



## Planning Board/Board of Adjustment

### Regular Meeting Agenda

Monday, April 8, 2024, 6:00 PM

#### **Meeting Initiation**

- |                                          |                    |
|------------------------------------------|--------------------|
| 1. Call to Order                         | Chairman Witkowski |
| 2. Moment of Silence                     | Chairman Witkowski |
| 3. Pledge of Allegiance                  | Chairman Witkowski |
| 4. Determination of a Quorum (4 of 6)    | Chairman Witkowski |
| 5. Approval of Minutes of March 11, 2024 | Board              |
| 6. Adopt Proposed Agenda                 | Board              |

#### **New Business (Planning Board)**

- |                                   |                |
|-----------------------------------|----------------|
| 7. 1104 N Salisbury Ave. Rezoning |                |
| • Presentation                    | Planner Blount |
| • Board discussion                | Board          |
| • Recommend annexation            | Board          |

#### **Old Business (Planning Board)**

- |                    |          |
|--------------------|----------|
| 8. No old business | Chairman |
|--------------------|----------|

#### **New Business (Board of Adjustment)**

- |                    |          |
|--------------------|----------|
| 9. No New business | Chairman |
|--------------------|----------|

#### **Old Business (Board of Adjustment)**

- |                     |          |
|---------------------|----------|
| 10. No Old Business | Chairman |
|---------------------|----------|

#### **Meeting Closing**

- |                                 |          |
|---------------------------------|----------|
| 11. Public Comment              | Chairman |
| 12. Comments from Board Members | Board    |
| 13. Announcements               | Chairman |
| 14. Adjournment                 | Chairman |



## Planning Board/Board of Adjustment

### Regular Meeting Minutes Monday, March 11, 2024, 6:00 PM

The meeting was called to order by Chairman Witkowski.

Chairman Witkowski led a moment of silence and the Pledge of Allegiance.

A quorum of 4 was present; Anthony Nero, Tim Witkowski, Donna Redfern, and Jessica Jackson were present. Town Planner, Steve Blount and Allison Myers, Office Assistant, were also in attendance.

On a motion by Redfern and a second by Nerro, the board voted unanimously to approve the minutes of the February 12, 2024 meeting of the Planning Board.

On a motion by Nerro and a second by Jackson, the board unanimously approved the agenda for the March 11, 2024 meeting as proposed.

#### **New Business (Planning Board)**

##### **1840 N US HWY 29 Annexation**

- Planner Blount made a presentation explaining the requested annexation into Spencer to become a full-service restaurant serving mixed drinks.
- Board members asked questions and offered comments.
- On a motion by Nerro and a second by Jackson, the board voted unanimously to recommend approval of the annexation to the Board of Aldermen at their next meeting.

Board members viewed the 2024 Strategic Planning Session slides from the Annual Strategic Planning from the Board of Aldermen's meeting.

#### **Old Business (Planning Board)**

No old business

#### **New Business (Board of Adjustment)**

No New business

#### **Old Business (Board of Adjustment)**

No Old Business

#### **Meeting Closing**

- Public Comment

There was no public comment.

- Comments from Board Members  
There were no comments from Board Members
- Announcements  
There were no announcements.
- Adjournment  
On a motion by Nerro and second by Redford, the board voted unanimously to adjourn at approximately 7:06 pm.

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MEMO

Date: April 1, 2024

By: Steve Blount, Town Planner

RE: Rezoning of Parcel 038 067  
1104 N Salisbury Ave

Parcel 038 067 consists of a single .84-acre property on which three single-family homes are located. The property owner would like to subdivide this property into three individual lots with one house per lot. Unfortunately, under this property's current zoning classification, SFR-2, the subdivision would result in creation of nonconforming lots due to the minimum lot size and width requirements of the SFR-2 classification.

The property owner has requested rezoning of the property listed above from its current classification (SFR-2) to a new classification (SFR-3). The rezoning is intended to allow the property to subdivide the current property into three separate properties per the Town's Development Ordinance. While this rezoning will solve the lot size problem and thus allow the requested subdivision, the homes will still be considered legal nonconforming structures due to their violation of the minimum front yard setback. As they are already in violation and we will not be increasing the violation with the rezoning or subdivision, this will be an acceptable action per the Town's Development Ordinance.

This action has been duly advertised in the Salisbury Post, by a sign posted on the property, and by letters mailed to contiguous property owners. A neighborhood meeting will be held at Town Hall at 5:30 PM, April 1, 2024. The Town's Planning Board will review this action and make a recommendation concerning its adoption at their meeting on April 8, 2024 at 6:00 PM. The Board of Aldermen will hold a public hearing on this issue at their April 4, 2024 meeting at 5:30 PM and then will consider taking action on this issue at their regular board meeting on April 9, 2024 at 6:00 PM.

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# Rezoning & Subdivision

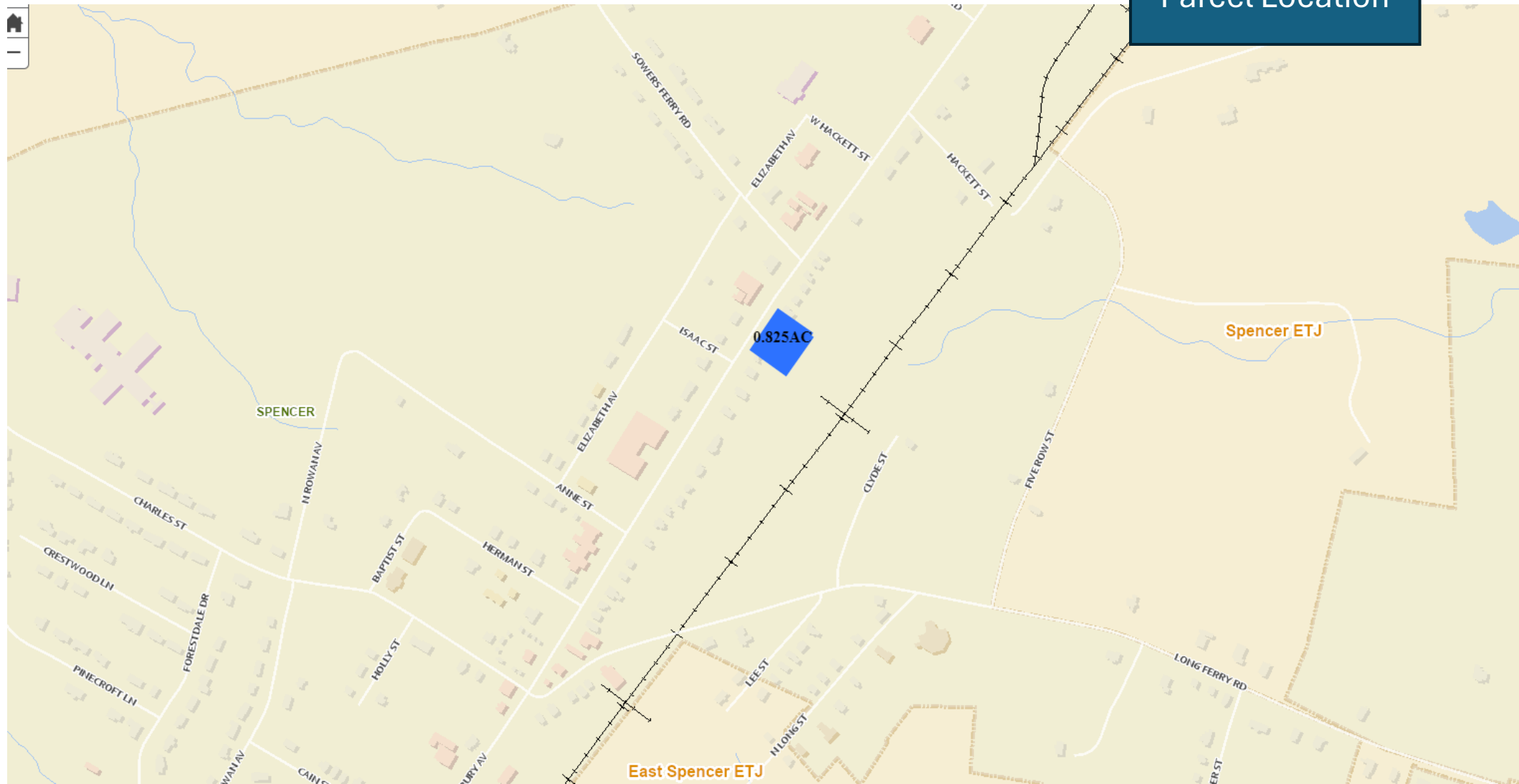
1104, 1106, 1108 N Salisbury Ave

Property consists of .84 acre parcel with three houses located on the same parcel. Property owner desires to subdivide the property but we cannot allow a subdivision that creates or increases a nonconformity. In its current zoning classification, SFR-2 requires .40 acre lots with 72' lot width. Based on the lot size and location of the existing houses, we cannot divide the lot into three lots and meet the minimum requirements.

The SFR-3 zoning classification requires only .26 acres and 60' lot width, however, so by rezoning to SFR-3, we can allow the subdivision of the property since we will be creating conforming lots and through subdivision, we will be solving the problems associated with having multiple primary structures on a single parcel.

