

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

Call to Order

Chairman Andrew Eades called the Board meeting to order at 7:30 p.m. on Tuesday, November 9, 2010, at Stanly County Commons.

Roll Call

Board Members Presiding

Andrew Eades, Chairman
Todd Swaringen, Vice Chairman
Cathy Bennett, Secretary
Richard Cosgrove
Dr. John Eckman
Benton Payne
Grover Stewart

Absent

Rebecca Carter

Alternates Present

Kevin Brickman

Staff Attending

Linda Evans, CZO, Planner II, Clerk to the Board

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

Approval of Minutes

Chairman Eades asked if there were any corrections to the minutes of October 12, 2010.

Richard Cosgrove stated that, in regard to his comment recorded in paragraph three on page two of the October 12, 2010, draft minutes, stating the he had taught the applicant, the statement is correct but he had made the statement in the Darrell Story case, ZV 10-05, and not in the James Glover, SUP 10-01, case.

Chairman Eades asked the Clerk to delete Mr. Cosgrove's comment from the Glover case, SUP 10-01, and place it in the Story case ZV 10-05. The Clerk stated that she would make this change.

Motion: Todd Swaringen made a Motion to approve the amended minutes of October 12, 2010, as follows: Richard Cosgrove's comment will be moved from the James Glover case, SUP 10-01, case to the Darrell Story case, ZV 10-05.

Second: Benton Payne seconded the motion.

Action: The Board voted unanimously to approve the minutes of October 12, 2010, as amended.

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Chairman Eades addressed the audience and stated that the Stanly County Board of Adjustment is a quasi-judicial Board; therefore, the North Carolina State Supreme Court, under NCGS 153A-345, requires that the Board base its decisions only on testimony given under oath. He informed the audience that any person, who, while under oath during this proceeding, willfully swears falsely, is guilty of a Class 1 misdemeanor.

Chairman Eades asked that everyone who intends to speak on the first case, ZV 10-06, come forward and be sworn in. Kathy Preslar, Edmund Preslar, and Linda Evans were sworn in by Chairman Eades.

Linda Evans stated that applicants are requesting a variance to enlarge their home so that it extends to 7.52 feet from the northwest side property line and 7.78 feet from the southeast property line. The property is approximately 0.136 acre and is zoned R-20. Section 701 of the ordinance specifies that primary structures are required to be fifteen (15) feet from side property lines.

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

Kathy and Edmund Preslar came forward. Mrs. Preslar stated that they purchased the property in 2002 to use as a temporary/weekend home. They quickly became very attached to the area and have recently transferred their children to the school in Norwood. She stated are living in Stanly County on a permanent basis. They have looked at other property but have not found anything they like as well as their property. The current size of the house is not adequate for the family as it only has one bedroom, one bath, and one closet. The kitchen is not large enough for a full size refrigerator and there is no room for a washer and dryer.

Grover Stewart asked the Preslars if they intended to go up with their extension. Mrs. Preslar stated that a second story would probably be necessary to be able to get enough room for the family.

Todd Swaringen asked if they had house plans. Mrs. Preslar stated that they did not have plans at this time. Mr. Swaringen asked if this extension will be enough room in the long term and Mrs. Preslar stated that it would be enough room to live there comfortably in the long term.

Richard Cosgrove asked if they planned to demolish the existing house and start over or add on to what is exists. Mrs. Preslar stated that they would probably tear the existing down and start all over.

Andrew Eades asked if the children were in school in Stanly County. Mrs. Preslar answered that they are.

Richard Cosgrove asked if they had talked with their neighbors about the variance and Mrs. Preslar answered that both the neighbors were agreeable with it.

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Mrs. Evans stated that the neighbors had been sent a Notice of Public Hearing and a sign had been placed in the Preslar's yard to notify the adjacent property owners. She stated that she had received no input from any of the neighbors regarding the case.

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

No one came forward.

Chairman Eades stated that, if there were no other questions or comments, the Board would review 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 applicants need to increase the square footage of the existing home so that it will more adequately meet the needs of the family and it will enhance the neighborhood. This variance will represent the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land.

Second: Richard Cosgrove seconded the motion.

Action: The Board voted unanimously to approve the motion.

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

Motion: Grover Stewart made a motion to find this fact true based on the fact that the lot was created prior to the adoption of the zoning ordinance in 1973 and does not meet the minimum lot size requirement; therefore, it is difficult to have an adequately sized home without a setback variance.

Second: Dr. Eckman 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 the lot was created prior to the adoption of the zoning ordinance in 1973 and has not been reduced in size since that time.

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.

Motion: Richard Cosgrove made a motion to find this fact true based on the fact that this variance will represent the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and the proposed use of the property will not substantially detract from the character of the neighborhood.

Second: Cathy Bennett seconded the motion.

Action: The Board voted unanimously to approve the motion.

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That, if granted, the variance will secure the public safety and welfare and will do substantial justice.

Motion: Todd Swaringen made a motion to find this fact true based on the fact that the granting of this variance 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 Eades called for a motion to either grant or deny the Variance ZV 10-06.

Motion: Dr. John Eckman made a motion to grant the Variance ZV 10-06.

Second: Todd Swaringen seconded the motion.

Action: The Board voted to unanimously approve the motion.

Chairman Eades welcomed Board Member Grover Stewart and stated that he was glad to have him back and hoped his health will continue to improve. The remainder of the Board concurred and Mr. Stewart stated that he was glad to be back and was sorry that he had not been able to attend last month.

Chairman Eades called for a motion to adjourn. Todd Swaringen made a motion to adjourn. Grover Stewart seconded the motion and Chairman Eades declared the meeting adjourned at 7:50 P.M.

Date

Andrew Eades, Chairman

Date

Clerk to the Board