



Planning, Development & Inspections

TEL (PLANNING) 919 856 6310
TEL (INSPECTIONS) 919 856 6222

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: Wake County Unified Development Ordinance - Article 12

Section 12-11-1 (C) (1) requires any proposed Subdivision where "any part of the proposed subdivision is located within the following distance of an existing municipal water or wastewater system:

50 feet per dwelling unit" to connect to that existing municipal water or wastewater system.

Section 12-11-1 (C) (6) authorizes this board to waive this requirement.

Property

Parcel Identification Number (PIN): 0646523322

Address: 2000 NC Hwy 42

Total site area in square feet and acres: 1,971,090 square feet 45.25 acres

Zoning District(s) and Overlay Districts (if any) and land area within each: HD - 45.25 acres

List Conditions of any Conditional Use Zoning Districts: None

Current land use(s): Farming

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

Name: Peggy and Paul O'dell

Address: 5209 Dutchman Drive

City: Raleigh State: NC Zip Code: 27606

E-mail Address: Fax:

Property Owner's Telephone Number:

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

Name: Jonathan T. Sizemore

Address: 940 Southeast Cary Parkway, Suite 102

City: Cary State: NC Zip Code: 27518

E-mail Address: jonathan@adamshowell.com Fax: 919-235-0061

Applicant's Telephone Number: 919-235-0060 Relationship to Owner: Potential Buyer

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) Attach additional sheets as necessary.

The Potential Buyer desires to develop a Subdivision on the 45 acre tract at a density less than 1.45 dwelling units per acre in a manner and nature consistent with the surrounding community. The subject tract is situated along NC Hwy 42 less than 300 feet from the Harnett County line. Surrounding subdivisions, including those similarly zoned HD, are on well and septic systems. Connecting to Municipal water imposes additional legal burdens on the developer to improve public infrastructure. These additional legal requirements render impossible the practical development of this tract consistent with the neighboring tracts. Specifically, improvements required by the Town of Fuquay Varina's Future Roadway Plan should the property connect to municipal water add an estimated \$1.5 million to the project increasing each lot's initial cost by approximately \$30,000. This legal condition makes connection to municipal water infeasible. We therefore petition the Board for a waiver of the requirement in UDO Section 12-11-1 (C).

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: See attached next pg. Date: _____

Signature: See attached next pg. Date: _____

Signature: See attached next pg. Date: _____

Land use professionals (architects, engineers, planners, landscape architects, etc.), as well as employees of corporate or municipal applicants, may testify at quasi-judicial proceedings about factual matters in support of an application, petition or appeal. However, they MAY NOT examine or cross-examine witnesses, make legal arguments as to why an application, petition or appeal should be granted, or otherwise advocate for results on behalf of another individual or entity at a quasi-judicial proceeding. These functions can ONLY be performed at a quasi-judicial proceeding by an attorney licensed to practice law in North Carolina. Therefore, it is **strongly recommended** that unless you are an individual representing yourself in a quasi-judicial proceeding, you have an attorney present to present your case.

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: See attached next pg. Date: _____

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.

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Signature: *Remy S. McDell* Date: 5-1-17
Signature: *Shawna O. Long* Date: 5-1-17
Signature: *Paul K. Dell* Date: 5/1/17

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Subdivision Hardship Variance Statement of Justification

2000 NC Hwy 42

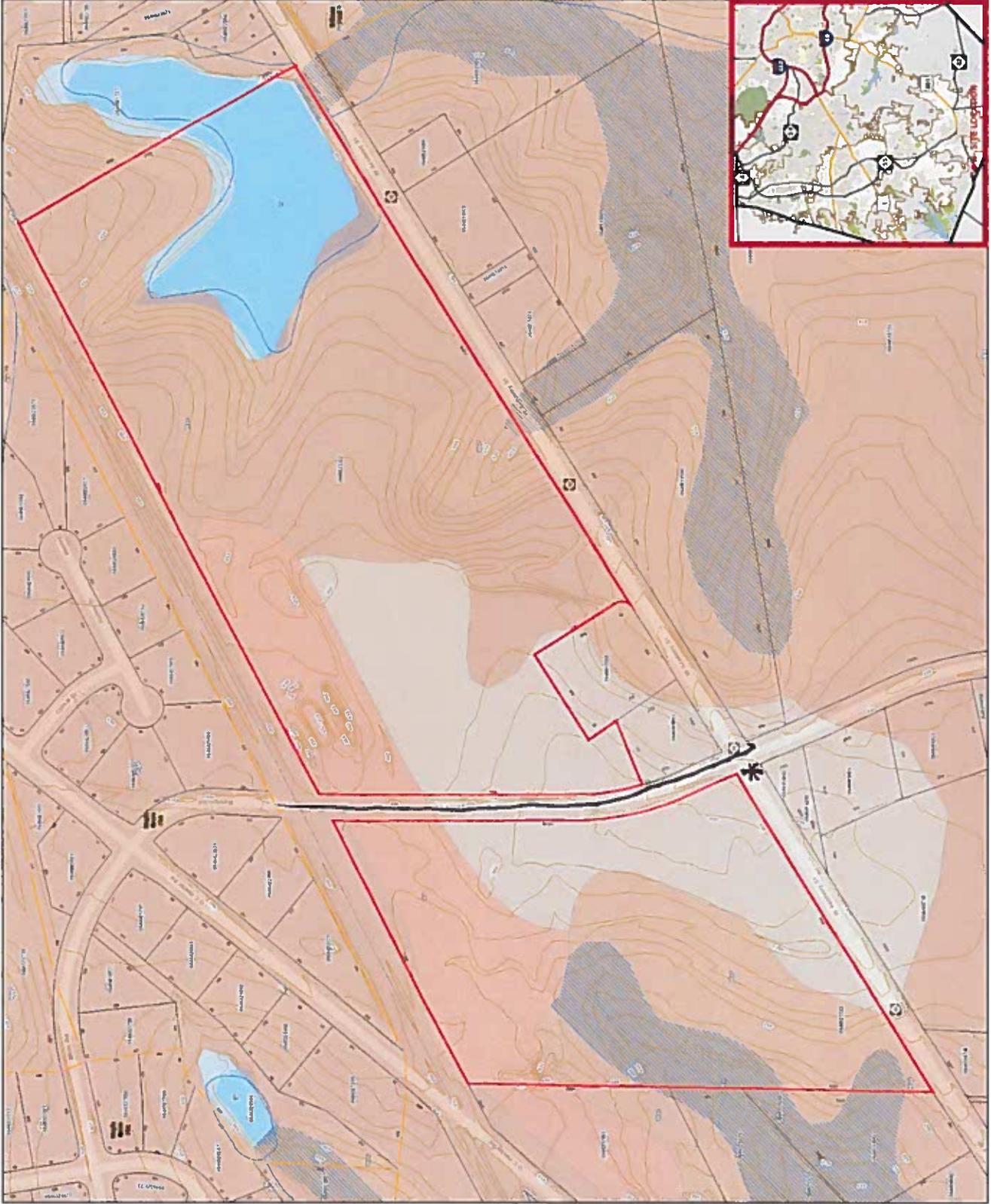
1. The subject property is proximate to municipal water from Harnett county under contract to Fuquay Varina but not sewer. Any development will therefore be limited by the need to install septic systems. Due to the legal constraints imposed therefrom the maximum number of lots that can be created from this 45 acre tract is about 50 lots. Connecting to municipal water subjects the developer to additional legal requirements to improve large portions of the highway per the Fuquay Varina Future Roadway Plan. Due to the particular size and orientation of the subject tract the estimated cost to comply with this requirement is in excess of \$1.5 Million. That increases the per lot price for the subdivision by about \$30,000. This substantial increase in lot price will make any residential development of this tract impossible.
2. The conditions that create the hardship for this tract are the availability of municipal water but not sewer, it's particular size and orientation to Hwy 42, and its remote location nearly abutting the Harnett county line. If the developer is required to connect to municipal water then the Fuquay Plan would require the developer to widen the portion of Hwy 42 that the tract has frontage on. Due to the long and narrow orientation of the tract the developer would have to widen nearly ½ mile of the highway. Notably, the highway would not have to be widened where the tract's frontage is broken by 2 lots that were carved out some time ago.
3. The hardships imposed on developing this tract should it be required to connect to municipal water are due to the absence of a municipal sewer connection and the road improvement requirements imposed by Fuquay Varina, conditions that were created by the municipal governments and not the current owner or the applicant. This tract is part of a larger tract that has been divided in the past and formerly included the Maple Grove Phase 1 subdivision to the North, a subdivision that has both well water and septic systems installed.
4. The requirement made by Section 12-11-1 (C) is "intended to implement the county's Transitional Urban Development policies." The objective is to provide for a transitional buffer from rural land uses to urban land uses. The tract is currently being used as farm land and does not benefit from any water or wastewater facilities, either private or municipal. It is located just a few hundred feet from the Harnett county line and in an area where many of the residential lots are serviced by private wells and septic systems. Developing this tract into a residential subdivision complete with private wells and septic systems will permit this otherwise underutilized tract of farmland to become part of the transitional buffer in a manner consistent with neighboring subdivisions. The low density development required by the legal constraints concerning septic systems ensures that this subdivision does not overburden the water table or contribute to conditions that threaten public safety. Waiving the requirement that this tract connect to the available municipal water system achieves substantial justice because otherwise the requirement, coupled with the additional legal conditions, prevents this tract from being developed consistent with its zoning.

Subdivision Variance Site Plan
2000 NC Hwy 42

Prepared April 28, 2017

PIN: 0646523322
Parcel Ext: 000
Final Estate ID: 00654345
Map Name: 0646 04
Owner: ODELL, PEGGY S ODELL, PAUL K
Neat Address 1: 5209 DUTCHMAN DR
Neat Address 2: RALEIGH NC 27606-9791
Neat Address 3:
Deed Book:
Deed Page:
Deed Date: 05/18/2016
Deed Acres: 45.25
Building Value: \$0
Land Value: \$628,616
Total Value: \$628,616
Billing Class: Individual
Description: TR1&3 GR PT JOHN PERKINS PROP
BM1597 -00313
Heat Area: 0
Site Address: 2000 NC 42 HWY
City:
Township: Middle Creek
Year Built: 0
Sale Price: \$0
Sale Date:
Use Type:
Design Style:
Land Class: Agriculture
Old Parcel Number: --

X Approximate water line location



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the most current and accurate information possible.
However, the maps are produced for information purposes,
and are NOT surveys. No warranties, expressed or implied,
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