

Stanly County Planning Board  
January 8, 2024 - Meeting Minutes

**Call to Order** Chair Jay Eckman called the meeting to order on January 8, 2024 at 6:30 p.m. in the Gene McIntyre meeting room at 1000 N. First Street, Albemarle, North Carolina.

**Stanly County Planning Board members attending** David Underwood, Jay Eckman, Michael Williams, Joel Mauldin, Kevin Brickman, TJ Smith & Tim Fesperman

**Absent:** none

**Stanly County Planning Staff Attending:** Bob Remsburg, Planning Director & Bailey Cline, Planner 2

Chair Eckman asked if there were any conflicts of interests with the items to be heard due to financial or personal relationships.

**There were none**

Chair Eckman asked if there were any other additions to the agenda that the board needed to consider.

**There were none.**

Chair Eckman asked for a motion to approve the proposed agenda.

**Motion: Kevin Brickman**

**Second: Michael Williams**

**Approved: 7-0**

Chair Eckman asked for a motion to approve the minutes from December 11, 2023.

**Motion: David Underwood**

**Second: Tim Fesperman**

**Approved: 7-0**

Chair Eckman shared the first item on the agenda was CR 23-04 which was tabled at the December 11th meeting, a request by Ali Darwich to rezone a portion of two adjoining parcels located at 24426 NC 24/27, Albemarle, NC and 24414 NC 24/27, Albemarle, NC totaling 3.5 acres from County, RA to a Conditional Zoning District.

Chair Eckman asked for a motion to bring this item off of the table.

**Motion: David Underwood**

**Second: Joel Mauldin**

**Approved: 7-0**

Chair Eckman asked Planning Staff to share the details of the request

**Bailey Cline shared the following:**

You all should have received an updated memo as well as some updated maps that Mr. Darwich had sent in. None of the conditions have changed on the request since the last meeting, just the amount of land. If you remember at the previous meeting the request was five acres but now it is 3.5 acres. You all do have the authority to suggest any amendments to the conditions as long as Mr. Darwich is okay with that. The request is

to rezone portions of two parcels totaling 3.5 acres located at 24414 & 24426 NC 24/27 Hwy., Albemarle, NC 28001 in order to operate an automotive dealership. Mr. Darwich has indicated that there is a mobile home at 24426 NC 24/27 Hwy. which would potentially be used as the office space for the car lot, if it meets all criteria for the Building Inspections Department. The property next door is zoned General Business. If you all remember, Nathan Soltis asked for the rezoning next to this a couple of years ago in order to operate his concrete business. Nearby properties are zoned M1 and Highway business. Two existing used car lot locations are within .6 miles and NC 24/27 sees about 14,000 cars per day in 2022 which is the most updated vehicle count.

Mrs. Cline read over the proposed conditions.

Mrs. Cline went over the maps of the property that Mr. Darwich submitted, which showed a site plan for the property, zoned map, land use plan map and aerial map.

This property is zoned County, RA (Residential Agricultural) and lies in the Rural Preservation Area per the 2040 Stanly County Land Use Plan.

**Chair Eckman asked if there were any questions for staff.**

**Chair Eckman** "What is the building that is included there?"

**Mrs. Cline** "That is an existing home that Mr. Darwich owns. But, if I remember correctly, this is going to be an updated modular for the office space."

**David Underwood** "Bailey, on this map the inventory will go all the way up to the red line, correct?"

Mrs. Cline indicated the northwest area on the map that will be used as inventory space.

**Chair Eckman** "So, the entrance will be between the sales office and that?"

**Mrs. Cline** "Yes, there are actually multiple driveways."

**TJ Smith** "That sales office is not to be used to be slept in or as a residence, correct?"

**Mrs. Cline** "Yes, that is correct. So the only use they will be allowed to have for that modular is a sales office space."

**David Underwood** "If the inventory is going to be stored on the left hand side then the right hand side will not be used for that?"

**Mrs. Cline** "Right, so the plan that he submitted just shows inventory going in the left corner."

**Michael Williams** "What is the setback like that for a four lane highway? Is it 15 feet as well?"

**Mr. Remsburg** "Well, it is zoned RA so as of right now the front setbacks would be 50 feet from the Right of Way. This is conditional zoning so you could assign a new setback but Highway Business for instance is 40 feet."

Chair Eckman invited Mr. Darwich to speak in favor of his request.

**Mr. Darwich shared the following:**

I operate eight other stores and I would like to open a store here since I own the property next to it. Seven in North Carolina and one in South Carolina. Basically there will be no service department on this property. All the vehicles will be serviced off site. Inventory volume will probably be around 50-70 it really just depends on the market. I am planning to put up a six foot privacy fence on the neighbors side. The modular home that is existing now will be strictly used as a sales office. I am open to any questions.

