

Minutes of the Town of Huntersville Board of Adjustments

The Town of Huntersville Board of Adjustments met at 6:30 p.m. on Tuesday, January 10, 2023.

Call to Order/Roll Call

Chairman Cecil called the meeting to order at 6:30 pm.

Present: E. Cecil, P. Jacobson, S. Genenbacher, J. Bradshaw, K. Burton, M. Bennett & J. Loucks

Alternate Members Present & Voting: J. Carbonell & C. Price

Alternate Members Absent: J. Passarelli

Approval of Minutes

Item 2A. Consider approval of the revised December 13, 2022, Regular Meeting Minutes

Motion: S. Genenbacher made a Motion to Approve the December 13, 2022, minutes. M. Bennett seconded the motion.

Vote: The motion passed unanimously (7-0).

Public Comments

No comments

Quasi-judicial

J. Glass, Town Attorney completed the reading of the quasi-judicial statement.

Conflict of Interest

Chairman Cecil asked the Board if there was any conflict of interest. There was no conflict.

Attestation

Vice-Chair P. Jacobson completed the attestation. The applicant Christopher Fogleman and staff N. Farber, Planner II were sworn in.

Hearing of Cases

Item 3A: V22-02 12109 EASTFIELD RD HUNTERSVILLE NC 28078 The applicant is requesting a variance from Article 8.16.7 of the Huntersville Zoning Ordinance. The request is to allow the construction of a detached garage not fully located in the rear yard.

N. Farber, Planner II reviewed the applicant's variance request and staff report as included in the agenda packet. Staff finds that the application meets one of the four requirements and therefore recommends denial of the variance request.

Applicant C. Fogelman, 12109 Eastfield Road stated that he believes he meets requirement one based on this not being a choice they made. The primary contractor applied for the permit and the contractor abandoned the job which the applicant had no control over and which is costing the applicant unnecessary time and money. Regarding the second requirement the placement of the building was meant to be in the rear yard. Due to the overhead power line, side yard setback, and location of the 40' white pine tree to rear of this new structure the placement fully in rear yard would be challenging. The applicant stated that he feels he did all that he could in hiring a licensed contractor who applied for the

appropriate permits and then they made an error. For these reasons the applicant stated they disagree with the recommendation of staff to deny.

Chairman Cecil asked if there was anyone else here in opposition or in favor who would be speaking. There were no additional speakers.

P. Jacobson asked staff if the proposed structure was moved back 11' if it would be in compliance and if the side setbacks could accommodate this. Staff confirmed that is correct and the side setbacks can accommodate it based on the proposed size of building and width of yard as stated on GIS measurements of the parcel. The applicant highlighted challenges this would present.

P. Jacobson asked if the applicant had considered reusing the poured footing and making that part of the driveway then pouring the back end as needed to place the structure in the rear yard. The applicant stated that it would be extremely close and would cause him to remove the 40' white pine and would get closer to the overhead utility line.

J. Bradshaw asked the applicant if the structure had been installed as drawn if he still would have had to remove that tree. The applicant said that the original drawing was further to the left and they would have had to trim the tree back.

E. Cecil commented on the 35' measurement shown to the tree and the applicant confirmed this is to the trunk. There was discussion as to the size of the tree, overhang, and distance from ground to first limbs on the tree.

J. Bradshaw asked who submitted the application for the second permit. The applicant stated it was his second and current contractor.

E. Cecil asked if the current contractor knew what was required with placement of the garage. The applicant stated the contractor had never worked in Huntersville. They worked with the Planning department and that is how the encroachment was identified.

E. Cecil asked if the concrete was staked and where it is now and if the applicant saw the placement before the concrete was poured. The applicant stated he did see it but the contractor explained it could not be five feet it had to be twelve feet off of the side yard to meet Mecklenburg County standards.

E. Cecil asked if the current contractor provided a cost estimate to correct the issue. The applicant said that he has not at this time they are waiting for the results of this request.

Motion: S. Genenbacher made a Motion to Deny the case V22-02 as only one of the four criteria have been met and including the staff's findings of facts as presented. P. Jacobson seconded the motion.

Vote: The motion passed unanimously (7-0).

Other Business

No other business.

Adjourn

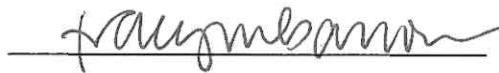
Motion: M. Bennett made a Motion to Adjourn. S. Genenbacher seconded the motion.

Vote: The motion passed unanimously (7-0).

Approved this 14 day of 2023 2023.



Chairman or Vice Chairman



Board Secretary

