



Application for a VARIANCE

P.O. Drawer 357
201 South Main Street
Graham, NC 27253
(336) 570-6705
Fax (336) 570-6703
www.cityofgraham.com

Variance requests are heard by the Board of Adjustment. This is a quasi-judicial process, meaning that it is similar to a court of law. Decisions are based on evidence and testimony presented during the hearing. Applicants should submit enough evidence to support the request for a variance. Types of evidence might include maps, drawings, pictures, cost estimates, or other information that will clearly demonstrate that the four criteria for a variance, listed below, are met. Applicants should also refrain from discussing the request with any member of the Board of Adjustment.

Property on which a Variance is sought

Street Address: 219 West Harden St
Tax Map#: 145558 GPIN: 8884056108
Current Zoning District(s): _____
Overlay District, if applicable:
 Historic S Main St/Hwy 87 E Harden St/Hwy 54
Current Use: vacant industrial building
Property Owner: Jay Burke Rentals, Inc
Mailing Address: 17 SE Court Square, Suite 202
City, State, Zip: Graham, NC 27253

Applicant

Property Owner Other contracted purchaser
Name: Third Wave Housing LLC
Mailing Address: 463 1/2 Carolina Circle
City, State, Zip: Winston Salem, NC 27104
Phone # (336) 499-1963
Email: admin@ThirdWaveHousing.com

I, the applicant, hereby petition the Board of Adjustment for a variance from the strict letter of the *Development Ordinance*, as described in this application.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Signature of Applicant

Date

7/27/2015

Purpose of Variance Request

Describe the purpose of this variance request. *What are you trying to do that the Development Ordinance is prohibiting? Attach evidence to illustrate and support your case.*

This is an historic mill and our redevelopment of the site involves adding loft apartments within the existing buildings. Since the buildings are existing and can't be moved to fit the Development Ordinances, we are requesting variances to place this vacant mill back into use which benefits the local neighborhood. Please see attached.

Nature of Variance Request

List the specific part(s) of the *Development Ordinance* from which you are seeking a variance (for example, setbacks).

We are requesting variances to Section 10.241 related to distance from parking to "units" and Section 10.136 (18.2) related to the open space requirement for R-MF properties.

Criteria for a Variance

When unnecessary hardships would result from carrying out the strict letter of the ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.



Third Wave Housing
463 ½ Carolina Circle
Winston Salem, NC 27104
336-499-1963

VARIANCE REQUEST DETAIL FOR ONEIDA MILL LOFTS

We are very pleased that we are nearing the end of the predevelopment process the development of the Oneida Mill and are hoping to be starting the construction phase in the near future on this great historic mill. We have gone through the TRC process and should have the final site plan approved shortly. As part of that process, we have encountered two development ordinances which are reasonable for new construction of apartment units, but need some modification when dealing with the redevelopment of an 1880's mill which is located in an existing neighborhood. They are Section 10.241 which relates to the distance from parking to each unit and Section 10.136 which relates to the calculation of Open Space. Below is our logic for the variances for each of these:

1) Distance from units to parking spaces

We are requesting that distance from the buildings and units to parking spaces ordinances don't apply due to the historic nature of the site which read as follows:

Section 10.136 Notes to the Table of Permitted Uses

18. Development Standards for Multifamily Developments in R-MF and R-G, Site Plans Required

(6) Parking Access - Off-street parking spaces shall be located within 200 feet of each building in an amount proportional to the number of dwelling units in each building. No parking area with five or more spaces shall be located closer than 10 feet to a dwelling wall with windows or doors.

Section 10.241 Additional Multi-Family Parking Requirements

(a) No required parking space shall be more than 200 feet distant from the dwelling unit it serves measured in horizontal travel.

The development ordinances appear to have been written with traditional garden style apartment buildings in mind where the tenant parks their car in front of their unit and then walks up the stairs to

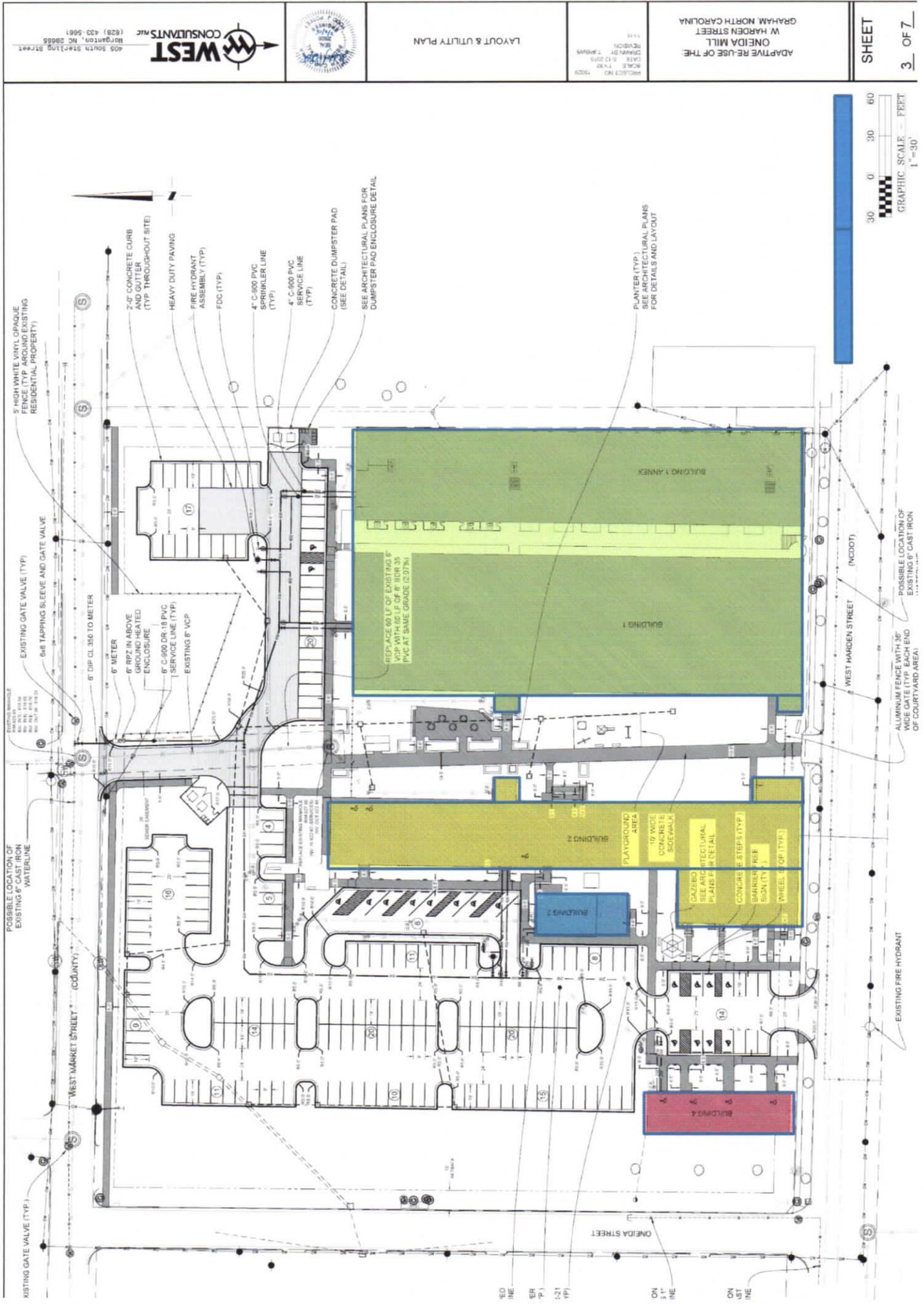
their unit. Under this development style it is easy to place new buildings on the site so that the parking is within 200 feet.

With historic buildings we are dealing with a much larger scale where most of our buildings are 330 feet long. As part of our redevelopment of the site, we are reusing the existing parking as much as possible and placing the new units within the old existing building structures which doesn't allow for the movement of these existing features. The design of historic multi-family properties benefits from interior and exterior common open spaces through which the tenants will walk from their car to their unit which is one of the great features for both the tenants and the neighboring community. It is less "Home Depot" parking and more like living in a park. It gives them a chance to meet their neighbors and take in the historic nature of the site. We have been doing these redevelopments for years in other communities and I have never heard an issue from a tenant related to the distance to parking spaces since the interior spaces are heated and air conditioned which keeps them out of the cold/heat and rain for much of their walk.

I am attaching several diagrams reflecting 200 foot circles from the entrances of each of the buildings which show that we have most of the parking spaces within reasonable distances from the units. Keep in mind that we have 1.5 parking spaces per unit in the site plan with two thirds of our units being one-bedroom and the rest two-bedroom units. The further out spaces are mainly overflow parking since historically we have not needed all of the parking spaces for tenant parking given the small households given the unit mix.

One item I want to point out is that the site is designed to meet the currently ADA requirements and we have very short distances between the ADA parking spaces and the respective ADA units.

Oneida Mill Lofts - Buildings



ADAPTIVE RE-USE OF THE
ONEIDA MILL
W HARDEN STREET
GRAHAM NORTH CAROLINA

LAYOUT & UTILITY PLAN

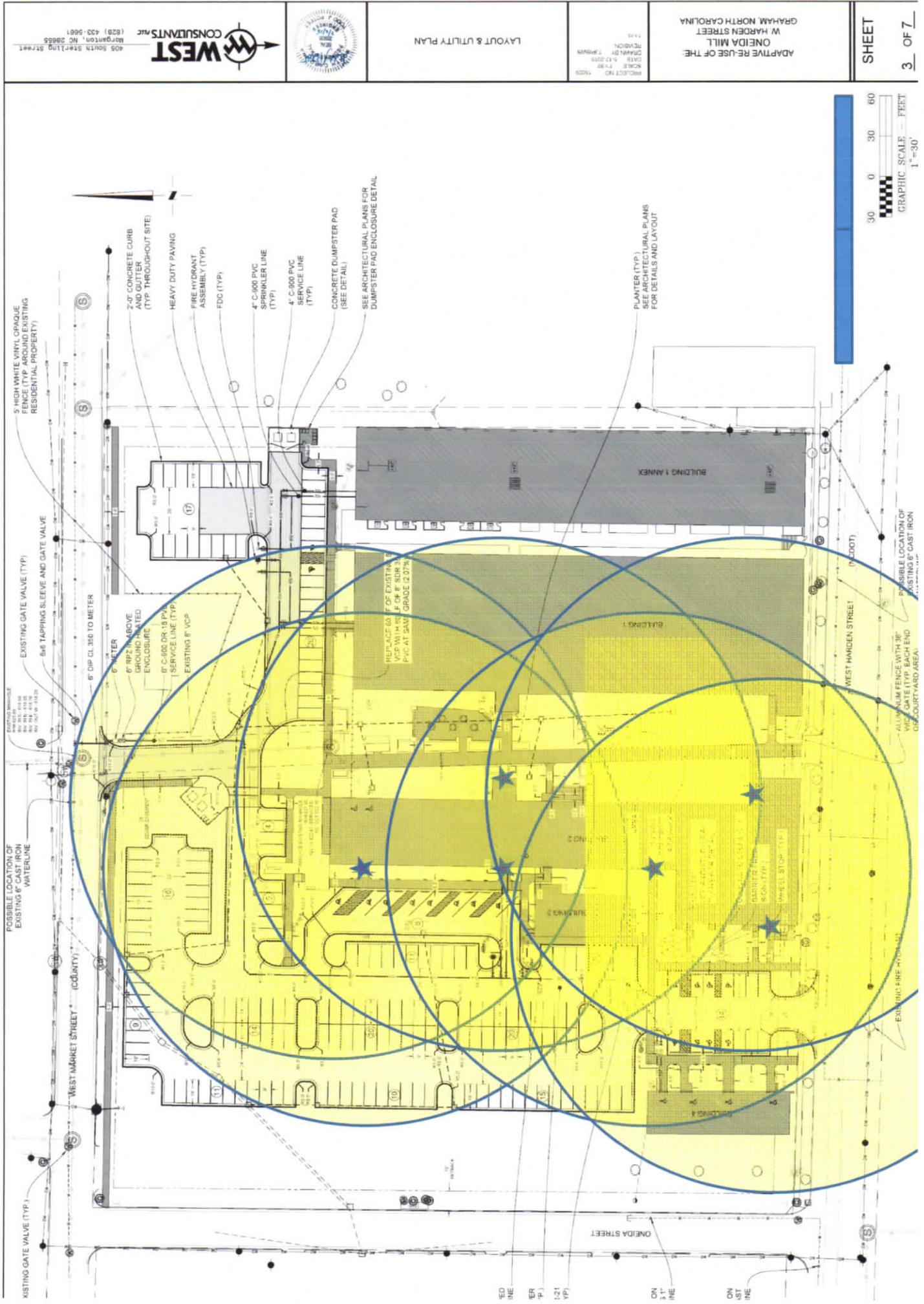


WEST CONSULTANTS LLC
405 SOUTH STARRLING STREET
MORRISTON, NC 28655
(828) 453-5661

PROJECT NO. 14088
SCALE 1"=30'
DATE 12/13/2019
DRAWN BY J. BISHOP
CHECKED BY T. J. BISHOP

Building Two Parking Distances

★ = entrance to building

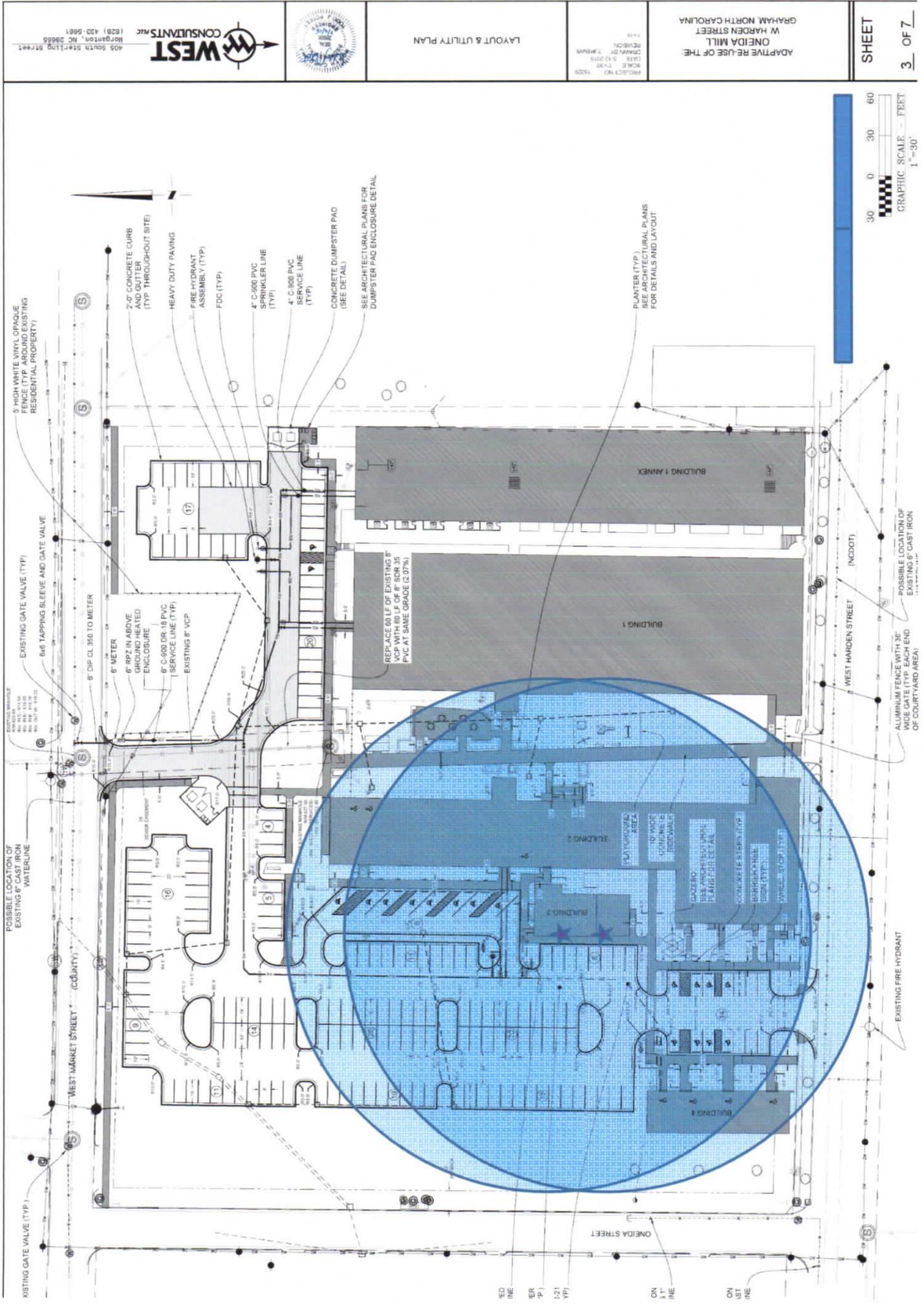


WEST CONSULTANTS LLC 405 SOUTH STARLING STREET WASHINGTON, NC 27685 (828) 453-0061		LAYOUT & UTILITY PLAN	PROJECT NO. 14029 SCALE 1"=30' DATE 4-12-2015 DRAWN T. J. BROWN REVISION:	ADAPTIVE RE-USE OF THE ONEIDA MILL W. HARDEN STREET GRAHAM, NORTH CAROLINA
---	--	-----------------------	---	---



Building Three Parking Distances

★ = entrance to building



2) Open Space Calculation:

We are requesting that Open Space calculation be modified to allow for the shapes of the open space contained within the current site plan for Oneida Mill Lofts which have some dimensions which are less than 100 feet, but which meet the required amount of Open Space.

Section 10.136 Notes to the Table of Permitted Uses

18. Development Standards for Multifamily Developments in R-MF and R-G, Site Plans Required

(2) Open Space

(i) Usable open space. A minimum of 10 percent of the total land area of any lot containing three or more dwelling units shall be usable open space, as defined in Article II Definitions. On lots where the required usable open space is less than 20,000 square feet, such space should be approximately square but in no case shall the length of such required space be more than twice its average width. On lots where the required usable open space is 20,000 square feet or more, the minimum dimension of such space shall be at least 100 feet, and the minimum size space allowable as meeting a part of the required usable open space shall be 20,000 square feet.

I am attaching a chart which reflects our current calculation of open space for the redevelopment of the property which shows open space in excess of 15%. None of these spaces are not within the setbacks.

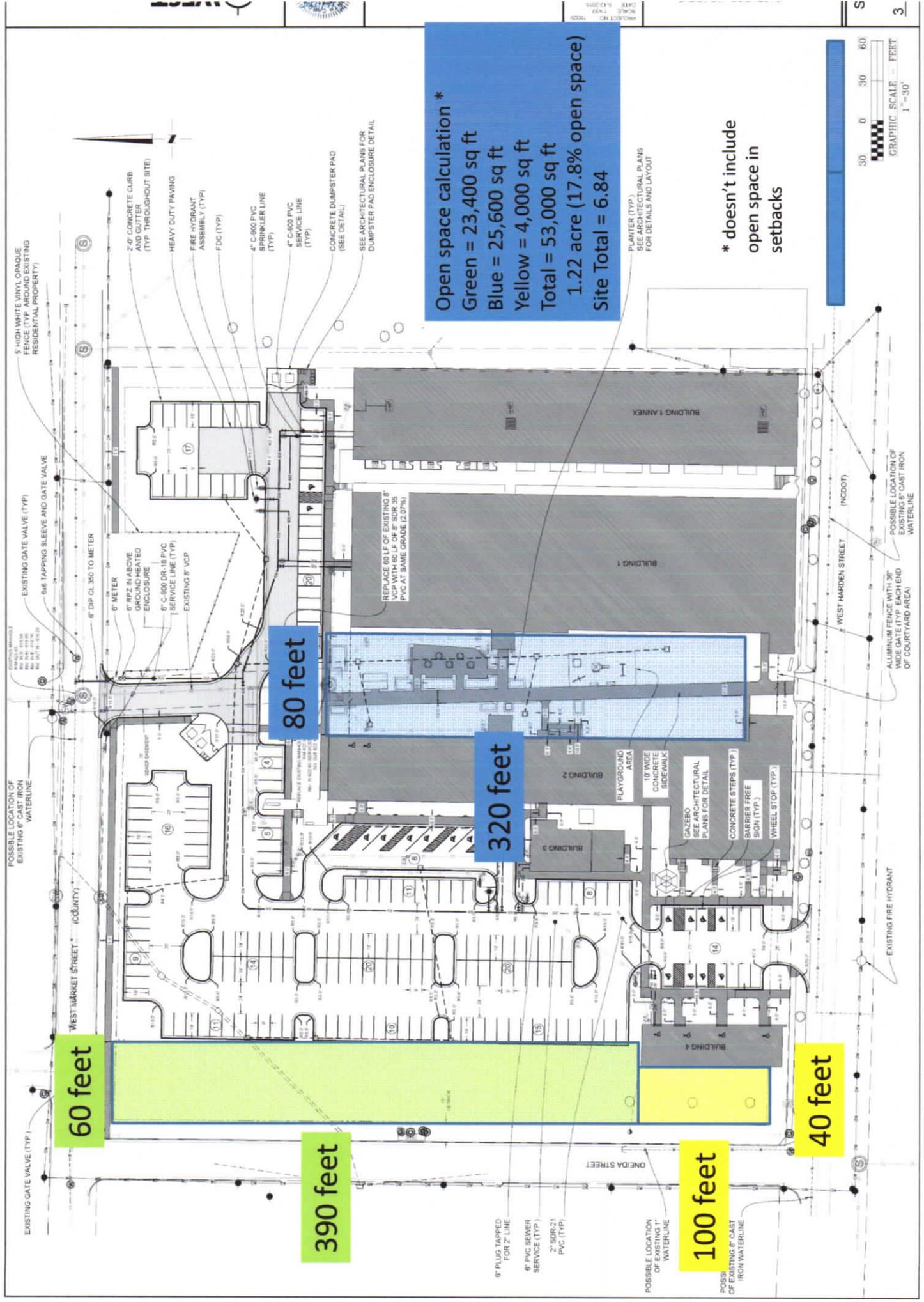
I appreciate your consideration of these two variances. Overall, these are very small considering the size and complexity of the overall redevelopment of Oneida Mill. I am very proud to be part of the team which is bringing back to life this great historic mill and looking forward to starting construction soon.

Take Care



Richard Angino

Oneida Mill Lofts - Open Space Calculation



Open space calculation *
 Green = 23,400 sq ft
 Blue = 25,600 sq ft
 Yellow = 4,000 sq ft
 Total = 53,000 sq ft
 1.22 acre (17.8% open space)
 Site Total = 6.84

* doesn't include open space in setbacks

