Pender County

Agenda

Board of Adjustment Meeting

Wednesday, January 19, 2022 @ 9:00 AM

Pender County Public Assembly Room

		Presenter	Page
1.	CALL TO ORDER		
2.	ROLL CALL		
3.	PLEDGE OF ALLEGIANCE		
4.	MOMENT OF SILENCE		
5.	ELECTION OF OFFICERS		
6.	ADOPTION OF AGENDA		
7.	ADOPTION OF MINUTES		
7.1.	Board of Adjustment Meeting Minutes for November 17, 2021 Meeting Minutes - Pdf		3 - 19
8.	PUBLIC COMMENT		
9.	VARIANCE		
9.1.	VAR 2021-07 VAR 2021-07 Bodie Point - Pdf		21 - 43
9.2.	VAR 2021-08 VAR 2021-08 Majestic Oaks Wastewater - Pdf		45 - 64
10.	DISCUSSION ITEMS		
11.	NEXT MEETING DATE February 16, 2022 9:00 AM 805 S. Walker Street Burgaw, NC 28425		
12.	ADJOURNMENT		

Pender County
Board of Adjustment Meeting Minutes
for November 17, 2021

TO:	Board of Adjustment
FROM:	Stephanie Jagoda
DATE:	January 19, 2022
SUBJECT:	Board of Adjustment Meeting Minutes for November 17, 2021

ACTION REQUESTED:
Approval of Minutes from November 17, 2021

ATTACHMENTS:
Board of Adjustment meeting minutes for November 17, 2021

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

MEMBERS PRESENT: Max Kipfer
Kyle Breuer
Samantha Nelson
Andrew Olsen
Jeffrey Snider

MEMBERS ABSENT: Douglas Scott Rivenbark

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

1 CALL TO ORDER
Chairman called meeting to order at 9:03 AM

2 ROLL CALL

3 PLEDGE OF ALLEGIANCE

4 MOMEMT OF SILENCE

5 ADOPTION OF AGENDA

a) Adoption of the agenda with Item number 7 approval of meeting calendar being moved to after Item 10 is complete.

Moved by Kyle Breuer, seconded by Andrew Olsen

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			
	5	0	0	1

CARRIED.

6 ADOPTION OF MINUTES

a) Board of Adjustment meeting minutes for June 16, 2021 and Special Meeting June 25, 2021

Moved by Kyle Breuer, seconded by Jeffrey Snider

Motion to approve

	For	**Against**	**Abstained**	**Absent**
Max Kipfer	x			
Kyle Breuer	x			
Samantha Nelson	x			
Andrew Olsen	x			
Douglas Scott Rivenbark				x
Jeffrey Snider	x			
	5	0	0	1

CARRIED.

7 ADOPTION OF MEETING CALENDAR

a) Board of Adjustment 2022 Meeting Calendar

Travis Henley, planning director, requested to know if the Board of Adjustment is still ok to meet on 3rd Wednesday of the month at 9AM? The Director states that other counties meet in the evening or later in the afternoon. The Chairman states that 9AM works for him and Vice Chairman Breuer agrees and states that for publics participation 9AM may be a difficult time but that the cases they hear are very direct and because of that having it during normal business hours is appropriate. Board Member Andrew Olsen has more of a problem with day of the week not the time. Vice Chairman Kyle Breuer suggests that based on the case load could the meeting be held in a different location within the county. Board Member Samantha Nelson states that as long as we have a quorum we should stay with what we have.

The Chairman reiterates that if there is a known conflict let staff know immediately so they can go ahead and reschedule and move things, so that applicants are being told at the last minute of a cancellation.

Kyle Breuer, Vice Chairman, makes a motion to accept the 2022 Meeting schedule except for the December meeting. December 2022 meeting will move from December 21 to December 14. Second by Andrew Olsen.

Moved by Kyle Breuer, seconded by Andrew Olsen

Vote to approve with the exception of December 21, 2022 Meeting date changed to December 14, 2022

	For	**Against**	**Abstained**	**Absent**
Max Kipfer	x			
Kyle Breuer	x			
Samantha Nelson	x			
Andrew Olsen	x			
Douglas Scott Rivenbark				x
Jeffrey Snider	x			
	5	0	0	1

CARRIED.

8 PUBLIC COMMENT

9 VARIANCE

a) VAR 2021-05

Carlene Shaw, Planner I, presented on behalf of the applicant. Chris Jones, applicant, on behalf of Hampstead Self Storage, LLC, owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Sections 8.1.3 Tree Survey Required. Specifically, the request is to seek relief from the mitigation requirements for the removal of significant trees. The subject property is located on the northern side of Williams Store Road, approximately 260 feet southeast from its intersection with US HWY 17 in the Topsail Township. The subject property is current vacant and wooded, with two Duke Energy Progress overhead powerlines running East-West and North South, perpendicular to each other. The applicant is requesting a variance from the requirement of mitigating all removed

Significant Trees at a 2 to 1 ratio. According to Section 8.1.3 'Tree Survey Required' of the Pender County Unified Development Ordinance (UDO), a tree survey is required for any development proposal on commercial or industrial zoned property, as well as in all mixed-use districts. In addition, if any significant tree is proposed to be removed, such removal shall be mitigated by the planting on site of two trees of the same species with a minimum caliper of 2" or greater.

Chris Jones, applicant, managing member of Hampstead Self Storage, LLC stated there are 75 to 80 significant trees that will need to be removed during development. While the applicant plans to replant as many trees as possible on site, replacement planting of 150+ trees is not practical nor warranted. It appears to the applicant that this ordinance was designed to preserve and/or replace the usual limited number of significant trees on a given property. It is most unusual to find property with this number of significant trees on it and it seems to me that the ordinance was not written with this fact pattern in mind. We have submitted a site plan that complies with the ordinance. We changed the required setback of ten feet to twenty feet to allow for more room for planting. We also changed the planned relocation of the Duke Progress power lines from the perimeter of the property to below the proposed internal driveways. The result of this plan is that we end up planting trees in very close proximity to each other, much closer than is recommended. A consequence of this close planting is that as these trees grow, they will be growing into each other causing disease and destruction of healthy trees. Another result is that the aesthetic enhancement that these trees could offer is compromised. With the replanting of some of the existing species of trees, there will be no shortage of trees remaining on the property. Additionally, there are a number of significant other trees across the front of the property that will be preserved and enhanced. There is one tree that is thirteen feet in circumference, six feet in diameter on the eastern perimeter of the property, which is being preserved at the cost of some significant developable land. Our request for a variance would allow us to re-plant or newly-plant trees around the perimeter of the property as much as practical but consistent with the recommended spacing between the trees. This would result in a planting of perhaps 30 trees instead of the 150+ trees required by the ordinance.

Samantha Nelson, Board member, asked if the 77 trees in question how many of these trees can be replanted onto the property using applicant's layout? Applicant indicated that he could put 40 to 45 around the perimeter if he could do them 30 feet apart and will supplement with understory trees. Applicant stated that over planting or planting to close will not provide the vision wanted for the future of this application.

Kyle Breuer, Vice Chairman, asked Attorney Trey Thurman, if it is proper for this board to consider payment in lieu of for additional trees if there's not a specific ordinance language that can help clarify or direct the board? It is Attorney Thurman's understanding to allow or impose conditions that are inherent, it doesn't come up nearly as much for variances but does with special use permits that you know are a conditional zoning that you have, and I there just would be an inherent power of the board that is addressed by statute. Samantha Nelson, Board Member, asked the attorney "How specific can the board be as to where that money can go" Attorney Thurman replies "Any and all spending by the county is governed by the board of Commissioners. Monies can be put into a special use fund but will still need to be approved by the County Commissioners to use."

Max Kipfer, Chairman, indicated the issue is the quantity of trees, if we were to say whatever that the quantity of these trees must go this department it must be planted in these areas so it's not dollars its trees. Attorney Thurman explains that gets into how the parks are governed. Chairman Kipfer asked "would there be a "bank of trees" to be used?" Attorney Thurman suggested a dollar amount per tree should be determined instead of a per tree?
Andrew Olsen, board member, wonders should there be an excuse from the legislation but Travis Henley, planning director stated that is what a variance is.

Applicant stated that it is not healthy for the trees but can following the zoning as required. He is saving the big trees, but the sampling of the trees is just a scrubby tree 6 to 8 inch that has grown up under the big, tall pine trees. We can replace the appropriate number of trees; it has a lot of damaged and downed trees. Carlene Shaw, planner I, indicates the applicant would have to put 2 for every 1 tree. There are many different species. If there are 40 live oaks being replanted within the buffer area would make sure to log what was left over. Gideon Smith, senior planner, stated research as was done through several different nurseries then an average was taken of per each tree.
Jeff Snider, board member, questions if any consideration for saving two trees on the corner that you're talking about are beautiful trees, are there any more trees on the lot the same size or larger that are to be preserved.

Applicant stated that the larger tree is being preserved and is unaware of any additional large tree in the clear-cut area. Applicant stated that the tree in question is only a 14-inch trees.

Gideon Smith, senior planner, interjects restating the applicant did consider trying to save the larger species prior to rather than just cutting all the trees, was consideration to save specific ones and possibly discussion of relocating those trees. Chris Jones, applicant, replies with they tried within the constraints of our development plans working with his grading contractor about replanting several of the bigger trees. Putting a well on property to irrigate whatever plantings we do. Mr. Jones stated they have done a lot – they doubled the buffer around the property, redone the powerlines, try replant some of the trees, then we have to underplant with more trees and shrubberies that will look nice, we are preserving the trees that we can, and think will live and feels they have put forth a pretty reasonable effort to try to meet the ordinance. Chairman Kipfer asked "you are anticipating having to take out 77 significant trees and you are proposing to replace with somewhere between 40 to 45 – that is correct per Jones." But you do not know specifically? Should the variance be approved, he would have a more accurate number and more specifics based on what this board allows for him to do.

Kyle Breuer, vice chairman, suggested 40 feet spacing and the applicant agrees it would promote healthier trees. Applicant again says he will pay the county for trees to be planted. Chairman Kipfer asked about the well for irrigation, Gideon Smith, senior planner, stated that it is part of the ordinance that water be within 75 feet of planting area.

Marvin Filley, 74 Williams Road – Is concerned with the placement of the storage facility in a residential area. Also, needs to know if there will be trees up so he cannot see the facility. Carlene Shaw, planner I, stated the parcel is zoned General Business. Gideon Smith, senior planner, indicated that there were different types of buffers, shrubbery, trees, and fencing. Fencing is required for any business adjacent to a residential lot. Chairman Kipfer suggested he voice his concerns to the applicant and work with him.

Charles Bush, 115 Williams Road – Is concerned this will severely impact the value of his property as the trees have been clear cut right up to his property line. He is also concerned with the wildlife residing at this location. Andrew Olsen, board member, questionedactual location of Mr. Bush's property which is located next to the pond. Jimmy Fentress,Survey Engineer with Stroud Engineering said there was a buffer along the property line and panel fence and trees could be placed there. And would be willing to work with staff to enhance the buffers in that area. Willing to work with the neighbors to create something that is palatable as possible. Chairman Kipfer asked what type of fencing

would be placed and staff answered a 6-foot-tall solid wood fence and will make it part of the conditions.

Kyle Breuer, vice chairman, motioned to grant the variance for relief from the mitigating trees. Several items need to be put into the conditions: 1 – Being the mitigating trees be provided to the county with the county's discretion for planting and the factors in which staff should be directed to look at utilizing independent resources from the surrounding nurseries or jurisdictions to obtain a financial tied to the final amount of trees that are being mitigated understanding the attorneys advice about commissioners making the ultimate decisions for financial expenditures this may be somewhat subjective Trey Thurman, attorney, stated he would plead that placement of mitigating trees be located within the same watershed if we possibly could look at that from staff. 2- Buffers are provided meeting the ordinance standards along the entire boundary of the property to provide adequate buffering for neighbors. Chairman Kipfer mentions the discussion of spacing to be set at a minimum of 30 feet maximum of 40 feet. 3 – Applicant to work with staff to provide adequate spacing within that 100 lineal feet the number of canopies per that distance and if the board is so inclined to direct staff to look at and work with the Planning Board providing a payment in lieu option of significant tree mitigation as opposed to the hard and fast two to one understanding that circumstances sometimes many not be appropriate and think that's something that surrounding jurisdictions have reviewed and applied flexibility but also maintaining the credibility of our ordinance.

Samantha Nelson, board member, seconded allowing this variance relief with the proposed conditions of everything that was stated and stressed the importance to keep any of the trees that might be planted outside of this site be under the same watershed area or relatively close. Also wants to make sure that we do get that that buffer all away around and the proposed spacing of trees 30 to 40 feet.

Chairman Kipfer asked what should be the process if the transplanted trees do not survive? Andrew Olsen, Board Member, suggested that something should be built into the ordinance that it should either be maintained or replaced, Travis Henley, Planning Director indicates there is already stated in ordinance he read into the record "dead or diseased planting shall be removed unless specifically exempted, replacement planting shall be provided for any required plants which die or are removed for any reason and shall meet all minimum requirements."

Moved by Kyle Breuer, seconded by Samantha Nelson

Vote to approve variance

	For	Against	Abstained	Absent
Max Kipfer	x			
Kyle Breuer	x			
Samantha Nelson	x			
Andrew Olsen	x			
Douglas Scott Rivenbark				x
Jeffrey Snider	x			
Tera Cline				x
	5	0	0	2

CARRIED.

b) VAR 2021-06

Carlene Shaw, planner I, presented on behalf of the applicant Demetrius Batts. The applicant and owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 4.14, 'Zoning District Dimensional Requirements'. Specifically, the request is to seek relief from the RP, Residential Performance zoning district minimum yard setbacks. The subject property is located at the terminus of the Hardison Drive right-of-way, approximately 500 feet southeast of its intersection with US HWY 17 in the Topsail Township. The subject property is Lot 12-A of the Family Subdivision for Lee Edward and Mary E. Batts as recorded at Map Book 66 Page 118 of the Pender County Registry. The subject property is currently vacant, with the western portion remaining wooded, and the eastern portion being cleared. The applicant is requesting a variance from the minimum front and rear yard setback requirements in the RP, Residential Performance Zoning District. Section 4.14 'Zoning District Dimensional Requirements' of the Pender County Unified Development Ordinance (UDO) outlines the minimum setbacks for the RP, Residential Performance zoning district. Staff has provided these minimum standards as well as the proposed standards associated with this request. The applicant has also submitted three other possible scenarios for the location of the proposed dwelling. Alternative Option 1, having the dwelling facing the north, would inhibit the applicant from being able to have a back porch due to additional required setback encroachment.

Demetrius Batts, applicant, stated that his preference is to have the primary option of the variance because that allows him to have a front porch as well as a back porch and not be in the setbacks.

Chairman Kipfer stated that his preference would the house on an angle facing allowing for front and back porch but leaves seven (7) feet from what the future cul-de-sac. Those gravel roads lead to three other homes. Kyle Breuer, vice chairman, asks “Is Hardison beyond the cul-de-sac are those easements that are providing access, these ones not just they’re not just a gravel drive but she actually mapped and recorded that way.” Mr. Batts indicated they were. Carlene Shaw, planner I, from our research we see the easement on the plats recorded but we have not been able to find anything that says legal access. Chairman Kipfer, says “ I guess as long as we are talking about the easement this isn’t really particularly on of the variance but are any of those folks who have to use those gravel drives to get to their houses at all favorable to the idea of combining some of those through your property before they turn off is there any way to do that so you’d have less of your property covered with gravel that other folks are using. Mr. Batts answered “Nobody had any objections against it, but the road is cutting the part of my property off yes and I’m still allow that, its family property. It has been divided but I am not going to block the road off. Chairman Kipfer wondering if there was any discussion about the possibility of neighbor’s consolidation of gravel driveways. Kyle Breuer, Vice Chairman, stated he thought it was mentioned in the staff report about the location of the septic field for this residence and can you please verify, that was the only area suitable to accommodate the waste coming from the house. Mr. Batts indicating that the inspector came out and tested 3 different area’s and that was the only one that would work, and the septic system has been installed. Chairman Kipfer acknowledged the system has been installed.

Chairman Kipfer asked if any more questions for the applicant. Jeff Snider, board member, requested to know what is behind there and then asks for the aerial to be put back up. Travis Henley, Director, stated the lot is about a 3 2/3-acre tract total and a manufactured home at this area adjacent to 17. Chairman Kipfer asks if there is any further discussions?

Rudolph Batts, 145 Hardison Dr., resident voiced his opposition.

Kyle Breuer, vice chairman, stated he is prepared to make a motion, to grant the variance. Andrew Olsen, board member, seconded the motion that was made. Samantha Nelson, board member, stated she is concerned about the safety of the home’s occupants.

Moved by Kyle Breuer, seconded by Andrew Olsen

Vote to approve variance

	For	Against	Abstained	Absent
Max Kipfer	x			
Kyle Breuer	x			
Samantha Nelson		x		
Andrew Olsen	x			
Douglas Scott Rivenbark				x
Jeffrey Snider	x			
Tera Cline				x
	4	1	0	2

CARRIED.

10 APPEAL

a) APPEAL 2021-06

Kyle Breuer, Vice Chairman, asked if it's appropriate to establish a baseline for standing at this moment as to are we going to require anybody who signs up that wants to speak. Attorney Thurman indicates that it would be up to the board to decide if the speaker has the proper credentials or some type of expertise to speak on the subject. Kyle Breuer, Vice Chairman asked if the applicant's council stands up and says "I don't think they have standing then we are going to have to determine." Chairman Max Kipfer stated that is basically what he understands as well. Attorney Thurman stated that it quasi-judicial and it would be handled, in this case as you are sort of the judge.

Kyle Breuer, vice chairman, requested to make everyone aware that he has heard these types of cases as part of his prior position here at the county. Not this property and I don't feel there is any sort of bias, and this is no issue for to me to hear the case and weigh upon it. Attorney for the applicant, Amy Schaefer stated "it's our understanding and belief that Mr. Breuer can be fair and impartial, we have no objection".

Travis Henley, planning director, stated that the case presented is an appeal of administrative decision of Evolve Acquisitions, LLC and Amy Schaefer if Lee Kaess, on behalf of Land Willow Development Company and Headwaters Properties, LLC the property owners are requesting an appeal of an administrative decision made by the Pender County Planning Board at their September 1, 2021 meeting. Pender County Planning Board voted 5 to 1 to deny a master development plan reference by case number MDP 2021-30, it would have allowed for a mixed-use development consisting of 174 multi-family units and 3

commercial out parcels on 4 tracks of land totaling approximately 24.26 acres within the Planned Development district. The subject properties associated with the both the master development plan denial and the appeal of the administrative decision located on the eastern side of US HWY 17 between its intersections with Hughes Road and Deerfield Drive in Topsail Township. Planning director, Travis Henley gives a brief history of the property it was originally approved under the PD Master Development Plan standards as “Headwaters Town Center” a purely non-residential mixed-use project in January 2017 and expired in October 2019. A Conditional Zoning Map Amendment for 294 multi-family units and 3 residential out parcels was submitted in January 2021 and withdrawn in May 2021 following a unanimous recommendation of denial from the Planning Board. Following the withdrawal, a Master Development Plan for 174 multi-family units under the existing Planned Development district was submitted. Background on master development plans most if not almost all development in the PD development zoning district are required to submit a master development plan that goes through the approval process this plan is reviewed by planning staff for its conformance with all applicable standards within the unified development ordinance and within the PD district because the master development plans can be used in any zoning district within the PD district the project shall demonstrate general conformance with the purpose statements listed in section 4.8 of the Pender county unified development ordinance which includes mixtures of uses promoting quality urban design and environmentally sensitive development and achieving other goals as stated in adoptive plans such as the Pender 2.0 comprehensive land use plan additionally mutually agreed upon conditions can be established to ensure conformance to the UDO and to the PD district purpose statements. Upon review by staff the plan is presented to the Planning Board in an administrative public hearing. The Planning Board shall approve the plan with required changes or deny the plan. Any decision rendered by the planning Board is appealable to the BOA within 30 days and we received an appeal of their decision within 30 days.

