The City of Brevard North Carolina

City of Brevard Planning Department
95 West Main Street
Brevard, North Carolina 28712
Phone (828) 885-5630
Fax (828) 885-5625
cityofbrevard.com

VAR File # VAR-24-001

## APPLICATION FOR A VARINACE (VAR)
## BREVARD BOARD OF ADJUSTMENT

**PURPOSE OF VARIANCE** – A variance is the official allowance of a variation from the dimensional requirements of the City of Brevard Unified Development Ordinance or other development regulations. An applicant for a variance must demonstrate valid reasons which create a need for a Variance. These reasons cannot be strictly economic in nature and must generally involve some physical problem with the subject property which will not allow it to be developed in a reasonable manner if City development regulations are followed literally, such as a lot which is substandard in area or width.

**BOARD OF ADJUSTMENT** - The Board of Adjustment or BOA, is the official City Board that considers request for variances. The BOA receives sworn testimony at its meetings and issues decisions on variance requests based on this testimony. It is the responsibility of each applicant for a variance to attend the BOA meeting and present sworn testimony in support of the request. Authority to grant a variance is found in 16.8.E of the City of Brevard's Unified Development Ordinance pursuant to North Carolina General Statute's 160D-705. The Unified Development Ordinance requires that the Brevard Board of Adjustment, when granting a variance must find that all four (4) of the following standards found in UDO Chapter 16.8.E.2. exist. In the spaces provided below, indicate the standards that you intend to show and the arguments that you intend to convince the Brevard Board of Adjustment that it can properly reach the four (4) required conclusions:

**REASONS FOR VARIANCE REQUEST** - Explain in your own words why you are requesting a Variance. Be sure to clearly indicate the problem(s) you will experience in complying with the City development regulations. (Attach additional sheets if needed.)

* - ATTACHED - *

The BOARD OF ADJUSTMENT is required to make the following four (4) findings before granting a Variance. Write a thorough response to each of these items.

1. Unnecessary hardship would result from the strict application of the regulations. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships 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.

3. 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 the granting of a variance shall not be regarded as a self-created hardship.

4. The requested variance is consistent with the spirit, purpose, and intent of the regulations, such that public safety is secured, and substantial justice achieved. Substantial justice is not achieved when granting the variance would be injurious to the neighborhood or to the general welfare.

**ATTACH SITE PLAN DESCRIBING VARIANCE REQUEST**

**PROPERTY LOCATION INFORMATION**

Street address of subject property 203 Maple Street

Tax Parcel Number of subject property 8585-58-3764-000

**ATTACH TAX PARCEL & OWNERSHIP INFORMATION FOR ADJACENT PROPERTIES**

APPLICANT INFORMATION

Name: Jason Chewning

Address: 50 Commerce St., Suite 7
Brevard, NC 28712

Phone: 828-577-7754 Email: camptownbooks@gmail.com

OWNER INFORMATION

Name: Charlotte Shackleford

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**BREVARD BOARD OF ADJUSTMENT – VARIANCE**

**APPOINTMENT OF AGENT**

I Charlotte Shackleford, owner of property located at (street address) 203 Maple Street and identified by the Transylvania County Tax Identification Number (PIN#):

8585-58-3764-000, located in Transylvania County, North Carolina, do hereby appoint Jason Chewning to represent me in filing an application for Variance before the Brevard Board of Adjustment.

I further authorize Jason Chewning to act as my agent in all matters, formal and informal, and to receive all official correspondence as it relates to the VARIANCE request and hearing.

Property Owner Signature: [signature] Date: 2/15/24
Mailing Address: 203 Maple St, Brevard, NC 28712
Phone: 704 756-7800 Email: cjshackleford@gmail.com

Agent Name: Jason Chewning
Mailing Address: 50 Commerce St, Suite 7, Brevard, NC
Phone: 828-577-7754 Email: camptownbooks@gmail.com

Address: 203 Maple St

Brevard, NC 28712

Phone: _____ Email: _____

ATTACH AGENT FORM IF THE APPLICANT IS NOT OWNER

DATE: 02-15-24

APPLICANT'S SIGNATURE Jason Channing

Please refer to the City of Brevard Planning Department Board of Adjustment Category III Application Timeline for Variances.

VARIANCE REQUEST TO BE HEARD BY BOA ON: 04-02-24.

Concerning PARCEL# 8585-58-3764-000 203 Maple Street

Subject: Variance Request - Encroachment on Rear Yard Setback

According to City Ordinance, Chapter 2, Section 2.3, Setbacks for Accessory Structures

Setbacks for accessory structures.

1.1.Setbacks for accessory structures vary based on the size of the structure and the zoning district.

TABLE 2.3C: SETBACKS FOR ACCESSORY STRUCTURES

| District | Side Yard Setback | | Rear Yard Setback | |
|---|---|---|---|---|
| | < 120 sq. ft. | ≥ 120 sq. ft. | < 120 sq. ft. | ≥ 120 sq. ft. |
| GR (4, 8) | 3 feet | 6 feet | 3 feet | 10 feet |

REAR YARD, >120 SQFT - 10 feet

To whom it may concern,

I am writing to request a variance for the construction of a garage on my property located at 203 Maple Street. The proposed garage plan deviates from the required 10-foot setback outlined in the zoning regulations. I would like to provide an explanation as to why this variance is necessary and how it aligns with the intent and purpose of the regulations. We are asking to encroach 3'1" feet into the 10-foot setback.

1. Need for a Garage: One of the primary reasons for requesting this variance is the need for a garage. As residents of the neighborhood, we have encountered repeated issues with limited parking options and insufficient storage space. Constructing a garage will address these concerns and provide a secure and convenient place to park our vehicles and store essential items.
2. Property Constraints: The unique characteristics of our property pose challenges in adhering to the setback requirement. The lot shape and size, along with existing structures and landscaping, limit the available space for constructing a garage with the required setback. Any attempt to comply with the setback would result in an impractical and inefficient use of the property.
3. Compatibility with Neighboring Properties: It is important to note that the proposed garage will be aesthetically and visually harmonious with the surrounding properties. The design and materials will be selected to ensure that the structure blends seamlessly with the architectural character of the neighborhood, mitigating any potential negative impacts on neighboring properties.

4. Minimal Impact: The encroachment on the setback will have minimal impact on adjacent properties and the overall community. It will not hinder access to neighboring properties, obstruct sightlines, or contribute to any significant changes in the prevailing streetscape. As responsible homeowners, we are committed to minimizing any potential adverse effects resulting from this variance.

In light of the reasons stated above, we kindly request that the planning or zoning authority carefully consider granting the requested variance. The construction of the garage will significantly enhance the functionality and value of our property while maintaining the integrity of the neighborhood and adhering to the broader objectives of the zoning regulations.

We understand that the variance approval process involves thorough evaluation of the proposal, potential impacts, and compliance with local regulations. We are prepared to provide any additional documentation or address any concerns raised during the review process. Our goal is to work collaboratively with the planning or zoning authority to find a mutually beneficial solution.

Thank you for your consideration.

Sincerely,

Charlotte Shackleford


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