

**LEE COUNTY BOARD OF ADJUSTMENT  
SPECIAL CALLED MEETING**

**MONDAY, FEBRUARY 18, 2019, 6:00 PM**

**Lee Co. Government Center, 106 Hillcrest Drive – Gordon Wicker Conference Room**

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*This meeting is being held to elect a new Chair and Vice-Chair and to approve the minutes from the prior meeting. Chuck Baker will start the meeting as the Chair and then hand the meeting over to the new Chair. In the event that Chuck is re-elected as the Chair, he will simply continue to preside over the meeting. A list of the current members is included for your reference.*

**CALL TO ORDER – 6:00 PM** *or as soon thereafter as deemed practical by the Board.*

- A. APPROVAL OF AGENDA**
- B. APPROVAL OF MINUTES** *(March 12, 2018)*
- C. DISCLOSURE OF CONFLICT OF INTEREST**
- D. ELECTION OF CHAIR AND VICE-CHAIR** - *Board member list provided for your reference*
- E. OLD BUSINESS** - *None*
- F. NEW BUSINESS** - *None*
- G. OTHER BUSINESS** – *Update of board member contact information as needed*
- H. ADJOURNMENT**

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

The Lee County Board of Adjustment met in regular session in the Buggy Factory Conference Room at the Buggy Factory, 115 Chatham Street, on Monday, March 26, 2018, at 6:00 PM.

**ROLL CALL**

Members Present: Charles Baker, Chair  
Walter Ferguson, Vice Chair  
Frank M. Gilliam, Jr.  
Herman Morris  
Kay Coles, Alternate

Members Absent: Roy Cox  
Dave Turner, Alternate

Staff Present: Amy McNeill, Zoning Administrator  
Angela Baker, Clerk to the Board  
Whitney Parrish, County Attorney

**APPROVAL/DISAPPROVAL OF AGENDA**

Having noted the presence of a quorum, Chair Baker called the meeting to order. Board member Morris made the motion to approve the agenda, seconded by Board member Gilliam, the motion carried unanimously.

**APPROVAL/DISAPPROVAL OF PREVIOUS MINUTES**

Chair Baker entertained a motion to approve the December 11, 2017, minutes. Board member Ferguson, and seconded by Board member Gilliam, the motion carried unanimously.

**CONFLICTS OF INTEREST**

Chair Baker 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 by Stuart Maynard to obtain a Special Use Permit for a proposed art studio to be located on property developed as and formerly occupied by Wesleyan Heritage Chapel church and addressed as 5157 Steele Bridge Road. The site is located within the jurisdiction of Lee County and is zoned Residential Agricultural (RA). Per the Unified Development Ordinance, Article 4, Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, new “studio’s for artist, designers, musicians, photographers, sculptors, woodworking (not home occupations)”, are permitted in the Residential Agricultural (RA) zoning district upon issuance of a Special Use Permit, subject to all applicable standards of the UDO. The property is depicted on Lee County Tax Map 9602 as Tax Parcel 9602-71-4999-00 Lee County Land Records. The subject property is also illustrated as Lot 1 on a 2006

plat labeled “Survey for Wesleyan Heritage Chapel” as recorded in Lee County Register of Deeds Office in Plat Cabinet 200, Slide 133.

Administering of Oath: Chair Baker, called all participants speaking in favor of, or against the Special Use Permit; as well as staff, to come forward to be sworn in for testimony. Petitioners Stuart and Angela Maynard; and staff person Amy McNeill, appeared and were administered the oath.

Petitioner Stuart and Angela Maynard were not represented by Council.

Opening Statement:

Stuart Maynard read the application included in the packet. Exhibit A.

Cross-Examination: Board member Gilliam asked what were the hours of operation.

Evidence Presented by Petitioner: Stuart Maynard stated that the business would not have open hours. It was a private business, and would be by appointment only. He would be the only employee.

Cross-Examination: Board member Ferguson asked if there would be any site improvements or changes.

Evidence Presented by Petitioner: Stuart Maynard stated that he did not have any proposed at this time. If there were any site improvements it would be 3 -5 years in the future.

Cross-Examination: Board member Coles asked if the Petitioners had purchased the property.

