



Town of Youngsville

Board of Adjustment

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MINUTES BOARD OF ADJUSTMENT

MAY 6, 2021
7:00PM

YOUNGVILLE COMMUNITY HOUSE

Chairman Fonzie Flowers called the meeting of the Town of Youngsville Board of Adjustment to order at 7:00 pm. Chairman Flowers initiated a roll call. In attendance were Chairman Fonzie Flowers, Members Terry Hedlund, Larry Wiggins, Scott Brame, and Catherine Redd, Town Administrator Phillip Cordeiro, Town Attorney Katie Barber-Jones, Planning / Zoning Administrator Erin Klinger, and Town Clerk Emily Hurd. Member Joseph Johnson was not in attendance.

The first item on the agenda was to approve the minutes from the February 6, 2020 Board of Adjustment Meeting.

MOTION: TO APPROVE THE MINUTES FROM THE FEBRUARY 6, 2020 BOARD OF ADJUSTMENT MEETING

The motion was made by Member Redd and was seconded by Member Brame. The motion passed unanimously, 4-0.

The next item on the Agenda was Old Business. There was no Old Business.

The next item on the Agenda was New Business. The first item under New Business was an appeal of Staff decision for 321 N Nassau Street, Project #SPR-201012.

Chairman Flowers asked Attorney Barber-Jones to give an outline of hearing conduct. Attorney Barber-Jones explained the Board sits as a quasi-judicial unit, meaning they sit as judges similar to a court proceeding. The Board of Adjustment will decide what facts are shown from evidence and testimony given during the hearing, and then use their judgment to decide how the Youngsville Development Ordinance should be applied to the particular set of facts.

This quasi-judicial role is different from when the Board acts in a legislative capacity, which is the Board decides what the law should be and can take constituents' opinions and other knowledge into account when making the decision. Often, when making a legislative decision,

the Board will encourage general public comment. When acting in a quasi-judicial role, the Board of Adjustment is limited to the evidence presented during the hearing or in the packet distributed to the Board and the parties before the hearing, which forms the record. The Board must make its decision based on the competent, relevant, and substantial evidence in the record. The decision will be made by a simple majority vote of the Board.

State law sets specific procedures and rules concerning how the Board must make its decision, to protect the constitutional due process rights of the parties. The hearing is open to the public, and parties with standing have the right to participate fully. Town staff, the applicant, the landowner, and anyone with standing may present evidence, witness testimony, and make legal arguments. Along with the Members of the Board, the parties may also ask questions of any witnesses testifying. If you are speaking as a witness tonight, please focus on the facts and standards, not personal preference, or opinion.

Witnesses must swear or affirm their testimony. At this time, the oath for all individuals who intend to provide witness testimony will be administered.

Town Clerk Hurd swore in those wishing to testify; Erin Klinger, Jim Pendergrass, Walter Cortese, Julie Dove, Dennis Cyrus, Danielle Cyrus, and Janice Pearce.

Klinger gave a preliminary statement to describe the case before the Board. She stated the Board was here to consider an appeal of Staff decision for 321 N Nassau Street. Klinger explained she met with Ryan Tyrell and noted Mr. Tyrell submitted a revocation request that was received by Staff on May 6th.

Chairman Flowers asked if there were any procedural objections. Klinger noted there was a procedural objection based on the revocation of the permit, noting this negated the purpose of the Board of Adjustment Hearing. Attorney Barber-Jones advised the Board that if there was no longer a decision to review, then they must dismiss the appeal without prejudice. She explained this would allow the applicant to be heard should Mr. Tyrell wish to have the permit renewed or reopened.

MOTION: TO DISMISS THE APPEAL OF STAFF DECISION FOR 321 N NASSAU STREET, PROJECT #SPR-201012 WITHOUT PREJUDICE

The motion was made by Member Redd and seconded by Member Brame. Member Wiggins asked for clarification and Klinger explained this stopped all construction. Cordeiro explained the landowner has the right to make improvements to their property within the bounds of the Youngsville Development Ordinance. When asked, Klinger stated the property owner would receive notification regarding the outcome. The motion passed unanimously, 4-0.

Attorney Barber-Jones noted the effect of this decision was the revocation of the permit in question. Attendees proceeded to ask questions regarding the property at 321 N Nassau Street that did not relate to the appeal. Staff answered questions and referred attendees to office hours for further discussion of their concerns.

The next item on the agenda was Reports and Other Business. Klinger stated she had nothing further to add.

The meeting adjourned at 7:25pm upon a motion made by Member Brame, seconded by Member Wiggins, and passed unanimously, 4-0.