

Town of Holly Springs
BOARD OF ADJUSTMENT MEETING MINUTES
Monday, January 6, 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 January 6, 2025, in the Holleman Room, 128 South Main Street. At 6:32p after determining a quorum was present, Chair Loughridge called the meeting to order.

Staff Members Present: Cheryl Caines, Senior Planner
 Brett Gosney, Planner II
 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
 David Williams
 Herman Goldstein (Alternate)
 Yan Higgins (Alternate)

Alternate Members Present: (Non-Voting):

Members Absent: Joe Cimino
 Kimberly Day
 Chanel Wilkins (Alternate)

Agenda Item #5: Agenda Adjustment

There were no agenda adjustment.

Agenda Item #6: Minutes

a. October 7, 2024, Minutes

Motion:

Motion to approve the October 7, 2024, Minutes.

Motion by: Jayson Green

Second by: Yan Higgins

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

Agenda Item #7: Variances

- a. 208 W Maple Ave. - 24-VAR-04
208 W Maple Ave. - 24-VAR-05

Chair Copeland opened the public hearing.

Planner Brett Gosney presented the staff report to the Board of Adjustment.

Variance 24-VAR-04 requested by TJ Building Group, LLC 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 front setback from 20' to 5' (24-VAR-04)
- a reduction in the side setback from 10' to 5' (24-VAR-05)

for the property located at 208 W Maple Ave, Wake County PIN 0648899287

Mr. Gosney requested that the staff report be entered into the record as evidence.

Petitioner: Tack Kim – 405 Grigsby Ave. Holly Springs NC 27540

The property owner Tack Kim of *TJ Building Group, LLC*, approached the Board of Adjustment.

Mr. Kim presented a brief presentation to the Board of the proposed single residential family home on lot 208 W Maple Avenue stating how much he loves the Town of Holly Springs and would love to help the Town achieve their future goals.

Chair Copeland requested to view supported information and documentation within the applicant's presentation.

Mr. Kim went through the illustrations within the presentation.

Mr. Kim specifically addressed to the Board that there are currently no water lines within the Wilber Road portion of the lot. W Maple does have water and sewer and is available for utility tap-in. The lot is 48 feet in width and zoned as SR and his request is to take the front 20-foot setback and reduce to 5 feet and the side 10-foot setback down to 5 feet. Mr. Kim addressed that if the proposed house faces Wilber Road, he would be responsible to construct the road as well as the water and sewer line that can become very costly and expressed this as a big reason he would like the home to face 208 W Maple. He stressed that if he placed the house according to the ordinance, it would leave only 18 feet that is buildable.

Ms. Higgins asked about ADU.

Mr. Kim stated that ADU is optional.

Chair Copeland asked about a garage. Mr. Kim stated this is a big reason for the request as they plan to build a two-car garage on the property to minimize street property to provide additional safety for the Town.

Mr. Goldstein pointed out that 18 ft. is very small.

Ms. Higgins asked Mr. Kim if he is the developer.

Mr. Kim explained that he is the contractor and property owner.

Ms. Higgins asked if we knew what the surrounding properties are and if they are all residential properties.

Mr. Kim stated that the two lots behind are vacant lots, there is a single family home adjacent to the property and that as far as he knows all surrounding are single family lots.

Ms. Higgins then follows up by asking if Mr. Kim has talked to the surrounding lots.

Mr. Kim stated that two lots were notified and attended the general inquiry meeting with town staff with the intention of possibly doing water and sewer together to serve their lots but preceding the property owner decided to not move forward and would like to leave lots as is for now.

Ms. Higgins then asks about the property east to the lot.

Mr. Kim stated that has not spoken to this property owner and the setback he is requesting would not affect that property.

Mr. Goldstein asked how wide the neighboring house is.

Mr. Kim stated that the house was built before the new ordinances were implemented and that the setback is less than what is in the ordinance now.

There were no further questions from the board at this time.

The Chair asked if there are any supporters that would like to speak.

There were none.

They Chair asked if there are any opposing who would like to speak.

There were none.

Chair Copeland asked Mr. Gosney for clarification on Wilber Road and states that his understanding is that the builder comes in to the property and if utilities are not there, it is the responsibility of the builder to assist the Town with constructing. Would this property and the requested road be constructable or not constructable to pull utilities?

Mr. Gosney states that whether it is or it is not constructable and the requirements with that is not his expertise. The UDO would require to construct that street across their property or to demonstrate that it is not constructable as well as extend utilities there across their frontage.

Chair Copeland then states that his understanding is that the request is to not have the expense of pulling utilities from the road to the not constructed road and to pull them from the side street that the lot is clearly not designed for. Is the Town able to speak to that or is the Board to assume that because the road is a right of way for all purposes the road is constructable.

Mr. Osborne states that is not the issue but understands why the question is important. The road being not constructable is a statement that was made. I would advise that evidence would be needed to support constructable verses non-constructable.

Chair Copeland states he has heard the statement that the road is not constructable but has not seen any evidence to support this statement from the applicant.

Ms. Higgins asks if there will be any impact to any street parking.

Mr. Gosney clarified as far as on street parking the roadway would not have room and this would not be an issue.

Ms. Higgins then asks to clarify that the hospital does not use the street.

Mr. Gosney states that is correct they do not use the street they have not stubbed to either street.

Ms. Higgins then asks if current residence adjacent or nearby that would be impacted by the street setback.

Mr. Gosney replies that all surrounding neighbors have received notice of hearing tonight.

Mr. Greene stated that eventually all these properties will be single family homes and that with the requested setback the area would be very tight.

Mr. Osborne then advised the Board that we are looking for evidence to support the relevance to the proposition for when the Board determines.

The Board discusses amongst themselves while viewing the survey provided.

The petitioner requests to approach the Board. Chair Copeland allows the petitioner to proceed.

Mr. Kim clarifies that the W Maple Ave sidewalk is a 60-foot public right of way and has missed the engineering standard and that there is no requirement to build a sidewalk on this street and there are currently no plans for one and to avoid any street parking issues, we plan to add the garage. Wilber Rd is a right of way and I do not know the width of that right of way. This variance request does not affect the adjacent property for the extension of the utility line because right now it is not constructed.

Mr. Goldstein states that it appears that the edge of pavement to building would be about 20 feet.

The Board continues to discuss the location of dwelling on the property and the hardship without creating future hardships to neighboring lots amongst themselves.

Chair Copeland states that he has not heard any testimony that this lot would be a hardship as opposed to just normal construction pulling utilities and constructing the street. If the road was constructed and utilities were pulled the setbacks would no longer be an issue, you would have a normal lot.

Mr. Kim states that it would be his responsibility to construct road and bring in utilities to property and this would be costly.

The Board began discussing their finding of facts.

The following facts apply to both 24-VAR04 & 24-VAR-05:

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: 208 W Maple Ave
 - PIN: 0648899287
 - Total Lot Size: .21 acres
 - Current Zoning District: SR Suburban Residential
3. The property is currently vacant.
4. The zoning district requires a setback of 20 feet from the front property line and 10 feet from the side property line.
5. The requested variance is to reduce the required setback to 5 feet from the front property line and 5 feet from the side 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. Wilbur Rd. is designated on the most recent surveys and the planning maps as a Right of Way.
12. The Board did not receive competent evidence stating Wilbur Rd. is not constructible in any way. The petitioner requested to approach the Board.
13. This is one of three properties that are vacant along the Wilbur Rd. Right of Way.
14. Staff attested that as a part of normal infrastructure improvements, builders of the lots would be responsible for construction of the road and extension of the utilities.
15. The board did not receive competent evidence showing that there was any relevant peculiar hardship to this property.
16. The board did not receive competent evidence that the home is not able to be constructed with its front entrance/drive fronting Wilbur Rd.

Mr. Kim was invited back up by the Board for one last statement. Mr. Kim clarified to the Board that there is no way to get into property from Wilber Road as the road is not constructed at this time. He stated that he requested an administrative adjustment for the property to face Wilber Road and was not successful with the Town.

Mr. Copeland states that it is not a street yet but can be constructed. As far as infrastructure that is a right of way and could be built and has not received evidence that attest that it is not a right of way or not constructable.

Mr. Greene addresses Mr. Kim and said that you could technically tap in through W Maple but the requested variance is a very large variance.

The Board began deliberating amongst themselves.

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: David Williams

Second by: Ben Copeland

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

Action Vote:

Based upon the Board's Findings of Fact, the Board of Adjustment voted 5-0 to deny Variance 24-VAR-05, a request to allow a Variance from the Unified Development Ordinance Table 2.2.1-A Development Standards for Residential Use Districts to reduce the side setback from 10' to 5' for the property located at 208 W Maple Ave, Wake County PIN 0648899287.

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

Action Vote:

Based upon the Board's Findings of Fact the Board of Adjustment voted 5-0 to deny Variance 24-VAR-05, a request to allow for a Variance from the Unified Development Ordinance Table 2.2.1-A Development Standards for Residential Use Districts to reduce the front setback from 20' to 5' for the property located at 208 W Maple Ave, Wake County PIN 0648899287.

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

- b. 209 Turner St. - 24-VAR-03
- 209 Turner St. - 24-VAR-06
- 209 Turner St. - 24-VAR-07

Chair Copeland opened the public hearing.

Motion:

Motion to open the public hearing

Motion by: David Williams

Second by: Jayson Greene

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

Planner Brett Gosney presented the staff report to the Board of Adjustment.

Variance 24-VAR-03 requested by TJ Property Enterprises, LLC to allow for a Variance from the Unified Development Ordinance Table 2.2.1-A Development Standards for Residential Use Districts to allow for:

- o a reduction in the Rear setback from 25' to 5' (24-VAR-03)
- o a reduction in the Front setback from 20' to 1' (24-VAR-06)
- o a reduction in the side setback from 10' to 5' (24-VAR-07)

for the property located at 209 Turner St., Wake County PIN 0659000355.

Mr. Gosney requested that the staff report be entered into the record as evidence.

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

The property owner Tack Kim of TJ Building Group, LLC, approached the Board of Adjustment.

Petitioner: Tack Kim – 405 Grigsby Ave. Holly Springs NC 27540

Mr. Kim presented a brief presentation to the Board.

Ms. Higgins asked about the parking on Turner Street.

Mr. Gosney states there is currently no parking and no plans for parking along Turner Street.

Ms. Higgins asks if the surrounding neighbors and owners were alerted of the requests regarding setback changes.

Mr. Kim states he has not spoken to the property owners.

Mr. Gosney addressed the Board stating that notification was sent out to let surrounding properties of tonight's meeting.

Mr. Goldstein asks about the right of way purpose.

Mr. Gosney said that currently Turner Street does not meet the requirements of the comprehensive transportation plan and to get it up to standards it would need to be a dedicated right of way.

There were no additional questions for the petitioner

Supporters: None

Opposing:

Ananth Tatineni – 425 Grigsby Ave. – Owner/Neighbor

Mr. Tatineni addresses the Board and says he has no issue of the petitioner building whatever he wants according to the Towns standards but that the problem is that they are cutting down the rear setback from 25 to 5 and would have a huge impact on the property next to it. Mr. Tatineni does not see hardship within this request and would ask that the Town look into all aspects and follow strict guidelines.

Mr. Williams asks if there is a specific impact relating to the rear setback.

Mr. Tatineni states there is a reason why the regulations on setbacks have been made and plans to build a single-family house. This request would limit options of future building on his property.

Chair Copeland asks is there a specific impact on privacy to the future building on his lot.

Mr. Tatineni stated he is still considering where to build on his lot but plans to follow the guidelines of the Town but that the requested setback would limit his options within his lot and affect the privacy.

Petitioner Response:

Mr. Kim states he wants to follow up and clarify that every property has setback requirements; assuming they are the same zoning of a 10-foot setback. He can do something to adjust for additional privacy and that the hardship of his property is that it is an irregular shaped and right of way sidewalk dedication.

Mr. Goldstein addressed Mr. Kim asking if he plans to build a one-story or two-story single-family home and if there are any concrete plans for this home.

Mr. Kim replied that he is undecided at this time and he does not currently have concrete plans for the home on this lot.

Ms. Higgins followed up by asking Mr. Kim if he is open to the option of building a privacy fence around his lot.

Mr. Kim states that yes, he would comply by building a privacy fence along the back and side for the neighbor's privacy.

Ms. Higgins raised the question of what is within the front of the property toward Turner St. within the 13.5 foot right of way.

Mr. Gosney states that there is just grass in that area and it is not a Town right of way.

Chair Copeland then asks if within the right of way and the 13.5 feet could the edge of road or sidewalk be within 1 foot of the house.

Ms. Caines answered that there is no current plan from town to construct a sidewalk but theoretically there could be as little as 1.5 feet to 1 foot from the house.

Chair Copeland followed up and asks if the roads are widened would sidewalk be constructed.

Ms. Caines states I would not see why we would not want sidewalk construction should the road be widened.

Mr. Gosney states that the front setback is a 20 foot requirement for suburban residential.

Chair Copeland addressed the room stating it is not possible to achieve 20 feet on property and asked where the 13.5 feet comes from.

Mr. Gosney states 13.5 feet comes from the comprehensive transportation plan for how wide the road is required to be; for this lot it would be 50 to 51 feet to get the ultimate right of way by taking half from one side to half of the other side of the road. They would be required from center line of that road to property and half of that cross section is and that is why it is 13.5 feet.

Mr. Goldstein asked if on this street are their other vacant lots or are there some developed.

Mr. Gosney answers that the adjacent properties are developed.

Chair Copeland offers Mr. Kim and additional opportunity to address the Board.

Mr. Kim approaches the Board and states his engineering team did review the plans and that is where the 13.5 feet came from and that sidewalk is typically 8 to 9 feet and that this went through an engineering review and most likely sidewalk is to be installed.

Chair Copeland asks for clarification that If you build the house on this lot, the town will require you build sidewalk.

Mr. Kim states yes, I will be required to build a sidewalk by the Town.

Ms. Higgins asks if the sidewalk will be built along Turner Stret.

Mr. Kim answers yes within this right of way but the right of way is 13.5 giving only 4 feet.

Chair asks staff if someone at the Town stated that a sidewalk would be required.

Ms. Caines answers that the engineering division reviewed this lot and does not know if they ever made a clear determination as there are a lot of determining factors and is unsure of if a sidewalk was ever discussed.

There were no other questions from the Board.

The Board began discussing their finding of facts.

Finding of Facts 24-VAR-03:

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:
3. The property is vacant.

Site Address: 209 Turner St.

PIN: 0659000355

Total Lot Size: .10 Acres

Current Zoning District: SR Suburban Residential

4. The zoning district requires a setback of 20 feet from the front property line, 10 feet from the side property line, and 25 feet from the rear property line.
5. The requested variance is to reduce the required setback to 1 foot from the front property line, 5 feet from the side property line, and 5 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 of 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. Without a Variance, a single family home would not be able to be feasibly built.
12. The size and the shape of the property is peculiar and not common to the neighborhood.
13. The hardship is not a result of any action taken by the applicant.
14. The owner of the adjacent property, plan north, attested to their potential hardship concerns, should a variance be granted.
15. The extent of the setback reduction would negatively impact the intent of the UDO with regards to buffer and privacy of the adjacent property.

Finding of Facts 24-VAR-06:

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:
3. The property is vacant.

Site Address: 209 Turner St.

PIN: 0659000355

Total Lot Size: .10 Acres

Current Zoning District: SR Suburban Residential

4. The zoning district requires a setback of 20 feet from the front property line, 10 feet from the side property line, and 25 feet from the rear property line.
5. The requested variance is to reduce the required setback to 1 foot from the front property line, 5 feet from the side property line, and 5 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 of 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. Without a Variance, a single family home would not be able to be feasibly built.
12. The size and the shape of the property is peculiar and not common to the neighborhood.
13. The hardship is not a result of any action taken by the applicant.
14. Based on testimony from staff, there is potential for the edge of the sidewalk to be within 2' of the house, presenting potential safety concerns.

15. The extent of the setback reduction would negatively impact the intent of the UDO with regards to safety and potential right of way uses.
16. The Right of Way would need to be preserved for future development.

Finding of Facts 24-VAR-07:

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:
3. The property is vacant.
Site Address: 209 Turner St.
PIN: 0659000355
Total Lot Size: .10 Acres
Current Zoning District: SR Suburban Residential
4. The zoning district requires a setback of 20 feet from the front property line, 10 feet from the side property line, and 25 feet from the rear property line.
5. The requested variance is to reduce the required setback to 1 foot from the front property line, 5 feet from the side property line, and 5 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 of 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. Without a Variance, a single family home would not be able to be feasibly built.
12. The size and the shape of the property is peculiar and not common to the neighborhood.
13. The hardship is not a result of any action taken by the applicant.
14. The extent of the setback reduction would negatively impact the intent of the UDO with regards to buffer and privacy of the adjacent property.

Mr. Kim reapproached the Board – property included in the future use of the Town’s downtown district supporting the UDO to bring in more residential properties (8:37)

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: Jayson Greene

Second by: Yan Higgins

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

Action Vote:

Based upon the Board's Findings of Fact the Board of Adjustment voted 5-0 to deny Variance 24-VAR-03, a request to allow for a Variance from the Unified Development Ordinance Table 2.2.1-A Development Standards for Residential Use Districts to reduce the rear setback from 25' to 5' for the property located at 209 Turner St., Wake County PIN 0659000355.

Having not obtained a required 4/5 vote in favor of approving the requested Variance, Variance 24-VAR-07 is denied.

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

Action Vote:

Based upon the Board's Findings of Fact, the Board of Adjustment voted 5-0 to deny Variance 24-VAR-06, a request to allow for a Variance from the Unified Development Ordinance Table 2.2.1-A Development Standards for Residential Use Districts to reduce the front setback from 20' to 1' for the property located at 209 Turner St., Wake County PIN 0659000355.

Having not obtained a required 4/5 vote in favor of approving the requested Variance, Variance 24-VAR-06 is denied.

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

Action Vote:

Based upon the Board's Findings of Fact, the Board of Adjustment voted 3-2 to deny Variance 24-VAR-07, a request to allow for a Variance from the Unified Development Ordinance Table 2.2.1-A Development Standards for Residential Use Districts to reduce the side setback from 10' to 5' for the property located at 209 Turner St., Wake County PIN 0659000355.

Having not obtained a required 4/5 vote in favor of approving the requested Variance, Variance 24-VAR-07 is denied.

Action: The Board of Adjustment voted in favor of the Motion. (3-2)

Agenda Item #8: Other Business

Board of Adjustment farewell to Board members:

- Jayson Greene
- Joe Cimino
- Chanel Wilkins

Agenda Item #9: Adjournment

Motion:

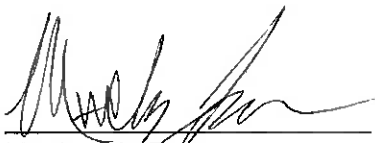
Motion to adjourn.

Motion by: Jayson Greene

Second by: Ben Copeland

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

Time: 8:44 PM



Mackenzie Fretz

Board of Adjustment Clerk

