

**Planning and Development Department**

156 CHURCH STREET, HENDERSON, NC 27536

(252) 738-2080 / FAX 738-2089

**Staff Report 04/09/2015****Owner:** Haywood  
Bryan Marrow**Applicant:**  
Haywood Bryan  
Marrow**Parcel ID:**  
0410G01028**Location:** 188  
Meridian Way**Current Zoning:**  
(R-30) Residential  
Low Density**Public Hearing:**  
04/09/2015**Prepared by:**  
David Robinson**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.** Letter from Developer
- Exhibit 3.** Site plan / survey
- 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 Haywood Bryan Marrow.
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 188 Meridian Way (tax parcel 0410G01028).
4. The lot consists of 0.70 acres according to attached plat.
5. The lot currently consists of a single family dwelling and one small shed.
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 March 3, 2015.
9. The adjoining property owners were notified on March 23, 2015.
10. The property was posted on March 30, 2015.
11. The legal notice was run on March 27 and April 3, 2015.

**Staff Comments**

The applicant is proposing to build a 30' x 26' carport that would be attached to the porch on their existing single family home. Once constructed, the carport would be located approximately 10 feet from the side property line, prompting this variance request. Once constructed the carport would remain over 50 feet from the existing home to the east with vegetative separation along the property boundary.

Due to zoning requirements, accessory structures need to be located in the side or rear yard areas. Because of the location of the home, the existing deck attached to the back of the home, landscaping in the rear yard, as well as the septic system, there is limited space otherwise for placement of the carport. Additionally, the proposed carport will serve to cover a portion of the existing driveway.

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 #   | 20150409-1      |
| Fee Paid | \$ 250 cks 1711 |
| BOA Date | 4/9/2015        |

### Property Owner Information

Property Owner: HAYWOOD BRYAN MARROW  
Mailing Address: 188 Meridian Way Ln  
City: Henderson State: N.C. Zip Code: 27537  
Phone #: (252) 430 - 9562 Fax #: ( ) -  
E-mail Address: \_\_\_\_\_

### Applicant Information

Applicant: HAYWOOD BRYAN MARROW  
Mailing Address: 188 Meridian Way Ln  
City: Henderson State: N.C. Zip Code: 27537  
Phone #: (252) 430 - 9562 Fax #: ( ) -  
E-mail Address: sdasdf

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

Property Address: 188 Meridian Way Ln  
Tax Map Number: 0410601028 PIN (parcel identification #): 0410601028  
Type of Petition: Variance  
Existing Zoning: R 30  
Acreage: .70 Road Frontage: 142  
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:*

*I want to build a carport on my existing driveway. I want to attach it to the porch which is attached to the house where my side door is to enter the house. I cannot put it in the back because of the septic tank and drain lines and progress Energy light pole. I have no other place to put it. There is a tree line that separates my property line to my neighbors house. It's 50' from my property line to my neighbors house.*

### 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.)

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- 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.**

*The hardship resulting from the location of the house.*

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# 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.

The house was already built when I purchased it. IF I would have had it built I would have had the house set to meet the set back. I had no knowledge of this

- 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.

I understand the variance and will abide by the ordinance, and stay within public safety and will cause no danger.

### Property Owners Signature

Napoleon B. Marion  
Please sign in blue or black ink

Date 3-3-2015

### Applicants' Signature

Napoleon B. Marion  
Please sign in blue or black ink

Date 3-3-2015

John M. Foster  
P.O. Box 1208  
Henderson, NC 27536  
252-438-3100

March 2, 2015

To Whom It May Concern:

This letter is to state that I have approved the drawing provided my Haywood Marrow for the construction of his carport. I approved the sideline setback of approximately 10' as well as the construction specifications that Haywood Marrow has discussed with me. Haywood has agreed to abide by the restrictive covenants other than the setback variance which has been approved by me.

Sincerely,

A handwritten signature in cursive script, reading "Kim F. Brummitt". The signature is written in dark ink and is positioned below the word "Sincerely,".

