

Pender County Planning and Community Development

Planning Division

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



Phone: 910-259-1202

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www.pendercountync.gov

AGENDA

Pender County Board of Adjustment Meeting

July 17, 2013 9:00 a.m.

Pender County Public Meeting Room

805 S. Walker Street, Burgaw, North Carolina

Call to Order: Chairman Ferrante

Invocation:

Roll Call: Chairman Ferrante

Pender County Board of Adjustment Members:

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

Alternates:

Peters: _____

1. Adoption of the Agenda:

2. Adoption of the Minutes: March 20, 2013

3. Public Comment:

4. Variance:

Le Voise English, applicant and owner, is requesting three separate variances to allow for the subdivision of one tract into two tracts in addition to allowing a breezeway to encroach into the required side yard setbacks. Specifically, the applicant is requesting relief from the Pender County Unified Development Ordinance, Section 4.14, Zoning District Dimensional Requirements, as it pertains to the minimum lot size and setback requirements. The subject property is located at 685 and 715 NC Highway 50, Wallace. The property is zoned RA, Rural Agricultural District and may be identified by Pender County PIN: 3375-44-6162-0000.

- Variance 1) 0.26 acre or 11,151.36 ft² variance from the minimum lot size requirement of one (1) acre in the RA, Rural Agricultural District. The current lot is .74 ac. or 32,234.4 sq. ft.
- Variance 2) Proposed Lot 1 would require a three (3) foot variance from the 15 foot side yard setback as required in the RA, Rural Agricultural District.
- Variance 3) Proposed Lot 2 would require a seven (7) foot variance from the 15 foot side yard setback as required in the RA, Rural Agricultural District.

5. Variance:

Manuel F. Sanabria, applicant, on behalf of Derrell Coleman Sr., owner, is requesting a nine foot (9') variance from the required ten foot (10') side yard setback as outlined in the Pender County Unified Development Ordinance (UDO) Section 5.3.3.A.2 along with Section 4.14 as it pertains to the setback requirements for the RP, Residential Performance District. The subject property is located at 532 Bolick Road, Burgaw. The property is zoned RP, Residential Performance District and may be identified by Pender County PIN 3209-95-8467-0000.

** Public Hearing Closed**

6. Discussion Items:

a. BOA Members:

b. Planning Staff:

i. HB 276, AN ACT TO CLARIFY AND MODERNIZE STATUTES REGARDING ZONING
BOARDS OF ADJUSTMENT

1. The North Carolina General Assembly recently adopted statutes which change certain aspects of the Board of Adjustment. Staff has prepared a preliminary report of the changes and will present them to the Board as information.

7. Adjournment:

PLANNING STAFF REPORT
Variance Request

SUMMARY:

Hearing Date: June 19, 2013
Applicant: Le Voise English
Property Owner: Le Voise English
Case Number: 10975

Property Location and Description: The subject property is located at 685 and 715 NC Highway 50, Wallace, North Carolina, as referenced on Deed Book 2654, Page 0237 (Exhibit 1), recorded at the Pender County Register of Deeds on May 5, 2005 and may be identified by Pender County 3375-44-6162-0000.

Zoning District of Property: The property is zoned RA, Rural Agricultural District.

Variance Requested: Le Voise English, applicant and owner, is requesting three separate variances for the property located at 685 and 715 NC Highway 50, in Wallace: Variance 1) 0.26 acre or 11,151.36 ft² variance from the minimum lot size requirement of one (1) acre in the RA, Rural Agricultural District as prescribed by the Pender County Unified Development Ordinance, Zoning District Dimensional Requirements § 4.14; Variance 2) Proposed Lot 1 would require a three (3) foot variance from the 15 foot side yard setback, required in the RA, Rural Agricultural District, as prescribed by the *Pender County Unified Development Ordinance Section 4.14*; Variance 3) Proposed Lot 2 would require a seven (7) foot variance from the 15 foot side yard setback, as required in the RA, Rural Agricultural District, as prescribed by the *Pender County Unified Development Ordinance Section 4.14*.

BACKGROUND AND DESCRIPTION OF VARIANCE:

The subject property is currently 1.65 acres and hosts a rest home and a single family dwelling, constructed in 1964 and 1946 respectfully (Exhibit 2). The home is connected by an open air breezeway to the rest home (Exhibit 3).

On Monday, May 6th, 2013, the applicant met with planning staff regarding the requirements of subdividing the subject property into two separate lots. During the meeting, the applicant was proposing to subdivide the property in a manner which would have located the rest home on a one (1) acre lot and the single family home located on the remainder 0.744 acres (Exhibit 4). Staff informed the applicant that the subject property did not have enough acreage to allow the property to be divided.

The applicant may acquire 0.084 acres (3,659.04 ft²) from the adjacent property owner, which increases the total lot size from 1.65 acres to 1.744 acres. The applicant would need a 0.26 acre or 11,151.36 ft² variance from the minimum lot size requirement of one (1) acre in the RA, Rural Agricultural District as prescribed by the Pender County Unified Development Ordinance, Zoning District Dimensional Requirements § 4.14, in order to subdivide the property into two separate lots.

After further discussions with the applicant, staff determined two additional variances will be required. Because an open air breezeway connects the two structures, if the applicant subdivides the property a portion of breezeway would have to be removed in order to meet the required side yards setbacks.

The RA, Rural Agricultural, zoning district requires structures to be set back at least 15 feet from the property line as prescribed in the Pender County Unified Development Ordinance, Zoning District Dimensional Requirements § 4.14. The applicant is proposing to remove portions approximately 19.5 feet from the breezeway, leaving portions of the structure encroaching in both side yards of proposed lots 1 and 2.

The rest home, Lot 1, will require a three (3) foot variance from the required side yard setback of 15 feet. Lot 2, with the single family structure will require a seven (7) foot variance from the required side yard setback of 15 feet.

ZONING ADMINISTRATOR'S CONCLUSION:

Le Voise English, applicant and owner, is requesting three separate variances to allow for the subdivision of one tract into two tracts in addition to allowing a breezeway to encroach into the required side yard setbacks. Specifically, the applicant is requesting relief from the Pender County Unified Development Ordinance, Section 4.14, Zoning District Dimensional Requirements, as it pertains to the minimum lot size and setback requirements. The subject property is located at 685 and 715 NC Highway 50, Wallace. The property is zoned RA, Rural Agricultural District and may be identified by Pender County PIN: 3375-44-6162-0000.

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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.

4.6.10 Permitted Obstruction in Required Yards

In all districts, the following shall not be considered obstructions when located within a required yard, except that these items shall not be located within any required clear site triangle.

- A. In any Required Yard:
1. Sidewalks, uncovered steps and handicapped access ramps.
 2. Off street parking facilities may be located in the required front yard. Off-street parking and loading facilities may not be located in a required buffer.
 3. Plantings and vegetation, arbors and trellises, open terraces, including natural plant landscaping.
 4. Awnings or canopies projecting up to six (6') feet from a building wall, provided that the awning has no supports other than provided by the wall or its integral part.
 5. Cornices, eaves, and awnings may extend up to five (5') feet into any required yard, but shall remain at least two (2') feet from the property line, except on zero lot line homes.
 6. Bay windows, entrances, balconies, and similar features that are less than ten (10') feet wide may extend up to one and one-half (1 ½') foot into any required yard, but shall remain at least six (6') feet from the property line.
 7. Chimneys projecting not more than three (3') feet into the required yard.
 8. Fire escapes or staircases may project no more than eight (8') feet into the required yard.
 9. Directional signs may be installed in conformance with the Article 10, Signs.
 10. Driveways.
 11. Flagpoles having only one structural ground member.
 12. Mailboxes.
 13. Project boundary buffers and street buffers.
 14. Fountains, sculpture or other similar objects of art.
 15. Street furniture such as, but not limited to benches, drinking fountains, and light standards.
 16. Retaining walls or bulkhead no more than six (6') feet in height.
 17. Security gates and guard stations.
 18. When screened from adjacent residential dwellings, at-grade patios, decks or uncovered terraces may extend up to eight (8') feet into any required front yard.
- B. In any Required Side or Rear Yard:
1. When screened from adjacent residential dwellings, at-grade patios, decks or uncovered terraces may extend up to four (4') feet into any required side yard, or within ten (10) feet of a rear property line.
 2. Recreational equipment, such as play houses, swings, etc.
 3. Off street parking and loading facilities may be located in the required side or rear yard. Off-street parking and loading facilities may not be located in a required buffer.

4.7.1 RA: Rural Agricultural

The Rural Agricultural District is intended to accommodate non-residential agricultural uses and very low density residential development (minimum of 1 du/ac), as well as limited non-residential uses, in rural areas adjacent to agricultural operations. Development in this District should rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal.

4.14 Zoning District Dimensional Requirements

Dimensional Requirements Table

Dimensional Standards ⁽⁹⁾	RA	RP	RM	MH	GB	OI	IT	GI	PD	FC
Lot Size	1 Acre ⁽⁸⁾	15,000 ⁽⁵⁾ Sq. Ft.	(1)	(7)	15,000 Sq. Ft. ⁽⁸⁾	15,000 Sq. Ft.	1 Acre	1 Acre	(1)	1 Acre
Lot Size Duplex	60,000 Sq. Ft.	22,000 Sq. Ft.	(1)						(1)	
Min. Area Rezoning(3)	NA	5 Acres	10 Acres	5 Acres	1 Acre	1 Acre	5 Acres	5 Acres	100 acres	NA
Min. Lot Width-Ft	100 ⁽⁸⁾	80 ⁽⁶⁾	(1)	(7)	80 ⁽⁸⁾	80	100	100	(1)	100
Min. Chord Length at ROW line for "cul de sac's"	45	30	(1)	20	30	30	45	45	(1)	45
Min. Front Yd.-Ft.	30 ⁽⁸⁾	30	(1)	(7)	25 ⁽⁸⁾	25	40	50	(1)	50
Min. Side Yard-Ft	15 ⁽⁸⁾	10	(1)	(7)	10 ⁽⁸⁾	10	25	25	(1)	25
Min. Corner Yard Ft (10)	15	15	(1)	(7)	12	12	20	25	(1)	25
Min. Rear Yard-Ft	30 ⁽⁸⁾	25	(1)	(7)	10 ⁽⁸⁾	10	25	25	(1)	25
Max. Height-Ft	35 ⁽²⁾	35 ⁽²⁾	45	35	40	40	50	50	(1)	40
Min. Req. Structure Separation	40 ⁽⁸⁾	30	(1)		50 ⁽⁸⁾	50	50	100	(1)	30

5.3.2 Residential Uses

A. Residential Principal Structure

- 1) In any residential district, up to three residential structures are permitted, on a single lot provided a plat drawn to scale by a licensed registered surveyor is submitted showing that all yards and other requirements of this Ordinance have been met for each structure.

Appendix A

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.

LOT: A designated parcel, tract or area of land established or to be established by plat or subdivision or previously established as a recorded lot.

1. **LOT AREA:** The total area within the lot lines of a lot.
2. **LOT, CORNER:** A lot abutting two or more streets at their intersection. (See Figure 4.1)
3. **LOT COVERAGE:** The total built upon area, including all non-pervious surface materials.
4. **LOT, INTERIOR:** A lot other than a corner lot. (See Figure 4.1)
5. **LOT LENGTH:** The distance between the front lot line and the rear lot line measured at the maximum distance.
6. **LOT LINE, FRONT:** The front of a lot shall be considered to be that side of the lot which fronts on a street. In the case of a corner lot, either side abutting a street may be considered to be the front, provided the structure to be located on the lot is situated to meet the required front, side and rear yards for the zoning district in which the lot is located. (See Figure 4.1)
7. **LOT LINE, REAR:** The lot line opposite and parallel to the front lot line or within 45° of being parallel to the front lot line. (See Figure 4.1)
8. **LOT LINE, SIDE:** Any lot line other than front or rear lot lines. (See Figure 4.1)
9. **LOT OF RECORD:** A lot for which a plat or survey description has been legally recorded with the Pender County Register of Deeds.
10. **LOT, PIPESTEM:** A residential lot fronting on a public or a private street in which access is provided by a narrow strip of land, referred to as the "pipestem driveway yard," which is less than the minimum required front yard width, and located between adjoining residential lots fronting on the same street.
11. **LOT, THROUGH:** A lot, other than a corner lot, with frontage on more than one street. These lots may also be called "double frontage lots". (See Figure 4.1)
12. **LOT WIDTH:** The horizontal distance between side lot lines measured at the front yard setback line.

