



**Town of Clayton
Board of Adjustment Agenda
Wednesday, January 17, 2024 @ 6:00 PM
Council Chambers**

THE BOARD OF ADJUSTMENT MEETING WILL BE HELD IN PERSON.

ANY MEMBER OF THE PUBLIC IS INVITED TO THE ATTEND THE MEETING.

THE PUBLIC MAY VIEW THE LIVE MEETING ON THE TOWN'S YOU TUBE CHANNEL:

<https://www.youtube.com/TownofClaytonNC>

1. CALL TO ORDER

- a. SWEARING IN OF BOARD MEMBERS
Presenter: Heidi Holland, Town Clerk
- b. Vote for new Chair and Vice Chair of the Board of Adjustments.
Presenter: Conrad Olmedo, Planning Director

2. ADJUSTMENT OF THE AGENDA

3. APPROVAL OF MINUTES

4. PUBLIC HEARINGS

- a. 2023-162-VAR ALDI
Presenter: Bruce Venable, Planner I
[1 2023-162-VAR Staff Report - ALDI](#)
[2 2023-162-VAR Application](#)
[3 2023-162-VAR Neighborhood Meeting Materials](#)
[4 2023-162-VAR Staff Map](#)

5. OLD BUSINESS

6. NEW BUSINESS

- a. BOARD OF ADJUSTMENT 2024 MEETING CALENDAR
Presenter: Conrad Olmedo, Planning Director
[2024 - Board of Adjustment Meeting Schedule](#)
- b. BOARD OF ADJUSTMENT 2024 BYLAWS
Presenter: Conrad Olmedo, Planning Director
[2024 Board of Adjust Bylaws](#)

7. ADJOURNMENT



Town of Clayton
 Planning Department
 111 E. Second Street, Clayton, NC 27520
 P.O. Box 879, Clayton, NC 27528
 Phone: 919-553-5002
 Fax: 919-553-1720

*Board of Adjustment
 Meeting Date: 01-17-2024*

STAFF REPORT

Application Number: 2023-162-VAR Project Name: Aldi Rear Setback Variance

Tag #: 05001048B, 05001049, 05001024, 05001050

Overlay: Thoroughfare Overlay

Applicant: Justin Spruill, ALDI Petersburg Division

Owner: OZARK INVESTMENT CO. LLC

Location: 9811 US HWY 70 Bus W. Clayton, NC 27520

Project Planner: Bruce Venable

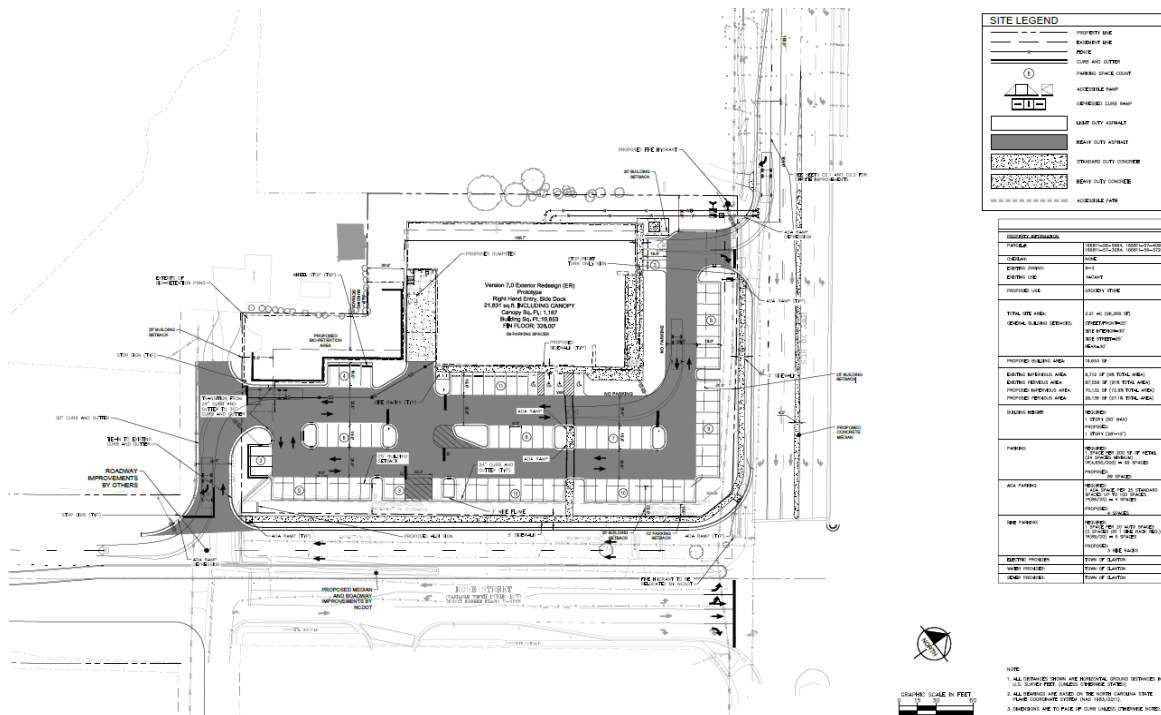
Public Noticing dates:

- **Sign Posted:** January 5, 2024
- **Adjacent Property Letters Mailed:** January 4, 2024

REQUEST: The applicant is requesting a variance from the following code section(s):

UDO SECTION	TEXT	REQUEST																																
155.203, (K), (2), (a) TABLE 2-1	Table 2-1 shows the required rear setback for B-3 (Highway-Business) is 30 feet. <table><tr><th rowspan="2">Zoning District</th><th colspan="3">Lot Standards</th><th colspan="4">Minimum Setbacks (ft.)</th><th colspan="3">Building Standards⁽³⁾</th></tr><tr><th>Min. Lot Area (sq. ft.)</th><th>Min. Lot Width (ft.)</th><th>Public Water & Sewer</th><th>Street/ Front (Max.)</th><th>Side Interior (abutting residential)</th><th>Side Street</th><th>Rear (abutting residential)</th><th>Max. building Height (ft.)⁽¹⁾</th><th>Building Coverage</th><th>Impervious Surface</th></tr><tr><td>B-3</td><td>8,000</td><td>60</td><td>Required</td><td>25</td><td>15⁽³⁰⁾</td><td>30</td><td>30⁽³⁰⁾</td><td>60</td><td>50%</td><td>75%</td></tr></table>	Zoning District	Lot Standards			Minimum Setbacks (ft.)				Building Standards ⁽³⁾			Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Public Water & Sewer	Street/ Front (Max.)	Side Interior (abutting residential)	Side Street	Rear (abutting residential)	Max. building Height (ft.) ⁽¹⁾	Building Coverage	Impervious Surface	B-3	8,000	60	Required	25	15 ⁽³⁰⁾	30	30 ⁽³⁰⁾	60	50%	75%	A variance is being requested to reduce the required 30 ft rear setback to a 20 ft rear setback as shown on the attached site plan
Zoning District	Lot Standards			Minimum Setbacks (ft.)				Building Standards ⁽³⁾																										
	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Public Water & Sewer	Street/ Front (Max.)	Side Interior (abutting residential)	Side Street	Rear (abutting residential)	Max. building Height (ft.) ⁽¹⁾	Building Coverage	Impervious Surface																								
B-3	8,000	60	Required	25	15 ⁽³⁰⁾	30	30 ⁽³⁰⁾	60	50%	75%																								

Existing Use: Commercial



SITE REAR SETBACK REQUIREMENT

The applicant is requesting a variance in the form of a reduction in the 30-foot rear setback requirement outlined in Section 155.203(K)(2)(a) TABLE 2-1. The property was zoned B-3 HWY Business at the time of this submittal.

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

The subject property is a high profile, commercial corner at two major streets. The subject property has been reduced in size because of the widening of Rose Street under DOT project U-6223. The road improvement project reduces the property depth as measured from Rose Street by 35 feet. The 10 foot setback reduction allows for adequate parking and circulation from US 70 Business and Tulip Street.

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.**

Applicant Response:

The requested variance is necessary due to the widening of Rose Street. The property area has been reduced by 0.33 acres due to the aforementioned road widening project.

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 shall not be regarded as a self-created hardship.**

Applicant Response:

The hardship is a result of the widening of Rose Street by NCDOT. The current owner was in possession of the property prior to the NCDOT project.

4. **The requested variances are consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.**

Applicant Response:

The requested variance is consistent with the spirit and purpose of the ordinance as summarized below: The requested variance does not pose a threat to public safety and is consistent with the intent of the Town ordinance. The requested setback reduction allows for a site plan design that meets the remaining building setbacks around the periphery of the property. All code required landscape buffering requirements are being met by the proposed design. The proposed site plan will also be reviewed by Town staff for ordinance compliance which will provide for public safety and meet the spirit and purpose of the Town ordinance.

