

BOARD OF ADJUSTMENT MINUTES
Regular Meeting
Stanly County Commons Meeting Room
August 11, 2009

Call to Order

Chairman Steve Watson called the Board meeting to order at 7:30 p.m. on Tuesday, August 11, 2009, at Stanly County Commons.

Roll Call

Board Members Presiding

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

Absent

Alternates Present

Richard Cosgrove

Staff Attending

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

Others Present: List filed with August 11, 2009 minutes.

Approval of Minutes

Chairman Watson asked if there were any corrections to the minutes of June 9, 2009. Hearing none, Chairman Watson called for a motion to approve the minutes of June 9, 2009.

Motion: Grover Stewart made a Motion to approve the minutes of April 14, 2009.

Second: Benton Payne seconded the motion.

Action: The Board voted unanimously to approve the minutes of June 9, 2009, as written.

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 on the first case stand and be sworn in. Thomas Beaumont, Linda Evans, and Tim Swaringen were sworn in by Chairman Watson.

Chairman Watson called the first case, ZV 09-03 Thomas and Mary Beaumont, and asked the Clerk to present the case.

Applicant is requesting a variance to allow him to increase the size of his garage/storage area so that it extends to thirteen (13) feet from his front property line. The required setback is thirty (30) feet. The property is zoned R-20 Residential.

BOARD OF ADJUSTMENT MINUTES
Regular Meeting
Stanly County Commons Meeting Room
August 11, 2009

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

Mr. Beaumont came forward and stated that he is requesting a variance to construct a garage to store lawn mowers and yard equipment. He stated that the addition will extend to thirteen (13) feet from the private road.

Chairman Watson asked for questions from the Board.

Grover Stewart asked Mr. Beaumont if the road is a private road. Mr. Beaumont responded that it is. Mr. Stewart asked Mr. Beaumont if he maintains the road. Mr. Beaumont answered yes.

Chairman Watson asked Mr. Beaumont if he knew if anyone else is scheduled to build on the vacant lots in the area. Mr. Beaumont answered that he was not aware on any planned construction. Chairman Watson asked Mr. Beaumont if he built his home and Mr. Beaumont answered that he did not build it originally but he added a basement after he purchased the property.

Todd Swaringen asked if the private drive could accommodate two vehicles. Mr. Beaumont stated that it is a narrow road. Grover Stewart added that two vehicles could pass but it would be difficult, it is basically a one lane road.

Benton Payne asked if anyone had petitioned the State to take over the road. Mr. Beaumont answered that he is not aware of any such petition.

Grover Stewart asked how long he has owned the property and Mr. Beaumont replied that he bought it in 2008. Mr. Stewart asked him if he understood the zoning setback regulations when he bought the property and Mr. Beaumont stated that he did not.

Chairman Watson asked Mr. Beaumont if he checked with the zoning department before purchasing the property and Mr. Beaumont stated that he did not. Mr. Watson stated that apparently someone, possibly the real estate agent, had failed to explain the zoning regulations to Mr. Beaumont. Chairman Watson asked Mr. Beaumont if he uses the basement for storage. Mr. Beaumont stated that the basement is used as living quarters and not for storage.

Mr. Payne asked Mr. Beaumont if he could place a storage building between his house and the lake. Mr. Beaumont answered no, because of the septic system, leach field, and the steep elevation of the property.

Chairman Watson asked Mr. Beaumont if he has approached the other property owners regarding the upkeep of the road. Mr. Beaumont answered that he had not.

Mr. Payne asked Mr. Beaumont who owns the property across the road and Mr. Beaumont stated that the Snuggs family owns it. Mr. Payne stated that there may be an issue with the

BOARD OF ADJUSTMENT MINUTES
Regular Meeting
Stanly County Commons Meeting Room
August 11, 2009

State taking over the road if the garage is constructed to thirteen (13) feet from the existing road.

Mr. Eades asked Mr. Beaumont how far the new garage will be from the existing roadway. Mr. Beaumont answered eighteen (18) feet, and stated that his well is in those eighteen (18) feet.

Chairman Watson stated that he keeps going back to the fact that Mr. Beaumont failed to do his homework to find out what Stanly County's zoning regulations are before purchasing the property.

Benton Payne asked Mr. Beaumont why he can't use the lake side of the property for a storage building and Mr. Beaumont stated because of his leach field and steep grade.

Todd Swaringen asked Mr. Beaumont how many square feet are in the existing house and Mr. Beaumont answered about 3000 square feet.

Chairman Watson asked if anyone else wished to speak for this case.
No one came forward

Chairman Watson asked if anyone wished to speak against this case.
No one came forward

Chairman Watson stated that if there is no further discussion he would request that the Secretary read the findings of fact.

Cathy Bennett read 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 false based on the fact that, with the improvements Mr. Beaumont has made so far, he can secure a reasonable return from the property without the addition of the garage.

Second: Steve Watson 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: Todd Swaringen made a motion to find this fact true based on the fact that the size of the property and the location of the septic system limit the area available for an addition to the existing structure. Terraces on the lakeside of the property limit the area for a detached storage building in that area.

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.

BOARD OF ADJUSTMENT MINUTES
Regular Meeting
Stanly County Commons Meeting Room
August 11, 2009

Motion: Steve Watson made a motion to find this fact false based on the fact that applicant had failed to do his homework to find out what the regulations are for an addition to the existing structure.

Second: Grover Stewart seconded the motion.

Action: Six Board members voted to approve the Motion; Todd Swaringen voted to deny 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 this use of the property will not substantially detract from the character of the neighborhood. The addition will allow Mr. Beaumont to store his yard equipment out of sight.

Second: Grover Stewart seconded the motion.

Action: Six Board members voted to approve the Motion; Benton Payne voted to deny 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, on balance, the benefit to the applicant will substantially outweigh the harm suffered by the public.

Second: Todd Swaringen seconded the motion.

Action: Five Board members voted to approve the Motion; Benton Payne and Andrew Eades voted to deny the Motion.

Chairman Watson called for a motion on ZV 09-03.

Motion: Andrew Eades made a motion to deny ZV 09-03 based on the findings of fact.

Second: Grover Stewart seconded the motion.

Action: Four Board members voted to approve the Motion; three voted to deny the Motion. Motion did not pass.

After further discussion regarding the findings of fact Chairman Watson requested a motion to approve ZV 09-03.

Motion: Benton Payne made a motion to approve ZV 09-03.

Second: Dr. John Eckman seconded the motion.

Action: Three Board members voted to approve the Motion; four voted to deny the Motion. Motion did not pass.

Chairman Watson informed Mr. Beaumont that ZV 09-03 is not granted.

Election of officers

Chairman Watson opened the floor for nominations for Chairman.

BOARD OF ADJUSTMENT MINUTES
Regular Meeting
Stanly County Commons Meeting Room
August 11, 2009

Benton Payne nominated Steve Watson for Chairman. Grover Stewart seconded the nomination and Steve Watson was unanimously elected Chairman for the 2009/2010 year.

Chairman Watson opened the floor for nominations for Vice-Chairman.

Todd Swaringen nominated Grover Stewart for Vice-Chairman. Dr. John Eckman seconded the motion and Grover Stewart was unanimously elected Vice-Chairman for the 2009-2010 year.

Chairman Watson appointed Cathy Bennett as Secretary and Ms. Bennett accepted the appointment.

Chairman Watson called for a motion to adjourn. Andrew Eades made a motion to adjourn. Todd Swaringen seconded the motion and Chairman Watson declared the meeting adjourned at 9:00 P.M.

Date

E. Stephen Watson, Chairman

Date

Clerk to the Board