

**GUILFORD COUNTY  
BOARD OF ADJUSTMENT  
AUGUST 7, 2018**

The Guilford County Board of Adjustment met in regular session on August 7, 2018 in the Blue Room, Old Guilford County Courthouse, 301 West Market Street, North Carolina, 27401, commencing at 6:00 p.m.

**MEMBERS PRESENT:** Frank Havens, Acting-Chair; Larry Standley; Willie Johnson; Carey Campbell; and Sebastian King.

**MEMBERS ABSENT:** Robert Lawler, Ditra Miller, Patrick Woods, and Randall Crum.

**STAFF PRESENT:** Les Eger, Deborah Sandlin, and Rhonitta Hayes - Planning Department.

Roll Call of attendees was taken.

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

**AMENDMENTS TO AGENDA:**

None.

**APPROVAL OF MINUTES:**

- **July 3, 2018 Minutes:**

Mr. Johnson moved approval of the July 3, 2018 minutes as written, seconded by Mr. King. The Board voted 5-0 in favor of the motion. (Ayes: Havens, Standley, Johnson, Campbell, King. Nays: None.)

The Board's newest member, Sebastian King, introduced himself and stated that he was appointed at the last meeting of the County Commissioners. He works in the North Carolina General Assembly and lives in Whitsett, North Carolina.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

***Public Hearing Items***

**CASE #18-06-GCPL-03990:**

Michael and Ashley Gossett are requesting a variance from the Guilford County Development Ordinance 4-4.1, side and rear yard setback, to reduce the minimum side yard setback to 2.5 sq. ft. instead of 15 sq. ft. and to reduce the minimum rear yard setback to 2.5 sq. ft. instead of 30 sq. ft. per 4-4.1. There is a single-family home on the property. The applicant is requesting a 1,380 sq. ft. accessory structure. Any accessory structure over 600 sq. ft. must meet primary structure setbacks per 4-5.1 (B). The property is located at 7815 Clinard Farms Road, High Point, NC 27265 being tax parcel, #0222434. The parcel is located in Deep River Township.

**(APPROVED)****Swearing-in of staff:**

Les Eger and Rhonitta Hayes, Planning Department, were sworn as to their testimony in the following matters.

**Swearing-in of speakers:**

Michael Gossett and Phillip Gossett were sworn as to their testimony in the following matters.

Ms. Hayes read the case into the record. Michael and Ashley Gossett are requesting a variance from the Guilford County Development Ordinance 4-4.1, side and rear yard setback, to reduce the minimum rear yard setback to 2.5 sq. ft. instead of 15 sq. ft. and to reduce the minimum rear yard setback to 2.5 sq. ft. instead of 30 sq. ft. per 4-4.1. There is a single-family home on the property. The applicant is requesting a 1,380 sq. ft. accessory structure. Any accessory structure over 600 sq. ft. must meet primary structure setbacks per 4-5.1 (B). The property is located at 7815 Clinard Farms Road, High Point, North Carolina 27265 being tax parcel #0222434. The parcel is located in Deep River Township.

This property is located in the AG, Agricultural District, and is primarily intended to accommodate uses of an agricultural nature, including farm residences and farm tenant housing. It also accommodates scattered non-farm residences on large tracts of land. The property is vacant/low-density residential to the north, low-density residential to the east and west, and Gossett's Landscape Nursery is located to the south. Surrounding uses are single-family stick-built homes with varied setbacks and agricultural uses. The applicant is requesting a 1,380 sq. ft. accessory structure. Any accessory structure over 600 sq. ft. must meet primary structure setbacks per 4-5.1(B). There are no streams or flood zones on the subject property.

The date of the application was July 7, 2018; the adjacent property owners were notified July 27, 2018; the notice was posted at the courthouse on July 27, 2018; the sign was posted on the property on July 26, 2018; and the notice was posted on the County website on July 27, 2018. The public hearing is being held at today's meeting.

Speaking in support of this request was Michael Gossett, 7815 Clinard Farms Road, who is the applicant and owner of the subject property. He is requesting a variance for the accessory structure that is over 600 sq. ft. and explained that his intent is to put up a free-standing metal carport building in the back right corner of the property. He pointed out that the house had to be built in a location that is set off due to the future expansion of Clinard Farms Road. Referring to a map, he pointed out the location of the future road expansion, the wet weather ditch, sloping terrain, existing well, septic system, and septic repair field that required the home to be placed where it is on the lot. Mr. Gossett has a travel trailer on a gravel pad where he also parks his truck to the rear of the home. He would like to put a free-standing metal carport over the top of the travel trailer. Due to the way the ordinance reads, the left front corner of the proposed carport cover would be approximately 11 feet off of the rear corner of the house. This would limit access to the back of the home due to the location of the septic system, the propane tank that needs to be serviced, the crawl space which allows for service under the house, and the air conditioning system. Any entrance to the back of the house for repairs would be obstructed and access by a fire truck in the event of a fire would be problematic. Mr. Gossett said that the requested 2.5 sq. ft. setback would allow access to the house along with the current gravel pad where the travel trailer and truck are now. The proposed free-standing carport cover will be 30 feet wide and 46 feet long. He noted issues with flooding in the backyard and said that the spot where the trailer is located is the highest spot in the yard.

