



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

RECEIVED

OCT 23 2017

VARIANCE Application

NEW HANOVER COUNTY
PLANNING & ZONING

20OCT 17 11:10AM

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.*



NEW HANOVER COUNTY

PLANNING & INSPECTIONS DEPARTMENT

230 Government Center Drive, Suite 110

Wilmington, North Carolina 28403

TELEPHONE (910) 798-7165

FAX (910) 798-7053

planningdevelopment.nhcgov.com

RECEIVED

OCT 23 2017

VARIANCE Application

NEW HANOVER COUNTY
PLANNING & ZONING

Applicant/Agent Information		Property Owner(s) If different than Applicant/Agent	
Name	Stephen Umstead	Owner Name	Ed Umstead
Company	Splash N Dash Car Wash LLC	Owner Name 2	Mike Payne
Address	5044 Market St	Address	609 Brae Burn Dr
City, State, Zip	Wilmington, NC 28405	City, State, Zip	Martinez, GA 30907
Phone	(910) 262-2831	Phone	(706) 840-4988
Email	splashndash2014@yahoo.com	Email	edumstead@comcast.net
Subject Property Information			
Address/Location			
5318 Carolina Beach Rd Wilmington NC 28412			
Parcel Identification Number(s)			
R07606-003-003-000			
Total Parcel(s) Acreage			
2.02			
Existing Zoning and Use(s)			
Commercial			
Application Tracking Information		<i>(Staff Only)</i>	
Case Number	Date/Time received:	Received by:	
ZBA-921			

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.*

RECEIVED

OCT 23 2017

NEW HANOVER COUNTY
PLANNING & ZONING

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.**

Stephen Umstead, applicant, is requesting on behalf of Splash N Dash Car Wash, LLC a variance for relief from the New Hanover County ordinance section 55.4-3 that states there shall be only one free standing sign at a maximum height of six feet and a total of 150 square feet surface area. We are requesting a variance to the height maximum so that we may construct a 20 foot tall sign.

RECEIVED

OCT 23 2017

The subject property currently lies at the entrance to a service road that is set back from the main traffic thoroughfare. There is also a strip mall located at 5310 Carolina Beach Rd that has 3 grandfathered free standing signs (one of which is a commercial billboard owned by Lamar) that impede the view of our property (picture attached) for anyone travelling south along highway 421 (Carolina Beach Rd). Our property is situated at a position along the service road that also impedes visibility from north bound traffic due to the curvature of the service road as well as the angle of view impeded by the location of the adjacent buildings (Lady Fitness and Midas). A taller sign would help us have more visibility for passing traffic both north and south bound on Carolina Beach Road.

NEW HANOVER COUNTY
PLANNING & ZONING

Due to the above mentioned hardships, the subject property has very little visibility both north and south bound as viewed from Highway 421. We want to keep in harmony with the spirit of the New Hanover County ordinances and our intent is to solely create a sign that is more visible to passing traffic.

Please note our requested position of the aforementioned free standing sign on the attached images.

RECEIVED

OCT 23 2017

NEW HANOVER COUNTY
PLANNING & ZONING



12/16/2016