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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 Geraldine Williams Pollard, owner of Parcel #7614, off Ryan Road, Pittsboro, North Carolina.

Ms. Pollard has been told by the Planning Staff that her lot may not be subdivided due to the fact that there are a maximum number of lots on this private gravel road at the current time. The private gravel road, Ryan Road, was created in 1977 as a result of the division of lands by the Copeland Family. Planning Staff has evaluated this road and the resulting lots, and has determined that since the road was created after 1975, that no further lots may be subdivided, in accordance with Section 6.4(B)(2) of the Subdivision Regulations.

The Applicant, Ms. Pollard, is applying for a Variance in accordance with Section 1.13 of the Chatham County Subdivision Regulations, and in support of this application, she 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/her land.

The special circumstances and conditions which pertain to this tract are peculiar to this tract of land, and do not exist generally in the district. Geraldine Williams Pollard received this tract, Lot G, by Deed (Book 403, Page 602) from her Aunt, Lillian Copeland Ausley. See Plat Slide 21-29, entitled Division of the Lands of Lillian Copeland Ausley.

Lillian Copeland Ausley received this property by Deed (Book 246, Page 647) from the various heirs of the Estates of Lee Copeland and Banah Johnson Copeland, both Chatham County landowners.

The Wills of Lee and Banah Johnson Copeland directed that the executor (Hulon D. Copeland) divide the 135.5 acre farm among the various children of the deceased. Such was done by the Deed at Book 246, Page 647, in which the Executor, joined by his siblings, deeded the 135.5 acre Copeland Family Farm to the Lillian Copeland Ausley. The Deed reads that Lillian Copeland Ausley, a widow, had paid to the Estate the sum of \$1600 as partial consideration for the purpose of paying the expenses and debts of the Estates of Lee and Banah Johnson, and that there was a further consideration. The property was deeded to Lillian Copeland Ausley in partial consideration of the fact that Lillian Copeland Ausley "had cared for and looked after the deceased parents during their declining years." Thus, Lillian Copeland Ausley, a child of Lee and Banah Copeland, and was deeded the farm in 1956 in consideration of her care for her parents, and in accordance with the Copelands' Wills.

In 1977 Lillian Copeland Ausley then divided the tract between eight Copeland heirs during her lifetime, thus carrying out the intention of the Wills of Lee and Banah Copeland. See Plat 21-19 for the eight tracts resulting from that division. This division, made in 1977, and gave each heir approximately 6.914 acres. The United States Government had begun condemnation proceedings for the Jordan Dam Project, and 80 acres of the Copeland Family Farm had been taken, leaving the 55 acres divided and shown on the Plat at 21-19.

The Applicant, Geraldine Williams Pollard, the daughter of Odis Copeland Williams, received her 6.91 acre tract of land in the division by Lillian Copeland Ausley in 1977. The Applicant's tract is Tract "G" on the Plat at 21-29.

Thereafter, several of the tracts shown on Plat 21-29 were divided. Some were divided between the children of the next generation of Copelands, and some were divided and sold by the Copeland Heirs to third parties.

Now, the result is that those original eight tracts along Ryan Road are now thirteen (13) lots. Lot A, originally 7.2 acres, is now three tracts of

2.35 acres, 3.16 acres, and 3.19 acres which were divided and sold to third parties by the 10 children of Gordon Copeland. Lot B, originally 6.914 acres and now reconfigured to 7.92 acres, was sold by Graham Copeland to the current owner Susan Hardy. Lot C, originally 6.914 acres, has been divided into two 3+ acre tracts owned by the heirs or successors of Marie Copeland Cotton. Lot D, was and remains 6.914 acres and was sold by the heirs of Jane Copeland to Carl Stanley. Lot E, originally 6.914 acres, has been divided into two 3+ acre tracts, as has been Lot F, by the heirs of Marshall Copeland and Hulon Copeland, respectively. Lot G is the tract in question, owned by the Applicant Ms. Pollard, containing 6.914 acres, originally and currently, The final tract, Lot H, is still owned by a Copeland Heir, William Mullins, who has built his house at the center of the lot at the terminus of Ryan Road.

The Board will note that four (4) tracts along Ryan Road, Lots B, D, G and H, are 6.91 or 7+ acres, and that nine (9) tracts are in the range of 2-3 acres.

Ms. Pollard's tract is one of those four tracts consisting of 6.91 acres. Having owned it since 1977, Ms. Pollard has never lived on the tract, but has lived in Durham. She is almost 60 years old and has never owned her own home. She is selling her Chatham County property in order to purchase a home in Durham with her daughter. She has been told that she would yield \$30,000 to \$40,000 more in sales proceeds from this land were it saleable in two tracts rather than one single 6.91 acre tract. The watershed district in which this parcel lies and the fact that it is an unzoned area, allows lot sizes of 1.5 acres, the County's minimum. The division of Ms. Pollard's tract, if allowed by variance by the Board, would result in two lots of twice the county minimum for this area.

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

The Applicant would be deprived of the market advantage which is or was enjoyed by her other Copeland relatives, and their successors in title, in that their tracts were divisible previously, but that the same is not available to her. This is a substantial property right of the petitioner, and is the only land owned by her in Chatham County, and the major source of funding for the home she hopes to purchase in Durham.

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.

Although there are three other parcels in this area with a similar background, there is no other request for division of those parcels at this time. One of the parcels, Lot H, has a homestead built in the center of the 6.914 acres, and it is unlikely that it could or would be before this Board for division.

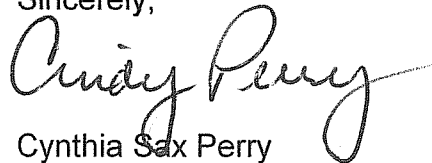
4. That granting the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the territory in which said property is situated.

Applicant asserts that the relief requested will place her on the same, equal footing with her neighbors. Since property in that watershed district could be subdivided into 1.5 acre lots, the resulting lot will be larger than the minimum required in this district. The parcel has received two approvals for septic and will not harm the public health, safety or welfare. The division of the other lots in the area, without allowing Applicant to divide hers, will be injurious to her, not to the balance of the properties along Ryan Road.

For the reasons itemized above, the Applicant hereby requests a variance to allow her to subdivide the lot known as Parcel #7614 into two parcels, one lying on each the West and East side of Ryan Road. The two parcels have been reviewed by the Chatham County Environmental Health Department and have received separate septic permits, which are attached hereto.

Further, attached is authorization from the Applicant that I am authorized to submit this application for Variance.

Sincerely,

A handwritten signature in black ink, appearing to read "Cynthia Sax Perry". The signature is fluid and cursive, with the first name "Cynthia" being the most prominent.

Cynthia Sax Perry

CP:b  
Enclosures as indicated  
Plus: Filing Fee \$100.00