



**BOARD OF ADJUSTMENT MEETING
MONDAY, MAY 19, 2025
BOARD OF ADJUSTMENT MEETING MINUTES**

The Board of Adjustment met on the above date at 7:00 PM in the Town Hall Assembly Room, with Chairman Jeffrey Briley presiding. The following were present:

Jeffrey Briley, Chairman
Edward Reynolds, Vice Chair
Brian Miller, Member (excused)
Alfred Phillips, Member (absent)
Devin Micah Johnson, Member
Garrett Killian, Member
Vacant, ETJ Alternate Member
Keen Lassiter, Town Attorney
Stephen Penn, Planning and Economic Development Director
Tristyn Daughtry, Economic Development Planner
Donald Harvey, Town Clerk

CALL TO ORDER: Chairman Briley called the meeting to order.

WELCOME: Chairman Briley welcomed all Board members and the public to the meeting.

EXCUSED ABSENCES: Member Miller excused absence.

APPROVAL OF AGENDA:

Motion made by Member Killian and seconded by Member Reynolds to approve the agenda as presented. Motion carried unanimously, 4-0.

NEW BUSINESS:

1. Eleven at Main Phase 3 - Single Family Attached / Multi-Family Special Use Permit (SUP) Request.

Planning and Economic Development Director Penn gave the following presentation:

Eleven @ Main Ph 3 (Parcel 90779) Special Use Permit

Presenter:
Stephen Penn,
Planning Director



- Applicant: Eleven at Main, LLC
- Location: Southwestern Corner of Cooper Street & Eleven at Main Dr.
- Parcel Number: 90779
- Site Data: 1.53 Acres (for this site)
- Zoning District: Multifamily Residential (MR)
- Proposed Use: Single-Family Attached Residential Development





SMALL AREA STUDY

West Main

West Main St can serve as the primary entrance to downtown and as a walkable neighborhood with smaller-scale businesses.

D. Commercial Infill and reuse of existing buildings along Main St

E. Updates to Main St to include sidewalks on north side and on-street parking (long-term)

F. Mix of residential within walking distance to downtown

G. Expansion of office/employment uses

WALKABLE INFILL RESIDENTIAL SUPPORTS DOWNTOWN



Infill development can bring new residents and reinforce a vibrant streetscape.



COMMERCIAL REUSE ALONG WEST MAIN ST.



Older homes could be renovated and reused as offices, shops, or restaurants to expand the downtown district.



SR 42 is only applicable to C-B
Zoning Districts.

USE TYPES	LUC	SIC	A-R	R-20	R-16	R-12.5	R-10	R-8	R-6	SR 42	O-I	C-B	G-B	LC	C-N	I	SR
Residential Uses																	
bed and breakfast inns	2	0000	S	S	S	S	S	S			X	X	X				1
dwelling, conventional or modular multi-family (including single family attached of more than 2 attached units)	2	0000	S							X	S	S					42
Single family detached	1	0000	X	X	X	X	X	X	X	X	X	S					42
two-family (including single family attached of no more than 2 attached units)	1	0000	S					S	X	X	S						2
dwelling, mobile home on individual lot																	
Class A single-family	1	0000	S						X								3
Class B single-family																	4
Family care home (5 or less)	2	8351	X	X	X	X	X	X	X	X	X	X	X		X	X	5
Family day-care home (3-5)	*	8322	S	S	S	S	S	S	S	S	S						5
home occupation, customary	*	0000	S	S	S	S	S	S	S	S	S						6
mobile home park	2	0000	S						S								7
Planned unit development	2	0000							"SEE SR NOTE"								8

SR 2. Two Family, Single-Family Attached and Multifamily Dwellings

- a. No multi-family dwellings or series of attached single-family, multi-family buildings or other such arrangements shall exceed a length of **one hundred fifty (150) feet** when measured along the longest axis of the building or series of attached units when placed in a theoretical straight alignment.
- b.
 1. No multi-family development shall contain more than **twenty (20) dwelling units** unless the development shall have frontage along and direct primary access on a major or minor thoroughfare as shown on the Thoroughfare Plan.
 2. No multi-family development shall contain more than **sixty (60) dwelling units** unless the development shall have frontage along and **direct access on two major or minor** thoroughfares or combinations thereof as shown on the Thoroughfare Plan.
 3. Any multi-family development with more than **100 dwelling units** shall meet the requirements of 2 above and shall submit a certified traffic engineering report evaluating the capability of the adjoining street system to carry the traffic generated by the development. (N/A)



SR 2. Two Family, Single-Family Attached and Multifamily Dwellings

B. Continued:

This project proposes 17 Single Family Attached dwelling units not Multi-family and thus it meets the access requirements of SR 2. B.

Supplemental Info:

During Eleven at Main's First Special Use Permit, a Traffic Impact analysis was submitted for 171 units that showed existing access within this area was adequate for the Townhome Development (Phase 1 and 2 constructed 164 units). This site has amazing access: Highway 11; Cooper Street, Blount Street, & Main Street.



SR 2. Two Family, Single-Family Attached and Multifamily Dwellings

- c. Any individual multi-family building, two family dwelling or a single series of attached dwelling units to be located on an individual lot **shall be developed in accordance with the area, yard and height requirements of the district** in which located the same as other individual building on an individual lot. Provided that in the AR and R-8 zoning districts, two-family dwellings within a subdivision shall only be permitted on a corner lot. The conveyance of ground space for single-family attached units or for common area or similar purposes shall not preclude development under this subsection. Such conveyances however shall be subject to the requirements of the Subdivision Ordinance and may be subject to the North Carolina Unit Ownership Act.



SR 2. Two Family, Single-Family Attached and Multifamily Dwellings

- d. In any case where more than one multi-family building, more than one two-family dwelling or more than one series of attached dwelling units are proposed to be constructed **on one lot**, such development shall be in conformance with the following residential group development standards:
1. **Site Plan.** No zoning permit or building permit shall be issued for construction in a group residential development except in accordance with a site plan approved by the Planning Board, in accordance with the standards herein. In any case where land is to be dedicated in a group residential development, a Subdivision Plan may be required by the Subdivision Ordinance. Developments that are proposed to be developed under the North Carolina Unit Ownership Act shall meet the requirements of that Act by recording the declaration and plan with the Register of Deeds. Where land is to be conveyed in accordance with such declaration and plan, the developer shall first comply with the Subdivision Ordinance.



SR 2. Two Family, Single-Family Attached and Multifamily Dwellings

- d. In any case where more than one multi-family building, more than one two-family dwelling or more than one series of attached dwelling units are proposed to be constructed on one lot, such development shall be in conformance with the following residential group development standards:
2. **Density.** The number of dwelling units per unit of land area shall not exceed the number of dwelling units per unit of land area permitted in the district in which the development is located. Fractional units above one-half (1/2) may be rounded to the next highest number once the basic number of units exceeds twenty (20).



SR 2. Two Family, Single-Family Attached and Multifamily Dwellings

Density Requirements (Per Section 7.1 – Dimensional Requirements):

Site may legally have up to 26 units. (they are proposing 17)

Math:

Site contains 1.53 Acres or 66,646 Square feet.

66,646 Square feet (minus) 4,000 sf (First Unit)= 62,646 square feet.

62,646 square feet/2500= 25.

Thus, the maximum density for this site is 26 units.



SR 2. Two Family, Single-Family Attached and Multifamily Dwellings

- d. In any case where more than one multi-family building, more than one two-family dwelling or more than one series of attached dwelling units are proposed to be constructed on one lot, such development shall be in conformance with the following residential group development standards:

3. Yard Requirements. The following yard requirements are hereby established:

- a) Exterior. Along each exterior property line or public street, the minimum front, rear and side yard setback of the Zoning District shall be maintained.
- b) Interior. For each building erected along a private street or accessway, a minimum setback of twenty (20) feet shall be maintained from the nearest edge of street or accessway pavement.
- c) Distance Between Buildings. A distance of at least twenty (20) feet shall be maintained between all buildings within the development.



SR 2. Two Family, Single-Family Attached and Multifamily Dwellings

- d. In any case where more than one multi-family building, more than one two-family dwelling or more than one series of attached dwelling units are proposed to be constructed on one lot, such development shall be in conformance with the following residential group development standards:
4. Street or Accessways. All private streets or accessways providing ingress and egress from the development to an existing public street system shall comply with the current standards being required by the subdivision regulations then in effect, including street drainage, except that no curb and gutter is required and a pavement width of only 20 feet shall be required.
 5. Sidewalks. Sidewalks shall be installed in the same manner and under the same criteria as that established in the Subdivision Regulations.
 6. Storm Drainage Improvements. Storm drainage improvements shall be made in the same manner and under the same criteria as that established in the Subdivision Regulations.



