



Franklin County Communique to the Board of Adjustment

REQUEST FOR VARIANCE

16-VAR-03

244 Shawnee Dr.

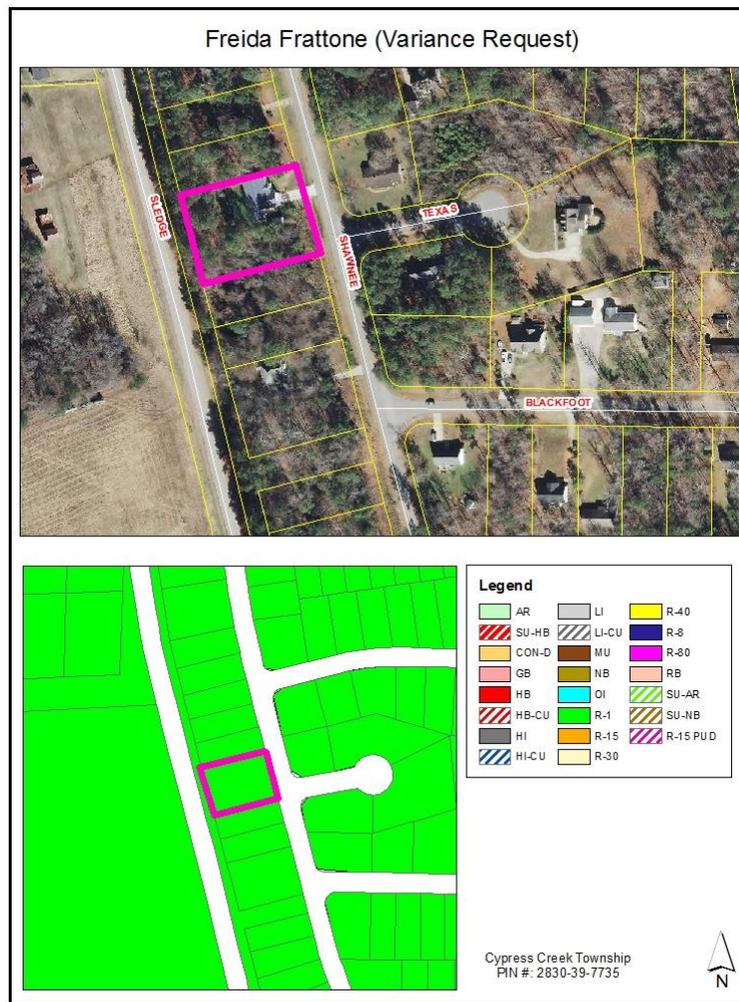
PETITIONER(S):

Name of Petitioner: Freida Frattone
Address: 128 Lake Royale
CityStateZip: Louisburg, NC 27549

OWNER(S):

Name of Owner: William & Jan Peguignot
Address: 113 Lake Royale
CityStateZip: Louisburg, NC 27549

LOCATION:



ATTACHMENTS:

Variance of Application
Site Plan

PARCEL INFORMATION

OWNER	PARCEL #	ZONING	AREA
William & Jan Peguignot	2830-39-7735	R-1	.68
TOTAL			.68 Acres

ADJACENT PROPERTY SITE DATA

	ZONING	LAND USE
Subject Property	R-1	Residential-Single Family
North	R-1	Residential-Vacant Lot
South	R-1	Residential-Vacant Lot
East	R-1	Residential-Open Space
West	R-1	Residential-Single Family

VARIANCE REQUEST

Variance 16-VAR-03 requested by Freida Frattone 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 10 feet to 9.7 feet for the property located at 244 Shawnee Dr. Franklin County PIN 2830-39-7735.

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	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 requirements. The existing single-family structure is encroaching the side setback by five (5) inches. According to the UDO, the setbacks for Residential-1 (R-1) are 30' Front, 10' Side, and 25' Rear. As indicated on the attached site plan, the applicant would require a side setback reduction of five (5) inches. The applicant stated within the petition that the builder who built the home too close to the property line is no longer in business. The Certificate of Occupancy was issued on February 24, 2009. The application further states that the encroachment was unknown to the owners until William Dement, land surveyor discovered error. She stated the variance is needed in order to sell the property.

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) of the UDO, have/have not been satisfied for the variance(s) requested for the property located at 244 Shawnee Dr, Franklin County PIN 2830-39-7735.

Suggested Motion #2:

Based upon the Board's Findings of Fact, I move to approve/deny Variance requested by Freida Frattone 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 10 feet to 9.7 feet for the property located at 244 Shawnee Dr., Franklin County PIN 2830-39-7735.