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**MINUTES  
BOARD OF ADJUSTMENT  
REGULAR MEETING  
November 12, 2025**

**MEMBERS PRESENT:** Leon Meyers, Chair  
Beth Bronson, Vice Chair  
Jeff Scott, Member  
Greg Niemiroski, Member  
Kyle Myers, Alternate

**MEMBERS EXCUSED:** Nathan Robinson, Member  
Holly Fraccaro, Alternate

**STAFF PRESENT:** Cy Stober, Director, Planning and Inspections  
Patrick Mallett, Deputy Director, Development Services  
Taylor Perschau, Current Planning Manager  
Hathir Pfau, Permit Development Technician  
James Bryan, Staff Attorney

**APPLICANTS:** Nora Dennis  
Kevin Hornik  
John McPhaul  
Caroline Cheeves

**MEMBERS OF THE PUBLIC:** Sylvia Stracke, Sarah & Justin Lormand, Peggy Rich, Ken & Robin Davidson, Benny Dodson, William Trollinger, Tony Davis, Margaretta Yarborough, John McClain

**AGENDA ITEM 1: CALL TO ORDER**

Leon Meyers called the meeting to order at 7:00 PM

**AGENDA ITEM 2: CONSIDERATION OF ADDITIONS TO AGENDA**

None

**AGENDA ITEM 3: APPROVAL OF MINUTES**

Leon Meyers: Then, the first item is approval of minutes. Board members had a chance to look at the minutes in the agenda package. Any questions or motion to approve?

Beth Bronson: Motion to approve.

Jeff Scott: Second.

Leon Meyers: All in favor, please say aye.

1 **MOTION** was made by Greg Niemiroski. Seconded by Jeff Scott.

2

3 **VOTE:** Unanimous. All in favor.

4

5 Leon Meyers: None opposed.

6

7 **AGENDA ITEM 4: PUBLIC CHARGE**

8

9 Leon Meyers: And folks, bear with me while I read this public charge and some other housekeeping. The Board of  
10 Adjustment pledges to the citizens of Orange County its respect. The Board asks its citizens to  
11 conduct themselves in a respectful, courteous manner, both with the Board and with fellow  
12 citizens. If a member of the Board or a citizen fails to observe the public charge, I will ask the  
13 offending person to leave the meeting until that individual regains personal control. Should decorum  
14 fail to be restored, we will recess the meeting until a time when a genuine commitment to the public  
15 charge is observed. The Board of Adjustment is a quasi-judicial administrative body established in  
16 accordance with the Orange County regulations and North Carolina law to perform specified  
17 functions essential to the County's planning program. Action(s) taken by the Board are based solely  
18 on competent, material, and substantial evidence presented during a scheduled and advertised  
19 public hearing on a specific matter. As detailed within Section 2.12.2 of the UDO the Board chair  
20 reserves the right to exclude evidence and testimony that is 'incompetent, irrelevant, immaterial, or  
21 unduly repetitious and therefore fails to address appropriately the issues before the Board. While it  
22 should be noted there is no time limit on the presentation of evidence, the Board asks that the  
23 presentation be consistent with established policies, rules of procedure, and acceptable levels of  
24 decorum to ensure a fair and equitable hearing for all parties. It is the duty of every board member  
25 to avoid both conflicts of interest and appearances of conflict. Board members having any conflicts  
26 of interest or appearances of conflict with respect to matters before the Board should identify the  
27 conflict or appearance of conflict, and refrain from undue participation in the matter involved. As a  
28 reminder, NC General Statute 1.60D.109 establishes the following standard: A member of any board  
29 exercising quasi-judicial functions pursuant to this chapter shall not participate in or vote on any  
30 quasi-judicial matter in a manner that would violate effective persons' constitutional rights to an  
31 impartial decision maker. Impermissible violations of due process include, but are not limited to, a  
32 member having a fixed opinion prior to hearing the matter that is not susceptible to change,  
33 undisclosed ex parte communication, a close familial business, or other associational relationship  
34 with an affected person, or a financial interest in the outcome of the matter. I ask now, does any  
35 board member need to declare a conflict or an appearance of conflict related to tonight's business?

36

37 Beth Bronson: No.

38

39 Leon Meyers: Hearing none, the case before the Board tonight is SUP25-0016, and I'll ask for the staff  
40 presentation.

41

42 Taylor Perschau: Good evening, Board. I am Taylor Perschau, currently Planning and Zoning Manager. Before  
43 I jump into the case itself, I am going to give a little bit of context of what brings us to you  
44 tonight. The task at hand, and your role in the evidentiary hearing, and then set up the  
45 cadence of what the evening should look like. So, prior to coming to the Board of Adjustment

1 tonight, we have had staff review of a special-use permit application. This is including  
 2 planning staff review, as well as inter-departmental review. It also included a neighborhood  
 3 information meeting, which is required by ordinance for a special-use permit application. That  
 4 has been satisfied, and tonight we are here to conduct an evidentiary hearing for you all as  
 5 the Board of Adjustment to make the determination of the findings of fact presented in the  
 6 packet. So, the Board's specific role tonight is to receive evidence entered into the record  
 7 pertaining to the case, which will include hearing testimony from parties with established legal  
 8 standing, review the evidence and testimony, deliberate on the materials, and make a  
 9 determination based on the findings of fact, and then, finally, make a determination for  
 10 approval or denial of the special-use permit being requested. So, as has been mentioned  
 11 now, I do want to explicitly call out what legal standing is established to be, and this is defined  
 12 by General Statute 160D, where standing is defined to include the following persons in a  
 13 quasi-judicial hearing: it's a person with legal interest in the subject property. It is the  
 14 applicant. It is the city or county governing the property, in this case, Orange County, a person  
 15 who will suffer special damages as a result of the decision, and it may also include an  
 16 association organized to promote the interests of a particular area, such as the homeowner's  
 17 association or a community association, so long as at least one member would have standing  
 18 as an individual, and the association was not created in response to the development at issue.  
 19 So, with that in mind, I would suggest the cadence for tonight to be, first, establishing legal  
 20 standing for those that can participate in the evidentiary hearing, and then entering evidence,  
 21 which would include staff presentation testimony, applicant evidence and testimony, and  
 22 evidence and testimony from anyone with legal standing; and then, finally, questions and  
 23 deliberation from the Board. So, I would leave it at that for you, Chair Meyers, how you will  
 24 want to move from here.

25  
 26 Leon Meyers: Well, it's a good time to figure out what step is next here. We have a little bit of an unusual  
 27 situation here, where we have a person who is claiming standing and has requested a  
 28 continuance of the hearing. Board members, I know everybody's aware of that from email  
 29 earlier today. We could approach the beginning of the hearing by reviewing standing for all  
 30 of those who have claimed standing to be parties to the hearing tonight. Or we could deal  
 31 with the continuance matter first. Board members, do you have a thought about what's the  
 32 best way to handle that?

33  
 34 Beth Bronson: I would just like to state for the record that the applicant is not requesting an attendance?  
 35 Okay. Then, I think we need to move forward with establishing standing.

36  
 37 Leon Meyers: Your thoughts?

38  
 39 Beth Bronson: Sounds good to me.

40  
 41 Leon Meyers: Okay the reason I bring it up is that the person who has requested a continuance, is Ms.  
 42 Stracke here?

43  
 44 Sylvia Stracke: Yes, sir.

45  
 46 Leon Meyers: Yeah, right, and I know your counsel can't be present because we have a letter to that effect,  
 47 and I wonder if that changes board members' thoughts about this at all? The fact that counsel,  
 48 is not available to represent her tonight. No?

49  
 50 Beth Bronson: I mean, are you willing to represent yourself tonight?

1  
2 Sylvia Stracke: No, I am requesting a continuance for all matters so that my attorney can be present.  
3  
4 Leon Meyers: All right. Taylor?  
5  
6 Taylor Perschau: Well, I would just add, so, staff is in receipt of this request for legal standing. Prior to tonight's  
7 hearing, staff received three email submittals for a request to establish legal standing, and I  
8 believe as the crowd processed in tonight, Pat also has a list of individuals who are in  
9 attendance and who may be requesting standing.  
10  
11 Leon Meyers: Okay. Five, right? I see.  
12  
13 Beth Bronson: You've added that perfect.  
14  
15 Leon Meyers: You want to take a look, Beth, and I'll pass it down the other way.  
16  
17 Beth Bronson: All right, yeah. I mean, nothing is preventing us from hearing anybody's argument for standing.  
18 I think we can make a decision at that point whether or not to consider a continuance. But,  
19 the idea that it's not the applicant. The applicant is the one who is presenting their case  
20 tonight, so I have a hard time moving forward with proposing a continuance right now.  
21  
22 Leon Meyers: All right. I'm going to give board members a chance to just take a look at the map here to  
23 show where the properties are located related to the folks who have signed up to speak.  
24 Good, then we'll begin the process of determining standing for the folks who have signed up  
25 to speak, and the first person who signed up is Justin and Sarah Lormand. Lormand? Is that  
26 correct?  
27  
28 Sarah Lormand: Lormand.  
29  
30 Leon Meyers: Lormand, good. Please come forward, and just as a reminder, this part of the hearing is for  
31 the purpose of determining whether folks who are claiming standing as parties to this special-  
32 use permit hearing, actually have standing, and it's the Board, of course, that determines that,  
33 so, I would ask that you tell the Board why and how you believe you have standing as a party  
34 to the hearing. Can you please speak into the mic?  
35  
36 Sarah Lormand: I was also advised to request a continuance. The lawyer that was recommended to me that  
37 I've spoken to is not available at short notice. From what I can tell, the applicant has had six-  
38 plus months to prepare documentation to present to you. We were only notified 6 weeks ago.  
39 That's not very much time in the scheme of things to secure legal counsel when they're in high  
40 demand and to get an appraisal to contest the one on file. So, I would reinforce our desire for  
41 a continuance in this matter. If you have the plat map there, you can see our house is tucked  
42 directly into the corner of the property in question. So, we are bordered on two sides by  
43 Jubilee and have been impacted by their business to date, and do not want to be impacted  
44 further by the expansion of their business as proposed in this special-use permit.  
45  
46 Leon Meyers: Hold on, excuse me for interrupting. I want to remind you that the purpose of this portion of  
47 the hearing is to determine whether you have standing as a party to the hearing. I'm sorry  
48 I've complicated a little bit of an obscure concept, but the most direct path in this kind of  
49 situation would be for you to demonstrate that you would suffer special damages if the special-

1 use permit were issued. So, if you have evidence to that effect, or evidence that qualifies you  
 2 as a person with standing in some other way, that would be the thing to talk about right now.  
 3

4 Sarah Lormand: Okay, but I was advised it's actually the reverse of what's happening, is that they would  
 5 address the continuance normally first and that then I would have legal counsel present to  
 6 help me establish that standing.  
 7

8 Leon Meyers: Right.  
 9

10 Sarah Lormand: So, short of that, we have been impacted both by the increase of traffic across a single-lane  
 11 gravel, private road that we have paid to maintain. We are impacted by the current business  
 12 model, which brings clients, patients, and volunteers to the property directly adjacent to ours,  
 13 and in this case, the exception that was granted for the bona fide farm allowed this business  
 14 to be where it is despite the zoning being agricultural, residential, and rural buffer, but now  
 15 we're pivoting to non-farm uses and expanding that business. If you take away the farm use,  
 16 that takes away the fact that they're allowed to use an easement across private property. So,  
 17 that is, I guess, part of why we're here tonight is just that, the bona fide farm was why they  
 18 were allowed to put a business in our little quiet residential area, and now they're pivoting to  
 19 non-farm uses via this and that cannot be a blueprint for how to circumvent zoning that's there  
 20 to protect us.  
 21

22 Leon Meyers: All right, board members, questions for Ms. Lormand? Then, a motion will be in order to  
 23 determine whether Ms. Lormand has standing for the purpose of participating in tonight's  
 24 hearing.  
 25

26 Beth Bronson: I guess, before I make a motion, my question would be that this is not your easement, correct?  
 27

28 Sarah Lormand: No, it's Sylvia Stracke's.  
 29

30 Beth Bronson: Yeah, this is the neighborhood, okay.  
 31

32 Sarah Lormand: We do have her pay as part of the road maintenance agreement for that maintenance.  
 33

34 Beth Bronson: So there is a contractual maintenance agreement on that road?  
 35

36 Sarah Lormand: Correct, and we are a party to that and have paid for that.  
 37

38 Beth Bronson: Okay, and it's gravel?  
 39

40 Sarah Lormand: It's a single-lane, gravel, private drive over multiple properties that connects the applicant's  
 41 property to Dairyland, and I was under the impression that businesses were supposed to have  
 42 frontage on the state-maintained roads and direct access to them, and the only reason there  
 43 was an exception to that was because of the bona fide farm status. Now the bona fide farm  
 44 status stands in the way of her getting her fire inspection to expand her business and acquire  
 45 further licensure, and, so now we set that aside and just let them have a business in our quiet,  
 46 residential community. So, that's the loophole that seems very odd. They're saying that  
 47 there's no change being made to the business, but there is. It's gone from a farm-based bona  
 48 fide farm to a non-farm use medical facility.  
 49

- 1 Leon Meyers: Wait a minute, let's try to stay focused on the standing issue in this part of the hearing rather  
2 than on the merits of the application. Let me be sure I understand how you believe traffic has  
3 an impact on the value of your property that would generate special damages to you or your  
4 property ownership.  
5
- 6 Sarah Lormand: Right now, the increase in the traffic creates dust. There's been issues with speeding, and  
7 there's just a sheer volume that one business generates multiple times as much traffic as our  
8 five, six households combined. In addition, we've been blocked in. I've been unable to get to  
9 work for trucks delivering to her, parking across the end of the private drive and blocking us  
10 from getting out, and there's just been multiple issues since the inception of her business,  
11 which I have reached out to the county previously.  
12
- 13 Leon Meyers: And how do you believe that approval of the special-use permit application would make that  
14 situation worse?  
15
- 16 Sarah Lormand: Because it increases her client base dramatically. That's the reason she wants it is to be able  
17 to get additional licensure so that she can dramatically increase her client base and expand  
18 her operation. It also includes a new building envelope, again, expanding the operation. If  
19 just the small amount of traffic she has coming in now with the volunteers, the patients, and  
20 the employees is already impacting us. Once that's allowed to expand to a full rotation of  
21 cohorts, it's going to only amplify those disturbances.  
22
- 23 Leon Meyers: And help me with the reason you believe that has an impact or would have an impact on the  
24 value of your property.  
25
- 26 Sarah Lormand: One is that I never would have purchased this property if there was a commercial lot next to  
27 me, and I certainly would not have purchased this property if there was a mental health facility  
28 next door. I wouldn't even have looked at the property, and I have a strong belief that the next  
29 family won't either. It's going to make it very difficult to sell my home if I choose to try to get  
30 away from this.  
31
- 32 Leon Meyers: Do you have any background in valuing real property?  
33
- 34 Sarah Lormand: Again, that's why I'm asking for a continuance. I've spoken with a variety of realtors and  
35 appraisers, and they require more time to rebut the appraisal on file. The realtor that I spoke  
36 to who was willing to come tonight and speak to the fact that it is much harder to sell properties  
37 with this type of facility, with a business next door, but especially this type of facility focusing  
38 on mental health and substance abuse, is going to be a very hard sell. She is not available  
39 tonight. The lawyer I spoke to is not available tonight. This was a very short amount of time  
40 to be able to prepare a defense to this.  
41
- 42 Leon Meyers: And I understand that the relatively short notice for the hearing, as I'm sure you know, the  
43 staff has followed the ordinance and the state statutes with regard to notice for tonight's  
44 hearing. The Board, of course, can't change any of those things. We work with what we have.  
45 Tonight, you don't have evidence that approval of the special-use permit would have a  
46 negative impact on your property.  
47
- 48 Sarah Lormand: No, I have not had an opportunity to get that on file yet.  
49
- 50 Leon Meyers: Board members, any other questions?

1  
2 Kyle Myers: I was just going to ask that we can confirm that appropriate notice was provided, and we filed  
3 the letter that was dated the 29th does meet the criteria for notice.  
4  
5 Leon Meyers: Taylor or Cy, could you respond, please?  
6  
7 Cy Stober: Correct and I would note for the record that that far exceeds the notification requirements of  
8 the general statute.  
9  
10 Kyle Myers: Thank you.  
11  
12 Leon Meyers: Any other questions for Ms. Lormand or motion on standing?  
13  
14 Beth Bronson: No. I do see the submission of standing, now. Okay. I'm not really sure how to proceed with  
15 this if nobody's counsel is able to appear tonight. But the applicant has been able to provide  
16 all of the required notice and follow all of the steps necessary for a special-use permit.  
17 Because there is no submission of appeal in a way that would create its own agenda item. I  
18 don't know. Yeah. Does anybody else have thoughts on this?  
19  
20 Leon Meyers: Well, that was related to my thinking about the order of business for tonight. But, you  
21 understand, I'm sure, what Beth is saying is that we have folks who say they haven't had time  
22 to prepare and we've encountered this in the past.  
23  
24 Jeff Scott: Yeah, I mean if we were to go back on what we've done in the past, it's like if we changed our  
25 minds this time around, it will be going against pretty much what was advertised, the timelines  
26 and everything like that, and fortunately or unfortunately, it's just, that's the process.  
27  
28 Leon Meyers: All right, any other thoughts or questions or a motion on Ms. Lormand's standing?  
29  
30 Beth Bronson: I think because there is a written agreement for this driveway, we do need to consider the  
31 standing of any adjacent neighbor because this is the road that everybody lives off of and they  
32 share a driveway, easement or not with this business and this applicant. So, that's my position  
33 on that. Does that make sense?  
34  
35 Jeff Scott: I think it does. I guess is there more information about the easement or the right-of-way or  
36 the maintenance of it.  
37  
38 Beth Bronson: If anybody had a copy of that?  
39  
40 Jeff Scott: Yeah, if there was some kind of evidence or, formal agreement, it would make a lot of sense  
41 because that would directly impact you and/or the owners.  
42  
43 Sarah Lormand: A copy of our road maintenance agreement?  
44  
45 Jeff Scott: Something, yeah. Something in writing.  
46  
47 Sarah Lormand: I have it. I believe I either have it in my email, or she may have it in her paperwork.  
48  
49 Leon Meyers: The application package includes a reference to such an agreement but not the agreement  
50 itself.

- 1  
2 Beth Bronson: Okay. Now, I guess, that would be next question is to ask the person who does hold that  
3 easement if she has a copy of it with her tonight. You can take a minute to check, not a  
4 problem. That would just, and for me, again, where I stand – James, you can correct me if  
5 this is out of order, but if every single person who signed up tonight has the same situation, I  
6 think we just need to address it together, or somebody else is raising their hand.  
7
- 8 James Bryan: Let me step back first to say with standing, it's usually special damages is what you have to  
9 have. With standing, it's usually special damages. That's how you show it. You can have an  
10 interest in the property, and that can be an easement. I don't know, and it hasn't been  
11 presented to the Board of what the specifics in this case are. It could be if you would think of  
12 two extremes, perhaps, and these are just hypotheticals, that people have got an easement  
13 on this parcel, and you could look up the parcel identification number and say, oh, yes. You've  
14 got a right to something on that property. It could be, also, that this road is a separate property  
15 and it might be a contractual agreement to maintain but not be an easement. Who knows.  
16 You guys can see that if you want. And then, I'll go just because it's been talked about some  
17 about this idea that the chicken and the egg and that type of thing about, do you do standing  
18 first, or do you consider continuances? Generally, it's in the Board's discretion. There is  
19 nothing in your rules of procedures. There's nothing in the UDO. There's nothing in the  
20 statutes about it. It's such a rare case I've been doing this many years, and it doesn't come  
21 up very often except for the case of just neighbors wanting a continuance. You guys have  
22 had that many times in the past, and what you have routinely said is that you're going to abide  
23 by what the standards are is the fair trial standard, so you have to give people a reasonable  
24 opportunity to participate. It's assumed that the statutes and the ordinances are that  
25 reasonable opportunity, and as Cy mentioned, the local UDO exceeds the state statutes for  
26 that period. If you were to, within your discretion, allow a continuance for a reason, you do  
27 need a reason. You need to be reasonable. You can't be arbitrary or capricious, so arbitrary  
28 means that there is no reason. I can't tell what you're going to decide one day or the next.  
29 So that's the consistency thing goes to that, and capricious means it doesn't matter who's up  
30 there. So, just because I'm ugly doesn't mean that you're going to do this against me. But it's  
31 within the Board's discretion whatever you think is reasonable. So, going this route, doing  
32 standing is just fine. Sorry to belabor the points, one last thing about having an attorney,  
33 people do have a right to an attorney. There are instances where, like, if you get fired and in  
34 your employment hearing, you might not have the right to an attorney. They'll say, no, your  
35 attorney is not allowed in here. Here, your attorney's allowed in. You don't have a right to be  
36 appointed an attorney, have that paid, or anything like that. Representation is also the practice  
37 of law. So, nobody else other than an attorney can represent somebody. You guys are all  
38 quasi-experts in this, so if you've got a cousin in Caswell County, and says, hey, can you do  
39 that? Don't go to the meeting for them because that's criminal. But there's no rights that you  
40 have to respect for the attorney.  
41
- 42 Beth Bronson: Okay.
- 43
- 44 Leon Meyers: Board members, some additional information from James about the order of business here of  
45 whether we continue down this path of establishing standing or consider a continuance. Any  
46 fresh thoughts about that?  
47
- 48 Kyle Myers: I do have a question for staff as it relates to standing and the prior applicant who doesn't have  
49 legal representation here. Can staff confirm that Dodson Knoll Road is owned by PIN  
50 Identification No. 9850-09-9116?

