ZONING HARDSHIP VARIANCE APPLICATION

WAKE COUNTY
NORTH CAROLINA

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:

11-30-4 Swift Creek Water Supply Watershed - Impervious Surface coverage may not exceed 6%. Site has always exceeded 6% limit since before the requirement was enacted. Proposed variance requested to remove some impervious for placement of new impervious. Net result is less impervious onsite than existed in 2001.

Property

Parcel Identification Number: 0780186856 / 0780189924

Address: 6912 / 6908 Penny Road

Location: north (north, east, south, west) side of Penny Road (street), at/between Blaney Franks Rd (street) and Blaney Bluffs Ln (street)

Total site area in square feet and acres: 56,672 / 111,513 square feet 1.301 / 2.56 acres

Zoning District(s) and Overlay Districts (if any) and land area within each: R-80W - entire parcels
Swift Creek Critical Area

List Conditions of any Conditional Use Zoning Districts:

Present land use(s): Residential Property

How is this proposed use a public necessity?

Not applicable

What is impact on surrounding neighborhood and adjacent properties?

None

Property Owner

Name: Ashby, Carlton S Jr & Cora B

Address: 6912 Penny Road

City: Raleigh State: NC Zip Code: 27606

E-mail Address: carltonashby@hotmail.com Fax:

Telephone Number: 919 327-2698

Applicant (person to whom all correspondence will be sent)

Name: Capital Civil Engineering, PLLC - Michael J. Kane, PE

Address: PO Box 1006

City: Apex State: NC Zip Code: 27502

E-mail Address: mkane@capitalcivil.com Fax: 919 590-1687

Telephone Number: 919 249-8587 Relationship to Owner: Civil Engineer

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

The current owner purchased the property 2000 and received a building permit in 2001. Impervious area of 18,677 was allowed in 2001 at time of building permit. Since purchase in 2000 the garages and part of the driveway have been located on the adjacent parcel, 6908 Penny Road, which he also owns. This variance is requested to allow the parcel lines to be relocated so that each parcel is exclusive of the other. The owner also owns a 1,200 sf house built in 1929 located at 2524 Walnut Street which he desires to relocate to 6908 Penny Road. The owner is proposing to remove the pool and one garage in order to keep the entire impervious area for both lots below the permitted 18,677 sf. This resulting impervious cover allowable at 6908 Penny Road would be 3.78%. Both homes would remain single family use.

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: Carlton Ashby Date: 4/1/2013

Signature: Cora B Ashby Date: 4/1/2013

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: [illegible] Date: 4/2/2013

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

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 strict letter of the regulation requires that the impervious area of the properties should not exceed 6% or 8,745 sf for both lots combined. The homeowners purchased these two lots in 2000 and received a building permit in 2001 to improve the house at 6912 Penny Road. Impervious area of 18,677 sf was allowed in 2001 at time of building permit.

   a. **Strict compliance with the regulation provides the property owner no reasonable use of the property .**
      The strict letter of the regulation would prohibit any house onto the 6908 property.
   b. **The hardship results from application of the regulation to the property.**
      The 6912 property exceeded the 6% regulation when the regulation was enacted.
   c. **The hardship is one that affects the property directly**
      Application of the regulation directly affects the use of the parcels. The owner originally purchased two lots with the intent of building a house on the vacant lot.
   d. **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.**
      The permitted 18,677 sf of impervious area was properly applied for and approved in 2001. Some additional impervious was placed this past year which will be offset be removed impervious with this application.
   e. **The hardship is peculiar to the property.**
      Yes the hardship is peculiar to the property and the application of the regulation enacted which were stricter than the properties as-built condition.

