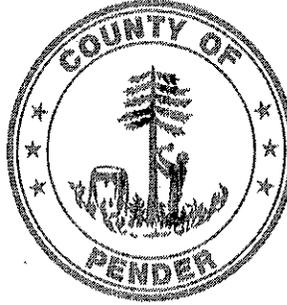


PENDER COUNTY BOARD OF ADJUSTMENT

Joey Raczkowski, Planning Director
 Walter Hansley, Chairman
 Jeremy Strong
 Ken Just, Vice-Chairman
 Erwin Kane
 Horace Thompson
 Charles Wilson



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Minutes
 September 19, 2007

1. Call to Order by Vice-Chairman Ken Just
2. Prayer by BOA Member Charles Wilson
3. Introduction of Board Members

Member Name	Vote	Member Type	Member Name	Vote	Member Type
Walter Hansley	A	Regular	Horace Thompson	P	Regular
Jeremy Strong	A	Alternate	Ken Just	P	Regular
Vacant		Alternate	Erwin Kane	P	Regular
			Charles Wilson	P	Regular

4. Approval of the August 15, 2007 Board of Adjustment Minutes

Member Name	Vote	Member Type	Member Name	Vote	Member Type
Walter Hansley	A	Regular	Horace Thompson	Seconded	Regular
Jeremy Strong	A	Alternate	Ken Just	Yes	Regular
Vacant		Alternate	Erwin Kane	Yes	Regular
			Charles Wilson	Motion	Regular

5. Public Hearing
 - A. Swearing in of Witnesses was done by Attorney Trey Thurman.

Vice-Chairman Ken Just introduced the first case for Ricky Scott Simmons to the board and public.

Planning Director Joey Raczkowski reviewed the case from last month to the board and the public.

- B. Variance – Side Yard Setback Requirements – Ricky Scott Simmons, applicant and owner, is requesting the following variance:

a. Variance of 5.5 feet from the 20 foot minimum side yard setback requirement.

The property is zoned R-20, Residential District and FA, Flood Hazard Area District, and is located at 121 Winding Creek Drive in Hampstead, NC.

The portion of porch that is subject to the variance request is located on the left side of the house. Instead of the twenty foot setback the applicant will be encroaching into the 5.5 feet.

The board had no questions for the Planning Staff.

Ricky Simmons, applicant, stated that his appeal was denied so he is back to ask for the 5.5 ft. He had a picture to show the board a house with a porch similar to what he wants to build. The neighbors have no problem with the porch. There were neighbors in attendance.

Jeffrey Waters, neighbor on the left, said that he had no problem with the variance and the porch encroaching closer to his property line.

Michael Glenn, 172 Winding Creek, stated in his opinion the porch improves the landscape and value to the house.

Ken Just asked if the board was to assume that this type porch was the type to wrap.

Charles Wilson reiterated that this is a hard one because given what they are trying to do is the right thing but the issue is what the requirements are under the variance and having made the decision on an accessory structure last month. It seems to him that a variance is hard to grant regardless of what the applicant is trying to do. This is not an unnecessary hardship. It is broadly not in harmony with the general purpose of the intent of the ordinance. The board has to be consistent with the implementation of this case as given by state law interpretation of a hardship.

Attorney Thurman reminded the board that in making the motion there must be a hardship. It is not appropriate for the attorney or staff to suggest what a hardship is because that's the board's role.

Vice-Chairman stated that the porches are ecstatic additions to the house. The applicant can add the front porch without the addition of the side porches.

Charles Wilson made the motion to deny the variance sighting the lack of a hardship.

Erwin Kane asked if his motion was for both ends of the house on one end.

Charles Wilson replied it was just for the side in violation, the left side.

This motion died for the lack of a second.

Erwin Kane made the motion to approve the variance request because the addition will improve the value of the house. Horace Thompson seconded the motion. The vote was 2 for (Kane and Thompson); 2 against (Just and Wilson). The variance was denied.

Vice-Chairman Ken Just introduced the next case to the board and the public.

The Planning Director reviewed the case with the board and the public stating that this site has been approved for construction as a commercial building. It was discovered that in order to preserve an oak tree they would have to move the pavement edge to the south. The overhang will protrude into the setback.

C. Variance – Side Yard Setback Requirements – Michael Nadeau, applicant and owner, is requesting the following variance:

a. Variance of 3 feet from 25 foot minimum side yard setback requirement.

The property is zoned B-2, Highway Business District, and is located on the east side of US Highway 17 in Hampstead, NC, north of the Hampstead Volunteer Fire Department. The property's address is 15860 US Highway 17.

The board had no questions for Staff.

Mike Nadeau, applicant, stated that he wanted to save the trees so this has required a revision to his plan.

Vice-Chairman Ken Just asked Mr. Nadeau if he could take his road from 25 – 24 feet then the would only need a one(1) foot variance because the Planning Director could administratively give him two(2) feet after he moves his building over.

Attorney Thurman suggested that the board table this matter and if Mr. Nadeau can make the switch it can be handled administratively and this doesn't have to come back before the board.

Charles Wilson made the motion to table the request until Mr. Nadeau could see if he could make the switch with the road then he wouldn't have to come back to the board he could be given an administrative variance. This motion was seconded by Horace Thompson. The vote was 4-0 in favor of the motion.

D. Items for Discussion

Penny Tysinger will facilitate the BOA Training Workshop on October 31, 2007 from 9:00-12:00 noon.

Some of the items that the board would like to discuss are rules of procedure and guidelines for variances, administrative appeals, fencing and buffers.

6. Adjournment

Action of Board of Adjustment:

Motion _____ Seconded _____

Approved _____ Denied _____ Unanimous _____

Vote:Hansley _____ Just _____ Kane _____ Strong _____ Thompson _____ Wilson _____