

SANFORD BOARD OF ADJUSTMENT

REGULAR MEETING

Tuesday, July 9, 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

Opening Statement by Chair: This hearing is a quasi-judicial evidentiary hearing, which means that it is a court-like hearing. State law sets specific procedures and rules concerning how this board must make its decisions. This board has limited discretion and must base its decision on competent, relevant, and substantial evidence in the record. A quasi-judicial decision is not a popularity contest. It is a decision limited by the standards in the Unified Development Ordinance (UDO) and based on facts presented at this hearing. If you are speaking as a witness, please focus on the facts and standards, not personal preference or opinion. This meeting is open to the public. Everyone is welcome to watch. Participation is limited. Only parties with standing may participate by presenting evidence, calling witnesses, and making legal arguments. Parties with standing are limited to the applicant, local governments (including the City of Sanford), and persons who can show they will suffer special damages. Other individuals may serve as witnesses when called by the board. Witness testimony is limited to facts, not opinions. For certain topics, the board is required to hear opinion testimony from expert witnesses. These topics include opinions on impact on property values and increased traffic caused by the proposal. Individuals providing expert opinions must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Witnesses must swear or affirm their testimony, be recognized by the Chair, and begin their testimony with their name and address.

- 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. **ELECTION OF A CHAIR AND VICE-CHAIR**
- E. **OLD BUSINESS** – *Originally on June 11th agenda and moved to July 9th.*

1. **VARIANCE APPLICATION CASE 2024-0602**

Application by Lorena Beltran for property located in the southeastern corner of the Ridgecrest Drive and Evergreen Lane intersection that is developed with a house addressed as 424 Evergreen Lane. The applicant is requesting a Variance from the Unified Development Ordinance (UDO), Article 5 Supplemental Development Regulations, Section 5.1 Accessory Uses and Structures, Table 5-1 Setbacks for Accessory Structures. The request is for a 20ft variance from the required minimum building front setback of 30ft from the right-of-way of Ridgecrest Drive and a 15.7ft variance from the required minimum building front setback of 30ft from the right-of-way of Evergreen Lane. This would allow the applicant to complete an accessory building that is currently under construction without zoning approval. The subject property is zoned Residential Mixed (R-12), is illustrated as Lot 116, Section II of a 1952 survey labeled “A Map Showing the Alcott Property of the Wilkins Supply Company” recorded in Plat Cabinet 2 Slice 473, and is identified as Tax Parcel 9642-85-4788-00 on Lee County Tax Map 9642.12.

- F. **NEW BUSINESS** - *None*
- G. **OTHER BUSINESS** - *None*
- H. **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.

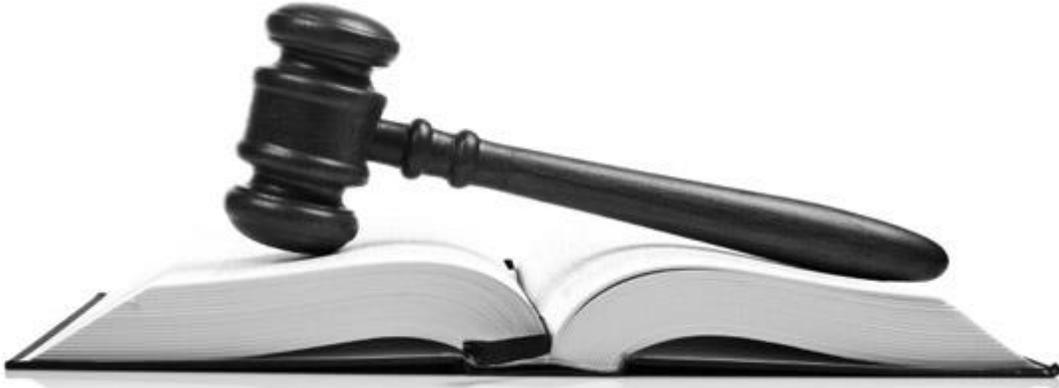
Ex parte communications raise concern for multiple reasons. The first is fairness. If a board member hears information from one part or potential witness, the other party is not there to challenge the information and provide rebuttal. Second is quality decision making. When a board makes a decision, 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



Sanford Board of Adjustment July 9, 2024 Meeting

Note: This case was on the June 11th agenda and was moved to July 9th by the BOA.*

CASE #1

1. VARIANCE APPLICATION CASE 2024-0602*
Application by Lorena Beltran for property located in the southeastern corner of the Ridgecrest Drive and Evergreen Lane intersection that is developed with a house addressed as 424 Evergreen Lane. The applicant is requesting a Variance from the Unified Development Ordinance (UDO), Article 5 Supplemental Development Regulations, Section 5.1 Accessory Uses and Structures, Table 5-1 Setbacks for Accessory Structures. The request is for a 20ft variance from the required minimum building front setback of 30ft from the right-of-way of Ridgecrest Drive and a 15.7ft variance from the required minimum building front setback of 30ft from the right-of-way of Evergreen Lane. This would allow the applicant to complete an accessory building that is currently under construction without zoning approval. The subject property is zoned Residential Mixed (R-12), is illustrated as Lot 116, Section II of a 1952 survey labeled “A Map Showing the Alcott Property of the Wilkins Supply Company” recorded in Plat Cabinet 2 Slice 473, and is identified as Tax Parcel 9642-85-4788-00 on Lee County Tax Map 9642.12.

SANFORD / LEE COUNTY / BROADWAY

VARIANCE APPLICATION



115 Chatham Street, Sanford, NC 27330

919.718.4656

zoning@sanfordnc.net

A variance is necessary when the strict application of the Unified Development Ordinance (UDO) could unfairly burden a property owner. North Carolina General Statute §160D-705d sets forth the standards by which local governments may grant variances from local land use regulations. These are mandatory standards for which the burden of proof falls upon the property owner and/or applicant to demonstrate to the Board of Adjustment.

To apply for a variance, a completed application and the full application fee, as well as all supporting documentation is required to be submitted to the Department of Community Development. The submittal deadline is typically the first day of each month at 12:00PM (noon). Incomplete submittals will not be accepted or processed. The variance request will be heard the following month at the scheduled public hearing. In order for the Board of Adjustment to grant approval of the variance, the applicant must provide the requested information listed below on this application.

If the Board finds that all approval criteria have been met, they may impose reasonable conditions upon the granting of any variance to insure public health, safety, and general welfare. If the application is approved, the applicant may then proceed with securing all required local and state permits necessary for the endeavor. Failure to follow conditions set forth in the approval process would result in a violation of the Sanford/Lee County/Broadway Unified Development Ordinance.

For questions concerning this process, you may contact the Department of Community Development, located on the 1st floor of the historic Buggy Building at 115 Chatham Street in downtown Sanford, NC. Business hours are Monday through Friday from 8AM until 5PM. Staff does require a pre-application conference (phone, virtual, or in-person) between the applicant and property owner prior to accepting a variance application so that we can fully explain the process and legalities associated with this request. For any additional questions you may contact Amy J. McNeill, Zoning Administrator, at 919-718-4656, ext. 5397 or amy.mcneill@sanfordnc.net.

Applicant Information

Name: Lorena BeltranMailing Address: 424 Evergreen Ln. Sanford N.C 27330Phone: 919-935-3030 Email: Lorenafacio19@icloud.com

Property Owner Information (if different from applicant)

Name: Lorena BeltranMailing Address: 424 Evergreen Ln. Sanford N.C 27330Phone: 919-935-3030 Email: Lorenafacio19@icloud.com

Parcel Information

Property Address: 424 Evergreen Ln. Sanford Nc. 27330

Proposed Use of Property: Residencial

Current Zoning: City limits R-12

Total Site Acreage: 0.26

Lee County Deed Book 1758, Page 571

Lee County Parcel No.: 9647-85-4788-00

TO THE BOARD OF ADJUSTMENT:

I, Lorenn Betman (name of applicant), hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Unified Development Ordinance because under the interpretation given to me by the Zoning Enforcement Officer, I am prohibited from using the parcel of land described below in a manner shown by the plot plan attached to this form. I request a variance from the following provisions of the Ordinance (cite section & paragraph numbers): _____

UDO Article 4, Table 4.7-1

so that the above-mentioned property can be used in a manner indicated by the plot plan attached to the Application form or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein: (If a variance is requested for a limited time only, specify duration requested): _____

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach four conclusions before it may issue a variance (see # 1-4 below). Additionally, please note that each of the four criteria will be voted upon individually and 4/5th of the Board members must find in favor of each criterion in order to pass. If any of the four criteria fails to pass, the variance cannot be granted. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can property reach these four required conclusions.

1. *If he/she complies with the provisions of the Ordinance, an unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. However, it is not sufficient that failure to grant the variance makes the property less valuable.*

See attached

2. *The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public may not be the basis for granting a variance.*

3. *The hardship did not result from actions taken by the applicant or property owner. The act of purchasing the property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.*

- 4. *The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.*

REQUIRED ATTACHMENTS / SUBMITTALS

- Please submit 14 paper copies of a to-scale site plan and/or civil set (whichever is appropriate for the project) and 14 paper copies of all supporting documentation for inclusion within the Board of Adjustment’s agenda packet.
- Please also submit an electronic version of the site plan and/or civil set and all supporting documentation for inclusion to the project file.
- A Lee County tax map of the property.
- The most recent recorded deed for the property.
- Any additional supporting documentation referenced in the case to be made before the Board of Adjustment.

CERTIFICATION for property owner

The property owner MUST sign the application.

I certify that all the information presented by me in this application is accurate to the best of my knowledge, information, and belief. It is further understood that this application will be reviewed for completeness and accuracy and that it shall not be scheduled for official consideration until all required contents in property form, and a \$500 fee payable to the City of Sanford, are submitted to the Sanford/Lee County/Broadway Department of Community Development.

