



Pender County

Agenda

Board of Adjustment Meeting

Wednesday, March 17, 2021 @ 9:00 AM
Pender County Public Assembly Room

	Presenter	Page
1. CALL TO ORDER		
2. ROLL CALL		
3. INVOCATION		
4. PLEDGE OF ALLEGIANCE		
5. ADOPTION OF AGENDA		
6. ADOPTION OF MINUTES		
BOA Meeting Minutes from January 27, 2021		3 - 10
BOA Meeting Minutes January 27, 2021 - Pdf		
7. PUBLIC COMMENT		
8. VARIANCE		
8.1. VAR 2021-03		11 - 20
VAR 2021-03 - Pdf		
9. DISCUSSION ITEMS		
10. NEXT MEETING DATE		
April 21, 2021 at 9:00 AM		
11. ADJOURNMENT		



Pender County
BOA Meeting Minutes from January 27,
2021

TO: Board of Adjustment
FROM: Travis Henley
DATE: March 17, 2021
SUBJECT: BOA Meeting Minutes from January 27, 2021

SUMMARY:

Board of Adjustment Meeting Minutes from January 27, 2021

ACTION REQUESTED:

To approve minutes



MINUTES
Board of Adjustment Meeting
Wednesday, January 27, 2021 Pender County Public Assembly Room 9:00 AM

MEMBERS PRESENT: Max Kipfer
Kyle Breuer
Andrew Olsen
Douglas Scott Rivenbark

MEMBERS ABSENT: Samantha Nelson
Jeffrey Snider

OTHERS PRESENT: Travis Henley, Planning Director
Trey Thurman, County Attorney
Tera Cline, Administrative Assistant
Other Staff and Members of the Public.

1 CALL TO ORDER

a) Meeting called to order at 9:03 AM

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ELECTION OF OFFICERS

a) County Attorney Trey Thurman opened the floor for officer nominations.

Kyle Breuer nominated Max Kipfer for Chairman.

Moved by Kyle Breuer, seconded by Andrew Olsen

Approved

	For	Against	Abstained	Absent
Max Kipfer	x			
Kyle Breuer	x			

Samantha Nelson				x
Andrew Olsen	x			
Douglas Scott Rivenbark	x			
Jeffrey Snider				x
	4	0	0	2

CARRIED.

- b) County Attorney Trey Thurman opened the floor for nominations for Vice Chairman.

Max Kipfer nominated Kyle Breuer for Vice Chairman.

Moved by Max Kipfer, seconded by Andrew Olsen

Approved

	For	Against	Abstained	Absent
Max Kipfer	x			
Kyle Breuer	x			
Samantha Nelson				x
Andrew Olsen	x			
Douglas Scott Rivenbark	x			
Jeffrey Snider				x
	4	0	0	2

CARRIED.

6 ADOPTION OF AGENDA

- a) Motion to adopt the agenda.

Moved by Kyle Breuer, seconded by Andrew Olsen

Agenda adopted

	For	Against	Abstained	Absent
Max Kipfer	x			
Kyle Breuer	x			
Samantha Nelson				x
Andrew Olsen	x			
Douglas Scott	x			

Rivenbark				
Jeffrey Snider				x
	4	0	0	2

CARRIED.

7 PUBLIC COMMENT

8 APPEAL

a) APPEAL 2020-05

Jirah Investments, LLC, applicant, on behalf of Jack Broadbridge, owner, is requesting an Appeal of an Administrative Decision. The appeal is of a decision to deny a subdivision request on the subject parcel, as well as a determination that the subject parcel is not a buildable lot, due to staff's determination that the subject parcel was not part of the platted Master Development Plan for Phase 1 of Belvedere Plantation and is part of an open space area per Map Book 16, Page 20 and Map Book 23, Page 143 of the Pender County Register of Deeds. The subject property is zoned PD, Planned Development zoning district and contains approximately ± 1.05 acres. The property is located at the intersection of S. Belvedere Drive (SR 1679) and Lakeview Drive (SR 1680). The property may be further identified by Pender County PIN 4203-84-2690-0000.

Travis Henley, Director presented the appeal and offered details that included the subject parcel location, background and the description of the appeal request. Mr. Henley explained to the board that the proposed subdivision of the subject parcel was received by Pender County Planning and Community Development in early September 2020. Based on the subject parcel's presence within the open space area of the Belvedere Plantation Master Plan staff communicated a refusal to accept the proposed subdivision. He also explained that the applicant was told that even with approval of the proposed subdivision, the subject property was still shown as open space and zoning permits would not be issued for development of the parcel. In addition, The Pender County Board of Adjustments voted at the November 13, 2019 meeting to uphold staff's denial of a zoning permit on another parcel of land.

The Board asked Mr. Henley if the well site on the plat map shown in the attachments was actually a well. Mr. Henley stated he was not aware of a well there. The board asked staff if there was any other reason besides the fact that it was not a numbered lot on the original Belvedere

Plantation Master Development Plan and was there a certain percentage of open space required at the time the Master Plan was development. Staff explained that when Belvedere Plantation was originally platted Pender County did not have zoning. It was not adopted until 1988 therefore the original Belvedere Plantation Master Development Plan was done to the standards that the developer wanted it to be.

County Attorney, Trey Thurman added that since zoning was not established when a lot of these developments were designed and built that they were simply listed as planned development under zoning guidelines.

The board asked staff what the procedure is if someone wants to subdivide a parcel in an established Master Plan. Would they have to present it and get approved by the planning board and adhere to current zoning laws? To include establishment of lot size, that is not being presented with this subdivision. Travis Henley, stated yes. The board stated that the Planning Board sets the parameters of density that is driven by lot size and unit number so an application like the case in question does not present any of those standards that should be approved by the appropriate governing body making it difficult for staff to accept a subdivision of this manner because staff does not have the authority to establish parameters such as lot size etc. Mr. Henley noted to the board that the appeal property is not shown on the Master Development Plan as buildable area.

Trey Thurman, County Attorney, administered the oath for all parties that desired to speak.

Mr. Thurman redirected to Mr. Henley that all that was in the application and presented thus far was accurate and true to the best of his knowledge.

Tyler Sugden, the applicant gave a brief background on his personal life and ambitions. He stated that his biggest concern is that the open space will become another development in the area. Mr. Sugden noted that Ironclad was brought in to save the open space (golf course) right before the owner was declaring bankruptcy. He then gave an overview of the deeds found associated with the parcel and noted his current surveyors observations. He also answered the earlier question in regards to a well being on the property. He stated that there was four pieces broken off for well sites and that a single well was built on Hole three. He shared in addition to the deeds a letter from Jack Broadbridge written to Patrick Davenport the Planning Director for Pender County at that time requesting clarification on zoning of the three parcels at that

time. On June 26, 2008 Mr. Davenport did confirm with Mr. Broadbridge that per zoning ordinances the parcels were permitted for single family dwellings. Mr. Sugden explain to the board that one of the three lots was denied appeal last year, the other was donated to Kiwanas Park. He referenced the appeal packet section 3.16.6 B. stating that a motion to reverse shall include a statement of specific reasons or findings that support the motion. He stated that in addition to the two general warranty deeds associated with the property which offer the highest protection to a buyer to convey the rights of the property based on his wife's real estate education. He states that according to the GIS system it is zoned residential as well as the tax records being paid as residential. Tyler stated there is president that you are able to modify the Master Plan using the exact same master plat plan that was shown in the presentation and that example is the .33 acres not shown on the original plat map and was broken off at some point. He states there is a house on this .33 acres and the board asked where the access is for that house. Mr. Sugden stated that he obtained a perk test and had the property surveyed.

The board confirmed with Mr. Sugden that he is currently not the land owner and Jack Broadbridge is and also confirmed that this property was not sold with the additional open space (golf course) that was recently sold. They also asked if he would ultimately purchase the land if the appeal is approved and Mr. Sugden stated yes and he would build two houses on the parcels. The board discussed what was done on the .33 acres that was used as an example by Mr. Sugden and the possible history of the parcel.

The board asked Trey Thurman how the determination letter from Patrick Davenport for example will effect future applications in regards to ordinances being changed after the determination is done. Mr. Thurman stated that if no action is taken in alliance of the determination then at that point the determination is not binding. The board confirmed that surrounding neighbors were notified of this request as well.

Mr. Sugden brought up to the board that if the appeal is not approved then this would most likely become a tax sale and North Carolina is a buy or beware state so if no one buys it this would be a liability to the county and maintenance cost. The board asked the attorney to address and Mr. Thurman stated that what happens after a tax sale is not in the ordinance to consider in an appeal proceeding.

Joyce Owens, President of the Belvedere Home Owners Association sections one and two, she presented on behalf of several immediate neighbors of the appeal parcel and state they were all in favor of staff's

decision to deny the subdivision and determining the lot as buildable. Ms. Owens appealed to the board on behalf of the Belvedere HOA to leave the parcel as is. She stated she had reviewed some maps and stated she did not see a well but saw a lot of irrigation going into that area and there had been flooding issues in Belvedere so having as much open space as possible would only help. The board asks Ms. Owens if the association has thought about purchasing it or maintaining the property themselves. She stated that no one has brought that to her attention.

The board asked staff if the parcel numbers listed on the determination letter from Mr. Davenport have been included in any other appeal processes. Staff verified that the first parcel listed in the determination letter was appealed by the applicant before and was denied and they are all zoned Planned Development.

Public Comment was closed at this time by the Chairman and the floor was opened for discussion.

Moved by Andrew Olsen, seconded by Douglas Scott Rivenbark

Motion for denial of Appeal

	For	Against	Abstained	Absent
Max Kipfer	x			
Kyle Breuer	x			
Samantha Nelson				x
Andrew Olsen	x			
Douglas Scott Rivenbark	x			
Jeffrey Snider				x
	4	0	0	2

CARRIED.

9 DISCUSSION ITEMS

- a) Travis Henley recommended to the board the possibility of meeting at least quarterly regardless if there is a case or not. Board agreed to meet quarterly unless a case is brought forward.

10 NEXT MEETING DATE

February 17, 2021 9:00 AM

- 11 ADJOURNMENT**
Chairman adjourned meeting at 10:17 AM



Pender County VARIANCE 2021-03

TO: Board Of Adjustment
FROM: Travis Henley
DATE: March 17, 2021
SUBJECT: VARIANCE 2021-03

SUMMARY:

L. Mark Loudermilk, AIA, applicant, on behalf of Homebuyers of Wilmington, LLC, owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 4.14, 'Zoning District Dimensional Requirements' and Subsection B.2)c) of Section 4.8.1, PD: Planned Development District. Specifically, the request is to seek relief from standards setting a maximum structure height of 35 feet for structures not within a regulatory Special Flood Hazard Area (SFHA). The applicant instead requests Note (2) of Section 4.14, Zoning District Dimensional Requirements to apply to development on the property, in conjunction with the preliminary flood maps. The subject property is Lot 1 of the Eagle's Watch Subdivision and is zoned PD, Planned Development. The applicant is designing a detached single-family house for the parcel. Under the county's current regulatory flood maps, approximately a quarter of the parcel is within a Special Flood Hazard Area (SFHA). Under preliminary flood maps which are pending adoption, approximately half the parcel is within an SFHA. The Pender County Unified Development Ordinance offers height flexibility when a building is constructed in a regulatory SFHA. The applicant is requesting to apply that flexibility to SFHAs delineated on the preliminary flood maps.

ACTION REQUESTED:

Approval of Variance

ATTACHMENTS:

VAR-2021-03 Staff Report
VAR-2021-03 Application
VAR 2021-03 Narrative
VAR 2021-03 Site Plan

PLANNING STAFF REPORT VARIANCE REQUEST

SUMMARY:

Hearing Date: March 17, 2021
Applicant: L. Mark Loudermilk, AIA
Property Owner: Homebuyers of Wilmington, LLC
Case Number: VAR 2021-03

Property Location and Description: The subject property is located at the terminus of Iris Way (private), to the south of the cul-de-sac. There is one (1) parcel associated with this request totaling ± 2.49 acres and may be further identified by Pender County PIN 3292-87-3582-0000.

Zoning District of Property: The subject property is zone PD, Planned Development.

Variance Requested: L. Mark Loudermilk, AIA, applicant, on behalf of Homebuyers of Wilmington, LLC, owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 4.14, 'Zoning District Dimensional Requirements' and Subsection B.2)c) of Section 4.8.1, PD: Planned Development District. Specifically, the request is to seek relief from standards setting a maximum structure height of 35 feet for structures not within a regulatory Special Flood Hazard Area (SFHA). The applicant instead requests Note (2) of Section 4.14, Zoning District Dimensional Requirements to apply to development on the property, in conjunction with the preliminary flood maps.

