

**TOWN OF UNIONVILLE  
BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES**

The Board of Adjustment of the Town of Unionville held a meeting on Monday, March 20, 2023, at 7:00 PM at Town Hall located at 1102 Unionville Church Road. Chairman Andrew Benton, Jaren Simpson, Jeff Broadaway, Chad Simpson, Attorney Ken Swain, and Alternates Jerry Adams, Craig Rushing, and Roddie Baucom were present. Absent was Gene Price.

Chairman Benton welcomed everyone in attendance and called the meeting to order at 7:00 PM.

Chairman Benton brought forward the first point of business, the election of Chairman and Vice-Chairman. Upon a motion made by Jaren Simpson, seconded by Chad Simpson, the Board unanimously agreed to reappoint Andrew Benton as Chairman. Upon a motion made by Jaren Simpson, seconded by Chad Simpson, the Board unanimously agreed to reappoint Jeff Broadaway as Vice-Chairman. At this time, Chairman Benton called Jerry Adams to serve in Gene Price's seat.

Next, Chairman Benton issued the Oath of Office to Alternate Roddie Baucom.

Upon motion duly made by Jeff Broadaway, seconded by Jaren Simpson, the Board unanimously approved the minutes of the March 21, 2022, Board of Adjustment meeting.

Chairman Benton then introduced the consideration of a six-month extension of Special Use Permit #SUP-22-01, from Toxaway Properties, LLC on behalf of Patricia Pittman for parcel numbers 09174012B and 09174006L, located at 2830 Concord Highway for a 24-hour convenience store with retail fuel sales. Chairman Benton stated that we would not hear the permit itself, as this consideration only pertained to issuing a one-time six-month extension. Attorney Ken Swain corrected that the applicants could request successive extension requests. Chairman Benton asked if anyone in the audience would like to address the Board; however, no one in the audience wished to speak on the matter. Jeff Broadaway asked the applicants if six months would give them a time window for things to get moving. Taylor Seeloff, a representative from Toxaway Properties, LLC advised the Board that they had done the bulk of the due diligence by completing the NC DOT study. He stated that it would be close to coming together in the coming months, but he could not guarantee that they would be moving dirt within six months.

Chairman Benton told the Board that there were three points to vote on in Section 62C of the Land Use Ordinance: Expiration of permit (one day remaining); due diligence and in good faith; and conditions have not changed substantially to require a new permit.

Jeff Broadaway asked for clarification on if they could vote on those points separately or in one singular vote. Attorney Ken Swain said he understood the Board should vote on the three stated points to grant the extension. Jeff Broadaway asked for more clarification since he understood that if it met those three criteria, the Board would only have to make a statement of reasonableness and consistency from the staff report, page 4. Attorney Ken Swain advised the

Board that the staff report is based on the original application. Jeff Broadaway asked for further clarification, as he read the instructions to indicate that since the Board knows the permit is due to expire, the owners are conducting due diligence, and the conditions from the original permit have not significantly changed, the Board could move forward with the statement of reasonableness and consistency. Attorney Ken Swain advised the Board that they should still formally vote on the three conditions with the members of the Board. Jeff Broadaway asked for this to be clarified for future use.

Upon a motion made by Jeff Broadaway, seconded by Jaren Simpson, the Board agreed that all three stated conditions: the permit is not expired, the owners have conducted due diligence and good faith, and the request has not changed, had been passed.

Upon a motion made by Jaren Simpson, seconded by Jerry Adams, the Board unanimously agreed to find the rezoning request submitted was reasonable and consistent with the Land Use Plan adopted by the Town in June 2022. With this vote, the permit extension for six months was unanimously passed.

There being no other business, the meeting was adjourned at 7:12 PM.

Respectfully submitted,

Melody Braswell  
Deputy Clerk

Approved as to form:

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Kenneth A. Swain, Town Attorney