Lorena Beltran, *Lorena Beltran*
Signature of Property Owner (Print & Sign)

02/01/24
Date

CERTIFICATION for property owner

The property owner MUST sign the application.

I certify that all the information presented by me in this application is accurate to the best of my knowledge, information, and belief. It is further understood that this application will be reviewed for completeness and accuracy and that it shall not be scheduled for official consideration until all required contents in property form, and a \$500 fee payable to the City of Sanford, are submitted to the Sanford/Lee County/Broadway Department of Community Development.

Ricardo Reyes, Ricardo Reyes
Signature of Property Owner (Print & Sign)

02-01-24
Date

No. 1

If the variance petition is not granted it will be a hardship on our family financially, we have spend our savings. (Ricardo Reyes & Lorena Beltran owner) we are building because I have tables, chair, decoration for parties for rent. I have them in a building were I paid rent and I would not like to continued to paid rent. That's why I'm building. Since I stop building until I hear a decision from this variance application, the material (wood) is going bad, I would like to petition to please forgive me and approved my variance application to continued with my construction. I don't think my construction if affecting my neighbors or the community I have not hard any bad comments from my neighbors. I have had comments that why we have not finish, that's looking great and wish every body can do the same thing me (Ricardo Reyes & Lorena Beltran) like said it will be hardship on all my family we will be loosing a lot of money.

The board does not take money into consideration.

Focus your answer om the shall size of the lot and that it is a corner lot

No. 2

I understand the general public or neighbors are basis for granting a variance but I would like for you to take it in to consideration I'm building to improved my property like my neighbors we are doing this for our kids. If variance is not granted we will loose what we have spend to build and if I build the valor of my property will go up and taxes will go up, it will affected us financially and emotional we have work hard to save money to do better for our family and kids (owners Ricardo Reyes & Lorena Beltran) it will be really sad if we have to destroyed what we have build I understand your decision but please take all this in to consideration.

Focus your answer on the small size of lot and that it is a corner lot.

No. 3

I'm so sorry for the actions that I do apologize, I don't know the process, I thought it was okay to start building since it was my property. Please forgive me and let me improve my property after the inspector came to my house I realized that I was doing wrong we do not do this intentionally to harm or affect any one the only thing that I want for you to give me an opportunity to continue with my construction. Once again please forgive us with the decision we made and give us the opportunity to continue.

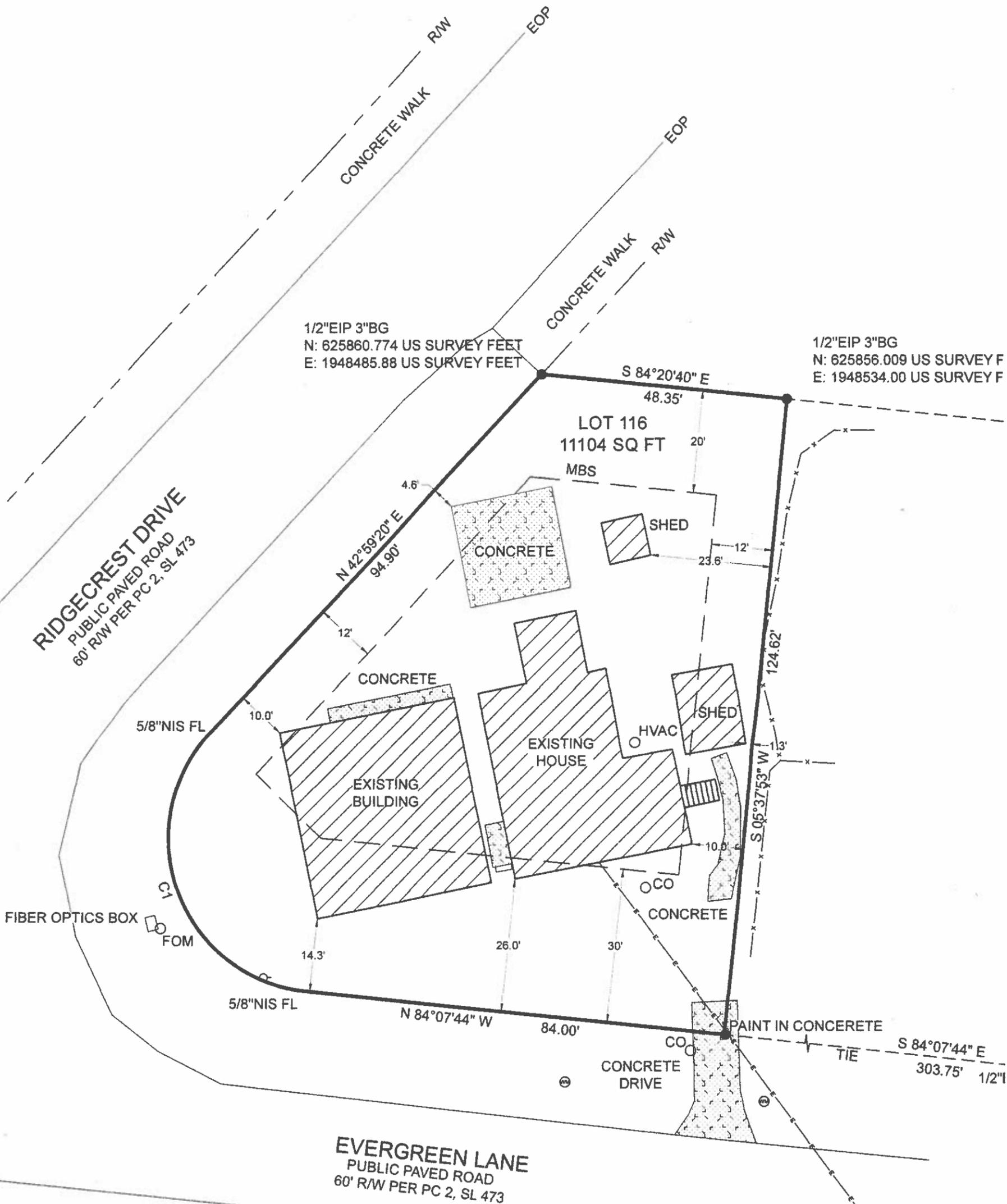
You bought a small lot, as is you did not create the lot.

No. 4

I understand that the purpose is to keep the public safety in my way of seeing cars crossed my land and now I feel that with the construction they no longer confuse my land as a steet.

I request an adjustment for a variance, I been prohibited from using the parcel of land.

I request for a forgiven to let me build on my property, we are trying to improve my property and the same way make a neighborhood with a better and more attractive view.



1/2"EIP 3"BG
 N: 625860.774 US SURVEY FEET
 E: 1948485.88 US SURVEY FEET

1/2"EIP 3"BG
 N: 625856.009 US SURVEY F
 E: 1948534.00 US SURVEY F

RIDGECREST DRIVE
 PUBLIC PAVED ROAD
 60' R/W PER PC 2, SL 473

EVERGREEN LANE
 PUBLIC PAVED ROAD
 60' R/W PER PC 2, SL 473

1" = 20'

- NOTES:
1. ACREAGE DETERMINED BY COORDINATE METHOD
 2. PARCEL: 9642-85-4788-00
 3. ZONING: R-12
 4. PUBLIC WATER SUPPLY WATERSHED: NONE
 5. THIS PROPERTY IS NOT IN A SPECIAL FLOOD HAZARD AREA ACCORDING MAP NO. 3710964200J. EFFECTIVE DATE 09/06/2006.
 6. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS SUBJECT TO ANY EASEMENTS OR CONVEYANCES OF RECORD.
 7. NO ATTEMPTS MADE TO LOCATE UNDERGROUND UTILITIES
 8. SETBACKS SHOWN ARE FROM RECORD DATA AND SHOULD BE VERIFIED BEFORE DESIGN OR CONSTRUCTION.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	30.00'	66.18'	53.55'	N 18°33'05" W	126°23'39"



Sanford Board of Adjustment

Public Hearing Information for a Variance

July 9th, 2024

Note: This case was on the June 11th agenda and was moved to July 9th by the BOA.*

APPLICATION# 2024-0602* FOR A VARIANCE

Note: Staff accidentally “recycled” the signature pages with notarized signatures that were submitted at a later date than original application submittal; hence, the lack of a notarization on the signature pages. This is not a legal requirement; therefore, the request was processed without notarized signatures. Staff met with the property owners several times in person and they did indeed sign the Variance application.

Applicant: Lorena Beltran
Owner: Lorena Beltran and spouse, Ricardo Reyes (per deed)
Request: Variance request to allow the completion of an accessory building that is under construction and encroaches into the required minimum building setbacks
Location: 424 Evergreen Lane, Sanford, NC 27330
Township: East Sanford
Tax Parcel: 9642-85-4788-00
Adjacent Zoning: North: Residential-Mixed (R-12)
South: Opposite Evergreen Street, Residential-Mixed (R-12)
East: Residential-Mixed (R-12)
West: Opposite Ridgecrest Drive, Residential-Mixed (R-12)

Adjacent Land Uses: North: Existing duplex at 409A&B Ridgecrest Drive
South: Opposite Evergreen Street, single-family dwellings
East: Single-family dwelling at 422 Evergreen Street
West: Opposite Ridgecrest Drive, single-family dwellings

Introduction: Lorena Beltran has submitted a Variance application to allow the completion of an accessory building that is under construction and encroaches into the required minimum building setbacks. The request is for a 20ft variance from the required minimum building front setback of 30ft from the right-of-way of Ridgecrest Drive and a 15.7ft variance from the required minimum building front setback of 30ft from the right-of-way of Evergreen Lane. This would allow the applicant to complete an accessory building that is currently under construction without zoning approval.

Site and Area Description: The subject property is located in the southeastern corner of the Ridgecrest Drive and Evergreen Lane intersection and is developed with a house addressed as 424 Evergreen Lane. It is one block south of Woodland Avenue and one block east of Fields Drive. The subdivision plat that created these lots was recorded in 1951 and most of the houses were built in the early 1950's.

Surrounding Land Uses: The land uses immediately surrounding the site are residential single-family houses. As you move outward toward Woodland Avenue, the uses transition to commercial and include Craig's Auto Repair at 406 Ridgecrest Drive, Answer the Call Ministries at 812 Ridgecrest Drive, and a motor vehicle repair shop at 844 Woodland Avenue (no sign).

Zoning District Information: The Residential Mixed (R-12) district is established to provide areas for a mix of residential dwelling types with a maximum of three and one-half (3.5) dwelling units per acre, in areas where large-lot development is discouraged and adequate public facilities and services are available. This district provides minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character.

Minimum lot size:	12,000sf or 0.28 of an acre
Minimum lot width:	75ft
Minimum lot depth:	100ft
Minimum building setback, front:	30ft, measured from the right-of-way of the public street
Minimum building setback, rear:	20ft, measured from the rear property line
Minimum building setback, side(s):	12ft, measures from the side property lines
Maximum building height:	40ft
Maximum impervious surface:	N/A for residential development that is not within a watershed

Examples of uses permitted by right within the R-12 zoning district include single-family homes, duplexes, and churches (less than 350 seats). Uses permitted subject to supplemental development regulations unique to the use include townhomes, multi-family dwellings, family care homes, and home child care centers. Uses permitted upon issuance of a Special Use Permit by the Board of Adjustment include group care facilities, golf courses, churches (more than 350 seats), and new schools. There is a list of permitted uses for this zoning district included within the agenda for your reference.

Overlay Districts and Land Use Plan: This site is not within a local overlay district (Watershed Conservation Overlay District, Flood Hazard Area/Floodplain, Historic District, etc.).

Land Use Plan: The *Plan SanLee* land use plan designates this site as Neighborhood Transition Area, which has the following characteristics: legacy residential neighborhoods that may be transitioning to small offices and service businesses, positioned along primary transportation routes leading to downtown, and preserving residential character that serves as a buffer between downtown and urban neighborhoods. The local example is Woodland Avenue in Sanford. Information from the land use plan is provided as attachments to this report for your reference.

Utilities: Public water appears to be available via a 6-inch water main line that runs along Evergreen Lane and continues along Ridgecrest Drive. Public sanitary sewer appears to be available via an 8-inch collection sewer main line runs along Evergreen Lane and there is also an 8-inch collection sewer main line runs along Ridgecrest Drive that terminates at a manhole in the right-of-way front of the subject property. This information is per our GIS mapping system. Any new water and/or sewer connections must be approved by the City of Sanford Public Works Dept./Engineering Dept. to verify compliance with all policies and regulations, including, but not limited to, off-site improvements or upgrades.

Transportation: There is 84ft of public road frontage on Evergreen Lane, a City maintained public roadway with a 60ft right-of-way width. There is 94.90ft of public road frontage on Ridgecrest Drive, a City maintained public roadway with a 60ft right-of-way width. This information is per our GIS mapping system and the recorded plat. The City should approve any new driveways associated to verify compliance with all applicable policies. This house has a driveway off of each road and no new driveways are proposed as part of this project.

Staff Analysis: Staff does not provide a recommendation for Variance requests since this is a quasi-judicial process as opposed to a legislative process like a rezoning request. Staff has provided the application with supplemental attachments and a staff report for the board's reference. Since this is a residential single-family project, the project is not required to be reviewed by the Sanford/Lee County Technical Review Committee (TRC).

ATTACHMENTS

- GIS Maps of Property - tax information, aerial images, and zoning of the site
- 1952 subdivision plat
- *Plan SanLee* long range plan information for this site
- Unified Development Ordinance (UDO) references
- List of Permitted Uses for R-12 zoning district
- Public Hearing Notice
- Adjacent Property Owner Notification of Public Hearing/Certification/List
- Variance Hearing Procedures

VARIANCE PROCEDURES: The variance procedures are intended to protect the rights of applicants, landowners, & affected persons by providing procedures for appeals from decisions of administrative officials and variances from the provisions of UDO.

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach four conclusions before it may issue a variance:

- A. If he complies with the provisions of the ordinance, the property owner will suffer unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- B. The hardship of which the applicant complains results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- D. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Note: Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. A concurring vote of four-fifths of all members of the Board of Adjustment is required in order to grant the variance. Decisions of the Board of Adjustment shall be appealed to the Lee County Superior Court within 30 days of the Board final decision.

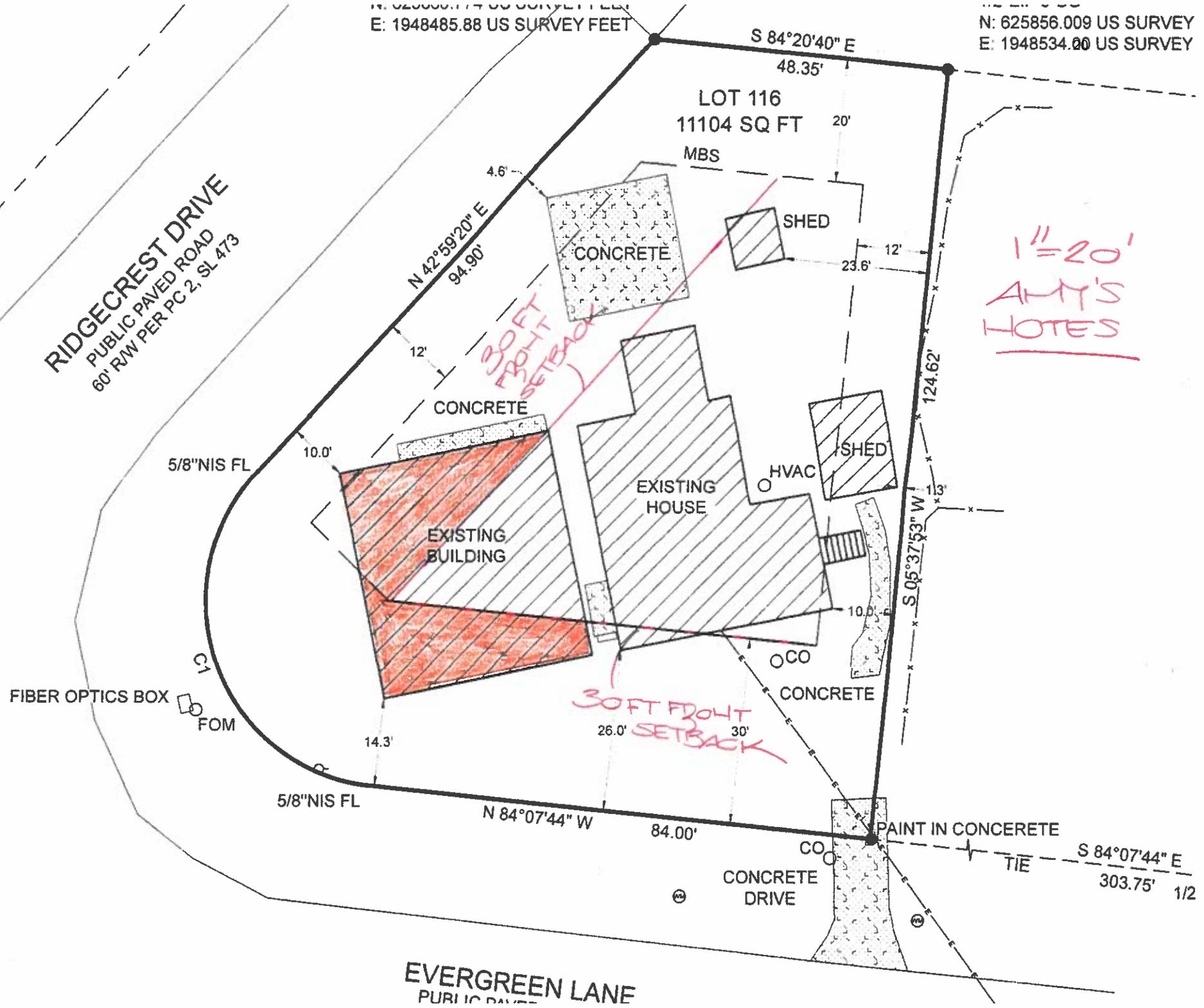
N: 625000.77 US SURVEY FEET
E: 1948485.88 US SURVEY FEET

N: 625856.009 US SURVEY
E: 1948534.00 US SURVEY

RIDGECREST DRIVE
PUBLIC PAVED ROAD
60' RW PER PC 2, SL 473

LOT 116
11104 SQ FT

1"=20'
AMY'S
NOTES



EVERGREEN LANE
PUBLIC PAVED

FIBER OPTICS BOX
FOM

CONCRETE DRIVE

PAINT IN CONCRETE

S 84°07'44" E
TIE 303.75' 1/2

N 84°07'44" W 84.00'

S 05°37'53" W 124.62'

S 84°20'40" E
48.35'

N 42°59'20" E
94.90'

5/8" NIS FL

5/8" NIS FL

10.0'

14.3'

12'

4.6'

84.00'

20'

23.6'

113'

10.0'

26.0'

30'

