

TOWN OF BLOWING ROCK

BOARD OF ADJUSTMENT

MINUTES

DECEMBER 18TH, 2024

5:30 p.m.

The Blowing Rock Board of Adjustment met on Wednesday, December 18th, 2024 at 5:30 p.m. in Town Hall. Members present were Chairman EB Springs, Stephen Schiller, Brandon Walker, Sarah Murphy and Paul McGill. Staff members present were Kevin Rothrock, Brian Johnson and Taylor Miller.

Chairman Springs called the meeting to order at 5:30 p.m.

APPROVAL OF MINUTES

Chairman Springs made a motion to approve the January 25th, 2024 minutes. Seconded by Brandon Walker. **All members in favor.**

Chairman Springs took a moment to read some information regarding unnecessary hardship.

1. Variance # 2024 – 01 Peter Larson variance request for 432 Green Hill Woods

Chairman Springs asked the board if each member had received a copy of the staff report. All members stated they had received a copy.

Chairman Springs asked if Mr. Larson, the applicant, had received a copy of the staff report. Mr. Larson stated he had received a copy.

Chairman Springs made the staff report a part of the record.

Chairman Springs stated that this hearing is a quasi-judicial hearing. It is conducted according to the rules and laws pertaining to quasi-judicial hearings. It will have all the essential elements of a fair trial. Parties will have the opportunity to give evidence, cross examine witnesses, inspect documents and testimonies shall be under oath. The board's findings will be based on substantial, material, and competent evidence.

Chairman Springs asked if any board members had any conflict of interest, any financial interest, or any relation to any of the parties in this case. No one had any of those issues.

Chairman Springs asked if any board members had any ex parte conversation with anyone about this case outside of this hearing. No board members participated in any ex parte communication.

Chairman Springs asked if any board members had gone by the address in question to see the property. Three members stated they had driven by the property while two members stated they had not gone by the property.

Chairman Springs asked if anyone was aware of any other parties who may believe they have standing in this case. No response.

Chairman Springs asked if the meeting was being recorded on zoom. Mr. Johnson said the meeting was being streamed on YouTube but not on zoom.

Taylor Miller swore in all parties that will speak on the case – Mr. Brian Johnson, Mr. Kevin Rothrock and Mr. Peter Larson.

Mr. Brian Johnson presented the staff report.

Peter Larson is requesting a 16.5-foot setback variance from the applicable 30-foot street setback along Green Hill Woods for construction of a 10' x 14' enclosed golf cart garage and enclosed elevator with covered entry.

A portion of the home already encroaches into the existing setback.

The proposed golf cart garage will encroach 16.18 feet into the applicable 30-foot setback and the elevator covered entry will encroach 15.19 feet into the applicable 30-foot setback.

The house currently sits 11 to 12 feet below the road with two retaining walls separating the house and parking area. The house is accessed by stairs from a street grade parking area down to the front door.

Chairman Springs asked for clarification on how much of the house is currently located inside the 30-foot setback. Mr. Johnson and Mr. Larson advised that the existing porch, stairs and decking on the front of the house are located inside the setback currently.

Chairman Springs asked if the current encroachment is grandfathered. Mr. Johnson said yes.

Mr. Johnson noted that the house is only accessed by the existing set of stairs.

Mr. Larson said he could clear up any questions anyone on the board may have about the project.

Mr. Larson said the golf cart garage will also be a little bit of storage. It will house his trash can and recycling cans as well as tools and snow shovels.

Chairman Springs asked if Mr. Larson wanted to amend the permit and call it a small storage structure instead of just a golf cart garage/storage structure. Mr. Larson agreed to amend the permit.

Mr. Larson made a point to say that this house is not accessible by anyone who had issues with walking. His elderly father cannot access the house anymore and even he struggles sometimes. He tried to reiterate that this is an accessibility issue.

Chairman Springs reiterated that we can not grant a variance based on personal issues.

Chairman Springs asked if Mr. Larson had anything to do with the design or siting of the house as it is. Mr. Larson said no.

Chairman Springs asked Mr. Larson why they built the house the way it is. Mr. Larson says anything he thought would just be speculation.

Chairman Springs asked about the grade and steepness of the lot. Mr. Larson said it's a steep grade. Chairman Springs asked if it's the steepest in the neighborhood. Mr. Larson said it's sort of typical for his neighborhood, but his property is very steep. Member Sarah Murphy stated she is very familiar with the neighborhood because she walks on that street often and he is the only property who is way down below the street, everyone is up further.

Mr. Larson said in the snow/sleet it is very hard to utilize those steps.

FINDINGS OF FACT

1. The applicant is Peter Larson.
2. The owner of the property in question is Peter Larson.
3. The address of the property in question is 432 Green Hill Woods, Blowing Rock, N.C. The Watauga County PIN number of the property in question is 2817-45-5577-000. The existing house was built in 1999. The applicant here did not build the house.
4. The property in question is zoned R-15 single family. A portion of an existing deck on the existing house intrudes into the required 30-foot street setback by approximately ten feet. It is lawfully grandfathered for that setback intrusion.
5. The applicant wants to do the following, which would violate zoning regulations, and which would require a variance:
The applicant wants to build a 10 foot by 14-foot enclosed storage structure which would intrude into the setback, and he also wants to build an enclosed elevator with a covered entryway which would intrude into the setback
The property has a 30-foot street right of way setback requirement from Green Hills Woods Street.
The proposed storage structure would encroach into the applicable 30-foot street setback, and the enclosed elevator with a covered entryway would also encroach into the applicable 30-foot street setback.
The applicant is seeking a 16.5-foot variance from the street setback requirement. That 16.5-foot variance would accommodate both the encroachment by the storage structure and the encroachment by the enclosed elevator with a covered entryway.
6. The Blowing Rock zoning code ordinance section(s) which is at issue here and which stands in the applicant's way is 16-12.4, which requires a street right of way setback of 30 feet in R-15 zoning district for any building or construction, with no building or construction inside that 30 foot setback.

7. There are no other parties withstanding to come into this case.
8. The applicant did provide drawings or sketches and plans and pictures illustrating what the applicant wants to do.
9. The Town of Blowing Rock has provided and given all necessary legal notice of this case and this hearing.
10. There were proper notices given to all property owners with property abutting the parcel of land that is at issue here, and proper notice was given to all persons entitled to receive notice. Notices were sent to 9 property owners.
11. The applicant did receive a copy of the Zoning Enforcement Officer's staff report prior to the meeting.
12. There were no other witnesses in the hearing besides applicant Peter Larson and the Zoning Enforcement Officer, Brian Johnson.
13. What the applicant is proposing would not impair emergency vehicles such as fire trucks and ambulances.
14. What the applicant is proposing would not create a fire hazard.
15. What the applicant is proposing would not block or impede visibility on any street or highway.
16. What the applicant is proposing would not be contrary to public health and/or safety.
What the applicant is proposing with building the enclosed elevator and covered entryway would in fact be safer for emergency personnel or members of the public or private visitors. It would be safer than the existing 17 step stairway.
17. Unique features of this property include:
The existing house sits 11 to 12 feet below the roadway in front of the house, with a 17-step staircase from the street level parking area down to the house. The house is presently accessible only by stairs.
The existing house is built on a steep grade, as are about 40 % of the houses in the neighborhood. The applicant's existing house is the lowest house in the neighborhood below the street level.

The Blowing Rock Board of Adjustment did adopt the above listed facts by a unanimous vote.

CONCLUSIONS OF LAW

1. Based upon the evidence presented and the facts shown above, the Board of Adjustment FINDS substantial, material and competent evidence exists to conclude that in this case unnecessary hardship would result from the strict application of the regulations.
The Board's vote on this factor was unanimous.

2. Based upon the evidence presented and the facts shown above, the Board of Adjustment FINDS substantial, material, and competent evidence exists to conclude that in this case the hardship results from conditions that are peculiar to the property, such as location, size, and topography.
The Board's vote on this factor was unanimous.

3. Based upon the evidence presented and the facts shown above, the Board of Adjustment FINDS substantial, material, and competent evidence exists to conclude that in this case the hardship did not result from actions taken by the applicant or the property owner.
The applicant did not build the house, and he had nothing to do with its location and sitting.
The Board's vote on this factor was unanimous.

4. Based upon the evidence presented and the facts shown above, the Board of Adjustment FINDS substantial, material, and competent evidence exists to conclude that in this case the requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.
Substantial justice is not achieved when granting the variance would be injurious to the neighborhood or to general welfare.
No neighbor appeared at this hearing and alleged any harm to their property.
The Board's vote on this factor was unanimous.

The Board of Adjustment DOES grant the applicant a variance of 16.5 feet from the applicable 30-foot street right of way setback, as outlined in the applicant's variance application and the Staff Report.

The Board's vote on this was unanimous.

This decision is effective after review and approval of the written decision by all participating Board members and then filing with the Clerk.

The Board of Adjustment did adopt the above listed Conclusions of Law by unanimous vote.

Chairman Springs made a motion to adjourn meeting, seconded by Member Sarah Murphy. All members in favor.

Chairman E.B. Springs

Support Specialist Taylor Miller