

NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE
730 Government Center Drive, Suite 110
Wilmington, North Carolina
Telephone (910) 798-7165
FAX (910) 798-7053
planningdevelopment@ncgov.com



VARIANCE Application

Applicant/Agent Information		Property Owner(s) <i>If different than Applicant/Agent</i>
Name Mike Soignet	Owner Name Hasi Burns	
Company Trinity Express Development, LLC	Owner Name 2	
Address 651 Bonum Road	Address 7376 Stoney Point Rd,	
City, State, Zip Clover, SC 29710	City, State, Zip Fayetteville, NC 28306	
Phone	Phone	
Email msoignet@live.com	Email hasi_burns@live.com	
Subject Property Information		
Address/Location 8128 Market Street, New Hanover County, NC 28411		
Parcel Identification Number(s) R03600-005-009-000		
Total Parcel(s) Acreage 1.54 Acres		
Existing Zoning and Use(s) Highway Business (B-2), Land use: vacant.		
Application Tracking Information (Staff Only)		
Case Number ZPA-927	Date/Time received: 5-1-18	Received by: BIA

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 indicating 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		
2	Application fee - \$400		BA
3	Site plan or sketch illustrating requested variance		BA
4	1 hard copy of ALL documents		BA NA


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 requirements 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)

 Signature of Applicant/Agent


 Print Name(s)
 Michael Soignet
 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

PROPOSED VARIANCE NARRATIVE

Subject Zoning Regulation, Chapter and Section: ARTICLE V - SECTION 55.4

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

This project proposes to to construct an Express Oil Service Station on the above
mentioned property. Two buildings are proposed on the site. One is an oil service building
and the other is a car service building. There will also be associated parking, drive aisles,
lighting, landscaping, utilities, etc. As per Article V, Section 55.4 of the North Hanover
County Zoning Code, this lot is subject to a 25 foot building setback from all property lines
as it is located in the Special Highway Overlay District. As part of this application we are
requesting a variance to reduce the building setback from 25 feet to minimum of 10 feet.

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.*

The requirement of the 25 foot building setback on all property presents a hardship
to the property as 50' of the 100' frontage along Market Streets cannot be
developed. The contemplated use requires a drive aisle (code minimum width: 22')
beside the front building to access the rear of the site. After the 2 - 25' setbacks and
22' drive aisle only 28' of lot width is available for a building. Only a skinny deep
building would fit on the lot and this architectural layout does not lend itself to

common uses. Most smaller retail spaces are no deeper than 60-70'. Due to the
deep skinny geometry of the lot, a drive beside the front

building is the most feasible way to access the rear

building. The zoning ordinance requirements have reduced the building width which
can be constructed by 72%.

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 building setback hardship impacts the development potential of the lot as the right of way facing portion of the lot is very narrow at 100 wide. 50% of the lot's width is occupied by setbacks. While the lot is deep, it does not afford development potential without a drive aisle as mentioned in item 1.

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 building setback requirement is an existing condition to the property and is not a result from the applicant rezoning, subdividing, etc. The more stringent SHOD setback requirements are the only reason for this request and the unlying zoning setbacks would be met with this plan.

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.**

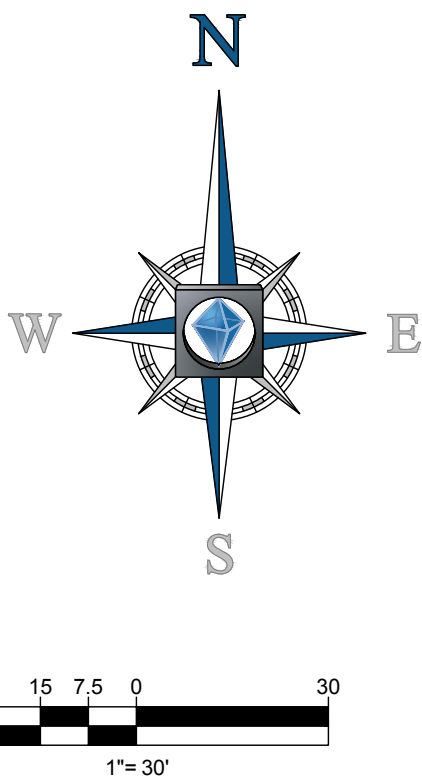
The variance for the building setback reduces the setback from 25 to 10 feet minimum. This reduction does not adversely affect the health and public safety of the area. As stated above, if the SHOD did not touch the property, the 25' setback would not be required.




LOCATION MAP
SCALE: 1"=1000'

CONCEPT PLAN GENERAL NOTES

1. THIS PLAN IS BASED ON NEW HANOVER COUNTY GIS INFORMATION.
2. THE CONCEPT REPRESENTED HEREIN IDENTIFIES A DESIGN CONCEPT RESULTING FROM LAYOUT PREFERENCES IDENTIFIED BY OWNER COUPLED WITH A PRELIMINARY REVIEW OF ZONING AND LAND DEVELOPMENT REQUIREMENTS AND ISSUES. THE FEASIBILITY WITH RESPECT TO OBTAINING LOCAL, COUNTY, STATE, AND OTHER APPLICABLE APPROVALS IS NOT WARRANTED AND CAN ONLY BE ASSESSED AFTER FURTHER EXAMINATION AND VERIFICATION OF SAME REQUIREMENTS AND PROCUREMENT OF JURISDICTIONAL APPROVALS.
3. THE CONCEPTUAL PLAN IS PREPARED FOR CONCEPTUAL PRESENTATION PURPOSES ONLY AND IS NOT INTENDED FOR UTILIZATION AS A ZONING AND/OR CONSTRUCTION DOCUMENT. THE EXISTING CONDITIONS SHOWN HEREON ARE BASED UPON INFORMATION THAT WAS SUPPLIED TO BOHLER ENGINEERING AT THE TIME OF PLAN PREPARATION AND MAY BE SUBJECT TO CHANGE UPON AVAILABILITY OF ADDITIONAL INFORMATION.





BOHLER
ENGINEERING

SITE CIVIL AND CONSULTING ENGINEERING ARCHITECTURE
LAND SURVEYING DESIGN PERMITTING SERVICES TRANSPORTATION SERVICES
SUSTAINABLE DESIGN

• UPRSTATE NEW YORK
• NEW ENGLAND
• NEW YORK METRO
• NEW YORK, NY

• PHILADELPHIA, PA
• SOUTHEASTERN, PA
• VIRGINIA
• VIRGINIA, VA

• BALTIMORE, MD
• SOUTHERN NEW JERSEY
• LEHIGH VALLEY, PA
• RALEIGH, NC
• SOUTH FLORIDA
• DALLAS, TX

• CHARLOTTE, NC
• ATLANTA, GA
• CENTRAL VIRGINIA
• RALEIGH, NC
• SOUTH FLORIDA
• DALLAS, TX

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REVISIONS			
REV	DATE	COMMENT	BY



THE FOLLOWING STATES REQUIRE NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE IN VIRGINIA, MARYLAND, THE DISTRICT OF COLUMBIA, AND DELAWARE CALL - 811 (MV 1-800-245-4848) (PA 1-800-242-1776) (DC 1-800-287-7777) (VA 1-800-552-7070) (MD 1-800-257-7777) (DE 1-800-282-8569)

NOT APPROVED FOR
CONSTRUCTION

PROJECT No.: NCR182039

DRAWN BY: ERB

CHECKED BY: WLB


DATE: 5/1/18

SCALE: 1"= 30'

CAD I.D.: XBD

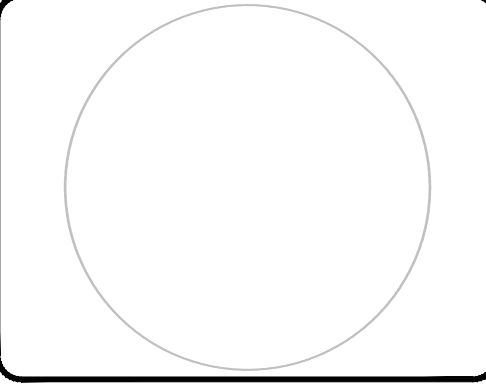
PROJECT: **PROP.**
SITE PLAN
DOCUMENTS
FOR
CLIENT

LOCATION OF SITE
8128 MARKET STREET
NEW HANOVER COUNTY
WILMINGTON, NC 28411



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SHEET TITLE:
**VARIANCE
REQUEST
CONCEPT**

SHEET NUMBER:
CA-1