



# Lenoir Board of Adjustment

## Agenda • September 27, 2021

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### Meeting Information

#### *Location*

City /County Meeting Room  
905 West Avenue  
Lenoir, NW 28645

#### *Time*

5:30 p.m.

#### *Board Members*

Sharon Bryant, Chairperson

Leah Hamilton, Vice-Chair

Lucy McCarl

James Bradshaw

Tim Scobie

Jeff Church, Alternate

#### *Welcome!*

We are glad you have joined us for tonight's meeting. The Lenoir Board of Adjustment is a quasi-judicial board comprised of citizen members appointed by the City Council in accordance with G.S. 160A-388. The Board of Adjustment is tasked with hearing variance requests and appeals of land development decisions by administrative officials.

In order to grant a requested variance, a 4/5 majority of the Board must find that the requested variance satisfies four related standards established by state statutes – competent, material, and substantial evidence in the record must support findings that:

1. The ordinance creates an unnecessary hardship
2. The hardship is peculiar to the property
3. The hardship is not self-created, and
4. The requested variance meets the intent of the ordinances, upholds public safety, and achieves substantial justice.

Each decision of the Board will be reduced to writing and be signed by the Chair, and shall become effective upon delivery of the signed decision to the applicant, property owner, and to any person who has submitted a written request for a copy.

Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-140Z. A petition for review shall be filed with the Clerk of Superior Court within 30 days of the effective date of the board's decision.

#### *General Rules of Order*

If you wish to appear before the Board, please fill out an Appearance Request Form and give it to the Recording Secretary. Anyone who wishes to appear before the Board must be sworn in prior to delivering testimony or entering other evidence into the record. When the Chairperson recognizes you, state your name and address and speak directly into the microphone. ROBERT'S RULES OF ORDER govern the conduct of the meeting.

## OPENING SESSION

- Determination of a Quorum
- Call to Order
- Consideration of January 25, 2021 Minutes

## REGULAR AGENDA

### 1. Clayton Homes of Conover

Applicant: Clayton Homes of Conover

Owner: Teresa Minton

Location: 1516 Dulatown Road

**V# 1-21** Variance to section 710; Special Front Yard Requirements

*Recommended Action:* Staff recommends approval of the variance request.

*Order of Proceedings:*

- Swearing in of applicant, staff, and all others who wish to provide testimony.
- Staff summary of request, opportunity for cross examination
- Testimony by applicant, opportunity for cross examination
- Testimony by others, opportunity for cross examination
- Closing of the Evidentiary Hearing/Board deliberation (discussion of four standards)/entertainment of motions
- Call for a vote

## ADJOURNMENT

**MINUTES  
BOARD OF ADJUSTMENT MEETING  
January 25, 2021  
5:30 PM**

**LOCATION:** Virtual

**VIA TELECONFERENCE:**

James Bradshaw, Sharon T. Bryant, Mac Martin, Leah Hamilton, Lucy McCarl, Tim Scobie

**STAFF PRESENT VIA TELECONFERENCE:**

Jenny Wheelock, Hannah Williams, Lauren McKinney

A quorum was established and Chairperson Bryant called the meeting to order.

**MINUTES:**

Board Member Scobie moved approval of the meeting minutes of November 23, 2020. Board Member McCarl seconded the motion, which was voted upon and passed by unanimous vote.

**NEW BUSINESS:**

**1. Adoption of Joint Rules of Procedure**

Chairperson Bryant asked the board for any discussion on the Joint Rules of Procedure.

**Board Member McCarl made a motion to adopt the Joint Rules of Procedure for the Board of Adjustment as submitted. Board Member Scobie seconded the motion, which was voted upon and passed unanimously.**

**2. Nomination and Election of Officers**

**Board Member Martin nominated Sharon Bryant for the Chair position of the Board of Adjustment.**

**Board Member Scobie nominated Leah Hamilton for the Vice-Chair position of the Board of Adjustment.**

The board unanimously elected the nominated chair and vice-chair for new two year terms, to start February 2021.

**ADJOURNMENT:**

There being no further business to be brought before the Board, Chairperson Bryant adjourned the meeting at 5:55 p.m.

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**Sharon T. Bryant, Chair**

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**Jenny Wheelock, Planning Director**

**LOCATION MAP/AERIAL PHOTOGRAPH**



 Subject Property

**1516 Dulatown Rd**

(Parcel addresses and owner information shown for all properties required to receive notice of these proceedings.)

**SUMMARY**

**Owner**  
 Chris Moretz, grantee and heir of listed owner, Teresa Martin Minton

**Applicant**  
 Clayton Homes Conover

**Location**  
 North side of Dulatown Rd, west of Bluebird Lane and east of a Duke Power ROW (+/- 1.8

**NC PIN**  
 2748119953

**Project Planners**  
 Hannah Williams, CZO  
 Jenny Wheelock, AICP, CZO

*Updated September 13, 2021*

**Applicant's Request:**  
 The applicant is requesting a 7 ft. variance to the front yard standards for R-R, as established in Sec. 800, Table A, and modified by Sec. 710 "Special Front Yard Requirements in Developed Areas."

The applicant desires to replace the existing single wide manufactured home on the property with a new single wide manufactured home, in the same location. The existing (and proposed) front yard setback is only 18 ft., where a minimum of 25 ft. is required.

**Staff Recommendation:**  
 Approval of the requested variance.

**Public Comment:** Notices were mailed to adjacent property owners on September 17, 2021. A sign was posted on the subject property advertising the evidentiary hearing on September 17, 2021.

**\*\*\*This request is quasi-judicial. You should not discuss this case with decision makers outside of the scheduled public hearing\*\*\***