Boone Board of Adjustment
Thursday, June 4, 2026
Meeting Minutes

Board Members Present: David Welsh-Chair, Benjamin Ray-Vice-Chair, Owen Larsen, Pam Williamson, and Barbara Yale-Read

Town Staff Present: Brandon Wise-Deputy Director of Planning & Inspections, Christy Turner-Residential Zoning Administrator, David Pedersen-Customer Service Specialist, and Brenda Henson-Board Clerk

Others Participating: Allison Meade-Attorney to the Board of Adjustment

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Call to Order

Chair Welsh called the Boone Board of Adjustment meeting, held at 1500 Blowing Rock Road, to order at 5:32 p.m. and provided a brief synopsis of the Board of Adjustment, its makeup, and its function.

Approval of Meeting Minutes

Board Member Williamson wished to amend the April 2, 2026, meeting minutes to add the following sentence to the last paragraph on page 2: "Board Member Williamson asked Mr. Aguilar if he agreed that those communications could have created confusion about the correct deadline, and he responded yes."

Board Member Williamson made a motion to approve the April 2, 2026, Board of Adjustment meeting minutes as amended. Board Member Williamson seconded the motion.

VOTE: Aye – 5
Nay – 0

The motion passed.

Approval of Written Decision

Chair Welsh made a motion to approve the Written Decision for Case A26-0008 Justin Hodgson that dismissed the appeal. Vice-Chair Ray seconded the motion.

VOTE: Aye – 5
Nay – 0

The motion passed.

Case A26-0115 Mohamed Abdelfattah – Variance

Mohamed Abdelfattah, 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.

Chair Welsh swore in Mohamed Abdelfattah.

Chair Welsh asked if there were any objections to the materials contained in the agenda packet. Mr. Abdelfattah replied that he had no objections.

Mr. Abdelfattah, the property owner at 337 Perkins Street, stated that he was requesting approval for the existing accessory parking structure on his property.

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Brandon Wise, Deputy Director of Planning & Inspections, and Christy Turner, Residential Zoning Administrator, were sworn in by Chair Welsh. Mr. Wise stated that the Town did not wish to provide an opening statement.

Mr. Abdelfattah presented a video of the photos in the meeting packet. Ms. Meade asked who took the video and when. Mr. Abdelfattah replied that he took the video on May 29, 2026. The video depicted his home, his neighbor's home, the carport, and a turnaround area in the driveway. Mr. Abdelfattah showed a copy of the survey of his property with the location of the carport added. He noted that his property was at the end of Perkins Street, and he had a shared access agreement with his neighbor. Mr. Abdelfattah stated that the unusual dimensions and the topography of the land limited the practical location of the accessory structure, a covered vehicle parking area used exclusively for that purpose. He noted that the property had an irregular configuration, and a substantial portion of it was affected by slope and terrain limitations. Mr. Abdelfattah stated that emergency vehicles could turn around in the area between him and his neighbor, even with the carport's current location, so there should be no public safety issue. He noted that the carport had no electricity or water, only solar lights. No dwelling unit or habitable area was created, and the carport did not increase the residential density or change the permitted use of the property. Mr. Abdelfattah stated that the structure was on gravel and was professionally engineered and constructed. The plans were prepared specifically for this property and included the structure specifications appropriate for local conditions. He added that this was a permanent, professionally designed structure, rather than a temporary installation.

Mr. Abdelfattah noted that he received a letter of support from Joey Jones, who owns the property to the right, right behind the carport. He stated that the property had unique physical characteristics and constraints not generally applicable to surrounding properties, and that those conditions created practical difficulties in strictly complying with the ordinance.

Mr. Abdelfattah called Joey Jones to testify. Mr. Jones was sworn in by Chair Welsh. Mr. Jones stated that he and his family lived at 321 Perkins Street, which was the house right before you get to Mr. Abdelfattah's driveway. Mr. Jones noted that Mr. Abdelfattah had installed the carport and that there had been no issues with his property. He added that the fence between the properties hid most of the carport from his view.

