



BOARD OF ADJUSTMENT *MINUTES*

Thursday, April 23rd, 2026 at 7 PM
Town Council Chambers
900 7th Avenue · Garner, North Carolina 27529

I. CALL TO ORDER

Ed Salter calls the meeting to order at 7:00 p.m. on Thursday, April 23rd, in the Town Council Chambers.

Mr. Salter elaborates on the functions and powers of the Board of Adjustment.

Mr. Salter then asks that the Secretary call roll.

II. ROLL CALL

The Secretary, Randall Hogg, conducts a roll call.

The following regular members are present: Joseph Gupton, Tiffany Gidley, Ed Salter, Richard Squires, Kate Davison.

The following alternate members are present: Belinda Butts, Brendie Vega, Roger Thomas.

All five regular members are present and seated. There is no need for alternate members, and the number of seated members is sufficient for a quorum.

Jeff Triezenberg, Planning Director; Joseph Linsky, Planner II; Randall Hogg, Planning Technician; and Reginald Buie, Zoning Administrator are present representing the Planning department. David Talbert, Assistant Town Engineer; and Jaclyn Stannard, Stormwater Administrator, are present representing the Engineering Department. Terri Jones, Attorney for the town; Morgan Pierce, Assistant Town Attorney; and Dymon Spain, Assistant Town Attorney are present. David Gadd, Attorney to the Board, is also present. The appellant for AA-25-004, Jim Thompson is present. Clay Davis from Cauley Pridgen, the attorney representing the appellant, is also present. Toby Coleman, an attorney with Smith Anderson, is present on behalf of the applicant of VAR-26-001, Chartwell Property Group. Jack Dunn, Managing Partner of Chartwell, is also present.

III. MINUTES

January 8th, 2026 Minutes - Mr. Salter asks for a motion to approve the minutes. Mr. Salter asks if anyone has any corrections or adjustments. Ms. Davison motions to approve the minutes for the January 8th meeting. Mr. Squires seconds. The minutes are approved unanimously.

IV. INTRODUCTION

Mr. Salter calls for the first case to be presented. The first case is AA-25-004, Sauls Properties Zoning Violation.

V. AA-25-004 Sauls Properties Zoning Violation

Clay Davis, attorney for the appellant, approaches the podium. Mr. Davis asks the Board to continue the case to allow for Town review of a resolution to the violation. Dymond Spain, Assistant Town Attorney and attorney for the Town in this case, explains that the Town consents to the continuation on the condition that it be continued to the Board hearing scheduled for May 2026.

Mr. Salter calls for a motion to continue the case. Mr. Gupton motions to continue. Ms. Davison seconds.

Vote: Aye – Mr. Gupton, Ms. Gidley, Mr. Salter, Mr. Squires, Ms. Davison

Vote: Nay – None

The motion passes and the continuation is granted. The secretary announces the next hearing date is May 28th, 2026, at 7pm.

The secretary calls the second case, VAR-26-001 Timber Drive East Mixed-Use Buffer Reduction.

VI. VAR-26-001 Timber Drive East Mixed-Use Buffer Reduction

Joseph Linsky, Planner II, approaches the podium to present the staff report on VAR-26-001 and is sworn in by the secretary.

The submitted variance request is a reduction of the width of a perimeter landscape buffer from 45ft to 25ft near the apartment portion of a mixed-use project at the corner of Timber Drive and White Oak Road. The request accompanies a special use site plan SUP-SP-23-03 Timber Drive East Mixed-Use. The 48-acre area is part of a larger parcel at 173 acres at US 70 Hwy E. Zoning surrounding the property includes Commercial Mixed Use to the north, Commercial Mixed Use to the south, Commercial Mixed Use to the east, and R2 Residential to the west. The property falls within a Regional Employment Center and a Regional Retail Center per the Garner Forward Comprehensive Plan. The need for the variance was identified

during the third Technical Review Committee review of SUP-SP-23-03. Mr. Linsky proceeds by identifying the UDO sections that put forth the specific types and sizes of perimeter buffers that the applicant is requesting a variance from. This includes Article 10 Section 6.7.A and B which identify the perimeter buffers required between zoning districts. Mr. Linsky concludes his presentation and asks the Board for any questions.

Mr. Salter asks the Board if there are any questions for Mr. Linsky. There are none. Mr. Salter calls for the applicant of VAR-26-001 to approach the podium.

Toby Coleman of Smith Anderson and Jack Dunn of Chartwell Property Group approach the podium and are sworn in by the Secretary. Toby Coleman presents the variance request on behalf of Chartwell Property Group.

The area included in the request is part of the larger 220-acre Mixed-Use district project that includes WakeMed's Whole-Person Health Campus. The buffer area 580' in length and abuts property owned by Garner First Baptist Church on the west property line of the site. The variance request in this case is needed to reach 518 parking spaces required by the Town for apartment buildings. The full 45ft buffer with 10ft of additional tree protection fencing area would eliminate 40 spaces and would drop the available parking below the minimum requirement. Mr. Coleman identifies an unreasonable hardship arising from the inability to redesign the parking area to accommodate the 45ft buffer requirement. This is due to a driveway established on the site by NCDOT in 2010. Mr. Coleman distributes physical copies of the plan for the driveway to the Board members. Mr. Coleman identifies UDO section 10.6.7 which allows for a buffer reduction for sites abutting vacant property. Mr. Coleman also points out that the Garner Forward Comprehensive Plan identifies the site and the abutting property as Mixed-Use which would only require a 15ft buffer between the two districts and that the applicant's proposal exceeds this requirement by 10ft. Mr. Coleman asks that the PowerPoint presentation and the documents distributed are entered into the record and concludes the presentation.

Mr. Salter admits the evidence into the record. Mr. Salter asks the Board if there are any questions. There are none. Mr. Salter asks if anyone else present at the hearing would like to speak for or against the application. The secretary identifies two members of the public from the sign-in sheet who indicated they may wish to speak but they do not approach the podium. Mr. Salter opens the floor for discussion between the Board members. Mr. Salter asks about the opaque vs. semi-opaque buffer requirement. Mr. Coleman approaches the podium and explains that staff will identify the need for further planting or landscaping during the development of the site but that the applicant would accept an added condition to meet the type "D" opaque buffer standard as put forth in Article 10 Section 6.7.B of the UDO.

Mr. Salter asks the Board members if the application meets the standard of unnecessary hardship and why. Mr. Gupton puts forth the limitations set by the NCDOT established driveway. Mr. Salter asks the members if there are hardships resulting from the conditions

that are peculiar to the property. Ms. Davison puts forth the NCDOT established driveway. Mr. Salter asks if there are hardships resulting from actions taken by the applicant or property owner. There is nothing put forth by the members. Mr. Salter asks if the request is consistent with the ordinance. The members agree and Ms. Davison acknowledges the follow-up consultation with Planning staff on the buffer.

Mr. Salter calls for a motion to approve the variance. Ms. Davison asks that the condition requiring the type "D" opaque buffer be added to the decision. Mr. Salter motions to approve the variance request with the added condition. Mr. Gupton seconds.

Vote: Aye – Mr. Gupton, Ms. Gidley, Mr. Salter, Mr. Squires, Ms. Davison

Vote: Nay – None

The motion passes and the variance request is approved.

Mr. Salter adjourns the meeting at 7:45pm.

Minutes submitted by Randall Hogg.