



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:

The rear setback of 30' is encroached by the existing deck and the proposed screen porch overhang will be over the setback line. Total area over the line 70 square feet including existing and proposed deck

Property

Parcel Identification Number: 0799669182

Address: 10100 Ethridge Ct

Location: South side of Ethridge Ct, at/between
(north, east, south, west) (street)
_____ and _____
(street) (street)

Total site area in square feet and acres: 41,817.6 square feet .96 acres

Zoning District(s) and Overlay Districts (if any) and land area within each: R-40W

List Conditions of any Conditional Use Zoning Districts: _____

Present land use(s): Home

How is this proposed use a public necessity?

Raise property values for this + surrounding homes.

What is impact on surrounding neighborhood and adjacent properties?

None

Property Owner

Name: Anthony + Linda Fisher

Address: 10100 Ethridge Ct

City: Raleigh State: NC Zip Code: 27615-1152

E-mail Address: fisher+713@gmail.com Fax: _____

Telephone Number: 919-846-3417

Applicant (person to whom all correspondence will be sent)

Name: James Wilson - CFI Property Services

Address: PO Box 91253

City: Raleigh State: NC Zip Code: 27675

E-mail Address: James@ctipropertyservices.com Fax: 919-787-4733

Telephone Number: 919-623-5134 Relationship to Owner: General Contractor

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

Allow for existing deck to encroach into setback as well as allow for proposed screened porch overhang to encroach above setback. The existing rear deck encroaches 2.5 Feet into setback (62.71 ft²). The proposed screened porch would add 25.14 ft² to the encroachment area but would not increase the depth of encroachment.

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: 11/21/12

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: [Signature] Date: 11/21/12

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 VARIANCE STATEMENT OF JUSTIFICATION

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Raleigh, NC 27602-0550 336 Fayetteville Street, Downtown Raleigh
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For each of the required conclusions listed below, attach a statement that explains how any existing conditions, proposed development features, or other relevant facts would allow the Board of Adjustment to reach the required conclusion, and attach any additional documents or materials that provide supporting factual evidence. Listed under each required conclusion are related principles established by case law.

Important: You bear the burden of presenting sufficient factual evidence to support findings of fact that allow the Board to reasonably reach each of the required conclusions. If you fail to meet that burden, the Board has no choice but to deny the application.

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. Strict compliance with the regulation provides the property owner no reasonable use of the property. Ex.: It is not sufficient that the regulation would make use of the property less profitable or marketable.

Compliance with the regulation creates the following hardships:

- i. Use of the rear deck and deck furniture is limited by seasonal falling tree debris without a covered screened porch.
- ii. Conversion of the attic space to a media room or exercise room is limited by this regulation.

1b. The hardship results from application of the regulation to the property. Ex.: A hardship resulting from a characteristic of the property not affected by the regulation, or from application of a deed restriction, is not a relevant hardship.

Application of the regulation creates the following hardships:

- i. The hardship does result from the application of the regulation because the rear deck and steps encroach 2.5 feet into the 30ft setback with a total area of 62.71 square feet encroaching.
- ii. The changes to the deck would not increase the depth of encroachment, but would increase the area to 87.85 square feet. It can't be done without a permit.
- iii. The attic alteration permit will not be issued while the application of the regulation is in place.

1c. The hardship is one that affects the property directly. Ex.: The regulation's hindrance to providing a benefit to neighboring properties or to the public is not a relevant hardship.

This hardship only affects this property, the residents, and visitors.

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. Ex.: The hardship may not be one the property owner inflicted on himself (e.g., been due to the owner's violation of the regulation) or could have avoided.

This hardship is not the result of the property owner's actions because the deck was built prior to purchase on 11/18/92.

1e. The hardship is peculiar to the property. Ex.: The hardship must be due to conditions specific to the property, and not to conditions that are neighborhood-wide or widespread throughout the jurisdiction.

