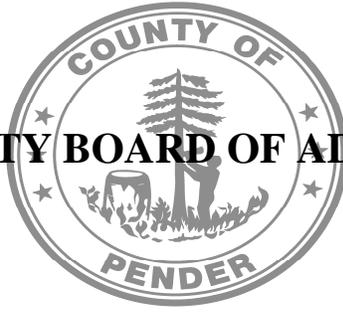


# PENDER COUNTY BOARD OF ADJUSTMENT



805 South Walker Street  
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Minutes  
January 17, 2007

1. Call to Order by Chairman Walter Hansley
2. Prayer Chairman Walter Hansley
3. Introduction of Board Members by Chairman Hansley  
Present: Walter Hansley, Jeremy Strong, Larry Johansen, Ken Just, Erwin Kane, Horace Thompson
4. Approval of November 15, 2006 Board of Adjustment Minutes – Because of video malfunction to be approved at February meeting.
5. Public Hearing – Chairman Hansley opened the hearing.
  - A. Swearing in of Witnesses by Attorney Trey Thurman.

Planner Andrew Collins reviewed the case before the board.

- B. **Variance – Permitted Use Table Requirements** – Jerry Simmons, applicant and owner, is requesting the following variance:
  - a. Variance from the requirements of the permitted use table in the I-2 zone. Applicant requests to be permitted to construct a single-family dwelling in the area zoned I-2 on a split zoned lot.  
The property is zoned R-20, Residential and I-2, Industrial, and is located approximately 1/3 mile down Old Blossom Ferry Road, off US Highway 117, in Rocky Point, NC.

Erwin Kane asked how far back off Old Blossom Ferry Road was the R20 property line?

Planner Andrew Collins stated that it is approximately 100' from the north and the frontage is I1.

Chairman Walter Hansley asked what the Staff's recommendation for this request was.

Planner Andrew Collins stated that the Staff believed it is a hardship for the property to be split with two zones.

Jerry Simmons, Jr., son of the applicant, explained the structures that were on the site plan. It shows the address points of the other two structures. There is no industrial activity at this time in the area. The property was purchased as RA before the zoning changes.

Jeremy Strong asked Attorney Thurman if the variance was allowed, would the board be allowing a variance for a single family residence to be constructed on the property.

Attorney Thurman remarked that if the board approves the request that it would for a single family residence in terms of the property use. He reiterated to the applicant that this is an industrial area. An industry may move there, because this is of right. Industry has noise and odor. Let the request be limited to the single family house.

Ken Just asked how far back the house was setback for the I2 requirement.

Planner Collins stated that at the present time it does not meet the I2 setback.

Ken Just asked the attorney if this request is passed could the board request that this home not be used for anything other than residential and that no additional buildings be allowed on this tract.

Jerry Simmons, Jr. stated that do to the fact they can met the setback for septic they are no longer requesting a variance of 70' for frontyard setback.

Jeremy Strong made the motion that the board to approve the variance due to the severe hardship of the way the property has been currently zoned, RA/I2, to allow the applicant to build a single family dwelling in the I2 District. With the stipulation that the structure can only be used as a family dwelling and that it must meet the 100'-I2 front yard setback. Seconded by Ken Just the vote was unanimous 6-0 in favor.

### **C. Items for Discussion**

Attorney Thurman brought it to the board's attention concerning electing Chairman and Vice-Chairman.

Ken Just made a motion to leave in place the sitting Chairman Walter Hansley and Vice-Chairman Jeremy Strong. Erwin Kane seconded the motion. It was unanimous 6-0 in favor.

## **6. Adjournment**