



**Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)**

Monday, January 6, 2020

7:00 PM

AGENDA

- I. Call to Order
- II. Approval of Minutes from December 2, 2019
- III. Review of Cases
- IV. **Old Business**: Planning Board Functioning as Board of Adjustment: Case No. BOA-19-03- Variance from Table 200-1 regarding front and side yard setbacks (DeShandra Woodle: Booker T. Washington Dr.) (**Continued from December 2, 2019**)
- VI. Items not on the agenda
- VII. Adjournment

#

**MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, DECEMBER 2, 2019
7:00 p.m.**

This being the time and place for the regular meeting of the Asheboro Planning Board, a meeting was held with the following officials and members present:

Van Rich) – Chair
Lynette Garner) – Vice Chair

Ritchie Buffkin)
David Henderson)
Michael O'Kelley) - Members Present
Thomas Rush)
Pamela Vuncannon)

Justin Luck, Planning and Zoning Administrator
Bradley Morton, Planning Technician/Deputy City Clerk
Trevor Nuttall, Community Development Division Director
Jeff Sugg, City Attorney

CALL TO ORDER

Mr. Van Rich called the Asheboro Planning Board to order.

APPROVAL OF MINUTES FROM NOVEMBER 4, 2019

Mr. Rich inquired if there were any corrections or additions that needed to be made to the November 4, 2019 regular Planning Board meeting. Hearing no corrections or additions the minutes were approved as presented.

REVIEW OF CASES

Mr. Justin Luck informed the board that no zoning related cases were heard at the regular November meeting of the Asheboro City Council.

PLANNING BOARD FUNCTIONING AS BOARD OF ADJUSTMENT: CASE NO. BOA-19-03: VARIANCE FROM SIDE/FRONT YARD SETBACKS (DeSHANDRA WOODLE: BOOKER T. WASHINGTON AVE.)

Before the visual presentation began, Mr. Rich reminded the board that this case involves a BOA proceeding. Mr. Luck addressed the board and stated that before the case is heard, all who wish to give their testimony will need to be sworn in. Mr. Luck and Mr. Tim Woodle were sworn in for their testimony. Mr. Luck highlighted the variance process to the board. He stated that the applicant is requesting a variance to reduce the required front yard of 30 feet to 20 feet along the northern portion of the lot and a variance to

reduce the required side yard of 10 feet to 2 feet 11 inches along the southern portion of the lot, inclusive of permitted projections under Section 304. He stated that the location in question is Booker T. Washington Avenue, specifically parcel identification number 7761462326. He stated that the property is approximately .21 acres and is zoned R10, medium-density residential. He stated that the surrounding land uses are:

North: Industrial Landfill
East: Vacant
South: Vacant/Residential
West: Residential

He stated the Land Development Plan Recommendations are:

Growth Strategy: Economic Development
Proposed Land Use Map: Neighborhood Residential

He then showed maps, aerial views, and photographs of the property. He then gave the analysis of the case:

- The zoning lot is located on Booker T. Washington Avenue, an NCDOT maintained street. The lot is located in the City of Asheboro ETJ and city sewer is not available. City water is available. The lot is a legal, nonconforming vacant lot platted in 1948 and has not previously been developed.
- The lot is a corner lot subject to required front yards of 30 feet and required side yards of 10 feet. The applicant inherited the property in September 2003. The applicant proposes to construct a new single family dwelling.
- He explained Section 307 Lots; Dimensional, Access and Related, specifically 307.5 (F) Interior Side Yards on Corner Lots: On corner lots, the side yard is the yard along any interior lot line which intersects with a street lot line. When a corner lot has four sides, the two sides not adjacent to the streets are both side yards and the lot has no rear yard. If the corner lot has more than four sides, the yards along interior lot lines which do not intersect with a street lot line shall be considered rear yards and must meet the district regulations for such yards.
- He explained Section 304 Permitted Projections into Required Setbacks, specifically 304.1: Every part of a required yard shall be open and unobstructed from its lowest level to the sky except for certain architectural features, such as, but not limited to, cornices, bay windows, eaves, stoops and gutters, may project no more than three feet into the required front setback, five feet into the required rear setback and two feet into the required side setback except that no such architectural feature shall be permitted within the required buffer yard.

He then showed the board a site plan that has been prepared for the case, showing the location of the proposed single-family dwelling. He then went over the findings of fact for the board as follows:

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.
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.
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.

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.

