



MINUTES
Board of Adjustment Meeting
Wednesday, March 17, 2021 Pender County Public Assembly Room 9:00
AM

MEMBERS PRESENT: Max Kipfer
Kyle Breuer
Samantha Nelson
Jeffrey Snider

MEMBERS ABSENT: Andrew Olsen

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) Chairman Kipler called the meeting to order at 9:03 AM

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

a) Motion to adopt the agenda

Moved by Kyle Breuer, seconded by Jeffrey Snider

Motion 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 MINUTES

- a) BOA Meeting Minutes from January 27, 2021

Moved by Kyle Breuer, seconded by Max Kipfer

Motion 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.

7 PUBLIC COMMENT

- a) Trey Thurman, County Attorney, swore in all who were speaking.

8 VARIANCE

- a) VAR 2021-03

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.

Sam Shore, Planner II, presented the variance request on behalf of staff. Mr. Shore reviewed some key points from the staff report in regards to preliminary and effected FEMA flood maps. He showed the board what portion of the property would be effected in regards to both the preliminary and effected flood maps. He also reviewed the height maximum according the the Pender County Unified Development Ordinance in regards to parcels located in a flood zone and not in a flood zone. The board requested clarification on the site plan and where the structure will be located in the preliminary flood maps. The board asked if there was an anticipated adoption date of the new flood maps. Mr. Shore deferred to the Flood Plain Administrator.

The applicants representative Ernest Olds, AIA from Becker Morgan Group. Stated he was here to represent the client due to Mark Loudermilk no longer working for the company. He explained the site plan and what and where the line in the unapproved flood plain maps is located. Mr. Olds expressed to the board that the client would like the variance for landscape reasons and architectural reasons. He stated that 40 feet would be perfect for this house, so the plan is to elevate 2 feet over the requirement to gain the additional 5 feet over the ordinance height of 35 feet. The board requested to see a copy of the house plans and Mr. Olds had a printed copy he shared with the board. He went over the plans with the board. He also mentioned that it is relative to the curb line. That the lot is high at the curb line and falls off to the south of the property so the ground level of the house will be level with the street. The board asks the applicant if they had looked at other areas for septic tank location and was the position of the home a factor in that location. Mr. Olds stated that the position of the home relative to the position of other homes in the neighborhood being too forward or sideways in regards to the other homes in the cud-de-sac as well as elevation for view over trees etc were a factor in the septic tank location. The board requested the start and finish time of construction. Mr. Olds confirmed with the his clients and stated building would begin immediately and would not go past a year. The board requested to know if there were any minimum square footage regulations within the HOA of the

community. The applicants representative confirmed that the house does fall under the dimensional requirements of the HOA. The board also ask if there would be consideration of with holding a certificate of occupancy until the final flood maps are adopted or at the minimum the appeals process is complete. The board and Director Travis Henley discussed the time duration once the letter of determination for the flood maps is received. The board ask Travis Henley to explain his process once this request was received.

Mr. Henley, Director, explained that the way the note reads in the Unified Development Ordinance it specifically references effective flood maps. He stated that the relative acreage in the flood zone is increasing in the this specific case according to new flood plain maps but others are losing acreage so that is why the Unified Development Ordinance states effective flood maps in the note.

The board opened the floor for discussion. The board discussed what precedence would be set with approval of this project.

The board asked procedurally if the variance was not approved would the applicants just have to wait until the maps are adopted to build the design they have now? Trey Thurman, Attorney, stated that it would depend on what the map that is adopted shows.

Mr. Breuer entertained a motion to deny the request based on fining of fact number one, that based on 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. He continued to say he did not receive evidence that some sort of reasonable basis or use was determined. Samantha Nelson entertained a second to the motion to deny.

9 DISCUSSION ITEMS

Travis Henley, Director, stated there was no need for a BOA meeting on April 21, 2021 due to no case being brought forward.

10 NEXT MEETING DATE

April 21, 2021 at 9:00 AM

11 ADJOURNMENT

Chairman adjourned meeting at 9:40 AM