



**CHATHAM COUNTY  
BOARD OF COMMISSIONERS  
AGENDA ABSTRACT**

**ITEM NUMBER:**  
**MEETING DATE:**  
7-18-05

**PART A**

**Subject:**

Request by Cynthia Sax Perry, Attorney, on behalf of Geraldine Williams Pollard for a variance from the Chatham County Subdivision Regulations, Section 6.4, Lots, B (2) Arrangement.

**Action Requested:** See Recommendations.

**Attachments:**

1. Subdivision variance request prepared by Cynthia Sax Perry, Attorney.
2. Copy of Plat Book 24, Page 26
3. ArcView map, parcel # 7615

**Submitted By:**

\_\_\_\_\_  
Keith Megginson, Planning Director

\_\_\_\_\_  
Date

**County Manager Review:**

\_\_\_\_\_  
Charlie Horne, County Manager

\_\_\_\_\_  
Date

**This abstract requires review by:**

☒ **County Attorney**

\_\_\_\_\_  
Date Reviewed

☒ **Finance Officer**

\_\_\_\_\_  
Date Reviewed

☐ **Budget Officer**

\_\_\_\_\_  
Date Reviewed

## PART B

**Re: Geraldine Williams Pollard**

### Introduction / Background / Previous Board Actions:

Zoning District:	Unzoned	Minimum lot size:	1.50 acres
Watershed District:	WSIV-CA	Setback from streams:	100 feet
Water source:	private wells	Within 100 year flood:	No

**Issues for Further Discussion and Analysis:** This variance request is to subdivide a 6.9-acre tract into two 3+-acre tracts. The subject property configuration was created in April 1977, as shown in Plat Book 24, Page 26 when 5+ acre size tracts were considered exempt and not subdivision lots. These lots were not created per a will or court action which can also be exempt. After that date, but prior to 1980 several of the 6.9 acre tracts were further divided into 3 + acre tracts. Also, at that time it was the interpretation of language in the Subdivision Regulations that the creation of one (1) subdivision lot was an exempt transaction; therefore, the creation of the 3+ acre tracts were not reviewed as subdivision lots. That interpretation was changed in 1980 at which time the creation of all lots 10 acres or less were considered subdivision lots and required review and approval by the Planning Department or Board of County Commissioners.

The main issues of concern at this time are the *existing physical access* to the 6.9-acre tract, the *number of lots currently being served* and *whether or not a legal easement and road maintenance agreement exists serving the existing tracts*. This access has not been reviewed or approved by Chatham County due to the reasons stated above.

During the Planning Board meeting, Cindy Perry, Attorney, stated that there is a road maintenance agreement, recorded in Book 645, Page 848, in 1994, and that it is signed by five (5) of the parties involved. The five signatures represent three (3) of the existing lots. The Planning Board expressed concern regarding getting additional lot owners to sign the road maintenance agreement and whether or not there was a legal easement document recorded. Mrs. Perry stated that there was not a separate legal easement document recorded but that in her opinion, the existing plat showing the original access easement, was sufficient. Road maintenance agreements are private documents, and are not enforced by Chatham County, but by the homeowners.

Per Thomas Boyce, Environmental Health Specialist, it appears there are adequate soils on the tract to accommodate two septic and repair sites.

The Planning Department did not make a recommendation on this issue to the Planning Board due to the lack of information about the road status. There are still concerns about there not being a legal document recorded establishing an easement on the road.

**Recommendation:** The Planning Board recommends granting the variance request with the following conditions:

1. A cul-de-sac be constructed on the Pollard property (Lot G) with an adequate

turn-around which has a roadbed with a radius not less than forty (40) feet. The radius of the right-of-way of the turn-around shall not be less than fifty-five (55) feet. The cul-de-sac shall be constructed at a minimum to an all weather travel surface.

2. The current land owner, Geraldine Williams Pollard, shall become a party to the existing road maintenance agreement by legal documentation to be recorded in the Office of the Chatham County Register of Deeds.
3. The subdivision of Lot G may be approved by staff as a minor subdivision after documentation, by a licensed surveyor / engineer, of the completion of the cul-de-sac.
4. All other requirements of a minor subdivision must be completed prior to approval of the minor subdivision by staff.
