

**GUILFORD COUNTY
BOARD OF ADJUSTMENT
DECEMBER 5, 2017**

The Guilford County Board of Adjustment met in regular session on December 5, 2017 in the Blue Room, Old Guilford County Courthouse, 301 West Market Street, North Carolina, 27401, commencing at 6:16 p.m.

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

MEMBERS ABSENT: Robert Lawler, Frank Havens, Patrick Woods and Randall Crum.

STAFF PRESENT: Matt Talbott, Planning Department.

Roll Call of attendees was taken.

Acting Chair Miller welcomed everyone to the meeting and explained the policies and procedures of the Guilford County Board of Adjustment.

AMENDMENTS TO AGENDA:

Acting Chair Miller requested that Old Business and Approval of Minutes be moved to the end of the agenda following New Business.

NEW BUSINESS:

Public Hearing Items

CASE #17-10-GCPL-05656

John Grove, Jr. is requesting a variance from the Guilford County Development Ordinance 4-4.1, side yard setback, to reduce the minimum setback to 10 feet instead of 15 feet per 4-4.1. There is an existing house on the site and the applicant would like to add a two-car garage. The property is located at 1902 Northbay Drive, Brown Summit, North Carolina 27214 being tax parcel #0125483. The parcel is located in the Monroe Township.

(APPROVED)

Swearing-in of staff:

Matt Talbott, Planning Department, was sworn as to his testimony during the proceeding.

Mr. Talbott read the case into the record. He explained that the applicant would like to add a two-car garage to the right side of his house. The property is currently zoned RS-40 (Residential Single-family). The RS-40 district is primarily intended to accommodate single-family detached dwellings on large lots in areas without access to public water and waste water services. This district was established to promote single-family detached residences where environmental features, public service capacity or soil characteristics necessitate very low density single-family developments. The applicant is John Grove, Jr. and the property location is on the southeast side of Yanceyville Road. All the surrounding land uses are single-family and properties around the subject parcel are zoned Single-Family. Surrounding uses are single-family stick built homes with varied setbacks. The applicant is applying for a variance to the side yard setback to reduce it from 15 feet to 10 feet. There are no streams or flood zones on the subject property; however, it was determined from the aerial view earlier in the day that the property behind the

applicant's house is in a watershed critical area. Everything to the left of the house drains toward the property located behind the applicant's house and it would be hard to build on that side of the property. Therefore, the applicant is trying to build the garage on the right side of his house.

The date of the application was October 31, 2017; adjacent property owners were notified November 22, 2017; the notice was posted on the bulletin board of the County Courthouse on November 22, 2017; signs were posted on the property on November 22, 2017; notice was posted in the newspaper on November 22, 2017 and the meeting is being held tonight, December 5, 2017.

Swearing-in of speakers:

John and Christy Grove, speaking in favor of the request, were sworn as to their testimony during the proceeding.

John Grove, Jr., 1902 Northbay Drive, Brown Summit, North Carolina, said that they did not know they would need a garage when they purchased the home. The lot is very wooded and sap, leaves and bird droppings have fallen on their cars for over two years. They are one of only two houses in their neighborhood without a garage. He submitted a photograph into the record showing damage to his wife's car made by a rodent nesting and chewing wires under the hood of the car.

Christy Grove, 1902 Northbay Drive, Brown Summit, North Carolina, said that the rodent chewed through 12 ignition wires preventing her car from starting. In addition, they have another car that was damaged and dented from a falling tree limb. The trees that are leaning over his property are located on his neighbor's property.

Mr. Grove would like to build an attached two-car garage where they could park both of their cars. They cannot build the garage in the rear of the house due to the location of septic lines. The best place to build the garage is where the parking pad is currently located.

Responding to questions from the Commission, Mr. Grove said they have not yet had an opportunity to speak to the owner of the adjacent property. Staff confirmed that the adjacent neighbor had been notified about the request. Mr. Grove has not heard from any neighbors as a result of the notification but he did comment that the neighbor across the street is supportive of the request.

There was no one speaking in opposition to this request.

Discussion:

It was noted that the big lot in the back of the house is in a watershed critical zone. The topography on the left side of the house slopes down toward the back lot. The owner is requesting a variance of 5 feet.

Mr. Standley moved that the Board of Adjustment for Guilford County, having held a hearing on December 5, 2017 to consider **Case Number 17-10-GCPL-05656**, submitted by John Grove, Jr., a request for a variance to use the property located at 1902 Northbay Drive, Brown Summit, North Carolina in a manner not permissible under the literal terms of the ordinance, and having heard all 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 an unnecessary hardship will result from the strict application of the ordinance. This conclusion is based on the following FINDINGS OF FACT: Without the variance they will not be able to build a garage. There are heavy trees, bird droppings and sap over the driveway and they want to prevent damage to their automobiles. The only way to do this is to build a garage and that is the only place to build a garage. (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. This

conclusion is based on the following FINDINGS OF FACT: The other side of the house drops off and results in a watershed. The only place to put the garage is on the right side of the house. (3) It is the Board's CONCLUSION that the hardship does not result from actions taken by the applicant or the property owner. This conclusion is based on the following FINDINGS OF FACT: When they bought the property they did not realize that they would need a garage. They discovered the adverse impact the yard does have on their automobiles after they had been living there. The only way to prevent damage is to build a garage; and (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 garage as proposed will add to the value of the property, be consistent with the other properties in the neighborhood and would have no adverse impact on the neighborhood. THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE be **GRANTED** subject to the following: (1) Compliance with all local, state, and federal laws. The motion was seconded by Mr. Johnson. The Commission voted 4-0 in favor of the motion. (Ayes: Miller, Standley, Johnson, Campbell. Nays: None.)

CASE #17-11-GCPL-05902

Smith Architectural Metals, LLC (Steve Smith, Owner) is requesting a variance from the Guilford County Development Ordinance 4-4. 3, front street setback, to reduce the minimum building line to 48 feet instead of 65 feet per 4-6.3. There is an existing building on site and the applicant would like to add offices on the Bishop Road side of the facility. The property is located at 4536 South Holden Road, Greensboro, North Carolina 27406 being tax parcel #0141902. The parcel is located in Sumner Township.

(APPROVED)

Swearing-in of staff:

Matt Talbott, Planning Department, was sworn as to his testimony during the proceeding.

Mr. Talbott read the case into the record. The property is zoned HI (Heavy Industrial). The HI district is primarily intended to accommodate a wide range of assembly, fabricating and manufacturing activities. The district is established for the purpose of providing appropriate locations and development regulations for uses which may have significant environmental impacts or require special measures to insure capability with adjoining properties. The property owner is Smith Architectural Metals. The existing land use is industrial and is surrounded by heavy industrial as well. Surrounding land uses are vacant land and industrial uses with varied setbacks. There are no streams or flood zones on the property. The applicant is requesting a variance from Ordinance 4.4. front setback for 48 feet instead of 65 feet. They would like to add new offices on the Bishop Road side of the property. The applicant was not aware of the front setbacks until the site plan was submitted to the Planning Department for review.

The date of the application was November 9, 2017; adjacent property owners were notified November 22, 2017; the notice was posted on the bulletin board of the County Courthouse on November 22, 2017; signs were posted on the property on November 22, 2017; notice was posted in the newspaper on November 22, 2017 and the meeting is being held tonight, December 5, 2017.

Swearing-in of speakers:

Steve Smith, speaking in favor of the request, was sworn as to his testimony during the proceeding.

Steve Smith, 4536 South Holden Road, said that his metal fabricating business has been in operation for a long time and there have been office and space issues as they continue to grow. Photographs were submitted into the record for review by the Commission. They need to add approximately 2,900 square feet of office space. There is an existing back building further out toward Bishop Road and it is six feet

further than what they are requesting to be. They would like to be able to go back and forth between the two buildings to conduct their business. The proposed location is really the only place the offices can be built. There are existing loading docks in the front, parking areas, and shipping and receiving are located in the back loading areas. All the existing offices are already on the Bishop Road side of the building and they plan to add a conference room, break room, several bathrooms, and six or so offices on that side. Mr. Talbott commented that the new offices will not be in the right-of-way and should pose no problem to the Department of Transportation.

There was no one speaking in opposition to the request.

Discussion:

Mr. Johnson commented on other businesses located in the area and felt that with the proposed addition, the building would look better than most. Members noted that the placement of existing loading docks would prevent building the addition at that side of the building.

Mr. Smith commented that they also contemplated constructing a separate building in the field by the junkyard but all the sewage lateral lines runs through that field to the right side.

Mr. Standley moved that the Board of Adjustment for Guilford County, having held a hearing on December 5, 2017 to consider **Case Number 17-11-GCPL-05902**, submitted by Smith Architectural Metals, Steve Smith, a request for a variance to use the property located at 4536 South Holden Road, Greensboro, North Carolina, in a manner not permissible under the literal terms of the ordinance, and having heard all 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 an unnecessary hardship will result from the strict application of the ordinance. It shall not be necessary to demonstrate that no reasonable use can be made of the property. This conclusion is based on the following FINDINGS OF FACT: It is currently a very inefficient use of the property because people have to walk from one place to another to the restroom in the building. They have added employees and it would be a hardship if they were not able to expand. (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. This conclusion is based on the following FINDINGS OF FACT: The only way to expand offices is to build where they are proposing to build since the other areas are used for access to the building or for parking. Other hardships include the location of the loading docks and septic lines and this is the only place they can build; (3) It is the Board's CONCLUSION that the hardship does not result from actions taken by the applicant or the property owner. This conclusion is based on the following FINDINGS OF FACT: The road classification changed from minor to major thoroughfare affecting the setback basically without the knowledge of the property owners and the business has steadily improved. Since moving there, they have added eight to ten employees and expansion is necessary to make an efficient use of the property; and (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 property is industrial and there is no change to the use of the property. This is a minor expansion necessitated by business being good. They have hired more employees and they have outgrown the building plus they have very inefficient use of it. The addition will fit in with the neighborhood and no one has objected to it. THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE be **GRANTED** subject to the following: (1) Compliance with all local, state, and federal laws. The motion was seconded by Mr. Johnson. The Commission voted 4-0 in favor of the motion. (Ayes: Miller, Standley, Johnson, Campbell. Nays: None.)

APPROVAL OF MINUTES:


- **October 3, 2017 Minutes:**

Mr. Standley moved approval of the October 3, 2017 meeting minutes as written, seconded by Mr. Johnson. The Board voted 3-0 in favor of the motion. (Ayes: Miller, Johnson, Standley. Nays: None.) Mr. Campbell was not present at the October 2017 meeting and chose not to vote on the motion for approval.


ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 6:47 p.m.

Respectfully submitted,



Ditra Miller, Acting Chair



Matthew Talbott, Board Secretary