BACKGROUND AND DESCRIPTION OF VARIANCE:

The subject property is Lot 1 of the Eagle's Watch Subdivision and is zoned PD, Planned Development. The applicant is designing a detached single-family house for the parcel. Under the county's current regulatory flood maps, approximately a quarter of the parcel is within a Special Flood Hazard Area (SFHA). Under preliminary flood maps which are pending adoption, approximately half the parcel is within an SFHA. The Pender County Unified Development Ordinance offers height flexibility when a building is constructed in a regulatory SFHA. The applicant is requesting to apply that flexibility to SFHAs delineated on the preliminary flood maps.



The Pender County Unified Development Ordinance contains several provisions which relate to the regulation of structure height:

Note (1) of Section 4.14, Zoning District Dimensional Requirements, states that, *dimensional standards in the Planned Development (PD) and Residential Mixed (RM) Districts are required to be specified on a Master Development Plan.*

Subsection B.2)c) of Section 4.8.1, PD: Planned Development District, states that, *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. As the Master Development Plan which includes this parcel did not propose a maximum height, the default requirement of 35 feet is enforced by staff.*

Note (2) of Section 4.14, Zoning District Dimensional Requirements, states that *Maximum Height requirements in the RA, RP, RM and PD Zoning Districts shall be allowed an additional 10' feet if located within any Special Flood Hazard Area (SFHA) at the calculation of five (5) additional feet in building height per every two (2) feet built above the regulatory flood prevention protection elevation, as defined in the Pender County Flood Damage Prevention Ordinance with building height at a maximum of forty-five (45) feet.*

Further, **Appendix A – Definitions** defines Height as *the vertical distance from the average street grade (at access) or finished grade at the building line, whichever is the highest, to the highest point of the building or roof structure.*

In more concise terms, the Unified Development Ordinance would allow a structure in this development to be constructed up to 35' in height, measured from the average street grade at access or finished grade at building height – whichever is highest – to the highest point of the building or roof structure. However, structures shall be allowed an additional 10 feet when located within an SFHA at increments of five additional feet for every two feet built above the regulatory flood protection elevation defined by Pender County.

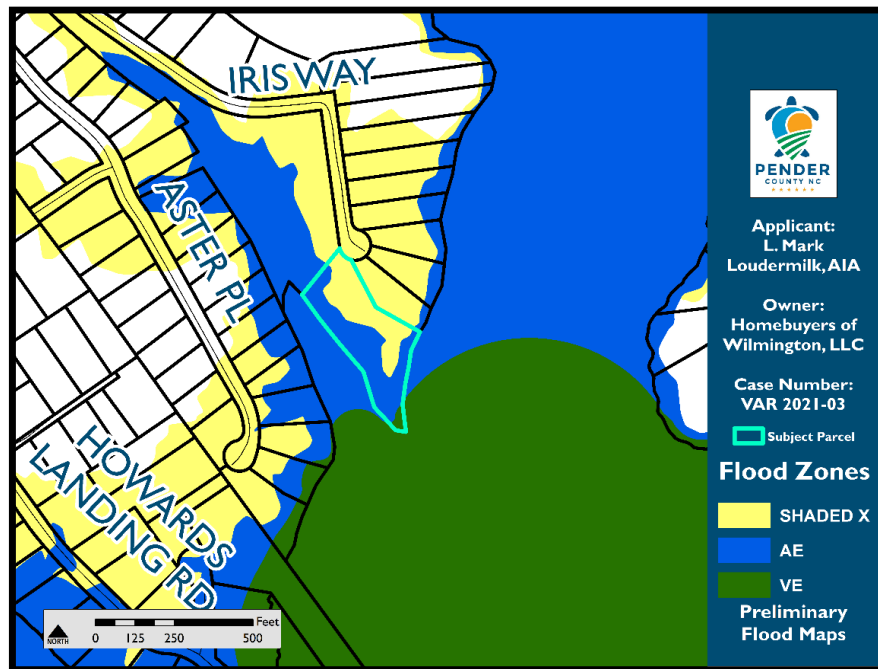


VAR 2021-03

The Pender County Flood Damage Prevention Ordinance defines Regulatory Flood Protection Elevation within a Special Flood Hazard Area as the base flood elevation (BFE) plus two feet of freeboard, which is additional elevation or floodproofing height above the BFE.

