

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>V22-3</u>
Date Filed:	<u>6/17/2022</u>
Received By:	<u>JH</u>

Variance requested on property located at: 10609 Russett Place, Mint Hill, ~~SC~~ NC
139-274-24
Tax Parcel Number: 1327424 Zoning District: R

Describe variance being requested:

As set out in Section 6.1 of the Mint Hill Zoning Ordinance, the minimum lot size for a single family detached homesite (w/well and septic) is 40,000 square feet with 70 feet of frontage on the Cul-de-Sac, and 140 feet width at minimum front setback. The ordinance requires a front setback of 60' and side setbacks of 20'. The non-compliant lot in question predates the ordinance and has a lot frontage of less than 39' and less than 66' at the minimum front setback. Due to this, the width of the buildable area at the front setback is less than 24', 76' less than that set up by the ordinance as a minimum. Our request is for a variance to reduce the side setback lines to 10' to allow for a reasonable width for the buildable area of the lot.

(Complete if Applicant is other than Property Owner)

Michael Patrick Donnelly
Name of Property Owner

Scott W Bartholomew, Architect
Name of Applicant

18 Spruce St.
Address of Owner

75 Haywood St, Ste C4
Address of Applicant

Poughkeepsie, NY 12601
City, State, Zip

Asheville, NC 28801
City, State, Zip

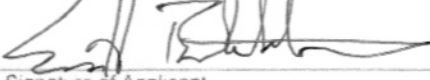
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E-Mail Address


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.

A strict application of the side setbacks on this non-conforming lot would yield a building envelope to narrow to accommodate even a creatively designed single family home that is reasonably sized for the neighborhood.

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 hardship present is due to the narrow pie shape of the lot and the non-compliant frontage width. Additionally the lot begins to slope significantly downward beginning about 30' from the front setback prohibiting the ability to place the home further back on the lot. Available septic area as shown on the site plan is also a space limiting consideration.

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 described hardships are all the result of the a lot subdivision which occurred prior to the current zoning ordinance going into effect and are not the result of any actions by the owner.

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 requested variance provides the owner, through further creative architectural design, with a reasonable ability to utilize the lot for a single family home as set up by the ordinance. The 10 foot side setback, as requested, maintains a NC code compliant fire separation between our proposed structure and the property line.
