

AGENDA
FORSYTH COUNTY ZONING BOARD OF ADJUSTMENT
2:00 P.M. - PUBLIC MEETING ROOM - BRYCE A. STUART MUNICIPAL BUILDING
Wednesday, December 18, 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. PRAYER
2. ROLL CALL OF MEMBERS
3. OPENING REMARKS
4. APPROVAL OF MINUTES
5. WITHDRAWAL OR CONTINUANCE REQUESTS
6. HEARING & DETERMINATION OF CASES

A. SPECIAL USE PERMIT RENEWALS (CONSENT)

GREGORY, JOHNNY L.
(JOYCE, LISA)
Case # **Z1900761**

Requesting permission to continue to place a Manufactured Home, Class B on a 1.08-acre tract of land located at 903 Tobaccoville Road, approximately 500 feet west of Circle Drive. Property is zoned RS20. Tax Block 4967, Tax Lot 404.

WILES, HETTIE S.
(WILES JR., STEVEN)
Case # **Z1900903**

Request permission to occupy a secondary dwelling (Manufactured Home, Class A) on a 3.92-acre tract of land with an existing dwelling located at 6175 Reidsville Road (secondary dwelling address is 6179 Reidsville Road), approximately 700 feet south of Goodwill Church Road. Property is zoned AG. Tax Block 5241, Tax Lot 004M.

GIBSON, STEVEN E.
(GIBSON, STEVEN E.)
Case # **Z1900908**

Requesting permission to continue to place a Manufactured Home, Class B on a 1.78-acre tract of land located at 5210 Waller Road, approximately 400 feet southeast of Vogler Road. Property is zoned RS40. Tax Block 4750, Tax Lot 050C.

RATLEY, LEWIE D.
(RATLEY, LEWIE D.)
Case # **Z1900927**

Requesting permission to continue to place a Manufactured Home, Class C on a 16.61-acre tract of land located at 7110 Tucker Road, approximately 3/4 mile north of Pine Hall Road. Property is zoned AG. Tax Block 5229A, Tax Lot 016.

WAX & WANE LLC
(MITCHELL, JENNIFER)
Case # **Z1900932**

Requesting permission to continue to place a Manufactured Home, Class B on a .55-acre tract of land located at 3589 Shirley Street, approximately 900 feet north of Salem Road. Property is zoned RS20. Tax Block 2157, Tax Lot 007M.

HUTCHENS, LARRY L.
(HUTCHENS, LARRY L.)
Case # **Z1900942**

Requesting permission to continue to place a Manufactured Home, Class A on a 1.09-acre tract of land located at 4362 Lawson Ridge Road Drive (northwest side of a private drive), approximately 1100 feet west of Pine Hall Road. Property is zoned RS20. Tax Block 5165, Tax Lot 56E.

FUNK, RICHARD
FOWLER, THOMAS
(FOWLER, THOMAS)
Case # **Z1900943**

Requesting permission to continue to place a Manufactured Home, Class C on a .64-acre tract of land located at 8050 Loretta Lane, approximately 600 feet south of Tobaccoville Road. Property is zoned RS20. Tax Block 4755, Tax Lot 014.

VANDELOOP, NANCY L.
(BURNETTE, DANIEL)
Case # **Z1900944**

Requesting permission to continue to place a Manufactured Home, Class C on a .65-acre tract of land located at 8021 Pine Hall Road, approximately 1/4 mile north of Highway 65. Property is zoned AG. Tax Block 5231, Tax Lot 037D.

B. SPECIAL USE PERMITS FOR MANUFACTURED HOMES (NEW)

ROSS, MARSHA C.
(CRAM, GARY)
Case # **Z1900934**

Requesting permission to place a Manufactured Home, Class B on a .46-acre tract of land located at 4565 Effie Lane, approximately 186 feet northeast of intersection of Effie Lane and Eric Lane. Property is zoned RS30. Tax Block 5167, Tax Lot 141.

C. OTHER SPECIAL USE PERMITS (NEW)

PERRY, BRUCE W.
PERRY, STACEY
(PERRY, BRUCE W.)
Case # **Z1900886**

Requesting permission to establish a secondary dwelling (detached garage) on a 2.91-acre tract of land with an existing dwelling located at 8471 Shallowford Road (secondary dwelling address 8438 Slater Farm Road) approximately 340 feet northwest of the intersection of Slater Farm Road and Shallowford Road. Property is zoned RS40. Tax Block 4439, Tax Lot 001.

D. VARIANCES

TATRO, KRISTEN D.
TATRO, MARK A.
(TATRO, MARK A.)
Case # **Z1900901**

Requesting a variance of the requirements of the Salem Lake watershed regulation, on a 0.23-acre tract of land located at 531 Barnsdale Ridge Road, approximately 527 feet southeast of the intersection of Barnsdale Ridge Road and Barnsdale Ridge Court. Property is zoned RS9. Tax Block 5350J, Tax Lot 103.

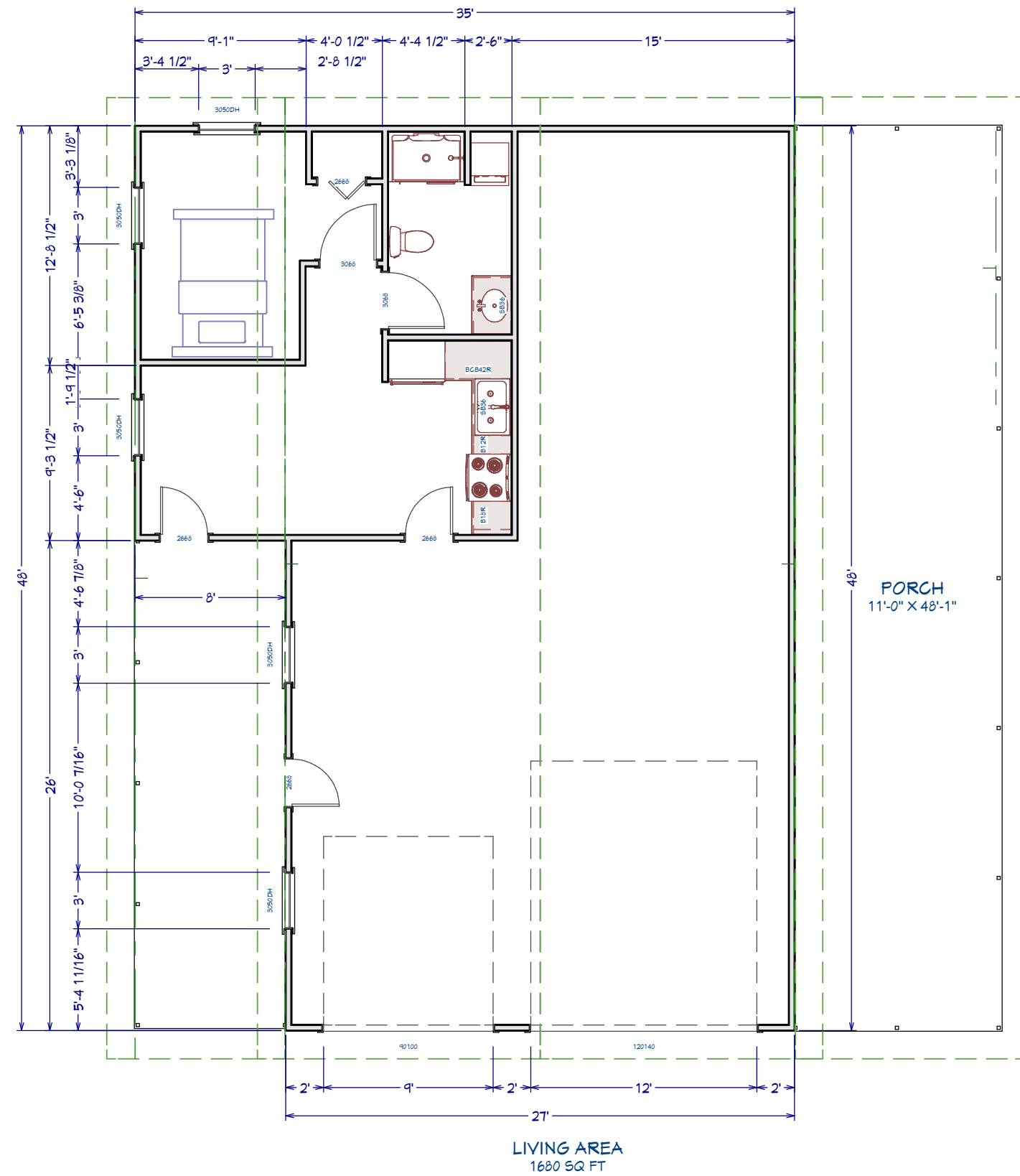
E. APPEALS

CENTRE STAGE OF WALKERTOWN
LLC
(RODRIGUEZ, TRACY)
Case # **Z1900947**

Appeal of Zoning Officer's decision. Property is a 12.17-acre tract of land located at 3032 Old Hollow Road (property address 3000 Old Hollow Road), approximately 611 feet southeast of the intersection of Old Hollow Road and Darrow Road. Property is zoned HB-S. Tax Block 3242E, Tax Lot 002.

7. UNFINISHED BUSINESS

8. NEW BUSINESS



REVISION TABLE	NUMBER	DATE	REVISOR	DESCRIPTION

PAGE TITLE

DRAWINGS PROVIDED BY:

DATE:
11/20/2019

SCALE:

SHEET:

P-1



NUMBER	DATE	REVISION/TABLE	REVISED BY	DESCRIPTION

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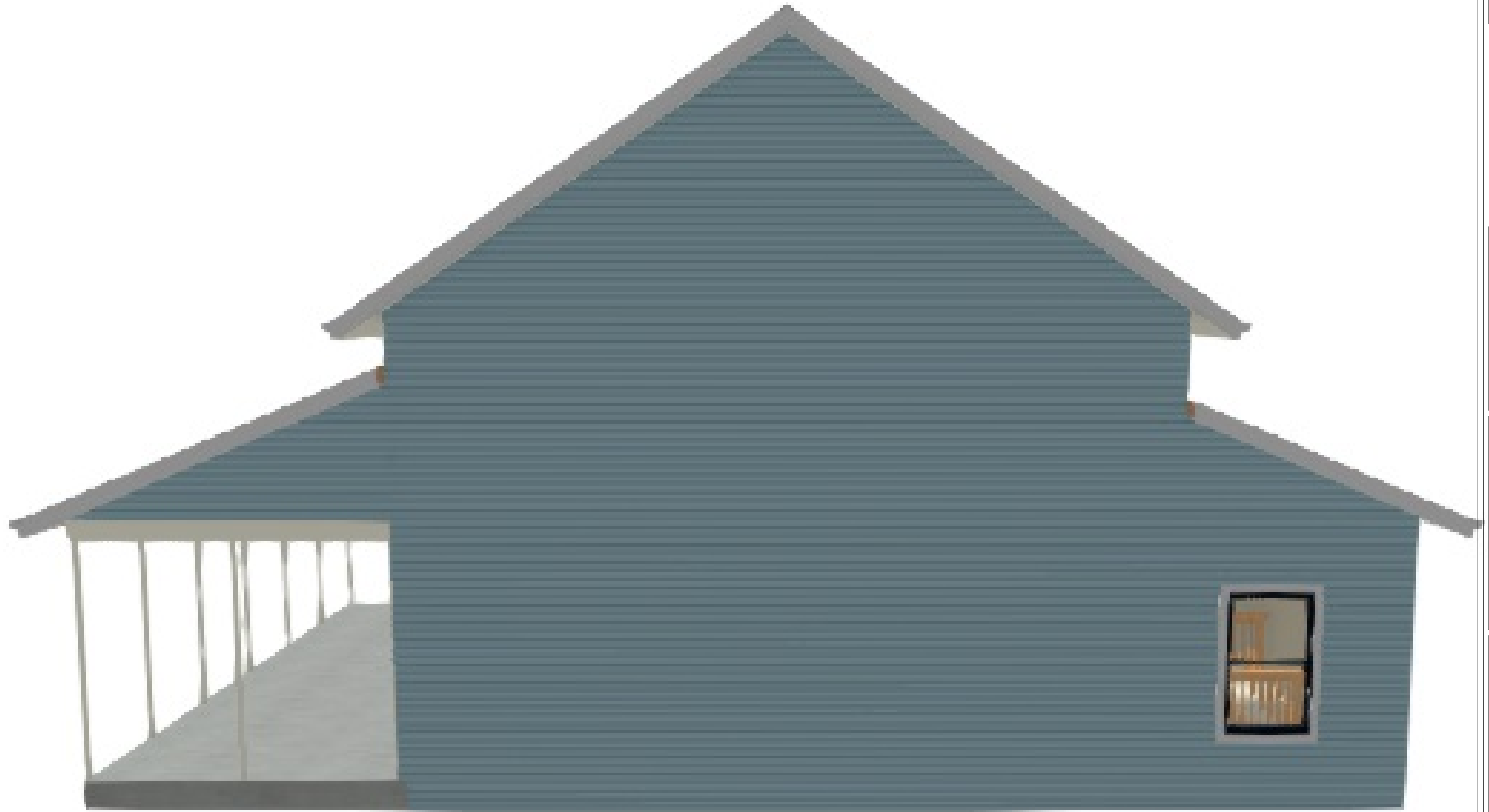
