

TOWN OF BUTNER, NORTH CAROLINA

BOARD OF ADJUSTMENT

PROCEEDINGS

Thursday, November 30, 2023
7:00 P.M.

Butner Town Hall
Town Council Meeting Room
415 Central Avenue, Butner, N. C. 27509

BOARD MEMBERS IN ATTENDANCE:

Mark Pennington, Chair
Bill Cheek
Joe Murray
Edwardo Sosa
Paige Tuttle
James Walker
Constance Wortham

Board Counsel:

Gerry Koinis

Staff:

Jennifer Ganser, Planning Director
Katie Rhyne, Planner

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1 (Whereupon, the Town of Butner, North Carolina,
2 Board of Adjustment convened on Thursday, November 30, 2023,
3 in the Town Council Meeting Room at the Town Hall, 415
4 Central Avenue, Butner, North Carolina, commencing at 7:01
5 p.m.)

6 **PROCEEDINGS**

7 Planning Director (PD) J. Ganser called the
8 meeting to order at 7:01 p.m.

9 Planner K. Rhyne called the roll. Bill Crosby was
10 absent.

11 PD Ganser turned the meeting over to Board
12 Counsel. Counsel called for nominations for chair. B.
13 Cheek nominated M. Pennington. There being no other
14 nominations, nominations were closed, M. Pennington was
15 elected chair.

16 Chairman Pennington called for nominees for vice
17 chair. J. Walker nominated E. Sosa. It was determined that
18 E. Sosa is an alternate and thus not eligible for office.
19 B. Cheek nominated J. Walker, there being no other
20 nominations, nominations were closed, J. Walker was elected
21 vice chair.

22 Chairman Pennington called for review and approval
23 of the October 28, 2021 minutes. E. Sosa made a **motion** to
24 approve the minutes as presented. Second by B. Cheek.

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1 Motion carried.

2 There were no changes or additions to the agenda
3 as printed.

4 Chairman Pennington asked if there were any public
5 comments. There were no comments from members of the
6 public.

7 **(VERBATIM TRANSCRIPT OF VARIANCE HEARING, 23-VAR-**
8 **01 - Starts here.)**

9 (The Variance Hearing commenced at 7:08 P.M.)

10 CHAIRMAN PENNINGTON: The next matter on the
11 agenda is an evidentiary hearing to rule on an application
12 for a variance submitted by Altec Industries, Incorporated
13 for property location at 1550 Aerial Avenue, Butner, North
14 Carolina. Applicant is requesting a variance from certain
15 requirements for Landscaping of Motor Vehicle Use Areas,
16 specifically the requested variance is for Sections 9.6.3,
17 9.6.5, and 9.6.7 of the Town of Butner's Land Development
18 Ordinance.

19 As a reminder, this an evidentiary hearing so all
20 testimony will be recorded. The proceed - the proceedings
21 of this Board will be governed by the rules of procedure of
22 this Board, the Town's Land Development Ordinance, Article 4
23 of Chapter 160D of the North Carolina General Statutes and
24 other applicable law.

25 At this time, all those wishing to speak or

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1 present evidence for or against the proposed variance may
2 come forward and be sworn in. Only those individuals who
3 are sworn in will be allowed to address the Board, so if you
4 believe there is any chance you may want to address the
5 Board, please come forward at this time.

6 (Witnesses are sworn.)

7 CHAIRMAN PENNINGTON: Mr. Attorney, would you
8 please read the instructions to the Board?

9 COUNSEL KOINIS: North Carolina General Statute
10 160D-705(d) authorizes boards of adjustment to grant
11 variances in certain circumstances. When unnecessary
12 hardships would result from carrying out the strict letter
13 of a zoning regulation, the board of adjustment shall vary
14 any of the provisions of the zoning regulation upon a
15 showing of all of the following:

16 Number 1: Unnecessary hardship would result from
17 the strict application of the regulation. It is not
18 necessary to demonstrate that, in the absence of the
19 variance, no reasonable use can be made of the property.

