

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

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GUILFORD COUNTY PLANNING AND DEVELOPMENT

BOARD OF ADJUSTMENT AGENDA

Blue Room, First Floor
Old Guilford County Courthouse
301 W. Market Street
Greensboro, NC 27401
May 4, 2021

Regular Meeting

6:00 PM

A. Roll Call

B. Agenda Amendments

C. Approval of Minutes: April 6, 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 #21-04-GCPL-03490

Elizabeth Rico is requesting a variance from the Guilford County Unified Development Ordinance Article 4.2.3, side and rear setbacks, to reduce the minimum side setback to 4 feet instead of the required 15 feet and to reduce the rear setback to 14 feet instead of the required 30 feet in the RS-40 Zoning District. The applicant is seeking to build a new detached accessory building on the property. There is a single-family home on the property. The property is located at 4502 Southall Dr, Greensboro, NC 27406 being tax parcel #115907, in Jefferson Township.

Case #21-04-GCPL-03493

Karen Sims 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 accessory building 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 4917 NC HWY 150 E, Browns Summit, NC 27214 being tax parcel #114103, 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

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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



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

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MEMBERS ABSENT: Frank Havens & Sebastian King

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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

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New Business

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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.

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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

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Staff Report

Case #21-04-GCPL-03490

A. Summary

Elizabeth Rico is requesting a variance from the Guilford County Unified Development Ordinance Article 4.2.3, side and rear setbacks, to reduce the minimum side setback to 4 feet instead of the required 15 feet and to reduce the rear setback to 14 feet instead of the required 30 feet in the RS-40 Zoning District. The applicant is seeking to build a new detached accessory building on the property. There is a single-family home on the property. The property is located at 4502 Southall Dr, Greensboro, NC 27406 being tax parcel #115907, in Jefferson Township.

B. District Description: RS-40

The RS-40 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 40,000 square feet. Conservation subdivisions may be developed in this district.

C. Property Specifics

- a. **Applicant/Property Owner:** Applicant Elizabeth Rico / Property Owner: Santiago Garcia-Rico
- b. **Property Location:** 4502 Southall Dr Road, Greensboro, NC
- c. **Legal Description:** Being Guilford County Tax Parcel #115907, which is located in Jefferson Township being approximately .46 acres.
- d. **Setbacks RS-40**
 - Front street:** 40 feet
 - Side yard:** 15 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: Single-family Residential.
 - ii. South: Single-family Residential.
 - iii. East: Single-family Residential.
 - iv. West: Single-family Residential.
- 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:

April 6, 2021

Date adjacent property owner(s) notified:

April 22, 2021

Date sign posted on the subject property:

April 22, 2021

Date posted on County website:

April 23, 2021

Date of hearing:

May 4, 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



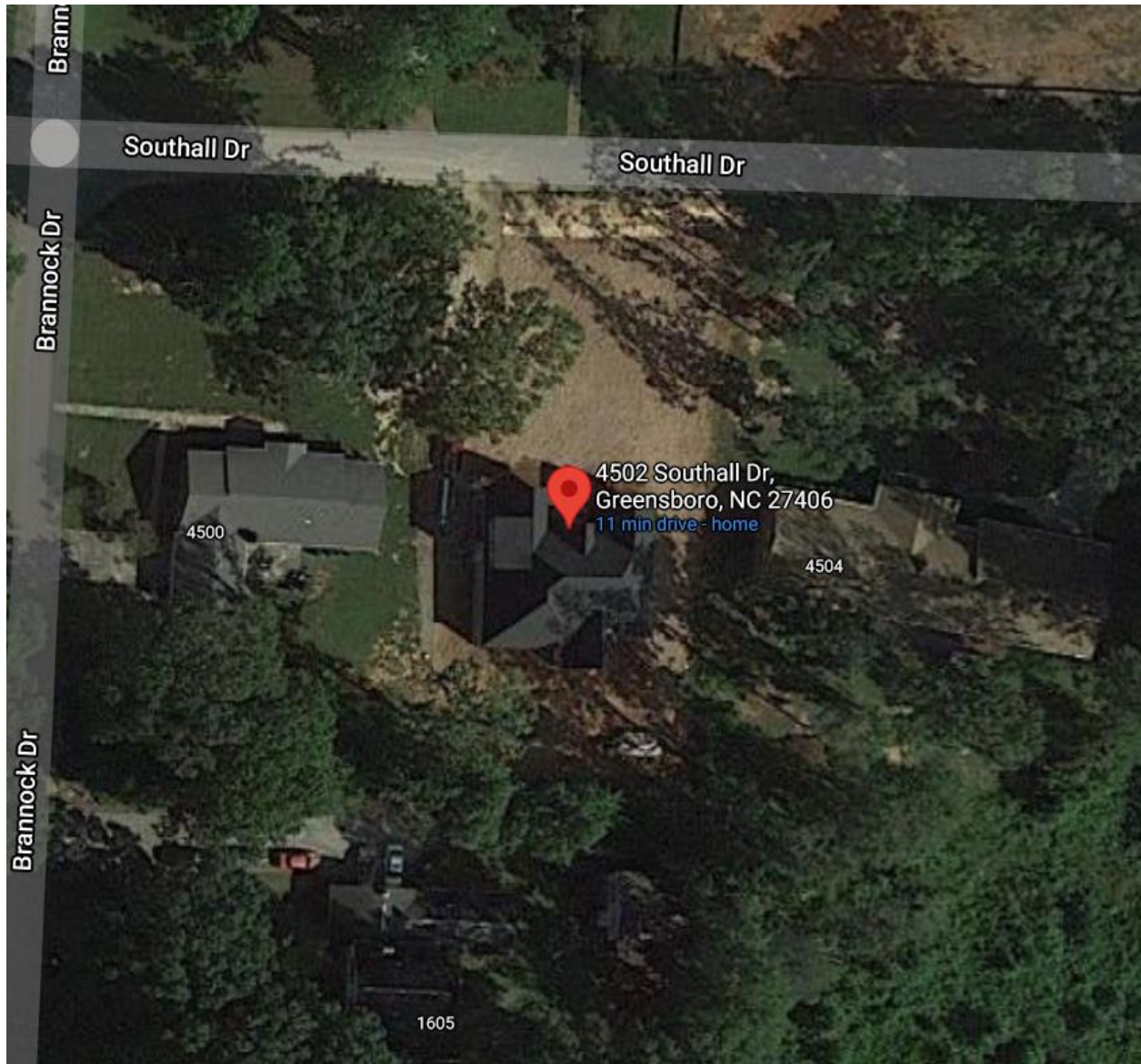
Street view facing East



Street view facing West



Aerial photo





**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

**Board of Adjustment
Variance Application**

Date Submitted: 7/6/21 Fee \$226.00 Receipt # 168308 Case Number 21-04-GCPL-03890
(includes \$26 recording fee)

PROPERTY INFORMATION

Address 4502 SOUTHWALL DR City GREENSBORO State NC Zip Code 27406
Tax Parcel # 115907 Zoning: RS-40
Plat Book & Page 40-75 *Deed Book & Page 722-2043 *Township Jackson

OWNER INFORMATION

Name ELIZABETH RICO Phone Number (336) 419-5609
Address 4502 SOUTHWALL DR City GREENSBORO State NC Zip Code 27406
Email SANTIG7500@GMAIL.COM

Owner Signature Elizabeth Rico
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 SANTIAGO GARCIA-RICO Phone Number (336) 458-7476
Address 4502 SOUTHWALL DR City GREENSBORO State NC Zip Code 27406
Email SANTIAGO.GARCIA.RICO.925@gmail.com

Applicant Signature Santiago Garcia-Rico
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, Elizabeth Rico Villanueva, 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):

4.2.2 side and rear setbacks

If the plot plan does not adequately reveal the nature of the variance, the request is more fully described below:

WE ARE REQUESTING AN 11' VARIANCE FROM THE 15' SETBACK ON THE SIDE OF THE CARPORT. ALSO A 16' VARIANCE FROM THE REAR SIDE OF THE CARPORT WHICH REQUIRES A 30' SETBACK. THESE SETBACKS WERE NOT MET DUE TO THE REQUIRED SIZE AND SETTING FOR THE CARPORT.



**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.

THE VARIANCE WOULD ALLOW THE CARPORT TO STAY IN THE CONVENIENT LOCATION ITS AT NOW. THIS IS DUE TO THE EXISTING DRIVEWAY. A CARPORT COULDN'T BE MADE ON THE OTHER SIDE DUE TO THE LOCATION OF THE PRE-EXISTING DRIVEWAY. THE RELOCATION OR REDUCTION CAUSED FROM STRICT APPLICATION OF THE ORDINANCE WOULD CAUSE A WASTE OF VALVABLE WOOD THAT WAS INVESTED IN THIS STURDY CARPORT.

- 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.)

THE HARDSHIP RESULTS AND EXISTS DUE TO THE UTILITIES IN THE AREA. THE WELL IS LOCATED ON THE OPPOSITE SIDE OF THE PROPERTY LINE OF THE CARPORT. THUS THE CARPORT HAD TO BE KEPT AS FAR FROM THE WELL AS POSSIBLE WHILE STILL BEING IN CONTACT WITH THE PRE-EXISTING DRIVEWAY. THE CARPORT IS ALSO COMMON TO THE NEIGHBORHOOD SINCE ~~MAANY~~ DETACHED BUILDINGS ARE COMMON IN THE AREA.

- 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.)

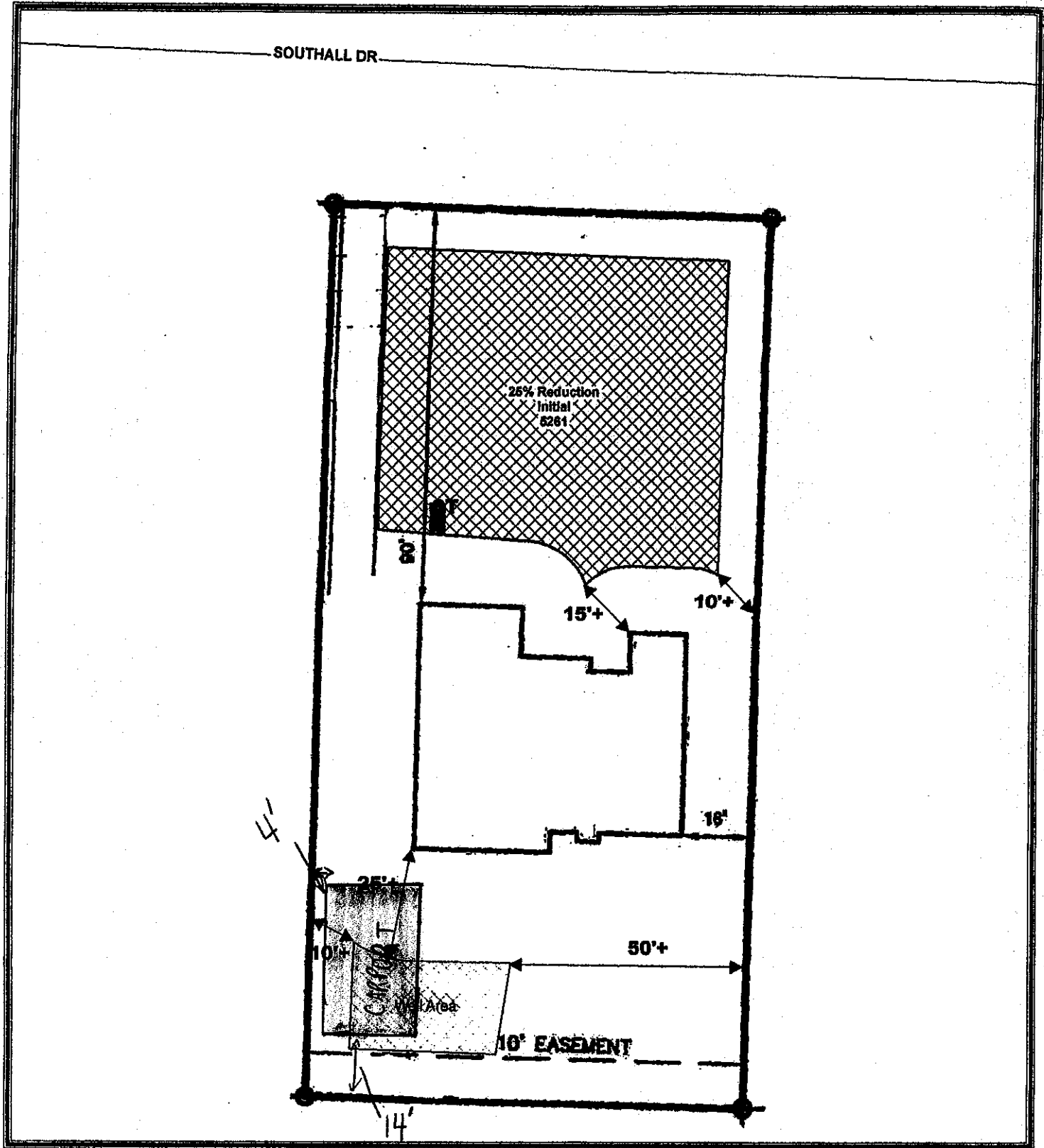
THE HARDSHIP RESULTED FROM PRE-EXISTING CONDITIONS ON THE PROPERTY, SUCH AS THE PRE-EXISTING DRIVEWAY REQUIRING THE CARPORT TO BE MADE ON ONE SIDE. THE CARS (WORK TRUCKS) FEEDING INTO THE PORT REQUIRED THE PORT TO BE 40 sq ft LARGER THAN 600 ft². THE WELL ON THE PROPERTY PREVENTED IT FROM BEING MADE WITH LARGER SETBACKS, AND THE SEPTIC SYSTEM PREVENTED IT FROM BEING MADE IN THE FRONT YARD.

- 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.

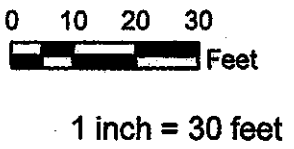
THE VARIANCE WOULD ALLOW THE CARPORT TO STAY IN A CONVENIENT LOCATION, WHILE MINIMALIZING THE AMOUNT OF WORK AND WASTE OF MATERIAL IF THE VARIANCE WERE TO NOT PASS. PUBLIC SAFETY WOULD BE SECURED AS IT WOULD KEEP CARS MOVING STRAIGHT THROUGH A DRIVEWAY AND NOT THROUGH A YARD. SUBSTANTIAL JUSTICE IS ACHIEVED SINCE DETACHED BUILDINGS AND CARPORTS ARE COMMON IN THE AREA, AND ITD ALLOW THE FAMILY VEHICLES AND WORK TRUCKS TO BE SAFELY SECURED IN A PORT.



Diagram



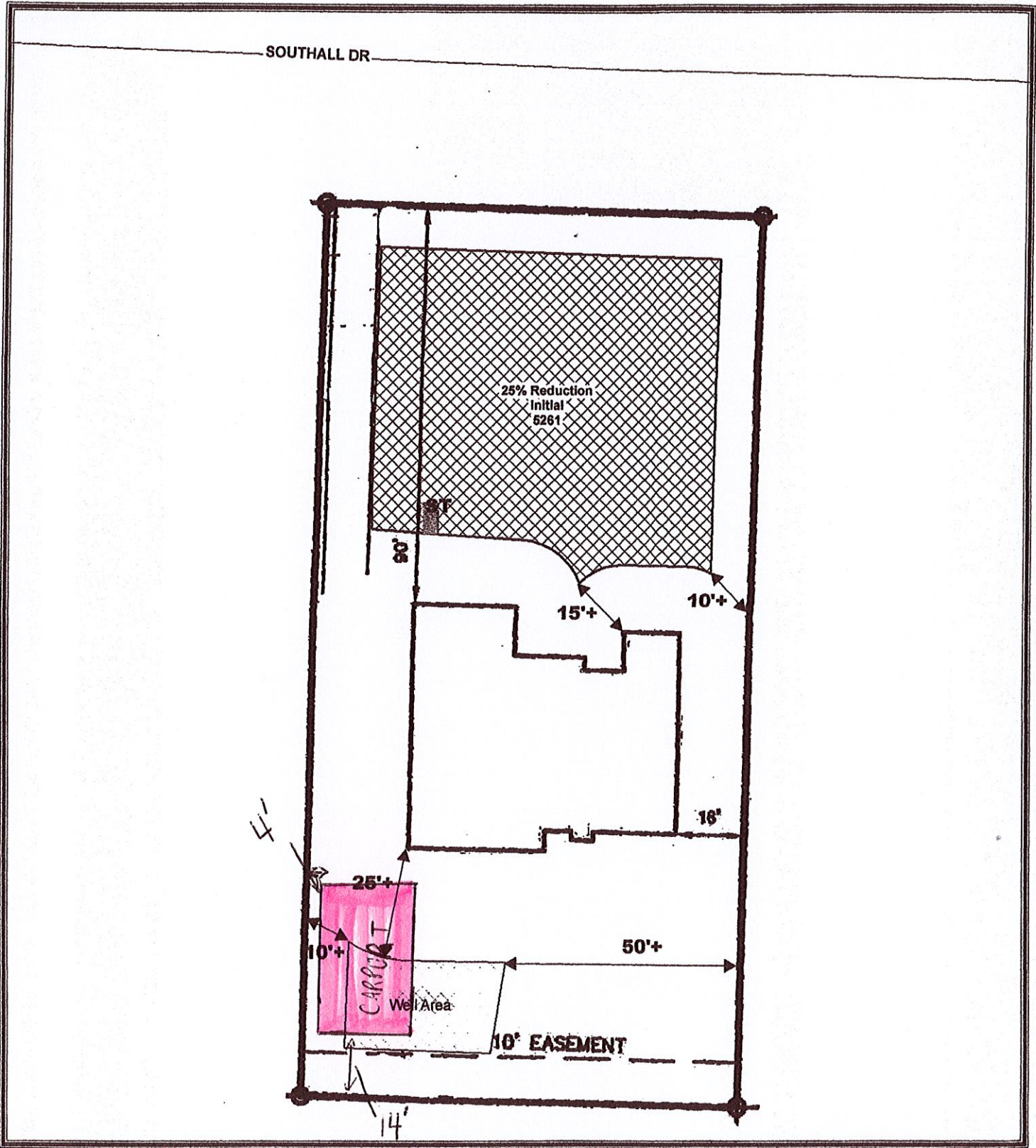
Address: 4502 Southhall Dr
Permit #: 15-08-WNHR-04176
Issuer's Initials: SKB
Date: 3/4/2020



