



NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE

230 Government Center Drive, Suite 110

Wilmington, North Carolina 28403

Telephone (910) 798-7165

FAX (910) 798-7053

planningdevelopment.nhcgov.com

ZONING & SUBDIVISION VARIANCE APPLICATION

This application form must be completed as part of a request for a zoning and/or subdivision variance. The application submitted through the county's online COAST portal. The main procedural steps in the submittal and review of applications for a variance are outlined in the flowchart below. More specific submittal and review requirements, as well as the standards to be applied in reviewing the application, are set out in Section 10.3.11 of the Unified Development Ordinance.



1. Applicant and Property Owner Information

Applicant/Agent Name Palm Investment, Inc.	Owner Name (if different from Applicant/Agent) Same as Applicant
Company	Company/Owner Name 2
Address 701 N. Lake Park Blvd.	Address
City, State, Zip Carolina Beach, N.C. 28428	City, State, Zip
Phone 910-620-4072	Phone
Email davidpiercejj@yahoo.com	Email

2. Subject Property Information

Address/Location 502 Pilots Ridge Rd.	Parcel Identification Number(s) R07900-001-484-000
Total Parcel(s) Acreage ± .5 ac.	Existing Zoning and Use(s) R-15, vacant

3. Proposed Variance Narrative

Subject Zoning Regulation, Chapter and Section	Sec. 3.1.3.D(1)(a)
<p>In the space below, please provide a narrative of the application (attach additional pages if necessary).</p> <p>Please see attached Exhibit "A". (Variance Narrative). Please see attached Exhibit "B" (Variance Site Plan).</p>	

CRITERIA REQUIRED FOR APPROVAL OF A VARIANCE

The Board of Adjustment may grant a variance if it finds that strict application of the ordinance results in an unnecessary hardship for the applicant, and if the variance is consistent with the spirit, purpose, and intent of the ordinance. The applicant must explain, with reference to attached plans (where applicable), how the proposed use meets these required findings (attach additional pages if necessary).

- 1. Unnecessary hardship would result from 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.

Please see attached Exhibit "A"

- 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.

Please see attached Exhibit "A".

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.

Please see attached Exhibit "A".

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.

Please see attached Exhibit "A".

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". Applications determined to be incomplete must be corrected in order to be processed for further review.

Application Checklist

Applicant Initial

This application form, completed and signed

Application fee: \$400 per application

Site plan or sketch illustrating the requested variance

One (1) hard copy of ALL documents

One (1) PDF 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 required 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.

If applicable, 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 comments; 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.

Signature of Property Owner(s)

David Pierce, President, Palm Investment, Inc.
Print Name(s)

Signature of Applicant/Agent

David Pierce, President, Palm Investment, Inc.
Print Name

Note: This 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



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

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

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 Matthew A. Nichols	Owner Name Palm Investment, Inc.	Address 502 Pilots Ridge Rd.
Company Law Office of Matthew A. Nichols	Owner Name 2	City, State, Zip Wilmington, NC 28412
Address 3205 Randall Pkwy, Suite 104	Address 701 N. Lake Park Blvd.	Parcel ID R07900-001-484-000
City, State, Zip Wilmington, NC 28403	City, State, Zip Carolina Beach, N.C. 28428	
Phone 910-508-7476	Phone 910-620-4072	
Email matt@mattnicholslaw.com	Email davidpiercejj@yahoo.com	
Application Tracking Information (Staff Only)		
Case Number Reference: BoA-960	Date/Time received: 3/31/21 4:00 pm	Received by: pv

This document was willfully executed on the 31 day of March, 2021

Palm Investment, Inc.

Owner 1 Signature

Owner 2 Signature

By: David Pierce, President

EXHIBIT "A"
to
Application for Variance
502 Pilots Ridge Rd.

Project Narrative:

As illustrated below, the Subject Property is located within the Pilots Ridge Aero Plantation neighborhood ("Pilots Ridge") in the southern portion of New Hanover County. Pilots Ridge is a very unique neighborhood, as it contains its own private airplane runway. Each lot within the subdivision has an access for aircraft to the runway situated to the south. The subdivision is also unique in that it is linear in a design that parallels the private runway, which is the main feature of the subdivision and distinguishes the development from all other residential developments within the County and the vast majority of developments throughout the State. As illustrated below, the Subject Property is the last lot at the western end of the line of residential lots within the subdivision.



Many property owners within Pilots Ridge have private hangars for their personal aircraft. The Applicant plans to build a single-family residential home with an aircraft hangar on the Subject Property, similar to other lots within the subdivision.

Typically, under New Hanover County UDO Section 3.2.8, R-15 zoned residential lots require a 10-foot side setback; however, Pilots Ridge was developed as a Performance Residential neighborhood, and UDO Sec. 3.1.3.D(1)(a) states that "[b]uildings on the periphery of a Performance Residential Development shall setback a minimum of 20 feet from the adjoining property line." Because of several unique factors with respect to this lot, the Applicant is requesting a variance of 10 feet from the 20-foot setback required under Sec. 3.1.3.D(1). In granting a 10-foot setback, the Subject Property would still meet the standard 10-foot setback applicable to conventional subdivision development under UDO Section 3.2.8.

