

Planning Board Minutes
Town of Butner, North Carolina
Thursday, March 14, 2024, 6:30 P.M.
Town Council Meeting Room

Members present: Martin Sinicki, Chairman; Richard Campbell, Mark Pennington, Michael McFadden, Bill Cheek, Lynette Bailey and Beau Whitted.

Staff present: Jennifer Ganser, Planning Director (PD), Katie Rhyne, Planner

Counsel: Gerry Koinis

CALL TO ORDER: Chairman Sinicki called the meeting to order at 6:30 p.m

ROLL CALL: Planner Rhyne called the roll. Board members absent: Wynette Thompson.

Immediately following the roll call the Chair asked alternates L. Bailey and B. Whitted to join the board. The Chair then turned the meeting over to Board Counsel to conduct the election of chairman.

Board Counsel Koinis called for nominations for chair. B. Cheek nominated M. Sinicki, second by M. McFadden. There were no further nominations. M. McFadden made a **motion** to close nominations, second by R. Campbell. Motion passed. Board counsel called for a vote on the nomination of M. Sinicki as chair, motion passed.

Floor was opened for nomination for vice chair. M. Sinicki nominated R. Campbell, second by B. Cheek. There were no further nominations. M. McFadden made a **motion** to elect B. Campbell as vice chair, second by L. Bailey, motion passed.

ADOPT AGENDA: Newly re-elected Chairman Sinicki called for adoption of the agenda. M. McFadden made a **motion** to adopt the agenda as printed, second by R. Campbell. Motion passed.

APPROVAL OF MINUTES, DECEMBER 14, 2023: L. Bailey made a **motion** to approve the minutes as presented. Second by B. Cheek. Motion passed.

PUBLIC COMMENT: There were no members of the public present.

CONSIDERATION OF TA.24.01: Planner Rhyne presented a request from staff for an amendment to the Land Development Ordinance (LDO), Article 7.4.3(A)(4) related to Accessory Uses and Structure. She stated that a 2019 action of the N. C. General Assembly restricts local government's ability to regulate minimum sizes for structures that meet residential building code. This includes accessory buildings. The Board was informed that maximum size continues to be regulated.

Staff requested that the words “shall be at least 300 feet in size, but” be deleted from the current Article 7.4.3, and thus be in compliance with state law.

Planner Rhyne stated that the proposed amendment meets the five standards that staff and the Board have to consider when determining whether to approve or deny a proposed amendment. It is consistent with the Land Use Plan, addresses community need, is not in conflict with other provisions of the Town’s regulations or ordinances, is consistent with the purpose of zoning districts and will not result in adverse impacts on the environment.

Town staff recommends approval of the proposed amendment.

There was discussion on lot sizes and what accessory buildings are in Butner. Staff stated that an accessory building cannot be sold separately from the major structure. The size of an accessory building must be 50 percent or less of the major structure.

B. Cheek made a **motion** to approve the proposed amendment, second by M. McFadden. Motion passed.

Planner Rhyne read the Consistency Statement. L. Bailey made a **motion** to approve the Consistency Statement, second by M. McFadden. Motion passed.

CONSIDERATION OF TA.24.02: PD Ganser presented a request from staff for an amendment to the LDO, Article 5, to amend the provisions on nonconforming uses and structures. She informed the Board that nonconforming structures are buildings or other structures that do not meet current standards. There were structures in existence when Butner became a town in 2007 and thus, do not conform to current code.

Staff proposes an amendment that will lengthen the amount of time an owner will have to obtain a building permit for repairs if such a structure is damaged. Currently an owner is allowed 6 months to secure a permit, staff proposes that be changed to 1 year. Staff also recommends deletion of the provision that requires that work be completed in one year. Staff pointed out that the County controls building permits and the County does not have an expiration limit on building permits.

PD Ganser pointed out that this proposal does not impact Code enforcement. It allows an extension of time since some citizens have reported it is hard to meet the two current time limits due to the present economy.

PD Ganser stated that the proposed amendment is consistent with the 2040 Land Use Plan and complies with the other standards that LDO amendments need to meet.

B. Cheek made a **motion** to approve the proposed amendment, second by B. Whitted. Motion passed.

PD Ganser read the Consistency Statement. M. McFadden made a **motion** to approve the

Consistency Statement, second by L. Bailey. Motion passed.

PLANNING REPORT: PD Ganser reported there will be a virtual staff training through UNC on May 16. All Board members are invited to take advantage of this training. The staff needs to be informed of the plans of each Board member in order to provide information for them to join the meeting. There was discussion about the date, time and whether the training would be interactive.

BOARD COMMENTS: There was discussion about the height of a house being constructed at C and 6th Street. Staff informed the Board that the zoning for that district allows structures of that height. Planner Rhyne has checked the height and it complies with Code.

There were questions on the current status of American Hero and Cook Out. American Hero will come to the board when the concept plan is complete. Cook Out is conferring with SGWASA.

There was inquiry about the status of combining the two boards. Board Counsel Koinis reported that he is conferring with staff and a proposal should be ready for presentation in the near future.

There was discussion about concerns and comments in reference to tractor trailers parking on the roadside near Food Lion Distribution. Staff is aware of this and has made contacts with various parties about stated concerns, including public safety.

ADJOURNMENT: There being no further business, the Chairman called for a motion to adjourn. M. Pennington made a **motion** to adjourn, second by B. Cheek. Motion passed.

Meeting adjourned at 6:55 p.m.

Respectfully submitted,

Martin Sinicki, Chairman