1  
2 Cy Stober: Repeat the PIN please.  
3  
4 Kyle Myers: 9850-09-9116. I ask the question purely because in the application, there's a map, and it  
5 appears as though Dodson Knoll Road is on the property of 9850-09-9116.  
6  
7 Cy Stober: That's correct.  
8  
9 Kyle Myers: So, Sylvia Strack owns the road. That's, I want to just make sure that I understood that.  
10  
11 Cy Stober: To clarify, there are three properties that have Dodson Knoll Road on the property; the subject  
12 property of the application, property with PIN 9850-19-1715 owned by the Robin Davidson  
13 Trustee, and the property you just inquired about. Thank you.  
14  
15 Leon Meyers: All right. Let's see if we can keep moving forward here. Any other questions.  
16  
17 Beth Bronson: No.  
18  
19 Leon Meyers: Then, a motion will be an order to approve organize standing for Ms. Lormand as a participant  
20 in this case. While Board members are thinking about that, Mr. Hornik had something to say.  
21  
22 Beth Bronson: Yes.  
23  
24 Kevin Hornik: Good evening, everyone. Before you all take a vote on this-  
25  
26 Leon Meyers: Identify yourself.  
27  
28 Kevin Hornik: Sorry. My name is Kevin Hornik. I'm an attorney with the Brough Law Firm in Chapel Hill.  
29 I'm here this evening on behalf of the applicants. You all may have received, and tell me if  
30 you haven't, but we submitted a memorandum of law on the standing issue. I think it does  
31 address some of the questions that the Board has been discussing. First, with respect to the  
32 easement issue here. There is a statute that would confer standing on the owner of an interest  
33 in the property that is the subject of the Board's decision. That interest could be an easement  
34 interest. However, I want to make clear that the easement, neither Dodson Knoll Road nor Hi  
35 Mar Lane are the subject property in this case. The property, the portion of the property on  
36 which this use presently exists is not located within the easement area from either of these  
37 easements, and so we would argue that the existence of these easements is irrelevant to the  
38 Board's decision as none of these folks' own property that is the subject of the special-use  
39 permit. In other words, none of these folks own an interest in property which will, which is  
40 being used for the care facility use itself. They certainly own an interest in property that folks  
41 cross over to access the care facility, but they do not own property that is the subject of the  
42 special-use permit application itself and; therefore, by statute, they do not have standing under  
43 that particular standard. Now, I think, as James mentioned, there's a second standing, well,  
44 there are several standing statutes, but the most relevant one typically is the special damages  
45 standard. Again, this is outlined in the memorandum of law, but I'll cut to the chase here.  
46 There are kind of two important points when considering the special damages standard. The  
47 first is so the special damages need to be distinct from the neighborhood or the rest of the  
48 community. I think you've heard from Ms. Lormand, and I think you will hear from the others,  
49 but they are all talking about generally the same damages, an increase in traffic over Dodson  
50 Knoll Road, and then kind of the general related effects of that and of what they argue as a

1 commercial use or a non-farm use of the property. Those are all, those are special damages  
 2 that would be suffered by anybody in the area, any in the neighborhood, or in the community  
 3 surrounding the property. Therefore, they are not distinct to any one of these neighbors.  
 4 Therefore, they do not have standing under the special damages standard. Then, finally, and  
 5 again, the special damages need to be the result of the decision of the Board. I think, as  
 6 you've already heard, this use is presently operating the property, despite what you've heard,  
 7 and you will hear testimony from the applicants themselves. They do not propose to expand  
 8 or change anything about the use or the day-to-day operations on the property as a result of  
 9 the special-use permit. The special-use permit is solely for the purpose of facilitating a fire  
 10 inspection on the property so that they can change the way they bill insurance through the,  
 11 with the North Carolina Department of Insurance. There will be no expansion. There are no  
 12 proposed additional trips, anything like that, and so again, they have not demonstrated that  
 13 the special damages they allege they will suffer from would be the result of this Board's  
 14 decision tonight. If this Board were to deny the special-use permit request tonight, operations  
 15 would continue tomorrow as they have been for the last nearly 2 years now, so those special  
 16 damages would continue to occur sort of no matter what happens here. And I'll also add the,  
 17 my clients are also subject to both road maintenance agreements that are applicable here, so  
 18 to the extent that you've heard testimony that suggests that they are damaging the roads and  
 19 that they are not roads that are paid for and maintained by other people. That's just not  
 20 accurate.

21  
 22 Beth Bronson: No, thank you very much. I appreciate that. Yes, and I think that his kind of gets in a little bit  
 23 too much into what we're trying to discuss right now, and while I can appreciate you pointing  
 24 out that Dodson Knoll Road is not part of the parcel in question, should Dodson Knoll Road  
 25 not exist, there would be no access to this parcel I think is where I'm coming from, in the  
 26 discussion of standing, and I can absolutely appreciate that the applicants' also part of this  
 27 easement agreement for maintaining the road. The fact that everybody else is an agricultural  
 28 residential, and this is operating as a business, is unique and, while no other adjacent  
 29 neighbor that doesn't share Dodson Knoll Road, I guess what I'm trying to say is that if they're  
 30 not on Dodson Knoll Road, I would not be inclined to continue this conversation, and it would  
 31 be easy to say that they don't have standing, but the fact that this road exists, this easement  
 32 exists, there is no access to this property without a private drive, this complicates it quite a bit.

33  
 34 Leon Meyers: Any questions for Mr. Hornik? Thank you, sir.

35  
 36 James Bryan: And, if I may interrupt, that is reasonable, but that, that is contrary to law.

37  
 38 Beth Bronson: It is? Okay.

39  
 40 James Bryan: Yes, the easement has to be on the property. I don't know what the easement is. I look on  
 41 GIS, I see lines. It's not for me to look at that, but I will tell you, it has to be an easement on  
 42 the property, so it's subject to this decision. It's the property subject to this decision.

43  
 44 Kevin Hornik: If I may?

45  
 46 Beth Bronson: Thank you for the clarification, James.

47  
 48 Kevin Hornik: This might help kind of as an illustrative point. Hypothetically speaking, if one of the  
 49 neighboring property owners had like a sewer or a septic easement over a portion of this  
 50 property, they would almost certainly have standing because they have an interest created by

1 easement in the parcel that is subject of the special-use permit application, but this is not that  
2 case. There is no easement interest held by anybody else that crosses over my client's  
3 property.  
4

5 Beth Bronson: Thank you for that clarification, and it does make sense.  
6

7 Leon Meyers: Board members, further thoughts or motion on Mrs. Lormand's standing for this case?  
8

9 Jeff Scott: I guess, probably, now, this is a silly question, but understanding the easement and where it's  
10 at, where the access road is kind of changes my thoughts about is that it's not on the  
11 applicant's property. Therefore, it really doesn't if the applicant was like vice-versa that's a  
12 different situation, but you know.  
13

14 Leon Meyers: Certainly an important piece of the facts here, it just doesn't fit the, in my opinion, the statutory  
15 definition of special damages, at least in that path.  
16

17 Beth Bronson: Okay. With that said, and the fact that we are kind of being hung up on the access road, I  
18 guess I would have to make a motion that Sarah Lormand and John Lormand would not have  
19 standing in the sense that they're not, they cannot, they don't have any, they haven't provided  
20 any evidence to the special damages for their property.  
21

22 Leon Meyers: Motion to deny standing to Ms. Lormand as a party to this hearing. Do I hear a second?  
23

24 Jeff Scott: Second.  
25

26 Leon Meyers: Any discussion? All in favor of the motion to deny, please say aye.  
27

28 **MOTION** was made by Beth Bronson. Seconded by Jeff Scott.  
29

30 **VOTE:** Unanimous. All in favor.  
31

32 Leon Meyers: None opposed? The motion carries. Thank you for being here, Ms. Lormand. Peggy Rich is  
33 the second person who signed it. Ms. Rich, if you're here, could you come forward, please?  
34

35 Peggy Rich: Yes, may, my name is Peggy Rich, and I own the adjoining property.  
36

37 Leon Meyers: Ms. Rich, I'll ask you to peak into the microphone, if you don't mind.  
38

39 Peggy Rich: All right.  
40

41 Beth Bronson: You can move it towards you if you want.  
42

43 Peggy Rich: Good afternoon. My name is Peggy Rich. I own the adjoining property next, Jubilee Farms,  
44 and we all use Dodson's Knoll Road, which I'm familiar with, and I was familiar when it was  
45 split up and when the road was allocate, when it, when the easement was divided at, the  
46 easement was on Kenny Davidson, and Sylvia Struck it completely. Her land only borders  
47 theirs. She owns no part of the easement, and the traffic, we have no choice on the bona fide  
48 farm, but after the bona fide farm was approved, and we didn't know it, we had a meeting.  
49 We requested a meeting with the planning department, which they, we met with them in  
50 February of '24, and we told them we were really dissatisfied with all our traffic in and out, and

1 they said that she had a bona fide farm, and we said how can you give her the right to use is  
2 for 48 patients with 20 staff?  
3

4 Leon Meyers: Ms. Rich, excuse me for interruption. I'm going to ask you to direct your comments, at this  
5 portion of the hearing, at competent material and substantial evidence that you have standing  
6 under the statute to participate in the hearing. Can you tell us, please, why you believe you  
7 have standing as a participant in the hearing for tonight's special-use permit?  
8

9 Peggy Rich: The fact that I have a property adjoining her does not qualify?

10  
11 Leon Meyers: No, ma'am, it does not by itself.  
12

13 Peggy Rich: And you know the traffic in and out is tremendous. Do you have a question?  
14

15 Leon Meyers: No, no, I was just going to say that if you have evidence that traffic that would be different if  
16 the special-use permit were approved, if that level of traffic would have a negative impact on  
17 the value of your property and what evidence do you have of that, Ms. Rich?  
18

19 Peggy Rich: I don't have any evidence, but I mean, you know kind of common knowledge but also the  
20 traffic in and out is terrible. Not only that, it throws the gravel off the driveway. You try to mow  
21 on it, the gravel shoots over. I have to make the sure cars coming and going that I don't hit  
22 on the gravel. Number 2, I have COPD. That dust is really terrible. You know, it's just the  
23 trade, it was never supposed to be a commercial business there. This is a private residential  
24 neighborhood.  
25

26 Leon Meyers: And Board members, any questions for Ms. Rich related to her status of standing as a  
27 participant in the hearing? If not, a motion to approve or deny standing for Ms. Rich would be  
28 in order.  
29

30 Jeff Scott: I make a motion that we deny standing for Peggy Rich.  
31

32 Leon Meyers: Do I hear a second?  
33

34 Kyle Myers: Second.  
35

36 Leon Meyers: Any discussion on the motion to deny?  
37

38 Peggy Rich: I do have a request. I request the special-use permit be denied on the grounds that all,  
39 everyone should follow the rule of the law.  
40

41 Leon Meyers: Thank you.  
42

43 Beth Bronson: Thank you very much.  
44

45 Leon Meyers: Any discussion on the motion to deny? All in favor, please say aye.  
46

47 Leon Meyers: None opposed?  
48

49 Beth Bronson: I'm, at this moment, like I, yes. I'm having a hard time. Well, have a –  
50

1 Leon Meyers: And was that a yes?  
2  
3 Beth Bronson: I mean opposed.  
4  
5 Leon Meyers: Okay. Opposed to the motion, right?  
6  
7 Beth Bronson: Opposed to the motion.  
8  
9 Leon Meyers: So that's 4-1.  
10  
11 Beth Bronson: 4-1.  
12  
13 **MOTION** was made by Jeff Scott. Seconded by Kyle Myers.  
14  
15 **VOTE:** 4-1. Beth Bronson opposed.  
16  
17 Leon Meyers: Ms. Rich, thank you for being here. The Board has determined that you do not have standing  
18 as a participant in this evening's hearing. Thank you for being here.  
19  
20 Beth Bronson: Okay. And you're going to keep running into this issue, if we want to discuss the idea that we  
21 have confirmed that they have obtained counsel, and they're asking for more time.  
22  
23 Leon Meyers: Right.  
24  
25 Beth Bronson: I understand procedures have been followed. There is no reason.  
26  
27 Jeff Scott: Well, I think it's not to counteract your point, but you know, to James' point. I like when he  
28 says capricious but like we can't this happens almost every meeting is like you know folks  
29 come in. They want to speak. They find out about standing. I understand it's frustrating. You  
30 know, the county's given them 6 weeks to do what they need to, which is obviously not all the  
31 time, in the professional world, to gather professionals, but these are the rules that we have  
32 to go behind and we can't contradict ourselves, for one. You know, one meeting versus the  
33 other, another applicant or another neighbor without somebody saying like, well, why did you  
34 give them favoritism? Well the last person didn't get it, you know. Right?  
35  
36 Beth Bronson: From a judicial standpoint. I'm on board with that, yes  
37  
38 Jeff Scott: It's unfortunate. It's just I don't, I don't know what else to do.  
39  
40 Beth Bronson: No, 100 percent.  
41  
42 Leon Meyers: You can make a motion to continue, if you like. That, that's up to you.  
43  
44 Beth Bronson: Yes.  
45  
46 Leon Meyers: The third person who's signed up to speak is Sylvia Stracke. Did I pronounce correctly,  
47 Ms. Stracke? Please come forward. Ms. Stracke, I'll just remind you please to direct your  
48 comments at this portion of the hearing towards establishing standing that would be  
49 competent material and substantial evidence that demonstrates if this special-use permit were

1 approved, the value of your property would be damaged. I ask you to speak into the  
2 microphone if you would, please.  
3

4 Sylvia Stracke: I would like to repeat my request for continuance even on the issue as to whether I have legal  
5 standing so that my attorney can be present to present that argument. I believe I do have  
6 standing. Dodson Knoll Road is something I own. The easement is also on Dodson Knoll  
7 Road, and the prior road maintenance agreement, I think you had asked about, I do have that  
8 with me tonight, but there was an updated road maintenance agreement that was mailed to  
9 the applicant and her parents on September 10th, which I have not received a signed copy  
10 back to update that so that she was agreeing to pay 95 percent of the maintenance on said  
11 road, but there is a lot of traffic on that road just from bona fide farm status, and I would like  
12 to, even from you to question or applicant's attorney to question me on legal standing, I would  
13 like for my attorney to be present.

14 Leon Meyers: Understand.

15  
16 Beth Bronson: Thank you very much. I appreciate that.

17  
18 Leon Meyers: Questions for Ms. Stracke or a motion on standing for Ms. Stracke?  
19

20 Jeff Scott: When we look at establishing standing, like what typically, we'd always look for like attorneys,  
21 real estate professionals, engineers, anybody that's an expert that will be able to give  
22 evidence, but we don't typically the 6-week lead time of being able to kind of come up with  
23 this getting somebody to come to an evening meeting, for example, is a challenge. You know?  
24 But, can they bring evidence that is professional and present that in the interim? I don't know  
25 if I'm saying this right, but I guess what I'm saying is like, you know the, not the applicant, the  
26 person trying to establish standing must bring their attorney, great. They can't be here, so  
27 they're asking for a continuance, but that doesn't necessarily absolve them of being able to  
28 bring competent material themselves. Does that make sense?  
29

30 Leon Meyers: I agree.

31  
32 Jeff Scott: You know we want obviously, we need somebody that's a professional that can be able to  
33 establish this stuff, but that doesn't preclude someone coming to this meeting alone and  
34 bringing that information.  
35

36 Beth Bronson: Yes, representation is not a requirement. It's just strongly suggested. The evidence is what  
37 we're looking for.  
38

39 Sylvia Stracke: I do not believe the applicant's attorney even contested my legal standing until 2 days ago,  
40 which he was well aware that my attorney was going to be out of state prior to this since weeks  
41 ago.  
42

43 Leon Meyers: I'll just remind the Board that we need to focus, in my opinion, at this point in the hearing, on  
44 determining whether Ms. Stracke does or does not have standing, and then we can get into  
45 the other questions as the hearing moves forward. A motion would be in order.  
46

47 Beth Bronson: I'd have to make a motion to, I don't know. This is the only submission of standing that comes  
48 with concrete evidence that they will be able to present the case if they were given a  
49 continuance.  
50

1 Jeff Scott: Well, and that maybe is the question to you is your attorney's not here tonight, but I don't think  
2 we can really ask like what would you bring if we could enter, because I don't think we can  
3 ask that.  
4

5 Beth Bronson: Counsel would advise not to.  
6

7 Jeff Scott: Yes, exactly, I know, but it's like what you know, the, what do we have to review tonight? We  
8 don't have anything beyond, you know.  
9

10 Leon Meyers: This is probably a good time for me to suggest that the letters from Ms. Stracke's attorney and  
11 for Mr. Hornik in response be entered in the record.  
12

13 Cy Stober: Yes, sir, I'll provide copies of all, and we have additional copies for anyone.  
14

15 Leon Meyers: I know. Board members have copies of those letters by email.  
16

17 Cy Stober: We have hard copies of all, and they'll be entered into the record. We have additional copies  
18 for any member of the public in attendance who would like to review them.  
19

20 Leon Meyers: All right.  
21

22 Kyle Myers: Could I ask a question, Leon? So the complication here, like Jeff said, is that this is obviously  
23 complicated, right, and because this particular application still doesn't have an interest in the  
24 actual property, my question is, if there was no road to the property, if the easement was not  
25 in existence, would that change the applicant legally from a farm use to some other use? I  
26 guess I don't, I haven't been able to hear the full, the staff summary of all of this, and so I  
27 struggle a little bit with the farm use being acceptable use and, if the road wasn't available,  
28 they couldn't go to it, right? So, there is an agreement in place to go to it and travel on it that  
29 they're all party to, and so I recognize it's not an interest on the property, but it is the only  
30 access to the property, which makes it a property to begin with.  
31

32 Cy Stober: Mr. Chair, if I may?  
33

34 Leon Meyers: Yes, two separate points that you're making there. One is related to the existing farm use,  
35 which I would just say, in my opinion, it is not the subject of this evening's hearing. What we're  
36 talking about is a special-use permit, which is a different animal, and on the road, so maybe  
37 that's what about you were to address?  
38

39 Cy Stober: I was just going to clarify for the Board and the public that regarding the farm status and  
40 access to the property, 160D-903A prohibits the application of all zoning regulations, so  
41 access to the property was never reviewed by the county.  
42

43 Leon Meyers: And then do, I want to be sure I understand your question.  
44

45 Cy Stober: Further clarifications for Chair, my apologies. With regard to the farm use, with regard to this  
46 application, it was reviewed.  
47

48 Leon Meyers: Yes.  
49

50 Kyle Myers: Okay, that was my question.

- 1  
2 Leon Meyers: Okay.  
3  
4 Kyle Myers: So access was reviewed as part of the application? Okay.  
5  
6 Leon Meyers: I believe there was a DOT, some kind of DOT submission, right, I think on Page 21.  
7  
8 Cy Stober: Correct, that is part of the application which will be reviewed with the submittal of evidence.  
9  
10 Kevin Hornik: If I may, during the applicant's case in chief, we do have a traffic engineer here who will testify  
11 about the means of access, the sufficiency of Dodson Knoll Road.  
12  
13 Leon Meyers: Right.  
14  
15 Kevin Hornik: So to the extent there are questions about that aspect, I think that will be addressed during  
16 the special-use permit case in chief.  
17  
18 Leon Meyers: Any other questions for Ms. Stracke or discussion or a motion regarding Ms. Stracke's  
19 standing?  
20  
21 Beth Bronson: Back to the conversation of this is this easement, this, that she's brought forth is not actually  
22 on the property that is under question, the parcel under question.  
23  
24 Kyle Myers: Correct. It is not. The easement does not have an interest on the property.  
25  
26 Beth Bronson: Yes and given James' guidance on what we are supposed to be looking at tonight and how  
27 we are.  
28  
29 Leon Meyers: Well, right now, we're looking at determining standing for Ms. Stracke. Right?  
30  
31 Beth Bronson: Right. It's one without the other. There isn't one without the other, to me. Right?  
32  
33 Leon Meyers: Okay.  
34  
35 Beth Bronson: In the sense that, well, you're talking about common sense when you're talking about  
36 representation, right, not to be capricious, but it is understandable that this person would have  
37 standing in the fact that their easement is the road frontage for this business. So their access  
38 is what is on this public road. That would be my argument that this is, that this person does  
39 have standing because the public access to this special-use permit, this parcel of the special-  
40 use permit, is in question.  
41  
42 Jeff Scott: But it's not on the property.  
43  
44 Beth Bronson: But it's on the road frontage to get to the property. Right? So the public road, Dairyland,  
45 exists on Ms. Stracke's property. For the sole fact that it's on the road frontage would be  
46 enough for me to establish standing for this person.  
47  
48 Leon Meyers: We just heard James explain that the easement interest relates to the subject property.  
49

- 1 Beth Bronson: Again, this is a super unique situation because it's not the subject property, and again, it is  
2 about the Board determining standing.  
3
- 4 Leon Meyers: Right. We could make a motion.  
5
- 6 Beth Bronson: I would say that by the sole fact that the access to this parcel under question for the special-  
7 use permit is access by public road through Ms. Stracke's property, that that would give her  
8 legal standing in this conversation simply because as the Planning Director has pointed out,  
9 this access was never reviewed as a bona fide farm, doesn't have to be, but it does have to  
10 be as part of the special-use permit.  
11
- 12 Jeff Scott: I think my interpretation is more of maybe less of an interpretation and more of just the  
13 easement's not on the applicant's property. It's on the other people's land, so you know, we  
14 can show special damages to the adjacent properties because the applicant doesn't they're  
15 using the road because of another standing, and I understand what you're saying, but I guess  
16 where I'm coming from is like I'm lost, and it's not a here nor there. It is like, as the applicant,  
17 I'd be more worried that I have an access road to a business on another people's piece of  
18 property, but it's not we're not in that case. So it's, I understand what you're saying.  
19
- 20 Beth Bronson: We haven't been able to get to the applicant yet.  
21
- 22 Jeff Scott: I understand what you're saying. It's like I just feel like it's a little bit too much of an  
23 interpretation.  
24
- 25 Kyle Myers: I see the easement as a previously existing legally established thing without conditions that  
26 would preclude what it's used for, so I think we, to tie it to this is a stretch. That's kind of where  
27 I'm leaning.  
28
- 29 Beth Bronson: If there was an alternate access, I would agree.  
30
- 31 Jeff Scott: I mean it's a good, it's a good point. I just can't get on board with it.  
32
- 33 Leon Meyers: I don't want to cut off the discussion here, but we're an hour in here, and still two folks away  
34 from getting through the standing questions before we get to the substance of the hearing.  
35 So, if someone has another comment, fine, or let's get to a motion on Ms. Stracke's status as  
36 a person with standing.  
37
- 38 Jeff Scott: Can I ask one more question?  
39
- 40 Leon Meyers: Certainly.  
41
- 42 Jeff Scott: But, and this is probably more of like a long-term question where if we have somebody that is  
43 trying to establish standing, they say they have a person that could provide testimony. They're  
44 asking for a continuance. What validity do we have to say could said person present  
45 information and say I have a letter from the attorney, or the real estate person, or the engineer  
46 saying I could not attend, and it's all I don't want to say notarized, but you know, could they  
47 bring that forward and say we have a big conflict.  
48
- 49 Leon Meyers: It exists. In the case of Ms. Struck, it's in the record. We could discuss Ms. Brown's letter if  
50 you think that would be useful.

