



Franklin County Communique to the Board of Adjustment

REQUEST FOR VARIANCE 21-VAR-04 Cedar Creek Rd/Lane Store Rd

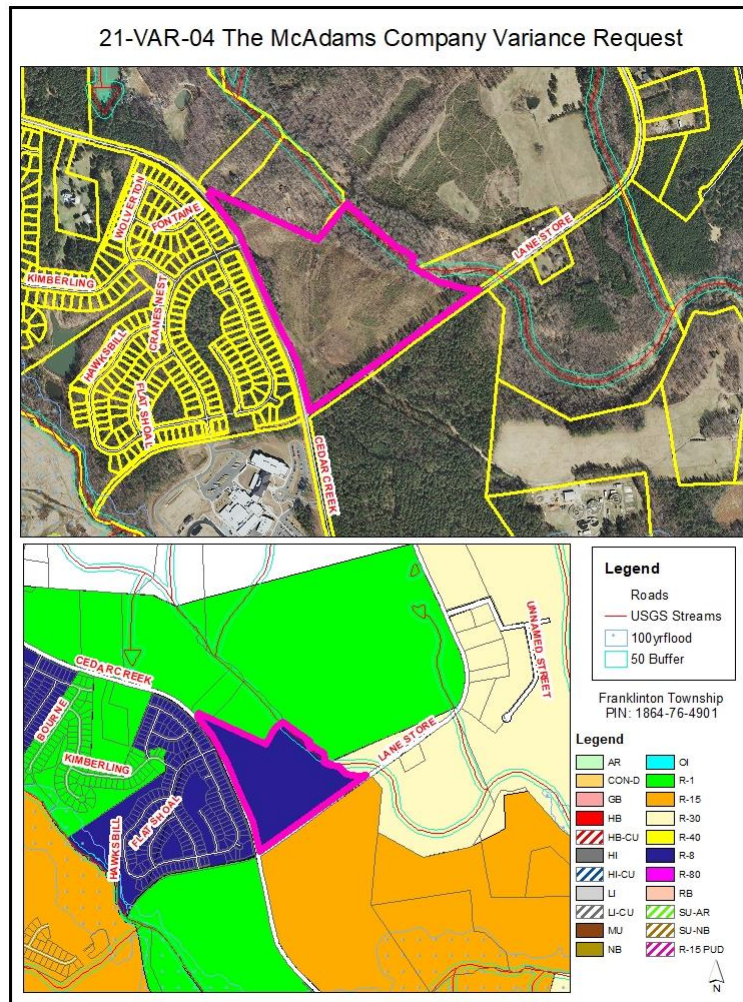
PETITIONER(S):

Name of Petitioner: Brad Rhinehalt, The McAdams Company
Address: 2905 Medrian Parkway
CityStateZip: Durham, NC 27713

OWNER(S):

Name of Owner: AF Forest City, LLC
Address: 1330 Sunday Dr. Ste 105
CityStateZip: Raleigh, NC 27606

LOCATION:



ATTACHMENTS:

Variance Application
Site Plan (21-CUP-02 Packets)

PARCEL INFORMATION

OWNER	PARCEL #	ZONING	AREA
AF Forest City, LLC	1864-76-4901	R-8	7.85 of 43.02
TOTAL			7.58 of 43.02 Acres

ADJACENT PROPERTY SITE DATA

	ZONING	LAND USE
Subject Property	R-8	Wooded
North	R-1	Residential Single Family
South	R-15	Wooded
East	R-1	Wooded
West	R-8	Residential (Cedar Crossing Subdivision

VARIANCE REQUEST

Variance 21-VAR-04 requested by Brad Rhinehalt, The McAdams Company to allow for a Variance from Article 8. Table of Area, Height, and Yard Requirements (Multifamily Dwellings/Townhomes) minimum lot size of 8,000 square feet to 2,000 square feet for the first two dwelling units and a reduction of the 2,000 square feet to 1,800 square feet for each additional dwelling unit for the property located at Cedar Creek Rd and Lane Store Rd, PIN: 1864-76-4901.

UDO Requirements:

Article 8. Table of Area, Height, and Yard Requirements

District	Minimum Lot Size	Minimum Yard Regulations			
		Frontage In Feet	Front	Side	Rear
Multifamily Dwellings/Townhomes	8,000 square feet for the first two dwelling units and 2,000 for each additional dwelling unit	75'	25'	6'	25'

BACKGROUND INFORMATION

The applicant is requesting a variance from Article 8. Table of Area, Height, and Yard Requirements (Multifamily Dwellings/Townhomes) to allow for a reduction of the 8,000 square feet minimum lot size to 2,000 square feet for the first two dwelling units and a reduction of the 2,000 square feet minimum to 1,800 square feet for each additional dwelling unit. The attached preliminary plans indicate that the proposed density will be 11.21 dwelling units per acre. The variance petition states that the property contains significant streams and wetlands areas that restrict the development envelope. In addition, the petition states that the variance will allow the dwelling units to feature uniform lot widths and depths, adequate driveway lengths, and open space amenities throughout the neighborhood.

BOARD OF ADJUSTMENT FINDINGS

NOTE: Board of Adjustment Members should use the following area to make notes on evidence presented related to each of the required Findings as it is presented during the public hearing.

Section 24-2, (B) A variance may be granted by the board of adjustment if it concludes that strict enforcement of the Ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of a variance, no reasonable use be made of the property.

FINDING ___ Yes ___ No

- (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.

FINDING ___ Yes ___ No

- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that the circumstances exist that may justify granting or a variance shall not be regarded as self-created hardship

FINDING ___ Yes ___ No

- (4) The requested variance is consistent with the spirit, purposes, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

FINDING ___ Yes ___ No

In granting any variance, the Board of Adjustment may impose reasonable conditions concerning the use or development of the subject property to:

- a. insure that the criteria for the granting of such approval will be complied with; and*
- b. reduce or minimize any potentially injurious effect of the variance of development standards on adjoining properties, the character of the neighborhood, or the health, safety, morals, or general welfare of the community.*

BOARD OF ADJUSTMENT MOTION

Please note that 4/5 vote is required for approval of all motions.

Suggested Motion #1:

I move to affirm that the Findings of Fact located within Section 24-2 (B) (Variances) of the UDO, have/have not been satisfied for the variance(s) requested for the property located at Cedar Creek Rd and Lane Store Rd, Franklin County PIN 1864-76-4901.

Suggested Motion #2:

Based upon the Board's Findings of Fact, I move to approve/deny the Variance 21-VAR-04 requested by Brand Rhinehalt, The McAdams Company, to allow for a Variance from the Unified Development Ordinance, Article 8. Table of Area, Height, and Yard Requirements, (Multifamily Dwellings/Townhomes) to allow for a reduction of the 8,000 square feet minimum lot size to 2,000 square feet for the first two dwelling units and a reduction of the 2,000 square feet minimum to 1,800 square feet for each additional dwelling unit.