The current regulatory flood map for the subject parcel (Panel 3720329200J) has an effective date of 2/16/2007. Approximately ± 0.6 acres, or $\pm 24\%$ of the subject parcel, are within an SFHA on the effective flood maps based on staff desktop analysis. BFE in the AE zone mapped on this parcel is 10 feet above sea level.

On August 29, 2014, FEMA preliminarily issued updated flood maps for the area including the subject property. However, a number of property owners have filed appeals of the maps. These appeals are in the process of being adjudicated prior to local adoption of the preliminary flood maps as the new regulatory maps. Approximately ± 1.17 acres or $\pm 50\%$ of the subject parcel, are within an SFHA on the preliminary maps based on staff desktop analysis. BFE within the preliminary



AE zones on the property ranges between 12 and 13 feet above sea level.

A desktop analysis by staff found that existing elevation on the property is between approximately ± 10 and ± 14 feet above sea level in the area of the parcel on which the house is proposed according to the submitted site plan, which is attached to this report. A portion of the proposed structure is within the SFHA on the preliminary maps according to a survey provided by the applicant. However, the structure is not within an SFHA on the current regulatory flood maps.

The applicant is requesting a variance from the height standards for structures outside the regulatory Special Flood Hazard Area, requesting instead to be held to the height standards as if the preliminary Special Flood Hazard Area was already effective. Specifically, the applicant is requesting to construct the first floor of the home at 4 feet above the BFE and be held to a maximum structure height of 40 feet.

If a variance is granted by the Board of Adjustment; the applicant must still meet all requirements in Pender County's Unified Development Ordinance, including submitting all necessary permits prior to any administrative approval. Any neighborhood covenants or restrictions are private agreements not enforced by the County.

VAR 2021-03

ZONING ADMINISTRATOR'S CONCLUSION:

L. Mark Loudermilk, AIA, applicant, on behalf of Homebuyers of Wilmington, LLC, owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 4.14, 'Zoning District Dimensional Requirements' and Subsection B.2)c) of Section 4.8.1, PD: Planned Development District. Specifically, the request is to seek relief from standards setting a maximum structure height of 35 feet for structures not within a regulatory Special Flood Hazard Area (SFHA). The applicant instead requests Note (2) of Section 4.14, Zoning District Dimensional Requirements to apply to development on the property, in conjunction with the preliminary flood maps.

3.14 VARIANCE**3.14.1 Applicability**

- A. The Board of Adjustment may vary certain requirements of this Ordinance, in harmony with the general purpose of these regulations, where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical or result in a hardship in making reasonable use of the property.
- B. The Board of Adjustment may waive certain requirements when authorized to do so by provisions adopted as a part of this Ordinance.
- C. No variance shall be permitted that would have the effect of allowing a use not permitted in the use table of Section 5.2.3.
- D. No variance shall be permitted that would allow a project to exceed the maximum density as to number of dwelling units to the acre in a Zoning District. This maximum density shall be inclusive of any density bonus allowance or additional units in a planned unit development.
- E. The need for the variance cannot be a result of the owner's own actions and cannot be for strictly economic reasons.
- F. The Board of Adjustment may grant variances in the following special circumstances, as indicated in Section 3.14.7 of this Ordinance.

3.14.6 Burden of Proof

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.

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.

VAR 2021-03

- 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 _____

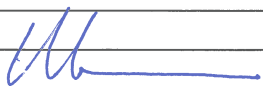
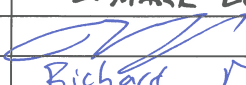
APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Kipfer _____ Breuer _____ Nelson _____ Rivenbark _____

ALTERNATES: Olsen _____ Snider _____

VAR 2021-03

APPLICATION FOR VARIANCE

THIS SECTION FOR OFFICE USE			
Application No.	VA 2021-03	Date	2/18/21
Application Fee	\$ 250	Invoice Number:	16169
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	L. MARK LOUDERMILK, AIA	Owner's Name:	Homebuyers of Wilmington, LLC
Applicant's Address:	3333 JAECKLE DR. STE. 120	Owner's Address:	562 IRIS WAY
City, State, & Zip	WILMINGTON, NC 28403	City, State, & Zip	HAMPSTEAD, NC 28443
Phone Number:	(910) 622-0765	Phone Number:	910-297-3519
Email Address:	mloudermilk@	Email Address:	rich.morgan@
Legal relationship of applicant to landowner: AGENT <u>beckermorgan.com</u> <u>homevestors.com</u>			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3292-87-3582-0000	Total property acreage:	2.49
Zoning Classification:	PD	Variance Size:	
Variance Location & Address	562 IRIS WAY HAMPSTEAD		
Describe Variance and amount or type requested:	5' INCREASE IN MAX. HEIGHT		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	2.2.21
Applicant's Name Printed	L. MARK LOUDERMILK, AIA	Date:	2.2.21
Owner's Signature		Date:	
Owner's Name Printed	Richard Morgan	Date:	
NOTICE TO APPLICANT:			
- The Board of Adjustment shall review applications for a variance and shall be the approving authority for all requirements. - All applicants seeking a variance shall schedule a pre-application conference with the administrator to discuss the procedures, standards, and regulations required for variance approval. - An application for a variance shall be submitted in accordance with application requirements. - Once the application has been determined complete, the Administrator shall schedule a public hearing and give notice to adjoining/abutting property owners and aggrieved parties in the form of applicant supplied #10 envelopes with paid first class postage. - The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below (Findings), as well as the burden of persuasion on those issues. - Applicant must also submit the information described in the Variance Checklist provided below. - Applicant or agent authorized in writing must attend the public hearing. - Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Adjustment agrees to table or delay the hearing.			
OFFICE USE ONLY			
☒ VA Fees \$250		Total Fee Calculation \$	
Payment Method :	Cash : ☐ \$	Credit Card: ☐ Master Card ☐ Visa	Check: ☒ Check # 4072
Application received by: <u>Shore</u>		Date: 2/18/21	

Application completeness approved by:	Sam Shore	Date:	2/18/21
Date scheduled for public hearing:	3/17/21		



ARCHITECTURE
ENGINEERING

PLANNING OUR
CLIENTS' SUCCESS

February 5, 2021

Pender County Board of Adjustment
805 S. Walker Street
Burgaw, NC 28425

Re: **562 IRIS WAY HAMPSTEAD, NC**
Pender County Application for Variance

To Whom It May Concern:

Becker Morgan Group represents Homebuyers of Wilmington, LLC, the owner of this property. They are intending to construct a single-family home on this site. Please refer to attached survey provided by Charles F. Riggs & Associates, Inc. and dated January 14, 2021. The new, preliminary FEMA flood zoning information is shown. Evident from these lines, once the new maps are adopted by Pender County, a considerable portion of this property will fall within an AE-12 zone.

In anticipation of the adoption of these maps, we are requesting to construct the home at a first-floor level of 2' above what would be required once this happens. In other words, 12' + 2' free board + 2' additional feet, or 16' above sea level. We are requesting an additional 5' in the height of the home to accommodate these anticipated floor maps, for a maximum height of 40'. This will assist the owners in keeping the costs of insuring the home to minimum levels given the property's adjacency to water.

Sincerely,

BECKER MORGAN GROUP, INC.

L. Mark Loudermilk, AIA
Senior Associate

Enclosure: Boundary Survey & Preliminary Plot Plan, 1/14/21

202024600_ApplicationforVariance_narrative.docx

BECKER MORGAN GROUP, INC.

3333 JAECKLE DRIVE, SUITE 120
WILMINGTON, NORTH CAROLINA 28403
910.341.7600

PORT EXCHANGE
312 WEST MAIN STREET, SUITE 300
SALISBURY, MARYLAND 21801
410.546.9100

309 SOUTH GOVERNORS AVENUE
DOVER, DELAWARE 19904
302.734.7950

THE TOWER AT STAR CAMPUS
100 DISCOVERY BOULEVARD, SUITE 102
NEWARK, DELAWARE 19713
302.369.3700

www.beckermorgan.com

I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS SHOWN HEREON IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS: 1:10,000.1

CHARLES FRANCIS RIGGS P.L.S. L-2987

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "X", WHICH IS NOT A SPECIAL FLOOD HAZARD AREA AND FLOOD ZONE "AE", WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM, COMMUNITY PANEL NUMBER 370344-3720322000J, FEBRUARY 16, 2007.

EFFECTIVE

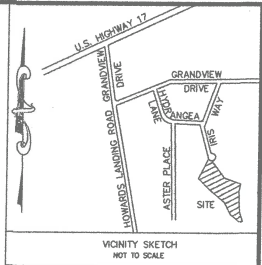
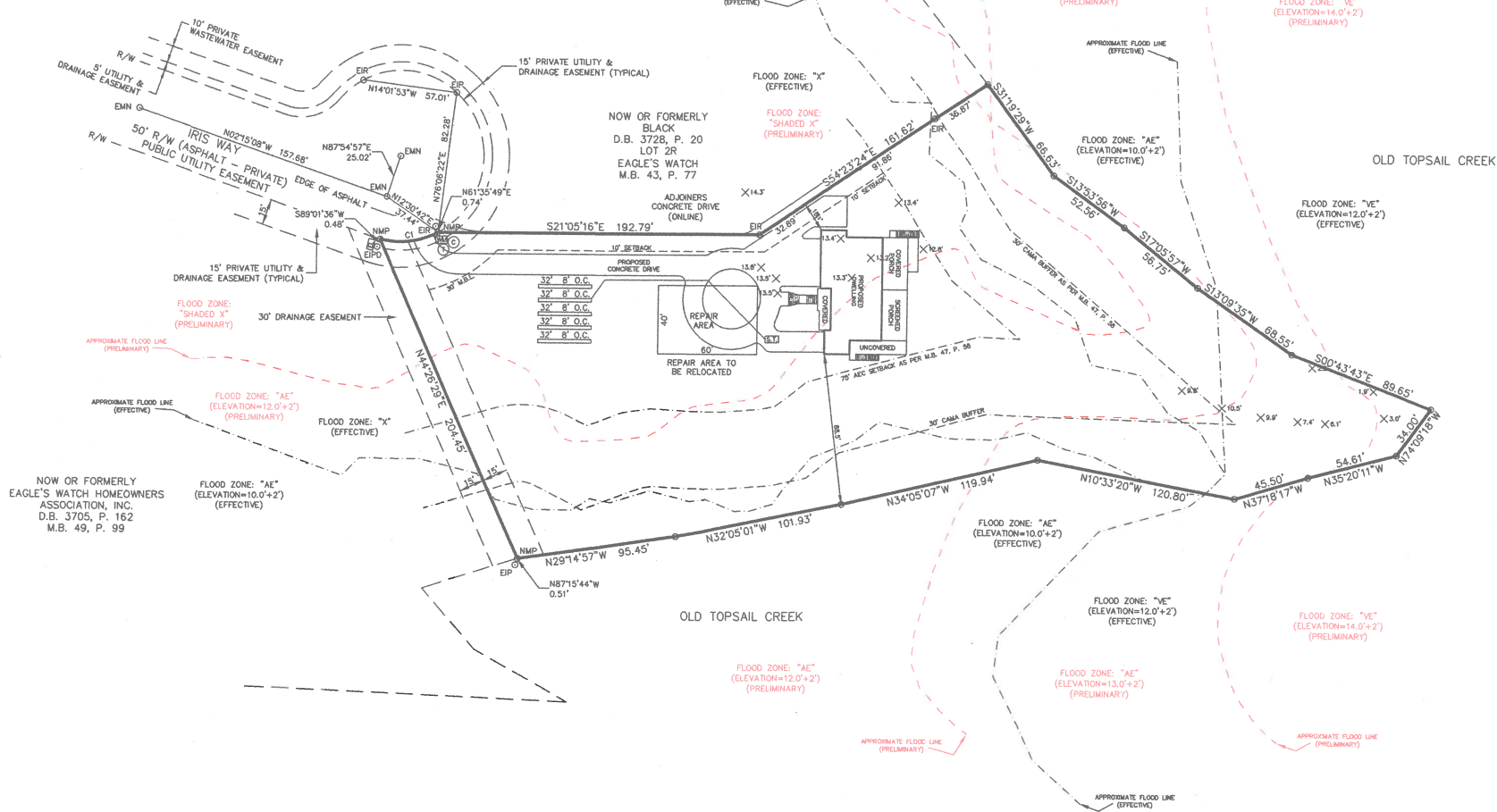
THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "SHADED X", WHICH IS NOT A SPECIAL FLOOD HAZARD AREA AND FLOOD ZONE "AE", WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM, COMMUNITY PANEL NUMBER 370344-3720322000K, AUGUST 29, 2014.

PRELIMINARY

PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES OR SALES

NOTE
PROPOSED DWELLING WITHOUT EAVES = 3316 Sq.Ft.
PROPOSED CONCRETE DRIVE = 5240 Sq.Ft.
PROPOSED TOTAL IMPERVIOUS SURFACE = 9256 Sq.Ft.
TOTAL LOT AREA = 33263 Sq.Ft.
PROPOSED IMPERVIOUS AREA = 10.2%

NOTE
PROPOSED DWELLING WITHIN 75' AEC = 0 Sq.Ft.
PROPOSED CONCRETE DRIVE WITHIN 75' AEC = 0 Sq.Ft.
TOTAL IMPERVIOUS SURFACE WITHIN 75' AEC = 0 Sq.Ft.
TOTAL LOT AREA WITHIN 75' AEC = 33263 Sq.Ft.
PROPOSED IMPERVIOUS AREA WITHIN 75' AEC = 0%



TOTAL AREA:
90562 Sq.Ft.
2.079 ACRES

PLAT SETBACKS (SHOWN)
FRONT = 25'
REAR = 15'
SIDE = 10'
LOTS WITH A.E.C. (75' A.E.C. SETBACK)
(DEVELOPER REQUIRES A 30' FRONT SETBACK)

ZONED PD
ZONING SETBACKS
FRONT = 25'
REAR = 15'
SIDE = 10'

OWNERS
HOMEBUYERS OF WILMINGTON, LLC.

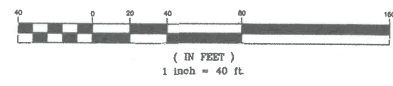
TITLE SOURCE
D.B. 4720, P. 1828

TAX MAP #
3282-87-3582-0000

REFERENCES
D.B. 3705, P. 1623
D.B. 3728, P. 20
D.B. 4813, P. 1880
D.B. 4720, P. 1828
M.B. 43, P. 77
M.B. 44, P. 51
M.B. 47, P. 56
M.B. 48, P. 99

LEGEND
CC = CONTROL CORNER
EQM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER)
EP = EXISTING IRON PIPE (FOUND)
ER = EXISTING IRON ROD (FOUND)
EMN = EXISTING MAGNETIC NAIL (FOUND)(CONTROL CORNER)
EPK = EXISTING PARKER-KALON NAIL (FOUND)(CONTROL CORNER)
ERRS = EXISTING RAILROAD SPIKE (FOUND)
MBL = MINIMUM BUILDING LINE
NMP = NON MONUMENTED POINT
R/W = RIGHT OF WAY
SCM = SET CONCRETE MONUMENT (CONTROL CORNER)
SIP = SET IRON PIPE
SIR = SET IRON ROD
SMN = SET MAGNETIC NAIL (CONTROL CORNER)
SPK = SET PARKER-KALON NAIL (CONTROL CORNER)
CL = CENTERLINE
WM = WATER METER
WH = WATER HYDRANT
WV = WATER VALVE
SSM = SANITARY SEWER MANHOLE
CP = CABLE PEDESTAL
TP = TELEPHONE PEDESTAL
TIP = TELEVISION PEDESTAL
FOCM = FIBER OPTIC CABLE MARKER
LP = LIGHT POLE
PP = POWER POLE
ETL = ELECTRIC TRANSFORMER
X1.5' = EXISTING SPOT ELEVATION

GRAPHIC SCALE



ACTUAL FIELD SURVEY DATE: JULY 13, 2020
MAPPING DATE: JANUARY 14, 2021
FIELD BOOK: 1125 PAGE: 30
PROJECT NUMBER: 20-07-15

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PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES OR SALES

BOUNDARY SURVEY & PRELIMINARY PLOT PLAN
FOR
HOMEBUYERS OF WILMINGTON, LLC.
LOT 1, EAGLE'S WATCH, M.B. 47, P. 56
TOPSAIL TOWNSHIP, PENDER COUNTY, NORTH CAROLINA
HOMEBUYERS OF WILMINGTON, LLC., OWNER; D.B. 4720, P. 1828
IRIS WAY