

Detailed statement of other circumstances which supports the issuance of a variance in this matter:

The structure on this particular lot is a relatively new structure constructed in 2007. This lot, as the Board can see from the certified survey, is in a cul de sac which creates a relative narrow front lot line. The lot is irregular-shaped and the design of the house was such that a more useful use of the property could be made by using the front portion of the property as opposed to moving the house towards the rear of the lot. Also this house is not served by public sewer and of course appropriate room had to be provided for a septic drain field and a repair area for the septic system which would have necessitated keeping the house close to the front lot line.

The plans for the house were submitted to the Rock Barn Property Owners Association's Board of Architectural Review and they approved the plans and the location. Of course we went through the normal building permitting processes with Catawba County.

The front zoning setback is 30 feet whereas the house is located 29.2 feet (29 feet 2.4 inches) from the front lot line. However, the house is located 40.3 feet from the street curb line. We do not know but may assume that our contractor assumed the curb line was the same as the front lot line.

Side note: Survey indicates a 50 foot front setback per the private restrictive covenants in Rock Barn. When the recorded plat was adopted in the early 90's the setback was in fact 50 feet. Subsequently in 2002 Rock Barn adopted new restrictive covenants and all front setbacks in Rock Barn are now 30 feet. Since this process began we have received a waiver from the Rock Barn Property Owner's Association for this setback violation as the Association has authority to waive setback violations of less than 25%.

We only discovered this setback violation as we were within 2 days of the sale of the house when the potential buyer of our property presented us with a survey showing this setback violation. The hardship here is that in theory the violation impairs the marketability of this particular piece of property. A variance in this case which would allow a variance of .8 feet or 9.6 inches. Such a variance would not impair the spirit, purpose and intent of the Catawba County Zoning Ordinance. The public safety is not in any way impaired.



Rock Barn Property Owners' Association
PO Box 631
Conover, NC 28613

June 17, 2015

Mr. Charles Bandy
2649 Nicklaus Court
Conover, NC 28613

Mr. Bandy,

The certified survey of June 3, 2015 and your request for a variance for the setback from the front of the home to the right of way was received and determined to be a valid request.

Section 16.12 Boundary Lines on page 28 of the Amended and Restated Declaration of the Rock Barn Property Owners' Association provides that the Board may grant a variance with respect to setbacks to accommodate exceptional topography of any lot and/or cure any unintentional violation not exceeding twenty-five percent (25%) of any setback.

The survey indicates the shortest point from your home is on the front of the home. It is twenty-nine point two feet (29.2') from the nearest road right of way. The requirement is thirty feet (30'). Your variance is far less than twenty five percent (25%).

The variance is thus granted this day of June 17, 2015.

Cordially,

A handwritten signature in cursive script that reads 'G. E. Rowland'.

G. E. Rowland
President, Board of Directors
Rock Barn Property Owner Association