

ZONING HARDSHIP VARIANCE APPLICATION

File #
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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.

Variance to exceed impervious surface limit of 12% per the Swift Creek Land Management Plan using a stormwater mitigation system to contain first 1/2" of rainfall runoff.

Exemption from Public Sewer Connection requirement of Swift Creek Land Management Plan

Property

Parcel Identification Number: LO4 NORTHERN PT, 0761758616

Address: 115 Brookridge Dr.

Location: north side of Penny Rd. between Holly Springs Rd. and Kildaire Farm Rd.

Total site area in square feet and acres: 48,787 square feet, 1.12 acres

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

R-40W covered by Swift Creek Land Management Plan, New Urban category

List Conditions of any Conditional Use Zoning Districts: _____

Present land use(s): residential

How is this proposed use a public necessity? not a public necessity

What is impact on surrounding neighborhood and adjacent properties?

Addition itself will improve the average quality and value of homes in the subdivision.

Addition of water garden for stormwater mitigation will decrease and limit water flow to adjacent 113 Brookridge Dr. property

Property Owner

Name: Michael Conley

Address: 115 Brookridge Dr.

City: Cary State: NC Zip Code: 27518
E-mail Address: ncmike811@hotmail.com Fax: none
Telephone Number: 919-303-0017

Applicant (person to whom all correspondence will be sent)

Name: Mike Conley
Address: 115 Brookridge Dr
City: Cary State: NC Zip Code: 27518
E-mail Address: ncmike811@hotmail.com Fax: none
Telephone Number: 919-303-0017 Relationship to Owner: one and same


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

12% impervious surface limit for lot is 5,854 sq ft.
Existing impervious surface is 8,107 sq ft. = 16.6%
Proposed impervious surface is 8,369 sq ft. = 17.2%
Total requested variance is 2,515 sq ft = 5.2% with stormwater mitigation proposed for excess impervious surface.

Public sewer system is not available.

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:  Date: 01/18/12

Signature: _____ Date: _____

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:  Date 01/18/12

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 Justification

1. Practical difficulties or unnecessary hardships would result from carrying out the strict letter of the regulation. “There are special circumstances or conditions applying to the land building or use referred to in the application which exists through no fault of the property owner.”

- 1a.** The house sits on a deep, narrow lot that is over an acre, with a long, gravel driveway that is considered to be impermeable surface. There is no public sewer service available to the property.
- 1b.** The property lends itself well to capture of excess impermeable surface runoff, but connection to a public sewer system is not an option.
- 1c.** The vast majority of properties in the neighborhood are larger and less likely to be affected by the 12% restriction. Of the 40 building lots in the subdivision, the average size is 2.17 acres, with 36 being larger than this property.
- 1d.** The property owner had no knowledge of any impermeable surface or septic system restriction. No mention of a restriction or violation was made when a permit was granted in Sept. 2000 for a porch addition.
- 1e.** The hardship is peculiar to the property in that the lot size is small in comparison to others in the neighborhood- see 1c above.

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

The addition of the proposed stormwater mitigation system will bring the property within limits for groundwater runoff and improve the situation over its existing state.

3. 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.

There will be no negative impact on the neighborhood. To the contrary, the addition of the stormwater mitigation system will have a positive affect on the neighborhood in that it will greatly reduce the water runoff to downstream properties. There will also be no impact on the existing septic system as no additional runoff will pass into that area.

Zoning Hardship Justification

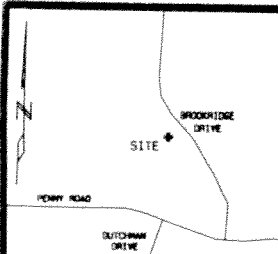
Granting of the variance will allow the house to be expanded, making it more liveable and bringing it closer to par with other neighborhood properties. As a result, it could be argued that the house expansion will have a positive impact on the overall neighborhood property values.

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

The house does not have a practical amount of bathroom and closet space. More specifically, the existing master bathroom is extremely small and does not meet minimum standards for clearance. The clearances in the bathroom make it impractical, or downright impossible for someone with limited mobility to use these facilities. The size and clearances further limit the use of the room to one person at a time.

According to what I was told by the permit office, no permits for additions to the house can be issued without a variance. So, denial means I will be forced to continue to live with a bathroom space that is sub-standard.

CURVE	ARC	RADIUS	CHORD LENGTH	CHORD BEARING
C1	130.00	806.60	129.86	S 18° 47' 59" E

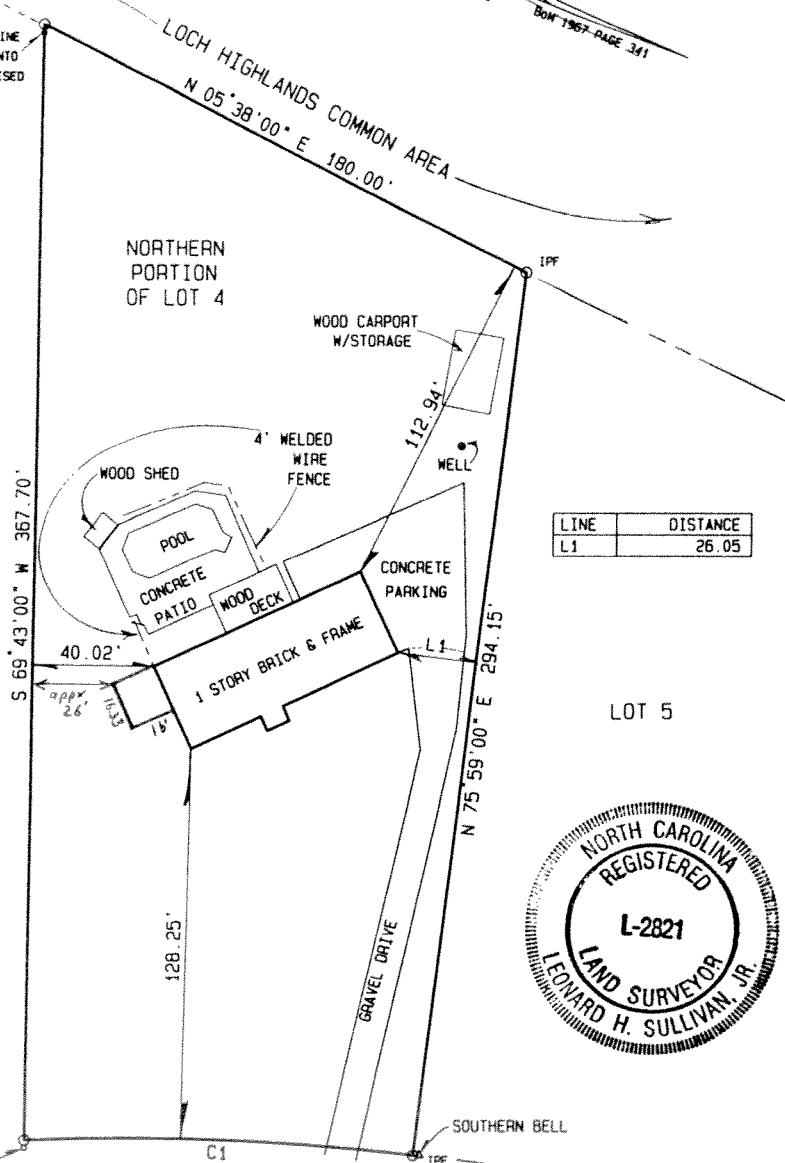


VICINITY MAP
NOT TO SCALE
IPF ON LINE
2.87' INTO
LOT 4 REVISED

SOUTHERN
PORTION
OF LOT 4

N/F
POMERLEAU
DB 4858 PAGE 134

ZONING:
R40.W
©



LINE	DISTANCE
L1	26.05



BROOKRIDGE DRIVE
60' R/W

115 BROOKRIDGE DRIVE

THIS IS A PHYSICAL SURVEY ONLY: DOES NOT MEET GS47-30: NOT FOR RECORDATION
BOM 1967 PAGE 341 DEED BOOK 3526 PAGE 840 WAKE COUNTY

NORTHERN PORTION OF LOT 4 BROOKRIDGE ESTATES SUBDIVISION

I HEREBY CERTIFY THAT THIS MAP IS CORRECT AND THAT THE BUILDING FOUNDATION LIES WHOLLY ON THE LOT AND THAT THERE ARE NO ENCROACHMENTS ON SAID LOT EXCEPT AS NOTED.

SURV'D JWB DRAWN LYNNIE CHK'D LHS JOB # 2523396 22 MARCH 1996 SCALE: 1" = 50'

LEONARD H. SULLIVAN, JR.
LAND SURVEYOR
1143-O EXECUTIVE CIRCLE
CARY, NORTH CAROLINA 27511
TELEPHONE: 919/ 469-4738

SURVEY FOR:

MICHAEL E. CONLEY

SWIFT CREEK TOWNSHIP WAKE COUNTY NORTH CAROLINA