

**Planning and Development Department**

156 CHURCH STREET, HENDERSON, NC 27536  
(252) 738-2080 / FAX 738-2089

**Staff Report 03/14/2013**



**Owner:** Herbert, Jr.  
& Hilda Garrett

**Applicant:** Herbert,  
Jr. & Hilda Garrett

**Parcel ID:**  
0600C01006

**Location:** 901  
Hedrick Drive

**Current Zoning:** (R-  
30) Residential Low  
Density

**Public Hearing:**  
03/14/2013

**Prepared by:**  
Jordan McMillen

**Description of Variance Request:**

The applicant is requesting to add 12 feet to an existing single car carport and enclose as a two car garage. The extension will increase the building envelope an additional 12 feet east and would be within 9.5 feet of the property line. If approved, approximately 35 feet would remain between the addition and the home located to the east. The applicant is requesting a variance from the minimum setback (section 3.2.3) requirement of 20 feet to allow a 9.5 foot setback on east side of the property.

**Exhibits as follows:**

- Exhibit 1.** Application
- Exhibit 2.** Property Deed
- Exhibit 3.** Survey and site plan
- Exhibit 4.** Adjoining owners map, surrounding zoning and 2010 Aerial
- Exhibit 5.** Variance check sheet

**DRAFT Findings of Fact**

1. The property is owned by Herbert, Jr. and Hilda Garrett.
2. The request is for a variance from the minimum setback requirement of a 20 foot side setback as per section 3.2.3 of the zoning ordinance to allow a 9.5 foot setback on the side.
3. The lot is consists of a single family dwelling and is 0.43 acres as per the property description in Deed 544 Page 426.
4. The property is located at 901 Hedrick Drive and is identified as tax parcel 0600C01006.
5. The lot is currently zoned R-30 (Residential Low Density).
6. The application requesting the variance was filed on February 14, 2013.
7. The adjoining property owners were notified on February 28, 2013.
8. The property was posted on March 1, 2013.
9. The legal notice was run on March 5, and March 12, 2013.

**Staff Comments**

The applicant is proposing to extend a single car carport an additional 12 feet to the east and enclose it to create a two car garage. The extension would move the structure within 9.5 feet of the property line. The existing lot is 0.43 acres, is zoned R-30 and does not have public water or sewer. The lot is undersized based upon the zoning designation, but is allowed to remain as is due to grandfathering provisions. If public water and sewer were available it would create a better situation for rezoning to an R-20 designation. As it is currently zoned, the property is limited to 20% impervious surface lot coverage. Items included in this calculation would be rooftops, sidewalks, driveways, etc. Based upon the current property size and configuration, the built upon area is just over this limit at approximately 21%. The addition would further increase this to approximately 24% impervious area and should be considered for a variance along with the setback variance request.

In order to address some of the safety concerns raised by the property owner, it may be in the best interest to enclose the carport area. Any further addition would require approval from the Board of Adjustment.

Based upon the 6 similar sized lots in this subdivision, a total of 2 have two car garages, 2 have single car carports, and 2 have no carports/garages. The properties with two car garages would have similar setbacks as this property if the variance were to be approved. Based upon this, an expansion to a two car garage appears to be in harmony within the subdivision and within the surrounding area.



# Vance COUNTY

NORTH CAROLINA

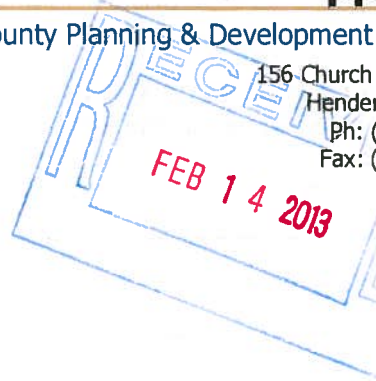
## Variance Application

Vance County Planning & Development Department

### For Administrative Use Only:

Case #	20130314-2
Fee Paid	02/12/2013 CK# 5882
BOA Date	3/14/2013

156 Church Street, Suite 3  
Henderson, NC 27536  
Ph: (252) 738-2080  
Fax: (252) 738-2089



### Property Owner Information

Property Owner: Herbert M. Garrett, Jr + Hilda F. Garrett  
Mailing Address: 901 Hedrick Dr.  
City: Henderson State: NC Zip Code: 27537  
Phone #: (252) 492-5974 Fax #: ( ) -  
E-mail Address: hgarrett1@nc.rr.com

### Applicant Information

Applicant: Herbert M. Garrett Jr + Hilda F. Garrett  
Mailing Address: 901 Hedrick Dr.  
City: Henderson State: NC Zip Code: 27537  
Phone #: (252) 492-5974 Fax #: ( ) -  
E-mail Address: hgarrett1@nc.rr.com

### Property Information *For multiple properties please attach an additional sheet.*

Property Address: 901 Hedrick Dr Henderson N.C. 27537  
Tax Map Number: 0600C01006 PIN (parcel identification #): 0600C01006  
Type of Petition: Variance  
Existing Zoning: R-30  
Acreage: .42574744 Road Frontage: 125 ft.  
Existing Use: Residential

### Deed Reference

- ☒ Metes and bounds description attached
- ☒ Site plan/sketch of proposal attached



# Vance COUNTY

NORTH CAROLINA

## Variance Application

Vance County Planning & Development Department

### STATEMENT OF JUSTIFICATION

Application submitted for a variance from the Zoning Ordinance as follows: *Please explain below:*

*To add approximately 12ft to the existing Carport and enclose as a double garage. This addition will be at 9ft 6" from property line.*

### FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach three conclusions as a prerequisite to the issuance of a variance: (1) that there are practical difficulties or unnecessary hardships that would result from the strict enforcement of this Ordinance, (2) that the variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit, and (3) that in the granting of the variance, the public safety and welfare have been assured.

In the following spaces, indicate the facts and the argument you plan to render, in order to convince the Board to properly determine that each of these three (3) CONCLUSIONS are applicable to this structure and site.

- (1) **THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS THAT WOULD RESULT FROM THE STRICT ENFORCEMENT OF THIS ORDINANCE.** The courts have developed three rules to determine whether, in a particular situation, "practical difficulties or unnecessary hardships" exist. State facts and argument in support of each of the following:

- a. **If the applicant complies strictly with the provisions of the Ordinance, he or she can make no reasonable use of their property.** (It is not sufficient that failure to grant the variance simply makes the property less valuable.)

*Existing Carport is too narrow to use efficiently. Vehicles are constantly damaged by golf balls - would like to house vehicles to prevent damage.*

- b. **The hardship of which the applicant complains results from unique circumstances related to the applicant's property.** *Note: We back under Carport.*

*Passenger Must exit vehicle before vehicle enters Carport so that there is enough space on the Wall side of the vehicle to conduct normal activities.*

- c. **The hardship is not the result of the applicant's own actions.**

*The Carport was part of the building when purchased*



# Vance COUNTY

NORTH CAROLINA

## Variance Application

Vance County Planning & Development Department

- (2) THE VARIANCE WILL BE IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES THE SPIRIT OF THE ORDINANCE. (State facts and arguments to show that the requested variance represents the least possible deviation from the letter of the Ordinance to allow a reasonable use of the land; and, that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

*The added space will allow storage for yard equipment and enclose these as well as vehicles from sight of the neighborhood*

- (3) THE GRANTING OF THE VARIANCE ASSURES THE PUBLIC SAFETY AND WELFARE. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the Applicant.)

*Yard Equipment is unsightly. There is no contact to the public safety or welfare but the surrounding property is a Golf Community.*

### Property Owners Signature

*Hilda F. Garrett*

Please sign in blue or black ink

Date *2-11-2013*

### Applicants' Signature

*Hilda F. Garrett*

Please sign in blue or black ink

Date *2-11-2013*



VANCE COUNTY, N. C.  
FILED FOR RECORD

DEC 21 12 16 PM '79

SARAH H. HALE  
REGISTER OF DEEDS

Excise Tax

Recording Time, Book and Page

Tax Lot No. .... Parcel Identifier No. ....  
 Verified by ..... County on the ..... day of ....., 19 ....  
 by .....

Mail after recording to .....

This instrument was prepared by STAINBACK, ELLIS & SATTERWHITE--Michael E. Satterwhite  
 Brief description for the Index Lot #6, Map Book P, Page 26

## NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this ..... day of December, 19 79, by and between

GRANTOR

GRANTEE

ROBERT E. MAYNARD and wife,  
 SHIRLEY R. MAYNARD

HERBERT M. GARRETT, JR., and wife,  
 HILDA F. GARRETT  
 Rt. 3  
 Henderson, NC 27536

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of ..... Middleburg ..... Township,

..... Vance ..... County, North Carolina and more particularly described as follows:

BEGIN at a stake 30 feet from the center of Hedrick Drive on the South side thereof, corner of Lots #5 and #6 and run thence South 86° 30' East 125 feet to a stake 30 feet from the center of Hedrick Drive, corner of Lot #7; run thence South 3° 30' West 150 feet to an iron stake, Kerr Lake Country Club and corner of Lot #7; thence North 86° 30' West 125 feet to a stake, corner of Lot #5; thence North 3° 30' East 150 feet to the place of beginning. The same being Lot #6 of Part 11 of Kerr Lake Estates as recorded in Map Book "P" Page 26, Vance County Registry.

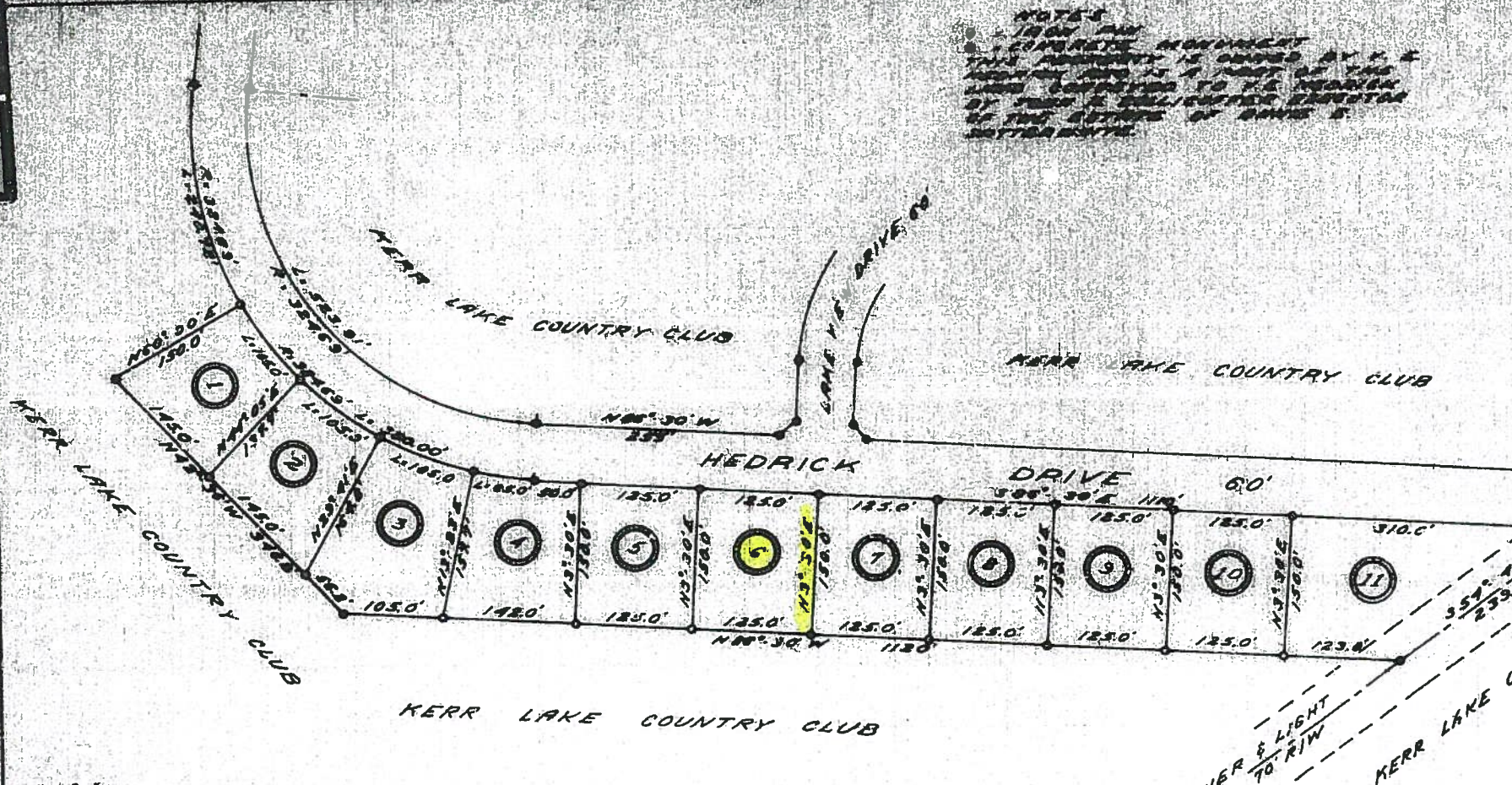
For further description see Book 441, Page 510, Book 527, Page 144, Vance County Registry.

This Deed is subject to Restrictions as set forth in Book 427, Page 515, Vance County Registry.

The above-described property is subject to the lien of a certain deed of trust from Robert E. Maynard, divorced to Bennett H. Perry, Jr., Trustee for the Federal Land Bank of Columbia dated April 5, 1978, and recorded April 5, 1978, in Book 527, Page 144, Vance County Registry. As part of the consideration for this conveyance, the parties of the second part do hereby assume the unpaid balance of the indebtedness secured by said deed of trust, and do agree to pay the same according to the terms of the note thereby secured, and further, do agree to hold the parties of the first part harmless therefrom.



MICROFILM  
ORIGINAL



NOTES  
1. 180' RADIUS  
2. CONCRETE MONUMENT  
THIS MONUMENT IS OWNED BY F. E. HEDRICK AND IS A PART OF THE LAND BELONGING TO F. E. HEDRICK BY DEED & SELLER'S EASEMENT OF THE ESTATE OF DAVID S. SUTHERLAND.

North Carolina  
Vance County

John Lee Harris, registered Land Surveyor being duly sworn, states that the foregoing map was made from an actual survey of the property embraced thereon by me on the 15th day of June, 1965. That the same was not made in the first of my ability, the 15th day of June, 1965.

Registered Land Surveyor

This is to certify that the foregoing map was made from an actual survey of the property embraced thereon by me on the 15th day of June, 1965. That the same was not made in the first of my ability, the 15th day of June, 1965.

PART II  
OF  
KERR LAKE ES  
SITUATED IN VANCE C  
SCALE 1"=100' SURVEYED  
John L. Harris  
R.L.S.  
HEND

Filed for Record June 15, 1965. W. H. Polkman, Register of Deeds

MICROFILM  
ORIGINAL



Hedrick Dr

1 inch = 21.11 feet

Lot 6

Lot 7

0600C01007  
MONTGOMERY JAMES B. & HEATHER

0600C01006  
GARRETT HERBERT M. JR & HILDA

0600C01005  
RIGGAN JOHN J



Commitment to  
**Quality**  
Manufactured Homes

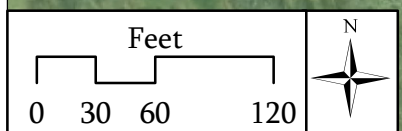
← 12' wide X 27' Deep  
Addition To Garage

← 24 X 12 Screened  
Porch

0600 03001  
KERR LAKE COUNTRY CLUB

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Map created by Vance County Planning and Development.







**Variance Check Sheet**

1. If the applicant complies strictly with the provisions of the Ordinance, he or she can make no reasonable use of their property.

	True	False		True	False		True	False	TOTAL
Alston:	<input type="checkbox"/>	<input type="checkbox"/>	Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	

2. The hardship of which the applicant complains results from unique circumstances related to the applicant's property.

	True	False		True	False		True	False	TOTAL
Alston:	<input type="checkbox"/>	<input type="checkbox"/>	Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	

3. The hardship is not the result of the applicant's own actions.

	True	False		True	False		True	False	TOTAL
Alston:	<input type="checkbox"/>	<input type="checkbox"/>	Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	

4. The variance will be in harmony with the general purpose and intent of the ordinance and preserves the spirit of the ordinance. (The requested variance represents the least possible deviation from the letter of the Ordinance to allow a reasonable use of the land; and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood)

	True	False		True	False		True	False	TOTAL
Alston:	<input type="checkbox"/>	<input type="checkbox"/>	Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	

5. The granting of the variance assures the public safety and welfare and will not be injurious to the property or improvements in the neighborhood.

	True	False		True	False		True	False	TOTAL
Alston:	<input type="checkbox"/>	<input type="checkbox"/>	Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	