



# Lenoir Board of Adjustment

## Agenda • December 16, 2024

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### Meeting Information

#### *Location*

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

#### *Time*

5:30 p.m.

#### *Board Members*

Sharon Bryant, Chairperson

Leah Hamilton, Vice-Chair

Curtis Baker

Kyle Case

Tim Scobie

Lucy McCarl

Michael Careccia (alternate)

Dontrell Parson (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-1402. 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 October 21, 2024 Minutes

## REGULAR AGENDA

### 1. 1605 Harper Avenue

Applicant: Dwayne Pruitt

Owner: Pru-Crew Home Improvements LLC (Dwayne Pruitt)

Location: **1605 Harper Avenue**

**V#4-24** A 15-foot variance to the setback in order to adequately repair an ongoing leak and Water damage issue to the home on this property.

*Recommended Action:* Staff recommends approval of the variance request, subject to the conditions in the staff report.

#### *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**  
**October 21, 2024**  
**5:30 PM**

**LOCATION:**

City /County Meeting Room  
905 West Avenue

**MEMBERS PRESENT:**

Curtis Baker, Sharon T. Bryant, Kyle Case, Leah Hamilton, Lucy McCarl, Tim Scobie

**MEMBERS ABSENT:**

**STAFF PRESENT:**

Hannah Williams, Lauren Hartley, Matt Duchan, City Attorney Timothy Rohr

City of Lenoir Attorney TJ Rohr explained the rules and procedures for quasi-judicial hearings.

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

**MINUTES:**

Board Member Scobie moved approval of the meeting minutes of April 22, 2024. Board Member Hamilton seconded the motion, which was voted upon and passed by unanimous vote.

**NEW BUSINESS:**

**1. 1810 Coyote Creek Place (NCPIN 2768135978)**

Applicant: Ronald Trivett

Owner: Roland Trivett and Joseph Greer

Location: **1810 Coyote Creek Place**

**V# 2-24** A variance to Section 800, Table A in the R-20 zoning district for a 5 ft. variance to the street frontage standards.

*Recommended Action:* Staff recommends approval of the variance request, subject to the conditions in the staff report.

Matt Duchan was placed under oath.

Planner Matt Duchan presented the variance case for 1810 Coyote Creek Place. The applicant plans to subdivide the subject property into two parcels in order to build two houses. Due to the zoning requirements of R-20, new lots must have 25 feet of street

frontage. Currently, the tract only has 45 feet of road frontage, so the two proposed lots would not have 25 feet of street frontage. The applicant is proposing two lots with 22.5 feet of public road frontage each, which would require a variance of 2.5 feet to the minimum public road frontage standards. Matt Duchan read the draft findings and staff responses for the record as follows:

**1. An unnecessary hardship is created from the strict application of the ordinance.**

**Staff Response:** The development of the property is limited to one single family house on a 27 acre tract. The strict application of the 25' minimum street frontage prohibits the owner from placing a second home, even though there is vast space for another house.

**2. The unnecessary hardship is peculiar to the property.**

**Staff Response:** Considering the property's overall size, the 45' wide road frontage is disproportionate to the total land. A property of this size would typically allow for far more than the two houses the property owner is proposing to build. Despite abutting several neighborhoods and major roads, the property can only be accessed via Lee Roy Lane at this time. The narrow access off of Lee Roy Lane causes a hardship that is peculiar to the property.

**3. The hardship is not self-created.**

**Staff Response:** The property is shaped in such a way that inhibits any development other than a single house on a 27-acre property. The property was originally intended to be developed into a major subdivision. The property owner was not the original developer of the Starcross Subdivision, and is not responsible for the inadequate access to the tract.

**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.**

**Staff Response:** The requested variance would allow for the property owner to build two houses without making substantial changes to the lot. Adjacent lots that are just a small fraction of the size are able to accomplish similar goals as is, so putting two houses on 27 acres will not be an eyesore or noticeable to the vast majority of adjacent property owners. The intent of R-20 is to have single-family residential at a lower density than that of any other residential zoning district other than R-R (rural residential). If anything, two homes on 27 acres is a comparatively sprawled arrangement than any of the homes in the surrounding area.

