



Staff Report 06/13/2013

Owner: Bullock Land, LLC

Applicant: Anthony Peace (Member of Bullock Land, LLC)

Parcel ID: 0586 03021

Location: 23 Frank Bullock Road

Current Zoning: (R-30) Residential Low Density

Public Hearing: 06/13/2013

Prepared by: Jordan McMillen

Description of Variance Request:

The applicant is requesting a variance from the minimum setback (section 3.2.3) requirement to reduce the front setback from 30 feet to 15 feet.

Exhibits as follows:

- Exhibit 1.** Application
- Exhibit 2.** Site plan
- Exhibit 3.** Adjoining owners map, surrounding zoning and 2010 Aerial
- Exhibit 4.** Variance check sheet

DRAFT Findings of Fact

1. The property is owned by Bullock Land, LLC. Mr. Anthony Peach is a managing member of Bullock Land, LLC.
2. The request is for a variance from the minimum front setback requirement of 30 feet as per section 3.2.3 of the zoning ordinance to allow a setback of 15 feet on the front side facing Frank Bullock Road.
3. The lot consists of 2.144 acres and previously consisted of an existing single family dwelling.
4. The property is located at 23 Frank Bullock Road and is identified as tax parcel 0586 03021.
5. The lot is currently zoned R-30 (Residential Low Density).
6. The application requesting the variance was filed on May 8, 2013.
7. The adjoining property owners were notified on May 21, 2013.
8. The property was posted on May 31, 2013.
9. The legal notice was run on May 18, and June 4, 2013.

Staff Comments

The applicant is proposing to expand an existing home that was built in the 1940s. The existing home is already located within the 30 foot setback (currently located approximately 18 feet from the right-of-way). The expansion will take place primarily on the rear side of the home away from Frank Bullock Road, but will necessitate an additional 3 foot of expansion to the front side of the home facing Frank Bullock Road. For this reason, the applicant has requested a reduced setback from 30 feet to 15 feet to accommodate the existing nonconforming structure and to allow further expansion.



Vance COUNTY

NORTH CAROLINA

Variance Application

Vance County Planning & Development Department

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

For Administrative Use Only:

Case #	<u>2013 BOA 201306-1</u>
Fee Paid	<u>\$250 CK# 2010</u>
BOA Date	<u>6/13/2013</u>

Property Owner Information

Property Owner: Anthony Peace

Mailing Address: 23 Frank Bullock Road

City: Manson State: NC Zip Code: 27553

Phone #: (252) 767 - 4235 Fax #: () -

E-mail Address: _____

Applicant Information

Applicant: Anthony Peace

Mailing Address: 23 Frank Bullock Road

City: Manson State: NC Zip Code: 27553

Phone #: (252) 767 - 4235 Fax #: () -

E-mail Address: ed@vance.net

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

Property Address: 23 Frank Bullock Road, Manson, NC 27553

Tax Map Number: 586 PIN (parcel identification #): 0586 03021

Type of Petition: setback variance

Existing Zoning: R-30

Acreage: 2.144 Road Frontage: 270'

Existing Use: single family residence

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:*

Owner resides in old house that was built when the fronting road was a dirt road and no setbacks were in effect. The setbacks that were imposed place the north end of the house approximately 12' within the (30') set back on Frank Bullock Road and owner wants to remodel the house and needs approximately 3' more room along Frank Bullock Road to do the renovations. While the zoning statute requires no variance if the footprint of the house does not change, the owner plans on expanding the rear side of the house and adding a garage and wants to expand the front porch approximately 2' toward Frank Bullock Road. This will require a variance to allow the front yard setback on Frank Bullock Road to be changed to 15' back from the existing 60' ROW of the road.

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.)

The owner may not do any expansion of the existing footprint without a variance in the setback on Frank Bullock Road.

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

The old house was built when Frank Bullock Road was a dirt road and no setbacks were imposed at that time. The setback was imposed later after the house was in existence and the owner cannot proceed to expand the footprint of the house without a variance.

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

The house was built by the current owner's father, Frank Bullock, who passed away in the 1990's and left the house to his son, Tony Peace (current owner). Tony Peace inherited the property and wants to remodel the house to a bigger footprint. The setback requirements were imposed after the house was built and the road was paved.



Vance COUNTY

NORTH CAROLINA

Variance Application

Vance County Planning & Development Department

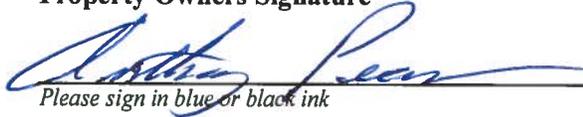
- (2) THE VARIANCE WILL BE IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES THE SPIRIT OF THE ORDINANCE. (State facts and arguments to show that the requested variance represents the least possible deviation from the letter of the Ordinance to allow a reasonable use of the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

The property is located in a rural area and most homes in the area are manufactured housing or small stick built homes. The renovation work the owner wants to do will make the residence larger and upgraded and not have negative impact on the character 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.)

The existing right of way for Frank Bullock Road is 60' wide and the variance would require the remodeled home to stand at least an additional 15' back from the ROW. This would mean the closest point of the house would still be 45' from the center line of the road. Frank Bullock Road is a dead end road and has only minimal traffic.

Property Owners Signature


Please sign in blue or black ink

Date 8 May 2013

Applicants' Signature


Please sign in blue or black ink

Date 8 May 2013

0586 01001
WESTER MARY P. HEIRS
AR
Zoning Category

AR
Zoning Category
0586 01001
WESTER MARY P. HEIRS

0586 01011
HENDERSON W. & PASCHALL W. EST

0586 01003
POYTHRESS JR JOSEPH

0586 01002
ELAM MOSES

0586 01012
LITTLE WILLIE C. HEIRS

Bullocksville Park Rd

0586 03017
HUFF SHAWN P. & TOSHA

0586 02005
HUNT IRIS M.

0586 02014
SCOTT ARNOLD B.

0586 03021
BULLOCK LAND LLC

R30
Zoning Category

0586 03017A
BULLOCK HENRY W. JR & MARTHA

0586 03015
FAREWELL CHARLES J

Frank Bullock Rd

0586 03019
THOMAS ANTONIO O

0586 02024
WHITE PETER III & GLORIA

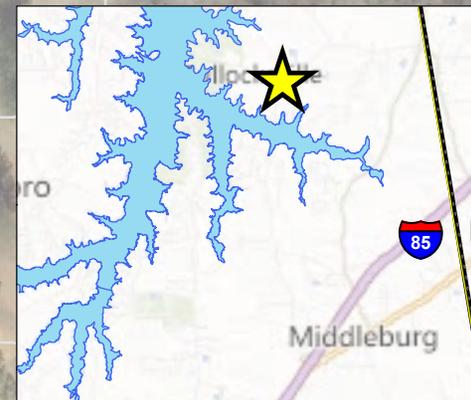
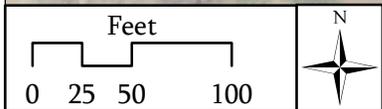
0586 03020
HENDERSON SEAN A

0586 02018
HENDERSON RICHARD M. & CLARA

0586 03018
CLARK MORINE T.

0586 03052
SHORT STEPHEN A. & KATHLEEN

0586 03022
MCGANN SARAH B.



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"/>	
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"/>	
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"/>	
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"/>	
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"/>	
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Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	