



Planning, Development & Inspections

A Division of Community Services
P.O. Box 550 • Raleigh, NC 27602
www.wake.gov

MINUTES OF BOARD OF ADJUSTMENT JANUARY 14, 2025

LOCATION: Wake County Justice Center, 301 S. Salisbury St., Room 2700, Raleigh, NC

MEMBERS PRESENT:

1. Mr. Jeffrey Goebel (Chair)
2. Ms. Britany Waddell (Vice Chair)
3. Ms. Irene Butler
4. Mr. DeAntony Collins
5. Mr. Waheed Haq
6. Mr. Mark Spanioli
7. Mr. Russell Stephenson
8. Mr. Will Wingfield

MEMBERS ABSENT:

1. Mr. Joe Cebina

COUNTY STAFF:

1. Mr. Adam Cook
2. Mr. Frank Cope
3. Mr. Steven Finn
4. Mr. Timothy Maloney
5. Mr. Josh McClellan
6. Ms. Liz Oliver
7. Ms. Beth Simmons
8. Ms. Kathy Williams

COUNTY ATTORNEY:

1. Mr. Kenneth Murphy, Deputy County Attorney

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1. **Meeting called to order:** Mr. Goebel called the meeting to order at 9:03 a.m.
 2. **Approval of Minutes of the December 10, 2024, Meeting:** Mr. Goebel made a motion to approve the December 10, 2024, minutes as presented. The motion was seconded by Ms. Waddell and the minutes were approved unanimously.
 3. **Approval of Written Decision for PLG-SU-004938-2024:** Mr. Goebel made a motion to approve the Written Decision Denying for PLG-SU-004938-2024 as presented. The motion was seconded by Mr. Collins and was approved unanimously.
 4. **Approval of Written Decision PLG-ZV-005409-2024:** Mr. Goebel made a motion to approve the Written Decision Denying PLG-ZV-005409-2024 as presented. The motion was seconded by Ms. Waddell and was approved unanimously.

5. PLG-SU-005412-2024 (Mr. Adam Cook, Planner II)

The petitioner is requesting Special Use Permit approval as required by section 4-11 of the Wake County Unified Development Ordinance (UDO) to establish a fire station.

Voting Members

Five voting members were identified:

1. Mr. Jeffrey Goebel
2. Ms. Britany Waddell
3. Mr. DeAntony Collins
4. Mr. Waheed Haq
5. Mr. Will Wingfield

Location

WAKE COUNTY PIN: 08849088886, 0884907792, & 0894001007
ZONING DISTRICT: Residential-80 Watershed (R-80W)
LAND USE CLASSIFICATION: Rural (Non-Urban)
WATERSHED: Falls Lake
CROSS REFERENCE FILES: None
APPLICANT: CLH Design, P.A., Y'Hoshua Aal-Anubia
PROPERTY OWNER: Wake County
PROPERTY SIZE: 22.11 acres / 14.32 acres Lease Area
CURRENT LAND USE: Vacant / Single-family Residential
PROPOSED LAND USE: Fire Station

Documentary Evidence Accepted into Record

- Staff Report
- Staff Presentation
- Applicant's Application

TESTIMONY AND EVIDENCE PRESENTED

Testimony by Adam Cook

Mr. Cook was sworn in and presented the Staff Report, Presentation, and Applicant's Application, all of which were accepted into the record. He explained that the Board was considering a Special Use Permit request for a new fire station. The applicant, CLH Design, P.A., plans to build the station on a 22-acre site on Creedmoor Road, consisting of three parcels which will be consolidated into one. The fire station will occupy about 14 acres of the total area. The site currently includes a single-family residence and a former antique store, both of which will be demolished. The station will have a driveway connecting to Creedmoor Road.