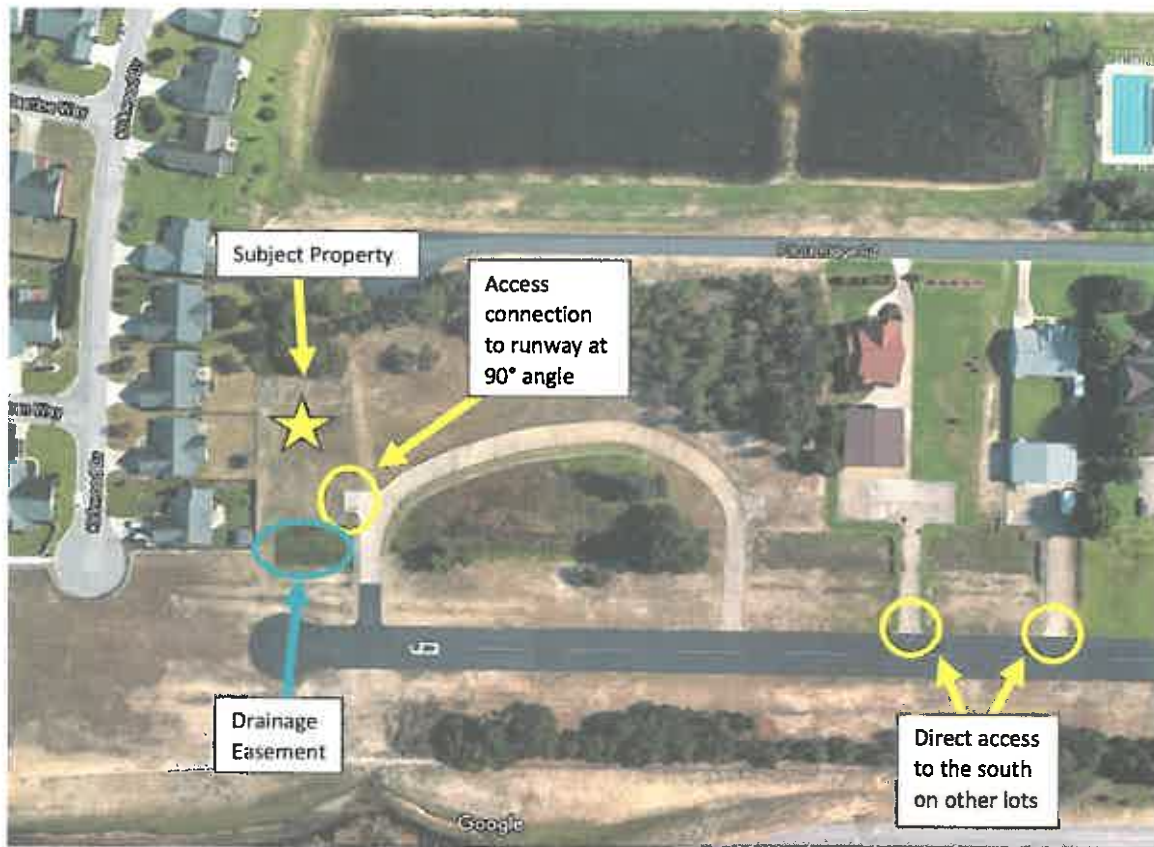
1. Unnecessary hardship would result from strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

Due to the unique configuration of this lot at the end of the subdivision, the application of a 20-foot side setback under Section 3.1.3.D(1) prevents the Applicant from building a residence and hangar in the most efficient, most practical and safest configuration. The Subject Property is identified as Lot 29, Pilots Ridge Aero Plantation, Section 2, as shown on that map recorded on December 4, 2006, in Map Book 50 at Page 275, New Hanover County Registry (copy attached hereto as **Exhibit "A-1"**). A copy of the Owner/Applicant's deed recorded on November 30, 2018, in Book 6181 at Page 2774, New Hanover County Registry, is attached hereto as **Exhibit "A-2"**). A copy of the Map of Section 1, Pilots Ridge Aero Plantation, recorded on November 22, 1983, in Map Book 55 at Page 37, which shows the other portion of the airplane runway/landing strip and Pilots Ridge Road (private), is attached hereto as **Exhibit "A-3"**.

The requirement of a 20-foot side setback in this case creates an unnecessary hardship on the design and layout of the Subject Property for its intended and unique use as an aircraft hangar lot residence along the private runway. The requested variance would allow additional design flexibility and spacing with the construction of the hangar, resulting in a better and safer site building design and configuration for operation of the private aircraft.

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 area common to the neighborhood or general public, may not be the basis for granting a variance.

The location of this particular lot within the subdivision, and the approved and intended use of this lot as an airplane hangar residence, are very unique. Being the westernmost periphery lot, the 20-foot side setback under Section 3.1.3.D(1) affects this lot in manner different that the rest of the lots. Additionally, due to a drainage easement located on this lot the airplane access to the runway is differently configured than most of the lots in Pilots Ridge. (See aerial view below / on following page.) Rather than a straight access to the south directly to the runway, the access is situated 90 degrees to the lot to a semi-circular "driveway" that then connects to the runway.



The other lots within the Pilots Ridge Aero Plantation subdivision are not impacted in the same way that this lot is, namely, a periphery lot with a unique driveway approach that is essentially perpendicular to the airplane driveway/taxiing area, which is further impacted by the location of the drainage easement on the lot.

The requested variance will allow additional design flexibility with the residence and airplane hangar and also make the site design more practical. Allowing the variance will improve maneuvering the plane on the Subject Property and increase safety taxiing the plane to and from the runway.

