



Staff Report 09/12/2013

Owner: Charles & Louise Parham

Applicant: Charles & Louise Parham

Parcel ID:
0600C03005

Location: 2620 Nutbush Road

Current Zoning: (R-30) Residential Low Density

Public Hearing:
09/12/2013

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 rear setback from 25 feet to 8 feet.

Exhibits as follows:

- Exhibit 1.** Application
- Exhibit 2.** Site plans
- 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 Charles & Louise Parham.
2. The request is for a variance from the minimum rear setback requirement of 25 feet as per section 3.2.3 of the zoning ordinance to allow a setback of 8 feet on the rear side.
3. The lot consists of 1.8 acres and includes an existing single family dwelling with associated accessory structures.
4. The property is located 2620 Nutbush Road and is identified as tax parcel 0600C03005.
5. The lot is currently zoned R-30 (Residential Low Density).
6. The application requesting the variance was filed on August 12, 2013.
7. The adjoining property owners were notified on August 28, 2013.
8. The property was posted on August 29, 2013.
9. The legal notice was run on August 30, and September 6, 2013.

Staff Comments

The applicant is proposing to construct a 22 ft. by 22 ft. addition to an existing building. The existing structure was built prior to the zoning ordinance and prior to the establishment of setbacks for this property. The application states that the homeowner is handicapped and the new addition would include creating a handicapped accessible entrance into the existing structure.

Based upon a preliminary review of the property, the current built upon area (impervious area) is approximately 23% of the total lot acreage. While this exceeds the 20% built upon area limit within the R-30 zoning district, the new structure will not be increasing or adding any additional impervious area. This is true as the structure will be built in an area that is currently black top pavement.

If a variance is considered for this location, it would be advisable to consider this specific structure for the variance as opposed to applying it to the entire rear property line.



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 #	20130912-1
Fee Paid	\$250 ck# 1020
BOA Date	9/12/2013

Property Owner Information

Property Owner: Charles & Louise Parham
Mailing Address: 2620 Nutbush Rd
City: Henderson State: NC Zip Code: 27537
Phone #: (252) 213-0508 Fax #: () -
E-mail Address: homedecoratorshoppe@yahoo.com

Applicant Information

Applicant: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Phone #: () - Fax #: () -
E-mail Address: _____

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

Property Address: 2620 Nutbush Rd
Tax Map Number: 648 - Page 410 PIN (parcel identification #): 0600003005
Type of Petition: Variance
Existing Zoning: R-30
Acreage: 2 acres Road Frontage: 515 Ft.
Existing Use: Residence lot 68, 69, 70

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:*

Need to Add a 22' x 22' addition to existing building KNOWN AS "Pool House" This will be used for family entertaining purposes. The existing structure is 8 ft. from property line in back. The addition would be the same. There is nothing prohibiting entering behind structure in case of emergency

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.)

Homeowners want to add the addition to use for family gatherings. Homeowner is handicapped with a prosthetic leg. New addition would allow entrance without using steps, unlike the other end of existing structure

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

The addition can not be done to any other area of the original structure. Back property line, the driveway, and property owner's residence prohibit it.

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

The original structure was built many years ago. It was not built to intentionally cause the need for a variance. vision • vitality • variety for a variance. It was built before the codes were in place



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 proposed 22' x 22' addition will match existing structure & maintained in good condition. It will be an asset to existing structure

- (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.)

There would be no benefit to the public if the variance is denied, only harm to the applicant

Property Owners Signature

[Signature]
Please sign in blue or black ink

Date 8-1-13

Applicants' Signature

[Signature]
Please sign in blue or black ink

Date 8-1-13

PB Y-321

certification is affixed meets all statutory requirements for recording.

subdivision approval regulations of the Vance County Subdivision Ordinance, (and that it meets all statutory requirements for recording.

Review Officer

Date

Subdivision Administrator

NOTE: LOTS 67,68,69,70 ARE TO BE RECOMBINED

1.809 ACRES

- D.B. 449, Pg. 284
- D.B. 468, Pg. 410
- D.B. 504, Pg. 567
- D.B. 513, Pg. 674
- P.B. "P", Pg. 25
- LOTS 67,68,69,70

Knowledge, located in Grid

Horizontal

PROPERTY MARKERS
LESS OTHERWISE
NRB, EIS, EPK.

