

**GUILFORD COUNTY
BOARD OF ADJUSTMENT
OCTOBER 3, 2017**

The Guilford County Board of Adjustment met in regular session on October 3, 2017 in the 4th Floor Conference Room, Old Guilford County Courthouse, 301 West Market Street, North Carolina, 27401, commencing at 6:16 p.m.

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

MEMBERS ABSENT: Carey Campbell, Patrick Woods and Randall Crum.

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

Roll Call of attendees was taken.

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

APPROVAL OF MINUTES:

- **August 1, 2017 Minutes:**

Mr. Standley moved approval of the August 1, 2017 meeting minutes as written, seconded by Ms. Miller. The Board voted 5-0 in favor of the motion. (Ayes: Lawler, Miller, Johnson, Standley, Havens. Nays: None.)

- **September 5, 2017 Minutes:**

Ms. Miller moved approval of the September 5, 2017 meeting minutes as amended, seconded by Mr. Standley. The Board voted 5-0 in favor of the motion. (Ayes: Lawler, Miller, Johnson, Standley, Havens. Nays: None.)

HEARING OF THE CASE:

Case Number 17-08-GCPL-04541

CARYDA I, LLC (Terry Lee, Manager) is requesting a variance from the Guilford County Development Ordinance 4-6.2, front setback, to reduce the minimum building line to 28 feet instead of 35 feet per 4-6.2 (prevailing setback). There is an existing building on site that is set back 28 feet from the right-of-way. The property is located at 3620, 3624, and 3626 Pleasant Garden Road, Greensboro, North Carolina, 27406, being tax parcels #0134904, #0134905 and #0134906. The parcel is located in Fentress Township.

(APPROVED)

Swearing-in of staff:

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

Mr. Tolbert read the case into the record. The manager of CARYDA, Terry Lee, is requesting a variance from the Guilford County Development Ordinance 4-6.2, front setback, to reduce the minimum building line to 28 feet instead of 35 feet per the prevailing setback. There is an existing building on site with a setback of 28 feet from the right-of-way. The property is located at 3620, 3624 and 3626 Pleasant Garden Road. All three parcels are zoned Light Industrial. The Light Industrial district is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development and related commercial service activities which in the normal operation would have little or no adverse effect on adjoining properties. The property is located southwest of Pleasant Garden Road, approximately 425 feet north of the intersection with East Vandalia Road. The existing land use on the property is not single-family. The building that is currently located on the site is an old commercial building. To the north there is some light industrial use. To the south there are some low-density residential uses and to the east there are low-density residential and some light industrial uses. To the immediate west the use is low-density residential plus the Norfolk Southern Rail runs behind it. An area visual survey of the property indicates that surrounding uses are single-family stick built homes and industrial uses with varied setbacks. Mr. Tolbert explained that based on calculations, the applicant would need to meet an average front setback of 35 feet. Prevailing setbacks were implemented to calculate the 35 foot setback. There are no streams or flood zones on the property. The date of application was August 29, 2017; the adjoining property owners were notified September 22, 2017; a bulletin was posted in the County Courthouse on September 22, 2017; signs were posted on the subject property on September 21, 2017; and the newspaper ad ran on September 22, 2017.

Swearing in of anyone speaking in favor of the request:

Terry Lee, 5825 Hagen-Stone Park Road, Pleasant Garden, North Carolina, was sworn as to his testimony during the proceeding.

Mr. Lee is a licensed general contractor with a history of renovating properties in the southeast part of Greensboro and Guilford County. He stated that the subject property is very unique and difficult due to the Norfolk Southern Rail right-of-way that was agreed upon in 1880. He provided a brief history of the site that was formerly used as a mobile home park. The old building currently located on the site is partially usable. They plan to tear off the north and south ends of the structure, which were unattached add-ons, leaving the original building intact. There is no water or sewer service at the site at this time. The city of Greensboro has estimated that it will cost \$375,000 to bring water and sewer service to the site.

Mr. Lee said they would like to construct 2,400 square foot buildings that are 40 feet by 60 feet. Each building can be configured with 1,000 feet of office space and 1,400 feet of warehouse. There will be roll-up doors in the back. He owns a building around the corner that is just like the building being proposed. He purchased that building in 1984 and indicated that the building has only been vacant for 6 months since that time. The building is a good product and has worked well for him. It is an ideal size for small businesses.

Mr. Lee said that a variance of 7 feet is needed to reach a depth of 60 feet in order to make construction of these buildings on the site possible. He estimated that they could build six or seven 60 feet deep buildings on this site and maybe two or three 50 feet buildings. The north side of the property would be utilized to access gravel parking areas behind the proposed buildings. Parking would be on the railroad right-of-way through a lease arrangement. Without the additional seven feet they would be challenged to get enough buildings on the site to offset the \$375,000 water and sewer expense. Mr. Lee commented they might be able to build a single run of mini storage units on the site but he felt it is not the highest and best use of the property. He pointed out that the eight or ten buildings that could be built if the variance is granted would generate a tax base for Guilford County and greatly improve the area.

Mr. Havens asked how a second rail line in the future would affect the parking area. Mr. Lee said they would still have sufficient space for parking if a second line is added.

There being no other speakers, Chair Lawler closed the public portion of the hearing.

Discussion:

Mr. Standley asked if the variance was just for the parcel with the building or the entire length of the tract. Mr. Lee explained that the tract is 495 feet long and it is very narrow. He is asking for a variance for the entire length of the tract to allow units to be stacked into the full length of the space.

Responding to a question from Mr. Johnson, Mr. Lee said that these buildings will most likely be metal-sided with a brick or rock front.

Ms. Miller moved that the Board of Adjustment for Guilford County, having held a hearing on October 3, 2017 to consider **Case Number 17-08-GCPL-04541**, submitted by CARYDA 1, LLC, Terry Lee, Manager, a request for a variance to use the property located at 3620, 3624, and 3626 Pleasant Garden Road, North Carolina, 27406 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: The site is not useful for any purpose with existing MBL (Minimal Building Line) setbacks; (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 Norfolk Southern right-of-way consumes almost half the property. North Carolina Department of Transportation (NCDOT) right-of-way consumes .347 acres of the total area of the 2.63 acres. Only .458 acres are buildable. The buildable area is 20 feet deep and 495 feet wide; (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: It is believed that the MBL would be dictated by the existing building and parking area; 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: As Mr. Lee pointed out, they are actually going to be beautifying the area. The area is in bad shape right now and it will be beautified with some buildings that are going to be useful for small business owners as well as increasing the property base for Guilford County which is something that is needed. 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 5-0 in favor of the motion. (Ayes: Lawler, Havens, Johnson, Miller, Standley. Nays: None.)

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 6:49 p.m.

Respectfully submitted,

Robert Lawler, Chairman

Leslie P. Eger, Board Secretary