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.

The hardship did not result from actions taken by the Applicant/Property Owner. The hardship is created by the location of the lot at the end of the subdivision and the very unique nature of the lot and its intended and approved use. The hardship is also

created by the location of the drainage easement and its unique impact on this particular lot and the access configuration to the runway.

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.

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. In addition to the foregoing, it is significant to note that the Subject Property (Lot 29, Pilots Ridge Aero Plantation, Section 2) abuts the adjacent subdivision (Kirkwood at Arrondale) perpendicularly. More specifically, the side property line where the setback variance is requested meets the rear property line of the adjacent Lots 317 through 320, and a portion of Lot 321, in Section 8 of Kirkwood at Arrondale, as generally shown on that map recorded in Map Book 47 at Pages 113-114 (copy attached hereto as **Exhibit "A-4"**). Because Kirkwood at Arrondale is also a performance residential subdivision, the adjacent Kirkwood at Arrondale lots to the west, all of which are developed with single-family homes, already have a minimum 20-foot rear setback from the shared property line with the Subject Property. Moreover, there will still be at least a 30-foot separation between the nearest Kirkwood at Arrondale house and the proposed airplane hangar and house on the Subject Property. It is also significant to note that Kirkwood at Arrondale is zoned R-10, which requires only a 5-foot side setback, so allowing a variance to provide for a 10-foot side setback on the Subject Property is entirely consistent with the general development pattern in the vicinity.

Additionally, the other property owners within Pilots Ridge Aero Plantation have already approved a 10-foot side setback for the Subject Property. See document titled *"Amendment to: Amended and Restated Declaration Of Restricted Covenants for Pilots Ridge Aero Plantation, July 31, 2012"* recorded on May 27, 2020 in Book 6315 at Page 17 of the New Hanover County Registry. (Copy attached hereto as **Exhibit "A-5"**) (allowing reduced side setback from 15 feet to 10 feet under subdivision covenants).

This variance request, which has been approved by the other owners within Pilots Ridge under their subdivision covenants, is consistent with the development pattern found throughout the R-15 and R-10 development in this general vicinity, will not have a negative impact to adjoining or nearby neighbors, and is consistent with conventional R-15 side setbacks. Furthermore, allowing this variance will improve safety of airplane taxiing and parking, and will allow a more efficient and safer use of the property consistent with the intended design and use of this unique lot and subdivision.



2006066634

FOR REGISTRATION REGISTER OF DEEDS
REBECCA P. SMITH
NEW HAMPSHIRE COUNTY, NC
2006 DEC 04 10:35:44 AM
BK:50 PG:275-276 FEE:\$21.00

INSTRUMENT # 2006066634

MAP INDEX

Pilots Ridge Acres Plantation, Section 2

Name of Map

The Manning Companies, L.L.C.

Ward Manning

Owner's Name

Type of Map: ☒ Subdivision

☐ Condo

☐ Highway

Book 50 Page(s) 275

Number of Pages 1

Recorded By: Donna Harme

Deputy/ Assistant



REBECCA P. SMITH
REGISTER OF DEEDS, NEW HANOVER
216 NORTH SECOND STREET

WILMINGTON, NC 28401

Filed For Registration: 12/04/2006 10:35:44 AM
Book: PLAT 50 Page: 275-276
Document No.: 2006066634
PLAT 2 PGS \$21.00
Recorder: CRESWELL, ANDREA

State of North Carolina, County of New Hanover

YELLOW PROBATE SHEET IS A VITAL PART OF YOUR RECORDED DOCUMENT.
PLEASE RETAIN WITH ORIGINAL DOCUMENT AND SUBMIT FOR RE-RECORDING.

2006066634

2006066634

4
26
220



BK: RB 6181
PG: 2774-2778
RECORDED:
11-30-2018
09:21:33 AM
BY: KELLIE GILES
DEPUTY



2018035837
NEW HANOVER COUNTY, NC
TAMMY THEUSCH BEASLEY
REGISTER OF DEEDS

NC FEE \$26.00
STATE OF NC
REAL ESTATE
EXTX \$220.00

NORTH CAROLINA GENERAL WARRANTY DEED

Real Property conveyed is not the primary residence of the Grantors.

Prepared by: Ned M. Barnes, Attorney at Law
A-3 Pleasure Island Plaza
Carolina Beach, NC 28428

Return to: Ned M. Barnes, Attorney at Law

Excise Tax: \$220.00

Parcel Identifier: R07900-001-484-000

Brief description for the Index

Lot 29, Section 2, Pilots Ridge Aero

THIS DEED made this 21 day of November, 2018, by and between

GRANTOR	GRANTEE
JOSEPH LOUIS CATELLI and wife, TRACIE CATELLI 612 Greenwich Avenue Warwick, Rhode Island 02886	PALM INVESTMENT, INC., a North Carolina Corporation 701 Lake Park Blvd. N. Carolina Beach, NC 28428

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

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED.

The property hereinabove described was acquired by Grantor by Instrument recorded in Book 5588, Page 344.

A map showing the above described property is recorded in Map Book 50 at Page 275.


TO HAVE AND TO HOLD the aforesaid lots or parcels 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 except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

1. Rights of way and easements of record, if any.
2. Zoning and/or subdivision ordinances and regulations, if any.
3. Restrictive covenants of record, if any.
4. Ad valorem taxes for 2018 and subsequent years.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.


