

Project Overview

#2156130

Project Title: 5103 Hayden Lane House Placement Variance

Application Type: 5.4) Variance

Workflow: Staff Review

Jurisdiction: City of Fayetteville

State: NC

County: Cumberland

Project Location

Project Address or PIN: 5103 HAYDEN LN (0405976938000) **Zip Code:** 28304

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: [Cumberland County Tax Office GIS system](#)

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 5103 HAYDEN LN

Variance Request Information

Requested Variances: Minimum yard/setback

Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.:

Castle Rising Properties, LLC requests an 11-foot variance from the required 35-foot rear yard setback to allow the relocation of an existing single-family residence onto the property at 5103 Hayden Lane. The proposed residence will have an approximate 24-foot rear setback. The request is limited to the rear setback requirement, and all other applicable zoning standards will be met.

Section of the City Code from which the variance is being requested.: Minimum residential yard setback requirements

Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.:

The subject property is zoned SF-10. The surrounding properties consist of a mix of single-family residential uses and commercial property. The properties adjacent to the north, east, and south are developed with or intended for residential use, while a commercial property is located adjacent to the west. The requested variance will not alter the residential character of the neighborhood and is compatible with surrounding development

Justification for Variance Request - Use this and the following pages to answer the questions (upload additional sheets if necessary).

The Variance Standards states: A variance application shall be approved only upon a finding that **all** of the following standards are met.

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

2. Any practical difficulties or unnecessary hardships result from unique
3. circumstances related to the land, such as location, size, or topography, and are not the result from conditions that are common to the neighborhood or the general public be the basis from granting a variance;
4. The Variance is the minimum action that will make possible a reasonable use of land or structures;
5. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
6. In the granting of this Variance, the public safety and welfare have been assured and substantial justice has been done.

Please complete the following five (5) questions to verify the evidence that all the required standards are applicable to your property and/or situation.

Please describe how strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.:

Strict application of the 35-foot rear setback requirement creates a practical difficulty because of the unique shape and dimensions of the lot. Although the property is a legally created residential lot, its irregular configuration significantly limits the available buildable area. The proposed project involves relocating an existing single-family residence to the property. Without the requested rear setback variance, the home cannot be reasonably placed on the lot while meeting all required setbacks. The hardship results from the physical characteristics of the property rather than any action of the applicant. The requested 11-foot rear setback variance is the minimum necessary to allow reasonable residential use of the property.

Please describe how any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the actions of the landowner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance.:

The practical difficulty results from the unique shape and configuration of the property, including angled property lines and curved road frontage. These conditions are specific to the lot itself and are not the result of actions by the property owner or conditions common to the surrounding neighborhood. Due to the layout of the parcel, meeting both the required 30-foot front setback and 35-foot rear setback is impractical while reasonably placing the residence on the property.

Please describe how the Variance is the minimum action that will make possible a reasonable use of land or structures.:

The requested variance is necessary to allow reasonable residential use of the property given its unique shape and configuration. The proposed placement of the existing single-family residence provides a practical and balanced site layout that is compatible with surrounding development. The requested rear setback relief allows the home to be located in an appropriate position on the lot while maintaining reasonable spacing from adjacent properties and supporting a functional site design.

Please describe how the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.:

The requested variance is consistent with the purpose and intent of the zoning ordinance because it allows reasonable residential use of a legally created lot while respecting the character of the surrounding neighborhood. The proposed relocation of an existing single-family residence is compatible with nearby development and will not adversely affect adjacent properties, public safety, or the general welfare. Granting the requested variance preserves the spirit of the ordinance while addressing the unique physical characteristics of this property.

Height of Sign Face : 0

Height of Sign Face: 0

Square Footage of Sign Face : 0

Square Footage of Sign Face: 0

Please describe how, in the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.:

Height of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Granting the requested variance will not negatively impact public safety or welfare because the property will continue to be used for a residential purpose consistent with the surrounding neighborhood. The variance request is limited to the minimum setback relief necessary due to the unique shape and layout of the lot. Approval of the variance will allow reasonable use of the property while maintaining compatibility with nearby residential properties and preserving the intent of the zoning ordinance.

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Primary Contact Information

Project Owner

Raffaella Massa
Castle Rising Properties LLC
2448 Hope Mills Road
Fayetteville , NC 28304
P:910-725-5200
Crpllc@yahoo.com

Indicate which of the following project contacts should be included on this project:

NC State Electrical Contractor #1 License Number:
NC State Electrical Contractor #2 License Number:
NC State Electrical Contractor #3 License Number:

NC State Mechanical Contractor's #1 License Number:
NC State Mechanical Contractor's #2 License Number:
NC State Mechanical Contractor #3 License Number:
NC State Plumbing Contractor #1 License Number:
NC State Plumbing Contractor #2 License Number:

Project Contact - Agent/Representative

Raffaella Massa
Castle Rising Properties LLC
2448 Hope Mills Road
Fayetteville , NC 28304
P:910-725-5200
Crpllc@yahoo.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$40,000. :

NC State General Contractor's License Number: