



Planning, Development & Inspections

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A Division of Community Services
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MINUTES OF REGULAR MEETING

Wake County Board of Adjustment

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Tuesday, October 9, 2018 (9:00 a.m.)
Wake County Justice Center
300 S. Salisbury St., Room 2700
Raleigh, North Carolina

Members Present: (5) Mr. Brenton McConkey (Chair), Mr. Don Mial (Vice-Chair), Mr. Waheed Haq, Mr. DeAntony Collins, Mr. John Barker

Members Absent: (4) Ms. Lisa Humphreys, Mr. Brian Foxx, Ms. Sheree Vodicka, Mr. Will Barker

County Staff Present: (6) Mr. Steven Finn (Land Development Administrator), Ms. Jenny Coats (Clerk to the Board), Ms. Loretta Alston (Clerk to the Board), Mr. David Parks (Planner II), Mr. Adam Cook (Planner II), Ms. Celena Everette (Planner II)

Guests: (6) Mr. Steven Newton, Attorney for Petitioner; Mr. Ron Hendricks, Civil Engineer for Petitioner; Mr. Taylor Cash, Jr., Owner for Petitioner; Mr. Taylor Cash III, Owner for Petitioner; Ms. Shannon Babski, Mosley Architects; Mr. Blake Hall, Timmons Group, Civil Engineer

County Attorney's Present : (1) Mr. Ken Murphy (Senior Assistant County Attorney)

1. **Meeting called to order:** Mr. McConkey called the meeting to order at 9:07 a.m.
2. **Oath of Office for Ms. Lisa Humphries:** Mr. McConkey moved this item to the next meeting.
3. **Approval of Minutes of the August 14, 2018 Meeting:** Mr. McConkey made a motion to approve the August 14, 2018 meeting minutes as drafted. The motion was seconded by Mr. Barker and the minutes were approved unanimously.
4. **PLG-ZV-000926-2018 - A variance to allow for a five-foot increase in the maximum building height to allow for the construction of a building with a maximum height of 40 feet.**

Staff Duly Sworn: Mr. Adam Cook, Wake County Planner II

Voting Members: (5) Mr. Brenton McConkey (Chair), Mr. Don Mial (Vice-Chair), Mr. Waheed Haq, Mr. DeAntony Collins, Mr. John Barker

Wake County PIN: 1751 04 7213

Property Address: 2320 Law Enforcement Drive

Property Size: 1462 acres

Zoning District: Residential-30 (R-30)

Land Use Classification: City of Raleigh Long Range Urban Services Area

Watershed: Lower Neuse River

Cross Reference Files: BA 512, BA 2092-08 & BA SU-2113-09

Property Owner: City of Raleigh

Applicant: Timmons Group – Will Altman

Existing Use: Law Enforcement Training
Proposed Use: Law Enforcement Training

Testimony and Evidence Presented

Documentary Evidence Accepted into Record:

Staff report and PowerPoint presentation, applicant's application with supporting documents.

Testimony:

Mr. McConkey accepted staff report, staff PowerPoint presentation and the petitioner's full application for PLG-ZV-000926-2018 into record as requested by staff.

Mr. Cook stated the petitioner's name, zoning classification, background and history of the petition. He provided a PowerPoint presentation along with the following details concerning zoning requirements pertaining to the property:

Location:

The property is located at 2320 Law Enforcement Drive off of Battle Bridge Road.

Background

The subject property is approximately 1462 acres and is owned by the City of Raleigh. The site currently contains a law enforcement training facility, a shooting range, a law enforcement driving training course, a sewage treatment plant and a solar energy system (solar farm). The City of Raleigh is proposing to construct a new law enforcement training facility on the same parcel as the existing Wake County law enforcement training facility. The new law enforcement training facility is proposed to be constructed directly behind the existing Wake County facility. The area of the roof that exceeds the maximum allowed building height is a tiered classroom designed to seat a class of 100 people. The raised portion of the roof also allows for the screening of rooftop mechanical units.

Notification letters to adjoining property owners were mailed on September 19, 2018. A public hearing placard was placed on the site on September 20, 2018. Mr. Cook stated he has not received any phone calls as a result of the notification efforts.

