

**GUILFORD COUNTY
BOARD OF ADJUSTMENT
JULY 5, 2016**

The Guilford County Board of Adjustment met in regular session on July 5, 2016 in the Blue Room of the Old Guilford County Courthouse, Greensboro, North Carolina, commencing at 6:00 p.m.

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

MEMBERS ABSENT: Cary Campbell and Patrick Woods.

STAFF PRESENT: Dervin Spell, 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.

HEARING OF THE CASE:

Case Number 16-05-GCPL-02680

Randy Hughes is requesting a variance of 12 feet from the rear yard setback requirement of 30 feet and a 20 feet variance from the front yard setback requirement established by the Guilford County Development Ordinance 4-4.1(A), Dimensional Requirements, to allow for a proposed 40' by 28' new home. The property is zoned RS-40-MH, Residential Single-Family with Manufactured Housing District Overlay. The property is located at 6516 Hayworth Springs Road, Jamestown, North Carolina 27282. The property is tax parcel #0161303, in the Jamestown Township.

(APPROVED)

Mr. Spell read the case into the record.

Swearing in of staff:

Dervin Spell was sworn as to his testimony during the proceeding.

Swearing in of anyone speaking in favor of the request:

Randy Hughes, 6510 Hayworth Springs Road, Jamestown, NC, was sworn as to his testimony during the proceeding.

Swearing in of anyone speaking in opposition to the request:

There was no one speaking in opposition to the request.

Randy Hughes, 6510 Hayworth Springs Road, Jamestown, NC, stated that his parents-in-law live in Davidson County and are in declining health. He would like to move them closer and plans to put a double-wide on the lot to be able to take care of them. The dwelling that is currently on the property is in very poor condition and the double-wide will basically fill the same footprint that is there now. The dwelling that is in disrepair will be torn down to make way for the trailer.

Mr. Hughes referred to a map of the property and pointed out the location of the driveway, well and septic system. He will have to put in a new well. The property is non-conforming as it sits now. He entered pictures into evidence for Commissioners to review and described surrounding properties.

Responding to questions, Mr. Hughes said that he has redeveloped eight properties in the neighborhood. He clarified that when he referred earlier to a double-wide, he was referring to a modular home. The dwelling in disrepair on the property that will be demolished was built in 1954 and the issue of non-conformity came about with the adoption of the ordinance in 1992.

Mr. Havens commented it would be difficult to build a new structure on the property without a variance. There is no way to put the double-wide on the property without a variance. The front door with the street number must face Hayworth Springs Road.

Mr. Standley moved that the Board of Adjustment for Guilford County, having held a hearing on July 5, 2016 to consider **Case Number 16-05-GCPL-02680**, submitted by Randy Hughes, a request for a variance to use the property located at 6516 Hayworth Springs Road in Jamestown, NC 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, 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 hardship is that without the requested variance, the applicant will be unable to use the lot to purchase a building to go on a configuration that would work in that location; (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 conditions are peculiar to the property in that it doesn't fit any other way and the septic lines, etc. are in the way to try and do it another way. In addition, there is the requirement that they have to face the highway; (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: This is an old house that is grandfathered in and by improving, a variance will be required to build something new in that location and could not be redeveloped because of what is happening. He is tearing out the other structure which is grandfathered and bringing in a new structure; (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 neighborhood will be much better when the old building is gone and the new structure is put in. 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 unanimously 5-0 in favor of the motion. (Ayes: Lawler, Havens, Standley, Johnson, Miller. Nays: None.)

Case # 16-06-GCPL-02802

Aquatics Designs, Inc. is requesting a variance of 20 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 40' by 8' new pool. The property is zoned RS-40, Residential Single-Family. The property is located at 6108 Gold Dust Trail, Greensboro, NC 27455. The property is tax parcel #0139752, in the Center Grove Township.

(APPROVED)

Mr. Spell read the case into the record.

Swearing in of staff:

Dervin Spell was sworn as to his testimony during the proceeding.

Swearing in of anyone speaking in favor of the request:

Mark Voigt, 6332 Monet Road, and Doug Estes, 6108 Gold Dust Trail, were sworn as to their testimonies during the proceeding.

Swearing in of anyone speaking in opposition to the request:

There was no one speaking in opposition to the request.

Mr. Voigt distributed additional pictures into evidence for Commissioners to review. He pointed out the location of the well, the drain field, septic repair area, as well as the remaining property left for the installation of a pool. They are asking for a variance because current guidelines say there must be a 30' offset which does not leave enough room. He identified the location they would like for an 8' by 40' pool so it is visible from the house. There is another location the pool could go which is next to an adjacent street; however, the pool could not be seen from the house. Visibility is an important safety issue for the family as their grandchildren will be swimming in the pool. The property owner emailed neighbors and received only responses of approval for the request.

At the request of members, Mr. Voigt referred to his diagram and clarified the location of the proposed pool. The pool will be adjacent to the tree line separating the owner's property from his neighbor's property. Approximately three Gumball trees will be removed. The adjacent property owner has no objection to the request. It was noted that access by emergency vehicles would not be prohibited if the request is granted.

Ms. Miller moved that the Board of Adjustment for Guilford County, having held a hearing on July 5, 2016 to consider **Case Number 16-06-GCPL-02802**, submitted by Aquatic Designs, a request for a variance to use the property located at 6108 Gold Dust Trail, Greensboro, NC 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, 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: It would be an unnecessary hardship because putting the pool somewhere else on the property could end up being a safety hazard because they could not see who was using the pool; (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: Mr. Estes pointed out that there are different places on the property where the pool could be placed besides where they want to place it. There is no other place for the pool due to the location of the well, the repair area, and the drain field; (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 property owner did not create this hardship on himself and due to layout of the property where the well area and septic field are located, this is the only place the pool can be located; (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: There are other properties in the neighborhood with pools and there is no one present to oppose the requested variance. 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 unanimously 4-1 in favor of the motion. (Ayes: Lawler, Standley, Johnson, Miller. Nays: Havens.)

NEW BUSINESS:

(a) Approval of June 7, 2016 Meeting Minutes

Ms. Miller moved approval of the June 7, 2016 meeting minutes as written seconded by Mr. Havens. The Board voted 5-0 in favor of the motion. (Ayes: Lawler, Miller, Havens, Johnson, Standley. Nays: None.)

Mr. Spell advised members that a Training Session will be held prior to the August, 2016 meeting at 5:00 p.m.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 6:50 p.m.

Respectfully submitted,

Robert Lawler, Chairman

Dervin Spell, Board Secretary