

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 21, 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: (August 17, 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. Appeal:

Double B Farms, LLC., applicant and owner, is requesting an appeal to the administrative decision issued on June 8, 2016 regarding a violation of the Pender County Unified Development Ordinance Section 5.3.3.E.3, Manufactured Home, Recreational Vehicle & Trailer Parking and Storage. The subject property is located approximately 350 feet west of the intersection of Cape Fear Drive (private) and Riverbend Drive (private) in the Holly Township, NC. There is one (1) tract associated with this request totaling ± .44 acres and the property may be further identified by Pender County PIN: 3331-86-0080-0000.

(Public Hearing Closed)

6. Discussion Items:

a. Planning Staff: None

b. BOA Members:

7. Next Meeting: October 19, 2016, if applicable

8. Adjournment:

**PLANNING STAFF REPORT
VARIANCE REQUEST**

SUMMARY:

Hearing Date: April 20, 2016
Continued June 1, 2016
Continued July 20, 2016
Continued August 17, 2016
Continued September 21, 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.

The applicant has submitted additional information regarding the Homeowners Association vote for the September 21, 2016 Board of Adjustment meeting; the request of the sale of land to the rear of the subject parcel was denied. The information regarding this vote can be found in Exhibit 3.

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.

The applicant has submitted additional information regarding the Homeowners Association vote for the September 21, 2016 Board of Adjustment meeting; the request of the sale of land to the rear of the subject parcel was denied. The information regarding this vote can be found in Exhibit 3.

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 Stc

APPLICATION FOR VARIANCE

THIS SECTION FOR OFFICE USE

Application No. VA 1161-2016	Date 2/10/2016
Application Fee \$ 250	Receipt No. Invoice # 86

SECTION 1: APPLICANT INFORMATION

Applicant's Name: Fred & Loraine Mahn Ken	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: Fred Mahn Ken	Date: 2/10/16
Owner's Signature: Fred Mahn Ken	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: <input type="checkbox"/> Cash \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa
	Check: <input checked="" type="checkbox"/> Check # 1142
Application received by: Megan O'Brien	Date: 2/12/2016
Application completeness approved by: Megan O'Brien	Date: 2/12/2016
Date scheduled for public hearing: April 20, 2016 9 AM	

Variance Checklist

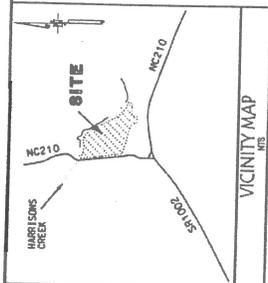
<input checked="" type="checkbox"/>	Signed application form
<input type="checkbox"/>	Application fee <u>250</u>
<input checked="" type="checkbox"/>	Legible list of all property owners adjacent to the property upon which the use is to be located. The list shall include the mailing address & physical address 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 Loraine Mahnken



E.M. ROAD NAME CERTIFICATE
THE ROAD NAMES ON THIS PLAT HAVE BEEN APPROVED BY PENDER COUNTY ENGINEERING MANAGEMENT.
DATE: _____

CERTIFICATE OF FINAL PLAT APPROVAL
APPROVED BY THE PENDER COUNTY PLANNING BOARD (PENDER COUNTY BOARD OF COMMISSIONERS, IF APPLICABLE)
DATE: 2/20/20

CERTIFICATE OF REGISTRATION BY REGISTER OF DEEDS
NORTH CAROLINA PENDER COUNTY
FILED FOR REGISTRATION ON THE _____ DAY OF _____ 2020
AND WAS RECORDED IN MAP BOOK _____

Exhibit 1

CURVE TABLE

Name	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	180.00	335.00	70.01	70.01	N89°11'58" W
C2	180.00	335.00	70.01	70.01	N89°11'58" W
C3	180.00	335.00	70.01	70.01	N89°11'58" W
C4	180.00	335.00	70.01	70.01	N89°11'58" W
C5	180.00	335.00	70.01	70.01	N89°11'58" W
C6	180.00	335.00	70.01	70.01	N89°11'58" W
C7	180.00	335.00	70.01	70.01	N89°11'58" W
C8	180.00	335.00	70.01	70.01	N89°11'58" W
C9	180.00	335.00	70.01	70.01	N89°11'58" W
C10	180.00	335.00	70.01	70.01	N89°11'58" W
C11	180.00	335.00	70.01	70.01	N89°11'58" W
C12	180.00	335.00	70.01	70.01	N89°11'58" W
C13	180.00	335.00	70.01	70.01	N89°11'58" W
C14	180.00	335.00	70.01	70.01	N89°11'58" W
C15	180.00	335.00	70.01	70.01	N89°11'58" W
C16	180.00	335.00	70.01	70.01	N89°11'58" W
C17	180.00	335.00	70.01	70.01	N89°11'58" W
C18	180.00	335.00	70.01	70.01	N89°11'58" W
C19	180.00	335.00	70.01	70.01	N89°11'58" W
C20	180.00	335.00	70.01	70.01	N89°11'58" W
C21	180.00	335.00	70.01	70.01	N89°11'58" W
C22	180.00	335.00	70.01	70.01	N89°11'58" W
C23	180.00	335.00	70.01	70.01	N89°11'58" W
C24	180.00	335.00	70.01	70.01	N89°11'58" W
C25	180.00	335.00	70.01	70.01	N89°11'58" W
C26	180.00	335.00	70.01	70.01	N89°11'58" W
C27	180.00	335.00	70.01	70.01	N89°11'58" W
C28	180.00	335.00	70.01	70.01	N89°11'58" W
C29	180.00	335.00	70.01	70.01	N89°11'58" W
C30	180.00	335.00	70.01	70.01	N89°11'58" W
C31	180.00	335.00	70.01	70.01	N89°11'58" W
C32	180.00	335.00	70.01	70.01	N89°11'58" W
C33	180.00	335.00	70.01	70.01	N89°11'58" W

LINE TABLE

LINE	TO	FROM	BEARING	DISTANCE
L1	834°10'12"	72°11'	21.17	21.17
L2	537°18'23"	31°58'	31.58	31.58
L3	537°18'23"	31°58'	31.58	31.58
L4	537°18'23"	31°58'	31.58	31.58
L5	537°18'23"	31°58'	31.58	31.58
L6	537°18'23"	31°58'	31.58	31.58
L7	537°18'23"	31°58'	31.58	31.58
L8	537°18'23"	31°58'	31.58	31.58
L9	537°18'23"	31°58'	31.58	31.58
L10	537°18'23"	31°58'	31.58	31.58
L11	537°18'23"	31°58'	31.58	31.58
L12	537°18'23"	31°58'	31.58	31.58
L13	537°18'23"	31°58'	31.58	31.58
L14	537°18'23"	31°58'	31.58	31.58
L15	537°18'23"	31°58'	31.58	31.58
L16	537°18'23"	31°58'	31.58	31.58

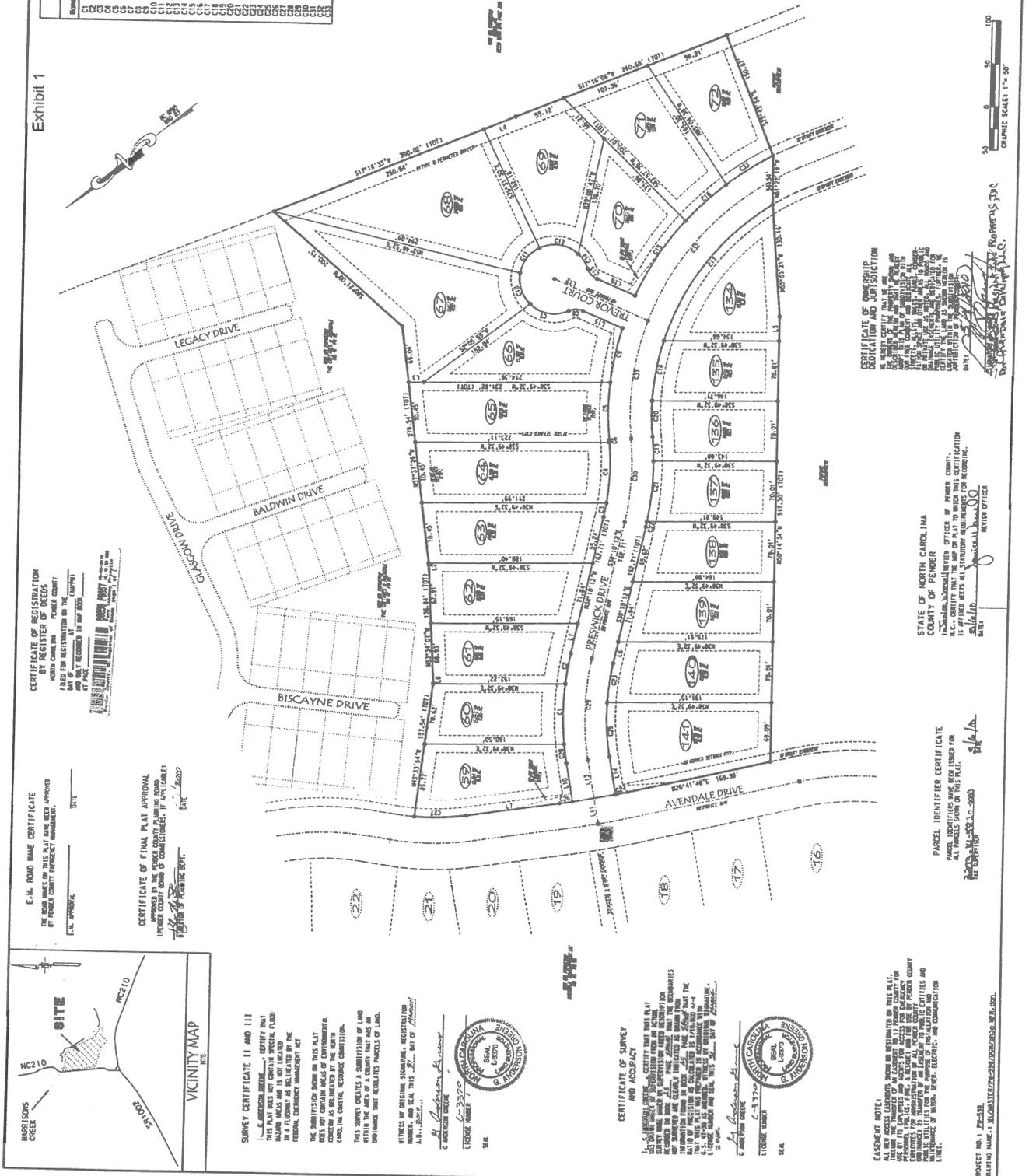
ENGINEER'S CERTIFICATE OF PRELIMINARY PLAT COMPLIANCE
THE SUBMISSION SHOWN ON THIS FINAL PLAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE PENDER COUNTY ENGINEERING MANAGEMENT. THE ENGINEER HAS REVIEWED THE PLAT AND IS SATISFIED THAT IT COMPLIES WITH THE CONDITIONS OF APPROVAL IMPOSED THEREON.
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 20th DAY OF JANUARY, 2020.

SEALED
JAMES H. WATKINS, JR.
REGISTERED PROFESSIONAL ENGINEER
PENDER COUNTY, NORTH CAROLINA
NO. 10000

LEGEND
● HIGH REBAR SET
○ EX. IRON PIPE
○ CONTROL POINT SET
○ CONTROL POINT SET

PROJECT NO. 19-008
DRAWING NAME: 1. REBAR/PIPE/CONTROL POINTS/SET
DATE: 2/19/20
SCALE: 1"=50'
SHEET 1 OF 1

FOR AVENDALE - PHASE 3A
NORTH CAROLINA
PENDER COUNTY
TOPSAIL TOWNSHIP
OWNER: AVENDALE DEVELOPMENT, LLC
ADDRESS: PO BOX 1000
HAMPSHIRE, NC 28443
PHONE: (703) 610-1233
DESIGNED: GAD
DRAWN: JWP
APPROVED: JWP



CERTIFICATE OF OWNERSHIP
I, the undersigned, being the owner of the above described property, do hereby certify that the same is being conveyed to the persons named in the plat hereto annexed, and that the same is being conveyed to them in accordance with the conditions of approval imposed thereon.
WITNESS MY HAND AND SEAL THIS 20th DAY OF JANUARY, 2020.

STATE OF NORTH CAROLINA
COUNTY OF PENDER
I, the undersigned, being the duly qualified and sworn officer of PENDER COUNTY, do hereby certify that the map of PLAT TO WHICH THIS CERTIFICATION IS ATTACHED HAS BEEN RECORDED IN MAP BOOK _____

PARCEL IDENTIFIER CERTIFICATE
PARCEL IDENTIFIERS HAVE BEEN ISSUED FOR ALL PARCELS SHOWN ON THIS PLAT.
DATE: 2/20/20

CERTIFICATE OF SURVEY AND ACCURACY
I, the undersigned, being duly qualified and sworn as a Professional Surveyor, do hereby certify that the plat hereto annexed was prepared by me or under my direct supervision and that the same is true and correct in accordance with the provisions of the laws of North Carolina.
WITNESS MY HAND AND SEAL THIS 20th DAY OF JANUARY, 2020.

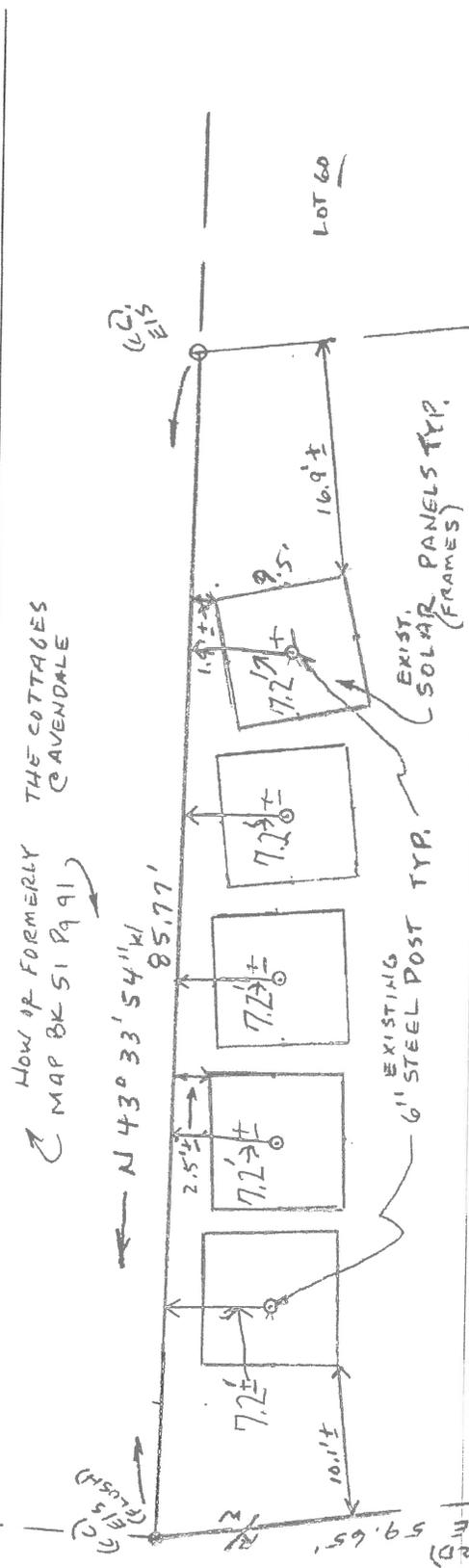
SEALED
REGISTERED PROFESSIONAL SURVEYOR
PENDER COUNTY, NORTH CAROLINA
NO. 10000

GENERAL NOTE:
ALL REBAR ACCESS LOCATIONS SHOWN ON THIS PLAT ARE SUBJECT TO THE REQUIREMENTS OF THE PENDER COUNTY ENGINEERING MANAGEMENT. THE ENGINEER HAS REVIEWED THE PLAT AND IS SATISFIED THAT IT COMPLIES WITH THE CONDITIONS OF APPROVAL IMPOSED THEREON.
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 20th DAY OF JANUARY, 2020.

PROJECT NO. 19-008
DRAWING NAME: 1. REBAR/PIPE/CONTROL POINTS/SET/NO. 19-008

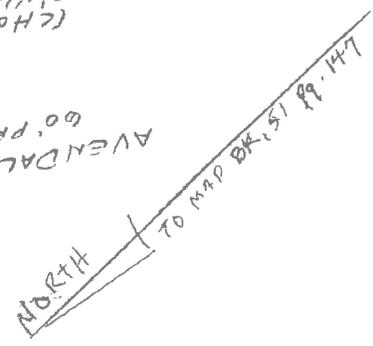
LEGEND:
 EIS = EXIST IRON STAKE
 CC = CONTROL CORNER

NOTE:
 ATTACHED TO MAP
 OF AVENDALE FOR
 REFERENCE.



LOT 59

AVENDALE DRIVE
 60' PRIVATE R/W



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

FREDERICK W. MANKEN
 AND WIFE
 LORAIN E. MANKEN
 PRESWICK DR.
 50' PRIVATE R/W
 15 PRESWICK DR.
 ROCKY MOUNT, NC 28457
 William H. Blake
 WILLIAM H. BLAKE, NC PLS #1-2179
 BURGAW, NC



PRELIMINARY PLAN
 NOT FOR RECORDATION
 CONVEYANCES OR CONSTRUCTION

TOPSAIL TWSR, PENDER CO., NC

11 DEC. 2015 SCALE: 1" = 10'

Avendale Home Owners Association

C/O Premier Management Company

P.O. Box 12051

Wilmington, N.C. 28405

September 6, 2016

Board of Adjustment
Pender County, North Carolina

Dear Members of the Board:

Fred and Lori Mahnken are home owners at 15 Preswick Drive in the Avendale Subdivision and as such are thus part of the Home Owners Association, HOA. They have been working with the Pender Planning staff and the Board of Adjustment for several months to resolve their issue with solar panels in their back yard and behind their fence that are too close to the property line to meet the required set back.

After the Board postponed action on their request, Fred & Lori then approached the Avendale HOA to see if they could purchase three feet of HOA common property behind their lot to make their solar panels in compliance with the set-back requirements and action by the Board unnecessary. The HOA Board was willing to grant them an easement but in discussing this with the Planning Staff an easement would not be sufficient. After consulting with our Attorney we found that in order to sell or give away any HOA property and approval of 80% of the homeowners was required by state law. The HOA held a meeting on October 18, 2016, to consider this request (a copy of the information sheet is attached). The request did not receive the necessary number of votes (122 of the 152 homes). A controversial vote on allowing above ground pools, requiring 67% approval, as also on the agenda and it failed too. We did not have enough votes cast to allow either item to pass. It is extremely difficult to get 67% much less 80% of the homeowners to agree to or turn out and vote on any issue.

We truly hope the Board of Adjustment will grant the variance to the Mahnken's to allow their solar panels to remain as they have been built. The panels are out of sight and behind their fence. The property owner to their rear is the HOA and it will not affect any present or future plans the HOA would have for that land. The plan is for the land to remain open space without construction on it.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Hartman". The signature is fluid and cursive, with a large initial "R" and "H".

Richard D. Hartman
President, Avendale HOA

Avendale Home Owners Association

C/O Premier Management Company

P.O. Box 12051

Wilmington, N.C. 28405.

Dear Homeowner of Avendale Subdivision:

Two of our neighbors, Fred & Lori Mahnken of 15 Preswick Driver have asked the HOA to sell them three feet of HOA Common Area behind their home. Our attorney has indicated to do so the HOA must have agreement of 80% of the lot owners in the subdivision.

The Mahnken's hired someone to install solar panels in their back yard with the long range intent of reducing or eliminating their electric bill. The contractor or the Mahnkin's failed to get a building permit from Pender County. The contractor installed the panel stands and took a long time to install the panels and the wiring. They were going to get the electric company's permission to connect to the system when they found out no permit had been obtained. They found out the wrong wiring had been installed. They got an electrician to install the correct wiring. Then the County informed them that the panels were too close to their rear property line set back by 2' 10". They then tried to obtain a variance from the County for the set back. The County Zoning Board reviewed the case in May and determined that the Mahnken case did not meet all four criteria for a variance. Instead of denying the request they continued the case until June and asked the Mahnken's to see if the HOA would sell them the land. The HOA asked if an easement would suffice for the County and they said "no", only ownership of the land would allow the Mahnken's to be within the 10' required set back and make a variance unnecessary. The case was continued until July 20.

The Mahnken's have agreed to pay for the attorney's opinion on what the HOA might be able to do in order to sell the land to the Mahnken's. They have further agreed to pay for the survey of the land that could be recorded, the attorney's fee for preparation of the deed, not to move their fence to include the additional property and \$2,700 (the approximate cost of the land based on their land assessment from the County).

The advantage of this to the Mahnken's is not having to move the solar panels and electrical lines to the panels and less dealings with the contractor. There is no real advantage to the HOA to do this. The disadvantage to the HOA is setting a precedent for other homeowners in the association who might wish to purchase HOA common area.

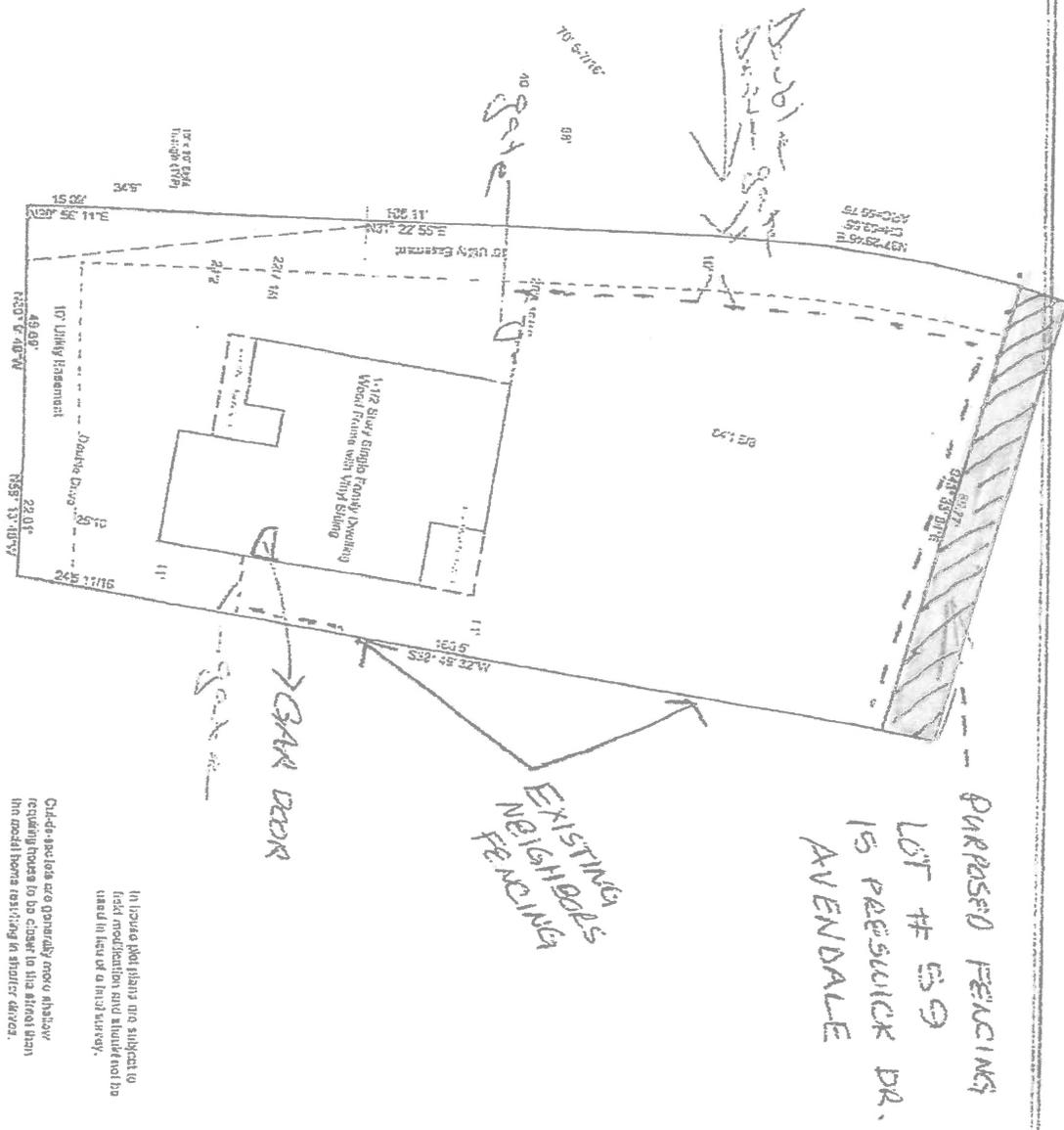
Attached is a ballot asking you to vote for or against their request. We ask that you return your ballot by July 6, 2016 to Premier Management. You may alternately submit your proxy and ask

one of the HOA Board members (Dee Hartman, President; John Durbin, Vice-President, John DeVeagh; Treasurer, Paula West, Secretary or Kailee Clipp) to vote as they wish or you may attend the Board meeting on July 7, 2016 at 7:00 pm at the Pender County Annex building on Route 17 and vote for or against at that time. Understand, that if you do not vote for the request or give your proxy to a Board member you are effectively voting against the request because in order for this matter to pass 80% of the members must be in favor of the request, Please, consider this matter and vote your conviction.

Sincerely,

Avendale HOA

This is not Located in a Flood Zone -
 NC Insurance DFIRM Panel (Zone X)



PURPOSED FENCING
 LOT # 59
 IS PRESWICK DR.
 AVENDALE

EXISTING
 NEIGHBORS
 FENCING

GARAGE
 DRIVEWAY

In house plan plans are subject to
 local modification and should not be
 used in lieu of a final survey.

Outside use lots are generally more shallow
 requiring houses to be closer to the street than
 the model homes residing in similar areas.

Direct Sales Custom Homes

1
 Plot Plan

Scale 1"=20'

Southern
 Homebuilders, Inc.
 108 N. Kerr Ave., Suite K-3
 Wilmington NC 28405
 Tel. (910) 799-0192
 Fax (910) 482-3166

Permit# 112106
 Lot# 059 Avendale
 Preswick Drive
 Hampstead, N.C. 28443

Township: Topsall
 County: Pender
 Book: 50
 Page: 87
 Phase: 3A
 Section:

Model
Savannah AG2

Approx. Square Footage	
1st Floor Htd	1911
2nd Floor Htd	284
Total Htd	1765
Garage	420
Porch	263

This drawing and design is the property
 of Southern Homebuilders, Inc. Any
 use without written consent is
 prohibited. Subject to change without
 notice. Copyright Reserved: 11, 1997



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

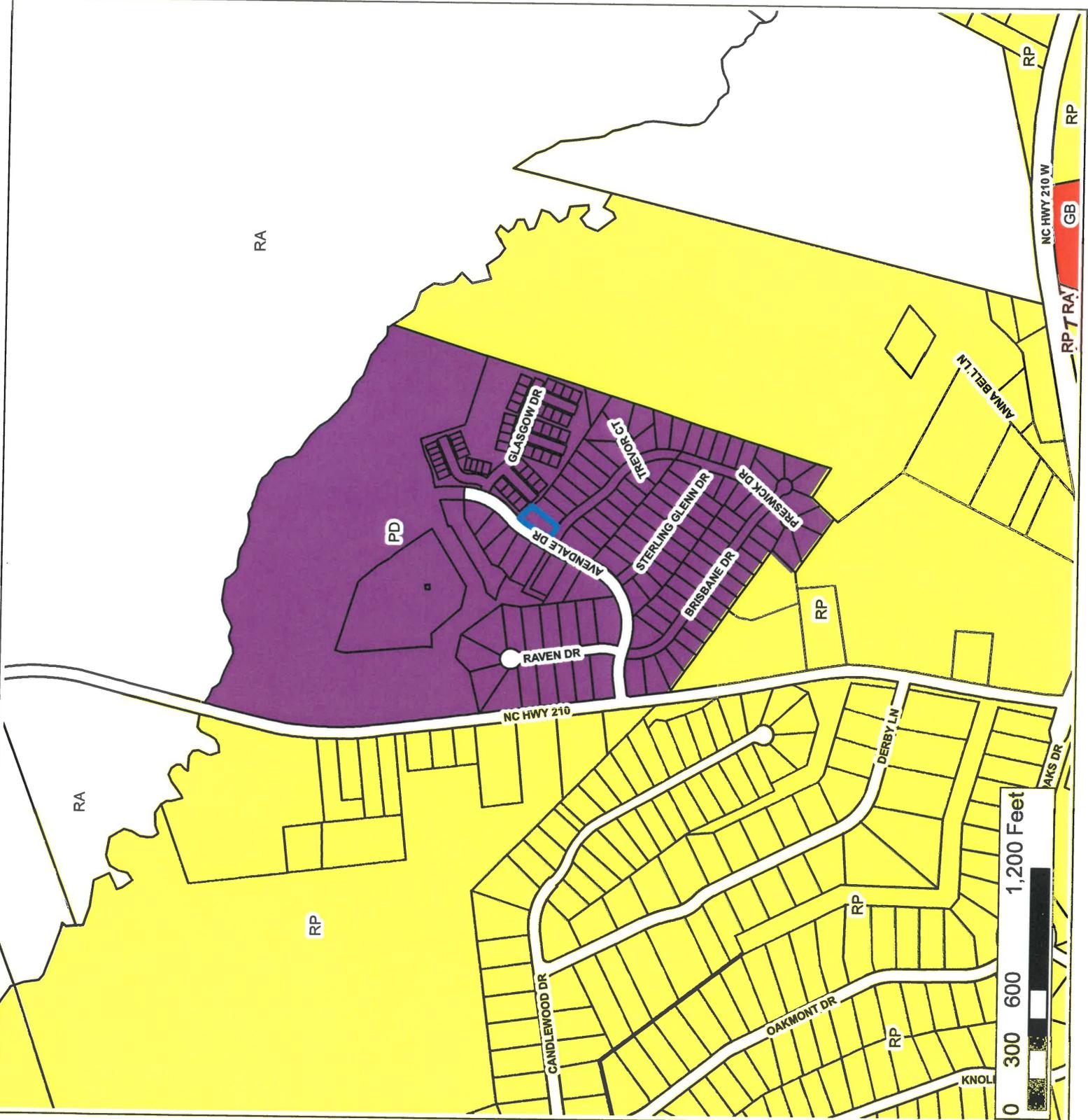
Case Number:
161-2016

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
APPEAL OF ADMINISTRATIVE DECISION**

SUMMARY:

Hearing Date: September 21, 2016
Applicant: Double B Farms, Inc.
Property Owner: Double B Farms, Inc.
Case Number: Appeal 318-2016

Property Location and Description: The subject property is located approximately 350 feet west of the intersection of Cape Fear Drive (private) and Riverbend Drive (private) in the Holly Township, NC. There is one (1) tract associated with this request totaling ± .44 acres and the property may be further identified by Pender County PIN: 3331-86-0080-0000.

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

Summary of Appeal Requested: Double B Farms, LLC., applicant and owner, is requesting an appeal to the administrative decision issued on June 8, 2016 regarding a violation of the Pender County Unified Development Ordinance Section 5.3.3.E.3, Manufactured Home, Recreational Vehicle & Trailer Parking and Storage.

Administrator Determination:

A detailed history regarding the subject property can be found in Exhibit 1. Staff began the investigations regarding this parcel related to the permitting of a dock on the property in Spring 2016. As defined by the Ordinance;

RECREATIONAL VEHICLE: *A vehicle which is:*

1. *Built on a single chassis;*
2. *Four hundred (400) square feet or less when measured at the largest horizontal projection;*
3. *Designed to be self-propelled or permanently towable by a light-duty truck; and*
4. *Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.*

In the letter dated June 8, 2016 (Exhibit 2), the subject property was found in violation of the Pender County Unified Development Ordinance Section 5.3.3.E.3 as listed below;

3) Manufactured Home, Recreational Vehicle & Trailer Parking and Storage

- a) *It shall be unlawful to park or otherwise store for any purpose whatsoever any mobile home or trailer within any zoning district except as follows:*
 - i) *At a safe and lawful location on a street, alley, highway, or other public place, provided that the trailer or mobile home shall not be parked overnight.*
 - ii) *Within an approved location in a mobile home park.*
 - iii) *On any other lot or plot provided that:*
 - a. *A storing permit for any mobile home to be parked or stored for longer than seven (7) days shall be obtained from the Administrator.*
 - b. *A mobile home shall not be parked and used other than in an approved mobile home park, or unless obtaining a temporary occupancy permit.*
 - c. *Trailers and recreational vehicles shall be parked in a driveway, garage, or carport, or in the rear or side yard of an established primary or principal lot or parcel for the purpose of storage only.*
 - iv) *No mobile home or camper shall be used for the purpose of storing materials.*

- v) *Only operable recreational vehicles intended for personal use shall be parked or stored on any property used for residential purposes in any Zoning District.*
- vi) *A permit to store a mobile home may be issued by the Administrator for a term not to exceed six (6) months. Such permit may be renewed for one six (6) month term, at the discretion of the Administrator.*

Specifically, 5.3.3.E.3.iii.c outlines; *Trailers and recreational vehicles shall be parked in a driveway, garage, or carport, or in the rear or side yard of an established primary or principal lot or parcel for the purpose of storage only.* On this parcel, there is no principal structure or use of the subject property.

It is the Administrators determination that this parcel does not have an established principle use. In order to lawfully store a RV on a parcel of land as the principal use of the land the property. The principal use would have to be established and located within a residential zoning district or within an area approved for recreational vehicle storage;

RECREATIONAL VEHICLE STORAGE: *An area provided within a residential recreational community for its residents to store recreational vehicles such as boats, campers, RV's and travel trailers.*

An accessory or secondary use of the land is defined by the Unified Development Ordinance as;

ACCESSORY OR SECONDARY USE: *A use of land or of a building or portion thereof customarily associated with and incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. A secondary use shall be a use not already permitted by right in a zoning district but may be permitted in conjunction with a permitted use. In no instances shall an accessory or secondary use be permitted without the presence of a primary use.*

In order to come to the conclusions regarding the violation of the Pender County Unified Development Ordinance, the Code Enforcement Officer made site visits on June 6, August 31 and September 6, 2016. Photos of the RV located on the subject property can be seen in Exhibit 3.

Exhibits

1. Parcel History
2. Violation Letter
3. Site Photos
4. Property Plat Map
5. NC NFIP Letter
6. Zoning Permit Dock
7. CAMA Permit Dock
8. Flood Permit Dock
9. Building Permit Dock
10. Inspection Report Dock
11. Environmental Health Permits 1988 and 1991

BOARD ACTION FOR APPEAL:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Ferrante ___ Pullen ___ Newton ___

Alternates:

Godridge: _____ Peters: _____

3.16 APPEAL OF ADMINISTRATIVE DECISION

3.16.1 Applicability

As specified in N.C.G.S. 153A-345(b), an appeal by any person aggrieved by a final order, interpretation or decision of the Administrator or other administrator in regard to the provisions of this Ordinance may be taken to the Board of Adjustment.

3.16.2 Application Requirements

- A. An appeal of an administrative decision shall be taken by filing a written notice of appeal specifying the grounds for the appeal with the Administrator and the Board of Adjustment within thirty days after the decision by the Administrator.
- B. An application for appeal of an administrative decision shall be submitted in accordance application requirements, Section 3.1.2.
- C. A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the Administrator. The date and time of filing shall be entered on the notice.

3.16.3 Deadline for Submission of Application

An appeal of an administrative decision shall be filed with the Administrator and Board of Adjustment within thirty (30) days of receipt of the decision.

3.16.4 Notice and Public Hearings

The County shall hold all required public hearings and give notice in accordance with Section 3.14.5.

3.16.5 Action by Administrator

The Administrator shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

3.16.6 Action by Board of Adjustment

- D. The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.
- E. A motion to reverse, affirm, modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
- F. If a motion to reverse or modify is not made, or fails to receive the affirmative vote of a majority of members present, the appeal shall be denied.
- G. Any motion to overturn a decision shall state the reasons or findings of fact that support the motion.

3.16.7 Effect of Appeal

- H. An appeal shall stay all proceedings in furtherance of the action appealed, unless the administrative official from who the appeal is taken certifies to the Board of Adjustment that, because of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property or that because the violation is transitory in nature a stay would seriously interfere with the effective

enforcement of this Ordinance. In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrative official.

- I. An appeal shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this Ordinance are stayed.

3.16.8 Appeals from the Board of Adjustment

Appeals to the Superior Court may be taken by any person, firm or corporation aggrieved, or by any office, department, board, of the county affected by any decision of the Board of Adjustment, provided such appeals shall be taken within thirty (30) days after the decision of the Board of Adjustment is filed in the office of the Administrator, or after a written copy thereof is delivered to the applicant, whichever is later. The decision of the Board shall be delivered to the applicant by certified mail.

RECEIVED

JUL 06 2016

PENDER PLANNING DEPT.

APPLICATION FOR APPEAL OF ADMINISTRATIVE DECISION

THIS SECTION FOR OFFICE USE

Application No.	AAD 318-2016	Date	7/6/2016
Application Fee	\$ 250	Receipt No.	161945

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Double B Farms, Inc. (Billy Butler)	Owner's Name:	Double B Farms, Inc. (Billy Butler)
Applicant's Address:	6022 Old Stake Road	Owner's Address:	6022 Old Stake Road
City, State, & Zip	Claredon, NC 28432	City, State, & Zip	Claredon, NC 28432
Phone Number:	(910) 840-3783	Phone Number:	(910) 653-9799 (H)

Legal relationship of applicant to land owner: Shareholder in corporation

SECTION 3: SIGNATURES

Applicant's Signature	<i>Billy Butler / Double B Farms</i>	Date:	7-6-16
Owner's Signature	<i>Billy Butler</i>	Date:	

NOTICE TO APPLICANT:

1. Applicant must also submit the information described below in the Appeal of Administrative Decision Checklist.
2. Applicant or agent authorized in writing must attend the public hearing.
3. 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.

APPEAL OF ADMINISTRATIVE DECISION CHECKLIST

- Signed application form
- Application fee
- One business size envelope legibly addressed with **certified** postage for all participants for the appeal
- Appeal Description: Written description of the Appeal taken forward including all pertinent materials (pictures, permits, etc.)

OFFICE USE ONLY

<input checked="" type="checkbox"/> AAD 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 # 2065

Application received by:	<i>Megan Stone</i>	Date:	7/6/2016
Application completeness approved by:	<i>Megan Stone</i>	Date:	9/6/2016
Date scheduled for public hearing:	<i>September 21st, 2016 9 AM</i>		

Print Form

RECEIVED

JUL 06 2016

WRITTEN DESCRIPTION OF APPEAL

PENDER PLANNING DEPT.

The applicant makes this appeal from the Code Enforcement Officer's Decision given on June 8, 2016 due to the recreational vehicle (RV) located on the real property having the assigned Pender County Parcel Identification Number 3331-86-0080-0000 not being in violation of Article 5.3.3 of the Pender County Unified Development Ordinance (UDO).

Article 5.3.3 of the UDO addresses only the use of parking and storage of RV's and not the actual use of a RV's for recreational use on property owned by a landowner.

Based upon the UDO's definition of a RV, the applicant's RV meets the definition of a RV since it is built on a single chassis, is less than 400 square feet, can be towed and is designed for temporary living. Further, the applicant's RV is licensed in the State of North Carolina, is not permanently attached on a foundation, and is moveable.

Due to the applicant's RV meeting the definition of the UDO, which is the same definition set forth within FEMA's Regulations for Recreational Vehicles, the location of the applicant's RV on the afore-referenced tract of land is permissible under FEMA Regulations due to the applicant not having the RV located on the lot for more than 180 consecutive days or by having it licensed and ready for highway use.

Applicant's intended use of the RV is for recreational purposes to be used on weekends and vacations when the shareholders within the corporation who own the afore-referenced tract of land, travel from their home in Claredon, North Carolina to the parcel to enjoy the adjacent Northeast Cape Fear River.

Double B Farms, Inc.

By: Billy Butler
Billy Butler

SUBJECT PROPERTY HISTORY

The subject property is Lot 4 of the River Bend II Subdivision recorded at the Pender County Register of Deeds Map Book 22 Page 138; there is no address issued for this parcel.

May 9, 2016: No Rise Certification Study submitted Lloyd Tyndall. Document dated April 29, 2016. Indicated the RV on lot (told MC)
M. Crowe sent to NC NFIP document for their review.

June 6, 2016: Pender County received letter from NC NFIP Staff regarding concurrence with the No Rise Certification Study. Document dated May 27, 2016.

June 6, 2016: M. Crowe called Joe Lanier (contractor) regarding the completion of the No Rise Certification Study review, indicating the Flood Permit was issued and required J. Lanier's signature.

June 6, 2016: M. Crowe site visit with C. Ring

June 6, 2016: M. Crowe called applicant regarding the subject property and the flood permit, RV, and the dock. Applicant indicated that they are camping on the property and storing the camper so that they don't have to haul the RV back to their residence in Claredon, NC on the weekends. Initiated contact with property owner regarding removal of RV

June 7, 2016: C. Ring site visit

June 8, 2016: Violation letter issued

June 9, 2016: J. Lanier returned to the office to sign the Flood Permit (245-2016). Calendar note says he's been in every day this week did not record all of the dates

June 9, 2016: Zoning Permit issued

June 15, 2016: Butlers (applicants and owners) met with C. Ring regarding the violation

July 8, 2016: County Staff received CAMA permit verification for 63281D remains valid (permit was originally dated June 29, 2015 to expire on October 29, 2015)

July 14, 2016: Building Permit issued

July 15, 2016: Inspection on dock passed

August 31, 2016 C. Ring site visit

September 6, 2016 C. Ring site visit

Pender County Planning and Community Development

101-2016

Code Enforcement

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



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

1st Notice of Violation

June 8, 2016

Double B Farms Inc.
6022 Old Stake Rd.
Claredon, NC 28432

NOTICE OF ZONING VIOLATION: You are hereby given notice that a violation or violations of the Pender County Unified Development Ordinance exists at the property described below and owned/occupied by you.

LOCATION AND DESCRIPTION OF PROPERTY WHERE VIOLATION EXIST:

Property located at River Rd., Burgaw, NC 28425 and identified by the Pender County Tax Office as Tax Record Number 3331-86-0080-0000.

CONDITIONS THAT CREATE VIOLATION:

The parking/storage of a mobile home or RV on residential property in violation of the Pender County Unified Development Ordinance.

ARTICLES OF COUNTY ORDINANCE VIOLATED:

Recreational Vehicle (RV) means a vehicle, which is:

- 1) Built on a single chassis;
- 2) 400 square feet or less when measured at the largest horizontal projection;
- 3) Designed to be self-propelled or permanently towable by a light duty truck; and
- 4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonable use.

5.3.3 Accessory Uses and Structures

- 1) Manufactured Home, Recreational Vehicle & Trailer Parking and Storage
 - a) It shall be unlawful to park or otherwise store/occupy for any purpose whatsoever any mobile home or trailer within any zoning district except as follows:
 - i) At a safe and lawful location on a street, alley, highway, or other public place, provided that the trailer or mobile home shall not be parked overnight.
 - ii) Within an approved location in a mobile home park.
 - iii) On any other lot or plot provided that:

- a. A storing permit for any mobile home to be parked or stored for longer than seven (7) days shall be obtained from the Administrator.
- b. A mobile home shall not be parked and used other than in an approved mobile home park, or unless obtaining a temporary occupancy permit.
- (c) Trailers and recreational vehicles shall be parked in a driveway, garage, or carport, or in the rear or side yard of an established primary or principal lot or parcel for the purpose of storage only.
 - iv) No mobile home or camper shall be used for the purpose of storing materials.
 - v) Only operable recreational vehicles intended for personal use shall be parked or stored on any property used for residential purposes in any Zoning District.
 - vi) A permit to store a mobile home may be issued by the Administrator for a term not to exceed six (6) months. Such permit may be renewed for one six (6) month term, at the discretion of the Administrator.

CORRECTIVE ACTIONS THAT MUST BE TAKEN BY PROPERTY OWNER/VIOLATOR:

The RV must be placed on property for storage only. RV cannot be occupied nor have water, sewer or power connected.

DATE BY WHICH CORRECTIVE ACTION MUST BE COMPLETE:

This violation must be corrected within thirty (30) consecutive calendar days of receipt of this notice. If the violation(s) is/are not corrected within this period, you will immediately thereafter be subject to the penalties noted herein.

PROPERTY OWNER/VIOLATOR'S RIGHT TO APPEAL:

You are hereby given notice that you have the right to appeal the determination made by the Code Enforcement Officer to the Pender County Board of Adjustment. If you elect to appeal this determination, you must file a written request for appeal, specifying the reason for the appeal and paying the associated fees for appeal within thirty (30) days of receipt of this notice. The appeal shall be filed with the Pender County Planning Department, Zoning Administrator, 805 South Walker Street Burgaw, NC 28425. An appeal will stay all required proceedings under this notice until the Board of Adjustment acts upon the appeal.

PENALTIES FOR VIOLATIONS NOTED: When corrective action is not taken as prescribed in the notice, the property owner/violator shall upon conviction be guilty of a misdemeanor punishable by fine of up to \$50.00, or imprisoned for not more than thirty (30) days, for each offense. **In addition, the property owner/violator will be subject to a civil penalty of \$100.00 each day the violation continues after the date specified that the violation was to have been corrected.**

Exhibit 2

REMEDIES IF CORRECTIVE ACTION NOT TAKEN:

The County shall through its County Manager and County Attorney initiate legal action to insure compliance through court action and the violator may be subject to paying the cost of this action, pursuant to G.S. 153A-123, in addition to any penalties noted above.

DATE OF NOTIFICATION:

This determination of violation first made on the 7th of June, 2016 by the Pender County Code Enforcement Officer, after inspection of the property and the conditions. Please feel free to contact this office at any time. We will be happy to discuss this issue with you.

A handwritten signature in black ink, appearing to read "Charlie Ring", written over a horizontal line.

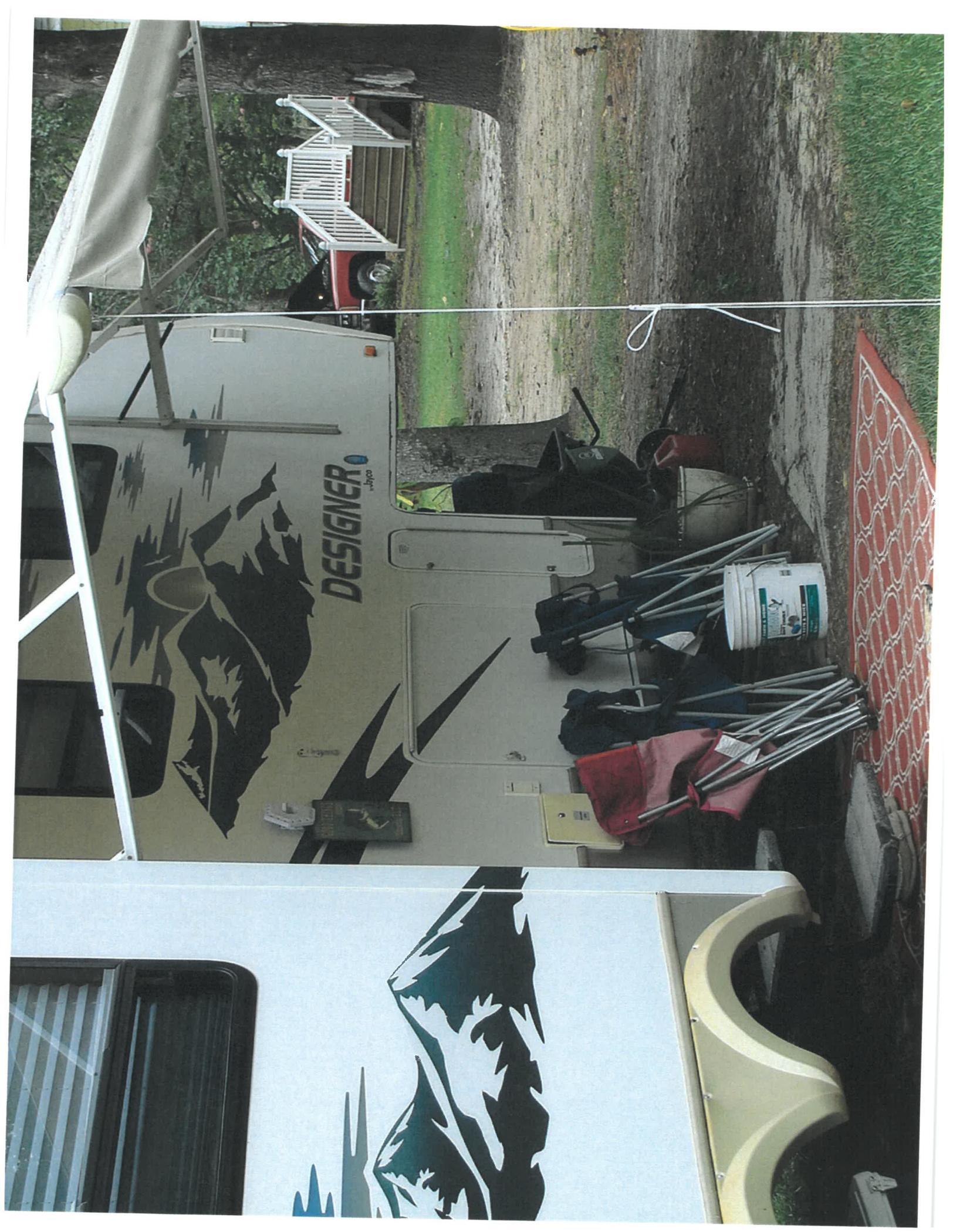
Charlie Ring
Code Enforcement Officer (910) 259-1519





727
OLYMPIA

TRAVELER



DESIGNER by Jayco

WATER & WAX
EQUIPMENT
CLEANING
MAINTENANCE
WAX









SAVE WATER
HOLD

LOW
POINT DRAIN

LOW WATER
WARNING

10' x 16' - BLACK - ONE 6' x 6' PANEL
10' x 16' - BLACK - ONE 6' x 6' PANEL





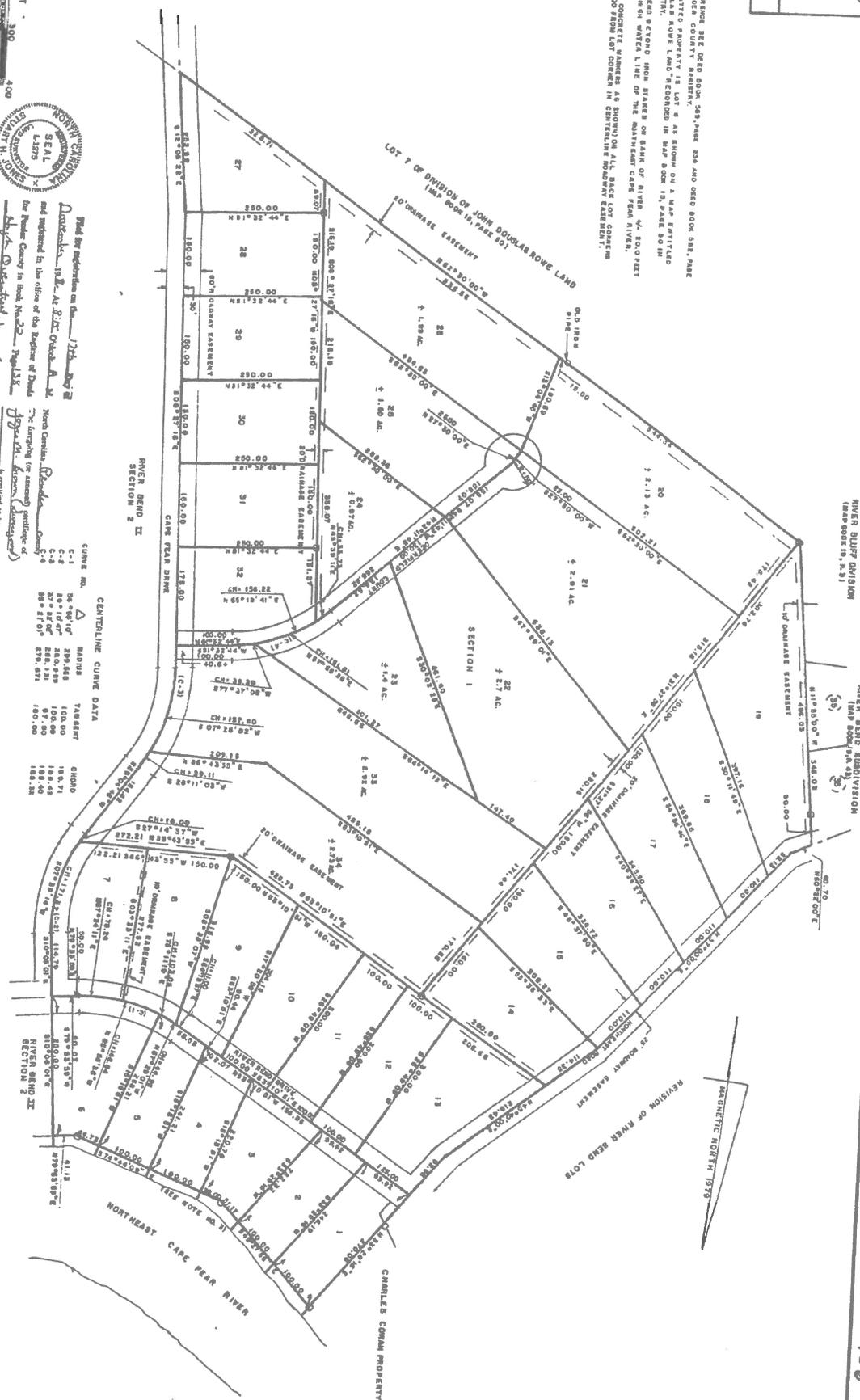




NOTE NO. 1 - FOR REFERENCE SEE BOOK 389, PAGE 334 AND BOOK 388, PAGE 270 RECORDED IN THE PENDER COUNTY RECORDS. THE WITHIN PLATTED PROPERTY IS LOT 2 AS SHOWN ON A MAP ENTITLED "THE PENDER COUNTY RIVER LAND" RECORDED IN BOOK 388, PAGE 301H.

NOTE NO. 2 - LOT LINES, BEARING, DISTANCE, AND AREA, ARE SHOWN ON THIS MAP AS APPROXIMATE. THE EXACT BEARING, DISTANCE, AND AREA OF EACH LOT SHALL BE DETERMINED BY A SURVEY OF THE ENTIRE TRACT.

NOTE NO. 3 - THE PENDER COUNTY RIVER LAND IS SHOWN ON ALL SECTIONS OF THE MAP AND ON EACH LOT LINE. THE RIVER LAND IS SHOWN ON ALL SECTIONS OF THE MAP AND ON EACH LOT LINE.



STATE OF NORTH CAROLINA, BEING ONLY SIGNED, SAYS THAT THIS MAP WAS MADE FROM AN ACTUAL SURVEY MADE BY ME AND THAT THE DEEDS USED FOR THIS SURVEY ARE SHOWN BY BOOK AND PAGE NUMBERS IN NOTE NUMBER 1 ON THIS MAP, THAT THE PRECISION OF CLOSURE AS GIVEN IN NOTE NUMBER 1 ON THIS MAP IS 1:500,000. THAT THIS MAP WAS MADE IN ACCORDANCE WITH G.S. 47-20 NORTH CAROLINA, PENDER COUNTY.

BY CERTIFY THAT I, J. M. JONES, P.A., A REGISTERED LAND SURVEYOR, HAVE PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE, MY COMM. EXPIRES: 3-31-90.

LEGEND:
 --- PROPERTY LINE
 --- OUTSIDE BOUNDARY LINE OF SUB-DIVISION
 --- THE LINE AND PROPERTY LINE OF ADJOINING EASEMENT LINE
 --- RIGHT-OF-WAY LINE
 --- UTILITY LINES
 --- CONCRETE MONUMENT CONTROL CORNER (FOR ABOVE GROUND)
 --- IRON PIPE
 --- IRON STAKE

LENGTH OF CIRCULAR CURVE AS MEASURED WITH THE ARC OF THE CURVE
 RADIUS OF CIRCULAR CURVE
 TANGENT OF CIRCULAR CURVE
 DELTA ANGLE

RIVER BEND II SUBDIVISION
 SECTION I
 HOLLY TOWNSHIP
 PENDER COUNTY
 NORTH CAROLINA
 BEARING: 1 INCH = 100 FEET
 NOVEMBER 1986

COWAN AND JONES, P.A.
 REGISTERED LAND SURVEYORS
 BUNGAM, NORTH CAROLINA

CLINE NO.	BEARING	LENGTH	CURVE DATA
C-1	S 66° 46' 00" W	299.468	R 100.00
C-2	S 72° 32' 00" W	288.929	R 100.00
C-3	S 77° 32' 00" W	288.929	R 100.00
C-4	S 82° 32' 00" W	288.929	R 100.00
C-5	S 87° 32' 00" W	288.929	R 100.00
C-6	S 92° 32' 00" W	288.929	R 100.00
C-7	S 97° 32' 00" W	288.929	R 100.00
C-8	S 102° 32' 00" W	288.929	R 100.00
C-9	S 107° 32' 00" W	288.929	R 100.00
C-10	S 112° 32' 00" W	288.929	R 100.00
C-11	S 117° 32' 00" W	288.929	R 100.00
C-12	S 122° 32' 00" W	288.929	R 100.00
C-13	S 127° 32' 00" W	288.929	R 100.00
C-14	S 132° 32' 00" W	288.929	R 100.00
C-15	S 137° 32' 00" W	288.929	R 100.00
C-16	S 142° 32' 00" W	288.929	R 100.00
C-17	S 147° 32' 00" W	288.929	R 100.00
C-18	S 152° 32' 00" W	288.929	R 100.00
C-19	S 157° 32' 00" W	288.929	R 100.00
C-20	S 162° 32' 00" W	288.929	R 100.00
C-21	S 167° 32' 00" W	288.929	R 100.00
C-22	S 172° 32' 00" W	288.929	R 100.00
C-23	S 177° 32' 00" W	288.929	R 100.00
C-24	S 182° 32' 00" W	288.929	R 100.00
C-25	S 187° 32' 00" W	288.929	R 100.00
C-26	S 192° 32' 00" W	288.929	R 100.00
C-27	S 197° 32' 00" W	288.929	R 100.00
C-28	S 202° 32' 00" W	288.929	R 100.00
C-29	S 207° 32' 00" W	288.929	R 100.00
C-30	S 212° 32' 00" W	288.929	R 100.00
C-31	S 217° 32' 00" W	288.929	R 100.00
C-32	S 222° 32' 00" W	288.929	R 100.00
C-33	S 227° 32' 00" W	288.929	R 100.00
C-34	S 232° 32' 00" W	288.929	R 100.00
C-35	S 237° 32' 00" W	288.929	R 100.00
C-36	S 242° 32' 00" W	288.929	R 100.00
C-37	S 247° 32' 00" W	288.929	R 100.00
C-38	S 252° 32' 00" W	288.929	R 100.00
C-39	S 257° 32' 00" W	288.929	R 100.00
C-40	S 262° 32' 00" W	288.929	R 100.00
C-41	S 267° 32' 00" W	288.929	R 100.00
C-42	S 272° 32' 00" W	288.929	R 100.00
C-43	S 277° 32' 00" W	288.929	R 100.00
C-44	S 282° 32' 00" W	288.929	R 100.00
C-45	S 287° 32' 00" W	288.929	R 100.00
C-46	S 292° 32' 00" W	288.929	R 100.00
C-47	S 297° 32' 00" W	288.929	R 100.00
C-48	S 302° 32' 00" W	288.929	R 100.00
C-49	S 307° 32' 00" W	288.929	R 100.00
C-50	S 312° 32' 00" W	288.929	R 100.00
C-51	S 317° 32' 00" W	288.929	R 100.00
C-52	S 322° 32' 00" W	288.929	R 100.00
C-53	S 327° 32' 00" W	288.929	R 100.00
C-54	S 332° 32' 00" W	288.929	R 100.00
C-55	S 337° 32' 00" W	288.929	R 100.00
C-56	S 342° 32' 00" W	288.929	R 100.00
C-57	S 347° 32' 00" W	288.929	R 100.00
C-58	S 352° 32' 00" W	288.929	R 100.00
C-59	S 357° 32' 00" W	288.929	R 100.00
C-60	S 362° 32' 00" W	288.929	R 100.00
C-61	S 367° 32' 00" W	288.929	R 100.00
C-62	S 372° 32' 00" W	288.929	R 100.00
C-63	S 377° 32' 00" W	288.929	R 100.00
C-64	S 382° 32' 00" W	288.929	R 100.00
C-65	S 387° 32' 00" W	288.929	R 100.00
C-66	S 392° 32' 00" W	288.929	R 100.00
C-67	S 397° 32' 00" W	288.929	R 100.00
C-68	S 402° 32' 00" W	288.929	R 100.00
C-69	S 407° 32' 00" W	288.929	R 100.00
C-70	S 412° 32' 00" W	288.929	R 100.00
C-71	S 417° 32' 00" W	288.929	R 100.00
C-72	S 422° 32' 00" W	288.929	R 100.00
C-73	S 427° 32' 00" W	288.929	R 100.00
C-74	S 432° 32' 00" W	288.929	R 100.00
C-75	S 437° 32' 00" W	288.929	R 100.00
C-76	S 442° 32' 00" W	288.929	R 100.00
C-77	S 447° 32' 00" W	288.929	R 100.00
C-78	S 452° 32' 00" W	288.929	R 100.00
C-79	S 457° 32' 00" W	288.929	R 100.00
C-80	S 462° 32' 00" W	288.929	R 100.00
C-81	S 467° 32' 00" W	288.929	R 100.00
C-82	S 472° 32' 00" W	288.929	R 100.00
C-83	S 477° 32' 00" W	288.929	R 100.00
C-84	S 482° 32' 00" W	288.929	R 100.00
C-85	S 487° 32' 00" W	288.929	R 100.00
C-86	S 492° 32' 00" W	288.929	R 100.00
C-87	S 497° 32' 00" W	288.929	R 100.00
C-88	S 502° 32' 00" W	288.929	R 100.00
C-89	S 507° 32' 00" W	288.929	R 100.00
C-90	S 512° 32' 00" W	288.929	R 100.00
C-91	S 517° 32' 00" W	288.929	R 100.00
C-92	S 522° 32' 00" W	288.929	R 100.00
C-93	S 527° 32' 00" W	288.929	R 100.00
C-94	S 532° 32' 00" W	288.929	R 100.00
C-95	S 537° 32' 00" W	288.929	R 100.00
C-96	S 542° 32' 00" W	288.929	R 100.00
C-97	S 547° 32' 00" W	288.929	R 100.00
C-98	S 552° 32' 00" W	288.929	R 100.00
C-99	S 557° 32' 00" W	288.929	R 100.00
C-100	S 562° 32' 00" W	288.929	R 100.00



Exhibit 5
North Carolina Department of Public Safety
Emergency Management

Pat McCrory, Governor
Frank L. Perry, Secretary

Michael A. Sprayberry, Director

May 27, 2016

Megan O'Hare, Senior Planner
Pender County Planning and Zoning Division
P. O. Box 1519
Burgaw, NC 28425

Subject: No-Rise Certification Study for River Bend Subdivision Section 1, Lot 4, Pender County

Dear Ms. O'Hare:

The North Carolina Department of Public Safety Division of Emergency Management Risk Management National Flood Insurance Program (NCFIP) staff has reviewed the No-Rise Certification for the proposed single-family residence and floating pier at River Bend Subdivision, Section 1, lot 4 along the Northeast Cape Fear River prepared by Lloyd A. Tyndall, P.E., dated April 29, 2016. The report was received in this office on May 13, 2016.

Based on the information provided, the NCFIP review indicates the report meets the requirements of the Federal Emergency Management Agency's (FEMA) guidance for a no-rise certification. The NCFIP finds no objection to the conclusion of no increase in base flood elevation or floodway elevation as contained in the report.

The No-Rise Certification Study is used to measure impacts due to the proposed development within the floodway of the Northeast Cape Fear River. It should not be used to establish base flood elevations.

The proposed mitigation areas are included as a condition of the No-Rise Certification. The mitigation area should be in place prior to construction. In order to maintain the conditions of the No-Rise Certification, the mitigation area should be maintained in perpetuity.

A floodplain development permit will be required prior to starting work.

Changes to the configuration of the building corridor and mitigation area will require a separate hydraulic analysis in order to confirm the No-Rise condition is maintained.

MAILING ADDRESS:
4218 Mail Service Center
Raleigh NC 27699-4218
www.ncfloodmaps.com



GTM OFFICE LOCATION:
4105 Reedy Creek Road
Raleigh, NC 27607
Telephone: (919) 825-2341
Fax: (919) 825-0408

An Equal Opportunity Employer

If you have any questions or concerns with the items herein, please feel free to contact me at (919) 825-2300, by email at dan.brubaker@ncdps.gov or at the address shown on the footer of this document.

Sincerely,

A handwritten signature in black ink that reads "John D. Brubaker". The signature is fluid and cursive, with the first name "John" being the most prominent.

John D. Brubaker, P.E., CFM
NFIP Engineer
Risk Management

cc: Tom Langan, Engineering Supervisor
John Gerber, NFIP State Coordinator

Lloyd A. Tyndall, P.E., P.L.S.
234 Windermere Road
Wilmington, NC 28405-4026

File



Planning & Community Development
PENDER COUNTY, North Carolina

805 S. Walker St.
Burgaw, NC 28425

Exhibit 6

Planning and Zoning
910-259-1202

Zoning/Development Permit

Page # 1

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

CA Approved : N/A

Final Zoning

Tax Geo Pin#: 33318600800000
Tax. Rec. #: 26176

Zoning Permit Date: 06092016
Permit/Receipt #: 161617
User ID: SG27
Code Violation: N

* Permitted Use Description of Work:
Residential - Dock

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

Description of Work :

Residential -Accessory: Private Pier & Dock - CAMA PERMIT # 6381-D

Type of Structure / Use : RESIDENTIAL ACCESSORY STRUCTURE

Structure Height Limit : 35 Feet

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

Site Address: Str.# & Name: RIVER BEND DR; LOT 4 City: BURGAW

Property Owner: Name: DELONG JAMES ALAN
Str # / Name: 6022 OLD STAKE RD
City, State, Zip: CLAREDON NC 28432 Telephone: 910 653 9799

Applicant: Relation : CONTRACTOR
Name: LANIER JOSEPH
Contact: JOSEPH LANIER
Str # / Name: MELISSA LANE 100
City, State, Zip: BURGAW NC 28425 Telephone: 910 619 9425

Subdivision Name: RIVERBEND Section: SEC1 Lot: 4
Plat Bk. & Page #: 22/138 Deed Bk. & Pg: 4596 / 35 Township: HOLLY

Section A: Zoning Determinations

Zone Dist : RA Req. Setbacks: Front: 30 Rear: 30 Side: 15
Minimum Lot Size: 43560 Flood Zone #: AEFW 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: SG Date: 7/14/16 CBRA: Yes - No - 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

Site Directions:

Lot 4 River Bend Dr. -

Zoning Det. By : SG Date : 7/14/16 Zoning Fee : .00 Check # :
Final Zoning By : SG Date : 7/14/16 Total Zoning Fee : .00 Check # :

* Fee is Non-Refundable

Zoning Notes :

EngerGov - Flood Permit # 245-2016

Rec'd NO-RISE CERTIFICATION

Rec'd CAMA Permit # 63281-D

Email From: Tara MacPherson - General Permit No. 63281D was issued to Billy Butler for a private pier and dock on 6/29/15. This



Planning & Community Development
PENDER COUNTY, North Carolina

805 S. Walker St.
Burgaw, NC 28425

Exhibit 6

Planning and Zoning
910-259-1202

Zoning/Development Permit

Page # 2

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

Final Zoning

Tax Geo Pin#: 33318600800000
Tax. Rec. #: 26176

Zoning Permit Date: 06092016
Permit #: 161617
User ID : SG27
Code Violation : N

permit expired on 10/29/15. If all construction is complete and no new development is being proposed you do not need to apply for a new General Permit at this time. These permits are issued with a 120 day window for construction. Please feel free to contact me if you have further

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

Applicant Signature

Date

CAMA / DREDGE & FILL
GENERAL PERMIT

PH 7.7.5

NO 63.8.D

New Modification Complete Reissue Partial Reissue

Previous permit # _____
Date previous permit issued _____

As authorized by the State of North Carolina, Department of Environment and Natural Resources and the Coastal Resources Commission in an area of environmental concern pursuant to 15A NCAC

Applicant Name BILLY BENTLER
Address 1022 OLD STAKE RD.
City LAURENDS State NC ZIP 28452
Phone # (704) 415-4528 Fax # ()
Authorized Agent RICK LANIER

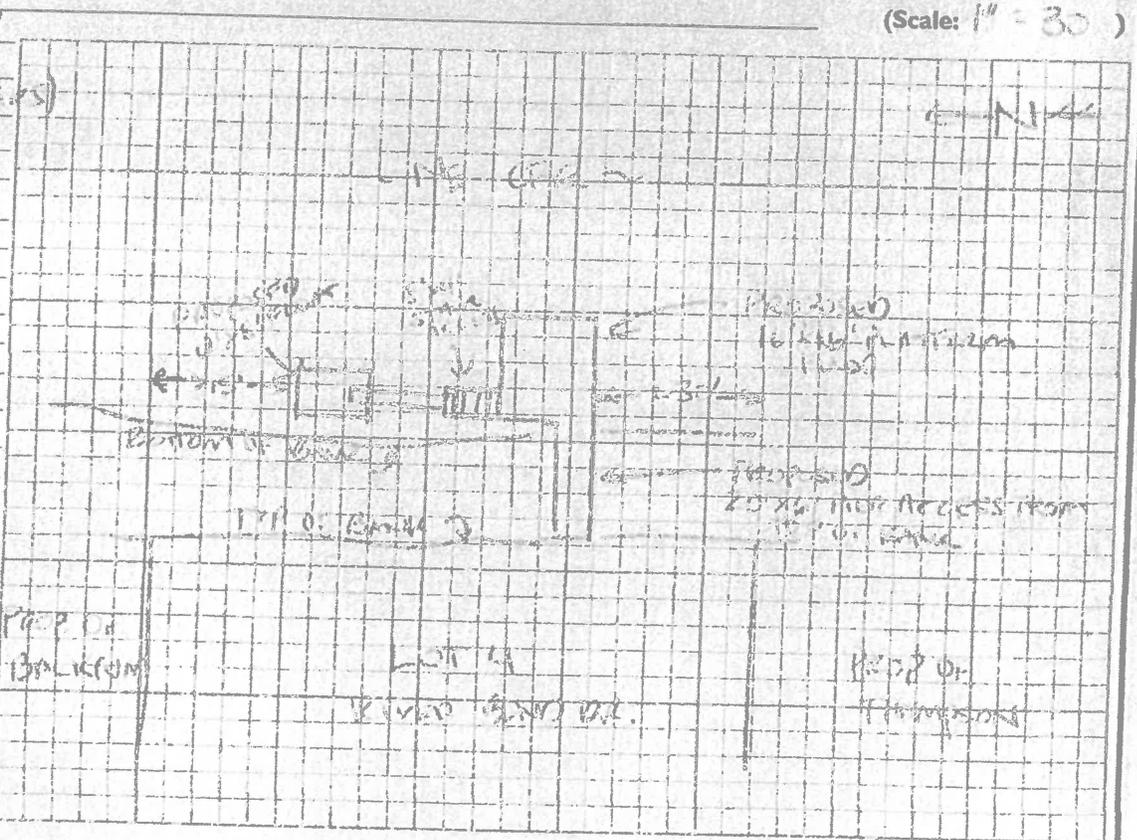
Rules attached.
Project Location: County FENDLER
Street Address/ State Road/ Lot #(s) LOT 4, RIVER BEND DR.
Subdivision RIVER BEND
City FERRIS ZIP 28425
Phone # () River Basin CAR. TRK
Adj. Wtr. Body NE C FR (nat/man/unkn)
Closest Maj. Wtr. Body CAR

Affected CW EW PTA ES PTS
AEC(s): OEA HHF IH UBA N/A
 PWS: _____ FC: _____

ORW: yes / no PNA yes / no Crit.Hab. yes / no

Type of Project/ Activity PRIVATE PIER & DOCK

Pier (dock) length 20' x 6'
Platform(s) 16' x 16'
Finger pier(s) 8' x 4' (5 units)
Groin length N/A
number _____
Bulkhead/ Riprap length
avg distance offshore _____
max distance offshore _____
Basin, channel
cubic yards _____
Boat ramp _____
Boathouse/ Boatlift _____
Beach Bulldozing _____
Other FLOOR 12' x 8'



Shoreline Length 102'
SAV: not sure yes no
Sandbags: not sure yes no
Moratorium: n/a yes no
Photos: yes no
Waiver Attached: yes no

A building permit may be required by: FENDLER See note on back regarding River Basin rules.

Notes/ Special Conditions ALL CONDITIONS OF 74.12.00 APPLY. THIS PERMIT AUTHORIZES A MAX. OF 2 BEACH SLIPS.

Agent or Applicant Printed Name Ricky Lanier

Signature [Signature] ** Please read compliance statement on back of permit **

Application Fee(s) \$200 Check # 1028

Permit Officer's Signature [Signature]

Issuing Date 06/29/15

Local Planning Jurisdiction FENDLER

Expiration Date 10/29/15
3436 4780'N
77° 51' 34.68" W
River File Name

Planning and Community Development

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



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

In accordance with the Pender County Unified Development Ordinance, a Floodplain Development Permit is being issued to:

Butler (Joseph Lanier: Contractor)

to conduct development activities within the Special Flood Hazard Area on the property located at:

3331-86-0080-0000

Permit Number:

161117
ADD And 245-2016

This permit is issued to the aforementioned individual, firm, partnership, etc. for the purpose noted below and in accordance with the Pender County Flood Damage Prevention Ordinance, floodplain development permit number indicated above and attachments thereto; and is subject to the following modifications and/or performance reservations:

- Permit is issued for the following development ONLY (mark all that apply):
 Excavation Fill Grading Road Construction Utility Construction Addition Renovation
 Utility Construction Non-residential Construction Residential SFR Other (Specify):
water dependent dock ONLY
- Copies of all other applicable permits (wetlands, endangered species, CAMA, riparian buffers, mining, etc.) must be given to the Floodplain Administrator prior to issuance of the floodplain development permit.
- Fill material shall not encroach into the floodway or non-encroachment area.
- If VE, there shall be NO fill used for structural support to include slab, pier, bulkhead, etc. Engineered design and VE zone certification is required for ALL development in the VE zone.
- If applicable, proper erosion and sediment control measure shall be installed and maintained in accordance with N.C. State Standards during fill operations (NCDENR).
- Mobile/manufactured homes shall be installed in accordance with the Article 5, Section 5.2.C of the Pender County Flood Damage Prevention Ordinance

The permit is for the dock only, no other structures are permitted on the property. No rise certification is approved and in the file. Property owner has been informed that the RV must be removed from the property when they are not on site in accordance with the Flood Damage Prevention Ordinance Section 5.2.E.4 and the Unified Development Ordinance 5.3.3.E.3.

CAMA permit required for dock.

Failure to comply with Pender County Flood Damage Prevention Ordinance could result in a misdemeanor and shall be punished at the discretion of the court.

Joseph Lanier 6-9-16
Contractor/Owner/Agent Date

Megan O'Hare 6/9/16
Floodplain Administrator Date

**Inspections Department
PENDER COUNTY, North Carolina**

Exhibit 9



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

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

GENERAL CONSTRUCTION PERMIT

General Permit Date : 07142016
Permit/Receipt # : **161617**
Permit Issued By : SG27
Code Violation :
Geo Pin : 33318600800000

CA Approved : N/A

Page 1 of 2

Permitted Use:

Residential - Dock

Description of Work:

Residential -Accessory: Private Pier & Dock - CAMA PERMIT # 6381-D

Res/Com/Ind : R
Site Address : RIVER BEND DR; LOT 4
Subdivision : RIVERBEND
Township : HOLLY

Plat Book & Page # : 22/138
Deed Book & Page # : 4596 35
Section : SEC1
Lot # : 4 Unit # :

Applicant:
JOSEPH LANIER

Contact:
JOSEPH LANIER

Phone: 910 619 9425

Phone: 910 619 9425

Relationship of Applicant to Owner :

Workmans Comp: Type: UNDER 30 K
General or Setup Contractor: License #: UNDER 30K
JOSEPH LANIER
100 MELISSA LN
BURGAW NC 28425 Phone: 9106199425

Owner:
DELONG JAMES ALAN
6022 OLD STAKE RD
CLAREDON NC 28432 Phone: 910 653 9799

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

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

Struc. Dimensions :	Width:	Length:	Max Height: 35	Act Height:	Acres Cleared:
No.Stories:	No. of Rooms:	No. Bedrooms:	No. Baths:	Fireplaces:	Acres Graded:
Heated Sq/Ft :	.00			Add'l Fees :	
Unheated Sq/Ft:	.00	Est Construction Cost :	10,000.00		
Porches w/roof:	.00	NC Recovery :	.00		
Porches wo/roof:	.00	Insulation :	.00		
Decks w/roof :	.00	* BUILDING PERMIT FEE :	\$ 75.00		
Decks wo/roof:	.00				
Total Sq/ft. =	.00				

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

Directions to Site

Lot 4 River Bend Dr. -

Zone Dist : RA Req. Setbacks: Front: 30 Rear: 30 Side: 15
Flood Zone #: AEFW Type Water : N/A Type Sewer : N/A

Section B: Conditions of Permit

Required: Completed:

Subject To Compliance With All Local, State And Federal Regulations.	1
Compliance With The Site Plan And Application Submitted For This Permit.	1
Compliance With The Set Backs Noted.	1

Issued By : SG27 Date : 07142016 Cash: Check: 1416 **PAY THIS AMOUNT : \$.00**

Applicant _____ Date _____ Director of Inspections _____ Date _____

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



**Inspections Department
PENDER COUNTY, North Carolina**

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

Exhibit 9

Page # 1

**GENERAL CONSTRUCTION PERMIT
Inspection History For Building Permit**

R/C/I: R Assigned Inspector: Requested Date: 0/00/00
 Site Address : RIVER BEND DR; LOT 4 Time: : 00
 City: BURGAW Permit # 161617
 Owner: DELONG JAMES ALAN Old Map # : 910 653 9799
 Geo Pin # : 33318600800000 Lot #: 4
 Sub Division : RIVERBEND
 Type of Construction : ADDITION/REPAIR RES.ACC.STRUCTURE UNHEATED Unit #:

Note:

Permitted Use

Residential - Dock

Description of Work

Residential -Accessory: Private Pier & Dock - CAMA PERMIT # 6381-D

Site Directions

Lot 4 River Bend Dr. -

Section B: Conditions of Permit

Condition:	Required:	Completed:
Subject To Compliance With All Local, State And Federal Regulations.	1	
Compliance With The Site Plan And Application Submitted For This Permit.	1	
Compliance With The Set Backs Noted.	1	

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

Inspection	Request Date and Note	Inspector	Result	Date Comp.
FINAL,BUILDING	0/00/00	SH	P	07152016

----- Open Requests -----

----- Re-Inspection Fees -----

Reinsp Fee Reinsp Date Pd Type

JOB NOTES HISTORY

EngerGov - Flood Permit # 245-2016
 Rec'd NO-RISE CERTIFICATION
 Rec'd CAMA Permit # 63281-D
 Email From: Tara MacPherson - General Permit No. 63281D was issued to Billy Butler for a private pier and dock on 6/29/15. This permit expired on 10/29/15. If all construction is complete and no new development is being proposed you do not need to apply for a new General Permit at this time. These permits are issued with a 120 day window for construction. Please feel free to contact me if you have further



BUILDING CERTIFICATE OF COMPLIANCE

CODE ENFORCEMENT DIVISION
Pender County, NC

THIS CERTIFICATE ISSUED PURSUANT TO THE REQUIREMENTS OF THE STANDARD BUILDING CODE CERTIFYING THAT AT THE TIME OF ISSUANCE THIS STRUCTURE WAS IN COMPLIANCE WITH THE VARIOUS ORDINANCES OF THE JURISDICTION REGULATING BUILDING CONSTRUCTION OR USE, FOR THE FOLLOWING:

USE CLASSIFICATION : ADDITION/REPAIR RES.ACC.STRUCTURE UNHEATED
 GEO PIN # : 33318600800000
 CONSTRUCTION CODE :
 BUILDING PERMIT # : 161617
 OWNER NAME : DELONG JAMES ALAN
 ADDRESS : 6022 OLD STAKE RD
 BUILDING ADDRESS : CLAREDON NC
 RIVER BEND DR; LOT 4
 BURGAW

By: *Kim Scott / Jany*
BUILDING OFFICIAL

DATE: 7/18/2016 8:17:26 AM

Inspections Department
PENDER COUNTY, North Carolina

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



GENERAL CONSTRUCTION PERMIT
Inspection Request For Building Permit

CA Approved : N/A R/C/I: R Assigned Inspector: BUR- BUILD Requested Date: 7/15/16
 Site Address : RIVER BEND DR; LOT 4 City: BURGAW Township: HOLLY Time: : 00
 Owner: DELONG JAMES ALAN 910 653 9799 Permit # 161617
 Applicant: JOSEPH LANIER 910 619 9425 Issued: 07142016
 Geo Pin # : 33318600800000 Flood Plain: Flood Zone: Lot #: 4
 Sub Division : RIVERBEND Type of Construction : ADDITION/REPAIR RES.ACC.STRUCTURE UNHEATED
 Zone Dist : RA Req. Setbacks: Front: 30 Rear: 30 Side: 15
 Note: SG 7/14 3:00PM JOSEPH LANIER 619 9425 - CALL MR. LANIER B//4 GOING
 Permitted Use General Contractor: JOSEPH LANIER Phone: 9106199425
 Residential - Dock

Description of Work

Residential -Accessory: Private Pier & Dock - CAMA PERMIT # 6381-D

Site Directions

Lot 4 River Bend Dr. -

Section B: Conditions of Permit

Condition:	Required:	Completed:
Subject To Compliance With All Local, State And Federal Regulations.	1	
Compliance With The Site Plan And Application Submitted For This Permit.	1	
Compliance With The Set Backs Noted.	1	

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

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

----- Open Requests -----
 B6 FINAL 7/15/16 3H P 7/15/16
 SG 7/14 3:00PM JOSEPH LANIER 619 9425 - CALL MR. LANIER B//4 GOING

----- Re-Inspection Fees -----

Reinsp Fee	Reinsp Date Pd	Type
------------	----------------	------

JOB NOTES HISTORY

EngerGov - Flood Permit # 245-2016
 Rec'd NO-RISE CERTIFICATION
 Rec'd CAMA Permit # 63281-D
 Email From: Tara MacPherson - General Permit No. 63281D was issued to Billy Butler for a private pier and dock on 6/29/15. This permit expired on 10/29/15. If all construction is complete and no new development is being proposed you do not need to apply for a new General Permit at this time. These permits are issued with a 120 day window for construction. Please feel free to contact me if you have further

3551-80-0080-0000

Exhibit 11

REC. 4-1-16 EH

Environmental Health Section - Pender County Health Department

Put in By JOHN Rowe About 1982(?)

Date Received MAY 5, 88

Owner Charles Wells Phone No. 259-4070

Address Route 2, Box 2997, Burgaw, N.C. 28425

Location River Bend II, just across N.C. 53 N.E. Cape Fear River Bridges take 1st Rock Road

Access to left after crossing bridge

Subdivision River Bend II Lot No. 4 Block/Section No. II

Lot Size 100' X 200' House Mobile Home Business Other

No. Bedrooms 3 No. Occupants _____ No. Bathrooms 2 WM DW GD

Water Supply: Individual Public _____ FmHA FHA VA

Contractor _____ Address _____

Remarks _____

E/S @ 1005702

Received By Blair

PCHD-EH 103 03/80

Phyllis M...

.Sig

PENDER COUNTY HEALTH DEPARTMENT

P. O. BOX 1209, BURGAW, N. C. 28425

(SEPTIC TANK) IMPROVEMENTS PERMIT AND CERTIFICATE OF COMPLETION

(Ground Absorption Sewage Disposal System - G.S. Chapter 130 - Article 13C)

OWNER OR CONTRACTOR Charles Wells DATE 5-5-88 PERMIT NO. 494078

LOCATION Just across N.C. 53 N.E. Cape Fear River Bridges

SUBDIVISION NAME River Bend II LOT NO. 4 SECTION OR BLOCK NO. II

HOUSE MOBILE HOME BUSINESS
NUMBER OF BEDROOMS 3
GARBAGE DISPOSAL UNIT YES NO
AUTO. DISHWASHER YES NO
AUTO. WASH. MACHINE YES NO
SITE SUITABLE YES NO

LOT AREA 100' x 200'
REMARKS Existing septic tank system is to be functioning properly, and should be available for this specific use. However, maintenance may be necessary at any given period, time.
INSTALLED BY _____

SIZE OF TANK Existing GAL
NITRIFICATION FIELD Existing SQ. FT.
NUMBER OF LINES Existing
IMPROVEMENTS PERMIT BY Phyllis C. Davenport

CERTIFICATE OF COMPLETION BY _____ DATE _____

Construction must comply with all other applicable State and local regulations. This permit does not constitute a warranty or guarantee and is void after 36 months.

IMPROVEMENTS PERMIT APPLICATION
Pender County Health Department
Environmental Health Section, P.O. Box 1209, Burgaw, NC 28425
919/259-1233

495507

EXISTING

Date Received 2-12-91

Owner/Agent Charles Wells Phone 259-4070

Address Rt 2, Box 2777, Burgaw, N.C. 28425

Directions to property: TAKE SR EAST towards J-ville;
TAKE second drive-way TO LEFT AFTER CROSSING
N.E. Cape Fear River Bridge

Subdivision River Bend II Lot No. 4 Block/Section 2

Lot Size 1/2 acre House Mobile Home Business Other

Dwelling - no. of bedrooms 3; business/other - no. employees, members, seats

Water supply - Individual Public Loan: FHA VA

Contractor _____ Address _____

Remarks John Rowe - orig. owner 1980-81

Fees Paid: Evaluation N/A Permit 5305 Received by: K.M.

NOTE: Issuance of an Improvements Permit by this office does not necessarily mean that the structure or use of the septic tank system meets county zoning and land use regulations. Contact the Pender County Zoning Officer or Planning Department if you have questions concerning zoning.

Phoebe Allen

Date 2/12/91

PENDER COUNTY HEALTH DEPARTMENT
Environmental Health Section
P.O. Box 1209 • Burgaw, NC 28425
Phone (919) 259-1233

Permit No. 498507

PERMIT OF AUTHORIZATION
FOR

MOBILE HOME REPLACEMENT ON EXISTING SEWAGE SYSTEM

Applicant: DAVID HARRISON
CHARLES WELLS

Address: Rt 2, Box 2777 Burgaw N.C.

Mobile Home Park: NA Lot No. _____
(If not in a Park note N/A)

Location: Lot 4 sec. 2 RIVER BEND II
(Give road number or street address)

Remarks: NOT OCCUPIED IN RECENT MONTHS / SIZE OF DRAINFIELD UNKNOWN

Date of Issue: 2-18-91 Inspected By: @Pools

White: Office copy

Yellow: Applicant/Building Inspector



Applicant:
Double B Farms, LLC.

Owner:
Double B Farms, LLC

Case Number:
318-2016

Legend

 Subject Parcel



VICINITY





Applicant:
Double B Farms, LLC.

Owner:
Double B Farms, LLC

Case Number:
318-2016

Legend

-  Subject Property
-  RA, Rural/Agricultural



CURRENT ZONING





Applicant:
Double B Farms, LLC.

Owner:
Double B Farms, LLC

Case Number:
318-2016

Legend

 Subject Parcel



2012 AERIAL

