

**GUILFORD COUNTY  
BOARD OF ADJUSTMENT  
JANUARY 7, 2014**

The Guilford County Board of Adjustment met in regular session on January 7, 2014, at 6:03 p.m., in the Blue Room of the Old Guilford County Courthouse, Greensboro, North Carolina.

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

**STAFF PRESENT:** Tiffany Burch and Carrie Spencer, Planning Department. Also present was J. Leslie Bell, Guilford County Planning Director.

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 CASE:**

**Case No. 13-10-GCPL-04981:** John D. Joyce is requesting a variance to allow for an existing garage 24 feet by 28 feet to remain at 8 feet from the property. Reference the Guilford County Development Ordinance Table 4-4-1(A) Dimensional Requirements – (15 feet is required). The property is located at 5224 Sweetwater Court, Greensboro, North Carolina, 27407. Tax parcel #0141646 in the Sumner Township. The property is zoned RS-40. Case continued from December 3, 2013. **(GRANTED)**

Ms. Burch presented the case history.

Staff and speakers were sworn as to their testimony during the proceedings.

Chair Miller asked if there was anyone wishing to speak in support of this case.

John Joyce, 5224 Sweetwater Court, informed members that the subject garage was constructed in 2011 and he was not aware at the time that it had to be 15 feet from the property line. The garage lines up with the driveway and is 100 feet from the road. Due to the location of the septic field, there is no other place on the property to move the garage. Mr. Joyce contacted the adjacent neighbor who expressed no concerns with the variance request.

Members reviewed photographs and other information about the site.

Responding to questions, Mr. Joyce stated that he intends to sell the property. When the contract was signed the builder informed Mr. Joyce that he was responsible for securing the necessary permit. In an attempt to make things right, Mr. Johnson is requesting a variance at this time. He did not receive a Notice of Violation.

At the request of the Board, staff reviewed the owner's options if the permit is not approved. Ms. Burch explained that a Notice of Violation would be issued followed by civil penalties.

Ms. Spencer pointed out that the owner could relocate or demolish the garage to meet code. Members pointed out that the septic field eliminates the possibility of relocating the garage. Members expressed concern that the owner failed to get a permit when the garage was built. Several members commented that it made sense to consider whether or not they would approve this request if it was a new case evaluating the criteria based on reasons stated by the owner.

Chair Miller commented that she would probably deny the request if it was new due to the size of the garage. She was concerned that the owner did not apply for a permit after the builder indicated they would not be responsible.

Mr. Joyce stated that the garage was built to accommodate two vehicles. In addition, he commented that he was under the impression that a permit was not required to build a structure that did not have electricity.

Mr. Joyce stated that he contacted the builders to ask what needed to be done to bring the garage up to code. As a result, he had to pay for the original plans and for work done by the builder to reinforce the structure to meet code.

During discussion, members pointed out that the owner stepped forward on his own to right a wrong. Comments were made that the request should be evaluated as if it was a new case and that each case should be viewed on an individual basis.

Leslie Bell, Guilford County Planning Director, commented on the concern of setting precedents. He stated that each case should be evaluated on the evidence presented. The evidence will not have an impact on subsequent cases.

It was noted that Mr. Havens, an alternate member, will be participating in the vote. Mr. Crum indicated that he will sit out.

Members reviewed the three criteria required to approve a variance and asked the owner to address his reasons for each one.

**(1) There is a hardship that would result from the strict application of the Ordinance.**

Mr. Joyce stated that the hardship would be that the building would have to be torn down because there is no other location on the property where the structure can be moved.

**(2) The hardship results from conditions that are peculiar to the property.**

Mr. Joyce stated that if the building was moved to be in compliance, it would be on top of the septic field.

**(3) The hardship did not result by actions taken by the property owner.**

The actions came from the applicant not knowing that he should have pursued applying for a permit.

There was no one speaking in opposition to the request.

In the matter of **Case #13-11-GCPL-04981**, Mr. Lawler moved approval of a variance to remain at 8 feet from the property line in reference to the Guilford County Development Ordinance Table 4-4-1(A) for property located at 5224 Sweetwater Court, Greensboro, North Carolina 27407, based

on the following findings: (1) that the building would have to be relocated if the strict application of the Ordinance is applied to the existing structure; (2) that the hardship results in conditions that are particular to the property as related to the existing septic system; and (3) the hardship does not result in the action of the applicant as the applicant has come forward on his own in honest admission of errors made; seconded by Mr. Johnson. The Board voted 5-0 in favor of the motion. (Ayes: Miller, Lawler, Johnson, Havens, Standley. Nays: None.)

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

- **Approval of 2014 Guilford County Board of Adjustment Calendar**

Mr. Standley moved to approve the 2014 Guilford County Board of Adjustment calendar, seconded by Mr. Lawler. The Board voted by acclamation in favor of motion.

- **Approval of December 3, 2013 Meeting Minutes**

Mr. Standley moved approval of the December 3, 2013 meeting minutes, seconded by Mr. Havens. The Board voted 5-0 in favor of the motion. (Ayes: Miller, Lawler, Crum, Havens, Standley. Nays: None.)

Mr. Johnson was not present at the December 3, 2013 meeting and therefore, did not vote.

Leslie Bell, Guilford County Planning Director, introduced himself to members and provided an overview of his work experience.

**ADJOURNMENT:**

There being no further business before the Board, the meeting adjourned at 6:53 p.m.

Respectfully submitted,

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Ditra Miller, Chairman

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Tiffany Burch, Board Secretary