

BOARD OF ADJUSTMENT MINUTES
Regular Meeting
Commons Meeting Room
April 9, 2013

Call to Order

Vice Chairman Todd Swaringen called the Board meeting to order at 7:30 p.m. on Tuesday, April 9, 2013, in the Commons Meeting Room.

Roll Call

Board Members Presiding

Todd Swaringen, Vice Chairman
Cathy Bennett
Richard Cosgrove
Benton Payne
Grover Stewart
Rebecca Carter, Alternate
Houston B. Clark, II, Alternate

Absent

Kevin Brickman
Dr. John Eckman

Staff Attending

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

Vice Chairman Swaringen addressed the audience and stated that the Stanly County Board of Adjustment is a quasi-judicial Board; therefore, the North Carolina State Supreme Court, under NCGS 153A-345, 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.

Vice Chairman Swaringen cautioned the audience that no hearsay evidence would be accepted; that only testimony from those present would be considered by the Board. He also stated that the Board would accept any evidence such as maps, site plans, etc. and that it would be inserted into the file as permanent evidence.

Approval of February 12, 2013, Regular Meeting Minutes

Vice Chairman Swaringen asked if there were any corrections to the regular minutes of February 12, 2013. Hearing no objections or corrections, Vice Chairman Swaringen asked for a motion.

Motion: Benton Payne made a Motion to approve the regular minutes of February 12, 2013, as written.

Second: Grover Stewart seconded the motion.

Action: The Board voted unanimously to approve the minutes of the February 12, 2013, regular meeting as written.

Vice Chairman Swaringen asked the Clerk to present the first case, ZV 13-03.

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Mrs. Evans stated that the applicant, John Stegall, requests a Variance to permit the addition of a two car carport to his residence that extends to ten (10) feet from his front property line. The addition of a carport will allow Mr. Stegall to park his cars in shelter and enter into his home from the carport. The property is zoned R-20. Section 802 of the ordinance specifies that the front yard setback shall be a minimum of thirty (30) feet for principle structures on any waterfront property. The property is small and does not meet today's minimum lot size. It was created prior to the adoption of the zoning ordinance and is considered a legal non-conforming lot. Due to the small size of the lot and the location of the septic system, he is unable to place the carport in another location on the property.

Vice Chairman Swaringen asked the Board members if any one of them had a conflict with hearing this case, ZV 13-03. No one responded.

Vice Chairman Swaringen asked that everyone who intends to speak on the first case, ZV 13-03, stand and be sworn in. John Stegall and Linda Evans were sworn in by Vice Chairman Swaringen.

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

Mr. Stegall came forward and stated that he wants to have a carport for storage of his cars out of the rain.

Vice Chairman Swaringen asked Mr. Stegall how long he has owned the property. Mr. Stegall stated that he bought the vacant property in June of 2012 and has constructed a home during the past year.

Benton Payne asked Mr. Stegall if his is the last property on the road and Mr. Stegall answered that it is; the road dead ends at his property.

Mr. Stewart asked Mr. Stegall if the lot beside his property is buildable and Mr. Stegall answered no. Mr. Stewart showed Mr. Stegall a drawing of the property and asked him to point out where he plans to place the carport. Mr. Stegall came forward and pointed out the location of the carport on the property; he also pointed out the septic pump line on the property.

Mr. Stewart asked Mr. Stegall if he had contacted the neighbors next door and Mr. Stegall stated that he had spoken with them and they have no opposition to his carport.

Vice Chairman Swaringen thanked Mr. Stegall and asked if anyone wished to speak in regards to this case. No one came forward.

Vice Chairman Swaringen stated that, if there are no other questions or comments, the Board will review the findings of fact; he asked Ms. Bennett to read the findings of fact; the Board found as follows:

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That applicant cannot secure a reasonable return from or make reasonable use of this property without the Variance.

Motion: Houston B. Clark made a motion to find this fact true based on the evidence submitted and the fact that applicant's request is reasonable as it will allow him to have a carport that will meet his needs and allow him to keep automobiles and other personal items under a roof.

Second: Grover Stewart seconded the motion.

Action: The Board voted unanimously to approve the motion.

That a hardship exists resulting from unique circumstances related to applicant's land.

Motion: Richard Cosgrove made a motion to find this fact true based on the fact that although the property does not meet today's minimum lot size, it was created prior to the adoption of the zoning ordinance and is considered a legal non-conforming lot.

Second: Grover Stewart seconded the motion.

Action: The Board voted unanimously to approve the motion.

That the existing hardship is not the result of applicant's own actions.

Motion: Houston B. Clark made a motion to find this fact true based on the fact that the sub-sized lot was created prior to the adoption of the zoning ordinance and Mr. Stegall obtained as much additional property as he was able to.

Second: Cathy Bennett seconded the motion.

Action: The Board voted unanimously to approve the motion.

That, if granted, the Variance will be in harmony with the general purpose and intent of the ordinance and will preserve its spirit.

Motion: Benton Payne made a motion to find this fact true based on the fact that the addition of a carport will not cause a negative visual impact on neighboring property and will not substantially detract from the character of the neighborhood and there was no opposition at the public hearing.

Second: Richard Cosgrove seconded the motion.

Action: The Board voted unanimously to approve the motion.

That, if granted, the Variance will secure the public safety and welfare and will do substantial justice in that the benefit to the applicant will substantially outweigh the harm to neighboring property.

Motion: Grover Stewart made a motion to find this fact true based on the fact that the benefit to the applicant will be greater than the harm done to neighboring property owners if he is allowed to place the carport up to ten (10) feet from his front property line.

Second: Houston B. Clark seconded the motion.

Action: The Board voted unanimously to approve the motion.

Vice Chairman Swaringen stated that he would entertain a motion to grant, deny, or modify the petitioner's request for a Variance.

Motion: Grover Stewart made a motion to grant the Variance.

Second: Richard Cosgrove seconded the motion.

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Action: The Board voted unanimously to approve the motion.

Vice Chairman Swaringen asked if anyone had other business. No one replied and Vice Chairman Swaringen asked for a motion to adjourn. Benton Payne made a motion to adjourn, seconded by Grover Stewart. The meeting was adjourned at 7:50 p.m.

Date

Todd Swaringen, Vice Chairman

Date

Clerk to the Board