Mr. Luck then asked if there were any questions from the board for him. There were general questions regarding distances from right of ways as well as distances from property boundaries. Mr. O'Kelley also inquired if paved surfaces, such as driveways or sidewalks would be required to adhere to yard setback requirements, to which Mr. Luck stated that they did not.

At this time, Mr. Tim Woodle presented his testimony to address variance requests. He stated that the lot is a corner lot with two (2) front setbacks. He stated that the lot was small and that there were no city utilities, which would require installation of a gravity septic system, thereby taking up a significant portion of their land.

He stated that the East Presnell Street right of way is very wide and the proposed structure will not interfere if there were a road widening. He stated that the property line is 100' from the guardrail on East Presnell Street.

He stated that the lot is undeveloped. He also stated that this is a single-family neighborhood and their intent is to develop something that will bring beauty and value to the location. He stated that the intent was to adjust lot setbacks and that similar setback encroachments exist on neighboring properties.

He mentioned that having the guardrails on East Presnell Street is a benefit and will help protect the property by adding a barrier between the house and cars traveling on East Presnell Street.

There was general discussion regarding the 2' 11" setback variance request, due to it being so close to the southern property boundary. There were also inquiries from several board members as to the location of the septic system and if the house could be moved any further to the north than what is proposed on the site plan.

Mr. Rich inquired if there was anyone present to speak against the request. Seeing none, Mr. Rich entertained a motion from the board.

Ms. Garner moved to continue the case to the Planning Board's regular January meeting for further information and design analysis that would address the board members' concerns, especially the concerns about the request for a 2' 11" setback. Mr. Rush seconded the motion and the motion carried unanimously.

REQUEST FOR ADOPTION OF PROPOSED 2020 MEETING DATES

Ms. Garner moved to adopt the proposed 2020 meeting dates. Mr. O'Kelley seconded the motion and the motion carried unanimously. The following dates were adopted:

Monday, January 6, 2020
Monday, February 3, 2020
Monday, March 2, 2020
Monday, April 6, 2020
Monday, May 4, 2020
Monday, June 1, 2020
Monday, July 6, 2020
Monday, August 3, 2020
Monday, September 14, 2020
Monday, October 5, 2020
Monday, November 2, 2020
Monday, December 7, 2020

ITEMS NOT ON THE AGENDA

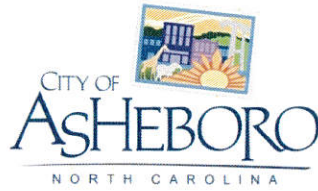
Mr. Nuttall stated that there was good attendance at the first Land Development Plan Steering Committee meeting and that the next meeting would be Thursday, December 12 at 6:00 p.m. and would include a visioning exercise.

ADJOURNMENT

With no further business to come before the board, Mr. Rich adjourned the meeting.

Bradley Morton, Planning Board Secretary

Van Rich, Planning Board Chair



Planning Board Functioning as Board of Adjustment:

(Case No. BOA-19-03: Variances from Table 200-1 regarding front and side yard Setbacks (DeShandra Woodle: Booker T. Washington Drive)

Continued from December 2, 2019

Board of Adjustment Staff Report

Case: BOA 19-03

Date: January 6, 2020

Requested Action: Variance from Table 200-1 of the Asheboro Zoning Ordinance, which regulates required yards (setbacks).

GENERAL INFORMATION:

Applicant: DeShandra Woodle

Address: 2275 Farmwood Ln. Asheboro, NC 27205

Location of Affected Property: Booker T. Washington Ave. (PIN 7761462326)

Size: .21 Acres **Existing Zone:** R10 Residential

Existing Land Use: Vacant

Surrounding Land Use:

North: Industrial Landfill

East: Vacant

South: Vacant/Residential

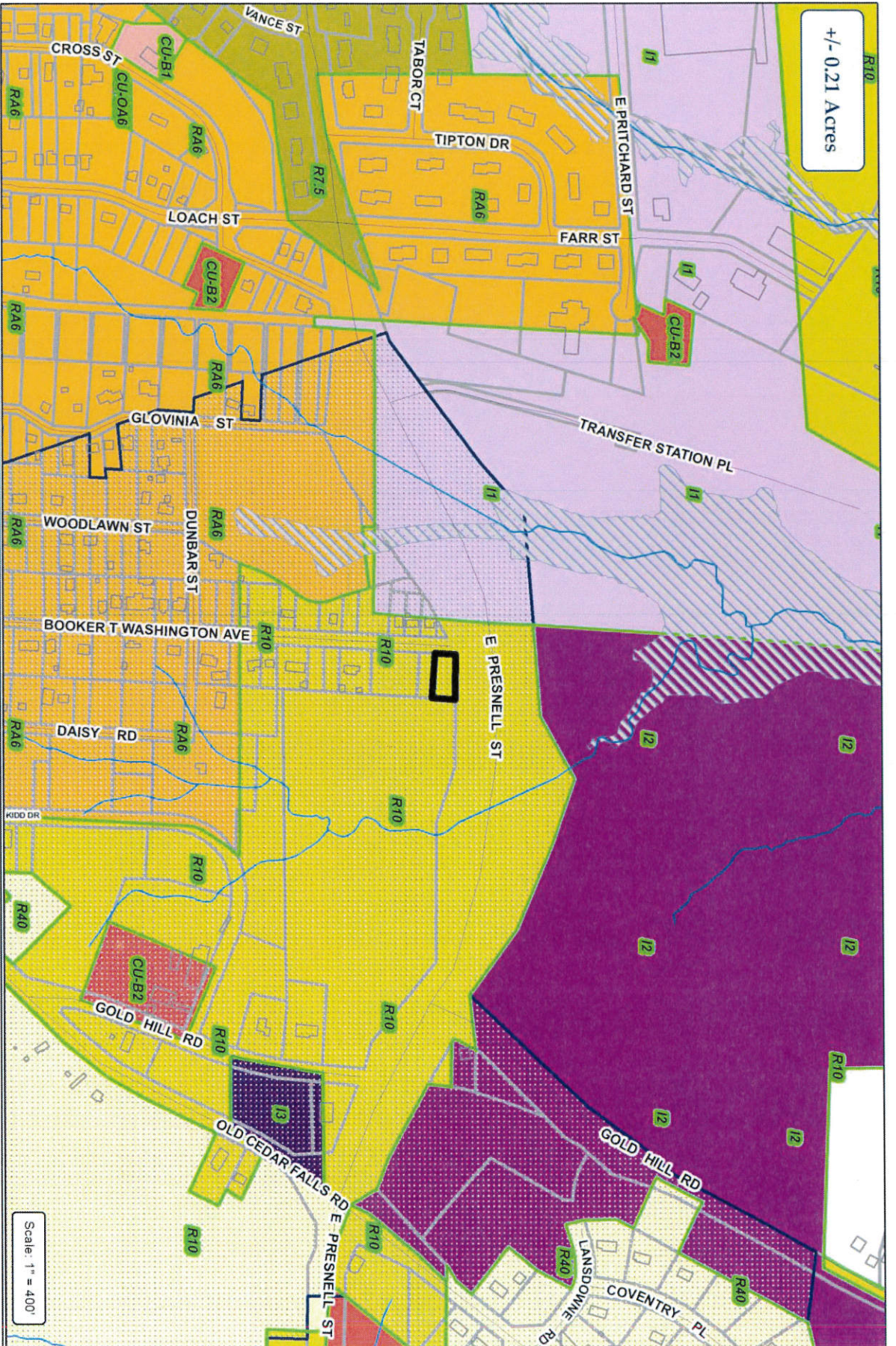
West: Residential

Land Development Plan: Neighborhood Residential/Economic Development

ANALYSIS

The Zoning Lot is located on Booker T. Washington Ave., a NCDOT maintained street. The lot is located in the City of Asheboro ETJ and city sewer is not available. City water is available. The lot is a legal, nonconforming vacant lot platted in 1948 and has not previously been developed. A corrected deed has been included in this packet. The lot is a corner lot subject to required front yards of 30 feet and required side yards of 10 feet. The applicant inherited the property in September 2003. The applicant proposes to construct a new single family dwelling. The applicant originally requested a reduction in the required front yard along the north side of the property from 30 feet to 20 feet, and a reduction in the required side yard along the southern lot line from 10 feet to 2 feet, 11 inches. This request has been modified to eliminate the variance along the southern lot line and to include a reduction in the required front yard along the north side of the property from 30 feet to 15 feet, 10 inches.