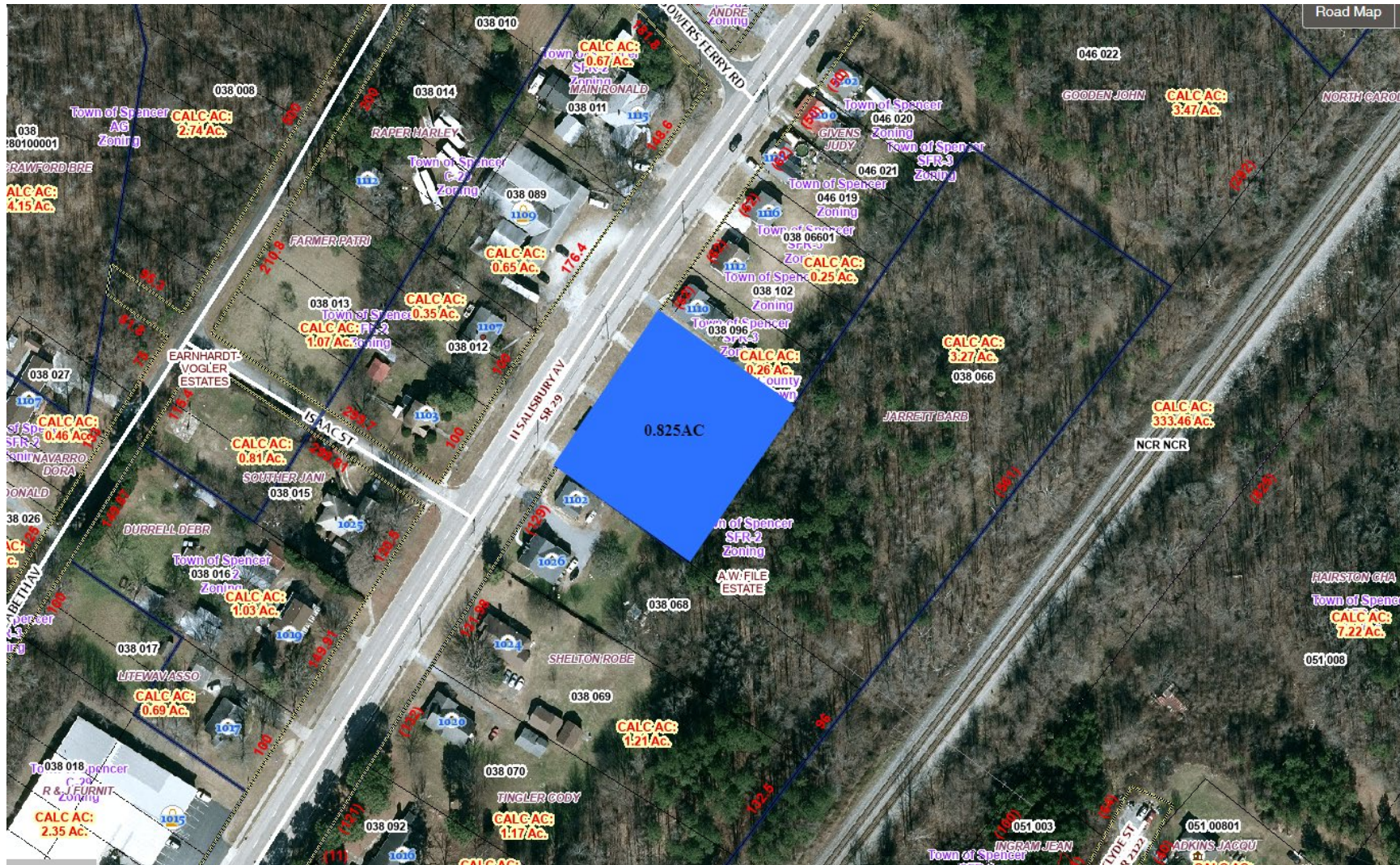
As built and located on the lots, the three structures will continue to be classified as legal nonconforming structures as they violate the front setback requirements, but since we are neither creating or enlarging a nonconformity, that will not impact our rezoning or subdivision.