1  
2 Jeff Scott: I mean, I don't want to delay it. I just I want to make sure we did it right, you know.  
3  
4 Leon Meyers: Does everybody have Ms. Brown's letter?  
5  
6 Beth Bronson: Yes, I do.  
7  
8 Leon Meyers: Okay. And is there anything in here that would be useful for the present discussion, the  
9 present decision?  
10  
11 Beth Bronson: All right. I need to dump this real quick.  
12  
13 Leon Meyers: And, honestly, I don't see competent material and substantial evidence in Ms. Brown's letter,  
14 as much as I respect Ms. Brown, that convinces me that Ms. Stracke has standing.  
15  
16 Beth Bronson: Why would the use standards associated in Section 5.8.2 requiring direct frontage on a public  
17 state-maintained road not qualify as relevant?  
18  
19 Leon Meyers: Where are you reading, please?  
20  
21 Beth Bronson: So, there is a letter from October 22nd. Do you need to stop me?  
22  
23 James Bryan: No.  
24  
25 Beth Bronson: So, there is a letter dated October 22nd, 2025. This was the original letter from Ms. Stracke's  
26 counsel with their intention to argue standing for this application for this special-use permit.  
27 There is a use standard and it's the UDO Section 5.8.2. Specifically, she references  
28 Section B-1 that submittal requirements.  
29  
30 Leon Meyers: Beth, I just want to remind you that we're on a standing now.  
31  
32 Beth Bronson: Yep.  
33  
34 Leon Meyers: Yep.  
35  
36 Beth Bronson: This is from the person standing in front us requesting standing. I believe that by bringing this  
37 up this would be evidence that this person has standing. We have not heard the applicant  
38 yet, because we're choosing to do standing first, but Section, it's 5.8.2. There is a requirement  
39 that there is road frontage on a public state-maintained road.  
40  
41 Leon Meyers: I see how that could be relevant for the special-use permit. I have to confess I don't see how  
42 that relates to the question of standing from Ms. Stracke.  
43  
44 Beth Bronson: Because the direct road frontage is on her property, in my interpretation of that. How do you  
45 feel about that, James?  
46  
47 Leon Meyers: UDO refers to frontage on a public road.  
48  
49 Beth Bronson: Correct.  
50

1 Leon Meyers: As opposed to a private road?  
2  
3 Beth Bronson: Correct. And there is no way that this applicant can prove road frontage on a public  
4 maintained road because they do not have it.  
5  
6 Leon Meyers: I'm sure that will come in. Mr. Hornik is about to jump out of his chair.  
7  
8 Beth Bronson: And I get it. And I, and I apologize and –  
9  
10 Leon Meyers: But excuse me. Just, just a minute. Before we get into a discussion about the special-use  
11 permit itself, I'm going to point us back towards standing because we can't get to the special-  
12 use permit until we get through the folks that have claimed standing. So, if we could please  
13 let's focus on that.  
14  
15 Beth Bronson: Let's focus on this.  
16  
17 Leon Meyers: If you care to make a motion.  
18  
19 Beth Bronson: Yes, I would like to make a motion that based on the council submitted by Ms. Stracke,  
20 referencing the special-use application and how her property would experience special  
21 damages, this person has standing. I would make a motion to approve standing.  
22  
23 Leon Meyers: So, motion. Do I hear second to approve Ms. Stracke as a party to the hearing?  
24  
25 Kyle Myers: Can I still ask questions?  
26  
27 Leon Meyers: Sure.  
28  
29 Kyle Myers: Could you just clarify, again, that the legal definition of standing requires an interest on the  
30 property that is being discussed?  
31  
32 James Bryan: Yes, that is correct.  
33  
34 Kyle Myers: Okay. Thank you.  
35  
36 Leon Meyers: So, motion to approve Ms. Stracke as a party with standing to the hearing. Do I hear a  
37 second? Motion dies for lack of a second. Do I hear another motion?  
38  
39 Jeff Scott: Make a motion that we deny standing for Mrs. Stracke.  
40  
41 Leon Meyers: Do I hear a second to that motion?  
42  
43 Kyle Myers: Second.  
44  
45 Leon Meyers: Any discussion on the motion to deny? All in favor please say, aye.  
46  
47 Beth Bronson: I'm out.  
48  
49 Leon Meyers: You're voting to approve the motion to deny? Okay.  
50

- 1 Beth Bronson: We discussed it.  
2
- 3 **MOTION** was made by Jeff Scott. Seconded by Kyle Myers.  
4
- 5 **VOTE:** 4-1. Beth Bronson opposed.  
6
- 7 Leon Meyers: All right, Ms. Strack, thank you for being here. Ken Davidson. Is Ken Davidson here?  
8 Mr. Davidson please come forward. You may have heard all that you care to hear about  
9 standing tonight, but I think I'm going to ask you please to direct your comments specifically  
10 toward using competent material and substantial evidence to show how you may suffer special  
11 damages to qualify for, as a person with standing to participate in the hearing.
- 12 Ken Davidson: Yes, sir. Eleanor. How you doing? I've talked with her quite a bit. We've talked about the  
13 road. We've talked about a lot, a lot of things. My big thing is there's a lot of traffic in and out.  
14 There's a lot of dust. It damages my fruit trees. When she first started it was three of them  
15 that should have never had a farm before. I mean, she got goats. She let them run free.  
16 They ate her trees. They ate my trees, but like I told her, I can't prove it, even though I saw  
17 your goat eating the trees, I can't prove your goat killed my trees as opposed to that deer that  
18 came up the night before, but there's, the issue here is going to be whether a business really  
19 should be put in the middle of a residential neighborhood, and that being said, I mean, you're  
20 talking about between 30 to 50 cars a day going in and then coming out and then leaving for  
21 lunch, and they coming back again, and although I believe in what she's doing, which I really  
22 do. I really do. I believe what she's doing. I've told her that before, but I just don't think that  
23 putting a business in the middle of a residential neighborhood is really the best thing to do.  
24
- 25 Leon Meyers: I understand, Mr. Davidson. May I ask you why you believe you qualify as a person with  
26 standing to participate in tonight's hearing?  
27
- 28 Ken Davidson: That's one of the reasons. The other reason is like I said, these people coming in and out,  
29 and I understand where they're coming from, they, they don't, really don't care. They're  
30 coming in. They're leaving. They don't care. They don't care if the road is tore up. They  
31 don't care if it's got bumps on it. You know, they, and it's just like she doesn't live there either,  
32 and I'm not saying she doesn't care, but I'm saying if it was anybody else, and somebody  
33 came to their property and put a business beside of their property, and they had 40 or 50 cars  
34 coming in and out, speeding, speeding, would they want to call the police and say there's a  
35 crazy person running up and down the driveway, man.  
36
- 37 Leon Meyers: Thank you, sir. Board members, any questions for Mr. Davidson regarding his standing, his  
38 position as a person with standing in tonight's hearing?  
39
- 40 Beth Bronson: Have you brought any document where you've experienced that?  
41
- 42 Ken Davidson: I can't understand you. Say again.  
43
- 44 Beth Bronson: Do you, have you brought any documentation with you tonight that would provide in evidence  
45 to the effect of like, like loss of fruit trees and or a police report for people on your property,  
46 trespassing? No. Okay.  
47
- 48 Ken Davidson: Like I said the people coming in and out, they coming and going, and I don't blame them they,  
49 they don't care what the road looks like. They're just coming into that business, and then  
50 they're leaving, and that's, that's my whole point.

1  
2 Beth Bronson: And I absolutely appreciate that. Thank you, sir.  
3  
4 Ken Davidson: Okay. Thank you.  
5  
6 Leon Meyers: Board members, thoughts about this potential person with standing? A motion would be in  
7 order to approve or deny.  
8  
9 Kyle Myers: I make a motion to deny standing.  
10  
11 Jeff Scott: Second.  
12  
13 Leon Meyers: Motion is to deny standing for Mr. Davidson as a participant. Any discussion on the motion?  
14 All in favor please say aye.  
15  
16 Leon Meyers: Aye. Beth, you?  
17  
18 Beth Bronson: I'm going to go against this one.  
19  
20 **MOTION** was made by Kyle Myers. Seconded by Jeff Scott.  
21  
22 **VOTE:** Unanimous. All in favor.  
23  
24 Leon Meyers: All right. All right, and the final person-  
25  
26 Benny Dodson: You all are denying everybody that comes up there. I don't even live on the property.  
27  
28 Leon Meyers: Sir if you'd like to speak could you come forward to the podium, please?  
29  
30 Benny Dodson: Well, there's no reason to come up here if you all are going to deny everybody that comes up.  
31  
32 Leon Meyers: Are you Mr. Dodson? Is that right?  
33  
34 Benny Dodson: Yes.  
35  
36 Leon Meyers: Okay. All right.  
37  
38 Benny Dodson: This is all my family. They lived there for years.  
39  
40 Leon Meyers: I understand.  
41  
42 Benny Dodson: They used to not having a business up their driveway. If you all had a store in your, and they  
43 got to use your driveway to go in and out because it's the right of way, you're not going to like  
44 it. You live in the country for quiet. They don't want the dust and all these drug addicts or  
45 whoever the hell can come up and down the driveway.  
46  
47 Leon Meyers: Right. Mr. Dodson.  
48  
49 Beth Bronson: If this had not been in business before this meeting that might be something that we could be  
50 able to consider tonight. But we can't do that because it's already a business.

1  
2 Benny Dodson: They lady just, yes, but it's going to be more business. That's why they want fire department  
3 because they want to expand the business and build a building there.  
4  
5 Beth Bronson: I hear your concern for sure.  
6  
7 Benny Dodson: Which is going to bring a lot more traffic.  
8  
9 Beth Bronson: And while we can't really do that about considering standing tonight, like, if there was counsel  
10 that you had that was able to provide this case to come and provide evidence that would show  
11 that the damages would occur and how they would be quantified it would be different.  
12  
13 Benny Dodson: More cars come up past your house all day long, more traffic, more pollution. I know they're  
14 paying for driveway agreement and they're having to fix that and stuff. But still does affect all  
15 these people's lives.  
16  
17 Leon Meyers: Mr. Dodson, if, if you could direct your comments in this part of the hearing toward why you  
18 believe you have standing under the statute.  
19  
20 Mr. Dodson: But I already told you, I don't actually live up that road. I don't own the property adjacent. I  
21 don't own nothing up there.  
22  
23 Leon Meyers: Are you, are you saying you don't believe you have standing as a participate in tonight's  
24 hearing?  
25  
26 Benny Dodson: Well, I already know, well he told me to do it. So, I did. Because them speaking on behalf of  
27 my family. Because I don't think, it's a residential zoned area. It shouldn't be no commercial  
28 business up there.  
29  
30 Beth Bronson: It's a public hearing.  
31  
32 Leon Meyers: Right. All right. Board members, questions for Mr. Dodson or a motion to his status as a  
33 participant in the hearing?  
34  
35 Beth Bronson: I don't believe that he is seeking standings. I don't think there's anything to make a motion  
36 on. But I do appreciate your comments. Thank you very much.  
37  
38 Leon Meyers: Good. All right. Then I believe the next step is going to be to ask the staff for the staff  
39 presentation is that right, Taylor?  
40  
41 Cy Stober: I believe we need to open the hearing.  
42  
43 Leon Meyers: Good, then a motion would be an order to open the public hearing.  
44  
45 Beth Bronson: Motion to open the public hearing.  
46  
47 Kyle Myers: Second.  
48  
49 Leon Meyers: All in favor, please say aye.  
50

1 **MOTION** was made by Beth Bronson. Seconded by Kyle Myers.

2

3 **VOTE:** Unanimous. All in favor.

4

5 Leon Meyers: And probably the next step would be to have folks who are going to testify come forward to  
6 be sworn.

7

8 Hathir Pfau: All right. Raise your hands and repeat after me. Do you swear and affirm that the testimony  
9 you are about to give is the truth, the whole truth, and nothing but the truth, to the best of your  
10 knowledge?

11

12 Applicants: I do.

13

14 Staff: I do.

15

16 Hathir Pfau: Thank you.

17

18 **AGENDA ITEM 6: CASE: To review and hold a quasi-judicial hearing for a Special Use Permit (Case SUP25-0016).**

19

20 **A SUP request has been submitted by property owners Kenneth H. and Joanne A.P. Wilson**  
21 **and applicant Dr. Nora Dennis. The application proposes a “Care Facility” use on a portion**  
22 **of the +/- 9.67-acre parcel (PIN 9850-09-3606) located 1009 Hi Mar Lane, Chapel Hill, NC, within**  
23 **the Bingham Township of Orange County.**

24

25 Taylor Perschau: So, I'm going to move forward with the staff presentation, testimony, and on the findings of  
26 fact. After you hear from me, you'll hear from the applicant and then we'll be open for  
27 questions and deliberation. So, to orient us to the property at hand. The property is located  
28 in the Bingham Township, so the southwestern portion of Orange County. On the map that  
29 you're seeing on the screen, the subject property is denoted by the red star. It is split by three  
30 different watersheds, as well as three different zoning districts. The watersheds here are the  
31 Cane Creek protected, University Lake protected, and Haw River unprotected. As discussed,  
32 the current zoning is agricultural residential, rural buffer, as well as rural residential. The map  
33 you're seeing, the different colorings represent those different zonings, so the dark green is  
34 where that rural buffer zoning comes across the property. The lighter green represents  
35 agricultural residential, and then the yellow represents the rural residential. So, the unified  
36 development ordinance does define a care facility as a permitted use within all three of these  
37 zoning districts. It's permitted with the issuance of a special-use permit which is why you are  
38 a reviewing a special-use permit application for this use. The request is proposing that the  
39 entirety of the 9.67-acre tract be, that the special-use permit be applied to the entirety of that  
40 subject parcel in accordance with the submitted site plan available, and the agenda packet.  
41 The surrounding zoning matches the three zones I just noted, so agricultural residential, rural  
42 buffer, and rural residential. The entirety of the property itself as well as all surrounding  
43 properties are zoned for residential uses. When reviewing a special-use permit application,  
44 you are tasked not only to view the use in accordance with the zoning, but also in accordance  
45 with the future land use map designations. In this instance, the land use designations from  
46 the future land use plan match the language that we have in the zoning uses, but there is a  
47 little bit of different language that the future land use plan gives to these categories. So, for  
48 rural residential, it's defined by the land use plan as land in rural areas of the county which is  
49 appropriate for low intensity, and low-density residential development, and which would not  
50 be dependent on urban services during the plan period. For rural buffer, the future land use

1 plan defines that category as land adjacent to urban or transition area, which is rural in  
2 character and which should remain rural, contain very low-density residential uses, and not  
3 require urban services during the plan period. Finally, the agricultural residential category is  
4 land in rural areas where the prevailing land use activities are related to the land, and which  
5 is an appropriate location for the continuation of these uses. So, the general elements and I'll  
6 allow the applicant to get into the detail, but the general elements include day programming  
7 for adults with mental illness to support their rehabilitation and care. Operations are to include  
8 individual therapy, yoga, cooking, therapeutic horticulture, and animal care, and services to  
9 be billed as intensive outpatient programming. The application is submitted to establish the  
10 care facility as a non-farm use. Current operations are being conducted as a bona fide farm  
11 use and the applicant isn't electing into a regulated land use category of the care facility. In  
12 order to request and receive fire and life safety inspections that are not conducted for bona  
13 fide farm uses. The proposed access, as you've heard about, is to utilize the existing ingress  
14 and egress on Dodson Knoll Road, which connects the property to Dairyland Road. Dodson  
15 Knoll Road is the existing private 60 foot right of way with an agreement of restrictions and  
16 provisions for private road maintenance recorded with the register of deeds. Proposed  
17 buffers, the used standards for care facilities require a Type B, 30-foot buffer be provided  
18 around the facility and outdoor area to effectively screen the view of any outdoor area and  
19 reduce noise associated with the care facility use. I do want to point out that the ordinance  
20 also allows for variations in landscaping and buffers, as detailed in section 6.8.3. It specifically  
21 allows for modification where existing structures, utilities, gardens, and active farmland are  
22 located in the buffer is set back, which is relevant in this case since we've heard that the use  
23 is on site today and you can see in the site plan that some of the designated garden areas do  
24 exist on the southern side where a 30-foot buffer might be installed otherwise. So, this is the  
25 site plan. Again, the garden areas that I just mentioned are here on the southern,  
26 southeastern side. Dodson Knoll being the access. The building that's on site today is here  
27 where my cursor is, if you can see that, and then the proposed future building site that's been  
28 referenced is located here on the northern portion of the property. Staff has determined the  
29 application to be complete per Sections 2.5, which detail site plan requirements, 2.7, which  
30 detail what's required for special-use permit applications, and then the applicant has submitted  
31 information detailing how they propose to address all use standards identified in 5.8.3. Staff  
32 finds the special use proposed will maintain or promote the public health, safety, and general  
33 welfare if located where proposed and developed, and operated according to the plan, as  
34 reflected in the site plan, as reflected in the staff report available in your packet, as well as the  
35 staff comments through the Development Advisory Committee process. Based on the  
36 materials provided, staff finds no potential injury to the value of contiguous property. Staff  
37 further finds that the use will be in harmony with the area in which it is to be located, and the  
38 use is in compliance with the plan for the physical development of Orange County, the future  
39 land use plan that I referenced earlier. The following conditions of approval are standard for  
40 special-use permit applications that come before this Board, but I will quickly go through them.  
41 So, staff offers the condition that per Section 2.5 of the UDO, the applicant shall obtain all  
42 necessary development permits from the county prior to the initiation of any land disturbing  
43 activity associated with the construction of the proposed use. This would include building  
44 permitting, land disturbance permitting, solid waste permitting, and zoning compliance  
45 permitting. Further, in accordance with the provisions of Section 2.7.11(c), if any condition of  
46 the special-use permit is held invalid or void, the special-use permit itself shall be held invalid  
47 or void in its entirety and be of no effect, and finally, in accordance with the provisions of  
48 Section 2.7.11(d) of the UDO, the special-use permit will automatically expire within 12 months  
49 from the date of approval unless a vesting period was established and approved. I will hand  
50 it over to the applicant from here to go through their presentation.

1  
2 Leon Meyers: Before you leave, Taylor, Board Members, any questions for Taylor?  
3  
4 Kyle Myers: Yes. Could you just confirm that neither a traffic impact analysis nor a traffic assessment was  
5 required as written here and why that would be?  
6  
7 Taylor Perschau: So, a traffic impact assessment was not required. A TIA, for short, is required if the proposed  
8 use exceeds 800 trips a day. So, a TIA was not required. Traffic details are required as part  
9 of a site plan and have been provided.  
10  
11 Kyle Myers: Thank you.  
12  
13 Leon Meyers: Anything else for Taylor?  
14  
15 Beth Bronson: Yep. So, I have one question about you referenced Section 5.8.3, and what? .2?  
16  
17 Taylor Perschau: Yes.  
18  
19 Beth Bronson: Okay. Not .3. And I do want to clarify that this is not a center in residence. Under Section  
20 5.8.1.  
21  
22 Taylor Perschau: This is a care facility.  
23  
24 Beth Bronson: Care facility.  
25  
26 Taylor Perschau: Yes.  
27  
28 Beth Bronson: In a residence, or a care facility in a commercial district?  
29  
30 Taylor Perschau: So, it is special, a care facility is permitted as a special use in these three residential districts.  
31 So, you're reviewing it as a special use, and the use itself is Use No. 19 in the table of  
32 permitted uses, which is care facility.  
33  
34 Beth Bronson: Under 5.8.2. Thank you very much for clarifying that.  
35  
36 Leon Meyers: All right. Anything else for Taylor? Mr. Hornik?  
37  
38 Kevin Hornik: As I mentioned earlier, my name is Kevin Hornik. I'm an attorney with the Brough Law Firm  
39 in Chapel Hill. I'm here this evening on behalf of the applicants. Since we've already been  
40 here for about an hour and a half, I will try to get through this as quickly as I possibly can while  
41 still hitting a couple of the highlights, but please feel free to stop me and ask any questions  
42 that you might have. What I would like to do, I'll give some brief opening remarks. I'd like to  
43 call three witnesses. First, Dr. Nora Dennis, who is the CEO of Jubilee Integrated Wellness,  
44 the operator of Jubilee Healing Farm. She'll kind of give you some background information  
45 on the day-to-day operations and touch on some of the approval and review criteria. Then,  
46 I'd like to call Mr. John Mcphaul, who is our appraiser, and finally, Carolyn Cheeves, who is  
47 our traffic engineer, and then after that, I have a lengthy PowerPoint presentation here.  
48 Hopefully we don't have to go through, I don't have to use all your time going through all of  
49 that. You all should have an electronic copy of that in addition to some other supplemental  
50 materials, which were provided by email, hopefully provided to you all this afternoon. So, for

1 our opening remarks, as you all are aware, North Carolina law requires quasi-judicial  
2 decisions be based on competent material and substantial evidence in the record tending to  
3 demonstrate that all of the review criteria have been met. We intend to present evidence to  
4 you all this evening showing that all those criteria are met. North Carolina law also says that  
5 where an applicant meets their burden of production, that is the, their burden to produce  
6 competent material and substantial evidence tending to demonstrate that all of the applicable  
7 review criteria have been met. They've made a prima fascia case, they're entitled to their  
8 permit unless competent material and substantial evidence to the contrary is presented. In  
9 which case, and only in that case does the burden fall on the Board to kind of weigh one  
10 expert's evidence or testimony versus the other expert's testimony or evidence and to  
11 determine whose testimony is more credible. Before we get into our witness testimony, I  
12 have, I mentioned, I provided, and hopefully you all have the supplemental materials that we  
13 provided earlier today in PDF format. I have a selection of those in paper format that I'd like  
14 to also hand out. I think it'll help as we move through our three witnesses today.

15  
16 Leon Meyers: And without objection, that's fine with me. I don't think we received anything today.

17  
18 Beth Bronson: Let me be clear. We did not receive your PowerPoint today, we did not have a copy of that.  
19 You were, this is for the presentation.

20  
21 Kevin Hornik: Sure. Well, again, I have a selection. We can also walk through; I think Taylor mentioned  
22 that she has the supplemental materials loaded on here. So, I can walk through those to the  
23 extent that there are questions that those might those materials which are not included in the  
24 paper format to cut down on the volume of paper I'll be handing out to you all might address.  
25 So, we've got a copy here. And everybody be careful. There are these were just a little bit  
26 too thick for our regular stapler, but not thick enough for a big industrial stapler. So please be  
27 careful with the staples here.

28  
29 Leon Meyers: Thank you.

30  
31 Kevin Hornik: All right. So, for as our first witness, I'd like to call Dr. Nora Dennis to testify about a little bit  
32 of the background and how the facility operates, and we'll try to keep this quick. I think a lot  
33 of this you've already heard at this point this, so we'd like to incorporate all the testimony that  
34 you heard during the discussion on standing into the presentation and evidence, so to speak  
35 here. All right. So, Nora, can you please state your name for the Board?

36  
37 Nora Dennis: My name is Nora Dennis.

38  
39 Kevin Hornik: And can you tell the Board a little bit about your professional background and education and  
40 experience?

41  
42 Nora Dennis: Sure. Well, I grew up in Chapel Hill, North Carolina. My dad actually grew up maybe a mile  
43 and a half, 2 miles from where our farm is now. And I went to the School of Science and Math,  
44 and then I got a Morehead Scholarship to UNC Chapel Hill, and I went to college at UNC. I  
45 chose UNC because I love this place. I went to medical school at Duke. I was an ana line H  
46 Duke scholar there, and I completed my residency in psychiatry at Duke, where I was a chief  
47 resident. I subsequently joined the faculty at Duke in 2014 where I took care of psychiatric  
48 patients, both in Duke Hospital and also at the VA Medical Center because they've always  
49 had a commitment to community mental health and taking care of people who didn't have  
50 other choices. I then joined Monarch, which is a statewide community behavioral health

1 services organization as their chief medical officer working to offer access to care across 19  
2 clinical sites throughout the state of North Carolina. That led me to become the lead medical  
3 director for behavioral health at Blue Cross and Blue Shield of North Carolina during COVID,  
4 where I was able to support access to mental health services for our 4 million members in  
5 North Carolina. Over time, I really felt the corporate practice of medicine didn't center patients  
6 and put their needs first, and it felt really important to me to create a space that centered what  
7 patients needed over profits. So, I left my job at Blue Cross and Blue Shield, and I founded  
8 Jubilee in hopes that I could offer a space with high client to staff ratios and connection with  
9 nature as a way to support longitudinal healing for particularly young adults whose lives were  
10 interrupted by mental illness. Our focus is on mental illness. Some of our clients do have co-  
11 morbid cannabis-use disorder, but we are focused on people with PTSD, anxiety disorders,  
12 schizophrenia, and depression, who are not receiving the support they need through  
13 traditional pathways.

14  
15 Kevin Hornik: I'd like to tender Dr. Dennis as an expert in the field of psychiatry and, and mental health  
16 treatment.

17  
18 Leon Meyers: Without objection.

19  
20 Kevin Hornik: Okay. Nora let's see. We've, we've already established that the farm has been operating as  
21 a bona fide farm use. Can you tell us a little bit about why from your perspective it's necessary  
22 to apply for the special-use permit?  
23

24 Nora Dennis: Yes, I can. From our inception, we've been a bona fide farm. I was advised that we should  
25 take on that status some time ago by members of county staff who suggested to me that that  
26 was the best way for us to have this type of service in the location where it was. So, I'm sorry,  
27 can you repeat the question? I like, I'm so nervous.  
28

29 Kevin Hornik: That's all right. What, why is it that you are seeking a special-use permit.

30  
31 Nora Dennis: Okay, got it. Yeah, so this is a little bit complicated and technical, but within medical billing,  
32 there are two categories of billing. There's office-based billing, which uses a CMS 1500 form,  
33 and there's facility-based building which use a UB 04 form. For most payers, there's a really  
34 big differential in contracting between facility based, the, for facility-based services and office-  
35 based services and most prefer to work for people who are providing intensive outpatient care,  
36 which is what we do. We're with people multiple hours a day, multiple days a week. They  
37 prefer to contract as a facility. And in particular Medicaid plans and Alliance, which is our local  
38 Medicaid plan, strongly prefers, in fact won't contract with an office-based service. In order to  
39 have a facility-based service, you have to have a license. But I want to be really clear,  
40 intensive outpatient services do not require a license in the state of North Carolina. And in  
41 fact, there is no mental health intensive outpatient license. There's only a day program  
42 license. So, so, because if people said we're operating without a license and, or that it's true,  
43 that was because the license is not required. But in any case, I want to take care of Medicaid  
44 patients. I've talked repeatedly to Sean Schreiber, who's the COO at Alliance about our wish  
45 to take care of Medicaid patients. And he's basically like, call me back when you have a  
46 license. So, if we're a bona fide farm, we can't get a fire inspection and if we are not a bona  
47 fide farm, then we can. We would give up bona fide farm status where we awarded the  
48 special-use permit. I'm asking for more regulation of my facility in order to be able to take  
49 care of Medicaid patients in Orange County.  
50

- 1 Kevin Hornik: All right. And are there other similar facilities operating in Orange County?  
2
- 3 Nora Dennis: No.  
4
- 5 Kevin Hornik: Are there other similar facilities operating in the general area?  
6
- 7 Nora Dennis: No, the most comparable would be the farm at Pine Lane, which is in Chatham County, North  
8 Carolina. However, they are a residential space with transitional housing which is wonderful.  
9 And they have community activities and volunteering, but they do not actually offer any kind  
10 of billable medical service at that space.  
11
- 12 Kevin Hornik: So, in some, and correct me if I'm wrong, but I think what I hear you testifying is, is that there  
13 is a need in the community particularly among patients or clients with subsidized health  
14 insurance who do not have a similar land or farm-based opportunity for mental health care.  
15 Is that correct?  
16
- 17 Nora Dennis: Yes. There's no other mental health intensive of outpatient program in Orange County that  
18 accepts Medicaid. There are those that are substance abuse intensive of outpatient  
19 programs, but the populations are very different between those who have a primary substance  
20 abuse problem and those who have a primary mental health problem.  
21
- 22 Kevin Hornik: And so, in your professional experience in education and as an expert in psychiatry and  
23 behavioral healthcare do you believe that this use promotes or maintains the public health,  
24 safety, and general welfare?  
25
- 26 Nora Dennis: Yes. Suicide is leading cause of death for Americans aged 10 to 24. Although suicide rates  
27 have stabilized in college students, we still find that there's a huge unmet need for behavioral  
28 health services throughout the state of North Carolina. And that's part of the reason that I  
29 created this facility because on my previous role, I was seeing that there was a tremendous  
30 unmet need and particularly a tremendous unmet need for intermediate level of care. Meaning  
31 like you're not in the hospital getting 24/7 care, you're not seeing your therapist once a week,  
32 like what's in the middle of that? Right. We have to have something because our hospital  
33 beds in North Carolina are overflowing and the UNC ER has so many psych patients that can't  
34 even keep them all in the psychiatry part.  
35
- 36 Kevin Hornik: And, and likewise, in your professional experience in education, do you believe, and especially  
37 given your prior testimony, that there's no other similar facility kind of in the general area, do  
38 you believe your operation of Jubilee Healing Farm is a public necessity?  
39
- 40 Nora Dennis: Yes, I do.  
41
- 42 Kevin Hornik: So that'll conclude kind of the expert testimony portion of Dr. Dennis's testimony. We'd like,  
43 I'd like then to turn to kind of some of the general questions about operation of the facility. So  
44 how is a solid waste handled on the property?  
45
- 46 Nora Dennis: We have a dumpster, and I think it's Efland trash collection. They come and collect it every  
47 Tuesday morning.  
48
- 49 Kevin Hornik: So, it's similar to kind of the way a, a trash would be collected from any residential property?  
50 And how about sewage? How has that handled on the property?

1  
2 Nora Dennis: We have a septic system.  
3  
4 Kevin Hornik: And has that system been permitted by the Orange County Health Department?  
5  
6 Nora Dennis: Yes.  
7  
8 Kevin Hornik: And is it regularly maintained and inspected by the Health Department?  
9  
10 Nora Dennis: Yes.  
11  
12 Kevin Hornik: Okay. And what, what about water? How is water provided on the property?  
13  
14 Nora Dennis: We have a well.  
15  
16 Kevin Hornik: Okay. And again, that was in, was that installed in accordance with the health department  
17 regulations?  
18  
19 Nora Dennis: Yes. And it was recently inspected by Katherine Hobby.  
20  
21 Kevin Hornik: Okay. How do your clients arrive and depart from the farm?  
22  
23 Nora Dennis: They arrive and depart by private vehicle.  
24  
25 Kevin Hornik: Okay. And how many total clients do you see on an average day?  
26  
27 Nora Dennis: It depends a lot because I guess our census varies a lot people come and people go. In the  
28 last year it's been between four and 16 clients a day.  
29  
30 Kevin Hornik: And, and how are those clients organized? Are they all on the property at the same time?  
31  
32 Nora Dennis: No, we have two separate cohorts of clients. The first arrives at 10:00 a.m. and leaves at 1:00  
33 p.m. and the second arrives at 5:30 p.m. and leaves at 8:30 p.m.  
34  
35 Kevin Hornik: Okay. And are these clients typically dropped off and picked up.  
36  
37 Nora Dennis: No, they drive themselves. It's very rare to have someone who's dropped off and picked up.  
38  
39 Kevin Hornik: And do they, they typically park on the property?  
40  
41 Nora Dennis: Yeah, they park on the property.  
42  
43 Kevin Hornik: Is there, there's sufficient room on the property for them to park?  
44  
45 Nora Dennis: There is.  
46  
47 Kevin Hornik: Is there anything else that you'd like to tell the Board about Jubilee Healing Farm?  
48  
49 Nora Dennis: Yes, I would like to say that our, our farm is really more of a community, and people, after  
50 they've left the program, sometimes come back for a free community afternoon that we have

1 on Thursday afternoons. I would like to say that I feel honored to be able to support my  
2 community in this way, both through providing mental health services and through providing  
3 meaningful and supportive jobs for the people that we employ. And I believe that there's no  
4 use of this land that would better support Orange County.  
5

6 Kevin Hornik: All right. And the, the last question I have for you, and this is more just a matter of record  
7 keeping for the Board, but I'm, I'm showing you what I will represent to the Board is Tab 2 of  
8 the supplemental materials. I just handed out the affidavit of Dr. Nora Dennis, are you familiar  
9 with this affidavit?  
10

11 Nora Dennis: I am.

12 Kevin Hornik: This is your signature that appears on the final page?  
13

14 Nora Dennis: It is.  
15

16 Kevin Hornik: Okay. And this is an accurate summary of your testimony and your opinions regarding the  
17 particular use?  
18

19 Nora Dennis: It is.  
20

21 Kevin Hornik: Okay. Thank you. I have no further questions for Dr. Dennis, unless the Board has some?  
22

23 Leon Meyers: Board member questions for Dr. Dennis?  
24

25 Beth Bronson: You said when, when did the facility open?  
26

27 Nora Dennis: The facility opened in June of 2024. I believe it was June 28th, although we bought the land  
28 in April of 2023 and began work later that year in order to renovate the space and add the well  
29 and add the septic.  
30

31 Kevin Hornik: And, and for what it's worth, did you apply for bon, you applied for bona fide farm status in the  
32 fall of 2023, is that correct?  
33

34 Nora Dennis: Either the fall or the summer? Yeah.  
35

36 Kevin Hornik: Okay. And I'm going to show you, what I will represent to you is, let me find it.  
37

38 Cy Stober: If I may, there's no application for bona fide farm status, there's merely an affidavit.  
39

40 Kevin Meyers: Affidavit. Sure.  
41

42 Beth Bronson: Thank you.  
43

44 Kevin Hornik: But I'm going to show you what I'm representing to the Board is Tab 8 in supplemental  
45 materials if I can. And this is a zoning verification request related to the proposed outpatient  
46 clinic program.  
47

48 Nora Dennis: It is.  
49

50 Kevin Hornik: Are you familiar with this document?

1  
2 Nora Dennis: Yes. It was written by Orange County Planning and Zoning in order for me to give it to North  
3 Carolina Department of Health Services regulation to accompany my application for licensure.  
4  
5 Beth Bronson: Okay. I'm sorry, can you have your counsel explain what he's showing you?  
6  
7 Nora Dennis: Yes.  
8  
9 Kevin Hornik: Sure. This is included in the supplemental materials that I handed out up to you as Tab 8.  
10 And what this is you'll see is a zoning verification letter submitted by county staff to the  
11 applicant in which county staff acknowledged that the zoning or the bona fide farm affidavit  
12 had been accepted.  
13  
14 Beth Bronson: It is current.  
15  
16 Kevin Hornik: Sorry?  
17  
18 Beth Bronson: You're saying it is current?  
19  
20 Kevin Hornik: It is, it is current. Well, you're asking about when the use began at the property.  
21  
22 Beth Bronson: Yeah.  
23  
24 Kevin Hornik: But you'll see December 1st, 2023, is when the zoning verification letter was issued, which  
25 effectively established the bona fide farm status on the property, and which facilitated the  
26 current use of the property as Jubilee Healing Farm.  
27  
28 Beth Bronson: Okay.  
29  
30 Leon Meyers: All right. Questions board members. If not, please continue, Mr. Hornik.  
31  
32 Kevin Hornik: All right. Nora, I, I have no further questions for you.  
33  
34 Nora Dennis: Okay. Thank you.  
35  
36 Kevin Hornik: Thank you. All right. I'd like to call Mr. John McPhaul as our next witness. Mr. McPhaul, can  
37 you state your name for the Board?  
38  
39 John McPhaul: John McPhaul.  
40  
41 Kevin Hornik: And can you tell the Board a little bit about your professional education experience  
42 background?  
43  
44 John McPhaul: I have been doing appraisals in the Orange County area for or about 40 years and started  
45 with H Robbins years ago. And I have attended both the American Institute of Real Estate  
46 Appraisers courses as well as currently licensed. I began licensing in North Carolina in 1991  
47 and my license number's 137, so I've been doing it for a long time and it's and that's basically.  
48  
49 Kevin Hornik: And have you testified before this very board before as a, in your capacity as a real estate  
50 person?

1  
2 John McPhaul: I have.  
3  
4 Kevin Hornik: All right. I would like to tender Mr. McPhaul as an expert in real estate valuation and appraisal.  
5  
6 Leon Meyers: Questions on Mr. McPhaul's expert status? All right.  
7  
8 Beth Bronson: Is there an associated tab with this?  
9  
10 Kevin Hornik: No, Mr. McPhaul was testifying to his background.  
11 Beth Bronson: Okay. All right. I just wanted to make sure.  
12  
13 Leon Meyers: Continue.  
14  
15 Kevin Hornik: Mr. McPhaul, can you tell the Board a little bit about what it was that you were hired to do on  
16 behalf of the applicant?  
17  
18 John McPhaul: Yes, I was hired to find out if the use on the property would, would impact surrounding  
19 property. There are three forms of depreciation, physical, functional, and external. External  
20 would be having a hog farm move in next door to you because then if you had that odor drifting  
21 over, it would create an externality which may affect value. And so, that's what I looked at. I  
22 looked at the last 6 years, I believe 72 months prior to when I did this work in, I believe it was  
23 May of this year and looked at, there's a 1,000 foot, I believe, notification area. And so, I'd  
24 used that as my footprint, and I looked at sales of both homes and land within that area.  
25  
26 Kevin Hornik: And as part of your review and analysis, did you prepare a report?  
27  
28 John McPhaul: I did.  
29  
30 Kevin Hornik: And is that report concluded with that, that report I'll represent to the Board is included within  
31 the agenda materials that you should have in front of you.  
32  
33 John McPhaul: Okay.  
34  
35 Kevin Hornik: So, can you tell me a little bit about how you went about performing your analysis? What sort  
36 of things would you have looked for in order to determine whether there was an adverse  
37 impact?  
38  
39 John McPhaul: I would've looked for a diminution in value from the time that this began probably in you were  
40 saying '23 and '24. And there apparently, there has been no, pretty much all of Orange County  
41 has been in an appreciation. There was a blip about 48 months prior to that where there was  
42 values did recede slightly, but then they came right back up. And so, when I started this, I  
43 want to say the average home price was, I, I can't recall, I don't have it right here. Let me see.  
44 I've got it right here in front of me. Yeah. The average in the median is how we typically do  
45 it. You take an aggregate and see what's the most occurring. And the average and median  
46 value of homes in that same area had gone from an average of 399 and a median of 271.5 to  
47 6 years ago to currently an average of 836,000 and a median of 565. The land went from an  
48 average cost of, or average sales price of 112,000 and a median sales price of 112,000 to  
49 currently 350,000 and 345,000. So, there was no way to prove a diminution in value of the  
50 surrounding property.

1  
2 Kevin Hornik: And this is kind of a unique case, right, in that typically when you are performing an appraisal  
3 or a valuation report on behalf of a special-use permit application, you're more or less taking  
4 an educated guess about what impact a hypothetical future use might have on surrounding  
5 property values.  
6  
7 John McPhaul: Yes.  
8  
9 Kevin Hornik: But that's not the case here.  
10  
11 John McPhaul: No, it, no, it was operating, and all the home values have continued to climb since it's been  
12 there. Thank you.  
13  
14 Kevin Hornik: Okay. So, we'll cut to the chase. You're aware that the UDO standard requires that the  
15 applicant present evidence that the use will maintain or enhance value the value of contiguous  
16 property?  
17  
18 John McPhaul: Yes.  
19  
20 Kevin Hornik: Do you have any, have you drawn any conclusions with respect to that review criteria?  
21  
22 John McPhaul: Yeah, I did not find that the applicant's use of the property would have any impact, negative  
23 impact on the surrounding properties.  
24  
25 Kevin Hornik: Okay. So, it'd be fair to say that it will maintain the value of contiguous properties?  
26  
27 John McPhaul: Yes.  
28  
29 Kevin Hornik: Okay. Do you have any other comments that you'd like to provide to the Board?  
30  
31 John McPhaul: Probably just that, it's not just me, but I think anybody who was reassessed on this last  
32 reassessment in that neck of the woods probably also knows that the value since the 2024  
33 tax values is almost doubled.  
34  
35 Kevin Hornik: So that's all I have for Mr. McPhaul. I'll turn them over to the Board for any questions.  
36  
37 Leon Meyers: Questions for Mr. McPhaul? Mr. McPhaul, your report doesn't mention that you studied  
38 properties outside away from Jubilee. Do you have an opinion about how a facility like Jubilee  
39 might impact similar areas? That's, I put that question very poorly. I wonder if it's possible to  
40 pick a program like Jubilee in another location and that has maybe been operating for longer  
41 than Jubilee and determine whether that program's existence had an impact on other  
42 surrounding properties.  
43  
44 John McPhaul: Yes. Like the, the one in Chatham that she was speaking of.  
45  
46 Leon Meyers: Penny Lane.  
47  
48 John McPhaul: Yes. And, and we, we like to refer to those as match pairs, if you can find them. There's no  
49 such thing because everything's so unique. But yeah. And, and even in those situations  
50 where that's a residential on site, it's hard, it's hard to prove a negative because it's,

1 everything's been appreciating in our market for quite a while, and it doesn't seem to be  
2 slowing a whole lot. But it has some since interest rates have gone up.

3  
4 Leon Meyers: Thank you.

5  
6 Kyle Myers: So, could I ask a question?

7  
8 Leon Meyers: Please.

9  
10 Kyle Myers: Could you just clarify that your evaluation is based on the application seeking approval of a  
11 care facility use, but it wasn't based on the proposed future building.

12  
13 Leon Meyers: That's correct.

14  
15 Kyle Myers: Okay, thank you.

16  
17 Kevin Hornik: And I suppose first if there are any other questions for Mr. McPhaul?

18  
19 Beth Bronson: Yes.

20  
21 Beth Bronson: I wanted to ask if there was, you said it says that the use will maintain or enhance the value  
22 of a continuous property. Can you explain a little bit more or clarify where you explained that  
23 or where you, you're saying that that would occur?

24  
25 John McPhaul: I guess what I was just saying was that it would be hard to prove that there was a diminution  
26 in value that was caused by this as since everything's continuing to appreciate and the  
27 demand is still higher than the supply.

28  
29 Beth Bronson: And so, if a commercial property were to come about on Dairyland. I'm having a hard, I'm not  
30 phrasing my question correctly either. I guess it's just regardless of the nature of the  
31 organization, I guess the existence of a commercial pro, a commercial parcel in a, I in a  
32 residential, I go to residential neighborhood with, with a gravel driveway.

33  
34 John McPhaul: There are a number of home occupations and other things that I don't know I don't know where  
35 I'm not an expert on what makes the facility commercial versus medical or whatever, but I  
36 mean, there's, there's, I know, a psychiatrist on 54, the Fox Den or something out there where  
37 they right next to the New American Legion area out there. And all those values have  
38 continued to rise too. So.

39  
40 Beth Bronson: Yeah, this area is pretty immune. So are, is the context of your question related to the site  
41 plan and the proposed future building site of 56,000 square feet? Is that what you're asking  
42 as it relates to that would be, yes. Part of the relevance of my question is that in this  
43 agricultural, residential, rural buffer area, there is there is not a residence on this bona fide  
44 farm. It's, it's behaving as a farm right now. In this special-use application, it would be then  
45 a licensed facility. Now, if that facility versus the bona fide farm would impact home values  
46 adjacent home values. I think it's, it's one thing to say that your property is adjacent to a bona  
47 fide farm, and it is another thing to say that your property is adjacent to an intensive outpatient  
48 facility. Well, and again, I'm not saying that the nature of the business matters to the point, I  
49 just want to know more about how commercial, the existence of a commercial property next  
50 to adjoining residence, agricultural, residential area might affect it.

