

Pender County Planning and Community Development

Planning Division

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MINUTES

Pender County Board of Adjustment Meeting April 20, 2016 9:00 a.m. Pender County Public Meeting Room 805 S. Walker Street, Burgaw, North Carolina

Call to Order: Chairman Ferrante called the meeting to order at 9:01 a.m.

Invocation: Administered by Chairman Ferrante.

Roll Call: Chairman Ferrante
Pender County Board of Adjustment Members:
Ferrante: Pullen: Newton:

Alternates:

Godridge: Peters:

Alternate Board members Godridge and Peters served as a full Board member

- 1. Election of Officers: (Chairman/Vice-Chairman)** Motion to delay until the Board's vacancies were filled was made by Board member Godridge; seconded by Board member Newton. The vote was unanimous.
- 2. Adoption of the Agenda:** Motion to adopt the agenda was made by Board member Peters; seconded by Vice-Chairman Pullen. The vote was unanimous.
- 3. Adoption of the Minutes: (June 17, 2015)** Motion to adopt the June 17, 2015 minutes was made by Board member Godridge; seconded by Board member Peters. The vote was unanimous.
- 4. Adoption of the 2016 Meeting Dates Calendar:** Motion to adopt the 2016 Meeting Dates Calendar was made by Vice-Chairman Pullen; seconded by Board member Peters. The vote was unanimous.
- 5. Public Comment:** None

** (Public Hearings Open) **

Chairman Ferrante welcomed all, explained the type of meeting being held, the process of the meeting, and the process of voting. Attorney Thurman swore in the witnesses who wished to speak during the Hearing.

- 6. Variance:** Frederick W. Mahnken et al, applicant and owners, requested a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 5.3.3.A setback for accessory structure, specifically requesting a variance from the rear yard setback requirement of ten (10) feet for an accessory structure. The subject property is located at 15 Preswick Drive Rocky Point, NC 28457. There is one (1) tract associated with this request totaling ± 0.31 acres and the property may be further identified by Pender County PIN 3273-15-5438-0000. Senior Planner O'Hare

presented and gave background information for agenda item six (6). Chairman Ferrante opened the floor for questions and/or comments for staff from the Board.

Vice-Chairman Pullen – Stated that he knew the ten (10) feet setback was the County’s requirement, but what was the setback for the Planned Development (PD) zoning district or that particular neighborhood?

Senior Planner O’Hare - The recorded setback for the Planned Development known as Avandale was fifteen (15) feet for primary structures.

Board member Newton – Were permits issued?

Senior Planner O’Hare – No

Board member Peters – What is the structure setback separation?

Director Breuer – Ten (10) feet

Board member Newton – What is the purpose of ten (10) feet setback in section 5.3.3 A of the Pender County Unified Development Ordinance?

Senior Planner O’Hare – Health and safety of property owners.

Vice- Chairman Pullen – Where is the fence located?

Senior Planner O’Hare – Deferred to the applicant.

Fred Mahnken, applicant, explained to the Board that he had approval from the Homeowners Association prior to the installation of the solar panels, the contractor did not know the setback or permit requirements, that the violations were discovered when they applied for an electrical permit and he was asking for the Variance based on the hardship he has suffered due to the fault of the contractor.

Board member Newton - Where is the fence located?

Applicant – Inside the property line about six (6) to eight (8) inches away from the line.

Board member Newton – Did the discussion of permits come before or after the installation and when did the applicant become aware of the need for permits?

Applicant – The discussion took place after the installation, the poles were installed in May, 2015 and the panels were installed in December, 2015.

Vice-Chairman Pullen – Was the contractor paid?

Applicant – Yes

Due to no further sign-ups or questions from the Board, Chairman Ferrante opened the floor for the Board’s discussion of the case.

Board member Peters – There is an unnecessary hardship, no unusual conditions around the property.

Board member Newton – Applicant/owner did not cause hardship.

Attorney Thurman – Explained property owners are liable.

Board agreed that the applicant/owner created the hardship.

Board member Newton – Variance is consistent with the spirit of the ordinance.

Attorney Thurman-Asked if the Board would wait and see if the Homeowners Association would grant the applicant/owner additional property?

Motion to table the Variance request until the next Board meeting, in order to allow the applicant time to gain relief from the Homeowners Association and to move the property line was made by Board member Newton; seconded by Board member Godridge. The vote was unanimous.

** (Public Hearings Open) **

7. Discussion Items:

i. Planning Staff: Director Breuer stated that the Board of Commissioners were trying to recruit new Board of Adjustment members from other areas of the County.

ii. BOA Members: None

- 8. Next Meeting:** May 18, 2016, Board requested that the meeting be rescheduled to Wednesday, June 1, 2016 due to attendance conflicts.
- 9. Adjournment:** Motion to adjourn was made by Vice-Chairman Pullen; seconded by Board member Newton. The vote was unanimous.

The entire recording of the Board of Adjustment Meeting and the signed Board Order including the Findings of Facts are on file with the permanent records in the Planning Department office.