

VANCE COUNTY BOARD OF ADJUSTMENTS

The Vance County Board of Adjustments met at a regular and duly advertised meeting on February 9, 2017 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
Alvin Johnson
Agnes Harvin
Logan Darrinsburg

MEMBERS ABSENT

Phyllis Stainback – Vice Chairperson
Ruxton Bobbitt
Blake Haley
Ruth Brummitt

STAFF PRESENT

Amy Sandidge, Planner

Chairperson Shaw called the meeting of the Board of Adjustment to order. Due to the lack of a quorum the meeting was continued to February 16, 2017 at 4pm.

The Vance County Board of Adjustments met at for a continued meeting on February 16, 2017 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
Alvin Johnson
Agnes Harvin
Logan Darrinsburg
Phyllis Stainback – Vice Chairperson
Ruxton Bobbitt
Blake Haley
Ruth Brummitt

STAFF PRESENT

Amy Sandidge, Planner

On February 16, 2017 Chairperson Shaw called the meeting of the Board of Adjustment to order and asked for a review of the minutes from the January 12, 2017 meeting. Mrs. Stainback made a motion to approve the minutes, Mrs. Brummitt seconded the motion. All present were in favor. VOTES: 8-0.

Mr. Shaw introduced case 20170209-01. He swore in Robert Latta and Amy Sandidge. This variance case requests a reduction in the front setback from 30’ to 11’ 9” at 178 summer Shores Lane (0306 01011).

Ms. Sandidge shared with the Board that Mr. Hagwood was not able to attend due a scheduled conflict but he would be represented by Mr. Latta. Ms. Sandidge introduced the case and explained that the property at 178 Summer Shores Road consists of two front yards because it consists of a lake front and the legal front from the 30’ easement. The applicant has proposed to build a detached garage that would be 12’ 9” from the easement along the south property line. The lot has constraints due to the location of the septic system and the easement that limit the placement of the garage. Ms. Sandidge indicated that if the right of way was not there that the garage could be built with a minimum 10’ setback without any variance request. Ms. Sandidge indicated that the building that appeared to be blocking the path to the garage would be demolished and the pump house would be relocated. She continued to explain that surveyors draw what’s on the ground at the time they are on site and that Mr. Hagwood had not made the changes prior to that day. Mr. Bobbitt inquired about abandoning the ROW; Ms. Sandidge stated that the easement was the legal access and the driveway that is used currently permitted by the corps could be discontinued at some point in the future so the legal access should remain in place.

Mr. Latta gave a very detailed history of the property dating back to the late 1800’s. The current road known as Summer Shores Lane was the original farm path prior to the lake being developed. He indicated that the Lane is permitted to Mr. Hagwood and that the property owners keep the road maintained. He informed the board that the well on Mr. Hagwood’s property was recently filled in and relocated. Mr. Bobbitt inquired about the date the easement was created and Mr. Latta stated since 1960. Mr. Bobbitt asked if a fire truck could travel along Summer Shores Lane and that was confirmed. Mrs. Harvin asked if the 320 line came to the property line and that was confirmed as well. Mrs. Brummitt asked if the 911

address was off of Summer Shores and that was confirmed. It was noted that the application and the size listed on the site plan represented a 24x24 garage.

Mr. Shaw read the variance check list. There was discussion about the hardship requirement and whether or not a garage should qualify under that qualifier. Ms. Sandidge reminded the Board that they had recently approved another variance for a garage that also faced two front setbacks. Mrs. Harvin asked if the development guidelines would vary if this was a carport and not an enclosed garage and Ms. Sandidge stated no.

Mr. Bobbitt made a motion to approve and this was seconded by Mrs. Harvin. The variance was granted to allow a setback off of the easement of 11'9" and for a 24x24 garage. Motion approved 8-0.

Mr. Shaw introduced the next case; 20170209-02 and swore in Robert Latta and Amy Sandidge. This variance case requests a reduction in the front setback from 30' to 10'9" at 182 summer Shores Lane (0306 01012). Ms. Sandidge indicated this was the property located next to the previous case and the facts of the case were very similar. The facts that were introduced regarding the access that is permitted by the corps remains the same and part of this hearing. Ms. Sandidge stated that the main difference in this request and the previous one was the impervious surface ration was nearing its maximum allowed value at 182 Summer Shores Lane. Mr. Latta was only allowed 780 sq/ft of building area before his impervious surface was at its maximum allowed. Mr. Latta was requesting 728 sq/ft garage in his application.

Mrs. Harvin questioned if the rear setback was 25 or 30 and Ms. Sandidge explained it was a front setback of 30' and that the request was to reduce that to 10'9". Ms. Sandidge stated that she did not support the request to reduce the side setback to 5' due to its proximity to the driveway that his neighbor would be using. Discussion followed about how Mr Latta could reconfigure the footprint of the garage to allow him to gain more square footage.

Mrs. Harvin made a motion to approve and this was seconded by Mrs. Brummitt. The variance was granted to allow a setback off of the easement of 10' 9" and for a maximum 728 sq/ft garage. Motion approved 8-0.

Mr. Shaw introduced the next case; 20170209-03 and swore in Richard Reese and Amy Sandidge. Mrs. Harvin asked why there was not a formal survey provided and Ms. Sandidge indicated that while a formal survey is preferred this applicant had not provided one and had elected to provide a hand drawn site plan to show his plan. Ms. Sandidge stated that since he was replacing "same for same" meaning the same size mobile home on the site and the property was a standard rectangle in size that the setbacks could be clearly identified. Ms. Sandidge noted that in the future she would require scaled surveys for the board to review. Ms. Sandidge continued that the tax records show that the property had been developed with a 66' long mobile home and that was the same size Mr. Reese was wanting to place. The property is 101 feet wide so this limited him to 17.5' setbacks on both side setbacks. Mrs. Harvin asked why how could not place the mobile home length wise on the property since it was over 300' long, Ms. Sandidge indicated the applicant had indicated the septic system location limited the length side location. There was discussion about the driveway location. Questions continued about the lack of measurements between lot features, Mr. Reese stated that the well was approximate 57' from the front of the proposed mobile home. Mr. Shaw went through the variance checklist.

Mr. Bobbitt made a motion to approve the variance request and it was seconded by Mrs. Harvin. The variance was granted to allow the side setbacks to be a minimum of 15' on one side. Motion approved 8-0.

Mr. Shaw introduced a request by Sunlight Partners to grant an extension to BOA cases 20160211-2 and 20160211-3. Mr. Bobbitt recused himself on this request due to a personal conflict. Ms. Sandidge presented previous staff reports to the Board detailing that the two projects were solar farms that had not met the conditions of their CUP that were issued in February 2016. The interconnection agreements are cycling through the system. Mrs. Brummitt made the motion to grant the extension for 18 months and this was seconded by Mrs. Harvin. Motion was approved 7-0.

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