20 Number 2: The hardship results from conditions
21 that are peculiar to the property, such as location, size,
22 or topography. Hardships resulting from personal
23 circumstances, as well as hardships resulting from
24 conditions that are common to the neighborhood or the
25 general public, may not be the basis for granting a

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1 variance.

2 Number 3: The hardship did not result from
3 actions taken by the applicant or the property owner. The
4 act of purchasing property with knowledge that circumstances
5 exist that may justify the granting of a variance is not a
6 self-created hardship; and

7 Number 4: The requested variance is consistent
8 with the spirit, purpose, and intent of the regulation, such
9 that public safety is secured and substantial justice is
10 achieved.

11 In making these findings, the Board's decisions
12 must be based on competent, material and substantial
13 evidence.

14 No change in permitted uses may be authorized by
15 variance.

16 In terms of the vote, four-fifths of members of
17 the Board shall be necessary to grant a variance. Lastly, a
18 board member shall not participate in or vote on any quasi-
19 judicial matter in a manner that would violate affected
20 person's constitutional rights to an impartial decision
21 maker. Impermissible violations of due process include, but
22 are not limited to, a member having a fixed opinion prior to
23 the hearing that is not susceptible to change, undisclosed
24 ex parte communications, a close familial, business, or
25 other associational relationship with an affected person, or

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1 a financial interest in the outcome of this matter.

2 Those are the instructions. You also have a copy
3 of those in front of you. Also, if you have any other
4 attorney questions the Board may have either now or during
5 the course of the proceedings, otherwise, I will turn the
6 matter back over to the chair for the hearing. I'll be
7 happy to answer any questions.

8 CHAIRMAN PENNINGTON: Okay. Will a member of
9 Town's planning staff give us a preliminary statement of the
10 case?

11 PLANNER RHYNE: Altec is proposing a variance from
12 Articles 9.6.3, 9.6.5, and 9.6.7 of the Town of Butner Land
13 Development Ordinance. They are looking at upgrading an
14 existing storage lot to a parking facility. They are doing
15 an addition to the building as well, but that is not a
16 factor for this.

17 This article - these articles are requiring a
18 planting strip on the interior of the parking lot to be
19 planted. That is 250 square feet with a minimum radius of
20 seven feet; and each parking space has to be within 60 feet
21 of a tree; and the trees that are planted to satisfy the
22 streetyard, buffering or tree preservation requirements may
23 be used to partially satisfy the requirements of this
24 article also need to be 60 feet from the trunk of a required
25 tree.

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1 So, what they are proposing to do is plant the
2 same amount of trees that would be required by this
3 ordinance but plant them along the exterior of the parking
4 lot. The reason is, according to them, is that if they were
5 to plant the trees on the interior of the parking lot it
6 would have the potential to damage some existing drainage
7 systems that were designed to remove groundwater from the
8 site.

9 The required number of trees for this plan would
10 be 195 trees, they are proposing 213.

11 CHAIRMAN PENNINGTON: We will hear evidence from
12 the applicant now.

13 MS. POWELL: Good evening. My name is Tonya
14 Powell. I'm a lawyer with Maynard Nexsen in Raleigh. Do
15 you need an address or anything like that? Do you need an
16 address for the record.

17 COUNSEL KOINIS: Your office address will be fine.

18 MS. POWELL: Okay, 414 - my office is 4141
19 Parklake Avenue, Suite 200, Raleigh, 27612.

20 I also have here with me tonight David Ashmore,
21 who is a project manager with Altec, and Tokso Pak, who is a
22 facility project manager with Altec. They will be glad to
23 answer any questions that you might have that are much more
24 specific on the design of what I will likely get into.

25 In your packet I think you have this (holds up

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1 document). It may help to start by looking at it to just
2 help orient you. The area that - the building - the new
3 building is going here (indicates). I don't know if you can
4 see that (steps toward board). I think they are trying to
5 get it on the screen. Okay, let me just show you. (Steps to
6 Board).

7 So, the building that is going to be -- is going
8 to go - is this building. And the expansion is going to
9 take this parking here (indicates).

