



Franklin County Communique to the Board of Adjustment

REQUEST FOR VARIANCE 15-VAR-04 86 Admiralty Way

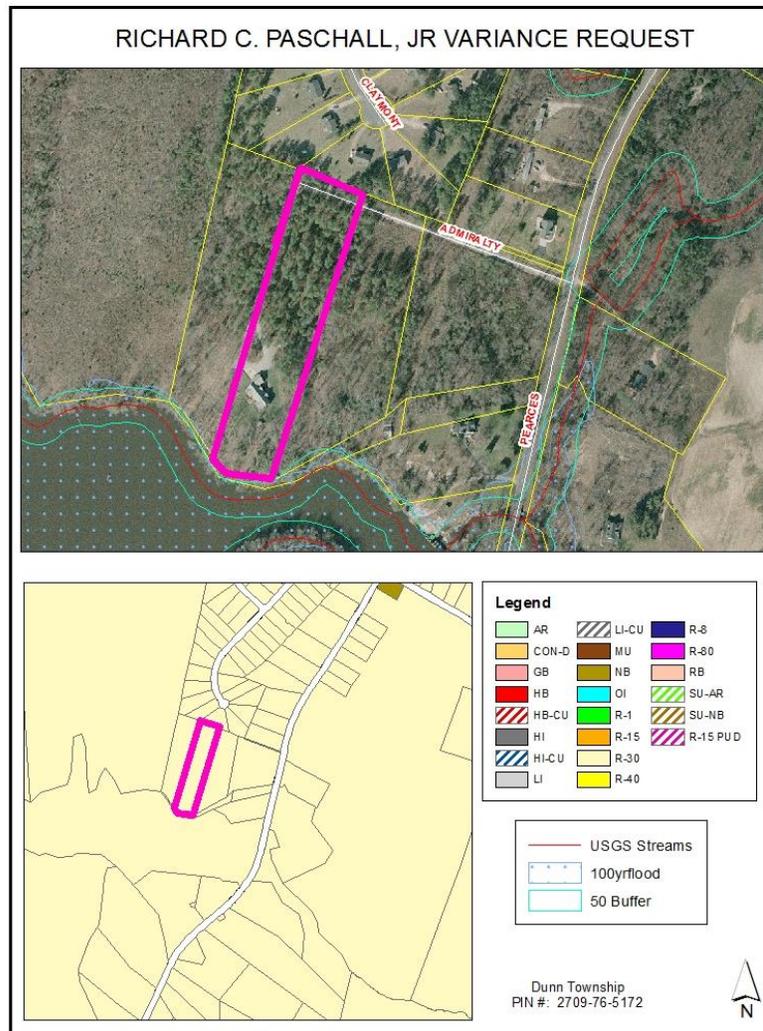
PETITIONER(S):

Name of Petitioner: Richard Paschall, Jr & Patricia Elizabeth Paschall
Address: 86 Admiralty Way
CityStateZip: Zebulon, NC 27597

OWNER(S):

Name of Owner: Same
Address:
CityStateZip:

LOCATION:



ATTACHMENTS:

Variance Application
Site Plan/Aerial Photo

PARCEL INFORMATION

OWNER	PARCEL #	ZONING	AREA
Richard C., Jr. & Patricia Paschall	2709-76-5172	R-30	3.68
TOTAL			3.68

ADJACENT PROPERTY SITE DATA

	ZONING	LAND USE
Subject Property	R-30	Residential
North	R-30	Residential
South	R-30	Lake/Pond
East	R-30	Residential/Vacant
West	R-30	Residential/Vacant

VARIANCE REQUEST

Variance 15-VAR-04 requested by Richard C. Paschall, Jr. & Patricia Elizabeth Paschall to allow for a Variance from the Unified Development Ordinance Article 6-2: Note 4 (Accessory Uses, Buildings, and Structures) (I) to allow for the placement of an Accessory Structure past the front façade of the principal structure.

UDO Requirements:

Note 4. Accessory Uses, Buildings, and Structures. Accessory uses are permitted in any zoning district in accordance with the following regulations:

- (A) An accessory building, structure, or use is a building, structure, or use on the same lot or site with, of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure.
- (B) Accessory uses to single and two-family dwellings, and multi-family dwellings may not include commercial uses, except as permitted as home occupations or for multi-family dwellings, as allowed by the Board of Adjustment.
- (C) Residences for watchmen and caretakers are permitted accessory uses to research and industrial uses.
- (D) No accessory building shall exceed thirty-five (35) feet in height, nor shall any accessory building exceed the principal building in height.
- (E) An accessory building sharing one (1) or more common walls with the principal building shall be considered part of the principal building for purposes of this ordinance and must meet all yard requirements applied to the principal building.

- (F) No detached accessory building or use shall be located closer than ten (10) feet to any other building or mobile home.
- (G) Accessory buildings or uses shall be placed in the rear yard only on corner lots, and in the rear or side yard of other lots.
- (H) No accessory building or recreational structure may extend within ten (10) feet of a lot line, nor within twenty (20) feet of a street right-of-way line.
- (I) *AR, R-30 & R-40 Districts.* Accessory structures or buildings may be located in front of the principal structure if the parcel is five (5) acres or more in size and the accessory structure is set back two hundred (200) feet from any right-of-way. In no case may the accessory structure encroach into any building setback.
- (J) No accessory structure or building except utility substations shall be erected in any easements.
- (K) Class A, B, or C manufactured homes or recreational vehicles may not be used for accessory structures.

BACKGROUND INFORMATION

The Petitioner would like to build an accessory structure on their property. The UDO prohibits Accessory structures from being placed past the front facade of the principal structure. Mr. Paschall is petitioning the board for a variance from Section 6-2 Note 4. (G) of the Unified Development Ordinance in order to place an accessory building (Carport) in the front yard. The property is located within the R-30 zoning district. It is less than five (5) acres in size therefore; it does not meet section (I) of Note 4. It states that accessory structures or buildings may be located in front of the principal structure if the parcel is five (5) acres or more in size and the accessory structure is setback two hundred (200) feet from any right-of-way. In no case may the accessory structure encroach into any building setback. The variance petition states that the applicant would like to install a carport to protect a travel trailer from the weather. The applicant has noted within the petition that the proposed location is the best available location without impacting the septic system and underground wiring. If the variance is granted, Mr. Paschall plans to erect a 12' W X31' L X 13' H carport on his property. The attached site plan indicates the proposed location for this structure being over 400 feet from the Admiralty Way. Additionally the aerial photography shows a heavily wooded area between the proposed carport location and Admiralty Way.

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

- (2) 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 86 Admiralty Way., Franklin County PIN 2709-76-5172.

Suggested Motion #2:

Based upon the Board's Findings of Fact, I move to approve/deny the Variance requested by Mr. Paschall, to allow for a Variance from the Unified Development Ordinance, Article 6-2 (Accessory Uses, Buildings, and Structures) Note 4. (G), for the placement of an Accessory Structure past the front façade of the principal structure 86 Admiralty Way Franklin County PIN 2709-76-5172.