



# Franklin County Communique to the Board of Adjustment

## REQUEST FOR VARIANCE 17-VAR-02 70 Cooke Rd

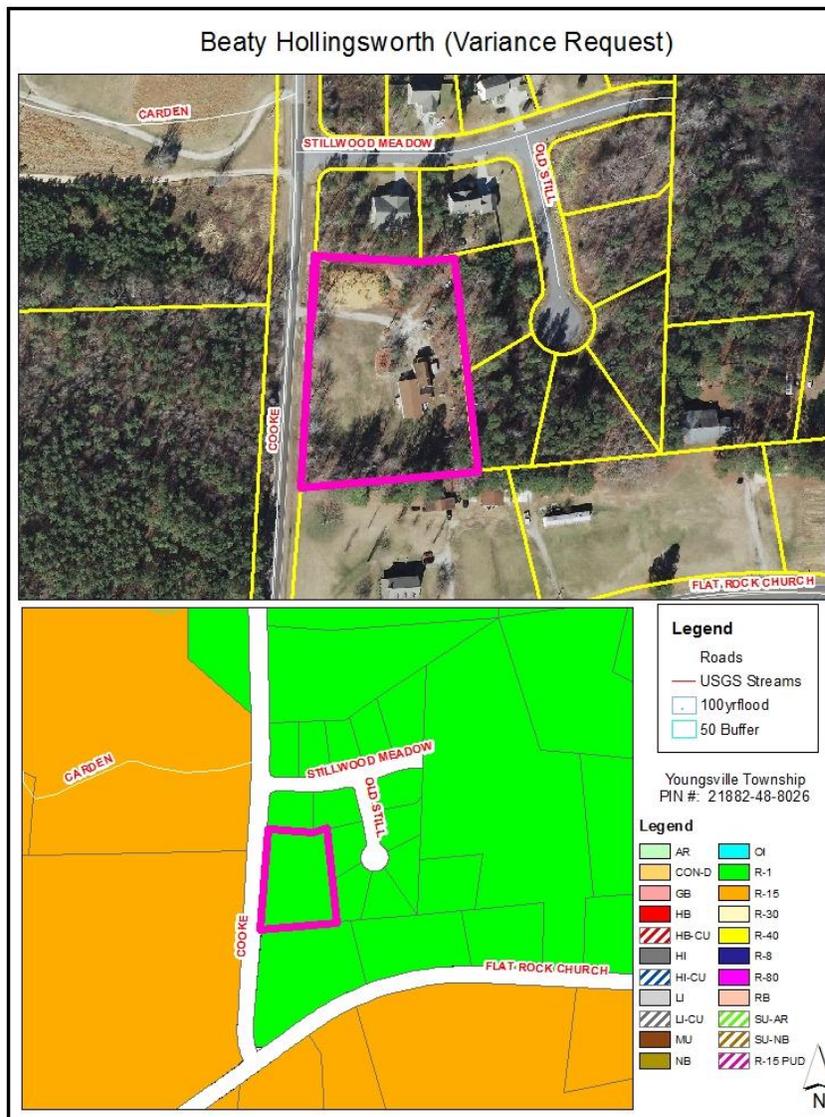
**PETITIONER(S):**

Name of Petitioner: Beaty Hollingsworth  
Address: 70 Cooke Rd  
CityStateZip: Louisburg, NC 27549

**OWNER(S):**

Name of Owner: Same  
Address:  
CityStateZip:

**LOCATION:**



**ATTACHMENTS:**

Variance Application  
Site Plan/Aerial Photo

**PARCEL INFORMATION**

<b>OWNER</b>	<b>PARCEL #</b>	<b>ZONING</b>	<b>AREA</b>
Beaty Hollingsworth	1882-48-8026	R-1	1.91
<b>TOTAL</b>			<b>1.91</b>

**ADJACENT PROPERTY SITE DATA**

	<b>ZONING</b>	<b>LAND USE</b>
<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-15	Residential/Vacant

**VARIANCE REQUEST**

**Variance 17-VAR-02 requested by Beaty Hollingsworth to allow for a Variance from the Unified Development Ordinance Article 6-2: Note 3 (Accessory Uses, Buildings, and Structures) (H) to allow for the placement of an Accessory Structure larger than half the heated floor area of the principal structure past the front façade of the principal structure at 70 Cooke Rd. PIN: 1882-48-8026.**

**UDO Requirements:**

*Note 3. 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) Accessory structures shall not exceed the maximum height of structure as noted in Article 8. Table of Area Height, and Yard Requirements of this Ordinance.
- (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) Swimming Pools shall be placed in the rear yard only on corner lots, and in the rear or side yard of other lots.
- (H) One Accessory building structure may be placed past the front or side façade of the principal structure provided that the accessory structure does not exceed half the heated floor area of the principal structure, does not exceed the height of the principal structure, and is no closer than the required front setback of the underlying zoning district.
- (I) 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.
- (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.
- (L) No proposed unenclosed canopy may extend within ten (10) feet of a lot line, nor within twenty (20) feet of a right of way line.

### **BACKGROUND INFORMATION**

The Petitioner would like to build an accessory structure on their property. The UDO prohibits accessory structures larger than half the heated floor area of the principal structure from being placed past the front facade of the principal structure. Mr. Hollingsworth is petitioning the board for a variance from Section 6-2 Note 3. (H) which states that one accessory structure may be placed past the front or side façade of the principal structure if the accessory structure does not exceed half the heated floor area of the principal structure, and is not closer than the required front setback of the underlying zoning district. The property is located within the R-1 zoning district. The variance petition states that the applicant would like to install a 36' X 48' (1728 sq. ft.) garage on his property that exceeds half the heated floor area of the principal structure. The applicant has noted within the petition that the proposed location is the most suitable location without impacting adjoining property owners. The attached site plan shows the proposed building location 46' 2" from the Cooke Rd right-of-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

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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) (Variances) of the UDO, have/have not been satisfied for the variance(s) requested for the property located at 70 Cooke Rd., Franklin County PIN 1882-48-8026.**

**Suggested Motion #2:**

**Based upon the Board's Findings of Fact, I move to approve/deny the Variance requested by Mr. Hollingsworth, to allow for a Variance from the Unified Development Ordinance, Article 6-2 (Accessory Uses, Buildings, and Structures) Note 3. (H), for the placement of an Accessory Structure larger than half the heated floor area of the principal structure past the front façade of the principal structure at 70 Cooke Rd Franklin County PIN 1882-48-8026.**