



**ZONING HARDSHIP VARIANCE APPLICATION**

File #  
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Rec'd Date  
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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):

The maximum density requirement for R80W is .5 <sup>units</sup> ~~acres~~ per acre (Article 5-11-1).

**Property**

Parcel Identification Number: 1719351700

Address: 2316 Brassfield Road, Raleigh, NC 27614

Location: South side of Brassfield Road (S.R. 2007), at/between  
(north, east, south, west) (street)  
Paces Ferry Drive and Deer Forest Trail  
(street) (street)

Total site area in square feet and acres: 167575 square feet 3.85 acres

Zoning District(s) and Overlay Districts (if any) and land area within each: R80W

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

Present land use(s): vacant

How is this proposed use a public necessity? Very comparable and consistent with low-density model in neighboring lots.

What is impact on surrounding neighborhood and adjacent properties? Subdivided lots will be very comparable and consistent with low-density of neighboring lots.

**Property Owner**

Name: George D. <sup>III</sup> and Amy S. Rumford

Address: 340 Sandhurst Road

City: Raleigh State: NC Zip Code: 27615

E-mail Address: amyrumford@yahoo.com Fax: \_\_\_\_\_

Telephone Number: 919-696-8198 -George  
919-995-4068 -Amy

**Applicant** (person to whom all correspondence will be sent)

Name: George D. III and Amy S. Rumford  
Address: 340 Sandhurst Road  
City: Raleigh State: NC Zip Code: 27615  
E-mail Address: doug.rumford@yahoo.com Fax: \_\_\_\_\_  
Telephone Number: 919-696-8198 Relationship to Owner: owner

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

Our request is to subdivide our 3.85 acre property, located at 2316 Brassfield Road, Raleigh, NC 27614 (PIN 1719351700) into 2 buildable lots, with Lot 1 at 1.95 acres (84,908 sq. ft.), and Lot 2 at 1.90 acres (82,670 sq. ft.), while both proposed lots meet the minimum lot area per dwelling of 80,000 sq. ft., neither of the new lots meet the maximum density requirement of 0.5 units per acre. Lot 1 (proposed) density is .5128 units per acre (2.6% over the maximum), and Lot 2 (proposed) is .5263 units per acre (5.3% over the maximum).

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: George D. Rumford III Date: 3/31/14

Signature: Amy S. Rumford Date: 3/31/14

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: George D. Rumford III Date: 3/31/14

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](http://www.wakegov.com).

**Zoning Hardship Variance Statement of Justification:**  
**2316 Brassfield Road, Raleigh NC 27614**

- 1. Unnecessary hardship would result from the strict application of the ordinance.** It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

We did research and due diligence prior to purchasing the 3.85 acre property at 2316 Brassfield Road. After subdividing the property per our proposal, each new lot would be comparable to and consistent in scale with neighboring properties zoned for single family residential use.

- 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.** Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

Our phone consultation with Wake County Planning provided us with the confirmation we needed during Due Diligence before property purchase that the size of this property was adequate to be able to subdivide into two buildable lots in the fashion that we submitted in our subdivision proposal. The maximum density requirement was not cited as an issue.

- 3. The hardship did not result from actions taken by the applicant or the property owner.** The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

In addition to our phone consultation with Wake County Planning prior to property purchase, we hired a surveyor post-purchase who surveyed and provided the subdivision plan that we submitted for approval. The maximum density requirement was not cited as an issue.

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

Our subdivision proposal would yield 2 lots of just under 2-acres each, zoned for single family dwellings. This is consistent with the neighborhood lots in Banbury Woods and other nearby single-family properties. This is also 99% consistent with the recommendations for the low-density model in the Zoning and Land Use plan. Our proposal would be harmonious with existing nearby properties.

### **2316 Brassfield Road – Zoning Hardship Variance Statement of Justification: Talking Points**

- Before putting in an offer on 2316 Brassfield Road on 10/22/13, we consulted with our closing attorney on the possibility of subdividing the property into 2 buildable lots, and he recommended we contact Wake County Planning staff.
- Within the due diligence period and before purchasing this property on 12/27/13, we first checked with Wake County Planning staff on 10/18/13 via phone. We asked for clarification on whether it would be possible to subdivide this specific property, identified by PIN and address, into 2 buildable lots. After verifying the address and reviewing maps, Wake County Planning advised that there were no issues presented that would prevent this minor subdivision proposal. Minimum lot width and minimum setback were discussed, as well as the exclusion zone radius for potential wells, and a 30% impervious area requirement. Planning commented that there didn't appear to be any drainage ways or wetlands involved, septic soil suitability would need to be tested, a driveway permit would be required, and that an application would be required for a Minor Subdivision. He finished by noting that based on the size of the existing lot, the subdivided lots would result in meeting the R80W minimum lot area per dwelling unit requirement. No mention was made of the maximum density requirement.
- On November 14, we contracted with AWT Engineers and Soil Scientists to conduct a preliminary soils evaluation for onsite waste water system suitability for the potential of 2 equally sized lots, each containing a 4-bedroom house. Findings were supportive of our proposal to subdivide the property.
- Based on the results of our conversation with Wake County Planning and the results of the soil survey, we proceeded on December 27, 2013 to purchase the 2316 Brassfield Road property, with the intention to subdivide the property, and build our personal residence on one of the two resulting lots, each just under 2 acres.
- On February 15, 2014, a Minor Subdivision application was filed by Jeffrey H. Davis, PLS, on our behalf to subdivide the property into 2 lots as described above. On February 28, Mr. Davis contacted us to advise us that the application was denied as it did not meet the maximum density requirement for this zoning district. After receiving this news, we had several phone conversations with Steven Finn, Wake County Land Development Administrator throughout the month of March. He explained that the application for subdivision was denied based on not meeting the maximum density requirement. We explained the history behind our decision to purchase the property, and Mr. Finn offered to look into the situation and help identify our alternatives. During mid-March, he suggested we look at the chain of deeds to see if historically the property had been measured to the center line of SR2007, providing additional captured square footage. While we were able to provide the 1969 property deed and map confirming this, the parcel description in the more recent 1994 deed and in our 2013 deed did not include the center line description. On Friday, March 21, Mr. Finn contacted us to advise us that the best opportunity would be to proceed with a variance request.