The adjacent land is zoned Agricultural and is owned by a family-owned business, Gossett's Landscape Nursery.

Also speaking in support of the request was Phillip Gossett, 7805 Clinard Farms Road, who is the owner of Gossett's Landscape Nursery. He owns the adjacent property where the setbacks are and has no objection to the requested setback.

There was no one speaking in opposition to the request.

Mr. Standley moved that the Guilford County Board of Adjustment, having held a hearing on **August 7, 2018** to consider Case Number **18-07-GCPL-04221**, submitted by **Michael and Ashley Gossett**, a request for a variance to use the property located at **7815 Clinard Farms**, 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:

Without the variance the applicant cannot build an RV cover in the back of the property. There is no other suitable location for it and it is the highest location in the backyard.

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 structure will be located on the highest point behind the garage and it is the only suitable location for the RV cover. He has explored other areas for the RV to be located and they are not suitable because he has to have access to things behind the garage such as the well, the repair field for the septic tanks, and the propane tanks. Also, the house had to be located further back and fire trucks must also have access to the back of the house.

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 owner has taken no action that would create this hardship. The land is suitable there for the RV structure and it is also the only logical place by looking at it.

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 spirit and purpose here is that the only piece of land suitable for this is the proposed location of the RV structure and it is the only place that makes common sense based on the other accesses that must be granted to the property.

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.

Mr. Eger noted that the well location, the septic location, the propane tank location, drainage, and the fact that the house had to be located further back, were all factors that forced the house to be built at its current location.

The motion was seconded by Mr. Johnson. The board voted unanimously 5-0 in favor of the motion. The Board voted 5-0 in favor of the motion. (Ayes: Havens, Standley, Johnson, Campbell, King. Nays: None.)

**CASE #18-06-GCPL-03990:**

Jessica and Austin Laws are requesting a variance from the Guilford County Development Ordinance 6-4.3 (D) 3-b, which regulates the minimum lot size needed to permit an accessory dwelling. The applicants are seeking to locate a singlewide manufactured home as a detached accessory dwelling. Per 6-4.3 (D) 3-b, a singlewide manufactured home as an accessory dwelling needs to be placed on a lot that is two (2) times the district minimum. The property is zoned Agriculture; therefore, the minimum lot size is 40,000 sq. ft. The lot is currently 67,082 sq. ft., necessitating a variance request of 12,918 sq. ft. for the applicant to achieve the required 80,000 sq. ft. minimum lot size. There is a single-family home, garage, and accessory structures on the property. The property is located at 1418 Scalesville Road, Summerfield, NC 27358 being tax parcel, #0138704, in Center Grove Township.

**(CONTINUED UNTIL SEPTMBER, 2018 MEETING)**

Ms. Hayes stated that Jessica and Austin Laws are requesting a variance from the Guilford County Development Ordinance 6-4.3 (D) 3-b, which regulates the minimum lot size needed to permit an accessory dwelling. The applicants are seeking to locate a singlewide manufactured home as a detached accessory dwelling. Per 6-4.3 (D) 3-b, a singlewide manufactured home as an accessory dwelling needs to be placed on a lot that is two (2) times the district minimum. The property is zoned Agriculture; therefore, the minimum lot size of 40,000 sq. ft. The lot is currently 67,082 sq. ft., necessitating a variance request of 12,918 sq. ft. for the applicant to achieve the required 80,000 sq. ft. minimum lot size. There is a single-family home, garage, and accessory structures on the property. The property is located at 1418 Scalesville Road, Summerfield, North Carolina 27358 being tax parcel #0138704

Mr. Eger stated that the applicants are not present. He asked the Board to consider tabling this case until next month so that the applicants can be present.

Mr. King moved to table CASE #18-06-GCPL-03990 until the September, 2018 meeting, seconded by Mr. Standley. The Board voted 5-0 in favor of the motion. (Ayes: Havens, Standley, Johnson, Campbell, King. Nays: None.)

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 6:37 p.m.

Respectfully submitted,

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Frank Havens, Acting Chairman

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Matthew Talbott, Board Secretary

FH:jd/sm