

**TOWN OF ANGIER
BOARD OF ADJUSTMENT
Tuesday, September 28, 2021
Municipal Building
28 N. Raleigh Street
Minutes**

The Angier Board of Adjustment met in regular session on Tuesday, September 28, 2021 inside the Municipal building at 28 N. Raleigh Street. Mayor Bob Smith called the meeting to order at 6:32 p.m.

Members Present: Commissioner Mike Hill
Commissioner Alan Coats
Mayor Bob Smith
ETJ Planning Board Member Kelly Ennis
ETJ Planning Board Member Lee Marshall

Members Absent: Commissioner Loru Hawley
Commissioner Junior Price

Staff Present: Planning Director Sean Johnson
Administrative Assistant Donna DiMambro
Town Attorney Dan Hartzog

Others Present:

2. **Pledge of Allegiance:** Mayor Bob Smith led the Pledge of Allegiance
3. **Invocation:** Mayor Bob Smith offered the invocation with a moment of silence.
4. **Approval of the Previous Meeting Minutes:** With there being no changes, the minutes were approved as presented.

Motion: Commissioner Mike Hill

Vote: Unanimous, 5-0

5. **Swearing in of Witness for Evidentiary Hearings:** Mayor Bob Smith did the swearing In of the Witnesses.

Witness: Sean Johnson

Witness: William Son

7. New Business

A. Special Use Permit Application

Applicant: Gi Do Son/Angier Skills

Property Address: 149 Logan Court

SUP Request: Expansion Game Center (Sweepstakes) Business

Planning & Inspections Director, Sean Johnson stated that a Special Use Permit application had been received for the expansion of the existing Game Center (Sweepstakes) business located at 149 Logan Court. Mr. Johnson stated that if the Board approves the Special Use Permit, the applicant can expand his business into the adjoining unit. If denied, the applicant will be allowed to operate as he has been, but not expand the business or add machines.

William Son was present to represent the Angier Skills business. He mentioned that his customers are older, and they want more room and more games for the customers. Mayor Bob Smith asked about the machines. The applicant explained that the games are on a computer and are based on skill. Each game has rules, and you have to match pictures to win prizes. The applicant explained that you could win bonuses. Commissioner Alan Coats asked how long the business was in business. Applicant responded 2 years. Mayor Bob Smith asked if there was a federal stamp on the gaming devices, and the applicant responded he was not sure.

Commissioner Mike Hill asked Applicant who does the inspections of the gaming devices for compliance with State law. The applicant did not know. Applicant mentioned that the machines could not be tampered with. The Board asked if players can play with credits or replays. The applicant explained the customers can pay to put credits back on the machines, and they can win cash prizes. Attorney Dan Hartzog asked the applicant if the facility operates in compliance with the applicable rules in N.C.G.S. 14-306. The applicant did not offer a response.

Mr. Johnson stated to the Board that the Special Use Permit in question was only for zoning approval from the Town, and would not grant approval for any gaming device that does not comply with the applicable State laws. That remains the business owner's responsibility.

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 Charter Of The Surrounding Or Adjoining Districts;**

Motion: ETJ Planning Board Member Lee Marshall

Vote: Unanimous, 5-0

- B. The Requested Use Will Not Be Detrimental To The Health, Morals, Or Welfare;**

Motion: Commissioner Alan Coats

Vote: Unanimous, 5-0

C. Adequate Utilities, Access Streets, Drainage, Sanitation And/ Or Other Necessary Facilities Have Been Or Are Being Provided;

Motion: ETJ Planning Board Member Lee Marshall

Vote: Unanimous, 5-0

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;

Motion: Commissioner Alan Coats

Vote: Unanimous, 5-0

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 instance, be modified by the board of adjustment.

Motion: Commissioner Alan Coats

Opposed: Commissioner Hill; Mayor Smith

Vote: 3-2; motion carries

Mayor Bob Smith asked the Board if they'd like to add any special conditions on the approval of the Special Use Permit. There was agreement amongst the Board to add a condition that the applicant must comply with the regulations found on N.C.G.S. 14-306.

The Mayor called for a final vote on the Special Use Permit with the condition stated above.

Motion: Commissioner Mike Hill

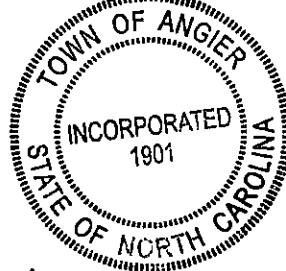
Vote: Unanimous, 5-0

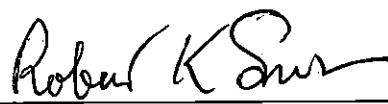
The Special Use Permit was approved.

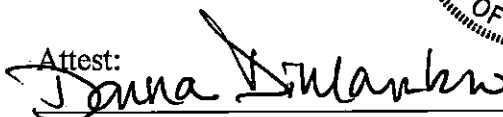
8. Old Business:

None

9. **Adjournment:** The Board Of Adjustment meeting adjourned at 7:26 PM




Robert K Smith

Attest:

Donna DiMambro, Administrative Assistant