



ZONING HARDSHIP VARIANCE APPLICATION

File # BA VA-2155-11
Fee
Amt Paid
Check #
Rec'd Date
Rec'd By

Submit required documentation to:
Wake County Planning, Development and Inspections
PO Box 550 Wake County Office Building
Raleigh, NC 27602-0550 336 Fayetteville Street Mall, Downtown Raleigh
Contact (919) 856-6335 for additional information.

Zoning Ordinance Regulation(s) Proposed to be Varied (cite each section(s) and identify requirement from which the variance(s) is (are) being requested; quantify variance – i.e. if this is a variance to allow an encroachment into a setback, give depth of encroachment and total square feet of area proposed to encroach into setback:

This is a request to allow an encroachment into the rear setback. The encroachment total depth of 12 ft AND 131 sq. ft. into setback.

Property

Parcel Identification Number: PIN # 1749.03 - 22 - 1336

Address: 3417 Lapwing Trail Wake Forest NC 27587

Location: North side of Lapwing Trail, at/between
(north, east, south, west) (street)

Chimney Swift Drive and N/A
(street) (street)

Total site area in square feet and acres: 30,053 square feet .69 acres

Zoning District(s) and Overlay Districts (if any) and land area within each: N/A

List Conditions of any Conditional Use Zoning Districts: N/A

Present land use(s): HOME - owner occupied - single family dwelling

How is this proposed use a public necessity?
N/A

What is impact on surrounding neighborhood and adjacent properties?

VARIANCE request would not adversely impact neighborhood or adjacent property owners.

Property Owner

Name: Richard M. Brewer

Address: 3417 Lapwing Trail

City: Wake Forest State: NC Zip Code: 27587

E-mail Address: brewinsgrp@gmail.com Fax: 919 562-7133

Telephone Number: 919-247-1066

Applicant (person to whom all correspondence will be sent)

Name: Richard M. Brewer
Address: 3417 Lapwing Trail
City: Wake Forest State: NC Zip Code: 27587
E-mail Address: brewinsgtp@gmail.com Fax: 919-562-7133
Telephone Number: 919-247-1006 Relationship to Owner: owner

Extent of Proposed Variance (Describe the extent to which the regulation is proposed to be varied.)

The applicants property is a corner lot with two street entrances. One entrance is located off of Chimney Swift Drive and the other entrance is located off of Lapwing Trail. (see attached site plan) and (photos) Both entrances were existing prior to the applicants purchase of the property in 2001. Due to the location and position of the home on the property, there is no clear back property line. Each corner of the home faces a property line. This new renovation totals 262 sq ft. with over half of this total falling within the 30ft setback requirement from the "legal" back property line. The total encroachment equals only 131 sq ft. that is being requested for variance. Thank you for your consideration.

All property owners must sign this application unless one or more individuals are specifically authorized to act as an agent on behalf of the collective interest of some or all of the owners (provide a copy of such authorization).

The undersigned property owner(s) hereby authorize the filing of this application (and any subsequent revisions thereto). The filing of this application authorizes the Wake County staff to enter upon the site to conduct relevant site inspections as deemed necessary to process the application.

Signature: [Signature] Date: 12/2/11

Signature: [Signature] Date: 12/02/2011

Signature: _____ Date: _____

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate.

Signature: [Signature] Date: 12/2/11

Notes: All documents and maps submitted as required become the property of Wake County. The Wake County Unified Development Ordinance is on the web at www.wakegov.com.

**ZONING HARDSHIP VARIANCE
STATEMENT OF JUSTIFICATION**

1. Practical difficulties or unnecessary hardships would result from carrying out the strict letter of the regulation

1a. Strict compliance with the regulation provides the property owner no reasonable use of the property.

Due to Mrs. Brewer's health condition, a decision to deny this variance would cause unnecessary hardship on her when trying to use the home. Mrs. Brewer has battled Hodgkin's Lymphoma cancer twice. In her battle with cancer the chemotherapy drugs that were administered caused her to develop a form of cardiomyopathy in her heart. The request for this variance is to move her washer and dryer to the downstairs area so she can functionally have all items at her disposal on a single floor plan. This variance approval will then allow her to reasonably use her existing property to its fullest extent..

1b. The hardship results from application of the regulation to the property.

The home is situated on a corner lot and is positioned at an angle on the lot. (See attached photos and lot description) Because of the location of the home there is no other place to locate this small addition and the angles created by the home positioning cause a small portion of the proposed addition to fall into the 30 ft setback requirement..

1c. The hardship is one that effects the property directly.

This hardship is peculiar to only this property because of the positioning of the home on the corner lot.

1d. The hardship is not the result of the property owner's own actions – that is, special circumstances or conditions causing the hardship exist through no fault of the property owner.

The position of the home on this site was determined by the original builder. The current owner is not the original homeowner at the time of construction and thus did not cause this hardship.

1e. The hardship is peculiar to the property.

As noted in question 1d. The hardship for this home is based upon it's positioning on the corner lot by the original owner. This positioning doe3s not allow the addition to be added anywhere else on the home. (See attached pictures)

2. The variance would be in harmony with the general purpose and intent of the Zoning Ordinance and preserve it's spirit.

The requested variance exception is in harmony with the current lot and neighborhood. The planned addition is only for 131 sq ft. and is architecturally designed in harmony with the current home, lot, and neighborhood..

3. In the granting of the variance, the public safety and welfare would be assured and substantial justice done, both for the landowner and the public at large.

3a. The granting of the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use, and will not be materially detrimental to the public welfare or injurious to property or improvement in such neighborhood.

The requested variance exception has taken into consideration the current landowners in this subdivision. The architectural design is in uniform with the neighborhood and will not materially injure or interfere other property owners in the use of their property.

3b. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.

The granting of the variance will enable the property owner to use all aspects of the home without increased burden on her current health condition.

4. The denial of the variance would cause practical difficulties or unnecessary hardships to the landowner.

As previously noted, the current layout of the home causes unnecessary harm to the landowner based on her health condition. By allowing this variance the landowner will be able to make use of the property on a single floor plan without having to sell and relocate to a new property. The requested variance is small in size and will not cause any harm to adjacent landowners.

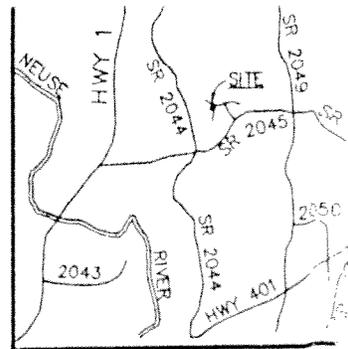
**RICHARD BREWER
&
AMY BREWER**

LOT 30, WHIPPOORWILL VALLEY, PH. I
3417 LAPWING TRAIL
PIN # 1749.03-22-1336
B.M. 1991, PG. 508

WAKE FOREST TOWNSHIP
WAKE COUNTY, NORTH CAROLINA

MARCH 21, 2001

REVISED FEBRUARY 28, 2007



VICINITY MAP

LEGEND:

- EIP - EXISTING IRON PIPE
- EPK - EXISTING PK NAIL
- NIP - NEW IRON PIPE SET
- R/W - RIGHT OF WAY
- CATV - CABLE TV BOX
- EB - ELECTRIC BOX
- TEL - TELEPHONE PEDESTAL
- PP - POWER POLE
- OHL - OVERHEAD LINE
- LP - LIGHT POLE

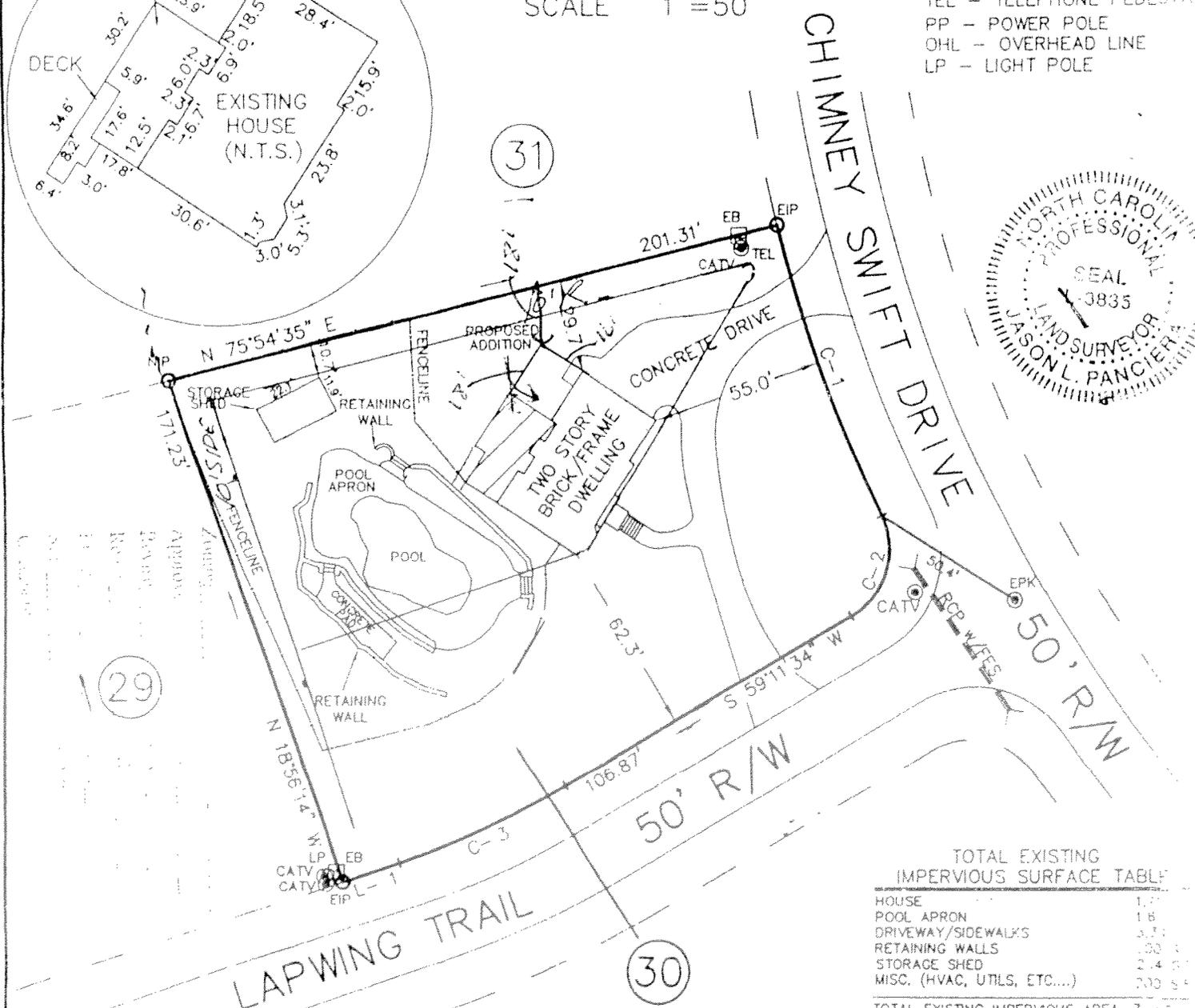
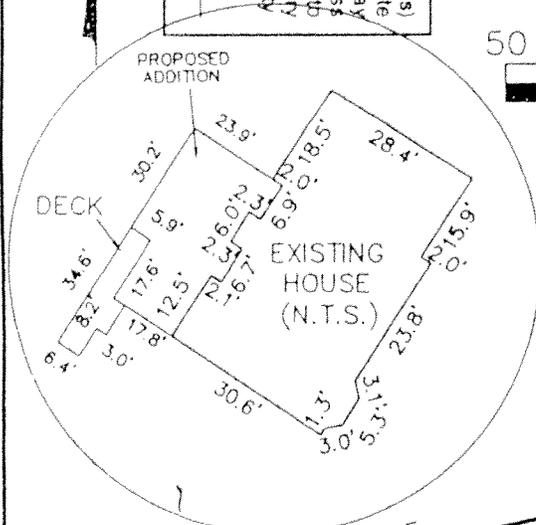
ADOPTED FROM B.M. 1991, PG. 508

Signature of Owner or Authorized Agent

I certify that the location of planned or existing structure(s) are accurately shown. I understand failure to locate structures of record in accordance with this plot plan may require the relocation of structure(s) regardless of degree of completion. I hereby grant permission to Municipal/Civil Engineers to exercise the right of entry to make evaluations or inspections upon this property.



SCALE 1"=50'



29

31

30

30,053 sq. ft.
0.690 AC.

TOTAL EXISTING IMPERVIOUS SURFACE TABLE

HOUSE	1.7
POOL APRON	1.8
DRIVEWAY/SIDEWALKS	3.7
RETAINING WALLS	1.0
STORAGE SHED	2.4
MISC. (HVAC, UTILS, ETC...)	2.0

TOTAL EXISTING IMPERVIOUS AREA 7.22
TOTAL LOT AREA 20,365
PERCENTAGE OF IMPERVIOUS AREA 25.8%

PROPOSED IMPERVIOUS SURFACE TABLE

LINE TABLE

LINE	LENGTH	BEARING
1	19.23'	N 21°23'38" E