



Town of Mint Hill

John M. McEwen Assembly Room
4430 Mint Hill Village Lane
Mint Hill, North Carolina 28227

Mint Hill Board of Adjustment Agenda September 25^h, 2017 at 6:30 p.m.

1. Call To Order
2. Roll Call and Declaration of Quorum
3. Approve Minutes of June 26th, 2017 Regular Meeting
4. Reports of Committees, Members, and Staff
5. Old Business
6. New Business
 - A. Discussion and Decision on Variance Request #V17-4 Filed by Alton Brent Grayson, Property Located at 6038 Robin Hollow Drive, Tax Parcel #135-271-06 from section 6.9.7 (11) specifies accessory structures are limited to 900 sq ft.
 - B. Discussion and Decision on Variance Request #V17-5 Filed by Linda Kragnes & Dan Kragnes, Property Located at 12902 Telfair Meadow Drive, Tax Parcel #135-343-22 from Section 6.9.7 Accessory Use and Structures
7. Other Business
8. Adjournment

Cassie Crutchfield
Program Support Assistant

MINUTES OF THE MINT HILL BOARD OF ADJUSTMENT
June 26th, 2017

The Mint Hill Board of Adjustment met in regular session on Monday, June 26th, 2017 at 6:30 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

ATTENDANCE

Vice Chairman: June Hood

Members: Michael Weslake, Ronald Rentschler, Bobby Reynolds and Todd Fisher

ETJ Members: Debi Powell and David Tirey

Absent: Gary Isenhour

Town Planner: Chris Breedlove

Clerk to the Board: Candice Everhart

CALL TO ORDER

Vice Chairman Hood called the meeting to order at 6:30 p.m., declared a quorum present and the meeting duly constituted to carry on business.

ORDER OF BUSINESS

Approval of Minutes of May 22nd, 2017 Regular Meeting: Upon the motion of Mr. Reynolds, seconded by Mr. Rentschler, the Board unanimously approved the minutes of the May 22nd, 2017 Board of Adjustment regular meeting.

Reports of Committees, Members and Staff: None.

Old Business:

- A. Variance Request #V17-1, Filed by Suzanne Wolf, Property Located at 7200 Apple Creek Drive, Tax Parcel #135-366-06:** *Mrs. Hood asked the applicant and Mr. Breedlove to step forward and be sworn in. Do you swear or affirm that the testimony you are about to give is to the best of your knowledge so help you God? I do,* stated Mr. Breedlove and Mrs. Wolf.

Mr. Breedlove said, the applicant is requesting a variance from the 10' minimum distance requirement which applies to all detached accessory structures. The front, by ordinance, would be Apple Creek Drive and their side yard is Apple Way. Nothing can go in the front yard. On the Apple Way Court side, it is a 25' setback and the side along where they wish to place the shed is a 15' setback. Another thing to keep in mind is there is a storm drainage easement along the side as well as the rear. I will let the applicant come up and talk now.

Suzanne Wolf of 7200 Apple Creek Drive stated, I bought the shed in Mecklenburg County and they told me as long as it was 12'x12' or less then I didn't need a permit. I took him at his word and I didn't do this out of any malice or anything. I am not

infringing on my neighbors, I'm infringing on my own property. We've gone over this every way we can think of and cannot come up with another solution as to where to place the shed. We have a business permit to run our business out of the shed. It would be a huge financial burden if we had to move it. I think it looks appealing and like its part of the house. None of my neighbors have complained to me about it.

Mr. Fisher asked, was it a building permit issue or size? Mrs. Wolf said, I was told I didn't have to get a permit from Mecklenburg County because it's a 12'x12'.

Mr. Breedlove said, Mecklenburg County doesn't require a permit for 12x12, but Mint Hill does require a Zoning Permit.

Mr. Fisher asked, is the shed on a permanent foundation? No it is not. It was built on the property, said Mrs. Wolf.

Mr. Fisher asked, is it on concrete? Yes, but it isn't attached to the slab, it has skids to pick it up, said Mrs. Wolf.

Mr. Fisher asked, Chris are you able to speak to the ordinance in reference to the 10'? Mr. Breedlove said, it was written a while ago I believe and was probably put in place as a safety protocol in case of a fire or something.

Mr. Rentschler asked, what was the size of the prior shed? Mrs. Wolf said, it was 8'x8'.

Mr. Fisher asked, is there room at the rear of the lot to accommodate the shed? Mr. Breedlove said, from a setback standpoint yes, but I believe it is heavily wooded and they would have to cut down a lot of trees. It also slopes and the water runs down back there towards the drainage easement.

Mrs. Wolf said, our neighbor cemented his whole back yard and so all of the water runs off of his to our back yard as well. That runs to Erwin Creek and makes the conditions very wet in our lower back yard.

Mr. Fisher asked, is there a stream buffer? Mr. Breedlove said, no it is the drainage easement only.

Mrs. Powell asked, how would the Town address the Home Occupation Permit part of this because if everyone wanted to go get a shed and run a business out of it would be a concern to me. Mr. Breedlove said, the shed could be for lawn mowers or anything else. It doesn't matter what the shed is being used for, it's more a concern for us because of the setbacks and separation distance.

Mr. Tirey asked, would you have stayed at your business in Town if you knew this was going to be an issue? Mrs. Wolf said, I would not because the building is falling apart. There was no central heating or air and there were beginning to be skylights where they weren't supposed to be. I don't blame the owners for not investing in it, because they would really like to sell the land.

Mrs. Powell said, how do we approve this without setting a precedence? Mr. Breedlove said, I get that question a lot with this board and Planning Board as well. It's all about the details of the lot, the topography, shape, which way it faces or sits and so on.

Mrs. Hood said, we can move into the fact finding in there are no further questions.

Unnecessary hardships would result from the strict application of the ordinance.

Mr. Weslake said, hardships would result because of the positioning of the house on the lot along with the setbacks and easements.

Mr. Reynolds said, unnecessary hardships would result by requiring relocation which is nearly impossible.

Mr. Fisher said, hardships would result due to the shed already being erected and a prior shed had been in the location before.

Mrs. Hood said, I agree with the previous statements.

Mrs. Powell said, I agree with Mr. Weslake.

Mr. Rentschler said, I disagree. There was a smaller shed there before and they could've done the same.

Mr. Tirey said, unnecessary hardships would result due to previous statements as well as potential loss of business and investment.

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

Mr. Weslake said, the hardship is a result from conditions peculiar to the property due to the shed only being able to be placed in the back but the slope and water is an issue.

Mr. Reynolds said, the hardship results due to topography.

Mr. Fisher said, I agree and I will add the drainage easement.

Mrs. Hood said, I agree.

Mrs. Powell said, I agree with Mr. Weslake.

Mr. Rentschler said, the hardship results from the applicant. I believe the shed could've been placed somewhere else.

Mr. Tirey said, I agree with Mr. Weslake.

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

Mr. Weslake said, the hardship did not result from the actions taken by the property owner. The hardship is a result of the contractor placing the shed in the setback without verifying or obtaining a zoning permit.

Mr. Reynolds said, it was not a result of the applicant or property owner, but it is a result of unusual topography.

Mr. Fisher said, the hardship is a result of the applicant not obtaining the proper permits.

Mrs. Hood said, the hardship is a result of being misinformed about needing a permit depending on the size of the shed.

Mrs. Powell said, I agree with Mr. Weslake.

Mr. Rentschler said, the hardship is due to the applicant not properly following the code.

Mr. Tirey said, I don't think it was the applicant's actions, but should've done more research on the required permitting for the shed.

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.

Mr. Weslake said, the variance requested is consistent with the spirit, purpose and intent of the ordinance such that public safety is secured and substantial justice is achieved because the shed doesn't present a public safety issue, doesn't infringe on the neighbors and has been built to blend in with the house.

Mr. Reynolds said, the requested variance is consistent by allowing the shed to remain and be used as the owner intends.

Mr. Fisher said, the intent of the ordinance is not clear, but I don't see a safety issue with the way the shed has been constructed.

Mrs. Hood said, the requested variance is consistent and public safety is achieved.

Mrs. Powell said, I agree with Mr. Weslake.

Mr. Rentschler said, I agree that public safety is secured, but substantial justice is not achieved.

Mr. Tirey said, I believe the variance is consistent with the ordinance.

Mr. Reynolds made a favorable motion to grant Variance request #V17-1, filed by Suzanne Wolf for property located at 7200 Apple Creek Drive, Tax Parcel #135-366-06 due to the fact that unnecessary hardships would result from the strict application of the ordinance, hardships result from conditions that are peculiar to the property and not by actions taken by the applicant or property owner and that substantial justice would be achieved. Mr. Weslake seconded the motion and the motion went to a vote. Mrs. Hood, Mrs. Powell and Mr. Tirey were in favor of the motion. Mr. Fisher and Mr. Reynolds were opposed to the motion, therefore the motion did not carry and the variance was denied.

New Business:

- A. Variance Request #V17-3 Filed by Donald Scott Harder and Annette Carol Harder for property located at 970 Ben Black Road, Tax Parcel Number 139-431-14:** *Mrs. Hood asked the applicant and Mr. Breedlove to step forward and be sworn in. Do you swear or affirm that the testimony you are about to give is to the best of your knowledge so help you God? I do, stated Mr. Breedlove and Mr. Harder.*

Mr. Breedlove said, the applicant had a detached garage built here in 2015 and the side setback is 20'. They found out while trying to sell the property recently that the survey for the perspective buyer that the garage goes into that side setback. It is encroaching by about eighteen inches. They did pull all of the appropriate permits

from the county and the county didn't measure the setbacks.

Mr. Weslake asked, what year was the house built? Mr. Harder said, it was built in 2006. The garage is actually an attached garage to clarify the earlier statement. What's going on here is that we contracted with a licensed contractor and in the agreement it stated he was to follow all proper permits and obtain all licenses, which he didn't is what we've come to find out. We can't obtain title insurance in order to sell our house because of this.

Mrs. Powell asked, would you have any issue with it being 18' instead of 15'? Mr. Harder said, it doesn't matter as long as it's in compliance. I just put 15' because it's an easy number.

Mr. Weslake asked, is there a house on lot four? Mr. Harder said, the man bails hay twice a year there.

Mrs. Hood said, we can move into the fact finding in there are no further questions.

Unnecessary hardships would result from the strict application of the ordinance.

Mr. Weslake said, hardships would result due to the fact the structure has been in place for two years and the owner can't sell the house.

Mr. Reynolds said, hardships would result by not allowing the garage to remain.

Mr. Fisher said, hardships would result due to the contractor not following the process they were supposed to in order to obtain permits.

Mrs. Hood said, I agree.

Mrs. Powell said, unnecessary hardships would result from the strict application of the ordinance because it would be unreasonable for this small infraction prevent the sale of this property.

Mr. Rentschler said, I agree with Mrs. Powell.

Mr. Tirey said, I agree with Mrs. Powell.

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

Mr. Weslake said, hardships result from the shape of the lot and the placement of the garage.

Mr. Reynolds said, the hardship results from the way the home sits on the lot in a peculiar shape.

Mr. Fisher said, I agree with Mr. Reynolds.

Mrs. Hood said, I agree also.

Mrs. Powell said, the hardship results from conditions peculiar to the property, such as location, size or topography because the front corner is out of compliance only on the garage.

Mr. Rentschler said, I agree with Mrs. Powell.

Mr. Tirey said, I agree with Mrs. Powell.

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

Mr. Weslake said, the hardship is not a result of the applicant or property owner, the contractor placed the garage within the setback.

Mr. Reynolds said, it was not a result of the applicant or property owner, but was a contractors error.

Mr. Fisher said, the hardship didn't result from actions taken by the property owner because they did follow proper processes.

Mrs. Hood said, I agree.

