

**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 1st 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.

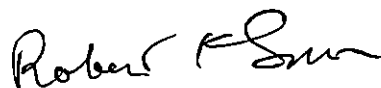
Motion: Commissioner Hawley

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
Veronica Hardaway, Town Clerk

