



Board of Adjustment
6:30 PM **Wednesday, September 6, 2023**

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

Agenda

1. Call to Order

2. Roll Call

3. Pledge of Allegiance

4. Invocation

5. Agenda Adjustment

6. Minutes

- a. March 6th, 2023

7. Other Business

- a. Quasi-Judicial Decision Training

8. 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 919-557-3900

Town of Holly Springs
BOARD OF ADJUSTMENT MEETING MINUTES
Monday March 6th, 2023 – 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 March 6th, 2023 in the Council Chambers, 128 South Main Street. At 6:30p after determining a quorum was present, Chair Loughridge called the meeting to order.

Staff Members Present:

Chris Hills, Development Services Director
Brett Gosney, Planner I
John Schifano, Town Attorney
Mackenzie Fretz, Board of Adjustment Clerk

The Board completed roll call.

Members Present: Cody Loughridge
Ben Copeland
Paul Kuhn
Joe Cimino
Yan Higgins

Alternate Members Present: (Non-Voting)
Herman Goldstein

Members Absent: Jayson Greene
Chanel Wilkins

The Board recited the pledge of Allegiance and opened the meeting with an invocation by a moment of silence.

Agenda Item #5: Agenda Adjustment

There was an agenda adjustment to nominate the Board of Adjustment Chairman and Vice Chairman.

Motion:

- a. Motion to appoint Board of Adjustment member Cody Loughridge as Chairman

Motion by: Ben Copeland

Second by: Joe Cimino

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

Motion:

- b. Motion to appoint Board of Adjustment member Jayson Greene as Vice Chairman

Motion by: Cody Loughridge

Second by: Ben Copeland

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

Agenda Item #6: Minutes

- c. February 6, 2023 Minutes

Motion:

- d. Motion to approve the February 6, 2023 Minutes

Motion by: Paul Kuhn

Second by: Ben Copeland

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

Agenda Item #7: Variance

- a. 12508 Holly Springs New Hill Rd. (23-VAR-01)

Mr. Gosney reviewed the staff report with the Board.

Variance 23-VAR-01 requested by Carlos Fries to allow for a Variance from Unified Development Ordinance Section 3.4.2.B.1 Accessory Building Limitations to allow accessory buildings to exceed 100% of the finished floor area of the Primary Dwelling in the Rural Residential (RR) zoning District. The applicant is requesting an accessory structure of 3,400 sq. ft. on a property that has a Primary Dwelling finished floor area of 1,288 sq. ft. The property is located at 12508 Holly Springs New Hill Rd and is further described with the following Wake County PIN: 0639151151 REID:0110932.

Mr. Gosney then went over the UDO Requirements:

Section 3.4.2.B.1 Accessory Building Limitations.

For lots greater than 2 acres in the RR District, the total square foot area of all detached accessory buildings on a lot shall not exceed 100% of the finished floor area of the primary dwelling.

Chair Loughridge needed clarification ensuring that it is the aggregate of all accessory buildings and Mr. Gosney confirmed.

There were no additional questions for Mr. Gosney.

Chair Loughridge opened the Public Hearing.

Swearing-In

Brett Gosney – 128 S. Main St. Holly Springs, NC 27540

Chris Hills – 233 Hill Row Lane Clayton, NC 27527

Carlos Fries – 12508 Holly Springs New Hill Rd. Apex, NC 27539

Chair Loughridge then offered for the petitioner to approach the Board.

Mr. Fries approached and stated that his variance request for the accessory structure is for the use of a garage on his property to hold his classic car collection. He then went over a brief presentation on why he is making this variance request.

Mr. Fries then finished by stating that his surrounding neighbors have no issues with his request.

Chair Loughridge clarified that the main purpose for this structure would be for the personal use of Mr. Fries' car collection and not for commercial use.

Mr. Copeland asked the petitioner why he would not make repairs on the existing accessory structure that is currently in use for his car collection instead of placing a new structure on the property.

Mr. Fries answered that the foundation under the existing structure is not right and would have to make costly repairs or start over. Mr. Fries added he does not want to destroy the existing structure due to the money he has already placed into the existing structure.

Mr. Copeland then asked if the existing current barn is able to be repaired and used.

Mr. Fries stated that he had looked in to repairing the existing barn but the repairs would be too costly.

Mr. Copeland then followed up and asked if the barn was still in a usable condition to a degree.

Mr. Fries answered that it would depend on the use of the existing barn as he has issues with mice and squirrels within the structure that are causing damage to his cars within. He mentioned the structure might be able to store his lawn mower.

Ms. Higgins then asked if the current structure is a dry or condition space.

Mr. Fries stated that the structure is dry and wired for electricity but there is no electricity run to it.

Mr. Copeland then followed up by asking if the requested structure will be insulated and conditioned.

Mr. Fries explained that he has a wall unit to use as the air conditioning and plans to place a wood stove within the structure to use as heat. He does plan to insulate the structure.

Ms. Higgins then asked Mr. Fries if he plans to pull power from the existing panel.

Mr. Fries answered that he plans to pull power from his house.

Mr. Copeland then asked for clarification on the overall size of the requested building stating that the overall question at hand is the ordinance and would like to know how the petitioner came to the size of the building.

Mr. Fries stated that he needed room for all of his cars within his collection, that he would like an art studio for his wife, and that metal structures come in kits that range in different sizes. The proposed structure is the size he feels is best for his requested use.