Overview of what was presented to the Planning Board. Planning director Henley describes the area as having many different planning districts in the area, office and Institutional, General Business, and residential performance. There are four tracks that combined total approximately 24.26 acres. The Master development plan includes 174 multi family units in 7 buildings. One of the buildings is 30 units while the other 6 are 24 units. There are 3 commercial out parcels and proposed pump station located at the extreme eastern portion of the property. There is a proposed collector street which is part of our collector street plan which would parallel highway 17. Additionally, there is an amenity site located in the very center of the proposal. Applicant has submitted

37 proposed uses to be permitted as part of the approved master development plan and all these uses are allowable within the PD Planned development zoning district with the caveat that a master development plan must be approved. Currently a traffic impact analysis is still underway, Pender County ordinance requires a traffic impact analysis to be done when the AM or PM hour trips exceed 100 or when the total daily trips exceed 1000 which this proposed site trips the threshold in every single category. Previous traffic analyses have been approved for this site as well as in conjunction with the previous approvals. The Pender 2.0 Comprehensive Land Use plan is the overall guiding document that sets forth the preferred growth scenario over the next 30 years, we as a CAMA County have been required to have this plan since 1970. This plan designates the subject properties as regional mixed use meaning mixture of residential and non-residential uses that serve not just the immediate residents but of the whole area. The proposal was found to be consistent with the future land use map as the Pender 2.0 Comprehensive Land Use plan. Additionally, the applicant agreed to the conditions of approval for the proposed master development plan. Some of these conditions are carryovers from the initial approval back 2017, some from public input meetings, both for the conditional rezoning as well as for the master development plan so there are a total of 10 conditions.

Amy Schaefer, Attorney for Lee Kaess, spoke on behalf of the applicant, she stated it is her understanding that the position of the board today is just to determine on the record if the planning board applied the proper process and procedure in coming to their decision. Applicant is not anticipating presenting additional evidence other than what you have in the record. I do have our engineer here available to answer any questions. As it states the NC General Assembly recently pass chapter 160d, which incorporates all the land use decisions. She stated this meeting is in a quasi-judicial capacity to see if the Planning Board followed proper process and procedure, this is on the appeal of an administrative decision. "Under 160d there are 3 types of decisions: There is an administrative decision where if the applicant, the property owner meets the code requirements the project gets approved because it is a check the box technical review of the code, that's what this master plan development is we're here on appeal of an administrative decision. Then there is a legislative decision which is a conditional rezoning, Only the County Commissioners can hear those, they are not authorized to delegate their legislative authority, this is not a legislative matter that was before the planning board, this was an administrative review of the master development plan approval, and then there's quasi-judicial and that's where we're here today where there might be some discretion of the board." Attorney Thurman interjects stating the Board of Adjustment can also review whether they made the right decision, and the Board of

Adjustment is basing their decision on the record that is before them and the boxes were checked, and it should have been approved and it wasn't. The Board of Adjustment can say it needs to be approved and that is their decision. Attorney Thurman indicated that the applicant was not notified of the time and date of the hearing, Attorney for the applicant, Amy Schaefer stated that is correct, but they are waiving that. Attorney Thurman states he just wanted that in the record. Amy Schaefer also indicates that there was no specific ruling in the planning boards letter of denial, it was just denied. Based on some the conversations that the planning board had during their deliberations in that meeting, it sounded like there were some confusions on their part as to the purpose statement. Ms. Schaefer states "it is pretty clear what a purpose statement is, and it is to explain what you are going to get into, so when it says consistent with the neighborhood, meets the requirements." The ordinance is to set out what those standards are and that's why it is not discretionary, that's why its not legislative because the ordinance sets those standards. Planning staff fully evaluated the proposal and stated that it was compliant with the code and there wasn't any evidence presented to the board at the that time that the plan wasn't in compliance with the code and ordinance. Attorney for the applicant, Amy Schaefer indicated she would not be calling any witnesses.

Kyle Breuer, Vice Chairman asked if there is a member present from the planning board at our hearing today? Mr. Breuer stated he did not believe we are trying to testify on their behalf. He questioned that regard to this case if it's a staff versus a planning board? How do we proceed? Attorney Thurman looked into the requirements that whoever delivered the decision must appear, but the decision was actually delivered in a letter signed by Senior Planner Gideon Smith who is here. If the Board of Adjustment wants to delay and a Planning Board Member will be here for the next meeting, but that is the prerogative, but the issue there is that the statue speaks to the person that made the decision. Vice Chairman Breuer indicates if you're here we need to hear the deliberation for decision that gets made unless be instructed otherwise I going to maintain the same question and try to answer that same question "did the applicant meet the standards of the ordinance"?

Andrew Olsen, board member, requests for some clarification as a land use attorney indicates this is new and wonders how a decision of any kind from the Planning Board could come to the Board of Adjustment but I understand that there was some legislative remodeling. So, the answer is that the Planning Board did not make any findings is that a fact – I have two thoughts on that. One I don't; think the planning board members have standing to come in front of us and talk about what they were thinking. Two, I know when I was a hearing officer, I decided once

I kind of thought might want to hear why I made it but no, he didn't. I see an error because the Planning Board should have made findings effect and my initial inclination tends to fit into the judicial thing of delay and we ought to remand this to the Planning Board for them to draft up all their findings and send them to us so we can decide if they had a reason for denying this. Samantha Nelson, board member, stated that we have the meeting minutes, I think that as a board that if we were to look over and address what was being said and it is clear on their minutes that we can defer to what was going on in that room at the time and does not necessarily think that a planning board member is needed to appear. Attorney for the applicant, Amy Schaefer reiterates that staff evaluated the plan and found it did meet all the necessary code requirements.

Chairman asked to hear from the public that signed up:
Attorney for the applicant, Amy Schaefer asked would the board just want a standing objection for the record or who would you prefer to be notified? The Chairman indicates he would like to be told each time.

Pat Donovan-Brandenburg, 201 Crestview Drive, Atty. Thurman asked what evidence do you have that would assist the board in making the determination of whether development plan should have been approved or not based on the criteria set forth in the ordinance. Has strong objections to the Storm water location of the sewage tank. Attorney indicates that this information is in the Planning Board minutes that this board has in their packet.

Doug Holdstein, 313 Crestview Drive, Resident but said he has nothing new to offer as evidence.

Linda Mueller, 976 Washington Acres, says she is not an expert witness but stresses this is not good for the residents.

Attorney for the applicant, Amy Schaefer objects to the prior testimony.

Kyle Breuer, Vice Chairman asked staff "as presented does this application meet the standards of the ordinance?" Travis Henley, Director answers "yes it did".

Samantha Nelson, board member asks Travis Henley, Director "Why do we have no information regarding the traffic analysis?" The Director responded because traditionally Pender County when it comes to a project that requires a traffic impact analysis are one not cheap to have done, they are quite expensive, the other reason that we don't typically require a traffic impact analysis in proposal because we don't want to make somebody do the full analysis prior to knowing whether they have

approval. But the third piece of this is that the Traffic Impact Analysis is really between NCDOT and either the Wilmington Metropolitan planning organization, Cape Fear Rural Organization Counties are not in the road business, we don't have a traffic engineer on staff nor does any other county to my knowledge. The process of and this is straight out of statute and has been this way for almost a century that state controls roads; and there are either state roads or private roads, so our role as staff our role in the traffic impact analysis process is that we provide contacts to the WNPO and NCDOT or the RPO and NCDOT depending on project location. The Planning Boards approval of a Master Development Plan or staff's approval of a Master Development Plan in no way grants any authority to begin construction. Samantha Nelson, board member asked if "there is evidence submitted to the Planning Board as far as expertise or documents regarding the traffic or anything else that going to need to be adjusted or addressed." Attorney for the applicant, Amy Schaefer answers that there was a traffic engineer at the Planning Board meeting who presented evidence that they are running our TIA and all the mitigation requirements were presented to the board. Samantha Nelson, board member asked if someone can read in the statement from to board as to what was already said at the planning meeting? Specifically, about the traffic that expertise that not here right now. Attorney for the applicant, Amy Schaefer indicated that the letter from the WMPO to our traffic engineer citing the migration that would require on our project. This letter as well as Ms. Kemp's testimony was presented to the Planning Board, what minutes say is that Ms. Kemp's gave a brief overview of the TIA.

The Chairman asked if there are any more questions and hearing none asks "does anyone like to suggest how we proceed? Kyle Breuer, Vice Chairman stated that what we've heard puts us in a position to proceed and potentially dispose of the case. Chairman agrees. Kyle Breuer, Vice Chairman made a motion to approve the appeal and is an appropriate one. Samantha Nelson, board member seconded.

Andrew Olsen, board member stated that the motion as it is now I will vote against and the reason is although I look through the minutes and see what people said and people testifying in regard to the development and also some of board members mentioned at some point in the minutes that I don't have in front of me, the rationale for the vote that was made by the board and without findings of fact of some kind to support their administrative decision I can't evaluated it at this point and so I have to vote no.

Jeff Snider, board member stated if you live in Pender County you work about the traffic, you worry about the building, and you worry about the schools.

The Chairman stated he did not hear any compelling testimony here today that gave me any reason to believe that there anything different

Moved by Kyle Breuer, seconded by Samantha Nelson

Vote to approve appeal

	For	**Against**	**Abstained**	**Absent**
Max Kipfer	x			
Kyle Breuer	x			
Samantha Nelson	x			
Andrew Olsen		x		
Douglas Scott Rivenbark				x
Jeffrey Snider	x			
Tera Cline				x
	4	1	0	2

CARRIED.

11 DISCUSSION ITEMS

12 NEXT MEETING DATE
December 15, 2021 9:00 AM
805 S. Walker Street
Burgaw, NC 28425

13 ADJOURNMENT
Chairman adjourned meeting at 12:08 PM

Pender County
VAR 2021-07 Bodie Point

TO:	Board of Adjustment
FROM:	Travis Henley
DATE:	January 19, 2022
SUBJECT:	VAR 2021-07

SUMMARY:

Shane Hancock of Hancock Custom Homes, LLC, applicant and owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Sections 7.5.1.A.2, 7.5.1.A.3, and 7.5.1.A.4, 'Public and Private Street Design'. Specifically, the request is to seek relief from standards requiring a connection between JE Batson Road (private) and W. Bailey Lane, a public right-of-way within the approved development known as The Walk at Sloop Point. The subject property/JE Batson Road private right-of-way consists of 1.35 acres and is located southeast of Doral Drive between Sloop Point Loop Road and Kemper Road as identified by Map Book 25, Page 122 in the Pender County Registry within the Greenway II subdivision.

ACTION REQUESTED:

Approval of Variance

ATTACHMENTS:

VAR 2021-07 Staff Report
VAR 2021-07 Application
VAR 2021-07 Attachment 1. Greenway II Subdivision Plat
VAR 2021-07 Attachment 2. Bodie Point Preliminary Plat with Building Pads
VAR 2021-07 Attachment 3. JE Batson Roadway Improvements with Hammerhead
VAR 2021-07 Attachment 4. The Walk at Sloop Point Phase II Final Plat

STAFF REPORT FOR VAR 2021-07
VARIANCE APPLICATION

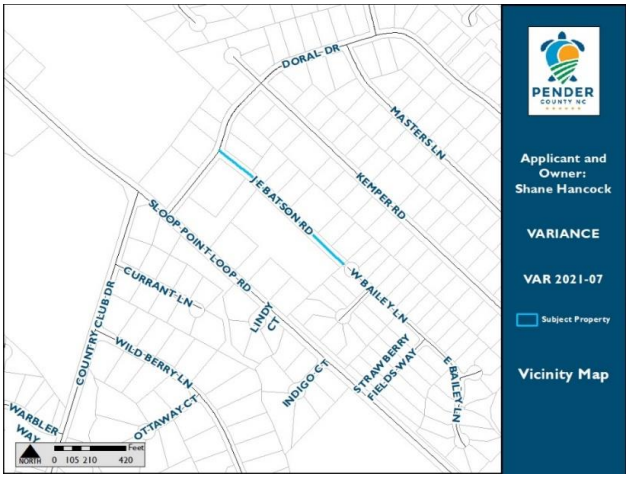
APPLICATION SUMMARY	
Case Number	VAR 2021-07
Hearing Date	December 15, 2021 Board of Adjustment
Applicant	Shane Hancock
Property Owner	Hancock Custom Homes, LLC
Parcel Identification Number	N/A (Map Book 25 Page 122)
Acreage	1.35
Township	Topsail
Zoning District	RP, Residential Performance
Pender 2.0 Future Land Use Category	Low Density Residential

VARIANCE PROPOSAL

Shane Hancock of Hancock Custom Homes, LLC, applicant and owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Sections 7.5.1.A.2, 7.5.1.A.3, and 7.5.1.A.4, 'Public and Private Street Design'. Specifically, the request is to seek relief from standards requiring a connection between JE Batson Road (private) and W. Bailey Lane, a public right-of-way within the approved development known as The Walk at Sloop Point.

LOCATION

The subject property/JE Batson Road private right-of-way consists of 1.35 acres and is located southeast of Doral Drive between Sloop Point Loop Road and Kemper Road as identified by Map Book 25, Page 122 in the Pender County Registry within the Greenway II subdivision.



PROPERTY DESCRIPTION

The subject property, JE Batson Road, was platted as a 60' private road as part of the Greenway II subdivision, as recorded in Pender County Registry Map Book 25 Page 122 in 1990. Currently the road is unpaved and provides access to Lots 3-9 in the Greenway II Subdivision and a secondary means on access for Lot 2 (**Attachment 1**). The JE Baston Road private right-of-way currently begins at its intersection with Doral Drive to the northwest and continues in a southeasterly path approximately 0.2 miles where it ends approximately 30 feet from the cul-de-sac of W. Bailey Lane, a public right-of-way. Currently, these two roads do not connect.

Below: Aerial Photograph of Subject Property

VARIANCE DESCRIPTION

The applicant is requesting a variance from the requirements of connecting JE Batson Road to W. Bailey Lane. According to Section 7.5.1.A of the Pender County Unified Development Ordinance (UDO), the layout of streets as to the arrangement, width, grade, character, and location shall conform to adjoining street systems and provide continuity in existing streets and proposed streets.

According to the applicant's submitted narrative, the mail kiosk for The Walk at Sloop Point is currently located at the terminus of W. Bailey Lane, and a groundwater lowering drainage system is located in the area between the two subject roadways, which assists in the functionality of multiple septic systems within the subdivision. The applicant states that there is no alternative location for the mail kiosk within The Walk at Sloop Point neighborhood that meets USPS and NCDOT standards. As a result, connecting JE Batson Road with W. Bailey Lane would lead to complications for property owners within The Walk at Sloop Point relating to mail delivery and septic systems, two necessary services. Also, according to the applicant, eliminating the cul-de-

sac at W. Bailey Lane has the potential to temporarily block access to three adjoining property owners.

BACKGROUND SECTION

The applicant purchased the 1.35-acre property that encompasses JE Batson Road for means of access to Pender County Parcel 4214-00-6907-0000. According to the applicant's narrative, the applicant is planning on subdividing the above parcel into nine lots, eight with access via JE Batson Road. Please refer to **Attachment 2** for the preliminary plat associated with the proposed 9-lot subdivision that is currently under review by the Planning and Community Development department. The ninth lot would have access via Sloop Point Loop Road. The applicant has indicated that JE Batson Road will be paved with a hammerhead turnaround at its terminus to meet the road design standards outlined in the Pender County UDO. Please refer to **Attachment 3** that illustrates the proposed improvements for JE Batson Road. In addition, JE Batson Road will also continue to serve as access for Lots 3-9 of the Greenway II subdivision.

Below: Proposed Layout of Bodie Point

According to the Final Plat for Phase II of The Walk at Sloop Point (See **Attachment 4**), the parcel of land at the terminus of W. Bailley Lane was platted as a "dedicated right-of-way for future road extension". This parcel of land is where the mail kiosk is now located. As stated previously, according to the applicant's narrative, this is the only location for a mail kiosk within the neighborhood that meets USPS and NCDOT standards.

ZONING ADMINISTRATOR'S CONCLUSION

The applicant is requesting relief from the standards outlined in Section 7.5.1 'Public and Private Street Design' of the Pender County UDO requiring JE Batson Road and W. Bailey Lane to connect. The applicant is requesting relief due to the existing location of The Walk at Sloop Point's mail kiosk and groundwater lowering drainage system that are located where the roads would connect.

If approved, the applicant will construct a turn-around at the terminus of JE Batson Road, as well as pave JE Batson Road to meet the road design standards of the UDO. JE Batson Road will be used as ingress and egress for the Proposed Bodie Point Subdivision and continue to provide access to Lots 3-9 of the Greenway II Subdivision.

PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE

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. 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.

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.
   a. 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.
   a. 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.
   a. 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.
   a. This conclusion is based on all of the FINDINGS OF FACT:

BOARD OF ADJUSTMENT ACTION FOR VARIANCE

MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

Kipfer	Breuer	Nelson	Rivenbark	ALT: Olsen	ALT: Snider

Pender County
Planning and Community Development

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425

Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

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. x **Pre-submittal Meeting**
   Date of Meeting 10/8/2021
2. x **Signed Application**
3. x **Payment**
   $250
4. x **Narrative**
   A narrative shall be submitted to include the specific Ordinance Section for the requested variance.
5. x **Digital Submission**
   For all documents submitted in paper copy, bring a digital copy with paper submission.
6. x **Adjacent Property List**
   The applicant shall provide a list of the owners of all properties located within 500-feet of the perimeter of the project bounds.
7. x **Adjacent Property Envelopes**
   The applicant shall provide a set of business envelopes addressed to each owner of all properties located within 500-feet of the perimeter of the project bounds accompanied with the amount of postage required for first class postage.

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

Signature of Applicant _____ Date_____

Printed Name Shane Hancock, Manager
Hancock Custom Homes, LLC

Staff Initials: _____
Date: _____

APPLICATION FOR VARIANCE

THIS SECTION FOR OFFICE USE			
Application No.	**VA**	**Date**	
Application Fee	**$**	**Invoice Number:**	

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Shane Hancock, Manager Hancock Custom Homes, LLC	**Owner's Name:**	Shane Hancock, Manager Hancock Custom Homes, LLC
Applicant's Address:	130 Pebble Beach Drive	**Owner's Address:**	130 Pebble Beach Drive
City, State, & Zip	Hampstead, NC 28443	**City, State, & Zip**	Hampstead, NC 28443
Phone Number:	919-422-0847	**Phone Number:**	919-422-0847
Email Address:	shane_h@att.net	**Email Address:**	shane_h@att.net
Legal relationship of applicant to landowner:	The applicant is the landowner. Reference deed book 4747 page 558.		

SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	No PIN assigned, refer to DB 4747 P 558 & MB 25 P 122	**Total property acreage:**	1.35
Zoning Classification:	RP	**Variance Size:**	1.35 acres
Variance Location & Address	The parcel is denoted as JE Batson Drive, a private R/W. Refer to DB 4747 P 558 & MB 25 P 122		
Describe Variance and amount or type requested:	Refer to attached narrative.		

SECTION 3: SIGNATURES			
Applicant's Signature		**Date:**	11/5/21
Applicant's Name Printed	Shane Hancock	**Date:**	
Owner's Signature		**Date:**	11/5/21
Owner's Name Printed	Shane Hancock	**Date:**	

NOTICE TO APPLICANT:

1. The Board of Adjustment shall review applications for a variance and shall be the approving authority for all requirements.
2. 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.
3. An application for a variance shall be submitted in accordance with application requirements.
4. 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.
5. 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.
6. Applicant must also submit the information described in the Variance Checklist provided below.
7. Applicant or agent authorized in writing must attend the public hearing.
8. 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 # _____
Application received by:		Date:	
Application completeness approved by:		Date:	
Date scheduled for public hearing:			

Security features are included. Details on back.
FRAUDARMOR

004546

First Bank
66-456/531

Hancock Custom Homes LLC
130 Pebble Beach Dr
Hampstead, NC 28443-8050

11/4/2021

Pay to the Order of PENDER COUNTY $ **250.00

Two Hundred Fifty and 00/100********** *Dollars*

PENDER COUNTY

In Trump We Trust

Memo HEARING FEE RELATED TO BODIE POINT S/D

⑈004546⑈ ⑆053104568⑆ 1161005693⑈

Variance Narrative – JE Batson Drive

Background

The 1.35 acre parcel is located off of Doral Drive between Sloop Point Loop Road and Kemper Road in an unincorporated portion of Pender County, NC. The parcel was created in 1990 as part of the Greenway II subdivision as shown on Map Book 25, Page 122. This map identifies the parcel as the 60' private road "JE Batson Drive". This dirt road, which provides the only means of access to lots 3-9 on said map and a secondary access point for lot 2, was built prior to 1993 based on aerial photography.

