



Staff Report 10/9/2014

Owner: King & Chelisa Perry

Applicant: King & Chelisa Perry

Parcel ID:
0410G01059

Location: 276 Carolina Woods Dr.

Current Zoning: (R-30) Residential Low Density

Public Hearing:
10/9/2014

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 to allow construction of an attached carport.

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 King & Chelisa Perry.
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.
3. The lot is located within the Carolina Woods Subdivision and is located at 276 Carolina Woods Drive (tax parcel 0410G01059).
4. The lot consists of 0.69 acres according to plat book V-778.
5. The lot currently consists of a single family dwelling and two smaller accessory structures.
6. The lot is currently zoned R-30 (Residential Low Density).
7. Due to the home location on the property as well as the septic tank and lines location, there is limited room for placement of the carport on the rear of the property.
8. The application requesting the variance was filed on September 3, 2014.
9. The adjoining property owners were notified on September 22, 2014.
10. The property was posted on September 25, 2014.
11. The legal notice was run on September 24 and October 1, 2014.

Staff Comments

The applicant is proposing to build a 34 feet x 32 carport to be added on to their existing single family home. Currently there is an existing concrete slab in the location where the carport is proposed that is being used for parking. The applicant would like to construct the structure to allow protection for their vehicles from the weather. Once constructed, the carport would be located 10 feet from the side property line necessitating a variance request. Once constructed the carport would remain over 50 feet from the existing home to the west.

The current home is placed approximately 100 feet from the right-of-way of Carolina Woods Drive. Due to zoning requirements, accessory structures would need to be located in the side or rear yard areas. Because of the current home location being located a good distance from the existing roadway, there is limited space otherwise for placement of the carport. Additionally, it will serve to cover an area that has existing concrete already in place.

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 # | RE-11009-2011 20141009-1 |
| Fee Paid | CK# 524 |
| BOA Date | 10/9/2014 |

Property Owner Information

Property Owner: King & CHELSEA PERRY
Mailing Address: 276 CAROLINA WOODS DR
City: HENDERSON State: NC Zip Code: 27537
Phone #: (252) 433-4624 Fax #: () -
E-mail Address: KIPERRY252@GMAIL.COM

Applicant Information

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

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

Property Address: 276 CAROLINA WOODS DR, HENDERSON NC, 27537
Tax Map Number: 0410601059 PIN (parcel identification #): _____
Type of Petition: VARIANCE
Existing Zoning: R-30
Acreage: .069 Road Frontage: 142'
Existing Use: _____

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:*

WANT TO ADD CARPORT TO MY EXISTING CAR PAD.
THERE IS NO ROOM IN THE BACK TO ADD AND HAVE
ENOUGH SPACE TO COME IN/OUT WITHOUT SWINGING AROUND
ON MY NEIGHBORS PROPERTY. THERE IS NO OTHER PLACE
THAT I CAN PUT IT. I'M NOT EXTENDING THE CARPORT
PAST MY EXISTING CAR PAD.

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. No change in permitted uses may be authorized by variance. Also, the Board may impose appropriate conditions on any variance, provided that the conditions are reasonably related to the variance.

Under the state enabling act, the Board shall vary ordinance provisions when unnecessary hardships would result from carrying out the strict letter of the ordinance. In order to determine whether a hardship is present the applicant shall provide an argument for the following items. In the following spaces, indicate the facts and the argument you plan to render, in order to convince the Board to properly determine that an unnecessary hardship exists from carrying out the strict letter of the ordinance.

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

- a. **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.** (It is not sufficient that failure to grant the variance simply makes the property less valuable.)

