

BOARD OF ADJUSTMENT MINUTES
Regular Meeting
Stanly County Commons Meeting Room
August 19, 2008

Call to Order:

In the absence of a Chairman and Vice-Chairman, Clerk Linda Evans opened the meeting and announced that the first item of business would be to elect officers for the coming year. Ms. Evans opened the floor for nominations for Chairman.

Grover Stewart nominated Stephen Watson for Chairman. Clerk Linda Evans called for other nominations. Hearing none, she closed the floor for nominations and asked for a vote. Stephen Watson was unanimously elected as Chairman.

Chairman Watson took over the meeting and opened the floor for nominations for Vice-Chairman.

Stephen Watson nominated Grover Stewart for Vice-Chairman. The Chairman asked for other nominations. Hearing none, he closed the floor for nominations and asked all in favor to so indicate. Grover Stewart was unanimously elected as Vice-Chairman.

Chairman Watson appointed Cathy Bennett as Secretary and she accepted.

Chairman Watson appointed Linda Evans as Clerk and she accepted.

Chairman Watson proceeded with the regular meeting and called on Clerk, Linda Evans, to present the first case.

ZV 08-05 Willie D. Lawhon, Jr. is requesting a variance to allow him to construct a residence that extends to zero (0) feet of the Progress Energy line. Property is zoned R-20 and is located at 49295 Swift Water Road. The existing structure is, at its nearest point to the Progress Energy line, 2.8 feet.

Upon investigation, staff found that this lot was created prior to the adoption of the zoning ordinance in 1973 and has not been reduced in size since its creation. A small residence was placed on the property in or around 1969. Applicant wishes to remove the existing home and replace it with a home that will better suit his needs now and in his retirement years. Many of these small cabins on the lake properties are being renovated and enlarged or replaced to create more livable and aesthetically appealing homes and a great many of these situations require a setback variance to accomplish this. Variances on the lake property have been requested and granted on a case by case basis.

Chairman Watson announced that it is required by law that each person speaking at this public hearing be sworn in and requested that everyone who intends to speak stand and be sworn in. Willie D. Lawhon, Jr. and Linda Evans stood and were sworn in by the Chairman.

Chairman Watson called on the applicant to come forward and present his case to the Board.

Mr. Lawhon came forward and stated that he would like to construct a ramp to the existing deck in case of disability in the future and in order to accomplish this he would need a

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variance to allow him to extend it to zero feet of the Progress Energy property line. He stated that he intends to improve the property with the new home.

Grover Stewart asked Mr. Lawhon if he plans to completely demolish the old home and Mr. Lawhon answered yes, because of water problems in the old home. Mr. Stewart asked if he had been approved for a septic system for the new home and Mr. Lawhon replied yes.

Chairman Watson asked Mr. Lawhon if he intended to stay in the original footprint and Mr. Lawhon replied yes, he plans to construct a two story home on the existing footprint. Chairman Watson asked Mr. Lawhon when he plans to start construction and Mr. Lawhon replied hopefully by September, 2008.

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

Chairman Watson called on anyone wanting to speak against this case to come forward. No one came forward.

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

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

Motion: Grover Stewart made a motion to find this fact true based on the fact that this is a sub-sized lot that is legally buildable because it was created prior to the adoption of the zoning ordinance and that the existing structure's size is not suitable to meet applicant's needs.

Second: Andrew Eades 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: Rayvon Burleson made a motion to find this fact true based on the fact that the lot does not provide enough space to construct a residence of adequate size without the variance.

Second: Cathy Bennett 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: Stephen Watson made a motion to find this fact true based on the fact that a minimum lot size was not required when this lot was created and has passed on to current owner as originally platted, without a reduction in size.

Second: Grover Stewart 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.

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Motion: Grover Stewart 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: Rayvon Burluson 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: Rayvon Burluson 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: Andrew Eades seconded the motion.

Action: The Board voted unanimously to approve the motion.

Chairman Stephen Watson called for a motion to either grant or deny the Variance for ZV 08-05.

Motion: Rayvon Burluson made a motion to grant the Variance ZV 08-05 as requested based on the foregoing findings of fact.

Second: Grover Stewart seconded the motion.

Action: The Board voted unanimously to approve the motion.

Chairman Watson stated that the roll call and the approval of the minutes of the last meeting had been overlooked when the meeting was called to order by the clerk. He asked the clerk to call the roll at this time.

Roll Call

Board Members Presiding

Rayvon Burluson
Cathy Bennett
Andrew Eades
Dr. John Eckman, III
S. Todd Swaringen
Grover Stewart
Stephen Watson

Absent

Alternate, Courtney Hildreth

Staff Attending

Linda Evans, Planner II, Clerk to the Board

Others Present: List filed with August 19, 2008, minutes.

Approval of Minutes

Chairman Watson asked if there were any corrections to the minutes of July 8, 2008. Hearing no corrections, Chairman Watson asked for a motion to approve the minutes of July 8, 2008.

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Motion: Rayvon Burleson made a Motion to approve the minutes of July 8, 2008, as submitted.

Second: Grover Stewart seconded the motion.

Action: The Board voted unanimously to approve the minutes of July 8, 2008.

Other Business:

Chairman Watson stated that he and Grover Stewart had attended the Planning Board meeting on August 18, 2008, at which time the Planning Board discussed the request to amend the zoning ordinance to allow the Board of Adjustment to hear Special Use Permit cases relating to Fairs, Carnivals, Recreational and Entertainment Activities in the RA-Residential Agricultural District. Chairman Watson stated that the Planning Board requested that a committee be appointed consisting of three members of the Board of Adjustment and three members chosen by the Planning Board, to include the county attorney, to research this amendment and report findings back to the Planning Board. Mr. Watson stated that he and Mr. Stewart would serve on this committee and asked for one more volunteer. Andrew Eades volunteered to be the third member of the committee. Chairman Watson stated that the committee would make plans to meet one or two times before the next Planning Board meeting.

Adjournment

Chairman Watson called for a motion to adjourn. Todd Swaringen made a motion to adjourn. Grover Stewart seconded the motion and Chairman Watson declared the meeting adjourned at 8:05 P.M.

Date

E. Stephen Watson, Chairman

Date

Clerk to the Board