

**TOWN OF ANGIER  
BOARD OF ADJUSTMENT  
AGENDA  
July 25, 2023  
6:30 P.M.  
Municipal Building  
28 North Raleigh Street  
Angier, North Carolina 27501**

---

1. Opening
2. Pledge Of Allegiance
3. Invocation
4. Approval of Previous Meeting Minutes
5. Swearing in of Witnesses for Evidentiary Hearings
6. New Business

**A. Variance Application**

Applicant: T. Warren Gregory

Location of Property: NC 210 N., Angier, NC

Variance Request: Curb & Gutter Required Along NC 210 & Fencing located on the property line when associated with required landscaping.

7. Old Business

None.

8. Adjournment

**Town of Angier  
Board of Adjustment  
Tuesday, April 25, 2023  
Municipal Building  
28 N. Raleigh Street  
Angier, North Carolina 27501  
Minutes**

---

The Town of Angier Board of Adjustment met in regular session on Tuesday, April 25, 2023, inside the Municipal Building Board Room, 28 N. Raleigh Street. Mayor Bob Smith presided, calling the meeting to order at 6:30 p.m.

**Members Present:** Mayor Bob Smith  
Commissioner Loru Boyer Hawley  
Commissioner Jim Kazakavage  
Commissioner Alan Coats

**Members Absent:** Commissioner George “Jr.” Price

**ETJ Members Present:** Lee Marshall

**ETJ Members Absent:** Haley Plumley

**Staff Members Present:** Interim Town Manager Richard Hicks  
Town Clerk Veronica Hardaway  
Planner I Abby Manning

**2. Pledge of Allegiance:** Mayor Bob Smith led the pledge of allegiance.

**3. Invocation:** Mayor Smith offered the invocation.

**4. Approval of the July 26, 2022 Board of Adjustment Meeting Minutes:** The Town Board unanimously approved the minutes as presented.

**Board Action:** The Town Board unanimously voted to approve the July 26, 2022 Board of Adjustment Meeting Minutes as presented.

**Motion:** Lee Marshall

**Vote:** 5-0; unanimous

**5. Swearing in of Witnesses:** The following persons giving testimony during the evidentiary hearings on the agenda were duly sworn by the Town Clerk.

Ty Cobb, 2412 Sheriff Johnson Road

## **6. New Business**

### **A. Special Use Permit**

Applicant: Tyrone Cobb dba Lake Park Luxury Townhouse Apartments

Property Address: 353 E. Williams St., Angier, NC

Variance Request: R-10 Zoning District requires a SUP for subdivision. The owner wants to deed each unit separately.

Mayor Smith opened the Evidentiary Hearing.

Interim Town Manager Richard Hicks stated the applicant submitted a Special Use Permit Application March 1<sup>st</sup> and the request was to subdivide an existing development. Townhomes are permitted in R-10 zoning with a Special Use Permit if conditions found in the Zoning Ordinance in for Multifamily residential are met, Section 4.2.10. The 2021 Land Use Map shows this area as medium density residential to which the townhomes fall into this designation. Petitioner has contacted applicable local, state, and federal agencies regarding building, fire, and other possible code compliance issues. The structure is listed at the Harnett County Register of Deed Book 1092, Page 337. The 28 residential unit structures were built in 1994. Originally conceived as individually deeded townhomes, the builder decided not to subdivide the acreage. All parking areas, dumpster location, lawn, landscaping amenities, signage are completed and have been on site since approximately 1995.

Mr. Hicks explained there would be no change in the use of the land if they are subdivided. The applicant is requesting to subdivide the 28 units into individually deeded parcels. When Mr. Cobb met with the Planning Director the only concern was due to the time of the original request in March of 2023, was to issue a new Special Use Permit. He currently has a SUP issued and even though they have no expiration dates, to be on the safe side it was recommended to issue a new SUP.

Applicant Ty Cobb entered into evidence minutes from March 8, 1992; and Notice of Conditional Use Permit. Mr. Cobb was granted a Special Use Permit in 1993 and construction began in 1994. The buildings were all constructed with the necessary firewalls so in the future they could be subdivided. This new SUP is just a technical issue and Mr. Cobb has provided a copy of the developments HOA and Covenants and Restrictions. Utility and maintenance easements have been established. Mr. Cobb stated that these buildings were originally built as townhouses with separate water and electric meters. The proposed SUP will not affect surrounding property owners, it will not increase traffic, will not affect water runoff or trash collection. It was established that other townhomes in the area have also done the same thing regarding subdividing. Property values of adjoining properties should be increased. No additional units are being proposed and it will not increase density or demand for services. There are two existing asphalt driveways; one is approximately 55ft wide and the other is approximately 35ft wide. Mr. Cobb has met or exceeded all of the original conditions set forth in the Conditional Use Permit findings dated March 3, 1992.

Mayor Smith read into the record, *“March 8, 1992; Town Hall at 7:00pm. Regular meeting with Mayor Jack Marley presiding. Commissioners were Jimmy Johnson, Edgar Lee, and*

*Robert Stivender. Town Manager John Moore, Town Clerk Jean Matthews, and Town Attorney Ray Pleasant. After all discussion was heard, Edgar Lee made a motion to rezone the property as requested to R-6. With a Conditional Use Permit for multifamily dwellings, Robert Stivender seconded the motion and carried. Public Hearing was closed.”*

The Board had questions as to what will happen to current tenants to which Mr. Cobb explained he has no immediate plans that will affect current tenants at this time.

Mayor Smith closed the Evidentiary Hearing.

*The Board of Adjustment shall approve, modify, or deny the application for Special Use Permit following the Public Hearing. In granting a Special Use Permit, the Board of Adjustment shall make written findings that the applicable regulations of the district in which it is located are fulfilled. With due regard to the nature and state of all adjacent structures and uses, the district within which it is located and official plans for future development, the Board of Adjustment shall also make written findings that the following provisions are fulfilled:*

- A. The requested use will not impair the integrity or character of the surrounding or adjoining districts; **It was the consensus of the Board this does not apply***
- B. The requested use will not be detrimental to the health, morals or welfare; **It was the consensus of the Board this does not apply***
- C. Adequate utilities, access streets, drainage, sanitation and/or other necessary facilities; **It was the consensus of the Board this does not apply***
- D. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; **It was the consensus of the Board this does not apply***
- E. That the Special Use shall not, in all other aspects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Adjustment. **It was the consensus of the Board this does not apply***

**Board Action:** Based on findings A-E, the Board of Adjustment voted to approve the proposed Special Use Permit submitted by Tyrone Cobb.

**Motion:** Commissioner Hawley

**Vote:** 5-0; unanimous

**6. Adjournment:** Mayor Smith entertained a motion to adjourn the meeting. Motion to adjourn was unanimous at approximately 7:11pm.

**Motion:** Commissioner Hawley

**Vote:** 5-0; unanimous

---

Robert K. Smith

Chairman / Board of Adjustment

Attest:

---

Veronica Hardaway, Town Clerk



**Town of Angier**  
**BOARD OF ADJUSTMENT**  
**July 25, 2023**

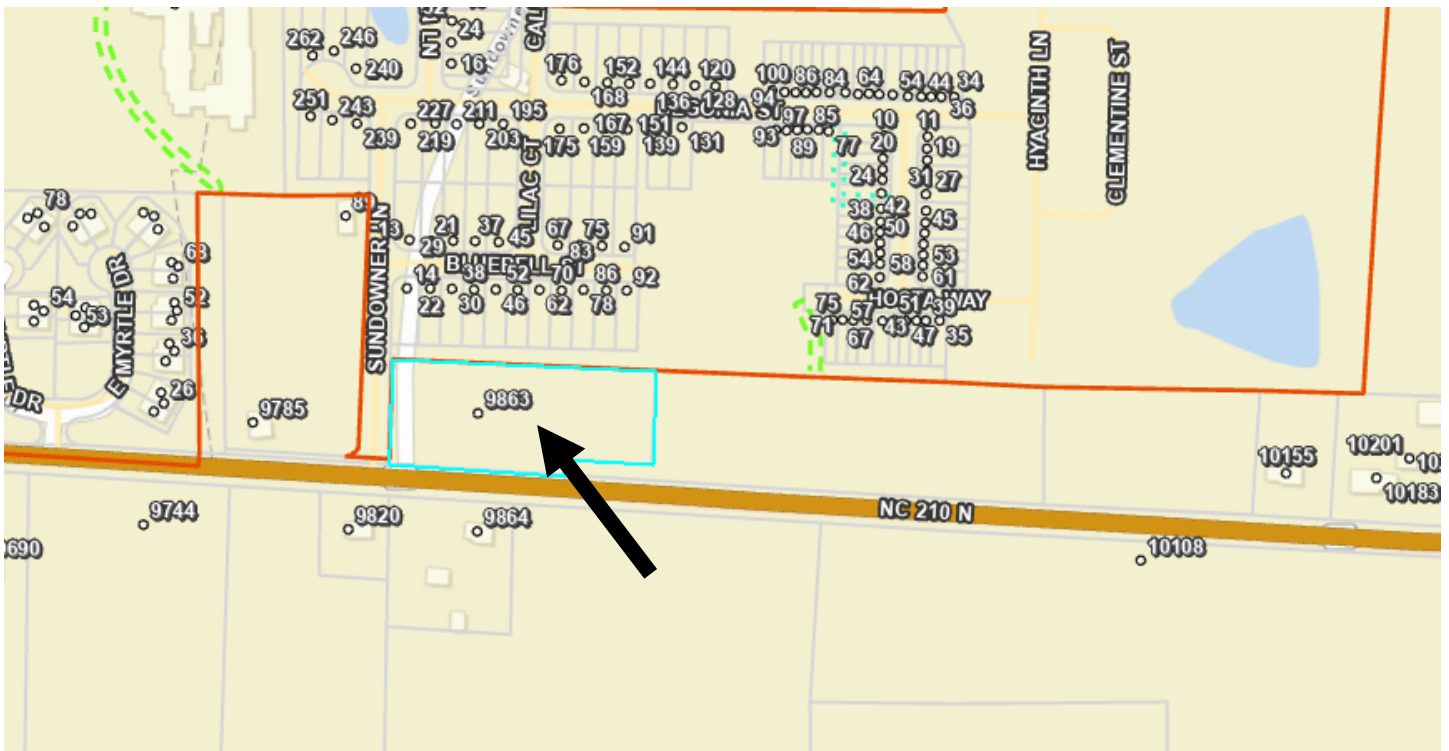


Staff Contact: Jeff Jones, AICP (919) 639-2071 [jajones@angier.org](mailto:jajones@angier.org)

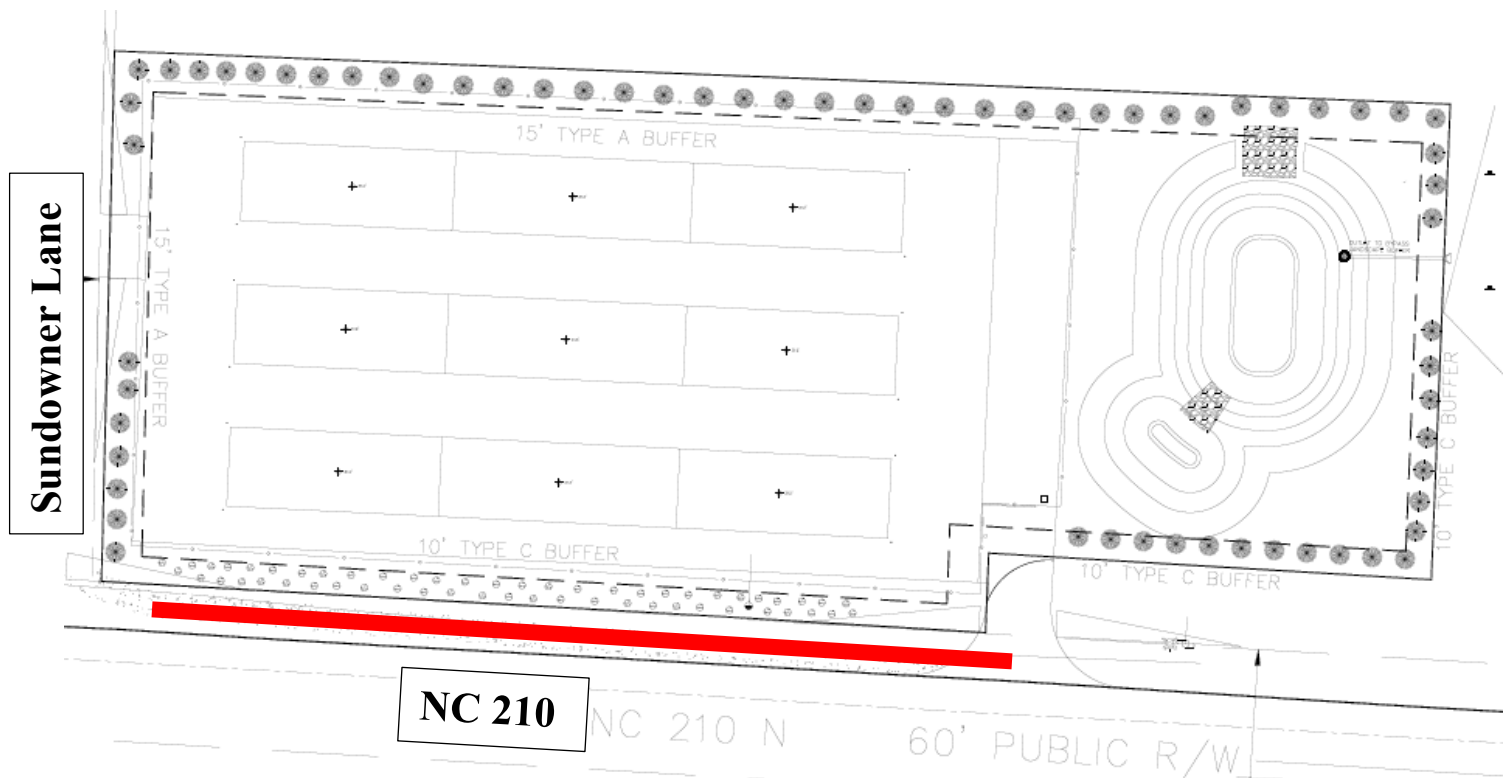
**Applicant:** T. Warren Gregory  
**Property Owner:** Gregory Family Properties, LLC  
**Location:** NC 210 N., Angier, NC  
**PIN#:** 0683-29-0488.000