- 1  
2 John McPhaul: Yes, and I if it was an amphitheater, it might cause more trouble, but I think that the fact that  
3 it's you know, I, it's hard for me to discern what would be the difference between this facility,  
4 a church, or a horse stable.  
5
- 6 Beth Bronson: Exactly. And so, in your opinion, your expert opinion, no matter if it was a church, horse  
7 stable.  
8
- 9 John McPhaul: Yeah. You know, that's why I arrived where I arrived.  
10
- 11 Beth Bronson: Okay. Thank you very much.  
12
- 13 Kevin Hornik: All right. Thanks John. Okay. Your question did bring up a point that I think I might ask Nora  
14 to come back up an address or Mr. Myers, it might have been your question.  
15
- 16 Beth Bronson: And I do want to clarify that Mr. Myers, he did point out that this appraisal or this farm impact  
17 on nearby values does not include any future building.  
18
- 19 Kyle Myers: Right. So, Nora, because the question has been brought up, why this future building envelope  
20 exists on the site plan. Can you answer that question? You know, and, and I suppose as  
21 kind of a corollary to that, do you have any intention at present to build anything in that building,  
22 that building envelope shown on the site plan?  
23
- 24 Nora Dennis: No, I was advised if I ever might want to build something on this land, I should put a building  
25 envelope on it. I have no plans anytime. I have no money to do that. So.  
26
- 27 Kyle Myers: And, and advised by?  
28
- 29 Nora Dennis: By the planning department.  
30
- 31 Kevin Hornik: The point is I think, and I just want to make clear that the only reason that that proposed  
32 building envelope appears on the site plan is because we were advised by county staff that if  
33 there were ever any hypothetical possibility that something might be added, we should note  
34 that on the site plan. I think just for continuity's sake.  
35
- 36 Beth Bronson: Because this is a special-use permit.  
37
- 38 Kevin Hornik: Right. And, and as you'll see, one of the review criteria is that we'll have annual updates or  
39 review by county staff. So hypothetically speaking, if we wanted to add something down the  
40 road, that would probably require, although I'm sure it'll be context specific, an amendment to  
41 the to the special-use permit. And having that identified on the site plan would, I think, be  
42 helpful or useful for staff in the event that an amendment is ever applied for in the future. So,  
43 I just, it's a long-winded way and, and probably unnecessary way of saying that, that is not a  
44 signal that the applicant proposes to add or expand anything right now. That was done solely  
45 at the request of and for the convenience of county staff.  
46
- 47 Beth Bronson: And you are confirming that this building site is at least 100 feet away from the northern  
48 property.  
49
- 50 Nora Dennis: That was what I asked the surveyor to do.

1  
2 Beth Bronson: Okay.  
3  
4 Nora Dennis: I hope that they did what I asked to them.  
5  
6 Beth Bronson: It's not, yeah, it's not listed there.  
7  
8 Nora Dennis: Okay, okay.  
9  
10 Beth Bronson: So that's what I wanted to make sure.  
11  
12 Nora Dennis: Thank you.  
13  
14 Beth Bronson: I do have one more question about your septic at this point. It's as far as relevancy, I don't,  
15 your septic is, is it, what is it specked out for how many bedrooms?  
16  
17 Nora Dennis: It's massive. So, it's actually specked out for 24 people to be there 8 hours a day, I believe.  
18 And we will never have a circumstance for 24 people are there for the entire day.  
19  
20 Beth Bronson: Yeah. It did say that there was ten people maximum.  
21  
22 Nora Dennis: So, ten clients at a time, maximum basically time. I would say, well, I mean, we've never had,  
23 we've had ten clients in one of the programs for a little while, but like, it's just so far, we've  
24 never had it be full in, in that way.  
25  
26 Beth Bronson: Okay. And yeah. All right.  
27  
28 Kevin Hornik: Go ahead. I want to make sure you, you all ask whatever other questions you have. I do  
29 have one more question for Dr. Dennis.  
30  
31 Leon Meyers: Any other questions?  
32  
33 Kyle Myers: Yeah, I did have some interest in the existing well that you mentioned was just recently  
34 installed and the septic, those are all installed, and you went to the trouble of verifying that  
35 they're permitted. But those are all based on the current needs of this facility, or they were  
36 installed with some expansion in mind?  
37  
38 Nora Dennis: So, the septic is certainly beyond the current needs of the facility. The well was as much  
39 water as we could get out of that particular well, so I don't, at that time didn't particularly like  
40 say, oh, it needs to be this many gallons per minute. It was, and I didn't know that that would  
41 be something needed.  
42  
43 Kyle Myers: Oh, thank you.  
44  
45 Kevin Hornik: And, and obviously if there were, again, hypothetically speaking, and I want to belabor the  
46 point here that there is no present plan for expansion, but obviously if there were an expansion  
47 in the future, that's something that county staff and the health department would take into  
48 account. They would not permit for occupancy or use that would exceed the capacity of the  
49 well or the septic system.  
50

1 Kyle Myers: Yes, sir. I understand the assignment that this is seeking approval of a care facility. I just  
2 wanted to understand the context of the exhibit that shows a 56,000 proposed site future  
3 building. So, I thought it was appropriate to ask.  
4

5 Cy Stober: Mr. Chair. If I may?  
6

7 Leon Meyers: Please.  
8

9 Cy Stober: I'd like to provide some context regarding the proposed development footprint and the advice  
10 or the claimed advice. But it is it is the feedback that I provided with to Dr. Dennis and for  
11 clarity, the UDO Article 2 requires any changes from a submitted and recorded special-use  
12 permit to be abided by. If any modification of that special-use permit is made, there are minor  
13 modifications, which are quite minor. I can detail them if necessary. They can be approved  
14 by the planning director. All other modifications must be reviewed at a quasi-judicial  
15 evidentiary hearing, such as we have tonight as a major modification to the special-use permit.  
16 So, for the sake of both the applicant's time and future time, and interest as well as the county's  
17 and public interest of the county to minimize staff time and reviewing a major modification, I  
18 felt it prudent to provide that advice or guidance feedback to Dr. Dennis that it may be  
19 worthwhile to include that footprint on the submitted site plan so that a future major  
20 modification would not be necessary and that footprint could be developed upon provided all  
21 other standards in the UDO are abided by.  
22

23 Leon Meyers: All right. Related to the future, the proposed future building site, I think Beth, Beth asked  
24 about the distance from that site to the north property line. It's not dimensioned on the site  
25 plan. Would you be open to a condition that would put a minimum dimension on that?  
26

27 Nora Dennis: Oh yeah, of course.  
28

29 Leon Meyers: Okay. And, and if the proposed future building site went away completely would that be  
30 something you would consider?  
31

32 Nora Dennis: Yes.  
33

34 Leon Meyers: All right. Where was, are there questions?  
35

36 Beth Bronson: There was a question about the gate being self-closing and self-latching. And there was, I'm  
37 wondering if that was complete, that work was completed yet?  
38

39 Nora Dennis: It is scheduled for Monday. I tried really hard to get it done before today, but it's not, it's going  
40 to be done on Monday.  
41

42 Beth Bronson: It is scheduled.  
43

44 Nora Dennis: Yeah.  
45

46 Beth Bronson: All right. And then the fencing on the site plan I see kind of stops at the garden. Do you have,  
47 there's wire fence versus the deer fence those two different things?  
48

49 Nora Dennis: Yeah.  
50

- 1 Beth Bronson: Okay.  
2
- 3 Nora Dennis: Yeah, it's hard for me to kind of explain, but I guess if you start at the edge of the building to  
4 the northeast, and you proceed to the northeast corner, then you go down the eastern side,  
5 across the southern side, that is all deer fencing. Then it reaches the edge of the goat pasture.  
6 And so, then that is wire fencing. And then it comes to the northwestern corner of the fencing  
7 and then deer fencing proceeds back to connect with the building.  
8
- 9 Beth Bronson: As in the entire outdoor area is fenced in.
- 10
- 11 Nora Dennis: Yes, ma'am.
- 12
- 13 Leon Meyers: Okay. All right. Other questions for Dr. Dennis?
- 14
- 15 Kevin Hornik: And the only other question I suppose I would ask, and this is because I think we've had, there  
16 have been a lot of questions about the commercial nature of the use you, part of the  
17 therapeutic service, services that Jubilee Healing Farm provides is land-based, farm-based.  
18 Is that correct?  
19
- 20 Nora Dennis: Yes, we have a farmer who is on our staff, who is present 20 hours a week, and who  
21 participates in farm time with our clients. In both cohorts, we have farm time for 30 to 60  
22 minutes each day in which the clients participate in harvesting vegetables, caring for the land,  
23 like weeding vegetables, taking care of fertilizing, things like that. They also participate in  
24 animal care, so they take care of the goats and the rabbits, they brush the rabbit's hair and  
25 things like that. And that's considered to be part of the therapeutic nature of the program. We  
26 can't really exist without that because part of our theory and the way that we are modeling  
27 mental health care is that connection with land and things that are larger than ourselves.  
28 Community and land is really important to people's sense of healing, and to develop sort of a  
29 holistic healing model, we really couldn't do it without the farm and the land.  
30
- 31 Kevin Hornik: And I would refer the Board, again, this is in the supplemental materials that I provided. It's  
32 Tab 4. It's the affidavit of Dr. Mimi Kim in her affidavit, Dr. Kim discusses kind of the, the  
33 therapeutic benefits of this type of farm related activity in work. So again, just to kind of  
34 support that contention that this is in fact an operating farm. It just also so happens to be a  
35 facility that provides mental health care.  
36
- 37 Nora Dennis: Can I say one more thing?
- 38
- 39 Beth Bronson: Can you repeat that, sir?
- 40
- 41 Kevin Hornik: Sorry?
- 42
- 43 Beth Bronson: Can you repeat that?
- 44
- 45 Kevin Hornik: So, you'll see in, in the affidavit of Dr. Mimi Kim, and this is in Tab 4. The, the point of providing  
46 or referencing that affidavit is just to illustrate, to highlight that this is in fact an operating farm.  
47 It's an operating farm that also serves the purpose of providing mental and behavioral  
48 healthcare to the community.  
49
- 50 Beth Bronson: As opposed to a mental health care facility that provides farming as part of it?

1  
2 Kevin Hornik: You, whichever way you'd like to slice it. But the, the fact remains that there is active daily  
3 farm activity ongoing on the site, which is part of the reason why the bona fide farm status  
4 was granted in the first place.  
5  
6 Beth Bronson: Is the, yeah, my understanding is the reason.  
7  
8 Kevin Hornik: Correct. Because the county considered what's going on, on the property to be sufficiently  
9 farm related in order to fall within that bona fide farm exemption from zoning. The point I want  
10 to make is that we're hearing a lot about the commercial nature. This is, it's not as though this  
11 is kind of a strip mall medical facility where everything is office based. The therapy that is  
12 provided is land-based. It is outdoor farm related. The clients or the patients are engaging in  
13 farm activity every day while they're there on the site. I just want to highlight that and then  
14 point out in the affidavit we have an, an affidavit which kind of explains the therapeutic benefits  
15 of that sort of activity.  
16  
17 Leon Meyers: All right. Questions?  
18  
19 Nora Dennis: May I say.  
20  
21 Leon Meyers: Please? Absolutely.  
22  
23 Nora Dennis: So, we received a farm grant from Orange County in 2024 with which we planted 110  
24 blueberry plants, 70 blackberry and about 25 fruit trees. And we have a market garden. We  
25 donate food every week to Orange congregations and mission. Last month we donated 90  
26 pounds of food, and we received a grant this year from Weaver Street Market to double our  
27 productivity and donations because that's also part of the therapeutic benefit of the farm, is  
28 that we believe farming and providing food to those in need, instills in people a sense of  
29 community and connection. Nobody else does this, like nobody in this country else, does this,  
30 nobody in this county does this. Nobody in the state does this. It's very unique. And we also  
31 got another climate change grant from Orange County to create a food forest to support the  
32 community in learning about the environment trees, especially kids. So, we do, it's all  
33 integrated and it's hard because it's something different, and it's hard when it's like our  
34 standards say like, is it this or is it this? But it's like, it's both.  
35  
36 Beth Bronson: Yeah. Understandable. And not in no way is my questioning trying to say it's one or the other.  
37 Right. And by saying commercial, it's just saying it's not a residence. Right. So, and I  
38 apologize for any confusion there, but yes, it's completely understood the nature of it.  
39  
40 Kyle Myers: I have a question. In light of the, the application would it be correct to say that no matter what  
41 happens here tonight, this will continue, the program will continue as is. Meaning, it's not  
42 going away no matter what we do is what I'm getting at.  
43  
44 Nora Dennis: It's not going away, no.  
45  
46 Kyle Myers: Right. It's going to continue. It's an approved app use of the space based on what's in place  
47 now.  
48  
49 Nora Dennis: That is correct.  
50

1 Kyle Myers: And so, the special-use permit is a means of changing some of the way it's regulated.  
2  
3 Nora Dennis: That's correct. It's a way of increasing, increasing the regulation of the space and supporting  
4 access for individuals with Medicaid to our services.  
5  
6 Kyle Myers: Right. So, it's expanding the outreach capability. But not necessarily, you're not as I read the  
7 application, it doesn't look like you're trying to expand in how many people are coming, per  
8 se. It's simply actually increasing the amount of regulation from the county, from the other  
9 people that have eyes on what's going on for life, safety, whatever.  
10  
11 Nora Dennis: That's correct.  
12  
13 Kyle Myers: Okay.  
14  
15 Kevin Hornik: So unless there are any other questions for Dr. Dennis that's all I have for you.  
16  
17 Nora Dennis: Okay.  
18  
19 Leon Meyers: All right, good.  
20  
21 Kevin Hornik: We're moving on. I promise you this is our last witness, Caroline Cheeves. I'd like to call  
22 Caroline to the stand. All right, Caroline, can you state your name for the Board?  
23  
24 Caroline Cheeves: Caroline Cheeves.  
25  
26 Kevin Hornik: All right. And can you tell the Board a little bit about your professional background, education,  
27 experience?  
28  
29 Caroline Cheeves: Sure. I graduated from NC State University studying civil engineering in 2016. And I have  
30 since practiced engineering since. I'm a licensed professional engineer in the state of North  
31 Carolina and in Georgia. And I have performed probably hundreds of traffic studies over the  
32 9 years I've been working in the field. I am currently employed at DRMP as a traffic analysis  
33 and modeling project manager.  
34  
35 Kevin Hornik: I'd like to tender Ms. Cheeves to the Board as an expert in the field of traffic engineering.  
36  
37 Leon Meyers: Without objection, please go ahead.  
38  
39 Kevin Hornik: All right. Ms. Cheeves, can you tell the Board a little bit about what it is that you were hired  
40 to do on behalf of the applicant?  
41  
42 Caroline Cheeves: Sure. We were hired to you know, support this special use permit as well as provide any  
43 necessary documents and such as the trip generation letter that was in the application. And  
44 the affidavit that we'll go over.  
45  
46 Kevin Hornik: Did you conduct any site visits as part of your review of the property?  
47  
48 Caroline Cheeves: Yes. I went out to the site on Thursday, November 6th.  
49

- 1 Kevin Hornik: All right. And what sort of things you measure, measurements, observations did you do while  
2 you were out at the site?  
3
- 4 Caroline Cheeves: Sure. Well, I drove along Dodson's Knoll Road as well as Hi Mar Lane as well as the Dairyland  
5 intersections. And we measured the width of Dodson Knoll Road. We took plenty of  
6 photographs of the existing conditions out there. We observed people entering and exiting  
7 the site. And we also measured, we evaluated the site distance at all of the appropriate  
8 access points. And we also measured you know, the, the distances between the driveways  
9 along Dodson Knoll Road.  
10
- 11 Kevin Hornik: And can you describe for the Board of the kind of a, your characterization of Dodson Knoll  
12 Road and, and Hi Mar Lane for that, for that matter?  
13
- 14 Caroline Cheeves: Sure. Both roads are obviously private unpaved roads. They are extremely flat. I did not  
15 observe any particular divots or potholes. They appeared to have sufficient drainage along  
16 the roads as well. And from, based on everything I have you know, heard, I do want to say  
17 that I did ensure that we were able to pass oncoming vehicles along the road. You do have  
18 to pull over, however, there's sufficient room along the road to do so. And also, you can't  
19 really drive, or I wasn't comfortable driving more than about 10 miles per hour on the road. At  
20 one point I tried to increase my speed up to 15, but because it is an unpaved road, I didn't feel  
21 comfortable that my car was not going to take on damage due to the rocks. So, it really does  
22 force you to drive slowly along the road.  
23
- 24 Kevin Hornik: And so, in your professional experience, your education is it your opinion that the nature of  
25 the road as an unpaved relatively narrow private driveway actually provides a benefit in terms  
26 of traffic, calming it?  
27
- 28 Caroline Cheeves: It actually does a common form of traffic calming that we see as a quote unquote "road diet."  
29 They actually installed one in my neighborhood where it almost forces you to stop in order to  
30 pass other vehicles. It's a form of ensuring that people are paying attention and not driving  
31 too fast along roads.  
32
- 33 Kevin Hornik: Okay. Did you observe anything about the condition of Dodson Knoll Road or a Hi Mar Lane  
34 that leads you to believe based on your professional education and your experience, that  
35 either one is unsafe?  
36
- 37 Caroline Cheeves: I did not observe that it is an unsafe road. It is, I would like to testify that it is operating more  
38 as a driveway and not necessarily a road in terms of you know, following any NCDOT  
39 standards. NCDOT does not have any standards for unpaved private roads, so.  
40
- 41 Kevin Hornik: Okay. So, so now we're going to go through some of the traffic and traffic-engineering related  
42 UDO review criteria. So, bear with me. There's going to be a lot of word salad, I know, but  
43 we're just trying to get through this. So, based on your visit to the site and your professional  
44 experience, do you believe that Jubilee Healing Farm maintains or promotes the public health  
45 safety and general ware, welfare as currently operated and as it relates to the traffic impacts  
46 on Hi Mar Lane, Dodson, Knoll, and Dairyland?  
47
- 48 Caroline Cheeves: Yes. And I'm going to read this, just it's hard to memorize all of these different things. The  
49 increase traffic associated with the potential increase in business, and I would really like to  
50 highlight the word potential. I think you've already heard that the intent is not to increase the,

1 the density at this point, but there is that potential based on the special-use permit for an  
 2 increase. The based on that, in potential increase in business for the clinic, it's expected to  
 3 be nominal the traffic, the additional traffic along Dairyland Road. It's my professional opinion  
 4 that the potential increase in traffic will not have a significant impact on the current operations  
 5 of Dairyland Road. As for the private roads of Dodson Farm or Dodson Knoll Road and Hi  
 6 Mar Lane, it's my understanding that potential increase in traffic will not change the current  
 7 public health, safety, and welfare. It's also my understanding that the majority of the traffic  
 8 associated with the Jubilee Healing Farm occurs outside of typical peak hours with the  
 9 heaviest traffic occurring at 10:00 a.m. and 1:00 p.m. Residential peak hours typically fall  
 10 within the typical adjacent street peak hours as people are going to and from their jobs which  
 11 typically occurs between 7 and 9 a.m. and 4 to 6:00 p.m. Therefore, the crossover in traffic  
 12 would expect it to be minimal between the any potential increase in these clients and the  
 13 existing residential uses along the roads.

14  
 15 Kevin Hornik: So, based on, again, based on your visit to site and professional background, education,  
 16 experience, do you believe that there is adequate vehicular access to the site and adequate  
 17 traffic conditions around the site?

18  
 19 Caroline Cheeves: Yes. Dairyland Road currently has an annual average daily traffic, an AADT of 950 vehicles  
 20 per day. Per NCDOT Level Service D standards, for systems level planning, rural two-lane  
 21 roads with a speed limit of 50 miles per hour have the capacity of 13,600 to 14,100. The  
 22 potential increase in AADT associated with the development would increase the AADT along  
 23 Dairyland Road to approximately 1,100 vehicles, which is well below that capacity of the road.  
 24 And additionally, turn lanes are typically not considered unless the AADT is 4,000 vehicles  
 25 per day or greater. Based on the standards, the current infrastructure for the entrance to the  
 26 public right of way is expected to be adequate for the potential increase in traffic.

27  
 28 Kevin Hornik: All right, and based on again, your visit to the site, your professional education experience, is  
 29 there adequate access to and from the site and space off of the road right of way for pickup  
 30 and discharge of patients or clients that's not disruptive to adjacent uses?

31  
 32 Caroline Cheeves: Yes. Your next question, I kind of go into that same if you want me to just answer that.

33  
 34 Kevin Hornik: Yeah, we'll do that next. So, based on your visit to site, your professional education and  
 35 experience, is there sufficient stacking space on the site for pickups and drop offs that is  
 36 equivalent to three cars?

37  
 38 Caroline Cheeves: I do not have any concerns regarding the vehicle stacking on the subject property. There's  
 39 adequate stacking along Hi Mar Lane. Three vehicles in a queue is approximately 75 feet.  
 40 And there's approximately 200 feet of stacking for Jubilee Healing Farm for up to eight  
 41 vehicles.

42  
 43 Kevin Hornik: Do you have any other comments or that you'd like to provide to the Board?

44  
 45 Caroline Cheeves: I do not at this time, but I'm happy to answer any questions you may have.

46  
 47 Kevin Hornik: And the, the last thing I have for Ms. Cheeves is I'm showing you what I am representing is  
 48 behind Tab 3 of the packet that I provided to you. It's the affidavit of Caroline Cheeves,  
 49 professional engineer. Are you familiar with this document?

1 Caroline Cheeves: Yes.  
2  
3 Kevin Hornik: And this is the affidavit that you signed?  
4  
5 Caroline Cheeves: Yes.  
6  
7 Kevin Hornik: Okay. And it adequately represents your testimony today?  
8  
9 Caroline Cheeves: Yes.  
10  
11 Kevin Hornik: So that's all I have for Ms. Cheeves. I'll turn the floor over to the Board.  
12  
13 Leon Meyers: Board members questions for Ms. Cheeves?  
14  
15 Kyle Myers: Ms. Cheeves are you familiar with the trip generation letter that was submitted by the  
16 applicant?  
17  
18 Caroline Cheeves: Yes.  
19  
20 Kyle Myers: Did you author that document?  
21  
22 Caroline Cheeves: I did not author that document one of my colleagues did at DRMP.  
23  
24 Kyle Myers: Could you speak to the 164 trips per day referenced in the trip generation letter versus your  
25 affidavit that says the increase would be approximately 10 clients per day and five staff per  
26 day. So call that.  
27  
28 Caroline Cheeves: Sure.  
29  
30 Kyle Myers: They got to drive in once and drive out. So maybe that's 30.  
31  
32 Caroline Cheeves: Sure. So that is, if you see here that we are showing the, the trip generation is based on the  
33 ITE Trip Generation manual, which is a highly regulated document that is the standard use  
34 for NCDOT for pretty much any municipality across the nation. And the recommended for this  
35 land use which we identified as clinic, in that document the recommended intensity to use the  
36 recommended variable is employees. So, we did five employees, and the daily traffic is  
37 associated with that is a trip in and a trip out. And that is based a across an average of you  
38 know, facilities, not necessarily such as this one. But facilities that operate under a clinic and  
39 that traffic also corresponds to the five employees you have increased, increased  
40 maintenance, you might have increased clientele. And so that's not necessarily saying that  
41 exactly 164 trips would occur at this particular use. That is just on average for this use  
42 approximately how many trips a day five employees would generate.  
43  
44 Kevin Hornik: Okay. So, just to put a point on it, the ITE manual kind of provides generalized you know,  
45 model numbers that can be used and applied in any kind of sort of context for potential uses.  
46  
47 Caroline Cheeves: Yes.  
48  
49 Kevin Hornik: So, the numbers used in the trip generation letter are based on kind of these projected ITE  
50 numbers, whereas the numbers that you've testified to and that appear in your affidavit are

1 based on the actual feedback, your actual observations of the operation of the site and the  
2 information that's been provided to you, correct?

3  
4 Caroline Cheeves: Yes.

5  
6 Leon Meyers: Other questions?

7  
8 Beth Bronson: Yeah. When you say stackable pick up and drop off as far as, or you do mean that they still  
9 have like in stack as in stackable people are, are paused or parked, you know?

10  
11 Caroline Cheeves: Yeah. If they were all standing still, there is sufficient space along Hi Mar Lane, and from my  
12 understanding, it is people are driving themselves, so they're driving and parking and not  
13 necessarily like in a school drop off queue where they are stacking.

14  
15 Beth Bronson: Yeah. And you are, yeah, I guess not the stacking, but the throughway, right? You are saying  
16 that there is no, it is not wide enough for two cars to be on that road at once.

17  
18 Caroline Cheeves: It is not. You have to pull over. You have to slow down and pull over as another car is passing.  
19 However, the shoulder is wide enough, you're not you know, you're not going into the ditch in  
20 order to do so. You are just pulling over. I'm sure we've all driven on an unpaved driveway  
21 before.

22  
23 Beth Bronson: I grew up in this county. Yeah, I know where a drive, I know what a gravel road looks like.  
24 Yeah. But isn't, it's not state maintained.

25  
26 Caroline Cheeves: It is not. It is a private maintained.

27  
28 Beth Bronson: Okay.

29  
30 Leon Meyers: I believe it's correct to understand that nothing in the special-use permit application limits the  
31 number of clients or employees.

32  
33 Kevin Hornik: I'll defer to county staff. I don't believe that's the case.

34  
35 Cy Stober: No.

36  
37 Leon Meyers: And Ms. Cheeves is there a number of clients or a number of staff that would generate traffic  
38 at a level that would give you concern?

39  
40 Caroline Cheeves: I would have to look at the numbers, but based on this and based on just like I said, the  
41 capacity of the capacity of Dairyland Road being extremely under capacity at this time, and  
42 that is the access to the public right of way, there is, it would have to be a much higher number  
43 for me to have significant concern, especially at that Dairyland Road driveway.

44  
45 Leon Meyers: I believe your affidavit refers to ten clients a day and five staff per day. What would you  
46 consider much higher?

47  
48 Kevin Hornik: To be clear, I think it's ten staff or ten, ten clients and five staff per cohort. So, in other words,  
49 there's ten clients at any given time, not per day.  
50

- 1 Leon Meyers: Not what the affidavit says.  
2
- 3 Caroline Cheeves: So, I'll, I'll put it this way as was testified earlier a, ATIA is required at 800 daily trips, right?  
4 And typically, those thresholds are set for when improvements would be expected or when  
5 impacts would be expected. So, I would expect eight hundred, around 800 daily trips is when  
6 I would have a significant concern for the access along Dairy Land Road. And we would need  
7 to do a deeper analysis. For the private driveway, that is, like I said earlier, there aren't current  
8 standards for unpaved roads. It is currently you know, operating with the traffic that's on it  
9 today. And it's not what they are proposing to do is not expected to increase it significantly.  
10
- 11 Leon Meyers: All right. Anything else Board members?  
12
- 13 Beth Bronson: This is maybe for counsel and not as much, but there, have you been able to view the  
14 easement agreement?  
15
- 16 Caroline Cheeves: I did not review it deeply.  
17
- 18 Beth Bronson: So, you, have you seen the amended declaration of restrictions and provisions for private road  
19 maintenance agreement?  
20
- 21 Caroline Cheeves: I have not reviewed it.  
22
- 23 Beth Bronson: Okay.  
24
- 25 Caroline Cheeves: No.  
26
- 27 Beth Bronson: Thank you.  
28
- 29 Caroline Cheeves: It wouldn't be necessarily my area of expertise. It'd be out of my wheelhouse.  
30
- 31 Leon Meyers: All right, anything else Board members? Thank you, Ms. Cheeves.  
32
- 33 Caroline Cheeves: Thank you.  
34
- 35 Kevin Hornik: So that's all I have in terms of witnesses for the Board. I'll run through our presentation just  
36 briefly. A lot of this we've already heard, kind of background on the application, does not  
37 propose any changes. The request for the special-use department is limited only to securing  
38 this kind of state-level reclassification, so to speak. Outline of the property, the current use,  
39 the bona fide farm status. It's a care facility. Care facility is permitted in all three applicable  
40 zoning districts with a special-use permit various approval criteria. So there are a handful of  
41 different sections which are applicable to this particular special-use request. We'll walk  
42 through each of those. So, Section 1 or Section 5.3.2(a)(2) sets out kind of those three  
43 primary special-use permit review criteria. So with the first one, the use will maintain, promote  
44 the public health, safety, general welfare if located where, proposed and developed and  
45 operated in accord, in accordance with the plan as submitted. You've heard testimony from  
46 Dr. Dennis. You have affidavits from Dr. Mimi Kim and Dr. Marvin Schwartz. The Schwartz  
47 affidavit is in, behind Tab 5 in your supplemental materials. We have communications, which  
48 are included in the agenda materials from Orange County Emergency Services and the Fire  
49 Marshal. You have the trip generation letter. You've also heard from Caroline Cheeves today,  
50 all of which support the conclusion based on competent material and substantial evidence

1 that the use will maintain and promote public health, safety, and general welfare. And again,  
2 this is all based on what is currently operating on the ground today. So that criteria is satisfied.  
3 Second one, will maintain or enhance the value of contiguous property unless the property is  
4 a public necessity. You've heard testimony, expert testimony from Mr. McPhaul today that  
5 the use has had and will have no negative impact on the value of contiguous properties.  
6 You've also heard from Dr. Dennis today that the use is public necessity, provides a service  
7 to the community that is not otherwise present, a service that is needed based on the current  
8 conditions and available public mental health and behavioral health services in the  
9 community. The next is the location and character of the use. If developed according to the  
10 plan submitted, will be in harmony with the area. So again the subject property is zoned in  
11 these three different classifications. Care facility uses are permitted with a special-use permit.  
12 That means that the county, the Board of County Commissioners has determined that this  
13 type of use is appropriate in all three of these zoning districts as long as the applicant can  
14 demonstrate that all of the special-use permit review criteria are met. You know, as a matter  
15 of law you the use, again, assuming that, that all other criteria you find have been met. The  
16 use is in conformance with the area that's in harmony with the area. It's in compliance with  
17 the county's regulations. So again, to continuing we've pointed out, and I think you saw this  
18 much of this in, in Taylor's presentation. But these are kind of the, the, the, the district  
19 descriptions the, the, the use of the property falls within or complies with kind of these three  
20 different district definitions or descriptions. Finally, you've also heard testimony from Dr.  
21 Dennis, and you have her affidavit that shows this has been met. Okay. So, the next is UDO  
22 Section 5.3.2(b). These are specific standards. There you see them on the screen that's  
23 there, there are four and the fourth really encompasses quite a few other standards. The first  
24 is the method and adequacy of provision of sewage disposal, excuse, excuse me, solid waste,  
25 and water. You've heard from Dr. Dennis's testimony that they have a valid wastewater  
26 system operation permit. It was approved by and is regulated by the Orange County Health  
27 Department. It's regularly maintained, regularly inspected by the County Health Department  
28 in order to maintain a valid and compliant permit. Same thing with the well certificate. You've  
29 heard testimony about the method of solid waste disposal. It's just like a residential property.  
30 They have dumpsters they set out. A garbage truck comes once a week to pick it all up and  
31 haul it off. Next method, inadequacy of fire, a police, fire, and rescue squad protection. We  
32 have in our application package communications from the emergency services director and  
33 from the county fire marshal that says this requirement has been satisfied. They have no  
34 concerns about the use as it exists or the use. I mean, and obviously because there's nothing  
35 changing the use if the special-use permit is approved. So again, you've heard from Caroline  
36 Cheeves, an expert in traffic engineering. The method inadequacy of vehicular access to the  
37 site is sufficient. This is the next one. You know, other use specific standards as set forth  
38 herein. So, we'll go through those. Let's see. We'll skip ahead first. I'll address the first two  
39 here. UDO Section 5.8.2(b)(2) sets out quite a few use specific criteria applicable to care  
40 facilities. The first two, subsection, sub, Sub A and B are not applicable. You've heard  
41 testimony that the, the use does not serve children. That's the Subsection A requirement.  
42 Subsection B is that they don't, you've heard they don't need a state license to operate, so  
43 they don't currently have any licenses. If the special-use permit is approved, the next steps  
44 would be to get the necessary inspections to get the cert, certifications and licenses that would  
45 be necessary to operate as a facility-based a clinic rather than an office-based clinic. So to  
46 the extent that licenses become necessary, those will be secured. That's the whole reason  
47 we're doing this. I know this is, this is kind of the, the, the one that has some question marks  
48 for maybe some of the Board members. There is direct frontage and access on a public state-  
49 maintained road. Those terms, direct frontage and access are not defined in the UDO,  
50 although I think to be clear, and as you've heard I think from members of the public here, there

1 are access and maintenance agreements in place. The applicant does have a legal existing  
 2 right to cross over Hi Mar Lane and Dodson Knoll Road. So, there's no doubt that they do  
 3 have access to Dairyland Road just by nature of those agreements. And again, I can close, I  
 4 have those loaded on the screen. I thought that they were going to be provided to you all  
 5 electronically, but I can show those to you in a, in a few minutes. So, with respect to frontage  
 6 on a state-maintained road, the UDO defines does not define the term direct frontage, but it  
 7 does define the term frontage lot line as the distance measured along the designated front lot  
 8 line or. or private right of way or easement as determined that by the planning director, which  
 9 affords vehicular access to the property. There is no doubt that there are private rights of way  
 10 or easements that serve the subject property, which provide vehicular access to Dairyland  
 11 Road, which is a public state-maintained road. So, we would argue that that criteria has been  
 12 met based on the nearest applicable definition in the UDO for direct frontage. Obviously, I  
 13 think there's no doubt that there is a legal right of access over Dodson Knoll Road and Hi Mar  
 14 Lane, so that the access requirement is certainly met. We would also argue that the frontage  
 15 requirement has been met based on the plain language of the UDO's definitions. So adequate  
 16 access. Again, these are things that you've heard from Ms. Cheeves. Again, all client pickup  
 17 and drop off will be on site. You've heard that both from Dr. Dennis and from Ms. Cheeves  
 18 the use will be adequately screened from adjacent properties. I think you've heard from staff  
 19 during the staff presentation that there is quite a bit of existing natural vegetation that likely  
 20 satisfies the kind of the, the, the variable vegetation requirement of the UDO. However, the  
 21 applicant has agreed to provide additional Type B buffering you know, in conjunction with  
 22 county staff if that's something that, that the Board feels is necessary. Again, we would ask  
 23 that that be imposed by condition and that they'd be allowed to work with county staff to, to  
 24 choose or select plantings that meet the county's the county has a list of appropriate plantings  
 25 that we select things from that list. Again, there's a requirement that they provide 75 square  
 26 feet of outdoor space for every client in care based on the acreage of the site, there is  
 27 approximately 1,500 square feet of outdoor space per maximum client in care. Again right  
 28 now the applicant operates with a maximum of 20. I think you've heard testimony that there  
 29 has never been, or maybe at least very seldom is there 20, 20 clients on the site throughout  
 30 the day, ever. And certainly not ever at once. So clearly, they meet that criteria. Again Ms.  
 31 Bronson, I think you asked about fencing. We've already talked about that.

32  
 33 Beth Bronson: And when you're talking about the amount of space per person, you are referencing the  
 34 fenced-in area?

35  
 36 Kevin Hornik: That's the entire the entire site. Certainly, within the fenced in area, there is more, well, well  
 37 more than 70, 75 square feet per client at any given time.

38  
 39 Beth Bronson: And then the one that you are referencing though, the 1,000 square feet per person that's in  
 40 reference to the entire 30 acres.

41  
 42 Kevin Hornik: That's in reference to the entire 30 acres. Because we are applying for the special-use permit  
 43 for the entire 9.67 square.

44  
 45 Beth Bronson: The entire parcel is not fenced in. Is that correct?

46  
 47 Kevin Hornik: That's correct. But the vast majority of the site is fenced in. Is that?

48  
 49 Nora Dennis: Well, but, so one, there's one acre that's fenced in, but certainly 1 acre divided by ten people  
 50 makes more.

1  
2 Beth Bronson: Certainly. So, there's no, I just want the record to be correct.  
3  
4 Kevin Hornik: There's no doubt we're talking 75 square feet per client at any given time. You've heard  
5 testimony that there is that there are no more than ten clients on the site at any given time,  
6 you know? What is an acre is 40,000 square feet. What's 40,000 divided by ten? Four  
7 hundred square feet per client at any given time? I think that criteria has been satisfied. We  
8 have at least four times as much outdoor space within the fenced area, as is called for by the  
9 UDO.  
10  
11 Cy Stober: Can I just request that Mr. Hornik reiterate what Dr. Dennis said? Just we need it in the mic  
12 for the record, please. About the fenced in area.  
13  
14 Kevin Hornik: Dr. Dennis said that there is at least a 1 acre segment that is entirely fenced in.  
15  
16 Cy Stober: Thank you.  
17  
18 Beth Bronson: Thank you.  
19  
20 Kevin Hornik: All right. Again, I think this one has already also been addressed by Dr. Dennis in her  
21 testimony. The self-latch unit and self-closing gates will be installed on Monday. Certainly,  
22 that is something that the applicant has agreed to provide. And then again, this is the final  
23 one. And we talked about this a little bit earlier, and I think Cy alluded to it. The facility will  
24 be reviewed annually by the planning director to ensure compliance with the standards. This  
25 is not something that I guess we can meet right now, but the applicant certainly has agreed  
26 to cooperate with any review that is conducted by planning staff. So that is a demonstration  
27 that all of the applicable re-review criteria have been met by competent material and  
28 substantial evidence in the record. You've heard from three qualified expert witnesses today.  
29 You've also heard from Dr. Dennis in kind of her non-expert or like capacity in terms of how  
30 the site operates. So, I don't think we have anything more for the Board if you, unless you  
31 have questions for us.  
32  
33 Leon Meyers: All right. Board members questions for the applicant?  
34  
35 Kyle Myers: I don't have any questions for the applicant. I do have some staff clarifications.  
36  
37 Leon Meyers: While Mr. Hornik is there let me come back to 5.8.2(c) and the, this direct frontage question.  
38 Maybe it's a question for James. He doesn't look surprised. The direct frontage. I think it's  
39 fair to say that if you read the sentence there is direct frontage and access on a public state-  
40 maintained road common usage direct frontage would suggest that there is some frontage  
41 between this parcel and a publicly maintained road. Mr. Hornik has offered another definition  
42 of frontage for compliance here. Do you have any thoughts about that?  
43  
44 James Bryan: Yeah, I apologize. I was not surprised that you asked me a question, but I do have to gather  
45 my thoughts on it. Okay.  
46  
47 Beth Bronson: Well, if you'd like to think about it, I have a question to piggyback off of it.  
48  
49 James Bryan: Please.  
50

- 1 Leon Meyers: Yeah. Give James a minute to think.  
2
- 3 Beth Bronson: Yeah. And my question is, does relate to 5.8.2(c) and (d) in the way that it's direct frontage  
4 and access on a public state-maintained road. I think that in this case, we're allowing the  
5 applicant to create that definition and then the adequate access to and from the site would  
6 need to be proven with that easement agreement. So, you do have that, you said?  
7
- 8 Kevin Hornik: Sure. Yeah.  
9
- 10 Beth Bronson: I can't find that in the registry book.  
11
- 12 Kevin Hornik: From what I understand, you can't find it in the, the Orange County Registry book, correct?  
13
- 14 Beth Bronson: The reference numbers are not showing up, so.  
15
- 16 Kevin Hornik: Taylor, can you show me how I need to get out of this presentation.  
17
- 18 Taylor Perschau: If you go to the File Explorer.  
19
- 20 Kevin Hornik: Okay, all right.  
21
- 22 Taylor Perschau: And then these are what you submitted.  
23
- 24 Kevin Hornik: Thank you. All right so here are the two agreements, and again, these are lengthy documents,  
25 but the first is the agreement of restrictions and provisions for private road maintenance. This  
26 one is the one that applies to Dodson Knoll Road. It's in Orange County Registry Book 372  
27 at Page 105. And again it guarantees it establishes a right of access through Dodson Knoll  
28 Road. It apportions maintenance responsibility amongst the affected property owners. It  
29 includes no other restrictions or regulations regarding the use of or character of the use of any  
30 of the affected properties. Nor would I argue, is any of that relevant? That is an entirely  
31 private property dispute. If the neighboring property owners think that there's something that  
32 violates this agreement, that's for them and for our clients to decide as a private property  
33 matter. And then we'll scroll down.  
34
- 35 Beth Bronson: However, Subsection C, you are using this agreement as the direct road frontage. Is that  
36 correct?  
37
- 38 Kevin Hornik: That's correct.  
39
- 40 Beth Bronson: Okay. So, it does seem relevant.  
41
- 42 Kevin Hornik: Well, until there is a court-ordered determination that this agreement does not provide access  
43 to the subject property, this board is bound by what exists in the public record, which is this  
44 agreement.  
45
- 46 Beth Bronson: That is totally fine. The relevance of this is important though in the sense that this was an  
47 established in 1980 for any future landowner to have access to. I mean, you don't need to  
48 scroll, you can stop.  
49
- 50 Kevin Hornik: Well, there's a second agreement.

- 1  
2 Beth Bronson: Oh, good.  
3  
4 Kevin Hornik: I'm trying to provide you all the information that you're asking for.  
5  
6 Beth Bronson: Thank you. You want to explain this one?  
7  
8 Kevin Hornik: This is a similar agreement. It was established in 2016, and it applies to Hi Mar Road. So,  
9 there are kind of two separate private driveways. There's Dodson Knoll that runs more or less  
10 north, south. Hi Mar that runs more or less east, west.  
11  
12 Leon Meyers: So, is Hi Mar not entirely on the subject parcel?  
13  
14 Kevin Hornik: Hi Mar is a portion of it is on the subject property.  
15  
16 Beth Bronson: It goes up this way.  
17  
18 Kevin Hornik: There's a separate parcel, and incidentally, the other parcel that is encumbered by Hi Mar  
19 Lane is owned by Dr. Mimi Kim. You'll see in the affidavit that's in your packet as Tab 4.  
20  
21 Leon Meyers: Okay.  
22  
23 Kevin Hornik: So again, these are the two road access agreements that create the legal right of access that  
24 provides access from the subject property and all of the other properties in the general vicinity  
25 to Dairyland Road.  
26  
27 Leon Meyers: Before we go back to James on the frontage matter, you mentioned buffer, the nature of the  
28 buffer that's called out on the site plan, just on the eastern frontage of the subject parcel.  
29 There's, maybe I should be asking the staff here. The buffer's called out on the site plan, but  
30 I don't see any specific notes about the nature of the buffer. Maybe I'm just not reading  
31 carefully enough.  
32  
33 Taylor Perschau: No, I think you are reading accurately. It's defined as a 30-foot landscape buffer. The  
34 standards would define it as a Type B, 30-foot buffer. I will offer that – so this is the special-  
35 use permit, which does require a site plan submittal. Subsequent to any approval of a special  
36 needs permit, the project is required to move through a non-residential zoning compliance  
37 permit, which requires site plan review as well, which is a condition that could be added to  
38 correct this note. And it is something that would be reviewed again in that portion. So, it  
39 would be a helpful note for staff to ensure that what you approve is what we review, a non-  
40 residential zoning compliance permit application against.  
41  
42 Leon Meyers: Are, are you saying that the UDO in this situation would require a Type B buffer or that's your  
43 recommendation for this situation?  
44  
45 Taylor Perschau: So, section 5.8.2 does ask for a Type B, 30-foot buffer.  
46  
47 Leon Meyers: Got it. Okay. That that's a condition that we might want to consider adding to the special-use  
48 permit.  
49  
50 Kevin Hornik: And, and just to clarify, Taylor, I'm sorry.