The applicant owns--and desires to subdivide--a 4.16 acre RP-zoned parcel adjacent to the subject 1.35 acre JE Batson Drive parcel. The proposed Bodie Point subdivision would consist of 8 lots fronting on JE Batson Drive and a 9th fronting on Sloop Point Road. The applicant purchased the JE Batson Drive parcel to ensure the right to access the 8 lots as well as the right to improve the roadway in accordance with Section 7.4.1.C, which states:

Required access must provide a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

Proposed improvements to JE Batson Drive include the provision of a 20' wide asphalt pavement section along with a spur turnaround meeting the dimensional requirements of the NC Fire Code as well as the Pender County UDO. The connection to Doral Drive will be permitted through NCDOT. These roadway improvements will not only provide the reasonable means of access to the 8 proposed lots as required by 7.4.1.C, but will similarly improve the access for the 7 lots in which it was originally created to serve.

Requested Action

The UDO Administrator has rendered an interpretation that Section 7.5 of the UDO--which prescribes design standards for proposed subdivision streets--is applicable to JE Batson Drive.

In accordance with Section 3.16, we are seeking relief from this interpretation. The basis for this request is that JE Batson Drive is neither a proposed road nor is it located within the proposed Bodie Point subdivision.

We are asking that the Board find that improvements to JE Batson Drive need only satisfy lot access requirement prescribed by Section 7.4.1.C.

Findings

1. ***Unnecessary hardship would result from the strict application of the ordinance.***

An interpretation that Section 7.5—specifically 7.5.1.A.2, 7.5.1.A.3, and 7.5.1.A.4—applies to the JE Batson Drive improvements necessitates connectivity to the adjacent West Baily Lane in The Walk at Sloop Point subdivision. This connectivity was deemed impractical due to:

- The required removal of The Walk at Sloop Point's only mail kiosk. There is no alternate location within this subdivision that meets USPS and NCDOT standards.
- The required removal of the existing cul de sac, which will temporarily disrupt access to the 3 adjoining homeowners and permanently affect the traffic flow within what is now a quiet neighborhood.
- The disabling of a groundwater lowering drainage system which is critical to the functionality of septic systems at a number of lots within The Walk at Sloop Point subdivision.

2. ***The hardship results from conditions that are peculiar to the property, such as location, size, and topography.***

The presence of The Walk at Sloop Point's mail kiosk and groundwater lowering system prevent the connection of JE Batson Drive to West Bailey Lane without significant impact to the adjoiner.

3. *The hardship did not result from actions taken by the applicant or the property owner.*

JE Batson Drive and West Bailey Lane—along with aforementioned impediments to their connection—were designed and installed by others.

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.***

The interpretation that improvements to JE Batson Drive need only satisfy lot access requirement prescribed by Section 7.4.1.C is consistent with the UDO.

It should be noted that, once proposed improvements are complete, the subject roadway will meet nearly all the design requirements prescribed by Section 7.5 as part of providing a "reasonable means" to access the proposed lots as required by Section 7.4.1.C. These roadway improvements will not only provide the reasonable means of access to the 8 proposed lots as required by 7.4.1.C, but will similarly improve the access for the 7 lots in which it was originally created to serve. The only material deviation from Section 7.5 is the lack of connectivity to the adjacent West Baily Lane in The Walk at Sloop Point subdivision.

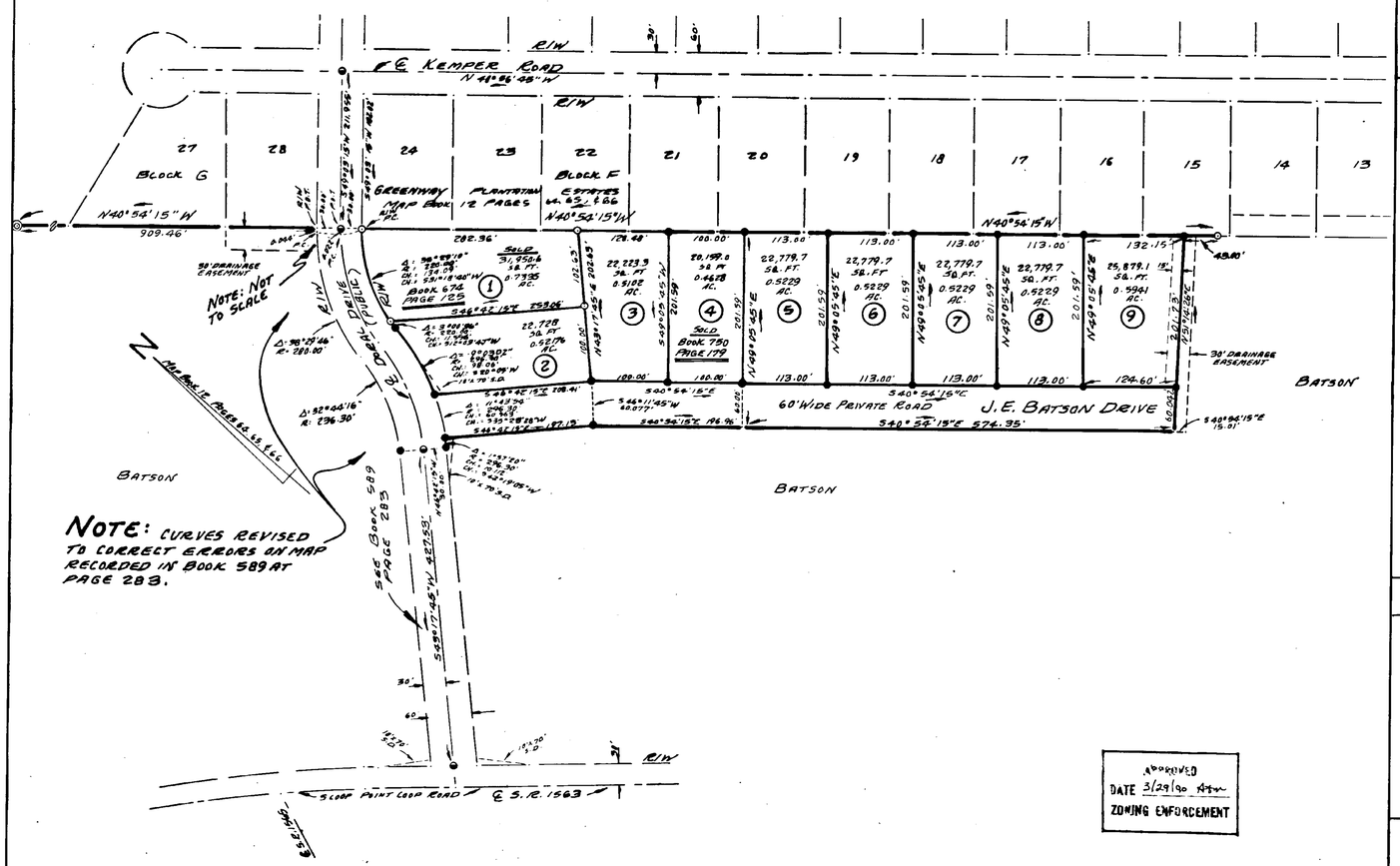
MAP OF SURVEY
OF
GREENWAY II
SECTION 1

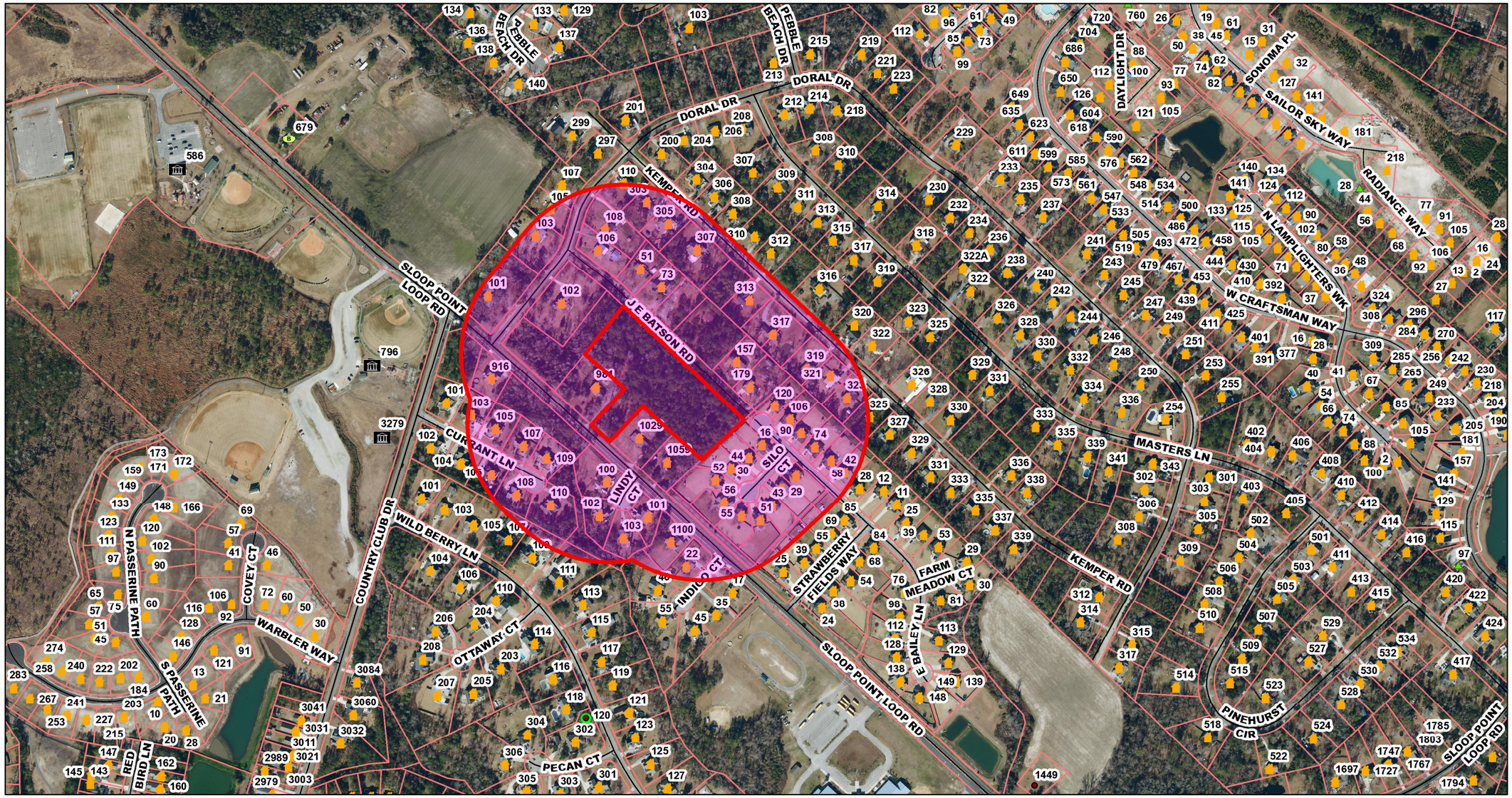
TOPSAIL TOWNSHIP PENDER COUNTY NORTH CAROLINA

SURVEYED AND MAPPED MARCH, 1990 SCALE 1" = 100'

100' 50' 0' 100 200' 300 400'

JOHNIE C. GARRASON, REGISTERED LAND SURVEYOR NO. L-1347
810 BLUEBIRD LANE
WILMINGTON, NORTH CAROLINA
28409


R/W
S.R. KEMPER ROAD
N 48°06'48" W
R/W
27
28
24
23
22
21
20
19
18
17
16
15
14
13
BLOCK G
BLOCK F
GREENWAY PLANTATION ESTATES
MAP BOOK 12 PAGES 64, 65, & 66
N40°54'15"W
909.46'
N40°54'15"W
282.36'
126.48'
100.00'
113.00'
132.15'
49.80'
30' DRAINAGE EASEMENT
NOTE: NOT TO SCALE
SOLD 31,950.6 SQ. FT. 0.7335 AC. BOOK 674 PAGE 125
22,223.3 SQ. FT. 0.5102 AC.
20,199.0 SQ. FT. 0.4638 AC.
SOLD BOOK 750 PAGE 179
22,779.7 SQ. FT. 0.5229 AC.
22,779.7 SQ. FT. 0.5229 AC.
22,779.7 SQ. FT. 0.5229 AC.
22,779.7 SQ. FT. 0.5229 AC.
25,879.1 SQ. FT. 0.5941 AC.
201.59'
S49°05'45"E
N49°05'45"E
S40°54'15"E
N40°54'15"W
124.60'
30' DRAINAGE EASEMENT
BATSON
60' WIDE PRIVATE ROAD
J.E. BATSON DRIVE
S40°54'15"E 574.35'
S40°54'15"E 15.01'
S40°54'15"E 186.96'
S40°54'15"E 108.41'
S40°54'15"E 87.13'
S66°11'45"W 60.077'
S40°54'15"E
42.00'
60.00'
Δ: 98°09'18"
D: 286°48'
R: 20.00'
CH: S34°18'48"W
Δ: 90°29'46"
R: 280.00'
Δ: 52°44'16"
R: 236.30'
Δ: 90°00'00"
R: 20.00'
CH: N40°54'15"W
Δ: 90°00'00"
R: 20.00'
CH: S40°54'15"E



PIN:	4214-00-6907-0000	**Sale Price:**		**Acres:**	4.17
Owner:	HANCOCK CUSTOM HOMES LLC 130 PEBBLE BEACH DR HAMPSTEAD, NC 28443	**Sale Date:**	LAST_SALE_DATE	**Land Value:**	$131,544
		Plat:	00540103	**Building Value:**	$0
		Account No:	1000285	**Total value:**	$131,544
Deed Ref:	4691/2017	**Township:**	TOPSAIL	**Deferred Value:**	$0
Property Address:	SLOOP POINT LOOP RD	**Subdivision:**		**Exempt Amount:**	0
		Tax Codes:	G01 F22 R40	**PCL Class:**	R
Description:	REMNANT OF TR 3B PB 54/103 T E BATSON EST	**NBRHD:**	R2031	**Heated Sq Feet:**	