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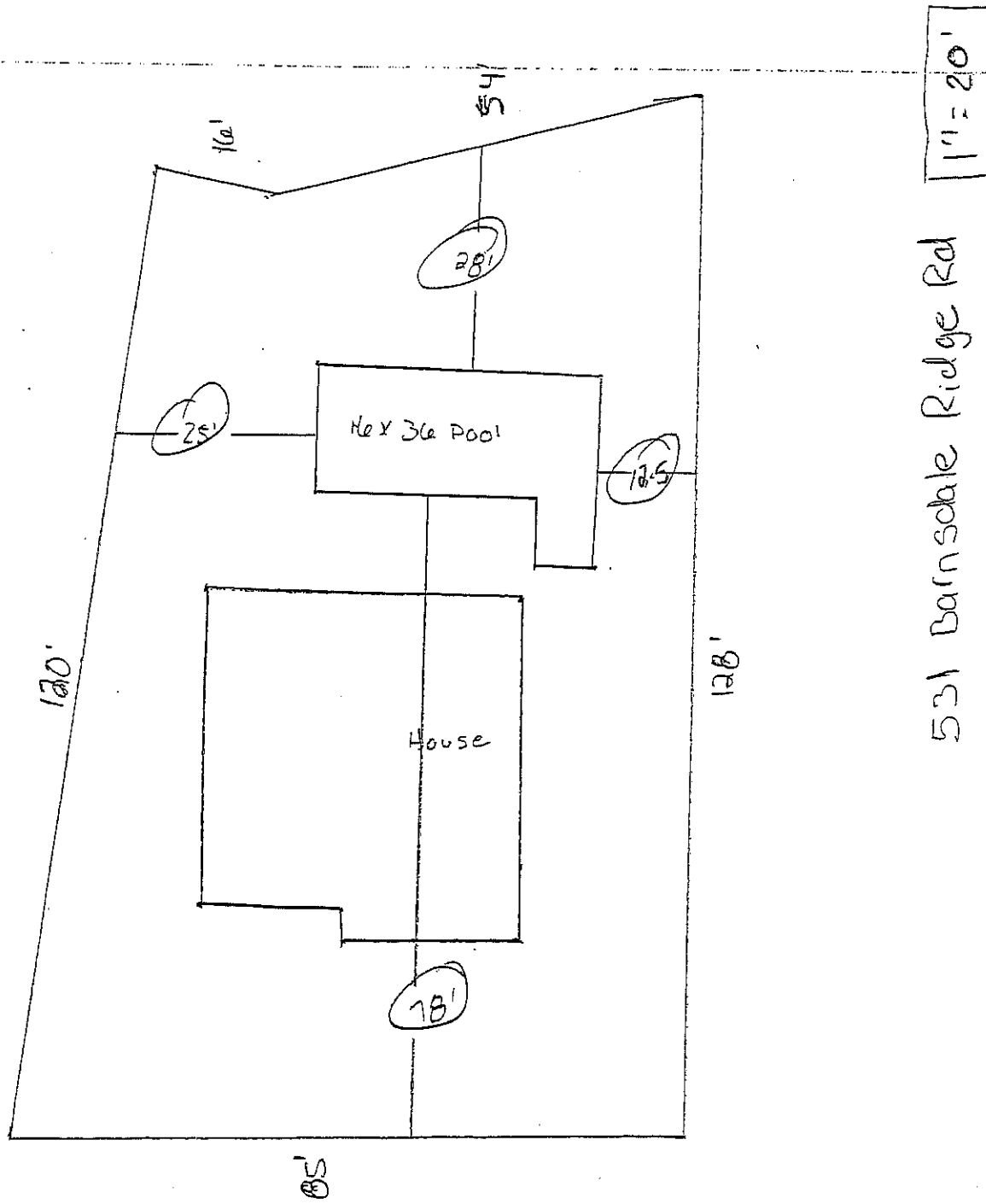
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Z1900901