The hardship is due to existing deck framing encroaching into the property line setback preventing acquiring permits for projects that would provide adequate usage of the property and is specific to this property.

2. 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.

2a. 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. Ex.: A variance may not permit development that would be dangerous to neighbors, change the essential character of the neighborhood, or create additional difficulties re traffic, fire, water supply, sewerage, flooding, etc..

The variance would not affect adversely any neighbors, workers in the neighborhood, neighborhood character, or any future neighborhood projects.

2b. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights. Ex.: The harm to the property owner from denying the variance, however, must outweigh the harm to neighbors and the public interest from granting the variance.

Granting the variance would offer greater enjoyment of the use of the property while not causing any harm to neighbors or the public interest.

3. The denial of the variance would cause practical difficulties or unnecessary hardships to the landowner. Ex.: The practical difficulties or unnecessary hardships caused to the landowner from denying the variance.

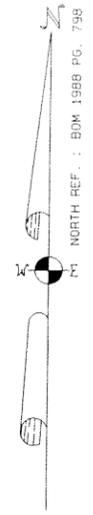
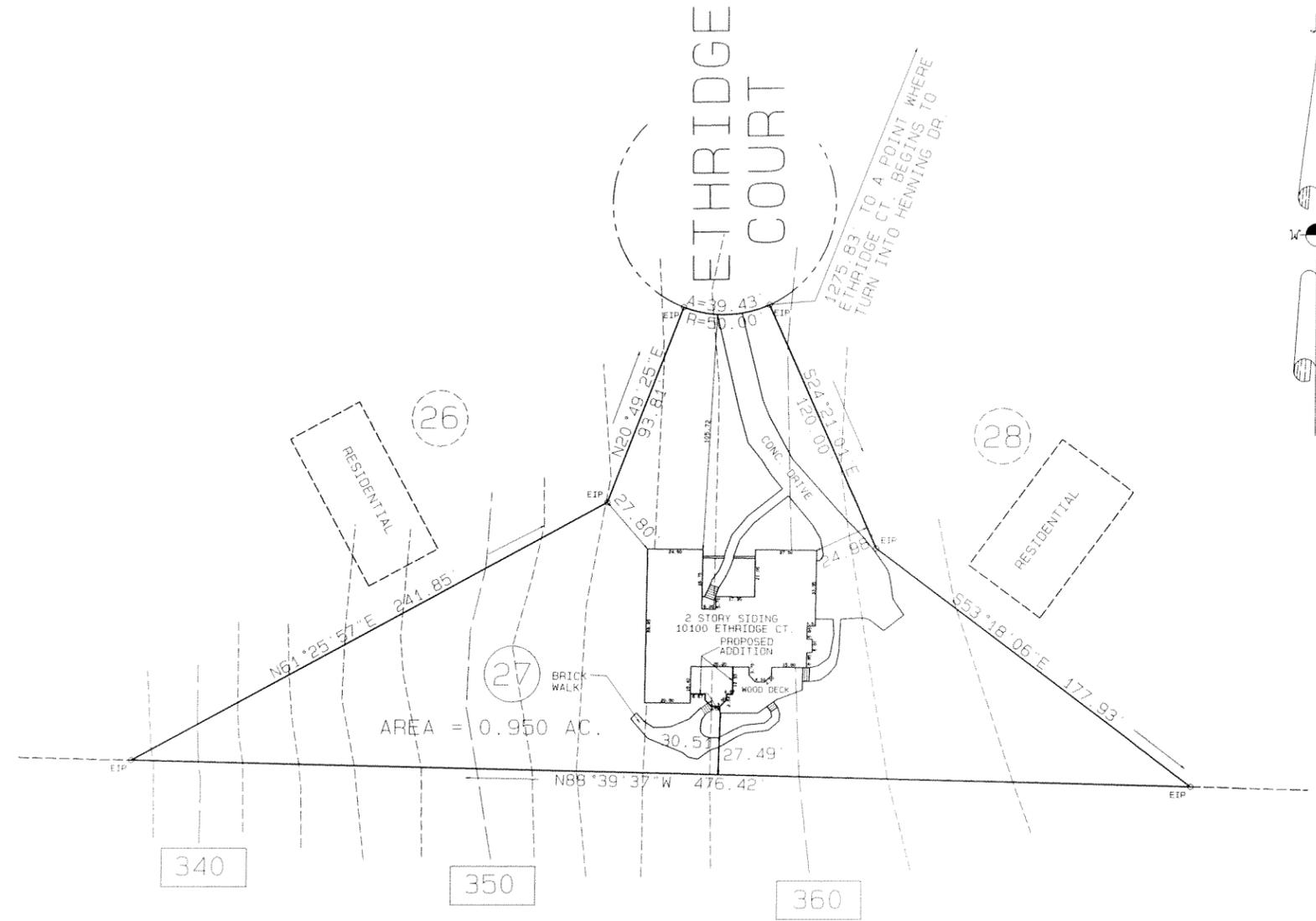
The practical difficulties or unnecessary hardships would be caused to the landowner by not allowing him to make use of the full potential of the property for enjoyment during ownership and possible resale property value.