②

③

CONCRETE

CONCRETE

SHED

SHED

HVAC

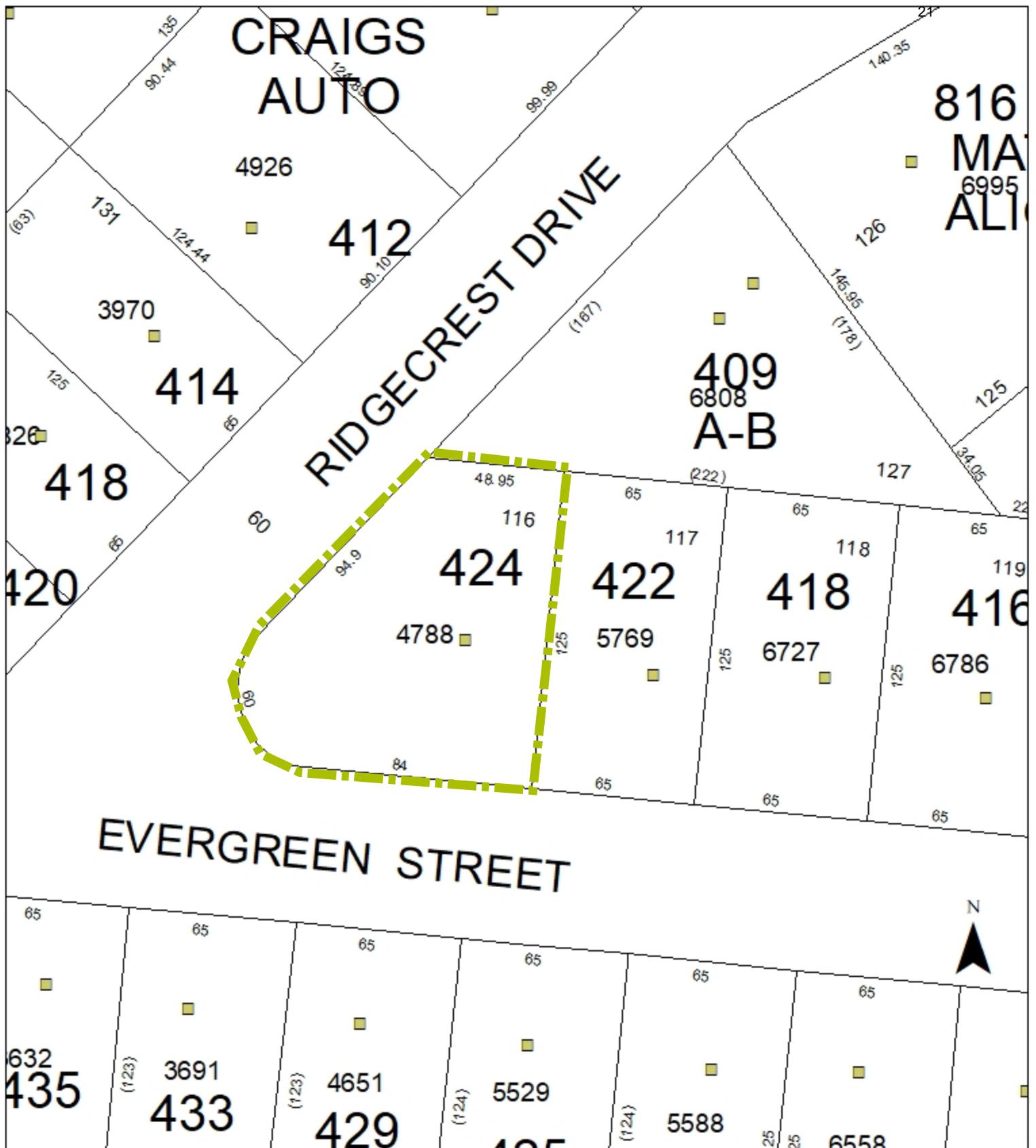
EXISTING HOUSE

EXISTING BUILDING

OCO

CONCRETE

MBS



VARIANCE APPLICATION 2024-0401:
 Requesting a variance from compliance with the
 minimum front building setbacks along Evergreen Lane and Ridgecrest Drive.

This is a graphic illustration and not a legal document.
 All information is comprised of layers of data that may or may not align correctly.



VARIANCE APPLICATION 2024-0401:
Requesting a variance from compliance with the
minimum front building setbacks along Evergreen Lane and Ridgecrest Drive.

This is a graphic illustration and not a legal document.
All information is comprised of layers of data that may or may not align correctly.

PC 37473 41

**MAP SHOWING
THE "ALCOTT PROPERTY" OF THE
"WILKINS SUPPLY COMPANY"
LEE COUNTY - SANFORD, N.C.**

Scale: 1" = 100'



THIS MAP WAS COMPILED FROM THE RECORDS OF AN ACTUAL SURVEY MADE IN MAY-JUNE & JULY, 1951. ALL DATA SHOWN HERE-ON IS TRUE AND CORRECT TO MY BEST KNOWLEDGE AND BELIEF.

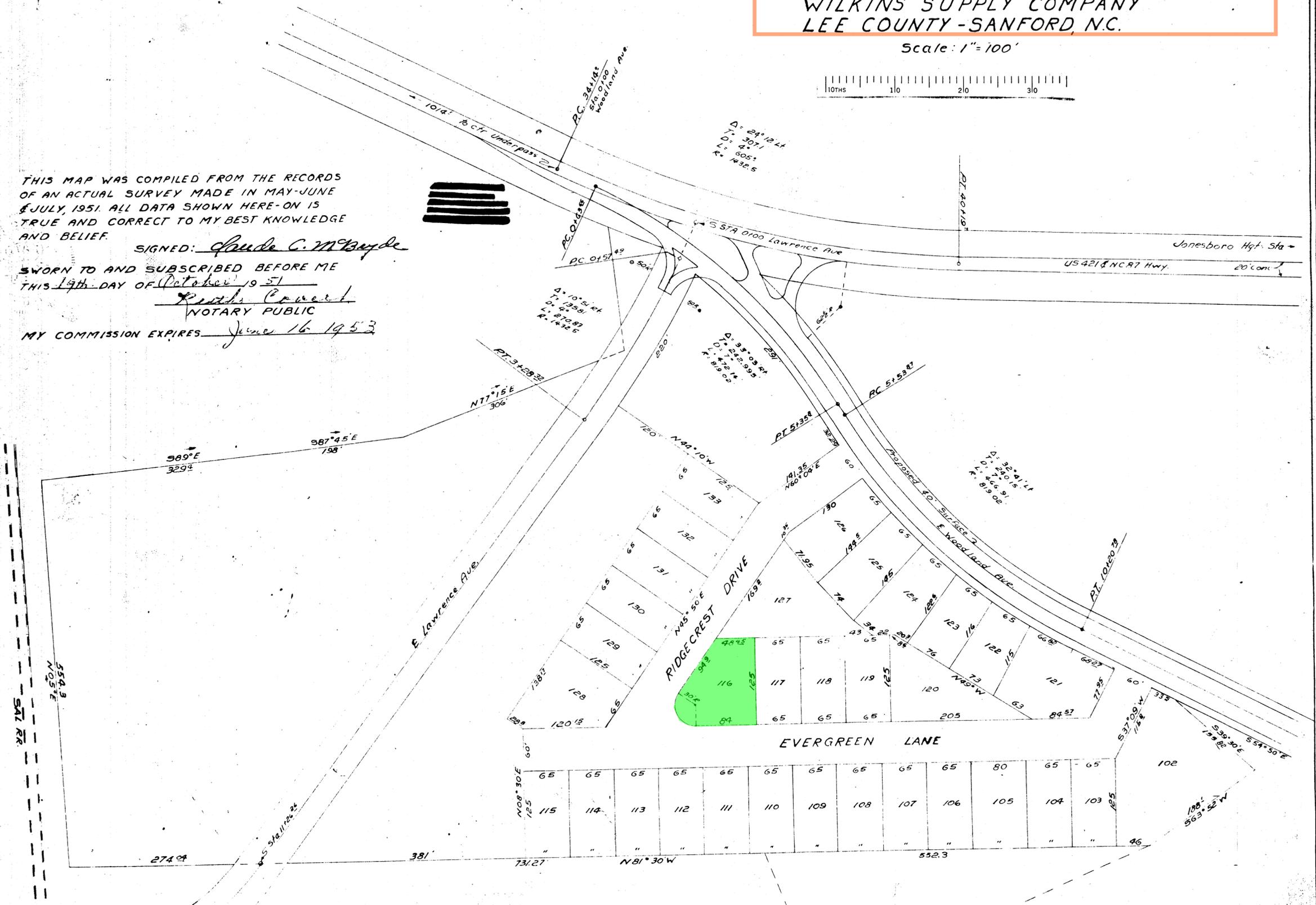
SIGNED: Claude C. McBayde

SWORN TO AND SUBSCRIBED BEFORE ME THIS 19th DAY OF October, 1951

Ruth Couvert
NOTARY PUBLIC

MY COMMISSION EXPIRES June 16 1953

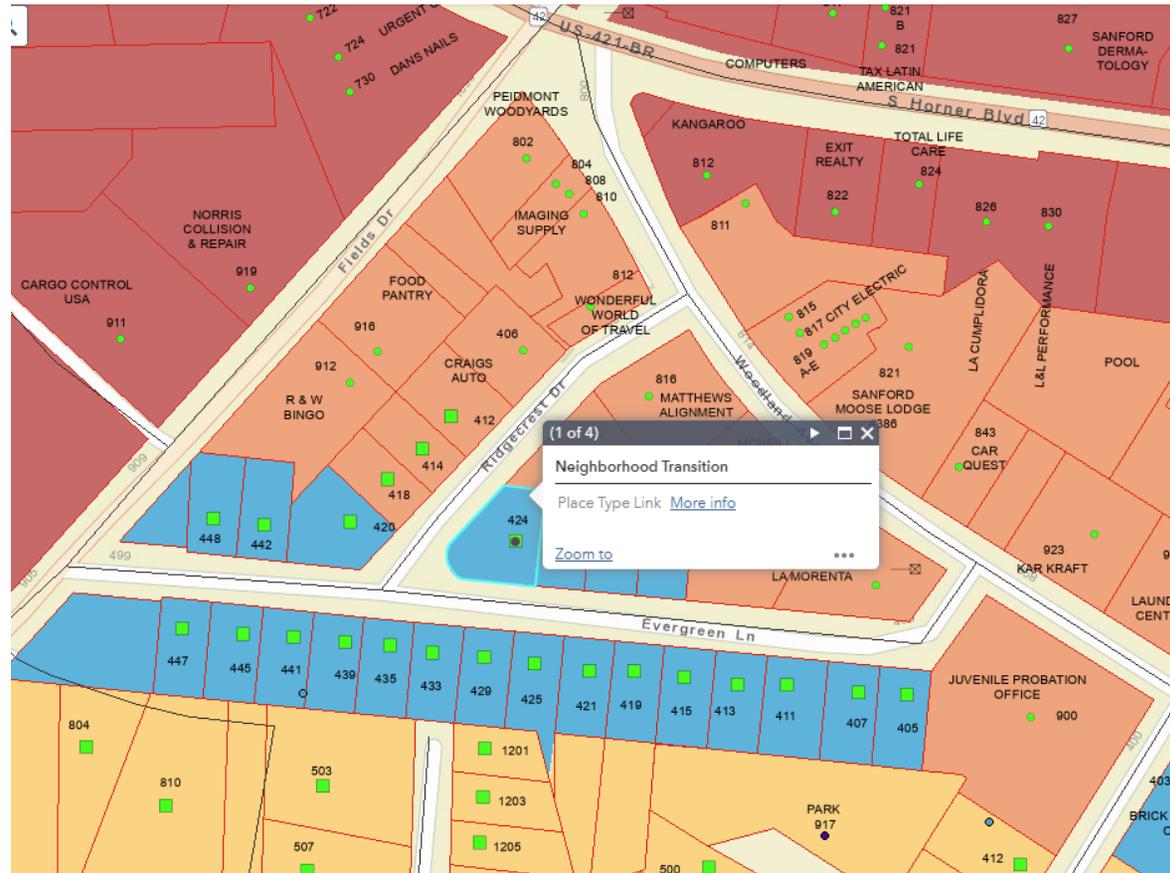
Map Shows 1857



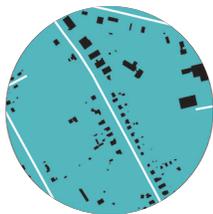
NORTH CAROLINA
LEE COUNTY.
The foregoing certificate of Ruth Couvert
Notary public of Lee County, State of N.C. is adjudged to be correct. Let the instrument, with the certificate be registered. With ss my hand and official seal, this 20 day of February 1952
Martha White, 2200
Clerk Superior Court

Filed for Registration on the 20 day of Feb. 1952 at 11:00 o'clock A M: and Registered in the office of the Register of Deeds for Lee County N. C. This day of 19 at o'clock M. in Book No. 4
Page
J. W. McArthur
Register of Deeds

Plan SanLee Land Use Plan – Interactive Map of Site



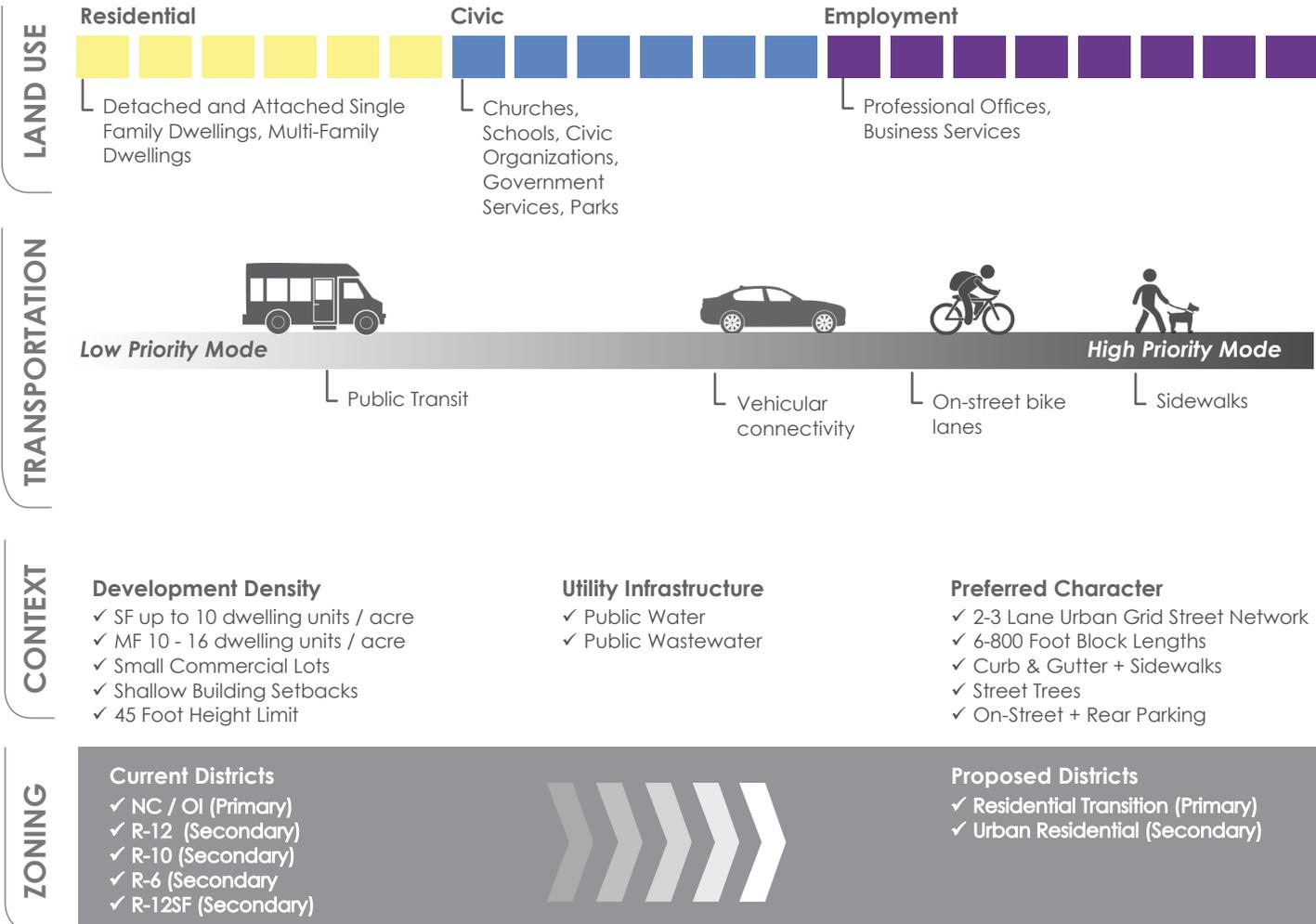
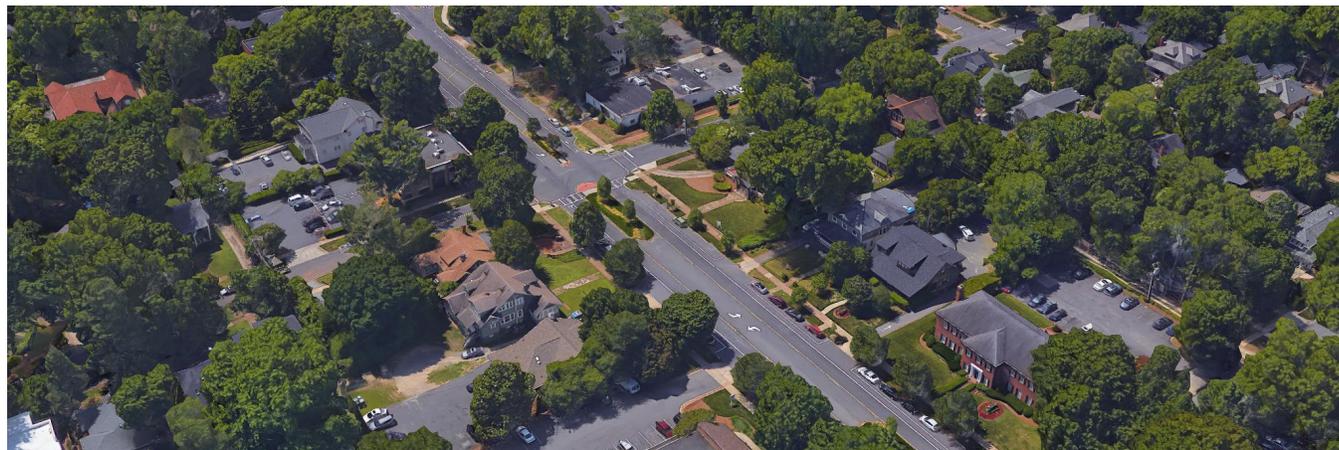
- Place Types
- Commercial Corridor
- Countryside
- Crossroads
- Downtown
- Industrial Center
- Maker District
- Mixed Use Activity Center
- Neighborhood Center
- Neighborhood Transition
- Professional and Institutional Campus
- Suburban Neighborhood
- Urban Neighborhood
- Village Center
- Village Neighborhood



NEIGHBORHOOD TRANSITION AREA

- ✓ Legacy residential neighborhoods that may be transitioning to small offices and service businesses
- ✓ Positioned along primary transportation routes leading to downtown
- ✓ Preserving residential character, buffer between downtown and urban neighborhoods

Local Example - Woodland Avenue in Sanford



5.1 ACCESSORY USES AND STRUCTURES

5.1.1 APPLICABILITY

5.1.1.1 This section applies to any subordinate Use of a Building or other Structure, or Use of land which is: (1) conducted on the same Lot as the principal Use to which it is related (except as permitted under § 5.1.2.2 below), and (2) clearly incidental to, and customarily found in connection with, such principal Use. Uses are deemed permitted as part of the principal Use and shall not require a separate permit, unless otherwise provided in the regulations established in this Article for the particular use.

5.1.2 ESTABLISHMENT.

5.1.2.1 Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has commenced or the primary use is established, except as permitted under § 5.1.2.2 below. Accessory buildings shall not be used for dwelling purposes, except where permitted in this Ordinance.

5.1.2.2 Accessory buildings and related uses may be permitted on a parcel without a principal use or structure under the following conditions:

- The subject property is located within the zoning jurisdiction of Lee County (not permitted in the City of Sanford or Town of Broadway zoning jurisdictions) and the property is zoned either RA Residential Agricultural or RR Restricted Residential;
- The associated principal use exists on an adjoining lot (which includes lots separated by a public right-of-way or a combination of contiguously owned lots); and
- A Special Use Permit has been granted by the Lee County Board of Adjustment (see § 3.5 of this Ordinance).

5.1.3 SETBACKS.

Table 5-1. Setbacks for Accessory structures.

ZONING DISTRICT	FRONT SETBACK (FEET) (see Note 1)	SIDE SETBACK (FEET)	REAR SETBACK (FEET)
RA	30	5	5
RR	30	5	5
R-20	30	See Note 2	
R-14	30	See Note 2	
R-12	30	See Note 2	
R-10	25	See Note 2	
R-6	20	See Note 2	
MF-12	20	See Note 2	
O&I	10	0	0
CBD	0	0	0
NC	10	0	0
C-1	10	0	0
C-2	10	0	0
HC	10	0	0
LI	30	0	0
HI	30	0	0

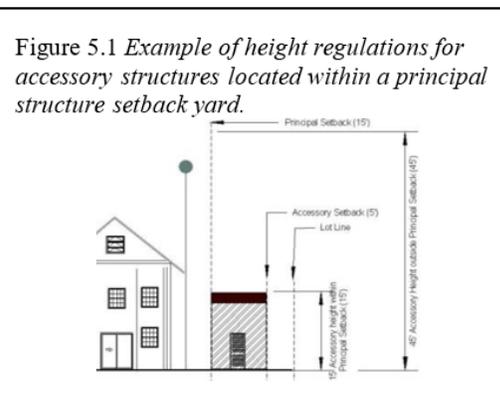
NOTE 1: This setback shall apply to all yard areas which abut a public street right-of-way.

NOTE 2: Detached accessory buildings of 800 square feet or less in size may be located within five feet of any side or rear lot line. Accessory structures that are greater than 800 square feet shall be governed by the same dimensional regulations as set forth for the principal structure(s). As set forth in Table 4.7-1.

NOTE 3: Any accessory structure that will be located within eighteen (18) inches of an exterior wall of a principal structure, shall be required to meet the principal structure setbacks as set forth in Table 4.7-1 of this Ordinance.

5.1.4 HEIGHT.

5.1.4.1 Accessory buildings shall conform to the standard height regulations of the zoning district as set forth in the Dimensional Matrix (§ 4.7, Table 4.7-1, except that those accessory structures that are located within a principal structure setback yard shall be limited to a maximum of fifteen (15) feet.



4.7 DIMENSIONAL AND DENSITY REGULATIONS

4.7.1 PURPOSE.

This Section establishes minimum and maximum standards for the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings pursuant to NCGS § 160D-702.

Developments in the PUD, TND, and TOD districts shall be governed by their respective Sections in this Ordinance and shall not be subject to the dimensional and density regulations of this § 4.7 or Table 4.7-1.

4.7.2 DENSITY REGULATIONS.

4.7.2.1 SINGLE-FAMILY RESIDENTIAL DENSITY.

For Conventional Subdivisions, the ordinance does not establish a maximum or minimum number of total permitted dwelling units, because the total number of dwelling units is governed by minimum lot size. Cluster Subdivisions shall not be subject to minimum lot size, but total permitted dwelling units shall not exceed the amount established as set forth in Table 4.7-1.

4.7.2.2 NON-RESIDENTIAL AND MULTI-FAMILY DENSITY.

Impervious surface ratio is the measurement tool used to regulate density for non-residential zoning districts. Impervious surfaces include all buildings or structures measured at their greatest extent and so as to include areas overhung by eaves, balconies, and other projecting features of the structure; also all paved or otherwise hard-surfaced areas such as buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), and similar hard-surfaced areas. Impervious surface ratio is a measure of the amount of impervious area that covers a parcel or tract. As an example, a maximum impervious surface ratio of 0.7 indicates that a maximum of 70% of the land area may be covered with an impervious surface.

Table 4.7-1 establishes a maximum impervious surface ratio for each of the non-residential zoning districts.

4.7.3 DIMENSIONAL REGULATIONS.

4.7.3.1 SETBACKS.

Setbacks for buildings or structures are measured as the area between the furthest projection of a principal structure and the lot line on which the structure is located, except as modified by the standards of this Section. Setbacks shall be unobstructed from the ground to the sky except as specified in this Section. Building setbacks for each zoning district are set forth in Table 4.7-1.

The following features may encroach into a required building setback:

- Bay windows or other structural overhang, not to exceed three (3) feet;
- Chimneys, not to exceed two (2) feet;
- Heating and cooling units, not to exceed (3) feet;
- Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed 2 feet;
- Steps, stairs or fire escapes (non-enclosed), not to exceed 6 feet;
- Any accessory building or use customarily incidental to the permitted primary use or building as allowed in accordance with § 5.1, “Accessory Uses and Structures”.

4.7.3.2 SETBACKS FOR LOTS WITH MORE THAN ONE STREET FRONTAGE.

Structures shall meet the front yard setback from all abutting street rights-of-way unless otherwise provided in this Ordinance. For undeveloped multiple frontage lots, the developer has the option to determine which yard shall be considered the “front” so long as the structure to be constructed on said lot shall have its front facing the same yard. For the purposes of applying setbacks to an existing developed lot, the front yard setback shall be defined as the yard with the shortest amount of street frontage. All other frontages shall be

considered street side yards and the rear yard shall be that yard that is opposite the designated front yard.

For the purposes of determining setback distance, a street side yard shall be considered the same as a front yard and shall meet the respective front yard setback.

R-12, RESIDENTIAL MIXED ZONING DISTRICT

This list was created by Sanford/Lee County Planning & Development staff as a summary of the permitted land uses within a specific zoning district and is intended for general informational purposes. Staff makes every effort to ensure that the information provided is accurate and up-to-date; however, it is recommended that you verify with Planning & Development staff that the proposed use is permitted within the specific zoning district and discuss any/all development requirements prior to pursuing a project. This information is applicable for the jurisdictions of the City of Sanford, Lee County and the Town of Broadway in North Carolina.

USES PERMITTED BY RIGHT

The uses listed below are permitted by right, subject to any/all other applicable standards of the Unified Development Ordinance (for example, parking requirements).

<u>Accessory Uses</u>
Accessory uses (See Section 5.1)
<u>Residential Uses</u>
Dwelling, Duplex (two-family dwelling)
Dwelling, Modular home
Dwelling, Single-family detached
<u>Arts, Recreation & Entertainment</u>
Parks, playgrounds, and athletic fields operated on a noncommercial basis
<u>Education, Public Administration, Health Care, and Institutional</u>
Day care facility, Adult
Religious Complex (less than 350 seats), new site
Religious Complex (any size), addition to existing complex/site
Schools, Pre-K –Secondary (nursery and preschool, grade schools, elementary, middle, and high school), addition to existing site
<u>Transportation, Communication, and Utilities</u>
Utility lines (including electric lines, phone/cable lines, distribution circuits, gas/fuel lines, water lines, steam/air conditioning lines, irrigation channels, and sewer/waste water lines)
<u>Agriculture</u>
Animal Production and Support Services, (unincorporated Lee County)
Crop Production and Support Functions, (unincorporated Lee County)
Forestry and Logging and Support Services, (unincorporated Lee County)

USES PERMITTED WITH DEVELOPMENT REGULATIONS

The uses listed below may either be permitted by right or upon approval of a Special Use Permit, but are also subject to the requirements of Article 5 Supplemental Development Regulations of the Unified Development Ordinance (for example, daycares are required to install a fence around outdoor play areas).

<u>Residential Uses</u>
Dwelling, Multifamily (three or more units) (See Section 10.3)
Dwelling, Single-family attached (See Section 10.3)
Home Occupations (See Section 5.16)
<u>Accommodations and Group Living</u>
Family Care Homes (See NCGS 168-21 and Section 5.12)
<u>Industrial & Manufacturing Uses</u>
Landfills, LCID (2 acres or less in size) (See Section 5.19)
<u>Education, Public Administration, Health Care, and Institutional</u>
Day Care facility, Home Child Care (See Section 5.10)

USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

The uses listed below are permitted in the respective zoning district only after review and approval of a Special Use Permit by the Board of Adjustment for the applicable jurisdiction in accordance with Article 3 Zoning and Permitting Procedures, Section 3.5 Special Use Permits of the Unified Development Ordinance. Special uses are subject to any/all applicable general design standards, any development regulations that apply to the specific use and those requirements that may reasonably be imposed by the respective board as per the Unified Development Ordinance.

<u>Accommodations and Group Living</u>
Dormitories for the students of colleges commercial schools, staff of hospitals
Child and Youth Services
Nursing, Supervision, Adult Care Homes, Group Care Facilities and other rehabilitative services
<u>Arts, Recreation & Entertainment</u>
Fitness and recreational sports, gym, health spa, reducing salon, swimming pool/auditorium, racquet club or athletic club (not otherwise listed)
Golf courses, public and private
Golf driving ranges
Sports stadiums or arenas
<u>Education, Public Administration, Health Care, and Institutional</u>
Civic, Social, and Fraternal Organizations, including community centers, meeting halls, community halls, reception halls, wedding halls for assembly and recreation
Fire, sheriff, and emergency services
Governmental Functions, not otherwise listed
Libraries
Religious Complex (more than 350 seats), new site

Schools, Continuing Education (alternative, adult colleges and universities, and technical, trade and, other specialty schools)
Schools, Pre-K – Secondary (nursery and preschool, grade schools, elementary, middle, and high school) new site
<u>Transportation, Communication, and Utilities</u>
Sewage treatment and Water treatment plants
<u>Agriculture</u>
Crop Production and Support Functions (Sanford and Broadway)

**USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT
THAT HAVE SPECIFIC DEVELOPMENT REGULATIONS**

The uses listed below are permitted in the respective zoning district only after review and approval of a Special Use Permit by the Board of Adjustment for the applicable jurisdiction in accordance with Article 3 Zoning and Permitting Procedures, Section 3.5 Special Use Permits of the Unified Development Ordinance. In addition to any/all applicable general design standards and those requirements that may reasonably be imposed by the respective board, these uses have specific standards that must be adhered to as per the Unified Development Ordinance (for example, fencing is required around the base of telecommunication towers, including any structures or guy wires).

<u>Residential Uses</u>
Accessory Dwellings (See Section 10.4)
<u>Accommodations and Group Living</u>
Bed and breakfast inn (See Section 5.4)
<u>Industrial & Manufacturing Uses</u>
Landfills, C&D or LCID (greater than 2 acres in size) (See Section 5.20)
Mining and Quarries, Unincorporated Lee County and City of Sanford only (See Section 5.23)
<u>Education, Public Administration, Health Care, and Institutional</u>
Cemeteries, public and private (does not include individual family plots) (See Section 5.6)
Day Care facility, Child Care Center (See Section 5.10)
Day Care facility, Adult (See Section 5.38)
<u>Transportation, Communication, and Utilities</u>
Solar Collectors, Commercial (See Section 5.39)
Telecommunication towers (See Section 5.33)

ADJOINING PROPERTY OWNERS LIST

APPLICATION BY: Lorena Beltran

REQUEST: Setback Variance

LOCATION: 424 Evergreen Lane, Sanford, NC 27330

PIN: 9642-85-4788-00

DATE: May 29, 2024

No.	PIN	PROP ADDR	OWNER 1	OWNER2	M #	MAIL ST	MAILCITY	ST	ZIP
01	9642-85-6808-00 Wilkins Supply Lot 127, Section 2	409 RIDGECREST DR	BERNARD, HARRY W	-		PO BOX 19525	SPOKANE	WA	99219
02	9642-85-5769-00 Wilkins Supply Lot 117, Section 2	422 EVERGREEN LN	SOUTHERN WAKE PROPERTY GROUP LLC	-	1417	RIVERVIEW DR	RALEIGH	NC	27610
03	9642-85-6727-00 Wilkins Supply Lot 118, Section 2	418 EVERGREEN LN	SLEEPY HOLLOW ESTATE MHP LLC	-	104	HEIDINGER DR	CARY	NC	27511
04	9642-85-5588-00 Wilkins Supply Lot 109, Section 3	421 EVERGREEN LN	SANCHEZ, JOSE ANGEL DE LA CRUZ	-	421	EVERGREEN LN	SANFORD	NC	27330
05	9642-85-5529-00 Wilkins Supply Lot 110 & 6* Section 3	425 EVERGREEN LN	GARCIA, JESUS ANTONIO RUIZ	-	425	EVERGREEN LN	SANFORD	NC	27330
06	9642-85-4651-00 Wilkins Supply Lot 111, Section 3	429 EVERGREEN LN	ALVAREZ, EFRAIN ESCOBAR	-	411	EVERGREEN LN	SANFORD	NC	27330
07	9642-85-3691-00 Wilkins Supply Lot 112, Section 3	433 EVERGREEN LN	LLAMAS-CHAVEZ, NEREYDA	-	433	EVERGREEN LN	SANFORD	NC	27330
08	9642-85-3632-00 Wilkins Supply Lot 113, Section 3	435 EVERGREEN LN	CAMERON, NANCY K	-	-	PO BOX 994	SANFORD	NC	27331
09	9642-85-2663-00 Wilkins Supply Lot 114, Section 3	439 EVERGREEN LN	CPI SOLO 401K TRUST	-	500	CARDINAL DR	RALEIGH	NC	27604
10	9642-85-2860-00 Wilkins Supply Lot 128, Section 3	420 RIDGECREST DR	CAMPOS-LUCERO, CHRISTIAN JOVINO	-	3404	EVERS AVE	SANFORD	NC	27332
11	9642-85-3826-00 Wilkins Supply Lot 129, Section 3	418 RIDGECREST DR	PHILLIPS, PAULINE M	-	418	RIDGECREST DR	SANFORD	NC	27330
12	9642-85-3970-00 Wilkins Supply Lot 130, Section 3	414 RIDGECREST DR	SANDOVAL, JAIME	-	537	AMOS BRIDGES RD	SANFORD	NC	27330
13	9642-85-4926-00 Parcel A PC 2022/210	412 RIDGECREST DR	CILIBERTO, CRAIG A	-	406	RIDGECREST DR	SANFORD	NC	27330
14	9642-86-4083-00 Parcel B PC 2022/210	406 RIDGECREST DR	CILIBERTO, CRAIG A	-	406	RIDGECREST DR	SANFORD	NC	27330
15	APPLICANT & PROPERTY OWNER	424 EVERGREEN LN	REYES, RICARDO	BELTRAN, LORENA	424	EVERGREEN LN	SANFORD	NC	27330

Sanford/Lee County

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

May 29, 2024

Dear Adjacent Property Owner:

The Unified Development Ordinance (UDO) of the City of Sanford, North Carolina requires that adjacent property owners be notified when a Special Use Permit request or Variance request has been scheduled for a public hearing before the City of Sanford Board of Adjustment.

CITY OF SANFORD PUBLIC NOTICE

Notice is hereby given that the City of Sanford Board of Adjustment will hold a regular meeting and conduct a public hearing on Tuesday, June 11, 2024 in the Council Chambers of the Sanford Municipal Center at 225 E. Weatherspoon Street, Sanford, N.C. 27330. The public hearings will begin at 6:00p.m. or as soon thereafter as deemed practical by the Board to consider the following applications:

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.
2. **VARIANCE APPLICATION CASE 2024-0602:** Application by Lorena Beltran for property located in the southeastern corner of the Ridgecrest Drive and Evergreen Lane intersection that is developed with a house addressed as 424 Evergreen Lane. The applicant is requesting a Variance from the Unified Development Ordinance (UDO), Article 5 Supplemental Development Regulations, Section 5.1 Accessory Uses and Structures, Table 5-1 Setbacks for Accessory Structures. The request is for a 20ft variance from the required minimum building front setback of 30ft from the right-of-way of Ridgecrest Drive and a 15.7ft variance from the required minimum building front setback of 30ft from the right-of-way of Evergreen Lane. This would allow the applicant to complete of an accessory building that is currently under construction without zoning approval. The subject property is zoned Residential Mixed (R-12), is illustrated as Lot 116, Section II of a 1952 survey labeled “A Map Showing the Alcott Property of the Wilkins Supply Company” recorded in Plat Cabinet 2 Slice 473, and is identified as Tax Parcel 9642-85-4788-00 on Lee County Tax Map 9642.12. (The Variance application, the Lee County tax information and the recorded subdivision plat indicate that this property is on Evergreen Lane; however, it should be noted that the posted street sign is for Evergreen Street.

The public is cordially invited to attend these quasi-judicial hearings. Due process requirements for quasi-judicial decisions mandate that certain standards be observed when these decisions are made. This includes the right of parties for or against the proposal to offer evidence, have sworn testimony, and have findings of fact supported by competent, substantial and material evidence. All interested parties have the right to be represented by an attorney. 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

ADJACENT PROPERTY OWNER NOTIFICATION CERTIFICATION

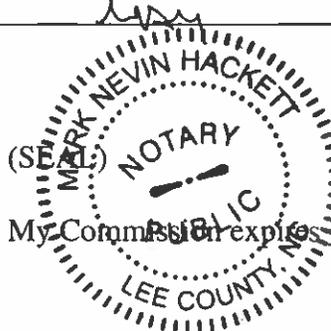
I, Amy J. McNeill, hereby certify that the property owners and adjacent property owners of the following Variance request, as indicated on the Lee County Tax Maps, were notified by First Class U.S. Mail on Wednesday, May 29, 2024.

