

**MEETING MINUTES
GREENSBORO BOARD OF ADJUSTMENT
APRIL 22, 2024**

The meeting of the Greensboro Board of Adjustment was held on Monday, February 26, 2024, at 5:39 p.m. in-person in the City Council Chamber. Board members present were: Chair Leah Necas, Vice Chair Vaughn Ramsey, Ted Oliver, Cory Randolph, Tiffanie Rudd, Drew Wofford, and Stephen Barkdull. City staff present were Mike Kirkman, Shayna Thiel, Carla Harrison and Andrew Nelson (Planning Department), and Emily Guarascio (Associate City Attorney).

Chair Necas welcomed everyone to the meeting. Members of the Board of Adjustment are appointed by City Council and serve without pay. This is a quasi-judicial Board, meaning that all testimony will be under oath. Findings of fact will be made and final action of the Board is similar to a court decision. Anyone appearing before this Board has a right to offer evidence, cross examine witnesses, and inspect documents. The Board will proceed in according to the agenda, a copy of which was provided. Chair Necas further explained the manner in which the Board conducts its hearings and methods of appealing any ruling made by the Board. Chair Necas advised that each side, regardless of the number of speakers, were allowed a total of 20 minutes to present evidence. Board members may ask questions at any time. Chair Necas went on to explain how the Board would make its decision and votes, based on findings of fact and other factors, and she explained how to appeal decisions.

Chair Necas advised that all testimony and evidence from applicants or opposition speakers must be relevant to the case(s) before the Board and the four criteria it uses to make decisions. She added that, going forward, if a member of the Board would like to allow immaterial testimony or evidence to be entered, they must make a motion for its admission.

APPROVAL OF MINUTES (February 26, 2024 Meeting)

Mr. Randolph made a motion to approve the February 26, 2024 minutes, seconded by Mr. Oliver.

The Board voted 6-0-1 in favor of the motion, (Ayes: Oliver, Randolph, Rudd, Barkdull, Vice Chair Ramsey, Chair Necas; Nays: None; Abstention: Wofford). Chair Necas advised the minutes were approved.

SWEARING IN OF STAFF

Shayna Thiel and Mike Kirkman of the Planning Department were sworn in for their testimony in the following cases.

CONTINUANCES / WITHDRAWALS

Ms. Thiel advised that the applicants in case BOA-24-13 at 3106 Madison Avenue are present to request a continuance.

Susan Tayloe, 3106 Madison Avenue, stated that they were requesting a continuance to the June meeting because they need to complete a precursor project before moving forward with this variance request.

Mr. Randolph made a motion to continue the case to the June regular meeting, seconded by Mr. Rudd. The Board voted 7-0 in favor of the motion, (Ayes: Oliver, Randolph, Rudd, Wofford, Barkdull, Vice Chair Ramsey, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

OLD BUSINESS

There was no old business.

NEW BUSINESS**a. BOA-24-14: 811 King George Drive (APPROVED)**

Ms. Thiel stated in BOA-24-14, Robert and Kristin Reis request a variance to allow the building coverage of all accessory structures on the lot to be 948 square feet when no more than 663 square feet is allowed. Evidence provided by the applicant includes Exhibits A through C. Supporting documentation from staff includes Exhibits 1 through 7. The Land Development Ordinance reference was Section 30-8-11.1(A)(3): In R- districts, the maximum building coverage of all accessory structures may not exceed 50% of the building coverage of the principal structure on the lot or 600 square feet, whichever is greater.

Background and Site Information: The subject lot is located on the east side of King George Drive, north of West Friendly Avenue and is zoned R-3. Tax records indicate the lot contains approximately 19,602 square feet and the house was constructed in 1955. The applicants propose to construct a 660 square foot accessory structure in their backyard. When combined with the existing 288 square foot accessory structure, the total building coverage of all accessory structures on the lot will become 948 square feet, when no more than 663 square feet is allowed, based on 50% of the existing 1,326 square foot house. If the variance is granted, the applicants will proceed with the residential building permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted the applicable overlay.

Chair Necas asked the applicant to provide their name/address for the record and swore in Robert and Kristin Reis for their testimony.

Robert James Reis, 811 King George Drive, stated that the subject property does not have an enclosed area for parking, and they need space to maintain vehicles.

Chair Necas asked if the proposed accessory structure was primarily for vehicles, and Mr. Reis stated that was correct, and that there was not enough space in his home for an attached two-car garage. The proposed accessory structure would have some extra storage as well, allowing them to use their bedrooms more efficiently.

Mr. Oliver asked if the recently approved accessory dwelling unit (ADU) rules applied to this request. Mr. Kirkman stated that this request does not involve an accessory dwelling unit.

Vice Chair Ramsey asked if this request arose from having a large house on a smaller lot, and Mr. Kirkman stated that was correct.

Mr. Randolph asked if the applicant could use only the proposed accessory structure for storage and remove the existing accessory structure, thus obviating the need for the variance. Mr. Reis stated that it would be difficult to configure their storage needs that way.

Mr. Oliver asked if the accessory structure was going to be built on the site or modular. Mr. Reis stated that it would be a two-car metal building.

