



Town Of Summerfield
Development Bulletin

Variance
Application

Case Number 04-10-V

To the Summerfield Board of Adjustment:

I, GERALD SWANSON, hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Development Ordinance because, under the interpretation given to me by the Enforcement Officer, I am prohibited from using the parcel of land described in the attached form (Application Cover Sheet) in a manner shown by the plot plan attached to that form. I request a variance from the following provisions of the ordinance (cite section numbers):

ARTICLE 4-5.2

so that the property can be used in a manner indicated by the plot plan attached to the Application Cover Sheet or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein:

ELIMINATE REQUIRMENT FOR ATTACHING THE NEW GARAGE
TO EXISTING HOUSE

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach three conclusions before it may issue a variance: (1) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance; (2) that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit; and (3) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these three required conclusions.

1. THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS THAT WOULD RESULT FROM CARRYING OUT THE STRICT LETTER OF THE ORDINANCE. The courts have developed four rules to determine whether in a particular situation "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

a. If the applicant complies with the provisions of the ordinance, he/she can make no reasonable use of his/her property. (It is not sufficient that failure to grant the variance simply makes the property less valuable.)

N/A

b. The hardship of which the applicant complains results from unique circumstances related to the applicant's property. (Note: Hardships suffered by the applicant in common with his/her neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant, since a variance, if granted, runs with the property. The hardship results from the nature of the property, i.e. lot conditions.)

SEE ATTACHMENT

Article 4-5.2

Eliminate requirement for attaching the new garage to existing house

1. A) N/A

B) Due to the slope of the property in relationship to the existing driveway (the most appropriate location as to preserve existing parking). Back of new structure and right side have significant drop offs and additional fill would disrupt the natural areas that buffer properties.

Further down the left side of the property would disrupt existing well site (see drawing). Also additional future expansion plans prohibit the structure to be behind the current front face of home.

All other locations for a garage are interrupted by the septic system to the right of the home and grade restrictions along with sever terrain changes make it difficult to put it any where else on the property.

C) Relocating the new garage on any other part of the property will result in more tree removal and additional changes to the natural environment.

D) N/A

2. Requiring us to attach the new garage to the house with some type of structure would be over kill for the project and unnecessary. It would be on the backside of the structure and just act as way to get around the ordinance. The garage would still be in the same place. There would be little change to the appearance to the property from the road with this design and it does not encroach on the front setback.

3) N/A

c. The hardship results from the application of the ordinance to the property.

SEE ATTACHMENT

d. The hardship is not the result of the applicant's own actions.

N/A

2. THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

SEE ATTACHMENT

3. THE GRANTING OF THE VARIANCE ASSURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. (State facts and arguments to show that, on balance if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

N/A

GERALD SWANSON

Applicant

6904 WOODEN RAIL SUMMERFIELD, NC ~~27358~~ 27358

Address (street number, city, state, Zip code)

336-314-5067 (DAN ALEXANDER)

Phone Number

OMNIGBNC@AOL.COM

E-mail

Tax Map Parcel Number 0 1 4 8 1 2 5



Town of Summerfield
Planning Department

NOTICE OF PUBLIC HEARING

The following Public Hearing will be held during the regular monthly meeting of the Summerfield Board of Adjustment on **December 16, 2010** at 6:30 PM at

Summerfield Town Hall
4117 Oak Ridge Rd
Summerfield, NC

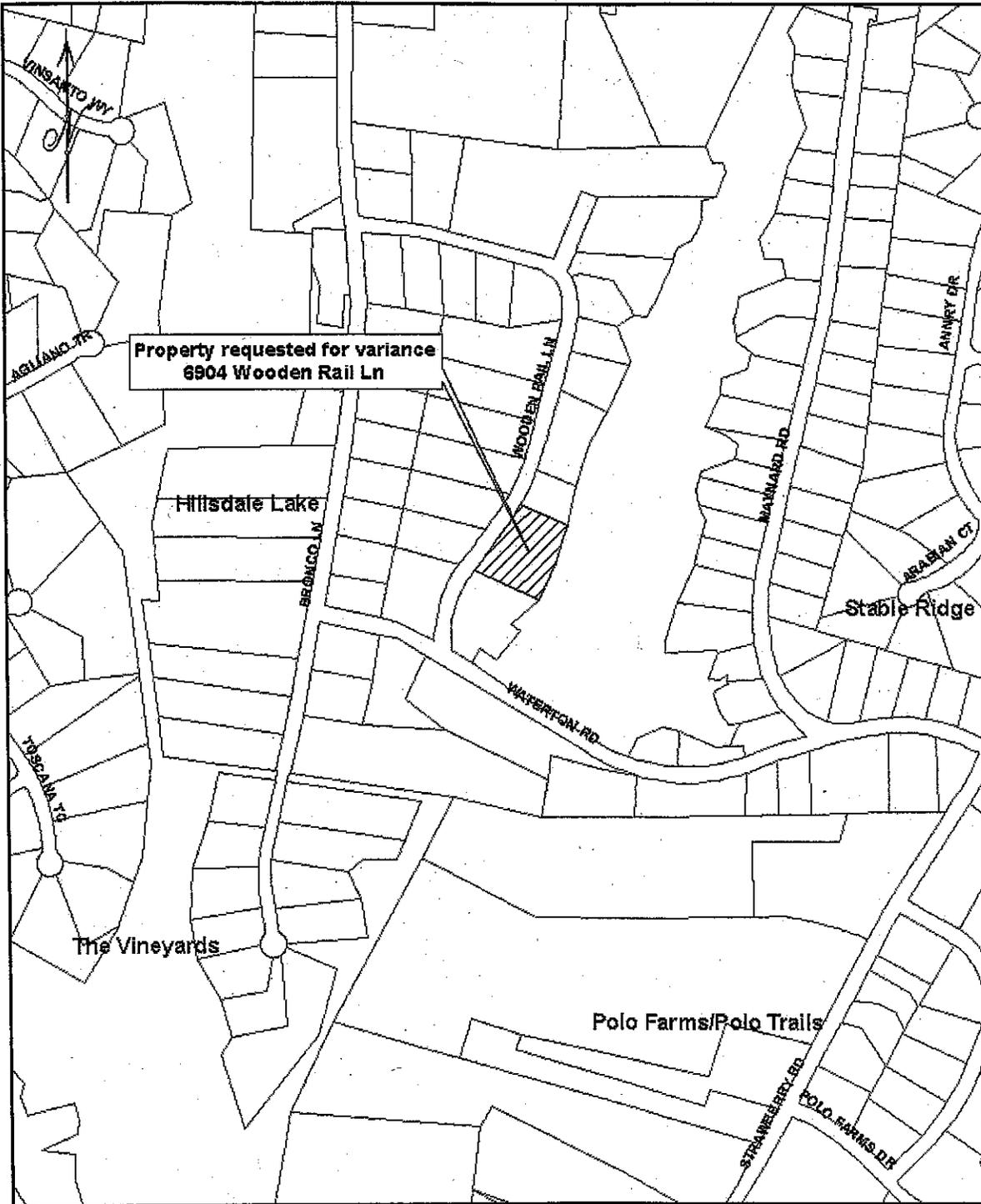
CASE 04-10-V: Gerald Swanson is requesting a variance of Article 4-5.2 (A) of the Summerfield Development Ordinance which requires accessory structures to be located behind the front building line of the principal structure. The property is located at 6904 Wooden Rail Ln, in Bruce Township: Guilford County Tax Map #0148125.

This notice is sent to all owners of property adjacent to the property requested for variance. Please discuss it with other residents who may have an interest in this request. Anyone wishing to be heard on this matter should appear at the public hearing, or arrange to be represented.

If you have any questions, please call the Planning Office at 643-8655.

Christopher S. Anderson, AICP
Town Planner
643-8655
www.summerfieldgov.com

Variance Case #04-10-V



Prepared by Town of Summerfield Planning Department November, 2010.



Variance Case 04-10-V

Gerald Swanson is requesting a variance of Article 4-5.2 (A) of the Summerfield Development Ordinance which requires accessory structures to be located behind the front building line of the principal structure. The property is located at 6904 Wooden Rail Ln, in Bruce Township: Guilford County Tax Map #0148125.

The Swansons have a house at this address, 6904 Wooden Rail Ln. Currently, they would like to construct a detached garage on the property. After discussing various options with the applicant, it seems that they would like to construct this garage at a location that puts the structure in front of the front building line of the existing house. The property is located on a lake, with the property sloping from the road to the lake, and generally getting steeper near the center of the property. The proposed location of a garage seems to make the most sensible location on the property, but a variance is required in order for this to be permitted. The proposed location would be at the end of the existing pavement, which serves as driveway for the house. The proposed location also allows continued view of the waterfront from the driveway, or at least impedes this view to a lesser extent than an attached garage (which would extend the length of the house). The proposed location also seems an appropriate place due to the topography of the property, which slopes more after the front building line of the house.

The application actually notes that the variance request is to forego the requirement to attach the garage to the house. If the garage were to be attached to the house, this would effectively revise the front building line of the house, and would thus be permitted under current regulations. The County has in the past defined attached as structurally connected, and would require more than a breezeway, and be structurally, physically connected to the house.

Attached: 1. Completed variance forms.
2. Site plan showing proposed garage structure
3. Notice to abutting property owners.

The Town of Summerfield Development Ordinance Article 4-5.2 (A) states that “All accessory structure and buildings must be located behind the front building line of the principal structure...” There are provisions for pre-existing accessory structures. The decision of the Board of Adjustment should be based on the factors included in section 9-4.8 of the development ordinance. The factors that should be decided are that a hardship exists, that the variance would be in harmony with the general purpose of the ordinances, and that granting the request assures the public safety and welfare. The Board may determine the hardship if 1) no reasonable use of the property may be made if the applicant complies with the regulations, 2) the hardship results from unique circumstances, 3) the hardship relates to the applicant’s property, and 4) that the hardship is not the result of the applicant’s actions.

A hardship appears to exist in that the property is sloped away from the road frontage, and the property is wider than it is deep (more frontage, less distance between front and back). The

existing house was originally built closer to the lake, or at least fairly central on the property and does not encroach upon the front setback, leaving a good deal of depth to the property that could have been utilized during the original construction.

The Board of Adjustment first considers the findings of fact. If those findings lead to the approval of a variance, they should consider that minimum variance that would make a reasonable use of the land, without jeopardizing the general purpose and intents of the Development Ordinance.