

Town of Angier Board of Adjustment
August 24, 2021, 6:30 P.M.
Municipal Building
28 N. Raleigh Street
Angier, North Carolina 27501
Minutes

The Town of Angier Board of Adjustment met in regular session on Tuesday, August 24, 2021, 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 Mike Hill
Commissioner Jr. Price

Members Absent: Commissioner Coats

ETJ Members Present:

ETJ Members Absent: Lee Marshall
Kelly Ennis

Staff Members Present: Town Manager Gerry Vincent
Town Clerk Veronica Hardaway
Planning Director Sean Johnson
Public Works Director Jimmy Cook
Town Attorney Dan Hartzog, Jr.

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

3. Invocation: Mayor Smith offered the invocation.

Board Action: The Board of Adjustment unanimously voted to excuse Commissioner Coats, Lee Marshall, and Kelly Ennis from the meeting.

Motion: Commissioner Price
Vote: 4-0; unanimous

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

Sean Johnson, Planning Director
Jimmy Cook, Public Works Director
Scott Brown, Applicant's Engineer
Joshua Reinke, Applicant's Engineer
Melanie Phillips, Applicant
Jonathan Broadbridge, Applicant

5. New Business

A. Variance Application

Applicant: Melanie Phillips & Jonathan Broadbridge

Property Address: 228 Montasel Court

Variance Request: UDO Section 7.3.5 – Fences Prohibited within Easements

Mayor Smith opened the Evidentiary Hearing

Planning Director Sean Johnson stated that staff received a variance request submitted by Melanie Phillips and Jonathan Broadbridge regarding the property at 228 Montasel Court located in the Southern Acres subdivision. This application has been previously heard at the July Board of Adjustment meeting. Mr. Johnson reminded the Board that there is an existing fence under construction on the property. The Code Enforcement Officer placed a stop-work order on the fence when he noticed it was under construction. The Ordinance language reference is Section 7.3.5, which reads “...a fence shall not be installed within or cross any private or public easement...”. Since that time, a variance application has been submitted on August 17, 2021, which ceases all Code Enforcement action until a decision on the variance is made by the Board. The recent variance is regarding the same proposed fence; however, this time, the applicant's proposed plot plan shows the fence intruding into the private 20ft drainage easement to the left of the existing home.

Mr. Johnson explained that if the Board of Adjustment were to approve the variance, staff will close the active violation case file and the fence can remain in its current location. If the variance were to be denied, staff will resume the active violation case and continue with fines until the fence is relocated outside of the easement and compliance is reached.

Applicant Melanie Phillips stated that since their denial of the previous variance application, they have moved the proposed plans of the fence away from the Town of Angier sewer easement located at the rear of the property. Essentially, they are now proposing the fence be placed 11ft. away from the left side of the home. Due to the drainage easement, they are not able to install a gate at that side of the property.

Mr. Johnson informed the Board that the Ordinance reads that the Town regulates all public and private easements. The previous application submitted was in regards to a public easement. The current application submitted is in regards to a private easement.

Mayor Smith closed the Evidentiary Hearing.

Variance Approval Criteria

Such variances may be granted in such individual case of unnecessary hardship only upon findings by the Board of Adjustment after a Public Hearing that the following conditions exist:

- A. Unnecessary hardship would result from the strict application of the ordinance. It was the consensus of the Board this applies.*
- 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. It was the consensus of the Board this applies.*
- 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. It was the consensus of the Board this applies.*
- 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. It was the consensus of the Board this applies.*

Board Action: Based on the Variance Approval Criteria, the Board of Adjustment unanimously approved the requested variance submitted by Melanie Phillips and Jonathan Broadbridge, subject to approval by the Southern Acres HOA, that the fence intrude into the drainage easement and with the condition that the fence cannot cross the Town of Angier sewer easement at the rear of the property.

Motion: Commissioner Price
Vote: 4-0; unanimous

B. Special Use Permit Application

Applicant: Carolina Land Group, LLC
Location of Property: Junny Road & Kennebec Road
SUP Request: Planned Development (PUD)

Mayor Smith opened the Evidentiary Hearing

Planning Director Sean Johnson stated that staff received a Special Use Permit request submitted by Carolina Land Group, LLC regarding property on Junny Road that also connects to Kennebec Road near the Harnett/Wake County line. The Special Use request is for a planned development (PUD) which is a mixed-use development option in the Town's Zoning Ordinance. The applicant has already been through the Technical Review Committee for Ordinance compliance and has addressed all staff comments and concerns.

Mr. Johnson explained there are two entrances proposed; one being Kennebec Road to the north and one being on Junny Road from the east. The PUD includes 171 total residential units; 60 single family lots and 111 townhome lots. Some key features include:

Single Family Lots

- SF Density: 1.68 lots/acre
- Setbacks: Front – 20ft; Side – 5ft; Corner Side – 15ft; Rear – 20ft
- Minimum Lot Size: 4,600 sqft.
- Minimum Lot Width: 40ft

Townhome Lots

- TH Density: 3.12 Units/Acre
- Th Buildings Contain 4-6 units
- Setbacks: Front – 20ft; Corner Side – 10ft; Rear – 10ft

Other Features Include:

- 13.9 acres of total open space (39.25%)
- 3.77 acres of active open space including a community pool
- Sidewalks throughout on both sides of each street and along Junny Rd. and Kennebec Rd.
- Walking trails throughout the development, including along the abandoned railroad bed
- Future street connection to the properties to the north and south
- 20ft perimeter buffer around all townhome lots
- 4 on site stormwater retention ponds

Scott Brown, the applicant's engineer, stated there are more amenities for this proposed project than in previously approved PUDs for Spring Village and Cotswold such as bark parks, swimming pool and a pool house, overflow parking lots, walking areas with benches, frisbee golf, utilizing existing ponds with walking trails, and a greenway path at the rear of the property. The property will be served by public water and sewer by connecting to the existing water line on Kennebec Rd and loop it back to the water line on Junny Rd. Sewer will be provided via an off-site extension with the commercial subdivision to the west at Logan Court. There are 4 stormwater ponds that was thoroughly discussed in the TRC meeting with the Town Engineer making sure requirements were fulfilled and the development would not add additional drainage or stormwater issues on surrounding properties. A Traffic Impact Analysis has been conducted that concluded no additional improvements are needed to the existing roadways. Sidewalks, curb and gutter will be added along the existing streets in accordance with the Town Ordinance.

There was some concern expressed by the Board regarding garbage cans and the ability to maneuver them back and forth to the curb without encroaching on neighboring properties between proposed townhomes.

Mr. Brown informed the Board that crossing over someone else's property shouldn't pose an issue, as the townhomes will have garages so that trash cans can be stored in the front and wheeled directly to the street.

The Board also questioned possible flooding along the adjacent abandoned railroad tracks.

Mr. Brown stated they are not proposing any new piping under the old railroad. The site generally drains from north to south. Stormwater control measures will be designed and constructed to control the stormwater for the project. The site is to be designed to account for the 10-year storm event as requested by the Town Engineer.

Public Works Director Jimmy Cook stated there's one existing pipe that leads into the subdivision behind the property in question. When subdivisions come in, the Town reviews them and ensures that the post development stormwater discharge will not be greater than what it currently is. Subdivisions must retain all additional water on site.

Josh Reinke, Ramey Kemp Assoc., stated he worked with Town staff as well as NCDOT to conduct a Traffic Impact Analysis for the proposed development. Additional roadway improvements are not anticipated based on existing traffic capacity. All guidelines of the analysis have been followed.

There was some concern by the Board about excess traffic and how it will impact existing homes and an adjacent assisted living facility.

Mr. Brown reviewed the Special Use Permit approval criteria and gave an explanation on how they are complying.

Special Use Permit Approval Criteria

The Board of Adjustment shall find that the following conditions exist prior to granting approval of a Special Use Permit application:

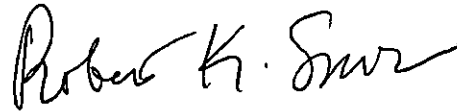
- A. The requested use will not impair the integrity or character of the surrounding or adjoining districts; It was the consensus of the Board this applies.*
- B. The requested use will not be detrimental to the health, morals, or welfare; It was the consensus of the Board this applies.*
- C. Adequate utilities, access streets, drainage, sanitation and/or other necessary facilities have been or are being provided; It was the consensus of the Board this applies.*
- 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 applies.*
- E. That the Special Use shall, in all other respects, 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 applies.*

Board Action: Based on the Variance Approval Criteria the Board of Adjustment approved the requested Special Use Permit submitted by Carolina Land Group, LLC to construct a planned mixed-use development on property located on Junny Rd. and Kennebec Rd. near the Harnett/Wake County line.

Motion: Commissioner Price
Opposed: Mayor Pro-tem Hawley
Vote: 3-1; motion carried

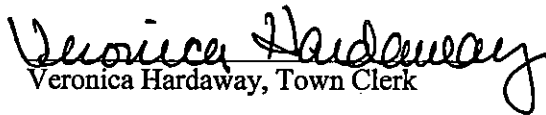
6. Adjournment: Mayor Smith entertained a motion to adjourn the meeting. Motion to adjourn was unanimous at approximately 7:54pm.

Motion: Mayor Pro-tem Hawley
Vote: Unanimous; 4-0



Robert K. Smith
Chairman / Board of Adjustment

Attest:



Veronica Hardaway, Town Clerk

