



**TOWN OF BOONE**

**ORDER GRANTING A VARIANCE**

✓ Please return to:  
Town of Boone  
Planning & Inspections  
1510 Blowing Rock Road  
Boone, NC 28607

**On the date listed below, the Board of Adjustment for the Town of Boone met and held a public hearing to consider the following application:**

**APPLICANT: Tom Adams**

**CASE NO.: ZV20110602**

**PROPERTY LOCATION: 343 The Meadows**

**PARCEL IDENTIFICATION NUMBER(S): 2900-49-9826-000, 2900-49-9448-000**

**MEETING DATE: December 1, 2011**

**VARIANCE APPROVED: Variance from Unified Development Ordinance Article XIV, Section 232[b] to allow driveway access to three lots on property located at 334 The Meadows.**

**A variance from the regulations of the Town of Boone Unified Development 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 of the following determinations:**

- 1. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance;**

Board Member Ayers made a motion that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance because of the driveways. Chairman Crepeau amended the motion to state that the hardship is caused by the fact that at the time the property was subdivided it was owned by the County and was not required to meet Town of Boone subdivision ordinance requirements. The motion was seconded by Board Member Marsh.

VOTE: Aye – All  
Nay – None

The motion passed unanimously.

- 2. That the hardship complained of is one suffered by the applicant rather than by neighbors or the general public;**

Board Member Lockett made a motion that the hardship complained of is one suffered by the applicant rather than by neighbors or the general public because of the particular configuration of those two (2) tracts of land and the conditions made it unsuitable to follow the strict letter of the UDO. The motion was seconded by Board Member Hearron.

VOTE: Aye – All  
Nay – None

The motion passed unanimously.

**3. That the hardship relates to the applicant's property rather than to personal circumstances;**

Chairman Crepeau made a motion that the hardship relates to the applicant's property rather than to personal circumstances because at the time the subdivision was established the property owner was Watauga County. The motion was seconded by Board Member Marsh.

VOTE: Aye – All  
Nay – None

The motion passed unanimously.

**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;**

Chairman Crepeau made a motion 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 because of the location of the property in relation to Mr. Adams property and not the subdivision as a whole. The motion was seconded by Board Member Marsh.

VOTE: Aye – All  
Nay – None

The motion passed unanimously.

**5. That the hardship is not the result of the applicant's own actions;**

Chairman Crepeau made a motion that the hardship is not the result of the applicant's own actions because the property was originally subdivided by Watauga County not Mr. Adams. The motion was seconded by Board Member Marsh.

VOTE: Aye – All  
Nay – None

The motion passed unanimously.

**6. That the Variance will not substantially interfere with or injure the rights of others whose property would be affected by granting the Variance;**

Chairman Crepeau made a motion that the Variance will not substantially interfere with or injure the rights of others whose property would be affected by granting of the Variance because the Amendment to Declaration of Restrictive Covenants for The Meadows show that the majority of the property owners signed the amendment made in 2008 indicating they are aware and agreeable to the intent of Mr. Adams for this property. The motion was seconded by Board Member Ayers.

VOTE: Aye – All  
Nay – None

The motion passed unanimously.

**7. The Variance will neither result in the extension of a nonconforming situation in violation of Article VIII nor authorize the initiation of a nonconforming use of the land;**

Board Member Hearn made a motion that the Variance will neither result in the extension of a nonconforming situation in violation of Article VIII nor authorize the initiation of a nonconforming use of the land. The motion was seconded by Board Member Marsh.

VOTE: Aye – All  
Nay – None

The motion passed unanimously.

Chairman Crepeau made a motion to grant the Variance with staff conditions as follows:

1. Amend the Amendment to Declaration of Restrictive Covenants for The Meadows dated January 22, 2008 to allow the 24' driveway frontage width instead of the 10' driveway frontage width currently noted in the document.
2. The private driveway shall contain a 30' right-of-way and must be built to Town standard.

The motion was seconded by Board Member Ayers.

VOTE: Aye – All  
Nay – None

Bk 1612 Pg 829  
Doc No: 600506 Kind: ORDER

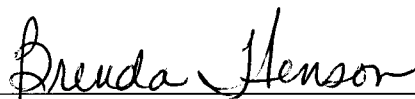
The motion passed unanimously.

Therefore, on the basis of all the foregoing, it is ordered that the application for a Variance be granted.

Ordered this the 1st day of December, 2011.



Richard Crepeau, Board Chairman



Brenda Henson, Board Secretary

NOTE: If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of Watauga County within thirty (30) days after the date this order is served on you. See Section 106 of the Town of Boone Unified Development Ordinance.

Town of Boone UDO Section 49 states that:

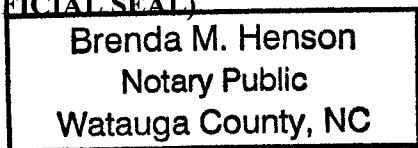
“Every decision of the board shall be subject to review by the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the decision of the board is filed with the register of deeds of Watauga County or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the board at the time of its hearing of the case, whichever is later. The decision of the board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.”

NORTH CAROLINA  
WATAUGA COUNTY

I, Brenda M. Henson, a Notary Public of Watauga County, North Carolina, certify that Richard Crepeau, Chairman of the Board of Adjustment for the Town of Boone, personally appeared before me and acknowledged, on behalf of the Boone Board of Adjustment, the due execution of the foregoing instrument.

Witness my hand and official seal, this the 5<sup>th</sup> day of January, 2012

(OFFICIAL SEAL)

  
NOTARY PUBLIC

My commission expires: November 4, 2012