Chair Welsh asked if Universal Metal Structures installed the carport. Mr. Abdelfattah replied that they did. Chair Welsh asked Mr. Abdelfattah whether he had obtained a permit for the structure, and he replied that he had not. He stated he was unaware that a permit was required for this type of structure. Chair Welsh referred to the Standard Order Form from Universal Metal Structures in the meeting packet, which stated that a permit was required. Mr. Abdelfattah stated that the company sent him the packet, but he did not thoroughly review it. He added that he had several businesses in town and had obtained a permit for each project. He said he was unaware that a carport would require a permit. However, when he learned that a permit was required, he reached out to the Town to determine what needed to be done and filed an application for the variances. Mr. Abdelfattah explained that he saw someone from the Town on his property on his surveillance camera, so he went to Planning & Inspections to see what was going on.

Chair Welsh asked Mr. Abdelfattah if he had spoken with the Fire Department regarding their ability to turn around in the driveway. Mr. Abdelfattah replied that he had not spoken with the Fire Department, but had made that determination himself because other vehicles had no difficulty turning there.

Chair Welsh asked if Universal Metal Structures obtained a permit for the structure. Mr. Abdelfattah replied that they did not.

Vice-Chair Ray noted that the survey showed a 14-foot interior setback from the property line and asked Mr. Abdelfattah whether he had read the survey before bringing in the carport. Mr. Abdelfattah replied that he had read the survey, but they were already parking their cars in that location. He stated that he was not building a residence or business and did not realize he needed a permit to cover his cars.

Vice-Chair Ray asked about the 7-foot interior setback, even though the survey indicated it was 14 feet. Mr. Wise explained that the 14-foot setback applied to the primary structure, and accessory structures required a 7-foot setback.

Vice-Chair Ray asked Mr. Abdelfattah where he obtained the survey. He replied that the home's builder had provided him with the survey. Vice-Chair Ray asked when the carport was installed. Mr. Abdelfattah stated that he did not know the exact date, but felt it was in March 2026. He added that all of their cars were lost during Hurricane Helene. Before he left town, he wanted to make sure the cars wouldn't get flooded again, so he had the company install the carport. His family left town, and when he returned and saw that someone from the Town had come by and looked at the property, he went to Planning & Inspections to find out what was happening. Vice-Chair Ray asked what businesses Mr. Abdelfattah had obtained permits for in the past. Mr. Abdelfattah replied that he owned Mo's Sweets, Smokes and More, Fries and Friends, and Mo's Cloud Café, all of which he obtained permits for.

Board Member Larsen asked Mr. Abdelfattah whether he received a notice of violation letter, and he stated that he did not.

Vice-Chair Ray asked if the edges of the carport were on concrete or gravel. Mr. Abdelfattah replied that the carport was sitting on gravel. He noted that he cleared the grass to park his cars, which gave him more room to turn around and access the driveway more easily. Vice-Chair Ray questioned the carport's square footage. Mr. Abdelfattah stated that the carport was 20' x 35'. Mr. Wise added that the North Carolina Building Code had different definitions and permit requirements for carports and garages. The building code defined a carport as a structure that is completely open all around and of a certain size. In this case, Mr. Wise stated that the structure would not be considered a carport under the building code and would require a building permit. A carport having dimensions of less than 12' x 12' would not require a building permit, but would still require a zoning permit to verify placement and setbacks.

Board Member Williamson asked whether the structure would be compliant if it had no walls. Mr. Wise replied that it would still not be compliant.

Board Member Williamson complimented Mr. Abdelfattah on his well-thought-out application and submittal. She asked if Mr. Jones lived on Lot 9. Mr. Abdelfattah replied that he did not. He stated that Mr. Jones' fence was right behind the carport. Board Member Williamson asked whether the house on the other side of Mr. Abdelfattah was the one that shared the right-of-way, and whether he had spoken with that neighbor. Mr. Abdelfattah stated that he had spoken with that neighbor and thought she was supposed to attend the meeting. He noted that she owned Lot 9 and had sent an email to the Town that was not included in the meeting packet. Mr. Wise confirmed that the property owner at 341 Perkins Street sent an email to the Town and was advised to attend the meeting to provide her comments. Allison Meade, Attorney to the Board of Adjustment, stated that without the property owner present, the email would be 100% hearsay because the Board had no means to test the document's accuracy and authenticity. She added that the rules of evidence were much less strict here than in court, so the Board could vote to enter the email into the record. However, she reminded the Board that this was the purest form of hearsay. Board Member Williamson asked whether it would be appropriate for staff to inform the Board whether the email was supportive or opposed. Ms. Meade stated that it would be better to read the email than to ask staff to characterize the intent or verify the reliability of their assurance that the email came from the indicated person, because there was no way to verify that information at the meeting tonight.

Board Member Williamson asked Mr. Abdelfattah how he determined the size of the carport he needed. Mr. Abdelfattah replied that this was the area where they normally parked their three cars, so he determined that the carport needed to be large enough to accommodate them. Board Member Williamson referred to the conversation Mr. Abdelfattah had with staff after seeing someone on his camera. Mr. Abdelfattah stated that the first thing the staff informed him was that the carport should have been 7 feet away from the property line. He said he asked his neighbor, Mr. Jones, if it would be okay with him for the carport to go in that location, and he said, " Sure." Mr. Abdelfattah stated that he also had his builder rebuild the broken fence between their properties, with Mr. Jones' permission. The second thing the staff informed him of was that the carport was too large. He was also informed that he needed to apply for a permit, which would not be approved unless he obtained variances. Board Member Williamson asked which options for modification were discussed to make the carport compliant. Mr. Abdelfattah replied that his options were to remove the structure completely or move it to another location on the property. However, the lot was oddly shaped and did not lend itself to other appropriate locations for the structure.

Board Member Williamson asked whether requirements would be met if this were a two-car garage. Christy Turner, Residential Zoning Administrator, replied that it would not. She explained that the structure was in front of the house, which the UDO did not allow. Ms. Turner added that the structure could be moved to the back of the house; however, Mr. Abdelfattah believed it was impossible. Mr. Abdelfattah stated that he would face the same 7-foot setback, leaving only about 10 feet to the house.

Board Member Williamson asked Mr. Abdelfattah if, were he to remove the carport tomorrow, what hardship, other than cost, would remain. Mr. Abdelfattah replied that he did not know how to answer that question. He stated that the cost would be a hardship, and the carport made them feel safe after what they faced during Hurricane Helene.

Board Member Williamson asked Ms. Turner what Mr. Abdelfattah could build in that location if the carport were removed. Ms. Turner replied that he could not build an accessory structure in front of the house. Mr. Wise explained that, to build the carport without any variances, Mr. Abdelfattah would need to locate the structure behind the primary structure and set it 7 feet off the property line. Ms. Meade wished to clarify that "behind the primary structure" meant back from the primary façade. Board Member Williamson asked if that was where the steep slope was located on the property. Mr. Wise stated that the steep slope was on the other side of the road entrance.

Board Member Williamson asked how the staff knew about Mr. Abdelfattah's carport. Mr. Wise responded that he was patrolling through town and saw the new structure from Fieldstream Drive, so he and a building inspector, Darrell Pulliam, went to the property. When Mr. Abdelfattah visited the Planning & Inspections office, he met with Ms. Turner and Mr. Pulliam. Mr. Wise noted that this type of structure would require zoning and building permits, but no permit could be issued without the granting of the two variances. Board Member Williamson asked Mr. Wise if there was room for the carport behind the house. Mr. Wise replied that it would be an issue for a design professional to figure out.

Board Member Larsen asked if it was possible to move the structure back and require only one variance for the 7-foot setback. Mr. Wise stated that it might be possible based on a site plan; however, he was not a design professional, so someone would have to survey the property to determine the actual size availability.

Board Member Williamson asked whether the Board was being asked to authorize the existing noncompliant carport as-built. Mr. Wise explained that the Board was being asked to grant the variances that would allow Mr. Abdelfattah to apply for zoning and building permits. He noted that, technically, Mr. Abdelfattah could apply for the building or zoning permits now; however, the staff would deny them because the structure would not be compliant without approval of the variances.

Vice-Chair Ray asked for the distance from the corner of the house's front face to the fence. Mr. Abdelfattah replied that it was 27 feet. Vice-Chair Ray asked if the carport could be pushed back behind the front face of the house. Mr. Abdelfattah replied that the carport would block his house. Board Member Williamson stated that the property's layout created a challenging situation and asked whether there was any way to work with the property's slope. Mr. Abdelfattah noted that the property was constricted, that placing the structure behind the house would still require a 7-foot setback, and that the location would not be ideal due to the distance from the front entrance of the house.

Chair Welsh stated that it was not up to the Board to figure out what would work. He noted that a professional company, United Metal Structures, provided Mr. Abdelfattah with forms stating that a permit was required, and that no one obtained a permit. Chair Welsh stated that they were here to protect the public and that, because the fire department never came out to inspect the property, an emergency vehicle could get stuck back in there. Ms. Meade cautioned Chair Welsh against making conclusions about fire access without any evidence. Mr. Wise added that, at this point, this was technically a driveway serving two houses. If it were a street, a full cul-de-sac would be required to provide a vehicle turnaround. Mr. Abdelfattah stated that before he and his neighbor's houses were built, Perkins Street was a dead-end road, so he did not think there was a way for a fire truck to turn around then. He felt that the development of his lot provided more space for turning than was there before. Chair Welsh stated it was frustrating and unfortunate that permits were not applied for. Mr. Abdelfattah replied that he should have obtained permits. Still, he did not think that placing a cover over cars already parked there, with no electricity, water, or living space, would require a permit. He added that he had

obtained his neighbor's permission, that the building could not be seen from the main street, that it was not ugly, that a professional company erected it, and that it was not bothering anyone.

Board Member Williamson agreed with Chair Welsh that it was frustrating that Mr. Abdelfattah did not pull a permit. She noted that the ordinance indicated that a financial hardship could be considered, but could not be the determining factor for granting a variance. Board Member Williamson stated that Mr. Abdelfattah had a very unusual circumstance due to the issue with circulation, access, lot configuration, slope, shared access, and private right-of-way. She believed there was a hardship in the land itself. She noted that this was why she had asked about removing the carport: the conditions had existed before the carport was installed, so if it were gone, the same problems would persist. Board Member Williamson explained that the Board had to be persuaded that Mr. Abdelfattah had considered all available options and that the minimum variance was being sought.

Vice-Chair Ray asked what was considered a temporary structure and when a permit was required. Mr. Wise replied that Mr. Abdelfattah's carport was not a temporary use; it was an accessory structure. Ms. Meade added that the structure was permanently affixed in some way. Vice-Chair Ray reminded everyone that Mr. Abdelfattah indicated the structure was on gravel, not concrete. Ms. Meade replied that the structure had to be affixed to the ground for safety purposes. Mr. Abdelfattah stated that the structure was fixed on piers, but the floor was gravel.

Board Member Williamson asked whether there was any way to make that-sized building compliant, regardless of the use. Mr. Wise replied that the building could be relocated to the backyard if it would fit.

Vice-Chair Ray asked whether a smaller one-car garage could be located behind the front face of the home. Mr. Wise stated that the structure would still need to be 7 feet from the property line.

Ms. Meade reminded Board members that all they could do was grant or deny the variance requests. She stated that neither the Town nor the Board could help with the design of the modification.

Mr. Abdelfattah stated he was willing to do whatever was needed, as long as he could fit the garage somewhere.

Board Member Williamson asked Mr. Abdelfattah why he needed three cars. He replied that one car was his, one was his wife's, and one was his parents', who lived with him.

Chair Welsh advised Mr. Abdelfattah to consult a professional for good advice on zoning and building permits, and to follow the process correctly. He stated he was disappointed in the company that came into town and put up the structure without considering setbacks or obtaining permits. It was unprofessional, and it had put Mr. Abdelfattah in this position.

Board Member Williamson asked how much it would cost to remove the structure. Mr. Abdelfattah felt it would cost almost as much as installing it. He stated that it made no sense that he could park his cars in that location, but he could not have a cover over them. Mr. Abdelfattah added that young generations like himself, who were owning their first houses, would never think that a carport would require a permit because it was not a house or an addition to a house, just a place to cover cars. Ms. Meade explained that there were important public safety considerations for any structure, necessitating a permit. If a structure was not anchored to the ground, it could pose a hazard during storms, high winds, or floods.

There was no public comment on this case.

VOTE 1:

Chair Welsh made a motion that unnecessary hardship would not result from the strict application of the ordinance because no permits were pulled, no due diligence was done, and there was no apparent unnecessary hardship. Board Member Williamson wished to amend the motion to add that the evidence did not sufficiently establish why the relief requested was the minimum variance necessary to grant the request. Chair Welsh accepted the amendment. Board Member Larsen seconded the motion.

VOTE: Aye – 5
Nay – 0

The motion passed.

VOTE:

Chair Welsh made a motion to deny the variances. Vice-Chair Ray seconded the motion.

VOTE: Aye – 5
Nay – 0

The motion passed, and the variances were denied.

Other Matters

No other matters were discussed.

Adjournment

Chair Welsh adjourned the meeting at 6:43 p.m.

David Welsh, Chair

Brenda Henson, Board Clerk

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