

GUILFORD COUNTY  
BOARD OF ADJUSTMENT  
AUGUST 6, 2013

BK: R 7569  
PG: 751-754  
RECORDED:  
01-28-2014  
11:32:36 AM  
BY: HSIAO-WEI AHERON  
DEPUTY-GB



2014004222  
GUILFORD COUNTY, NC  
JEFF L. THIGPEN  
REGISTER OF DEEDS

NC FEE \$26.00

The Guilford County Board of Adjustment met in regular session on August 6, 2013, at 6:00 p.m., in the Blue Room of the Old Guilford County Courthouse, Greensboro, North Carolina.

**MEMBERS PRESENT:** Robert Lawler, Jr., Acting Chair; Larry Standley; James Burroughs; Randall Crum; Willie Johnson; Patrick Woods; and Frank Havens.

**STAFF PRESENT:** Tiffany Burch and Les Eger, Planning Department.

Roll Call of attendees was taken.

**HEARING OF CASE:**

10  
4  
**Case No. 13-07-GCPL-02940:** Ronald L. May is requesting a variance for a 33 ft. right-of-way. The minimum required right-of-way is 50 feet. Reference Guilford County Development Ordinance Section 4-7.2 Street Access Requirements section (A) Dead-End Streets. The property is located at 4572 Scythe Road, Julian, North Carolina 27283. Tax parcel #0110705 in the Green Township and is zoned AG (Accela reference number 07-GCPL-02940). **(GRANTED)**

Ms. Burch presented the case history.

Staff and speakers were sworn-in for their testimony during the proceedings.

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

Ronald May, 4572 Scythe Road, Julian, North Carolina, indicated his plan to sell the subject property that he has owned for 47 years, due to hardship. He presented documentation that the adjoining property owner had no objection to the request.

Members reviewed distributed materials and identified the applicant's requested access to the left of the terminus of the road. Mr. May indicated that he was advised by the County that another option would be to cut down trees, pave the road out to the end, and put in a turnaround. He felt this option would be counterproductive to his goal of raising money from the sale of his land. Therefore, he has chosen to appeal to the Board of Adjustment. He would like to sell 4572 Scythe Road but felt that nobody would buy the site if a house could not be built on the lot. He explained that 50 feet of road footage is required to build a house on the lot.

Mr. May explained that the surrounding land has always been agricultural. The land has since been rezoned and Coble and Pickett Company put in the current road; however, it stopped short of his property to where it would have provided him the 50 foot right-of-way. He stated that Mr. Pickett, in the audience, was the property owner of 4574 Scythe Road. Mr. Pickett agreed to sell 4574 Scythe Road to the applicant but later qualified that he would sell the land only if Mr. May rezoned his property. Mr. May chose not to rezone the property because he felt he could not use the property if it was rezoned.

*Inter office*

GUILFORD PLANNING DEPT  
INTEROFFICE  
400 W MARKET ST 5TH  
GREENSBORO, NC 27401

Mr. Standley commented that more discussion among the property owners would be advantageous.

Mr. Burroughs noted the hardship for Mr. Mays and the potential hardship for the people who live adjacent to him. He felt there should be additional time for interested parties to dialogue and see what options are available.

Mr. Johnson pointed out that the property owners have known about this for some time and have already discussed the matter. He felt that Mr. Mays, as the owner, should be able to use his property as he sees fit.

Mr. Eger reminded the Board that the request is for a variance to allow access that is only opened in 33 feet rather than 50 feet off of a dedicated right-of-way.

In the matter of Case Number 13-07-GCPL-02940, Mr. Burroughs moved that based upon the findings of fact concerning Ronald May and the property at 4572 Scythe Road in Julian, North Carolina, particularly his comments that there are practical difficulties or unnecessary hardships that would result in the way of carrying out the strict letter of this particular ordinance, this Board reaches the conclusion that the applicant does comply with the provisions of the ordinance because he can make no reasonable use of his property; the hardship of which the applicant complains results from unique circumstances to the applicant's property; the hardship relates to the applicant's property rather than personal circumstances; and the hardship is not the result of the applicant's own actions, seconded by Mr. Johnson. The Board voted 5-1 in favor of the motion. (Ayes: Burroughs, Crum, Johnson, Standley, Lawler. Nays: Woods)

**Case No. 13-07-GCPL-03058:** Double E Construction, LLC (Ricky Proffit) applied on July 11, 2013 to appear before the Guilford County Board of Adjustment to request a variance to allow the minimum requirement lot width of 150 feet to be reduced by 20 feet to approximately 130 feet. The property is located at 7003 Kiley Court, Liberty, North Carolina 27298. Tax parcel #0109896 in the Greene Township and is zoned CU-RS-40. Accela reference number 13-07-GCPL-03058). **(GRANTED)**

Ms. Burch presented the case history.

Staff and speakers were sworn-in for their testimony during the proceedings.

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

Mr. Eger informed members that the applicant could not be present due to a medical emergency.

Homer Wade, 621 Eugene Court, spoke at the request of the applicant, Ricky Proffit, owner of Double E Construction LLC. Mr. Wade is with Borum-Wade, Engineers and Surveyors. He distributed information to members and explained that their request is for a variance from the development requirement, Section 4-4.1, of the Zoning Ordinance as it relates to lot width required in the RS-40 district, particularly lot 46 of the Luke's Place subdivision.

Double E Construction has a presale for a house that is 52 feet deep. The current building envelope for the lot is only 42 feet in depth and in order to build, the house will need to be moved forward approximately 10 feet. Moving the house forward would be more in keeping with other lot configurations in the neighborhood. He reviewed hardships that would result from the strict interpretation of the ordinance. Mr. Wade felt that granting the variance would preserve the spirit

of the ordinance and the lot reduction of 20 feet would allow that the building envelopes be more in keeping with the neighborhood. He felt the request was fair, does substantial justice, and doesn't compromise the public safety.

Members reviewed the informational handouts and Mr. Wade responded to questions from the Board.

In the matter of Case Number 13-07-GCPL-03058, Mr. Burroughs moved that based upon the findings of fact concerning property at 7003 Kiley Court, Liberty, North Carolina, tax parcel number 0109896, that the information provided in the hearing shows that such a variance should be granted because there are practical difficulties or unnecessary hardships that would result from carrying out the strict letter of the ordinance and that the applicant has shown that he can make no reasonable use of this property unless the variance is granted; the hardship of which the applicant complains results from unique circumstances related to the property; the hardship relates to the applicant's property rather than personal circumstances; and the hardship is not the result of the applicant's own actions; this variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit; and the granting of this ordinance assures the public safety and welfare and does substantial justice. Therefore, he moved that the variance be granted, seconded by Mr. Johnson. The Board voted 6-0 in favor of the motion. (Ayes: Burroughs, Crum, Johnson, Standley, Lawler, Woods)


**APPROVAL OF MAY 7, 2013 MEETING MINUTES:**

Mr. Burroughs moved to approve the minutes of the May 7, 2013 meeting, seconded by Mr. Standley. The Board voted 6-0 in favor of the motion. (Ayes: Burroughs, Crum, Johnson, Standley, Lawler, Woods)

**ADJOURNMENT:**

There being no further business before the Board, the meeting adjourned at 7:20 p.m.

Respectfully submitted,

  
Robert Lawler Jr.

  
Tiffany Burch, Board Secretary