



Planning and Development Department

156 CHURCH STREET, HENDERSON, NC 27536

(252) 738-2080 / FAX 738-2089

Staff Report 05/14/2015

Owner: Tamara Martin

Applicant: Yates Homes Roxboro

Parcel ID:
0600A05016

Location: 230 Kerr Lake Road

Current Zoning:
(R-30) Residential Low Density

Public Hearing:
05/14/2015

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 front setback from 30 feet to 16 feet to allow placement of a modular home.

Exhibits as follows:

- Exhibit 1.** Application
- Exhibit 2.** Site plan / recombination 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 Tamara Martin.
2. The request is for a variance from section 3.2.3 of the zoning ordinance to allow a reduction of the front setback from 30 to 16 feet.
3. The lot is located at 230 Kerr Lake Road (tax parcel 0600A05016), which is just outside the W.E. Neathery Estates subdivision.
4. The lot consists of 0.53 acres.
5. The lot is currently zoned R-30 (Residential Low Density).
6. The lot consisted of a single family dwelling and one small shed; a demolition permit was issued for the dwelling in December 2014 due to inhabitable/undesirable condition.
7. The application requesting the variance was filed on April 9, 2015.
8. The adjoining property owners were notified on April 24, 2015.
9. The property was posted on April 27, 2015.
10. The legal notice was run on April 29, 2015 and May 6, 2015.

Staff Comments

The applicant is proposing to replace a single family dwelling with a 27' x 60' modular home. The home will be located in a similar location as the previous dwelling, but rotated to face Kerr Lake Road. The existing driveway off Kerr Lake Road will be utilized.

The property owner purchased this property in November 2014. At the time of purchase, the condition of the home had deteriorated beyond repair. The property owner applied for a demolition permit in December 2014 with the intention of replacing the dwelling with a new modular home.

The existing lot is undersized per lot size standards listed in the Vance County Zoning ordinance. However, it is an existing lot of record, which means the lot was created prior to lot size standards. The total acreage, unusual dimensions, and overhead powerlines result in extremely limited space in which to comply with all setbacks in the R-30 zoning district. Additionally, because the property is considered a corner lot, the applicant must comply with 30' front setbacks on two sides.

The applicant has worked with her father, who owns the property to the north, to adjust lot boundaries. This adjustment, shown in the attached recombination survey, provides enough room to meet the side setback to the northern property boundary. The two property owners propose to exchange an equal amount of land so that neither lot gains nor loses any acreage.

There is simply not enough space given the various features of the lot to meet the southern front setback. Therefore, the applicant is requesting a variance to reduce the front setback along Kerr Lake Road from 30 feet to 16 feet.



Vance COUNTY

NORTH CAROLINA

Variance Application

Vance County Planning & Development Department

For Administrative Use Only:

Case #	20150514-2
Fee Paid	\$250.00 check # 1866
BOA Date	5/14/15

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

Property Owner Information

Property Owner: Tamara Martin
Mailing Address: 808 Hargrave St
City: Henderson State: N.C. Zip Code: 27536
Phone #: (252) 425-4450 Fax #: () -
E-mail Address: TammyM808@yahoo.com

Applicant Information

Applicant: Yates Homes Roxboro
Mailing Address: 3901 Durham Hwy
City: Roxboro State: N.C. Zip Code: 27574
Phone #: (336) 597-4663 Fax #: () -
E-mail Address: ~~claudc~~ ricky.evans@yateshomesales.com

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

Property Address: 230 KERR Lake Rd
Tax Map Number: 600A-5-16 PIN (parcel identification #):
Type of Petition: Setbacks variance
Existing Zoning:
Acreage: .53 Road Frontage: Yes ~ 260.60'
Existing Use: Yes SFD

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:*

New SFD will replace existing SFD + be located mostly in the same footprint + front face the same as demolished home with adjustments to help meet setbacks in all areas. But current setbacks cannot be completely met. See Site Plan. The variance needed per site plan is 13.7' feet on Kerr Lake Rd setback. Site plan shows 16.3' with a total of 30' required.

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.)

With existing site conditions i.e. Road, Septic Tank/System, Private drive, + power lines prevent the desired home update from meeting all setbacks

- 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.**

Site has pre existing specs. Power lines, road, private driveway, septic system, Tammy has no current dwelling to call home, Tammy is currently homeless



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 demolished previous dwelling was beyond reasonable remodeling. Previous dwelling did not meet setbacks that are currently in place.

- 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.

If private driveway currently existing must be named which would change setbacks then new setbacks could not be met.

