



ZONING HARDSHIP VARIANCE APPLICATION

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.

File #
Fee
Amt Paid
Check #
Rec'd Date
Rec'd By

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: WAKE CO. UNIFIED DEVELOPMENT ORDINANCE 11-30-4 IN THE SUIT CREEK WATERSHED, IN ORDER TO EXCEED THE 12% IMPERVIOUS SURFACE LIMITATION, THE UDO REQUIRES (1) IMPOUNDMENTS AND MAINTENANCE, AND (2) CONNECTION TO A MUNICIPAL SEWER. IN THIS CASE, THE HOMEOWNERS SEEK A VARIANCE FROM MUNICIPAL SEWER CONNECTION REQUIREMENT IN THAT NO SUCH MUNICIPAL SEWER IS AVAILABLE FOR SUCH A CONNECTION. THEY HAVE DESIGNED AND, IF THIS VARIANCE IS APPROVED, WILL INSTALL AND MAINTAIN A DETENTION DEVICE IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE-9 OF THE UDO.

Property

Parcel Identification Number: 0761740647

Address: 733 LOCH HIGHLANDS DRIVE, RALEIGH, NC. 27606

Location: SOUTH side of FERRY ROAD, at/between
(north, east, south, west) (street)
_____ and _____
(street) (street)

Total site area in square feet and acres: 40,008 square feet .92 acres

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

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

Present land use(s): RESIDENTIAL SINGLE FAMILY DWELLING

How is this proposed use a public necessity?

What is impact on surrounding neighborhood and adjacent properties?

Property Owner

Name: ROBERT AND WANDA VAZIRI

Address: 733 LOCH HIGHLANDS DRIVE

City: RALEIGH State: NC Zip Code: 27606

E-mail Address: WVAZIRI@NC.RC.COM Fax: N/A

Telephone Number: (919) 345-1492

Applicant (person to whom all correspondence will be sent)

Name: NOEL HOMES INC. C/O JOHN TOOMEY

Address: 900 READING CIRCLE

City: RALEIGH State: N.C. Zip Code: 27615

E-mail Address: JOHN TOOMEY12 @ GMAIL.COM Fax: _____

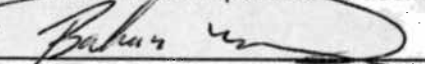
Telephone Number: (919) 625-5354 Relationship to Owner: CONTRACTOR

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

(SEE ATTACHED)

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: 7-6-12

Signature: Wanda Vajiri Date: 7/6/12

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: 7/4/12

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.

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Extent of Proposed Variance

The maximum impervious surface allowed at this address is 4800.96 sf. Noel Homes undertook this project on the basis of a math error. Rich Glass, an employee of Noel Homes multiplied the lot SF (40,006) x 12% and arrived at a 6011 SF allowed, clearly a math error. Unknown to Noel Homes at that time was that the tumor from which Rich ultimately died, was affecting him at that time. He effectively and despite having written correctly the equation (.92 AC x 43,560 sf/ac x 12%) arrived at 6011 SF allowed. He submitted those plans for approval with Wake County and was approved. What resulted was a project that finished with an as built survey showing 5,807 SF impervious (See-Zoning Variance Site Plan, 6-12-12.) The homeowners are now made to suffer with a house that now exceeds impervious limitations. In an effort to correct this error, Noel Homes contracted with an environmental Engineer to design a detention system to capture and then release excess rainwater over a 24-48 hour period sufficient to ameliorate this error. At issue now is the inability to tie into any municipal storm water system as no such system exists sufficiently close to Loch Highlands to accommodate this project. As such, we respectfully seek this variance.

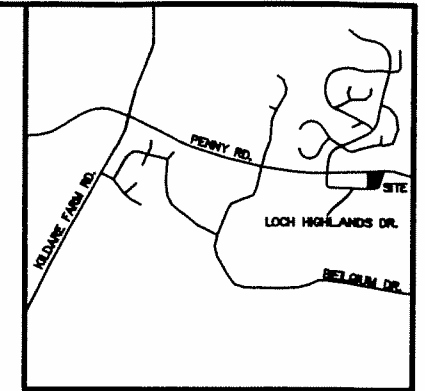
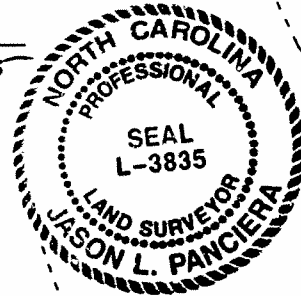
ZONING HARDSHIP VARIANCE APPLICATION

