



Staff Report

Owner: Robert & Carolyn Latta

Applicant: Robert Latta

Parcel ID:
0306 01012

Location: 182
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 10 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 Robert & Carolyn Latta.
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 10 feet.
3. The lot is located at 182 Summer Shores Lane (0306 01012).
4. The property is a lakefront lot with the primary structure facing north to the lake.
5. The lot consists of 0.405 acres according to attached survey.
6. The lot currently consists of a single family dwelling with an established septic system.
7. The lot is currently zoned R-30 (Residential Low Density).
8. The southern boundary of the property faces an existing 30' easement.
9. The maximum lot coverage for this lot is 20%.
10. The application requesting the variance was filed on January 19, 2017.
11. The adjoining property owners were notified on January 26, 2017.
12. The property was posted on January 30, 2017.

Staff Comments

The applicant is proposing to build a detached maximum 700 square foot garage as an accessory structure to an existing single family home. The applicant would like to construct the structure to provide protection for their vehicles from the weather. At the time of application the exact dimensions of the proposed garage were not available but a review of the site plan determined that the maximum square footage the Lattas' could build and stay below their maximum impervious surface ratio. If the variance is approved this will be a review item on the building permit that they apply for.

The property is a lake front lot that also 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 #	
Fee Paid	
BOA Date	

Property Owner Information

Property Owner: Robert and Carolyn Latta
 Mailing Address: 182 Summer Shores Lane
 City: Henderson State: NC Zip Code: 27537
 Phone #: (919) 819 - 0248 Fax #: () -
 E-mail Address: rlatta531@gmail.com

Applicant Information

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

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

Property Address: 182 Summer Shores Lane, Henderson, NC 27537
 Tax Map Number: 0306 01012 PIN (parcel identification #): 0306 01012
 Type of Petition: Hardship
 Existing Zoning: R-30
 Acreage: 0.41 acres Road Frontage: 116'
 Existing Use: Private residence

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:*

Owners propose to construct a 26' x 28' two car garage in the south west corner of the lot. Variance requested to reduce distance from rear of property line from 25' to 5' to 10' due to size of lot. Set back from side property line of 10' to 5'.

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 undertaken within the spirit, purpose and intent of the ordinance and in no way impacts public safety.

