



Town of Jamestown  
BOARD OF ADJUSTMENT

*Welcome to the Town of Jamestown Board of Adjustment meeting. We appreciate your interest and we encourage public participation in our meeting. Please note that there will be opportunities during the meeting for you to address the Board members. Those wishing to give testimony to the Board must be first sworn in by the Town Clerk. Only competent and material testimony may be considered by the Board in making their decision.*

TO: Board of Adjustment Members

FROM: Matthew Johnson, AICP; Assistant Town Manager/Director of Planning

RE: **Called Meeting**  
**Monday, December 13, 2021 – 6:00PM**  
**Jamestown Town Hall, Civic Center Chambers**

Items on the agenda:

1. Call to Order – Sarah Glanville, Chair of the Board of Adjustment
2. Roll Call – Matthew Johnson, Assistant Town Manager/Director of Planning
3. Approval of Minutes from July 20, 2020, Board of Adjustment meeting – Sarah Glanville, Chair of the Board of Adjustment
4. Swearing in of those who wish to testify during tonight's hearing – Nancy Avery, CMC, Interim Town Clerk
5. **New Business** – Consideration of variance request for setback relief along front and side setbacks at 118 Brookberry Dr.; Tax Parcel # 159230; request to reduce front setback from 40 ft. to 22 ft. – Matthew Johnson, Assistant Town Manager/Director of Planning
6. Adjourn

**Board of Adjustment Meeting  
July 20, 2020  
6:30 pm in the Council Chambers  
Minutes & General Account**

**Board Members Present:** Sarah Glanville, Chair; Art Wise, Vice Chair; & Eddie Oakley

**Board Members Virtually Present:** Russ Walker

**Board Members Absent:** Ed Stafford

**Call to Order-** Glanville called the meeting to order.

**Roll Call-** Johnson took a roll call vote as follows:

Ed Stafford- Absent  
Eddie Oakley- Present  
Sarah Glanville- Present  
Art Wise- Present  
Russ Walker- Present

**Approval of Minutes from the February 4<sup>th</sup> Board of Adjustment meeting-** Wise made a motion to approve the minutes from the February 4<sup>th</sup> Board of Adjustment meeting as presented. Oakley made a second to the motion. The motion passed by unanimous vote.

**Swearing in of those who wish to testify during the hearing-** Weiner swore in the applicant, Matt Lothakan.

**Consideration of variance request for setback relief along rear setback at 213 Knollwood Drive; Tax Parcel #160566; request to reduce rear setback from 25 feet to 10 feet-** Johnson stated that staff had received a request from Lothakan for a variance to reduce the rear setback on his property at 213 Knollwood Drive. Johnson said that the ordinance does require a 25 foot setback at the rear of the property. Johnson stated that Lothakan would like to build an approximately 8 foot wide deck. He added that the remaining portion would leave a 10 foot setback to the rear property line. He noted that he had discovered that about 7 feet of the home was already within the setback while he was doing research on the property. Johnson stated that the house was built around 1955 and he could not find any documentation of a variance being approved by the Board of Adjustment in the past. He said that the home was a legally, non-conforming structure. He added that it did make sense to consider a variance for the rear setback because it would allow the applicant to maintain the structure.

Johnson said that Lothakan was requesting a 15 foot reduction in his rear setback which leave him 10 feet to the rear property line. He stated that there were photos of the property within the staff report that could be found in the packet. Johnson added that the lot was very narrow and shallow. He said that staff believed that there was grounds for granting a variance considering the unique characteristics of the lot. Johnson said that there were a few things that the Board must consider before issuing a variance. He noted that the applicant needed to show that there was an unnecessary hardship that resulted from the application of the ordinance, that the hardship resulted from conditions that were specific to the particular property, that the hardship was not self-created, and that the variance would

be consistent with the spirit of the ordinance such that public safety, security, and substantial justice were achieved.

Johnson reiterated that the home was originally built within the setback and that strict application of the ordinance would result in hardship for the owner in regard to the maintenance of the property. He stated that the owner was limited in ways in which to maintain or use the existing structure because of the topography and location of the lot. He highlighted that it was very clear that the hardship was specific to the property because there was only one other neighboring property that had similar constraints. Johnson added that the hardship was not self-created because the owner inherited the issues when he purchased the property. He stated that the variance remedy existed to grant owners the right to prevent strict application of the ordinance when it was believed that health, safety, and welfare would not be adversely affected. Johnson added that the variance was aligned with the spirit, purpose, and the intent of the ordinance. He said that he was happy to answer any questions that the Board may have.

Glanville asked if there was precedence to grant the variance. Johnson said that there had been a variance granted for a property nearby for similar reasons.

Lothakan came forward and thanked the Board for considering his request. He also thanked Johnson for his presenting his staff report on the property. Lothakan stated that he purchased the house in November 2019. He noted that he was looking for an affordable home that would be close to his restaurant, Simply Thai. He said that the home was a “fixer-upper” and that it need a lot of work. He added that he loved the location because it was within walking distance to his restaurant. He stated that he purchased the home and spoke with Johnson right away about getting a permit for the renovations. Lothakan noted that he would apply for a permit to continue the work on the house if the variance was approved by the Board.

