

**MINUTES**  
**BOARD OF ADJUSTMENT**  
**April 11, 2019**  
City of High Point  
Municipal Office Building  
City Council Chambers  
4:00 p.m.

**MEMBERS PRESENT:** David Horne, Chair  
Richard Andrews  
Deborah Davis  
Sandra Dunn  
Matt Witmeyer

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Lee Burnette, Planning and Development Director  
Bob Robbins, Development Services Administrator  
Gina Lindsey, Administrative Coordinator  
Tammy Sanders, Recording Secretary  
Lisa Arthur, Legal Counsel for the Board

The meeting began at 4:00 p.m. in the City Council Chambers.

**A. Call to Order and Determination of Quorum**

Mr. Horne determined that a quorum was present and called the meeting to order.

**B. Approval of the Minutes**

**1. Approval of the December 13, 2018 Minutes of the Board of Adjustment**

Ms. Dunn made a motion to approve the December 13, 2018 minutes of the regular meeting of the Board of Adjustment as presented. Ms. Andrews seconded the motion. The minutes of the December 13, 2018 meeting of the Board of Adjustment were approved by a vote of 5-0.

**2. Approval of the March 14, 2019 Minutes of the Board of Adjustment**

Ms. Dunn made a motion to approve the March 14, 2019 minutes of the regular meeting of the Board of Adjustment as presented. Mr. Andrews seconded the motion. The minutes of the March 14, 2019 meeting of the Board of Adjustment were approved by a vote of 5-0.

**C. Public Hearing Items**

*All speakers offering testimony were sworn.*

**1. Matthew Hubay 638 Colonial Drive VR-19-01**

A request for a 4-foot 11-inch variance from the required 5-foot residential accessory structure setback standards to allow an accessory structure to be located within the side and rear setbacks.

This application references *Section 4.4.4.D Residential Accessory Structures*, of the High Point Development Ordinance and is filed pursuant to *Section 2.4.15, Variances*, of the Development Ordinance.

Mr. Sam Hinnant, Senior Planner, presented Variance Case 19-01 as outlined in the staff report.

Mr. Hinnant and Mr. Bob Robbins provided the following information in response to questions from the Board:

- Regarding whether there was a right-of-way for the electrical wires, Mr. Hinnant stated that the electrical wiring came from the northwest corner [of the property] to the accessory structure. Electrical lines ran from west to east from the rear of homes.
- The lot was platted in 1916, the house built in 1923 and that the accessory structure was built in 1929.
- The 5-foot setback changed when the ordinance was changed in 1992.
- The Johnson Street local historic district is the closest historical district with ordinance restrictions.
- Regarding whether the setback would impact the overhang of the accessory structure, Mr. Hinnant responded that the overhang could not encroach onto neighboring property.

Speaking in favor of Variance 19-01 was the applicant:

- Matthew Hubay, 638 Colonial Drive, High Point

Mr. Hubay explained that the proposed residential accessory structure would be in harmony with the neighborhood as most of the lots in this subdivision also have a width of 40 feet. Mr. Hubay concluded that the size of the proposed single-family structure is consistent with other dwellings in the subdivision and would have a side setback like other developed corner lots in this subdivision. The result will be a structure that will be in character with the neighborhood.

Mr. Hubay provided the following information in response to questions from the Board:

- The proposed residential accessory structure would be in character with the neighborhood.
- The structure would use existing electrical/plumbing lines.
- If City of High Point required the foundation/slab to be replaced he would agree.

Mr. Horne made a motion to approve Variance 19-01 as presented by staff. The motion was seconded by Mr. Andrews.

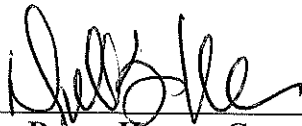
The Board made the following comments regarding the request:

- The Board deemed it reasonable to conclude that that the trees can be removed to allow the accessory structure to comply with the Development Ordinance. Also, the reuse of the existing location provides easier access to existing water, sewer, electrical connections. The Board also concluded that the accessory structure will not create any public safety concerns/issues or adversely impact the applicant's neighbors
- The property (0.22 acres) is smaller than average in lot size to that of surrounding properties (0.29 acres), based upon Guilford County tax records.
- The existing narrow lot and location of the accessory structure are like surrounding properties based on Guilford County tax records and aerial orthoimagery. The narrow lot and location of the accessory structure are indicative of this established National Register historic neighborhood.
- The original accessory structure was not constructed by the applicant, it was pre-existing prior to the applicant purchasing the property, and it was damaged by a tree falling on the structure in October 2018. The applicant is applying for the variance to re-construct the accessory structure in the original footprint, with no additional encroachment and no increase to be footprint.

The Board of Adjustment approved the variance request by Matthew Hubay by a vote of 5-0.

#### D. Adjournment

There being no further business the meeting adjourned at 4:56p.m.



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DAVID HORNE, CHAIRMAN

7-11-19

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DATE