



NEW HANOVER COUNTY

DEPARTMENT OF PLANNING AND LAND USE

230 Government Center Drive, Suite 110

Wilmington, North Carolina 28403

TELEPHONE (910) 798-7165

FAX (910) 798-7053

planningdevelopment.nhcgov.com

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NEW HANOVER COUNTY
PLANNING & ZONING

VARIANCE Application

REVIEW PROCESS

Step 1: Pre-Application Conference

In order to assist applicants through the variance process, applicants are highly encouraged to attend a pre-application conference prior to application submittal. Applicants are requested to review Section 122-1(2) of the Zoning Ordinance and sections relating to the application, and advised to contact Planning Staff with any questions. The purpose of the pre-application conference is to provide the applicant an opportunity to become familiar with the submittal requirements and procedures of the application, and also to receive preliminary comments from staff regarding the proposal's compliance with any applicable development regulations.

Step 2: Application Submittal

Applications must be received by the Planning and Inspections Department by 5:00 PM on the application deadline date. A complete application consists of the items detailed in the submittal checklist provided in this application.

Step 3: Staff Review

Upon receiving a completed application, staff may distribute it to certain departments and agencies for review. County Planning staff shall review the application, and prepare a staff report for the Zoning Board of Adjustment.

Step 4: Zoning Board of Adjustment Review and Action

The New Hanover County Zoning Board of Adjustment shall consider the application at a public hearing. Public hearings for variance applications are conducted in a quasi-judicial manner and include additional standards for the testimony and evidence presented during the hearing. The property owner, or their attorney, must be present for the meeting.

A variance shall be approved if the applicant provides substantial evidence that the proposed use will meet the following findings:

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 or topography.** *Hardship 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.*



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Applicant/Agent Information		Property Owner(s) If different than Applicant/Agent	
Name	GARY DALE SUTTON	Owner Name	GARY DALE SUTTON
Company	—	Owner Name 2	SHEARY SPENCER SUTTON
Address	145 BROOKGREEN RD	Address	SAME
City, State, Zip	CASTLE HAYNE NC 28429	City, State, Zip	
Phone	910-675-3857	Phone	910-620-6231
Email	dale.sutton@duke-energy.com	Email	
Subject Property Information			
Address/Location		145 BROOKGREEN RD CASTLE HAYNE	
Parcel Identification Number(s)		R01 700-003-004-14	
Total Parcel(s) Acreage		0.92	
Existing Zoning and Use(s)		RA	
Application Tracking Information (Staff Only)			
Case Number	Date/Time received:	Received by:	

APPLICATION REQUIREMENTS

Staff will use the following checklist to determine the completeness of your application. Please verify all of the listed items are included and confirm by initialing under "Applicant Initial". Staff will not process an application for further review until it is determined to be complete.

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	Required Information	Applicant Initial	Staff Initial
	NEW HANOVER COUNTY PLANNING & ZONING		
1	Complete Variance application	<i>[Handwritten Initials]</i>	
2	Application fee – \$400		
3	Site plan or sketch illustrating requested variance		
4	1 hard copy of ALL documents		

ACKNOWLEDGEMENT AND SIGNATURES

By my signature below, I understand and accept all of the conditions, limitations and obligations of the variance application for which I am applying. I understand that I have the burden of proving why this application meets the require findings necessary for granting a variance. I certify that this application is complete and that all information presented in this application is accurate to the best of my knowledge, information, and belief.

I also appoint the applicant/agent as listed on this application to represent me and make decisions on my behalf regarding this application during the review process. The applicant/agent is hereby authorized on my behalf to:

1. Submit an application including all required supplemental information and materials;
2. Appear at public hearings to give representation and commitments; and
3. Act on my behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of this application.

[Handwritten Signature: Gary Dale Sutton]

CARY DALE SUTTON

[Handwritten Signature: Sherry Spencer Sutton]

SHERRY SPENCER SUTTON

Signature of Property Owner(s)

Print Name(s)

[Handwritten Signature: Gary Dale Sutton]

GARY DALE SUTTON

Signature of Applicant/Agent

Print Name(s)

NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.

***The land owner or their attorney must be present for the case at the public hearing.**

For Staff Only

Application Comments

Narrative

I am requesting a variance to construct a detached garage / workshop (approximately 1000 to 1050 sq. ft) on my property at a distance of 10 feet from the side property line instead of the required 20 feet. The requested variance will eliminate the need to remove a minimum of 3 large oak trees with circumferences of 7.5 to 10 feet.

Although the lot is 40,000 square feet, there are 25 large oak trees on the property, which severely limits the options for locating a building of this size. My wife and I purchased this lot in 1984 when there was nothing but a surveyor's path through the woods. We specifically chose this property for the large oak trees. When we built our home in 1985, we shifted the house off center to minimize removal of trees. Sketches are attached that provide a reasonably accurate representation of the proposed garage proximity to the trees with and without the requested variance. Several photos are also included.

Criteria

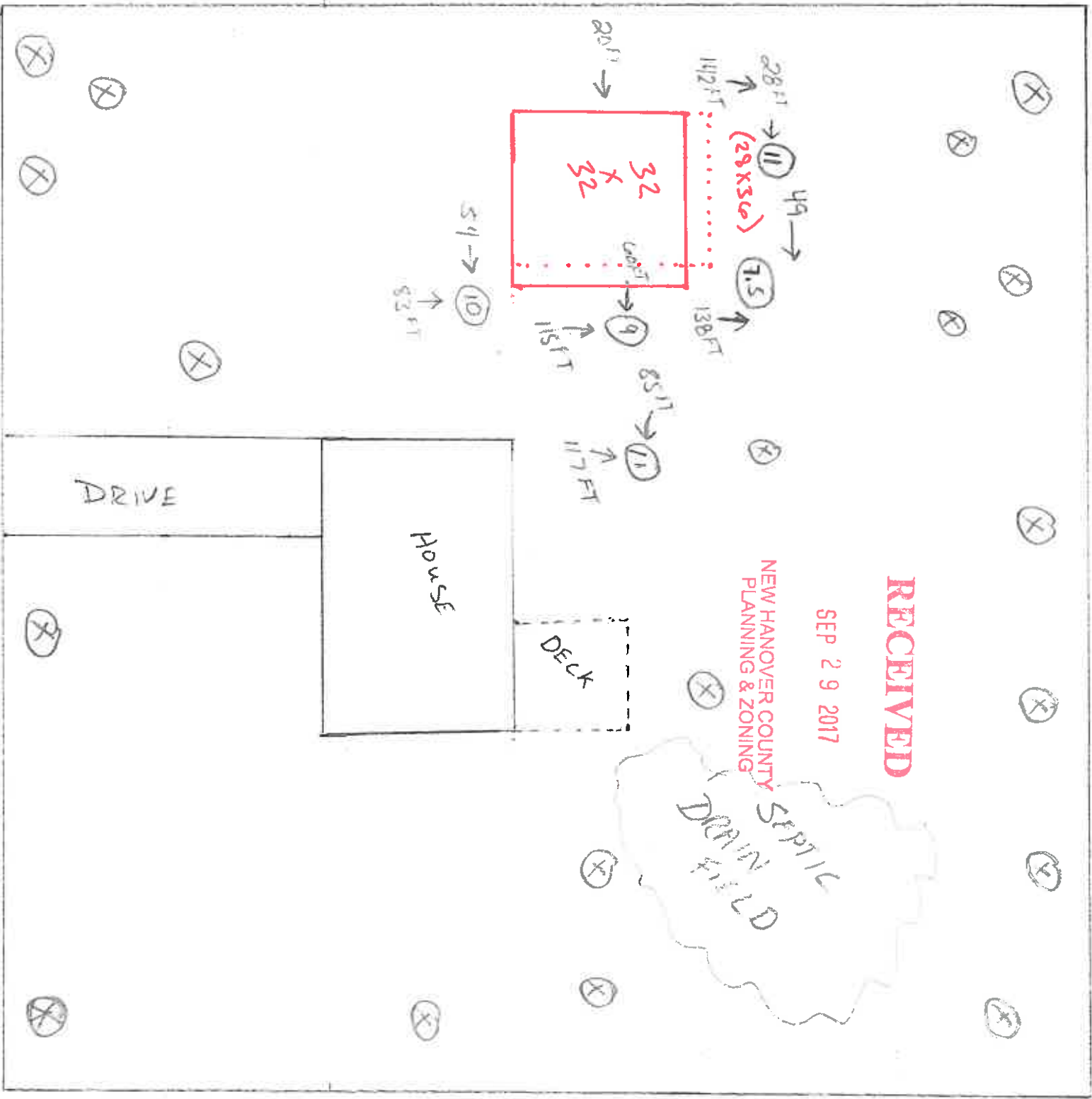
- 1. Constructing the building 20 feet from the side lot property line will require the removal of at least 3 large oak trees and we do not want to remove our trees. By moving 10 feet closer to the side line, the trees can be saved.*
- 2. There are 25 large oak trees on the 40,000 sq. ft lot. The majority of the trees are over 100 years old. There are limited options for constructing a garage / workshop in the back yard without removing trees.*
- 3. All of the oak trees on this property were in place when I purchased the land in 1984.*
- 4. Approval of the requested variance will eliminate the need to remove a minimum of three large oak trees which I estimate to be more than 100 years old. The requested variance will not conflict with any of the existing buildings or infrastructure located on the same or adjacent lots. There is no expectation that this variance will have any impact on public safety.*

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**NEW HANOVER COUNTY
PLANNING & ZONING**

DARK
TREES

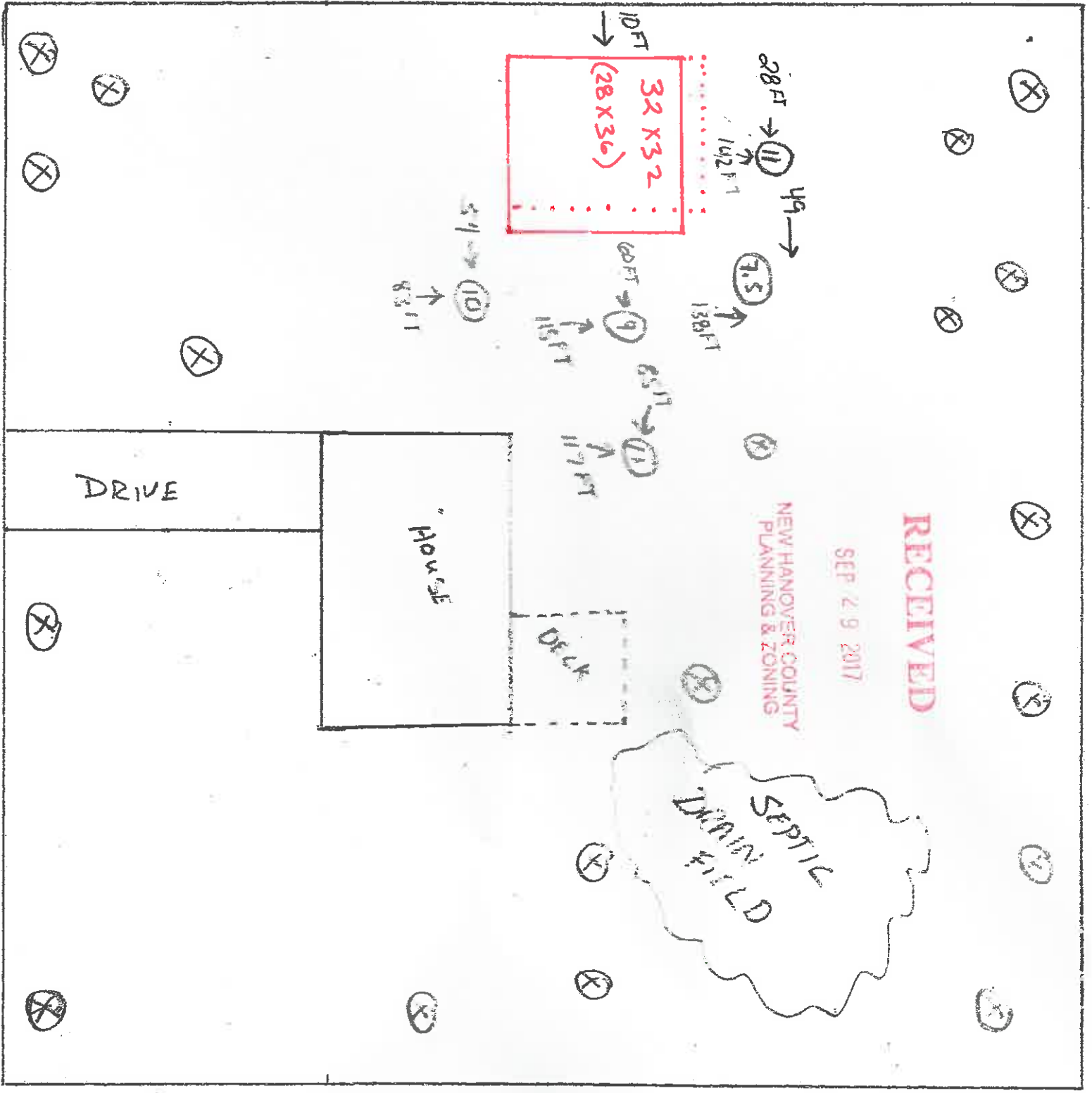


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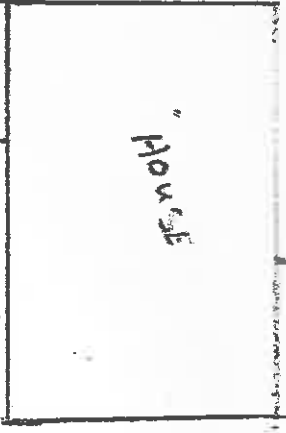
DAK
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DRIVE

DALE SUTTON
145 BROOKGREEN
CASTLE HAYNE

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PLANNING & ZONING



Dale Sutton CEM
Project Manager
Energy Services

Duke Energy
1451 Military Cutoff Road
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137

145

149

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NEW HAMPSHIRE PLANNING 1 inch = 25 feet

50

Feet

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