

Mount Jackson
Town Council Special Meeting & Joint Public Hearing
August 5, 2024
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Special Meeting

Mayor Donnie Pifer called the Town Council meeting to order at 5:31 PM with Councilmembers Evelyn Burner, Judy Fultz, and Rod Shepherd in attendance. Councilmembers Al Asbury, Bonnie Good, and Todd Holtzman were absent.

Also present were Olivia Hilton, Town Manager; Greg A. Beam, Assistant Town Manager; and Barbara Riggleman, Town Clerk. Guests were Bader Al-Omair, Fabian Rios, Danna Bynaker, Seth Jones, and Lindsey Rickard.

Joint Public Hearing

1. SU-01-2024: Request to Permit a Single-Family Home within the B-2 District, 5967 King Street

Mr. Shepherd inquired if the building was stable enough to be a residence. Ms. Rickard answered affirmatively; the only thing that would need to be replaced was the roof, mostly because of the asbestos material that will be removed. The walls will remain, the roof will be replaced with another flat roof, so the main structure will retain the same look. Ms. Rickard provided a sketch of the planned build. Mr. Holtzman will preserve the historical aspects of the building. Chairman Ambrose inquired if this was an historical building. Ms. Rickard stated that she would have to look back at the date, as there are some conversations about what the historic time frame is for Mount Jackson. Mr. Shepherd stated that it is in the historic district, but it's what is called a non-contributing structure.

Mr. Hines inquired if the adjacent property owners had been notified. Ms. Hilton stated that the only neighbor to the property present was Mr. Jones. Mr. Hines inquired if Mr. Jones had received notification, and Mr. Jones answered affirmatively but did not plan to speak. Ms. Hilton stated that Ms. Riggleman had notified all adjacent property owners for both special use permit requests.

Mr. Hines inquired what the minimum lot size requirement is and if this property would fit into that. Ms. Hilton stated that she was unsure at the moment. Ms. Riggleman stated that the minimum lot size requirement for the historic district was removed in a previous change. Ms. Hilton stated that this was correct and that the minimum lot size for B-2 had been removed. The B-2 District was discussed. Mr. Hines inquired if there were any required setbacks. Ms. Hilton stated that the setbacks had not been updated since the text amendment, but the original footprint of the building would not be changing. With a non-conforming structure, setbacks are not relevant if it is going in the same footprint.

Mr. Hines inquired what would be going in the 62' of space in the front of the building. Ms. Hilton answered that it would be two parking spaces; Ms. Rickard stated that this was correct. Mr. Hines inquired if they would be paved and Ms. Rickard answered that they would not, the existing gravel would stay. Mr. Hines stated that he thought Town ordinance required paving. Discussion ensued on the grass lot at 5959 King Street. Ms. Hilton stated that a stipulation could be added as part of the special use permit for the subject property, 5967 King Street, that the parking lot should be paved. Mr. Hines read from Town Code Section 66-32. – Dimensional Standards: “Any driveway or parking area located in front of the dwelling must be paved with an asphalt or concrete surface.” Ms. Hilton stated that the tricky part is that this is existing and not a new dwelling, and as a special use, would be moved from business to residential. Discussion ensued on the zoning of the building and possible restrictions that business be on the bottom level and housing on the second level.

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Chairman Ambrose inquired if there were any other questions. There were none and there were no speakers signed up to speak.

2. SU-02-2024: Special Use Permit Request for a Residential Building at 6143 Main Street

Ms. Hilton stated that the zoning would not be changing. In the Long-Range Strategic Plan, the property should be Industrial. It had been abandoned for several years and this is why the use had reverted back to Industrial. There are already people living in the structure, so if the request is not granted, those people will need to find other housing. This will elongate the future plan for an industrial zone as once the mobile homes leave, that property will be Industrial as well. Ms. Bynaker inquired why Ms. Hilton thought the mobile homes would leave. Ms. Hilton stated that if you look 100 years from now, part of their job is to look at the long-term planning of a property, and if any homes are removed or condemned in that area, or if someone passes and they are stuck in estate for several years, it would revert back to commercial. Eventually, probably not in our lifetimes, the concept would be that the entire area would be Industrial zoned. Ms. Bynaker stated that it already is. Ms. Hilton corrected that it would be industrially used. As is the case with this property, it was abandoned for several years and went back to Industrial, which could happen with any of the homes. Ideally, as that happens, they would not receive a residential use again.

Mr. Hines inquired if there were any presentations. Ms. Hilton asked Mr. Al-Omair if he wanted to speak. Mr. Al-Omair stated that he was just there to change the use and had no plans to speak. Chairman Ambrose stated that when the property was brought before the Planning Commission a year or so ago, it was stated that the use would be just storage, but someone has been living in the structure. Mr. Al-Omair stated that people had been living there for about 6 months and he thought it was ok for residential. Mr. Hines inquired if Mr. Al-Omair was present when the property was discussed originally. Mr. Al-Omair stated that he was, but thought it would be residential. Discussion ensued on why the property was approved only for storage.

Mr. Hines inquired if there was a structure, like a breezeway, to attach the structure to the commercial building in front of it, if it could be considered the same building. Ms. Hilton stated that it could not, you would need to do a boundary line adjustment. Mr. Hines inquired if someone would be allowed to live there then. Ms. Hilton stated it could make it B-2 usage and not Industrial. Mr. Al-Omair stated that the two buildings had different electrical providers.

Chairman Ambrose stated that he thought the structure was unlivable due to a severe sewer problem years ago, and asked if it had passed inspection. Ms. Hilton stated her reservations that the structure was being lived in without the County knowing about it. Ms. Hilton requested Mr. Al-Omair speak regarding his permitting process. Mr. Al-Omair stated that he did a complete remodel of the house and there have been no issues. Chairman Ambrose asked for clarification that the house has been inspected then. Mr. Al-Omair responded that he had not had it inspected yet, but he believed that if he asked the County to inspect it that it would pass. Chairman Ambrose stated he felt this request should be tabled until the necessary inspections had been completed. Mr. Rios stated that he completed the 200-amp service in the home and had the gotten the necessary permits and inspections for that. Ms. Hilton stated that an occupancy permit is required, and asked Mr. Al-Omair if he had this. Mr. Al-Omair stated that he did not, but he had all the required inspections from the County. Chairman Ambrose inquired if someone from the County signed off on it. Ms. Hilton stated that the County would have issued an occupancy permit if they had signed off on everything. Mr. Al-Omair stated that he might have the permit. Ms. Hilton stated that the occupancy permit

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is required before anyone can be living in the structure. Ms. Hilton stated that Mr. Al-Omar would need to send the permit to her tomorrow before this request could be considered or forwarded. Mr. Al-Omar stated that the thought an occupancy permit would come after this public hearing. Ms. Hilton stated that an occupancy permit is not something issued by the Town. If this were a new build, this conversation would be fine, but there is room for concern if people are already living in the home. Ms. Hilton stated that the Planning Commission could still make a recommendation following the public hearing, but the ultimate vote would come from Town Council at their meeting next week. The recommendation could be pending an occupancy permit.

Chairman Ambrose inquired if there were any other questions. There were none and there were no speakers signed up to speak. Chairman Ambrose closed the Joint Public Hearing.

Mayor Donnie Pifer called for adjournment of the Town Council; motion was made by Councilmember Shepherd, motion seconded by Councilmember Burner. The meeting was adjourned at 5:56 PM.

Barbara Riggleman, Clerk

Donald "Donnie" I. Pifer, Mayor