NEW HANOVER COUNTY
PLANNING & INSPECTIONS

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230 Government Center Drive
Suite 110
Wilmington, NC 28403
910-798-7165 phone
910-798-7053 fax
www.nhcgov.com

Application for
VARIANCE

Petitioner Information	**Property Owner(s)** *If different than Appellant*	**Subject Property**
Name Lloyd Rothschild	**Owner Name** LRR No2 Properties, LLC (Same as Rc	**Address** 3109 Rivendell Pl
Company	**Owner Name 2**	**Parcel ID** R04419-001-068-000
Address 2027 Spanish Wells Dr	**Address** 4001 City of Oaks Wynd	**Area** Demarest Landing/E4K15
City, State, Zip Wilmington NC 28405	**City, State, Zip** Raleigh, NC 27612	**Existing Zoning and Use** R-20S
Phone 919-264-5002	**Phone** 919-264-5002	**Summary of Variance Requested:** Front Setback variance to 15ft vs 30ft
Email lrrothschild@cs.com	**Email** lrrothschild@cs.com	
Application Tracking Information	**(Staff Only)**	
Case Number ZBA-908	**Date/Time received:** 5/3/2016 - 11:30AM	**Received by:** DB

APPLICATION OVERVIEW

In order to assist petitioners through the process for requesting a variance, petitioners are highly encouraged to attend a pre-application conference prior to application submittal. Petitioners are requested to review the Section 122-1(2) of the Zoning Ordinance prior to submission, and advised to contact Planning Staff with any questions.

Requests for variances to any of the provisions of the Zoning Ordinance may be taken to the Board of Adjustment. The Board of Adjustment will hear and decide on the appeal in a quasi-judicial proceeding. The Board of Adjustment may grant a variance to provisions of the Ordinance upon showing of the following:

1. Unnecessary hardship would result from the strict application of the ordinance.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or 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 the 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.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. A concurring vote of four-fifths (4/5) of members of the Board is necessary to grant a variance.

Unless otherwise published or announced, Zoning Board of Adjustment meetings are held on the 4th Tuesday of each month at 5:30PM in the Lucie F. Harrell Conference Room at 230 Government Center Drive. All meeting dates and application deadlines are published on the New Hanover County Planning website.

SUBMISSION REQUIREMENTS

In order to assist petitioners through the process for filing a request for variance, petitioners are highly encouraged to attend a pre-application conference prior to application submittal. Applications for variances must be filed no later than 5:00PM fifteen (15) calendar days prior to a Zoning Board of Adjustment meeting.

In addition to this application, the following supplemental information and materials are required:

Required Information	Applicant Initial	Staff Initial
List of Adjacent Property Owners		
Small Scale Vicinity Map – for maps larger than 11"x17", please provide ten (10) copies for the Board of Adjustment meeting. Digital submission may be substituted when accurate scaling can be assured. The following information is required on the vicinity map: • Location of property • Existing streets • Size and uses of adjacent properties		
Authority for Appointment of Agent Form (if applicable)		
Fee - $400		

REQUEST FOR VARIANCE

In the space below, please describe the request for the variance, including what section(s) and provision(s) from which the variance is being requested. Applicants are advised to demonstrate how the variance request is consistent with the four stipulations on Page 1. Please attach additional sheets if necessary.

See attached Letter

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By my signature below, I certify that this application is complete and that all of the information presented in this Notice is accurate to the best of my knowledge, information, and belief.

Signature of Appellant and/or Property Owner **Date** 4/28/16

Section 51.4: R-20S Residential District
(12/7/81)

51.4-1: The R-20S Residential District is established as a district in which the principal use of land is for low density single-family residential purposes. The regulations of this district are to permit development compatible with the preservation of its rural character and providing limited growth. It is designed to accommodate residential opportunities for those who desire exurban, low-density lifestyle and are willing to assume the costs of providing many of their own services and amenities while restricting the protection of resources and the conservation of open space. Mobile homes, duplexes, residential clusters, attached residential and high density attached residential uses shall not be permitted.

