

AGENDA
WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
2:00 P.M. - PUBLIC MEETING ROOM - BRYCE A. STUART MUNICIPAL BUILDING
Thursday, July 7, 2016

NOTE: ALL cases on the Zoning Board of Adjustment agenda are quasi-judicial in nature; as a result, NO communications should take place between yourself and the Zoning Board of Adjustments members prior to the public hearing.

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL OF MEMBERS
3. OPENING REMARKS
4. APPROVAL OF MINUTES
5. WITHDRAWAL OR CONTINUANCE REQUESTS
6. HEARING & DETERMINATION OF CASES
 - A. MANUFACTURED HOME RENEWALS (CONSENT)
No Applications
 - B. MANUFACTURED HOME RENEWALS (NONCONSENT)
No Applications
 - C. OTHER SPECIAL USE PERMIT RENEWALS
No Applications
 - D. SPECIAL USE PERMITS FOR MANUFACTURED HOMES (NEW)

COVENANT BAPTIST FELLOWSHIP INC
(ELMER SANTA MARIA)

Case # **5351**

Request permission to place a Manufactured Home, Class A on a .33-acre tract of land located at 3734 Clinard Avenue, approximately 1175 feet South of West Clemmonsville Road. Property is zoned RS9. Tax Block

- Application – Case #5351
- Site Plan – Case #5351
- Withdrawn Letter-Case #5351
- Staff Report – Case #5351
- Picture of Sign Posting(s) - Case #5351

E. OTHER SPECIAL USE PERMITS (NEW)

JOY SCHEIDT

Case # **5368**

Request permission to occupy a secondary dwelling on a .32-acre tract of land with a proposed dwelling located at 2116 Queen St. (Secondary address is 2114 Queen St.) Located between Irving St. and Miller St. Property is zoned RS9. Tax Block 1074, Tax Lot 090.

- Application – Case #5368
- Site Plan – Case #5368
- Staff Report – Case #5368
- Picture of Sign Posting(s) - Case #5368
- Other Site Photos - Case #5368

F. VARIANCES

JUAN GARCIA

GLORIA GARCIA

Case # **5359**

Requesting variance of side yard requirements on a .28 acre tract of land located at 2906 Thomasville Rd, approximately 450 feet southeast of E Clemmons Rd. Melrose Ave. Property is zoned RS-9. Tax Block 1624E Lot 009.

- Application – Case #5359
- Site Plan – Case #5359
- Staff Report – Case #5359
- Picture of Sign Posting(s) - Case #5359
- Other Site Photos - Case #5359

ITAC12 LLC

(BRIAN KRUMENACKER)

Case # **5367**

Requesting variance of Type III Buffer Yard, on a 5.87 acre tract of land located at 4870 Country Club Road corner of Country Club Rd. and Ryandale Rd. Property is Zoned HB-S. Block is 3976 Lot 604.

- Application – Case #5367
- Site Plan – Case #5367
- Staff Report – Case #5367
- Picture of Sign Posting(s) - Case #5367
- Other Site Photos - Case #5367

JUANA JASSO
JUANA JASSO
Case # **5369**

Request variance of side yard requirement on a 0.16 acre tract of land located at 1920 Daisy St, approximately 200 feet east of Waterbury St. Property is zoned RS9. Tax Block 1719, Lot 201.

- Application – Case #5369
- Site Plan – Case #5369
- Staff Report – Case #5369
- Picture of Sign Posting(s) - Case #5369
- Other Site Photos - Case #5369

G. APP EALS
No Applications

7. UNFINISHED BUSINESS



100 East First Street
Winston-Salem, NC 27101
(336) 727-2628

Case # 5351

CITY ZONING BOARD OF ADJUSTMENT SPECIAL USE PERMIT (NEW) APPLICATION

Prop Addr: 3734 CLINARD AVE
WINSTON-SALEM, NC 27127 -

Owner: COVENANT BAPTIST FELLOWSHIP INC
Address: 3681 WYANDOTTE AVE
WINSTON-SALEM,, NC 2712 7-

Phone.:

Applicant: ELMER SANTA MARIA
Address: 3734 CLINARD AVE
WINSTON SALEM, NC 27127
Phone: (336)661-1999 x

Details:

MANUFACTURED HOME
CLASS A

Occupant:

The above owner or applicant is requesting that this application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **7/7/2016**, at **2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

As part of your application, and included in your filing fee of \$100.00, a legal notice is published in the Winston-Salem Journal and the Inspections division furnishes you with a sign(s) which must be posted in a conspicuous place on the premises prior to the date of the hearing. The sign(s) must be attached to sufficient support and be clearly visible from a public street. If the property is located on the corner of two public streets or has frontage on more than one public street, a sign needs to be placed on each public street. If the property is on a private street or access easement, a second sign or lead in sign will need to be placed at the public street.

SIGN POSTING DATE IS 6/26/2016 BY 9:00 A.M. THE SIGN MUST BE LEFT UP UNTIL AFTER THE PUBLIC HEARING. Failure to comply with these posting instructions will result in delay of the application and postponement of the hearing and decision to a later scheduled public hearing.

COVENANT BAPTIST FELLOWSHIP INC
(ELMER SANTA MARIA)

Case # **5351**

Request permission to place a Manufactured Home, Class A on a .33-acre tract of land located at 3734 Clinard Avenue, approximately 1175 feet South of West Clemmons Road. Property is zoned RS9. Tax Block 2084, Tax Lot 055.

I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Special Use Permit is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

CASE # 5351

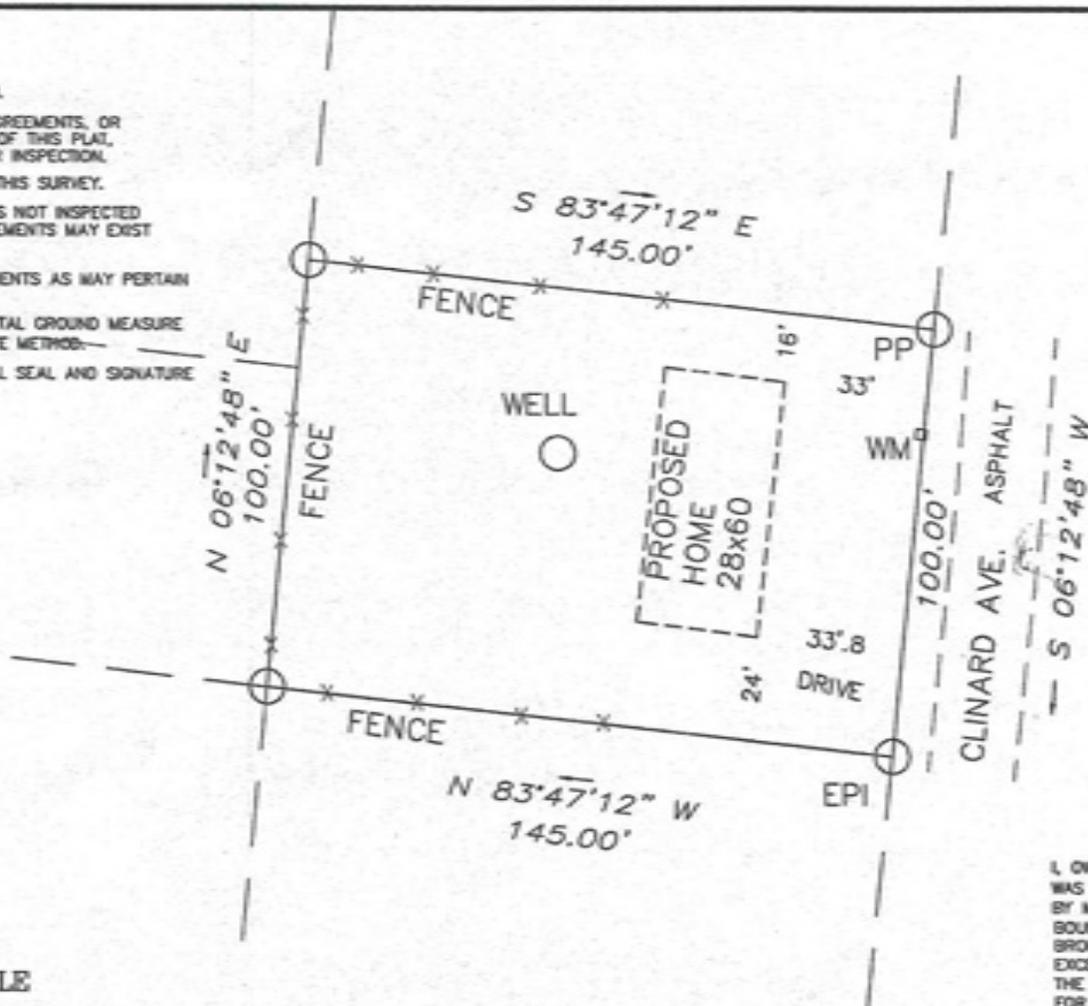
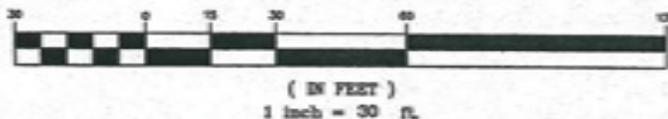
NOTES

1. THIS MAP IS NOT INTENDED FOR RECORDATION.
2. THIS PLAT IS SUBJECT TO ANY EASEMENTS, AGREEMENTS, OR RIGHTS-OF-WAY OF RECORD PRIOR TO DATE OF THIS PLAT, WHICH WAS NOT VISIBLE AT THE TIME OF OUR INSPECTION.
3. NO TITLE SEARCH WAS DONE AS A PART OF THIS SURVEY.
4. THE INTERIOR OF THE SUBJECT PROPERTY WAS NOT INSPECTED BY THIS SURVEYOR. CEMETERIES AND IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN.
5. THIS PROPERTY IS SUBJECT TO UTILITY EASEMENTS AS MAY PERTAIN ALONG EXISTING UTILITY LINES AS SHOWN.
6. ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND MEASURE AND THE AREA WAS OBTAINED BY COORDINATE METHOD.
7. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.

LEGEND

- PP Power Pole
- LP Light Pole
- WM Water Meter
- (alone) non-nonnumented point
- EIP Existing Iron Pipe
- NIP New Iron Pipe
- NPI New Pin Iron
- EPI Existing Pin Iron
- RCP Reinforced Concrete Pipe
- CB Stormwater Catch Basin
- ⊕ FH Fire Hydrant

GRAPHIC SCALE



I, OWEN LEE OSBORNE, CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY MADE BY ME, DEED DESCRIPTIONS RECORDED AS NOTED. BOUNDARIES NOT SURVEYED ARE INDICATED AS BROKEN LINES, AND THAT THE RATIO OF PRECISION EXCEEDS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC56.1600). WITNESS MY HAND AND SEAL THIS 0TH DAY OF MAY, 2016.

Owen L. Osborne
Professional Land Surveyor

SCALE 1"=30'	TOWNSHIP WINSTON	COUNTY FORSYTH	STATE N.C.	DATE 05/16/16	 Owen L. Osborne, PLS Osborne Land Surveying, Inc. Professional Land Surveyor 409 ACAPERT ST. BIRAL HILL, NC 27009 Phone (556) 969-1999	SURVEY FOR: CLAYTON HOMES ELMER SANTAMARIA
SURVEYED: OLO	MAPPED: OLO	COMPUTER FILE: CLAYTON SANTAMARIA	JOB NO. 1926-16	FIELD BOOK 38 - PG. 34		BEING LOTS 55-56 OF A SUBDIVISION RECORDED IN P.B. 4 - PG. 165. PIN 6833-16-0679.00

Bill Long

From: Clavette, Marcelle <Marcelle.Clavette@ClaytonHomes.com>
Sent: Monday, June 27, 2016 1:30 PM
To: Bill Long
Cc: Hembree, Jake; Hicks, Scott
Subject: Case #5351 - July 7th meeting

Bill,

Please remove case 5351 from the July 7th docket. The applicant, Elmer Santamaria, does not wish to pursue obtaining a manufactured home for 3734 Clinard Drive, WS.

Thanks!

Marcelle Clavette

Clayton Homes of Winston Salem #67

Office: (336) 661-1999

Fax: (336) 767-6100

marcelle.clavette@claytonhomes.com

PLEASE REPLY TO THIS MESSAGE

This message and the accompanying documents contain information that belongs to the sender and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If the sender of this e-mail is not the intended recipient, you are hereby notified that you are strictly prohibited from receiving, disseminating, distributing, copying, or taking action in reliance on the contents of this communication. If you have received this e-mail in error, please notify the sender immediately and destroy the original communication. Thank you.



Case # 5368
CITY ZONING BOARD OF ADJUSTMENT
SPECIAL USE PERMIT (NEW)
APPLICATION

100 East First Street
Winston-Salem, NC 27101
(336) 727-2628

Prop Addr: 2116 QUEE N ST
WINSTON-SALEM, NC 27103 -

Owner: JOY SCHEIDT
Address: 2116 QUEEN ST
WINSTON-SALEM,, NC 2710 3-

Phone.: (336)758-2161 x

Applicant:
Address:
Phone:

Details:
ACCESSORY DWELLING
Building
Accessory Building Occupant:
Principal Building Occupant: Relationship:

The above owner or applicant is requesting that this application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on 7/7/2016, at 2:00 P.M., in the Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.

As part of y our applicatio n, and included in your filing fee of \$100.00, a legal notice is published in the Winston-Salem Journal and the Inspections division furnishes you with a sign(s) which must be posted in a conspicuous place on the premises prior to the date of the hearing. The sign(s) mu st be attached to sufficient sup port and be cle arly visible from a public street. If the property is located on the corner of two public streets or has frontage on more than one public street, a sign needs to be placed on each public street. If the property is on a private street or access easement, a second sign or lead in sign will need to be placed at the public street.

SIGN POSTING DATE IS 6/26/2016 BY 9:00 A.M. THE SIGN MUST BE LEFT UP UNTIL AFTER THE PUBLIC HEARING. Failure to comply with these posting instructions will result in delay of the application and postponement of the hearing and decision to a later scheduled public hearing.

JOY SCHEIDT

Case # 5368

Request permission to occupy a secondary dwelling on a .32-acre tract of land with a proposed dwelling located at 2116 Queen St.(Secondary address is 2114 Queen St.) Located between Irvingin St. and Miller St. Property is zoned RS9. Tax Block 1074, Tax Lot 090.

I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Special Use Permit is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

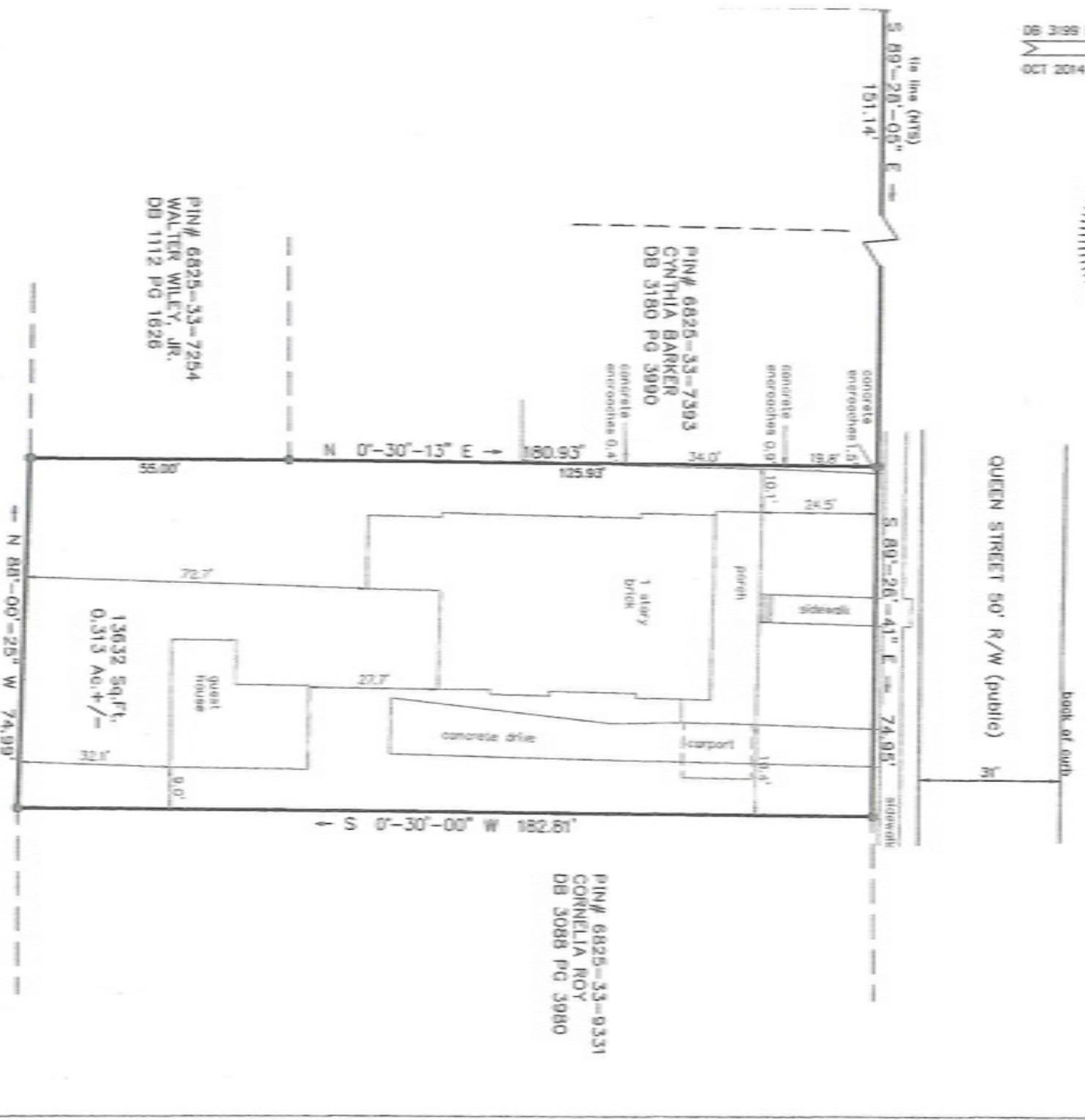
I certify that this map was drawn under my supervision from an actual survey made under my supervision (description recorded in DB 3198, PG 1704, or other reference source) that the boundaries not surveyed are indicated as drawn from information in DB 3198, PG 1704, or other reference source that the ratio of precision or positional accuracy is 1:10,000+ and that this map meets the requirements of the Standards of Practice for Land Surveying in North Carolina, 21 NCAC 56.16003, this 27th day of OCT 2014.

Professional Land Surveyor



THIS MAP IS SUBJECT TO ANY EASEMENTS OR RIGHTS-OF-WAY OR RECORD PRIOR TO THE DATE OF THIS MAP WHETHER VISIBLE OR NOT. TITLE SEARCH NOT PROVIDED.

DB 3198 PG 1704
OCT 2014



- (M) WATER METER
- (S) SEWER MANHOLE
- (R) IRON FOUND
- (I) IRON SET
- (M) MONUMENT
- (P) PROPERTY LINE (surveyed)
- (D) PROPERTY LINE (not surveyed)
- (H) POINT NOT MONUMENTED

- R/W RIGHT-OF-WAY
- RUNNING WATER
- - - OVERHEAD POWER LINE
- (P) POWER POLE

MY SEAL AND SIGNATURE CERTIFY THAT THIS MAP IS THE RESULT OF AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION.

MAP FOR MATT SCHEIDT

SCALE	COUNTY	TOWNSHIP	DATE	PREC. RAD
1" = 30'	FORSYTH	WINSTON	21 OCT 2014	1:10,000+

PROPERTY DECG. TAX MAP 818850 BLOCK 1074 TAX LOT 090,091,092	JOB # 10202
PIN# 6825-33-6301 REF DB 3198 PG 1704	SURVEYED BY OHYDK
DRAFTED BY MDC	COE FORESTRY & SURVEYING F-01411
	P.O. BOX 30 WALLBURG, N.C. 27573
	PHONE/FAX (336) 769-4673

VICINITY (no scale)

Queen St	15'
Living St	15'

CASE # 5368

**CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
SPECIAL USE PERMIT STAFF REPORT
JULY 7, 2016**

CASE #:	5368	PERMIT REQUEST:	Permission to establish a detached accessory dwelling in an existing structure
STAFF:	Desmond C. Corley		
PETITIONER(S):	Joy Scheidt	LOCATION:	2114 Queen Street (.32 acre, between Miller Street and Irving Street)

BACKGROUND:

The *Unified Development Ordinances* (UDO) allows detached accessory dwellings to be placed or established, provided they meet certain requirements. One such requirement is a special use permit issued by the Board of Adjustment.

The petitioner requests to establish a secondary dwelling unit in an existing detached accessory building. The subject property is zoned RS9.

REQUIRED FINDINGS:

To issue a Special Use Permit, the Board must find the following in the affirmative:

- a) The use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
- b) The use meets all required conditions and specifications;
- c) The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity; and
- d) The location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Legacy*.

ANALYSIS:

It is Staff's opinion that the proposed location of the use does not materially endanger the public health or safety because it is proposed within a medium-density residential area on a property that is already being used for a single-family residence. In addition, the use is proposed within an existing structure that meets all dimensional requirements of the UDO¹.

¹ Maximum height: 17 feet
Required setback from front property line: 75 feet
Required setback from rear and/or side property lines: 3 feet
Minimum separation from principal structure: 3 feet

Staff is not qualified to make certifiable assessments with regard to property values, but we do not believe that the use poses any significant threat to the value of adjoining or abutting properties, as the proposed use and existing structure are set far back from the nearby street rights-of-way and are also not particularly close to existing single-family homes on adjoining properties. Any additional parking necessitated by the use can be accommodated completely within the subject property's boundaries. These points lead us to conclude that the location and character of the use will not disrupt the harmony of the area in which it is located.

The subject property is located within Growth Management Area 2 (GMA 2) – Urban Neighborhoods. *Legacy* promotes the concept of gentle density and encourages the use of accessory dwelling units in appropriate locations. The corresponding area plan recognizes the subject property as appropriate for single-family residential use.

RECOMMENDATION: Approval, per plan on file

In approving an application for the issuance of a special use permit, the Board of Adjustment may impose additional reasonable and appropriate conditions and safeguards to protect the public health and safety, and the value of neighboring properties, and the health and safety of neighboring residents. [Chapter B, Article 6-1.4(A)(3)]

City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101

REQUEST FOR: *SPECIAL USE PERMIT*
FOR SECONDARY DWELLING
PUBLIC HEARING CASE #
JULY 7, 2016 5368
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING











100 East First Street
Winston-Salem, NC 27101
(336) 727-2628

Case # 5359

CITY ZONING BOARD OF ADJUSTMENT VARIANCE APPLICATION

Prop Addr: 2906 THOMA SVILLE RD
WINSTON-SALEM, NC 27107 -

Owner: JUAN GARCIA
Address: 403 SUNPATH CIR
WINSTON-SALEM,, NC 2710 3-

Phone.: (336)912-0835 x

Applicant:

Address:

Phone:

Details:

Lot Dimensions:

Side Yard

Description: Requesting side yard variance of 6'5", with overall variance of 9.8 to meet minimum requirements

The above owner or applicant is requesting that this application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **7/7/2016**, at **2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

As part of your application, and included in your filing fee of \$200.00, a legal notice is published in the Winston-Salem Journal and the Inspections division furnishes you with a sign(s) which must be posted in a conspicuous place on the premises prior to the date of the hearing. The sign(s) must be attached to sufficient support and be clearly visible from a public street. If the property is located on the corner of two public streets or has frontage on more than one public street, a sign needs to be placed on each public street. If the property is on a private street or access easement, a second sign or lead in sign will need to be placed at the public street.

SIGN POSTING DATE IS 6/26/2016 BY 9:00 A.M. THE SIGN MUST BE LEFT UP UNTIL AFTER THE PUBLIC HEARING. Failure to comply with these posting instructions will result in delay of the application and postponement of the hearing and decision to a later scheduled public hearing.

Remember that Variances can be approved only when there is practical difficulty or unnecessary hardship in meeting zoning requirements, with the difficulties resulting from subdividing land before the law was adopted, or from an act of a public agency, or from some cause beyond the control of the owner.

JUAN GARCIA
GLORIA GARCIA

Case # **5359** Requesting variance of side yard requirements on a .28 acre tract of land located at 2906 Thomasville Rd, approximately 450 feet southeast of E Clemmons Rd. Melrose Ave. Property is zoned RS-9. Tax Block 1624E Lot 009.

I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Variance is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

I HEREBY CERTIFY THAT THIS PLAN SHOWN AND DESCRIBED HEREON, WAS DRAWN UNDER MY SUPERVISION, AND IS IN ALL RESPECTS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESS MY HAND AND SEAL THIS 18TH DAY OF APRIL 20 2016
 LAND SURVEYOR

REGISTRATION NUMBER: L-3987

JUAN LUIS GARCIA
 GLORIA GARCIA
 D.B. 3229 PG. 2082

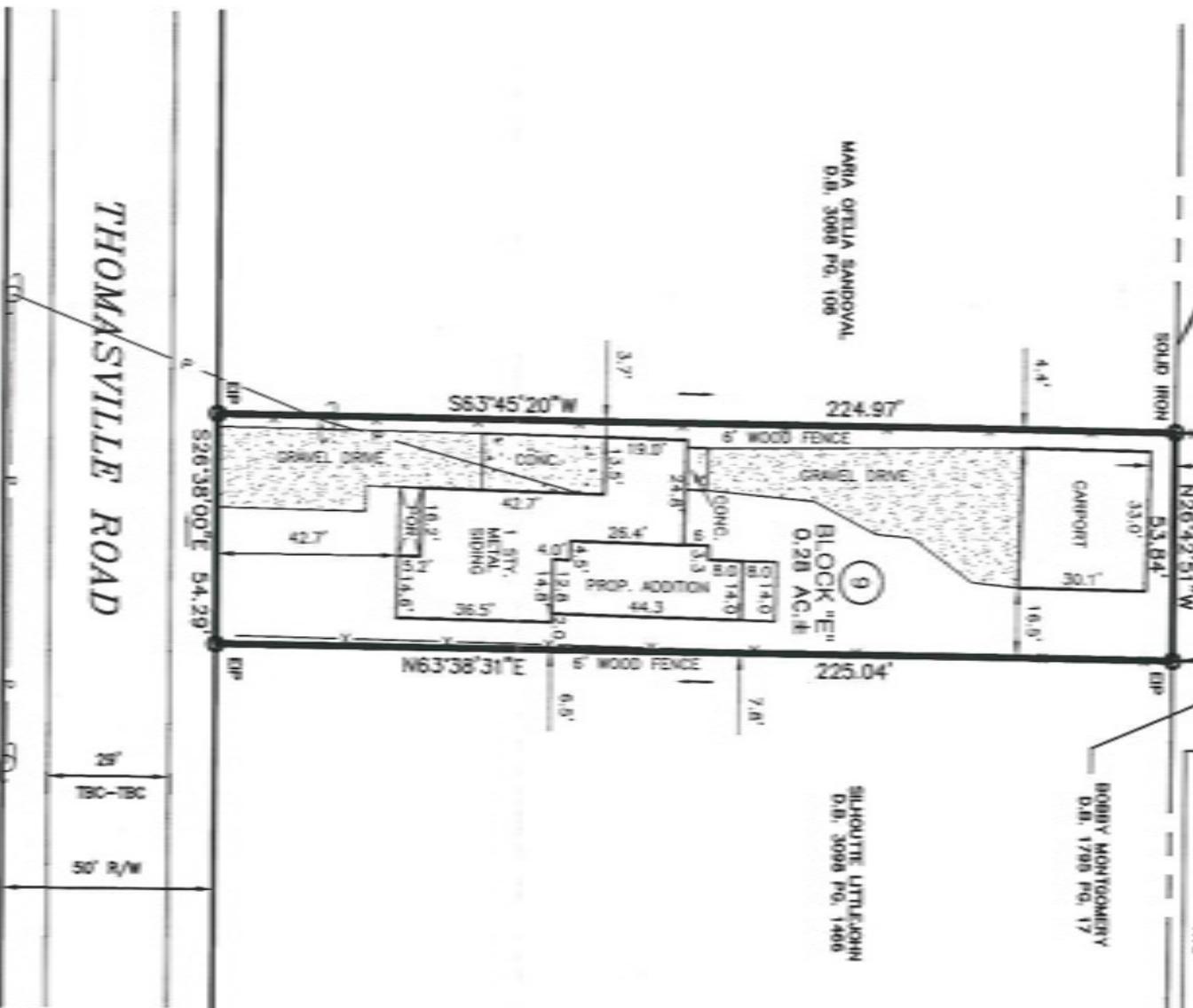
CLENN HARRIS
 CLEVEL HARRIS
 D.B. 2528 PG. 593



BOBBY MONTGOMERY
 D.B. 1795 PG. 17

SILVOUTTE LITTLEJOHN
 D.B. 3099 PG. 1406

MARIA OFELIA SANDOVAL
 D.B. 3068 PG. 106



**SITE PLAN FOR
 JUAN LUIS GARCIA
 GLORIA GARCIA**

2906 THOMASVILLE ROAD
 WINSTON-SALEM, NC
 LOT NO: 9, BLOCK II
 PROPERTY REF: MAP OF MEMORIAL INDUSTRIAL SCHOOL, INC.
 P.B. 12 PG. 17
 TOWNSHIP: WINSTON
 COUNTY: FORSYTH
 DEED REF: 2786 PG. 2418
 TAX MAP #: 6H44-03-5213.00

NOTES:
 NO CURRENT FLOOD STUDY.
 THIS MAP DOES NOT MEET G.S. 47-30 REQUIREMENTS
 AND IS NOT FOR RECORDING.
 MORTGAGE SURVEY ONLY.
 NOT FOR CONSTRUCTION PURPOSES.
 RATIO OF PRECISION IS 1:10,000.
 NO N.C.G.S. MARKER WITHIN 2000 FEET OF PROPERTY.

NOTE: This plot is subject to any Easements, Agreements, or Rights-of-Ways of record prior to date, which was not visible at the time of our inspection.
 This survey is rendered solely for the benefit of the Owner, its lender, and the insurance company and may not be relied upon in any other manner or for any purpose by any other person.

REVISED MAY 24, 2016

WILSON SURVEYING, INC.

R. ALAN WILSON - PROFESSIONAL LAND SURVEYOR, NO. 13887
 402 BLANCKWOOD AVENUE, GREENSBORO, N.C. 27401
 TELEPHONE: (336) 875-8000 • FAX: (336) 272-1817

SCALE: 1"=40'



JOB: NO. 161916

DATE: 4-18-16

CLOSURE _____

F.C.

CASE # 5359

**CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
REQUEST FOR VARIANCE STAFF REPORT
JULY 7, 2016**

CASE #:	5359	VARIANCE REQUEST:	Approximate 12.2-foot variance of the side setback requirements for single-family structures in a RS9 zoning district
STAFF:	Desmond C. Corley		
PETITIONER(S):	Juan Garcia Gloria Garcia		
		LOCATION:	2906 Thomasville Road (0.28 acre, approximately 450 feet southeast of E Clemmons Road)

BACKGROUND:

The *Unified Development Ordinances* (UDO) contains certain dimensional requirements for each of the zoning districts created by its adoption. Requests for variance of these dimensional requirements must go before the Board of Adjustment.

The subject property is zoned RS9, a district within which setbacks for single-family residential structures are twenty (20) feet in the front, twenty-five (25) feet in the rear, seven (7) feet on one side, and twenty (20) feet combined for both sides. The existing (nonconforming) house is set back approximately 6.5 feet from the northern property line at its closest point, and 3.7 feet from the southern property line. The petitioner proposes to construct an addition to the west side of the house, approximately 7.8 feet from the northern property line.

REQUIRED HARDSHIPS AND FINDINGS:

A variance may only be approved upon a finding of practical difficulty or unnecessary hardship in meeting the dimensional requirements of the UDO. Such hardship must be the result of the recorded platting or deeding of land or any building constructed and completed prior to the adoption of the UDO, from any act of a public agency, or from natural conditions beyond the control of the property owner. The applicant must demonstrate *all* of the following:

- a) The unnecessary hardship would result from the strict application of the UDO¹;
- b) The hardship results from the conditions that are peculiar to the property, such as location, size or topography²;
- c) The hardship did not result from actions taken by the applicant or the property owner³; and

¹It shall not be necessary to demonstrate that, in the absence of a variance, no reasonable use can be made of the property.

²Hardships 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.

³The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- d) The requested variance is consistent with the spirit, purpose and intent of the UDO, such that public safety is secured, and substantial justice is achieved.

ANALYSIS:

It is Staff's opinion that a hardship is found in the construction and completion of a building prior to the adoption of the UDO. Records from the Forsyth County Tax Office show that the original house was completed in 1952, prior to the adoption of the UDO. The earliest references to this property in the Forsyth County Register of Deeds are from 1945. Further, the extension of the northern wall to include the addition does not exacerbate the nonconformity of the house because it is the same distance from the northern property line as the closest point on the existing footprint. In fact, it meets the single-side setback requirement in the RS9 zoning district.

RECOMMENDATION: Approval, per plan on file

A variance shall be granted only with reference to conditions and circumstances peculiar to the property involved. If the Board of Adjustment denies an application for variance, it shall enter the reasons for the denial in the minutes of the meeting at which the action was taken. [Chapter B, Section 6-1.4(B)(6)]

City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101

REQUEST FOR: VARIANCE OF
SIDE YARD SETBACKS
PUBLIC HEARING CASE#
JULY 7, 2016 5359
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING













100 East First Street
Winston-Salem, NC 27101
(336) 727-2628

Case # 5367

CITY ZONING BOARD OF ADJUSTMENT VARIANCE APPLICATION

Prop Addr: 4870 COUNTRY CLUB RD
WINSTON-SALEM, NC 27104 -

Owner: ITAC12 LLC
Address: 4870 COUNTRY CLUB RD
WINSTON-SALEM,, NC 2710 4-

Phone.: (336)765-4668 x

Applicant: BRIAN KRUMENACKER
Address: 1381 OLD MILL CIRCLE SUITE 300
WINSTON SALEM, NC 27103
Phone: (814)421-4594 x

Details:

Lot Requirements:
Buffer Yards
Description: TYPE III BUFFER YARD REQUIREMENTS

The above owner or applicant is requesting that this application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **7/7/2016**, at **2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

As part of your application, and included in your filing fee of \$200.00, a legal notice is published in the Winston-Salem Journal and the Inspections division furnishes you with a sign(s) which must be posted in a conspicuous place on the premises prior to the date of the hearing. The sign(s) must be attached to sufficient support and be clearly visible from a public street. If the property is located on the corner of two public streets or has frontage on more than one public street, a sign needs to be placed on each public street. If the property is on a private street or access easement, a second sign or lead in sign will need to be placed at the public street.

SIGN POSTING DATE IS 6/26/2016 BY 9:00 A.M. THE SIGN MUST BE LEFT UP UNTIL AFTER THE PUBLIC HEARING. Failure to comply with these posting instructions will result in delay of the application and postponement of the hearing and decision to a later scheduled public hearing.

Remember that Variances can be approved only when there is practical difficulty or unnecessary hardship in meeting zoning requirements, with the difficulties resulting from subdividing land before the law was adopted, or from an act of a public agency, or from some cause beyond the control of the owner.

ITAC12 LLC
(BRIAN KRUMENACKER)

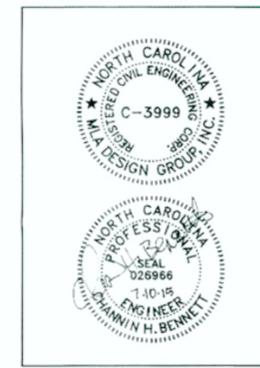
Case # **5367** Requesting variance of Type III Buffer Yard, on a 5.87 acre tract of land located at 4870 Country Club Road corner of Country Club Rd. and Ryandale Rd. Property is Zoned HB-S. Block is 3976 Lot 604.

I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Variance is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date



SALEM SWIM
 4870 COUNTRY CLUB ROAD
 WINSTON-SALEM, NC

Date: 10th July 2015
 For Permitting / Review

Revisions:
 1- 8/28/15 Revised per GOW comments
 2- 12/21/15 Addendum #2
 3- 2/8/16 Revised streetyard / buffers

Drawn By: MKK
 Checked By: CHB
 Project #

Sheet Title
LANDSCAPE PLAN

Sheet **C-4** of 5

Plant List

QTY	COMMON NAME	SCIENTIFIC NAME	GAL	HEIGHT	SPREAD	REMARKS
LARGE DECIDUOUS TREES						
1	Red Sunset Maple	Acer rubrum 'Red Sunset'	2"	12' min.		DAB, strong, straight, central leader
SHRUBS						
20	Emily Bruner Holly	Ilex x		24" min.	24" min.	5 gal. cont., heavy/full
11	Otto Luken Laurel	Prunus Lavrocerasus 'Otto Luken'		24" min.	24" min.	5 gal. cont., heavy/full

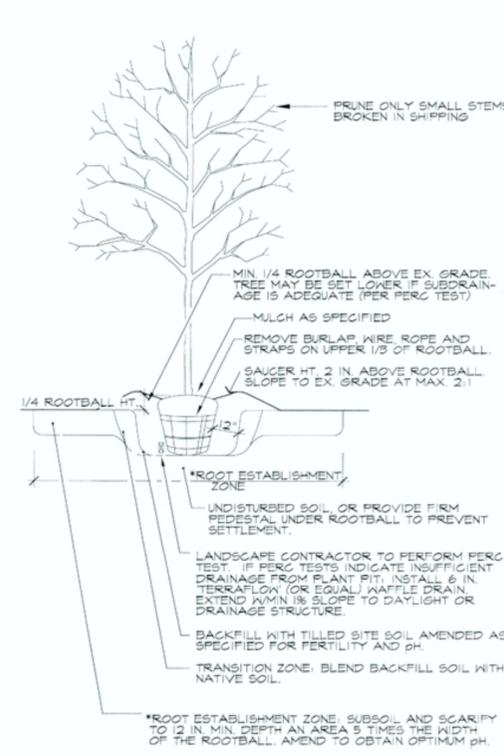
TREE SAVE AREA SUMMARY CALCULATIONS

NEW DEVELOPMENT:		ADDITIONS TO EXISTING DEVELOPMENT:	
TOTAL SITE SIZE (IN SQUARE FEET):	N/A	TOTAL LIMITS OF LAND DISTURBANCE (IN SQUARE FEET):	37603
TOTAL SITE AREA EXCLUDED FROM TSA: SQUARE FEET OF PROPOSED ROW @ 2' + SQUARE FEET OF EXISTING UTILITY EASEMENTS 7814 = SQUARE FEET OF EXISTING WATER BODIES AND STORMWATER PONDS @ 2' + PROPOSED PUBLIC STREET ROW @ 2' = 7814 SF			
MINIMUM TREE SAVE AREA REQUIRED:	X 10% = 12%		
TOTAL REQUIRED TREE SAVE AREA (IN SQUARE FEET): TOTAL SITE SIZE OR TOTAL LIMITS OF LAND DISTURBANCE - EXCLUDED AREA x MINIMUM TSA (10%) = 2978			
NEW TREES USED FOR TSA CREDIT:	NUMBER OF LARGE VARIETY TREES (8') EXISTING:	TOTAL SQUARE FOOTAGE OF EXISTING TREES TO SATISFY MINIMUM TSA: 3600	
YES X NO	2 x 1800 SF = 3600		
	TOTAL REQUIRED TSA (IN SQUARE FEET): 2978		
	TOTAL PROVIDED TSA (IN SQUARE FEET): 3600		

Planting Plan Notes

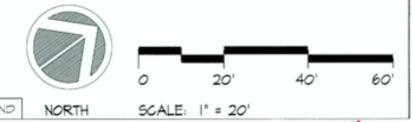
- LANDSCAPE CONTRACTOR TO VISIT THE SITE AND ACCEPT THE CONDITIONS PRIOR TO BIDDING AND PLANT MATERIAL INSTALLATION.
- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ALL FINE GRADING OF LAWN AND PLANTING AREAS DISTURBED DURING CONSTRUCTION. REMOVE FROM SITE ALL TEMPORARY SEEDING/STABILIZATION, STONES, GRAVEL AND ALL EXTRANEIOUS DEBRIS INCLUDING ROOTS AND LIMBS.
- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR PROVIDING TOPSOIL IN ANY PLANTED TRAFFIC ISLANDS SO THERE IS A SLIGHT CONSTANT RISE TO THE CENTER OF EACH ISLAND (REFER TO GRADING PLAN FOR FINAL ELEVATIONS).
- ALL PLANT BEDS TO BE TILLED AND AMENDED TO A DEPTH OF 12" ENTIRE BED TO BE COVERED WITH 3" OF SHREDDED FINE BARK MULCH.
- LANDSCAPE CONTRACTOR TO BRING TO THE ATTENTION OF THE OWNER ANY DEBRIS OR POOR SOILS REMAINING IN PLANTING AREAS AFTER GENERAL CONSTRUCTION AND PRIOR TO ANY PLANTING.
- LANDSCAPE CONTRACTOR TO VERIFY ALL UNDERGROUND UTILITIES PRIOR TO INSTALLATION OF ANY PLANT MATERIAL. UTILITIES SHOWN ON PLAN ARE FOR REFERENCE ONLY AND MAY NOT BE ALL INCLUSIVE.
- LANDSCAPE CONTRACTOR SHALL FURNISH ALL QUANTITIES NECESSARY TO COMPLETE PLANTINGS AS SHOWN ON DRAWINGS. QUANTITIES SHOWN ON PLANT LIST ARE FOR CONVENIENCE OF CONTRACTORS AND ARE BELIEVED TO BE SUBSTANTIALLY CORRECT, BUT ACCURACY OF QUANTITIES IN LIST IS NOT GUARANTEED.
- ANY PLANT MATERIAL SUBSTITUTIONS OR ADJUSTMENTS ARE TO BE REQUESTED IN WRITING TO THE OWNER'S REPRESENTATIVE. NO SUBSTITUTIONS WILL BE PERMITTED WITHOUT WRITTEN NOTICE BY OWNER'S REPRESENTATIVE.
- LANDSCAPE CONTRACTOR TO CONTACT OWNER FOR APPROVAL/DENIAL OF ALL PLANT STOCK PRIOR TO INSTALLATION.
- ALL TREES PLANTED IN GRASS AREAS SHALL HAVE A 5' DIAMETER MULCH RING (TYP). ALL GRASS TO PLANT BED BORDERS TO BE NEATLY EDGED WITH A VERTICAL EDGE (TYP).
- ALL TREES SHALL BE SPECIMEN QUALITY AND WELL SHAPED. LARGE DECIDUOUS AND EVERGREEN TREES SHALL HAVE TALL CENTRAL LEADER.
- EDGE OF TREE MULCH RING TO BE A MINIMUM OF 2' FROM ANY SHRUB BED EDGE OR PAVED SURFACE.
- ALL TREES OF THE SAME VARIETY TO MATCH IN SHAPE, FORM AND SIZE WHERE THEY ARE TO BE INSTALLED IN GROUPS, ROWS OR AS STREET TREES.
- LANDSCAPE CONTRACTOR TO PROTECT ALL EXISTING STRUCTURES (I.E. CURB AND GUTTER, PAVEMENT, ETC.) DURING INSTALLATION OF LANDSCAPING.
- LANDSCAPE CONTRACTOR TO GUARANTEE ALL PLANT MATERIAL AND WORK FOR A PERIOD OF ONE YEAR FROM ACCEPTANCE OF WORK BY OWNER.
- ALL PLANT BEDS TO CONSIST OF (1) PART EXISTING SOIL, (1) PART FRIABLE TOPSOIL AND (1) PART PINE BARK SOIL CONDITIONER.
- ALL BEDS TO BE TILLED IN THEIR ENTIRETY. NO PIT PLANTING WILL BE ACCEPTED.
- MINOR SHIFTING AND ADJUSTING OF PROPOSED TREE LOCATIONS MAY BE REQUIRED DUE TO EXACT LOCATION OF UNDERGROUND UTILITIES. LANDSCAPE CONTRACTOR TO CONTACT OWNER'S REPRESENTATIVE AND CITY LANDSCAPE INSPECTOR PRIOR TO RELOCATION.
- PRIOR TO SEEDING, LANDSCAPE CONTRACTOR IS TO CONTACT GENERAL CONTRACTOR FOR VERIFICATION THAT ALL LAND DISTURBING ACTIVITY (I.E. TRENCHING, GRADING, ETC.) HAS BEEN COMPLETED.
- LANDSCAPE CONTRACTOR TO OBTAIN GRADING PLAN FOR COORDINATION OF FINAL GRADES. CONTACT OWNER'S REPRESENTATIVE FOR ANY PLAN OR GRADE CHANGES PRIOR TO CONSTRUCTION.
- SEED ALL DISTURBED AREAS WITHIN SUBJECT PROPERTY AND ANY AREAS WITHIN THE RIGHT-OF-WAY OR ON ADJACENT PROPERTY DISTURBED DURING CONSTRUCTION.
- SEED ALL AREAS LABELED "GRASS" WITH FESCUE BLEND (SEE SEEDING SCHEDULE).
- ALL STRAPPING AND TOP 2/3 OF WIRE BASKET MUST BE CUT AWAY AND REMOVED FROM ROOT BALL PRIOR TO BACKFILLING PLANTING PIT. REMOVE TOP 2/3 OF THE BURLAP FROM ROOT BALL.
- SEE THIS SHEET FOR PLANTING DETAILS.

NOTES:
 1. Water well immediately after planting, even if it is raining. Monitor moisture in rootball w/ soil probe throughout the establishment period.
 2. Trees to be staked and guyed will be determined on site.

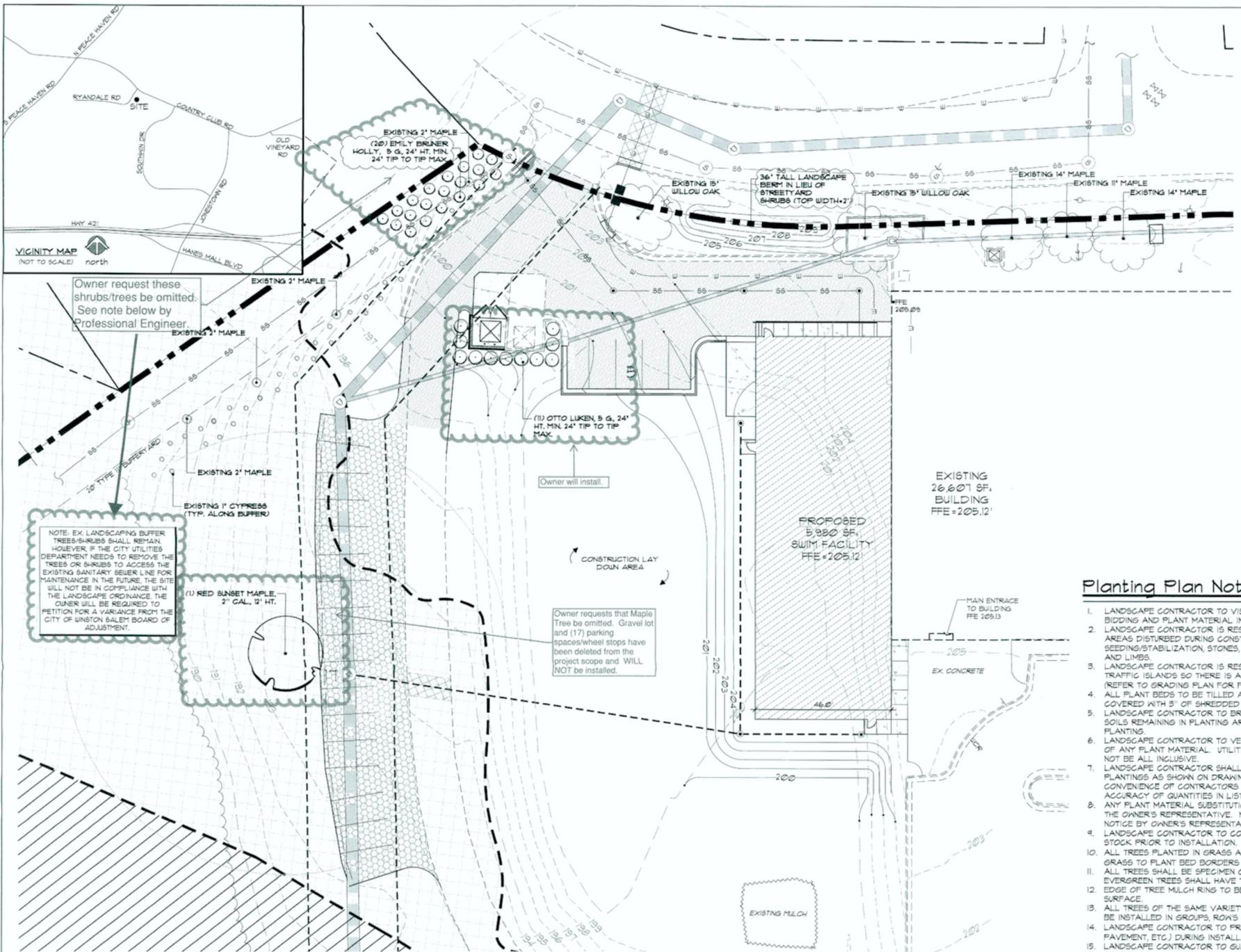


Tree Planting (Poorly Drained Soil) N.T.S.

"BEFORE YOU DIG" LINE
 1-800-632-4949 OR 8-1-1



REFER TO SHEET C-0 SURVEY FOR ADDITIONAL LEGEND



Planting Requirements

STREETYARD:
 STREETYARD SHALL BE A MIN. 10' WIDTH WITH 2 TREES/100 LIN. FT. OF VEHICULAR SURFACE AREA ADJACENT TO A RIGHT-OR-WAY. RYANDALE TREES REQUIRED: 4' L.F. / 100 x 2 = (2) TREES REQUIRED
 TREES PROVIDED: (2) EXISTING 15' WILLOW OAKS
 REQUIRED SHRUBS: RYANDALE
 REQUIRED STREETYARD AREAS TO BE PLANTED WITH EVERGREEN SHRUBS WITH A MAX. SEPARATION OF 18" TIP TO TIP.

PERIMETER PLANTING:
 REQUIRED: (1) TREE PER 2500 S.F. OF VEHICULAR SURFACE, EACH PARKING SPACE MUST BE WITHIN 50 FEET OF A SMALL VARIETY TREE TRUNK OR 15 FEET FROM A LARGE VARIETY TREE TRUNK. 3521 S.F. VEHICULAR SURFACE / 5,000 = (2) TREES REQUIRED
 TREES PROVIDED: (2) TREES PROVIDED- 1 EXISTING, 1 PROPOSED

BUFFERYARD:
 A BUFFERYARD IS REQUIRED ONLY ALONG THE PROPERTY WHERE THE ADJACENT PROPERTY IS ZONED SINGLE FAMILY RESIDENTIAL. THE BUFFERYARD MUST BE TYPE III WITH A MINIMUM WIDTH OF 15 FEET.

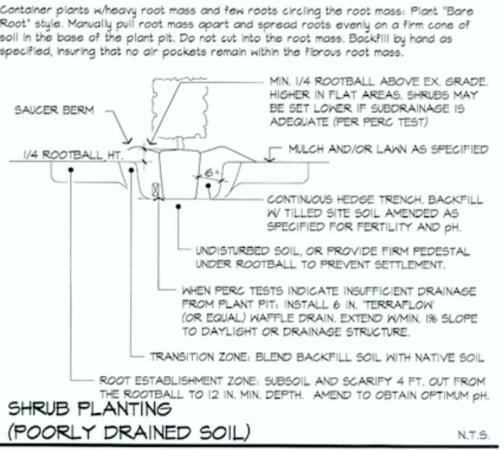
SEEDING SCHEDULE AND SEEDBED PREPARATION NOTES

SEEDING SCHEDULE FOR ALL GRASSSED AREAS
 SEED MIX:
 HYBRID TURF-TYPE TALL FESCUE BLEND. A MINIMUM OF (5) RATES: LBS/ACRE
 VARIETIES OF TURF-TYPE TALL FESCUE SHALL BE USED. 250
 ALL SEED MUST BE CERTIFIED WITH A MINIMUM GERMINATION RATE OF 85%. ALL SEED MUST CONTAIN NO NOXIOUS KEEDS.

FERTILIZE SEEDBEDS WITH 2 TONS/ACRE LIME AND 500 LBS/ACRE 10-20-20 MULCH WITH 2 TONS/ACRE CLEAN STRAW OR HAY. TACK WITH RAPID SETTING EMULSIFIED ASPHALT AT 10 GAL./1000 SQ. FT. OR OTHER TACKING AGENT APPROVED BY OWNER.

SEEDBED PREPARATION NOTES
 1. SURFACE WATER CONTROL MEASURES ARE TO BE INSTALLED ACCORDING TO PLAN.
 2. AREAS TO BE SEEDDED SHALL BE RIPPED AND SPREAD WITH TOPSOIL (IF AVAILABLE), 3" DEEP. TOTAL SEEDBED PREPARED DEPTH SHALL BE 4" TO 6" DEEP.
 3. LOOSE ROCKS, ROOTS AND OTHER OBSTRUCTIONS SHALL BE REMOVED FROM THE SURFACE SO THAT THEY WILL NOT INTERFERE WITH ESTABLISHMENT AND MAINTENANCE OF VEGETATION. SURFACE FOR FINAL SEEDBED PREPARATION, AT FINISH GRADES SHOWN SHALL BE REASONABLY SMOOTH AND UNIFORM. IF NO SOIL TEST IS TAKEN FERTILIZER AND LIME SHALL BE APPLIED ACCORDING TO THE SEEDING SPECIFICATIONS ABOVE. IN ADDITION, PROVIDE 15 LBS./1000 SQ. FT. OF SUPERPHOSPHATE.
 4. IF SOIL TEST IS TAKEN, PROVIDE LIME AND FERTILIZER ACCORDING TO THE SOIL TEST REPORT. A SOIL TEST IS RECOMMENDED.
 5. LIME AND FERTILIZER SHALL BE APPLIED UNIFORMLY AND MIXED WITH THE SOIL DURING SEEDBED PREPARATION.

SEEDING SCHEDULE



**CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
VARIANCE STAFF REPORT
JULY 7, 2016**

CASE #:	5367	VARIANCE REQUEST:	Bufferyard requirements for HB-S-zoned property adjacent to RS9 zoning
STAFF:	Desmond C. Corley		
PETITIONER(S):	Itac12, LLC (Brian Krumenacker)	LOCATION:	4870 Country Club Road (5.87 acres, on the northeast corner of the intersection with Ryandale Road)

BACKGROUND:

The *Unified Development Ordinances (UDO)* contains certain landscaping requirements for uses allowed within the City limits. One such requirement is a bufferyard that provides visual and functional separation between different land uses that may be incompatible. The UDO requires said bufferyard, with a few exceptions, for every use, change of use, new structure built, or expansion of an existing structure. Requests for variance of these requirements must go before the Board of Adjustment.

The petitioner requests a variance of the bufferyard requirements triggered by a building expansion in a HB-S zoning district. The subject property adjoins properties zoned for single-family residential use (RS9) on its western and southern sides. A Type III bufferyard is required between HB zoning and RS9 zoning, within which the number and type of plantings may vary, depending on the chosen width of the yard. The narrowest Type III bufferyard allowed by the UDO is fifteen (15) feet wide, but an existing sanitary sewer easement follows the western property line and is twenty (20) feet wide. A group of evergreen plantings exists within the easement, which may be removed at such time as the underground facilities within it require maintenance.

REQUIRED HARDSHIPS AND FINDINGS:

A variance may only be approved upon a finding of practical difficulty or unnecessary hardship in meeting the bufferyard requirements of the UDO. Such hardship must be the result of:

- a) Unusually narrow sections of land (less than 10 feet) available for planting within the rear and/or side yards because of existing permanent structures, existing paving, or natural features such as rock outcroppings;
- b) Existing slopes in excess of two to one (2:1) in locations where a bufferyard is required;
- c) Specialized land uses such as public utilities, airports, etc. where strict adherence to the screening standard would significantly interfere with the function of that use and would create a public safety problem;
- d) Actions of a public agency; or
- e) Difficulties arising from the recorded platting or deeding of land prior to the adoption of the Ordinance.

In addition, the petitioner must demonstrate *all* of the following:

- a) The unnecessary hardship would result from the strict application of the UDO¹;
- b) The hardship results from conditions that are peculiar to the property, such as location, size or topography²;
- c) The hardship did not result from actions taken by the applicant or the property owner³; and
- d) The requested variance is consistent with the spirit, purpose and intent of the UDO, such that public safety is secured, and substantial justice is achieved.

ANALYSIS:

Should the facilities within the easement require maintenance, the existing vegetation would be removed. It is Staff's opinion that a hardship is found in the narrow section of land available for replanting within the western side yard. The aforementioned easement fits between the western property line and an existing driveway, with no intervening space that would accommodate the required plantings. Applying the bufferyard requirement – as written – in the event of tree removal would force the property into nonconformity, due to the type of bufferyard required (15-foot Type III). On the other side of this line, a steep slope creates an embankment for a creek. Each of the aforementioned conditions preexists the petitioner's request and any subsequent development. Staff believes that it would be difficult to maintain new plantings along the embankment, given its close proximity to the required buffer area. Existing vegetation along the top of the creek bank may be used as credit toward the screening required by the bufferyard provisions of the UDO.

RECOMMENDATION: Approval, with the following conditions:

- **The petitioner shall install a six-foot (6') opaque fence along the northern property line where activity areas are not blocked by the existing building.**
- **The petitioner shall maintain existing vegetation along the creek bank.**

A variance shall be granted only with reference to conditions and circumstances peculiar to the property involved. If the Board of Adjustment denies an application for variance, it shall enter the reasons for the denial in the minutes of the meeting at which the action was taken. [Chapter B, Section 6-1.4(B)(6)]

¹It shall not be necessary to demonstrate that, in the absence of a variance, no reasonable use can be made of the property.

²Hardships 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.

³The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101
REQUEST FOR: VARIANCE OF
TYPE III BUFFER YARD
PUBLIC HEARING CASE #
JULY 7, 2016 5367
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING













100 East First Street
Winston-Salem, NC 27101
(336) 727-2628

Case # 5369

CITY ZONING BOARD OF ADJUSTMENT VARIANCE APPLICATION

Prop Addr: 1920 DAISY ST
WINSTON-SALEM, NC 27107 -

Owner: JUANA JASSO
Address: 545 COUNTRY VIEW LN
WINSTON-SALEM,, NC 2710 7-

Phone.: (336)408-7124 x

Applicant:
Address:

Phone:

Details:

Lot Dimensions:
Side Yard
Description: Requesting variance of 2' on west side of house. 7' feet required

The above owner or applicant is requesting that this application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **7/7/2016**, at **2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

As part of your application, and included in your filing fee of \$200.00, a legal notice is published in the Winston-Salem Journal and the Inspections division furnishes you with a sign(s) which must be posted in a conspicuous place on the premises prior to the date of the hearing. The sign(s) must be attached to sufficient support and be clearly visible from a public street. If the property is located on the corner of two public streets or has frontage on more than one public street, a sign needs to be placed on each public street. If the property is on a private street or access easement, a second sign or lead in sign will need to be placed at the public street.

SIGN POSTING DATE IS 6/26/2016 BY 9:00 A.M. THE SIGN MUST BE LEFT UP UNTIL AFTER THE PUBLIC HEARING. Failure to comply with these posting instructions will result in delay of the application and postponement of the hearing and decision to a later scheduled public hearing.

Remember that Variances can be approved only when there is practical difficulty or unnecessary hardship in meeting zoning requirements, with the difficulties resulting from subdividing land before the law was adopted, or from an act of a public agency, or from some cause beyond the control of the owner.

JUANA JASSO
JUANA JASSO

Case # **5369** Request variance of side yard requirement on a 0.16 acre tract of land located at 1920 Daisy St, approximately 200 feet east of Waterbury St. Property is zoned RS9. Tax Block 1719, Lot 201.

I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Variance is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

6325369

I HEREBY CERTIFY THAT THIS PLAN SHOWN AND DESCRIBED HEREON, WAS DRAWN UNDER MY SUPERVISION, AND IS IN ALL RESPECTS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESSE MY HAND AND SEAL THIS _____ DAY OF _____ 2016

LAND SURVEYOR _____

REGISTRATION NUMBER: L-3987

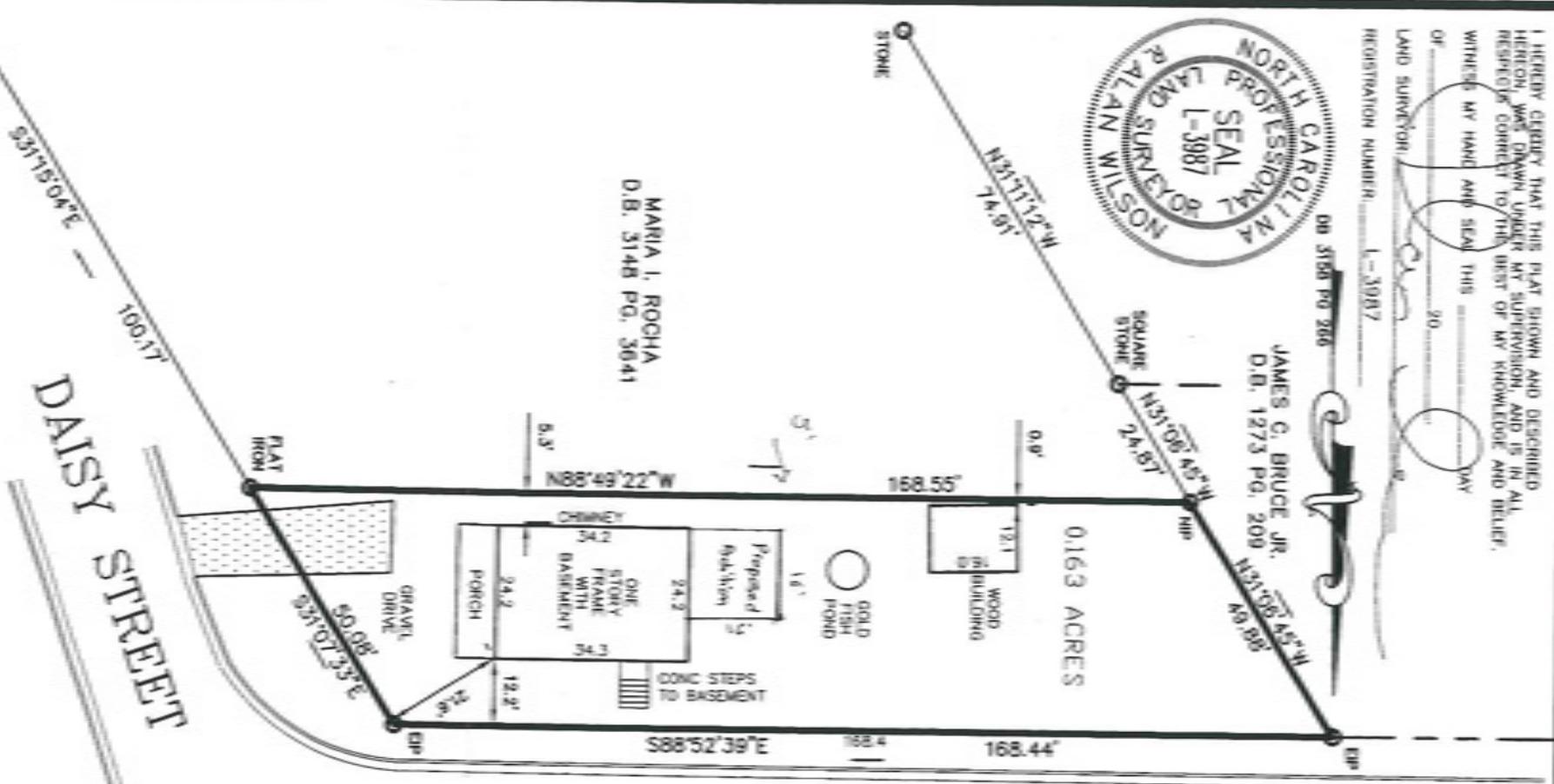
DB 5108 PG 206

JAMES G. BRUCE JR.
D.B. 1273 PG. 209



0.163 ACRES

MARIA I. ROCHA
D.B. 3148 PG. 3641



NOTE: This plot is subject to any Easements, Agreements, or Rights-of-Way of record prior to date, which was not visible at this time of our inspection.
This survey is rendered solely for the benefit of the Owner, its lender, and title insurance company and may not be relied upon in any other manner or for any purpose by any other person.

Case #5369

WILSON SURVEYING, INC.

R. ALAN WILSON - PROFESSIONAL LAND SURVEYOR, NO. L3887
402 BLANDWOOD AVENUE, GREENSBORO, N.C. 27401
TELEPHONE: (330) 275-8888 • FAX: (330) 275-1017

SCALE: 1"=30'



JOB. NO. 61963

DATE: JUNE 16, 2016

SITE PLAN FOR:
JUANA LIZBETH JASSO

1920 DAISY STREET
WINSTON SALEM, N.C. 27107
CITY OF WINSTON SALEM, FORSYTH COUNTY
NORTH CAROLINA
DEED REF: D.B. 3158 PG. 366
TAX MAP #6844-44-7362.00

NOTES:

- NO CURRENT FLOOD STUDY.
- THIS MAP DOES NOT MEET 0.5, 47--30 REQUIREMENTS AND IS NOT FOR RECORDING.
- MORTGAGE SURVEY ONLY.
- NOT FOR CONSTRUCTION PURPOSES.
- RATIO OF PRECISION IS 1:110,000±
- NO N.C.O.S. MARKER WITHIN 2000 FEET OF PROPERTY.

- LEGEND:
- EP Existing Iron Pipe
 - HP New Iron Pipe
 - R/W Right-of-way
 - C/L Centerline
 - CH Chord
 - PIB Plat Book
 - DB Deed Book
 - PG Page

**CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
REQUEST FOR VARIANCE STAFF REPORT
JULY 7, 2016**

CASE #:	5369	VARIANCE REQUEST:	Approximate 1.7-foot variance of the side setback
STAFF:	Desmond C. Corley		requirements for single-family structures in a RS9 zoning district
PETITIONER(S):	Juana Jasso		
		LOCATION:	1920 Daisy Street (0.16 acre, approximately 200 feet east of Waterbury Street)

BACKGROUND:

The *Unified Development Ordinances (UDO)* contains certain dimensional requirements for each of the zoning districts created by its adoption. Requests for variance of these dimensional requirements must go before the Board of Adjustment.

The subject property is zoned RS9, a district within which setbacks for single-family residential structures are twenty (20) feet in the front, twenty-five (25) feet in the rear, seven (7) feet on one side, and twenty (20) feet combined for both sides. Additionally, structures on corner lots have a street setback of 20 feet. The existing (nonconforming) house is set back approximately 5.3 feet from the southern property line, but it meets all other dimensional requirements of the district. The petitioner proposes to construct an addition to the west side of the house, approximately 5.3 feet from the aforementioned property line.

REQUIRED HARDSHIPS AND FINDINGS:

A variance may only be approved upon a finding of practical difficulty or unnecessary hardship in meeting the dimensional requirements of the UDO. Such hardship must be the result of the recorded platting or deeding of land or any building constructed and completed prior to the adoption of the UDO, from any act of a public agency, or from natural conditions beyond the control of the property owner. The applicant must demonstrate *all* of the following:

- a) The unnecessary hardship would result from the strict application of the UDO¹;
- b) The hardship results from the conditions that are peculiar to the property, such as location, size or topography²;
- c) The hardship did not result from actions taken by the applicant or the property owner³; and

¹It shall not be necessary to demonstrate that, in the absence of a variance, no reasonable use can be made of the property.

²Hardships 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.

³The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- d) The requested variance is consistent with the spirit, purpose and intent of the UDO, such that public safety is secured, and substantial justice is achieved.

ANALYSIS:

It is Staff's opinion that a hardship is found in the construction and completion of a building prior to the adoption of the UDO. Records from the Forsyth County Register of Deeds show that the original house was completed in 1925, prior to the adoption of the UDO. The earliest references to this property are from 1924. Further, the extension of the southern wall to include the addition does not exacerbate the nonconformity of the house because it is the same distance from the property line as the closest point on the existing footprint.

RECOMMENDATION: Approval, per plan on file

A variance shall be granted only with reference to conditions and circumstances peculiar to the property involved. If the Board of Adjustment denies an application for variance, it shall enter the reasons for the denial in the minutes of the meeting at which the action was taken. [Chapter B, Section 6-1.4(B)(6)]

City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101
REQUEST FOR: VARIANCE OF
SIDE YARD SET BACK
PUBLIC HEARING CASE #
JULY 7, 2016 5369
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING

City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101

City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101
REQUEST FOR: VARIANCE OF
SIDE YARD SETBACK
PUBLIC HEARING CASE #
JULY 7, 2016 5369
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING









