



GUILFORD COUNTY PLANNING AND DEVELOPMENT

BOARD OF ADJUSTMENT AGENDA

Blue Room, First Floor
Old Guilford County Courthouse
301 W. Market Street
Greensboro, NC 27401
April 6th, 2021

Regular Meeting

6:00 PM

The Guilford County Board of Adjustment met in regular session on April 6th, 2021 in the Blue Room, Old Guilford County Courthouse, 301 W. Market Street, North Carolina, 27401, commencing at 6:00 p.m.

MEMBERS PRESENT: Ditra Miller, Chair; Willie Johnson; Carey Campbell; Larry Standley

MEMBERS ABSENT: Frank Havens & Sebastian King

STAFF PRESENT: Matt Talbott - Planning & Development Department

Chair Miller welcomed everyone to the meeting and stated they would start the meeting with approval of the January 5th, 2021 minutes.

Approval of Minutes: January 5th, 2021

Mr. Johnson moved for approval of the January 5th, 2021 minutes, seconded by Mr. Standley. The Board voted unanimously in favor of the motion. (Ayes: Johnson, Campbell, Standley, Miller. Nays: None.)

Old Business

None

New Business

Matt Talbott announced the resignation of Bob Lawler. Mr. Talbott stated that Leslie Bell has asked Mr. Campbell to be appointed as an official member and will be working with the County Commission.

Evidentiary Hearing Items

Staff and case representatives were sworn in for their testimony in the following cases:

Case #21-02-GCPL-01088

Andrew Tillery is requesting a variance from the Guilford County Unified Development Ordinance Article 4.8, which regulates the location of all accessory structures and buildings to be located behind the front building line of the principal structure. The property is located in the RS-30 Zoning District. The applicant is seeking to build a new detached garage on the property which would be in front of the principal structure (house). There is a single-family home on the property. The property is located at 8139 Old Reidsville Road, Reidsville, NC 27320 being tax parcel #114305, in Madison Township. **(Granted)**

Matt Talbott stated the property is about .65 acres. The setbacks for the RS-30 district include a 40-foot front yard setback, 10-foot side yard, and a 30-foot rear yard setback. To the North is vacant, to the South and East are single-family residential, and to the West is US Highway 29. The surrounding uses include agricultural and single-family homes with varied setbacks. The date of the application was February 9th, 2021. The date adjacent property owners were notified, a sign was posted on the property, and it was posted on the County website was March 26th, 2021.

Andrew Tillery, 8139 Old Reidsville Road, stated that he wants to put a garage off the driveway but not in front of the home. Mr. Johnson asked if the lot had been separated before, after he had looked at pictures of the property. Mr. Tillery confirmed this. The property was at one time two lots that came together, and that is why the home is at an odd angle. Mr. Tillery wants to create this new garage to have more privacy and they would not have to cross septic lines to enter the property.

Anita Smith, a neighbor, gathered a non-notarized petition with multiple signatures that was concerned over the type of building Mr. Tillery might build. Mr. Talbott contacted Ms. Smith and told her that if Mr. Tillery meets the County Building Codes that the BOA cannot control the aesthetic design. Mr. Talbott told the Board that he does not think the new building would impede the area at all since Mr. Tillery plans on a 90-foot setback.

There being no others to speak in opposition to the request, the hearing was closed.

Mr. Johnson moved to grant the variance and moved that the Guilford County Board of Adjustment, having held a hearing on April 6th, 2021 to consider **Case #21-02-GCPL-01088**, submitted by Andrew Tillery, a request for a variance to use the property located at 8139 Old Reidsville Road, Reidsville, NC 27320 in a manner not permissible under the literal terms of the ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following **FINDINGS OF FACTS** and draws the following **CONCLUSIONS**:

1. It is the Board's **CONCLUSION** that, unnecessary hardship **will** result from the strict application of the ordinance. It shall not be necessary to demonstrate that in the absence of the variance no reasonable use can be made of the property. This conclusion is based on the following FINDINGS

Of FACT: The applicant is left with no other option due to the previous merging of the properties and the position of the septic tank.

2. It is the Board's **CONCLUSION** that the hardship **does** result from conditions that are peculiar to the property, such as location, size or topography, hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public may not be basis for granting a variance. This conclusion is based on the following FINDINGS OF FACT: The applicant has a deck that obscures the area to build due to a 10-foot setback and the septic tank location.

3. It is the Board's **CONCLUSION** that the hardship **does not** result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge of circumstances that exist that may justify granting a variance shall not be regarded as a self-created hardship. This conclusion is based on the following FINDINGS OF FACT: When the property was purchased in 2012, the petitioner was not prepared to build a garage, but when the property was originally made the house was made with an odd driveway so now, he has no other option.

4. It is the Board's **CONCLUSION** that the requested variance **is** consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This conclusion is based on the following FINDINGS OF FACT: The granting of the variance will allow the petitioner to develop their property and the 90-foot setback would not impede on the area.

THEREFORE, based on all the foregoing, IT IS ORDERED that the application for a VARIANCE be **GRANTED** subject to the following:

Compliance with all local, state, and federal laws.

Mr. Standley seconded the motion. The Board voted unanimously in favor of the motion. (Ayes: Johnson, Campbell, Standley, Miller. Nays: None.)

OTHER BUSINESS

None

ADJOURNMENT

There being no further business before the Guilford County Board of Adjustment, the meeting adjourned at 6:33 o'clock p.m.

DM/lb-jd