



Rowan County Planning and Development Department

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MEMORANDUM

TO: Chairman Edds and Rowan County Board of Commissioners
FROM: Aaron Poplin, Planner
DATE: February 8th, 2023
RE: **FSW 01-23**

SUGGESTED BOARD OF COMMISSIONERS ACTION

- ☐ Receive staff report ☐ Petitioner comments ☐ Receive Public Comment
☐ Approve / Deny / Table **FSW 01-23**

REQUEST AND BACKGROUND

Jeramy Goodman is requesting a family subdivision waiver to allow for a 4th new lot in the existing family subdivision off of Gheen Rd, further referenced as Rowan County Tax Parcel 305 096. Jason Goodman plans to receive a new lot from the property he joint owns with his father and brothers.

In 2021 James Goodman divided three tracts off of his approximate 100 acre property. Lot one was deeded to his son Jeffery Goodman, lot two was deeded to his son Jeramy Goodman, and lot three to himself. The 90 acre residual tract was placed in joint ownership of Jeramy, James, Jeffery, and Jason Goodman. Now Jason Goodman is looking to build a house on the property and needs his own lot.

Jeramy Goodman has indicated that they may come back to the Board for future waivers once other immediate family members come of age and get ready to build homes.

FAMILY SUBDIVISIONS

One of the reasons Rowan County adopted a Subdivision Ordinance was in response to maintenance issues often created by private roads, especially those providing access to a significant number of residences. Requirements specified new divisions could only be established on property containing sufficient public road frontage for both the new and residual lot and where new roads were constructed to meet NCDOT standards. In lieu of these options, the ordinance established a process where a property owner could convey parcels to their immediate family members for the purpose of establishing new residences.

WAIVER PROCESS

The family subdivision waiver process provides the BoC an option to consider relaxing one or more of the family subdivision requirements in a legislative process rather than quasi-judicial (variance through the Board of Adjustment) when undue hardship may result from strict compliance. Traditionally, the BoC have considered waivers for families seeking more than three (3) new lots, or conveyance to family members outside the “immediate family”. Requests are considered based on the below four (4) criteria with a simple majority needed to approve or deny.

STAFF REVIEW

In accordance with Section 22-54 of the Subdivision Ordinance, the BoC Should Consider the following (4) criteria and ensure the waiver “shall not be detrimental to the county and the area surrounding the subdivision”. Staff provides the following comments:

Nature of the proposed subdivision: The proposed subdivision is a family subdivision resulting in one (1) new parcel, for a total of five (5) parcels.

Existing use of the land in the vicinity: The surrounding land uses are residential and agricultural.

Number of persons to reside or work in the proposed subdivision: The five lots will be occupied by the Goodman family. Each lot will be deeded as follows:

Lot 1. Jeffery Goodman.

Lot 2. Jeramy Goodman.

Lot 3. James Goodman.

Lot 4. Jason Goodman.

Residual. James, Jason, Jeramy, and Jeffery Goodman.

Probable effect of the proposed subdivision upon traffic conditions in the vicinity: Traffic count information provided by NCDOT’s Comprehensive Transportation Plan (CTP) estimates a carrying capacity of 13,600 average vehicles per day. The most recent

traffic count estimates from 2016 tallied 660 average daily trips along that section of Gheen Road.

STAFF COMMENTS

This waiver process was established to give the BoC the ability to waive certain requirements of the family subdivision standards in special situations. The subdivision ordinance allows for up to three new lots to be conveyed in a family subdivision administratively, which generally addresses most circumstances in the county. Historically the BoC has only received a handful of requests for large families, but the waiver process give the BoC an opportunity to consider potential impacts and conditions of approval, if warranted.