

**GUILFORD COUNTY
BOARD OF ADJUSTMENT
JULY 11, 2017**

The Guilford County Board of Adjustment met in regular session on July 11, 2017 in the Blue Room of the Old Guilford County Courthouse, West Market Street, Greensboro, North Carolina, commencing at 6:00 p.m.

MEMBERS PRESENT: Robert Lawler, Chair; Ditra Miller; Frank Havens; Larry Standley.

MEMBERS ABSENT: James Burroughs, Willie Johnson.

STAFF PRESENT: Deborah Sandlin and Les Eger, Planning Department.

Roll Call of attendees was taken by Mrs. Sandlin.

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

HEARING OF THE CASE:

Case Number 17-06-GCPL-02881

Chad Burchinal is requesting a variance of 5 feet from the rear yard setback requirement of 30 feet established by the Guilford County Development Ordinance 4-4.1(A), Dimensional Requirements, to allow for a proposed 12' x 19' enclosed porch. The property is zoned RS-40, Residential Single-Family District. The property is located at 7694 Crabtree Valley Court, Greensboro, NC 28455 being tax parcel, #0137809. The parcel is located in Center Grove Township. **(GRANTED)**

Mr. Eger read the case into the record and stated that the applicant is wishing to enclose a deck at the rear of the main structure making a screened porch in that area. The property that is requesting the setback is zoned RS-40 and in an area that is primarily Low Density Residential surrounded by single-family residential dwellings. The rear of the property is vacant with a pond in place. There are no historic properties in the area. There are no streams or flood zones that would be impacted by this request. The RS-40 neighborhood that this property is located in is primarily for large lot residential subdivision with single-family homes and septic and well. He added that the request is probably less than the 5' stated, and may be as little as 1'. He thinks that when the structure was originally built, the Chief Building Inspector had the authority to grant a 1' variance at that time.

Swearing in of staff:

Mr. Eger was sworn as to his testimony during the proceeding.

Swearing in of anyone speaking in favor of the request:

Chad Burchinal and Greg McNair were sworn as to their testimony during the proceeding.

Swearing in of anyone speaking in opposition to the request:

None.

In Favor:

Chad Burchinal, the applicant, 7694 Crabtree Valley Court, stated that he wishes to enclose the existing deck and make it into a screened porch. The footprint would remain the same and he does not plan to increase the square footage of the existing deck. The proposed roofing will match that of the house and will have a slope downward for water runoff. His wife is very susceptible to mosquito bites and they cannot enjoy the deck without screening it in for a porch location. They have been in the house for about a year and a half now and they really enjoy this area.

Greg McNair, builder representing Arcadeck, 5587-C Garden Village Way, was sworn in and stated that they believe it is only a 1ft. encroachment into the setback requirement.

Mr. Eger stated that their request would stay at the 5ft. variance request.

Mr. Havens asked if the overhang would figure into the setback requirement. Mr. Eger stated that the setback of the structure, itself, is the actual setback. The overhang can go into the setback up to 5'. Cornices, overhangs, bay windows and things like that can extend out into the setback. The reason this is before the Board is because now it needs to meet the setback requirements even though they are using the same footprint.

There was no one speaking in opposition to this matter.

Board Discussion:

Mr. Havens stated that he feels that this location seems to be well screened and buffered from any neighbors. They are having to build it to the current Building Code requirements.

Mr. Havens moved that the Board of Adjustment for Guilford County, having held a hearing on July 11, 2017 to consider **Case Number 17-06-GCPL-02881**, submitted by Chad Burchinal, a request for a variance of 5 feet from the rear yard setback requirement of 30 feet established by the Guilford County Development Ordinance 4-4.1(A), Dimensional Requirements, to allow for a proposed 12' x 19' enclosed porch. The property is zoned RS-40, Residential Single-Family District. The property is located at 7694 Crabtree Valley Court, Greensboro, NC 28455 being tax parcel, #0137809. The parcel is located in Center Grove Township. The Guilford County Board of Adjustment makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS; (1) It is the Board's CONCLUSION that an unnecessary hardship should not be imposed on the applicant for changing the footprint on what they have in mind for the structure. The footprint is currently following the same as the original footprint.

The hardship does result from conditions that are peculiar to the property, such as location, size, or topography. There are some questionable circumstances surrounding this as to whether it was approved by the Building Inspector when the structure was originally built. It is within the spirit and purpose of the ordinance and no one has appeared before the Board in opposition and to contest the request. This is a well screened area and there is no change from the original footprint. Therefore, he moved that this variance request be approved. 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 Miller. The Commission voted 4-0 unanimously in favor of the motion. (Ayes: Lawler, Havens, Miller, Standley. Nays: None) Therefore, the variance was GRANTED.

NEW BUSINESS:

(a) Approval of September 6, 2016 Meeting Minutes

Mr. Havens moved approval of the September 6, 2016 meeting minutes as written, seconded by Ms. Miller. The Board voted 4-0 in favor of the motion. (Ayes: Lawler, Havens, Miller, Standley. Nays: None.)

Other Business

None.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 6:24 p.m.

There is one case to come before the Board at the scheduled August 1, 2017 meeting.

Respectfully submitted,

Robert Lawler, Chairman

Leslie P. Eger, Board Secretary