- 1  
2 Taylor Perschau: Go for it.  
3
- 4 Kevin Hornik: But the UDO also allows for buffers to be variable depending on existing vegetation conditions.  
5 Is that right?  
6
- 7 Taylor Perschau: That's correct.  
8
- 9 Kevin Hornik: And so that's why we proposed the condition I mentioned earlier that this be approved. The,  
10 the applicant has expressed a willingness to work with county staff to plant additional buffering  
11 to the extent that county staff believe it's necessary to meet that variable. You know, the 30  
12 feet type B buffer requirement or the variable buffer standard that's provided by the UDO.  
13
- 14 Leon Meyers: There's no buffer at all shown on the, the southern property line adjacent to Lot 8, right?  
15
- 16 Kevin Hornik: So again, that condition the client has, the applicant has offered to install whatever type of  
17 buffer to either you or county staff believe is appropriate, up to a 30-foot, Type B buffer as a  
18 condition of approval of the special use permit.  
19
- 20 Leon Meyers: All right, thank you.  
21
- 22 Cy Stober: If I can just reiterate a point Taylor made before the garden areas are an acceptable use in  
23 the buffer area and maybe permitted as part of the landscape buffer. Just for clarity for the  
24 Board as and just reiterating that.  
25
- 26 Leon Meyers: The only buffer called out on the site plan that I, as I read it anyway, is on that eastern  
27 boundary. And, and sorry, what are you saying about the, the buffer on the south property  
28 line?  
29
- 30 Cy Stober: Sure. So as Taylor stated before, this would go through staff review again to make sure that  
31 it complies with all ordinance standards and that buffer would be enforced. There is variability  
32 as Mr. Hornik has, has stated, and garden areas are permitted within the buffer to basically  
33 function as the buffer. And could do so there. But yes, you're correct. The only called out  
34 buffer area is that eastern perimeter, but any, this not placing the buffers on here does not  
35 exempt them. There's no condition of exemption from the UDO standards here to not apply  
36 the buffers on site. So, there's variability permitted in their application per the UDO, but the  
37 only prescribed buffer is that 30-foot buffer on the eastern perimeter.  
38
- 39 Leon Meyers: But the UDO requires buffers.  
40
- 41 Beth Bronson: But that's for the road frontage. What we would need to do is out of a condition for the adjacent  
42 partial line.  
43
- 44 Cy Stober: Yes. If you'd like a specific buffer for the perimeter on the adjoining property lines, that would  
45 need to be a condition of approval.  
46
- 47 Beth Bronson: Okay.  
48
- 49 Kevin Hornik: And again, the client is happy to, to accept whatever condition the board feels is necessary.  
50 We had discussed with county staff a, after a potential SUP approval, working with staff at the

1 site plan review phase to determine what an, an appropriate buffer, particularly along that  
 2 southern property boundary would be. Given that there is a large existing garden area, which  
 3 might satisfy some of the UDO's variable buffer requirement. So, that's why it's not specifically  
 4 called out is because that is still kind of an open discussion, which we would welcome the  
 5 board's input on.

6  
 7 Leon Meyers: Okay, James, on the frontage matter?

8  
 9 James Bryan: Okay. So, I'm going to step back a little bit and just remind the board that there are questions  
 10 of law and questions of fact. 99 percent of what y'all do are questions of fact. People put on  
 11 evidence and it's what you believe or, or don't believe. What's more persuadable the court  
 12 will give you deference. You're the ones eyes on people listening testimony. Okay. Yeah,  
 13 law is different. That is right or wrong, and the courts will tell us what that is. You'll have that  
 14 when there's appeals of interpretations. But that's usually only when you guys see that. It's  
 15 very rare for that to come up. It's come up here. This is a question of law. It's not what's  
 16 more reasonable. It's not what you think is right, anything like that. It's, what does this say?  
 17 Okay, so, how do you figure out what it says? The first thing you do is the plain meaning. If  
 18 you could read it and understand what it means, that's what it means. If it is ambiguous, that's  
 19 when you go to statutory interpretation. Then you go through statutory interpretation and that  
 20 is, sorry, I'm tired. I'm thinking of all the bad words. It is messy because that's where all the  
 21 Latin phrases come in. What Mr. Hornik has suggested is *in pari materia*, I don't know, I don't  
 22 speak Latin, but it means you read related terms. You, you say, you know exactly what he's  
 23 saying. I don't know what frontage means. But over here, there, there's frontage. You are  
 24 allowed to do that. But context is like any other context. How big and how broad is it in the  
 25 same paragraph? Is it in the same ordinance? Is it how far apart is it? I will note also he  
 26 cites that the UDO does define, what is it? Lot line frontage. It defines three different frontages  
 27 building frontage, lot line frontage and tenant frontage. So if you go that route, I would implore  
 28 you to, to look at all three of those because they would have the same context. You're going  
 29 out of 5.8.2, you're going to the definitions. And if you're going to the definitions, each one is  
 30 just as important as the other. But again, that you only get to that if it's an ambiguous term, if  
 31 you can't read it on its face.

32  
 33 Leon Meyers: It's helpful, I think.

34  
 35 James Bryan: We'll see.

36  
 37 Leon Meyers: All right. So I have a couple other questions, but I don't want to down right here.

38  
 39 Kyle Myers: Me too.

40  
 41 Leon Meyers: Yep.

42  
 43 Kyle Myers: So, James, can you define care facility in the context of the special-use permit application?  
 44 What is a care facility?

45  
 46 James Bryan: So, I, your attorney can't define it for you. I can advise you how and the first thing I would  
 47 direct it to staff and see how it might be defined in the UDO oh it is? Yeah, yeah, yeah.

48  
 49 Kyle Myers: Okay, great. Staff, could you define care facility please? I have it right in front of me. It's  
 50 Article 10 definitions, Page 10-6.

1  
2 Kevin Hornik: It should be on your screen right now.  
3  
4 Cy Stober: Sure. Youth typed offering temporary care to clients, including children, adolescents, and  
5 adults for no more than 8 hours in a 24-hour period. Care can be offered regardless of the  
6 time of day and whether or not operated for-profit term includes childcare centers in any other  
7 childcare arrangement, not excluded by general statute 1 10 86 2 that provides childcare. So,  
8 this includes childcare centers, more commonly known as daycares, but it's not exclusively to  
9 them. It provides for the care of adults as explicitly you stated in the definition and in my  
10 opinion, applied to Dr. Dennis's proposed use.  
11  
12 Kyle Myers: Got it.  
13  
14 Leon Meyers: All right. Any others?  
15  
16 Kyle Myers: I have one more just for fun.  
17  
18 Leon Meyers: Please.  
19  
20 Kyle Myers: I know everyone wants to go home. I'm just trying to do my duty here. I don't know who to  
21 ask the question to, but in the testimony of Caroline Cheeves, the testimony references the  
22 word driveway versus the word road. And I guess my question is, is there a difference  
23 between the use of the word driveway and road as it relates to access?  
24  
25 Leon Meyers: In what context, Kyle Myers?  
26  
27 Kyle Myers: Well, there's all of this analysis about having access and then in this document it actually calls  
28 it a driveway and not a road. And I just, I'm a little confused by that.  
29  
30 Caroline Cheeves: As I stated earlier, I use that term because the Dodson Knoll Road is currently in my  
31 professional opinion, not necessarily my legal opinion, just my traffic engineering opinion,  
32 operating more as a driveway to the public right of way. Typically, roads are publicly  
33 maintained. This is private road and so that's why I chose the word driveway. In that context.  
34  
35 Kyle Myers: Okay. Thank you very much.  
36  
37 Leon Meyers: I want to go back to the client count. Again, I'll just repeat my understanding that as it's  
38 proposed, the special-use permit does not limit the number of clients who could be on the site  
39 at any one time?  
40  
41 Kevin Hornik: Again, I'll defer to the county staff, but I do not believe that there's any specific UDO regulation  
42 that regarding the number of clients that may be on the property at any given time.  
43  
44 Leon Meyers: Is that correct?  
45  
46 Cy Stober: That's correct. There's nothing in the standards that's explicit on that point. There's a cap,  
47 but at any one time it's let me pull up the standards.  
48  
49 Leon Meyers: While you're doing that, I'll just explain that my concern is that we have an expansion area  
50 shown on the site plan as part of the application and I'm less than completely comfortable with

1 approving a special use permit that includes expansion without having some common  
2 understanding about what that means.

3  
4 Kevin Hornik: Certainly, and I think I, I can't provide you, I suppose, like a concrete answer about how many  
5 clients there may be on the property in 10, 25 whatever years. But what I can say is that the  
6 UDO already requires that the applicant conduct a review by county staff annually. And that,  
7 and I'm going to read this for you because I don't want to take the time to try to find it again,  
8 the, our PowerPoint presentation on the screen. Any change in the operation of the facility,  
9 which deviates from the original standards and conditions will constitute a modification and  
10 will require approval of the Board of Adjustment in determining whether a change in the  
11 operation of the facility has occurred. The planning director shall be guided by the procedures  
12 and criteria contained in UDO Section 2.7.14, and 5.8.2(b) of UDO. I think what I would say,  
13 and again, I understand that this is not maybe the kind of the direct concrete answer that the  
14 Board might be looking for. But I would say that as part of that review process, certainly staff  
15 would have the opportunity to determine at any point whether the facility has expanded such  
16 that it vastly exceeds the scope of what was approved today. Again, hypothetically speaking.

17  
18 Beth Bronson: Unless we define it.

19  
20 Kevin Hornik: Sure. I mean, although I would say this board cannot by law act as a legislative body and  
21 impose definitions or regulations as part of the UDO that are not otherwise present.

22  
23 Beth Bronson: Why would we?

24  
25 Kevin Hornik: The point is that the UDO does provide a regulatory mechanism that would require, that  
26 requires the applicant to engage with county staff on an annual basis to review the operations  
27 on the site at any given time to determine whether they might deviate from either as a major  
28 modification or a minor modification from what is approved by the special-use permit. Again,  
29 hypothetically speaking, assuming that the SUP is approved.

30  
31 Leon Meyers: I see Dr. Dennis with her hand up, please, please come forward.

32  
33 Beth Bronson: Yeah.

34  
35 Nora Dennis: I just wanted to make sure that there is awareness that there are also limitations on staff client  
36 ratios and space limitations that are inherent to the licensure, so we can't just like cram a ton  
37 of people in, because that would be in violation of our licensure and the North Carolina  
38 Department of Health Services regulation would shut us down. So, the limit is kind of inherent  
39 in the use that is proposed.

40  
41 Leon Meyers: Okay. Thank you.

42  
43 James Bryan: I'm sorry to prolong this but I'm unclear on this. So, anything that condition that's put on staff  
44 has to be ministerial, has to be administrative, has to be quantitative. Is that what we're talking  
45 about? And if so, can we just put in concrete numbers as a condition?

46  
47 Leon Meyers: That's kind of where I was headed.

48  
49 Cy Stober: So, Mr. Bryan, I feel like our rules are a bit reversed here. Are you suggesting the imposition  
50 of a reasonable condition per the statute?

1  
2 James Bryan: I'm just perhaps I'm not suggesting it.

3  
4 Cy Stober: Okay.

5  
6 James Bryan: I'm curious if that's what everyone was looking at.

7  
8 Cy Stober: Thank you.

9  
10 Leon Meyers: All right, let me stop this interesting discussion for a minute to point out that it's 2 minutes until  
11 10:00 p.m., and the board turns to a pumpkin at 10:00 p.m. So, the choices would be to  
12 extend tonight's hearing or continue tonight's hearing to a later time. It's a pleasure of the  
13 board.

14  
15 Beth Bronson: Yeah, I think we should continue this meeting at least until 10:30 and we can.

16  
17 Leon Meyers: Got a motion to continue?

18  
19 Beth Bronson: I want to make a motion to continue this meeting after 10:00 p.m.

20  
21 Leon Meyers: As part of the motion, would you consider a 5-minute break?

22  
23 Beth Bronson: Absolutely.

24  
25 Leon Meyers: Okay.

26  
27 Kevin Hornik: Thank you. That'd be very welcome.

28  
29 Leon Meyers: All right. All right. Good then. Motion.

30  
31 Beth Bronson: Can you make it a like 10-minute break?

32  
33 Leon Meyers: A break for 5 minutes, and then continue until 10:30. All in favor, please say aye.

34  
35 **MOTION** was made by Beth Bronson. Seconded by Leon Meyers.

36  
37 **VOTE:** Unanimous. All in favor.

38  
39 Leon Meyers: We'll return at 5 minutes after 10.

40  
41 The Board adjourned until 10:07 pm.

42  
43 Cy Stober: As it stands today are fairly permissive, but they would reflect the employees and the clients that  
44 can fit into that building, and that's the parking that we would require per the UDO standards.  
45 Should they want more parking than that would introduce regulatory action by us that if they need  
46 more parking, we'd have to allow for that, or we'd have to see if it complies with their site plan. But  
47 that's really the only regulation that we have that seems applicable. I talked with Taylor during the  
48 recess.

49

- 1 Kevin Hornik: So, to cut to the chase, I think we have a number that we'd be willing to propose, and then a minor  
2 modification threshold that we'd be willing to propose. I think the applicant would be willing to  
3 propose that there will be, at any given time, there will be no more than 20 clients, staff, and  
4 trainees or residents on site at any given time, and that an adjustment to that number of more than  
5 10 percent would be considered a major modification. So, if they wanted, if they wanted to add two  
6 people that could be on site at any given time, that would be a minor modification that could be  
7 approved at staff level. If they wanted to add three people, whether that's three clients, three staff  
8 members, three interns, or some combination of that, any of those things, it would be a major  
9 modification that would require us to come back through.
- 10
- 11 Leon Meyers: And to be clear, that was 20 people or 20 clients?
- 12
- 13 Kevin Hornik: Twenty people. 20 people. Inclusive of clients, staff, and then I think it's mentioned in the materials  
14 they often have, you know, trainees from the school of social work or psychiatry residents on-site  
15 training.
- 16
- 17 Leon Meyers: Those people might be considered staff.
- 18
- 19 Kevin Hornik: So, those people would be included. If you want to include them as staff, define them as staff,  
20 that's fine, but no more than 20 people on site at any given time.
- 21
- 22 Leon Meyers: Cy, the notion of defining what would be a minor or major modification to the special-use permit,  
23 I'm disinclined to get into that. Do you have a thought about it?
- 24
- 25 Cy Stober: If we don't characterize it as a minor modification, we could characterize it with planning director  
26 approval, an additional two spaces or 10 percent increase could be permitted. If we want to avoid  
27 the modification language of the UDO and just use, just defer to planning director approval for an  
28 increase of up to 10 percent.
- 29
- 30 Leon Meyers: So, a change of – why not just say 22 as a limit?
- 31
- 32 Cy Stober: That's really up to the applicant, but I mean that makes more sense to me, frankly.
- 33
- 34 Leon Meyers: That's fine.
- 35
- 36 Nora Dennis: I just wanted to clarify that this would be for clinical purposes, and I ask that just because at times  
37 there are non-profit functions that might engender like more than 20 people being there at one  
38 time. Like we're having a fundraiser, and some people are coming with their children, and I can't  
39 say, "No, only 22 people can come," because that's not the nature of it. I'm thinking like, this is for  
40 like if there's the clinical nature of work. Is that correct?
- 41
- 42 Leon Meyers: So, would it be acceptable to say clients and staff?
- 43
- 44 Nora Dennis: Yeah, I think that would be great. Thank you.
- 45
- 46 Cy Stober: So, for point of clarity, and just for everyone in the room, we do have a special event permit that  
47 allows for special events on properties that could be in conflict. So, I'm glad Dr. Dennis brought  
48 that up. So, this would still permit her to have special events on the property that are explicitly for  
49 non-profits. So, yeah, that's helpful.
- 50

1 Leon Meyers: So, the language, 22 clients and staff, that works for you?  
 2  
 3 Cy Stober: Yes.  
 4  
 5 Leon Meyers: Okay. Board members other questions?  
 6  
 7 Kyle Myers: Not a question, but a statement. The site plan that was submitted was purely for the purposes of  
 8 sharing an exhibit, but you were earlier talking about a site plan would be required to move forward  
 9 with any additional changes. So, I don't think that needs to be a condition, because it would be  
 10 required if they were to submit for any type of building. Right?  
 11  
 12 Leon Meyers: That's a question for Cy.  
 13  
 14 Cy Stober: Yes, yes. Dr. Dennis' testimony before, if they revoke their farm status, that would be the case.  
 15 Yes. The special use permit would apply. If the farm status persists, we get into a lot of; is this for  
 16 farm use or is it for the clinic use? And that is more difficult question to answer, then.  
 17  
 18 Leon Meyers: Okay. Anything else? Board members?  
 19  
 20 Beth Bronson: For Subsection H, Fencing and/or Screening, there's just a significant portion of the property that  
 21 does not have any kind of screening or fencing. And to assign the special use permit to the entire  
 22 property would, I feel like, necessitate that Type B border at a minimum. I was looking at the  
 23 different borders, and I think that does need to be a condition. Should we move forward with the  
 24 special use permit? In the sense that any of the adjacent properties need to have that 30-foot  
 25 buffer with the Type B buffering. As far as options go for that, I feel like we need to clarify. And I  
 26 had it, but I don't have it right now. Can you remind me the section of the buffer?  
 27  
 28 Cy Stober: 6.8.  
 29  
 30 Beth Bronson: Table? 6.8. Thank you.  
 31  
 32 Kyle Myers: Yeah. And that's kind of where I was going. The site plan would have to meet not only buffer  
 33 requirements, but applicable zoning requirements. And someone talked about 100 feet earlier, and  
 34 it's not shown on the, think it's the plan north side of where the proposed building would be. All of  
 35 that would be handled under any type of application moving forward for any building. Those things  
 36 would be required in that site plan.  
 37  
 38 Leon Meyers: But not unless it's in the UDO or unless the board adds a condition. Right?  
 39  
 40 Kyle Myers: Right.  
 41  
 42 Beth Bronson: As I'm proposing. Side note, I think that the north parcel line is the least of the concern at this point.  
 43 As in, the property owner is okay with it.  
 44  
 45 Leon Meyers: Beth, you referred to a requirement for fencing that I don't see in the staff report. Maybe I'm just  
 46 missing it.  
 47  
 48 Beth Bronson: It's their interpretation of the garden area.  
 49

- 1 Kevin Hornik: UDO section 5.8.2(b)(2)(h) requires fencing and/or screening to be provided which ensures the  
2 protection of the client's receiving care and protects adjacent residentially-developed properties  
3 from trespass, on screen. Again, that's a condition, as you'll see, that the client is happy to comply  
4 with.  
5
- 6 Leon Meyers: And the specifics of that get negotiated at zoning compliance?  
7
- 8 Kevin Hornik: Right, will be dictated by the UDO and staff.  
9
- 10 Beth Bronson: This is kind of where I have the question of designating the entire parcel for a special use permit  
11 versus the section that you're showing in this picture, which is the main area being used as the  
12 care facility. So, unless we're going to reduce the size of the special use permit and limit it to those  
13 couple of acres that are in use as the care facility, you want to include the entire 30 acres, that  
14 presents a much higher burden.  
15
- 16 Kyle Myers: I think it's 9.75.  
17
- 18 Beth Bronson: I'm sorry, 9. I'm sorry, all 9 acres.  
19
- 20 Kevin Hornik: Well, I'll say it was not the applicant's request to apply the special use permit to the entire property.  
21 That was something that was, again, done at the recommendation of county staff. If what you're  
22 suggesting is, is that you would like the applicant to provide a Type B 30-foot buffer around only  
23 what's shown on this screen here, I don't imagine that there would be –  
24
- 25 Beth Bronson: Yeah, no, I'm talking about the opposite. A Type B buffer around the entire 9.72 acres.  
26
- 27 Kevin Hornik: Right, which is again what we have already suggested that we would agree to. I mean, what I  
28 would say is I think it's probably more appropriate, as we've already talked about with staff, to, as a  
29 condition of approval, that the applicant will work with staff to provide the required buffering under  
30 the UDO. Because as we've already talked about, the UDO includes this variable buffering  
31 requirement, so that we could work with staff to determine what's already there, what that is  
32 existing on the site already falls within the county's preferred plantings list, and then to add  
33 additional vegetation to satisfy either or both of the 30-foot Type B buffer requirement, or the  
34 variable buffer requirement. Again, it's a large parcel with a relatively small area in which this use  
35 actually operates. And so there are probably, based on that fact, there are probably different visual  
36 buffering requirements, and certainly are different fencing requirements on the various parts of the  
37 property. For example, why would we fence, you know, the westernmost edge of the property that  
38 is not used as part of the day-to-day operation of the care facility?  
39
- 40 Beth Bronson: Because it's included in the future building site.  
41
- 42 Kevin Hornik: Well again, I think as we've already discussed, if there were changes that were proposed that  
43 included a large, you know, additional structure in the building site, we would have to come back  
44 here, we'd have to present a new revised site plan, it would likely be considered a major  
45 modification to the special use permit. So, at that time it would be appropriate to add additional  
46 conditions for new or additional fencing or buffering that are actually specifically related to  
47 whatever the new building or expansion is. I think it would be inappropriate right now to speculate  
48 about what may hypothetically at some point in the future be built in that hypothetical, or in that  
49 potential future building envelope. And what would be the appropriate buffering or fencing for that  
50 particular structure. So, again, I would suggest kind of what we've talked about as a condition that

1 the applicant work with staff to provide the screening that's required by the UDO with the  
 2 understanding that if there's a change made, a new structure is built in that future building  
 3 envelope area, we know we're coming back with a new site plan anyway. That new site plan would  
 4 then have to address fencing and buffering for that particular building addition.  
 5

6 Beth Bronson: Could I? The reason I brought that up to begin with is that there's buffer called out on only one  
 7 portion of the property on the site plan as part of the application. And I understand now that the  
 8 UDO requires further buffering?  
 9

10 Cy Stober: No, if I can clarify. Yeah, so to I think Ms. Bronson's point, it is – Table 6.8.6(d) shows that as a  
 11 matter of zoning, and not a special use, but, and to Mr. Myers' point here – no, Mr. Myers is there.  
 12 That AR, R1, and RB zoning don't require any perimeter buffering due to, I'm presuming, due to  
 13 their rural nature. So, if a buffer is preferred by the board, that would need to be a condition to be  
 14 negotiated with the applicant or to be requested of the applicant. What is required, to Mr. Hornick's  
 15 point, is screening of some manner, whether it be fencing or landscaping, of the care facility use.  
 16 But the remainder of the property would not require a landscape buffer. So, the site plan is  
 17 accurate and reflects the standards of the UDO because there is no perimeter buffering required  
 18 by the UDO. I apologize for any confusion on that point.  
 19

