mail: melbykristi@yahoo.com

<b>PROJECT INFORMATION</b>	
Project Name	Ironrod Way Minor Subdivision Lot 2
Project Number	25-VAR-01 / PLVAR202500178
Project Location <i>Use street address. If none, use closest intersection</i>	7434 Ironrod Way, New Hill, NC 27562  <input type="checkbox"/> Within Corporate Limits <input checked="" type="checkbox"/> Within Holly Springs ETJ <input type="checkbox"/> Pending Annexation
Shopping Center/Lot #	
PUD/Development	
PIN(s)	0628368160
Project Acreage	15.07
Current Zoning	RR
Sketch Plan Held:	

<b>VARIANCE REQUEST (please be specific)</b>	
UDO Section No:	Table 2.2.1 A
Section Title:	Development Standards for Residential Use Districts
Specific Vested Rights Request <i>(Attach additional sheets if needed)</i> :	
<p>Requesting a Variance to reduce the required minimum lot frontage requirement for the RR Rural Residential District from 50' to 0'</p>	



# VARIANCE OF DEVELOPMENT STANDARDS APPLICATION

DPM Appendix #A.16 Supplement 20 February 2023

FINDINGS OF FACT	
<p>A petition for Variance of Development Standards may only be approved upon the presentation of sufficient evidence. Please include as much detailed information or unique conditions that would enable the Board of Adjustment to make a written determination. Use additional sheets if necessary.</p>	
<p><b>1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.</b></p> <p>Strict application of the minimum lot frontage requirement found in UDO Table 2.2.1A would result in an unnecessary hardship because the subject property currently has no direct road frontage, due to circumstances outside the property owner's control. The lot is uniquely situated behind a narrow strip of land owned by Duke Energy, which was acquired through eminent domain as part of the land buffer for the power plant. Although the Town requires a minimum of 50 feet of frontage, this buffer parcel interrupts what would otherwise be a standard connection to the public right-of-way.</p>	
<p><b>2) The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.</b></p> <p>This lot is otherwise suitable for residential development, meets all other dimensional and zoning requirements, and the would be consistent with surrounding properties in terms of size, use, and access. Property has physical and practical access via an easement, and this lack of frontage does not compromise public safety, emergency access, or neighborhood compatibility.</p>	
<p><b>3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.</b></p> <p>This creates an undue burden based solely on a historic utility acquisition, not on any action taken by the current owner.</p>	
<p><b>4) The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.</b></p> <p>Without the variance, the property cannot be legally subdivided despite being fully functional and consistent with the character of nearby parcels and meeting all other development ordinances.</p>	

CERTIFICATE OF COMPLETION	
<p>I certify that all information presented in this petition is accurate to the best of my knowledge and belief. Further, I grant permission for members of the Town Council and Town Staff to visit the site in question for informational, advertisement, and inspection needs.</p>	
Signature of Applicant:	Date: 09/11/25
Signature of Owner:	Date: 09/11/25



# VARIANCE OF DEVELOPMENT STANDARDS APPLICATION

DPM Appendix #A.16 Supplement 20 February 2023

<b>PETITION CONTACT INFORMATION</b> <i>(Attach additional sheets if needed)</i>	
Applicant and Financially Responsible Party will need to register for an account on the <a href="#">Portal</a>	
<b>Project Applicant</b> Check One: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Owner's Agent <input type="checkbox"/> Design Professional <input type="checkbox"/> Developer <input type="checkbox"/> Other	
Name: Kristi Melby	Company:
Mailing Address: 7434 Ironrod Way	
City, State, Zip: New Hill, NC 27562	
Telephone: 304-268-8545	E-Mail: melbykristi@yahoo.com
<b>REQUIRED: Property Owner(s) if different from Applicant/Contact</b> <i>(Attach additional sheets if needed)</i>	
Name: Carl and Kristi Melby	Company:
Mailing Address: 7434 Ironrod Way	
City, State, Zip: New Hill, Nc 27562	
Telephone: 304-268-8545	E-Mail: melbykristi@yahoo.com

<b>PROJECT INFORMATION</b>	
Project Name	Ironrod Way Minor Subdivision Lot 3
Project Number	PLVAR202500179/25VAR02
Project Location <i>Use street address. If none, use closest intersection</i>	7434 Ironrod Way, New Hill, NC 27562  <input type="checkbox"/> Within Corporate Limits <input checked="" type="checkbox"/> Within Holly Springs ETJ <input type="checkbox"/> Pending Annexation
Shopping Center/Lot #	
PUD/Development	
PIN(s)	0628368160
Project Acreage	15.07
Current Zoning	RR
Sketch Plan Held:	

<b>VARIANCE REQUEST (please be specific)</b>	
UDO Section No:	Table 2.2.1 A
Section Title:	Development Standards for Residential Use Districts
Specific Vested Rights Request <i>(Attach additional sheets if needed)</i> :	
Requesting a Variance to reduce the required minimum lot frontage requirement for the RR Rural Residential District from 50' to 0'	



# VARIANCE OF DEVELOPMENT STANDARDS APPLICATION

DPM Appendix #A.16 Supplement 20 February 2023

## FINDINGS OF FACT

A petition for Variance of Development Standards may only be approved upon the presentation of sufficient evidence. Please include as much detailed information or unique conditions that would enable the Board of Adjustment to make a written determination. Use additional sheets if necessary.

**1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

Strict application of the minimum lot frontage requirement found in UDO Table 2.2.1A would result in an unnecessary hardship because the subject property currently has no direct road frontage, due to circumstances outside the property owner's control. The lot is uniquely situated behind a narrow strip of land owned by Duke Energy, which was acquired through eminent domain as part of the land buffer for the power plant. Although the Town requires a minimum of 50 feet of frontage, this buffer parcel interrupts what would otherwise be a standard connection to the public right-of-way.

**2) The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.**

This lot is otherwise suitable for residential development, meets all other dimensional and zoning requirements, and the would be consistent with surrounding properties in terms of size, use, and access. Property has physical and practical access via an easement, and this lack of frontage does not compromise public safety, emergency access, or neighborhood compatibility.

**3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**

This creates an undue burden based solely on a historic utility acquisition, not on any action taken by the current owner.

**4) The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.**

Without the variance, the property cannot be legally subdivided despite being fully functional and consistent with the character of nearby parcels and meeting all other development ordinances.

## CERTIFICATE OF COMPLETION

I certify that all information presented in this petition is accurate to the best of my knowledge and belief. Further, I grant permission for members of the Town Council and Town Staff to visit the site in question for informational, advertisement, and inspection needs.

Signature of Applicant:  Date: 09/11/25  
 Signature of Owner:   Date: 09/11/25

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON (PIN 0628368160), WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE TOWN OF HOLLY SPRINGS, AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED. FURTHERMORE, I HEREBY DEDICATE ALL SANITARY SEWER AND WATER LINES TO THE TOWN OF HOLLY SPRINGS.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

PRINT NAME \_\_\_\_\_ TITLE \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

I CERTIFY THAT THE FOLLOWING PERSON(S) PERSONALLY APPEARED BEFORE ME THIS DAY, EACH ACKNOWLEDGING TO ME THAT HE OR SHE VOLUNTARILY SIGNED THE FOREGOING DOCUMENT FOR THE PURPOSE STATED THEREIN AND IN THE CAPACITY INDICATED:

\_\_\_\_\_  
DATE \_\_\_\_\_

PRINTED NAME \_\_\_\_\_, NOTARY PUBLIC  
MY COMMISSION EXPIRES: \_\_\_\_\_

**TOWN CERTIFICATE OF APPROVAL**

I HEREBY CERTIFY THAT:

ALL STREETS, UTILITIES, GREENWAYS, AND OTHER REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER ACCORDING TO TOWN STANDARDS AND SPECIFICATION OR THAT GUARANTEES OF THE INSTALLATION OF THE REQUIRED IMPROVEMENTS IN AN AMOUNT AND MANNER SATISFACTORY TO THE TOWN OF HOLLY SPRINGS HAS BEEN RECEIVED.

THE TOWN OF HOLLY SPRINGS APPROVES OF THE EASEMENTS/RIGHTS-OF-WAY DEDICATION SHOWN AND DELINEATED ON THIS PLAT.

LOTS SHOWN ON THIS PLAT MAY NOT BE BUILDABLE. PUBLIC UTILITY SERVICES HAVE NOT BEEN VERIFIED FOR THE LOTS SHOWN ON THIS PLAT. NOTE AT THE TIME OF BUILDING PERMIT APPLICATION SUBMITTAL VERIFICATION MUST BE MADE THAT ALL LOTS MEET THE TOWN'S DEVELOPMENT REGULATIONS. IN ADDITION, RIGHT OF WAY DEDICATION AND THE ISSUANCE OF ENVIRONMENTAL DEVELOPMENT PERMIT WILL BE REQUIRED AT THE TIME OF THE APPLICATION FOR THE BUILDING PERMIT FOR EACH LOT. TOWN OF HOLLY SPRINGS BY:

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

PRINT NAME \_\_\_\_\_

**CERTIFICATE OF APPROVAL FOR RECORDING**

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE TOWN OF HOLLY SPRINGS, NORTH CAROLINA AND THAT THE FEE OF \$ \_\_\_\_\_ HAS BEEN PAID, AND THAT THIS PLAT HAS BEEN APPROVED BY THE TOWN OF HOLLY SPRINGS FOR RECORDING IN THE REGISTER OF DEEDS OF WAKE COUNTY.

SUBDIVISION ADMINISTRATOR, TOWN OF HOLLY SPRINGS \_\_\_\_\_ DATE \_\_\_\_\_

LEGEND  
● EIP = EXISTING IRON PIPE  
○ IPS = IRON PIPE SET

NOTES  
AREAS ARE BY COORDINATES.  
GRID BEARINGS AND COORDINATES ARE BY GPS VRS.

REFERENCES  
DEED BOOK 18103, PAGE 969  
DEED BOOK 18078, PAGE 885  
BOOK OF MAPS 1985, PAGE 2232  
BOOK OF MAPS 1991, PAGE 938

I, RODNEY E. MORRIS, P.L.S., CERTIFY THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

CLASS OF SURVEY: CLASS A  
POSITIONAL ACCURACY: 0.14'  
TYPE OF GPS PROCEDURE: NETWORK VRS  
DATE OF SURVEY: 12/02/2020  
DATUM/EPOCH: NAD83-2011  
PUBLISHED/FIXED CONTROL USED: N/A  
GEOID MODEL: GEOID18  
COMBINED GRID FACTOR: 0.999886230405  
UNITS: SPECTRA SP80

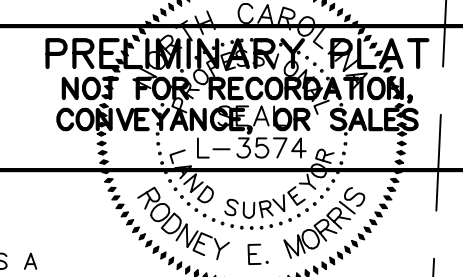
I, RODNEY E. MORRIS CERTIFY THAT THIS SURVEY CREATES A SUBDIVISION WITHIN THE AREA OF A COUNTY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

I, RODNEY E. MORRIS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; (DEED DESCRIPTION RECORDED IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN \_\_\_\_\_, PG \_\_\_\_\_; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, AD, \_\_\_\_\_.

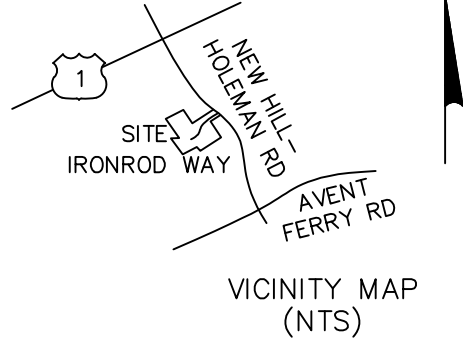
STATE OF NORTH CAROLINA  
COUNTY OF WAKE

I, \_\_\_\_\_, REVIEW OFFICER OF WAKE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER \_\_\_\_\_ DATE \_\_\_\_\_  
THE SUBDIVIDER SHALL FILE THE APPROVED PLAT WITH THE REGISTER OF DEEDS OF WAKE COUNTY WITHIN SIXTY (60) DAYS OF FINAL APPROVAL; OTHERWISE SUCH APPROVAL SHALL BE NULL AND VOID.



NC GRID (NAD83-2011)



0628366796  
JOSEPH NUGENT  
DB 18078, PG 885  
BM 1985, PG 2232  
256050 SF  
5.878 AC

0628461627  
KAREN LEE  
DB 6116, PG 637  
BM 1985, PG 2232

EIP  
CONTROL CORNER  
N=686572.13  
E=2024238.32  
NC GRID (NAD83-2011)

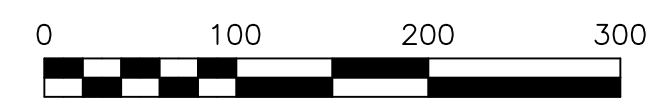
0628360722  
DUKE ENERGY  
PROGRESS INC  
DB 15289, PG 2437  
DB 3067, PG 177

0629617801  
DUKE ENERGY  
PROGRESS INC  
DB 15289, PG 2437  
DB 3067, PG 177

0628268077  
ASHLEY STEPHENS  
KAREN STEPHENS  
DB 11416, PG 2749  
BM 1991, PG 942

0628350485  
ALEX GUESS  
14E-2595

LINE	BEARING	DISTANCE
L1	S 09°55'48" E	27.97'
L2	S 11°51'40" E	32.19'



**MINOR SUBDIVISION PLAT  
FOR CARL & KRISTINA MELBY**

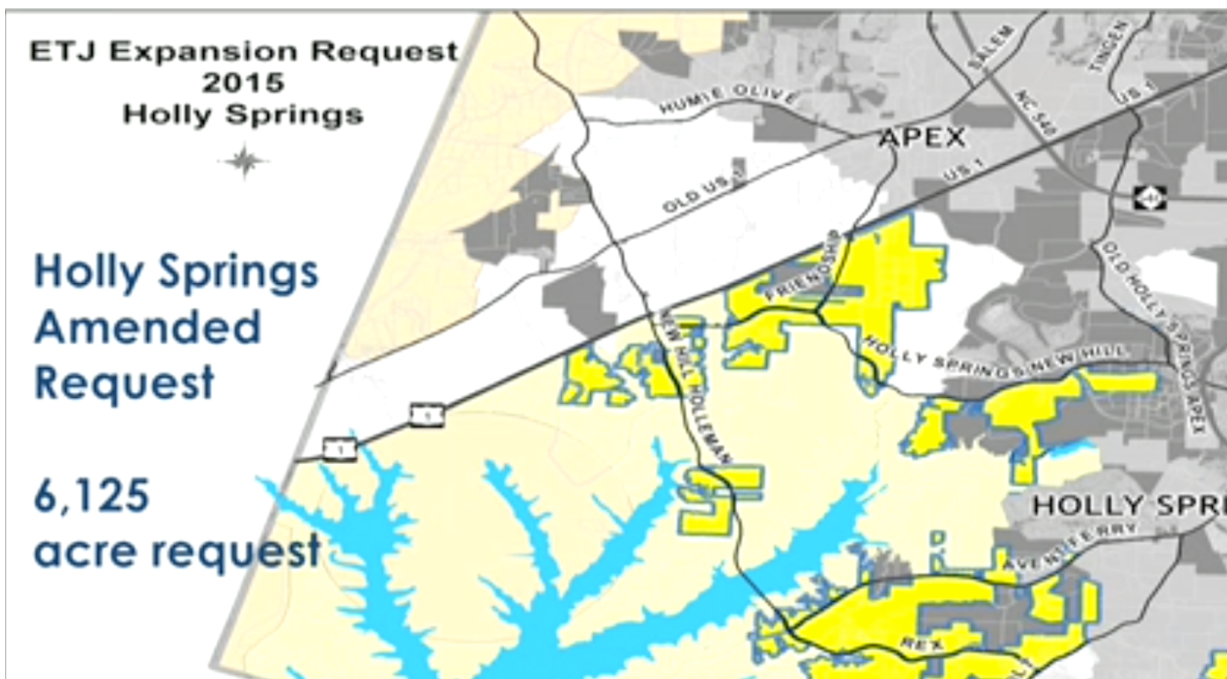
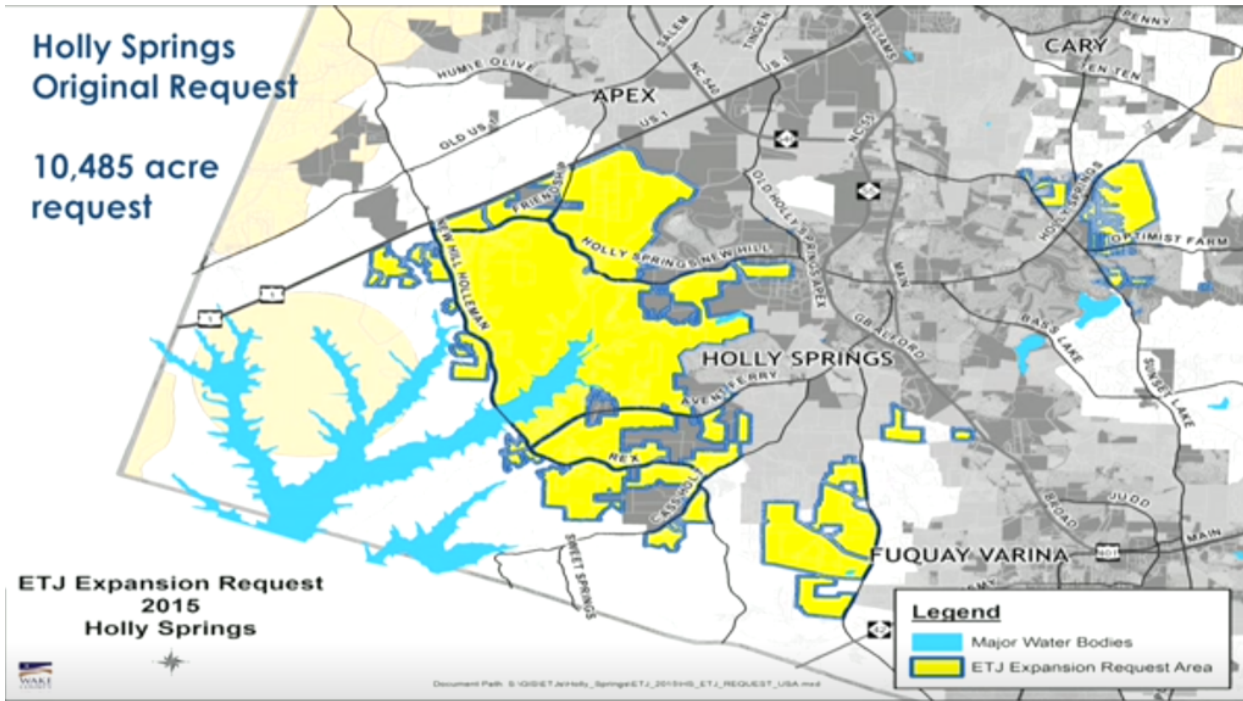
THOMPSON & ASSOCIATES, PA CO #C-343 1149 EXECUTIVE CIRCLE SUITE D, UNIT 2 CARY, NC 27511 919-465-1566	BUCKHORN TWP.	OWNER	CARL & KRISTINA MELBY JOSEPH NUGENT
	WAKE CO.	NORTH CAROLINA	ZONED R-30
	DATE 6/16/2025	DRAWN REM	JOB NO.
	SCALE 1" = 100'	SURVEYED RAH	
	DRAWING IRONWOOD	PIN	0628368160

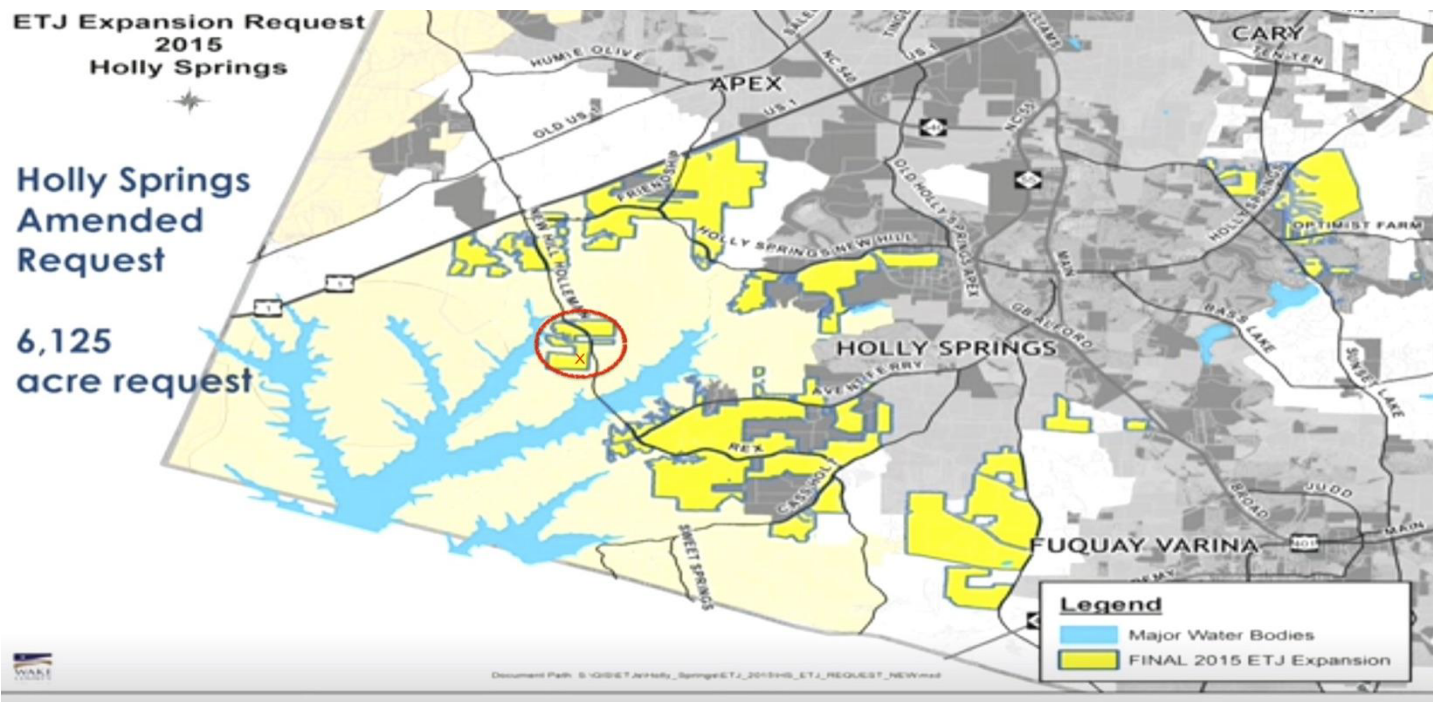
SITE DATA TABLE (ORIGINAL PROPERTY = 15.071 AC)  
LOT 1 = 5.062 AC LOT 2 = 5.004 AC LOT 3 = 5.004 AC

7434 Ironrod Way

In 2016, my property at 7434 Ironrod Way was annexed from the Wake County Building Jurisdiction into the Holly Springs Extra Territorial Jurisdiction (ETJ) at the request of the Town of Holly Springs. The Town originally sought to annex 10,485 acres, but the request was later modified to include only 6,125 acres. Notably, the large parcels surrounding my property — owned by Duke Energy — were excluded from the final ETJ annexation area.

As a result, my property now sits **donut-holed** within the 4,360 acres that were removed from the ETJ request. The adjacent Duke Energy land remains in the Wake County Building Jurisdiction, leaving my property isolated within the Holly Springs ETJ.





At the January 19, 2016 Wake County Board of Commissioners meeting, the following 7 criteria were cited for determining areas to be brought into municipal ETJs:

### 1. Classification as Urban Services Area

- The expectation was that annexed ETJ areas would urbanize as the town grew. However, Holly Springs' UDO imposes greater restrictions than Wake County's, particularly concerning minor subdivisions. Wake County now permits limited minor subdivisions via a permanent 25-foot wide access easement — a development path not available under Holly Springs' UDO, despite growth projections.

### 2. Commitment to Comprehensive Planning / Capital Improvement Plan (CIP)

- Since 2016, no capital improvements have extended to our property, despite earlier expectations. Duke Energy's original plan to utilize Town of Holly Springs utilities has since changed, and the infrastructure project was never completed. While a large development near Avent Ferry Rd and Rex Rd was recently approved, extending those utilities to our property would require bypassing Shearon Harris Lake — a logistical and financial challenge.

### 3. Adoption of Special Regulations

- The Harris Lake area poses unique environmental and access challenges. Both southern and northern routes to the property must cross fingers of Harris Lake or bridge segments, creating additional constraints.

### 4. Municipal Water and Sewer Service

- The 2016 meeting anticipated water/sewer lines reaching our property by 2020. To date, those improvements have not materialized. Extending utilities from the nearest point would require running lines either under the lake or 3.5 miles from Friendship Rd crossing through Duke

Energy property along New Hill Holleman Rd — both unrealistic.

## 5. Feasibility for Urban Development

- Due to limited buildable acreage and lack of utility infrastructure, high-density urban development is not feasible. Requiring compliance with Holly Springs' UDO creates an undue burden that limits reasonable use of the property. In contrast, Wake County's regulations allow a limited subdivision that matches the property's rural context and capabilities.

## 6. Annexation Within 10 Years

- Forced annexation is prohibited in NC, and Holly Springs has stated no intent to annex this property unless utilities are extended — which currently has no timeline or funding.

## 7. Existing ETJs

- The surrounding 4,000+ acres remain under Wake County's jurisdiction, despite being part of the original request. Our property should be similarly excluded given that no plan, timeline, or infrastructure exists to justify its continued inclusion in the ETJ.

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## Conclusion

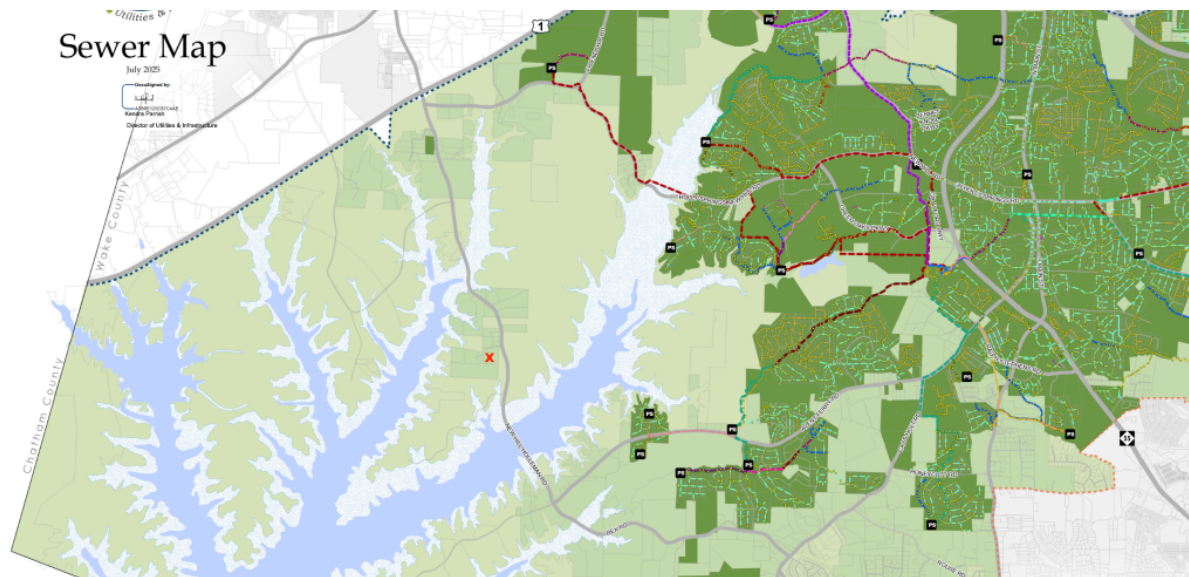
As landowners, we believe our property should be governed under regulations that align with its location, context, and development potential. We respectfully request that reasonable variances be granted to allow us to make productive and responsible use of our land at 7434 Ironrod Way, such as a minor subdivision under existing easement access.

Thank you for your time and consideration.

At the time of annexation into the ETJ expected completion date for utilities was 2020

### Criterion 4- Municipal Water & Sewer Service

- ✓ The Capital Improvement Plan (CIP) shows future waterlines along New Hill Holleman, Rex, Avent Ferry, Cass Holt, Buckhorn Duncan, Honeycutt, Rouse, and Duncan Cook Roads. The Loop from Friendship-New Hill Road to New Hill Holleman Road to Avent Ferry is expected to be operational by the Spring of 2017. All other projects listed in the CIP are projected to be completed by 2020.
- ✓ To meet additional need, future capital improvements will be required. The Town of Holly Springs has three potential plans to meet this future need:
  1. Purchase additional capacity from Harnett County
  2. Access its Jordan Lake allocation
  3. Purchase water from the Town of Cary



We remain in the ETJ with no reasonable timeline for annexation into the Town of HS.

### Criterion 7- Existing ETJ

Year ETJ Granted	Acreage Granted	Acreage Annexed	Acreage Remaining	Pending Annexations	% Remaining	Duke Energy Property	% Remaining not including Duke Energy Land
Original	1,224.14	721.91	443.38	0	36.2%	0	36.2%
1996	821.5	593.64	227.86	0	27.7%	13.52	26.1%
2006	2,558.84	565	1,993.84	47.56	76.1%	143.46	70.5%
2008*	66.1	16.75	0	0.00	0.0%	0	0.0%
2013	669.8	133.74	536.06	0.00	80.0%	105.97	64.2%

\* Remaining acres were granted to Fuquay-Varina after a annexation agreement in 2010

The Town of Holly Springs has shown progress in annexing its previous ETJ's. The 2006 ETJ will see more development as water and sewer service to the west has helped with access. Existing waterlines and CIP projects will provide more urban services