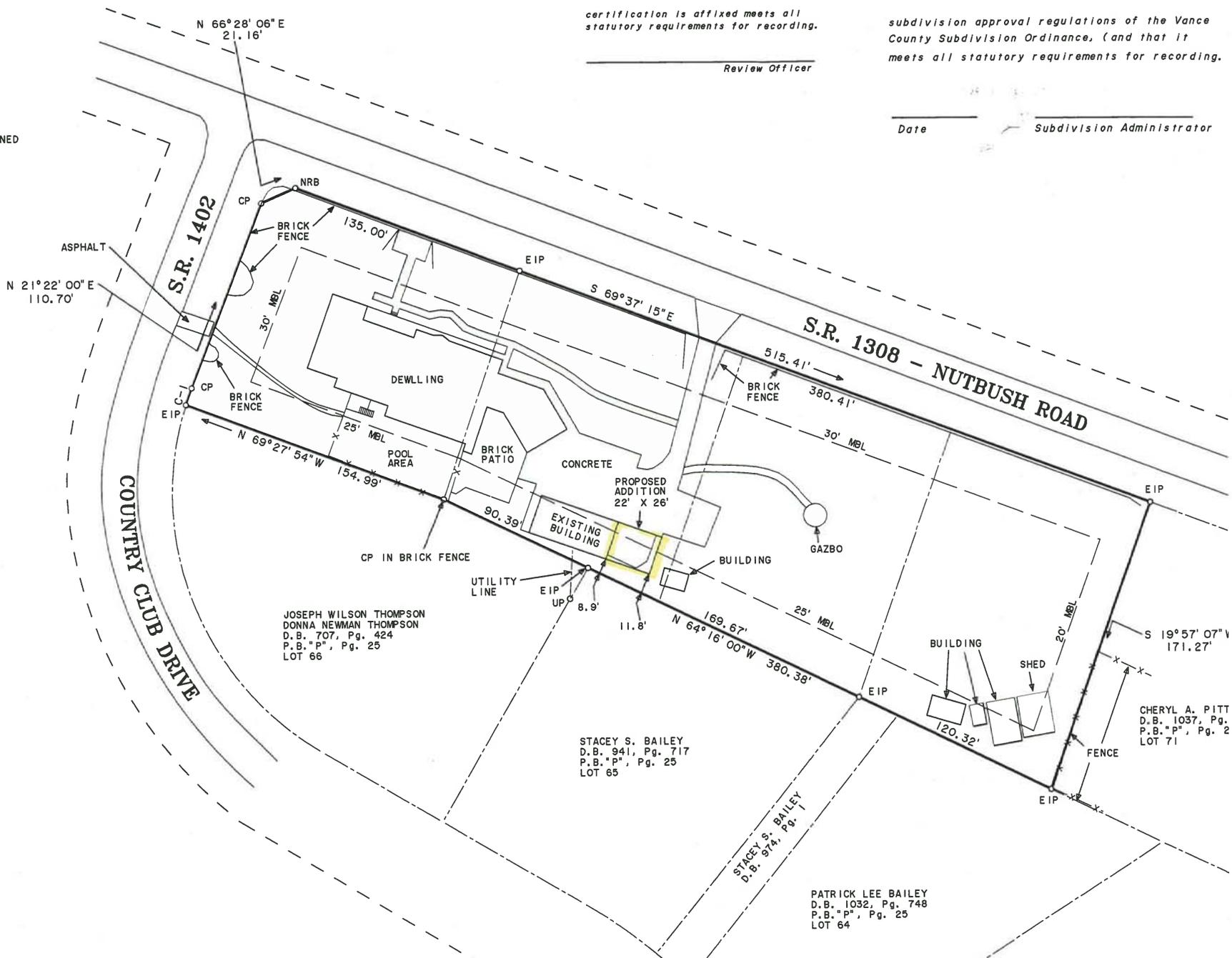
PREPARED WITHOUT
FIELD REPORT AND
NECESSARILY
LOCATIONS ON THE

Coordinate Method

Set to all
lots and
record prior
to plat.

In Found
at
Spike Found
Set
1 Found

Found
and Spike Found
like Set
a Monument Found
ound



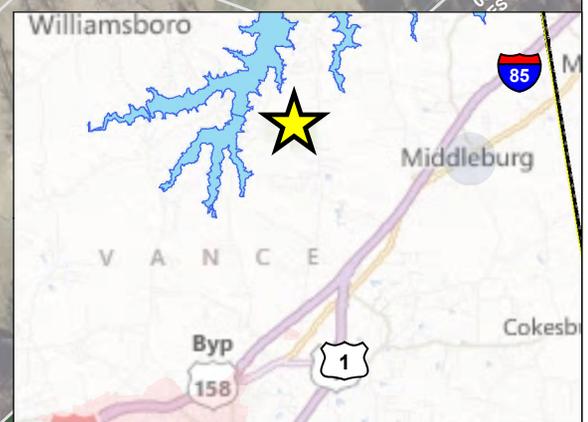
JOSEPH WILSON THOMPSON
DONNA NEWMAN THOMPSON
D.B. 707, Pg. 424
P.B. "P", Pg. 25
LOT 66

STACEY S. BAILEY
D.B. 941, Pg. 717
P.B. "P", Pg. 25
LOT 65

STACEY S. BAILEY
D.B. 974, Pg. 1

PATRICK LEE BAILEY
D.B. 1032, Pg. 748
P.B. "P", Pg. 25
LOT 64

CHERYL A. PITT
D.B. 1037, Pg. 2
P.B. "P", Pg. 2
LOT 71



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"/>	
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"/>	