



Planning and Development Services

(Planning) ☎ 919-856-6310
(Permits and Inspections) ☎ 919-856-6222
(Watershed Management) ☎ 919-856-7436

336 Fayetteville St. • Raleigh, NC 27601
P.O. Box 550 • Raleigh, NC 27602

wake.gov

MINUTES OF BOARD OF ADJUSTMENT JUNE 9, 2026

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. Mr. DeAntony Collins
4. Mr. Waheed Haq
5. Mr. Russell Stephenson
6. Mr. Will Wingfield

MEMBERS ABSENT:

1. Ms. Irene Butler
2. Mr. Joe Cebina
3. Mr. Mark Spanioli

COUNTY STAFF:

1. Mr. Seamus Blake
2. Ms. Jenny Coats
3. Mr. Steven Finn
4. Mr. Tim Gardiner
5. Dr. Caroline Loop
6. Mr. Timothy Maloney
7. Mr. Josh McClellan
8. Mr. Geoffrey Pearson
9. Ms. Becca Truluck
10. Ms. Tasmia Zaman

COUNTY ATTORNEY:

1. Mr. Kenneth Murphy, Deputy County Attorney

-
1. **Meeting called to order:** Mr. Goebel called the meeting to order at 9:09 a.m.
 2. **Petitions and Amendments:** None.
 3. **Approval of Minutes of April 14, 2026, Meeting:** Mr. Haq made a motion to approve the April 14, 2026 minutes as presented. The motion was seconded by Ms. Waddell and approved unanimously.
 4. **PLG-A-006460-2026 (Mr. Geoffrey Pearson, Code Enforcement Program Manager)**
The petitioner is appealing the determination of County staff, as allowed by Article 19-41 *Appeals of Administrative Decisions*, that a residentially-zoned property is in violation of Sections 4-11, 19-42-1(A) and 20-13-1 of the Wake County Unified Development Ordinance (UDO).

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. Russell Stephenson

Location

WAKE COUNTY PINs: 1860 26 9864

ZONING DISTRICT: Residential-30 District (R-30)

LAND USE CLASSIFICATION: Non-Urban Area/Rural

WATERSHED: N/A

CROSS REFERENCE FILES: N/A

APPLICANT: Michael Paul, Attorney

PROPERTY OWNER: Charles Dennis and Carolyn H. Perry

PROPERTY SIZE: 98.34 acres

CURRENT LAND USE: Residential / Agricultural

Documentary Evidence Accepted into Record

- Staff Report
- Staff Presentation
- Applicant's Application

TESTIMONY AND EVIDENCE PRESENTED**Testimony by Geoffrey Pearson**

Mr. Pearson was sworn in and presented the Staff Report, Presentation, and Applicant's Application, all of which were accepted into the record. Mr. Pearson explained that this item is a continuation of an appeal of County staff's decision that the property at 1613 Averette Road is in violation of sections 4-11, 19-42-1(A) and 20-13-1 of the Wake County Unified Development Ordinance (UDO). The Petitioner is Mr. Michael Paul, attorney with Michael Paul Law Offices, PLLC. The site is located in the Wake Forest Township. The parcel consists of 98.34 acres and is zoned Residential-30 District, with surrounding properties residentially zoned and developed.

Since October 2025, County staff have received several emails from a citizen stating that the property was in violation of the UDO. The complaints alleged that Averette Road Landscape Supply, a commercial retail and service business that operates from the property, did not have zoning approval to operate the commercial business. County staff's investigation determined that the business began operation in the mid-1990s. A retail sales and service operation with outdoor sales and storage is not permitted within the R-30 Zoning District. On January 15, 2026, a zoning Notice of Violation was issued to the property owners for operating a commercial retail landscape supply business without development approval. An appeal was filed on February 6.

Mr. Pearson testified that the parcel consists of 98.34 acres, however the portion where the retail sales operation occurs consists of approximately 25 acres. Initial zoning of Residential-30 was applied to this parcel in 1960, and the original zoning ordinance of 1964 did not allow commercial retail landscape supply businesses with outdoor storage as a permitted use. For a use to be legally non-conforming or "grandfathered," it must be legal at the time it was established.

