



NEW HANOVER COUNTY
PLANNING & LAND USE

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

Application for
ZONING MAP AMENDMENT

Petitioner Information	Property Owner(s) <i>If different than Petitioner</i>	Subject Property
Name Hubert S. Ward, Jr	Owner Name Vincent Malare	Address 2624 Costello Hwy Rd
Company Ace Wrecker	Owner Name 2	Parcel ID(s) R03311-004-017-000
Address 405B Village Rd	Address 4611 MC Clelland Rd	Area
City, State, Zip Leland NC 28451	City, State, Zip Wilmington NC 28405	Existing Zoning and Use B-1 Conditional
Phone 910-343-9508	Phone 910-470-9997	Proposed Zoning and Use B-1
Email joshbakedown@gmail.com	Email N/A	Land Classification Community Mix Use
Application Tracking Information (Staff Only)		
Case Number 219-04	Date/Time received: 2/7/2019	Received by: BJ

APPLICATION OVERVIEW

In order to assist petitioners through the rezoning process, petitioners are highly encouraged to attend a pre-application conference prior to application submittal. Petitioners are requested to review the sections of the Zoning Ordinance specific to zoning amendments prior to submission, and advised to contact Planning Staff with any questions. The following sections of the Zoning Ordinance pertain specifically to zoning amendments:

- Section 110: Amending the Ordinance
- Section 111: Petitions
- Section 112: Approval Process

Applications for zoning amendments must first be considered by the New Hanover County Planning Board at a public hearing. The Planning Board will make a recommendation to the County Commissioners which will take final action on the permit application in a quasi-judicial public hearing. Attendance at all public hearings is required. The public hearings will allow staff, the applicant, proponents and opponents to testify in regards to the request. Unless otherwise published or announced, Planning Board meetings are held on the first Thursday of each month at 6:00PM in the Commissioner's Assembly Room at the Historic County Courthouse located at Third and Princess Streets, Wilmington, North Carolina. All meeting dates and application deadlines are published on the New Hanover County Planning website.

APPLICATION REQUIREMENTS

In order to assist petitioners through the rezoning process, petitioners are highly encouraged to attend a pre-application conference prior to application submittal. Applications must be reviewed by Planning Staff for completeness prior to being officially accepted. Applications must be submitted to Planning Staff at least twenty (20) working days before the Planning Board meeting at which the application is to be considered. In order to allow time to process, fees and review for completeness, applications will not be accepted after 5:00 PM on the deadline day. Once accepted, the Planning Board will consider the application at the assigned meeting unless the applicant requests a continuance.

For all proposals, in addition to this application, the following supplemental information and materials are required:

Dead -
#

Required Information	Applicant Initial	Staff Initial
Copy of the New Hanover County Tax Map, which delineates the property requested for rezoning.	<input type="text"/>	BS
Legal description (by metes and bounds) of property requested for rezoning.	<input type="text"/>	BS
Copy of the subdivision map or recorded plat which delineates the property.	<input type="text"/>	N/A
Any special requirements of the Ordinance (for example, Section 54.2 for Planned Development District, Section 54.1 for Exceptional Design Zoning District, or Section 54.3 for Riverfront Mixed Use District)	<input type="text"/>	N/A
A report of the required public information meeting outlined in Section 111-2.1 (if applicable)	<input type="text"/>	N/A
Authority for Appointment of Agent Form (if applicable)	<input type="text"/>	BS
Fee - For petitions involving 5 acres or less, \$500. For petitions involving greater than 5 acres, \$600	<input type="text"/>	BS

CRITERIA REQUIRED FOR APPROVAL OF A CHANGE OF ZONING

Requests for general rezonings do not consider a particular land use but rather all of the uses permitted in the zoning district which is being requested for the subject property. Rezoning requests must be consistent with the New Hanover County Land Use Plan and the Zoning Ordinance, and the applicant has the burden of proving that the request is not consistent with the county's adopted land use plan, zoning ordinance, reasonable, and in the public's interest. The applicant should explain, with reference to attached plans (where applicable), how the proposed zoning district satisfies these requirements. The applicant has the burden of proof and must provide sufficient evidence in order for the required findings to be met.

You must explain in the space below how your request satisfies each of the following requirements (attach additional sheets if necessary):

1. How would the requested change be consistent with the County's Policies for Growth and Development?

Instead of having just a grassy lot, which is known to attract rodents, and other unwanted pest. This business would be of help in the rotation of accidents, abandon + stolen vehicles. Meaning it would be a storage for such vehicles as well as inside storage for people relocating. It creates a business which always promotes growth

2. How would the requested zone change be consistent with the property's classification on the Land Classification Map?

It will allow the land to become useful!

3. What significant neighborhood changes have occurred to make the original zoning inappropriate, or how is the land involved unsuitable for the uses permitted under the existing zoning?

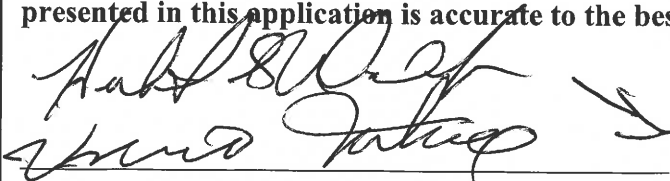
It is zoned grassy lot only ~ meaning it is useless.

