



**ZONING HARDSHIP VARIANCE APPLICATION**

Submit required documentation to:  
Wake County Planning, Development and Inspections  
PO Box 550 Wake County Office Building  
Raleigh, NC 27602-0550 336 Fayetteville Street Mall, Downtown Raleigh  
Contact (919) 856-6335 for additional information.

File # V-2172-12  
Fee  
Amt Paid  
Check #  
Rec'd Date  
Rec'd By

**Zoning Ordinance Regulation(s) Proposed to be Varied** (cite each section(s) and identify requirement from which the variance(s) is (are) being requested; quantify variance – i.e. if this is a variance to allow an encroachment into a setback, give depth of encroachment and total square feet of area proposed to encroach into setback:

Lot 7 of The Gates at Ethan's Glen-Ph. 1 is 46 square feet Less than required in  
UDO Article 5, Sec. 11-1 Residential Watershed District

**Property**

Parcel Identification Number: 0891 427922 000

Address: 12300 The Gates Drive

Location: east side of The Gates Drive, at/between  
(north, east, south, west) (street)  
north of Tacketts Pond Drive and west of Peed Road (SR1846)  
(street) (street)

Total site area in square feet and acres: 39,954 square feet 0.917 acres

Zoning District(s) and Overlay Districts (if any) and land area within each: R-40W

List Conditions of any Conditional Use Zoning Districts: None

Present land use(s): Residential

How is this proposed use a public necessity?

In order to make Lot 7 a marketable lot for development

What is impact on surrounding neighborhood and adjacent properties? None

**Property Owner**

Name: Contentnea Creek Development Co.

Address: 8502 Six Forks Rd., Suite 202

City: Raleigh State: NC Zip Code: 27615-3264

E-mail Address: Landdan@contentneacreek.com Fax: 919-882-2340

Telephone Number: 919-882-2339

**Applicant** (person to whom all correspondence will be sent)

Name: Lester Stancil & Associates, PLS, PA  
Address: P. O. Box 730  
City: Angier State: NC Zip Code: 27501  
E-mail Address: tlstancil@embarqmail.com Fax: 919-639-2602  
Telephone Number: 919-639-2133 Relationship to Owner: land surveyor

**Extent of Proposed Variance** (Describe the extent to which the regulation is proposed to be varied.)

To reduce the minimum lot size from 40,000 sq.ft. to 39,954 sq.ft.  
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All property owners must sign this application unless one or more individuals are specifically authorized to act as an agent on behalf of the collective interest of some or all of the owners (provide a copy of such authorization).

The undersigned property owner(s) hereby authorize the filing of this petition (and any subsequent revisions thereto). The filing of this application authorizes the Wake County staff to enter upon the site to conduct relevant site inspections as deemed necessary to process the application.

Signature: *Robert H. Stancil, President* Date: 10-1-12

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate.

Signature: *Lester Stancil* Date: 10-1-12

Notes: All documents and maps submitted as required become the property of Wake County.  
The Wake County Unified Development Ordinance is on the web at [www.wakegov.com](http://www.wakegov.com).

**Statement of Justification** Explain how any existing conditions, proposed development features, or other relevant facts would allow the Planning Board to reach the required conclusions. (see attached)

On September 14, 2006, The Gates at Ethan's Glen-Ph. 1 was recorded in Book of Maps 2006, Pgs. 1864-1866. This plat was approved by Wake County Planning on September 13, 2006. Upon notification of a shortage of square feet in Lots 4 through 7, and in an effort to make these said lots conforming, this office recorded a Map of Correction in Book of Maps 2007, Pgs. 1757-1758, on July 31, 2007, which correct each lot to conform to the R40W zoning. ~~NOTE: This plat was signed by all parties involved at that time which included the owner of Lot 6. Also, on this map of correction, an 8 ft. Fence Easement within the 50 ft. Tree and Vegetation Protection Zone along the rear of the lots bordering on Peed Rd. (SSR1846) was added.~~

However, due to errors in deeding Lot 6 (Deed Book 12681, Pg. 656, recorded on July 30, 2007, ONE DAY BEFORE THE MAP OF CORRECTION WAS RECORDED) and Deed Book 13545, Pgs. 1657-1659) recorded on May 22, 2009, leaving Lot 7 deficient in square footage.

In order to correct this issue, a proposal was made to the current owner of Lot 6 to deed back the intended square footage to make Lot 7 conform.\* This person has refused this proposal.

Therefore, we ask that Lot 7 be exempt from the R40W zoning and approved as shown on previous Book of Maps 2006, Pgs. 1864-1866.

\* See Enclosed Affidavit

All property owners must sign this application unless one or more individuals are specifically authorized to act as an agent on behalf of the collective interest of some or all of the owners (provide a copy of such authorization).

The undersigned property owner(s) hereby authorize the filing of this petition (and any subsequent revisions thereto). The filing of this application authorizes the Wake County staff to enter upon the site to conduct relevant site inspections as deemed necessary to process the application.

Signature: *Robert H. Smith, Resident* Date: 10-1-12

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate.

Signature: *Thomas L. Gannil* Date: 10-1-12

Notes: All documents and maps submitted as required become the property of Wake County. The Wake County Unified Development Ordinance is on the web at [www.wakegov.com](http://www.wakegov.com).

## STATEMENT OF JUSTIFICATION

- 1a. Unless this variance is approved, lot 7 would be a non-conforming lot and the owner would not be able to build upon it.
- 1b. Lot 7 is 46 (forty-six) square feet short of the required 40,000 (forty thousand) square feet required by the R-40W zoning.
- 1c. A non-conforming lot may not be properly maintained causing an annoyance to the neighboring properties.
- 1d. While in the process of correcting this non-conforming issue, lot 6 was sold leaving lot 7 deficient.
- 1e. Lot 7 is the only lot affected.
- 2a. This variance would not cause any danger to neighbors, affect the character of the subdivision or create any health or wellness risks.
- 2b. Granting this variance will insure the right of the property owner to build upon this lot.
3. For this lot to be buildable, this variance must be granted. There would be no harm to the adjacent property owners by granting this variance

AFFIDAVIT  
Signing a Deed of Recombination  
Deeding back 0.32 ft.  
Containing 0.002 ac.  
Back to Lot 7, The Gates at Ethan's Glen-Ph. 1

Re: Lot 7, The Gates at Ethan's Glen-Ph. 1  
Recorded in Book of Maps 2007, Pgs. 1757-1758

We, Greg. A. Gosse and Janet E. Gosse,

\_\_\_\_\_ will sign a deed of recombination

X will not sign a deed of recombination

Greg A. Gosse 9-29-12  
Greg A. Gosse

Janet E. Gosse 9-29-12  
Janet E. Gosse

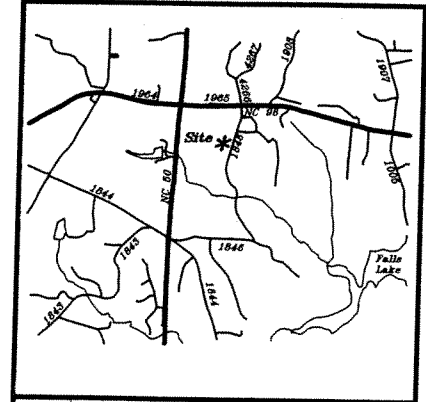
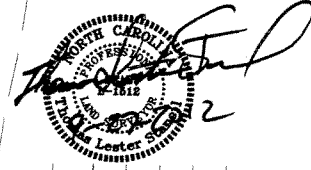
Zoning Variance Site Plan  
 Lot-by Lot Subdivision  
 Lot 7, Phase One  
**The Gates At Ethan's Glen**  
 Barton's Creek Township Wake County  
 North Carolina Zoned: R-40W  
 Scale: 1" = 30' Date: 9-27-12  
 PIN: 0891.03-42-7922 REID: 0350583



PREPARED BY  
**STANCIL & ASSOCIATES**  
 PROFESSIONAL LAND SURVEYOR, P.A. C-0831  
 98 Depot Street, P.O. Box 730, Angier, N.C. 27501  
 (919) 639-2133 (919) 639-2802 (FAX)  
 t1stancil@embargo.com

Owner and Developer  
**Contentnea Creek Development Co., Inc.**  
 C/O Dan Sullivan  
 8502 Six Forks Road Suite 202 Raleigh, NC 27674 (919) 882-1339

Curve Table					
Curve	Radius	Length	Delta	Chord	Chord Bear.
C-1	25.00'	39.15'	89°42'55"	35.27'	S 60°58'11" W
C-2	25.00'	39.85'	91°19'42"	35.76'	N 28°30'31" W
C-3	1475.00'	81.02'	9°08'50"	81.01'	N 18°43'46" E



VICINITY MAP  
 No Scale

30  
 Phase One  
 The Gates at Ethan's Glen  
 Book of Maps 2006, Page 1864  
 Book of Maps 2006, Page 1865  
 Book of Maps 2006, Page 1866

29  
 James E. Martin and  
 spouse Betty A. Martin  
 Deed Book 14030, Page 2112  
 PIN: 0891.03-45-3185  
 12305 The Gates Drive Raleigh, NC 27614  
 Phase One  
 The Gates at Ethan's Glen  
 Book of Maps 2006, Page 1864  
 Book of Maps 2006, Page 1865  
 Book of Maps 2006, Page 1866

28  
 Gail S. Ramee and  
 Amy L. Schwerthofer  
 Deed Book 13231, Page 1968  
 PIN: 0891.03-43-3031  
 12301 The Gates Drive Raleigh, NC 27614  
 Phase One  
 The Gates at Ethan's Glen  
 Book of Maps 2006, Page 1864  
 Book of Maps 2006, Page 1865  
 Book of Maps 2006, Page 1866

27  
 Phase One  
 The Gates at Ethan's Glen  
 Book of Maps 2006, Page 1864  
 Book of Maps 2006, Page 1865  
 Book of Maps 2006, Page 1866

5  
 Phase One  
 The Gates at Ethan's Glen  
 Book of Maps 2007, Page 1757  
 Book of Maps 2007, Page 1758

6  
 Greg A. Gosse and  
 wife Janet E. Gosse  
 Deed Book 12281, Page 856  
 Deed Book 13545, Page 1857  
 PIN: 0891.03-45-7035  
 12308 The Gates Drive Raleigh, NC 27614  
 Phase One  
 The Gates at Ethan's Glen  
 Book of Maps 2006, Page 1864  
 Book of Maps 2006, Page 1865  
 Book of Maps 2006, Page 1866  
 Map of Correction in Book of Maps 2007, Page 1757  
 Map of Correction in Book of Maps 2007, Page 1758

7  
 0.917 Ac.  
 39,954 sq. ft.  
 16,713 Sq. Ft.  
 Maximum Allowable  
 Impervious Area  
 Requesting Zoning Variance for  
 Minimum Lot Size to be  
 39,954 sq. ft. instead of  
 40,000 sq. ft.

8  
 Paul D. Alluisi and  
 wife Jacqueline R. Alluisi  
 Deed Book 14178, Page 882  
 PIN: 0891.03-42-8774  
 8500 Blue Mount Court Raleigh, NC 27617  
 Phase One  
 The Gates at Ethan's Glen  
 Book of Maps 2006, Page 1864  
 Book of Maps 2006, Page 1865  
 Book of Maps 2006, Page 1866  
 Map of Correction in Book of Maps 2007, Page 1757  
 Map of Correction in Book of Maps 2007, Page 1758

9  
 Phase One  
 The Gates at Ethan's Glen  
 Book of Maps 2006, Page 1864  
 Book of Maps 2006, Page 1865  
 Book of Maps 2006, Page 1866  
 Map of Correction in Book of Maps 2007, Page 1757  
 Map of Correction in Book of Maps 2007, Page 1758

Notes  
 Lot to be served by community water system  
 and individual septic system.  
 No lot shown hereon shall have direct access to  
 SR 1846 (Peed Road).  
 Maximum Impervious Area Square Footage on each  
 individual lot shall be stringently enforced with no  
 exceptions into perpetuity.

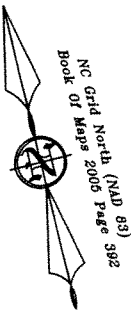
NOTE:  
 A 10' x 70' Sight Triangle  
 shall be placed at all  
 street intersections as  
 shown hereon.

MINIMUM BUILDING SETBACKS  
 FRONT = 30'  
 SIDE = 15'  
 REAR = 30'  
 CORNER SIDE = 30'

See Book of Maps 2006, Pages 1864-1866  
 for disclosure statement, additional notes  
 seals, signatures, approvals, certifications

Restrictive Covenants recorded in  
 Deed Book 11031, Page 1521 and  
 Deed Book 12160, Page 2575

FEMA FLOOD HAZARD STATEMENT  
 Lots shown on this plat are not  
 located within the FEMA 100 year  
 Flood Hazard Area as shown on  
 FEMA map No. 3720088100J  
 Effective Date: May 2, 2006



NC Grid North (NAD 83) 992  
 Book of Maps 2006 Page 992