Mr. Pearson provided photos from the site, indicating the commercial retail landscaping and supply business operated on the premises. Items are not produced on the property and are delivered from other commercial businesses and sold on-site.

It is staff's determination that, based on evidence presented, the Notice of Violation issued on January 15, 2026, was not issued in error, and Sections 4-11, 19-42-1(A) and 20-13-1 of the UDO do apply.

Applicant's Presentation

Testimony by:

1) Michael Paul, Attorney, Michael Paul Law Offices PLLC

Mr. Paul was sworn in and introduced himself as the attorney for Mr. and Mrs. Perry, owners of the property. He provided the Board with physical materials including a Statement of Facts, Case Law, and Statutes intended to support his arguments. Mr. Goebel asked if this was evidence or information, and Mr. Paul indicated they were informational in nature and would not be considered argumentative. Mr. Goebel entered the packet into the record, and Mr. Paul began his testimony. Mr. Paul explained the materials address the vested rights, governmental acquiescence, and long-standing operation of the business on the property.

North Carolina law recognizes vested rights where substantial expenditures are made in good faith reliance upon Governmental action, acquiescence, or the absence of enforcement. Submitted materials include a timeline of operations from the 1990s to present day, including photographs, visibility and signage evidence, and a settlement statement reflecting the most recent transfer of the business. These materials demonstrate that the business was open, visible from the roadway, and continuously operating over the past 30 years. Mr. Paul provided affidavits from neighbors, suppliers and customers. Mr. Goebel entered the affidavits into the record. Mr. Paul stated the affidavits confirm the long-standing operation, public visibility, ongoing business activity, and community recognition over many years.

Mr. Paul presented evidence of governmental awareness and interaction, including communication with the Town of Wake Forest concerning services performed by the business for at least the past 10 years. He added that the Board will also find North Carolina Department of Revenue sales and tax use filings demonstrating ongoing commercial activity and formal reporting to governmental authorities. He testified these materials support the conclusion that governmental entities reasonably should have been aware of the long-standing operation of the business.

Mr. Paul presented evidence demonstrating substantial investment and reliance, including business tax summaries, depreciation schedules, and payroll summaries averaging six employees for the last eight years. He included an asset detail report showing an investment of over \$750,000 in equipment and vehicles, as well as equipment purchase invoices. He testified that these materials established that substantial financial resources were committed to maintaining and operating the business. The materials reflect ongoing payroll obligations, investment in operational equipment, continued tax reporting, and long-term business expenditures.

Mr. Paul testified that the evidence before the Board establishes long-standing and continuous operation, open and visible commercial activity, community recognition of the business, government awareness and interaction, substantial financial investment, and good faith reliance developed over many years. The appellants submit that vested rights and equitable reliance principles support relief in this matter. Appellants request that the Board withdraw or reverse the Notice of Violation, dismiss

the enforcement action, and recognize vested rights in the continued operation of the business on the subject property.

Mr. Stephenson asked counsel what legal basis the Board would have, should they choose to concur with the appellant, and Mr. Murphy responded that the Board would need to find and conclude that the owner had established a vested right on this property. He explained that North Carolina law requires that a Board make four findings to determine a vested right: 1) the owner made substantial expenditures, 2) the expenditures were made in good faith, 3) the expenditures were made in reliance on a valid governmental approval, and 4) the owner would suffer harm without a vested right. He clarified that this refers to common law vested rights, meaning that those elements come from appellate case law.

Ms. Waddell indicated that documentation submitted reflected interaction with state agencies, the Town of Wake Forest and others, but not with a governmental agency with zoning authority, specifically Wake County. She asked if the owners had attempted to receive a zoning permit, and Mr. Paul responded that at the time they did not know they needed one and had never been confronted until earlier this year that the lack of one was an issue. Mr. Goebel asked Mr. Pearson for clarification regarding the zoning, and Mr. Pearson clarified that staff was unable to find any evidence that the appellants had ever applied or had received any type of zoning approval.

