

# 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](http://www.pendercountync.gov)

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## Dogwood Lane Personal Structure Variance

**Case Number:** VAR 2025-20

**Application Type:** Variance

**Applicant:** Thomas Clement

**Owner:** Thomas Clement

**Location:** The project site is located directly across from 347 Dogwood Lane

**Property ID #(s):** 3281-83-7694-0000

**Description:** Mr. Thomas Clement has applied for a variance to reduce the front yard setback for a Personal Structure (non-commercial) from 30 feet to 10 feet.

**Current Zoning:** RP, Residential Performance

**Board of Adjustment:** April 16, 2025

**Included:** Application & Narrative

# APPLICATION

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## Variance Submission

Applications will be considered for the Board of Adjustment hearing and reviewed by Staff only when deemed complete. The application will be regarded as incomplete until the following items are received by the Planning and Community Development Staff.

1. \_\_\_\_\_ **Signed Application**
2. \_\_\_\_\_ **Payment**  
\$250 (online payment preferred, invoice generated upon receipt of application)
3. \_\_\_\_\_ **Narrative**  
A narrative shall be submitted to include the specific Ordinance Section for the requested variance.
4. \_\_\_\_\_ **Digital Submission**  
For all documents submitted in paper copy, provide a digital version. These may be emailed or uploaded to a share folder. **Physical media such as CD or USB drives will not be accepted.**
5. \_\_\_\_\_ **List of Property Owners Within 500'**  
A numbered list of names and addresses, **including the applicant, the owner, and owners** of all properties located within 500-feet of the perimeter of the project bounds of the property under consideration as obtained from the county tax listings and tax abstract. Instructions to obtain list of addresses available on Pender County's website on the Planning and Community Development page.
6. \_\_\_\_\_ **500' Buffer Property Envelopes**  
The applicant shall provide a set of business envelopes **addressed to the applicant, the owner, and each of the owners** of all properties located within 500-feet of the perimeter of the project bounds and accompanied with first class postage adhered. Do not include return address or company branding on envelopes.

I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant

Handwritten signature of Thomas M. Clement in blue ink.

Date March 3, 2025

Printed Name

Thomas M. Clement

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## VARIANCE APPLICATION

### 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 in 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. The Board of Adjustment may grant variances in the following special circumstances, as indicated elsewhere in this Ordinance.

### 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, and 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.

Variance Process



**Submit Completed Application  
and Site Plan to Administrator**

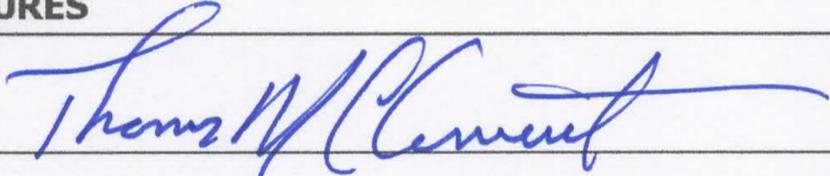
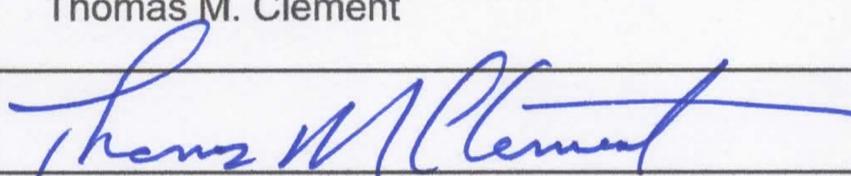


**Board of Adjustment Meeting**



**Decision Rendered by Board**

## APPLICATION FOR VARIANCE

SECTION 1: APPLICANT INFORMATION			
<b>Applicant's Name:</b>	THOMAS CLEMENT	<b>Owner's Name:</b>	THOMAS CLEMENT
<b>Applicant's Address:</b>	347 DOGWOOD LANE	<b>Owner's Address:</b>	347 DOGWOOD LANE
<b>City, State, &amp; Zip</b>	HAMPSTEAD, NC 28443	<b>City, State, &amp; Zip</b>	HAMPSTEAD, NC 28443
<b>Phone Number:</b>	301-748-5910	<b>Phone Number:</b>	301-748-5910
<b>Email Address:</b>	Tmclement@yahoo.com	<b>Email Address:</b>	Tmclement@yahoo.com
<b>Legal relationship of applicant to landowner:</b> I am the Landowner			
SECTION 2: PROJECT INFORMATION			
<b>Property Identification Number (PIN):</b>	3281-83-9651-0000	<b>Total property acreage:</b>	0.12 Acres
<b>Zoning Classification:</b>	RP	<b>Variance Size:</b>	N/A
<b>Variance Location &amp; Address</b>	Parcel opposite 347 Dogwood Ln	<b>Township:</b>	N/A
		<b>Water Provider</b>	N/A
<b>Describe Variance:</b>	Pender UDO Sections 4.14 and 5.3.12R	<b>Waste Water Provider:</b>	N/A
	Reduce the required Front Yard Setback from 30 ft to 10 ft	<b>NAICS (if applicable):</b>	N/A
SECTION 3: SIGNATURES			
<b>Applicant's Signature</b>		<b>Date:</b>	March 3, 2025
<b>Applicant's Name Printed</b>	Thomas M. Clement	<b>Date:</b>	March 3, 2025
<b>Owner's Signature</b>		<b>Date:</b>	March 3, 2025
<b>Owner's Name Printed</b>	Thomas M. Clement	<b>Date:</b>	March 3, 2025

# **NARRATIVE**

**To:** Pender County Board of Adjustment

**From:** Thomas M. Clement  
347 Dogwood Lane  
Hampstead, NC

**Concerning:** Variance to Ordinance Sections:

4.14: Zoning District Dimensional Requirements, Reduce Front Setback from 30 to 10 Feet  
5.3.12R: Uses with Standards, Personal Structure (non-commercial)

**Subject Parcel:** 3281-83-7694-0000 (No assigned address)

**Applicability:**

- A. There are special conditions of this property, outlined below, that would make strict enforcement of the ordinance impractical, environmentally impactful and a nuisance. Approval of the requested variance would maintain harmony in the neighborhood.
- B. The Board of Adjustment is authorized to waive the requirements requested in this Variance Application.
- C. This variance is simply regarding a setback from Dogwood Lane and does not affect its permitted use, which includes a garage for the home at 347 Dogwood Lane.
- D. This request does not change the maximum density on this lot.
- E. This request for a variance is not the result of any actions taken by me, the Owner, and has no economic impact.

**Findings:**

I purchased my home at 347 Dogwood Lane in May of 2018. The purchase included a "Garage Lot" behind my home separated by a private gravel road owned by the Dogwood Lane residents. At that time we discovered that the Ordinance did not allow a garage on this separately platted parcel.

1. Zoning Text Amendment ZTA 2024-24 to the Ordinance now allows us to build a garage on this parcel. The Ordinance, however, requires a 30-foot setback from Dogwood Lane. Special Conditions exist that render the setback requirement to be an unnecessary hardship for the following reasons:
  - a. The homes and garages on Dogwood Lane were constructed between 1970 and 1990. The structures on the West side of Dogwood Lane (Garage Lots) sit between 6 and 12 feet off Dogwood Lane (see pictures). Placing my garage 30 feet deep in the lot would be extremely unusual and inconsistent with the neighborhood and the intended use of this parcel.
  - b. The subject garage lot borders Topsail Sound marshes to the Southwest. It is in the interest of the local environment to locate a new structure closer to the road and away from this environmentally sensitive area.
  - c. The subject garage lot slopes down significantly from Dogwood Lane toward the Topsail Sound marsh. Placing the structure closer to Dogwood Lane at the lot's highest elevation provides greater protection from flood damage, consistent with the County's objective of minimizing flood damage risk.

- d. The home of David and Leslie Garces is directly behind this lot (see photo). Placing any new structure 30 feet set back from Dogwood Lane would impair their view and enjoyment of their property. Their preference is to have a garage placed as far from their front door as possible. My preference is to maintain harmony in the community and not to aggravate my neighbors.
    - e. A garage in accordance with the Ordinance would have a 30-foot concrete driveway, three times the surface area of a 10-foot driveway, causing significantly more stormwater runoff into Topsail Sound. Environmental hardship can be reduced by changing the roadside setback requirement from 30 feet to 10 feet.
2. The hardships above are a result of the unusual condition, size, and location of the lot. It made sense in the 1970's to place the private road between homes and garages. Separating the garage lot from the primary lot made the construction of a garage more restrictive. The minimal size of the lot, only 5,338 square feet, renders the lot impractical for many other uses. The only hardship for me personally would be becoming a nuisance to my neighbors.
3. There have been no actions by me, the Property Owner, which created the hardships noted above. I purchased this property with assurances that a garage could be built on the lot.
4. It appears to me that this request for variance is consistent with the spirit and intent of the Ordinance, to create communities that are harmonious, safe, consistent, and fair.

**Attachments:**

- Pender County GIS Maps of Subject Parcel: 3281-83-7694-0000
- Survey of the subject parcel indicating topography elevations
- Pictures of the garages and sheds on the West side of Dogwood Lane
- Google map of the surrounding area, including the Topsail Sound marsh
- Picture of Garces home (346 Dogwood Ln) behind subject lot
- Survey Map with Topo – May 4, 2018 (Revised February 22, 2019)
- List of Property Owners within 500 feet of Subject Parcel (Including GIS map)
- Stamped and addressed envelopes to each property owner on above list (Hand delivered)