JOSEPH LOUIS CATELLI

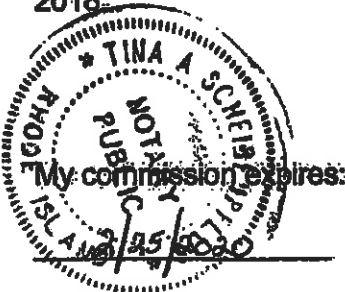

TRACIE CATELLI

STATE OF Rhode Island
COUNTY OF Kent

I, Tina A. Scheibenzflug, a Notary Public in and for the County and State aforesaid do hereby certify that JOSEPH LOUIS CATELLI and TRACIE CATELLI, having provided satisfactory identification, personally appeared before me this day and acknowledged the due execution of the foregoing instrument and that said act was done voluntarily for the purpose stated therein.

WITNESS my hand and notarial stamp or seal, this 21 day of November,

2018.



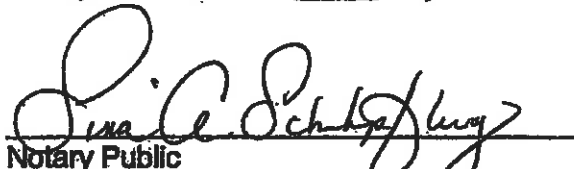

Notary Public

EXHIBIT A

BEING in the County of New Hanover and State of North Carolina, and being described as follows:

All of Lot 29* in Pilots Ridge Aero Plantation Subdivision, Section 2, a Performance Development, as the same is shown on a map recorded in Map Book 50 at Page 275 in the New Hanover County Registry, TOGETHER WITH AND SUBJECT TO all of the rights, covenants, easements, conditions and restrictions contained in a declaration recorded in Book 1239 at Page 616 and following pages in said Registry, and all amendments and supplements thereto, and including an easement over and on the airport runway, taxiway and other concomitant airport property and Pilots Ridge Road. as set out in said declarations and shown on the aforesaid subdivision map and that map in Map Book 22 at Page 55, excepting that 60' Taxiway Easement between Lots 15 and 16 in Section 1 which is shown on the plat of Section 1 recorded in Map Book 22 at Page 55.

TAMMY THEUSCH
BEASLEY
Register of Deeds

New Hanover County Register of Deeds

320 CHESTNUT ST SUITE 102 • WILMINGTON, NORTH CAROLINA 28401
Telephone 910-798-4530 • Fax 910-798-7716



State of North Carolina, County of NEW HANOVER
Filed For Registration: 11/30/2018 09:21:33 AM
Book: RB 6181 Page: 2774-2778
5 PGS \$246.00
Real Property \$26.00
Excise Tax \$220.00
Recorder: KELLIE GILES
Document No: 2018035837

DO NOT REMOVE!

This certification sheet is a vital part of your recorded document. Please retain with original document and submit when re-recording.

STATE OF NORTH CAROLINA
NEW HAMPSHIRE COUNTY
THE RECORDS OF THE COUNTY OF NEW HAMPSHIRE COUNTY IS CERTIFIED TO BE CORRECT THIS 22ND DAY OF NOVEMBER 1968.

Rebecca P. Tucker
REBECCA P. TUCKER
CLERK OF SUPERIOR COURT
BY *Henry John Doe, Clerk*

CERTIFICATE OF REGISTRATION BY REGISTER OF DEEDS
NORTH CAROLINA
NEW HAMPSHIRE COUNTY
I, THE REGISTER OF DEEDS, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED LAND IS THE PROPERTY OF THE STATE OF NORTH CAROLINA AND IS NOT SUBJECT TO ANY OTHER CLAIM OR INTEREST.

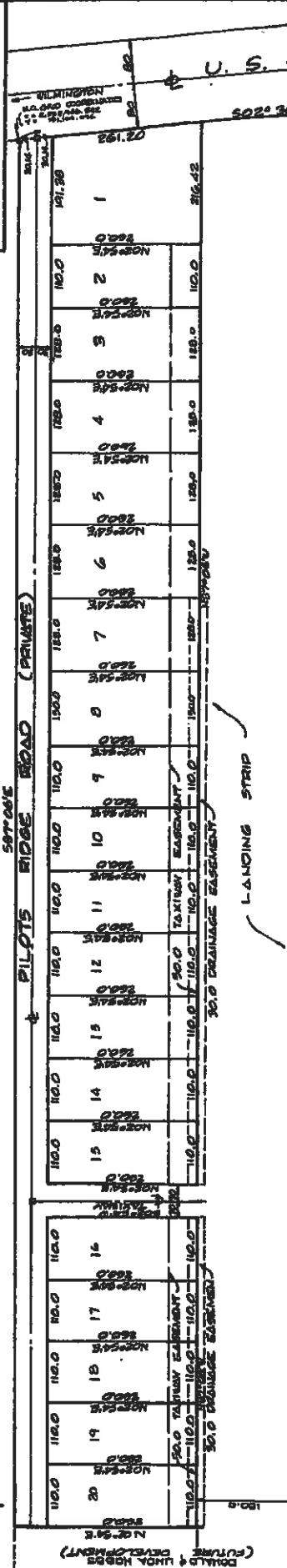
Rebecca P. Tucker
REBECCA P. TUCKER
CLERK OF SUPERIOR COURT
BY *Henry John Doe, Clerk*

CERTIFICATE OF DISCLOSURE FOR DEVELOPERS OF DEEDS
I, THE REGISTER OF DEEDS, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED LAND IS THE PROPERTY OF THE STATE OF NORTH CAROLINA AND IS NOT SUBJECT TO ANY OTHER CLAIM OR INTEREST.

Rebecca P. Tucker
REBECCA P. TUCKER
CLERK OF SUPERIOR COURT
BY *Henry John Doe, Clerk*



LOCATION MAP
NOT TO SCALE



SECTION 1
PILOTS RIDGE AERO PLANTATION
FEDERAL POINT TOWNSHIP
NEW HAMPSHIRE COUNTY
SCALE 1"=100'

CERTIFICATE OF DISCLOSURE FOR PRIVATE DEVELOPMENTS
GODWIN
I, THE REGISTER OF DEEDS, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED LAND IS THE PROPERTY OF THE STATE OF NORTH CAROLINA AND IS NOT SUBJECT TO ANY OTHER CLAIM OR INTEREST.

Rebecca P. Tucker
REBECCA P. TUCKER
CLERK OF SUPERIOR COURT
BY *Henry John Doe, Clerk*

CERTIFICATE OF APPROVAL
I, THE REGISTER OF DEEDS, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED LAND IS THE PROPERTY OF THE STATE OF NORTH CAROLINA AND IS NOT SUBJECT TO ANY OTHER CLAIM OR INTEREST.

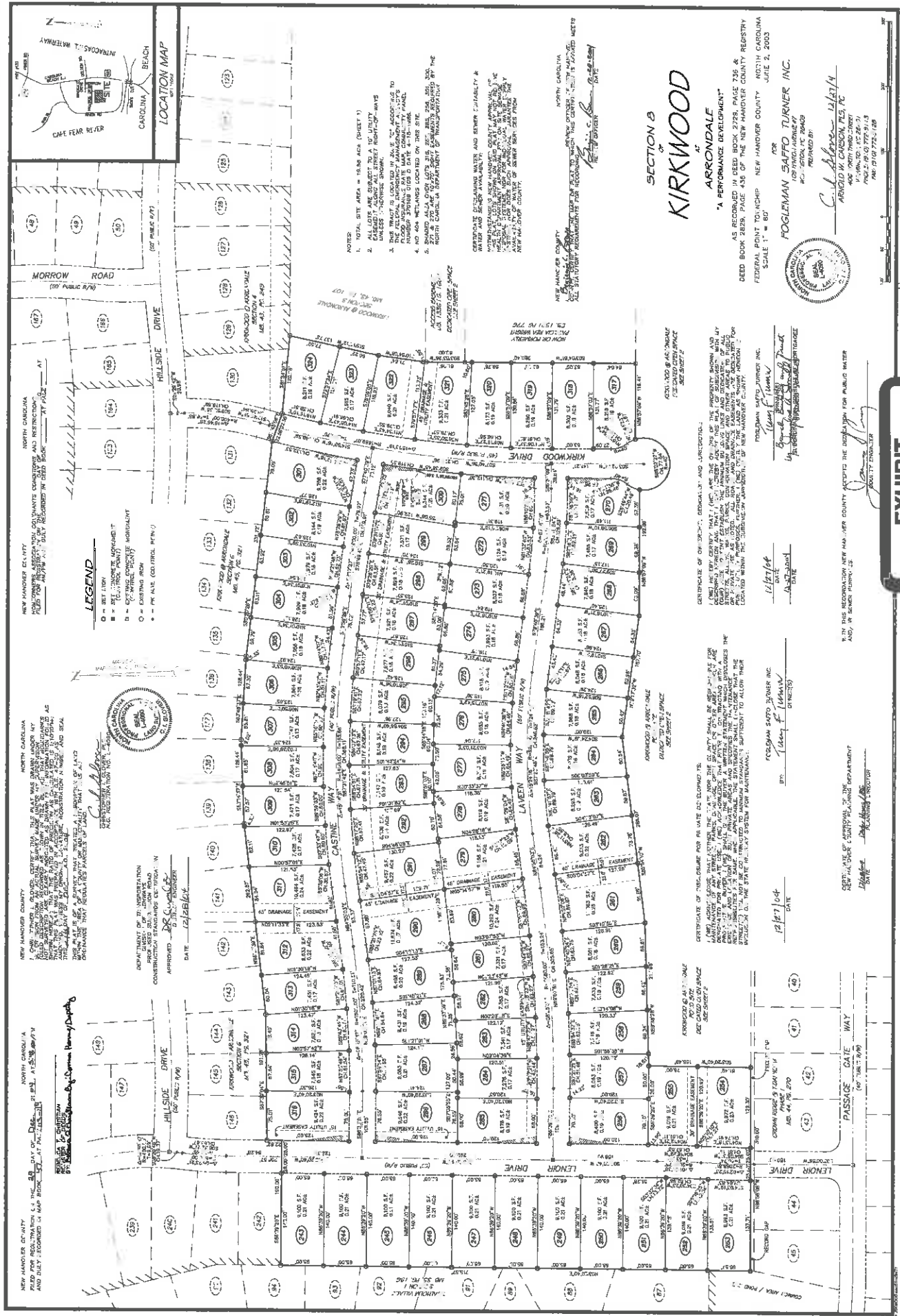
Rebecca P. Tucker
REBECCA P. TUCKER
CLERK OF SUPERIOR COURT
BY *Henry John Doe, Clerk*

CERTIFICATE OF DISCLOSURE FOR PRIVATE DEVELOPMENTS
GODWIN
I, THE REGISTER OF DEEDS, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED LAND IS THE PROPERTY OF THE STATE OF NORTH CAROLINA AND IS NOT SUBJECT TO ANY OTHER CLAIM OR INTEREST.

