

**SANFORD BOARD OF ADJUSTMENT**  
**SPECIAL CALLED MEETING**  
**Thursday, August 22, 2024, 4:30 PM**  
**Buggy Company Building at 115 Chatham Street, Sanford, NC**  
**Buggy Conference Room (first floor)**

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The Buggy Conference Room is on your left when you exit the elevator.*

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**NOTE THE PRESENCE OF A QUORUM FOR THE RECORD**  
**CALL TO ORDER – 4:30 PM**

- A. APPROVAL OF AGENDA**
- B. APPROVAL OF MINUTES – *June 11, June 26, July 9, and July 11, 2024***
- C. NEW BUSINESS - *None***
- D. OTHER BUSINESS - *None***
- E. ADJOURNMENT**

**MINUTES OF THE SPECIAL MEETING OF THE  
CITY OF SANFORD BOARD OF ADJUSTMENT  
SANFORD, NORTH CAROLINA**

The City of Sanford Board of Adjustment met for a regular meeting in the City Council Chambers of the Sanford Municipal Center at 225 E. Weatherspoon Street, Sanford, NC, on Tuesday June 11, 2024, at 6:00 PM.

**ROLL CALL**

Members Present:                 Roger Judd, Chairman  
  Van Groce, Jr., Vice Chair  
  David McCracken  
  Garrison Odgenski  
  Connor McKinnis  
  Timothy Lockard

Staff Present:                     Amy McNeill, Senior Planner  
  Thomas Mierisch, Zoning Administrator  
  Angela Baker, Clerk to the Board  
  Kevin Hornik, Attorney to the Board

Having noted the presences of a quorum, Chair Judd called the meeting to order.

Chair Judd read the Quasi-Judicial Statement.

**APPROVAL/DISAPPROVAL OF AGENDA**

Chair Judd entertained a motion to approve the agenda.

Attorney Hornik stated that there had been some conversation about continuing the variance hearing until the next Board of Adjustment meeting; or switching the order of the agenda in the interest of the Board's time. The Board controls the agenda.

The Board discussed the agenda.

Board member McKinnis made the motion to approve the agenda as is, seconded by Board member McCracken, the motion carried unanimously.

**CONFLICTS OF INTEREST**

Chair Judd read the conflict interest statement and asked for acknowledgement of any conflicts of interest in the case to be presented. There were no other conflicts of interest.

**EX-PARTE COMMUNICATION**

Chair Judd asked for acknowledgement of any ex-parte communication in the ongoing case Special Use Permit case. There were no ex-parte communications.

## NEW BUSINESS

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.

Attorney Hornik opened the Public Hearing.

Chair Judd asked if the applicant Adult & Teen Challenge of Sandhills North Carolina present; ready to proceed; and represented by Counsel.

Attorney Nick Robinson stated that he is Attorney for Council.

The Clerk affirmed the participants that would be giving testimony and asked they come to the podium to be recognized and state their name and address for the record.

Staff McNeill stated that staff has received a written request to continue the public hearing for the special use permit and Mr. Steve Womack would present the request. Exhibit A.

Mr. Steve Womack, 1910 Plantation Drive, Sanford, NC.

Mr. Womack stated that the neighbors in the area that adjoin the church property sought legal representation from Mr. Eddie Winstead. Mr. Winstead resigned at 11 am today, June 11, 2024, due to a conflict of interest within the firm. They did not have time to seek additional council. They would like to ask for a continuance to obtain other counsel.

Attorney Hornik allowed the applicant’s counsel to present his rebuttal.

Attorney Robinson on behalf of the applicant stated that he is sympathetic with the neighbors, however, in order to ask for a continuance he requested that the Board hear the issue of standing to determine if the neighbors are proper parties to the proceeding. He stated that standing needed to be determined before the question of a continuance could be discussed. He stated that it needed to be inquired who exactly was represented by Attorney Winstead; where they live in relation to the subject property; and can they demonstrate to the Board’s satisfaction under North Carolina law that they are proper parties to this proceeding. They would need to demonstrate that they have some form of special damage under the law that would be caused by the special use permit. Attorney Robinson requested that before a

continuance would be granted, to take up the issue of standing. Attorney Robinson stated that this hearing was scheduled for last month on May 14 and had to be continued due to no fault of the Board or the applicant; and he stated that the neighbors have had plenty of time to obtain counsel.

Mr. Womack stated that 50 days was plenty of time to hire a lawyer, which is what was done. Due to no fault of the neighbors, it was simply the Attorney who withdrew this morning due to a conflict of interest.

Chair Judd asked if the neighbors that were represented by Attorney Winstead that Mr. Womack was speaking on behalf of were in attendance. Mr. Womack said yes, the adjoining property owners and the property owners directly across the street.

Board member McCracken asked if there was a POA in the neighborhood. Mr. Womack said no, established neighbors that have lived in the area for numerous years. Board member McCracken stated that there is no POA for the neighborhood.

Attorney Hornik stated that the Board controls the agenda and the Board needed to decide to continue the proceeding or postpone until another date. Attorney Hornik restated that Attorney Robinson made the point that whenever this hearing proceeds, the participants need to prove standing. However, anyone can present opposition testimony at any time during the hearing. Attorney Hornik said that an evidentiary hearing would be needed to determine if the neighbors have standing.

Board member Groce stated that some of the names on the list may or may not have standing; and may not live adjacent to the church or even close proximity.

Attorney Hornik stated that whether or not individuals have an attorney; found to be parties with standing; they are still allowed to speak in the opposition and give testimony during the proceeding.

Attorney Hornik stated that if the Board chose to continue with the evidentiary hearing, he said that the opposition would be allowed to present evidence, testimony, and explain to the Board what harm they would suffer as a result of the special use permit. The applicant attorney would have the opportunity to cross examine each person and the Board would decide on an individual basis whether or not each of the folks who wish to participate as parties have standing or not. He reiterated that if any of the folks are found not to have standing, they can still participate in this hearing, present testimony and evidence, which are relevant to the decision criteria. They would not be allowed to cross-examine witnesses. He stated that once it is determined that all or any of the folks have standing and participate in this hearing, then the Board would sort through all of the evidence to make a decision to approve or deny the special use permit.

Attorney Hornik stated that there were a couple of issues that needed to be discussed. He said that it sounds like that there is no homeowner association; there are issues with respect to whether or not the group can be considered a party itself. There is law that states that organizations incorporated or unincorporated which are created specifically to oppose quasi-

judicial land use application are not considered parties or cannot be parties in of themselves as an organization. The individuals that make up that organization can still be parties with standing on their merits, but they do not form one group. Likewise, the North Carolina State Bar an ethics opinion that says that is the unauthorized practice of law for a non-lawyer to represent other individuals in a quasi-judicial evidentiary hearing like this one. So, likewise, even if all these individuals attempted to be found parties with standing during this evidentiary hearing, they could not nominate on individual speaker or any number of individuals; that would potentially be the unauthorized practice of law.

Board member Groce asked Mr. Womack if there was an organization of the neighbors. Mr. Womack said no. That is why they hired an attorney.

Board member Groce stated that the neighbors needed to present facts; appraisers and such to give factual testimony. He said that a lawyer could speak on behalf of the neighbors, but other evidence will be needed to disagree with the applicant. At this time, they do not have this information.

Mr. Womack said correct.

Board member Groce said that the applicant has waited two months, and they have been working on this and have had time to prepare. Do they give the neighbors the same courtesy.

Attorney Hornik stated again, the Board controls the agenda. If the matter would be continued until next month, without an attorney they would be in the same situation. The applicant has the right to have their application to be heard in a reasonable time. He said the Board needed to decide if they are on the edge of reasonable time. His opinion was that if the case would be continued tonight, the applicant would probably want the case to be heard before the next scheduled date to be decided tonight.

Attorney Robinson stated that if the Board should decide to continue the matter, then they would want it to be provided, no further continuances and request that the matter not be delayed another month, possibly to be heard within the next two weeks. He would like a list of the names and addresses of all parties interested in being a participant in the hearing.

Board member McCracken stated that there is the legal question whether a group of individuals can be represented by an attorney in opposition.

Attorney Hornik stated that there is a lot of precedence. NCGS Chapter 160 (e) Section 406, 1402 (c) (3): An incorporated or unincorporated association to which owners or lessees of property in an designated area for law by virtue of their own or leasing property affect the property association or homeowner association can be a party to an evidentiary hearing so long as at least one member of that homeowner association and property owner association would have standing were they proceeding as an individual. However, there is a law that says an organization that is created for the specific purpose of opposing an application is not afforded those same protections.

Board member Groce stated that they are not a formed organization and that they are hiring an attorney as a group of individuals. An attorney can represent each individual.

Attorney Hornik stated that if that was the case, this would be quicker to prove standing. In this case, each person, one by one, will be need to prove standing. Even if they are represented by an attorney.

Board member Groce wanted to know the availability of the Council Chambers in two weeks.

Attorney Hornik stated that it needs to be discussed with Staff the availability of the room and the Board to establish a quorum.

Staff McNeill stated that the room would be available on June 25. However, another Clerk would have to be appointed because Clerk Baker is on vacation.

Attorney Hornik stated that it is important that the Board decided a date and time, due to publication requirements.

Board member McCracken made the motion that the Board continue with the hearing tonight. He said that it took them 50 days for an attorney to determine he had a conflict. He felt that finding an attorney to be prepared in 2 weeks would be difficult. Board member McKinnis seconded the motion to continue with the hearing to determine standing for those who wish to be a party to the case.

Attorney Hornik stated that the parties needed to put their name and address on a sheet of paper and the Board would go through the list and allow each person to give their testimony on special damages as a result of the special use permit. He recommended that each person provide new information to keep from being repetitive.

The Motion to proceed vote by a show of hands:

Yes:

Chair Judd  
Connor McKinnis,  
David McCracken  
Garrison Ogdenski

No:

Vice Chair Van Groce

Attorney Hornik announced a 10-minute recess for individuals to sign up to speak on standing. The list should be the name and address of the person wishing to be heard.

Exhibit B

Attorney Hornik stated that once the Board returned from recess the Board will go through the list one at a time, and hear from each individual and make the decisions as to whether they are parties or not. He reiterated that any individual who is found not to be a party with standing is

still entitled to present testimony; they would not under the circumstances have the right to cross examine witnesses and object to evidence presented by the applicant.

Chair Judd called the meeting back to order; and requested a motion to continue item #2, variance.

Board member McCracken requested that the variance be rescheduled until July 9, 2024, at the next regular meeting. Board member McKinnis seconded the motion. The motion was approved.

Chair Judd stated that the Board requested some stipulations regarding the procedure of the Special Use Permit. He stated that there would be a 9:00 pm cut-off time; and if the proceeding needed to continue it would be discussed to be held on June 26, 2024, at 6pm.

Attorney Hornik summarized the findings that the Board must decide to approve the special use permit. He stated that an individual who will suffer special damages as the result of the decision from the Board may be considered a party with standing. Special damages depends on several factors, possibly, the proximity of the subject property but by itself is not determinative; likewise, an adverse impact to the property value, is relevant and is a factor that the Board can consider, but it by itself is not determinative; additional adverse impacts, like storm water run-off, noise, pollution, and traffic impacts; any issue that meet any of those factors. He also stated that there are several topics on which lay opinion testimony cannot be considered by the Board. That includes, the impact of traffic on public safety; needs to be presented by an expert such as a traffic engineer. Likewise, anything in the Court of law that would require expert witness of the law; and quasi-judicial evidentiary hearing requires the same. The Board cannot rely on lay opinion or non-expert testimony.

Chair Judd proceed with the list of individuals that signed up in opposition to prove standing. Attorney Hornik reiterated that this is not an opportunity to talk about whether or not this particular special use permit should be approved. This opportunity to tell the Board what harm that you believe will be suffered as a result of the special use permit, if it were to be approved. Assuming that you are found to be a party with standing, you will then later on have an opportunity to talk about the particular use as an issue. Attorney Hornik said that this was a very early stage and not getting into those issues at this point.

Chair Judd proceeded with the list.

1. Steve Womack, 1910 Plantation Drive.

Mr. Womack read the appraisal report in the packet. He stated that the properties listed in the report, none of the three, are in residential neighborhoods where 25 people are going to be living in a neighborhood. His point that in of itself is not correct. There is no comparison to this location.

Attorney Hornik stated that the point is well taken, however, that is testimony is more appropriate during other portion of the special use permit. He said that other things that affect him personally or individually would suffer from the special use permit, this would be the appropriate time.

Mr. Womack said that his point is the appraisal is not valid. There was no home valuation of the properties, what they are now, what they were before, and what they may be in the future. It is a general consensus that just because a person is an appraiser does not mean that it is valid.

Attorney Hornik said that again, it is worth for you and other individuals to give testimony tonight on where your property is located in the relation to the subject property and adverse impacts to your property if the Board were to approve the special use permit.

Mr. Womack said that his property is across the street from the property. He said that they do not have a POA; they just have a neighborhood that has been neighbors for many years. He is not concerned about the loss of property values, because the homes that the neighbors will keep until they die. The neighbors bought in a residential area, and he bought his house in 1986. If he had known that the subject property would one day be adjacent to a facility, then he would have not bought there. The fabric and make-up of a neighborhood to be changed by the use. The church has always been there. They have not caused any issues.

Chair Judd asked how the use impacts the property.

Mr. Womack stated that his wife is afraid; number of transient nature of people who are young women and who will come looking for those women; and the circumstances they come from. Entire neighborhood will be changed. Safety of the neighborhood will change.