Pender County

1:4,550

0 0.0375 0.075 0.15 mi

0 0.05 0.1 0.2 km

1 inch = 379 feet

October 13, 2021

MARTIN DENNIS W TRUSTEES
104 CURRANT LANE
HAMPSTEAD, NC 28443

RODNEY GERALD N
101 CURRANT LANE
HAMPSTEAD, NC 28443

KINCART SUSAN A
105 WILD BERRY LANE
HAMPSTEAD, NC 28443

BOLLINGER BOBBY E
106 CURRANT LANE
HAMPSTEAD, NC 28443

MCKEEL ROBBIN KEITH
103 CURRANT LN
HAMPSTEAD, NC 28443

LEE DAVID C
107 WILD BERRY LN
HAMPSTEAD, NC 28443

KUGEL ELLEN B
105 CURRANT LANE
HAMPSTEAD, NC 28443

BROWN JEFFREY CARLTON
117 BELLOWING DOE RD
HAMPSTEAD, NC 28443

GOLDEN THOMAS PAUL
PO BOX 324
HAMPSTEAD, NC 28443

MCEACHERN ROMONDO
916 SLOOP POINT LOOP RD
HAMPSTEAD, NC 28443

SKIPPER MARTIN E
109 WILD BERRY LN
HAMPSTEAD, NC 28443

WILLIAMS JACK B
108 CURRANT LN
HAMPSTEAD, NC 28443

TAYLOR DEBORAH J
107 CURRENT LANE
HAMPSTEAD, NC 28443

FERGUSON THADDEUS O
110 CCURRANT LN
HAMPSTEAD, NC 28443

MARKS GEORGE R
109 CURRANT LN
HAMPSTEAD, NC 28443

WILLIAMS JEFFREY C
111 WILD BERRY LANE
HAMPSTEAD, NC 28443

MIDDLE POINT AT SLOOP POINT ASSN
PO BOX 579
HAMPSTEAD, NC 28443

HOOK TRICIA MARIE
981 SLOOP POINT LOOP ROAD
HAMPSTEAD, NC 28443

TAFT LESLIE S
102 LINDY COURT
HAMPSTEAD, NC 28443

CLARK ROBERT ALAN JR
100 LINDAY COURT
HAMPSTEAD, NC 28443

WARWICK JOSEPH A
46 INDIGO COURT
HAMPSTEAD, NC 28443

MARTIN BARRY PETER
103 LINDAY COURT
HAMPSTEAD, NC 28443

REED WILLIAM H
101 LINDY CT
HAMPSTEAD, NC 28443

ROYAL WILLIAM RANDALL
78 SLOOP POINT RD
HAMPSTEAD, NC 28443

MIRACLE DELBERT S
22 INDIGO COURT
HAMPSTEAD, NC 28443

THURBER WILLIAM
2132 STAFF CIRCLE
TAMPA, FL 33621

PRICE MARTIN
1800 IRA RD
EFLAND, NC 27243

HANCOCK CUSTOM HOMES LLC
130 PEBBLE BEACH DR
HAMPSTEAD, NC 28443

MARTIN PATRICK B
52 SILO CT
HAMPSTEAD, NC 28443

WATERSTONE SUSAN J
17 INDIGO COURT
HAMPSTEAD, NC 28443

MIDGETT ALEX C
5413 ROLLING FIELD DR
GARNER, NC 27529

HUGHES THOMAS J
55 SILO CT
HAMPSTEAD, NC 28443

CRAWFORD BRIAN R
44 SILO COURT
HAMPSTEAD, NC 28443

CESSNA CHAD JOSEPH
51 SILO COURT
HAMPSTEAD, NC 28443

MELFI DONNA M
30 SILO CT
HAMPSTEAD, NC 28443

LESTER RANDALL WEST
16 SILO COURT
HAMPSTEAD, NC 28443

MERLOS VICTOR M SR
5428 SIRLUS DR #103
WILMINGTON, NC 28405

BATSON CONNIE
103 DORAL DR
HAMPSTEAD, NC 28443

GEORGE COLEMAN
102 DORAL DRIVE
HAMPSTEAD, NC 28443

HAZEL RICHARD E
PO BOX 388
HAMPSTEAD, NC 28443

HOWARD SHERRILL GAIL
106 DORAL DR
HAMPSTEAD, NC 28443

ROGERS JOSEPH M JR
320 SLEEPY HOLLOW LN
HAMPSTEAD, NC 28443

SEALY JEFFREY D
110 DORAL DR
HAMPSTEAD, NC 28443

HAMPSTEAD CAPALL LLC
1838 SIR TYLER DR SUITE 210
WILMINGTON, NC 28405

CRISCO KENNETH WAYNE JR
303 KEMPER RD
HAMPSTEAD, NC 28443

SCHULENBURG JEAN
73 JE BATSON RD
HAMPSTEAD, NC 28443

MILCHUCK KIMBERLY D
307 KEMPER RD
HAMPSTEAD, NC 28443

BAKER ROBERT S
305 KEMPER RD
HAMPSTEAD, NC 28443

CRAWFORD MITCHELL
203 COLE DR
HAMPSTEAD, NC 28443

FREEMAN JAMES G III
C/O JAMES G FREEMAN III
APEX, NC 27502

BROOKS ELIZABETH LINDERMAN
157 J E BATSON RD
HAMPSTEAD, NC 28443

CHLUDZINSKI PAUL A
313 KEMPER RD
HAMPSTEAD, NC 28443

WALK AT SLOOP POINT HOA INC
1612 MILITARY CUTOFF RD STE 108
WILMINGTON, NC 28403

OBERLE CHRISTOPHER
25 STRAWBERRY FIELDS WAY
HAMPSTEAD, NC 28443

ROBINSON DAVID LAMBERT
43 SILO CT
HAMPSTEAD, NC 28443

ROUSE JOSEPH W
29 SILO COURT
HAMPSTEAD, NC 28443

LOCKE CHRISTOPHER M
120 W BAILEY LANE
HAMPSTEAD, NC 28443

PEARSON JEFFREY A
39 STRAWBERRY FIELDS WAY
HAMPSTEAD, NC 28443

MARTIN GEORGIE E
55 STRAWBERRY FIELDS WAY
HAMPSTEAD, NC 28443

DE LEO DONALD S II
102 ALDEN RUN
MOYOCK, NC 27958

HAMM BENJAMIN
106 W BAILEY LANE
HAMPSTEAD, NC 28443

FUDGE TIFFANY MARIE
90 W BAILEY LANE
HAMPSTEAD, NC 28443

FERNANDEZ ADRIEL N
69 STRAWBERRY FIELDS WAY
HAMPSTEAD, NC 28443

COTTLE CHRISTOPHER P
85 STRAWBERRY FIELDS WAY
HAMPSTEAD, NC 28443

KAEMMER HEATHER
58 W BAILEY LANE
HAMPSTEAD, NC 28443

FERGUSON ERIC SCOTT
74 W BAILEY LANE
HAMPSTEAD, NC 28443

ROMAN JOSE
321 KEMPER RD
HAMPSTEAD, NC 28443

IORIO AUSTIN M
42 W BAILEY LN
HAMPSTEAD, NC 28443

COXSON VICKI
323 KEMPER RD
HAMPSTEAD, NC 28443

RIGGS CARA T
28 W BAILEY LANE
HAMPSTEAD, NC 28443

HANCOCK CUSTOM HOMES LLC
130 PEBBLE BEACH DR
HAMPSTEAD, NC 28443

POLLARA JOSEPH
169 JOHN WHITE RD
WINDSONR, NY 13865

INSKEEP JASON ALEXANDER
317 KEMPER RD
HAMPSTEAD, NC 28443

SWAIN THOMAS K
319 KEMPER RD
HAMPSTEAD, NC 28443

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BODIE POINT - PW1416

10/13/2021 - PENDER BOA MEETING 500'R ADJ. ADDRESS LIST

PIN	NAME	ADDR	CITY	STATE	ZIP		PROPERTY ADDRESS
4204-90-7686-0000	MARTIN DENNIS W TRUSTEES	104 CURRANT LANE	HAMPSTEAD	NC	28443		104 CURRANT LN
4204-90-7923-0000	RODNEY GERALD N	101 CURRANT LANE	HAMPSTEAD	NC	28443		101 CURRANT LN
4204-90-8431-0000	KINCART SUSAN A	105 WILD BERRY LANE	HAMPSTEAD	NC	28443		105 WILD BERRY LN
4204-90-8681-0000	BOLLINGER BOBBY E	106 CURRANT LANE	HAMPSTEAD	NC	28443		106 CURRANT LN
4204-90-8837-0000	MCKEEL ROBBIN KEITH	103 CURRANT LN	HAMPSTEAD	NC	28443		103 CURRANT LN
4204-90-9344-0000	LEE DAVID C	107 WILD BERRY LN	HAMPSTEAD	NC	28443		107 WILD BERRY LN
4204-90-9841-0000	KUGEL ELLEN B	105 CURRANT LANE	HAMPSTEAD	NC	28443		105 CURRANT LN
4204-91-7088-0000	BROWN JEFFREY CARLTON	117 BELLOWING DOE RD	HAMPSTEAD	NC	28443		
4204-91-8369-0000	GOLDEN THOMAS PAUL	PO BOX 324	HAMPSTEAD	NC	28443		101 DORAL DR
4204-91-9001-0000	MCEACHERN ROMONDO	916 SLOOP POINT LOOP RD	HAMPSTEAD	NC	28443		916 SLOOP POINT LOOP RD
4214-00-0269-0000	SKIPPER MARTIN E	109 WILD BERRY LN	HAMPSTEAD	NC	28443		109 WILD BERRY LN
4214-00-0511-0000	WILLIAMS JACK B	108 CURRANT LN	HAMPSTEAD	NC	28443		108 CURRANT LN
4214-00-0743-0000	TAYLOR DEBORAH J	107 CURRENT LANE	HAMPSTEAD	NC	28443		107 CURRANT LN
4214-00-1456-0000	FERGUSON THADDEUS O	110 CCURRANT LN	HAMPSTEAD	NC	28443		110 CURRANT LN
4214-00-1638-0000	MARKS GEORGE R	109 CURRANT LN	HAMPSTEAD	NC	28443		109 CURRANT LN
4214-00-2117-0000	WILLIAMS JEFFREY C	111 WILD BERRY LANE	HAMPSTEAD	NC	28443		111 WILD BERRY LN
4214-00-2510-0000	MIDDLE POINT AT SLOOP POINT ASSN	PO BOX 579	HAMPSTEAD	NC	28443		
4214-00-2996-0000	HOOK TRICIA MARIE	981 SLOOP POINT LOOP ROAD	HAMPSTEAD	NC	28443		981 SLOOP POINT LOOP RD
4214-00-3441-0000	TAFT LESLIE S	102 LINDY COURT	HAMPSTEAD	NC	28443		102 LINDY CT
4214-00-3631-0000	CLARK ROBERT ALAN JR	100 LINDAY COURT	HAMPSTEAD	NC	28443		100 LINDY CT
4214-00-4196-0000	WARWICK JOSEPH A	46 INDIGO COURT	HAMPSTEAD	NC	28443		46 INDIGO CT
4214-00-4336-0000	MARTIN BARRY PETER	103 LINDAY COURT	HAMPSTEAD	NC	28443		103 LINDY CT
4214-00-5425-0000	REED WILLIAM H	101 LINDY CT	HAMPSTEAD	NC	28443		101 LINDY CT
4214-00-5724-0000	ROYAL WILLIAM RANDALL	78 SLOOP POINT RD	HAMPSTEAD	NC	28443		1029 SLOOP POINT LOOP RD
4214-00-6261-0000	MIRACLE DELBERT S	22 INDIGO COURT	HAMPSTEAD	NC	28443		22 INDIGO CT
4214-00-6316-0000	THURBER WILLIAM	2132 STAFF CIRCLE	TAMPA	FL	33621		1100 SLOOP POINT LOOP RD
4214-00-6645-0000	PRICE MARTIN	1800 IRA RD	EFLAND	NC	27243		1059 SLOOP POINT LOOP RD
4214-00-6907-0000	HANCOCK CUSTOM HOMES LLC	130 PEBBLE BEACH DR	HAMPSTEAD	NC	28443		SLOOP POINT LOOP RD
4214-00-7388-0000	WALK AT SLOOP POINT HOA INC	1612 MILITARY CUTOFF RD STE 108	WILMINGTON	NC	28403		
4214-00-7557-0000	MARTIN PATRICK B	52 SILO CT	HAMPSTEAD	NC	28443		52 SILO CT
4214-00-8152-0000	WATERSTONE SUSAN J	17 INDIGO COURT	HAMPSTEAD	NC	28443		17 INDIGO CT
4214-00-8408-0000	MIDGETT ALEX C	5413 ROLLING FIELD DR	GARNER	NC	27529		56 SILO CT
4214-00-8490-0000	HUGHES THOMAS J	55 SILO CT	HAMPSTEAD	NC	28443		55 SILO CT
4214-00-8644-0000	CRAWFORD BRIAN R	44 SILO COURT	HAMPSTEAD	NC	28443		44 SILO CT
4214-00-9386-0000	CESSNA CHAD JOSEPH	51 SILO COURT	HAMPSTEAD	NC	28443		51 SILO CT
4214-00-9629-0000	MELFI DONNA M	30 SILO CT	HAMPSTEAD	NC	28443		30 SILO CT
4214-00-9774-0000	LESTER RANDALL WEST	16 SILO COURT	HAMPSTEAD	NC	28443		16 SILO CT
4214-00-9855-0000	WALK AT SLOOP POINT HOA INC	1612 MILITARY CUTOFF RD STE 108	WILMINGTON	NC	28403		
4214-00-9999-0000	MERLOS VICTOR M SR	5428 SIRLUS DR #103	WILMINGTON	NC	28405		179 E J BATSON RD
4214-01-0567-0000	BATSON CONNIE	103 DORAL DR	HAMPSTEAD	NC	28443		103 DORAL DR
4214-01-1185-0000	GEORGE COLEMAN	102 DORAL DRIVE	HAMPSTEAD	NC	28443		
4214-01-1392-0000	GEORGE COLEMAN	102 DORAL DRIVE	HAMPSTEAD	NC	28443		102 DORAL DR

4214-01-1639-0000	HAZEL RICHARD E	PO BOX 388	HAMPSTEAD	NC	28443		105 DORAL DR
4214-01-1890-0000	HAZEL RICHARD E	PO BOX 388	HAMPSTEAD	NC	28443		107 DORAL DR
4214-01-3552-0000	HOWARD SHERRILL GAIL	106 DORAL DR	HAMPSTEAD	NC	28443		106 DORAL DR
4214-01-4621-0000	ROGERS JOSEPH M JR	320 SLEEPY HOLLOW LN	HAMPSTEAD	NC	28443		108 DORAL DR
4214-01-4737-0000	SEALY JEFFREY D	110 DORAL DR	HAMPSTEAD	NC	28443		110 DORAL RD
4214-01-5387-0000	SCHULENBURG JEAN	73 JE BATSON RD	HAMPSTEAD	NC	28443		73 E J BATSON RD
4214-01-5416-0000	HAMPSTEAD CAPALL LLC	1838 SIR TYLER DR SUITE 210	WILMINGTON	NC	28405		51 E J BATSON RD
4214-01-5720-0000	CRISCO KENNETH WAYNE JR	303 KEMPER RD	HAMPSTEAD	NC	28443		303 KEMPER RD
4214-01-6370-0000	SCHULENBURG JEAN	73 JE BATSON RD	HAMPSTEAD	NC	28443		
4214-01-6594-0000	MILCHUCK KIMBERLY D	307 KEMPER RD	HAMPSTEAD	NC	28443		307 KEMPER RD
4214-01-6611-0000	BAKER ROBERT S	305 KEMPER RD	HAMPSTEAD	NC	28443		305 KEMPER RD
4214-01-7189-0000	CRAWFORD MITCHELL	203 COLE DR	HAMPSTEAD	NC	28443		
4214-01-8359-0000	FREEMAN JAMES G III	C/O JAMES G FREEMAN III	APEX	NC	27502		
4214-01-9027-0000	BROOKS ELIZABETH LINDERMAN	157 J E BATSON RD	HAMPSTEAD	NC	28443		157 E J BATSON DR
4214-01-9330-0000	CHLUDZINSKI PAUL A	313 KEMPER RD	HAMPSTEAD	NC	28443		313 KEMPER RD
4214-10-0136-0000	WALK AT SLOOP POINT HOA INC	1612 MILITARY CUTOFF RD STE 108	WILMINGTON	NC	28403		
4214-10-0270-0000	OBERLE CHRISTOPHER	25 STRAWBERRY FIELDS WAY	HAMPSTEAD	NC	28443		25 STRAWBERRY FIELDS WAY
4214-10-0456-0000	ROBINSON DAVID LAMBERT	43 SILO CT	HAMPSTEAD	NC	28443		43 SILO CT
4214-10-0592-0000	ROUSE JOSEPH W	29 SILO COURT	HAMPSTEAD	NC	28443		29 SILO CT
4214-10-0972-0000	LOCKE CHRISTOPHER M	120 W BAILEY LANE	HAMPSTEAD	NC	28443		120 W BAILEY LN
4214-10-1236-0000	PEARSON JEFFREY A	39 STRAWBERRY FIELDS WAY	HAMPSTEAD	NC	28443		39 STRAWBERRY FIELDS WAY
4214-10-1382-0000	MARTIN GEORGIE E	55 STRAWBERRY FIELDS WAY	HAMPSTEAD	NC	28443		55 STRAWBERRY FIELDS WAY
4214-10-1558-0000	DE LEO DONALD S II	102 ALDEN RUN	MOYOCK	NC	27958		15 SILO CT
4214-10-1826-0000	HAMM BENJAMIN	106 W BAILEY LANE	HAMPSTEAD	NC	28443		106 W BAILEY LN
4214-10-1870-0000	FUDGE TIFFANY MARIE	90 W BAILEY LANE	HAMPSTEAD	NC	28443		90 W BAILEY LN
4214-10-2348-0000	FERNANDEZ ADRIEL N	69 STRAWBERRY FIELDS WAY	HAMPSTEAD	NC	28443		69 STRAWBERRY FIELDS WAY
4214-10-2494-0000	COTTLE CHRISTOPHER P	85 STRAWBERRY FIELDS WAY	HAMPSTEAD	NC	28443		85 STRAWBERRY FIELDS WAY
4214-10-2699-0000	KAEMMER HEATHER	58 W BAILEY LANE	HAMPSTEAD	NC	28443		58 W BAILEY LN
4214-10-2735-0000	FERGUSON ERIC SCOTT	74 W BAILEY LANE	HAMPSTEAD	NC	28443		74 W BAILEY LN
4214-10-2969-0000	ROMAN JOSE	321 KEMPER RD	HAMPSTEAD	NC	28443		321 KEMPER RD
4214-10-3654-0000	IORIO AUSTIN M	42 W BAILEY LN	HAMPSTEAD	NC	28443		42 W BAILEY LN
4214-10-3942-0000	COXSON VICKI	323 KEMPER RD	HAMPSTEAD	NC	28443		323 KEMPER RD
4214-10-4508-0000	RIGGS CARA T	28 W BAILEY LANE	HAMPSTEAD	NC	28443		28 W BAILEY LN
4214-10-4833-0000	HANCOCK CUSTOM HOMES LLC	130 PEBBLE BEACH DR	HAMPSTEAD	NC	28443		325 KEMPER DR
4214-10-5706-0000	POLLARA JOSEPH	169 JOHN WHITE RD	WINDSONR	NY	13865		327 KEMPER RD
4214-11-0195-0000	INSKEEP JASON ALEXANDER	317 KEMPER RD	HAMPSTEAD	NC	28443		317 KEMPER RD
4214-11-0223-0000	INSKEEP JASON ALEXANDER	317 KEMPER RD	HAMPSTEAD	NC	28443		KEMPER RD
4214-11-1087-0000	SWAIN THOMAS K	319 KEMPER RD	HAMPSTEAD	NC	28443		319 KEMPER RD

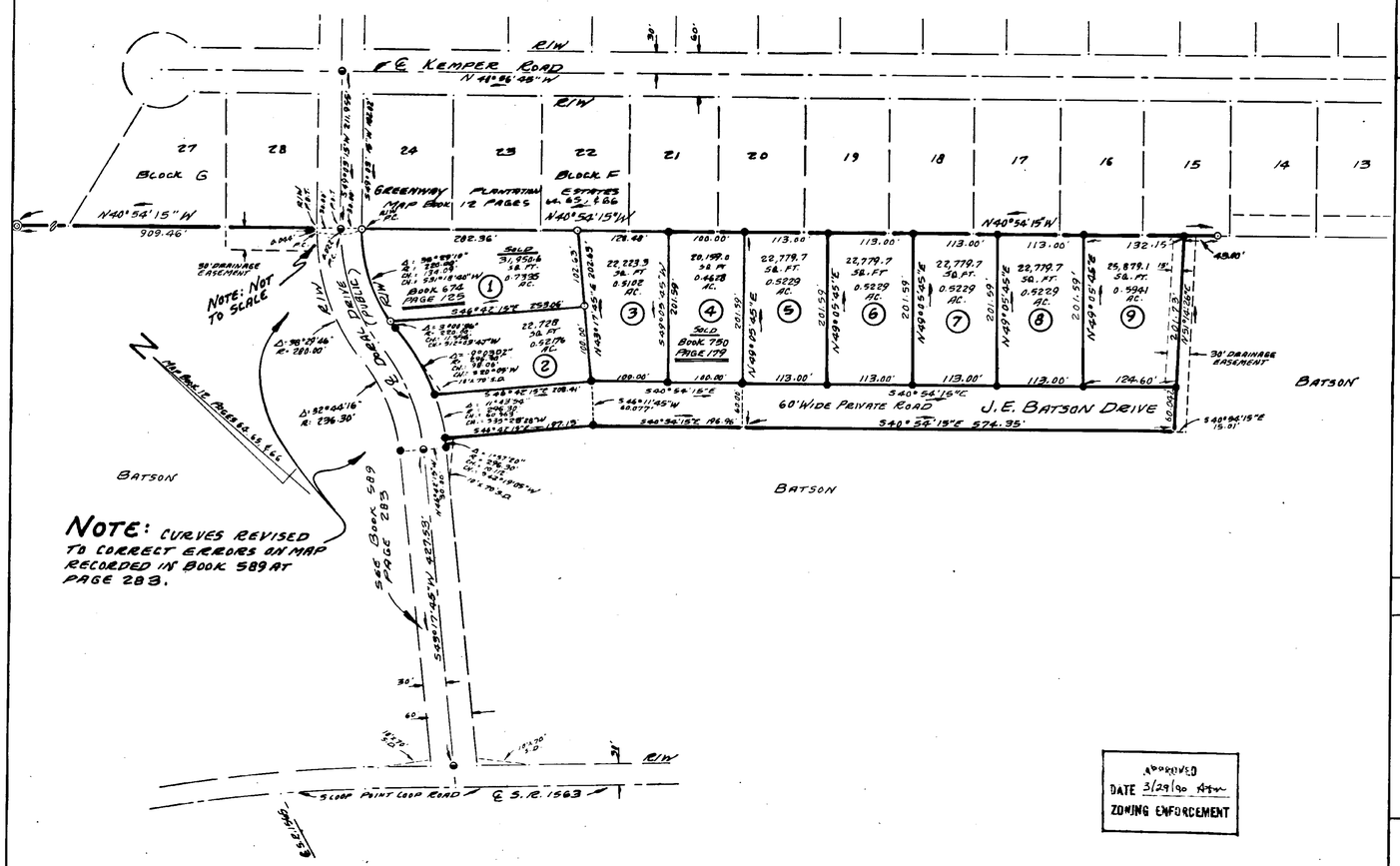
MAP OF SURVEY
OF
GREENWAY II
SECTION 1

TOPSAIL TOWNSHIP PENDER COUNTY NORTH CAROLINA

SURVEYED AND MAPPED MARCH, 1990 SCALE 1" = 100'

100' 50' 0' 100 200' 300 400'

JOHNIE C. GARRASON, REGISTERED LAND SURVEYOR NO. L-1347
810 BLUEBIRD LANE
WILMINGTON, NORTH CAROLINA
28409



NOTE: CURVES REVISED TO CORRECT ERRORS ON MAP RECORDED IN BOOK 589 AT PAGE 283.

