

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



AGENDA

Pender County Board of Adjustment

November 19, 2008

9:00 a.m.

Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina

NOTE: Board Members are reminded to bring their Zoning Ordinances to the Meeting.

Call to Order: Chairman Erwin Kane

Prayer

Roll Call: Chairman Erwin Kane

Pender County Board of Adjustment Members:

Kane: ___ Thompson: ___ Ferrante: ___ Loughlin: ___ Pullen: ___ James: ___ Luther: ___

Approval of Minutes: October 22, 2008

Public Hearing

- Variance - Side and Rear Setback - Darren Lee Rivenbark**, applicant and owner, is requesting a variance from the side and rear setbacks as prescribed in § 8.10 of the Pender County Zoning Ordinance. The property is zoned R-20, Residential District and is located at 390 Knollwood Drive, Hampstead, NC.
- Variance - Front Yard Setback Requirement and Freestanding Sign Size Allotment - Jon Tabling of Oaks Construction**, applicant, on behalf of MedPro LLC, owner, is requesting a two variances: (1) a variance from the required freestanding sign setback as stated per §16.8.D of the Pender County Zoning Ordinance, and (2) a variance to the freestanding sign size allotment per §16.8.A.1 of the Pender County Zoning Ordinance. The property is zoned B-2, Business District (Highway), and is located at 14057 US Highway 17, Hampstead North Carolina.

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3. **Variance – Front Yard Setback Requirement – David Childers**, applicant, on behalf of Donald Childers, owner, is requesting a variance from the minimum front yard setback as stated per § 8.10 of the Pender County Zoning Ordinance. The property is zoned RA (Rural Agricultural District), and is located at 9065 Shiloh Road, Atkinson, North Carolina.
4. **Variance – Minimum Front Yard Setback – Bob Jerabek Development, LLC**, applicant and owner, is requesting a variance from the minimum front yard setback as stated per § 8.10, Pender County Zoning Ordinance. The property is zoned B-2, Business District (Highway), and is located along the west side of US HWY 17, directly across from Forest Sound Road, Hampstead, North Carolina.

**End of Public Hearing*

5. **Items for Discussion**

6. **Adjournment**

Board of Adjustment
Erwin Kane, Chairman
Horace Thompson, Vice-Chairman
Monica Loughlin
Ed Pullen
Nicholas Ferrante
Mary James, Alternate
Don Luther, Alternate

MINUTES

Pender County Board of Adjustment

October 22, 2008

9:00 a.m.

**Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina**

Call to Order: Chairman Erwin Kane

Prayer - Chairman Erwin Kane

Roll Call: Chairman Erwin Kane

Pender County Board of Adjustment Members:

Kane: ___ Thompson: ___ Loughlin: ___ Pullen: ___ James: x Luther: ___

Approval of Minutes: July 16, 2008

Motion: Ed Pullen; Seconded: Horace Thompson; Vote Unanimous

New Business

1. Swearing in of new Board Member James Ferrante - Attorney Trey Thurman
2. Request to approve amended Rules for Procedure: This new business item was moved to the end of the meeting for discussion.

Public Hearing

Kyle Breuer, presented the case to the Board of Adjustment. The property owner wants to divide a lot that has been reduced in size by a right-of-way easement created by NCDOT.

3. **Variance - Minimum Lot Size Requirement - Doug Maners**, applicant, on behalf of David Deaton, owner, are requesting a variance from the minimum lot size as prescribed in § 8.10, Pender County Zoning Ordinance. The property is zoned R-20, Residential District and is located at 115 William Store Road, Hampstead, NC.

Doug Maners, representing David Deaton-owner, stated that according to tax records and a recorded deed the property is 1(one) acre. After the lot was surveyed it was discovered that a recorded easement was passing through the front of the property. The easement was of record at the time of purchase but no survey was obtained. The lot could be used for one residence, but could not meet the requirement for two lots.

Horace Thompson made the motion to approve the variance. ED Pullen seconded the motion. The vote was two against (Ferrante and Loughlin); two for (Thompson and Pullen). The motion did not pass by the required 4/5 majority. Therefore the request was denied.

Kenneth Vafier presented the case to the board.

- 4. **Variance – Side and Rear Setback - Darren Lee Rivenbark**, applicant and owner, is requesting a variance from the side and rear setbacks as prescribed in § 8.10, Pender County Zoning Ordinance. The property is zoned R-20, Residential District and is located at 390 Knollwood Drive, Hampstead, NC.

BOA member asked if water was available.

The applicant responded that it was not available in this section. The HOA owns the lot behind the property.

The Board asked about decreasing the side setback and increase the variance. If there is an increase into the common area then the HOA has to be notified of any changes to the site plan other than what was shown to them before this presentation to the meeting.

Board member James Ferrante made the motion for a continuation so that the applicant could refigure the building on the property. This motion died for the lack of a second.

Ed Pullen made a motion to approve the request; seconded by Horace Thompson, Ferrantt and Loughlin voted against. The motion was denied. There has to be a 4/5 vote in order to pass.

****End of Public Hearing***

5. Items for Discussion

After much discussion Attorney Trey Thurman stated that he would examine the revisions and bring them back to the Board of Adjustment at their next scheduled meeting.

6. Adjournment

Board Action for October 22, 2008 Minutes:

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

Kane ___ Thompson ___ Ferrante ___ James x Loughlin ___ Luther ___ Pullen ___ Wilson ___