



Board of Adjustment
6:30 PM **Monday, August 4, 2025**

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

Agenda

Call to Order

Roll Call

Pledge of Allegiance

Invocation

Agenda Adjustment

Approval of Minutes

1. March 3, 2025 Regular Meeting Minutes

Other Business

- Quasi-Judicial Decision Training

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#: 1.

Title: March 3, 2025 Regular Meeting Minutes

Strategic Priority Area: Growth Management & Economic Vitality

Staff Resource:

Action(s):

- Approve March 3, 2025 minutes

Explanation:

Background:

Funding Source(s):

Attachment(s):

1. March_2025_Minutes

Town of Holly Springs
BOARD OF ADJUSTMENT MEETING MINUTES
Monday, March 3, 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 March 3, 2025 in the Council Chambers at 128 South Main Street. At 6:30p after determining a quorum was present, Chair Copeland called the meeting to order.

Staff Members Present: Cheryl Caines, Senior Planner
Conor Ryan, Planner I
Jay Osborne, Assistant Town Attorney
Nikki St.Pierre, 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

Members Absent:
Herman Goldstein (ETJ)

Agenda Item #5: Agenda Adjustment

There were no agenda adjustments.

Agenda Item #6: Organization Meeting

- a. Appointing Chair and Vice Chair
 - **Motion to Appoint Ben Copeland as Chair of the Board of Adjustment**

Motion by: Thomas Rushing

Second by: David Williams

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

- **Motion to Appoint Thomas Rushing as Vice Chair of the Board of Adjustment**

Motion by: Kimberly Day

Second by: Yan Higgins

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

Agenda Item #7: Minutes

a. January 6, 2025 Minutes

Motion:

Motion to approve the January 6, 2025 Minutes.

Motion by: Mr. Williams

Second by: Mr. Rushing

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

Agenda Item #8: Variances

Planner Conor Ryan presents a Variance training session to the Board before moving into the Staff report for the following Variance:

a. 24-VAR-08 – 0 Norak Dr (Wake County Pin: 0669341239)

Chair Copeland opened the public hearing.

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

Variance 24-VAR-08 requested by Rami Hafsa to allow for a Variance from the Unified Development Ordinance Section 3.4.2.B.3 Accessory Building Limitations - Locations to allow for the placement of an Accessory Structure in the Front Yard for the property located at 0 Norak Dr, Wake County PIN 0669341239.

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

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

Motion:

Motion to enter the staff report in to record

Motion by: Chair Copeland

Second by: Mr. Rushing

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

The applicant and builder, Rami Hafsa, approached the Board of Adjustment and provided testimony.

Chair Copeland allows for public comment, asking those that support the request to approach:

- Resident, Mr. Walter Coven of 5316 Sunset Lake Rd. provided support of the request, with no objections the only concern of flooding or depreciation of his family property. He explains to the Board that he will rely solely on the HS inspectors to be sure this does not happen to his Family property.

Chair Copeland asks for those that oppose the project to approach:

- Resident, Dwayne Singleton of 233 Danagher Ct., approaches the Board of Adjustment with questions about easements and the exact locations of the primary dwelling and the accessory dwelling. Conor Ryan uses the site plan within the Staff report to show where the proposed buildings will be built and their location to Holly Springs Road and Sunset Lake. Mr. Ryan confirms that easement discussions would be between the easement holder (Duke Energy) and the builder.

Chair Copeland asks if there are any additional questions for Staff or the petitioner.

Ms. Day asks Mr. Ryan if the home site is approved.

Mr. Ryan confirms the home site is not approved, detailing the applicant is at the beginning stages of development, and this is a vacant site. Further detailing should this variance be granted, the petitioner will then begin the Building permit process.

Chair Copeland asks Staff if the petitioner submitted a packet or additional information?

Mr. Ryan confirms the petitioner submitted the application and attachments, which was included in the packet the BOA clerk sent to the Board of Adjustment members along with the exhibits; this was also published online.

Ms. Day asks staff if there are dimensions of the accessory building in the exhibits?

Mr. Ryan uses the site plan to show the dimensions of the accessory building. Confirming the plan shows 80'x50', about 4000 sq.ft.