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/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:

Peters: _____

FILED

BK 2753 PG 292

05 AUG 22 PM 1:58

JOYCE M. SWICEGOOD
REGISTER OF DEEDS
PENDER COUNTY, NC

Recorded and Verified
Joyce M. Swicegood
Register of Deeds
Pender County, NC

filed
PIN # 3375-44-6162-0000
DATE 8/22/05 INT JK

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: _____

Parcel Identifier No. _____ Verified by _____ County on the _____ day of _____, 20____

By: _____

Mail/Box to: 685 NC Hwy 50 Wallace NC 28466

This instrument was prepared by: Richard S. James, Atty Maple Hill, NC 28454

Brief description for the Index: 1.65 acres, Holly Township

THIS DEED made this 22 day of March, 2005, by and between

GRANTOR

GRANTEE

BERTIE H. BOND of Pender County,
North Carolina


LEVOISE ANN BOND ENGLISH
685 NC Hwy 50
Wallace, NC 28466

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of _____, Holly Township, Pender County, North Carolina and more particularly described as follows:

The 1.65 acre tract of land, more or less and includes my residence and my nursing home along with all the ownership of the nursing home and residence and includes the contents of the nursing home and the full ownership of everything connect with the nursing including the full right to operated the nursing home and includes the ownership of any thing else which constitutes any part of the nursing home.

The property hereinabove described was acquired by Grantor by instrument recorded in Book _____ page _____.

A map showing the above described property is recorded in Plat Book _____ page _____.

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2

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple. And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

BR 2753 PG 293

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

(Entity Name) _____ (SEAL)
By: _____ (SEAL)
Title: _____
By: _____ (SEAL)
Title: _____
By: _____ (SEAL)
Title: _____

USE BLACK INK ONLY

Bertie H Bond
BERTIE H. BOND



State of North Carolina - County of Pender
I, the undersigned Notary Public of the County and State aforesaid, certify that BERTIE H. BOND personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 23 day of March, 2005.
My Commission Expires August 9, 2006
Bertie H. Bond
Notary Public

State of North Carolina - County of _____
I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that he is the _____ of _____ a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of each entity, he signed the forgoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal this _____ day of _____, 20____.
My Commission Expires: _____
Notary Public

State of North Carolina - County of _____
I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this _____ day of _____, 20____.
My Commission Expires: _____
Notary Public

The foregoing Certificate(s) of Richard S. James is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.
By: JOYCE M. SWICEGOOD Register of Deeds for Pender County
Sharon B. Willoughby Deputy/Assistant Register of Deeds
NC Bar Association Form No. 3 © 1976, Revised © 1977, 2002
Printed by Agreement with the NC Bar Association - 1981
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OWNERSHIP 06262013 875581 ENGLISH, LEVOISE ANN BOND		PROPERTY DESCRIPTION ON N/SIDE HWY 50		TAX SUBDIVISIONS TWP HOLLY		PIN 3375-44-6162-0000 CARD NO 1																																																																																																															
685 NC HWY 50 WALLACE, NC DEED:2753 292 08222005		28466 SCALE 1:410		715 NC HWY 50 STREET EXCELLEN UTILITY ELECTRIC SPTCTANK WELL		MAPLE HILL FIRE PENDER EMS 563 2.00 ZONING FA 1.65 ACRES																																																																																																															
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2	11F RESD PRI	0.65AC	8000	1.92ACF		15360	0.65	0.65	9984																																																																																																												
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2	65B CONCRETE	110* 20	3.96	0.80	3.17	2200	6974																																																																																																														
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COMMRCIL COMMRCIAD0 81964 E1970 AVERAGE CONDITION ADJ: 0% BLDG DEPR: 0.22 % DIMENSIONS: A- CU59R38D24R8U2R18U18R12D18R38D12L13D25L101 B-R101U25R13U12L28CU10L6D10R6 C-R6CR32D10L32U10 D-R10		OTHER VALUE: WALLFNSH DRY WALL FLOORS CARPET HEAT&AIR HOT AIR HEATFUEL GAS 9 BDRM 9 ROOM		MAP: NOPLAT																																																																																																																	
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Single family structure located on the right.



Rest home facility located on the left.



Breezeway connects the single family structure to the rest home facility.

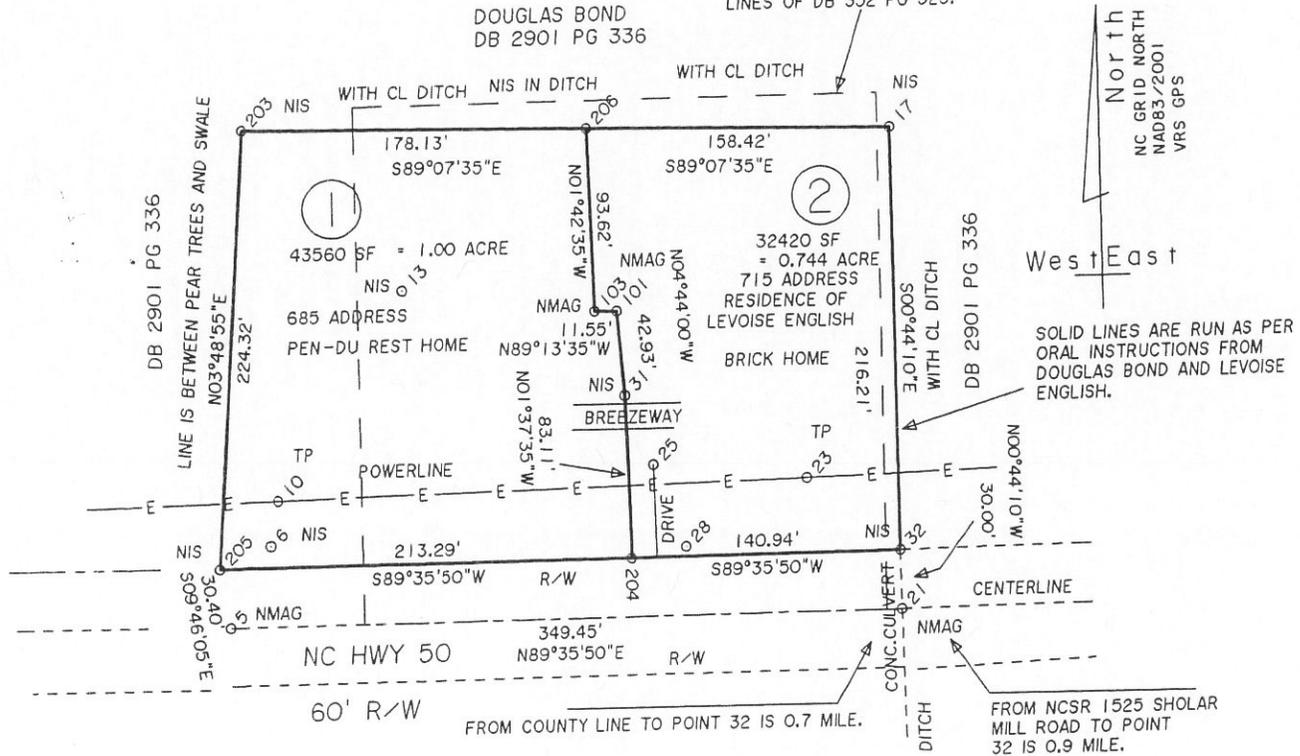


Breezeway and single family residential structure to the right with rest home facility to left.



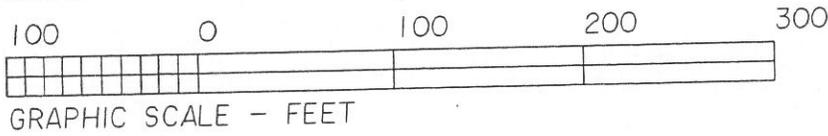
Breezeway and single family residential structure to the right.

272.58' BY 264.00' = 1.65 ACRES
 DASHED LINE IS THE
 PLOT OF THE OLD
 LINES OF DB 352 PG 329.



SOURCE OF TITLE OF LOTS 1 AND 2: DB 352 PG 318, DB 352 PG 329, DB 2654 PG 234, DB 2753 PG 292.

SEE ALSO DB 2901 PG 336



PRELIMINARY PLAT
 NOT FOR RECORDATION,
 CONVEYANCES, OR SALES.
 DENNIS L. MANNING SURVEYING
 910-324-1447 PHONE/FAX



DL 4-20-2013

PENDU.CRD 1206
 .PLI
 WD 95-63-64
 APR 20, 2013

Exhibit 4

APPLICATION FOR VARIANCE

THIS SECTION FOR OFFICE USE

Application No.	VA 10975	Date	5.7.2013
Application Fee	\$ 250.00 / .60 copies	Receipt No.	

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	LeVoice English	Owner's Name:	LeVoice English
Applicant's Address:	685/715 NC Highway 50	Owner's Address:	685/715 NC Highway 50
City, State, & Zip	Wallace, NC 28466	City, State, & Zip	Wallace, NC 28466
Phone Number:	910 259-4469	Phone Number:	910 259-4469

Legal relationship of applicant to land owner: Self

SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	3375-44-6162-0000	Total property acreage:	+/- 1.65 (GIS) / +/- 1.774 (Survey)
Zoning Classification:	RA, Rural Agricultural	Variance Size:	3 Variances See description below
Variance Location & Address	Same as above 685 and 715 NC Highway 50, Wallace NC 28466		
Describe Variance and amount or type requested:	Variance 1- is a Lot Size Variance from the required minimum acreage of 1 Acre in the RA District (requested +/- 9850) Variance 2 Side Yard for structure (lot 1 3 ft. side yard setback from required 15 ft.) Variance 3 Side Yard Setback for structure (lot 2 would require a 7 feet side yard variance from the 15 ft)		

SECTION 3: SIGNATURES

Applicant's Signature	<i>LeVoice English</i>	Date:	5-7-2013
Owner's Signature	<i>LeVoice English</i>	Date:	5-7-2013

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 : <input checked="" type="checkbox"/> Cash \$ 250.00	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa
Application received by: <i>Ashley Frank</i>	Check: <input type="checkbox"/> Check # _____
Application completeness approved by: <i>Ashley Frank</i>	Date: 5.7.2013
Date scheduled for public hearing: June 19, 2013	Date: 5.7.2013

Pen-Du Rest Home

Administrator-LeVoise English
685 NC Hwy 50
Wallace NC 28466
(910) 259-4469
Fax (910) 259-3844

To the Pender County Planning Board
I LeVoise Bond English am requesting
a grant of variance for dividing my
home and rest home land.

Due to health problems of my own and
my husband being handycap we find it
necessary to sell our rest home, but we
pray not our home too.

This is a very hard process for me.
This land & home have been part of my
life for 66 years and the rest home 48
years.

Taking care of our residents is a
24 hour a day, 7 days a week job, which
is more than I can physically do any
more. They (our residents) very quickly
become a part of my family.

We want our rest home to go on
giving good, quality loving care to our
current residents especially and hopefully
future residents.

If I sell the rest home and one acra
of land that leaves me with less than

one acrea on which my home sits
I don't want to loose this home as
it has been home to me all my life

Dividing our land as we propose
does not affect any land owners
adjacent to us, except my brother,
Douglas Bond.

Buying land from my brother, who's
land joins mine on three sides, would
take away his farm land.

He totally understands why we are
making this decision at this time and
gives us his blessing.

The map we have is a preliminary
plat showing what we hope will be
our new map.

With my brother's recommendations
Mr Manning moved the West end line
of the property to a swale where he plans
to put a ditch to drain both his field and
the rest home yard.

By doing this we can give a one
acrea plat to the buyer and create a
dividing line between the rest home and
the house that will meet your other
guidelines. That will will give me
more than the original 1.65 acreage
which was on my original deed.

That also is shown on Mr. Mannings preliminary plat

This variance will not be materially detrimental to the health, safety or welfare of persons residing or working in the neighborhood. It will not increase noise, activities or traffic in our neighborhood in any way.

This variance will allow my husband and me to stay in the home we are in and not have to sell everything we have here.

We have both worked hard all of our lives. Taking away the rest home and our home at this time in our life would really create a great hardship.

Strict enforcement of this ordinance would deprive us of reasonable use of our own property.

Distance from one building to the other is 51' 4" which is covered by a breeze way. The requested 9' 4½" to be left at the exit from the rest home and 22' 4½" on the house is our other variance we are asking for. That means we would only be taking out 19.5 feet from the breeze way.



Applicant and Owner:
Le Voise English

Variance

Case Number:
10975

Legend

 Subject Parcel

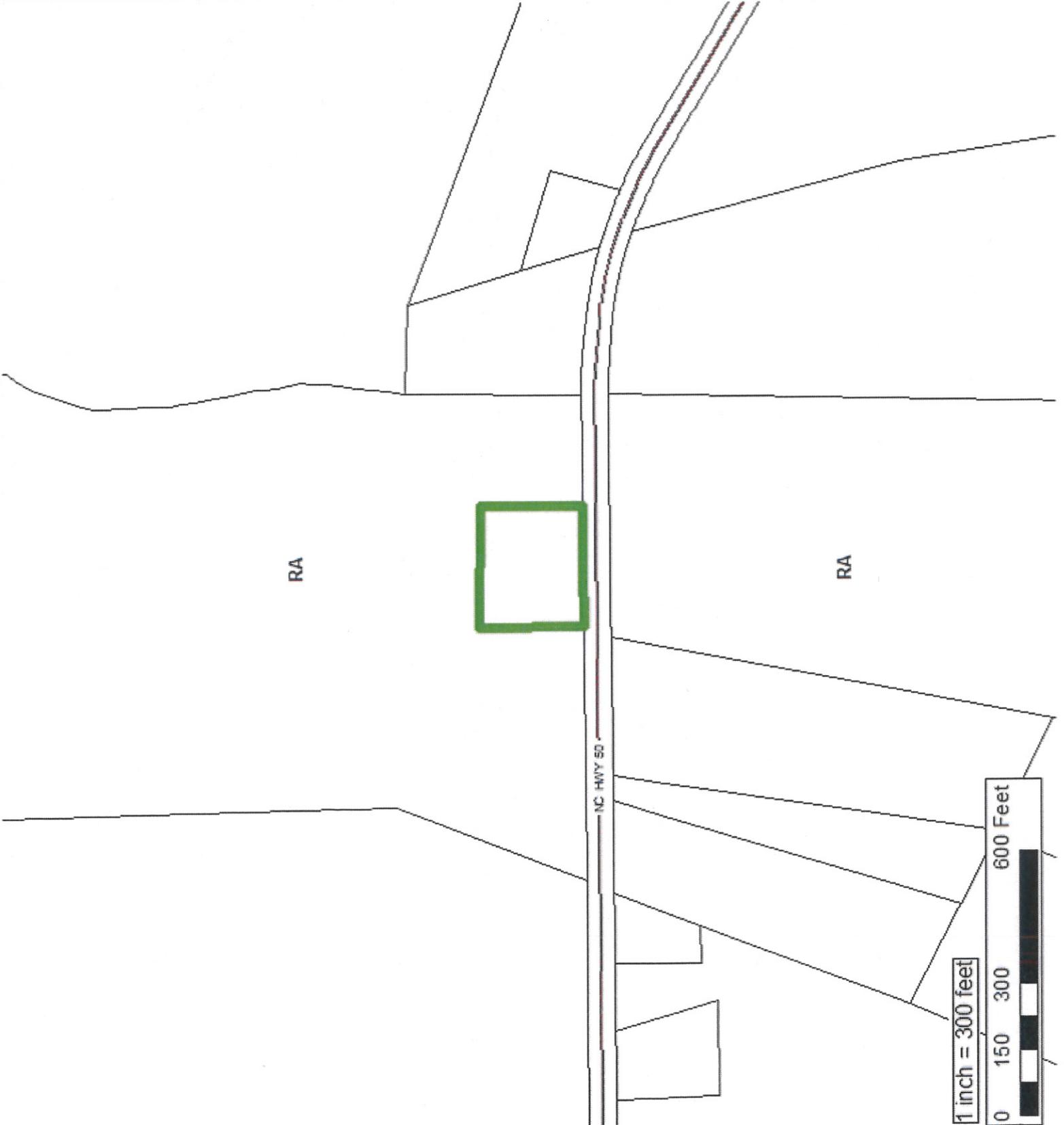
Zoning Classification

UDO Zoning

-  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





Applicant and Owner:
Le Voise English

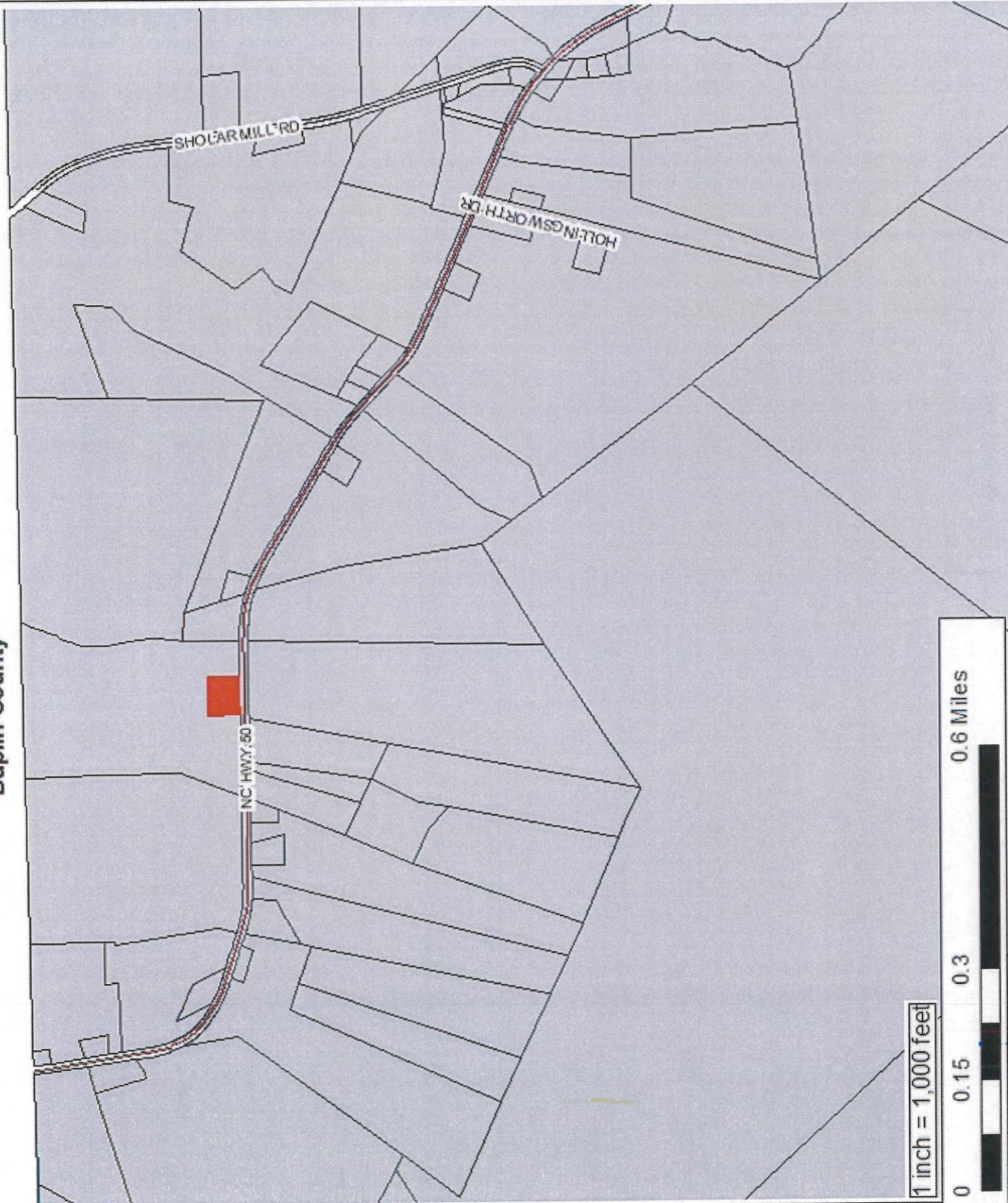
Variance

Case Number:
10975



VICINITY

Duplin County



1 inch = 1,000 feet

0 0.15 0.3 0.6 Miles



Applicant and Owner:
Le Voise English

Variance

Case Number:
10975

 **Subject Property**



2012 Aerial





Applicant and Owner:
Le Voise English

Variance

Case Number:
10975

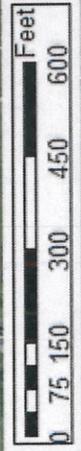
 **Subject Property**



2012 Aerial



1 inch = 300 feet



PLANNING STAFF REPORT
Variance Request

SUMMARY:

Hearing Date: July 17, 2013
Applicant: Manuel F. Sanabria
Property Owner: Derrell Coleman Sr.
Case Number: 10980

Property Location and Description: The subject property is located at 532 Bolick Road, Burgaw, as referenced on Deed Book 918, Page 322 (Exhibit 1), recorded at the Pender County Register of Deeds on August 24, 1993 and may be identified by Pender County 3209-95-8467-0000.

Zoning District of Property: The property is zoned RP, Residential Performance District.

Variance Requested: Manuel F. Sanabria, applicant, on behalf of Derrell Coleman Sr., owner, is requesting a nine foot (9') variance from the required 10 foot side yard setback as outlined in the Pender County Unified Development Ordinance (UDO) Section 5.3.3.A.2 along with Section 4.14 which specifically addresses the dimensional requirements of the RP, Residential Performance District.

BACKGROUND AND DESCRIPTION OF VARIANCE:

On April 4, 2013 a Zoning Determination, Permit Number 130713(Exhibit 2), was issued for a residential accessory structure; a 623 square foot open car port (Exhibit 3). Based on the site plan provided by the applicant the location of the accessory structure was meeting all required yard setbacks and building separation as outlined in the Pender County UDO Sections 4.14 and 5.3.3.A.2 and. In the written narrative (Exhibit 4), provided by the applicant, the original site plan was drawn using data provided by the Pender County Interactive GIS.

On April 9, 2013, Final Zoning was issued for the residential accessory structure (Exhibit 5). Pender County Permitting noted a foundation survey would be required as required in the Pender County UDO Section 3.2.2.B. A General Construction Permit was issued for the accessory structure on April 9, 2013(Exhibit 6) and construction commenced on the site.

On April 10, 2013, the Foundation Inspection was passed by Pender County Building Inspector Scott Henry. Upon the completion of the foundation survey (Exhibit 7), the applicant became aware the location on the building was encroaching into the required side yard setbacks as prescribed in the Pender County UDO Sections 4.14; 5.3.3.A.2.

Accessory building between 600-1,199 square feet in area must adhere to the zoning district requirements and separation must be ten (10) feet from any other structure and access easements located on the property. The required yard setbacks for the RP, Residential District are:

	Setbacks for RP
Front Yard	30 Feet
Side Yard	10 Feet
Rear Yard	25 Feet

The applicant is requesting a nine foot (9') variance from the required 10 foot side yard setback as outlined in the Pender County Unified Development Ordinance (UDO) Sections 4.14; 5.3.3.A.2. The car port was constructed along the southern property line; the neighboring boundary is currently under a timber management plan.

ZONING ADMINISTRATOR'S CONCLUSION:

Manuel F. Sanabria, applicant, on behalf of Derrell Coleman Sr., owner, is requesting a nine foot (9') variance from the required 10 foot side yard setback as outlined in the Pender County Unified Development Ordinance (UDO) Section 5.3.3.A.2 along with Section 4.14 which specifically addresses the dimensional requirements of the RP, Residential Performance District.

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.

4.6.10 Permitted Obstruction in Required Yards

In all districts, the following shall not be considered obstructions when located within a required yard, except that these items shall not be located within any required clear site triangle.