Lothakan said that the lot was very narrow and was shallow in the back. He noted that one of the reasons that he was seeking the variance was to allow for him to maintain the foundation of the home. He was planning to build an 8 foot deck which would be sealed. He added that it would prevent storm water from hitting the house from the roof. He noted that the gutter would protect the structure of the home. He noted that the deck would also allow him to enjoy his property more because the home was fairly small. He reiterated that he had requested the variance to maintain the structure of the home and also to provide more outdoor space for his enjoyment.

Glanville asked the Board if they had any questions or further discussion. Wise stated that the findings that were listed in the staff report were very obvious. He said that the applicant was extremely limited because of the shape of the lot. Wise stated that he believed that it was an open and shut case. Oakley said that he had driven by the property. He added that the renovation could only help that location and the surrounding properties.

Wise made a motion to approve the variance request for an encroachment into the rear setback up to a maximum of 15 feet and found that the applicant had presented competent, material, and substantial evidence demonstrating compliance with the required variance standards. He noted that approval of the variance was based on the following findings of fact:

- Unnecessary hardship would result from the strict application of the Ordinance.
- The hardship resulted from conditions that were peculiar to the property, such as location, size, or topography.

- The hardship did not result from actions taken by the applicant/property owner.
- The requested variance was consistent with the spirit, purpose, and intent of the ordinance, such that public safety was secured, and substantial justice was achieved.

Oakley made a second to the motion.

Weiner took a roll call vote as follows:

Eddie Oakley- Aye  
Sarah Glanville- Aye  
Art Wise- Aye  
Russ Walker- Aye

The motion passed by unanimous vote.

**Adjournment-** Oakley made a motion to adjourn. Wise made a second to the motion. The motion passed by unanimous vote.

The meeting ended at 6:45 pm.



Board of Adjustment  
Variance Application

Date: 11/8/21

**NOTICE:** Applicant hereby grants permission to the Town of Jamestown personnel to enter the subject property or to deploy a drone over the property during reasonable hours for any purpose required in processing this Variance Request.

**Location of Building / Property**

Address: 118 Brookberry Drive Jamestown NC  
Tax Parcel ID Number(s): 159230  
Acreage: .43 Zoning: SFR

**Submittal Requirements**

The following must be submitted with this completed application (signed and dated by the Appellant):

- One (1) hard copy and one (1) electronic copy of any applicable map(s), site plans, exhibits, and applications showing exact location of property with respect to existing streets, adjoining lots and other important features on or contiguous to the property. Also, include any maps and/or illustrations (to scale), which are necessary to show the location, number and size of buildings, signs, etc., on the property.
- A list of names, addresses and tax parcel identification numbers of properties that abut the site, are across the street from the site or are otherwise within five hundred feet (500') of the site. (Digital format is preferred; ex. Excel Spreadsheet)
- Review Fee (Please check most recent version of Fee Schedule for applicable review fee for variance/appeal/BOA hearing)

**Notifications Required**

Planning Staff will be required to notify in writing each adjoining property owner. At least, one (1) sign will be placed on the property(ies) in question located along public streets, or where visible by the public.

**APPEALS WITHIN WATERSHED OVERLAY DISTRICTS**

If you are appealing a determination regarding a local Watershed Overlay District, Planning Staff will be required to notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption.



# Board of Adjustment Appeals Request

Settled 1752  
**JAMESTOWN**  
NORTH CAROLINA

## What can I appeal?

If you do not agree with Planning Staff's interpretation of the Zoning Ordinance, you may appeal the decision to the Board of Adjustment. The Board does not have power to change the Ordinance and is limited to its interpretation. Decisions are based on what the Board believes to be the actual meaning and intent of the ordinance.

## Who is the Board of Adjustment?

The Board of Adjustment is a quasi-judicial board comprised of citizens residing in Jamestown and its Extraterritorial Jurisdiction (ETJ). The Board of Adjustment is a volunteer board appointed by the Town Council.

## What factors are considered?

Standards for granting an appeal can be found in Article 6 of the Land Development Ordinance.

Before granting an appeal, the Board of Adjustment shall have made the following findings:

1. The filing of an appeal shall stay, or delay, any proceedings (ex: enforcement) of the contested action, except the Zoning Administrator may certify in writing to the Board of Adjustment that because of facts stated in the certificate, a stay imposes an imminent peril to life or property or would seriously interfere with the enforcement of these regulations. The Board of Adjustment shall then review such certificate and may override the stay of further proceedings.
2. A notice of appeal may be filed at the Planning Department contesting any order, decision, determination, or interpretation within 30 days of the day the order, decision, determination or interpretation is made by an administrative officer. The Board of Adjustment may extend the 30 day deadline only upon determining that the person filing the notice of appeal received no actual or constructive form of notice of the order, decision, determination or interpretation being appealed. The person must submit an appeal application, a non-refundable filing fee, and a list of adjoining properties including the tax parcel numbers and the name and address of each owner.
3. Upon receipt of a notice of appeal the Planning Director or administrative officer shall transmit to the Town Manager copies of all administrative papers, records, and other information regarding the subject matter of the appeal.

