



ZONING HARDSHIP VARIANCE APPLICATION

Wake County

OCT 02 2012

File # V-2171-12
Fee
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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:

A variance is requested from Article 5-11-2 of the Wake County Unified Development Code. The required setback under this Article is 40 feet from from/corner of home to property line; an encroachment depth of 19 feet/ appx 623 sq. feet is being requested.

Property

Parcel Identification Number: 0629065342 0000

Address: 8316 James Rest Home Road, New Hill, NC 27562

Location: West side of James Rest Home Road, at/between
(north, east, south, west) (street)

N/A (dead end road) and _____
(street) (street)

Total site area in square feet and acres: 48,524 square feet 1.1 acres

Zoning District(s) and Overlay Districts (if any) and land area within each: R-80

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

Present land use(s): SFD

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

What is impact on surrounding neighborhood and adjacent properties?
The requested variance would have no impact on adjacent properties, nor the neighborhood. The proposed new SFD requiring permitting will be located in approximately the same spot as the existing SFD constructed in 1950 with slight adjustments to maintain 25 foot setback from the well.

Property Owner

Name: Carolyn Hawkins

Address: 8321 James Rest Home Road

City: New Hill State: NC Zip Code: 27562

E-mail Address: N/A Fax: N/A

Telephone Number: (919) 362 - 8073

Applicant (person to whom all correspondence will be sent)

Name: Marcus S. Judd Sr.
Address: 5105 Lundy Drive
City: Raleigh State: NC Zip Code: 27606
E-mail Address: msjudd@bellsouth.net Fax: _____
Telephone Number: (919) 816-8625 Relationship to Owner: relative / potential buyer

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

The variance being requested is for a new SFD to replace the existing SFD constructed on this lot in 1950. In order to obtain the necessary septic permits to allow construction (under State Rule .1961 I), the new SFD is required to be located in approximately the same location as the existing home. The existing home is constructed within the current UDO setback, and the variance would be required to construct a new SFD in the same location.

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: Carolyn S Hawkins Date: 10-1-2012

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: Marcus S Judd Date: 10/1/2012

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**

To: Wake County Planning, Development and Inspections
PO Box 550
Raleigh, NC 27606-0550

Re: 8316 James Rest Home Road
New Hill, NC 27562
PIN #0629065342

- 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."**

The existing SFD constructed on this lot in 1950 falls within the 40 feet setback of the current Wake County UDO. At the time of construction the lot had not been sub-divided between 8316 & 8321 Jame Rest Home Road, and the RIGHT-of-WAY for the road (which splits the lot) did not exist. The existing onsite wastewater/septic system is also non-conforming. Under State Rule .1961 (I) , Wake County Dept. of Environmental Services will potentially grant a repair permit for this non-conforming septic system, and allow new construction if the new proposed SFD can be located in approximately the same area as the existing home. This would require encroachment into the 40 foot setback.

Additionally, this lot has soil that is very limited in its potential for onsite wastewater disposal. Detailed soil analysis shows that significant deviation from the the existing house footprint for a new SFD would encroach into the soil areas required for placement of initial and repair septic drain field areas. Soil and drain field layout maps are included.

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

Considering there is no city wastewater services are available in this area, existing non-conforming septic, and the soil limitations making septic placement difficult, denial of this variance would most likely render the property unsuitable for any new construction or future UDO permitted improvments.

- 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.**

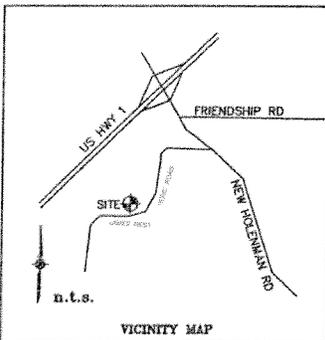
The requested variance would allow new SFD to be placed in the same location as the existing SFD. Aesthetically there would be a potential upgrade, and the non-conforming septic system would be in compliance. This is also an/ area rural in nature with no general public traffic. There should be no impact to public welfare nor the neighborhood.

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

Denial of the variance would make it extremely difficult to obtain septic permitting, which in turn would make the property unsuitable for any future improvments.