Mr. Duchan stated by granting the variance, substantial justice is achieved by allowing the owner to build two homes on a property that far exceeds the minimum lot size. No public safety issues should result in the construction of the two homes where there are currently zero homes.

**Board Member Baker made a motion to approve the variance and adopt the staff findings as presented by staff. Board Member McCarl seconded the motion, which was voted upon and passed unanimously.**

**2. 117 Main Street NW - current site of Hogwaller stage**

Applicant: Janet Huntsinger

Owner: Heart of Lenoir LLC

Location: **117 Main Street NW**

**V# 3-24** A variance to Section 1112.1 of the sign zoning ordinance for the B-3 district for 100 SF of permanent wall signage where 50 SF is allowed, and 50 SF of event/band promotional signage in the form of various banners.

*Recommended Action:* Staff recommends denial of the variance request, subject to the conditions in the staff report.

Hannah Williams and Janet Huntsinger were placed under oath.

Planning Director Hannah Williams presented the variance case regarding signage for the Hogwaller Outdoor stage at 117 Main Street NW. This case is in regards to the stage that is accessible from Church Street. It is located in the B-3 zoning district in the National Register Historic District. The maximum amount of wall signage is 50 SF. The applicant is seeking to increase the amount of wall-mounted signage on the Hogwaller Stage to 100 SF, along with 50 SF of event & promotion signage. The promotional signage would be for various temporary banners specific to the performers during their actual time on stage or a festival/event banner specific to the event and posted only during the event. Mrs. Williams referenced the staff report on different sign types and other options for the applicant. Staff is not in favor of granting the variance.

Planning Director, Hannah Williams read the draft findings and staff's responses for the record as follows:

**1. An unnecessary hardship is created from the strict application of the ordinance.**

**Staff Response:** The Central Business District Sign Overlay allows for several sign types and sizes. The applicant has proposed signage that would meet these standards. Therefore, a hardship has not been created through the application of the ordinance.

**2. The unnecessary hardship is peculiar to the property.**

**Staff Response:** While the Hogwaller stage is a unique site in downtown, there are no peculiarities that would require more signage than other downtown businesses. The stage, and therefore the proposed signage, is visible from the public right-of-way. There is no hardship peculiar to the property.

**3. The Hardship is not self-created.**

**Staff Response:** The hardship is related to the desire of the applicant to have more signage than currently allowed by code. Therefore, the hardship is self-created.

**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.**

**Staff's Response:** The intent of the B-3 sign ordinance is to enhance and protect the physical appearance of Downtown Lenoir, and to provide fair, equitable, and predictable sign standards. Predictable sign standards promotes an attractive streetscape and enjoyable sense of place. Limiting the applicant's signage to the ordinance standards, to what other downtown properties are allowed, is equitable and just. The applicant's proposed increase in signage does not meet these intents of the zoning ordinance's sign

standards.

Applicant, Janet Huntsinger at 3340 Plateau Road, Newton NC approached the board. She stated the ordinance does not allow enough signage for the size of the building, which is 29,000 SF and the number of small businesses within the building. It's a hardship for the other businesses that cannot display their signage.

Board Member McCarl asked the applicant why they need so much signage since the main entrance for the businesses are in the front of the building.

Janet Huntsinger stated people also enter through the back entrance at the stage.

Board discussion ensued about the allowed signage in the B-3 district.

**Board Member Hamilton made a motion to approve the variance as requested by the applicant. Board Member Scobie seconded the motion, which was voted upon with a vote of 0-6 with Baker, Hamilton, McCarl, Bryant, Case, and Scobie voting against.**

**Board Member McCarl made a motion to adopt the staff findings in full as presented by staff. Board Member Case seconded the motion, which was voted upon and passed unanimously.**

### **3. 312 Morganton Blvd SW-Beach Bingo business**

Applicant: Amanda Moser & Rochelle Dula

Owner: R&R Enterprises

Location: **312 Morganton Blvd SW**

**AP# 1-24** A appeal to Section 611 of the zoning ordinance for Adult Gaming Establishments.

*Recommended Action:* Staff recommends denial of the appeal request.

Hannah Williams, Rochelle Dula, and Amanda Moser were placed under oath.

Planning Director Hannah Williams presented the appeal case AP# 1-24. She stated staff made the determination that M&R Beach Bingo is an Adult Gaming Establishment because of the \$10.00 cash reward given to the winners. Adult Gaming Establishments must meet standards from the City of Lenoir ordinance as follows:

Separation Standards:

- Separated from residential by at least 350 ft
- Separated from any school, youth day care, church, park, or playground by 1,000 ft
- Separated from other adult gaming establishment, adult use, liquor store, or addiction treatment and recovery facility by 1,000 ft

Performance Standards:

- Alcohol Sales are prohibited.
- Hours of operation are limited to the hours between 11 a.m. and 12:00 midnight.
- Adult Gaming Establishments are limited to 1,500 sq. ft. of floor area dedicated to gaming operations and must provide 1 parking space for every 150 sq. ft. of floor area.
- A zoning permit issued by the Planning and Community Development department is required prior to the establishment of any Adult Gaming Establishment within the City.

Their proposed location at 312 Morganton Blvd does not meet these standards because of being too close to a residential area and an addiction treatment facility. The applicants do not feel they should be classified as an Adult Gaming Establishment. Hannah Williams read the definition for Adult Gaming Establishment and General Gaming for the record:

Adult Gaming Establishment

Any establishment deemed legal by state law, featuring one or more stand-alone electronic or conventional gaming units, skill-based or otherwise, or serving one or more patrons in such a capacity at any one time, which also rewards patrons with cash or other monetary payments, goods or certificates for services which are redeemable for cash or other monetary payment on or off premise and including on-line redemptions, as well as any rewards which cannot be legally obtained, consumed, or otherwise used by minors. This term includes, but is not limited to, internet cafes, internet sweepstakes, beach sweepstakes, and cyber cafes.

General Gaming

Any establishment deemed legal by state law, excluding billiards halls, adult gaming establishments and any others similarly defined in this chapter, whose primary use is to provide entertainment services to the general public in the form of electronic or conventional gaming units which provide either no reward to patrons or rewards of limited value such as children's toys, games, and novelties when all of said rewards can be legally obtained and used by all ages and are not redeemable for cash or any other kind of compensation or services on or off premises, including on-line redemptions. This term includes, but is not limited to, traditional video game arcades and children's and family game centers, whether stand-alone or in conjunction with a restaurant or other permissible uses.

Planning Director Hannah Williams stated a zoning permit issued by the Planning Department is required prior to the establishment of any Adult Gaming Establishment within the City.

The appellants have informed staff they have obtained a license from ALE to operate their Beach Bingo business and were told they would not need local permission. Hannah Williams stated a zoning permit is required to operate any adult gaming establishment.

Staff recommends that the Board of Adjustment uphold staff interpretation that Beach Bingo is an Adult Gaming Establishment and must conform to the required separation standards in the City of Lenoir ordinance.

Board Member Hamilton asked how staff determined that Beach Bingo was an Adult Gaming Establishment. Mrs. Williams answered that they will be rewarding with a cash prize.

Hannah Williams asked the board to adopt the appeal packet as part of the record.

**Board Member Case made a motion to adopt the appeal packet as presented for the record. Board Member Hamilton seconded the motion, which was voted upon and passed unanimously.**

Applicant, Amanda Moser at 158 Cedar Ave, Hudson NC approached the board. She stated they are not trying to do anything illegal. When they first wanted to start the business they went to zoning, but were put under Adult Gaming Establishment. She explained why their business should not fall under this definition. Mrs. Moser stated if you search for a Beach Bingo ordinance, there are no results. She explained they have received their license from the state stating it is open to the general public of all ages and this was not an Adult Gaming Establishment. As of now, there are 47 active licenses for Beach Bingos in the state of North Carolina. They have tried to find another location that meets the standards, but have not been successful. She spoke about the location being too close to a methadone clinic to meet standards, but that clinic is very close to a CBD store, which should not be allowed. Mrs. Moser stated she can provide the letter from ALE showing their license.

Attorney, TJ Rohr stated the letter that was provided is hearsay and cannot be considered.

Amanda Moser answered questions from the board on the operation of Beach Bingo and the cash prize that is involved.

