

**CITY OF SANFORD BOARD OF ADJUSTMENT  
SPECIAL CALLED MEETING**

**FRIDAY, NOVEMBER 3, 2017, 3:00 PM**

**Buggy Company Bldg., 115 Chatham St. – 1<sup>st</sup> Floor, Buggy Conference Room**

*Staff Note: This meeting is being held to approve the minutes from the October 10<sup>th</sup>, 2017 meeting only. There are no cases to be reviewed.*

**CALL TO ORDER – 3:00 PM**

- A. APPROVAL OF AGENDA**
- B. APPROVAL OF MINUTES** (*October 10, 2017*)
- C. DISCLOSURE OF CONFLICT OF INTEREST**
- D. OLD BUSINESS** (*None*)
- E. NEW BUSINESS** (*None*)
- F. ADJOURN**

**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF SANFORD BOARD OF ADJUSTMENT  
SANFORD, NORTH CAROLINA**

The City of Sanford Board of Adjustment met in regular session in the Buggy Factory Conference Room at the Buggy Factory, 115 Chatham Street, on Tuesday, October 10, 2017, at 6:00 PM.

**ROLL CALL**

Members Present:                 Roger Judd, Chairman  
  Van Groce, Jr., Vice-Chairman  
  Lorie Vance  
  Gordon Anderson  
  Ann Barkley  
  Ron Willett

Members Absent:                 None

Staff Present:                    Amy McNeill, Zoning Administrator  
  Angela Baker, Clerk to the Board  
  Al Benshoff, Attorney for the Board of Adjustment

**APPROVAL/DISAPPROVAL OF AGENDA**

Having noted the presence of a quorum, Chairman Judd called the meeting to order, proposed to amend the agenda to add approval of the April 11, 2017 and August 8, 2017 minutes as item B2, and entertained a motion to approve the amended agenda. Board member Groce made the motion to approve the agenda as amended, seconded by Board member Barkley, the motion carried unanimously.

**APPROVAL/DISAPPROVAL OF PREVIOUS MINUTES**

Chair Judd entertained a motion to approve the April 11, 2017, and August 8, 2017, minutes. Board member Barkley, and seconded by Board member Anderson, the motion carried unanimously.

**CONFLICTS OF INTEREST**

Chair Judd asked for acknowledgement of any conflicts of interest in the case to be presented. There were no conflicts of interest acknowledged.

**NEW BUSINESS**

1. Application of Bread of Life Ministries of Sanford, Inc. to obtain a Special Use Permit for a Social Assistance, Welfare and Charitable Service Facility that includes a homeless shelter to be located at 219 Maple Avenue. The site is located within the corporate limits of the City of Sanford and is zoned Light Industrial (LI). Per the Unified Development Ordinance, Article 4 Zoning district Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, Social Assistance, Welfare and Charitable Services are permitted in the Light Industrial (LI) zoning district upon issuance of a Special Use Permit, subject to all applicable standards of the UDO. This

use includes soup kitchens, food pantries, clothing pantries, counseling services. Life skills training, vocational training, job placement services, GED prep & other academic classes, crisis intervention services, substance abuse classes, homeless shelters, and other social assistance services directly to individuals. This request is specifically for the use of the first floor of the former main school building and former gymnasium addition. The property is the same as depicted on Lee County Tax Map 9642.08, as Tax Parcel 9642-89-8718-00. Lee County Land Records. This property is also identified as Lot 2 of a Subdivision Survey for Sandra H. Wilson recorded a Plat Cabinet 2014, Slide 129 of the Lee County Register of Deeds Office.

Administering of Oath: Chairman Judd called all participants speaking in favor of or against the variance, as well as staff, to come forward and be sworn in for testimony. Petitioner William (Bill) Hicks, Sherry Shudra of HAVEN in Lee County, citizens Raynard Palmer, Helena Palmer, and Robert Finch, and staff person Amy McNeill, appeared and were administered the oath.

Petitioner Bill Hicks read the application included in the packet. Exhibit A.

Cross-Examination: Board member Vance asked the Petitioner about the timeline for the project.

Evidence Presented by Petitioner: Mr. Hicks stated that the emergency shelter is proposed to be ready December 1, 2017, which would only be for white flag situations where the wind chill is below 32 degrees. Mr. Hicks stated that fundraising and grant application efforts would begin soon and his goal is to have two years of operating costs before the construction commenced, which he hoped would be in the third quarter of 2018.

Cross-Examination: Board member Judd asked about the plan to ensure the safety for the community and the persons staying in the facility.