Property Owners Signature

Robert M. Latta
Carly Latta

Please sign in blue or black ink

Date

1-19-17
1/19/17

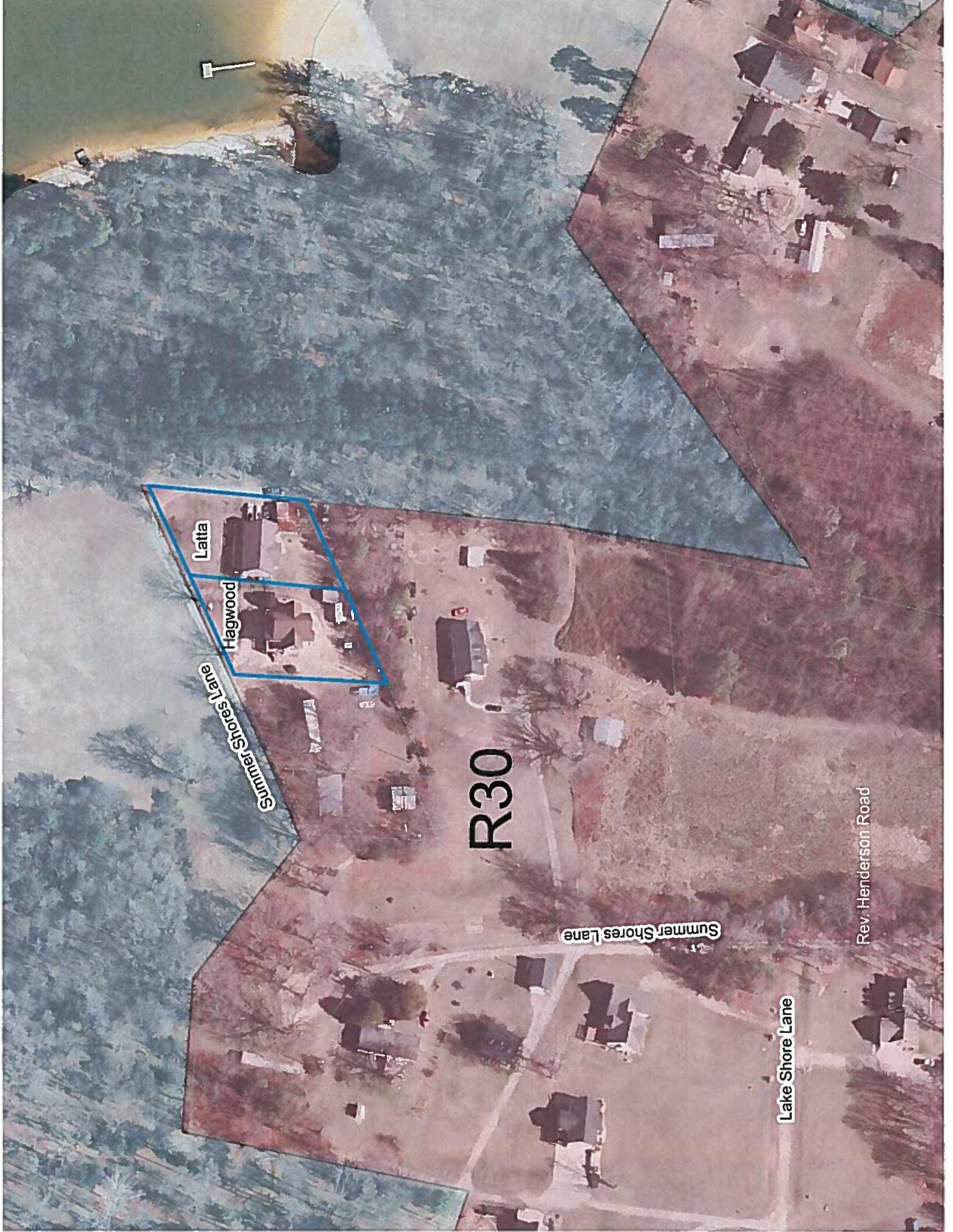
Applicants' Signature

Robert M. Latta
Carly Latta

Please sign in blue or black ink

Date

1-19-17
1/19/17



Latta

Hagwood

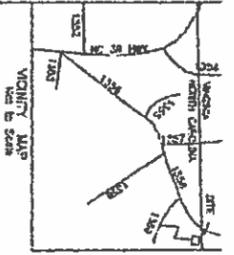
Summer Shores Lane

R30

Summer Shores Lane

Lake Shore Lane

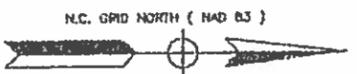
Rev. Henderson Road



TOTAL SQ. FT. LOT: 17953
 SQ. FT. DWELLING: 1028
 SQ. FT. FRONT PORCH: 670
 SQ. FT. BACK PORCH: 191
 SQ. FT. A/C UNIT: 37
 SQ. FT. PROPOSED GAS B
 SQ. FT. PROPOSED BUILDING 700
 TOTAL IMPERVIOUS SURFACES = 3465 SQ. FT.
 20% IMPERVIOUS SURFACES

U.S.A.
 BLOOD ISLAND RESERVOIR
 (KERR LAKE)
 TRACT MAP K-1008

U.S.A.
 BLOOD ISLAND RESERVOIR
 (KERR LAKE)
 TRACT MAP K-1005



NOTE
 All distances are horizontal
 ground distances.

ALL OF THE FOLLOWING PROPERTY MARKERS
 ARE CONTROL CORNERS UNLESS OTHERWISE
 NOTED: N81°43'16"E; E185.05' E; E185.05' E;

