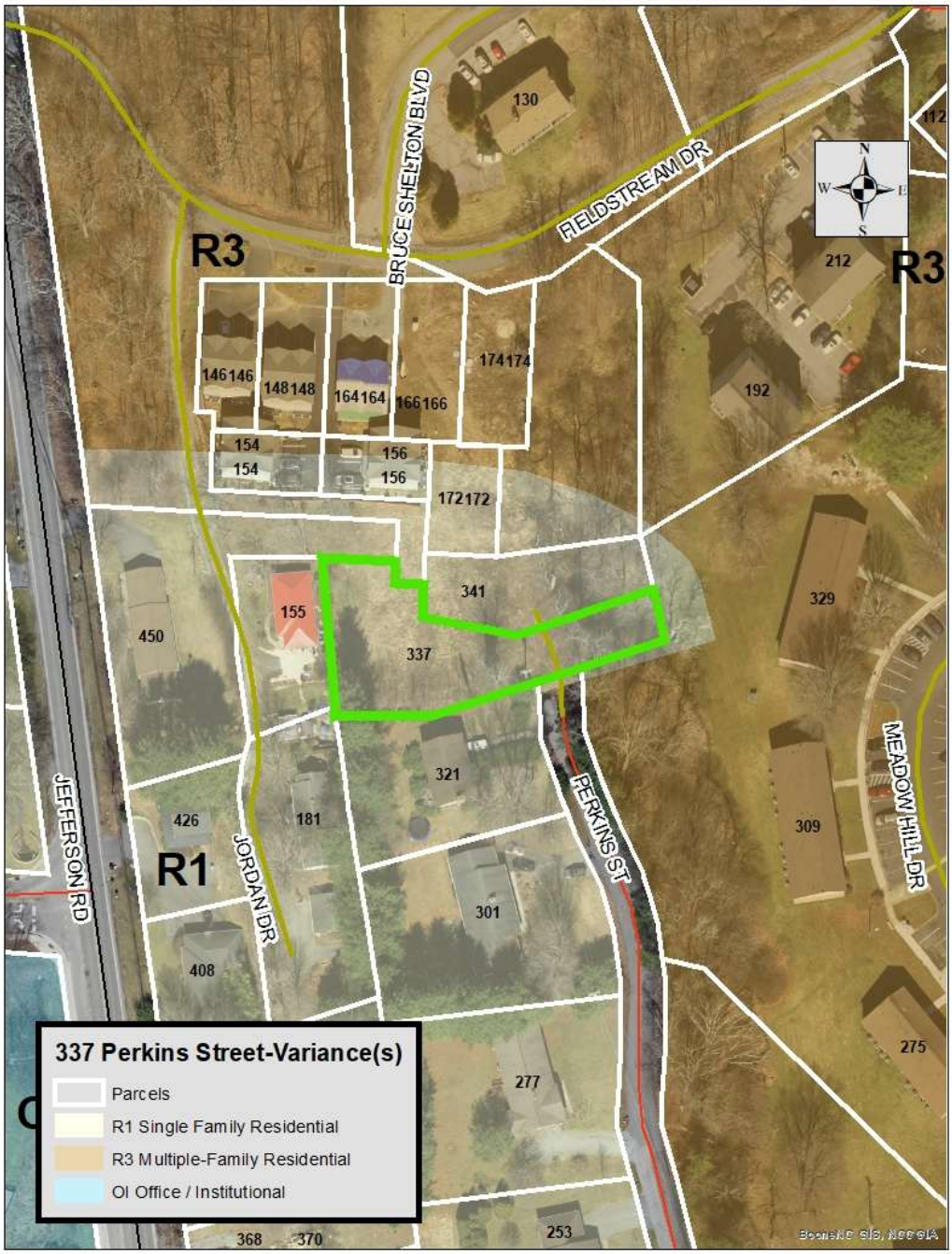
Staff Report
May 7, 2026
Board of Adjustment
Case A26-0115 – Mohamed Abdelfattah – Variance Request

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Request

Mohamed Abdelfattah of 337 Perkins Street, has submitted an application requesting a variance from UDO Subsection 14.03.06(D)(1) and (2) to authorize the placement of a carport in front of the single-family dwelling and to eliminate the 7' accessory structure interior setback along the southern property line. The property is outlined in green on the map above.

Case Exhibits

Applicant Exhibits 1-2 were submitted by the applicant.

Exhibit #	Items
Applicant Exhibit 1	Variance Justification
Applicant Exhibit 2	Plat

Parcel Information

Address: 337 Perkins Street

Property Owner: Mohamed Abdelfattah and Nehal Ismal

Watauga County PIN: 2911-50-6935-000

Lot size (total): 0.31 Acres (approx. 13,504 square feet)

Jurisdiction: Town of Boone

Access: Perkins Street (Private Road at address, Public Road prior)

SFHA: No

Watershed District: No

Corridor District: Yes

NCD: No

Viewshed: No

Steep Slope: Yes, Steep slope on the far eastern side of the property.