Attorney Hornik stated that the Board members who have questions would need to ask Mr. Womack at this time. Mr. Womack will have an opportunity to reply. Attorney Robison will be given the opportunity to cross-examine Mr. Womack.

Attorney Robinson cross-examined Mr. Womack.

Attorney Robinson asked Mr. Womack if he was licensed in NC.

Mr. Womack said no.

Attorney Robinson stated that Mr. Womack was concerned about the transient nature of the use of the facility and changing the entire neighborhood.

Mr. Womack said yes, the atmosphere and feeling of the neighborhood as a whole.

Attorney Robinson pointed out that Mr. Womack's house does not physically adjoin the property, and is located across the street.

Attorney Robinson stated that Mr. Womack's testimony does not establish the level of special damages that need to be determined to be a party in this proceeding. First of all, the first issue is impact on his property and the state statute is very clear NCGS 160(e) 1402(j) (3) and is specifically excludes any lay testimony by anyone about the impact of the use on their property value if they are not an expert in that field in North Carolina that is determined by appraisers. Mr. Womack does not deny that he is not an appraiser. His testimony does not establish special damages. Secondly, the

transient nature of people in and out of the facility would impact the entire neighborhood. North Carolina law is very clear that in order to establish special damages you have to show that you will experience damages that are different from the rest of the neighborhood and the community. It is quite clear there is no difference to his house or any other house in the neighborhood. That does not rise to the level of special damages in North Carolina. Mr. Robinson repeated what Mr. Hornik said that is true; that doesn't mean that Mr. Womack doesn't get to present his arguments in this proceeding. It just means that he is not going to be determined to be a party because he has not established anything close to special damages that the law would require.

Attorney Hornik stated that the Board would need to deliberate the evidence from Mr. Womack and the cross-examination by Attorney Robinson.

Board member Groce stated that the only way to rebut an appraiser is to have an appraiser on each side. That is the way it works. He said that he has been in the building business for 28 years, but his opinion still would not matter. He could tell you the engineering on a house, but he is not a Certified PE, so he isn't qualified to give that information as a professional. To hang a hat on standing it will have to be from a certified appraiser.

Board member McKinnis stated that he didn't think enough information was provided for standing. However, he thought he could provide testimony at the appropriate time.

Board member McCracken asked in order to present evidence the Board has to determine standing. If they don't have standing, they are still allowed to speak on behalf, either for or against, the special use permit.

Attorney Hornik stated that an individual who is not found to be a party with standing can still present testimonies, and still present evidence for the record. It has to be testimony on subject matter relevant to the Board's decision and it has to be subject matter within that individual's personal knowledge. No speculation; only specific facts published that they have knowledge. If they are not a party in standing, they cannot cross-examine the applicant or its witnesses; and object to the evidence that the applicant presents.

Board member McKinnis made a motion that Mr. Womack is not a party with standing for the purposes of this hearing. Seconded by Board member McCracken.  
Chair Judd called for a vote by a raise of hands.

Yes:

Chair Judd  
Connor McKinnis,  
David McCracken  
Vice Chair Van Groce

No:

Garrison Ogdenski

2. Dawn Haney, 1912 Knollwood Drive

Ms. Haney says she abuts from the back of the property on Spring Lane. She stated that she and her husband, Mark, wants more information about what the plans might be for the facility. She understands that she is not an expert, however, when they moved here from Durham 3 years ago, moved for a quiet, peaceful neighborhood. Since moving to Sanford, they love their neighborhood. They loved when the church had the preschool in the backyard, and you could hear the children playing. She said that her biggest concern as a female, about the people who hunt people and the victims of crimes or who victims of abuse. That is a very real statistic, and she doesn't have the actual numbers. She has daughters, 25 and 28 who live with her. The youngest daughter works remotely all day in Knollwood. Her concern is the safety of her family and what measures will be put in place to protect the young people who might be there if allowed, especially her daughters. She said that are her concerns at this time, the safety of her children and the other children in the neighborhood. She agrees that these places are needed, but not in a residential neighborhood.

Attorney Hornik asked if the Board has any questions.

Vice Chair Groce thanked the Ms. Haney for her comments and kindness.

Attorney Robinson cross-examined Ms. Haney.

He asked if she had any concern about noise for the use.

Ms. Haney said no.

Attorney Robinson asked if the principal concern was a generalized fear of possibility of crime and violence associated with the facility.

Ms. Haney said yes.

Attorney Robinson asked if she had any awareness evidence that a Women's recovery center will generate any increase in incidents of crime.

Ms. Haney said she cannot give any statistical evidence. She spoke regarding friends that were in domestic violence situations who spouse came looking for her and put her in the hospital.

Attorney Robinson followed up by stating that it was a battered women shelter, and not a women's voluntarily recovery for drug addiction. The incident described was a in connection with a participant in the shelter and not someone in the neighborhood.

Ms. Haney said yes.

Attorney Robinson asked if Ms. Haney has any evidence of any increase in crime or violence related specifically to the existence of a women's recovery center to folks in a neighborhood.

Ms. Haney said that since she wasn't given the extra two weeks and wasn't prepared to speak; had she been able to have that time to get the data. She said that she was speaking as to what she knows as a female.

Attorney Hornik said that he understands the impulse from the crowd to clap, or react, however the microphones are recording to preserve the record of the hearing and he requested that the crowd refrain from reacting.

Attorney Robinson stated that Ms. Haney acknowledges that she is not an appraiser and her main concern which is a genuine, heartfelt concern, and would not dispute that concern. It is a generalized fear of possible incidents of crime and North Carolina law is super clear that generalized fear and anxiety of something that may occur as a result of a use is far too speculative and does not rise to the level of what is necessary for special damages. He said that is not sufficient for standing.

Chair Judd asked for discussion or a motion.

Vice Chair Groce made a motion that based on the specifics and requirements Ms. Haney does not have standing.

Audience Comments: 1:40

Rebecca Waters: She asked if the Board could cut to the chase with Standing. She stated that as you are defining standing, unless someone stands up, there is no one that has expertise in order to meet the definition of standing. She asked if they could move along with the hearing.

Attorney Hornik stated that he was going to push back on that issue. He said that it is not this Board's definition of standing. It is not a definition that this Board has created. This is a definition by law. He stated that it is not fair the tone or attitude toward the Board. It is simply interpreting the law and facts as presented to them. He understands the point that we need to avoid repetition, and if any individuals who sign the sheet and wish to be considered as a party with standing, the process will need to continue.

Attorney Hornik stated that expert testimony is not the only means by which an individual might persuaded this Board that they have standing. During the introduction statement, there are other adverse impacts, such as storm water, run-off, noise, pollution, light and any number of additional impacts that this use might have on other properties. If anyone who has signed up to present their evidence on standing issue are more than welcome to talk about those type of issues. They will still be subject to cross-examination. This is the time for that opportunity.

Rebecca Waters: She stated that she thinks there is a confusion among the people when they did sign up and the first process if they have standing in that aspect. They are giving their presentations of other elements that should be later in the process.

Attorney Hornik stated that he did not think that was necessarily true. He said that in the introductory comments impacts on the property values are something that if you were prepared ahead of time, an appraiser, would be appropriate to consider at this point. The fact that there is not a traffic engineer, an appraiser and other expert, that evidence might be considered by the Board on the standing issue. He would not speak for any individuals who are present, but assuming that none of them are themselves an expert, it is fair to say that the Board will likely not consider any lay opinion testimony on impacts of the property. However, individuals have the right to present any testimony or comments; subject to cross examination.

Rebecca Waters: She said that delaying the process seems to be the issue. Having the cross-examination and whether there is expertise that does not exist.

Attorney Hornik said that he understands, however, each individual that signed the sheet of paper has a due process right to be heard. If folks do not want to comment moving forward that is fine. That is not what this Board is doing. This Board has to hear out all individuals who have signed the sheet and wish to speak and provide any testimony they wish.

Vice Chair Groce: Stated that the group of people next on the list does not have something substantive to add, then they need to decide if what information they can give to support standing from a legal standpoint. He stated that the Board has to hear evidence and facts. He said the Board, unfortunately, is the Judge and the jury. He stated that there is a way to be prepared. He stated that you may or may not be prepared. At this point, the Board has not heard anything that has been prepared that can be used. He stated that he does not think that the case will be completed tonight, and what it takes to get that information and can it be prepared in two weeks.

Attorney Hornik stated that the Board cannot tell you what kind of comments you should or should not make during the evidentiary hearing. The Boards place is then to sit through the testimony and comments made to determine what of the evidence is competent, material, and substantial and to make a decision based on the evidence of facts.

Audience Comments: 1:47

Council woman Rhodes: The Board is talking people not being prepared for the hearing tonight and the applicant has made an argument how long they have waited and how the process has been. Ms. Rhodes stated that she wanted to remind the Board of Adjustment that it was because of the Board having a lack of quorum at the last called meeting that the hearing was not able to take up the issue. The Board was not prepared in their duty also at that time. She said that she didn't think it was equitable for the Board to be putting the standard of judgement on people that are here tonight that you yourself failed to live up to a few weeks ago.

Kelli Laudate: Ms. Laudate stated that the people can't get to the point of being in standing because they are not prepared to say those things tonight. An attorney was hired to do the justice of that and they cannot get an opportunity to say that the group is within standing to even get to the next point. She stated that is what Rebecca was trying to say. So, because of

the Board last time not providing a quorum they don't get the opportunity again, and the Board put their case off.

Vice Chair Groce: He asked Ms. Laudate if a quorum was formed last meeting, that they would have been prepared a month ago, and would not have resigned.

Kelli Laudate: She said that the Attorney found out today that he had a conflict of interest. Last month he would not have had a conflict of interest, he found out today.

Council woman Rhodes: She stated that they would not have known if the Board would have had a quorum.

Vice Chair Groce: He stated that the Board serves at the pleasure of the Council. He said that he has served for 10-15 years. He stated that he was available last month, and the Board does not have enough members. He said that it is Council's responsibility to appoint members to establish a quorum every time. He said that the Board is not elected, and they could get up leave anytime.

Attorney Hornik stated that it is important that everyone maintain a quorum, including Board members and the audience. He stated that we needed get back to the list and standing.

Chair Judd proceeded with the motion on the floor of Vice Chair Groce, that Ms. Haney does not have standing. Seconded by Board member McCracken.

Yes:

Chair Judd

Vice Chair Van Groce

David McCracken

No:

Garrison Ogdenski

Connor McKinnis

### 3. Chet Mann, 1508 Von Cannon Circle

Mr. Mann stated that he appreciated the Board. He is the former Mayor of Sanford from 2013 – 2022. He said that his reason for standing is subjective. He was one of the architects of the Land Use Plan. Current Council member Charles Taylor, former Commissioner Chair Amy Dalrymple, and Current Mayor Don Andrews of Broadway, and himself and a committee worked for about three and half years to put together what we have now as the San-Lee Plan. The plan was developed to be a blue print for growth; residential and commercial. In the spirit of that plan, a compatibility issue could affect not only the neighbors, but the whole Spring Lane corridor up to Cool Springs Road. When the plan was developed, it took a long time to make sure we had compatibility in the neighborhoods and proper mix. He said that he wanted to talk about the blue print for growth and how careful strides to make sure of compatibility in neighborhoods. Special Use Plans and Land Plans for unique situations of which

this one is very unique. It is his opinion that the future would show that this facility will lend to compatibility of that West Sanford corridor. He urged the Board to consider that as part of the reasoning for approving the application.

Board member McKinnis asked Mr. Mann where is property was in relation to the subject property.

Mr. Mann stated not adjacent; within walking distance, West Lake Valley.

Chair Judd asked if Mr. Mann was speaking in favor or against.

Mr. Mann stated that he was speaking in against, due to the non-compatibility in the Land Use Plan.

Attorney Robinson clarified that Mr. Mann's property was not adjacent to the subject property.

Mr. Mann stated that is correct.

Attorney Robinson clarified that Mr. Mann was concerned with the proposed use was compatible under the blueprint plan for Sanford, but not any specific damages to his property.

Mr. Mann said yes, but it could be damaging to the existing property owners in the whole corridor. He said that happens with cases that have incompatible uses, and neighborhoods began to corrode and property values declined.

Attorney Robinson stated that Mayor Mann did not argue for standing. He specifically stated that he did not have any special impact on his property. He may be a good participant for the later part of the hearing, he does not have standing.

Attorney Hornik stated that Mr. Mann made points related the Land Use standards and will be valuable later on, however, it is not relevant to the standing issue.

Board member McKinnis made a motion that Mr. Mann did not have standing.

Seconded by Board member McCracken.

Yes:

Chair Judd

Vice Chair Van Groce

David McCracken

Garrison Ogdenski

Connor McKinnis

4. Jamie Kelly, 937 Valley Road.

Mr. Kelly stated that he was a former County Commissioner, on the Board of Trustees for the Community College, and Tourism and Development Authority member. He owns a company called Tru-properties and owns multiple properties in Lee, Moore, and Harnett Counties. He owns a property on 1308 Gormly Circle; and Valley Road rental property. He owns a rental property on end of Valley Road. There is a group home located near the rental property, and he can't get the median income rental for

the property. Multiple calls from the Sheriff Office; multiple people drunk and / or high walking down the street; and the renter moved out due to theft. He stated that this is his experience with a group home where multiple people live and are assisted by the County. He stated that he is not against the home, but against the location, due to being in a neighborhood.

