

**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

**BOARD OF ADJUSTMENT MEETING MINUTES
Old Guilford County Courthouse
Carolyn Q. Coleman Conference Room
301 W. Market St, Greensboro, NC 27401**

February 7, 2023**Regular Meeting****6:00 PM**

Vice Chair Willie Johnson called the meeting to order.

Aaron Calloway announced that for tonight's hearing, there are only four (4) members present, which is the minimum required to hear the variance request. Therefore, he asked attorney Vaughan if he wished to proceed with the request, or would they rather postpone the request to a time when there are five (5) members present?

Attorney Vaughan spoke with his clients, and they responded that they would like to proceed with the request tonight.

A. Roll Call

The following Board members were in attendance in person for this meeting:

Willie Johnson, Vice Chair; Larry Standley; Carey Campbell; and Franklin Havens

The following Board members were not in attendance at this meeting:

Ditra Miller and Cory Randolph

The following staff members were in attendance in-person for this meeting:

Aaron Calloway, Planner I

B. Agenda Amendments

None

C. Approval of Minutes: November 1, 2022

Mr. Havens moved approval of the November 1, 2022, meeting minutes, as submitted, seconded by Mr. Campbell. The Board voted unanimously in favor of the motion. (Ayes: Johnson, Campbell, Havens, and Standley. Nays: None.)

D. Rules and Procedures

Vice Chair Johnson went over the Rules and Procedures followed by the Guilford County Board of Adjustment.

E. Old Business

None

F. New BusinessEvidentiary Hearing Item(s)

Staff and those speaking on the case were sworn in.

Case #23-01-BOA-00001**5691 Apple Meadow Drive, Gibsonville, NC 27249**

Donald Vaughan, Attorney, on behalf of Eric and Tamara Shaughnessy is requesting a variance from Section 4.2.3 – Table B, which requires a minimum front yard setback of 40 feet in an RS-30 district. The property is located in Madison Township at 5691 Apple Meadow Drive, Guilford County Tax Parcel 114554, comprising 0.7 acres, and is zoned RS-30, Single-family Residential. The applicant is requesting an 18-foot variance to allow a minimum front yard setback for an attached garage of 22 feet and a 4-foot variance to allow a 36-foot minimum front yard setback for a porch.

Aaron Calloway explained the variance request and stated that Donald Vaughan, Attorney, on behalf of Eric and Tamara Shaughnessy is requesting a variance from Section 4.2.3 – Table B, which requires a minimum front yard setback of 40 feet in an RS-30 district. The property is located in Madison Township at 5691 Apple Meadow Drive, Guilford County Tax Parcel #114554, comprising 0.7 acres, and is zoned RS-30, Single-family Residential. The applicant is requesting an 18-foot variance to allow a minimum front yard setback for an attached garage of 22 feet and a 4-foot variance to allow a 36-foot minimum front yard setback for a porch.

The district description for RS-30 - The RS-30 district is primarily intended to accommodate single-family detached dwellings in areas without access to public water and sewer services. The minimum lot size of this district is 30,000 square feet. Cluster developments (conservation subdivisions) are permitted. The property is located at 5691 Apple Meadow Drive, Gibsonville, NC 27249.

Setbacks: RS-30 - Front street: 40 feet - Side yard: 10 feet - Rear yard: 30 feet. The area to the north is undeveloped and wooded; to the south, agricultural; to the east is single-family residential; to the west - single-family residential. There is a mapped stream near the eastern boundary of the subject property.

Vice Chair Johnson asked for those wishing to speak in favor of this application to please come forward.

Donald Vaughan, attorney representing the applicants, 612 W. Friendly Avenue, Greensboro, NC, was previously sworn in and stated that his clients, Eric and Tamara Shaughnessy, have met all the standards, and the County has done all the proper notifications. The homeowners are present to answer any questions the Board members may have. The builders are also present to answer questions. The request is to allow the proposed garage to encroach 18 feet into the 40-foot minimum street setback, and to allow a porch four feet into a 40-foot minimum street setback. It is very minimal, but they had to come before the Board to get approval of this request for variances. Nothing the homeowners did has caused an issue with the setbacks. There has been no opposition to this request.

In response to a question posed by Mr. Standley, Shields McQueen, the builder, Carolina Custom Homes, Burlington, NC, stated that to the technical property line would be roughly 22 feet, but that is not to the street. To the street, it would be about 42 feet. There is a dead period on their property, and the way the land lays, there is really no other way but to do a front-loading garage on a horizontal home. It would not work in the back because of the septic field. The house is located on a dead-end cul-de-sac, and the variance would not impact any other homes in the area. The proposed location of the garage and porch would make the home more easily accessible for the homeowners. The homeowner is partially handicapped, and the proposed location would make entry into the home easier for him.

Vice Chair Johnson asked if there was anyone to speak in opposition to the request, and no one came forward.

After a short discussion and some clarification, Mr. Campbell stated that it is the Board's conclusion that on February 7, 2023, to consider Case #23-01-BOA-0001, located at 5691 Apple Meadow Drive, Gibsonville, NC 27249, and having heard all the evidence and arguments presented at the hearing, the following Findings of Fact were found:

- 1) It is the Board's conclusion that unnecessary hardships 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 availability of land suitable for a septic field, combined with the topography of the land, will cause the disabled landowner hardship by preventing him from fully utilizing the property for its intended residential purpose.

- 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 the basis for granting a variance. This conclusion is based on the following Findings of Fact: The property's size prevents building on the sides of the home. The soil of the property requires the septic field to be

located directly behind the home, preventing any building in that area. The topography of the land will cause the landowner to be unable to fully use his land without the porch and garage being present.

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 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: The hardship is due to the natural conditions specific to the property. Neither the applicant nor the landowner have caused these natural conditions to occur.

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 variance is consistent with the spirit, purpose, and intent of the ordinance, as it will allow normal residential construction projects. Public safety will be secured by the garage keeping the owner's vehicles off the street and in better maintenance. Substantial justice will be achieved by allowing the landowner to make full use of his property.

G. Other Business

Election of Chair and Vice-Chair

Mr. Johnson nominated Ms. Ditra Miller to continue to serve as Chair of the Guilford County Board of Adjustment, seconded by Mr. Havens. The Board voted unanimously in favor of the motion. (Ayes: Johnson, Campbell, Havens and Standley. Nays: None.)

Mr. Campbell nominated Mr. Willie Johnson to continue to serve as Vice Chair of the Guilford County Board of Adjustment, seconded by Mr. Havens. The Board voted unanimously in favor of the motion. (Ayes: Johnson, Campbell, Havens and Standley. Nays: None.)

H. Adjournment

There being no further business before the Guilford County Board of Adjustment, the meeting adjourned at 6:35 p.m.