



Pender County

Agenda

Board of Adjustment Meeting

Wednesday, May 18, 2022 @ 9:00 AM
Pender County Public Assembly Room

	Presenter	Page
1. CALL TO ORDER		
2. ROLL CALL		
3. PLEDGE OF ALLEGIANCE		
4. ADOPTION OF AGENDA		
5. MOMENT OF SILENCE		
6. ADOPTION OF MINUTES		
6.1. April 20, 2022 Meeting Minutes 4/20/2022 Meeting Minutes - Pdf		3 - 22
7. PUBLIC COMMENT		
8. VARIANCE		
8.1. VAR 2022-10 VAR 2022-10 - Pdf		23 - 55
8.2. VAR 2022-11 VAR 2022-11 - Pdf		57 - 76
9. APPEAL		
10. DISCUSSION ITEMS		
11. NEXT MEETING DATE		
11.1. June 15, 2022 Commissioners' Chambers 805 S. Walker Street Burgaw, NC 28425		
12. ADJOURNMENT		



Pender County Request for Board Action

TO: Zoning Board of Adjustment
FROM: Travis Henley
DATE: May 18, 2022
SUBJECT: April 20, 2022 Meeting Minutes

SUMMARY:

Meeting Minutes from the April 20, 2022 meeting of the Pender County Board of Adjustment

ACTION REQUESTED:

Review and consider approving April 20, 2022 meeting minutes

ATTACHMENTS:

1. Meeting Minutes
2. Exhibit A
3. Exhibit B
4. Exhibit C

Pender County Board of Adjustment Meeting Minutes – April 20th, 2022

Members Present: Max Kipfer, Chairman
Kyle Breuer, Vice Chairman
Douglas-Scott Rivenbark
Jeffrey Snider, Alternate
Andrew Olsen, Alternate

Members Absent: Samantha Nelson

Others Present: Travis Henley, Planning Director
Trey Thurman, County Attorney
Justin Brantley, Senior Planner
Greg Feldman, Current Planner
Jennifer Roper, Applicant
Jason Roper, Applicant
Other Staff and Members of the Public

1 Call To Order: 9:01am

2 Roll Call

3 Pledge of Allegiance

4 Moment of Silence

5 Adoption of Agenda

Mr. Breuer made a motion to adopt the agenda. Mr. Snider seconded the motion, and the motion was unanimously approved.

6 Adoption of Minutes

Mr. Olsen made a motion to adopt the minutes from the January 19th, 2022 Planning Board Meeting. Mr. Snider seconded the motion, and the motion was unanimously approved.

7 Public Comment

There was not public comment.

8 Swearing in of Applicants, Witness, and Other Interested Parties

The Chairman swore in and/or affirmed Travis Henley, Greg Feldman, Jennifer Roper, and Jason Roper as to their testimony being truthful and relevant to the respective case.

9 Public Hearings

a) VARIANCE CASE 2022-10 – Applicants Jason Roper and Jennifer Roper

Mr. Greg Feldman, Planning Director, presented the Staff Report. Mr. Feldman provided that Jason and Jennifer Roper, applicants and owners, are requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section

5.3.3.A, 'Accessory Building Setbacks and Separation Requirements.' The applicant is requesting relief from side yard setback requirements for accessory structures within the RA, Rural Agricultural zoning district, along with structure separation requirements for a 30' x 49' (1,470-sf) accessory structure. Specifically, the request is to seek a 7' relief from the required 15' side yard setback, and a 19' relief from the required 30' structure separation requirement within the RA, Rural Agricultural zoning district.

Mr. Kipfer asked for clarification on the case history and the applicant's narrative provided in the staff report. Mr. Kipfer stated that the narrative provides that the contractor did not make the applicant aware that permits were required and that the staff report provides that the applicant informed County staff that they made a different decision based on cost. Mr. Feldman stated that he was made aware by the applicants that there was an option with permitting through the contractor and added that he would defer to the applicant for clarification.

Mr. Kipfer asked what the cost of a building permit application would be for this structure. Mr. Henley estimated that the permit cost would be around \$250 or \$300.

Mr. Snider asked for clarification on rear setbacks with a pond occupying a portion of the rear of the property. Mr. Feldman provided that the rear setback would be measured from the property line and not from the shoreline of the pond. Mr. Feldman stated that staff observed significant grade changes in the rear of the property

Mr. Kipfer asked if the aerial image provided shows the building in question. Mr. Feldman stated that the aerial does not show the building and he clarified the location of the structure.

Mr. Breuer asked how long the pre-existing accessory structure has been located on the property. Mr. Feldman provided there was no record of approval available. Mr. Henley provided that based on aerial images over time it appears that it was placed on-site between 2010 and 2012. Mr. Henley added that between 2012 and 2016 the structure was moved further away from the home towards the rear of the property.

Mr. Kipfer asked when the newer structure was placed on the property. Mr. Feldman answered in October of 2021. Mr. Kipfer asked how the County was made aware of this structure. Mr. Feldman provided that a Pender County building inspector lives nearby and that they informed the County as well as the property owner.

Mr. Snider asked if a distance has been measured from the rear parcel line to the edge of the pond. Mr. Feldman provided that this measurement has not been taken and added that an estimate of the distance can be provided using GIS. Mr. Henley stated that he estimates that the rear property line is around 115' to the bank of the pond.

Mr. Jason Roper and Mrs. Jennifer Roper addressed the Board. Mrs. Roper provided that it was never intended to not do what was required in terms of required permits. Mrs. Roper explained that they hired a company with the expectation that they would do what was necessary. She added that they were given an option by the contractor to receive building plans for the structure at a greater cost. Mrs. Roper stated that the contractor provided that

the structure would meet code requirement. She stated that they went with the cheaper option due to their ignorance and lack of understanding. Mrs. Roper stated that they have been working with the County to rectify the situation.

Mr. Roper explained that the difference between the two options provided by the contractor was that there would be a set of building plans provided. Mr. Roper stated that he assumed that if the building would be built to code, then building plans would not be necessary.

Mr. Kipfer stated that either way permits were required for the project. Mr. Roper stated that they opted for the basic certified package. Mr. Roper added that the construction was completed around October and then they were made aware of the fact that permits were not acquired for the structure. Mr. Roper stated that numerous attempts were made to contact the company and eventually were able to acquire the building plans at an additional cost.

Mrs. Roper stated that the contractor placed the building on the property in the only location that would work based on the slope in the rear of the property.

Mr. Kipfer asked if it would have been possible to place the structure in the middle of the rear yard rather than closer to the side property line. Mr. Roper explained that this was the best location for the building on the property based on the slope in the rear yard and the guidance of the contractor.

Mr. Olsen asked how much grading would have been required if the building was moved closer to the center of the property. Mr. Roper estimated that 20' would have to be taken out and filled to make it work. Ms. Roper added that septic lines are located in this area. Mr. Roper clarified the location of the existing septic field. Mr. Olsen stated

Mr. Kipfer stated that trees were moved to accommodate the building and asked if trees in the other area of the property could have been removed instead for a better location. Mr. Roper provided that it could have potentially been located more central to the rear yard. Mr. Roper added that there was a communication barrier with works who constructed the building. Mr. Roper continued to describe the slope and conditions in the rear of the property.

Mr. Kipfer asked Staff to clarify fines for the violation. Mr. Feldman provided that the fines would begin if the Variance is not approved. Mr. Henley added that the applicants have been working to get the appropriate permits since they were made aware of the discrepancy.

Mrs. Roper stated that financially they do not know if they can afford to lose what they have put into this building. Mr. Kipfer asked if any of the neighbors in attendance were interested in testifying. No testimony was provided. Mr. Roper stated that they did provide a letter of support from one of the adjacent property owners which has been included in the Board's packet.

Mr. Breuer stated that the Board is tasked with strictly following state statutes in order to grant a Variance. Mr. Breuer provided that it would be helpful for the decision for the Board to be provided a copy of the existing septic permit as well as photographic evidence showing the existing topographical conditions in the rear of the property. Mr. Breuer explained that this information could be submitted into the record as evidence to help the Board make its decision.

Ms. Roper provided that she provided staff with photographs taken in the rear of the site. Mr. Roper stated he has a copy of the preliminary septic plan for when the neighborhood was built as well as a document prepared by a private septic consultant that shows where the drain lines are located. Mr. Breuer provided that it would be helpful to see where the building could be placed to comply with County regulations with supporting documents showing why the building could not be placed in this location.

Mr. Roper submitted the documents related to the existing septic system into evidence. The preliminary plat illustrating the proposed septic field will be considered **Exhibit A** and the Alfred Septic Solutions document will be considered **Exhibit B**.

Mr. Kipfer asked Mr. Feldman to show the site plan provided in the packet. Mr. Kipfer provided that the Board needs to see the additional evidence to make an informed decision. Mr. Breuer stated that Exhibit A is inconsistent with Exhibit B and provided that it appears that Exhibit A was a preliminary septic plan. Mr. Breuer added that the actual authorization to construct from Environmental Health would be helpful to see.

Mr. Feldman displayed photographs provided by the applicant. These photographs will be considered as **Exhibit C**.

Mr. Olsen stated that the septic information provided has raised more questions than provides clarification. Mr. Kipfer agreed and added that the accessory building appears to be placed on top of the drain lines based on the preliminary septic plan.

Mr. Breuer provided that he is willing to accept additional evidence to inform a decision by the Board. He added that there is not enough evidence provided at this time to support a decision. Mr. Kipfer requested that Staff work with the applicants to get more supporting documents to better inform a decision by the Board.

Mr. Olsen stated that he is not certain that more information would allow the Variance based on the record at this time. Mr. Breuer provided that he would leave it up to the applicant whether or not they wish to seek additional supporting documentation. Mr. Olsen added that a detailed topographical map of the site would also be helpful.

Mr. Kipfer asked if Environmental Health should be engaged prior to the next meeting. Mr. Henley stated that Planning Staff will work with Environmental Health to better inform the Board's decision.

Mr. Roper stated that he would like to accrue more expenses on something that may not be approved. Mr. Breuer recommended acquiring a topographical map which will be readily available as well as work with County staff to gather additional information that may help

the case. Mr. Feldman stated that staff did take some of the photographs provided in Exhibit 3 and added that staff did observe a grade change in the rear of the property.

Mr. Breuer made a motion to table the item until the May 18th meeting. Mr. Olsen provided a second and the motion was unanimously approved.

9 Discussion

There was no discussion.

10 Next Meeting Date

May 18th, 2022

805 S. Walker Street

Burgaw, NC 28425

Pender County Hampstead Annex

11 Adjournment

Meeting adjourned at 9:49am

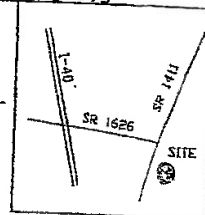
EXHIBIT A

THIS PLAT IS NOT FOR
RECORDATION
SERVED BY PUBLIC
WATER AND SEWER
THIS PLAT WAS PREPARED FROM
RECORDED DEEDS AND/OR PLATS.

NO SURVEY WORK WAS DONE AT
THIS TIME

Site Plan
Prepared by: *[Signature]*
Approved by: *[Signature]*
8/24/04

MORGAN COVE LAKE



VICINITY MAP
SCALE
PLAT NORTH
PB. 29, PG. 146

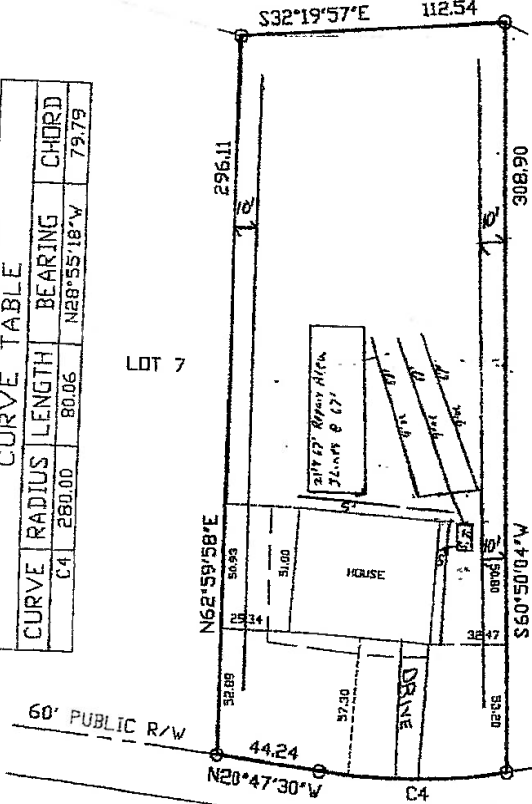


CURVE TABLE			
CURVE	RADIUS	LENGTH	BEARING
C4	280.00	80.06	N28°55'18"W
C4	280.00	80.06	N28°55'18"W

LOT 7

COUNTY SETBACK INFO:
FRONT = 40'
SIDE = 20'
REAR = 30'
CORNER SIDE = 20'

COVENANT SETBACK INFO:
FRONT = 50'
SIDE = 20'



LOT 9
THIS PLAT WAS PREPARED FROM
RECORDED DEEDS AND/OR PLATS
DATE: 8/24/04
PAGE: 1
SIGNATURE: *[Signature]*
DATE: 8/24/04

REFERENCE:
MORGAN COVE PLANTATION S/D
SECTION I
PB. 29, PG. 146
LOT 8

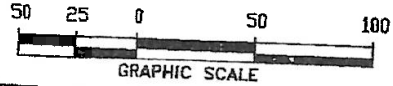
AREA BY COORDINATE METHOD

BOTTLE BRANCH DRIVE

PRELIMINARY PLAT
FOR REVIEW ONLY

PRELIMINARY SITE PLAN FOR

ASHLEY TURNER ENT.