+/- 0.21 Acres



Scale: 1" = 400'

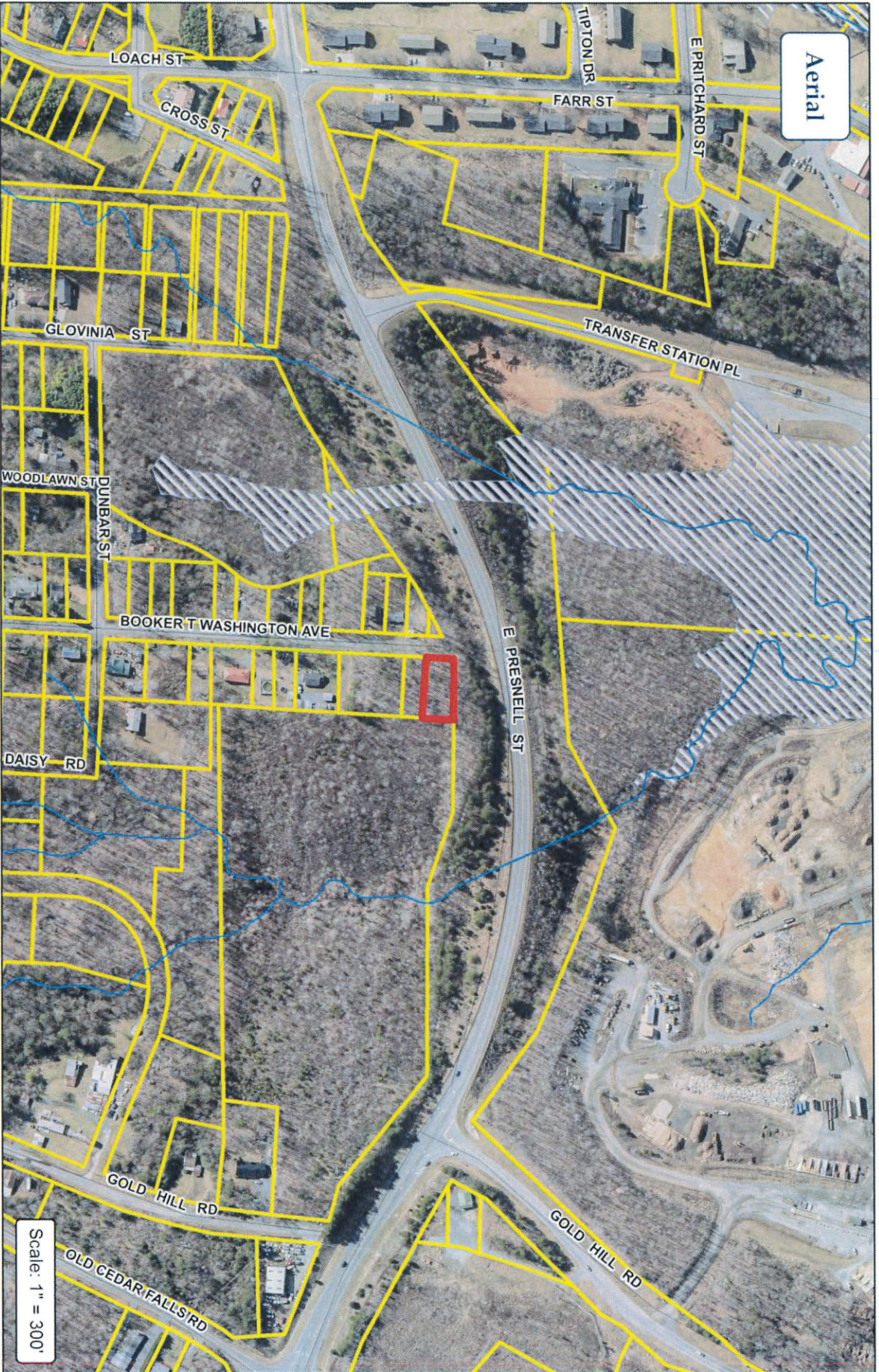
City of Asheville Planning & Zoning Department

Board of Adjustment Case: BOA-19-03

Parcel: 7761462326



Aerial

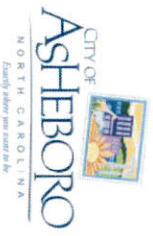


Scale: 1" = 300'

City of Asheboro Planning & Zoning Department

Board of Adjustment Case: BOA-19-03

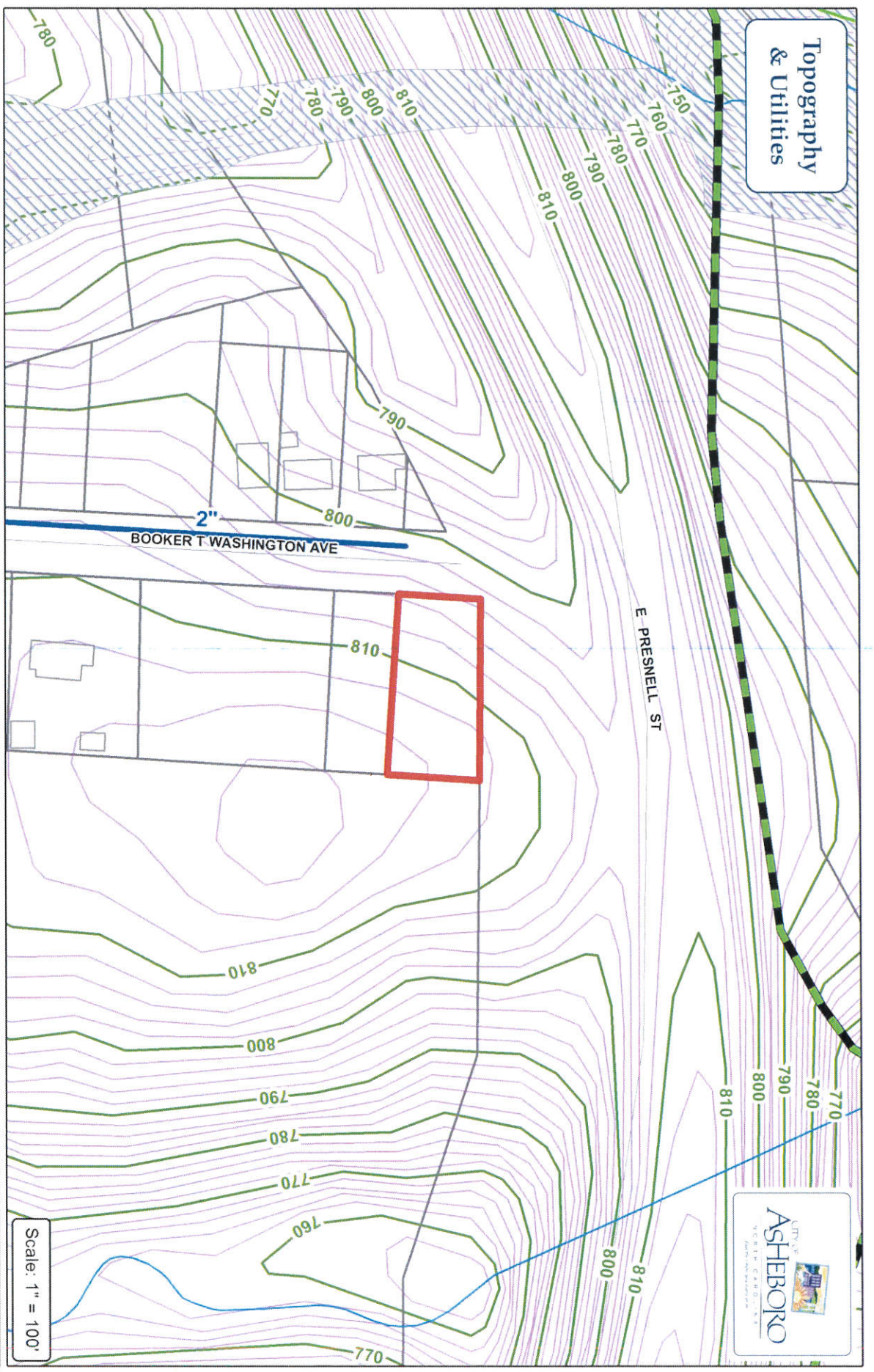
Parcel: 7761462326



 Subject Property



Topography & Utilities



Scale: 1" = 100'

- Water Main
- Sewer Main
- Force Main
- Fire Hydrant
- Pump Station

City of Asheboro
Planning & Zoning Department
Board of Adjustment Case: BOA-19-03
Parcel: 7761462326



The concurring vote of four-fifths of the Board shall be necessary to grant a variance. (904.2)

When unnecessary hardships would result from carrying out the strict letter of the zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- 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.
- 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.
- 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.
- 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.

All of these findings of fact shall be made in the indicated order by the Board of Adjustment, which is not empowered to grant a variance without an affirmative finding of fact on all four categories above. Each finding of fact shall be supported by substantial evidence in the record of proceedings before the Board.

The Board may impose appropriate conditions upon the granting of any variance provided that the conditions are reasonably related to the variance. Violation of such conditions shall be a violation of this Ordinance. (905)

I have found all the findings of fact as listed above in favor of the applicant.

Variance: Reduction in minimum Required Front Yard, as required by Table 200-1, to 15 feet 10 inches along the northern portion of the lot.

Member's Vote: Yes _____ No _____

Signature _____

Table 200-1
Table of Area, Height, Bulk and Placement Regulations

District	Minimum Lot Size in Sq. Ft.	Lot Width (Frontage) In Feet*	Front Required Yard in Feet*	Side Required Yard In Feet*	Rear Required Yard in Feet*	Maximum Height in Feet*	Maximum Floor Area Ratio*	Open Space Ratio*	Recreation Ratio*
R40	40,000 SF 80,000 Duplex 40,000 NonRes	100	30	15	25	35	22% 22% 22%		
	1 Single Family or 1 Duplex Only								
R15	15,000	100	30	15	25	35	22%		
	1 Single Family Only								
R10	10,000 SF 15,000 Duplex 10,000 NonRes	75	30	10	25	35	22% 22% 22%		
	1 Single Family or 1 Duplex Only								
R7.5	7,500 SF 11,500 Duplex 7,500 NonRes	60	25	10	20	35	22% 22% 22%		
	1 Single Family or 1 Duplex Only								
RA6	Residential (SF & Duplex) 6,000	60	25	10	20	35	22%		
	Multi Family: Maximum 4 Units Permitted Less than 45,000							30%	
	Multi Family: Greater than 45,000							52%	3.3%
	Multi Family: Greater than 45,000 with SUP							52%	3.3%
	Multi Family: Greater than 45,000 with SUP authorized by Article 600, Section 653							40%	6.6%
	Non-residential 6,000	60	25	10	20	35	22%		
OA6	Residential (SF & Duplex) 6,000	60	25	10	20	35	22%		
	Multi Family: Maximum 4 Units Permitted Less than 45,000							30%	
	Multi Family: Greater than 45,000							52%	3.3%
	Multi Family: Greater than 45,000 with SUP							52%	3.3%
	Multi Family: Greater than 45,000 with SUP authorized by Article 600, Section 653							40%	6.6%
	Non-residential 6,000	60	25	10	20	35	30%		
	Multi Use: Minimum 45,000 for 5 or more units							30%	
O&I	6,000	60	25	10	20	35	30%		
	Multi Use: Minimum 45,000 for 5 or more units							30%	
B1	6,000	60	25	15	15	25	33%		
M	10,000	75	25	10	10	25	33%		
B2	10,000	75	25	0 or 5	0 or 5	35	100%		
TH	40,000	100	30	10	10	35	100%		
B3	N/A	N/A	0	0 or 5	0 or 5	50	N/A		
I1	10,000	75	10	10	10	45	N/A		
I2	20,000	100	10	10	10	45	N/A		
I3	30,000	100	50	20	20	45	N/A		
A	N/A	N/A	0	0	0	N/A	N/A		

*Except as specifically modified by this Ordinance

Revised 10/2019

East Presnell Street

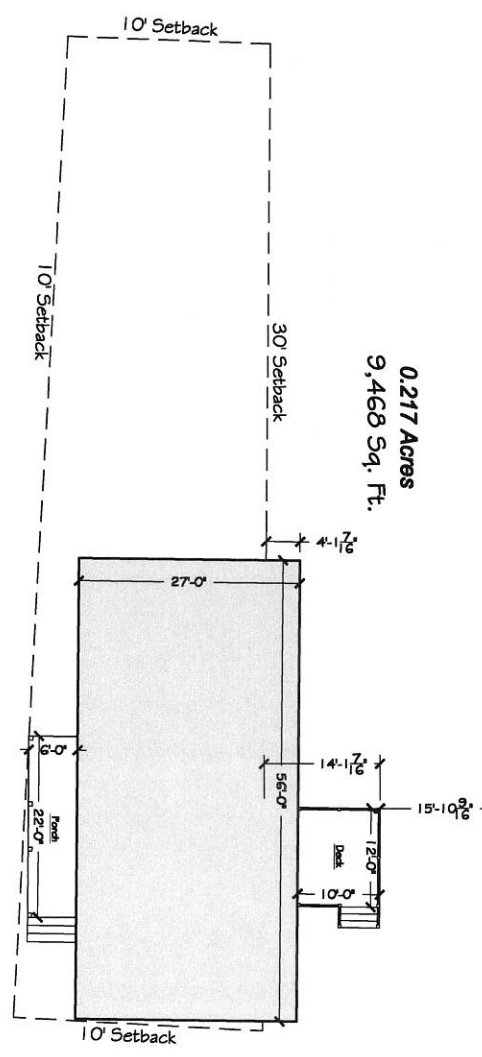
NCSR 1462 RW Varies

S 89°18'47" E 140.52

Conc. RW Monument

1" EIP Up 4"

