

**Planning and Development Department**

156 CHURCH STREET, HENDERSON, NC 27536

(252) 738-2080 / FAX 738-2089

Staff Report 02/11/2016**Owner:** Carver Investments**Applicant:** Dave Carver**Parcel ID:** 0579 01042**Location:** Buchanan Road (Heron Cove Subdivision)**Current Zoning:** (R-30) Residential Low Density**Public Hearing:** 02/11/2016**Prepared by:** Jordan McMillen & Amy Sandidge**Description of Variance Request:**

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. The property is located on a cul-de-sac and due to lot configurations the adjoining lots have well and septic locations that impact this site.

Exhibits as follows:**Exhibit 1.** Application**Exhibit 2.** Site plans and Health Department Permits**Exhibit 3.** Adjoining owners map, surrounding zoning and 2013 Aerial**Exhibit 4.** Variance check sheet**DRAFT Findings of Fact**

1. The property is owned by Carver Investments.
2. The request is for a variance from section 3.2.D4 of the zoning ordinance to allow a reduction in the setback requirements separating a well and a septic system from 100 feet to 50 feet for lot 5.
3. The lot consists of 0.69 acres according to plat Y-587.
4. The property is located west of Diane Lane and immediately north of Buchanan Road and is identified as tax parcel 0579 01042.
5. The lot is currently zoned R-30 (Residential Low Density) and is vacant.
6. The application requesting the variance was filed on January 15, 2016.
7. The adjoining property owners were notified on January 27, 2016.
8. The property was posted on January 29, 2016.

Staff Comments

The property is a lot of record (meaning an existing lot created prior to lot size standards) which would be allowed to be developed. The property was platted and recorded in 1998 (PB V-757) prior to zoning and then was refiled in PB Y-587 to reflect a change in the road name from Heron Cove to Still Water Lane. The applicant has requested reducing the well/septic separation from 100 to 50 feet and the Health Department has already approved this reduced distance. A variance will be required to use it with current regulations.



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 #	2016 0211-1
Fee Paid	\$250.00
BOA Date	02/11/2016

Property Owner Information

Property Owner: Carver Investments
Mailing Address: 3419 Cameron Drive
City: Henderson State: NC Zip Code: 27536
Phone #: (252) 432 - 7360 Fax #: () -
E-mail Address: _____

Applicant Information

Applicant: Dave Carver
Mailing Address: 3419 Cameron Drive
City: Henderson State: NC Zip Code: 27536
Phone #: (252) 432 - 7360 Fax #: () -
E-mail Address: _____

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

Property Address: Buchanan Road (see attached plats)
Tax Map Number: see attached PIN (parcel identification #): see attached
Type of Petition: Variance
Existing Zoning: R-30
Acreage: 30.000sf Road Frontage: 105.07 If on cul-du-sac
Existing Use: 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:*

Heron Cove is a subdivision that had the plat filed in 1998. The owners want to develop the lots now and are operating under current zoning and other rules. One of the lots does not conform to the current ordinance requiring 100' well setback from septic field. In 1998, the required Vance County setback was a minimum of 50'. The state will currently allow a 50' well setback if existing lot conditions mandate 50'. We need the variance for lot 5 in order to develop the lot with well and septic.

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. No change in permitted uses may be authorized by variance. Also, the Board may impose appropriate conditions on any variance, provided that the conditions are reasonably related to the variance.

Under the state enabling act, the Board shall vary ordinance provisions when unnecessary hardships would result from carrying out the strict letter of the ordinance. In order to determine whether a hardship is present the applicant shall provide an argument for the following items. In the following spaces, indicate the facts and the argument you plan to render, in order to convince the Board to properly determine that an unnecessary hardship exists from carrying out the strict letter of the ordinance.

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

- a. **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.** (It is not sufficient that failure to grant the variance simply makes the property less valuable.)

Without a variance, lot 5 cannot have well and septic and cannot be developed.

- b. **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.**

The lots were laid out and recorded in 1998 and the minimum lot size for lot 5 was 30,000square feet. The adjoining lots have well and septic locations that impact lot 5, requiring a variance for that lot.



Vance COUNTY

NORTH CAROLINA

Variance Application

Vance County Planning & Development Department

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

The property was platted and recorded in 1998 and the owner wants to build the entrance road as per the plat but he is required to operate under current ordinance rules and regulations that came into effect after 1998.

- d. 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.

Lot 3,4 and 5 shown on the plat have already been permitted by Vance County Environmental Health and comply with their rules for public safety and design criteria.

Property Owners Signature

Dave Carver
Please sign in blue or black ink

Date January 15, 2016

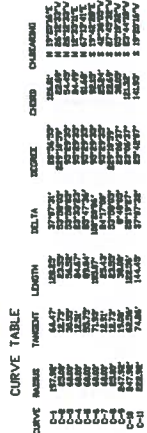
Applicants' Signature

Dave Carver
Please sign in blue or black ink

Date January 15, 2016

4.587

L85-h



Graphic scale - feet

0 80 160 240

THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS, AGREEMENTS AND RIGHTS-OF-WAY OF RECORD PRIOR TO THE DATE OF THIS SURVEY.

FILED Nov 16, 2015 04:20 pm
BOOK 0000Y
PAGE 0687
INSTRUMENT # 04217
FILED FOR RECORD - VANCE COUNTY NC
CAROLYN R. PECORA, REGISTER OF DEEDS

NOTE:
1. THIS PLAT WAS ORIGINALLY RECORDED IN PLAT BOOK "A"
PAGE 757 VANCE COUNTY REGISTRY.
2. REVISED NOVEMBER 2, 2015. PROPOSED ROAD NAME CHANGED
FROM HERIN DRIVE TO STILL WATER LANE. ACCESS EASEMENT
FROM WATER AVENUE TO BEAR FS LOT #1, 2.

1. JOHN LEE HAMME, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (CHECK DESIGNED THEREON) RECORDED IN BOOK 86, PAGE 84, OF THE P.S. OF P.M. 1904.
THE RATIO OF PRECISION AS CALCULATED IS 1/1000.
I HAVE PREPARED IN ACCORDANCE WITH U.S. 47-50 AS AMENDED, WITNESSES BY
J. Lee Hamm ORIGINAL SIGNATURE AND SEAL THEREON DAY OF _____ 1904

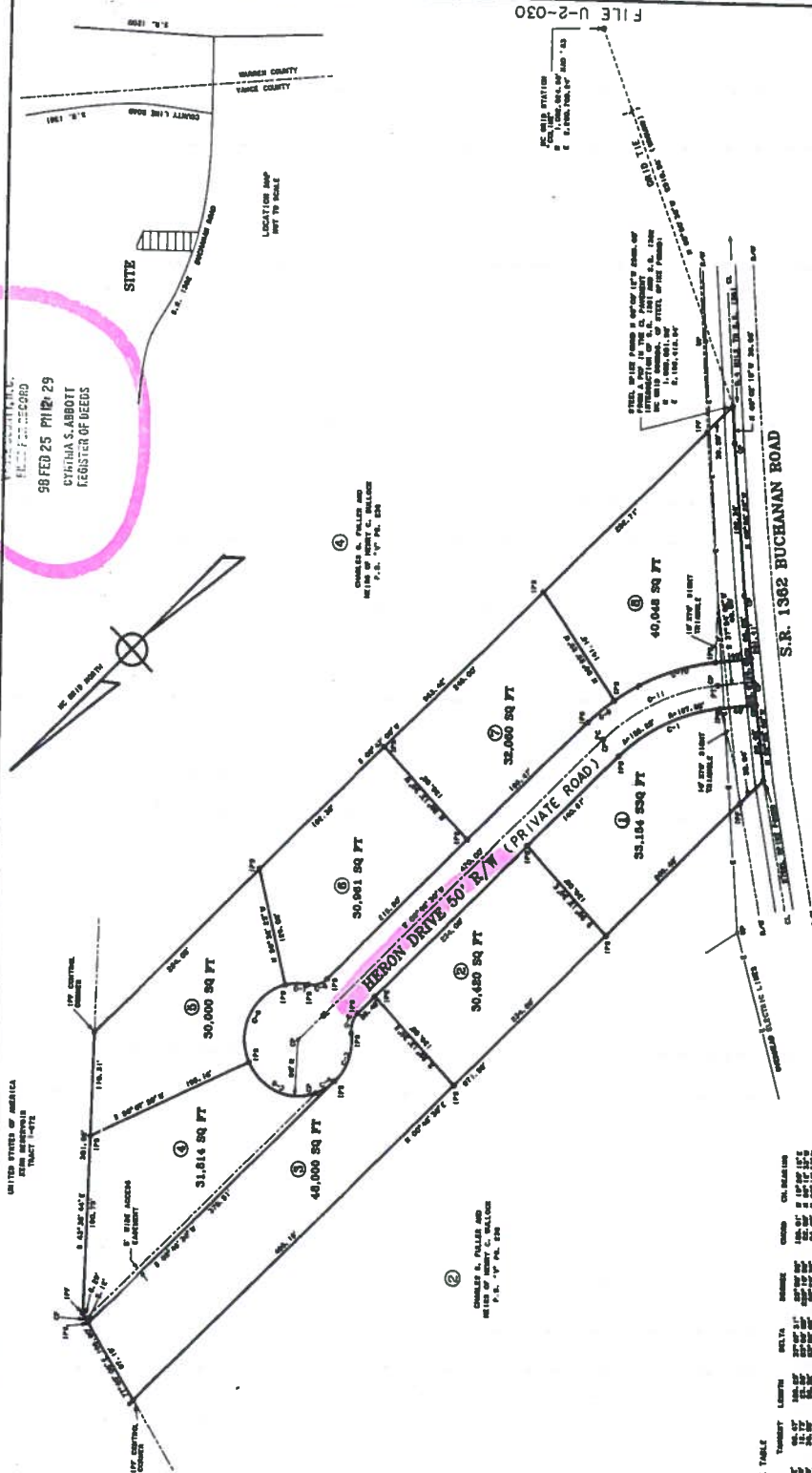
REVISOR NOVEMBER 4, 2015
REGISTRATION NUMBER L-1904

J. Lee Hamm
SURVIVOR

PROPERTY OWNED BY
CARVER INVESTMENTS, INC. CHOPLIN INVESTMENTS, INC.
AND SHARPE INVESTMENTS, INC., NORTH
CAROLINA BUSINESS CORPORATIONS
MIDDLEBURG TOWNSHIP
VANCE COUNTY, N.C. FILE U-2-030

7-10-68
BIRMINGHAM
VICTIMS OF RACIAL DISCRIMINATION

98 FEB 25 PM 12:29
CYNTHIA S. ABBOTT
REGISTER OF DEEDS

[illegible]

1. JAMES LEE HARRIS, CERTIFY THAT THIS PLAY WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (FIELD RECORD) THAT IT ACCORDS IN SUBSTANCE AND MEASUREMENT WITH THE RECORDS OF THE SURVEY. THE DATE OF PREPARATION IS CALCULATED AS 11-11-60. THAT THE PLAY IS PREPARED IN ACCORDANCE WITH U.S. 91-40 AS AMENDED, WITHIN MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL. THIS IS MY DAY OF 11-11-60.

REGISTRATION NUMBER 1-1000

JOHN LEE HAMME
CIVIL ENGINEER AND LAND SURVEYOR
151 BELLE STREET
HENDERSON, N. C. 27536
919-492-6870
PREPARED BY _____
DATE _____
SCALE _____
SHEET _____
FILE _____

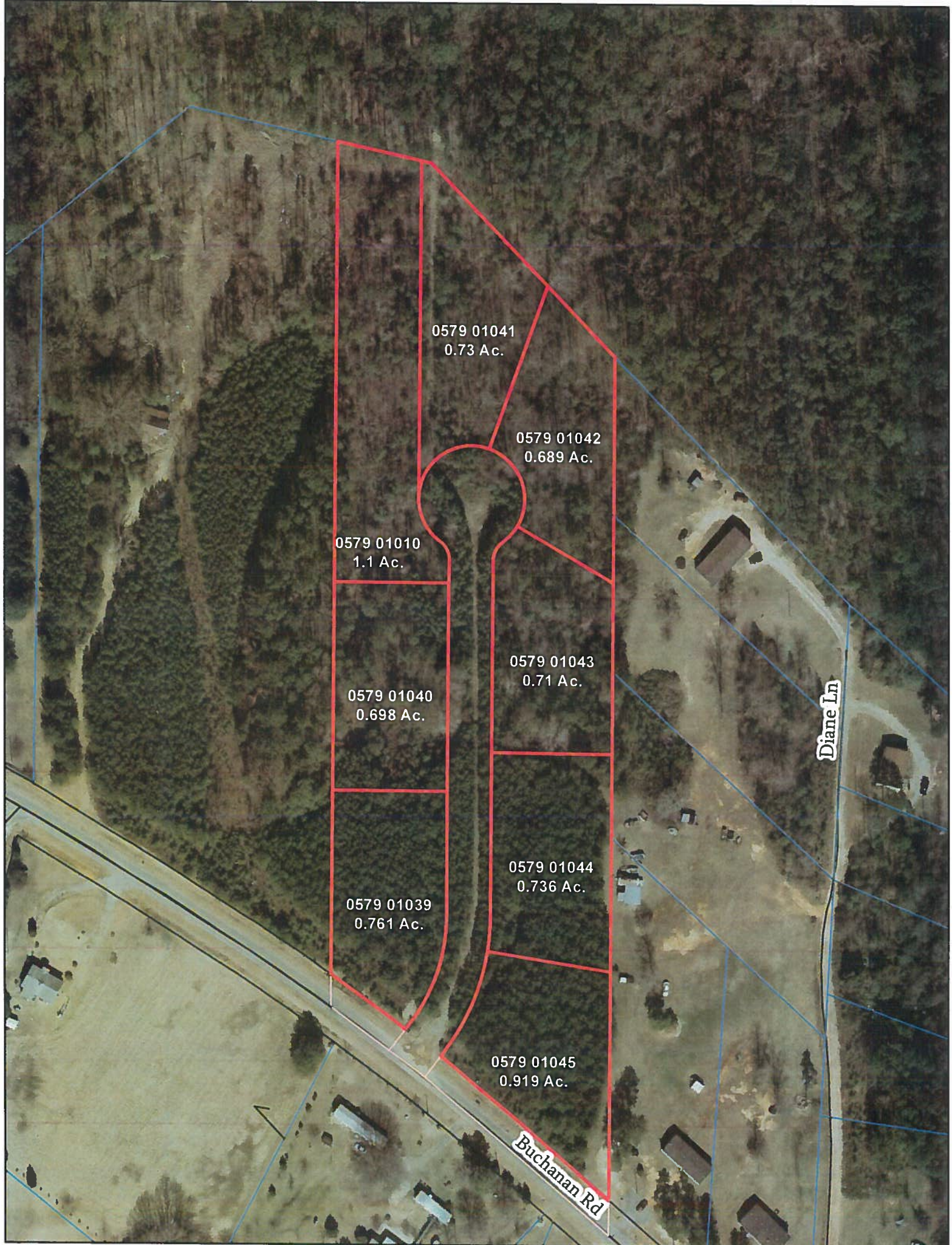
PROPERTY OWNED BY
CARVER INVESTMENTS, INC. CHOPLIN INVESTMENTS, INC.
AND SHARPE INVESTMENTS, INC., NORTH
CAROLINA BUSINESS CORPORATIONS
MIDDLEBURG TOWNSHIP
VANCE COUNTY, N. C. FILE U-2-030

01117

THE PROPERTY ABOVE NAMED IS SUBJECT TO ALL
LIABILITIES, ENCUMBRANCES AND CLAIMS OF ANY
KIND, AND THE BUYER ACCEPTS THE PROPERTY
SECOND PRIOR TO THE DATE OF THIS SURVEY.

I, JOHN LOE NISSE, REGISTERED LAND SURVEYOR CERTIFY THAT
THIS PLAN IS OF A SURVEY THAT IS LOCATED IN SUCH PORTION
OF THE PUBLIC LANDS AS TO BE ASSUMED AS TO AN
EXISTING SURVEY OF THE PUBLIC LANDS.

JOHN LOE NISSE, R.S. L-1000



0579 01041
0.73 Ac.

0579 01042
0.689 Ac.

0579 01010
1.1 Ac.

0579 01040
0.698 Ac.

0579 01043
0.71 Ac.

0579 01039
0.761 Ac.

0579 01044
0.736 Ac.

0579 01045
0.919 Ac.

Diane Ln

Buchanan Rd

PERMIT NUMBER 8339

GRANVILLE-VANCE DISTRICT HEALTH DEPARTMENT IMPROVEMENT AND OPERATION PERMITS

COUNTY:	TAX NO. <u>057901042</u>	TYPE OF ESTABLISHMENTS			*THIS PERMIT SHALL BE ACCOMPANIED BY A LAYOUT SHOWN ON A PLAT, INCLUDING SYSTEM REQUIREMENTS.
<u>Vance</u>	SR. NO.	RESIDENCE <input checked="" type="checkbox"/> BUSINESS <input type="checkbox"/> OTHER <input type="checkbox"/>	NUMBER OF BEDROOMS: <u>3</u>	NUMBER OF OCCUPANTS: <u>3</u>	
OWNER: <u>Carver Investments, Inc.</u>		WATER SUPPLY <u>Private</u>	WELL <input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/>	OTHER <input type="checkbox"/>	
APPLICANT'S ADDRESS:		TYPE OF WASTEWATER SYSTEM	INITIAL INSTALLATION	REPAIR	
PROPERTY ADDRESS/LOCATION:		DESIGN FLOW:	<u>360 GPD</u>		*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:	<u>360 GPD / ft²</u>		
LOT NUMBER: <u>5</u>		ABSORPTION AREA:	<u>1260 ft²</u>		
REFERENCE SKETCH (SEE PLAT FOR DETAILS)		TRENCH WIDTH:	<u>3'</u>		
<u>- Serial Distribution</u> <u>- Pump to big, 8 hole</u> <u>'d' Box - turn supply</u> <u>in down + put 90°</u> <u>elbow on it.</u>		TRENCH DEPTH:	<u>20"</u>		PERMIT VALID FOR: 5 YEARS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
		TRENCH SPACING:	<u>9' on center</u>		
		TOTAL TRENCH LENGTH:	<u>315'</u>		
		NUMBER OF TRENCHES:	<u>1 serial distribution</u>		
		GRAVEL DEPTH:	<u>accepted</u>		NO EXPIRATION YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
		TANK SIZE:	<u>1000 Gallon</u>		
		PUMP TANK SIZE:	<u>1000 Gallon</u>		
		DISTRIBUTION DEVICE:	<u>'D' Box</u> <u>"Digbox"</u>		

IMPROVEMENT PERMIT

DATE: 12/15/15

FOR: Carver Investments
ISSUED BY: CH. HLO

CONSTRUCTION AUTHORIZATION FOR IMPROVEMENT PERMIT# 8339

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: Vance 4x Central Box. Install according to detail plan

Date: 12/15/15 Environmental Health Specialist: CH. HLO

Construction Authorization Addendum ☒ Yes ☐ No

OPERATION PERMIT

DATE:

SYSTEM INSTALLED BY:

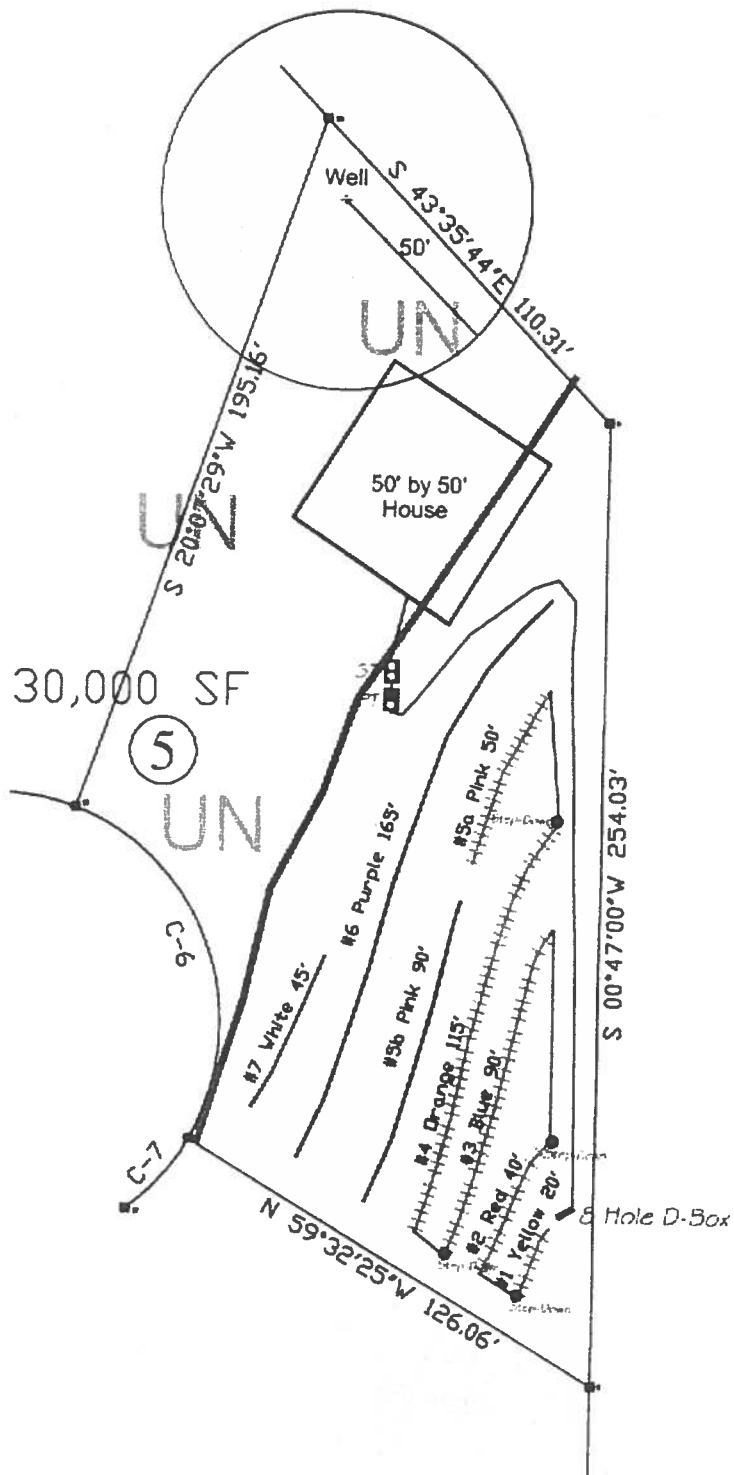
ISSUED BY:

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

Heron Point
 Lot # 5
 3-Bedroom Septic System Layout
 December 2015

System: +++++
 Repair: ———

- Keep Tanks and Drain Lines 10' from property lines.
- Not a Survey
- Not a guarantee of a septic permit.
- Keep supply lines >5' from property lines.



System: Pump to Serial
 Lines: 1-5a, (315')
 0.3 Soil LTAR
 20' Trench Bottom
 Accepted Status System

Repair: Pump to Serial
 Lines: 1-5b-7 (300')
 0.3 Soil LTAR
 20' Trench Bottom
 Accepted Status System

GRAPHIC SCALE
 1" = 50'

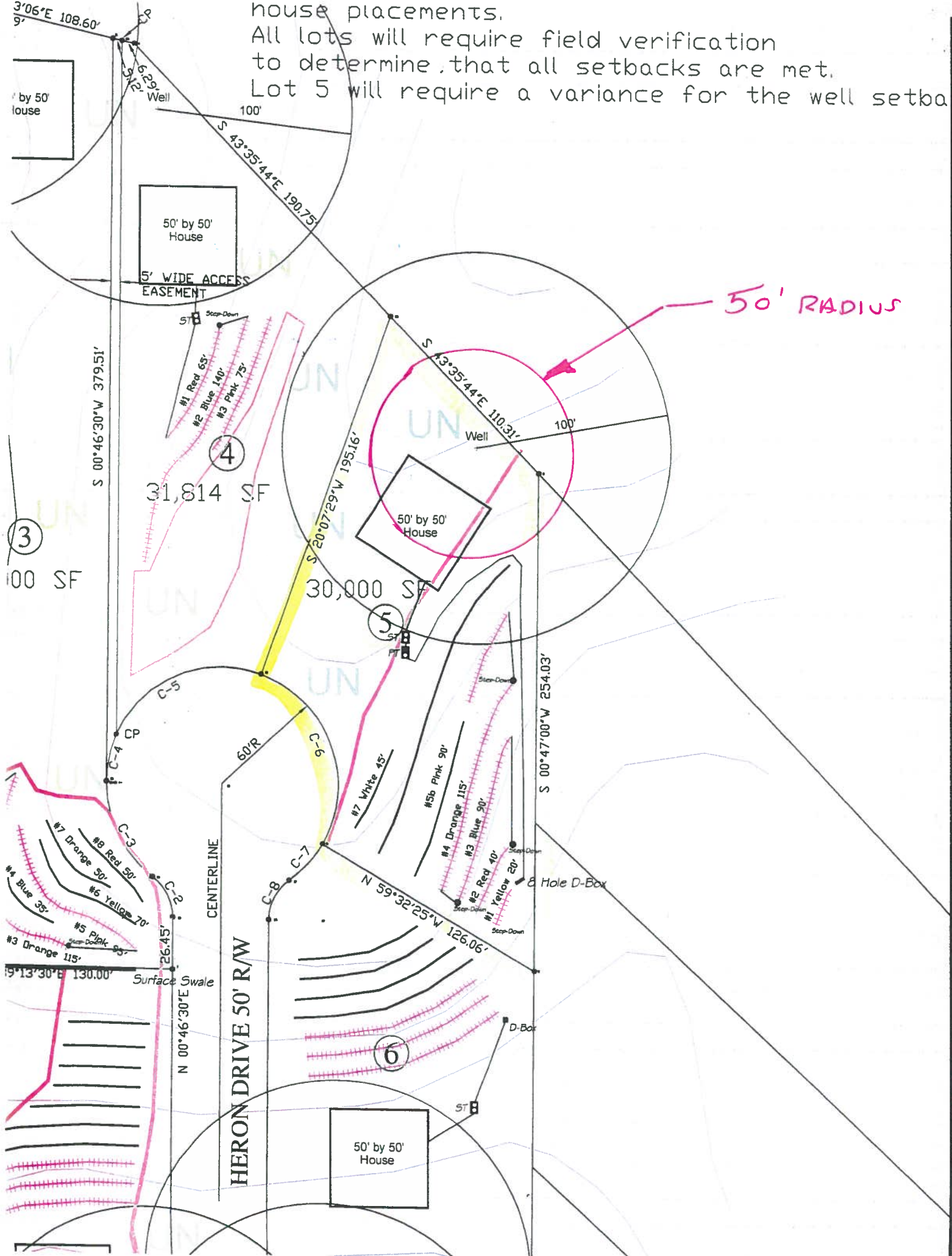


Central Carolina
 Soil Consulting
 919-569-6704
 Project # 1817

house placements.

All lots will require field verification
to determine that all setbacks are met.

Lot 5 will require a variance for the well setback.



Preliminary Soils Evaluation & Septic layouts Heron Point Subdivision Vance County September 2015

Lots 1-2 & 6-8 did not have septic system field layouts, only paper layouts on the computer to illustrate possible septic, well & house placements. All lots will require field verification to determine that all setbacks are met. Lot 5 will require a variance for the well setback.

Lot 3

System: Pressure Manifold
Lines: 1-3, 5 (335')
0.3 Soil LTAR
24" Trench Bottom
Accepted Status System
Repair: T&J Panel Block
Lines: 4, 6-8 (205')
0.3 Soil LTAR
28" Trench Bottom
50% Reduction

Lot 4

System: Gravity to D-box
Lines: 3-4, (150')
0.4 Soil LTAR
18" Trench Bottom
Accepted Status System
Repair: Pressure Manifold
Lines: 1-2 (205')
0.4 Soil LTAR
12" Trench Bottom
Accepted Status System

Lot 5

System: Pressure Manifold
Lines: 5-6, (310')
0.3 Soil LTAR
20" Trench Bottom
Accepted Status System
Repair: Pressure Manifold
Lines: 1-4, 7 (310')
0.3 Soil LTAR
20" Trench Bottom
Accepted Status System

System: 
Repair: 

- Soils Evaluation
- Soil boundary was sketched in the field and soil borings gps field located to increase mapping accuracy
- Not a Survey
- Septic system setbacks listed below for new lots.
- 1) 10' from property lines.
- 2) 100' from wells for primary systems.
- 3) 100' from new wells for repair systems.
- 4) 50' from surface waters (streams, ponds, lakes).

- of the suitable soil areas can render areas unsuitable for future septic systems.
- See accompanying report for additional information.
- Base map acquired from Vance County GIS
- Due to Soil Variability, CCSC cannot guarantee that the areas shown as suitable will be permitted by the local Health Department.
- The preliminary (approximate) soil lines cannot be used as legal descriptions for purposes of a land transfer or legal documentation.
- Additional field work may be required for a septic permit (septic system field layout/design)

Central Carolina Soil Consulting
329 South White Street
Wake Forest, NC 27587
919-569-6704

Project # 1817

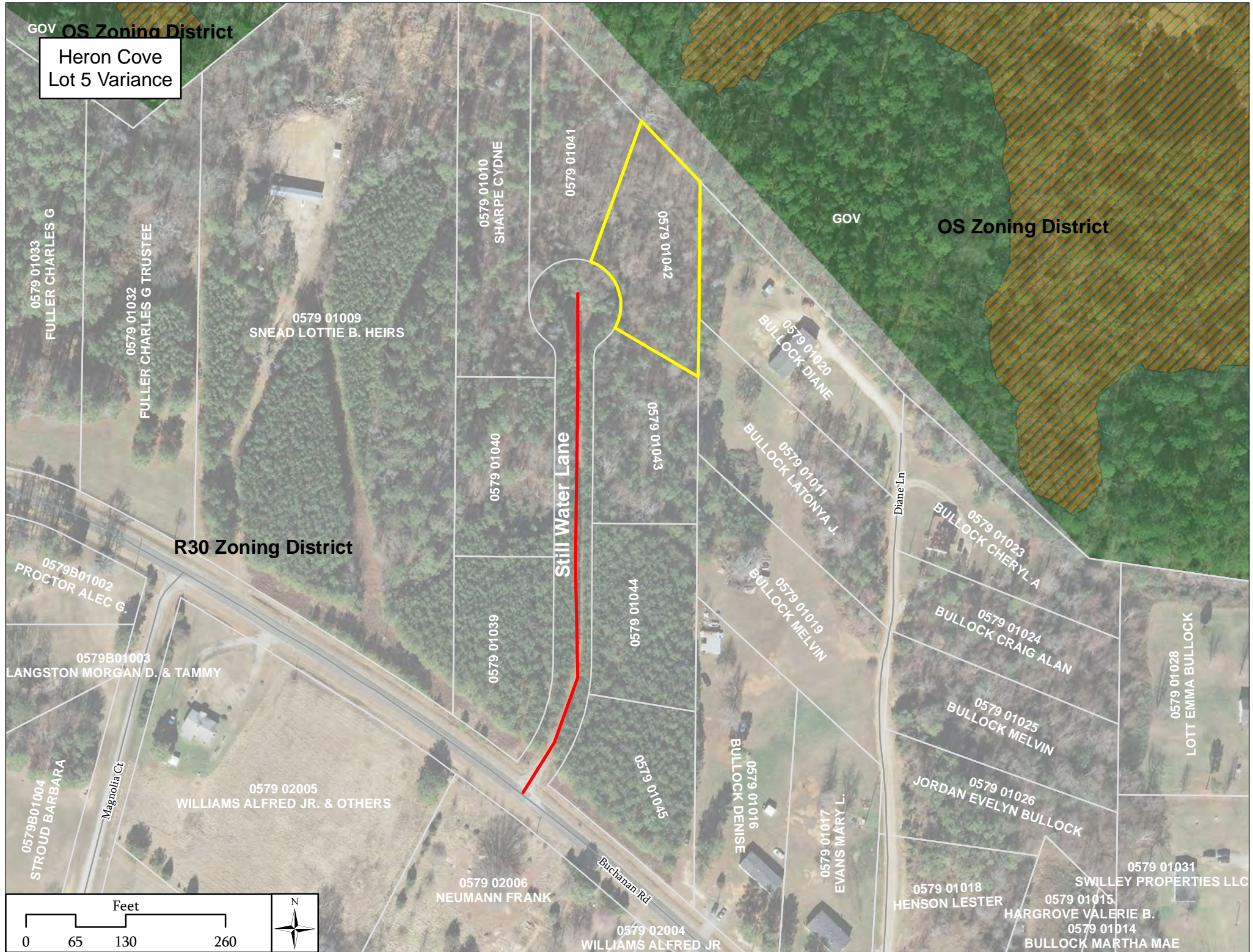
Buchanan Road
Vance County, NC

GRAPHIC SCALE
1" = 100'



GOV OS Zoning District

Heron Cove
Lot 5 Variance



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