

Board of Adjustment Meeting Order of Actions

1. 6:00 p.m. – Chairperson Call's meeting to order
2. Roll Call
3. Agenda amendments if any
4. Approval of minutes (Chairperson and Secretary will need to sign official copy of approved minutes after meeting)
5. Chairperson's explanations of the BOA rules of procedure
6. Old business if any
7. New Business
8. Secretary call case
9. Chairperson – swears in staff
10. Secretary – give brief description and history of the case as well answer questions for section 9-5.1(postings, mailouts, etc).
11. Chairperson Opens the hearing: swears in persons testifying for and against
 - a. Is there anyone who wished to speak in favor of this request?
 - b. Is there anyone who wished to speak against this request?
 - c. Is there anyone who wished to present a rebuttal?
 - d. Chairperson closes the hearing
12. Board Discussion of the case
13. Chairperson ask for a motion from the board. The motion will need to follow the motion worksheet and each findings of fact will need to be voted on by the board.
14. Chairperson advises the applicant of approval or denial and remind them that they will receive the decision in writing.
15. Repeat steps 4-10 for all other cases that are scheduled to be heard.
16. Adjournment

SAMPLE SCRIPT FOR BOA MEETING

Welcome to the regular monthly meeting of the Guilford County Board of Adjustment. I am _____, chairman/vice chairman of the board and this meeting is called to order.

Secretary, please call the roll. (Chair notes which alternate(s) will be seated if applicable.)

The Guilford County Board of Adjustment is appointed by the Guilford County Commissioners and operates under the North Carolina General Statute. It is a quasi-judicial board, meaning that all testimony will be under oath, the board's decision will be based on findings of fact, and the final action of the board is similar to a court decision. Appeals of the board's decision are made to Superior Court, not to the Guilford County Commissioners.

All cases will be heard as they appear on the agenda. As each case is called, we will ask for any persons wishing to speak about the case to come up to the podium to be sworn in or affirmed. The Board Secretary will give a brief description of the case, and then the applicant and anyone wishing to speak in favor of the request will be heard. Any opponents to the request will then be given an opportunity to be heard. Both sides will be given the opportunity to speak in rebuttal. Any board member may ask questions at any time.

After testimony, the Board will discuss the request and make a decision to approve or deny, so you will know the results tonight. All board members are required to vote unless they have a conflict of interest. It takes four affirmative votes to grant a variance, and a simple majority for other cases.

If you disagree with the action of the board, your next step would be to appeal the decision to Superior Court within 30 days of receiving written confirmation of tonight's decision.

For each case:

(Secretary calls case and gives synopsis)

(Chair: All those who wish to speak about this case, please approach the podium.) Chair administers the oath to include staff:

**“DO YOU SWEAR OR AFFIRM TO TELL THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?”
(response should be “I do”)**

Is there anyone who wishes to speak in favor of this request?

Is there anyone who wishes to speak against this request?

Is there anyone who wishes to present a rebuttal?

Is there discussion by the Board?

Following discussion, ask the Board for a motion and a second for approval or denial of the request. (Use sample motion as guideline). Ask Secretary to call for the vote. *

SAMPLE MOTION FOR A VARIANCE

(Read through the variance worksheet of Findings of Fact.) I make a motion to approve a variance to (state what is being varied from and to) as requested by Case (case number), for the property located at (address);

Based on the following findings by the Board describe

- 1. The hardship that would result from the strict application of the ordinance**
- 2. The hardship results from conditions that are peculiar to the property**
- 3. The hardship did not result from actions taken by the applicant or the property owner**
- 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.**

*** Notes: Variance requires four-fifths (4/5) vote.
Simple majority is required for all other cases.
The Board chairman votes as any other Board member.**

Advise the applicant of the approval or denial and remind them that they will receive the decision in writing.

After all cases are heard and decided, continue to remainder of agenda



GUILFORD COUNTY

PLANNING AND DEVELOPMENT

BOARD OF ADJUSTMENT AGENDA

Blue Room, First Floor
Old Guilford County Courthouse
301 W. Market Street
Greensboro, NC 27401
January 5, 2021

Regular Meeting

6:00 PM

A. Roll Call

B. Agenda Amendments

C. Approval of Minutes: December 1, 2020

D. Rules and Procedures

E. Old Business

F. New Business

Evidentiary Hearing Items

Swearing in of staff and those speaking on the case

Case #20-12-GCPL-08139

Ivan & Melissa Handy are requesting a variance from the Guilford County Unified Development Ordinance Article 5.4-B (2), which regulates the location of all detached accessory dwellings to be located at least 10 feet from the principal structure located in the AG Zoning District. The applicants are seeking to convert an existing detached garage on the property into a detached accessory dwelling. There is a single-family home on the property and two accessory structures. The property is located at 7721 Whipple Trail, Greensboro, NC 27455 being tax parcel #139297, in Center Grove Township.

Case #20-12-GCPL-08144

Barbara Rhoades is requesting a variance from the Guilford County Unified Development Ordinance Article 4.8, which regulates the location of all accessory structures and buildings to be located behind the front building line of the principal structure located in the RS-40 Zoning District. The applicant is seeking to build a new detached garage on the property which would be in front of the principal structure (house). There is a single-family home on the property. The property is located at 5303 Folgers Court, Julian, NC 27283 being tax parcel #123061, in Clay Township.

400 W Market Street
Post Office Box 3427, Greensboro, North Carolina 27402
Telephone (336) 641-3334 Fax (336) 641-6988



GUILFORD COUNTY PLANNING AND DEVELOPMENT

Case #20-12-GCPL-08140

Jacob Dunkelberger is requesting a variance from the Guilford County Unified Development Ordinance Article 4.2.2, side and front street setback, to reduce the minimum street setback to 15 feet instead of the required 40 feet in the RS-40 Zoning District. The property is currently vacant. The applicant is proposing a new single-family home to be built. The property is located at 2224 Ledford Rd, Greensboro, NC 27406 being tax parcel #134176, in Fentress Township.

G. Revised Rules of Procedure review

H. ADJOURNMENT



GUILFORD COUNTY PLANNING AND DEVELOPMENT

BOARD OF ADJUSTMENT AGENDA

Blue Room, First Floor
Old Guilford County Courthouse
301 W. Market Street
Greensboro, NC 27401
December 1, 2020

Virtual Regular Meeting

6:00 PM

The Guilford County Board of Adjustment met in **(Virtual)** regular session on October 6, 2020 in the Blue Room, Old Guilford County Courthouse, 301 W. Market Street, North Carolina, 27401, commencing at 6:04 p.m.

MEMBERS PRESENT: Ditra Miller, Chair; Bob Lawler; Willie Johnson; Frank Havens, Sebastian King

MEMBERS ABSENT: Carey Campbell

STAFF PRESENT: Matt Talbott and Tonya Hodgin -- Planning & Development Department

Chair Miller welcomed everyone to the meeting and stated they would start the meeting with approval of the October 6, 2020 minutes.

Approval of Minutes: October 6, 2020

Mr. King moved for approval of the October 6, 2020 minutes, seconded by Mr. Johnson. The Board voted unanimously in favor of the motion. (Ayes: Johnson, Lawler, Havens, King, Miller. Nays: None.)

Old Business

None

New Business

Adoption of Meeting Schedule 2021

Mr. Johnson moved to approve the 2021 Meeting Schedule, as submitted, seconded by Mr. Havens. The Board voted unanimously in favor of the motion. (Ayes: Johnson, Campbell, Lawler, Havens, King, Miller. Nays: None.)

Election of Officers - (Chair and Vice Chair)

After some discussion, the Board determined they wished to keep the Board Officers the same - i.e., Ditra Miller - Chair; Willie Johnson - Vice Chair. A motion was made by Mr. Havens, seconded by Mr. King. The Board voted unanimously in favor of the motion. (Ayes: Johnson, Campbell, Lawler, Havens, King, Miller. Nays: None.)

OTHER BUSINESS

None

ADJOURNMENT

There being no further business before the Guilford County Board of Adjustment, the meeting adjourned at 6:11 o'clock p.m.

DM/jd-lb

Staff Report

Case #20-12-GCPL-08139

A. Summary

Ivan & Melissa Handy are requesting a variance from the Guilford County Unified Development Ordinance Article 5.4-B (2), which regulates the location of all detached accessory dwellings to be located at least 10 feet from the principal structure located in the AG Zoning District. The applicants are seeking to convert an existing detached garage on the property into a detached accessory dwelling. There is a single-family home on the property and two accessory structures. The property is located at 7721 Whipple Trail, Greensboro, NC 27455, Greensboro, NC 27455 being tax parcel #139297, in Center Grove Township

B. District Description: RS-40

The AG – Agricultural district is intended to provide locations for agricultural operations, farm residences, and farm tenant housing on large tracts of land. This district is further intended to reduce conflicts between residential and agricultural uses and preserve the viability of agricultural operations. Commercial agricultural product sales – “agritourism” – may be permitted. The minimum lot size of the district is 40,000 square feet.

C. Property Specifics

- a. **Applicant/Property Owner:** Applicant: Ivan & Melissa Handy / Property Owner: Ivan & Melissa Handy
- b. **Property Location:** Located at 7721 Whipple Trail, which is approximately 1,500 feet from the intersection of NC Highway 150 W.
- c. **Legal Description:** Being Guilford County Tax Parcel #139297, which is located in Center Grove Township being approximately 3.7 acres.
- d. **Setbacks AG**
Front street: 40 feet
Side yard: 15 feet
Rear yard: 30 feet

D. Character of the Area

- a. **Existing Land Use(s) on the Property:** Single-family home/detached garages/ accessory building
- b. **Surrounding Uses:**
 - i. North: Single-family Residential.
 - ii. South: Single-family Residential.
 - iii. East: Single-family Residential.
 - iv. West: Single-family Residential.
- c. **Area Visual Survey:** Surrounding uses agricultural & single-family homes with varied setbacks.
- d. **Environmental Impacts:** There is stream on the subject property.

Questions asked under Section 2.7 of the Guilford County Unified Development Ordinance as it relates to variance have been answered in writing.

Date of application:
November 10, 2020

Date adjacent property owner(s) notified:
December 23, 2020

Date sign posted on the subject property:
December 23, 2020

Date posted on County website:
December 23, 2020

Date of hearing:
January 5, 2021

Findings of Facts

Guilford County Development Ordinance Sec. 3.5 (W)

Granting of Variance: A variance may be granted by the Board if evidence presented by the applicant persuades it to reach the following conclusions:

- 1) There are practical difficulties or unnecessary hardships that would result in the way of carrying out the strict letter of this Ordinance. The Board may reach this conclusion if it finds that:
 - a) The applicant complies with the provisions of this Ordinance and can make no reasonable use of his property;
 - b) The hardship of which the applicant complains results from unique circumstances related to the applicant's property;
 - c) The hardship relates to the applicant's property, rather than personal circumstances; and
 - d) The hardship is not the result of the applicant's own actions.
- 2) The variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.
- 3) The granting of the variance assures the public safety and welfare and does substantial justice.

Subject property



Across Street



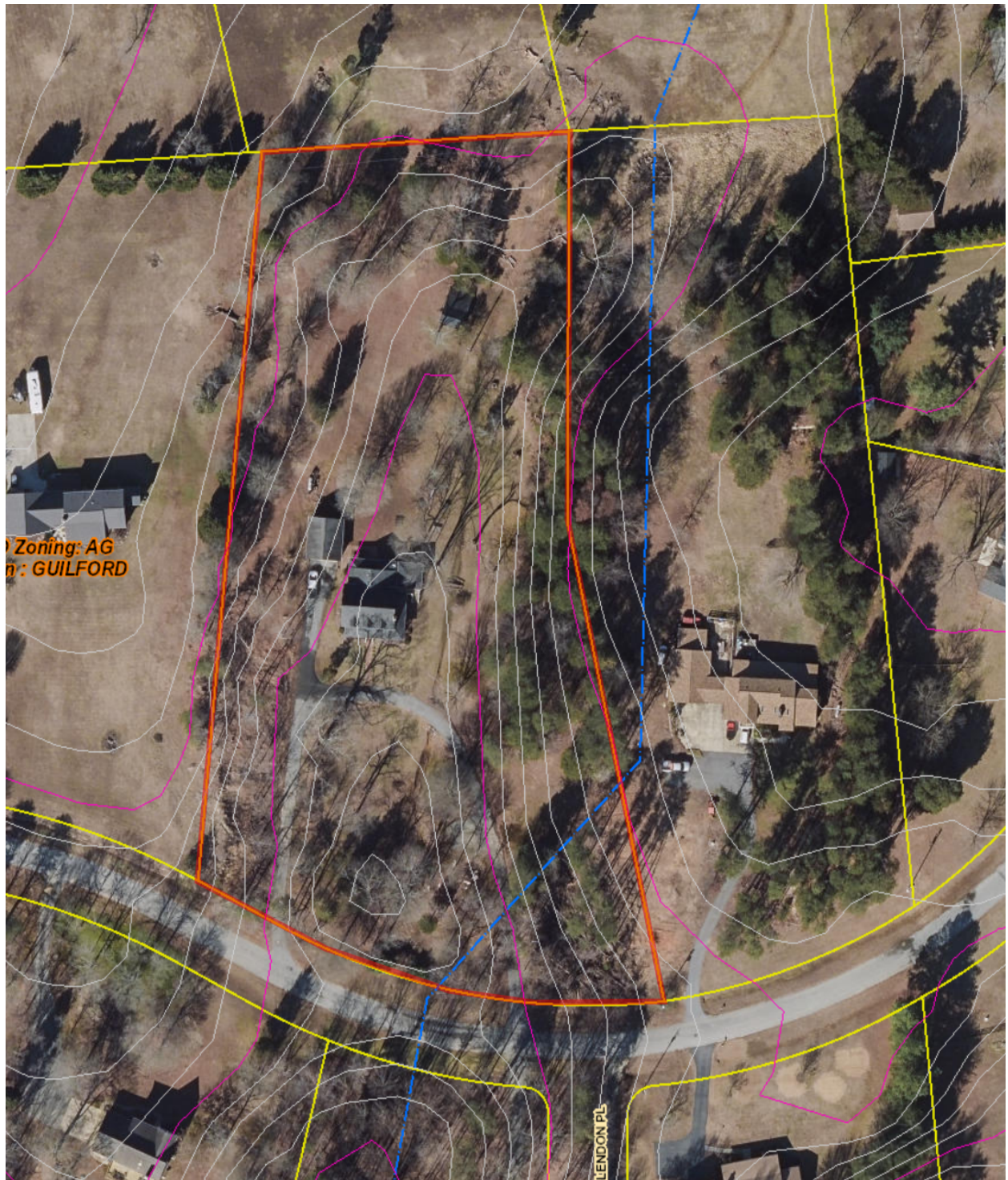
Street view facing West



Street view facing East



Aerial photo





**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

**Board of Adjustment
Variance Application**

Date Submitted: 11-10-20

Fee \$226.00 Receipt # 151080
(includes \$26 recording fee)

Case Number 20-12-jcpl-08139

PROPERTY INFORMATION

Address 7721 Whipple Trail City Greensboro State NC Zip Code 27455
Tax Parcel # 139297 Zoning: A9
Plat Book & Page 70-2 Deed Book & Page 6096-999 Township Center Grove

OWNER INFORMATION

Name IVAN + Melissa Handy Phone Number (336) 391-9770
Address 7721 Whipple Trail City Greensboro State NC Zip Code 27455
Email i handy 1966 @ gmail. com
Owner Signature Ivan Thomas Handy Jr

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

APPLICANT INFORMATION – If not property owner, a notarized statement of permission is required from the property owner.

Name _____ Phone Number _____
Address _____ City _____ State _____ Zip Code _____
Email _____

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

TO THE GUILFORD COUNTY BOARD OF ADJUSTMENT:

I, IVAN Thomas Handy JR, hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Development Ordinance because, under the interpretation given to me by the Enforcement Officer, I am prohibited from using the parcel of land described above in a manner shown by the plot plan attached. I request a variance from the following provisions of the ordinance (cite section numbers):

a one foot variance from the requirements of J-4-B-2 requiring accessory dwelling unit to be at least ten behind the principal building

If the plot plan does not adequately reveal the nature of the variance, the request is more fully described below:

Variance Article 4.3 - Accessory dwelling unit location standard. Requesting to use existing garage which is not located 10 feet behind the Principle dwelling. (it is 9 feet behind) wish to use for handicapp family member. Applicant is seeking a one foot variance from the County's requirements.



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

**Board of Adjustment
Variance Application**

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach four conclusions before it may issue a variance: (1) that unnecessary hardship would result from the strict application of the ordinance; (2) that the hardship results from conditions that are peculiar to the property; (3) that the hardship did not result from actions taken by the applicant or the property owner; and (4) that 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.

In the spaces provided with the conclusions below, indicate competent, material and substantial evidence that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these four conclusions.

- 1) Unnecessary hardship would result from the strict application of the ordinance.

Without the approval of a one foot variance from the accessory dwelling set-back requirements, the applicant would be unable to house his uncle - who is caring for. The relative has health issues and requires a residence that is on a single level. The current home's bedrooms are found on the upper floor of the residence. The relative currently stays in an assisted living facility. Moving him to the property would raise his level of care. If this application is denied, the owner would have to construct another structure to house his relative - at great cost. The current garage has been on the property for 20 years, and converting to a residence would not change the character of the property of the neighborhood. The other option provided to the applicant, attaching the garage with a breezeway, would not work as the resulting dwelling unit would be greater than 25% of the existing residence.

- 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 difference in elevation between the back of the house and the back yard would require significant grading work if another structure would be required to be built, if the variance is denied. Also, the property is prone to flooding and runs off from other properties. This would be a concern if a new structure would have to be added to the site.

