

Board of Adjustment Meeting Order of Actions

1. 6:00 p.m. – Chairperson Call’s meeting to order
2. Roll Call
3. Agenda amendments if any
4. Approval of minutes (Chairperson and Secretary will need to sign official copy of approved minutes after meeting)
5. Chairperson’s explanations of the BOA rules of procedure
6. Old business if any
7. New Business
8. Secretary call case
9. Chairperson – swears in staff
10. Secretary – give brief description and history of the case as well answer questions for section 9-5.1(postings, mailouts, etc).
11. Chairperson Opens the hearing: swears in persons testifying for and against
 - a. Is there anyone who wished to speak in favor of this request?
 - b. Is there anyone who wished to speak against this request?
 - c. Is there anyone who wished to present a rebuttal?
 - d. Chairperson closes the hearing
12. Board Discussion of the case
13. Chairperson ask for a motion from the board. The motion will need to follow the motion worksheet and each findings of fact will need to be voted on by the board.
14. Chairperson advises the applicant of approval or denial and remind them that they will receive the decision in writing.
15. Repeat steps 4-10 for all other cases that are scheduled to be heard.
16. Adjournment

SAMPLE SCRIPT FOR BOA MEETING

Welcome to the regular monthly meeting of the Guilford County Board of Adjustment. I am _____, chairman/vice chairman of the board and this meeting is called to order.

Secretary, please call the roll. (Chair notes which alternate(s) will be seated if applicable.)

The Guilford County Board of Adjustment is appointed by the Guilford County Commissioners and operates under the North Carolina General Statute. It is a quasi-judicial board, meaning that all testimony will be under oath, the board's decision will be based on findings of fact, and the final action of the board is similar to a court decision. Appeals of the board's decision are made to Superior Court, not to the Guilford County Commissioners.

All cases will be heard as they appear on the agenda. As each case is called, we will ask for any persons wishing to speak about the case to come up to the podium to be sworn in or affirmed. The Board Secretary will give a brief description of the case, and then the applicant and anyone wishing to speak in favor of the request will be heard. Any opponents to the request will then be given an opportunity to be heard. Both sides will be given the opportunity to speak in rebuttal. Any board member may ask questions at any time.

After testimony, the Board will discuss the request and make a decision to approve or deny, so you will know the results tonight. All board members are required to vote unless they have a conflict of interest. It takes four affirmative votes to grant a variance, and a simple majority for other cases.

If you disagree with the action of the board, your next step would be to appeal the decision to Superior Court within 30 days of receiving written confirmation of tonight's decision.

For each case:

(Secretary calls case and gives synopsis)

(Chair: All those who wish to speak about this case, please approach the podium.) Chair administers the oath to include staff:

**“DO YOU SWEAR OR AFFIRM TO TELL THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?”
(response should be “I do”)**

Is there anyone who wishes to speak in favor of this request?

Is there anyone who wishes to speak against this request?

Is there anyone who wishes to present a rebuttal?

Is there discussion by the Board?

Following discussion, ask the Board for a motion and a second for approval or denial of the request. (Use sample motion as guideline). Ask Secretary to call for the vote. *

SAMPLE MOTION FOR A VARIANCE

(Read through the variance worksheet of Findings of Fact.) I make a motion to approve a variance to (state what is being varied from and to) as requested by Case (case number), for the property located at (address);

Based on the following findings by the Board describe

- 1. The hardship that would result from the strict application of the ordinance**
- 2. The hardship results from conditions that are peculiar to the property**
- 3. The hardship did not result from actions taken by the applicant or the property owner**
- 4. 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.**

*** Notes: Variance requires four-fifths (4/5) vote.
Simple majority is required for all other cases.
The Board chairman votes as any other Board member.**

Advise the applicant of the approval or denial and remind them that they will receive the decision in writing.

After all cases are heard and decided, continue to remainder of agenda



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 6, 2021

Regular Meeting

6:00 PM

A. Roll Call

B. Agenda Amendments

C. Approval of Minutes: January 5, 2021

D. Rules and Procedures

E. Old Business

F. New Business

Evidentiary Hearing Items

Swearing in of staff and those speaking on the case

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.

H. ADJOURNMENT

400 W Market Street
Post Office Box 3427, Greensboro, North Carolina 27402
Telephone (336) 641-3334 Fax (336) 641-6988



GUILFORD COUNTY PLANNING AND DEVELOPMENT

BOARD OF ADJUSTMENT AGENDA

Blue Room, First Floor
Old Guilford County Courthouse
301 W. Market Street
Greensboro, NC 27401
January 5, 2021

Regular Meeting

6:00 PM

The Guilford County Board of Adjustment met in regular session on January 5, 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; Bob Lawler; Willie Johnson; and Frank Havens

MEMBERS ABSENT: Carey Campbell and 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 December 1, 2020 minutes.

Mr. Talbott interjected that he had been in contact with Barbara Rhoades, of case #20-12-GCPL-08144, and asked the Board could he ask to move this case to the end. Mrs. Rhoades had been running late. Mr. Havens moved for case #20-12-GCPL-08144 to be presented last, seconded by Mr. Johnson. The Board voted unanimously in favor of the motion. (Ayes: Johnson, Lawler, Havens, Miller. Nays: None.)

Approval of Minutes: December 1, 2020

Mr. Lawler moved for approval of the December 1, 2020 minutes, seconded by Mr. Havens. The Board voted unanimously in favor of the motion. (Ayes: Johnson, Lawler, Havens, Miller. Nays: None.)

Rules and Procedures

Chair Miller explained the policies and procedures followed by the Guilford County Board of Adjustment

Old Business

None

New Business

None

Evidentiary Hearing Items

Swearing in of staff and those speaking on the case

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

Case #20-12-GCPL-08139 Ivan & Melissa Handy are requesting a variance from the Guilford County Unified Development Ordinance Article 5.4-B (2), which regulates the location of all detached accessory dwellings to be located at least 10 feet from the principal structure located in the AG Zoning District. The applicants are seeking to convert an existing detached garage on the property into a detached accessory dwelling. There is a single-family home on the property and two accessory structures. The property is located at 7721 Whipple Trail, Greensboro, NC 27455 being tax parcel #139297, in Center Grove Township.
(GRANTED)

Matt Talbott stated that the property owner is requesting a variance from the Guilford County Ordinance 5.4-B (2), which regulates the location of all detached accessory dwellings to be located at least 10 feet from the principal structure located in the AG Zoning District. The applicants are seeking to convert an existing detached garage on the property into a detached accessory dwelling. There is a single-family home on the property and two accessory structures. The property is located at 7721 Whipple Trail, Greensboro, NC 27455 being tax parcel #139297, in Center Grove Township. The property is approximately 3.7 acres with the following setbacks for the AG Zoning District: front street 40 feet, side yard 15 feet and back yard 30 feet. The surrounding uses to the north, south, east and west are single family homes and single family residential. Surrounding uses are agricultural and single-family homes with varying setbacks. There are streams on the property. The date of the application is November 10th, 2020. The date the adjacent property owners were notified is December 23rd, 2020. The date the sign was posted on the subject property was September 23rd, 2020. The date that the notice of hearing was posted was December 23rd, 2020. The date of hearing is January 3rd, 2021.

Ivan Handy, of 7721 Whipple Dr, Greensboro, stated he is a caregiver that takes care of his elderly mother and disabled uncle. He wanted to create the space so that he could have his uncle on the property to continue care.

Chair Miller asked if the property meets the required setbacks. Mr. Talbott confirmed this but stated that the main reason this issue was flagged was for safety and aesthetics.

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

Mr. Lawler moved to grant the variance and moved that the Guilford County Board of Adjustment, having held a hearing on January 3, 2021 to consider **Case #20-08-GCPL-05714**, submitted by Ivan & Melissa Handy, a request for a variance to use the property located at 7721 Whipple Trail, Greensboro, NC 27455, 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: lessening the 10 ft requirement does not impose any hardship on the property owner or the community in general.
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: lessening the 10 ft requirement does not impose any hardship on the property owner or the community in general.
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: the hardship does not result from actions of the applicant or property owner. The structure was purchased as it is, and the building was not constructed with an add-on in mind.
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 10 ft setback will not diminish the value of the property or surrounding properties.

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

Case #20-12-GCPL-08140 Jacob Dunkelberger is requesting a variance from the Guilford County Unified Development Ordinance Article 4.2.2, side and front street setback, to reduce the minimum street setback to 15 feet instead of the required 40 feet in the RS-40 Zoning District. The property is currently vacant.

The applicant is proposing a new single-family home to be built. The property is located at 2224 Ledford Rd, Greensboro, NC 27406 being tax parcel #134176, in Fentress Township. **(GRANTED)**

Matt Talbott stated that the property owner is requesting a variance from the Guilford County Ordinance 4.2.2, which states they require a 15 ft setback variance instead of the required 40 ft setback in the RS-40 Zoning District. The property is currently vacant and the applicant wants to accommodate a single-family home, located at 2224 Ledford Rd, Greensboro, NC 27406 being tax parcel #134176. The property has the following setbacks for the AG Zoning District: front street 40 feet, side yard 15 feet and back yard 30 feet. The surrounding uses to the north, south and west are single family homes and single family residential. The east is vacant. There are streams on the property and a large portion of the property has a flood zone. The date of the application is December 1st, 2020. The date the adjacent property owners were notified is December 23rd, 2020. The date the sign was posted on the subject property was December 23rd, 2020. The date that the notice of hearing was posted was January 5th, 2021. The date of hearing is January 3rd, 2021.

Mr. Talbott pulled up the flood zone and showed that much of the property is unbuildable and that is why the applicants wants adjusted setbacks. Mr. Johnson asked when the area was last platted, and Mr. Talbott answered 1961. Mr. Johnson also asked which sides needed the 15 ft variance, which were the front and side since it is a corner lot.

Jacob Dunkelberger, of 4238 Harvard Ave, Greensboro, NC, stated he has family that live in the area and want to build a house on the property. They bought both lots and with the flood plain, one of the lots was unbuildable. They needed this variance to start construction.

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

Mr. Lawler moved to grant the variance and moved that the Guilford County Board of Adjustment, having held a hearing on January 3, 2021 to consider **Case #20-12-GCPL-08140**, submitted by Jacob Dunkelberger, a request for a variance to use the property located at 2224 Ledford Rd, Greensboro, NC 27406, 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 lot has a flood plain and utility easements that prevent the home from being built anywhere else on the property.
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 lot has a flood plain and utility easements that prevent the home from being built anywhere else on the

property. By reducing the setback by 15 it could combat the hardships from the natural landscape.

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: the hardship does not result from actions of the applicant or property owner. The structure was purchased as it is and is on a flood plain that restricts buildable area. It does not hinder public safety since it will be a safe distance from the street.
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: Easing the setback from 40 ft to 25 ft will not impact the safety of the applicant or community.

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

Case #20-12-GCPL-08144 Barbara Rhoades 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 located in the RS-40 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 5303 Folgers Court, Julian, NC 27283 being tax parcel #123061, in Clay Township. **(GRANTED)**

Matt Talbott stated that the property owner is requesting a variance from the Guilford County Ordinance 4.8, which regulates the location of all accessory structures and buildings to be located behind the front building line of the principal structure located in the RS-40 Zoning District. The property is currently a single-family home, located at 5303 Folgers Court, Julian, NC 27283 being tax parcel #123061. The property has the following setbacks for the RS-40 Zoning District: front street 40 feet, side yard 15 feet and back yard 30 feet. The surrounding uses to the north, south, east and west are single family homes and single family residential. There are no streams on the property. The date of the application is November 3rd, 2020. The date the adjacent property owners were notified is December 23rd, 2020. The date the sign was posted on the subject property was December 23rd, 2020. The date that the notice of hearing was posted was January 23rd, 2020. The date of hearing is January 3rd, 2021.

Barbara Rhoades, of 5303 Folgers Ct, was sworn in and stated that she has tried to follow all the ordinances that she needs to build this garage. The way that the property is built has created flooding. Utility lines on the property

prevented the building from being built in another location. The variance would allow the garage to be built to the right of the current garage. Two years prior, there were sinkholes that took away even more land that could be built on. The suggested location is the best fit since most of the land is unbuildable.

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

Mr. Havens moved to grant the variance and moved that the Guilford County Board of Adjustment, having held a hearing on January 3, 2021 to consider **Case #20-12-GCPL-08144**, submitted by Barbara Rhoades, a request for a variance to use the property located at 5303 Folgers Court, Julian, NC 27283 being tax parcel #123061, 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 lot has a flooding issue that has caused hardship to the property owner.
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 owner did not know of the hardships when she purchased the property and her use of the property in this manner would not hinder the neighborhood.
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: she was unaware of the current hardships when she applied for the building permit. She tried to pursue all avenues before she came to this point.
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: she can make her wanted improvements to the property without hindering the neighbors and community.

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

Revised Rules of Procedure Review

Matt Talbot stated the **Revised Rules of Procedure** ~~se~~ were still a work in progress and would touch base next meeting.

OTHER BUSINESS

None

ADJOURNMENT

There being no further business before the Guilford County Board of Adjustment, the meeting adjourned at 6:51 o'clock p.m.

DM/jd-lb

400 W Market Street
Post Office Box 3427, Greensboro, North Carolina 27402
Telephone (336) 641-3334 Fax (336) 641-6988

Staff Report

Case #21-02-GCPL-01088

A. Summary

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.

B. District Description: RS-30

The RS-30 district is primarily intended to accommodate single-family residential detached dwellings on lots in areas without access to public water and sewer services. The minimum lot size of this district is 30,000 square feet. Cluster development (conservation subdivision) are permitted.

C. Property Specifics

- a. **Applicant/Property Owner:** Applicant Andrew Tillery / Property Owner: Andrew Tillery
Property Location: 8139 Old Reidsville Road, Reidsville, NC
- b. **Legal Description:** Being Guilford County Tax Parcel #114305, which is located in Madison Township being approximately .65 acres.
- c. **Setbacks RS-30**
Front street: 40 feet
Side yard: 10 feet
Rear yard: 30 feet

D. Character of the Area

- a. **Existing Land Use(s) on the Property:** Single-family home
- b. **Surrounding Uses:**
 - i. North: Vacant
 - ii. South: Single-family Residential.
 - iii. East: Single-family Residential.
 - iv. West: US Highway 29
- c. **Area Visual Survey:** Surrounding uses agricultural & single-family homes with varied setbacks.
- d. **Environmental Impacts:** There are no streams on the subject property.

Questions asked under Section 2.7 of the Guilford County Unified Development Ordinance as it relates to variance have been answered in writing.

Date of application:
February 9, 2021

Date adjacent property owner(s) notified:
March 26, 2021

Date sign posted on the subject property:
March 26, 2021

Date posted on County website:
March 26, 2021

Date of hearing:
April 6, 2021

Findings of Facts

Guilford County Development Ordinance Sec. 3.5 (W)

Granting of Variance: A variance may be granted by the Board if evidence presented by the applicant persuades it to reach the following conclusions:

- 1) There are practical difficulties or unnecessary hardships that would result in the way of carrying out the strict letter of this Ordinance. The Board may reach this conclusion if it finds that:
 - a) The applicant complies with the provisions of this Ordinance and can make no reasonable use of his property;
 - b) The hardship of which the applicant complains results from unique circumstances related to the applicant's property;
 - c) The hardship relates to the applicant's property, rather than personal circumstances; and
 - d) The hardship is not the result of the applicant's own actions.
- 2) The variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.
- 3) The granting of the variance assures the public safety and welfare and does substantial justice.

Subject property



Across Street



Street view facing North



Street view facing South



NOTICE
PUBLIC HEARING
ACTION CONCERNING BDA
CASE # 21-02-GCPL-01088
FROM: 6:00pm TO: YARIANCE
TIME: 6:00pm DATE: April 6, 2021
 Located: Old Guilford County Courthouse
 Meeting Room, Greensboro, NC
 in BLUE For Information Contact:
 Guilford County Planning Dept.
336.641.3334

NOTICE
PUBLIC HEARING
ACTION CONCERNING BDA
CASE # 21-02-GCPL-01088
FROM: 6:00pm TO: YARIANCE
TIME: 6:00pm DATE: April 6, 2021
 Located: Old Guilford County Courthouse
 Meeting Room, Greensboro, NC
 in BLUE For Information Contact:
 Guilford County Planning Dept.
336.641.3334

Aerial photo





**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

Board of Adjustment
Variance Application

Date Submitted: 2-9-21 Fee \$226.00 Receipt # 152956 Case Number 21-02-gcp1-01088
(includes \$26 recording fee)

PROPERTY INFORMATION

Address 8139 Old Neidsville Rd. City Neidsville State NC Zip Code 27320
Tax Parcel # 114305 Zoning: RS-30
Plat Book & Page 66-8 Deed Book & Page 1351-3017 Township Madison

OWNER INFORMATION

Name Andrew Tillery Phone Number 336-280-5006
Address 8139 Old Neidsville Rd. City Neidsville State NC Zip Code 27320
Email tillery.andrew@yahoo.com
Owner Signature Andrew Tillery
I certify that all information presented by me in this application is accurate to the best of my knowledge, information, and belief.

APPLICANT INFORMATION – If not property owner, a notarized statement of permission is required from the property owner.

Name _____ Phone Number _____
Address _____ City _____ State _____ Zip Code _____
Email _____
Applicant Signature _____
I certify that all information presented by me in this application is accurate to the best of my knowledge, information, and belief.

TO THE GUILFORD COUNTY BOARD OF ADJUSTMENT:

I, Andrew Tillery, hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Development Ordinance because, under the interpretation given to me by the Enforcement Officer, I am prohibited from using the parcel of land described above in a manner shown by the plot plan attached. I request a variance from the following provisions of the ordinance (cite section numbers):

From Section 4.2.3 - that requires accessory structures to be located behind the front building line. I ask that the BOA permit a variance to allow me to
If the plot plan does not adequately reveal the nature of the variance, the request is more fully described below: construct a garage approximately 40 ft. in front of the front building line
I would like to utilize the front portion of my lot to construct a garage that will be approximately 40 feet in front of the front building line of the home.



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

**Board of Adjustment
Variance Application**

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach four conclusions before it may issue a variance: (1) that unnecessary hardship would result from the strict application of the ordinance; (2) that the hardship results from conditions that are peculiar to the property; (3) that the hardship did not result from actions taken by the applicant or the property owner; and (4) 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.

In the spaces provided with the conclusions below, indicate competent, material and substantial evidence that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these four conclusions.

- 1) Unnecessary hardship would result from the strict application of the ordinance.

Without the approval of the Variance, I would be unable to utilize my lot to construct any other buildings on my lot. I have an existing deck on one side of my lot, and on the other side my septic is located, so I cannot build behind the front building line. My home is located far into the lot making locating any new structures on the property quite difficult. Also the home is oriented in a very unique way that makes a good portion of the lot unusable.

- 2) The hardship results 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 the basis for granting a variance.)

I have an existing deck on one side of my home, and my septic system is located on the other side - making locating a garage in this area problematic. Also there is about a ten foot drop off in my backyard which makes building here difficult. Also my home is located near the end of my lot, which makes sitting an accessory building under the current regulations almost impossible.

- 3) The hardship did not result from actions taken by the applicant or the property owner. (The act of purchasing property knowing that circumstances exist that may justify the granting of a variance is not regarded as a self-created hardship.)

I purchased the home in 2012, and the home was constructed in 1960. As such, the hardship was present when I bought the property. When I purchased the property, I was not interested in constructing a garage. The garage would store cars that I refurbish, which is a hobby of mine.

- 4) 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.

The granting of the variance to allow me to develop my property, which I have owned since 2012, and would permit me to store vehicles I plan to work on. The garage will keep the vehicles out of public view, and help to ensure the security of my investment. Existing tree cover will help to screen the garage from view. Also my neighborhood is rural in nature, so the addition of the garage would not be out of character for the area.



GUILFORD COUNTY RECEIPT

Planning & Development
400 West Market Street
Greensboro, NC 27402
336-641-3334 - Planning
336-641-3707 - Permitting

Environmental Health
400 West Market Street
Greensboro, NC 27402
336-641-7613

RECEIPT INFO

<u>Receipt #</u>	<u>Receipt Date</u>	<u>Payor</u>	<u>Payment Method</u>	<u>Check/CC #</u>	<u>Receipt Amount</u>
152956	02/10/2021		Cash		\$226.00

Cashier ID: IHENDER

<u>Fee Item Description</u>	<u>Account Code</u>	<u>Amount</u>
Variance And Special Use Permit Fees	160110 45143	\$226.00
	Total	\$226.00

APPLICATION INFO

<u>Application #</u>	<u>Application Type</u>	<u>Application Name</u>
21-02-GCPL-01088	Building/Guilford County/Planning/BOA Variance-Interpretation	Andrew Tillery

PROPERTY INFO

<u>Property Address</u>	<u>Property Owner</u>	<u>Parcel #</u>
8139 Old Reidsville RD Reidsville, NC 27320		114305



CONTACT INFO

<u>Contact Name</u>	<u>Contact Type</u>

LICENSED PROFESSIONAL INFO

<u>Primary</u>	<u>License #</u>	<u>License Type</u>	<u>Licensed Prof</u>	<u>Business Name</u>	<u>Lawson #</u>

GUILFORD COUNTY BOARD OF ADJUSTMENT

ORDER GRANTING/DENYING A VARIANCE

The Guilford County Board of Adjustment, having held a hearing on April 6, 2021 to consider Case Number 21-02-GCPL-01088, submitted by Andrew Tillery, a request for a variance to use the property located at 8139 Old Reidsville Road, being Tax Parcel(s) # 114305 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/will not**) 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:

2. It is the Board’s CONCLUSION that the hardship (**does/does not**) 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 the basis for granting a variance. This conclusion is based on the following FINDINGS OF FACT:

3. It is the Board's CONCLUSION that the hardship (**does/does not**) result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. This conclusion is based on the following FINDINGS OF FACT:

4. It is the Board's CONCLUSION that the requested variance (**is/is not**) 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:

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE be

DENIED or

GRANTED subject to the following:

1. Compliance with all local, state, and federal laws.
