

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
September 17, 2014 9:00 a.m.
Pender County Administrative Building Conference Room
805 S. Walker Street, Burgaw, North Carolina**

Call to Order: Chairman

Invocation:

Roll Call: Chairman

Pender County Board of Adjustment Members:

Ferrante: _____ Pullen: _____ Newton: _____ Thompson: _____ Walton: _____

Alternates:

Godridge: _____ Peters: _____

1. Adoption of the Agenda:

2. Adoption of the Minutes: August 20, 2014

3. Public Comment:

Public Hearing Opened

4. Variance:

Jerry Jacobs, applicant, on behalf of Hawes Chapel Missionary Baptist Church, owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 7.10.5.B (1); Non-Residential Uses in all other Zoning Districts: Required Parking Spaces - All required off-street parking spaces shall be sealed by an appropriate licensed professional and paved in accordance with NCDOT base course and pavement surface standards as prescribed by the "Secondary Road Manual". The subject property, Tract 3, Map Book 48, Page 117, is located near the intersection of Slocum Trail (SR 1100) and Newtown Loop Road (SR 1203) Caswell Township. There is one (1) tract associated with this request totaling ± 10.17 acres and the property may be identified by Pender County PIN 2248-13-2578-0000.

** Public Hearing Closed**

5. Discussion Items:

a. Planning Staff:

b. BOA Members:

6. Next Meeting: October 15, 2014

7. Adjournment:

PLANNING STAFF REPORT
Variance Request

SUMMARY:

Hearing Date: September 17, 2014
Applicant: Jerry Jacobs
Property Owner: Hawes Chapel Missionary Baptist Church
Case Number: 11233

Property Location and Description: The subject property, Tract 3, Map Book 48, Page 117, (Exhibit 1) is located near the intersection of Slocum Trail (SR 1100) and Newtown Loop Road (SR 1203) Caswell Township. There is one (1) tract associated with this request totaling ± 10.17 acres and the property may be identified by Pender County PIN 2248-13-2578-0000.

Zoning District of Property: The property is zoned O&I, Office and Institutional.

Variance Requested: Jerry Jacobs, applicant, on behalf of Hawes Chapel Missionary Baptist Church, owner, is requesting a variance for relief from Pender County Unified Development Ordinance standards outlined in Section 7.10.5.B (1); Non-Residential Uses in all other Zoning Districts: Required Parking Spaces - All required off-street parking spaces shall be sealed by an appropriate licensed professional and paved in accordance with NCDOT base course and pavement surface standards as prescribed by the "Secondary Road Manual".

BACKGROUND AND DESCRIPTION OF VARIANCE:

Staff met with the applicant on two (2) separate occasions to discuss the potential siting of church on the subject property. On June 6, 2014 the applicant was issued a Zoning Determination (Exhibit 1) in order to apply for an Environmental Health septic approval. On July 18, 2014 the applicant then brought a Major Site Submittal to Staff for the church siting.

Subsequent discussions with Staff included concerns over specific pavement requirements per the Pender County Unified Development Ordinance Section 7.10.5.B (1). On July 31, 2014 the applicant met with staff to discuss the potential for a rezoning or a variance on the subject property to circumvent the Ordinance requirement in Section 7.10.5.B (1). At present the applicant requests relief from parking surface requirement;

7.10.5 Surfacing

- B. Non-Residential Uses in all other Zoning Districts
 - 1. Required Parking Spaces - All required off-street parking spaces shall be sealed by an appropriate licensed professional and paved in accordance with NCDOT base course and pavement surface standards as prescribed by the "Secondary Road Manual".

Parking minimum requirements can be found in Section 7.10.1, where this proposal (place of worship) will require thirty-seven (37) parking spaces total. Calculations are based on the preliminary site submittal (Exhibit 3). This calculation is preliminary and subject to review at the time of Major Site Development Plan approval.

Places of Worship	All places of worship	1 per 28 SF available seating in the assembly area(s)
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The submitted site plan (Exhibit 2) has not been reviewed for all requirements in the Major Site Development Plan Section 6.3 of the Pender County Unified Development Ordinance. Meaning, that if a variance is granted by the Board of Adjustment; the applicant must still submit and meet all criteria outlined in the Major Site

Development Plan for approval. All applicable state and federal agency permits including a Stormwater Management Permit, and Erosion Control Plan, wetlands impact permits, and NCDOT Driveway Permit will be required prior to the approval of the Major Site Development Plan. At current the applicant is seeking relief from solely the surfacing requirements in Section 7.10.5.B (1).

ZONING ADMINISTRATOR’S CONCLUSION:

Jerry Jacobs, applicant on behalf of Hawes Chapel Missionary Baptist Church, owner, is requesting a variance for relief from Pender County Unified Development Ordinance standards outlined in Section 7.10.5.B (1); Required Parking Spaces – All required off-street parking spaces shall be sealed by an appropriate licensed professional and paved in accordance with NCDOT base course and pavement surface standards as prescribed by the “Secondary Road Manual”.

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) 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.
- 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.

Board of Adjustment: Finding of Facts

1. It is the Board's CONCLUSION that the hardship of which the applicant complains **(results/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, the hardship **(results/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 **(results/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 **(consistent/ 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 all of the FINDINGS OF FACT:

Board Action:

Motion: _____ **Seconded:** _____

Approved: _____ **Denied:** _____ **Unanimous:** _____

Ferrante: _____ **Pullen:** _____ **Newton:** _____ **Thompson:** _____ **Walton:** _____

Alternates:

Godridge: _____ **Peters:** _____

7.10.5 Surfacing

A. Non-Residential Uses in the RA District

- A. All required off-street parking spaces shall be covered with an all-weather surface designed to support anticipated loads. Loose material surfaces shall be contained with a permanent edging. The surface shall be maintained so that traffic may move safely in and out of the parking area. Parking blocks that help designate individual parking spaces and keep vehicles within the surfaced area shall be required in lots with greater than 10 parking spaces.

