

BA-V-2251-17



# 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

**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):

UDO Section 11-21 requires either a minimum 50 ft buffer plus an additional 20 ft building setback for a non perennial watercourse with greater than 25 acres drainage area or a minimum 100 ft buffer for a perennial stream. A single family house is proposed to be built within the buffer up to within 30 feet of the top of stream bank, regardless of which buffer restriction is required. Approximate encroachment is

3,200 square feet and up to 70 ft into the 100 ft wide buffer. This single family house will also encroach into the Zone 2 (the outer 20 ft) of the 50 ft wide NCDEQ DWR Neuse River Buffer. A Buffer Authorization is being applied for through NCDEQ DWR in accordance with NC Session Law 2012-200, and it is assumed that no additional variance from Wake County is required to encroach on the NCDEQ DWR Neuse River Buffer.

### Property

Parcel Identification Number: 0790523861

Address: 6825 Green Meadow Raleigh, NC 27603

Location: east side of Green Meadow Drive at between  
(north, east, south, west) (street)  
Green Meadow Drive and Brookwood Drive  
(street) (street)

Total site area in square feet and acres: 22,956 square feet 0.527 acres

Zoning District(s) and Overlay Districts (if any) and land area within each: R-40W  
Swift Creek Water Supply Watershed. Entire lot area of 0.527 acres.

List Conditions of any Conditional Use Zoning Districts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Present land use(s): Vacant

How is this proposed use a public necessity?

Single family homes in existing neighborhoods are a public necessity because people need a place to live, and this property would have no other land use since it is in an existing residential neighborhood.

What is impact on surrounding neighborhood and adjacent properties?

Minimal, likely improvement of surrounding property values.

### Property Owner

Name: J. David Lee and wife Melanie A Lee

Address: 200 Tamworth Drive

City: Willow Spring State: NC Zip Code: 27592

E-mail Address: service@jdaavidleebuilders.com Fax: \_\_\_\_\_

Telephone Number: (919) 661-4267

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

Name: J. David Lee

Address: 200 Tamworth Drive

City: Willow Spring State: NC Zip Code: 27592

E-mail Address: service@jdaavidleebuilders.com Fax: \_\_\_\_\_

Telephone Number: (919) 661-4267 Relationship to Owner: Self

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

A single family house is proposed to be built within  
the Swift Creek water supply watershed buffer up to within 30 feet of the top of stream bank, Approximate encroachment is  
3,200 square feet into the 100 ft wide buffer. This single family house will also encroach into the Zone 2 (the outer 20 ft) of the 50 ft wide  
NCDEQ DWR Neuse River Buffer. A Buffer Authorization is being applied for through NCDEQ DWR in accordance with NC Session Law  
2012-200, and it is assumed that no additional variance is required to encroach on the NCDEQ DWR Neuse River Buffer.

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: J. David Lee Date: 3.28.17

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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: J. David Lee Date: 3.28.17

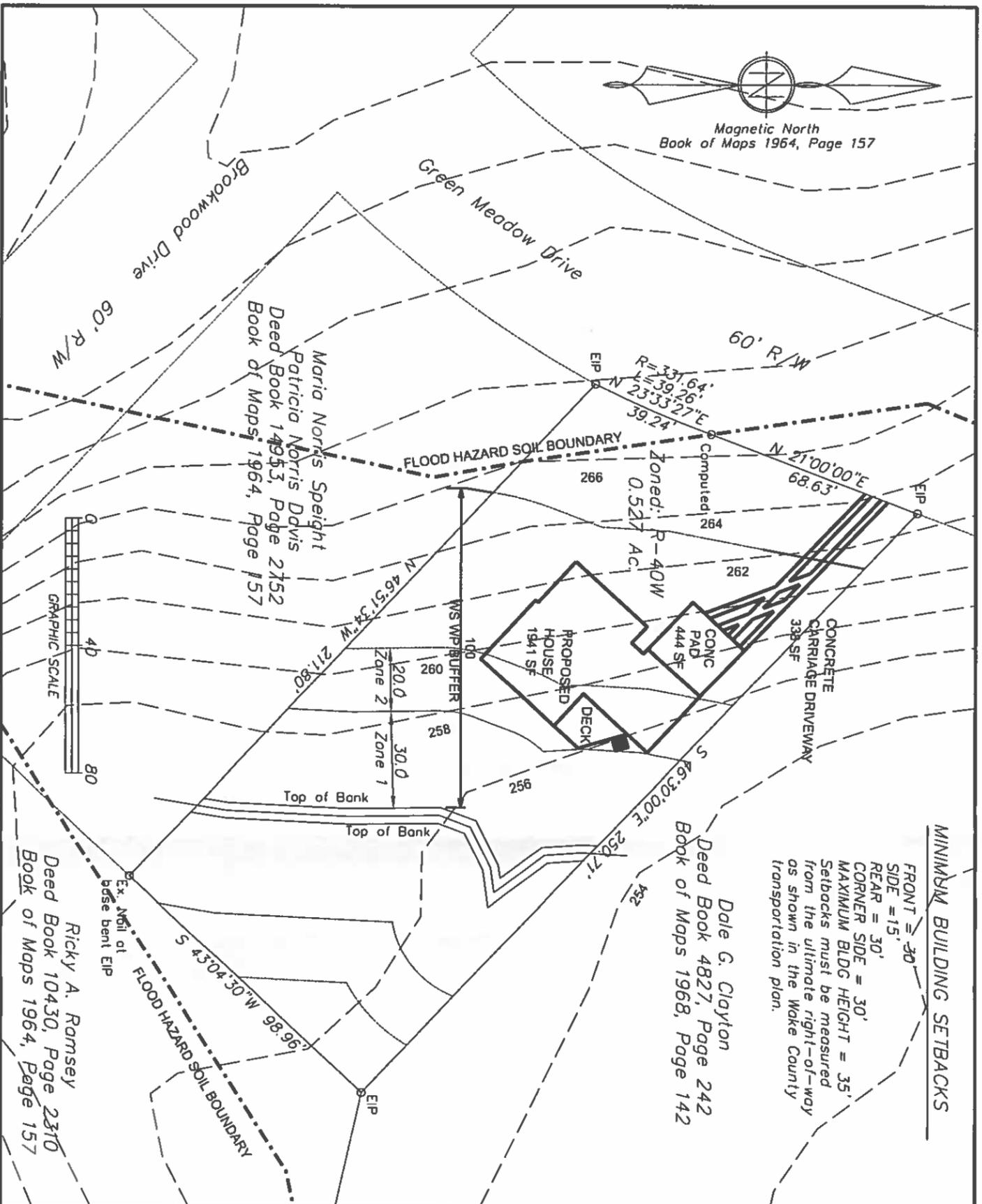
Notes: All documents and maps submitted as required become the property of Wake County.  
The Wake County Unified Development Ordinance is on the web at [www.wakegov.com](http://www.wakegov.com).

# Statement of Justification

## Zoning Hardship Variance – Wake County

Dated: 3/15/2017

- 1. Unnecessary hardship would result from the strict application of the ordinance.**
  - a. Considering that the stream buffer consumes approximately 75% of the lot, it would not be possible to build a single family house on this property because there isn't enough room outside of the buffer. Additionally, septic system design consultants have indicated that the house will have to be located as close to the stream on the property as possible to install any type of septic system due to the soil type and slope on the property.
- 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.**
  - a. The location of the stream near the middle of the property results in the stream buffer consuming most of the buildable area on the property. It additionally presents challenges to conventional or alternative septic systems due to the slope on the lot, and the soil type present on the lot.
- 3. The hardship did not result from actions taken by the applicant or the property owner.**
  - a. When this property was originally subdivided and platted in 1964, regulations that would have allowed for locating the house immediately adjacent to the stream, and septic system design regulations would have permitted a conventional septic system, even with the limited space available in the front yard. The property owner did not create any circumstance that created this hardship.
- 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.**
  - a. This lot is in an existing, mostly developed residential neighborhood. When the neighborhood was originally subdivided and platted, regulations at that time would have allowed for this single family house to be built without a variance. It is in the County's and the public's best interest to allow for this single family home to be built in this neighborhood so the property owner will not be unjustly treated.



**MINIMUM BUILDING SETBACKS**

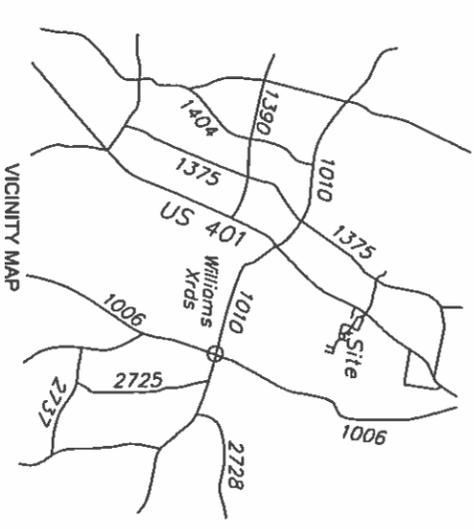
FRONT = 30'  
 SIDE = 15'  
 REAR = 30'  
 CORNER SIDE = 30'  
 MAXIMUM BLDG HEIGHT = 35'

Setbacks must be measured from the ultimate right-of-way as shown in the Wake County transportation plan.

Dale G. Clayton  
 Deed Book 4827, Page 242  
 Book of Maps 1968, Page 142

Maria Norris Speight  
 Patricia Norris Davis  
 Deed Book 14953, Page 2152  
 Book of Maps 1964, Page 157

Ricky A. Ramsey  
 Deed Book 10430, Page 2310  
 Book of Maps 1964, Page 157



6825 Green Meadow Drive  
 Lots 176-179 Brookwood Subdivision  
 Book of Maps 1964, Page 157  
 PIN: 0790.04-52-3861

J. David Lee  
 Builders

Middle Creek Twp.	Wake County
Scale: 1" = 40'	Date: 3-11-17

ZONING VARIANCE SITE PLAN

Owner: J. David Lee and wife Melanie A Lee  
 service@davidleebuilders.com  
 919-661-4267

Drawn by: Michael Batten

Submitted to Wake County for Hardship Variance  
 NOT FOR CONSTRUCTION