CONSIDERATIONS

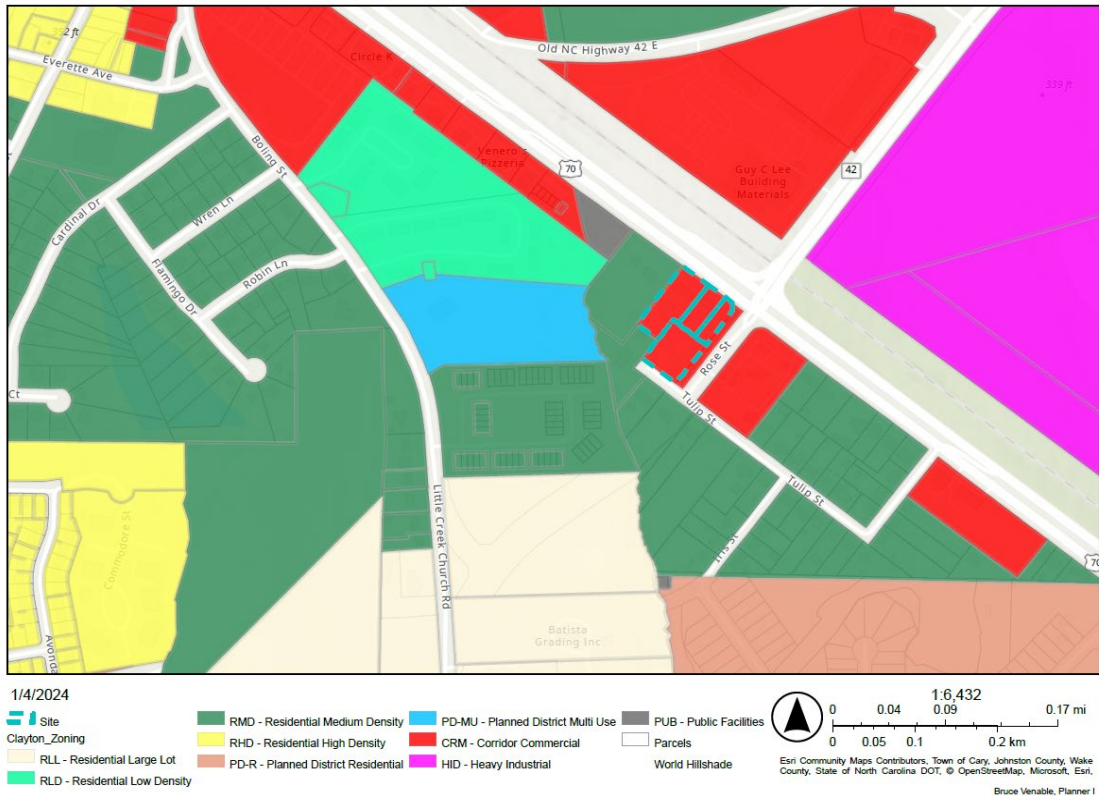
- The Board of Adjustment shall review and make a final decision regarding Variance applications.
- Per UDC requirements, Conditions may be imposed by the Board of Adjustment regarding the location, character, and other features of the proposed building or use as may be deemed by the Board of Adjustment to protect property values and general welfare of the neighborhood. Failure to comply with such conditions and safeguards, when part of the terms under which the variance is granted, shall be deemed a violation of this chapter (155.716(F)(1)(b)).

ATTACHMENTS

The Applicant has provided all material within one document as listed below.

1. Staff Report
2. Application Packet
3. Staff Report Map

Town of Clayton Aldi Variance Map





TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

VARIANCE APPLICATION COVER SHEET

Name of Project: ALDI Clayton Date: 09/01/2023

Applicant Name: ALDI Petersburg Division

The following checklist to be completed by applicant:

- [] Pre-application Meeting on: 02/21/2023
[] Application Review fee
[] Advertising Fee
[] Completed Application
[] Owner's Consent Form
[] Neighborhood Meeting Letter
[] Adjacent property Owner's List
[] Set of Stamped, addressed, empty envelopes for adjacent owner notification
[] Copy of the plan in PDF on USB

11 plan sets of the following:

- [] Preliminary plan sheet depicting the variance request
[] Signed and sealed Boundary Survey

Reviewed by: _____



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

VARIANCE APPLICATION

Application Fee: \$500.00

Please note if a variance is sought "after the fact", the application fee is \$1,000.00

SITE INFORMATION

Name of Project: ALDI Clayton

Acres of Property: 2.2 Zoning District: B-3

County Tag #: _____ NC Pin #: 166811-56-5964, 166811-57-4090, 166811-57-3084, 166811-56-3724

Address/Location: Southwest Corner of US BUS HWY 70 and Rose Street, Clayton, NC 27520

Existing Use: Vacant Proposed Use: Commercial

Is project within a Planned Development? ☐ Yes ☒ No If yes, which: _____

Is project within an Overlay District? ☐ Yes ☒ No If yes, which: _____

APPLICANT INFORMATION

Name: ALDI Petersburg Division

Mailing Address: 6801 Aldi Way, Petersburg, VA 23803

Phone Number: (804) 362-0678 Fax: _____

Email Address: justin.spruill@aldi.us

FOR OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ Permit Number: _____

PROPERTY OWNER INFORMATION

Name: Ozark Investment CO. LLC

Mailing Address: 1800 N. Westwood Blvd., Poplar Bluff, MO 63901

Phone Number: 573-718-1895

Fax:

Email Address: nathan@cyholdings.com

BURDEN OF PROOF / EXPLANATION OF REQUEST

Variance(s) Requested: *List each requested variance. Attach additional pages if necessary.*

Code Section: 155.203, (K), (2), (a) TABLE 2-1

Code Requirement: REAR (ABUTTING RESIDENTIAL): MINIMUM SETBACK 30 FT

Variance Sought (describe specific request): Reduction of 30 ft rear setback to 20 ft as shown on the attached site plan

Use this section to describe the request. An applicant seeking a variance has the burden of presenting evidence sufficient to allow the Board of Adjustment to reach conclusions for the Required Findings of Fact. Attach additional sheets/pertinent information as necessary.

