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PENDER PLANNING DEPT.

**Song Bird Landing Subdivision
Variance Application Narrative**

Sept. 29, 2017

Overview:

Song Bird Landing's Preliminary Plat was approved on October 12, 2016. One of the approval conditions was for the first phase of this development which includes fifty-eight lots to make roadway connection to Red Bird Lane to the south. This approval condition was required by the Pender County Unified Development Ordinance Articles 7.5.1.A.2 and 7.5.1.A.4. This application requests variance to these articles on the following basis in address of the required findings of fact:

- 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; **Roadway connection to the existing Red Bird Lane requires traversing a very wide ditch to connect an existing private dead end road to a planned private road network. The unnecessary hardship is the burden of those living on Red Bird Lane as being responsible for the maintenance of their road which will include the new culvert and embankment necessary to make the roadway connection across the ditch. The subdivider did not want the connection to Red Bird however understood it as required and prepared to proceed accordingly. The Plantation Point Homeowners Association which includes the residents of Red Bird Lane met with the subdivider to voice protest of the connection. They have presented the attached Petition in this regard.**
- 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; **The location and required roadway connection of this property to the private Red Bird Lane will benefit southern bound traffic expedited access to US 17. This connection will subsequently impose increased traffic hardship on the existing residents of Red Bird Lane.**
- 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; **The traffic and maintenance hardship created by the required roadway connection of Songbird Landing private road network to the also private Red Bird Lane is not proposed by, or agreeable to, the existing residents of Red Bird Lane.**
- 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. **Granting of this requested variance will reduce the public safety threat imposed by additional traffic on Red Bird Lane as well be justified by the fact that money escrowed to maintain the private road will not be used to make repairs required by the use of others not contributing.**