

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

MINUTES

Pender County Board of Adjustment Meeting
September 19, 2012 9:00 a.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina

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

Invocation: Administered by Board member Kane.

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 Pullen; seconded by Board member Kane. Vote unanimously passed.
- 2. Approval of Minutes (August 15, 2012):** Motion to approve minutes was made by Board member Newton; seconded by Board member Pullen. Vote unanimously passed.
- 3. Public Comment:** None

** Public Hearing Opened**

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

- 4. Variance:** Jensen's Coastal Plantation, applicant, on behalf of Jensen's Inc., owner, requested a 5' 6" variance from the minimum front yard setback requirement of twenty (20') feet for a manufactured home community as prescribed by the Pender County Unified Development Ordinance, Section 5.3.2.D (5), Manufactured Home Community Dimensional Requirements. The property is located at 531 Loblolly Trail, Hampstead, and may be identified by Pender County PIN 3292-39-3667-0000. The property is zoned RP, Residential Performance District. Ken Vafier, Senior Planner, presented and gave background information for agenda item 4. Board member Pullen asked how the right away of the road was established, would it be determined from the center line of the road; Planner Vafier answered yes it would be 25 feet from the center line, however in the case before the Board, the setback was based off of the property line which would have to be 25 feet from that line. Chairman Ferrante asked if the only issue at question was the setback; Planner Vafier answered yes. Chairman Ferrante asked the Board if they had any other questions for staff, with no further questions Chairman Ferrante asked to hear from the applicant. Tim Weaver, on behalf of Jensen's Coastal Plantation addressed the Board and stated that he had no comments, but would like to take the opportunity to thank the Board for hearing their variance request and the main purpose for the

request was to build a centralized office. Director Breuer stated for the Board's knowledge the water treatment facility that the applicant intended to use for the proposal recently came available due to the community connecting to the County water source. Mr. Weaver added that Mr. Breuer was correct that in December the community connected to County water and the water pump was removed from the concrete structure with the intent of creating a central office for the community. Board member Kane asked the applicant if they could redesign their plans to where a variance would not be needed; Mr. Weaver responded that it could be a possibility however; they felt the wetlands in the area could create an issue. Chairman Ferrante stated that he agreed with Board member Kane, that the property was large enough to redesign the plans; Mr. Weaver answered that the plan was to make a central office using the existing structure. With no further questions for the applicant, Chairman Ferrante closed the public hearing so that the Board could have their discussion.

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 "Proposed Lot" as indicated on the submitted site plan does not contain any wetlands or other areas of environmental concern, the addition could be located within this area.*
2. It is the Board's CONCLUSION that, granting the variance requested **will** 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 property's size will allow for the addition to be placed elsewhere on the property.*
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: *The applicant may build the addition in another location meeting the standards of the ordinance.*
4. It is the Board's CONCLUSION that the requested variance **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: *The requested variance does not meet the intent of the ordinance being that the structure can be built on another area of the property.*
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 listed above, as well as the following: *The applicant elected to design the site in the manner in which it is currently situated.*

Motion to deny the requested Variance based on size of property and other options available such as; to relocate or redesign the proposal made by Board member Newton; seconded by Board member Kane. Vote unanimously passed.

5. Discussion Items:

a. BOA Members: N/A

b. Planning Staff:

- i. Update on Portable Storage Containers:** Director Breuer stated that at the last Board of Adjustment meeting the Board directed staff to evaluate the current standards for portable storage containers, at the Board's request, staff took the item to the Planning Board at their September 11, 2012 work session as a discussion item. During the discussion, staff gave background of the requested variance for the purpose of commercial use, it was the Planning Board's opinion that the County has established the standards regarding portable storage containers and are not willing to move forward with an amendment to address extending the allowed time or permanent basis, therefore, staff will not pursue a text amendment to address the standards. Chairman Ferrante asked that the Planning Board did recognize that the way the text is written it is primarily directed toward residential use; Director Breuer answered yes. Chairman Ferrante thanked staff for following through on the request.
- ii. Next meeting:** No meeting for October, staff will notify the Board of November meeting.

6. Adjournment: Meeting adjourned at 9:35 am.