

VARIANCE APPLICATION



PLANNING & NEIGHBORHOOD SERVICES
PO Box 2430
Indian Trail, NC 28079
Telephone (704) 821-5401
Fax (704) 821-9045

06-27-14A11:14 RCVD

R-000535

ONLY COMPLETE APPLICATIONS ACCEPTED

Processing Fee \$350.00

VARIANCE APPLICATION



Notification Fee \$2.50 per adjoining property owner

Date Received _____

Submittal Requirements

- Completed Application
- Notarized signatures of applicant and property owner
- Letter of Intent
- 8 copies of Concept Plan (including a digital copy)
- Statement of Justification (used to determine if Findings of Fact can be made at public hearing)
- Statement of Appraisal, if necessary
- Fees associated with review

Timeline/Procedures

- The Board of Adjustment, which hears all Variances, meets on the fourth Thursday every month.
- All of the submittal requirements must be met by the first day of the month before the Variance is heard. For example, if you wanted to present your case to the Board of Adjustment on the 4th Thursday of March, you must complete the submittal requirements by February 1st.
- The hearing is Quasi-Judicial in nature, which means there is no deliberation or communication before the hearing, as in a court case. See Section 310.080 of the UDO for more details.
- You must show that suffer from each of the hardships listed Hardship Description section below with facts alone for the Board of Adjustment grant a Variance.

General Information

Project Address 1120 Kinder Oak Dr

City Indian Trail State NC Zip 28079

Tax Parcel ID 07057018 Zoning Designation P.U.D.

Total Acres 0.28 Impervious Area 7756 sq. ft. (est.)

Project Description Screened-in Porch

Contact Information – Applicant

Name Daniel M Maffucci

Address 1120 Kinder Oak Dr

City Indian Trail State NC Zip 28079

Phone 704-893-3292 Fax _____

Email dan@maffud.com

VARIANCE APPLICATION



Contact Information – Property Owner

Name Daniel M Maffucci

Address 1120 Kinder Oak Dr

City Indian Trail State NC Zip 28079

Phone 704-893-3292 Fax _____

Email dan@maffud.com

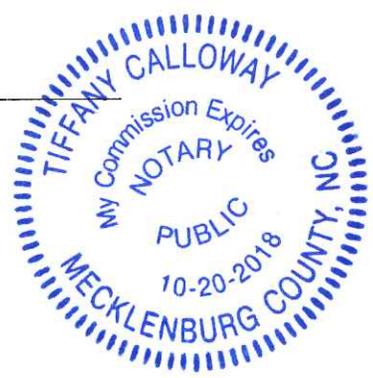
Applicant's Certification

Signature *Daniel M. Maffucci* Date 06/27/2014

Printed Name/Title Daniel M Maffucci

Signature of Notary Public *Tiffany Calloway* Date 6/27/14

Notary Seal



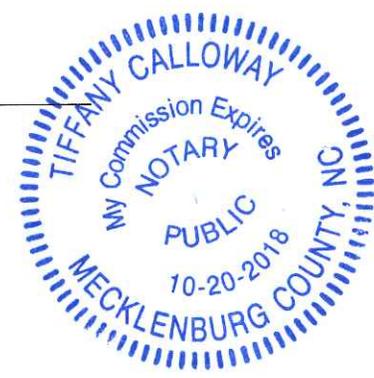
Property Owner's Certification

Signature *Daniel M. Maffucci* Date 06/27/2014

Printed Name/Title Daniel M Maffucci

Signature of Notary Public *Tiffany Calloway* Date 6/27/14

Notary Seal



VARIANCE APPLICATION



TOWN OF INDIAN TRAIL OFFICE USE ONLY

CASE NUMBER: VAR2014-001

DATE RECEIVED: 6-27-2014

AMOUNT OF FEE: \$355

RECEIVED BY: K.A.S.

RECEIPT #: 242032

Project Information

Has work started on the project? Yes No X
If yes, did you obtain a building permit? Yes No X
Have you received a Notice of Violation for this project? Yes No X
Has this property been rezoned? Yes No X

Hardship Descriptions

SUMMARIZE THE EVIDENCE YOU PLAN TO PRESENT FOR THE FOLLOWING ITEMS:

1. If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property; Summarize Evidence: The house borders a common wooded area with wetlands. Possibly due to the proximity to the woods and the wetlands, the backyard is often teeming with various flying bugs that make it impossible to use the yard for sitting or eating comfortably.

2. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public; Summarize Evidence: Most of our neighbors already have enclosed porches, and their houses are situated further from the woods and the creek. The houses that do not have screened-in porches already are positioned in their lots such that they could build an enclosed porch without approaching the set-back limit. Our house was situated 12 feet further back from the road by the builder than it needed to be, and this has resulted in the shorter set-back in the rear.

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3. The hardship relates to the applicant's land, rather than personal circumstances; *Summarize Evidence:*

The shape and size of the lot, the position of the house within the lot, and the proximity to the common area, contribute to the problem with the bugs and the limited space to build a screened-in porch at the rear of the house.

4. The hardship is unique, or nearly so, rather than one shared by many surrounding properties; *Summarize Evidence:*

Our house, which was purchased as a spec home, was situated by the builder 12 feet further back from the road than it needed to be, and this has resulted in the shorter set-back in the rear. Most neighboring homes were built with enclosed porches within the setbacks.

5. The hardship is not the result of the applicant's own actions; *Summarize Evidence:*

The house was purchased as a spec home, so we had no say in where the structure was situated within the lot. Moving to Indian Trail from Phoenix, we did not anticipate the bugs being such a nuisance in our yard.

6. The variance will neither result in the extension of a nonconforming situation in violation of Division 1400 of the UDO nor authorize the initiation of a nonconforming use of land.

Summarize Evidence:

There are no existing nonconforming situations with the property. No initiation of a nonconforming use of land would be authorized. The structure is currently within the setbacks, with only the flat patio extending into the setback area.

(Attach additional sheets if necessary)

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Daniel M Maffucci
1120 Kinder Oak Dr
Indian Trail, NC 28079
June 27, 2014

Town of Indian Trail
Planning & Neighborhood Services
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Variance Letter of Intent

We are proposing to build a screened-in porch attached to the rear (South side) of our residence. The structure would be connected to the house, mostly overlapping the current location of a concrete patio. The screened-in porch would extend 10 feet from the back of the house, and it would be 16 feet wide. The west edge of the enclosed porch would meet the house about 7 feet from the west edge of the house. The east edge of the porch would meet the house just east of the existing back door. The new structure would be built in accordance with the style of the existing house, using the same color scheme, materials, and architectural features so as to appear to be an original part of the residence.

We are requesting a variance for the location of the screened-in porch because it would extend about 4.75 feet into the 30-foot setback from the rear edge of the property.

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Variance Statement of Justification

The proposed screened-in porch would decrease the impervious area of the property by only 25 square feet, because most of the area of the proposed structure is already covered by a concrete patio.

The proposed screened-in porch would not encroach or infringe on any neighboring residential properties, and it would not impose any hardship on any neighbors. It would not have any adverse effect on any neighbors' quality of life or property value.

The rear of the property abuts a common, wooded area that contains wetlands. This location contributes to the abundance of bugs that are generally present in the yard, especially in the back yard and especially during the warmer months of the year. We have found that we are unable to enjoy eating meals outside or just sitting on our patio in the nicest weather due to the nuisance of the bugs. Many of our neighbors already have screened-in porches or sun rooms attached their houses.

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June 27, 2014

Screened-in Porch Variance Application - Supporting Photos

1. Looking East across the rear of the house



2. Looking West across the rear of the house

