CASE A26-0115
MOHAMED ABDELFATTAH, 337 PERKINS STREET
VARIANCES

WRITTEN DECISION OF THE
TOWN OF BOONE BOARD OF ADJUSTMENT
DENYING VARIANCES

These variance requests, pursuant to Section 6.03 of the Town of Boone Unified Development Ordinance ("UDO"), came before the Town of Boone Board of Adjustment (the "Board") on June 4, 2026, for a quasi-judicial hearing. Board members present were David Welsh, Benjamin Ray, Owen Larsen, Pam Williamson, and Barbara Yale-Read.

Mohamed Abdelfattah, 337 Perkins Street, submitted an application requesting variances from UDO Subsections 14.03.06(D)(1) and (2) to authorize the placement of a carport in front of the single-family dwelling and within the 7' accessory structure interior setback along the southern property line.

Based on the Staff Report and other materials included in the agenda packet and other evidence presented at the hearing, the Board finds that the requested variances should be denied and makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

The Board finds that substantial, material, and competent evidence was presented establishing the following facts:

1. The property at issue contains 0.31 acres, is owned by Mohamed Magdy Abdelfattah and spouse, Nehal Ismail Ismail ("applicant"), is located at 337 Perkins Street, and is known as Watauga County PIN 2911-50-6935-000 (hereinafter, the "property").
2. The property is zoned R1 Single-Family Residential.
3. The property has a shared access agreement with the neighboring property at 341 Perkins Street.
4. The property has an unusual configuration and contains a steep slope area on the far eastern side.
5. The parking structure ("carport") is a metal structure, measures 20' x 35', has an open front, and contains no utilities. The carport has a gravel floor and is permanently affixed with concrete piers.
6. The carport is located along the property line between 337 and 321 Perkins Street and is in front of the face of the primary structure.
7. The Standard Order Form from Universal Metal Structures indicated that a permit would be required for the carport installation.
8. Lawful installation of the carport would have required the applicant to obtain variances to the UDO subsections cited above, as the carport's siting did not comply with the requirement that accessory structures be placed behind the front façade of a residence and not encroach on the 7' setback.
9. Building and zoning permits were required for installation of the carport.
10. No permit applications were submitted to the Town of Boone and no variances obtained prior to installation.
11. The applicant stated that he was unaware of the requirements for permit applications and variances.

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CONCLUSIONS OF LAW

Based upon the foregoing findings of fact and UDO Section 6.03, the Board of Adjustment, on June 4, 2026, makes the following Conclusion of Law on a 5-0 vote in favor:

> Upon consideration of the foregoing facts and the provisions of UDO sections 6.03.02 and 6.03.07, the Board determines that the variances shall be denied because the applicant did not produce substantial and credible evidence that an unnecessary hardship would result from the strict application of ordinance standards.

ACCORDINGLY, based on the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, the Board of Adjustment hereby denies the variances.

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This decision shall be deemed filed with the Clerk of the Board as of the date it has been approved by the Board, signed by the Board Chair, and served on the Applicant and any other Parties per the Certificate of Service attached hereto.

This the _____ day of _____, 20_____.

_____
David Welsh, Board Chair

Attest:

_____
Brenda Henson, Board Clerk

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Notice of Right to Appeal

If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of Watauga County within thirty (30) days after the date this order is filed with the Clerk of the Board. See N.C.G.S. § 160D-406(k) and Section 6.07 of the Town of Boone Unified Development Ordinance.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this _____ day of _____, 20____, the foregoing written decision of the Town of Boone Board of Adjustment was filed with the Clerk to the Boone Board of Adjustment and served upon the following persons, being the applicant/appellant/petitioner, the other parties to the Board's proceedings (if any), and each person making a written request for a copy of this decision at the hearing (if any), by depositing a copy of same, enclosed in a first-class, postpaid wrapper in a post office or official depository under the care and custody of the United States Postal Service addressed as follows:

Applicant and Property Owner(s):
Mohamed Abdelfattah
337 Perkins Street
Boone, NC 28607
moconsultingcorp@gmail.com

In addition, a copy of the foregoing document was provided on the same date by email if and as so indicated above.

By: _____
Brenda Henson, Clerk to the Town of Boone
Board of Adjustment

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