

NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE

230 Government Center Drive, Suite 110

Wilmington, North Carolina

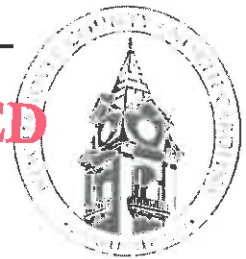
Telephone (910) 798-7165

FAX (910) 798-7053

planningdevelopment.nhcgov.com

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DEC 19 2017



VARIANCE Application

NEW HANOVER COUNTY
PLANNING & ZONING

Applicant/Agent Information		Property Owner(s) If different than Applicant/Agent
Name GREGORY J. DEMETRIOUS	Owner Name SAME	
Company HEALING HANDS CHIRO-PRACTICE	Owner Name 2	
Address 52 HARLD COURT	Address	
City, State, Zip HAMPSTEAD, NC 29443	City, State, Zip	
Phone 910-686-5433	Phone	
Email G.DEMETRIOUS@BELLSOUTH.NET	Email	
Subject Property Information		
Address/Location 7649 MARKET STREET WILMINGTON, NC		
Parcel Identification Number(s) R03600-003-004-00 MAP ID: 315912.96.9415.000		
Total Parcel(s) Acreage .88 ACRES		
Existing Zoning and Use(s) O & I		
Application Tracking Information (Staff Only)		
Case Number ZBA-923	Date/Time received: 12-19-17 ~ 12PM	Received by: BDA

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PROPOSED VARIANCE NARRATIVE

Subject Zoning Regulation, Chapter and Section: _____

NEW HANOVER COUNTY
PLANNING & ZONING

In the below space, please provide a narrative of the application. (Additional pages may be attached to the application if necessary)

PLEASE ATTACHED DOCUMENT

CRITERIA REQUIRED FOR APPROVAL OF A VARIANCE

The Zoning 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 (please use 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.*

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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 DOCUMENT

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 DOCUMENT

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 DOCUMENT

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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.

NEW HAMPSHIRE COUNTY
PLANNING & ZONING

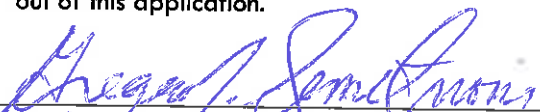
Required Information	Applicant Initial	Staff Initial
1 Complete Variance application	AD	BA
2 Application fee - \$400	AD	BA
3 Site plan or sketch illustrating requested variance	AD	BA
4 1 hard copy of ALL documents	AD	BA

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.



 Signature of Property Owner(s)

Gregory J. DEMETRIOS

 Print Name(s)



 Signature of Applicant/Agent

GREGORY J. DEMETRIOS

 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

DEC 19 2017

PROPOSED VARIANCE NARRATIVE

Subject Zoning Regulation, Chapter and Section

NEW HANOVER COUNTY
PLANNING & ZONING

In the below space, please provide a narrative of the application. (Additional pages may be attached to the application if necessary).

Hardship: Potential loss of 13 parking spaces based on setback rules after NCDOT Right of way acquisition.

Summary:

We are requesting a variance to allow for the intended parking lot area (13 Spaces) facing Market Street to be within the 35ft setback with proper vegetation and trees to beautify and maintain the look and feel of the Market street Overlay District.

The business, building, and parking lot plan is such that on the first floor we intend to have three Chiropractic doctors and three staff members. My current daily patient volume is approximately 70 patients per day for just one provider.

The second floor is planned to offer Pilates and yoga classes.

The New Hanover Counties parking rules and requirements are as follows:
Minimum Parking required:

Minimum 4 spaces per doctor and 1 per employee: 3 Doctors and three staff = 15 spaces

Clubs: 1 per 100 sf. at 2,400 sf.: 24 spaces.

The minimum planned number is: 39 spaces as currently designed.

Without a variance we would only have 26 spaces leaving us with a major hardship of parking inadequacy.

After a discussion with county zoning officials it is our understanding that there is a minimum setback from the right of way of 35 ft which after the State DOT Acquisition of the new right of way would be breached based on our needs of parking spaces.

The parking lot that has been designated prior to the acquisition of a new right of way by the state was within the ordinance. Since the NCDOT acquisition of the Right of Way and without a variance to the ordinance a significantly increase in hardship due to parking availability will exist under the current rules of set-backs due to size and location of the property and needs. The states acquisition of the right of way was unavoidable and the state did not inform the previous owner and hence me prior to purchasing or planning of this property or building/parking design.

There is a beautiful 36" oak tree that, if removed can increase our parking lot size by only approximately 8 spaces, but we would prefer not to take the tree down to accommodate parking needs of our patients and clients. Our original parking plan included 45 spaces, but due to the location of the tree we had to re-design the parking lot and lose 6 spaces which brought the total to only 39. Further we feel that even if we were able to expand the parking into the space that the tree currently occupies we will be still short the total number of spaces we truly need once we are fully staffed and business projections met.

CRITERIA REQUIRED FOR APPROVAL OF A VARIANCE

The Zoning 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 (please use 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.

Due to the current regulations and ordinance I believe the hardship(s) can be defined as follows:

- a. We would not be able to accommodate our patient, clients, and staff parking needs during peak times.
- b. Removal of the 100 year old 36" Oak Tree would be necessary to allow for only 8 more spaces and leave us minimally 5 parking spaces short.
- c. Additional cost to remove the large tree.
- d. Additional cost in re-engineering of water retention ponds, infiltration system(s) and parking lot
- e. Long term loss of business revenue.

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.

Due to the size, shape and location of the property the current ordinance will result in undue hardship. The adjoining property immediately North and South of the property will have parking areas that will be in a similar location across the front of their respective properties. Please see the Property Parking designs included.

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 states acquisition of the right of way was unavoidable and the state did not inform the previous owner and hence me prior to purchasing or planning of this property or building/parking design.

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.

Our request for the variance is consistent with the spirit, purpose, and intent of the ordinance. It is our intention to provide a similar look and feel with beautification that are consistent with the area and safety measures such that public safety is secured.

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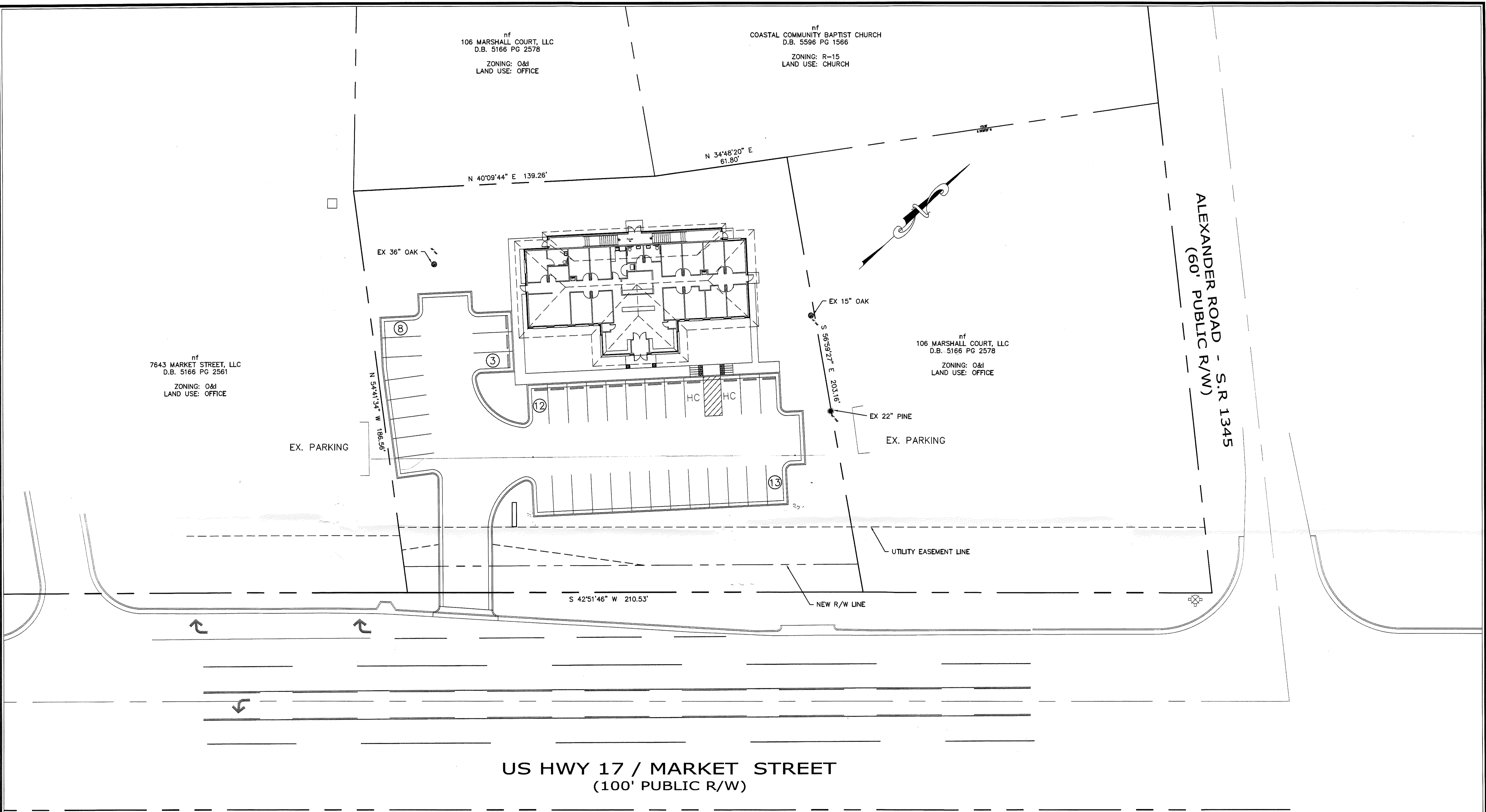
nf
106 MARSHALL COURT, LLC
D.B. 5166 PG 2578
ZONING: O&I
LAND USE: OFFICE

nf
COASTAL COMMUNITY BAPTIST CHURCH
D.B. 5596 PG 1566
ZONING: R-15
LAND USE: CHURCH

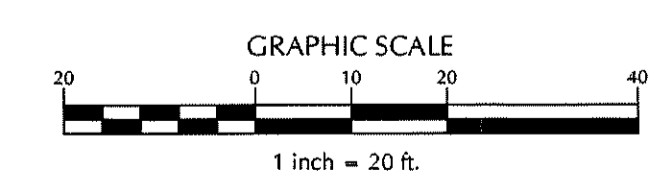
nf
7643 MARKET STREET, LLC
D.B. 5166 PG 2561
ZONING: O&I
LAND USE: OFFICE

nf
106 MARSHALL COURT, LLC
D.B. 5166 PG 2578
ZONING: O&I
LAND USE: OFFICE

ALEXANDER ROAD - S.R. 1345
(60' PUBLIC R/W)



US HWY 17 / MARKET STREET
(100' PUBLIC R/W)



PRELIMINARY - DO NOT USE FOR CONSTRUCTION

No.	Revision	Date	By

Designer	MNH	Scale	AS SHOWN
Drawn By	MNH	Date	AUGUST, 2017
Checked By	MNH	Job No.	

HEALING HANDS CHIRO-PRAK-TIK
7649 MARKET STREET
NEW HANOVER COUNTY NORTH CAROLINA

HEALING HANDS CHIRO-PRAK-TIK, PLLC
PO BOX 10863
WILMINGTON, NC 28404

PORT CITY CONSULTING
ENGINEERS, PLLC
6216 STONEBRIDGE ROAD
WILMINGTON, NC 28409
910-599-1744 LICENSE No. P-1032

LANDSCAPE PLAN

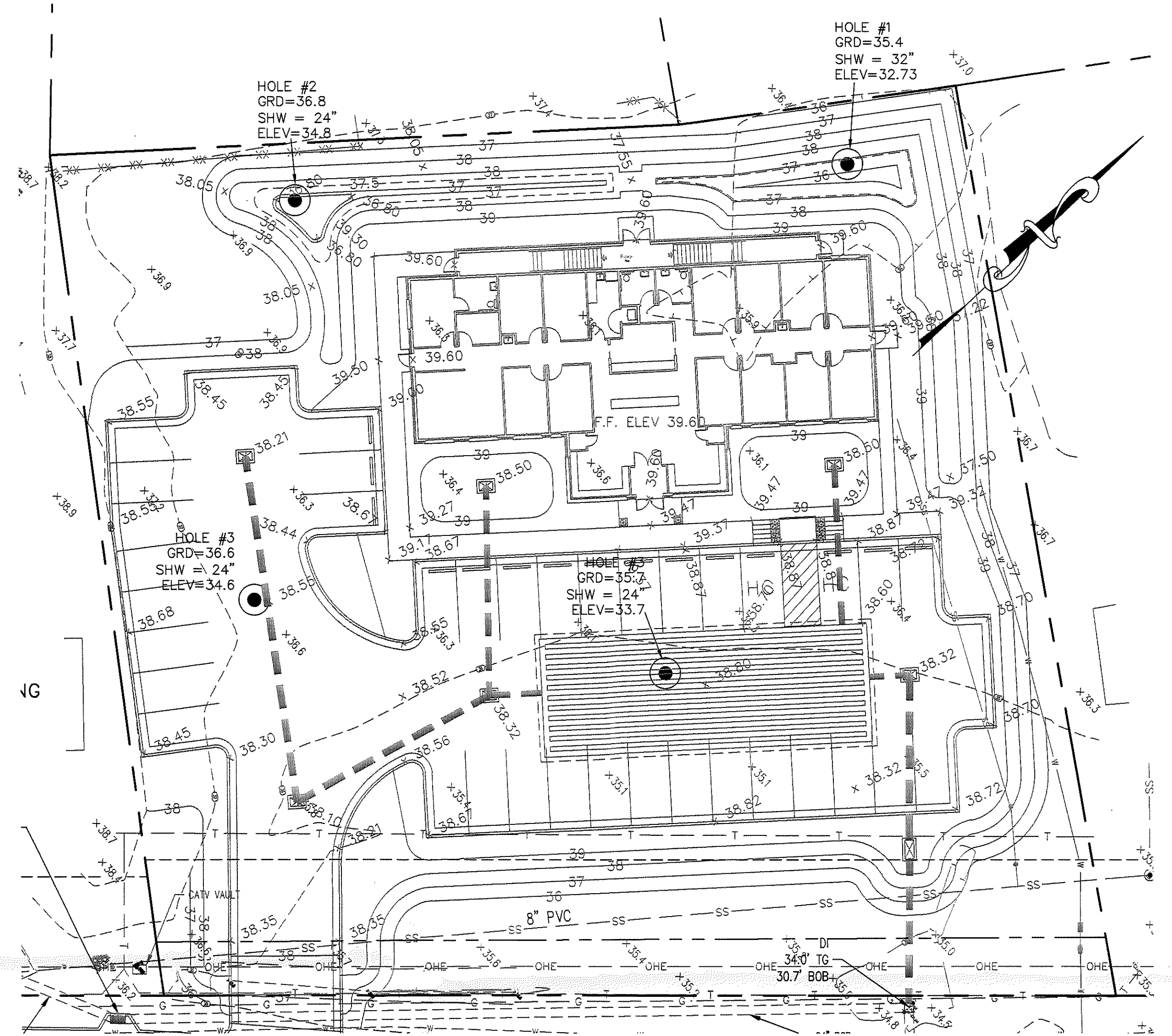
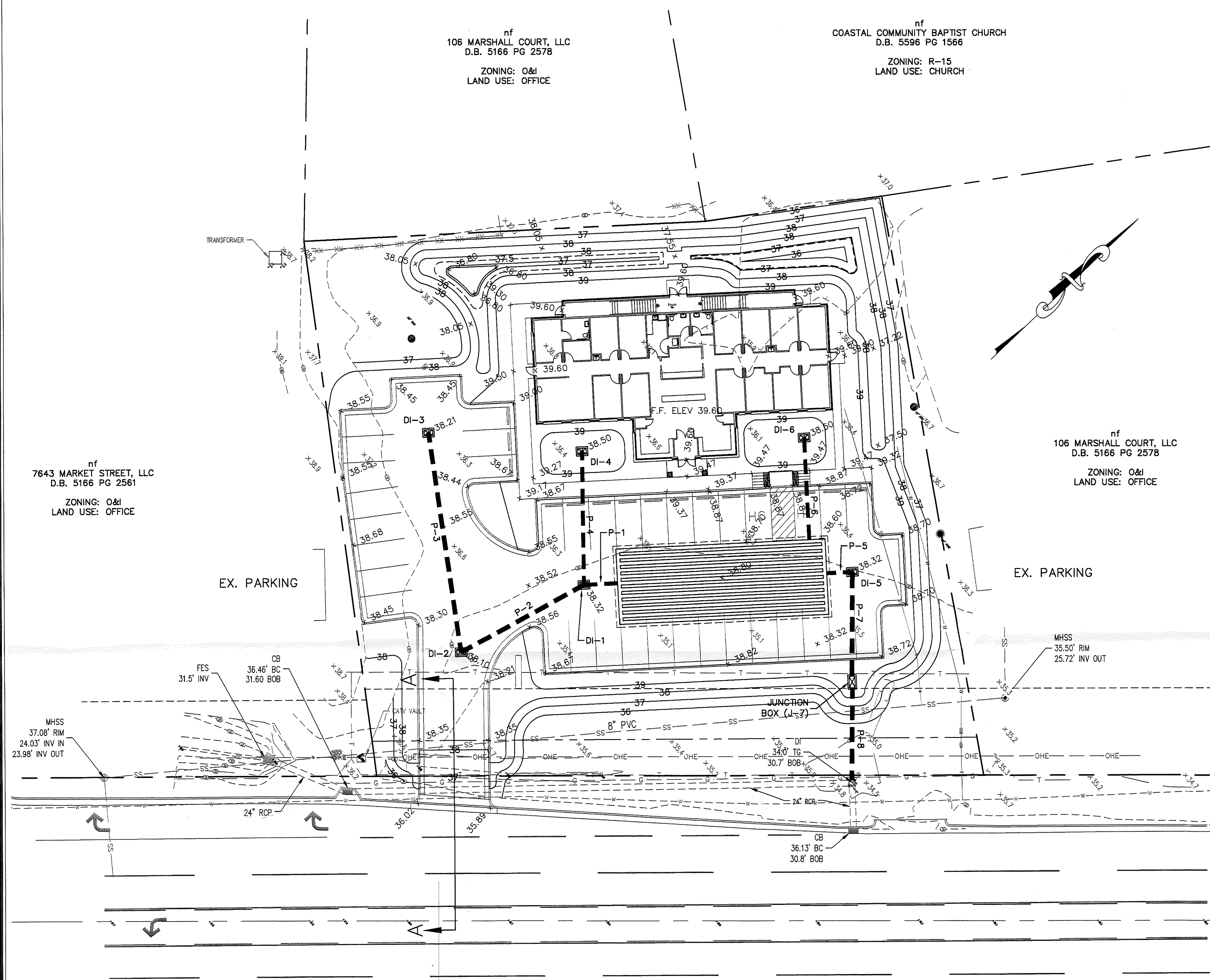
Sheet No.
C-7

nf
106 MARSHALL COURT, LLC
D.B. 5166 PG 2578
ZONING: O&I
LAND USE: OFFICE

nf
COASTAL COMMUNITY BAPTIST CHURCH
D.B. 5596 PG 1566
ZONING: R-15
LAND USE: CHURCH

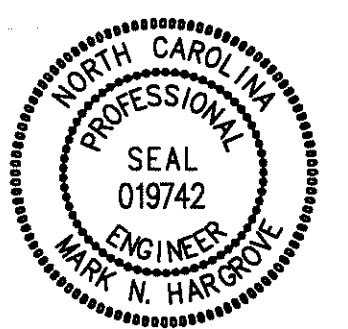
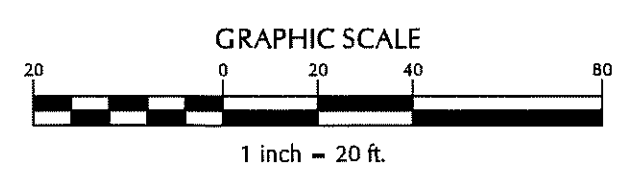
nf
7643 MARKET STREET, LLC
D.B. 5166 PG 2561
ZONING: O&I
LAND USE: OFFICE

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106 MARSHALL COURT, LLC
D.B. 5166 PG 2578
ZONING: O&I
LAND USE: OFFICE

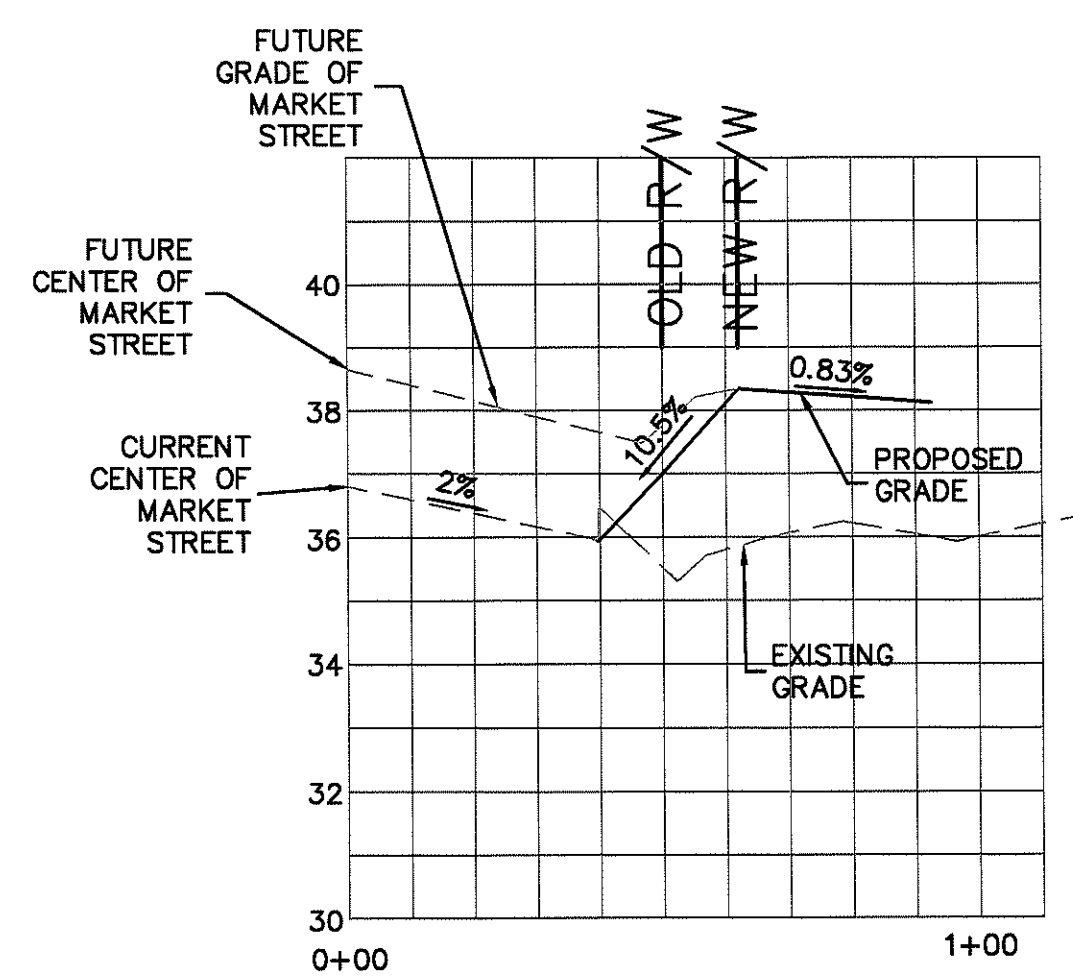


AUGER HOLE LOCATIONS FOR SEASONAL HIGH GROUND WATER DETERMINATION & INFILTRATION TESTS

US HWY 17 / MARKET STREET
(100' PUBLIC R/W)



PRELIMINARY - DO NOT USE FOR CONSTRUCTION



DRIVEWAY PROFILE SECTION A-A

PROFILE
1"=30' (HORZ.)
1"=3' (VERT.)

No.	Revision	Date	By	Designer	Scale
				MNH	AS SHOWN
				MNH	DATE AUGUST, 2017
				MNH	JOB NO.

HEALING HANDS CHIRO-PRAK-TIK
7649 MARKET STREET
NEW HANOVER COUNTY NORTH CAROLINA

HEALING HANDS CHIRO-PRAK-TIK, PLLC
PO BOX 10863
WILMINGTON, NC 28404

PORT CITY CONSULTING ENGINEERS, PLLC
6216 STONEBRIDGE ROAD
WILMINGTON, NC 28409
910-599-1744 LICENSE No. P-1032

GRADING & DRAINAGE PLAN

Sheet No. C-4.0

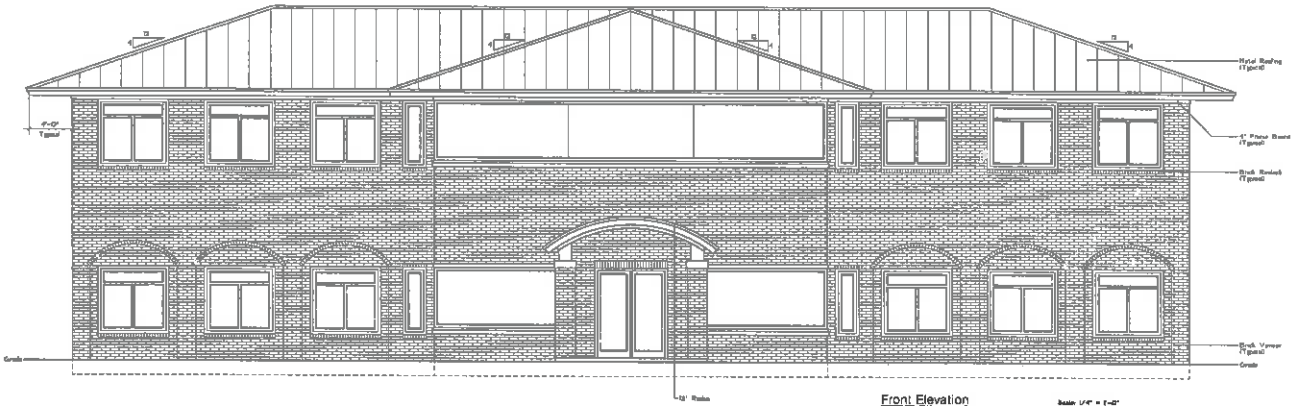
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Left Side Elevation Scale: 1/4" = 1'-0"
 Notes:
 1. All Construction to comply with Local and N.C. Building Codes.
 2. Details are subject to change.
 3. Details are subject to change.



Front Elevation Scale: 1/4" = 1'-0"
 Notes:
 1. All Construction to comply with Local and N.C. Building Codes.
 2. Details are subject to change.
 3. Details are subject to change.

NEWKIRK
 DRAFTING & DESIGN
 6209 Oleander Dr. #209
 Wilmington, NC 28403
 Phone (910) 819 - 2285

BUILDER

Demetrious Chiropractic
 Cape Fear

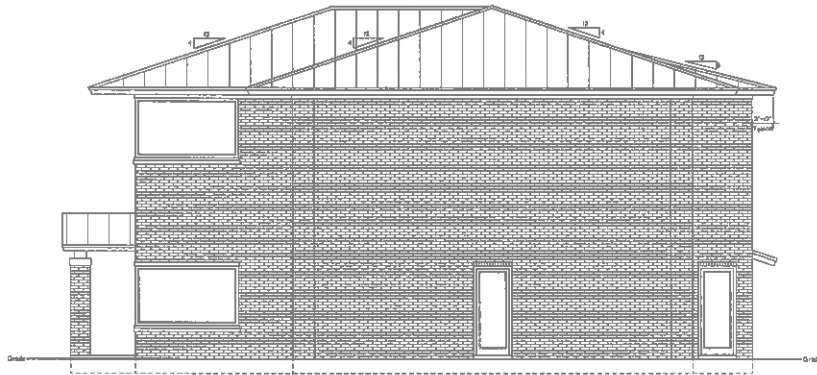
Issue	Date	Description
1	12/15/2017	Initial Set of Plans
2	12/15/2017	1st Review
3	12/15/2017	2nd Review
4	12/15/2017	3rd Review
5	12/15/2017	Final Review
6	12/15/2017	Final Review
7	12/15/2017	Final Review
8	12/15/2017	Final Review
9	12/15/2017	Final Review
10	12/15/2017	Final Review

DATE: 12/15/2017
 SCALE: AS NOTED
 FILE: Demetrious.DWG
 SHEET

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Right Side Elevation Scale 1/4" = 1'-0"

- Notes:
1. All Construction to comply with Local and N.C. Building Codes.
 2. Materials are subject to change.
 3. See notes 1 for General Building Materials and Vertical Dimensions.
 4. Typical Overhangs are 12" from Eave and 6" from Finished Floor.



