

**GUILFORD COUNTY
BOARD OF ADJUSTMENT
JULY 3, 2018**

The Guilford County Board of Adjustment met in regular session on July 3, 2018 in the Blue Room, Old Guilford County Courthouse, 301 West Market Street, Greensboro, North Carolina, 27401, commencing at 6:00 p.m.

MEMBERS PRESENT: Robert Lawler, Chairman; Ditra Miller; Willie Johnson; Frank Havens; and Larry Standley.

MEMBERS ABSENT: Patrick Woods, Carey Campbell and Randall Crum.

STAFF PRESENT: Oliver Bass, Deborah Sandlin, and Rhonitta Hayes - Planning Department.

Roll Call of attendees was taken.

AMENDMENTS TO AGENDA:

None.

APPROVAL OF MINUTES:

- **June 5, 2018 Minutes:**

Mr. Standley moved approval of the June 5, 2018 minutes as written, seconded by Ms. Miller. The Board voted unanimously 5-0 in favor of the motion. (Ayes: Lawler, Havens, Standley, Johnson, Miller. Nays: None.)

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

OLD BUSINESS:

None.

NEW BUSINESS:

Public Hearing Items

CASE #18-06-GCPL-03707:

Carl Marion is requesting a variance from the Guilford County Development Ordinance 4-4.1, side street setback, to reduce the minimum setback to 10' instead of 40' per 4-4.1. There is a single-family home and multiple accessory structures on the property. The applicant is requesting an addition to the existing house on the Woodedge Drive side of the property which will encroach 30' into the required 40' side street setback per 4-4.1. The property is located at 4501 Woodedge Drive, Greensboro, North Carolina 27406 being tax parcel #0135226. The parcel is located in Fentress Township.

(APPROVED)

Swearing-in of staff:

Oliver Bass, Planning Department, was sworn as to his testimony in the following matters.

Mr. Bass read the case into the record. The applicant, Carl Marion, is asking for a variance from the side street setback to reduce the minimum setback to 10' instead of 40' per 4-4.1. There is a single-family home and multiple accessory structures on the property and the applicant is requesting to build an addition to his existing home on the Woodedge Drive side of the property which would encroach 30' into the required 40' side yard setback. The property is located at 4501 Woodedge Drive in Greensboro, tax parcel #0135226. The property is located in Fentress Township.

Members were provided street views and an aerial view of the property which is located on the corner of Gardengate Road to the north and Woodedge Road to the west. The required setback is 40' and the setback to the existing home is 30' which is 10' within the minimum required setback. With the proposed addition, it would be 15' from the side yard. The character of the area is vacant and low-density residential to the north and vacant to the south, east, and west. There are no streams or flood zones on the subject property.

The date of the application was June 7, 2018; the adjacent property owners were notified June 22, 2018; the notice was posted at the courthouse on June 22, 2018; the sign was posted on the property on June 20, 2018; and the notice was posted in the newspaper on June 22, 2018. The notice in the newspaper indicated the public hearing would be July 3, 2018 in the Horseshoe Room. A notice was posted to clarify that the meeting would be held in the Blue Room instead of the Horseshoe Room.

Swearing-in of speakers:

Tim Marion, 1607 Ilchester Court, was sworn as to his testimony in the following matters.

Tim Marion stated that his parents are Carl and Shirley Marion, property owners. He grew up in the subject house and noted that when they moved to the property, the road to the property was a dirt road. He responded to questions from members regarding the distance of the addition to the Magnolia trees planted by his father many years ago and clarified that it is about 15 feet from the trees to the closest point to street. It is further away from the street than it appears on paper. The house was originally a 1,200 square foot house with small rooms. A garage was later added to the left and a kitchen was moved to the rear. The current bedrooms are not large enough and they would like to add a wheelchair accessible bedroom and bathroom on the right side of the house. They would like to build the addition off of the main family room to accommodate the aging in place of his parents. They have looked at every other option to locate the bedroom/bathroom addition. The expense was too great to convert the garage due to the steel beams that would have to be removed. The kitchen is on the back of the house and placing the addition off of the den would be the ideal location for his parents.

Chair Lawler asked if the right-of-way was expanded when the Department of Transportation took over the street.

Carl Marion, 4501 Woodedge Drive, was sworn as to his testimony in the following matters.

Carl Marion explained that the road was a dirt road when they moved to the property and the state later took over the road which is why the house is sitting there like it is at an odd angle. The Department of Transportation came out to survey and Mr. Marion gave them right-of-way on the other side because he also owns all the adjacent land. He owns five lots surrounding the property. The house is sitting at an angle because they were unsure where the road line was going to be.

Tim Marion stated that the road was taken over by the state in 1972 or 1973.

Mr. Marion explained that he has health problems and will probably require a wheelchair in the future. The addition will accommodate his needs. He said there has been no feedback from the neighbors about the request.

There being no other speakers either in support or opposition, Chair Lawler closed the public hearing.

Responding to a question, Mr. Bass confirmed that very few houses front onto Woodedge Drive.

Ms. Miller moved that the Guilford County Board of Adjustment, having held a hearing on **July 3, 2018** to consider Case Number **18-06-GCPL-03707**, submitted by **Carl Marion**, a request for a variance to use the property located at **4501 Woodedge Drive, Greensboro, North Carolina 27406**, being Tax Parcel **#0135226**, 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 home is at an odd angle on the property and previously the streets were private roads taken over by the Department of Transportation. Looking at the property, there is not another place adequate enough to place the requested addition for the reasons that the owners need it due to them aging in place in the property. This is the location for the addition that is best for them.

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:

Had the house originally been built straight on the lot long ago, there would be no need for the requested variance. However, they did not know where the road would be located later after they were no longer privately owned.

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:

Again, the original house was built when the roads were private. After the roads were upgraded to state maintained roads, the location changed slightly. The variance is only needed for a small portion of the addition.

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:

Mr. Marion is his own neighbor and would be encroaching on himself and since he has no problem building the addition, the request is fair. There is no one present who is opposed to the addition and it does appear that it will be in the spirit of the neighborhood.

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 board voted unanimously 5-0 in favor of the motion. (Ayes: Lawler, Miller, Havens, Standley, Johnson. Nays: None.)

ADDITIONAL BUSINESS:

Mr. Bass informed the Board that there will be at least one case on the August 7, 2018 agenda.

ADJOURNMENT:

Mr. Standley moved to adjourn the meeting, seconded by Ms. Miller. The board voted unanimously 5-0 in favor of the motion.

There being no further business, the meeting adjourned at 6:34 p.m.

Respectfully submitted,

Robert Lawler, Chairman

Matthew Talbott, Board Secretary

RL:jd/sm