SEE ATTACHED

REQUIRED FINDINGS OF FACT

Section 155.716(F)(2) of the Unified Land Development Code requires applications requesting a Variance to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

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

SEE ATTACHED

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from person 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..

SEE ATTACHED

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 shall not be regarded as a self-created hardship.

SEE ATTACHED

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

SEE ATTACHED

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Board of Adjustment of the Town of Clayton to approve the subject Variance request. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Clayton, North Carolina, and will not be returned.

Justin Spruill
Print Name

Justin Spruill
Signature of Applicant

9/15/23
Date



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

OWNER'S CONSENT FORM

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: ALDI Clayton **Address or PIN #:** 166811-56-5964, 166811-57-4090, 166811-57-3084, 166811-56-3724

AGENT/APPLICANT INFORMATION:

ALDI Petersburg Division
(Name - type, print clearly)

6801 Aldi Way
(Address)
Petersburg, VA 23803
(City, State, Zip)

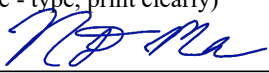
I hereby give **CONSENT** to the above referenced agent/applicant to act on my behalf, to submit applications and all required materials and documents, and to attend and represent me at all meetings and public hearings pertaining to the following processes (*list applicable requests*):

Variance to rear building setback

Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER AUTHORIZATION:

Ozark Investment CO., LLC
(Name - type, print clearly)

(Owner's Signature)

1800 N. Westwood Blvd.
(Address)
Poplar Bluff, MO 63901
(City, State, Zip)

STATE OF _____
COUNTY OF _____

Sworn and subscribed before me _____, a Notary Public for the above State and County, this
the _____ day of _____, 20____.

SEAL

Notary Public

**My Commission
Expires:** _____

July 2022

5 of 5

Variance Request and Findings of Fact

A variance is requested to the minimum rear (abutting residential) setback to allow for a minimum building setback of 20 ft. The setback reduction is requested along the property line shared with Johnny Bolan Isenhour, PIN: 166811-57-2112.

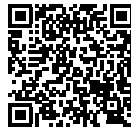
1 The subject property is a high profile, commercial corner at two major streets. The subject property has been reduced in size because of the widening of Rose Street under DOT project U-6223. The road improvement project reduces the property depth as measured from Rose Street by 35 feet. The 10 foot setback reduction allows for adequate parking and circulation from US 70 Business and Tulip Street.

2 The requested variance is necessary due to the widening of Rose Street. The property area has been reduced by 0.33 acres due to the aforementioned road widening project.

3 The hardship is a result of the widening of Rose Street by NCDOT. The current owner was in possession of the property prior to the NCDOT project.

4 The requested variance does not pose a threat to public safety and is consistent with the intent of the Town ordinance. The requested setback reduction allows for a site plan design that meets the remaining building setbacks around the periphery of the property. All code required landscape buffering requirements are being met by the proposed design. The proposed site plan will also be reviewed by Town staff for ordinance compliance which will provide for public safety and meet the spirit and purpose of the Town ordinance.

SIGNATURE CERTIFICATE



REFERENCE NUMBER

D54AEC73-8BD9-4DB9-B2F3-6F0D24A96FDD

TRANSACTION DETAILS

Reference Number

D54AEC73-8BD9-4DB9-B2F3-6F0D24A96FDD

Transaction Type

Packager

Sent At

09/05/2023 12:58 EDT

Executed At

09/05/2023 13:16 EDT

Identity Method

email

Distribution Method

email

Signed Checksum

c7d7af5822615abc8f7134159430e94cc8e11e8ef12a8968affa18a5f4636b64

Signer Sequencing

Disabled

Document Passcode

Disabled

DOCUMENT DETAILS

Document Name

Aldi Variance Application and Owner Consent

Filename

Aldi_Variance_Owner_Consent_09-2023.pdf

Pages

6 pages

Content Type

application/pdf

File Size

1.05 MB

Original Checksum

9a82ce287dd7c9d8755a465225105a7b5b82f0bb1922b53bd428e941bb1e2fc2

SIGNERS

SIGNER	E-SIGNATURE	EVENTS
Name Nathan Maurer	Status signed	Viewed At 09/05/2023 13:16 EDT
Email nathan@cydholdings.com	Multi-factor Digital Fingerprint Checksum 6783881aac4b9b1a14dfd68392e30432370e8bf3fffb81996bd959cae7bd454e	Identity Authenticated At 09/05/2023 13:16 EDT
Components 2	IP Address 98.97.10.155	Signed At 09/05/2023 13:16 EDT
	Device Mobile Safari via iOS	
	Drawn Signature 	
	Signature Reference ID C5F3E71E	
	Signature Biometric Count 3	

AUDITS

TIMESTAMP	AUDIT
09/05/2023 12:58 EDT	Jim Perricone (jperricone@partnerscnc.com) created document 'Aldi_Variance_Application_and_Owner_Consent.pdf' on Microsoft Edge via Windows from 156.146.46.76.
09/05/2023 12:58 EDT	Nathan Maurer (nathan@cydholdings.com) was emailed a link to sign.
09/05/2023 13:16 EDT	Nathan Maurer (nathan@cydholdings.com) viewed the document on Mobile Safari via iOS from 98.97.10.155.
09/05/2023 13:16 EDT	Nathan Maurer (nathan@cydholdings.com) authenticated via email on Mobile Safari via iOS from 98.97.10.155.
09/05/2023 13:16 EDT	Nathan Maurer (nathan@cydholdings.com) signed the document on Mobile Safari via iOS from 98.97.10.155.

