

**Town of Angier Board of Adjustment  
December 22, 2020, 7:00 P.M.  
Municipal Building  
28 N. Raleigh Street  
Angier, North Carolina 27501  
Minutes**

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The Town of Angier Board of Adjustment met in regular session on Tuesday, December 22, 2020, inside the Municipal Building Board Room, 28 N. Raleigh Street. Mayor Bob Smith presided, calling the meeting to order at 7:05 p.m.

**Members Present:** Mayor Bob Smith  
Commissioner Loru Boyer Hawley  
Commissioner Mike Hill  
Commissioner Alan Coats

**Members Absent:** Mayor Pro-tem Craig Honeycutt

**ETJ Members Present:** Lee Marshall

**ETJ Members Absent:** Chris Hughes

**Staff Members Present:** Town Clerk Veronica Hardaway  
Planning Director Sean Johnson

**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 voted to acknowledge Mayor Pro-tem Honeycutt's absence as unexcused causing his votes to be counted in the affirmative.

**Motion:** Commissioner Hill  
**Vote:** 5-0; unanimous

**4. Approval of the September 22, 2020 Meeting Minutes:** With there being no changes, the September 22, 2020 Board of Adjustment Meeting Minutes were approved as presented.

**Motion:** Commissioner Hawley  
**Vote:** Unanimous; 6-0

**Approval of the December 22, 2020 Agenda:** The Board of Adjustment approved the agenda as presented.

**Motion:** Commissioner Hawley  
**Vote:** Unanimous; 6-0

**Swearing In Of Witness:** The following persons giving testimony during the evidentiary hearings on the agenda were duly sworn by the Town Clerk.

Sean Johnson  
Bruce Cline

## 5. New Business

### A. Variance Application

Applicant: Bruce Cline – Carolina Custom ATV, LLC  
Variance Request to Ordinance Section 3.4 - Minimum Setbacks for Proposed Accessory Structure located at 174 Fish Drive, Angier (PIN#: 0673-49-5631).

Mayor Smith opened the Evidentiary Hearing

Planning Director Sean Johnson stated that the applicant contacted Planning staff to inquire about building a 30ft x 50ft storage building behind the existing primary structure on the property located at 174 Fish Drive. Staff informed the applicant that the accessory structure would need to be constructed at least 10 feet from the side property lines and 20 feet from the rear property lines to meet the setback requirements of the Ordinance. The applicant explained that he would not be able to fit the building within that buildable area, and therefore applied for a Variance. The Variance application shows a proposed reduction in setbacks down to 5 feet in both the rear and sides.

*Ordinance References:*

*4.11.1 Accessory Structures (nonresidential).*

*A. Any nonresidential accessory structure shall be subject to the zoning district dimensional requirements, and the exterior materials of the accessory structure shall substantially match the materials of the principal structure.*

*Section 3.4 – Dimensional Requirements*

*3.4.1 General Provisions*

*A. All setbacks shall be measured from the property line to the nearest point of the structure.*

District	Minimum Area (sq. ft.)	Minimum Lot Width (ft)	Front Setback (ft)	Corner Side Setback (ft)	Side Setback (ft)	Rear Setback (ft)	Maximum Height (ft)
GC	6,000	50	30 <sup>2</sup>	30 <sup>2</sup>	10	20	35 <sup>4</sup>

Bruce Cline, owner of Carolina Custom ATV, LLC, stated that the space on the property is tighter than depicted on the map presented. The main reason for the accessory structure is for the use of storage to make it nice and neat around the property. Currently there are two entrances at the front of the main building. He needs an approximately 40ft clear span for the rolling doors at the rear of the building to be able to get vehicles with trailers in and out of the building. As it is right now, the setbacks required for the proposed building are only allowing him 38ft of clearance. He explained that the side setback of 10 feet will be adequate.

There was discussion by the Board regarding the minimum Variance in setbacks that would be needed to allow the proposed structure to be constructed.

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 will result from the strict application of the ordinance. **The Board unanimously voted this does not apply.***
- 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. **The Board unanimously voted this does not apply.***
- 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 be regarded as a self-created hardship. **The Board unanimously voted this does not apply.***
- 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. **The Board unanimously voted this does not apply.***

It was the consensus of the Board that all Variance approval criteria have been met and to allow a 10ft side and rear setback instead of 5ft as requested.

**Board Action:** The Board of Adjustment unanimously voted to approve the Variance request to Ordinance Section 3.4 - Minimum Setbacks for Proposed Accessory Structure submitted by Bruce Cline – Carolina Custom ATV, LLC.

**Motion:** Lee Marshall  
**Vote:** 6-0; unanimous

**6. Adjournment:** Mayor Smith entertained a motion to adjourn the meeting. Motion to adjourn was unanimous at approximately 7:35pm.

**Motion:** Commissioner Hawley  
**Vote:** Unanimous; 6-0

*Robert K. Smith*

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Robert K. Smith  
Chairman / Board of Adjustment

Attest:

*Veronica Hardaway*  
Veronica Hardaway, Town Clerk