Zoning Standards

Article 5 of the Unified Development Ordinance contains lot and building standards including maximum building height limits for residential districts. Section 5-11-2, *Non-Watershed Residential Districts*, limits the maximum building height to 35 feet in the R-30 zoning district.

Staff Recommendations

Staff recommended that if the Board of Adjustment reaches positive conclusions on **all** the required findings of fact, that it then approves the variance request subject to the conditions identified in the staff report as follows:

- (1) The petitioner/landowner must record the notarized form pertaining to the order of the Board in the Wake County Register of Deeds and return a copy to Planning, Development and Inspections Division of Community Services.
- (2) The petitioner must obtain and complete appropriate building permits from the Wake County Inspections/Plans/Permits Division.

Staff Discussion

Mr. McConkey asked staff to confirm that the adjacent Wake County Law Enforcement Training Center building height of 40 feet 4 inches is correct. Mr. Cook confirmed the height and explained the roof height was at 35 feet with parapets that extend past that 35 feet; therefore, with the parapets, a portion of the building does go over the 35 feet.

Mr. McConkey asked if the parapets counted toward the maximum building height. Mr. Cook explained that for a flat roof, the building height limit is the highest point of the roof, so the parapets would be considered like a wall structure; therefore, would not count toward that building height limit.

Mr. McConkey further asked, if the ceiling height of the actual building would be 40 feet. Mr. Cook confirmed a portion of the roof, that would go over the 35 feet.

There being no further questions, Mr. McConkey opened the floor for the Board to hear from the petitioner.

Sworn Witnesses in Favor of the Petition

1. Mr. Blake Hall, Timmons Group, Civil Engineer, 1000 N. Coslick Ct, Cary, NC
2. Ms. Shannon Babski, Moseley Architect, 1458 Salem Creek Dr, Apex, NC

Mr. Hall and Ms. Babski highlighted a few key points for the Board to consider in reviewing the application:

- The request is allowable use within R-30 so a rezoning is not required.
- The new facility is consistent with the historical nature of the property.
- It is in context with the existing building. It is setup back more than 500' from any adjacent property.
- The height request modifications are far less than 12% of the building.
- The majority of the building is under that 35' or at that 35' threshold. The total elevation, including the parapets, is less than the existing building by 4 inches.
- The new facility is necessary to protect the health, safety and welfare of the community.

Mr. McConkey asked the petitioners to confirm the five-foot variance they are seeking indeed only applies to 11.7% of the building. Mr. Hall explained the building is actually 39' instead of 40'.

Mr. McConkey referenced the Statement of Justification and asked Mr. Hall to explain the purpose for why it is necessary to go up over 35' for that 11.7%. Ms. Babsky answered by showing the Board building elevations on the site location slide noting a large classroom with capacity to hold 100 students. In this room the seats need to be stepped up in a radius form, and stated the height is needed to make sure they had enough volume for that number of students. Ms. Babsky further explained it is just that room, the rest of it is at the required heights. She indicated that room is also set back several feet, although it is hard to tell in a flat elevation.

Mr. McConkey restated finding of fact #2, that "The hardship result 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". Mr. McConkey then asked the petitioners if it was their belief per their written statement that the environmental features on the site that limit developability (including floodplain, streams, buffers and wetlands) such that those natural features restrict the ability to impede the footprint creating a need for higher elevation in this particular site. Ms. Babsky responded that this was correct.

Mr. Hall referenced the Site Plan Aerial photo explaining that with west portions bound by flood plain, streams and wetlands, the site behind the building was considered for one story option; however, that option would create an impervious threshold over 3 ½ impervious service area - parking wraps around – having

to put retaining wall to fit; this option would not work for multiple reasons confining them to the five-acre footprint for development right beside the adjacent facility. To clarify, Mr. McConkey asked the petitioner if it was correct that in order to keep within the impervious surface limits they need to limit the footprint and in order to limit the footprint they need to go a bit higher to accomplish their planned training. Mr. Hall replied this was correct.

Mr. McConkey asked if there were any questions for the applicant.

Mr. Haq asked if the parapets were only used for mechanical system and not used for any occupancy purposes. Ms. Babsky answered that the parapets are behind the classroom and helps shield the classroom and not used for the mechanical systems. Mr. Hall added that the parapet does not count, and they do have a classroom volume that goes up to 39' which does require a variance.

Mr. Collins asked the height of the building included risers. Ms. Babsky explained it is more like concrete steps coming up, similar to a university classroom.

Mr. McConkey asked if anyone wished to speak in favor or opposition to the petition. There being none, he closed the public hearing and opened for Board discussion.

Mr. Murphy reminded the Board this is a variance, and that State law requires a 4/5th vote to grant the variance. He explained this is different than a Special Use Permit which only requires a 3/5th majority.

Board Discussion

Mr. McConkey reminded the Board typical practice for a variance is to review the four findings required to make and discuss them in the context of this application in order to approve a variance. Mr. McConkey stated the applicant had addressed each of these findings in a Statement of Justification in the Board material provided. He then stated the four requirements, and members commented as follows:

- (1) 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;**

Mr. McConkey stated from the applicant's explanation in order to have the type of training room they are looking to have they need to be able to step up to 40'. Due to the footprint of the building that is impeded by natural features they are not able to accomplish that any other way but for the variance.

- (2) The hardship result 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;**

Mr. Mial stated the applicant's explanation was discussed and that the proposed project complies with all applicable regulations and standards. No supplemental use regulations are identified. Mr. Mial further stated the existing site consists of several facilities that are allowed by right in a residential zoning - therefore falling within #2 of the findings and the hardships.

Mr. McConkey further stated the applicant adequately explained the impact of the environmental features on the property on the footprint in order to stay within impervious service limits. This variance is necessary in order to build their facility the way they envision it being built.

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

Mr. McConkey commented that the applicant made its case the hardship is really a result of the environmental features of the property and the limitations that exist.

- (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.**

Mr. Mail stated the proposed campus will promote the public's general welfare by providing state of the art training facilities for the law enforcement staff. Mr. Mial stated he has done training at that facility and commended them for the great work being done there.

Mr. McConkey commented, that the purpose of a maximum building height is to limit building heights in terms of aesthetics. This building is setback from the road and adjoining properties and the additional five feet is not inconsistent with the spirit of the building height limitations.

Mr. McConkey stated it was his opinion that variances are designed to be intentionally difficult to obtain however, in the material the applicants presented, all four findings are met here.

There being no further discussions on the findings of fact, Mr. McConkey asked for a motion.

Mr. Mial made a motion to grant in the matter of PLG-ZV-000926-2018, that the Board find and conclude that the petition does meet the requirements of Article 19-26 of the Wake County Unified Development Ordinance and North Carolina General Statute Section 160A-388(d), and that the requested variance be granted to allow a five foot increase in maximum building height, with the recommended staff conditions.

The motion to approve was made based on the following conclusions and findings of fact as well as references to the Board discussion:

Findings of Fact:

- (1) 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;
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography.** Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;
- (3) The hardship did not result from actions taken by the applicant or the property owner.** The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship;
- (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.

Recommended Staff Conditions

- (1) The petitioner/landowner must record the notarized form pertaining to the order of the Board in the Wake County Register of Deeds and return a copy to Planning, Development and Inspections Division of Community Services.
- (2) The petitioner must obtain and complete appropriate building permits from the Wake County Inspections/Plans/Permits Division.

The motion was seconded by Mr. Haq and approved by a unanimous vote of 5-0, granting the variance.

5. PLG-SU-000844-2018 – A request for a Special Use Permit approval as required by section 7-12-2(B) of the Wake County Unified Development Ordinance (UDO) to make modifications to an existing convenience store with gas sales, which currently operates as a legal, nonconforming use.

Staff Duly Sworn: Mr. David Parks, Wake County Planner II, Mr. Steven Finn, (Land Development Administrator),

Voting Members: (5) Mr. Brenton McConkey (Chair), Mr. Don Mial (Vice-Chair), Mr. Waheed Haq, Mr. DeAntony Collins, Mr. John Barker

Wake County Pin: 1708-38-5412

Zoning District: Residential-40 Watershed (R-40W)

Land Use Classification: Non-urban Water Supply Watershed Area

Watershed: Falls Lake

Cross Reference Files: None

Applicant: Steven C. Newton, II, Nicholls and Crampton, P.A.

Property Owner: Taylor B. Cash, Jr.

Property Size: 0.925 acres

Current Land Use: Convenience Store with Gas Sales

Proposed Land Use: Expansion of the convenience store and relocation of the gas sales area.

Testimony and Evidence Presented

Documentary Evidence Accepted into Record:

Staff report and PowerPoint presentation, applicant's application with supporting documents.

Testimony:

Mr. McConkey accepted staff report, staff PowerPoint presentation and the petitioner's full application for PLG-SU-000844-2018 into record as requested by staff.

Mr. Parks stated the petitioner's name, zoning classification, background and history of the petition. He provided a PowerPoint presentation and with the following details concerning zoning requirements pertaining to the property:

Location

The site is located at 10005 Six Forks Road, Raleigh, which is located on the western side of Six Forks Road north of 540.

Background

This site currently operates as Taylor's Wine Shop convenience sales with gas sales. The proposal is to expand the existing one-story 2,884 square-foot building by adding an attached 241 square foot addition for restroom upgrades, re-locate the canopy and gas pumps on site, and the installation of new underground fuel storage containers. A nonconforming use may be extended, expanded, enlarged, or moved to occupy a

different or greater area of land or structures than was occupied by the use when it became nonconforming by obtaining a Special Use Permit.

Notification letters to adjoining property owners were mailed on September 20, 2018. A public hearing placard was placed on the site on September 21, 2018.

Zoning Standards

A. Utilities

The site currently operates on a private septic system. Water is supplied to the site by Aqua.

B. Streets

The property has frontage on Six Forks Road.

C. Parking

Pursuant to Section 15-10 of the Wake County Unified Development Ordinance, off-street parking is required at the following rates: 1 space per 400 square feet of building area. As proposed, the facility would be required to provide 8 parking spaces. Nine parking spaces are shown on the site plan. The site plan is in compliance with Section 15-10.

D. Landscaping and Bufferyards

Off-street parking area landscaping is provided in accordance with section 16-10-1. A 10' type F street front screen is also provided along Six Forks Road in accordance with section 16-10-2 (F)(7).

E. Stormwater Management/Impervious Surface Coverage

The site is currently listed at 63% impervious, which is contributing to the nonconforming status of the site. With the improvements proposed on site, the impervious area will be reduced to 58%. Disturbance of greater than ½ acre is required to comply with the stormwater management regulations of article 9.

Land Use Plan

The site is located in a non-urban water supply watershed area. The proposed use is an existing legal, nonconforming use. The Unified Development Ordinance allows for the expansion of these types of uses, under specific criteria, by obtaining a Special Use Permit. The Land Use Plan allows for the protection of these existing legal, nonconforming uses via the regulations laid out in the Unified Development Ordinance.

Staff Recommendations

Staff recommended that, if the Board of Adjustment reaches positive conclusions on all of the required findings, that it approves the request subject to the following conditions as identified in the staff report.

Discussion with Staff

Mr. McConkey explained some jurisdictions take the approach when reviewing nonconforming uses that you can't make a modification that will make it bigger or basically extend the life span of the nonconforming use. The way we approach a nonconforming use that is legal nonconforming use can be expanded or modified with approval of a special use permit. Today's case is request for a special use permit for the modification of this existing nonconforming use. He stated one reason why it is nonconforming use is that it is a convenient store and gas station in R40W district which would not be allowed – that does not change. Mr. McConkey asked Mr. Parks if there are other issues with setbacks with the canopies.

Mr. Barker asked if one of the non-conformities was that it was encroaching into the front setback - the current canopy. Mr. Parks explained there is no new encroachment, and the proposed canopies will be at the same encroachment line as the existing ones.

Mr. McConkey asked if there were any questions for staff. There being none, Mr. McConkey opened the floor for the Board to hear from the petitioner.

Sworn Witnesses in Favor of the Petition

1. Mr. Ron Hendricks, Civil Engineer for Petitioner
2. Mr. Taylor (Ben) Cash, III, Owner, Taylor's Wine Shop
3. Mr. Steven C. Newton, II, Attorney, Nichols & Crampton, P.A.

Mr. Steven C. Newton, II attorney for petitioner, gave an overview and history of the business. He addressed two major components of the requests: (1) Addition of bathroom with a new bathroom replacement with ADA compliant toilet, new waterless urinals and an accessibility ramp (2) Gas sales area that includes updating the canopy, underground storage tanks and piping system and the entire fuel system; The relocation of the canopies is reason for modification.