Property Owners Signature

Jamara Martin

Please sign in blue or black ink

Date 4-9-2015

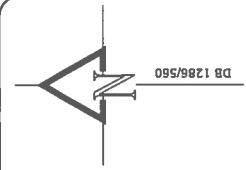
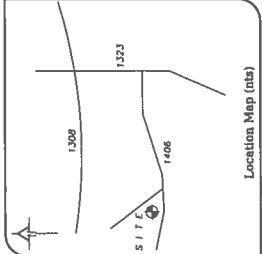
Applicants' Signature

Ricky Evans Yates Homes Roxboro

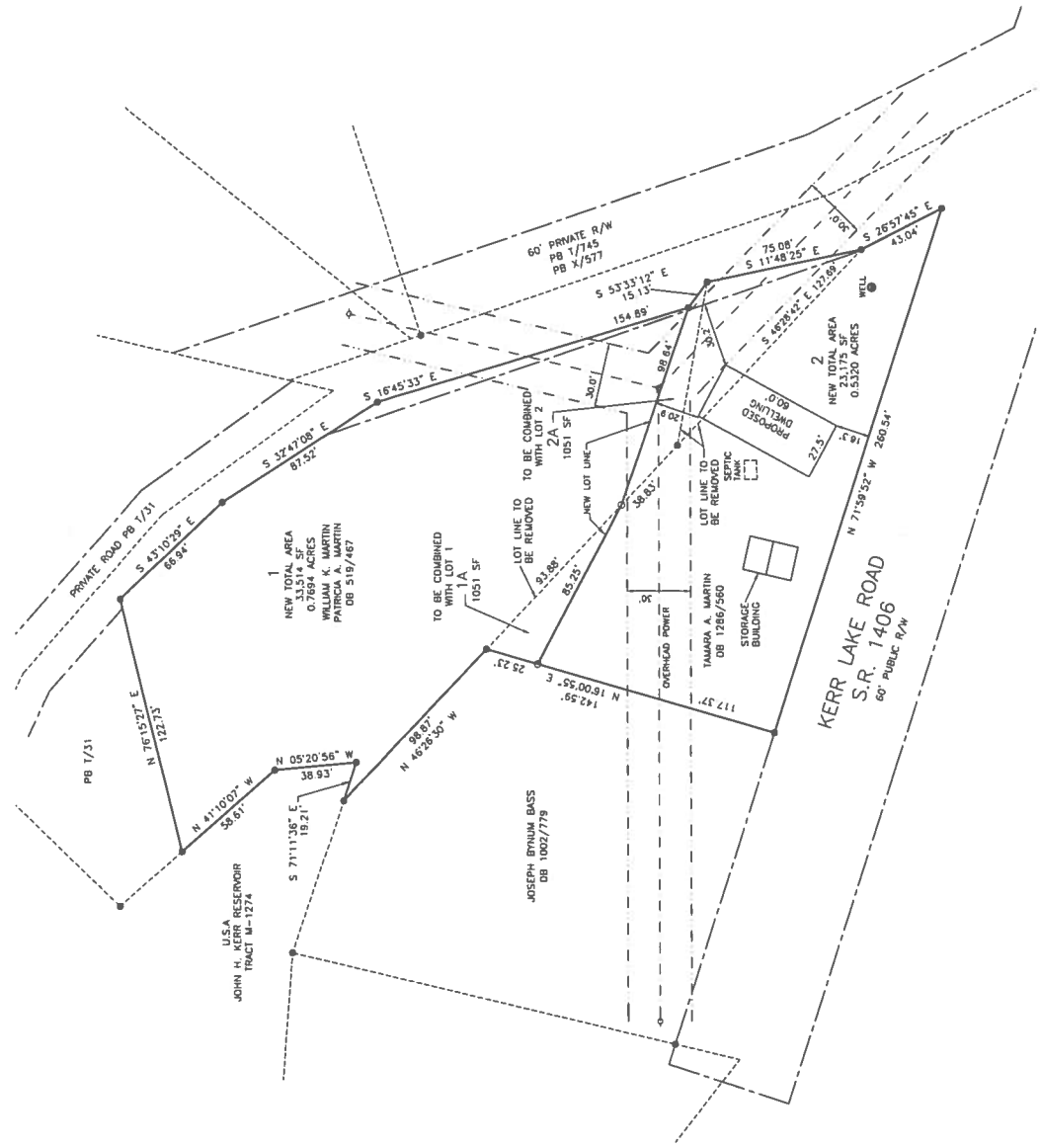
Please sign in blue or black ink

Date 4-6-15

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DB 1286/560



- Legend**
(Unless otherwise noted)
- Pipe Found
 - AS Fiber Set
 - △ Nail Set
 - △ Concrete Point
 - △ Control Monument
 - Right of Way
 - P/W
 - P/L
 - Only
 - Overhead Utilities
 - Right of Way Line
 - Boundary Line
 - Surveying Boundary Line
 - Utility Pole



Puckett Surveyors, PLLC
Professional Land Surveyors
FIRM LICENSE NO. (P-1168)
1555 N.C. 56 Suite 2
Crestmoor, N.C. 27522
P. 919.528.8900

Preliminary Site Plan for:

Tamara A. Martin

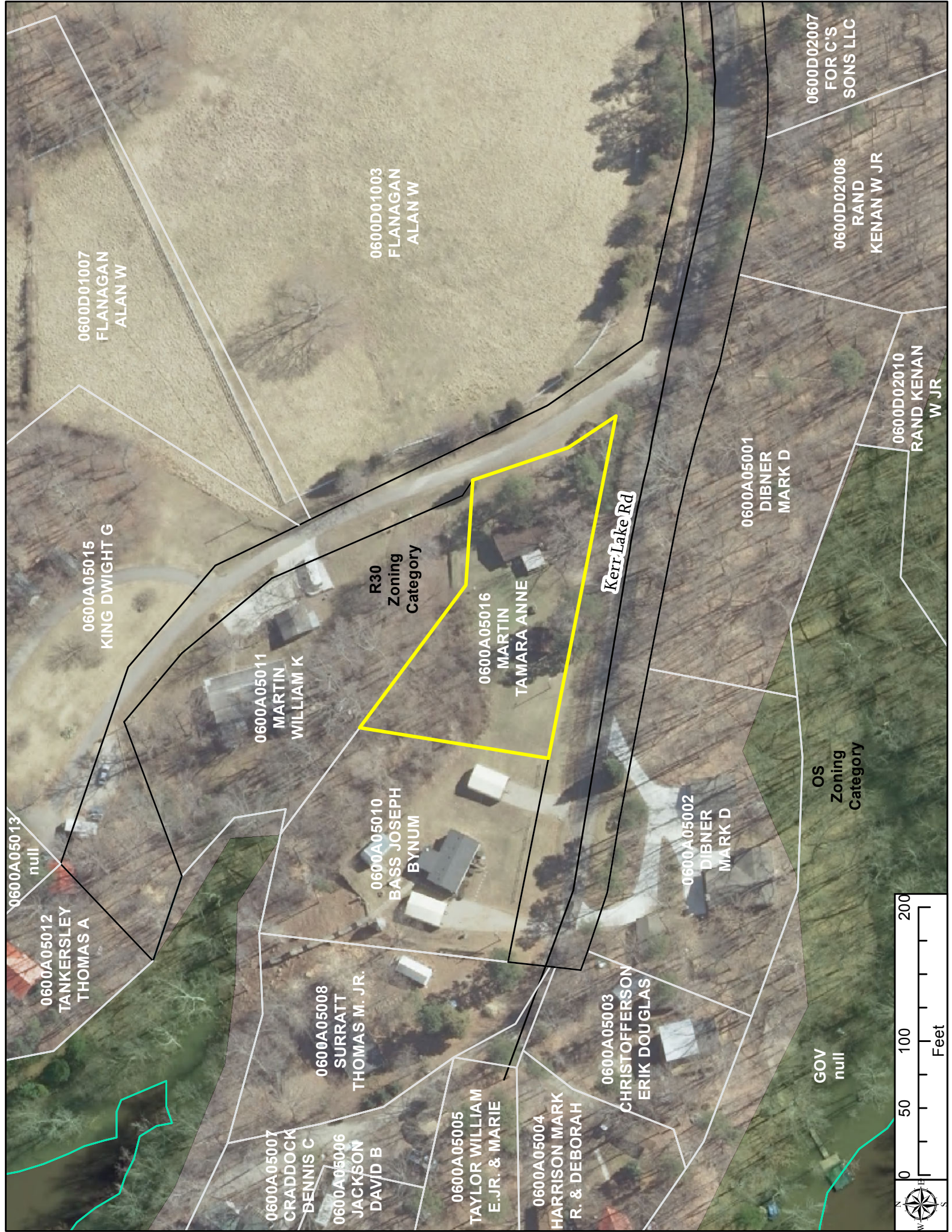
April 15, 2015

Township of Middleburg, County of Vance, State of N.C.



Source of Title
DB 1286/560

Owner
Tamara A. Martin
808 Hargrove St.
Henderson, NC 27536



0600A05013
null

0600A05012
TANKERSLEY
THOMAS A

0600A05015
KING DWIGHT G

0600D01007
FLANAGAN
ALAN W

0600A05007
CRADDOCK
DENNIS C

0600A05006
JACKSON
DAVID B

0600A05008
SURRETT
THOMAS M. JR.

0600A05010
BASS JOSEPH
BYNUM

0600A05011
MARTIN
WILLIAM K

R30
Zoning
Category

0600A05005
TAYLOR WILLIAM
E. JR. & MARIE

0600A05004
HARRISON MARK
R. & DEBORAH

0600A05003
CHRISTOFFERSON
ERIK DOUGLAS

0600A05016
MARTIN
TAMARA ANNE

Kerr Lake Rd

0600A05002
DIBNER
MARK D

0600A05001
DIBNER
MARK D

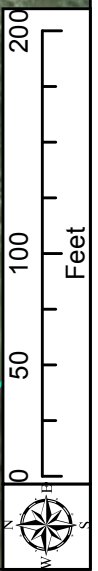
GOV
null

OS
Zoning
Category

0600D02010
RAND KENAN
W JR

0600D02008
RAND
KENAN W JR

0600D02007
FOR C'S
SONS LLC



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"/>
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 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.

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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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