

REGULAR MEETING
TOWN OF WAYNESVILLE
BOARD OF ADJUSTMENT
MAY 1, 2007
TUESDAY - 5:30 P. M.
TOWN HALL

The Board of Adjustment held its regular meeting Tuesday, May 1, 2007. Members present were Gail Cross, Jack Suddath, Mike Erwin, John Richardson and Boyd Medford. Also present at the meeting were Land Development Administrator Byron Hickox and Deputy Town Clerk Freida Rhinehart. Chairperson Mike Erwin called the meeting to order at 5:30 p.m.

Approval of Minutes of March 6, 2007

Gail Cross moved, seconded by John Richardson to approve the minutes of March 6, 2007 as presented. The motion carried unanimously.

Variance Request - Edward B. And Barbra Singleton - 64 Tiffany Lane - Allowance of Second Residential Structure

Byron Hickox presented the Findings of Fact for this request. Mr. Hickox stated the current Hillside Protection Ordinance prohibits subdivision of the Singleton property. There was a second home on the lot previously. Currently there is a well on the property and a second septic tank can be installed.

Findings of Fact for the Granting of Variances (Section 154.084(f)(2)9a))

- a. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter.

Finding: The lot cannot be subdivided further because of the Hillside Development Regulations. A second home was located on the property until its demolition in 1999. The second home's well is still in place and functional.

- b. That if the applicant complies with the provisions of the chapter, the property owner seeking the variance can secure no reasonable return from, or make no reasonable use of his property.

Finding: The applicant is already using the property for one single-family home, which constitutes a reasonable use.

- c. That special conditions and circumstances exist which are peculiar to the land, structure or building involved which are not applicable to other lands, structures or buildings located in the same land development district.

Finding: The recent existence of the previous second home and the accompanying well is peculiar to the land involved. This condition is likely not applicable to other lands in the same land development district.

- d. That the special conditions and circumstances do not result from the actions of the applicant.

Finding: The special conditions and circumstances do not result from the actions of the applicant.

- e. That the variance is in harmony with the general purpose and intent of this chapter and preserves its spirit.

Finding: The variance would allow the construction of a second structure on a single lot, which is prohibited in the Land Development Standards. However, this density would conform to the character of the neighborhood.

- f. That the variance is the minimum necessary to afford relief.

Finding: The variance is the minimum necessary to afford relief.

- g. That the public safety and welfare have been assured and substantial justice has been done.

Finding: The public safety and welfare would be assured and substantial justice would be done by the granting of the variance.

Edward Singleton expressed his thanks to the Board of Adjustment for hearing his case. He stated he moved onto this property in 1987 as a renter until he eventually purchased the 4 acres on which he resides. Mr. Singleton learned that when the current Land Development Standards were approved 2003, he would not be able to subdivide his property. Since there were originally two residences located on this property, Mr. Singleton is seeking a variance to replace the house that was torn down in 2000 with a double wide manufactured home and continue to have the single wide manufactured home on the property as well.

Mr. Singleton continued that there are still two septic tanks on the property which would allow for service to two residences. The existing well can also serve two homes. The property description shows two addresses—64 Tiffany Lane and 39 Tiffany Lane. Mr. Singleton presented photos of the proposed location of the double wide home.

Ms. Vicki Gable, a neighbor, stated that her family has owned property nearby for years. She and the other neighbors have no problem with the granting of the variance.

Gail Cross stated that she visited the site and feels that addition of the double wide would not be out of character with the neighborhood.

John Richardson moved, seconded by Jack Suddath, to grant a variance based on the finding of facts presented. The motion carried unanimously.

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Adjournment

With no further business, Gail Cross moved, seconded by Jack Suddath to adjourn the meeting at 5:50 p.m.

Mike Erwin
Chairperson

Freida F. Rhinehart
Secretary