Rebecca P. Tucker
REBECCA P. TUCKER
CLERK OF SUPERIOR COURT
BY *Henry John Doe, Clerk*

RECORDS
EXHIBIT
A-3

RECORDS
EXHIBIT
A-3



NEW HANOVER COUNTY, NORTH CAROLINA
PLAT FOR REGISTRATION IN DEED BOOK 47, PAGE 113-114
AND DEED, RECORDED IN DEED BOOK 47, PAGE 113-114

NOTICE: THE PLAT OF THIS MAP WAS DRAWN UNDER THE PROVISIONS OF THE PLAT ACT OF 1907, AS AMENDED, AND THE PLAT IS SUBJECT TO THE PROVISIONS OF THE PLAT ACT OF 1907, AS AMENDED, AND THE PLAT IS SUBJECT TO THE PROVISIONS OF THE PLAT ACT OF 1907, AS AMENDED.

LEGEND
D = DEED (100)
M = METERS (100)
S = SURVEY (100)
O = EXISTING ROAD
P = NEW ROAD (EXISTING ROAD)

APPROVED: *[Signature]*
DATE: 12/27/04

APPROVED: *[Signature]*
DATE: 12/27/04

APPROVED: *[Signature]*
DATE: 12/27/04

APPROVED: *[Signature]*
DATE: 12/27/04

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APPROVED: *[Signature]*
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APPROVED: *[Signature]*
DATE: 12/27/04

SECTION 8 KIRKWOOD ARRONDALE

AS RECORDED IN DEED BOOK 2729, PAGE 738 &
DEED BOOK 2828, PAGE 436 OF THE NEW HANOVER COUNTY REGISTRY
FEDERAL POINT TOWNSHIP NEW HANOVER COUNTY NORTH CAROLINA
SCALE 1" = 60'

FOGLEMAN SAFFO TURNER INC.
120 HINDS AVENUE
NORTH CAROLINA 28409
PROVIDED BY:
[Signature]
12/27/04
DATE

12/27/04
DATE

12/27/04
DATE

12/27/04
DATE

12/27/04
DATE

12/27/04
DATE

EXHIBIT
A-4

Map Book 47 Page 114

CERTIFICATE OF APPROVAL OF THE
NEW HANOVER COUNTY PLANNING DEPARTMENT

12/4/07 DATE
Robert Hines PLANNING DIRECTOR

NEW HANOVER COUNTY
COUNTY CLERK
ALL STATUTORY REQUIREMENTS

NORTH CAROLINA
OWNER OF NEW HANDLER
THIS CERTIFICATION IS ATTACHED HEREIN
FOR RECORDING.

18-09-00

Trial	Control	MCI	AD
1	95	85	75
2	95	85	75
3	95	80	70
4	95	78	68
5	95	75	65

MOUSE	
DATE	

JAMES Y TAYLOR			
MAP	BOOK PAGE	ACRES-RLD	ACRES-B
			5
			UNP

0132 PAGE 03

[illegible]

NEW HAMPSHIRE TOLUITY
 I, JOHN JUDSON, JR., COUNTY CLERK, STATE OF NEW HAMPSHIRE, DO HEREBY
 CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE
 ORIGINAL RECORD OF THE ELECTION FOR DELEGATES TO THE
 CONVENTION OF THE REPUBLICAN PARTY, HELD AT
 CONCORD, NEW HAMPSHIRE, ON THE 12TH DAY OF
 SEPTEMBER, 1904, AS THE SAME APPEARS IN THE
 RECORDS OF THE CLERK OF THE SUPERIOR COURT,
 AT CONCORD, NEW HAMPSHIRE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY
 HAND AND SEAL OF OFFICE, AT CONCORD, NEW
 HAMPSHIRE, THIS 12TH DAY OF SEPTEMBER, 1904.

JOHN JUDSON, JR.,
 COUNTY CLERK.

WITNESSES MY HAND AND SEAL OF OFFICE,
 AT CONCORD, NEW HAMPSHIRE, THIS 12TH DAY OF
 SEPTEMBER, 1904.

W. L. B. [Signature]
 CLERK OF SUPERIOR COURT

SECTION 8
OF
KIRKWOOD

ARRONDALE
"1. PERFORMANCE DEVELOPMENT"

FOGLEMAN SAFFO TURNER INC.
CORP.
1030 N. 11th Ave. #7
Wichita, KS 67202

PREPARED BY: C. L. Glover 12/27/14
ARNOLD W. CARSON, PLS, PC
 406 N. 11TH AVE STREET
 WILMINGTON, NC 28401

FOOTMAN SAFFO TURNER (C.
 May 1, 1911
 Bruce-Brooks and first
 by June 1st to 1st
 Specialized Training Page 2

12/17/04
DATE

10

2



FOR REGISTRATION REGISTER OF DEEDS
REBECCA T. CHRISTIAN
NEW HANOVER COUNTY, NC
2004 DEC 29 03:48:57 PM
BK:47 PG:113-115 FEE:\$42.00