NEIGHBORHOOD MEETING INFORMATION

Purpose:

The purpose of the Neighborhood Meeting is to inform the surrounding property owners of the nature of the proposed land use and/or development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

The neighborhood meeting must be held prior to the 1st scheduled public meeting date. It is recommended to hold the meeting at least 10 days prior to the 1st scheduled public meeting date, however, it is **not** a requirement.

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request. The meeting space must be able to comfortably accommodate everyone that receives an invitation.

Meeting Notice Mailing requirements:

1. The applicant must contact all adjacent property owners via first class mailing (see sample letter).
2. The mailing must include all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property.
3. The notice must be mailed at least ten (10) calendar days but not more than twenty-five (25) days prior to the date of the Neighborhood Meeting.

Information required to be provided at the Neighborhood Meeting:

At a minimum, the following materials must be present and discussed at a Neighborhood Meeting:

1. A copy of the project application.
2. A schedule of all upcoming public meetings for the application.
3. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
4. A map, drawing, or other depiction of the proposed land use change or development proposal.

Information provided to Planning Department:

Alert the Planning Department once the date, location, and time of the Neighborhood Meeting are determined.

Deliver the following items to the Planning Department at least ten (10) calendar days prior to the 1st scheduled public meeting in electronic or hard copy format:

- ☐ Adjacent Property Owner's List (aka "mailing list") *Should be submitted with original application packet*
- ☐ Copy of the letter mailed *Should be submitted with original application packet*
- ☐ Attendance Roster (aka "sign-in sheet") *Submit no later than 10 days prior to 1st public meeting date*
- ☐ Neighborhood Meeting Summary Form with minutes (see below) *Submit no later than 10 days prior to the 1st public meeting date*

ADJACENT PROPERTY OWNERS LIST

Project Name: ALDI Clayton

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS
166811-56-1713	Jennifer C Mercer, Joel R Mercer	1229 Tulip St., Clayton, NC 27520
166811-57-2112	Johnny Bolan Isenhour	9861 US-70 BUS HWY W, Clayton, NC 27520
166811-56-2641	Clarence Michael Benson, Brenda Benson	1233 Tulip St., Clayton, NC 27520
166811-56-7702	PTM LP	5700 6th AVE, Altoona , PA 16602
166810-46-8515	Boling Townes Homeowners Association	PO Box 674, Clayton, NC 27520
166807-57-5763	Vesta Enterprises, Inc.	PO Box 1457, Smithfield, NC 27577
166808-78-6185	North Carolina Railroad Company	3200 Atlantic Ave. Suite 110, Raleigh, NC 27604
166811-56-3304	Ronnie Lee Isenhour	1001 House Rd., Middlesex, NC 27557



November 15, 2023

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application filed with the Town of Clayton for a land use change or development proposal involving property adjacent to, or in close proximity to, property shown in your ownership by Johnston County tax records. Per Town of Clayton regulations, a Neighborhood Meeting will be held to provide information to area residents about the nature of the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: November 30th, 2023 Meeting Time: 6:00 p.m.

Meeting Location: 10414 US-70 BUS, Clayton, NC 27520 (Smithfield's Chicken 'N Bar-B-Q)

Type of Application: Variance, Major Site Plan and Construction Drawing
Project/proposal Property Address: Southwest Corner of US-70 BUS and Rose Street, Clayton, NC 27520
Description of project/proposal: Proposed Aldi Store, associated infrastructure, and road improvements
Upcoming public meetings for this application (Planning Board and/or Town Council): Board of Adjustment

At a minimum, the following will be available for your inspection at the Neighborhood Meeting:

1. A copy of the project application
2. A schedule of all upcoming public meetings for the application.
3. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
4. A map, drawing, or other depiction of the proposed land use change or development proposal.

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal.

If you have any questions prior to or after this meeting, you may contact us at 919-677-2000. You may also contact the Planning Department at 919-553-5002.

Sincerely,
Kimley-Horn & Associates, Inc.

A blue ink signature of Christopher O. Bostic, written in a cursive style.

Christopher O. Bostic, P.E.
Project Manager

Cc: Town of Clayton Planning Department

kimley-horn.com

421 Fayetteville Street, Suite 600, Raleigh, NC 27601

919 677 2000

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: ALDI Clayton

Application: Variance, Major Site Plan and Construction Drawing

Location/Date: 10414 US-70 BUS, Clayton, NC 27520

	NAME	ADDRESS
1	Mike West	Guy C Lee
2	Mike Benson	1233 Tulip Street
3	Joel Mercer	1229 Tulip Street
4	Johnny Benbow	9861 us 70 Bus Hwy West
5	Chris Basti	421 Fayetteville Street, Raleigh
6	Michael Barnes	421 Fayetteville Street, Raleigh
7	Justin Spruill	6801 Aldi Way, Petersburg, VA 23803
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NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Variance, Major Site Plan and Construction Drawing

Date of Mailing: 11-16-23

Date of Meeting: 11-30-23 Time of Meeting: 6:00 pm

Location of Meeting: 10414 US-70 BUS, Clayton, NC 27520

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached) ten days prior to the Neighborhood Meeting, and that all required information was presented at the Meeting:

Printed Name: Chris Bostic Signature: 

Meeting Summary/Minutes: *provide a summary of the discussion held at the meeting, including issues raised and any resolution discussed, and any changes made to the application as a result of the meeting.*

The attendees were presented individual copies of the variance plan submittal and the architectural rendering of the proposed Aldi store. Attendees were also given the chance to inspect and discuss the site plan submittal. The reason for the variance requested was discussed. Due to the widening of Rose street, Aldi would not be able to provide a safe parking environment by condensing the site to fit within the building setback. The perimeter landscaping was described and explained how it would comply with Clayton's code of ordinances. Questions were asked and answered on driveway access, the cross section of Tulip Street, the size of the building and the potential runoff of the water from the site to neighboring properties. The storm drainage, storage, and bio-retention were explained to be designed to capture and treat all necessary runoff from the site. The runoff will be directed through the proposed storm drainage system to four underground storage pipes for detention. then to the proposed bio-retention cell to be treated per the Town of Clayton's stormwater requirements. Finally, the board of adjustments meeting schedule was explained and a possible construction time line was discussed.

Please write clearly (or submit a typed summary). Use additional sheets if necessary.

ADJACENT PROPERTY OWNERS LIST

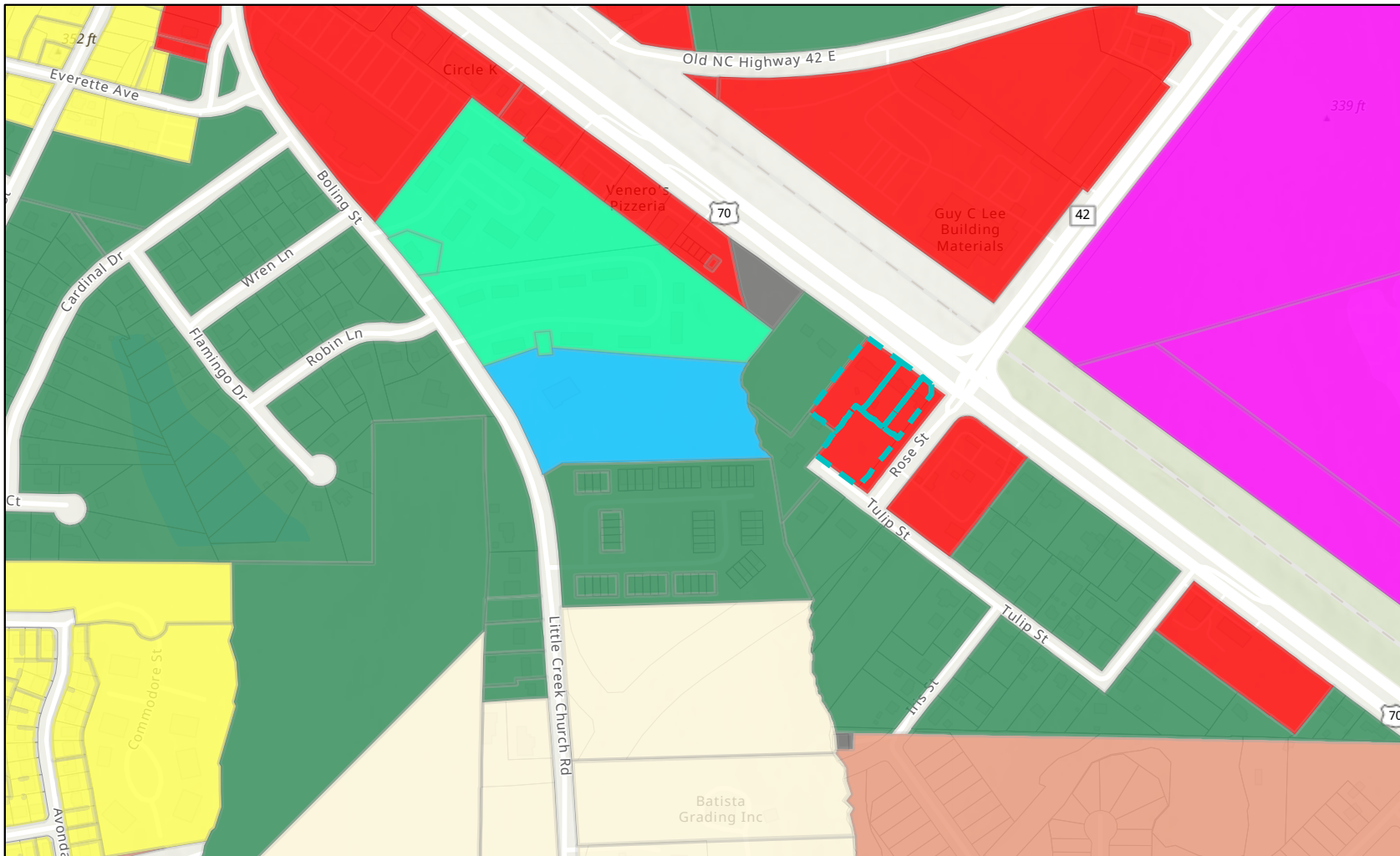
Project Name: _____

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS

Town of Clayton Aldi Variance Map



1/4/2024

Site
Clayton_Zoning

RLL - Residential Large Lot
RLD - Residential Low Density

RMD - Residential Medium Density
RHD - Residential High Density
PD-R - Planned District Residential

PD-MU - Planned District Multi Use
CRM - Corridor Commercial
HID - Heavy Industrial

PUB - Public Facilities
Parcels
World Hillshade



Scale: 1:6,432
0 0.04 0.09 0.17 mi
0 0.05 0.1 0.2 km

Esri Community Maps Contributors, Town of Cary, Johnston County, Wake County, State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri,

Bruce Venable, Planner I



TOWN OF CLAYTON BOARD OF ADJUSTMENT 2024 MEETINGS

Meeting Date	Application Submittal Deadline
January 17, 2024	December 20, 2023
February 21, 2024	January 17, 2024
March 20, 2024	February 21, 2024
April 17, 2024	March 20, 2024
May 15, 2024	April 17, 2024
June 20, 2024*	May 15, 2024
July 17, 2024	June 20, 2024*
August 21, 2024	July 17, 2024
September 18, 2024	August 21, 2024
October 16, 2024	September 18, 2024
November 20, 2024	October 16, 2024
December 18, 2024	November 20, 2024

- Meetings are held on the THIRD Wednesday of the month at 6:00 p.m. in the Council Chambers in Town Hall located at 111 East Second Street.
- *June's meeting and July's Application Submittal Deadline have been moved to the THIRD Thursday of June.
- Application Submittal Deadlines are the previous Board's meeting date.
- Applications received after the deadline may be processed for the following Board's meeting date.
- In accordance with NCGS § 143-318.10, this is an official meeting of the Board and is open to the public.

**TOWN OF CLAYTON
BY-LAWS GOVERNING THE
BOARD OF ADJUSTMENT**

ARTICLE I

§ 32.010 ESTABLISHMENT

- (a) Establishment. The Board of Adjustment is established pursuant to G.S. § 160A-388 and Chapter 32 of the Town's Code of Ordinances.

ARTICLE II

MEMBERSHIP

- (a) Appointments. Board Members shall be selected from applications submitted to the Town of Clayton. Members of the Board shall be appointed by the Clayton Town Council. Membership shall consist of seven (7) members; five (5) regular members and two (2) alternates with four members residing in the corporate limits and three members residing within the town's extraterritorial jurisdiction (ETJ).
- (b) ETJ Position. Any member of the Board of Adjustment representing the ETJ shall be appointed by the Town Council, subject to approval by the Johnston County Board of County Commissioners.
- (c) Equal Rights. Pursuant to G.S. 160D-307(c), all members appointed to the Board of Adjustment from the town's ETJ shall have equal rights (including voting rights), privileges and duties with other members of the Board, regardless of whether the matters at issue arise within the town or within the ETJ.
- (d) Interviews. Interviews for this Board shall follow the established procedures in the Appointment to Advisory Boards Procedures policy.
- (e) Ex-officio Member. The Town Council shall appoint a Council Member to serve as an ex-officio member. The ex-officio member will not have a vote on items coming before the Board. The Town Council shall also appoint a staff member (liaison) to this Board.
- (f) Alternates. The process for appointing alternates shall follow the procedures in the Appointment to Advisory Boards Procedures policy. The alternates appointed to the Board will fill the position of Board Members that are absent at a meeting. The alternates will not have a vote on items coming before the Board unless they are filling in for a Board Member. Alternates are required to attend each scheduled meeting. In the case there is a resignation, death or otherwise, an alternate will fill that vacancy automatically. The Board Chair will nominate an alternate to fill the vacancy; Board Members shall approve this nomination.

- (g) Length of Appointment. Terms for all members shall be for three (3) years. The terms will begin on January 1st and expire December 31st, except for the ex-officio from the Town Council who will serve concurrent with his/her term of office.
- (h) Terms of Office. Board Members may serve for no more than two consecutive terms. Board Members may be appointed to the Board once a single year has passed since last serving on the Board. Board Members appointed to fill a vacancy may serve two consecutive terms after the expiration of their term. Terms will run on a calendar year.
- (i) Vacancies. Whenever a vacancy occurs by resignation, death or otherwise, this vacancy shall be filled in June of each year by the Town Council, following the procedures in the Appointment to Advisory Boards Procedures policy. The appointee shall serve for the duration of the unexpired term.
- (j) Removal of Members. Any member of the Board may be removed with or without cause, at any time, through a request from the Board to the Town Council or directly by the Town Council.
- (k) Resignation. The resignation of Board Members must be provided in writing to the Clerk's Office.
- (l) Changes to By-Laws. With majority vote of the membership, proposed changes to the By-Laws shall be submitted to the Town Council for review and approval. Changes to the By-Laws do not take effect until final approval is granted by Town Council.
- (m) Conduct. Members of appointed boards shall, at all times during the course of their board membership, conduct themselves in a professional and ethical manner. Board members shall be respectful to other board members, public officials, and members of the public. They further shall abide by any rules of procedures or other guidelines for the conduct of their boards. Board members shall not use their official positions for personal gain.
- (n) Conflict of Interest. A Board Member must publicly disclose any potential conflict of interest and shall not participate in deliberation or vote on any item where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the Board Member.

ARTICLE III

APPOINTMENT OF CHAIR AND VICE-CHAIR

- (a) Officers. The appointment of a Board Chair and Vice-Chair, for the ensuing year, shall take place at the pleasure of the Board such that they are named at the January

meeting each year. The mention of new officers shall be on the November agenda of each year; no action will be taken at this meeting. The Chair and Vice-Chair shall be appointed upon majority vote of the Board. Nominations may be made by any Board member. Officers shall serve a one-year appointment with eligibility for reappointment. In the event an officer's appointment to the Board is terminated, a replacement to this office shall be appointed by the Board at the next meeting.

ARTICLE IV

DUTIES

- (a) Chair. The Chair shall preside at meetings and shall retain full voting rights. The Chair may call a special meeting with a minimum of forty-eight hours written notice to the Board. It shall be the duty of the Chair to provide information for the meeting agendas to the Clerk to the Board, or designee.
- (b) Vice-Chair. The Vice-Chair will serve in the absence of the Chair with all the same authority/rights of the Chair. Should the Chair resign or otherwise become unable to fulfill the duties of office during an elected term, the Vice-Chair shall assume the post.
- (c) Clerk to the Board. It shall be the duty of the Clerk to the Board, or designee, to record the minutes of each meeting. In accordance with G.S. § 143-318.10(e), the Board shall keep full and accurate minutes of all official meetings. The Clerk to the Board shall maintain the attendance record, including attendance at regular meetings, work sessions and special called meetings. The minutes shall reflect the vote of each member upon each question, or if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be by recorded resolution, indicating the reasons of the Board, all of which shall be a public record.

ARTICLE V

MEETINGS

- (a) Meetings. Regular meetings shall be held by the Board on a date and time based on a calendar adopted annually by the Board and filed with the Town Clerk. This calendar shall be created by the Clerk to the Board or designee. This calendar shall be on the November agenda and voted on by a majority of the Board. In the event no business is pending and no agenda is developed, a meeting may be canceled. In accordance with NC GS 143-318.10, these are official meetings and are open to the public.
- (b) Business of the Board. Business of the Board shall take place in the course of an official meeting. An official meeting shall only take place in the presence of a quorum at regular scheduled or properly called special meetings.
- (c) Special Meetings. Special meetings may be called by the Board Chair or upon written request from a majority of the Board.

- (d) Quorum. A quorum shall consist of a simple majority of the total membership of the Board. A quorum of the Board shall be in attendance before action of an official nature can be taken.
- (e) Order of Business. The order of business, unless otherwise noted by the Board Chair, or designee, shall include:
1. Call To Order
 2. Adjustment to the Agenda
 3. Approval of Minutes
 4. Public Hearings
 5. Old Business
 6. New Business
 7. Adjournment

ARTICLE VI

ATTENDANCE

- (a) Absences. All Board Members are expected to attend scheduled meetings for the prompt and efficient transaction of business. An appointed Board Member who misses more than (3) unexcused consecutive regular meetings, or a total of four (4) such meetings during the year, loses his status as a member of the Board. Absences due to sickness, death, or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the Board, except that in the event of a long illness or other such prolonged absence, the member may be replaced. After a Board Member misses more than four unexcused meetings, the Clerk's Office will send a letter of termination to the Board Member and will notify the Town Council Liaison, Planning Director, Clerk to the Board and Board Chair.
- (b) Attendance Record. The Clerk to Board, or designee, shall maintain the attendance record, including attendance at regular meetings, work sessions, and special called meetings.

ARTICLE VII

COMMITTEES

- (a) Establishment of Special Committees. Committees will be established by majority vote of the Board as needed to best conduct the business of the Board. The Board Chair will appoint committee members, and members of the committee may contain persons not serving on the Board. Each committee Chair shall be appointed by the Board Chair. Committees may be established as needed.

BOA By-Laws, Resolution #2023-96 passed 12/4/2023