**Chair Eckman** "Where will the entrance be?"

**Mr. Darwich** "There are three entrances existing now on the property. I am open to any restrictions, whichever one you all would like for me to use. They all work."

**TJ Smith** "So the area that was pointed out earlier will not have inventory on it at all?"

**Mr. Darwich** "It will not. Just in the front."

**Kevin Brickman** "What will be the pavement type for the driveway?"

**Mr. Darwich** "Right now there is an existing gravel driveway. But, we did some clearing on the side of it and we are planning to use some compaction material to maybe pave it in the future."

**David Underwood** "That is a pretty large dip that you are working on right there. Will you bring that up to grade?"

**Mr. Darwich** "It is not all the way up to grade but it is about 14 feet deep at the deepest point so we are going to run some lines under there to help prevent erosion. It is going to be higher than what it is now but not all the way up to the highway level. We are working on a drainage system now as we speak."

**Joel Mauldin** "Has DOT approved one of the three entrances yet? Have you talked to them?"

**Mr. Darwich** "I have talked to one gentleman that was an inspector and he gave me a list of conditions but he did not mention anything about the entrances. Their main concern was that we stay away from the right of way and they marked it for us."

**Chair Eckman** "You said that you are open to the entrance being any of the three driveways?"

**Mr. Darwich** "That is correct."

**TJ Smith** "You said the neighbors house to the right, you are going to screen or have a fence and how far back are you going to go?"

**Mr. Darwich** "All the way down the property line and then another 20 feet or so. Again, I am open to adjustments. If you want buffers instead of a fence then I am open to it."

**David Underwood** "Will your lighting be over the whole property or just over the inventory?"

**Mr. Darwich** "Basically, just one light over the modular office and the rest will be over the inventory."

**TJ Smith** "Will those lights be on 24 hours?"

**Mr. Darwich** "They will be from dusk to dawn."

**David Underwood** "But, you are not planning on lighting the area to the back where you are not storing inventory, is that correct?"

**Mr. Darwich** "For now, there is no plan. There is an existing security light that is on the back of the house."

There were no further questions for Mr. Darwich  
Chair Eckman invited any others to speak concerning this zoning request.

**Deborah Strzeszkowski shared the following:**

I was here last meeting and I own and live at the property next door. I do want to acknowledge that I hate this plan less than I hated it when it was going to be right behind my yard. I still wish that this did not go through. This is a very pretty residential area. I don't want to live next to a car lot. This modular home which would be the sales office, you can see the little carport and that is my property line. The modular is closer to my driveway than my own home. It is going to degrade the value of my property. I heard him say that for now there is no plan to use this land back here for cars but I fear that in the future it would be easy for him to come back in the future and expand. It is true that there are two other used car lots. They are small, nowhere near 50-70 cars. They are like maybe 8 cars parked. I would say that the homes sitting near those lots are not so desirable. I don't see this at all as a benefit to me or my other neighbor. I did a little reading on the Adams Auto Group, Mr. Darwich's company. He does have many other locations and I do not know why this has to be one of them. It certainly would be small for him. I saw one of his places when I was at an antique mall and it would be very out of place here. Again, I want to say the elimination of using some of the land. At the last meeting I know there was a lot of talk from a group about water issues near their property. So, since Mr. Darwich cleared the land of the vegetation, he has a huge burn pile, we have developed a river that when it rains there is a pipe that the water comes out of, goes across my yard and into a river down the way. There is also a pipe that goes across the properties at the front so I do not know what would happen if it was paved over and then this water is going to keep coming across. I don't even know how a fence would work for this pipe. I have pictures if you would like to see.

**TJ Smith** "Did you say that this problem did not exist before that?"

**Mrs. Strzeszkowski** "It did not. The trees were sucking up the water I guess. Is it going to bring crime if there are cars sitting out there, will alarms be going off? I don't know if it is better or worse that it won't be lit up. I mean I don't want lights shining in the bedroom but I also don't want a big dark area of cars out there. Right now there is a driveway going to the carport and I really do not want it to be used."

**TJ Smith** "Did you say his carport is on your property?"

**Mrs. Strzeszkowski** "It is right there on the line. I don't know that it is or isn't."

**Audience member** "Her driveway dips down a little into her carport and there is a paved section and his building is right there and it is the property line."

**Mrs. Strzeszkowski** "We did not get a survey when we purchased the property but I believe that Mr. Darwich did. There is a little hole there with a flag by the road."

**David Underwood** "Is that your building back in the back?"

**Mrs. Strzeszkowski** "That is another little carport, yes."

**David Underwood** "Honestly it looks about the same distance off the line as his does."

**Mrs. Strzeszkowski** "It is possible."

**Audience member** "The carport that is on the property line was there before she moved in."

**Chair Eckman** "Bob, are the carports allowed in the setback area?"

**Mr. Remsburg** "The short answer is no but so many get put up without permits. That is probably what happened in both of these situations."

**David Underwood** "Would that not have been an issue that came up when it was surveyed?"

**Mr. Remsburg** "Potentially would be grandfathered in but if we received a complaint and realized that something had been installed without permits then we could demand that it be taken down. 10 feet is all you have to be off the line for an accessory building."

**Mr. Darwich** "If I may add, this carport is on our side of the property and we did get a survey done. But, if this is going to be an issue then we can remove it. When we bought the property it was already there. We do not have to have it if that helps."

**TJ Smith** "If you are not going to use the property on the rear then why do you have to be so deep in the back?"

**Mr. Darwich** "I own the property behind it and to the side of it which is 160 acres so I am very flexible with whatever you guys think I should do."

**TJ Smith** "Can you put the cursor in the area that you are wanting to place the cars?"

**Mr. Darwich** "Sure, and the neighbor spoke about the water issue but we are in the process of fixing it now. I have only owned the property for a few months so we are working on it to get better not worse. There will be nothing behind the office, it is just too deep."

**Joel Mauldin** "So, you are saying about an acre and a half for the cars to be on?"

**Mr. Darwich** "I would say yes, at the most."

**Kevin Brickman** "Will your lot be fenced at all for security reasons? Will there be a gate?"

**Mr. Darwich** "Yes there will be a fence and gate. Our operation now is from 9-6 so all the stores will be closed at the same time. I am going to be living next door also so I will be able to keep an eye on that."

**TJ Smith** "So, you would be up for reducing the size of the area because I believe in talking to the neighbors, I know that they are against it but if we try to work with both sides it may work. I know that if I lived in that house I would not want to look back and think there are cars behind my home."

**Mr. Darwich** "Yes, absolutely and that is why I adjusted it from the 5 acres to 3.5 but I am open to adjusting it again. We are trying to be a good neighbor and not an issue."

**Mrs. Strzeszkowski** "Is there any chance you would consider not using the modular home as a sales office?"

**Mr. Darwich** "No, that is one of the main things we considered when wanting to open the car lot."

**Tim Fesperman** "Aren't you required by law to have a sales office for a license for car lots?"

**Mr. Darwich** "Yes, it is a DMV regulation that you have at least 96 heated square feet. The architect drew the plans and the DMV will come back with some notes because I will need handicap accessibility, ramp and bathrooms. That will have to be done before the DMV can inspect it."

**Audience member** "Currently, right now it looks like the deck was replaced and it comes out and slopes downwards and the entrance to the deck is right at that carport that is right next to the property line. Would it be possible to have the entrance of the deck be on the other side so that people are coming in on the other side?"

**Mr. Darwich** "Am I allowed to start a conversation with the neighbor? No disrespect. The handicap ramp has to slope in a certain way. It cannot be uphill, it must be downhill. So the way it sits now, the handicap parking

proposed by the architect will be right there by the end of the ramp. Handicap parking spots are hardly ever used. We do not sell mobility vans but I have to have them per code.”

**David Underwood** “You would be open to using the other driveway that is not the closest to the neighbor, correct?”

**Mr. Darwich** “Sure, anything that works for you all.”

**Mrs. Strzeszkowski** “Could we have a vegetation buffer and a privacy fence?”

**Mr. Darwich** “Either or. Whichever you like.”

Chair Eckman entertained a motion

**Tim Fesperman made a motion to recommend approval of this rezoning request to the County Commissioners. The petitioner has also agreed to all of the conditions set before them and the property lies on a major highway.**

**Second: Michael Williams**

Discussion was held

**TJ Smith** “My thoughts are if he said he was going to be a kind neighbor then two things need to be pointed out. If he were to build then fence and put out some type of tree that would maybe work. Then bring that one line up from the corner and bring it straight over to where his lot is to minimize the size because he does not need that.”

**David Underwood** “I would also like to see the driveway that is the furthest away from the neighbor be used and the other ones could not be used.”

**Mr. Darwich** “As long as it is accessible and it can access the parking lot then I have no issue with that. Because there is a culvert pipe in there I will have to make sure but if it is okay then I have no problem.”

**Chair Eckman** “We could word the condition to say that he has to use the middle or west entrance. Just not the one that is closest to her home.”

The board asked staff to show where the new line would be - this reduced the area to 2.5 acres.

**David Underwood** “Once we approve this as conditional then things may change and you may need it and there is nothing that we can do.”

**TJ Smith** “Let's talk about the buffering and fence. Obviously that is really close to her driveway and side of her home. What can we do to make sure that does not impose on her.”

**Chair Eckman** “Well first, can you take down that carport that is on the line?”

**Mr. Darwich** “As a matter of fact, the survey says that the concrete part of her driveway is about 3 ½ feet on our property but that does not bother us. I can take it out, I do not need it. Honestly, I don't like the carport myself.”

**TJ Smith** “Do we need to come up with what type of tree?”

**Mr. Resmburg** "I guess so, yes. There is a list and you could simply say it needs to reflect what is in the ordinance."

**Tim Fesperman** "I feel like you have been very reasonable with this."

**Mr. Remsburg** "I was looking back at the zoning ordinance and we may need to consider how to address this. It says a 10 foot buffer or 6 foot high fence abutting residential property. The other component is that if it is a solid fence then the rule says it cannot be higher than 4 feet in the front yard. From the front facade to the right of way essentially. We may want to take the 6 foot high fence except in the front yard it can be 4 feet."

**Audience member** "The only concern about that is that the master bedroom on this house is facing the modular home. They are going to be looking straight into the bedroom and that is one of the biggest concerns."

**Mr. Remsburg** "This is conditional zoning so you can set whatever you would like and it essentially overrides the ordinance in my opinion."

**David Underwood** "This also says a 10 foot or 6 foot fence. The key word is or."

**Mrs. Strzeszkowski** "You have to be able to see coming out of the driveway and see traffic as well so it can't be right up to the point in the property line."

**Audience member** "The only problem is that it slopes downward on his property and ours. So when you come into the bedroom you will be able to be seen."

**Mr. Remsburg** "One way we would address this is the first 40 or 50 feet is considered the front and therefore you would have to be limited to 4 feet and beyond that is 6 feet. We may want to specify the conditions to say that the first 40 or 50 feet are 4 feet high and beyond that is 6 feet."

**Mr. Darwich** "One of my other stores had the same issue and the neighbor chose vegetation the first 40 feet and then the rest of it was a 6 foot fence. They have to see the traffic before leaving the driveway."

**David Underwood** "There would be a sight distance requirement right?"

**Mr. Remsburg** "Right, but it would be a right turn only. We just have to make sure that the neighbors to the east can see."

**Kevin Brickman** "How much lighting do you need to see 60 cars?"

**Mr. Darwich** "6 pole lights should cover it and that is the plan. The office building will not have any added light. There are already two outside lights on it."

**Chair Eckman** "Where are we at with this gentlemen?"

**David Underwood** "Fence from the road to the front of the house and then vegetative the rest of the way back."

**Mr. Remsburg** "It would be trees and shrubs by the ordinance."

**Mrs. Strzeszkowski** "Then I would have the option to put a fence up if I wanted to?"

**Mr. Remsburg** "Sure."

**Mrs. Strzeszkowski** “Why does it have to be right here?”

**Mr. Darwich** “Because I live behind you and I would like to have something to do while I am there.”

**Mrs. Cline** “The four changes in the conditions that you have recommended are the change in acreage, use of the middle or western access, removal of the carport and then the vegetative buffer from the right of way to the front of the home and the 6 foot fence the rest of the way back.”

**TJ Smith** “I am not good with lighting but does this light point down?”

**Mr. Darwich** “It is an umbrella shape, it points down. It has a radius of about 50 feet. Not the whole property will be lit.”

**David Underwood** “This is in the preservation area but there are always exceptions. I think in this case based on what is situated around it, I don't want people to think we are backing up on everything we do. We have two within sight of it almost and we said we wanted to push business to a major thoroughfare and where there is actual growth.

**TJ Smith** “You have businesses right down the street, beside it and across the road.”

**Mrs. Strzeszkowski** “I just want to say again, there are two other lots but they are not 50-70 car lots. They are like 10 cars. So that is not an apples to apples comparison.”

**Chair Eckman** “**All in favor of approval of CR 23-04 say I**”

**Vote : 7-0**

**Motion passes**

**Chair Eckman shared that the Stanly County Commissioners will likely hear this request at their February 5, 2024 meeting at 6:00 PM.**

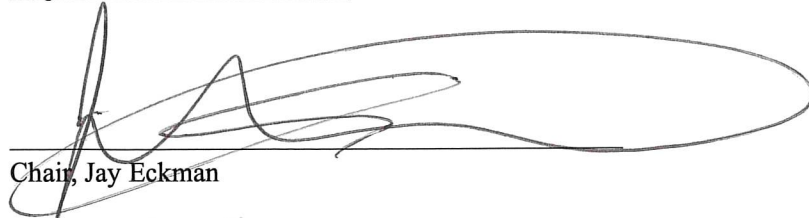
**Chair Eckman entertained a motion to adjourn**

**Motion: David Underwood**


**Second :Tim Fesperman**

**Approved: 7-0**

**Adjournment time: 7:20 PM**



Chair, Jay Eckman



Clerk, Bob Remsburg