

BOARD OF ADJUSTMENT MINUTES
Regular Meeting
Commons Meeting Room
May 13, 2014

Call to Order

Chairman Todd Swaringen called the Board meeting to order at 7:30 p.m. on Tuesday, May 13, 2014, in the Commons Meeting Room.

Roll Call

Board Members Presiding

Todd Swaringen
Richard Cosgrove
Dr. John Eckman
Benton Payne
Kevin Brickman
Houston B. Clark, II
Michael D. Efirid

Absent

Alternates Attending

Jennifer H. Lisk
Devron Furr

Staff Attending

Linda Evans, CZO, Planner II, Clerk to the Board

Chairman Swaringen asked if there were any corrections to the minutes of February 25, 2014. Hearing none, the Board proceeded as follows.

Motion: Richard Cosgrove made a Motion to approve the minutes of February 25, 2014, as written.

Second: Dr. Eckman seconded the motion.

Action: The Board voted unanimously to approve the minutes of February 25, 2014, as written.

Chairman Swaringen addressed the audience and stated that the Stanly County Board of Adjustment is a quasi-judicial Board and that the North Carolina State Supreme Court requires that the Board base its decisions only on testimony given under oath. He informed the audience that any person, who, while under oath during this proceeding, willfully swears falsely, is guilty of a Class 1 misdemeanor.

Chairman Swaringen called anyone who wished to speak during these public hearings to come forward and be sworn in. Applicant Richard Little and staff member Linda Evans were sworn in.

Chairman Swaringen asked the Clerk to present the first case, ZV 14-02.

Linda Evans stated that Richard E. Little requests a Variance to allow him to place an approximately 850 square foot accessory structure (garage/storage building) that extends a few feet into his side yard. The property is zoned R-20. Accessory structures are allowed

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only in the rear yard in R-20 Districts. An inspection of the property revealed that the depth of the property makes it impossible to place the structure so that it meets the rear setback without extending into the side yard of the property.

Chairman Swaringen asked the applicant to come forward and state his case.

Richard Little came forward and stated that he was born in Stanly County. He stated he is coming home after not having lived here in fifty years. He stated he purchased two lots on the lake but soon realized he could not fit the house he wants on those lots. He purchased several more lots and ended up with more property than he wanted but he couldn't buy just one lot. In order to situate his house so that it would face the lake the same way other homes in that area are facing the lake he had to turn his house in a way that would make his detached garage/storage building protrude into his side yard. The building will meet the side and rear setback requirement of ten feet from property lines but will protrude several feet in front of the rear of his home.

Chairman Swaringen asked if anyone else wished to speak regarding this case. Hearing no further discussion, Chairman Swaringen asked Richard Cosgrove to read the findings of fact. Mr. Cosgrove read and the Board found as follows.

That unnecessary hardship would result from the strict application of the ordinance.

Motion: Dr. Eckman made a motion to find this to be true in that the applicant is required by the ordinance to place the accessory structure in the rear yard only. He cannot do that and meet the required setbacks from the rear property line.

Second: Kevin Brickman seconded the motion.

Action: The Board voted unanimously to approve the motion.

That the hardship results from conditions that are peculiar to the property, such as location, size, or topography and are not the result of applicant's own actions.

Motion: Houston B. Clark made a motion to find this to be true in that the property is narrow and does not afford adequate space to place a detached structure in the rear yard only and meet the required setbacks. In the proposed location, the structure will meet the required side and rear setback.

Second: Dr. Eckman seconded the motion.

Action: The Board voted unanimously to approve the motion.

That the hardship did 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.

Motion: Dr. Eckman made a motion to find this to be true in that the applicant acquired more land in order to develop the property to meet his needs. He is able to meet required setbacks for his primary structure but needs to extend a few feet into his side yard with the accessory structure.

Second: Houston B. Clark seconded the motion.

Action: The Board unanimously voted to approve the motion.

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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.

Motion: Dr. Eckman made a motion to find this to be true in that the accessory structure will meet all setbacks from property lines and will be in compliance with all other regulations. The building will be behind the adjoining property's building. The structure will not cause a negative visual impact on neighboring property.

Second: Kevin Brickman seconded the motion.

Action: The Board unanimously voted to approve the motion.

Chairman Swaringen asked for a motion to approve, deny, or modify ZV 14-02.

Motion: Houston B. Clark made a motion to approve ZV 14-02.

Second: Michael Efird seconded the motion.

Action: The Board unanimously voted to approve the motion.

Chairman Swaringen asked for a motion to adjourn. Kevin Brickman made a motion to adjourn, seconded by Dr. Eckman. The meeting was adjourned at 8:00 p.m.

Todd Swaringen, Chairman

Clerk to the Board