Mrs. Powell said, the hardship did not result from actions taken by the applicant or property owner, but is due the licensed builder's mistake that wasn't caught by multiple inspections and an approved permit was received.

Mr. Rentschler said, I agree with Mrs. Powell.

Mr. Tirey said, I agree with Mrs. Powell.

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.

Mr. Weslake said, the variance is consistent with the spirit, purpose and intent because the eighteen inches the garage extends is minor and there are no public safety issues.

Mr. Reynolds said, the variance is consistent with the spirit, purpose and intent of the ordinance by allowing the property to be titled as it sits.

Mr. Fisher said, the variance is consistent with the spirit, purpose and intent of the ordinance with the minor encroachment does not detract from the side yard setback.

Mrs. Hood said, I agree.

Mrs. Powell said, the variance is consistent with the spirit, purpose and intent of the ordinance such that public safety is secured and substantial justice is achieved. The amount of footage needed to bring the garage into compliance is minimal and would not affect the spirit and purpose of the ordinance or affect the public safety.

Mr. Rentschler said, I agree with Mrs. Powell.

Mr. Tirey said, I agree with Mrs. Powell.

Mrs. Powell made a motion to approve Variance Request #V17-3, filed by Donald Scott Harder and Annette Carol Harder for property located at 970 Ben Black Road, Tax Parcel #139-431-14, for the following reasons: Unnecessary hardships would result from the strict application of the Ordinance. Without a variance, the property owner could not make reasonable use, such as the sale of their property. The hardship results from conditions that are peculiar to the property, as well as did not result from actions taken by the applicant, in that the hardship results because of the positioning of the house in relationship to the property line allows most of the garage to stay within the 20' setback and the miscalculation in building and placement of the garage falls on the contractor and inspectors, not the applicants. This small of a variance would be consistent with the spirit, purpose and intent of the Ordinance, such that public safety is secured and substantial justice

would be achieved. Mr. Reynolds seconded the motion and the Board unanimously agreed.

Other Business: None

Adjournment: Upon the motion of Mr. Reynolds, seconded by Mr. Rentschler, and unanimously agreed upon, Vice Chairman Hood adjourned the meeting at 7:24 p.m.

Candice Hawkins
Program Support Assistant

Memo

To: Board of Adjustment
From: Staff
Date: 9/18/2017
Re: Variance Request #V17-4, Filed by Alton Brent Grayson for property at 6038 Robin Hollow Drive

Variance Request

The applicant is requesting a variance from Section 6.9.7(11) *Accessory Uses and Structures* of the Mint Hill Unified Development Ordinance, for property located at 6038 Robin Hollow Drive, Tax Parcel 135-271-06. The applicant is asking that a 1,100 sq ft accessory structure be permitted in the front yard (see attached established yard document).

Generally, accessory structures are limited to no more than 900 sq ft with the location within the side or rear yard. However, the Ordinance allows structures to exceed 900 sq ft if the property is 2 acres or more but it must be within the rear yard. 6038 Robin Hollow Drive is 3.124 acres.

A detached garage in any residential district shall comply with all yard requirements herein required for accessory uses. Such structure is limited to nine hundred (900) square feet of total footprint floor area and the maximum height allowed in the R District. For detached garages with a floor area footprint over nine hundred (900) square feet, the Administrator may approve if the following requirements can be met:

- a. The site must consist of two (2) or more acres; and*
- b. The garage must be located in the rear yard; and*

Please see enclosed application for more information.

Polaris 3G Map – Mecklenburg County, North Carolina

6038 Robin Hollow Dr

Date Printed: 7/10/2017 11:24:31 AM



This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

VARIANCE
APPLICATION

Town of Mint Hill
Board of Adjustment
4430 Mint Hill Village Lane
Mint Hill, N.C. 28227
(704) 545-9726

Office Use Only

Petition #: V17-4
Date Filed: 7-31-2017
Received By: CB

Variance requested on property located at: 6038 Robin Hollow Dr.

Tax Parcel Number: 13527106 Zoning District: R

Describe variance being requested:

VARRANCE NEEDED to Construt Garage
in Propor Location AS It would Relate
to the House. THE HOME WAS Constructed
At the END OF Robin Hollow Drive AND
Angled TO THE ROAD AT THE Time.
Road WAS Later Extended AND creates A
New Established Front YARD that is Actually
the side YARD AS Home is Located.

THE ORDINANCE Redefines the SIDE YARD to
Be the front YARD AND ALSO ALLOWS A
Structure to be placed in the Actual Front
YARD, which is opposite of the intent of
the ordinance. WE would like to be
Allowed to cross 22' Into the "Established Front
YARD" to Left of Home.

Alton Brent Grayson
Name of Property Owner

6038 Robin Hollow Dr.
Address of Owner

Mint Hill, NC 28227
City, State, Zip

704-488-2732
Telephone Number

GraysonAB@Comporium.net
E-Mail Address

[Signature]
Signature of Property Owner

(Complete if Applicant is other than Property Owner)

Name of Applicant

Address of Applicant

City, State, Zip

Telephone Number

E-Mail Address

Signature of Applicant

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 four conclusions as a prerequisite to the issuance of a variance: (1) that unnecessary hardships would result from the strict application of the Ordinance; (2) the hardship results from conditions that are peculiar to the property, such as location, size, or topography; (3) that the hardship did not result from actions taken by the applicant or the property owner and, (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.

In the spaces provided, 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 four required conclusions.

UNNECESSARY HARDSHIPS 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.

THE LOCATION of New St should Relate
to the placement of the home As Located
ON the lot. This Requires structure to be
Placed in impractical Location.

THE HARDSHIP RESULTS FROM CONDITIONS THAT ARE PECULIAR TO THE PROPERTY, SUCH AS LOCATION, SIZE OR TOPOGRAPHY. Hardship 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.

The purpose for the Request is to Allow placement in sensible Location that relates properly to Home. This is unique and peculiar to this home because of Road being Extended through this Property many years after Home constructed.

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 granting a variance shall not be regarded as a self-created hardship.

The Home was constructed in 1963 and the Road ended in front of the Home, which is why the Home is angled in the direction that it now sits. Road constructed later which created the Revised Established front yard, which is actually the side yard.

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 Request to construct in area that is the side yard and actually behind the Home is where the ordinance would dictate to be

placed. The Right Side YARD Allows structure,
However that is Exactly what the ordinance
is intended to prevent, So the VARIANCE
would Actually place where it intends
it to be located on A Normal Lot.

Memo

To: Board of Adjustment
From: Staff
Date: 9/18/2017
Re: Variance Request #V17-5, Filed by Linda and Dan Kragnes for property at 12902 Telfair Meadow Drive

Variance Request

The applicant is requesting a variance from 7.3.3(B).13 of the Mint Hill Unified Development Ordinance for property located at 12902 Telfair Meadow Drive, Tax Parcel 135-343-22. The applicant is requesting a variance to allow a pool to partially extend into the side yard. Pools must be located in rear yards. Furthermore, when accessory structures are located in the rear yard an 8' setback is applied. As indicated in the attached site plan, the pool is located 5' from the property line.

In Conservation Subdivisions, such as Telfair, accessory structures (pools) must be located in the rear yard.

7.3.3 Special Requirements for Conservation Subdivisions.

(B).13 Accessory Structures. Accessory structures and uses are permitted in accordance with Section 6.9.7 (Accessory Uses and Structures); except notwithstanding any other provision of this Ordinance any detached accessory structure(s) must be located within the established rear yard.

Please see enclosed application for more information.

NOTES:

- 1.) THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENT(S) AND OR RIGHT(S) OF WAY.
- 2.) SUBJECT TRACT IS LOCATED OUTSIDE THE 100-YEAR FLOODPLAIN AS SHOWN ON FEMA FIRM COMMUNITY PANEL NO. 3710459100-J DATED MARCH 2, 2009.
- 3.) DATE OF SURVEY- 01-18-16
- 4.) THIS SURVEY IS OF AN EXISTING PARCEL OF LAND, NO NEW PROPERTY LINES WERE ESTABLISHED.
- 5.) PID #13534324

LEGEND

RW	RIGHT-OF-WAY
PB PG	PLAT BOOK AND PAGE
SQ FT	SQUARE FEET
SDE	STORM DRAINAGE EASEMENT
PID	PARCEL IDENTIFICATION
PLE	PRIVATE LATERAL EASEMENT
IPF	IRON PIN FOUND
GM	GAS METER
EM	ELECTRIC METER
W	WATER METER
CO	CLEAN OUT
COS	COMMON OPEN SPACE
PLE	PRIVATE LATERAL EASEMENT

LOCATION MAP

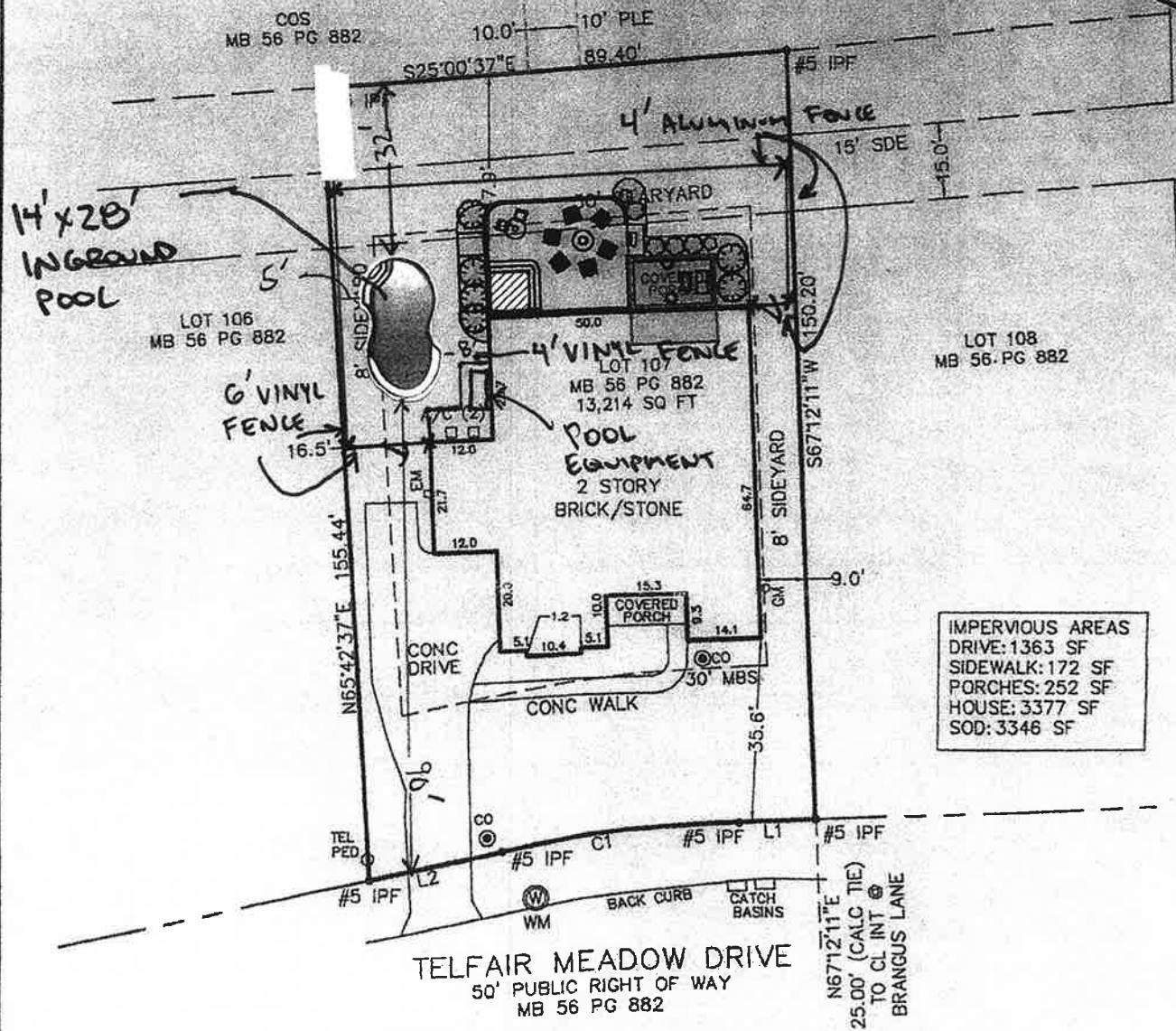
NO SCALE

Line Table

Line #	Direction	Length
L1	N 22°47'49" W	12.02
L2	N 32°43'20" W	26.26

Curve Table

Curve #	Radius	Length	Bearing	Chord
C1	275.00	47.64	N 27°48'35" W	47.58



IMPERVIOUS AREAS
 DRIVE: 1363 SF
 SIDEWALK: 172 SF
 PORCHES: 252 SF
 HOUSE: 3377 SF
 SOD: 3346 SF

I, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION REQUIRED IN BOOK 38100, PAGE 570, ETC.) AND (MAP BOOK 56

NO SCALE

1" = 30'

1" = 33.6'

VARIANCE
APPLICATION

Town of Mint Hill
Board of Adjustment
4430 Mint Hill Village Lane
Mint Hill, N.C. 28227
(704) 545-9726

Office Use Only	
Petition #:	<u>V17-5</u>
Date Filed:	<u>8/21/17</u>
Received By:	<u>[Signature]</u>

Variance requested on property located at: 12902 Telfair meadow Dr,
Mint Hill, NC 28227
Tax Parcel Number: 13534322 Zoning District: Mint Hill

Describe variance being requested:

To install an in ground fiberglass pool
27' 0" x 14' 0", inside dimensions, on the
left side yard and within 5' 0" of left
property line.

Linda Kragnes
Dan Kragnes

Name of Property Owner

(Complete if Applicant is other than Property Owner)

Name of Applicant

12902 Telfair Meadow

Address of Owner

Dr.

Address of Applicant

Mint Hill, NC 28227

City, State, Zip

City, State, Zip

980/215-2539

Telephone Number

Telephone Number

linda.kragnes@dpworld.com

E-Mail Address

E-Mail Address

*Linda C Kragnes

Signature of Property Owner

Signature of Applicant

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 four conclusions as a prerequisite to the issuance of a variance: (1) that unnecessary hardships would result from the strict application of the Ordinance; (2) the hardship results from conditions that are peculiar to the property, such as location, size, or topography; (3) that the hardship did not result from actions taken by the applicant or the property owner and, (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.

In the spaces provided, 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 four required conclusions.

UNNECESSARY HARDSHIPS 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.

The owners would like to install a small inground fiberglass pool for hydrotherapy and exercise. Due to the topography of the property, there is no other possible location (other than the front yard) to install any inground pool.

THE HARDSHIP RESULTS FROM CONDITIONS THAT ARE PECULIAR TO THE PROPERTY, SUCH AS LOCATION, SIZE OR TOPOGRAPHY. Hardship 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.

There is a 15' SDE (storm drain easement) running through the entire rear yard starting approximately 15' from the rear of the house. In addition to the SDE, there is a significant raised earth barrier (10' high) and landscape. This barrier runs through the entire rear yard and most of Telfair Meadow Drive. It is designed as a noise barrier to Lebanon Road. The 5' property line request is based on the ability to install the pool so the pool is not located within 5' of the 2 ac compressor units to meet National Electrical Swimming Pool code. The ac units

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 granting a variance shall not be regarded as a self-created hardship.

These above referenced issues were not installed

were not installed in the location on the plot plan.

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 pool and pool equipment will be hidden by a 6' high vinyl beige fence on the requested 5' side and will not be visible from the front or the next door neighbor.

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- 3.) DATE OF SURVEY- 01-18-16
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- 5.) PID #13534324

LEGEND

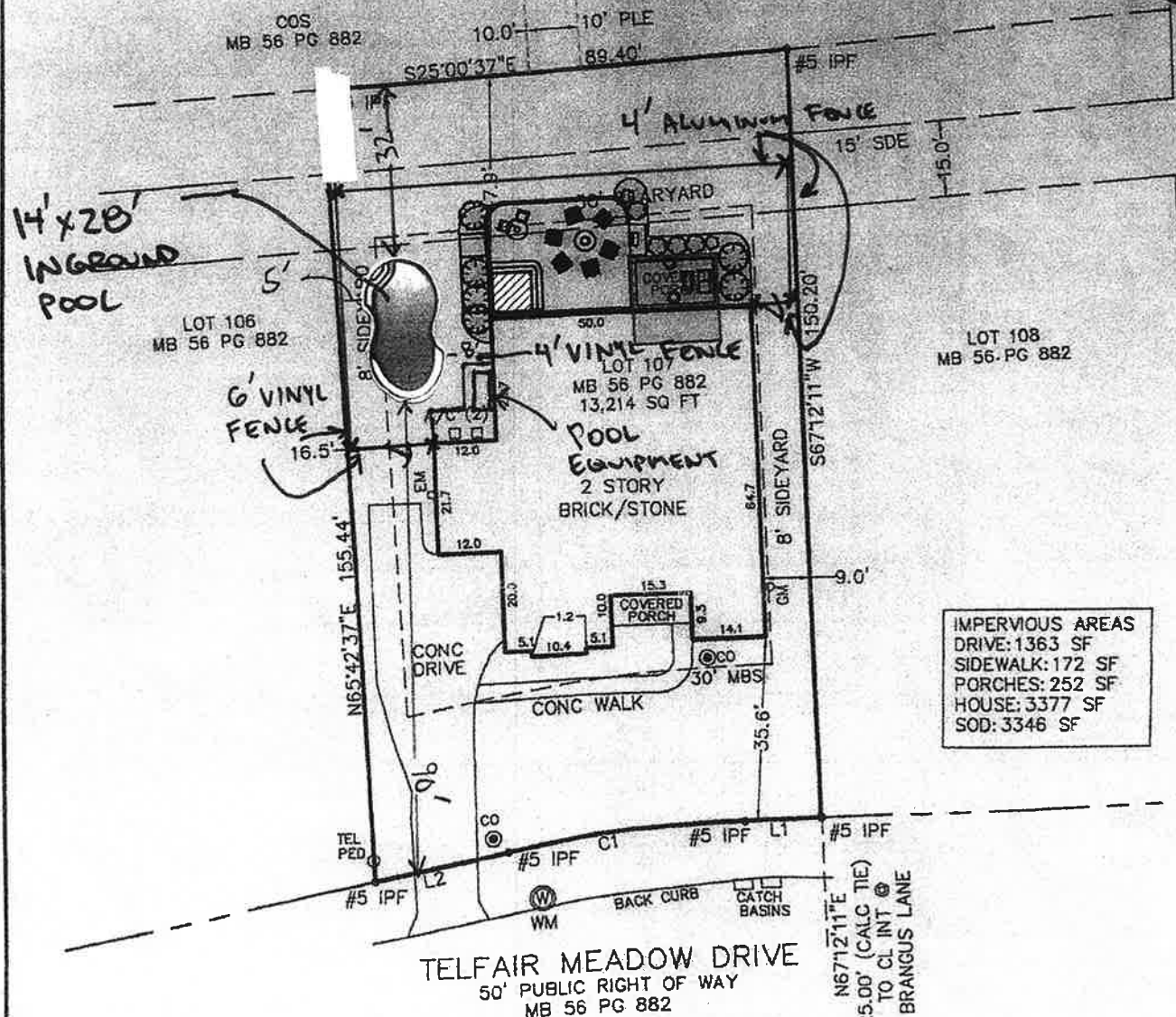
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