

NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE
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Wayne Clark, AICP
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AGENDA

Zoning Board of Adjustment Meeting

March 27, 2018, 5:30 PM

I. Call Meeting to Order (Chairman Ray Bray)

II. Approval of Meeting Minutes from February 27, 2018 Meeting

February Attendees: Ray Bray, Hank Adams, Cameron Moore, Richard Kern, Mark Nabell

III. Regular Items of Business

1. **Case ZBA-926** – Casco Signs, Inc., applicant, on behalf of Oak Ridge Properties at Porters Neck, LLC, property owner, is requesting a variance from the freestanding sign area allowance in the Office and Institutional Zoning District per Section 52.3-4 of the New Hanover County Zoning Ordinance. The property is located at 212 Porters Neck Road, Wilmington, NC.

IV. Other Business

V. Adjourn

MINUTES
ZONING BOARD OF ADJUSTMENT
February 27, 2018

The New Hanover County Zoning Board of Adjustment held a regular and duly advertised meeting at 5:30 P.M. at the New Hanover County Government Center Complex, 230 Government Center Drive, in the Lucie Harrell Conference Room, Wilmington, NC, on Tuesday, February 27, 2018.

Members Present

Raymond Bray- Chairman
Hank Adams, Vice-Chairman
Cameron Moore
Richard Kern
Mark Nabell

Members Absent

Kristen Freeman
Brett Keeler
Joe Miller

Ex Officio Members Present

Ben Andrea, Executive Secretary
Sharon Huffman, Deputy Attorney
Denise Brown, Clerk

The meeting was called to order at 5:35 P.M. by the Chairman, Mr. Ray Bray.

Chairman Bray explained that the Zoning Board is a quasi-judicial board appointed by the Board of Commissioners to consider zoning ordinance variance from residents in New Hanover County where special conditions would create unnecessary hardships. He said the Board also hears appeals of the County's interpretation and enforcement of the Zoning Ordinance. The appellants have thirty days in which to appeal any decision made by the Board to Superior Court.

APPROVAL OF JANUARY 23, 2018 MINUTES

Following a motion by Mr. Cameron Moore and seconded by Vice-Chair Hank Adams the minutes of the January 23, 2018 meeting was unanimously approved.

CASE ZBA-921

Chairman Bray then swore in County staff, Mr. Benjamin Andrea.

Mr. Andrea stated that Mr. Scott Stewart, applicant and property owner, is requesting variances from the yard requirements of Section 51.5-2 of the New Hanover County Zoning Ordinance. The property is located at 397 Whisper Park Drive, Wilmington, NC. The property is zoned R-20, Residential District.

Mr. Andrea presented stated the subject property on 397 Whisper Park Drive located off Middle Sound Loop Road. The adjacent property to the west is the Sandy Brook community zoned R15. Across from Middle Sound Loop Road area resides the Demarest Landing subdivision zoned R20S. Mr. Andrea stated the R20 land classification is for low density residential with intent to discourage that is detrimental to quiet residential nature of the area within the R20 zoning district. Mr. Andrea stated that the subject site is currently undeveloped with the exception of fencing on the site.

Mr. Andrea stated the county's zoning and subdivision regulations allow for subdivision to utilize performance or conventional requirements. Mr. Andrea stated that under conventional requirements, lots that are created must adhere to the dimensional requirements of the zoning district. Mr. Andrea stated lots that are created with conventional

requirements under the R-20 zoning must meet the dimensional requirements of Section 51.5-2. This includes yard requirements.

Mr. Andrea stated a yard is an area of the lot that is not incumbent by any portion of the structure. Mr. Andrea stated the yard requirements essentially creates the building setbacks for structures on conventional residential lots. Mr. Andrea stated features such as decks, staircases, or porches cannot encroach into any required yard area.

Mr. Andrea stated the applicant is requesting variances from the front and side yard requirements for R-20 for the subject parcel, which was created under conventional residential regulations.

Mr. Andrea stated lots in the county can also be created under performance residential criteria. Mr. Andrea stated that lots created under performance residential criteria do not have to meet the same dimensional standards as lots created under the conventional residential requirements. There is no minimum lot size or yard requirement for performance lots. Mr. Andrea stated there is a periphery setback requirement of 20' from the property line for performance residential projects, and that single family structures must be a minimum of 10' apart.

Mr. Andrea explained that Demarest Village was approved in 1999 as a performance residential subdivision. The adjacent lot to the subject site, Lot 10A, was recorded in 2000 prior to the subject parcel site created in 2009. Mr. Andrea stated the townhome on the adjacent Lot 10A of Demarest Village is setback of 10ft from the front property line. This townhome has no yard requirements to meet because on a performance residential lot. However, there is a 20' easement in which a structure cannot be located.

Mr. Andrea stated the applicant proposes to construct a single family residence on the subject property with an attached front porch that would abut the property line, an arbor walkway, and garage on the site. Mr. Andrea explained that because the structure, arbor, and garage are all proposed to be attached, all portions of the structure would require adhering to the county ordinance yard requirements.

Mr. Andrea stated the applicant's request is to reduce the 30' front yard setback to zero, and reduce the side yard setback to 3'. Mr. Andrea stated that although portions of the structure encroach into the required side yard different distances, only one variance is necessary to allow encroachment into the required side yard.

Chairman Bray inquired of the distance from 395 Whisper Park and the subject site property line.

Mr. Andrea stated the distance from the adjacent property line and the subject site is more than 20'. Mr. Andrea stated the applicant proposes to align the proposed home to the adjacent neighboring townhomes. Mr. Andrea due to the two lots were created under different sets of criteria, one lot has to adhere to the yard requirement and the other site does not.

Mr. Andrea stated to position the proposed structure inline to the adjacent lot the applicant must obtain a variance to move structure closer to the property line as well as the side property line.

Mr. Moore inquired of the subject site correct address. Mr. Moore inquired of the neighboring homes as it pertains to the proposed front porch alignment to the adjacent subdivision.

Mr. Andrea stated the variance request for the side yard requirement is due to existing trees at the location. The applicant does not want to remove the trees but rather construct the proposed arbor walkway around existing landscaping on the subject site.

Mr. Andrea presented pictures of the subject site provided by the applicant showing different views of the property. Also presented was the site plan that was submitted in the application packet.

Mr. Moore inquired of the pipes in the presented slides as it pertains to the subject site.

Mr. Andrea responded that they appeared to be temporarily stored on the site.

Chairman Bray asked whether the acreage of the subject site is 0.46 acres. Also, the Chairman inquired of the square footage of the walkway, porch, house and garage of the proposed structure subject site.

Mr. Andrea affirmed the parcel acreage and deferred to the applicant about the square footage of the proposed structure.

Mr. Moore inquired of the history of the lot.

Mr. Andrea stated the applicant has owned the lot for a number of years and his understanding is that the intent was always to construct a home on the subject site. He stated that although the site is close to Demarest Village, the subject site is a standalone lot and not subject to adjacent subdivision guidelines.

Mr. Miller inquired of the mapping error to the subject site.

Mr. Andrea stated it is his understanding that the property line was not supposed to include a jog on the subject site.

Chairman Bray inquired of stormwater regulations on the subject site.

Mr. Andrea stated to the best of his knowledge he is not aware of any stormwater regulations to the subject site parcel.

Mr. Kern inquired of the water and sewer easement existing on the map.

Mr. Andrea stated some of the existing easements surrounding the subject site were in place but reworked during the design and implementation of Demarest Village.

Chairman Bray then swore in Mr. Scott David Stewart.

Mr. Scott Stewart (on behalf of SP3 LLC, applicant & property owner) – Mr. Stewart presented today with residency at 6933 Running Brook Terrace in the Demarest Landing Subdivision for the past 19 years. Mr. Stewart stated in his 40-year career expansion he's been involved in landscape architecture in various projects with extensive knowledge and experience licensed realtor and constructor of all his project involvement. Mr. Stewart stated he's been involved in engineering consultant in projects in the northeastern area. Mr. Stewart stated he moved to Wilmington in 1993 to working with the Stewart family in constructing Demarest Landing as well as Demarest Village and bring new urbanist ideas in the subdivision with additions of alleys and unique park spaces.

Mr. Stewart previously he partnered with Cape Fear Tomorrow and closed on the Demarest Landing property in 1999 to compartmentalized various housing structures such as homes and town houses. Mr. Stewart stated he had a vision of bringing unique street scape to the southeastern region. Mr. Stewart stated the close proximity of Demarest Village and Demarest Landing has a sentimental uniqueness to his heritage as the subdivisions were named in tribute to his late father.

Mr. Stewart stated he previously owned parcels in Demarest Landing; however, in 2009 the neighborhood was turned over to the HOA. Mr. Stewart stated currently he maintains ownership of 2 lots adjacent to Demarest Village subdivision.

Mr. Stewart stated the 2 lots he owns are not affiliated with Demarest Landing. Mr. Stewart stated in 2009 he worked with the Planning Staff in subdividing the 2 lots in support of the mixed use project currently known as Rip Tide Aquatic Center and Daycare Center which sits on nearby 2 acres. Mr. Stewart stated the project was approved by county commissioners, stormwater improvements were implemented as required. Mr. Stewart stated a stormwater permit is initiated for the project at 397 Whisper Park with 750 impervious coverage.

Mr. Stewart stated currently his family is contemplating downsizing from current residence and constructing a home at the subject site. Mr. Stewart stated the plan has always been to create a Charleston-type homestead for the subject site. Mr. Statement stated he is huge on tree preservation; he does not want to remove trees on the lot. The pipes on the site are leftover remnants from past construction in the neighborhood. Mr. Stewart stated the plan is to rent the house until he and his spouse are prepared to move in the home.

Mr. Stewart stated he is planning to design the proposed home similar to the townhomes that reside at the neighboring Demarest Landing subdivision. Mr. Stewart stated the porches are approximately 4ft from the homes he is proposing similar design to ensure a view of the neighborhood.

Mr. Stewart stated in 2009 the lot was recorded however during the survey process the jog on the lot was incorrectly placed. Mr. Stewart stated he reserved himself an acre to design two reasonable size homes in the future for he or his four children. Mr. Stewart stated sewer and water were made accessible for the lots along with access easements.

Mr. Stewart stated he wanted to continue the pattern of 40-50 ft. lots. Mr. Stewart he was granted ingress, egress, drainage, utilities, and shared stormwater coverage for 397 & 407 Whisper Park. Mr. Stewart stated both parcels are outside of the Demarest subdivisions.

Mr. Stewart stated there have been variances granted in the past for parcels in Demarest Landing. Mr. Stewart stated the subject parcels were kept out of the Demarest Landing due to long term cost of HOA maintenance fees. Mr. Stewart stated with the close proximity of the subdivision he and his family will enjoy the surrounding landscape and scenery.

Mr. Stewart stated he is seeking a variance to construct a home similar to the nearby homes in the neighborhood. Mr. Stewart stated his plan is to construct a smaller home than he currently resides in for he and his wife.

Mr. Stewart stated in pushing the home forward he would have 35ft distance between the house and the garage. Mr. Stewart stated the proposed open arbor with a roof would be 6'x6'. Mr. Stewart stated the arbor would be 3' from the property line.

Mr. Stewart stated realignment of the proposed home would require extensive research of entitlement previously approved permits would be timely and costly. Mr. Stewart stated he wanted to have a 10' setback to mimic the homes in the neighborhood.

Chairman Bray then closed the public hearing.

Mr. Kern inquired to the length and distance of the arbor from the house and or the garage.

Mr. Kern inquired as to why cannot the property owner relocate the proposed home closer to property line.

Chairman Bray inquired about the 27.7 front yard allowance as submitted in the petitioner's packet and was this dimension previously approved. Mr. Bray inquired of the proposed porch encroachment if any.

Mr. Moore inquired of the flag lot definition. Mr. Moore inquired the location of the front yard setback, whether it would be from Middle Sound Loop Road or not. Mr. Moore inquired of the address of the proposed home.

Mr. Moore inquired of ownership of a slight piece of the common area(jog) in close proximity of the applicant's lot.

Mr. Stewart stated the neighboring subdivision requires every feet of square footage to meet open space requirements.

Mr. Moore inquired of the application necessity of a variance if the jog on the applicant's parcel were eliminated.

Mr. Andrea stated that a variance would still be necessary.

Chairman Bray inquired what type of trees located on the subject site.

Mr. Stewart stated the trees on the subject site are not substantial trees; they are black gum trees nicely maintained.

Chairman Bray inquired of the walkway allocation.

Mr. Stewart stated all allocation of walkway for proposed home would be impervious. Mr. Stewart stated the declaration of restrictive conveyance book 5709, page 458, allots 397 Whisper Park 10,700 sf of impervious coverage.

Mr. Stewart stated the proposed home for the subject site is 3100 sf.; consisting the porch and garage.

Chairman Bray inquired of the size of the porch.

Mr. Stewart stated the proposed home would have a two-story porch similar to the neighboring town homes.

Mr. Moore asked of the advertising requirements and or notification of ZBA cases.

Mr. Andrea stated neighbors located 500 ft. of the subject site are mailed the advertisement notice, the notice is also listed in the public newspaper two consecutive Mondays prior to the meeting, also a sign is posted on the site.

Mr. Moore inquired whether residents have been made aware of today's proceedings and no one has presented objection to the variance.

Mr. Andrea stated he received two phone calls and a walk-in regarding inquire of the meeting. No opposition was made once he explained the applicant's request.

Mr. Stewart stated two weeks prior he spoke to board members at Demarest Village to inform his proposal of seeking a variance for the subject site; he did not received opposition from the board.

Mr. Stewart stated the architectural review committee typically want homes to similar the theme of the neighborhood; and it appears the applicant is attempting to build on the original footprint to blend the home within the neighborhood scheme.

On a motion by Vice-Chairman Adams and seconded by Mr. Nabell the Board voted unanimously to GRANT a 30' variance from the 30' front yard requirement of Section 51.5-2 and a 12' variance from the 15' side yard requirement of Section 51.5-2 with no conditions.

The Board cited the following conclusions and findings of fact:

- 1. It is the Board's conclusion that, if the applicant complies with the literal terms of the ordinance, specifically the 30' front yard requirement and 15' side yard requirement per Section 51.5-2 of the New Hanover County Zoning Ordinance, that an unnecessary hardship would result. This conclusion is based on the following FINDINGS OF FACT:**
 - Strict application of the yard requirements in Section 51.5-2 would result in the location of a structure on the subject property to be highly inconsistent with the location of structures in the surrounding neighborhood and in particular the adjacent parcel.
- 2. It is the Board's conclusion that the hardship of which the applicant complains results from unique circumstances related to the subject property, such as location, size, or topography. This conclusion is based on the following FINDINGS OF FACT:**
 - The subject parcel directly abuts a developed lot in a subdivision created under performance residential criteria, which allows for flexibility in the location of structures and has resulted in structures to be located close to the existing road.
 - The subject parcel was created under conventional residential criteria, which the Zoning Ordinance requires strict front, side, and rear yard requirements to be met.
- 3. It is the Board's conclusion that the hardship did not result from actions taken by the applicant or the property owner. This conclusion is based on the following FINDINGS OF FACT:**
 - A "jog" was created adjacent to the subject parcel with the recordation of the Demarest Village subdivision plat and not realized until recently.
- 4. It is the Board's conclusion that, if granted, the variance will be consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This conclusion is based on the following FINDINGS OF FACT:**
 - Granting the requested variances would allow the placement of a structure on the subject property in a manner consistent with the adjacent property and surrounding neighborhood.
 - Allowing the proposed home to be situated in the manner as a result of the approved variances creates no hazard to public safety.

There being no further business before the Board, it was properly moved by Mr. Moore and seconded by Mr. Miller to adjourn the meeting.

All ayes.

Executive Secretary

Chairman

Date: _____

**VARIANCE REQUEST
ZONING BOARD OF ADJUSTMENT
March 27, 2018**

CASE: ZBA-926, 3/18

PETITIONER: Casco Signs, Inc., applicant, on behalf of Oak Ridge Properties at Porters Neck, LLC

REQUEST: Variance from the freestanding sign area allowance in the Office and Institutional Zoning District per Section 52.3-4 of the New Hanover County Zoning Ordinance

LOCATION: 212 Porters Neck Road
PID: R02800-004-038-000

ZONING: O&I, Office and Institutional District

ACREAGE: 1.37 Acres

PETITIONER'S REQUEST:

Casco Signs, Inc., applicant, on behalf of Oak Ridge Properties at Porters Neck, LLC, property owner, is requesting a variance from the freestanding sign area allowance in the Office and Institutional Zoning District per Section 52.3-4 of the New Hanover County Zoning Ordinance. The property is located at 212 Porters Neck Road, Wilmington, NC.

BACKGROUND AND ORDINANCE CONSIDERATIONS:

In early 2004, a 1.83-acre rectangular shaped parcel, shown on the subdivision plat recorded at Map Book 44 Page 147 as owned by James A. Lanier, was requested to be rezoned from R-15, Residential District, to B-1, Business District. The adjacent properties owned by Oak Ridge Properties had already been rezoned to B-1, and the shopping center was under construction as a retail center including a grocery store. At the time, Planning Staff was concerned about commercial zoning encroaching into the adjacent residential area, and recommended the 1.83-acre parcel be rezoned to O&I, Office and Institutional District, instead of the requested B-1 district. Ultimately, the Planning Board recommended to rezone the 1.83-acre parcel partially to B-1 and partially to O&I. The applicant was receptive to this recommendation, and the Board of Commissioners approved the split-rezoning in February 2004.

In 2006, the 1.83-acre parcel subject to the 2004 rezoning was recombined into the adjacent properties on a subdivision plat recorded at Map Book 50 Page 139. This subdivision plat reconfigured the parcel boundary, resulting in the parcel shape currently on record. The subdivision plat also created the access easement areas which are now the driveways that serve the shopping center.

The subject parcel has remained vacant and undeveloped since the rezoning and parcel boundary reconfiguration. However, a fuel station is proposed to be developed on the subject parcel and has been approved for the necessary permits for construction (Project ID 17-3272).

Subsequently, a sign is proposed for the new fuel center that would be located on the subject parcel near the frontage along Porters Neck Road, in an area of the parcel that is zoned O&I. However, the proposed sign exceeds the 12 sq. ft. in area allowed for "advertising signs" in the O&I zoning district per Section 52.3-4(1) of the Zoning Ordinance:

Section 52.3: O&I Office and Institutional District

52.3-1: The purpose of the Office and Institutional District shall be to provide areas where institutional uses, professional office uses and other uses compatible to uses of an office or institutional nature shall be encouraged to locate and to provide protection for this type land use from encroachment by other less desirable uses. The district's principal means of ingress and egress shall be along collector roads, minor arterials, and/or major arterials as designated on the County's Thoroughfare Classification Plan. (8/4/86)

52.3-2: DELETED (1/5/81)

52.3-3: DELETED (1/5/81)

52.3-4: Signs and Lighting for Office and Institutional Districts:

- (1) Advertising Signs: One sign of an advertising nature depicting the name or nature of a product, service or business located on that premise shall be permitted on any premise in the O & I District. Such signs shall be limited to twelve (12) feet in surface area and shall not exceed the height of the principal structure on the premise. Such signs, if illuminated, shall be indirectly illuminated with the source of light concealed from the view of any public street or any residential lot.*
- (2) Directional Signs: Signs of a directional nature shall be permitted; however, each such sign shall not exceed two (2) square feet in surface area (one side) with no lighting and shall be limited to seven (7) feet in height.*
- (3) Outdoor lighting: The source of any outdoor lighting in an O & I District shall be concealed so as not to be visible from any public street or any residential lot.*
- (4) In the case of premises located adjacent to minor or major arterials as identified in the New Hanover County Thoroughfare Classification Plan, total signage shall be limited to 75 square feet in surface area. (1/2/96)*

The proposed sign area is 74" wide by 126" in height, resulting in a proposed area of 64.75 sq. ft., a difference of 52.75 sq. ft. over the 12 sq. ft. allowed under Section 52.3-4(1).

Section 52.3-4(4) allows for larger signs up to 75 sq. ft. in area in the O&I zoning district if the sign is located adjacent to a road classified as a minor or major arterial. According to the 2015 Functional Classification Map of roads in New Hanover County from the Wilmington Metropolitan Planning Organization, the portion of Porters Neck Road adjacent to the proposed sign location is classified as a major collector; therefore, the increased sign allowance in Section 52.3-4(4) is not applicable.

Area allowances for signs in other zoning districts are found in Section 94-4 of the Zoning Ordinance:

94-4: **Principal Use Signs**

(1) Freestanding Signs

(C) Primary - One primary freestanding sign per premises, as per Table -1 of this Article.

Table 1: Freestanding Sign Standards

Zoning District	Number of Lanes(1)	Street Frontage (Feet)	Front Setback(2)(3) (Min./Max.) (Feet)	Max. Primary Sign Height (Feet)	Max. Aux. Sign Height (Feet)	Max. Primary Sign Area (SF)	Max. Aux. Sign Area (SF)
B-1, PD	2	N/A	10 / 20	20	10	50	25
	4	< 100	10 / 20	20	N/A	50	N/A
		> 100	10 / 20	20	12	65	32
B-2, I-1, I-2, A-I, SC	2	< 100	10 / 20	20	N/A	65	N/A
		> 100	10 / 25	20	18	100	50
	4	< 100	10 / 25	20	N/A	100	N/A
		> 100	10 / 30	25	20	150	75
		> 300	10 / 30	30	20	175	90

NOTE (1) Number of lanes refers to the ultimate number of lanes based upon existing roadway conditions or upon construction plans approved as part of the current NC DOT Transportation Improvement Program.

NOTE (2) Notwithstanding the minimum and maximum front setback requirements indicated above, primary freestanding signs which do not exceed 6 feet in height and are less than 76 percent of the maximum sign area established above may be located within 5 feet of the front property line and shall have no maximum front setback.

NOTE (3) "Front Setback" refers to the setback from the front or corner side property lines.

Signs in the B-1 zoning district are allowed to be up to 50 sq. ft. if located adjacent to a 2-lane road or adjacent to a 4-lane road with less than 100' of street frontage. If located next to a 4-lane road with more than 100', signs are allowed to be up to 65 sq. ft. in area. The subject parcel has 30.01' of frontage according to the dimension shown on the subdivision plat that created the subject parcel's configuration.

For the record, Section 90 under Article IX of the Zoning Ordinance describes the purpose of the sign regulations found in that article:

Section 90: Purpose

The purpose of this section is to coordinate the type, placement, and physical dimensions of signs within the different zoning districts; to recognize the commercial communication requirements of all sectors of the business community; to promote both renovation and proper maintenance of signs; and to guarantee equal treatment under the law through accurate record keeping and

consistent enforcement. The general objectives of these standards are to promote the health, safety, welfare, convenience and enjoyment of the public, and in part, to achieve the following: (12/7/87)

- (1) Safety - To promote the safety of persons and property by providing that signs:*
 - (A) Do not create a hazard due to collapse, fire, decay, collision, or abandonment;*
 - (B) Do not obstruct fire-fighting or police surveillance; and*
 - (C) Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.*

- (2) Communications Efficiency - To promote the efficient transfer of information in sign messages by providing that:*
 - (A) Those signs which provide messages and information most needed and sought by the public are given priorities;*
 - (B) Businesses and services may identify themselves;*
 - (C) Customers and other persons may effectively locate a business or service;*
 - (D) No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and*
 - (E) Persons exposed to signs are not overwhelmed by the number or size of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.*

- (3) Landscape Quality and Preservation - To protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:*
 - (A) Do not interfere with scenic views;*
 - (B) Do not create a nuisance to persons using the public rights-of-way;*
 - (C) Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement;*
 - (D) Are not detrimental to land or property values; and*
 - (E) Contribute to the special character of particular areas of the community, helping to orient the observer within it.*

- (4) Outdoor Advertising Signs - Outdoor advertising signs are herein regulated for the purposes of regulating excess signage, encouraging the positive economic development of the county, preserving and improving tourism views, promoting the safety of the traveling public, protecting existing property values in both residential and nonresidential areas, preventing the overcrowding of land, and protecting the aesthetics of the county.*

The regulations are designed to prevent their over-concentration, improper placement, and excessive height, bulk, number and area. It is recognized that, unlike on-premise identification signs, which are in actuality a part of a business, outdoor advertising is a separate and distinct use of the public thoroughfare. With

a view to this distinction, outdoor advertising signs are regulated differently from on-premise signs.

The only zoning districts for which sign regulations are specifically outlined in Article V: District Regulations are the O&I zoning district and the Riverfront Mixed Use (RFMU) zoning district. Signs that fall within the Special Highway Overlay District (SHOD) are also subject to additional standards per Section 55.4-3(6):

- (6) *Signs - Signs shall be in accordance with Article IX except that only one free standing ground sign not to exceed six (6) feet in height and a maximum surface area of 150 square feet may be permitted within the 100 foot setback. No outdoor advertising signs shall be permitted. (3/14/94)*

The portion of the parcel proposed for the sign is outside of the SHOD by approximately 90' and therefore the sign regulations above are not applicable.

In summary, the petitioner is requesting a 52.75 sq. ft. variance from the 12 sq. ft. sign area allowance per Section 52.3-4(1). If approved, the variance would allow a sign with a face area up to 64.75 sq. ft. to be constructed on the portion of the subject site in the O&I zoning district. In the application, the petitioner has included draft findings of fact to support the four conclusions required to approve the variance, along with detailed site plans depicting the proposed sign location and design.

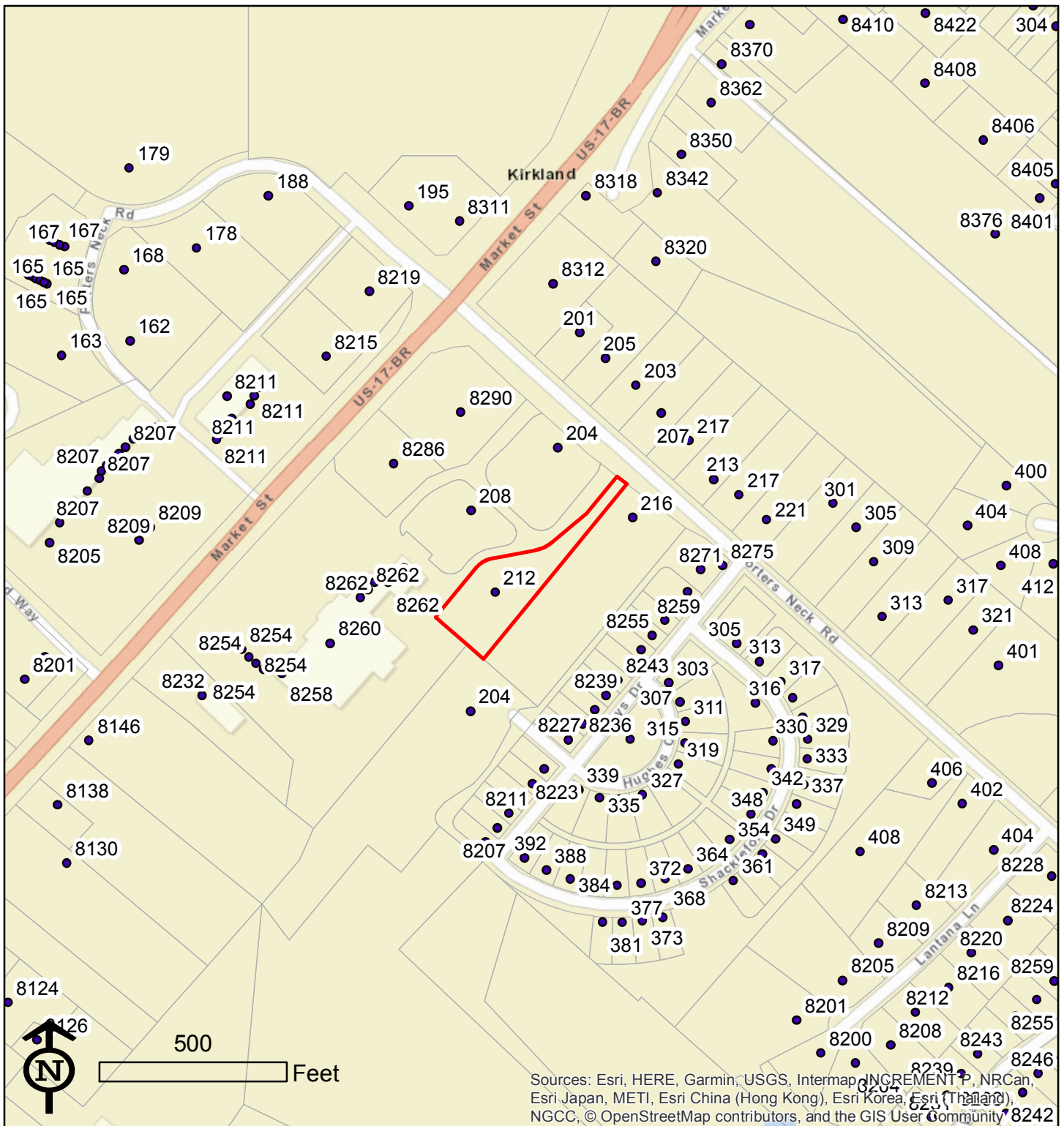
BOARD OF ADJUSTMENT POWER AND DUTY:

The Board of Adjustment has the authority to authorize variances from the terms of the Zoning Ordinance where, due to special conditions, a literal enforcement of the regulations would result in unnecessary hardship. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance. A concurring vote of four-fifths (4/5) of the voting members of the Board shall be necessary to grant a variance. A variance shall not be granted by the Board unless and until the following findings are made:

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. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the 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.
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.

ACTION NEEDED (Choose one):

1. **Motion to approve the variance request based on the findings of fact (with or without conditions)**
2. **Motion to table the item in order to receive additional information or documentation (Specify).**
3. **Motion to deny the variance request based on specific negative findings in any of the 4 categories above.**



Case ZBA-926

212 Porters Neck Road

Variance Request: Variance from the freestanding sign area per Section 52.3-4

Applicant: Casco Signs, Inc.

Owner: Oak Ridge Properties at Porters Neck LLC

New Hanover County Zoning Board of Adjustment

Vicinity Map

March 27, 2018



Case ZBA-926

Aerial Map

212 Porters Neck Road

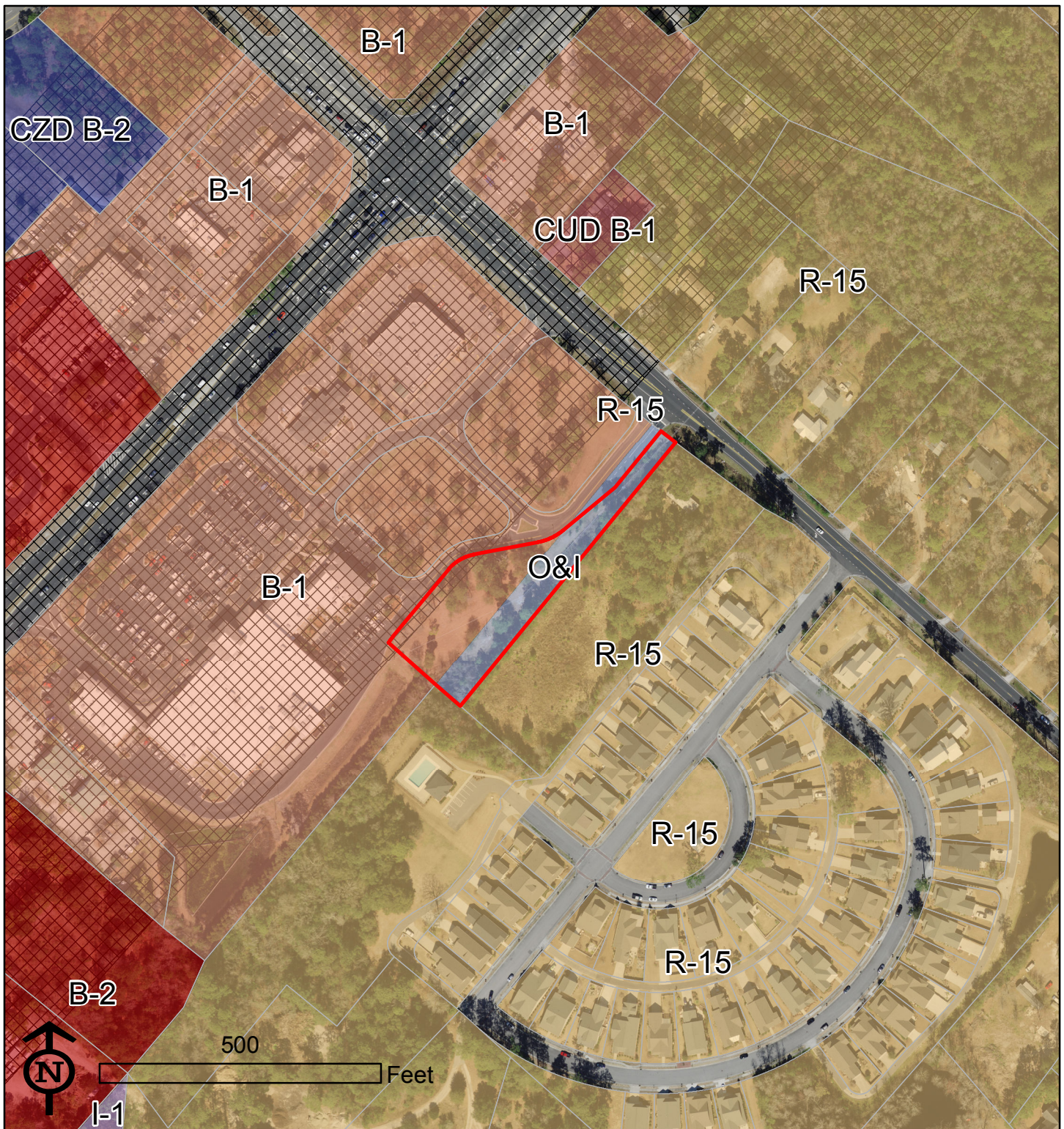
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Owner: Oak Ridge Properties at Porters Neck LLC

New Hanover County Zoning Board of Adjustment

March 27, 2018



Case ZBA-926

Zoning Map

212 Porters Neck Road

Variance Request: Variance from the freestanding sign area per Section 52.3-4

Applicant: Casco Signs, Inc.

Owner: Oak Ridge Properties at Porters Neck LLC

New Hanover County Zoning Board of Adjustment

March 27, 2018

NEW HANOVER COUNTY NORTH CAROLINA
I, MARK A. STOCKS CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION
FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION
RECORDED IN BOOK AS PAGE SHOWN); THAT BOUNDARIES NOT SURVEYED
ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK AS
PAGE SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10000;
THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS
AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSURE NUMBER AND SEAL
THIS 22ND DAY OF FEBRUARY A.D., 2003.



Mark A. Stocks
MARK A. STOCKS
N.C. LICENSE NO. L-3658

NEW HANOVER COUNTY NORTH CAROLINA
THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS
RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY,
OR, OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

Mark A. Stocks
MARK A. STOCKS

NOTES:

1. GRID BEARINGS ARE RELATIVE TO NGS "SUNOCO".
NGS "PORTER" 1963 NOT RECOVERED.
2. ALL DISTANCES ARE GROUND HORIZONTAL.
3. THESE TRACTS ARE LOCATED IN ZONES C & A
FIRM COMMUNITY PANEL # 370168 0045 E
DATED: JULY 20, 1996.
4. NGS MONUMENT NOT FOUND WITHIN 2000'.
5. AREA CALCULATED BY COMPUTER.
6. FOR WETLANDS INFORMATION SEE MAP BOOK 44
PAGE 145 OF THE NEW HANOVER COUNTY REGISTRY.

TRACTS A, B & C AREA CALCULATIONS

UPLANDS = 51.63 AC±
404 WETLANDS = 2.55 AC±
ISOLATED WETLANDS = 1.02 AC±
WATERS OF THE U.S. = 0.08 AC±
TOTAL = 55.28 AC±

TRACT "A"

ISOLATED WETLANDS = 0.76 acres±
404 WETLANDS = 0.39 acres±
UPLANDS = 23.15 acres±

TRACT "B"

404 WETLANDS = 2.16 acres±
ISOLATED WETLANDS = 0.26 acres±
WATERS OF THE U.S. = 0.08 acres±
UPLANDS = 25.62 acres±

TRACT "C"

UPLANDS = 2.66 acres±

TRACT A & C = 25.82 acres± UPLANDS
TRACT B = 25.82 acres± UPLANDS

TRACT B & C = 28.48 acres± UPLANDS

SURVEY REFERENCE

DEED BOOK 1078 PAGE 339
DEED BOOK 1103 PAGE 824
DEED BOOK 1116 PAGE 852
DEED BOOK 2630 PAGE 659
DEED TO NC DOT

COMMISSIONERS

ROBERT E. CALDER JR., Esq.
DAVID E. HUFFINE, Esq.
MARK A. STOCKS, PL3

JUDGE

HONORABLE JOHN W. SMITH

LEGEND

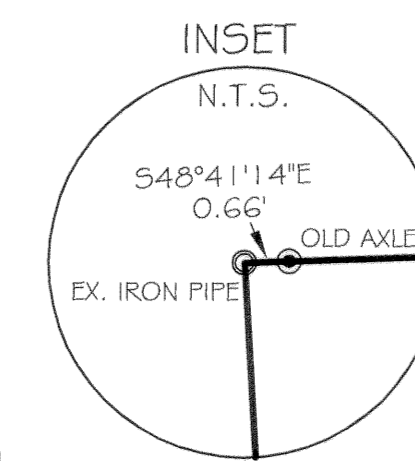
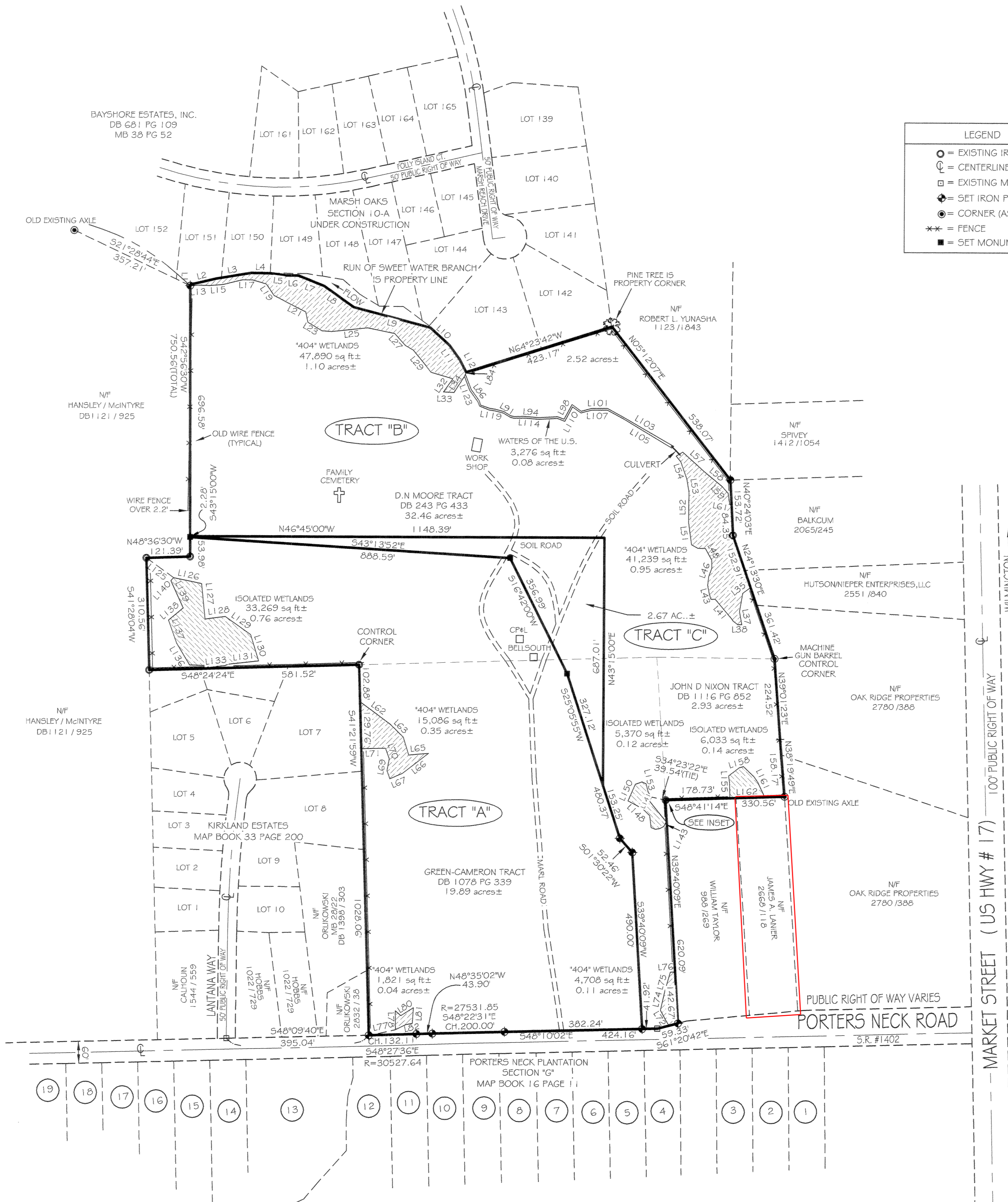
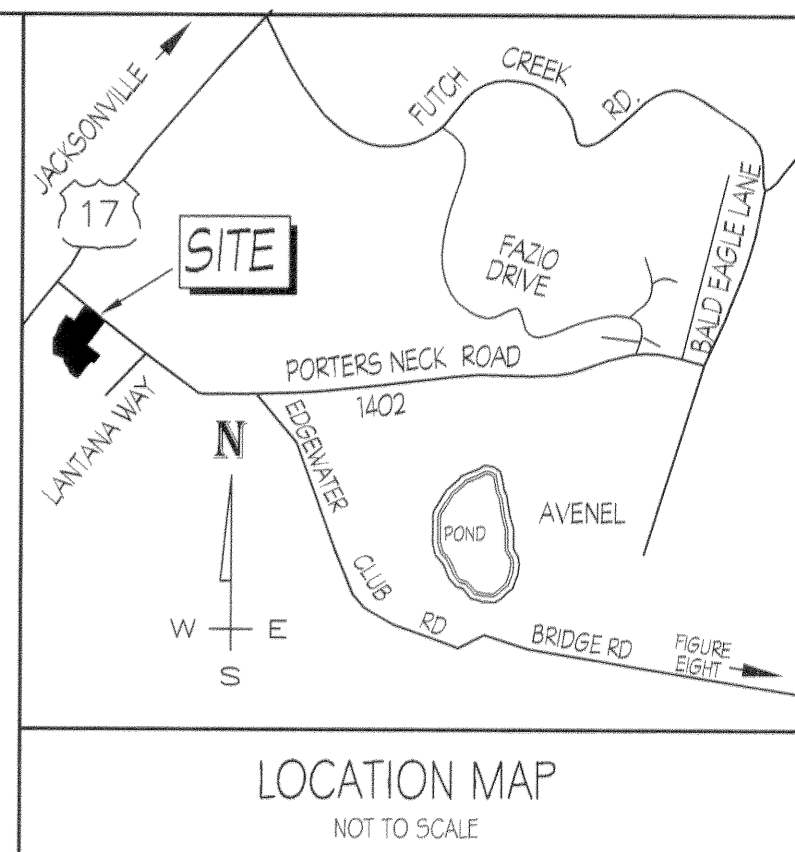
- = EXISTING IRON PIPE
- = CENTERLINE
- = EXISTING MONUMENT
- = SET IRON PIPE
- ⊙ = CORNER (AS NOTED)
- *** = FENCE
- = SET MONUMENT (CONC.)

RUN OF BRANCH		
LINE	BEARING	LENGTH
L1	S42°56'30"W	3.46
L2	N59°52'36"W	73.44
L3	N56°09'04"W	97.76
L4	N46°08'11"W	53.69
L5	N38°45'05"W	44.45
L6	N46°07'09"W	33.76
L7	N25°11'39"W	77.19
L8	N11°24'30"W	100.05
L9	N31°56'30"W	220.05
L10	N04°41'14"W	73.16
L11	N07°47'52"E	46.49
L12	N15°53'05"E	41.14

WATERS OF THE U.S.		
LINE	BEARING	LENGTH
L84	N64°27'19"E	5.89
L85	N22°26'00"E	44.75
L86	N07°03'56"E	36.50
L87	N24°16'39"E	13.69
L88	N27°28'35"E	25.95
L89	N37°26'42"W	17.05
L90	N32°48'49"W	22.85
L91	N16°05'18"W	23.82
L92	N32°20'40"W	9.13
L93	N48°31'45"W	29.53
L94	N41°03'33"W	38.04
L95	N50°16'07"W	24.48
L96	N50°00'17"W	28.67
L97	N25°07'25"W	19.44
L98	S71°25'39"W	46.41
L99	N10°44'19"W	31.22
L100	N61°35'17"W	29.44
L101	N46°47'43"W	45.17
L102	N18°32'01"W	51.39
L103	N16°50'20"W	159.59
L104	S87°55'23"E	6.94
L105	S16°05'28"E	157.47
L106	S18°32'01"E	50.00
L107	S46°47'43"E	43.46
L108	S61°35'17"E	30.99
L109	S10°44'19"E	28.20
L110	N71°25'39"E	45.26
L111	S25°07'25"E	22.46
L112	S90°08'17"E	27.66
L113	S59°01'00"E	24.84
L114	S41°03'33"E	38.11
L115	S48°31'45"E	29.88
L116	S32°20'40"E	10.41
L117	S16°05'18"E	23.80
L118	S32°48'49"E	22.22
L119	S37°29'43"E	17.08
L120	S25°28'20"E	28.36
L121	S22°21'55"W	13.59
L122	S06°53'47"W	39.02
L123	S22°26'00"W	40.40
L124	S64°37'13"W	6.70

404 WETLANDS		
LINE	BEARING	LENGTH
L13	N50°49'43"W	21.33
L14	N45°29'10"W	35.95
L15	N51°09'31"W	31.74
L16	N00°04'14"W	57.47
L17	N47°11'17"W	27.68
L18	N30°41'12"W	40.36
L19	N09°39'28"E	38.12
L20	N19°32'07"W	40.99
L21	N19°36'17"W	58.28
L22	N31°04'50"E	28.87
L23	N15°30'08"W	45.70
L24	N42°15'20"W	26.71
L25	N53°02'38"W	100.31
L26	N35°08'32"W	76.54
L27	N01°00'43"E	45.07
L28	N16°07'07"W	25.57
L29	N03°46'38"E	56.31
L30	N06°54'04"E	21.92
L31	N30°10'18"W	63.63
L32	N78°10'08"E	44.89
L33	N44°33'37"W	23.85
L34	S76°04'59"W	93.40
L35	S84°02'58"E	26.74
L36	N53°23'00"E	51.12
L37	N33°00'02"E	36.78
L38	S47°30'50"E	11.47
L39	S07°08'40"E	16.15
L40	S10°18'57"W	7.97
L41	S02°23'20"W	69.92
L42	S45°53'01"E	12.14
L43	S26°48'39"W	15.68
L44	S31°31'06"W	23.19
L45	S49°40'47"W	25.10
L46	S63°11'30"W	25.39
L47	S41°31'24"W	22.85
L48	S14°28'16"W	35.54
L49	S46°50'30"E	21.06
L50	S16°52'25"E	70.62
L51	S35°30'51"W	62.94
L52	S43°31'14"W	84.44
L53	S34°16'12"W	35.45
L54	S23°30'42"W	51.33
L55	S03°27'51"W	19.82
L56	N79°35'12"W	20.95
L57	N04°51'59"W	80.26
L58	N07°18'30"W	66.15
L59	N01°15'10"E	23.96
L60	N34°40'03"E	31.76
L61	N35°55'32"W	4.44
L62	N10°19'26"W	105.39
L63	N02°17'35"W	50.64
L64	N25°42'35"E	51.44
L65	N51°51'11"W	54.50
L66	S84°31'14"E	91.62
L67	S23°16'49"E	12.58
L68	S24°56'18"W	23.75
L69	S53°18'05"W	33.03
L70	S23°33'13"W	31.58
L71	S47°58'25"E	67.28
L72	S11°25'53"W	13.62
L73	S14°50'48"W	35.83
L74	S56°14'29"W	57.79
L75	S59°12'08"W	59.56
L76	N50°19'51"W	13.22
L77(T)	N58°28'21"W	75.62
L78	S42°19'08"W	53.12
L79	N04°07'16"W	20.49
L80	N79°22'58"W	41.64
L81	N46°47'00"E	43.47
L82	S57°54'03"E	19.86
L83	S74°48'44"E	30.73

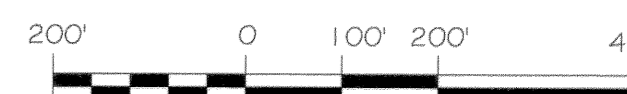
ISOLATED WETLANDS		
LINE	BEARING	LENGTH
L125(T)	N10°55'50"W	93.53
L126	N34°50'49"W	79.69
L127	N37°33'20"E	98.04
L128	N53°59'13"W	56.86
L129	N11°23'08"W	86.25
L130	N25°46'11"E	76.44
L131	S53°05'18"E	64.88
L132	S70°41'55"E	9.71
L133	S53°24'48"E	46.00
L134	S09°26'32"E	8.94
L135	S45°00'45"E	45.53
L136	S12°23'47"W	71.34
L137	S23°29'14"W	66.76
L138	N87°06'33"W	52.79
L139	S18°41'36"W	82.59
L140	S65°51'33"W	10.99
L141	N67°00'52"E	12.87
L142	N04°14'26"E	7.84
L143	N70°38'29"E	4.17
L144	S73°33'01"E	12.63
L145	S57°08'14"E	13.04
L146	S23°16'49"E	12.58
L147	S37°01'50"W	32.73
L148	S02°50'10"E	27.60
L149	S18°52'49"E	46.77
L150	S67°06'25"W	50.83
L151	N66°47'03"W	19.85
L152	N19°53'28"W	12.74
L153	N28°58'20"E	21.74
L154	N10°28'29"E	18.04
L155	S41°19'45"W	43.69
L156	S35°46'10"W	18.25
L157	N83°49'35"W	36.96
L158	N63°43'13"W	12.59
L159	N02°54'43"W	41.54
L160	N08°44'25"E	17.80
L161	N18°19'45"E	45.24
L162	S48°40'15"E	96.85



(EXHIBIT "A") MAP OF DIVISION FOR JENKINS v. PARHAM - 00 CVD 4238 DEED BOOK 1078 PAGE 339 & DEED BOOK 1103 PAGE 824 HARNETT TOWNSHIP NEW HANOVER COUNTY, N.C.

FEBRUARY 22, 2003

55.28 AC.±(TOTAL)

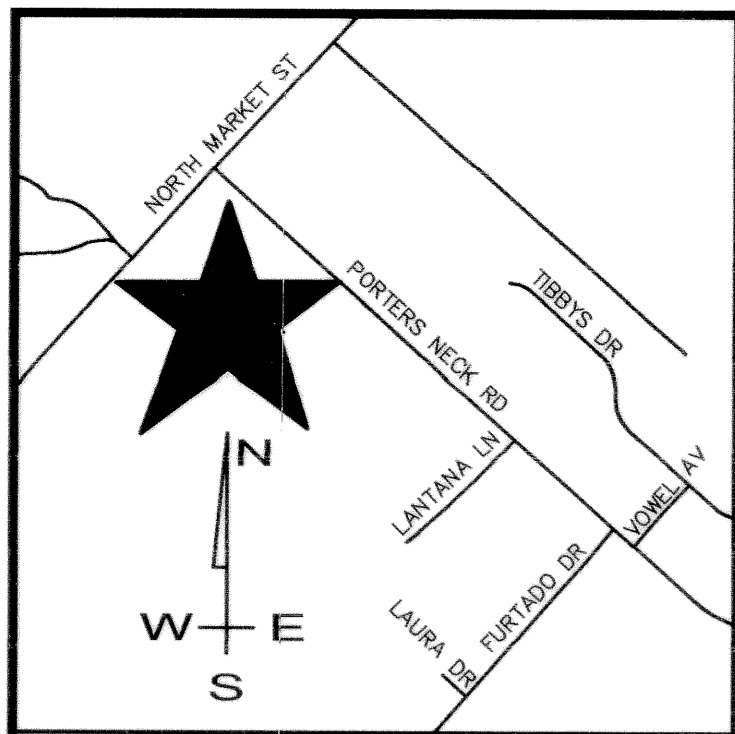


1 INCH = 200 FEET

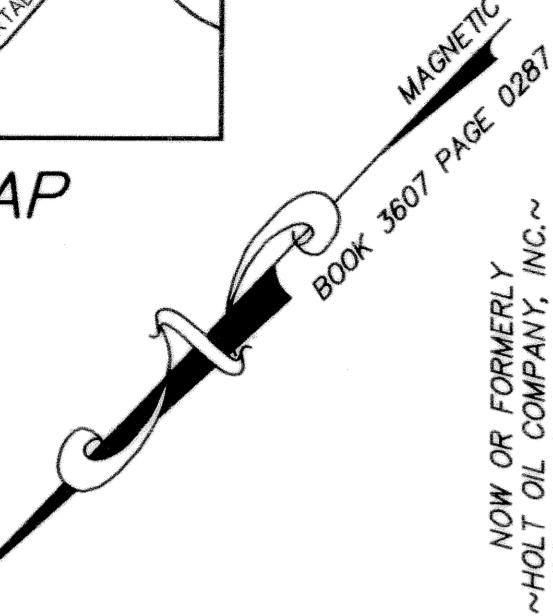
© STOCKS LAND SURVEYING, P.C. FEBRUARY 2003

STOCKS
LAND SURVEYING, P.C.

211 N. FIFTH AVENUE WILMINGTON, NC 28401
Phone: (910) 763-8124 Fax: (910) 762-8772
email: stocks@bellsouth.net



VICINITY MAP
NO SCALE



LINE	DIRECTION	DISTANCE
L1	S42°23'03"E	4.98'
L2	N75°34'06"E	58.08'
L3	N87°00'13"E	41.68'
L4	S45°50'56"W	7.12'
L5	S49°33'15"E	25.20'
L6	S44°51'28"E	56.79'
L7	S78°01'22"W	62.15'
L8	N69°58'46"E	52.91'
L9	S01°35'26"E	37.87'
L10	S44°51'28"E	61.78'
L11	S44°51'28"E	32.79'
L12	S44°51'28"E	13.56'
L13	N43°34'58"E	129.05'
L14	S46°36'40"W	232.94'
L15	S68°56'05"W	242.19'
L16	S68°56'05"W	36.87'
L17	S40°24'06"W	356.27'
L18	N68°58'05"E	23.64'
L19	N68°58'05"E	249.54'
L20	S46°36'52"W	246.23'
L21	S28°32'53"E	47.77'
L22	N51°58'52"E	51.86'
L23	N87°24'17"W	56.47'
L24	S83°17'10"W	42.36'
L25	S43°32'54"W	22.16'
L26	N43°23'20"W	36.84'
L27	S46°36'40"W	12.50'
L28	S46°36'40"W	14.97'
L29	S46°38'33"W	61.04'
L30	S89°06'39"W	38.32'
L31	N46°07'06"W	27.00'

LINE	DIRECTION	DISTANCE
L32	S34°14'43"E	36.34'
L33	S77°09'30"E	53.92'
L34	S43°23'20"E	48.68'
L35	N43°23'20"W	69.83'
L36	S85°30'01"W	212.21'
L37	S85°30'01"W	221.66'
L38	S40°24'06"W	351.44'
L39	S46°36'40"W	19.82'
L40	S65°15'30"W	61.67'
L41	S46°36'40"W	12.10'
L42	S21°01'10"W	16.66'
L43	S35°21'40"W	45.49'
L44	S69°06'40"W	79.38'
L45	N88°23'20"W	42.13'
L46	N43°23'20"W	114.34'
L47	N88°23'20"W	69.61'
L48	N43°23'20"W	142.58'
L49	S01°36'40"W	34.61'
L50	N43°23'20"W	107.33'
L51	N43°23'20"W	99.04'
L52	S01°36'40"W	34.61'
L53	N43°23'20"W	159.15'
L54	N88°23'20"W	69.61'
L55	N43°23'20"W	114.34'
L56	N88°23'20"W	54.40'
L57	S69°06'40"W	120.00'
L58	N60°34'53"W	81.67'
L59	S46°59'29"W	54.67'
L60	S46°59'29"W	24.67'
L61	N60°34'53"W	76.92'

CURVE	BEARING	CHORD	ARC	RADIUS
C1	S39°17'53"W	15.74'	15.76'	98.50'
C2	S63°35'02"W	50.23'	51.24'	74.50'
C3	N68°46'50"E	50.85'	51.39'	101.50'
C4	N25°47'42"E	28.63'	30.11'	48.50'
C5	S89°54'11"E	70.38'	78.75'	48.50'
C6	S11°41'59"W	62.67'	68.14'	48.50'
C7	S65°08'15"W	30.82'	31.36'	48.50'
C8	N19°56'55"E	59.88'	74.06'	33.50'
C9	S63°35'02"W	68.44'	69.81'	101.50'
C10	S89°43'13"E	62.97'	70.40'	43.50'
C11	S01°36'40"W	4.95'	5.90'	3.50'
C12	S82°01'18"E	2.34'	2.69'	1.50'
C13	S07°59'38"W	41.84'	45.19'	33.50'
C14	S67°52'36"W	72.67'	73.13'	186.50'
C15	N77°08'20"W	37.22'	39.47'	33.50'
C16	S84°13'28"W	22.58'	24.29'	18.50'
C17	S86°27'07"E	96.21'	100.23'	101.50'
C18	N55°56'05"E	32.73'	32.87'	101.00'
C19	N28°50'14"E	27.61'	27.70'	101.50'
C20	S27°52'01"W	23.49'	23.54'	98.50'

GRAPHIC SCALE: 1"=50'

MAP FOR RECORD:

OAK RIDGE PROPERTIES AT PORTERS NECK, LLC

HARNETT TOWNSHIP NEW HANOVER COUNTY
NORTH CAROLINA

CLIENT: OAK RIDGE PROPERTIES AT PORTERS NECK, LLC
CONTACT: DAVID SNEEDEN, MEMBER-MANAGER
GLENN LEA, MEMBER
519 MARKET STREET
WILMINGTON, NC 28401
OFFICE: (910)251-9922

MICHAEL UNDERWOOD AND ASSOCIATES, P.A.
102 CINEMA DRIVE, SUITE C
WILMINGTON, NC 28403
PHONE: 910-815-0650
FAX: 910-815-0393
E-MAIL: muo@uizec.com

SURVEYED: R.S. APPROVED: M.N.U.
DRAWN BY: W.C. DATE: AUG. 2006
CHECKED BY: W.C. SCALE: 1"= 50'

LEGEND:

E.I.P. EXISTING IRON PIPE
E.I.R. EXISTING IRON REBAR
E.C.M. EXISTING CONCRETE
MONUMENT
IRON PIPE SET AT ALL
PROPERTY CORNERS
(UNLESS OTHERWISE NOTED)

MAP REVIEW OFFICER

L. SAM BURGESS
REVIEW OFFICER OF NEW HANOVER
COUNTY, CERTIFY THAT THE MAP OR
PLAN TO WHICH THIS CERTIFICATION IS
AFFIXED MEETS ALL STATUTORY
REQUIREMENTS FOR RECORDING.

S. Burgess
MAP REVIEW OFFICER

DATE **09/28/06**

CERTIFICATE DISCLAIMING WATER/SEWER
SUITABILITY & WATER/SEWER
AVAILABILITY

NOTWITHSTANDING NEW HANOVER COUNTY
APPROVAL OF THIS PLAN, LOTS SHOWN
ON SAID PLAN MAY NOT RECEIVE HEALTH
DEPARTMENT APPROVAL FOR ON SITE
SEWAGE DISPOSAL SYSTEMS, NOR FOR
INDIVIDUAL WATER SUPPLY SYSTEMS, NOR
DOES SUCH APPROVAL GUARANTEE THE
AVAILABILITY OF WATER OR SEWER
SERVICES FROM NEW HANOVER COUNTY.

MAP NOT SUBJECT TO NEW HANOVER
COUNTY SUBDIVISION ORDINANCE
09/28/06 **C. O'NEAL/SP**
DATE PLANNING DIRECTOR

CERTIFICATE OF DISCLOSURE FOR PRIVATE DEVELOPMENTS

I (WE) ACKNOWLEDGE THAT NEITHER THE
STATE NOR THE COUNTY SHALL BE
RESPONSIBLE FOR THE MAINTENANCE OF
ANY STREETS PARKS, DRAINAGE OPEN
SPACE OR OTHER AREAS WHICH ARE
DESIGNATED FOR PRIVATE USE. I (WE)
ACKNOWLEDGE THAT PRIOR TO
CONTRACTING WITH A PROSPECTIVE
BUYER I SHALL GIVE THE BUYER A
WRITTEN STATEMENT WHICH DISCLOSES
EXISTENCE AND LOCATION OF SUCH
PRIVATE AREAS AND SPECIFIES THE
MAINTENANCE RESPONSIBILITIES FOR
SAME. WHEN APPLICABLE, THE
STATEMENT SHALL DISCLOSE THAT THE
STREET(S) WILL NOT BE CONSTRUCTED TO
MINIMUM STANDARDS SUFFICIENT TO
ALLOW THEIR INCLUSION ON THE STATE
HIGHWAY SYSTEM FOR MAINTENANCE.

DATE **September 28, 2006**
David G. Sneed
SIGNATURE OF OWNER(S)

CERTIFICATE OF OWNERSHIP, DEDICATION AND JURISDICTION

I (WE) HEREBY CERTIFY THAT I AM (WE
ARE) THE OWNER(S) OF THE PROPERTY
SHOWN AND DESCRIBED HEREON AND
THAT I (WE) HEREBY ADOPT THIS PLAN
OF SUBDIVISION WITH MY (OUR) OWN
FREE CONSENT AND DEDICATE ALL
STREETS, ALLEYS, WALKS, PARKS,
CONSERVATION SPACE AND OTHER AREAS
TO PUBLIC OR PRIVATE USE AS NOTED.
ALL ROADS AND DRAINAGE EASEMENTS
ARE DEDICATED FOR PUBLIC UTILITY
PURPOSES. FURTHER, I (WE) CERTIFY
THE LAND AS SHOWN HEREON IS
LOCATED WITHIN THE SUBDIVISION
JURISDICTION OF NEW HANOVER COUNTY.

DATE **9/28/06** SIGNATURE OF OWNER(S)
David G. Sneed
DATE SIGNATURE OF OWNER(S)

DATE SUBORDINATION CONSENT OF
MORTGAGEE WITH THIS RECORDATION NEW
HANOVER COUNTY ACCEPTS THE
DEDICATION FOR PUBLIC WATER AND/OR
SEWER PURPOSES.
David G. Sneed **9/28/06**
COUNTY ENGINEER

CERTIFICATE OF REGISTRATION BY REGISTER OF DEEDS

NORTH CAROLINA, NEW HANOVER COUNTY
FILED FOR REGISTRATION ON THE **28th**
DAY OF **SEP**, **2006**
AT **11:06 (AM/PM)** AND DULY
RECORDED IN MAP BOOK **50** AT PAGE
139.

2006054817

By: **Donna Horne-Deputy**

CERTIFICATE:
THIS SURVEY IS A RECOMBINATION OF
EXISTING PARCELS OF LAND.

Michael N. Underwood
MICHAEL N. UNDERWOOD, P.L.S. L-2962

CERTIFICATE OF SURVEY AND ACCURACY

I, MICHAEL N. UNDERWOOD, CERTIFY
THAT THIS PLAT WAS DRAWN UNDER MY
SUPERVISION FROM AN ACTUAL SURVEY
MADE UNDER MY SUPERVISION
DESCRIPTION RECORDED IN (DEED) BOOK
AS PAGE SHOWN; THAT THE
BOUNDARIES NOT SURVEYED ARE
CLEARLY INDICATED AS DRAWN FROM
INFORMATION FOUND IN MAP BOOK AS
PAGE SHOWN; THAT THE RATIO OF
PRECISION AS CALCULATED IS 1:10,000+;
THAT THIS PLAT WAS PREPARED IN
ACCORDANCE WITH G.S. 47-30 AS
AMENDED. WITNESS MY ORIGINAL
SIGNATURE, LICENSE NUMBER AND SEAL
THIS 28TH DAY OF SEPTEMBER A.D.
2006.

Michael N. Underwood
MICHAEL N. UNDERWOOD, P.L.S. L-2962
© 2006 MICHAEL UNDERWOOD AND ASSOCIATES, P.A.

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



VARIANCE Application

Applicant/Agent Information		Property Owner(s) If different than Applicant/Agent	
Name	Brian Konoff	Owner Name	Oak Ridge Properties/Porter Neck
Company	Casco Signs, Inc.	Owner Name 2	
Address	199 Wilshire Ave SW	Address	8262 Market St
City, State, Zip	Concord, NC 28026	City, State, Zip	Wilmington, NC 28406
Phone	704-788-9055	Phone	
Email	bkonoff@casco signs.com	Email	
Subject Property Information			
Address/Location			
212 Porter's Neck Rd			
Parcel Identification Number(s)			
R02800-004-038-000			
Total Parcel(s) Acreage			
1.37			
Existing Zoning and Use(s)			
B-1 & O-1 - Harris Teeter Fuel			
Application Tracking Information (Staff Only)			
Case Number	Date/Time received:		Received by:
ZBA-926	3-6-18		BJA

PROPOSED VARIANCE NARRATIVE

Subject Zoning Regulation, Chapter and Section: Article IX, section 94-4 Table 1

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

Harris Teeter Fuel wishes to seek variance approval to be granted one (1) freestanding sign that exceeds current zoning regulations. The proposed ground sign is located within the OFI zoning designation. Ground signs may not exceed 12 S.F. in size within this zoning. The fuel canopy, however, is zoned B-1, which allows 65 SF of ground signage. The only feasible location for the proposed ground sign off of Porters Neck Road sits approximately 114' from the fuel station itself. To be able to properly & safely direct patrons to the fuel station, the ground sign will need to be placed where proposed. To adequately display the appropriate fuel prices, Harris Teeter requests a Variance to allow more square feet of signage than currently allowed by right. From 12 square feet to 64.75.

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.

Presence & safety are the two main concerns. Without proper direction motorists may be unable to react accordingly. Without public awareness/presence, 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.

The distance of the fuel pumps from Porters Neck Road exceeds 400', which is unusual for a typical Harris Tector fuel station. Motorists will need to rely on the ground sign to safely circumvent the intersection & view current petroleum prices.

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 fact this fuel station parcel is located within (2) different zoning jurisdictions is not the fault of Harris Tector. If the fuel station sat substantially closer to the main road this would not be as big of an issue. Motorists would be able to view the actual fuel station better, not the case as it stands now.

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.

Harris Tector is requesting a modest variance adjustment. Again, this proposed ground sign would be allowed by right within the B-1 zoning jurisdiction. Public safety will be enhanced by properly directing motorists. Reaction times will be increased due to increased visibility.

Special note, recent precedence was set. The nearby Walmart shopping center was granted variance approval for a larger ground sign. Please refer to Case ZBA-885.

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.

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

David Sneed
Signature of Property Owner(s) *Manager*

Oak Ridge Properties at Porters Neck, LLC
by: David Sneed, Manager
Print Name(s)

Brian Konoff
Signature of Applicant/Agent

Brian Konoff
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

GROUND SIGN VARIANCE PACKAGE

Sign Package Submittal

HT Fuel Center #191
Wilmington, NC

Originally submitted: July 6th, 2017

Latest revision: February 16th, 2018

PRESENTED BY:



199 Wilshire Ave. SW
Concord, NC 28025
www.cascosigns.com
Contact: Darin Martin
704-788-9055



Customer:
Harris Teeter #191
Fuel Center

8260 Market Street
Wilmington, NC 28411

Drawing #:

Date:
07/06/2017

Revision:
02/16/2018K@

Customer Approval:

Date:

Sales:
D. Martin

Design:
BK

Check by:
DD

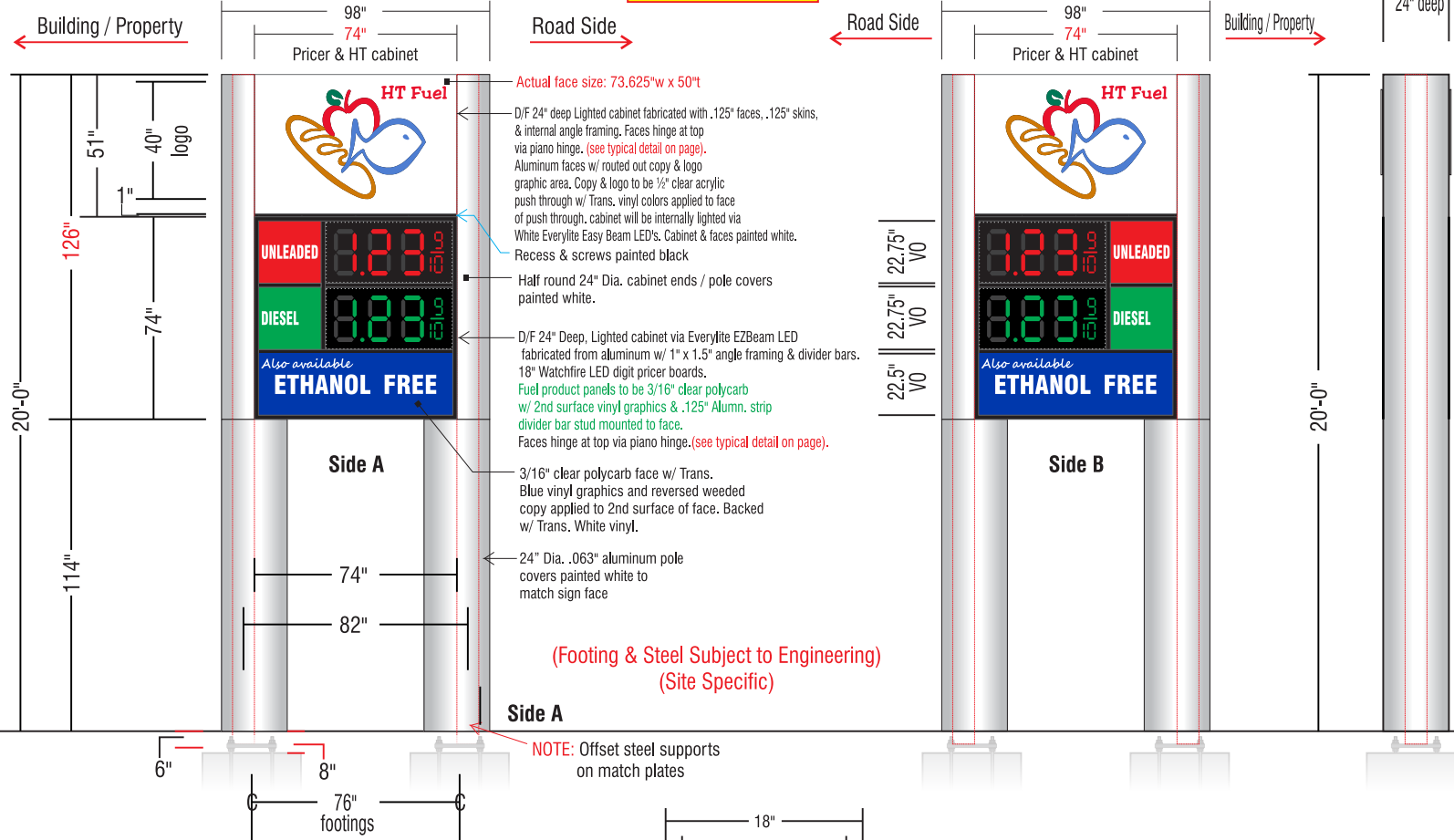
This design is the property of CASCO SIGNS, Inc. and remains our property until sign is purchased. Any attempt to reproduce this design or use by others for any purpose, without written consent is subject to prosecution to the fullest extent allowed by law.

All components & installations are approved & listed by UNDERWRITERS LABORATORIES

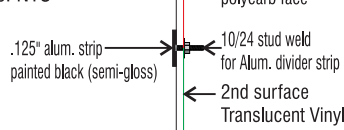
Drawing Type:
Production



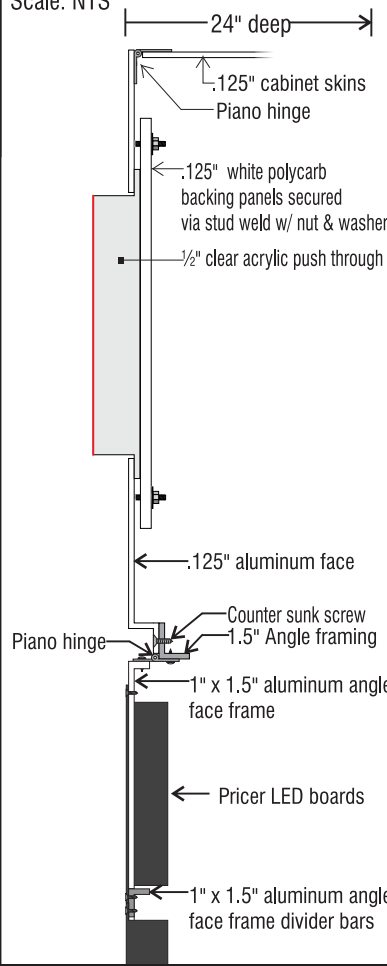
**Digits Shall Always
be closest to Road.**



Fuel Product Panel Details
Scale: NTS



Sign Cabinet Details
Scale: NTS



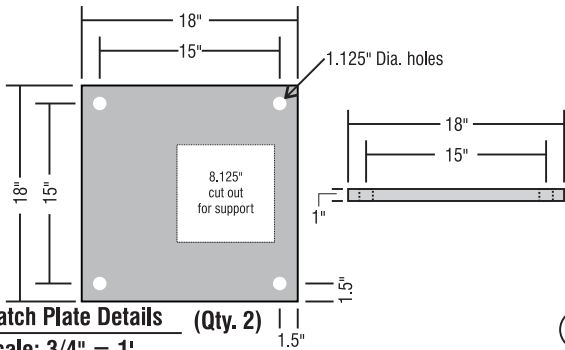
B D/F Internally Lighted Vertical Freestanding Sign
Scale: 3/16" = 1'-0" 64.75 sq.ft.

Color Specs:

- | | |
|--|---|
| 3630-125 Golden Yellow vinyl - HT logo | 3630-73 Dk. Red vinyl - apple / unleaded face |
| 3630-167 Bright Blue vinyl - HT logo | 3630-157 Sultan Blue Vinyl - ethanol face |
| 3630-76 Holly Green vinyl - HT logo | Trans, Med, Green Vinyl - diesel face |
| White (semi-gloss) - Sign cabinet, faces & pole covers | Red LED Digits - Unleaded Pricer Boards |
| Black (semi-gloss) - Pricer cabinet, retainers, t-bars & recess area | Green LED Digits - Diesel Pricer Boards |

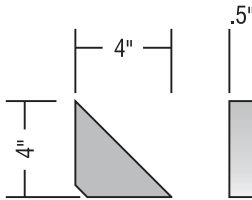
A Match Plate Details
Scale: 3/4" = 1'

(Qty. 2)



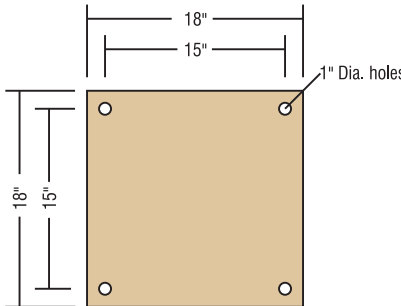
A Steel Gussets TBD (per engineering)
Scale: 1 1/2" = 1'

(Qty. 8)



A Anchor Bolt Template (Wood)
Scale: 3/4" = 1'

(Qty. 2)





Customer:
Harris Teeter #191
Fuel Center

8260 Market Street
Wilmington, NC 28411

Drawing #:

Date:
07/06/2017

Revision:
02/16/18k@

Customer Approval:

Date:

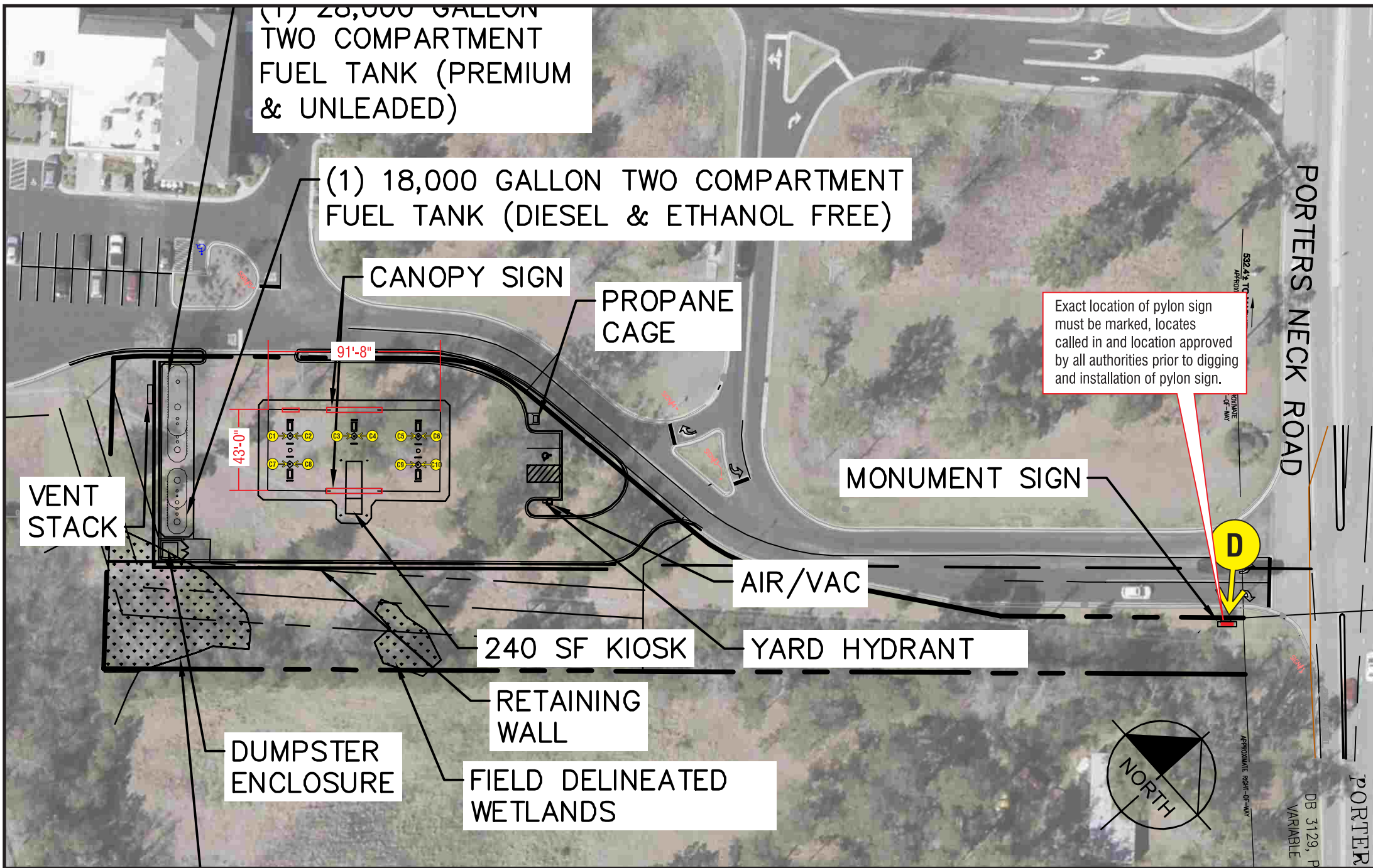
Sales:
D. Martin

Design: BK **Check by:**

This design is the property of CASCO SIGNS, Inc. and remains our property until sign is purchased. Any attempt to reproduce this design or use by others for any purpose, without written consent is subject to prosecution to the fullest extent allowed by law.

All components & installations are approved & listed by UNDERWRITERS LABORATORIES

Drawing Type:
Production



Site Map
Scale: 1/64" = 1'



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.

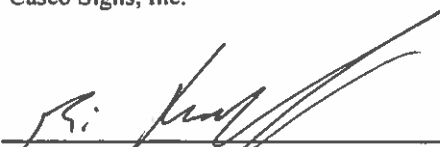
The undersigned owner does hereby appoint an authorized the agent described herein as their exclusive agent for the purpose of petitioning New Hanover County for a variance, special use permit, rezoning request, and/or an appeal of Staff decisions applicable to the property described in the attached 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) Applicant	Subject Property
Name Matthew A. Nichols	Owner Name Applicant Casco Signs, Inc.	Address 212 Porters Neck Rd.
Company Law Office of Matthew A. Nichols	Owner Name 2	City, State, Zip Wilmington, NC 28406
Address 3205 Randall Pkwy, Suite 104	Address 199 Wilshire Ave. SW	Parcel ID R02800-004-038-000
City, State, Zip Wilmington, NC 28403	City, State, Zip Concord, NC 28026	
Phone (910) 508-7476	Phone (704) 788-9055	
Email matt@mattnicholslaw.com	Email bkonoff@cascosigns.com	
Application Tracking Information (Staff Only)		
Case Number Reference:	Date/Time received:	Received by:

This document was willfully executed on the 14th day of March, 2018.

Casco Signs, Inc.


Applicant Signature

Brian Konoff



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

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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) Applicant	Subject Property
Name Matthew A. Nichols	Owner Name Applicant Harris Teeter, LLC	Address 212 Porters Neck Rd.
Company Law Office of Matthew A. Nichols	Owner Name 2	City, State, Zip Wilmington, NC 28406
Address 3205 Randall Pkwy, Suite 104	Address 701 Crestdale Rd	Parcel ID R02800-004-038-000
City, State, Zip Wilmington, NC 28403	City, State, Zip Matthews, NC 28105	
Phone (910) 508-7476	Phone	
Email matt@mattnicholslaw.com	Email	
Application Tracking Information (Staff Only)		
Case Number Reference:	Date/Time received:	Received by:

This document was willfully executed on the 9th day of March, 2018.

Harris Teeter, LLC

Jayn B. Meese
Applicant Signature

Vice President Legal Compliance



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.

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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 Oak Ridge Properties at Porters Neck, LLC	Address 212 Porters Neck Rd.
Company Law Office of Matthew A. Nichols	Owner Name 2	City, State, Zip Wilmington, NC 28406
Address 3205 Randall Pkwy, Suite 104	Address 8262 Market Street	Parcel ID R02800-004-038-000
City, State, Zip Wilmington, NC 28403	City, State, Zip Wilmington, NC 28406	
Phone (910) 508-7476	Phone	
Email matt@mattnicholslaw.com	Email	
Application Tracking Information (Staff Only)		
Case Number Reference:	Date/Time received:	Received by:

This document was willfully executed on the 16TH day of MARCH, 2018.

ROBERT GLENN LEA

Robert Glenn Lea

Owner 1 Signature

MEMBER VOTER

Owner 2 Signature



NEW HANOVER COUNTY

ZONING BOARD OF ADJUSTMENT

230 GOVERNMENT CENTER DRIVE, LUCIE HARRELL CONFERENCE ROOM #601
WILMINGTON, NORTH CAROLINA 28403

Raymond Bray, Chair Henry "Hank" Adams, Vice Chair
Joe Miller, Board Member Cameron Moore, Board Member Mark Nabell, Board Member
Kristin Freeman, Alternate Brett Keeler, Alternate Richard Kern, Alternate

Wayne Clark, Planning & Land Use, Director – Sharon Huffman, Deputy County Attorney

ORDER TO GRANT/DENY A VARIANCE – Case ZBA-926

The Zoning Board of Adjustment for New Hanover County, having held a public hearing on March 27, 2018 to consider application number ZBA-926, submitted by Casco Signs, Inc., applicant, on behalf of Oak Ridge Properties at Porters Neck, LLC, property owner, a request for a variance to use the property located at 212 Porters Neck Road in a manner not permissible under the literal terms of the ordinance and having heard all the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

1. It is the Board's conclusion that, if the applicant complies with the literal terms of the ordinance, specifically the 12 sq. ft. free standing sign area allowance per Section 52.3-4 of the New Hanover County Zoning Ordinance, that an unnecessary hardship would result/would not result. *(It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.)* This conclusion is based on the following FINDINGS OF FACT:

- _____.
- _____.
- _____.
- _____.

2. It is the Board's conclusion that the hardship of which the applicant complains results/does not result from unique circumstances related to the subject property, such as location, size, or topography. *(Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.)* This conclusion is based on the following FINDINGS OF FACT:

- _____.
- _____.
- _____.
- _____.

3. It is the Board's conclusion that the hardship did/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.)* This conclusion is based on the following FINDINGS OF FACT:

- _____.
- _____.
- _____.
- _____.

4. It is the Board's conclusion that, if granted, the variance will/will not be consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This conclusion is based on the following FINDINGS OF FACT:

- _____.
- _____.
- _____.
- _____.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE from New Hanover County Zoning Ordinance to allow a ____' variance from the 12 sq. ft. area allowance for freestanding signs in the Office and Institutional Zoning District per Section 52.3-4 of the New Hanover County Zoning Ordinance be GRANTED/DENIED, subject to the following conditions, if any:

ORDERED this 27th day of March, 2018.

Raymond Bray, Chairman

Attest:

Benjamin Andrea, Executive Secretary to the Board