10 MEMBER SOSA: Right here?

11 MS. POWELL: Yes, sir.

12 And so this is - this building is expanding - is
13 expanding into this parking area and then this area here,
14 well, it is the storage area is the area that is the subject
15 of the request for the variance.

16 CHAIRMAN PENNINGTON: I got it.

17 MS. POWELL: Okay, okay.

18 CHAIRMAN PENNINGTON: This whole gray area.

19 MEMBER SOSA: The whole gray area right here.

20 MS. POWELL: The - so the building will, yes - the
21 building -- the park -- the building will go on the parking,
22 and then this, I'm not sure it takes exactly the whole gray
23 area but that area is where the parking will go.

24 MEMBER SOSA: And the trees?

25 MS. POWELL: What's that, the proposal for the

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1 trees will go here, along -

2 CHAIRMAN PENNINGTON: Around -

3 MS. POWELL: Around the perimeter of -

4 CHAIRMAN PENNINGTON: A perimeter of trees.

5 MS. POWELL: It is that area that we are working
6 in. And there are already - there are existing trees there.
7 So these will be added to existing trees and as was
8 mentioned, they are planning to put 213 trees in there. So
9 it will be screening basically for what will now be a
10 parking area.

11 There's - there's a landscape plan in your packet
12 that may be easier to show you the trees itself but it's
13 hard to show 213 of them, so they are just dense along this
14 area.

15 CHAIRMAN PENNINGTON: That is along Aerial Drive,
16 correct?

17 MS. POWELL: It goes - it will also run along - it
18 will cover the corner.

19 MEMBER CHEEK: Aerial Drive.

20 MS. POWELL: This is the landscape plans. (Steps
21 up to board.) Yes, yes, and it shows trees planted here and
22 here. There is already some in this area (indicating).

23 As is explained this is in connection with an
24 expansion. The facility that is being expanded, I am told,
25 is for -- is what they consider a pretty antiquated paint

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1 system, paint line. So the - and the expansion will also
2 include some offices, a break room and a meeting room.

3 So as I just showed you, the expansion is going to
4 go in the area that is now used for employee parking. So
5 they have to move the employee parking somewhere and the
6 logical place, for the convenience of the employees, is into
7 the area that we are talking about now. That area has been
8 used for moving and parking heavy equipment and vehicles and
9 for storage. And I think that has been true for quite a
10 while.

11 The area where we're going is graveled and because
12 of requirements with re- -- using it for storage, there is a
13 base level under the gravel, under the dirt or concrete,
14 where there is about roughly a twelve inch layer of concrete
15 underneath the dirt and the gravel.

16 I have here a letter from a landscape architect
17 that I will give to you. It probably gets a little deeper
18 than maybe you want to, but I can highlight for you some of
19 the points that he made.

20 He studied the current and existing plans. He
21 studied the geotech report for the property and we're - go
22 to the second paragraph of this letter. The landscape
23 architect basically describes, based on surveys he's looked
24 at and geotech reports and plans in connection with prior
25 improvements out there, that the - the report - the second

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1 sentence there. The report describes highly compacted
2 subsoils and an existing dense-graded aggregate base varying
3 between three and seven inches deep in the general area
4 where the proposed parking area will be located.

5 That the report also shows on the aerial that
6 that's gravel, heavy vehicle and storage area which cover
7 roughly the same area where the parking will be.

8 Going on to the next paragraph. It is his opinion
9 and in his experience that even tree pits in new-
10 construction parking areas are often not cleared of base
11 material or compacted subsoils in a manner that allows trees
12 to thrive, resulting in poor performance and/or short
13 lifespan for the trees. Because of the extremely compacted
14 soil conditions described above, coupled with the history of
15 storage and movement of heavy equipment and vehicles in this
16 area, we are concerned about the viability of new trees that
17 would require - that would - that are required to be planted
18 adjacent to the parking area.

19 And in his last paragraph, to provide better
20 growing conditions for the required trees, we would
21 recommend that an alternate location be identified in which
22 the required trees can be planted where conditions will
23 allow the trees to perform as expected. Previously unpaved
24 areas around the perimeter offer one likely location, which
25 will also allow new planting to help screen views into the

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1 site.

