TOWN OF Summerfield
Town Hall: POB 970, 4117 Oak Ridge Road, Summerfield, NC 27358
ph: 336-643-8655 / fax: 336-643-8654 / www.summerfieldnc.gov

BOARD OF ADJUSTMENT AGENDA

JULY 25, 6:30PM, SUMMERFIELD COMMUNITY CENTER, 5404 CENTERFIELD ROAD

1. Call to Order

2. Introductions

3. Consent Agenda
   A. Approval of Agenda
   B. Approval of October 26, 2023, minutes

4. New Business:

   CASE VAR 24-001: The property owners, Sterling Strader Road LLC, or Jessica Sterling (hereafter 'the Applicant') request a variance from Article 4 Subsection (F) (2) of the UDO, Dimensional Requirements and Zone Lot Standards – Agricultural and Single-Family District Dimensional Requirements, for the parcels of property at 7400 Strader Road and 1172 NC Highway 150W (Tax Map Parcel Numbers 148010 and 148013). Both parcels are zoned RS.

5. Other Business

6. Adjourn

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BOARD OF ADJUSTMENT MINUTES

OCTOBER 26, 2023, 6:30PM, SFD COMMUNITY CENTER

The meeting was called to order by Chairman Brady at 6:33pm. The following persons were present:

Board of Adjustment	**Staff**
James Brady	Brad Rentz, Planning Manager
Ronald Willis	Sarah Tibbetts, Town Clerk
Andrew Broom	Bob Hornik, Town Attorney
Anthony Donato	
Taylor Robertson	

CONSENT AGENDA

Willis made a motion to approve the consent agenda, the motion was seconded by Broom and carried unanimously. Willis also made a motion to amend the agenda to reverse agenda items 4 & 5, this amendment was seconded by Robertson and carried unanimously.

PUBLIC HEARING/ACTION RE: A-02-2023 *(Appeal Case for 6606 Alley Rd. re: Appeal to the Administrator's determination that the subjected property is located in a Watershed Critical Area.)*

Brady asked anyone in attendance who wished to testify to stand and be sworn in for either of the cases before the Board tonight.

Tibbetts swore in all wishing to offer testimony by stating to them simultaneously the following: "Do you solemnly swear (or affirm) that the evidence you shall give to the board in this action shall be the truth, the whole truth, and nothing but the truth, so help you God?" To which they all verbally said "yes" or "I do"

Rentz presented the case to the Board, reviewed the staff report, and briefly explained each attachment within, as well as giving the timeline of the case which began in May 2023 as a citizen complaint to the Planning Department regarding an alleged business being operated from a residential lot. Rentz stated that the Planning Department made the determination that, because the proposed use of a "Landscape and Horticultural Services" business on the property was not allowed due to the Watershed Critical Area (WCA), there was no need to apply for a Special Use Permit (SUP). The applicant is appealing the administrative decision that the property is within the WCA and the SUP could not be allowed as a result.

Hornik asked Rentz a series of questions regarding the subject property. Hornik asked how the standards set forth in the determination was made that the property was being used for landscaping/horticultural services, which Rentz replied he used the town's ordinance, and found that was closest use applied from the Permitted Use Table in the UDO given the applicant's business use. Hornik then asked how Rentz came to his understanding of what the applicant's business use was. Rentz replied that he spoke with the original complainant about what was happening on the property as well as speaking with the applicant directly himself about what the use is intended to be. Hornik asked if Rentz had been out to the property himself, to which Rentz replied he never saw the active use, but he had seen the property himself and seen the improvements made on the

property. Hornik asked Rentz to describe the improvements he saw on the property, which Rentz stated grading, land cleared, gravel put down, and a carport structure was put up which he felt the improvement were accessory to the business use. Hornik asked where Rentz obtained the map that showed the WCA that Rentz put in the Board's packet. Rentz stated the map is from Guilford County's GIS website. Hornik asked what prompted Rentz to look at this map to determine if the property was in the WCA, Rentz replied after speaking with the Chair of the Board it was determined the property is within the WCA.

Brady asked anyone wishing to offer evidence to speak.