## Standards for granting appeals

The Board of Adjustment shall reverse or modify the order, decision, determination or interpretation under appeal *only upon finding an error* in the application of these regulations on the part of the officer rendering the order, decision determination, or interpretation.

## How do I apply?

- Submit application with all applicable items
- Pay fees

## Appeal granted?

If the Board decides to grant the appeal, they may place certain restrictions or conditions on the variance to protect the public interest and neighboring property owners.

## Appeal denied?

If your appeal is denied, enforcement of the contested action will once again be pursued by the Town, or you may choose to appeal the decision to the Guilford County Superior Court. If you choose to appeal the decision, you will have 30 days to do so from date you receive the Board's decision letter.

## Reminder!

Please note that Board members are not allowed to discuss the case outside the public hearing.

## Questions?

**Town of Jamestown  
Planning Department  
IN PERSON:**

301 E. Main St. Jamestown,  
NC 27282

Mon-Fri; 8:30am—5pm

TEL: 336-454-1138

EMAIL: [mjohnson@jamestown-nc.gov](mailto:mjohnson@jamestown-nc.gov)

WEB: [www.jamestown-nc.gov](http://www.jamestown-nc.gov)



## Variance Request Requirements

### STANDARDS FOR GRANTING A VARIANCE (Article 6 "Variances and Administrative Appeals"):

1. The Board of Adjustment shall not grant a variance until it makes the following affirmative findings:
  - (A) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
  - (B) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
  - (C) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
  - (D) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

In the following space (or on additional attached sheets), indicate the FACTS or evidence that demonstrates to the Board of Adjustment that should lead the Board to conclude that a variance is warranted:

I would like a variance that allows me to follow the towns setback requirements with the exception of matching the neighboring setbacks. This is due to constraints caused by the current setbacks and a fifty foot barrier due to stream on property. I would like the house to face Edwards.

**Applicant**

Printed Name Bradley Arledge Phone 336-404-7557

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: \_\_\_\_\_

By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Adjustment except through sworn testimony at the public hearing.

Signature 

Title \_\_\_\_\_ Email bparledge@yahoo.com

Address of Applicant 2910 Queenstown Circle Apt 1F Greensboro NC 27407

NORTH CAROLINA

COUNTY OF Guilford

I, C. Meagan Cook, a Notary Public of North Carolina, certify that Bradley Paul Arledge, and \_\_\_\_\_, personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 8<sup>th</sup> day of November, 2021.

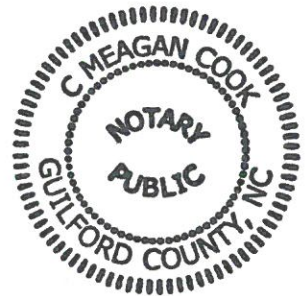
(Official Seal)

C. Meagan Cook  
Notary Public

C. Meagan Cook  
Printed Name of Notary Public

My Commission Expires: 09/15/2024

Last Updated Nov. 2021



Page 2 of 3

**Property Owner (if different than applicant)**

Printed Name Tadd W. Meyn Phone 336-314-4149

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: Sole proprietor

By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Adjustment except through sworn testimony at the public hearing.

Signature Tadd W. Meyn

Title owner Email tmeyn4@gmail.com

Address of Property Owner 4872 Regalwood Dr., Winston Salem, NC 27107

\* Property owner hereby grants permission to the Town of Jamestown personnel to enter the subject property or to deploy a drone above the subject property for any purpose required in processing this application.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

NORTH CAROLINA

COUNTY OF Guilford

I, Kelley Goins, a Notary Public of North Carolina, certify My that Tadd W. Meyn, and \_\_\_\_\_, personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 8<sup>th</sup> day of November, 2021.

(Official Seal)