Evidence Presented by Petitioner: Mr. Hicks stated that the BOLM (Bread of Life Ministries of Sanford, Inc.) will have a strict policy in place that governs the behavior of the guests; neighbors will be given a one call number for use if any MAC (McIver Achievement Center, which will be the actual name of the facility) guest should be found loitering on the neighbor's property; and all employees and personnel will be trained in conflict resolution. The mission has operated since 2005 without incident. The homeless aren't criminals they just need a stable place.

Cross-Examination: Board member Judd asked if BOLM would be serving the same people that they are serving now.

Evidence Presented by Petitioner: Mr. Hicks stated that some of the people would be the same, some different. BOLM currently just provides a soup kitchen on Saturdays and Tuesdays for the homeless, the shut-ins, and the elderly. The services provided in the future will include homeless, veterans and people in the community that need a fresh start. BOLM will provide rapid rehousing services; GED prep classes; and vocational training that would guarantee job placement. There would be levels of housing within the facility to help people

transition in and out of the facility. The facility will also address mental health issues by channeling those people who need help to where they need to be to get help.

Cross-Examination: Board member Judd asked about the set-up for the facility.

Evidence Presented by Petitioner: Mr. Hicks stated that it would be a 70 bed facility. There would be approximately 40 beds for the men and a separate place for women and children. There would also be semi-private facilities for people participating in the program.

Evidence Presented by Petitioner: Mr. Hicks presented the architectural drawings and renderings of the building. Exhibit B.

Cross-Examination: Vice-Chair Groce asked if there were any special UDO requirements that had to be met.

Evidence Presented by Staff: Amy McNeill stated that the parking requirements were the only UDO requirements that had to be met, and this information is provided in the packet.

Cross Examination: Robert Finch, a citizen, asked about the average stay in the facility before the rapid rehousing is provided.

Evidence Presented by Petitioner: Mr. Hicks stated that the goal is to have housing within 60 days; while still providing training and skills. He said rehousing could take place anytime during the process and people would still receive services.

Sherry Shudra, Executive Director, HAVEN in Lee County, spoke in favor of the BOLM.

Ms. Shudra participated in the once a year initiative that counted the homeless individuals. She said this year there were 63 sheltered individuals and 21 unsheltered individuals that indicated they were homeless. The person had to fill out the survey; and if not, then they were not counted. She said that the actual number of homeless was probably close to 200 individuals, including men, women and children.

Currently the only facilities that house the homeless are Family Promise, where the family goes from church to church; the Men's Mission house on Chatham Street; and the Women's Mission house on Third Street. Family Promise is for families only and the Men and Women's Missions only house individuals for up to three months.

She said there is a great need in the area and there are not facilities that can accommodate the homeless. She requested that the Board approve the project.

Raynard Palmer and wife, Helena Palmer, property owners on Charlotte Avenue, spoke in opposition of the BOLM.

Mr. Palmer stated that the proposed homeless shelter is within the same area of town that has vagrant issues and he is concerned about the safety of the neighbors.

Mrs. Palmer stated that helping the homeless is a great idea, and her daughter works at the shelter in Durham. Her concern is that the addition of the homeless shelter in the area will decrease property values that are already declining. She indicated that vacant property she owns was valued in 2010 for \$8,000 and in 2017 the value is \$5,000. Also, another property she owns was valued in 2010 at \$90,000 and in 2017 the value is \$54,000.

Cross Examination: Board member Barkley asked if a current Real Estate report had been provided.

Evidence Presented by Petitioner: Mr. Hicks stated that David Nestor of Adcock and Associates created a Real Estate Analysis. Exhibit C.

Cross Examination: Board member Anderson asked about the current services that were being provided at the BOLM.

Evidence Presented by Petitioner: Mr. Hicks stated that currently the facility is open as a food and clothing pantry on Tuesdays and operates a soup kitchen on Saturdays.

Cross Examination: Board member Barkley asked if the current operations met all regulations.

Evidence Presented by Petitioner: Mr. Hicks stated that all local Fire and Health Department Regulations have been met.

#### Closing Statements

Mr. Hicks stated that he has had a vision for some time to make a difference in the community. He himself was homeless and someone showed interest and invested in him. He is now an engineer with a good job and a family. The BOLM was formed from his vision 12 years ago and has been providing services without any incidents. It is his hope to provide a greater service to these individuals and make a difference in someone's life, as someone once did for him.

Mrs. Palmer stated that she felt that the proposed location was taking advantage of the area because there were already two shelters located in the area. She was concerned for the neighbors regarding additional crime that would be caused by the homeless vagrants.

Chairman Judd asked if the Board had any further questions of the petitioner or any of the participants.

With no further testimony being offered, Chairman Judd informed the petitioner that the Board would enter into the deliberation phase of the Special Use Permit process.

#### REQUIRED FINDINGS OF FACTS

Chairman Judd stated that the granting of a Special Use Permit is based upon four findings of facts and that, in voting, the Board must render a decision on each of the four required findings. He explained that each finding required a majority vote by the Board to be

approved. He said that if one of the findings failed, the Special Use Permit failed. The Board proceeded with deliberation of the findings of fact.

Required Findings:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved.

Motion: Board member Anderson moved, seconded by Board member Barkely, that by granting this Special Use Permit it will not materially endanger the public health and safety according to the application and plan submitted by Mr. Hicks because the facilities will get people out of unsafe conditions and into a safe place; and the homeless population has not been proven to be the cause of crime in the area.

With no further discussion, Chairman Judd called for a vote. The motion carried unanimously, and a record of the vote is as follows:

Ayes: Roger Judd, Chairman  
Van Groce, Vice-Chairman  
Lorie Vance  
Gordon Anderson  
Ann Barkley  
Ron Willett

Noes: None

2. That the use meets all required conditions and specifications.

Motion: Board member Anderson made a motion, seconded by Board member Vance, that the use meets all required conditions and specifications based on the evidence provided by staff, the plans submitted, and it meets parking requirements.

With no further discussion, Chairman Judd called for a vote. The motion carried unanimously, and a record of the vote is as follows:

Ayes: Roger Judd, Chairman  
Van Groce, Vice-Chairman  
Lorie Vance  
Gordon Anderson  
Ann Barkley  
Ron Willett

Noes: None

3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

Motion: Vice-Chairman Groce made the motion seconded by Board member Anderson, that the use will not substantially injure the value of the adjoining property because the Real Estate Analysis provided indicated that there is no documented proof that the proposed use will lower property value; similar type uses are already in place and there is not a substantial change, but an enhancement in the services to be provided to the community.

With no further discussion, Chairman Judd called for a vote. The motion carried unanimously, and a record of the vote is as follows:

Ayes: Roger Judd, Chairman  
Van Groce, Vice-Chairman  
Lorie Vance  
Gordon Anderson  
Ann Barkley  
Ron Willett

Noes: None

4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with all adopted land use plans.

Motion: Board member Anderson made a motion, seconded by Board member Barkley, that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the surrounding area, because the existing facility owned by the Petitioner is currently being used as a soup kitchen, the proposed use will just be an extension of the current mission, and it conforms with the character of the area.

With no further discussion, Chairman Judd called for a vote. The motion carried unanimously. The record of the vote is as follows:

Ayes: Roger Judd, Chairman  
Van Groce, Vice-Chairman  
Lorie Vance  
Gordon Anderson  
Ann Barkley  
Ron Willett

Noes: None

Vice-Chair Groce made the final motion to approve the special use permit, based on the preceding findings, the information in the application, and it appears that all local requirements are met. Board member Barkley seconded the motion, and it carried unanimously.

Ayes: Roger Judd, Chairman  
Van Groce, Vice-Chairman  
Lorie Vance  
Gordon Anderson  
Ann Barkley  
Ron Willett

Noes: None

ADJOURNMENT

With no further business to come before the Board, the meeting was adjourned on motion of Board member Barkley, seconded by Board member Willett, and unanimously carried. The meeting was adjourned at 7:30 p.m.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BY: \_\_\_\_\_  
Roger Judd, Chairman

ATTEST:

\_\_\_\_\_  
Angela M. Baker, Clerk

## CITY OF SANFORD LEGAL NOTICE

Notice is hereby given that the City of Sanford Board of Adjustment will conduct a special called meeting on Friday, November 3, 2017 at 3:00p.m. in the Buggy Conference Room on the first floor of the Historic Buggy Company Building at 115 Chatham Street, Sanford, NC to approve the minutes from the October 10, 2017 meeting. This meeting is being held to approve minutes only. There are no cases to be reviewed.

Further information may be obtained by contacting the Sanford/Lee County Zoning & Design Review Department at 115 Chatham Street, Sanford, NC 27330 or by calling 919-718-4656. Upon request and with 24-hour notice, the City will provide an interpreter for the hearing impaired or any other auxiliary aid.

Cualquier ciudadano que tenga preguntas o comentarios de las cosas al referido, puede comunicarse a el departamento de desarrollo para Sanford/Condado de Lee, llame al (919) 718-4656.

Thank you.

By Bonnie Davis, City Clerk

Please publish in the Legal Notices Section of the Sanford Herald on Wednesday, November 1, 2017. If you have any questions regarding this notice, please call Amy J. McNeill at 718-4656, ext. 5397. Charge to Account 30031885 and refer to as City of Sanford Board of Adjustment Notice.

*Please send publisher's affidavit to the Sanford/Lee County Community Development Dept., P.O. Box 3729, Sanford, NC, and attention: Angela Baker. Thank you.*