Board Member McCarl stated, the City of Lenoir is not saying it's illegal but the building site does not meet the zoning standards for adult gaming. The board has to determine if this case complies with our zoning ordinance.

Mrs. Moser stated the property owner told her they could operate this business from the location. If they would have known it wasn't allowed, they would have not made it this far.

City Attorney TJ Rohr stated the Lenoir City Council approved what is in the City ordinance for Adult Gaming Establishments, which the Planning Department has to go by. This could be changed if brought through the Planning Department and then City Council.

Applicant, Rochelle Dula at 405 Connelly Springs Road, Lenoir NC stated the business is not an Adult Gaming Establishment, which is considered stand up games, casino games, or adult content which they do not have. She stated if it was adult gaming they could not allow kids under 18 years old. The license they received says Beach Bingo, not Adult Gaming Establishment. She stated Hannah Williams did speak with the lady that issued the state license and hung the phone up on her. She stated Mrs. Williams had met with the board without their knowledge, and they did not get a chance to speak.

Planning Director, Hannah Williams stated for the record she has not spoken to any member of the Board of Adjustment about this issue before this meeting. Planning staff does email the board the agenda packet prior to the meeting for review. Staff makes their own interpretation of the zoning ordinance. The applicants were informed by letter that Beach Bingo was not allowed at this site because of it being adult gaming and did not meet the separation standards. This is the third scheduled meeting time, due to heavy caseloads and the state of emergency from hurricane Helene, which required re-advertising and re-mailed letters. Mrs. Williams stated she did receive a call from Kathleen Poole at the Department of Public Safety. They spoke about the general statutes and the City of Lenoir ordinances and why we could not issue a zoning permit. Mrs. Williams stated she did not hang up the phone and completed the conversation.

Jimmy Moser was placed under oath.

Jimmy Moser at 158 Cedar Ave Hudson, NC spoke to the board. He asked if they are going by the general statutes for zoning.

Board Member Case replied, the Planning staff goes by the local City of Lenoir ordinance that is passed by the City of Lenoir City Council. The general statutes are broadened state laws. Each local jurisdiction can pass more restricted rules, which is what staff is going by.

Attorney TJ Rohr stated the board is not questioning if this is legal, it is if the business and location meets the City of Lenoir zoning ordinance standards.

Mr. Moser stated they have documents showing Beach Bingo is not an Adult Gaming Establishment.

Board Member Hamilton stated since you are providing a cash reward that is putting the business under Adult Gaming Establishment.

Roxie Watson was placed under oath.

Roxie Watson at 416 Nuway Circle #10 Lenoir, NC stated she has been a widow for 25 years and now sitting at home with nothing to do. She has played bingo since the early 70's and has never seen anything wrong with it. She feels if we shut this down we are shutting senior citizens off from anything.

Attorney TJ Rohr stated this statement is not relevant to the case, this case is about the facts for the board to consider.

Chairperson Bryant asked the board to look at the zoning ordinance for Adult Gaming Establishment to make the decision. Mrs. Bryant stated to the applicants, if you do not agree with the Lenoir City Council's approval of the ordinance you can approach the Lenoir City Council or the Planning Department to change. If you choose to do this, it will come before the Planning Board then to City Council.

**Board Member McCarl made a motion to deny the zoning application because it is an Adult Gaming Establishment that rewards with cash prizes, also it is located too close to a residential area and an addiction treatment facility. Board Member Case seconded the motion, which was voted upon and passed unanimously.**

**ADJOURNMENT:**

There being no further business to be brought before the Board, Chairperson Bryant adjourned the meeting at 7:30 p.m.

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**Sharon T. Bryant, Chair**

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**Hannah Williams  
Planning Director**

**LOCATION MAP/AERIAL PHOTOGRAPH**



 Subject Property

1605 Harper Avenue

**SUMMARY**

**Owner**  
 Pru-Crew Home Improvements LLC (Dwayne Pruitt)

**Applicant**  
 Dwayne Pruitt

**Location**  
 1605 Harper Avenue  
 (SW corner of Harper & Virginia)

**NC PIN**  
 2749349725

**Project Planner**  
 Hannah Williams, AICP, CZO  
 Matt Duchan, CZO

*Updated December 6, 2024*

**Applicant’s Request:**  
 The applicant is requesting a 13-foot variance to the rear setback in order to adequately repair an ongoing leak and water damage issue to the home on their property.

