

**BOARD OF ADJUSTMENT  
MINUTES  
Thursday, August 23, 2001**

The Blowing Rock Board of Adjustment met in regular session Thursday, August 23, 2001 at 7:30 p.m. Chairman, Lisle Snyder called the meeting to order at 7:31 p.m. Members present were Lowell Thomas, Jim Thirtle, Barbara Wright, Albert Yount and Mark Klein. Staff present was Kevin Rothrock, Planning Director and Sonya Long, Administrative Assistant.

*Ms. Wright made a motion to approve the minutes of the June meeting, seconded by Mr. Thirtle. All were in favor of the motion.*

**Public Hearing**

**Mr. and Mrs. John Forster – Variance # 2001-03**

Chairman Snyder asked that anyone speaking for or against the case step forward and be sworn in. Mr. and Mrs. John Forster were sworn in.

Chairman Snyder stated the applicant was requesting two (2) variances, one from the street setback and one from the side yard setback.

Mr. Rothrock stated the subject property was located at 195 Spruce Road and was zoned R15, single family. The standard setbacks in that zoning district are 40 feet in the front and 12 feet on the sides and rear property lines. The applicant is proposing to build a garage that would encroach a maximum of 12 feet into the 40-foot street setback, resulting in a setback of 28 feet from the Spruce Road. The proposed garage would also encroach three (3) feet into the northern adjoining lot boundary setback of 12 feet, resulting in a setback of nine (9) feet.

Chairman Snyder discussed the possibilities of the applicant receiving an administrative variance. Mr. Rothrock stated that the applicant did not qualify for an administrative variance.

Mr. Yount asked staff about the letters from the adjoining property owners. Mr. Rothrock stated that staff had not spoken with any of the adjoining property owners and that no one had called the office opposing the applicant's request. Mr. Thomas stated that he had spoken with Mr. and Mrs. Spooner, one of the immediate adjoining property owners and they did not object to the request. He also stated that the garage could not be placed anywhere else on the property without cutting down trees and impacting the neighbors.

## **Board of Adjustment Minutes cont.**

Mr. Klein stated that he agreed with Mr. Thomas. He also stated that his only concern was the two trees located near the proposed garage.

Mr. Forster, applicant, referred to the drawings included in the board packets. He stated that since those drawings, he scaled the garage accurately and the angle of the garage had turned some. One corner of the proposed garage is 40 feet from the centerline of Spruce Road, which would leave a 15-foot setback, and the other corner is 37 feet from Spruce Road. Regarding the trees, there is one large pine tree that is in good shape and the other tree is much smaller and is dying. Mr. Forster stated that the garage would match the house in color and material.

Mr. Thomas called for question. Mr. Thirtle agreed not to vote since there were five full members present.

With no further discussion, Mr. Thomas made a motion to close the public hearing, Mr. Klein seconded the motion. All were in favor.

The Board agreed to vote on both variances. Chairman Snyder explained to the Board that they must go through the six steps stated in the Town Code to grant the variance. With no further comment, the Board proceeded in answering the following questions.

1. If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property. **All members in favor.**
2. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public. **All members in favor.**
3. The hardship related to the applicant's land, rather than personal circumstances. **All members in favor.**
4. The hardship is unique, or nearly so, rather than one shared by many surrounding properties. **All members in favor.**
5. The hardship is no the result of the applicant's own actions; and **All members in favor.**
6. The variances will neither result in the extension of a nonconforming situation in violation of Article VIII nor authorize the initiation of a nonconforming use of land. **All members in favor.**

**All members voted in favor of all conditions, therefore the Variances were granted.**

## **Adjourn**

With no further business, the Board adjourned at 8:30 p.m.

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Dr. Lisle Snyder, Chairperson

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Minutes Recorded by:

Sonya Long, Administrative Assistant