B. Non-Residential Uses in all other Zoning Districts

- A. Required Parking Spaces - All required off-street parking spaces shall be sealed by an appropriate licensed professional and paved in accordance with NCDOT base course and pavement surface standards as prescribed by the "Secondary Road Manual".
- B. Historic Preservation - Site(s) recognized by the National Register of Historic Places (NHRP) may be exempted from the surfacing requirements of the Unified Development Ordinance (UDO).
 - a) Developments attempting to qualify for the Historic Preservation exemption must provide a copy of the National Parks Service listing, along with a narrative briefly requesting the aforementioned relief and how the surfacing standards would conflict with the historic significance of the property.
 - b) A site plan shall be provided designating a parking area meeting the minimum parking and access requirements of the UDO.
 - c) The Administrator must determine that the relaxation of standards will be consistent with the promotion of the health, safety, and general welfare of the residents of Pender County.
- C. Parking spaces provided in excess of the minimum required shall be constructed to use low impact design of excess parking facilities. Additional low impact design may be provided, if not otherwise prohibited by other provisions of the UDO, in the following areas:
- D. Adjacent to parking lot landscape islands to allow for the percolation of water and the exchange of oxygen for the tree roots.
- E. Grass paving or turf block areas may be utilized in low impact areas or infrequent use areas such as churches or the outlying parking areas of malls or other shopping areas.

6.3 MAJOR SITE DEVELOPMENT PLAN CONTENTS

The site plan shall be clearly legible and shall be drawn at a scale acceptable to the Administrator no less than 1:50 scale on a paper size no less than 24"X36". The major site plan shall include three general sections, the project information section, the calculations section, and the site plan and details section. The information required for each section is listed below:

A. Project information section

- 1) A title that includes the name of the proposed or existing business and a subtitle which describes the proposed development.
- 2) The name, address, and phone number of the landowner, developer, and designer.
- 3) The Pender County Property Identification Number (PIN) of all lots included on the site plan.
- 4) The number and type of dwelling units included on the site plan for residential uses.
- 5) The total land area and total developed land area of all lots included on the site plan.
- 6) A detailed description of the proposed use or uses of the development, as well as a description of the existing use or uses.
- 7) A reference to any other site plan or Master Development Plan approved by the County for the site.
- 8) The date the site plan was prepared and a list of all revisions made, including the date and a description of why the site plan was revised.
- 9) A table of contents including all pages of the site plan.
- 10) A list of all proposed utility providers, with their address, name and phone number.
- 11) An inset map showing the location of the site, along with the location of streets, roads and land uses within 500 feet of the property.
- 12) A statement listing all requirements and conditions placed on the land included in the site plan resulting from approval of conditional zoning or a special use permit.
- 13) A description of setbacks or conditions placed on the site as a result of an approved variance.

B. Calculations section.

- 1) Calculations showing the total number of required and proposed parking spaces, including the total number of existing and proposed spaces.

C. Site plan and details section.

- 1) The location of all adjoining lots with the owner's name, specific use, zoning, and zoning boundaries shown.
- 2) The location of all existing or planned rights-of-way and easements that adjoin the property, with street names, widths, and speed limits shown.
- 3) All nearby entrances that are within 200 feet of any existing or proposed entrances to the site. Existing or proposed interconnections to adjoining sites as applicable.
- 4) All existing and proposed driveways, parking and loading spaces, parking lots and a description of surfacing material and construction details to be used. The size and angle of parking spaces, aisles, maneuvering areas, and loading spaces shall be shown.
- 5) Estimated AM and PM Peak Hour Trips per the Institute of Transportation Engineers Trip Generation Manual.
- 6) Estimated Average Daily Trips created by the development at build-out per the Institute of Transportation Engineers Trip Generation Manual.
- 7) Based on estimated traffic counts, a Traffic Impact Analysis may be required stating the dates and times counts were conducted for the proposed development.
- 8) A North arrow.
- 9) A graphic scale and statement of scale.
- 10) A legend describing all symbols and other features that need description.
- 11) The present zoning of all portions of the site, with the location of zoning boundaries.
- 12) The location of all existing and proposed structures, with the height, specific use, ground floor area, and total floor area labeled.
- 13) The location of all existing and proposed outdoor uses, with the height, specific use, and land area labeled.

- 14) Existing topographic contour lines at intervals acceptable to the Administrator. Proposed finished grades shall be shown by contour.
- 15) The location of the front, side, and rear yard setback lines required by the applicable zoning district.
- 16) The location and boundaries of existing environmental features, including streams, floodplains, lakes and ponds, wetlands, natural stormwater retention areas, steep slopes, and woodlands.
- 17) The location of outdoor trash receptacles.
- 18) The location of all outdoor lighting fixtures.
- 19) Signage requirements per Article 10.
- 20) Landscaping and Buffer requirements per Article 8.
- 21) The location of sidewalks and walkways.
- 22) The location and width of proposed easements and dedications.
- 23) A stormwater management plan describing the location of all stormwater management facilities with design calculations and details.
- 24) A soil erosion and sedimentation plan describing methods to be used.
- 25) The location and size of sewage disposal and water supply systems.
- 26) A signed seal of the certified design professional who prepared the plan.
- 27) A space labeled "Approved by the Pender County Unified Development Administrator" for the signature of the Administrator, approval date, and a statement that reads "site plan valid for two (2) years from approval date."
- 28) Other information or statements may be required on the site plan by the Administrator to ensure that all requirements of the Pender County Code and Land Use Plans are met.

Pender County Planning and Community Development

Exhibit 1

Case # 11203

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



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

SITE DEVELOPMENT APPLICATION

for zoning Determination

THIS SECTION FOR OFFICE USE

Date: 6.6.14	Permit Number:	Permit Fee:	Receipt Number:
*Zoning Approval ONLY: YES / NO		Final Zoning Compliance Approved: YES / NO / N/A	
Type of Site Development Plan	<input checked="" type="checkbox"/> Major	<input type="checkbox"/> Minor	<input type="checkbox"/> Up-Fit <input type="checkbox"/> Name Change
Change of Current Use:	<input type="checkbox"/> Yes <input type="checkbox"/> No (New)	<input type="checkbox"/> Does Not Apply	Previous Use:

SECTION 1: GENERAL INFORMATION

Applicant's Name: Jerry Jacobs	Owner's Name: Hawes Chapel Missionary Bapt.
Applicant's Address: 377 Buckhead Rd	Owner's Address: 210 Hawes Chapel Church Rd
City, State, & Zip: Bolton, NC 28423	City, State, & Zip: Atkinson, NC 28421
Phone Number: 910-470-0940	Phone Number:
Legal relationship of applicant to land owner:	General Contractor

SECTION 2: PROJECT INFORMATION

PIN (Property Id #): 2248-13-2578-0000	Total property acreage: 10.17 acres
Zoning: O & I	Acreage to be disturbed: Less than one acre
Directions to Site: Located off of Slocum Trail (between New Town Loop Rd & Grady Dr)	
Lot Size: 10.17 acre	Sq Ft of Building: 7'000
Setbacks Front: 100' + (25)	Side: 100' + (10) Rear: 100' + (10)
NAICS Code/Use: 813110 Religious Organizations	permitted by right
Business Name: Hawes chapel church	
Describe activities to be undertaken on project site:	worship facility
Ownership: <input checked="" type="checkbox"/> Private <input type="checkbox"/> Public	Number of Employees: N/a
	Number of Members: 0
	Seating Capacity: 225

** If the applicant is not the owner of the property, a notarized letter from the property owner may be required.
Zoning approval is for the use being proposed ONLY, other department approvals may be required i.e. Fire Marshal, Environmental Health, Permitting, etc...

SECTION 3: CONDITIONS OF PERMIT (STAFF ONLY) Check all that apply

<input checked="" type="checkbox"/>	Subject to compliance with all local, state and federal regulations		
<input checked="" type="checkbox"/>	Compliance with the site plan and application submitted for this permit		
<input checked="" type="checkbox"/>	Compliance with setbacks		
n/a	Located within the Special Flood Hazard Area (SFHA):	<input type="checkbox"/> No	<input type="checkbox"/> Yes
n/a	SFHA Zone: AE, A, VE, AEFW (circle one) <input type="checkbox"/> Flood-proofing Certification Required <input type="checkbox"/> Elevation certificate required <input type="checkbox"/> No-Rise Certification Required <input type="checkbox"/> Electrical and Mechanical to be Elevated <input type="checkbox"/> Hydrostatic Openings Required		
<input checked="" type="checkbox"/>	Foundation survey required		
<input checked="" type="checkbox"/>	Pender County Environmental Health Approval <input checked="" type="checkbox"/> Septic Permit <input checked="" type="checkbox"/> Well Permit		
n/a	Community Water System Approval <input type="checkbox"/> Pender County Utilities (PCU) Water <input type="checkbox"/> Private Water		
n/a	Community Wastewater Approval <input type="checkbox"/> Pender County Utilities (PCU) Sewer <input type="checkbox"/> Private Wastewater		
<input checked="" type="checkbox"/>	Sediment and Erosion Control Permit (if required)		
<input checked="" type="checkbox"/>	Storm Water Permit (if required)		
<input checked="" type="checkbox"/>	NC DOT Driveway Permit		
<input checked="" type="checkbox"/>	Army Corp Engineers Wetland Permit		
<input type="checkbox"/>	CAMA permit required		
<input checked="" type="checkbox"/>	Landscape, buffer, parking compliance required		
<input type="checkbox"/>	Compliance w/ Special Use Permit (Case Number : _____ if already issued)		
<input type="checkbox"/>	Variance approval		
<input checked="" type="checkbox"/>	Sign Permit		
<input type="checkbox"/>	Additional Use Plot Plan		
<input type="checkbox"/>	Additional Conditions (staff or TRC):		
<input type="checkbox"/>	Additional Conditions (staff or TRC):		
<input checked="" type="checkbox"/>	Additional Conditions (staff or TRC): will send to TRC after		

SECTION 4: ADDITIONAL COMMENTS Pender County Environmental Health Approval
 this is for zoning Determination only

SECTION 5: SIGNATURES

Applicant:	<i>Denny Jace</i>	Date:	
Owner:		Date:	
Planning Staff:	<i>Aspen D. Frank</i>	Date:	<i>6.6.14</i>
Permit Technician:	<i>Jahy Pace</i>	Date:	<i>6.6.14</i>
Final Zoning Compliance Approved By:	<i>[Signature]</i>	Date:	



Planning & Community Development
PENDER COUNTY, North Carolina

805 S. Walker St.
Burgaw, NC 28425

Planning and Zoning
910-259-1202

Zoning/Development Permit

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

CA Approved : N/A Zoning Determination Only

Tax Geo Pin#: 22481325780000
Tax. Rec. # :

Zoning Permit Date: 06062014
Permit/Receipt # : 141390
User ID : JP15
Code Violation : N

* Permitted Use Description of Work:
Commercial

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

Description of Work :

Site evaluation for a 7,000' church w/ kitchen, porch, parking, paving, and landscaping (Not to exceed 35' in height)

Type of Structure / Use : COMMERCIAL

Structure Height Limit : 35 Feet

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

Site Address: Str.# & Name: SLOCUM TRAIL OFF City: ATKINSON

Property Name: HAWES CHAPEL MISSIONARY BAPTIST CHURCH
Owner: Str # / Name: 210 HAWES CHAPEL CHURCH RD
City, State, Zip: ATKINSON NC 28421 Telephone:

Applicant: Relation : CONTRACTOR
Name: JACOBS JERRY
Contact: JACOBS JERRY
Str # / Name: BUCKHEAD RD 377
City, State, Zip: BOLTON NC 28423 Telephone: 9104700940

Subdivision Name: HAWES CHAPEL SURVEY Section: Lot: TR 3
Plat Bk. & Page #: Deed Bk. & Pg : 3601 / 47 Township: CASWELL

Section A: Zoning Determinations

Zone Dist : OI Req. Setbacks: Front: 25 Rear: 10 Side: 10
Minimum Lot Size: 15000 Flood Zone #: Church in 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 : 6/06/14 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
6 Foundation Survey Required. 1
Environmental Health Approval Required prior to final Zoning Permit. 1
7 Certification of Private Well . 1
Landscape, Buffer, Parking Compliance required prior to occupancy permit (CO). 1



- 6 Fourteen (14) days after Footing Inspection or setup on site.
7 Prior to Building Final Inspection.

Site Directions:

Located off of Slocum Trail (between New Town Loop Rd & Grady Dr), in the vicinity of 7600 Slocum Tr



**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

Zoning Determination Only

Tax Geo Pin#: 22481325780000
Tax. Rec. # :

Zoning Permit Date: 06062014
Permit #: 141390
User ID : JP15
Code Violation : N

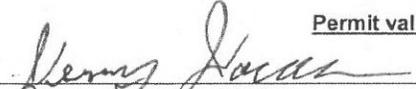
Zoning Det. By : JP Date : 6/06/14 Zoning Fee : .00 Check # :
Final Zoning By : Date : 0/00/00 Total Zoning Fee : .00 Check # :

* **Fee is Non-Refundable**

Zoning Notes :

- Approved for zoning determination ONLY. A. Frank will send to TRC after Pender County Environmental Health approval.
- A. Frank approved site development application and site development.

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


Applicant Signature

6-6-14
Date

WELL KNOWN PROPERTY DOES LIE WITHIN A FLOOD HAZARDOUS AREA. ALL CONTROL WITHIN 2,000'. REQUIRED TO BE IN ACCORD WITH THE PENDER VANCE. (FRONT 40' // SIDE 20' // REAR 30')

ROLINA
 PENDER COUNTY
 DEPUTY CLERK OF SUPERIOR COURT
 I, _____, DEPUTY CLERK OF SUPERIOR COURT FOR PENDER COUNTY, CERTIFY THAT THE ABOVE CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS.

L. Wooten DATE 1/29/09

Survey Certificate

This certificate is issued for all parcels shown on this map after recordation.

1/29/09
 Date

98-000 & others

This survey was performed for this survey.

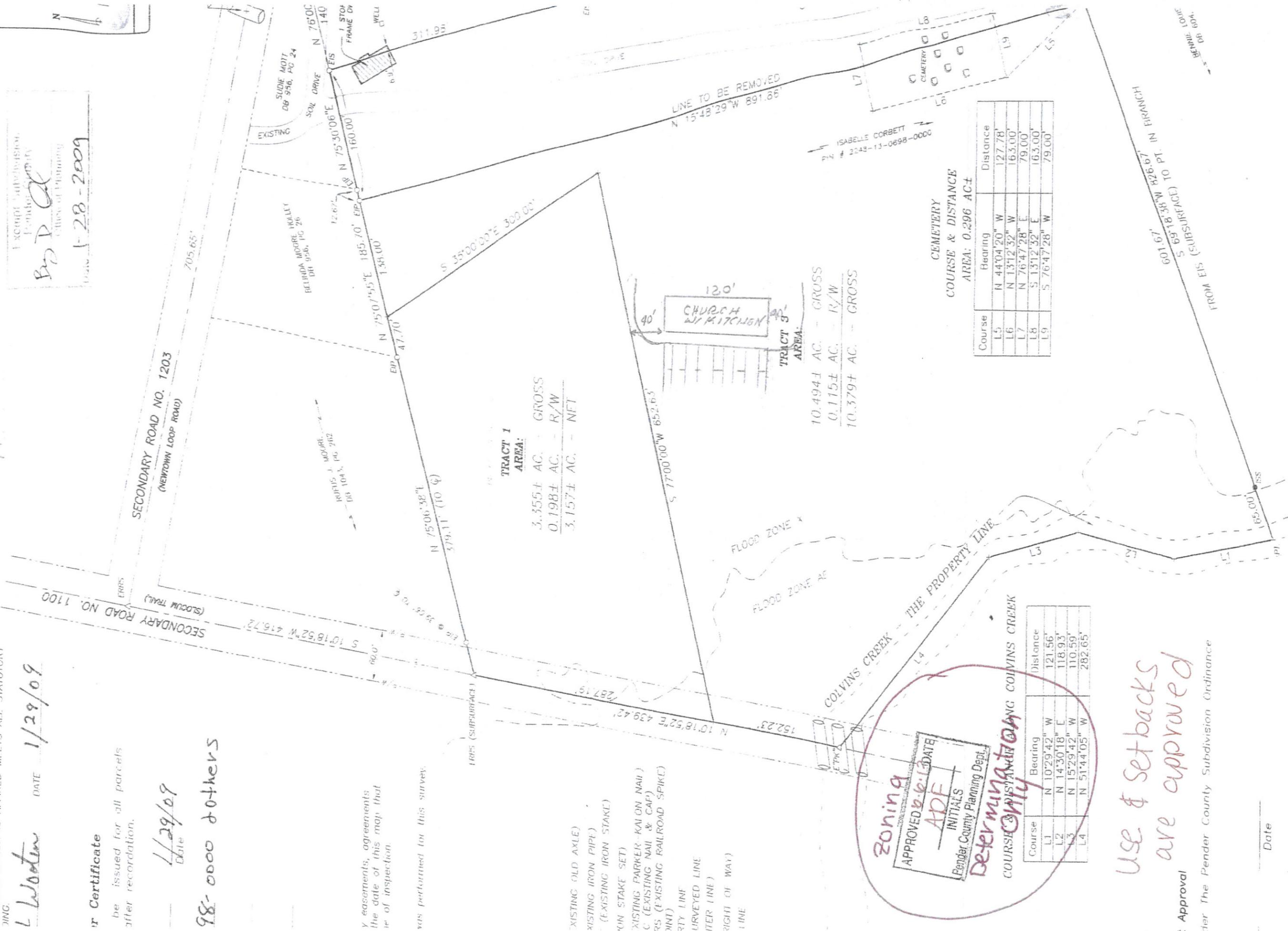
This survey was performed for this survey.

- () EXISTING OLD AXLE
- () EXISTING IRON PIPE
- () EXISTING IRON STAKE
- () CON STAKE SET
- () EXISTING PARKER-KALON NAIL
- () CON (EXISTING NAIL & CAP)
- () RS (EXISTING RAILROAD SPIKE)
- () CON
- () SURVEY LINE
- () SURVEYED LINE
- () CENTER LINE
- () RIGHT OF WAY LINE

AT 1:30 A.M. / 1:30 P.M. AND DULY RECORDED IN MAP BOOK 48 AT PAGE 117
 WITNESS MY HAND AND OFFICIAL STAMP OR SEAL THIS 28 DAY OF Jan 2009.

Faye Tenchey Proxatte by Steph Kennedy
 REGISTER OF DEEDS

EXCEPT SUBDIVISION
 PENDER COUNTY
By D. O. O.
 Clerk of Planning
 DATE 1-28-2009



Zoning
 APPROVED 6-6-08 DATE
 ADE
 INITIALS
 Pender County Planning Dept.

