

BOARD OF ADJUSTMENT MINUTES
Regular Meeting
Stanly County Commons Meeting Room
March 9, 2010

Call to Order

Chairman Steve Watson called the Board meeting to order at 7:30 p.m. on Tuesday, March 9, 2010, at Stanly County Commons.

Roll Call

Board Members Presiding

Steve Watson, Chairman
Grover Stewart, Vice Chairman
Andrew Eades
Dr. John Eckman
Todd Swaringen
Richard Cosgrove, Alternate
Kevin Brickman, Alternate

Absent

Cathy Bennett
Benton Payne

Staff Attending

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

Others Present: List filed with March 9, 2010 minutes.

Approval of Minutes

Chairman Watson asked if there were any corrections to the minutes of December 8, 2009. Hearing none, Chairman Watson asked for a motion to approve the minutes of December 8, 2009.

Motion: Andrew Eades made a Motion to approve the minutes of December 8, 2009.

Second: Grover Stewart seconded the motion.

Action: The Board voted unanimously to approve the minutes of December 8, 2009.

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. Stephen Banks, Dorothy Banks, and Linda Evans were sworn in by Chairman Watson.

Chairman Watson called the first case, ZV 10-01, and asked the Clerk to present the case.

Applicant is requesting a variance to construct an accessory structure for storage in his front yard. The property is approximately 1.7 acres and is zoned R-20.

Staff investigation shows that the house is located approximately 60 feet from the rear of the property, which creates a narrow sixty foot wide rear yard. Section 603.1 of the ordinance states that accessory structures are “permitted only in a rear yard.” During the investigation staff observed that the property is large enough that the accessory structure will not cause a negative visual impact on neighboring property or to motorists on Cortland Drive.

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

Mr. Banks came forward and stated that he wants to place a prefab 10 by 16 shed on his property, in front of his residence. He stated that he has a forty foot barrier of trees between the road and the proposed storage building site. He stated that it is impossible to place the shed in the rear of his residence because of the well, septic system, and slope of the property.

Mr. Eades asked Mr. Banks when he purchased the property. Mr. Banks answered, January 29th, 2010.

Mr. Stewart asked if the back of the property was sloping. Mrs. Banks answered yes.

Mr. Stewart asked if the building would be concealed from the street by the trees. Mr. Banks answered that it would.

Chairman Watson called on anyone else who would like to speak for or against this case to come forward.

No one came forward.

Chairman Watson stated that, if there were no other questions or comments, 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: Todd Swaringen made a motion to find this fact true based on the fact that applicant wishes to place a storage building on the property for outside storage. His residence affords no basement or outside storage area. This variance will represent the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land.

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: Grover Stewart made a motion to find this fact true based on the fact the house is located approximately 60 feet from the rear of the property, leaving a narrow rear yard. Further, the septic system, well, and topography of the property prohibit locating the structure in the side or rear yard.

Second: Richard Cosgrove 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: Andrew Eades made a motion to find this fact true based on the fact that Applicant did not place the home on the property. The septic system and well were also already in place when he purchased the property.

Second: Todd Swaringen seconded the motion.

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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: Steve Watson made a motion to find this fact true based on the fact that the property is large enough that the accessory structure will not cause a negative visual impact on neighboring property or to motorists on Cortland Drive; it will not substantially detract from the character of the neighborhood and it will meet all required setbacks.

Second: Todd Swaringen 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: Andrew Eades made a motion to find this fact true based on the fact that the accessory structure 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.

Second: Grover Stewart 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 Zoning Variance ZV 10-01.

Motion: Grover Stewart made a motion to grant the Zoning Variance ZV 10-01.

Second: Dr. Eckman seconded the motion.

Action: The Board voted to unanimously approve the motion.

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 7:50 P.M.

Date

E. Stephen Watson, Chairman

Date

Clerk to the Board