0.217 Acres
9,468 Sq. Ft.



N 02°03'56" E 64.39

N 86°35'45" W 139.26

S 03°04'36" W 71.03

J. Harold Williams
DB. 1227, Pg. 958
PB. 5, Pg. 36

Booker T. Washington Avenue
NCSR 2187 50' RW

George Washington Carver College
DB. 619, Pg. 240

WOODE VARIANCE REQUEST

Scale: 1" = 10'

Date: 12-28-19

Job #: 19-075

Site Plan

Floor Plan

Sheet 1 of 1



Application for Board of Adjustment Hearing

APPLICATION FEE

A \$250 filing fee is required for a variance request.

APPLICATION INSTRUCTIONS

It is recommended that the applicant speak with Planning and Zoning Department staff prior to submitting the application and paying the hearing fee. Contact staff at (336) 626-1201 ext. 292 to ensure application requirements are satisfied.

REQUIRED APPLICATION CONTENTS

1. A copy of the property deed(s)
2. Five copies of a surveyed plat and/or site plan
3. List of all adjoining property owners and their addresses

The application must be filed with the planning department by 12:00 p.m. on the day which is at least 30 days prior to the Board of Adjustment meeting at which the request will be considered (see below).

No application for a variance request will be advertised for public hearing until the planning department has received all required materials.

MEETING INFORMATION*

<i>Filing Date</i>	<i>BOA Meeting*</i>
December 7, 2018	Monday, January 7, 2019
January 4, 2019	Monday, February 4, 2019
February 1, 2019	Monday, March 4, 2019
March 1, 2019	Monday, April 1, 2019
April 5, 2019	Monday, May 6, 2019
May 3, 2018	Monday, June 3, 2019
June 7, 2019	Monday, July 8, 2019
July 5, 2019	Monday, August 5, 2019
August 9, 2018	Tuesday, September 9, 2019
September 6, 2019	Monday, October 7, 2019
October 4, 2019	Monday, November 4, 2019
November 1, 2019	Monday, December 2, 2019

**Dates are tentative and subject to change. Check with staff to verify meeting dates.*

CITY OF ASHEBORO

Application for Board of Adjustment Hearing

APPLICANT INFORMATION

Applicant DeShandra Woodle Applicant's Phone # (336) 953-6323 Cell
(336) 629-8128 Hm

Applicant's Address 2275 Farmwood Lane
Asheboro NC 27205

Applicant's Email Address dswoodle@gmail.com

PROPERTY INFORMATION

Property Owner's Name Timothy + DeShandra Woodle

Location of Property Boomer T. Washington Ave.

Property Size (ac. or sq.ft.) 0.217 Acres 9,468 Sq. Ft.

Randolph County Property Identification Number (PIN#) 7761462316

Current Zoning District R10

Date Property Title Acquired 3-25-11 Deed Book 2226 Page 359

Subdivision John Kidd MPI Section _____ Lot # 16

Plat Book _____ Page _____

APPLICANT AND AGENT SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed variance rests with the applicant.

Name of Agent (if any)

Agent's Address

Telephone Number

Agent Signature

Name of Applicant or Owner

DeShandra Woodle

Applicant or Owner's Address

PO Box 624

Asheboro NC 27204

Telephone Number

(336) 953-6323

Applicant or Owner Signature

DeShandra Woodle

CITY OF ASHEBORO
Application for Board of Adjustment Hearing

REQUEST FOR A VARIANCE

DATE: 10.30.19

TO THE CITY OF ASHEBORO BOARD OF ADJUSTMENT:

I, DeShandra Woodle hereby petition the Board of Adjustment to grant the following variance from the Asheboro Zoning Ordinance (please specify the variance that is requested and complete the enclosed form):

Front and Side Set backs.

STATEMENT BY APPELLANT/APPLICANT:

In the space provided below and/or on the back of this form, please state the facts and line of argument that you believe support your appeal, request for a variance, or request for an interpretation of the Zoning Ordinance. In providing this information, please state the precise action that you would like to see taken by the Board of Adjustment.

- 1.) ~~Do to the fact~~ this is a corner lot with 2 front set backs due to East Presnell Street rideaway. This is a small lot, no city utilities must install Gravity Septic System due to the size of the lot. Because of the type of septic system we have to install its going to take up a lot of land.
- 2.) Nobody has city utilities but we have to meet the setbacks
- 3.) Lot is undeveloped.
- 4.) This a single family neighborhood and we want to develop something that will bring beauty & value to the location. Having the guard rails on East Presnell Street is a benefit. This will protect the property by adding a barrier of protection between the house & the cars traveling on East Presnell Street.

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


Signature of Applicant

VARIANCE REQUEST - BASIC INFORMATION

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 as a prerequisite to issuance of a variance. Specifically, the four findings are as follows:

- 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.
- 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.
- 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.
- 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.

All of these findings of fact shall be made in the indicated order by the Board of Adjustment, which is not empowered to grant a variance without an affirmative finding of fact on all four categories above. Each finding of fact shall be supported by substantial evidence in the record of proceedings before the Board.

The Board may impose reasonable conditions upon the granting of any variance to insure that the public health, safety, and general welfare shall be protected and substantial justice done. Violation of such conditions shall be a violation of this Ordinance.

I received a copy of the above requirements outlining the conclusions required to be found for the granting of a Variance by a Board of Adjustment and have been informed that the burden of providing evidence to support such conclusions to obtain such variance rest with the applicant. I have also been advised of the application process by staff and received the opinion of the North Carolina Bar Association regarding legal representation in quasi-judicial proceedings.

Rubendra Woodle 10.30.19
Applicant Date

STAFF USE

Received by: JTL Date: 10-31 Case Number: 19-003

FILED Krista M Lowe
Register of Deeds, Randolph Co, NC
Recording Fee: \$22.00
NC Real Estate Ex Tx: \$.00

2
1
2

20110329000062320 DEED
Bk: RE2226 Pg: 363
03/29/2011 12:31:50 PM 1/2



NORTH CAROLINA GENERAL WARRANTY DEED

Purchase Price: N/A
Tax Parcel #7761462326
✓ Mail to: Grantee: P.O. Box 624, Asheboro, NC 27204
Prepared by: DeShandra R. Woodle, 2275 Farmwood Lane, Asheboro, NC 27205

THIS DEED is made this 25th day of March, 2011, by and between Grantor and Grantee:

Grantor: WOODLE, INC.

Grantee: TIMOTHY J. WOODLE and wife, DESHANDRA R. WOODLE

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall signify either singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the 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 in fee simple that certain lot or parcel of land situated in Asheboro Township, Randolph County, North Carolina, which is more particularly described as follows:

BEING Lot 16 of the JOHN T. KIDD SUBDIVISION as shown by plat recorded in Plat Book 5, at Page 36, in the office of the Register of Deeds of Randolph County, North Carolina.

For back reference see Deed recorded in Deeds Book 1906, Page 2778, Randolph County Registry.

A map showing the above described property is recorded in Book 5, Page 36.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever.

Title to the property hereinabove described is subject to the following exceptions:

Easements and Restrictions of record.

2005 ad valorem taxes.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.

Woodle, Inc.

BY: DeShandra R. Woodle
DeShandra R. Woodle, President



SEAL-STAMP



NORTH CAROLINA, RANDOLPH COUNTY

I, Kura F Barnes, a Notary Public of the County and State aforesaid, certify that **DeShandra R. Woodle**, personally appeared before me this day and acknowledged that she is the President of **Woodle, Inc.**, a North Carolina Corporation and that by authority duly given and as the act of the corporation, she signed the foregoing Deed in its name on its behalf as its act and deed. Witness my hand and official stamp or seal, this 25 day of March, 2011.

My Commission Expires: 2/29/12 Kura F Barnes
Notary Public

List of Adjoining Property Owners

Morton & Sewell Land Company
385 Gold Hill Rd
Asheboro, NC 27203

Williams, J Harold
589 Lord Randolph Cir
Asheboro, NC 27205

George Washington Carver College
3746 Midway Acres Rd
Asheboro, NC 27205

N C Dept of Transportation
P O Box 1164
Asheboro, NC 27204

Miller, David L (Miller, Gail W)
870 Lansdowne Rd
Asheboro, NC 27203

Woodle, Timothy J (Woodle, Deshandra
R)
P O Box 624
Asheboro, NC 27204