Mr. McConkey referenced the site plan pointing out the proposed canopy has been relocated onto the side; he also pulled up the Aerial photo of the site with the existing conditions. Mr. Newton pointed out the northern driveway (Cash property) and Southern driveway which borders a neighboring property belonging to Dr. Craig Wilson at 10009 Six Forks Road. Cash's customers are using Dr. Wilson's driveway, frequently stacking /backing up of cars into Dr. Wilson's property. Historically, Dr. Wilson expressed concerns to the Cash' about the problem. Mr. Newton stated the goal is to enhance the internal site circulation with the vehicles so that customers no longer use Dr. Wilson's property.

Mr. Cash gave testimony about his conversations and interactions with Dr. Wilson. He also requested to submit into evidence an email received from Dr. Wilson who could not be present at the hearing but fully supports this effort. Mr. McConkey explained that the Board is not bound by the rules of evidence but stated the Board of Adjustment can't and should not rely on hearsay evidence. However, Mr. McConkey acknowledged that Dr. Wilson could not attend the meeting and, in his opinion, could clearly see how traffic might be diverted onto Dr. Wilson's property and concluded that Dr. Wilson would likely be in support of the special use permit.

Mr. Newton clarified that relocating the canopy would not increase the impervious service. The result of the relocation would reduce the impervious service area of the lot by approximately 2,000 sq. ft which is consistent with the County land use plan in the existing zoning being R-40W watershed. Also, as part of the plans, the Cash' will be adding significant amount of landscaping (Referenced Statement of Justification, paragraph 3).

Mr. Newton confirmed although the existing canopy does not satisfy the current setback, it is a legal nonconformity because it was in existence before the regulation occurred. The new canopy will not enhance the nonconformity, will not make it worse, just keeping the same setback as it exists is today.

Mr. Newton stated there is an existing power line easement that runs along the properties frontage and they are working to obtain an encroachment with Duke Energy and its engineer assigned to the project.

Mr. Hendricks gave testimony based on the Statement of Justification submitted concurring with all factual statements as presented. He further added erosion controls will be added so they protect the residents' properties downstream. They also plan to do some upgrades to the septic system to bring it up to a better compliance for improvements. The impervious surface reduction will involve moving about 9 foot of pavement on the south side to install landscaping to bring into compliance with code.

Mr. Haq clarified the new canopy will set further back behind existing canopy. He commented updating this facility is long overdue. Safety wise, traffic wise you've done a great job and it will be much better to accommodate more people safely.

Mr. McConkey asked if anyone wished to speak in favor or opposition to the request. There being none, he closed the public hearing and opened for Board discussion.

Board discussion

McConkey reminded the Board that they will review the findings and facts using typical standards for special use permit. The board members comments are listed below.

Special Use Required Conclusions:

The Board of Adjustment shall not approve a petition for a Special Use Permit unless it first reaches each of the following conclusions based on findings of fact supported by competent, substantial, and material evidence. The Board of Adjustment must make positive findings on the following findings of fact from Article 19-23 of the Wake County Unified Development Ordinance in order to approve this special use request. The considerations listed below each required conclusion are intended to suggest some of the primary concerns pertinent to reaching the conclusion, but are not intended to be all inclusive.

(1) The proposed development will not materially endanger the public health or safety.

- a. Traffic conditions in the vicinity, including the effect of additional traffic on streets, street intersections, and sight lines at street intersection and curb cuts.
- b. Provision of services and utilities, including sewer, water, electrical, garbage collections, fire protection.
- c. Soil erosion and sedimentation.
- d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

Mr. Barker commented they did a great job addressing this finding especially in regard to the health and safety of the public. He added the waterless urinals will reduce the water waste; they're updating the tanks and they addressed stacking of the neighbor's property that will help with any traffic issues and enhance the car circulation on the property.

(2) The proposed development will comply with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of special use or class of special uses.

Mr. Mial agreed the applicant met this requirement. He commented this will be a vast improvement to the type of special use. Board members agreed. Mr. McConkey added that the new bathroom and testimony regarding ADA improvements will be in further compliance with regulations. Mr. Barker also referenced the testimony explaining that the impervious service area would be reduced.

(3) The proposed development will not substantially injure the value of adjoining property or is a public necessity.

