



TOWN of WAKE FOREST

**Wake Forest Board of Adjustment
Meeting Agenda
September 17, 2026 at 6:00 PM
All items listed are for discussion and possible action.**

Notice

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Town of Wake Forest will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. For individuals with impaired hearing, special equipment is available for use during meetings in the Town Hall board chambers. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Town of Wake Forest should contact the office of ADA Coordinator [Mickey Rochelle](#) at 919-435-9455 or Town Clerk [Ella Downtin](#) at 919-435-9432 as soon as possible, but no later than 48 hours before the scheduled event.

Cable & Online Broadcast of Board of Adjustment Meetings

All Board of Adjustment meetings are broadcast live on [WFTV 10](#) beginning at 6 p.m. Meetings are also aired online on the [Public Meetings Portal](#) on the [Town of Wake Forest website](#). Archived meeting videos are also provided and available for one year after the original air date.

Meeting Agendas

The [Board of Adjustment](#) meeting agenda is available to be viewed and downloaded by noon on the Friday prior to the third Tuesday of each month. Citizens may request copies of the agenda or submit questions concerning agenda items by calling the Deputy Town Clerk's office at 919-435-9432. Citizens may also receive a copy of each month's agenda via email by enrolling in the free [E-Notifier](#) subscription service.

Public Hearings

When an agenda item is denoted as a [Public Hearing](#), persons attending shall be permitted to address the Board of Commissioners regarding the item under consideration with those speaking in favor first and those against speaking second. Proponents and opponents shall each be given three minutes of time to speak and may choose to allow one speaker to utilize the time. In the event either proponent(s) or opponent(s) have not designated a speaker to represent the view, each speaker will be allowed three minutes each to express his/her comments, ideas, concerns, expressions, and desires. Only comments on a Public Hearing will be allowed during this time.

Public Comment

During the Public Comment period, anyone wishing to address the Board of Commissioners concerning an issue or topic that is not a public hearing item or an agenda item should complete and submit the Board of Commissioner Public Comment Form on the [Town website](#). Then, during the Public Comment portion of the meeting, Mayor Jones will recognize you and invite you to the podium at which time you will have three minutes to speak. Thank you for your cooperation.

1. Call to Order

2. Adoption of Agenda

3. Approval of Minutes

3.A Approval of Minutes

4. Old Business

5. New Business

- 5.A Approval of the Order Affirming, With a Modification, the Notice of Violation
& Correction Order, V-24-168

[BOA-26-03_ORDER AFFIRMING NOV.docx](#)

6. Staff Comments

7. Board of Adjustment Comments

8. Adjournment



BOARD OF ADJUSTMENT AGENDA ITEM REPORT

Agenda Item No.: 2026-988
Submitted by: Ella Dowtin, Planning
Submitting Department: Planning
Meeting Date: September 17, 2026

Subject

Approval of Minutes

Recommendation:

item Summary:

ATTACHMENTS:

- [Draft BOA Minutes 8-20-2026.pdf](#)



Wake Forest Board of Adjustment Minutes

The Wake Forest Board of Adjustment met on **Thursday, August 20, 2026**, at **6:00 p.m.** in the Board Room at Wake Forest Town Hall, 301 S Brooks Street.

Board of Adjustment Members present: Rick Porter, William Hedrick, Brad Walker, Mark Williams, and Howard Katowitz

Board of Adjustment Members absent: Ken Christie

Staff Members present: Development Services Manager Patrick Reidy, Planning Director Jennifer Currin, Senior Planner Tim Richard, Long Range Planning Manager Brad West, Town Attorney Nathan McKinney, and Deputy Town Clerk Ella Dowtin

1. Call to Order

Chair Hedrick called the meeting to order at 6:00 p.m.
A quorum was established.

2. Adoption of Agenda

ACTION:

Mover: Mark Williams moved to adopt the agenda as presented.

Second: Brad Walker.

Vote: Motion carried 5-0.

3. Approval of Minutes

ACTION:

Mover: Rick Porter moved to adopt the minutes as presented.

Second: Mark Williams

Vote: Motion carried 5-0.

4. Old Business

None at the time.

5. New Business

5.A Public Hearing and Consideration of an Appeal of the Notice of Violation & Correction Order, V-24-168

The Board considered appeal BOA-26-03, submitted by Franklin Street Towns, LLC, concerning Notice of Violation and Correction Order, V-24-168, issued by the Town on April 23, 2024. The property is identified by Wake County PIN 1840571129 and is located at the northeast quadrant of the bypass and South Franklin Road.

Prior to the hearing, the Board was advised that the outside counsel originally scheduled to represent the Board was unavailable. Town Attorney Nathan disclosed that he was familiar with the case since he had been advising staff; however, Attorney McKinney advised that he could provide legal guidance to the Board in his capacity as Town Attorney and that the applicant could either proceed with the hearing or request a continuance. The applicant, represented by attorney Clint Cogburn of Ward and Smith, elected to proceed. Neither the Town nor the applicant objected to proceeding without outside counsel.

The Board was advised that the matter was a quasi-judicial proceeding and that the Board's decision must be based solely on competent, material, and substantial evidence presented during the hearing. The Board was also advised regarding ex parte communications, standing, and the requirement that witnesses provide sworn testimony. Board members confirmed that they had not engaged in ex-parte communications concerning the matter.

Planning Director Jennifer Currin presented case BOA-26-03 and entered the staff report, presentation, supplemental exhibits, and staff testimony into the record.

Ms. Currin explained that the Franklin St. Townes subdivision was approved in 2015 as a 61-lot subdivision with an approved master plan that included a pool and clubhouse.

Construction drawings approved in November 2015 continued to show the pool and clubhouse.

Ms. Currin reported that beginning in 2021, the Town communicated with the developer regarding the status of the pool and clubhouse. The developer indicated that it did not intend to construct the pool and clubhouse and was advised by staff that a special use permit amendment or rezoning would be necessary to modify the approved master plan. A Notice of Violation and Correction Order, V-24-168, was subsequently issued on April 23, 2024, since the required pool and clubhouse still hadn't been constructed.

Ms. Currin stated that the Notice of Violation identified the nature of the violation, corrective action, civil penalty information, the time period for correction, and the applicant's right to appeal. Staff recommended that the Board uphold the Notice of Violation and Correction Order. Ms. Currin individually addressed each of the applicant's claims. Staff noted that without addressing the accuracy of the contents of Claims 2-4 and 8, or lack thereof, Claims 2-4 and 8 were not relevant to the NOV, the appeal hearing, or present requirements necessary for compliance and completion of the project.

Ms. Currin further explained that the Town's position was that the Notice of Violation remained valid because the pool and clubhouse had not been constructed and the proposed modification had not yet been placed on a Board of Commissioners agenda and considered by the Board of Commissioners.

Attorney Clint Cogburn, representing Franklin Street Townes, LLC, requested that the Board reverse the Notice of Violation. He argued that the Notice of Violation was procedurally deficient and that the applicant had complied with the corrective action stated in the notice by submitting a proposed modification to the amenity area through the conditional rezoning process.

Mr. Cogburn provided background regarding the development, including the original approval of the pool and clubhouse, subsequent construction phasing, and discussions with Town staff regarding an alternative amenity. He stated that the applicant no longer intended to construct the pool and clubhouse due to economic conditions, insurance costs, and community feedback.

The applicant argued that the Notice of Violation's five-day correction period, civil penalty language, and corrective-action language were procedurally deficient. The

applicant also maintained that submitting the conditional rezoning application constituted compliance with the Notice of Violation.

Witness Testimony

Mr. Cogburn called Patrick Reidy as a witness. Patrick Reidy, Development Services Manager and former Senior Planner, was sworn and testified regarding his involvement with the Franklin Street Townes project. Mr. Reidy testified that he had reviewed the project beginning in 2021 and participated in discussions concerning the pool and clubhouse. He confirmed that the developer had been advised that a modification to the approved plan would require either a special use permit amendment or rezoning. Mr. Cogburn asked if Mr. Reidy was still the plan reviewer. Mr. Reidy replied that he was not; and when Mr. Cogburn inquired as to why Mr. Reidy wasn't the plan reviewer, Mr. Reidy replied he didn't know and Mr. Cogburn would have to ask his client, Mrs. Iafrate. Mr. Cogburn led Mr. Reidy through a series of questions pertaining to the UDO, particularly Chapter 7. Based on the line of Mr. Cogburn's questioning, staff objected and noted that Mr. Reidy was not the administrator and could not render a decision related to an official interpretation of the UDO. During this witness questioning, the Board noted that they failed to see the relevance in the Chapter 7 argument and its lack of bearing on the NOV issuance and the NOV remaining in place.

Mr. Cogburn called a second witness, Tim Richards, Senior Planner for Development Services, who was also sworn and testified. Mr. Richards stated that he was the current reviewer for the conditional rezoning application associated with Franklin Street Townes. He reported that the application was pending Planning Board review and was expected to move forward to the September Planning Board meeting. He further stated that there were no material outstanding comments preventing the application from moving forward.

Recess at 7:58 pm

Reconvene at 8:08 pm

Public Hearing Open

The Board heard comments from members of the public regarding the Franklin Street Townes appeal. Residents expressed concerns about how long the development had remained incomplete, the condition of the undeveloped area, and the need to bring the property to a complete, livable condition. The Board considered the public comments as part of the evidentiary record.

Paul Johnson – 849 S. Franklin St. – Wake Forest, NC

The Board also considered the issue of standing for residents.

ACTION:

Mover: Mark Williams moved to consider that all Franklin Street Townes residents speaking tonight have standing.

Seconder: Rick Porter.

Vote: Motion carried 5-0.

Vanessa Johnson – 849 S. Franklin St. – Wake Forest, NC

Sarah Murray – 911 S. Franklin St. – Wake Forest, NC

ACTION:

Mover: Brad Walker moved to close the public hearing.

Seconder: Rick Porter.

Vote: Motion carried 5-0.

Public Hearing Closed

Board Discussion

The Board discussed whether the issue before it was limited to whether the Notice of Violation was valid when issued, or to determine whether the applicant had subsequently complied with the corrective action specified in the notice.

The Board reviewed the language of the Notice of Violation, including the requirement that the applicant either commence action on the approved pool and clubhouse or propose a modification for the Board of Commissioners' consideration.

The Board further discussed the applicant's conditional rezoning application submitted on August 23, 2024. The Board noted that the application had been submitted through the Town's planning process and was pending the Planning Board's consideration. The Board also discussed whether the application's submission satisfied the corrective action identified in the Notice of Violation.

The Board also discussed the distinction between complying with the language of the particular Notice of Violation and curing the underlying development violation. The

Board expressed concern that a determination regarding the August 23, 2024 submission should not prevent the Town from taking future enforcement action if the applicant's proposed modification is ultimately denied or otherwise fails to satisfy the underlying requirements.

ACTION:

Mover: Brad Walker moved that Notice of Violation and Correction Order V-24-168 was valid and was properly issued as is.

Seconder: Rick Porter.

Vote: Motion carried 5-0.

ACTION:

Mover: Brad Walker moved to determine that the applicant complied with the requirements of Notice of Violation V-24-168 by submitting the required modification on August 23, 2024.

Seconder: None.

The Board discussed that this determination applied specifically to Notice of Violation V-24-168 and did not prevent the Town from issuing a subsequent Notice of Violation if warranted by future circumstances.

The Town Attorney advised that, as staff noted, the Board, under the applicable UDO provisions, had authority to affirm or reverse, wholly or in part, or modify the contested action. The Board discussed modifying the Notice of Violation to clarify that the violation would remain in effect until the proposed modification was approved by the Board of Commissioners.

ACTION:

Mover: Brad Walker moved to modify the Notice of Violation so that the violation remains in effect until the Board of Commissioners approves the proposed modification.

Seconder: Mark Williams.

Vote: Motion carried 5-0.

The Board discussed whether the motion should address potential civil penalties or enforcement during the period before the Board of Commissioners acts. The Board determined that those matters were outside the scope of the action being taken and

should remain within the Town's purview and be addressed in a manner consistent with the UDO and applicable State law.

6. Staff Comments

Planning Director Jennifer Currin announced the upcoming Sustainability Plan Open House scheduled for Thursday, August 27, 2026. Two sessions will be held: 11:00 a.m. to 1:00 p.m. at the Holding Community House and 6:00 p.m. to 8:00 p.m. at the Center for Active Aging. Ms. Currin encouraged the Board and members of the public to attend.

Ms. Currin also welcomed Howard Katowitz to his first Board of Adjustment meeting.

7. Board of Adjustment Comments
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No comments.

8. Adjournment

ACTION:

Chair Hedrick moved to adjourn the meeting at 8:55 p.m.

Duly approved in open session this 17th day of September 2026.

Ella F. Dowtin
Deputy Town Clerk

William Hedrick
Board of Adjustment Chair



BOARD OF ADJUSTMENT AGENDA ITEM REPORT

Agenda Item No.: 2026-954-

Submitted by: Jennifer Currin, Planning

Submitting Department: Planning

Meeting Date: September 17, 2026

Subject

Approval of the Order Affirming, With a Modification, the Notice of Violation & Correction Order, V-24-168

Recommendation:

item Summary:

ATTACHMENTS:

- [BOA-26-03_ORDER AFFIRMING NOV.docx](#)



ORDER AFFIRMING, WITH A MODIFICATION, THE NOTICE OF VIOLATION & CORRECTION ORDER, V-24-168

The Wake Forest Board of Adjustment held a quasi-judicial hearing to consider the following application:

APPLICANT:	Franklin Street Townes, LLC
PROPERTY OWNER:	Franklin Street Townes, LLC
PROJECT NUMBER:	BOA-26-03
PROJECT LOCATION:	0 Franklin Park Avenue
WAKE COUNTY PIN(s):	1840571129
BOARD OF ADJUSTMENT	
MEETING DATE:	August 20, 2026

The Town of Wake Forest's Board of Adjustment held a quasi-judicial appeal hearing on Thursday, August 20, 2026 to receive and review evidence presented by interested parties on Franklin Street Townes, LLC appeal of the Town's Notice of Violation & Correction Order, V-24-168.

The Board of Adjustment, having considered the applicant's application, the staff report, presentations, and the testimony, exhibits, and arguments presented at the August 20, 2026 hearing, make the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT:

1. In February 2014, the Board of Commissioners issued a Special use Permit (SUP) to Franklin Street Apartments, LLC approving a 108-unit multifamily development. The SUP approval included a master plan, which included a pool and clubhouse. (Exhibit 3).
2. In February 2015, the Board of Commissioners issued a Special Use Permit (SUP) to Franklin Street Apartments, LLC approving 61 townhomes. The SUP approval included a master plan, which included a pool and clubhouse. The amenity center was noted as contributing toward the request meeting the Wake Forest Community Plan and ordinance requirements. (Exhibit 5).

3. The Franklin Street Townes master plan included an anticipated phasing plan stating the pool and clubhouse was schedule for Phase 1. (Exhibit 5).
4. The Franklin Street Townes construction drawings were approved administratively in November 2015 in accordance with their SUP. (Exhibit 6).
5. The Franklin Street Townes, LLC owners, Caroline and Marc Iafrate, informed Town of Wake Forest Planning staff in November 2021 that they did not intend to construct the pool and clubhouse included in their SUP approval. (Exhibit 11).
6. Town of Wake Forest Planning staff notified the applicant that removing the pool and clubhouse is a significant modification from the SUP approval and would require Board of Commissioner approval through a SUP amendment or zoning map amendment. (Exhibit 13 and 14).
7. The Town of Wake Forest issued a Notice of Violation & Correction Order, V-24-168, on April 23, 2024 for failure to comply with the approved master subdivision plan, SD-14-09. (Exhibit 2).
8. The Applicant submitted an initial appeal application (BOA-26-03) on April 26, 2024 and reinitiated their appeal application on May 5, 2026, which contained the requests, supporting information, and the proposed plans. (Exhibit 1 and 15).
9. The 2024 appeal was paused as the applicant pursued their map amendment approval to cure the violation.
10. The Town stayed enforcement of V-24-168 while the applicant worked through the zoning map amendment.
11. Town of Wake Forest Planning Staff mailed notices to the Applicant, and the property owners within 500 feet of the subject property on August 7, 2026, posted public hearing signage and contact information on the property on August 6, 2026, and posted public hearing notices in a paper of general circulation on August 6 and 13, 2026 in accordance with the Unified Development Ordinance and applicable State Statutes.
12. The Applicant's submittal documents, and presentation, admitted into the record during the August 20, 2026 hearing, include additional supporting information.
13. At the hearing, Jennifer Currin, Planning Director, presented the Town's position, and requested that the staff report, presentation, and other case documents associated with BOA-26-03 be admitted into the record.
14. Caroline Iafrate, on behalf of Franklin Street Townes, LLC, appealed the Notice of Violation & Correction Order, V-24-168, dated April 23, 2024, on following claims:

- a. The NOV fails to state the action necessary to abate the alleged violation.
- b. The Town has imposed UDO requirements that do not exist.
- c. The Town approved a comparable development without imposing the 25% active recreation requirement.
- d. The Town violates state law and the UDO by refusing to process the Block 11 plat and related building permits.
- e. The NOV is facially deficient and violates the UDO's civil penalty provisions.
- f. Potential violation of inspection requirements.
- g. Construction phasing is within Franklin Street's discretion.
- h. The Town's actions are arbitrary and capricious.

(Exhibit 1).

15. Staff provided evidence refuting each of the applicant's claims. (Staff report and staff presentation).

Based on the foregoing Findings of Fact, the Board of Adjustment make the following

CONCLUSIONS OF LAW:

1. The Board of Adjustment concludes that, notwithstanding the applicant's arguments, the approved master plan and construction drawings (SD-14-09) required a pool and clubhouse to be constructed with the Franklin Street Townes development.
2. The Board of Adjustment concludes that, notwithstanding the applicant's arguments, a pool and clubhouse have not been constructed as part of the Franklin Street Townes development and a subdivision violation does exist.
3. The Board of Adjustment concludes that, notwithstanding the applicant's arguments, the Notice of Violation, V-24-168, met all NCGS and ordinance requirements when issued.
4. The Board of Adjustment concludes that, notwithstanding the applicant's arguments, the Notice of Violation, V-24-168, stated the action necessary to abate the violation.
5. The Board of Adjustment concludes that, notwithstanding the applicant's arguments and without unnecessarily addressing the accuracy of the contents of the arguments or the lack thereof, the applicant's claim that the Town imposed UDO requirements that do not exist is not relevant to the NOV, the appeal hearing, or requirements for compliance and completion of the project.
6. The Board of Adjustment concludes that, notwithstanding the applicant's arguments and without unnecessarily addressing the accuracy of the contents of the arguments or the lack thereof, the applicant's claim that the Town approved a comparable development without imposing the 25% active reaction requirement is not relevant to the NOV, the appeal hearing, or requirements for compliance and completion of the project.
7. The Board of Adjustment concludes that, notwithstanding the applicant's arguments and without unnecessarily addressing the accuracy of the contents of the arguments or the lack

thereof, the applicant's claim that the Town violates state law and the UDO by refusing to process the Block 11 plat and related building permits is not relevant to the NOV, the appeal hearing, or requirements for compliance and completion of the project.

8. The Board of Adjustment concludes that, notwithstanding the applicant's arguments, the Notice of Violation, V-24-168, is not facially deficient and does not violate the UDO's civil penalty provisions.
9. The Board of Adjustment concludes that, notwithstanding the applicant's arguments, the Town did not violate inspection requirements.
10. The Board of Adjustment concludes that, notwithstanding the applicant's arguments, Franklin Street Townes, LLC did propose a construction phasing schedule and did not comply with it.
11. The Board of Adjustment concludes that, notwithstanding the applicant's arguments and without unnecessarily addressing the accuracy of the contents of the arguments or the lack thereof, the applicant's claim that the Town's actions are arbitrary and capricious is not relevant to the NOV, the appeal hearing, or requirements for compliance and completion of the project.
12. NCGS §160D-406(j) and Town UDO Section 15.12.3 state the board may reverse or affirm, wholly or in part, or may modify the decision appealed.

ORDER:

Having heard all the evidence and arguments presented at the hearing, the Board of Adjustment hereby affirms the Town Administrator's Interpretation and Decision and affirms the Notice of Violation and Correction Order, V-24-168, with the modification that the NOV remains in effect until the Board of Commissioners approves the proposed modification.

Ordered this 17th day of September 2026.

Will Hedrick, Chairman
Board of Adjustment

NOTE: If you are dissatisfied with the decision of this board, an appeal may be taken to the Superior Court of Wake County within thirty (30) days after the date this order is served on you. See Section 15.13.4, of the Wake Forest Unified Development Ordinance.

ATTEST:

SEAL

Ella Dowtin, Deputy Town Clerk

I, _____, a Notary Public in and for said County and State, do hereby certify that _____, Town Clerk of Wake Forest, personally came before me this day and being by me duly sworn says that she knows the corporate seal of the Town of Wake Forest and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Wake Forest, that _____, Town Clerk for the Town of Wake Forest subscribed her name thereto; that the corporate seal of the Town of Wake Forest was affixed thereto, all by virtue of an order of the Board of Adjustment and that said instrument is the act and deed of the Town of Wake Forest.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 2026.

Notary Public
My Commission Expires: