

Perquimans County Planning Board

A G E N D A

(Corrected)

Regular Monthly Meeting
Tuesday, December 9, 2014 at 7:00 PM
Courthouse Annex Building

➤ **Call to Order/Prayer/Introduction/Welcome**

I. Approval of Agenda (additions, deletions or corrections)

II. Consent Agenda (*Consent items as follows may be adopted with a single motion, second and vote, unless a request for removal of an item or items is made from a Planning Board Member or Members.*)

- **Approval of Minutes of Previous Meetings:** September 10, 2013 Regular Meeting; September 18, 2013 Special Meeting; October 8, November 12 and December 19, 2013 Regular Meetings and February 11, March 11, April 8, May 1, September 9, and *October 14, 2014* Regular Meetings and November 18, 2014 Rescheduled Meeting

III. Business Item:

- A) **Consideration of Parent-to-Child Deed of Gift Case No. NZV-14-07** for a one-acre Parent-to-Child Subdivision lot proposed by Alma Riddick Woodard, Brenda Hamilton, William Hurdle, James Lowder, and Robert Nelson Overton, for their son/nephew/cousin, Edward Terrell Woodard. Property known as a portion of Tax Parcel No. 1-0017-0004, located on the south side of Bay Branch Road (SR 1213), approximately 100 feet west of Louis Spivey Road (SR 1214).
- B) **FY 2014-2015 Work Program** (*with addition of items discussed on June 10th and August 12th and adjustments to Timeline*)

IV. Other Items

- A) **Status Report on Previous Planning Board Recommendations** (*Board of Adjustment action on Zoning Variance Request for Soundview Drive*).
- B) **Preliminary discussion on proposed changes to Addressing Ordinance** (*and addition to current Work Program*).
- C) **Chair's signature on approved minutes, subdivisions, etc.**

➤ **Adjournment**

Perquimans County Planning & Zoning Staff Report
December 9, 2014: Agenda Item III-A

Consideration of Parent-to-Child Deed of Gift Case No. NZV-14-07 for a one-acre Parent-to-Child Subdivision lot proposed by Alma Riddick Woodard, Brenda Hamilton, William Hurdle, James Lowder, and Robert Nelson Overton, for their son/nephew/cousin, Edward Terrell Woodard. Property known as a portion of Tax Parcel No. 1-0017-0004, located on the south side of Bay Branch Road (SR 1213), approximately 100 feet west of Louis Spivey Road (SR 1214).

Introduction/Background: Ms. Alma Woodard, together with other extended family members, proposes the transfer of a one-acre gift deed to their son/nephew/cousin, under the provisions of Section 701E of the County's Subdivision Regulations. The proposed lot is a portion of a tract of land containing about 40 acres of land which Ms. Woodard's mother inherited together with her siblings. Approval of this proposed layout is requested by Ms. Woodard and her extended family members, and would allow immediate transfer of the proposed gift deed (see attached drawing). If approved by the Board of County Commissioners, Ms. Woodard's Family will need to complete the application process for the Gift of Property prior to recordation of a deed and survey.

The County's Zoning Ordinance, at Article VIII, Table of Uses, provides for the placement of "*Additional Dwelling (one for each 10 acres of land).*" However, without subdividing (or approval as a lot site within a manufactured home park), the subject property has reached its maximum number of single family dwelling units for a single tract of land.

The layout of the lot as proposed meets the minimum area, width and depth as required for all newly created lots in the RA, Rural Agriculture Zone. Therefore, if transferred to another family member or any third party, the lot as proposed would not require any public road or utility improvements as they are already in place. Ms. Woodard has met with County staff to discuss minimum design standards and the other required materials and information (see attached Checklist), which must be submitted prior to recordation of the survey, including the following:

- Copies of proposed Deed of Gift;
- Boundary Survey with Certification Statements, including Certificate of Ownership;
- Health Department approval for septic system;
- Review by Soil & Water Conservation District for potential recommendations on grading, drainage and erosion control.

Aside from minimum design standards which apply to all newly created lots, a proposed Deed of Gift lot, by definition or title, is interpreted by the Planning staff to require review and approval by the Planning Board and Board of County Commissioners if requested by family members other than parents or grandparents. This request is being brought before the Planning Board and Board of County Commissioners due to the family relationship which is Mother, Uncles and Aunts to Son/Nephew/Cousin.

Reference is made to Section 701E of the Subdivision Regulations (attached), which provides the conditions for the Deed of Gift process, and Section 206 which provides the findings for consideration by the Planning Board and Board of County Commissioners.

Suggested Motions – Recommendations – Actions: Section 206 of the Subdivision Regulations states that:

“The County Board of Commissioners may, on recommendation from the Planning Board, authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Planning Board shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the County Board of Commissioners finds (see Table of Findings – provided in the positive and negative tense – as follows):

SECTION 206 TABLE OF FINDINGS: Case No. NZV-14-06 (Parent-to-Child Deed of Gift)	
Motion to recommend approval finds:	Motion to recommend denial finds:
1) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.	1) That there are no special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.	2) That the variance is not necessary for the preservation and enjoyment of a substantial property right of the petitioner.
3) That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance.	3) That the circumstances giving rise to the need for the variance are not peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance.
4) That the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which said property is situated.	4) That the granting of the variance will be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which said property is situated.

Pursuant to Sections 206(a) through (d) and 701E of the Subdivision Regulations: In accordance with the above-noted findings, the Planning Board is requested to consider using one of the following scripts to form the desired motion for approval or denial of the Deed of Gift:

- **Considering Section 206 Findings and Section 701E exemption criteria, a Motion is hereby made to recommend approval** of proposed Case No. NZV-14-07, a Parent-to-Child Subdivision requested by Alma Riddick Woodard, Brenda Hamilton, William Hurdle, James Lowder, and Robert Nelson Overton, to Gift Deed a 1.0-acre parcel to their son/nephew/cousin, located on the south side of the 200-block of Bay Branch Road (SR 1213), approximately 100 feet west of Louis Spivey Road (SR 1214 (and known as portion of Tax Map No. 1-0017-0004), **with conditions if any, noted herein; or**
- **Considering Section 206 Findings and Section 701E exemption criteria, a Motion is hereby made to recommend denial** of proposed Case No. NZV-14-07.

Attachments: Application for Gift of Property (including Checklist; preliminary Sketch; Deed; excerpt of tax map showing dimensions of lot; Sections 701E and 308A, C and I).