



ZONING HARDSHIP VARIANCE APPLICATION

WAKE COUNTY
JAN - 5 2018

File #
Fee
Amt Paid
Check #
Rec'd Date
Rec'd By

BA V-2224-16

Submit required documentation to:
Wake County Planning, Development and Inspections
PO Box 550
Raleigh, NC 27602-0550
Wake County Office Building
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):

RELIEF FROM THE REQUIREMENT OF 5-11-1 CALLING FOR 20' SIDE YRD. APPARENTLY THE BUILDER PUT THE FRAMING AT THE SURVEYOR'S 20' OFFSET PINS IN THE FOOTING AND DID NOT SET BACK TO ALLOW FOR SLOPE. THE HOUSE IS 16'(5.2") TO CLOSE ON ONE SIDE AND 9'(8.4") TOO CLOSE ON THE OTHER. ENCROACHING 15.6 SQ. FT. AND 18.2 SQ. FT. TOTAL 33.8 SQ. FT. CANNOT PURCHASE LAND PROPERTY FROM THE DEEDS OF BUILDERS ON THE EAST OR FROM THE NEIGHBORS TO THE WEST. Parcel Identification Number: 1719830994 SEE MAP ATTACHED

Address: 940 STONE FALLS TRAIL
Location: END side of STONE FALLS TRAIL (street) at/between (north, east, south, west) (street)
Total site area in square feet and acres: 105,851 square feet 2.43 acres
Zoning District(s) and Overlay Districts (if any) and land area within each: R-80-W

List Conditions of any Conditional Use Zoning Districts:

Present land use(s): SINGLE-FAMILY RESIDENTIAL

How is this proposed use a public necessity?
IT IS IN THE PUBLIC INTEREST TO ALLOW MINOR VARIANCE FROM CODE NORMS IN ORDER TO LEGALIZE SIGHT-KAN-CONSENTS. What is impact on surrounding neighborhood and adjacent properties? AND EMBLE LOGS AND SALES, NONE. HOUSE BUILT IN 1997, NO PROBLEMS FROM THIS ENCROACHMENT

Property Owner
Name: DAVID AND JEANNE SMOOT
Address: 531 SOUTH MAIN STREET
City: WAKE FOREST State: NC Zip Code: 27587
E-mail Address: SMOOT-DAVID@GMAIL.COM Fax:
Telephone Number: 919-669-5151

Applicant (person to whom all correspondence will be sent)

Name: SAME

Address: _____

City: _____

State: _____ Zip Code: _____

E-mail Address: _____

Fax: _____

Telephone Number: _____

Relationship to Owner: _____

Extent of Proposed Variance (Describe the extent to which the regulation is proposed to be varied.)
Attach additional sheet as necessary.

3 DECVLVE MARSHES OF 17'8.4") ON WEST SIDE AND .6' (5.2")
ON WEST SIDE -- SEE MAP ATTACHED

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: 1/5/2016

Signature: [Signature] Date: 1/5/2016

Signature: _____ Date: _____

Land use professionals (architects, engineers, planners, landscape architects, etc.), as well as employees of corporate or municipal applicants, may testify at quasi-judicial proceedings about factual matters in support of an application, petition or appeal. However, they MAY NOT examine or cross-examine witnesses, make legal arguments as to why an application, petition or appeal should be granted, or otherwise advocate for results on behalf of another individual or entity at a quasi-judicial proceeding. These functions can ONLY be performed at a quasi-judicial proceeding by an attorney licensed to practice law in North Carolina. Therefore, it is **strongly recommended** that unless you are an individual representing yourself in a quasi-judicial proceeding, you have an attorney present to present your case.

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: 1/5/2016

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 Application
Statement of Justification

For Required Conclusions #s:

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

In that Petitioner cannot get building permits or mortgage or sell this house without very minor sideline variances due to a building placement error by framer 20 years ago.

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

Other homes in this neighborhood apparently are conforming as to sideline setbacks and granting this variance would bring this house into harmony with neighboring houses in this regard.

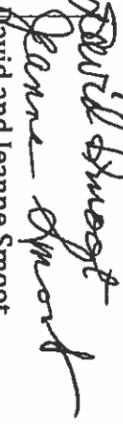
3. The hardship did not result from actions taken by the applicant or the property owner:

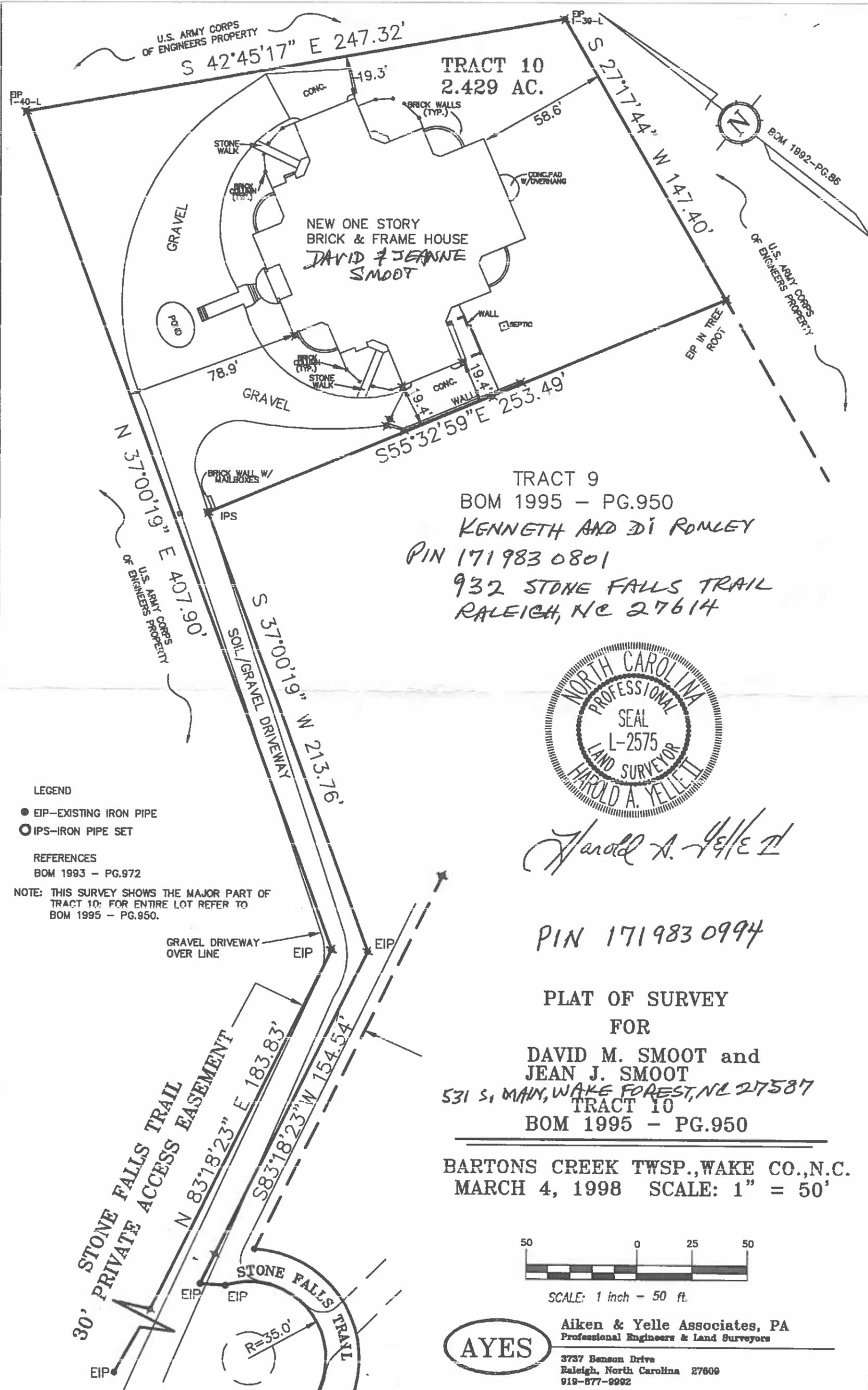
The slight mistake in placement of the garage walls was caused by a college-trained framing supervisor who was trusted to build within the survey pins but did not allow for brickwork which is the slight projection into the side yard setbacks.

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:

The 8.2-inch encroachment on one side and 7.2 inches on the other is very minor and so does not really diminish the reason for the setback, to space houses apart for light and air. The only neighbor, on the west side, is about a hundred feet away and there is no neighboring house on the east side. The setbacks are substantially in compliance and the variance is justified.

Thank you for your consideration.


David and Jeanne Smoot
940 Stone Falls Trail



LEGEND
 ● EIP-EXISTING IRON PIPE
 ○ IPS-IRON PIPE SET

REFERENCES
 BOM 1993 - PG.972

NOTE: THIS SURVEY SHOWS THE MAJOR PART OF TRACT 10; FOR ENTIRE LOT REFER TO BOM 1995 - PG.950.

TRACT 9
 BOM 1995 - PG.950
 KENNETH AND DI ROMLEY
 PIN 1719830801
 932 STONE FALLS TRAIL
 RALEIGH, NC 27614



Harold A. Yelle II

PIN 1719830994

PLAT OF SURVEY
FOR
DAVID M. SMOOT and
JEAN J. SMOOT
 531 S. MAIN, WAKE FOREST, NC 27587
 TRACT 10
 BOM 1995 - PG.950

BARTONS CREEK TWSP., WAKE CO., N.C.
 MARCH 4, 1998 SCALE: 1" = 50'



AYES
 Aiken & Yelle Associates, PA
 Professional Engineers & Land Surveyors
 3737 Benson Drive
 Raleigh, North Carolina 27609
 919-877-9992