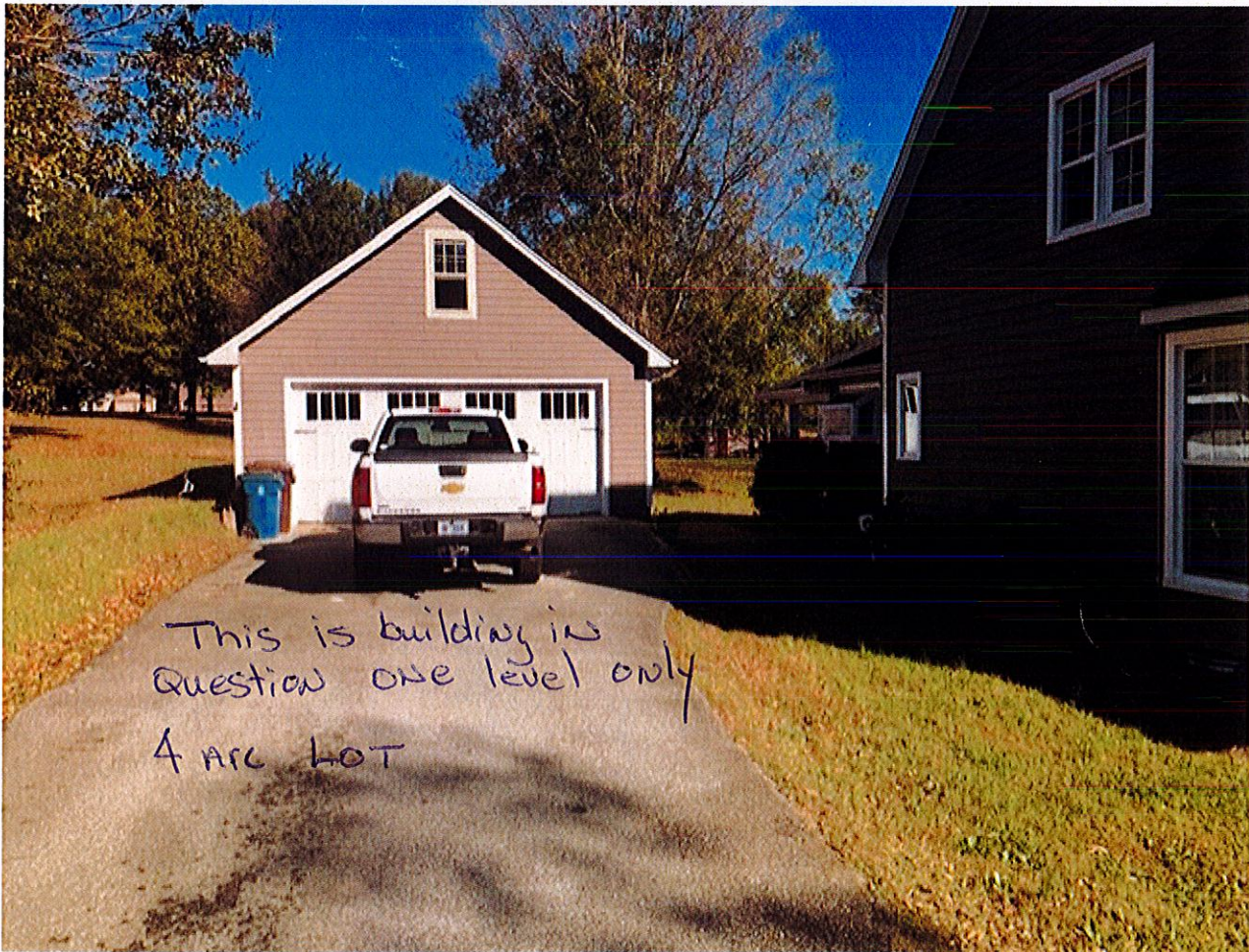
- 3) The hardship did not result from actions taken by the applicant or the property owner. (The act of purchasing property knowing that circumstances exist that may justify the granting of a variance is not regarded as a self-created hardship.)

When we first purchased property we had no intention for this garage to be used as dwelling. Due to circumstances changing with a family member I need space for caregiving of relative.

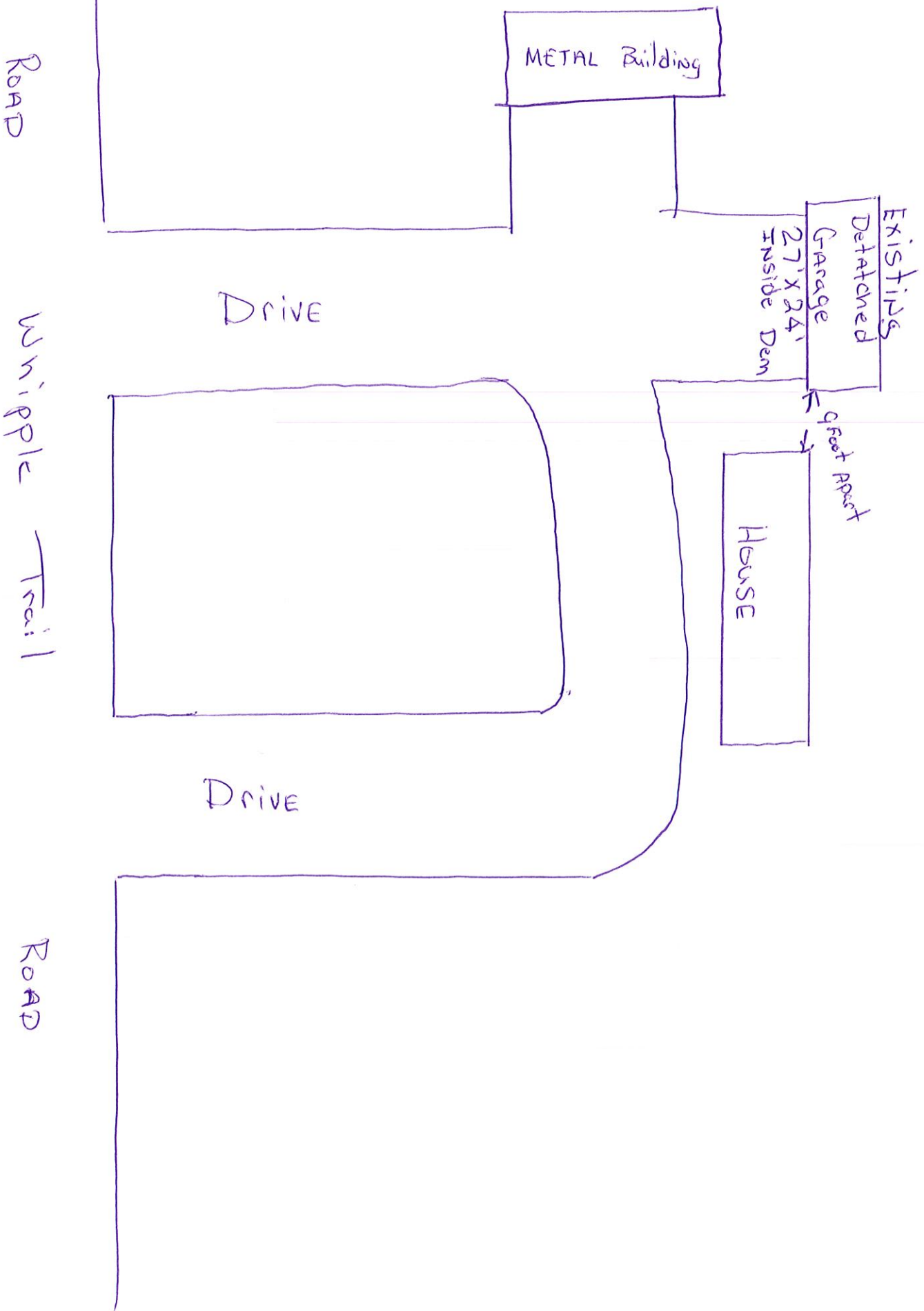
- 4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

The footprint of current garage will not be expanded outer size will not change only want to refinish inside of garage. The existing garage is nine feet away from the home, and very nearly meets the required ten feet requirement for accessory dwelling units. With the character of the area, being homes on large lots, the alteration of the existing garage to a dwelling unit will not have any detrimental impacts on the neighborhood.





I want to finish inside of existing garage for handicapp family member.





GUILFORD COUNTY BOARD OF ADJUSTMENT

ORDER GRANTING/DENYING A VARIANCE

The Guilford County Board of Adjustment, having held a hearing on January 5, 2021 to consider Case Number 20-12-GCPL-08139, submitted by Ivan & Melissa Handy, a request for a variance to use the property located at 7721 Whipple Trail, being Tax Parcel(s) # 139297 in a manner not permissible under the literal terms of the ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS:

1. It is the Board's CONCLUSION that, unnecessary hardship (**will/will not**) 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. This conclusion is based on the following FINDINGS of FACT:

2. It is the Board's CONCLUSION that the hardship (**does/does not**) result 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. This conclusion is based on the following FINDINGS OF FACT:

3. It is the Board's CONCLUSION that the hardship (**does/does 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. This conclusion is based on the following FINDINGS OF FACT:

4. It is the Board's CONCLUSION that the requested variance (**is/is not**) consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This conclusion is based on the following FINDINGS OF FACT:

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE be

☐ **DENIED** or

☐ **GRANTED** subject to the following:

1. Compliance with all local, state, and federal laws.

Staff Report

Case #20-12-GCPL-08140

A. Summary

Barbara Rhoades is requesting a variance from the Guilford County Unified Development Ordinance Article 4.8, which regulates the location of all accessory structures and buildings to be located behind the front building line of the principal structure located in the RS-40 Zoning District. The applicant is seeking to build a new detached garage on the property which would be in front of the principal structure (house). There is a single-family home on the property. The property is located at 5303 Folgers Court, Julian, NC 27283 being tax parcel #123061, in Clay Township.

B. District Description: RS-40

The RS-40 district is primarily intended to accommodate single-family residential detached dwellings on lots in areas without access to public water and sewer services. The minimum lot size of this district is 40,000 square feet. Conservation subdivisions may be developed in this district.

C. Property Specifics

- a. **Applicant/Property Owner:** Applicant: Barbara Rhoades / Property Owner: Barbara Rhoades **Property Location:** Located at 2224 Ledford Rd, at the intersection of Lynwood Dr and Ledford Rd.
- b. **Legal Description:** Being Guilford County Tax Parcel #123061, which is located in Clay Township being approximately .99 acres.
- c. **Setbacks RS-40**
 - Front street:** 40 feet
 - Side yard:** 15 feet
 - Rear yard:** 30 feet

D. Character of the Area

- a. **Existing Land Use(s) on the Property:** Single-family home
- b. **Surrounding Uses:**
 - i. North: Single-family Residential.
 - ii. South: Single-family Residential.
 - iii. East: Single-family Residential.
 - iv. West: Single-family Residential.
- c. **Area Visual Survey:** Surrounding uses agricultural & single-family homes with varied setbacks.
- d. **Environmental Impacts:** There are no streams on the subject property.

Questions asked under Section 2.7 of the Guilford County Unified Development Ordinance as it relates to variance have been answered in writing.

Date of application:
November 30, 2020

Date adjacent property owner(s) notified:
December 23, 2020

Date sign posted on the subject property:
December 23, 2020

Date posted on County website:
December 23, 2020

Date of hearing:
January 5, 2021

Findings of Facts

Guilford County Development Ordinance Sec. 3.5 (W)

Granting of Variance: A variance may be granted by the Board if evidence presented by the applicant persuades it to reach the following conclusions:

- 1) There are practical difficulties or unnecessary hardships that would result in the way of carrying out the strict letter of this Ordinance. The Board may reach this conclusion if it finds that:
 - a) The applicant complies with the provisions of this Ordinance and can make no reasonable use of his property;
 - b) The hardship of which the applicant complains results from unique circumstances related to the applicant's property;
 - c) The hardship relates to the applicant's property, rather than personal circumstances; and
 - d) The hardship is not the result of the applicant's own actions.
- 2) The variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.
- 3) The granting of the variance assures the public safety and welfare and does substantial justice.

Subject property



Across Street



Street view facing West



Street view facing East



Aerial photo





**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

**Board of Adjustment
Variance Application**

Date Submitted: Nov. 30, 2020

Fee \$226.00 Receipt # 151078
(includes \$26 recording fee)

Case Number 20-12-gpi-08144

PROPERTY INFORMATION

Address 5303 Folgers Court City Julian State NC Zip Code 27283
Tax Parcel # 1 2 3 0 6 1 Zoning: RS-YO
Plat Book & Page 92-83 Deed Book & Page 83 Township Clay

OWNER INFORMATION

Name Barbara B. Rhoades Phone Number 336-337-5748
Address 5303 Folgers Ct. City Julian State NC Zip Code 27283
Email rhoadesbarbara@att.net
Owner Signature Barbara B. Rhoades

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

APPLICANT INFORMATION – If not property owner, a notarized statement of permission is required from the property owner.

Name Barbara B. Rhoades Phone Number 336-337-5748
Address 5303 Folgers Ct City Julian State NC Zip Code 27283
Email rhoadesbarbara@att.net
Applicant Signature Barbara B. Rhoades

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

TO THE GUILFORD COUNTY BOARD OF ADJUSTMENT:

I, Barbara B. Rhoades, hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Development Ordinance because, under the interpretation given to me by the Enforcement Officer, I am prohibited from using the parcel of land described above in a manner shown by the plot plan attached. I request a variance from the following provisions of the ordinance (cite section numbers):

Accessing structure in front of primary structure 4.8

If the plot plan does not adequately reveal the nature of the variance, the request is more fully described below:

The request for issuance of variance relates to unnecessary hardship of the inability to manipulate existing septic, utility, and drainage easements.



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

**Board of Adjustment
Variance Application**

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach four conclusions before it may issue a variance: (1) that unnecessary hardship would result from the strict application of the ordinance; (2) that the hardship results from conditions that are peculiar to the property; (3) that the hardship did not result from actions taken by the applicant or the property owner; and (4) that 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.

In the spaces provided with the conclusions below, indicate competent, material and substantial evidence that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these four conclusions.

- 1) Unnecessary hardship would result from the strict application of the ordinance.

The request for the issuance of variance relates to the unnecessary hardship of the inability to build without existing septic, utility lines, and drainage easement on the property. The specific hardship would result in.

- 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 hardship results from conditions that are peculiar to topography which will affect water drainage easement designed to prevent flooding on the property and neighboring properties. The current water drainage pipeline is routed through the property to prevent flooding which affects three neighboring properties.

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

As the property owner and applicant, I was unaware of the existing hardship before pursuing the necessary documents for building permit and the property assessment was complete. By no means is the hardship self-centered.

- 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.

The requested variance is consistent with the spirit, purpose, and intent of the ordinance such that it protects the safety of my fellow neighbors' livelihood and property as well as substantial justice is achieved. Any planning that involves rerouting the drain and utility easement would result in neighbors making changes to their property which would be an unfair act of justice.



GUILFORD COUNTY PLANNING AND DEVELOPMENT

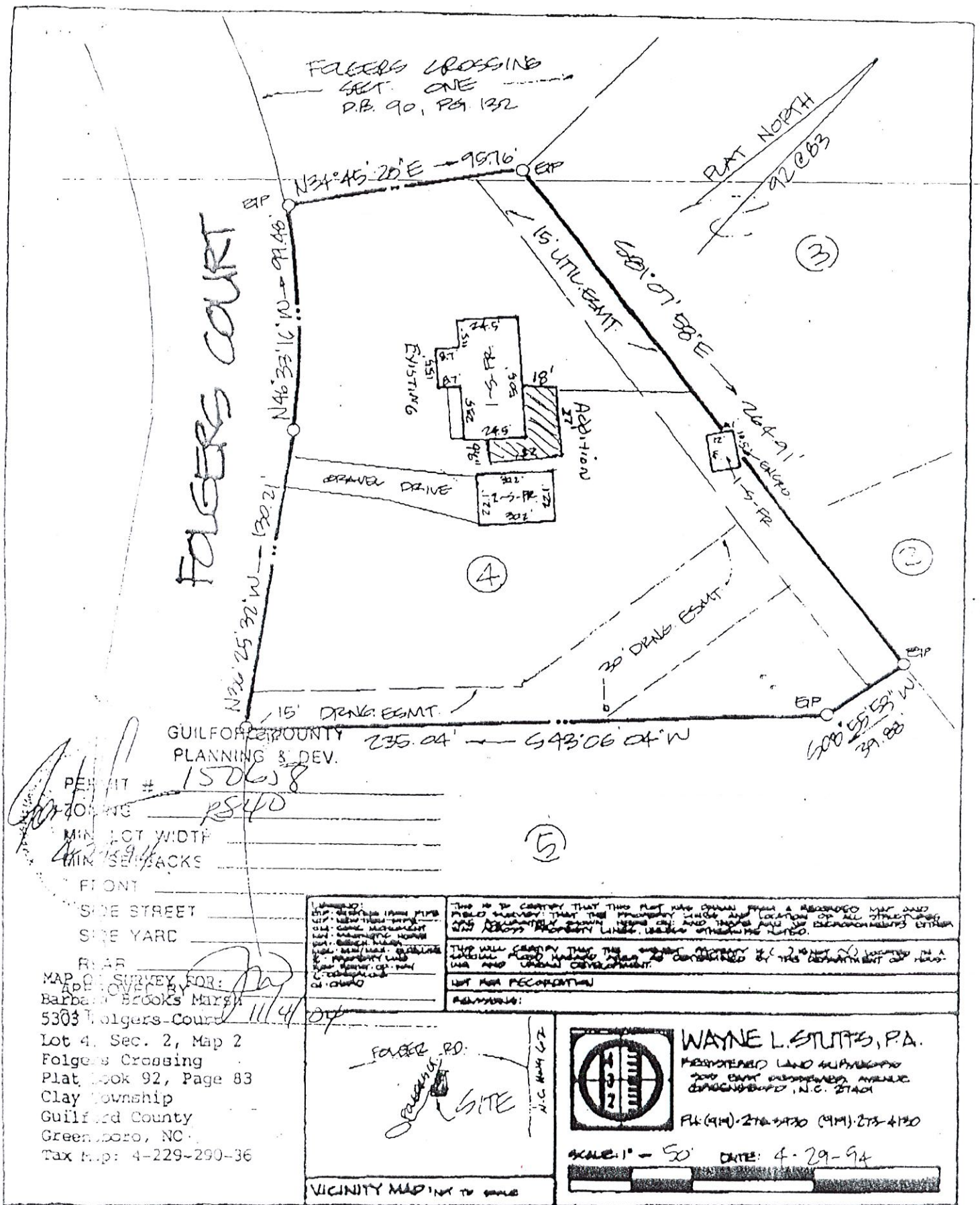
Board of Adjustment Variance Application

BOARD OF ADJUSTMENT CHECKLIST

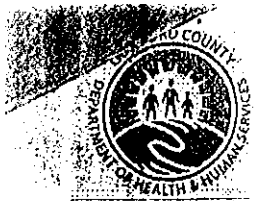
The following is a list of materials and information which you must submit in order to have your case presented at the Board of Adjustment meeting. Failure to comply with all of the following may result in the case being delayed. Refer to the Meeting Schedule below for submittal deadlines and meeting dates.

- ✓ 1. Completed application.
- ✓ 2. Required fee paid.
- ✓ 3. Site/Plot Plan drawn to scale showing the property as it exists and with any proposed additions, structures, buildings, driveways, well, septic system, and abutting streets.
- ✓ 4. Written statement outlining the request and any information you wish to present to the Board for their consideration, optional.
- ✓ 5. Provide a minimum of 4, maximum of 6 photographs showing the area affected by your appeal. Graphics or architectural sketches may be used to fill this requirement. Additional information may be provided at the hearing.
- ✓ 6. If applicable, approval from the Guilford County Environmental Health Division, contact them at 336-641-7613.

Refer to the Guilford County Meeting Schedule for BOA meeting dates.

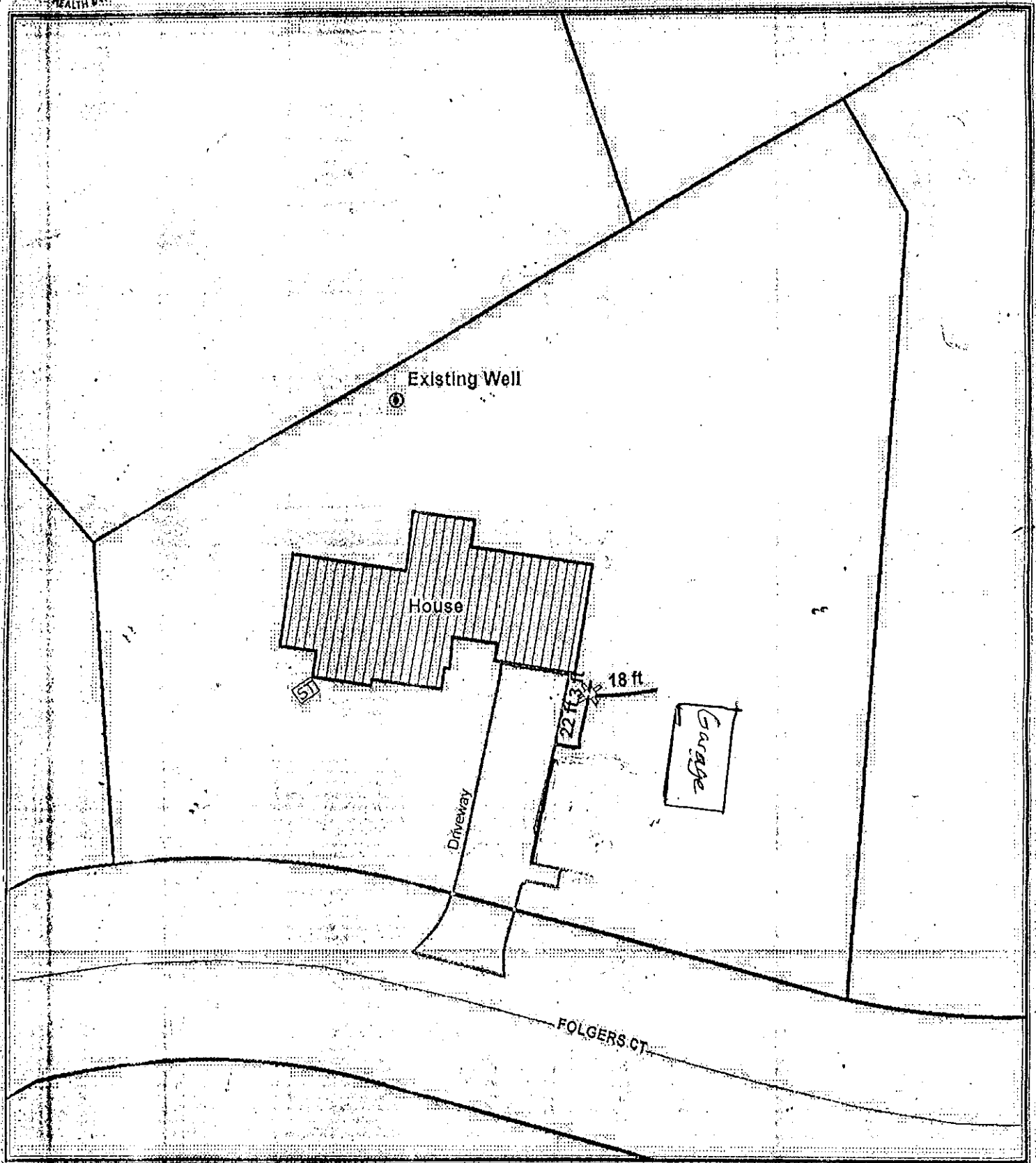


Barbara Rhoades
5303 Folgers Ct
Julian, NC 27283



New Revised Site Plan
NN. 10, 2020

Proposed Garage Diagram



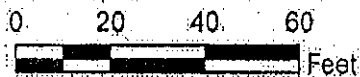
Address: 5303 Folgers Ct

Permit #: 20-10-SAHR-07158

Issuer's Initials: KDW

Date: 10/29/2020

Barbara Rhoades



1 inch = 40 feet

DISCLAIMER:

The data shown in this map is for public use. Guilford County makes no warranty to its accuracy; all data sets and maps are for geographical representation only.

Barbara Rhoades
5303 Folgers Ct.
Julian, NC
27283

(1)
of 5
Pictures

336-337-5748



This picture shows the flags marking utility lines that prohibit this area use. Circled in red are the flags

Barbara Rhoades
5303 Folgers Ct.
Julian, NC
27283

336) 337-5748

2



Utility Lines leading to the power box from around the house
Circled in Red are utility flags Marked by 811

Barbara Rhoades
5303 Folgers Ct.
Julian NC
27283

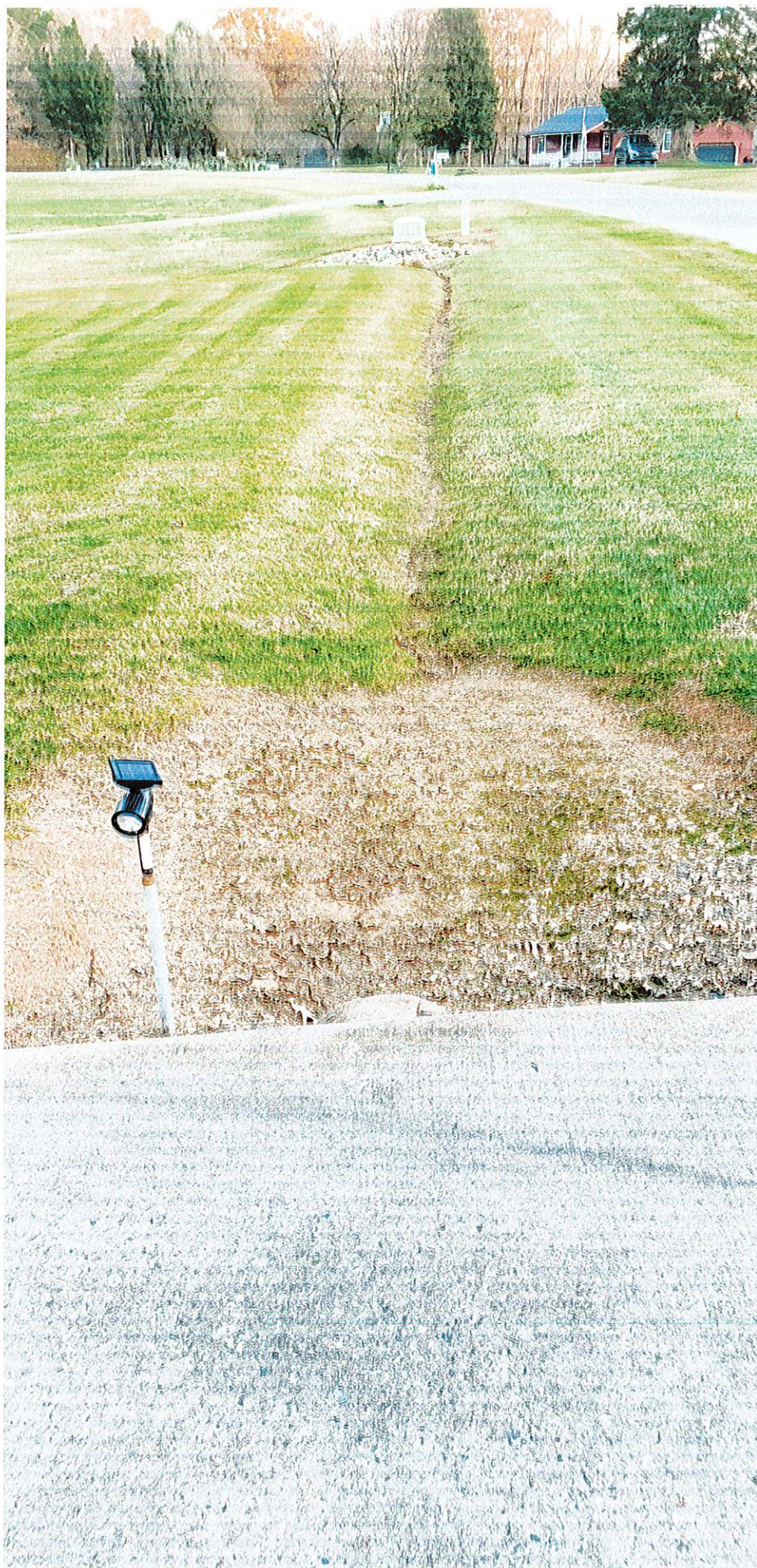
Septic
markings by
Guilford Co
Environment Health



Barbara Rhoades
5303 Folgers Ct
Julian, NC
27283

336) 337-5748

4



Drainage Easement 15-30 inches

Barbara Rhoades
5303 Folgers Ct.
Julian NC
27283
336) 337-5748

5



Utility Box easement leading to drainage easement 30 inches

GUILFORD COUNTY BOARD OF ADJUSTMENT

ORDER GRANTING/DENYING A VARIANCE

The Guilford County Board of Adjustment, having held a hearing on January 5, 2021 to consider Case Number 20-12-GCPL-08144, submitted by Barbara Rhoades, a request for a variance to use the property located at 5303 Folgers Court, being Tax Parcel(s) # 123061 in a manner not permissible under the literal terms of the ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS:

1. It is the Board's CONCLUSION that, unnecessary hardship (**will/will not**) 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. This conclusion is based on the following FINDINGS of FACT:

2. It is the Board's CONCLUSION that the hardship (**does/does not**) result 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. This conclusion is based on the following FINDINGS OF FACT:

3. It is the Board's CONCLUSION that the hardship (**does/does 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. This conclusion is based on the following FINDINGS OF FACT:

4. It is the Board's CONCLUSION that the requested variance (**is/is not**) consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This conclusion is based on the following FINDINGS OF FACT:

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE be

☐ **DENIED** or

☐ **GRANTED** subject to the following:

1. Compliance with all local, state, and federal laws.
-
-
-
-

Staff Report

Case #20-12-GCPL-08140

A. Summary

Jacob Dunkelberger is requesting a variance from the Guilford County Unified Development Ordinance Article 4.2.2, side and front street setback, to reduce the minimum street setback to 15 feet instead of the required 40 feet in the RS-40 Zoning District. The property is currently vacant. The applicant is proposing a new single-family home to be built. The property is located at 2224 Ledford Rd, Greensboro, NC 27406 being tax parcel #134176, in Fentress Township.

B. District Description: RS-40

The RS-40 district is primarily intended to accommodate single-family residential detached dwellings on lots in areas without access to public water and sewer services. The minimum lot size of this district is 40,000 square feet. Conservation subdivisions may be developed in this district.

C. Property Specifics

- a. **Applicant/Property Owner:** Applicant: Jacob Dunkelberger / Property Owner: Jacob Dunkelberger
- b. **Property Location:** Located at 2224 Ledford Rd, at the intersection of Lynwood Dr and Ledford Rd.
- c. **Legal Description:** Being Guilford County Tax Parcel #134176, which is located in Fentress Township being approximately .67 acres.
- d. **Setbacks RS-40**
 - Front street:** 40 feet
 - Side yard:** 15 feet
 - Rear yard:** 30 feet

D. Character of the Area

- a. **Existing Land Use(s) on the Property:** Single-family home
- b. **Surrounding Uses:**
 - i. North: Single-family Residential.
 - ii. South: Single-family Residential.
 - iii. East: Vacant
 - iv. West: Single-family Residential.
- c. **Area Visual Survey:** Surrounding uses agricultural & single-family homes with varied setbacks.
- d. **Environmental Impacts:** There are streams on the subject property.

Questions asked under Section 2.7 of the Guilford County Unified Development Ordinance as it relates to variance have been answered in writing.

Date of application:
December 1, 2020

Date adjacent property owner(s) notified:
December 23, 2020

Date sign posted on the subject property:
December 23, 2020

Date posted on County website:
December 23, 2020

Date of hearing:
January 5, 2021

Findings of Facts

Guilford County Development Ordinance Sec. 3.5 (W)

Granting of Variance: A variance may be granted by the Board if evidence presented by the applicant persuades it to reach the following conclusions:

- 1) There are practical difficulties or unnecessary hardships that would result in the way of carrying out the strict letter of this Ordinance. The Board may reach this conclusion if it finds that:
 - a) The applicant complies with the provisions of this Ordinance and can make no reasonable use of his property;
 - b) The hardship of which the applicant complains results from unique circumstances related to the applicant's property;
 - c) The hardship relates to the applicant's property, rather than personal circumstances; and
 - d) The hardship is not the result of the applicant's own actions.
- 2) The variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.
- 3) The granting of the variance assures the public safety and welfare and does substantial justice.

Subject property



Across Street



Street view facing West



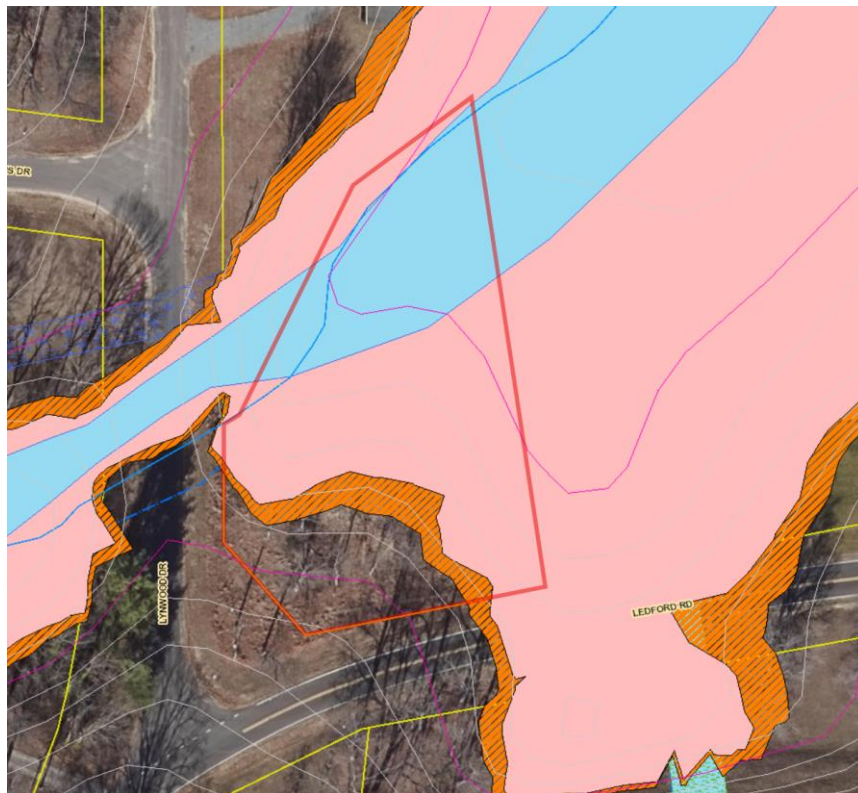
Street view facing East



Aerial photo



Floodplain





**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

**Board of Adjustment
Variance Application**

Date Submitted: 12-1-20 Fee \$226.00 Receipt # 151076 Case Number 20-12-gcp1-08140
(includes \$26 recording fee)

PROPERTY INFORMATION

Address 2224 Ledford Rd. City Greensboro State NC Zip Code 27406
Tax Parcel # 134176 Zoning: RS40
Plat Book & Page 31-70 Deed Book & Page 31-70 Township Fenwick

OWNER INFORMATION

Name Jacob Dunkelberger Phone Number (336) 420-8745
Address 4238 Harvard Ave City Greensboro State NC Zip Code 27407
Email jakedunk@gmail.com
Owner Signature [Signature]

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

APPLICANT INFORMATION – If not property owner, a notarized statement of permission is required from the property owner.

Name _____ Phone Number _____
Address _____ City _____ State _____ Zip Code _____
Email _____

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

TO THE GUILFORD COUNTY BOARD OF ADJUSTMENT:

I, Jacob Dunkelberger, hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Development Ordinance because, under the interpretation given to me by the Enforcement Officer, I am prohibited from using the parcel of land described above in a manner shown by the plot plan attached. I request a variance from the following provisions of the ordinance (cite section numbers):

Dimensional Requirements Sec. 4.2.2 (Street Setbacks)

If the plot plan does not adequately reveal the nature of the variance, the request is more fully described below:

We are requesting a 15' variance from the current 40' setback. Because of the floodplain and an odd shaped corner lot, the 40' setback is preventing us from building the house that can sit safely out of the flood zone. Side and front street setbacks.



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

**Board of Adjustment
Variance Application**

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach four conclusions before it may issue a variance: (1) that unnecessary hardship would result from the strict application of the ordinance; (2) that the hardship results from conditions that are peculiar to the property; (3) that the hardship did not result from actions taken by the applicant or the property owner; and (4) that 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.

In the spaces provided with the conclusions below, indicate competent, material and substantial evidence that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these four conclusions.

- 1) Unnecessary hardship would result from the strict application of the ordinance.

without a variance we may not be able to build on the lot. However, we are hoping to build so that we can be next to family. Front and side street setbacks of 40' hinder placement of home.

- 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.)

This lot has both a floodplain and utility easements that push the buildable area into the front of the property. Also the amendment to the Flood damage prevention ordinance in 2017 decreased the buildable area of the lot. Guilford County passed this amendment in 2017.

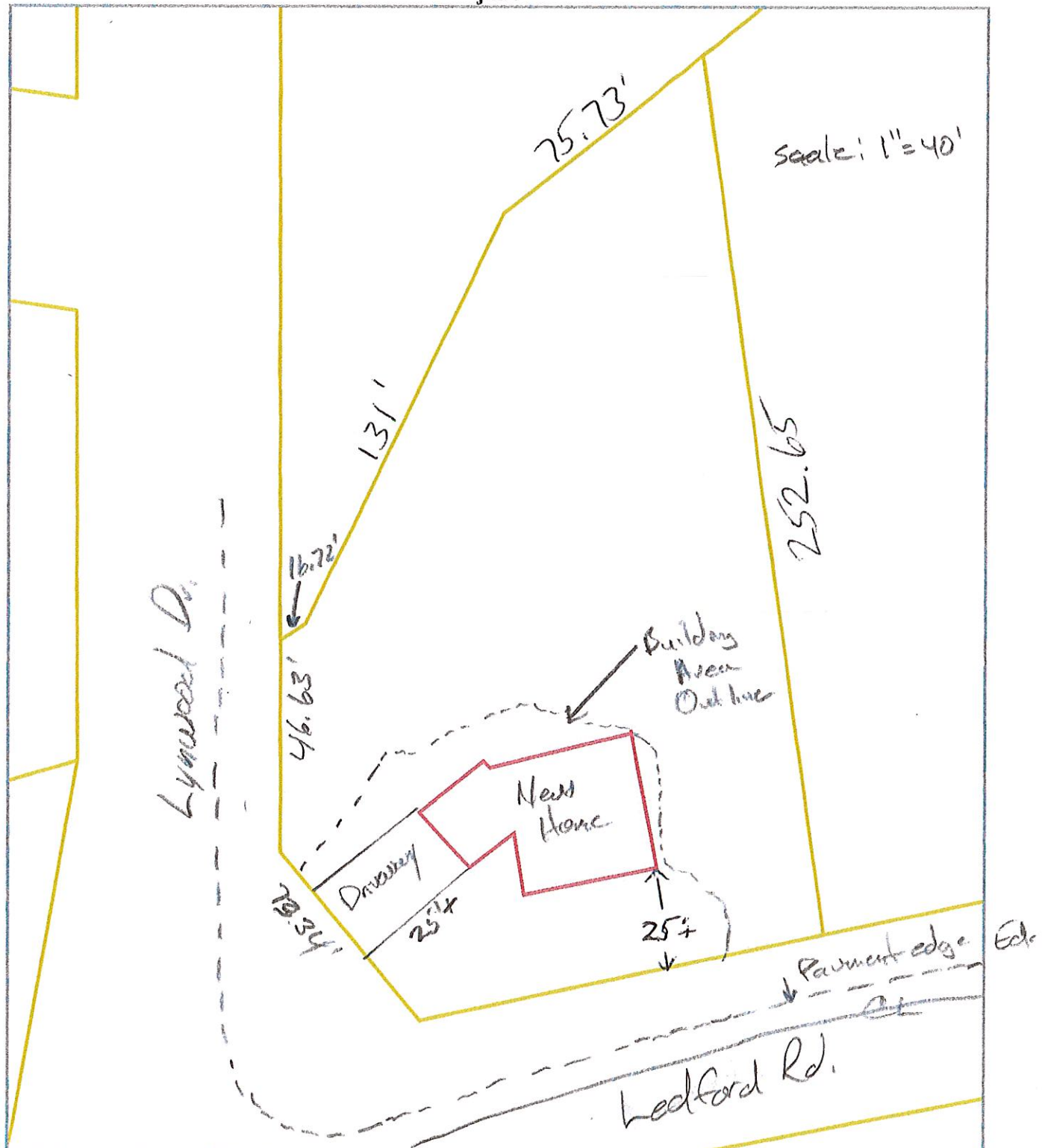
- 3) The hardship did not result from actions taken by the applicant or the property owner. (The act of purchasing property knowing that circumstances exist that may justify the granting of a variance is not regarded as a self-created hardship.)

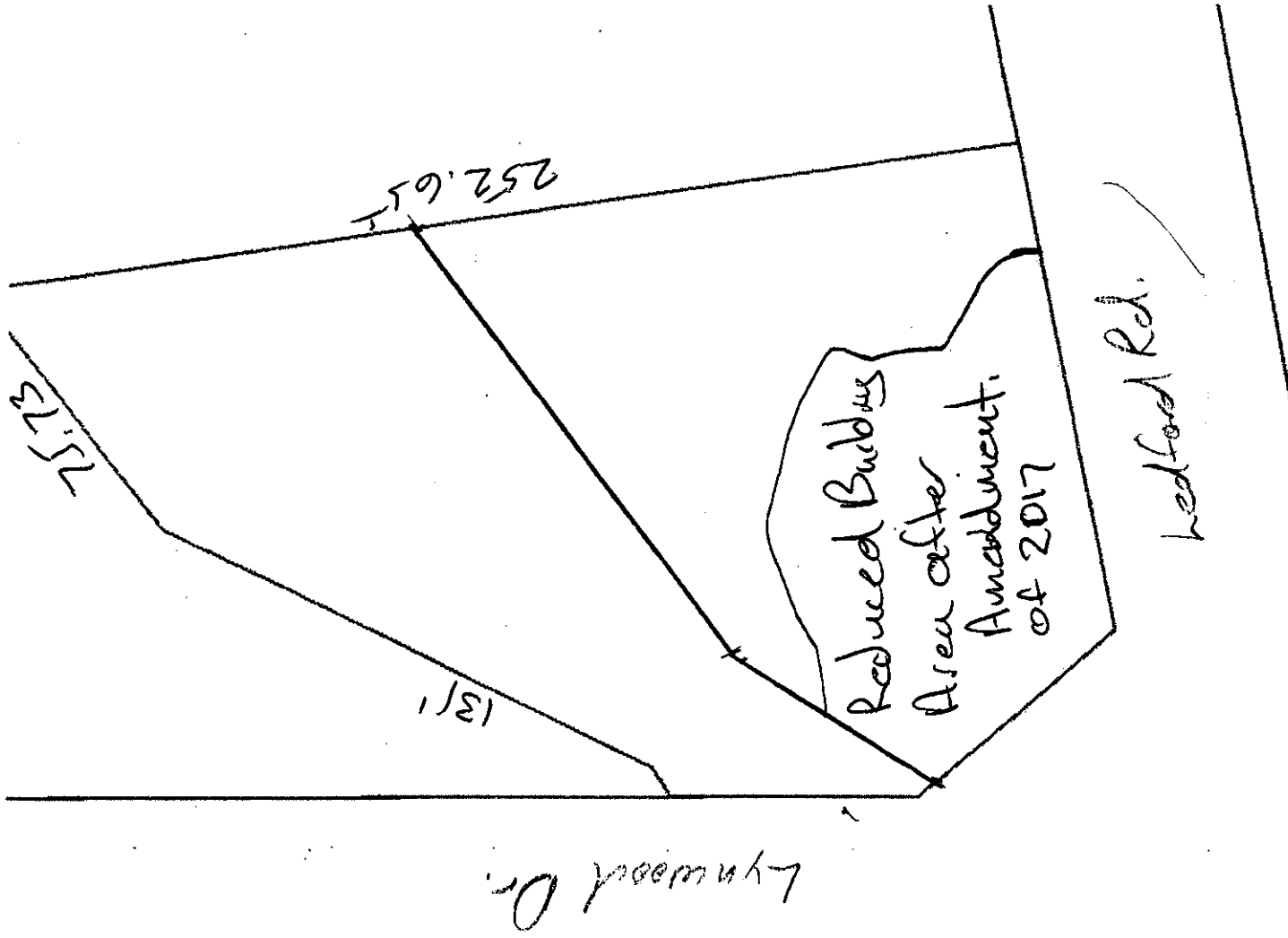
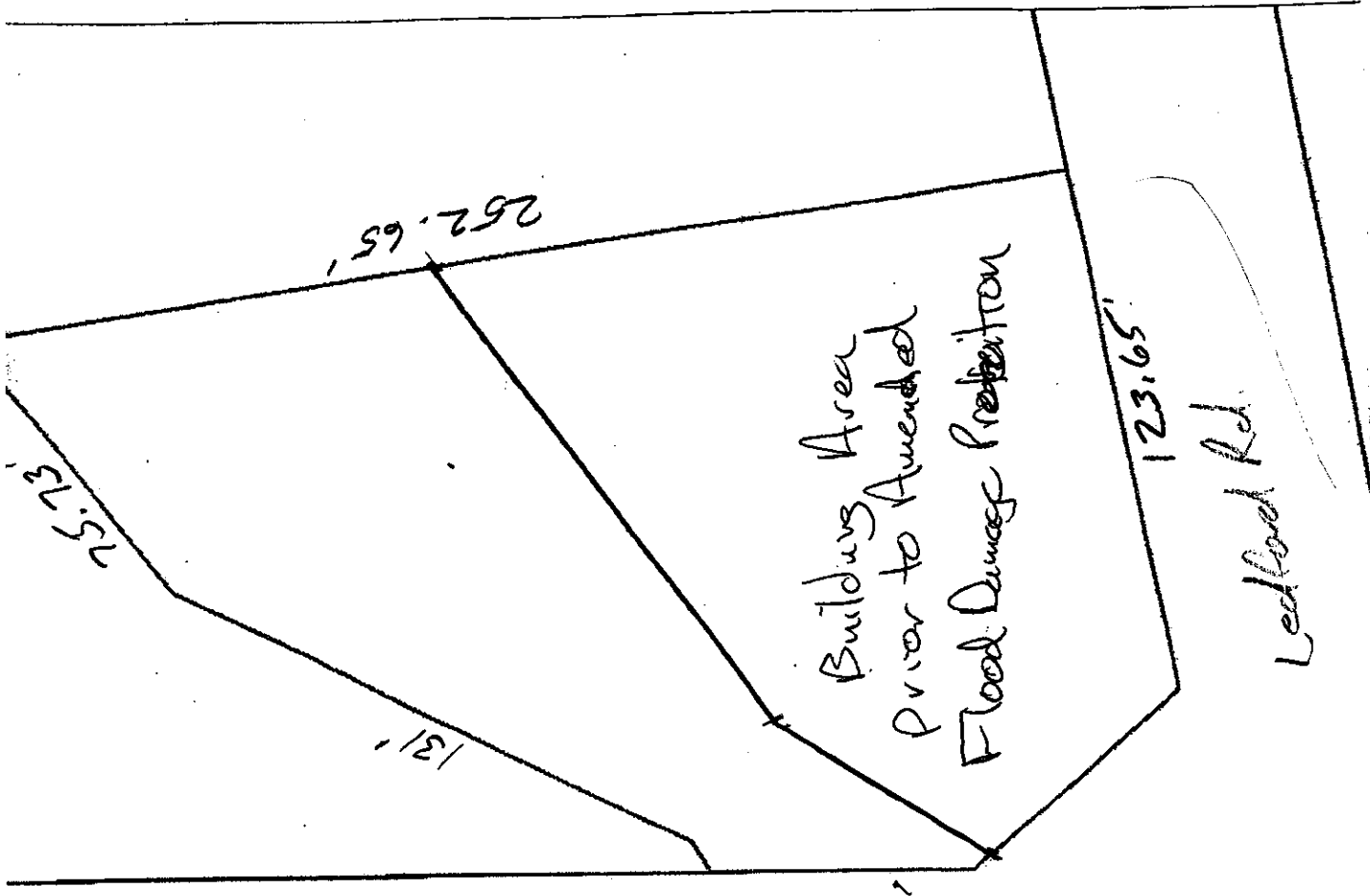
These hardships are from the natural lay of the land being a corner lot and the easements placed across the lot. And the amended Flood damage prevention ordinance.