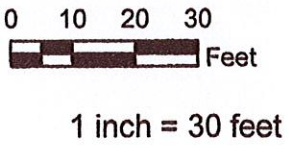
DISCLAIMER:
The data shown in this map is for public use. Guilford County makes no warranty to its accuracy; all data sets and maps are for geographical representation only.



Diagram



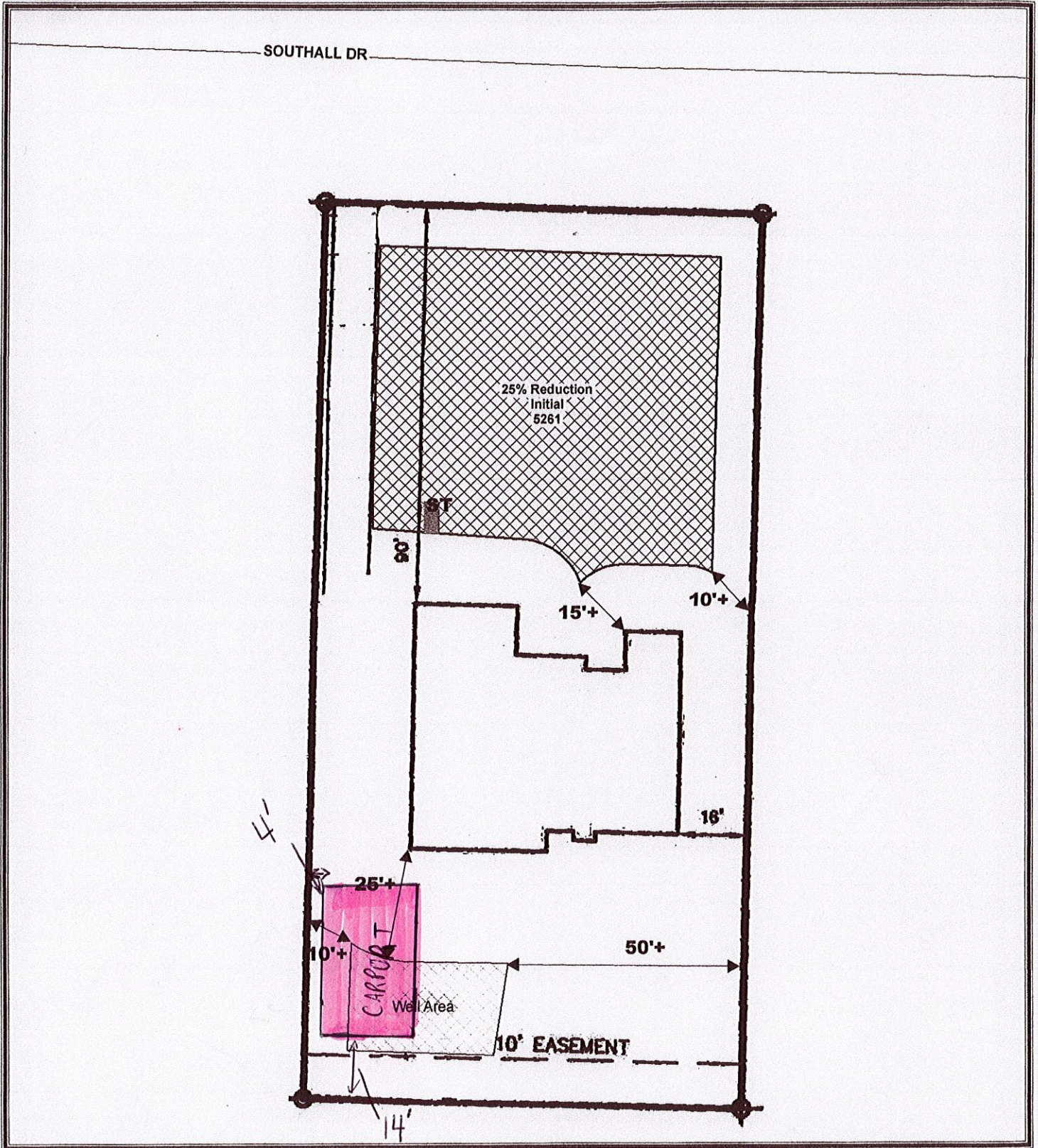
Address: 4502 Southall Dr
 Permit #: 15-08-WNHR-04176
 Issuer's Initials: SKB
 Date: 3/4/2020