A. In any Required Yard:

1. Sidewalks, uncovered steps and handicapped access ramps.
2. Off street parking facilities may be located in the required front yard. Off-street parking and loading facilities may not be located in a required buffer.
3. Plantings and vegetation, arbors and trellises, open terraces, including natural plant landscaping.
4. Awnings or canopies projecting up to six (6') feet from a building wall, provided that the awning has no supports other than provided by the wall or its integral part.
5. Cornices, eaves, and awnings may extend up to five (5') feet into any required yard, but shall remain at least two (2') feet from the property line, except on zero lot line homes.
6. Bay windows, entrances, balconies, and similar features that are less than ten (10') feet wide may extend up to one and one-half (1 ½') foot into any required yard, but shall remain at least six (6') feet from the property line.
7. Chimneys projecting not more than three (3') feet into the required yard.
8. Fire escapes or staircases may project no more than eight (8') feet into the required yard.
9. Directional signs may be installed in conformance with the Article 10, Signs.
10. Driveways.
11. Flagpoles having only one structural ground member.
12. Mailboxes.
13. Project boundary buffers and street buffers.
14. Fountains, sculpture or other similar objects of art.
15. Street furniture such as, but not limited to benches, drinking fountains, and light standards.
16. Retaining walls or bulkhead no more than six (6') feet in height.
17. Security gates and guard stations.
18. When screened from adjacent residential dwellings, at-grade patios, decks or uncovered terraces may extend up to eight (8') feet into any required front yard.

B. In any Required Side or Rear Yard:

1. When screened from adjacent residential dwellings, at-grade patios, decks or uncovered terraces may extend up to four (4') feet into any required side yard, or within ten (10) feet of a rear property line.
2. Recreational equipment, such as play houses, swings, etc.
3. Off street parking and loading facilities may be located in the required side or rear yard. Off-street parking and loading facilities may not be located in a required buffer.

4.7.2 RP: Residential Performance

The Residential Performance District is intended to allow a variety of residential uses and densities and also limited commercial activities as well as agritourism. Existing or new agricultural and farm uses shall be allowed on undeveloped land prior to development.

A. Residential Performance District (RP) shall meet the following general standards:

- 1) Buildings on the periphery of a Residential Performance Development shall be setback no less than twenty (20') feet from the adjoining property line. Additional buffers may be required based on the adjacent land use. See buffer chart in Section 8.2.6.
- 2) All undivided areas within the development (other than street rights-of-way, parking, and structures) shall be designated as open space as defined in Appendix A Definitions and Article 8. Such open space shall be offered to the public or encumbered for the perpetual benefit of the residents.
- 3) Private streets will be permitted in Performance Residential Developments; however, dedication of public streets and utility easements shall be required if such are indicated on the official plans as adopted by Pender County or any municipality if it is determined by the County Planning Board.
- 4) When a development proposal is submitted under this Article, it shall be processed as a Master Plan.

- 5) Projects proposing less than ten (10) lots shall be submitted as one phase and must be contiguous when submitted for final plat.
- 6) A homeowners association shall be established and kept continuously active, for the maintenance of open and private spaces and stormwater runoff, along with any private water, sewer or roads, when warranted.
- 7) All requirements of Article 9 Flood Damage Prevention must be met.
- 8) Any land designated as usable open space shall be used in calculating the density for a proposed development.
- 9) Buffer strips shall be required and maintained by the Homeowner's Association.

All preliminary plans shall provide the approximate delineation of Corps of Engineers

4.14 Zoning District Dimensional Requirements

Dimensional Requirements Table

Dimensional Standards ⁽⁹⁾	RA	RP	RM	MH	GB	OI	IT	GI	PD	EC
Lot Size	1 Acre ⁽⁸⁾	15,000 ⁽⁵⁾ Sq. Ft.	(1)	(7)	15,000 Sq. Ft. ⁽⁸⁾	15,000 Sq. Ft.	1 Acre	1 Acre	(1)	1 Acre
Lot Size Duplex	60,000 Sq. Ft.	22,000 Sq. Ft.	(1)						(1)	
Min. Area Rezoning(3)	NA	5 Acres	10 Acres	5 Acres	1 Acre	1 Acre	5 Acres	5 Acres	100 acres	NA
Min. Lot Width-Ft	100 ⁽⁸⁾	80 ⁽⁶⁾	(1)	(7)	80 ⁽⁸⁾	80	100	100	(1)	100
Min. Chord Length at ROW line for "cul de sac's"	45	30	(1)	20	30	30	45	45	(1)	45
Min. Front Yd.-Ft.	30 ⁽⁸⁾	30	(1)	(7)	25 ⁽⁸⁾	25	40	50	(1)	50
Min. Side Yard-Ft	15 ⁽⁸⁾	10	(1)	(7)	10 ⁽⁸⁾	10	25	25	(1)	25
Min. Corner Yard Ft (10)	15	15	(1)	(7)	12	12	20	25	(1)	25
Min. Rear Yard-Ft	30 ⁽⁸⁾	25	(1)	(7)	10 ⁽⁸⁾	10	25	25	(1)	25
Max. Height-Ft	35 ⁽²⁾	35 ⁽²⁾	45	35	40	40	50	50	(1)	40
Min. Req. Structure Separation	40 ⁽⁸⁾	30	(1)		50 ⁽⁸⁾	50	50	100	(1)	30

5.3.2 Residential Uses

A. Residential Principal Structure

- 1) In any residential district, up to three residential structures are permitted, on a single lot provided a plat drawn to scale by a licensed registered surveyor is submitted showing that all yards and other requirements of this Ordinance have been met for each structure.

5.3.3 Accessory Uses and Structures

A. Accessory Building Setbacks and Separation Requirements

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.

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.

LOT: A designated parcel, tract or area of land established or to be established by plat or subdivision or previously established as a recorded lot.

1. **LOT AREA:** The total area within the lot lines of a lot.
2. **LOT, CORNER:** A lot abutting two or more streets at their intersection. (See Figure 4.1)
3. **LOT COVERAGE:** The total built upon area, including all non-pervious surface materials.
4. **LOT, INTERIOR:** A lot other than a corner lot. (See Figure 4.1)
5. **LOT LENGTH:** The distance between the front lot line and the rear lot line measured at the maximum distance.
6. **LOT LINE, FRONT:** The front of a lot shall be considered to be that side of the lot which fronts on a street. In the case of a corner lot, either side abutting a street may be considered to be the front, provided the structure to be located on the lot is situated to meet the required front, side and rear yards for the zoning district in which the lot is located. (See Figure 4.1)
7. **LOT LINE, REAR:** The lot line opposite and parallel to the front lot line or within 45° of being parallel to the front lot line. (See Figure 4.1)
8. **LOT LINE, SIDE:** Any lot line other than front or rear lot lines. (See Figure 4.1)
9. **LOT OF RECORD:** A lot for which a plat or survey description has been legally recorded with the Pender County Register of Deeds.
10. **LOT, PIPESTEM:** A residential lot fronting on a public or a private street in which access is provided by a narrow strip of land, referred to as the "pipestem driveway yard," which is less than the minimum required front yard width, and located between adjoining residential lots fronting on the same street.
11. **LOT, THROUGH:** A lot, other than a corner lot, with frontage on more than one street. These lots may also be called "double frontage lots". (See Figure 4.1)
12. **LOT WIDTH:** The horizontal distance between side lot lines measured at the front yard setback line.

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/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:

Peters: _____

APPLICATION FOR VARIANCE

THIS SECTION FOR OFFICE USE

Application No.	VA 10980	Date	5.31.2013
Application Fee	\$ 250.00	Receipt No.	131197

SECTION 1: APPLICANT INFORMATION

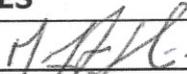
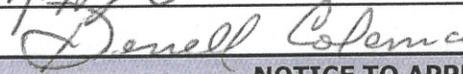
Applicant's Name:	MANUEL F. SANABRIA	Owner's Name:	DERRELL, FAYE COLEMAN SA
Applicant's Address:	444 BOLICK Rd	Owner's Address:	532 BOLICK Rd
City, State, & Zip	BURGAW NC. 28425	City, State, & Zip	BURGAW NC. 28425
Phone Number:	910-675-7694	Phone Number:	910-259-8452

Legal relationship of applicant to land owner: BUILDER

SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	3209.95.8467.0000	Total property acreage:	.91 ± AC (NET)
Zoning Classification:	HP	Variance Size:	± 9 feet.
Variance Location & Address	532 Bolick Rd BURGAW NC 28425		
Describe Variance and amount or type requested:	Need 10' from property only have 1'12 feet we need at least 9 foot variance.		

SECTION 3: SIGNATURES

Applicant's Signature		Date:	5/31/13
Owner's Signature		Date:	5/31/13

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"/> Master Card <input type="checkbox"/> Visa	Check: <input checked="" type="checkbox"/> Check # <u>1062</u>
Application received by:	<u>Jaki Pace</u>	Date:	<u>5-31-2013</u>
Application completeness approved by:	<u>Wesley Frank</u>	Date:	<u>5-31-2013</u>
Date scheduled for public hearing:	<u>July 17, 2013</u>		

The attorney preparing this instrument has made no record search or title examination as to the property herein described, unless the same is shown by his written and signed certificate.

BOOK 918 PAGE 322

FILED

'93 AUG 24 AM 10 35

JOYCE M. SWICEGOOD
REGISTER OF DEEDS
PENDER COUNTY, N.C.

Excise Tax - 0 -

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.
Verified by County on the day of 19.....
by EL

Mail after recording to

This instrument was prepared by MOORE & LEE, BURGAW, N.C. 28425
Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 18th day of August, 10 93, by and between
GRANTOR GRANTEE

ENERGY EFFICIENT HOUSING, INC,
a North Carolina Corporation

DERRELL PRESTON COLEMAN, SR.
and wife, FAYE CLARK COLEMAN

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, n.c. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.
WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is heroby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple all that certain lot or parcel of land situated in the City of Burgaw Township, Pender County, North Carolina and more particularly described as follows:

Being that 0.91 acres, more or less, located in Burgaw Township, Pender County, North Carolina, adjacent to and East of the old centerline of Secondary Road #1341, and being more fully described on Exhibit A hereto attached and made a part hereof.

This conveyance is made expressly subject to the following restrictions:

1. The property herein conveyed shall be used for residential purposes only.
2. No mobile home shall be placed on the property that is smaller than a double wide mobile home.
3. No livestock, poultry or swine shall be kept upon the property herein conveyed.

and Verified
Joyce M. Swicegood
Register of Deeds
Pender County, NC

Exhibit 1

The property hereinabove described was acquired by Grantor by instrument recorded in

A map showing the above described property is recorded in Plat Book page.....
TO HAVE AND TO HOLD, subject to restrictions referred to below, the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple; has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.
ENERGY EFFICIENT HOUSING, INC. (SEAL)

By: Donald D. Fisher, Jr. (Corporate Name) President

Elizabeth Wells Powell Secretary (Corporate Seal)

NORTH CAROLINA, GREENE County, Donald D. Fisher, Jr. Grantor,

ANN FISHER Notary Public of the County and State aforesaid, certify that

ELIZABETH WELLS POWELL personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 19th day of August, 1993.
My commission expires: 02-09-98 Elizabeth Wells Powell Notary Public

SEAL-STAMP NORTH CAROLINA, Greene County, Mary Ann Fisher

I, a Notary Public of the County and State aforesaid, certify that ENERGY EFFICIENT HOUSING, INC. personally came before me this day and acknowledged that he is Secretary of ENERGY EFFICIENT HOUSING, INC. a North Carolina corporation, and that by authority duly

MARTHA L. DEAN lives and as the act of the corporation, the foregoing instrument was signed in its name by its Secretary, President, sealed with its corporate seal and attested by herself as its Secretary, Witness my hand and official stamp or seal, this 19th day of August, 1993.

My commission expires: 11-8-93 Martha L. Dean Notary Public

The foregoing Certificate(s) of Elizabeth Wells Powell and Mary Ann Fisher

is/are certified to be copies of the instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof. JOYCE M. SWICEGOOD REGISTER OF DEEDS FOR Perdue COUNTY

By: Perdue Deputy/Assistant - Register of Deeds

EXHIBIT "A"

Located in Burgaw Township, Pender County, N.C., adjacent to and East of the Old centerline of Secondary Road #1341, and being more fully described as follows, to wit:

BEGINNING at an old nail in the paved portion of Secondary Road #1341, said nail being located at a point that marks the Western most dividing corner between the Mary Catherine B. Bland and Clara B. Davis lands as shown on the division map of C. S. Bolick and wife Ethel Bolick, with said map being duly recorded Map Book 9, Page 25 of the Pender County Registry; said nail is being further located at a point that is the following courses and distances from an old spike located in the intersection of the paved centerline of Secondary Road #1340 with the paved centerline of Secondary Road #1341: South 17 degrees 32 minutes 35 seconds East 2069.40 feet, South 17 degrees 16 minutes 23 seconds East 262.68 feet, South 16 degrees 32 minutes 56 seconds East 140.00 feet to the Beginning; and running thence, from the Beginning, so located, with the center of the Old Road North 16 degrees 32 minutes 56 seconds West 140.00 feet to a point in-line thence, North 74 degrees 12 minutes 36 seconds East 432.62 feet (passing over in-line iron pipe at 30.0 feet and 432.40 feet) to a point in the Mary Catherine B. Bland line thence, with said line South 38 degrees 49 minutes West 198.44 feet to an old iron pipe in-line; thence, continuing with the Mary Catherine B. Bland line South 68 degrees 53 minutes 19 seconds West 270.16 feet (passing over an old in-line iron pipe at 240.06 feet) to the Beginning, containing 0.91 Acres, more or less, after the exclusion of that portion of Secondary Road #1341 contained within the above described boundaries and is as surveyed by Thompson Surveying Co., P. A. Burgaw, N.C., in July 1988.

As a reference see Map Book 9, Page 25 of the Pender County Registry.

The above described tract is subject to a 25 foot wide drainage easement lying adjacent to and West of the Easternmost line.



Planning & Community Development
PENDER COUNTY, North Carolina

805 S. Walker St.
Burgaw, NC 28425

Planning and Zoning
910-259-1202

Page # 1

Zoning/Development Permit

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

CA Approved : N/A Zoning Determination Only

Tax Geo Pin#: 32099584670000
Tax. Rec. #: 28998

Zoning Permit Date: 04042013
Permit/Receipt #: 130713
User ID: JP15
Code Violation: N

* Permitted Use Description of Work:
Residential accessory structure

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

Description of Work :

Existing septic approval for a 26' x 24' open carport

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: 532 BOLICK RD

City: BURGAW

Property Owner: Name: COLEMAN DERRELL PRESTON SR ET AL
Str # / Name: 532 BOLICK ROAD
City, State, Zip: BURGAW NC 28425 Telephone:

Applicant: Relation :
Name: SANABRIA MANUEL
Contact: SANABRIA MANUEL
Str # / Name: BOLICK RD 444
City, State, Zip: BURGAW NC 28425 Telephone: 9106757694

Subdivision Name: Plat Bk. & Page #: Deed Bk. & Pg : 918 / 322 Township: BURGAW

Section A: Zoning Determinations

Zone Dist : RP Req. Setbacks: Front: 30 Rear: 25 Side: 10
Minimum Lot Size: 15000 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: JP Date: 4/04/13 CBRA: Yes - No - 1 0/00/00

Section B: Conditions of Permit

Required:	Completed:
Subject To Compliance With All State And Federal Regulations.	1
Compliance With The Site Plan And Application Submitted For This Permit.	1
Compliance With The Set Backs Noted.	1
Environmental Health Approval Required prior to final Zoning Permit.	1

Site Directions:

532 Bolick Rd.

Zoning Det. By : JP
Final Zoning By :

Date : 4/04/13 Zoning Fee : 25.00
Date : 0/00/00 Total Zoning Fee : 25.00

Check #: 1129
Check #:

* Fee is Non-Refundable
Zoning Notes :

Exhibit 2

Planning & Community Development
PENDER COUNTY, North Carolina

805 S. Walker St.
Burgaw, NC 28425

Planning and Zoning
910-259-1202

Page # 2



Zoning/Development Permit

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

Zoning Determination Only

Tax Geo Pin#: 32099584670000
Tax. Rec. #: 28998

Zoning Permit Date: 04042013
Permit #: 130713
User ID: JP15
Code Violation: N

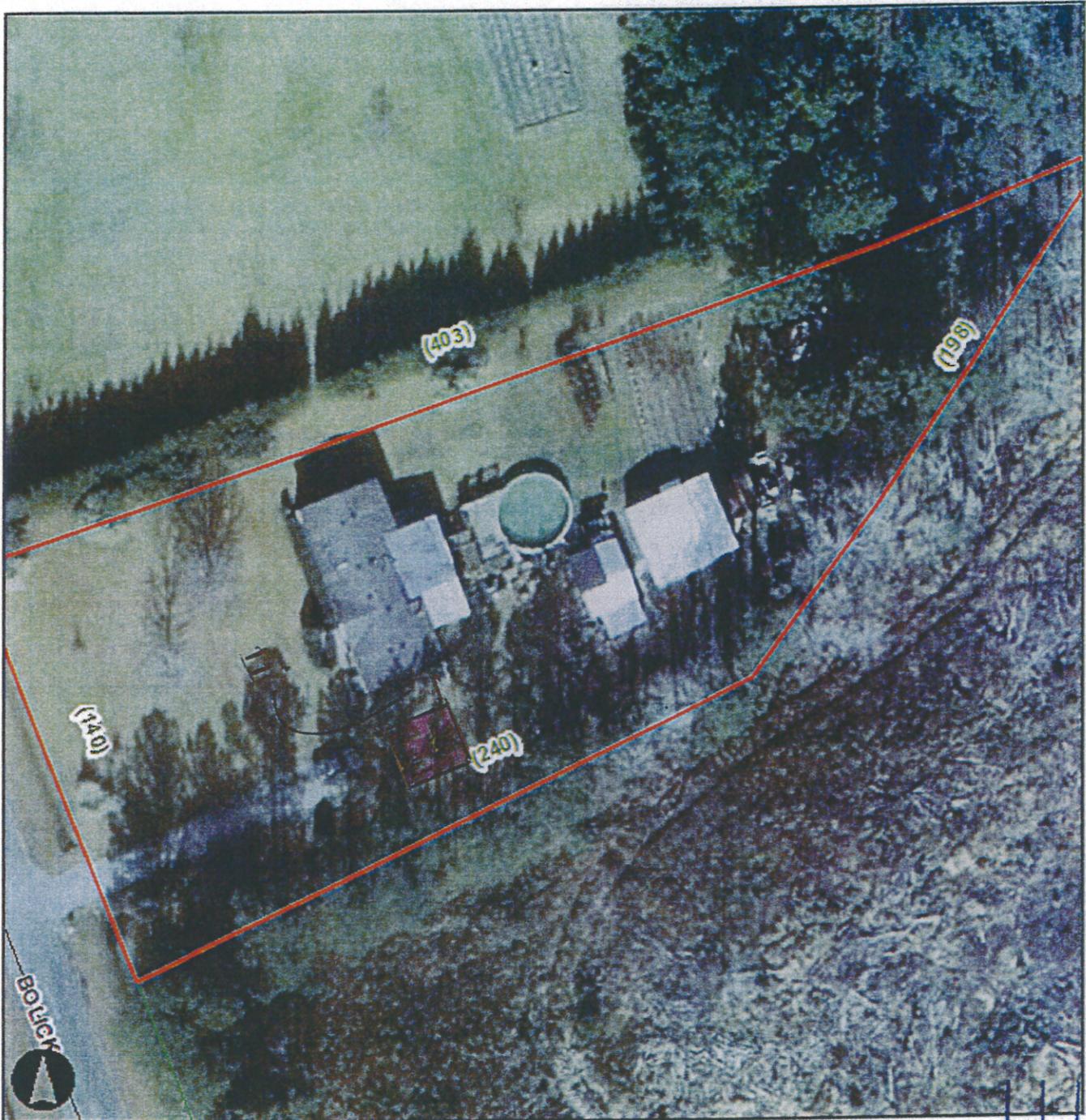
Permit valid for twelve (12) months from date of issuance



Applicant Signature

4/4/13

Date



Scale: 1:50



PIN: 3209-95-8467-0000
 NAME: COLEMAN DERRELL PRESTON SR et al
 ADDR: 532 BOLICK ROAD
 CITY: BURGAW
 STATE: NC
 ZIP: 28425
 PROPERTY ADDRESS: 532 BOLICK RD
 PROPERTY DESCRIPTION: E/S SR 1341
 DATE: 8/24/1993
 SALE PRICE: \$0.00

PLAT: NOPLAT
 ACCOUNT: 8633.000000
 TOWNSHIP: 101
 TNSH DESC: BURGAW
 ACRES: 0.91
 LAND VALUE: \$22,750.00
 BUILDING VALUE: \$51,202.00
 TOTAL VALUE: \$73,952.00
 DEFERRED VALUE: \$0.00
 SUBDIVISION: Null
 ZONE: R20
 TAX CODES: G01 F21 R40 S64

For 24' x 20' Open Carport

Site Plan prepared

by: Jahua Price
 Approved by: Jahua Price
 Date: 04/14/13
 Permit #: 130713



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 # _____

Applicant Name: MANUEL F. SANABRIA Date: 4/3/13
Applicant's Address: 444 BOLICK RD Phone: 910-675-7694
City/State/Zip code: BURGAW NC 28425

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. _____
Map Book & Page # _____ Deed Book & Page # 918 PAGE 322

Project Location Directions: Take Penderlea to New Savannah make left and first left is Bolick Rd go down 1/2 mile or left is 532 Bolick Rd.

Owner's Name: DARRELL & FAYE COLEMAN Phone: _____
Owner's Address: 532 BOLICK RD City: BURGAW State: NC Zip: 28425

Project Contact Person: MANUEL F. SANABRIA Phone: _____

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

Description of Work: BUILD A CAR PORT 24x26 Building Height 8' (Not to exceed 35')

ZONING DISTRICT: RA PROPOSED SETBACKS: 10 F 10 LS 10 RS 10 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: _____

PROPERTY ACCESS: ACCESS EASEMENT ON PROPERTY: YES NO ABUTS RD 30' WIDE: YES NO

RECORDED EASEMENT (Date of created lot): YES NO 20' (Before '03) _____
30' (From 11/17/03 - 7/1/10) _____ 45' After 7/1/10 _____

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 _____ (Circle/Highlight One)

Sewer Source: County / Community System / Private septic / Other _____ (Circle/Highlight One)

Signature: [Signature] Date: 4/4/13

(FOR OFFICE USE ONLY)

*IS PROPERTY LOCATED IN FLOODPLAIN? YES / NO

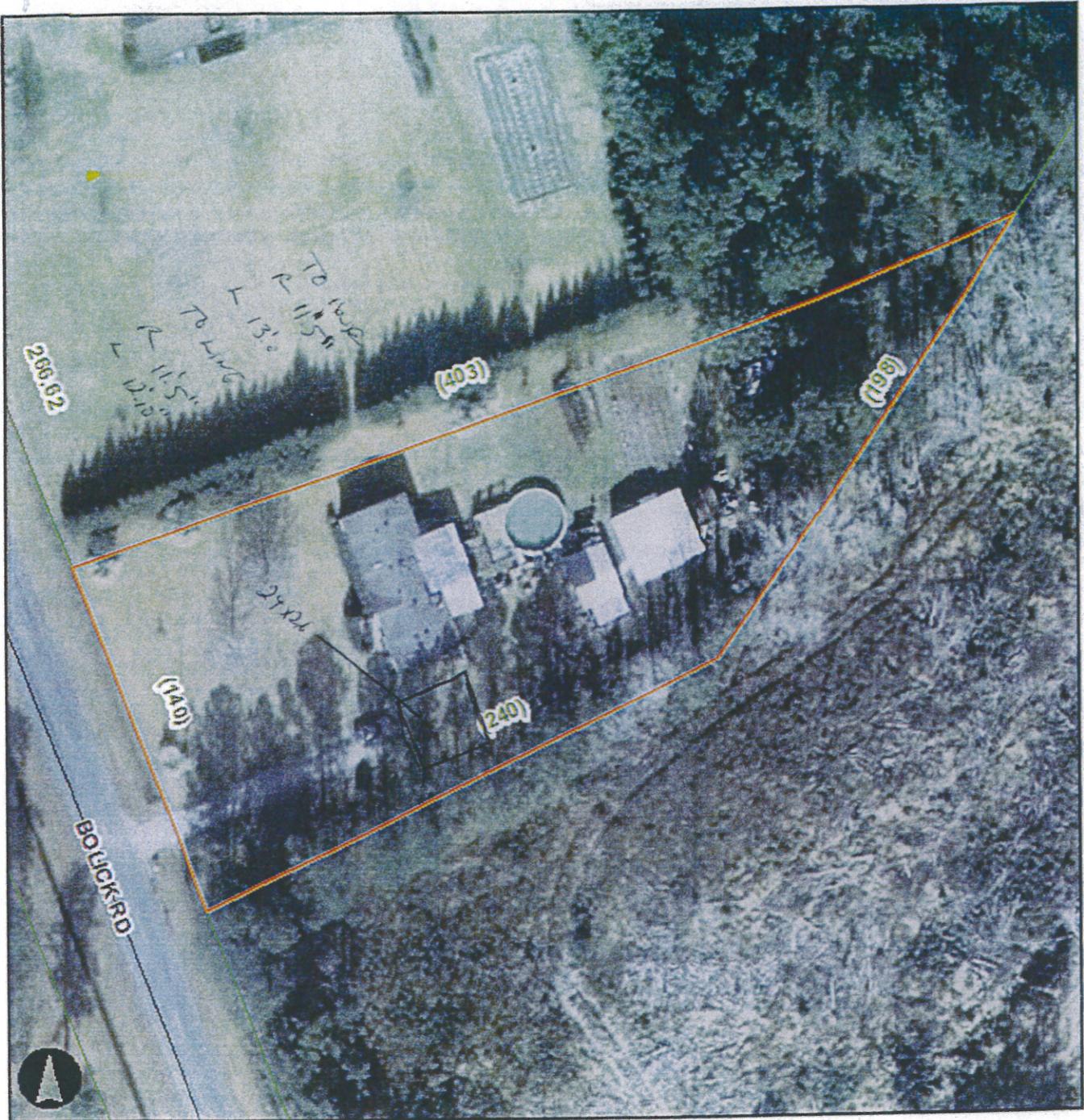
CAMA PERMIT REQUIRED? YES / NO

PROPERTY IN AEC? YES / NO

ANY PROTECTED WETLANDS ON PROPERTY? YES / NO

TECHNICIAN'S INITIALS / DATE: _____

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



Scale: 1:60



10' FRONT
 10' SIDES
 10' BACK

A handwritten signature or set of initials, possibly 'E', written in black ink.



Accessory building, encroaching on south side yard— in this picture towards the right.

Open carport meets building separation between the single family structure and accessory building.



Accessory building located 1.15 feet from the side yard property line.

May 30, 2013

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

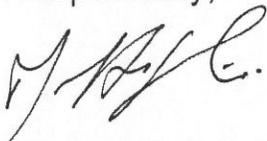
Reference: 532 Bolick Rd. – Variance

To Whom It May Concern,

I would like to request a variance for the referenced property on behalf the property owners. Permit Number 130713 was obtained for construction of a 26' x 24' open carport on April 9, 2013. The setbacks for the side yard was 10' and separation between structure and home was to be a minimum of 10'. During construction of the carport, I utilized GIS settings to determine location points for the structure not knowing that the GIS was inaccurate. A surveyor was hired to determine actual location of constructed carport. Upon completion of the survey, it was determined that the structure is only 1.5' away from the property line and does meet the required separation between structures. Unfortunately, the error was not caught until the structure was significantly constructed (being that this is an open carport, requiring minimum inspections).

In summary, a variance of 9.5' is needed for the referenced property location. Any assistance in this manner would be greatly appreciated.

Respectfully,



Manuel F. Sanabria, Owner
M. Sanabria Home Improvements & Renovations

**Planning & Community Development
PENDER COUNTY, North Carolina**

805 S. Walker St.
Burgaw, NC 28425

Planning and Zoning
910-259-1202

Page # 1

Zoning/Development Permit



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

CA Approved : N/A **Final Zoning**

Tax Geo Pin#: 32099584670000
Tax. Rec. #: 28998

Zoning Permit Date: 04042013
Permit/Receipt #: 130713
User ID: JP15
Code Violation: N

* Permitted Use Description of Work:
Residential accessory structure

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

Description of Work :

Existing septic approval for a 26' x 24' open carport

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: 532 BOLICK RD

City: BURGAW

Property Owner: Name: COLEMAN DERRELL PRESTON SR ET AL
Str # / Name: 532 BOLICK ROAD
City, State, Zip: BURGAW NC 28425 Telephone:

Applicant: Relation:
Name: SANABRIA MANUEL
Contact: SANABRIA MANUEL
Str # / Name: BOLICK RD 444
City, State, Zip: BURGAW NC 28425 Telephone: 9106757694

Subdivision Name: Plat Bk. & Page #: Deed Bk. & Pg: 918 / 322 Township: BURGAW
Section: Lot:

Section A: Zoning Determinations

Zone Dist : RP **Req. Setbacks:** Front: 30 Rear: 25 Side: 10
Minimum Lot Size: 15000 **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 : JP **Date :** 4/04/13 **CBRA:** Yes - No - 1 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
Environmental Health Approval Required prior to final Zoning Permit. 1

Site Directions:

532 Bolick Rd.

Zoning Def. By : JP Date : 4/04/13 Zoning Fee : 25.00 Check # : 1129
Final Zoning By : JP Date : 4/09/13 Total Zoning Fee : 25.00 Check # :

* Fee is Non-Refundable

Zoning Notes :

Existing system permit was issued 05-11-93.
-Existing septic approval under EH file ESA13-029B (PO).

Exhibit 5

Planning & Community Development
PENDER COUNTY, North Carolina

805 S. Walker St.
Burgaw, NC 28425

Planning and Zoning
910-259-1202

Zoning/Development Permit

Page # 2



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

Final Zoning

Tax Geo Pin#: 32099584670000
Tax. Rec. #: 28998

Zoning Permit Date: 04042013
Permit #: 130713
User ID: JP15
Code Violation: N

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

Applicant Signature

4/2/13

Date

Environmental Health PENDER COUNTY, North Carolina

P. O. Box 1209
Burgaw, NC 28425

Environmental Health
910-259-1233



EXISTING SEPTIC APPROVAL

Page # 1

<u>Zoning Determination</u>	<u>Existing Septic Approval</u>	Permit# : 130713	Fee : 75.00
JP	4/04/13	OVERSTREET	4/08/13
		EHS ASSIGNED	PO
		Issued Date : 04042013	Code Violation:
		Issued By : NM12	GEO PIN # : 32099584670000
		EH - File # : ESAS13-029	

Permitted Use

Residential accessory structure

Description of Work

Existing septic approval for a 26' x 24' open carport

Applicant: SANABRIA MANUEL
 BOLICK RD 444
 BURGAW NC
Relationship of Applicant to Owner :

Work Phone: 9106757694
 Home Phone:
 Fax :

Owner : COLEMAN DERRELL PRESTON SR ET AL
 BOLICK ROAD 532
 BURGAW NC

Work Phone:
 Home Phone:
 Fax :

SITE ADDRESS : 532 BOLICK RD

Subdivision :	Section/Block :	Lot:	Deed Book/Page:	918	322
Township :	BURGAW		Plat Bk. & Page #:		

WATER SUPPLY : N/A SEWER SERVICE N/A

Directions to Site:

532 Bolick Rd.

Requirements

- STRUCTURE TYPE (MH, HOUSE, COMMERCIAL, OTHER-EXPLAIN) - MH
- ORIGINAL SYSTEM OWNER - ?
- DATE INSTALLED - PRE 1982 ?
- ORIGINAL SYSTEM RECORD TANK GALLONS - ?
- ORIGINAL SYSTEM RECORD DRAIN FIELD SQ/FT - ?
- ORIGINAL RESIDENCE USE # OF BEDROOMS - ?
- SYSTEM LOCATION (FRONT OR BACK) - FRONT LEFT
- WELL LOCATION (FRONT, BACK, LEFT OR RIGHT) - ?
- APPLICATION TYPE (REPAIR, MH RELOCATE, BLDG. ADD, OR OTHER) - CAR PORT - BLDG. ADD.
- ISSUE RESIDENCE USE # OF BEDROOMS - N/A
- DATE TANK PUMPED - ?
- MAJOR REPAIR DATE - ?

Conditions

Notes

Existing system permit was issued 05-11-93.

Environmental Health PENDER COUNTY, North Carolina

P. O. Box 1209
Burgaw, NC 28425

Environmental Health
910-259-1233



EXISTING SEPTIC APPROVAL

Page # 2

<u>Zoning Determination</u>	<u>Existing Septic Approval</u>	Permit# : 130713	Fee : 75.00
JP	4/04/13	OVERSTREET	4/08/13
		EHS ASSIGNED	PO
		Issued Date : 04042013	Code Violation:
		Issued By : NM12	GEO PIN # : 32099584670000
		EH - File # : ESAS13-029	

At the time of inspection no visible signs of malfunction were evident. However, since this is a subsurface sewage disposal system, it is impossible 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.

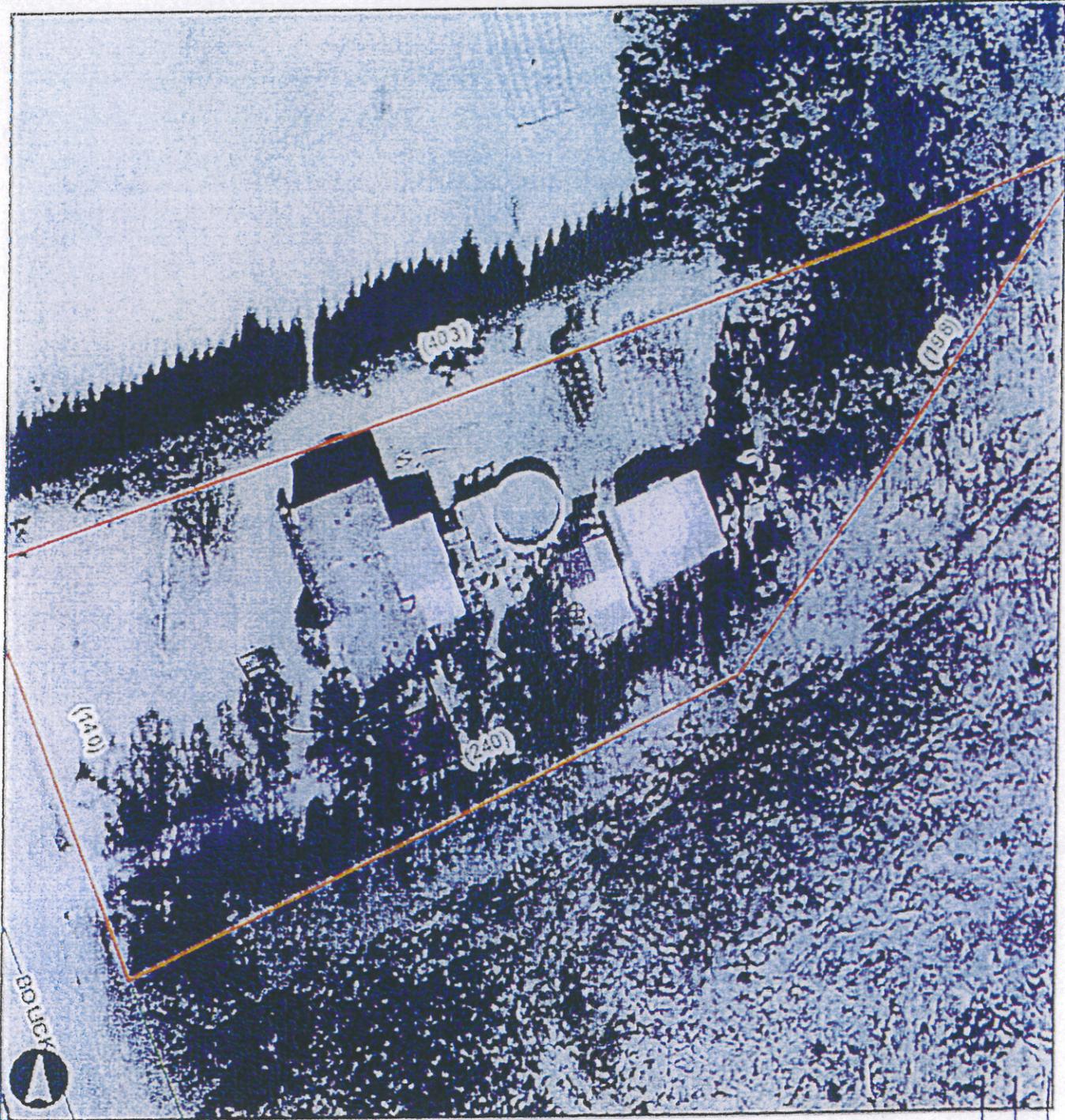
Dwelling shall be located a minimum of five (5) ft. from any part of septic system and repair area.

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

Signed: *Pamela Overstreet* Title: RS Date: 4-8-13

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.



Scale: 1:50

ESA13 - 029B
Page 3



PIN: 3209-95-8467-0000
NAME: COLEMAN DERRELL PRESTON SR et al
ADDR: 532 BOLICK ROAD
CITY: BURGAW
STATE: NC
ZIP: 28425
PROPERTY ADDRESS: 532 BOLICK RD
PROPERTY DESCRIPTION: E/S SR 1341
DATE: 8/24/1993
SALE PRICE: \$0.00

PLAT: NOPLAT
ACCOUNT: 8633.000000
TOWNSHIP: 101
TNSH DESC: BURGAW
ACRES: 0.91
LAND VALUE: \$22,750.00
BUILDING VALUE: \$51,202.00
TOTAL VALUE: \$73,952.00
DEFERRED VALUE: \$0.00
SUBDIVISION: Null
ZONE: R20
TAX CODES: G01 F21 R40 S64

124' x 220' Open Carport

Site Plan prepared

Approved by: [Signature]
Date: 04/13/13
Permit #: 130713

**Inspections Department
PENDER COUNTY, North Carolina**



P. O. Box 1519
805 S. Walker Street
Burgaw, NC 28425

Planning and Zoning : 910-259-1202
Environmental Health : 910-259-1233
Inspection Request #

GENERAL CONSTRUCTION PERMIT

General Permit Date : 04092013
Permit/Receipt # : 130713
Permit Issued By : JP15
Code Violation :
Geo Pin : 32099584670000

CA Approved : N/A

Page 1 of 2

Permitted Use:

Residential accessory structure

Description of Work:

Existing septic approval for a 26' x 24' open carport

Res/Com/Ind : R
Site Address : 532 BOLICK RD
Subdivision :
Township : BURGAW

Plat Book & Page # :
Deed Book & Page # : 918 322
Section :
Lot # : Unit # :

Applicant:
MANUEL SANABRIA

Contact:

BURGAW NC 28425
Phone: 9106757694

Phone:

Relationship of Applicant to Owner:

Workmans Comp: Type: UNDER 30 K
General or Setup Contractor: License #: UNDER 30K
M. SANABRIA HOME IMPROVEMENTS & RENOVATI
444 BOLICK RD
BURGAW NC 28425 Phone: 910259348E

Owner:
COLEMAN DERRELL PRESTON SR ET AL
532 BOLICK ROAD
BURGAW NC 28425 Phone:

Group : 110 Type of Construction : ADDITION/REPAIR RES.ACC.STRUCTURE UNHEATED

Class of Construction : NEW Occupancy Classification : UTILITY AND MISC.OTHER

Struc. Dimensions : Width: 26 Length: 24 Max Height: 35 Act Height: 8 Acres Cleared:
No.Stories: 1.0 No. of Rooms: No. Bedrooms: No. Baths: Fireplaces: Acres Graded:

Heated Sq/Ft : .00	Est Construction Cost : 12,480.00	Add'l Fees : PLAN REVIEW 1 HOUR 10.00
Unheated Sq/Ft: 624.00	NC Recovery : .00	
Porches w/roof: .00	Insulation : .00	
Porches wo/roof: .00	* BUILDING PERMIT FEE : \$ 100.00	
Decks w/roof : .00		
Decks wo/roof: .00		
Total Sq/ft. = 624.00		

* Total Cost of all Labor & Material Related to Construction of the Structure Proposed to be Permitted Under this Application

Directions to Site

532 Bolick Rd.

Zone Dist : RP Req. Setbacks: Front: 30 Rear: 25 Side: 10
Flood Zone #: X Type Water : N/A Type Sewer : N/A

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
Environmental Health Approval Required prior to final Zoning Permit.	1

Issued By : JP15 Date : 04092013 Cash: X Check: **PAY THIS AMOUNT : \$ 100.00**

[Signature] 7/9/13 *[Signature]* 4/9/13
Applicant Date Director of Inspections Date

Note: A licensed professional must design all public buildings.
A licensed professional must design all commercial structures over 2500 sq/ft or \$ 90,000 (Lic. Architect or Engineer).
All projects over \$ 30,000 must have licensed contractor.
Alteration of Mfg. Home requires certification by Licensed Engineer.
This permit is issued in compliance with and subject to the requirements of GS 143-138-141, 143.2 & 143.3, GS 153A-350, 352 & 355-374.
Copies of these Statutes may be viewd at the Office of Inspections.

Exhibit 6

Inspections Department
PENDER COUNTY, North Carolina

P. O. Box 1519
805 S. Walker Street
Burgaw, NC 28425



GENERAL CONSTRUCTION PERMIT
Inspection Request For Building Permit

CA Approved : N/A R/C/I: R Assigned Inspector: BUR- BUILD Requested Date: 4/10/13
Site Address : 532 BOLICK RD Time: : 00
City: BURGAW Township: BURGAW Permit # 130713
Owner: COLEMAN DERRELL PRESTON SR ET AL Issued: 04092013
Applicant: 9106757694
Geo Pin # : 3209958467000 Flood Plain: Flood Zone:
Sub Division : Lot # :
Type of Construction : ADDITION/REPAIR RES.ACC.STRUCTURE UNHEATED Unit # :
Zone Dist : RP Req. Setbacks: Front: 30 Rear: 25 Side: 10

Note: LK 04/09 10:50 MANNY-1 675 7694

Permitted Use General Contractor: M. SANABRIA HOME IMPROVEMENTS & RENOVATI Phone: 9102593488

Residential accessory structure

Description of Work

Existing septic approval for a 26' x 24' open carport

Site Directions

532 Bolick Rd.

Section B: Conditions of Permit

Condition:	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	
Environmental Health Approval Required prior to final Zoning Permit.	1	

----- Inspection Information -----

Inspection	Request Date and Note	Inspector	Result	Date Comp.
------------	-----------------------	-----------	--------	------------

----- Open Requests -----				
B5	FOUNDATION	4/10/13	SK P	4/10/13
		LK 04/09 10:50	MANNY-1	675 7694

----- Re-Inspection Fees -----		
Reinsp Fee	Reinsp Date Pd	Type

JOB NOTES HISTORY

- Existing system permit was issued 05-11-93.
- Existing septic approval under EH file ESA13-029B (PO).
- Foundation survey will be required.

SKETCH OF DEED

BK. 918 Pg. 322

FOR

DERRELL P. COLEMAN, SR
AND WIFE FAYE

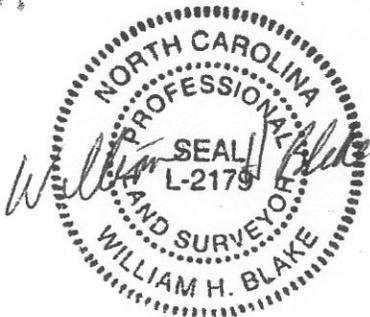
BURGAW TOWNSHIP, - PENDER CO., NC

SCALE: 1" = 50' 30 APRIL 2013

William H Blake

WILLIAM H BLAKE, NC - PLS # L-2179
BURGAW, NC PH. 259-4733

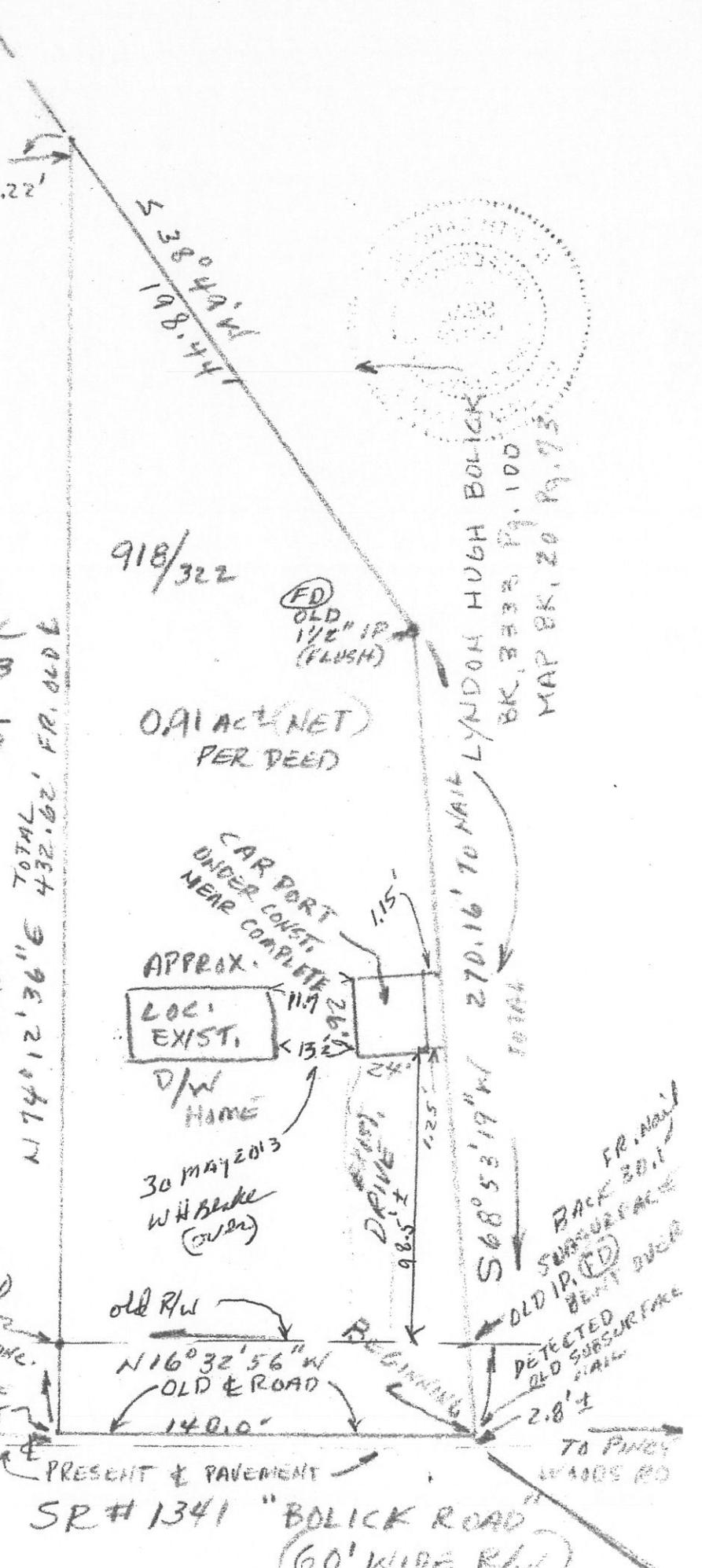
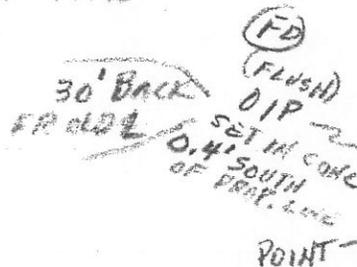
FOR SET BACKS FOR PENDER
CO. INSP. DEPT.