- GENERAL NOTES :
- 1) THIS IS A SURVEY OF AN EXISTING PARCEL.
 - 2) NO NCGS MONUMENT WITHIN 2000'
 - 3) THIS LOT IS NOT WITHIN A FLOOD PLAIN ACCORDING TO FEMA MAP COMMUNITY PANEL NO. 3720079906J.
 - 4) THIS MAP IS NOT FOR RECORDING.
 - 5) EIP=EXISTING IRON PIPE
NIP=NEW IRON PIPE
EIR=EXISTING IRON REBAR
NIR=NEW IRON REBAR
 - 6) TOPOGRAPHY AND ADJOINING HOUSES ARE FROM WAKE COUNTY GIS.

VICINITY MAP (NTS)

LEGEND

- Lines Surveyed
- - - Lines Not Surveyed
- EIP - - - Existing Iron Pipe
- Control Corner
- Existing Concrete Monument
- NIP - - - New Iron Pipe
- P.K. - - - P.K. Nail
- DMO - - - Double Meridian Distance
- R/W - - - Right of Way
- DB - - - Deed Book
- EM - - - Concrete Monument
- ELS - - - Existing Lightwood Stake



WAKE COUNTY, NORTH CAROLINA
I, HAROLD A. SMITH, PLS L-3345,
CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM INFORMATION SHOWN IN DEED BOOK 5407 PAGE 17; AND DEED BOOK ----- PAGE ----- BOOK OF MAPS 1988 PAGE 798 THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES WAS GREATER THAN 1:20,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS THE 14TH DAY OF NOVEMBER A.D., 2012.

ZONING = R-40W
SETBACKS : FRONT = 30'
 SIDE = 15'
 REAR = 30'
EXIST. IMPERVIOUS = 8112 SQ.FT. (20%)

LOT 27, STONEBRIDGE VII AS RECORDED IN BOOK OF MAPS 1988 PAGE 798 OF WAKE COUNTY REGISTER OF DEEDS

Recorded in Book of Maps _____ vol. _____ Pg _____

REVISIONS	
NO.	DESCRIPTION

ZONING VARIANCE SITE PLAN
ANTHONY FISHER
& LINDA G. FISHER
10100 ETHRIDGE COURT, RALEIGH, NC 27615

TOWNSHIP: BARTONS CREEK COUNTY: WAKE

STATE: NORTH CAROLINA

ZONE: R-40W PIN NO. 0799 02-66-9182

HAROLD "TODD" SMITH
LAND SURVEYING L-3345
RALEIGH, N.C. (919) 954-1696

DATE: 11-14-12	SURVEYED BY: RWC	FIELD BOOK S-183/03
SCALE: 1" = 30'	DRAWN BY: HAS	DRAWING NO.
CHECKED & CLOSURE BY: HAS		212-151L