



Board of Adjustment

Meeting Agenda

November 18, 2014

immediately following the Planning Board meeting at 7:00pm
Council Chambers, 201 S Main St

1. Approve minutes of the October 21, 2014 meeting
2. Old Business
 - a. Variance for Dodson Carport (VR143). Request of Cletus and Pearl Dodson for a variance from accessory buildings in residential districts being restricted to the rear and side yards on property located at 809 Essex Dr (GPIN 8883484841).
3. New Business
4. Administrative reports

A complete agenda packet is available at www.cityofgraham.com

CITY OF GRAHAM
BOARD OF ADJUSTMENT
October 21, 2014

There was a called meeting of the Board of Adjustment on Tuesday, October 21, 2014 at 7:00 pm in the Graham Municipal Building. Board members present were as follows: Bill Teer, Dean Ward, and Ricky Hall. Bonnie Blalock and Michael Benesch were absent. Staff members present were Melissa Guilbeau, City Planner, and Martha Johnson, Zoning/Inspections Technician.

Chairman Ricky Hall called the meeting to order and explained the function of the Board.

1. Ricky Hall made a motion to approve the minutes from the August 19, 2014 meeting, second by Dean Ward. All voted aye.

3a. Variance for Dodson Carport (VR143). Request of Cletus and Pearl Dodson for a variance from accessory buildings in residential districts being restricted to the rear and side yards on property located at 809 Essex Dr (GPIN 8883484841). Ricky Hall made a motion to table this item until next month's meeting, November 18, 2014, so that at least four members will be present, second by Bill Teer. All voted aye.

There being no further business, the meeting was adjourned.

Respectfully Submitted,
Martha Johnson, Secretary



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

Dodson Carport (VR143)

Type of Request: Variance

Meeting Dates

Board of Adjustment on October 21, 2014

Contact Information

Cletus and Pearl Dodson

809 Essex Dr, Graham, NC 27253

336-229-1594; pearldodson@bellsouth.net

Summary

This is a request for a variance from accessory buildings in residential districts being restricted to the rear and side yards. The stated purpose of this request is “we are trying to install a carport on the front right side of our property. The slope of the property does not allow for us to install it on the side of behind the house as per Graham’s city ordinance. Attached are six pictures of the slope of the land and the distance between the houses on the left side.”



Location

809 Essex Dr

GPIN: 8883484841

Current Zoning

Residential (medium density)
(R-12)

Current Use

Single Family Dwelling

Surrounding Zoning

R-12 & I-1

Surrounding Land Uses

Single Family Houses and Vacant

Attached is a **draft of a Resolution for the Board to consider** when making its decision. This draft Resolution should be modified as the Board sees fit and is only provided by staff as a template.



Application for a VARIANCE

P.O. Drawer 357
201 South Main Street
Graham, NC 27253
(336) 570-6705
Fax (336) 570-6703
www.cityofgraham.com

Applicants are encouraged to consult with the City Planner before submitting this application.

Property on which a Variance is sought

Street Address: 809 ESSEX DR

Tax Map#: 144728 GPIN: 8883-48-4841

Current Zoning District(s):

- R-7 R-9 R-12 R-15 R-18
- R-MF R-G C-R C-MXR
- B-1 B-2 B-3 C-B C-MXC
- O-I C-O-I I-1 I-2 C-I

Overlay District, if applicable:

- Historic S Main St/Hwy 87 E Harden St/Hwy 54

Current Use: RESIDENTIAL

Property Owner: CLETUS & PEARL DODSON

Mailing Address: 809 ESSEX DR

City, State, Zip: GRAHAM, NC 27253-3714

Applicant

Property Owner Other _____

Name: CLETUS & PEARL DODSON

Mailing Address: 809 ESSEX DR

City, State, Zip: GRAHAM, NC 27253-3714

Phone # (336) 229-1594

Email: pearldodson@bellsouth.net

I, the applicant, hereby petition the Board of Adjustment for a variance from the strict letter of the *Development Ordinance*, as described in this application.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Cletus R Dodson 10-6-14
Signature of Applicant Date

Pearl R Dodson 10/6/14

Purpose of Variance Request

Describe the purpose of this variance request. *What are you trying to do that the Development Ordinance is prohibiting?* If necessary, attach a plot plan or other illustration.

WE ARE TRYING TO INSTALL A CARPORT ON THE FRONT RIGHT SIDE OF OUR PROPERTY. THE SLOPE OF THE PROPERTY DOES NOT ALLOW FOR US TO INSTALL IT ON THE SIDE OF BEHIND THE HOUSE AS PER GRAHAM'S CITY ORDINANCE.