APPROVED
DATE 3/29/90
ZONING ENFORCEMENT

DEVELOPED BY:
TALMADGE E. BATSON AND WIFE MARTHA B. BATSON
131 STATE ROAD 1563
HAMPSTEAD, N.C.
28443
(919) 270-2841

LEGEND AND NOTES

- EXISTING CONCRETE MONUMENT (SUBSURFACE)
- NEW CONCRETE MONUMENT (SUBSURFACE)
- EXISTING IRON PIPE (TOP ABOVE OR FLUSH WITH GROUND)
- NEW IRON PIPE (TOP ABOVE OR FLUSH WITH GROUND)
- EXISTING IRON STAKE (TOP ABOVE OR FLUSH WITH GROUND)
- NEW IRON STAKE (TOP ABOVE OR FLUSH WITH GROUND)
- EXISTING P.K. NAIL IN PAVEMENT
- NEW P.K. NAIL IN PAVEMENT
- EXISTING RAILROAD SPIKE IN PAVEMENT
- NEW RAILROAD SPIKE IN PAVEMENT
- EXISTING NAIL IN PAVEMENT
- NEW NAIL IN PAVEMENT
- EXISTING TACK IN PAVEMENT
- NEW TACK IN PAVEMENT
- INLINE MARKED TREE
- + = NO PERMANENT POINT SET OR RECOVERED DURING THIS SURVEY
- UTILITY POLE AND LINE
- "A", "H", "2", "B" TYPICAL POINT DESIGNATIONS
- ℄ CENTERLINE OF STREET OR ROAD ETC
- R/W RIGHT OF WAY LINE
- CENTER OF RUN OF WATER COURSE
- ADJOINER'S PROPERTY LINE OR AS NOTED
- PROPERTY LINE OF THIS SURVEY

ALL OTHER POINTS, ITEMS, OR VARIATIONS AS NOTED

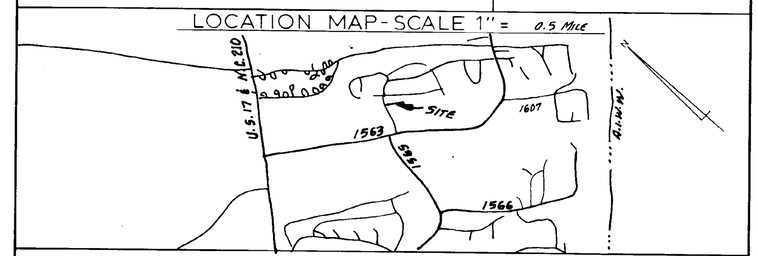
(1) (5) (9) TYPICAL LOT NUMBER OF THIS SURVEY

ALIGNMENT LEGEND

P.O.T.	POINT ON TANGENT (INLINE)
P.O.S.T.	POINT ON SUBTANGENT
P.I.	POINT OF INTERSECTION
P.C.	POINT OF CURVATURE
P.T.	POINT OF TANGENCY
P.O.C.	POINT ON CURVE
P.R.C.	POINT OF REVERSE CURVE
P.C.C.	POINT OF COMPOUND CURVE
T.S.	TANGENT TO SPIRAL
S.C.	SPIRAL TO CURVE
C.S.	CURVE TO SPIRAL
S.S.	SPIRAL TO SPIRAL
S.T.	SPIRAL TO TANGENT
P.O.S.	POINT ON SPIRAL
Δ	CENTRAL ANGLE
D OR Dc	DEGREE OF CURVE
T OR Ts	TANGENT DISTANCE
L OR Lc	LENGTH OF CURVE
Ls	LENGTH OF SPIRAL
EXT OR Es	EXTERNAL OF CURVE
Δs	SPIRAL ANGLE
CH.	CHORD
U	SPIRAL LONG TANGENT
V	SPIRAL SHORT TANGENT
R OR Rc	RADIUS OF CURVE

R OF 1° CURVE 5729.577951308' ARC DEFINITION

LOCATION MAP-SCALE 1" = 0.5 MILE



NORTH CAROLINA PENDER COUNTY

I, JOHNIE C. GARRASON, REGISTERED LAND SURVEYOR NO L-1347, CERTIFY THAT THIS MAP WAS DRAWN BY ME FROM AN ACTUAL SURVEY MADE BY ME, THAT THE BOUNDARIES AS SHOWN BY THIS MAP ARE THOSE SURVEYED FROM THE FOLLOWING REFERENCES: BOOK 391 PAGE 546; BOOK 416 PAGE 262; MAP BOOK 12 PAGES 64, 65, & 66; BOOK 589 PAGE 283; BOOK 674 PAGE 125; BOOK 750 PAGE 179;

THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM THE FOLLOWING REFERENCES: SAME AS ABOVE

THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1: 15,000.

THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 17TH DAY OF MARCH A.D., 19 90.

Johnie C. Garrason

JOHNIE C. GARRASON, REGISTERED LAND SURVEYOR NO L-1347

NORTH CAROLINA REGISTERED SEAL L-1347 LAND SURVEYOR JOHNIE C. GARRASON

SEAL OR STAMP

NORTH CAROLINA PENDER COUNTY

THE FOREGOING CERTIFICATE OF GLENDA G. GARRASON, NOTARY PUBLIC OF NEW HANOVER COUNTY, NORTH CAROLINA IS CERTIFIED TO BE CORRECT; FILED FOR REGISTRATION ON THE 16 DAY OF August A.D., 19 90 AT 1:45 (A.M. P.M.) AND DULY RECORDED IN MAP BOOK 25 AT PAGE 122 OR MAP CABINET ~~SSS~~ AT PAGE ~~SSS~~ OR SLIDE NUMBER ~~SSS~~.

JOYCE M. SWICEGOOD PENDER COUNTY REGISTER OF DEEDS
BY Loretta Pierce, Deputy

NORTH CAROLINA NEW HANOVER COUNTY

I, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT JOHNIE C. GARRASON, A REGISTERED LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL, THIS 17TH DAY OF MARCH 19 90.

Glenda G. Garrason

GLENDA G. GARRASON, NOTARY PUBLIC

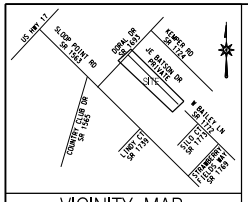
MY COMMISSION EXPIRES THE 24TH DAY OF OCTOBER, 19 94.

GLENDA G. GARRASON NOTARY PUBLIC NEW HANOVER COUNTY, N.C.

SEAL OR STAMP

25-122

30-1-74



VICINITY MAP

SITE DATA

PARCEL ID	4214-00-5957-0000
DEED BOOK/PAGE	4691/2017
PLAT BOOK/PAGE	54/103
ZONING	RP
PROPERTY AREA	4.16 AC
PROPOSED LOTS	9
UNITS PER ACRE	2.01
REQUIRED DIMENSIONS	
FRONT SETBACK	30 FT
REAR SETBACK	25 FT
SIDE SETBACK	10 FT
CORNER SETBACK	15 FT
MINIMUM AREA	15,000 SF
MINIMUM WIDTH	80 FT
MINIMUM CHORD	30 FT
MAXIMUM HEIGHT	35 FT
OPEN SPACE REQUIRED	NA
OPEN SPACE PROVIDED	NA

RIVER BASIN	WHITE OAK
RECEIVING STREAM	NIXON CREEK
STREAM CLASSIFICATION	SW,HQW
STREAM INDEX NUMBER	18-87-11
DISTURBANCE LIMITS	3.5 AC
PROPERTY AREA	181,019 SF
BUA	
TOTAL NEW BUA	21,722 SF
COMMON IMPROVEMENTS	606 SF
LOTS (TOTAL)	21,116 SF
% OF PROPERTY	12.0%

NOTE:
NO WETLANDS ARE LOCATED ONSITE.
NO STREAMS OR WATERBODIES ARE LOCATED ON OR ADJACENT TO SITE.

GENERAL NOTES:

1. PROPERTY IS ZONED RP. RESIDENTIAL PERFORMANCE AND WILL BE DEVELOPED FOR THE SALE OF INDIVIDUAL LOTS.
2. ALL LOTS SHALL COMPLY WITH THE PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE.
3. THE PROPOSED HOUSING TYPE IS SINGLE FAMILY DWELLING-DETACHED CONVENTIONAL.
4. NO COMMERCIAL USES ARE PROPOSED FOR THIS DEVELOPMENT.
5. ACCESS TO LOTS 1-8 SHALL BE PROVIDED BY J.E. BATSON DRIVE, A 60' PRIVATE R/W. REFER TO DEED BOOK 4747 PAGE 558.
6. ACCESS TO LOT 9 SHALL BE PROVIDED BY SLOOP POINT ROAD (SR 1563). A 60' PUBLIC R/W.
7. DOUBLE FRONTAGE LOTS SHALL BE LIMITED TO A SINGLE ACCESS POINT.
8. SOLID WASTE DISPOSAL SHALL BE BY CONTRACT WITH INDIVIDUAL HOMEOWNERS. DUMPSTERS ARE NOT PROVIDED FOR SINGLE FAMILY HOMES.
9. SEWER SERVICE PROVIDED BY INDIVIDUAL ONSITE SEPTIC SYSTEMS.
10. WATER SERVICE PROVIDED BY TAPS ON EXISTING PCU MAINS IN SLOOP POINT LOOP ROAD AND JE BATSON ROAD.
11. NCDOT DRIVEWAY PERMITS ARE REQUIRED FOR LOT 9 AND FOR JE BATSON ROAD.
12. NCDEQ EROSION CONTROL PERMIT IS REQUIRED.
13. NCDEQ STORMWATER PERMIT IS REQUIRED. THE PROJECT SHALL BE LOW DENSITY.
14. AVERAGE DAILY TRIPS AT SLOOP POINT ROAD AND SLOOP POINT LOOP ROAD IS 1900 PER THE NCDOT IN 2016.
15. THE SUBJECT 9 LOT DEVELOPMENT WILL ADD 86 TRIPS PER DAY INCLUDING:
    7 PEAK MORNING HOURLY TRIPS WHERE THE PEAK HOUR OCCURS BETWEEN 7-9 AM AND
    9 PEAK EVENING HOURLY TRIPS WHERE THE PEAK HOUR OCCURS BETWEEN 4-6 PM.
16. NO OPEN SPACE IS REQUIRED FOR SUBDIVISIONS WITH 10 OR LESS LOTS.
17. NO DEDICATION OF NEW R/W OR IMPROVEMENT OF EXISTING R/W IS PROPOSED.

SURVEY NOTES:

1. BOUNDARY DATA IS BASED ON A SURVEY BY ATLANTIC COAST SURVEYING, PLLC ON A MAP TITLED "TALMADGE E. BATSON ESTATE LANDS TRACTS 3A AND 3B" DATED 2/6/2013 AND RECORDED AT MAP BOOK 54 PAGE 103.
2. TOPOGRAPHICAL DATA IS NOT BASED ON A SURVEY BY STROUD ENGINEERING, P.A.
3. NO PORTION OF THE PROPERTY IS LOCATED WITHIN 100 (AE) OR 500 (X) YEAR FLOOD ZONES PER FIRM PANEL 3720 4214 00J.

PENDER COUNTY DRAINAGE PLAN NOTES:

A DRAINAGE PLAN THAT WILL INCLUDE ALL PORTIONS OF THE DEVELOPMENT SHALL BE SUBMITTED. THIS PLAN SHALL BE PREPARED AND SEALED BY A REGISTERED ENGINEER. THE PLAN AND FACILITIES SHALL PROVIDE FOR A DRAINAGE SYSTEM FOR THESE AREAS THAT WILL ACCOMMODATE THE TEN-YEAR STORM EVENT WITHOUT FLOODING OR SUBSTANTIAL PONDING OF WATER IN THE AREAS INCLUDED IN THE PLAN. THE PLAN MUST ALSO ACCOMMODATE ANY DISCHARGE FROM PROPERTIES IN UPLAND PORTIONS OF THE DRAINAGE BASIN THAT FLOWS THROUGH THE PROPERTY FOR THE SAME STORM EVENT FOR THE TYPE DEVELOPMENT FOR WHICH THAT PROPERTY IS ZONED. THE BOUNDARY OF ANY DRAINAGE AREA ON A PORTION OF THE SITE AND/OR UPLAND FROM THE SITE AND DRAINAGE AREAS BETWEEN STORMWATER DISCHARGE POINTS FROM THE SITE TO THE RECIPIENT PERENNIAL STREAM SHALL BE SHOWN ON A MAP (COPY OF 7.5 MIN. USGS QUAD OR SIMILAR MAP). ANY DRAINAGE FACILITY RECEIVING STORMWATER DISCHARGE FROM THE DEVELOPMENT SHALL HAVE THE CAPACITY TO CARRY THE ANTICIPATED STORMWATER FLOW FROM AREAS THAT DISCHARGE THROUGH THEM FOR THE 10 YEAR STORM EVENT FROM THE POINT OF DISCHARGE AT THE DEVELOPMENT TO THE RECIPIENT PERENNIAL STREAM WITHOUT OVER FLOWING THEIR BANKS. THE LOCATION, SIZE AND/OR CAPACITY OF ALL STRUCTURES INCLUDED IN THE DRAINAGE SYSTEM AND RECEIVING DISCHARGE FROM THE DEVELOPMENT TO THE RECIPIENT PERENNIAL STREAM SHALL BE SHOWN ON THE PLAN AND CALCULATIONS USED IN DESIGNING THE DRAINAGE SYSTEM SHALL BE SUBMITTED IN A LEGIBLE FORMAT. THIS PLAN MAY BE INCLUDED IN THE STREET AND DRAINAGE PLAN, STORMWATER MANAGEMENT PLAN OR ON THE PRELIMINARY PLAT, AS LONG AS THE DESIGN PROFESSIONAL CERTIFIES THAT THE SPECIFIC DRAINAGE PLAN SUBMITTED COMPLIES WITH THESE REQUIREMENTS AND THE INFORMATION REQUIRED IS SHOWN OR SUBMITTED.

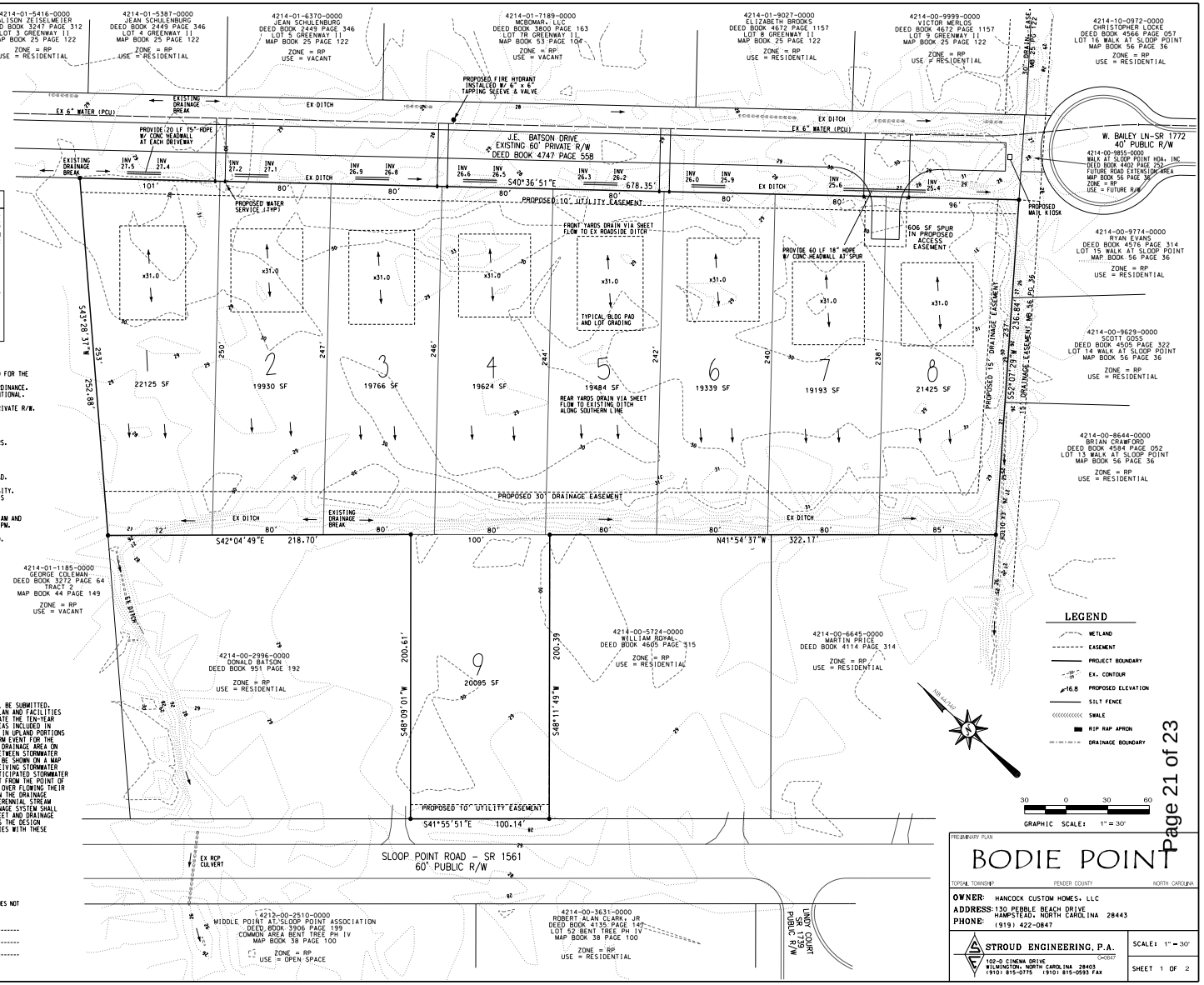
CERTIFICATE OF SUBMISSION

A COPY OF THIS PLAT HAS BEEN SUBMITTED. APPROVAL IS SUBJECT TO REVIEW: THIS DOES NOT CONSTITUTE AN APPROVAL.

PENDER COUNTY UTILITIES:..... DATE:.....

PENDER COUNTY ENVIRONMENTAL HEALTH:..... DATE:.....

PENDER COUNTY ADDRESSING COORDINATOR:..... DATE:.....



PRELIMINARY PLAN

BODIE POINT

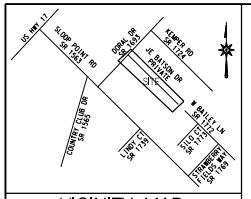
TOPSAIL TOWNSHIP PENDER COUNTY NORTH CAROLINA

OWNER: HANCOCK CUSTOM HOMES, LLC
ADDRESS: 130 PEBBLE BEACH DRIVE
HAMPSTEAD, NORTH CAROLINA 28443
PHONE: (919) 422-0847

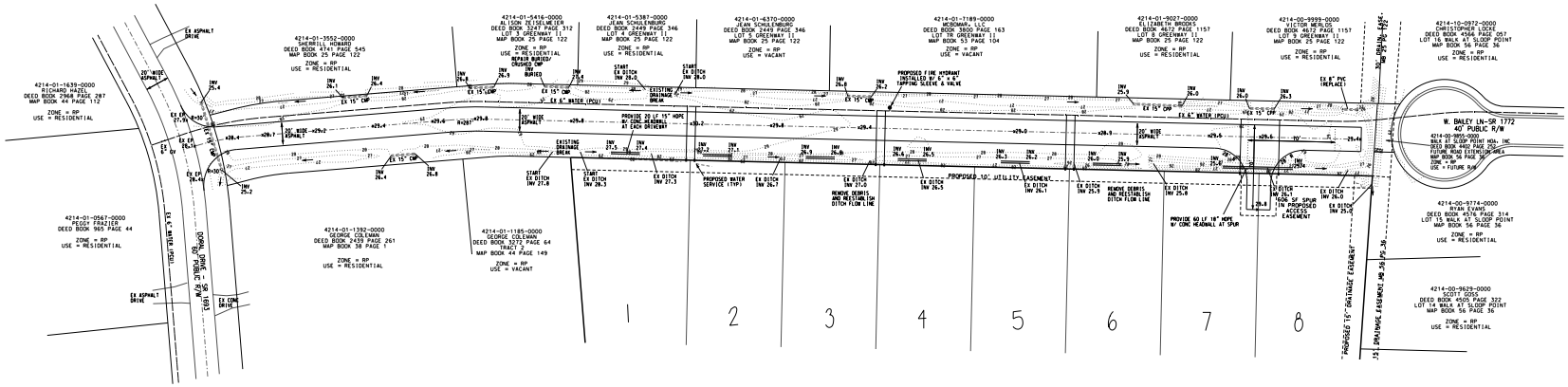
STROUD ENGINEERING, P.A. C-0647
102-D CINEMA DRIVE
WILMINGTON, NORTH CAROLINA 28403
(910) 815-0775 (910) 815-0593 Fax

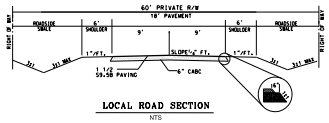
SCALE: 1" = 30'
SHEET 1 OF 2

W:\Master\PW-1416\DGN\DLM.dgn



VICINITY MAP





LOCAL ROAD SECTION

NTS

LEGEND

- WETLAND
- EASEMENT
- PROJECT BOUNDARY
- EX. CONTOUR
- 16.8 PROPOSED ELEVATION
- SILT FENCE
- SWALE
- RIP RAP APRON
- DRAINAGE BOUNDARY

GRAPHIC SCALE: 1" = 40'

ROADWAY IMPROVEMENT PLAN

JE BATSON ROAD

TOPSAIL TOWNSHIP — PENDER COUNTY — NORTH CAROLINA

OWNER: HANCOCK CUSTOM HOMES, LLC
ADDRESS: 130 PEBBLE BEACH DRIVE
HAMPSTEAD, NORTH CAROLINA 28443
PHONE: (919) 422-0847

STROUD ENGINEERING, P.A.
C-0647
102-O CINEMA DRIVE
WILMINGTON, NORTH CAROLINA 28403
(910) 815-0775 (910) 815-0593 Fax

SCALE: 1" = 40'

SHEET 1 OF 2

W:\Master\PW-1416\DGN\DLM.dgn

CERTIFICATE OF ACCURACY & MAPPING - SURVEYOR CERTIFICATE I

I, THE UNDERSIGNED, CERTIFY THAT THIS SURVEY WAS (DRAWN BY ME OR DRAWN UNDER MY SUPERVISION) FROM (AN ACTUAL SURVEY MADE BY ME OR MADE UNDER MY SUPERVISION) (DESCRIPTION RECORDED IN MAP BOOK 54, PAGE 103); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM THE INFORMATION SHOWN; THAT THE RATIO OF PRECISION, AS CALCULATED, IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 28 DAY OF MARCH, A.D. 2014.

MILES O. MCCALL, III - PROFESSIONAL LAND SURVEYOR (L-3518)

SURVEYOR CERTIFICATE II

THE SUBDIVISION SHOWN ON THIS PLAT DOES NOT CONTAIN SPECIAL FLOOD HAZARD AREAS AND IS NOT LOCATED IN A FLOODWAY AS DELINEATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

THE SUBDIVISION SHOWN ON THE PLAT DOES NOT CONTAIN AREAS OF ENVIRONMENTAL CONCERN AS DELINEATED BY THE NORTH CAROLINA COASTAL RESOURCES COMMISSION.

G.S. 47-30 (f) (11) (a) - SURVEYOR CERTIFICATE III

I HEREBY CERTIFY THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 28 DAY OF MARCH, A.D. 2014.

MILES O. MCCALL, III - PROFESSIONAL LAND SURVEYOR (L-3518)

NORTH CAROLINA PROFESSIONAL SEAL L-3518 LAND SURVEYOR MILES O. MCCALL, III

3-28-14

GENERAL NOTES:

1. THIS IS "PHASE II" OF A MAJOR SUBDIVISION PLAT. IT CONSISTS OF 18 LOTS.
2. PARENT TRACT TAX PARCEL ID: 4214-10-3282-0000.
3. PROPERTY IS CURRENTLY ZONED: RP.
4. BASIS OF BEARINGS FOR THIS MAP ARE BASED ON MB: 54, PG: 103.
5. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
6. UNITS ARE U.S. SURVEY FEET UNLESS OTHERWISE NOTED.
7. AREA BY COORDINATE GEOMETRY.
8. NCGS GRID MONUMENTS FOUND WITHIN 2000' OF SITE. (SEE MAP)
9. THIS SURVEY WAS PERFORMED AND MAP PREPARED WITHOUT BENEFIT OF A TITLE REPORT. THIS SURVEY SUBJECT TO ANY FACTS AND EASEMENTS WHICH MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
10. FLOOD NOTE: AS DETERMINED BY GRAPHIC PLOTTING, THIS PROPERTY DOES NOT APPEAR TO BE LOCATED IN A SPECIAL FLOOD HAZARD ZONE PER FEMA FLOOD INSURANCE RATE MAP (3720421400J, EFFECTIVE DATE 2/16/2007 AND FLOOD INSURANCE RATE MAP (3720421300J, EFFECTIVE DATE 2/16/2007.
11. MAP & DEED REFERENCES (PER PENDER COUNTY REGISTRY): DB: 3272, PG: 62; MB 44, PG: 149; MB 54, PG: 103 (AND OTHERS THAT MAY BE SHOWN ON THIS MAP)
12. NCGS "INDIGO" AND "KIWANIS" ARE NEW AND NO DATA OR INFO HAS BEEN RELEASED BY NCGS AT DATE OF SURVEY.
13. WETLANDS SHOWN APPROVED BY U.S. ARMY CORPS OF ENGINEERS REGULATORY SPECIALIST ON APRIL 26, 2013. USACE ACTION ID: SAW-2012-1998.
14. PHASE II OPEN SPACE DATA:
    WETLANDS/PASSIVE OPEN SPACE 0.00 ACRES.
    ACTIVE OPEN SPACE 0.32 ACRES.
    TOTAL: 0.32 ACRES.
    TOTAL OPEN SPACE FOR PHASE I AND II: 1.55 ACRES.

RIGHT-OF-WAY NOTE:

THESE TWO AREAS OF RIGHT-OF-WAY TO REVERT BACK TO OWNERS OF LOTS 15, 16, AND 17 AT THE TIME OF EXTENSION OF WEST BAILEY LANE.

CERTIFICATE OF FINAL PLAT APPROVAL

FINAL PLAT APPROVED UNDER THE PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE.

Megan Patane 4.8.2014

PLANNING DIRECTOR DATE

CERTIFICATE OF REGISTRATION BY THE REGISTER OF DEEDS PENDER COUNTY, NORTH CAROLINA

FILED FOR REGISTRATION ON THE _____ DAY OF _____ AT _____ . AND DULY RECORDED IN MAP BOOK _____ AT PAGE _____

B0056 P0036 04-08-2014 14:01:15.001
Sharon Lear Willoughby FLRT
Pender County, NC Register of Deeds page 1 of 1

REGISTER OF DEEDS DATE

STATE OF NORTH CAROLINA PENDER COUNTY

I, Janice Worrell A REVIEW OFFICER OF PENDER COUNTY, CERTIFY THAT THIS MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

4/8/14 Janice Worrell

DATE REVIEW OFFICER

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF A SUBDIVISION WITH MY (OUR) OWN FREE CONSENT, ESTABLISH MINIMUM SETBACK LINE, AND DEDICATED ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER SITES TO PUBLIC OR PRIVATE USE AS NOTED. FURTHER, I (WE) CERTIFY THE LAND SHOWN HEREON IS WITHIN THE SUBDIVISION JURISDICTION OF PENDER COUNTY, NORTH CAROLINA.

Michael H Pollak 4/2/14

OWNER SIGNATURE DATE

MICHAEL H POLLAK

OWNER NAME (PRINT) DATE

PARCEL IDENTIFIER CERTIFICATE

PARCEL IDENTIFIERS HAVE BEEN ISSUED FOR ALL PARCELS SHOWN ON THIS PLAT.

4214-10-0671-0000 4/8/14

TAX SUPERVISOR DATE

CERTIFICATE OF APPROVAL OF PUBLIC STREET PLANS BY NCDOT

I CERTIFY THAT THE PLANS FOR THE PUBLIC STREETS SHOWN ON THIS PLAT HAVE BEEN APPROVED BY NCDOT AND ARE IN ACCORDANCE WITH THE MINIMUM STANDARDS OF THE BOARD OF TRANSPORTATION FOR ACCEPTANCE OF THE SUBDIVISION STREETS ON THE STATE HIGHWAY SYSTEM FOR MAINTENANCE.

R. A. VANSE DIST. ENGR

PRINTED NAME DISTRICT ENGINEER TITLE

RAVanse 3/28/14

SIGNATURE DISTRICT ENGINEER DATE

SYMBOL LEGEND:

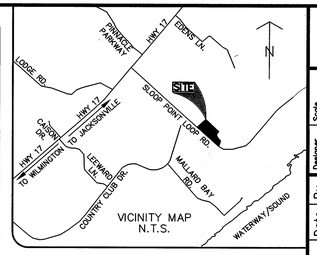
- EIP, EIPF — EXISTING IRON #PIPE / #ROD
- ○ — REBAR SET
- (ECM) — EXISTING CONCRETE MONUMENT
- (NCM) — NEW CONCRETE MONUMENT
- EXISTING RIGHT-OF-WAY MONUMENT
- △(MNS) — MAG NAIL SET
- ▲(MP) — MAP/CALCULATED POINT (UNLESS OTHERWISE NOTED)
- EXISTING NCGS MONUMENT
- (14) — LOT NUMBER

LINETYPE LEGEND:

- SURVEYED LINES (BOUNDARY)
- LINES NOT SURVEYED (ADJOINERS)
- RIGHT-OF-WAY LINE
- STREAM/TRIBUTARY
- WETLAND LINE
- STORM EASEMENT LINE
- SEWER EASEMENT LINE
- CENTER-LINE OF ROAD
- BREAKLINE

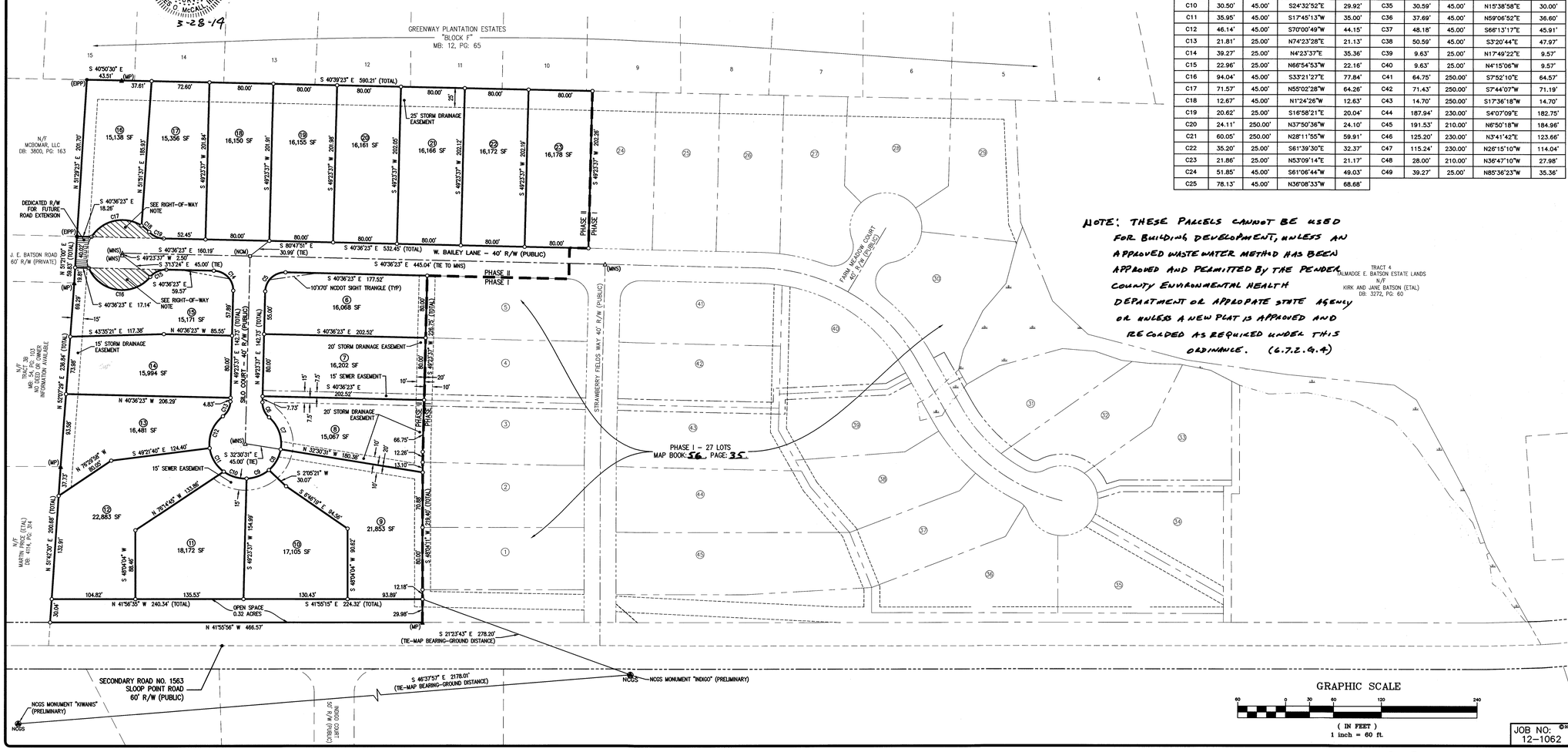
ABBREVIATIONS:

(ECM)	EXISTING CONCRETE MONUMENT
(NCM)	NEW CONCRETE MONUMENT
(MNS)	MAG NAIL SET
(EIP)	EXISTING IRON PIPE
(EIR)	EXISTING IRON ROD
(MP)	MAP/CALCULATED POINT (UNLESS OTHERWISE NOTED)
(PK)	PK NAIL (1 SHOWN AS NOTED)
NCGS	NORTH CAROLINA GEODETIC SURVEY
N/F	NOW OR FORMERLY
MB	MAP BOOK / CABINET
DB	DEED BOOK
PG	PAGE
SF	SQUARE FEET



VICINITY MAP
N.T.S.

CURVE TABLE									
CURVE	LENGTH	RADIUS	BEARING	CHORD	CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	5.78'	250.00'	S48°43'54"W	5.78'	C26	32.10'	45.00'	N34°02'05"E	31.43'
C2	5.31'	230.00'	S48°43'54"W	5.31'	C27	57.82'	45.00'	S88°42'57"E	53.93'
C3	4.85'	210.00'	S48°43'54"W	4.85'	C28	21.86'	25.00'	N76°57'07"W	21.17'
C4	39.27'	25.00'	N4°23'37"E	35.36'	C29	35.20'	25.00'	S37°51'37"W	32.37'
C5	39.27'	25.00'	N85°36'23"W	35.36'	C30	94.99'	250.00'	N8°24'15"E	94.42'
C6	21.81'	25.00'	S24°23'46"W	21.13'	C31	79.68'	210.00'	S8°25'10"W	79.20'
C7	45.63'	45.00'	N28°26'42"E	43.70'	C32	37.17'	210.00'	S7°31'17"E	37.12'
C8	31.10'	45.00'	N77°17'33"E	30.49'	C33	25.25'	25.00'	S41°31'36"E	24.19'
C9	30.59'	45.00'	S63°26'06"E	30.00'	C34	52.34'	45.00'	N37°08'29"W	49.44'
C10	30.50'	45.00'	S24°32'52"E	29.92'	C35	30.59'	45.00'	N15°38'58"E	30.00'
C11	35.95'	45.00'	S17°45'13"W	35.00'	C36	37.69'	45.00'	N59°06'52"E	36.60'
C12	46.14'	45.00'	S70°00'49"W	44.15'	C37	48.18'	45.00'	S66°13'17"E	45.91'
C13	21.81'	25.00'	N74°23'28"E	21.13'	C38	50.59'	45.00'	S3°20'44"E	47.97'
C14	39.27'	25.00'	N4°23'37"E	35.36'	C39	9.63'	25.00'	N17°49'22"E	9.57'
C15	22.96'	25.00'	N66°54'53"W	22.16'	C40	9.63'	25.00'	N4°15'06"W	9.57'
C16	94.04'	45.00'	S33°21'27"E	77.84'	C41	64.75'	250.00'	S7°52'10"E	64.57'
C17	71.57'	45.00'	N55°02'28"W	64.26'	C42	71.43'	250.00'	S7°44'07"W	71.19'
C18	12.67'	45.00'	N1°24'26"W	12.63'	C43	14.70'	250.00'	S17°36'18"W	14.70'
C19	20.62'	25.00'	S16°58'21"E	20.04'	C44	187.94'	230.00'	S4°07'09"E	182.75'
C20	24.11'	250.00'	N37°50'36"W	24.10'	C45	191.53'	210.00'	N6°50'18"W	184.96'
C21	60.05'	250.00'	N28°11'55"W	59.91'	C46	125.20'	230.00'	N3°41'42"E	123.66'
C22	35.20'	25.00'	S61°39'30"E	32.37'	C47	115.24'	230.00'	N26°15'10"W	114.04'
C23	21.86'	25.00'	N53°09'14"E	21.17'	C48	28.00'	210.00'	N36°47'10"W	27.98'
C24	51.85'	45.00'	S61°06'44"W	49.03'	C49	39.27'	25.00'	N85°36'23"W	35.36'
C25	78.13'	45.00'	N36°08'33"W	68.68'					



NOTE: THESE PARCELS CANNOT BE USED FOR BUILDING DEVELOPMENT, UNLESS AN APPROVED WASTE WATER METHOD HAS BEEN APPROVED AND PERMITTED BY THE PENDER COUNTY ENVIRONMENTAL HEALTH DEPARTMENT OR APPROPATE STATE AGENCY OR UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THIS ORDINANCE. (6.7.2.9.A)

GRAPHIC SCALE

60 0 30 60 120 240

(IN FEET)
1 inch = 60 ft.

JOB NO: 12-1062

MB 56 PG 36

No.	Revision	Date	By

Sheet No. 1 of 1

Scale AS NOTED | Date 8-20-13 | Job No. 12-1062

Designer | Drawn By WRD | Checked By ACS

PREPARED FOR:
SIGNATURE PENDER COUNTY NC, LP
4307 PEBBLE DRIVE
WILMINGTON, NC 28402
PH: 713-822-3891

FINAL PLAT FOR:

THE WALK AT SLOOP POINT - PHASE II

MAJOR SUBDIVISION PLAT ON A NCDOT ROAD
Topsail Township | Pender County | North Carolina

ATLANTIC COAST SURVEY, PLLC
P-0822
PO Box 12568 Wilmington, NC 28405
(910) 292-4889 www.atlanticcoastsurvey.com

Pender County
VAR 2021-08 Majestic Oaks Wastewater Treatment Facility

TO:	Board of Adjustment
FROM:	Greg Feldman
DATE:	January 19, 2022
SUBJECT:	VAR 2021-08

SUMMARY:
Old North State Water Company, LLC, applicant and owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Sections 4.14, 'Zoning District Dimensional Requirements', 5.3.5.C, 'Sewage Lift Stations', and 8.2.6, 'Buffer Descriptions and Options". Specifically, the request is to seek relief from the RP, Residential Performance zoning district minimum yard setbacks, sewage lift station project area boundary setbacks, and Type C buffer requirements, respectively. The subject property is located within the Majestic Oaks subdivision on the southern side of Dan Owen Drive near the terminus of Milne Way, approximately 0.5 miles east of the intersection of US HWY 17 and NC HWY 210 in the Topsail Township. There are two tracts totaling approximately 5.39 acres of land associated with this request and may be further identified by Pender County PINs 3292-05-6741-0000 and 3292-05-8598-0000.

ACTION REQUESTED:
To Approve Variance

STAFF REPORT FOR VAR 2021-08
VARIANCE APPLICATION

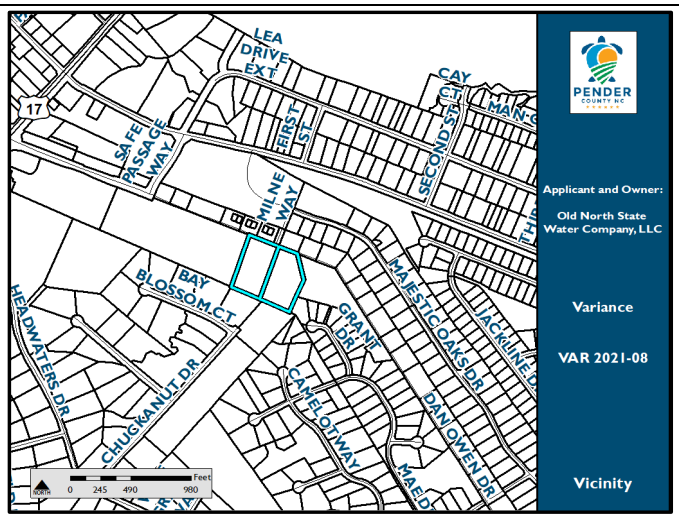
APPLICATION SUMMARY	
Case Number	VAR 2021-08
Hearing Date	December 15, 2021 Board of Adjustment
Applicant	Old North State Water Company, LLC
Property Owner	Old North State Water Company, LLC
Parcel Identification Number	3292-05-8598-0000 & 3292-05-6747-0000
Acreage	±5.39
Township	Topsail
Zoning District	RP, Residential Performance
Pender 2.0 Future Land Use Category	Low Density Residential

VARIANCE PROPOSAL

Old North State Water Company, LLC, applicant and owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Sections 4.14, 'Zoning District Dimensional Requirements', 5.3.5.C, 'Sewage Lift Stations', and 8.2.6, 'Buffer Descriptions and Options''. Specifically, the request is to seek relief from the RP, Residential Performance zoning district minimum yard setbacks, sewage lift station project area boundary setbacks, and Type C buffer requirements, respectively.

