

**WALKERSVILLE BOARD OF APPEALS
MINUTES
October 14, 2021**

Board members present: Jason Bryant, Vaughn Zimmerman and Dave Albertson. Also present: Zoning Administrator Susan Hauver and Town Attorney David Severn. Chairman Jason Bryant called the meeting to order at 7:30 p.m.

By common consent, the Board approved the agenda as proposed by staff.

1. Minutes

Mr. Zimmerman made a motion, seconded by Mr. Albertson, to approve the minutes of the August 31, 2021 meeting. Motion passed on a unanimous vote.

2. W-B-21-02 Richard Sisson, 8 Georgetown Road, request for a 3'6" variance of 6 foot side yard setback requirement to build a 400 square foot detached accessory building 2'6" from the feet side property line

All persons in the audience who intended to testify at the hearing were sworn in by Chairman Bryant.

Ms. Hauver presented the attached staff report. She noted that photos on the internet indicate that the concrete pad on the lot is relatively new, but it predates Mr. Sisson's ownership of the lot.

Mr. Sisson said he moved here recently from Memphis and explained that the huge concrete pad had been put in by the previous owners to be a basketball court for their children. He submitted a photo of the pad to the Board members as well as a letter of support from his neighbors Lois and Robert Humphrey at 6 Georgetown Road.

Mr. Sisson said he would like to utilize the existing pad as the foundation for his proposed 20'x20 accessory building. Centering the building on the pad would put the building 2 ½ feet from the side property line.

Mr. Albertson asked why the building needed to be 20'x20'. Mr. Sisson said that he repairs and refinishes antique furniture, and that less space would be a less convenient workspace. The existing shed on the property will be moved to the rear of the lot and eventually sold. He is purchasing the new building from American Metal Buildings Inc. of Mount Airy, NC.

Mr. Albertson asked Mr. Sisson if he considered widening the concrete slab to place the proposed building in compliance with the setback requirement. Mr. Sisson said he did not want to add more concrete to his backyard.

Town Attorney David Severn asked Mr. Sisson whether there was anything unusual about his lot, and Mr. Sisson said that the lot is flat and regular. The lot does back up to school property.

There were no public comments.

Mr. Zimmerman said that the existing concrete pad was an extraordinary situation. He noted that the neighbors do not object to its proposed location and there would be no building next to it. The neighbors' shed would be 10'-12' away.

Board members discussed whether granting the variance would be setting a precedent. Mr. Zimmerman noted that the Board had reviewed and granted a number of variances in the neighborhood for carports and sheds.

Mr. Zimmerman made a motion, seconded by Mr. Albertson, to grant the 3'6" variance of the side yard setback requirement to locate a 20'x20' accessory building 2'6" from the side property line, based on the following findings:

- 1. A large concrete pad already exists on the property and extends 23' feet onto the lot. This pad represents an extraordinary situation specific to this lot. Not being able to use the pad as the foundation for the accessory building or having to expand the pad would represent a hardship to the property owner.***
- 2. Granting the variance would give the applicant the right to enjoy the same property rights of his neighbors.***
- 3. Granting the variance will not be a substantial detriment to the adjacent property owners as evidenced by the lack of public comments and the support of the neighbor most closely impacted.***
- 4. Granting the variance is not so general a nature as to formulate a new regulation.***

The motion passed on a unanimous vote.

Mr. Zimmerman made a motion, seconded by Mr. Albertson, to adjourn the meeting. The motion passed on a unanimous vote.

Respectfully submitted,

Susan J. Hauver