Evidence Presented by Petitioner: Stuart Maynard said that yes, pending the approval of the SUP.

Cross-Examination: Board member Morris asked if he would have painting classes.

Evidence Presented by Petitioner: Stuart Maynard stated that if he did then it would be less than 20 people.

Closing Statements:

Stuart Maynard stated that this was a home based art studio; close to his home; and would give him the privacy to work. He thanked the Board for their consideration.

Chair Baker asked if the Board had any further questions of the petitioner or any of the participants.

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

REQUIRED FINDINGS OF FACTS

Chair Baker 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 Ferguson moved, seconded by Board member Gilliam, 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 Petitioner because the proposed use will not produce any products that pose a danger to the public, the safety of individuals visiting the premises, or adjacent properties and their owners.

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

Ayes: Charles Baker, Chair  
Walter Ferguson, Vice Chair  
Frank M. Gilliam, Jr.  
Herman Morris  
Kay Coles, Alternate

Noes: None

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

Motion: Board member Morris made a motion, seconded by Board member Coles, that the use meets all required conditions and specifications based on the evidence provided by staff, and the plans submitted, the parking requirements and sign provisions meet all UDO requirements.

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

Ayes: Charles Baker, Chair  
Walter Ferguson, Vice Chair  
Frank M. Gilliam, Jr.  
Herman Morris  
Kay Coles, Alternate

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: Board member Ferguson made the motion seconded by Board member Gilliam that the use will not substantially injure the value of the adjoining property because the characteristics of the property will not be changed or altered.

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

Ayes: Charles Baker, Chair  
Walter Ferguson, Vice Chair  
Frank M. Gilliam, Jr.  
Herman Morris  
Kay Coles, Alternate

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 Gilliam made a motion, seconded by Board member Ferguson, 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 property will not be changed or altered and there are no site improvements proposed at this time.

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

Ayes: Charles Baker, Chair  
Walter Ferguson, Vice Chair  
Frank M. Gilliam, Jr.  
Herman Morris  
Kay Coles, Alternate

Noes: None

Chair Baker 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 Gilliam seconded the motion, and it carried unanimously.

Ayes: Charles Baker, Chair  
Walter Ferguson, Vice Chair  
Frank M. Gilliam, Jr.  
Herman Morris  
Kay Coles, Alternate

Noes: None

ADJOURNMENT

With no further business to come before the Board, the meeting was adjourned on motion of Board member Gilliam, seconded by Board member Ferguson, and unanimously carried. The meeting was adjourned at 6:20 pm.

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

BY: \_\_\_\_\_  
Chair Charles Baker

ATTEST:

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

# LEE COUNTY BOARD OF ADJUSTMENT

**JULY 1, 2017 –JUNE 30, 2018**

Five (5) regular members and two (2) alternates. A quorum shall consist of four (4) members.

## REGULAR MEMBERS

### **Charles Baker, Chair**

97 Oakleaf Road  
Sanford, NC 27332  
Cell: 919-356-5860; Work: 919-782-0033  
Email: ccbakerj8@gmail.com  
Term(s): 2016-2020

*Note: Filled unexpired term of William Oberkirsch.*

### **Roy Cox**

1624 Avents Ferry Road  
Sanford, NC 27330  
Home: 919-258-6748  
Email: N/A  
Term(s): 2009-2019

### **Walter Ferguson, Jr., Vice-Chair**

1231 First Pointe  
Sanford, NC 27330  
Home: 919-770-0390; Cell: 919-478-0107  
Email: walterferg@charter.net  
Term(s): 2015-2019

*Note: Temporary address during construction of a new house.*

### **Frank M. Gilliam, Jr.**

317 Foggy Bottom  
Sanford, NC 27330  
Home: 919-292-0402  
Email: fiftyfifty1953@yahoo.com  
Term(s): 2010-2019

### **Herman Morris**

201 E. Main Street (business address)  
Sanford, NC 27330  
Work: 919-708-5999; Cell: 919-478-1240  
Email: mannabooks@windstream.net  
Term(s): 2008-2019

## ALTERNATE MEMBERS

### **Kay Coles**

177C Traceway  
Sanford, NC 27332  
Home: 919-499-9139  
Email: kayc1218@yahoo.com  
Term(s): 2016-2019

