



Variance Application

Date: 06/13/2022

Site Address / Owner

Site Address: 101 HERITAGE CT
City, State, Zip: BELMONT, NC 28012
Parcel ID#: 127023
Subdivision: MEREWOOD ROAD
Lot:

Owner Name: FAULK SUMMER STILES
FAULK WILLIAM BARTLETT
Owner Address: 101 HERITAGE CT
City, State, Zip: BELMONT, NC 280123738
Owner Phone:
Owner Email:

Applicant / Alternative Owner

Applicant Name: William B. Faulk
Address: 101 Heritage Court
City, State, Zip: Belmont, NC 28012
Phone: 704-678-1018
Email: wbfaulk@gmail.com

Owner Name: same as above
Owner Address:
City, State, Zip:
Owner Phone:
Owner Email:

Project

Site Address: 101 Heritage Court, Belmont
NC
Project/Subdivision: William and Summer S. Faulk
variance request
of Lots: 1

Total Site Area: 1
Parcel ID#s: 127023

Request Description: Variance request for proposed ADU

Variance Request

Relief needed from ordinance sections (list all that apply): Chapter 3, Sections 3.9, 3.10 and related provisions re ADUs

Description of hardship created from literal enforcement of the ordinance: see attached Findings of Fact

Consultant Firm

Consultant Name: Mullen Holland & Cooper, PA
Consultant Type: Attorney
Mailing Address: PO Box 488, Gastonia, NC
28053

Contact Name: John H. Russell, Jr.
Consultant Email: jrussell@mhc-law.com
Consultant Phone: 704-864-6751

I do hereby certify that the information contained herein is true and correct.

John H. Russell, Jr.

Name

06/13/2022

Date



Variance Request- Findings of Fact Applicant Statements

In order to grant a variance, each of the findings must be found in the affirmative by the Board of Adjustment by a 4/5 majority of the Board's membership. The burden of proof of producing evidence to support these findings (and to overcome any challenges that approval of the plan would be contrary to one or more of these findings) shall rest entirely with the applicant or landowner.

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

See Attached.

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.

See Attached.

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.

See Attached.

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

See Attached.

Applicant Signature

6-7-22

Date

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

Applicant is seeking to build an accessory dwelling unit for his disabled mother. The principal structure is a 1970s ranch style house built on a corner lot, with the house situated back from the front and side streets in keeping with the design of the Glenmere neighborhood. Although the lot size is significant, the site plan, slope, and corner location limits, as a practical matter, the space the Applicant has for construction of the ADU.

After much consideration and discussion with the Applicant’s architect and engineer, it was determined that the best design for the accessory structure was to place the living quarters on top of a planned detached garage and to limit the accessory structure height to 1 and ½ stories so as not to overwhelm the principal structure. However, with the living quarters on the second floor, the accessory structure will require more space than would ordinarily be allowed by Sections 3.9 and/or 3.10 of the LDC in order to meet current accessibility and/or ADA needs. As noted above, the Applicant’s mother is disabled and has partial paralysis on the right side, requiring a wheelchair or other devices to assist with mobility and walking. Thus, the Applicant needs to include an elevator shaft and mechanical room to provide access to the second floor. Additional width in the entrance hallway, stairwell, bedroom, bathroom, and kitchen areas are also planned in order to allow room for walkers or an appropriate turning radius for movement within these areas. The additional square footage needed to accommodate these needs is at least 339 square feet, as shown by the following table:

Area	Standard Sq. Ft.	Plan Sq. Ft.	Difference
Elevator		60	60
Stairwell	54	63	9
Mechanical Room		80	80
Entry Hall	54	90	36
Bath	56	121	65
Kitchen	100	117	17
Bedroom	117	189	72
Totals	381	720	339

Strict application of the Ordinance would therefore result in an ADU that does not meet the mobility or accessibility needs of the Applicant and his family, or would likely produce a somewhat cramped or tight living quarters that would not reasonably enhance the value of the property.

The Applicant has considered alternative construction options, including placing some or all of the ADU on the ground floor or attaching the garage and additional rooms to the principal home, which in theory could be done since the proposed construction is entirely within the building envelope. Such other alternatives, however, are problematic, and would potentially interfere with natural drainage patterns which keep water away from the principal structure and/or neighboring property, or would require altering the roof line of the primary house, which would not be keeping with the design or aesthetics of the neighborhood.

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.

The hardship is primarily the result of the size and shape of the lot, specifically the fact that the property is a corner lot with the principal home set back from the road, thus limiting the area available for the ADU. As indicated in the previous answer, after careful review with qualified professional, the Applicant determined that the best design for the project is to construct the ADU on top of the detached garage, leading to the need for the slight increase in square footage to accommodate the accessibility needs of the Applicant's mother.

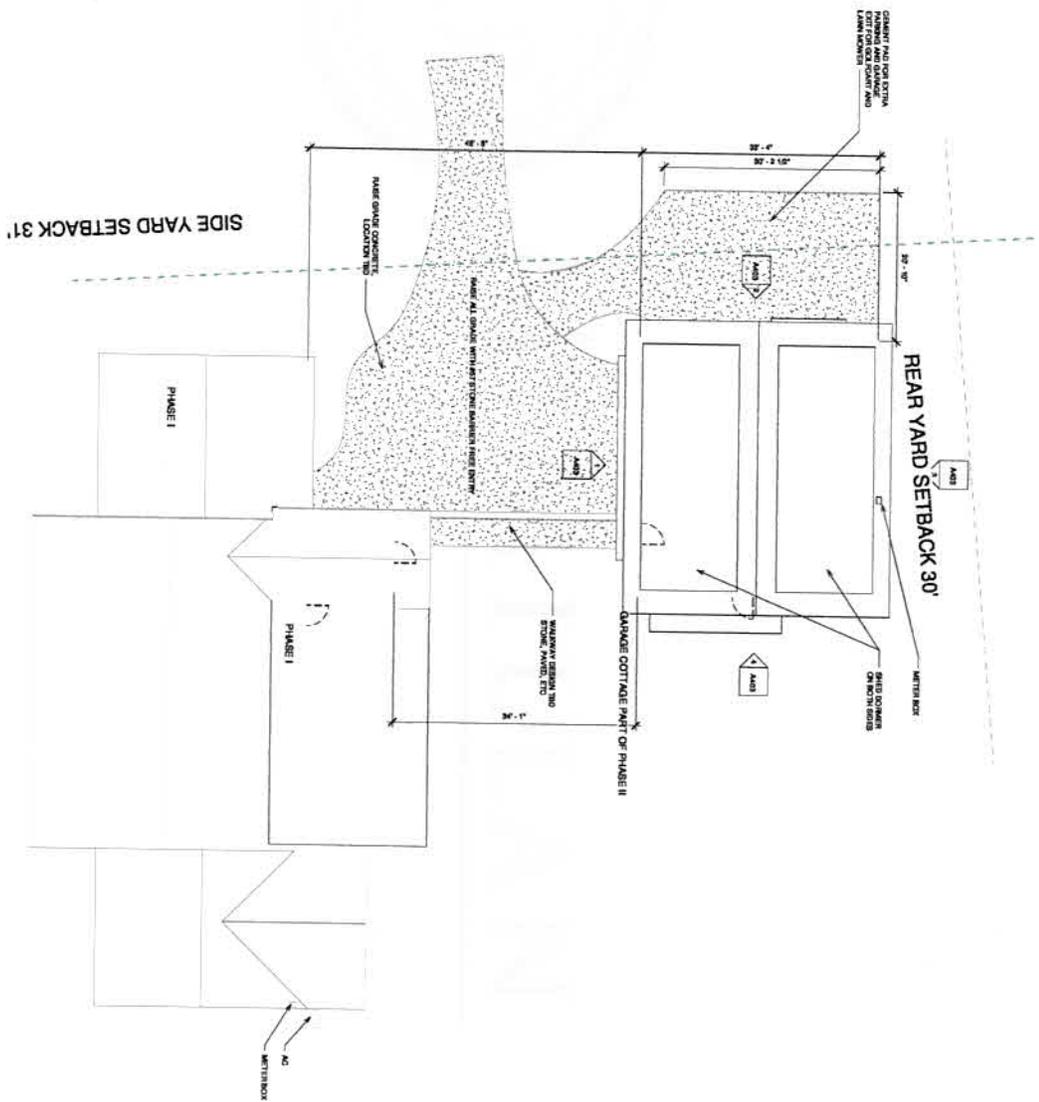
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

Please see above. The hardship results from the original placement of the home on the lot and the limited space to work with due to lot size and topography. In addition, the Applicant's design has taken into account the appearance and/or aesthetics of the neighborhood, and the intent of the ADU Ordinance to limiting the footprint of accessory buildings while providing accessory uses that benefit the property without overwhelming the principal structures.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

The request meets the purpose and intent of the Ordinance for several reasons: first the design and location is compatible but still clearly subordinate to the principal structure; second, the character of the principal home and neighborhood are maintained; and third, the use of the accessory structure will promote and allow new or alternate housing options that are inclusive to elderly or disabled individuals, and which benefit the Applicant, his family, and the community.

1 SITE
1/8" = 1'-0"



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Company:	MCKIM HENSON BAILEY MCKIM LAM BELMONT
Drawn By:	JB
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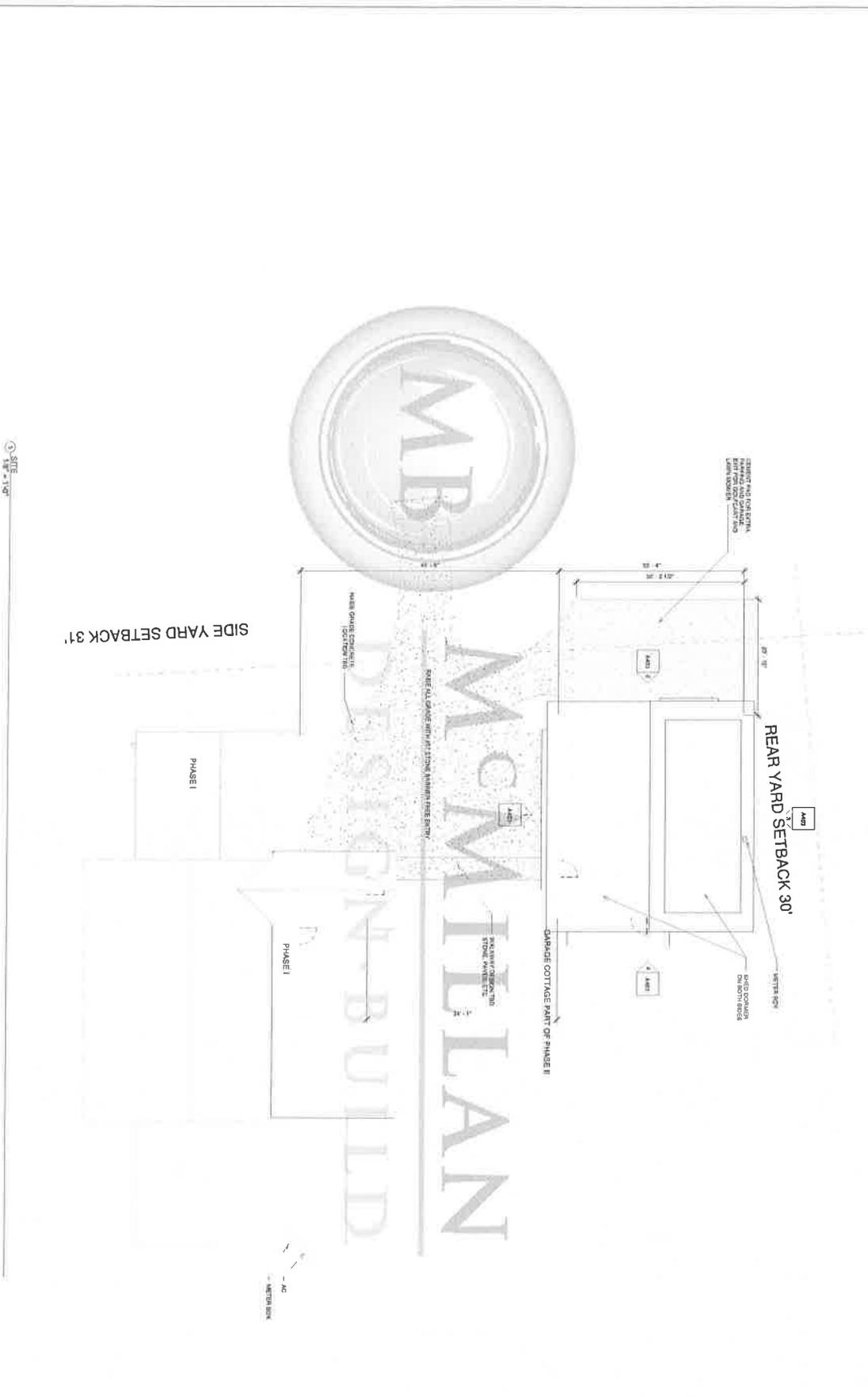
SHEET NAME:	SITE PLAN
PROJECT NAME:	FAULK



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<p>Contractor: McMILLAN DB</p>	<p>Owner By: JS</p>
<p>Date: 2/15/2012</p>	<p>Scale: 1/8" = 1'-0"</p>
<p>Project Name: 101 HERITAGE CT BELLEVILLE, MO 63701</p>	

<p>SHEET NAME: SITE PLAN</p>	<p>PROJECT NAME: FAULK</p>
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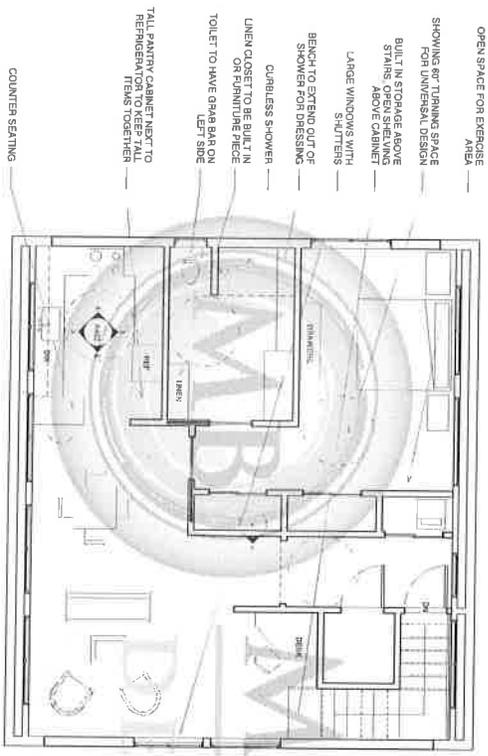
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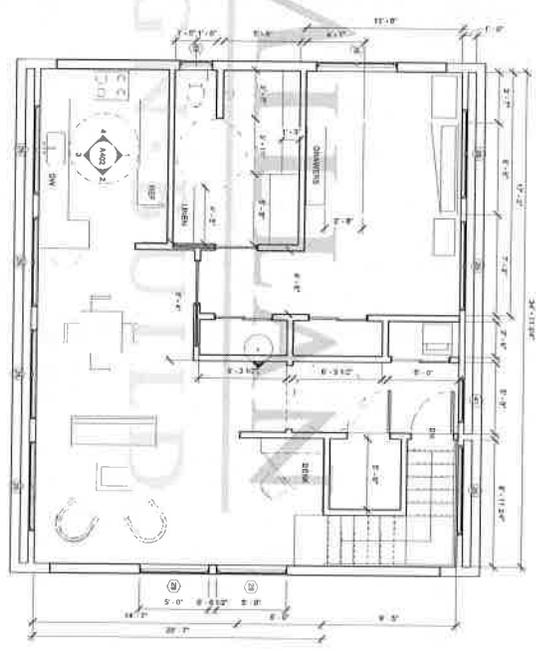
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NOTE:
 - DIMENSIONS IN FEET AND INCHES
 - ALL APPLICABLE MANUFACTURE SPECIFICATION TO BE REVIEWED BY CONTRACTOR



1 GARAGE LEVEL 2 PLAN
 1/4" = 1'-0"



2 GARAGE LEVEL 2 DIMENSIONS
 1/4" = 1'-0"

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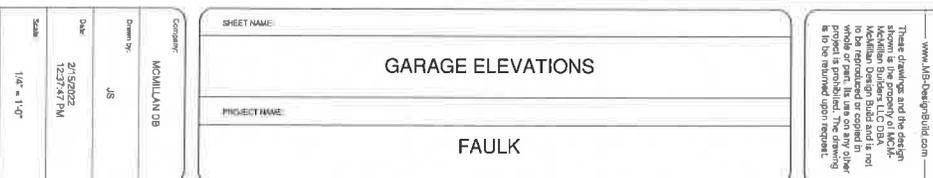
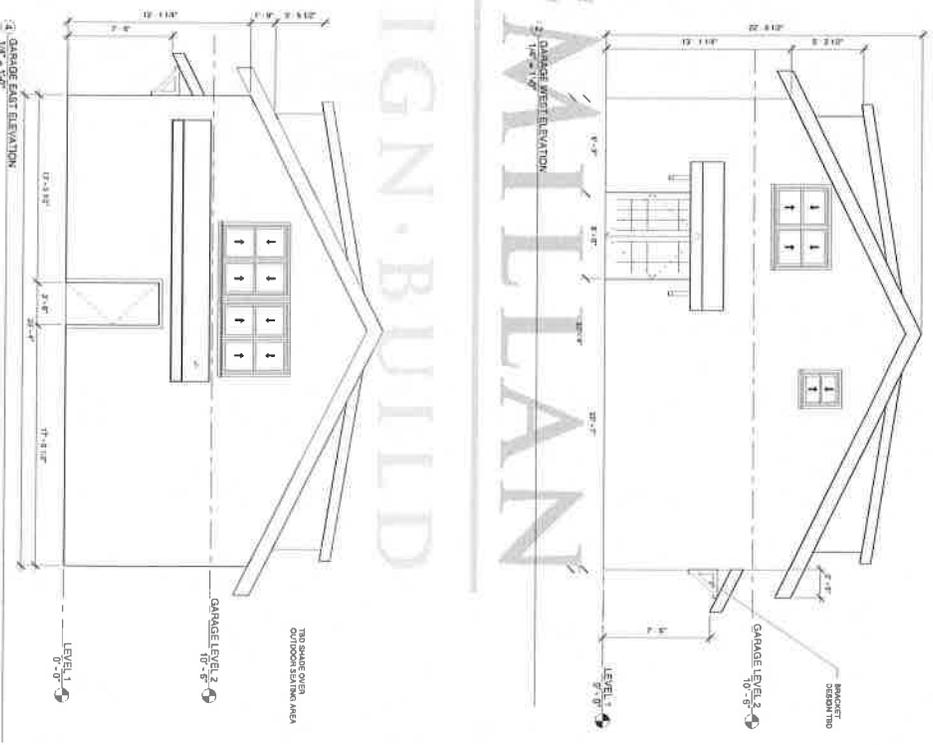
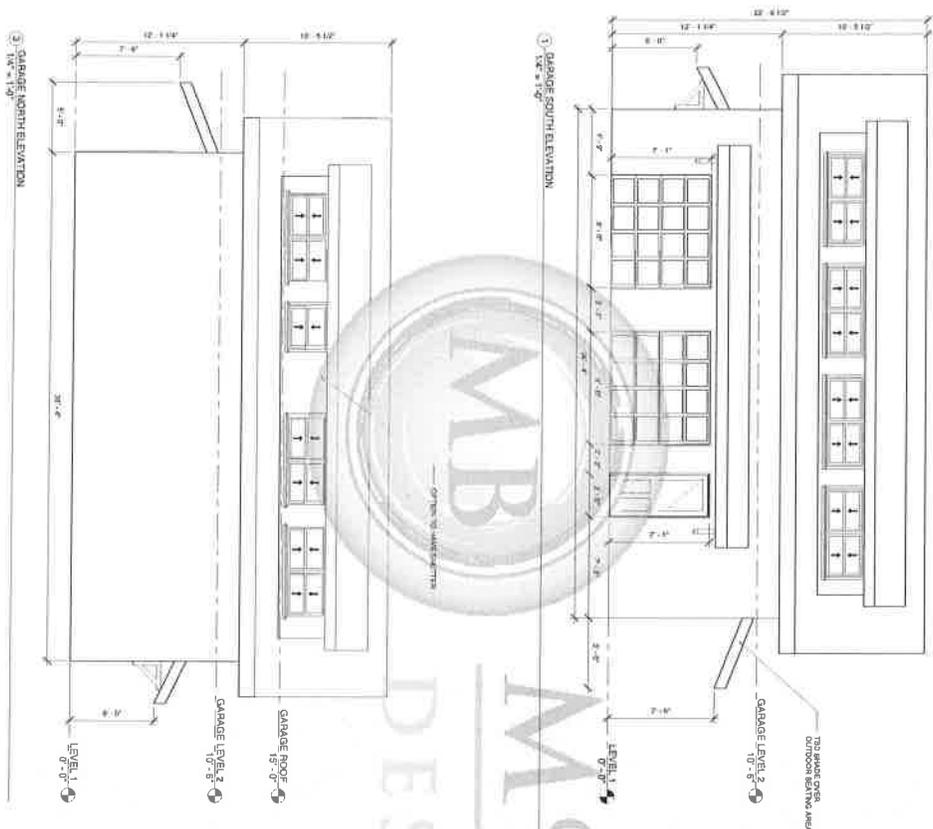
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PROJECT NAME: FAULK

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Drawn By: JS
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Time: 12:27:35 PM
Scale: 1/4" = 1'-0"
Project Address: 101 HERITAGE CT. BELMONT, NC 28012

A205





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SHEET NAME:		GARAGE ELEVATIONS	
PROJECT NAME:		FAULK	
Client:	McMILLAN DB	Drawn by:	JS
Date:	2/15/2025	Scale:	1/8" = 1'-0"
Project Address:	101 HERITAGE CT. BELMONT, NC 28012		

A403



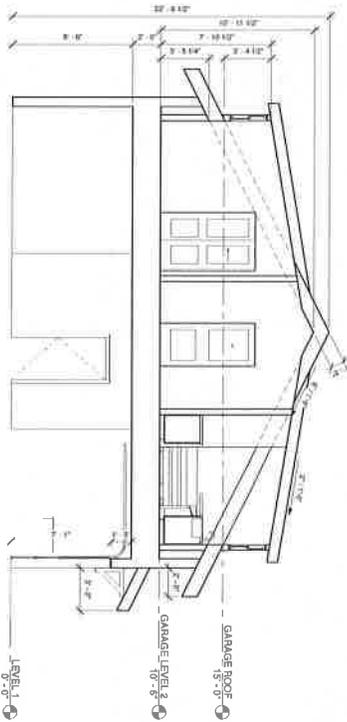
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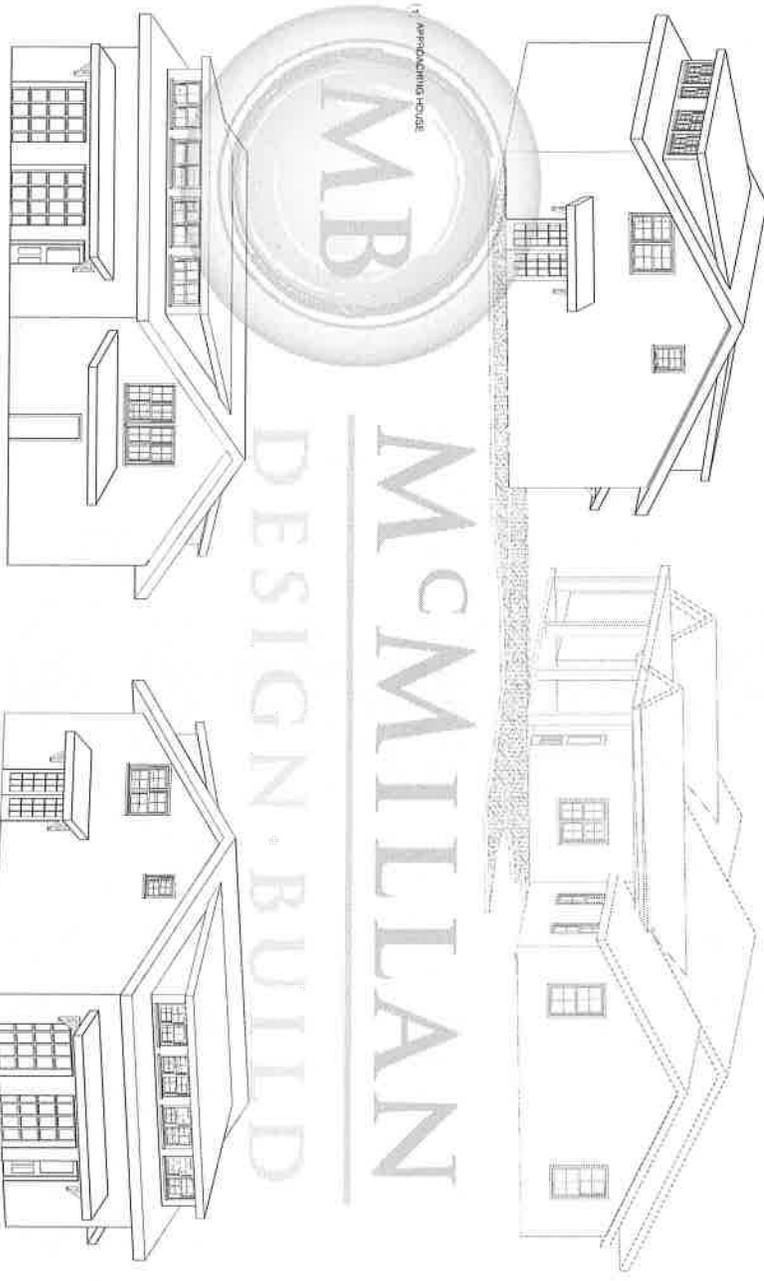
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SHEET NAME: GARAGE SECTION
PROJECT NAME: FAULK

Company: McMILLAN DB
Drawn By: JS
Date: 2/15/2012 12:37:49 PM
Scale: 1/4" = 1'-0"
Project Address: 101 HERBERT CT BIRMINGHAM, AL 35212

A404



2 GARAGE HOUSE VIEW

3 GARAGE STREET VIEW

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PROJECT NAME:	FAULK

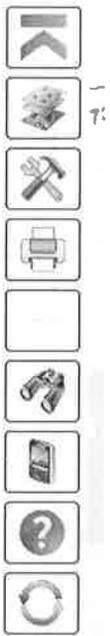
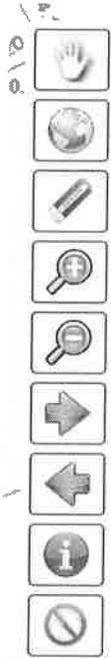
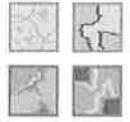
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Scale:	
Project Address:	101 HERITAGE CT. DESIGN II, NO 2807 B

A601



GASTON COUNTY *North Carolina*

Select an option to search by... ▾



List of Adjacent Property Owners

Parks H. Wilson
Angela M. Wilson
P.O. Box 901
Belmont, NC 28012

Parks H. Wilson
Angela M. Wilson
106 Heritage Court
Belmont, NC 28012

Jason K. Wood
Dawn S. Wood
2001 Lexington Street
Belmont, NC 28012

William B. Faulk
Summer S. Faulk
101 Heritage Court
Belmont, NC 28012

Erik P. Kendall
Christina H. Kendall
2000 Lexington Street
Belmont, NC 28012

Charles B. Rhoden, III
Megan F. Rhoden
100 Merewood Road
Belmont, NC 28012

David T. Peeler
Mary W. Peeler
104 Heritage Court
Belmont, NC 28012

Bradley D. Rhyne
Hannah Jo M. Rhyne
102 Heritage Court
Belmont, NC 28012

Bruce F. Allen
Jean M. Allen
1000 Assembly Street
Belmont, NC 28012

Nancy M. Maier
103 Heritage Court
Belmont, NC 28012

Matthew H. McDuffie
Linda M. McDuffie
102 Merewood Road
Belmont, NC 28012