**Variance Request:**  
**Avoidance of Curb & Gutter NC 210 & Fencing on the property line when associated with development**

*Property in Question – 2.25 Acres*



**Proposed Site Plan – Required Curb & Gutter, Sidewalk in Red & Landscaping shown correctly per ordinance**



**Applicable Ordinance Requirements: UDO Section 9.1.5.3 & 7.2**

**9.1.5.3 Roadway improvements.**

*A. Concrete curbs and gutters, that meet North Carolina Department of Transportation standards shall be constructed along both sides of all streets within all residential and nonresidential developments. Curbs and gutters should also be installed adjacent to the existing roadway along either side of the entrance to the development and should provide convenient access for future connection by adjacent development.*

**7.2 Landscaping General Provisions**

*B. No structure other than a wall, fence, sidewalk, mailbox, sign or driveway shall be permitted within a required landscaping area. No off-street parking may take place in any required landscaping area. **Where plant materials are required, the required amount of plant materials shall be installed on the side of any wall or fence opposite the new development.***

### **Case Summary:**

- A Special Use Permit was approved by the Board of Adjustment for a mini storage use on the property in question on April 26, 2022
- A site plan was submitted for a mini storage facility on the property in question on May 31, 2022
- The Technical Review Committee (TRC) reviewed the site plan for Ordinance compliance on June 22, 2022
- One of the TRC comments on the site plan was related to the curb & gutter and sidewalk required along the road frontage along NC 210 adjacent to the property in question
- The applicant expressed his concerns with these requirements, so Staff advised him of his option to submit a Variance request if he feels that a hardship is caused by this requirement
- Applicant applied for and was denied a variance in July 2022 for the curb and sidewalk

### **Board Decision:**

#### **Variance Approval Criteria:**

Such variances may be granted in such individual case of unnecessary hardship only upon findings by the board of adjustment after an evidentiary hearing that the following conditions exist:

- A. Unnecessary hardship would result from the strict application of the ordinance.
- B. 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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- C. 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.
- D. 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.