ATTACHED ARE SIX PICTURES OF THE SLOPE OF THE LAND AND THE DISTANCE BETWEEN THE HOUSES ON THE LEFT SIDE.

RECEIVED

OCT 06 2014

CITY OF GRAHAM
INSP. / P.Z.

Nature of Variance Request

List the specific provision(s) of the *Development Ordinance* from which you are seeking a variance (for example, side yard setback).

THE SLOPE OF THE PROPERTY DOES NOT ALLOW FOR US TO INSTALL A CARPORT ON THE SIDE OR BEHIND THE OUR AS PER GRAHAM'S CITY ORDINANCE. THE ORDINANCE DOES NOT ALLOW A CARPORT TO BE IN THE FRONT YARD WITHOUT BEING ATTACHED TO THE HOUSE. THE HOUSE IS LOCATED AT THE DEAD END OF ESSEX DR.

Office Use Only. DEVID#

VR143



Right front of house



Right side of lot (front)



Showing slope of right side of lot



Front yard and house



Left side - distance between houses too small



Down Essex Dr from house. This would create parking out of street when we have visitors.



Board of Adjustment

Resolution of Findings of Fact, Conclusions of Law and Decision

The Board of Adjustment for the City of Graham, North Carolina, having held a public hearing on **October 21, 2014** to consider **case number VR143**, submitted by **Cletus and Pearl Dodson** of 809 Essex Dr, Graham, NC 27253, for a **variance from accessory buildings in residential districts being restricted to the rear and side yards for property located at 809 Essex Dr**, and having heard all the evidence and arguments presented at the hearings, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS OF LAW:

FINDINGS OF FACT

NOTE: These Findings of Fact were prepared by staff and should be modified by the Board as it sees fit.

1. The property that is the subject of this variance request, 809 Essex Dr, is zoned Residential (medium density) (R-12).
2. The property contains a single family dwelling and an accessory building.
3. A carport is being proposed in the front yard.
4. The *City of Graham Development Ordinance*, in Section 10.136(1) Notes to the Table of Permitted Uses, states that "accessory uses in residential districts such as garages, utility buildings are restricted to rear yards or side yards if the required setback can be maintained."
5. The *City of Graham Development Ordinance*, in Section 10.16 Definitions, provides the following definitions for yards:
 - A front yard is an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the front line of the lot and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the front line of the lot. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.
 - A rear yard is an open space on the same lot with a main building, unoccupied except as hereinafter permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building.
 - A side yard is an open unoccupied space on the same lot with a main building, situated between the side lines of the building and the adjacent side line of the lot, and extending from the rear lines of the front yard to the front line of the rear yard. If there be no front yard, the front boundary of the side yard shall be the front line of the lot and if there be no rear yard, the rear boundary of the side yard shall be the rear line of the lot.
6. The applicant states and has submitted pictures to illustrate that "the slope of the property does not allow for us to install it [the carport] on the side of behind the house."
7. An application for a variance from was filed with the City Planner on October 6, 2014.

[insert additional Findings of Fact, if any are made]

CONCLUSIONS OF LAW

The Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

NOTE: These Conclusions of Law were prepared by staff and should be modified by the Board as it sees fit.

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

From the strict application of the ordinance, the applicant would not be permitted to install a carport in the front yard.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

The applicant states that the slope of the property does not allow for the carport to be installed in the side or rear yard.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

The applicant did not cause the property to have a slope that was not conducive to siting a carport in the side or rear yard.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

With the proposed condition, the variance would retain the required front yard setback and minimize the intrusion of the carport into the front yard.

DECISION

In exercising its powers, the Board of Adjustment may grant or deny a variance and may impose any appropriate conditions on the variance, provided that the conditions are reasonably related to the variance. The concurring vote of four-fifths of the Board shall be necessary to grant a variance.

For the above reasons, the Board of Adjustment [grants/denies] the variance that is the subject of this application.

[insert additional description of the Decision or any appropriate conditions, if necessary]

Staff recommends that, if granted, the following condition be imposed:

- This variance shall apply to one carport in the front yard, which shall meet the minimum front yard setback and be located as far from the road as practical.

The resolution reflects the decision of the Board of Adjustment, made the 21st day of October, 2014.

Attest:

Ricky Hall, Chair

Martha Johnson, Secretary

DRAFT