- a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
- b. Whether the proposed development is necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property.

Mr. Mial commented that the proposed use would not injure the value of the adjoining property but would improve the character development of the surrounding uses, it will help the safety of the community as far as public health and the general welfare. He stated that Dr. Wilson will be pleased that moving the canopy and the tanks will ease traffic concerns and this will support a major concern in terms of compliance.

- (4) The proposed development will be in harmony with the area in which it is located.**
- a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Mr. McConkey pointed out the gas sales have occurred since the 1980's so the residents in this area are certainly familiar with having this business in their neighborhood.

- (5) The proposed development will be consistent with the Wake County Land Use Plan.**
- a. Consistency with the Plan's objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational standards.
 - b. Consistency with the municipal and joint land use plans incorporated in the Plan.

Mr. Mial stated it will be consistent with the Plan's objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational standards. It will also be consistent with the municipal and joint land use plans incorporated in the plan.

There being no further discussions on the finding of facts, Mr. McConkey asked for a motion.

Mr. Mial made a motion to grant: In the matter of PLG-SU-000844-2018, I move that the Board find and conclude that the petition does meet the requirements of Article 19-23 of the Wake County Unified Development Ordinance and the special use permit be granted with the recommended staff conditions and that they complied with the requirements as listed below:

Findings of Fact:

- (1) The proposed development will not materially endanger the public health or safety.
- (2) The proposed development will comply with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of special use or class of special uses.
- (3) The proposed development will not substantially injure the value of adjoining property, or is a public necessity.
- (4) The proposed development will be in harmony with the area in which it is located.
- (5) The proposed development will be consistent with the Wake County Land Use Plan.

Staff Conditions:

- (1) The petitioner must record the notarized form pertaining to the Order of the Board in the Wake County Register of Deeds and return a copy to the Current Planning Section of Wake County Planning;
- (2) The petitioner must obtain and complete appropriate building permits from the Wake County Inspections Development/Plans/Permits Division;
- (3) There shall be no increase in impervious area onsite;
- (4) An as-built survey is required prior to the certificate of completion by the Wake County Planning, Development, and Inspections Division of Community Services;
- (5) A final zoning inspection to verify site plan compliance must be performed by the Wake County Zoning Administrator prior to the issuance of a certificate of completion by the Wake County Planning, Development, and Inspections Division of Community Services;
- (6) The landowner must maintain compliance with the special use approval and Wake County Unified Development Ordinance.

The motion was seconded by Mr. Barker. There being no discussion, by a unanimous vote of 5-0, the motion carried, and the special use permit was granted.

6. Planning, Development & Inspections Report

Mr. Finn advised the Board he had a trend to report on as well as an update to the new Land Development System (LDS) permitting system. He noted there have been six reports of zoning violations regarding the Tree & Vegetation Protection Zones. Given that dynamic, staff is researching how other jurisdictions are applying similar standards and frequency of similar issues with those areas.

It was mentioned there may be a draft ordinance amendment moving forward over the next few months regarding our related standards. Mr. Finn also mentioned that the cases the Board reviewed are the first coming via online submittals with the new system to the Board. He identified the permit portal web site as www.wakegov.com/permitportal as a primary resource and where to go to establish user accounts. In closing he remarked the development activity remains consistent.

7. Other Business - None

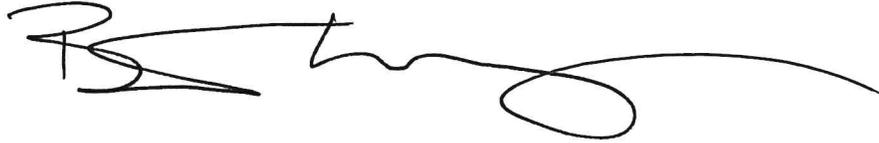
Mr. McConkey adjourned the meeting at 10:10 a.m.

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REGULAR MEETING
WAKE COUNTY BOARD OF ADJUSTMENT
October 9, 2018

All petitions complete, Brenton McConkey declared the regular meeting
of the Wake County Board of Adjustment for
Tuesday, October 9, 2018 adjourned at 10:10 a.m.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read 'Brenton McConkey', with a long, sweeping horizontal stroke extending to the right.

Brenton McConkey
Wake County Board of Adjustment

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