

Bessemer City Planning Board

The Bessemer City Planning Board met in regular session on Monday, May 6th, 2024 at 6:00 PM in the Council Chambers of City Hall.

Members Present:

Chairperson, Bruce Absher, Board Members: Pamela Gladney, Wendy Burgess, Charlene Hill, Bryan Hoffman, Linda Willis, and Constantine Tsambouriney. City Staff Present: Development Services Officer, Nathan Hester, City Attorney, Marshall Walker, and City Clerk, Hydeia Hayes.

Call to Order and Determination of a Quorum

Chairperson Absher called the Planning Board meeting to order and confirmed that a quorum was present (7/7).

Adoption of the Agenda

By motion of Pamela Gladney and unanimous vote, the agenda was adopted with the following revision:

- Item 4. Public Hearing – Variance 01-2024 be the first item of business.

Planning Board Action Item

By motion of Charlene Hill and unanimous vote, minutes from the February 5th, 2024 Planning Board meeting were adopted.

Variance Request 01-2024 Public Hearing

By motion of Pamela Gladney the variance hearing was opened at 6:06 PM. City Clerk, Hydeia Hayes administered the oath to Nathan Hester, Shannon Brooks, DaJuan Sausage, and Jennis Jackson. Shannon Brooks, DaJuan Sausage, and Jennis Jackson are representatives with Five Holdings LLC. Attorney Marshall Walker informed the Board that it would be his recommendation that the variance be denied, as there is no hardship on property owners stemming from the property itself.

Development Services Officer, Nathan Hester introduced all present to the Board. Ms. Brooks led the discussion, and informed the Board that Five Holdings LLC initially purchased the land in May 2023 to develop a small subdivision (Gaston County Tax Identification Number 218801, Deed Book 5440, Page 1915). Additionally, the LLC had plans to purchase an additional piece of property (Parcel ID#152587) a month later to develop the homes with a cul-de-sac with four homes. However, after some developments, the property owner over the additional property did not want to sale the land. Thus, the project has been halted.

The applicant would like to subdivide the lot of 610 S. Skyland Dr. into three lots and construct three new homes upon the lots. The initial subdivision plan included the real estate transaction to include parcel 152587 to accommodate the subdivision into four separate parcels for the construction of right of way and four new single-family structures upon each lot individually. Due to the inability to assume whole ownership of parcel 152587, the updated subdivision proposal consists of three separate parcels with a recorded twenty-five-foot wide (25') access easement for lot one through lot two.

The subdivision of the current parcel into the three newly proposed lots would require a variance of the minimum lot width at street frontage for lot two and a variance to the requirement of street frontage access to lot number one. The subject parcel, PID#218801, is located within the Neighborhood Residential Zoning District. The minimum lot width requirement is sixty feet (60'). The applicant is requesting a variance to the minimum lot width regulation at street frontage for lot two with a proposed street frontage width of 42.04 feet due to the adjacent parcel of land encroaching upon that part of the current parcel. The applicant has expressed a hardship in meeting the minimum lot width at street frontage for two out of the three proposed lots due to the historical recording of two parcels overlapping one another and the refusal of current property owners to sell the needed property.

By motion of Linda Willis and unanimous vote, the variance hearing was closed at 6:26 PM.

The following decision and findings of fact were found:

- Unnecessary hardship would not result from the strict application of the ordinance.
- There is no hardship resulting from conditions that are peculiar to the property.
- The hardship did 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 does constitute a self-created hardship.
- The requested variance is not consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

By motion of Wendy Burgess and a unanimous vote, the findings of fact were adopted. Thus, the variance request was denied.

Planning Board Action Item- CD 03-2023 PID#151678

Development Services Officer, Nathan Hester addressed the Board regarding a rezoning request from Development Solutions Group (DSG) on Yellowjacket Lane. The preliminary site plan for the development includes one parcel of land located within the incorporated Bessemer City limits and is assigned Gaston County Tax Parcel ID# 151678. The project site is approximately 6.26 acres and is currently vacant. Since it's initial introduction, the site plan has been revised to a 3rd version produced for the Board this evening. The site plan will now consist of 63 units and have open space.

Kyle Crowe addressed the Board on behalf of DSG as the civil engineer. DSG heard the Board's feedback at the last meeting and heard comments from citizens. Thus, a new version of the site plan was created. These homes will be marketed at \$300,000 and will utilize the City's natural gas infrastructure.

Utilities – Water and Sewer: The applicant is proposing the development to be served by City of Bessemer City Water and Sewer services.

- Public Works Director has indicated that there is City water and sewer availability for the sites.
- Applicants will pay the water, sewer tap fees, system development fees, and will be financially responsible for the engineering and construction of utility systems within the development site.

Stormwater Drainage: Drainage will be engineered according to the best management practices at the time of construction and will be handled through a curb and gutter system located within the proposed road right-of-way and alleyway, as well as one proposed sand filter for storm water management. The property is subject to adopted stormwater management guidelines and will have to be approved by the Gaston County Department of Natural Resources.

Open Space: Open Space requirements for the proposed site are 2.0 acres of open space. Applicant proposes approximately one (1.5) acres of open space.

Land Use Buffer: According to the City of Bessemer City Land Development Code section 3.5.C. no landscaping buffer is required for adjacent properties land uses of multifamily and single family residential to the east, north, and west of the development site. A level C land use buffer will be required along the south side (Yellow Jacket Ln.) to screen the development from the civic/educational land use upon the adjacent property. A level C land use buffer is minimum 20' in width. Developers can choose to implement other screening options from the city's land development code as long as they meet the minimum requirements of a level C landscaping buffer.

By motion of Constantine Tsambouriney and unanimous vote, the rezoning request was recommended to be presented to City Council for consideration at their next Regular Meeting.

Planning Board Action Item- RZ 01-2024 1216 Tryon Courthouse Road

Development Services Officer, Nathan Hester addressed the Board regarding the rezoning request for property located at 1216 Tryon Courthouse Road. The property owner has requested a zoning map amendment at PID#151483, said parcel is approximately 0.58 acres in size. The current property owners are James Robert Whisnant and Sonja Rodden of 1220 N. Tryon Courthouse Rd. Bessemer City, NC 28016.

The property owner, James Whisnant, inherited the land parcel from his family and grew up in the single-family structure that was previously on the land. Currently the parcel is zoned Rural which requires single family structures to meet the following zoning regulations: front setback of 100' due to viewshed overlay, rear setback of 50', side setbacks of 15', and a corner setback of 50'. Due to the land of record measuring approximately 100' in width, it prevents anyone from constructing a single-family residence upon the lot.

The applicants are requesting a rezoning to Neighborhood Residential (NR) which would change the single-family zoning requirements for the lot to a front setback of 20', rear setback of 30', side

setbacks of 12', and a corner setback of 20'. The proposed structure to be constructed upon the lot if rezoned would be able to accommodate the Neighborhood Residential zoning requirements.

By motion of Constantine Tsambouriney and unanimous vote, the rezoning request was recommended to be presented to City Council for consideration at their next Regular Meeting.

Old/New Business

Planning Board Member, Pamela Gladney brought up several housekeeping items. Mrs. Gladney stated that she would like the Board to meet according to schedule. If there is no official business to be conducted, Staff could provide the Board with training exercises.

Adjourn

By motion of Linda Willis and unanimous vote, the meeting adjourned at 7:01 PM.

Bruce Absher, Chairperson

Hydeia Y. Hayes, City Clerk