



Town of
INDIAN TRAIL
north carolina

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PLANNING AND NEIGHBORHOOD SERVICES

Variance Staff Report

Case: VAR 2011-001		
Reference Name	Steve Smith Variance	
Proposed Request	Vary from Section 530.030 – Lot and Building Standards	
Existing Site Characteristics	Existing Zoning	Light Industrial (LI)
	Existing Use	Flex Building (Office and Warehouse)
	Site Acreage	1.44 acres
Applicant	Steve Smith	
Submittal Date	April 12 th , 2011	
BOA Hearing Date	April 28 th , 2011	
Location	2719 Gray Fox Rd.,	
Tax Map Number(s)	07048013E	
Plan Consistency	Designation	74 Business Village
	Consistent with Request	Generally Complies

Project Summary

Request: Variance from Section 530.030 of the Unified Development Ordinance (UDO) to provide relief from minimum setbacks associated with the addition to the side of the applicant's building (Attachment 1).

Background

The request stems from a concept plan submittal to staff regarding this proposed addition. Staff informed the applicant that the proposed addition encroaches into the Light Industrial setbacks set forth by UDO 530.030- Lot and Building Setbacks. The owner claims he was unaware of the setback changes associated with the November 2009 rezoning of Industrial Ventures from Regional Business District (RBD) to Light Industrial (LI). After researching the public noticing files from the rezoning (ZM2009-003), it has been verified that the property owner was notified by mail delivery of the rezoning and the change in setbacks (see Attachment 3).

Analysis

Site and Adjacent Properties

The subject property is located towards the front of Industrial Ventures II along Gray Fox Road. The zoning for the property is Light Industrial (LI). The property includes a flex building, accommodating both warehouse and office space. The existing building is in compliance with the Light Industrial setbacks with the exception of the loading dock in the rear of the building.

The adjacent properties within Industrial Ventures are used in a similar manor and are also zoned Light Industrial. To the north, the property is bordered by Single-Family Residential zoning (SF-1) and Regional Business District zoning (RBD).

Zoning Map

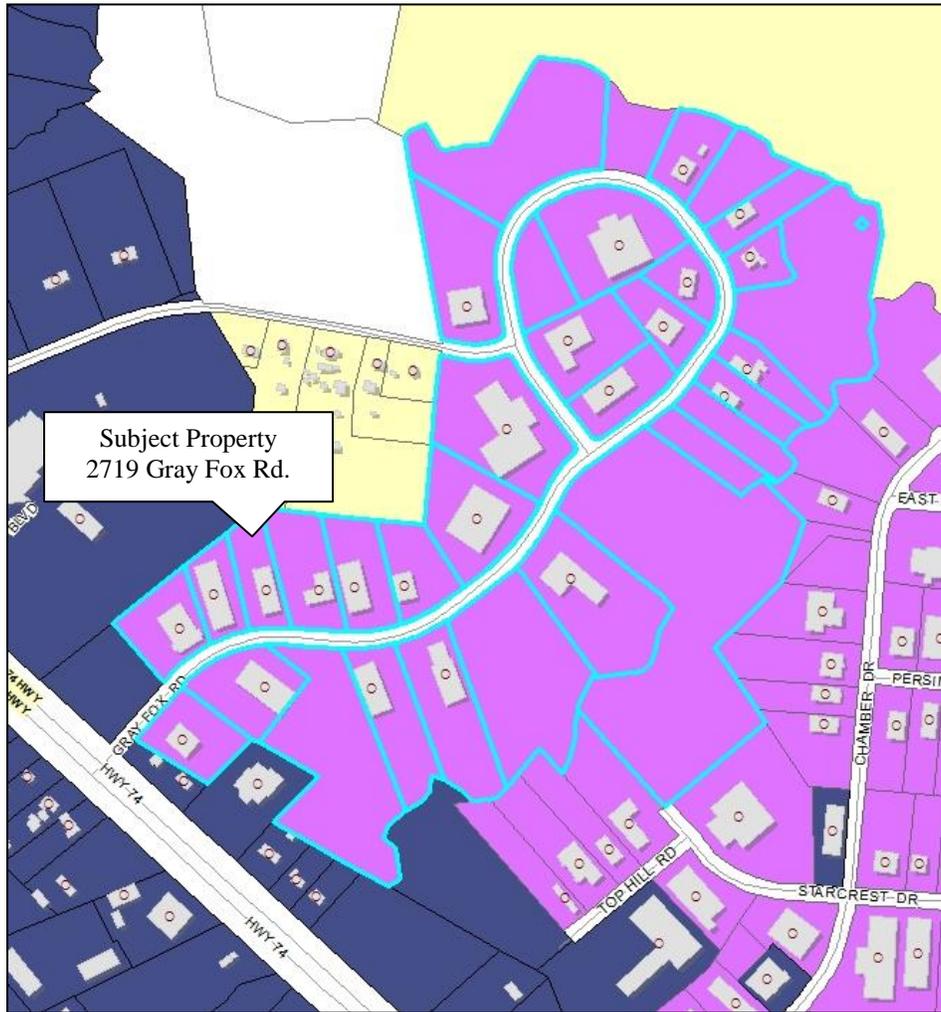


Aerial Map



The subject parcel is narrow in nature, approximately 150' along the road frontage. The building is located towards the front of the lot with parking along the west side and room for delivery truck circulation in the rear. The proposed 1,848 sq. ft. addition is planned for the east side of the building and proposes to extend into the 20' required setback by 4.5' (see Attachment 2). The parcel is not affected by floodplain nor does it consist of any unusual topography.

Industrial Ventures II



The setbacks for the Light Industrial District and Regional Business District are as follows:

	LI	RBD
Front	50'	40'
Rear	50'	20'
Side (not abutting residential district)	20'	10'
Side (abutting residential district)	25'	15'

Lot Widths and Setbacks within Industrial Ventures II

An analysis of lot widths within Industrial Ventures reveals that the subject lot is narrower than the average lot widths within the industrial park.

	Lot Width
2719 Gray Fox Rd.	150'
Industrial Ventures II Average	249'

Further, through the use of GIS analysis, staff discovered that a few buildings within the industrial park may not meet the 20’ side setback requirements of the Light Industrial zoning designation due to their proximity to property lines. However, it is apparent that the majority of the buildings within Industrial Ventures II do generally comply with the Light Industrial setback requirements.

Variance Request

This request is associated with Section 530.030 of the UDO. This section provides setback regulations for Light Industrial districts within the Town.

The subject property survey reveals the following (Attachment 1):

1. The proposed addition will encroach into the 20’ minimum side setback requirement by 4.5’, resulting in a structure 15.5’ from the property line.

530.030 Lot and Building Standards

A. Basic Standards

All development in I districts must comply with the lot and building standards of Table B, except as otherwise expressly provided. Rules for measuring compliance with the lot and building standards established in the Rules for Measurements and applicable exceptions to the standards can be found in the General Review Procedures Section **Error! Reference source not found..**

B. Lot Size, Setback and Height Table

Lot and Building Standards (Industrial Districts)	LI District	HI District
Lot Size		
Minimum lot area (square feet)	NA	NA
Minimum lot width (feet)	100	100
Building Setbacks		
Building setback from front property line	50	50
Building setback from rear lot line	50	50
Side setback-not abutting residential district	20	20
Side setback abutting residential district	25	25

Section 530.030A states that all development within industrial districts must comply with the lot and building standards of the ordinance.

Comprehensive Plan Consistency

The subject property is located within the 74 Business Corridor. This Corridor supports high traffic volume business due to its location along the regional connector, US 74. The Corridor provides land for intense commercial uses and larger structures along US 74 that are not appropriate for residential areas. The situation of Industrial Ventures along a regional connector such as US 74 is ideal in the context of the 74 Business Corridor.

The following consistency can be made with the Comprehensive Plan:

- **The proposed request is in compliance with Goal 1.3.2 of the Comprehensive Plan** – Staff is of the opinion that this proposed addition aids in the creation of a more balanced tax base by promoting the development of Industrial Parks.

Required Findings

Under UDO Chapter 380, the Board of Adjustment, when considering whether to approve an application for a variance request, shall review and evaluate the following:

1. **Whether the permit is in the Town’s Jurisdiction according to the table of permissible uses:**
 - a. The subject permit is within the Town’s jurisdiction to regulate light industrial uses.
2. **Whether the application is complete.**
 - a. Staff is of the opinion that the application for VAR2011-003 is complete.
3. **The Board will consider whether the application complies with all of the applicable requirements of this ordinance.**
 - a. The facts show that VAR 2011-003 would not be in compliance with the requirements set forth by the Unified Development Ordinance however the subject application is for a Variance of the Sections regulating setbacks.

Under UDO Section 380.020, the Board of Adjustment must make these required considerations of public health, safety, and welfare. The Board of Adjustment’s authority in the review of this variance application is broad and the Board may approve with conditions if it concludes, based upon the information submitted at the hearing, that the proposed request finds that:

1. **Strict compliance with the UDO will cause the applicant not to be able to make any reasonable use of their property; and**
2. **The hardship suffered by the applicant is solely the applicant’s, and is not suffered by any other neighbors and/or the general public; and**
3. **The hardship suffered by the applicant relates solely to the applicant’s land, rather than any personal circumstances on the applicant’s part; and**
4. **The hardship suffered by the applicant is unique (or nearly so), rather than being shared by many surrounding properties; and**
5. **The hardship suffered by the applicant is not the result of the applicant’s own actions; and**
6. **The variance will neither result in the extension of a nonconforming situation in violation of UDO DIVISION 1400, Nonconformities, nor authorize the initiation of a nonconforming use of land.**

If one of these findings cannot be made, then the Board must move to deny the variance request, stating for the record why the Board has decided to do so.

Summary

The Town has provided its analysis of this variance request in the above staff report, and now offers this into the record for the Board’s consideration.

Staff Contact

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Attachments

Attachment 1- Variance Application

Attachment 2- Property Survey, Showing Proposed Addition

**Attachment 1
Application**

Attachment 2
Property Survey