

**MINUTES****RANDOLPH COUNTY ZONING BOARD OF ADJUSTMENT****March 5, 2002**

There was a meeting held at 6:30 p.m. on Tuesday, March 5, 2002, of the Randolph County Zoning Board of Adjustment in the Commissioner's Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Maxton McDowell** called to order the Randolph County Zoning Board of Adjustment meeting.
2. **Hal Johnson**, Planning Director, called roll of the members: Maxton McDowell, Chairman, present; Bill Dorsett, Vice Chairman, present; Lynden Craven, present; Al Morton, present; Phil Ridge, present; Larry Brown, present; Chris McLeod, present; and Mark Brower, Alternate, absent.

3. **Swearing in of the Witnesses:**

"Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."

Four (4) citizens took this Oath.

4. **REQUESTS FOR A VARIANCE:**

- A. **ROBERT TATE**, Asheboro, North Carolina, is requesting a variance to allow a 20' setback from the road in lieu of the required 35' setback on a corner lot. Location: 886 Iron Mountain Road, 1.350 acres, Grant Township, Creekridge Subdivision, Lot # 4. Parcel ID # 7781226257. Zoning District RA.

Johnson explained that this is an issue that was heard by the Board of Adjustment a couple of months ago, and the Board has decided to re-hear the case to consider additional information. This mobile home was placed on this lot in 1986 prior to zoning regulations. The subdivision was approved in 1986, and the side setback requirement at that time was 10 feet.

**\*\* Arguments for Granting this Request**

**Jon Megerian**, Attorney representing Tate, said this request is a hardship that was imposed by the zoning regulations. In 1986, when Tate moved to the property Creekway Ridge Road was not in place. The subdivision was developed prior to zoning regulations and the private deed restrictions only required a 10 ft. side setback. Megerian presented evidence that the Randolph County Health Department had visited the property, and their conclusion was that the home site could not be repositioned. This provides the unique hardship to this property. Megerian said that at the last hearing there was concern that the private road (if this home were allowed to be placed closer than the minimum setback) could not be taken over by NCDOT. Megerian presented evidence from NCDOT that

they would not be concerned with setbacks from the road right-of-way. Megerian said that this setback error was also not caught by the County Building Inspector, when the home was inspected, and he approved the residence for occupancy.

**\*\* Arguments Against Granting this Request**

**Bruce Honeycutt**, 2484 Creekway Ridge, said he was at the last hearing and was surprised to see that this matter was back before this Board. Honeycutt said that he has a plat of the subdivision and there is no way that Tate could meet the 35 ft. setback requirement. Honeycutt said the home could be moved if the septic tank was moved. Honeycutt said the 80 ft. home does not look right on the lot and the lot should have been used with a shorter home. Honeycutt expressed his feeling that the Board's decision made in the last hearing should stand. Honeycutt said that the home is only 10 ft. off the road and he felt the County should do the right thing and deny this request. Honeycutt said the home should be moved.

**Toni Edwards**, 2448 Creekway Ridge, said Tate should have to meet the same requirements that everyone else in the subdivision had to meet. Edwards said the home looks bad perched up on the hillside.

**\*\* Board Discussion: Conclusions Based on Findings of Fact**

**Bill Dorsett** asked the depth of the lot and Tate answered 400+ feet. Dorsett said that most people request variances before they move their home onto the property. Dorsett said he believed there was room to move the home to the back of the lot. Dorsett said that the hardship must be with the property (not the owner), and ignorance of the law is no excuse. Dorsett said a mistake made by the County Building Inspector is not our problem.

**Larry Brown** said the major concern during the last hearing was that NCDOT would not be able to take the road over, and now there is evidence that shows this is not the case.

**Al Morton** said he felt the property owner made a good faith effort to comply with the standards, and he was told he could place the home on the lot. Morton said that, right or wrong, Tate did his best.

**Lynden Craven** said that he felt this is what variances are for, and Tate did everything that he was told to do.

**Phil Ridge** said there would be a great deal of expense to move the home, and we don't even know that the home could be moved to another area on the lot.

**\*\* Order of the Board of Adjustment**

**Craven** made the motion, seconded by **Morton**, to **approve** this request for a variance. Craven said that the hardship is not the result of the applicant's own actions, and that sufficient information had been presented by the applicant and his attorney to support the required findings for a variance.

Dorsett commented that there were situations where "justice should be tempered with mercy" and that he felt this was one of those situations. Dorsett said he would support

the motion to approve the variance due to the unique combination of circumstances that had caused the hardship on the applicant. Dorsett said the location of Mr. Tate's home looks good and does not adversely impact any adjoining property owners.

The motion passed unanimously.

5. Adjournment.

---

**NORTH CAROLINA  
RANDOLPH COUNTY**

---

**Planning Director**

---

**Date**

---

**Clerk/Secretary**