LOCATION

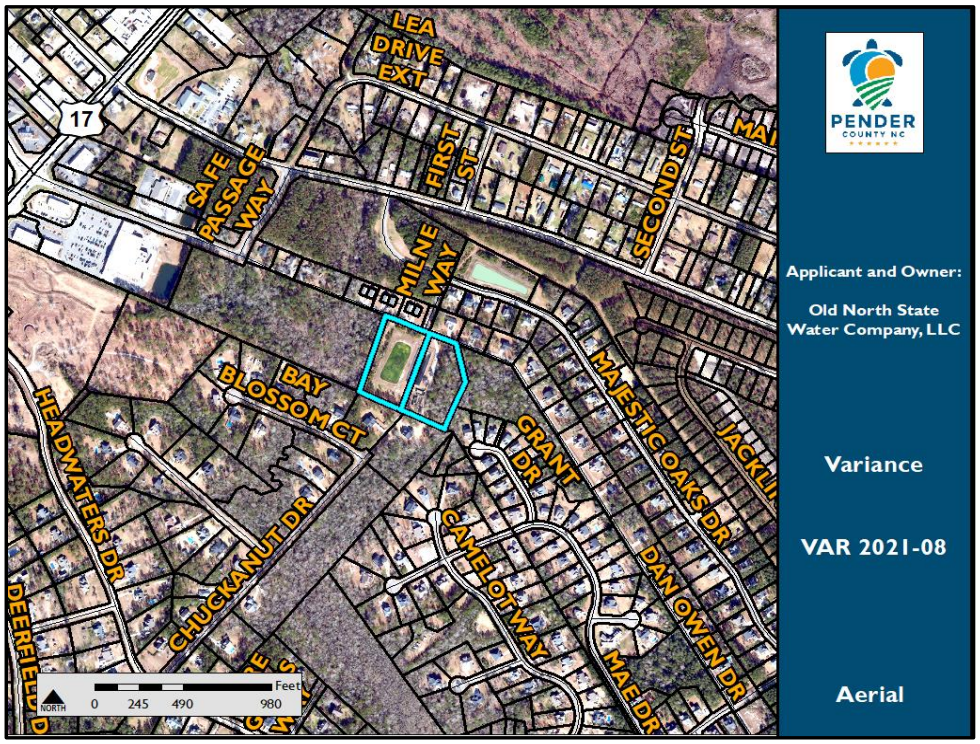
The subject property is located within the Majestic Oaks subdivision on the southern side of Dan Owen Drive near the terminus of Milne Way, approximately 0.5 miles east of the intersection of US HWY 17 and NC HWY 210 in the Topsail Township.



PROPERTY DESCRIPTION

There are two tracts totaling approximately 5.39 acres of land associated with this request and may be further identified by Pender County PINs 3292-05-6741-0000 and 3292-05-8598-0000. The subject properties are located within the Majestic Oaks Subdivision and currently serves as the Majestic Oaks Wastewater Treatment Facility. The treatment facility was approved through a Special Use Permit in 2007 and subsequently amended in 2017 and 2018. Existing infrastructure on the subject properties includes, but not limited to, a wastewater treatment plant, wastewater collection system, disposal areas, lift stations, and storage/disposal lagoons.

Below: Aerial Photograph of Subject Property



VARIANCE DESCRIPTION

According to the applicant's submitted narrative, Old North State Water Company, LLC (ONSWC) is requesting a variance from the minimum front yard setback requirements in the RP, Residential Performance zoning district. Section 5.3.2.C.2.b of the Pender County Unified Development Ordinance (UDO) requires setbacks for all sewage lift stations to be measured from all property lines to the project area boundary, rather than the lift station itself. Therefore, the applicant is seeking a reduction of the front yard setback to 7 feet so that a fence associated with Type C buffer requirements could be constructed 7 feet from the front property line.

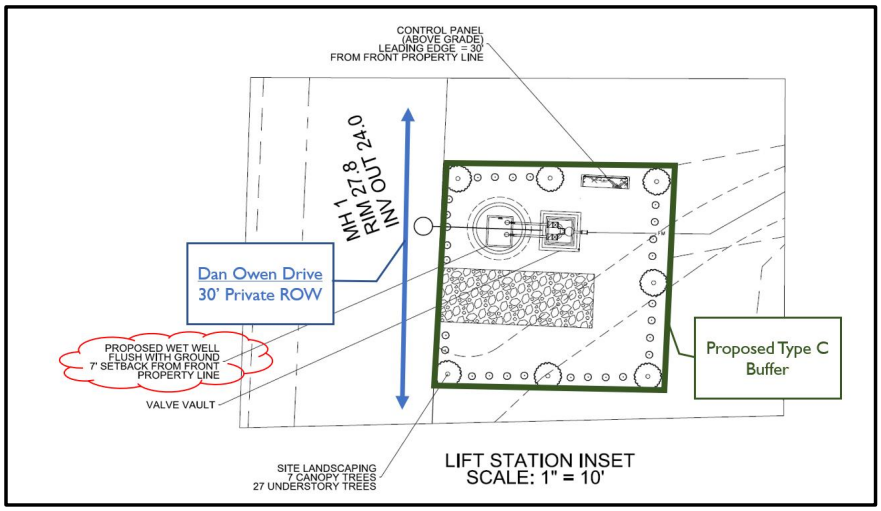
Planning staff was informed in October of 2021 that a lift station was constructed on the subject properties and determined that this construction took place prior to obtaining any zoning

approval. As a result, code enforcement measures have been taken to place the subject property under a Notice of Violation. Should this variance request be granted, the existing lift station could remain where it is currently constructed.

Alternatively, the applicant is requesting relief from the requirement of installing a fence as part of the Type C buffer requirements, as outlined in section 8.6.2 'Buffer Descriptions and Options' of the UDO. Staff has provided the minimum setbacks for the RP, Residential Performance zoning district outlined in Section 4.14 'Zoning District Dimensional Requirements' of the UDO, and noted proposed standards associated with this request.

RP, RESIDENTIAL PERFORMANCE ZONING DISTRICT SETBACKS		PROPOSED SETBACKS FOR VARIANCE REQUEST
Front	30 feet	7 feet (23' encroachment)
Side (West)	10 feet	~30 feet (0' encroachment)
Side (East)	10 feet	~60 feet (0' encroachment)
Corners	15 feet	N/A
Rear	25 feet	~414 feet (0' encroachment)

Below: Applicant's Submitted Site Plan with Staff Markups

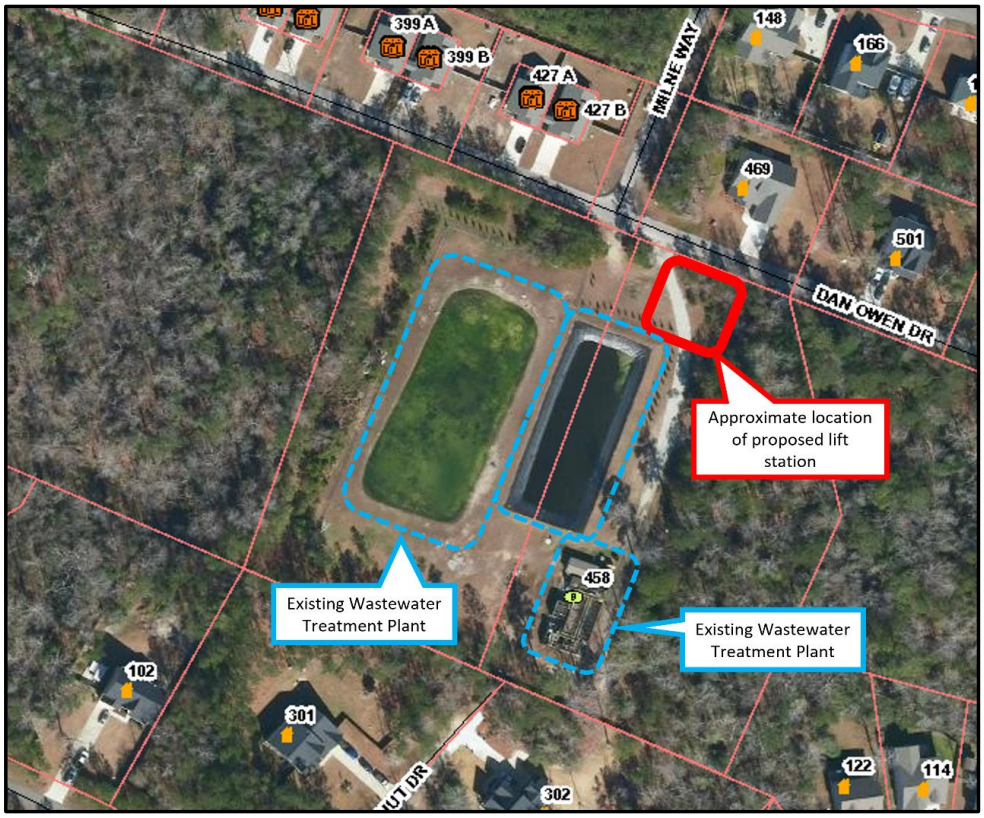


BACKGROUND/JUSTIFICATION FOR A VARIANCE

ONSWC, applicant and owner, currently owns and operates the Majestic Oaks Wastewater Treatment Facility that serves the Majestic Oaks subdivision in Hampstead. The wastewater facility is located on Dan Owen Drive, a private access easement, and the lift station associated with this variance request has been constructed adjacent to the existing facility. The site plan associated with the 2018 revision to the wastewater facility Special Use Permit is included as

Attachment 1 to provide a visual of the site's current configuration. The graphic below also shows the different components of the existing wastewater treatment facility and its proximity to the newly constructed lift station.

Below: Approximate Location of Proposed Lift Station



According to the applicant's submitted narrative, engineering challenges warrant the proposed variance request for relief from Buffering and Zoning District Dimensional Requirements. Specifically, the applicant has indicated these challenges stem from the location of infrastructure associated with the existing wastewater treatment facility.

Should the applicant be granted a variance, a revision to the existing Special Use Permit for the Wastewater Facility would be required to allow for the lift station to be operated on site. Additionally, the applicant has included in their narrative that the granting of a variance would allow for the decommissioning of the existing Majestic Oaks wastewater treatment plant so wastewater could be treated outside the parameters of the Majestic Oaks subdivision.

ALTERNATIVE OPTIONS

The applicant, ONSWC, has provided an alternative request as part of the submitted variance application. According to the applicant's submitted narrative, should the applicant not be granted a variance to encroach 23 feet into the front yard setback, ONSWC asks for the Board's consideration in removing fencing requirements as part of Type C Buffer requirements. Within the applicant's narrative, ONSWC justifies this alternative option by stating the lift station will be flush with grade upon completion of construction.

ZONING ADMINISTRATOR'S CONCLUSION

The applicant is requesting a minimum front yard setback of 7 feet while maintaining all other zoning district dimensional setback and buffer requirements. Additionally, the applicant has provided an alternative request for the Board's consideration, which would allow for the applicant to construct the required Type C buffer around the perimeter of the lift station without the required fencing component of that buffer.

PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE

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. 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.

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.
   a. 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.
   a. 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.

a. 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.

   a. This conclusion is based on all of the FINDINGS OF FACT:

BOARD OF ADJUSTMENT ACTION FOR VARIANCE

MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

Kipfer	Breuer	Nelson	Rivenbark	ALT: Olsen	ALT: Snider

Pender County
Planning and Community Development

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425

Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

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. **Pre-submittal Meeting**
   Date of Meeting 10/25/21
2. **Signed Application**
3. **Payment**
   $250
4. **Narrative**
   A narrative shall be submitted to include the specific Ordinance Section for the requested variance.
5. **Digital Submission**
   For all documents submitted in paper copy, bring a digital copy with paper submission.
6. **Adjacent Property List**
   The applicant shall provide a list of the owners of all properties located within 500-feet of the perimeter of the project bounds.
7. **Adjacent Property Envelopes**
   The applicant shall provide a set of business envelopes addressed to each owner of all properties located within 500-feet of the perimeter of the project bounds accompanied with the amount of postage required for first class postage.

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

Signature of Applicant _____ Date 11/1/21

Printed Name John McDonald
Manager

Staff Initials: _____
Date: _____

APPLICATION FOR VARIANCE

THIS SECTION FOR OFFICE USE			
Application No.	VA	Date	
Application Fee	$	Invoice Number:	

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	OLD NORTH STATE WATER CO, LLC	Owner's Name:	SAME
Applicant's Address:	3212 6th AVE SOUTH	Owner's Address:	
City, State, & Zip	BIRMINGHAM, AL 35222	City, State, & Zip	
Phone Number:	205-326-3200	Phone Number:	
Email Address:	jmcdonald@integrawater.com	Email Address:	
Legal relationship of applicant to landowner:	SAME		

SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3292-05-8580000 3292-05-6741000	Total property acreage:	5.41
Zoning Classification:	RP	Variance Size:	0.06 ACRES
Variance Location & Address	45 E DANDELION DR. HAMPSTEAD		
Describe Variance and amount or type requested:	REDUCE BUFFER & DELETE FENCING FROM LIFT STATION		

SECTION 3: SIGNATURES			
Applicant's Signature		Date:	
Applicant's Name Printed		Date:	
Owner's Signature	[signature]	Date:	11/1/21
Owner's Name Printed	John McDonald - manager	Date:	

NOTICE TO APPLICANT:

1. The Board of Adjustment shall review applications for a variance and shall be the approving authority for all requirements.
2. 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.
3. An application for a variance shall be submitted in accordance with application requirements.
4. 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.
5. 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.
6. Applicant must also submit the information described in the Variance Checklist provided below.
7. Applicant or agent authorized in writing must attend the public hearing.
8. 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 # _____
Application received by:		Date:	

Application completeness approved by:		Date:
Date scheduled for public hearing:		

Justification for Old North State Water Company, LLC's Requests for a Variance and Revision to the Special Use Permit for the Majestic Oaks Wastewater Treatment Facility

I. Introduction

Applicant Old North Sate Water Company, LLC ("ONSWC") provides this Justification in support of its request for a variance pursuant to Section 3.14 of the Pender County Unified Development Ordinance ("UDO") so that a sanitary sewer lift station ("Lift Station") may be constructed on the property inside the Majestic Oaks subdivision where the Majestic Oaks wastewater treatment facility ("Wastewater Treatment Facility") is located on property zoned Residential Performance ("RP") ("Wastewater Treatment Facility Property" or "Property"). A site plan showing the location of the Lift Station on the Wastewater Treatment Facility Property is attached hereto as Exhibit A. The Majestic Oaks Wastewater Treatment Facility consists of a wastewater treatment plant, wastewater collection system, disposal areas, and lift stations, as well as storage and disposal lagoons. This Justification also supports ONSWC's request for a revision to its existing Special Use Permit relating to the Majestic Oaks Wastewater Treatment Facility.

There are two parcels associated with ONSWC's request for a variance and a revision to its Special Use Permit, totaling approximately 5.39 acres. The subject properties are located along the south side of Dan Owen Drive (private) near the terminus of Chuckanut Drive (private) and the terminus of Milne Way (private). The parcels are approximately 0.5 miles east of the intersection of US Highway 17 and NC Highway 210 within the Majestic Oaks subdivision in the Topsail Township. The subject properties are further identified by Pender County PINs: 3292-05-6741-0000 and 3292-05-8598-0000.

II. Request for a Variance

A. Need for a Variance

ONSWC seeks relief and a variance as to either (i) the front setback requirement for the new Lift Station on the Wastewater Treatment Facility Property so that the fence for the Lift Station may be located 7 feet from the front property line, or (ii) the Type C buffer requirements so that a fence is not required to be constructed as part of the buffer around the Lift Station. Section 5.3.5.C(2) (Sewage Lift Stations) of the UDO requires a Type C buffer in accordance with Article 8 of the UDO around a sewage lift station. It is ONSWC's understanding that the County interprets the Type C buffer requirements to require the setback distances to be measured from the fence surrounding the Lift Station, rather than the Lift Station components themselves. The Lift Station will be flush with grade upon completion of construction, and therefore, it will have no visual impact off-site. As such, a variance to either reduce the front setback to 7 feet, or to eliminate the requirement of installing a fence in the buffer (so that the front setback will not be measured from the fence) will have no adverse visual effect or otherwise on Dan Owen Drive or the Majestic Oaks subdivision. To the contrary, the granting of a variance for the Lift Station will benefit the Majestic Oaks community, as it will allow for the decommissioning of the existing Majestic Oaks wastewater treatment plant so that the wastewater may be treated outside of the

Majestic Oaks community (in the Pluris Hampstead state-of-the-art membrane bio reactor ("MBR") wastewater treatment plant in Hampstead).

The only part of the Lift Station that will be above grade will be the control panel and the by-pass pumping stubs. If the Board of Adjustment grants a variance to the fencing requirement—instead of the setback requirement—ONSWC is willing to install fencing around the above-grade components and will landscape the entire area so that even the structures that are flush with grade will be well screened.

A variance is needed due to the fact that the existing force main line and the existing Wastewater Treatment Facility infrastructure make it exceedingly difficult to site the Lift Station farther back on the Wastewater Treatment Facility Property (i.e., farther away from the front property boundary). The existing storage and infiltration lagoons, along with the corresponding underdrain piping and other appurtenances, would make excavation of the wet well location technically problematic if the location were to be shifted away from the road and toward the rear of the Property.

B. Compliance with the Requirements for a Variance

ONSWC's request for a variance meets the following requirements:

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.

1. <u>Compliance with Part A</u>

There would be unnecessary hardship if the UDO provisions were strictly applied to the Wastewater Treatment Facility Property and the Wastewater Treatment Facility infrastructure. Also, the hardship results from conditions that are peculiar to the Wastewater Treatment Facility Property.

There is substantial oversight and regulation of the Majestic Oaks Wastewater Treatment Facility by both the North Carolina Utilities Commission ("NC Utilities Commission") and the Division of Water Resources, a division of the North Carolina Department of Environmental Quality ("NCDEQ"). The construction and operation of the Lift Station will allow for the decommissioning and removal of the existing Majestic Oaks wastewater treatment plant, which has a problematic regulatory history, removal of the Wastewater Treatment Facility infrastructure located on the Property, and removal of a second infiltration basin located nearby which, according to NCDEQ staff, is near failing and is subject to rupturing.

It is important that construction of the Lift Station be completed expeditiously in order to solve the various existing environmental compliance issues associated with the Wastewater Treatment Facility before further environmental issues occur. If the Lift Station was required to meet the 30-foot front setback requirement and therefore had to be located closer to the existing lagoons, there would be the risk that the lagoons and the underdrain system that surrounds them would be undermined and compromised.

It is necessary to keep the existing Majestic Oaks wastewater treatment plant in operation until construction of the Lift Station is completed and it is placed in service. However, the plumbing for the wastewater treatment plant has been altered to allow the flow of wastewater to be redirected to the Pluris Hampstead MBR wastewater treatment plant in Hampstead in order to alleviate the more pressing environmental issues, to allow the lagoons to be dewatered, and to reduce the risk of a failure. This temporary solution was reached with NCDEQ staff, who are enthusiastic about the removal of the existing wastewater treatment plant, and has been approved by the NC Utilities Commission.

2. Compliance with Part B

The requested variance is consistent with the spirit, purpose, and intent of the UDO, and will ensure that the public safety is secured and substantial justice is achieved. By granting the variance, the Board of Adjustment will allow the construction of the Lift Station to proceed so that the existing wastewater treatment plant can be decommissioned and removed. The decommissioning and removal of the wastewater treatment plant will result in the removal of an environmental hazard from the Majestic Oaks subdivision and will end the problematic disposal of effluent in facilities in close proximity to houses. Such an outcome will directly and materially benefit all of the residents of the Majestic Oaks subdivision.

III. Request for a Revision of Existing Special Use Permit

A. Need for a Revision to the Special Use Permit

Upon the granting of the requested variance, ONSWC submits this application to revise the current Special Use Permit for the Majestic Oaks Wastewater Treatment Facility Property in order to

accommodate the new Lift Station. The initial Special Use Permit for the Wastewater Treatment Facility Property was issued by the Pender County Board of Commissioners on June 18, 2007 ("2007 Special Use Permit") (Case No. 07-06-18-19) to Deuce Investments, Inc. ("Deuce") for Deuce to construct and operate a wastewater treatment plant on the RP-zoned property located east of US Highway 17, along Dan Owen Drive. Deuce is the predecessor-in-interest to Hampstead Land Group, LLC ("HLG"). HLG subsequently sold and conveyed the Majestic Oaks Wastewater Treatment Facility to ONSWC. The 2007 Special Use Permit is attached hereto as Exhibit B.

A revised Special Use Permit was issued for the Wastewater Treatment Facility by the Pender County Board of Commissioners on November 29, 2018 ("2018 Special Use Permit") (Case No. SUP-2018-5). The 2018 Special Use Permit is attached hereto as Exhibit C. The 2018 Special Use Permit authorized ONSWC to expand the service district of the Wastewater Treatment Facility and to continue operation of the Wastewater Treatment Facility.

At the present time, given the various environmental issues associated with the Wastewater Treatment Facility, it is evident that the overwhelming consensus by the regulators (NCDEQ and the NC Utilities Commission), along with the Majestic Oaks community, favors the decommissioning and removal of the Wastewater Treatment Facility. In order to do so, the Lift Station must be constructed to send the wastewater flow currently treated by the Majestic Oaks wastewater treatment plant to the Pluris Hampstead MBR facility.

B. Compliance with the Requirements for the Revision to the Special Use Permit

ONSWC's request for a revision to the Special Use Permit meets the following requirements:

1. *The use requested is listed among the special uses in the district for which application is made, or is similar in character to those listed in that district.*

The zoning district where the Wastewater Treatment Facility is located—Residential Performance (RP)—allows the construction and operation of wastewater infrastructure, as do all other zoning districts. Without lift stations, it would be impossible to provide wastewater service to these areas without individual septic systems.

2. *The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property.*

Construction of the Lift Station and the ability to permanently route wastewater flow to Pluris Hampstead's MBR wastewater treatment plant will enable the decommissioning and removal of the existing wastewater treatment plant. This modification will beneficially improve all of the items listed in this criterion. The requested revision to the Special Use Permit will not impair the integrity or character of the surrounding or adjoining districts, and it will not adversely affect the safety, health, moral, or welfare of the community or neighbors of the property. In fact, the construction of the Lift Station, which will enable the removal of the wastewater treatment plant, will improve the integrity and character of the Majestic Oaks community and the safety, health, moral, or welfare of the community. The removal of the wastewater treatment pacility will

positively affect the Majestic Oaks community because the issues related to sound, odor, and drainage from the facility will be eliminated.

3. *The proposed use shall not constitute a nuisance or hazard.*

Modification of the 2018 SUP to allow construction of the Lift Station will enable all wastewater flow to be provided to Pluris Hampstead's advanced MBR plant in Hampstead and will thereby resolve the environmental problems of the Wastewater Treatment Facility.

4. *The requested use will be in conformity with the Pender County Land Use Plan and other official plans or policies adopted by the Board of County Commissioners.*

Pluris Hampstead's MBR wastewater treatment plant has the capacity to treat wastewater flowing from the developments that are connected to the Majestic Oaks Wastewater Treatment Facility. The construction of the Lift Station will allow reasonable and environmentally complaint wastewater service to be provided to the Majestic Oaks subdivision and other developments in the County.

5. *Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided.*

Due to the reduction in size of the facilities currently on the Wastewater Treatment Facility Property, including the removal of the existing Majestic Oaks wastewater treatment plant, the overall footprint of the Wastewater Treatment Facility will be substantially reduced.

6. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public roads.*

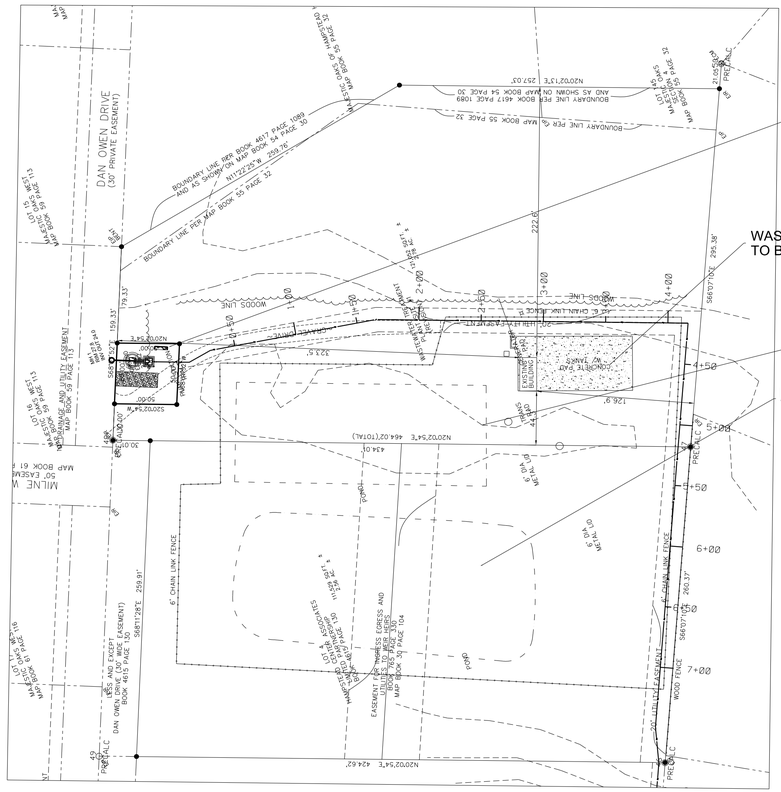
The Lift Station will have similar access to the other existing lift stations in the Majestic Oaks subdivision. The existing lift stations are usually visited by technicians on a weekly basis, and they are monitored remotely and constantly with telemetry systems, as required by NCDEQ regulations.

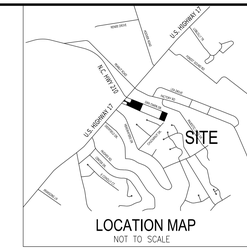
7. *That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

The Lift Station will comply with all of the current regulations for the district upon the granting of the requested variance.

8. *The proposed use shall not adversely affect surrounding uses and shall be placed on a lot of sufficient size to satisfy the space requirements of said use.*

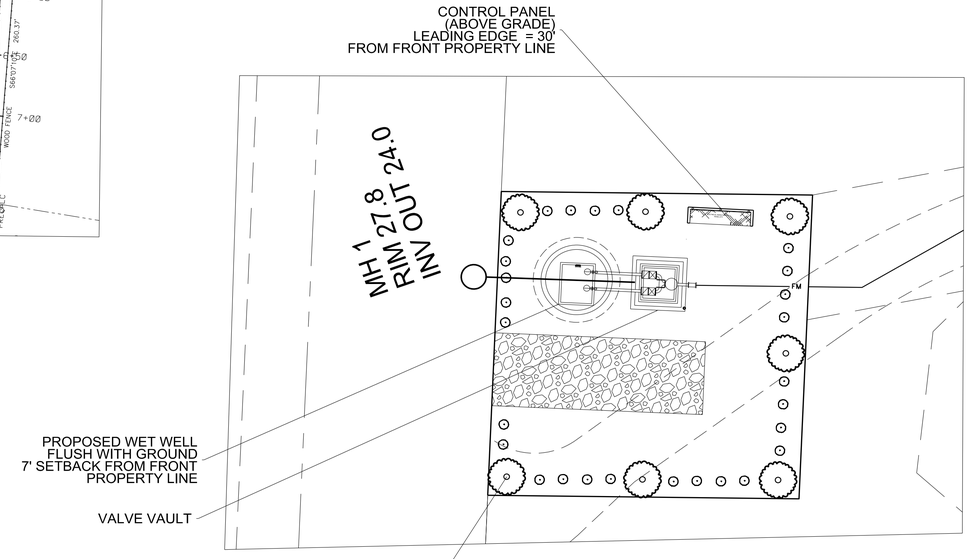
The Lift Station will be located on the current Wastewater Treatment Facility Property, which is much larger than is necessary for the Lift Station. As stated previously, the Lift Station will not adversely affect the Majestic Oaks subdivision and will instead benefit the entire community, as it will allow for the removal of the existing wastewater treatment plant and associated ponds. In summary, the construction of the Lift Station will be a great benefit to the community.





OLD NORTH STATE WATER COMPANY, LLC

SPECIAL USE PERMIT AND VARIANCE PLAN



LIFT STATION INSET
SCALE: 1" = 10'

NORTH

SCALE: 1" = 50'

OLD NORTH STATE WATER COMPANY, LLC
3212 6TH AVEENUE
BIRMINGHAM, AL 35222

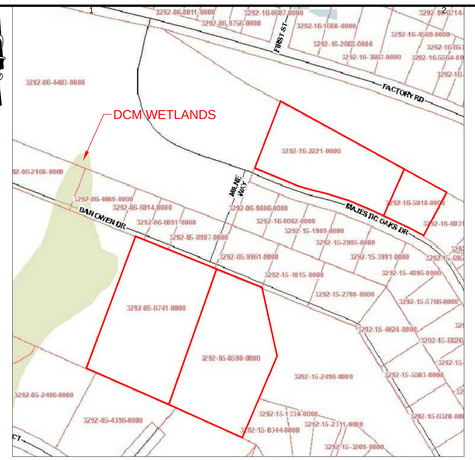
C1.0

NOTE: ANY PLAN THAT DOES NOT BEAR AN ENGINEER'S SEAL, SIGNATURE AND DATE IS A PRELIMINARY PLAN AND NOT RELEASED FOR CONSTRUCTION

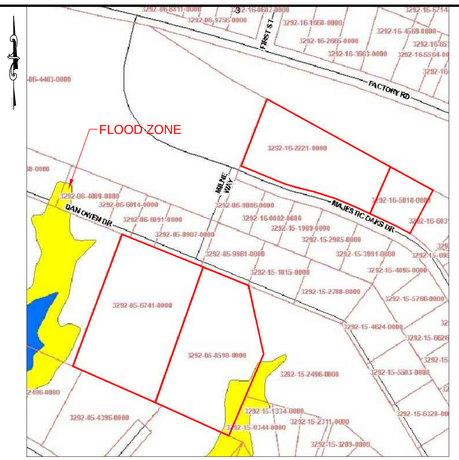
PRELIMINARY PLAN NOT FOR CONSTRUCTION

10-31-21

Michael C. Gallant PE, PA
Engineering / Consulting / Design
GALLANTMC@YAHOO.COM
PO BOX 4039 SURF CITY, NC 28445
910.448.1046
NC FIRM C-1989 AL FIRM CA-4338-E NC REG NO. 25572 AL REG NO. 32178

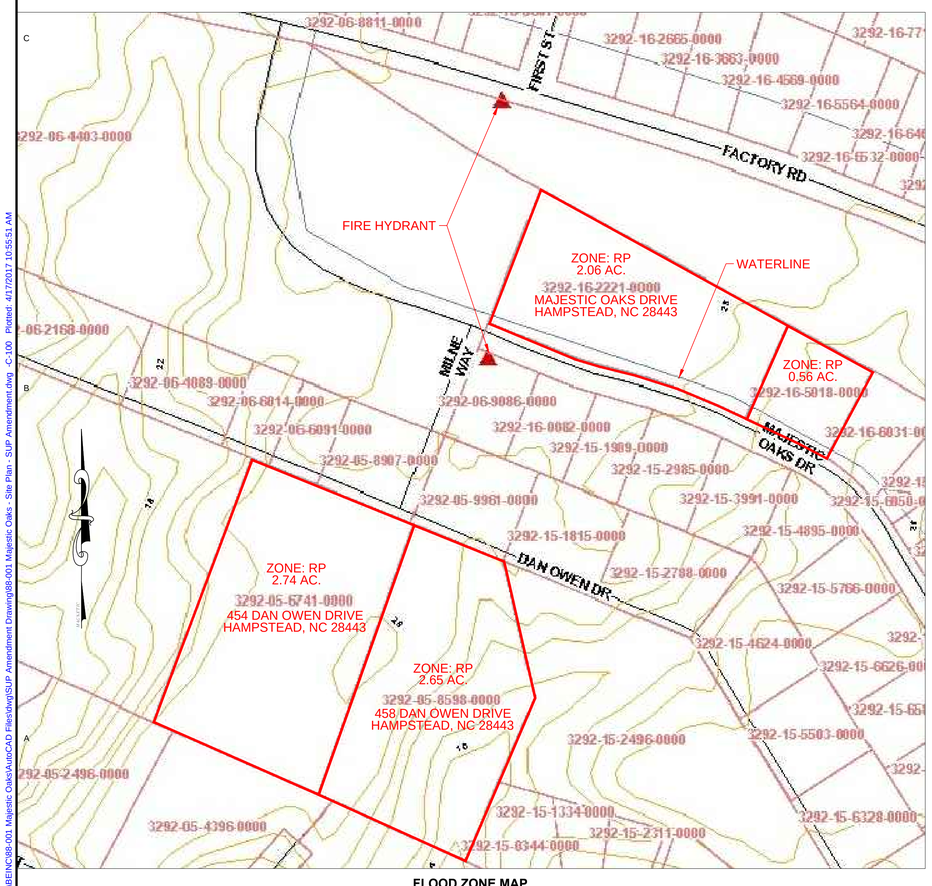


DCM WETLANDS MAP
SCALE: 1" = 200'



FLOOD ZONE MAP
SCALE: 1" = 200'

STRUCTURE LOCATION MAP
SCALE: 1" = 200'



FLOOD ZONE MAP
SCALE: 1" = 100'

LOCATION MAP
SCALE: AS SHOWN

Project:

MAJESTIC OAKS
PROPOSED SITE REVISIONS

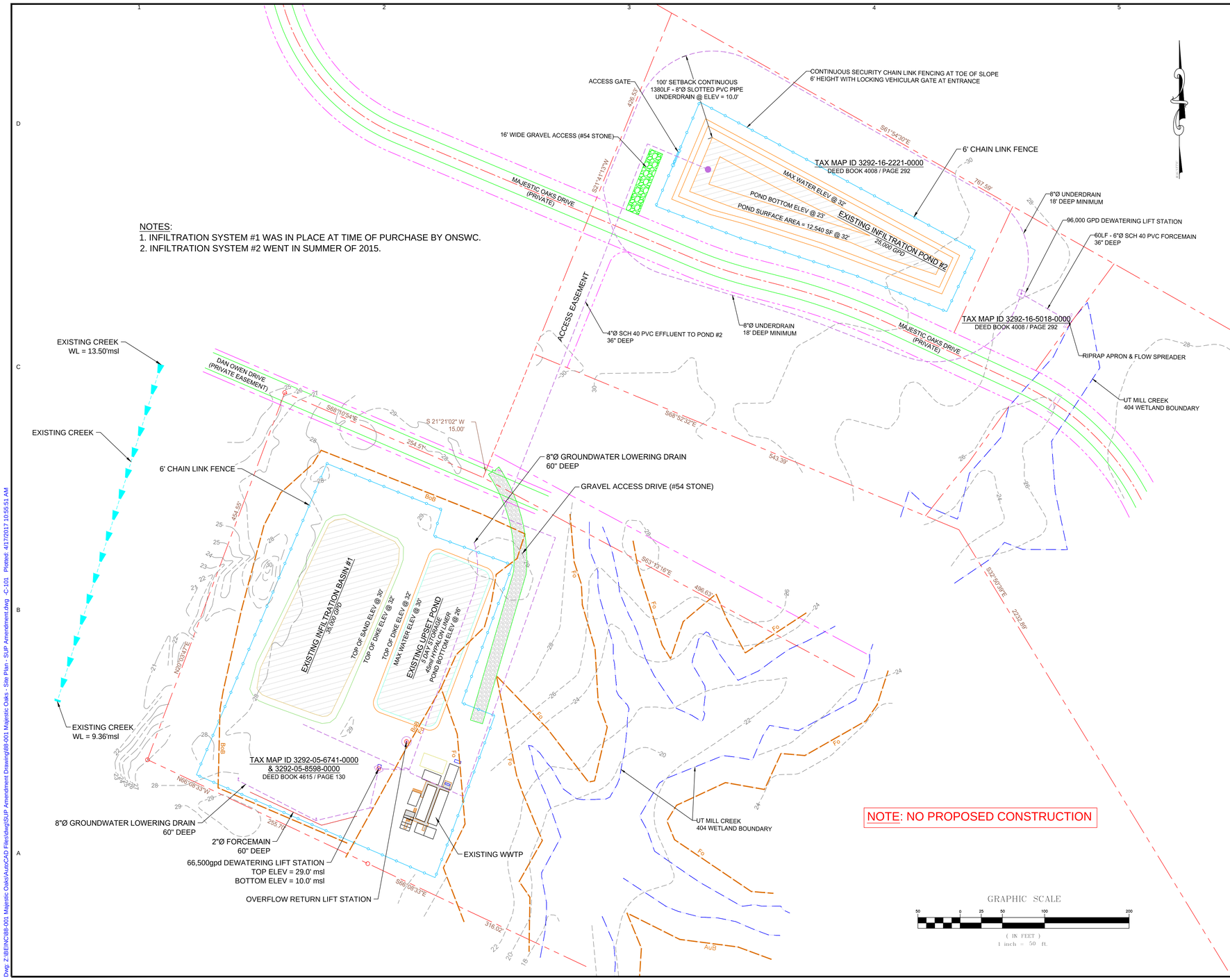
Sheet Title:
SITE LOCATION INFILTRATION BASIN #1 & 2

Owner:
OLD NORTH STATE WATER COMPANY, LLC
4700 HOMEWOOD COURT , SUITE 108
RALEIGH, NC 27609

Designed By:	RGB	Sheet No:	C-100
Drawn By:	SEB		
Checked By:	RGB		
Approved By:	RGB		1 of 2
Date:	17 APRIL 2017	Arch D Size Sheet	
Scale :	AS SHOWN	Project No :	#77-001

Burgin Engineering Inc.
PO BOX 1804 IRMO, SC 29063
(803) 781-2965

Dwg: Z:\BEINC\88-001 Majestic Oaks\AutoCAD Files\dwg\SUP Amendment Drawing\88-001 Majestic Oaks - Site Plan - SUP Amendment.dwg -C-100 Plotted: 4/17/2017 10:55:51 AM



NOTES:
1. INFILTRATION SYSTEM #1 WAS IN PLACE AT TIME OF PURCHASE BY ONSWC.
2. INFILTRATION SYSTEM #2 WENT IN SUMMER OF 2015.

LEGEND:
- PROPERTY LINE
- EXISTING CONTOURS
- ROAD ROW
- CHAIN LINK FENCE
- WETLAND BOUNDARY
- SOIL TYPES
  BoB, Fo, GoA, AuB

Project:
MAJESTIC OAKS
PROPOSED SITE REVISIONS

Sheet Title:
EXISTING SITE PLAN

Owner:
OLD NORTH STATE WATER COMPANY, LLC
4700 HOMEWOOD COURT , SUITE 108
RALEIGH, NC 27609

Designed By:	RGB	Sheet No:	C-101
Drawn By:	SEB		2 of 2
Checked By:	RGB		
Approved By:	RGB		
Date:	17 APRIL 2017	Arch D Size Sheet	
Scale :	AS SHOWN	Project No :	#77-001

Burgin Engineering Inc.
PO BOX 1804 IRMO, SC 29063
(803) 781-2965

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