



**Staff Report**

**Owner:** Phillip &  
Karen Hagwood

**Applicant:** Phillip  
Hagwood

**Parcel ID:**  
0306 01001

**Location:** 178  
Summer Shores Lane

**Current Zoning:**  
(R-30) Residential  
Low Density

**Public Hearing:**  
02/09/2017

**Prepared by:**  
Amy Sandidge

**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 12 feet to allow construction of a detached garage.

**Exhibits as follows:**

- Exhibit 1.** Application
- Exhibit 2.** 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 Phillip & Karen Hagwood.
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 12 feet.
3. The lot is located at 178 Summer Shores Lane (0306 01001).
4. The lot consists of 0.411 acres according to attached survey.
5. The lot currently consists of a single family dwelling.
6. The lot is currently zoned R-30 (Residential Low Density).
7. The application requesting the variance was filed on January 19, 2017.
8. The adjoining property owners were notified on January 27, 2017.
9. The property was posted on January 30, 2017.

**Staff Comments**

The applicant is proposing to build a detached 30x40 garage as an accessory structure to an existing single family home. The applicant would like to construct the garage to provide protection for their vehicles from the weather. The property is a lake front lot that has some limitations due to the location of the septic system. The septic system is located on the lake side (north end) of the property thus pushing any additional structures to the south end of the property.

The south property boundary is situated along an existing 30' private right-of-way; this ROW has never been cleared and created. Even without the ROW being used today, there is the option for it to be created at some time in the future to service other/future property owners. In the absence of the ROW the standard setback for detached accessory buildings is 10' from the property line.

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 #	20170209-01
Fee Paid	
BOA Date	

JAN 19 2017

**Property Owner Information**

Property Owner: PHILLIP E & KAREN HAWOOD  
Mailing Address: P.O. BOX 355  
City: TOWNSVILLE State: NC Zip Code: 27584  
Phone #: (804) 337-8259 Fax #: ( ) -  
E-mail Address: farheel7375@gmail.com

**Applicant Information**

Applicant: SAME AS ABOVE  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: ( ) - Fax #: ( ) -  
E-mail Address: edacdf

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

Property Address: 178 SUMMER SHORES LANE, HENDERSON, NC 27537  
Tax Map Number: 306-01-011 PIN (parcel identification #): ~~030601001~~  
Type of Petition: HARDSHIP 0306 01011  
Existing Zoning: R-30  
Acreage: 0.41 ACRES Road Frontage: 115'  
Existing Use: PRIVATE RESIDENTIAL

**Deed Reference**

- Metes and bounds description attached
- Site plan/sketch of proposal attached \*

**\* ALREADY PROVIDED TO PLANNING OFFICE**



# 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:*

OWNERS PROPOSE TO CONSTRUCT A 24'X24'  
TWO CAR GARAGE IN SOUTHWEST CORNER OF  
LOT. VARIANCE REQUESTED TO REDUCE DISTANCE  
FROM <sup>REAR</sup> PROPERTY LINE FROM 25' TO 10' DUE TO  
SIZE OF LOT. SETBACK FROM SIDE PROPERTY  
LINE OF 10' WILL BE MET.

### 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.)**

DUE TO THE LOCATION OF THE SEPTIC FIELD  
IN FRONT OF THE HOUSE, IT WAS NOT POSSIBLE  
TO LOCATE THE PRIVATE RESIDENCE ANY CLOSER  
TO THE FRONT PROPERTY LINE.

- 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 LOT BORDERS FEDERAL PROPERTY AND  
DUE TO ITS SMALL SIZE (0.41 ACRES) IT IS  
NOT POSSIBLE TO MEET R-30 SETBACK  
REQUIREMENTS TO CONSTRUCT THIS GARAGE.



# 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.

THIS HARDSHIP DID NOT RESULT FROM  
ACTIONS TAKEN BY THE APPLICANTS &  
CURRENT PROPERTY OWNERS.

- 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.

THE CONSTRUCTION OF THIS GARAGE IS UNTER-  
TAKEN WITHIN THE SPIRIT, PURPOSE AND INTENT  
OF THE ORDINANCE AND IN NO WAY IMPACTS  
PUBLIC SAFETY.

### Property Owners Signature

Phillip E. Haggwood / Karen D. Haggwood Date 1/19/2017  
Please sign in blue or black ink

### Applicants' Signature

Phillip E. Haggwood / Karen D. Haggwood Date 1/19/2017  
Please sign in blue or black ink



Lake Shore Lane

Summer Shores Lane

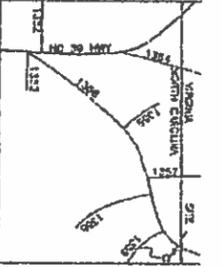
R30

Summer Shores Lane

Hagwood

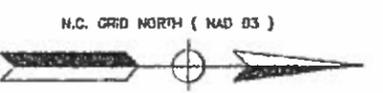
Latta

Rev. Henderson Road



TOTAL SQ. FT. LOT: 17889  
 SQ. FT. DWELLING: 1446  
 SQ. FT. FRONT PORCH: 377  
 SQ. FT. BACK PORCH: 147  
 SQ. FT. SHOWER: 58  
 SQ. FT. CONCRETE: 51  
 SQ. FT. BUILDING: 285  
 SQ. FT. BUILDING DECK: 37  
 SQ. FT. A/C UNITS: 17  
 SQ. FT. PUMP HOUSE: 44  
 SQ. FT. PROPLAN TANK: 20  
 SQ. FT. PROPOSED BUILDING: 578  
 TOTAL UPERVIOUS SURFACES = 3239 SQ. FT.  
 18 % UPERVIOUS SURFACES

U.S.A.  
 BUCCAS ISLAND RESERVOIR  
 (KEER LAKE)  
 TRACT MAP K-1006



NOTE  
 All distances are horizontal  
 ground distances.

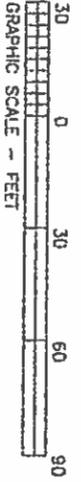
ALL OF THE FOLLOWING PROPERTY MARKERS  
 ARE CONTROL CORNERS UNLESS OTHERWISE  
 NOTED: NRB,NS,NPK,EP,ERS,ERP.

THIS SURVEY HAS BEEN PREPARED WITHOUT  
 THE BENEFIT OF A TITLE REPORT AND  
 DOES NOT THEREFORE NECESSARILY  
 INDICATE ALL ENCUMBRANCES ON THE  
 PROPERTY.

NOTE: Area computed by Coordinate Method

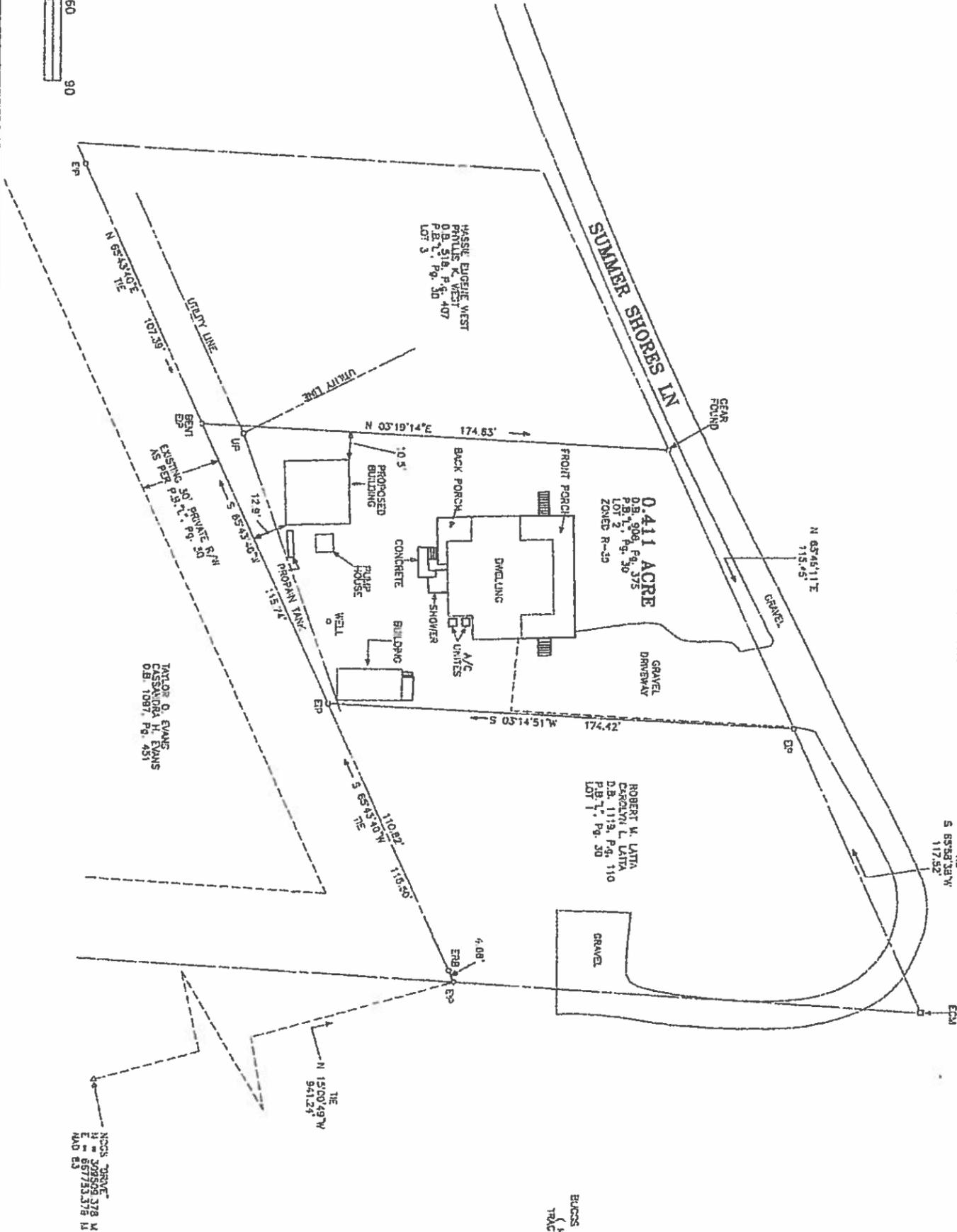
This plot is subject to all  
 easements, agreements and  
 rights of way of record prior  
 to the date of this plot.

- LEGEND
- EP Existing Temporary Pin Found
  - NIP New Iron Pipe Set
  - EIS Existing Iron Spike Found
  - NIS New Iron Spike Set
  - EPK Existing PK Nail Found
  - NPK New PK Nail Set
  - ERB Existing Rebar Found
  - NRB New Rebar Set
  - ERS Existing Railroad Spike Found
  - NRS New Railroad Spike Set
  - ECM Existing Concrete Monument Found
  - ENL Existing Nail Found
  - CP Existing Cast Pipe
  - CB Existing Cast Bolt
  - R/W Right-of-Way
  - UP Utility Pole
  - N/F New or Formerly
  - M/F Mepole Not Found



1. Robert C. Cawthorne, certify that this  
 plot was drawn under my supervision from  
 an actual field survey made under my  
 supervision from deeds referenced on the  
 face of the plot; that any boundaries not  
 surveyed are clearly indicated on the  
 face of this plat; that the ratio of pre-  
 cision as calculated is 1 : 10,000. That  
 the plot was prepared in accordance with  
 the laws of the State of North Carolina,  
 and I am a duly Licensed Professional Sur-  
 veyor, License No. 21,157, of  
 DECEMBER, 2016

Robert C. Cawthorne, P.L.S. L-3961



U.S.A.  
 BUCCAS ISLAND RESERVOIR  
 (KEER LAKE)  
 TRACT MAP K-1006

I certify that this survey is of an  
 existing parcel or parcels of land  
 and does not create a new street  
 or change an existing street.

Robert C. Cawthorne, P.L.S. L-3961

PRELIMINARY  
 OR  
 PROPOSAL  
 NOT FOR SALES,  
 CONVEYANCES OR  
 RECORDATION

# CAWTHORNE & ASSOCIATES

Registered Land Surveyors, P.A.  
 License No.: C-0378  
 822 Dabney Drive  
 Henderson, North Carolina 27536  
 Phone # 252-492-0041 Fax # 252-492-2846

# SURVEY FOR PHILLIP E. HAGWOOD KAREN D. HAGWOOD

OWNER - PHILLIP & KAREN HAGWOOD  
 TOWNSVILLE TOWNSHIP  
 VANCE COUNTY, NORTH CAROLINA  
 SCALE 1" = 30' DECEMBER 21, 2016  
 FILE # 91-16-056-L  
 TAX MAP # 306-1-11