# APPLICATION FOR VARIANCE

Planning Department  
55 N. Broad Street W.  
P.O. Box 278, Angier, NC 27501  
Phone: (919) 331-6702 Fax: (919) 639-6130

Total Fee: \$400.00  
Receipt: \_\_\_\_\_  
Permit: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_

## Applicant Information

### Owner of Record:

Name: Gregory Family Properties LLC  
Address: 2729 Parkway Dr  
City/State/Zip: Raleigh N.C. 27603  
E-mail: timothy warren gregory @  
Phone: 9 mail.com  
919-291-1448

### Applicant:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: SAME  
E-mail: \_\_\_\_\_  
Phone: \_\_\_\_\_

## Property Description

PIN(s): 0683-29-0488 Acreage: 6.96 acres  
Address/SR No.: 9863 N.C. 210 N.  
Directions from Lillington: \_\_\_\_\_

Deed Book: 792 Page: 617 Plat Book: #C Page: 76.B  
Existing Zoning: Gen. Com Township: Black River

## Ordinance Text to be Varied: (attach additional sheets if necessary)

- ① CURB - SIDEWALK - ROAD WIDENING OR ADJUSTMENTS  
to the EXISTING -
- ② Fence on property line
- ③ Landscaping inside fence.

## Reason/Justification for Variance: (attach additional sheets if necessary)

SEE ATTACHED

## Attachments

- Written description of property from recorded deed
- Recorded map of property at scale of not less than one (1) inch = 200 feet

## Signatures

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate:

Timothy Warren Gregory 6-12-23 Timothy Warren Gregory 6-12-23  
Property Owner Signature Date Authorized Agent Signature Date

**Findings of Fact** (The Board of Adjustment will evaluate the application to ensure that **all** of the following provisions are fulfilled)

- A. 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.
- B. 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.)
- C. 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.
- D. 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.

- 1) I AM ASKING THE BOARD TO ALLOW ME VARIANCE TO INSTALL MY FENCING ON THE PROPERTY LINE. I WAS TOLD BY MR SHAWN JOHNSON WHEN I BEGAN THIS PROJECT THAT I COULD INSTALL MY FENCING ON THE PROPERTY LINE. HE TOLD ME THAT IT WAS ACCEPTABLE TO DO MY PLANTS ON THE INTERIOR OF MY FENCE BECAUSE I WANTED TO BE ABLE TO MAINTAIN THEM. HE SAID THAT WAS FINE.
- 2) I ATTENDED THE 1ST TRC MEETING NOT ONE PERSON COMMENTED ANYTHING ABOUT LOCATION OF FENCE. DRAWINGS SHOWED THE FENCE ON THE PROPERTY LINE.
- 3) IF MY PLANTS ARE OUTSIDE MY FENCE LINE THEN I HAVE NO CONTROL OF MAINTENANCE ETC. (WATER, MULCH, TRIMMING)
- 4) ARE YOU REQUIRING DAN RYAN HOME TO PUT THEIR PLANTS ON THE OUTSIDE OF THEIR FENCE?
- 5) SEE ATTACHED PRELIMINARY PLAN

- 1) I AM ASKING THE BOARD TO ALLOW ME VARIANCE FOR CURB & SIDEWALK. I FEEL THAT I AM BEING TARGETED TO PROVE A POINT OF AN UNREASONABLE REQUEST TO INSTALL CURB & SIDEWALK 1/2 MILE FROM DOWNTOWN ANGIER N.C. 210 N. (PER THE "UDO")
- 2) THE UDO WAS ADOPTED IN 2010 AND NOT ONE NEW DEVELOPMENT IN THE ETJ HAS BEEN REQUIRED TO DESIGN OR INSTALL CURB & SIDEWALK. "WHY ME"?
- 3) THE D.O. TRANSPORTATION IN AT LEAST 3 TOUCHING COUNTIES HAVE EXPRESSED THAT THEY DO NOT ALLOW STANDARD 36" CURB & SIDEWALK IN A POSTED 55 MPH SPEED ZONE. HOWEVER, I AM BEING REQUIRED TO DESIGN AND INSTALL TO THE TOWN OF ANGIER & D.O.T. IMPROVEMENTS THAT HAVE NOT BEEN DECIDED WHAT THEY WANT FOR OVER ONE YEAR. WHY SHOULD I BE HELD HOSTAGE ON MY PROJECT FOR THE TOWN OF ANGIER AND D.O.T. TO CONTINUE WAITING AND CONVERSING TO LOWER THE SPEED LIMIT SO THE 55 MPH RULE WOULD NO LONGER APPLY.
- 4) I STILL DON'T HAVE A DRIVEWAY PERMIT. (APPLICATION WAS APPLIED FOR 26 JAN 2023.)
- 5) IF THE SPEED LIMIT NEEDS TO BE CHANGED, THAT IS FINE, BUT MY PROJECT SHOULD HAVE BEEN REVIEWED UNDER THE CIRCUMSTANCES OF N.C. 210 N. 15 MONTHS AGO ; NOT WHAT YOU SEE TODAY OR YOU BELIEVE COULD HAPPEN IN THE FUTURE.
- 6) THE TRAFFIC INCREASE OF MY MINI STORAGE DOES NOT MANDATE THE DESIRE FOR THE T.O. ANGIER TO REQUIRE ME TO DO ADDITIONAL INFRASTRUCTURE.
- 7) I WAS PROMISED A DRIVEWAY OFF THE NEW SUNDOWNER LANE, WHY IS THE T.O. ANGIER DENYING ME THAT ACCESS TO MY PROPERTY. I WAS PROMISED ACCESS!!!
- 8) IT IS UNSAFE FOR CURB & SIDEWALK TO BE INSTALLED SO CLOSE TO NC 210 WITHOUT SIGHT TRIANGLE EASEMENT.

