



## Rowan County Planning and Development Department

402 North Main Street • Salisbury, N.C. 28144-4341

Planning: 704-216-8588

### MEMORANDUM

TO: Chairman Edds and Rowan County Board of Commissioners  
FROM: Aaron Poplin, Planner  
DATE: May 3<sup>rd</sup>, 2023  
RE: **FSW 02-23**

#### **SUGGESTED BOARD OF COMMISSIONERS ACTION**

- ☐ Receive staff report   ☐ Petitioner comments   ☐ Receive Public Comment  
☐ Approve / Deny / Table **FSW 02-23**

#### **REQUEST AND BACKGROUND**

Bradley Childers is requesting a family subdivision waiver to allow for a fourth new lot in the existing family subdivision off of Gray Barn Ln, further referenced as Rowan County Tax Parcel 248 222. Bradley Childers plans to receive a new lot from the property owned by his Stepfather.

This lot was created in 2001 when Robert Bostian divided his land and gave three lots to his sons, Robert, Windell, and Randy. Since this division three of the four lots have stayed inside the family. The lot that was sold outside the family does not access off of Grey Barn Ln.

#### **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: Each lot will be deeded as follows:

- Lot 1. Windell Bostian
- Lot 2. Robert K Bostian.
- Lot 3. Karry Bostian
- Lot 4. Hollie Henriksen.
- Lot 5. Bradley Childers

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 13,100 average vehicles per day for this section of Unity Church Rd. The most recent traffic count estimates from 2016 tallied 1600 average daily trips.

### **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.