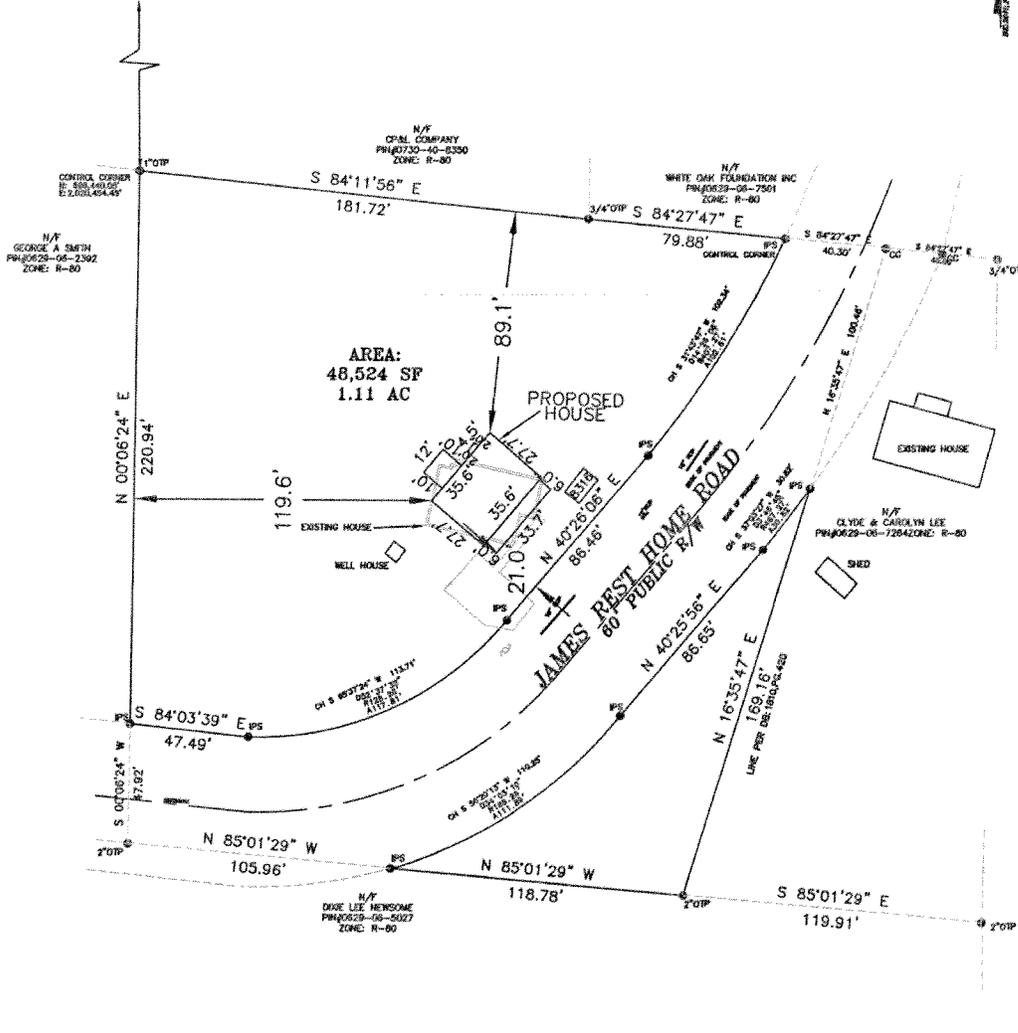
ZONING VARIANCE SITE PLAN

Owner: Carolyn J Hawkins - 8321 James Rest Home Road, New Hill, NC 27606 PIN 0629065342
 Prepared By: Jonathan Fleener, Summit Coastal Surveying & Mapping on 9/18/2012



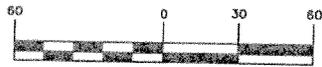
- LEGEND:
- ⊙ IPS 3/4" OPEN TOP PIPE SET
 - ⊙ OTP OPEN TOP PIPE (w/ SIZE)
 - ⊙ CTP CRIMPT TOP PIPE (w/ SIZE)
 - ⊙ CC CALCULATED POINT
 - ▭ STREET ADDRESS
 - ⊙ UTILITY POLE
- REFERENCE:
- DB: 3518, PG. 396
 - BM: 1810, PG. 420
 - BM: 1981, PG. 558
 - BM: 1932, PG. 142B
 - BM: 2011, PG. 590
- ZONED: R-80

TD. B 0113'25" W 200'48" (GROUND DISTANCE)
 MONUMENT "CHILL" (P&E 21244)
 NORTH: 608.0118' EAST: 1,020.8173'
 CURVED FACTOR



- NOTE:
1. THE PURPOSE OF THIS PLAT IS TO SHOW THE PROPOSED AREA OF IMPROVEMENT. A BOUNDARY SURVEY WAS DONE BY THIS FIRM IN CONNECTION WITH THIS MAPPING.
 2. THERE MAY BE OTHER IMPROVEMENTS NOT DEPICTED ON THIS PLAT.

LOT AREA	48,524 SQ.FT.
HOUSE AREA	1,313 SQ.FT.
DRIVE & WALK AREA	601 SQ.FT.
IMPERVIOUS AREA	1,914 SQ.FT.
PERCENTAGE OF IMPERVIOUS	3.9%



SCALE 1 inch = 60 ft.