4. How will this change of zoning serve the public interest?

It creates a business, which creates jobs which will always be of service to our public's interest.

If an applicant requests delay of consideration from the Planning Board or Board of County Commissioners before notice has been sent to the newspaper, the item will be calendared for the next meeting and no fee will be required. If delay is requested after notice has been sent to the newspaper, the Board will act on the request at the scheduled meeting and are under no obligation to grant the continuance. If the continuance is granted, a fee in accordance with the adopted fee schedule as published on the New Hanover County Planning website will be required.

By my signature below, I understand and accept all of the conditions, limitations and obligations of the zoning district for which I am applying. I understand that the existing official zoning map is presumed to be correct. I understand that I have the burden of proving why this requested change is in the public interest. 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.



Signature of Petitioner and/or Property Owner

Hubert S. Ward, Jr.
Vincent Malave

Print Name



**NEW HANOVER COUNTY
PLANNING & LAND USE
AUTHORITY FOR
APPOINTMENT OF AGENT**

230 Government Center Drive
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Please note that for quasi-judicial proceedings, either the land owner or an attorney must be present for the case at the public hearing.

The undersigned owner does hereby appoint an authorized the agent described herein as their exclusive agent for the purpose of petitioning New Hanover County for a variance, special use permit, rezoning request, and/or an appeal of Staff decisions applicable to the property described in the attached petition. The Agent is hereby authorized to, on behalf of the property owner:

1. Submit a proper petition and the required supplemental information and materials
2. Appeal at public meetings to give representation and commitments on behalf of the property owner
3. Act on the property owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition applicable to the New Hanover County Zoning Ordinance.

Agent Information	Property Owner(s)	Subject Property
Name <i>Robert Swartz</i>	Owner Name <i>Vincent Molave</i>	Address <i>2624 Castle Hwy Rd</i>
Company	Owner Name 2	City, State, Zip <i>Wilmington NC 28401</i>
Address <i>3986 Gumbrook Ct</i>	Address <i>4611 McClelland Rd</i>	Parcel ID <i>R20331-004-017-000</i>
City, State, Zip <i>Lebanon NC</i>	City, State, Zip <i>Wilmington NC 28405</i>	
Phone <i>910-343-9508</i>	Phone <i>910-470-9997</i>	
Email <i>Justboledown@gmail.com</i>	Email	
Application Tracking Information		(Staff Only)
Case Number Reference:	Date/Time received:	Received by:

This document was willfully executed on the 7 day of February, 2019.

[Handwritten Signature]

Owner 1 Signature

Owner 2 Signature

9
26
82

BK: RB 6126
PG: 1463-1467
RECORDED:
03-13-2018
04:44:14 PM
BY: CAROL HUGHLEY
DEPUTY



2018007390
NEW HANOVER COUNTY, NC
TAMMY THEUSCH BEASLEY
REGISTER OF DEEDS

NC FEE \$26.00

Excise Tax: \$0.00

Recording time, Book and Page:

Tax Parcel No.: R03311-004-017-000

Prepared By: ¹¹ Clifford N. MacDonald / THE MACDONALD LAW FIRM, PLLC
Return To: 1508 Military Cutoff Rd., Suite 102
Wilmington, NC 28403
(no title search by preparer)

Grantor's Address: 2124 Oleander Dr., Wilmington, NC 28403
Grantee's Address: 4611 McClelland Rd., Unit 104E, Wilmington, NC 28405

___ If checked, the property includes the primary residence of at least one of the Grantors. (NCGS § 105-317.2)

STATE OF NORTH CAROLINA

WARRANTY DEED

COUNTY OF NEW HANOVER

THIS DEED, is made this 12 day of March, 2018, by and between ISAAC RHAMES and wife, SYLVIA J. RHAMES, Grantor, and DARIO MALAVE and VICENT MALAVE, as joint tenants with right of survivorship, Grantee. The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH:

WHEREAS, Grantor conveyed to Grantee a tract adjacent to the property described herein by deed recorded in Book 6107 at Page 1642 in the Office of the Register of Deeds of New Hanover County, North Carolina; and,

WHEREAS, the parties hereto intended that the property described herein be included as part of the prior conveyance but the said property was inadvertently omitted from the legal description of the aforementioned deed; and,

WHEREAS, Grantor executes this deed to correct said omission.

THAT the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does hereby grant, bargain, sell and convey unto the said Grantee, his heirs and assigns, in fee simple, all that certain lot or parcel of land situated in the County of New Hanover, and State of North Carolina, and more particularly described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED
HEREIN BY REFERENCE.**

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions: 2018 ad valorem taxes; easements and restrictions of record, if any; and ordinances and municipal building code restrictions, if any.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written.

{SIGNATURES ON FOLLOWING PAGE}

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written.

Isaac Rhames
ISAAC RHAMES

Sylvia J. Rhames
SYLVIA J. RHAMES

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, the undersigned Notary Public of the County and State aforesaid, certify that ISAAC RHAMES and wife, SYLVIA J. RHAMES, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 12 day of March, 20 .

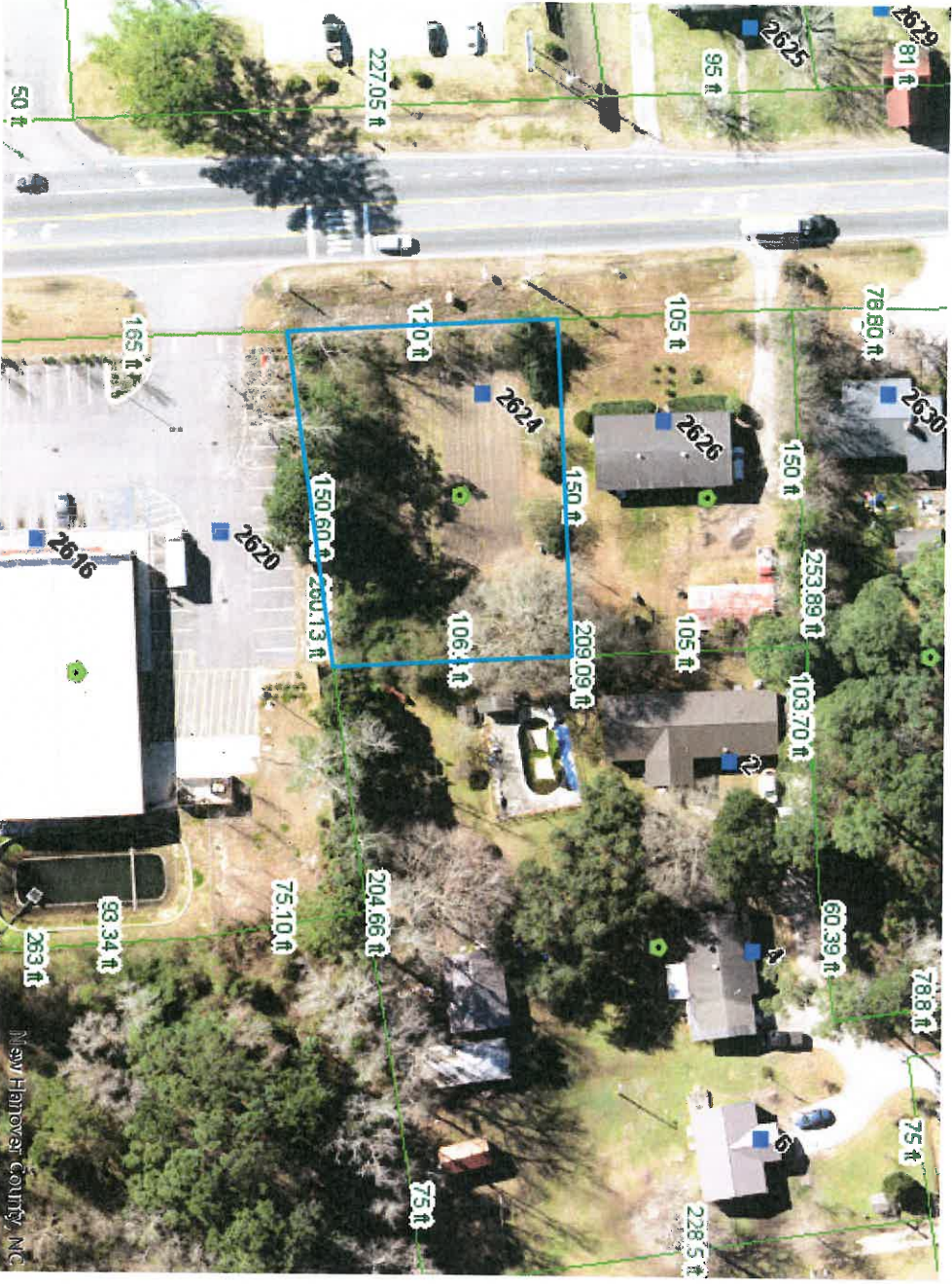
My Commission Expires: 01/29/2023



Clifford N. MacDonald
Notary Public

EXHIBIT "A"

BEGINNING at a point in the Eastern right of way line of the Castle Hayne Road, U. S. Highway No. 117 (50 feet from the center line thereof); Said point being located 423.8 feet as measured Southwardly along the Eastern right of way line of the Castle Hayne Road from its point of intersection with the Southern right of way line of Sheridan Drive (Secondary Road No. 1324), Running thence from said beginning point South 89 degrees 00 minutes East 150.0 feet to a point; Running thence South 01 degrees 00 minutes West 106.4 feet to a point; Running thence South 85 degrees 49 minutes West 150.6 feet to a point in the Eastern right of way line of the Castle Hayne Road; Running thence with the Eastern right of way line of the Castle Hayne Road, North 01 degree 00 minutes East 120.0 feet to the point of beginning.



New Hanover County, NC

