



# Franklin County Communique to the Board of Adjustment

## REQUEST FOR VARIANCE 15-VAR-05 1309 Sagamore Dr.

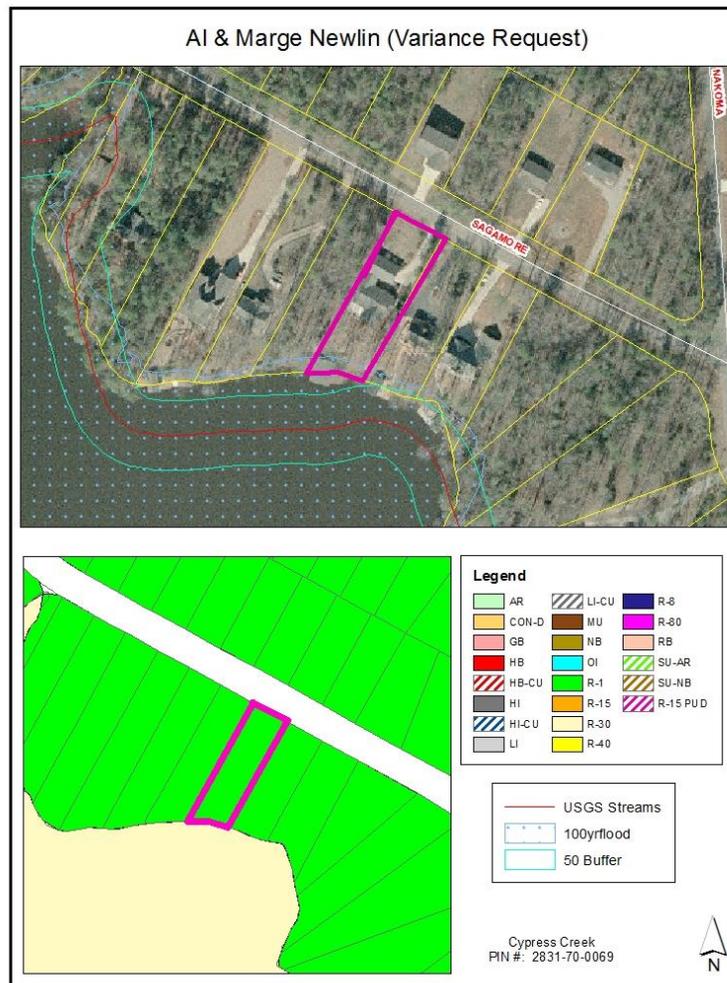
### PETITIONER(S):

Name of Petitioner: Al & Marge Newlin  
Address: 718 Millbrook Dr.  
CityStateZip: Pittsboro, NC 27312

### OWNER(S):

Name of Owner: Same  
Address:  
CityStateZip:

### LOCATION:



### ATTACHMENTS:

Variance of Application  
Site Plan

**PARCEL INFORMATION**

OWNER	PARCEL #	ZONING	AREA
Al & Marge Newlin	2831-70-0069	AR	0.428
<b>TOTAL</b>			<b>0.428 Acres</b>

**ADJACENT PROPERTY SITE DATA**

	ZONING	LAND USE
<b>Subject Property</b>	R-1	Residential
<b>North</b>	R-1	Residential
<b>South</b>	R-1	Residential
<b>East</b>	R-1	Residential
<b>West</b>	R-1	Residential

**VARIANCE REQUEST**

Variance 15-VAR-05 requested by Al & Marge Newlin to allow for a Variance from the Unified Development Ordinance Article 8, Table of Area, Yard and Height Requirements, to allow for a reduction of the side setback requirement from ten (10) feet to five (5) feet for the property located at 1309 Sagamore Dr. Franklin County PIN 2831-70-0069.

**UDO Requirements:**

**ARTICLE 8. TABLE OF AREA, YARD, AND HEIGHT REQUIREMENTS** (See Notes 1 through 8)

DISTRICT	MINIMUM LOT SIZE			MINIMUM YARD REGULATIONS <sup>1</sup>		
	Area in Sq.Ft.	Sq.Ft. per Dwelling Unit	Frontage In Feet	Front Yard Setback in Feet	Side Yard Width in Feet	Rear Yard Depth in Feet
R-1	30,000		100	30	10	25

**BACKGROUND INFORMATION**

The applicant is petitioning the board for a variance from the side setback requirement. The existing single-family dwelling is encroaching the side setback by one (1) foot and the existing boat house is encroaching the side setback by five (5) feet. According to the UDO, the setbacks for Residential-1 (R-1) lots at Lake Royale are 30' Front, 10' Side, and 25' Rear. As indicated on the attached site plan, the applicant would require a side setback reduction to nine (9) feet for the single-family dwelling and a side setback reduction to five (5) feet for the boathouse. The applicant has stated within the petition that the adjoining landowners are not willing to work out a land trade to eliminate the encroachment. The petition states that the owner's bought the property based on a pre-existing survey and subsequently built an extension and boat house based on the pre-existing survey. The applicant further states that the boat house was built to adapt to the land conditions found at the water's edge at time of construction.

**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.

A variance may be granted by the board of adjustment if it concludes that strict enforcement of the Ordinance would result in 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

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- (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

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- (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

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- (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

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***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) of the UDO, have/have not been satisfied for the variance(s) requested for the property located at 1309 Sagamore Dr., Franklin County PIN 2831-70-0069.**

**Suggested Motion #2:**

**Based upon the Board's Findings of Fact, I move to approve/deny Variance requested by Al & Marge Newlin to allow for a Variance from the Unified Development Ordinance, Article 8, Table of Area, Yard and Height Requirements, to allow for a reduction of the side setback requirement from ten (10) feet to nine (9) feet for the existing single-family dwelling and a side setback reduction from ten (10) feet to five (5) feet for the existing boathouse located at 1309 Sagamore Dr., Franklin County PIN 2831-70-0069.**