

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
August 17, 2016 9:00 a.m.
Pender County Public Meeting 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: _____ Rhodes: _____

Alternates:

Godridge: _____ Peters: _____

1. Adoption of the Agenda:

2. Adoption of the Minutes: (July 20, 2016)

3. Public Comment:

*(*Public Hearing Opened*)*

4. Variance:

Frederick W. Mahnken et al, applicant and owners, are requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 5.3.3.A setback for accessory structure, specifically requesting a variance from the rear yard setback requirement of ten (10) feet for an accessory structure. The subject property is located at 15 Preswick Drive Rocky Point, NC 28457. There is one (1) tract associated with this request totaling ± 0.31 acres and the property may be further identified by Pender County PIN: 3273-15-5438-0000.

5. Variance:

Harrison Cove, LLC., applicant, on behalf of Parks Family Forestry LLC., owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 7.5.1.A.1; specifically the request is to seek relief from the provision of street design as for layout of streets as to arrangement, width, grade, character, and location which shall conform to the Pender County Collector Street Plan. There are two tracts included in this variance request that total approximately ± 112.7 acres and are

August 17, 2016

Page 1 of 2

located to the south of NC 210 and to the east of Harrison Creek Road (SR 1573) in the Topsail Township. The properties may be further identified by Pender County PINs: 3273-10-0849-0000 and 3273-33-1459-0000.

6. Variance:

Lynnlee Properties, LLC, applicant and owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 5.3.2.B, Structures to Have Access, specifically the request is to seek relief from the minimum access easement width requirement of twenty feet (20') for a residential principal structure. The subject properties are located approximately 1,900 feet south of the intersection of North Chubb Road (SR 1646) and US HWY 117, and approximately 800 feet to the west of US HWY 117 in the Union Township, NC. There are two (2) tracts associated with this request totaling ± 2.8 acres and the properties may be further identified by Pender County PINs: 3314-08-6454-0000 and 3314-08-7516-0000.

(Public Hearing Closed*)*

7. Discussion Items:

a. Planning Staff: None

b. BOA Members:

8. Next Meeting: September 21, 2016

9. Adjournment:

**PLANNING STAFF REPORT
VARIANCE REQUEST**

SUMMARY:

Hearing Date: April 20, 2016
Continued June 1, 2016
Continued July 20, 2016
Continued August 17, 2016
Applicant: Frederick W. Mahnken
Property Owner: Frederick W. Mahnken et. al.
Case Number: 161-2016

Property Location and Description: The subject property is located at 15 Preswick Drive, Rocky Point NC 28457. There is one (1) tract associated with this request totaling ± 0.31 acres and may be further identified by Pender County PIN 3273-15-5438-0000.

Zoning District of Property: The property is zoned PD, Planned Development zoning district.

Variance Requested: Frederick W. Mahnken et al, applicant and owners, are requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 5.3.3.A setback for accessory structure, specifically requesting a variance from the rear yard setback requirement of ten (10) feet for an accessory structure.

At their April 20, 2016 meeting the Board of Adjustment voted to table the request to allow for the applicant to ask the Homeowners Association to provide an easement or property on the common area in order to be compliant for the rear yard setback.

The Board of Adjustment did not meet at the regularly scheduled June 1, 2016 meeting, therefore the case has been continued to July 20, 2016.

Following the Board of Adjustment's meeting on April 20, 2016, the applicant has worked with the Avendale Homeowners Association Inc. who are the property owners of the common open space to the rear of the subject property. On July 7, 2016 the Avendale Homeowners Association Inc. voted regarding the sale of the land to the applicants regarding compliance for the rear yard setback. At this time there is no resolution from the Avendale Homeowners Association Inc. and the applicant will request additional time with the intention of becoming compliant.

At the July 20, 2016 meeting the applicant requested to table the hearing regarding this matter to be heard in August.

BACKGROUND AND DESCRIPTION OF VARIANCE:

The subject property is located in Phase IIIA of the Avendale residential subdivision, recorded on MB 50 PG 87 (Exhibit 1). The residential subdivision is currently zoned PD, Planned Development zoning district.

According to Section 5.3.3.A of the Pender County Unified Development Ordinance the setback requirement in all zoning districts is ten (10) feet from all property lines. The five (5) solar panels for which this variance is requested are considered accessory structures per Appendix A of the Pender County Unified Development Ordinance an accessory structure is defined as:

ACCESSORY STRUCTURE (Appurtenant Structure): a structure located on the same parcel of

property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

The measurement for the setback to the rear lot line has been taken from the six (6) inch steel posts affixing the solar panels into the subject property. The rear yard setback as defined in Appendix A of the Pender County Unified Development Ordinance states:

SETBACK, REAR YARD: The required distance between a building or structure and the rear lot line of the lot containing the building or structure.

In the submitted site plan the five (5) different six (6) inch steel posts are located approximately seven feet and two inches (7' 2") from the rear property line, necessitating a variance for a total of two feet ten inches (2' 10") (Exhibit 2).

The solar panel frames do encroach the setback as well, however it was determined by the Administrator that the solar panel itself would be permissible in the setback similar to an awning or roof overhang as outlined in Section 4.6.10 of the Pender County Unified Development Ordinance as seen below:

4.6.10 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:

- 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.

If a variance is granted by the Board of Adjustment; the applicant must still meet all other building setbacks and requirements in Pender County's Unified Development Ordinance. At current the applicant is seeking relief solely from the standards outlined in Section 4.14; which necessitates the rear yard setback to be in compliance with the approved Master Development Plan in the PD, Planned Development zoning district. The variance request is for seven feet ten inches from the rear yard setback.

ZONING ADMINISTRATOR'S CONCLUSION:

Frederick W. Mahnken et al, applicant and owners, are requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 5.3.3.A setback for accessory structure, specifically requesting a variance from the rear yard setback requirement of ten (10) feet for an accessory structure.

At their April 20, 2016 meeting the Board of Adjustment voted to table the request to allow for the applicant to ask the Homeowners Association to provide an easement or property come to a conclusion regarding the common area to the rear of the parcel and the required setback.

The Board of Adjustment did not meet at the regularly scheduled June 1, 2016 meeting, therefore the case has been continued to July 20, 2016.

Following the Board of Adjustment's meeting on April 20, 2016, the applicant has worked with the Avendale Homeowners Association Inc. who are the property owners of the common open space to the rear of the subject property. On July 7, 2016 the Avendale Homeowners Association Inc. voted regarding the sale of the

land to the applicants regarding compliance for the rear yard setback. At this time there is no resolution from the Avendale Homeowners Association Inc. and the applicant will request additional time with the intention of becoming compliant.

At the July 20, 2016 meeting the applicant requested to table the hearing regarding this matter to be heard in August.

3.14 VARIANCE

3.14.1 Applicability

- B. 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.
- C. The Board of Adjustment may waive certain requirements when authorized to do so by provisions adopted as a part of this Ordinance.
- D. 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.
- E. 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.
- F. The need for the variance cannot be a result of the owner's own actions and cannot be for strictly economic reasons.
- G. 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/does 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 FOR VARIANCE:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Ferrante ___ Pullen ___ Newton ___

Alternates:

Godridge: _____ Peters: _____

BOARD ACTION FOR VARIANCE: (April 20, 2016)

MOVED Newton: Table the Request _____ SECONDED Godridge _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Ferrante x Pullen x Newton x

Alternates:

Godridge: x Peters: x

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.

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.

3) Accessory Buildings 1,200 Square Feet in Area or Greater:

a) Same setback and separation requirements as principal buildings per zoning district regulations

ACCESSORY STRUCTURE (Appurtenant Structure): a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

4.8 Mixed Use Districts

4.8.1.2.b: PD tracts that were recorded under previously adopted development regulations and are part of a platted subdivision or master planned development but lack specific standards, shall be subject to the following dimensional requirements: minimum lot width of fifty (50) feet, minimum front yard setback of twenty-five (25) feet, side yard setback of ten (10) feet, rear yard setback of fifteen (15) feet, maximum structure height of thirty-five (35) feet, and minimum required principle structure separation of twenty (20) feet. Requested changes to the dimensional standards outlined above will require submission of a Master Development Plan in accordance with Section 4.8.1.B.2.e.

March 4th Due to Staff

APPLICATION FOR VARIANCE

THIS SECTION FOR OFFICE USE			
Application No.	VA 1161-2016	Date	2/10/2016
Application Fee	\$ 25.0	Receipt No.	Invoice # 86

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Fred & Lorraine Mahnken	Owner's Name:	Same
Applicant's Address:	15 Preswick Dr	Owner's Address:	
City, State, & Zip	Rocky Point, NC 28457	City, State, & Zip	
Phone Number:	910 - 270-3849	Phone Number:	

Legal relationship of applicant to land owner: Same

SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	3273-15-5438-000	Total property acreage:	0.31 Acres
Zoning Classification:	PD	Variance Size:	7' 10"
Variance Location & Address	15 Preswick Drive Rear yard setback		
Describe Variance and amount or type requested:	See attachment		

SECTION 3: SIGNATURES

Applicant's Signature	<u>Fred Mahnken</u>	Date:	2/10/16
Owner's Signature	<u>Fred Mahnken</u>	Date:	2/10/16

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:	Check: <input checked="" type="checkbox"/> Check # <u>1142</u>
		<input type="checkbox"/> Master Card	
		<input type="checkbox"/> Visa	
Application received by:	<u>Megan O'Hara</u>	Date:	2/12/2016
Application completeness approved by:	<u>Megan O'Hara</u>	Date:	2/12/2016
Date scheduled for public hearing:	<u>April 20, 2016 9 AM</u>		

Variance Checklist

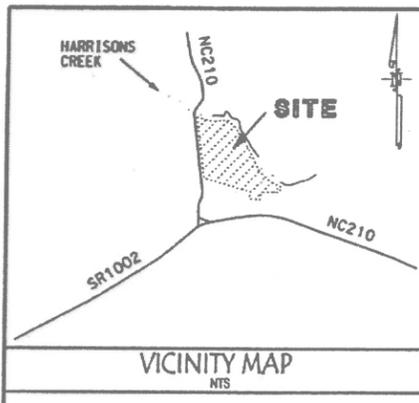
<input checked="" type="checkbox"/>	Signed application form
<input type="checkbox"/>	Application fee <u>250</u>
<input checked="" type="checkbox"/>	Legible list of all property owners adjacent to the property upon which the use is to be located. The list shall include the mailing address & physical address 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 checked="" 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 four identified findings for variance approval described on page 1 of this application and in the Pender County Unified Development Ordinance (Section 3.14.7.A).
<input checked="" type="checkbox"/>	<p><u>Project Map(s)</u>—Applicant shall supply 15 (11"x17") project maps at a readable scale, clearly showing the following (as applicable):</p> <ul style="list-style-type: none"> <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.)
<p>RETURN COMPLETED APPLICATION TO: Pender County Planning & Community Development P.O. Box 1519 Burgaw, NC 28425</p>	

To whom it may concern,

We had solar panels installed in our backyard by Greg Yurick. He installed the poles too close to the property line as you can see from the survey. The poles are 8 1/2 feet from the property line and they should be 10 feet from the property line. I'm only 2'10" short of the property line.

I need forgiveness so that I can get the permit, so the electrician can file for the permit for the electric. I hope this is enough, if not don't hesitate to call me at 910-470-3146 (Lorraine cell))

Sincerely,
Fred and Lorraine Mahnken



E.W. ROAD NAME CERTIFICATE
 THE ROAD NAMES ON THIS PLAN HAVE BEEN APPROVED BY PENDER COUNTY EMERGENCY MANAGEMENT.
 E.W. APPROVAL _____ DATE _____

CERTIFICATE OF FINAL PLAT APPROVAL
 APPROVED BY THE PENDER COUNTY PLANNING BOARD (PENDER COUNTY BOARD OF COMMISSIONERS, IF APPLICABLE).
 _____ DATE 2/12/10
 DIRECTOR OF PLANNING DEPT.

CERTIFICATE OF REGISTRATION BY REGISTER OF DEEDS
 NORTH CAROLINA PENDER COUNTY
 FILED FOR REGISTRATION ON THE _____ AT _____ (AM/PM)
 DAY OF _____ AND ONLY RECORDED IN MAP BOOK _____ AT PAGE _____

Name	Delta	Radius	Arc Length	Chord Length	Tangent Length	Chord Direction
C1	11°59'44"	335.00	70.14	70.01	35.20	N50°17'56"W
C2	06°07'52"	335.00	35.85	35.83	17.94	N41°14'08"W
C3	03°19'00"	285.00	16.50	16.50	8.25	N39°49'42"W
C4	14°07'23"	285.00	70.25	70.07	35.30	N48°32'54"W
C5	11°34'11"	335.00	67.65	67.53	33.94	N50°19'28"W
C6	00°29'57"	285.00	2.48	2.48	1.24	N55°51'35"W
C7	68°26'32"	40.00	47.78	44.99	27.21	S48°46'17"W
C8	48°11'23"	20.00	16.82	16.33	8.94	S38°38'42"W
C9	11°02'48"	335.00	64.59	64.49	32.39	N39°00'58"W
C10	55°54'00"	40.00	39.03	37.50	21.22	N69°03'28"W
C11	54°34'58"	40.00	38.11	36.68	20.64	N13°48'59"W
C12	68°16'05"	40.00	47.66	44.89	27.12	N47°36'33"E
C13	48°11'23"	20.00	16.82	16.33	8.94	N66°50'05"E
C14	29°11'12"	40.00	20.38	20.16	10.41	S83°39'49"E
C15	17°58'35"	335.00	105.11	104.67	52.99	N17°39'03"W
C16	10°53'14"	335.00	63.66	63.56	31.92	N03°13'09"W
C17	41°34'33"	285.00	206.81	202.30	108.19	S12°32'19"E
C18	14°21'28"	285.00	71.42	71.23	35.90	S40°30'20"E
C19	04°49'04"	335.00	28.17	28.16	14.09	S53°42'01"E
C20	08°25'30"	285.00	41.91	41.87	20.99	S51°53'40"E
C21	12°03'31"	335.00	70.50	70.37	35.38	S45°15'44"E
C22	01°03'46"	335.00	6.21	6.21	3.11	S38°42'05"E
C23	09°14'07"	285.00	45.94	45.89	23.02	S42°47'16"E
C24	00°50'24"	970.00	14.22	14.22	7.11	N27°07'00"E
C25	12°45'29"	285.00	63.46	63.33	31.86	S53°47'04"E
C26	00°53'29"	970.00	15.09	15.09	7.54	N30°56'11"E
C27	12°13'43"	280.00	59.76	59.65	29.99	N37°29'46"E
C28	03°52'01"	335.00	22.61	22.61	11.31	N58°13'48"W
C29	21°59'37"	310.00	119.00	118.27	60.24	S49°10'01"E
C30	17°56'21"	310.00	97.06	96.66	48.83	S44°02'23"E
C31	29°49'21"	310.00	139.71	138.53	71.06	S43°11'53"E
C32	41°12'34"	310.00	222.96	218.19	116.55	S09°40'56"E
C33	10°55'16"	335.00	63.85	63.76	32.02	N07°41'06"E

SURVEY CERTIFICATE II AND III

I, G. ANDERSON GREENE, CERTIFY THAT THIS PLAT DOES NOT CONTAIN SPECIAL FLOOD HAZARD AREAS AND IS NOT LOCATED IN A FLOODWAY AS DELINEATED BY THE FEDERAL EMERGENCY MANAGEMENT ACT.

THE SUBDIVISION SHOWN ON THIS PLAT DOES NOT CONTAIN AREAS OF ENVIRONMENTAL CONCERN AS DELINEATED BY THE NORTH CAROLINA COASTAL RESOURCE COMMISSION.

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

WITNESS BY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 31 DAY OF MARCH A.D. 2010.

G. Anderson Greene
 License Number L-3370
 Seal of G. Anderson Greene, Professional Land Surveyor, North Carolina, License No. L-3370.

CERTIFICATE OF SURVEY AND ACCURACY

I, G. ANDERSON GREENE, CERTIFY THAT THIS PLAT WAS EXAMINED BY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (OR DESCRIPTION RECORDED IN BOOK 22, PAGE 22) THAT THE BOUNDARIES WERE SURVEYED AND CLEARLY INDICATED AS SHOWN FROM INFORMATION FOUND IN BOOK 22, PAGE 22, THAT THE RATIO OF PRECISION AS CALCULATED IS 1/10,000 ± 1 THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS BY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 28 DAY OF MARCH 2010.

G. Anderson Greene
 License Number L-3370
 Seal of G. Anderson Greene, Professional Land Surveyor, North Carolina, License No. L-3370.

EASEMENT NOTE:
 ALL NEW ACCESS EASEMENTS SHOWN OR DESIGNATED ON THIS PLAT, INCLUDING THE TRANSFER OF AN EASEMENT TO PENDER COUNTY FOR USE BY ITS EMPLOYEES AND AGENTS FOR ACCESS FOR EMERGENCY PERSONNEL (POLICE, FIRE, & RESCUE) FOR USE BY PENDER COUNTY EMPLOYEES FOR ADMINISTRATION OF ALL PENDER COUNTY ORDINANCES; 2) TRANSFER OF AN EASEMENT TO PUBLIC UTILITIES AND PUBLIC UTILITIES FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF WATER, SEWER, ELECTRIC, AND COMMUNICATION LINES.

PARCEL IDENTIFIER CERTIFICATE

PARCEL IDENTIFIERS HAVE BEEN ISSUED FOR ALL PARCELS SHOWN ON THIS PLAT.
 2273-11-5930-0000
 TAX SUPERVISOR
 5/6/10
 DATE

STATE OF NORTH CAROLINA COUNTY OF PENDER

Jessica Worsell REVIEW OFFICER OF PENDER COUNTY, N.C., CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
 DATE: 5/11/10
 REVIEW OFFICER

CERTIFICATE OF OWNERSHIP DEDICATION AND JURISDICTION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, EASEMENTS, PARKS, OPEN-SPACE, AND OTHER AREAS TO PUBLIC OR PRIVATE USE AS NOTED. ALL RIGHTS AND PRIVATE EASEMENTS ARE DEDICATED FOR PUBLIC UTILITY PURPOSES. FURTHER, WE CERTIFY THE LAND AS SHOWN HEREON IS LOCATED WITHIN THE SUBDIVISION JURISDICTION OF PENDER COUNTY.
 DATE: 5/11/10
 SIGNATURE OF STRUD ENGINEERING, P.A.
 DON STRUD ENGINEERING, P.A.

LINE TABLE

Name	Direction	Length
L1	N38°10'12"W	35.62
L2	S57°37'26"E	2.17
L3	N38°49'32"E	17.44
L4	S17°18'33"W	39.38
L5	N50°14'34"W	28.16
L6	S38°10'12"E	25.25
L7	N31°22'55"E	108.11
L8	S43°33'54"E	1.14
L10	N60°09'49"W	45.69
L11	S60°09'49"E	30.33
L12	N62°44'24"E	117.90
L13	S60°09'49"E	45.33
L14	S60°09'49"E	44.97
L15	S62°44'24"W	49.73
L16	N62°44'24"E	47.77

ENGINEER'S CERTIFICATE OF PRELIMINARY PLAT COMPLIANCE

THE SUBDIVISION SHOWN ON THIS FINAL PLAT IS SUBSTANTIALLY IN COMPLIANCE WITH THE APPROVED PRELIMINARY PLAT AND ALL CONDITIONS OF APPROVAL IMPOSED THEREON.

WITNESS BY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 28 DAY OF MAY A.D. 2010.

JAMES H. FENTRESS, JR.
 Seal of James H. Fentress, Jr., Professional Engineer, North Carolina, License No. 20063.

LEGEND

- ⊙ IRON REBAR SET
- EX. IRON PIPE
- ⊠ CONTROL MONUMENT SET
- CONTROL PK MAIL SET

PHASE 3A AREA = 8.05 ACRES

RECORD MAP FOR
AVENDALE - PHASE 3A -
 TOPSAIL TOWNSHIP PENDER COUNTY NORTH CAROLINA

OWNER: AVENDALE DEVELOPMENT, LLC
 ADDRESS: PO BOX 1069 HAMPSTEAD, NC 28443
 PHONE: (910) 270-1725

DESIGNED: GAG
 DRAWN: CGW
 APPROVED: JHF
 DATE: 2/19/10
 SCALE: 1"=50'
 SHEET 1 OF 1

STRUD ENGINEERING, P.A.
 102-D CINEMA DRIVE WILMINGTON, NC 28403
 (910) 818-0775



LEGEND:

EIS = EXIST IRON STAKE

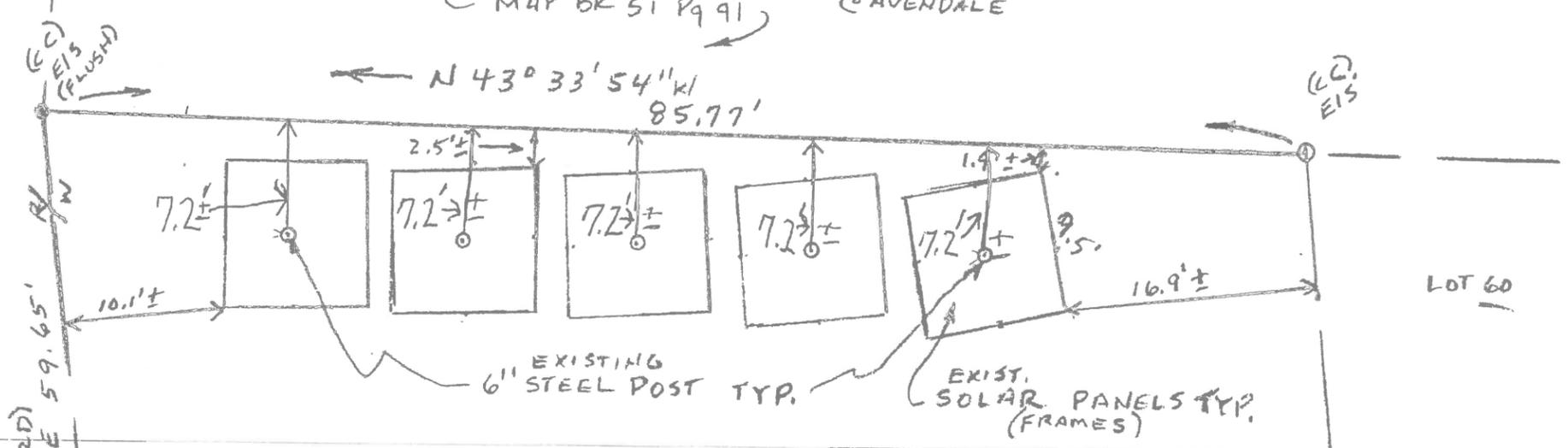
CC = CONTROL CORNER

Exhibit 2

NOTE:

ATTACHED TO MAP OF AVENDALE FOR REFERENCE.

HOW OR FORMERLY THE COTTAGES @ AVENDALE MAP BK 51 Pg 91



AVENDALE DRIVE PRIVATE R/W 60'

NORTH TO MAP BK 51 Pg 147

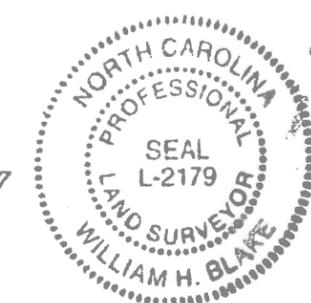
(CHORD) N 37° 29' 46" E 59.65' R/W
 (CHORD) N 31° 25' 55" E 108.11' R/W
 (CHORD) N 30° 56' 11" E 115.09' R/W

LOT 59

LOT 60

- SKETCH -
 OF
 LOCATION SURVEY -
 PORTION LOT 59
 AVENDALE PHASE 3A
 MAP BOOK 51 PAGE 147

FOR
 FREDERICK W. MANKEN
 AND WIFE
 LORAIN E. MANKEN 15 PRESWICK DR.
 ROCKY POINT, NC 28457
 PRESWICK DR.
 50' PRIVATE R/W
 William H. Blake
 WILLIAM H. BLAKE, NC PLS #L-2179
 BURGAW, NC



PRELIMINARY PLAT
 NOT FOR RECORDATION
 CONVEYANCES OR CONSTRUCTION

11 DEC. 2015 SCALE: 1" = 10' TOPSAIL TWP, PENDER CO., NC.



Applicant:
Frederick W. Mahnken et. al.

Owner:
Frederick W. Mahnken et. al.

Variance

Case Number:
161-2016

Legend



Subject Property



VICINITY





Applicant:
Frederick W. Mahnken et. al.

Owner:
Frederick W. Mahnken et. al.

Variance

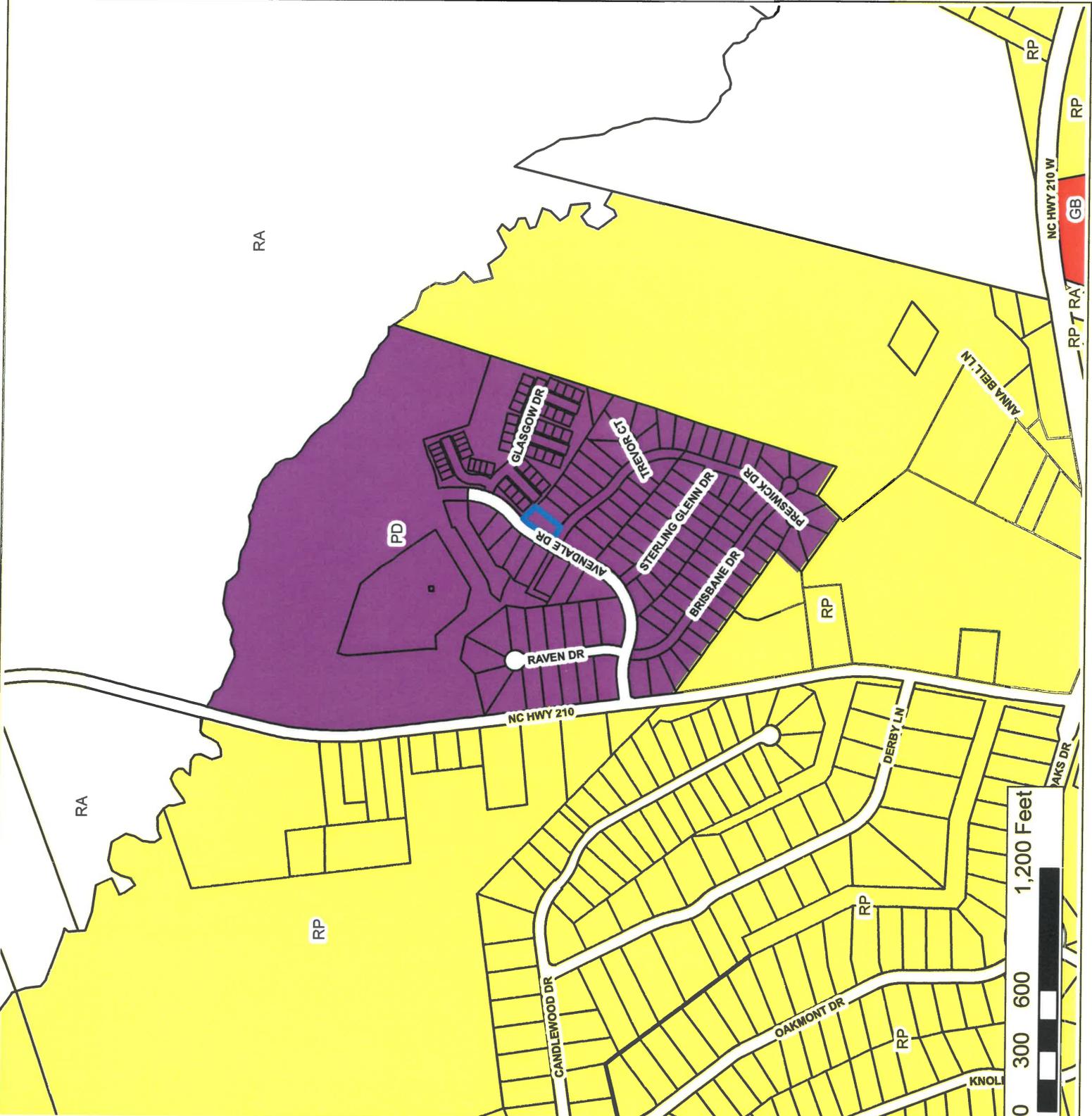
Case Number:
161-2016

Legend

-  Subject Property
-  EC, Environmental Conservation
-  GB, General Business
-  GI, General Industrial
-  IT, Industrial Transitional
-  O&I, Office & Institutional
-  PD, Planned Development
-  RA, Rural Agricultural
-  RP, Residential Performance



CURRENT ZONING





Applicant:
Frederick W. Mahnken et. al.

Owner:
Frederick W. Mahnken et. al.

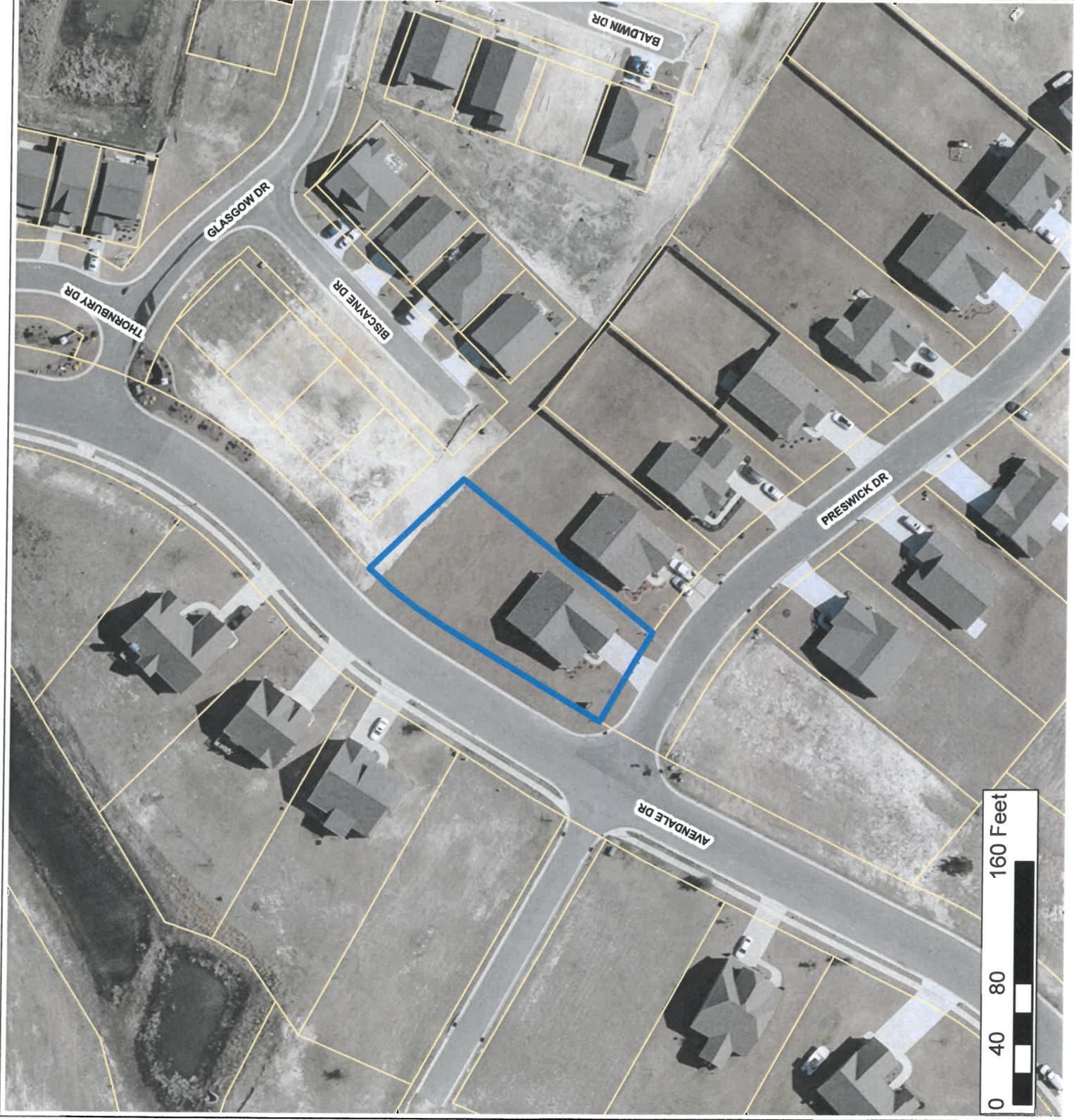
Variance

Case Number:
161-2016

Legend
 Subject Property



2012 AERIAL



**PLANNING STAFF REPORT
VARIANCE REQUEST**

SUMMARY:

Hearing Date: July 20, 2016
Continued August 17, 2016
Applicant: Harrison Cove, LLC.
Property Owner: Parks Family Forestry, LLC.
Case Number: 286-2016

Property Location and Description: There are two properties included in this variance request located to the south of NC 210 and to the east of Harrison Creek Road (SR 1573) in the Topsail Township. There are two (2) tracts associated with this request with a total of ± 112.7 acres and may be further identified by Pender County PINs: 3273-10-0849-0000 and 3273-33-1459-0000.

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

Variance Requested: Harrison Cove, LLC., applicant, on behalf of Parks Family Forestry LLC., owners, is requesting a Variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 7.5.1.A.1; specifically the variance request is to seek relief from the provision of street design as for layout of streets as to arrangement, width, grade, character, and location shall conform to the Pender County Collector Street Plan.

Following the Board of Adjustment hearing on July 20, 2016, the applicant has resubmitted their request for variance and re-designed the project proposal to request the least variance as necessary. The request was revised to only include a variance for individual lot access for four (4) residential lots on a designated collector street with the remainder of the lots to include shared driveways or provide access on streets not designated as collectors. Currently a variance is requested from the text in Section 7.2.7; Major subdivisions shall not be approved that provide for individual residential lots to access Minor Collector roads or streets as shown on the Pender Collector Street Plan, Pender County Transportation Plan or other approved State of Federal Transportation Improvement Plan.

BACKGROUND

The subject properties were rezoned on October 26, 2015 from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district (Case 11440). At the time of the zoning map amendment the subject properties were part of two larger pieces of property (Exhibit 1).

Staff held a pre-application with Mr. Coleman Parks regarding the preliminary design of a residential subdivision project titled Corbett Tract on December 11, 2015. (Exhibit 2). At this pre-application meeting Staff discussed the required connection to Harrison Creek Road (SR 1573) based on the proposed Pender County Collector Street Plan and Unified Development Ordinance standards.

On March 21, 2016 the Pender County Collector Street Plan was adopted by the Pender County Board of Commissioners. The subject properties are within the planning bounds of this transportation plan. (Exhibit 3).

On April 18, 2016, the subject properties were subdivided through State Exemption in accordance with GS 153A-335; *the division of land into parcels greater than 10 acres if no street right of way dedication is involved*. This exempt division created new parcel identification numbers, which the tax office has assigned to the properties. The new PINs will be updated and effective to exist beginning on January 1, 2017. PINs: 3273-10-

0838-0000, 3273-10-7328-0000 & 3273-33-4865-0000 are included in the exempt division (Exhibit 4). Specifically, PIN: 3273-10-0838-0000 and 3273-10-7328-0000 will be the valid identification for the property with the variance requested but will be active January 1, 2017 and appears different on this variance application.

A Master Development Plan and Major Subdivision Preliminary Plat was submitted on April 20, 2016 (Exhibit 5). On May 3, 2016 the Technical Review Committee reviewed the residential subdivision known as Harrison Cove.

Through the review of these plans, Staff identified discrepancies between the submittal and the Unified Development Ordinance requirements. The Harrison Cove site plan as submitted does not meet the Ordinance requirements, therefore the applicant has requested a variance to seek relief from street design standards.

DESCRIPTION OF VARIANCE:

The request for Master Development Plan approval for the residential subdivision known as Harrison Cove was submitted and reviewed in accordance with Section 3.5 Master Development Plan of the Pender County Unified Development Ordinance. According to Section 3.5.2 Master Development Plan decision authority in the RP, Residential Performance zoning district is the Administrator of the Ordinance. Staff may only approve Master Development Plan submittals granted all requirements are met. Master Development review criteria 3.5.4.C specifies that: *The Master Development Plan must meet all the requirements prescribed in Section 6.1, Master Development Plan Contents.*

In conducting the review of Master Development Plan Section 6.1.2 Master Development Plan Contents-Residential Districts, the submitted site plan does not meet Ordinance requirements specified in Section 6.1.2.A.24; *Street layout and access shall conform to Section 7.4, Access and Section 7.5, Street Design.* Specifically, Section 7.5.1 Public and Private Street Design states;

7.5.1 Public and Private Street Design

A. *Layout of streets as to arrangement, width, grade, character, and location shall conform to the following:*

- 1) *Pender County Collector Street Plan, Pender County Transportation Plan or other approved State of Federal Transportation Improvement Plan.*

The Pender County Collector Street Plan identifies two (2) collector roadways within the bounds of the submittal. The arrangement and location of the collector roadway recommendations can be seen in Exhibit 2. The site plan has been revised since the last Board of Adjustment hearing to include the roadways necessary as public collector streets, as identified in the Pender County Collector Street Plan.

Additionally, if the roadways are designated as a public collector road as identified in the Pender County Collector Street Plan then, no individual driveway access for residential lots may be approved, this provision is located within Section 7.2.7 of the Unified Development Ordinance; *Major subdivisions shall not be approved that provide for individual residential lots to access Minor Collector roads or streets as shown on the Pender Collector Street Plan, Pender County Transportation Plan or other approved State of Federal Transportation Improvement Plan.*

Following the Board of Adjustment hearing on July 20, 2016, the applicant has resubmitted their request for variance and re-designed the project proposal to request the least variance as necessary. The request was revised to only include a variance for individual lot access for four (4) residential lots on a collector street with the remainder of the lots to include shared driveways or access on streets not designated as collectors as shown on their site plan.

ZONING ADMINISTRATOR'S CONCLUSION:

Harrison Cove, LLC., applicant, on behalf of Lawrence Parks and Coleman Parks, owners, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 7.5.1.A.1; specifically the variance request is to seek relief from the provision for street design as to the layout of streets as to arrangement, width, grade, character, and location shall conform to the Pender County Collector Street Plan.

Following the Board of Adjustment hearing on July 20, 2016, the applicant has resubmitted their request for variance and re-designed the project proposal to necessitate the least variance as necessary. The request was revised to only include a variance for individual lot access for four (4) residential lots on a collector street with the remainder of the lots to include shared driveways or access on local roadways. Currently a variance is requested from the text in Section 7.2.7; Major subdivisions shall not be approved that provide for individual residential lots to access Minor Collector roads or streets as shown on the Pender Collector Street Plan, Pender County Transportation Plan or other approved State of Federal Transportation Improvement Plan.

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/does 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 FOR VARIANCE:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Ferrante ___ Pullen ___ Newton ___ Rhodes _____

Alternates:

Godridge: _____ Peters: _____

RECEIVED

JUN 03 2016

APPLICATION FOR VARIANCE

THIS SECTION FOR OFFICE USE			PENDER PLANNING DEPT.		
Application No.	VA 286-2016	Date	6-6-16		
Application Fee	\$ 250.00	Receipt No.	PAY. 00000 173		
SECTION 1: APPLICANT INFORMATION					
Applicant's Name:	HARRISON COVE, LLC.	Owner's Name:	LAWRENCE PARKS COLEMAN PARKS		
Applicant's Address:	2021 A CORPORATE DRIVE	Owner's Address:	2021 A CORPORATE DRIVE		
City, State, & Zip	WILMINGTON, NC 28405	City, State, & Zip	WILMINGTON, NC 28405		
Phone Number:	910-799-8080	Phone Number:	910-960-8991 910-799-8080		
Legal relationship of applicant to land owner:					
SECTION 2: PROJECT INFORMATION					
Property Identification Number (PIN):	3273-10-0849-0000 3273-33-1459-0000	Total property acreage:	112.7 AC		
Zoning Classification:	RP	Variance Size:	5.43 AC		
Variance Location & Address	3437-3541 NC HWY 210, HAMPSTEAD, NC				
Describe Variance and amount or type requested:	VARIANCE FROM SECTION 7.5.1 (A-1) AND SECTION 7.2.7 OF PENDER COUNTY UDO.				
SECTION 3: SIGNATURES					
Applicant's Signature		Date:	6-2-16		
Owner's Signature		Date:	6-2-16		
NOTICE TO APPLICANT:					
<ol style="list-style-type: none"> The Board of Adjustment shall review applications for a variance and shall be the approving authority for all requirements. 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. An application for a variance shall be submitted in accordance with application requirements. 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 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. Applicant must also submit the information described in the Variance Checklist provided below. Applicant or agent authorized in writing must attend the public hearing. 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 # 9409		
Application received by:		Date:	6/13/2016		
Application completeness approved by:		Date:	6/13/2016		
Date scheduled for public hearing:	7/20/2016 at 9AM				

PARAMOUNT

ENGINEERING, INC.

Harrison Cove Variance Narrative:

The proposed development of Harrison Cove requests the Board of Adjustment to grant a variance from Section 7.2.7 of the Pender County UDO.

Section 7.2.7 reads,

“Major subdivisions shall not be approved that provide for individual residential lots to access Minor Collector roads or streets as shown on the Coastal Pender Collector Street Plan, Pender County Transportation Plan or other approved State of Federal Transportation Improvement Plan.”

During the previous Board of Adjustment meeting dated July 20, 2016, a recommendation for shared driveways to comply with the Pender County UDO and Pender County Collector Street Plan was made by Pender County Planning staff. The revised plan presented provides collector streets that comply with the Pender County UDO and Collector Street Plan with the exception of 4 of 67 lots that front a collector street.

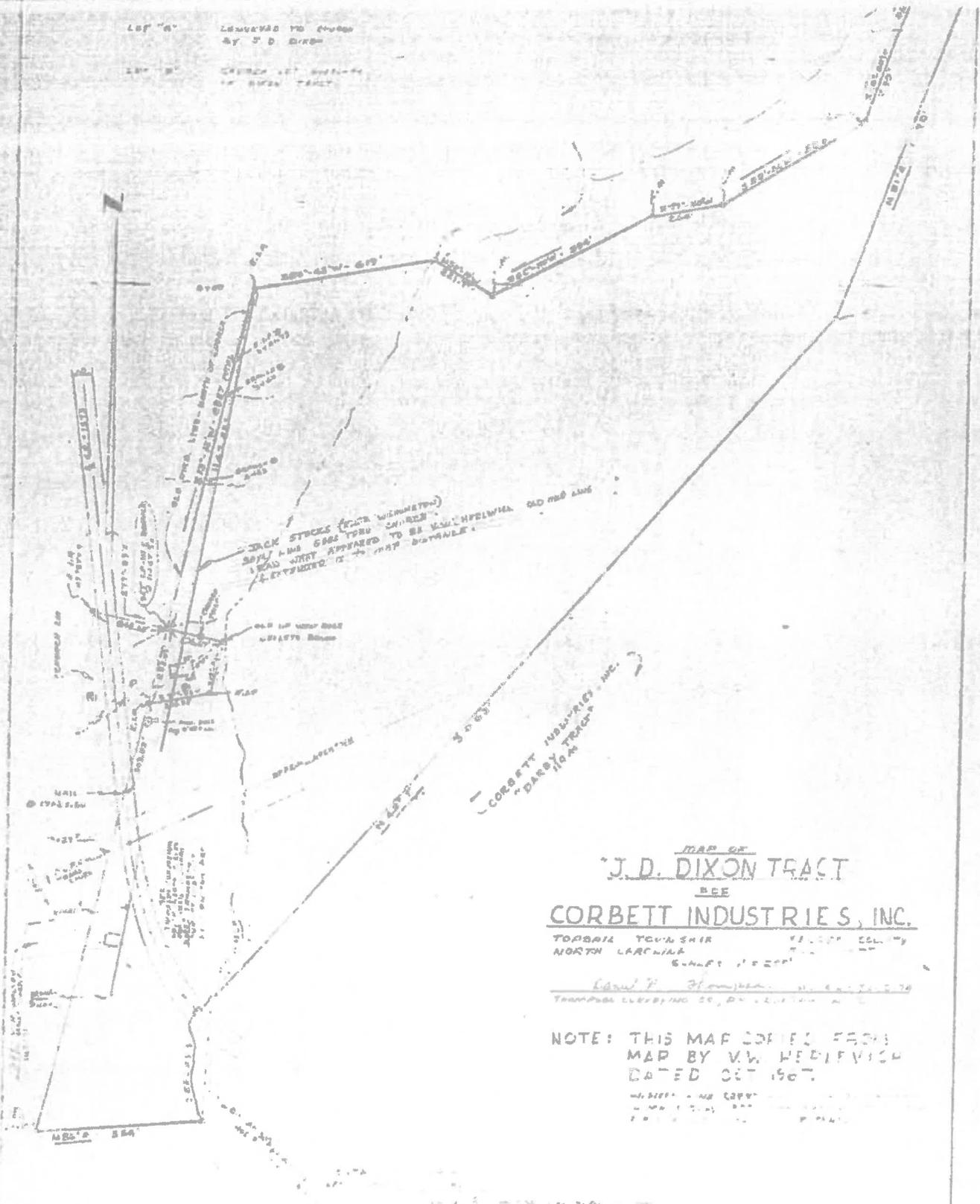
In pursuing the above recommendation, the proposed development was unable to provide shared driveway access to all lots. The proposed lots numbered 14, 63, 74, and 87 are unable to comply with Planning Staff’s recommendation given that there are an odd number of lots and existing wetlands prevent shared driveways between some lots. Therefore, variance from Section 7.2.7 of the Pender County UDO for these lots, as recommended by Pender County Planning staff and the County Attorney, is being requested.

The requested variance, if granted, would allow only the lots listed above to have individual driveway access onto the proposed Collector Streets, as shown on EX. A ‘Collector Street Exhibit’ submitted with this letter. All other proposed lots will comply with the recommendation of Planning Staff to provide shared driveways and conform to the intent of Section 7.2.7 to limit driveway access onto proposed collector streets.

NOTE: SEE "JACKSON TRACT"
MAP BOOK 3 PAGE 2
DEED 5-340 P 20

LOT "A" LEASED TO CORBETT
BY J D DIXON

LOT "B" CHURCH LOT BOUNDARY
IN BURN TRACT



MAP OF
J. D. DIXON TRACT
BEE

CORBETT INDUSTRIES, INC.

TOPSAIL TOWNSHIP TOWN OF ESCUMING
NORTH CAROLINA 6-10-67

Surveyed by *Howard* 11-2-67
TOWN OF ESCUMING CO., N.C.

NOTE: THIS MAP COPIED FROM
MAP BY V.W. HEDRICK
DATED OCT 1967.

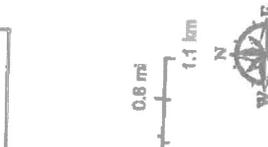
UNLESS OTHERWISE NOTED
ALL DISTANCES ARE IN FEET
AND DECIMALS THEREOF



Property Address: 210 HWY
Deed Ref: 352/325
Account No: 4416
Township: TOPSAIL
Subdivision:
Tax Codes: G01 F28 R40
Plat: HCP/LAT
Sale Price: \$0
Sale Date:

Acres: 75
Land Value: \$115,958
Building Value: \$9
Total Value: \$115,967
Deferred Value: \$97,788
Exempt Amount:
PCL Class: R
Heated Sq Feet:

Scale: 1:22,483
Scale: 1 inch = 1,874 feet
Scale: 0.15 0.3 0.45 0.6 0.75 0.9 1.1 km
Scale: 0 0.15 0.3 0.45 0.6 0.75 0.9 1.1 mi
Scale: 0 0.275 0.55 1.1 km
Scale: 0 0.15 0.3 0.45 0.6 0.75 0.9 1.1 mi
Scale: 1 inch = 1,874 feet
Scale: 0 0.15 0.3 0.45 0.6 0.75 0.9 1.1 km
Scale: 0 0.15 0.3 0.45 0.6 0.75 0.9 1.1 mi



Corbett Ind

July 20, 2015

Owner: CORBETT INDUSTRIES INC

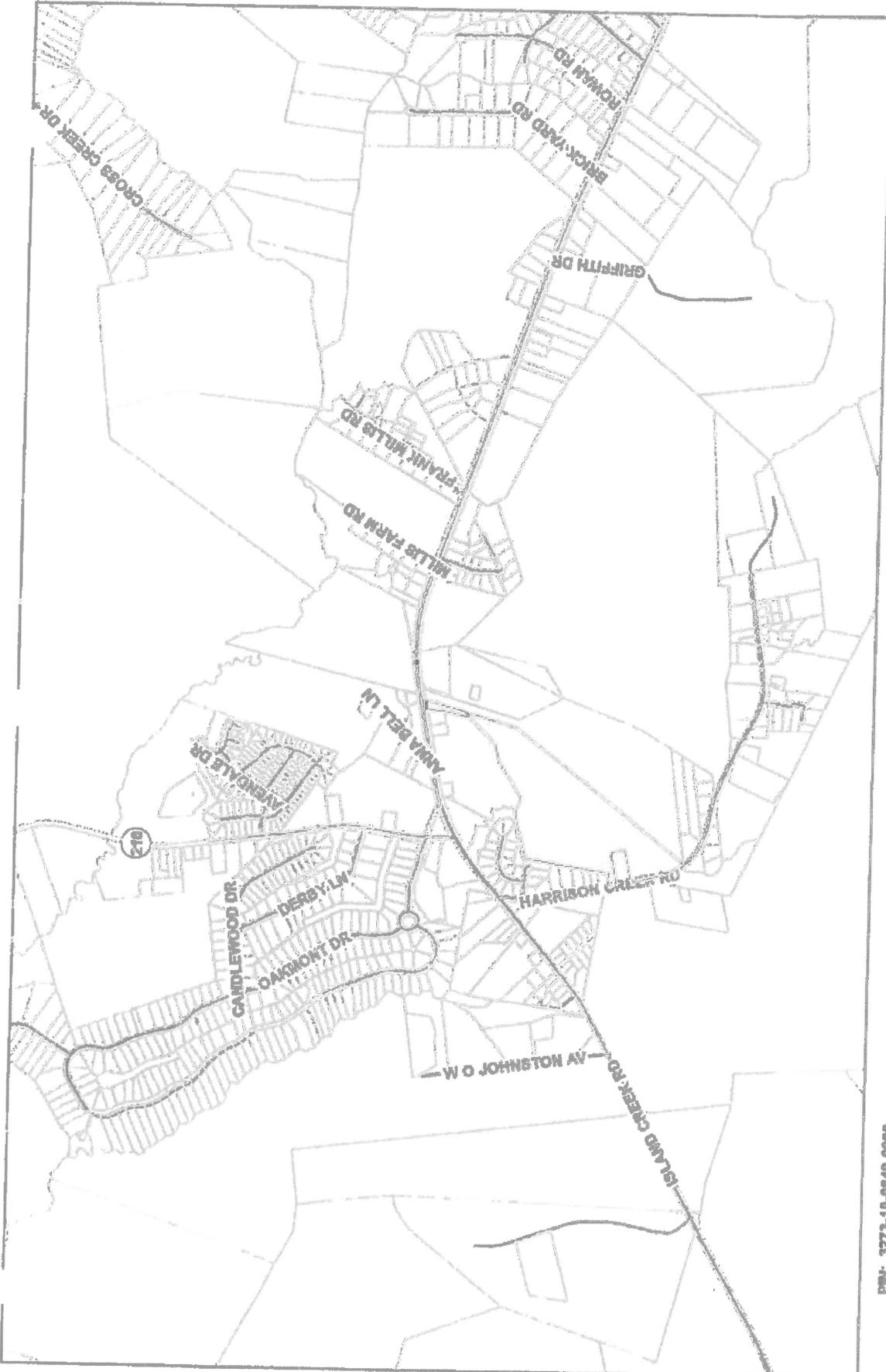
Address: P O DRAWER 210
WILMINGTON, NC 28401

Phone: 352/325

Map: 3273-33-1468-0000

Property Address: 210 HWY
Deed Ref: 352/325
Account No: 4416
Township: TOPSAIL
Subdivision:
Tax Codes: G01 F28 R40
Plat: HCP/LAT
Sale Price: \$0
Sale Date:

Acres: 75
Land Value: \$115,958
Building Value: \$9
Total Value: \$115,967
Deferred Value: \$97,788
Exempt Amount:
PCL Class: R
Heated Sq Feet:



Corbett Ind

1:22,483
 0 0.15 0.3 0.55 0.6 mi
 0 0.275 0.55 1.1 km

1 Inch = 1,874 feet

July 20, 2015

Acres: 56.59
 Land Value: \$100,326
 Building Value: \$0
 Total value: \$5,239
 Deferred Value: \$85,089
 Exempt Amount:
 PCL Class: R
 Heated Sq Feet:

Sale Price: \$0
 Sale Date: 2001-06-28
 Plat: NOPLAT
 Account No: 4416
 Township: TOPSAIL
 Subdivision:
 Tax Codes: G01 F20 R40

PN: 3273-10-0849-0000
 Owner: CORBETT INDUSTRIES NC
 P O DRAWER 210
 WILMINGTON, NC 28401
 Dead Ref: 1731/96
 Property Address: 210 HWY

PLAT 210

PLAT 210

STATE OF NORTH CAROLINA :
COUNTY OF NEW HANOVER :

DEED

THIS INSTRUMENT, Made this the 5th. day of March, 1959, by E. Y. VESTAL and wife, Lorena B. VESTAL, of the County of Duplin and State of North Carolina, parties of the first part; and CORBERT INDUSTRIES, INC., A Corporation of the County of New Hanover and State of North Carolina, party of the second part.

WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, and other valuable considerations to them in hand paid by the said party of the second part; the receipt whereof is hereby acknowledged, have given, granted, bargained and sold, aliened and conveyed, and by these presents do hereby give, grant, bargain and sell, alien, convey and confirm unto the said party of the second part, and to its successors or assigns, forever, all that certain lot or lots of land, situated, lying and being in Topsail Township, County of Pender, and State of North Carolina, bounded and described as follows, to-wit:

BEGINNING at the run of Harrison's Creek, at J. N. Westbrook's corner, running thence S. 9° W 810 feet to the Main Road, running thence along said road South 80° 30' West, 1618 feet to a stake on the South side of said road; thence South 21° West 1,110 feet to a stake, J. N. Westbrook's corner; thence South 25° East 670 feet to Mummy's corner; thence South 25° 30' West 1,188 feet to a stake; thence South 31° West 470 feet to another stake, Louis Powell's corner; thence with Powell's line South 89° 30' West 1,613 feet to a bay tree, his corner in Beeley's Branch; thence North 41° 15' East 3,020 feet to a stake; thence North 20° East 1,340 feet to a stake in the main road; thence North 15° East 3,000 feet to a stake in the run of Harrison's Creek; and thence by and with the run of said creek to the beginning.

Together with all and singular, the lands, tenements, easements and appurtenances thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the above granted and described premises, together with all and singular, the rights, privileges, tenements and appurtenances thereto belonging, or in anywise appertaining unto the said party of the second part, its successors and assigns, in fee simple, FOREVER.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals, this the day and year first hereinabove written.

E. Y. Vestal (SEAL)

Lorena B. Vestal (SEAL)

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, J. S. Barker, Jr., a Notary Public in and for the State and County aforesaid, do hereby certify that E. Y. VESTAL and wife, Lorena B. VESTAL, personally appeared before me this day and acknowledge the due execution of the foregoing and aforesaid Instrument for the purposes therein expressed.

WITNESSED my hand and seal, this the 5th. day of March.

J. S. Barker, Jr. N. P. (SEAL)
Notary Public

My commission expires: October 16, 1960.

STATE OF NORTH CAROLINA - Pender County
This foregoing certificate of J. S. Barker, Jr. a Notary Public of New Hanover County, under his official seal is adjudged to be correct. Let the said instrument and the certificate be registered.

This, the 6 day of March 1959.

G. D. Murdy
CLERK OF SUPERIOR COURT

Filed for registration on the 6 day of March 1959 at 11:05 o'clock A. M.

M. O. Collier
REGISTER OF DEEDS

STATE OF NORTH CAROLINA
COUNTY OF PENDER

FILED
'90 JUL 9 11 12 02

gjm

JOYCE H. SWINSON

THIS DEED, made and entered into between JOYCE H. SWINSON of May, 1990, by and between JAMES R. MILLIS, SR. and LINDA WOOD MILLIS, (hereinafter "Grantor"), and CORBETH INDUSTRIES, INC., a North Carolina corporation, whose mailing address is

P. O. Box 210, Wilmington, North Carolina 28402

(hereinafter "Grantee"), whether one or more persons, firms or corporations). The designation Grantor and Grantee as used herein shall include said parties, their successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

W I T N E S S E T H

THE GRANTOR AND GRANTEE desiring to establish a new boundary line between their respective properties, have had the line surveyed and have agreed to execute cross-deeds to convey to each other the lands necessary to conform to their agreement.

NOW, THEREFORE, the GRANTOR, for and in consideration of ONE (\$1.00) DOLLAR, to them in hand paid, the receipt of which is hereby acknowledged, have bargained and sold and by these presents do bargain, sell and convey unto the Grantee, its successors and assigns all of their right, title, claim, interest and estate in that certain real estate located in Topwell Township, Pender County, North Carolina, and being more particularly described as follows:

beginning at a new iron pipe in the northern or north-eastern right-of-way line of N.C. Highway 210, 80 feet from the centerline thereof, said beginning iron pipe being located a chord bearing and distance of North 70 degrees 28 minutes 00 seconds West 412.60 feet from an existing iron pipe, point "W", the P.C. of a circular curve in said right-of-way as shown on a map entitled "Map of Survey of the Moosa Frank Millis, Estate" as recorded in Map Book 24 at Page 226 of the Pender County Registry, running thence from said beginning point with the above-mentioned northern or northeastern right-of-way line of N.C. Highway 210, a circular curve to the left having a radius of 2922.051355 feet, in a northwesterly direction to point "T" as shown on said map; the most western corner of Tract "B" as shown on said map, the above-mentioned point "T" being located a chord bearing and distance of North 80 degrees 26 minutes 37 seconds West 592.475 feet from the above described beginning point, running thence with a dividing line between Tract "B" and Corbeth Industries, Inc. as shown on said map, North 81 degrees 14 minutes 00 seconds East 718.46 feet to a new iron pipe; running thence a new line, South 31 degrees 14 minutes 44 seconds West 216.40 feet to the beginning point and containing 1.2715 acres and being a portion of the above-mentioned Tract "B" that was conveyed to James R. Millis, Sr. and wife, Linda Wood Millis by Deed Book 732 at Page 155 of the Pender County Registry.

This conveyance, along with a Cross-Deed from Grantee to Grantor to be recorded simultaneously herewith, is intended to create a new property line beginning at an

DRAFTSMAN: DAVID C. BARKFOOT
BURNET, BURNET, BARKFOOT & BAIN
110 N. Fifth Avenue/P. O. Box 89
Wilmington, N. C. 28402

Recorded and Verified _____
Joyce H. Swinson
Director of Deeds
Pender County, N.C.

existing iron pipe, point "V", in the centerline of the run of Harrison's Creek as shown on the above-mentioned map and running South 31 degrees 14 minutes 44 seconds West 1262.07 feet to a new iron pipe in the northern or northeastern right-of-way line of N.G. 210, said point being located a chord bearing and distance of North 70 degrees 22 minutes 00 seconds West 419.60 feet from an existing iron pipe, point "W", the P.C. of a circular curve in said right-of-way as shown on said map.

THIS COVENANCE is intended to convey from the Grantors to the Grantee those lands adjacent to and on the ~~north-~~ ~~western~~ side of the above new property line between the parties.

TO HAVE AND TO HOLD the above granted and described premises, together with all and singular, the rights, privileges, easements, tenements and appurtenances thereto belonging, or in anywise appertaining unto the said Grantee in ~~THE~~ SIMPLE, forever.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, all the day and year first above written.

James R. Mills, Sr. (SEAL)
JAMES R. MILLS, SR.

Linda Wood Mills (SEAL)
LINDA WOOD MILLS

STATE OF NORTH CAROLINA
COUNTY OF New Hanover

I, Blenda G. Harrison, a Notary Public in and for the aforesaid County and State do hereby certify that JAMES R. MILLS and wife, LINDA WOOD MILLS personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and seal this the 22nd day of May, 1990.



Blenda G. Harrison
Notary Public

My Commission Expires: 10-24-94

(NOTARIAL SEAL)

STATE OF NORTH CAROLINA
COUNTY OF FENDER

The foregoing certificate of Blenda G. Harrison Notary Public, is certified to be correct. This is the 9th day of May, 1990. July, 1990.

JOHN M. STANCOB
Register of Deeds - Fender County

By John S. [Signature]
Deputy/Assistant

BOOK 0756 PAGE 248

STATE OF NORTH CAROLINA

COUNTY OF PENDER

FILED

'80 JUL 9 PM 12 02

Handwritten initials

THIS QUITCLAIM DEED, made and entered into on the 17 day of July 1980, by and between CORBETT INDUSTRIES, a North Carolina corporation, (hereinafter "Grantor"), and JAMES R. WILLIS, Sr. and wife, LINDA WOOD WILLIS, whose address is

1821 North Kerr Avenue, Wilmington, North Carolina 28405

(hereinafter "Grantee"), whether one or more persons, firms or corporations). The designation Grantor and Grantee as used herein shall include said parties, their successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

W I T N E S S E T H:

THE GRANTOR AND GRANTEE desiring to establish a new boundary line between their respective properties, have had the line surveyed and have agreed to execute cross-deeds to convey to each other the lands necessary to conform to their agreement.

NOW, THEREFORE, the GRANTOR, for and in consideration of \$50 (\$1.00) DOLLAR, to it in hand paid, the receipt of which is hereby acknowledged, has remised and released and by these presents does remise and release, and forever quitclaim unto the Grantee, their heirs and assigns all of its right, title, claim, interest and estate in that certain real estate located in Toysall Township, Pender County, North Carolina, and being more particularly described as follows:

BEGINNING at a new iron pipe in a dividing line between Tract "A" and Corbett Industries, Inc., said beginning point being located along said dividing line North 81 degrees 36 minutes 00 seconds East 718.46 feet from point "q", located in the northern or northeastern right-of-way line of U.S. Highway 210, the most western corner of Tract "B" as shown on a map entitled "Map of Survey of the Moses Frank Willis, Estate" as recorded in Map Book 24 at Page 226 of the Pender County Registry; running thence from said beginning point with the above-mentioned dividing line, North 81 degrees 35 minutes 00 seconds East 327.48 feet to an existing iron pipe, point "r", as shown on said map; running thence with another of said dividing lines, North 10 degrees 13 minutes 31 seconds East 231.72 feet to an existing iron pipe, point "s", located in the centerline of the Run of Harrison's Creek, as shown on the above-mentioned map, passing over an inline existing iron pipe at 818.41 feet; running thence a new line, South 31 degrees 16 minutes 46 seconds West 1022.22 feet to the beginning point, passing over inline iron pipes at 18.20 feet and 639.63 feet.

The above-described parcel contains 3.5052 acres and is a portion of the Corbett Industries, Inc. tract shown in Map Book 7 at Page 69 and referenced on the above-mentioned map recorded in Map Book 24 at Page 226 of the Pender County Registry.

This conveyance, along with a Cross-Deed from Grantee to Grantor to be recorded simultaneously herewith, is intended to create a new property line beginning at an

DRAFTSMAN: DAVID C. BARNFOOT
BURNBY, BURNBY, BARNFOOT & BAIN
110 E. Fifth Avenue/P. O. Box 89
Wilmington, N. C. 28402

Recorded and Verified _____
Joyce M. Swicegood
Register of Deeds
Pender County, N.C.

existing iron pipe, Point "V", in the centerline of the run of Harrison's Creek as shown on the above-mentioned map and running South 31 degrees 14 minutes 46 seconds West 1262.07 feet to a new iron pipe in the northern or northeastern right-of-way line of N.C. Highway 210, said point being located a chord bearing and distance of North 70 degrees 18 minutes 00 seconds West 418.60 feet from an existing iron pipe, point "W", the P.C. of a circular curve in said right-of-way as shown on said map.

THIS CONVEYANCE is intended to convey from the Grantors to the Grantee those lands adjacent to and on the ~~south-~~
~~south~~ side of the above new property line between the parties.

TO HAVE AND TO HOLD the above granted and described premises, together with all and singular, the rights, privileges, easements, tenements and appurtenances thereto belonging, or in anywise appertaining unto the said Grantee in PERMANENT, forever.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed in its corporate name and its corporate seal, attested by its duly authorized officers, all the day and date first above written.

CORBETT INDUSTRIES, INC.

By: William B. Corbett
President



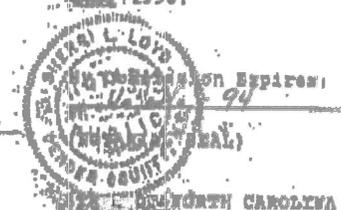
Secretary

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Pender

I, Shirley L. Loyd, a Notary Public in and for the aforesaid County and State do hereby certify that William B. Corbett personally appeared before me this day and acknowledged that he is the Secretary of CORBETT INDUSTRIES, INC., a North Carolina corporation, and that by authority duly given and as the act of the said corporation, the foregoing instrument was signed in its corporate name by its President, sealed with its corporate seal, and attested by himself as its Secretary.

WITNESSE my hand and notarial seal, this the 5th day of May, 1990.

Shirley L. Loyd
Notary Public



STATE OF NORTH CAROLINA
COUNTY OF PENDER

The foregoing certificate of Shirley L. Loyd, Notary Public, is certified to be correct, this is the 4th day of July, 1990.

JOYCE M. SWIGGARD
Register of Deeds - Pender County

By: Vivian E. Totten
Deputy/Assistant

414

PREPARED BY MOORE & HENDERSON

STATE OF NORTH CAROLINA - Pamlico County

THIS DEED, made this 18th day of September, A.D. 1907, by the undersigned, the donors, and wife, Alice Hanson, of the County and State of North Carolina, to Corbett Distribution, Inc., a North Carolina Corporation, of the County and State of North Carolina, for and in consideration of the sum of \$100.00 Dollars and other valuable considerations...

On the north side of the highway, BEGINNING at a stake in the run of a small branch at the southeastern edge of the highway; the line N 10 W 10 poles to a stake; thence S 10 W 80 poles to a stake; thence S 45 W 40 poles to a stake; thence S 77 W 10 poles to a stake; thence S 60 W 36 poles to a stake; thence S 10 W 12 poles to a stake; thence S 77 W 600 feet to a stake; thence S 10 W 12 poles to a stake; thence S 25 W 30 feet to a stake in the run of Corbett's Branch; thence with the run of said branch to its mouth (a straight line being S 3 W 975 feet to a bay tree in said branch, same being Louis Powell's corner); thence N 45 W 2500 feet to a stake; thence S 80 W 1300 feet to the edge of the highway; thence along the highway S 80 W 176 feet to the beginning, containing by estimation 62 acres, more or less.

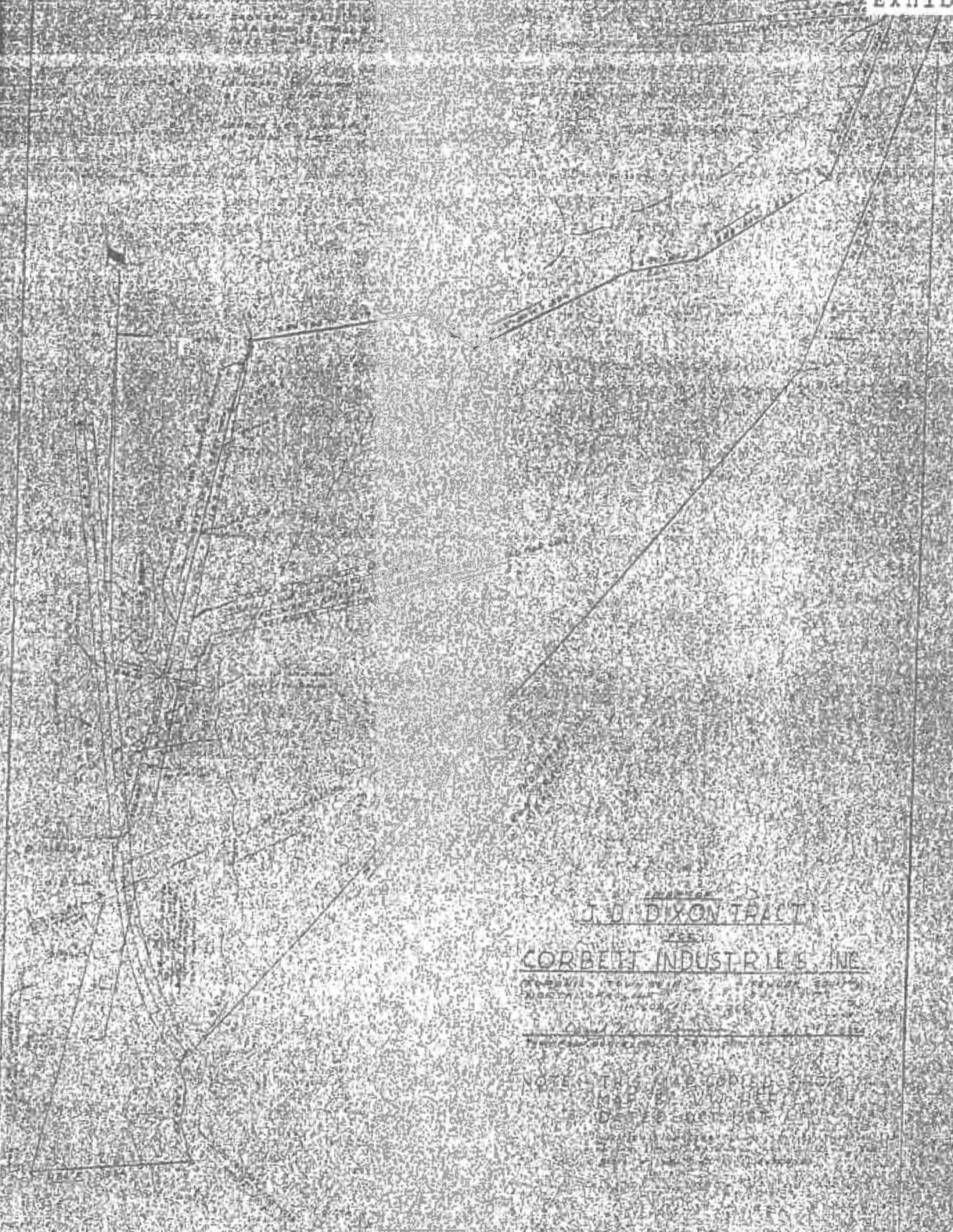
EIGHT DOLLARS AND NO/100 IN SEVERAL STAKES AND BARS CANCELLED.

TO HAVE AND TO HOLD the above said part of land and all pastures and appurtenances thereto, including in the said part of the above said land and appurtenances, unto the said Corbett Distribution, Inc., and its heirs, assigns and assigns forever.

IN WITNESS WHEREOF, the said parties at the above said place, have hereunto set their hands and seals, and the seal of said County, this 18th day of September, 1907.

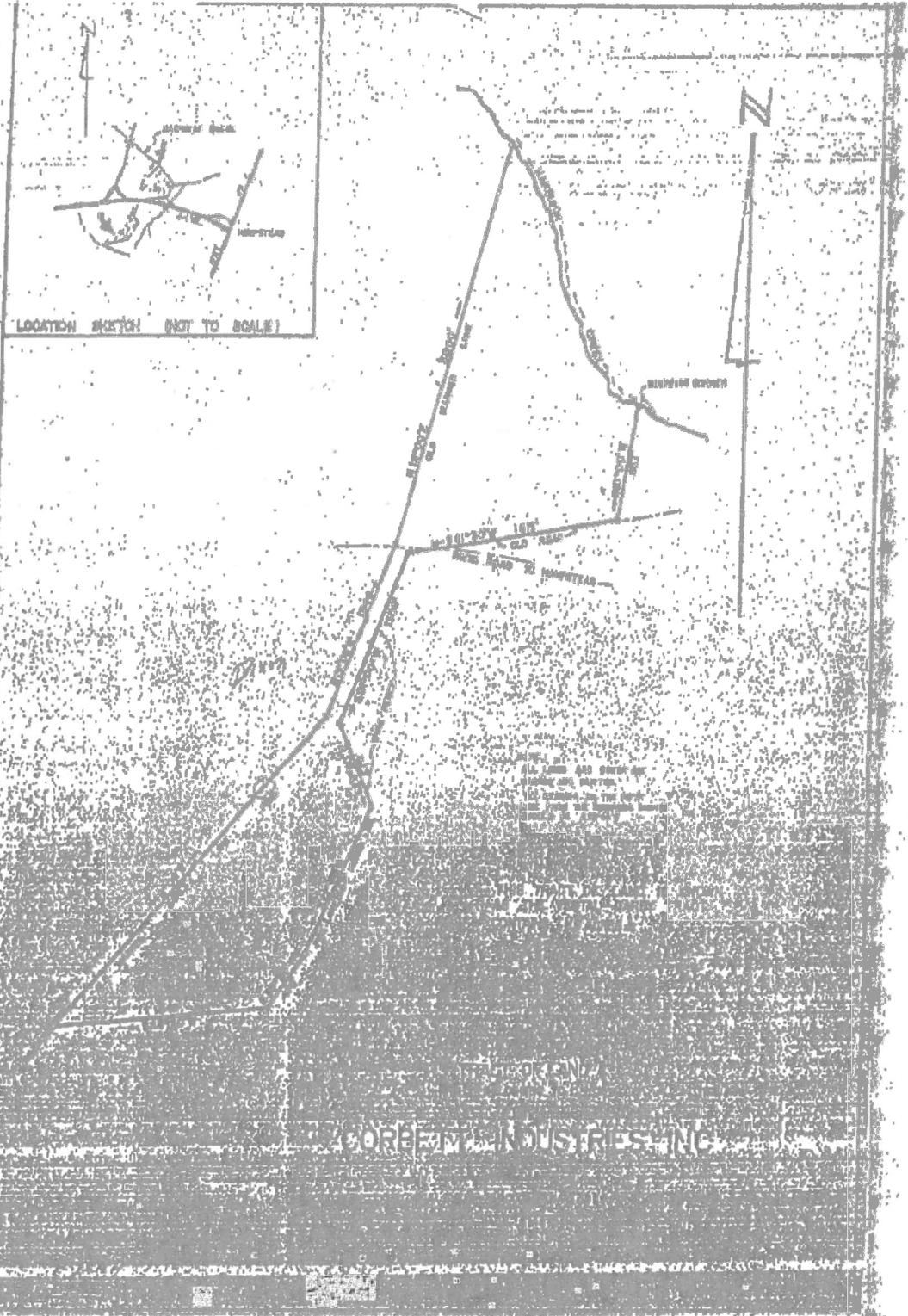
STATE OF NORTH CAROLINA, Pamlico County, O. D. Henderson, Mayor, Public, do hereby certify that the above said deed was duly and lawfully recorded in the office of the General Fund of Comptroller.

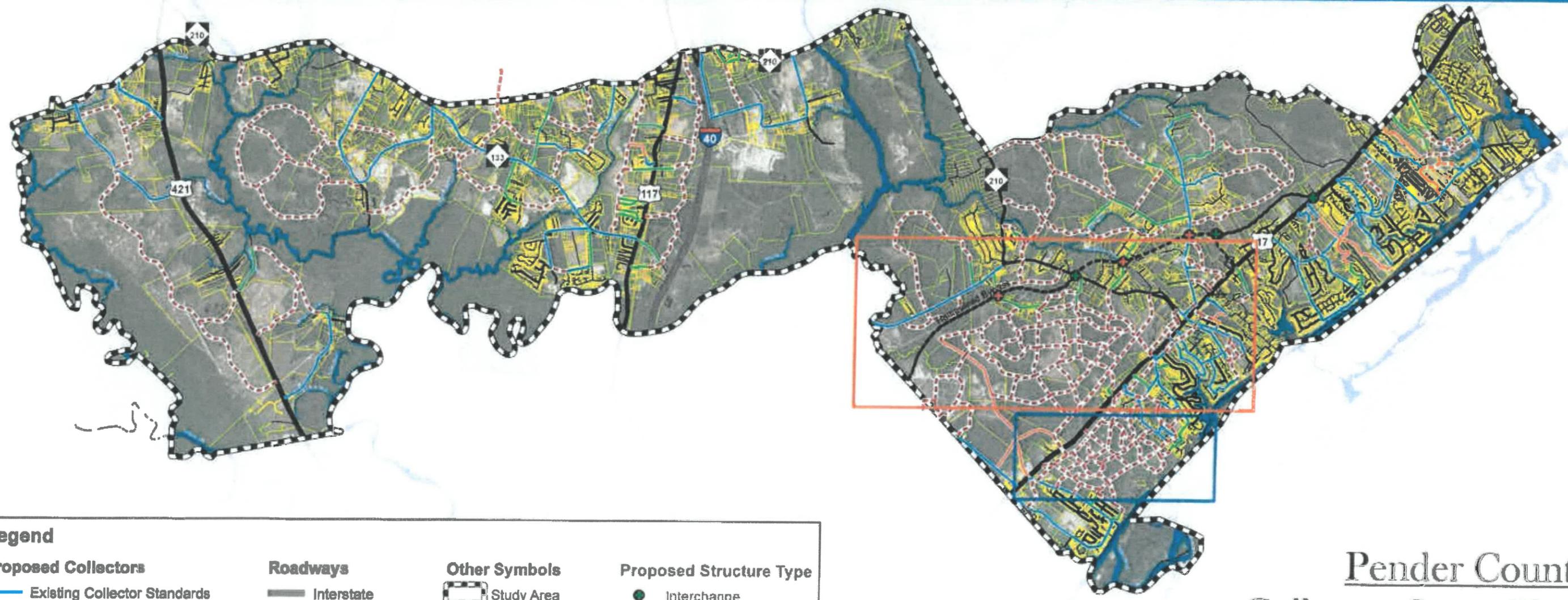
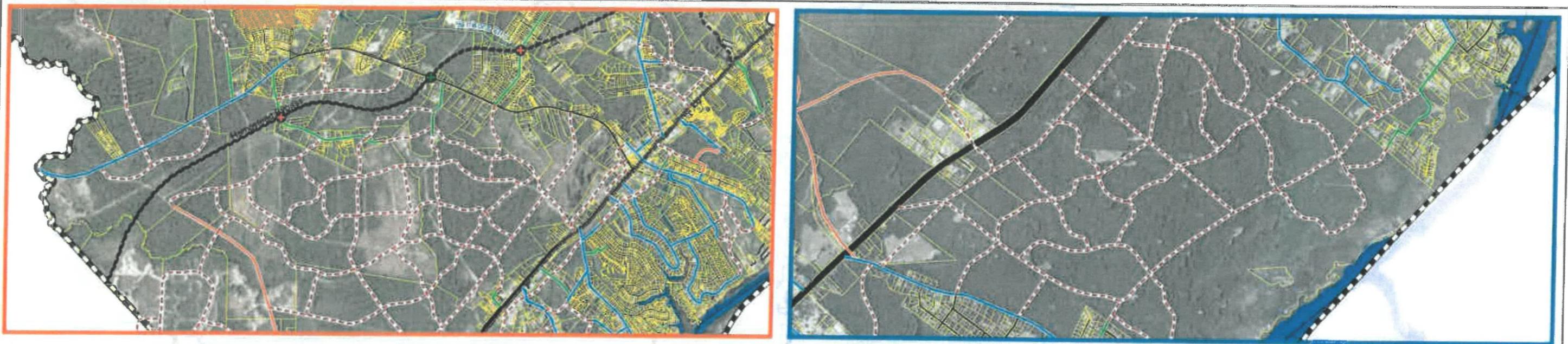
STATE OF NORTH CAROLINA - Pamlico County, O. D. Henderson, a Notary Public at Pamlico County, State of North Carolina, is adjourned to be sworn out by the Notary Public with the witnesses in subsection.



J. D. DIXON TRACT
 CORBETT INDUSTRIES, INC.

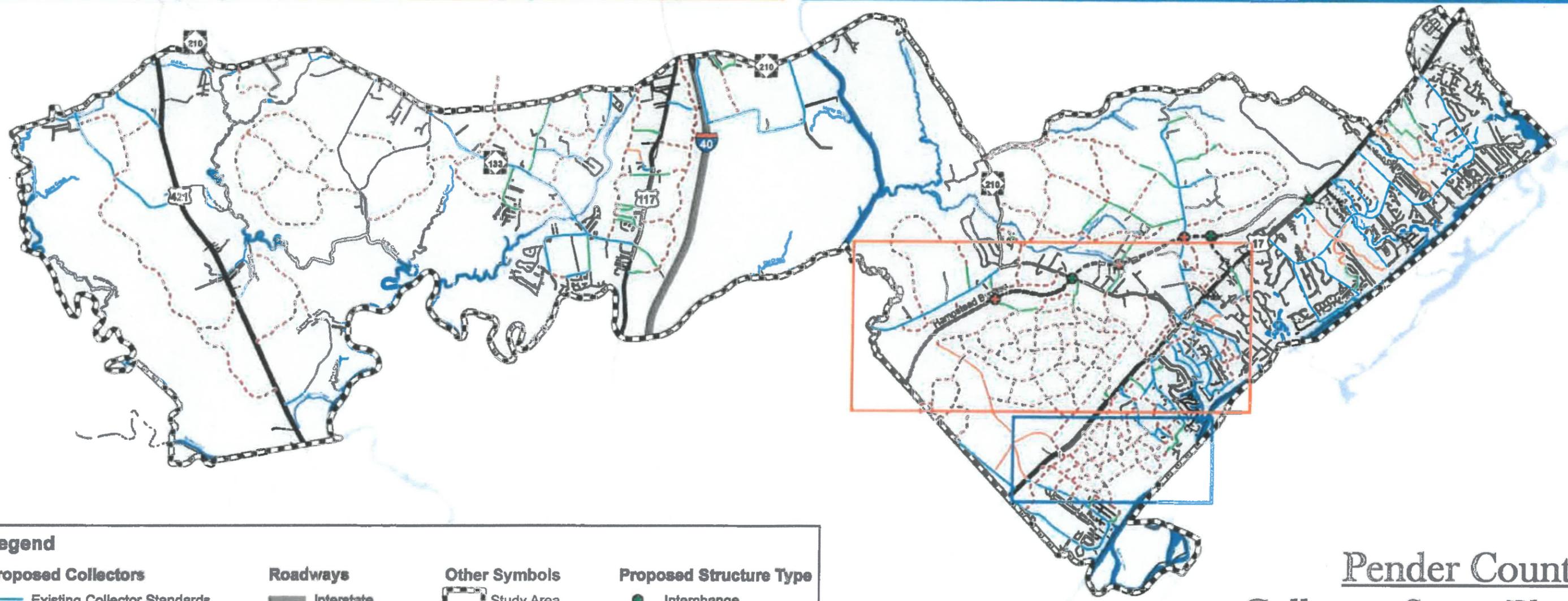
NOTE: THIS IS A COPY OF THE
 MAP AS FILED IN THE
 OFFICE OF THE REGISTER OF DEEDS
 FOR THE COUNTY OF [unclear] STATE OF [unclear]
 ON [unclear] DAY OF [unclear] 19[unclear]





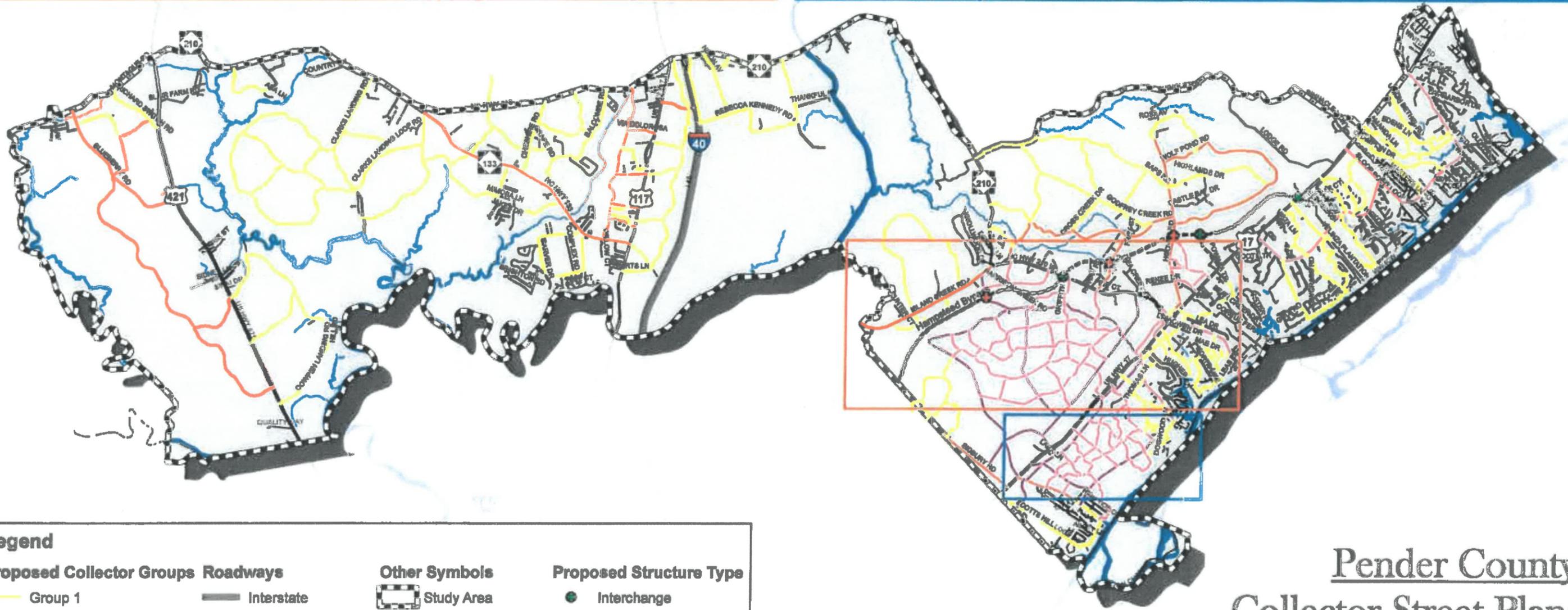
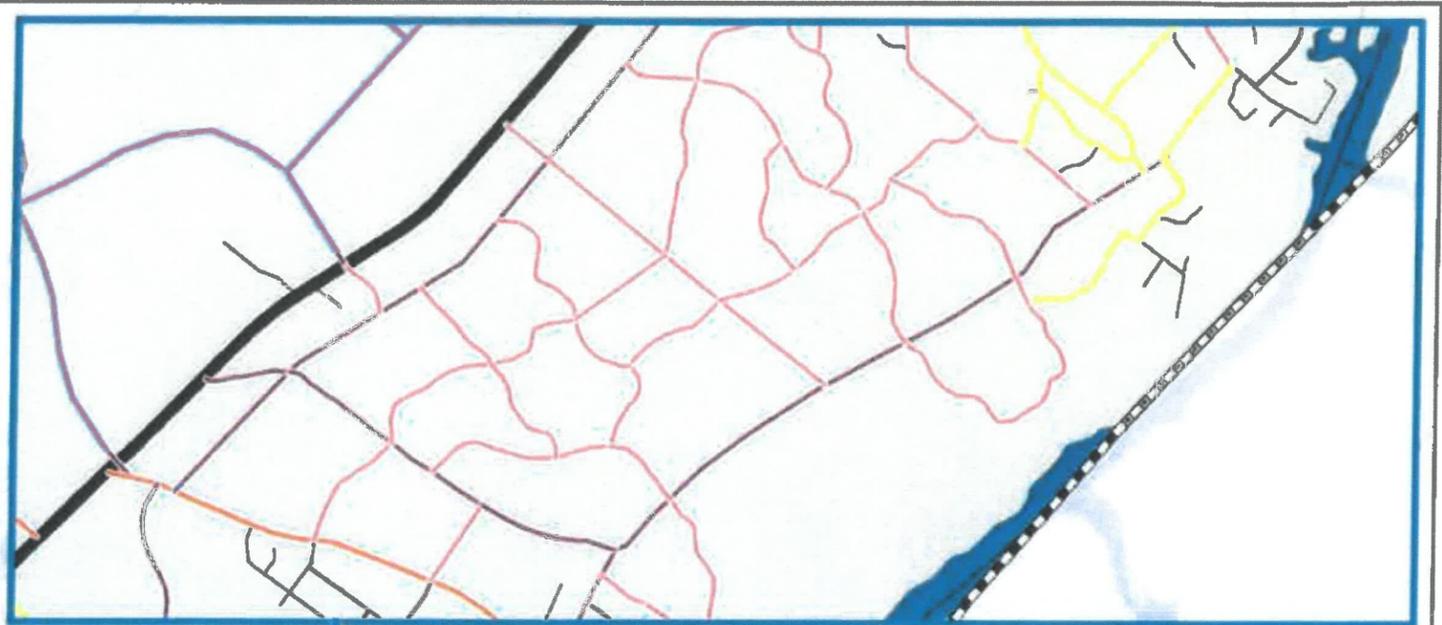
Legend			
Proposed Collectors	Roadways	Other Symbols	Proposed Structure Type
Existing Collector Standards	Interstate	Study Area	Interchange
Existing Roads - Need Improvement	NC and US Routes	Study Area Parcels	Overpass
Planned Connections	Local Roads	Lakes and Ponds	
Preferred Scenario	Hampstead Bypass	Streams	

Pender County
Collector Street Plan:
Proposed Alignments



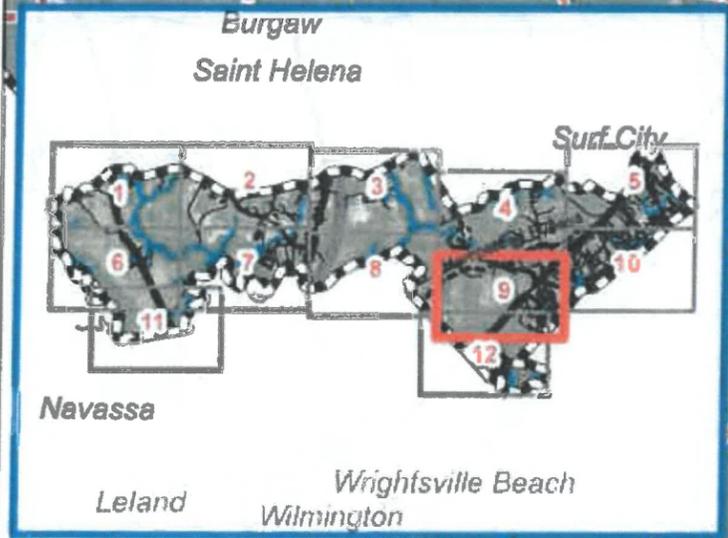
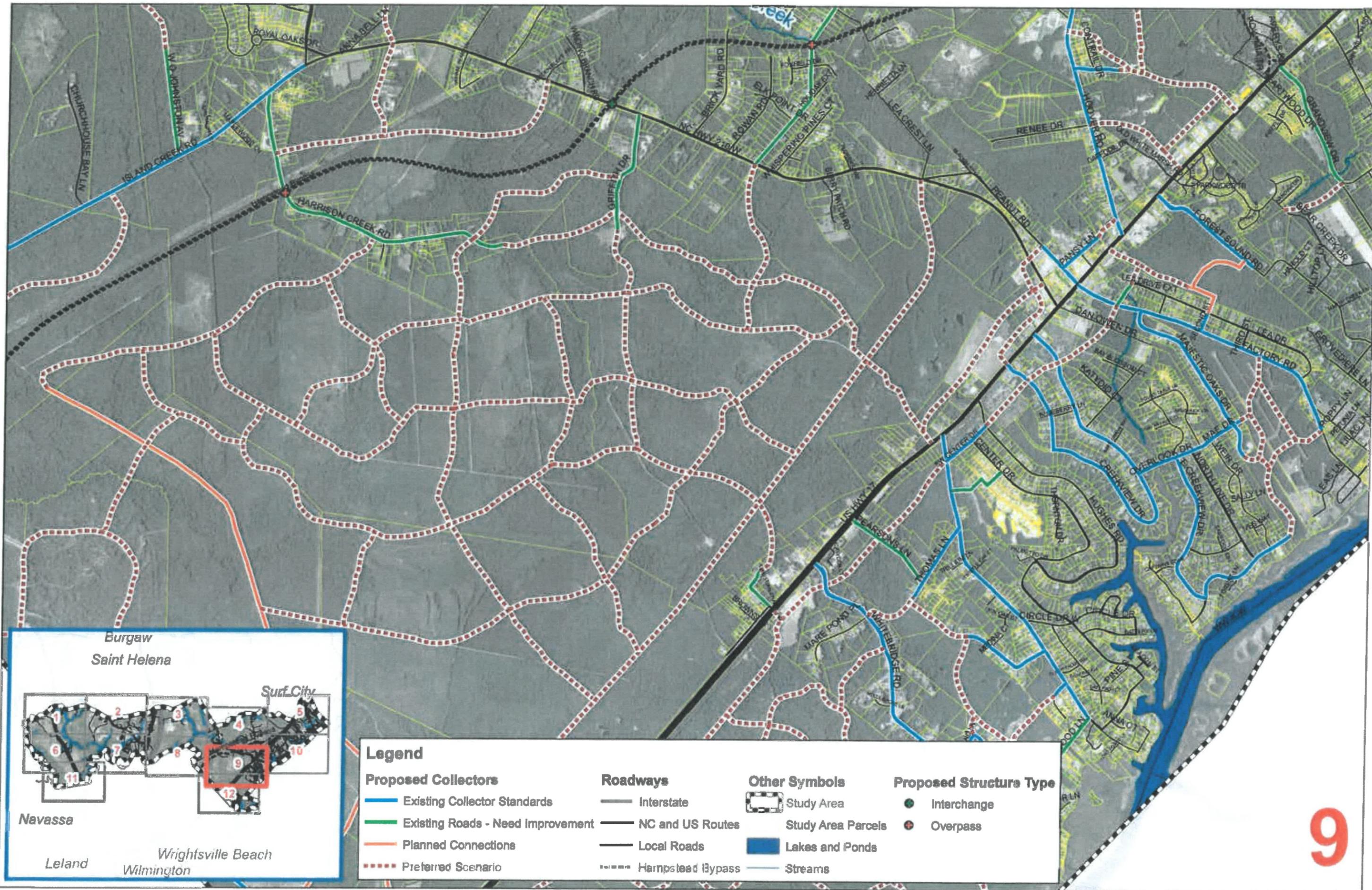
Proposed Collectors		Roadways		Other Symbols		Proposed Structure Type	
	Existing Collector Standards		Interstate		Study Area		Interchange
	Existing Roads - Need Improvement		NC and US Routes		Lakes and Ponds		Overpass
	Planned Connections		Local Roads		Streams		
	Preferred Scenario		Hampstead Bypass		County Boundaries		

Pender County
Collector Street Plan:
Proposed Alignments



Legend		Proposed Structure Type	
Group 1	Interstate	Interchange	Overpass
Group 2	NC and US Routes	Study Area	Lakes and Ponds
Group 3	Local Roads	Streams	County Boundaries
Group 4	Hampstead Bypass		

Pender County
Collector Street Plan:
Cross-Section Groups



Proposed Collectors		Roadways		Other Symbols		Proposed Structure Type	
	Existing Collector Standards		Interstate		Study Area		Interchange
	Existing Roads - Need Improvement		NC and US Routes		Study Area Parcels		Overpass
	Planned Connections		Local Roads		Lakes and Ponds		
	Preferred Scenario		Harnpstead Bypass		Streams		



Applicant:
Harrison Cove, LLC.

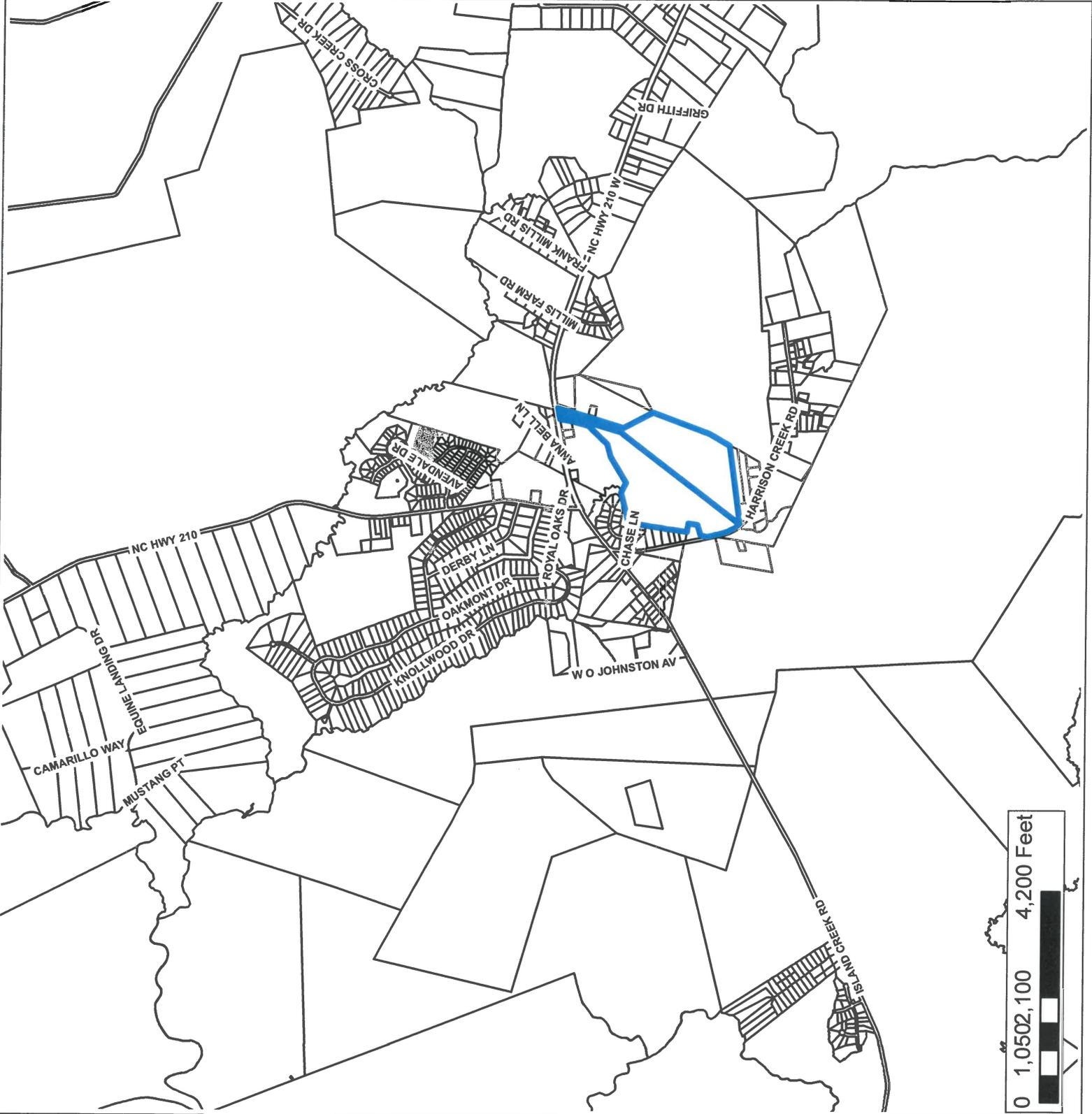
Owner:
Parks Family Forestry, LLC.

Case Number:
286-2016

Legend
 Subject Properties



VICINITY





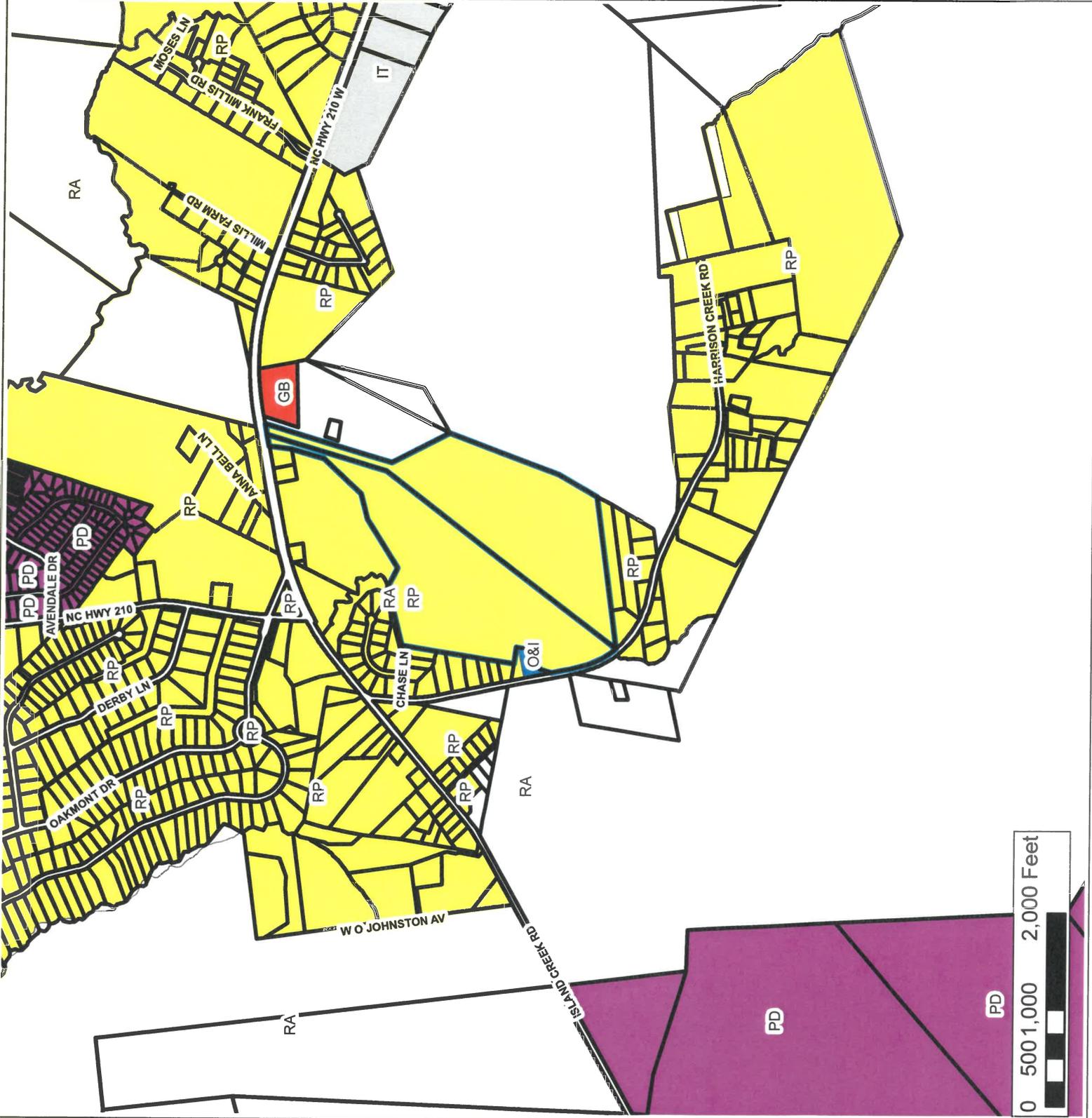
Applicant:
Harrison Cove, LLC.

Owner:
Parks Family Forestry, LLC.

Case Number:
286-2016

Legend

-  Subject Properties
-  EC, Environmental Conservation
-  GB, General Business
-  GI, General Industrial
-  IT, Industrial Transitional
-  O&I, Office & Institutional
-  PD, Planned Development
-  RA, Rural Agricultural
-  RP, Residential Performance



CURRENT ZONING



Applicant:
Harrison Cove, LLC.

Owner:
Parks Family Forestry, LLC.

Case Number:
286-2016

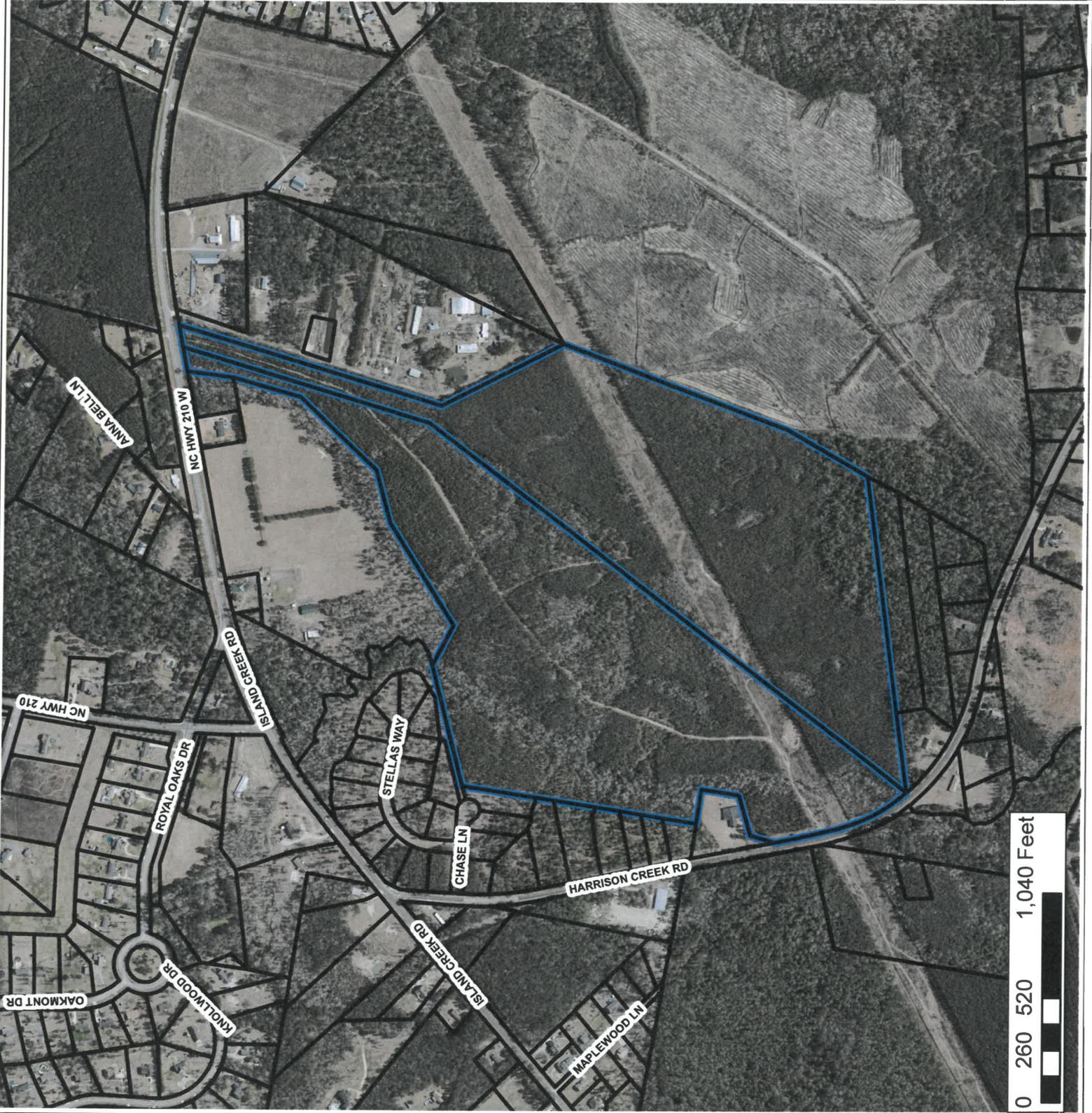
Legend



Subject Properties



2012 AERIAL



**PLANNING STAFF REPORT
VARIANCE REQUEST**

SUMMARY:

Hearing Date: August 17, 2016
Applicant: Lynnlee Properties, LLC.
Property Owner: Lynnlee Properties, LLC.
Case Number: VAR 308-2016

Property Location and Description: The subject properties are located approximately 1,900 feet south of the intersection of North Chubb Road (SR 1646) and US HWY 117, on the west side of US HWY 117 in Union Township, NC. There are two (2) tracts associated with this request totaling \pm 2.8 acres and the property may be further identified by Pender County PINs 3314-08-6454-0000 & 3314-08-7516-0000.

Zoning District of Property: The subject properties are zoned RA, Rural Agricultural zoning district.

Variance Requested: Lynnlee Properties, LLC., applicant and owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 5.3.2.B, Structures to Have Access, specifically requesting a variance from the minimum access easement width requirement of twenty feet (20') for a residential principal structure. The variance request is for twelve feet (12') of relief along lots 1 and 2 and five feet (5') of relief along lots 9 through 14 from the required minimum access easement width of twenty feet (20').

BACKGROUND AND DESCRIPTION OF VARIANCE:

The subject properties are located down an existing access easement, recorded on MB 7 PG 114 in the Pender County Register of Deeds. Access is provided from US HWY 117 to Lots 13 and 14 through an existing access easement which measures eight feet (8') wide between lots 1 and 2 and widens to fifteen feet (15') wide along lots 9 through 14. The properties are currently zoned RA, Rural Agricultural zoning district.

According to Section 5.3.2.B of the Pender County Unified Development Ordinance, when the lot is not adjacent to the public road and access is provided by an access easement to the public road, the easement must be a minimum of twenty (20') feet wide. Residential access requirements are outlined in Section 5.3.2.B of the Pender County Unified Development Ordinance below:

5.3.2.B. Structures To Have Access

1) Every structure hereafter erected or moved shall be on a lot adjacent to or having access to a public right-of-way, street or road not less than thirty (30') feet in width. When the lot is not adjacent to the public road and access is provided by an access easement to the public road, the easement must be a minimum of twenty (20') feet wide.

The existing access easement and the properties for which this variance is requested are part of a subdivision recorded prior to current zoning regulations on February 8, 1961 on Map Book 7, Page 114 of the Pender County Register of Deeds.

If a variance is granted by the Board of Adjustment; the applicant must still meet all other building setbacks and requirements in Pender County's Unified Development Ordinance, including acquiring necessary building permits and zoning approvals. At current, the applicant is seeking relief solely from the standards outlined in Section 5.3.2.B; which necessitates a twenty feet (20') minimum access easement width for the placement of any new residential structure on Lots 13 and 14. The variance request is for twelve feet (12') of relief along lots 1 and 2 and five feet (5') of relief along lots 9 through 14 from the required minimum access easement width of twenty feet (20').

ZONING ADMINISTRATOR’S CONCLUSION:

Lynnlee Properties, LLC., applicant and owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 5.3.2.B, Structures to Have Access, specifically requesting a variance from the minimum access easement width requirement of twenty feet (20’) for a residential principal structure on Lots 13 and 14. The variance request is for twelve feet (12’) along lots 1 and 2 and five feet (5’) along lots 9 through 14 from the required minimum access easement width of twenty feet (20’).

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/does 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 FOR VARIANCE:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Ferrante ___ Pullen ___ Newton ___

Alternates:

Godridge: _____ Peters: _____

5.3.2 Residential Uses

B. Structures To Have Access

1) Every structure hereafter erected or moved shall be on a lot adjacent to or having access to a public right-of-way, street or road not less than thirty (30') feet in width. When the lot is not adjacent to the public road and access is provided by an access easement to the public road, the easement must be a minimum of twenty (20') feet wide.

Appendix A: Definitions

ACCESS: A way or means of vehicular or pedestrian approach to provide physical entrance to a property.

APPLICATION FOR VARIANCE

8-17-16 meeting

THIS SECTION FOR OFFICE USE

Application No.	VA 308-2016	Date	6-22-2016
Application Fee	\$ 250. ⁰⁰	Receipt No.	FW. 00000188

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Lynlee Properties, LLC	Owner's Name:	Lynlee Properties, LLC
Applicant's Address:	6540 Highsmith Road	Owner's Address:	SAME
City, State, & Zip	Rocky Point, NC 28457	City, State, & Zip	SAME
Phone Number:	910 475 3983	Phone Number:	910 259 5013

Legal relationship of applicant to land owner: *SAME*

SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	3314-08-6454-0000 3314-08-7514-0000	Total property acreage:	2.8 ACRES
Zoning Classification:	RA <i>according to GIS</i>	Variance Size:	12' between lots 1 and 2 5' along lots 9-16
Variance Location & Address	Behind 11425 N. Hwy. 117, Willard, NC 28478		
Describe Variance and amount or type requested:	12' between lots 1 and 2 5' along lots 9-16		

SECTION 3: SIGNATURES

Applicant's Signature	Lynlee Properties, LLC by: <i>Karen Rowe</i>	Date:	6/22/16
Owner's Signature	Lynlee Properties, LLC <i>Member/Manager</i>	Date:	6/22/16

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 \$ 250. ⁰⁰			
Payment Method :	<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cash : <input type="checkbox"/> \$ _____</td> <td style="width: 33%;">Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa</td> <td style="width: 33%;">Check: <input checked="" type="checkbox"/> Check # 3274</td> </tr> </table>	Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input checked="" type="checkbox"/> Check # 3274
Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input checked="" type="checkbox"/> Check # 3274		
Application received by: <i>PK Only</i>	Date: 6-22-16			
Application completeness approved by: <i>PK Only</i>	Date: 6-22-16			
Date scheduled for public hearing: 8-17-16				

lynlee properties@hotmail.com

Lynnlee Properties, LLC own's Lots 13 & 14 of the John Evans Heirs Division, Map Book 7, at page 114, of Pender County Register of Deeds, North Carolina. The deeded easement on the recorded map is 8 foot wide between lots 1 and 2 and 15' wide along the southern portion of lots 9 – 16. Lynnlee Properties, LLC would like to be able to build on the lots while utilizing the easements on record.

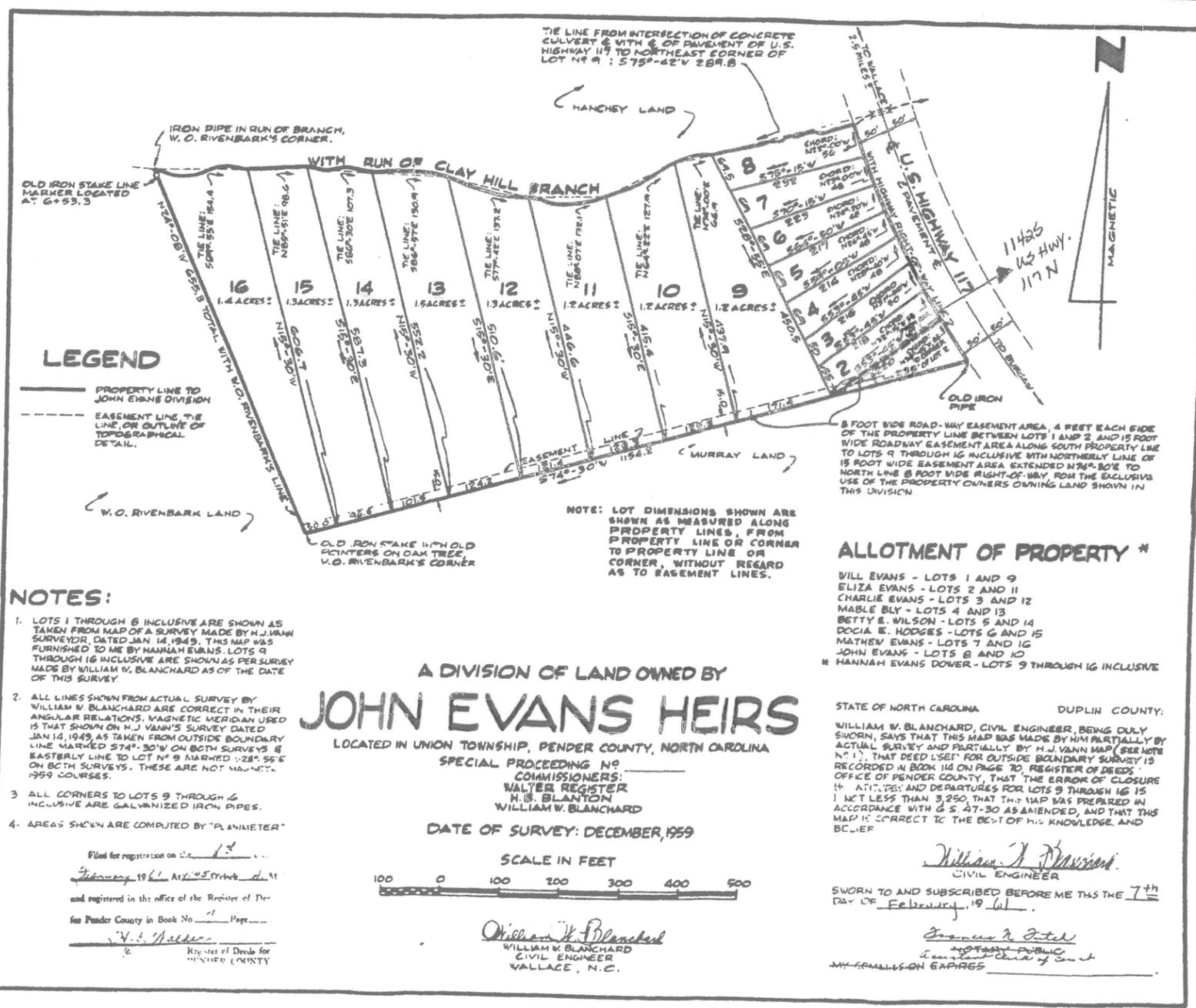
1. The lots will be unusable if the allotted easements are not accepted by the County. The map was put on record prior to the current ordinance requiring 20' of access easement.
2. The map, including both easements, was put on record February 1961.
3. This hardship was not a result of any action by owner/applicant, as this map was put on record in 1961.
4. Lynnlee Properties, LLC has been told that the current ordinance requires a minimum easement of 20 feet, therefore, the following variance is requested;
 - a. A small variance of 5' for our easement that adjoins lots 9 – 14, and
 - b. The driveway area between lots 1 and 2 of 12 feet.

It appears that the intent of the John Evans Heirs Land Division was to allot individual lots to his children. At the time the map was put on record, sufficient easement was provided. In order to uphold this original intent and with the new ordinance requirements, a variance and/or grandfathering is necessary in order to satisfy the original intent of the division.

62. 114

J. Y

7-114



LEGEND

— PROPERTY LINE TO JOHN EVANS DIVISION

- - - EASEMENT LINE, THE LINE, OR OUTLINE OF TOPOGRAPHICAL DETAIL.

- NOTES:**
1. LOTS 1 THROUGH 8 INCLUSIVE ARE SHOWN AS TAKEN FROM MAP OF A SURVEY MADE BY H. J. VANN SURVEYOR, DATED JAN. 14, 1949. THIS MAP WAS FURNISHED TO ME BY HANNAH EVANS. LOTS 9 THROUGH 16 INCLUSIVE ARE SHOWN AS PER SURVEY MADE BY WILLIAM W. BLANCHARD AS OF THE DATE OF THIS SURVEY.
 2. ALL LINES SHOWN FROM ACTUAL SURVEY BY WILLIAM W. BLANCHARD ARE CORRECT IN THEIR ANGULAR RELATIONS, MAGNETIC MERIDIAN USED IS THAT SHOWN ON H. J. VANN'S SURVEY DATED JAN. 14, 1949, AS TAKEN FROM OUTSIDE BOUNDARY LINE MARKED $57^{\circ}30'W$ ON BOTH SURVEYS & EASTERLY LINE TO LOT NO. 9 MARKED $28^{\circ}55'E$ ON BOTH SURVEYS. THESE ARE NOT MAGNETIC 1959 COURSES.
 3. ALL CORNERS TO LOTS 9 THROUGH 16 INCLUSIVE ARE GALVANIZED IRON PIPES.
 4. AREAS SHOWN ARE COMPUTED BY PLANIMETER.

A DIVISION OF LAND OWNED BY
JOHN EVANS HEIRS

LOCATED IN UNION TOWNSHIP, PENDER COUNTY, NORTH CAROLINA

SPECIAL PROCEEDING NO. _____
 COMMISSIONERS:
 WALTER REGISTER
 H. B. BLANTON
 WILLIAM W. BLANCHARD

DATE OF SURVEY: DECEMBER, 1959

SCALE IN FEET



William W. Blanchard
 WILLIAM W. BLANCHARD
 CIVIL ENGINEER
 WALLACE, N. C.

ALLOTMENT OF PROPERTY *

- WILL EVANS - LOTS 1 AND 9
- ELIZA EVANS - LOTS 2 AND 11
- CHARLIE EVANS - LOTS 3 AND 12
- MABLE BLY - LOTS 4 AND 13
- BETTY E. WILSON - LOTS 5 AND 14
- DOCKA E. HODGES - LOTS 6 AND 15
- MATHEW EVANS - LOTS 7 AND 16
- JOHN EVANS - LOTS 8 AND 10
- HANNAH EVANS DOWER - LOTS 9 THROUGH 16 INCLUSIVE

STATE OF NORTH CAROLINA DUPLIN COUNTY:

WILLIAM W. BLANCHARD, CIVIL ENGINEER, BEING DULY SWORN, SAYS THAT THIS MAP WAS MADE BY HIM PARTIALLY BY ACTUAL SURVEY AND PARTIALLY BY H. J. VANN MAP (SEE NOTE NO. 1). THAT DEED USE¹ FOR OUTSIDE BOUNDARY SURVEY IS RECORDED IN BOOK 114 ON PAGE 70, REGISTER OF DEEDS OFFICE OF PENDER COUNTY, THAT THE ERROR OF CLOSURE IN THE DEEDS AND DEPARTURES FOR LOTS 9 THROUGH 16 IS NOT LESS THAN \$250. THAT THE MAP WAS PREPARED IN ACCORDANCE WITH G. S. 47-30 AS AMENDED, AND THAT THIS MAP IS CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF.

William W. Blanchard
 CIVIL ENGINEER

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 7th DAY OF February, 1961.

James R. Fitch
 JAMES R. FITCH
 Notary Public
 My Commission Expires _____

Filed for registration on 2/1/61
 February 19 1961 A.M. 4:50 P.M. 4:41
 and registered in the office of the Register of Deeds for Pender County in Book No. _____ Page _____
W. W. Blanchard
 Register of Deeds for Pender County



Applicant:
Lynlee Properties, LLC.

Owner:
Lynlee Properties, LLC.

Variance

Case Number:
308-2016

Legend



Subject Property



Vicinity





Applicant:
Lynnlee Properties, LLC.

Owner:
Lynnlee Properties, LLC.

Variance

Case Number:
308-2016

Legend

-  Subject Property
-  EC, Environmental Conservation
-  GB, General Business
-  GI, General Industrial
-  IT, Industrial Transitional
-  O&I, Office & Institutional
-  PD, Planned Development
-  RA, Rural Agricultural
-  RP, Residential Performance



CURRENT ZONING





Applicant:
Lynnlee Properties, LLC.

Owner:
Lynnlee Properties, LLC.

Variance

Case Number:
308-2016

Legend



Subject Property



2012 AERIAL

