

**GUILFORD COUNTY
BOARD OF ADJUSTMENT
AUGUST 4, 2015**

The Guilford County Board of Adjustment met in regular session on August 4, 2015 in the Blue Room of the Old Guilford County Courthouse, Greensboro, North Carolina.

MEMBERS PRESENT: Ditra Miller, Chair; Willie Johnson; Frank Havens, Randall Crum; and Cary Campbell.

MEMBERS ABSENT: Larry Standley and Patrick Woods

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

Roll Call of attendees was taken.

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

HEARING OF THE CASE:

Case Number 15-07-GCPL-03329 Susan and Will Gregory are requesting a variance of 3 feet and 8.25 inches from the rear yard setback requirements of 30 feet established by the Guilford County Development Ordinance 4-4.1(A), Dimensional Requirements, to allow for a proposed 23'x16' covered terrace addition. The property is zoned RS-40, Residential Single-Family. The property is located at 3106 Alamance Road, Greensboro, NC 27407. Tax parcel #0155731, in the Jamestown Township.
(APPROVED)

Swearing in of staff:

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

Swearing in of anyone speaking in favor of the request:

Jim Wolfe, 1707 Westridge Road, was sworn as to his testimony during the proceedings.

Swearing in of anyone speaking in opposition to the request:

There was no one speaking in opposition to the request.

Mr. Spell stated that Susan and Will Gregory are requesting a variance of 3 feet and 8.25 inches from the rear yard setback requirements of 30 feet established by the Guilford County Development Ordinance 4-4.1(A), Dimensional Requirements, to allow for a proposed 23'x16' covered terrace addition. This property is located at 3106 Alamance Road and is zoned RS-40 (Residential Single-Family).

Mr. Spell read into the record the questions under Section 9-5.2 necessary to grant or deny a variance request.

Jim Wolfe, 1707 Westridge Road, is a local builder representing Susan and Will Gregory who have purchased the subject property. He gave a PowerPoint presentation describing the request and submitted three photographs for the record.

He explained that when this particular property was built by the former owner, the driveway was brought in off of Alamance Road facing the back of the house. The back of the house faces the golf course. The

client would like to place an open air addition with a fireplace on the back of the house. He would like to get a variance of 3 feet for the screen porch. The hardship is that without the variance, there is such a clip on that side of the property that his enjoyment of the golf course is destroyed. The applicant is trying to get a variance so that a square addition can be built versus trying to compromise it with an angle. All the other houses on Wayne Road have the rear yard in the back. He felt this request was consistent with the spirit and purpose of the ordinance because the orientation of the home when it was built was set so the rear of the home faces the back which is the side yard. They are not trying to change the zoning on the plat; rather, they are trying to get a variance on the rear setback. Referring to the distributed photographs, he showed how the house is oriented and explained that the proposed porch would come straight off of the sun porch.

Mr. Johnson asked staff if a lot of rules and regulations existed in the area when this lot was established seventy years ago. He noted that the lot is placed in a caddy-cornered way and in that area most of the houses have some degree of non-conformity. He commented that this request seems to be fairly normal for the neighborhood. Mr. Spell stated that staff conducted a visual survey of the neighborhood and saw several residences that had enclosed porch structures; however, an analysis was not made to determine if they conformed to current zoning standards. He pointed out that a permit is taken out when an addition is made and setback requirements must be met at that time. If there is an issue, homeowners would be directed to the Board of Adjustment.

Chair Miller asked if there have been any changes in zoning in this area over the past sixty-five years. Mr. Spell said that the current zoning ordinance was enacted back in 1992 and any structure or subdivision in place prior to the ordinance would be grandfathered in. Any new additions or changes will need to meet the current standards.

Mr. Wolfe did not have the schematics with him but said there would be wood columns on each corner with a stone fireplace and a blue stone patio. There will be a hipped roof to architecturally balance the back of the house.

Mr. Havens stated that he would have more difficulty granting the request if the applicant was asking for a larger setback. It is an odd situation because of the orientation of the house. Mr. Johnson commented that the addition will not block anyone else's view of the golf course and it will give them an entertainment area in their backyard.

In the matter of **Case #15-07-GCPL-03329**, Mr. Johnson moved approval of the variance request of 3 feet and 8.25 inches for property located at 3106 Alamance Road, Greensboro, NC. The Board of Adjustment for Guilford County, having held a public hearing on August 4, 2015 to consider Case Number 15-077-GCPL-03329, submitted by Susan and Will Gregory, a request for a variance to use the property located at 3106 Alamance Road, Greensboro, NC 27407 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, 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 Owner would be unable to fully appreciate the rear yard views to the golf course because of the original positioning of the home. (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 house does not face Alamance Road; therefore, the setback on the side is too great. (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 next door and all the way down Wayne Road have the golf course as the rear of their 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 request is consistent with the spirit and purpose of the ordinance because the orientation of the home when built was set so the rear of the home was facing the golf course. THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE be GRANTED subject to the variance meeting all local, state and federal laws. The motion was seconded by Mr. Havens. The Board voted 4-1 in favor of the motion. (Ayes: Miller, Haven, Johnson, Campbell. Nays: Crum)

NEW BUSINESS:

(a) Approval of April 7, 2015 Meeting Minutes

Mr. Havens moved approval of the April 7, 2015 meeting minutes as written, seconded by Mr. Johnson. The Board voted 5-0 in favor of the motion. (Ayes: Miller, Havens, Crum, Johnson, Campbell. Nays: None.)

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 6:43 p.m.

Respectfully submitted,

Ditra Miller, Chairman

Dervin Spell, Board Secretary