

CITY OF GASTONIA
ZONING BOARD OF ADJUSTMENT

July 26, 2018

Minutes

The regular meeting of the Zoning Board of Adjustment was held on Thursday, July 26, 2018, at 9:00 a.m. in the City Council Chambers at City Hall.

Board Members present: Vice-Chairman William Marino, Melanie Blankenship, Sidney Craig, James Nebo and Frank Eshun

Board Members absent: Chairman Lee Taylor Jr.

Staff present: Charles Graham, Assistant City Attorney; Joe Gates, CZO, Zoning Administrator; and Chrystal Howard, Secretary

Board Member Marino called the Board of Adjustment meeting to order.

Board Member Marino recognized newly appointed Board Members Mr. James Nebo and Mr. Frank Eshun. Ms. Chrystal Howard administered the Oath of Office.

Item I: Approval of May 24, 2018 Minutes

Board Member Blankenship made a motion to approve the minutes of May 24, 2018 and Board Member Nebo seconded the motion. The motion was approved unanimously (5-0).

Board Member Marino explained the special exception process. Because of the quasi-judicial format of these hearings it is required by North Carolina law to swear in persons that speak before the commission and offer evidence. Ms. Howard administered the oath to speakers.

Item II: Public Hearing #9046 – Harry Groves – 311 W Sixth Avenue

Board Member Marino opened the public hearing and recognized Mr. Joe Gates, CZO, Zoning Administrator for staff presentation.

Mr. Gates thanked the Board. Mr. Gates stated that Mr. Groves is here on behalf of the property owners. The applicant submitted a special exception request to allow for a setback reduction. Mr. Gates read from agenda page 2-4, Special Exception and Section 3.3.4 C. The property at 311 W. Sixth Avenue would like to expand on a deck structure that is currently on the property. Mr. Gates displayed and explained the two areas highlighted in red on the survey clip located on agenda page 2-3. He began by explaining the northern portion of the property outlined in red notated as 66 sq. ft. is the area that is currently existing inside the required setback and preexists the current Unified Development Ordinance (UDO) resulting in a nonconforming status. The current distance of the property is 2.45 ft. to the property line and the area that it occupies inside the setback is 66 sq. ft. The applicant is proposing a 12 ft. x 15 ft. wooden deck with the new structure creating a point of 5.11 ft. to the property line and the area that it would occupy inside the setback would be 28 sq. ft. Mr. Gates read Section 5.12 and referred the Board to figure 3.3.4-1 in the agenda page 2-4 for a visual representation of interpretation. He compared the current proposal with figure 3.3.4-1. Mr. Gates noted that the property is located in the York Chester Historic District and that the owner received a Certificate of Appropriateness to construct a deck by the Historic District Commission (HDC). The HDC approved the design; however, it does not have the authority to approve a special exception. Mr. Gates finished his presentation by reviewing Section 5.12.1 B. and Section 5.12-2 as presented in the agenda page 2-5.

Board Member Nebo inquired about the new expansion's amount of space and Mr. Gates referred the Board to agenda page 2.3 and explained the proposal and the existing structure's square footage and nonconformity in regards to distance from the property line.

Brief discussion ensued on the new expansion dimensions as presented and the Certificate of Appropriateness and the current proposal.

Board Member Marino recognized Mr. Harry Groves, 2852 Yellow Jasmine Drive of Gastonia, NC. Mr. Groves explained the new size of the deck as 12 ft. x 18 ft. which includes the existing deck. Further discussion ensued on the new expansion dimensions. Attorney Graham referred the Commissioners to the HDC approved bulleted list.

No further questions were asked by the Commissioners.

With no further discussion, Board Member Blankenship made a motion that the Board of Adjustment finds the facts in Section 5.12.2 1. and 2., and approves the application as presented. Board Member Eshun seconded the motion and the motion was approved unanimously (5-0).

Item IV: Other Business or Announcements

Staff will notify the Board of Adjustment board members of any applications received for the August 23rd meeting. Staff was unaware of any requests received.

There being no further business or announcements, Board Member Marino entertained a motion to adjourn the meeting. Board Member Blankenship made the motion to adjourn the meeting and Board Member Craig seconded the motion. The motion was approved unanimously. The meeting adjourned at 9:26 a.m.

Respectfully Submitted:

Chrystal Howard, Secretary

Zoning Board of Adjustment
City of Gastonia, NC

Chairman Lee Taylor Jr.

Zoning Board of Adjustment
City of Gastonia, NC