 SOUTHWIND SURVEYING AND ENGINEERING, INC. 201 CLEN ROAD GARNER, NC 27529 919-771-0183 919-773-0148 (FAX)	BURGAW	TOWNSHIP	
	PENDER	COUNTY	
	STATE	NC	
	DATE	8/10/04	
SCALE	1"=50'	DRAWING NO.	04-1154

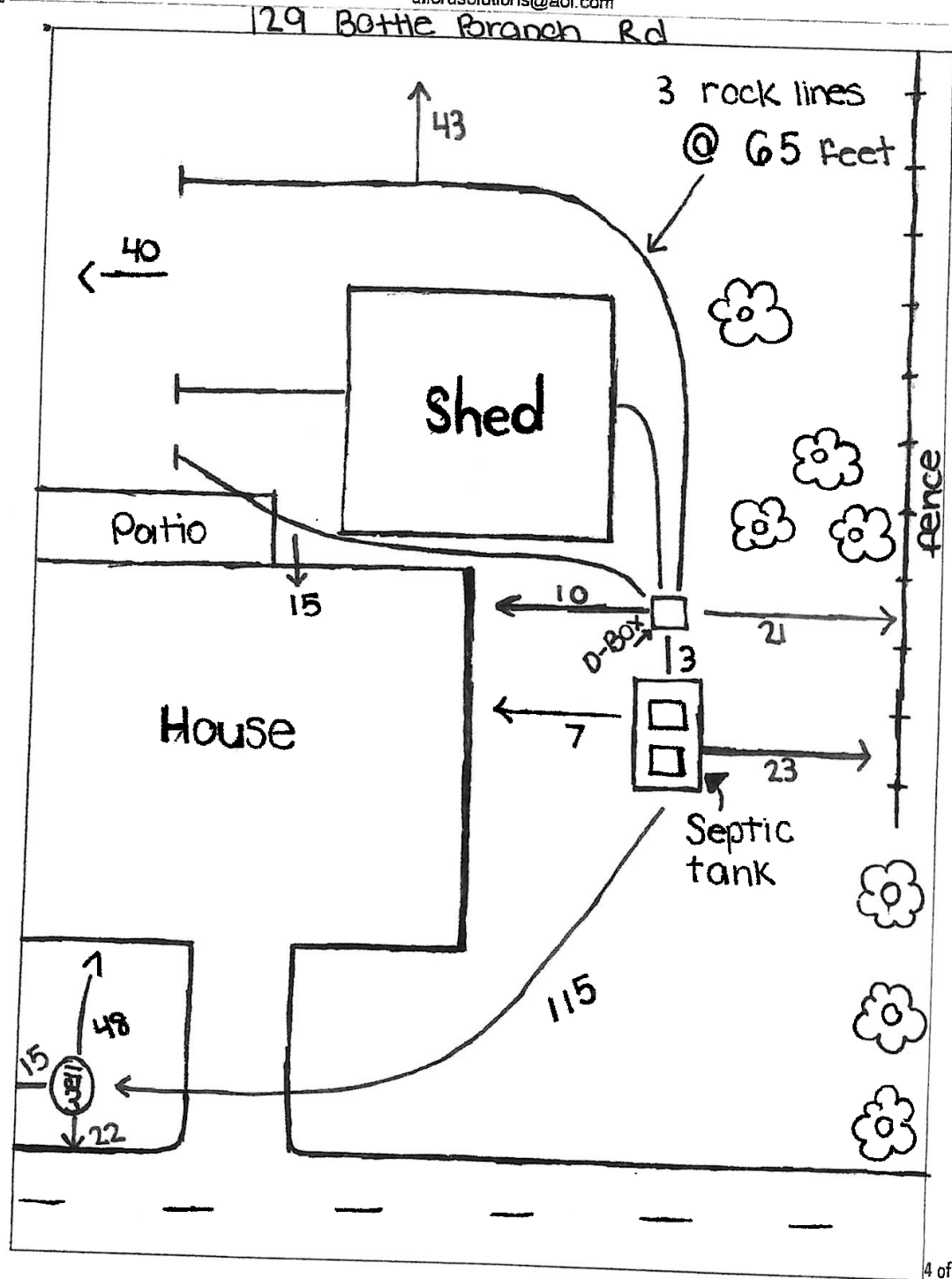
EXHIBIT B

ALFORD SEPTIC SOLUTIONS

270 Jericho Rd. Rocky Point, NC 28457

Phone: 910-540-8774

alfordsolutions@aol.com



SCOTT HENRY — 8 AM

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EXHIBIT C

Pender County Board of Adjustment

VAR- 2022-10

Site Photos Submitted 4/20/2022



























Pender County Request for Board Action

TO: Zoning Board of Adjustment
FROM: Greg Feldman
DATE: May 18, 2022
SUBJECT: VAR 2022-10

SUMMARY:

Jason and Jennifer Roper, applicants and owners, are requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 5.3.3.A 'Accessory Building Setbacks and Separation Requirements.' The applicant is requesting relief from side yard setback requirements for accessory structures within the RA, Rural Agricultural zoning district, along with structure separation requirements for a 30' x 49' (1,470-sf) accessory structure. Specifically, the request is to seek a 7' relief from the required 15' side yard setback, and a 19' relief from the required 30' structure separation requirement within the RA, Rural Agricultural zoning district. The subject property is located at 129 Bottle Branch Drive (Public), approximately ±650 feet east of its intersection with Old River Road, in the Burgaw Township. There is one (1) parcel associated with this request totaling ±1.13 acres and may be further identified by Pender County PIN 3247-52-9793-0000.

ACTION REQUESTED:

Public Hearing and Consideration of Variance Request

ATTACHMENTS:

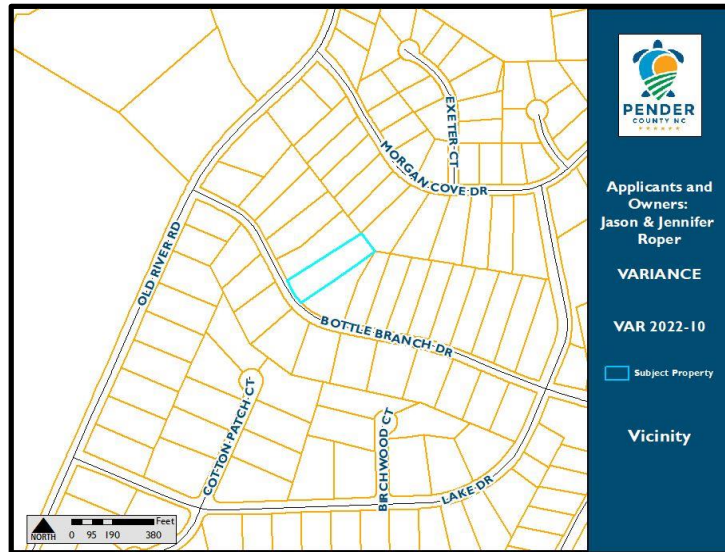
1. Staff Report
2. Application
3. Narrative
4. Site Plan
5. Building Contract
6. Site Photos from 4-27-2022
7. Contour Map
8. Neighbor Support
9. Septic Permit Documentation

**STAFF REPORT FOR VAR 2022-10
VARIANCE APPLICATION**

APPLICATION SUMMARY	
Case Number	VAR 2022-10
Hearing Date	April 20, 2022 Board of Adjustment (Tabled) May 18, 2022 Board of Adjustment
Applicant	Jason & Jennifer Roper
Property Owner	Jason & Jennifer Roper
Parcel Identification Number	3247-52-9793-0000
Acreage	±1.13
Township	Burgaw
Zoning District	RA, Rural Agricultural
Pender 2.0 Future Land Use Category	Rural Agriculture

VARIANCE PROPOSAL
Jason and Jennifer Roper, applicants and owners, are requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 5.3.3.A 'Accessory Building Setbacks and Separation Requirements.' The applicant is requesting relief from side yard setback requirements for accessory structures within the RA, Rural Agricultural zoning district, along with structure separation requirements for a 30' x 49' (1,470-sf) accessory structure. Specifically, the request is to seek a 7' relief from the required 15' side yard setback, and a 19' relief from the required 30' structure separation requirement within the RA, Rural Agricultural zoning district.
LOCATION
The subject property is located at 129 Bottle Branch Drive (Public), approximately ±650 feet east of its intersection with Old River Road, in the Burgaw Township. There is one (1) parcel associated with this request totaling ±1.13 acres and may be further identified by Pender County PIN 3247-52-9793-0000.

Below: Vicinity Map of Subject Property



PROPERTY DESCRIPTION

One tract totaling approximately 1.13 acres is associated with this request which may be further identified by Pender County PIN 3247-52-9793-0000. The subject property is located within the Morgan Cove Plantation Subdivision. A portion of the subject property is within an existing lake and has a grade change of approximately 10 feet from the owner's rear yard to the rear property line.

Below: Aerial Photograph of Subject Property



VARIANCE DESCRIPTION

According to the applicant's submitted narrative and information gathered by Planning Staff, the applicant is seeking a variance for relief from the minimum side yard setback requirements for a 1,470-sf accessory structure in the RA, Rural Agricultural zoning district. Section 5.3.3.A of the Pender County Unified Development Ordinance (UDO) requires all accessory structures greater than 1,200 square feet to have the same setback and separation requirements as principal buildings per zoning district regulations. Additionally, the applicant is requesting relief from the required 30' structure separation requirement within the RA, Rural Agricultural zoning district. Specifically, the applicant is seeking an 8-foot setback from the side property line and a 11 ½-foot structure separation from an existing shed.

The applicant's submitted narrative and site plan can be found in the board packet as **Attachment 1** and **Attachment 2**, respectively.

Accessory Structure Setbacks UDO Section 5.3.3A		PROPOSED SETBACKS FOR 1,470-sf Accessory Structure
Rear Yard (Northeast)	30 feet	±220 feet (0' encroachment)
Side Yard (Southeast)	15 feet	8 feet (7' encroachment)
Structure Separation (Existing Shed)	30 feet	11 ½ feet (18'6" encroachment)
Side Yard	15 feet	±40 (0' encroachment)

Case History

In October 2021, Pender County Building Inspections issued a *discrepancy notice* on the subject structure that was constructed prior to applying for a required building permit. According to the applicant's submitted narrative, the contracted company did not make the applicants aware of any County regulations or permit requirements. However, during a site visit to the subject property on March 4, 2022, the applicants conveyed to Planning Staff that they elected for the contractor to not obtain building permits due to a cost difference. The building contract for the subject structure can be found in the boards packet as **Attachment 3**.

At their April 20th, 2022 meeting, the Pender County Board of Adjustment tabled this Variance application to provide the applicant and Planning Staff the ability to discuss the subject structure's location with Pender County Environmental Health. Planning staff met with Environmental Health staff at the subject parcel on the morning of April 27th, 2022. It was determined that the subject structure encroaches within the required 5' separation for the septic system's drain lines. Therefore, Environmental Health staff are requiring the applicant to install new drain lines for the existing septic system which were compromised as a result of the placement of the subject structure. Furthermore, Environmental Health staff provided that the repair field for the existing septic system is located adjacent to the subject structure. Additional site photos are provided in **Attachment 4**.

Applicant's Justification for Variance

According to the applicant's submitted narrative, a hardship exists both financially and topographically. Pender County GIS shows an approximate grade change of 10 feet from the subject structure to the edge of an existing lake in the applicants rear yard.

Below: Contour map at 2-foot intervals (Attachment 4)



Below: Photos of subject structure taken by Planning Staff on March 4, 2022



ZONING ADMINISTRATOR'S SUMMARY

The applicant is requesting relief from the standards outlined in Section 5.3.3A of the Pender County UDO for a 1,470-sf accessory structure. The building was constructed prior to obtaining a building permit and encroaches approximately 7 feet into the required side yard setback and approximately 18.5 feet into the required structure separation for an accessory structure of this size.

