

**GUILFORD COUNTY
BOARD OF ADJUSTMENT
MAY 3, 2016**

The Guilford County Board of Adjustment met in regular session on May 3, 2016 in the 4th Floor Conference Room of the Old Guilford County Courthouse, 301 West Market Street, Greensboro, North Carolina.

MEMBERS PRESENT: Randall Crum, Acting Chair; Willie Johnson; Ditra Miller; Frank Havens; Larry Standley.

MEMBERS ABSENT: Robert Lawler, Cary Campbell and Patrick Woods.

STAFF PRESENT: Dervin Spell, Planning Department, and Cole Renigar, Zoning Investigator.

Roll Call of attendees was taken.

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

HEARING OF THE CASE:

Case Number 16-04-GCPL-01588 Michelle Smith is requesting a variance to place an accessory building 10 feet in front of the front building line of the principal structure established by the Guilford County Development Ordinance 4-5.2(A). The property is zoned AG, Agricultural District. The property is located at 6607 Liberty Road, Julian, NC 27283, being tax parcel #0123519. The parcel is located in the Clay Township. **(DENIED)**

Swearing in of staff:

Devin Spell and Cole Renigar were sworn as to their testimony during the proceeding.

Mr. Spell stated that Michelle Smith is requesting a variance to place an accessory building 10 feet in front of the front building line of the principal structure established by the Guilford County Development Ordinance 4-5.2(A). The property is zoned AG, Agricultural District. The property is located at 6607 Liberty Road, Julian, NC 27283, being tax parcel #0123519. The date of the application was April 4, 2016, and the adjacent property owners were notified on April 22, 2016 and it was posted with the Guilford County Courthouse and in the newspaper on that same date. A sign was posted on the property on April 20, 2016.

Swearing in of anyone speaking in favor of the request:

Michelle Smith, the applicant, stated that she would like to build the accessory building in the proposed location because there are septic lines on the side and there is not enough room on the other side of the property for placement of the accessory building. The well is in the back yard so the only possible place to locate the accessory building is toward the front of the property, which would be in front of the principal structure. The proposed accessory structure would be a garage to house two (2) boats.

Michael Summerland, 6607 Liberty Road, Julian, North Carolina was sworn as to his testimony during the proceeding and stated that the exiting driveway would turn just a little to be able to access the proposed garage.

In response to questions by the Board members, Cole Renigar stated that he has made black circles on the drawing that indicates the post on the property near the proposed garage area. For further questions,

Mr. Renigar stated that staff does not have any issue with the driveway in the front on the principal structure. Staff does not make recommendations, only states the fact relative to the case.

Ms. Smith and Mr. Summerland stated that the proposed garage will be a metal A-frame building, white with a gray roof to match the house and will be on a concrete slab. She has spoken to several of the neighbors who are very excited about the proposed garage structure. Ms. Smith submitted pictures of examples of the proposed garage structure for the Board members' review. They also plan to plant a row of Cypress trees on the front property line to block the view of the garage structure from the road.

Swearing in of anyone speaking in opposition to the request:

There was no one speaking in opposition to the request.

Ms. Miller moved that the Board of Adjustment for Guilford County, having held a public hearing on May 3, 2016 to consider **Case Number 16-04-GCPL-01588**, submitted by Michelle Smith, a request for a variance to use the property located at 6607 Liberty Road, Julian, NC, 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 and in the absence of a variance no reasonable use can be made of the property. This conclusion is based on the following FINDINGS OF FACT: The well is in the back yard and septic tank and lines are on the side and the driveway is on the other side of the property. The way the contractor laid this out, there seems to be no other place to put the building. (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 issues that are common to the neighborhood or general public may not be the basis for granting the variance. This conclusion is based on the following FINDINGS OF FACT: The layout of the property has the septic lines in one area, the well in another area and they have a gas tank buried underneath another area of the property, and that makes it very difficult to add any renovations, much less the new building that they are requesting anywhere else except in front of the primary residential structure. (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 would acknowledge that circumstances 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: The applicant bought the property 20 years ago and had no idea that this would be an issue and probably did not foresee that she would need to ask for a variance to add on to the property. (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 zoned AG and there is there was no one present speaking against the request. Because of this it is felt that this is in the spirit of the character of the neighborhood. THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE be GRANTED in compliance with all local, state and federal laws being met. The motion was seconded by Mr. Johnson. The Board voted 3-2 in favor of the motion. (Ayes: Crum, Miller, Johnson, Nays: Standley, Havens.)

Mr. Renigar stated that for the motion to be favorable to grant the variance there must be at least four (4) votes. Therefore, the motion fails and the variance is denied. Ms. Miller informed the applicants that they would be able to appeal the decision of the Board to Superior Court.

NEW BUSINESS:

(a) Approval of March 1, 2016 Meeting Minutes

Mr. Crum moved approval of the March 1, 2016 meeting minutes as written, seconded by Ms. Miller. The Board voted 5-0 in favor of the motion. (Ayes: Miller, Havens, Standley, Johnson, Crum. Nays: None.)

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 6:34 p.m.

Respectfully submitted,

Robert Lawler, Chairman

Dervin Spell, Board Secretary