20 Leon Meyers: Jeff, you were about to say something?  
 21

22 Jeff Scott: No, I was just going to say, sorry, I should probably speak into this thing. Because like, I'm just, I'm  
 23 a little worried that we're starting to impose some excessive conditions on some of these things.  
 24 And like, I don't – to Sy's point, it's like, you know, most of the site is wooded and part of that rural  
 25 part is, you know, the buffer is in some ways kind of inherent on the property anyway. So, I just,  
 26 I'm concerned we're going a little bit too far on some of these conditions and trying to impose  
 27 things. Whereas my position is more of; you know, should the application be approved that they  
 28 would work with the staff? So, that's just my concern with the conditions a little bit.  
 29

30 Leon Meyers: I want to come back to the frontage question. I don't – I'm not sure. James, you offered some  
 31 guidance about to read that section. Do other board members have concern about what appears  
 32 to read as a requirement for direct frontage on a public road?  
 33

34 Beth Bronson: Yeah, it says direct frontage, and I think that that is something that can be contested. It can be  
 35 interpreted, and so I think that that is up to us to decide what the fact is. Is the fact that this  
 36 easement is sufficient definition that it provides direct frontage and access on a public state-  
 37 maintained road? Now, the applicant has, council has provided their definition of how that fits to  
 38 this. I think it comes down to the way that you see, the way that we see the standards interpreted  
 39 in our UDO. The nature of this seems like there should be direct frontage to a public state-  
 40 maintained road. And that seems to be related to emergency services and accessibility.  
 41

42 Leon Meyers: I believe it's correct to say James's advice is if you're going to look beyond a normal reading of a  
 43 phrase like that to special definitions in the UDO, then you should look at all of the related  
 44 definitions. Did I understand that correctly?  
 45

46 James Bryan: Yes.  
 47

48 Leon Meyers: And Mr. Hornick suggested one possible of way understanding direct frontage. And Cy, can you  
 49 tell us if there are any other frontage terms defined in the UDO?  
 50

- 1 Cy Stober: None that Mr. Hornick didn't already cover. There's three. That, which were already discussed.  
2
- 3 Kevin Hornik: And I'll just reiterate – I'm sorry, I was trying to pull – I'm making a mess of this. I was trying to pull  
4 up the definition. The other two frontage-related definitions are building frontage, which is not  
5 applicable here because the UDO regulation at issue doesn't discuss that a building must have  
6 frontage; it discusses the special use. Which as we already talked about refers to the care facility  
7 on the entire property. The other is tenant frontage, and again, we're not talking about a tenant at  
8 the property. We're talking about the lot frontage, which is the definition that I provided to you, is  
9 lot-line frontage. So, that is the most applicable definition provided by the UDO. I think as James  
10 mentioned – I'll kind of get lawyerly, I guess, on you, but what North Carolina law says is that  
11 where there's ambiguity or uncertainty with respect to a statutory term or a term set out in an  
12 ordinance, you apply the canons of statutory interpretation, one of which is reading the regulation  
13 *in pari materia*, which means, again, I don't speak Latin, or I think I maybe spoke Latin when I was  
14 like 13 in eighth grade or whatever, but best I can recall it generally means kind of read in context  
15 with the entire document. So, the only definition that really relates to the subject matter at issue  
16 that's provided by the UDO itself is this lot-line frontage definition. That lot-line frontage definition  
17 contemplates that a right of way could be, a private right of way or easement, could satisfy that  
18 requirement for lot frontage on a public state-maintained road.  
19
- 20 Beth Bronson: Now again, I guess the, I think the question comes down to the condition of that special use permit  
21 clearly specifying that Jubilee, the organization itself, be involved in that agreement to maintain the  
22 easement.  
23
- 24 Kevin Hornik: Well, I'm not sure that the board can, by law, require that the applicant – again because none of  
25 the other people are bound by this board's determination, I don't think you can impose a condition  
26 that requires us to enter into some other private agreement with individuals who are not a party to  
27 this. What I can say is that there are, and you've seen them, existing access and maintenance  
28 agreements that do obligate the applicant to share in the maintenance of the road. I can tell you  
29 that there are ongoing negotiations regarding changes to that. I don't think that it's relevant to this  
30 board's consideration, nor do I think it could be binding, but the applicant has committed to provide,  
31 to pay for 95 percent of the cost of the road maintenance. Kind of the rest of the terms of that  
32 agreement still need to be ironed out, but the fact is is that right now, as it stands, the applicant is  
33 responsible in equal share with all of the other property owners under this agreement to maintain  
34 the road. We are working on a separate private agreement related to changing the terms and  
35 apportioning that road maintenance cost. But again, I mention that just, I suppose, to satisfy the  
36 board to the extent that there are questions about the applicant's maintenance responsibility for the  
37 road. Not that that's, again, relevant, or applicable to any of the review criteria.  
38
- 39 Leon Meyers: Good. All right. I want to try to, we need to make a decision about where to go from here. We're 2  
40 minutes and 15 seconds away from 10:30. Do I have a motion to extend the meeting time?  
41
- 42 Beth Bronson: Make a motion to extend the meeting time.  
43
- 44 Jeff Scott: I would not second that. I think we've – you know, it's 10:30 now. It's been a long week for me,  
45 and, you know, we don't seem to be any closer to even closing the public session, that's just my  
46 two cents here.  
47
- 48 Kyle Myers: Are you prepared to make a motion otherwise?  
49

1 Jeff Scott: I guess I don't know what the other motion would be. I guess we'd have to continue this at another  
2 date.  
3  
4 Leon Meyers: To a time certain, I would think.  
5  
6 Kyle Meyers: Yes. To a date and time certain.  
7  
8 Beth Bronson: I could talk about this for another 30 minutes. Because I think all we need to really do is close the  
9 public hearing and talk about conditions that the board would be comfortable with in moving  
10 forward with this special use permit. We're acknowledging that everything has been met to a point.  
11 We're acknowledging that there are certain things that would make us feel like those criteria were  
12 met appropriately. I think it comes down to the buffering, the road frontage.  
13  
14 Jeff Scott: No, I understand.  
15  
16 Beth Bronson: And the fence area. Yeah.  
17  
18 Jeff Scott: It's like, you know, I want to be efficient with our time. I feel like in some ways, like – and again this  
19 is just my opinion is, I feel like we've gone a little bit too far with some of these conditions. I just  
20 want to make sure that we're, yeah, staying on point with whatever decision we're going to make.  
21  
22 Leon Meyers: If you would prefer to continue then I would say come up with a motion and a time that we need to  
23 work out with the staff.  
24  
25 Jeff Scott: Well, I think we could go for another 30 minutes. Yeah. I agree with that.  
26  
27 Leon Meyers: You're okay with that?  
28  
29 Jeff Scott: Yeah.  
30  
31 Leon Meyers: And Beth, you're about to make a motion to that effect?  
32  
33 Beth Bronson: Yeah, make a motion to move to the next, yeah, to extend this until 11:00 P.M. And if we can't  
34 come up with anything with that, we'll make another motion. Okay.  
35  
36 Leon Meyers: Any discussion on the motion to extend to 11:00 P.M.? All in favor please say aye.  
37  
38 **MOTION** was made by Beth Bronson. Seconded by Leon Meyers.  
39  
40 **VOTE:** Unanimous. All in favor.  
41  
42 Leon Meyers: Okay, here we go. We're going to be productive here. Is there anything else that we need to deal  
43 with, board members, before we try to bring this to a close?  
44  
45 Beth Bronson: If we close the hearing, then we can no longer ask the applicant.  
46  
47 Leon Meyers: But we can still reopen.  
48  
49 Beth Bronson: We can still reopen, sure.  
50

1 Leon Meyers: Well, and one way would be to begin the discussion among the board here and see if we can  
2 agree. It seems to me it just is a couple of conditions that we need to settle on.  
3

4 Beth Bronson: Yeah. Can we just address the idea of the site plan? What conditions are needed in submitted  
5 site plan for approval? So, if we were to go ahead and move forward with the special use permit,  
6 what would need to be included in the site plan? Such as Type B buffering along the entire  
7 property, including what already exists?  
8

9 Jeff Scott: I just don't think, I just don't think that makes sense.

10

11 Kyle Myers: Yeah. I'm not in support of that either.

12

13 Beth Bronson: Exactly. So, then what we want to think about is, okay, so what is the buffering and fencing on the  
14 care facility?  
15

16 Kyle Myers: Personally, I'd rather have them work that out with county.

17

18 Jeff Scott: Yeah. I'm just saying. I don't see it being a critical item.

19

20 Kyle Myers: Yeah, agreed. It's in the UDO. So, as long as the county enforces what's in the UDO, I think they  
21 have to follow the law. I do think it's appropriate that there is a condition on the maximum number  
22 of people.  
23

24 Leon Meyers: And the applicant has agreed to 22 maximum clients and staff.

25

26 Beth Bronson: I think that that's a lot more restrictive than you think it is and moving it to like 25 or something like  
27 that.  
28

29 Kyle Myers: Yeah, and I don't want to be unreasonable. I'm with you. I thought about that. I think the, I think  
30 that the establishment of the definition of care was important to me. I am concerned about  
31 unregulated expansion, but I think the staff has advised that the system already is in existence to  
32 require future applications that prevent unregulated expansion.  
33

34 Beth Bronson: And the applicant has explained that there is a licensure restriction as well on staff-to-client ratio.  
35 So, again, without getting into the specifics of that.  
36

37 Leon Meyers: So, are we no saying no limit on combined clients and staff?  
38

39 Kyle Myers: No, I think that's important.

40

41 Beth Bronson: A limit. Yeah, I think that's fine.

42

43 Leon Meyers: And 22 is the right number?  
44

45 Kyle Myers: I, again, I don't want to be unreasonable, but that's what council stated. If it needs to be 25, they  
46 would have to come back before the board and ask for it.  
47

48 Leon Meyers: Okay.

49

50 Beth Bronson: We're talking about 25 people in the Cohort 1, that 10:00 A.M. to 1:00 P.M.

- 1  
2 Kyle Myers: Twenty-two.  
3
- 4 Beth Bronson: If you think 22 – I would say 25 is a round number. Well, it's an odd round number.  
5
- 6 Leon Meyers: Then, moving to the next things that we need to approve. I always have to ask for guidance on  
7 this, James. The first approval is standards examined? Is that right?  
8
- 9 James Bryan: Yeah, the findings of fact. You can call it whatever you want. We've got the little chart for the  
10 standards. There's also – I'm sorry, it's late for me. It's also in the proposed order. So, either way  
11 you want to handle it. But the first vote will be on the findings of fact.  
12
- 13 Leon Meyers: I think the findings start on Page 102.  
14
- 15 Beth Bronson: So, there's no other conditions you guys want to talk about? The condition of road frontage?  
16
- 17 Leon Meyers: The condition that would limit the total clients and staff is the only condition that I've heard so far  
18 that I would support. Are there others that you would like to talk about?  
19
- 20 Beth Bronson: I would like there to be an opaque – you know, I would like there to be a more well-defined border.  
21 I know that you're saying that it's in the UDO, but this is the special use permit, so, again. And  
22 because of where, like, the zoned agricultural residential, rural buffer, there isn't a lot of regulation  
23 on what needs to be there. And I'm not saying for the entire – but for the care facility, yes, the  
24 fencing and/or screening to be provided, right now its deer fencing or wire fencing. So, again, that  
25 is not shielding anybody from being observed from an adjacent parcel and is not shielding the  
26 adjacent parcel from being observed. And so, I'm just offering a condition that would create a  
27 more opaque, consistent fence. Or, you know, without trying to impose a 30-foot buffer, you know,  
28 for development, I don't want to – but like, a garden is only there for 5 months out of the year; the  
29 rest of the time it is dirt. And so, if we're talking about actual shielding of the clients receiving care  
30 and protecting the adjacent residentially developed properties from trespass.  
31
- 32 Kyle Myers: So, you'd be offering a condition that the applicant would work with staff to construct required  
33 screening for their facility?  
34
- 35 Beth Bronson: Something more permanent, yeah.  
36
- 37 Cy Stober: Mr. Chair, if I may? So, I think the missing adjective in the standard that is in the UDO is, to Ms.  
38 Bronson's point, is opaque. So, if her interest is in it being opaque screening, that would be helpful  
39 for staff to enforce.  
40
- 41 Leon Meyers: Yeah. I just, I'm not sure I see a need for opaque screening.  
42
- 43 Beth Bronson: The southern side of the parcel? Where the care facility is?  
44
- 45 Leon Meyers: I don't think I do. Nor on the northern portion of the care center site.  
46
- 47 Beth Bronson: That's a choice.  
48

1 Leon Meyers: Okay. All right, then findings beginning on Page 102. And I assume there's a place in here to add  
2 the condition that we agreed on a minute ago. Maybe we approve the findings of fact with the  
3 additional condition. James, is that kosher?  
4

5 James Bryan: So, you could do the findings of fact first, and then conditions, and then conclusions, and then  
6 approve or deny. That would be the best sequence.  
7

8 Leon Meyers: Findings of fact beginning on Page 102. Do I hear a motion to approve?  
9

10 Jeff Scott: Do we have to, do we have to close the public hearing? Or did we already do that?  
11

12 James Bryan: I don't think you guys have closed the hearing.  
13

14 Leon Meyers: We should close the hearing.  
15

16 James Bryan: Yeah.  
17

18 Leon Meyers: Do I hear a motion to close the hearing?  
19

20 Greg Niemiroski: So, moved.  
21

22 Leon Meyers: And a second?  
23

24 Kyle Myers: Second.  
25

26 Leon Meyers: All in favor of closing the public hearing?  
27

28 **MOTION** was made by Greg Niemiroski. Seconded by Kyle Myers.  
29

30 **VOTE:** Unanimous. All in favor.  
31

32 Leon Meyers: Public hearing is closed. Good, then the findings of fact beginning on Page 102, a motion would  
33 be in order to approve these findings.  
34

35 Jeff Scott: I make a motion that we approve the findings of fact from Pages 102 to 104.  
36

37 Leon Meyers: And a second?  
38

39 Greg Niemiroski: Second.  
40

41 Leon Meyers: Any discussion on the findings? All in favor, please say aye.  
42

43 **MOTION** was made by Jeff Scott. Seconded by Greg Niemiroski.  
44

45 **VOTE:** Unanimous. All in favor.  
46

47 Leon Meyers: None opposed? Then conditions next, you said James? Yeah? Then the condition that I think we  
48 agree on is the maximum 22 clients and staff on the site at any one time. And the appropriate  
49 motion there I believe would be to add that condition as a part of the approval. James, is that  
50 right?

1  
2 James Bryan: Yeah, it doesn't matter. There's no magic words for it. But I believe there should be some page  
3 with other conditions. Are there other conditions that staff – your normal ones.  
4  
5 Patrick Mallett: Those were the conditions that were in the slide deck. With initiating the special use permit or  
6 recording the special use permit. I can't remember which.  
7  
8 Leon Meyers: Where are those conditions listed in the agenda package? Somebody help me, there.  
9  
10 Patrick Mallett: I'm trying to figure out how to get back to the main screen here.  
11  
12 Leon Meyers: If we don't have them, I will opine that it is not necessary to have them. They have been standard  
13 by precedent, but legally they are no more enforceable than the UDO themselves, which it just  
14 repeats. So, I was just basing on precedent.  
15  
16 Leon Meyers: Conditions are listed someplace; I just can't find them.  
17  
18 Taylor Perschau: No, so I think the standard proposed conditions would be found in the staff report. I don't think  
19 they are any, in any of these proposed, like, findings of fact, standards, and evidence. Attachment  
20 6, the findings of fact that you just voted on, was prepared by the applicant. So, it's a little different  
21 format, that Attachment 6, than we're used to seeing here. But you can refer to the proposed  
22 conditions referred to in the staff report. They should be there.  
23  
24 Leon Meyers: I see it now. Okay. Then the motion would be to approve the proposed conditions on Page 24  
25 with the addition of a limit of 22 total clients and staff on the site. Do I hear a motion to that effect?  
26  
27 Beth Bronson: I'll do it if we can add an opaque buffer to the care facility.  
28  
29 Leon Meyers: Sounds like there might not be support for that.  
30  
31 Greg Niemiroski: I make a motion that we approve the proposed conditions on Page 24 of the application packet,  
32 along with the condition of 22 staff and clients at any given time, I think is the wording.  
33  
34 Leon Meyers: I hear a second to the motion on conditions.  
35  
36 Beth Bronson: Clinical times?  
37  
38 Greg Niemiroski: What's that?  
39  
40 Beth Bronson: During clinical times?  
41  
42 Greg Niemiroski: During clinical times, thank you for that clarification.  
43  
44 Jeff Scott: Second.  
45  
46 Leon Meyers: All right, any discussion on the conditions motion?  
47  
48 Cy Stober: Just a point of clarification for the record, the friendly amendment offered by Ms. Bronson is part of  
49 the motion of, during clinical time.  
50

1 Leon Meyers: Your motion?  
2  
3 Greg Niemiroski: Yeah. It is part of, yes, it is part of the motion.  
4  
5 Leon Meyers: Thank you Mr. Niemiroski. All right, all in favor please say aye.  
6  
7 **MOTION** was made by Greg Niemiroski. Seconded by Jeff Scott.  
8  
9 **VOTE:** Unanimous. All in favor.  
10  
11 Leon Meyers: You're voting yes, or no?  
12  
13 Beth Bronson: I am voting yes.  
14  
15 Leon Meyers: Okay.  
16  
17 Beth Bronson: We'll do it together.  
18  
19 Leon Meyers: Good. Then the next would be to issue the special-use permit, is that right, there?  
20  
21 James Bryan: Conclusions as to the standards, Pages 94 through 101.  
22  
23 Leon Meyers: Thank you for the page number. Then the motion would be to adopt the standards examined,  
24 listed beginning on Page 94.  
25  
26 Kyle Myers: I make a motion to adopt Attachment 6A, the standards examined on Page 94, 95, 96, 97, 98, 99,  
27 100, and 101.  
28  
29 Leon Meyers: Second?  
30  
31 Greg Niemiroski: Second.  
32  
33 Leon Meyers: Any discussion on the standards adopted. All in favor please say aye.  
34  
35 **MOTION** was made by Kyle Myers. Seconded by Greg Niemiroski.  
36  
37 **VOTE:** 4-1. Beth Bronson opposed.  
38  
39 Leon Meyers: And then finally to issue the special use permit? The motion would be in order to approve the  
40 special use permit.  
41  
42 Jeff Scott: I make a motion that we approve the special use permit for case SUP25-0016.  
43  
44 Greg Niemiroski: Second.  
45  
46 Beth Bronson: Before there's any – I just want to make a point of clarification.  
47  
48 Leon Meyers: Okay?  
49

1 Beth Bronson: I am going to vote no for the evidence, the standards examined, and evidence provided. I'll still  
2 move forward with the - that was the last vote. I just want to make sure that I changed my vote to  
3 no.  
4  
5 Leon Meyers: Okay.  
6  
7 Beth Bronson: But now we've got the motion to approve?  
8  
9 Leon Meyers: To approve the permit. Right. Any other discussion on the motion to approve? All in favor please  
10 say aye.  
11

12 **MOTION** was made by Jeff Scott. Seconded by Greg Niemiroski.

13  
14 **VOTE:** Unanimous. All in favor.

15  
16 Leon Meyers: None opposed. Congratulations, folks. Thank you for being here.

17  
18 Kevin Hornik: Thank you all for your, taking up your entire evening and into the night. We really appreciate your  
19 time.

20  
21 **AGENDA ITEM 7&8: ADMINISTRATIVE UPDATES & REVIEW BOA ANNUAL REPORT AND**  
22 **WORKPLAN FOR 2026**

23  
24 Leon Meyers: Okay. Patrick, I think you, had you had something else for us?

25  
26 Patrick Mallett: So, administrative items; it looks like we have Emerson Waldorf's SUP modification that will come  
27 to you in December. And then we have the BOA annual work plan. It's two pages. It's in your  
28 packet at the very end. Every administrative chair will be going to the board sometime after  
29 January to present our work plan in and amongst the dozens of other advisory boards. Ours is  
30 unique in the sense that by nature, by state statute, we have to follow state law. There's little  
31 creativity or discretion with our board. The planning board is much more extensive and has to  
32 follow other factors that we don't, because this is a quasi-judicial board.

33  
34 Leon Meyers: But my only concern about this is that Item 5 makes it look like this board is reviewing county  
35 ordinances, policies, agreements, and the regulatory processes to streamline practices. Hell, we  
36 can't even get a hearing done before 11:00.

37  
38 Patrick Mallett: You used to go to 1:30.

39  
40 Beth Bronson: Yeah, this doesn't seem that unusual.

41  
42 Patrick Mallett: I think we're improving and striving for that as a goal.

43  
44 Leon Meyers: Okay, does this need board approval, Pat?

45  
46 Patrick Mallett: I think that last year, it's not required, but I think you chose to just make a motion to say we're  
47 passing this on to the board.

48  
49 Leon Meyers: Then the motion would be in order to approve the Orange County Boards and Commissions  
50 Annual Report for the Board of Adjustment.

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Greg Niemiroski: All right. So, moved.

Beth Bronson: Second.

Leon Meyers: Any discussion on the annual work plan and report? All in favor, please say aye.

**MOTION** was made by Greg Niemiroski. Seconded by Beth Bronson.

**VOTE:** Unanimous. All in favor.

Leon Meyers: None opposed? What else do you have for us?

Cy Stober: Real quick, before those folks leave the room, I just want to say that we want to make it clear that there is a 30-day appeal window for the special use permit vote. It must be recorded at the at the Clerk of Courts. The planning staff is not directly involved in an appeal, and the best I can do is to advise you to consult with an attorney and to communicate with the Clerk of Courts and Orange County Superior Court.

Beth Bronson: Thank you for that.

**AGENDA ITEM 9: ADJOURNMENT**

Leon Meyers: Motion to adjourn?

Kyle Myers: Motion to adjourn.

Leon Meyers: We are adjourned.

The meeting was adjourned at 10:48 p.m.

 24 December 2025  

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LEON MEYERS, CHAIR