Rear Elevation Scale 1/4" = 1'-0"

- Notes:
1. All Construction to comply with Local and N.C. Building Codes.
 2. Materials are subject to change.
 3. See notes 1 for General Building Materials and Vertical Dimensions.
 4. Typical Overhangs are 12" from Eave and 6" from Finished Floor.

NEWKIRK
DRAFTING & DESIGN
6209 Clearwater Dr #209
Wilmington, NC 28403
Phone: (910) 815 - 2285

BUILDER

Demetrious Chiropractic
Cape Fear

REVISION	BY
1/16/2017	CR
4/16/2017	CR
4/16/2017	CR
10/17/2017	CR
10/17/2017	CR
10/17/2017	CR

DATE: 1/16/2017

SCALE: AS NOTED

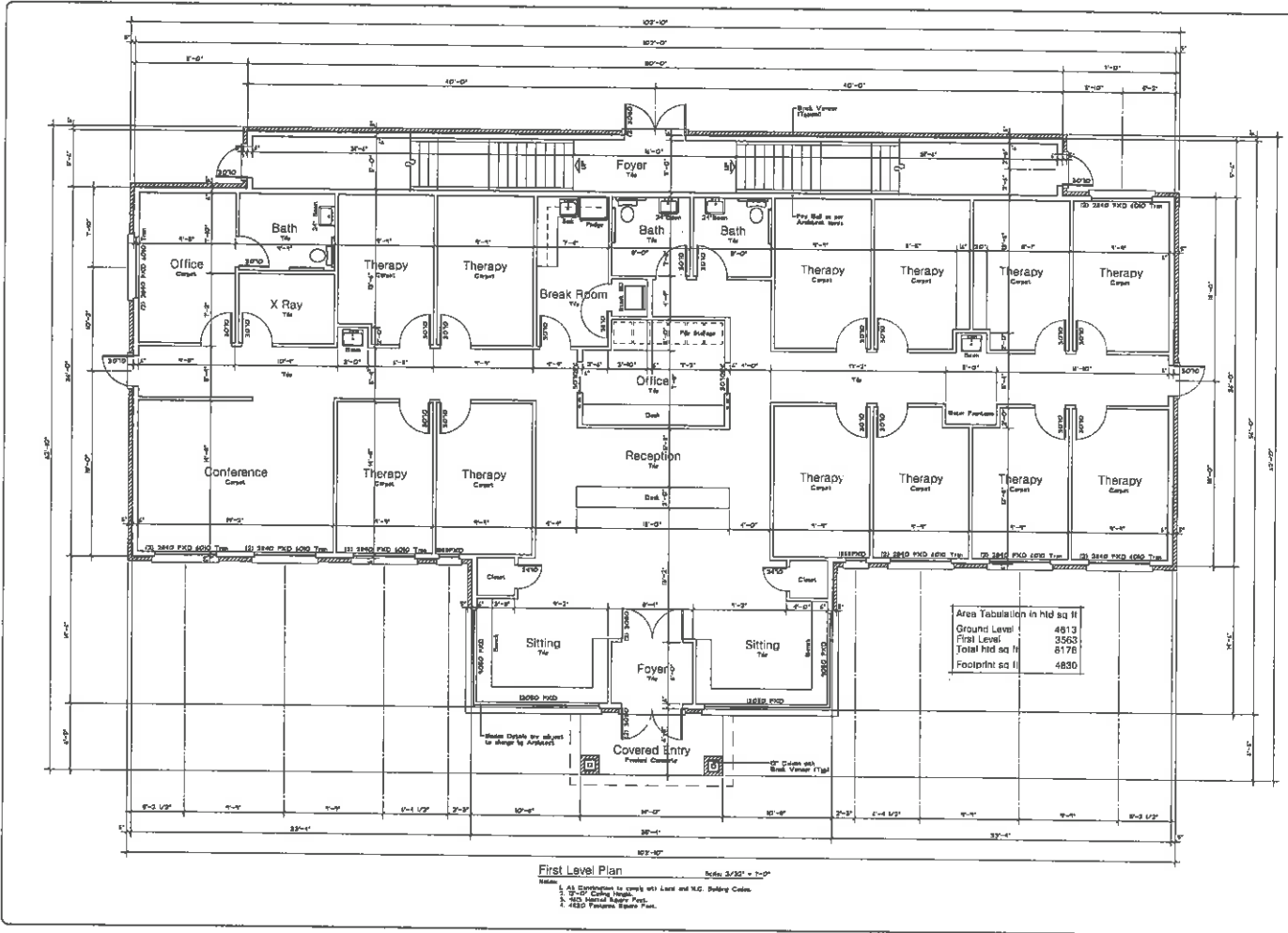
FILE: Demetrious.Dwg

SHEET 5

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NEW HANOVER COUNTY
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NEWKIRK
DRAFTING DESIGN
6208 Glenwood Dr #209
Wilmington, NC 28403
Phone (910) 619-2285

