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STAFF REPORT

TO: Board of Zoning Appeals

FROM: Justin Westbrook, Community Development Director

SUBJECT: Special Exception (SE-26-02) – Lisa Young – 417 Altman Street

DATE: July 7, 2026

Background: The applicant, Lisa Young, the owner of the subject parcel has applied for a **Special Exception** (SE-26-02) to establish a “restaurant, less than 2,000 ft²” use for one (1) parcel (TMS #142-12-03-020) located in the **Transitional District (TD)**, located at 417 Altman Street. The Town’s Zoning Ordinance allows for any by-right commercial use that is permitted by-right in the **Office & Institutional (C-1)** zoning district to establish within the **Transitional District (TD)** with the Board of Zoning Appeals granting a **Special Exception**.

Existing Zoning: The subject parcel is currently in the **Transitional District (TD)**. Per the Town’s Zoning Ordinance, the Transitional District is intended to:

“...accommodate commercial and professional offices uses typically found in single family areas. District land uses will preserve the area’s existing residential character, while permitting commercial uses that are not major traffic generators.”

	Adjacent Zoning	Adjacent Land Use
North	R-1	Residential
South	TD	Residential
	R-1	Residential
East	R-2	Residential
West	TD	Retail Sales

Existing Site Conditions: The subject parcel is comprised of approximately 16,225 square feet. There appears to be approximately 114-feet of road frontage along Altman Street. The parcel is currently occupied by a one (1) story building, Currently the existing structure on the subject-parcel is unoccupied, but was a former medical retail sales office.

Proposed Request: The applicant has requested a **Special Exception** be issued for the property for a “restaurant, less than 2,000 ft²” use. Looking to occupy a former medical retail sales use, the building is below 2,000 ft² in size, and along a roadway that is seeing a low-density commercial transition, between US-17a and US-52. The

property is already set up as a commercial development, with existing parking, entrances and ADA capable facilities.

Transportation: The property, having previously been used as a medical retail sales, is already developed, with entrances and exits to Altman Street clearly marked, of proper size and free of visual obstacles that making entering or exiting the site challenging. The property was previously noted to have enough parking for the proposed use, and a floor plan and any site changes will be analyzed by Staff at the appropriate time of permitting.

Environmental: Per the National Wetlands Inventory, the parcel does not appear to be subject to wetlands or any additional environmental concerns.

Procedural Issues: As part of any **Special Exception**, the Board of Zoning Appeals shall hold a Public Hearing and may impose additional terms and conditions. Prior to granting the Special Exception, the Board of Zoning Appeals must determine the following standards were clearly demonstrated.

1. The proposed use is consistent with the purpose and intent of the Town's Comprehensive Plan as well as the character and intent of the underlying zoning district;
2. The proposed use is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;
3. Adequate provision is made for such items as setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion, and similar factors;
4. Where applicable, the proposed use will be developed in a way that will preserve and incorporate and important natural features;
5. The proposed use shall not destroy, create a loss, or cause damage to natural, scenic, or historic features of significant importance;
6. Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered;
7. The proposed use complies with all applicable regulations and development standards of the Town.

Consistency with Plans: As part of the new 2024 Comprehensive Plan, the Future Land Use Map identifies the subject parcel as "Town Character Residential", which is described as,

"Intended to promote and enhance smaller lot, town mixed residential type neighborhoods near the downtown, commercial corridors and transportation nodes. A mixture of densities should be promoted to include single-family houses, duplexes, triplexes, accessory dwelling units (ADUs), and small-scale apartments."

The parcel is also within the "Mixed Use Overlay", which is described as,

"A 250 ft mixed-use buffer (500 ft in total width) along select roadways is intended to allow for a mixture of higher density residential and low intensity service-based commercial land uses. This overlay provides

flexibility for the Town to expand economic opportunities beyond the traditional downtown or strip mall type commercial corridors. Common commercial uses could include professional or medical offices, salons, corner stores, and other uses that provide daily services to local residents. Prime examples of a Neighborhood Mixed Use Corridor are along Broughton Rd and Carolina Ave. Corridors, like these, have formed naturally by the pressures and demands of a growing economy. This Overlay also encourages higher density residential units such as du-tri- or quadruplexes, townhomes, condos and multi-family apartments to be located on or adjacent to these commercial businesses..”

Staff Analysis: The applicant has met with Staff concerning their proposed use on multiple occasions. At the request of Staff, the applicant has provided an addendum to their application expressing how they believe their request meets all the standards of a **Special Exception**. Staff is concerned with the applicant’s addendum as it heavily mentions the “need” for this use for the community, which is NOT an item that can be considered by the Board of Zoning Appeals for a **Special Exception**. The applicants have provided other necessary documents for this application, including an updated Site Plan, building elevations and even building renderings. At this time, the most recent Site Plan has only generally been reviewed and serves as more of a conceptual plan than a civil plan. Therefore, Staff is unable to review the document for compliance regarding landscaping or other standards required in the Zoning Ordinance. Staff will ensure the applicant’s civil plans will meet all standards of the Zoning Ordinance.

Regarding the applicant’s addendum and justification, Staff must be clear that the Board of Zoning Appeals (BZA) may only consider the seven (7) criteria as laid out in the Zoning Ordinance. The BZA cannot consider communal need for this use, as a **Special Exception** is the proposed use on the proposed parcel, not the use in relation to the Town or public good.

1. The proposed use is consistent with the purpose and intent of the Town’s Comprehensive Plan as well as the character and intent of the underlying zoning district;
*Staff believes that the proposed use is **not consistent** with the purpose and intent of the Town Character Residential land use designation as listed in the Town’s 2024 Comprehensive Plan. This designation indicates that future growth in the area shall be “smaller lot, town mixed residential type neighborhoods” with a “mixture of densities should be promoted to include” single-family and small-scale apartments, which Staff interprets as not fitting of a restaurant use type. However, Staff believes that proposed use is **consistent** with the presence of the “Mixed Use Overlay”, as the proposed use is conducive to “low intensity-service based commercial land uses” such as a small restaurant. The overlay is intended to promote medical offices and other used the provide daily services to residents, particularly as this is along a mixed-use corridor that is Heatly/Altman Street. Staff view this corridor as the next Main Street, with less dense and intense commercial entities adjacent to the retail and shopping corridor, that is E. Main Street.*
2. The proposed use is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;
*Staff feel that the proposed use **may not be compatible** with the existing uses in the vicinity, particularly the single family homes directly behind the property. While a medical retail sales office, and most other*

service based uses are ideal to be adjacent to residential, a restaurant may have negative impacts on the residents as the hours and functionality can change drastically from a 9-5 retail shop that caters to a specific and limited clientele. The applicant may provide additional information and may be open to conditions on the request, such as additional landscaping, improved screening or other ideas Staff may feel would limit their impact on an existing neighborhood.

1. Adequate provision is made for such items as setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion, and similar factors;
*Staff believe the proposed restaurant **may have adequate provisions** for adverse influence. Staff are concerned about buffering for the proposed restaurant use to the residential uses directly behind this property. The applicant may provide additional information and may be open to conditions on the request, such as additional landscaping, improved screening or other ideas Staff may feel would limit their impact on an existing neighborhood.*
2. Where applicable, the proposed use will be developed in a way that will preserve and incorporate important natural features;
*Staff believe that with the proposed restaurant use **may generally preserve and incorporate important natural features**. Staff recognizes the property is currently developed, and there are limited important natural features on a developed site with limited land to develop.*
3. The proposed use shall not destroy, create a loss, or cause damage to natural, scenic, or historic features of significant importance;
*Staff believes, the proposed use **will not destroy, create loss, or cause damage to natural, scenic, or historic features of significant importance** as the property is already developed and no plans have been submitted to Staff to indicate additional impacts to the natural, scenic or historical features of the property or area.*
4. Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.
*Staff believe the proposed use **may hinder** vehicular traffic or pedestrian movement on adjacent roads. A niche medial retail sales use generates significantly less traffic than a proposed restaurant. While the building is small, the amount of tables and chairs that the restaurant can offer patrons, along with a potential outdoor dining area, the property will see significantly more impacts to the local roadway network. With Altman Street becoming more of a commercial corridor, there are still residential units within a block or two of this subject property, and additional traffic will impact them to some extent.*
5. The proposed use complies with all applicable regulations and development standards of the Town.
*Staff will ensure **the required building permit comply** with all applicable regulations and development standards.*

Staff Recommendation: Staff generally supports this request based on the previous use, however concerns not yet addressed by the property owner or end user does have Staff worried about directly adjacent residents and the impact they will face with a new, albeit small, impact on the area.