



Board of Adjustment
6:30 PM **Monday, April 1, 2024**

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. Organizational Meeting

- a. Chairperson and Vice Chairperson

5. Invocation

6. Agenda Adjustment

7. Minutes

- a. November 6, 2023 Regular Meeting Minutes

8. Other Business

- Training

9. 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



Holly Springs Board of Adjustment

Board of Adjustment Agenda Cover Sheet

Agenda Item#: 4.a.

New Business - BOA

Title: Chairperson and Vice Chairperson

Strategic Priority Area:

Staff Resource:

Action(s):

- Appoint Board of Adjustment Chairperson.
- Appoint Board of Adjustment Vice Chairperson.

Explanation:

- Unified Development Ordinance Section 11.3.4.D.3. Board of Adjustment requires the Board of Adjustment to elect a Chairperson and Vice Chairperson in March of every year to conduct meetings.
- The terms for both individuals shall be 1 year or until successors have been elected and installed, with eligibility for reelection.

Background:

- The current Chairperson is vacant.
- The current Vice Chairperson is Jayson Greene.

Funding Source(s):

N/A

Attachment(s):

None



Holly Springs Board of Adjustment

Board of Adjustment Agenda Cover Sheet

Agenda Item#: 7.a.

Title: November 6, 2023 Regular Meeting Minutes

Strategic Priority Area:

Staff Resource:

Action(s):

- Approve Nov 6, 2023 Minutes

Explanation:

Background:

Funding Source(s):

Attachment(s):

1. 11.6.23 BOA Draft Minutes

Town of Holly Springs
BOARD OF ADJUSTMENT MEETING MINUTES
Monday November 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 November 6th, 2023 in the Council Chambers, 128 South Main Street. At 6:29pm after determining a quorum was present, Board of Adjustment member Ben Copeland called the meeting to order.

Staff Members Present:

Cheryl Caines, Senior Planner
Conor Ryan, Planner I
Jay Osborne, Assistant Town Attorney
Mackenzie Fretz, Board of Adjustment Clerk

The Board completed roll call.

Members Present: Ben Copeland
Paul Kuhn
Yan Higgins
Chanel Wilkins
Herman Goldstein

Alternate Members Present: (Non-Voting)

Members Absent: Cody Loughridge
Joe Cimino
Jayson Greene

The Board opened by selecting an acting Chair for tonight's meeting.

Motion:

Motion for Ben Copeland as acting Chair for the November 6th, 2023 Board of Adjustment Meeting.

Motion by: Chanel Wilkins

Second by: Yan Higgins

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

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 were no agenda adjustments.

Agenda Item #6: Minutes

a. October 2nd, 2023 Minutes

Motion:

Motion to approve the October 2nd, 2023 Minutes.

Motion by: Chanel Wilkins

Second by: Ben Copeland

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

Agenda Item #7: Variance

a. 200 Magnolia Meadow Way Variance 23-VAR-08 - Quasi-Judicial Public Hearing

Variance 23-VAR-08 requested by Gina Farrell to allow for Variance from Unified Development Ordinance Section 5.6.2 Maintenance to reduce the buffer from 25 feet to 6 feet. The buffer reduction will only impact the area proposed for the shed placement. The property is located at 200 Magnolia Meadow Way and is further described with the following Wake County PIN: 0648087923 REID: 0358720.

Mr. Ryan requested that the public hearing be opened.

Acting Chair Copeland opened the Public Hearing.

Mr. Ryan then reviewed the staff report with the Board and requested that the report be placed in to evidence.

Ms. Higgins asked staff if the 3.6 ft setback from owner to their neighbor could be adjusted.

Mr. Ryan stated that the petitioner will move the shed should the Board apply as a condition.

Deviation to the back

Mr. Herman asked if the back of the shed to the fence is the discussion.

Mr. Ryan stated that the shed is currently 8 feet away from the required setback.

Ms. Wilkins brought up concerns of how the Board would determine if the shed was adjusted to compliance.

Mr. Ryan explained the petitioner would have to go through the proper channel for a permit and this would require an inspection process the petitioner would have to go through.

Mr. Copeland reminded the Board that this could be added as a condition.

Mr. Goldstein asked if the entire row of houses on the same side of petitioner have same issue.

Chair Copeland then followed up asking staff if the Duke Energy property located 25 feet from the property in question could be developed and if it has the same zoning and what is setback would be.

Mr. Ryan stated that it would be a 5-foot buffer with a setback of 5 feet as well.

There were no additional questions for staff.

Swearing-In

Conor Ryan – 128 S. Main St. Holly Springs, NC 27540

Gina Farrell – 200 Magnolia Meadow Way Holly Springs, NC 27540

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

Gina Farrell who is the property owner approached the Board stating that the shed has gone through her neighborhoods HOA approval; she understands that the shed needs to be level and is willing to make adjustments and she was not aware she needed a permit until an anonymous complaint that was made in late June early July.

Questions:

Ms. Wilkins asked the petitioner if she can provide proof of the HOA approval.

Ms. Farrell stated that she had no physical documentation but told the Board that she swore in before the start of the meeting.

Ms. Wilkins then asked if the petitioner had any indication of the buffer zone.

