



Planning and Development Department

156 CHURCH STREET, HENDERSON, NC 27536

(252) 738-2080 / FAX 738-2089

Staff Report 09/13/2012

Owner: Edward C. Spicer, Jr.

Applicant: Edward C. Spicer, Jr.

Parcel ID:
0305A01017

Location: Merle Jones Lane

Current Zoning: (R-30) Residential Low Density

Public Hearing:
09/13/2012

Prepared by:
Jordan McMillen

Description of Variance Request:

The applicant is requesting a variance from the minimum setback (section 3.2.3) requirement to allow a 5 foot setback on the south and east side of the property. The west and northern side is surrounded by Corps. of Engineer property and currently is allowed a 0 foot setback as per zoning regulations. In addition to the setback variance the applicant is requesting a variance from the separation requirement of 100 feet between the well and septic system as per section 3.2 D 4 of the zoning ordinance. Based upon a designed system and concurrence from the Health Department the applicant is requesting a variance from 100 feet to 50 feet of required separation.

Exhibits as follows:

- Exhibit 1.** Application
- Exhibit 2.** Septic permit and approved system designs
- Exhibit 3.** Survey and property description
- Exhibit 4.** Adjoining owners map, surrounding zoning and 2010 Aerial
- Exhibit 5.** Variance check sheet

DRAFT Findings of Fact

1. The property is owned by Edward C. Spicer, Jr.
2. The request is for a variance from the minimum setback requirement of a 30 foot front setback and 20 foot side setback as per section 3.2.3 of the zoning ordinance to allow a 5 foot setback on the front and side.
3. The lot is currently vacant and consists of 0.183 acres as per Deed 321 Page 411.
4. The property is located off of Rev. Henderson Road and is accessed from Merle Jones Lane. The property is identified as tax parcel 0350A01017.
5. Legal access is obtained through an existing 10 foot easement along the properties leading to the subject property. The easement is of record and referenced in deed 321 page 411.
6. The lot is currently zoned R-30 (Residential Low Density).
7. The lot is a substandard lot of record as per section 4.5 and 4.25 E of the zoning ordinance.
8. The application requesting the variance was filed on August 14, 2012.
9. The adjoining property owners were notified on _____, 2012.
10. The property was posted on _____, 2012
11. The legal notice was run on August 28, 2012 and September 4, 2012

Staff Comments

The applicant is proposing to utilize an existing lot that is 0.183 acres or 7,971 square feet. While greatly smaller than the 30,000 minimum lot size for areas zoned R-30 the parcel was created and was a lot of record prior to the implementation of zoning on November 1, 2011. In addressing substandard lots of record in section 4.5 (see also section 4.24 E 2), the zoning ordinance states that, "when a substandard lot can be used in conformity with all other regulations applicable to its intended use, except that the lot is smaller than the required minimum size for its zoning category, then the lot may be used as proposed as if it were conforming." For this reason the lot size can be overlooked in this situation, however the other regulations such as setbacks and septic/well separation may be considered. In order to make a reasonable use of the property, the applicant has requested a variance from the setback and well/septic separation requirements.

The hardship does not appear to be a result of the applicant's own actions and appears to result from unique circumstances related to the property. It would be recommended to consider a fair setback that would allow for reasonable use of the property. Additionally because of the involvement of a soil scientist and the Health Department, a septic system has been designed and permitted that would accommodate the limited lot size. With this design it may be permissible to reduce the well/septic separation to 50 feet as proposed.



Vance COUNTY

NORTH CAROLINA

Variance Application

Vance County Planning & Development Department

For Administrative Use Only:

Case #	20120913-2
Fee Paid	08/14/2012 ck# 3721
BOA Date	09/13/2012

156 Church Street, Suite 3
Henderson, NC 27536
Ph: (252) 738-2080
Fax: (252) 738-2089

Property Owner Information

Property Owner: Edward C. Spicer, Jr.
Mailing Address: 250 Hillsborough Drive
City: Columbia State: SC Zip Code: 29212
Phone #: (803) 772 - 9455 Fax #: () -
E-mail Address: _____

Applicant Information

Applicant: Edward C. Spicer, Jr.
Mailing Address: 250 Hillsborough Drive
City: Columbia State: SC Zip Code: 29212
Phone #: (803) 772 - 9455 Fax #: () -
E-mail Address: _____

Property Information *For multiple properties please attach an additional sheet.*

Property Address: Merle Jones Lane
Tax Map Number: 305-A PIN (parcel identification #): 0305A 01017
Type of Petition: _____
Existing Zoning: _____
Acreage: 0.183 Road Frontage: 10' easement
Existing Use: residential

Deed Reference

- ☐ Metes and bounds description attached
☒ Site plan/sketch of proposal attached



Vance COUNTY

NORTH CAROLINA

Variance Application

Vance County Planning & Development Department

STATEMENT OF JUSTIFICATION

Application submitted for a variance from the Zoning Ordinance as follows: *Please explain below:*

Owner wants to be able to build a home on the lot and install new well and septic. He has obtained a well and septic permit from the county health department and they are going to allow him to maintain a 50' distance between his well and the proposed new septic field. This is the first item the owner wants to be considered in this request, maintaining 50' instead of 100' distance from well to septic field. The second item for review is setbacks. Owner requests the east side yard setback to be 5' in lieu of 20' as per current code. Owner has an existing 10' easement in the front yard along the south property line and is requesting a 5' setback off this easement, which would mean total distance from front yard to building line would be 15'. Current front yard setback is 30'.

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach three conclusions as a prerequisite to the issuance of a variance: (1) that there are practical difficulties or unnecessary hardships that would result from the strict enforcement of this Ordinance, (2) that the variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit, and (3) that in the granting of the variance, the public safety and welfare have been assured.

In the following spaces, indicate the facts and the argument you plan to render, in order to convince the Board to properly determine that each of these three (3) CONCLUSIONS are applicable to this structure and site.

(1) THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS THAT WOULD RESULT FROM THE STRICT ENFORCEMENT OF THIS ORDINANCE. The courts have developed three rules to determine whether, in a particular situation, "practical difficulties or unnecessary hardships" exist. State facts and argument in support of each of the following:

- a. **If the applicant complies strictly with the provisions of the Ordinance, he or she can make no reasonable use of their property.** (It is not sufficient that failure to grant the variance simply makes the property less valuable.)

This lot is 80' x 100' and if the current setbacks as per the code are the basis for development the lot cannot be built upon.

- b. **The hardship of which the applicant complains results from unique circumstances related to the applicant's property.**

The only location for a proposed new home must be on the south and east property lines due to septic and well separation requirements. Given this fact, without a variance in both setbacks, the footprint of a new dwelling would be too small.

- c. **The hardship is not the result of the applicant's own actions.**

The owner inherited this lot and it was developed in November of 1955. At that time, the rules for building a home were different and a small lot of 100' x 80' would qualify for a building permit. The current zoning setbacks of 30' front yard and 20' side yard are existing today.



Vance COUNTY

NORTH CAROLINA

Variance Application

Vance County Planning & Development Department

- (2) THE VARIANCE WILL BE IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES THE SPIRIT OF THE ORDINANCE. (State facts and arguments to show that the requested variance represents the least possible deviation from the letter of the Ordinance to allow a reasonable use of the land; and, that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

This variance will not be out of harmony with the neighborhood, as all of the homes nearby were built during the 1950s and 1960s without the side yard and front yard setbacks in existence today.

- (3) THE GRANTING OF THE VARIANCE ASSURES THE PUBLIC SAFETY AND WELFARE. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the Applicant.)

Any home built on this lot must be approved by county planning and the fact that the structure will be closer to the property lines will not impact the public safety and welfare. The front yard of the lot actually faces the back side of another house and not a busy street. Access to Reverend Henderson Road is via an existing access lane across adjoining property.

Property Owners Signature

Edmund C. Spicer
Please sign in blue or black ink

Date 8-13-12

Kim Spicer 8-13-12
Applicants' Signature

Edmund C. Spicer
Please sign in blue or black ink

Date 8-13-12

Kim Spicer 8-13-12

Granville - Vance District Health Department

00746

Environmental Health

Well Construction Permit

Owner/Applicant: Edward Spicer Date: 7-6-12
Address or Location of Property: Merle Jones Ln. off Rev. Henderson

Subdivision & Lot #: _____ Septic Permit #: 07402
Zoning Permit #: _____ Environmental Health Specialist: MDS

This well permit is to locate and site the area that a private groundwater well may be established on the property listed above by the Environmental Health Specialists of Granville County. If one does not locate the well in the approved area and complete the well as specified by the 15A NCAC .02C rules, then permits may be revoked. At completion of drilling of the well, grout must be witnessed by EHS and a well log turned into Environmental Health.

Minimum Setbacks: (these are the main setbacks, but not all required setbacks)

Setback from property lines – 10 ft Setback from septic tank and drain field, including repair area – 100 ft
Setback from structural foundations – 25 ft Setback from ponds, lakes or other bodies of water – 50 ft

Site Sketch:

* See attached site plan.

Conditions: _____

Authorized Agent: Mar Shuglitz, REHS
Date: 7-6-12

1 Well Grout: (Circle or write in)

Witnessed: Yes or No EHS Agent: _____
Date: _____ Annular Space Open: Yes or No
Over reamed: Yes or No Depth Grouted: _____
Method: _____ Pump _____ Poured _____ Pressure
Well Log received: Yes or No (EHS to Attach to Permit)
Driller Name: _____ Cert. # _____
Depth: _____ Casing Depth: _____ GPM: _____

As Built Drawing:**# 2 Well Final: (Place a check mark when finalized)**

Seal Present and Intact: _____ Air Vent: _____
Hose Spigot: _____ Electrical Box: _____
Pump Installer Tag: _____ Well Installer Tag: _____
All holes sealed: _____ 12" above grade: _____

Comments: _____

3 Well Completion Permit: _____ EHS
Date Completed: _____

4 Water Samples Taken: Date: _____
EHS: _____ Results: _____
Retest: _____ Results: _____

* Pump System w/ 25% Reduction Accepted System
 PERMIT NUMBER 07402

GRANVILLE-VANCE DISTRICT HEALTH DEPARTMENT IMPROVEMENT AND OPERATION PERMITS

COUNTY:	TAX NO.	TYPE OF ESTABLISHMENTS			*THIS PERMIT SHALL BE ACCOMPANIED BY A LAYOUT SHOWN ON A PLAT, INCLUDING SYSTEM REQUIREMENTS.
Vance	SR. NO.	RESIDENCE <input checked="" type="checkbox"/> BUSINESS <input type="checkbox"/> OTHER <input type="checkbox"/>	NUMBER OF BEDROOMS: 3	NUMBER OF OCCUPANTS: 2	
OWNER: Edward C. Spicer		WATER SUPPLY	WELL <input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/>	OTHER <input type="checkbox"/>	
APPLICANT'S ADDRESS:		TYPE OF WASTEWATER SYSTEM	INITIAL <u>Type II</u> INSTALLATION Accepted	REPAIR <u>Not</u> Required	
on left just before Henderson Pt. PROPERTY ADDRESS/LOCATION: Merle Jones Ln.		DESIGN FLOW:	360 g/day		*THIS IMPROVEMENT PERMIT IS SUBJECT TO REVOCATION IF THE INTENDED USES CHANGE FROM THOSE SHOWN ON THE IMPROVEMENT PERMIT. CHANGES SHALL REQUIRE HEALTH DEPARTMENT APPROVAL.
SUBDIVISION:		LTAR:	.32		
LOT NUMBER:		ABSORPTION AREA:	840 ft ²		
REFERENCE SKETCH (SEE PLAT FOR DETAILS)		TRENCH WIDTH:	3'		
* See attached site plan.		TRENCH DEPTH:	18"-36"		
* Call Health Dept. prior to installation.		TRENCH SPACING:	9' centers		
		TOTAL TRENCH LENGTH:	280'		
		NUMBER OF TRENCHES:	4		
		GRAVEL DEPTH:	NA		
		TANK SIZE:	1,000 g		
		PUMP TANK SIZE:	1,000 g		PERMIT VALID FOR: 5 YEARS YES NO
		DISTRIBUTION DEVICE:	Pressure Manifold		NO EXPIRATION YES NO

 IMPROVEMENT PERMIT DATE: *****

FOR:
 ISSUED BY: Mac Shingleton, REHS 7-6-12

CONSTRUCTION AUTHORIZATION FOR IMPROVEMENT PERMIT# 07402

Unless otherwise indicated, the same conditions above apply regarding system type, layout, location and installation requirements.
 (The wastewater system cannot be installed until authorization is signed)

Comments: _____

Date: 7-6-12 Environmental Health Specialist: Mac Shingleton, REHS
 Construction Authorization Addendum ☐ Yes ☐ No

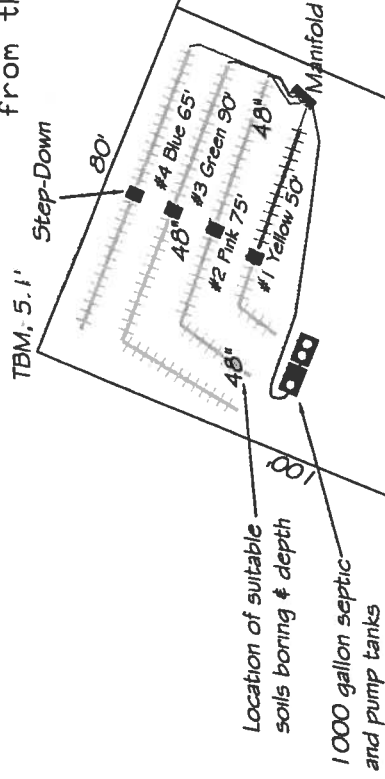
OPERATION PERMIT DATE:

SYSTEM INSTALLED BY: _____
 ISSUED BY: _____

PERFORMANCE, MONITORING, MAINTENANCE AND OPERATION
 AS REQUIRED BY RULE .1961

Edward Spicer Property
Kerr Lake
3-Bedroom Septic System Layout
June 2012
Option A

- *Not a survey, base map acquired from Vance County GIS website.
- *Keep septic lines >5' from property lines.
- *Keep all components of the septic system >50' from all wells.
- *The lot was recorded prior to 1977 so it is repair exempt and the minimum setback from the property lines is 5 feet.

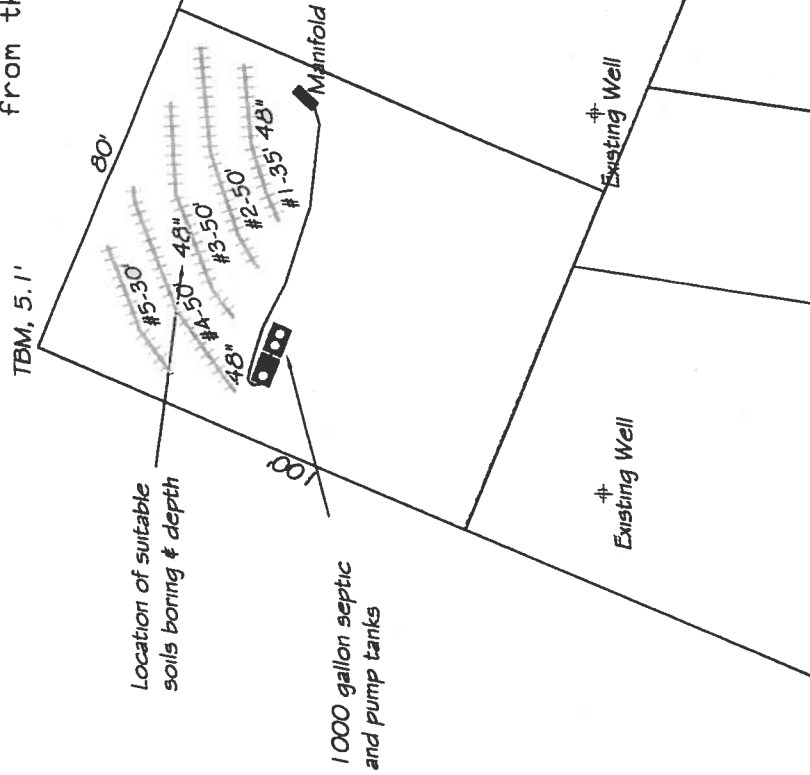


System: Pressure Manifold
Lines: 1-4, (280')
0.3 Soil LTAR
36' Max. Trench Bottom
Accepted Status System
35% reduction system
5 year warranty required

Central Carolina
Soil Consulting
919-569-6704
Project # 1165

Edward Spicer Property
Kerr Lake
3-Bedroom Septic System Layout
June 2012
Option B

- *Not a survey, base map acquired from Vance County GIS website.
- *Keep septic lines >5' from property lines.
- *Keep all components of the septic system >50' from all wells.
- *The lot was recorded prior to 1977 so it is repair exempt and the minimum setback from the property lines is 5 feet.



System: T & J Panel Block
Lines: 1-4, (280')
0.3 Soil LTAR
36" Max. Trench Bottom
Pressure Manifold Distribution
50% reduction system

GRAPHIC SCALE

1" = 40'



Central Carolina
Soil Consulting
919-569-6704
Project # 1165

Revenue Paid \$1.10

STATE OF NORTH CAROLINA—Vance County.

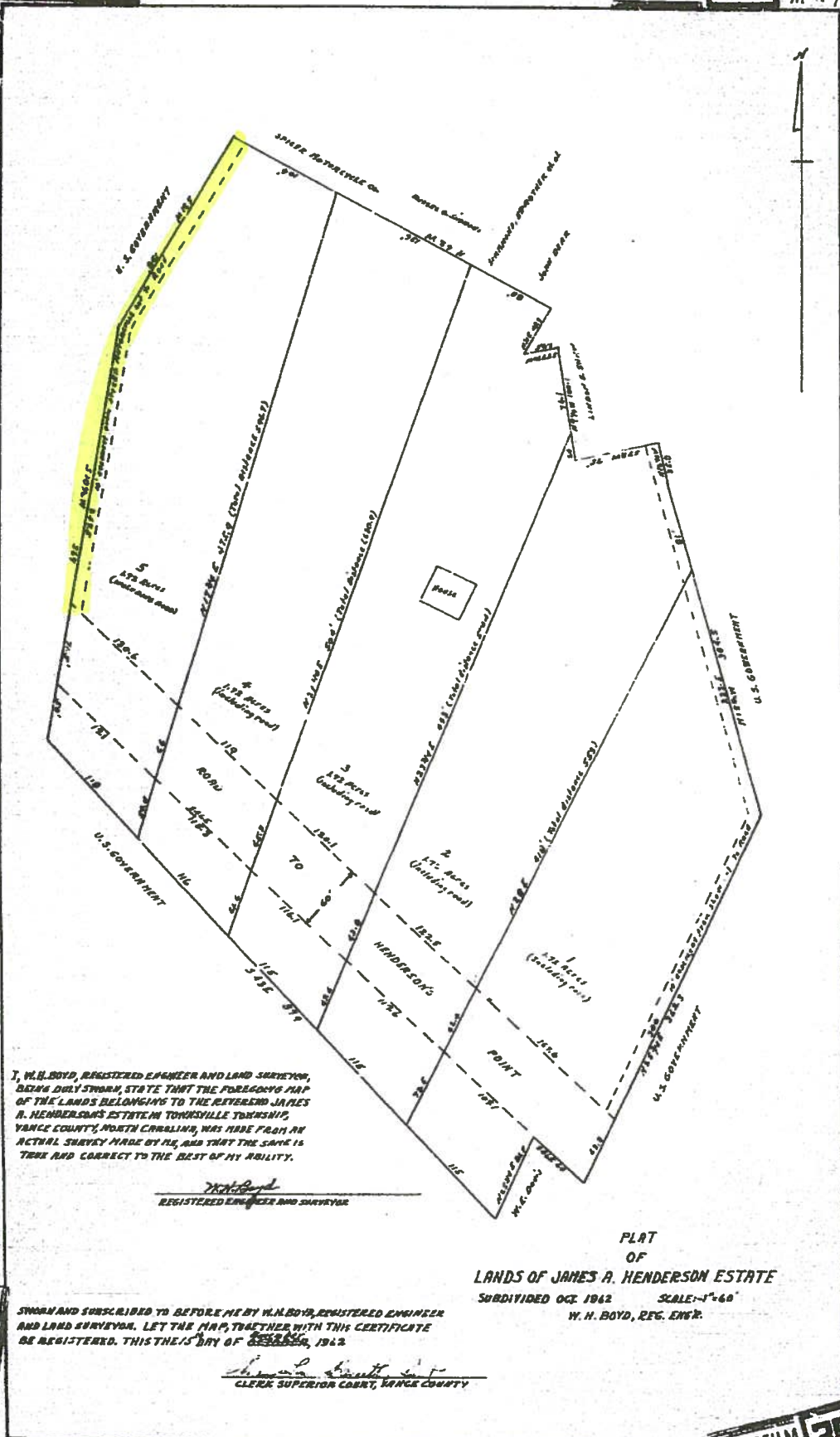
THIS DEED, Made this the 23rd day of November, 1955, by James A. Henderson and Zelle D. Henderson, his wife, of Vance County and State of North Carolina, of the first part, to Spicer Motorcycle Company, of Durham, County and State of North Carolina, of the second part: WITNESSETH, That said parties of the first part in consideration of valuable consideration and ten DOLLARS, to them paid by parties of second part the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do bargain, sell and convey to said Spicer Motorcycle Company, its successors and assigns, a certain tract or parcel of land in Vance County, State of North Carolina, adjoining the lands of Russell G. Simmons and others, and others, bounded as follows, viz:

BEGIN at Point seven (7) in U. S. Government Buggs Island development line, corner of lot No 1 of James A. Henderson land, run thence along Government line South 62° East 160 feet to stake, Russel Simmons line, thence along his line South 31° West 100 feet to corner of lot No 2, thence along lines of lots No 2 and No 1, North 62° West 160 feet to stake in Government line between points No 7 and No 8, thence along Government line North 31° East 100 feet to point No 7, the place of beginning, same being lots No 1 and No 2 as surveyed by William Boyd, Engr. Also right of ingress and egress to the lot above described from the public road along the line of J. A. Henderson, said easement for right of ingress and egress not to be more than ten feet wide, and to run along the line of J. A. Henderson from the public road to the lot herein described

M-59

MICROFILM SYSTEMS 300

MICROFILM SYSTEMS 300



I, W. H. BOYD, REGISTERED ENGINEER AND LAND SURVEYOR, BEING DULY SWORN, STATE THAT THE FOREGOING MAP OF THE LANDS BELONGING TO THE ESTATE OF JAMES A. HENDERSON, VANCE COUNTY, NORTH CAROLINA, WAS MADE FROM AN ACTUAL SURVEY MADE BY ME, AND THAT THE SAME IS TRUE AND CORRECT TO THE BEST OF MY ABILITY.

W. H. Boyd
REGISTERED ENGINEER AND SURVEYOR

PLAT
OF
LANDS OF JAMES A. HENDERSON ESTATE
SUBDIVIDED OCT. 1962 SCALE: 1"=60'
W. H. BOYD, REG. ENG.

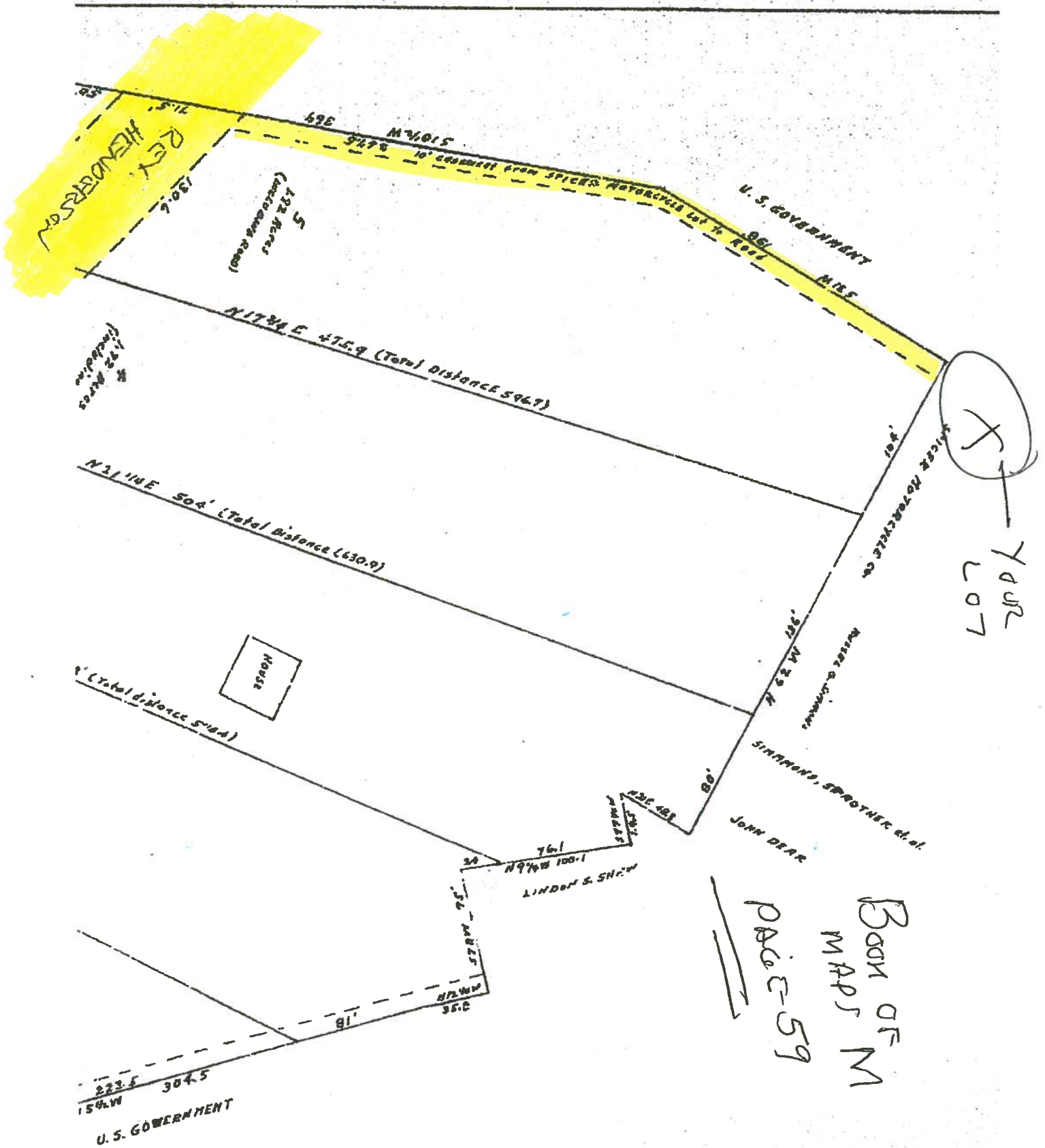
SWORN AND SUBSCRIBED TO BEFORE ME BY W. H. BOYD, REGISTERED ENGINEER AND LAND SURVEYOR. LET THE MAP, TOGETHER WITH THIS CERTIFICATE BE REGISTERED. THIS THE 15 DAY OF OCTOBER, 1962.

James A. Henderson
CLERK SUPERIOR COURT, VANCE COUNTY

Filed at 10:45 A.M. September 1962

MICROFILM SYSTEMS 300

MICROFILM SYSTEMS 300



0.183 ACRE'
7,965 SQ. FT.
D.B. 321, Pg. 411

U.S.A.
BUGGS ISLAND RESERVOIR
(KERR LAKE)
TRACT MAP # 1-803

U.S.A.
BUGGS ISLAND RESERVOIR
(KERR LAKE)

JUANITA MILES BIRMINGHAM
D.B. 757, Pg. 572

MERLE T. JONES
GRACE JONES
D.B. 412, Pg. 578

N/F
JEDA HENDERSON
D.B. 501, Pg. 520
P.B. "M", Pg. 59
LOT 5

P.B. "M", Pg. 59
LOT 4

EXISTING 10' PRIVATE
EASEMENT AS PER
P.B. "M", Pg. 59

JERRY L. ROUSE
D.B. 970, Pg. 669

CHARLES L. VAUGHAN
JUDY FAYE VAUGHAN
D.B. 704, Pg. 121

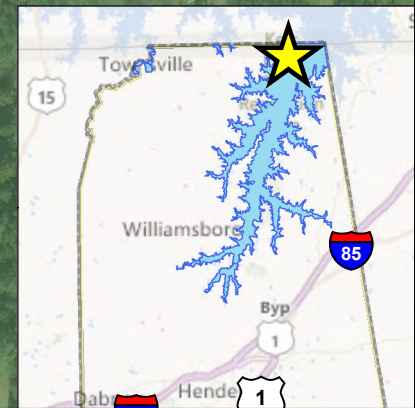
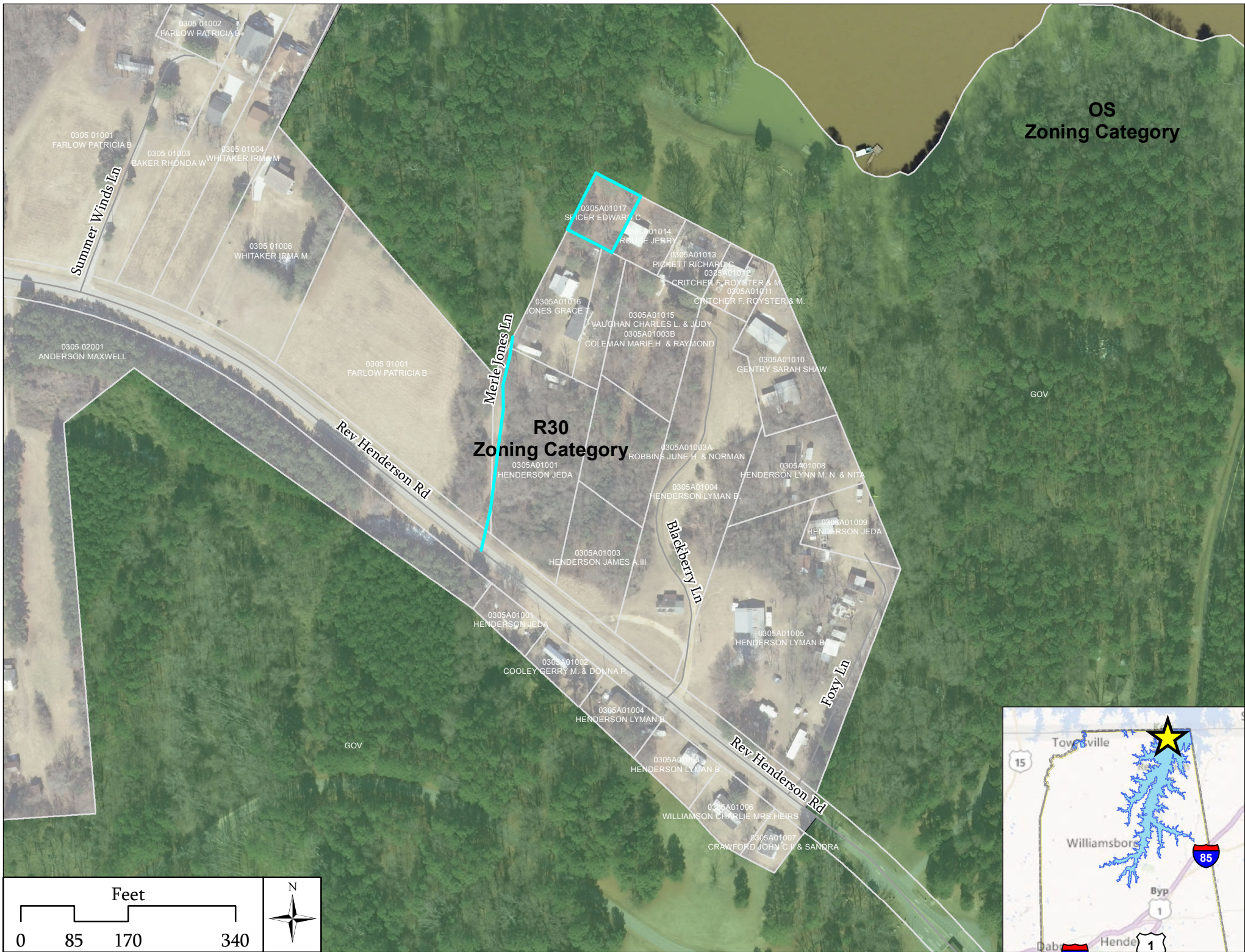
S.R. 1359 - REV. HENDERSON ROAD



CAWTHORNE & ASSOCIATES
Registered Land Surveyors, Inc.
License No.: C-0378
822 Dabney Drive
Henderson, North Carolina 27536
Phone # 252-492-0041 Fax # 252-492-0042

This survey is of an
unrecorded parcels of land
to a new street
fronting street.

Robert C. Cawthorne, P.L.S. L-3961



Variance Check Sheet

1. If the applicant complies strictly with the provisions of the Ordinance, he or she can make no reasonable use of their property.

	True	False		True	False		True	False	TOTAL
Alston:	<input type="checkbox"/>	<input type="checkbox"/>	Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	

2. The hardship of which the applicant complains results from unique circumstances related to the applicant's property.

	True	False		True	False		True	False	TOTAL
Alston:	<input type="checkbox"/>	<input type="checkbox"/>	Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	

3. The hardship is not the result of the applicant's own actions.

	True	False		True	False		True	False	TOTAL
Alston:	<input type="checkbox"/>	<input type="checkbox"/>	Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	

4. The variance will be in harmony with the general purpose and intent of the ordinance and preserves the spirit of the ordinance. (The requested variance represents the least possible deviation from the letter of the Ordinance to allow a reasonable use of the land; and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood)

	True	False		True	False		True	False	TOTAL
Alston:	<input type="checkbox"/>	<input type="checkbox"/>	Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	

5. The granting of the variance assures the public safety and welfare and will not be injurious to the property or improvements in the neighborhood.

	True	False		True	False		True	False	TOTAL
Alston:	<input type="checkbox"/>	<input type="checkbox"/>	Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	