The applicant's attorney, Thomas Roupas, 119 N Greene Street, Greensboro, had questions for Rentz and wished to offer testimony. Roupas stated that he supplemented his applicant's appeal to make it clear he felt a SUP was not necessary. He claimed part of the evidence is that his client should not have been cited and that if it were determined that a SUP was needed, that it be granted. Roupas asked Rentz when he first received the complaint what was stated. Rentz replied the complaint was regarding water runoff coming from the property which snowballed into the larger question of what was happening on the property and if it were a business then from there the complaint was regarding a business being operated from the property. Roupas asked Rentz if anyone stated or saw a business being operated from the subject property, which Rentz replied that it is mostly being used as a staging area for vehicles to park in the morning. Roupas stated that the Permitted Use Table in the UDO states "Landscape and horticultural services" not "Landscape or horticultural services." Roupas stated he felt very clearly that the "and" or "or" made a huge difference legally. With no further questions from Roupas, the applicant spoke next.

Emilio Cruz (applicant), 4703 Yorkwood Drive, Greensboro, spoke. He stated he owns a landscaping business, not a horticultural business. Cruz said his employees come in the morning, get into work trucks, and come back in the afternoon. He stated he doesn't grow anything on the property, he bought the property to park his equipment there for his small business. Cruz submitted Exhibit 1 to the Board which was a photo of his property. Brady asked Cruz what the item shown in the photo under the carport, Cruz stated it was a small bobcat excavator. Brady pointed out mowers parked in the photo as well. Cruz stated he takes all his equipment to the gas station to be fueled or to a mechanic shop for work to be done. Cruz also stated he stores fertilizer in the barn for his business when asked by Brady what chemicals he used for his business. Broom confirmed with Rentz the reason the watershed tiers were put into place was in part to prevent chemicals from getting into the water. He asked Cruz what equipment he used or stored for his business besides what he had previously stated. Cruz stated that he has 4 trucks, 2 trailers, 1 excavator, and 1 bobcat. Broom asked Cruz if he was aware he needed a permit to build his shed, to which Cruz stated yes and that he had his friends help him build it. Brady asked Rentz to display the watershed areas on the screen, and then he asked Cruz if he agreed or disputed that the area shown in red on the map was his property. Cruz replied that it was his property. Brady then asked him if he agreed or disagreed that his property is shown in the critical watershed area, to which Cruz stated he did not know. Hornik asked Cruz how many employees came to the property each day, Cruz stated he has 3 employees and 1 part-time employee. Cruz stated the employees park their personal vehicles, take their equipment and head out for the day. Willis asked Cruz, besides the previously stated fertilizer what other chemicals were stored; Cruz stated only fertilizer is stored on the property.

Roupas stated that there is no violation in question. Roupas felt this was only a parking violation, not a violation of town ordinance due to the fact the UDO said "and" instead of "or" in the Permitted Use Table and presented the Board with a case law he felt stated this argument. Roupas also stated no evidence had been given that his client was conducting business on the property.

Hornik replied to Roupas' arguments and stated he felt per the UDO, Cruz is running a Home Occupation from the property and read the UDO definition of same. He stated that since landscaping is not in the Permitted Use Table at all, if the Board were to go to the extreme then his client would not be able to operate his business at all. Hornik stated he felt that staff made the right decision and that it was unfortunate that it wasn't caught earlier but that staff's interpretation is correct, and a court would likely agree. Hornik stated again that Rentz's interpretation and decision should be upheld by the Board.

Roupas replied to Hornik's statements regarding Home Occupation and stated that Cruz was not cited for that, and he does not feel a Superior Court judge would agree with the Board's decision if turned down and thanked the Board for their time.

Brady asked if anyone else would like to offer testimony.

Cory Barnett approached the Board and gave them each a packet, which Hornik declared as Barnett Exhibit 1. Barnett questioned if Cruz even lived at the property. Barnett showed the Board where his home was in relation to the subject property, stating that since Cruz had begun grading work on the property his back patio now floods due to gravel in Cruz's yard. Barnett stated that trucks come in and out of Cruz's property which has calmed down a little since the initial complaint. Barnett stated the trucks roll in in the mornings, the employees are loud, they crank up equipment early in the mornings and come back in the afternoon and do it again. Barnett stated that this use is not compatible with the area around it. Rupas spoke out and stated that he for the record, he objects to all of Barnett's testimony. Barnett stated that he does not think that Cruz lives on the property, different people come to the house, and that the house is just used for his business therefore he is conducting business on the property.

Brady closed the evidentiary period and stated the Board would deliberate openly and asked for no interruptions.

Broom stated that it would appear there is a business being operated out of a residential area, Cruz stated that his stepson lives in the house on the property.

Brady stated that the Board members are not operating as lawyers, they are simply there to follow the town's UDO. Brady stated that Cruz testified that he stores fertilizer on the property, Barnetts photo evidence shows the property is not consistent with the area, the property has run-off issues, and it sits within a WCA and therefore he concludes that Cruz's appeal should be denied.

Willis motioned that Appeal A-02-2023 be denied, the Board affirmed the town's decision per the evidence that had been presented. The motion was seconded by Robertson and carried unanimously.

**Donato arrived after the hearing began and therefore sat as a bystander for the duration of this case and was fully present for the next hearing (V-02-2023.)*

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PUBLIC HEARING/ACTION RE: V-02-2023 ***(Variance request for 7508 & 7602 Addison Dr. from the minimum lot size for Business (BN) zoning district.)***

All those wishing to speak or offer testimony were previously sworn in at the beginning of the meeting.

Rentz presented first, explaining the applicant's request for a variance from the UDO article 4, table 4.F.3 for Non-Residential District Dimensional Requirements. The properties are located at 7508 & 7602 Addison Drive, with parcel numbers of 147087 & 147086. The parcels are currently zoned "Single-Family Residential" (RS-30) and are within the US-220 Scenic Corridor Area Overlay. They amount to a total of 1.22 acres, or 53,143ft. Rentz also reminded everyone that for a variance request to be granted it must require a concurring vote of four-fifths of the Board.

Hornik stated that per NCGS 160D-705(d) the Board must use the four findings to determine whether to grant or deny the variance. Hornik stated the Board needs to focus on the findings and the applicant's application for the hearing and decision.

Matt Cross (applicant) testified first. Cross stated that he and his wife purchased the two properties in August 2023 from a NCDOT auction. He is a full-time firefighter in Greensboro, and for his part-time employment he runs a car detailing/vehicle upfitting business that adds graphics to vehicles. Cross stated when he first looked at the properties, they did meet the UDO requirements in regards to lot size. Cross also stated for the car decals to work, they need to be done inside in a climate-controlled area which is why he hoped to purchase the land and build a building on the property to run his business. When Cross purchased the properties, he was under the assumption that it was over 60,000sqft but it wasn't until he got the deed from NCDOT that the lot size was in fact much smaller. Cross stated he has been working with Rentz for 4-5 months since he first found the properties and he contacted him first thing when he found out the lots were smaller than he thought, which Rentz corroborated. The properties were listed for sale as 60,000 plus square-feet and it was listed on GIS as that as well.

Brady asked if anyone else wished to offer testimony.

Dave Hanson, 5008 Lorrie Drive, stated he didn't feel investing in the property was a good idea.

Keith Highfill, spoke on behalf of his mother who lives in the neighborhood and asked about HOA restrictions. Hornik replied that the town has no authority to enforce HOA restrictions or covenants.

Renee Collins, Myers Fork Road, asked questions about the rezoning process.

Joe Biggum, Lorrie Drive, stated concerns about a business being in his neighborhood.

Renee Collins, Myers Fork Road, asked about how the property owner would enter the property since there is a steep embankment on the US-220 side, the applicant stated he would enter from Addison Drive.

Brady closed the evidentiary period and stated the Board would deliberate openly and asked for no interruptions.

Broom stated he feels the hardship was not caused by the owner and feels it meets the requirements for a variance.

Donato asked the applicant questions pertaining to the lot sizes when NCDOT auctioned off the properties. Cross said the dimensions were listed on the sale as well as GIS and he purchased them with the understanding they were 60,000 feet or more.

Broom motioned to approve the variance request V-02-2023, carrying out the strict letter of the zoning based off affirmative agreement on all 4 standard findings, and the granting of the variance being conditional to the rezoning of the property to the BN District by the Planning Board recommendation, and the Town Council's decision. The motion was seconded by Willis and carried unanimously.

OTHER BUSINESS

None.

Upon motion by Broom, seconded by Robertson and carried unanimously, the meeting was adjourned at 8:38pm.

