



ZONING HARDSHIP VARIANCE APPLICATION

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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.

Unified Development 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- be specific):

SECTION 5-11-1, THIS IS A VARIANCE IN THE SIDE SETBACK REQUIREMENT TO ALLOW A 0.10' ENCROACHMENT INTO THE 15' SETBACK OF R-40W, THE ENCROACHMENT WILL INVOLVE A TOTAL OF 3.2 SF OF THE LEFT SIDE OF THE EXISTING DWELLING.

Property

Parcel Identification Number: 0781668088

Address: 5816 HERITAGE LANE

Location: NORTH side of HERITAGE LANE, at/between
(north, east, south, west) (street)

_____ and _____
(street) (street)

Total site area in square feet and acres: 15,000 square feet 0.34 acres

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

List Conditions of any Conditional Use Zoning Districts: _____

Present land use(s): RESIDENTIAL

How is this proposed use a public necessity?

PRIVATE RESIDENCE

What is impact on surrounding neighborhood and adjacent properties?

NONE

Property Owner

Name: JAVIER H. ORTIZ

Address: 5816 HERITAGE LANE

City: RALEIGH State: NC Zip Code: 27606

E-mail Address: Jortizwatco@gmail.com Fax: _____

Telephone Number: 919-422-8968

Applicant (person to whom all correspondence will be sent)

Name: JAVIER H. ORTIZ
Address: 5816 HERITAGE LANE
City: RALEIGH, State: NC Zip Code: 27606
E-mail Address: Jortizwatco@gmail.com Fax: _____
Telephone Number: 919-422-8968 Relationship to Owner: _____

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

APPLICANT PROPOSES A 0.10' ENCROUCHMENT INTO THE REQUIRED 15' SIDE SETBACK OF R-40W ZONING, BEING THE LEFT SIDE OF THE EXISTING DWELLING INTO THE WEST SIDE LINE OF LOT 5, HERITAGE SPRINGS ACRES SUB'D, BM 1966, PG 12

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: Javier Ortiz Hdez. Date: 5-1-14

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: Javier Ortiz Hdez. Date: 5-1-14

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.

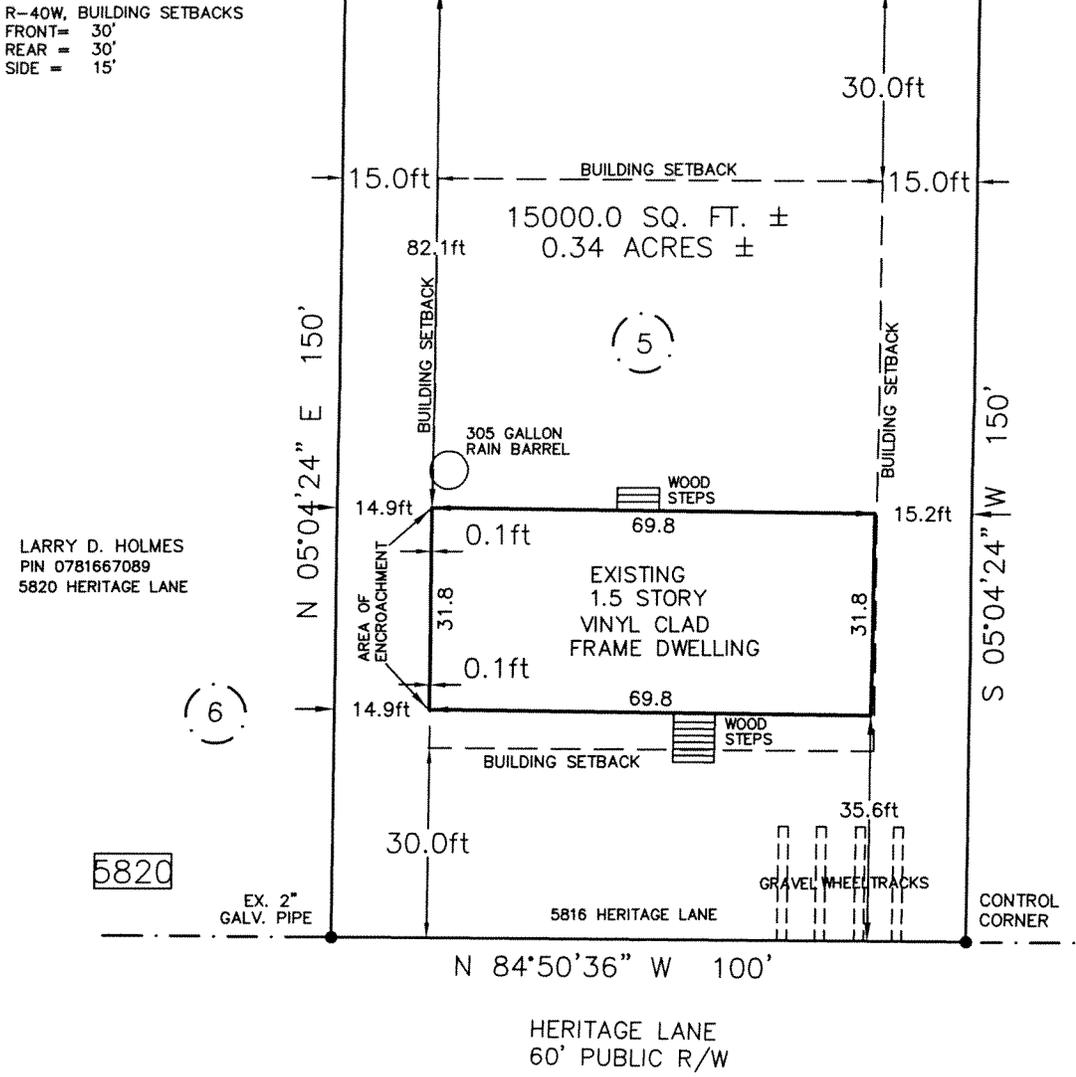
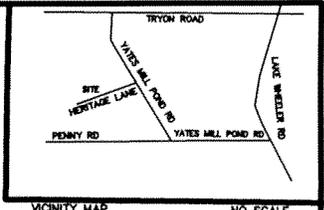
LEGEND:
 LINES SURVEYED
 LINES NOT SURVEYED
 EP= EXISTING 3/4" or 1/2" ID. EXISTING IRON PIPE

