



Memo

To: Board of Adjustment
From: Michael Elabarger, Assistant Planning Director
Date: Meeting held February 10, 2026
Re: VAR-28-0001- 115 W. Young Street / The Joel Fund

Application/History/Request

Applicant: The Joel Fund
Property Owner: The Joel Fund
Property Address: 115 West Young St
PINs: 1769074849
Zoning: General Commercial Conditional Zoning (GC-CZ) Per REZ-23-07
Acreage: 0.57 acre
Total Lots: 1

Background

The subject property is zoned a General Commercial Conditional Zoning (GC-CZ) district per Rezoning Map Amendment REZ-23-07. The northern adjacent property (119 W. Young Street, PIN 1769023002) is zoned the Residential Low (RL) Zoning District and shares approximately 300 feet of property line.

Per LDO Section 6.2.2.1.G/Table 6.2.2.2, a GC zoned property adjacent an RL zoned property must install a Type 3 Perimeter Bufferyard, which is described as being 25' in depth, with prescribed trees and shrubs planted within this space, and then a 6' WALL on the interior side of the bufferyard space. See graphic clip from the LDO of the Type 3 Bufferyard further in this Memo.

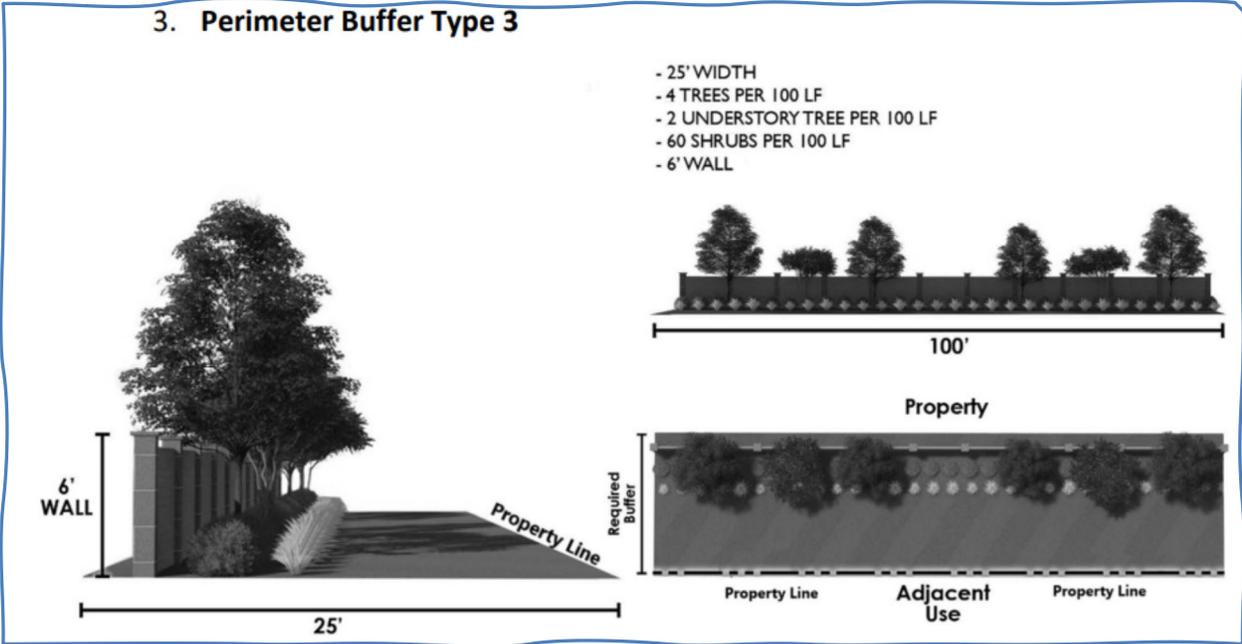
The Applicant received Site Development Plan SDP-24-08 for the development of an office Use on the property by conversion of an existing single-family residence building into an Office space, including the construction of a proper parking lot meeting the LDO standards. The approved Site Plan depicts a Type 3 Perimeter Bufferyard adjacent the newly developed parking lot area, between it and the northern RL zoned property.

Request

The Applicant is requesting to **remove/delete** the 6' Wall component of the Type 3 Perimeter Bufferyard depicted on the approved Site Development Plan SDP-24-08.

Attachment 1 is the Applicant’s Statement of Justification in which they address the Four standards required for a Variance per General Statutes 160D-705(d) – see Review Standards sections below.

Attachment 2 is the Landscape Plan from SDP-24-08 which depicts the 6’ Wall – the Variance request is to delete the Wall with the remaining Bufferyard remaining as is, in compliance with the LDO.



Notification

Review Standards

As per LDO Appendix A Section 3.3 and North Carolina General Statutes Chapter 160D-705 (d), Variances, when unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

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.
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 a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
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.
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.

Note: No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

Potential Motions

Motion for approval: Involving case VAR-26-0001, I make a motion to Approve the Variance request as presented...

Motion for approval: Involving case VAR-26-0001, I make a motion to Approve the Variance request with modifications in consideration of information presented at the evidentiary hearing...

Motion for denial: Involving case VAR-26-0001, I make a motion to Deny the Variance request because...

Attachments

1. Applicants' Statement of Justification
2. Variance Request Landscape Plan exhibit

The Joel Fund
115 W. Young Street
Type 3 Perimeter Buffer Variance
January 21, 2026

Nature of the Request. The Joel Fund, as property owner, requests a variance to LDO Section 6.2.2.1. to remove the 6’ wall from the required Type 3 Perimeter Buffer along that shared boundary line of that parcel with PIN 1769-02-3002 (119 W. Young Street). The request is made in connection SDP-24-08 at 115 W. Young Street (the “Property”).

Standard 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.

Response. Unnecessary hardship will result from strict application of the buffering regulations, because it will require a 6’ tall fence running parallel to the shared boundary line with 119 W. Young Street. The required fence is only 100’, running from the edge of the existing building’s front façade to the edge of the setback from W. Young Street. Within this same 100’, the Development is required to plant 4 canopy trees, 2 understory trees, and 60 shrubs. The wall offers no practical screen from the adjacent parcel at 119 W. Young St; anyone could easily walk around the fence to reach either parcel. And the planting schedule provides a much better green screen that what currently exists (nothing). Requiring The Joel Fund, a non-profit entity whose mission is to assist veterans, to pay for and construct this wall is an unnecessary hardship.

Standard 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 a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

Response. The hardship results from the location of the existing structure in relation to the required Type 3 Perimeter Buffer. The existing home, which was built in 1987, is approximately 12’ from the 119 W. Young Street property line. The minimum building setback from this property boundary is 15’ and the minimum Type 3 Perimeter Buffer width is 25’. Because the structure is within both the required Type 3 Perimeter Buffer width and the minimum setback, the Town is requiring that the new Type 3 Perimeter Buffer run from the structure’s front façade to the required streetscape buffer. Because the Type 3 Perimeter can only be constructed for a relatively small portion of the Property, the required 6’ wall is meaningless.

Standard 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.

Response. The hardship of the existing structure's location, and consequently the Type 3 Perimeter Buffer, are not the result of The Joel Fund's actions. The home was built in 1987, and The Joel Fund purchased the Property in 2024.

Standard 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.

Response. The intent of the Town's buffering requirements is to minimize potential nuisances, such as noise, pollution, lights, and buildings or parking areas through physical and visual separation between land uses in separate zoning districts. A Type 3 Perimeter Buffer without the 6' wall still provides adequate separation and screening to the adjacent parcel, especially when considering the proposed work and use on the Property. The development proposes to relocate the existing driveway and parking area farther from the 119 W. Young Street boundary; at its closest point, the existing driveway is less than 5' from the boundary. The development is not any improvements that bring uses closer to the 119 W. Young Street boundary. And where no plantings exist today, the development proposes a planting schedule consistent with the Type 3 Perimeter Buffer requirements. Lastly, the proposed use associated with this development does not warrant a 6' wall. The Property is intended to be used as The Joel Fund's primary office. The office will be used day-to-day by The Joel Fund's employees (approximately 4 employees on any given day). In summary, the limited site improvements (which actually push development away from 119 W. Young Street) and activity do not warrant a 6' wall along the northern property boundary. For this reason, the requested variance is consistent with the spirit, purpose and intent of the buffering regulations.