Kelley Goins  
Notary Public

Kelley Goins  
Printed Name of Notary Public

My Commission Expires: 10/9/22

KELLEY GOINS  
Notary Public  
North Carolina  
Guilford County

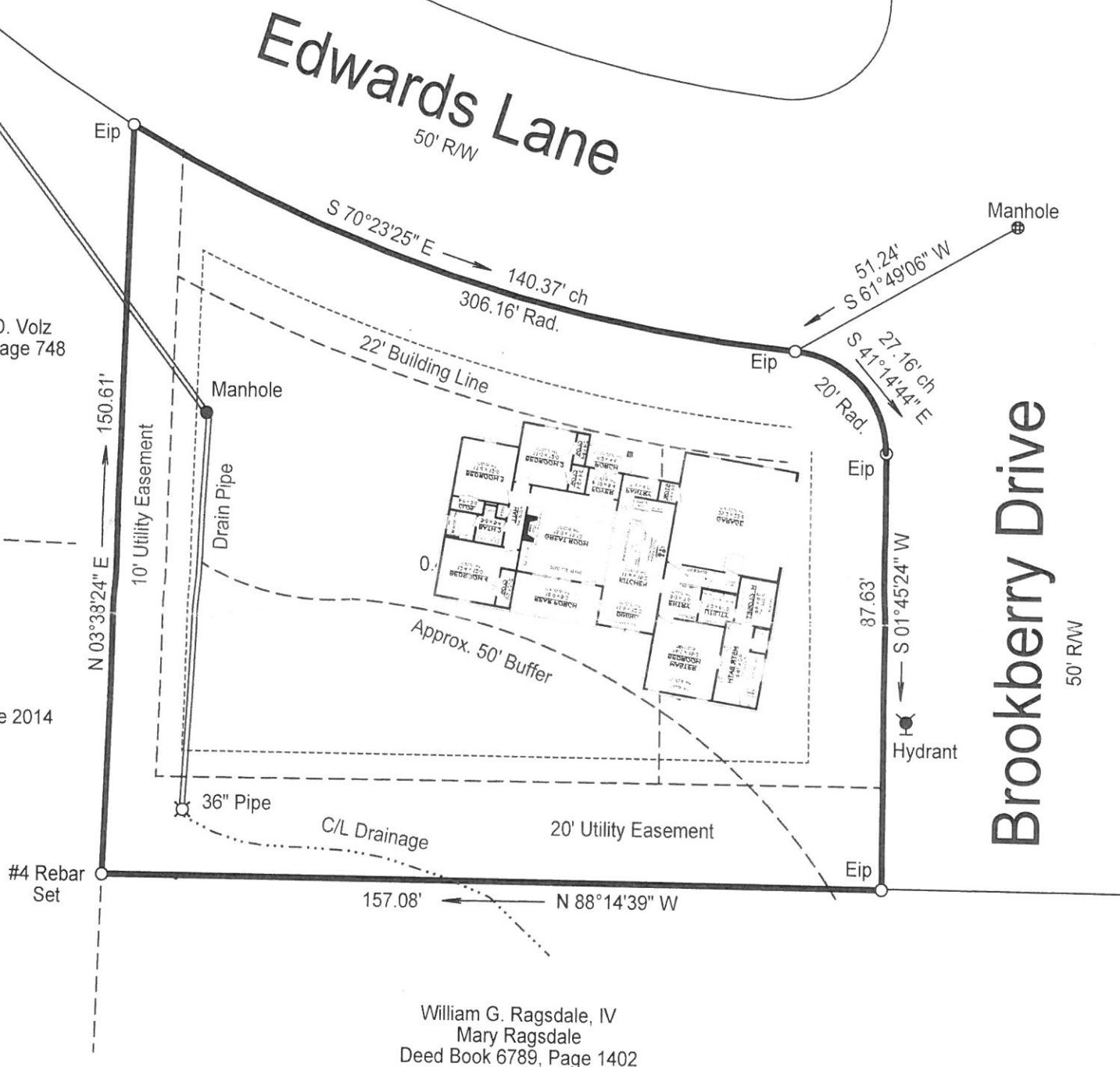




Plat Book 76, Page 35

34  
Keith L. & Joyce D. Volz  
Deed Book 3307, Page 748

35  
Shirley DeLong  
Deed Book 4373, Page 2014



**Preliminary:**

Not for Sales, Conveyances or Recordation

Bradley Paul Arledge  
118 Brookberry Drive  
Lot 1, Section 4  
Forestdale East  
Plat Book 76, Page 35  
Jamestown Township  
Guilford County  
Jamestown, N.C.  
Tax Parcel: 159230  
Deed Book 3644, Page 316

Jamestown Setback Shown in Red  
15' Front  
15' Side  
25' Rear

This property is subject to any easements, agreements, or rights - of - ways of record prior to this date and not visible at the time of inspection.			
<b>LEGEND:</b> EIP----- Existing Iron Pipe NIP----- New Iron Pipe CM----- Conc. Monument BM----- Benchmark MBL----- Min/Max Bldg Line P----- Property Line C----- Centerline CH----- Chord R/W----- Right-of-way DE----- Drainage Esm		This is to certify that this plot was drawn from a recorded map and field survey: That the property lines and location of all structures are accurately shown hereon: and there are no encroachments either way across property lines, unless noted otherwise.  This property has not been evaluated for special flood hazard area as determined by the Department of Housing and Urban Development. For flood boundaries contact the Federal Emergency Management Agency.	
Revisions: 10.26.21 Add Setbacks		This map does not meet the requirements of GS 47-30 as amended. Drawn By: DWS	
Title Search Performed By Others Ratio of Precision: 1:10,000'+ File:			
 Location Map: Not To Scale		 <b>Joseph G. Stutts, PLLC</b> PROFESSIONAL LAND SURVEYORS 303 East Bessemer Avenue Greensboro, North Carolina 27401 Phone: (336) 273-3930 Fax: (336) 273-7476 <b>DATE:</b> 10.20.2021 <b>SCALE:</b> 1"= 30'	

TOWN OF JAMESTOWN, NC  
CASH RECEIPT

Printed 15:27:17 - 11/12/21

**Batch:23113**  
**Transaction:5**

Reference Number:

Name: ARLEDGE, BRADLEY

Address: 118 BROOKBERRY DRIVE  
[JAMESTOWN NC 27282]

Item(s) Description:

PLANNING & DEVELOPMENT	400.00
FEES-GENERAL	

Check # 011419	400.00
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Cash Paid

Credit Paid

Less Change Given	(	)
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TOTAL:	400.00
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Comments:

Variance



## NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT

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### VARIANCE CASE 2021-01

A request for a variance has been filed with the Town of Jamestown Planning Department for the property shown on the attached map (highlighted in blue). The request is described below:

**Proposal:** Request for an exception (variance) to the front setback restriction of the Land Development Ordinance for the property located at 118 Brookberry Dr.