Mr. Goebel asked to confirm that the complainant was not a neighbor and did not live near the property, which Mr. Paul confirmed. Mr. Goebel asked if the appellants had any other witnesses to testify, and Mr. Paul responded that the owner of the property and the operator of the business were present but did not have any additional testimony beyond the submitted evidence. Mr. Goebel asked if he concurred with counsel's statement about the four elements to establish vested rights, and Mr. Paul indicated that he did. He asked the Board to consider that a failure to act on the part of the government be considered acquiescence.

Mr. Goebel opened the floor for public hearing and with no respondents, closed for Board Discussion at 9:38 a.m.

Board Discussion

Ms. Waddell indicated that the issue before her was that there was still no evidence of the third finding of governmental approval. Mr. Goebel added that one of the conditions of continuing the case was to give the petitioner opportunity to present tax records, which he did not see evidence of. He asked the Board for their opinions regarding the concept of acquiescence as reliance.

Given his own misgivings about the third finding, Mr. Goebel called for recess at 9:53 a.m., to reconvene at 10:00 a.m.

Mr. Goebel reopened the floor for public discussion at 10:00 a.m.

Mr. Paul indicated that, if the Board enforces the zoning, that many people would be harmed: the owners of the property, the owner of the operation and his employees, and customers. Mr. Paul argued that it is an expensive endeavor for the appellants to seek a zoning change. He noted that during testimony in April, the prospect of the seven-year statute was raised, and that remains an option.

Mr. Goebel closed the public hearing at 10:03 a.m. and re-entered Board Discussion.

Mr. Goebel indicated that this was not a decision the Board came to lightly, and that three of the four findings weighed heavily in favor of the appellant, but the lack of government action is not sufficient to prove acquiescence.

Mr. Goebel entertained a motion on PLG-A-00006460-2025.

Motion on PLG-A-006460-2026

Mr. Goebel made a motion in the matter of PLG-A-006460-2026 that, based on the applicable Wake County Unified Development Ordinance Provisions and on the evidence submitted by both parties, the Board finds and concludes that County staff's determination should be upheld, and the issuance of the Notice of Violation is affirmed.

Motion to affirm is based on the following findings of fact and conclusions of law related to:

- 1) Evidence that the issuance of the zoning Notice of Violation was not issued in error, and the subject property is in violation of the Wake County UDO.

The motion was seconded by Ms. Waddell and was approved unanimously.

5. PLG-ZV-006385-2026 (Mr. Geoffrey Pearson, Code Enforcement Program Manager)

The applicant is requesting two zoning hardship variances from the Wake County Unified Development Ordinance (UDO). One variance is from Article 7, Section 7-12-2(B)(2) of the Wake County UDO to exceed the 25% maximum limit for nonconforming use expansions and modifications; and the second is from Article 7, Section 7-13-2(B) to increase the degree or extent of a nonconforming development feature.

Voting Members

Five voting members were identified:

1. Mr. Jeffrey Goebel
2. Ms. Britany Waddell
3. Mr. DeAntony Collins
4. Mr. Russell Stephenson
5. Mr. William Wingfield

Location

WAKE COUNTY PIN: 0883 97 4013

ZONING DISTRICT: Residential-80 Watershed (R-80)

LAND USE CLASSIFICATION: Non-Urban Critical Water Supply Watershed

WATERSHED: Falls Lake Water Supply Watershed

CROSS REFERENCE FILES: N/A

APPLICANT: George Youssif

PROPERTY OWNER: Beshay Family LLC

PROPERTY SIZE: 2 acres

CURRENT LAND USE: Legal Nonconforming Convenience Store

Documentary Evidence Accepted into Record

- Staff Report
- Staff Presentation
- Applicant's Application

TESTIMONY AND EVIDENCE PRESENTED

Testimony by Geoffrey Pearson

Prior to testimony from staff, Mr. Haq informed the Board that he had a conflict of interest in this case and the associated Special Use Permit and recused himself. Mr. Pearson presented the Staff Report, Presentation, and Applicant's Application, all of which were accepted into the record. Mr. Pearson explained that this item is a request for two zoning hardship variances:

- 1) A variance to exceed the 25% limit for nonconforming use expansions and modifications; and
- 2) A variance to increase the degree and extent of a nonconforming development feature

The petitioner is Mr. George Youssif, and the property owner is Beshay Family LLC. The subject property is located at 14830 Creedmoor Road and located in the northern portion of Wake County in the New Light Township. The surrounding properties are residentially zoned and developed.

On January 12, 2025, the owner of Sandy Plains Mini Mart applied for a commercial building permit to install a vehicle lift inside a 30x40 detached metal building. During the review of the permit application, it was discovered that the metal building was unpermitted and had been placed on the property some time in 2024. Applicant Mr. Youssif purchased the business in 2025 and was informed of the violation and that a Special Use Permit would be required to retain the structure.

Because the metal building exceeds the 25% expansion limit per section 7-12-2(B)(2) of the UDO, a variance would be required prior to review of the Special Use Permit. In addition, Mr. Youssif was informed that a second variance would be required per Section 7-13-2(B) of the UDO because the existing nonconforming impervious surface limit was being increased. Mr. Youssif submitted the variance application on January 21, 2026. Notification letters were mailed to adjoining and adjacent property owners on May 27th, and a public hearing sign was placed on the subject property the same day.

Mr. Pearson presented the Board the site plan for the property. The subject area consists of two acres and is zoned R-80W. The existing retail convenience store existed prior to the adoption of the zoning district and is a legal nonconforming use. Per Section 7-12-2(B)(2) of the Wake County UDO, expansions, extensions, enlargements and other modifications of existing nonconforming uses shall not singularly or cumulatively exceed 25% of the area occupied by the original nonconforming use at the time the nonconforming use was established. The nonconforming convenience store consists of 2,400 square feet. The metal detached building consists of 1,200 square feet. As a result, it is more than 25% of the nonconforming use, and a variance of 25% is being requested.

Per Section 7-13-2(B) of the UDO, no action may be taken that increases the degree or extent of a nonconforming development feature. Under today's standards, the maximum impervious surface area for nonresidential use located in the R-80W zoning district is 6%. Because the convenience store site had an impervious surface area of 13%, this is considered a nonconforming development feature, and no net increase in the amount may occur. With the addition of the metal building, gravel area and proposed parking, this would result in a 12% increase to the development feature. As a result, a variance of 12% is requested.

Mr. Stephenson noted that R-80W allows 6% impervious and asked for clarification about the existing nonconformity of 13%. Mr. Pearson noted that it was a grandfathered condition. Mr. Stephenson asked if the additional metal building accounted for an additional 12%, and Mr. Pearson noted that the gravel areas were included in that calculation, totaling a 25% impervious area request.

Mr. Pearson shared aerial map comparisons from 2021 and 2025 and photos of the convenience store, detached building, and gravel surface, along with a video of the property.

Applicant's Presentation

Testimony by:

- 1) George Morkos, Architect, DARY Design Studio LLC
- 2) George Youssif, Applicant
- 3) Ehab Beshay, Property Owner

Mr. Morkos, Mr. Youssif, and Mr. Beshay were sworn in and Mr. Morkos introduced himself as the architect who developed the site plan for the petitioner. He is a licensed architect hired by Beshay Family LLC, the landlord of the property, and the tenant, Mr. Youssif, representing Mary II LLC. Mr. Beshay purchased the property in 2023. In 2026, Mr. Beshay entered into a lease agreement with Mr. Youssif to operate the business. The storage structure that is the subject of this request is an essential operational component that allows the business to function. Mr. Morkos asked the Board to consider the unique circumstances of this property, the importance of the business to the surrounding community, and the necessity of the storage structure for the continued success of the store. Mr. Goebel asked if the petitioner contended that the accessory building is necessary for continued operation of the business, and Mr. Morkos stated that was true.

Mr. Goebel explained to the petitioners that the Board must make four conclusions related to findings of fact, and that all four must be met to allow the variance. The first is that unnecessary hardship would result from the strict application of the ordinance. Mr. Goebel asked if it was their testimony that, if the storage building continues to be in violation, that it would impact the business, and Mr. Morkos indicated it was.

The second finding of fact that must be met is that the hardship results from conditions that are peculiar to the property, such a location, size or topography. Mr. Beshay stated that he purchased the property in 2023. In 2024, Mr. Beshay was informed the accessory building was not permitted when applying for a permit install a lift within the structure. Instead of installing a lift, they decided to use the accessory building for storage. He explained that Mr. Youssif subsequently applied to transfer the liquor permit from Mr. Beshay to his name. During the permitting process, Mr. Beshay requested the building be used for storage and stated that he would work towards compliance. Mr. Beshay stated that he received an email from Mr. McLamb stating a permit is not necessary. Mr. Pearson indicated that the permit referenced in the email is for a different, smaller shed on the property from 2004.

Mr. Youssif added that the minimart is a small business and the storage space is a necessity. The store includes a kitchen and cooler inside a 2,400 square foot space. If they plan to increase the volume of sales, Mr. Youssif testified that he needed the storage space.

The third finding that must be met is that the hardship did not result from actions taken by the applicant or the property owner. Mr. Beshay testified that the storage building was in place when he purchased the property in December 2023. Mr. Goebel asked if he was aware that the building needed to be permitted when he purchased it, and Mr. Beshay testified he did not.

Mr. Goebel explained that the fourth finding that must be met is that the request of variance is consistent with the spirit, purpose, and intent of the ordinance such that public safety is secured and substantial justice is achieved. Mr. Youssif noted that he has been on hold since January to get his ABC license permit and cannot proceed without zoning compliance.

Mr. Goebel asked Mr. Pearson to review the impervious surface component of the variance request, and Mr. Pearson explained that the convenience store is considered "grandfathered" since it was established prior to the six percent limitation set by the UDO. Mr. Pearson explained that the original,

nonconforming development feature of impervious surface was at 13% and the proposed site plan would add an additional 12%.

Mr. Goebel noted that the site plan lists the impervious surface as 16,721 square feet expanded to total of 87,120 square feet for a percentage of 19.19%. Mr. Pearson responded that the petitioners are erroneously including areas as existing. He referred to the differing aerial photographs, which show a crushed rock area that did not exist in 2021, and increases the impervious surface area calculated by staff.

Mr. Stephenson stated that there are two stream buffers partially on the east and west side of the site, which is significant in a critical watershed district. Mr. Goebel added that the topography on the site plan slopes to the south, meaning that it would not drain into the pond to the northeast.

Mr. Goebel opened the floor for public hearing and with no respondents, closed for Board Discussion at 10:52 a.m.

Board Discussion (Variance #1)

Mr. Goebel noted that the Board must find positive conclusions on the following findings of fact from G.S. 160D-705(d) to approve this variance request.

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

Mr. Stephenson stated the store provides a valuable service to the community, and that could be grounds for a hardship, although there is testimony about competition in the area.

- 2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

Mr. Goebel indicated that the size of the building is an issue, but he did not feel it was unique to the property. Mr. Stephenson added that every business is subject to the same rules in the area, so the hardship is not unique to their property.

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

Ms. Waddell noted that they did not construct the building and the site was already above the impervious guidelines.

- 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. Goebel noted that there were no existing complaints until the applicants did their due diligence by requesting a permit. Mr. Stephenson disagreed, noting that the spirit, purpose and intent of an R-80W zoning in a critical water supply watershed was inconsistent with the variance being requested. This being a critical zone was more important when considering that abutting streams feed into the water supply.

Board Discussion (Variance #2)

Mr. Goebel noted that the Board must find positive conclusions on the following findings of fact from G.S. 160D-705(d) to approve this variance request.

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

Mr. Goebel noted that the reasons stated in the first variance Board Discussion were applicable when discussing the impervious surface area.

- 2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

Mr. Goebel noted that the reasons stated in the first variance Board Discussion were applicable when discussing the impervious surface area.

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

Mr. Goebel noted that the reasons stated in the first variance Board Discussion were applicable when discussing the impervious surface area.

- 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. Goebel noted that the reasons stated in the first variance Board Discussion were applicable when discussing the impervious surface area.

Mr. Goebel entertained a motion on each variance of PLG-ZV-0006385-2026.

Motion on PLG-ZV-006385-2026

Mr. Goebel made a motion in the matter of PLG-ZV-006385-2026 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, specifically Section 7-12-2(B)(2) as it relates to the detached building and North Carolina General Statute 160D-705(d) for the reason that the requested variance does not meet the second finding.

The motion was seconded by Mr. Wingfield, and the Variance request was denied unanimously.

Motion on PLG-ZV-006385-2026 (Variance #2)

Mr. Goebel made a motion in the matter of PLG-ZV-0006385-2026 that the Board find and conclude that the petition does not meet the requirements of Article 19-26 of the Wake County UDO, specifically Section 7-13-2(b) and North Carolina General Statute 160D-705(d) for the reason that it does not meet all four of the required elements.

The motion was seconded by Mr. Stephenson, and the Variance request was denied unanimously.

6. PLG-SU-006384-2026 (Mr. Geoffrey Pearson, Code Enforcement Program Manager)

The petitioner is requesting Special Use Permit approval as required by section 4-11 of the Wake County Unified Development Ordinance (UDO) to allow the expansion of a legal nonconforming use.

Voting Members

Five voting members were identified:

1. Mr. Jeffrey Goebel
2. Ms. Britany Waddell
3. Mr. DeAntony Collins
4. Mr. Russell Stephenson
5. Mr. William Wingfield

Location

WAKE COUNTY PIN: 0883 97 4013

ZONING DISTRICT: Residential-80 Watershed (R-80)
LAND USE CLASSIFICATION: Non-Urban Critical Water Supply Watershed
WATERSHED: Falls Lake Water Supply Watershed
CROSS REFERENCE FILES: N/A
APPLICANT: George Youssif
PROPERTY OWNER: Beshay Family LLC
PROPERTY SIZE: 2 acres
CURRENT LAND USE: Legal Nonconforming Convenience Store

Documentary Evidence Accepted into Record

- Staff Report
- Staff Presentation
- Applicant's Application

TESTIMONY AND EVIDENCE PRESENTED

Testimony by Geoffrey Pearson

Mr. Pearson presented the Staff Report, Presentation, and Applicant's Application, all of which were accepted into the record. Mr. Pearson explained that this item is a Special Use Request to allow the expansion or other modifications to an existing nonconforming use. The petitioner is Mr. George Youssif, and the property owner is Beshay Family LLC. The subject property is located at 14830 Creedmoor Road and located in the New Light Township. The surrounding properties are residentially zoned and developed.

On January 12, 2025, the owner of Sandy Plains Mini Mart applied for a commercial building permit to install a vehicle lift inside a 30x40 detached metal building. During permit review, it was discovered that the metal building was unpermitted. Applicant Mr. Youssif purchased the business in 2025 and was informed of the violation. Mr. Youssif was informed that a Special Use Permit would be required to keep the detached metal building on the property. Mr. Youssif submitted the Special Use application on January 21, 2026. Notification letters were mailed to adjoining and adjacent property owners on May 27, 2026, with a public hearing sign placed on the subject property on the same day.

Mr. Pearson provided the site plan for the property, explaining that it consists of two acres and is zoned R-80W. The existing retail convenience store existed prior to the adoption of the zoning district and is a legal nonconforming use. As proposed, the applicant would like to keep the 30x40 detached metal building and use the building for storage.

The impervious surface area for the convenience store is a nonconforming development feature, as it exceeds the current maximum impervious surface area of 6% for nonresidential uses within the R-80W Zoning District. The impervious limit prior to the addition of the metal building and other improvements was approximately 13%. The applicant is proposing to add an additional 12% impervious surface to the lot with the Special Use Permit. If the variance application under petition PLG-ZV-006385-2026 was approved, this requirement is compliant. If the variance application was denied, then this requirement is not in compliance.

Per Section 7-12-2(B) of the Wake County UDO, "no nonconforming use may be extended, expanded, enlarged, or moved to occupy a different or greater area of land or structures than was occupied by the use when it became nonconforming without first obtaining a Special Use Permit issued by the Board of Adjustment." In addition, the following standard must also be met: "(2) Extensions, expansions, enlargements, and other modifications of existing nonconforming uses

shall not, singularly or cumulatively, exceed 25 percent of the area occupied by the original nonconforming use at the time the nonconforming use was established.” As proposed, the detached metal building consists of 1,200 square feet. This exceeds the 25% limit for expansions or modifications to nonconforming uses. If the variance application under petition PLG-ZV-006385-2026 was approved, this request is in compliance. If the variance application was denied, then this requirement is not in compliance. The UDO allows nonconforming uses in all zoning districts, subject to the standards of Article 7, Section 7-12. Subsequently, the nonconforming convenience store is consistent with the Wake County Land Use Plan.

Mr. Pearson presented the Board with an aerial view of the site in 2021 and 2025 to show the additions and improvements made to the lot. He also provided photos from the site of the convenience store, detached metal building, and gravel surface, along with a video of the property.

Staff recommends that, if the Board reaches positive conclusions on all required findings, that it approve the Special Use Permit request subject to the conditions identified in the staff report.

Applicant’s Presentation

Mr. Goebel identified for the record that the petitioner and witnesses left the meeting chamber following the Motion to deny the Zoning Variance and were no longer present to offer testimony.

Mr. Goebel opened the floor for public hearing, and with no respondents, closed for Board Discussion at 11:16 a.m.

Board Discussion

Mr. Goebel identified the findings of fact the Board must make positive conclusions on from Article 19-23 of the Wake County Unified Development Ordinance to approve or deny this Special Use Request.

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

Mr. Goebel and Mr. Stephenson concurred that the direction of water runoff indicated on the site plan would pose a risk to the watershed, as it did not flow into the stormwater basin but into adjoining creeks.

- 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 the zoning variance requests were denied, making the proposed request noncompliant with all regulations 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 or adjoining property or is a public necessity.

Mr. Goebel identified no testimony provided to satisfy this finding.

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

Mr. Goebel identified no testimony provided to satisfy this finding.

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

Mr. Goebel noted that if it was not compliant with all regulations, it could not be consistent with the Wake County Land Use Plan.

Mr. Goebel entertained a motion on PLG-SU-0006384-2026.

Motion on PLG-SU-0006384-2026

Mr. Goebel made a motion that the Board find and conclude that the petition does not meet the requirements of Article 19-23 of the Wake County Unified Development Ordinance because it will not 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 and the requested Special Use Permit be denied.

The motion was seconded by Mr. Stephenson, and the application was denied unanimously.

7. Planning, Development & Inspections Report

Mr. Finn stated the number of cases and reviews have increased 12% since the prior fiscal year. Code Enforcement has received 13 appeals applications related to zoning violations, which is an increase of over a 30%. Staff currently have 49 active zoning violation cases under review.

8. Adjournment

Mr. Goebel made a motion to adjourn the meeting, and it was seconded by Mr. Collins. The meeting was adjourned at 11:32 a.m.

=====

REGULAR MEETING
WAKE COUNTY
BOARD OF ADJUSTMENT
June 9, 2026

All petitions complete, Jeffrey Goebel declared the regular meeting of the Wake County Board of Adjustment for Tuesday, June 9, 2026, adjourned at 11:32 a.m.

Respectfully Submitted:


Jeffrey Goebel
Wake County Board of Adjustment

=====