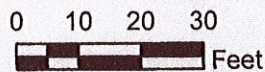
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Diagram

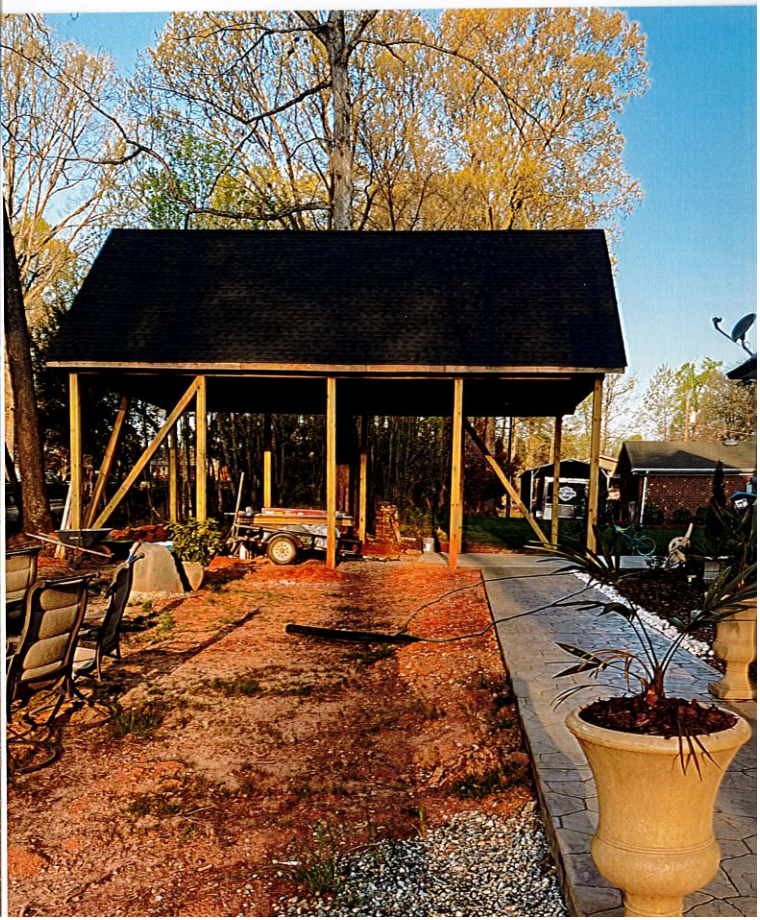


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 Issuer's Initials: SKB
 Date: 3/4/2020



1 inch = 30 feet

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GUILFORD COUNTY BOARD OF ADJUSTMENT

ORDER GRANTING/DENYING A VARIANCE

The Guilford County Board of Adjustment, having held a hearing on May 4, 2021 to consider Case Number Case #21-04-GCPL-03490, submitted by Elizabeth Rico, a request for a variance to use the property located at 4502 Southall Dr, being Tax Parcel(s) # 115907 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.

PAGE BREAK

Staff Report

Case #21-04-GCPL-03493

A. Summary

Karen Sims 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 accessory building 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 4917 NC HWY 150 E, Browns Summit, NC 27214 being tax parcel #114103, 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 Karen Sims / Property Owner: Joseph Casey Councilman
- b. **Property Location:** 4917 NC HWY 150 E, Browns Summit, NC
- c. **Legal Description:** Being Guilford County Tax Parcel #114103, which is located in Madison Township being approximately 1.88 acres.
- d. **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: Single-family Residential.
 - ii. South: Vacant
 - iii. East: Single-family Residential.
 - iv. West: Vacant
- 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:

April 6, 2021

Date adjacent property owner(s) notified:

April 22, 2021

Date sign posted on the subject property:

April 22, 2021

Date posted on County website:

April 23, 2021

Date of hearing:

May 4, 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



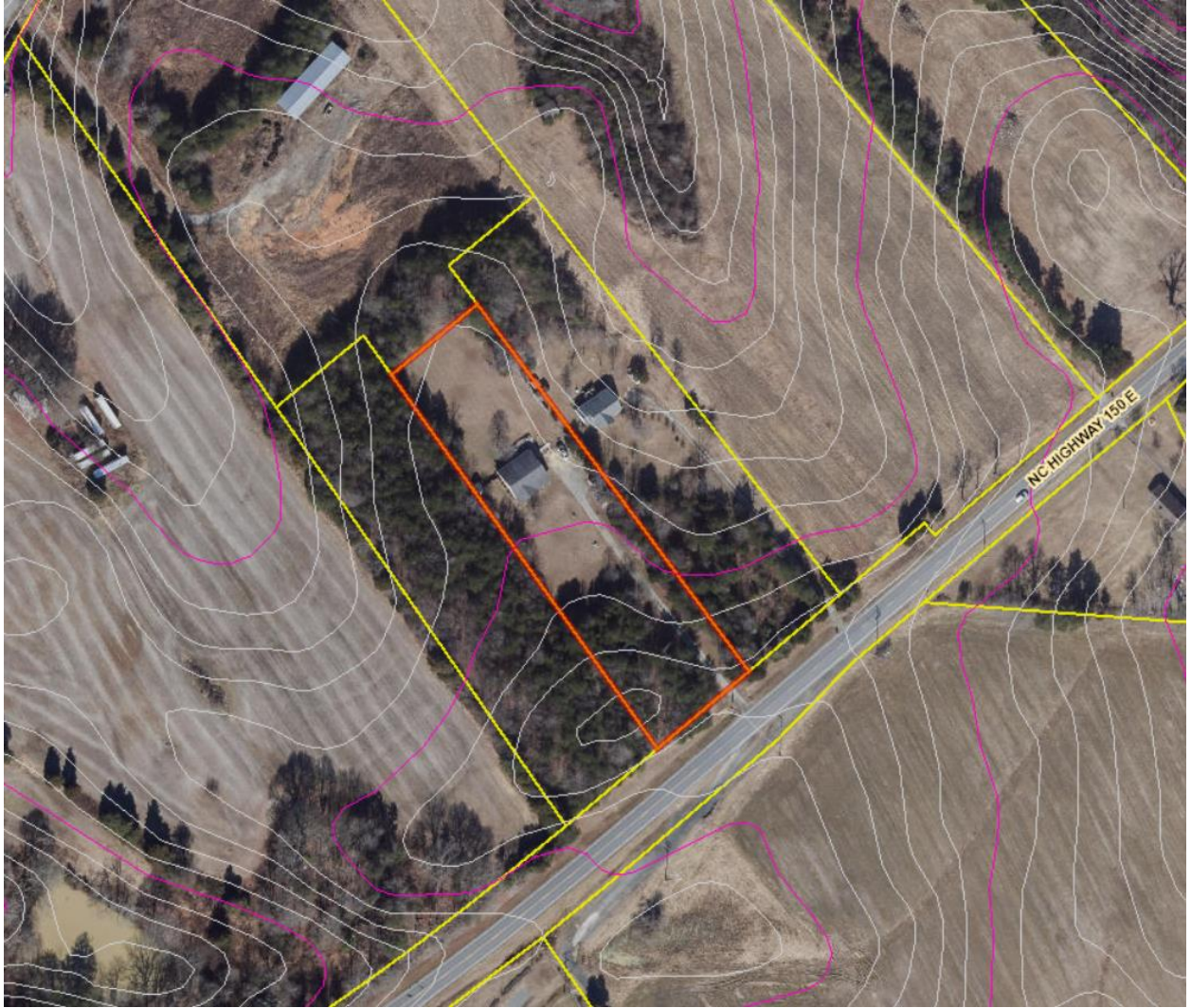
Street view facing East



Street view facing West



Aerial photo





GUILFORD COUNTY
PLANNING AND DEVELOPMENT

Board of Adjustment
Variance Application

Date Submitted: 4/6/21 Fee \$226.00 Receipt # 168311 Case Number 20-04-6 CPL-03493
(includes \$26 recording fee)

PROPERTY INFORMATION

Address 4917 NCHwy150E City Browns Summit State NC Zip Code 27214
Tax Parcel # 1 1 4 1 0 3 Zoning: RS 30
Plat Book & Page 8096 - 1703 Deed Book & Page 8096 - 1703, 1709 Township Madison
(158-94)

OWNER INFORMATION

Name Karen L. Sims Phone Number 336-500-1627
Address 7709 Beckett Rd City Browns Summit State NC Zip Code 27214
Email KLS27214@aol.com

Owner Signature Karen L. Sims
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 Joseph Casey Councilman Phone Number 336-314-8224
Address 7723 Beckett Rd. City Browns Summit State NC Zip Code 27214
Email Kcouncilman1@att.net

Applicant Signature Joseph Casey
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, Karen Sims, 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):

Section 4.2.3 Requires accessory structures to be located behind the front of the building line.

If the plot plan does not adequately reveal the nature of the variance, the request is more fully described below:

We would like to use the front portion of the lot to construct a garage-storage building. Building would be approximately 200' in front of the primary structure



**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 approval of the variance, we would be unable to construct on the lot. The entire rear of the lot has been specified for septic primary and repair fields. The lot is large at 1.88 acres but the house is set forward the back of the property. This leaves our only option to be the front.

- 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.)

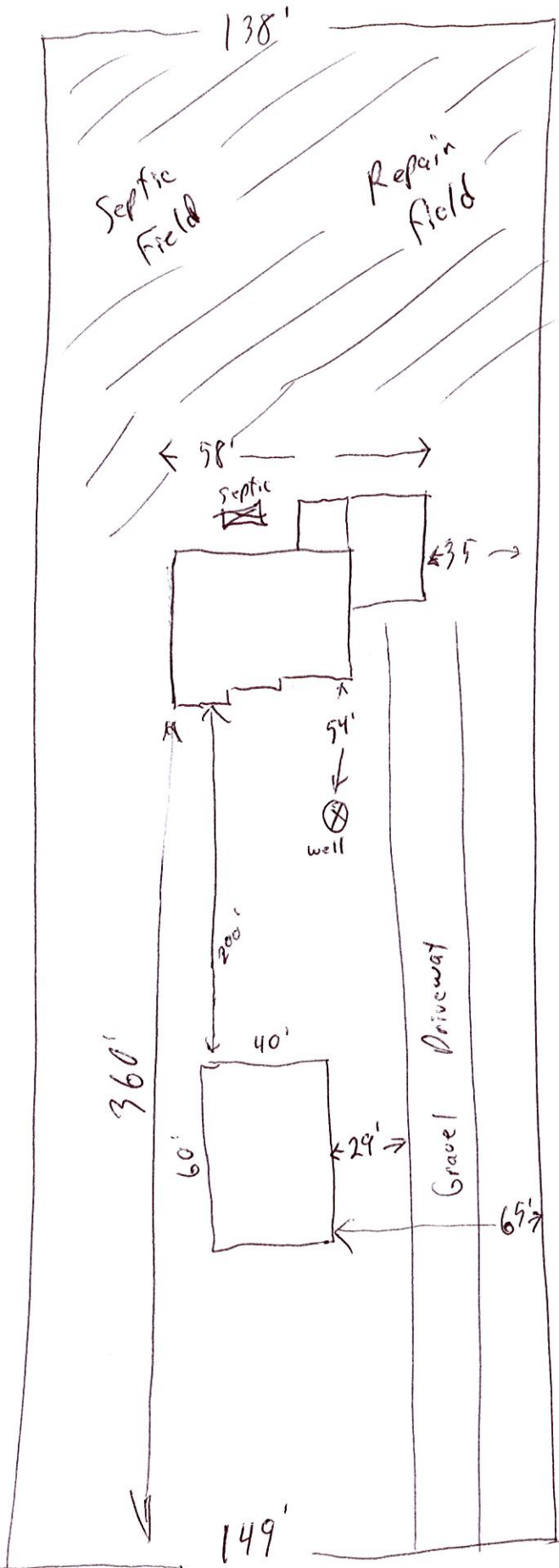
The side of the house was looked at as an option but due to an existing deck and side line setbacks this is problematic. The occupant of the house is an amputee and machinist. The garage would store vehicles and equipment he needs. The flat top of the requested area would also best serve his disabilities. Septic area is in the rear.

- 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.)

The home was purchased in March of 2021. These hardships already existed but the home was well suited for the occupant and a blessing to find in the present housing market. Septic area in rear was already in place before purchase.

- 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.

Granting the variance will allow the the home to more completely serve the special needs of the occupant and protect his vehicle and belongings. The house is completely obscured from the road view by trees. These trees will remain and the street view will not change.



nc Hwy 150

GUILFORD COUNTY BOARD OF ADJUSTMENT

ORDER GRANTING/DENYING A VARIANCE

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