**Location:** The site is located 118 Brookberry Dr. (outlined in red)



**Applicant:** Bradley Arledge, 2910 Queenstown Circle, Apt. 1F, Greensboro, NC 27407

**Applicants**  
**Contact:** 336-404-7557

You are receiving this notice because public records indicate that you own property adjacent to or within 500 feet of this variance request, which has been scheduled for a public hearing. Recipients of this notice may wish to share it with their neighbors whose property is nearby the above noted property.

The purpose of the public hearing is to allow citizens to provide sworn testimony regarding potential impacts the proposed development would have on their properties or on the area in general, and to identify issues or concerns related to the appropriateness of the request. Persons addressing the Board will be required to be sworn in and testimony will be recorded as part of the record. **Only qualified testimony may be considered by the Board.** For more information, please contact the Planning Department prior to the meeting.

The public hearing is not the appropriate setting to learn about a proposal for the first time. It is difficult to gain understanding of a proposal and offer well thought out comments during the relatively short time of a public hearing.

If you would like more information about this request, you could contact the Town of Jamestown Planning Department at (336) 454-1138 prior to the public hearing. You may also contact the applicant's contact person listed above.

### **PUBLIC HEARING**

**PUBLIC HEARING DATE:** Monday, December 13, 2021 **TIME:** 6:00 PM  
**LOCATION:** Town of Jamestown Town Hall, 301 E. Main St., **Civic Center Chambers**

The meeting facilities of the Town of Jamestown are accessible to people with disabilities. Anyone needing special accommodations should call (336) 454-1138. Notice of public hearing shall also be published in the Jamestown News.

Mailed: December 1, 2021

**AFFIDAVIT OF NOTICE**

REGARDING NOTIFICATION REQUIREMENTS FOR Variance request before the Board of Adjustment for

118 Brookberry Drive, Jamestown, NC located on Guilford County Tax Map/Parcel(s), and

PIN#(s) 159230.

Check box if additional sheets are attached: ☒

STATE OF NORTH CAROLINA  
COUNTY OF GUILFORD, to-wit:

I Nancy Avery, the undersigned, being first duly sworn, do hereby depose and certify as follows:

That in accordance with Section 160A-384 of the North Carolina General Statutes, the property owners listed on the attached sheet were notified of the December 13, 20<sup>21</sup>, public hearing before the Board of Adjustment, to be held at 6:00 pm at Town Hall - Civic Center.

That said notification consisted of a written notification letter mailed to each listed property owner or their agent at least 10 and no more than 25 calendar days before the referenced public hearing.

That a sample notification letter and a list of the names of property owners or their agents or occupants of the property to whom notification was sent are attached.

That said notification was mailed from the Jamestown USPS, on December 1, 2021 by First-Class mail.

That pursuant to the Town of Jamestown Land Development Ordinance, placards furnished by the Town, indicating the date, time and place of the public hearing before the Board of Adjustment, a brief description of the matter being heard, and identifying the land which is the subject of the application, were erected on the property at least 10 and no more than 25 calendar days prior to the public hearing, and further, that said placards have been maintained up to the time of said hearing.

That the placards were posted on December 1, 20<sup>21</sup>.

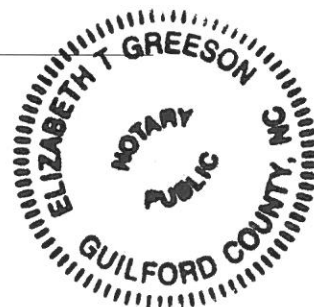
Nancy Avery  
Town Clerk's Signature

Subscribed and sworn to before me this 15 day of December, 20<sup>21</sup>.