LEGEND

(FD) = FOUND 30 APR '13

OIP = OLD IRON PIPE



SR # 1341 "BOLICK ROAD"
(60' WIDE R/W)

Exhibit 7



Applicant
Manuel F. Sanabria

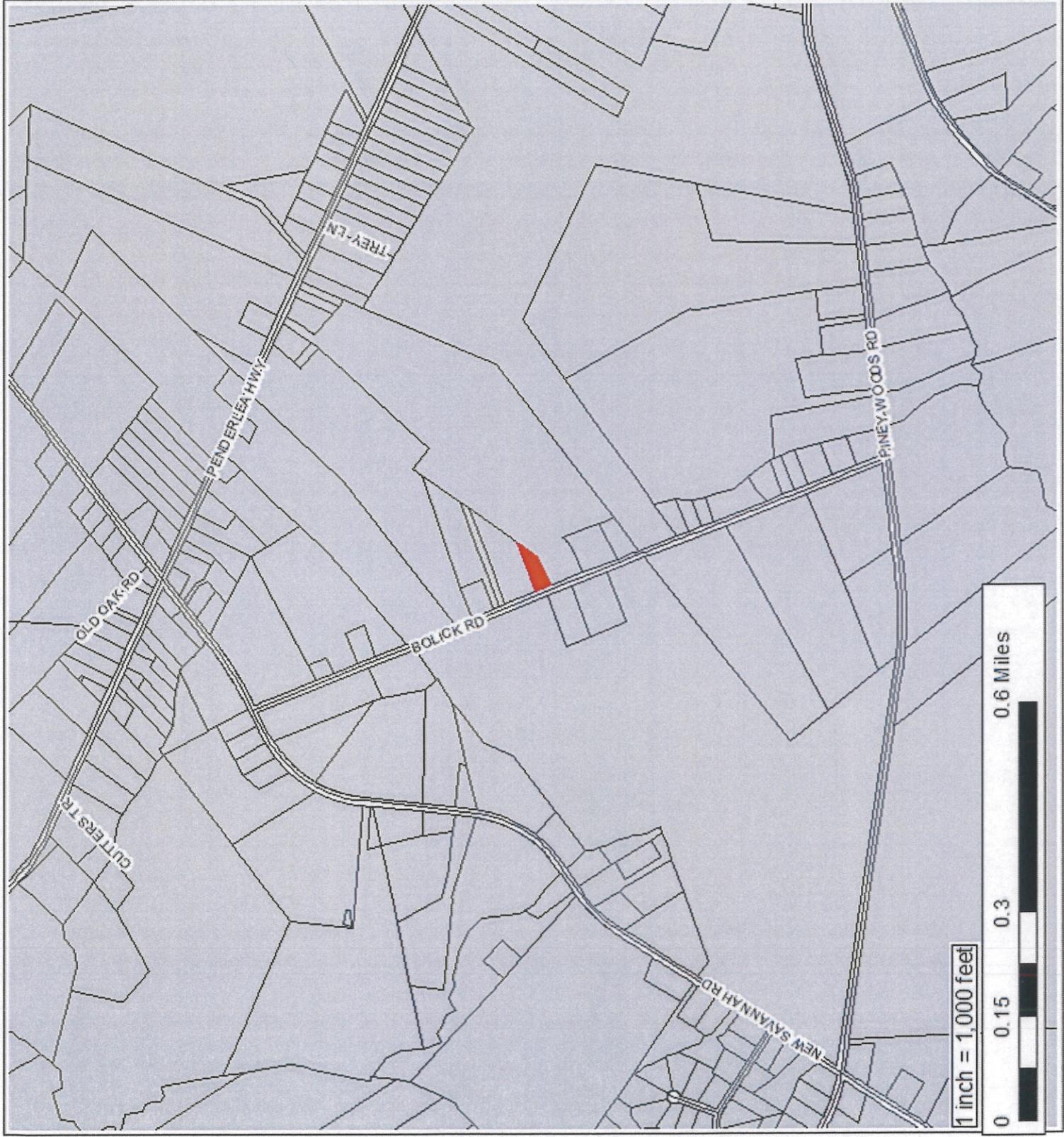
Owner:
Derrell Coleman Sr.

Variance

Case Number:
10980



VICINITY





Applicant
Manuel F. Sanabria

Owner:
Derrell Coleman Sr.

Variance

Case Number:
10980

Legend



Subject Parcel

Zoning Classification

UDO Zoning



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)



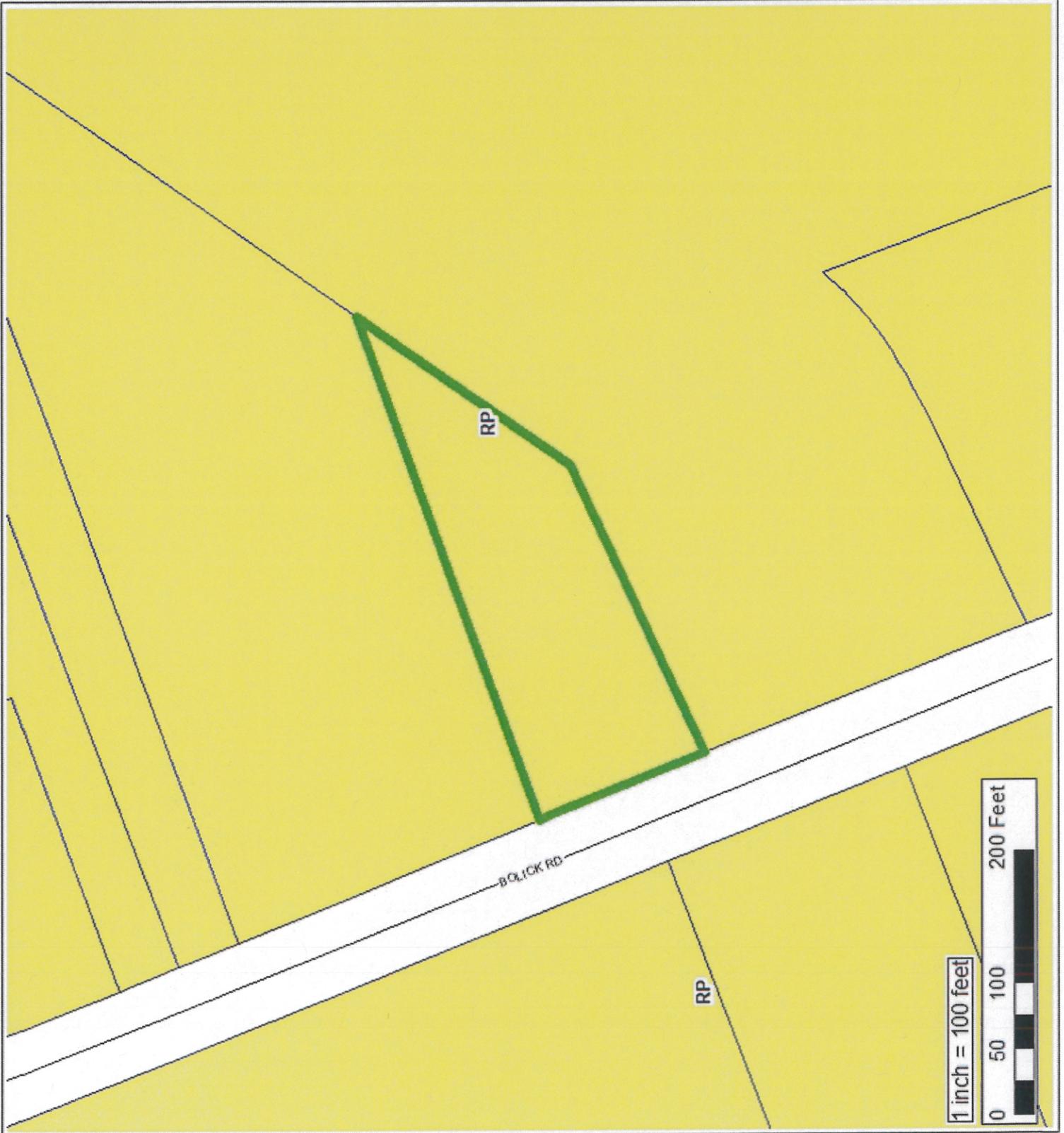
Manufactured Home Park (MH)



Residential Mixed (MF)



ZONING





Applicant
Manuel F. Sanabria

Owner:
Derrell Coleman Sr.

Variance

Case Number:
10980

 Subject Property



2012 Aerial



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

To: Pender County Board of Adjustment Members

From: Kyle M. Breuer, Director *KB*

Date: July 10, 2013

Re: H.B. 276 Updates for the Board of Adjustment

Legislative changes in H.B. 276, An Act to Clarify and Modernize Statutes Regarding Zoning and Boards of Adjustment, will be effective on October 1, 2013. Current documents and procedures must be updated to reflect the new statutes. It is pertinent to review and discuss several legislative changes and the extent to which the BOA is interested in including these items.

Discussion Items

One item for discussion at our next meeting is the potential for parties to exercise mediation or alternative dispute resolution through the appeal process. Legislation allows for jurisdictions to include this, but the County must decide our interest to include voluntary alternative dispute resolution in the Ordinance and the potential effects of this modification.

H.B. 276 was passed in an effort to create consistency across the State in defining an unnecessary hardship. The criteria are broader than current definitions of unnecessary hardship to grant a variance in the Ordinance (§3.14.7). Legislation defines unnecessary hardship for a variance with four criteria, currently our Ordinance outlines seven (*see attachment*). The four criteria listed in the legislation may replace current text in the Ordinance. Adopting the wording directly from H.B. 276 would allow for a greater uniformity in the variance process aligning our criteria with other jurisdictions Statewide. Adjustments must be made to the Ordinance and Findings of Fact document used to grant variances.

Additional Changes

Voting standards currently require a 4/5 vote to reverse any order, requirement, decision or determination. H.B. 276 states that a 4/5 vote is necessary only for variance cases. All other quasi-judicial cases can pass with a simple majority vote of BOA members. This is especially relevant when hearing appeals, a majority vote will decide the outcome.

Presently, neither the Ordinance nor the BOA Rules of Procedure Document specify procedures for administering oaths. H.B. 276 specifies that oaths may be administered by both the chair of the board (or any member acting as chair), and the clerk to the board. Any person who, while under oath during a proceeding before the Board of Adjustment willfully swears falsely is guilty of a Class 1 misdemeanor. Similarly, in the chair's absence any member acting as the chair has the authority to subpoena witnesses. These changes will be updated in all relevant documents to ensure consistency with H.B. 276.

Changes necessary from H.B. 276 will be reflected in BOA documents following subsequent discussions including; Findings of Fact, Rules of Procedure and the Pender County Unified Development Ordinance.

H.B. 276, AN ACT TO CLARIFY AND MODERNIZE STATUTES REGARDING ZONING AND BOARDS OF ADJUSTMENT

	Current	Changes
Alternative Dispute Resolution	No alternative dispute resolution.	“The parties to an appeal under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution” (N.C.G.S. 153A-345 (b1) (10)).
Unnecessary Hardship Defined to Grant a Variance	See PG 2	See PG 2
Voting 2.4.1 C (6)	4/5 necessary to reverse any order, requirement, decision or determination	4/5 necessary for variance All other quasi-judicial simple majority required (includes appeals)
Oaths	Ordinance does not specify oaths	The chair of the board or any member acting as chair and the clerk to the board are authorized administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.
Subpoenas 2.4.1. C	11) The Board of Adjustment shall have the authority to subpoena witness and compel the production of evidence as specified in N.C.G.S. 153A-345 (g).	11) The Board of Adjustment through the chair, or in the chair’s absence anyone acting as the chair shall have the authority to subpoena witness and compel the production of evidence as specified in N.C.G.S. 153A-345 (g).
Notice of Public Hearing 3.14.5	“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”	“The notice must be deposited in the mail at least 10 days, but not more than 25 days prior to the date of the hearing. Within that same period, the [County] shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.”

Defining Unnecessary Hardship

Ordinance

- 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

Legislative Changes

- 1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- 2) The hardship results from conditions that are peculiar to the property, such as location, size, topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- 3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting of a variance shall not be regarded as a self-created hardship.
- 4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved.