



BOARD OF ADJUSTMENT *MINUTES*

Thursday, June 26th, 2025 at 7 PM
Town Council Chambers
900 7th Avenue · Garner, North Carolina 27529

I. CALL TO ORDER

Joseph Gupton calls the meeting to order at 7:05 p.m. on Thursday, June 26th, in the Town Council Chambers.

Mr. Gupton then asks that the Secretary call roll.

II. ROLL CALL

The Secretary, Nick Tafelsky, conducts a roll call.

The following members are present: Tiffany Gidley, Roger Thomas, Kate Davison, Judith Ratcliffe, Joseph Gupton

The Board Secretary informs all present that the number of members present is sufficient for a quorum.

Randall Hogg, Planning Tech; Nick Tafelsky, Development Review Manager; and Jeff Triezenberg, Planning Director, are present representing the Planning Department. David Gadd, Attorney to the Board, is also present. Roberta Fox, the applicant, is present with Sam Zamani, the property owner.

Mr. Gadd issues the Board oath to the new members, Tiffany Gidley, Roger Thomas, and Kate Davison. They are sworn in.

Ms. Davison motions to nominate Mr. Gupton to interim Board chair for the duration of the meeting. Ms. Radcliffe seconds. The vote passes unanimously.

Jeff Triezenberg, the Planning Director, recognizes two members with expiring terms, Ellis Williams and Judith Ratcliffe.

III. MINUTES

IV. February 27th, 2025 Minutes - Mr. Gupton asks if anyone has any corrections or adjustments. Hearing none, Mr. Gupton asks for a motion. Mr. Gupton motions to approve the minutes from the February 27th meeting. The vote passes unanimously.

V. INTRODUCTION

Mr. Gupton asks if he should elaborate on the functions and powers of the Board of Adjustment.

Mr. Gadd and Mr. Tafelsky answer that they do not need to be covered in detail.

Mr. Gupton calls for the first case to be presented.

VI. VARIANCE

Mr. Tafelsky approaches the podium and presents the first and only case of hearing, VAR-25-002 520 Powell Drive.

VAR-25-002 520 Powell Drive

Mr. Tafelsky presents the staff report detailing the proposed flag lots at 520 Powell Drive. The applicant is Roberta Fox of Catalyst Design, PLLC and the owner of the site is 520 Powell Garner LLC. The site at 520 Powell Drive is a Residential 4 (R4) general district totaling 2.90 acres which abuts Residential 4 (R4)-zoned properties to the north, south, and west, and an RA zoned property to the east. The applicant is requesting the approval of two flag lots in a six-lot major subdivision which deviates from the R4 district single-family detached 60' minimum lot width requirement put forth in Figure 5.6C: Standards for Front-loaded Single-Family Detached and Duplexes of the Garner Unified Development Ordinance. The request accompanies permit #SB-24-002, 520 Powell Drive. Flag lots were previously permitted by right, but the adoption of the 2022 UDO put in place the requirement of a variance for their approval.

Mr. Gadd then reminds Mr. Tafelsky and the Board that he needs to be sworn in. They do so.

Mr. Tafelsky continues presenting the staff report.

Mr. Tafelsky explains how the need for the variance was identified and shows the proposed site plan.

The staff findings are that the variance application is complete, the property is located at 510 Powell Drive and can be further identified by Wake County PIN 1711645806, and that the property is zoned Residential 4 (R4).

Mr. Tafelsky concludes the staff report and welcomes the applicant to the podium to begin their presentation.

Mr. Gadd reads a brief introduction to the Board and the function of a quasi-judicial hearing.

Mr. Gupton swears in the Roberta Fox, the applicant, Sam Zamani, the property owner, and Jamie Dawson.

Ms. Fox begins the presentation on the requested variance.

Ms. Fox explains the need for the variance to sufficiently operate within the regulations of R4 zoning, and the constraints presented by the minimum lot width ordinance.

Ms. Fox concludes the presentation and asks the Board for any questions. There are none.

Mr. Gupton calls for comments from members of the public in attendance.

Mr. Steve Woodall approaches the podium. Mr. Gupton swears him in.

Mr. Woodall expresses concerns about the narrow streets and on-the-street parking taking place at the site. He asks the applicants about minimum required setbacks.

Mr. Gupton asks the Board if there are any questions for Mr. Woodall. There are none. Mr. Gupton asks once again if there are any comments from the public.

Mr. Tim Holton approaches the podium. Mr. Gupton swears him in.

Mr. Holton expresses concerns about the public being able to interpret the language of the UDO, specifically the language around the criteria for the granting of a variance. He argues that the flag lots are unnecessary.

Mr. Gupton asks the Board if there are any questions for Mr. Holton. There were none.

Mr. Gupton asks for more public comments. Kay Woodall approaches the podium. Mr. Gupton swears her in.

Ms. Woodall expresses concerns about the lack of room for traffic along the street and the position of the homes in the proposed plan.

Mr. Gupton asks if there are more public comments.

Mr. Aaron Lovelace approaches the podium. Mr. Gupton swears him in.

Mr. Lovelace expresses concerns about the development displacing wildlife in the area.

Mr. Gupton asks if there are any remaining comments.

Ms. Jeanie Lynne approaches the podium. Mr. Gupton swears her in. Ms. Lynne explains that she was the previous owner of the property.

Mr. Gupton asks if there are any remaining comments. Mr. Gupton asks if the applicant would like to rebut any of the public comments. Ms. Fox approaches the podium.

She states that the proposed subdivision plan will follow all code requirements and regulations put forth in the zoning district. She asks if there are any technical questions.

Mr. Holton approaches the podium. He expresses further concerns that the requested flag lots do not meet the criteria required to be granted and are unnecessary.

Mr. Gupton asks if there are any remaining comments from the public or rebuttals from the applicant. There were none. Mr. Gupton closes the public comment section of the hearing.

Ms. Ratcliffe asks Mr. Tafelsky to show the section of the staff report that shows the applicant's justifications for the variance.

The Board opens discussion and deliberation of the required criteria for the variance.

Ms. Ratcliffe argues that there is unnecessary hardship created by the Neuse riparian buffers on the property that justifies the use of flag lots.

Mr. Gupton disagrees by explaining that the applicant knew of the buffers upon purchase of the property.

The Board deliberates whether the development of six lots instead of four is a reasonable use of the property.

Ms. Davison asks to see the project timeline slide of the applicant's presentation to confirm that there was prior knowledge of the Neuse riparian buffers.

Ms. Ratcliffe asks for clarification on the definition of a necessary hardship. Mr. Gadd explains that hardships that result from conditions that are peculiar to the property are eligible to meet the criteria, but not those created by the applicant.

Mr. Gupton goes through each criterion for the approval of a variance. The members express whether they believe the applicant presented evidence sufficient to meet each.

Ms. Ratcliffe makes a motion to vote on approval of the variance. Mr. Thomas seconds the motion.

Vote: Aye – Ms. Davison, Ms. Ratcliffe, Mr. Thomas

Vote: Nay – Mr. Gupton, Ms. Gidley

The motion fails to receive the required number of votes to reach the 4/5ths minimum. The variance is denied.

Mr. Gupton makes a motion to adjourn. The meeting is adjourned at 8:12 p.m.

Minutes submitted by Randall Hogg

