

BOARD OF ADJUSTMENT

MINUTES

Thursday May 27, 2010

The Blowing Rock Board of Adjustment met on Thursday, May 27, 2010 at 7:00 p.m. Members present were Chairman Ron Oberle, Mark Klein, Jerry Starnes, Annie Whatley and Dr. Charles Davant. ETJ member Brenda Fairbetter and alternate members Tim Ford and David Harwood were also in attendance. Staff present was Planning Director Kevin Rothrock, Intern Megan Summers and Administrative Assistant Sherrie Pitts.

Chairman Ron Oberle called the meeting to order at 7:00 p.m.

APPROVE MINUTES:

Mr. Starnes made a motion to approve the minutes. Ms. Whatley seconded the motion. All were in favor of the motion.

Kevin Rothrock, John Greene, Marvin Hannigan and Marilyn Hannigan were sworn in for testimony to the Board.

Mr. Rothrock gave the staff report to the board in reference to Variance #2010-01:

Mr. John Greene is requesting a 10 foot setback variance to construct a shed in the front of his residence within 2 feet of the adjoining property line. The applicable side yard setback for the R-15, single-family zoning district is 12 feet. The property is located at 483 Sourwood Lane.

The 40 foot street yard setback shown on the site plan indicates a reduction of 4.9 feet for the proposed shed location. Section 16-184 (H) allows an administrative setback reduction based on the lot topography. Staff can allow for this setback reduction without board approval. The 10-foot setback variance request is for the side yard setback only.

Mr. Greene advised he had an architect and a builder look at the site and that the location is the only place to put the building due to topography. He stated that it could be put on Goforth Road but again the area was steep and difficult.

Dr. Davant asked if Mr. Greene could use his house without the variance. Mr. Greene commented that he could.

Mr. Greene commented that if he could not use that location he would have to abandon the project. He said he had designed the shed to look like his house.

Mr. Hannigan, property owner, commented on his property and options they had for use of the property. If they sold or built on the property the proposed shed would be in very close proximity to their building site.

Ms. Hannigan commented that there is a 12 foot setback requirement and she believes the variance would be detrimental to their property.

The public hearing was closed.

Chairman Oberle opened vote on Section 16-92 Findings of Fact of the Land Use Ordinance.

1. If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property. **Members Mr. Klein, Mr. Starnes, Chairman Oberle, Dr. Davant, and Ms. Whatley voted "False"**.
2. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public. **Members Mr. Klein, Mr. Starnes, and Ms. Whatley voted "False". Chairman Oberle and Dr. Davant voted "True"**.
3. The hardship relates to the applicant's land, rather than personal circumstances. **Members Mr. Klein and Ms. Whatley voted "False". Chairman Oberle, Mr. Starnes and Dr. Davant voted "True"**.
4. The hardship is unique, or nearly so, rather than one shared by many surrounding properties. **Members Mr. Klein, Mr. Starnes, and Ms. Whatley voted "False". Chairman Oberle and Dr. Davant voted "True"**.
5. The hardship was not the result of the applicant's own actions. **Members Mr. Starnes, Ms. Whatley, and Dr. Davant voted "False". Chairman Oberle and Mr. Klein voted "True"**.
6. The requested variance does not result in the extension of a nonconforming situation nor authorize the initiation of a nonconforming use of land. **All Members voted "True"**.

Mr. Klein made a motion to deny the variance based on all Findings of Fact not being in favor of the applicant by a 4/5th majority. Mr. Starnes seconded the motion. All members were in favor of the motion. The variance was denied.

Dr. Davant made a motion to adjourn. Mr. Starnes seconded the motion. All members were in favor of the motion.

Adjourn

With no further business, the Board adjourned at 7:50 p.m.

Ron Oberle, Chairman

Sherrie Pitts, Administrative Assistant