

AGENDA
WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
2:00 P.M. - PUBLIC MEETING ROOM - BRYCE A. STUART MUNICIPAL BUILDING
Thursday, August 1, 2019

NOTE: ALL cases on the Zoning Board of Adjustment agenda are quasi-judicial in nature; as a result, NO communications should take place between yourself and the Zoning Board of Adjustment members prior to the public hearing.

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL OF MEMBERS
3. OPENING REMARKS
4. APPROVAL OF MINUTES
5. WITHDRAWAL OR CONTINUANCE REQUESTS
6. HEARING & DETERMINATION OF CASES

A. MANUFACTURED HOME RENEWALS (CONSENT)

HOPE, DANIEL K.
(HOPE, DANIEL K.)
Case # **Z1900507**

Requesting permission to continue to place a Manufactured Home, Class A on a .78-acre tract of land located at 4920 Manning Street, approximately 500 feet north of the intersection of White Rock Road and Manning Street. Property is zoned RS9. Tax Block 2290, Tax Lot 023.

- Application - Case #Z1900507
- Picture of Sign Posting(s) - Case #Z1900507
- Picture of Manufactured Home - Case #Z1900507
- Site Plan - Case #Z1900507

MORGAN, AMBER
(COTHREN, GRANT)
Case # **Z1900565**

Requesting permission to continue to place a Manufactured Home, Class A on a .46-acre tract of land located at 3528 Ridgewood Court (private drive), approximately 1200 feet east of Ridgewood Road. Property is zoned RS20. Tax Block 2749, Tax Lot 022.

- Application - Case #Z1900565
- Picture of Sign Posting(s) - Case #Z1900565
- Picture of Manufactured Home - Case #Z1900565
- Site Plan - Case #Z1900565

B. SPECIAL USE PERMITS FOR MANUFACTURED HOMES (NEW)

KENNEDY, DIANNE M.
KENNEDY, ROY LEE
(CHILDRESS, AMANDA)

Case # **Z1900492**

Requesting permission to place a Manufactured Home, Class A on a 0.51-acre tract of land located at 156 Brevard Street, approximately 1,435 feet west of the intersection of Brevard Street and Old Belews Creek Road. Property is zoned RS9. Tax Block 3218, Tax Lot 153.

- Application - Case #Z1900492
- Picture of Sign Posting(s) - Case #Z1900492
- Picture of Manufactured Home - Case #Z1900492
- Site Plan - Case #Z1900492

ROTEN, CLAUDE WILLIAM
(CLAYTON HOMES)

Case # **Z1900570**

Requesting permission to place a Manufactured Home, Class A on a 0.67-acre tract of land located at 4672 White Rock Road, approximately 343 feet northwest of the intersection of Jordan Drive and White Rock Road. Property is zoned RS9. Tax Block 3016, Tax Lot 059G.

- Application - Case #Z1900570
- Picture of Sign Posting(s) - Case #Z1900570
- Picture of Manufactured Home - Case #Z1900570
- Site Plan - Case #Z1900570

C. OTHER SPECIAL USE PERMITS (NEW)

RONALD MCDONALD HOUSE OF
WINSTON SALEM INC.
(KRAFT, CHUCK)

Case # **Z1900581**

Requesting permission for a one-time, twenty-five percent land use expansion of a non-conforming use, located at 423 S. Hawthorne Road, approximately 380 feet south of the intersection of S. Hawthorne Road and Queen Street. Property is zoned RM18. Tax Block 1064, Tax Lot 102.

- Application - Case #Z1900581
- Picture of Sign Posting(s) - Case #Z1900581
- Picture of Manufactured Home - Case #Z1900581
- Site Plan - Case #Z1900581

D. VARIANCES

ISENHOUR HOMES, LLC
(WHITT, T. DAVID)
Case # **Z1900577**

Requesting a variance for a portion of a required front setback, on a 0.26-acre tract of land located at 5445 Fern Bank Circle, approximately 198 feet southeast of the intersection of Hundley Road and Fern Bank Circle. Property is zoned MU-S. Tax block 6576, Tax Lot 522.

- Application - Case #Z1900577
- Picture of Sign Posting(s) - Case #Z1900577
- Picture of Manufactured Home - Case #Z1900577
- Site Plan - Case #Z1900577

7. UNFINISHED BUSINESS

8. NEW BUSINESS

The use meets all required conditions and specifications.

The site plan indicates that the proposed manufactured home will be set back eighty-six (86) feet from the front property line, thirty-two (32) feet from the left side, twenty (20) feet from the right side, and seventy-eight (78) feet from the rear property line. The proposed setbacks exceed the minimum UDO requirements. The additional use conditions and requirements will be met at the time of permitting.

The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity;

Staff is not qualified to make certifiable assessments with regard to property values.

The location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Legacy*.

Legacy supports a variety of affordable housing options, including manufactured homes, where appropriate. There are several manufactured homes in close proximity to the subject site, including homes on Brevard Street.

NOTE:

*In approving an application for the issuance of a special use permit, the Board of Adjustment may impose additional reasonable and appropriate conditions and safeguards to protect the public health and safety, and the value of neighboring properties, and the health and safety of neighboring residents.
[Chapter B, Article 6-1.4(A)(3)]*

The use meets all required conditions and specifications.

The site plan indicates that the proposed manufactured home will be set back forty-five (45) feet from the front property line, thirty-five (35) feet from the left side, thirty (30) feet from the right side, and one hundred and twenty-five (125) feet from the rear property line. The proposed setbacks exceed the minimum UDO requirements. The additional use conditions and requirements will be met at the time of permitting.

The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity;

Staff is not qualified to make certifiable assessments with regard to property values.

The location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Legacy*.

