

4265

TOWN OF BOONE

ORDER GRANTING A VARIANCE

The Board of Adjustment for the Town of Boone, having held a public hearing on August 3, 1989 to consider application number 89-16-V submitted by E. Thomas Abernethy, a request for a variance to use the property located at Tax Map #2911-39, Lot #4955.

A variance from the regulations of this ordinance may be granted by the Board of Adjustment if it finds that strict enforcement of the regulations would result in practical difficulties or unnecessary hardships to the applicant for the variance, and that, by granting the variance, the intent of this Ordinance and the Comprehensive Plan will be observed, public safety and welfare secured, and substantial justice done. Such findings shall be based on all seven (7) of the following determinations:

- 1. that strict compliance with the regulations allows no reasonable use of the applicants property; yes or /no/
- 2. that the hardship complained of is one suffered by the applicant rather than by neighbors or the general public; yes or /no/
- 3. that the hardship relates to the applicant's property rather than to personal circumstances; yes or /no/
- 4. that the hardship is peculiar to the applicant's property, rather than a hardship shared by the neighborhood or resulting from the existence of nonconforming situations in the vicinity; yes or /no/
- 5. that the hardship is not the result of the applicant's own actions; yes or /no/
- 6. that the variance will not substantially interfere with or injure the rights of others whose property would be affected by granting of the variance; yes or /no/
- 7. that the variance will not result in a violation of the provisions of Article 14 by allowing the enlargement, expansion, extension, or greater permanence or intensity of a nonconforming use or feature; yes or /no/

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE be GRANTED subject to the following conditions: None.

Ordered this 9th day of August, 1989.

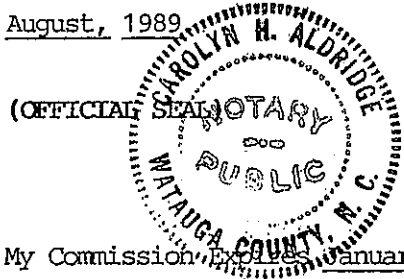
[Signature]
SECRETARY

[Signature]
CHAIRMAN

NORTH CAROLINA, WATAUGA COUNTY

I, Carolyn H. Aldridge, a Notary Public for said County and State, do hereby certify that George Bard, personally appeared before me this day and stated he is Chairman of the Boone Board of Adjustment, and acknowledged, on behalf of Boone Board of Adjustment, the due execution of the foregoing instrument.

Witness my hand and official seal, this the 10th day of August, 1989



Carolyn H. Aldridge
NOTARY PUBLIC

My Commission Expires January 20, 1990.

NORTH CAROLINA, WATAUGA COUNTY

The foregoing certificate Carolyn H. Aldridge,
Watauga County, N.C.

Notar(y)(ies) Public is (are) certified to be correct. This instrument was presented for registration and recorded in the office in Book 130, Page 228.

This 16th day of August, 19 89, at 9:45 o'clock A m.

Phyllis E. Foster
REGISTER OF DEEDS

by Eva Lee Shere Deputy

NOTE: If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of Watauga County within 30 days after the date this order is served on you. See Section 15.4.5 of the Town of Boone Zoning Ordinance.