

BOARD OF ADJUSTMENT MINUTES  
Regular Meeting  
Commons Meeting Room  
July 10, 2012

**Call to Order**

Chairman Andrew Eades called the Board meeting to order at 7:30 p.m. on Tuesday, July 10, 2012, in the Commons Meeting Room.

**Roll Call**

***Board Members Presiding***

Andrew Eades, Chairman  
Todd Swaringen, Vice Chairman  
Cathy Bennett  
Richard Cosgrove  
Dr. John Eckman  
Benton Payne  
Grover Stewart

***Absent***

***Alternates***

Kevin Brickman  
Rebecca Carter

**Staff Attending**

Linda Evans, CZO, Planner II, Clerk to the Board  
Tim Swaringen, CZO, Zoning Enforcement Officer

Chairman Eades 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.

Chairman Eades 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 March 13, 2012, Regular Meeting Minutes**

Chairman Eades asked if there were any corrections to the regular minutes of March 13, 2012. Hearing no objections or corrections, Chairman Eades asked for a motion.

**Motion:** Richard Cosgrove made a Motion to approve the regular minutes of March 13, 2012, as written.

**Second:** Benton Payne seconded the motion.

**Action:** The Board voted unanimously to approve the minutes of the March 13, 2012, regular meeting as written.

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Chairman Eades asked the Clerk to present the first case, ZV 12-03.

Mrs. Evans stated that Gary Dale Hatley requests a Variance to allow him to place an accessory structure (storage building) in his front yard. The property is approximately 3.11 acres and is zoned RA Residential Agricultural. A site inspection of the property revealed that the location of the septic tank and the topography of the property, make it impractical to place an accessory structure in a location other than the site Mr. Hatley has proposed. In order to grant this variance the Board must make the following findings of fact. From investigation, pending further testimony and evidence presented at the public hearing, the zoning staff offers the following observations regarding these findings:

Chairman Eades asked that everyone who intends to speak on the first case, ZV 12-03, come forward and be sworn in. Gary Hatley, Tim Swaringen, and Linda Evans were sworn in by Chairman Eades.

Chairman Eades asked the Board members if any one of them had a conflict with hearing this case, ZV 12-03. No one responded. He asked if any Board member had any evidence he wished to submit in regard to this case. No one responded.

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

Mr. Hatley came forward and stated that he needs a storage building and had no other place on the property to put it due to the landscape of the property and the location of the septic system.

Richard Cosgrove asked Mr. Hatley where he proposed to place the structure and Mr. Hatley handed the Board a drawing of his proposal. The drawing was accepted as evidence and placed in the file.

Richard Cosgrove asked Mr. Hatley if the proposed site for the building is already cleared and Mr. Hatley answered that it is.

Todd Swaringen said that he would like to hear from the Zoning Officer in regard to the matter. Tim Swaringen, being previously sworn in, stated that, in his opinion, the location that Mr. Hatley has proposed is the only feasible location for the building due to the topography of the land and the location of the septic system.

Chairman Eades stated that, if there were no other questions or comments, the Board would review the findings of fact. Ms. Bennett read, and the Board found as follows:

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

**Motion:** Andrew Eades made a motion to find this fact true based on the evidence submitted and the fact that Mr. Hatley would like to have the benefit of a storage building to store equipment and personal items; he currently has various large personal items stored under

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tarps on his property. To have these items stored inside a building would be aesthetically beneficial to his property and surrounding properties.

**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 Mr. Hatley has no option to place the accessory structure in another location on the property due to the topography of the land and the location of the septic system.

**Second:** Todd Swaringen 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:** Grover Stewart made a motion to find this fact true based on the fact that the location of the septic system and the topography of the land are factors that are not determined by the applicant.

**Second:** Benton Payne 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:** Todd Swaringen made a motion to find this fact true based on the fact that the storage building in the front yard will not cause a negative visual impact on neighboring property and it will not substantially detract from the character of the neighborhood.

**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.

**Motion:** Grover Stewart made a motion to find this fact true based on the fact that the storage building in the front yard will not influence public safety and welfare and will do substantial justice in that the benefit to the applicant will substantially outweigh the harm to neighboring property. There was no opposition at the hearing.

**Second:** Dr. John Eckman seconded the motion.

**Action:** The Board voted unanimously to approve the motion.

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

**Motion:** Todd Swaringen made a motion to grant the Variance.

**Second:** Grover Stewart seconded the motion.

**Action:** The Board voted unanimously to approve the motion.

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Chairman Eades asked if anyone had further business to discuss.  
No other business was discussed.

Chairman Eades asked for a motion to adjourn. Richard Cosgrove made a motion to adjourn,  
seconded by Todd Swaringen. The meeting was adjourned at \_\_\_\_\_ p.m.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Andrew Eades, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk to the Board