



**Board of Adjustment
Regular Agenda
Tuesday, August 11, 2026, 12:00 PM**

- 1. CALL TO ORDER**
- 2. CONSENT AGENDA**
- 3. REGULAR AGENDA**
 - a. Approval of June 9, 2026 Meeting Minutes
 - b. Application Type Training — Dave Neill
- 4. ADJOURN**



**Board of Adjustment Meeting
June 9, 2026 - 12:00 PM
502 Southtown Circle, Rolesville, NC 27571**

MINUTES

PRESENT: Melissa Elliott, 2026 Chair
Jeffrey Wuchich, 2026 Vice-Chair
Marc Camosci, Board Member
Daniel Fox, Board Member
Tracy Goss, Board Member
David Neill, Town Attorney
Stephen Wensman, Planning Director
Michael Elabarger, Assistant Planning Director
Sharon Hope, Administrative Support Specialist

ABSENT: No Board members were absent

1. **CALL TO ORDER**
Chairperson, Melissa Elliott, called the meeting to order at 12:01 p.m.
2. **APPROVAL OF THE MAY 12, 2026, MEETING MINUTES**
Chair Melissa Elliott called for a Motion for approval of the May 12, 2026, Minutes.
Vice Chair, Jeffrey Wuchich, made a Motion to approve, and Board Member, Tracy Goss, seconded. All members voted "Aye", and the Motion was passed (5-0).
3. **ZVA-26-0001 / 5317 TWIN MEADOWS LANE - CONTINUATION**
Chair Elliott called this case, and Stephen Wensman, Planning Director, presented the property located at 5317 Twin Meadows Lane, a developed parcel with a single-family home built in 2000 owned by Don Schaeffer. This development was approved under Wake County subdivision authority before the Town of Rolesville ETJ extension. The zoning is residential low which permits 20,000 sf lots. A cul-de-sac private drive extends across the entire property. The Owner wishes to re-subdivide this property. The cul-de-sac is under separate ownership.

The Town of Rolesville LDO requires all lots to have at least twenty (20) feet of frontage or street frontage as dictated by the district, which is 100' for a residential low lot. The LDO also states that all streets must meet the standards of a paved street. (No

subdivisions on a private street, subdivisions must be on a public street per the LDO.) This road is not built to town standards.

The applicant wishes to subdivide the 10.94 acre property to create one new lot abutting a private street (Twin Meadows Lane). The LDO permits the subdivision of this property into two lots, but each lot must abut a private road or provide lot frontage of at least 100' on a public (not private) street. The variance is requested to permit the creation of a subdivided lot onto a private street, which conflicts with LDO Section 9.2.1.A.1.

This property has already been developed and is a lot similar to the lots around it. There are larger lots that were approved by Wake County at the time of creation. Staff are not finding hardship that is peculiar to the property. Similarly, there are other properties that cannot be subdivided for the same reason; that they are not on a public street. Staff find the variance inconsistent with the spirit, purpose and intent of the LDO because the ordinance specifically requires subdivisions to be on public streets. There are four hardships that need to be met to approve the variance. Mr. Wensman then called for questions.

Town Attorney David Neill stated that there is a verification item that anything Town Staff refers to as a Finding is not binding upon the Board. The Board is bound by the evidence that comes in the hearing. The information provided by Staff is either factual information or history regarding how Staff arrived at this point. Those are not legal findings binding to the Board, and the Board should make their decision with regards to hardship and the other findings based on what they hear today and any evidence.

Chair Elliott then requested that the Town Attorney review the legal provisions.

Town Attorney David Neill stated that this would be the same script as presented at the previous hearing and asked if he could defer to the voir dire to assure that no information previously provided has changed and to assure there is no conflict of interest. Attorney Neill asked if any Board member had discussions with the applicant or any other aggrieved party in this matter and if any Board member is aware of any relationship that has arisen since the Board last provided a statement in open session that could create either a conflict of interest or the appearance of a conflict of interest that may be a matter of impropriety. Hearing none, Attorney Neill asked the parties if there were any objections to the participation of any of the Board members here today. Attorney Mike Perry stated that there is no objection. Attorney Neill noted Attorney Perry's statement and asked Chair Elliott to note that the matters submitted by staff are admitted to the Record.

Chair Elliott asked the Clerk to administer oaths to the witnesses. The Clerk administered oaths to witness Curk Lane, witness Don Schaeffer, and Planning Director Stephen Wensman.

Chair Elliott opened the Evidentiary Hearing at 12:02 p.m. by calling for the Opening Statement. Attorney Mike Perry of Wake Forest introduced himself to the Board as representing Donald and Susan Schaeffer, applicants. The applicants live on Twin Meadows Lane and now spend most of their time at a property at the coast. The Schaeffers would like to deed five of their 10 acres to their son and deed the remaining 5 acres, which has a house on it, to their disabled daughter. They do not wish to build a subdivision or anything unusual. This will require a variance, and Mr. Perry will present two witnesses.

Chair Elliott called for evidence from the applicant's witnesses. Mr. Perry called Curk Lane. Attorney Perry asked Mr. Lane to state his name, occupation, education, training, and licensing requirements to be a land surveyor. Mr. Lane stated his name and his occupation as a Licensed Professional Land Surveyor. Mr. Lane earned a degree from Wake Tech in Land Surveying Technology (currently called "Geomatics"), passed the test and received his license in 1997. He has been self-employed since 1999 in the surveying field. Per Attorney Perry's request, Mr. Lane discussed his employment history and business since 1999. Mr. Lane stated that he considers his business to be community land surveyors serving the local community. His business does not survey travel, gas line, pipeline nor multiple-state work. The company is land surveying only and does not offer engineering. The company surveys boundaries, subdivisions, heir divisions, shopping centers, construction staking for convenience stores, property staking lines for fences, etc. Mr. Lane stated that he and his wife have owned the company for 27 years serving all communities they can drive to within an hour of Clayton. Additionally, the company has served the North Carolina coastal areas and Avery County in the west. Mr. Lane has surveyed many times in Wake County, North Carolina, and he stated that he is the only licensed surveyor at True Line Surveying at this time. Mr. Lane reviews rules and ordinances when advising his customers when creating survey maps as most clients are unfamiliar with the rules. Mr. Lane looks at zoning, jurisdiction, and which LDO or UDO the client falls under due to what they want to do with their property. Mr. Lane also assisted with the creation of the UDO when the Town of Archer Lodge became a town. Mr. Lane is familiar with reading and understanding rules and regulations of UDOs and with participation and navigation with Planning Staff. Attorney Perry tendered Mr. Lane as an expert in the field of survey.

Mr. Lane stated that Mr. Schaffer was referred to him from a custom homebuilding client that is in talks with Mr. Schaeffer. Attorney Perry introduced Exhibit 2 as a preliminary map that Mr. Lane prepared for Mr. Schaeffer and stated that Mr. Lane will discuss Exhibit 2. Exhibit 1 is a Survey showing the current property and was shown to the Board earlier by Staff. Attorney Neill distributed Exhibits 1 and 2 to the Board and stated that there is no reason for any concern. Exhibit 1 is a matter of public record and Exhibit 2 is part of the applicant's application. Chair Elliott admitted Exhibit 1 and Exhibit 2 into the record.

Attorney Perry asked Mr. Lane to explain what Mr. Schaeffer asked him to do regarding the 10 acres. Mr. Lane answered that Mr. Schaeffer asked him to create an additional lot with the 10 acres. Mr. Lane and Mr. Schaeffer decided to split the acreage roughly down the middle to create two similar lots. Exhibit 2 reflects this decision as a preliminary map subdivision for Mr. Schaeffer which also shows the private drive, Twin Meadows. Mr. Lane determined that Twin Meadows Lane is owned by the owner of Lot #4, currently James Carrington. Mr. Lane explained that the Schaeffers have access to the private road, which is different from an easement. Easements are created to give access to a property, (easement gives right to have access, not the right to have utilities on the road unless it is labeled as such). An easement provides access to travel across the easement; giving no ability to improve the easement. With private roads, access gives more flexibility for maintaining the road for emergency vehicles than easement. Mr. Lane has driven on Twin Meadows Lane and finds it to be an all-season road safe for emergency vehicles.

Mr. Lane talked to Rolesville Planning staff several times once he prepared the preliminary survey to see how the road can fit into the current LDO. The private road was created when the property fell under Wake County rules, and the road was created as a private road as it does not meet the standards for NCDOT to take over maintenance. The rules of thumb for these standards are that the residential street must be 800' long and have 8 livable houses with addresses on the road although there are exceptions. Twin Meadows does not meet the criteria. This is a four-lot subdivision, and originally three lots were on this road. Currently only two lots are on this road. Private roads are owned by private individuals, and all lots that attach to the road have the right to use the road as their right-of-way, not as an easement. Private road ownership is created during simultaneous conveyance either by single ownership of the road with other subdivision lot owners having road maintenance agreements or by having the property line of each subdivision lot extend to the middle of the road with a road maintenance agreement. Since there were only two lots in this case, there was never a road maintenance agreement formally recorded. A road maintenance agreement was discussed with Town of Rolesville Staff as a meaningful way to fit the spirit of the LDO rules, and Mr. James Carrington and Mr. Schaeffer created a road maintenance agreement to attach to and travel with the Deed if the lots are ever sold. The Road Maintenance Agreement was distributed to the Board Members as Exhibit 4. Mr. Lane also assisted the Schaeffers with their Statement of Justification for this variance request, and this Statement of Justification included in the application was entered into the record as Exhibit 3. Attorney Neill had no objection to the distribution.

Attorney Perry stated that there are four items the Board needs to find to approve a variance. Mr. Lane stated that he had testified at approximately 30 Variance hearings and discussed the four hardships as they related to this matter.

1. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made

of the property. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Mr. Lane: A road cannot be created to meet the NCDOT standard for a public road due to the 800' length and the 8 house requirements. Mr. Schaeffer cannot apply for satellite annexation; however, his neighbor (who owns the road) cannot be forcibly annexed.

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. A variance may be granted when necessary and appropriate to make reasonable accommodation under the Federal Fair Housing Act for a person with a disability. Mr. Lane: The lots were created on a private street. under Wake County jurisdiction. Rolesville later extended their ETJ overlay on the private property, and the road does not meet the town standards. Mr. Lane discussed this scenario with Kathy Williams, a planner in Wake County, to confirm that this road would meet the requirements if it was still in Wake County. Mr. Lane shared this opinion with Town of Rolesville Planning Staff, and he kept an email trail of the correspondence with Ms. Williams. Mr. Lane discussed the private road provision in Wake County's UDO stating that a private road has to be built to a standard depending on how many houses are on it, and Twin Meadows Lane meets the standard in this situation.

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 is not a self-created hardship. Mr. Lane: When the lot (which was in Wake County's jurisdiction at the time) was created, it followed the rules of Wake County's jurisdiction. Upon purchase, the applicant made a long-term goal to subdivide the land; however, the applicant is now in conflict with current rules of the Town of Rolesville ETJ.

4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved. Mr. Lane: The two new lots are very consistent with the neighboring lots in size, shape and residential use and meet all requirements in the current LDO except they are on a private road rather than a public road. Under the current LDO, the owner cannot develop his acreage any further with the restriction of being on a private road, and the owner cannot create a public road. Future use is restricted to single-family homes on 10 acres.

Attorney Perry stated that was the conclusion of questions he had for Mr. Lane. Chair Elliott called for questions for the witness. Board member Fox asked a question, and Attorney Perry stated that the next witness would be able to answer the question. Attorney Perry called Donald Schaeffer, applicant. Donald Schaeffer stated his name and address and stated that he and his wife have property at the coast where they spend most of their time. Attorney Perry asked questions of the witness to discuss the house on the 10.94 acres in which Mr. Schaeffer's disabled daughter lives. Mr. Schaeffer described his daughter and his desire to subdivide the property between his two children as having the house and five acres going to his daughter with the remaining five acres

going to his son. Mr. Schaeffer hired Mr. Lane to help him with the matter, and he participated in meetings with Mr. Lane and Town of Rolesville Planning Staff describing the relationship with Town Staff as “great” and “helpful”. Mr. Schaeffer stated that the Town of Rolesville Planning Staff requested a road agreement as they thought it might help the situation. Attorney Perry referred to Exhibit 4, the Road Maintenance Agreement, and Attorney Neill distributed the unrecorded Agreement. Chair Elliott added Exhibit 4 to the record. Mr. Schaeffer stated that the Agreement was prepared by a downtown Wake Forest attorney that was not Mr. Perry. The Agreement is signed by Mr. and Mrs. Schaeffer as well as Mr. and Mrs. Carrington, Mr. Schaeffer’s next-door neighbors and owners of the private road as shown in Exhibit 1. Mr. and Mrs. Carrington own ten acres at the end of the cul-de-sac (Lot 4) and were agreeable to sign the Agreement. Town of Rolesville Staff were given a copy of the Road Maintenance Agreement. Mr. Schaeffer reiterated that staff were extremely helpful in trying to resolve the problem. Mr. Schaeffer believes it will be helpful for his son to live next to his disabled daughter to help her maintain her lifestyle and upkeep the property amongst other reasons stating that this was his intent when he purchased the property 25 years ago. Mr. Schaeffer’s intent is for his son to build his own house after dividing the property rather than build an addition to the current house, and he feels this plan is consistent with the neighborhood. He feels that each of his children should own their own property, and he asks the Board to approve a variance to allow one new lot abutting Twin Meadow Lane, which is a private street.