### **Charles "Dave" Turner**

1746 Daiquiri Turn  
Sanford, NC 27332  
Home: 919-489-6285; Cell: 919-902-1218  
Email: cdturner@windstream.net  
Term(s): 2016-2020

## SANFORD / LEE COUNTY COMMUNITY DEVELOPMENT STAFF

115 Chatham Street, Suite 1 (First Floor) Sanford, NC 27330

-----Staff to this Board-----

### **Angela Baker, Administrative Assistant II and Clerk to the Board**

Community Development  
919-718-4657, ext. 5394  
angela.baker@sanfordnc.net

### **Amy J. McNeill, Zoning Administrator**

Zoning & Design Review Department  
919-718-4656 ext. 5397  
amy.mcneill@sanfordnc.net

### **Marshall Downey, Director**

Community Development  
919-718-4657 ext. 5390  
marshall.downey@sanfordnc.net

-----Additional Staff-----

Alexandria Voignier, Planner II  
Zoning & Design Review Department  
919-718-4656 ext. 5399  
alexandria.voignier@sanfordnc.net

Thomas Mierisch, Planner I  
Zoning & Design Review Department  
919-718-4656 ext. 5396  
Thomas.mierisch@sanfordnc.net

Bill Morgan, Planning Technician  
Zoning & Design Review Department  
919-718-4656 ext. 5398  
bill.morgan@sanfordnc.net

## **LEE COUNTY BOARD OF ADJUSTMENT**

### **ESTABLISHMENT**

Pursuant to NCGS §§ 153A-345 and 160A-388, the County of Lee, Town of Broadway and City of Sanford shall each maintain a separate Board of Adjustment (BOA) that shall execute all powers and duties as set forth in the North Carolina General Statutes (NCGS) and the Sanford/Lee County/Broadway Unified Development Ordinance (UDO).

### **POWERS AND DUTIES**

The BOA shall adopt all rules and procedures necessary or convenient for the conduct of its business, consistent with the powers granted by the NCGS and the UDO. The Board of Adjustment shall hear and decide the following:

- appeals from the decisions of the Community Development Department in which it is alleged there is an error in an order, requirement, decision or determination made by the staff in the enforcement of the UDO;
- appeals for variances from the terms of the UDO;
- interpretations of the Official Zoning Map; and
- shall pass upon disputed questions of lot lines or district boundary lines and similar questions that may arise in the administration of the UDO.

A member of the BOA shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

### **APPOINTMENT AND MEMBERSHIP FOR LEE COUNTY**

The Lee County Commissioners appoint the Lee County Planning Board to serve as the BOA. As a matter of policy, the five regular Planning Board members with the most tenure also serve as the regular members of the BOA. The two regular Planning Board members with the least tenure also serve as the alternate members of the BOA. The alternate members will sit as a member of the BOA if needed to establish a quorum, or if needed to have four-fifths of the board present to hear a request for a Variance. Each alternate member, while attending any regular or special meeting of the BOA and serving in the absence of any regular member, shall have and may exercise all of the powers and duties of a regular member. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term. The Board shall elect such officers and adopt such rules and regulations for its own government as it deems necessary to carry out the provisions of this article. Per the UDO, a quorum shall consist of four members in attendance. No case shall be heard unless a quorum is present.

### **MEETING INFORMATION**

The Lee County BOA shall meet on the second Monday of each month as needed at 6:00pm in the Buggy Conference Room located on the first floor of the historic Buggy Company Building at 115 Chatham Street.

## LEE COUNTY LEGAL NOTICE

Notice is hereby given that the Lee County Board of Adjustment will conduct a Special Called Meeting on Monday, February 18, 2019 at 6:00pm in the Gordon Wicker Conference Room of the Lee County Government Center at 106 Hillcrest Drive, Sanford, NC to elect a new Chair and Vice-Chair and to approve the minutes from the March 12, 2018 meeting. There are no cases to be reviewed and no public hearings will be held.

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 Jennifer Gamble, Clerk

Lee County Board of Commissioners

Please publish in the Legal Notices Section of the Sanford Herald on Friday, February 15, 2019. 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 Lee County 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.*