

Pender County Planning and Community Development

Planning Division

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MINUTES 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 Ferrante called the meeting to order at 9:07 a.m.

Invocation: Administered by Vice-Chairman Pullen.

Roll Call: Chairman Ferrante

Pender County Board of Adjustment Members:

Ferrante: Pullen: Newton: Rhodes:

Alternates:

Godridge: Peters:

Alternate Board member Godridge served as a full Board member

Chairman Ferrante welcomed all, explained the type of meeting being held, the process of the meeting, and the process of voting.

- 1. Adoption of the Agenda:** Motion to adopt the agenda was made by Board member Rhodes; seconded by Board member Godridge. The vote was unanimous.
- 2. Adoption of the Minutes: (July 20, 2016)** Motion to adopt the July 20, 2016 minutes was made by Vice-Chairman Pullen; seconded by Board member Rhodes. The vote was unanimous.

3. Public Comment: None

** (Public Hearings Opened) **

Attorney Thurman swore in the witnesses who wished to speak during the Hearing.

4. Variance: (Tabled from 7/20/16)

Frederick W. Mahnken et al, applicant and owners, requested 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. Applicant requested to have his request tabled, stating that the homeowner's association meeting is scheduled for Thursday and he would not have

the voting results in regards to him being able to purchase the needed easement until after that meeting.

Motion to table agenda item five (4) in order to allow the applicant time to receive the voting results from the HOA was made by Vice-Chairman Pullen; seconded by Board member Rhodes. The vote was unanimous.

Chairman Ferrante called for a recess to allow time for Board member Newton to arrive. Board member Newton arrived; Chairman Ferrante called the meeting back to order at 9:17 am.

5. Variance: (Tabled from 7/20/16)

Harrison Cove, LLC., applicant, on behalf of Parks Family Forestry LLC., owner, requested 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 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. Senior Planner Crowe presented and gave background information for agenda item five (5).

Clay Matthews, applicant, explained the new design, road connections, and shared driveways; Mr. Matthews stated that due to wetlands they would be unable to provide shared driveways for four (4) lots, so therefore were requesting a variance for individual lot access for those residential lots. Mr. Matthews reviewed each lot included in the request and elaborated on why a shared driveway could not be designed.

Board members and applicant held a discussion regarding the layout of the lots in the request, other access options, and redesigning the project to meet the provisions of the Pender County Unified Development Ordinance.

The Board held their discussion based on the four (4) standards that must be shown for a Variance approval. Each standard was discussed in detail as it related to the request.

Motion to deny the request based on standard three (3) not being shown; the hardship being created by the applicant's project design and not specifically the property was made by Board member Rhodes; seconded by Chairman Ferrante. The vote was two (2) in favor of the motion and three (3) opposed; due to not meeting the voting requirements the Variance was denied.

6. Variance:

Lynlee Properties, LLC, applicant and owner, requested 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. Planner Pat O'Mahony presented and gave background information for agenda item six (6).

Karen Rouse and Doris Carlton, applicants, further echoed Mr. O'Mahony's presentation and per the Board's questions, further explained the existing easement.

Discussion ensued between the Board members, Attorney Thurman and applicants regarding current residents located on the surrounding lots, not having a subdivision ordinance when the lots were recorded and the purpose of the easement standards under the current ordinance.

Board member Newton – How many of the shown properties does Lynnlee Properties own and when were they acquired?

Applicants – Lots thirteen (13) and fourteen (14), May 6, 2015 and recorded on May 7, 2015.

Board member Newton – Who owns the other lots; is there any structures located on them; and how did Lynnlee acquire the properties?

Applicants – Most of the original owners are deceased, so the properties belong to heirs; there is a home located on lot two (2) and lots thirteen (13) and fourteen (14) were purchased through a tax foreclosure.

The Board held their discussion based on the four (4) standards that must be shown for a Variance approval. Each standard was discussed in detail as it related to the request.

Motion to deny the request based on standard four (4) not being shown; the request was not consistent with the spirit, purpose and intent of the Unified Development Ordinance was made by Vice-Chairman Pullen; seconded by Board member Newton. The vote was unanimous.

(Public Hearing Closed*)*

7. Discussion Items:

i. Planning Staff: None

ii. BOA Members: None

8. Next Meeting: September 21, 2016

9. Adjournment: 10:35 am

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