



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
Amit Paid
Check #
Rec'd Date
Rec'd By

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):

Request a variance from UDC 5.12.6 with minimum required setback (side) R-40W of 7.5 ft. Desired encroachment of 2'-6" at closest point to the property line or approx. 37 sq. ft. (per attached site plan.)

Property

Parcel Identification Number: 0798242398000

Address: 2801 Leeds Place Raleigh NC 27613

Location: south east side of Wildwoods Link, at/between
(north, east, south, west) (street)
Strickland Rd. and Hawtree Dr.
(street) (street)

Total site area in square feet and acres: 13,503 square feet 31 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?

Necessary for the preservation and enjoyment of substantial property rights and substantial justice done, both for the landowner and the public at large.

What is impact on surrounding neighborhood and adjacent properties?

Increased security and no negative impacts.

Property Owner

Name: Chris and Kim Ply

Address: 2801 Leeds Place

City: Raleigh State: NC Zip Code: 27613

E-mail Address: CPLY@fdh-inc.com Fax: _____

Telephone Number: 919-523-0952

Applicant (person to whom all correspondence will be sent)

Name: John Sibert 2SL Design Build Inc.

Address: 3230 Glen Royal Rd.

City: Raleigh State: NC Zip Code: 27617

E-mail Address: johns@2sldesignbuild.com Fax: 919-833-1252

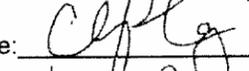
Telephone Number: 919-291-7353 Relationship to Owner: Architect / Contractor

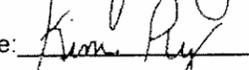
Extent of Proposed Variance (Describe the extent to which the regulation is proposed to be varied.)

Proposed variance modification to allow the attachment of existing structure from 5' to 7'-6" to allow approximately 37 sq. ft. Note: Modification should consider the detached structure as the proposed variance is required to attach the structure to existing residence and meet zoning requirements.

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:  Date: 06/30/2014

Signature:  Date: 06/30/2014

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: _____ Date: _____

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 Contact (919) 856-6335 for additional information.

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: The applicant bears the burden of presenting sufficient factual evidence to support findings of fact that allow the Board to reasonably reach each of the required conclusions, in accordance with NC General Statute 160A-388. If the applicant fails to meet that burden, the Board has no choice but to deny the application.

When unnecessary hardships would result from carrying out the strict letter of a zoning/unified development ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- 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**

Wake County recently amended their zoning ordinance to allow for home occupations in accessory structures. We would like to use our accessory structure as a home occupation space. However, once the accessory structure becomes part of the primary house the setback changes from 5' to 7'-6".

Compliance with the zoning Regulation creates an undo hardship because:

- ii. we need to have the space be contiguous with the existing heated house to function correctly for our home occupation.
- iii. Creates a security hazard for the detached structure.

- 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.

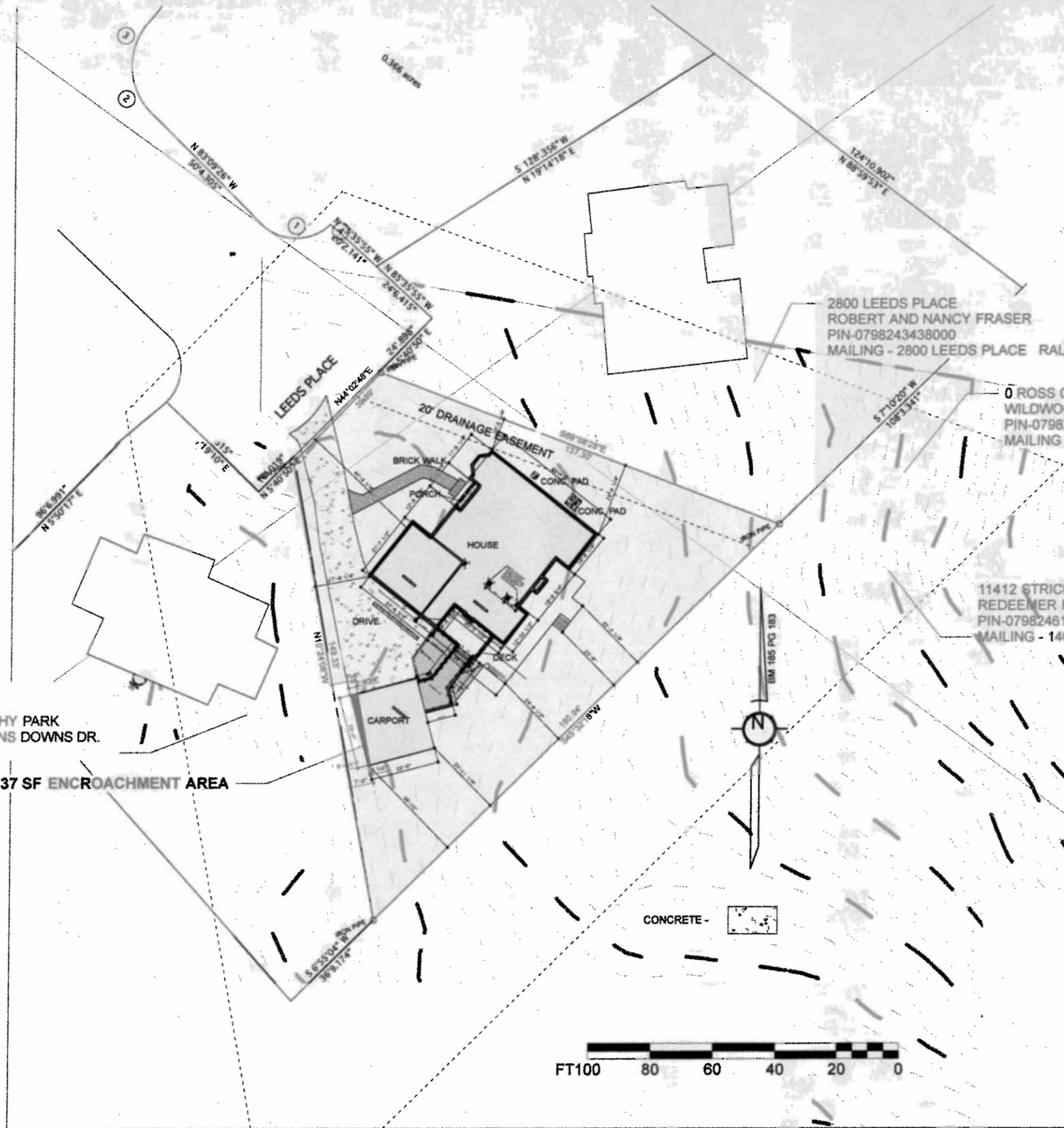
i. The location of the existing structure structure is such that is too close to the existing property line. Without having to tear down the structure and rebuild the structure, which is an undo hardship, there is no way to connect the current structure to the main house.

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.

i. This hardship is a result of the previous homeowners constructing the structure 2'-6" too close to the property line for it to be part of the primary house. The current homeowner inherited this existing condition, which is a security hazard for the owners.

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.

i. Security is a significant hardship we are trying to overcome, and we are not changing any of the existing structure's size or location we are conforming to the spirit of the ordinance (in particular to the modifications of the ordinance to conform with home occupations), and are not in anyway jeopardizing public safety, and justice is done, in addition the Home Owner's association supports this connection to the existing house.



ADJOINING PARCELS

2800 LEEDS PLACE
ROBERT AND NANCY FRASER
PIN-0798243438000
MAILING - 2800 LEEDS PLACE RALEIGH NC, 27613

0 ROSS CT
WILDWOOD GREEN HOMEOWNERS ASSOC INC
PIN-0798247727000
MAILING - PO BOX 99149 RALEIGH NC 27624

11412 STRICKLAND RD
REDEEMER PRESBYTERIAN CHURCH IN AMERICA RALEIGH INC
PIN-0798246162000
MAILING - 140 NORTHWAY CT. RALEIGH 27615

2805 LEEDS PLACE
PIN - 0798241395000
ROBERT AND DOROTHY PARK
MAILING - 1712 GREENS DOWNS DR. RALEIGH NC 27613

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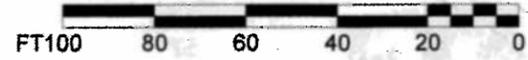
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PIN-0798246162000
MAILING - 140 NORTHWAY CT RALEIGH 27615

37 SF ENCROACHMENT AREA

CONCRETE -



John Sibert
3230 Glen Royal Road
Raleigh, NC 27617
Tel 919 833 1448
Fax 919 833 1252

1 ZONING VARIANCE SITE PLAN
Scale: 1" = 40 ft

2 LOCATION MAP
NTS

CHRIS AND KIM PLY PIN - 0798242398000

ZONING VARIANCE SITE PLAN

PLY ADDITION 2801 Leeds Place, Raleigh, NC 27613

06-30-2014



SITE PLANNING
ARCHITECTURE
CONSTRUCTION