2 I will also point out that this area that we're --
3 it will be -- they will be paving for employee parking at
4 some point in the life of the project, I hear, may go back
5 to being storage. So there is also the concern that if you
6 plant the trees and you rip out the concrete that you are
7 going to have to go back and pull the trees out of the
8 ground, even though we are very concerned that they wouldn't
9 grow anyway.

10 So, it's -- there are several different issues
11 here but all bears generally on the soil conditions that
12 exist from the use of this property over time and the under
13 drains that exist on a portion of the property.

14 The variances that we've requested are, as you
15 will see in your materials, Section 9.6.3, which says that
16 each planting will have a minimum area of 250 feet and a
17 radius of seven feet.

18 9.6.5, Each plant - each parking space within a
19 motor vehicle use area is required to be within at least 60
20 feet of a tree trunk; and then 9.6.7, Trees planted or
21 preserved to satisfy streetyard, buffering or tree
22 preservation may be used to partially satisfy the
23 requirements of this article, provided that no parking space
24 shall be located more than 60 feet from the trunk of a tree.
25 And that is where we have the issue.

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1 If we go in and dig out the concrete and dig down
2 deep enough for the soil to be non-compacted that would, I
3 think, probably be several feet. And the soil conditions in
4 the area where the tree would normally be planted are not
5 going to sustain trees. They are going to be planted and
6 die.

7 So what we are asking is that in order to plant
8 trees that will live and serve the purpose of a buffer here
9 to plant them around the perimeter of the property.

10 You may be aware, but there is also a section in
11 this Article 9 of your ordinances that recognizes that this
12 could be a situation that comes up at times. So there is
13 specifically a provision with respect to dock - loading dock
14 areas and maneuvering areas. The phrase used in the
15 ordinance says, that provides that, if it is impractical to
16 have trees located within the area that they can be planted
17 on the exterior. So this is something that had been
18 contemplated as an alternative, at least in that situation.

19 We believe that based on the conditions that exist
20 the required findings of fact for granting of a variance
21 exist. Unnecessary hardship would result from the strict
22 application of the ordinance or the regulation. The
23 existing paved equipment area lot being converted to
24 associate parking has roughly 12 inch thick concrete -- 10
25 to 12 inch thick concrete underneath the flexible paving

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1 areas and then there is also densely compacted soil.

2 The practicality of healthy trees maturing given
3 the history of deep paving layers is not likely. Also, in
4 the future Altec may create new associate parking areas and
5 return this lot to storage - to equipment storage which
6 would result in those trees having to be then removed, even
7 if they were put in and survived.

8 The hardship results from conditions that are
9 peculiar to the property, such as the location, size or
10 topography. The existing soil conditions are just a unique
11 situation, to have this -- the layer of concrete and the
12 level of compaction here is, we feel, pretty unique, as well
13 as the underdrain. So there is just a number of factors
14 that make it a hardship and impractical to plant trees here
15 and expect them to -- to survive.

16 The hardship did not result from actions taken by
17 the applicant or the property owner. Based on what we can
18 find in our records this area has remained impervious since
19 at least 2005, and so it's just been driven on and it is
20 densely compacted soil and that's part of what created it.

21 The requested variance is consistent with the
22 spirit, purpose and intent of the regulation such that
23 public safety is secured and substantial justice is
24 achieved. Altec takes no issue in planting the required
25 number of trees along the existing perimeter landscape

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1 buffer between the parking area and Aerial Avenue or other
2 proposed areas to remain pervious around the areas -- around
3 -- should the number of trees not fit in that one strip that
4 has been identified along Aerial Avenue.

5 This variance complies with Section 9.6.6 for
6 loading docks and other maneuvering areas where trees can be
7 clustered around the edges of the properties, if it is
8 impractical to put them in the interior. It also remains --
9 maintains the overall required tree count and actually
10 exceeds it, for the required number based on the size of the
11 area is 195 trees and the plan is to install 213.

12 Based on these facts, we respectfully request that
13 the variance be granted.

14 Thank you.

15 CHAIRMAN PENNINGTON: Is there anyone else present
16 that wants to -- or state their position in opposition?

17 (No response.)

18 CHAIRMAN PENNINGTON: Do any of the Board members
19 have any questions or believe they need any further
20 information?

21 (No response.)

22 CHAIRMAN PENNINGTON: I do have one question. Mr.
23 Renta says in his letter about overhead power lines. Are
24 these trees going to come into contact with these power
25 lines?

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1 MS. POWELL: No, his concern, as I understand it,
2 was the coming in and doing more, what is the term that he
3 uses? It's the equipment that would come -- have to come in
4 and do the further -- I gave her my letter, further grading
5 in the area. It's not that the trees will create an issue,
6 it's that the work that if you did it the other way would
7 create an issue with the equipment that would be -- have to
8 be used under the areas of the power line.

9 CHAIRMAN PENNINGTON: So the trees will not come -

10 MS. POWELL: No.

11 CHAIRMAN PENNINGTON: Duke Power is not going to
12 come in and say they have a problem.

13 MS. POWELL: No, the last thing we want is upset
14 Duke Power. So that has been taken into consideration.
15 They have been consulted.

16 MR. ASHMORE: Can I add to that?

17 MS. POWELL: Come up here.

18 MR. ASHMORE: (Steps to podium) David Ashmore
19 with Altec Industries. The trees that have been identified
20 are the same that are already planted there. They are crepe
21 myrtles and they maintain them at a safe height so that Duke
22 does not bother them or worry with them. That will be the
23 plan for these as well.

24 CHAIRMAN PENNINGTON: Any other questions?

25 (No response.)

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1 CHAIRMAN PENNINGTON: Mr. Attorney, would you
2 please summarize the evidence?

3 COUNSEL KOINIS: Sure. Tonya Powell, counsel for
4 the Applicant spoke on behalf of the Applicant, Altec
5 Industries. David Ashmore also -- the project manager, also
6 provided additional testimony.

7 Counsel for the Applicant did clarify on the
8 application that the application is for seeking variance for
9 Sections 9.6.3, 9.6.5 and 9.6.7 of the Town's Land
10 Development Ordinance. Before the Board, of course, is the
11 testimony that was provided this evening, the application
12 that has been noted as well as the letter dated November 20,
13 2023 provided by Renta Urban Land Design, LLC.

14 The testimony is -- states that the plan here is
15 to meet the minimum number of required tree plantings. They
16 are actually proposing 213 trees to be planted around the
17 exterior as shown on the proposed landscaping plan. Some of
18 the difficulties that were highlighted were the highly
19 compacted subsoil as well as the underlying approximately 12
20 inch concrete base and an extensive underdrain system
21 existing under the subject area that is used to help drain
22 off excessive ground water.

23 That is what some of the evidence shows. All of
24 the evidence is to be considered by the Board. I will be
25 happy to answer any questions the Board members may have

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1 during the course of this hearing.

2 MEMBER CHEEK: I would like to make a motion to
3 accept the variance as written.

4 COUNSEL KOINIS: So, it has been a little while
5 since we had one of these, but we do have a procedure we
6 have to run through --

7 MEMBER CHEEK: Okay.

8 COUNSEL KOINIS: -- before you allow the variance.
9 There have to be Board findings and we will go through,
10 address each one, vote up or down on each one and then upon
11 addressing each of the standards, then we will have, you
12 know, a final yea or nay on the variance.

13 CHAIRMAN PENNINGTON: Does anyone who was sworn in
14 have any objection to what the attorney said?

15 MS. POWELL: No, sir.

16 CHAIRMAN PENNINGTON: I will open the floor up for
17 the Board members to discuss the application in general as
18 well as we'll move into discussion and vote on each one as
19 required.

20 Does anybody on the Board have a question?

21 (No response.)

22 CHAIRMAN PENNINGTON: If not, we will now move on
23 to each required finding of fact.

24 Mr. Attorney, would you please read the first
25 required finding of fact?

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1 BOARD KOINIS: The Board must find that
2 unnecessary hardship would result from the strict
3 application of the regulation. It is not necessary to
4 demonstrate that, in the absence of the variance, no
5 reasonable use can be made of the property.

6 CHAIRMAN PENNINGTON: Okay, you have heard the
7 first finding of fact. Does the Board believe that there is
8 competent and substantial evidence to support this finding?
9 If so, please identify that specific evidence for the
10 record.

11 Any discussion of the evidence as to the first
12 finding?

13 (No response.)

14 CHAIRMAN PENNINGTON: I will entertain a motion
15 either for or against the finding.

16 MEMBER CHEEK: I make a motion.

17 MEMBER SOSA: Second.

18 CHAIRMAN PENNINGTON: All in favor say aye.

19 BOARD: (Voice vote) Aye.

20 CHAIRMAN PENNINGTON: Any opposed.

21 (No response.)

22 CHAIRMAN PENNINGTON: Motion carried.

23 My Attorney, would you please read the second
24 required finding?

25 COUNSEL KOINIS: The Board must find that the

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1 hardship results from conditions that are peculiar to the
2 property, such as location, size, or topography. Hardships
3 resulting from personal circumstances, as well as hardships
4 resulting from conditions that are common to the
5 neighborhood or the general public, may not be the basis for
6 granting a variance. A variance may be granted when
7 necessary and appropriate to make a reasonable accommodation
8 under the Federal Fair Housing Act for a person with a
9 disability.

10 CHAIRMAN PENNINGTON: Okay, you have heard the
11 second finding of fact. Does the Board believe there is
12 competent and substantial evidence to support this finding?
13 If so, please identify the specific evidence for the record.

14 Is there any discussion on the second one?

15 (No response.)

16 CHAIRMAN PENNINGTON: I will take a motion to
17 either accept or deny.

18 MEMBER MURRAY: **Motion** to accept.

19 MEMBER TUTTLE: Second.

20 CHAIRMAN PENNINGTON: Who seconded?

21 MEMBER TUTTLE: Tuttle.

22 CHAIRMAN PENNINGTON: We have a motion to accept
23 it, in favor vote by saying aye.

24 BOARD: (Voice vote) Aye.

25 CHAIRMAN PENNINGTON: Any opposed.

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1 (No response.)

2 CHAIRMAN PENNINGTON: Motion carried.

3 Mr. Attorney, would you read the third
4 requirement.

5 COUNSEL KOINIS: The Board must find that the
6 hardship result did not -- did not result from actions taken
7 by the applicant or property owner. The act of purchasing
8 property with knowledge that circumstances exist that may
9 justify the granting of a variance is not a self-created
10 hardship.

11 CHAIRMAN PENNINGTON: You have heard the third
12 finding of fact. Does the Board believe there is competent
13 and substantial evidence to support this finding? If so,
14 identify the specific evidence for the record.

15 Is there any discussion?

16 (No response.)

17 CHAIRMAN PENNINGTON: I will entertain a motion
18 either to accept or deny?

19 MEMBER WALKER: **Motion** to accept.

20 MEMBER MURRAY: Second.

21 CHAIRMAN PENNINGTON: Second. Can I get a vote
22 for with aye?

23 BOARD: (Voice vote) Aye.

24 CHAIRMAN PENNINGTON: Any opposed?

25 (No response.)

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1 CHAIRMAN PENNINGTON: Okay. Mr. Attorney, would
2 you please read the final required finding?

3 COUNSEL KOINIS: The Board must find that the
4 requested variance is consistent with the spirit, purpose,
5 and intent of the regulation, such that public safety is
6 secured and substantial justice is achieved.

7 CHAIRMAN PENNINGTON: You have heard the final
8 finding of fact. Does the Board believe that there is
9 competent and substantial evidence to support this finding?
10 If so, please identify that specific evidence for the
11 record.

12 Any discussion?

13 (No response.)

14 CHAIRMAN PENNINGTON: I will entertain a motion to
15 accept?

16 MEMBER MURRAY: **Motion** to accept.

17 CHAIRMAN PENNINGTON: Second?

18 MEMBER SOSA: Second.

19 CHAIRMAN PENNINGTON: We will vote on it now. All
20 for it say aye.

21 BOARD: (Voice vote) Aye.

22 CHAIRMAN PENNINGTON: Any opposed?

23 (No response.)

24 CHAIRMAN PENNINGTON: The Board has voted on each
25 of the required findings of fact required to approve the

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1 variance. If the Board failed to approve each of the
2 required findings of fact, it would appear appropriate that
3 a motion be made to deny the variance. If the Board
4 approved each of the required findings of fact, then it
5 would appear appropriate that a motion be made to approve
6 the variance.

7 I will entertain a motion to approve the variance
8 now.

9 MEMBER CHEEK: I make a motion to approve the
10 variance.

11 MEMBER SOSA: I second.

12 CHAIRMAN PENNINGTON: We'll have the vote for the
13 variance.

14 BOARD: (Voice vote) Aye.

15 CHAIRMAN PENNINGTON: Any opposed?

16 (No response.)

17 (Verbatim Transcript of Variance Hearing, 23-VAR-
18 016 concludes, 7:38 P.M.)

19 (END OF VERBATIM RECORD - 7:38 P.M.)

20 Counsel Koinis informed the Board that he had
21 drafted proposed orders depending upon whether the Board
22 voted to approve or deny the variance. He provided a copy
23 of the draft to Board members. He stated the Board could
24 convene in January to approve the final draft or they could
25 approve the draft this evening with the condition of adding

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1 David Ashmore as a witness and making any typographical
2 corrections to the draft.

3 Member Murray made a **motion** to accept the Order as
4 drafted allowing counsel to make any necessary typographical
5 corrections and to add the name of David Ashmore as a
6 witness. Second by Member Sosa. Motion passed.

7 **PLANNING DIRECTOR'S ANNOUNCEMENTS:**

8 Chairman Pennington called on Planning Director
9 (PD) Ganser for any announcements.

10 PD Ganser informed the Board that staff is
11 proposing to combine the Planning Board and the Board of
12 Adjustment. She stated a memo to that effect is in their
13 packet and has been shared with the Planning Board. PD
14 Ganser stated that state statute allows this action. She
15 further explained that the Board would meet once a month
16 functioning as either the Planning Board or the Board of
17 Adjustment or both.

18 Board members inquired about potential conflict of
19 interest. PD Ganser stated there is no conflict based on
20 combining the two boards. PD Ganser stated that there is no
21 definite timetable for enactment. Staff and counsel will
22 have to confer before final drafting.

23 **ADJOURNMENT:**

24 There being no other business, Member Cheek made a
25 **motion** to adjourn. Second by Member Wortham, motion passed.

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1 Meeting adjourned at 7:44 P.M.

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END OF TRANSCRIPT

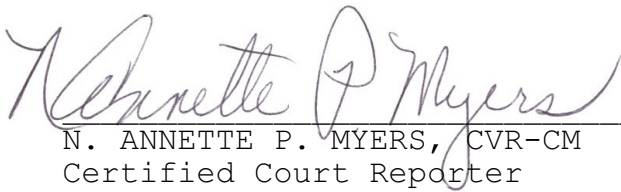
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CERTIFICATION OF TRANSCRIPT

This is to certify that the verbatim portions of the foregoing transcript of the **Public Hearing** proceedings taken at the November 30, 2023, Butner, North Carolina Board of Adjustment meeting is a true and accurate transcript of the proceedings to the best of my ability. The proceedings were reported by me using the voice writing method and the transcript was produced by me or under my supervision.

I further state that I am not related in any way to any party, attorney or board member in these proceedings and that I have no interest in the actions of the Board.

This 4th day of January, 2024.

A handwritten signature in cursive script, reading "N. Annette P. Myers", written over a horizontal line.

N. ANNETTE P. MYERS, CVR-CM
Certified Court Reporter
P.O. Box 461
Oxford, North Carolina 27565