

VARIANCE
APPLICATION

BoA 7/22/24

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>V-24-5</u>
Date Filed:	<u>6/4/24</u>
Received By:	<u>NJ</u>

Variance requested on property located at: 11616 Bain School rd

Tax Parcel Number: 19701113 Zoning District: Mint Hill Residential

Describe variance being requested:

Thank you for your consideration of this request.
We are asking for a variance to the minimum 2-acre requirement for lots created without road frontage listed in in the Mint Hill Code of Ordinance, Part III Unified Development Ordinance, section 6.1.2.
On parcel 19701113 is an historical home where my father and several of his 23 siblings were born. This home was once a boarding house for teachers at Bain Academy in the late 1800's and early 1900's. Our grandparents, Sandy Caswell and Rosalind Gaddy Ross acquired the property in the 1930's. At that time the property was a small dairy and crop farm that encompassed the majority of the property where Bain School is today. We would like to get this home on its own deed whereas now it's on the same deed with 11604 Bain School rd.

(Complete if Applicant is other than Property Owner)

Richard H Ross and Randy B Ross

Richard H Ross and Randy B Ross

Name of Property Owner

Name of Applicant

12098 Big Lick rd

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Address of Owner

Address of Applicant

Stanfield NC, 28163

Stanfield NC, 28163

City, State, Zip

City, State, Zip

704-962-0596

704-962-0596

Telephone Number


Telephone Number


1randyross.rr@gmail.com

Randy.Ross@Duke-Energy.com

E-Mail Address

E-Mail Address


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.

Inability to correct property lines prevents ease of distribution or sale of the inherited property.
If the property passes to other generations, it would be tied up with many owners having to agree on any actions or future sales of the property.

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.

My brother and I have inherited these parcels of land that have been in our family for close to 100 years. We are hoping, considering the circumstances that make this situation unique, that we will be able to remedy current issues with property lines for future heirs and/or endeavors.
Our goal is to maintain three parcels including three deeds, yet maneuver property lines that make since so that each structure is on its own parcel and deed. Additionally, we would like to encompass strips of land around parcel 19701111 (11608 Bain School rd.) that are also on parcel 19701113. The third parcel (19701110) is a parcel bought by Hal G Ross assuming this would remedy our current issues.
(See property lines document appendix) 11604, 11616, 11690, and 11608 Bain School Rd

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.

Sandy C Ross and Rosalind G Ross sold property to Mecklenburg County (1960s ?). If not, it would have been taken. The sale of the property was prior to current ordinances and at that time you could still divide, sell parcels and basically split property as the owner desired with only an easement into the property. The sale encompassed the road frontage.
Prior to Mecklenburg County's purchase, the property cornered near Bain School rd and Philadelphia Church rd. The driveway going into the property was directly in front of Philadelphia Presbyterian Church going straight to the historic home with no curvature. This would have given more than enough road frontage that would allow our accomplishment of desired results.
Hal G Ross purchased parcel 19701110 because it was a road access lot 60 ft wide thinking it would rectify the issue but changes in ordinances prevent desired corrections to property lines.

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 inability to deny the sale of the road front property to Mecklenburg County is key.
At the time of the sale to Mecklenburg County there were no ordinances as there are today and all the road frontage was purchased creating this hardship. Ordinances have changed causing this request for Variance.
Previous owner Hal G Ross attempted to rectify the issue by purchase of parcel 19701110.
