



Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)
Monday, February 3, 2020
7:00 PM
AGENDA

- I. Call to Order
- II. Consent Agenda Items
 - a.) Approval of Minutes from January 6, 2020
 - b.) Approval of Final Decision Document concerning Case No. BOA-19-03
Variance from Table 200-1 regarding front and side yard setbacks
(DeShandra Woodle: Booker T. Washington Dr.)
- III. Organizational Items
 - a.) Election of Board Officers (Chair and Vice Chair)
 - b.) Appointment of Board Secretary
- IV. Review of Cases
- V. Video presentation from North Carolina School of Government concerning
recently adopted NCGS 160D pertaining to land-use regulatory laws
- VI. Items not on the agenda
- VII. Adjournment

#

**MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, JANUARY 6, 2020
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) - Members Present
Thomas Rush)
Pamela Vuncannon)

Michael O'Kelley) – Member Absent

John Evans, Assistant Community Development Division Director
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 DECEMBER 2, 2019

Mr. Rich inquired if there were any corrections or additions that needed to be made to the December 2, 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 December meeting of the Asheboro City Council.

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 AVE.) (CONTINUED FROM DECEMBER 2, 2019)

Mr. Rich re-opened the public hearing. Mr. Luck stated that this case is a continuation from the December 2, 2019 regular Planning Board meeting's variance case and anyone that wishes to give testimony be sworn in before the secretary. At this time, Ms. DeShandra Woodle was sworn in for her testimony. Mr. Luck then stated that due to the absence of Mr. O'Kelley, a unanimous vote would be needed in order to grant a variance. He then asked Ms. Woodle if she would like to proceed with the hearing tonight. Ms. Woodle stated that she would like to proceed. Mr. Luck again highlighted the variance process to the board. He stated that the initial variances were:

Variance 1: Reduction in minimum required front yard, as required by Table 200-1, from 30 feet to 20 feet along the northern portion of the lot.

Variance 2: Reduction in the minimum required side yard, as required by Table 200-1, from 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 variance request has been revised to include only a reduction in the minimum required front yard, as required by Table 200-1, from 30 feet to 15 feet 10 inches along the northern portion of the lot. Variance 2 regarding side yard setback requirements is no longer required. Consequently, the applicant has withdrawn the request for a variance from the side yard setback requirements.

He then gave the updated analysis of the case, which included a correction to the previous deed provided in the December BOA packet, an approved septic location, and a revised site plan. He also showed the board photographs of the property.

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 no questions for Mr. Luck.

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

She 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. She stated that the property line is 100' from the guardrail on East Presnell Street.

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

She 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 were no questions for Ms. Woodle at this time.

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

Finding sufficient testimony having been received regarding the four part test, Mr. Henderson moved to approve case BOA-19-03. Ms. Garner seconded the motion and the motion carried unanimously.

ITEMS NOT ON THE AGENDA

There were no more items at this time.

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