

**CITY OF ELIZABETH CITY  
BOARD OF ZONING ADJUSTMENT  
REGULAR MEETING  
TUESDAY, DECEMBER 15, 2015  
5:30 PM**

**MEMBERS PRESENT**

Carlton Etheridge, Chairman  
Joda Bollard  
Peggy Davenport  
David Harris  
Bill Hiemer  
Geraldine Hill  
Lemuel Lamb

Also present were Kaitlen Alcock, Planner; Dawn Harris, Secretary to the Board and applicant.

Chairman Etheridge opened the meeting with a roll call and determination of a quorum.

The first item was the **Adoption of the Agenda**. Mr. Harris made a motion to adopt the December 15, 2015 agenda as presented. Ms. Bollard seconded the motion. ***ALL IN FAVOR: ETHERIDGE, BOLLARD, DAVENPORT, HARRIS, HIEMER, HILL and LAMB. NONE OPPOSED. MOTION PASSED.***

Next item on the agenda was the adoption of the September 15, 2015 minutes. Mr. Hiemer made a motion to **APPROVE** the **September minutes** as presented. Ms. Davenport seconded the motion. ***ALL IN FAVOR: ETHERIDGE, BOLLARD, DAVENPORT, HARRIS, HIEMER, HILL and LAMB. NONE OPPOSED. MOTION PASSED.***

Ms. Harris then read the following Statement of Disclosure:

Elizabeth City Code of Ethics provides that public officials and employees be independent, impartial and responsible to the public; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals and in keeping with the ethical standards of conduct for city public officials and its employees, disclosure of interest in legislative action must be stated for the public record, as per City of Elizabeth City Code of Ordinances Section 2-113. Any member of the Board of Adjustment who has an interest, as defined in Section 2-111 of the City of Elizabeth City Code of Ordinances, in any official act or action before the Board shall publicly disclose on the record of the Board the nature and extent of such interest, and shall withdraw from any consideration of the matter if excused by the Board pursuant to G.S. 160A-75.

Next item on the agenda was **CASE NO.: V-02-15** - Variance Application filed by George and Mona Grills for property located at 502 West Main Street. The applicants are requesting a variance from the Unified Development Ordinance Article IX Zoning §9-4 Density and Dimensional Requirements specific to Table 9-4-1 Table of Density and Dimensional

Requirements Residential Districts to allow for a reduction in the rear setback requirement from 25 feet to 16 feet.

Chairman Etheridge called those wishing to speak to come forward and be sworn in. Ms. Harris swore in Mr. George Grills.

Chairman Etheridge opened the public hearing and requested comment from the Planning Staff. Ms. Alcock gave the following report.

Ms. Alcock made a correction to the agenda. The case number was listed as V-01-15 and the actually number is V-02-15.

### **STAFF REPORT**

The case this evening is V 02-15 filed by George and Mona Grills for property located at 502 W Main Street. The subject property is approximately one-tenth of an acre and lies within the West Main Street Local Historic District. The applicants are requesting a variance to reduce the requisite rear setback requirement in an R-8 Residential zoning district from 25 feet to 16 feet to allow for the construction of an attached two-car garage.

In recent years, the applicants have worked to restore their historic home and are proposing to construct a garage as a part of the exterior work. The applicant's proposal was approved by the Historic Preservation Commission in November of 2015; however the Board's approval is also necessary since the rear setback requirement cannot be met. According to the applicants, their situation is unique in that the house was constructed in 1898 on a lot substantially smaller than today's standards. The placement of the house on the small lot makes the possibility of adding an attached garage impossible unless a variance is granted. This, in the applicant's opinion, illustrates that the issue is unique to the property and not the result of actions taken by the property owners themselves. Furthermore, they believe that the intent of the Ordinance is still being satisfied since the garage would be set 16 foot from the rear property line and as such should not interfere with the line of sight of other property owners using the alley, thus ensuring that public safety is secured.

When making your determination, Staff reminds the Board of the variance criteria, listed on page 9 of the staff report, which must be met to warrant approval. It is the applicant's belief that the proposal meets all of the aforementioned criteria. Their opinion was detailed in both the supporting documents as well as pages 3 and 4 of the staff report.

If the Board determines that all of the variance criteria have not been satisfied and the variance is denied, the applicants will be unable to construct an attached garage. However, if the Board determines all of the criteria have been met and the variance is approved, Staff recommends the following as a condition of approval:

The two-car attached garage shall be constructed per the drawings submitted to Staff and all applicable building and fire code requirements shall be met.

Chairman Etheridge asked for questions from the Board for Staff. There were none at this time.

Chairman Etheridge asked for testimony from the applicant. Mr. Grills came forward. He stated that he believes the addition of the garage will be in keeping with the ordinances. He also believes it will add value to the neighborhood.

Chairman Etheridge asked for questions from the Board for applicant. There were none. Chairman Etheridge closed the public hearing and opened the floor for discussion from the Board.

Mr. Hiemer asked Staff in sending the letters out to neighbors if any had called into the office regarding this variance. Ms. Alcock stated no. She also stated that there was no feedback in terms of the review of the Historic Preservation Commission. The Commission was very supportive of what the applicant wishes to do.

Ms. Davenport asked if the garage will be seen from the front. Ms. Alcock stated very, very little. As part of living in the Historic District when the Historic Preservation Commission is reviewing an application they want to minimize the view from the public street so it does not interfere with the historic character of the structure. She stated that it does make the situation a little different and limits the placement of the garage.

Mr. Lamb commented that it looks to him that the garage will fit in with the neighborhood. He noted a picture in the Staff Analysis and other homes in the neighborhood.

With no further comment, Chairman Etheridge asked for a motion. Mr. Harris made a motion to **APPROVE** the Variance as requested listing the following: It would create an unnecessary hardship if the Board denied the request, because the applicant would not be able to construct a garage at all behind his house. The hardship has not resulted in anything the applicant has done. He purchased the property; however, in the 1800's there were not requirements for setbacks and lot sizes such as today. The Variance does not extend any nonconforming situations and does not create any nonconforming situations. The Variance keeps with the spirit of the ordinance and purpose of the ordinance. The Variance improves public safety by keeping vehicles off the street as it narrow on Main Street. Mr. Harris asked that a Variance be granted from Article IX Zoning §9-4 Density and Dimensional Requirements specific to Table 9-4-1 Table of Density and Dimensional Requirements Residential Districts as relates to the rear setback requirement in a residential R-8 zoning district allowing for a rear setback of 16 feet instead of the required 25 feet in the Ordinance. The two-car garage should be constructed in accordance with the building requirements. Mr. Lamb seconded the motion. **ALL IN FAVOR: ETHERIDGE, BOLLARD, DAVENPORT, HARRIS, HIEMER, HILL and LAMB. NONE OPPOSED. MOTION PASSED.**

With no further business, meeting was adjourned.

Respectfully submitted by,

Dawn Harris  
Secretary to the Board