

Caswell County Board of Adjustments  
July 19, 2022

**Members Present:**

John Claggett, Ray Shaffner, Nikki Turner, Tim Yarbrough, Stephen Barmann,  
Matthew Hoagland, *Planner, Administrative Assistant Amy Lyle, Development Services Coordinator.*

**Members Absent:**

**Called to Order**

Chairman Tim Yarbrough called the July 19, 2022 Board of Adjustments meeting to order at 1:58 p.m.

**Approval of March 15, 2022 Meeting Minutes**

Mr. Shaffner made a motion to approve the March 15, 2022 Board of Adjustment minutes. The motion carried unanimously.

**Unfinished Business**

There was no unfinished business.

**New Business**

**A) Stewart Variance Petition**

Mr. Yarbrough swore in Matthew Maness, Environmental Health Specialist, who was in attendance, and Matthew Hoagland. Mr. Hoagland read aloud the following memo:

“Property owner Franklin Stewart is requesting a variance from the provisions of Section 9.45.1.1 of the Unified Development Ordinance which requires, among other things, that an exempt recombination plat meet the minimum lot size standard for properties of this type as defined in Section 9.56.19.3.1.5. Mr. Stewart owns two separate tax parcels along Jack Pointer Road in Semora. His goal is to build a single-family residence on the site, but he has been directed by the Caswell County Environmental Health Department that he must combine these properties in order to have sufficient area for a septic system to be installed. Parcel ID 0124\_025 is .50 acres in size while Parcel ID 0124\_114 is .39 acres in size. The combination of these properties would total .89 acres, still short of the one-acre lot size minimum required for properties of this type. Therefore, the applicant is requesting a variance from the minimum lot size standard so that the recombination plat can be approved and recorded. Section 9.45.1.1. reads as follows: “The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as described herein.” The standards for granting a variance are found in Section 4.2.2. of the U.D.O. Pursuant to Section 4.2.8., a four-fifths vote is necessary to grant a variance. At this time, Mr. Chairman, I would like to enter all documents related to the variance into the public record unless there is an objection. I would also like to note that hearing notice signs were placed at the property and letters notifying adjoining property owners of the hearing were mailed in a timely manner to satisfy statutory requirements. Finally, for the board’s consideration I will read Section 4.2.2. of the UDO which outlines the criteria necessary for granting a variance. As you deliberate today, please evaluate this variance request on each of these criteria and make a determination on each for the public record. With that I’m happy to answer any questions the board may have before you hear from the applicant.”

Mr. Maness stated that he has been working with Mr. Stewart on this project. He also stated that due to the size of the one lot, he has recommended that the two lots be combined so that there would be sufficient space for the septic and house placement. Mr. Yarbrough asked Mr. Maness if combining the two lots would give the area needed for the house and septic placement. Mr. Maness stated yes. Mr. Yarbrough asked if there board members had any questions. There were no questions. Mr. Yarbrough had Mr. Hoagland read aloud the four criteria for granting variances. Mr. Yarbrough stated that he understood it as without the variance, there would be no room for the septic or to meet the required setbacks. Mr. Claggett stated that the only drawback was the area of the two lots not meeting a total of one acre, it's a discrepancy of just over a tenth of an acre. Mr. Hoagland stated that was correct. He also stated that according to the UDO, if Mr. Stewart applied to build on either lot as is, he could, because the UDO allows for non-conforming lots, and from a Planning perspective, it would be fine. He stated the issue is that Environmental Health has requested that he combine the lots, and the size of the two combined lots do not meet the exempt plat recommendations. Mr. Claggett asked if environmentally there was no impact if the two lots were combined. Mr. Maness stated that without the variance, Mr. Stewart would not be able to build on the lot. Mr. Shaffner asked if prior to the UDO requirements, if these two lots had been combined, there would be no issue. Mr. Hoagland stated that was correct. Mr. Yarbrough asked if this situation was brought on by something Mr. Stewart brought upon himself. Mr. Hoagland stated that no, this is an action that is being instructed by Environmental Health to combine the two lots. Mr. Shaffner asked if Mr. Stewart or someone on his behalf was present at the meeting. Mr. Hoagland stated that Mr. Stewart was present. Mr. Barmann asked if the lot was vacant, if there was no house or septic currently on the property. Mr. Maness stated no, it was a wooded lot. Mr. Barmann asked if any of the neighbors on either side of the properties had come to the meeting. Mr. Yarbrough swore in Mrs. Mildred Johnson, Mr. Stewart's neighbor. Mrs. Johnson asked if Mr. Stewart's septic system would be placed on to her property. Mr. Barmann had Mr. Hoagland present a slide showing the lots, and how it would appear with the two combined. Mr. Yarbrough stated that no, the septic would be placed on Mr. Stewart's lot. Mr. Yarbrough asked if the board members had any more questions. There were no more questions. Mr. Yarbrough asked if the property had a permit. Mr. Maness stated that he wrote an improvement permit in 2016, which showed where a house site and soil area, and he did have the requirement that the two lots be combined. Mr. Shaffner made a motion to approve the variance request to combined the two lots. Mr. Yarbrough took a roll call vote. The motion carried unanimously.

#### **Planning Department Updates**

#### **Adjournment**

Mr. Shaffner made a motion to adjourn the July 19, 2022 Board of Adjustments Meeting. The motion carried unanimously.