

# Pender County Planning and Community Development

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## MINUTES

**Pender County Board of Adjustment Meeting**  
**April 25, 2012 9:00 a.m.**  
**Pender County Public Meeting Room**  
**805 S. Walker Street, Burgaw, North Carolina**

**Call to Order:** Chairman Ferrante called the meeting to order at 9:05 am.

**Prayer:** Administered by Board Alternate Luther.

**Roll Call:** Chairman Ferrante

Pender County Board of Adjustment Members:

Ferrante:  Pullen:  Kane:  Newton:  Thompson:

Alternates:

Luther:  Peters:

- 1. Adoption of the Agenda:** Motion to approve the agenda was made by Board member Kane; seconded by Board member Pullen. Vote unanimously passed.
- 2. Approval of Minutes (March 21, 2012):** Motion to approve minutes was made by Board member Pullen; seconded by Board member Kane. Vote unanimously passed.
- 3. Public Comment:** None

*\* Public Hearing Opened\**

*Director Breuer swore in witnesses who wished to speak during the Hearing.*

- 4. Variance:** Linda Ball, applicant and owner, is requesting a three and a half (3.5') foot variance from the minimum rear yard setback requirement of ten (10') feet in the RA, Rural Agricultural 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 53 N. Chubb Road, and may be identified by Pender County PIN # 3315-00-7590-0000. Planner Moncado presented and gave background information on agenda item four. Board member Newton asked for clarification purposes, how far off the property line was the non-highlighted structure on the map provided; Planner Moncado answered that the structure was not shown on the site plan but, it did not appear to be the required ten feet and that she believed that most likely the structure was considered a legal non-conforming structure. Board member Newton asked when the structure in question was permitted; Planner Moncado answered the structure was not permitted. Board member Pullen asked what the floor of the building was made of; Planner Moncado referred the question to the applicant; Ms. Ball answered that the floor was dirt. Board member Newton asked the applicant if the structure was a movable building; Ms. Ball answered that it was until the wings were added. Chairman Ferrante stated to the applicant that when the Board is asked to hear a Variance case there has to be a reason for the request and in her

case he did not see the reason stated, would she please tell the Board why the structure could not be moved to meet the setback requirement; Ms. Ball answered that she did not have the money to dig up the post and relocate the structure. The Board concluded the discussion by reviewing the findings of fact pertaining to the case.

*\*Public Hearing Closed\**

### **Board of Adjustment: Finding of Facts**

1. It is the Board's CONCLUSION that the hardship of which the applicant complains **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: *The relocation of the accessory structure's support post from their existing location to at least ten feet from the rear property line adhere to district requirements for setbacks as prescribed in the Pender County Unified Development Ordinance.*
  
2. It is the Board's CONCLUSION that, granting the variance requested **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: *The surrounding properties are zoned Rural Agricultural, consistent with the subject property. All accessory structures in the Rural Agricultural district must meet the prescribed district setback requirements as outlined in the Unified Development Ordinance. The relocation of the existing accessory structure's support posts from their existing location will meet the prescribed district's setback requirements as outlined in the Unified Development Ordinance.*
  
3. It is the Board's CONCLUSION that a literal interpretation of the provisions of this ordinance **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: *N/A*
  
4. It is the Board's CONCLUSION that the requested variance **will** 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: *N/A*
  
5. It is the Board's CONCLUSION that, the special circumstances **are** the result of the actions of the applicant. This conclusion is based on all of the FINDINGS OF FACT: *N/A*

Motion to approve a half foot variance for the overhang of the building with the conditions that the home owner move the support post in three and a half feet to meet the property line setback was made by Board member Newton; seconded by Board member Pullen. Vote unanimously passed.

### **5. Discussion Items**

**a. Planning Staff:** None

**b. BOA Members:** Board member Pullen made the comment that the packets were lacking

details about the case and asked that staff include more details and less pictures in the future.

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**6. Adjournment:** Meeting was adjourned by Chairman Ferrante at 9:35 am.