

August 4, 2014

VARIANCE DESCRIPTION

Hawes Chapel Missionary Baptist Church

A variance is being requested from Section 7.10.5 B (1) of the Pender County Unified Development Ordinance (UDO). The Ordinance requires paved parking and driveways for all non-residential uses in Districts other than RA districts. The Church will be built on a Tract that is zoned O&I (Office and Industrial) and thus would be required to have paved parking and driveway. The church wishes to have gravel parking and driveway.

The main reason for the Variance request is that the church is ready to begin construction and without a Variance, construction will be delayed for three to six months (to either get the property rezoned to RA to allow gravel parking and driveway, or to get a stormwater management permit that will be required if paved parking and driveway is used). A stormwater management permit will not be required if the Variance is granted to allow gravel parking and driveway.

It is important to note that the reason for the Variance request is not to avoid building a retention pond. A retention pond would not be required even if a Stormwater Management Permit is required because the project would be classified as low density development (even with paved parking and driveway). This is because the total impervious area would only be 9.46 percent of the property area and the threshold for requiring a pond is 24 percent impervious.

In accordance with the Variance Checklist provided by Pender County, the following description of how the requested Variance meets the four findings listed in Section 3.14.7 of the UDO:

- 1) Unnecessary hardship would result from strict application of the ordinance because construction would be delayed by three to six months to obtain a Stormwater Management Permit, which would not be required if the Variance is granted.
- 2) The hardship results from conditions that are peculiar to the property because the property is in a predominantly rural area and the property is large enough that the impervious area would not be classified as high density even if paved parking and driveway were used. In accordance with Section 3.14.7 ("Findings") of the UDO, the board may give special weight to the number and percentage of nearby properties that share characteristics for which the Variance is requested. The attached map shows that

the property is in an area that is largely zoned RA. Gravel parking is allowed in RA Districts.

- 3) The hardship did not result from actions taken by the applicant or property owner. No actions have been taken on the property or the proposed project other than preliminary design work, which has no effect on the hardship. The hardship exists solely because of UDO requirements.
- 4) The requested Variance is consistent with the spirit, purpose and intent of the ordinance. As described in item 2) above, the site is in a largely RA area and therefore gravel parking and driveway is consistent with the requirements for surrounding properties.