STATEMENT OF JUSTIFICATION

- 1a. In the "Extent of Proposed Variance" portion of the variance application, we explained that the addition project that resulted in this application was the unfortunate result of a math error by a builder unfortunately (and at the time unknowingly) affected by a brain tumor. The Vaziri's (property owners) are now faced with a finished project that would require the demolition and rebuilding of a house to the way it was before the project started, an unreasonably onerous task not the fault of the homeowners. The error's affect on rainwater run-off can be reasonably corrected with the installation of the proposed detention system (see the detention system specs and plans at Exhibit-A)
- 1b. The regulation at issue, requiring both rainwater management (which is going to be done if this application is approved) and municipal sewer tie-in results in hardship to the particular property. It does so because the property is uniquely situated in Cary but is not part of Cary. That is, the Swift Creek Watershed was not incorporated into the neighborhood annexation process as Cary grew. This resulted in a 'carved-out' of that area of Cary not serviced by any municipal sewer system.
- 1c. The hardship directly affects the Loch Highland Estates Subdivision and the subject property directly. It, and in this case immediately, inhibits homeowners in Loch Highlands with growing families from improving their properties (reasonably, not extensively).
- 1d. The homeowners did not cause this issue. They should not be in a situation where they have to beg for forgiveness rather than ask for permission. Their very unusual situation is the result of an unfortunate mistake made by a builder with 25-years of experience in a tragic situation.
- 1e. The hardship is particular to this property due to its location in the Swift Creek Watershed in the middle of Cary. The impervious surface locations are incredibly restrictive, but rainwater management techniques are available to environmentally protect the ecosystems of the area.
2. The Vaziri's have not altered the basic nature of Loch Highlands Estates, or even of their own property, at all. They have added to their house only an expanded Dining Area and an improved bedroom area above the expanded Dining Area. The improvement enhances the use of their lot, is an attractive addition to the neighborhood to the extent it can be seen by the neighbors, and quite frankly, is invisible to their neighbors viewing their property from the street. They have not altered a bit the residential nature of their neighborhood. And, with the detention device, will not at all add to the environmental burden of the watershed.
- 3a. The granting of this variance will not adversely affect the Vaziri's neighbors or the public at large at all. The detention device will not retain water for in excess of 24-48 hours and will, therefore, not permit for breeding of insect pests. The area is located well into the Vaziri's property and is not so steep, deep or small that it will propose a danger to any neighbor, nor will it present an "attractive nuisance" to neighborhood children.
- 3b. The granting of this variance will permit the Vaziri's to retain an addition that is already completed and will allow them to more fully utilize their property in a manner that will increase their (and, thereby, their neighbor's) property value.

I DECLARE THAT THIS SURVEY COMPLIES WITH THE NORTH CAROLINA STANDARDS OF PRACTICE FOR SURVEYING, (SECTION 1600) FOR CLASS A SURVEYS AND THAT THE CALCULATED RATIO OF PRECISION BEFORE ADJUSTMENTS IS 1:10,000+. FURTHERMORE, PROPERTY CORNERS SHOWN ARE PRIMARY CONTROL MONUMENTATION FOR THE RE-ESTABLISHMENT OF PROPERTY CORNERS IN THE ABSENCE OF GRID MONUMENTS AND OTHER SUBDIVISION PROPERTY CORNERS. THIS SURVEY IS NOT TO BE RECORDED WITHOUT THE WRITTEN AUTHORIZATION OF THE SURVEYOR.

PROFESSIONAL LAND SURVEYOR L-3835



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
- WM - WATER METER
- WV - WATER VALVE
- CO - SEWER CLEAN-OUT

ADOPTED FROM B.M. 1993, PAGE 567

ZONING VARIANCE SITE PLAN

BAHRAM VAZIRI

&

WANDA M. VAZIRI

LOT 4, LOCH HIGHLAND ESTATES
 733 LOCH HIGHLANDS DRIVE
 REF: D.B. 9578, PAGE 258
 REF: B.M. 1993, PAGE 567
 SWIFT CREEK TOWNSHIP
 WAKE COUNTY, NORTH CAROLINA

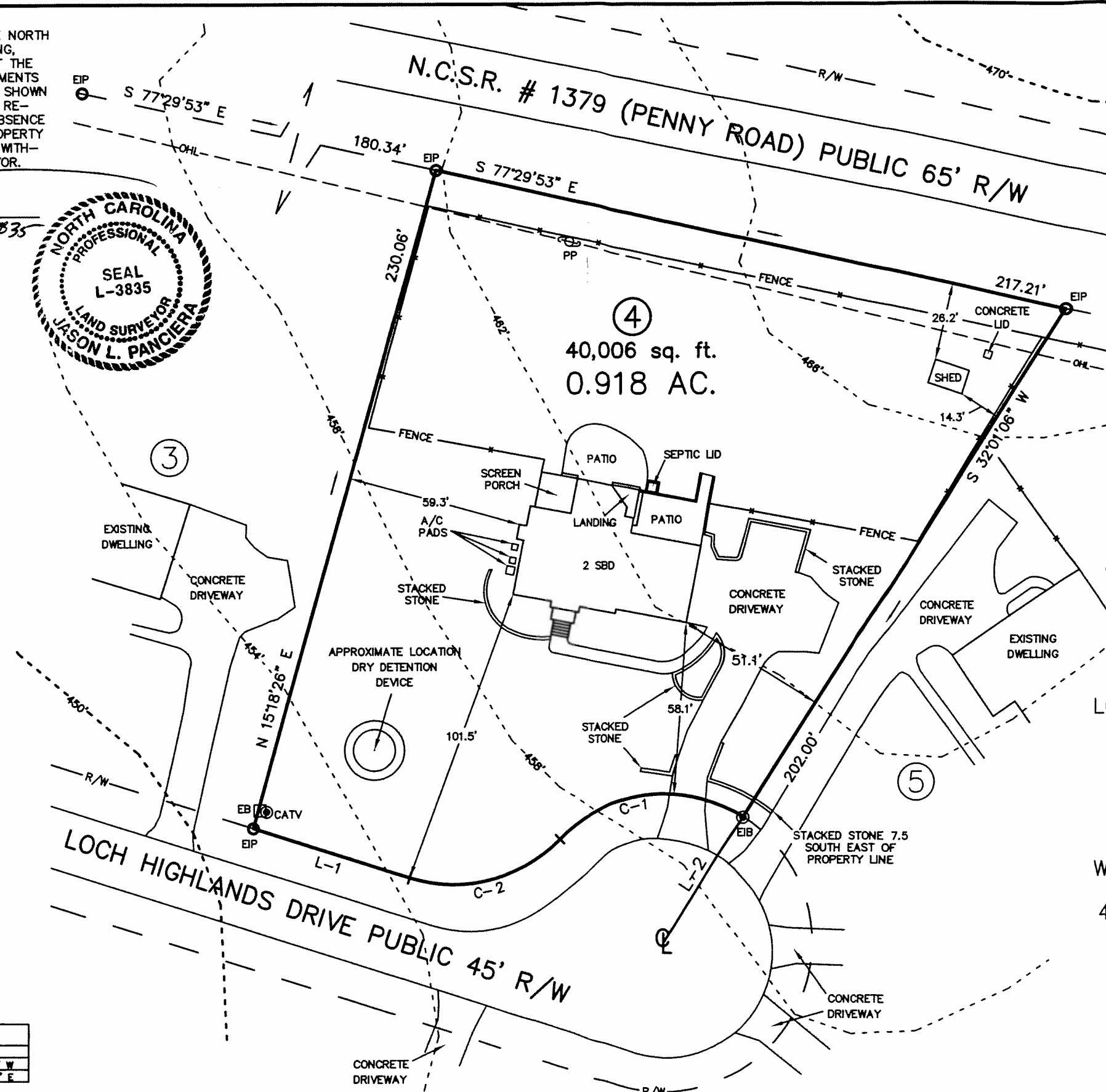


SCALE 1"=40'

JUNE 12, 2012

ZONED R-40W

PIN # 0761.04-74-0647



④
 40,006 sq. ft.
 0.918 AC.

NOTE:
 -IMPERVIOUS SURFACE TABLE CALCULATIONS STACKED STONE WALLS AND LANDING (WOOD DECK) WERE OMITTED.
 -TOPO TAKING FROM WAKE COUNTY GIS DATA.

IMPERVIOUS SURFACE TABLE

HOUSE	2,026 S.F.
SCREEN PORCH	155 S.F.
PATIOS	840 S.F.
DRIVEWAYS	2,392 S.F.
SIDEWALK	254 S.F.
SHED	100 S.F.
MISC.	40 S.F.
TOTAL IMPERVIOUS AREA	5,807 S.F.
TOTAL LOT AREA	40,006 S.F.
PERCENTAGE OF IMPERVIOUS AREA	14.52%

LINE TABLE

LINE	LENGTH	BEARING
L-1	55.09'	N 72°28'34" W
L-2	50.00'	S 32°01'11" W

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	BEARING
C-1	67.83'	50.00'	62.75'	S 83°08'14" W
C-2	55.20'	50.00'	52.44'	N 75°55'45" E