1" = 20'

531 Barnsdale Ridge Rd

Barnsdale Ridge Rd

**FORSYTH COUNTY ZONING BOARD OF ADJUSTMENT
REQUEST FOR VARIANCE STAFF REPORT
December 18, 2019**

CASE #:	Z1900901	PERMIT REQUEST:	Variance of Salem Lake Watershed Protection ordinance
STAFF:	Elizabeth Colyer		
PETITIONER(S):	Mark Tatro	LOCATION:	531 Barnsdale Ridge Road (0.26 acres)

BACKGROUND:

A single-family detached subdivision named Hastings Hill Farm obtained preliminary approval from the City-County Planning Board on October 12, 2000, for one-hundred and thirty-four (134) lots. Multiple plats of the subdivision demonstrate that all lots are in compliance with the RS9 zoning district dimensional requirements. A Watershed Protection Permit was issued in **year?** for development in the Salem Lake Watershed using the density provision of the applicable watershed protection ordinance (no more than two (2) units per **40,000?** square feet).

The Petitioner submitted a site plan for the subject property, located in the Hastings Hill Farm subdivision, with a proposed in-ground swimming pool meeting all required setbacks for the RS9 zoning district. However, per the Salem Lake Watershed Protection ordinance, the proposed built-upon area (BUA) of the swimming pool will exceed the maximum allowable BUA of twenty-four (24) percent of the total parcel area. The BUA provision applies in this instance because the construction of the swimming pool qualifies as new development activity within the watershed and is not covered under the original Watershed Protection Permit for the subdivision. The Petitioner is requesting a variance of the Salem Lake Watershed Protection regulations as applicable to the subject property.

FINDINGS/ANALYSIS:

When unnecessary hardships 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.**

No unnecessary hardship results when considering the spirit, purpose, and intent of the Salem Lake Watershed Protection ordinance.

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

This lot is one of the smaller lots within the subdivision at 0.46 acre. The small lot size limits the amount of BUA allowed on the lot given the 24 percent maximum in the Salem Lake Watershed Protection ordinance.

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

This situation is a result of the size and layout of the lots as determined by the original subdivision developer.

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 spirit, purpose, and intent of the Salem Lake Watershed Protection ordinance is to improve the water quality in Salem Lake by preventing pollution damage from the contributing watershed. BUA contributes pollutants, such as petroleum products and chemicals from stormwater runoff, and can contribute to stream bank degradation and sedimentation damage from increased runoff rates from lack of infiltration.

