

BOARD OF ADJUSTMENT MINUTES
Regular Meeting
Stanly County Commons Meeting Room
March 11, 2008

Call to Order

Chairman Bob Loflin called the Board meeting to order at 7:30 p.m. on Tuesday, March 11, 2008, at Stanly County Commons.

Roll Call

Board Members Presiding

Bob Loflin, Chairman
Marvin Smith, Vice Chairman
Virgil Hinson
Rayvon Burlison
Stephen Watson
Cathy Bennett
Andrew Eades, Alternate

Absent

Grover Stewart

Staff Attending

Linda Evans, Planner, Clerk to the Board
Rebecca Eberhardt, Zoning Code Enforcement Officer

Others Present: List is filed with March 11, 2008, minutes.

Approval of Minutes

Chairman Loflin asked if there were any corrections to the minutes of September 11, 2007, and stated that Board Member Marvin Smith's name was listed twice under Board members presiding. The Clerk noted that correction to the minutes and Chairman Loflin asked for a motion to approve the minutes of September 11, 2007, with this correction.

Motion: Steve Watson made a Motion to approve the minutes of September 11, 2007, with the correction.

Second: Cathy Bennett seconded the motion.

Action: The Board voted unanimously to approve the minutes with the correction.

Chairman Loflin announced the first case as follows:

Item 1: ZV 08-01 Applicant is requesting a variance to allow him to locate his home within twenty-five (25) feet of his rear property line; the required rear setback is forty (40) feet. Property is zoned R-20 and is located at the end and on the east side of Margie Lane.

Chairman Loflin called on Linda Evans to present the case:

Applicant is requesting a variance to place a residential structure twenty-five (25) feet from the rear property line. The required setback is forty (40) feet from the rear property line. Upon investigation, staff found this to be an unusually shaped property which is narrow from its center to its south end.

Chairman Loflin asked everyone who wished to speak in regard to this case to stand for the oath, as required by the North Carolina General Statutes. Chairman Loflin administered the oath to Dwight McCormick, James Snuggs, Linda Evans, and Rebecca Eberhardt.

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Chairman Loflin asked the applicant to come forward and present his case to the Board.

Dwight McCormick came forward and stated that the property in question is more than one acre and he thought he had plenty of room to place the house on the property. He said he had been confused about where to measure the front setback and had inadvertently not included the State's right-of-way when he had initially measured to place the house on the property. After discovering that he would have to place the house further back on the property he realized that he would not have enough room to meet the rear setback and meet the requirements of the Environmental Health Department for a septic system. Therefore, he requests a variance to be twenty-five feet from the rear property line instead of forty.

Chairman Loflin called on anyone else who would like to speak in favor of this case. No one came forward.

Chairman Loflin called on anyone wanting to speak against this case to come forward.

James Snuggs came forward. He stated that he and his brother are the heirs to the large piece of property directly behind Mr. McCormick. He stated that he is concerned about the future removal of timber on his property and it accidentally falling over on the McCormick property. He stated that he had met with Mr. McCormick before the meeting and had negotiated with him to let him obtain some land to square up the McCormick property. He stated that he wanted to be a good neighbor and he believes they will be able to come to some agreement in their negotiation. He asked how the setbacks came about in the first place and Chairman Loflin asked Linda Evans to explain. Ms. Evans told Mr. Snuggs that each zoning district has its required setbacks. She stated that the zoning ordinance was written by the planning and zoning staff, after research of applicable laws and various other county ordinances, and adopted by the County Commissioners. She stated that Stanly County's Zoning Ordinance was originally adopted in 1973.

Chairman Loflin stated that, if there were no other questions, he would have the Secretary read the findings of fact. The Secretary read and the Board found each fact as follows:

That applicant cannot secure a reasonable return from this property without the variance.

Motion: Steve Watson made a motion to find this fact true based on the fact that Mr. McCormick's property meets the requirements of the zoning ordinance and that Mr. McCormick should be allowed to place a residence on his property.

Second: Cathy Bennett 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: Marvin Smith made a motion to find this fact true based on the fact that Mr. McCormick's property meets the requirements for placing a home on the property but due to the shape of the property and the location of the septic system he is unable to meet the required setback.

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Second: Steve Watson 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: Rayvon Bureson made a motion to find this fact true based on the fact that, after taking into consideration the shape of the property and the location of the septic system, the applicant has chosen the best location to place the house on the property.

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: Marvin Smith made a motion to find this fact true based on the fact this variance will not substantially detract from the neighborhood and this request is the least possible deviation from the ordinance. No evidence was given at the public hearing to disprove this fact.

Second: Steve Watson 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: Steve Watson made a motion to find this fact true based on the fact that the benefit to the applicant will outweigh the harm to the public and no evidence was given at the public hearing to disprove this fact.

Second: Marvin Smith seconded the motion.

Action: The Board voted unanimously to approve the motion.

Chairman Loflin called for a motion to either grant or deny the Variance for ZV 08-01.

Motion: Rayvon Bureson made a motion to grant the Variance, ZV 08-01, based on the foregoing findings of fact.

Second: Marvin Smith seconded the motion.

Action: The Board voted unanimously to approve the motion.

Chairman Loflin asked new Board Alternate Member, Andrew Eades, to come forward to be sworn in. Mr. Eades came forward and was sworn in by the Chairman. Chairman Loflin and the Board members welcomed Mr. Eades to the Board of Adjustment.

There being no other business Chairman Loflin called for a motion to adjourn. Steve Watson made a motion to adjourn. Virgil Hinson seconded the motion and Chairman Loflin declared the meeting adjourned at 8:00 P.M.

Date

Bob Loflin, Chairman

Date

Clerk to the Board