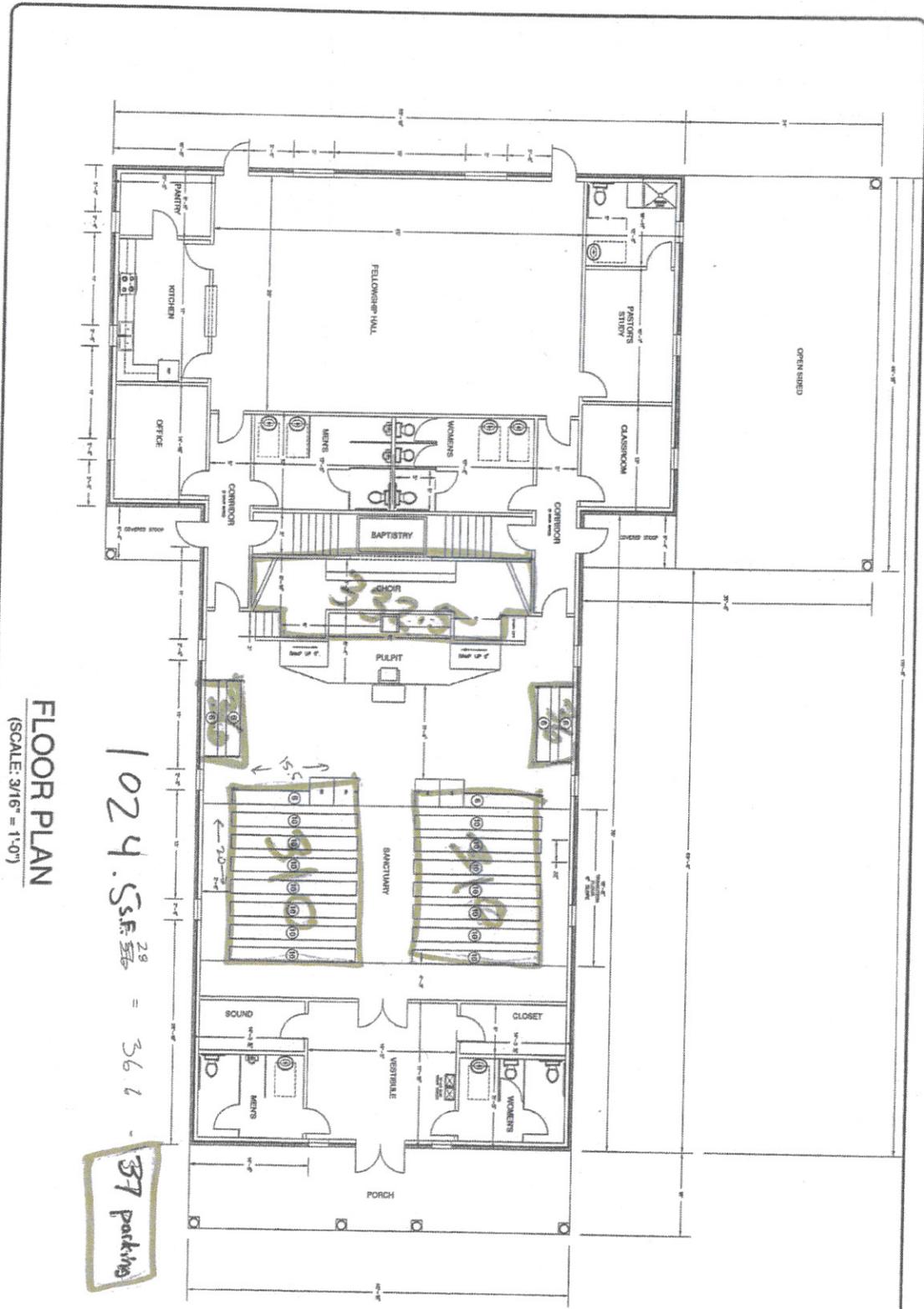
Determination
 COURSE & DISTANCE
 COIVINS CREEK

Course	Bearing	Distance
L1	N 10°29'42" W	121.56'
L2	N 14°30'18" E	118.93'
L3	N 15°29'42" W	110.59'
L4	N 51°44'05" W	282.65'

Use & setbacks are approved

Approval _____
 Pender County Subdivision Ordinance

Date _____



FLOOR PLAN
 (SCALE: 3/16" = 1'-0")

1024 sq ft = 366 - 37 parking

NO. 1 REVISION 1 THE BATHING GC-1	HAWES CHAPEL MISSIONARY BAPTIST CHURCH ATKINSON, PENDER COUNTY, NORTH CAROLINA	DRAWING DATA DATE: 9/7/12 SCALE: 3/16" = 1'-0" DRAWN BY: RPA DESIGNED BY: RPA CHECKED BY: N/A PLOT SCALE: N/A PLOT FILE NO: GC-1	ENGINEER 	SUMMIT DESIGN GROUP, INC. STRUCTURAL • CIVIL • MECHANICAL • ELECTRICAL PO BOX 995 BLADENBORO, NC 29320 810-875-0376
	FLOOR PLAN			
	SUMMIT DESIGN GROUP, INC. STRUCTURAL • CIVIL • MECHANICAL • ELECTRICAL			
	PO BOX 995 BLADENBORO, NC 29320 810-875-0376			

APPLICATION FOR VARIANCE

THIS SECTION FOR OFFICE USE			
Application No.	VA 11233	Date	8/4/2014
Application Fee	\$ 250	Receipt No.	141900
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Jerry Jacobs	Owner's Name:	Hawes Chapel MBC
Applicant's Address:	377 Buckhead Rd.	Owner's Address:	210 Hawes Chapel Rd.
City, State, & Zip	Bolton, NC 28423	City, State, & Zip	Atkinson, NC
Phone Number:	910-470-0940	Phone Number:	
Legal relationship of applicant to land owner: contractor			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	2248-13-2578-0000	Total property acreage:	10.17
Zoning Classification:	D&I	Variance Size:	
Variance Location & Address	8525' SW of the intersection of Slocum Trail and Betty's bridge Road / off Slocum Trail		
Describe Variance and amount or type requested:	(see letter)		
SECTION 3: SIGNATURES			
Applicant's Signature	Ronald Wall for Jerry Jacobs	Date:	8/4/14
Owner's Signature	Ronald Wall for Hawes Chapel MBC	Date:	8/4/14
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 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 type="checkbox"/> Cash : \$ _____ <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check:	<input checked="" type="checkbox"/> Check # 5069
Application received by:	Megan Chase	Date:	8/4/2014
Application completeness approved by:	Megan Chase	Date:	8/10/2014
Date scheduled for public hearing:	9/17/2014		

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

805 S. Walker St.
Burgaw, NC 28425

Planning and Zoning
910-259-1202



MISC. CREDIT / DEBIT - RECEIPT

141391

Job Property Address : SLOCUM TRAIL OFF

Owner Name & Address: HAWES CHAPEL MISSIONARY BAPTIST CHURCH
210 HAWES CHAPEL CHURCH RD
ATKINSON NC 28421 - 0000

Contractor Name & Address:

CO#: 00000 - 0000

Purpose: ZONING DETERMINATION FOR CHURCH

Attached to Permit # : 141390

ISSUED BY	AMOUNT	CHECK #	TRANS DATE
JP15	250.00	11939	06062014

SIGNATURE: _____

Larry Pace

Date: _____, 20

6.6., 20 *14*

August 4, 2014

VARIANCE DESCRIPTION

Hawes Chapel Missionary Baptist Church

A variance is being requested from Section 7.10.5 B (1) of the Pender County Unified Development Ordinance (UDO). The Ordinance requires paved parking and driveways for all non-residential uses in Districts other than RA districts. The Church will be built on a Tract that is zoned O&I (Office and Industrial) and thus would be required to have paved parking and driveway. The church wishes to have gravel parking and driveway.

The main reason for the Variance request is that the church is ready to begin construction and without a Variance, construction will be delayed for three to six months (to either get the property rezoned to RA to allow gravel parking and driveway, or to get a stormwater management permit that will be required if paved parking and driveway is used). A stormwater management permit will not be required if the Variance is granted to allow gravel parking and driveway.

It is important to note that the reason for the Variance request is not to avoid building a retention pond. A retention pond would not be required even if a Stormwater Management Permit is required because the project would be classified as low density development (even with paved parking and driveway). This is because the total impervious area would only be 9.46 percent of the property area and the threshold for requiring a pond is 24 percent impervious.

In accordance with the Variance Checklist provided by Pender County, the following description of how the requested Variance meets the four findings listed in Section 3.14.7 of the UDO:

- 1) Unnecessary hardship would result from strict application of the ordinance because construction would be delayed by three to six months to obtain a Stormwater Management Permit, which would not be required if the Variance is granted.
- 2) The hardship results from conditions that are peculiar to the property because the property is in a predominantly rural area and the property is large enough that the impervious area would not be classified as high density even if paved parking and driveway were used. In accordance with Section 3.14.7 ("Findings") of the UDO, the board may give special weight to the number and percentage of nearby properties that share characteristics for which the Variance is requested. The attached map shows that

the property is in an area that is largely zoned RA. Gravel parking is allowed in RA Districts.

- 3) The hardship did not result from actions taken by the applicant or property owner. No actions have been taken on the property or the proposed project other than preliminary design work, which has no effect on the hardship. The hardship exists solely because of UDO requirements.
- 4) The requested Variance is consistent with the spirit, purpose and intent of the ordinance. As described in item 2) above, the site is in a largely RA area and therefore gravel parking and driveway is consistent with the requirements for surrounding properties.

COURSE & DISTANCE ALONG COLVINS CREEK

Course	Bearing	Distance
L1	N 10°29'42" W	121.56'
L2	N 14°30'18" E	118.93'
L3	N 15°29'42" W	110.59'
L4	N 51°44'05" W	282.65'

CEMETERY

AREA: 0.296 AC±

Course	Bearing	Distance
L5	N 44°04'20" W	127.78'
L6	N 13°12'32" W	163.00'
L7	N 76°47'28" E	79.00'
L8	S 13°12'32" E	163.00'
L9	S 76°47'28" W	79.00'

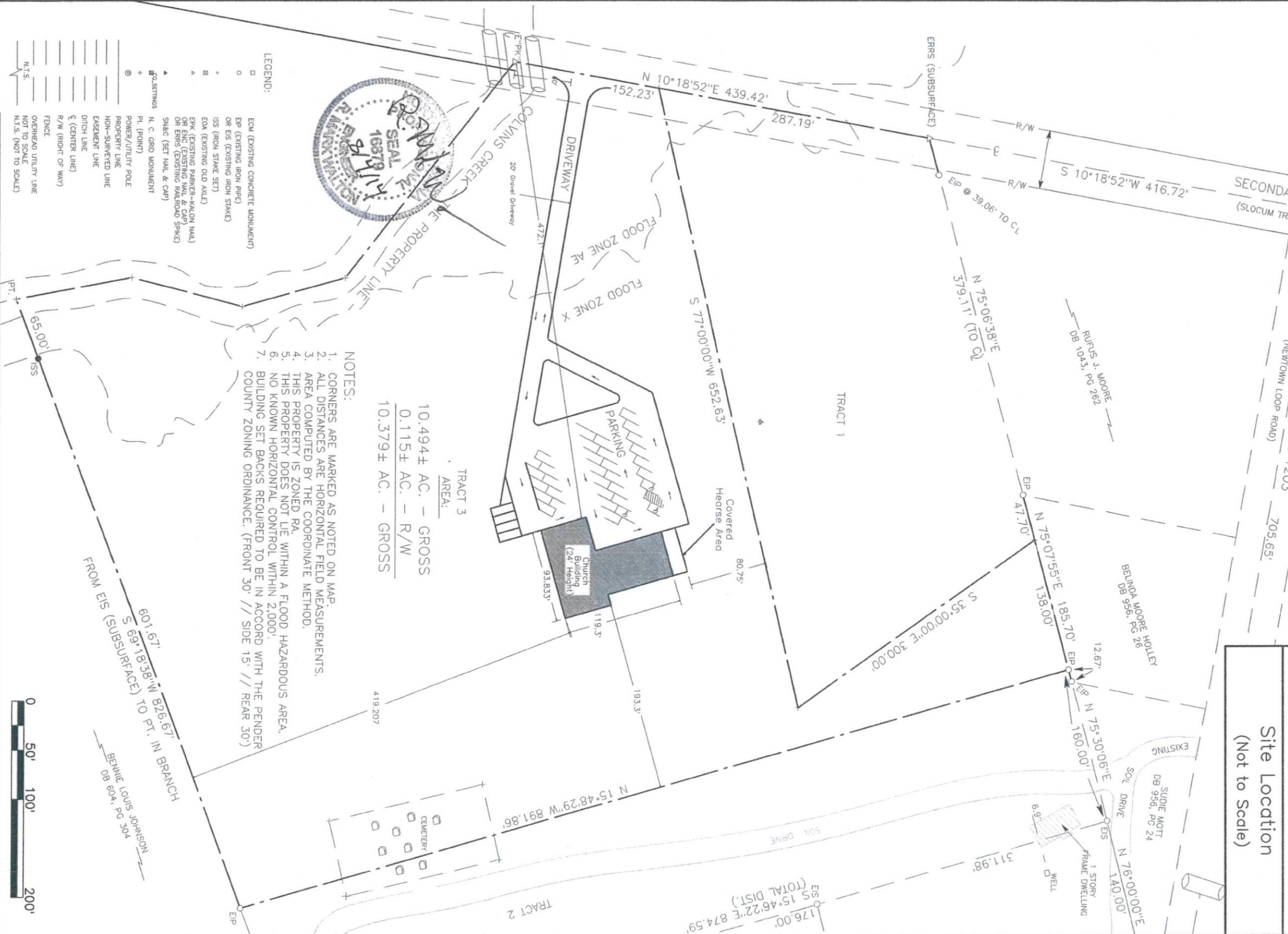
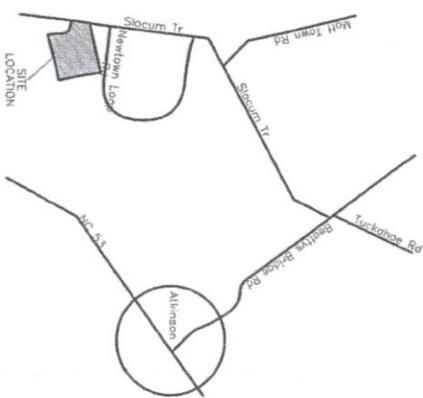
DEVELOPER:
JERRY JACOBS
377 BUCKHEAD ROAD
BOLTON, NC 28423
(910) 470-0940

THIS PLAN IS BASED ON A SURVEY BY FRED JONES, NCPLS# F-1036

SECONDARY ROAD NO. 1100
(SLOCUM TRAIL)

SECONDARY ROAD NO. 1203
(NEWTOWN LOOP ROAD)

Site Location
(Not to Scale)



TRACT 3
AREA:
10.494± AC. - GROSS
0.115± AC. - R/W
10.379± AC. - GROSS

- NOTES:
1. CORNERS ARE MARKED AS NOTED ON MAP.
 2. ALL DISTANCES ARE HORIZONTAL FIELD MEASUREMENTS.
 3. AREA COMPUTED BY THE COORDINATE METHOD.
 4. THIS PROPERTY IS ZONED RA.
 5. THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARDOUS AREA.
 6. NO KNOWN HORIZONTAL CONTROL WITHIN 2,000'.
 7. BUILDING SET BACKS REQUIRED TO BE IN ACCORD WITH THE PENDER COUNTY ZONING ORDINANCE. (FRONT 30' // SIDE 15' // REAR 30')

LEGEND:

- ERM (EXISTING CONCRETE MONUMENT)
- EIP (EXISTING IRON PIPE)
- OR EIS (EXISTING IRON STAKE)
- ISS (IRON STAKE SET)
- EOA (EXISTING OLD AXLE)
- ▲ EPR (EXISTING PARKER-KALON NAIL)
- ▲ OR ENC (EXISTING NAIL & CAP)
- ▲ OR ERNS (EXISTING RAILROAD SPIKE)
- ▲ SNAIC (SET NAIL & CAP)
- ▲ N.C. GRID MONUMENT
- ⊕ PL (POINT)
- ⊕ POWER/UTILITY POLE
- ⊕ PROPERTY LINE
- ⊕ NON-SURVEYED LINE
- ⊕ EASEMENT LINE
- ⊕ DITCH LINE
- ⊕ E (CENTER LINE)
- ⊕ R/W (RIGHT-OF-WAY)
- ⊕ FENCE
- ⊕ OVERHEAD UTILITY LINE
- ⊕ NOT TO SCALE
- ⊕ N.T.S. (NOT TO SCALE)



Sheet: 1 of 1
Project: Hawes Church, Jerry Jacobs
Date: 7/21/14
Scale: 1" = 100'
Title: Site Plan
Drawn by: RMW/DAT

WALTON ENGINEERING
PO Box 895, Burgaw, NC 28425 (910) 259-4800





Variance
#11233

Applicant:
Jerry Jacobs

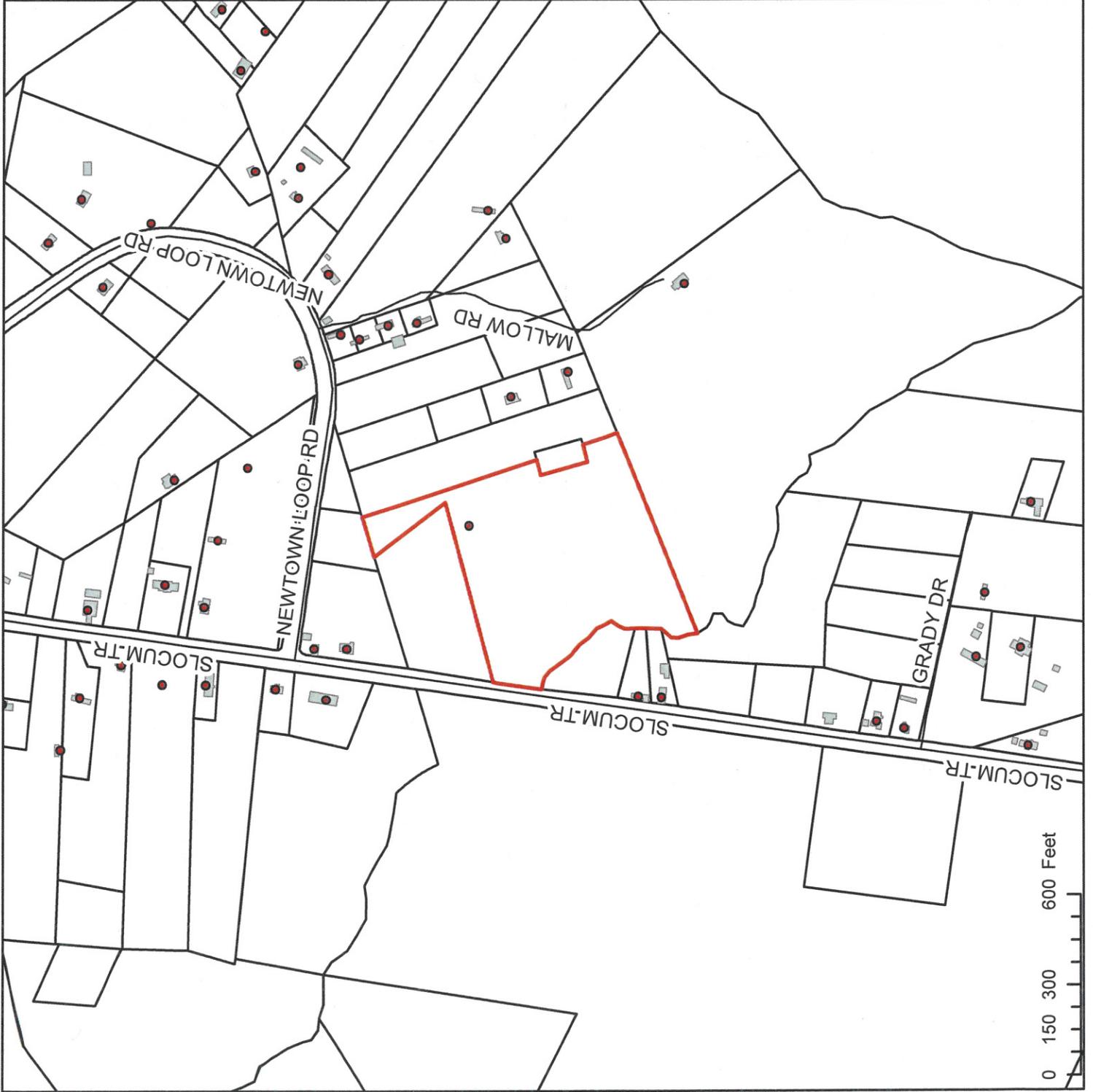
Owner:
Hawes Chapel MBC

Legend



Subject Property

VICINITY





Variance
#11233

Applicant:
Jerry Jacobs

Owner:
Hawes Chapel MBC

Legend

 Subject Property

UDO Zoning

 GB, General Business

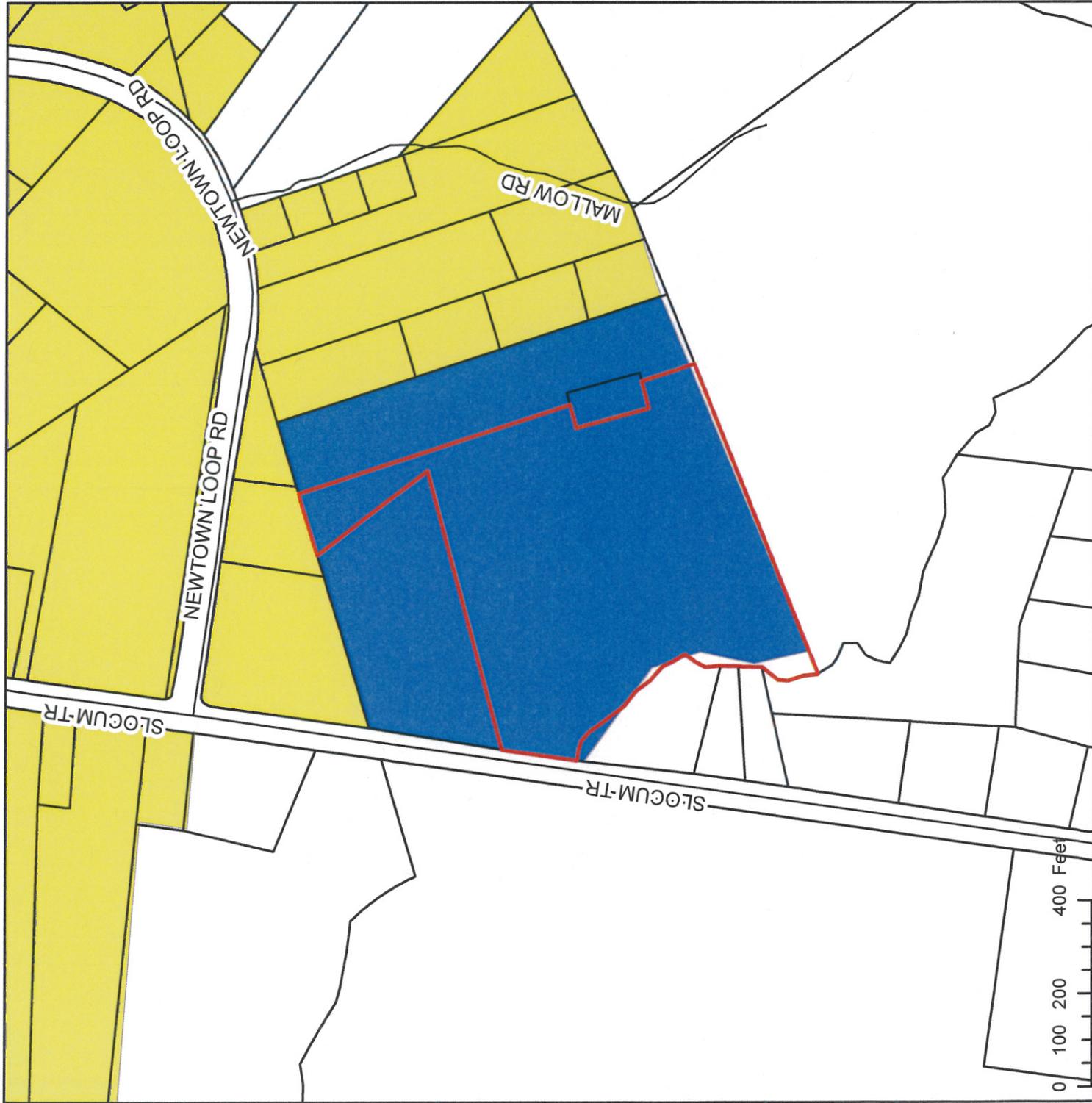
 O&I, Office & Institutional

 PD, Planned Development

 RA, Rural Agricultural

 RP, Residential Performance

CURRENT ZONING





Variance
#11233

Applicant:
Jerry Jacobs

Owner:
Hawes Chapel MBC

Legend



Subject Property

2012 AERIAL