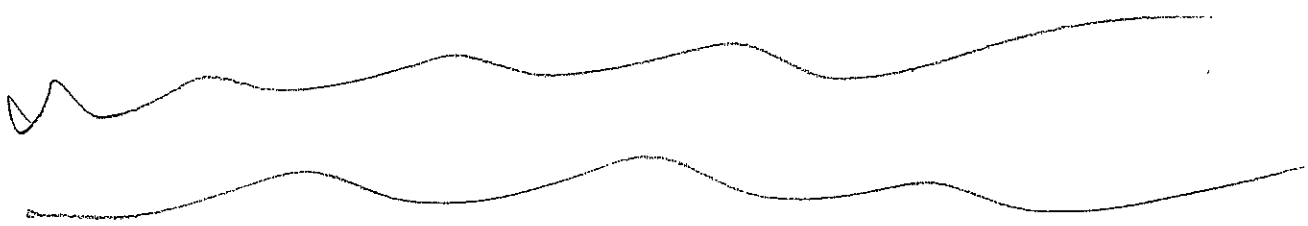
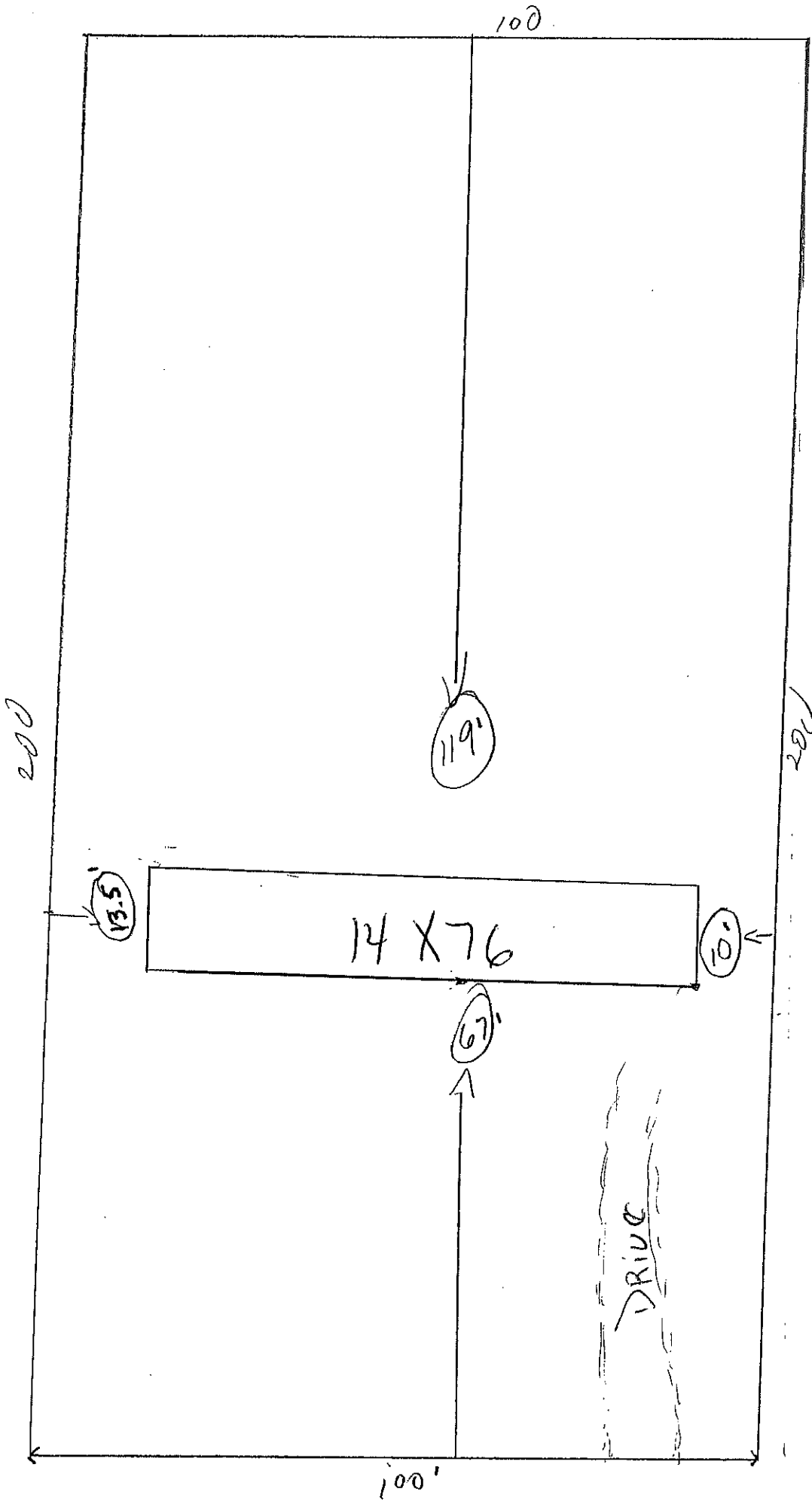
Paul Clark, Water Supply Watershed Coordinator with the North Carolina Department of Environmental Quality (DEQ), has evaluated the current administration of the Salem Lake Watershed Protection ordinance by Erosion Control Division staff. Staff discussed the specifics of this case with Mr. Clark, and he concurred that the interpretation and application of the Salem Lake Watershed Protection ordinance in this case was consistent with the ordinance language and with how other Watershed Protection Programs are administered throughout the State.

Other properties in the area have been required to comply with the Salem Lake Watershed Protection ordinance. For example, the property owner at 5065 Carriage Trail Court (within the same subdivision) was issued a Watershed Protection Permit in 2015 to construct a detached garage after submitting a site plan with a total site BUA calculation of 20 percent.

Erosion Control staff recommends denial of this request based on the spirit, purpose, and intent of the Salem Lake Watershed Protection ordinance.

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)]

1"=20'



4965

EFFIE LN

Z19009.34