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

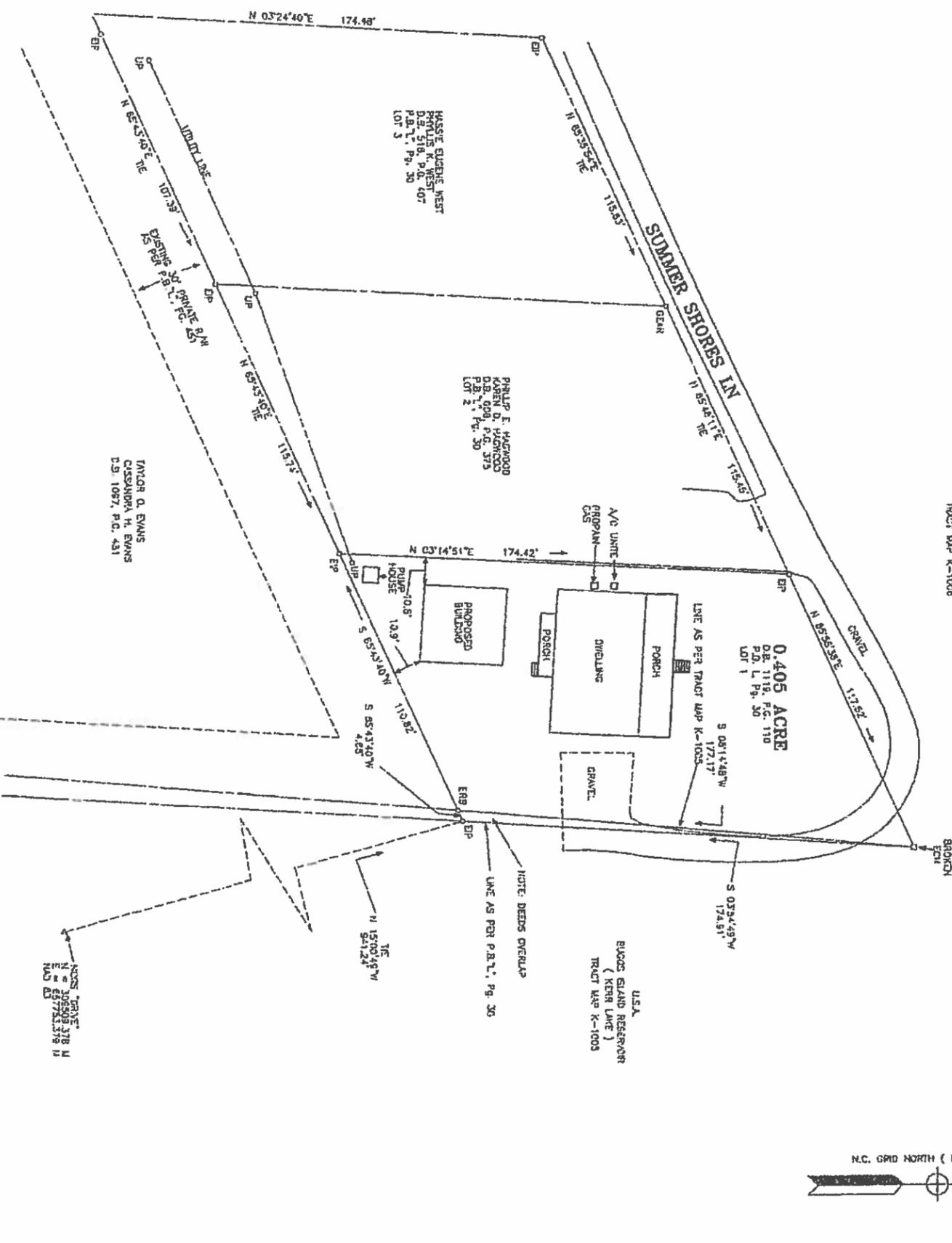
This plot is subject to all
 easements, agreements and
 rights of way of record prior
 to the date of this plat.

- LEGEND
- GP Existing Iron Pin Found
 - HP New Iron Pin Set
 - ES Existing Iron Spike Found
 - NS New Iron Spike Set
 - WP Existing Wood Post Found
 - WPX Existing Wood Post Found
 - EB Existing Rubber Found
 - NRS New Rubber Set
 - ERS Existing Railroad Spike Found
 - MRS New Railroad Spike Set
 - MS Existing Concrete Monument Found
 - ECM Existing Concrete Monument Found
 - EP Existing Nail Found
 - CP Existing Concrete Post Found
 - JK Existing Johnson Stake Lumbs
 - R/W Right-of-Way
 - UP Utility Pole
 - N/F Nail or Forestry
 - MSA Measure Not Found



I, Robert C. Dawthorne, 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 this plat, and that the distances
 shown on this plat, that the ratio of pre-
 scription or calculated in 1 : 10,000. This
 plot was prepared in accordance with
 G.S. 47-30 as amended. Witness my sig-
 natures, registration number and
 seal this 21 day of DECEMBER, 2018

Robert C. Dawthorne, P.L.S. L-3061



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

Robert C. Dawthorne, P.L.S. L-3061

PRELIMINARY
 SURVEY
 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
ROBERT M. LATTA
CAROLYN L. LATTA
 OWNER - ROBERT AND CAROLYN LATTA
 TOWNVILLE TOWNSHIP
 VANCE COUNTY, NORTH CAROLINA
 SCALE 1" = 30' DECEMBER 21, 2015
 FILE # 91-16-059
 TAX MAP # 306-1-12