

Pender County Planning and Community Development

Planning Division

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MINUTES

Pender County Board of Adjustment Meeting June 17, 2015 9:00 a.m. Pender County Public Meeting Room 805 S. Walker Street, Burgaw, North Carolina

Call to Order: Chairman Ferrante called the meeting to order at 9:05 a.m.

Invocation: Administered by Vice-Chairman Pullen.

Roll Call: Chairman Ferrante
Pender County Board of Adjustment Members:
Ferrante: Pullen: Newton: Weston:

Alternates:

Godridge: Peters:

Alternate Board members Godridge and Peters served as a full Board member

- 1. Adoption of the Agenda:** Motion to adopt the agenda was made by Board member Peters; seconded by Board member Godridge. Vote unanimously approved.
- 2. Adoption of the Minutes: (March 18, 2015)** Motion to adopt the minutes was made by Board member Newton; seconded by Vice-Chairman Pullen. Vote unanimously approved.
- 3. Public Comment:** None

** (Public Hearings Open) **

Chairman Ferrante welcomed all, explained the type of meeting being held, the process of the meeting, and the process of voting. Attorney Thurman swore in the witnesses who wished to speak during the Hearing.

4. Variance:

Hilary Maready and James Lane, applicants, on behalf of Harlan T. Pickard, owner, requested a variance for relief from Pender County Unified Development Ordinance standards outlined in Section 8.2.8, Project Boundary Buffer, specifically requesting a variance for relief from the side yard buffer requirements for commercial districts in the GB, General Business zoning district. The subject property is located at 15811 US Highway 17, Hampstead, NC 28443. There is one (1) tract associated with this request totaling ± 0.34 acres and the property may be identified by Pender County PIN 3293-21-8659-0000. Planner O'Mahony apologized for being unable to project the materials due to technology issues and asked the Board to refer to their packets. Planner O'Mahony presented and gave background information for agenda item four (4). Chairman Ferrante clarified that the variance request was for relief from the Pender County Unified Development Ordinance's requirement to have a buffer along the side property lines; but a front and rear buffer would still be required. Hilary Maready, applicant, stated that they were interested in purchasing the property, that when they were doing their due diligence they became aware of the buffer requirement and were informed of their

option to request a variance, which is what they chose to do so that they could utilize the property for their purpose. Board member Newton asked the applicant if the property had been purchased, applicant responded no; Board member Newton asked what made the property attractive; applicant responded the property was small; Board member Newton asked how many cars would be on the lot; applicant responded a maximum of ten (10) vehicles and a small office. Discussion regarding the property as it existed; buffer plans and business details ensued between the applicants and the Board members. Chairman Ferrante asked the applicant if the variance request was denied would the applicant's intended use of the property still be allowed; James Lane, applicant, responded that what they could afford would be affected, the value would decrease and they would not be allowed to place a building on a thirty (30) foot strip of property. Due to no further questions or sign-ups, Chairman Ferrante opened the floor for the Board's discussion. Chairman Ferrante read each of the four (4) standards that must be met for the approval of a variance and the Board deliberated on each standard.

Motion to deny the variance request based on all four (4) standards not being met was made by Board member Peters; seconded by Board member Newton. The vote was unanimous.

** (Public Hearings Closed) **

5. Discussion Items:

i. Planning Staff: None

ii. BOA Members:

Board member Peters asked when does someone have a standing to request a variance and if anyone can apply; Director Breuer replied that anyone can have standing if they feel the ordinance is too restrictive, but property owners have to give their consent by signing the signature line of the application. General discussion took place regarding the variance process and the fact that once a variance is approved it is legally binding to the property, not the owners or applicants.

Board member Newton asked that the agenda topics be changed to the proper spelling of Board of Adjustment; Attorney Thurman stated that it would be corrected.

Chairman Ferrante asked how the meeting was conducted; everyone agreed that it went well. Director Breuer reminded the Board that when they review the Findings of Facts for each case, all the standards have to be met in order for a variance to be granted.

6. Next meeting: No cases for July; August 19, 2015, as applicable

7. Adjournment: Meeting adjourned at 9:46 am

The entire recording of the Board of Adjustment Meeting and the signed Board Order including the Findings of Facts are on file with the permanent records in the Planning Department office.