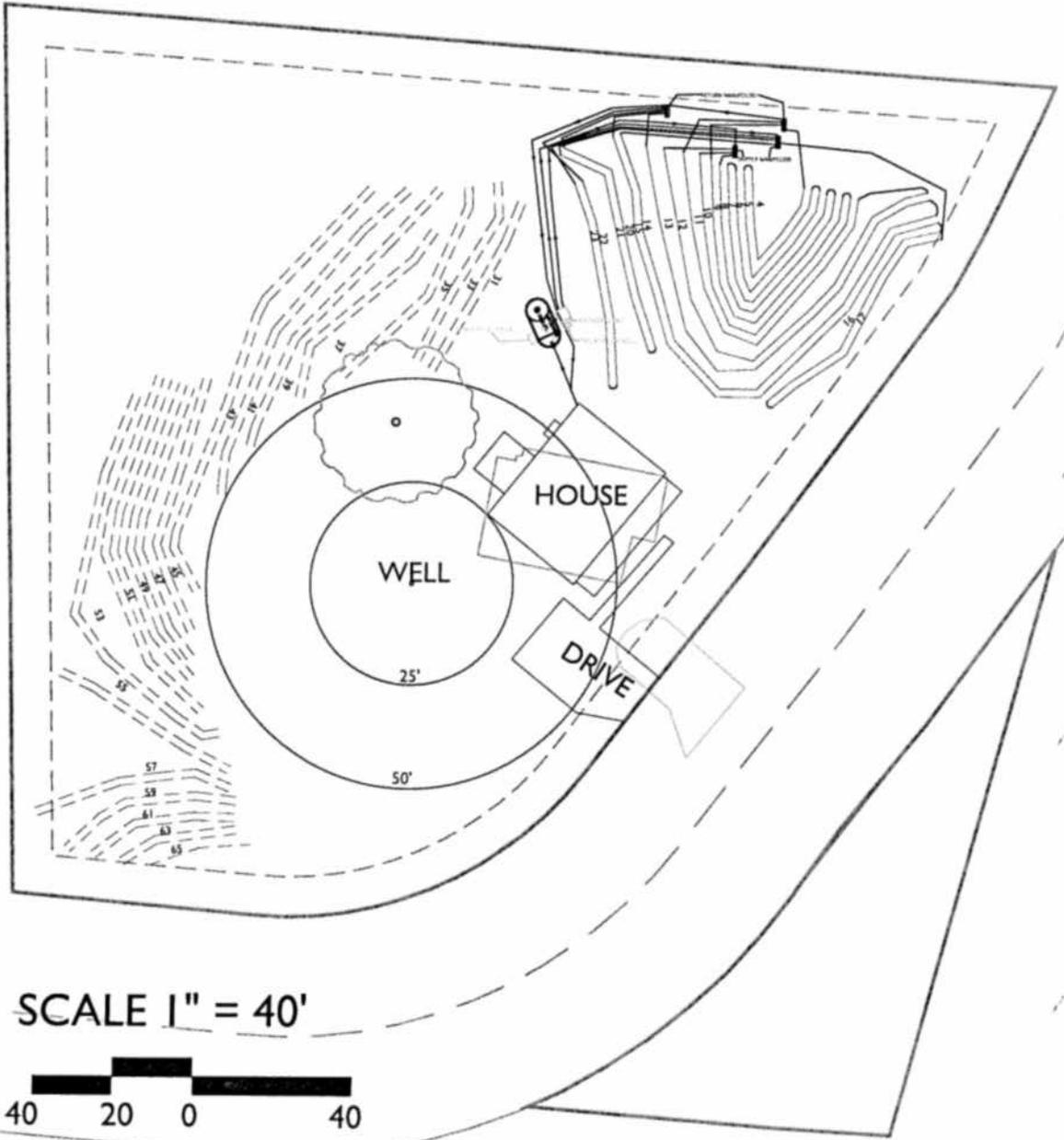
PLOT PLAN
 FOR
MARCUS JUDD
 LANDS OF CLYDE & CAROLYN EDMONDS
 8316 JAMES REST HOME RD.
 BUCKHORN TNSHP, WAKE CO., NC
 SEPTEMBER 18, 2012

SUMMIT COASTAL
 Surveying & Mapping

234 Windel Drive
 Raleigh, North Carolina 27608
 www.summitcoastal.com PH: (919) 308-7378



NORTH



SCALE 1" = 40'



SOIL SERVICES, PLLC

3220 PURNELL ROAD, WAKE FOREST, NC 27587
OFFICE: (919) 745-1928 FAX: (919) 554-1869
WWW.SOILSERVICES.ORG

Sheet Title:

SEPTIC LAYOUT DRAFT

Project:

8316 James Rest Home Road

Location:

Wake CO., NC

Client:

Marcus Judd

Project No.: 1083-J

Project Manager: SW

Scale: 1"=40'

Drawn: SW

Field Work: SW

Sheet No.:

1 of 1