John M. Foster

By Kim F. Brummitt, Agent



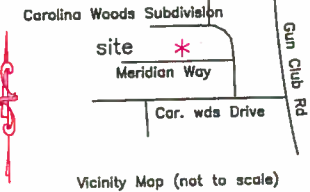
North per P.B."V" Pg.874



John Foster  
lot 29 Carolina Woods  
P.B."V" Pg.874

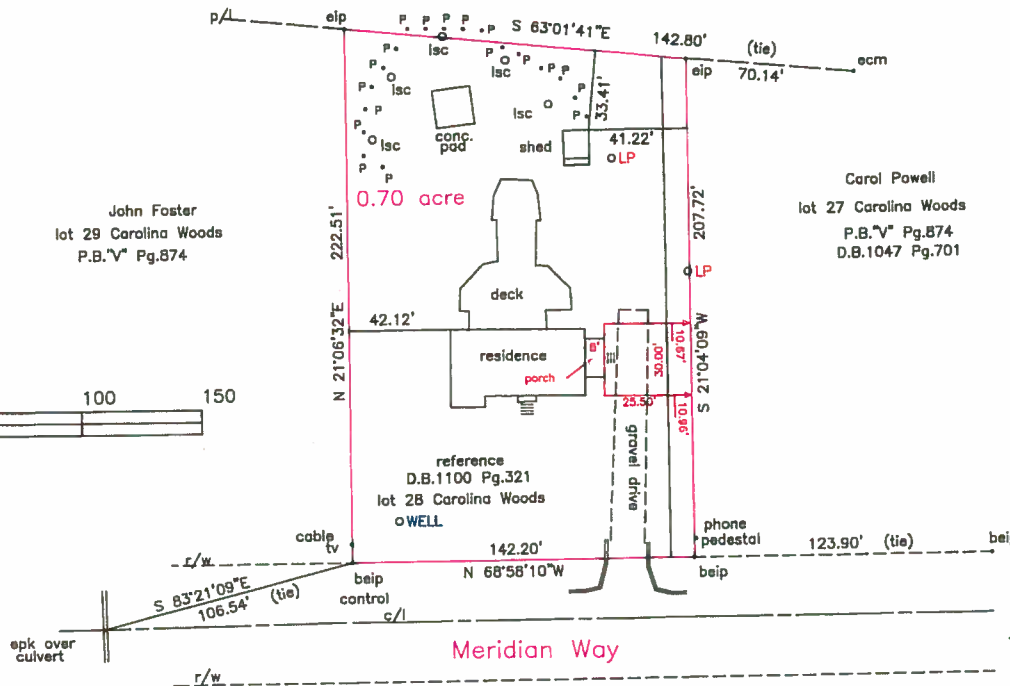
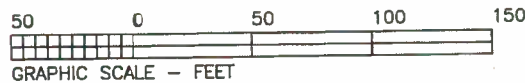
Maude Glover  
D.B.355 Pg.506

Carol Powell  
lot 27 Carolina Woods  
P.B."V" Pg.874  
D.B.1047 Pg.701



# SYMBOLS :

|          |                            |
|----------|----------------------------|
| EIP(R)   | EXISTING IRON PIPE (ROD)   |
| NIP      | NEW IRON PIPE (1/2")       |
| (N)(E)PK | NEW OR EXISTING PK NAIL    |
| NL(ENL)  | NAIL (EXISTING NAIL)       |
| P/L      | PROPERTY LINE              |
| ECPS     | EX. COTTON SPINDLE SPIKE   |
| CM       | CONCRETE MONUMENT          |
| ERRS     | EXISTING RAILROAD SPIKE    |
| BEIP(R)  | BENT IRON PIPE OR ROD      |
| R/W      | RIGHT OF WAY               |
| PP       | POWER POLE                 |
| —E—      | ELECTRIC POWER LINE        |
| LP       | AREA LIGHT ON A POLE       |
| B.S.L    | BUILDING SETBACK LINE      |
| C/L      | CENTER LINE                |
| ECM      | EXISTING CONCRETE MONUMENT |
| lsc      | landscape column           |
| P        | 4"x4" wood post            |



## NOTES :

- 1.) THE COORDINATE METHOD WAS USED TO COMPUTE THE AREA(S) SHOWN ON THIS PLAT.
- 2.) THIS PLAT IS SUBJECT TO ALL EASEMENTS, AGREEMENTS, AND RIGHTS-OF-WAY OF RECORD PRIOR TO THE DATE OF THIS PLAT.
- 3.) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
- 4.) THERE ARE NEW IRON PIPE (NIP) AT ALL PROPERTY CORNERS, UNLESS OTHERWISE NOTED HEREON, SEE SYMBOL LEGEND.
- 5.) ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES, UNLESS OTHERWISE NOTED.



I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, RECORDED IN DEED see, PAGE ref, OR OTHER REFERENCE SOURCE, D.B. see, PAGE ref; THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN DEED see, PAGE ref OR OTHER REFERENCE SOURCE, DEED see, PAGE ref; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000 OR GREATER; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA THIS THE 23 DAY OF February, 2015

C. EUGENE BOBBITT, III, Professional Land Surveyor, L-2684

**BOBBITT SURVEYING, P.A.**

CERTIFICATE No. - C-596

P.O. BOX 962/443 DABNEY DRIVE, HENDERSON, N.C., 27536  
(Office) 252 - 438 - 5182 (Fax) 252 - 438 - 7494

property of  
**Haywood Marrow**  
188 Meridian Way  
Dabney Township

Vance County, North Carolina

Scale 1"= 50 feet February 23, 2015  
Plat File 15 V 01

cwoods28 usb3







## 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:

1. 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"/> | <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 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"/> | <input type="text"/> |
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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"/> |                      |

3. 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"/> | <input type="text"/> |
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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"/> |                      |

4. 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"/> | <input type="text"/> |
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