



# KNIGHTDALE BOARD OF ADJUSTMENT MINUTES

950 Steeple Square Court, Knightdale, North Carolina 27545

**September 12, 2016**

The Knightdale Land Use Review Board Committee met at 7:00 p.m. in the Council Chamber Room of Town Hall.

QUASI-JUDICIAL LURB MEMBERS PRESENT:	Rita Blackmon, Ben McDonald, Michael Blake, Alice Alexander, Stephen Morgan
QUASI-JUDICIAL ALTERNATE MEMBERS PRESENT:	Chuck Piratzky, Randy Jones, George Hess
ABSENT:	No one
TOWN COUNCIL MEMBERS PRESENT:	Councilor Tripp
ATTORNEYS PRESENT:	Katye Jobe, Town Attorney; John Silverstein, Board Attorney
STAFF MEMBERS PRESENT:	Chris Hills, Development Services Director; Jennifer Currin, Assistant Development Services Director; Jason Brown, Senior Planner; Matthew Christian, Planner; Donna Tierney, Planning Technician

Meeting called to order by Chairman Hess at 7:05 p.m.

ITEM I. PUBLIC HEARINGS FOR QUASI-JUDICIAL CASES  
VAR-5-16 – 104 Bridgedale Court

Planner Matthew Christian explained to the Board that Henry Doyle, on behalf of property owner John Crosson Jr., applied for a variance to the Town of Knightdale Unified Development Ordinance Section 2.6(B) for the lot addressed 104 Bridgedale Court in the Timber Ridge subdivision and further identified by the Wake County PIN 1744.04-93-3343. The applicant is specifically requesting a variance to the minimum rear setback requirement in order to permit a previously constructed addition.

Mr. Christian further explained Mr. Crosson's home was built in 1997 under Knightdale's previous zoning ordinance. Since the property received master plan approval prior to November 16, 2005, recorded plat setbacks for principal buildings prevail over the current UDO specific GR-8 district provisions. In this case, the existing screened porch is approximately 13 feet from the rear property line where a minimum of 20 feet is required.

Before opening up the floor for questions, Mr. Christian reminded members of the required findings of fact, along with other powers and responsibilities of the Board.

Mr. Godwin asked when the screened porch was added. Mr. Christian answered that based on aerial photographs it appears the screened porch was constructed sometime between 1999 and 2005. Additionally, staff received three phone calls about the case, but no opposition from the neighbors.

On behalf of John Crosson Jr., Attorney Henry Doyle with The Doyle Law Offices, explained that Mr. and the late Mrs. Crosson purchased the home new in late 1998. The original plans showed the house with only a patio, but the Crossons requested the builder change it to a screened porch and trusted that the builder would go through the proper channels to officially change the approved plans. In the recent years, Mr. Crosson moved to an assisted living facility and listed the home for sale. A potential buyer discovered the unpermitted screened porch, and Mr. Crosson has since been unable go through closing and sell his home due to the issue.

General Contractor Jeff Eddins explained he met Wake County Building Inspector Thomas Scoggins on-site on August 23 to discuss additional structural requirements to bring the screened porch to current building code. While on site, Mr. Eddins measured the distance from the furthest corner of the porch to the fence as approximately 14.5 feet and the fence is approximately 18"-24" from the property line.

Vice Chairman Piratzky inquired if the improvements were done to the current North Carolina Building Code. Mr. Eddins confirmed that Mr. Scoggins required certain changes that would bring the addition into compliance with the current code.

Development Services Director Chris Hills spoke about how this nonconformity came to staff's attention and emphasized that if approved, the applicant is required to apply for a building permit and have the structure inspected. Mr. Hills also clarified that open decks and patios may encroach within five feet of the property line, but roofed structures are considered part of the primary structure and must adhere to the primary structure setbacks.

Board members discussed how the applicant did not intentionally violate the ordinance and agreed it does not negatively impact anyone and has existed for a long time. Mr. Morgan stated he would like to approve the variance as a screened porch and that it could not be enclosed in the future. He added that his approval is not for the building footprint, but specifically for the screened porch.

**...Motion by Mr. Morgan to approve VAR-5-16 – 104 Bridgedale Court in its current configuration as a screened porch with the condition that a building permit is obtained. Motion seconded by Mr. McDonald and carried unanimously.**

ITEM II. ORDERS FOR QUASI-JUDICIAL CASES  
Order Granting VAR-4-16 StoneRiver

**...Motion by Ms. Blackmon to approve the Order Granting VAR-4-16 – StoneRiver. Motion seconded by Mr. Blake and carried unanimously.**

ITEM III. ADJOURNMENT

The Board of Adjustment session ended at 7:34 p.m.



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George Hess, Land Use Review Board Chairman



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Donna Tierney, Planning Technician