51.4-2: *Dimensional Requirements:*

(1) Minimum Lot area 20,000 Square Feet
(2) Minimum Lot Width 90 feet
(3) Minimum Front Yard 30 feet
(4) Minimum Side Yard 15 feet
(5) Minimum Rear Yard 25 feet
(6) Maximum Height 35 feet

The maximum allowable height for piling supported primary structures which are located in "Coastal High Hazard Areas, V-Zones" and/or Ocean Hazard Areas as defined by the Coastal Resources Commission shall be 44 feet. (10/5/81)

51.4-3: *Parking* - Parking and loading shall be provided in accordance with the provisions of Article VIII.

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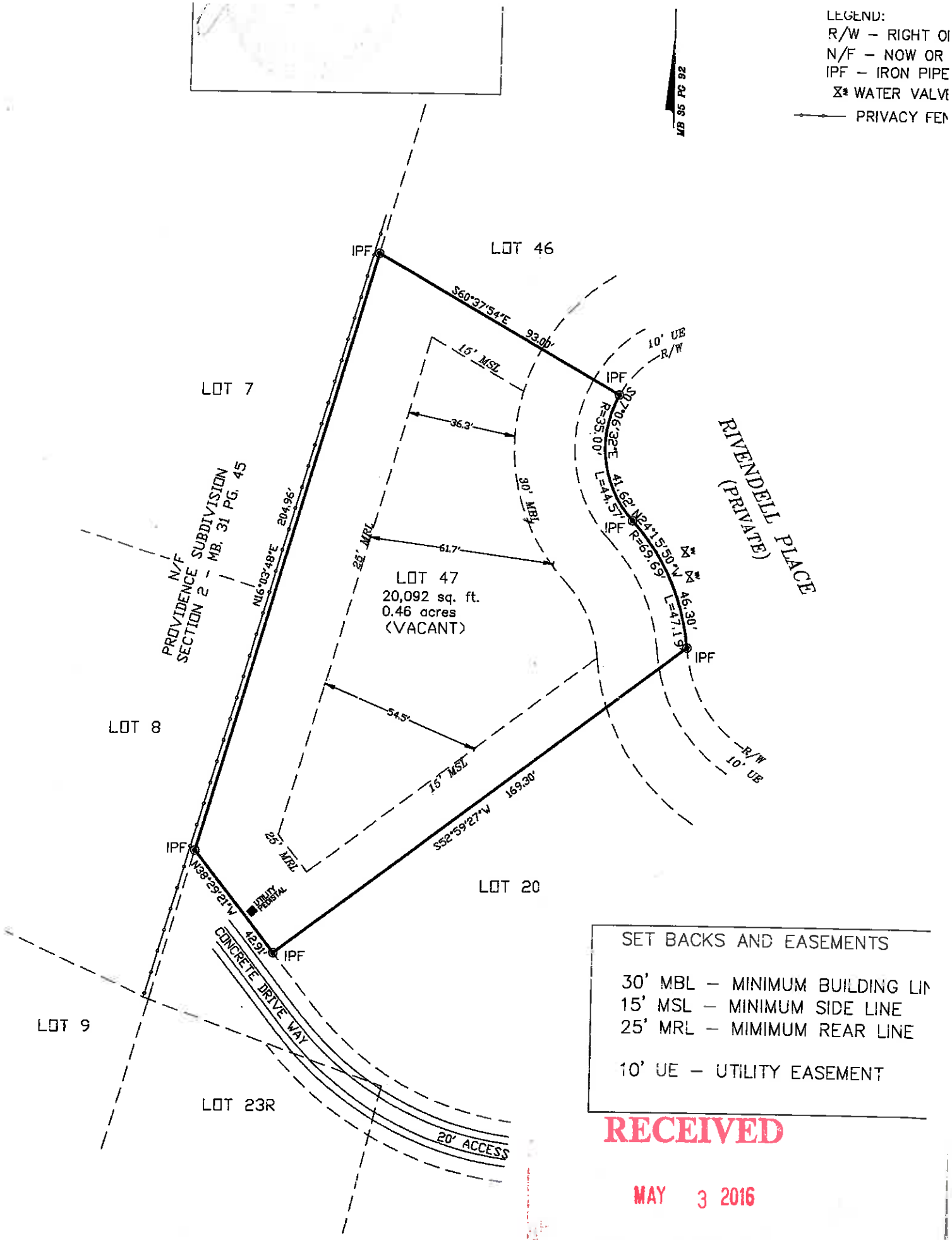

SET BACKS AND EASEMENTS

30' MBL – MINIMUM BUILDING LIN
15' MSL – MINIMUM SIDE LINE
25' MRL – MIMIMUM REAR LINE

10' UE – UTILITY EASEMENT

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Adjacent Property Owners to 3109 Rivendell Place

3108 Rivendell Pl, .5095 Acres with a residential home (Chris/Amy Blanton owners) The owners received a front setback variance. Located across the street from 3109.

3112 Rivendell Pl, .5571 Acres with a residential home (Roger/Alecia Williams owners). Adjacent and on the west of 3109

3105 Rivendell Pl, .4766 Acres with a residential home (Daniel/Peggy Nolan owners). Adjacent and on the east of 3109

Lot seeking Variance: 3109 Rivendell Pl, .4847 Acres vacant lot (LRR No.2 Properties, LLC owner-Lloyd Rothschild owner of LLC) R-20S Zoning

Rivendell Pl is a short cul-de-sac road in Demarest Landing. 5 homes and 2 lots are on the street.

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Variance request for Lot 47 Demarest Landing, 3109 Rivendell Place, Wilmington NC

Variance front home setback change from 30ft to 15ft.

Due to the unusual configuration of the lot and the cul-de-sac the property faces, a home design plan is extremely tough to provide a house footprint within the R-20S set-backs (30' front/15'side/25'rear). The curved front lot forces the foot print to be placed further to the rear. The lot is not deep enough to handle that placement and the natural vegetation would be at risk of removal. A front setback variance keeps the home in balance with the surrounding homes and the architectural characteristics of Demarest Landing.

Numerous plans and revisions, rotation of footprints, and reconfigurations of the rooms and their sizes have been attempted in trying to work within the set- backs. The neighborhood has had at least 6 variances granted from the Zoning Board of Adjustment. One such is the lot directly in-front of this lot (3108 Rivendell Place). I am the 5th owner of this lot and it may be due to the hardships in home design?

The home designed for this lot is relatively small, 2260sf and a 2 car attached garage for the first floor. There will be approximately 760 sf on the second floor (minimum size for a home in Demarest is 2800sf and a 2 car garage). This is by no means a mansion trying to be squeezed on the lot. Lastly, since the lot faces a "S" type circular front street, the actual length of the set-back of the front foundation will range from 15' to over 30' to the front of the lot (see site plan). The home will not appear as if 15' from the front curb.

The ARB for Demarest has created a very natural and ecological setting and as such, stricter impervious guidelines, limited front street parking, front porch requirements, and so forth are adhered to by the ARB. This can be seen in the cul-de-sac size (being single lane and no area for parking on the street). Walking to and from neighbors homes or to the neighborhood amenities is the norm. The home placement will not harm the intent or safety for visitors or owners. The street sees almost no traffic since there is a total of 5 homes and 2 lots on Rivendell Pl. I believe we have designed a home that fits in the development's conceptual design parameters and the county's vision for housing in the R-20S zoning: which is low density single family housing that is compatible with the preservation of its rural character and providing limited growth, as well as maximizing the protection of resources and conservation of open space.

I would appreciate a granting to this Variance.

Lloyd Rothschild/Owner

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LOT 47 – DEMAREST VILLAGE – SCALE 1"=30'

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FOR REVIEW ONLY

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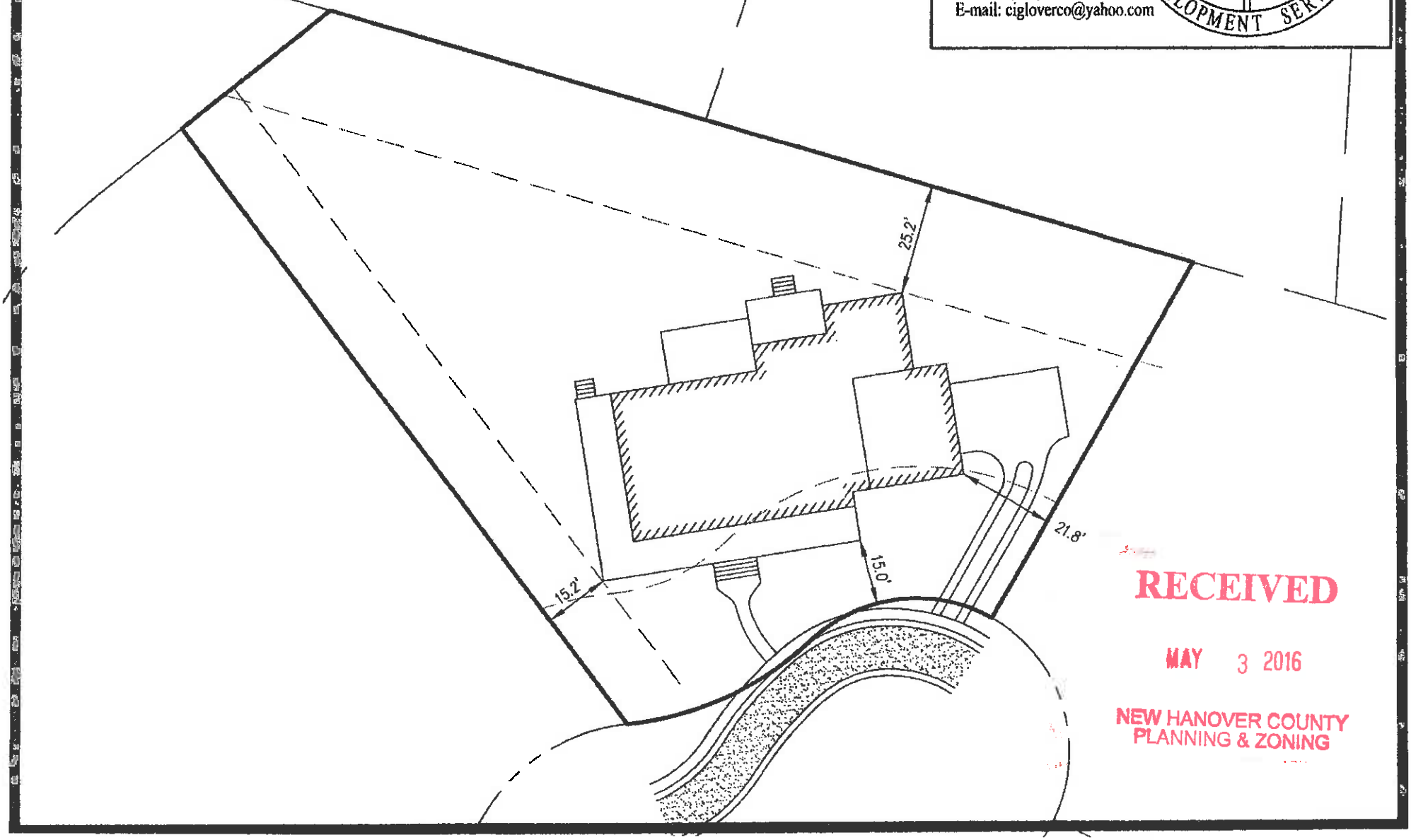
LAND SURVEYING & DEVELOPMENT SERVICES
C.I.Glover Co.



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