

**GUILFORD COUNTY  
BOARD OF ADJUSTMENT  
OCTOBER 6, 2015**

The Guilford County Board of Adjustment met in regular session on October 6, 2015 in the 3<sup>rd</sup> Floor Conference Room of the BB&T Building, Greensboro, North Carolina.

**MEMBERS PRESENT:** Ditra Miller, Chair; Willie Johnson; Cary Campbell, Robert Lawler, and Larry Standley.

**MEMBERS ABSENT:** Frank Havens, Randall Crum, 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 15-06-GCPL-04410** Brandon Dixon is requesting variances of 22 feet from the rear yard setback requirement of 30 feet and 11 feet from the side road setback of 40 feet established by the Guilford County Development Ordinance 4-A.1(A), Dimensional Requirements, to allow for a proposed 1,500 square foot detached garage. The property is zoned AG, Agricultural. The property is located at 530 North Bunker Hill Road, Colfax, North Carolina, Tax parcel # 0170116, in the Deep River Township. **(APPROVED)**

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

**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:**

Brandon and April Dixon, 530 North Bunker Hill Road, Colfax, North Carolina, were sworn as to their 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 Brandon Dixon is requesting variances of 22 feet from the rear yard setback requirement of 30 feet and 11 feet from the side road setback of 40 feet to allow for a 1,500 square foot detached garage. His property is zoned AG (Agricultural) and is located at 530 North Bunker Hill Road in the Deep River Township.

Brandon Dixon stated that they would like to build a detached garage to hold their pontoon boat and possibly a one and a half car garage. The difference would be occupied by tool or shop space. The proposed design is the only one that might possibly fit into the oddly shaped allowable build area. He said that the well is the largest hurdle to build around. Additionally, there must be space to allow a trailer to get into the garage. The boat currently sits at the top of their driveway with a cover on it which ruins the vinyl

seats and interior. For security reasons and weather protection, it would be better for the boat to be inside an enclosed space. He indicated his openness to alternate design ideas.

April Dixon stated that they bought two acres of land when they moved into the county for the purpose of building a house and a garage. They built the house and are now ready to add the garage. They learned about the need for a variance which they were unaware of. They tried numerous configurations for the placement of the garage allowing for the septic field, reserve septic field, and the well. In addition, the driveway allowance for the landlocked neighbor behind them adds limitations to the placement of the garage. The proposed garage will not sit near the neighbor's house. Their property line is 175 feet from the neighbor's mobile home. Although the neighbor is not present tonight, he is supportive of the request.

Board members reviewed photographs of the property. It was noted that there is a steep drop-off on the property and the house could not have been moved forward. Mr. Dixon expressed his desire to build on cut dirt and not filled dirt.

Mr. Johnson indicated that he was supportive of the request. He commented that Mr. Dixon bought a property that had been divided-up. He stated his opinion that if any harm was done, it came from the original land owner when the land was divided. The owner land-locked the adjacent lot with a 15 foot driveway as allowed by law. He felt the proposed garage was nice looking and it was being put on the only possible place it could be located on the property.

The Board of Adjustment for Guilford County, having held a public hearing on October 6, 2015 to consider **Case Number 15-08-GCPL-04410**, submitted by Brandon Dixon, a request for a variance to use the property located at 530 North Bunker Hill Road, Colfax, North Carolina 27235 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: Based on the slope of the property and the location of the well, the power line, and the easement of the adjacent roadway. (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 front yard is a steep slope and from the back of the home the property line sits adjacent to the septic field, well, power line, and driveway to the neighbor's home. (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 conclusion is based on the history of the property owner who sold 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 surrounding properties are larger than five acres and the closest structure to the requested garage is 175 feet away and a fence will separate the properties. 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. Johnson. The Board voted 5-0 in favor of the motion. (Ayes: Miller, Johnson, Campbell, Standley, Lawler. Nays: None.)

Chair Miller asked staff to prepare an updated script to aid Board members. The script should reflect the procedure to be followed and the complete wording to be used when making a motion.

**NEW BUSINESS:**

**(a) Approval of August 4, 2015 Meeting Minutes**

Mr. Johnson moved approval of the August 4, 2015 meeting minutes as written, seconded by Mr. Campbell. The Board voted 5-0 in favor of the motion. (Ayes: Miller, Standley, Lawler, Johnson, Campbell. Nays: None.)

**ADJOURNMENT:**

There being no further business before the Board, the meeting adjourned at 6:58 p.m.

Respectfully submitted,

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Ditra Miller, Chairman

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Dervin Spell, Board Secretary