

**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 David C. Johnson for a **variance from the Chatham County Subdivision Regulations, Section 6.4, Lots, (B), Arrangement, (3)** and for subdivision sketch design approval of **"Fern Creek Subdivision"**, consisting of 4 lots on approximately 15 acres, located off SR-1714, Sugar Lake Road.

Action Requested: See Recommendations.

- Attachments:**
1. Variance request prepared by Cynthia Sax Perry, Attorney.
 2. Major subdivision application.
 3. Arc View Map, parcel #'s 80855 and 80856
 4. Copy of sketch design staff notes, dated June 7, 2005
 5. Copy of a portion of the draft minutes from June 7th Planning Board meeting regarding discussion of Fern Creek Subdivision.

Submitted By:

Keith Megginson
Keith Megginson, Planning Director

7/13/05
Date

County Manager Review:

Charlie Horne
Charlie Horne, County Manager

7/13/05
Date

This abstract requires review by:

- County Attorney** _____
Date Reviewed
- Finance Officer** _____
Date Reviewed
- Budget Officer** _____
Date Reviewed

PART B

Re: Fern Creek

Introduction / Background / Previous Board Actions:

See attachments listed above for background information. The Planning Board discussed the access issues concerning the proposed subdivision at the June 7th Planning Board meeting and tabled the issue to give the applicant an opportunity to file a variance request.

Issues for Further Discussion and Analysis: The applicant is requesting a subdivision variance from Section 6.4 (B) (3) which states in part "Three (3) subdivision lots may be allowed provided that every lot has frontage on a perpetual easement not less than thirty (30) feet in width that meets a public road...If additional subdivision lots are to be created and served by the easement, it shall be sixty (60) in width and meet other standards required unless a variance is granted." Please refer to this section of the regulations for the entire language in this section.

Running Deer Trail is an existing 60-foot wide perpetual easement serving three (3) subdivision lots, parcels 67224, 67225, and 63518. This easement currently meets a public road, SR-1714. Mr. Johnson's request is to create four (4) additional subdivision lots to be served by a portion of this same easement and upgrade this portion to a county standard private road. The county standard private road would then continue through property currently owned by Mr. Johnson, parcel #67244, to serve the four (4) newly proposed lots. Mr. Johnson is requesting to not be required to upgrade the western portion of the existing easement to the county private road standards. Said easement is not needed to provide access to the Johnson land, but serves the following three referenced parcels. The initial sketch design request included - parcel #67224 of 8.37 acres, #67225 of 6.9 acres, and #67518 of 8.32 acres - in the lot size averaging for Fern Creek Subdivision. The applicant has stated that he plans to bring his proposed lot sizes to five (5) acres each; therefore, the other three parcels are not to be used in the lot average calculations for Fern Creek. With this change to the sketch design plan and the fact that the easement is not needed or used to access the Johnson subdivision, the variance request seems reasonable.

Recommendation: The Planning Department and Planning Board recommend granting the variance request and approval of the sketch design subdivision request with the following conditions:

1. The four lots in Fern Creek Subdivision meet the requirements of a county standard private road to have a five-acre average lot size without the benefit of lots currently being served by the western portion of the existing perpetual easement.
2. The preliminary and final plats shall have a cul-de-sac roadbed with a turn-around radius not less than forty (40) feet and a right-of-way radius of not less than fifty-five (55) feet.
3. A road maintenance agreement conforming to Section 6.2 C (2) of the Subdivision Ordinance shall be submitted for review prior to submittal of the final subdivision plat.

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

Facsimile: (919) 869-1583

Telephone: (919) 542-6262

March 13, 2006

Mr. Keith Megginson
Planning Director

Mrs. Lynn W. Richardson
Land Use Administrator

Re: David C. Johnson: FERN CREEK SUBDIVISION

Dear Mr. Megginson and Mrs. Richardson:

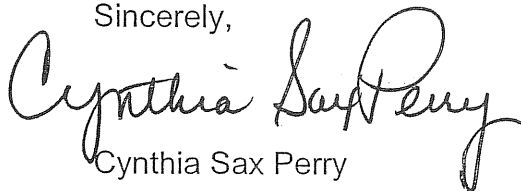
This letter will serve as an additional explanation to our submittal of today for Sketch and Preliminary approval for Fern Creek Subdivision.

As we discussed in your office last week and today, Fern Creek Subdivision submitted in May of 2005, and was approved for Sketch and for a Variance relating to the connectivity of the private roads serving this property. Unfortunately, the approval process for DENR took longer than anticipated, and now that Mr. Johnson has all approvals in place, the Sketch Design has expired.

Therefore, in our submittal for new Sketch and Preliminary for this subdivision, we are also requesting a variance from the Chatham County Subdivision Regulations, Section 6.4, Lots, (b) Arrangement, (3). Other than a change in the acreage (increase), this request is a mirror of that request granted in your letter to us of July 19, 2005.

Thank you.

Sincerely,


Cynthia Sax Perry