SUBDIVISION HARDSHIP VARIANCE APPLICATION

WAKE COUNTY
NORTH CAROLINA

Submit required documentation to:
Wake County Planning Department/Current Planning Section
PO Box 550 — Wake County Office Building
Raleigh, NC 27602-0550 — 336 Fayetteville Street Mall, Downtown Raleigh
Contact Current Planning at (919) 856-6216 for additional information.

File #
Fee
Amt Paid
Check #
Rec'd Date
Rec'd By

Subdivision Name: Minor Subdivision For W Graham Cawthorne Catherine C. Cawthorne

Subdivision 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: Article 5 Lot & Building Standards

Section 5-11-1 requires lots to have a minimum 30' frontage on a road. We are proposing to ~~have~~ subdivide two lots from the end of an existing 50' right of way stub road with 25' frontage for each lot.

Property

Parcel Identification Number: 0891.01-49-6039 REID 0639668

Address: Hawk Hollow Lane

Location: _____ ~~side of~~ End of Hawk Hollow Lane, at/between
(north, east, south, west) (street)

_____ and _____
(street) (street)

Total site area in square feet and acres: 274,191 square feet 6.295 acres

Zoning District(s) and Overlay Districts (if any) and land area within each: R-80W

List Conditions of any Conditional Use Zoning Districts: _____

Present land use(s): Vacant - Forest

How is this proposed use a public necessity?

What is impact on surrounding neighborhood and adjacent properties?

Property Owner

Name: W Graham Cawthorne Jr. & Catherine C. Cawthorne

Address: 1000 Waterline Drive

City: Wake Forest State: NC Zip Code: 27587

E-mail Address: CCAWTHORNE@NC.RR.COM Fax: 847-2565

Property Owner's Telephone Number: 919-622-6802

Applicant (person to whom all correspondence will be sent)

Name: W Graham Cawthorne

Address: 1000 Waterline Dr.

City: Wake Forest State: NC Zip Code: 27587

E-mail Address: CCAWTHORNE@NC.RR.COM Fax: 847-2565

Applicant's Telephone Number: 622-6802 Relationship to Owner: Owner

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

We are proposing to subdivide two lots from the end of an existing 50' right of way stub road that has an existing public road cul de sac within 100' of the stub. Due to topographic conditions associated with the property we feel it is impractical to extend the public road through the property or construct an additional public road cul de sac. We are proposing to subdivide two lots, each with 25' frontage and a joint driveway access easement with a width of 50' and 100' long. We feel this is the best use of the property and will have the least impact to the adjoining subdivision and the environment by reducing the amount of impervious surfaces so close to Falls Lake

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: W Graham Cawthorne Date: 12-20-2007

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: W Graham Cawthorne Date: 12-20-2007

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.

Cawthorne, Moss & Panciera, PC Professional Land Surveyors

W. Graham Cawthorne, Jr. PLS L-2923
Michael A. Moss, PLS L-3794
Jason L. Panciera, PLS L-3835

Telephone (919) 556-3148
Fax (919) 554-1370

333 South White Street
Post Office Box 1253
Wake Forest, NC 27588-1253

December 4, 2007

Dear Wake County Planning Board Members,

W. Graham Cawthorne, Jr. and wife Catherine C. Cawthorne would like to request a "Subdivision Hardship Variance" from the Wake County Unified Development Ordinance, Article 5 Lot and Building Standards. Section 5-11-1 requires lots to have a minimum of 30' frontage on a road. We are proposing to subdivide two lots from the end of an existing 50' right of way stub road that has an existing public road cul-de-sac within 100' of the stub. Due to topographic conditions associated with the property we feel it is impractical to extend the public road through the property or construct an additional public road cul-de-sac. We are proposing to subdivide two lots each with 25' frontage and a joint driveway access easement with a width of 50 feet and 100 feet long. We feel this is the best use of the property and will have the least impact to the adjoining subdivision and the environment by reducing the amount of impervious surfaces so close to Falls Lake.

Sincerely,

W. Graham Cawthorne, Jr.
Professional Land Surveyor

SUBDIVISION HARDSHIP VARIANCE
STATEMENT OF JUSTIFICATION

1. Practical difficulties or unnecessary hardships would result from carrying out the strict letter of the regulation

   1a. Strict compliance with the regulation provides the property owner no reasonable use of the property.

   Due to the steep topography of the property the construction of a public road cul-de-sac would be impractical, therefore preventing the landowner no reasonable use of the property.

   1b. The hardship results from application of the regulation to the property.

   The subdivision regulations require a minimum of 30' of road frontage for each lot. The stub road right of way is 50' wide. By allowing the variance for two 25' frontage lots the landowner would be able to subdivide his property into a 2.707 acre lot and a 3,588 acre lot.

   1c. The hardship is one that affects the property directly.

   The intension of a public road cul-de-sac into this property is not practical due to topography. The steep terrain leading to the Neuse River Riparian Buffers will affect the design of a proposed cul-de-sac road. This will increase the impervious areas and run off leading directly into the stream buffered areas approximately 200' from the corps of engineers Falls Lake Property and approximately 1400' along the stream bed from the Falls Lake Normal water pool elevation.

   1d. The hardship is not the result of the property owner's own actions – that is, special circumstances or conditions causing the hardship exist through no fault of the property owner.

   The stub road location was created by the developers of Old Farm Crossing and not by the land owner. This stub was created to provide access to the adjoining property and a public road cul-de-sac was created by the developer of the Old Farm Crossing within 100' of the road stub.

   1e. The hardship is peculiar to the property.

   This hardship is peculiar to this property because most stub roads don't create access to adjoining properties with this type of steep topography located this close to Falls Lake.

2. The variance would be in harmony with the general purpose and intent of the Wake County Unified Development Ordinance and preserve its spirit.

   This property is zoned R-80-Watershed that requires a minimum lot size of 1.84 acres. The land owner proposes to subdivide two lots, each greater than 1.84 acres with an existing public road cul-de-sac within 100 feet of the property.

3. In the granting of the variance, the public safety and welfare would be assured and substantial justice done, both for the landowner and the public at large.

   3a. The granting of the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use, and will not be materially detrimental to the public welfare of injurious to property or improvement in such neighborhood.

   By granting the variance the public safety and welfare would be assured by reducing the amount of impervious surfaces associated with the construction of a second public road cul-de-sac within 100 feet of an existing public road cul-de-sac and maintain a substantial distance from the Neuse River Riparian Buffer. We will also be able to protect many large old beech trees between the existing neighborhood and the proposed house sites and along steep slopes leading to the Neuse River Riparian Buffer.

   3b. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.

   By granting the variance the landowner will be better able to subdivide his property into two useable lots, with the least amount of impact on the adjoining neighbors and the environment.

tentative

Project Tracking Form
Regular Subdivision/Variance

Project Name: Variance request for minor subdivision for the Cawthornes

Initial Submittal Date: 12-27-07

Optimal Review Cycle Code: 12(a)

DRS Meeting Date: 2/14/08

DRS Comments Finalized & Distributed: 2/20/08

Revised Application Submittal Date: 3/6/08

Planning Board/Planning Director Decision Date: 4/9/08

Planning Board Meeting Date(s): 4/16/08

Schedule is subject to change if one or more of the above deadlines are not met.

I, MICHAEL A. MOSS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE SOURCE OF INFORMATION FOR THE SURVEY IS SHOWN HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED; THAT THE RATIO OF PRECISION IS GREATER THAN 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS _____ DAY OF _____, 2007.

PRELIMINARY, NOT FOR RECORDATION, CONVEYANCES, OR SALES.

PROFESSIONAL LAND SURVEYOR (L-3794)

WAKE COUNTY, NORTH CAROLINA
CERTIFICATION OF OWNERSHIP

I CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS IN THE SUBDIVISION JURISDICTION OF THE COUNTY OF WAKE AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT.

PRELIMINARY, NOT FOR RECORDATION, CONVEYANCES, OR SALES.

OWNER _____ DATE _____

I, _____ SUBDIVISION ADMINISTRATOR AND REVIEW OFFICER OF WAKE COUNTY, CERTIFY THAT THIS PLAT CREATES A SUBDIVISION SUBJECT TO AND IN ACCORD WITH THE WAKE COUNTY SUBDIVISION ORDINANCE, AND THAT IT MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE _____ SUBDIVISION ADMINISTRATOR/ REVIEW OFFICER _____

APPROVAL EXPIRES IF NOT RECORDED ON OR BEFORE _____

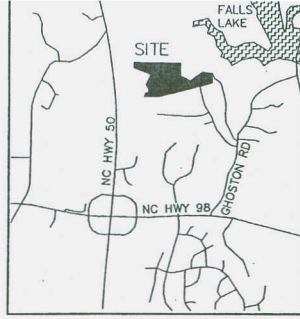
MINIMUM BUILDING SETBACKS

FRONT	40'
REAR	30'
SIDE	20'
CORNER SIDE	40'

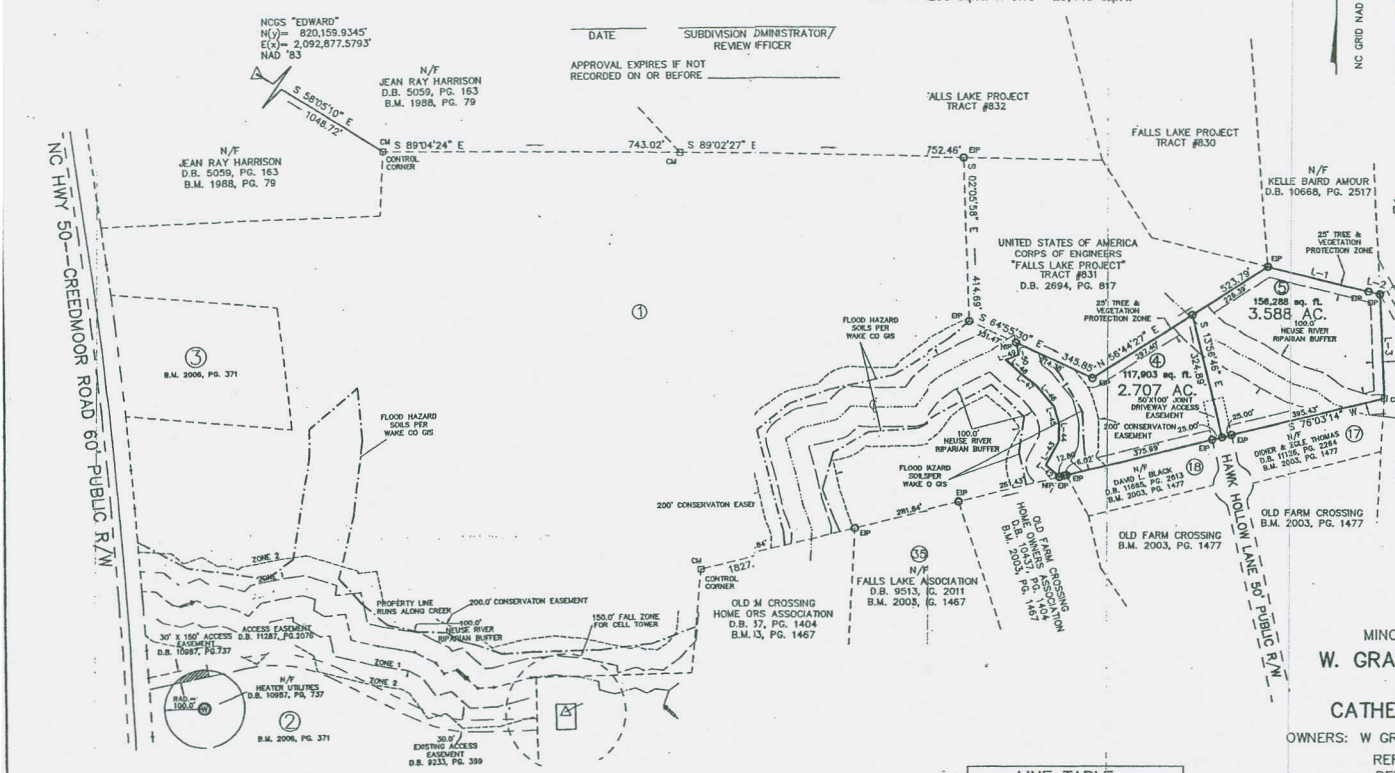
IMPERVIOUS SURFACES ALLOWED
LOT 4 117,903 sq.ft. X 0.15= 17,685 sq.ft.
LOT 5 156,288 sq.ft. X 0.15= 23,443 sq.ft.

LEGEND:

EIP – EXISTING IRON PIPE
EPK – EXISTING PK NAIL
NIP – NEW IRON PIPE SET
R/W – RIGHT OF WAY
CATV – CABLE TV BOX
EB – ELECTRIC BOX
TEL – TELEPHONE PEDESTAL
PP – POWER POLE
OHL – OVERHEAD LINE
LP – LIGHT POLE
WM – WATER METER
WV – WATER VALVE
CO – SEWER CLEAN-OUT
CM – CONCRETE MONUMENT



VICINITY MAP



FILED FOR REGISTRATION

_____ DATE
LAURA M. RIDDICK
REGISTER OF DEEDS
WAKE COUNTY

BY: _____
ASST./DEPUTY

TIME: _____

RECORDED IN B.M. _____, PAGE _____

I, MICHAEL A. MOSS, PROFESSIONAL LANRVEYOR NO. L-3794, CERTIFY THAT THIS PLAT IS OF A SURVEY OF AER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELSCOURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE CTION OF SUBDIVISION.

_____
MICHAEL A. MOSS, PROFESSIONAL SURVEYOR NO. L-3794

LINE TABLE

LINE	LENGTH	BEARING
L-1	262.88'	S 76°06'15" E
L-2	29.41'	S 76°06'15" E
L-3	268.27'	S 02°50'24" E
L-42	46.05'	N 48°23'10" W
L-43	67.90'	N 28°31'39" E
L-44	43.56'	N 00°23'52" W
L-45	46.45'	N 17°17'22" W
L-46	71.94'	N 39°21'37" W
L-47	47.98'	N 51°56'39" W
L-48	53.22'	N 48°04'42" W
L-49	35.79'	N 66°18'15" E
L-50	31.81'	N 13°24'40" W

"LOT BY LOT"
MINOR SUBDIVISION PLAT FOR

W. GRAHAM CAWTHORNE, JR.
&
CATHERINE C. CAWTHORNE

OWNERS: W GRAHAM & CATHERINE C CAWTHORNE
REF: D.B. 12750, PG. 1888
REF: D.B. 8609, PG. 2404
REF: D.B. 11299, PG. 2605
REF: B.M. , PG.
BARTON'S CREEK TOWNSHIP
WAKE COUNTY, NORTH CAROLINA

200 100 0 200 400
SCALE 1"=200'

AUGUST 4, 2007
REVISED SEPTEMBER 23, 2007
ZONED R-80W
PIN # 0891.01-49-6039