



Staff Report 04/10/2014

Owner: Michael & Sharon Fletcher

Applicant: Tim Bridges (Caston Home Builder)

Parcel ID: 0600C002004

Location: Kerr Lake Club Drive

Current Zoning: (R-30) Residential Low Density

Public Hearing: 04/10/2014

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 side setback from 20 feet to 10 feet and the front setback from 30 feet to 25 feet. In addition to the setback variance the applicant is requesting a variance from the separation requirement of 100 feet between the well and septic system as per section 3.2 D 4 of the zoning ordinance. Based upon a specially designed system and concurrence from the Health Department the applicant is in need of reducing this distance from 100 feet to 50 feet or required separation.

Exhibits as follows:

- Exhibit 1.** Application
- Exhibit 2.** Site plan
- Exhibit 3.** Adjoining owners map, surrounding zoning and 2013 Aerial
- Exhibit 4.** Variance check sheet

DRAFT Findings of Fact

1. The property is owned by Michael & Sharon Fletcher.
2. The request is for a variance from section 3.2.3 of the zoning ordinance to allow a reduction of the side setback from 20 to 10 feet and of the front setback from 30 to 25 feet.
3. According to the applicant the lot consists of 0.68 acres. An acreage has not been found on the recorded survey or within the deed to confirm this.
4. The lot is currently vacant.
5. The property is located along Kerr Lake Club Drive and is identified as tax parcel 0600C02004.
6. The lot is currently zoned R-30 (Residential Low Density) and is vacant.
7. The application requesting the variance was filed on March 12, 2014.
8. The adjoining property owners were notified on March 24, 2014.
9. The property was posted on March 27, 2014.
10. The legal notice was run on March 26, and April 2, 2014.

Staff Comments

The applicant is proposing to build a 1710 sq. ft. home with an additional basement, attached garage, porch and deck. Currently there is some discrepancy in the size of the lot. The deed references an older recorded plat (included in packet) that does not include the acreages. The applicant will confirm this prior to the meeting. The lot size should have little bearing on the variance considering if it is undersized, it is a lot or record (meaning an existing lot created prior to lot size standards) which would be allowed to be used. However a variance would still be required to use it with current regulations. It is possible that the lot size in addition to the special type of septic system required (a drip irrigation system) are the contributing factors for the necessity of this variance.

In considering this request, it is important to consider that the variance would move the proposed structure away from the northern property line and thus further away from the existing home to the north. The south and the west sides of the property are bounded by the Kerr Lake Country Club and does not appear to be developable currently. On the west side is an existing pond on the Club land and on the south is an existing stream.

It is important to note that the NC general statues have changed slightly regarding the criteria for granting a variance. See the last page of this packet for the revised criteria.



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 #	20140410-1
Fee Paid	\$250 ck# 1221
BOA Date	4/16/2014

Property Owner Information

Property Owner: Michael W. Fletcher
 Mailing Address: 1151 Hedrick Dr
 City: Henderson State: NC Zip Code: 27537
 Phone #: (412) 719-4754 Fax #: () -
 E-mail Address: _____

Applicant Information

Applicant: Tim Bridges (Coston Home Builders)
 Mailing Address: 535 Franklin Lane
 City: Henderson State: NC Zip Code: 27537
 Phone #: (252) 425-4958 Fax #: () -
 E-mail Address: _____

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

Property Address: 0000 Kerr Lake Club Dr.
 Tax Map Number: _____ PIN (parcel identification #): 0600602004
 Type of Petition: Variance
 Existing Zoning: R-30
 Acreage: .68 Road Frontage: 95
 Existing Use: Vacant

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:*

Due to more stringent rules for Septic Permits
we have limited amount of space to place a
home. We are asking for a variance of 10' on
the left side of lot 58 and 5' variance on
the front setback to allow room for septic
and home

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.)

It will not make it unusable but we can not
Put the desired size home with out this
Variance

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

yes The septic system is taking so much
space combined with setbacks of 80' will cause
us to build a much smaller home

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

Hardship is due to increased regulations by state
Health officials. Septic space has more than
doubled and zoning requirement were not in

vision • vitality • variety place at time of inception



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.)

There is not a Building lot on the left side
on the lot (creek bed and is part of Golf course)
It will actually put more space between this and
the Neighbors Home

- (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.)

Creates more room between him and only neighbor
Give more room for septic system, lets him build
a home closer to the size of surrounding homes

Property Owners Signature

Michael W. Litcher
 Please sign in blue or black ink

Date 3-11-14

Applicants' Signature

Jim Bridges
 Please sign in blue or black ink

Date 3-11-14



0595 01019
CREECH ANTOINETTE R.

0595 01020
FISHER CHRISTOPHER

0595 01021
PARHAM CHARLES R

Nutbush Rd

0600C02005
GRISSOM ALTON C

0600C03003
PARHAM CHARLES R

**R30
Zoning Category**

0600C02004
FLETCHER MICHAEL & SHARON

0600 03001
KERR LAKE COUNTRY CLUB

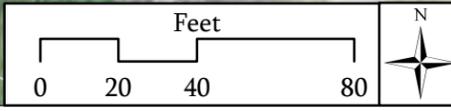
**OS
Zoning Category**

0600C03007
THOMPSON JOSEPH W. & DONNA

0600C03008
BAILEY PATRICK LEE

0600C02003
GRAY ALVIN C III

Kerr Lake Club Dr



Variance Check Sheet

A variance may be granted by the Board if evidence that is presented by the applicant persuades the Board to reach the following conclusions:

- The unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the 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"/>	

- The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

	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"/>	

- The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

	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"/>	

- The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

	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"/>	