

VANCE COUNTY BOARD OF ADJUSTMENTS

The Vance County Board of Adjustments met at a regular and duly advertised meeting on April 9, 2015 at 4:00 p.m. in the Commissioners Meeting Room of the Vance County Administrative Building at 122 Young Street in Henderson, NC.

MEMBERS PRESENT

Thomas Shaw – Chairperson
Agnes Harvin
Blake Haley
Ruth Brummitt
Phyllis Stainback – Vice Chairperson

ALTERNATES PRESENT

Ruxton Bobbitt

MEMBERS ABSENT

Alvin Johnson, Jr.
Rev. Roosevelt Alston

STAFF PRESENT

Jordan McMillen, Planning Director
Jonathan Care, County Attorney
David Robinson, Planner

Chairperson Shaw called the meeting of the Board of Adjustment to order and asked for a review of the minutes from the March 12, 2015 meeting. Ms. Harvin noted two grammatical errors on page 2 and page 4 requiring correction. Ms. Stainback made a motion to approve the minutes with the corrections. Ms. Harvin seconded the motion. All present were in favor. VOTES: 6-0.

Chairperson Shaw introduced the first case explaining the order of business and gave an opportunity for board members to express any conflicts. Mr. Ruxton Bobbitt stated a personal conflict and recused himself from the public hearing. Mr. Shaw declared the public hearing opened for the following case: ***BOA CASE NO. 20150409-1 Haywood Bryan Marrow (property owner and applicant) – Request variance from minimum side setback (section 3.2.3) from 20 feet to 10 feet to allow construction for an attached carport.***

Chairperson Shaw swore in witnesses. Witnesses sworn in include Mr. Jordan McMillen, Mr. David Robinson, and Mr. Haywood Marrow. Mr. Robinson presented the staff report and reviewed the draft findings of facts as follows:

Description of Variance Request:

The applicant is requesting a variance from the minimum setback (section 3.2.3) requirement to reduce the side setback from 20 feet to 10 feet to allow construction of an attached carport.

Findings of Fact

1. The property is owned by Haywood Bryan Marrow.
2. The request is for a variance from section 3.2.3 of the zoning ordinance to allow a reduction of the side setback from 20 to 10 feet.
3. The lot is located within the Carolina Woods Subdivision and is located at 188 Meridian Way (tax parcel 0410G01028).
4. The lot consists of 0.70 acres according to attached plat.
5. The lot currently consists of a single family dwelling and one small shed.
6. The lot is currently zoned R-30 (Residential Low Density).
7. Due to the home location on the property as well as the septic tank and lines location, there is limited room for placement of the carport on the rear of the property.
8. The application requesting the variance was filed on March 3, 2015.
9. The adjoining property owners were notified on March 23, 2015.
10. The property was posted on March 30, 2015.
11. The legal notice was run on March 27 and April 3, 2015.

Staff Comments

The applicant is proposing to build a 30' x 26' carport that would be attached to the porch on their existing single family home. Once constructed, the carport would be located approximately 10 feet from the side property line, prompting this variance request. Once constructed the carport would remain over 50 feet from the existing home to the east with vegetative separation along the property boundary.

Due to zoning requirements, accessory structures need to be located in the side or rear yard areas. Because of the location of the home, the existing deck attached to the back of the home, landscaping in the rear yard, as well as the septic system, there is limited space otherwise for placement of the carport. Additionally, the proposed carport will serve to cover a portion of the existing driveway.

THOSE SPEAKING FOR THE REQUEST

Haywood Marrow (property owner & applicant) – Mr. Marrow stated that when he purchased this property he was unaware of any setback requirements. He confirmed the presence of a line of vegetation separating his property from his neighbor's property. According to Mr. Marrow, the adjacent neighbor does not have an issue with Mr. Marrow constructing a carport in the proposed location. It is his intention to construct the carport over the existing driveway and attach it to the existing porch, which is attached to the house.

Mr. Care stated that although Mr. Marrow may get approved today for a variance from the side setback, that approval does not alleviate any other zoning requirements that are placed upon his property. Additionally, Mr. Marrow will need to abide by the restrictive covenants that are in place.

THOSE SPEAKING AGAINST THE REQUEST

None

BOARD DISCUSSION

Ms. Harvin had a question regarding the submitted site plan. She sought clarification regarding the setback line on the plan in relation to the location of the carport. Mr. Robinson stated that the red hash marks indicate where the edge of the carport will stop. Mr. Care addressed a follow-up comment regarding what is being approved and confirmed that an approval would allow a variance from the standard 20 foot setback to a 10 foot setback.

Mr. Shaw asked about the overhang on the carport and whether it can further encroach on the setback. Mr. Care stated that he believed the setback is to the foundation of the structure and does not include overhangs. Mr. McMillen confirmed that overhangs are allowed and are not considered in setbacks.

Mr. Shaw went through the Conditional Use Permit check-list with the board and entertained a motion.

DECISION: Mr. Haley made a motion to approve the variance request for a reduction in the side setback on the east side of the property from 20 feet to 10 feet to allow the construction of the proposed carport. Included in this motion is the approval of the Findings of Fact. Ms. Brummitt seconded the motion. All present were in favor. VOTES: 5-0.

ADJOURNMENT: There being no further business, Chair Shaw declared the meeting adjourned.