My Commission Expires: February 20, 2022

Elizabeth T. Greeson  
Notary Public's Signature

Elizabeth T. Greeson  
Printed Name of Notary Public





Owner	Mail Address	Mail City	Mail State	Mail Zip
BLAYLOCK, JOHN BRITTIAN JR;BLAYLOCK, MARILYN R	505 ONEILL DR	JAMESTOWN	NC	27282
BONENBERGER, RITA J	509 ONEILL DR	JAMESTOWN	NC	27282
CAINES, MARGARET AMY;CAINES, TERRY CHRIS	108 BROOKBERRY DR	JAMESTOWN	NC	27282
CAPIES, JOHN L;CAPIES, VICKIE	704 ONEILL DR	JAMESTOWN	NC	27282
CARTER, DON D;CARTER, VANESSA M	406 WYNDWOOD DR	JAMESTOWN	NC	27282
COCKERHAM, WILLIAM K;COCKERHAM, CONNIE J	602 ONEILL DR	JAMESTOWN	NC	27282
COLUCCI, ANNETTE SOUTHERN;COLUCCI, VINCENT ANDREW	115 MAMIE LN	JAMESTOWN	NC	27282
DEAN, JOHN ALBERT;DEAN, SUSAN ALDRIDGE	P O BOX 2202	JAMESTOWN	NC	27282
DELONG, SHIRLEY	PO BOX 243	JAMESTOWN	NC	27282
DIXON, JOHN B;DIXON, MARTHA M	PO BOX 2216	JAMESTOWN	NC	27282
DORE, JAMES T;DORE, JEAN T	110 BROOKBERRY DR	JAMESTOWN	NC	27282
DOUGLASS, DON M;DOUGLASS, PATRICIA M	202 EDWARDS LN	JAMESTOWN	NC	27282
ECKLUND, DOUGLAS R;ECKLUND, LORETTA W	510 ONEILL DR	JAMESTOWN	NC	27282
ELREEH, AHMED ABDULLA	113 MAMIE LN	JAMESTOWN	NC	27282
EVANS, FERNARD O;EVANS, MARY B	113 BROOKBERRY DR	JAMESTOWN	NC	27282
FIRST BAPTIST CHURCH OF JAMESTOWN	306 GUILFORD RD	JAMESTOWN	NC	27282
FREDERICK, ROBERT E;SCHEIDT, DONNA L	500 WYNDWOOD DR	JAMESTOWN	NC	27282
HEAVNER, HAL G;HEAVNER, TAMMY M	701 TEAGUE DR	JAMESTOWN	NC	27282
HOLTZMAN, DELBERT A;HOLTZMAN, PATRICIA H	203 EDWARDS LN	JAMESTOWN	NC	27282
HUNDLEY, JAMES R;HUNDLEY, ELIZABETH M	410 WYNDWOOD DR	JAMESTOWN	NC	27282
KENT, KELCY E	404 WYNDWOOD DR	JAMESTOWN	NC	27282
LAWES-MURPHY, JASON PATRICK	702 ONEILL DR	JAMESTOWN	NC	27282
LOUDERMILK, ELIZABETH A;LOUDERMILK, JEFFREY K	111 MAMIE LN	JAMESTOWN	NC	27282
MCCRAY, WAYNE L;MCCRAY, ELIZABETH J	508 ONEILL DR	JAMESTOWN	NC	27282
METTS, FRANK L;METTS, PAULA P	507 ONEILL DR	JAMESTOWN	NC	27282
MEYN, TADD W	4872 REGALWOOD DR	WINSTON-SALEM	NC	27107
MILLER, JACK ALAN;MILLER, SUE ELLEN	703 ONEILL DR	JAMESTOWN	NC	27282
MITCHELL, JAMES CONLEY JR;MITCHELL, REBECCA P	109 BROOKBERRY DR	JAMESTOWN	NC	27282
PARUSCIO, THOMAS;PARUSCIO, DENISE	606 ONEILL DR	JAMESTOWN	NC	27282
PATTERSON, SAMUEL L JR;PATTERSON, LYNN H	512 ONEILL DR	JAMESTOWN	NC	27282
PENDRY, JAMES D;PENDRY, JANE M	511 ONEILL DR	JAMESTOWN	NC	27282
PHILLIPS, ANTHONY DWAYNE;PHILLIPS, LISA ERICKSON	408 WYNDWOOD DR	JAMESTOWN	NC	27282
PICKETT, ROBERT L JR;PICKETT, VIRGINIA K	605 ONEILL DR	JAMESTOWN	NC	27282
PITTMAN, R GREG;PITTMAN, MARSHA C	703 TEAGUE DR	JAMESTOWN	NC	27282
PLUNKETT, FREDERICK L;PLUNKETT, RICKI W	204 EDWARDS LN	JAMESTOWN	NC	27282
PRAIRIE, SHAWN A;PRAIRIE, MICHELE A	506 ONEILL DR	JAMESTOWN	NC	27282
RAGSDALE, WILLIAM G IV;RAGSDALE, MARY T	411 E MAIN ST	JAMESTOWN	NC	27282
ROTHSTEIN, CARLEY	705 O'NEIL DR	JAMESTOWN	NC	27282
RYMILL, BRIAN J;RYMILL, MICHELLE T	200 EDWARDS LN	JAMESTOWN	NC	27282
SAMPSON, M DOUGLAS JR;SAMPSON, MARIA S	701 ONEILL DR	JAMESTOWN	NC	27282
SANG, AARON;SANG, ELIZABETH	112 BROOKBERRY DR	JAMESTOWN	NC	27282
STEVENSON, HEATHER M	114 BROOKBERRY DR	JAMESTOWN	NC	27282
TREXLER, BETSY P;TREXLER, JOHN E III	111 BROOKBERRY DR	JAMESTOWN	NC	27282
VOLZ, KEITH L;VOLZ, JOYCE D	601 ONEILL DR	JAMESTOWN	NC	27282
WHITE, LOGAN ELTON;WHITE, KELLY M	107 BROOKBERRY DR	JAMESTOWN	NC	27282
WILSON, ROBERT BRUCE;WILSON, NANCY S	604 ONEILL DR	JAMESTOWN	NC	27282

