



## 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: November 24<sup>th</sup>, 2020  
RE: **FSW 02-20**

#### SUGGESTED BOARD OF COMMISSIONERS ACTION

- ☐ Receive staff report   ☐ Petitioner comments   ☐ Receive Public Comment  
☐ Approve / Deny / Table **FSW 02-20**

#### REQUEST AND BACKGROUND

Randy Goode is requesting a family subdivision waiver to allow for a 6<sup>th</sup> lot in the existing family subdivision off of Deal Rd, further referenced as Rowan County Tax Parcel 240 092. Randy Goode plans to deed a new lot to his daughter Kimberly Goode. Randy Goode was deeded this lot back in 2018 after the Board of Commissioners approved the request FSW 01-18.

The previous family subdivision waiver request created 5 lots between Kimberly Nash and her siblings. Since the request was approved all lots have been deeded to the appropriate family member and two of the four undeveloped lots have been built on. When the original family subdivision waiver was requested the family did not intend to have Kimberly Goode move out there.

Kimberly's house flooded in February of 2020 and the family decided that it make more financial sense for her to move onto their lot. In order for the family to build a new house for her to move out there, they have to subdivide the lot. Since the subdivision of the lot creates a 6<sup>th</sup> lot in the existing family subdivision, it has to be approved through the family subdivision waiver process.

## **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 seven (7) 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 six lots will be occupied by Kimberly Nash and her siblings. Each lot will be deeded as follows:

Lot 1. Kimberly Goode

Lot 1 A. Randy Keith Goode.

Lot 2. Joy Goode Melton.

Lot 3. Sarah Goode Campbell.

Lot 4. Tim Allan Goode.

Lot 5. Kimberly Goode Nash.

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 2,300 average daily trips along that section of Deal 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.