Mr. Perry concluded that was all the evidence and called for questions. Board Member Fox asked Mr. Schaeffer how the Board decision would impact him financially if the Variance is not approved. Mr. Schaeffer stated that obtaining the variance would be the best financial option as redividing the lot had been their plan since purchase. Attorney Neill stated that financial hardship of the applicant is not something the Board can use although it may be relevant to other findings. Chair Elliott asked when the property changed from the Wake County UDO to the Town of Rolesville. Mr. Wensman stated that the ETJ was expanded in 2004. Vice-Chair Wuchich asked if Mr. and Mrs. Carrington, owners of the private road, are in opposition to the Variance. Attorney Perry stated that the Carringtons are good friends with the Schaeffers and signed the Road Maintenance Agreement which is in evidence as Exhibit 4. Attorney Perry asked Planning Staff if the ETJ is involuntary and Mr. Wensman confirmed that it is involuntary.

Attorney Perry stated that he had submitted all the evidence. Attorney Neill asked if the Board had any questions for Staff and witnesses or questions about any of the documentary evidence. Chair Elliott called for any other questions for Staff, Mr. Perry, Mr. Schaeffer or Mr. Lane. Board Member Goss recommended to Staff that Emergency Vehicle staff should inspect roads to help in cases such as this as judgement is impacted by an in-person visit. Hearing no other questions, Chair Elliott asked if there was anyone present who opposed this variance case. Hearing none, Chair Elliott asked Mr. Perry to continue with his closing remarks.

Attorney Perry reminded the Board that the request of the Variance is just for this case and asked that the Board approve this Variance request.

Chair Elliott called for any additional comments from Staff regarding evidence presented. Attorney Neill reminded the Board that this is a Variance and required a super-majority for approval (4 of 5 for a favorable vote). Chair Elliott closed the Evidentiary Hearing at 12:52 p.m. and called for informal discussion by the Board.

The Board discussed one member's site visit and the well-presented case. The Board also discussed the year the ETJ was extended and the date the lot was created. Attorney Neill stated that the date of purchase by the applicant was not in the evidence; however, the Board felt that date was in the evidence. The Board further discussed the changes in rules introduced by the Town's ETJ extension as well as the hardship/impossibility in meeting the provisions for building an acceptable road per NCDOT standards under the ETJ extension. Additionally, the Board discussed how the spirit of the law is to protect the residents and how there is no detriment to the residents in this Variance case; the road is wide enough for the 2 or 3 lots located on it. Chair Elliott stated that if there are no other questions for informal discussion then she requests a Motion.

Vice Chairperson Jeffrey Wuchich made a Motion for approval of the Variance with the condition that the Road Maintenance Agreement be recorded and follow the property, and Dan Fox seconded. The Motion was carried by a unanimous vote, 5 voted yes (Elliott, Wuchich, Goss, Fox, Camosci). (5-0)

4. **ZVA-26-0002 / 211 Wagon Branch Road – To Be Re-advertised**

Chair Elliott called this case, and Mr. Wensman stated that the property was advertised incorrectly and will need to be re-advertised before being heard by the Board.

5. **Discuss Artificial Intelligence (AI) Town Policy**

Chair Elliott called this Agenda item, and Mr. Wensman discussed the Town's Artificial Intelligence Policy and requested the Board to review the Resolution and sign the Policy.

6. **Discuss/Adopt BOA Bylaws**

Chair Elliott called this Agenda item, and Mr. Wensman discussed the lack of Bylaws for the Board of Adjustment. Mr. Wensman is currently drafting the Bylaws and this matter is tabled until the next meeting.

7. **Discuss Future Training Opportunities**

Chair Elliott called this Agenda item, and Mr. Wensman stated that the Board is in charge of four quasi-judicial types of applications: Variances, Appeals, Special Use Permits and Vested Rights Certifications. Mr. Wensman asked the Board if they need training for any of these types of applications as this Board has not seen an Appeal or any of the other types of application other than a Variance. The Board agrees that they need training.

Attorney Neill explained the general process for an upcoming Appeal application which will be heard at the July 14, 2026, Board of Adjustment meeting.

8. **Updates**

Chair Elliott called for any Updates. Mr. Wensman had no updates. Attorney Neill requested that the Board members keep notes during Board of Adjustment meetings hearings regarding items they hear and do not hear.

9. **Melissa Elliott, Chair, adjourned the meeting at 1:09 p.m.**

Melissa Elliott
Board of Adjustment Chair

Sharon S. Hope
Administrative Support Specialist