

3.14.7 Findings

1.) The special or unique circumstances or conditions or practical difficulties exist due to the main fact of SAFETY. The pheasant tower built on my farm or zoned shooting preserve is on four 50 foot telephone poles augured in the ground 10 feet. There are four security cables fascine on all four corners. The top of platform is 40 feet with an 8x8 box built on top. Total footage or height is 48 feet. Four sections of steps are built to walk to the top of the platform. A pulley system is engineered to carry the crates of birds to a trap door built in floor. The tower was constructed to release pheasants for a controlled shoot for club members and their quest. The structure does not have any utilities hooked up or involved in operation. Unnecessary hardship would result from not being able to use tower, due to it's a zoned, special use permitted, and licensed shooting preserve and Pheasant tower shoots are half of the shooting opportunities and half of the revenue center.

2.) The main reason for the height requirements is due to safety and acreage of shooting field. There are ten hay bales in a complete circle around tower in the middle of 7 to 8 acres. These are ten shooting stations. The height needed for this situation is 50 feet. Tower is 48 feet. The reason is the birds released need to be at a certain altitude, so the shooters will not be shooting level, what so ever. They are situated in a shooting circle. If the field was any larger, the tower would be required to be higher in order to work safely.

3.) The hardship that would be placed on my property would be due to the fact that back in 2003; my property was enrolled in the Coastal Land Trust and NC Water Quality Conservation Easement Programs. There is deeded easement on entire Tract. In doing so, that placed severe restrictions on the property. It can only be used for Farming and Hunting. That is now the highest and best use. It cannot be developed, what so ever. By not allowing or granting me a height variance would hinder my full use under the usages that are restricted now. All

preserves have towers. Most much taller than mine. Additionally, without the use of a tower, all hunters interested in the sport of hunting or a shooting preserve, would not patronize my due to all other operations have a tower which is widely popular. It would be a major hardship. It could cut my usage of my property by 50% percent.

4.) The request variance is consistent with the spirit and the intent of the ordinance due to fact that the property is zoned RA (Rural Agricultural) and a special use permit has been approved by Pender County Board of Commissioners allowing the shooting preserve due to the fact that Amusements and Recreation Industries are permitted via special use Permit in the RA zoning district. Also in line with the spirit and purpose is that the shooting preserve and property adjoins the Holly Shelter Game Lands, which comprises of over 50,000 acres of public hunting land and opportunities. It is also in the spirit of all other active North Carolina shooting preserves list of activities. Again the height variance request is needed to insure that public safety is secured and substantial justice is achieved due to shooting stations are arranged in a circle.