Ms. Farrell stated that there is nothing in the back yard to let us know there would be a reason for the buffer.

Chair Copeland asked if the builder planted trees on the property when house was built.

Mr. Ryan stated that the home was built in 2009; there was no buffer material on property from aerial view 2012.

There were no further questions from the Board

Mr. Ryan then went over findings of fact and approval process.

Chair Copeland asked if there were any opponents or proponents present.

There were no proponents.

There were no opponents.

Motion:

Motion to close the public hearing

Motion by: Chanel Wilkins

Second by: Herman Goldstein

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

The Board began deliberation and had an additional question for the petitioner before a determination could be made.

Motion:

Motion to reopen public hearing

Motion by: Chanel Wilkins

Second by: Ben Copeland

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

Chair Copeland asked the petitioner if any modifications have been made to the topography of the property.

Ms. Farrell stated they have not made any modification to the steepness of the property.

Motion:

Motion to close public hearing

Motion by: Chanel Wilkins

Second by: Paul Kuhn

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

The Board continued to discuss the findings.

Ms. Wilkins asked staff if the applicant moves the shed would it still remain a variance.

Mr. Ryan answered yes for various reasons this specific matter would remain a variance.

Motion:

Motion to adopt the findings of facts as written:

1. The application for a variance was filed by all owners of the land affected by the Variance.
2. The property is described as follows:
 - Site Address: 200 Magnolia Meadow Way
 - PIN: 0648087923
 - Total Lot Size: .24 acres
 - Current Zoning District: SR Suburban Residential

3. The property is improved with a detached single-family dwelling unit.
4. The UDO holds property owners responsible for the maintenance of all required landscaping, which includes perimeter buffers.
5. The requested variance is to reduce the 25' rear perimeter buffer to 6' to accommodate a 12' x 10' shed.
6. The applicant has specified that the reduction in buffer size will be limited to the area of construction for the shed.
7. The applicant has offered to replant the amount of buffer material that would have been displaced by the shed, totaling 1 tree and 2 shrubs per UDO Table 5.3.1-A for semi-opaque buffers.
8. The existing setback of the shed is 3.6' from the east property line. The applicant has offered to move the shed in order to comply with the required 5' side setback per UDO Table 2.2.1-A.
9. 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.
10. A survey depicting the variance has been submitted by the applicant.
11. The Variance application and other records pertaining to the Variance request are part of the record.
12. Notice of the Quasi-Judicial Hearing has been provided as required by NCGS and the Town of Holly Springs Unified Development Ordinance.
13. The survey shows existing setback of the shed is 8.1' from rear property line.
14. the survey shows the shed is 10' x 12'.
15. The town attests that, per aerial satellite imagery, no buffer material has been in place since 2010.
16. The applicant received HOA approval, and testified that there was no indication of buffer material at time of construction.
17. The back yard has a significant slope at the location of the shed. The applicant testified that no modifications have been made to the topography since the purchase of the home.
18. The town testified that under the new UDO, the northern vacant property zoned SR would have a 5' Type A perimeter buffer instead of a 25' buffer.
19. Based on the survey, a 30' offset is listed from the rear property line to the rear edge of the existing deck, limiting possible alternate locations for the shed at the rear of the house.

Motion by: Chanel Wilkins

Second by: Herman Goldstein

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

Motion:

To adopt the findings of fact for Variance Petition #23-VAR-08 as determined by the Board of Adjustment and written and approve Variance #23-VAR-08 as requested by Gina Farrell to allow for Variance from Unified Development Ordinance Section 5.6.2 Maintenance to reduce the buffer from 25 feet to 8 feet. The buffer reduction will only impact the area proposed for the shed placement. The property is located at 200 Magnolia Meadow Way and is further described with the following Wake County PIN: 0648087923 REID: 0358720.

In addition, the following conditions shall be satisfied (if any):

1. The reduction in buffer size shall be limited to the area of construction for the shed.
2. The applicant shall replant the amount of buffer material that would have been displaced by the shed, totaling 1 tree and 2 shrubs per UDO Table 5.3.1-A for semi-opaque buffers.
3. The applicant shall move the shed in order to comply with the required 5' side setback per UDO Table 2.2.1-A.

Motion by: Ben Copeland

Second by: Herman Goldstein

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

Agenda Item #8: Other Business

Mr. Osborne requested that the Board approve the minutes adjusted prior to the meeting that differed from the minutes posted within the hearing packet.

Motion:

Motion to approve the adjusted October 2nd, 2023 Minutes.

Motion by: Ben Copeland

Second By: Herman Goldstein

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

Agenda Item #9: Adjournment

Motion:

Motion to adjourn.

Motion by: Ben Copeland

Second by: Yan Higgins

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

Time: 7:12 PM

Mackenzie Fretz

Board of Adjustment Clerk



Holly Springs Board of Adjustment

Board of Adjustment Agenda Cover Sheet

Agenda Item#:

Other Business - BOA

Title: Training

Strategic Priority Area:

Staff Resource:

Action(s):

- Receive Training

Explanation:

- The Board will receive training from Staff.

Background:

Funding Source(s):

Attachment(s):

None