

**Planning and Development Department**

156 CHURCH STREET, HENDERSON, NC 27536

(252) 738-2080 / FAX 738-2089

Staff Report 06/11/2015**Owner:** Flat Rock
United Methodist
Church**Applicant:** Tarheel
Woodcrafters, Inc.**Parcel ID:** 0609
02013**Location:** 2560
Satterwhite Point
Road**Current Zoning:**
(O-I) Office-
Institutional**Public Hearing:**
06/11/2015**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 50 feet to 11.4 feet to allow construction of a 12' x 24' shed.

Exhibits as follows:

- Exhibit 1.** Application
- Exhibit 2.** Site plan
- Exhibit 3.** Letter from surveyor regarding impervious surface
- Exhibit 4.** Adjoining owners map, surrounding zoning and 2013 Aerial
- Exhibit 5.** Variance check sheet

DRAFT Findings of Fact

1. The property is owned by Flat Rock United Methodist Church.
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 50 to 11.4 feet.
3. The lot is located at 2560 Satterwhite Point Road (tax parcel 0609 02013).
4. The lot consists of 1.59 acres.
5. The lot is currently zoned O-I (Office Institutional).
6. The lot currently consists of a church building, storage shed, car shed, and playground.
7. The application requesting the variance was filed on May 14, 2015.
8. The adjoining property owners were notified on May 27, 2015.
9. The property was posted on May 27, 2015.
10. The legal notice was run on May 28, 2015 and June 4, 2015.

Staff Comments

The applicant is proposing to construct a 12' x 24' shed on the east side of the church building. The purpose of this shed is to increase cooking and cleaning space for the church's kitchen. The kitchen is believed to be located where the proposed shed will connect to the church building. Once constructed, the shed would be approximately 11.4' feet from the Mabry Mill Road right of way. There is a concrete wall separating the proposed shed from the off-street parking on Mabry Mill Road. As the site plan illustrates, the property line goes to the center of the road.

The maximum lot coverage for the O-I zoning district is 65%. However, this property falls within the Anderson Creek Watershed and the WS-III-BW (Balance of Watershed) overlay zone which has a 24% built-upon area requirement. If this variance from the front setback requirement is successful, the applicant will seek a special non-residential intensity allocation from the Watershed Review Board, as outlined in the Watershed Protection Ordinance.

In any case, this particular request is only for a variance from the setback requirement to reduce the front setback from 50 ft. to 11.4 ft.



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 #	20150611-1
Fee Paid	\$250.00 ch# 13080
BOA Date	6/11/2015

Property Owner Information

Property Owner: Flat Rock United Methodist Church
Mailing Address: 2560 Satterwhite Pt Rd
City: Henderson State: NC Zip Code: 27537
Phone #: () - Fax #: () -
E-mail Address: _____

Applicant Information

Applicant: Tarheel Woodcrafters, Inc
Mailing Address: 7700 Hicksboro Rd
City: Oxford State: NC Zip Code: 27565
Phone #: (252) 432-3035 Fax #: (252) 492-6953
E-mail Address: tarheelwoodcrafters@Embarqmail.com

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

Property Address: 2560 Satterwhite Pt Rd
Tax Map Number: # 609-2-13 PIN (parcel identification #): # 609-2-13
Type of Petition: Variance request
Existing Zoning: D-1
Acreage: 1.598 Road Frontage: _____
Existing Use: church

Deed Reference

- ☐ Metes and bounds description attached
☒ Site plan/sketch of proposal attached



Vance COUNTY

NORTH CAROLINA

Variance Application

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STATEMENT OF JUSTIFICATION

Application submitted for a variance from the Zoning Ordinance as follows: *Please explain below:*

Would like to build A 12'x24' shed off of Kitchendoor at Church
Would use it for cooking functions at Church. Shed would be
located behind An Existing block wall barrier. Would not interfere
With anything as far as ~~accessing~~ getting any closer to any setbacks
because of the block wall. Will need A 29' VARIANCE

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.)

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

Church is more ~~involved~~ involved in having activities that result in
using the cooking facilities more often. This would make these activities
lot easier for all involved at Church

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



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.)

We will only construct a 12' x 24' lean-to shed on the back of church
with a concrete pad. All building will coordinate with how the
church now looks. Will fit in with existing church building & all other buildings

- (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.)

All public safety & welfare will not be harmed in any way. This
shed would be behind a 3' high barrier wall

Property Owners Signature

Please sign in blue or black ink

Date

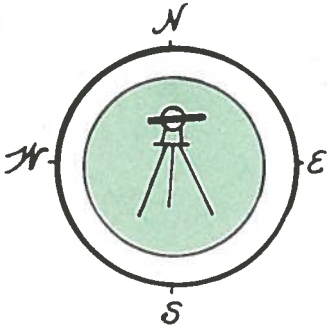
5-21-15

Applicants' Signature

Please sign in blue or black ink

Date

5/11/15



CAWTHORNE & ASSOCIATES

REGISTERED LAND SURVEYORS, P.A.
██████████ 822 DABNEY DRIVE
HENDERSON, NC 27536 919-492-0041

To: Jordan McMillen

March 26, 2015

As per my survey for Flat Rock Methodist Church on March 19, 2015 recorded in the Vance County Register of Deeds office in Plat Book "Y" Page 516, I was able to determine the impervious surfaces. As per my calculations there are approximately 59% of impervious surfaces on the 1.598 acres.

Thank you,

Robert C. Cawthorne
L-3961

0608 02035
HAGWOOD
JAMES S

0608 02009
ELLIS
CHARLES D

Satterwhite Point Rd

0609 01002A
FLAT ROCK
METHODIST CHURCH

Ol
Zoning
Category

0609 02013
FLAT ROCK
METHODIST CHURCH

Maby Mill Rd

0609 01002
KIMBALL
LINDA B

R30
Zoning
Category

0609 02014
GREENE
JAMES HEIRS

0609 02021
COOPER
WILLIAM A JR

0609 02022
COOPER
WILLIAM A JR



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"/>
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 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"/>
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"/>	