Jamestown News

**WEDNESDAY**  
**NOVEMBER 24, 2021**

**NOTICE OF BOARD OF ADJUSTMENT MEETING**  
**Town of Jamestown, NC**

Notice is hereby given that a quasi-judicial hearing will be held by the Board of Adjustment at Town Hall on the 13th day of December, 2021 at 6:00 pm in the Civic Center. The purpose of this meeting is to consider a request for a variance for the front yard and side yard setbacks for property located at 118 Brookberry Drive. The public is invited to attend.

Nancy Avery  
Interim Town Clerk  
Town of Jamestown

November 24, 2021

Nancy Avery  
Interim Town Clerk



## Variance Case 2021-01

Jamestown Planning Department  
Staff Report

Board of Adjustment Hearing Date: December 13, 2021

### GENERAL INFORMATION

**Applicant:** Bradley Arledge, 2910 Queenstown Circle, Apt. 1F, Greensboro, NC 27407  
**Request:** Reduction of rear setback from 25 feet to 10 feet.  
**Conditions:** N/A  
**Location:** 118 Brookberry Dr.  
**Parcel ID#:** 159230  
**Public Notice:** Notice of Pubic Hearing mailed 12/1/2021 to all property owners within a 500 ft. radius; signs posted on subject property; advertisement through the *Jamestown News* on Nov. 24, 2021.  
**Tract Size:** 0.42 +/- Acres.  
**Topography:** Generally a slightly sloping grade towards the South.  
**Vegetation:** Mostly wooded.  
**TRC Review:** TRC review not required.

### SITE DATA.

**Existing Use:** Vacant

### **Adjacent Uses:**

	Adj. Zoning	Adjacent Land Uses
North	SFR	Single Family
South	CZ-AG	Agriculture
East	SFR	Single Family
West	SFR	Single Family

### **Zoning History:**

Case #	Date	Summary
N/A		This property was zoned SFR in 2009 with the adoption of new town-wide zoning.

### SPECIAL INFORMATION

**Overlay Districts:** This site is not currently subject to any special overlay districts with the exception of watershed, which all parcels in Jamestown are subject to.

### **Environmental:**

**Watershed:** City Lake Watershed Critical Area  
**Floodplains:** No identified floodplains per FEMA maps.  
**Streams:** Perennial or intermittent stream on site.  
**Other:**

**Utilities:** Public Water and Sanitary Sewer are available at this site.

**Landscape Requirements:** N/A

**Tree Conservation Areas (TCA):** N/A

**Open Space:** N/A

**Transportation:**

Street Classification: Brookberry Dr. and Edwards Ln. are local streets.

Site Access: Existing access directly from Knollwood Dr.

Traffic Counts: N/A

Sidewalks: N/A

Transit: N/A

Traffic Impact Study: No TIS is required.

Street Connectivity: N/A

Other: N/A

**STAFF ANALYSIS**

The petitioner, Mr. Arledge, is requesting a variance to the Land Development Ordinance's front setback requirements for the Single-Family Residential (SFR) zoning district found in Article 8.4-2 (F) and Article 9.2-2 (3). The Ordinance requires a minimum front setback of 15 feet in the SFR zoning district. However, Article 9.2-2 states that along existing streets in existing neighborhoods, new buildings shall be situated to meet the average setbacks of existing buildings within a 400 ft. radius. This would mean that the applicant would need to meet a front setback of approximately 40 ft. Per the applicant, he is requesting a total of a 18 ft. reduction from the required front yard setback to allow for him to erect a new home on this property. Mr. Arledge is the potential buyer of the property and has permission to request the variance on behalf of the owner, per the application. Per the survey, attached, the property is encumbered by a stream which runs through the southern portion of the property. The state has enacted significant buffer requirements since this lot was platted which place an hardship upon the applicant to be able to effectively utilize this lot for construction of the desired single-family home. This hardship was not self-created and staff feel that granting the variance would be consistent with the spirit, purpose and intent of the ordinance.

**Variances:**

As a refresher, the Board may only consider issuing a variance in specific situations. Before issuing a variance, the applicant must show that:

- 1) The unnecessary hardship results from the strict application of the ordinance;
- 2) The hardship results from conditions that are peculiar to the applicant's property;
- 3) The hardship is not self-created;
- 4) The variance is consistent with the spirit, purpose, and intent of the ordinance such that public safety is secured and substantial justice is achieved.

**Staff review of statutory requirements for a variance:**

- 1) If the ordinance is applied strictly, the setback in the front would be a minimum of 40 ft. As described above, the changes to the state's stream buffer laws make this setback difficult to achieve. The hardship for which the applicant is applying for relief clearly results from the strict application of the ordinance.
- 2) Due to the topography of the lot and the limited space afforded by stream buffer requirements, the owner is somewhat limited in his ability to be able to enjoy his property without encroaching on the



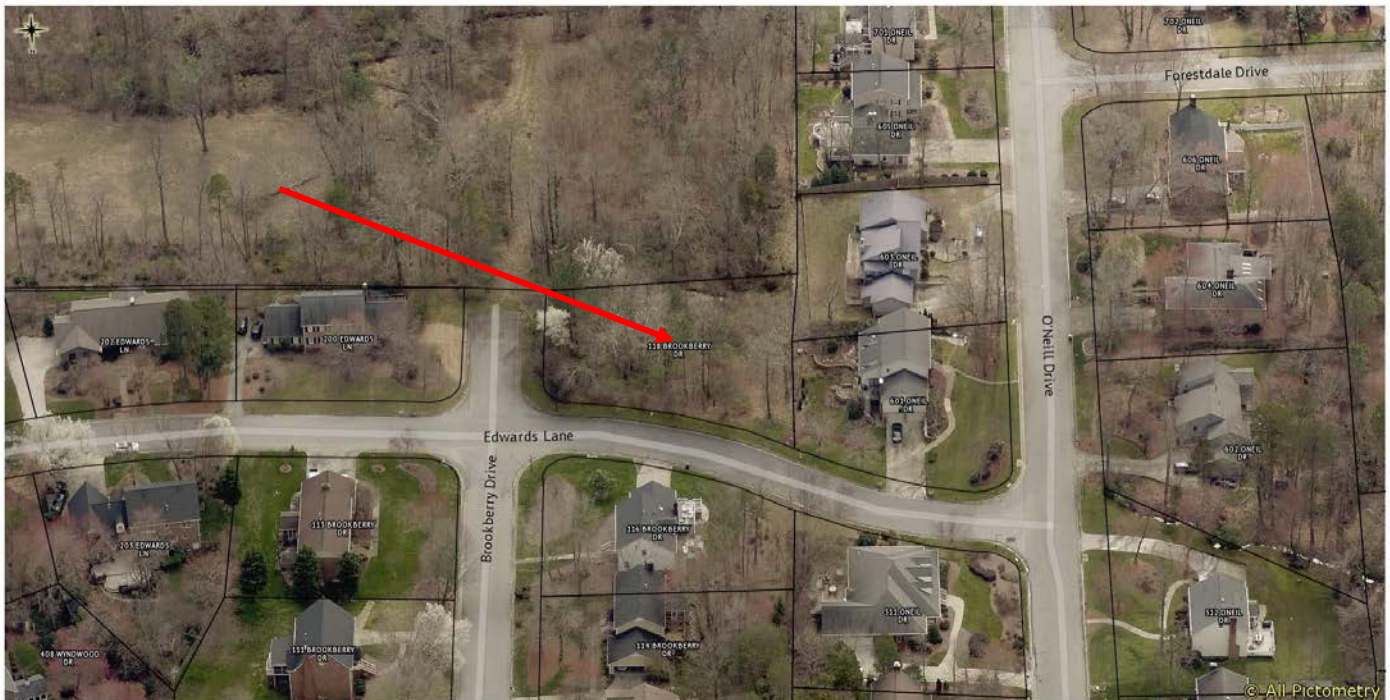
required setbacks or environmentally sensitive areas that have been described. Therefore, it is also clear to staff that the conditions are peculiar to the applicant's property.

- 3) This hardship was not self-created. The owner inherited this predicament when the property was purchased and it is clearly not the result of his own actions.
- 4) The variance remedy exists to permit owners the right to vary from the strict application of the ordinance when it is believed that health, safety and welfare would not be adversely affected. Staff does not believe that health, safety and welfare would be adversely affected and that this variance would be consistent with the spirit, purpose and intent of the ordinance.

**Photos of subject property:**



03/04/2019



03/04/2019

#### Key Points to Remember:

- Since this is a quasi-judicial hearing, the applicant must meet several tests in order to be approved. Those are listed below in the section entitled “Findings”.
- The Board may not have any *ex parte* communication with anyone about this case outside of the hearing.
- The evidence provided must be substantial, competent, and material evidence. Key points must be substantiated by the factual evidence in the hearing record and the findings cannot be based on conjecture or assumptions.
- The findings must be provided to the applicant in writing, and must be signed by the Board Chair and filed with the Town Clerk. The decision of the Board is not final until it has been filed with the Clerk and provided to the applicant.
- Any decision by the Board for a variance will require a 4/5ths majority vote.

#### Suggested Motion if Approving:

I move to approve the variance request for an encroachment into the rear setback up to a maximum of 18 feet and find that the applicant has presented competent, material and substantial evidence demonstrating compliance with the required variance standards.

#### Suggested Motion if Disapproving:

I move to disapprove the request to allow an encroachment into the rear setback because the following standards have not been met (the Board must then identify which standards have not been met).

**FINDINGS:**

**Unnecessary hardship would result from the strict application of the Ordinance.**

**The hardship results from conditions that are peculiar to the property, such as location, size, or topography.**

**The hardship did not result from actions taken by the applicant or the property owner.**

**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 Report prepared for the Town of Jamestown Planning Department by Matthew Johnson, AICP.**