Chair Judd asked for clarification regarding his home in relation to the subject property. The home is in Westlake, but not adjacent to the subject property.

Attorney Robinson asked Mr. Kelly about the location of the group home in relation to the subject property.

Mr. Kelly said it is several miles away.

Attorney Robinson asked Mr. Kelly about the type or nature of the group home.

Mr. Kelly said it is a county group home and he did not know the nature of the home.

Attorney Robinson asked Mr. Kelly if knew if the home was a post-recovery home, in which the residents were seeking voluntary recovery.

Mr. Kelly said no, it didn't appear that they were trying to get off of drugs.

Attorney Robinson asked if he had any specific knowledge or experience with regard to any recovery center for women causing increase in crime in the nearby neighborhood.

Mr. Kelly said women were at this home and there was increase of crime.

Attorney Robinson asked if he knew the qualifications for the home.

Mr. Kelly said he did not.

Attorney Robinson stated that Mr. Kelly is not alleged any special damages to him or his property that would be caused by this specific use. His property is far away and he agrees that he has no idea what the nature of the residence of the group home that he is referring to are like and if they compare anyway to the women who are voluntarily getting themselves help for addiction to put their lives back on track. He appreciates the information and believes it is genuine, but does not rise to the level of standing and have special damages that the law requires.

Chair Judd called for a motion.

Board member McCracken made that Mr. Kelly did not have standing.

Seconded by Vice Chair Groce.

Yes:

Chair Judd

Vice Chair Van Groce

David McCracken

Garrison Ogdenski

Connor McKinnis

5. Edward Lind, 1915 Plantation Drive

Mr. Lind stated he has been in the real estate business for many years. Appraisers have to have documentation to prove their case. Material that has been given for consideration is one appraiser; one opinion.

He said that in regards to stormwater, his back yard gets flooded every time it rains from the parking lot of the church.

He said that people that are in half-way houses seeking to better themselves, he has experience. He has been in the construction business and built homes for consecrated people and he has to repair damage and vandalism that the people have done trying to get out. The people are on drugs and they will do anything to get more drugs. He stated that he does not want his home broken into. He said that people who are on drugs cannot get off, even as hard as they try. It is common knowledge.

Mr. Womack tried to give information on the facilities addressed and the counties they are located. There is no documentation and Mr. Womack tried to give you pictures that you did not take.

Vice Chair Groce stated that it wasn't that they wouldn't take the documentation, it was not the time to take the information.

Mr. Lind said that is why we need an attorney, and we were denied an attorney. He asked when is the appropriate time to bring it up. Information has already been given to the Board. So, why can't it be brought up.

Vice Chair Groce stated that it can, but the point is right now about standing and who is being damaged. What the information that was presented earlier is about rebutting their testimony. They Applicant has not presented their testimony yet. At some point, they are going to stand up and say for example, I am an appraiser and he will present his information. At that time, we will ask for rebuttal or opposition testimony. He said he understands that the neighbors want an attorney, yet an attorney can argue against everything. In this case, what people really need is someone to argue for what they are talking about which is having an appraiser, and factual data. If that makes sense.

Mr. Lind said it makes sense but we don't have time to get data, because it hasn't been granted.

Vice Chair Groce said that someone was just complaining that a month ago that it was the Board's fault that we didn't have a quorum. If we had been here a month, the neighbors had an attorney, but you may not still have had the data.

Mr. Lind stated that Mr. Groce has an opinion just like anyway else and not worth anything. He said he didn't understand why it couldn't have been delayed a few more weeks so they could have had a silver tongue lawyer presenting their case. He doesn't understand why that was so problematic and the sense of urgency that it had to be

done tonight. He realizes two weeks is two weeks, but this process needs to take its time to work its way through the channel. He said that he is not an attorney nor an appraiser. The property is in his backyard. He is very fearful of what is going to happen when those people need a hit of drugs. He said that he lives by himself. He said he has mentioned the stormwater problem, and he asked if they will be able to fix his backyard. He said probably not because it has been grandfathered in.

Attorney Robinson asked Mr. Lind about his stormwater experience. He asked if it was his testimony that the current conditions of the church facility when it rains hard it is causing the stormwater to run through the backyard.

Mr. Lind said yes.

Attorney Robinson asked Mr. Lind if it is true that there will be no modifications whatsoever to the exterior portion of the building or parking lot then the use will not change anything about the current stormwater.

Mr. Lind said a good neighbor would take care of the problem and that statement was fair.

Attorney Robinson stated that there will be no external modifications to the parking lot or to the building and will not change his stormwater experience. The rest of the testimony, although meaningful and compelling, is still generalized fears that do not allow special damages both as to property value and as to crime.

Mr. Lind said it is a known fact that drug addicts have a hard time kicking their habit and you can find out how bad and severe that is on your own. He does not have the data, but you can see it everyday on the news and anywhere you look that these people cannot kick the habit. A very small percentage. He appreciates what the group is trying to do and he is all for it, but find another location. He said that he has seen locations that Teen Challenge has in other areas and they are not in neighborhoods. They are in commercial areas; in the middle of the sticks; and have nothing to do with any kind of residential neighborhoods. Any appraiser that says it will not affect the value they have no basis or any way to provide any detail information as to whether they got their documentation to prove that information.

Chair Judd called for a Motion.

Board member McCracken made a motion that Mr. Lind is not a party of standing.  
Seconded by Board member McKinnis.

Mr. Lind asked how in the world could he say that because it is in his backyard.

Yes:

Chair Judd

Vice Chair Van Groce

David McCracken

Garrison Ogdenski

Connor McKinnis

Board member McCracken stated that he wanted the audience to understand that the Board has guidelines that are black and white. They are not trying to quiet the neighbors, but want to hear them in an appropriate way.

#### 6. Craig Autry, 1919 Plantation Drive

Mr. Autry stated that there is a creek that runs between the properties and go down to the lakes in Carbondon Heights. He said that the subject property has a very large area and if they have plans to expand it would expand in the land to the south. If they expand, they would have to extend electricity, sewer, and runoff to the creek. Beside the creek is the sewer line. It would have to go across Mr. Linds property and my property to get to the sewage line. Spring Lane is very busy, and that would be an increase in traffic that would impact the neighborhood.

Board member Groce asked if Staff to show on the map the water and sewer lines.

Audience:

Kelli Laudate stated that at the neighborhood meeting they said that there was a chance they would build a home for the director on the property down the road if it was needed. She said that to Mr. Autry's point that at the back of the property there could be an additional house built.

Attorney Robinson asked Mr. Autry if he was a professional engineer.

Mr. Autry stated that he has worked for engineer firms for most of his career and projects manager for Jordan Lake. He has the experience in putting in water and sewer lines.

Attorney Robinson asked about the concern for future expansion. He said that if it is true, they would have to come back to the Board to request any additional expansion.

Mr. Autry stated that currently during the day only a handful of people are at the church, except on Wednesdays and Sundays. People there 24/7 will impact the property with more surface water.

Attorney Robinson stated that Mr. Autry's concern for additional traffic on Spring Lane and he is not a traffic engineer. There are concerns for future expansion and at this time that is not in the plans. There are internal renovations only.

Board member Ogdenski asked if the renovations were only internal and the wooded area would stay.

Attorney Robinson said yes, that is correct.

Board member McKinnis asked if any changes on the outside of the property would come before the Board.

Staff McNeill stated yes, that if this were to expand they would have to come back and amend the special use permit.

Attorney Hornik stated that an amendment to a special use permit requires the same procedure. If the applicant seeks to amend the special use permit the site plan would have additional site features would have to come back and have the same evidentiary procedure.

Audience:

Brian Eschliman stated that the church is old. What is the likely hood that electrical or other features would have to be updated during the renovations.

Vice Chair Groce stated that if codes are outdated, the inspections department will have to make sure the building meets all codes.

Attorney Hornik stated that any changes to the addition or parking; site plan, would require a modification of the special use permit.

Chair Judd called for a motion.

Vice Chair Groce made a motion that based on the standards Mr. Autry does not have standing.

Seconded by Board member McKinnis.

Yes:

Chair Judd

Vice Chair Van Groce

David McCracken

Garrison Ogdenski

Connor McKinnis

Attorney Hornik asked if anyone else would like to speak, or request standing at this stage. He reminded that those of the audience who have found not to have standing and anyone else who might have relevant personal knowledge will still have the opportunity to testify later on specific evidence that the applicant will be required to present on the specific findings of facts.

Attorney Hornik noted that no one else came forward to speak.

He stated that the applicant will now have an opportunity to present their case, their evidence and witnesses. Once all that has been presented, anyone who would like to provide factual information or testimony will have the opportunity at that time.

Staff McNeill entered the agenda packet into the record as Exhibit C.

Staff McNeill presented the Staff report that is located in the agenda packet.

Chair Judd asked Staff McNeill if the plans had been reviewed by TRC.

Staff McNeill stated that TRC which is comprised of the Planning Department, Engineering Department, NCDOT, Fire Department and Police Department are the agencies that make up the committee, have reviewed the site and were agreeable with it moving forward. The site plan is a built survey of the property because it shows what is existing, the property lines, parking lot and wooded areas in the rear. The applicant is not proposing to change the site at this time; no building additions or parking lot expansions. The site plan illustrates what is there. The applicant has expressed no expansions at this time.

Vice Chair Groce said that their review is limited at this time.  
Staff McNeill said yes, because the site is not a new build.

Board member McCracken asked for clarification that the TRC does not take into account the occupancy of the building.

Staff McNeill said that the fire department and building inspections department are part of the TRC. At this point, if you get the special use permit, then the applicant will have to go through the change of occupancy process to comply with building and fire code. They do not get into the specifics that will be required with that at this point.

Attorney Robinson began with a power-point presentation. Exhibit D.

### Adjournment

Chair Judd stated that the 9:00 pm time limit was reached. The Board discussed the continuance of the next meeting date.

Vice Chair Groce made a motion to table and continue the hearing date until Wednesday, June 26, 2024, at 6pm; and adjourn the meeting.  
Seconded by Board member McKinnis.

Yes:  
Chair Judd  
Vice Chair Van Groce  
David McCracken  
Garrison Ogdenski  
Connor McKinnis

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

BY: \_\_\_\_\_  
Roger Judd, Chairman

ATTEST:

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

**MINUTES OF THE SPECIAL MEETING OF THE  
CITY OF SANFORD BOARD OF ADJUSTMENT  
SANFORD, NORTH CAROLINA**

The City of Sanford Board of Adjustment met for a special meeting in the City Council Chambers of the Sanford Municipal Center at 225 E. Weatherspoon Street, Sanford, NC, on Wednesday, June 26, 2024, at 6:00 PM.

**ROLL CALL**

Members Present: Roger Judd, Chairman  
Van Groce, Jr., Vice Chair  
David McCracken  
Garrison Odgenski, Alternate

Members Absent: Connor McKinnis  
Timothy Lockard

Staff Present: Amy McNeill, Senior Planner  
Thomas Mierisch, Zoning Administrator  
Angela Baker, Clerk to the Board

Having noted the presences of a quorum, Chair Judd called the meeting to order.

**APPROVAL/DISAPPROVAL OF AGENDA**

Chair Judd entertained a motion to approve the agenda. Board member Groce made the motion to approve the agenda, seconded by Board member McCracken, the motion carried unanimously.

**CONFLICTS OF INTEREST**

Chair Judd asked for acknowledgement of any conflicts of interest in the case to be presented. There were no other conflicts of interest.

**EX-PARTE COMMUNICATION**

Chair Judd asked for acknowledgement of any ex-parte communication in the ongoing case Special Use Permit case. There were no ex-parte communications.

**OLD BUSINESS**

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.

Chair Judd stated that 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 11<sup>th</sup> to a date that will be determined at this meeting. The evidentiary hearing will not be continued at this meeting.

Upon conferring with board members, staff, our legal counsel, and the applicant’s “team”, the agreed upon date for the continuance of the evidentiary hearing for the SUP request submitted by Adult & Teen Challenge of Sandhills, North Carolina, Inc. that began on June 11<sup>th</sup> is Thursday, July 11<sup>th</sup> at 6:00pm in the City Council Chambers of the Sanford Municipal Center (which is this room).

Chair Judd entertained a motion to continue the evidentiary hearing until Thursday, July 11<sup>th</sup> at 6:00pm in the City Council Chambers of the Sanford Municipal Center. Board member McCracken made the motion to continue the hearing to July 11th, seconded by Board member Odgenski, the motion carried unanimously.

NEW BUSINESS

None

OTHER BUSINESS

None

ADJOURNMENT

With no further business to come before the Board, the meeting was adjourned on motion of Groce, seconded by McCracken, and unanimously carried. The meeting was adjourned at 6:05 p.m.

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

BY: \_\_\_\_\_  
Roger Judd, Chairman

ATTEST:

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

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

The City of Sanford Board of Adjustment met in regular session in the City Council Chambers Conference Room at the Sanford Municipal Center, 225 E. Weatherspoon Street, on Tuesday, July 9, 2024, at 6:00 PM.

**ROLL CALL**

Members Present:                Roger Judd  
   Connor McKinnis  
   David McCracken  
   Timothy Lockard  
   Garrison Ogdenski

Members Absent:                Van Groce, Jr.

Staff Present:                    Amy McNeill, Senior Planner  
   Thomas Mierisch, Zoning Administrator  
   Mark Hackett, Planner I / Translator  
   Angela Baker, Clerk  
   Kevin Hornik, Attorney

Chair Judd, having noted the presence of a quorum, called the meeting to order.

