

SANFORD BOARD OF ADJUSTMENT

SPECIAL MEETING

Wednesday, June 26, 2024, 6:00 PM

Sanford Municipal Center at 225 E. Weatherspoon Street, Sanford, NC
Council Chambers

The main entrance of the Sanford Municipal Center is located at the rear of the building, opposite E. Weatherspoon Street. Please park in parking area at the rear of the building and enter via the main entrance. Once in the lobby, go to the right into the lobby area with seating. The entrance to the Council Chambers is on your left next to the elevator. Council Chambers is a large auditorium-style room.

NOTE THE PRESENCE OF A QUORUM FOR THE RECORD

CALL TO ORDER – 6:00 PM

- A. **APPROVAL OF AGENDA** (*No Minutes to Approve*)
- B. **DISCLOSURE OF CONFLICT OF INTEREST** – *Policy included in agenda packet for reference*
- C. **DISCLOSURE OF EX PARTE COMMUNICATION** – *Definition included in agenda packet for ref.*
- D. **OLD BUSINESS**

1. Due to a scheduling conflict, the purpose of this special meeting is to approve a continuance of the evidentiary public hearing that began on June 11th to a date that will be determined at this meeting. The evidentiary hearing will not be continued at this meeting.

The Special Use Permit request is provided below for your reference.

SPECIAL USE PERMIT APPLICATION CASE 2024-0601: Application by Adult & Teen Challenge of Sandhills North Carolina, Inc. to obtain a Special Use Permit to allow the operation of group care facility & other rehabilitative services / faith-based recovery center for women at the Spring Lane Assembly of God church located at 1715 Spring Lane. This site is located within the jurisdiction of the City of Sanford and is zoned Residential Single-family (R-20). Per the Unified Development Ordinance, Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, a “Nursing, Supervision, Adult Care Homes, Group Care Facilities and other rehabilitative services)” is permitted in the Residential Single-family (R-20) zoning district upon issuance of a Special Use Permit, subject to the general development standards of the UDO. The property is depicted on Lee County Tax Map 9633.04 as Tax Parcel 9633-61-8936-00 Lee County Land Records.

- E. **NEW BUSINESS** - *None*
- F. **OTHER BUSINESS** - *None*
- G. **CONTINUANCE/ADJOURNMENT**

Conflict of Interest Policy Related to Land Use Decisions

Pursuant to North Carolina General Statutes 160D-1-9, the following conflict of interest policies will apply to all land use decisions coming before staff, appointed boards or the governing boards as follows:

For Governing Board Members – *Sanford City Council*

A Sanford City Council member shall not vote on any legislative decision regarding a development regulation adopted pursuant to Chapter 160D, where the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Council member shall also not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business or other associational relationship.

For Appointed Board Members – *City of Sanford Planning Board & Board of Adjustment*

Members of the appointed boards shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member. Further, an appointed board member shall not vote on any zoning amendment of the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. A close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

For members of any board exercising quasi-judicial functions, the member 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 violations of due process 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.

For Administrative Staff – *Sanford/Lee County Community Development Department Staff*

No staff member shall make a final decision on an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. A close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. If a staff member has a conflict of interest, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under the UDO unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

This is general information provided by staff for inclusion in the Board of Adjustment agenda packet as a reference. It is intended as a reference only – if needed – and is not required to be read aloud at each meeting.

Ex parte Communications

Ex parte communication occurs when a board member communicates about a case outside of the evidentiary hearing. Examples of ex parte communication include a board member meeting with a developer; a board member taking a call from a neighbor; and an email conversation among board members in which they deliberate the merits of an upcoming application. A board member getting a briefing of the case with staff in advance of the evidentiary hearing also would amount to ex parte communication. Undisclosed ex parte communications are impermissible violations of the parties' constitutional due process rights.

Ex parte communications raise concern for multiple reasons. The first is fairness. If a board member hears information from one part or potential witness, the other party is not there to challenge the information and provide rebuttal. Second is quality decision making. When a board makes a decision, all board members should have the same information upon which to base their decision. Third is a potential bias. Undisclosed communications may indicate impermissible bias.

Board members must take steps to avoid communication with parties, witnesses, or the general public about the request under consideration. Emails from neighbors should be forwarded to staff to address. Conversations with interested community members (at the grocery store, for example) should be ended politely but directly with an invitation for that interested individual to address the entire board at the evidentiary hearing. Board members should avoid communications with each other about a particular case. Those communications should be reserved for deliberation during and at the conclusion of the evidentiary hearing.

Any ex parte communications that occur must be disclosed in the evidentiary hearing. And as discussed above, any record made or received the transaction of public business is a matter of public record and subject to disclosure, unless an exception applies. Any email, text message, letter, or other document sent to or from a board member and concerning a quasi-judicial case is a public record. It must be archived under records retention laws and is subject to disclosure, unless an exception applies.

Notably, the concern of ex parte communications is a concern about communications with the decision-maker (the board) and not about communications with staff. The applicant, other parties, and interested citizens can and should contact local government staff to access the materials, ask questions, and better understand the process.

Source: *Quasi-Judicial Handbook, a Guide for Boards Making Development Regulation Decisions* by David W. Owens and Adam S. Lovelady, Copyright 2017, School of Government, the University of North Carolina at Chapel Hill, pages 23 and 24

CITY OF SANFORD PUBLIC NOTICE

Notice is hereby given that the City of Sanford Board of Adjustment will hold a special meeting on Wednesday June 26, 2024 in the Council Chambers of the Sanford Municipal Center at 225 E. Weatherspoon Street, Sanford, N.C. 27330. The meeting will begin at 6:00p.m. or as soon thereafter as deemed practical by the Board. The purpose of this special meeting is to approve a continuance of an evidentiary hearing for the case described below to a date that will be determined at this meeting. The evidentiary hearing will not be continued at this meeting.

1. SPECIAL USE PERMIT APPLICATION CASE 2024-0601

Application by Adult & Teen Challenge of Sandhills North Carolina, Inc. to obtain a Special Use Permit to allow the operation of group care facility & other rehabilitative services / faith-based recovery center for women at the Spring Lane Assembly of God church located at 1715 Spring Lane. This site is located within the jurisdiction of the City of Sanford and is zoned Residential Single-family (R-20). Per the Unified Development Ordinance, Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, a “Nursing, Supervision, Adult Care Homes, Group Care Facilities and other rehabilitative services)” is permitted in the Residential Single-family (R-20) zoning district upon issuance of a Special Use Permit, subject to the general development standards of the UDO. The property is depicted on Lee County Tax Map 9633.04 as Tax Parcel 9633-61-8936-00 Lee County Land Records.

The public is cordially invited to attend this meeting. Further information may be obtained from the Sanford/Lee County Community Development Department, 115 Chatham Street, Suite 1, Sanford, NC 27330 or by contacting Amy McNeill at (919) 718-4656, ext. 5397 or amy.mcneill@sanfordnc.net. Upon request and with 24-hour notice, the City will provide an interpreter for the hearing impaired or any other type of auxiliary aid.

If you are attending the meeting, please be aware that the main entrance for the Sanford Municipal Center is located at the rear of the building, opposite E. Weatherspoon Street. Please park in the large parking area at the rear of the building, enter the building via the main entrance. Once in the lobby, go to the right into the lobby area with seating. The entrance to the Council Chambers is on your left next to the elevator. Council Chambers is a large auditorium-style room.

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.

Bonnie Davis, Clerk - City of Sanford

Please publish in the Legal Notices Section of the Sanford Herald on Saturday, June 15, 2024 and Saturday, June 22, 2024. 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.

Sanford/Lee County

Planning and Development
P.O. Box 3729, Sanford, NC 27331-3729

June 13, 2024

Dear Adjacent Property Owner:

Please be aware that originally, the purpose of the special meeting described below was to continue the evidentiary public hearing that began on June 11th. However, due to a scheduling conflict, the purpose of the special meeting will now be to approve another continuance of the evidentiary public hearing to a date that will be determined at this meeting. You will receive another letter providing the time/date/place at which the evidentiary public hearing will be continued in the future.

CITY OF SANFORD PUBLIC NOTICE

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Thank you.

Bonnie Davis, Clerk - City of Sanford

ADJACENT PROPERTY OWNERS NOTIFICATION CERTIFICATION

I, Amy J. McNeill, hereby certify that the property owners and adjacent property owners of the following Special Use Permit request, as indicated on the Lee County Tax Maps, were notified by First Class U.S. Mail on Thursday, June 13, 2024.

1. SPECIAL USE PERMIT APPLICATION CASE 2024-0601:

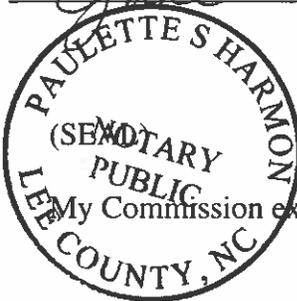
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Signature: Amy J. McNeill Date: 2024-06-13

Title: Senior Planner

Lee County, North Carolina

I, Paulette S. Harmon, a Notary Public for Lee County and State of North Carolina do hereby certify that Amy J. McNeill personally appeared before me on this day and acknowledged the due execution of the foregoing Instrument. Witness my hand and official seal, this the 13th day of June, 2024.



Paulette S. Harmon
Notary Public Signature

My Commission expires October 11th, 2025

ADJOINING PROPERTY OWNERS LIST

APPLICATION BY: Adult & Teen Challenge of Sandhills North Carolina, Inc.

REQUEST: Special Use Permit to allow the operation of a group care facility & other rehabilitative services / faith-based recovery center for women at the Spring Lane Assembly of God church

LOCATION: 1715 Spring Lane, Sanford, NC 27330

PIN: 9633-61-8936-00

DATE: April 23, 2024

No.	PIN	PROP ADDR	OWNER 1	OWNER2	M #	MAIL ST	MAILCITY	ST	ZIP
01	9633-71-1969-00 Carbonton Heights <i>No Lot # reference</i>	1709 SPRING LN	PEREZ, JOANNE E	-	1709	SPRING LN	SANFORD	NC	27330
02	9633-71-2715-00 Carbonton Heights <i>No Lot # reference</i>	1908 KNOLLWOOD DR	CHESNEY, W JOVONNIE	CHESNEY, LYNNE	1908	KNOLLWOOD DR	SANFORD	NC	27330
03	9633-71-0688-00 Carbonton Heights Lots 9, Blk K	1912 KNOLLWOOD DR	HANEY, MARK E	HANEY, DAWN L	1912	KNOLLWOOD DR	SANFORD	NC	27330
04	9633-61-9650-00 Carbonton Heights Lots 7*-8, Blk K	1916 KNOLLWOOD DR	OLDHAM, JERRY W	OLDHAM, SHEILA C	1916	KNOLLWOOD DR	SANFORD	NC	27330
05	9633-61-8515-00 Carbonton Heights Lots 6-7*, Blk K	1922 KNOLLWOOD DR	COORE, MICHELLE L	-	1922	KNOLLWOOD DR	SANFORD	NC	27330
06	9633-61-6439-00 Carbonton Heights Lots 4-5, Blk K	1926 KNOLLWOOD DR	RODRIGUEZ, LUIS O	RODRIGUEZ, MARLENE	1926	KNOLLWOOD DR	SANFORD	NC	27330
07	(No #7 on map)	-	-	-	-	-	-	-	-
08	9633-61-4420-00 Carbonton Heights Lots 1*,2,&3*, Blk K	2110 KNOLLWOOD DR	TALLANT, CHRISTOPHER NEAL	TALLANT, MOLLI LEN	2110	KNOLLWOOD DR	SANFORD	NC	27330
09	9633-61-3660-00 Planters Ridge Lot 12	2001 PLANTATION DR	LEE, THOMAS B	LEE, LOU-ANN J	2001	PLANTATION DR	SANFORD	NC	27330
10	9633-61-4668-00 Planters Ridge Lot 13	1919 PLANTATION DR	AUTRY, CRAIG L	AUTRY, JUDITH O	1919	PLANTATION DR	SANFORD	NC	27330
11	9633-61-5842-00 Planters Ridge Lot 14	1915 PLANTATION DR	LIND, EDWARD STEVE <i>Mr. Lind showed up for the cancelled May 14th meeting.</i>	-	1915	PLANTATION DR	SANFORD	NC	27330

12	9633-61-5994-00 Planters Ridge Lot 15	1909 PLANTATION DR	BREWER, REBEKAH W	-	1909	PLANTATION DR	SANFORD	NC	27330
13	9633-62-6036-00 Planters Ridge Lot 16	1905 PLANTATION DR	LOVE, JEFFREY L	-	1905	PLANTATION DR	SANFORD	NC	27330
14	9633-62-4176-00 Planters Ridge Lot 36	1906 PLANTATION DR	BLAND, WALLACE W	BLAND, JOAN T	1906	PLANTATION DR	SANFORD	NC	27330
15	9633-62-5334-00 Planters Ridge Lot 18	1801 SPRING LN	ELLIS, TERESA	-	1801	SPRING LANE	SANFORD	NC	27330
16	9633-62-6598-00 Westlake Valley <i>No Lot # reference</i>	1804 SPRING LN	ESCALANTE, JOSE RAFAEL	-	1804	SPRING LANE	SANFORD	NC	27330
17	9633-62-8572-00	0 SPRING LN	STEWART, LOUISE T	-	384	WATERVIEW LN	SANFORD	NC	27330
18	9633-62-9376-00	0 SPRING LN	STEWART, LOUISE T	-	384	WATERVIEW LN	SANFORD	NC	27330
19	9633-72-0396-00	0 SPRING LN	STEWART, LOUISE T	-	384	WATERVIEW LN	SANFORD	NC	27330
20	9633-72-1268-00 Westlake Valley Lot 33*	1710 SPRING LN	ACA/PJA LLC	-	-	P.O. BOX 3367	SANFORD	NC	27331
21	9633-72-3201-00 Westlake Valley Lot 34A, Section 1	1700 SPRING LN	BEZUIDENHOUT, DALENE	-	1700	SPRING LN	SANFORD	NC	27330
22	APPLICANT	ADULT & TEEN CHALLENGE OF SANDHILLS, NORTH CAROLINA, INC.	APPLICATION SIGNED BY: RUSSELL CAMBRIA, CEO/PRESIDENT	CONTACT: NELSON HODGE, DEVELOPMENT & ADVANCEMENT COORDINATOR	-	P.O. BOX 1701	SOUTHERN PINES	NC	28388
23	PROPERTY OWNER	ABUNDANT LIFE INTERNATIONAL, INC.	APPLICATION SIGNED BY: JERDEWARRENE FARRAR, LEAD DEACON	-	1715	SPRING LN	SANFORD	NC	27330
PEOPLE LISTED BELOW WERE ADDED TO AO MAILING LIST AS PER REQUEST									
24	9633-62-3067-00	1910 PLANTATION DR	WOMACK, H STEPHEN	WOMACK, KATHERINE T	1910	PLANTATION DR	SANFORD	SANFORD	27330

(0) = No address assigned to this parcel. Typically, it is vacant.

* = portion of the lot number referenced.