Legacy supports a variety of affordable housing options, including manufactured homes, where appropriate. The Petitioner is proposing to place a manufactured home in an existing neighborhood comprised of single family detached residential dwellings built in the late 1950s to 1960s, per Forsyth County tax records. Staff identified approximately six (6) manufactured homes in the general vicinity of the proposed manufactured home location. The observed manufactured homes are located on Northwest Drive and Monte Vista Street.

NOTE:

In approving an application for the issuance of a special use permit, the Board of Adjustment may impose additional reasonable and appropriate conditions and safeguards to protect the public health and safety, and the value of neighboring properties, and the health and safety of neighboring residents. [Chapter B, Article 6-1.4(A)(3)]

**WINSTON SALEM ZONING BOARD OF ADJUSTMENT
REQUEST FOR VARIANCE STAFF REPORT**

August 1, 2019

CASE #: Z1900577

STAFF: Elizabeth Colyer

REQUEST:

Variance of a required front setback

PETITIONER(S): Isenhour Homes, LLC

LOCATION:

5445 Fern Bank Circle
(0.26 acre)

BACKGROUND:

The subject property is zoned MU-S, and the required front setback is fifteen (15) feet for Residential Building, Single Family use on the subject site approved through the Special Use zoning process by the City Council. A building permit application was issued for the site with an approved site plan that demonstrated compliance with the front setback requirement. The residential structure was built, passed all inspections, and obtained a Certificate of Occupancy (CO) issued by the Inspections Division. However, a final survey of the subject property showed that the structure was constructed with a front setback of thirteen (13) feet.

The Petitioner is requesting a variance for a two (2) foot portion of the required fifteen (15) foot setback for an existing single-family dwelling.

FINDINGS/ANALYSIS:

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

a) Unnecessary hardship would result from the strict application of the UDO.

The Petitioner obtained a building permit with an approved site plan demonstrating compliance with the front setback requirement. Inspections Division staff passed all inspections and issued a CO for the subject property. The structure exists today and the Petitioner would be required to rebuild the structure to meet the front setback requirement.

b) The hardship results from conditions that are peculiar to the property, such as location, size or topography.

The approved site plan and the as-built survey do not agree, despite that fact that all inspections were passed after permitting and construction.

- c) **The hardship did not result from actions taken by the applicant or the property owner.**

The Petitioner obtained a building permit with an approved site plan and constructed a residence that passed all inspections and was issued a CO by the Inspections Division.

- d) **The requested variance is consistent with the spirit, purpose and intent of the UDO, such that public safety is secured, and substantial justice is achieved.**

The Petitioner is proposing no changes to the existing building footprint that would make the site more nonconforming than it is today. The Petitioner submitted a site plan based on a survey of the subject site demonstrating a thirteen (13) foot setback after the residence was constructed and the CO was issued by the Inspections Division.

NOTE:

In approving an application for the issuance of a variance, the Board of Adjustment may impose additional appropriate conditions reasonably related to the variance. [Chapter B, Article 6-1.4(B) (6)]

**CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
SPECIAL USE PERMIT STAFF REPORT
August 1, 2019**

CASE #: Z1900581

STAFF: Elizabeth Colyer

PERMIT REQUEST: One-time expansion of a non-conforming use

PETITIONER(S): Ronald McDonald House of Winston-Salem, Inc.

LOCATION: 423 S. Hawthorne Road (0.18 acre)

BACKGROUND:

The use established at 419 S. Hawthorne Road, the location of an existing Ronald McDonald House, is Limited Campus Uses. A text amendment to the *Unified Development Ordinances* (UDO) was adopted in 2018 and specifies that Limited Campus Uses must be conducted within a structure that is entirely within five hundred (500) feet of general use Campus (C) zoning district. The existing Limited Campus Uses at 419 S. Hawthorne Road became nonconforming due to the fact that this site does not meet this condition. The UDO allows a one-time increase in the size of a nonconforming use, not to exceed twenty-five (25) percent of the area of the existing use, so long as it lawfully existed prior to the effective date of the regulations which rendered it nonconforming.

The Petitioner is proposing a one-time expansion of an existing nonconforming Limited Campus Uses site.

REQUIRED FINDINGS:

To issue a Special Use Permit, the Board must find the following in the affirmative:

- a) The use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
- b) The use meets all required conditions and specifications;
- c) The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity; and
- d) The location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Legacy*.

ANALYSIS:

With respect to the four (4) required findings of fact, staff has the following comments:

The use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;

Limited Campus Uses are office and residential uses to support larger institutions and are supported by Legacy 2030 in that they generate limited traffic and have minimum impacts on surrounding neighborhoods. There are no known issues in regards to public health or safety for the existing Limited Campus Uses site.

The use meets all required conditions and specifications.

The submitted site plan meets all of the conditions and requirements of the UDO for Limited Campus Uses and demonstrates that this one-time expansion does not to exceed twenty-five (25) percent of the area of the existing Limited Campus Uses.

The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity;

Staff is not qualified to make certifiable assessments with regard to property values.

The location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with Legacy.

There is no proposed increase in the existing building footprint. The existing building is consistent with other structures in the neighborhood. The Petitioner is proposing to remove an existing structure to allow for additional parking and relocation of a playground area. The proposal also includes required bufferyard plantings and parking area trees and proposes supplemental landscaping. The Petitioner's proposed site plan for Limited Campus Uses is supported by Legacy 2030.

NOTE:

In approving an application for the issuance of a special use permit, the Board of Adjustment may impose additional reasonable and appropriate conditions and safeguards to protect the public health and safety, and the value of neighboring properties, and the health and safety of neighboring residents. [Chapter B, Article 6-1.4(A)(3)]