

ONslow COUNTY BOARD OF ADJUSTMENT MEETING MINUTES

March 26, 2019

Onslow County Government Center

Commissioners' Chambers

234 NW Corridor Blvd., Jacksonville, NC 28540

BOARD MEMBERS WERE PRESENT:

Ms. Amy Buchanan

Mr. John Smith, Vice Chairman

Mr. Jerome Shaw, Chairman

Ms. Marilyn Bunce

Mr. Jeff Brown

PLANNING AND DEVELOPMENT DEPARTMENT MEMBERS PRESENT:

Angie Manning, Land Use Administrator

Jennifer Ansell, Chief Zoning Officer

Kourtney Powell, Administrative Assistant

I. MEETING CALLED TO ORDER

Mr. Jerome Shaw, Chairman, called the meeting to order at 6:30 p.m.

II. INVOCATION

Mr. Jerome Shaw pronounced the invocation.

III. PLEDGE OF ALLEGIANCE

Mr. Smith led all present in the Pledge of Allegiance.

IV. NEW BUSINESS

- A. VAR-2019-00002—Larry and Connie Griffin are requesting a Variance from the front setback requirements of Article X, Section 1008, Golden Acres Subdivision at 346 Waterway Drive in Sneads Ferry, NC, Parcel ID 774C-34:**

Ms. Manning provided an overview of the application VAR-2019-00002.

Applicant: Larry and Connie Griffin

Summary of proposal: Mr. Larry and Mrs. Connie Griffin are requesting a Variance from the front setback requirements of Article X, Section 1008, Golden Acres Subdivision at 346 Waterway Drive in Sneads Ferry. Article X, Section 1008, Golden Acres Subdivision requires that all residential structures within the Golden Acres Subdivision contain no less than one thousand (1,000) square feet of heated space on the first floor and it requires that all structures shall be setback no less than fifty feet from the street right-of-way and no less than ten feet from all other property lines. The property is identified as tax map number 774C-34. There are regulated coastal wetlands on the property and FEMA FIRM panel shows the property within the AE and VE special flood hazard areas. The property is shown to be within the VE special flood hazard area on the preliminary map. The VE flood line crosses this property at an angle which causes the rear of the property to be located within the VE flood hazard area. If a part of the structure is built within the VE flood hazard area, the whole structure is subject to meet a higher construction standard. Because of the wetlands on the property and the 50' setback requirement, the building area is somewhat limited on the lot. Mr. Griffin is proposing a variance request to allow the setback for their home to be 40'.

Additional Information: A zoning permit was mistakenly issued for the proposed home with a deck and stair encroaching into the required 50' front setback. The applicants are now requesting a variance from the front setback requirement under Section 1008 to allow a 10' wide covered porch. This would result in an approximate 10' encroachment into the required front yard setback. The applicant intends to construct the stairs and the landing on the west side of the home.

Zoning District Summary: The property is in the Residential 15 (R-15) zoning district.

Mr. Smith asked if Mr. Griffin was currently under construction.

Ms. Manning responded that it is currently under construction.

Ms. Buchanan asked if an encroachment of 6' was what was being considered.

Ms. Manning replied that if it was a deck it would be 6' but Mr. Griffin is proposing a variance for a 10' setback encroachment for a covered porch.

Mr. Larry Griffin was available for any questions. He stated that if he had known the setback requirements in the beginning, he would have never built the house in that area on the lot.

First General Conclusion: That 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. Ms. Bunce made the motion to approve. Mr. Smith Brown seconded the motion. Ms. Bunce stated that she felt it was a hardship for Mr. Griffin since he had submitted his plans and applied for a permit with the County, was not aware of the setback requirements and had already begun construction. The motion passed by unanimous vote.

Second General Conclusion: That 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. Mr. Jeff Brown made the motion to approve. Ms. Bunce seconded the motion. Mr. Jeff Brown stated that he felt the setback requirements were set at a time prior to the flood zone and CAMA requirements being established, and had the flood zone not changed, the applicant would have been able to meet the setback requirements. The motion passed by unanimous vote.

Third General Conclusion: That 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. Mr. Smith made the motion to approve. Ms. Buchanan seconded the motion. Mr. Smith stated that he believed the applicant did everything he could to make things right. The motion passed by unanimous vote.

Fourth General Conclusion: 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. Ms. Bunce made the motion to approve the finding. Mr. Smith seconded the motion. Ms. Bunce stated that she believes it is consistent with the spirit of the zoning ordinance and a difference of 10' on that side of the road is justified to grant. The motion passed by unanimous vote.

VII. COMMENTS:

None.


VIII. ADJOURNMENT

There being no further discussion, the meeting was adjourned at 6:49 p.m.



Jerome Shaw, Chairman

ATTEST:



Kourtney R. Powell, Administrative Assistant