

VARIANCE
APPLICATION

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

<i>Office Use Only</i>	
Petition #:	<u>V-23-1</u>
Date Filed:	<u>2/9/23</u>
Received By:	<u>NJ</u>

Variance requested on property located at: 3820 Matthews-Mint Hill Rd, Matthews NC 28105

Tax Parcel Number: 19501310 Zoning District: R

Describe variance being requested:

The property owner is requesting a reduction in the 40-foot rear yard setback to 20 feet.

(Complete if Applicant is other than Property Owner)

Anatoliy & Nina Torchilo

Name of Property Owner

3824 Matthews-Mint Hill rd

Address of Owner

Matthews, NC 28105

City, State, Zip

980-406-1215

Telephone Number

ntorchilo88@yahoo.com

E-Mail Address

Signature of Property Owner

Parksdale Building Companies, LLC

Name of Applicant

1014 Coral Bell Ct

Address of Applicant

Monroe, NC 28110

City, State, Zip

704-993-1030

Telephone Number

info@parksdalebuilds.com

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.

Adherence to the 40ft rear yard setback requirement would leave insufficient space on the lot to construct a suitable dwelling for the family, making it impossible to fulfill their housing needs.

Empty lines for providing additional facts and arguments.

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 rear portion of the yard contains soils that are inadequate for the proper functioning of
a septic system, and the only suitable soils for a septic are located in the buildable area.
This results in an awkward and irregular shaped lot that cannot accommodate a functional
dwelling. Despite efforts to modify the design with the engineer, the current septic design
is the best solution, and there is no alternative location to install the septic system in the
rear yard.

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.

It was not possible to anticipate the suitability of the soils, as the presence and type of
soils are beyond the control of the property owner. Despite this, extensive resources were
invested in soil testing and the design process to determine the best solution for the
septic system.

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 lot at the rear of our property is mostly used as an undeveloped water runoff area.
No neighboring properties or individuals would be negatively impacted by the request to
reduce the rear setback. Additionally, the proposed house would not be visible from the

main rd, as it would be obscured by existing houses and the long driveway.

Furthermore the current owners aspire to construct a home where they can establish roots, pursue their livelihood, and cultivate personal growth. There is no intention of engaging in speculative real estate ventures or seeking short-term financial gain.