- 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.

If the variance is granted it will allow us to build a home on the property and we'll still be a significant and safe distance from the street. Will not be sight obstruction.

Plot Plan Ser: 2224 Ledford Rd
Greensboro NC 27406





jake





Google Earth View of Property



The land across the street owned by the
Homeowners association.

To the South of the lot.



East View on Leedford



West View on Ledford.

BK: R 8369
PG: 1956 - 1958
RECORDED:
11/25/2020
02:35:50 PM
ASSISTANT-GB
BY: CINDY L BENNETT

2020076575
GUILFORD COUNTY, NC
JEFF L. THIGPEN
REGISTER OF DEEDS

NC FEE \$26.00
STATE OF NC
REAL ESTATE
EXTX \$25.00

Excise Tax: \$ 25.00

Parcel/Tax ID Number: 134176 & 134177

Prepared By: Jay W. Wagner – Fisher Wagner, PLLC
Pickup – Wagner - HP

The real property hereby conveyed ☐ includes (☒ does not include) the primary residence of the Grantor.
The real property conveyed hereby is insured by an owner's policy of title insurance with: Investors Title Ins. Co.

NORTH CAROLINA TRUSTEE'S DEED

THIS DEED made this the 25th day of November, 2020 by and between:

GRANTOR	GRANTEE
Thomas R. Woodard Revocable Trust 14 Hatteras Ct. Greensboro, NC 27455	Jacob Kirk Dunkelberger 4238 Harvard Av. Greensboro, NC 27407

WHEREAS, Thomas R. Woodard died February 24, 2020 (see Guilford County estate file # 2020 E 1257) leaving, among other property, all real property to the Thomas R. Woodard Revocable Trust (herein, the Trust); and

WHEREAS, the Trust gives Steven T. Woodard, the Trustee, the power to convey real property.

NOW THEREFORE, the Trustee as Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee(s) in fee simple and in equal shares, all that certain lot or parcel of real property situated in or near the City of Greensboro, Fentress Township, Guilford County, North Carolina and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

submitted electronically by "Fisher Wagner"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Guilford County Register of Deeds.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee(s) in Fee Simple.

Grantor, as Trustee, does hereby covenant that he has not placed or suffered to be placed any presently existing lien or encumbrance on the premises conveyed by this deed and that he will warrant and defend the title to the same against the lawful claims of all persons claiming by, through, or on account of him, but not further.

IN WITNESS WHEREOF, the Grantor(s) has duly executed the foregoing as of the day and year first above written.

Thomas R. Woodard Revocable Trust

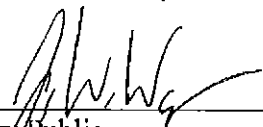
 Trustee (SEAL)
By: Steven T. Woodard, Trustee

STATE OF NORTH CAROLINA

GUILFORD COUNTY

I, Jay W. Wagner a Notary Public for said County and State, do hereby certify that Steven T. Woodard personally came before me this day and acknowledged that he is Trustee of the Thomas R. Woodard Revocable Trust, and that he, as Trustee, being authorized to do so, executed the foregoing on behalf of the Trust.

Witness my hand and official stamp or seal, this 25th day of November, 2020.


Notary Public
My Commission Expires 6-19-2021

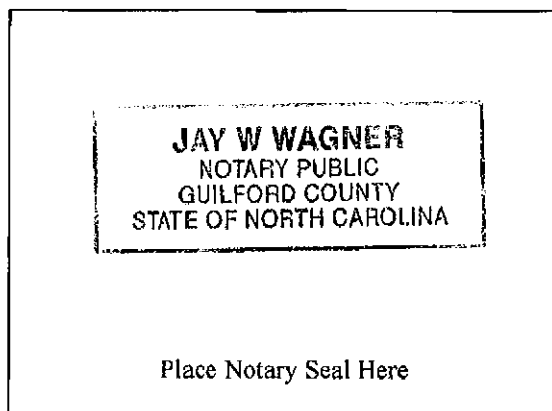


Exhibit A

Legal Description

All of Lots 245 & 246 of Lynwood Lakes Subdivision, plat of which is recorded in the Office of the Register of Deeds of Guilford County, North Carolina in Plat Book 31, Page 70.

GUILFORD COUNTY BOARD OF ADJUSTMENT

ORDER GRANTING/DENYING A VARIANCE

The Guilford County Board of Adjustment, having held a hearing on January 5, 2021 to consider Case Number 20-12-GCPL-08140, submitted by Jacob Dunkelberger, a request for a variance to use the property located at 2224 Ledford Rd, being Tax Parcel(s) # 134176 in a manner not permissible under the literal terms of the ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS:

1. It is the Board's CONCLUSION that, unnecessary hardship (**will/will not**) 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. This conclusion is based on the following FINDINGS of FACT:

2. It is the Board's CONCLUSION that the hardship (**does/does not**) result 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. This conclusion is based on the following FINDINGS OF FACT:

3. It is the Board's CONCLUSION that the hardship (**does/does 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. This conclusion is based on the following FINDINGS OF FACT:

4. It is the Board's CONCLUSION that the requested variance (**is/is not**) consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This conclusion is based on the following FINDINGS OF FACT:

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE be

☐ **DENIED** or

☐ **GRANTED** subject to the following:

1. Compliance with all local, state, and federal laws.
-
-
-
-