Current Zoning: R1 Single-Family Residential

Zoning & Use of Adjacent Properties		
	Adjacent Zoning	**Adjacent Land Use**
North	R1, Single-Family Residential	Residential (Single Family Home), Vacant
East	R3, Multi-Family Residential	Residential (Apartments)
South	R1, Single Family Residential	Residential (Single Family Home)
West	R1, Single-Family Residential	Residential (Single Family Home)

Planning Staff Analysis

The applicant has added a 700 square foot carport. A seven-foot setback reduction is being requested from the interior setback on the southern side of the property. The applicant is also requesting a variance of UDO Subsection 14.03.06 (D)(2).

District Description (UDO Article 14, Subsection 14.05.01)

The R1 Single Family Residential District is established to provide a low-density living area consisting only of single-family dwelling units and other related uses necessary for a sound neighborhood. The regulations for this district are designed to stabilize and encourage a comfortable, healthy, safe, aesthetically pleasing and pleasant living

environment for family life that promotes peaceful quiet enjoyment sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

Land Use Intensity Regulations (Setback)
Pursuant to UDO Subsection 14.05.03, unless otherwise specified, development in the R1 zone is as follows:

A. Minimum Gross Land Area: 8,000 square feet (see Subsection 14.03.02)

B. Minimum Lot Width: 70 feet (see Subsection 14.03.03)

C. Minimum Street Frontage: 56 feet (see Subsection 14.03.04)

D. Minimum Livability Space Ratio: .53 (see Subsection 14.03.05)

E. Minimum Setbacks (see Subsection 14.03.06)

1. Street: 20 feet

2. Interior: 14 feet

F. Maximum Building Height: 3 stories (see Subsection 14.03.07)

UDO Subsection 14.03.06 further clarifies building setback requirements. Relevant portions of this subsection are as follows:

14.03.06 Setbacks

D. Accessory Structure Setback Requirements:

1. All accessory structures shall meet the building street setback requirement of fifteen feet (15') from the street right-of-way line and seven feet (7') from any interior lot line.
2. No accessory structure may be further forward to the street setback than the front most point of the principal structure.

Staff Note: Compliance with the minimum livability space ratio has not been reviewed and compliance will be required to be shown on the required zoning permit should the variance be approved.

Staff Recommended Conditions of Approval

If approved, Staff recommends the following conditions be included in the decision:

1. Where there is a conflict between the application information and the plans (site plan received February 23, 2026), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the variance, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

Board of Adjustment Action Required and Motions

The UDO provides the following with respect to the granting of a variance:

6.03.01 A variance is specific to the lot and to the development for which it is requested and neither the nonconforming use of lands, buildings, or structures in the same zoning district; nor the permitted use of lands, buildings or structures in other zoning districts are grounds for the granting of a variance.

6.03.02 A variance granted must be specific and the minimum variance required.

6.03.03 Financial hardship alone does not constitute grounds for the granting of a variance.

6.03.04 The fact that a lot may be utilized for greater profit if the variance is granted is not grounds for the granting of a variance.

6.03.05 No change in permitted uses may be authorized by variance.

6.03.06 A variance may not enlarge or expand nonconformities

In order for a variance to be granted, the applicant must produce substantial competent and credible evidence to show, and the Board must conclude, all four of the following:

1. Unnecessary hardship would result from the strict application of the ordinance;
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography;
3. The hardship did not result from actions taken by the applicant or the property owner; and
4. 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.

The variance shall be granted if the Board makes an affirmative finding by four-fifths vote as to each of these four requirements.

Accordingly, the Board should proceed by taking one or more votes as necessary to grant or deny the variance application, as follows:

NOTES: (1) A motion may be made by a movant who does not intend to vote in favor of that motion.
(2) An affirmative motion must be carried by a 4/5ths vote.
(2) If any of the four affirmative motions fails to carry 4/5ths votes, the application is denied.
(3) If any of the four negative motions carries a majority vote, the application is denied.

VOTE 1 *Motion in favor:* I move that unnecessary hardship would result from the strict application of the ordinance because *… (describe reasons)*.

OR

Motion against: I move that unnecessary hardship would not result from strict application of the ordinance because … *(describe reasons).*

VOTE 2 *Motion in favor:* I move that the hardship results from conditions that are peculiar to the property, such as location, size or topography because *…. (describe reasons).*

OR

Motion against: I move that the hardship does not result from conditions that are peculiar to the property, such as location, size or topography because *… (describe reasons).*

VOTE 3 *Motion in favor:* I move that the hardship did not result from actions taken by the applicant or the property owner because *… (describe reasons)*.

OR

Motion against: I move that the hardship did result from actions taken by the applicant or the property owner because … (describe reasons).

VOTE 4 *Motion in favor:* I move that 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.

OR

Motion against: I move that the requested variance is not consistent with the spirit, purpose, and intent of the ordinance.