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 1/4/2022
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

Jennifer Roper
Jason Roper
Jennifer Roper

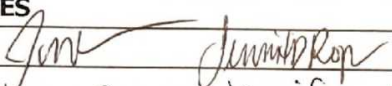
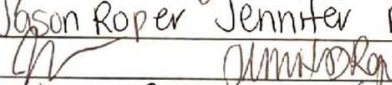
Printed Name

Date 2/2/2022

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:	Jason & Jennifer Roper	Owner's Name:	Jason & Jennifer Roper
Applicant's Address:	129 Bottle Branch Dr.	Owner's Address:	129 Bottle Branch Dr.
City, State, & Zip	Burgaw NC 28425	City, State, & Zip	Burgaw NC 28425
Phone Number:	910-264-2319	Phone Number:	910-264-2319
Email Address:	jenn.roper@hotmail.com	Email Address:	jenn.roper@hotmail.com
Legal relationship of applicant to landowner: N/A			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	32475291930000	Total property acreage:	1 Acre
Zoning Classification:	RA	Variance Size:	7'
Variance Location & Address	129 Bottle Branch Dr. Burgaw NC 28425		
Describe Variance and amount or type requested:	7' for Setback		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	2/2/2022
Applicant's Name Printed	Jason Roper Jennifer Roper	Date:	2/2/2022
Owner's Signature		Date:	2/2/2022
Owner's Name Printed	Jason Roper Jennifer Roper	Date:	2/2/2022
NOTICE TO APPLICANT:			
- The Board of Adjustment shall review applications for a variance and shall be the approving authority for all requirements. - All applicants seeking a variance shall schedule a pre-application conference with the administrator to discuss the procedures, standards, and regulations required for variance approval. - An application for a variance shall be submitted in accordance with application requirements. - Once the application has been determined complete, the Administrator shall schedule a public hearing and give notice to adjoining/abutting property owners and aggrieved parties in the form of applicant supplied #10 envelopes with paid first class postage. - The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below (Findings), as well as the burden of persuasion on those issues. - Applicant must also submit the information described in the Variance Checklist provided below. - Applicant or agent authorized in writing must attend the public hearing. - Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Adjustment agrees to table or delay the hearing.			
OFFICE USE ONLY			
☐ VA Fees \$250	Total Fee Calculation \$		
Payment Method :	Cash : ☐ \$ _____	Credit Card: ☐ Master Card ☐ Visa	Check: ☐ Check # _____
Application received by:			Date:

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

We are requesting a variance for the set back from the property line for a metal building on our property. Our property is zoned residential agricultural and the setback requirement is 15 feet. Our building is 8 feet from the property line and we request for this to be allowed due to a financial and topographical hardship.

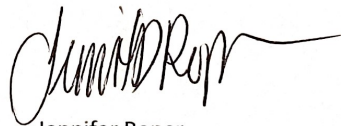
The topography of our property does not allow for a building to be built in any other location without significant and costly grading and removal of numerous trees. We have a financial hardship in that we can not afford to move this structure, nor can we afford to lose the money we have invested in this building by having it removed. This building is used to house our personal property. An additional financial hardship would be incurred without this building as we would have to pay a storage building fee to keep these valuable items.

We hired a company to build a turn-key metal building on our lot. We were not made aware, by this company, of any county regulations or permit requirements. We assumed by hiring this company they would know of any zoning requirements for our location. See attached contract.

We appreciate your time in hearing our request.

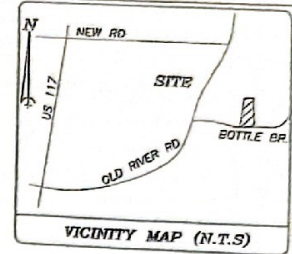


Jason Roper



Jennifer Roper

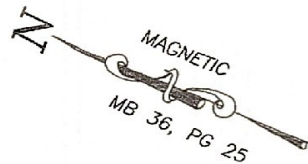
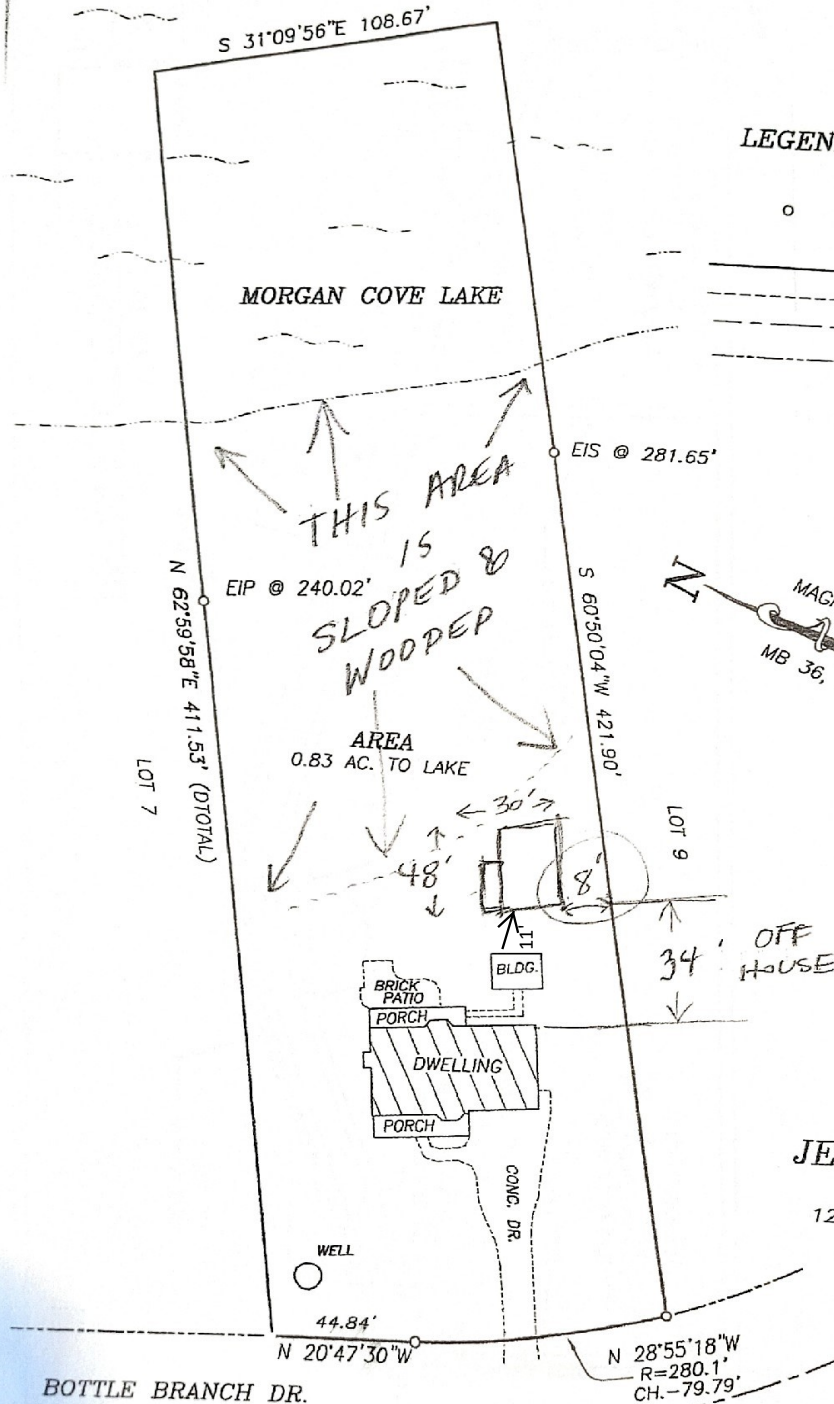
CORNERS ARE MARKED AS NOTED ON MAP.
 ALL DISTANCES ARE HORIZONTAL FIELD MEASUREMENTS.
 AREA COMPUTED BY THE COORDINATE METHOD.
 THIS PROPERTY IS ZONED RA.
 THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARDOUS AREA.
 NO KNOWN HORIZONTAL CONTROL WITHIN 2,000'.
 BUILDING SET BACKS REQUIRED TO BE IN ACCORD WITH THE PENDER
 COUNTY ZONING ORDINANCE. (FRONT 30' // SIDE 15' // REAR 30')



SURVEY REFERENCE:
 LOT 8
 MAP BOOK 29 AT PAGE 146
 PENDER COUNTY REGISTRY

LEGEND:

- EIP (EXISTING IRON PIPE)
OR EIS (EXISTING IRON STAKE)
- PROPERTY LINE
- - - NON-SURVEYED LINE
- ⊕ (CENTER LINE)
- - - R/W (RIGHT OF WAY)



MAP OF SURVEY
 FOR
JENNIFER ROPER

129 BOTTLE BRANCH DRIVE
 BURGAW NC 28425

1183 S NC 41 & 111 Hwy
Beulah, NC 28516
Office (910) 296 3774
sales@superiormsc.com

SUPERIOR
Metal Structures & Concrete, LLC
Beulahville, NC

Installer: _____ Date: _____

**BUILDING
CONTRACT**
2021.04

Customer Name: Jason Roper
Address: 12A Bottle Branch Dr
City: Burgaw State: NC Zip Code: 28425
Phone Number: #1 910-264-2319 #2 910-264-2319

Date: 6/14/2021

Note: * Combo 8ft open +
↳ Back end
* 10x29x9 lean

Email: _____

STRUCTURE SIZE:

Width 30' Length 49' Height 12'

☒ A-Frame ☐ Rounded Building ☐ Carport ☐ Combo ☒ Barn ☐ Other

Roof Lean-To: 10x29x9 Drop Down Lean-To: 10x29x9' INT

☐ Basic ☐ Dressed: ☐ Yes ☐ No Opening: ☒ Yes ☐ No Qty/Size 3 - (8x8)

CARPORT ONLY:

Gable _____ Closed Sides _____ Closed Ends _____

COLORS:

Roof/Soffit: Slate Grey Walls: Light Grey Trim: Light Grey

Color Screws: ☐ Yes ☐ No Two-Tone _____ Height _____

STRUCTURE OPTIONS:

Roof: Vertical ☒ Horizontal _____ Walls: Vertical ☒ Horizontal _____

Roll-Up Doors: Qty/Size 1-10x10, side Insulated ☐ Yes ☒ No

Panel Doors: Qty/Size _____ Insulated ☐ Yes ☐ No \$ _____

Walk-In Door: Basic 2 Cottage _____ Other _____ \$ _____

Windows: Basic _____ Metal Grid _____ Insulated _____ Side Entry: _____ \$ _____

Insulation: Roof Full R4 _____ R9 ☒ R10 _____ CLOSURE STRIPS: ROOF WALL \$ _____

Building Zone: 3' OC _____ 4' OC ☒ 5' OC _____ Other _____ (May Change by County) \$ _____

☐ Engineered-Certified (Plans) ☒ Basic Certified ☐ Non-Certified

MISC. Options: _____ \$ _____

CONCRETE:

Pad Size: 30x48x4" Footers: Yes Lean-To: 10x28x4" Footers: Yes ☐ No ☒

Fiber: Yes No ☐ PSI-3500 Other _____ Grading (\$75.00 an hr.) ☒ Yes ☐ No

CUSTOMER IS RESPONSIBLE FOR THE COST OF ANY GRADING DONE BY SMS&C, LLC. CUSTOMER IS TO PROVIDE ANY FILL DIRT NEEDED. IF CUSTOMER COMPLETES GRADING CUSTOMER IS RESPONSIBLE FOR ADDITIONAL CONCRETE AT \$275 PER YARD. IF CUSTOMER FAILS TO PAY FOR GRADING SUPERIOR M&C, LLC RESERVES THE RIGHT TO TERMINATE THE CONTRACT AND COLLECT ALL UNPAID DEBTS. IF THERE IS NO ACCESS TO THE SITE CUSTOMER IS RESPONSIBLE FOR ALL EXPENSES TO ACCESS THE SITE (EX. CONCRETE BUGGY/PUMP). THERE IS A \$500 TRIP FEE FOR ANY UNNECESSARY TRIPS TO YOUR PROJECT. CUSTOMER IS RESPONSIBLE FOR TOW BILL IF CONCRETE TRUCK GETS STUCK.