Chair Judd read the opening statement regarding a quasi-judicial meeting.

**APPROVAL/DISAPPROVAL OF AGENDA**

Chair Judd entertained a motion to approve the agenda. Board member McCracken made the motion to approve the agenda, seconded by Board member McKinnis, the motion carried unanimously.

**CONFLICTS OF INTEREST**

Chair Judd asked for acknowledgement of any conflicts of interest in the case to be presented. There were no other conflicts of interest.

**EX PARTE COMMUNICATION**

Chair Judd asked for acknowledgement of any ex parte communication in the case to be presented. There were no ex parte communications.

Staff McNeill took over the meeting for the purpose to reorganize and appoint a Chair; Vice Chair; and Clerk.

## ORGANIZATIONAL MEETING

### Chair:

Board member Lockard nominated Roger Judd, seconded by Board member McKinnis. The nomination carried unanimously to appoint Roger Judd as Chair.

### Vice Chair:

Board member McCracken nominated Van Groce, Jr. as Vice Chair. The nomination carried unanimously to appoint Van Groce, Jr. as Vice Chair.

### Clerk:

Board member McKinnis nominated Angela Baker as Clerk, seconded by Roger Judd. The nomination carried unanimously to appoint Angela Baker as Clerk.

## OLD BUSINESS

### 1. VARIANCE APPLICANT 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 (UDO), Article 5 Supplemental Development Regulations, Section 5.1 Accessory Uses and Structures, Table 5-1 Setbacks for Accessory Structures. Their 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 30 ft 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 Slide 473, and is identified as Tax Parcel 9642-85-4788-00 on Lee County Tax Map 9642.12

Administering of Oath: Chair Judd called all participants speaking in favor of, or against, the variance, as well as staff, to come forward to be sworn in for testimony. Lorena Beltran; Ricardo Reyes; Staff Mark Hackett (translator) and Amy McNeill appeared and were administered the oath by Chair Judd.

Staff McNeill entered the agenda packet into the record as Exhibit A.

Staff McNeill read the staff report in the agenda packet.

Board member McKinnis asked if the building was under construction. Staff McNeill said yes.

Board member McKinnis asked the reference of the building on the map in the packet that was being discussed.

Staff McNeill said that on the site plan was created by a surveyor as was required so that the distance needed for the variance request could be determined. The existing building is the building being discussed.

Chair Judd asked if the building was being built; how was it discovered.

Staff McNeill said that it is her understanding that the building inspections department received a complaint and visited the site and alerted Planning and Zoning as well. Someone from the Planning Department and Building Inspections Department went to the site, saw it was under construction, and a stop work order was posted.

Board member Lockard asked about utilities being connected.

Staff McNeill said that utilities have not been connected, and does not think they are planned. The applicant would have to verify that information.

Board member McCracken asked for clarification for the three lines on the survey. The dark black line is the property line; the 12-foot dash line; and the red is the 30-foot set-back line.

Staff McNeill said yes, the black line is the property line. The 12-foot dash line is an error on the part of the surveyor, they interpreted it to be a side when it is not because it is two road fronts. Yes, the red is what is currently encroaching the set-back at this time.

Attorney Hornik asked that but for the set-back issue, this accessory building would be permitted under the ordinance.

Staff McNeill said yes it would be allowed, but she doesn't speak to compliance with building code.

Lorena Beltran confirmed that she was agreeable for Mark Hackett, city staff, to translate on her behalf. He proceeded with the application and read what Ms. Beltran had provided in her application.

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.

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 the 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 had 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.

Chair Judd asked what specific hardship is being requested.

Ms. Beltran stated that the hardship comes from she doesn't want to lose the building and it was part of the business that she wants to put in the building. It will be a help for her husband and having less to do for jobs, because his knees are bad. He would like to do the business with the accessory building as far as storing supplies. She said they are trying to change their lifestyle from what he is working right now, to do this with the accessory building.

Board member Lockard asked if the business has a name.

Ms. Beltran said not yet, they want to do everything first before they decide on a name.

Board member Lockard asked if the business will be collecting sales tax.

Ms. Beltran said yes.

Chair Judd asked if this building is not approved, could the property still be used.

Ms. Beltran said that if she doesn't get permission or the permit to use the building then she will not be able to do the business at all. They will only be able to live in the house on the property. She said that she would have to find to another place for the business.

Board member McKinnis asked if the building be able to fit anywhere else on the property with the current setback.

Ms. Beltran said that where the building is now, that is the only space for that building. There is no other space on that property.

Board member McCracken asked the size of the building. He thinks based on permitting records that it is approximately 1500 sq. ft; 37x38, is that correct.

Mr. Reyes said that the building is 37x35.

Board member McCracken asked if that the minimum size that the building would need to be to store tables and chairs for the business.

Ms. Beltran said yes that is the size she would need in order to fit the furniture that would need to be stored.

2. The hardship results from conditions that are peculiar to the property, such as locations, 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.

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 to 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 Ricard 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 the lot and that it is a corner lot.

Chair Judd asked if the size of the lot is the hardship.

Ms. Beltran said that it is that close because they went to look at other buildings, but it was outside the price range. Before the building was started, they looked at other places to rent it was expensive.

Chair Judd stated that the question that needs to be answered by the Board, the applicant needs to show that the property is too small and only place to put the building; and show a hardship.

Ms. Beltran said that is why she is here, because it is hardship, and that she can do something else that is the only thing that she can do right now in order to maintain the family for the business.

Board member Lockard asked how much rent is being paid right now to store the tables and chairs at another location.

Ms. Beltran said that people were asking \$3000 - \$4000 for rent, and she is not paying that right now. That is what she would have needed to pay if she did rent a building. That is the reason for the building because the rent was so much.

Board member Lockard asked where are the tables and chairs now.

Ms. Beltran does not have the tables and chairs. When the building is done, she would buy the supplies.

Board member McKinnis asked if most of the neighbors have regular properties; being rectangles and only one side on the street.

Ms. Beltran said that she only has one neighbor on the left.

Board member Ogdenski asked how long has she occupied the property.

Ms. Beltran said she has lived in the house 15 years. She said they were trying to pay off the house before starting the building.

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.

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 of affected any one the only thing that I want for you to give me an opportunity to continued with my construction. Once

again please forgive us with the decision we made and give us the opportunity to continued.

You bought a small lot, as is you did lot create the lot.

Chair Judd asked Ms. Beltran that when she bought the property, she didn't know that she could not put a building on it.

Ms. Beltran said no. She said when they started on the property, she asked friends questions what they needed to do and all she was told that she needed was permission for electricity. She didn't know that she had get permission first. This is the first time they actually have done any work.

Board member Ogdenski asked if she paid the contractor for the slab and the building. Ms. Beltran said no that they did not pay anyone. Her brothers and her husband did the work to save money.

Board member McCracken asked for clarification about the information received for what was needed to build a building, was it from friends and family or city personnel. Ms. Beltran said from friends.

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.

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 within the construction they no longer confuse my land as a street.

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.

Chair Judd asked what did she mean by see the street view now.

Ms. Beltran that vehicles couldn't see the visibility of the street, and do not see the stop sign.

Chair Judd asked if the building would hinder vehicles from seeing the stop sign.

Ms. Beltran said no it won't. She said that when the city inspector came out and stopped the work, someone was also complaining that they couldn't see. That is why she is explaining she is not obstructing the view of drivers. She said the stop sign is far from construction.

Board member Ogdenski asked if any trees were cut.

Ms. Beltran said no.

Board member McKinnis asked if the city knew of any visibility issues on that street, and if it is a concern of the city as well.

Staff McNeill stated that she is not aware of a complaint regarding visibility. She has been out to the site and did not personally observe any problems with visibility.

Ms. Beltran said that one of the things that preoccupied her, when they started the construction, what they wanted to do was a little bit smaller. Then they decided to make it just a little bigger and tried to cover her area so the vehicles would not use her property as a street. Twice, her kids were outside and there was an accident. Instead of taking the street to go around, the vehicles went across her property, since there is a lot of space. The vehicles like to have hit her children. So, they decided to cover more of the area so a car could not do that again.

Mr. Reyes said that he is going to try and protect his family, and provide for them. He could leave them a family business.

There was no opposition.

Board member McKinnis asked why are there set-backs.

Staff McNeill stated that set-backs are for a variety of reasons. They are for aesthetics to make it aesthetically pleasing; safety purposes; building code safety purposes; and fire code safety purposes, because if you build from a certain distance from a property line it determines how you have to build the exterior wall.

Chair Judd summarized the facts. He stated that the applicant has already put money into a building that is not approved; the building is for a business to store supplies and that they don't have the money for a rental space that would cost \$3000-\$4000 a month. The building will be 37x35. The location was chosen because it is the only space that the applicant has to build. The applicant didn't know that they couldn't build the building and friends told them that they only needed approval for electrical. There were complaints of the visibility of the stop sign, and it is not an issue. The family needs the business to survive.

#### REQUIRED FINDINGS OF FACTS

Chair Judd stated that the granting of a Variance is based upon findings of fact. Each finding requires a four-fifths majority vote of the total Board members 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 any suitable conditions appended to it. If one of the findings fail, the Variance fails. 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.

The Board proceeded with deliberation of the findings of fact for the variance.

Required Findings:

1. If he complies with the provision 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.

Board member McKinnis stated that the issue that money has been put in the property needs to be put aside. He said that not being able to set up the business is the hardship by virtue of an expensive lease arrangement. If the applicant had to start from scratch and pay the rent, that would be a hardship. He said that it would also be expensive and a hardship if the building had to be taken down.

Attorney Hornik stated that generally speaking, he said that it sounds like the hardship that he heard testified that they would not effectively be able to make use of their property for their intended purposes if the two 30ft setbacks are enforced strictly. He said the question for the Board is that an unnecessary hardship; is the benefit to the city in enforcing strictly those two 30ft setbacks that outweigh the benefit the private property owner. He said that is a reasonable way to summarize the question. He would encourage the Board to look under the character of the property that is adjacent to this area where the building has been constructed. He said that testimony was given that the setback is to provide a distance between adjacent uses of public safety concerns, to make sure there are not structures immediately up against a property line in case of a fire. He said that it needed to be considered the purpose of the setback requirement and does it outweigh the benefit of the property owner. It is a way to frame the question of unnecessary hardship.

Board member McKinnis stated that stop sign visibility is unaffected and it is about as secluded as can be on that property from other buildings. He said given the weird limitations of the property itself is as good as it can get.

Chair Judd also said that they would be losing and investment.

Attorney Hornik stated that generally speaking the financial hardship by the property owner is not considered. However, he said that is not the only evidence that was heard. He said that there was other testimony of potential hardship or impact that they would suffer if the two 30ft setbacks were strictly enforced.

Board member McCracken stated that granting the variance, only gives them the opportunity to apply for a building permit. The building permit that would then go through a residential plan review process before a permit would be granted to continue with construction of the building.

Staff McNeill said correct, and at this point it is possible that inspections may require an engineer. Granting of the variance would allow the planning department to issue a zoning approval, which would then allow the property owner to apply for a building permit.

Attorney Hornik said that granting the variance would only allow them to waive zoning standards. They will still have to go through all the other requirements and processes.

Board member McCracken said that there could still be issues and they are not free and clear to continue with the structure. It could create more hardship. There are a lot of variables.

Attorney Hornik said that it sounds like that there is a general consensus amongst the Board that this is an unnecessary hardship. This would be would prevent them from making a lawful use of their property. They are not encroaching on a setback where it is adjacent structure that it will impact. It is a corner lot and the encroaching structure is closest to the street.

Motion: Board member McCracken made a motion that if the applicant complies with the provisions of the ordinance, the property owner will suffer an unnecessary hardship of limited building area would result because of the strict application of the ordinance of the 30ft setback on the Ridgecrest Drive side as well as the Evergreen Lane side of the property leaving a very small buildable area which would create an unnecessary hardship. Seconded by Board member McKinnis.

A record of the vote is as follows:

Yes: Roger Judd  
Connor McKinnis  
David McCracken  
Timothy Lockard  
Garrison Ogdenski

No: None

2. 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.

Board member McKinnis said that this one is solid based on the fact that the lot is a triangle shape and the weird angle with the intersection of the two streets. There are two other properties on the map that share similar shape, but only one 30ft setback. This property as two 30ft setbacks.

Motion: Board member McKinnis moved that this board find that the hardship which the applicant complains results from peculiar dimensions of the property namely its position on the corner of Ridgecrest and Evergreen and that the peculiarly is not common to the neighborhood. Seconded by Board member McCracken.

A record of the vote is as follows:

Yes: Roger Judd  
Connor McKinnis  
David McCracken  
Timothy Lockard  
Garrison Ogdenski

No: None

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

Board member McCracken stated that not knowing that you needed a building a permit is an issue. It is unfortunate, but it is a requirement.

Board member McKinnis stated that they have also lived in the home for 15 years.

Board member McCracken also said that he is more aware of things than others. He does agree that the hardship in this case is self-imposed. The city permitting records are public and a lot of additions have been made in that neighborhood, including two directly across the street that have been permitted in the last 8 years. So, having been there for 15 years and having neighbors that have gone through the process, he doesn't think they didn't know where to look.

Motion: Board member McCracken made a motion that the hardship of not being able to construct their building of the size and location that they like, did not result from actions taken by the applicant or the property owner. Seconded by Board member McKinnis.

A record of the vote is as follows:

Yes: Roger Judd  
Connor McKinnis  
Timothy Lockard  
Garrison Ogdenski

No: David McCracken

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.

Board member McCracken asked for clarification on substantial justice is achieved.

Attorney Hornik said that is what the Board is to decide. He said that generally speaking what that standard is asking the Board to decide is whether granting the variance would be fair and equitable to the applicant. Is whether granting the variance would generally be consistent with the spirit and the purpose of the UDO, even if it is asking to reduce or permit the violation of a provision of the UDO on the basis that it is fair and reasonable to allow.

Board member McCracken said that if he heard Ms. McNeill correctly, the setbacks are in place to help maintain the neighborhood. He said that also to provide public safety, but he didn't think access for emergency purposes, personnel, fire trucks, and visibility has any major concern in his opinion. Maintaining the neighborhood atmosphere there is already commercial properties that are within one property on the other side of the street, Ridgecrest and one or two properties behind the property. Everything on Evergreen is R-12. The particular building is constructed to sit in front of the house, and the house faces the corner. There is two elevations of this property that you encroach setbacks that are both aren't in front of any other building off either street, which may or may not help maintain the neighborhood type build if built closer to the street. He said he has concerns with its location, and some of those concerns are as a building inspector. He said that in his opinion the building takes away from the character of the neighborhood. He asked if the Board could make conditions.

Attorney Hornik said that the Board should be cautious about that because it is not necessarily the Board's role to preserve the character of the neighborhood. The Board is tasked with fourth finding that whether or not approval of the variance would consistent with the spirit and the intent of the UDO.

Chair Judd said that the it is really a public safety for this building. He stated that if the building would make the stop sign less seen, would be a safety concern. He said that is what the last question is talking about.

Board member McKinnis stated that there are no sidewalks, and there have been two traffic incidents with the people walking and not being able to see along the streets, road to road traffic issues. People have come through their properties.

Board member Lockard asked about the city guidelines of the distance between the house and the building under construction.

Staff McNeill said that the UDO / Zoning Ordinance does not address that. Building code addresses that with regard to the construction method. There are certain ways you have to construct if you are within a certain proximity of another building.

Motion: Board member McKinnis moved that the Board finds that 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 the variance would allow the property to be used for commercial or residential. Seconded by Chair Judd.

Board member McCracken asked staff if the UDO does allow for accessory structures to be in the setbacks and closer to the property line under 800 ft.  
Staff McNeill said that there is a provision in the ordinance that allows accessory structures under 800 ft to be 5ft within the side or rear property lines if the height is 15ft or less. That does not come into play with this property, because it has two front setbacks.

The record of the vote is as follows:

Yes: Roger Judd  
Connor McKinnis  
Timothy Lockard  
Garrison Ogdenski

No: David McCracken

Board member McKinnis made the final motion to approve the Variance, based on the preceding findings, facts and application. Board member Ogdenski seconded the motion.

The record of the vote is as follows:

Yes: Roger Judd  
Connor McKinnis  
Timothy Lockard  
Garrison Ogdenski

No: David McCracken

ADJOURNMENT

With no further business to come before the Board, the meeting was adjourned on motion of Chair Judd, seconded by Board member McKinnis, and unanimously carried. The meeting was adjourned at 7:30 p.m.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

BY: \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Angela M. Baker, CLERK

**MINUTES OF THE SPECIAL MEETING OF THE  
CITY OF SANFORD BOARD OF ADJUSTMENT  
SANFORD, NORTH CAROLINA**

The City of Sanford Board of Adjustment met for a regular meeting in the City Council Chambers of the Sanford Municipal Center at 225 E. Weatherspoon Street, Sanford, NC, on Thursday, July 11, 2024, at 6:00 PM.

**ROLL CALL**

Members Present:                 Roger Judd, Chairman  
  Van Groce, Jr., Vice Chair  
  David McCracken  
  Garrison Odgenski  
  Connor McKinnis  
  Timothy Lockard

Staff Present:                     Amy McNeill, Senior Planner  
  Thomas Mierisch, Zoning Administrator  
  Angela Baker, Clerk to the Board  
  Kevin Hornik, Attorney to the Board

Having noted the presences of a quorum, Chair Judd called the meeting to order.

**APPROVAL/DISAPPROVAL OF AMENDED AGENDA**

Chair Judd entertained a motion to approve the agenda.

Board member McKinnis made the motion to approve the agenda as is, seconded by Vice Chair Groce, the motion carried unanimously.

**CONFLICTS OF INTEREST**

Attorney Hornik stated that Mr. Lockard will request a recusal, under Chapter 160D Section 109 of the NCGS. No action will be needed by the Board.

Board member Lockard stated that he lives on Knollwood Drive in Carbonton Heights. He is a voting board member on the HOA and the subject of this meeting has been a topic of discussion at meetings. For that reason, he would not want anything that has been discussed influence his decision.

Attorney Hornik stated that Mr. Lockard did not participate in any of the previous hearings.

Attorney Hornik noted that there were still 5 members present and is a sufficient number to proceed with the hearing.

**OLD BUSINESS**

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.

Chair Judd read the Quasi-Judicial Opening Statement.

Attorney Hornik stated that any members of the public who were not at the last hearing or did not present evidence petitioning for standing, but wish to do so, now is the time to do so.

Attorney Hornik stated that any members of the public who wish to present witness testimony will have the opportunity to do so after the applicant has completed their presentation.

The Clerk gave the Oath to the Applicant and witnesses for the application.

Petition for Standing

Allen Gordon, 1609 Columbine Road.

Mr. Gordon was given the Oath.

Attorney Hornik stated that he would have to demonstrate to the Board that he will suffer special damages that are unique and distinct from the damages of the harm that would be suffered by the neighbors and community at large. Things such as, impacts of property values; the proximity to the subject property; and other adverse impacts such as storm water runoff, noise, pollution; and anything personal suffer.

Mr. Gordon said his main purpose is to ask questions regarding their presentation. He is in the neighborhood and he does think there will be negative affects in the neighborhood. The appraisal states that there will not be any substantial injury to the property and he thinks that there will be factors that will affect someone living in that proximity, especially abutting properties.

Attorney Hornik said that at this stage to petition for standing there will have to be evidence or testimony about the harm that will be personally suffered. He said that the point is well taken that there may be some questions for the applicant’s appraiser and he said hopefully the Board will ask directly. Unless you are a party with standing, you will not have the right to cross-examine the applicant’s witnesses. So, to be found as a party with standing there will have to be testimony about personal harms that will be suffered.

Mr. Gordon asked if there is a point to speak to the Board.

Attorney Hornik said that all public will have an opportunity to speak after the applicant's presentation, which will be witness testimony and subject to cross-examination of the applicant.

Mr. Gordon withdrew his request for standing.

### Applicant's Testimony

Attorney Robinson began his presentation. Exhibit D – Attachments 1-14.

He is an attorney with the firm of Bradshaw, Robinson, Slawter & Rainer in Chatham County, on behalf of Adult & Teen Challenge of Sandhills, North Carolina, Inc. It is a non-profit corporation and will be referred as Teen Challenge or Applicant.

The applicant is seeking a special use permit for an approved care facility and other rehabilitative services in accordance with UDO Table Section 4.6-1. The property does not need to be rezoned. Zoning is approved and it is an allowed use in this district, with a special use permit. The specific use requested is to convert internal portion of the existing church facilities, Spring Lane Assembly Church of God into a women's recovery center. It will house 20-22 women and possibly their children. It is a faith-based recovery center for women recovering from addiction. It is not a detox center. It is for post-detox women. It will be run in accordance with the principles set out in the mission statement with Teen Challenge.

The property is zoned R-20 and consists of 5.85 acres. It is comprised of the church and a heavily wooded area. Under R-20 there is a use called Nursing, Supervision, Adult Care Homes, Group Care Facilities, and other rehabilitative services, is allowed with a special use permit. The special use has four special use permit approval criteria.

Exhibit D -1 – Application and Staff Report was admitted into the record; and accepted by the Chair.

Russ Cambria, Executive Director of Adult & Teen Challenge of Sandhills, North Carolina, Inc. a non-profit corporation.

He stated that he has been in this position for 3 years. Before he was involved with Adult & Teen challenge for 20 years with the National Teen Challenge headquarters in Missouri and served as a director of field operations. He oversaw the accreditation for all of Adult & Teen Challenges in the United States and Canada. Part of that job was to inspect each of the centers and make sure they were up to standards and codes of the brand.

Attorney Robinson asked if he had any committee memberships related to the Adult & Teen Challenge.

Mr. Cambria stated that he currently serves on the accreditation committee for Teen Challenge USA and also for the global Teen Challenge where they work on accreditation standards for 126 different countries that have about 1400 teen challenge programs.

Attorney Robinson stated with that experience that it is fair to say that you are familiar with the accreditation standards for Adult & Teen Challenge. He asked what the purpose of having accreditation centers.

Mr. Cambria said that “National accreditation standards help keep the ATC brand protected as an organization that operates internationally and across the world. The standards create a base line of minimum requirements that all ATC centers must adhere to in order to be considered and affiliated organization. They cover areas such as identity, governance, measurements and outcomes; resource management and residential operations.”

Attorney Robinson asked that as a NC non-profit corporation is it fair to say that the company is designed not to make a profit but for charitable and civic purposes.

Mr. Cambria said yes.

Attorney Robinson asked to summarize for the Board the goals and admissions for the Adult & Teen Challenge of NC.

Mr. Cambria read the mission statement. “The mission of the Adult & Teen Challenge of the Sandhills, NC, is to develop physically fit, mentally sound, emotionally stable, and spiritually alive world changers through Christ centered addiction treatment and solutions.”

Attorney Robinson asked if Adult & Teen Challenge of Sanford is affiliated as a national organization.

Mr. Cambria said yes. They are part of Adult & Teen Challenge USA. There are 86 corporation of Adult & Teen Challenge across the United States. They make up 218 centers. For reference Sandhills is one corporation with currently three programs that make up part of that 218. Tonight, they are seeking the fourth program by adding a women’s center. They currently have three residential male programs, one of them is the nation’s first veteran’s program, dedicated to working with vet’s addiction and is located in Elizabethtown. A community office was just recently opened in Southern Pines right next to Grace church.

Attorney Robinson asked if there were any other Women’s centers for Adult & Teen Challenge located in North Carolina.

Mr. Cambria stated that there is one located in Brown Summit, North Carolina. It is a house of twelve women residents. It is a home like what is proposed for Sanford.

Attorney Robinson asked Mr. Cambria to describe his role and responsibilities with Teen Challenge.

He said that he ensures the organizations sustainability plan; develop and execute the strategic plan for growth in the region and ensure that the students and families receive the best care from the facilities as possible. He also oversees Senior Directors within the organization. He appoints all leadership roles; that assist in support a healthy organization; responsible for presenting the annual budget to the Board of Directors; verifying that all staff, training, and development is conducted annually; and that all programs fall in line with the National accreditation standards. They are reviewed every three years.

Exhibit D-2, Aerial photo of Spring Lane Church site was admitted into the record; and accepted by the Chair.

Mr. Cambria said that this Spring Lane Assembly of God Church highlighted in green and the surrounding community.

Attorney Robinson asked for Mr. Cambria to describe the hope for plan for the women's recovery center location.

Mr. Cambria said that it their desire to open a new women's center aimed at offering residential supports to adult women and possibly with children up to age 9. If there are children, less adult clients allowed. It would be a 6-acre facility and provide property for recreation, gardening on the existing large garden already on site, offer classes, chapel, dining and dormitory style living. The old sanctuary of the church which was recently a daycare, will be the focus of creating the program. It will remain a church and it will continue to be Spring Lane Assembly of God, except for the daycare portion, which will become the women's facility.

Attorney Robinson asked in order to begin to use the church facility for a residential care facility will there have to be any renovations to interior.

Mr. Cambria said that yes, the interior. They will take the old sanctuary and create a dormitory space. The existing restrooms will be updated to include showers. Outside the dormitory style rooms in the old sanctuary and restrooms to provide showers; and the rest is already set up and up to code, since it has just stopped being a daycare facility. He said that donors and experts walk through the building and have determined what would need to be done. There will be no additions done to the outside of the building.

Attorney Robinson asked if Teen Challenge had opened other women's facilities outside of North Carolina.

Mr. Cambria said yes. He said that women's centers (and with children) are located across the country. Hannah's Haven and Brown Summitt, it is the only one in North Carolina. He said that ladies that call now are sent to Kentucky, Georgia, Virginia or Arizona.

Exhibit D-3, Curriculum for Program was entered into the record; and accepted by the Chair.

Mr. Cambria stated that this program is what separated Teen Challenge from a regular program. He said that it is a post-recovery and they have completed detox. They go through a Teen Challenge curriculum that is part of an accreditation standards that are fourteen group studies that every student goes through. That is all about life, dealing with anger, dealing with forgiveness, dealing with failure, and how to move forward from mistakes and rebuild family trust. They also have personal studies based on their own individualized goals and problems. In addition, they have a breaking free series and an intimacy with a purpose series; that are national curriculum for Adult & Teen Challenge. These deal with the addictive cycle, so they don't go right back to where they came from when they leave. It walks them through basic denial. They also have preparing for success program that prepares them to go back into the work force. They do vocational training. The men do landscaping, carpenter shop, and gardening. The women will be similar, but more relevant things for them to learn and more skills. All of the program is Christ centered material.

Attorney Robinson asked Mr. Cambria to his knowledge was a community meeting required for the issuance of a special use permit under the Sanford UDO.