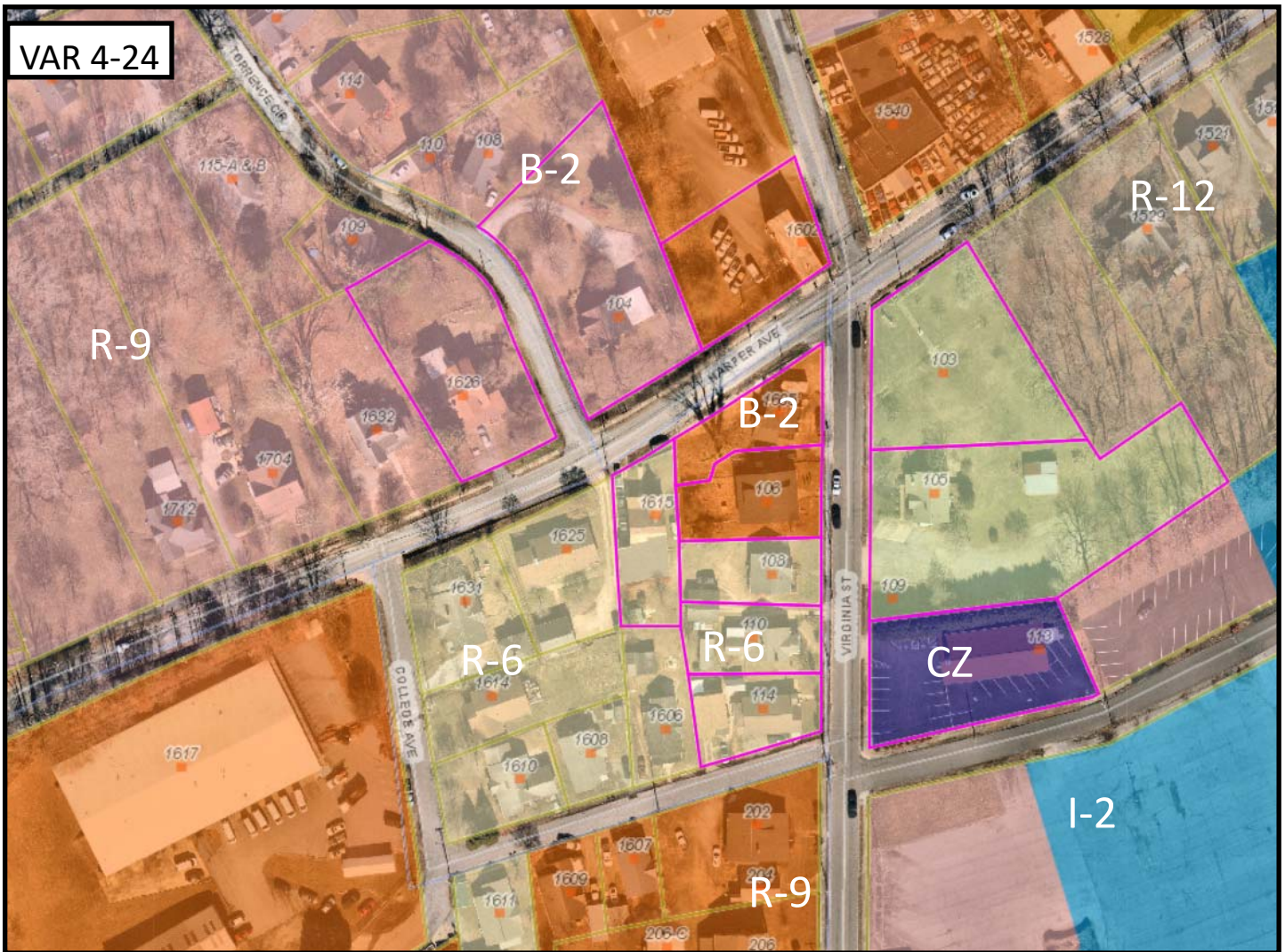
**Staff Recommendation:**  
 Approval of the requested variance. See draft findings, page 6.

**Public Comment:**

Notices were mailed to adjacent property owners on December 6, 2024. A sign was posted on the subject property advertising the evidentiary hearing on December 6, 2024.

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

# ZONING MAP & ABUTTING PROPERTY OWNERS



Name	Address	City	State	Zip Code
Korisha H Lixl	106 Virginia St SW	Lenoir	NC	28645
Jacob E Setzer	1705 Logie Ave	Charlotte	NC	28205
Victor Zelaya & Maria Leiva	1615 Harper Ave SW	Lenoir	NC	28645
Reba Williams Cobb	104 Torrence Cir NW	Lenoir	NC	28645
James Archibald Campbell III	31 1St Ave SE	Hickory	NC	28602
Unitarian Universalists of Caldwell County	105 Virginia Street	Lenoir	NC	28645
Pru-Crew Home Improvements LLC	PO Box 1	Collettsville	NC	28611
Eric & Tracy Jenkins	306 Red Oak Drive	Lenoir	NC	28645
Eddie & Betty Ward	1626 Harper Ave SW	Lenoir	NC	28645
Armando Perez Sambrano & Tania Perez	114 Virginia St SW	Lenoir	NC	28645
Kermit & Suzanne Earp	110 Virginia St SW	Lenoir	NC	28645
Word in Truth Ministries	PO Box 1801	Lenoir	NC	28645

## BACKGROUND

### Intent of Variances

When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment **must** allow for a variance from the ordinance standards creating the hardship, when specific factors are found to be true (see Sec. 1332 in the Lenoir Zoning Ordinance for specific standards).

### Subject and Surrounding Properties

The .15 AC (6,534 SF) subject property is located along Harper Avenue and is zoned B-2 (General Business). It is located at the southwest corner of Harper Avenue and Virginia Street. This building is used as a residence, but has previously served as a retail site and office use.

The subject property is flanked by one other B-2-zoned property directly south as well as several north and just northeast of the site. There are a few properties zoned B-2 down Virginia Street and along Columbus Street at the next intersection south. Properties to the south and southwest are zoned R-6 beyond the B-2 zone, and to the northwest is a neighborhood entirely zoned R-9. Near to the site includes Lenoir Automotive, the former site of Yokefellow, as well as the Unitarian Universalist Church of Caldwell County situated directly across the street on Virginia Street.

### Intent of the Zoning District

B - 2 (General Business) District is intended to provide for a wide variety of retail, service and other activities, controlled by performance standards, at locations along major transportation routes, to serve both local and transient traffic. While generally located in areas that are auto-centric, the General Business zoning district is intended to promote development that equally considers pedestrian traffic, because this district is often located in close proximity to multi-family developments and short-term lodging. This district is designed to accommodate a moderate to high intensity of development along key commercial corridors in the City, with robust design standards to encourage a unique sense of place and promote a multi-modal future with support for transit, bike, and pedestrian infrastructure.

## STAFF ANALYSIS

### Relevant Ordinances

Section 800, Table of Zoning District Regulations establishes the development standards for each of the zoning districts. The rear yard setback in B-2 is 20 feet.

Standards	O&I Office & Institutional	B-1 Neighborhood Business	B-2 General Business	B-3 Central Business (Downtown)
Principal Building Setback(11):				
Front yard	10 ft.	10 ft.	10 ft.	0 ft.
Side yard (3)	10 ft. (4)	10 ft.(4)	0 ft.(4)	0 ft.
Street side yard	10 ft.	10 ft.	0 ft.	0 ft.
Rear yard (3)	10 ft. (4)	10 ft.(4)	20 ft. (4)	0 ft.

### Applicant’s Request

The applicant is seeking a variance to the rear setback at 1605 Harper Avenue, so that the roofline of the building on the property may be extended. In doing so, the applicant believes that a roofline extension is the best and most cost-effective resolution to prevent any more water from seeping into the home through the back door. The building already encroaches seven (7) feet into the setback.