- b. **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.**



Vance COUNTY

NORTH CAROLINA

Variance Application

Vance County Planning & Development Department

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

- d. **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.**

Property Owners Signature

Henry Perry & Chelvia Perry Date 3 SEP 2014
 Please sign in blue or black ink

Applicants' Signature

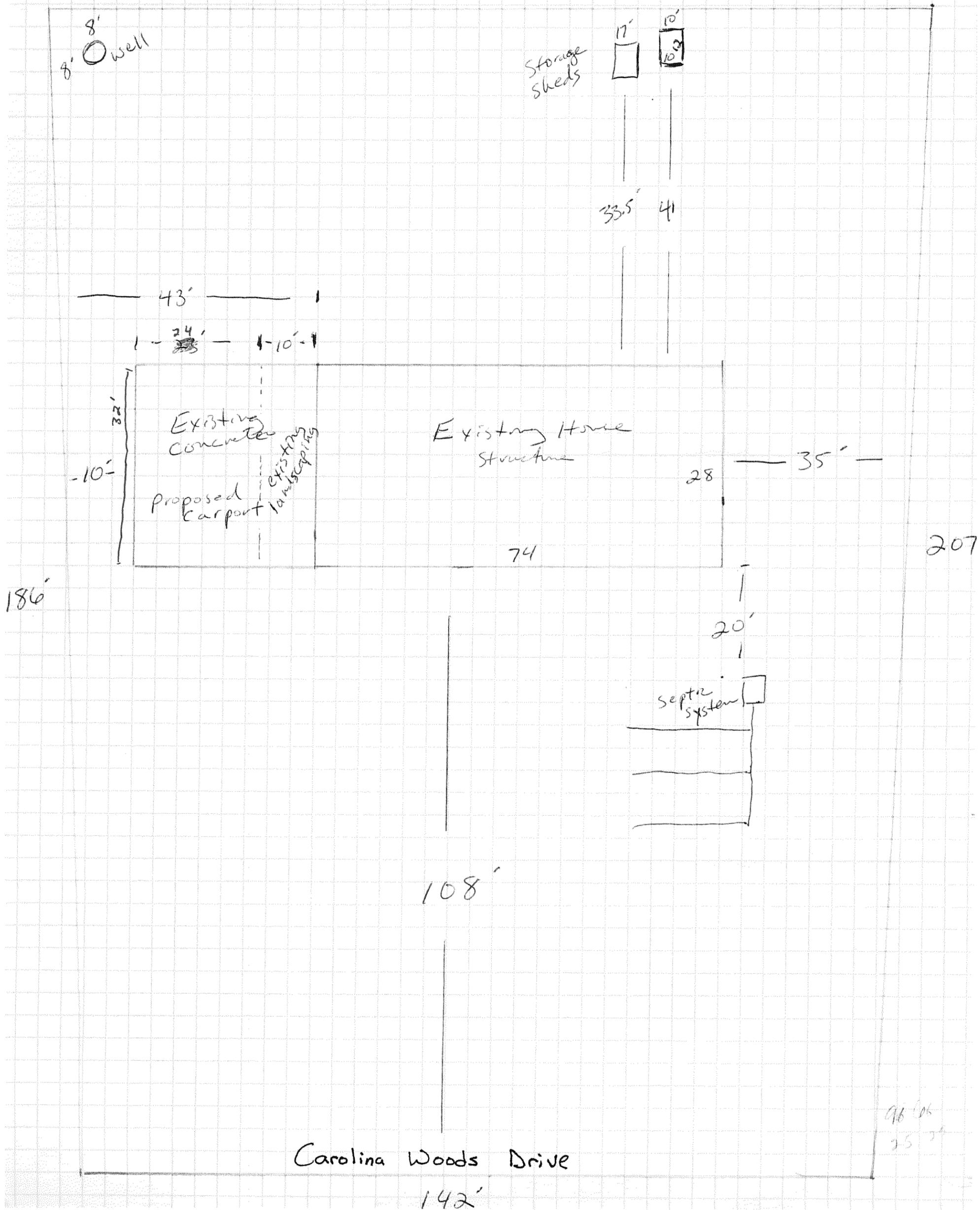
_____ Date _____
 Please sign in blue or black ink

