

Town of Indian Trail



P.O. Box 2430
Indian Trail, North Carolina 28079
Telephone 704-821-5401

PLANNING DEPARTMENT BOARD OF ADJUSTMENT MINUTES October 15, 2024 6:30 P.M.

Call to Order (6:30pm) – A quorum was present. The meeting was called to order by Board Secretary, Jennifer Jackson.

Roll Call

The following members of the board were present:

Board Members: Jennifer Maher, Erin Cunningham, John Hemby, and John Hemby
ABSENT: Amy Kinney-Hicks, RESIGNED: Greg Scarola, J'harda Washington

Staff Members: Brandi Deese - Planning Director, Josue Pena - Planner, and Jennifer Jackson - Board Secretary

Applicants: Julio Rangel (Not Present)

Nominations and Selections of New Chair/Vice Chair

Member, Erin Cunningham made the motion to nominate Member, Jennifer Maher as the Board's new Chairperson. Member, John Hemby seconded the motion. All Board members were in favor.

Chair, Jennifer Maher made the motion to nominate member Erin Cunningham as the Board's new Vice Chair. Member, John Hemby seconded the motion. All Board members were in favor.

Oath of Office

Board Secretary, Jennifer Jackson sworn in new Board Member, Dr. Shamir Ally.

Approval of Minutes – January 25, 2024 (Informal Meeting)

Motion to approve January 25, 2024, minutes was made by Member, John Hemby and seconded by Member, Erin Cunningham. The vote passed unanimously.

Staff Presentation/Hearing of the Case –

Chair, Jennifer Maher read the conflict-of-interest rules to the seated board members. Planning Staff for this case were sworn in and affirmed their testimony by Board Secretary, Jennifer Jackson. Chair, Jennifer Maher requested all Board members to disclose any conflict of interests or any ex-parte communications. Chair, Jennifer Maher spoke on the record that she drove by the property.

VAR 2024-0089 (520 Allen Way)

– Mr. Pena gave an overview presentation of the project (*Staff report can be found here:*
<https://youtube.com/live/ur1IXi4sbCA?feature=share>

Board Questions/Comments

Member, John Hemby asked if the back of the lot is where Walmart is located and that nothing else could be built behind the house.

Planner, Jose Pena responded that is correct. The property behind the home belongs to Walmart and that the Walmart features a landscaped buffer.

Member, John Hemby mentioned the front of the home where trees are located and asked if that would be another buffer.

Planner, Josue Pena clarified that the existing tree line is located in the center of the property that runs along a swale or a natural ditch and that those trees would most likely be removed. If the recommended conditions are approved the applicant would be required to place plantings or bushes along the front lot line, to help protect the septic tank and lines, so that no heavy equipment could drive on or be parked in front of the home.

Chair, Jennifer Maher discussed the landscaping on the left side of the property where the house would be located and where the garage or accessory structure would be placed.

Planner, Josue Pena replied the applicant's plan does not show a detached accessory structure, and it would be unlikely that it would be possible due to the septic system occupying a large portion of property area. Regarding the landscaping on the left side, adjacent to the left-side neighbor, this was recommended to secure more privacy for the existing neighbors. Staff recommends that the applicant installs small trees or shrubs.

Member, John Hemby asked if Staff has heard from any other residents on that street regarding complaints or concerns.

Planner, Josue Pena responded no.

Findings of Facts

If the Board of Adjustment concludes that all such requirements are met, it will issue the permit unless it adopts a motion to deny the application for one or more of the following reasons set forth in UDO Section 1310.030C

1. Unnecessary hardship would result from the strict application of the ordinance.
2. Hardships result from conditions that are peculiar to the property.
3. Hardship did not result from actions taken by the applicant or property owner.

4. Variance is consistent with spirit, purpose, and intent of the ordinance.
5. Variance does not result in the creation or extension of a nonconforming violation.

Board Deliberations

All members of the Board stated that they found all findings of facts to be true.

Requested Action #1

Motion determining the finding of fact:

- 1.) Motion to find that Variance application #2024-0089 meets all 5 standards of unnecessary hardship or;
- 2.) Motion to find that Variance application #2024-0089 does not meet all 5 standards of unnecessary hardship

Member, John Hemby made a motion to approve VAR 2024-0089 (520 Allen Way) based on the findings of facts presented for this request.

The motion was seconded by Member, Erin Cunningham. The motion passed unanimously.

Requested Action #2

- 1.) Motion to approve VAR 2024-0089 (520 Allen Way) as presented or;
- 2.) Motion to approve VAR 2024-0089 (520 Allen Way) with conditions recommended by the board or;
- 3.) Motion to deny VAR 2024-0089 (520 Allen Way)

Member, John Hemby made the motion to approve VAR 2024-0089 (520 Allen Way) as presented.

The motion was seconded by Member, Erin Cunningham. The motion passed unanimously.

Adjournment - The meeting was called to adjourn by Chair, Jennifer Maher. All were in favor.

Chairman:



Date: 12.18.2024 _____

Secretary:


