



**VANCE COUNTY
PLANNING & DEVELOPMENT
OFFICE**

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**BOARD OF ADJUSTMENT
MINUTES**

June 13, 2019

TO: Vance County Board of Adjustment
FROM: Angie Blount
SUBJECT: Case# VA20190613-01 Variance from side setback requirements for proposed dwelling at 381 Moody Rd.
DATE: June 13, 2019

Board Members Present: Thomas Shaw III, Chair, Agnes T. Harvin, Ruth H. Jones, Vice-Chair, Ruxton Bobbitt, Logan Darensburg, Phyllis Stainback

Board Members Absent: Blake Haley, Alvin Johnson, Jr.

County Staff: Angie Blount, Planner, Sam Hobgood, Director of Planning and Development

Chairperson Shaw opened the June 13, 2019 meeting of the Vance County Board of Adjustment a little after 4:00 p.m. Chairperson Shaw announced the first order of business would be to approve the minutes from the May 9, 2019 meeting. Chairperson Shaw asked if there were any corrections or adjustments. Board member Mrs. Ruth Jones asked if the County Attorney needed to be present for the Board of Adjustment meeting. Planning Staff replied that he did not. Board member Mrs. Agnes Harvin made a motion that the minutes be approved as presented. Board member Mrs. Jones seconded the motion. The minutes were approved in a unanimous vote.

Commented [AB1]: Correction made per BOA review 9/12/2019

Chairperson Shaw announced the first case. Case # VA20190613-01, a variance request made by the owners of property at 381 Moody Rd, Millard T. and Marsha Abbott. The request is for a variance from the side property lines from the required 20' for R30 zoning, to 10' in order to build a new dwelling.

Chairperson Shaw asked that the hearing in this matter is judicial in nature and that the proceedings would be conducted much the same as a court hearing. Chairperson Shaw asked that the applicant and anyone else wishing to speak on the matter to be sworn in. Marsha Abbott, applicant and Angie Blount, County Planner were sworn in to give evidence.

Chairperson Shaw asked that planning staff explain the request. Angie Blount, Planner for Vance County Planning and Development stated that neighboring properties had been notified of the variance request, notice of the meeting had been advertised and the application and fee had been collected. She explained that the applicant is asking for a variance from the side property lines, which require 20' in the R30 zoning district, to 10' in order to build a new dwelling. Mrs. Blount explained that the current home encroaches on the neighboring property, and that the new dwelling will be entirely on the applicant's lot. She explained that the applicant is unable to build toward the front of the lot due to the location of the septic field.

Board member Mrs. Phyllis Stainback asked if the request included two lots. Mrs. Blount advised the request involves one lot. Mrs. Blount further explained that these lots were formed years before zoning regulation and that all are non-conforming as far as lot widths and area.

Board member Mrs. Jones asked if there had been any concerns regarding the encroachment of the current house to the neighboring lot. Chairperson Shaw asked the applicant, Mrs. Abbott to step to the podium for questions. Mrs. Abbott took the podium and stated that she and her husband purchased the property in 2014. She stated that they had spoken to the property owners to the left and that they are in complete agreement that they should do what they need to do in order to place a new home since the current home

is a manufactured home from 1965 and is in disrepair. She stated that the current home is two feet over the property line on the left, Mrs. Abbott advised they can remove the current home and by asking for a variance of ten feet on each side, they can place a new home entirely on the lot. Board member Mrs. Jones asked what type of dwelling they were planning to build, to which Mrs. Abbott replied they plan to build a site built home.

Board member Mrs. Harvin asked if this lot contained access to the lake, to which Mrs. Abbott replied that previous owners had split a lot into three pieces and added part to this lot, but that it was not an access easement to the lake.

Board member Mr. Ruxton Bobbitt asked what the distance would be between houses if the ten foot variance was granted. Mrs. Abbott replied that they would be fourteen feet on the right side, as the neighboring house is on the line, and approximately twenty-five feet on the left side. Board member Mr. Bobbitt asked if there would be enough room between houses to allow a fire truck to at least be able to maneuver equipment to the back of the lot if there was a fire emergency. Mrs. Abbott replied that there would be. She commented that they are able to drive a vehicle between the houses on both sides now, and that a variance would increase the distance on both sides.

Board member Mrs. Stainback asked if they purchased the lot and the twelve foot strip. Mrs. Abbott advised they had been combined before they bought it. Mrs. Abbott advised she had a surveyor come out and he confirmed the recombination. Board member Mrs. Jones asked if they were going to have to include any new septic or lines. Mrs. Abbott replied that Environmental Health advised them if they had a true septic tank they would be grandfathered in for a two bedroom house and would not have to meet the current repair rules.

Board member Mr. Bobbitt asked staff if the new survey had to be recorded, to which planning staff replied it did not as it would be considered a boundary survey. Mr. Bobbitt asked if Mrs. Abbott had finalized the septic, to which Mrs. Abbott advised she had talked to Chris Hedrick of Environmental Health and he advised to obtain a variance first, that there would be no need in proceeding regarding septic if they could not obtain the variance in setback.

Chairperson Shaw asked if there were any further questions for Mrs. Abbott from the board or from planning staff. Being none, Chairperson Shaw reviewed the Variance Check List for the board. Board member Mr. Bobbitt made a motion to approve the variance request. The motion was seconded by board member Mrs. Stainback. Chairperson Shaw stated that a motion to approve had been made and seconded, and if there was no further discussion the board would now vote. A vote was taken and it was unanimous to approve the variance request.

Being no further business, Chairperson Shaw declared the June 13, 2019 meeting of the Vance County Board of Adjustment adjourned.