

Pender County Planning and Community Development

Planning Division
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Dear Applicant,

Upon initial review, your proposed development project is located within the Corridor Official Map for the NCDOT Transportation Improvement Project R-3300, commonly known as the Hampstead Bypass. The Corridor Official Map for this project was filed by the Wilmington Metropolitan Planning Organization (WMPO) on November 22, 2011 with the Pender County Register of Deeds.

Pursuant to NCGS 136-44.51, "after a transportation corridor official map is filed with the register of deeds, no building permit shall be issued for any building or structure of part thereof located within the transportation corridor, nor shall approval of a subdivision, as defined in G.S.153A-335 and G.S. 160A-376, be granted with respect to property within the transportation corridor."

Upon submission of a complete application package for your development, Pender County will forward your request to the WMPO for consideration of a variance for this development. Should a variance be granted, you may proceed with the development in accordance with local, state, and federal regulations. Should a variance be denied, the three (3) year period prescribed in NCGS 136-44.51 will begin from the date of application submission.

Attached to this notice is NCGS 136-44.51 for your reference. Please feel free to contact the Pender County Planning and Community Development Department to discuss the process for your proposed development project.

§ 136-44.51. Effect of transportation corridor official map.

(a) After a transportation corridor official map is filed with the register of deeds, no building permit shall be issued for any building or structure or part thereof located within the transportation corridor, nor shall approval of a subdivision, as defined in G.S. 153A-335 and G.S. 160A-376, be granted with respect to property within the transportation corridor. The Secretary of Transportation or his designee, the director of a regional public transportation authority, or the director of a regional transportation authority, as appropriate, shall be notified within 10 days of all submittals for corridor map determination, as provided in subsections (b) and (c) of this section.

(b) In any event, no application for building permit issuance or subdivision plat approval for a tract subject to a valid transportation corridor official map shall be delayed by the provisions of this section for more than three years from the date of its original submittal to the appropriate local jurisdiction. A submittal to the local jurisdiction for corridor map determination shall require only the name of the property owner, the street address of the property parcel, the parcel number or tax identification number, a vicinity map showing the location of the parcel with respect to nearby roads and other landmarks, a sketch of the parcel showing all existing and proposed structures or other uses of the property, and a description of the proposed improvements. If the impact of an adopted corridor on a property submittal for corridor map determination is still being reviewed after the three-year period established pursuant to this subsection, the entity that adopted the transportation corridor official map affecting the issuance of building permits or subdivision plat approval shall issue approval for an otherwise eligible request or initiate acquisition proceedings on the affected properties. If the entity that adopted the transportation corridor official map has not initiated acquisition proceedings or issued approval within the time limit established pursuant to this subsection, an applicant within the corridor may treat the real property as unencumbered and free of any restriction on sale, transfer, or use established by this Article.

(c) No submittal to a local jurisdiction for corridor map determination shall be construed to be an application for building permit issuance or subdivision plat approval. The provisions of this section shall not apply to valid building permits issued prior to August 7, 1987, or to building permits for buildings and structures which existed prior to the filing of the transportation corridor, provided the size of the building or structure is not increased and the type of building code occupancy as set forth in the North Carolina Building Code is not changed. (1987, c. 747, s. 19; 1998-184, s. 1; 2011-242, s. 1.)