SR 2. Two Family, Single-Family Attached and Multifamily Dwellings

- d. In any case where more than one multi-family building, more than one two-family dwelling or more than one series of attached dwelling units are proposed to be constructed on one lot, such development shall be in conformance with the following residential group development standards:
7. Sanitary Containers. Stationary sanitary containers shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or service drives and so as to allow collector trucks adequate maneuvering space to empty the containers and to leave the property without excessive backing. Concrete pads in conformance with the public works department's stationary container location standards shall be located beneath of and in the approach to each stationary sanitary container.



Staff Recommendation:

- Planning staff is of the opinion that the request can meet all the development standards required for issuance of the Special Use Permit upon proper findings by the Board. If approved, the future site plan will be required to meet all conditions of a Single Family-Attached Development as described within the Special Requirements.





Motion made by Member Killian and seconded by Member Johnson to open the public hearing. Motion carried unanimously, 4-0.

Chairman Briley opened the public hearing.

Attorney Lassiter swore in Richie Brown, Allison Britt, and Planning and Economic Development Director Penn.

Chairman Briley requested that anyone wishing to speak, please come forward. Richie Brown and Allison Britt, owners spoke.

Motion made by Member Reynolds and seconded by Member Johnson to close the public hearing. Motion carried unanimously, 4-0.

Chairman Briley closed the public hearing.

Chairman Briley noted the needed criteria for votes.

- (1) Conditions and Specifications. That the application filed as a Special Use Permit for a portion of parcel 90779 meets all of the required conditions and specifications of the Zoning Ordinance and policies of the Town for a submission of a Special Use Permit.

Motion made by Member Reynolds and seconded by Member Killian to approve Special Use Criteria (1). Motion carried unanimously, 4-0.

- (2) Notice. That those persons owning property adjacent to the proposed development or use, as listed on the current tax records, were served notice of the public hearing by mail in accordance with applicable requirements; and that notice of public hearing to consider the Special Use Permit was published on April 30, 2025 and May 7, 2025 in the Daily Reflector, a newspaper having general circulation in the area, and required by law. Letters to adjacent property owners and those within 100' were mailed notice on April 30, 2025. Board of Adjustment notice was placed on site on April 30, 2025.

Motion made by Member Reynolds and seconded by Member Killian to approve Special Use Criteria (2). Motion carried unanimously, 4-0;

(3) To hear and decide, in particular cases, and subject to appropriate conditions and safeguards, permits for special uses as authorized by Article VI. In granting a Special Use Permit, the Board shall make the following affirmative findings:

- a) The Use requested is among those listed as an eligible Special Use in the district in which the subject property is located;

Motion made by Member Killian and seconded by Member Reynolds to approve Special Use Criteria (3) a). Motion carried unanimously, 4-0;

- b) That the Special Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed;

Motion made by Member Johnson and seconded by Member Reynolds to approve Special Use Criteria (3) b). Motion carried unanimously, 4-0; and

- c) That the Special Use meets all required conditions and specifications:
 - a. No multi-family dwellings or series of attached single-family, multi-family buildings or other such arrangements shall exceed a length of one hundred fifty (150) feet when measured along the longest axis of the building or series of attached units when placed in a theoretical straight alignment.
 - b.
 - 1. No multi-family development shall contain more than twenty (20) dwelling units unless the development shall have frontage along and direct primary access on a major or minor thoroughfare as shown on the Thoroughfare Plan.
 - 2. No multi-family development shall contain more than sixty (60) dwelling units unless the development shall have frontage along and direct access on two major or minor thoroughfares or combinations thereof as shown on the Thoroughfare Plan.
 - 3. Any multi-family development with more than 100 dwelling units shall meet the requirements of 2 above and shall submit a certified traffic engineering report evaluating the capability of the adjoining street system to carry the traffic generated by the development.
 - c. An individual multi-family building, two family dwelling or a single series of attached dwelling units to be located on an individual lot shall be developed in accordance with the area, yard and height requirements of the district in which located the same as any other individual building on an individual lot. Provided that in the AR and R-8 zoning districts, two-family dwellings within a subdivision shall only be permitted on a corner lot. The conveyance of ground space for single-family attached units or for common area or similar purposes shall not preclude development under this subsection. Such conveyances however shall be subject to the requirements of the Subdivision Ordinance and may be subject to the North Carolina Unit Ownership Act.
 - d. In any case where more than one multi-family building, more than one two-family dwelling or more than one series of attached dwelling units are proposed to be

constructed on one lot, such development shall be in conformance with the following residential group development standards:

1. Site Plan. No zoning permit or building permit shall be issued for any construction in a group residential development except in accordance with a site plan approved by the Planning Board, in accordance with the standards herein. In any case where land is to be dedicated in a group residential development, a Subdivision Plan may be required by the Subdivision Ordinance. Developments that are proposed to be developed under the North Carolina Unit Ownership Act shall meet the requirements of that Act by recording the declaration and plan with the Register of Deeds. Where land is to be conveyed in accordance with such declaration and plan, the developer shall first comply with the Subdivision Ordinance.
2. Density. The number of dwelling units per unit of land area shall not exceed the number of dwelling units per unit of land area permitted in the district in which the development is located. Fractional units above one-half (1/2) may be rounded to the next highest number once the basic number of units exceeds twenty (20).
3. Yard Requirements. The following yard requirements are hereby established:
 - (a) Exterior. Along each exterior property line or public street, the minimum front, rear, and side yard setback of the Zoning District shall be maintained.
 - (b) Interior. For each building erected along a private street or accessway, a minimum setback of twenty (20) feet shall be maintained from the nearest edge of street or accessway pavement.
 - (c) Distance Between Buildings. A distance of at least twenty (20) feet shall be maintained between all buildings within the development.
4. Street or Accessways. All private streets or accessways providing ingress and egress from the development to an existing public street system shall comply with the current standards being required by the subdivision regulations then in effect, including street drainage, except that no curb and gutter is required and a pavement width of only 20 feet shall be required.
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without excessive backing. Concrete pads in conformance with the public works department's stationary container location standards shall be located beneath of and in the approach to each stationary sanitary container.

Motion made by Member Reynolds and seconded by Member Killian to approve Special Use Criteria (3) c). Motion carried unanimously, 4-0.

- d) That the Special Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

Motion made by Member Killian and seconded by Member Reynolds to approve Special Use Criteria (3) d) . Motion carried unanimously, 4-0.

- e) That the location and character of the Special Use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Town and its environs.

Motion made by Member Reynolds and seconded by Member Killian to approve Special Use Criteria (3) e). Motion carried unanimously, 4-0.

The Board of Adjustment found in favor of the applicant by an affirmative vote on all of the criteria listed above. Based on the facts found above and in consideration of all other evidence presented at the public hearing; the Board of Adjustment votes as follows on the Special Use Permit.

Motion made by Member Reynolds and seconded by Member Johnson to approve Special Use Permit. Motion carried unanimously, 4-0. Chairman Briley stated the Special Use Permit was approved.

Chairman Briley asked if additional restrictions would apply to changes in the future. Planning and Economic Development Director Penn said condition stays with the property not the ownership requiring getting a Special Use Permit (SUP) with the same.

REPORTS FROM STAFF:

Planning and Economic Development Director Penn gave his report.

COMMENTS FROM BOARD OF ADJUSTMENT MEMBERS:

None

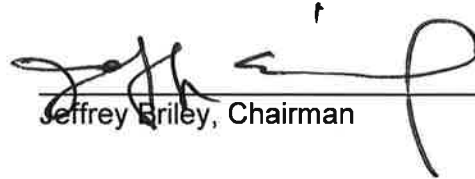
ADJOURN:

Having no further business to come before the Board of Adjustment meeting, Chairman Briley requested a motion to adjourn.

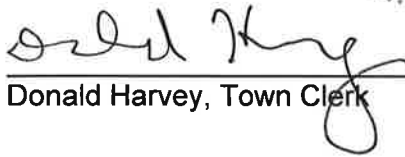
Motion made by Member Killian and seconded by Member Reynolds to adjourn the meeting. Motion carried unanimously, 4-0. Meeting adjourned at 7:50 pm.

Adopted this the 16th day of December 2025.




Jeffrey Briley, Chairman

ATTEST:


Donald Harvey, Town Clerk