



Franklin County Communique to the Board of Adjustment

REQUEST FOR VARIANCE

16-VAR-01

1935 West Green St.

PETITIONER(S):

Name of Petitioner: Jordan Chapel Church

Address: 1926 Alert Rd.

CityStateZip: Warrenton, NC 27589

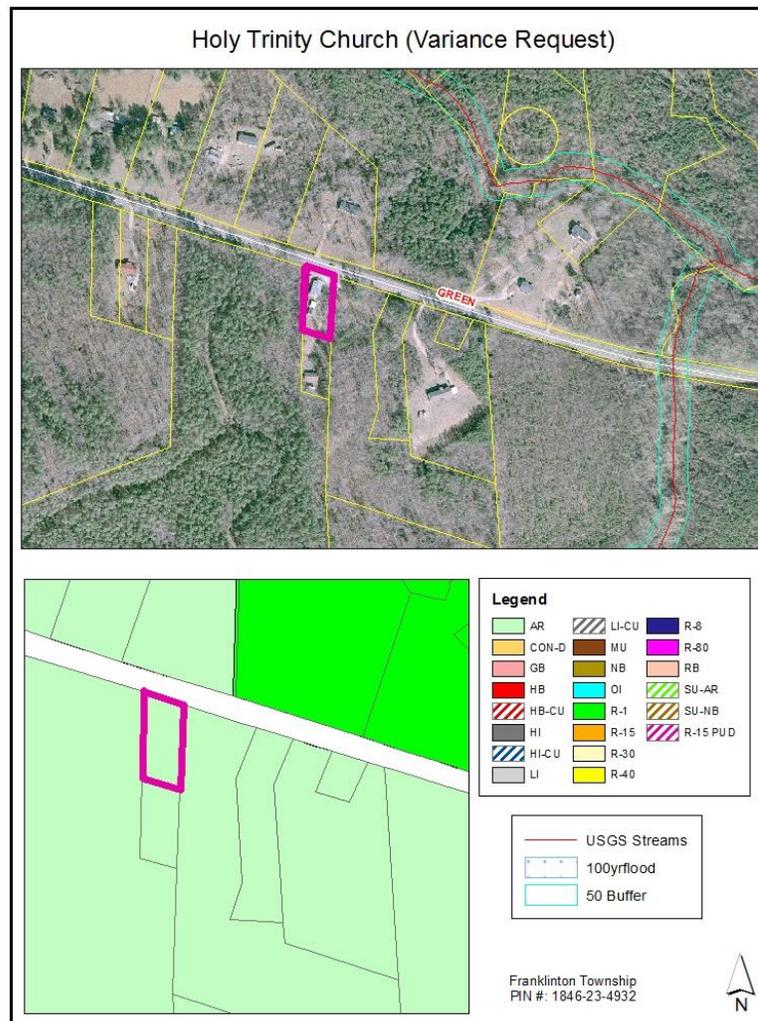
OWNER(S):

Name of Owner: Same

Address:

CityStateZip:

LOCATION:



ATTACHMENTS:

Variance of Application

Site Plan

PARCEL INFORMATION

OWNER	PARCEL #	ZONING	AREA
Holy Trinity Church	1846-23-4932	AR (Agricultural Residential)	0.483
TOTAL			0.483 Acres

ADJACENT PROPERTY SITE DATA

	ZONING	LAND USE
Subject Property	AR (Agricultural Residential)	Non-Residential (Church)
North	AR (Agricultural Residential)	Residential
South	AR (Agricultural Residential)	Residential
East	AR (Agricultural Residential)	Residential
West	AR (Agricultural Residential)	Residential

VARIANCE REQUEST

Variance 16-VAR-01 requested by Holy Trinity Church 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 Front setback requirements from 40 feet to 11.2 feet for the property located at 1935 West Green St. Franklin County PIN 1846-23-4932.

UDO Requirements:

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

DISTRICT	MINIMUM LOT SIZE			MINIMUM YARD REGULATIONS ¹		
	Area in Sq.Ft.	Sq.Ft. per Dwelling Unit	Frontage In Feet	Front Yard Setback in Feet ²	Side Yard Width in Feet	Rear Yard Depth in Feet
AR and all other Residential with:						
Well and Septic Tank						
Single-family dwellings	30,000		100	30	10	25
Manufactured homes	30,000		100	30	10	25
Family care homes	30,000		100	30	10	25
Non-residential uses	40,000		150	40	30	50
Two-family dwellings	45,000		90	30	10	25

¹See Section 8-2.

²Primary structures on corner lots in residential districts with two intersecting streets may reduce the required front yard setback for the secondary front yard by one third (1/3). This provision is not applicable to subdivisions developed under Article 10 of this Ordinance. For purposes of this provision, “Secondary front yard” is defined as the yard that includes the side elevation of the structure which faces a street on a corner.

BACKGROUND INFORMATION

The applicant is petitioning the board for a variance from the front setback requirement in order add a 12' X 16' Pastor's study to the existing structure. The structure is an existing nonconformity, and granting a variance would increase its nonconforming status. The existing structure is 33.6 feet from the front property line and 23.9' from the side property line which does not meet current UDO standards. The parcel does not meet the required minimum lot size for non-residential uses in the Agricultural-Residential (AR) zoning district. There is an existing 20' foot access easement along the eastern property line. Primary structures must meet front setback requirements of the underlying zoning district when there is an access easement on the property. The proposed Pastor's study would be 11.2 feet from the existing access easement. According to the UDO, the front setback for non-residential uses in the AR district is 40 feet. As indicated on the attached site plan, the applicant would require a setback reduction to 11.2 feet in order to construct the addition.

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) of the UDO, have/have not been satisfied for the variance(s) requested for the property located at 1935 West Green St., Franklin County PIN 1846-23-4932.

Suggested Motion #2:

Based upon the Board's Findings of Fact, I move to approve/deny Variance requested by Jordan Chapel Church 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 front setback requirements from 40 feet to 11.2 feet for the property located at 1935 West Green St., Franklin County PIN 1846-23-4932.