BUILDER

Demetrious Chiropractic
Cape Fear

Area Tabulation in htd sq ft	
Ground Level	4613
Floor Level	3563
Total htd sq ft	8176
Footprint sq ft	4830

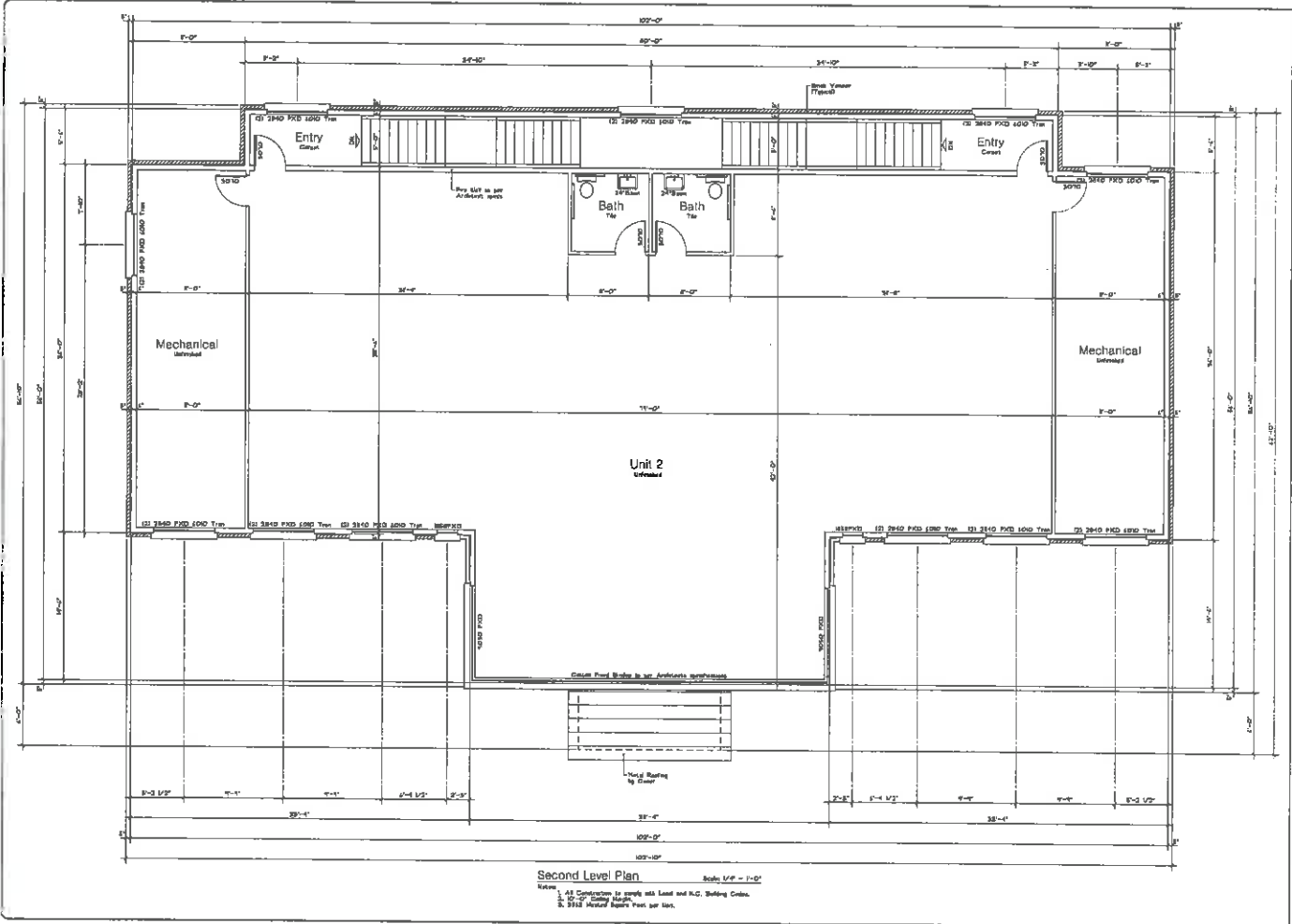
NO.	DATE	BY
1	1/15/2017	C.A.
2	2/15/2017	C.A.
3	4/15/2017	C.A.
4	10/15/2017	C.A.
5	09/15/2017	C.A.

DATE: 1/19/2017
 SCALE: AS NOTED
 PLOT: Demetrious Chiro
 SHEET: 2

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NEW HANOVER COUNTY
PLANNING & ZONING



NEWKIRK
DRAFTING & DESIGN
6209 Cleander Dr #209
Wilmington, NC 28403
Phone: (910) 619 - 2285

BUILDER

Demetrious Chiropractic
Cape Fear

Second Level Plan	
12/19/2017	BT
12/19/2017	CA
12/19/2017	CA
12/19/2017	CA
12/19/2017	CA
12/19/2017	CA
12/19/2017	CA
12/19/2017	CA
12/19/2017	CA
12/19/2017	CA

DATE: 12/19/2017
SCALE: AS NOTED
FILE: DWG-100-001
PLOT: