

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>V24-3</u>
Date Filed:	<u>5-14-24</u>
Received By:	<u>NJ</u>

Variance requested on property located at: 2734 Fox Hollow RD Mint Hill 28227

Tax Parcel Number: 197-021-70 Zoning District: R

Describe variance being requested:

Property owner is requesting a reduction of right-side setback from 20' to 5'

(Complete if Applicant is other than Property Owner)

Valeriy Solodyankin
Name of Property Owner

Valeriy Solodyankin
Name of Applicant

12917 Helena Circle
Address of Owner

12917 Helena Circle
Address of Applicant

Mint Hill NC 28227
City, State, Zip


Mint Hill NC 28227
City, State, Zip


704.222.5226
Telephone Number

704.222.5226
Telephone Number

valeriySolo@gmail.com
E-Mail Address

valeriySolo@gmail.com
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.

Adherence to the 20' right-side setback would leave insufficient space on the lot to construct
a suitable dwelling space, making it impossible to fulfill the our housing needs

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.

This parcel has a BRFL + 1 line going through it that can not be crossed with a building. This reduces the building-envelope to a very narrow section of this lot. The widest area of the building-envelope is in the back. However, the only suitable soils for the septic system are located in the back as well.

This forces us to place the home closer to the front, but doing so will cause an encroachment of the right-side setback. After exploring all the various options with the soil scientist and modifying the design with the engineer, we have exhausted other alternatives, situating the home closer to the front is the only solution that will work, which would require a variance of the right-side setback requirement.

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 existing setbacks and BRFL+1 line was in place when this lot was purchased. All due diligence and efforts, as well as extensive resources were spent exploring any/all alternatives. The resulting conclusion is that this lot will be buildable only by situating the house towards the front, and leaving the space in the back for the septic system. None of this was caused by actions taken by applicant, especially since soil suitability greatly varies and can't be fully factored in until the actual design of the system occurs.

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.

This is one of the last undeveloped lots on Fox Hollow RD, it has remained that way because of the challenges posed by the BRFL+1 running through it. This variance will allow relief by providing a solution to problem of balancing the need for good soils for a septic system with the requirement of not being able to cross the BRFL+1 line with a structure.

The approval of this variance will unlock the buildability of this lot, which will allow for the highest and best use of this lot to be utilized, to build a home. Current owners live around the corner in small house and are looking to expand their family, which requires a bigger home. This variance will allow for the home to be built, and for the owners to continue growing their roots in Mint Hill.