DOT FAYETTEVILLE OFFICE  
558 GILLESPIE STREET  
FAYETTEVILLE NC 28301  
ATTN: DISTRICT ENGINEER MR HINES

REF: Sundowner Lane NC 210 North - Sight distance

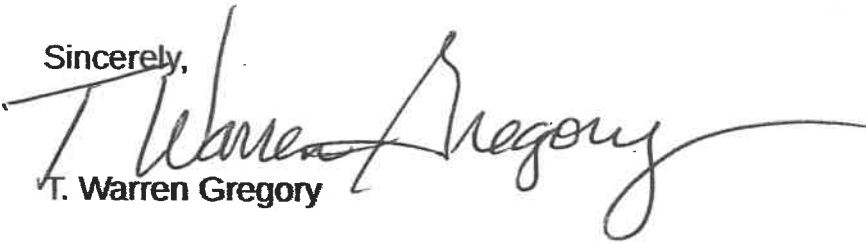
Mr Hines:

It has been brought to my attention that the permitting office which issued the driveway correction for the new subdivision street "SUNDOWNER LANE" may have failed to obtain a sight triangle distance easement on the EAST side of the new street connection. I doubt that the developer (Dan Ryan Homes) obtained or purchased adequate land for the correct sight triangle distance easement as required by DOT.

***"The Property Owner or Lessee having access to the State Highway system shall be fully responsible for providing SAFE sight distance along their property frontage. (Per DOT policy on street and driveway access to NC Highways)"***

Could you please reach out to the appropriate person(s) and solve this issue?  
Thank you.

Sincerely,

  
T. Warren Gregory

✓ Cc: Town of Angier  
Cc: Board of Commissioners  
Cc: Senator Jim Burgin

**Lester Stancil & Associates,  
Professional Land Surveyor, P.A.  
Cert. #C-0831 License #L-1512  
P.O. Box 730, Angier, NC 27501  
919-639-2133 ~ FAX 919-639-2602  
stancilsurvey@gmail.com**

May 12, 2020

Gregory Family Properties, LLC  
Attention Warren Gregory

Re: request to show 10'x70' Sight  
Triangle easement on your property

Dear Mr. Gregory,

N.C. Division of Highways is requiring that a 10'x70' Sight Triangle be added on either side of the proposed street "Sundowner Lane" to serve Lots in the subdivision being developed behind your property. This involves your tract as shown on the attached copy.

Please indicate below your approval or non-approval for adding a 10'x70' Sight Triangle easement on your property.

☐ I/We do approve the addition of a 10'x70' Sight Triangle on my property

☒ I/We do not approve the addition of a 10'x70' Sight Triangle on my property

Gregory Family Properties, LLC

By:

Warren Gregory  
Warren Gregory

WAKE County  
North Carolina

I, a Notary Public of the County and State aforesaid, certify that the above person personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal this the 11th day of AUGUST, 2020.

Michael Linthicum  
Notary Public

My Commission expires: 12.5.2025

(SEAL)

MICHAEL LINTHICUM  
NOTARY PUBLIC  
WAKE COUNTY, N.C.