



PENDER COUNTY BOARD OF ADJUSTMENT

805 South Walker Street
Burgaw, North Carolina 28425

Phone (910) 259-1202
Fax (910) 259-1259

Minutes
September 20, 2006

1. Call to Order by Chairman Walter Hansley
2. Prayer by Jeff Morris
3. Introduction of Board Members Walter Hansley, Jeremy Strong, Jeff Morris,
Ken Just, Horace Thompson

Also present: Planner II Kenneth Vafier, Planner I Michael Herold, Attorney Trey Thurman,
& Applicants

4. Approval of August 16, 2006 Board of Adjustment Minutes
Motion to approve as written Jeremy Strong, seconded by Jeff Morris.

VOTES IN FAVOR OF MOTION: 5-0

| Member Name | Vote | Member Type | Member Name | Vote | Member Type |
|----------------|--------|-------------|-----------------|--------|-------------|
| Walter Hansley | For | Regular | Jeremy Strong | For | Alternate |
| Jeff Morris | For | Regular | Horace Thompson | For | Regular |
| Larry Johansen | Absent | Alternate | Ken Just | For | Regular |
| | | | Erwin Kane | Absent | Regular |

Ken Just made the suggestion to say who made the motion for board minutes approval.

5. Public Hearing

- A. Swearing in of Witnesses - Attorney Trey Thurman

Kenneth Vafier, Planner II, introduced the case to the Board.

B. Variance Case #307 – Front, Side, and Rear Yard Setback Requirements

Ramona Sidbury Smith, applicant and owner, is requesting the following variance:

- a. Variance of 33.6 ft. from the 40 ft. minimum front yard setback.
- b. Variance of 3.6 ft. from the 10 ft. minimum side yard setback requirement on the eastern property line.
- c. Variance of 6.3 ft from the 10 ft. minimum side yard setback requirement on the western property line.

d. Variance of 16.3 ft. from the 20 ft. minimum rear yard setback.
The property is zoned RT, Rural Transition, and is located at 20530 US Highway 17, Hampstead, NC.

The applicant is proposing to put a 16' x 76' home on the property. The lot is a nonconforming lot and is grandfathered at 10' side yard setback as per Section 12.2 of the Pender County Zoning Ordinance. The current front yard setback for RT zoning is 40'. The applicant's letter explained why this size home was needed for the property. The lot was recorded in 1947.

Chairman Hansley asked if the frontage lost was caused by the widening of Hwy 17.

Kenneth Vafier stated that he wasn't sure but it is possible with the widening of Hwy 17 that they might have encroached into the lot.

Ramona Sidbury presented her case before the board. She said that when the trailer company came to look at the land they told her that some of her frontage was gone from the expansion of Hwy 17. The old home site use to sit on the lot before it was torn down.

Jeremy Strong stated that on the site survey it stated the location of the well is unknown at this time and why was that.

She replied that after tearing the old house down there was a problem relocating the old well. She knows where the existing septic lines are. The drain lines extended northeastward along the property lines.

Ken Just reiterated the fact that Ms. Sidbury is proposing to put a very large trailer on a small lot. He just wonders if there will be enough room for a new septic field and ask her if she could downsize the new home.

Ms. Sidbury stated that she had visited several trailer companies and it was hard for them to downsize and still have three bedrooms.

Jeremy Strong made the motion to grant Ms. Sidbury use of the site to build due to the hardship that has been placed on her by taking of frontage because of widening of Hwy 17. Jeff Morris seconded the motion. The variance is from the 5000 minimum buildable lot size.

VOTES IN FAVOR OF MOTION: 5-0

| Member Name | Vote | Member Type | Member Name | Vote | Member Type |
|----------------|--------|-------------|-----------------|--------|-------------|
| Walter Hansley | For | Regular | Jeremy Strong | For | Alternate |
| Jeff Morris | For | Regular | Horace Thompson | For | Regular |
| Larry Johansen | Absent | Alternate | Ken Just | For | Regular |
| | | | Erwin Kane | Absent | Regular |

Jeremy Strong stated that the second issue is the size of the home. In his opinion, the home as proposed is much too large for the lot and the variance being requested vastly exceeds what is normally allowed. The applicant needs to work with the Board on this and look at another building

plan. This size trailer does not fit this lot. The house being this close to a major highway is a deterrent to the family and numerous other things.

He made the recommendation not to grant the variance as proposed. The motion was seconded by Ken Just. The vote was Hansley, Strong, Morris, and Just for, Thompson against.

VOTES IN FAVOR OF MOTION: 4-1

| Member Name | Vote | Member Type | Member Name | Vote | Member Type |
|----------------|--------|-------------|-----------------|---------|-------------|
| Walter Hansley | For | Regular | Jeremy Strong | For | Alternate |
| Jeff Morris | For | Regular | Horace Thompson | Against | Regular |
| Larry Johansen | Absent | Alternate | Ken Just | For | Regular |
| | | | Erwin Kane | Absent | Regular |

Chairman Walter Hansley introduced the next case before the board.

Kenneth Vafier presented the case to the board.

C. Variance Case #308 – Height Requirements – R. v. Biberstein, Jr., applicant, on behalf of Carl Beacham, owner, is requesting the following variance.

- a. Variance of 3 ft above the 35 ft minimum height requirement. The property is zoned FA (Flood Hazard) District and R-20C (Residential) and is located at Lot 8, Waters Edge Subdivision on the southeast side of Waters Edge Drive in Hampstead, NC.

Staff has asked that no habitable living space be placed above the 35' height limitation. Staff asked the Board to place this stipulation on the variance if approved.

Attorney Rick Biberstein presented the case to the board. He stated that there would be no habitable living space above the thirty-five feet. It will be an uninhabitable attic. The lot is in a FA area. The purpose is to have two full living stories and a garage at the bottom.

Horace Thompson had questions concerning the measuring of the elevation of the street grade where the applicant is proposing to build the house.

Ken Just asked what was located at the top level. Was it an attic with windows?

Mr. Beacham stated that they had proposed putting a play area for his grandchildren.

Jeff Morris made the motion to approve the Beacham's request for 3' for a 38' structure to be measured from the front sidewalk at time of completion. Jeremy Strong seconded the motion.

Horace Thompson asked that an amendment be added to the motion; that the height elevation be determined by a registered / licensed surveyor reporting to the Planning Department.

Ken Vafier stated to the Board that there would have to be a height review by Staff.

Mr. Thompson withdrew his amendment.

Attorney Thurman stated that the amendment could be added to the original motion.

Jeff Morris amended the motion by stating that before a sheathing inspection the Beacham's get a height verification from a registered surveyor. The motion was seconded by Jeremy Strong.

VOTES IN FAVOR OF MOTION: 5-0

| Member Name | Vote | Member Type | Member Name | Vote | Member Type |
|----------------|--------|-------------|-----------------|--------|-------------|
| Walter Hansley | For | Regular | Jeremy Strong | For | Alternate |
| Jeff Morris | For | Regular | Horace Thompson | For | Regular |
| Larry Johansen | Absent | Alternate | Ken Just | For | Regular |
| | | | Erwin Kane | Absent | Regular |

Jeff Morris asked if there could be a brief discussion in regards to Ms. Sidbury's request.

F. Items for Discussion

Ken Just wanted to know if there was a way that Ms. Sidbury could have gone to the Health Department to ask someone to check her lot before she asked for a variance because the lot was just too small for the size home she wanted to place on there. Knowing where the lines were would probably have helped her make another discussion.

Jeff Morris stated that a small doublewide would fit on the lot.

Ken Vafier stated that he would coordinate with Environmental Health the next time they have a similar situation to see if maybe they can help before the client pays to get a variance.

Jeff Morris asked what the status of the zoning amendment for 35' height in Pender County.

Ken Vafier told him that they had been tabled until the October 3, 2006 Planning Board meeting as a work session. There would be no vote. At the moment they are not sure where they are going with them.

Attorney Thurman stated there is some hesitation from the BOCC given the current situation to pass anything. They probably won't move ahead on this until there is a new Planning Director.

6. Adjournment