JEANNETTE H. TYSOR
 PIN 0781665379
 4101 YATES MILL POND RD.

JEANNETTE H. TYSOR
 PIN 0781761337
 4405 YATES MILL POND RD.

REFERENCES:
 BM 1966 PG. 12
 DB 13586 PG 2566

R-40W, BUILDING SETBACKS
 FRONT = 30'
 REAR = 30'
 SIDE = 15'



LARRY D. HOLMES
 PIN 0781667089
 5820 HERITAGE LANE

DORIS WHITLEY
 PIN 0781669089
 5812 HERITAGE LANE

5820

5812

KLYCHANG
 PIN 0781657789
 5823 HERITAGE LANE

R & S REAL ESTATE INVESTMENTS LLC.
 PIN 0781658898
 5817 HERITAGE LANE

CUEVAS-GUTIERREZ, ETAL.
 PIN 0781659990
 5813 HERITAGE LANE

ZONING VARIANCE SITE PLAN

JAVIER H. ORTIZ

PREPARED BY
 JOHN S. COLLIER, L-3879 PROFESSIONAL LAND SURVEYOR
 3407 BAUGH ST. RALEIGH, NC. 27604

PRELIMINARY
 NOT FOR RECORDATION, CONVEYANCE OR SALES.



Scale: 1"=30'	Date: 4/30/14	LT: 5
Drawn: JSC	Checked: JSC	Job: 5816HERITA

Zoning Hardship Variance, Statement of Justification.

1. Unnecessary hardship would result from the strict application of the ordinance.

Upon submittal of the "As-Built Survey" it was discovered that the newly constructed location of the dwelling structure violated the side setback requirement for R-40w zoning.

The Wake County inspections department cannot issue a Certificate of Occupancy without variance approval allowing the owner the legal use the new home.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

The size of the lot limited the impervious surfaces allowed on the property , The owner attempted to limit the roof area by utilizing the maximum width of the lot to obtain the desired square footage of the new home after it was discovered that the existing septic system limited the placement and size of the structure thru the depth of the lot .

3. The hardship did not result from actions take by the applicant or the property owner.

The owner made all attempts to stay within compliance of the current UDO.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that the public safety is secured, and substantial justice is achieved.

The amount of variance requested will have no impact on the appearance of the neighborhood in which the home was constructed and therefore will legitimize the new home as- built.


Javier H. Ortiz 5-1-14
Owner/builder Date