



Planning, Development & Inspections

TEL (PLANNING) 919 856 6310
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A Division of Community Services
P.O. Box 550 • Raleigh, NC 27602
www.wakegov.com

SUBDIVISION HARDSHIP VARIANCE APPLICATION

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: Flag Lots (8-31-4) (B) Exemption (1)(b) "When necessary to make reasonable use of irregularly shaped parcels". Requesting variance of additional 85.98' above permitted width of 300' from right-of-way in RW-80.

Property

Parcel Identification Number (PIN): 0712.04-61-5874

Address: 3314 Olive Chapel Rd., Apex NC 27502

Total site area in square feet and acres: 249,760 square feet 5.734 acres

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

List Conditions of any Conditional Use Zoning Districts:

Current land use(s): AGR-FARM

Property Owner (list all property owners - use back or additional sheet if needed)

Name: Clarence Kent Goodwin/ Jean Hare Goodwin

Address: 513 New Hill Olive Chapel Rd.

City: Apex State: NC Zip Code: 27502-7304

E-mail Address: Fax:

Property Owner's Telephone Number: (919) 362-6063

Consultant (surveyor, engineer, etc. person to whom all correspondence will be sent)

Name: Smith and Smith Surveyors

Address: PO Box 457/ 1511 North Salem St

City: Apex State: NC Zip Code: 27502

E-mail Address: smith_smith@bellsouth.net Fax: (919) 362-7117

Applicant's Telephone Number: (919) 362-7111 Relationship to Owner: Surveyor

SUBDIVISION HARDSHIP VARIANCE
STATEMENT OF JUSTIFICATION

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

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

Without variance approval, a 60' strip of land will remain after subdivision. This strip would be inaccessible from remaining parcel, thereby relegating its usefulness only to recombination with adjoining lots.

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

The subdivision regulation identifies a flag lot as a parcel for which width measures greater than 300' from the road right-of-way in R-80W. The proposed lot measures 385.98' - a variance of 85.98'. Permitting variance would reduce the loss of farming soil in existing operations, as well as the amount of impervious surface area that would be created in construction of an alternative access road/ driveway from New Hill Olive Chapel.

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

Alternative access to the proposed lot encroaches on current agricultural operations of remaining 12.62 acres, resulting in an increase in impervious surface areas, and consequently the volume of run off into the Cape Fear Riparian water supply/ water shed buffers.

d. 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 60.19' wide strip was originally created with a prior subdivision of original parcel which created Lot 2A. Subdivision was approved and filed without indication to/ knowledge of property owner that future use of strip as an access point to further subdivision of remaining parcel would be restricted. With this knowledge, modification of prior division would have been made.

e. The hardship is peculiar to the property.

The intent of subdivision of land currently in use for agricultural operations is to utilize the specific land characteristics of individual areas within the parcel according to best use and least environmental impact. Land characteristics/ topography of proposed "flag lot" lends itself to residential application verses farming; however, hardship exists when alternate means of access increase area of

impervious surface, negatively affecting current farming operations and the Cape Fear Riparian water supply/ water shed buffers.

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

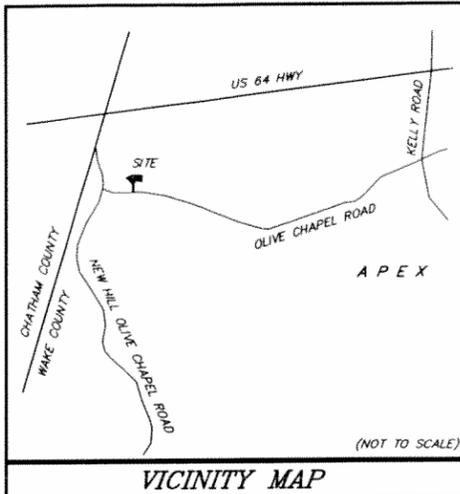
R-80W zoning regulations require a minimum lot size of 1.84 acres. The proposed subdivision results in a 5.734 acre lot - *3.894 acres above minimum requirement.*

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.
 - a. 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 or injurious to property or improvement in such neighborhood.

The granting of the variance would allow for development in a manner that is consistent with current land uses of surrounding properties, as well as reduce the amount of environmental impact (*including protection of large growth oak/ holly/ etc. trees and sensitive water shed/ water supply areas*).

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

Existing parcel to be subdivided is family land that has been passed down through generations. Variance would allow the transfer of land to another generation with the sole purpose of construction of their first family home. Taking into consideration the use of newly formed parcel, alternate means of access would be impractical. In addition, approval would avoid creation of a damaged value 60' strip parcel, for which future use would be relegated to recombination with adjoining lots. Furthermore, requiring a private road on the 60' strip would dramatically reduce the green space that would accompany the smaller private driveway proposed.

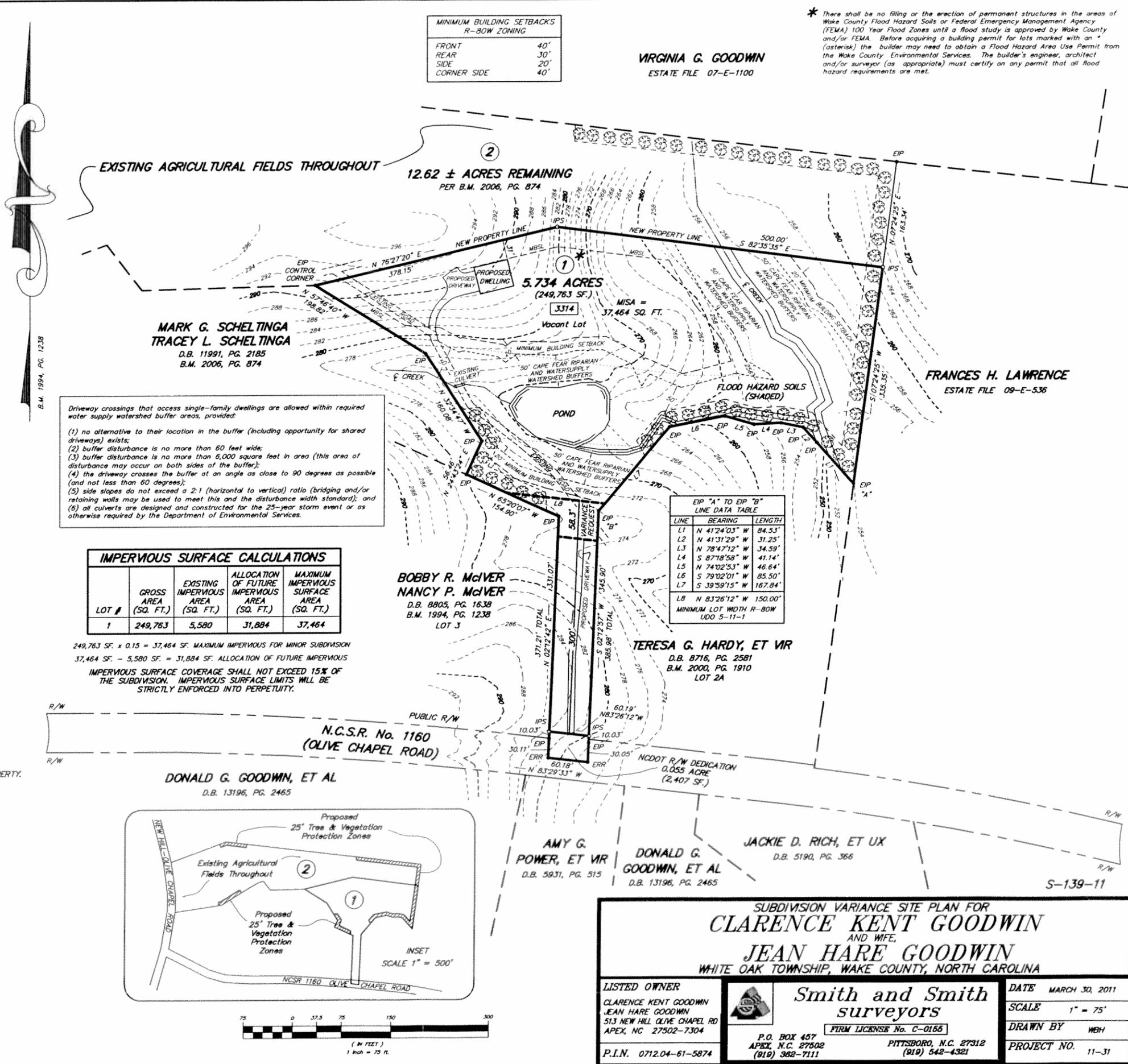


PRELIMINARY

THIS IS A PRELIMINARY DRAWING AND IS NOT TO BE USED AS A SURVEY OR TO TRANSFER ANY PROPERTY SHOWN HEREON.

ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS.
 AREA DETERMINED USING D.M.D. METHOD.
 REFERENCES: DEED BOOK 7981, PAGE 232 ~ TRACT SIX BOOK OF MAPS 1994, PAGE 1238
 NO N.C.G.S. MONUMENTS FOUND WITHIN 2000 FEET OF THIS PROPERTY.
 ZONING: R-80W
 NO BUILDING IS PERMITTED WITHIN 20 FEET OF A WATERCOURSE OR WATER SUPPLY WATERSHED BUFFER.

- Legend**
- EIP - Existing Iron Pipe
 - ERR - Existing Railroad Spikes
 - IPS - Iron Pipe Set
 - R/W - Right Of Way
 - CL - Center Line
 - 1234 - Street Address (Typical)
 - (Symbol) - 25' Tree & Vegetation Protection Zone
 - MISA - Maximum Impervious Surface Area
 - NCDOT - North Carolina Department Of Transportation
 - MBSL - Minimum Building Setback Line



**MINIMUM BUILDING SETBACKS
R-BOW ZONING**

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

VIRGINIA G. GOODWIN
ESTATE FILE 07-E-1100

* There shall be no filling or the erection of permanent structures in the areas of Wake County Flood Hazard Soils or Federal Emergency Management Agency (FEMA) 100 Year Flood Zones until a flood study is approved by Wake County and/or FEMA. Before acquiring a building permit for lots marked with an * (asterisk) the builder may need to obtain a Flood Hazard Area Use Permit from the Wake County Environmental Services. The builder's engineer, architect and/or surveyor (as appropriate) must certify on any permit that all flood hazard requirements are met.

EXISTING AGRICULTURAL FIELDS THROUGHOUT
 12.62 ± ACRES REMAINING
 PER B.M. 2006, PG. 874

**MARK G. SCHELTINGA
TRACEY L. SCHELTINGA**
D.B. 11991, PG. 2185
B.M. 2006, PG. 874

Driveway crossings that access single-family dwellings are allowed within required water supply watershed buffer areas, provided:

- no alternative to their location in the buffer (including opportunity for shared driveways) exists;
- buffer disturbance is no more than 60 feet wide;
- buffer disturbance is no more than 6,000 square feet in area (this area of disturbance may occur on both sides of the buffer);
- the driveway crosses the buffer at an angle as close to 90 degrees as possible (and not less than 60 degrees);
- side slopes do not exceed a 2:1 (horizontal to vertical) ratio (bridging and/or retaining walls may be used to meet this and the disturbance width standard); and
- all culverts are designed and constructed for the 25-year storm event or as otherwise required by the Department of Environmental Services.

IMPERVIOUS SURFACE CALCULATIONS

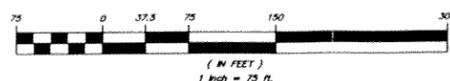
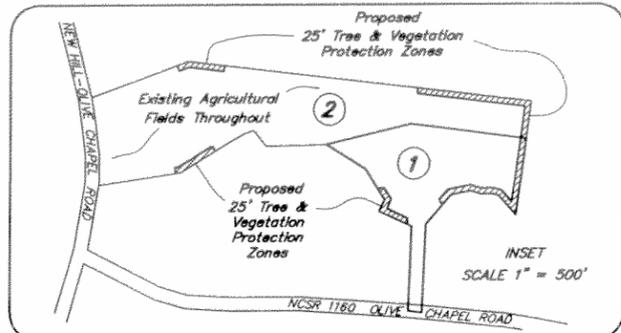
LOT #	GROSS AREA (SQ. FT.)	EXISTING IMPERVIOUS AREA (SQ. FT.)	ALLOCATION OF FUTURE IMPERVIOUS AREA (SQ. FT.)	MAXIMUM IMPERVIOUS SURFACE AREA (SQ. FT.)
1	249,763	5,580	31,884	37,464

249,763 SF. x 0.15 = 37,464 SF. MAXIMUM IMPERVIOUS FOR MINOR SUBDIVISION
 37,464 SF. - 5,580 SF. = 31,884 SF. ALLOCATION OF FUTURE IMPERVIOUS
 IMPERVIOUS SURFACE COVERAGE SHALL NOT EXCEED 15% OF THE SUBDIVISION. IMPERVIOUS SURFACE LIMITS WILL BE STRICTLY ENFORCED INTO PERPETUITY.

**EIP "A" TO EIP "B"
LINE DATA TABLE**

LINE	BEARING	LENGTH
L1	N 41°24'03" W	84.53'
L2	N 41°31'29" W	31.25'
L3	N 78°47'12" W	34.59'
L4	S 87°18'58" W	41.14'
L5	N 74°02'53" W	46.64'
L6	S 79°02'01" W	85.50'
L7	S 39°59'15" W	167.84'
L8	N 83°26'12" W	150.00'

MINIMUM LOT WIDTH R-80W
UDO 5-11-1



SUBDIVISION VARIANCE SITE PLAN FOR
CLARENCE KENT GOODWIN
 AND WIFE,
JEAN HARE GOODWIN
 WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

LISTED OWNER
 CLARENCE KENT GOODWIN
 JEAN HARE GOODWIN
 513 NEW HILL OLIVE CHAPEL RD
 APEX, NC 27502-7304
 P.I.N. 0712.04-61-5874

Smith and Smith
 surveyors
 FIRM LICENSE No. C-0156
 P.O. BOX 457
 APEX, N.C. 27502
 (919) 362-7111

PITTSBORO, N.C. 27312
 (919) 642-4321

DATE MARCH 30, 2011
SCALE 1" = 75'
DRAWN BY WEH
PROJECT NO. 11-31