### Property History & Hurricane Helene

In 2011, the 1605 Harper property was subdivided to where the roofline was only 13 feet from the rear setback line (see page 5 for plat map). As stated above, the required rear yard setback is 20 feet. A chain link fence was subsequently added in 2012, which is around eight (8) feet from the property line. It is important to note here that fences are not subject to setback restrictions. As long as fences are within property lines, they are permissible. It was stated in the application that there were no preexisting water issues when the applicant purchased the property. As a result of unexpected rainfall, the property owner will need to encroach further into the setback to resolve current damage and prevent further damage.



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## DRAFT FINDINGS

No variance shall be approved unless a 4/5 majority of the Board of Adjustment finds that:

**1. An unnecessary hardship is created from the strict application of the ordinance.**

**Staff Response:** The strict application of the required 20 foot setback prevents the applicant from adding a roof structure that would divert water from leaking into the building.

**2. The unnecessary hardship is peculiar to the property.**

**Staff Response:** The property is already legally nonconforming because the building encroaches into the rear setback. The applicant cannot make the repair that would prevent the water leakage because it would increase the nonconformity. The existing nonconforming status of the property makes the hardship peculiar to the property.

**3. The hardship is not self-created.**

**Staff Response:** The applicant purchased the property in February 2024 and did not initiate the subdivision (plat reference) that created the rear setback nonconformity, neither did he cause the slope of the rear entrance to the building. Therefore, the hardship is not self created.

**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.**

**Staff Response:** The requested variance would allow for the building to stay in good repair and for the water leakage to be addressed directly. Without the variance, the applicant would not be able to prevent further damage and would not have the ability to fix a problem in the most efficient and straight-forward manner.

It is not the intent of the ordinance to prevent property owners from making basic repairs to their property. By granting the variance, substantial justice is achieved by allowing the applicant to repair his property as intended. The property owner cannot repair the leakage into the building without encroaching into the setback.

Staff recommends approval of the variance based on the findings above.

## SURROUNDING AREA & SITE PHOTOS



Above: Area behind 1605 Harper Avenue needing repair; property owner will expand fence/roofline approximately 10 more feet.



Above: Orange line and post denote property line beyond fenced off area.



Above: Orange line denotes property line beyond fenced off area.



Above: View of site from Unitarian Universalist Church of Caldwell County site.

## APPLICANT'S RESPONSE TO VARIANCE STANDARDS

### ATTACHMENT 1

1. An unnecessary hardship is created from the strict application of the ordinance.

Section A: We purchased the property at 1605 Harper Ave early this year. When we purchased the property there were no signs of leaks or water damage. Since then we have noticed water leaking into the residence under the back door. I have tried to stop the water by repairing the existing structure. However, it has not worked. Upon further investigation, I have found that the prior concrete pad that was poured years ago is not properly sloped away from the building causing all the rain water to run to the back door and pool against it. During heavy rains the water is flowing over the door threshold and also under it.

Upon approval of this variance, I would like to extend to roof line from where it ends now on the left side of the door. I will start where the roof ends now and cover the back door to the right side of the building protecting the concrete from rain and snow. I will keep it as simple or as complex as the board sees fit. The goal is simply to stop water from entering under the back door. I feel that completing the roof line from the left side of the door to the right side of the door at the end of the concrete is both the best and most cost effective solution for this structure.

2. The unnecessary hardship is peculiar to the property.

Section B: Sometime around 2011 the property I own was divided from the property behind it on Virginia Street. The line dividing the two properties is approximately 8 feet from the corner of the existing chain link fence behind the main structure that has been in place since the residence was remodeled in 2012 I believe. The back door in question is only about 16 feet from the same property line. There is no other way for me to correct this water issue without the boards permission to repair/correct the original incorrect slop of the concrete slab. I feel that covering the area in question will be the simplest way to correct the problem.

3. The hardship is not self-created.

Section C: When I purchased the property, I saw no signs of this water issue. However, over the past several months we have had some very heavy rains and water is getting into the residence causing minor damage at this time to the hardwood floors, sub floor and structure beams under the floor system. I am asking the board to please consider this variance, so I can maintain the structure and keep it from deteriorating any further.

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.

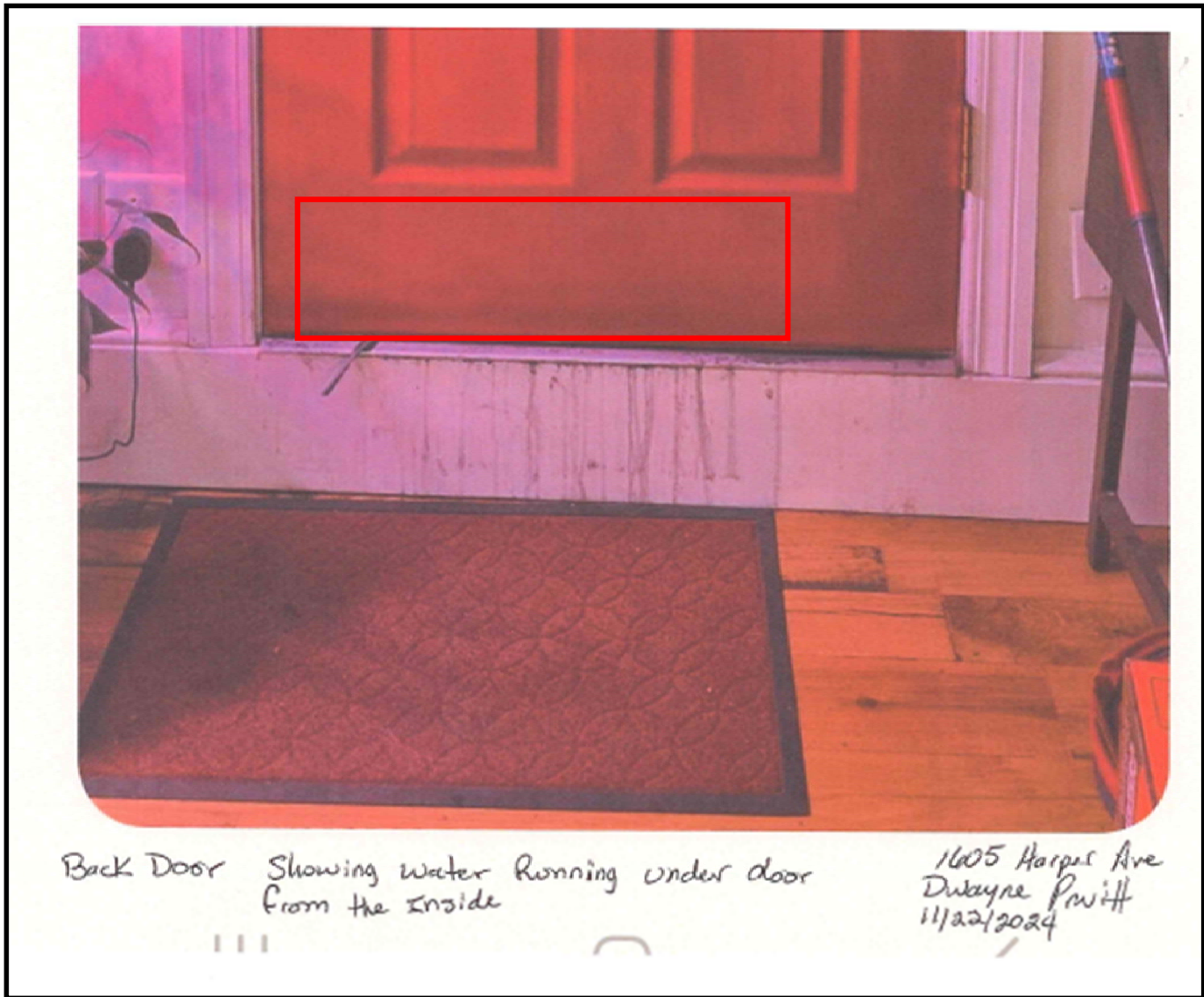
Section D: Allowing this variance will not harm or change anyone's property or property lines. Allowing me to cover the back door will not change the existing foot print of my property. The new covered section over the back door will still be within the existing foot print of the current concrete pad that is already there. I'm just asking to cover the concrete that is currently in place to protect the back door from water damaging the structure any further.

Thank You for your consideration in this matter.

Sincerely,

  
Dwayne Pruitt

DAMAGE PHOTO SUBMITTED BY APPLICANT



"Back Door showing water running under door from the inside"