

Pender County Planning and Community Development

Planning Division

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

AGENDA

**Pender County Board of Adjustment Meeting
November 16, 2011 9:00 a.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina**

Call to Order: Chairman Kane

Prayer

Roll Call: Chairman Kane

Pender County Board of Adjustment Members:

Kane: _____ Thompson: _____ Ferrante: _____ Newton: _____ Pullen: _____

Alternates:

Luther: _____ Peters: _____

Adoption of the Agenda

1. Approval of Minutes: September 21, 2011

2. Public Comment

**Public Hearing*

- 3. Variance:** Applicant and owner, James Starr, is requesting a four and a half (4.5') foot variance from the minimum rear yard setback requirement of fifteen (15') feet in the PD, Planned Development District as prescribed by the Pender County Unified Development Ordinance, Section 5.3.3.A.2, Accessory Uses and Structures. The property is located at 101 South Belvedere Drive, Hampstead NC, and may be identified by Pender County PIN #4203-57-8763-0000.

4. Discussion Items

- a. BOA Members
- b. Planning Staff

5. Adjournment

PLANNING STAFF REPORT
Variance Request

SUMMARY:

Hearing Date: November 16, 2011

Applicant: James Allen Starr

Property Owner: Same

Case Number: 10237 Starr

Property Location and Description: The property is located at 101 South Belvedere Drive, Hampstead NC, and may be identified by Pender County PIN #4203-57-8763-0000.

Zoning District of Property: The property is zoned PD, Planned Development District.

Variance Requested: The applicant and owner, James Starr, is requesting a four and a half (4.5') foot variance from the minimum rear yard setback requirement of fifteen (15') feet in the PD, Planned Development District as prescribed by the Pender County Unified Development Ordinance, Section 5.3.3.A .2, Accessory Uses and Structures.

BACKGROUND AND DESCRIPTION OF VARIANCE:

In September 2011, the applicant, James Starr, applied for a building permit for the addition of a 14' X 24' foot lean-to carport to an existing accessory building. The existing accessory building is ± 576 ft². The Pender County Unified Development Ordinance (UDO) outlines in § 5.3.3.A.1.a, Accessory Uses and Structures, accessory buildings 50-599 square feet in area may utilize a setback of ten (10') feet from all property lines, access easements, and any other structures located on the property.

The UDO prescribes in § 5.3.3.A.2.a, Accessory Uses and Structures, accessory buildings 600-1199 ft² shall adhere to district requirements for setbacks and separation and must be ten (10') feet from any other structure and access easements located on the property. The addition of the ±336 ft² lean-to carport increases the total square footage of the existing accessory building to greater than 600 ft², therefore, requiring the following yard setbacks and separation.

<u>Accessory Buildings</u>	<u>Setback</u>	<u>Separation</u>
Buildings 50-599 ft ²	10 ft	10 ft
Buildings 600-1,199 ft ²	same zoning district requirements	10 ft
Buildings greater than 1200 ft ²	same zoning district requirements	same zoning district requirements

The PD, Planned Development District the required yard setbacks according to the Pender County Zoning Ordinance Adopted July 5, 1988, Codified with Corrections and Amendments as of February 18, 2008 the required yard setbacks are as follows:

PD, Planned Development

Front Yard	25 ft
Side Yard	10 ft
Rear Yard	15 ft

As defined in Appendix A of the Pender County Unified Development Ordinance, the rear yard setback is the required distance between a building or structure and the rear lot line of the lot containing the building or

structure. The UDO also defines structure as any man-made object having an ascertainable stationary location on or in land or water, whether or not it is affixed to the ground. All buildings are "structures".

ZONING ADMINISTRATOR'S CONCLUSION:

The applicant and owner, James Starr, is requesting a four and a half (4.5') foot variance from the minimum rear yard setback requirement of fifteen (15') feet in the PD, Planned Development District as prescribed by the Pender County Unified Development Ordinance, Section 5.3.3A.2, Accessory Uses and Structures.

3.14 VARIANCE

3.14.1 Applicability

- A. The Board of Adjustment may vary certain requirements of this Ordinance, in harmony with the general purpose of these regulations, where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical or result in a hardship in making reasonable use of the property.
- B. The Board of Adjustment may waive certain requirements when authorized to do so by provisions adopted as a part of this Ordinance.
- C. No variance shall be permitted that would have the effect of allowing a use not permitted in the use table of Section 5.2.3.
- D. No variance shall be permitted that would allow a project to exceed the maximum density as to number of dwelling units to the acre in a Zoning District. This maximum density shall be inclusive of any density bonus allowance or additional units in a planned unit development.
- E. The need for the variance cannot be a result of the owner's own actions and cannot be for strictly economic reasons.
- F. The Board of Adjustment may grant variances in the following special circumstances, as indicated elsewhere in this Ordinance.

3.14.7 Findings

In granting any variance, the Board of Adjustment shall make the following findings:

- A. That special or unique circumstances or conditions or practical difficulties exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning districts;
 - 1) That the special conditions or circumstances or practical difficulties do not result from the actions of the property owner or applicant, their agent, employee, or contractor. Errors made by such persons in the development, construction, siting or marketing process shall not be grounds for a variance except in cases where a foundation survey submitted to the Building Official before a contractor proceeds beyond the foundation stage has not revealed an error which is discovered later;
 - 2) That the strict enforcement of this Ordinance would deprive the owner or applicant of reasonable use of the property that is substantially consistent with the intent of this Ordinance;
 - 3) That the granting of a variance will not result in advantages or special privileges to the applicant or property owner that this Ordinance denies to other land, structures, or uses in the same district, and it is the minimum variance necessary to provide relief;
 - 4) That the variance shall not be materially detrimental to the health, safety or welfare of persons residing or working in the neighborhood. Consideration of the effects of the variance shall include but not be limited to, increases in activity, noise, or traffic resulting from any expansion of uses allowed by the variance;
 - 5) That the proposed use and the appearance of any proposed addition or alteration will be compatible with, and not negatively impact, nearby properties; and
 - 6) That the variance will not result in the expansion of a nonconforming use.
 - 7) In the case of expansions to nonconforming structures, the variance granted shall be the smallest that is reasonably necessary.
- B. In making the findings above, the Board of Adjustment may give special weight to the number and percentage of nearby properties that share characteristics for which the variance is requested by the

applicant. The Board of Adjustment may grant a variance to expand an existing structure, including the expansion of a nonconforming structure if the findings listed above can be made.

4.8 MIXED USE DISTRICTS

4.8.1 PD: Planned Development District

Intent - The intent of the Planned Development (PD) District is to provide an alternative to a conventional development. The PD zoning districts allow projects of innovative design and layout that would not otherwise be permitted under this Ordinance because of the strict application of zoning district or general development standards. The PD District encourages progressive land planning and design concepts.

5.3.3 Accessory Uses and Structures

A. Accessory Building Setbacks and Separation Requirements

- 1) Accessory Buildings 50-599 Square Feet In Area:
 - a) Setback of ten (10) feet from all property lines, access easements, and any other structures located on the property.
- 2) Accessory Buildings 600-1,199 Square Feet In Area:
 - a) Setbacks shall adhere to zoning district requirements and separation must be ten (10) feet from any other structure and access easements located on the property.
- 3) Accessory Buildings 1,200 Square Feet in Area or Greater:
 - a) Same setback and separation requirements as principal buildings per zoning district regulations

Appendix A

ACCESSORY OR SECONDARY USE: A use of land or of a building or portion thereof customarily associated with and incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. A secondary use shall be a use not already permitted by right in a zoning district but may be permitted in conjunction with a permitted use. In no instances shall an accessory or secondary use be permitted without the presence of a primary use.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any persons, animals, processes, equipment, goods or materials of any kind.

SETBACK: The required distance between a building or structure and a lot line.

1. **SETBACK, FRONT YARD:** The required distance between a street right-of-way line and the front line of a building or structure.
2. **SETBACK, REAR YARD:** The required distance between a building or structure and the rear lot line of the lot containing the building or structure.
3. **SETBACK, SIDE YARD:** The required distance between a building or structure and the side lot line of the lot containing the building or structure.

STRUCTURE:

1. Any man-made object having an ascertainable stationary location on or in land or water, whether or not it is affixed to the ground. All buildings are "structures."
2. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance rating purposes, means a walled and roofed building, other than a gas or liquid storage tank, which is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

Board of Adjustment: Finding of Facts

1. It is the Board's CONCLUSION that the hardship of which the applicant complains **does/does not** result from extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district. This conclusion is based on the following FINDINGS OF FACT:

2. It is the Board's CONCLUSION that, granting the variance requested **will/will not** confer upon the applicant any special privileges that are denied to other residents of the zoning district in which the property is located. This conclusion is based on the following FINDINGS OF FACT:

3. It is the Board's CONCLUSION that a literal interpretation of the provisions of this ordinance **would/would not** deprive the applicant of rights commonly enjoyed by other residents of the zoning district in which the property is located. This conclusion is based on the following FINDINGS OF FACT:

4. It is the Board's CONCLUSION that the requested variance **will/will not** be in harmony with the purposes and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare. This conclusion is based on the following FINDINGS OF FACT:

5. It is the Board's CONCLUSION that, the special circumstances **are / are not** the result of the actions of the applicant. This conclusion is based on all of the FINDINGS OF FACT listed above, as well as the following:

Board Action:

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

Kane: _____ Thompson: _____ Ferrante: _____ Newton: _____ Pullen: _____

Alternates:

Luther: _____ Peters: _____

Planning and Zoning
PENDER COUNTY, North Carolina

805 S. Walker St.
Burgaw, NC 28425

Planning and Zoning
910-259-1202



Zoning/Development Permit

Building Permit
for Existing
Acc. Bld.
Page # 1

CERTIFICATION OF ZONING, SUBDIVISION, SPECIAL USES, SOIL EROSION and EXEMPTIONS

CA Approved : Yes Final Zoning

Tax Geo Pin#: 42035787630000
Tax. Rec. #: 10327

Zoning Permit Date: 02202009
Permit/Receipt #: 090285
User ID : SG27
Code Violation : N

* Permitted Use Description of Work:

RESIDENTIAL ACCESSORY DETACHED GARAGE

* NOTE: Use Must be listed in the Pender County Zoning Ordinance's 'Table of Permitted Uses'.

Description of Work :

RESIDENTIAL ACCESSORY: 2 - STORY 30' X 30' (900 SQ FT) DETACHED GARAGE WITH 2ND FLOOR FOR STORAGE - TO CONVERT INTO OFFICE SPACE LATER

Type of Structure / Use : RESIDENTIAL ACCESSORY STRUCTURE

Structure Height Limit : 35 Feet

Mfg. Home Mfg. Date : 0/00/00 Existing Structure On Site: Yes - 1 No -

Site Address: Str.# & Name: 101 S BELVEDERE DR City: HAMPSTEAD

Property Owner: Name: STARR JAMES ALLEN
Str # / Name: 101 SOUTH BELVEDERE
City, State, Zip: HAMPSTEAD NC 28443 Telephone: 9103190079

Applicant: Relation : OWNER
Name: STARR JAMES
Contact: STARR JAMES
Str # / Name: S BELVEDERE DR 101
City, State, Zip: HAMPSTEAD NC 28443 Telephone: 9103190079

Subdivision Name: BELVEDERE Section: Lot: 4
Plat Bk. & Page #: 12/43 Deed Bk. & Pg : 3480 / 197 Township: TOPSAIL

Section A: Zoning Determinations

Zone Dist : PD Req. Setbacks: Front: 25 Rear: 15 Side: 10

Minimum Lot Size: Flood Zone #: X BFE: Panel #:

The Proposed Activity is allowed by the Pender County Zoning Ordinance. The Type Permit noted above is issued subject to the Project complying with the determinations and conditions herein and the information contained in the application submitted by the applicant. When Zoning Determinations are issued a Final Zoning Permit must be obtained prior to the beginning of site construction.

Determination Made By : SG Date : 2/20/09 CBRA: Yes - No - 0/00/00

Section B: Conditions of Permit

Required: Completed:

- Subject To Compliance With All Local, State And Federal Regulations. 1
- Compliance With The Site Plan And Application Submitted For This Permit. 1
- Compliance With The Set Backs Noted. 1
- 6 Foundation Survey Required. 1
- 6 Environmental Health Approval Required prior to final Zoning Permit. 1 1

6 Fourteen (14) days after Footing Inspection or setup on site.

Site Directions:

OFF COUNTRY CLUB - TO S. BELVEDERE

Zoning Det. By : SG Date : 2/20/09 Zoning Fee : 15.00 Check # :
Final Zoning By : SG Date : 4/16/09 Total Zoning Fee : 27.00 Check # :

* Fee is Non-Refundable

Zoning Notes :

Will need Envir Health approval before final Zoning

Permit valid for twelve (12) months from date of Issuance



Applicant Signature

4-16-09

Date

PENDER COUNTY, North Carolina

P. O. Box 1209
Burgaw, NC 28425

Environmental Health
910-259-1233

Page # 1081

EXISTING SEPTIC APPROVAL



<u>Zoning Determination</u>	<u>Existing Septic Approval</u>	Permit# : 090285	Fee : 65.00
SG	SB	Issued Date : 02202009	Code Violation:
2/20/09	2/25/09	Issued By : AB31	GEO PIN # : 42035787630000
		EH - File # : 102973	
		EHS ASSIGNED SB	

Permitted Use

RESIDENTIAL ACCESSORY DETACHED GARAGE

Description of Work

RESIDENTIAL ACCESSORY: 2 - STORY 30' X 30' (900 SQ FT) DETACHED GARAGE WITH 2ND FLOOR FOR STORAGE - TO CONVERTED INTO OFFICE SPACE LATER

Applicant: STARR JAMES	Work Phone: 9103190079
S BELVEDERE DR 101	Home Phone:
HAMPSTEAD NC	Fax :

Relationship of Applicant to Owner :

OWNER

Owner : STARR JAMES ALLEN	Work Phone: 9103190079
SOUTH BELVEDERE 101	Home Phone:
HAMPSTEAD NC	Fax :

SITE ADDRESS : 101 S BELVEDERE DR	Deed Book/Page: 3480 197
Subdivision : BELVEDERE	Plat Bk. & Page #: 12/43
Section/Block : 1 Lot: 4	
Township : TOPSAIL	

WATER SUPPLY SEWER SERVICE

Directions to Site:

OFF COUNTRY CLUB - TO S. BELVEDERE

Requirements

STRUCTURE TYPE (MH, HOUSE, COMMERCIAL, OTHER-EXPLAIN) - DETACHED GARAGE
 ORIGINAL SYSTEM OWNER - ALLYSON UPSON
 DATE INSTALLED - 3/12/08
 ORIGINAL SYSTEM RECORD TANK GALLONS - EXISTING
 ORIGINAL SYSTEM RECORD DRAIN FIELD SQ/FT - 450
 ORIGINAL RESIDENCE USE # OF BEDROOMS - 3
 SYSTEM LOCATION (FRONT OR BACK) - BACK
 WELL LOCATION (FRONT, BACK, LEFT OR RIGHT) - NA
 APPLICATION TYPE (REPAIR, MH RELOCATE, BLDG. ADD, OR OTHER) - BLDG ADD
 ISSUE RESIDENCE USE # OF BEDROOMS - 3

Conditions

At the time of inspection no visible signs of malfunction were evident. However, since this is a subsurface sewage disposal system, it is possible for this office to determine if any unauthorized modifications or misuse has occurred.
 No warranty or guarantee is implied or expressed and future performance of this system is not assured by the Pender County Health Department.
 Failing to maintain a properly operating septic tank system is considered a public health hazard and a violation of North Carolina State Laws and Rules Governing Sanitary Sewage Collection (Article 11 NC General Status Chapter 130A). Should the system malfunction or fail in the future, it shall be the responsibility of the owner to apply for a Permit for the repair of the system.
 The welling shall be located a minimum of five (5) ft. from any part of septic system and repair area.

Permit valid for twelve (12) months from date of Issuance
 Signed: [Signature] Title: EHS Date: 02/25/09

Application/ Permit- Reconnection/ Change of Use/ Additional Structure
 Note: Any reconnection, change of use, building addition or accessory structure or permanent foundation must receive approval from the Pender County Health Department.

Planning and Zoning
PENDER COUNTY, North Carolina

805 S. Walker St.
Burgaw, NC 28425

Planning and Zoning
910-259-1202



Zoning/Development Permit

CERTIFICATION OF ZONING, SUBDIVISION, SPECIAL USES, SOIL EROSION and EXEMPTIONS

CA Approved : No **Zoning Determination Only**

Tax Geo Pin#: 42035787630000
Tax. Rec. #: 10327

Zoning Permit Date: 02202009
Permit/Receipt #: 090285
User ID : SG27
Code Violation : N

* Permitted Use Description of Work:

RESIDENTIAL ACCESSORY DETACHED GARAGE

*** NOTE:** Use Must be listed in the Pender County Zoning Ordinance's 'Table of Permitted Uses'.

Description of Work :

RESIDENTIAL ACCESSORY: 2 - STORY 30' X 30' (900 SQ FT) DETACHED GARAGE WITH 2ND FLOOR FOR STORAGE - TO CONVERT INTO OFFICE SPACE LATER

Type of Structure / Use : RESIDENTIAL ACCESSORY STRUCTURE

Structure Height Limit : 35 Feet

Mfg. Home Mfg. Date : 0/00/00 **Existing Structure On Site:** Yes - 1 No -

Site Address: Str.# & Name: 101 S BELVEDERE DR City: HAMPSTEAD

Property Owner: Name: STARR JAMES ALLEN
Str # / Name: 101 SOUTH BELVEDERE
City, State, Zip: HAMPSTEAD NC 28443 Telephone: 9103190079

Applicant: Relation : OWNER
Name: STARR JAMES
Contact: STARR JAMES
Str # / Name: S BELVEDERE DR 101
City, State, Zip: HAMPSTEAD NC 28443 Telephone: 9103190079

Subdivision BELVEDERE Section: Lot: 4
Name: Plat Bk. & Page #: 12/43 Deed Bk. & Pg : 3480 / 197 Township: TOPSAIL

Section A: Zoning Determinations

Zone Dist : PD **Req. Setbacks:** Front: 25 Rear: 15 Side: 10

Minimum Lot Size: **Flood Zone #:** X **BFE:** **Panel #:**

The Proposed Activity is allowed by the Pender County Zoning Ordinance. The Type Permit noted above is issued subject to the Project complying with the determinations and conditions herein and the information contained in the application submitted by the applicant. When Zoning Determinations are issued a Final Zoning Permit must be obtained prior to the beginning of site construction.

Determination Made By : SG **Date :** 2/20/09 **CBRA:** Yes - No - 0/00/00

Section B: Conditions of Permit

Required: **Completed:**

- Subject To Compliance With All Local, State And Federal Regulations. 1
- Compliance With The Site Plan And Application Submitted For This Permit. 1
- Compliance With The Set Backs Noted. 1
- 6 Foundation Survey Required. 1
- Environmental Health Approval Required prior to final Zoning Permit. 1

6 Fourteen (14) days after Footing Inspection or setup on site.

Site Directions:

OFF COUNTRY CLUB - TO S. BELVEDERE

Zoning Det. By : SG **Date :** 2/20/09 **Zoning Fee :** 15.00 **Check # :**
Final Zoning By : **Date :** 0/00/00 **Total Zoning Fee :** 15.00 **Check # :**

*** Fee is Non-Refundable**

Zoning Notes :

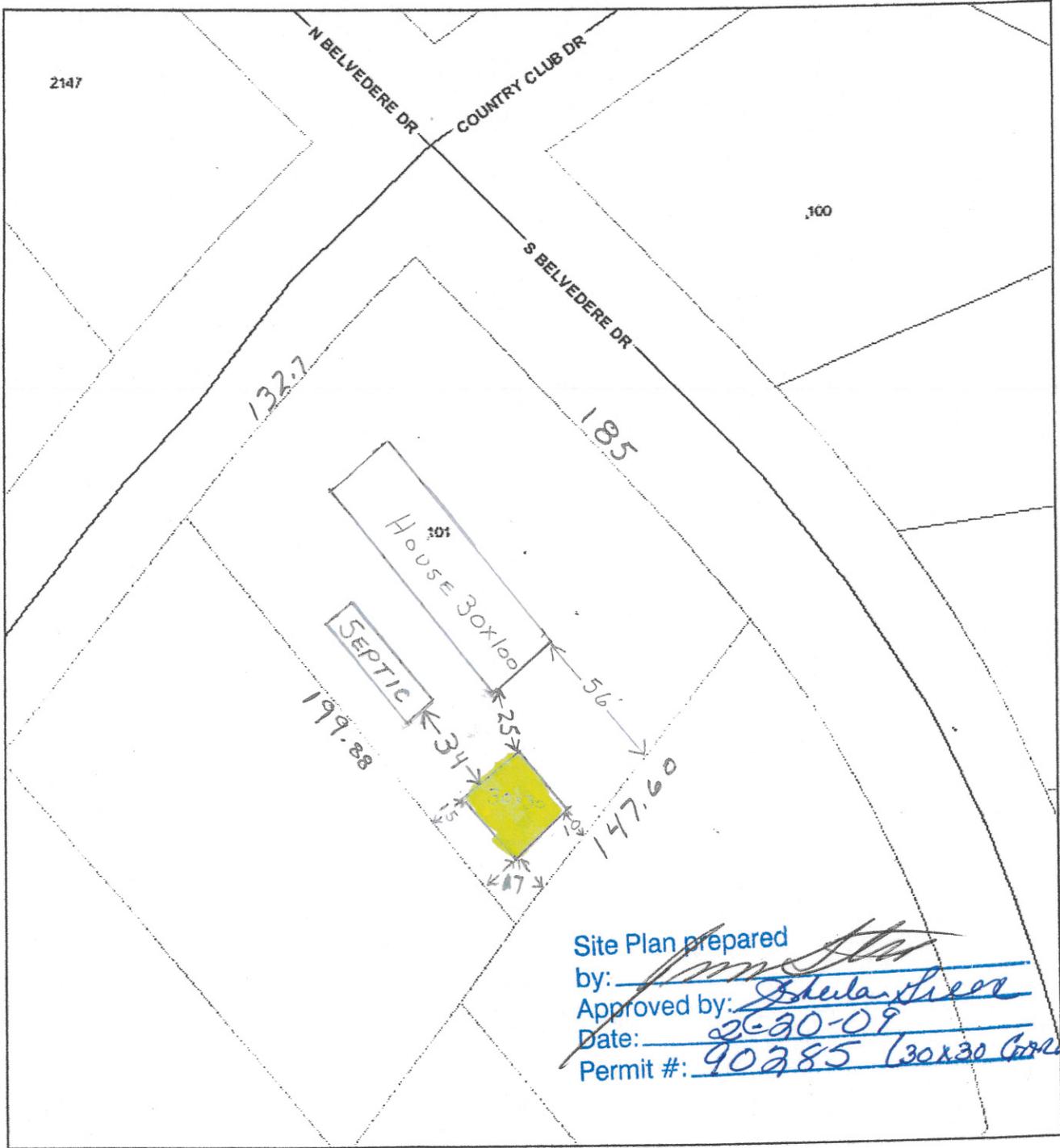
Will need Envir Health approval before final Zoning

Permit valid for twelve (12) months from date of Issuance


Applicant Signature

2-20-09
Date

3B



1:60 feet

Pender County GIS



This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for the verification of the information contained on this map. Pender County assumes no legal responsibility for the information contained on this map.



PENDER COUNTY PLANNING AND COMMUNITY DEVELOPMENT

APPLICATION TYPE: ZONING DETERMINATION (RESIDENTIAL ONLY)

(PLEASE PRINT CLEARLY & ANSWER ALL QUESTIONS)

A SITE PLAN DRAWN TO A MINIMUM SCALE OF 1" = 60' MUST ACCOMPANY WITH APPLICATION

Permit # 90285

Applicant Name: JAMES STARR Date: _____
Applicant's Address: 1015 BELVEDERE DR. Phone: 910-319-0079
City/State/Zip code: HAMPSTEAD N.C. 28443

NOTE: IF APPLICANT IS NOT THE OWNER OF THE LAND, WILL NEED LETTER FROM OWNER ACKNOWLEDGING PERMISSION OR OFFER TO PURCHASE TO MAKE APPLICATION FOR THE SUBJECT PROPERTY.

Tax Identification No. 4203 578763 0000
Map Book & Page # 12 #43 Deed Book & Page # 3480 - #197

Project Location Directions: CORNER - COUNTRY CLUB DR + S. BELVEDERE DR.

Owner's Name: JAMES STARR Phone: 609-304-7633
Owner's Address: 1015 BELVEDERE City: HAMPSTEAD State: N.C. Zip: 28443

Project Contact Person: BILL STARR Phone: 610-507-7316

Proposed Construction: New / Addition / Accessory / Renovation / Repair / Other _____ (Circle One)

Description of Work: DETACHED GARAGE Building Height 30 (Not to exceed 35')

ZONING DISTRICT: PD PROPOSED SETBACKS: _____ F _____ LS 10 RS 15 R

Property located within 75' of stream or other body of water? YES NO

Property located within 1000' of a water body or stream classified as outstanding resource water? YES NO

Are there any platted restrictions on the site/lot? YES / NO

ANY MFG. HOMES OR OTHER STRUCTURES ON PROPERTY OR ADJACENT PROPERTIES UNDER THE SAME OWNERSHIP? EXPLAIN: No

PROPERTY ACCESS: ACCESS EASEMENT ON PROPERTY: YES / NO ABUTS RD 30' WIDE: YES / NO
AT LEAST 20' WIDE RECORDED EASEMENT: YES / NO (Access must be 30' wide if lot created after 11/17/03)

If any information provided by the applicant is found to be incorrect the permit is subject to revocation. A vested right is established upon issuance of a final zoning permit. A vested right does not relieve the applicant or owner from compliance with all provisions of the current Pender County Zoning Ordinance.

Water Source: County / Community System / Private well / Other _____ (please circle)
Sewer Source: County / Community System / Private well / Other _____ (please circle)

Signature: [Signature] Date: 2-20-09

(FOR OFFICE USE ONLY)

*IS PROPERTY LOCATED IN FLOODPLAIN? YES / NO CAMA PERMIT REQUIRED? YES / NO

PROPERTY IN AEC? YES / NO ANY PROTECTED WETLANDS ON PROPERTY? YES / NO

TECHNICIAN'S INITIALS / DATE: SG 2/20/09

*PROPERTY LOCATED IN A SPECIAL FLOOD HAZARD AREA WILL REQUIRE ADDITIONAL INFORMATION.

NOTES FOR PERMIT # : 090285

Job Location: S BELVEDERE DR 101

Date	Violation or Note	By
2202009	Will need Envir Health approval before final Zoning	SG27
2202009	Foundation Survey required by Surveyor	SG27



PENDER COUNTY PLANNING AND COMMUNITY DEVELOPMENT

APPLICATION TYPE: ACCESSORY STRUCTURE
(PLEASE PRINT CLEARLY & ANSWER ALL QUESTIONS)

FOUNDATION SURVEY REQUIREMENT

Permit # 90285

Zoning Ordinance Section 3.

C. Prohibition on Inspection

No inspections shall be provided by the Pender County Inspection Department on a structure after the "foundation inspection" unless the Foundation Survey is complete. No inspection will be provided on a mobile home until the Foundation Survey is complete. The Inspections Department shall place a stop work order on any construction when the foundation verification is not submitted when required and shall not provide an occupancy permit or any authorization for power connection until the required foundation survey verification is submitted and approved by the Zoning Administrator or their designated representative.

Foundation Surveys shall be required for all principal structures and accessory structures greater than 600 sq. feet with the exceptions noted below:

D. Exceptions to Survey Requirements:

A foundation survey will not be required in the following circumstances:

- 1) For a structure erected on a bona fide farming operation.
- 2) For individual mobile homes located in a mobile home park.
- 3) For structures when the approved site plan shows the set backs to be double those required by this ordinance and a building inspector and/or Code Enforcement Officer upon visit to the site can observe and confirm that the structure has been located as shown on the site plan. * The inspector shall verify his observation by providing a signed copy of the site plan or a permit for the structure to the Zoning Administrator. Other forms of certification satisfactory to the Building Inspections Director and Zoning Administrator may be provided.
- 4) For structures when the conditions noted below are met and a building inspector upon visit to the site can observe and confirm that the structure has been located as shown on the site plan. *The inspector shall verify his observation by providing a signed copy of the site plan or a permit for the structure to the Zoning Administrator. Other forms of certification satisfactory to the Building Inspections Director and Zoning Administrator may be provided. The following conditions must be met for this exception to apply:

- a. Site plan approved by Zoning Administrator and Environmental Health shows front yard set backs to be 10 feet above minimum required and side and rear yard set backs to be 5 feet above minimum required and is available at site.
- b. A survey map of the site showing the property corners is available at the site.
- c. The permanent property corners are clearly marked and flagged so as to be visible from the structure.
- d. The owner or his representative is available at the site to provide measurements if necessary to confirm structure location.

[Signature] Date 2-20-09
Applicant ((Signature indicates Foundation Survey requirements has been discussed.)

[Signature] Date 2/20/09
Technician ((Signature indicates Foundation Survey requirements has been discussed.)

According to structure drawing on site plan the following is required:

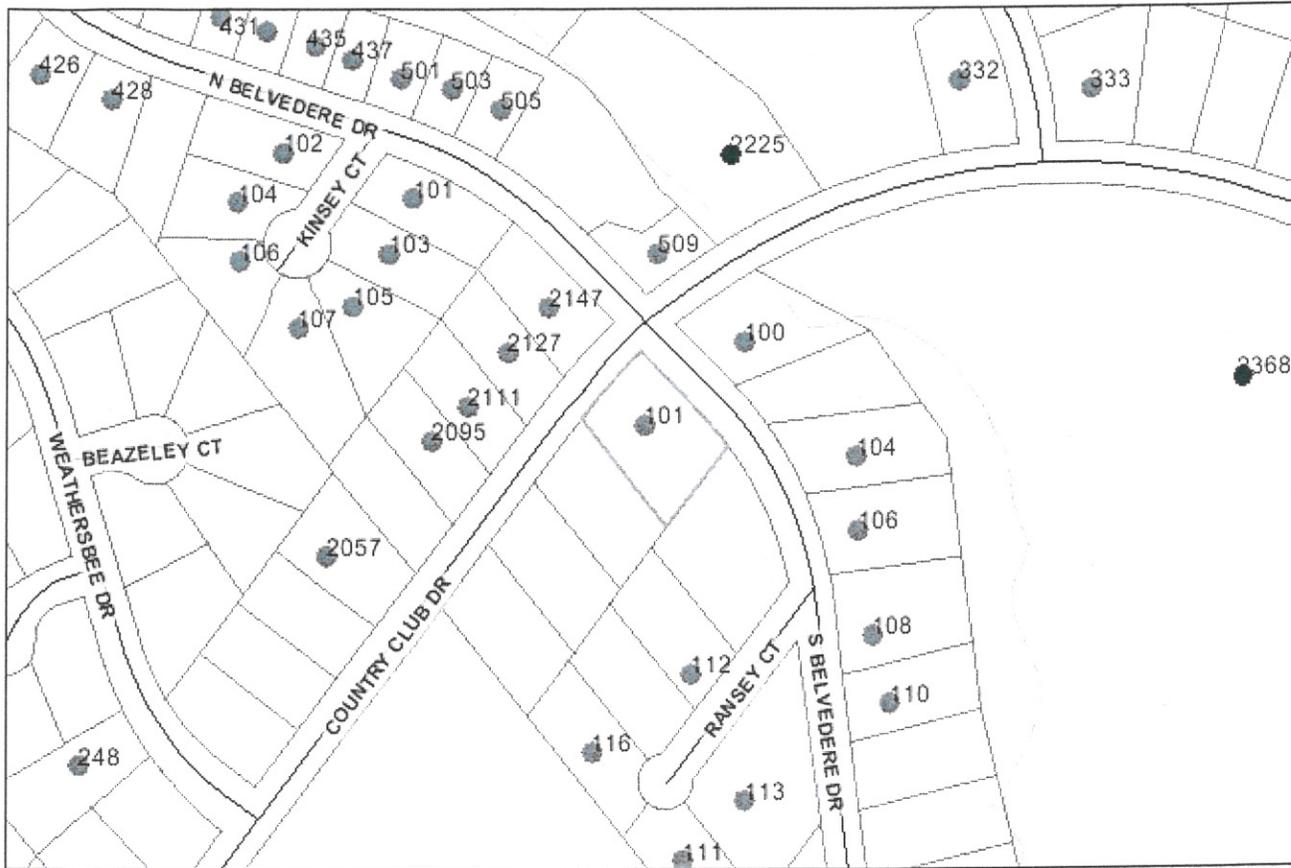
___ double setback (exception 3 above) ___ 10+5+5 (exception 4 above) Survey required no exception

___ Double Wide Mobile Home - Foundation survey or setback verification must be submitted **BEFORE** the first inspection i.e. marriage wall, electrical, plumbing, mechanical finals, etc.

___ Single Wide Mobile Home - Foundation survey or setback verification must be submitted **BEFORE** the first inspection i.e. electrical, mechanical and plumbing finals.

The inspector reserves the right to request that a licensed surveyor submit the Foundation Survey.

90285



Parcels

Name:	STARR JAMES ALLEN	PIN:	4203-57-8763-0000	Deed:	3480/197
Deed Date:	6/16/2008	Plat:	00120043	Address:	C/O RAY C BLACKBURN JR. PO BOX 895
City:	HAMPSTEAD	State:	NC	Zip:	28443
Land Value:	26136	Building Value:	150159	Deferred Value:	0
Total Value:	176295	Tax Codes:	G01 F22 R40 564	Zone:	PD /X
Subdivision:	BELVEDERE	Neighborhood:	00	Property Address:	101 S BELVEDERE DR
Account:	911528	Acres:	0.6	Township:	TOPSAIL
Property Description:	L 4 PB 12/43 BELVEDERE PLANTATION	Sales Price:	238500		

1:83 feet

Pender County GIS



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Date Nov. 16, 2011

APPLICATION FOR VARIANCE

THIS SECTION FOR OFFICE USE

Application No.	YA Case # 10237	Date	10/3/2011
Application Fee	\$ 250.00	Receipt No.	091764

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	JAMES ALLEN STARR	Owner's Name:	
Applicant's Address:	1015 BELVEDERE	Owner's Address:	SAME
City, State, & Zip	HAMPSTEAD N.C. 28443	City, State, & Zip	
Phone Number:	910-319-0216	Phone Number:	
Legal relationship of applicant to land owner:	Self		

SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	4203.57.8763	Total property acreage:	+/- 27,400 sq ft
Zoning Classification:	PD	Variance Size:	Rear Yard - 4.4 ft
Variance Location & Address			
Describe Variance and amount or type requested:	Rear yard Setback variance - as outlined in 5.3.3 2.A, Accessory Bld must meet district requirements		

SECTION 3: SIGNATURES

Applicant's Signature	<i>James A. Starr</i>	Date:	
Owner's Signature	<i>James A. Starr</i>	Date:	

NOTICE TO APPLICANT:

1. The Board of Adjustment shall review applications for a variance and shall be the approving authority for all requirements.
2. All applicants seeking a variance shall schedule a pre-application conference with the administrator to discuss the procedures, standards, and regulations required for variance approval.
3. An application for a variance shall be submitted in accordance with application requirements.
4. Once the application has been determined complete, the Administrator shall schedule a public hearing and give notice to adjoining/abutting property owners and aggrieved parties in the form of applicant supplied #10 envelopes with paid first class postage.
5. The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below (Findings), as well as the burden of persuasion on those issues.
6. Applicant must also submit the information described in the Variance Checklist provided below.
7. Applicant or agent authorized in writing must attend the public hearing.
8. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Adjustment agrees to table or delay the hearing.

OFFICE USE ONLY

<input checked="" type="checkbox"/> VA Fees \$250		Total Fee Calculation \$	
Payment Method :	Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> MasterCard <input type="checkbox"/> Visa	Check: <input checked="" type="checkbox"/> Check # 484
Application received by:	Ashley Frank	Date:	10/3/2011
Application completeness approved by:	<i>Ashley Frank</i>	Date:	10/3/2011
Date scheduled for public hearing:	Nov. 16 2011		

=> deadline Oct. 3

Variance Checklist

<input checked="" type="checkbox"/>	Signed application form
<input type="checkbox"/>	Application fee
<input checked="" type="checkbox"/>	Legible list of all property owners adjacent to the property upon which the use is to be located. The list shall include the mailing address & physical address of these property owners (The application will not be advertised for public hearing until the list is accurate & complete--the list may be compiled from the public PC terminal in the Pender County Tax Office). <i>- staff will take care of</i>
<input checked="" type="checkbox"/>	One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list. <i>7 envelopes w/ stamps</i>
<input checked="" type="checkbox"/>	<u>Variance Description</u> : Written description of the Variance requested meeting the approval criteria described on pages 1 & 2.
<input type="checkbox"/>	<u>Project Map(s)</u> —Applicant shall supply 15 (11"x17") project maps at a readable scale, clearly showing the following (as applicable):
	<ul style="list-style-type: none"><input type="checkbox"/> Property Location<input type="checkbox"/> Building Separation Distances<input type="checkbox"/> Dimensions of Property<input type="checkbox"/> Proposed Building Height<input type="checkbox"/> Building Distances From Property Lines (Front, Sides, Rear)<input type="checkbox"/> Location of All Existing Utilities On-Site <i>n/a</i><input type="checkbox"/> Existing Structures<input type="checkbox"/> Acreage of Property<input type="checkbox"/> Any Proposed Structures<input type="checkbox"/> Additional Information Pertinent to the Variance Request (Pictures, Other Permits, etc.)

RETURN COMPLETED APPLICATION TO:

Pender County
Planning & Community Development
P.O. Box 1519
Burgaw, NC 28425

Print Form

James Starr
101 S. Belvedere Drive
Hampstead, NC 28443
910-319-0216
609-304-7633

September 29, 2011

To Whom It May Concern,

This letter is in regards to the variance that I am applying for, regarding 101 S. Belvedere Drive, Hampstead, NC to add a 14x24 lean-to/carport to an existing garage.

Originally, I was planning to construct a 30x24 garage, however, because the property is not a 90° corner, I kept the building under 600 sq feet so it would not infringe on the house because of the 15 ft rear property regulation. If rear corner was a true 90°, I could have had the larger garage and kept to the set backs on both side and rear, conforming to regulations, and not infringing on house or existing large tree between garage and house.

I do believe that the lean-to/carport will enhance the appearance of the already handsome garage and provide shade and a needed carport so that we do not need to use the driveway on Country Club 100% due to the dangerous intersection that the local officials are very aware of. It will now provide parking for rear access and a much safer entrance to the house. The intersection at Country Club and Belvedere has been a place for several accidents each year due to a very dangerous curve of Country Club that is east of Belvedere.

When I applied for the building permit to add this lean-to/carport, I was very surprised that I was denied as I had no idea that the lean-to was going to be included in the square footage of the garage. Even though I have already purchased some of the building supplies for the lean-to, I am glad to find out now that I needed a variance before I started construction.

I do want to thank the board for taking the time to review this variance and hope that we will come to a satisfactory agreement to all.

Sincerely,



James Starr

3C





SIDE PROPERTY LINE

10'6"

15'6"

DRIVEWAY

GARAGE
24 X 24

NEW LEAN TO
14 X 24

10'6"

REAR

TREE

23'

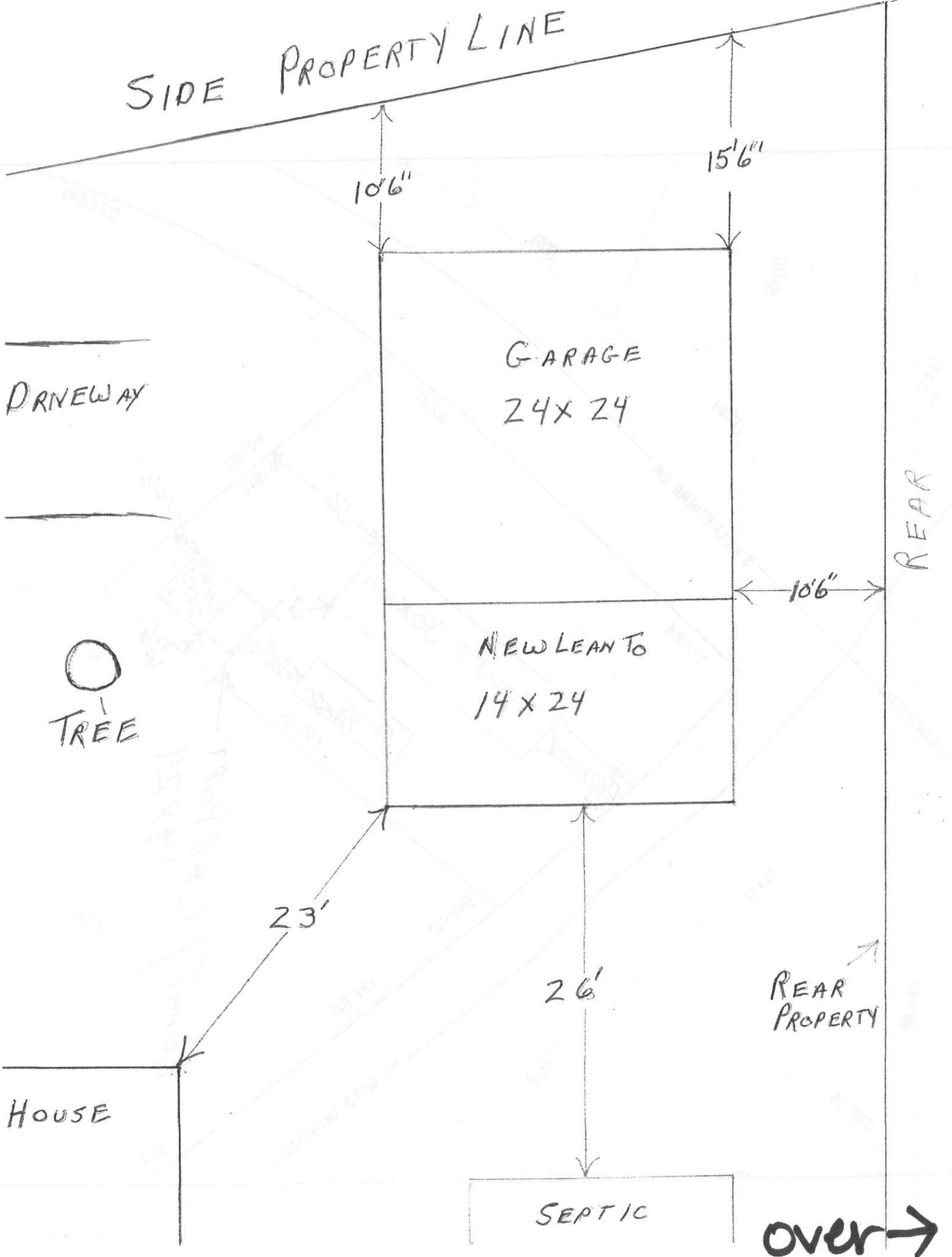
26'

REAR
PROPERTY

HOUSE

SEPTIC

over →





Applicant and Owner:

James A. Starr

Case # 10237

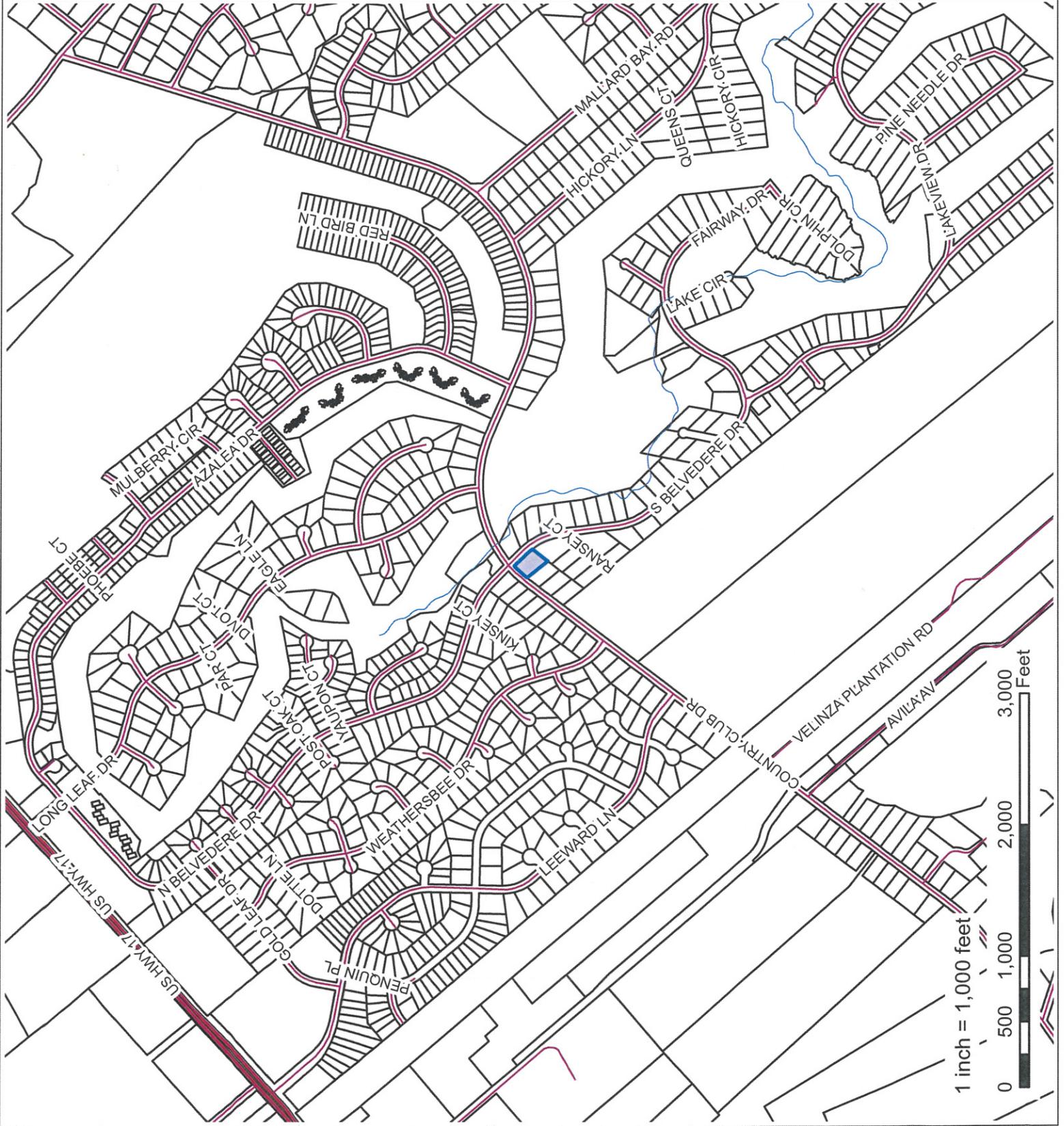
Variance

Legend

- Subject Property



VICINITY MAP





Applicant and Owner:

James A. Starr

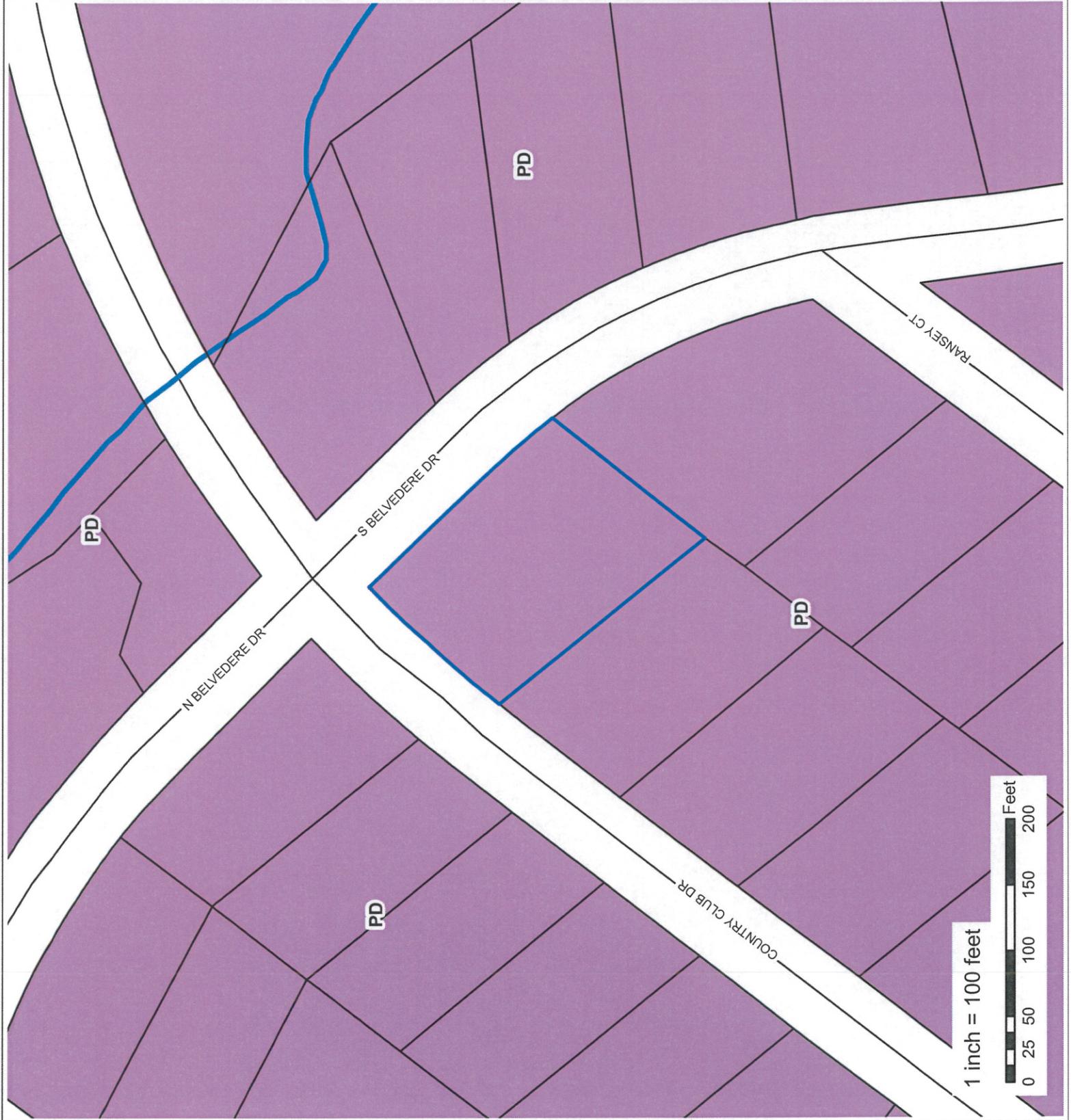
Case # 10237

Variance

Legend	
	Subject Property
Zoning Classification	
	General Business (GB)
	General Industrial (GI)
	Industrial Transition (IT)
	Office & Institutional (OI)
	Rural Agricultural (RA)
	Planned Development (PD)
	Residential Performance (RP)
	Environmental Conservation (EC)
	Incorporated Areas (INCORP)
	Manufactured Home Park (MH)
	Residential Mixed (MF)



ZONING MAP





Applicant and Owner:

James A. Starr

Case # 10237

Variance

Legend

-  Subject Property
-  Future Land Use (CAMA)
-  Conservation Area I
-  Conservation Area II
-  Transition Areas
-  Urban Growth Areas
-  Rural Clusters
-  Rural Areas



**CAMA (2005)
LAND USE MAP**





Applicant and Owner:

James A. Starr

Case # 10237

Variance

Legend



Subject Property



Aerial Map

