

BOARD OF ADJUSTMENT

MINUTES

Thursday, May 24, 2018

The Blowing Rock Board of Adjustment met on Thursday, May 24, 2018 at 5:30 p.m. Members present were Dr. Charles Davant, Laurin Carter, Suzanne Wilson, Tom Dixson, and EB Springs. Members Buz Helms and Harrison Herbst were absent. Staff present were Planning Director Kevin Rothrock and Planning and Zoning Support Specialist Tammy Bentley.

Chairman Davant called the meeting to order at 5:30 p.m.

APPROVE MINUTES:

Mr. Springs made a motion to approve the minutes from April, 2017. Ms. Wilson seconded the motion. All were in favor of the motion.

Members Lance Campbell and Lee Rocamora were sworn to the Board.

ELECTION OF OFFICERS:

Mr. Springs nominated Dr. Davant as Chairman, seconded by Mr. Dixson. Dr. Davant accepted the nomination. All members were in favor of the nomination.

Mr. Springs nominated Mr. Dixson as Vice-Chair, seconded by Ms. Wilson. Mr. Dixson accepted the nomination. All members were in favor of the nomination.

Variance 2018-01 Al Ernest

Kevin Rothrock and Mr. Ernest were sworn in for testimony to the Board.

Mr. Rothrock reviewed the staff report. Mr. Al Ernest is requesting a setback variance of 2.13 feet from the standard 8 foot setback from the rear property line for a garage addition. This property is located at 126 Henkel Street and further identified by Watauga County PIN 2817-06-4130-000. The property is zoned R-6M, Multi-family.

Ms. Carter asked the standard size of a garage. Mr. Rothrock said he did not find a standard size. Mr. Dixson said he thinks the standard is 24' by 24'.

Dr. Davant asked Mr. Ernest how long he has lived in this property. Mr. Ernest said since December, 2007. He said he built it as a spec house, but moved into the house due to the proximity to medical facilities. He added that his wife was pregnant at the time and the location of their primary home, on Junaluska Road, had difficult access during inclement weather.

Mr. Dixson asked if this will affect only part of the planter. Mr. Ernest said yes and showed the Board a plat of the property. Mr. Springs asked if the planter is unchanged. Mr. Ernest said the planter is being removed.

Mr. Ernest said that the garage takes out part of the porch; the porch becomes garage. Mr. Ernest explained the location of the garage. He said he doesn't want to go less than 22' by 22' and that some paving will be removed and that area will become garden area.

Mr. Springs asked if Mr. Ernest had contacted his neighbors. Mr. Ernest said yes; that they are all friendly. Mr. Springs asked if they want garages. Mr. Ernest said that when he bought the property that this was his driveway only, and that later two neighbors asked to use his driveway for access. Mr. Ernest agreed if they would pave the driveway, to which they agreed.

Mr. Rothrock said there is some history to this subdivision, which was originally platted in 1997. The original road did not meet Town requirements as there was not enough room for a turn-around and the access from Ransom Street was too steep for driveways.

Dr. Davant asked if a one-car garage could be built without a variance. Mr. Ernest said maybe, but he has 2 cars. Mr. Rothrock said he did not know if it could be built without a variance, but he thinks it would be difficult.

Mr. Springs asked Mr. Ernest how many owners use this drive. Mr. Ernest said 3. Mr. Springs asked if any of the lots are vacant. Mr. Ernest said no. Mr. Springs asked Mr. Ernest if he had spoken to the other property owners. Mr. Ernest said yes and that this will not affect them at all. He added that removing the planter will make more room.

Mr. Rothrock said the Board must determine facts from the testimony given and apply the facts to criteria. Then the Board could vote on the request.

Mr. Dixson made a motion to close the public hearing. Ms. Wilson seconded the motion. All were in favor of the motion.

The Board determined the following facts:

1. Properties within 150 feet of the subject received public notice, twice.
2. The southwest corner of the garage needs a full variance.
3. Mr. Ernest spoke with neighbors and POA and there is no objection.
4. Access to the property is a private drive.

The Board applied the facts to (a). **All members agreed.**

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

The Board applied the facts to (b). **All members agreed.**

- (b) 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 Board applied the facts to (c). **All members agreed.**

- (c) 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 Board applied the facts to (d). **All members agreed.**

- (d) The requested variance is consistent with the spirit, purpose, and intent of the regulations, such that public safety is secured, and substantial justice achieved. Substantial justice is not achieved when granting the variance would be injurious to the neighborhood or to the general welfare.

*Dr. Davant made a motion to grant the variance on the condition that all exhibits are made part of the permanent record, seconded by Mr. Springs. **All members were in favor of the motion.***

Mr. Rothrock told the Board that he would prepare the order.

With no further business, the Board adjourned at 6:18 p.m.

Dr. Charles Davant, Chairman

Tammy Bentley, Planning & Zoning
Support Specialist