SUBTOTAL

THE CUSTOMER WILL BE RESPONSIBLE TO PROVIDE A LIFT IF THE STRUCTURE IS 14' AND OVER IN HEIGHT. ALL DEPOSITS ARE NON-REFUNDABLE. NO REFUNDS ON ANY STRUCTURE OR MATERIAL. SUPERIOR METAL STRUCTURES & CONCRETE, LLC IS NOT RESPONSIBLE FOR PERMITS, DAMAGE TO UNDERGROUND WATER LINES, YARD, ETC. NOT RESPONSIBLE FOR ANY OTHER DAMAGE CAUSED BY OTHER CONTRACTORS/VEHICLES. SMS&C, LLC SHALL NOT BE LIABLE FOR ANY INJURY TO ANY PET OR TO ANY PERSON ENTERING THE PREMISES OR THE STRUCTURE DURING CONSTRUCTION. SMS&C, LLC RESERVES THE RIGHT TO CORRECT ANY BALANCE ERRORS OR TO REPOSSESS ANY STRUCTURE NOT PAID FOR IN FULL UPON INSTALLATION. IT ALSO RESERVES THE RIGHT TO REFUSE ANY ORDERS. SMS&C, LLC PROVIDES LIMITED WARRANTY. MANUFACTURER WARRANTS THE FRAMING ELEMENTS FOR 20 YRS AND ROOFING MATERIAL FOR 40 YEARS ONLY AGAINST RUST THROUGH FROM INSTALLATION, ASSUMING NORMAL CARE AND MAINTENANCE. STRUCTURE WILL WITHSTAND THE SNOW LOAD AND WIND SPECIFIED ON THE ENGINEER-CERTIFIED PLANS OF THE SAID STRUCTURE PROVIDED (ENGINEERED CERTIFIED STRUCTURES ONLY). STRUCTURE DAMAGE OR LOSS CAUSED BY THEFT, FIRE, ACTS OF GOD (NATURAL DISASTERS, BAD WEATHER), AND OR ANY OTHER CAUSES OR ANY ALTERATION OR ABUSE OF THE STRUCTURE SHALL VOID ALL SUCH LIMITED WARRANTIES. WE DON'T GUARANTEE CONCRETE WILL NOT CRACK. PRICE MAY CHANGE IF ENGINEER CALLS FOR 2' OR 3' CENTERS/LARGER FOOTER DEPENDING ON YOUR COUNTY. All basic 14 gauge tubing and all 29 gauge sheeting. Any upgrades is additional cost. BASIC CERTIFIED MAY NOT MEET YOUR COUNTY CERTIFICATION. INCLEMENT WEATHER MAY EXTEND STRUCTURE COMPLETION. \$35 FEE FOR BOUNCED CHECKS. ONCE TIME FRAME HAS BEEN REACHED, IF CUSTOMER IS NOT READY A 30 DAY NOTICE WILL BE ISSUED. IF CUSTOMER IS STILL NOT READY CONTRACT WILL BE VOIDED.

I HAVE READ AND UNDERSTAND THE ABOVE INFORMATION AND APPROVE THE CONSTRUCTION OF THE BUILDING

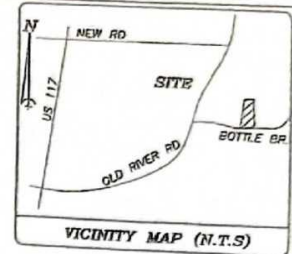
CUSTOMER SIGNATURE: _____ DATE: 6/14/21

SALES SIG: [Signature] PRINT AJISIA DATE: 6/14/21

PROJECT TIME FRAME: 12-16 wks CONCRETE and 5-8 wks STRUCTURE Initials

IS ELECTRICITY AVAILABLE

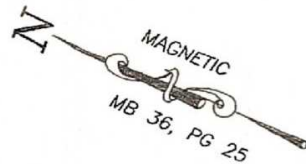
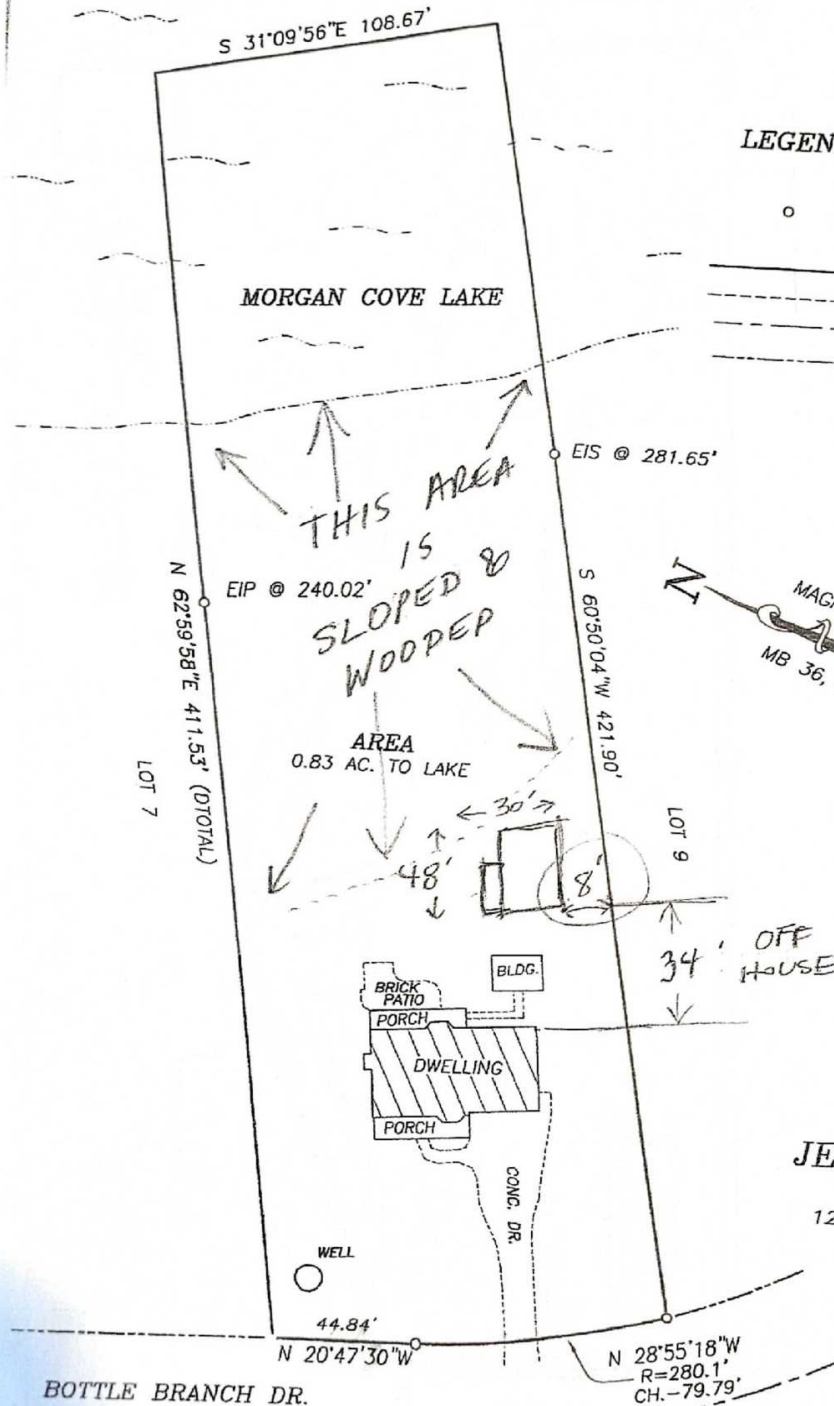
CORNERS ARE MARKED AS NOTED ON MAP.
 ALL DISTANCES ARE HORIZONTAL FIELD MEASUREMENTS.
 AREA COMPUTED BY THE COORDINATE METHOD.
 THIS PROPERTY IS ZONED RA.
 THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARDOUS AREA.
 NO KNOWN HORIZONTAL CONTROL WITHIN 2,000'.
 BUILDING SET BACKS REQUIRED TO BE IN ACCORD WITH THE PENDER
 COUNTY ZONING ORDINANCE. (FRONT 30' // SIDE 15' // REAR 30')



SURVEY REFERENCE:
 LOT 8
 MAP BOOK 29 AT PAGE 146
 PENDER COUNTY REGISTRY

LEGEND:

- EIP (EXISTING IRON PIPE)
OR EIS (EXISTING IRON STAKE)
- PROPERTY LINE
- - - NON-SURVEYED LINE
- ⊕ (CENTER LINE)
- - - R/W (RIGHT OF WAY)



MAP OF SURVEY
 FOR
JENNIFER ROPER

129 BOTTLE BRANCH DRIVE
 BURGAW NC 28425

Client:

Superior Metal Structures & Concrete
1183 S NC 41 & HWY 111
Beulaville, NC 28518
(p) 252-286-4512

Project:

30'x49'x12' w/ 10'x29'x9' lean to
Jason Roper
129 Bottle Branch Dr
Burgaw, NC 28425

Job No:

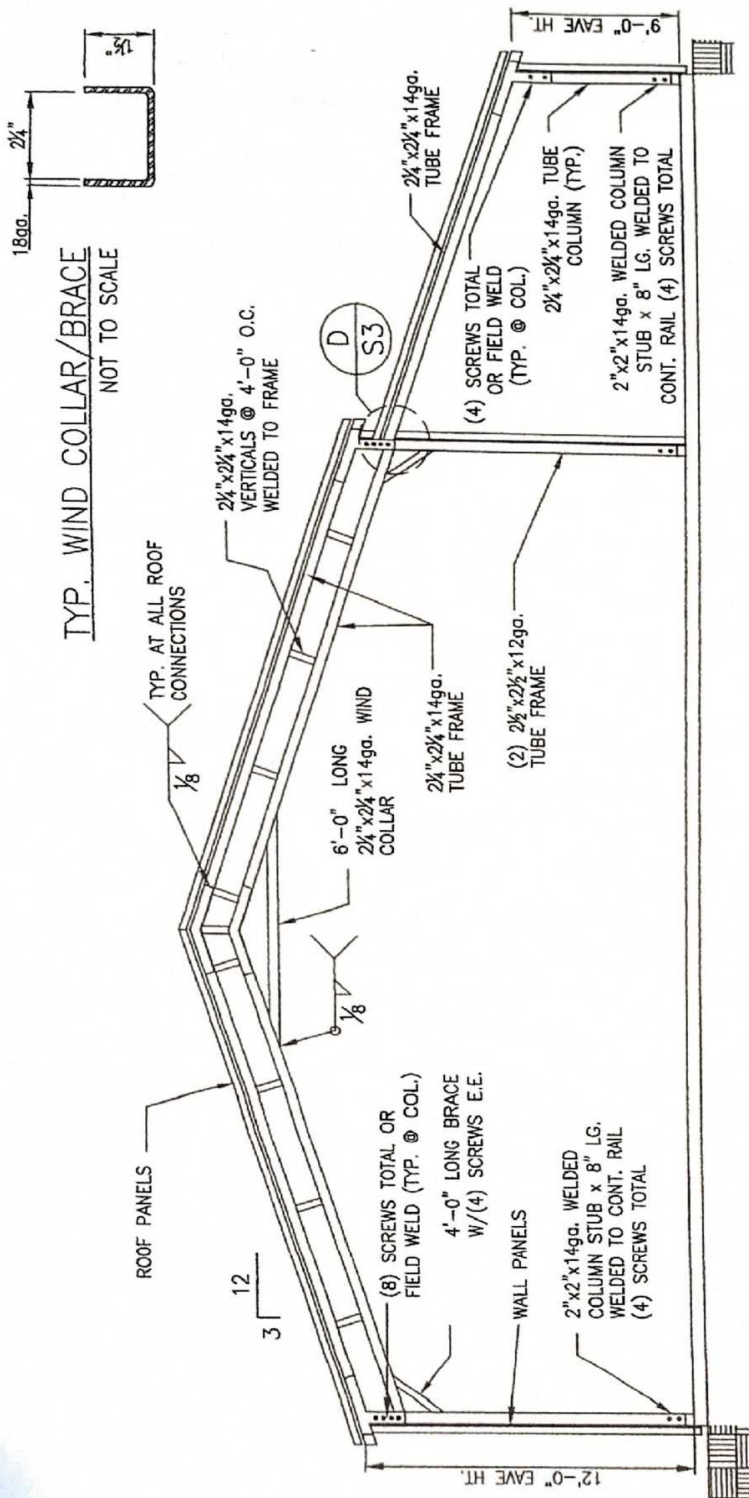
2101-844

Date: _____

11/23/21

Sheet:

S3

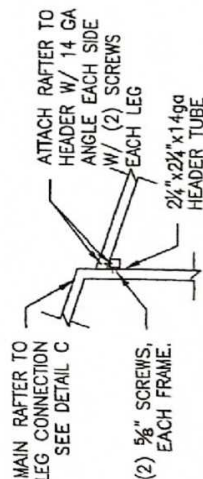


LEAN-TO

GABLE END WALL FRAMING
GABLE END WALLS SHALL BE FRAMED @ 4' O.C. USING 2-1/4" 14ga SQUARE TUBES TO THE BOTTOM RAIL AND RAFTERS W/ L-CLIPS AND (2) SCREWS IN EACH LEG OF THE CLIP. ANY STUDS OVER 13'-0" IN LENGTH SHALL BE (2) 2-1/4" 14ga AND ATTACHED W/ (2) L-CLIPS AND (2) SCREWS IN EACH LEG OF THE CLIP.

ALL ANGLE CLIPS TO HAVE (2) SCREWS
INSTALLED IN EACH LEG OF ANGLE. TYP.

TYPICAL CROSS SECTION C-C
NOT TO SCALE



D CONNECTION DETAIL
NOT TO SCALE



Pender County Board of Adjustment

VAR 2022-10

Site Photos Taken 4/27/2022























PIN: 3247-52-9793-0000

Owner: ROPER, JENNIFER DAWN
129 BOTTLE BRANCH DRIVE
BURGAW, NC 28425

Deed Ref: 4736/2555

Property
Address: 129 BOTTLE BRANCH DR
Description: LT 8,PB 29/146 MORGAN COVE PLANTATION

Sale Price: \$261,000

Sale Date: LAST_SALE_DATE

Plat: 00290146

Account No: 1009970

Township: BURGAW

Subdivision: MORGAN COVE PLANTATION

Tax Codes: G01 F24 R40 S64

Acres: 0

Land Value: \$42,000

Building Value: \$157,332

Total value: \$199,332

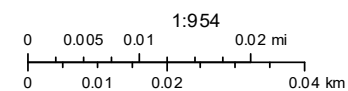
Deferred Value: \$0

Exempt Amount: 0

PCL Class: R

Heated Sq Feet: 2168

Pender County



1 inch = 80 feet

1/4/2021



To Whom it May Concern:

We, Jennifer and Keith Johnson, of 161 Bottle Branch Drive share the property line with Jennifer and Jason Roper of 129 Bottle Branch Drive in which they are requesting a variance.

The building in no way encroaches on or devalues our property. It is not visually offensive to us in any way. We have no issue with the building, it's location on their property or it's proximity to our property line.

We are long time residents of Morgan Cove Plantation and plan on being neighbors with the Ropers for many years to come.

Respectfully,

Jennifer Johnson

A handwritten signature in cursive script, appearing to read "Jennifer Johnson", written in dark ink.

Keith Johnson

A handwritten signature in cursive script, appearing to read "Keith Johnson", written in dark ink.

SYSTEM TYPE IIA

PENDER COUNTY HEALTH DEPARTMENT

MAP # _____

PAGE 1 OF 2

P.O. BOX 1209, BURGAW, NC 28425

PHONE: 910/259-1233

RECORD # _____

IMPROVEMENT PERMIT / CONSTRUCTION AUTHORIZATION
OPERATION PERMITOWNER / AGENT Ashley Turner Bldrs. DATE 09-02-04 PERMIT# 519261ADDRESS 181 Cleveland Crossing Dr. Garner, NC 27529 PHONE (919) 773-8565SITE LOCATION 117 → old Kiser Rd → (RT) To Morgan CoveSUBDIVISION Morgan Cove LOT# 8 SECTION / BLOCK 1HOUSE ☒ MOBILE HOME ☐ { # Bdrm. } 3 BUSINESS ☐ { # EMPLOYEES/MEMBERS/SEATS } _____WATER SUPPLY: PUBLIC ☐ WELL ☒ OTHER _____ DESIGNATED WETLANDS: YES ☐ NO ☒BASEMENT/LOWER LEVEL PLUMBING YES ☐ NO ☒ SYSTEM MINIMUM REVIEW FREQUENCY _____DAILY DESIGN FLOW 360 gpd DOMESTIC WASTEWATER ☒ INDUSTRIAL WASTEWATER ☐LTAR .6 gpd/ft² TANK SIZE 900-1,000 Gallons NITRIFICATION FIELD 600 Square FeetNUMBER OF LINES 3 LENGTH 67' Feet DEPTH 18"-36" Inches

BED SYSTEM SIZE _____ X _____

*****IF GARBAGE DISPOSAL UNIT IS TO BE USED AN EFFLUENT FILTER SHALL BE INSTALLED*****
*****SEE LAYOUT OR ATTACHED PLOT PLAN*****NO CHANGE IN SEPTIC SYSTEM OR ITS LOCATION WITHOUT PRIOR APPROVAL
FROM THE PENDER COUNTY HEALTH DEPARTMENT.THIS PERMIT IS SUBJECT TO REVOCATION IF THE SITE PLAN, PLAT OR INTENDED USE OF THIS SITE CHANGES.
G.S. 130A-335 (f)

*****MINIMUM HORIZONTAL SEPARATION OF SEPTIC SYSTEM (See Section .1950 a-c)*****

5 YEAR IMPROVEMENT PERMIT: Chy. Lavelle ISSUE DATE 09-02-04

IMPROVEMENT PERMIT, NO EXPIRATION DATE: _____ ISSUE DATE _____

CONDITIONS / ADDITIONAL INFORMATION:

Run Lines all ContainKeep system - Repair Area within 50' from future existing wells.CONSTRUCTION AUTHORIZATION: Chy. Lavelle
VALID FOR 5 YEARS FROM THE DATE OF ISSUANCE OF IMPROVEMENT PERMIT.ISSUE DATE 09-02-04OPERATION PERMIT: Parola C. OverstreetISSUE DATE 3-1-05INSTALLER RC Land Design

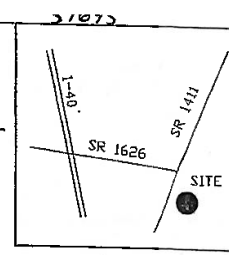
RT 2100-1 C-10-1

THIS PERMIT DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE AND SATISFACTORY PERFORMANCE IS NOT ASSURED BY THE PENDER COUNTY HEALTH DEPARTMENT.

THE SITE IS SUBJECT TO APPROVAL BY OTHER PUBLIC AGENCIES. .1937 (b) (1) (C)
PCHD/EH-3 Rev. 2-98

THIS PLAT IS NOT FOR
 RECORDATION
 SERVED BY PUBLIC
 WATER AND SEWER
 THIS PLAT WAS PREPARED FROM
 RECORDED DEEDS AND/OR PLATS.
 NO SURVEY WORK WAS DONE AT
 THIS TIME

Site Plan
 Prepared by: *Setback*
 Approved by: *8/24/04*



VICINITY MAP
 SCALE
 PLAT NORTH
 PB. 29, PG. 146

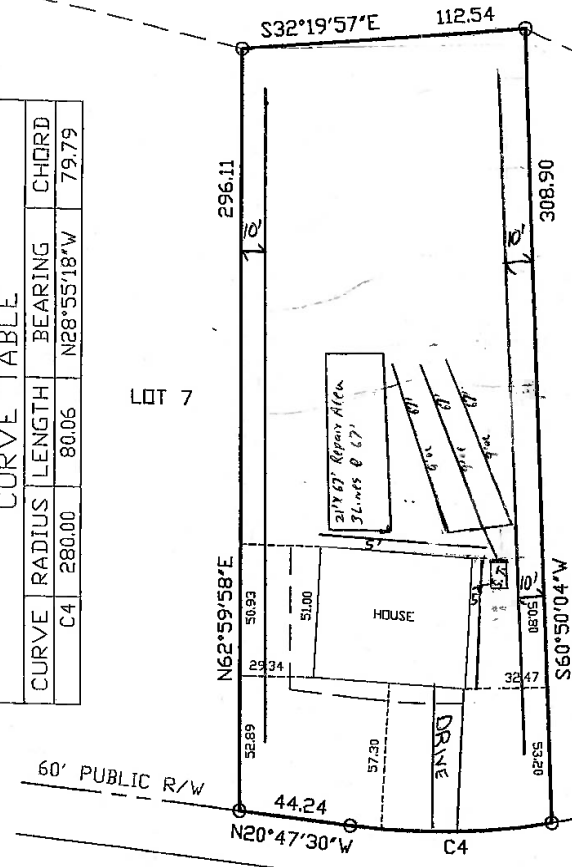


COUNTY SETBACK INFO:
 FRONT = 40'
 SIDE = 20'
 REAR = 30'
 CORNER SIDE = 20'

COVENANT SETBACK INFO:
 FRONT = 50'
 SIDE = 20'

CURVE TABLE			
CURVE	RADIUS	LENGTH	BEARING
C4	280.00	80.06	N28°55'18"W
			CHORD 79.79

LOT 7



LOT 9
 PENDER COUNTY HEALTH DEPT.
 ENVIRONMENTAL HEALTH SECTION
 P. O. BOX 1293
 BURGAW, NC 28425
 PERMIT # 519261
 PAGE 02 OF 02
 DATE 09-02-04
 SIGNATURE City Council

REFERENCE:
 MORGAN COVE PLANTATION S/D
 SECTION I
 PB. 29, PB. 146
 LOT 8

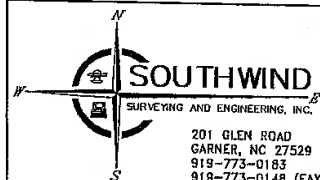
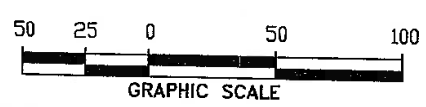
BOTTLE BRANCH DRIVE

AREA BY COORDINATE METHOD

PRELIMINARY SITE PLAN FOR

PRELIMINARY PLAT
 FOR REVIEW ONLY

ASHLEY TURNER ENT.



BURGAW
TOWNSHIP
PENDER
COUNTY
STATE NC

SCALE 1"=50' DATE 8/10/04 DRAWING NO. 04-1154

PENDER COUNTY HEALTH DEPARTMENT

ENVIRONMENTAL HEALTH DIVISION
803 Walker Street, P.O. Box 1209
Burgaw, NC 28425
Phone 910-259-1233 FAX 910-259-1404
www.pendercountync.gov

EXISTING SYSTEM AUTHORIZATION DENIAL

Parcel PIN: 32475297930000

Application #: ESA13-041B

Applicant: Brian Weatherman

Owner: Same

Address: 129 Bottle Branch Rd., Burgaw

Address: Same

Phone: 259-2633

Phone: Same

Property Address/Location:

129 Bottle Branch Rd., Burgaw (Morgan Cove lot 8)

Proposal Description:

12x16 storage building addition on property

In response to an application dated 04-29-13, the Pender County Health Department evaluated the listed property to see if the proposed use could be approved. According to the application, the proposal would result in a total design flow of 360 gallons per day.

The evaluation was performed in accordance with Article 11, Chapter 130A of the General Statutes of North Carolina and the Rules for Sewage Treatment and Disposal Systems, 15A NCAC 18A .1900.

This application is **denied** for the following reason(s):

The building is on existing septic system. 15ANCAC 18A.1950 of the Department of Environment and Natural Resources requires a minimum of a 5 foot horizontal separation distance from the building to the septic system.

Please keep in mind that the reserved repair area cannot be covered with stone or concrete.

Options available to you include the following:

Find an area that meets all the setbacks of Pender County Environmental Health Department. Resubmit site plan to zoning and environmental health. Flag the area and have the building moved to the location. Call EH office when site is flagged and ready for evaluation.

Please call or write this office if you have any questions or need additional information.

Sincerely,

Pam Overstreet



Registered Environmental Health Specialist

04-30-2013

Date

the building is on top of drainfield



Pender County Request for Board Action

TO: Zoning Board of Adjustment
FROM: Greg Feldman
DATE: May 18, 2022
SUBJECT: VAR 2022-11

SUMMARY:

Ronald Anderson, applicant and owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 8.3.2C, 'Single row terminal landscape island requirements.' Specifically, the request is to seek relief from the requirement of installing a landscape island with more than 120' linear feet of consecutive parking spaces. The subject property is located at 14840 US HWY 17, approximately 0.25 miles north of the intersection of US HWY 17 and NC HWY 210 in the Topsail Township. There is one tract totaling approximately 1.2 acres of land associated with this request and may be further identified by Pender County PIN 3282-97-7548-0000.

ACTION REQUESTED:

To hold a public hearing and consider the Variance request

ATTACHMENTS:

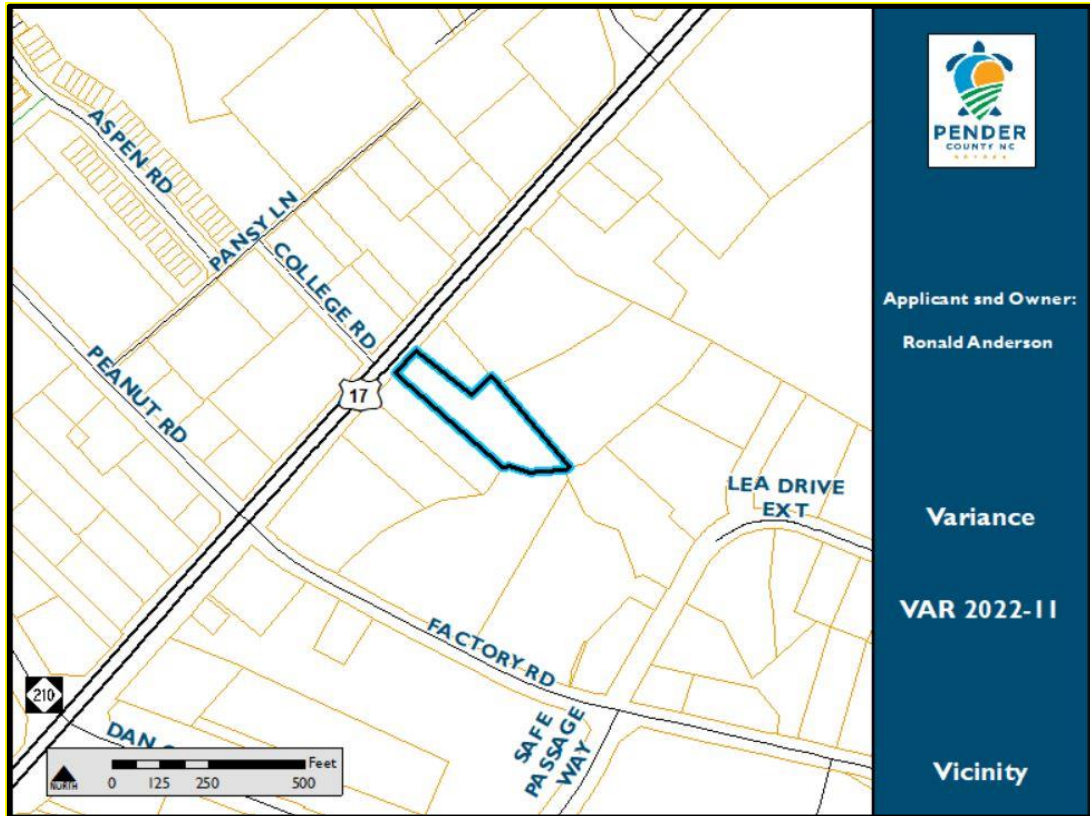
1. Staff Report
2. Application
3. Narrative
4. Site Plan
5. UDO Section 8.3

**STAFF REPORT FOR VAR 2022-11
VARIANCE APPLICATION**

APPLICATION SUMMARY	
Case Number	VAR 2022-11
Hearing Date	May 18, 2022 Board of Adjustment
Applicant	Ronald Anderson
Property Owner	Ronald Anderson
Parcel Identification Number	3282-97-7548-0000
Acreage	±1.197
Township	Topsail
Zoning District	GB, General Business
Pender 2.0 Future Land Use Category	Regional Mixed Use

VARIANCE PROPOSAL
Ronald Anderson, applicant and owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 8.3.2.C, 'Single row terminal landscape island requirements.' Specifically, the request is to seek relief from the requirement that single-row parking terminals cannot exceed 120 linear feet without the installation of a parking terminal island.
LOCATION
The subject property is located at 14840 US HWY 17, approximately 0.25 miles north of the intersection of US HWY 17 and NC HWY 210 in the Topsail Township. There one tract totaling approximately 1.2 acres of land associated with this request and may be further identified by Pender County PIN 3282-97-7548-0000.

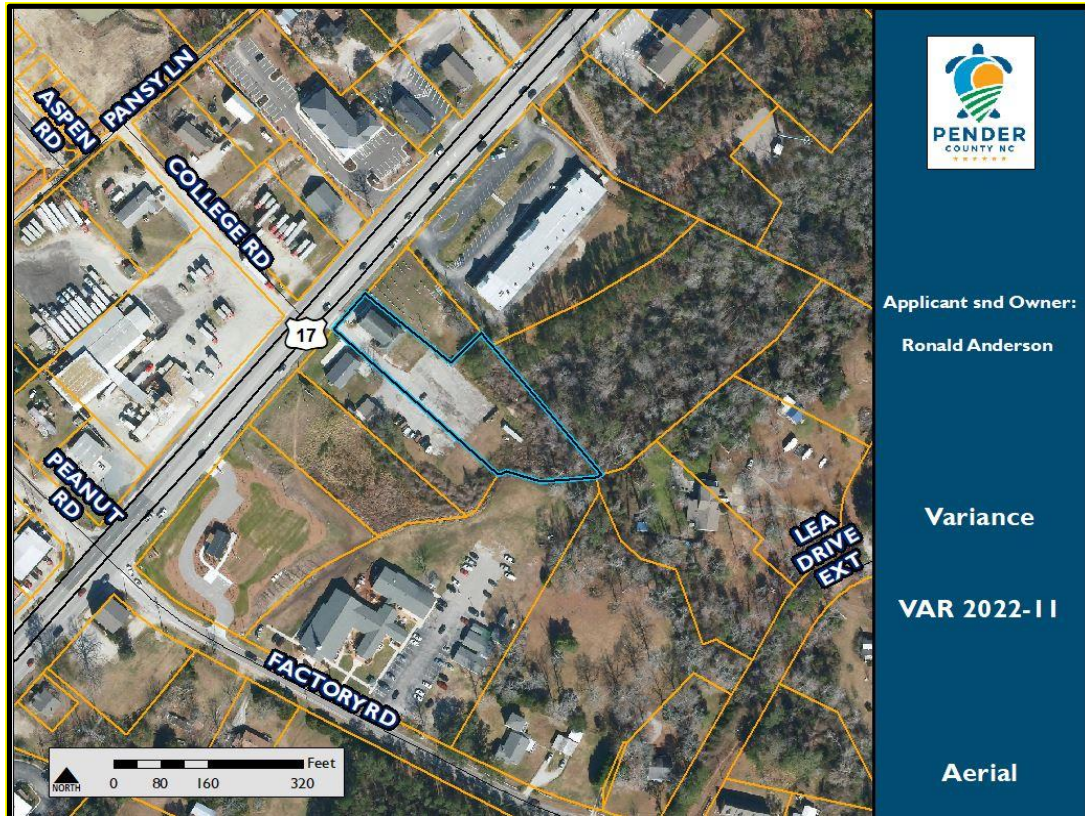
Below: Vicinity Map of Subject Property



PROPERTY DESCRIPTION

One tract totaling approximately 1.2 acres is associated with this request which may be further identified by Pender County PIN 3282-97-7548-0000. The subject property is located at 14840 US HWY 17, approximately 0.25 miles north of the intersection of US HWY 17 and NC HWY 210 in the Topsail Township.

Below: Aerial Photograph of Subject Property



Applicant and Owner:
Ronald Anderson

Variance
VAR 2022-11

Aerial

VARIANCE DESCRIPTION

According to the applicant's submitted narrative and information gathered by Planning Staff, the applicant is seeking a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 8.3.2.C, 'Single row terminal landscape island requirements.' Specifically, the request is to seek relief from the requirement that single-row parking terminals cannot exceed 120 linear feet without the installation of a terminal island. Section 8.3, 'Internal Landscaping in Parking Areas And Other Site Areas, Other Than Single Family, of the Pender County Unified Development Ordinance is provided as **Attachment 3**.

Section 8.3.2.A provides that landscape islands shall be provided within parking areas to prevent excessively long, contiguous runs of parking spaces. Section 8.3.2.C.1 provides that Single row parking terminals cannot extend more than one-hundred and twenty (120) feet.

The applicant is requesting two parking aisles that exceed this requirement. Parking spaces identified on the site plan as 1 through 15 extend 127' 4" which is 7' 4" over the requirement. Parking spaces identified on the site plan as 30 through 48 extend 161' 4" which is 41' 4" over

the requirement. Granting of the Variance request would waive the landscaping island requirement for these areas while allowing consecutive parking spaces to exceed the 120' requirement in two areas of the site.

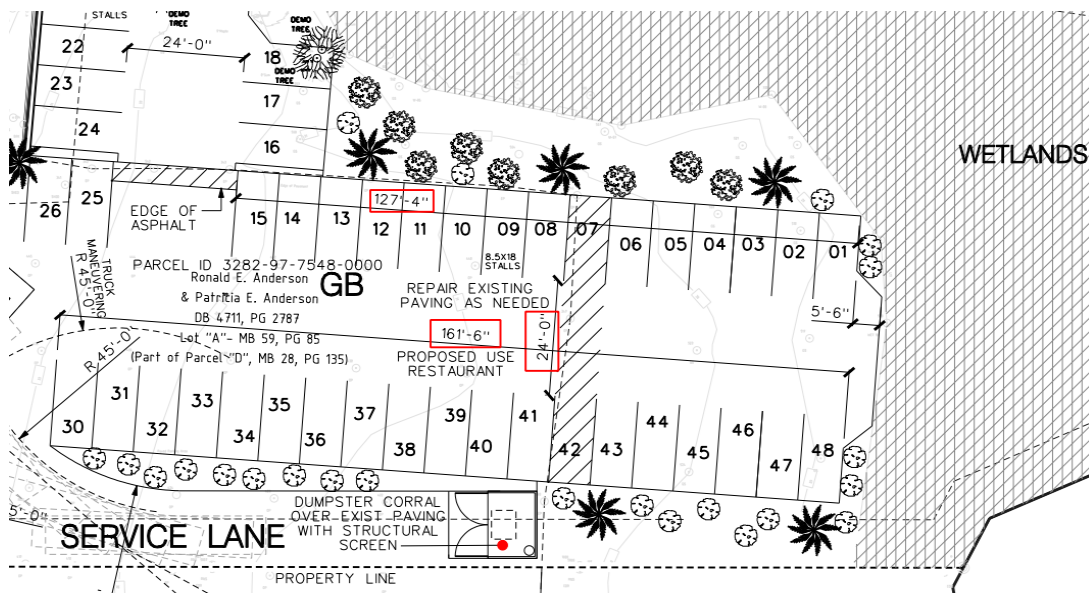
The proposed use of the property requires a total of forty-eight (48) parking spaces. The attached site plan shows 48 required parking spaces accommodated through the approval of the requested Variance.

The applicant's submitted narrative and site plan can be found in the board packet as **Attachment 1** and **Attachment 2**, respectively.

Below: Proposed Parking Terminal Length

Parking Terminal Length Maximum UDO Section 8.2.3.	Parking Sections Identified on Site Plan	PROPOSED Parking Terminal Length Without Landscaping Island
120'	1 - 15	127' 4" (7' 4")
120'	30 - 28	161' 6" (41' 6")

Below: Parking Area Proposed (Attachment 2)



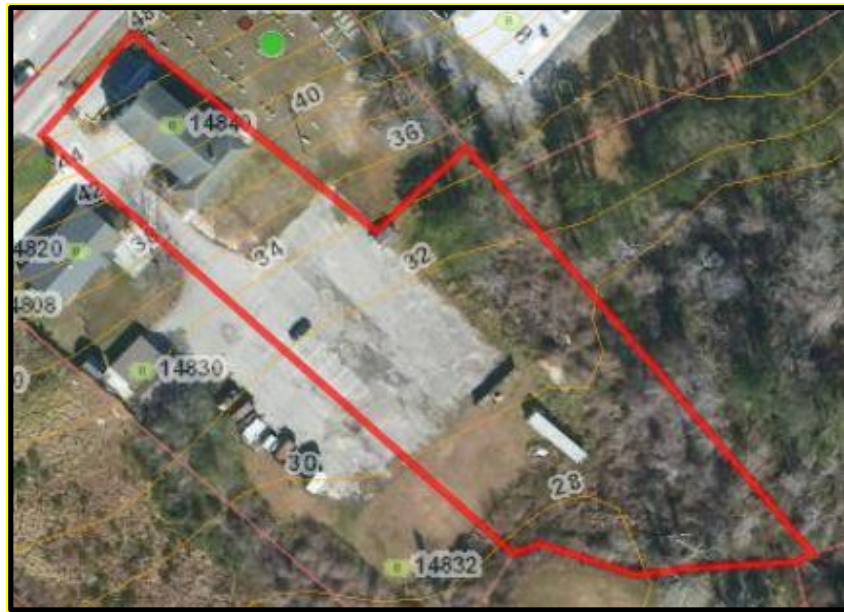
Case History

In January of 2022, Planning Staff received a minor site development plan application for the conversion of a pre-existing place of worship to a full-service restaurant. A meeting of the Technical Review Committee (TRC) was held for the project on February 7th, 2021. After subsequent review of the request, it was determined that forty-eight parking spaces would be required for the proposed use. It was then determined by Planning Staff that a Variance would be required to allow the appropriate number of parking spaces to be accommodated on-site.

Applicant's Justification for Variance

According to the applicant's submitted narrative, a hardship exists due to circumstances peculiar to the property. The submitted narrative provides that site constraints such as a lack of buildable area for parking other than in the rear of the property, the need to maintain access to an adjacent cemetery to the northeast, as well as the presence of wetlands, which cover approximately 33% of the total lot area, provide justification to grant the request.

Below: Contour map at 2-foot intervals



ZONING ADMINISTRATOR'S CONCLUSION

The applicant is requesting relief from the standards outlined in section 8.3.2.C 'Single row terminal landscape island requirements.' The applicant submitted a minor site development application to Planning Staff in January of 2022 that provoked the variance request to remove the maximum 120 linear foot maximum for single row parking terminals as the number of required parking spaces proved difficult to achieve without impacting wetlands located on the property.

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 3/17/2022
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

Ronald E. Anderson

Date 3-31-2022

Printed Name

Ronald E. Anderson

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:	RONALD ANDERSON	Owner's Name:	RONALD ANDERSON
Applicant's Address:	360 OLDE POINT LOOP	Owner's Address:	360 OLDE POINT LOOP
City, State, & Zip	HAMPSTEAD, NC 28443	City, State, & Zip	HAMPSTEAD, NC 28443
Phone Number:	301 252 2801	Phone Number:	301 252 2801
Email Address:	ronanderson055@gmail.com	Email Address:	ronanderson055@gmail.com
Legal relationship of applicant to landowner: ONE IN SAME			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3282-97-7548-0000	Total property acreage:	4-1.197 AC (BY SURVEY) DATED 9/28/2020
Zoning Classification:	GB	Variance Size:	SEE DESCRIPTION
Variance Location & Address	14840 US HWY 17, HAMPSTEAD, NC		
Describe Variance and amount or type requested:	REQUEST VARIANCE TO NOT REQUIRE TERMINAL LANDSCAPE ISLAND REQUIREMENTS OUTLINED UNDER SEC 8.3.2 C/UDO		
SECTION 3: SIGNATURES			
Applicant's Signature	<i>Ronald E Anderson</i>	Date:	3-31-2022
Applicant's Name Printed	Ronald E Anderson	Date:	3-31-2022
Owner's Signature	<i>Ronald E Anderson</i>	Date:	3-31-2022
Owner's Name Printed	Ronald E Anderson	Date:	3-31-2022
NOTICE TO APPLICANT:			
- The Board of Adjustment shall review applications for a variance and shall be the approving authority for all requirements. - All applicants seeking a variance shall schedule a pre-application conference with the administrator to discuss the procedures, standards, and regulations required for variance approval. - An application for a variance shall be submitted in accordance with application requirements. - Once the application has been determined complete, the Administrator shall schedule a public hearing and give notice to adjoining/abutting property owners and aggrieved parties in the form of applicant supplied #10 envelopes with paid first class postage. - The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below (Findings), as well as the burden of persuasion on those issues. - Applicant must also submit the information described in the Variance Checklist provided below. - Applicant or agent authorized in writing must attend the public hearing. - Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Adjustment agrees to table or delay the hearing.			
OFFICE USE ONLY			
☐ VA Fees \$250		Total Fee Calculation \$	
Payment Method :	Cash : ☐ \$ _____	Credit Card:	Check:
		☐ Master Card	☐ Check # _____
		☐ Visa	
Application received by:		Date:	

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

Church of Hampstead LLC – Variance Request Narrative

March 29, 2022

General Project Summary

The proposed project consists of the adaptive reuse of a former church structure on Hwy 17N in Hampstead, NC. The new use will include a casual dining restaurant on the top floor in addition to a ground level bar and bottle shop. The proposed use is consistent with allowable uses within the General Business (GB district) and it will provide a welcome and much needed service along the Hampstead / Hwy 17 corridor.

Two core tenets of adaptive reuse are preservation and sustainability - both dynamic themes which, in the context of the proposed project scope, extend to values beyond the building itself. Out of concern for creating potentially unnecessary storm water liabilities, any expansion of the footprint of the original structure was intentionally conceived at the outset by the ownership and design team as modest. Ancillary structural additions to the existing building are being made generally to support the proposed primary functions and / or for building access and emergency escape. Access features include a new network of ramps and a new elevator. A number of new and/or augmented site features intentionally overlap or replace original coverage areas.

The existing structure aligns closely with the northwest and northeast building setbacks – a condition which greatly limits opportunities for additional parking. The driveway onto the property (a shared driveway) relates to the southwest building elevation in such a way that does not (as a matter of safety) lend itself to additional parking along that building face. For these reasons, required off-street parking can only be at the rear of the building.

A dominant feature of the site is a dramatic +/- fourteen foot vertical topographic change from the highway to the existing parking lot in the rear. The vertical difference between the lower slab and the top of nearest adjacent existing parking surface is roughly five and a half feet. The existing asphalt parking lot has been re-imagined toward synergistic coordination between emergency service access, required parking, sanitation, and for required but previously non-existent handicap access from new dedicated accessible parking. The footprint of the original parking area will be expanded to achieve these synergistic goals to the maximum allowed by site constraints.

Summary of Hardship

Upon review by planning staff, it was determined that the number of initially proposed parking spaces was inadequate for the proposed use. After additional study, a design was presented to staff that demonstrably achieves an acceptable number of parking spaces (48) and does so with a net reduction in overall new impervious coverage (below the original proposed design). The solution makes creative use of alternative materials and site geometry to (in effect) “dodge” encroachment into delineated wetlands.

While satisfactory in a number of regards, it was determined by planning staff that the new proposed aggregate length of parking area would trigger strict compliance with Pender UDO Section 8.3.2C which normally applies to parking aisles meeting certain drive aisle dimensional criteria (exceeding 120 feet in length). In this case, the proposed length of parking lot would (by ordinance) require a terminal landscape island of a proportion that would effectively reduce the number of achievable parking spaces by four.

As stated in the opening project summary, the site is constrained such that on-site parking opportunities can only happen at the rear of the building. Those opportunities are further constrained by the need to maintain access to the adjacent cemetery to the northeast and by the delineated wetlands which cover roughly 33% of the total lot area.

Given the totality of site constraints, maintaining the required number of parking spaces together with strict compliance with Section 8.3.2C would essentially generate an undesired and unnecessary need for wetland encroachment.

Variance Request

The nature of the requested variance is to not require compliance with Section 8.3.2C due to the hardship stated above.

Unlike larger parking areas defined by contiguous and otherwise unmitigated parking surfaces (such as what might occur at a big box retail center), the particular circumstance under consideration consists of a single drive aisle that exceeds the prescriptive limit. It should be noted that although the proposed parking solution would exceed the 120 foot threshold, the drive aisle under consideration would naturally terminate at a large wooded wetland. Furthermore, in the absence of a landscape buffer requirement for the project, the proposed site plan calls for elective plantings to generally improve the visual character of the site. By design, much of the proposed elective planting borders the designated parking area.

If the spirit and intent of Sec 8.3.2C is to provide a visual landscape break to mitigate “excessively long” drive aisles, then surrounding the extended section of parking with proposed elective plantings (combined with termination at de facto natural vegetation) will have a similar mitigating impact. Strict compliance with the terminal landscape island requirement in this context could be viewed as redundant – the enforcement of which would not further the aspirational goal of achieving substantial justice beyond what can be achieved with the proposed design. On its own merits, the proposed design may potentially exceed that aspirational goal.

PROPERTY OWNERS WITHIN 500 FEET OF PROJECT BOUNDARY

PIN	NAME	ADDRESS	CITY	STATE	ZIP	PROPERTY_ADDRESS
Page 15 of 20 3282-97-8857-0000	HAMPSTEAD CROSSING LLC	PO BOX 12027	WILMINGTON	NC	28405	14880 US HWY 17
						14888 US HWY 17
						14872 US HWY 17
						14874 US HWY 17
						14886 US HWY 17
						14876 US HWY 17
						14878 US HWY 17
						14884 US HWY 17
						14882 US HWY 17
3292-07-1701-0000	HAMPSTEAD CROSSING LLC	PO BOX 12027	WILMINGTON	NC	28405	14870 US HWY 17
3292-08-0050-0000	TAYLOR MEADOWS" LANDS LLC'	326 HOWARDS LN	HAMPSTEAD	NC	28443	17 HWY OFF
3282-97-6753-0000	HAMPSTEAD UNITED METHODIST CHURCH INC	15395 US HWY 17	HAMPSTEAD	NC	28443	US HWY 17
3292-08-0136-0000	GARG, SHYAM L	14980 US HIGHWAY 17 N	HAMPSTEAD	NC	28443	17 HWY
3292-17-8903-0000	KG PLAZA LLC	8620 RIVER RD	WILMINGTON	NC	28412	14980 US HWY 17
3292-07-1322-0000	ARMSTRONG, MARK JEFFERY	760 LEA DR EXTENSION	HAMPSTEAD	NC	28443	MAN O WAR LN
3292-07-2445-0000	ARMSTRONG, MARK JEFFERY	760 LEA DR EXTENSION	HAMPSTEAD	NC	28443	760 LEA DR EXT
3292-07-3653-0000	ARMSTRONG, MARK JEFFERY	760 LEA DR EXTENSION	HAMPSTEAD	NC	28443	758 LEA DR EXT
3282-97-9136-0000	TP FACTORY LLC	163 VOYAGER WAY	HAMPSTEAD	NC	28443	756 LEA DR EXT
3292-06-0967-0000	WINN, LORIE HOWARD	201 FACTORY RD	HAMPSTEAD	NC	28443	147 FACTORY RD
3282-96-9983-0000	WINN, LORIE HOWARD	201 FACTORY RD	HAMPSTEAD	NC	28443	201 FACTORY RD
3282-97-6272-0000	HAMPSTEAD BAPTIST CHURCH	67 FACTORY RD	HAMPSTEAD	NC	28443	FACTORY RD
3282-97-6523-0000	LANGE VENTURES LLC	113 E COLONNADE DR	HAMPSTEAD	NC	28443	67 FACTORY RD
3282-97-5465-0000	LFM HOLDINGS LLC	785 CHADWICK SHORE DR	SNEADS FERRY	NC	28460	14820 US HWY 17
3282-87-8750-0000	LEA PROPERTIES INC	PO BOX 130	HAMPSTEAD	NC	28443	14810 US HWY 17
3282-97-0738-0000	LEA PROPERTIES INC	PO BOX 130	HAMPSTEAD	NC	28443	88 PEANUT RD
3282-97-2628-0000	LEA PROPERTIES INC	PO BOX 130	HAMPSTEAD	NC	28443	
3282-97-4826-0000	LEA PROPERTIES INC	PO BOX 130	HAMPSTEAD	NC	28443	14775 US HWY 17
3282-97-3396-0000	LEA PROPERTIES INC	PO BOX 130	HAMPSTEAD	NC	28443	
3282-87-9613-0000	LEA PROPERTIES INC	PO BOX 130	HAMPSTEAD	NC	28443	17 HWY
3282-97-0524-0000	LEA PROPERTIES INC	PO BOX 130	HAMPSTEAD	NC	28443	70 PEANUT RD
3282-97-1404-0000	LEA PROPERTIES INC	PO BOX 130	HAMPSTEAD	NC	28443	44 PEANUT RD
3282-97-1952-0000	LEA, BERT L JR	530 LEAS LN	HAMPSTEAD	NC	28443	14745 US HWY 17
3282-98-4294-0000	CYPRESS COEX LLC / ATTN: FRANCES ANDERSON	3205 RANDALL PARKWAY, SUITE 107	WILMINGTON	NC	28403	14821 US HWY 17
3282-98-8323-0000	CYPRESS COEX LLC / ATTN: FRANCES ANDERSON	3205 RANDALL PARKWAY, SUITE 107	WILMINGTON	NC	28403	178 PANSY LN
3282-98-5392-0000	RED HAWK CAPITAL LLC / C/O FRANCES ANDERSON	3205 RANDALL PARKWAY, SUITE 107	WILMINGTON	NC	28403	
3282-98-7116-0000	RED HAWK CAPITAL LLC/ C/O FRANCES ANDERSON	3205 RANDALL PARKWAY, SUITE 107	WILMINGTON	NC	28403	14931 US 17 HWY
3282-98-6151-0000	STEAMER PROPERTIES LLC	2005 SPANISH WELLS DR	WILMINGTON	NC	28405	14921 US HWY 17
3282-98-4086-0000	HAMPSTEAD ENTERPRISES LLC	1430 COMMONWEALTH DR SUITE 102	WILMINGTON	NC	28403	14905 US HWY 17
3282-97-5905-0000	LSG PROPERTY HOLDINGS LLC	300 WHISPER PARK DR	WILMINGTON	NC	28411	14889 US HWY 17
3282-98-3029-0000	LANE, CHARLES M	566 LEAS LN	HAMPSTEAD	NC	28443	14865 US HWY 17
3282-98-2061-0000	LANE, JUDY LEA	265 LEAS LN	HAMPSTEAD	NC	28443	38 COLLEGE RD
3282-98-3423-0000	ELLINGTON, JIMMY W JR	155 PANSY LANE	HAMPSTEAD	NC	28443	14845 US HWY 17
3282-88-7496-0000	CYPRESS GROVE TOWNHOMES HOA INC	2030 EASTWOOD ROAD, SUITE 5	WILMINGTON	NC	28403	153 & 155 PANSY LN
						ASPEN RD

Church of Hampstead LLC – Variance Request Narrative

March 29, 2022

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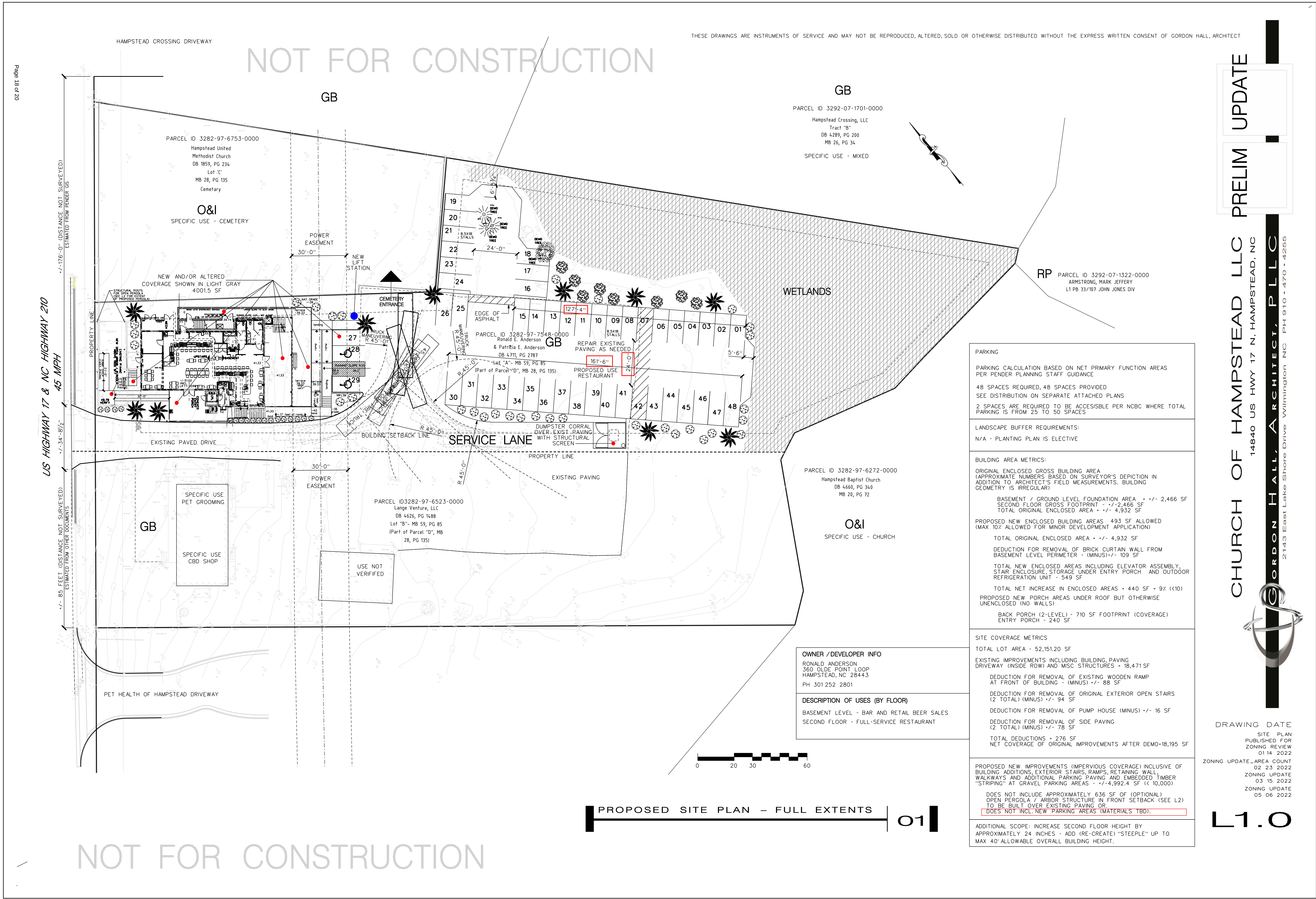
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PARKING PARKING CALCULATION BASED ON NET PRIMARY FUNCTION AREAS PER PENDER PLANNING STAFF GUIDANCE 48 SPACES REQUIRED, 48 SPACES PROVIDED SEE DISTRIBUTION ON SEPARATE ATTACHED PLANS 2 SPACES ARE REQUIRED TO BE ACCESSIBLE PER NCBC WHERE TOTAL PARKING IS FROM 25 TO 50 SPACES
LANDSCAPE BUFFER REQUIREMENTS: N/A - PLANTING PLAN IS ELECTIVE
BUILDING AREA METRICS: ORIGINAL ENCLOSED GROSS BUILDING AREA (APPROXIMATE NUMBERS BASED ON SURVEYOR'S DEPICTION IN ADDITION TO ARCHITECT'S FIELD MEASUREMENTS. BUILDING GEOMETRY IS IRREGULAR) BASEMENT / GROUND LEVEL FOUNDATION AREA - +/- 2,466 SF SECOND FLOOR GROSS FOOTPRINT - +/- 2,466 SF TOTAL ORIGINAL ENCLOSED AREA - +/- 4,932 SF PROPOSED NEW ENCLOSED BUILDING AREAS 493 SF ALLOWED (MAX 10% ALLOWED FOR MINOR DEVELOPMENT APPLICATION) TOTAL ORIGINAL ENCLOSED AREA - +/- 4,932 SF DEDUCTION FOR REMOVAL OF BRICK CURTAIN WALL FROM BASEMENT LEVEL PERIMETER - (MINUS) +/- 109 SF TOTAL NEW ENCLOSED AREAS INCLUDING ELEVATOR ASSEMBLY, STAIR ENCLOSURE, STORAGE UNDER ENTRY PORCH AND OUTDOOR REFRIGERATION UNIT - 549 SF TOTAL NET INCREASE IN ENCLOSED AREAS - 440 SF - 9% (<10) PROPOSED NEW PORCH AREAS UNDER ROOF BUT OTHERWISE UNENCLOSED (NO WALLS) BACK PORCH (2-LEVEL) - 710 SF FOOTPRINT (COVERAGE) ENTRY PORCH - 240 SF
SITE COVERAGE METRICS TOTAL LOT AREA - 52,151.20 SF EXISTING IMPROVEMENTS INCLUDING BUILDING, PAVING DRIVEWAY (INSIDE ROW) AND MISC STRUCTURES - 18,471 SF DEDUCTION FOR REMOVAL OF EXISTING WOODEN RAMP AT FRONT OF BUILDING - (MINUS) +/- 88 SF DEDUCTION FOR REMOVAL OF ORIGINAL EXTERIOR OPEN STAIRS (2 TOTAL) (MINUS) +/- 94 SF DEDUCTION FOR REMOVAL OF PUMP HOUSE (MINUS) +/- 16 SF DEDUCTION FOR REMOVAL OF SIDE PAVING (2 TOTAL) (MINUS) +/- 78 SF TOTAL DEDUCTIONS - 276 SF NET COVERAGE OF ORIGINAL IMPROVEMENTS AFTER DEMO - 18,195 SF
PROPOSED NEW IMPROVEMENTS (IMPERVIOUS COVERAGE) INCLUSIVE OF BUILDING ADDITIONS, EXTERIOR STAIRS, RAMPS, RETAINING WALL, WALKWAYS AND ADDITIONAL PARKING PAVING AND EMBEDDED TIMBER "STRIPING" AT GRAVEL PARKING AREAS - +/- 4,992.4 SF (< 10,000) DOES NOT INCLUDE APPROXIMATELY 636 SF OF (OPTIONAL) OPEN PERGOLA / ARBOR STRUCTURE IN FRONT SETBACK (SEE L2) TO BE BUILT OVER EXISTING PAVING OR DOES NOT INCL. NEW PARKING AREAS (MATERIALS TBD).
ADDITIONAL SCOPE: INCREASE SECOND FLOOR HEIGHT BY APPROXIMATELY 24 INCHES - ADD (RE-CREATE) "STEEPLE" UP TO MAX 40' ALLOWABLE OVERALL BUILDING HEIGHT.

CHURCH OF HAMPSTEAD LLC PRELIM UPDATE

14840 US HWY 17 N, HAMPSTEAD, NC

GORDON HALL, ARCHITECT, PLLC

2143 East Lake Shore Drive Wilmington NC PH 910-470-4255

DRAWING DATE

SITE PLAN

PUBLISHED FOR ZONING REVIEW

0114 2022

ZONING UPDATE AREA COUNT

02 23 2022

ZONING UPDATE

03 15 2022

ZONING UPDATE

05 06 2022

L1.0

8.3 INTERNAL LANDSCAPING IN PARKING AREAS AND OTHER SITE AREAS, OTHER THAN SINGLE FAMILY

8.3.1 Requirements

Any development other than for single family detached and duplex dwellings shall require that all ground surface areas used on commercial, institutional, community facility, industrial, condominium, recreational vehicle parks, or multifamily sites shall have internal landscaping to provide visual and climatic relief from broad expanses of pavement and channelize and define logical areas for pedestrian and vehicular circulation. The following special landscaping requirements apply to commercial, institutional, community facility, industrial, condominium, recreational vehicle parks and multifamily sites.

8.3.2 Interior Parking Areas

- A. Landscape islands shall be provided within parking areas, except parking garages, as described below to prevent excessively long, contiguous runs of parking spaces. These areas shall use control measures to prevent encroachment or damage to trees and vegetation.
- B. Light poles, fire hydrants, or other necessary features are permitted to be located within landscape islands and parking areas.
- C. Single row terminal landscape island requirements
 - 1) Single row parking terminals cannot extend more than one-hundred and twenty (120) feet.
 - 2) Each terminal island must include a minimum pervious area of three hundred (300) square feet with a minimum width of twelve (12) feet.
 - 3) Each single row terminal landscape island shall contain at least one (1) canopy tree.
 - 4) Required maximum two (2) foot high screening shrubs shall be utilized the entire length of the landscape island, or as limited by sight distances.
- D. Double row terminal landscape island requirements
 - 1) Double row parking terminals with head-to-head parking cannot extend more than one-hundred and twenty (120) feet.
 - 2) Each terminal island must include a minimum pervious area of six hundred (600) square feet and a minimum width of twelve (12) feet.
 - 3) Each double-row terminal landscape island shall contain at least two (2) canopy trees.
 - 4) Required maximum two (2) foot high screening shrubs shall be utilized the entire length of the landscape island, or as limited by sight distances.
- E. Intermediate landscape islands requirements
 - 1) Intermediate landscape islands shall be provided for any parking lot with eighty (80) or more parking spaces. Additional intermediate landscape islands shall be provided for every additional twenty (20) parking spaces in excess of eighty (80).
 - 2) Each intermediate landscape island shall have a minimum pervious area of three hundred (300) square feet and a minimum width of twelve (12) feet, and
 - 3) Each intermediate landscape island shall contain at least one (1) canopy tree.
- F. Required maximum two (2) foot high screening shrubs shall be utilized the entire length of the landscape island, or as limited by sight distances. Alternatively a minimum seven (7) foot wide landscape strip may be provided between head-to-head parking, which may

count as the required intermediate landscape island for every three hundred square feet (300) of pervious area provided. If a landscape strip is used, ornamental landscape trees and shrubs shall be planted within the landscape strip on minimum thirty (30) foot centers. With the incorporation of a ten (10') wide landscape strip between head-to-head parking, the strip may count as the required intermediate islands for every three hundred (300') feet of pervious area provided and terminal island spacing can be increased to one hundred fifty (150') feet.

- G. Limited Off-Street Paved Parking areas. Interior portions of off-street parking facilities, which are not specifically designed as parking spaces or maneuvering areas, shall not be paved for vehicle use.
- H. Parking Lot Trees and Substitutions. All trees in the parking lots shall be canopy trees, unless otherwise provided.
 - 1) Perimeter Trees and Spacing. Canopy trees shall be planted an average of fifty (50) foot centers around the total perimeter of the parking lot and all vehicular service areas. Clustering may be utilized but spacing shall not exceed one-hundred and fifty (150) foot spacing. The canopy trees shall be planted between eight feet (8) and thirty (30) feet from the edge of pavement. Canopy trees within the landscape buffers may be used if they fall within thirty (30) feet from the edge of paving or vehicular service area.
 - 2) Pervious Parking. Parking spaces provided in excess of the minimum required shall be constructed to use low impact design of excess parking facilities. Additional low impact design may be provided, if not otherwise prohibited by other provisions of the UDO, in the following areas:
 - a) Adjacent to parking lot landscape islands to allow for the percolation of water and the exchange of oxygen for the tree roots.
 - b) Grass paving or turf block areas may be utilized in low impact areas or infrequent use areas such as churches or the outlying parking areas of malls or other shopping areas.
- I. Internal Access Roads. Developments with internal access roads shall be required to plant one (1) canopy tree on each side of the road approximately every fifty (50) feet. Access roads immediately in front of commercial structures and other buildings do not have to meet the access road tree requirement but do have to meet other parking landscape requirements. Parking lot island canopy trees may be used to meet this requirement if they fall within thirty (30) feet from the edge of the pavement along the internal access road
- J. Low Impact Development Features. Parking lot islands are encouraged to use curb breaks and create swale or depression areas to allow for the percolation of rainwater and parking stormwater. Attention shall be given to the selection, placement and durability of landscape material within rain garden areas to ensure their long-term viability. Any proposed rain garden areas must comply with all stormwater requirements as deemed by the NC DWQ rules and regulations for Low Impact Design. Smaller rain gardens that serve as landscape islands shall adhere to all canopy and understory requirements for landscape islands.