

Chatham County Planning Department
P.O. Box 54
Pittsboro, NC 27312
Tel: (919) 542-8204
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Type of Review
☒ Sketch
☒ Preliminary
☐ Final

MAJOR SUBDIVISION APPLICATION

Name of Subdivision: Fern Creek Subdivision
Subdivision Applicant: _____ Subdivision Owner: _____

Name: David C. Johnson Name: David C. Johnson

Address: 240 Running Deer Trail Address: 240 Running Deer Trail

Pittsboro, NC 27312 Pittsboro, NC 27312

Phone: (W) 545-5625 Phone: (W) _____

Phone: (C) 619-1957 Fax: 545-0360 Phone: (H) _____ Fax: _____

E-Mail dcjsml@earthlink.net E-Mail _____

Township: New Hope Zoning: RA- P. I. N. # _____

Flood Map # 370299-00 Zone: X Parcel # _____

Watershed: WSIV-PA Existing Access Road: S.R. 1700

Total Acreage: 15 Total # of Lots: 4 Min. Lot Size: _____

Ph. I Acreage _____ Ph. I # of lots _____ Max. Lot Size: 8.

Ph. II Acreage _____ Ph. II # of lots _____ Avg. Lot Size: 5.1 overall

Ph. III Acreage _____ Ph. III # of lots _____

Type of new road: ☒ Private/ Length 3340' ☐ Public/ Length _____
from Sugar Lake to center of cul de sac

Road Surface:	Water System:	Sewer System:
<input type="checkbox"/> paved	<input checked="" type="checkbox"/> individual wells	<input checked="" type="checkbox"/> septic systems
<input checked="" type="checkbox"/> gravel	<input type="checkbox"/> community wells	<input type="checkbox"/> community system
	<input type="checkbox"/> public system	<input type="checkbox"/> public system
	name _____	name _____

List other facilities: commercial, recreation, etc., and the approximate acreage or square footage:

None

DCJ Date 2/21/05 DCJ Date 2/21/05
Signature of Applicant Signature of Owner

For Office Use Only:

Notes: _____

Approved by County Commissioners: Sketch
Preliminary
Final

Payment: Date _____ / _____ / _____ Amount: \$ _____

**The Law Office of
CYNTHIA SAX PERRY
179 Hillsboro Street
Post Office Box 147
Pittsboro, North Carolina 27312**

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Telephone: (919) 542-6262

June 13, 2005

Chatham County Planning Board
Pittsboro, North Carolina

Dear Planning Staff and Planning Board:

Please treat this letter as an application for a Variance for David C. Johnson, owner of various parcels being considered for Fern Creek Subdivision, off Running Deer Road, Pittsboro, North Carolina.

At the meeting of the Planning Board on June 7, 2005, the Board considered a Sketch Design request by Applicant for Fern Creek, a four lot subdivision off Running Deer Road, Pittsboro, North Carolina. The Planning Staff and Planning Board determined that in order for Mr. Johnson to be exempt from the requirement to improve the entire roadway known as Running Deer to County Road Standards, that he should file a Variance Request.

Under Section 6.4(B)(3) of the Subdivision Ordinance, specifies that a maximum of three lots are allowed along a 30' private easement that meets a public road; that a fourth lot may be added if the roadway is brought to County Private Road Standards; and that additional lots may be created and served by the easement, if it is sixty (60) feet in width and meets other standards required, unless a variance is granted. .

The Staff and Planning Board has reviewed the proposed Sketch Design for Fern Creek. Since a private road (leading to Fern Creek) may not connect to another private road (Running Deer), the entire length of the roadway leading to the terminus of Running Deer must be brought to County Road Standards, unless a variance is granted. The Applicant has agreed to bring that portion of Running Deer Road from Sugar Lake Road through and to his lots in Fern Creek to County Road Standards.

The Applicant is applying for a Variance from the requirement that the entire length of roadway constituting Running Deer be upgraded to County Road Standards. In accordance with Section 1.13 of the Chatham County Subdivision Ordinance, and in support of this application for variance, he shows the following:

1. There are special conditions and circumstances affecting this property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.

The applicant lives on Running Deer Road, a private roadway easement which serves three lots which are in the range of 6-8 acres. Applicant has purchased an additional tract of land, which is the subject of sketch design request before the Board, known as Fern Creek. Applicant will develop Fern Creek in lots averaging 5 acres. Applicant is not availing himself of the opportunity to average those lot with the three existing tracts on Running Deer Road. However, the Planning Staff has indicated that even though he is not using the three existing tracts on Running Deer Road for averaging purposes, that Applicant still must improve Running Deer to its terminus. It is the specific request of this Variance that the roadway leading to the Western portion of Running Deer should not be required to be upgraded at Applicant's expense. (See Sketch Enclosed). Applicant proposes to improve Running Deer to a County Standard Road from Sugar Lake Road through to the North to the four lots he is proposing in Fern Creek. Thus, Applicant is improving all commonly traveled portions of Running Deer Road, and the Western portion of the roadway should be exempted from upgrade.

At the Planning Board Meeting on June 7, 2005, the Davis family, one of the property owners on that Western portion of Running Deer which is that being sought under this exemption, said that they valued their privacy and would not want the private section of the roadway to their property improved to County Standards.

2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

The Applicant has indicated his willingness to make road improvements on that portion of the roadway commonly affected by the Fern Creek request. By requiring the Applicant to improve a portion of the roadway to the West of Fern Creek, which even his own neighbors do not wish to be improved, does not serve the purposes of the Ordinance. The roadway from Sugar Lake Road to Fern Creek will be in full compliance with the Subdivision Regulations. By granting the request for variance, the Board will preserve a substantial right of the

adjacent landowners, that of privacy for the affected neighbors at the end of Running Deer Road. The letter of the subdivision regulations will not be harmed, in that the newly created subdivision, Fern Creek, will be served by a full County Standard Roadway, at Applicant's considerable expense.

3. That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance.

The Applicant asserts that this situation is particular and peculiar to the design of both Fern Creek and Running Deer Road, and is not a general characteristic of the area.

4. That the granting the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated.

Applicant asserts that no detrimental impact to the public welfare, health or safety will occur, nor will it impair the other property in the area. Applicant asserts that the relief requested will instead bring relief to the members of the private roadway easement, by preserving their privacy, without placing any detriment on the public, residents off Running Deer Road or the future owners of Fern Creek Subdivision. The health and safety of the people using the roadway from Sugar Lake into either Fern Creek or the Western Terminus, will be preserved, because Applicant will be upgrading the commonly used roadway as it serves Fern Creek.

For the reasons itemized above, the Applicant hereby requests a variance to allow him to improve only that portion of Running Deer Road from Sugar Lake Road to the terminus of the proposed Fern Creek Subdivision to preserve the privacy of the lot owners sharing that private easement.

Thank you for the Board's consideration of this request.

Sincerely,

Cynthia Sax Perry

CP:b
Sketch of the area