

Town of Holly Springs
BOARD OF ADJUSTMENT MEETING MINUTES
Monday, October 7, 2024 – 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 September 9, 2024 in the Holleman Room, 128 South Main Street. At 6:30p after determining a quorum was present, Chair Loughridge 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, Chair
Jayson Greene, Vice Chair
Kimberly Day
Yan Higgins (Alternate)

Alternate Members Present: (Non-Voting):
Herman Goldstein (Alternate)

Members Absent: Joe Cimino
David Williams
Chanel Wilkins

Agenda Item #5: Agenda Adjustment

There were no agenda adjustment.

Agenda Item #6: Minutes

a. September 9, 2024 Minutes

Motion:
Motion to approve the September 9, 2024 Minutes.

Motion by: Jayson Green
Second by: Kimberly Day

Action: The Board of Adjustment voted in favor of the Motion. (4-0)

Agenda Item #7: Variances

a. 24-VAR-01 – 141 Clapper Ln.

Chair Copeland opened the public hearing.

Planner Conor Ryan presented the staff report to the Board of Adjustment.

Variance 24-VAR-01 requested by Chantal Callow to allow for a Variance from the Unified Development Ordinance Table 2.2.1-A Development Standards for Residential Use Districts to allow for a reduction in the rear setback from 20' to 13' for the construction of a screened-in porch for the property located at 141 Clapper Ln, further described by the Wake County PIN no. 0648511872. The variance request will be limited to the area of encroachment.

Mr. Ryan asked that the staff report be entered in to the record.

Chair Copeland called for a motion to enter in the staff report as evidence.

Motion:

Motion to enter the staff report in to record

Motion by: Ben Copeland

Second by: Jayson Greene

Action: The Board of Adjustment voted in favor of the Motion. (4-0)

The property owner Chantal Callow, approached the Board of Adjustment.

Ms. Callow presented a brief explanation and shared photos of her property with the Board.

Ms. Higgins asked for a dimensional site plan.

Mr. Ryan stated that the plan can be found within the meeting packet but was not a part of the staff report.

Chair Copeland asked the applicant when they purchased the property. Ms. Callow stated she purchased the property in September of last year.

Ms. Higgins asked the builder disclosed the setback restriction on the property. Ms. Callow stated that no she was not informed of the setback issue and her HOA was not aware of this either. Ms. Higgins then asked if there is any other good place to place the patio on the lot and if the twenty-foot setback is only for rear? Ms. Callow stated that no there is not an additional placement option on the property and yes, the twenty-foot setback is only for the rear.

Chair Copeland asked the applicant if on the side where the HVAC sits is there a side door or an additional access point? Ms. Callow stated that on that side there are no entryways just bathroom windows.

Yan Ms. Higgins asked what the minimum size and dimensions of screened in porch will be. Ms. Callow stated that the builders will build a 12x12 standard porch.

Mr. Greene asked if it was possible to make the screen porch wider on the property to avoid setbacks. Ms. Callow stated that no, there would not be enough space.

There were no additional questions for the petitioner

Chair Copeland asked staff if the UDO was different when the home was built a year ago. Staff explained that the home itself is under the current UDO and the subdivision is under the old UDO and is a development options subdivision.

Chair Copeland followed up by asking if the setbacks increase or decrease? Mr. Ryan stated that the setbacks decreased from twenty-five feet to twenty feet.

Chair Copeland confirmed with staff that the Builder went through the right process. Mr. Ryan stated that most homes within the subdivision had a pad or patio and that generally staff would not approve a porch if it did not meet setback standard.

Chair Copeland asked staff what the setback is for a concrete pad. Mr. Ryan stated that the setback for a concrete pad can go all the way up to the property line. Chair Copeland then asked if the site would have been approved showing the built in screened in porch at the time of being built. Mr. Ryan stated that the screened porch would not have been approved by staff to be built due to setback and property line on this particular site.

Chair Copeland asked who maintains the open space within the back of the property line. Mr. Ryan stated that the HOA maintains the area in question. Ms. Higgins asked if the area has plans for future building. Mr. Ryan stated not at this time according to the Honeycutt subdivision.

There were no other questions for staff.

The Board began discussing their finding of facts.

The Board of Adjustment then listed their finding of facts:

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: 141 Clapper Ln.
 - PIN: 0648511872
 - Lot Number: 47
 - Subdivision: Honeycutt Farm
 - Total Lot Size: .19 acres
 - Current Zoning District: NR-CD Neighborhood Residential – Conditional District
3. The property is improved with a detached single-family dwelling unit.
4. The zoning district requires a setback of 20 feet from the rear property line.
5. The requested variance is to reduce the required setback to 13 feet from the rear property line.
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.
11. Area behind the lot cannot be developed as part of the current site plan.
12. This home was built as part of a new construction process, and owner took over when construction was 30% complete, and builder determined location and size of existing concrete pad.
13. HOA maintains the green space behind the property line.
14. There is a walkway between the property and the adjacent neighbor to the South.
15. There are regular standing water features observed by the petitioner in the green space behind the lot, and the proposed porch will not obstruct the flow of the water.
16. The current construction of the home does not allow another alternative location of the porch without substantial modification to existing exits.

17. The applicant is not showing any encroachment past the existing pad towards the rear property line.
18. The HOA approved the plan with all specifications.

Chair Copeland requested a motion to accept the finding of facts and close the public hearing.

Motion:

Motion to accept the finding of facts and close the public hearing.

Motion by: Kimberly Day

Second by: Ben Copeland

Action: The Board of Adjustment voted in favor of the Motion. (4-0)

Motion:

Based upon the Board's Findings of Fact, I move to approve Variance 24-VAR-01 requested by Chantal Callow to allow for a Variance from the Unified Development Ordinance Table 2.2.1-A Development Standards for Residential Use Districts to allow for a reduction in the rear setback from 20' to 13' for the construction of a screened-in porch for the property located at 141 Clapper Ln, further described by the Wake County PIN no. 0648511872.

Motion by: Yan Higgins

Second by: Kimberly Day

Action: The Board of Adjustment voted in favor of the Motion. (4-0)

Agenda Item #8: Other Business

There was no other business.

Agenda Item #9: Adjournment

Motion:

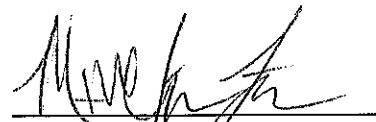
Motion to adjourn.

Motion by: Jayson Greene

Second by: Kimberly Day

Action: The Board of Adjustment voted in favor of the Motion. (4-0)

Time: 7:30 PM



Mackenzie Fretz
Board of Adjustment Clerk