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.**

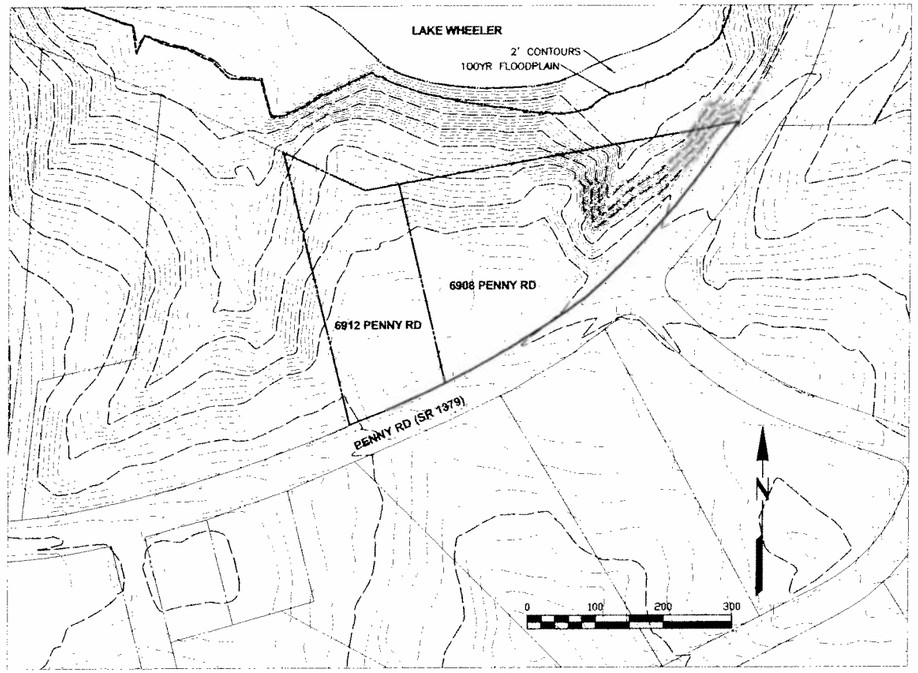
   The proposed development requests no change of use and a net decrease in impervious area therefore will not materially endanger the public health or safety.

   a. **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.**

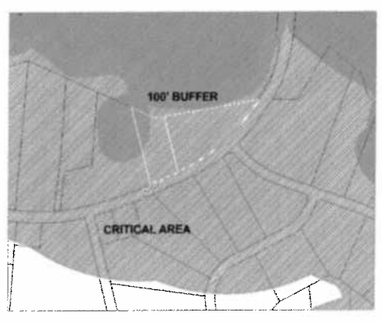
The proposed development will relocate a house built in 1929 to the 6908 property. Placement of this older style farm house in the rustic setting of the property adjacent to Lake Wheeler will be a good fit for the house and the overall neighborhood.

b. **The granting of the variance is necessary for the preservation and enjoyment of substantial property rights**
Original purchase of 6908 property was intended for the construction of a house. Granting this variance would allow such construction to occur and protect the investment of the owner.

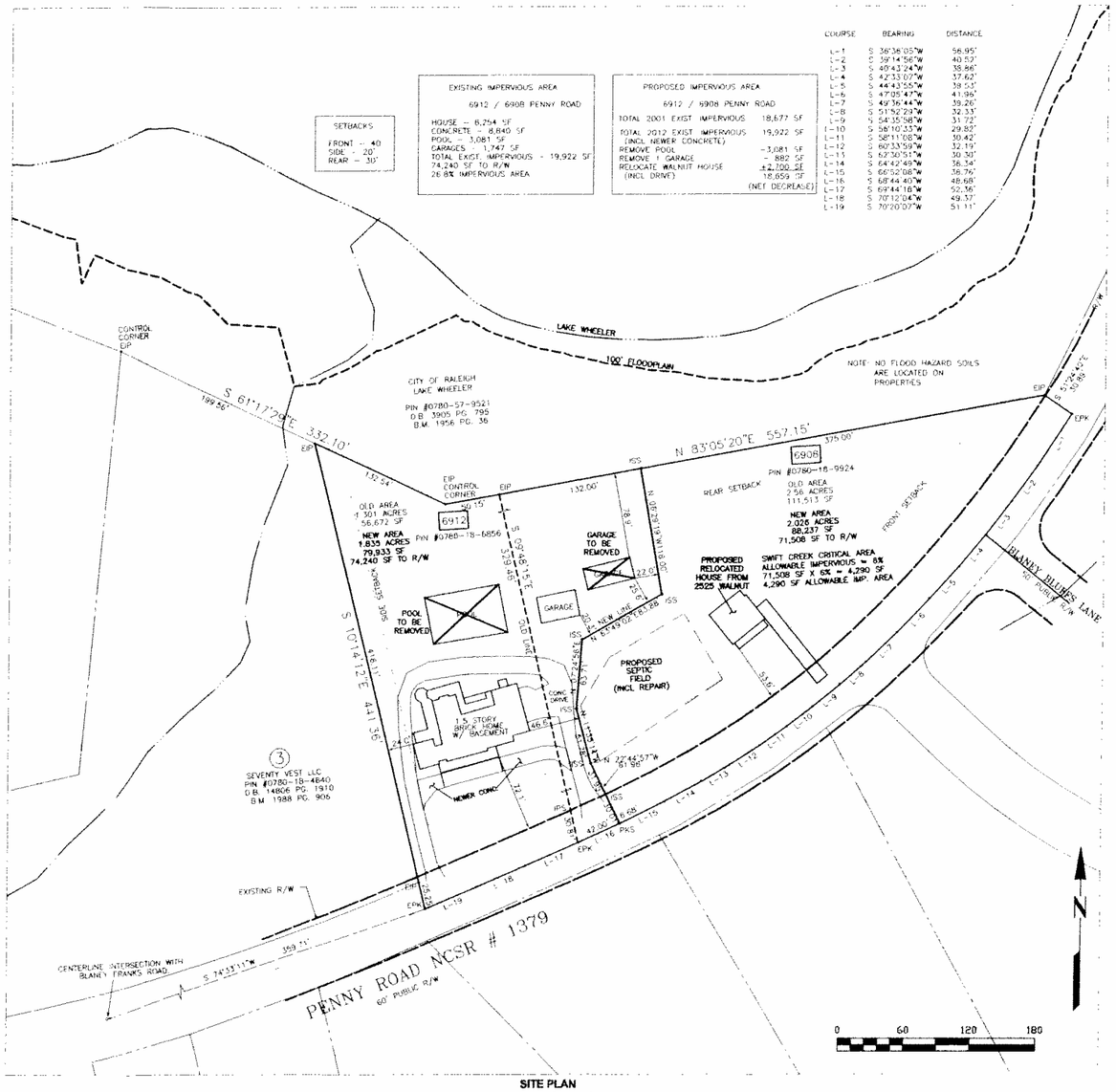
3. **The denial of the variance would cause practical difficulties or unnecessary hardships to the landowner.**
Without the variance the owner cannot build on the 6908 property as originally intended. A vacant unusable lot creates loss of investment potential, property value, marketability and tax revenue for the County. Additionally denial of the variance would prohibit the owner from relocating the farmhouse built in 1928 from the commercially overbuilt Walnut Street to a much proper setting as the property adjacent to Lake Wheeler would be.



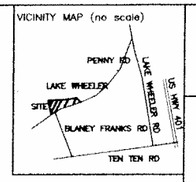
EXISTING CONTOURS
SCALE: 1" = 100'



SWIFT CREEK LMP
SCALE: NTS



SITE PLAN
SCALE: 1" = 60'



OWNERS
ASHBY, CARLTON S JR & CORA B.
6912 PENNY RD
RALEIGH, NC 27606
PINS: 0780186856
0780189924

REVISIONS
1ST REVIEW 4/2/2013

ZONING VARIANCE SITE PLAN

6912 / 6908 PENNY RD, RALEIGH, NC 27606

R-80W - SWIFT CREEK CRITICAL AREA - WAKE COUNTY, NC

PLAN TITLE - SHEET TITLE

CCE
CAPITAL CIVIL ENGINEERING
126 N SALEM ST, STE 204, APEX, NC 27502
PH 919 249-8587 FX 919 590-1887
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SEAL

DATE
APRIL 2, 2013

ISSUED FOR
REVIEW

SHEET NO.
SP1