The proposed fire station will be an 8,292-square-foot building with a parking lot of 17 spaces, meeting UDO requirements. It will be served by individual well and septic systems. A 40' Type C buffer yard is required along the perimeter of the fire station lease lot, except for a 10' Type F streetscape buffer along Creedmoor Road. The site plan indicates that natural vegetation will meet most buffer requirements, with supplemental plantings as needed. Mr. Cook confirmed that the parking lot landscaping complies with Wake County UDO requirements.

Mr. Cook showed a video of the site, highlighting the structures to be demolished along Creedmoor Road. A public hearing sign was posted on the property on December 19th, 2024, and adjacent

property owners were notified by mail on December 20th. He reported receiving no communication from the public. Staff recommends approval if the Board finds all required findings are met, subject to the conditions in the staff report.

Mr. Goebel clarified that the property is zoned R-80W, requiring the 40' buffer along the frontage and 20' on the sides. Mr. Cook explained that the 40' buffer is due to the commercial use adjacent to vacant residential zoning. Mr. Goebel asked if the site plan had been approved, and Mr. Cook confirmed it met all UDO requirements.

With no further questions for staff, Mr. Goebel called the petitioner to address the Board.

Applicant's Presentation

Testimony by:

- 1) Chad Essick, Poyner Spruill, LLP
- 2) Darrell Alford, Director, Wake County Fire Services & Emergency Management
- 3) Tommy Moorman, Senior Facilities Project Manager, Wake County Facilities Design & Construction
- 4) Steven Miller, Engineer, CLH Design, P.A.
- 5) Nick Kirkland, Kirkland Appraisals

Mr. Essick requested his witnesses be sworn in to present testimony. Mr. Goebel asked for clarification about the petitioner, and Mr. Essick confirmed the petitioner is Wake County, with the applicants representing Wake County's Facilities, Design, and Construction department. Mr. Goebel asked if this posed any conflict for the Board, and Mr. Murphy explained that, as with any property owner, the County needed Board approval for their project within its planning and zoning jurisdiction. Mr. Essick introduced three witnesses and requested that two additional witnesses be sworn in for any further questions. Mr. Alford, Mr. Moorman, Mr. Miller, and Mr. Kirkland were duly sworn in, and Mr. Essick began his testimony.

Mr. Essick, a land use attorney for Poyner Spruill, LLP, represented Wake County Facilities, Design, and Construction in requesting a Special Use Permit for the proposed Sandy Plains Public Safety Station on Creedmoor Road. The 22.11-acre site will house the fire station on its northern portion, with the rest remaining undeveloped. The County owns adjacent parcels to the north and east, and to the south is a 27-acre tract with a single-family home. The site is zoned R-80W, which requires a Special Use Permit for a government facility.

Mr. Alford, Fire and Emergency Management Director for Wake County, explained the project's long history, dating back nearly 20 years. He outlined that in 1999, Wake County created a single Fire Tax District, which did not include the northwestern portion of the County due to a lack of fire stations. This left residents paying high insurance rates (Class 10) and being served by the Creedmoor Fire Department, which is volunteer-based and has slower response times. A dedicated fire station in this area is now deemed a public necessity.

Wake County's long-range plan established a 7-minute "first arrival unit time" for all incidents. Data from 2021-2024 showed travel times in this area were nearly double the acceptable response time. The new station, located 5.6 miles closer than the Northern Wake Station and 8.5 miles closer than the next nearest station, would save 8-10 minutes in response time. The station will also include EMS and Sheriff's offices, improving service and potentially lowering insurance rates for 359 parcels, 286 of which are within a 5-mile radius.

Mr. Alford noted that Wake County held public outreach meetings at Olive Grove Baptist Church, receiving little to no negative feedback. Residents requested Emergency Services and the Sheriff's office be co-located at the station, which was incorporated into the plan. The land is owned by Wake County Parks, Recreation, and Open Space, which has the authority to sell it for constructing the fire station. The location was selected for compliance with watershed requirements. Mr. Alford confirmed that the station would be staffed 24/7, with volunteer backup.

Mr. Essick called Steven Miller, lead engineer for the project, to testify about adherence to UDO standards. Mr. Miller confirmed that traffic would be minimal, with a sufficiently wide driveway for fire apparatus and other vehicles. A driveway permit from NCDOT and site plan approval from Wake County are required. The site will rely on a water well and septic system, and fire protection will be provided by a sprinkler system. A stormwater wetland will be constructed to manage runoff in accordance with UDO requirements.

Mr. Goebel inquired about a turn lane on Creedmoor Road, and Mr. Miller stated that, they would comply if NCDOT deems it necessary. Mr. Goebel raised concerns about emergency lights, and Tommy Moorman, Senior Project Manager, explained that NCDOT recommended caution signs rather than flashing lights. A "fire station ahead" sign would be placed on both sides of the road.

Ms. Waddell asked about backing fire trucks into the station, and Mr. Moorman confirmed a "modified hammerhead" design would allow for easy vehicle turnaround. Mr. Haq asked about groundwater yield, and Mr. Moorman confirmed the existing well's yield of 50 gallons per minute, which is being evaluated for adequacy.

Mr. Kirkland, a certified appraiser, presented his report, concluding that the proposed station would not negatively impact neighboring property values. His analysis found no difference in sale prices of properties near similar fire and EMS stations and stated that the project would be harmonious with the surrounding area.

Mr. Essick summarized the testimony and stated that they had provided sufficient evidence to meet the required standards.

Mr. Goebel opened the floor for public comments, and hearing none, closed for board discussion at 9:47 a.m.

Board Discussion

Mr. Goebel outlined the five elements the Board would need to make positive findings based on competent, substantial, and material evidence:

- 1) *The proposed development will not materially endanger the public health or safety.*

Mr. Goebel indicated he had heard material, competent evidence, and testimony that traffic conditions would not be adversely affected, and that provisions of service to avoid soil erosion and sedimentation would be offset. Community water supplies would not be affected. Ms. Waddell added that testimony was provided that they had ample land on the parcel and would be operating on a small area to minimize disturbance.

- 2) *The proposed development will comply with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of special use or class of special uses.*

Mr. Goebel noted that testimony from staff and the petitioner indicated that the site plan met the unique conditions regarding the watershed district and would conform with the UDO.

- 3) *The proposed development will not substantially injure the value of the adjoining property, or is a public necessity.*

Mr. Goebel stated that testimony from County staff demonstrated that it was a public necessity, and Mr. Kirkland's testimony indicated that it would not adversely impact adjoining property values. Ms. Waddell added that testimony from Mr. Alford also indicated that it would significantly decrease the insurance costs for residents.

- 4) *The proposed development will be in harmony with the area in which it is located.*

Mr. Goebel identified Mr. Kirkland's testimony that it would be in harmony with the area, and added that the site plan accounted for sufficient setbacks and vegetative bufferyards.

- 5) *The proposed development will be consistent with the Wake County Land Use Plan.*

Mr. Goebel noted both the petitioner and staff provided testimony that the development would be consistent.

Mr. Goebel entertained a motion on PLG-SU-005412-2024

Motion on PLG-SU-005412-2024

Mr. Goebel made a motion in the matter of PLG-SU-005412-2024, that the Board find and conclude that the petition does meet the requirements of Article 19-23 of the Wake County Unified Development Ordinance and that the special use permit be granted with the recommended staff conditions. The motion to approve is based upon the following findings of fact:

- 1) The proposed development will not materially endanger the public health or safety;
- 2) The proposed development will comply with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of special use or class of special uses;
- 3) The proposed development will not substantially injure the value of adjoining property, or is a public necessity;
- 4) The proposed development will be in harmony with the area in which it is located;
- 5) The proposed development will be consistent with the Wake County Comprehensive Plan.

Mr. Wingfield seconded the motion, and it was approved unanimously.

6. PLG-ZV-005420-2024 (Ms. Kathy Williams, Planner II)

The applicant is requesting two variances from the Wake County Unified Development Ordinance; (1) from Article 11, Section 11-21-6(C), which requires that buildings be setback at least 20' from the outer boundary of the required water supply watershed buffer, and (2) from Article 11, Section 11-22-1 Activities Allowed Within Buffers, which does not allow for a swim spa or swim spa deck encroachment into a water supply watershed buffer.

Voting Members

Five voting members were identified:

1. Mr. Jeffrey Goebel
2. Ms. Brittany Waddell
3. Mr. DeAntony Collins
4. Mr. Waheed Haq

5. Mr. William Wingfield

Location

WAKE COUNTY PIN: 0799 36 6507

ZONING DISTRICT: Residential-40 Watershed (R-40W)

LAND USE CLASSIFICATION: Rural Non-Urban Area Water Supply Watershed

WATERSHED: Falls Lake

CROSS REFERENCE FILES: N/A

APPLICANT: Richard Burnett

PROPERTY OWNER: Richard Burnett

PROPERTY SIZE: 2.14 Acres

CURRENT LAND USE: Single-Family Residential

Documentary Evidence Accepted into Record

- Staff Report
- Staff Presentation
- Applicant's Application

TESTIMONY AND EVIDENCE PRESENTED

Testimony by Kathy Williams

Ms. Williams was sworn in and presented the Staff Report, Presentation, and Applicant's Application, all of which were accepted into the record. She explained that the case involved two variance requests: 1) to allow the unpermitted expansion of a non-conforming house deck to encroach into the 20' water supply watershed buffer building setback, and 2) to allow an unpermitted swim spa and deck to encroach into both the 50' and 20' water supply watershed buffer setbacks. Article 11, Section 11-21-6(C) requires a 20' setback from the watershed buffer boundary, and Section 11-22-1 prohibits encroachments for swim spas in this area. The petitioner, Richard Burnett, owns the property at 1420 Kinsdale Drive, zoned R-40 Watershed.

Prior to the purchase of the property by the current owner in April 2020, the previous owner expanded the house deck without a permit, and the swim spa and swim deck were built in 2021 without permits. During staff review of final building permits that were submitted on June 27, 2024, the unpermitted deck expansion was discovered.

Ms. Williams showed a slide of the subdivision layout, explaining that Lot 37, created in 1996, is 2.14 acres with a 50' water supply watershed buffer along the stream and a 20' building setback along the rear. After the plat was recorded, the stream shifted, and the buffer regulations are enforced from its current location.

She presented the site plan showing the original deck, its expansion, and the encroaching swim spa and swim deck. The deck is a non-conforming feature, and the expansion encroaches into the 20' and 50' buffer zones. Other encroachments, such as walkways and a pergola, have been removed, and portions of the buffer are being stabilized. If the variance is approved, the applicant will complete the necessary permits for the deck and swim spa.

A video from the site showed the removed encroachments and the location of the expanded deck and swim spa. Adjacent property owners were notified of the request on December 18, 2024, and a public hearing sign was posted on December 19, 2024, of which no comments or concerns have been received. Staff recommends approval, pending positive findings from the Board, and Ms. Williams offered to answer any questions.

Mr. Goebel asked if Lot 37 was conveyed as shown on the 1996 plat, and Ms. Williams confirmed it was. She clarified that NCDEQ determined the new stream location was based on USGS data. Mr. Goebel also asked if a survey had been done since 1996, and Ms. Williams was unaware if one had been completed. Ms. Waddell inquired about the backyard features in the site video, and Ms. Williams confirmed the ditch placement and the removal of fixtures to stabilize the buffer.

Mr. Goebel pointed out that the staff report referenced two UDO sections related to the case and clarified that Section 11-23 also applied. Mr. Spanioli asked about a site plan approval stamp in the packet. Ms. Williams explained that the stamp indicated the application was complete for review, not that the site plan was approved. Mr. Haq asked if an "as-built" drawing was required, and Ms. Williams confirmed the existing site plan reflects the completed structure.

Goebel asked Ms. Williams to summarize the variance requests. She clarified that the first variance was for the house deck encroaching into the 20' setback, and the second was for the swim spa and deck encroaching into both the 50' and 20' buffer setbacks.

Mr. Stephenson asked how the creek changed since 1996, and Ms. Williams believed it shifted from its original location. She confirmed that any new development would require a new review. Ms. Waddell asked about the consequences if the variance is denied. Ms. Williams explained that the deck could remain but must meet the original configuration, and the swim spa and deck would need to be removed. Mr. Goebel asked if the project was subject to additional restrictions, and Ms. Williams confirmed that the 20' and 50' setbacks were the only applicable UDO requirements.

Mr. Haq asked if the shifted stream would impact the variance, and Ms. Williams confirmed it would not affect the existing structures. Mr. Spanioli asked if similar variances had been granted before, and Ms. Williams was unaware of any similar cases. He also asked if any encroachments extended into the floodplain, and Ms. Williams confirmed none did. Mr. Steven Finn, Land Development Administration, was sworn in and stated that he was not aware of any similar cases during his 18 years with the County. Mr. Goebel noted that the Board was not bound by prior decisions but acknowledged the uniqueness of this case.

Applicant's Presentation

Testimony by:

1) Richard Burnett, property owner, 1420 Kinsdale Drive

Mr. Burnett was sworn in and explained that he installed the swim spa after his parents moved into his home. His father was recovering from medical treatments, and the swim spa was recommended for rehabilitation purposes. When purchasing the swim spa, Mr. Burnett asked the installer if a permit was needed and was told "no," as it would not be considered a permanent structure. After installation, Mr. Burnett became uncomfortable with the electrical work done by a contractor, so he consulted a friend in code enforcement who advised him to go through the permitting process, as he had been given incorrect information.

Upon hiring a contractor to assist with the permitting process, Mr. Burnett discovered that previous additions to the deck, patio, and fire pit were unpermitted, which was not mentioned by his inspector during the home purchase. He also became aware of the riparian buffer issue. While reviewing the septic system, Mr. Burnett found the waterway location on the original plat and noticed a berm with a pipe draining a nearby pond. After contacting NCDEQ, he obtained credits to offset the encroachment, leading to this variance request.

Mr. Goebel reviewed the four findings required for the variance approval and asked Mr. Burnett to address each. Regarding the unnecessary hardship from the strict application of the ordinance, Mr. Burnett explained that the deck extension was made before his ownership, and if the plat had been accurate in 1996, the house would have been closer to the road, providing more space in the back. The stream, which is dry half of the year, has existed in its current location since the lot was developed. The septic system occupies much of the yard, leaving no space for construction without encroaching on the buffer.

To address the second finding (hardship results from conditions that are peculiar to the property), Mr. Burnett stated that the property's topography made the back of the lot unusable. He did not order a survey when purchasing the property, as the bank did not require one. Later, when bringing the deck and swim spa into compliance, he hired a surveyor.

On the third finding (hardship not caused by the applicant), Mr. Burnett noted that the stream's shifting location was beyond his control and contributed to the hardship, though he acknowledged that he did install the swim spa and deck.

To address the fourth finding (consistency with the spirit of the ordinance), Mr. Burnett stated that once he was aware of the buffer issue, he took steps to improve and protect it by removing features installed by the previous owner. This, he believed, enhanced the water supply watershed.

Mr. Stephenson asked about the mitigation credits, and Mr. Burnett explained that NCDEQ offered credits to offset actions within a riparian buffer. He provided NCDEQ with survey details and calculations for the non-conforming features (deck and swim spa), paid for the credits, and received permission to retain them. Mr. Goebel asked for staff clarification on the NCDEQ credit program. Ms. Williams explained that while the County regulates the water supply watershed buffer, NCDEQ oversees the 50' Neuse riparian buffer, providing credits to mitigate encroachments. She recommended Mr. Burnett contact NCDEQ to confirm the credits would allow retention of these features if the variance were approved. Ms. Waddell asked if the credits superseded the Board's decision, and Ms. Williams confirmed they did not.

Mr. Goebel then asked Mr. Burnett about the swim spa and deck, and Mr. Burnett reiterated that the hardship was created by needing the spa for his father and having no other place to install it. He emphasized that while he built the spa and deck, he did not create or cause the relocation of the stream. Responding to questions from Mr. Goebel and Ms. Waddell, Mr. Burnett stated he spent roughly \$80,000 on the swim spa and deck and \$3,117 to remove additional encroachments from the 50' buffer area.

Mr. Goebel opened the floor for public hearing and with no respondents, closed for Board Discussion at 10:51 a.m.

Board Discussion

Mr. Goebel began discussion by identifying the two variances that they must consider, noting that there would be overlap in facts between them. Mr. Murphy informed the Board that procedural rules require a variance to have a 4/5 supermajority to approve.

Mr. Goebel indicated that there were four elements the Board would need to make positive findings based on competent, substantial, and material evidence:

- 1) *Unnecessary hardship would result from the strict application of the ordinance.*

Mr. Goebel indicated that he understood Mr. Burnett's definition of "unnecessary hardship" to be the removal of the non-conforming encroachments. Mr. Spanioli added that the existing deck was already non-conforming and was grandfathered in, and wondered to what extent the additional raised deck and spa would impact the encroachment. Mr. Spanioli believes the issue was one of water quality, and referred to NCDEQ's willingness to issue mitigation credits.

Mr. Goebel did note that DEQ's determinations were not addressing the same concerns as the Board, but that it was informative in their deliberations. Ms. Waddell noted that she struggled with the hardship of removing structures if the Board did not approve the variance. Mr. Collins indicated that he would consider the cost to remove the structures the hardship, and not the presence of the stream. Mr. Goebel believed stream location was the hardship and disagreed that the strain of removing the encroachments was the primary hardship. He asked counsel for any clarification.

Mr. Murphy noted that, when determining hardship, the only guidance that statute provides is to say what it is not. A hardship does not mean you can't make use of the property but for the variance. Mr. Goebel asked if the hardship could be the consequence of not obtaining a variance, and Mr. Murphy responded that it was a determination the Board would have to make.

Mr. Spanioli indicated that he believed the hardship was due to the location of the stream – from the deck to the rear property line, and therefore nothing could be built. Mr. Haq, Ms. Butler, and Ms. Waddell concurred. Mr. Wingfield noted that cost was not necessarily a hardship, but rather a consequence. Mr. Stephenson disagreed, noting that the movement of the stream was a circumstance on the ground, and not necessarily the hardship. He believed that coming into compliance with the regulations would be the hardship.

Mr. Goebel indicated that, based on the discussion, the presence of a spa and spa deck being noncompliant would be the unnecessary hardship for the second variance.

- 2) *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.*

Mr. Haq noted that the movement of the stream was beyond the applicant's control, and the fact that it was not discovered for nearly 20 years predates Mr. Burnett's ownership of the property. Ms. Waddell agreed that the presence of the stream was a unique quality to the property – other parcels in this neighborhood were not similarly impacted.

- 3) *The hardship did not result from actions taken by the applicant or property owner.*

Mr. Spanioli noted that while ignorance of the law was not an excuse, he understood that property owners did not always order a survey when purchasing a home. He explained that while he had done so, it was a result of his background as a civil engineer, and that the banks will frequently tell prospective buyers they don't need one. A typical homeowner would only consider ordering a survey if they planned to build a fence or encroach on property lines. Ms. Butler added that she had also not ordered a survey in her past as a homeowner, so she understood that component, but that the lack of permitting was cause for concern in her mind.

Ms. Waddell expressed some concerns about the testimony regarding the stream, noting that the applicant did authorize placement of the swim spa, even if he relied on a contractor's word that permits were not required. She was uncertain regarding the actions necessary by the applicant if the first variance was approved but the second was denied. Mr. Goebel noted that

the installation of the swim spa was a difficult component in dealing with “actions taken” by Mr. Burnett.

Mr. Wingfield agreed that the stream was not under the homeowner’s control, but not pursuing proper permitting before building the structure was a decision Mr. Burnett made. Without testimony regarding the process of building the structure, he struggled with item 3.

Mr. Collins noted that if the stream continued to divert and Mr. Burnett had made the decision later, his options would be more severely limited.

- 4) *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.*

Mr. Stephenson indicated that, based on his testimony, Mr. Burnett had made efforts to work with NCDEQ and take measures that met the intent of the ordinance, if not the strict application.

Mr. Goebel entertained a motion on PLG-ZV-005420-2024.

Responding to a question from Mr. Goebel, Mr. Murphy informed the Board a motion to deny would only require a simple majority, not a supermajority.

Motion on PLG-ZV-005420-2024 Variance One

Ms. Waddell made a motion in the matter of PLG-ZV-005420-2024 Variance One, that the Board find and conclude that the petition does meet the requirements of Article 19-26 of the Wake County Unified Development Ordinance and that the requested variance be granted with the recommended staff conditions. The motion to approve is based on the following findings of fact:

- 1) Unnecessary hardship would result from the strict application of the ordinance;
- 2) The hardship results from conditions that are particular to the property, such as location, size, or topography;
- 3) The hardship did not result from actions taken by the applicant or the property owner;
- 4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that the public safety is secured, and substantial justice is achieved.

Mr. Collins seconded the motion, and it was approved unanimously.

Motion on PLG-ZV-005420-2024 Variance Two

Mr. Wingfield made a motion in the matter of PLG-ZV-005420-2024 Variance Two, that the Board find and conclude that the petition does not meet the requirements of Article 19-26 of the Wake County Unified Development Ordinance and that the requested variance be denied. The motion to deny is based on the following findings of fact:

- 1) Unnecessary hardship would result from the strict application of the ordinance;
- 2) The hardship results from conditions that are particular to the property, such as location, size, or topography;
- 3) The hardship did not result from actions taken by the applicant or the property owner;
- 4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that the public safety is secured, and substantial justice is achieved.

Mr. Goebel seconded the motion to deny, and it was approved with the objection of Mr. Collins and Mr. Haq.

Mr. Goebel asked the applicant to continue working with staff to find a resolution. Mr. Stephenson asked if the deck could remain, even though the swim spa would be removed, and Ms. Williams clarified that both the swim spa and swim spa deck would need to be removed.

7. Planning, Development & Inspections Report

Mr. Finn reported that 60% of applications in the first half of the fiscal year were zoning-related, with 40% for residential subdivisions. This marked a shift, as the usual split was 50/50. He noted that 94% of the County is zoned residential.

Mr. Finn mentioned that three subdivision submissions, totaling 77 lots, are currently before the Technical Review Committee. These are open space subdivisions, offering flexibility in lot size and setbacks. He also anticipated a February meeting with two potential cases.

Mr. Maloney clarified that a Special Use Permit (SUP) is required for any fire station in a watershed zoning area. Outside of a watershed, governmental facilities don't need an SUP, but this may change in the UDO. He emphasized that they weren't diminishing the watershed district's role and welcomed the Board's input. Mr. Goebel noted that most information regarding setbacks and impervious surface area was already covered in the site plan before the Board. Ms. Waddell expressed support for handling this administratively, provided the UDO provides clear staff guidance to ensure policies are followed.

8. Adjournment

Mr. Goebel adjourned the meeting at 11:43 a.m.

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REGULAR MEETING
WAKE COUNTY
BOARD OF ADJUSTMENT
January 14, 2025

All petitions complete, Jeffrey Goebel declared the regular meeting of the Wake County Board of Adjustment for Tuesday, January 14, 2025, adjourned at 11:43 a.m.

Respectfully Submitted:


Jeffrey Goebel
Wake County Board of Adjustment

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