Mr. Randolph asked if the applicant received any feedback from their neighbors, and Mr. Reis stated he spoke to three of his neighbors and heard no objections to his request. He stated that the metal building he seeks to construct would be significantly shorter than the roofline of his residence and would not disrupt the look of the neighborhood.

Seeing no opposition, Chair Necas closed the public hearing.

BOARD DISCUSSION

Mr. Randolph stated this was a straightforward request to tailor a historic home to contemporary needs.

MOTION

Mr. Oliver moved that in BOA-24-14, 811 King George Drive, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variance granted based on the following: (1) If the applicant complies with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the applicants are not able to fully use their home now; this building will allow them to more fully use their home; (2) The hardship of which the applicant complains results from conditions that are peculiar to the property and unique circumstances related to the applicant's property because the applicant cannot build an attached garage due to lack of space; it is a small house on a large lot; (3) The hardship is not the result of the applicant's own actions because the home is almost 70 years old and a garage was not a common part of homes in 1955; now to have a covered area for cars requires this variance; (4) The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit and assures public safety, welfare and substantial justice because the variance will enhance the value of the property and the neighborhood will be improved. Ms. Rudd seconded the motion.

The Board voted 7-0 in favor of the motion, (Ayes: Oliver, Randolph, Rudd, Wofford, Barkdull, Vice Chair Ramsey, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

b. BOA-24-15: 22 Notting Hill Court (APPROVED)

Ms. Thiel stated in BOA-24-14, Timothy and Sandra Mann request a variance to allow an accessory structure to be located in front of the front building line of a principal structure. Evidence provided by the applicant includes Exhibits A through C. Supporting documentation from staff includes Exhibits 1 through 8. The Land Development Ordinance reference was Section 30-8-11.1(B)(1): Accessory structures must be located behind the front building line of the principal structure and are not allowed in a required street setback.

Background and Site Information: The subject lot is located on the east side of Notting Hill Court, north of White Horse Drive, and is zoned R-3. Tax records indicate the lot contains approximately 4.4 acres and the house was constructed in 2011. The applicants propose to construct a 676 square foot accessory structure that will be in front of the front building line of the existing house. To allow for construction of the proposed accessory structure, the applicants secured the release of portions of an existing Water Quality Conservation Easement (WQCE) where existing and proposed built upon area already exists or is proposed, and then established new WQCE areas on the property. This revised WQCE area was recorded on a new plat. If the variance is granted, the applicants will proceed with the residential building permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted there were no applicable overlays or plans.

Chair Necas asked the applicant to provide their name/address for the record and swore in Timothy Mann and Stephen Jobe for their testimony.

Timothy Mann, 22 Notting Hill Court, stated they wished to add a two-car garage. Attaching the structure to the residence matching the roof line would cost an additional \$15,000 to \$20,000, and they have combined the previous three lots into one to abide by the water quality easement restrictions. Because the accessory structure would be ahead of the front line of the dwelling, they require a variance. The proposed addition would not be visible from the road and will fit the architectural style of the property.

Mr. Randolph asked what other locations the applicant considered to place the garage on the property. Mr. Mann stated that the property has a significant fall-off, and the location proposed is the only reasonable location.

Chair Necas asked if the retaining wall was located on the left of the principal structure and if there were few feasible locations for an accessory structure, and Mr. Mann stated that was correct. The

three constituent lots have been recombined and a new parcel recorded with Guilford County Register of Deeds.

Stephen Jobe, 3319 Watauga Drive, applicant's architect, stated that they recombined the lots because the proposed structure would have crossed a property line, and the water quality control easement line needed to be moved to reclaim area. The variance request is required to have the separate accessory structure that is required for economic concerns.

Vice Chair Ramsey asked to confirm that the proposed structure satisfies water quality easements requirements, and Mr. Jobe stated that was correct.

Mr. Randolph if neighbors had expressed any concerns. Mr. Mann stated that they contacted all neighbors and heard no opposition.

Seeing no opposition, Chair Necas closed the public hearing.

MOTION

Vice Chair Ramsey moved that in BOA-24-14, 22 Notting Hill Court, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variance granted based on the following: (1) If the applicant complies with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the unique shape and topography of the lot would require more grading and pavement for an accessory structure; (2) The hardship of which the applicant complains results from conditions that are peculiar to the property and unique circumstances related to the applicant's property because the lot and house location were established prior to the applicant's purchase of the realty and the proposed location is the only reasonable site; (3) The hardship is not the result of the applicant's own actions because the house and lot were established prior to the applicant's purchase, with the house sitting much further back than the nearby houses; (4) The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit and assures public safety, welfare and substantial justice because the proposed garage will aesthetically fit with the house and neighborhood and will be difficult to view from the road. Mr. Randolph seconded the motion.

The Board voted 7-0 in favor of the motion, (Ayes: Oliver, Randolph, Rudd, Wofford, Barkdull, Vice Chair Ramsey, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

OTHER BUSINESS

There was no other business.

ACKNOWLEDGEMENT OF ABSENCES

Chair Necas acknowledged Chuck Truby's absence.

ADJOURNMENT

The meeting was adjourned at 6:07 p.m.

Respectfully submitted,

Leah Necas, Chair

Greensboro Board of Adjustment

LN/arn