James Brady, Chair

Town Clerk/Town Manager

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TO: Board of Adjustment

FROM: Matt Talbott, Planner

DATE:

RE: **Variance Request: VAR24-001**

A. Action Requested by Board of Adjustment:

The Board shall conduct an Evidentiary Hearing to consider a variance to the Town of Summerfield Development Ordinance. A concurring vote of four-fifths of the board is required to grant a variance.

In accordance with the provisions of the Town of Summerfield Unified Development Ordinance (UDO) Article 3 subsection E, and NC General Statute (NCGS) 160D-705(d), the Board of Adjustment (BOA) shall **only** vary provisions of the ordinance when unnecessary hardships would result from carrying out the strict letter of a zoning ordinance and upon showing of **all** the following findings:

1. *Unnecessary hardship would result from the strict application of the ordinance. (It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property).*
2. *The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.*
3. *The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.*
4. *The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.*

To grant a variance, the board shall make its decision based upon competent, material, and substantial evidence given by witnesses under oath. The decision shall include a written determination signed by the chair and filed with the clerk to the board.

Per the UDO, the purpose of a variance: *is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar numeric standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional*

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topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal submittal of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. Variances are to be sparingly exercised and only in rare instances and under exceptional circumstances to relieve undue and unique hardships to the landowner. No change in permitted uses or applicable conditions of approval may be authorized by variance.

B. Application and Background

The property owners, Sterling Strader Road LLC, or Jessica Sterling (hereafter 'the Applicant') request a variance from Article 4 Subsection (F) (2) of the UDO, Dimensional Requirements and Zone Lot Standards – Agricultural and Single-Family District Dimensional Requirements, for the parcels of property at 7400 Strader Road and 1172 NC Highway 150W (Tax Map Parcel Numbers 148010 and 148013). Both parcels are zoned RS.

Parcel 148010 (7400 STRADER RD) is an approximately 1.08-acre parcel with frontage on both Strader Road and NC Highway 150 West. This parcel is currently undeveloped. Parcel 148013 (1172 NC Highway 150 W) is approximately 2.1 acres in area and is developed with an existing single-family residence, with primary access off NC Highway 150 W (please refer to Vicinity Map for additional information).

Specifically, the Applicant are requesting variances from the required minimum lot area of 40,000 square feet, seeking a reduction for each lot of 10,000 square feet allowing for a minimum lot size of for each lot of 30,000 square feet.

Please refer to the Variance application for more information.

C. Staff General Comments

1. As required under the UDO, staff notified all required property owners of the date, time, and location of the Evidentiary Hearing. Notice was achieved through the mailing of letters to the affected property owner as well adjoining property owners using address information from Guilford County tax listings and the posting of a sign on the property advertising the hearing. This occurred on July 12, 2024, 13 days before the Evidentiary Hearing.
2. The cadence of this meeting shall be as follows:
    a. The Chair shall call the meeting to order, and all parties intending to speak and offer testimony, including staff, shall be sworn by the Chair;

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b. Staff shall present their report and answer any questions from Board members;

c. Those intending to speak on an application (i.e., either in support or opposition) will come up one at a time and are required to demonstrate standing. Once they demonstrate standing to the Board's satisfaction, they will be allowed to present evidence;

   STAFF COMMENT: The Applicant is deemed to have standing as the owner of the property.

d. Once all evidence/testimony has been received, and questions asked, the Board will close the Evidentiary Hearing and deliberate on the request.

3. As detailed within the UDO, the Board is authorized to modify or vary regulations when strict compliance with applicable standards would result in unnecessary hardships upon the subject property.
4. The Board is not empowered to grant a variance without an affirmative finding of fact supported by substantial evidence in the record of the proceedings before the Board. Further, the Board may impose appropriate conditions provided same are reasonable related to the variance request.
5. Per the UDO and applicable State law, the affirmative vote of four of the members (i.e.,'4/5's vote') of the Board is necessary to effect any variation of the Ordinance.
6. Review of Variance applications are conducted in a quasi-judicial format. This means that decisions relating to the approval or denial of an application are based solely on the sworn testimony of all parties involved with the case, both those for and against an application, as well as the review of the competent, material, and substantial evidence submitted into evidence during the evidentiary hearing;
7. The applicant has the burden of establishing, by the submission of competent, material, and substantial evidence the existence of facts and conditions that demonstrate the request complies with the various requirements and standards of the Ordinance for the issuance of a Variance.

   STAFF COMMENT: The applicant must demonstrate how the hardship is unique to the property (i.e., not a common situation experienced by other similar property owners) and results from the strict application of applicable land use regulations, how the need for the variance is not self-induced, and how the request is consistent with the goals/policies of the UDO.

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8. Those opposing approval of the application shall have the burden of establishing, also through the submission of competent, material, and substantial evidence, the specific manner in which the proposal does not satisfy those same requirements.
9. Individuals asserting standing are required to present evidence/testimony supporting this claim. Persons who can claim standing include:
    a. A person with legal interest in the subject parcel including:
        i. Property owner;
        ii. An individual who has an ownership or leasehold interest;
        iii. An individual who has an option or contract to purchase the subject property; or
        iv. An interest created by an easement, restriction, or covenant.
    b. A person who will suffer special damages as the result of a decision;

        STAFF COMMENT: Individuals are required to substantiate what special damages they will suffer for the Board to consider if they have standing. This typically includes proximity to the subject parcel, action on the proposal could result in economic damages such as a decrease in property values, or action on the proposal could result in direct adverse impacts on their property.

        Individual asserting standing are required to do more than simply state that they live in the vicinity of the subject property and allege action on a proposal will harm property values. The party asserting standing must allege secondary impacts providing documentation of same.

    c. An association organized to promote the interests of a particular area, such as a homeowner's association, so long as at least one member of the group would have standing as an individual and the association was not created in response to the development/application being acted upon by the Board of Adjustment.

        STAFF COMMENT: Standing is a legal question to be determined by the Board of Adjustment. Staff does not have the discretion to make this determination. The simple receipt of a meeting notice from the County is not a basis to assert 'standing.'

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10. Per Article 3 Subsection E (2) (g) of the UDO:

Insufficient Justification for Variance

The following does not constitute grounds for a Variance:

(1) the citing of other nonconforming or conforming uses of land or structures in the same or other districts;

(2) the request for a particular use expressly, or by inference, prohibited in the district; or,

(3) economic hardship or the fact that property may be utilized more profitably with a variance.

11. The Board of Adjustment shall render a decision only on the sworn testimony of all parties and on the competent, material, and substantial evidence submitted during the hearing relating to the approval or denial of the application;
12. Every decision of the Board of Adjustment shall be subject to review at the request of any aggrieved party by the Superior County by proceedings in the nature of certiorari. Appeals must be submitted with the Superior Court within 30 days of the availability of notice of decision.
13. Staff will present its recommendation(s) at the Evidentiary Hearing.

D. Attachments

1. Vicinity Map
2. Variance Request Application
3. Certificate of Notice
4. Script for Findings of Fact

Guilford County, NC

1	STERLING STRADER ROAD LLC 7400 STRADER RD	2	STERLING STRADER ROAD LLC 1172 NC HIGHWAY 150 W

Map Scale
1 inch = 333 feet
7/18/2024

RECEIVED
MAY 2 4 2024
BY:

TOWN OF Summerfield

VARIANCE APPLICATION

Town of Summerfield: Planning Department
POB 970, 4117 Oak Ridge Rd.
Summerfield, NC 27358
ph: 336-643-8655 *fax:* 336-643-8654

case # (assigned by staff) _____ *applicant (individual or company)* Sterling Strader Road, LLC

applicant contact (if different) Jessica Sterling

applicant contact # 517-614-9855 *email* Sterling.straderllc@gmail.com

applicant's full mailing address 7422 Strader Road, Summerfield NC 27358

subject property address 7400 Strader Road and 1172 NC Hwy 150W

tax map parcel # 148010 and 148013

*application fee collected by staff $*_____

By submission of this signed Variance Application and appropriate fees, the applicant is petitioning the Summerfield Board of Adjustment (BOA) for a variance from the literal provisions of the current Summerfield Development Ordinance. Under the interpretation provided by the Planning Department, the applicant believes he or she is prohibited from using the parcel of land indicated above in a manner shown by the attached plot plan. The request is for a variance from the following Ordinance provisions *(cite section numbers)*,

Article 4.F.2 - Agricultural and Single-Family District Dimensional Requirements

so that the property can be used as indicated by the attached plot plan, or if the plot plan does not adequately reveal the nature of the variance, as more fully described here:

We are requesting a variance to allow a minimum lot size of 30,000 square feet at the properties listed above, consistent with RS-30 zone districts. See attached plot plan for additional details.

Factors Relevant to the Issuance of a Variance

The BOA does not have unlimited discretion in deciding whether to grant a variance. Under state law, the BOA is required to reach four conclusions before it may issue a variance. State facts and arguments that address each of the following:

1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

See attached response

2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

See attached response

3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

See attached response

4) The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.

See attached response

I have read and understand this Variance Application and the process:

applicant's printed name Jessica Sterling

applicant's signature _____ *date* 5/24/2024

staff signature acknowledging receipt _____ *date* 5/24/24

RECEIVED
MAY 24 2024
BY: .....

Applicant: Sterling Strader Road, LLC
Applicant Contact: Jessica and Pat Sterling
Subject Property Address: 7400 Strader Road and 1172 NC Hwy 150W

The request is for a variance from the following Ordinance provisions:
Article 4.F.2 *Agricultural and Single-Family District Dimensional Requirements*

We are requesting a variance to allow a minimum lot size of 30,000 square feet at the properties listed above, consistent with RS-30 zone districts. See attached plot plan for additional details.

1. Unnecessary hardship would result from the strict application of the ordinance:

   Our neighborhood was recently threatened with inappropriate business development at the corner of Hwy 150 and Strader Road. This variance and the related residential rezoning are a direct response to that threat in order to prevent the business development from reaching fruition. We plan to subdivide the property according to the attached plot plan to create residences that are consistent with the current neighborhood. In order to build affordable workforce housing on these lots we are requesting a variance equivalent to RS-30 zone districts.

   The neighbors collaborated to present strong opposition to the expansion of the business development at this corner, and the Town Council and Planning Board were unanimous in their rejection of the developer's request to expand the business zone. At their recent meeting on our rezoning request, the Planning Board was unanimous in their recommendation of approval and several residents spoke in favor of residential development, including mention of residences of moderate size.

2. The hardship results from conditions that are peculiar to the property:

   7400 Strader Rd was zoned Business in the heart of a residential neighborhood. The corner lot at 7400 Strader Road was zoned Business more than 60 years ago. Now it is completely surrounded by residential and agricultural properties with single family residences. This inconsistency in zoning was not addressed by the recent adoption of our UDO. A business developer acquired the corner lot and the adjacent property (1172 NC Hwy 150) and planned to triple the size of the business zone. Their proposed use was inconsistent with the surrounding area and the Comprehensive Plan. While the request to expand the business zone was rejected, business development was still permissible on the 7400 Strader Road property due to a zoning assignment made decades earlier. Their plan was to locate septic and other services on the adjacent property, thus the footprint of the business would expand beyond the one acre business zone.

   The minor subdivision we are planning, as provided in the attached plot plan, would enable us to build affordable workforce housing, as defined in the Summerfield Comprehensive Plan, on these lots. The current minimum for residentially zoned districts

is greater than the lot sizes in the plan. We are requesting a variance equivalent to RS-30 zone districts.

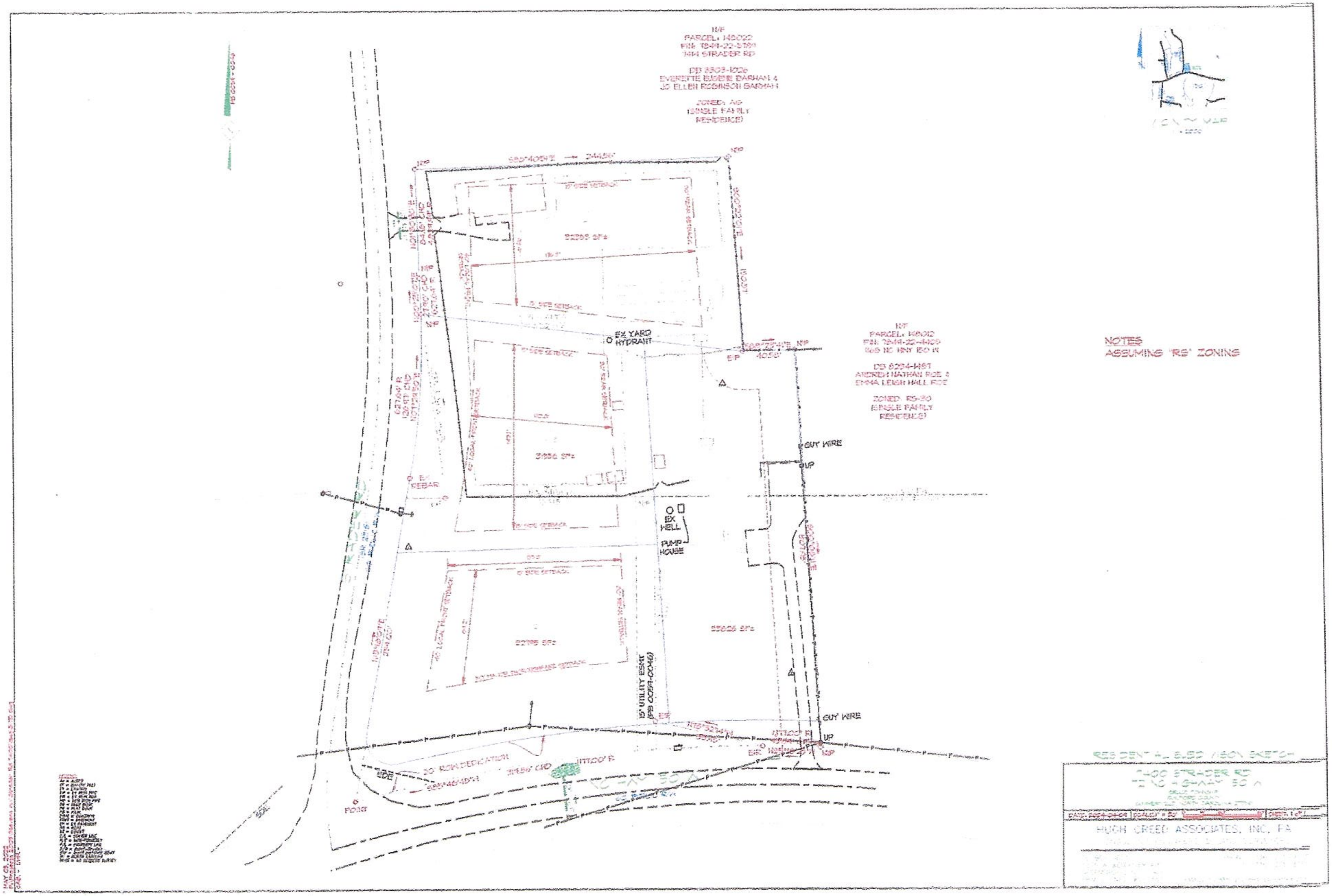
3. The hardship did not result from actions taken by the applicant or property owner:

   The business zone at 7400 Strader Road was established decades ago and the recent attempt to create a business hub at this corner was pursued by business developers. We acquired the property and are pursuing rezoning and subdivision according to the attached plot plan in order to address this hardship.

4. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved:

   We will follow the requirements of RS-30 zoned districts as provided in Article 4.F.2. We support the spirit, purpose, and intent of residential development in Summerfield including the density and permitted uses of residential zone districts. The plan is to build single family detached homes for sale that are affordable workforce housing. They would be appropriate for the size of the roads. The neighbors are strong in their support for this rezoning and variance as evidenced by their statements at the public hearing for our rezoning request.

   Specifically, we are focused on provisions in the UDO that development should provide "for the orderly growth and development of the town". The residences we plan to build will "promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Summerfield", as stated in the UDO.



NOTES
ASSUMING 'RS' ZONING
EX YARD HYDRANT
EX WELL
PUMP HOUSE
GUY WIRE
UP
HUGH CREED ASSOCIATES, INC. PA

CERTIFICATION OF BOARD OF ADJUSTMENT MEETING NOTIFICAITON

CASE VAR-24-001 – VARIANCE REQUEST

Date of Board of Adjustment Meeting:

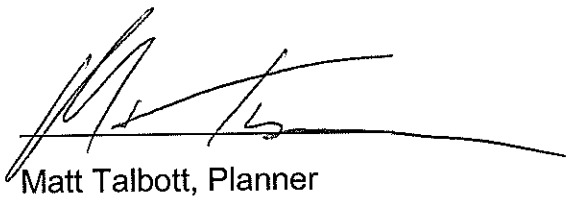
I, **Michael D. Harvey** Planner with the Town of Summerfield, North Carolina DO HEREBY CERTIFYTY that in accordance with the provisions of the Town of Summerfield Unified Development Ordinance (UDO) I have or caused notice of a Board of Adjustment Evidentiary Meeting for the project referenced herein as follows:

1. MAILED NOTICES: Notices giving specifics on the review of the holding of a Evidentiary Hearing by the Board of Adjustment, the type of request under review, and the date/time/location of the meeting.
    a. Consistent with the Town of Summerfield UDO, and the provisions of NCGS 160D-406, First Class Mail to all 'adjacent' property owners as identified by Guilford County tax records.

    on Friday July 12, 2023, **13 days before the evidentiary hearing**.

2. SIGNS: Staff posted the subject parcel(s) with a sign indicating the date/time/location and nature of meeting involving the property on July 11, 2024, **14 days before the meeting**.

WITNESS by my hand, this 18th day of July, 2024



Matt Talbott, Planner

TOWN OF Summerfield
Town Hall: POB 970, 4117 Oak Ridge Road, Summerfield, NC 27358
ph: 336-643-8655 / fax: 336-643-8654 / www.summerfieldnc.gov

ATTENTION SUMMERFIELD RESIDENTS

NOTICE OF PUBLIC HEARING

The Summerfield Board of Adjustment will hold a public hearing on July 25, 2024, 6:30pm at the Summerfield Community Center located at 5404 Centerfield Road, Summerfield, North Carolina. The Board will consider a variance to the Town's Unified Development Ordinance Article 4.F.2. minimum lot size for the properties located at 7400 Strader Road and 1172 NC Highway 150 W in Bruce Township, owned by Jessica Sterling. The property owner is requesting a variance to the minimum lot size of 40,000 sq ft required by the RS zoning district.

Anyone wishing to be heard on this matter should appear and submit evidence at the public hearing. For additional information, please contact the Town of Summerfield Planning Department at (336) 643-8681.

This notice is sent to all property owners adjacent to the properties for which a variance has been requested. Addresses for Guilford County are recorded and updated by the Guilford County tax office; therefore, this distribution list is subject to the accuracy of those records.


NOTICE OF
PUBLIC HEARING
Meeting dates, times, locations,
and details inside attached tube and
online at www.
Town Hall: 336-643-
INFOTUBE


NOTICE OF
PUBLIC HEARING
Meeting dates, times, locations,
and details inside attached tube and
online at www.summerfieldnc.gov.
Town Hall: 336-643-6555
INFOTUBE

VARIANCE REQUEST SUBMITTED BY
Sterling Strader Road LLC/Jessica Sterling
7400 Strader Road (Tax Map 148010)
1172 NC Hwy 150 West (Tax Map 148013)

APPLICANT PROPOSED
FINDINGS TOWN OF SUMMERFIELD
BOARD OF ADJUSTMENT

As permitted under the Town of Summerfield Unified Development Ordinance (UDO), the Board of Adjustment (hereafter 'the BOA') is authorized to modify or vary regulations of the UDO when strict compliance with the regulation or standard would result in unnecessary hardships upon the subject property.

In accordance with the provisions of Article 3 Subsection E (2) (f) of the UDO, the BOA may approve a variance in cases where unnecessary hardships would result from carrying out the strict letter of the UDO, when substantial evidence in the official record of the application supports all of the following findings:

1. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured and substantial justice is achieved.

The BOA is not empowered to grant a variance without an affirmative finding of fact supported by substantial evidence in the record of the proceedings before the Board. The Board may impose appropriate conditions provided same are reasonable related to the variance request.

Per Article 3 Subsection E (2) (e) (2) of the UDO, the affirmative vote of four of the members of the Board shall be necessary to effect any variation of the Ordinance.

REQUIREMENT	UDO	SUPPORTING EVIDENCE	BOA Determination
FINDINGS:			
In accordance with Article 3 Subsection E (2) (f) of the UDO, the BOA shall consider the following before the application for a VARIANCE can be approved.			
Required Finding		Evidence in the record	
Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.	(1)		
The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or general public, may not be the basis for granting a variance.	(2)		
The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.	(3)		
The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured and substantial justice is achieved.	(4)		

After holding a duly advertised EVIDENTIARY HEARING, the Board Voted _____ to _____ to (Approve) (Deny) the VARIANCE request as submitted.