MAP INDEX

INSTRUMENT # 2004068236

Section 8 of Kirkwood at Arrandale
as recorded in deed book 2729 Page 736 &
deed book 2829, page 436

Name of Map

Fogelman Affo Turner, Inc.
Terry F. Turner, president

Owner's Name

Type of Map: ✓ Subdivision
 Condo
 Highway

Book 47 Pages(s) 113-114

Number of Pages 2

Recorded by Jacqueline E. Moore
Deputy/Assistant/Register of Deeds



REBECCA T. CHRISTIAN
REGISTER OF DEEDS, NEW HANOVER
216 NORTH SECOND STREET

WILMINGTON, NC 28401

Filed For Registration: 12/29/2004 03:48:57 PM

Book: PLAT 47 Page: 113-115

Document No.: 2004068236

PLAT 3 PGS \$42.00

Recorder: MARVIS ANN STORER

State of North Carolina, County of New Hanover

REBECCA T. CHRISTIAN , REGISTER OF DEEDS

By: MarvisAnnStorer
Deputy/Assistant Register of Deeds

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BK: RB 6315

PG: 17-19

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05-27-2020

12:29:16 PM

BY: SAMANTHA SPEAKER
DEPUTY



2020019071

NEW HANOVER COUNTY, NC

TAMMY THEUSCH BEASLEY

REGISTER OF DEEDS

NC FEE \$26.00

EXHIBIT

tabbies

4-5

State of North Carolina

County of New Hanover

Amendment to:

Amended and Restated Declaration

Of Restricted Covenants for:

Pilots Ridge Aero Plantation

July 31, 2012

Whereas, there have previously been recorded for Pilots Ridge Aero Plantation subdivision ("Pilots Ridge") a Declaration and amendments in Book 1239, Page 616; Book 1279, Page 647; Book 1309, Page 65; Book 1320, Page 480; Book 4900, Page 2119, which replaces all prior versions; Book 5113, Page 239; Book 5659, Page 2039, which replaces all prior versions; Book 5773, Page 1269; Book RB 5948, Page 2484; and Book RB 6101, Page 910; and

Whereas, page 5 of the Restricted Covenants of the Declaration, Section 7, Setback Lines, states that "No building or structure of any nature shall be located closer than fifteen (15) feet to the side property lines".

Whereas, the Owner of Lot 29 requested a variance for a modified setback for both the east and west side property lines of ten (10) feet, consistent with New Hanover County Zoning.

Whereas, the said Declaration provides in Section 23 "Modifications and Amendments", that it may be amended by a vote of not less than two-thirds (2/3) of the interests of all owners; and

Whereas, a notice to all members was provided on the 4th day of June, 2019, the notice of which contained a full statement of the proposed amendment; and

Whereas, on June 30, 2019 more than 2/3 of all the members voted in favor of the amendment and all of the Board of Directors are in favor of the amendment.

Whereas, as a result of the votes of more than 2/3 of the members, and the affirmative approval of the Directors, the Amended and Restated Declaration of Restrictive Covenants for Pilots Ridge Aero Plantation, dated July 31, 2012 is approved to be amended.

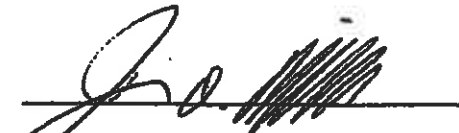
Now Therefore, the holders of interests comprising more than two-thirds of the lot owners of a certain Subdivision in New Hanover County, North Carolina, known as "Pilots Ridge Aero Plantation" as shown on plats titled "Section 1, Pilots Ridge Aero Plantation" recorded in Map Book 22 at Page 55, and "Section 2, Pilots Ridge Aero Plantation" recorded on Map Book 50 at Page 275, each in the office of the Register of Deeds of New Hanover County, have approved this Amendment in accordance with the provisions of Section 23 of the Declaration regarding Amendments.


Further therefore, this amendment hereby grants an exception of the Restrictive Covenants, Section 7, Setback Lines, with regard to Lot 29. Therefore, the setback requirements for Lot 29 are waived, and the requested East and West side property line setback of ten (10) feet, consistent with New Hanover County Zoning is hereby approved.


In witness whereof, the Association has caused this instrument to be signed in its name and do hereby certify that 2/3rds or more of the lot owners have approved this instrument as evidenced by written and signed ballots on file with the Secretary/Treasurer.

This 22 day of May, 2020.

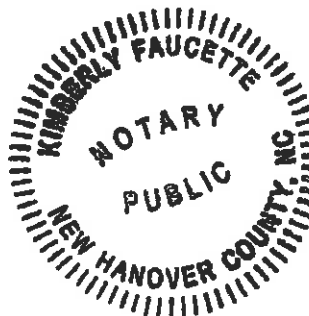
PILOTS RIDGE AERO PLANTATION HOMEOWNERS ASSOCIATION. By:

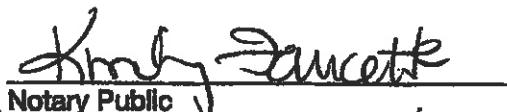

Jimmy Miller, President


Gregory Dunn, Vice President


Bill Sansone, Secretary/Treasurer

Witness my hand and notarial seal this 22 day of May, 2020




Notary Public
My commission expires: 11/14/20

TAMMY THEUSCH
BEASLEY
Register of Deeds

New Hanover County Register of Deeds

320 CHESTNUT ST SUITE 102 • WILMINGTON, NORTH CAROLINA 28401
Telephone 910-798-4530 • Fax 910-798-7716



State of North Carolina, County of NEW HANOVER
Filed For Registration: 05/27/2020 12:29:16 PM
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3 PGS \$26.00
Real Property \$26.00
Recorder: SAMANTHA SPEAKER
Document No: 2020019071

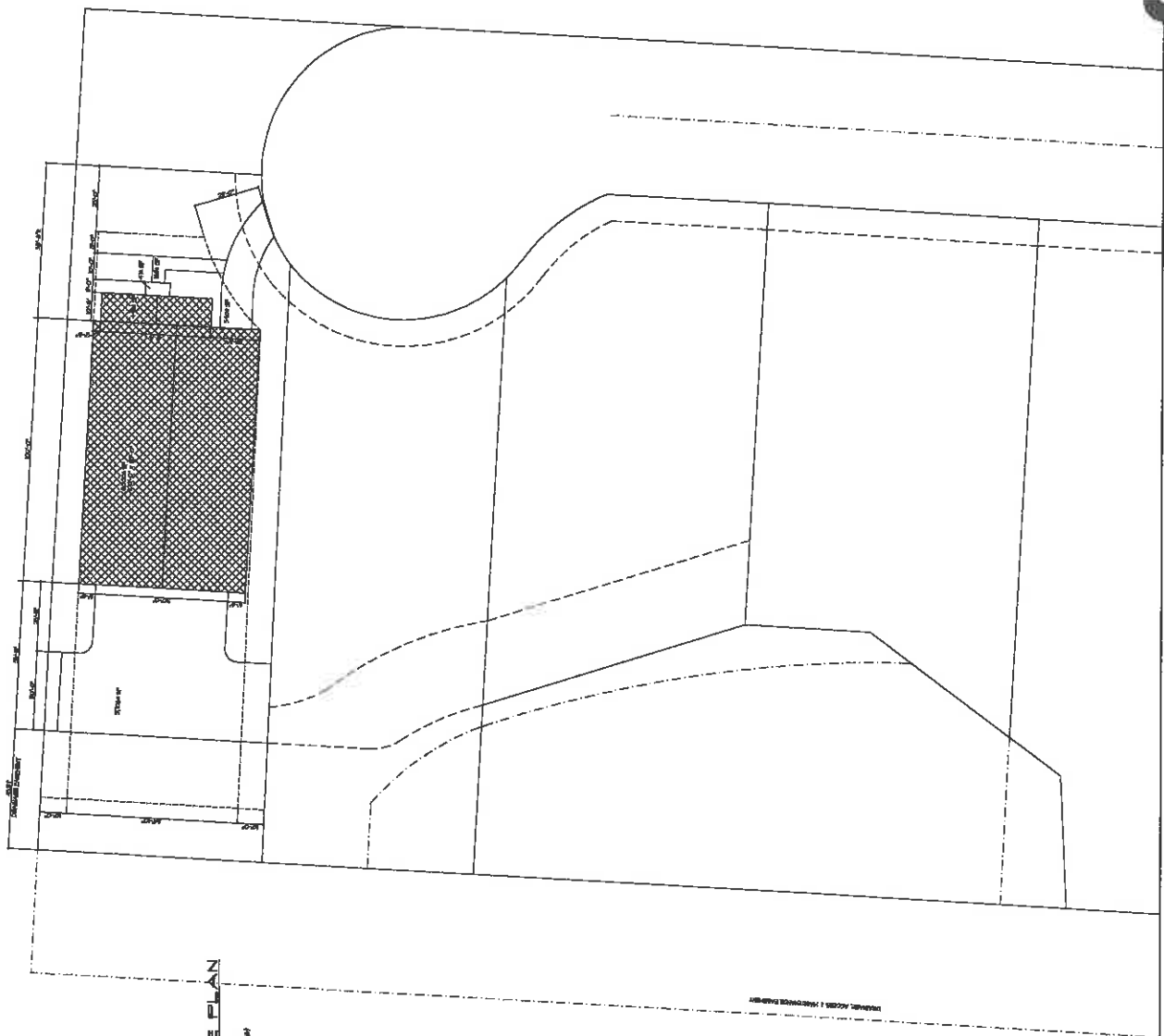
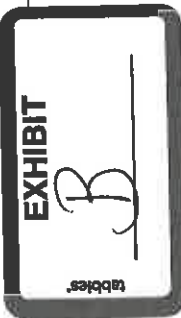
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NO.	DESCRIPTION	DATE
1	PRELIMINARY SITE PLAN	10/1/2014
2	PROPOSED FACILITY FOR	10/1/2014
3	PIERCE HANGAR	10/1/2014
4	LOT 20 - PLOTS AERO PLANTATION	10/1/2014
5	WILKINSON, NORTH CAROLINA	10/1/2014

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PRELIMINARY SITE PLAN

LOT 20 - PLOTS AERO PLANTATION
WILKINSON, NORTH CAROLINA
PROPOSED FACILITY FOR
PIERCE HANGAR
LOT 20 - PLOTS AERO PLANTATION
WILKINSON, NORTH CAROLINA
PROPOSED FACILITY FOR
PIERCE HANGAR