



Staff Report 02/11/2016

Owner: Wayne & Amy Bouren

Applicant: Wayne & Amy Bouren

Parcel ID: 0354 01001A

Location: 208 Noel Lane

Current Zoning: (R-20) Residential Medium Density

Public Hearing: 01/12/17

Prepared by: 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.

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 Wayne and Amy Bouren.
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.
3. The lot consists of 0.94+/- acres according to plat V-88.
4. The property is located in Pool Rock Plantation and is identified as tax parcel 0354 01001A.
5. The lot is currently zoned R-20 (Residential Medium Density) and is vacant.
6. The application requesting the variance was filed on December 21, 2016.
7. The adjoining property owners were notified on December 28, 2016.
8. The property was posted on December 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 1992 (PB V-88) prior to zoning. The applicant has requested reducing the well/septic separation from 100 to 50 feet and the Health Department has already approved this reduced distance. The topography of the land limits the location of the septic system to a specific portion of the lot. The Vance-Granville Health Department has reviewed this proposal and agrees that the property is limited by topography and 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 #	
Fee Paid	
BOA Date	

Property Owner Information

Property Owner: Wayne D.E. Bouren and wife, Amy L. Bouren
Mailing Address: 415 Parkside Place
City: Zebulon State: NC Zip Code: 27597
Phone #: (919) 427 - 7232 Fax #: () -
E-mail Address: wayneamybouren@gmail.com

Applicant Information

Applicant: Wayne D.E. Bouren
Mailing Address: 415 Parkside Place
City: Zebulon State: NC Zip Code: 27597
Phone #: (919) 427 - 7232 Fax #: () -
E-mail Address: sdasdf wayneamybouren@gmail.com

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

Property Address: 208 Noel Lane, Henderson, Vance County, North Carolina 27537 (the Lot)
Tax Map Number: 0354 01001A PIN (parcel identification #): 0354 01001A
Type of Petition: Variance/3.2(D)(4)(a)
Existing Zoning: R20
Acreage: 0.94 acre Road Frontage: 160+/- feet
Existing Use: Vacant Residential Building Lot

Deed Reference

- Metes and bounds description attached (See Exhibit "A")
- Site plan/sketch of proposal attached (see Exhibit "B" and Exhibit "B1")



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 "C"

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.)**

See Schedule "F"

- 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.**

See Schedule "F"



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.

See Schedule "F"

- 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.

See Schedule "F"

Property Owners Signature

Wayne D.E. Bouren

Date December 20, 2016

Please sign in blue or black ink
WAYNE D.E. BOUREN

Applicants' Signature

Wayne D.E. Bouren

Date December 20, 2016

Please sign in blue or black ink
WAYNE D.E. BOUREN

EXHIBIT "A"
(Page 1 of 3)

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: 334-1-1A
This is not a certification that this Vance County Tax Department Pin Number matches this Deed description.

Vance County Tax Office

Date: 10/24/16

FILED Oct 24, 2016 01:55 pm
BOOK 01316
PAGE 0925 THRU 0927
INSTRUMENT # 03713
RECORDING \$26.00
EXCISE TAX \$230.00

FILED
VANCE
COUNTY NC
CAROLYN R. PECORA
REGISTER
OF DEEDS KHC

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$230.00

Parcel Identifier No 0354 01001A 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: Lot C, Noel Lane, Plat Book "V" Page 88, Vance County Registry

THIS DEED made this 19th day of October 2016, by and between

GRANTOR	GRANTEE
<p>MARIETTA S. NOEL and husband, RICHARD J. NOEL 9 Barrington Drive Greensboro, NC 27408</p>	<p>WAYNE D.E. BOUREN and wife, AMY L. BOUREN 415 Parkside Place Zebulon, NC 27597</p>

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, parcel of land or condominium unit situated in the City of _____, Williamsboro Township, Vance County, North Carolina and more particularly described as follows:

BEING all of Lot "C" as shown on that certain plat made for Pool Rock Plantation, Inc. et al by Bobbitt Surveying, P.A. on March 31, 1992, and recorded at the Vance County Registry in Plat Book "V" at Page 88 (the "Plat"). Said Plat is hereby incorporated by reference herein and reference is hereby made to it for a more complete description. Said lot contains approximately .94 acres.

ALSO CONVEYED HERewith to the Grantee, their heirs, successors and assigns is a non-exclusive easement appurtenant of ingress, egress and regress (including the right to run utilities) over and across that certain 20-foot private access easement and Plantation Boulevard, a 60/50 foot right of way as shown on the Plat to and from State Road 1380. [16-MS-585T/K]

The property hereinabove described was acquired by Grantor by instrument recorded in Book 728 page 736 and Book 795 page 830

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

A map showing the above described property is recorded in Plat Book "V" Page 88.

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. Restrictive Covenants as appear in Book 646, Page 499, Book 646, Page 509, and Book 646, Page 518, Vance County Registry.
- c. Building setbacks, easements, rights of way and all other matters as appear on plat recorded in Plat Book "V" Page 88, Vance County Registry.
- d. Vance County ad valorem taxes for 2016 et seq. years.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

[SIGNATURE PAGE TO FOLLOW]

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

Marietta S. Noel (SEAL)
MARIETTA S. NOEL

Richard J. Noel (SEAL)
RICHARD J. NOEL

State of North Carolina - County of Guilford
I, the undersigned Notary Public of the County of Guilford and State aforesaid, certify that MARIETTA S. NOEL and husband, RICHARD J. NOEL, 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 20th day of October, 2016.

My Commission Expires: Aug 14, 2019
(Affix Seal)

Valencia Hill Notary Public
Notary's Printed or Typed Name


VALENCIA HILL
Notary Public
Guilford Co., North Carolina
My Commission Expires Aug. 14, 2019

EXHIBIT "C"

STATEMENT OF JUSTIFICATION

In preparation of constructing a residence on the Lot, I secured a Septic Permit (Permit 8586) [see Exhibit "D"] and Well Permit (Permit 1484) [see Exhibit "E"] from the Granville – Vance District Health Department and presented them to the Vance County Planning and Development Department (the "Planning Department") in support of my Application for a Building Permit. I was advised by the Planning Department that although it was permissible under the rules and regulations of the Granville – Vance District Health Department to have a well on the Lot located within 50 feet of the septic system (due to topography and the location of improvement on the adjoining lot), Section 3.2(D)(4)(a) of the Vance County Zoning Ordinance requires the well to be 100 feet from the septic system; thus, a Variance is necessary before the needed Building Permit is issued.

**GRANVILLE-VANCE DISTRICT HEALTH DEPARTMENT
IMPROVEMENT AND OPERATION PERMITS**

COUNTY: <i>Vance</i>	TAX NO.	TYPE OF ESTABLISHMENTS			*THIS PERMIT SHALL BE ACCOMPANIED BY A LAYOUT SHOWN ON A PLAT, INCLUDING SYSTEM REQUIREMENTS. *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. PERMIT VALID FOR: 5 YEARS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO NO EXPIRATION YES <input checked="" type="checkbox"/> <input type="checkbox"/> NO
	SR. NO.	RESIDENCE <input checked="" type="checkbox"/> BUSINESS <input type="checkbox"/> OTHER <input type="checkbox"/>	NUMBER OF BEDROOMS: <i>3</i>	NUMBER OF OCCUPANTS: <i>2</i>	
APPLICANT: <i>Wayne Bourne</i>	APPLICANT'S NAME & ADDRESS:	WATER SUPPLY <i>Private</i>	WELL <input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/>	OTHER <input type="checkbox"/>	
PROPERTY ADDRESS/LOCATION: <i>208 Noel Lane Henderson, AL 3537</i>	DESIGN FLOW:	TYPE OF WASTEWATER SYSTEM	INITIAL INSTALLATION <i>High</i>	REPAIR	
SUBDIVISION:	LTAR:	ABSORPTION AREA:	<i>360 gpd</i>		
LOT NUMBER: <i>C</i>		TRENCH WIDTH:	<i>1.3 gpd/ft²</i>		
REFERENCE SKETCH (SEE PLAT FOR DETAILS) 		TRENCH DEPTH:	<i>3'</i>		
		TRENCH SPACING:	<i>22"</i>		
		TOTAL TRENCH LENGTH:	<i>9' O.C.</i>		
		NUMBER OF TRENCHES:	<i>300'</i>		
		GRAVEL DEPTH:	<i>TBD</i>		
		TANK SIZE:	<i>Accepted</i>		
		PUMP TANK SIZE:	<i>1000 Gallon</i>		
	DISTRIBUTION DEVICE:	<i>1000 Gallon</i>			
		<i>Pressure Manifold</i>			

IMPROVEMENT PERMIT

DATE: *10/21/16*

FOR: *Wayne Bourne*
ISSUED BY: *Chi Hell*

CONSTRUCTION AUTHORIZATION FOR IMPROVEMENT PERMIT# 8586

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: *Layout to be designed after lot is cleared.*

Date: _____ Environmental Health Specialist: _____ Construction Authorization Addendum Yes No

OPERATION PERMIT

DATE: _____

SYSTEM INSTALLED BY: _____

ISSUED BY: _____

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

Well Construction Permit

Owner/Applicant: Wayne Baren
Address or Location of Property: 208 Noel Lane

Date: 12/1/16

Subdivision & Lot #: C Septic Permit #: 8586
Zoning Permit #: 16-1290 Environmental Health Specialist: CHL

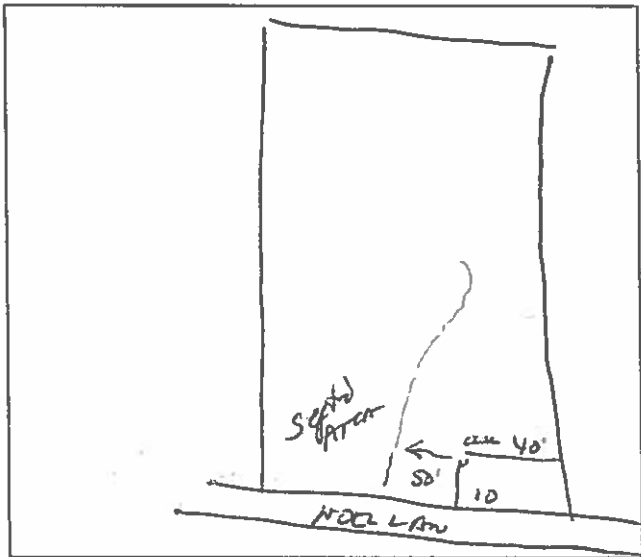
This well permit is to locate and site the area that a private groundwater well may be established on the property listed above by the Environmental Health Specialists of Granville County. If one does not locate the well in the approved area and complete the well as specified by the 15A NCAC .02C rules, 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:

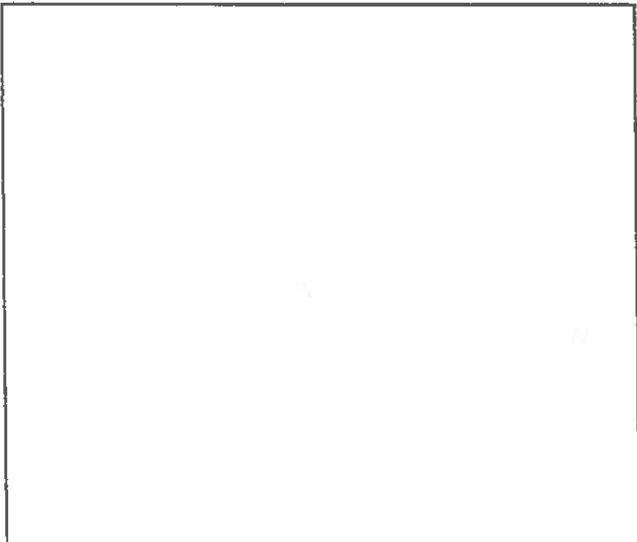
Conditions: Contact HO prior to drilling well. pre-construction conference possibly required



Authorized Agent: Ch. K. S. S. S.
Date: 12/1/16

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: _____

EXHIBIT "F"

FACTORS REVELANT TO THE ISSUANCE OF A VARIANCE

a. The Lot was purchased as a residential building lot in anticipation of building a second home adjoining the shore line of Kerr Lake; however, without the grant of the requested Variance the Lot will be "unbuildable."

b. The hardship results from conditions that are peculiar to the Lot as follows: (1) the topography of the Lot only allows for the septic system (and repair field) to be placed in one area and (2) setback requirements control the area in which the well can be located (see letter dated December 15, 2016 from Chris Hedrick, Environmental Health Specialist with the Granville-Vance District Health Department attached hereto as Exhibit "G").

c. The hardship did not result from actions taken by the Applicant/Property Owner, but rather due to the topography of the Lot and the setbacks and also the dimensions of the Lot (see Exhibit "G").

d. As noted in Exhibit "G": "The Property at 208 Noel Lane can meet the 50 feet rule requirement or a well and septic permit would not have been issued;" thus, as the requested Variance is only necessary to secure the Building Permit and will not result in a violation of the Rules and Regulations of the Granville - Vance District Health Department in regards to the construction and placement of the well and septic system (and repair area), the requested Variance is consistent with the spirit, purpose and intent of the Ordinance to protect the residential integrity of the Lot and surrounding lots and substantial justice would be achieved by granting the Variance.



Granville County Health
Dept.
101 Hunt Drive
Oxford, NC 27565
Phone: (919) 693-2141
Fax: 919-693-8517

Granville-Vance District Health Department

Lisa M. Harrison, Health Director
Post Office Box 367
Oxford, North Carolina 27565



Vance County Health
Dept.
115 Charles Rollins Road
Henderson, NC 27536
Phone: (252) 492-7915
Fax: (252) 492-4219

December 15, 2016

To Whom It May Concern:

In regards to the setbacks for Mr. Wayne Bouren's well for 208 Noel Lane, Henderson, NC, located in Vance county, the 100 feet from any septic system cannot be met for the following reasons.

- The topography of 208 Noel Lane only allows for the septic system to be placed in one area. This area also is designated for his repair field (required by NC General Statute)
- Setbacks from Kerr Lake Reservoir
- Setbacks from the neighbors well and septic system and repair area.

North Carolina General Statutes and Rules require a 100 feet setback from drinking water wells. However, due to lot size, planning considerations, adjacent improvements, exceptions are allowed which allow a reduction in setbacks from 100 feet down, but in no case less than 50 feet. The property at 208 Noel Lane can meet the 50 foot rule requirement or a well and septic permit would not have been issued. Environmental Health strives in all cases to maintain a 100 feet setback requirement, but there are times when it just cannot be maintained. Should you have any questions regarding this matter, feel free to contact me, Monday-Friday, 8:30-9:00 am at 252-492-5263

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Hedrick".

Chris Hedrick
Environmental Health Specialist
Granville Vance Public Health