



Franklin County Communique to the Board of Adjustment

REQUEST FOR VARIANCE

16-VAR-05

111 Hopi Dr.

PETITIONER(S):

Name of Petitioner: Lacy Ellis Autry & Dale Autry
Address: 1412 MacArthur St.
CityStateZip: Lumberton, NC 28358

OWNER(S):

Name of Owner: Same
Address:
CityStateZip:

LOCATION:



ATTACHMENTS:

Variance Application
Existing Conditions Site Map
Franklin County Health Department Septic Tank Improvement Permit/Layout

PARCEL INFORMATION

OWNER	PARCEL #	ZONING	AREA
Lacy Ellis Autry & Dale Autry	2831-63-7202	AR	0.14
TOTAL			0.14 Acres

ADJACENT PROPERTY SITE DATA

	ZONING	LAND USE
Subject Property	AR	Camper Lot
North	AR	Camper Lot
South	AR	Camper Lot
East	AR	Camper Lot
West	AR	Camper Lot

VARIANCE REQUEST

Variance 16-VAR-05 requested by Lacy Ellis Autry & Dale Autry to allow for a Variance from the Unified Development Ordinance Article 8, Table of Area, Yard and Height Requirements, for a reduction of the front setback requirement from 30 feet to 29 feet and side setback reduction from five (5) feet to 4.6 feet for the property located at 111 Hopi Dr. Franklin County PIN 2831-63-7202.

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
Existing Camp Lots at Lake Royale				30	5	5

BACKGROUND INFORMATION

The applicant is petitioning the board for a variance from the front and side setback requirements. According to the UDO, the setbacks for existing camp lots at Lake Royale are 30' Front, 5' Side, and 5' Rear. As indicated on the attached site plan, the applicant would require a front setback reduction of one (1) foot and side setback reduction of six (6) inches. The applicant has stated within the petition that all structures have been in place for several years and will be damaged if moved due to their age. The applicant further states that the builder who constructed all of the buildings on the property is now deceased. The setback violation was discovered once the property was in process of being sold. Without a variance they would not be able to sell 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.

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 111 Hopi Dr., Franklin County PIN 2831-63-7202.

Suggested Motion #2:

Based upon the Board's Findings of Fact, I move to approve/deny Variance requested by Lacy Ellis Autry & Dale Autry 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 front setback requirement from 30 feet to 29 feet and reduction of the side setback requirement from five (5) feet to four (4) feet six (6) inches for the property located at 111 Hopi Dr., Franklin County PIN 2831-63-7202.