

Pender County Planning and Community Development

Planning Division

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



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

AGENDA

**Pender County Board of Adjustment Meeting
October 16, 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:** July 17, 2013

3. Public Comment:

Public Hearing Opened

4. Variance:

Lizzette Rodriguez, applicant and owner, is requesting three separate variances to allow for the construction of a 240 ft² accessory building and a 378 ft² accessory building, which will encroach into the required yard setbacks. Specifically, the applicant is requesting relief from Section 5.3.3.A.1 of the Pender County UDO which addresses the setback requirements of accessory buildings between 50-599 square feet in area. The subject property is located at 154 Crooked Creek Drive, Burgaw, and zoned RA, Rural Agricultural District. The subject property may be identified by Pender County PIN 3322-93-4021-0000.

- Variance 1) a five foot structure separation variance between 240 ft² accessory building and 378 ft² open frame carport
- Variance 2) a four foot, six inch structure separation variance between the existing manufactured home and the proposed open frame carport; and
- Variance 3) a five foot side yard setback variance.

** Public Hearing Closed**

5. Adoption of Revised Rules of Procedure

6. Discussion Items:

a. BOA Members:

b. Planning Staff:

7. Adjournment:

PLANNING STAFF REPORT
Variance Request

SUMMARY:

Hearing Date: October 16, 2013

Applicant: Lizzette Rodriguez

Property Owner: Lizzette Rodriguez

Case Number: 11021

Property Location and Description: The subject property is located at 154 Crooked Creek Drive, Burgaw, as referenced on Deed Book 3686, Page 345 (Exhibit 1), recorded at the Pender County Register of Deeds on September 25, 2009, Map Book 29, Page 76 (Exhibit 2), and may be identified by Pender County 3322-93-4021-0000.

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

Variance Requested: Lizzette Rodriguez, applicant and owner, is requesting three separate variances for the property located at 154 Crooked Creek Drive, Burgaw:

1. a five foot structure separation variance between the proposed carport and the proposed storage building;
2. a four foot, six inch structure separation variance between the existing manufactured home and the proposed carport; and
3. a five foot side yard setback variance.

The variances are for relief from the required setback provisions required by UDO §5.3.3.A.1, which addresses the setback requirements of accessory buildings between 50-599 square feet in area.

BACKGROUND AND DESCRIPTION OF VARIANCES:

The subject property is currently 0.47 acres and hosts a single family structure on the back center of the property, constructed in 2009. A driveway runs the length of property from Crooked Creek Drive to the house along the south property line (Exhibit 3). The subject property is bound to the north, east and south by single family structures and to the west by Aaron Court (Guyan Subdivision).

On Friday, August 30th, 2013, the applicant met with Pender County permitting staff in order to submit an application to install two pre-manufactured accessory buildings at the rear of the existing driveway: one 10' x 24' accessory storage building (240 square feet in area), and one 18' x 21' accessory metal frame open carport (378 square feet in area).

Accessory buildings are permitted in the RA district, as outlined in the Pender County Unified Development Ordinance in Section 4.14 – Table of Permitted Uses, subject to setback and separation requirements as prescribed by Section 5.3.2. In the RA district, if the accessory building is between 50-599 square feet in area, it must be set ten feet from all property lines, access easements, and any other structures located on the property (UDO § 5.3.3.A.1).

In the applicant's proposal, the accessory structure (car port) would be located five feet from the property line, five feet from the second proposed accessory (storage) structure, and five feet four inches from the existing home. Therefore, in order to install the proposed accessory buildings at the applicant's preferred location, three variances are necessary: two structure separation variances and one side yard setback variance.

The applicant contends the location of the proposed buildings is necessary due to necessary septic and well separation and so that the placement remains consistent with the surrounding properties (Exhibit 4).

Specifically, the applicant contends that:

1. if the buildings are located behind the dwelling, the required 25' separation from the well cannot be met;
2. if the car port is moved towards the front left corner of the home, the five foot separation from the septic system cannot be met; and
3. if the buildings are located in the front yard, they would be in conflict with the character of the surrounding properties.

ZONING ADMINISTRATOR'S CONCLUSION:

Lizzette Rodriguez, applicant and owner, is requesting three separate variances for the property located at 154 Crooked Creek Drive, Burgaw:

1. a five foot structure separation variance between the proposed carport and the proposed storage building;
2. a four foot, six inch structure separation variance between the existing manufactured home and the proposed carport; and
3. a five foot side yard setback variance.

The variances are for relief from the required setback provisions required by UDO §5.3.3.A.1, which addresses the setback requirements of accessory buildings between 50-599 square feet in area.

Staff's research has shown that moving the proposed carport accessory structure forward 5 feet would result in the building meeting the required separation, reducing the total number of variances needed. Although the proposed carport would be moving to the east towards Crooked Creek Drive the required existing septic system setback appears to still be met. According to the Pender County Environmental Health Supervisor, the required setback between structures and existing septic system is five feet (Exhibits 5 and 6).

RELEVANT UDO PROVISIONS:

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 in Section 3.14.7 of 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. 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.
 - 3. 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.
 - 4. 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.
- 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.

5.3.3 Accessory Uses and Structures

A. Accessory Building Setbacks and Separation Requirements

1.) Accessory Buildings 50-599 Square Feet In Area:

- a) Setback of ten (10) feet from all property lines, access easements, and any other structures located on the property.

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 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. This conclusion is based on the following FINDINGS OF FACT:
2. It is the Board's CONCLUSION that, granting the hardship **does/ does not** result 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. This conclusion is based on the following FINDINGS OF FACT:
3. It is the Board's CONCLUSION that the hardship **did/ 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. This conclusion is based on the following FINDINGS OF FACT:
4. It is the Board's CONCLUSION that the requested variance **is/ is not** consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved. This conclusion is based on the following FINDINGS OF FACT:

Board Action:

Motion: _____ Seconded: _____

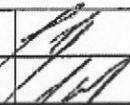
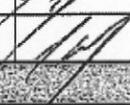
Approved: _____ Denied: _____ Unanimous: _____

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

Alternates:

Peters: _____

APPLICATION FOR VARIANCE

THIS SECTION FOR OFFICE USE			
Application No:	VA 11021	Date:	8.30.2013
Application Fee:	\$ 250.00	Receipt No.:	131979
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Lizette Carrion/Rodriguez	Owner's Name:	Lizette Carrion/Rodriguez
Applicant's Address:	10141 SW 37 Terr	Owner's Address:	154 Crooked Creek Drive
City, State, & Zip:	Miami FL 33165	City, State, & Zip:	Burgaw, NC 28425
Phone Number:	305-510-2394/305-582-5585	Phone Number:	305-582-5585/305-510-2394
Legal relationship of applicant to land owner: <u>Self</u>			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3322.93.4021	Total property acreage:	0.47
Zoning Classification:	RA	Variance Size:	
Variance Location & Address:	154 CROOKED CREEK DR BURGAW NC 28425		
Describe Variance and amount or type requested:			
SECTION 3: SIGNATURES			
Applicant's Signature:		Date:	8/26/13
Owner's Signature:		Date:	8/26/13
NOTICE TO APPLICANT:			
<ol style="list-style-type: none"> 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's sealed #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 <input type="checkbox"/> Credit Card <input type="checkbox"/> MasterCard <input type="checkbox"/> Visa	<input type="checkbox"/> Check Check # _____	
Application received by:		Date:	
Application completeness approved by:		Date:	
Date scheduled for public hearing:			

Variance Checklist

<input type="checkbox"/>	Signed application form
<input type="checkbox"/>	Application fee
<input type="checkbox"/>	Legible list of all property owners adjacent to the property upon which the use is to be located. The list shall include the mailing address & physical address of these property owners (The application will not be advertised for public hearing until the list is accurate & complete--the list maybe compiled from the public PC terminal in the Pender County Tax Office).
<input type="checkbox"/>	One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list.
<input type="checkbox"/>	<u>Variance Description</u> : Written description of the Variance requested meeting the approval criteria described on pages 1 & 2.
<input type="checkbox"/>	<u>Project Map(s)</u> —Applicant shall supply 15 (11"x17") project maps at a readable scale, clearly showing the following (as applicable):
	<input type="checkbox"/> Property Location <input type="checkbox"/> Building Separation Distances <input type="checkbox"/> Dimensions of Property <input type="checkbox"/> Proposed Building Height <input type="checkbox"/> Building Distances From Property Lines (Front, Sides, Rear) <input type="checkbox"/> Location of All Existing Utilities On-Site <input type="checkbox"/> Existing Structures <input type="checkbox"/> Acreage of Property <input type="checkbox"/> Any Proposed Structures <input type="checkbox"/> Additional Information Pertinent to the Variance Request (Pictures, Other Permits, etc.)
RETURN COMPLETED APPLICATION TO: Pender County Planning & Community Development P.O. Box 1519 Burgaw, NC 28425	



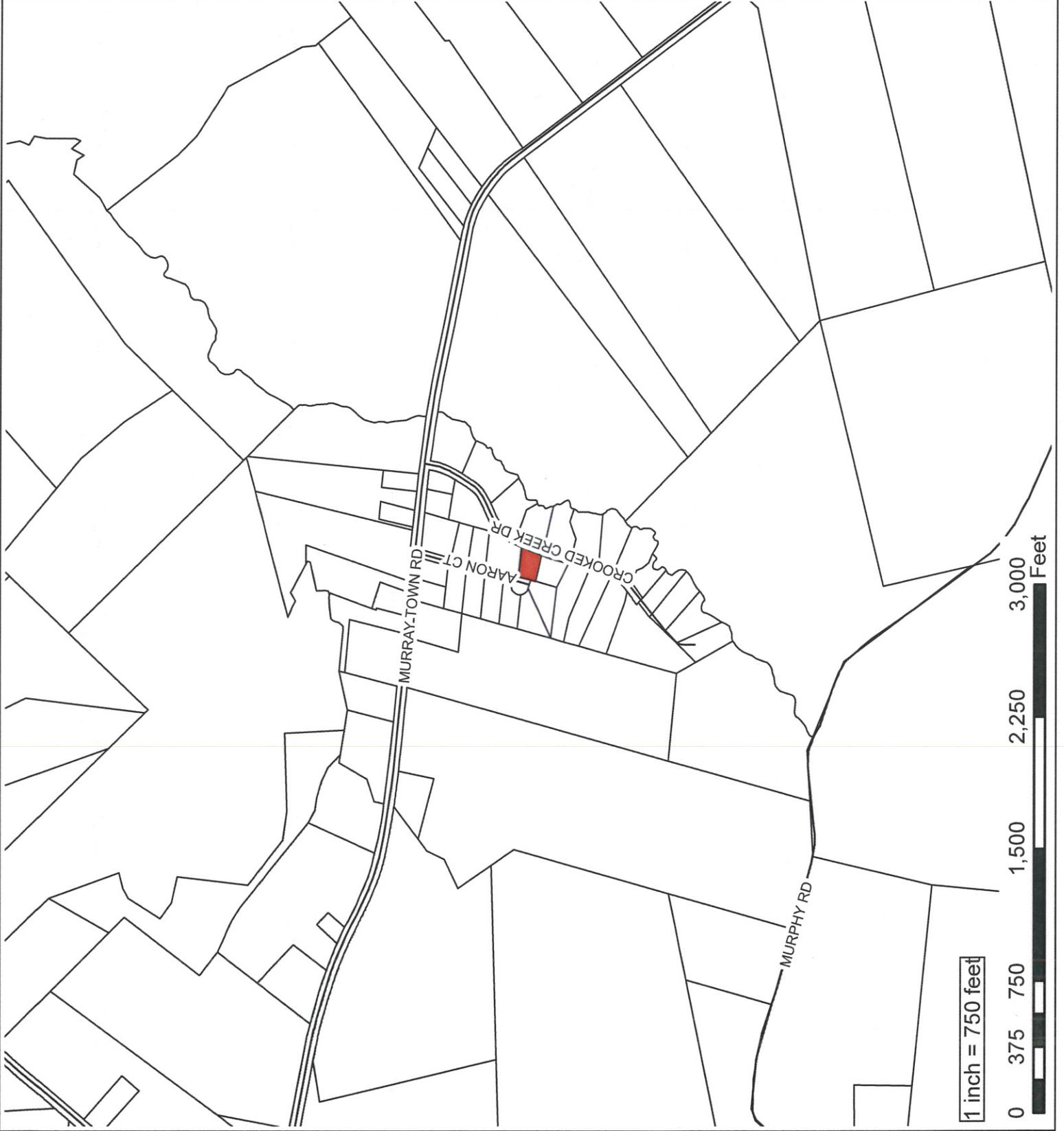
Applicant and Owner:
Lizette Rodriguez

Variance

Case Number:
11021



VICINITY





Applicant and Owner:
Lizette Rodriguez

Variance

Case Number:
11021

Legend

 Subject Property

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)

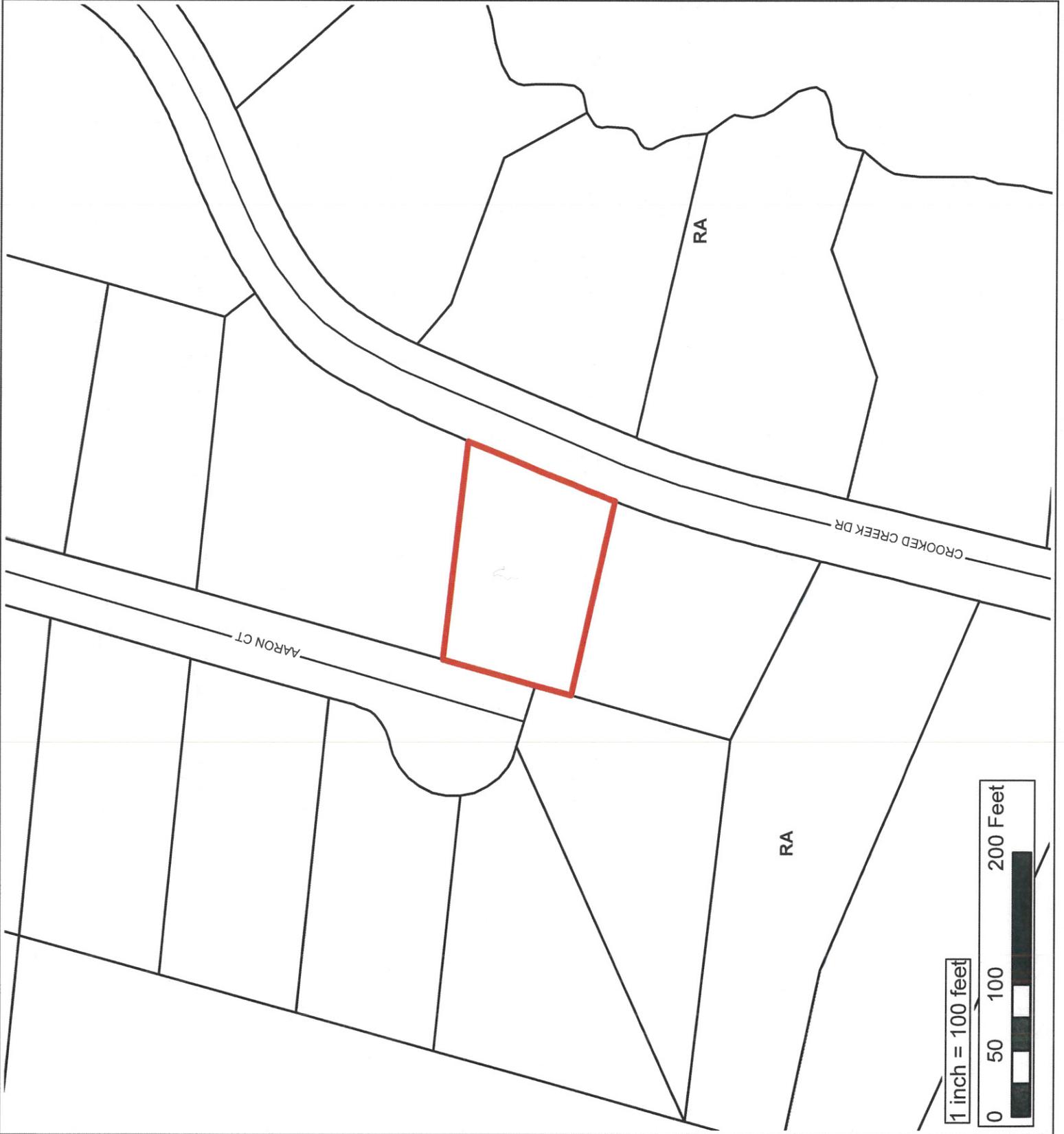
 Incorporated Areas (INCORP)

 Manufactured Home Park (MH)

 Residential Mixed (MF)



ZONING





Applicant and Owner:
Lizette Rodriguez

Variance

Case Number:
11021

 Subject Property



2012 Aerial





B3686 P0345 09-25-2009
 10:43:56.000
 Faye Teachey Prevatte
 Deeds page 1 of 2

Faye Teachey Prevatte Register of Deeds
 09-25-2009 10:43:56.000 Pender County, NC
 NC REVENUE STAMP: \$107.00 (#3574)

PIN # 3322-93-4021-0000
 9-25-09 INT JH

NORTH CAROLINA GENERAL WARRANTY DEED

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.

Excise Tax: 107.00

Parcel Identifier No. 3322-93-4021-0000

Verified by _____ County on the ____ day of _____, 20__

By: _____

Mail/Box to: Pollock & Pollock, Attorneys at Law, PO Drawer 999, Burgaw, NC 28425

This instrument was prepared by: Pollock & Pollock, Attorneys at Law

Brief description for the Index:

THIS DEED made this 23rd day of September, 2009, by and between

GRANTOR	GRANTEE
Vanderbilt Mortgage and Finance, Inc.	Lizette L. Rodriguez Property Address: 154 Crooked Creek Drive Burgaw, NC 28425

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 , Union Township, Pender County, North Carolina and more particularly described as follows:

Being all of Lot 6, Section 2, Crooked Creek Subdivision, as shown on a map recorded in Map Book 29, page 76, Pender County Registry, reference to which is hereby made for a more accurate and complete description.

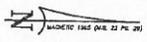
The property hereinabove described was acquired by Grantor by instrument recorded in Book _____, page _____.

A map showing the above described property is recorded in Map Book , Page.

NC Bar Association Form No. 3 © 1976, Revised © 1977, 2002
 Printed by Agreement with the NC Bar Association - 1981 - Chicago Title Insurance Company

2

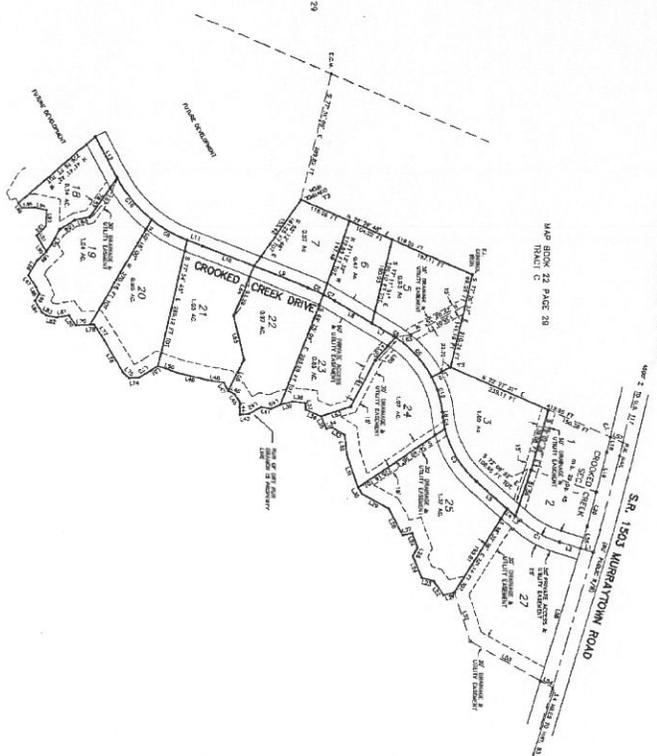
Exhibit 1



PROPERTY OWNERS

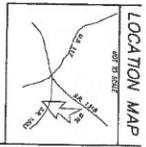
TRACT	OWNER	ACRES
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MAP OF
CROOKED CREEK
SECTION 2
UNION TOWNSHIP, PENDER COUNTY, NORTH CAROLINA
OWNER/DEVELOPER: PENLAND, INC.
DATE: NOVEMBER 15, 1994



PROPERTY OWNERS

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STATE OF NORTH CAROLINA

UNION TOWNSHIP, PENDER COUNTY, NORTH CAROLINA

OWNER/DEVELOPER: PENLAND, INC.

DATE: NOVEMBER 15, 1994

MAP BOOK 22 PAGE 28 TRACT C

CROOKED CREEK DRIVE

LOT 1 through LOT 50

ACRES: 1.0, 1.5, 2.0, 2.5, 3.0, 3.5, 4.0, 4.5, 5.0, 5.5, 6.0, 6.5, 7.0, 7.5, 8.0, 8.5, 9.0, 9.5, 10.0, 10.5, 11.0, 11.5, 12.0, 12.5, 13.0, 13.5, 14.0, 14.5, 15.0, 15.5, 16.0, 16.5, 17.0, 17.5, 18.0, 18.5, 19.0, 19.5, 20.0, 20.5, 21.0, 21.5, 22.0, 22.5, 23.0, 23.5, 24.0, 24.5, 25.0, 25.5, 26.0, 26.5, 27.0, 27.5, 28.0, 28.5, 29.0, 29.5, 30.0, 30.5, 31.0, 31.5, 32.0, 32.5, 33.0, 33.5, 34.0, 34.5, 35.0, 35.5, 36.0, 36.5, 37.0, 37.5, 38.0, 38.5, 39.0, 39.5, 40.0, 40.5, 41.0, 41.5, 42.0, 42.5, 43.0, 43.5, 44.0, 44.5, 45.0, 45.5, 46.0, 46.5, 47.0, 47.5, 48.0, 48.5, 49.0, 49.5, 50.0

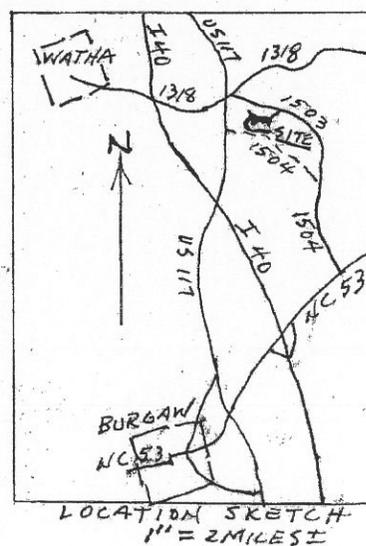
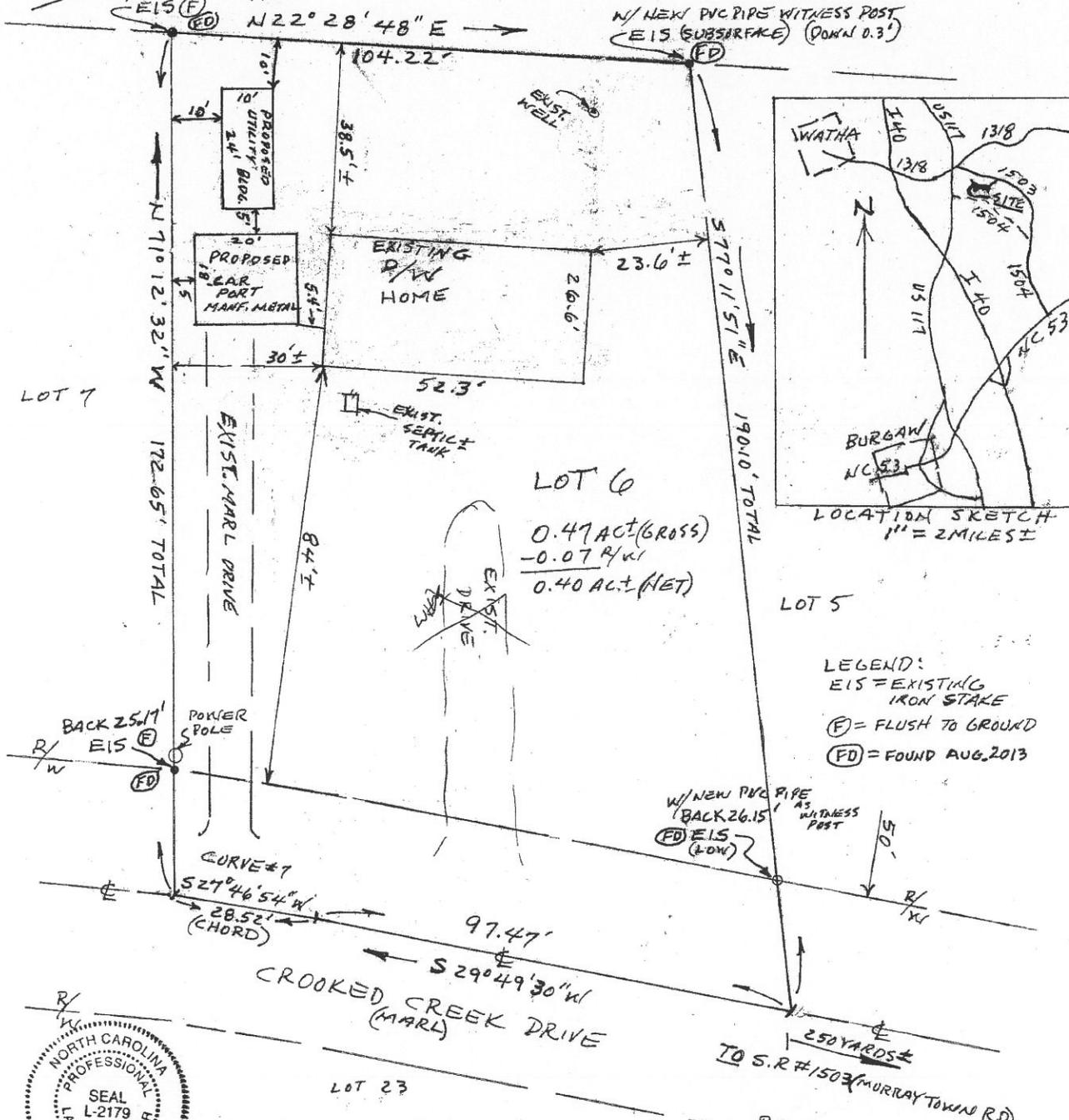
OWNER/DEVELOPER: PENLAND, INC.

HANOVER DESIGN SERVICES, P.A.

EXHIBIT 2

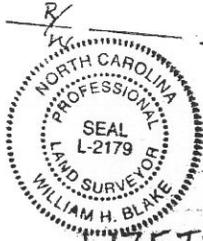
"MAGNETIC" 1985
 (MAP BK. 22, 29) NORTH

NOTE: LOT 6 IS NOT LOCATED WITHIN
 A FLOOD HAZARD AREA ACCORDING (100 YEAR)
 TO F.I.R.M. CID# 370344 3322 J
 EFF. DATE 16 FEB. 2007. THAT MAP SHOWS THIS
 IS A "X" ZONE. William H. Blake
 SURVEYOR



LOT 6
 0.47 AC. (GROSS)
 - 0.07 AKI
 0.40 AC. ± (NET)

LOT 5
 LEGEND:
 EIS = EXISTING IRON STAKE
 (F) = FLUSH TO GROUND
 (FD) = FOUND AUG. 2013



PROPOSED SITE PLAN
 FOR

LIZETTE L. RODRIGUEZ (OWNER) 154 CROOKED CREEK DRIVE
 LOT 6 SECTION 2 CROOKED CREEK, MAP BOOK 29 PAGE 76
 DEED BOOK 3686 Pg 345 (ALL OF PENDER CO. REGISTRY)

UNION TWP.
 SCALE: 1" = 20'

PENDER CO., N.C. Zone RA
 2 SEPT. 2008
 + 26 AUG. 2013

William H. Blake
 WILLIAM H. BLAKE, NC-PLS # L-2179, 2740 HWY. 53 WEST, BURGAW, NC 28425
 PHONE # 910-259-4733

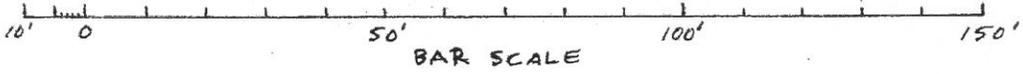


EXHIBIT 3

Variance Request Narrative

Property Owner: Lizette L. Rodriguez

Project Location: 154 Crooked Creek Dr.
Burgaw, NC 28425

Proposal: Install to two pre-manufactured buildings: (1) 10' x 24' storage building and (1) 18' x 21' metal -frame open carport (Buildings being purchased from Rogers Manufacturing)

Variance Requested: Reliefs of 5' structure separation (between storage building and carport), 5' side yard setback separation, and 4'.6" from structure separation (between carport and existing manufactured home)

Restrictions: If the buildings are located in the rear, 25' separation from well can't be met. If the buildings are moved towards the front of left corner of the home, 5' separation from septic system can't be met. If buildings are located in front yard, none of the neighboring properties have buildings in the front. Therefore, I would like to respectfully request that the buildings be located as shown on survey.

Summary: The variances' being asked for doesn't pose a safety factor to neighboring properties and the placement of buildings remains consistent with surrounding properties. At the time of purchasing the property (with home on site), the buildings weren't needed. However, with me and husband wishing to relocate to Pender County from Florida on a full-time basis, the structures are needed for needed for storage and vehicle shelter.

Thank you for your time in this matter.

Respectfully,


Lizette Rodriguez

Exhibit 4

Dorothy Ariail

From: Doug McVey
Sent: Monday, September 30, 2013 12:46 PM
To: Dorothy Ariail
Subject: RE: Setback question

Dorothy,

That is correct. She may get a variance for the well setback from a foundation (she will have to go through Raleigh) but she will not get one for the septic, we cannot go any closer.

Doug

From: Dorothy Ariail
Sent: Monday, September 30, 2013 12:35 PM
To: Doug McVey
Cc: Ashley Frank
Subject: Setback question

Doug,

The Planning Department has received a variance request to install two pre-manufactured buildings (one storage building and one open frame carport) on a property in Pender County. The applicant contends that she is in need of the variance because she is restricted by well and septic setback provisions.

I would like to confirm those setbacks with you, if possible.

- From wells, the setback is 25 feet from building perimeters;
- From septic systems, the setback is 5 feet from building foundations, and 5 feet from structures with no foundation.

Is this correct?

Thanks –
Dorothy

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PLEASE READ THIS BEFORE SUBMITTING THE APPLICATION
WHILE YOU ARE WAITING FOR YOUR APPOINTMENT:

In the interest of processing your permit application as smoothly and quickly as possible, we ask that you:

- Make sure that you have submitted an accurate site plan (preferably to scale) that shows ALL proposed improvements to your lot. This includes:
 - Existing and proposed property lines with dimensions.
 - Location of all existing and proposed structures and driveway with setbacks to property lines.
 - Location of all surface waters, wells (including irrigation and geothermal), water lines and/or other water supplies.
 - Your preferred site for the septic system and well.
- Please stake out any proposed structures, including porches and decks, on the ground. If you need wire flags for this, we have some available for you.
- Make sure that property lines and property corners are clearly marked and that the site is accessible for a full evaluation. If we are unable to verify property line locations, it will be necessary for the property to be surveyed before a determination can be made.
- When vegetation is too thick to permit movement through the site or observation of the topography, the area will need to be "bush-hogged" or thinned out. Be careful not to grade or excavate potential septic field areas, as it is possible to damage sites beyond use.
- After the site is permitted, please do not allow any disturbance of the area designated for the drainfield. Damaged soil areas may cause your permit to be revoked. It may be necessary in some cases to temporarily fence off the permitted soil area to insure it is not damaged during construction.
- Backhoe pits may be required to complete soil evaluations in some situations.

NOTICE - It is important that you fill out the application completely and accurately and submit the accompanying site plan and floor plan. Incomplete applications cannot be processed and will result in lengthy delays. If you change your plans after the permit is issued, a new application and fees for a revision will be required, so please be sure the information given is correct.

The property address is what we use to track and file our applications. When inquiring about your application, please have the address available. If an address is not yet assigned, please have subdivision and lot # available.

TYPICAL SETBACKS FOR SEPTIC SYSTEMS

WELL	100ft *
BUILDING FOUNDATION, FOOTING	5ft
PROPERTY LINE	10 ft *
WATER LINE	10 ft
SWIMMING POOL	15 ft
STRUCTURE w/NO FOUNDATION (decks, carports, pole sheds, homes on stilts, etc.)	5ft from vertical drip line
WS-I STREAM/ SA WATERS / CLASS I RESERVOIR	100ft
POND, STREAM OR SURFACE WATER	50ft
STORMWATER DETENTION POND	50 ft
EMBANKMENT, EXCAVATION (>2 feet deep)	15 ft
INTERCEPTOR DRAIN, FOUNDATION	10ft upslope
DRAIN, STORMWATER DIVERSION	15ft sideslope
	25ft downslope
GROUNDWATER LOWERING DITCHES	25ft
OTHER NITRIFICATION FIELDS	20ft

- Setbacks for large systems may need to be increased.
- Systems must be located on property owned and controlled by the system owner. They may not be located in utility easements, rights of way, etc. Systems may not cross property lines onto another parcel, even if owned by the same person, unless an approved, recorded easement is in place.

SETBACKS FOR WELLS:

SEPTIC SYSTEM (incl REPAIR AREA)	100 ft *
SEWER LINES	50ft *
BUILDING PERIMETERS	25 ft *
STORAGE BUILDINGS W/ POTENTIAL CONTAMINANTS	50 ft
OTHER POTENTIAL SOURCES OF CONTAMINATION	100 ft

- Setbacks for Public Water Supplies may be increased.
- The well must be located in an area not subject to flooding.

* If it is not possible to achieve these distances, a reduced setback may be granted provided certain conditions can be met. Shared wells are not eligible for a setback reduction to a septic system/repair area.