Mr. Copeland then asked who would be performing the work to add the structure to the property.

Mr. Fries stated that the structure is purchased and coming from NC carports & garages and will have a licensed contractor pull electricity and plumbing.

Chair Loughridge then asked if there were any additional questions for the petitioner.

There were no additional questions.

Chair Loughridge then invited any proponents to approach the Board.

Proponents:

None

Chair Loughridge then invited any opponents to approach the Board.

Opponents:

None

Mr. Copeland then had a question for staff and asked if the offset is not a problem from the property line.

The staff clarified that the ordinance requires a minimum of 10 feet.

Chair Loughridge then asked staff for a clear definition between accessory structure vs. accessory dwelling.

Mr. Hills addressed the Board adding that the proposed structure would be subject to the North Carolina Building Code.

There were no further questions to the Town from the Board.

Motion:

Motion to close public hearing

Motion by: Joe Cimino

Second by: Paul Kuhn

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

The Board began deliberating and discovered additional information is needed from the petitioner.

There was a motion to re-open the public hearing.

Motion:

Motion to re-open public hearing

Motion by: Joe Cimino

Second by: Paul Kuhn

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

Chair Loughridge then asked the petitioner to clarify the deviations of the variance request in regards to possibly adding a bathroom, air conditioning, and electricity.

Mr. Fries stated that it would be nice to have restroom or air conditioning but is not necessary and that the main purpose of the requested structure was to house his cars. Mr. Fries went on to say the structure is not to be used as a dwelling.

Mr. Copeland asked for the total height of the building.

Mr. Fries answered that it would be 16 feet from the peak and 11 to 14 feet at the lowest eave.

Mr. Kuhn then asked the petitioner to confirm the overall size.

Mr. Fries answered that the structure will be 54 feet wide and 50 feet long.

The Board then clarified that they are approving the single structure in question requested by the variance.

There were no further questions from the Board.

Motion:

Motion to close public hearing

Motion by: Paul Kuhn

Second by: Cody Loughridge

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

Board Deliberation:

Findings of Fact:

A *variance* may be granted by the Board if competent and substantial evidence is presented by the applicant which persuades the Board to either reach each of the following conclusions independently or be reasonably able to meet these conclusions upon implementation of conditions by the Board:

- 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:

Building a smaller garage other than the proposed size would be insufficient to store and service my car collection. There are two existing accessory buildings, a barn and cistern shed. The shed is needed to house a 1500-gallon water tank as the wells run dry on a regular basis. The barn was not built to code and lacks the services to accommodate the collection, which is valued at \$170,000. Wake County lists the primary dwelling at 1,288 sq. ft. but the basement was finished in 2015 and sold as a total finished area of 2,576 sq. ft.

- 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:

Existing barn was not constructed by a professional nor permitted and repairing it would be cost prohibitive. Concrete pad is severely unlevel and thin, roof is not sealed not wired for electricity and entire structure is weak from years of neglect. Moving the garage closer to the primary building is not an option as it would block the access road needed to service the propane and septic tanks. A breezeway connecting the garage to the primary dwelling would be cost prohibitive as it would need to be 60' long and 14' high.

- 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:

The accessory buildings in question were already onsite when the property was purchased in June of 2023.

- 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:

Considering the primary dwelling at its finished area and not including the existing accessory buildings for reasons stated above, garage would only be 7% over primary dwelling finished floor area. Neighbors have also signed a petition stating they have no objections.

Motion

Motion to accept and adopt the findings of fact for Variance Petition #23-VAR-01 as determined based upon competent, material, and substantial evidence presented and entered into the record and reduced to writing.

Motion by: Paul Kuhn

Second by: Cody Loughridge

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

Motion

Based upon the Board's Findings of Fact, the Board of Adjustment approved Variance 23-VAR-01 as requested by Carlos Fries to allow for a Variance from Unified Development Ordinance Section 3.4.2.B.1 Accessory Building Limitations to allow accessory buildings to exceed 100% of the finished floor area of the Primary Dwelling in the Rural Residential (RR) zoning District. The applicant is requesting an accessory structure of 3,400 sq. ft. on a property that has a Primary Dwelling finished floor area of 1,288 sq. ft. The property is located at 12508 Holly Springs New Hill Rd and is further described with the following Wake County PIN: 0639151151 REID:0110932.

Motion by: Paul Kuhn

Second by: Joe Cimino

Action: The Board of Adjustment voted in favor of the Motion. (4-1)

Agenda Item #9: Other Business

Mr. Hills added a reminder to the Board of Adjustment of the upcoming Board Orientation on March 16th, 2023.

Agenda Item #10: Adjournment

Motion:

Motion to adjourn.

Motion by: Paul Kuhn

Second by: Ben Copeland

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

Time: 7:54 PM

Mackenzie Fretz

Board of Adjustment Clerk



Holly Springs Board of Adjustment

Board of Adjustment Agenda Cover Sheet

Agenda Item#: 7.a.

Requests & Communications - PB

Title: Quasi-Judicial Decision Training

Strategic Priority Area:

Staff Resource:

Action(s):

- Receive training on Quasi-Judicial decisions.
- Discussion.

Explanation:

- This training is intended to refresh the Board on Quasi-Judicial decisions and procedures.

Background:

N/A

Funding Source(s):

N/A

Attachment(s):

None