

BOARD OF ADJUSTMENT MINUTES
Regular Meeting
Stanly County Commons Meeting Room
December 9, 2008

Call to Order

Chairman Steve Watson called the Board meeting to order at 7:30 p.m. on Tuesday, December 9, 2008, at Stanly County Commons.

Roll Call

Board Members Presiding

Steve Watson, Chairman
Cathy Bennett, Secretary
Dr. John Eckman
Todd Swaringen
Andrew Eades
Benton Payne
Richard Cosgrove, Alternate

Absent

Grover Stewart, Vice Chairman
Courtney Hildreth, Alternate

Staff Attending

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

Others Present: List filed with December 9, 2008 minutes.

Approval of Minutes

Chairman Watson asked if there were any corrections to the minutes of September 9, 2008. Hearing none, Chairman Watson asked for a motion to approve the minutes of September 9, 2008.

Motion: Todd Swaringen made a Motion to approve the minutes of September 9, 2008.

Second: Andrew Eades seconded the motion.

Action: The Board voted unanimously to approve the minutes of September 9, 2008.

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. Phillip Teeter and Linda Evans stood and were sworn in by the Chairman.

Chairman Watson asked the Clerk to administer the Oath of Office to the two newly appointed Board members present. The Clerk administered the Oath of Office to Benton Payne and Richard Cosgrove. Chairman Watson welcomed them as members of the Stanly County Board of Adjustment.

Chairman Watson called the first case and asked the Clerk, Linda Evans, to present the case: ZV 08-07 Phillip L. Teeter is requesting a variance to allow him to place a storage structure on his property that extends to three (3) feet from the side property line and five (5) feet from the right-of-way of Swift Water Road. Property is zoned R-20 and is located at 49229 Swift Water Road.

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

Phillip Teeter stated that he is requesting the variance to allow him to have a small storage building for a lawn mower and yard tools. He stated that he has been storing his lawn mower beside the home and has no place for yard tools.

Chairman Watson asked Mr. Teeter how long he has owned the property and Mr. Teeter replied 8 or 9 years. Chairman Watson asked him if this is his primary residence and Mr. Teeter replied no. Chairman Watson asked him if he plans to eventually enlarge the home with a second level and Mr. Teeter replied that this is a possibility in the future but not at this time.

Andrew Eades asked Mr. Teeter if the storage building would be a prefab structure and he replied yes.

Richard Cosgrove asked Mr. Teeter where the septic tank is located and Mr. Teeter stated that it is located close to the center of the property with the drain lines going toward the proposed location of the storage building.

Todd Swaringen asked Mr. Teeter what the height of the building will be and Mr. Teeter replied around eight (8) feet, in order for him to be able to stand in the building.

Benton Payne asked Mr. Teeter if Swift Water Road is paved and Mr. Teeter replied yes. Mr. Payne asked if the building would be more than five (5) feet off the pavement and Mr. Teeter replied yes.

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. 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: Andrew Eades made a motion to find this fact true based on the fact that the storage structure is needed for outside storage of essential tools and yard equipment and that the space for the storage structure is limited and the required setbacks cannot be met due to the location of the septic field and necessary parking spaces off the road.

Second: Cathy Bennett seconded the motion.

Action: The Board voted unanimously to approve the motion.

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

Motion: Steve Watson made a motion to find this fact true based on the fact that the lot does not provide enough space, taking the septic field and parking spaces into consideration, to construct a storage building of adequate size without the variance.

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: Todd Swaringen 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: Andrew Eades 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: Richard Cosgrove 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: Dr. John Eckman 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: Cathy Bennett 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 08-07.

Motion: Andrew Eades made a motion to grant the Variance ZV 08-07 as requested based on the foregoing findings of fact.

Second: Steve Watson seconded the motion.

Action: The Board voted unanimously to approve the motion.

Chairman Watson welcomed Tim Swaringen as the new Zoning Code Enforcement Officer.

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Chairman Watson called for a motion to adjourn. Todd Swaringen made a motion to adjourn. Andrew Eades 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