Robert Greene
213-2098

276 Carolina Woods Drive

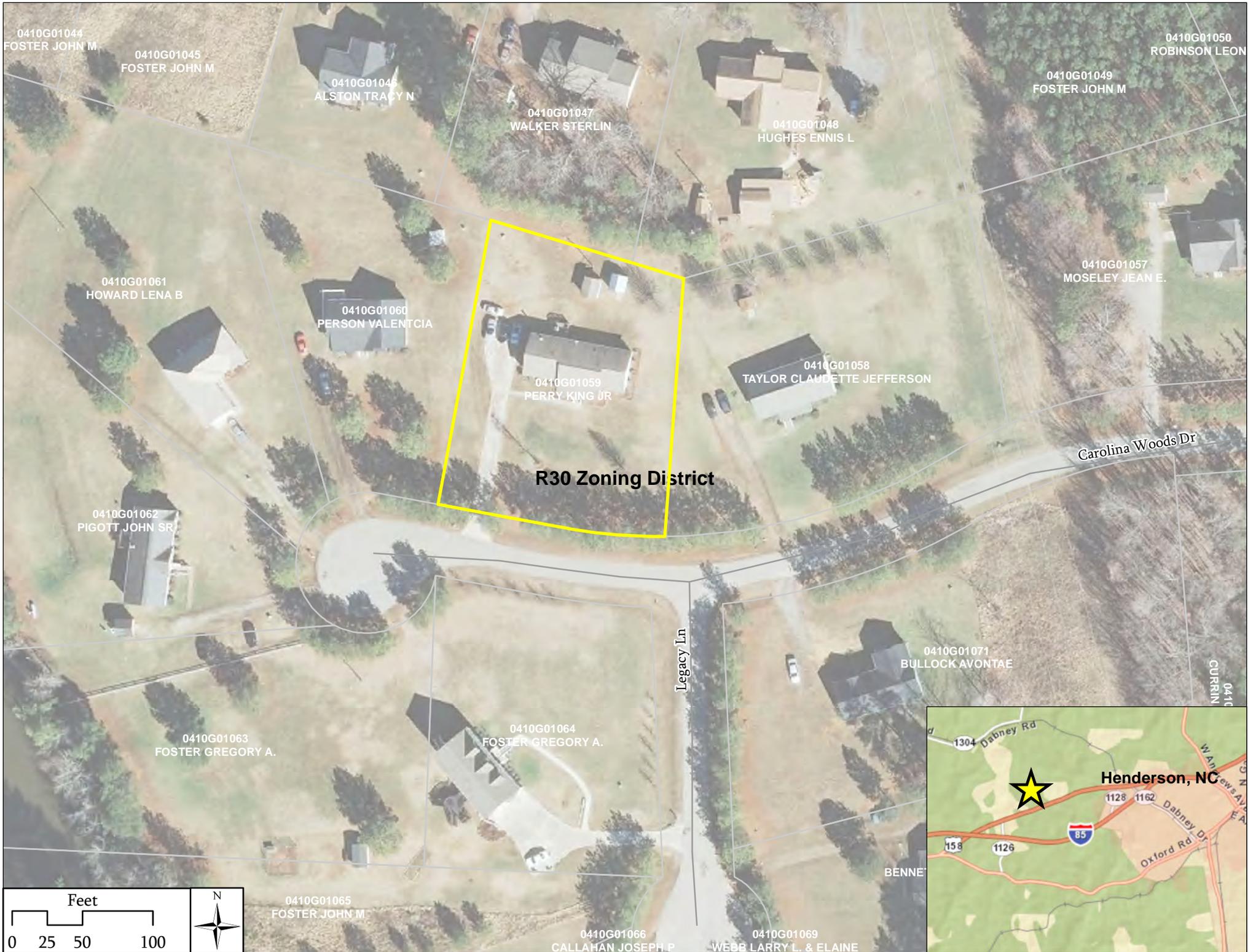
1N

164'



9/6/06
25'





0410G01044 FOSTER JOHN M.

0410G01045 FOSTER JOHN M.

0410G01046 ALSTON TRACY N.

0410G01047 WALKER STERLIN

0410G01048 HUGHES ENNIS L.

0410G01049 FOSTER JOHN M.

0410G01050 ROBINSON LEON

0410G01057 MOSELEY JEAN E.

0410G01058 TAYLOR CLAUDETTE JEFFERSON

0410G01059 PERRY KING JR

0410G01060 PERSON VALENCIA

0410G01062 PIGOTT JOHN SR

0410G01064 FOSTER GREGORY A.

0410G01065 FOSTER JOHN M.

0410G01066 CALLAHAN JOSEPH P.

0410G01069 WEBB LARRY L. & ELAINE

0410G01071 BULLOCK AVONTAE

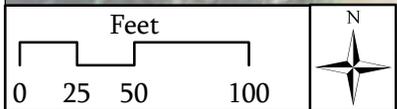
0410G01072 CURRIN

R30 Zoning District

Legacy Ln

Carolina Woods Dr

BENNE



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"/> | |