Mr. Cambria said not at all. The city provided a list of adjoining addresses to send out the notices of meetings and letters were sent from the Teen Challenge office. He said the first meeting was December 2, and was held at the Spring Lane Assembly of God Church. No one from the community did not attend. He said that they voluntarily sent another letter to invite them out on May 29, from 7-8pm. He said that approximately 15-20 people attended from the community. He said the walked through rumors and clarified what Teen Challenge is and is not. He said that it was a polite meeting. He said that the concerns that were addressed were not about the women, but about who would be visiting the women. He said that they walked them through the protocol and they are strict. It is not like a rehab; and the women move as a group. There will be 24-hour staff. He said that they were also concerned with sex addictions / offenders and he said that they are not allowed. He said that the women apply to come to the program. It is voluntary, and it is a program is 9-15 months. There are background checks to make sure they are not sex offenders, that includes the women and staff. They do have addictions backgrounds and offenses that go with that.

Attorney Robinson asked what is the maximum number of clients, including women and children.

Mr. Cambria said that when the application was first filled out a year ago, looking at the square footage they have come up with 15-22 residents. The city fire code will determine the occupancy permit. They are requesting no more than 22, including staff.

Attorney Robinson asked to describe the admission process for coming into the facility.

Mr. Cambria said that women will be voluntarily admitted. They do not force enrollment. The women will also have to be free of symptoms of detox. They do not provide detox services. They will be free from sexual related felonies and not on any national registry. Students in ATC undergo bloodwork, physical examination and helps only to admit those who are healthy enough to complete the 9- month program with minimal obstruction to the daily schedule. The results of the phone interview with an admissions team are highly considered. Trained individuals walking through the reason they are choosing to come to Teen Challenge versus another facility; what history they have of undergoing addiction treatment; and admissions staff will eliminate people who don't want to follow the strict program. There is an application online that generates a phone call to the person wishing to enter the program to start the interview process. There is a written application completed, interview, financial part of the program and if they can afford it or need a grant, which is sought by ATC. After the physical part is completed, they get assigned an intake date. The intake date is where the family brings the person to the home and an agreement is entered. They search their belongings and they enter into a blackout agreement. Once they say goodbye to family, they will not have any contact for two weeks. After that, they after the first month they earn monitored phone calls and visits.

Attorney Robinson asked Mr. Cambria to describe the 24-hour staffing.

Mr. Cambria said that all Teen Challenges are 24-hour staffed. They have three different levels of staff. General staff and under; administrative staff; leadership; and internship program which is called the emerging leaders program. Emerging leaders are graduates of the program and they are not clients any longer. They are in essence junior staff and are always

on site. There is always senior staff onsite. All sites have on campus housing. This site allows for the staff to be able to be housed in the facility without having to build additional housing.

Board member McKinnis are the graduated staff typically from the same place they graduated from or do they go to another facility.

Mr. Cambria said that they would like for them to stay at the same facility, but they can choose to go elsewhere.

Attorney Robinson asked if there were any security cameras on site.

Mr. Cambria said that yes, this facility has cameras already in place because it was a full center daycare. It has exterior and interior cameras that will stay in place and in operation. ATC will take over the use of the cameras. It will be the facility with the most cameras.

Attorney Robinson asked Mr. Cambria to describe the process to leave if a client chose.

Mr. Cambria stated that if someone wanted to leave Teen Challenge the first thing that is done is to sit down and talk to someone and try to figure out if it is for real, seeking attention, or just needs to leave. They make it very easy to leave, but there is not need for a client to walk out the door and do it on their own. They provide transportation, work with the families, keep them on campus until arrangements are made. There will never be a case where someone is thrown out of the facility without a plan. It is part of the national accreditation, that they do not allow. If someone were to get up and walk out, the first thing is to call the Sheriff's department and they would help. Very rare, even in the men's program.

Attorney Robinson asked Mr. Cambria if any element of incorporating the graduates as working, contributing members of the community after graduation.

Mr. Cambria said that in this area of North Carolina they have been blessed to have major support from the business community. They have been here long enough, 38 years, in Moore County and well known in the local community. They have Cooper Ford as a Board member, Tommy Scarborough he owns the largest landscaping in Moore County is a Board member, he has graduates working with those companies and Life Springs church. The military program director is from Sanford, Jeff, he is working in Elizabethtown and is a graduate. Pastor at Lake House Assembly of God in Carthage, Bill Baldwin, was one of their very first graduates. They have evangelist, missionaries, and staff that works with ATC.

Board member Ogdenski asked if any of the clients local or do they ship clients throughout the United States.

Mr. Cambria said they typically do not send the clients throughout the United States, unless they request it. Sandhills is one of five Teen Challenge corporations. Centers are located across the state. They only operate three in this local area.

Board member Ogdenski asked if any of the centers have closed.

Mr. Cambria said that in 2019 they had 88 corporations and as of 2024 they have 86 corporation. One corporation affiliated with another faith-based organization in the Midwest. Another one in El Paso, Texas went independent to become the disciples of Christ.

Board member Ogdenski asked what is so interesting about this location at the church.

Mr. Cambria said that they did a service at the church, presented the need for a women's center, and the Pastor contacted due to the daycare closing. The building is up to code, nice facility, restrooms, dining hall with commercial kitchen and has most of the things that are needed. The church is as turn-key as can be without installing showers and the dormitory. Since it is a women's center, they wanted to create a space where they could room in twos versus a men's center where they use one big open space like military. The timing was attractive; they were looking and what they offered since their daycare was going to end. The daycare had 60 kids, so they would be a much smaller operation. The traffic in and out versus what it was will be very small.

Board member Ogdenski asked is smoking or vaping allowed outside.  
Mr. Cambria said no, not at all; clients, volunteers, nor visitors.

Chair Judd asked what safe guards are in place. He said that they had mentioned 24-hour staff and security cameras, but what measures are in place to safeguard the community if someone were to leave.

Mr. Cambria said that law enforcement would be called. Staff will not chase down clients, nor start a commotion. He said that if something were to go down in the middle of the night, the doors are alarmed and they refused to come back in, they would call law enforcement and help contain the situation. The clients can leave at anytime and are not committing a crime, but they are responsible for the safety and well-being until they get to place B. Staff is trained to protect themselves and the client. He doesn't have an example to share because in 20 years he has not had someone to do that.

Board member Garrison said that it is a very heavily residential area. He asked if they planned on putting up a barrier or fence along the backside of the property.  
Mr. Cambria said that they have not looked at that for this property.

Attorney Robinson asked in his role with Teen Challenge in North Carolina and your understanding of the existing facilities in North Carolina, to what extent, if any have you become aware of any incidences of violence in surrounding neighborhoods directly related to the residents or visitors or relatives.

Mr. Cambria since he has been in North Carolina in this position he has not been made aware of anything like that happening locally and in the national position he has never been called to an incident of a dangerous situation. Most calls that he has received is to make sure that Teen Challenge is upholding the accreditation standards for student safety, the misuse of the brand, or the Executive Director and the Board not getting along. He assured the Board had there been any abuse or violence that the national office would find out quickly. He said there are regional representatives, state representatives, and national representatives that have eyes on the program organization. It is hard to hide that information, especially with social media.

Attorney Robinson asked for Sandhills alone, how many graduates have been in the program.  
Mr. Cambria said that since 1987 there have been 2040 graduates. Prior to 2018, they were owned by Pennsylvania Adult Teen Challenge and they were the intro center where the client would come for four months and complete the program in Pennsylvania. The Board bought themselves out in 2018 and became their own program. Since then they have been a full program, and would have had more graduates.

Attorney Robinson asked if there is a Sandhills Teen Challenge in Carthage and when they were formed and if there had been any incidents at that facility.

Mr. Cambria said that they were formed in 1987 and have not had any incidents during that time.

Exhibit D-4, Steve Caddell letter was entered into the record; and accepted by the Chair

Attorney Robinson asked Mr. Cambria if he knew Mr. Caddell.

Mr. Cambria stated that he is the adjoining next-door neighbor in Carthage. He read the letter received from him in November 2023.

Board member McCracken asked if there was a map that showed his property and the proximity of the center.

Attorney Robinson said that he did not have that map.

Mr. Cambria said that they share lawns, and the guys mow his lawn.

Board member Ogdenski asked if he had any evidence of the impact of property values.

Attorney Robinson stated that an appraiser would testify to that information later in the presentation.

Attorney Robinson asked Mr. Cambria if he was familiar with the four criteria for the special use permit.

Mr. Cambria said yes.

Attorney Robinson asked him to give his opinion on the findings of fact numbers 1 and 4.

Mr. Cambria gave his opinion as follows:

1. He said that the use will not endanger the public health and safety located at Spring Lane Assembly Church if developed with the plan as submitted and approved, because it will improve the community by returning women who are contributing citizens which is what is seen in the men's center. The community meeting was aimed at informing the neighbors that they are not a rehab; and offers post detox recovery care. It trains on how to move into a post addiction phase of life.
4. He said that the subject property that is currently zoned R-20 and the future land use designates the subject property as suburban neighborhood under the UDO. The R-20 zoning district permits the intended use of the group care facility and other rehabilitative services with a special use permit. The land use specifically allows for civic uses such as schools, churches and parks. The proposed use is very much in keeping with the allowed use. The property will continue to be used as a church and the proposed use is keeping with ministries one might find within the church. As such, the proposed use is entirely consistent and in generally in conformity with LUP.

Mr. Cambria said that they are not only Teen Challenge that exists in a similar situation of what is being asked tonight. There is a facility in Columbus, Georgia located 5304 Hurst Drive. It is a women's center that is exactly like what is being proposed in Sanford. It is

located inside a church building. The church donated the building to Teen Challenge and they converted it into a women's center. It no longer is a community church. It is a full Teen Challenge program. It is a dense suburban residential neighborhood very similar to what is proposed at the Spring Lane Assembly of God.

Vice Chair Groce asked how long has it been in operation.

Mr. Cambria stated that he was unsure of the founding year, but at least 10 years.

Exhibit D-5, Columbus, Georgia Women's Center was entered into the record; and accepted by the Chair.

Attorney Robinson asked Mr. Cambria if he had been on site at this location.

Mr. Cambria said yes, at least twice, doing their training and accreditation.

Attorney Robinson asked Mr. Cambria if he had become aware of any instances of crime or violence associated with the women residents or visitors at this site.

Mr. Cambria said no, and this site fall under a Teen Challenge that oversees 20 facilities in the state. They are a much larger footprint than Sandhills.

Board member Ogdenski asked if he would have a faculty manager of the whole building and how many chain of commands would be at that facility between you as CEO.

Mr. Cambria said the center director would handle anything at the facility and then it would come to him, then to the regional manager, and then to the national level. He said there is also a marketing department in Springfield that they have automatic internet searches that anytime Teen Challenge is mentioned online they get alerted.

Vice Chair Groce said that the first protocol is to call local law enforcement. He said that it has been said that there is no awareness of that happening much. If you call local law enforcement, there a record of calls, and should be available.

Mr. Cambria said yes, and it is not common. If they want to leave, then they help with plan B.

Board member Ogdenski asked if the clients sign a waiver.

Mr. Cambria said yes and it is HIPPA compliant. All that is done at the intake process.

Vice Chair Groce asked if he had to kick anyone out because they were not getting along and if law enforcement had ever been called.

Mr. Cambria said no, not since he had been here. He said from the men's side that is very rare. They have disagreement, but it is no contact. If they were to fight, then it would be as bad as using drugs and would be dismissed from the program.

Vice Chair Groce asked if blood test and physical test were ongoing during the program.

Mr. Cambria said that yes. They test randomly and often, because they want to make sure they stay clean. It is usually around visitation time, 8- hour pass, and overnight pass.

Board member McCracken asked what was across the road from the facility in Georgia.

Mr. Cambria said that it is a water-treatment plant. It is the intent of the slide to show all the residential around the facility.

Exhibit D-6, Hannah's Haven Photos of Brown Summit, NC, was entered into the record; and accepted by the Chair.

Mr. Cambria said that it is currently the only Teen Challenge for women in North Carolina. It is called Hannah's Haven located in Brown Summit. It is a residential community. It is in a regular residential house. They converted the house into the program and behind the house where you would have an attached garage, they built a free-standing dormitory. That was a permit that had to be approved. He said the last time he was there was in 2021 to approve their accreditation. He said that he is not aware of any issues of crimes or violence in this home. He said he has been in the role of Center Director many times in Las Vegas; Buffalo, NY; and all of that was residential neighborhoods. He said that it has been his experience that anytime Teen Challenge comes into a neighborhood community, the community relies on them for community events. Teen challenge is very restrictive on what happens inside the buildings, but it is proven to be positive when allowed to participate in the community. He hopes that in time that they can prove to the community that they are here to be part of it and not be a detriment.

Exhibit D-7, Affidavit of Russell Cambria was entered into the record; and accepted by the Chair.

Chair Judd asked how can you assure the community that this is a safe organization.

Mr. Cambria said again, going back to what they program is and what it is not. Teen Challenge is a voluntary program so that is a low risk. For instance, if someone would come to the program and needs to be in jail, that is where they will be or a lock down facility program. Most of them that come in with court, the court knows where they are at all times. Moore County does also ask for low risk individuals to come to the program. If they meet the criteria, we are getting them out of jail and they are getting their GED's and jobs. This facility has extra precautions that other facilities don't, because it was a daycare. They would not have the security cameras outside, but not inside. He understands that it is going to take time in fulfilling our word and trust. He said that from his personal experience in Teen Challenge he, his wife, and his thirteen-year-old daughter live on the campus in the Carthage, and if it were dangerous he would not have his family living there. He said that it being a women's program they will not have the same stigma as a men's program. He understands the concerns and he would like the public to know that they do not have an open-door policy. They will not be able to knock on the door and visit anytime, not advertising the address of the program on the website, and they take extra precautions because they don't want anyone from their past coming to try and talk them into leaving.

Vice Chair Groce asked if they could ask for records of the sheriff's department in the area of the facilities to elate fears of the neighbors. We want to make sure that the Board has done their due diligence,

Mr. Cambria said that under normal circumstances that the paramedics are called if someone is sick or if someone still needs to be detoxed. Once they are cleared, we pick them up.

Sheriff Ronnie Fields hosts events for the program. If they were causing issues, they would not partner with Teen Challenge.

Board member Ogdenski asked what type of addiction was most common of the clients. Mr. Cambria said that 90% deal with alcohol and a good percentage of them deal with pain killers. They are typical, stereotypical drug addicts. These are people who are similar to us that have developed a opioid addiction because of an accident.

Board member Ogdenski asked if Mr. Cambria has a degree in substance abuse. He said he has a bachelor degree in counseling and a masters degree in leadership. Not a licensed counselor. They have licensed counselors on staff.

Board member McCracken said that he understands that you are accredited by a national organization; but are you licensed by the State of North Carolina. Mr. Cambria said that they are not licensed by the State of North Carolina as a drug facility, because they are not that kind of facility.

There was a 15-minute recess.

Chair Judd reminded the Applicant that the hearing would be stopped at 9:00pm.

Attorney Robinson called Jenn Toro as the next witness.

Jenn Toro, said that she will be the Staff Director at the Women's Center on Spring Lane. She said that prior to this position she was the Staff Director at a women's center in Arizona for 11 ½ years; and the Executive Director for 4 ½ years.

Attorney Robinson asked Ms. Toro to tell the Board how she became aware of Teen Challenge.

Ms. Toro stated that she became aware of Teen Challenge through the men's facility working in the community and she was struggling at the time with addiction. She said her parents and she agreed to go to the women's facility. She said she entered at the age of 26 and did the 13 ½ month program, graduated.

Attorney Robinson asked Ms. Toro to describe her experience at Teen Challenge as a client. Ms. Toro said that it became her home and it will always be her home. It is a special place for her and her kids. She got her children back while she was in the program. Going into the program she changed her mindset and was determined to do this for her kids. She changed her life and her kids are 22 and 18 and they will tell you how it impacted them and how they met her in a whole new way.

Attorney Robinson asked if the women's facility in Arizona is the Home of Hope and what is their mission.

Ms. Toro said yes. Their mission is to empower women to be able to be active members of society.

Attorney Robinson asked if was a residential recovery program for women and their children. Ms. Toro said yes, and it was also for single women. She said she had a roommate and when her kids came to the facility they shared a room with her; the roommate would help with the kids.

Attorney Robinson summarized that Ms. Toro was first a client at the recovery center, then worked there for 11 years and the most recent 4 ½ years were the Executive Director of that facility; and asked if this facility was similar to the program proposed on Spring Lane. Ms. Toro said yes, and smaller.

Exhibit D-8, Home of Hope Location in Casa Grande, AZ, was entered into the record; and accepted by the Chair.

Ms. Toro said that this is a map of the Home of Hope and it was located in a residential neighborhood. She said that across the street from the property was all residential. She said the adjoining property was a church on both sides.

Attorney Robinson asked Ms. Toro that in her 4 ½ years as Director of the women's center, did she become familiar with the types of women who came for treatment at the facility. Ms. Toro said yes.

Attorney Robinson asked Ms. Toro as her experience as a client and as an employee for 11 years and then 4 ½ years as the Director to tell the Board of any incidents of violence or crime with the clients or visitors.

Ms. Toro said that they had no incidents of crime, no concerns, no reports, or issues within the community. She said that one person decided she wanted to leave, she walked out, and they caught her. They convinced her to let them drive her where she wanted to go. They took her to the airport and bought her a ticket. She said that there is always a plan in place, especially when dealing with children. It is very important to keep them safe.

Attorney Robinson asked Ms. Toro that during her time at Home of Hope did she ever have anyone from the surrounding residential neighborhood come and complain. Ms. Toro said no.

Attorney Robinson asked Ms. Toro to describe the process for visitation at the Home of Hope and if it will be the same at this location.

Ms. Toro said visitations were one day a week, Sundays between 12-4pm. The family has to be a certified family on the list and it is approved prior to them coming in. It is immediate family only, no boyfriends and no friends. The family members have to call a week prior in advance to let them know they are coming and if they didn't call ahead, they couldn't stay. It is strict policy. Once the family arrived, they sign in and out; any property that they would bring such as lunch, would be searched; and it worked very well. Typically, moms and dads; brothers and sisters.

Attorney Robinson asked Ms. Toro if she had visited the site and if she had any concerns with the health or safety of the surrounding community based on the preference of this program at the Spring Lane Assembly of God Church location.

Ms. Toro said that she does not and feels that it will be an asset to the community. She has worked with these women, she loves these women, and she is able to train these women. They impact the community in a positive way.

Attorney Robinson asked if it was fair to say that it is not just that there aren't any safety concerns, but that it is an asset to the community.

Ms. Toro said yes. She said that she wanted to encourage the Board that being in that facility; working there for over 11 years; and being the Director for 4 ½ years she has experienced different kinds of women. The intake process is vital in that you will find out who needs to be in program and who does not. You get all their information, bloodwork, and someone who wants to change their life will do all the requirements needed. That separates people who don't want to change, because they will not go through the process, that takes about two weeks to get the work done. They will not put people who do not want to be there and do the work in the facility, especially with the children. They are looking at backgrounds and what kind of addiction to make sure they are not putting anyone in the program in harm way.

Chair Judd asked if there were any doctors in the facility to help with the detoxification.

Ms. Toro said that the people are required to have detox before coming into the facility. Addiction is just the symptom and they go to directly what may have caused the person to want to drink or do drugs. They do the curriculum, they go to church, and group sessions to help figure out how to control the addiction. They do not need doctors in the facility.

Attorney Robinson asked Ms. Toro during her time as Director was there a need for a doctor when someone first came into the facility.

Ms. Toro said yes, she had someone who had detoxed two months prior to coming to the facility. She said they took her to the emergency room to get medicine for nausea, and they released her the same day. There has never been a need to have an onsite doctor.

Exhibit D-9, Affidavit of Jennifer Toro was entered into the record; and accepted by the Chair.

Board member McCracken congratulated Ms. Toro on her success. He asked with the facility on Spring Lane, Mr. Cambria mentioned the church would continue as a church, and both mentioned the safety of the students. When there is a church service how are the students protected from the congregation.

Ms. Toro said that their church will be on Sunday and their program they go to different churches on Sunday. They may or may not be there, and there is a door between the facility and the church service.

Attorney Robinson called Tim Carpenter as the next witness.

Tim Carpenter, Engineer and Land Planner at LKC Engineering in Aberdeen for twelve years.

Exhibit D-10, Tim Carpenter Affidavit was entered into the record; and accepted by the Chair.

Attorney Robinson asked if Mr. Carpenter was familiar with the City of Sanford's Unified Development Ordinance and specifics of the special use permit requirements.

Mr. Carpenter said yes.

Attorney Robinson asked Mr. Carpenter if he had been to the site and if so, how many times.  
Mr. Carpenter said yes, three times.

Attorney Robinson asked Mr. Carpenter to describe in general terms the history with this property.

Mr. Carpenter said that they were contacted by the applicant to evaluate the site conditions with regard to the intended use and assist with any use requirements and help guide through the city process from the udo perspective and site plan. Based on the current site, with issues related to parking, drainage, utilities there would be minimum improvements required to the site given the current use of the site.

Attorney Robinson asked to move Tim Carpenter as an expert in the field of the site plan design as public engineer. Accepted by the Chair.

Attorney Robinson asked Mr. Carpenter if he assisted in the preparation of the TRC review committee concept review submittal; assist in the preparation of the TRC final review of the submittal; and assist in the preparation of the special use permit application filed on or about April 1, 2024.

Mr. Carpenter said yes.

Attorney Robinson asked Mr. Carpenter to the best of his knowledge is the special use permit application complete.

Mr. Carpenter said yes.

Mr. Carpenter said that they provided the responses to the TRC comments from the meeting that was had on February 21, 2024. The site exceptions from UDO were in compliance; NCDOT; public works; fire code; and inspections. The site is in compliance for a church and daycare use. There will be 22 people on site, including staff; and there were no issues. The site has connections to water and sewer. The applicant understands that given the occupancy of the building it will need to make upgrades to fire sprinkler system.

Exhibit D-11, Site Plan was entered into the record; and accepted by the Chair.

Attorney Robinson asked him to give his opinion on the findings of fact numbers 1, 2 and 4.

Mr. Carpenter gave his opinion as follows:

1. He said that the use will not endanger the public health and safety located at Spring Lane Assembly Church if developed with the plan as submitted and approved.
2. He said that the use meets all required site plan specifications based on the TRC review and approval of the plan and other applicable regulations.

4. He said that from the engineering site plan perspective the location, character and use will be in harmony with the area which located in is general conformity with adopted land use plan.

Mr. Carpenter said that he did a through review of the site, provided the survey map, determined that the church is on sewer and not septic.

Board member Ogdenski asked if the site would de-value the houses in the area.

Mr. Carpenter said that he is not an appraiser.

Vice Chair Groce asked if most of what is proposed renovations located on the inside; no additional buildings; no increase in parking; and no surface water increase.

Mr. Carpenter said yes, it is his understanding that all improvements are interior.

Board member McCracken asked based on the information that was provided that it is intended for the special use permit article 4 and the facility will be similar to the provision of an adult home care facility and other rehabilitative services, correct.

Mr. Carpenter said that is correct.

Board member McCracken asked if he was familiar with the definitions of these facilities and how are they similar to this facility.

Attorney Robinson said that he doesn't think there are definitions in the UDO and it is the opinion of planning staff that this use falls within that category.

Attorney Hornik said that question should be directed to staff.

Staff McNeill said that at the time the application was submitted, she was the Zoning Administrator, and it is the Zoning Administrators job to determine what land use category projects fall within. And based on the information provided and the information in the UDO she determined that was appropriate land use category for what they wanted to do.

Attorney Robinson called William Stafford, who is a NC Certified Appraiser as the next witness.

William C. Stafford, Jr., Certified North Carolina general appraiser, he has been an appraiser since 1977. He has done all kinds of appraisals, but over the past 20 years, he has done more commercial appraisals.

Exhibit D-12, Bill Stafford Affidavit, was entered into the record; and accepted by the Chair.

Attorney Robinson asked to move Bill Stafford as an expert in the field as a real estate appraiser. Accepted by the Chair.

Attorney Robinson asked Mr. Stafford to describe his experience with the property.

Mr. Stafford said that he was contacted to appraise the property and determine if it had any substantial adverse effect on the neighborhood. He said that he began to look for an analysis of other properties that in this type of use and the historical impact they have on that and do

research on those properties. The three properties that are currently being operated do not find anything reflected any sort of loss of value. That was based upon research in those three areas. He realized that those properties were more rural in nature. Therefore, since that time additional research has been done.

Exhibit D-13, Appraisal Letter, March 28, 2024 was entered into the record; and accepted by the Chair.

Mr. Stafford stated that the property use will not substantially injure the value of the adjoining or abutting property. He said that he looked at the three facilities that were currently operated.

Exhibit D-14, Appraisal Letter Addendum, July 11, 2024, was entered into the record; and accepted by the Chair.

Mr. Stafford said that appraisal research was done on in Brown Summit, North Carolina. He said that testimony has been heard tonight previously about Hannah's Haven. He said that it is operated by the US Teen Challenge group. It is the only current women's facility in the state. He said when you look at the map it is in a more of a congested residential area of houses. He said around the subject property it does have residential properties. This property was purchased in 2017. Since that date no negative influences of value were found in the research. He has provided a list of 22 properties by the Guilford County records, the address of Hannah's Haven is 5432 Yanceyville Road, and numerous addresses continuous and within near by range of 200-300 yards of the property. He said that if you look at the road on the map, it goes down curves around and goes up is French Drive; and those property addresses are also listed. He attempted to show that out of the 22 properties listed in the immediate area, 17 have not sold since that day; only one house has sold since that house was a house and not a facility. He said as you can see from the list there is an increase in pricing. There are four other sales that have taken place, but those lots did not have houses on them and the time. So, someone determined that there would be value in that area and invested and built homes. He said as you begin to look and see even the house that is directly behind the subject property (where they added on the addition for the dormitory) those people still have they own their property. He said that he couldn't find any research that shows due to the Hannah's property being purchased in 2017 with closest property with the residential use he could find that depicted any loss of value.

Attorney Robinson asked that based on Mr. Stafford's knowledge and review both of the existing three Teen Challenge facilities nearby and Hannah's Haven in Brown Summit, North Carolina, to give his opinion that the SUP as proposed meets the approval criteria of number 3.

Mr. Stafford stated his opinion is that it would have any substantial injury to the value of adjoining or abutting properties based upon the research that has been provided.

Board member Ogdenksi asked since 2020 real estate values have increased and is there anything that would be low.

Mr. Stafford said that it would be if you have an aggressive market like you do in Sanford. However, if there were a negative impact of the facility it would be seen. For example, at the Hannah's Hope there were four vacant lots that had homes built on since that time. Two of the homes were purchased by the same person and sold by the same person, so it looked like a developer. Someone did not see that this home had a negative impact in the neighborhood to building something nice and resale. If it had a substantial negative impact on properties an investor would not have bought and built near this property. He said that he could find nothing that reflects the stigma when something happens, and in this situation, he could find nothing that reflects that and it would be showing up pretty quickly.

Vice Chair Groce asked if this was a problem place, you would see more turnover. He said that a lot of these houses have not changed hands in 25-30 years. He said that in addition lots were available that had this been an issue, that what would be happening those lots would not be bought and developed and sold.

Mr. Stafford said correct, not in the normal course a builder would not build in that area.

Board member McCracken said that there is a lot of numbers and if he understood correctly only one property actually had a transaction in a period from the beginning of Hannah's Haven until today.

Mr. Staff said that there is one solid resale.

Attorney Robinson stated that concludes the evidence to be presented. It demonstrated compliance with the four SUP requirements. He said that expert testimony was presented with the regard to those factors and more than satisfied the burden of proof on those criteria. He respectfully requested that the Board consider the overwhelming evidence in support of those findings and approve the SUP.

Exhibit E List of Speakers – For, Against, and Witness Testimony

Against

1. Allen Gordon, 1609 Columbine Rd.

Mr. Gordon said that they had talked about the appraisals. He said that an example would be two houses listed with the same builder and exact same plan and one abuts the property and one is down the road; he said using common sense and his experience that the client would want the one that is down the road. He said he would like to mention also that when the process first started the adjacent zoning that the north parcel was vacant and wooded; now it is under construction. Residential single family is surrounding this property; north, south, east and west. He said that this a wonderful mission and cause; there is no doubt about that. He said the only problem he has is the location, even it is inside a church building. Group homes usually follow under commercial use of the property even if it is a non-profit; and this will be a commercial use in the middle of a residential neighborhood. He said he isn't sure if Teen Challenge is going to expand within the 6-acre tract. He summarized by saying that this is a very stable area and little turnover; work and volunteer in the community; and raise their kids here. The Adult & Teen Challenge is a business that operates a group care facility and other rehabilitative services for women who live there for approximately 9 months, with

children. He said then 20 more will come; and it is continuous. He said there will be a lot of people moving in and out. He asked the Board to use their common sense. He said that he understands the legal aspect and that he does not feel that it will be in harmony with the neighborhood.

Attorney Robinson objected to the testimony and asked Mr. Gordon if he was a North Carolina certified appraiser.

Mr. Gordon said no, he is a North Carolina real estate agent.

Attorney Hornik stated again, that the Board cannot consider speculative, general testimony by a witness that is not competent, material and substantial evidence. He said that there is no general right for public comment in a quasi-judicial hearing. Members of the public who have factual evidence that they can testify about other than personal knowledge have the right to participate as a witness. There is not a general right for members of the public to provide general comment. He said it up to the Chair's discretion how much he wants to allow a member of the public to speak. This Board cannot consider any information that is not evidentiary.

Attorney Hornik stated that lay opinion testimony on impacts of property values is by law not competent evidence. This Board can consider factual matters, and Mr. Gordon testified to matters that are in his personal knowledge. This Board cannot rely lay opinion testimony that he provided.

#### For

1. Larry Caddell, Chairman of the Board and is retired as former CEO of Southern Software; Mayor of Carthage for 13 years; and County Commissioner for 8 years and Chair of the Board twice; Board of Sandhills Community College for 36 years; and last 10 years as Chairman of the recreation commission of Moore County.

Mr. Caddell stated that part of the process has been questioned. He wanted to clear up some information. He said that they have a great relationship with Teen Challenge. He said their property for the past 38 years is a half a mile from a high school and  $\frac{3}{4}$  of a mile an elementary school. He said that we can buy anything we want, but we cannot buy a reputation. He said that if he thought for one minute that this facility would adversely affect the community of Sanford, he would not be speaking on behalf of the organization. This is a perfect piece of property; they will be good stewards and great neighbors. They will not be an issue. Ronnie Fields would not partner with them in Moore County to do something that he thought they were not what they said they were. Tonight, he respectfully requests that the SUP be approved and appreciated the due diligence in making the right decision. He knows that it is a difficult place to be.

2. George Blanchard, Deacon of the Spring Lane Assembly of God.

He said they have no reservations about Teen Challenge. They have had the men come to the church on numerous occasions. They support them in every way. Sanford, North Carolina needs a women's adult teen challenge. This community is getting ready to bust at the seams. The drug problem is tremendous. Teen Challenge has the answer; it is biblically based. The community is going to benefit. He has a daughter who went to a Teen Challenge and she is a

contributing member of society, raising a family. Sanford doesn't have an Adult Teen Challenge for women.

3. Joseph Bellantio.

He lives a few blocks from the church, and has lived there for over 16 years. He attends Spring Lane Assembly of God, and volunteers there daily. He loves the neighbors and he wants them to know that while it has been said that once your addicted you are always addicted; and not that is not the case for him. He was a drug addict in 1970 and the Lord changed his life and he has been free from drugs for 54 years. He believes in Teen Challenge and is a supporter. He said that he did not want the neighbors to live in fear, they do not need to live in fear, but to walk in faith. Thanks for your time.

Against

2. Sheila Oldham

She said her property adjoins the church. She said that her concern is for the children. The daycare that was at the church, it was not uncommon for the children to be on their property. Her concern is the children being supervised, and if a father comes and grabs a child through her yard, and goes to the back of the property. That is her concern for the children at the facility.

Board member McCracken asked the age of the children that would stay at the facility.

Attorney Robinson said the clients are a minimum age of 18 for the women and children up to age 9.

Exhibit F – Applicant's Summation

Attorney Robinson read Exhibit F.

Vice Chair Groce asked staff the zoning of Haven, is a women's shelter for domestic violence.

Ms. McNeill said that she believes it is Office & Institutional, and located in a residential neighborhood.

Chair Judd stated that the 9:00 pm time limit was reached and asked if the Board wanted to deliberate tonight, or come back at a later time.

The vote was 4-1 to continue to deliberate, with Chair Judd casting the dissenting vote.

Deliberation

Attorney Hornik said that at this time the Board need to discuss the four findings of fact and the evidence that was presented to support or deny the findings.

Chair Judd stated that that the granting of the Special Use Permit is based upon four findings of fact. Each finding requires a majority vote 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 Special Use Permit. This motion should be discussed and any suitable conditions appended to it.

If one of the required findings fail, they all fail.

The Board of Adjustment does not have unlimited discretion on deciding whether to grant a Special Use Permit. Under the state enabling act, the Board is required to reach four conclusions before we may issue a Special Use Permit.

Attorney Hornik stated that case law is very clear that the applicant's burden is a burden of presentation provided that they have provided competent and substantial evidence that they have shown that all four findings are met, the Board does not have the discretion to deny a Special Use Permit application. If they have met the burden of presentation, the only way in which you could deny an application is contrary evidence is presented. It is important to have detailed discussion.

#### Findings of Fact

1. The use will not materially danger the public health or safety in the proposed location and the project will be developed according to the plan as submitted and approved.

Vice Chair Groce said that safety is a concern for the neighbors. If it is safe, there is no issue in property values. They are not putting a sign out stating what the name of the facility. He said his opinion, is it safe for the neighbors; that the residents; and the children. He said that in short of insisting that they produce records from law enforcement; if they are having any problems in spite of what they testified; that is the only other evidence to get to prove unsafe.

Board member McKinnis said that they are not a medical facility. They are health improvement; not changing the building; and has not heard any testimony that says anything otherwise with the 2040 graduates from the program.

Board member Ogdenski said that going by evidence he has not heard anything to object to the safety; and there has been no records produced to say otherwise.

Attorney Hornik stated that if there is insufficient evidence then they could ask the applicant to produce law enforcement records and continue the hearing and ask the applicant to produce more evidence; or deny based on the lack of evidence.

Vice Chair Groce said they have testified under oath, so they either take their testimony for the truth; request more evidence; or deny because you don't believe them.

Attorney Hornik stated that if facts were to develop later on that lead the city to believe that inaccurate or misleading testimony was presented, that would be a basis to revoke the special use permit.

Motion: Board member McCracken that Teen Adult Challenge of the Sandhills has sufficiently demonstrated that there is no materially danger to the public health or safety if

approved with the proposed location and project will be developed according to the plan as submitted and approved. Board member McKinnis seconded the Motion.

Yes:

Chair Judd  
Vice Chair Van Groce  
David McCracken  
Garrison Ogdenski  
Connor McKinnis

2. The use will meet all required conditions and specifications.

Board member McKinnis said that it was approved by the TRC, and the site plan conforms at this level.

Vice Chair Groce said that nothing is changing on the outside of the facility.

Motion: Board member McKinnis moved that the use will meet all required conditions and specifications due their involvement with city staff and TRC. Seconded by Board member Ogdenski.

Yes:

Chair Judd  
Vice Chair Van Groce  
David McCracken  
Garrison Ogdenski  
Connor McKinnis

3. The use will not substantially injure the value of adjoining or abutting property or, or that the use is a public necessity.

Vice Chair said that the appraiser, Mr. Stafford, has given us additional information to include Brown Summit location that was not in the packet previously. Appraisals are tough, because if it is here, is it worth less if it is not. Some people may say 60 kids making noise all day long is a nuisance. If it wasn't a church, being a 6- acre tract you could put 15 houses on that piece of property and create more noise and traffic. In assessment of what the value is, what if it was something else, would it be worth more or less. Certainly, things are worth more here than they were a few years. He said his thought process has been, if it is safe and they are the neighbors they say the are going to be, then this becomes a non-issue.

Board member McCracken said that his concern is that there is limited information. It is hard to get hard evidence since there are a limited number of properties. Diligence was done in trying to get as accurate information as possible. The looks of the building will not change, there will be no sign, so no one will know that it is there.

Motion: Vice Chair Groce said that the use will not substantially injure the value of adjoining or abutting property or, or that the use is a public necessity based on the evidence presented by the expert testimony of appraiser, Mr. Stafford. Seconded by Board member McCracken.

Yes:

Chair Judd  
Vice Chair Van Groce  
David McCracken  
Garrison Ogdenski  
Connor McKinnis

4. The location and character of the use, as developed according to the plan as submitted and approved, is in harmony with the area in which it is to be located and in general conformity with the Sanford / Lee County Land Use Plan.

Board member McKinnis asked if the UDO states that this would be a fit in R-20 with a special use permit.

Attorney Hornik said that would be correct, that case law states that City Council has found as a matter of policy in establishing the UDO that this particular type of use is permitted in this district upon approval of the special use permit. That is evidence that the proposed use is in harmony with that district.

Motion: Vice Chair Groce stated that the location and character of the use, as developed according to the plan as submitted and approved, is in harmony with the area in which it is to be located and in general conformity with the Sanford / Lee County Land Use Plan because it has been presented as a rehabilitative service that is allowed by special use permit in the UDO. Seconded by Board member Ogdenski,

Yes:

Chair Judd  
Vice Chair Van Groce  
David McCracken  
Garrison Ogdenski  
Connor McKinnis

Board member McKinnis moved that based on the testimony presented by the applicant; witness testimony; all four findings of fact passed that the Board grant the Special Use Permit to the Adult Teen Challenge Women's Facility. Seconded by Board member Ogdenski.

Yes:

Chair Judd  
Vice Chair Van Groce  
David McCracken  
Garrison Ogdenski  
Connor McKinnis

Chair Judd stated 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 with the Clerk to the Board in the Sanford / Lee County Community Development Department.

Adjournment

Vice Chair Groce made a motion to adjourn the meeting.  
Seconded by Board member McCracken. The motion carried, and the meeting was adjourned at 9:35pm.

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

BY: \_\_\_\_\_  
Roger Judd, Chairman

ATTEST:

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

## CITY OF SANFORD PUBLIC NOTICE

Notice is hereby given that the City of Sanford Board of Adjustment will hold a special meeting to approve minutes on Thursday, August 22, 2024 in the Buggy Conference Room of the Buggy Company Building at 115 Chatham Street, Sanford, N.C. 27330. The purpose of this special meeting is to approve minutes for the meetings held on June 11, June 26, July 9, and July 11, 2024. No public hearings will be held and no new items will be discussed. The meeting will begin at 4:30p.m. or as soon thereafter as deemed practical by the Board.

The public is cordially invited to attend this meeting. If you have questions, please contact the Sanford/Lee County Community Development Department, 115 Chatham Street, Suite 1, Sanford, NC 27330 or 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 Buggy Company Building is located at the rear of the building on the ground floor. Please park in the large parking area at the rear of the building, enter the building via the main entrance, take the stairs or elevator to the first floor, and go to the left into the Buggy Conference 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 the attached Public Notice in the Sanford Herald Classifieds Legal Section on Thursday, August 15 and on Tuesday, August 20, 2024. If you have any questions regarding this notice, please call or email Amy McNeill at 919-718-4656, ext. 5397 or amy.mcneill@sanfordnc.net. Please reference this account (30031885) on the invoice and refer to as Sanford Board of Adjustment Public Hearing Notice. You may send the publishers affidavit to the Sanford/Lee County Community Development Office, P.O. Box 3729, Sanford, NC 27330, Attention: Angela Baker.*