## Parcel Location





## Parcel Location











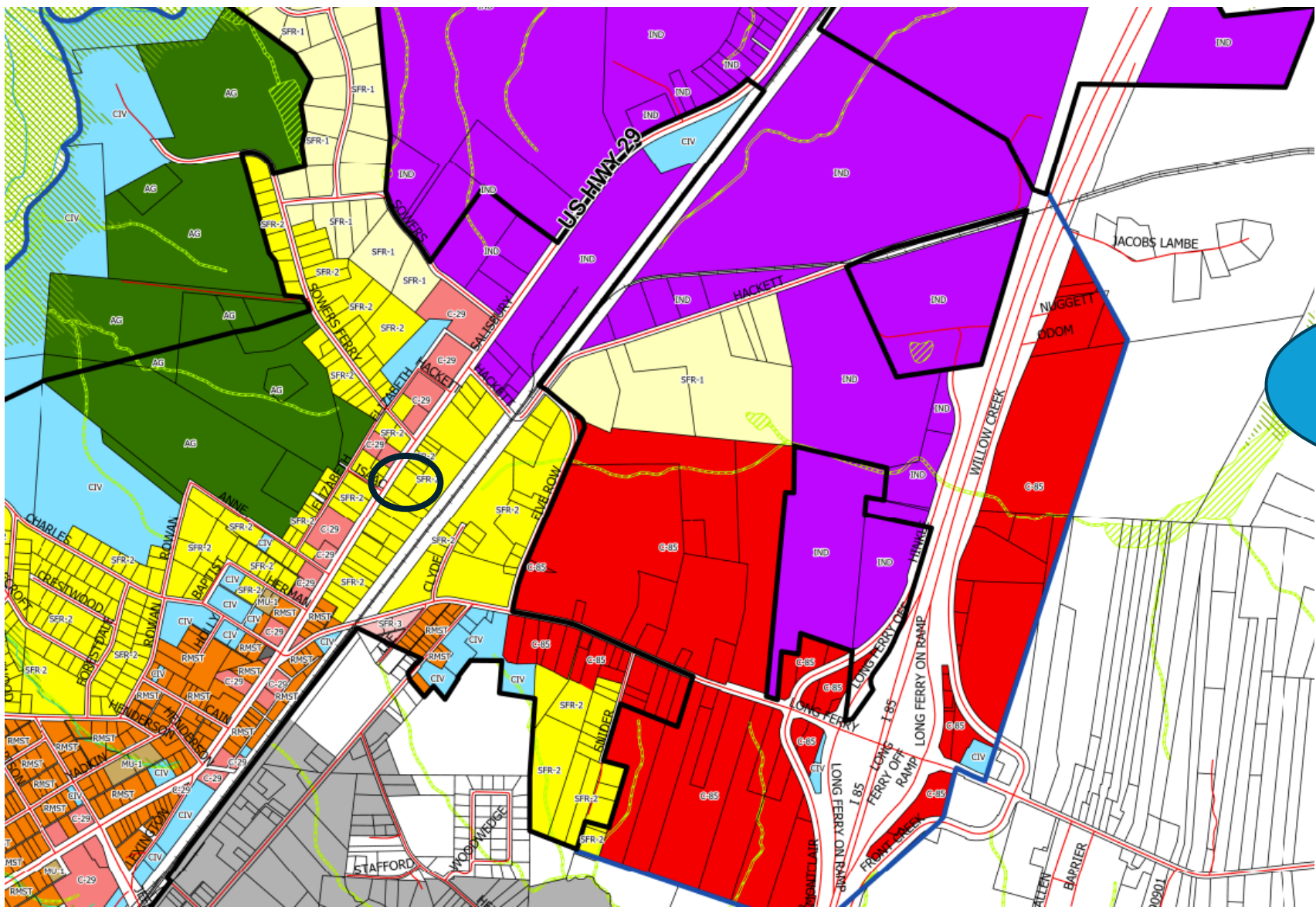
Google Earth  
View





Street View





Zoning Map

Staff recommends approval of this rezoning

**Suggested Motion Language for rezoning approval:**

I move to approve the staff's recommendation as presented to rezone parcel 038 067 located at 1104 N Salisbury Ave from SFR-2 to the SFR-3 zoning classification.

**Suggested motion language for Statement of Consistency and reasonableness:**

I move to adopt a Statement of Consistency and Reasonableness stating that we find that this rezoning is consistent in general with the town's Comprehensive Land Use Plan (per requirements of NCGS 160D-605(a)).

We further find this rezoning to be reasonable in all ways as prescribed by NCGS 160D-605(b). This rezoning will be beneficial to the citizens of the Town of Spencer.





Suggested Motion Language  
Planning Board Meeting  
4.8.24

The following suggested motion language is based on a simple affirmative action on each issue. You have the option on each action issue to modify or recommend in the negative.

Item 5

(Any board member may suggest corrections to the minutes prior to the motion to adopt. If there are corrections suggested, the motion language should be modified to begin with, “With the corrections as suggested...”)

**“I move to approve the minutes of the February 12, 2024 Planning Board meeting as presented.”**

Item 6

(Any board member may suggest additions, modifications, or deletions from the suggested agenda prior to the motion to adopt. If changes are made, the motion language should be modified to begin with, “With the modifications as suggested...”)

**I move to adopt the agenda for the March 11, 2024 Planning Board meeting as presented.**

Item 7

(The board may vote to recommend approving, not approving, or suggest recommendations to the suggested rezoning.)

**I move to recommend approval to the Spencer Board of Aldermen of the requested rezoning of 1104 N Salisbury Ave as recommended by staff.**