1. VARIANCE APPLICATION CASE 2024-0602: Application by Lorena Beltran for property located in the southeastern corner of the Ridgecrest Drive and Evergreen Lane intersection and is developed with a house addressed as 424 Evergreen Lane. The applicant is requesting a Variance from the Unified Development Ordinance (UDO), Article 5 Supplemental Development Regulations, Section 5.1 Accessory Uses and Structures, Table 5-1 Setbacks for Accessory Structures. The request is for a 20ft variance from the required minimum building front setback of 30ft from the right-of-way of Ridgecrest Drive and a 15.7ft variance from the required minimum building front setback of 30ft from the right-of-way of Evergreen Lane. This would allow the applicant to complete of an accessory building that is currently under construction without zoning approval. The subject property is zoned Residential Mixed (R-12), is illustrated as Lot 116, Section II of a 1952 survey labeled "A Map Showing the Alcott Property of the Wilkins Supply Company" recorded in Plat Cabinet 2 Slice 473, and is identified as Tax Parcel 9642-85-4788-00 on Lee County Tax Map 9642.12. (The Variance application, the Lee County tax information and the recorded subdivision plat indicate that this property is on Evergreen Lane; however, it should be noted that the posted street sign is for Evergreen Street.)

Signature: Amy J. McNeill Date: 05.29.2024
Title: Senior Planner

Lee County, North Carolina

I, Mark Nevin Hackett, 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 28th day of May, 2024.



[Signature]
Notary Public Signature

My Commission expires 7 Feb 2027

CITY OF SANFORD PUBLIC NOTICE

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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.

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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 Thursday, May 20, 2024 and Thursday, June 6, 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 28, 2024

Dear Adjacent Property Owner:

The Unified Development Ordinance (UDO) of the City of Sanford, North Carolina requires that adjacent property owners be notified when a Variance request has been scheduled for a public hearing before the City of Sanford Board of Adjustment.

CITY OF SANFORD PUBLIC NOTICE

Notice is hereby given that the City of Sanford Board of Adjustment will hold a regular meeting and conduct a public hearing on Tuesday, July 9, 2024 in the Council Chambers of the Sanford Municipal Center at 225 E. Weatherspoon Street, Sanford, N.C. 27330. The public hearing will begin at 6:00p.m. or as soon thereafter as deemed practical by the Board to consider the following application:

1. **VARIANCE APPLICATION CASE 2024-0602:** Application by Lorena Beltran for property located in the southeastern corner of the Ridgecrest Drive and Evergreen Lane intersection that is developed with a house addressed as 424 Evergreen Lane. The applicant is requesting a Variance from the Unified Development Ordinance (UDO), Article 5 Supplemental Development Regulations, Section 5.1 Accessory Uses and Structures, Table 5-1 Setbacks for Accessory Structures. The request is for a 20ft variance from the required minimum building front setback of 30ft from the right-of-way of Ridgecrest Drive and a 15.7ft variance from the required minimum building front setback of 30ft from the right-of-way of Evergreen Lane. This would allow the applicant to complete of an accessory building that is currently under construction without zoning approval. The subject property is zoned Residential Mixed (R-12), is illustrated as Lot 116, Section II of a 1952 survey labeled "A Map Showing the Alcott Property of the Wilkins Supply Company" recorded in Plat Cabinet 2 Slice 473, and is identified as Tax Parcel 9642-85-4788-00 on Lee County Tax Map 9642.12. (The Variance application, the Lee County tax information and the recorded subdivision plat indicate that this property is on Evergreen Lane; however, it should be noted that the posted street sign is for Evergreen Street.

The public is cordially invited to attend these quasi-judicial hearings. Due process requirements for quasi-judicial decisions mandate that certain standards be observed when these decisions are made. This includes the right of parties for or against the proposal to offer evidence, have sworn testimony, and have findings of fact supported by competent, substantial and material evidence. All interested parties have the right to be represented by an attorney. 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

Sanford/Lee County Community Development | 115 Chatham Street, Suite 1, Sanford, NC 27330 | 919-718-4656

ADJACENT PROPERTY OWNERS' NOTIFICATION CERTIFICATION

I, Amy J. McNeill, hereby certify that the property owners and adjacent property owners of the following rezoning petitions as indicated on the Lee County Tax Maps were notified by First Class U.S. Mail on Friday, June 28, 2024.

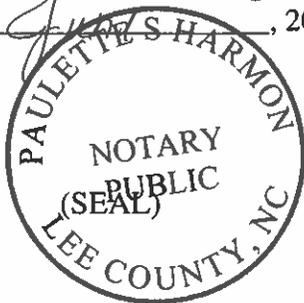
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Signature: Amy J. McNeill Date: 6/28/2024
Title: Senior Planner

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 28th day of June, 2024.



Paulette S. Harmon
Notary Public Signature

My Commission expires October 11th 2025

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Thank you.

Bonnie Davis, Clerk - City of Sanford

Please be aware that Mark Hackett of the Sanford/Lee County Planning Dept. will serve as an interpreter for the applicant for this case.

Board of Adjustment Variance Hearing Procedures

June 11, 2024

Reference the agenda memo for the following items:

- Note the presence of a quorum and call to order
- Opening Statement by Chair
- Approval of Agenda
- Approval of Minutes
- Disclosure of Conflict of Interest
- Election of a Chair and Vice-Chair
- New Business

1. VARIANCE APPLICATION CASE 2024-0602

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Provided below are the procedures for the New Business item.

VARIANCE HEARING

1. Chair to announce the case:

We will now hold a public hearing to consider Variance Application Case 2024-0602, which is the application by Mrs. Lorena Beltran seeking a 20ft variance from the required minimum building front setback of 30ft from the right-of-way of Ridgecrest Drive and a 15.7ft variance from the required minimum building front setback of 30ft from the right-of-way of Evergreen Lane to allow the applicant to complete an accessory building that is currently under construction without zoning approval.

2. Chair to ask the following questions:

- A. Is the applicant Mrs. Lorena Beltran present?
- B. Are you ready to proceed?
- C. Are you represented by counsel?

3. Chair then states:

Those wishing to testify in this case must affirm their testimony; however, anyone in attendance may ask questions of the person testifying.

At this time, we will administer the oaths for all individuals who intend to speak this evening. Please Rise (The Chair will read the Affirmation.)

Affirmation: I solemnly affirm that the evidence that I shall give shall be the truth, the whole truth, and nothing but the truth.

Thank you. You may be seated.

As a reminder, please state your name and address for the record when you come forward to give testimony.

4. Chair calls on the applicant or the applicant's counsel to present the case *in favor* of granting the variance.

The procedure with applicant will be as follows:

- A. Applicant/counsel testifies
 - B. Those in opposition cross-examine the applicant/counsel
 - C. Questions from the Board of Adjustment
 - D. Redirect examination of applicant/counsel
 - E. Re-cross examination of applicant/counsel by those in opposition
 - F. Further questions by Board of Adjustment
 - G. Questions by public (must give name and address for the record)
5. Chair then calls on witnesses *in favor* of application to speak, and observes the same procedure as noted above.

6. After the applicant has completed presenting his/her case, the Chair calls upon those *in opposition* to the application to present their witnesses.

The procedure with witnesses will be as follows:

- A. Witness/counsel in opposition testifies
 - B. Applicant or his/her counsel cross-examines witness in opposition
 - C. Questions from the Board of Adjustment
 - D. Redirect examination by witness in opposition
 - E. Re-cross examination of witness in opposition by applicant
 - F. Further questions by Board of Adjustment
 - G. Questions by public (must give name and address for the record)
7. Chair to call the next and each succeeding witness in opposition to speak, and observe the same procedure as noted above.
 8. After all witnesses for the applicant and those in opposition have testified, the Chair calls upon the applicant to present whatever evidence he/she has in rebuttal.

Note: This is not an invitation to rehash everything the applicant/counsel or those in opposition has gone over in their direct testimony, but is the opportunity to present new evidence that the applicant/council or those in opposition has in rebuttal to what the other has stated.

REBUTTAL

9. The applicant/counsel can present any *new* evidence they have for rebuttal.
 10. After the applicant/counsel rebuttal has been presented, then the opponents have the opportunity to present *new* evidence in rebuttal.
 11. This will complete the hearing of evidence in the matter unless either party should ask for a chance to present further evidence. This would be a matter within the discretion of the Board.
 12. Chair to call on the applicant/counsel to present their summation or argument to the Board in favor of granting the variance.
 13. Chair to call on those in opposition to present their summation or argument to the Board as to why the variance should be denied.
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Finally, after all evidence and the rebuttals have been presented,

14. The Chairman should summarize the evidence.
(The secretary should write this summary down for inclusion in the minutes.)
15. The Chair should tell the parties that the summary is intended to be the record of what has been presented and that they may offer any objections, corrections, or additions that will more accurately present their case.

This concludes the hearing and the Board shall then deliberate and make a decision.

16. Chair should state for the Board and those in attendance, that **the granting of the variance is based upon findings of fact. Each finding requires a 4/5th**

majority vote (80%) by the Board to be approved. When voting, the Board must render a decision on *each* of the required findings and must state a reason for approval or denial of *each* finding of fact.

(The Board members should indicate for each required finding the evidence on which the finding was based. On the basis of these findings, a Board member should offer a motion either to grant or deny the variance. This motion should be discussed and any suitable conditions appended to it.)

17. Chair should also state that **if one of the required findings fail, they all fail.**

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach four conclusions before it may issue a variance:

- A. If he complies with the provisions of the ordinance, the property owner will suffer unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- B. The hardship of which the applicant complains results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- D. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

AFTER THE BOARD'S DECISION HAS BEEN RENDERED

18. Chair should state that this decision is effective upon filing the written decision with the clerk to the board. This decision shall be subject to review by the superior court. If anyone is dissatisfied with the decision of the Board, an appeal may be taken to the Lee County Superior Court within 30 days after the decision has been filed in the clerk to the board in the Sanford/Lee County Community Development Department.