

**Planning and Development Department**

156 CHURCH STREET, HENDERSON, NC 27536

(252) 738-2080 / FAX 738-2089

Staff Report 05/8/2014**Owner:** Secret Sand, LLC**Applicant:** Secret Sand, LLC**Parcel ID:**
0361C04001**Location:** 325 Pine Trail, Henderson NC**Current Zoning:** (R-30) Residential Low Density**Public Hearing:**
05/8/2014**Prepared by:**
Jordan McMillen**Description of Variance Request:**

The applicant is requesting a variance from the minimum setback (section 3.2.3) requirement to reduce the side setback from 20 feet to 10 feet. The variance will allow construction of a planned dwelling and attached garage that will replace the existing structure.

Exhibits as follows:**Exhibit 1.** Application**Schedule A.** Justification**Schedule B.** Factors relevant to issuance of the variance**Exhibit 2.** Metes & Bounds Description**Exhibit 3.** Property Deed**Exhibit 4.** Site Plans**Exhibit 5.** Affidavits from neighboring property owners**Exhibit 6.** Variance check sheet**DRAFT Findings of Fact**

1. The property is owned by Secret Sand, LLC.
2. The request is for a variance from section 3.2.3 of the zoning ordinance to allow a reduction of the side setback from 20 to 10 feet.
3. According to Plat Book Y- 342 the lot consists of 1.303 acres.
4. The lot is currently consists of a dwelling which will be removed and replaced with a larger dwelling.
5. The property is located at 325 Pin Trail and is identified as tax parcel 0361C04001.
6. The lot is currently zoned R-30 (Residential Low Density).
7. The application requesting the variance was filed on April 11, 2014.
8. The adjoining property owners were notified on April 25, 2014.
9. The property was posted on April 25, 2014.
10. The legal notice was run on April 23, and April 30, 2014.

Staff Comments

The applicant is proposing to replace an existing dwelling built in the 1950s with a larger single family dwelling that would include a basement and an attached garage. The property abuts the U.S. Corp of Engineers land surrounding Kerr Lake and is situated in a neighborhood where the homes are built on the side of the property closest to the lake. As a result of this, the proposed dwelling appears consistent with the character and placement of homes within the neighborhood.

Additionally, it is apparent that the shape of the lot is a large determinant in the need for the variance. This particular lot is shaped as a flag lot with the skinnier building area portion (roughly 111 feet across) on the lake side. Also, due to the topography, it appears that suitable sites for a primary and repair septic fields are located on the road side of the property away from the lake.

In considering this request, it is important to note that the NC general statues have changed slightly regarding the criteria for granting a variance. See the last page of this packet for the revised criteria.

STAINBACK, SATTERWHITE & ZOLICOFFER, PLLC

Attorneys at Law

115 NORTH GARNETT STREET

P.O. BOX 1820

HENDERSON, NORTH CAROLINA 27536

PAUL J. STAINBACK
MICHAEL E. SATTERWHITE
JOHN H. ZOLICOFFER, JR.

TELEPHONE
(252) 438-4136
TELECOPIER
(252) 438-6044

April 11, 2014

Mr. Jordan McMillen
Deputy County Manager
Director of Planning and Development
Vance County Planning &
Development Department
156 Church Street, Suite 003
Henderson, NC 27536

VIA: HAND DELIVERY

Re: Variance Application
Property: 325 Pine Trail, Henderson, NC 27537
1.303 acres as described in Deed recorded in Deed Book
1269, Page 476, Vance County Registry (the "Property")
Property Owner: Secret Sand, LLC ("Secret Sand")
Applicant: Secret Sand, LLC
Our File Number: 14-MS-216

Dear Jordan:

Please be advised that I represent the interest of Secret Sand, the Property Owner and Applicant for a Variance pursuant to Section 8 – Variances of the Vance County Zoning Ordinance (the "Ordinance"). In connection therewith I have enclosed the following, to wit;

1. Variance Application as executed by Glenn Allen Boyd, Jr. as Member/Manager of Secret Sand as Property Owner and Applicant.
2. Metes and Bounds Description of the Property; and
3. Copy of the Deed to Secret Sand as appears in Book 1269, Page 476, Vance County Registry; and
4. Copy of Plat entitled "Recombination Survey for Secret Sand, LLC: Owner- Jerry Wayne Puckett and Ellen Faulkner Puckett" as prepared by Cawthorne & Associates, RLS, PA, dated September 23, 2013, as appears in Plat Book "Y," Page 342, Vance County Registry (the "Property"); and

Mr. Jordan McMillen
April 11, 2014
Page Two

5. Copy of Site Plan entitled "Proposed Boyd Residence" dated April 9, 2014 as prepared by William G. Daniel & Associates, P.A.; and
6. Copy of unrecorded Plat entitled "Recombination Survey for Secret Sand, LLC: Owner- Jerry Wayne Puckett and Ellen Faulkner Puckett" as prepared by Cawthorne & Associates, RLS, PA, dated September 23, 2012, as last revised March 4, 2014 **[NOTE:** the Plat was revised to locate the house on the property of David W. Caudle et ux Book 700, Page 145, Vance County Registry which property adjoins the Property on the northwest and the house on the property of Robert K. Wiard et ux Book 605, Page 342 and Book 605, Page 348, Vance County Registry which property adjoins the Property on the southeast.
7. Affidavit[s] of David W. Caudle and Robert K. Wiard et ux, the adjoining property owners consenting to the granting of the variance; and
8. Check made payable to the Vance County Planning Department in the amount of \$250.00 representing the Application Fee.

As per your request, I have included eleven (11) copies of items 2 through 8 above, inclusive

Please acknowledge that the Variance Application is complete and that the hearing of the same has been scheduled for Thursday, May 8, 2014 at 4:00 p.m. You can send the acknowledgment to me via e-mail at msatter@sszlaw.net.

Should you have questions about this letter or the enclosures, please feel free to contact me.

Thanking you in advance for your assistance in this matter, I remain

Sincerely,

STAINBACK, SATTERWHITE &
ZOLLICOFFER, PLLC

Michael E. Satterwhite

MES/atm
Enclosures



Vance COUNTY

NORTH CAROLINA

Variance Application

Vance County Planning & Development Department

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

For Administrative Use Only:

| | |
|----------|------------|
| Case # | 20140508-1 |
| Fee Paid | ck \$250 |
| BOA Date | 5/8/2014 |

Property Owner Information

Property Owner: Secret Sand, LLC
Mailing Address: P.O. Box 911
City: Henderson State: NC Zip Code: 27536
Phone #: (252) 492 - 0008 Fax #: (252) 438 - 5121
E-mail Address: ryan@wstark.com

Applicant Information

Applicant: Secret Sand, LLC
Mailing Address: P.O. Box 911
City: Henderson State: NC Zip Code: 27536
Phone #: (252) 492 - 0008 Fax #: (252) 438 - 5121
E-mail Address: _____

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

Property Address: 325 Pine Trail, Henderson, NC 27537
Tax Map Number: 361C-4-1 PIN (parcel identification #): 0361C04001
Type of Petition: Variance
Existing Zoning: R-30
Acreage: 1.303 acres Road Frontage: 268.29 feet
Existing Use: Residential/Vacant Lot

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:*

See Schedule "A"

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:
- 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.)

See Schedule "B"

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

See Schedule "B"

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

See Schedule "B"



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.)

See Schedule "B"

- (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.)

See Schedule "B"

Property Owners Signature

SECRET SAND, LLC

By:

Please sign in blue or black ink

Glenn Allen Boyd, Jr., Member/Manager

Date April 9, 2014

Applicants' Signature

SECRET SAND, LLC

By:

Please sign in blue or black ink

Glenn Allen Boyd, Member/Manager

Date April 9, 2014

SCHEDULE "A"

Applicant is requesting that the Board of Adjustment (the "Board") grant a variance from the requirement of a twenty (20) foot side setback from the northwestern property line and permit Applicant to build a residential dwelling with attached garage ten (10) foot from the northwestern property line. Given the Property's unique configuration, topography and proximity to Kerr Lake, strict compliance with the requirement of a twenty (20) foot side setback will cause practical difficulties and unnecessary hardships for Applicant when building a residential dwelling with attached garage on the Property. Moreover, a variance to establish a ten (10) foot side setback along the northwestern Property Line will not violate the spirit of the Ordinance, the purpose of which is to promote the residential use and enjoyment of Kerr Lake. Finally, should the Board grant a variance, no public hardship will result, and in addition, Applicant will not be deprived of the practical use of its Property.

SCHEDULE "B"

1. (a) The unique configuration, topography, and proximity of the Property to Kerr Lake causes the Property Owner to face practical difficulties and unnecessary hardship in constructing a residential dwelling with attached garage on the Property. Moreover, strict compliance with the Ordinance will prevent the Property Owner from making reasonable use of its Property as the building area for the residential dwelling with attached garage is on a portion of the flagged shaped Property where the limited width of the Property makes it impossible to construct the residential dwelling with attached garage within the existing setbacks.

(b) There are three (3) unique circumstances associated with the Property: (i) the flagged shaped configuration of the Property; (ii) the topography of the Property; and (iii) the fact that the Property adjoins Kerr Lake. The residential dwelling with attached garage, to be in conformity with the location of the residential dwellings on the adjoining properties in regards to their proximity to Kerr Lake, needs to be constructed as set forth on the attached Site Plan. To do otherwise, will make the residential dwelling with attached garage out of conformity with the residential dwellings on the adjoining lots and the other residential dwellings in the neighborhood.

(c) The hardship, from which the Applicant seeks relief by the granting of the variance, is not the result of the Applicant's actions, but rather is the result of the unique circumstances related to the Applicant's Property as set forth in subparagraph (b) above.
2. The Applicant's request, if granted, will fulfill the general spirit of the Ordinance, which is to promote the enjoyment of the Property for residential use. When considering the flagged shaped configuration of the Property, the topography of the Property and the proximity of the Property to Kerr Lake, the requested variance represents the least possible deviation from the letter of the Ordinance necessary to allow the Applicant reasonable use of the Property. As shown by the Affidavit(s) of David W. Caudle and Robert K. Wiard et ux, if the variance is granted, it will not detract from the character of the neighborhood, but rather will enhance the character of the neighborhood.
3. If the Board denies the variance, there will be no benefit to the public, but rather the Applicant will be deprived of the reasonable use of its Property. Thus, a denial of the Application will result in the Applicant suffering unnecessary hardship, will deprive the Applicant of the reasonable use of its Property and will adversely affect the neighborhood in which the Applicant's Property is located.

METES AND BOUNDS DESCRIPTION
325 Pine Trail, Henderson,
Vance County, North Carolina 27537

Beginning at an existing concrete monument situate in the northern margin of the right of way of a 20 foot private right of way (Pine Trail), which existing concrete monument is also situate at the common southeastern corner of the property herein described with the southwestern corner of the property of Robert K. Wiard et ux (Book 605, Page 342 and Book 605, Page 348, Vance County Registry [Tie North 60 degrees 32' 07" West 102.31 feet from an existing iron pipe in the southeastern corner of the property of Robert K. Wiard et ux]), being the point and place of the beginning.

From said point and place of beginning proceed along the northern margin of the right of way of Pine Trail the following courses and distances: North 89 degrees 40' 25" West 81.56 feet to an existing iron pipe; North 72 degrees 25' 07" West 40.65 feet to an existing iron pipe; North 51 degrees 38' 49" West 45.32 feet to an existing iron pipe and North 34 degrees 53' 18" West 100.76 feet to an existing iron pipe; thence leave the northern margin of the right of way of Pine Trail and proceed along the common boundary of the property herein described with the property of David W. Caudle et ux (Book 730, Page 145, Vance County Registry) North 56 degrees 08' 11" East 254.34 feet to a broken existing concrete monument; thence proceed along the common boundary of the property herein described with the property of the United States of America (Buggs Island Reservoir [Kerr Lake]; Tract Map L-1149) South 08 degrees 26' 08" East 111.15 feet to an existing concrete monument; thence proceed along the common boundary of the property herein described with the property of Robert K. Wiard et ux (Book 605, Page 342 and Book 605, Page 348, Vance County Registry) the following courses and distances South 43 degrees 05' 43" West 150.91 feet to an existing iron pipe, South 15 degrees 15' 56" West 78.99 feet to an existing iron pipe and South 15 degrees 02' 11 West 54.26 feet to the point and place of the beginning containing 1.303 acres according to survey and plat entitled "Survey for Secret Sand, LLC Owner-Jerry Wayne Puckett and Ellen Faulkner Puckett" as prepared by Cawthorne & Associates, RLS, P.A., dated September 23, 2013 as appears in Plat Book "Y," Page 342, Vance County Registry.

1269
0476

BK 1269 PG 0476

This certifies that there are no delinquent ad valorem real estate taxes, which the Vance County Tax Collector is charged with collecting, that are a lien on

Pin Number: 0361C04001

This is not a certification that this Vance County Tax Department Pin Number matches this Deed description.

Matthew S. Morrow Date: 10-4-13
Vance County Tax Office

FILED Oct 04, 2013 03:48 pm
BOOK 01269
PAGE 0476 THRU 0477
INSTRUMENT # 04345
RECORDING \$26.00
EXCISE TAX \$700.00

FILED
VANCE
COUNTY NC
CAROLYN R. PECORA
REGISTER
OF DEEDS

KHC

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$700.00

Parcel Identifier No. Tax Map 361C Block 4 Lot 1 Verified by _____ County on the ____ day of _____, 20____
By: _____

Mail/Box to: Michael E. Satterwhite, P.O. Box 1820, Henderson, North Carolina 27536

This instrument was prepared by: STAINBACK, SATTERWHITE & ZOLLICOFFER, PLLC – Michael E. Satterwhite

Brief description for the Index: 325 Pine Trail, Henderson, North Carolina 27537

THIS DEED made this 4th day of October 2013 by and between

GRANTOR

JERRY WAYNE PUCKETT and wife,
ELLEN FAULKNER PUCKETT

GRANTEE

SECRET SAND, LLC
P.O. Box 911
Henderson, NC 27536

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of _____, Williamsboro Township, Vance County, North Carolina and more particularly described as follows:

That certain lot or parcel of land containing 1.303 acres according to survey and plat entitled "Recombination Survey for Secret Sand, LLC; Owner – Jerry Wayne Puckett and Ellen Faulkner Puckett" (the "Plat") as prepared by Cawthorne & Associates, RLS, PA, dated September 23, 2013, as appears in Plat Book "Y" Page 342 in the office of the Register of Deeds of Vance County (the "Property")

ALSO CONVEYED HERewith to the Grantee, its successors and assigns, is a perpetual, non-exclusive easement appurtenant of ingress, egress and regress (including the right to install utility lines) over and across an existing "farm road" (Pine Trail) from the Property to and from State Road 1329 (Thomas Road) as partially shown on the Plat and as more fully described in deed recorded in Book 866, Page 788, Vance County Registry. [13-MS-533T/K]

The property hereinabove described was acquired by Grantor by instrument recorded in Book 866 page 788

All or a portion of the property herein conveyed X includes or does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book "Y" page 342

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

- a. Existing rights of way for roadways and public utilities of record.
- b. Road Maintenance Agreement as appears in Book 975, Page 73, Vance County Registry.
- c. Building setbacks, easements, rights of way and all other matters as appear on plat recorded in Plat Book "Y" Page 342, Vance County Registry.
- d. Vance County ad valorem taxes for 2014 et seq. years.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

(Entity Name) JERRY WAYNE PUCKETT (SEAL)

By: _____
Print/Type Name & Title: Ellen Faulkner Puckett (SEAL)
ELLEN FAULKNER PUCKETT

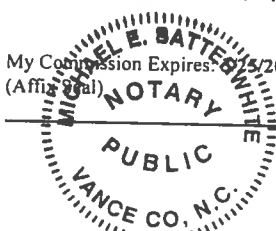
By: _____
Print/Type Name & Title: _____ (SEAL)
Print/Type Name: _____

By: _____
Print/Type Name & Title: _____ (SEAL)
Print/Type Name: _____

State of North Carolina - County or City of Vance

I, the undersigned Notary Public of the County or City of Vance and State aforesaid, certify JERRY WAYNE PUCKETT and wife, ELLEN FAULKNER PUCKETT, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 4th day of October 2013.

My Commission Expires: 10/15/2018
(Affix Seal)



MICHAEL E. SATTERWHITE
Notary's Printed or Typed Name

Y-342

Y-342



| COURSE | BEARING | DISTANCE |
|--------|-----------------|----------|
| L-1 | S 36° 08' 00" W | 150.15' |
| L-2 | S 55° 56' 42" W | 58.81' |
| L-3 | S 36° 05' 03" E | 85.60' |
| L-4 | N 08° 03' 14" W | 111.27' |

NOTE: LOTS 1, 2, & 3 ARE TO BE RECOMBINED

LOT 1 = 0.143 ACRE
D.B. 866, Pg. 788
TRACT 1
P.B. 1-1, Pg. 51

LOT 2 = 0.815 ACRE
D.B. 866, Pg. 788
TRACT 2

LOT 3 = 0.345 ACRE
D.B. 866, Pg. 788
TRACT 3

TOTAL = 1.303 ACRES

FILED Sep 30, 2013 04:40 pm
BOOK 00000
PAGE 0342
INSTRUMENT # 04271
VANCE COUNTY NC
REGISTERED SURVEYOR
CAROLYN R. RECORDS, REGISTER OF DEEDS

RECOMBINATION SURVEY FOR
SECRET SAND, LLC
OWNER - JERRY WAYNE PUCKETT
B ELLEN FAULKNER PUCKETT
WILLIAMSBORO TOWNSHIP
VANCE COUNTY, NORTH CAROLINA
SCALE 1" = 50'
FILE # 91-13-059-L
TAX MAP # 361C-4-1

CAWTHORNE & ASSOCIATES
Registered Land Surveyors, P.A.
License No.: C-0378
822 Dabney Drive
Henderson, North Carolina 27536
Phone # 252-492-0041 Fax # 252-492-2846



I certify that this survey is of a category, such as the recombination survey, or other exception to the definition of subdivision.

Robert C. Cawthorne, P.L.S.

I, **JOBAN ENCHULES**, Subdivision Administrator of Vance County, certify that this plat does not create a subdivision subject to the subdivision approval regulations of the Vance County Subdivision Ordinance, and that it meets all statutory requirements for recording.

Date 9/27/2013
Subdivision Administrator [Signature]

State of North Carolina
County of **VANCE**
I, **CHRIS ECKHART**, Register of Deeds, do hereby certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date 9/30/13
Register of Deeds [Signature]

To the best of my knowledge, this plat was prepared and recorded within 2000 feet of a Grid Monument.

NOTE: All distances are horizontal ground distances.

ALL OF THE FOLLOWING PROPERTY MARKERS ARE CONTROL CORNERS UNLESS OTHERWISE NOTED: IRB, NIS, NPI, EPI, EIS, EPH.

THIS SURVEY HAS BEEN PREPARED WITHOUT THE ASSISTANCE OF A PROFESSIONAL SURVEYOR AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

NOTE: Area computed by Coordinate Method

This plat is subject to all rights of way of record prior to the date of this plat.

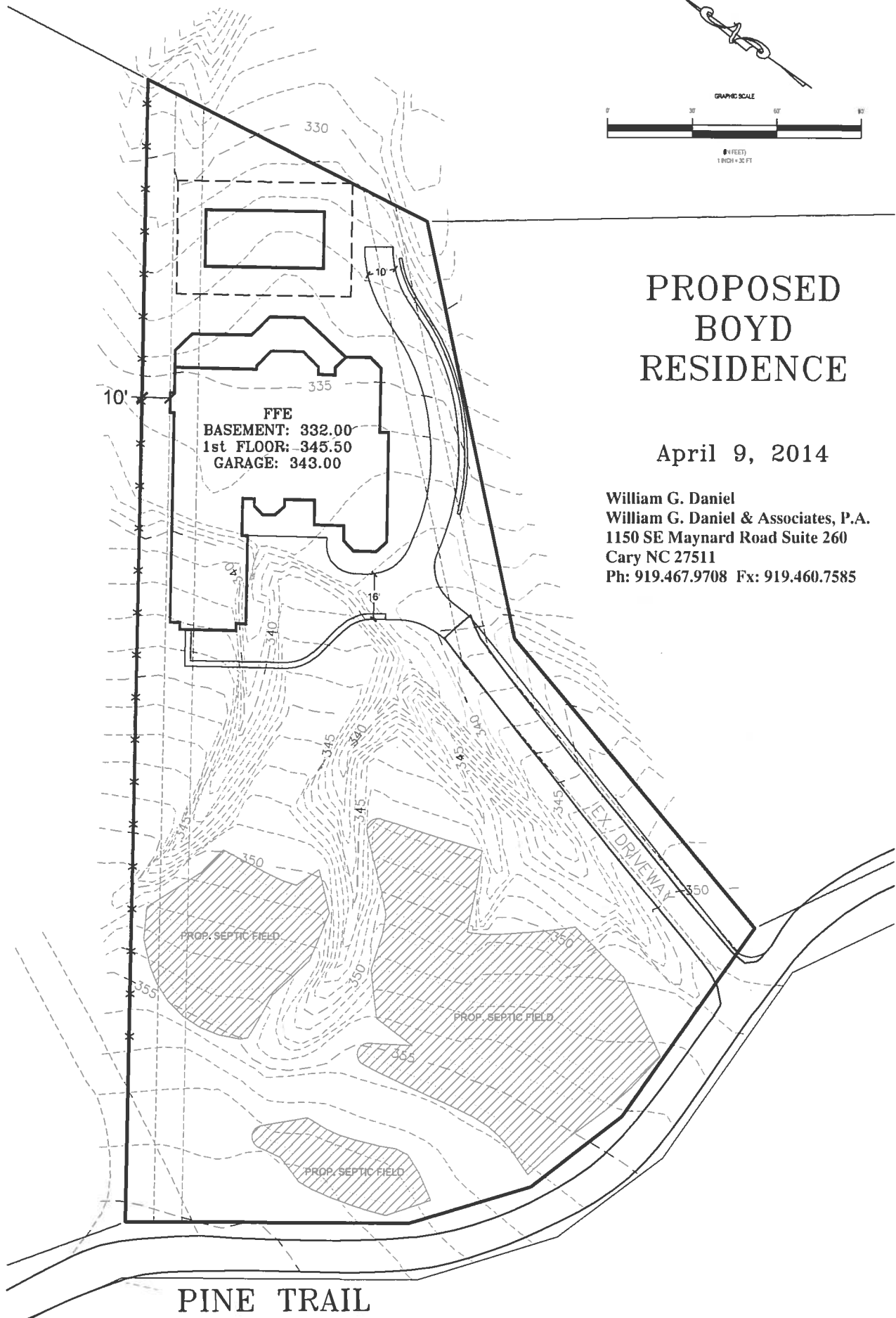
LEGEND

- EIP Existing Iron Pin Found
- EIP Existing Iron Pipe Found
- NIS New Iron Spike Found
- EPI Existing Iron Nail Found
- ENB Existing Rubber Band Found
- NWB New Rubber Set
- NIS New Railroad Spike Found
- ECM Existing Concrete Monument Found
- ML Existing Metal Nail Found
- CP Computed Point
- UL Unlocated Limit
- UP Utility Pole
- NWB New or Formerly
- NWB New or Formerly
- NWB Existing Nail Found



I, **ROBERT C. CAWTHORNE**, certify that this plat was prepared under my supervision from an actual field survey made under my supervision from deeds referenced on the survey. The survey is clearly indicated on the face of the plat; that the ratio of preparation of the plat is as shown on the face of the plat; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature and registration seal on this day of **SEPTEMBER**, 2013.

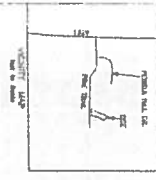
[Signature]
Robert C. Cawthorne, P.L.S. L-3061



April 9, 2014

William G. Daniel
William G. Daniel & Associates, P.A.
1150 SE Maynard Road Suite 260
Cary NC 27511
Ph: 919.467.9708 Fx: 919.460.7585

PINE TRAIL



INSET MAP
STATE OF NORTH CAROLINA

1. The north arrow is located in the upper right corner of the map.

2. The scale bar is located in the upper left corner of the map.

3. The survey has been prepared without the benefit of a title survey and does not constitute a title opinion.

4. The survey has been prepared without the benefit of a title survey and does not constitute a title opinion.

5. The survey has been prepared without the benefit of a title survey and does not constitute a title opinion.

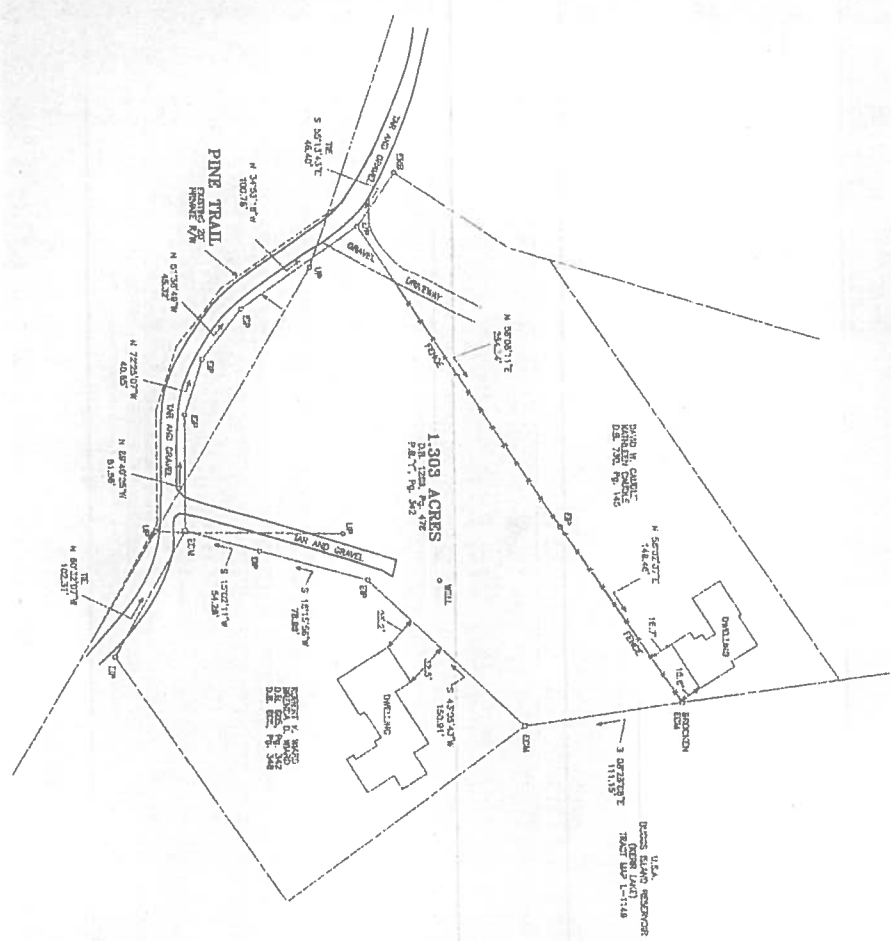
6. The survey has been prepared without the benefit of a title survey and does not constitute a title opinion.

7. The survey has been prepared without the benefit of a title survey and does not constitute a title opinion.



SCALE BAR
0 100 200 FEET
0 1 2 MILES

8. The survey has been prepared without the benefit of a title survey and does not constitute a title opinion.



NORTH ARROW
NORTH RELATIVE TO P.S. No. 1, Pg. 250

RECORD 3-4-2014

SURVEY FOR
SECRET SAND, LLC

OWNER - SECRET SAND, LLC

WALSHESBORO TOWNSHIP

VANCE COUNTY, NORTH CAROLINA

SCALE 1" = 50'

DATE 01-13-05-L

TAX MAP # 361C-4-1

CAWTHORNE & ASSOCIATES
Registered Land Surveyors, P.A.

License No.: C-0378

822 Doboy Drive

Henderson, North Carolina 27536

Phone # 252-492-0041 Fax # 252-492-2846

PRELIMINARY

PROPOSAL

NOT FOR SALES,

CONVEYANCES OR

RECORDATION

every foot this survey is of a

can only be made if the survey

or change to existing tract.

Robert C. Cawthorne, P.L.L.C. L-3661

STATE OF NORTH CAROLINA

COUNTY OF VANCE

AFFIDAVIT

DAVID W. CAUDLE being first duly sworn deposes and says that:

1. I am a citizen and resident of Vance County, North Carolina residing at 319 Pine Trail, Henderson, Vance County, North Carolina 27537 (my "Property").

2. My Property shares a common boundary line with the Property of the Applicant for the variance, Secret Sand, LLC.

3. I have reviewed the Variance Application of Secret Sand, LLC specifically including Site Plan and the surveys attached thereto.

4. The Variance Application requests that the side setback requirement of twenty (20) feet adjoining Secret Sand, LLC's northwestern property line be reduced to ten (10) feet.

5. Neither my wife (who is not available to sign this Affidavit) nor I object to the granting of the variance as the "Proposed Boyd Residence" as shown on the Site Plan is in conformity with other houses in the neighborhood and in my opinion will not detract from the character of the neighborhood but rather will enhance the character of the neighborhood.

Further affiant saith not.

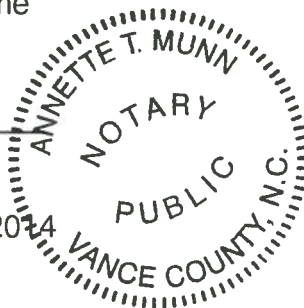
This 11th day of April, 2014.

 (SEAL)
DAVID W. CAUDLE

Sworn to and subscribed before me
this 11th day of April, 2014.


NOTARY PUBLIC

My Commission Expires: 10/05/2014



STATE OF NORTH CAROLINA

COUNTY OF VANCE

AFFIDAVIT

ROBERT K. WIARD and wife, BRENDA K. WIARD being first duly sworn depose and say that:

1. We are citizens and residents of Vance County, North Carolina residing at 365 Pine Trail, Henderson, Vance County, North Carolina 27537 (our "Property").

2. Our Property shares a common boundary line with the Property of the Applicant for the variance, Secret Sand, LLC.

3. We have reviewed the Variance Application of Secret Sand, LLC specifically including Site Plan and the surveys attached thereto.

4. The Variance Application requests that the side setback requirement of twenty (20) feet adjoining Secret Sand, LLC's northwestern property line be reduced to ten (10) feet.

5. We do not object to the granting of the variance as the "Proposed Boyd Residence" as shown on the Site Plan is in conformity with other houses in the neighborhood and in our opinion will not detract from the character of the neighborhood but rather will enhance the character of the neighborhood.

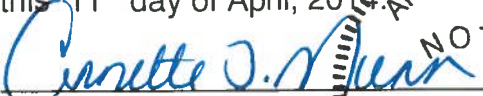
Further affiants saith not.

This 11th day of April, 2014.

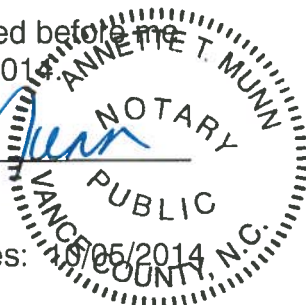
 (SEAL)
ROBERT K. WIARD

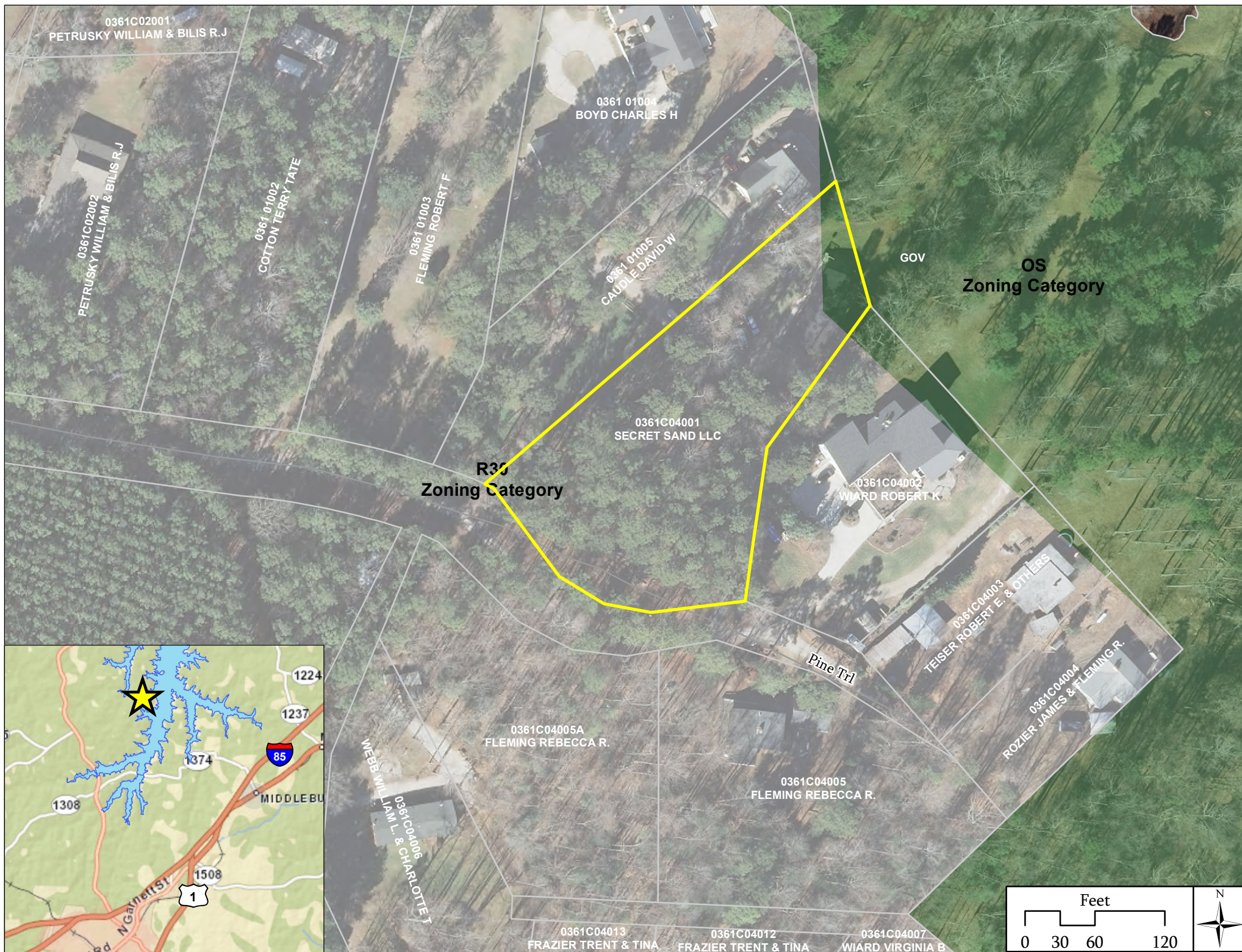
 (SEAL)
BRENDA K. WIARD

Sworn to and subscribed before me
this 11th day of April, 2014.


NOTARY PUBLIC

My Commission Expires:





Variance Check Sheet

A variance may be granted by the Board if evidence that is presented by the applicant persuades the Board to reach the following conclusions:

1. The unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the 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 results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

| | 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 did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

| | 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 requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

| | 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"/> | |