Chair Copeland asks Staff if any photos were included in the exhibits sent with the packet?

Mr. Ryan confirms there were no photos of the site itself, but we did receive a site plan with topography and the plan with the elevations proposed. Both were in the exhibit file.

Mr. Rushing asks to see the site plan again on the screen. The undisturbed buffer is wider than the blue section proposed, almost doubled.

Mr. Ryan confirms he is not qualified to speak for the engineer on the stormwater terms. Mr. Ryan confirms that when we have a survey in this nature, it is the surveyor's responsibility to accurately delineate where any repairing buffers exist it is known by staff that there are water features in this area it is in the Neuse River Basin that has that 50' repairing buffer around it. Explaining Wake Count IMaps is a great tool but not 100% accurate. Ultimately, It is the Surveyors' responsibility to accurately stake the buffers.

Chair Copeland asks Staff if the Driveway as shown meet the UDO requirements?

Mr. Ryan confirms grade level improvements do not have a setback requirement; the Driveway length is also to UDO standards. Explaining when we have a lot width that is smaller like the non-conforming lot, they have a maximum size of 12' which is being met by this site plan.

Ms. Day asks Mr. Ryan the definition of an accessory structure and what constitutes an accessory structure?

Mr. Ryan explains he does not have the full definition as noted in the UDO. However, essentially an accessory structure would be a subordinate structure that supports a main structure. An accessory structure can't be larger or taller than the main dwelling, it has to be proved to be a structure that supports the main structure.

Chair Copeland asks if this is an accessory structure or accessory dwelling?

Mr. Ryan confirms the application is for an accessory structure. It is up to the applicant to determine if they will use it as an accessory dwelling structure as well, it will require additional permitting.

Mr. Rushing asks if our variance will allow for either one? Or just one or the other?

Mr. Ryan confirms an accessory dwelling unit IS considered an accessory structure. Explaining to the Board that if you approve an accessory structure, you may be approving an accessory dwelling unit as well because it falls under falls under that accessory unit umbrella.

Chair Copeland, asks staff if that is a condition that we carve out?

Mr. Ryan nods yes.

Chair Copeland asks the petitioner to return to the podium for additional questions.

Chair Copeland explains he is confused because the applicant confirms he is also the builder.

Chair Copeland asks the applicant if he owns the property as well?

Mr. Hafsa confirms he does not own the property; he is the builder.

Chair Copeland asks Mr. Hafsa if he is aware of what the owners plan to use the structure for.
Mr. Hafsa confirms the owner's plan to use it as a detached garage for storage of farm and yard equipment.

Chair Copeland asks the applicant if he has any photos of the lot with him that he could enter in to evidence.
Mr. Hafsa explains he does not but will check his phone and likely email the photos.
Mr. Hills explains that any photos or documents must be entered in open session. Explaining to the Board there is an option to continue the case or if it is incomplete application or not enough information was provided there may not be enough information to grant a variance.

Mr. Hafsa explained the site plan or aerials will give the best depiction of the site. The site is all trees, no trees have been removed yet, and the owners do not intend to remove the trees other than where the primary dwelling and accessory structure will be built.

Chair Copeland asks if there are any other questions for the applicant
Chair Copeland asks if there are any questions for Staff

Ms. Day asks Mr. Ryan to revisit Staff concerns that are listed in the Staff report.
Mr. Ryan reviews the two concerns: the application is not so specific to just one structure and the clearing of trees on the property.

Mr. Ryan reviews the findings of fact with the Board, as noted:

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: 0 Norak Dr
PIN: 0669341239
Total Lot Size: 7.42 ac.
Current Zoning District: RR – Rural Residential
1. The property is vacant.
2. A Plot Plan/Survey depicting the Variance has been submitted by the Applicant.
3. The Front Yard is defined by the Unified Development Ordinance as “An Open Space, unobstructed to the sky, extending fully across the Lot while situated between the Front Lot Line and the established Front Building Line.”
4. The Front Lot Line is defined by the Unified Development Ordinance as “as the Lot Line separating a Lot from any abutting Street.”
5. The Front Building Line is defined by the Unified Development Ordinance as “as A line parallel to any Front Lot Line which passes through the nearest point of any Building or Structure and terminates at the point of contact with any Side Lot Line.”
6. The Front Lot Line of 0 Norak Dr. is located at the line adjoining the parcel to Sunset Lake Rd.
7. The proposed location of the accessory structure per the plot plan is located in the area defined by the UDO as the Front Yard.
8. The UDO does not allow Accessory Structures to be placed in Front Yards in Residential Use Districts.
9. An Administrative Adjustment was unable to address the requested Variance, as Administrative Adjustments cannot be used to modify the placement of a structure, only its setbacks.
10. 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.
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.

The Board of Adjustment began to discuss their findings of facts:

13. The lot exists as a nonconforming lot of record due to failure to meet UDO dimensional standards.
14. The lot is impacted by a 180' wide powerline easement and a gas easement.
15. The lot is impacted by wetlands that cross the easement as shown on the site plan.

16. There is noticeable variation in topography that exists on the lot as observed on the included aerial topography map.
17. No photographs of the site were provided as evidence by the applicant.
18. The petitioner has stated that no trees will be cleared outside of the limits of disturbance line shown on the site plan.
19. The accessory structure is proposed at 4,000 sq. ft. and is shown meeting UDO standards for size and setbacks.
20. The Town stormwater reviewer reviewed the proposed site plan without comment at this stage of the review process.
21. Due to lot configuration and site features, more buildable area is located in the rear of the lot than the front.
22. The site is undisturbed, and the applicant has not taken action to alter or contribute to the grade or topography of the site.
23. An undisturbed buffer is proposed to remain between the accessory structure and Sunset Lake Rd, which maintains the spirit and intent of the ordinance and does not introduce public safety concerns

Mr. Williams makes note to #18 that it should also be noted that as a result the areas suitable for development are severely limited.

Chair Copeland agrees with Mr Willaims and confirms that an engineer letter was also submitted and will speak to it.

Mr. Osborne approaches the Board regarding the letter from the Engineer. Reminding the Board that the letter is not notarized, and the engineer is not present, it is just an opinion, and we don't have the ability to cross-examine.

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

Motion by: Chair Copeland

Second by: Ms. Day

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

Deliberations of the Board

Motion:

Based upon the Board's Findings of Fact, I move to **approve w/conditions** Variance 24-VAR-08 requested by Rami Hafsa to allow for a Variance from the Unified Development Ordinance Section 3.4.2.B.3 Accessory Building Limitations - Locations to allow for the placement of an Accessory Structure in the Front Yard for the property located at 0 Norak Dr, Wake County PIN 0669341239.

In addition, the following conditions shall be satisfied:

1. *Only one accessory building shall be permitted to be placed in the front yard.*
2. *The accessory building shall not be used as an accessory dwelling unit.*
3. *The location of the accessory building shall be limited to the area shown on the site plan.*
4. *The maximum size of the accessory building shall be 4,000 sq. ft. as shown on the site plan or in conformance with UDO standards, whichever is less.*
5. *Tree clearing on the site shall be restricted to the limits of disturbance shown on the Site Plan.*

Motion by: Ms. Day

Second by: Mr. Rushing

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

Agenda Item #9: Other Business

Mr. Hills reminds the Board of Adjustment to RSVP for the Board appreciation dinner being held March 19 at Bass Lake.

Mr. Hills discusses UNC School of Government and the Board of Adjustment training being offered.

Agenda Item #10: Adjournment

Motion:

Motion to adjourn.

Motion by: Ms. Day

Second by: Mr. Williams

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

Time: 8:00 PM

Nikki St.Pierre
Board of Adjustment Clerk



Holly Springs Board of Adjustment

Board of Adjustment Agenda Cover Sheet

Agenda Item#:

Title: Quasi-Judicial Decision Training

Strategic Priority Area: Growth Management & Economic Vitality

Staff Resource: Cheryl Caines, Development Services, Conor Ryan, Development Services, Brett Gosney, Development Services

Action(s):

- Receive training on Quasi-Judicial decisions.
- Discussion utilizing an example Special Use Permit case.

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