

PLANNING AND COMMUNITY DEVELOPMENT

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MINUTES

Pender County Board of Adjustment

April 21, 2010

9:00 a.m.

Pender County Public Meeting Room

805 S. Walker Street, Burgaw, North Carolina

Call to Order: Chairman Erwin Kane

Prayer: Nick Ferrante

Roll Call: Chairman Erwin Kane

Pender County Board of Adjustment Members:

Kane: X Thompson: X Ferrante: X Loughlin: X Pullen: X Luther (A):

- 1. Approval of Minutes:** October 21, 2009
Motion to approve: Mr. Ferrante; **Seconded** by: Ms. Loughlin; **Vote:** Unanimous with the correction that the roll call be corrected from the November 18, 2009 meeting to reflect Ms. Loughlin's attendance.
- 2. Adoption of Agenda:** Mr. Davenport suggested that Item #7 be brought forward in the Agenda for consideration due to the possible time items #5 & #6 may take. However a recommendation made by Trey Thurman, due to the possible lack of a quorum, for the for Agenda Item #5 and #6 the board should dispose of those cases as the audience may not need to be present for the entire meeting. The agenda was adopted as presented.
- 3. Election of Officers:** **Motion** to keep same Chairman and Vice-Chairman: Mr. Thompson, **Seconded:** Mr. Pullen; The vote was unanimous.
- 4. Public Comment:** Public comment was clarified by County Attorney, Trey Thurman that any general comment on operations, etc. was to be heard at this time. It was explained that this was not the time of the agenda to hear public comment on any cases presented on the agenda.

Board members Mr. Ferrante and Mr. Pullen notified to the Board and the audience that they would recues themselves from voting on item #6 on the agenda. Mr. Thurman clarified the operation of recues of voting to the Board and the audience. He clarified that the Board of Adjustment operates under North Carolina General Statues and guidelines in that any matter requires a 4/5ths vote of the Board to reverse any decision and that with Board members options to recues themselves from item #6, the Board could not maintain a quorum to hear the case. Item #6 was voted on unanimously to be tabled until the Board could properly establish a quorum.

** Public Hearing**

Swearing in of witnesses for was done by the County Attorney.

5. **Administrative Appeal-** William S. Mueller, applicant, on behalf of Olde Point Property Owners Association, Inc., owner, is appealing an administrative review and denial of the subdivision of one tract labeled "Tennis Courts Lot" depicted in Section 4-A, Olde Point, recorded in Map Book 15, Page 15. The property is zoned PD, Planned Development, and is located on the southwest corner of Olde Point Road and Olde Point Loop Road, Hampstead. The property contains 1.67 acres and is identified as PIN # 4202-27-3864-0000.

(TABLED)

6. **Administrative Appeal-** William S. Mueller, applicant and owner, is appealing an administrative review and denial of the subdivision of one tract designated as "Open Space" depicted in Section 4, Olde Point, recorded in Map Book 13, Page 12. The property is zoned PD, Planned Development, and is located between the terminuses of White Heron Cove Road and Gull Road, Hampstead. The property contains 1.88 acres and is identified as PIN # 4202-18-4059-0000.

Applicant, Mr. Mueller addressed the Board with his wishes to WITHDRAW his application of Administrative Appeal. The process was explained by Mr. Thurman to Mr. Mueller and made clear that if he were to withdraw his application of appeal, he would not be able to re-apply for this appeal. The case was disposed of.

7. **Variance** – Elizabeth Saunders, applicant on behalf of Wesleyan Chapel United Methodist Church owner, is requesting a 15' side yard variance from the required 15' property line setback as prescribed in the Pender County Zoning Ordinance, § 16.9, Signs Permitted in B-1 & B-3 Business and Non-residential Uses in RT Districts. The property is zoned B-1, Business (Neighborhood) District, and 10255 US Highway 17, Wilmington, NC (Scotts Hill). The property approximately 3 acres and is identified as PIN # 3271-20-6569-0000.

Case Planner, Ashley Frank introduced the case giving reiterating all the facts presented within the staff report for application number: VA 10-04-21-01.

Mr. Ferrante asked why the North Carolina Department of Transportation (NCDOT) denied permission for the placement of the sign within their right of way. Ms. Frank replied, stating that the NCDOT is very strict on allowing structures within the right of way due to liability issues.

Mr. Pullen requested clarification on the "metal structure" shown on the aerial image and the location of the subject sign. It was clarified that the "metal structure" as shown, was a electrical box for the traffic light and that the sign would be located beyond this structure.

Applicant, Ms. Saunders affirmed that the information contained in the packet of information pertaining to this case was truthful.

Attorney Thurman verified with the Board that the sign was indeed located behind the guard rail along US Highway 17 and Sidbury Road.

Motion to approve was made by Mr. Pullen, **Seconded** by Mr. Thompson. The vote was **unanimous**. Variance granted.

8. Items for Discussion

It was discussed that since the Board will have an issue of attendance to hear the Appeal case for the Olde Point Property Owners Association, Inc., that the Board may need to identify a special meeting time to dispose of the case at hand.

9. **Adjournment** - Mr. Kane entertained a motion to adjourn.
Motion was made by Mr. Thompson to adjourn.
Motion was seconded by Mr. Pullen with all assenting.
Motion passed unanimously.