

NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE
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AGENDA

Zoning Board of Adjustment Meeting

July 24, 2018, 5:30 PM

I. Call Meeting to Order (Chairman Ray Bray)

II. Approval of Meeting Minutes from May 23, 2018 Meeting

May Attendees: Ray Bray, Hank Adams, Joe Miller, Kristen Freeman, Richard Kern

III. Regular Items of Business

1. **Case ZBA-928** – 16 Pointe Properties LLC, applicant, on behalf of Kenneth and Cynthia Tilley, property owners, is requesting a variance from the 25' front yard requirement for R-15 per Section 51.6-2 of the New Hanover County Zoning Ordinance. The property is located at 237 Windy Hills Drive, Wilmington, NC.

IV. Other Business

V. Adjourn

MINUTES
ZONING BOARD OF ADJUSTMENT
May 22, 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, May 22, 2018.

Members Present

Raymond Bray, Chairman
Hank Adams- Vice-Chairman
Joe Miller
Richard Kern
Kristen Freeman

Members Absent

Brett Keeler
Mark Nabell
Cameron Moore

Ex Officio Members Present

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

The meeting was called to order at 5:30 P.M. By the Chairman, Mr. Raymond Bray.

Mr. Bray explained that the Zoning Board is a quasi-judicial board appointed by the Board of Commissioners to consider zoning ordinance variances from residents in New Hanover County where special conditions would create unnecessary hardships. He said the Zoning Board also hears appeals of the County's interpretation in 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 MARCH 27, 2018 MEETING MINUTES

Following a motion by Mr. Joe Miller and seconded by Vice-Chairman Hank Adams the minutes of March 27, 2018 meeting was unanimously approved.

CASE ZBA-927

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

Mr. Andrea explained that Trinity Express Development, LLC, applicant, on behalf of Hasi Burns property owner, is requesting a variance from the Special Highway Overlay District building setbacks per Section 55.4-3 of the New Hanover County Zoning Ordinance. The property is located at 8128 Market Street.

Mr. Andrea stated that Trinity Express Development, LLC, the petitioner, is seeking to develop the property at 8128 Market Street located in the Porters Neck Community. The subject site is located next to the ABC store in Porters Neck. Mr. Andrea mentioned to the north of subject site is a seafood sales establishment.

Mr. Andrea stated the subject site consist of 1.54 acres and is zoned B-2, Highway Business zoning district. The properties to the north and across Market Street have the same B-2 zoning classification. Mr. Andrea stated the land to the southeast and southwest are zoned I-1, Light Industrial. Mr. Andrea stated the majority of the subject site falls within the Special Highway Overlay District (SHOD), which extends 500' from each side of right-of-way of Market Street.

Mr. Andrea stated this particular SHOD area runs from Bayshore Drive and extends to the Pender County line. Mr. Andrea stated the SHOD was applied to the area in March 1990. Mr. Andrea stated subject site is currently undeveloped, however the applicant has indicated the interest in developing the property with light automobile repair facility.

Mr. Andrea stated the topography of the site appears to be relatively flat, soils consisting at the site are Lynn Haven fine sand and Leon sand according to the Soil Survey of New Hanover County.

Mr. Andrea stated in his personal opinion there are no environmental features such as wetlands that would impede site design. Mr. Andrea stated he not personally walked the subject site to verify impediments on the site.

Mr. Andrea stated the property is about 100' in width and of a rectangular shape. Mr. Andrea stated site is about 670' deep from Market Street. The site has been in current form since recording of TRACT 4 on survey of lands of Charity P. Sidbury (MB 14, Page 6) in 1972.

Mr. Andrea stated the SHOD language was added to the county's zoning ordinance in 1986, and subsequently zoning actions were approved to apply the SHOD to certain significant highway corridors in the county, including Market Street corridor from the Pender County line. There are other locations of SHOD in the county located at North College Road, I-40, and I-140 corridor.

Mr. Andrea explained the purpose of the SHOD district per Section 55.4-1 of the Zoning Ordinance is to protect the natural beauty and scenic vista that exists along Interstate Highways and other specifically designated roadways that serves as major access ways and gateways into New Hanover County. Mr. Andrea stated protection of these roadways is important and necessary to maintain and preserve the County's undisturbed roadsides that are characterized by their natural woodlands and open spaces. Mr. Andrea stated the continued protection of these scenic highways is also a valuable asset to the County's tourism economy and enhances the attractiveness of the area for trade and investment. Mr. Andrea reiterated this language was added to the ordinance in 1986.

Mr. Andrea stated the SHOD has more restrictive regulations than the underlining zoning districts; such as signs, screening, lot coverage along with building and parking setbacks. Mr. Andrea states the building setbacks is a minimum of 25' per the SHOD requirements per Section 55.4-1 of the New Hanover County Zoning Ordinance.

Mr. Andrea stated if the SHOD regulations did not apply to the subject site parcel there would be no requirement of building setback from the side or the rear property line since the adjacent parcels are not zoned residential or have residential uses on them. Mr. Andrea stated building setbacks of Section 60.3 only apply if there is an adjacent parcel that is zoned residential or if the site has a residential use on the site.

Mr. Andrea stated due to the SHOD regulations are applied to the subject site, the required building setbacks are 100' from the Market Street right-of-way and 25' from the side property lines for the portion of the parcel within the SHOD. Mr. Andrea stated the area outside of the SHOD regulations would not require side setbacks per zoning.

Mr. Andrea reiterated the applicant wants to use the subject site for a light use of automobile service and repair facility. Mr. Andrea stated the applicant presented an application proposing two services, one three-bay oil service building in the front of the site and a second larger building behind the bay in the back of building for auto-repairs.

Mr. Andrea stated the site plan displays the front three-bay building would be 10' from one side lot line and 22' from the other lot line while the larger six bay service building in the rear would be 10' from one side lot line and about 36' from the other side lot line.

Mr. Andrea reiterated that the applicant is requesting that both side lot line setbacks be reduced from the 25' requirement per the SHOD regulations to 10'.

Chairman Bray then swore in Mr. Tom Johnson and Mr. Wyatt Bone.

Mr. Tom Johnson, Williams & Mullins PLLC - Mr. Johnson presented he would like the staff report presented by staff be entered into the record. Mr. Johnson stated the lot is approximately 100' wide and was created in 1972. Mr. Johnson stated in 1998 the SHOD was applied and with the 25' setback requirement for the subject site setback it is difficult to develop the lot for adequate business use. Mr. Johnson stated the applicant didn't see the parcel useful with a narrow footprint. Mr. Johnson stated with the property size and shape, the applicant is requesting a reduction of setbacks by variance approval. Mr. Johnson stated they are requesting 10' setback all around which would provide flexibility in constructing a building on the lot.

Mr. Johnson stated the subject site is surrounded by other businesses. Mr. Johnson stated at these businesses the setbacks are consistent with today's request. Mr. Johnson stated the Engineer is present and will explain the drafted building plan for the site and explain the need for a reduction of setbacks to the 10'.

Mr. Johnson stated given the setbacks in the area the aesthetics will not be affected with the requested 10' setback. Mr. Johnson stated given other uses in the area there are close setbacks on adjacent properties. Mr. Johnson stated had a building been implemented prior to the SHOD regulations in 1990 they would have more flexibility and a variance would not be required. Mr. Johnson stated the creation of the size of the lot was not created by the applicant. Mr. Johnson stated county ordinance revisions were implemented after the subject parcel was divided into the 100' wide lot.

Mr. Johnson other businesses in the area have lots that are wider than the subject parcel. In addition, the subject site requires driveway aisle space to enter and exit the rear building. Mr. Johnson stated county Fire codes must be adhered to with the 22' width. Mr. Johnson stated additional buffering would be difficult at the subject site given its present condition.

Mr. Johnson stated the engineer is present to relay information on the proposed plan and the need for the request setback dimensions.

Mr. Wyatt Bone, Engineer, Raleigh, NC - Mr. Bone stated they are requesting the 10' setbacks to provide future flexibility in site design. Mr. Bone stated currently plans of the building have not been finalized. Mr. Bone stated the proposed site plan is the intended layout however as for unforeseen reasons in construction, the narrow size parcel could present a hardship in completion such as if the building should shift. Mr. Bone stated they may have to adjust in constructing with the building layout. Mr. Bone stated they do not want to be boxed in on one side and not the other.

Mr. Bone stated the New Hanover County Zoning Ordinance requires 100' building setback from the road right-of-way. Mr. Bone stated plans displays 50' parking setback and they will plant the required landscape buffer at the front. Mr. Bone stated they are adhering to the corridor being maintained as suggested per the ordinance.

Mr. Bone stated as mentioned if the subject site was not in the SHOD regulations there would be no side setbacks required. Mr. Bone stated they are requesting a 10' setback. Mr. Bone stated the typical site design of the proposed automobile repair shop to have the larger maintenance building in the rear of the business. Mr. Bone stated the owner is in agreement in the building layout. Mr. Bone stated currently they are altering the site plan to better meet county code regulations.

Mr. Bone stated once the two 25' required side setbacks are considered, the site is left with a 50' wide buildable area for the portion of the parcel that is within the SHOD. Mr. Bone stated the building is 68' wide with a 22' wide driveway on the left side to get to the proposed second building on the lot. Mr. Bone stated the parcel is not an overly dense parcel.

Mr. Miller inquired of the size dimensions of both buildings.

Mr. Bone stated the front building is proposed at 68' wide and the second building estimate at 50' wide.

Mr. Miller inquired of the reason for the 25' setback requirement in the SHOD. Mr. Miller inquired is the application of requirement due to the aesthetics or safety concern.

Mr. Andrea stated he had no involvement of initiating change in ordinance however in his opinion the SHOD regulations were implemented due to aesthetics.

Mr. Miller indicated if the SHOD requirements were not required the applicant would have a zero setback to adhere to.

Mr. Miller stated other businesses are in close proximity of subject parcel such as the ABC Store and PT's restaurant which appears to be located on their property line.

Mr. Andrea stated he's aware of the ABC Store and PT'S restaurant and was unable to retrieve the site plan for the businesses. Mr. Andrea stated GIS rough estimate of the ABC store building is about 25ft setback which meets code requirement.

Mr. Andrea stated to his knowledge there were no past variance approvals for the ABC site to obtain closer dimensions than the 25'.

Mr. Andrea stated the ABC Store was constructed recently and the SHOD requirements were to be met by the business.

Mr. Andrea speculated that the ABC store may have decreased the side setback with increase landscaping to the front. Mr. Andrea stated the ordinance language suggest intent an applicant could use the front setback if more visual screening i.e. planting was applied along the front property line. Mr. Andrea reiterated the ordinance does not read clearly however one could make that interpretation.

Mr. Miller inquired as to how setbacks can be reduced per the SHOD ordinance language.

Mr. Andrea stated the language reads to increase the amount of planting to reduce parcel setbacks.

Chairman Bray stated his interpretation of increasing planting is for all property sides.

Mr. Andrea stated the planting would be required along the Market Street right-of-way area based on his interpretation of the ordinance provision.

Chairman Bray inquired of the existing auto oil changing shop in the vicinity.

Mr. Johnson stated there is a similar auto oil changing business diagonal from the subject site. Mr. Johnson stated the business will provide similar services to the community. There is a car wash close to site.

Chairman Bray inquired of the long term use for the rear of the property.

Mr. Johnson stated currently there are no future plans of developing the rear of the property. Mr. Johnson stated they will adhere to any stormwater regulations that may impact the proposed auto repair facility.

Mr. Johnson stated extra property will be to the rear due to the natural configuration of the subject lot. Mr. Johnson stated the rear property travels outside the 500' SHOD range which allows for no setback in this area of the lot.

Mr. Bone reiterated there are no plans to develop the rear of the subject site. Mr. Bone stated the rear of the site will have an above ground stormwater infiltration system.

Chairman Bray inquired of the Lynn Haven and the Leon sand association as it relates to the subject site.

Mr. Andrea pulled up the GIS soils map and confirmed that Leon soil is in the front and the Lynn Haven soil is to the rear of the property.

Mr. Miller asked the applicant if minimizing the encroachment into the required setback was considered.

Mr. Johnson stated there were shorter layouts researched for a smaller setback however, a show of goodwill offering of a 10ft setback and 22setback on the other side.

Mr. Johnson stated the client can best operate the business successfully within the setback requested.

Ms. Freeman inquired when was the property purchased.

Mr. Johnson stated there are in the due diligence stage, the property has not been purchased as of yet.

Mr. Kern asked could the three-bay proposal be decreased to a two-bay.

Chairman Bray then sworn in Mr. Soignet.

Mr. Michael Soignet; Developer – Mr. Soignet stated they typically design four-bay drive thru for auto oil changes to the front of the businesses for successful interactions with consumers. Mr. Soignet stated due to the size and configuration width of the lot a smaller three-bay stall was designed for better use. Mr. Soignet stated the rear second building will provide mechanical auto repair services and tire changes. Mr. Soignet mentioned there is a four-bay auto site on the other side of town in operates successfully of the same business use.

Mr. Soignet stated the auto repair staff will drive the cars from the exit of the front building and enter to the rear building for mechanical repairs as needed. Mr. Soignet stated there are several restraints to the site. Mr. Soignet stated currently the site has one parking spot to the front which will creates limitations.

Chairman Bray inquired of the entry drive-thru location for the cars as they drive into the first building.

Mr. Soignet stated the request for a three-bay stall is to seek maximum use of the site. Mr. Soignet stated typically business are equipped with four-bay for oil change however due to the lot size it's not feasible.

Chairman Bray inquired of relocating the buildings to the rear for use.

Mr. Soignet stated the proposed building for the auto repair to the front is to draw traffic in visibility as a strong business conception for success. Mr. Soignet stated they request the building be to the front of the property.

Mr. Soignet stated rear location of the buildings would not meet zoning regulation of proposed business.

Mr. Soignet stated the corridor area does not have many 100' wide parcels such as the subject site.

Mr. Soignet stated due to the lot size; should the owner decide to sell the new owner would require variance approval to build on the narrow site.

Mr. Johnson stated it is easier to adjust the zero setback to a 10ft setback to operate the auto repair service.

Mr. Johnson stated the applicant has made the adjustment of a four-bay stall to a three-bay for successful operation at the subject site.

Chairman Bray inquired of large vehicles utilizing the access of the site for deliveries.

Mr. Soignet stated small trucks will access front entry delivering supplies and tires.

Ms. Freeman inquired of landscaping plans for the site.

Mr. Soignet stated upon variance approval they will implement required landscaping for the site.

Mr. Johnson stated the owner will adhere to zoning permit and landscape requirements for the site.

Chairman Bray inquired of the amount of pavement in close proximity to the subject site property line.

Mr. Andrea stated there are no zoning stipulations that would limit the driveway from being close to the property line.

Chairman Bray inquired of a drainage ditch on the site.

Mr. Andrea stated there appears to be a maintained drainage ditch at the subject site.

Mr. Soignet stated there is an elevation change on the site that appears to resemble a ditch. Mr. Soignet stated a drainage ditch did not show up on the survey map.

Chairman Bray inquired of the impervious area at the site.

Mr. Johnson stated the impervious is below the maximum amount for the parcel.

Chairman Bray inquired of the pavement material to be used at the subject site.

Mr. Johnson stated asphalt pavement would be implemented.

Chairman Bray then swore in Mr. Bobby Brown.

Mr. Bobby Brown, Adjacent Rear Neighbor - Mr. Brown presents today with no opposition to the applicant requesting a variance approval however, he's concerned of the water flow to his business which is located to the rear of the subject site. Mr. Brown stated anyone who purchases the parcel would require variance approval due to the landscape and shape of the lot.

Mr. Brown stated he's concern of the drainage issue at the subject site. Mr. Brown stated there are two nearby retention ponds located adjacent the subject site and to his knowledge these ponds do not meet state requirements. Mr. Brown stated there is a drainage ditch that flows halfway thru the subject site parcel. Mr. Brown stated the adjacent ABC Store was elevated approximately to 41' during construction. Mr. Brown stated his property is located to the rear of the subject site with elevation of about 32'. Mr. Brown stated upon heavy rain the retention ponds overflow to his property which retains enormous water.

Mr. Brown stated his shop floods on occasion from heavy water retention. Mr. Brown stated the retention ponds are 35' on the bottom and his property elevation is 32'. Mr. Brown stated the ABC store at 41' elevation can handle the

water however his property suffers from excessive standing water. Mr. Brown stated the rear of the property at best guess is about 32' of his property which abuts the subject parcel. Mr. Brown stated the rear of the subject site is constantly wet. Mr. Brown stated he would hope the elevation of the site would be raised to avoid additional water retention.

Mr. Brown stated he's present to voice is concerns to the applicant regarding the site standing water. Mr. Brown stated he's interested in what measures of corrections will be implemented in prevent additional water on the site as it impacts his property at the rear of the subject site.

Chairman Bray asked how long has Mr. Brown owned the rear property.

Mr. Brown stated he purchased the property in 2000 and he did not have water retention issues.

Mr. Miller inquired who maintains the retention ponds near the subject site.

Mr. Brown stated Retention Pond Services maintains the adjacent retention ponds. Mr. Brown stated after a hard rain the water in the pond runs out for a few days across to his property.

Chairman Bray asked Mr. Brown has his property been perked before.

Mr. Brown stated he has not had the land at his site perked. Mr. Brown stated once adjacent new construction land was raised the waterflow runs to his lower level property. Mr. Brown stated PT's restaurant and the ABC Store sits at 41ft elevation. Mr. Brown stated he is aware the 100' wide lot without variance approval cannot be utilized as a business.

Ms. Freeman inquired how far does the water run on Mr. Brown's property.

Mr. Brown stated the rear pond water runs steadily all across his property site.

Mr. Tom Johnson, Rebuttal - Mr. Johnson stated they will address water standing on the subject site however they are seeking relief from the board to develop the site with a variance. Mr. Johnson stated the applicant will develop the site utilizing stormwater regulations as to not create additional hardship to the adjacent neighbors.

Ms. Freeman inquired if the entire subject lot would be concrete.

Mr. Johnson stated the front are of the lot is proposed concrete. The rear maintenance area will not be concrete.

Mr. Johnson stated the rear of the property is proposed to remain in its natural state. Landscaping will be applied to the site as required.

Mr. Miller inquired of the single parking space.

Mr. Johnson stated the subject site will not have concrete on the entire lot.

Mr. Keeler inquired did the applicant received a variance for the current sign implemented in 2005.

Mr. Andrea stated the applicant did not receive a variance for the current sign at the fuel site.

Chairman Bray then closed the public hearing and board discussion began.

Mr. Miller stated he's in favor of approving the requested setback from the applicant. Mr. Miller stated the applicant has presented a reasonable compromise to develop the narrow lot.

Miller stated anything that is proposed for construction to the lot will be presented to the board for approval

Mr. Miller stated a requirement of additional landscaping for off-set to the site could be applied to the variance if approved. Mr. Miller stated in overall opinion he is in favor of the proposal for approval.

Vice-Chairman Adams relayed he is in favor of the applicant's proposal as presented for the subject site.

Vice-Chairman Adams stated he's familiar with the area of the lot which present challenges for development.

Mr. Kern stated he is concerned with the one side that abuts the ABC Store that does not require a 15ft variance.

Mr. Miller stated the applicant is asking for what they believe will provide a buffer for a challenged construction site should alterations arise in development.

Vice-Chairman stated considering 10ft or 15ft setback will not impact the neighbors on that side. Vice-Chair stated its in harmony to provide relief to the applicant and comply with approving the variance requested.

Vice-Chairman Adams stated the applicant presents with a hardship.

Chairman Bray stated he's concerned with the conditions of the retention ponds impacting the adjoining lots.

Mr. Miller stated the retention ponds conditions are not the concern of the board.

Chairman Bray stated the retention near the subject site should be brought up to code compliance.

Mr. Miller stated the applicant is not implementing a large frontal parking lot at the site.

Chairman Bray stated there is an oil changing facility across the street from the subject site. Chairman Bray stated he's concerned of adding an additional oil changing business across the street from one another.

Mr. Miller inquired of a 25% reduction of landscaping buffer on either side regulation.

Mr. Andrea stated the applicate is not seeking to add additional landscaping approval to the subject site.

Mr. Andrea stated the board can agree to add conditions to the approval of additional landscaping or buffer as they choose.

Chairman Bray inquired of conditions applied to the frontage of the subject site including the sides.

Mr. Andrea stated conditions can be applied by the board at any location if agreed to be deemed necessary to the four findings of conclusions.

Ms. Sharon Huffman; Deputy County Attorney - Ms. Huffman stated the board can apply variance approval conditions.

Mr. Kern stated he would be in favor of conditions applied to variance if approved.

Mr. Miller made a motion to approve the variance request as presented with additional compliance of Section 55.4- 3 condition to include additional plantings to the right-of-way per the zoning ordinance.

Vice-Chairman Adams second the motion. The Board approved the motion with a 5-0 vote and cited the following conclusions and findings of facts:

- 1. It is the Board's conclusion that, if the applicant complies with the literal terms of the ordinance, specifically, the 25' building setbacks required per Section 55.4-3 of the New Hanover County Zoning Ordinance, that an unnecessary hardship would result. This conclusion is based on the following FINDINGS OF FACT:**
 - Because the subject parcel is 100' in width, the required 25' setbacks from the side property lines reduces the available buildable area to 50' in width.
 - Requiring the building to be placed in the 50' in the middle of the property inhibits site design necessary to comply with other requirements, including a 22' wide drive aisle width per the fire code.
- 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 parcel is rectangular-shaped with about 100' in width and around 670' deep.
 - The portion of the property adjacent to Market Street is located within a Special Highway Overlay District (SHOD).
- 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:**
 - The subject property consists of 1.54 acres and has been on record with its existing configuration since at least 1972 when it was included as Tract 4 on a survey of the lands of Charity P. Sidbury (MB 14, Page 6).
 - The SHOD language was added to the county's zoning ordinance in 1986, and subsequent zoning actions were approved to apply the SHOD to certain significant highway corridors in the county.
 - The SHOD in which the subject parcel lies within was created in 1990.
- 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:**
 - Non-residential building setbacks of 10' are permitted and exist elsewhere in the county.
 - Additional plantings along the street frontage along Market Street consistent with Section 55.4-3(1) of the Zoning Ordinance will offset any negative aesthetic impact of the setback reductions.
 - Locating the building up to 10' from the property line will not cause any decrease in public safety.
 - The reduction in building setback allows for reasonable use of narrow property in a manner consistent with development and uses in the surrounding area.

Mr. Miller motioned to adjourn the meeting. Vice-Chairman Adams second the motion. All ayes to adjourn.

Executive Secretary

Chairman

Date: _____

DRAFT

**VARIANCE REQUEST
ZONING BOARD OF ADJUSTMENT
July 24, 2018**

CASE: ZBA-928, 7/18

PETITIONER: 16 Pointe Properties LLC, applicant, on behalf of Kenneth and Cynthia Tilley, property owners

REQUEST: Variance from the 25' front yard requirement of Section 51.6-2 of the New Hanover County Zoning Ordinance

LOCATION: 237 Windy Hills Drive
PID: R07908-003-060-000

ZONING: R-15, Residential District

ACREAGE: 0.33 Acres

PETITIONER'S REQUEST:

16 Pointe Properties LLC, applicant, on behalf of Kenneth and Cynthia Tilley, property owners, is requesting a variance from the 25' front yard requirement for R-15 per Section 51.6-2 of the New Hanover County Zoning Ordinance. The property is located at 237 Windy Hills Drive, Wilmington, NC.

BACKGROUND AND ORDINANCE CONSIDERATIONS:

New Hanover County's zoning and subdivision regulations allow for subdivisions to utilize Performance or Conventional requirements. Under Conventional requirements, lots that are created must adhere to the dimensional requirements for the zoning district. For example, lots created under Conventional requirements in the R-15 zoning district must meet the dimensional requirements of Section 51.6-2:

Section 51.6: R-15 Residential District

51.6-1: The R-15 Residential District is established as a district in which the principal use of land is for residential purposes and to insure that residential development not having access to public water and dependent upon septic tanks for sewage disposal will occur at sufficiently low densities to insure a healthful environment.

51.6-2: Conventional Residential Regulations

Dimensional Requirements:

- (1) Minimum lot area 15,000 sq.ft. Duplex 25,000 sq.ft.*
- (2) Minimum lot width 80 feet*
- (3) Minimum front yard 25 feet*
- (4) Minimum side yard 10 feet*
- (5) Minimum rear yard 20 feet*
- (6) Maximum height 35 feet*

Setbacks for structures on Conventional Residential lots are dictated by the yard requirements of the zoning district of the property, per the definitions of *Setback Line* and *Yard* in the Zoning Ordinance:

Setback Line - The line on the front, rear, and sides of a lot, which delineates the area upon which a structure may be built and maintained. (23-28)

Yard - A required open space unoccupied and unobstructed by a structure or portion of a structure provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. (1/5/81) Private driveways or easements serving three or fewer lots pursuant to Section 65 may also be permitted in any yard. (3/8/93) HVAC units elevated to comply with flood plain regulations may be permitted in any side yard provided the supporting structure is at least (5) feet from the adjoining property line. (8/18/03) (23-42)

Yard, Front - A yard extending between side lot lines across the front of a lot adjoining a public or private street. The depth of the required front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines, and in such a manner that the yard established shall provide minimum depth parallel to the front lot line. (7/6/92) (23-43)

Yard, Side - A yard extending from the rear lines of the required front yard to the rear lot line. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by the district regulations with its inner edge parallel with the side lot line. (23-44)

Yard, Rear - A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there shall be no rear yards, but only front and side yards. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line. (23-45)

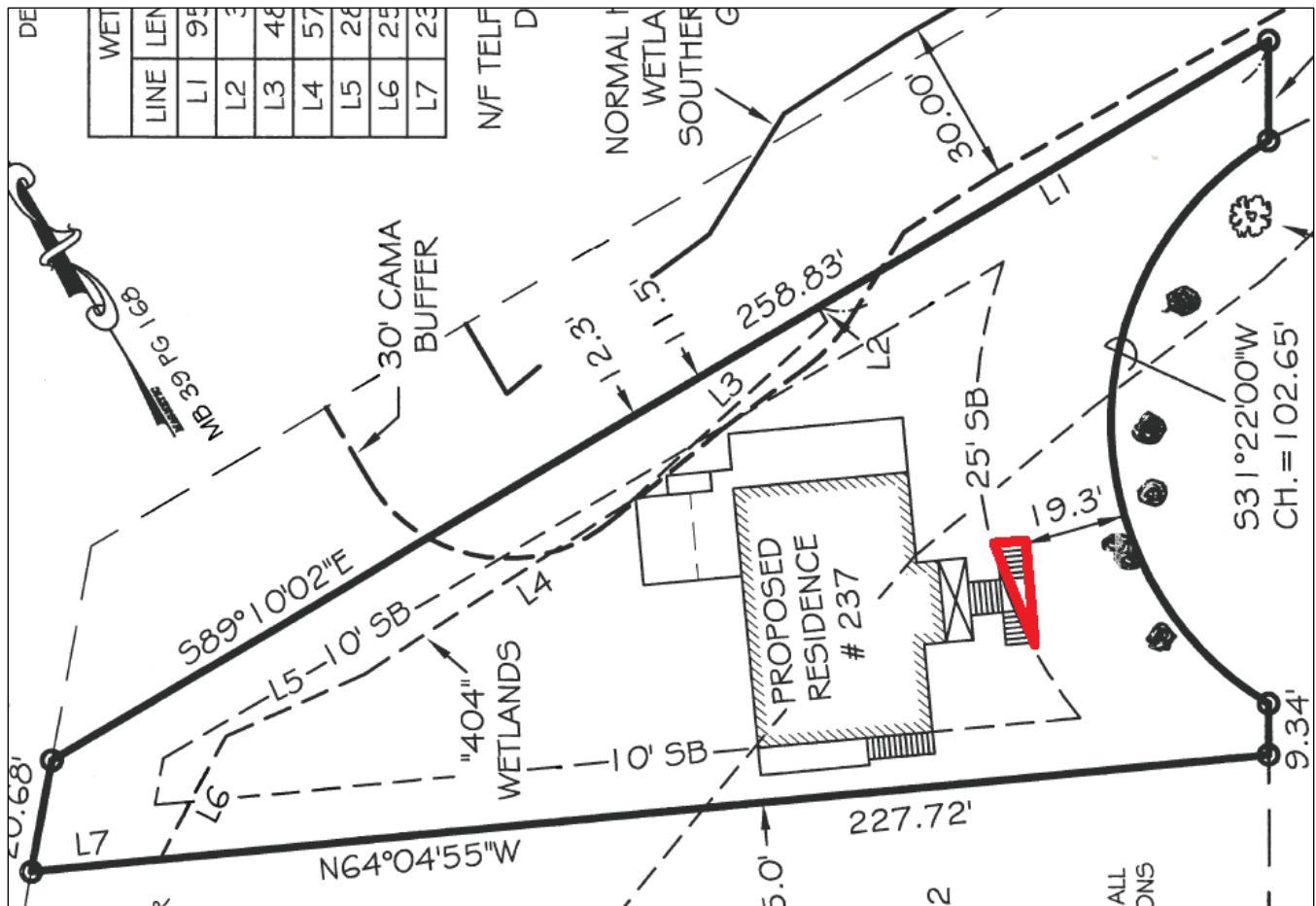
The County's Zoning Ordinance does not have allowances for features such as decks, staircases, or porches to encroach into any required yard area. As such, a home and any deck, staircase, or porch serving the structure would also have to adhere to the yard requirements or relaxed yard requirements based on an approved variance.

For lots that are created under Performance Residential criteria, the dimensional requirements do not have to be met. There are no minimum lot sizes or yard requirements, and the only structure setback requirements are that structures on the periphery of a Performance Residential development must be at least 20' from the property line, and single-family residential structures must be a minimum of 10' apart.

The subject property is Tract B shown on the "Map of Survey of Windy Hills Subdivision" which was recorded in 1999. That survey is labeled as an exact replica of a map entitled "Working Map of Windy Hills" that was surveyed and mapped in 1959. The lots in Windy Hills are considered Conventional lots and must adhere to the yard requirements for R-15 in Section 51.6-2.

The subject property is at the end of a cul de sac and is pie slice-shaped with the lot narrowing in width down to 20.68' at the rear property line. Adjacent to the north of the parcel are coastal wetlands; from normal high water 30' landward is a CAMA (N.C. Coastal Area Management Act) buffer that must remain undisturbed with few exceptions. No portion of a structure can encroach into the CAMA buffer. Also on the northern area of the parcel are "404" wetlands under the jurisdiction of the U.S. Army Corps of Engineers.

The lot shape and environmental constraints had led to a site design that pushes the proposed residence to the southeastern portion of the parcel. A dual staircase is proposed for the front entry to the home, a portion of which encroaches 5.7' into the required 25' front yard. There is also an elevated area for the HVAC components encroaching 5' into the southern side yard, which is permissible because the property is located within a VE Special Flood Hazard Area.



In summary, the petitioner is requesting a 5.7' variance from the 25' front yard requirement of Section 51.6-2. If approved, the variance would allow an entry staircase to encroach into the required front yard. In his application, the petitioner has included draft findings of fact to support the four conclusions required to approve the variance, along with detailed site plans and pictures depicting the proposed location of the structure.

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.**



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Case ZBA-928

Vicinity Map

237 Windy Hills Drive

Variance Request: Variance from 25' front yard requirement per Section 51.6-2

Applicant: 16 Pointe Properties LLC

Owner: Kenneth and Cynthia Tilley

New Hanover County Zoning Board of Adjustment

July 24, 2018



Case ZBA-928

Aerial Map

237 Windy Hills Drive

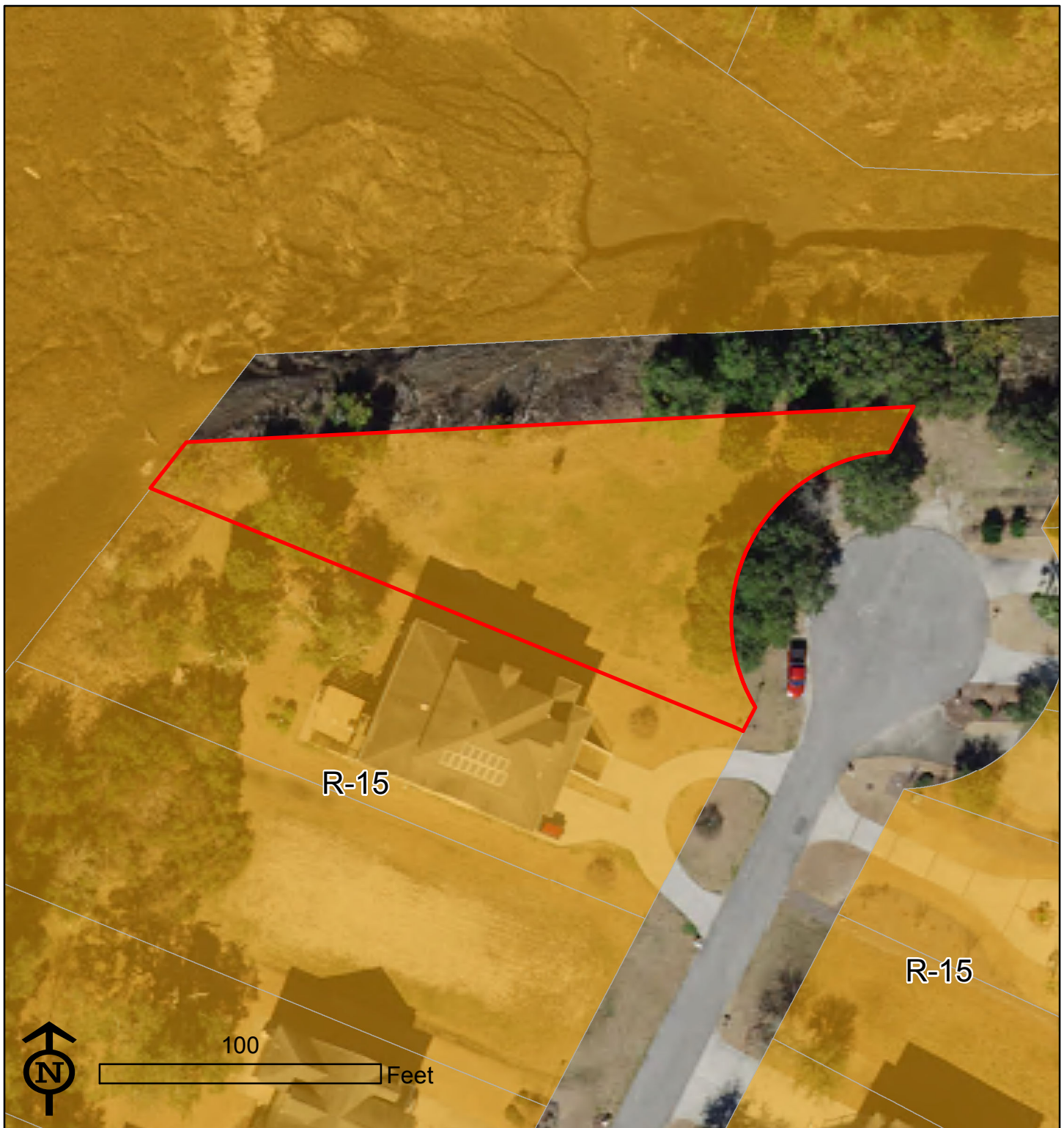
Variance Request: Variance from 25' front yard requirement per Section 51.6-2

Applicant: 16 Pointe Properties LLC

Owner: Kenneth and Cynthia Tilley

New Hanover County Zoning Board of Adjustment

July 24, 2018



Case ZBA-928

Zoning Map

237 Windy Hills Drive

Variance Request: Variance from 25' front yard requirement per Section 51.6-2

Applicant: 16 Pointe Properties LLC

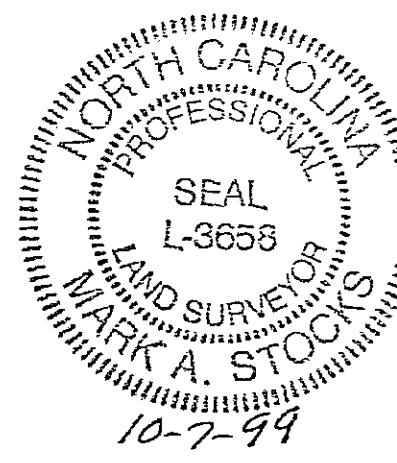
Owner: Kenneth and Cynthia Tilley

New Hanover County Zoning Board of Adjustment

July 24, 2018

NEW HANOVER COUNTY
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 839, PAGE 676); THAT BOUNDARIES NOT SURVEYED
ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 839,
PAGE 676; 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, REGISTRATION NUMBER AND SEAL
THIS 7TH DAY OF OCTOBER, A.D., 1999.

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



I CERTIFY THAT THIS SURVEY IS OF AN EXISTING PARCEL OF LAND.

Mark A. Stocks
MARK A. STOCKS

NOTE:

THIS MAP IS AN EXACT REPLICA OF A MAP ENTITLED "WORKING MAP
OF WINDY HILLS" SURVEYED AND MAPPED BY C.W. BLOMME, JR.
REGISTERED LAND SURVEYOR, DATED JULY 24, 1959, FROM
WHICH THIS SUBDIVISION WAS DEVELOPED.

1999 NOV -1 PH 3:45

RECORDED AND VERIFIED
MARY SUE GOTS
REGISTER OF DEEDS
NEW HANOVER CO., NC

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, *Debra Hager*, REVIEW OFFICER OF NEW HANOVER COUNTY,
CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL
REQUIREMENTS FOR RECORDING.

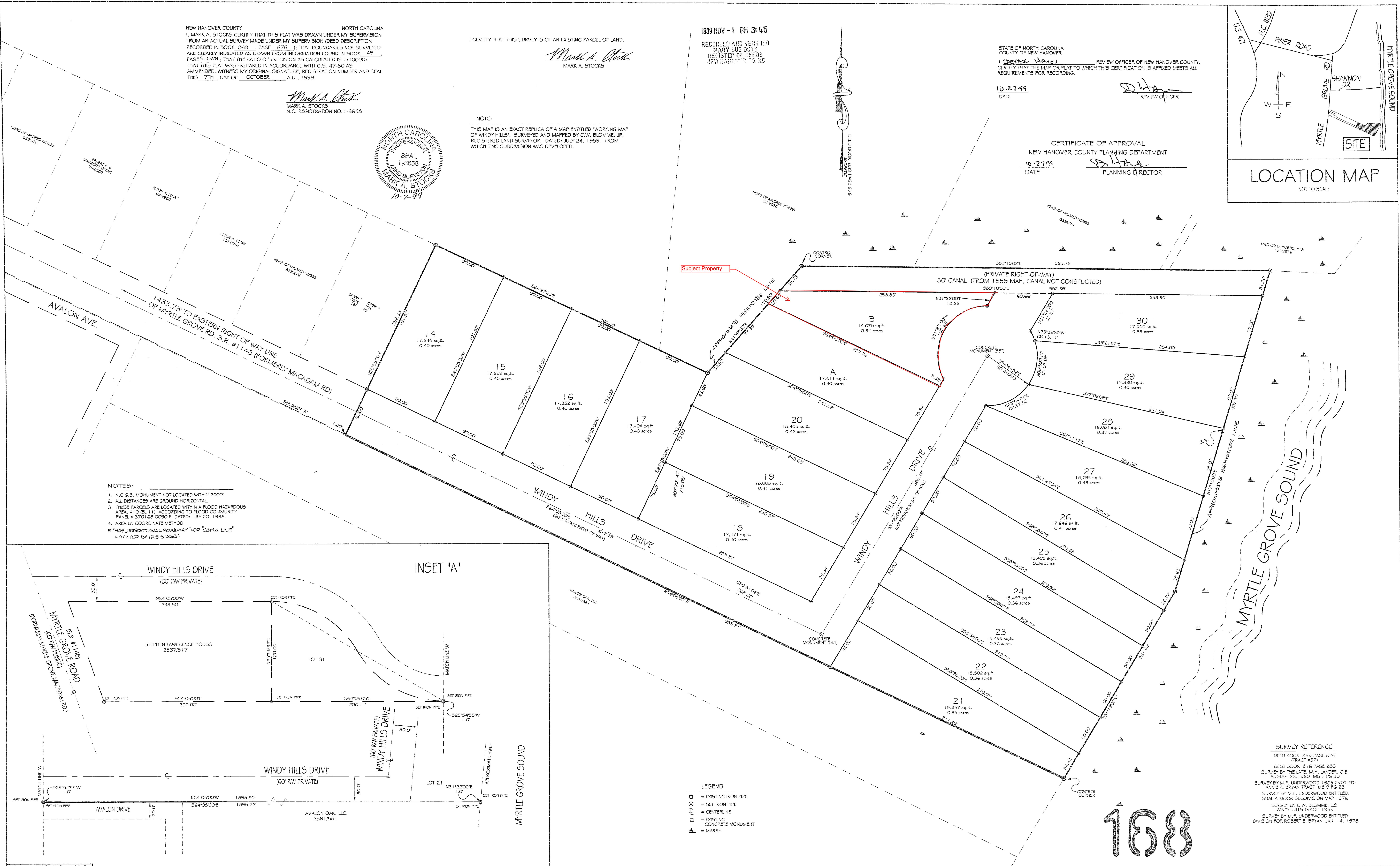
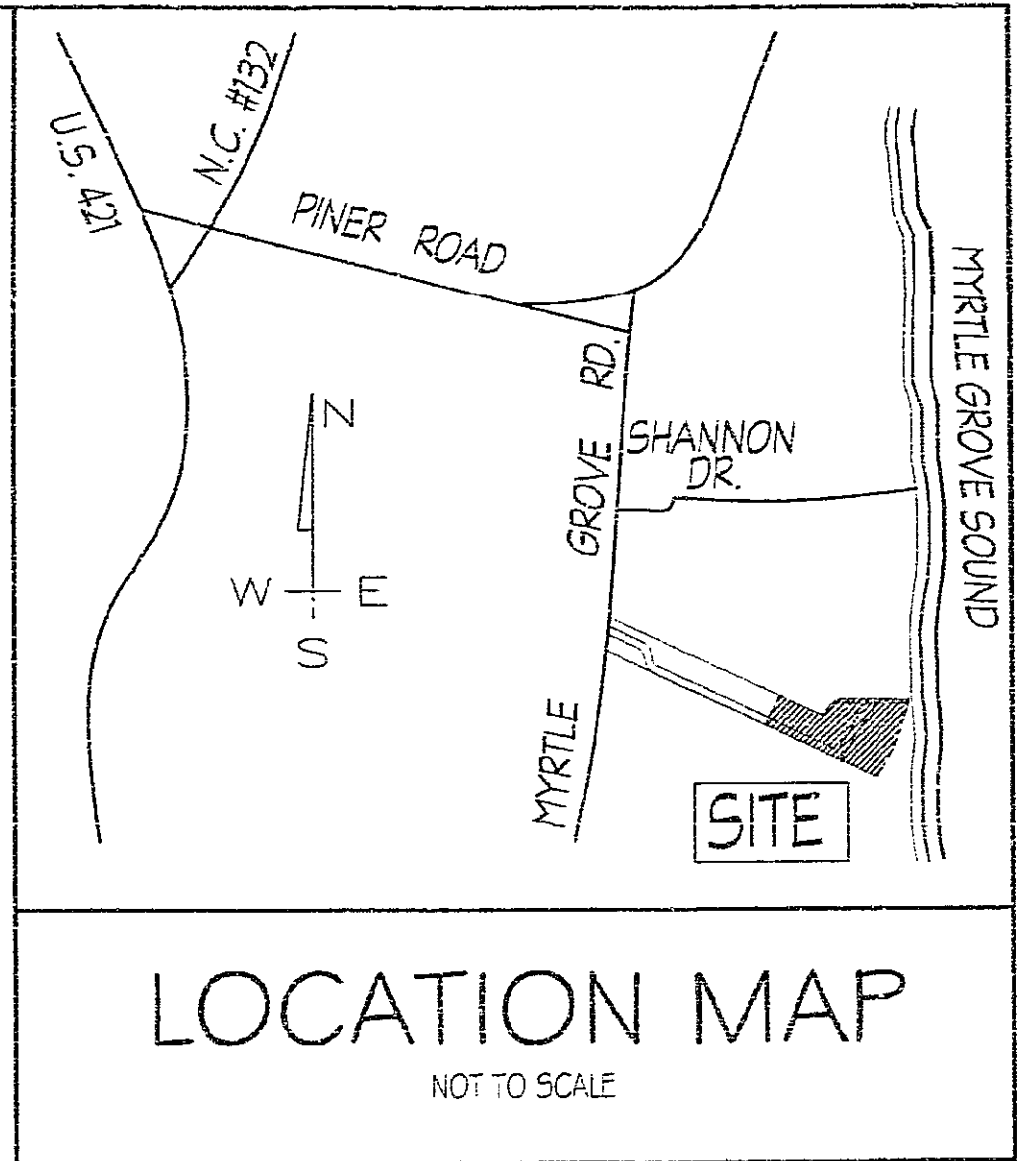
10-27-99
DATE

Debra Hager
REVIEW OFFICER

CERTIFICATE OF APPROVAL
NEW HANOVER COUNTY PLANNING DEPARTMENT

10-27-99
DATE

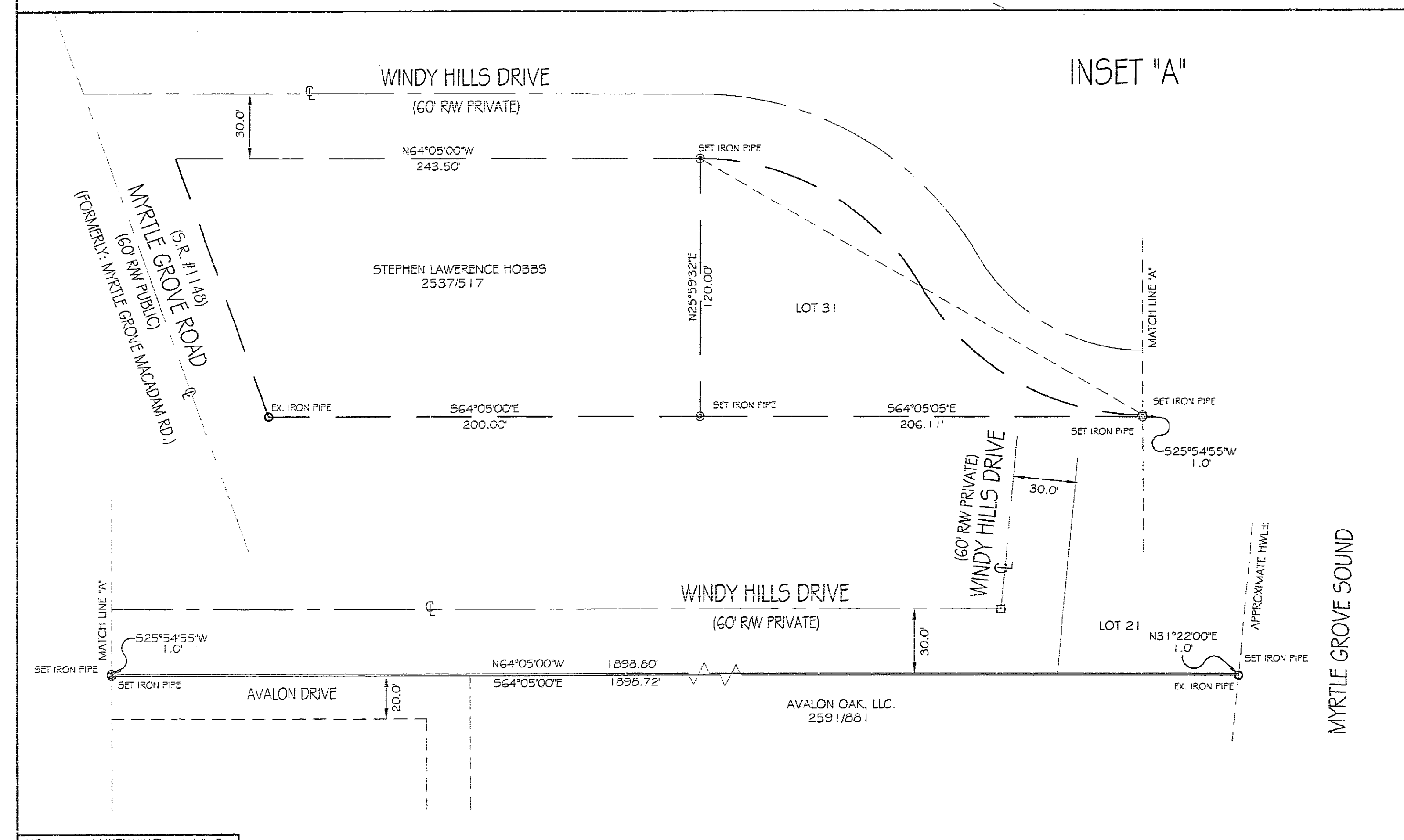
Debra Hager
PLANNING DIRECTOR



NOTES:

1. N.C.G.S. MONUMENT NOT LOCATED WITHIN 2000'.
2. ALL DISTANCES ARE GROUND HORIZONTAL.
3. THESE PARCELS ARE LOCATED WITHIN A FLOOD HAZARDOUS AREA, A10 (EL 11) ACCORDING TO FLOOD COMMUNITY PANEL # 570168 0020 E DATED JULY 20, 1995.
4. AREA BY COORDINATE METHOD.
5. "40' JURISDICTIONAL BOUNDARY" FOR "CAMA LINE" LOCATED BY THIS SURVEY.

INSET "A"



SURVEY REFERENCE

DEED BOOK 839 PAGE 676
(TRACT #37)
DEED BOOK 816 PAGE 260
SURVEY BY THE LATE M.H. LANDER, C.E.
AUGUST 23, 1960 MB T 15 30
SURVEY BY M.F. UNDERWOOD 1965 ENTITLED:
ANNIE R. BRYAN TRACT MS 9 PG 23
SURVEY BY M.F. UNDERWOOD ENTITLED:
SHAL-MOOR SUBDIVISION MAP 1976
SURVEY BY C.W. BLOMME, L.S.
WINDY HILLS TRACT 1959
SURVEY BY M.F. UNDERWOOD ENTITLED:
DIVISION FOR ROBERT E. BRYAN JAN. 14, 1976

STOCKS
LAND SURVEYING, P.C.
211 N. Fifth Avenue
phone: (910) 723-8124
fax: (910) 723-3771
email: stocks@windysurvey.net

MAP OF SURVEY OF
WINDY HILLS SUBDIVISION
FEDERAL POINT TOWNSHIP NEW HANOVER COUNTY, N.C.

OCTOBER 7, 1999
50 0 25 50 100
1 INCH = 50 FEET
© STOCKS LAND SURVEYING, PC OCTOBER 1999

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

REVIEW PROCESS

Step 1: Pre-Application Conference

In order to assist applicants through the variance process, applicants are highly encouraged to attend a pre-application conference prior to application submittal. Applicants are requested to review Section 122-1(2) of the Zoning Ordinance and sections relating to the application, and advised to contact Planning Staff with any questions. The purpose of the pre-application conference is to provide the applicant an opportunity to become familiar with the submittal requirements and procedures of the application, and also to receive preliminary comments from staff regarding the proposal's compliance with any applicable development regulations.

Step 2: Application Submittal

Applications must be received by the Planning and Inspections Department by 5:00 PM on the application deadline date. A complete application consists of the items detailed in the submittal checklist provided in this application.

Step 3: Staff Review

Upon receiving a completed application, staff may distribute it to certain departments and agencies for review. County Planning staff shall review the application, and prepare a staff report for the Zoning Board of Adjustment.

Step 4: Zoning Board of Adjustment Review and Action

The New Hanover County Zoning Board of Adjustment shall consider the application at a public hearing. Public hearings for variance applications are conducted in a quasi-judicial manner and include additional standards for the testimony and evidence presented during the hearing. The property owner, or their attorney, must be present for the meeting.

A variance shall be approved if the applicant provides substantial evidence that the proposed use will meet the following findings:

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.** *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.*
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.

No change in permitted uses may be authorized by a variance. The Zoning Board of Adjustment may impose appropriate conditions on a variance, provided that the conditions are reasonably related to the variance. A concurring vote of a majority of members of the Board is necessary to grant a variance.

The Planning and Inspections Department shall notify the public of the hearing in accordance with standards of the Zoning Ordinance. This includes sending mailed notice to nearby residents, posting a sign on the subject property, and advertising the hearing in a local newspaper.

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	Jason D. Aking	Owner Name	Ken Tilley
Company	16 Pointe Properties LLC	Owner Name 2	Cindy Tilley
Address	222 Seacrest Dr.	Address	3510 Melissa Ct
City, State, Zip	Wrightsville Beach NC 28480	City, State, Zip	Wilmington NC
Phone	704-506-2404	Phone	910-443-3728
Email	jason@16pointeproperties.com	Email	kcjmtilley@aol.com
Subject Property Information			
Address/Location			
237 Windy Hills Dr. Wilmington NC 28402 Lot B			
Parcel Identification Number(s)			
R07908-003-060-000			
Total Parcel(s) Acreage			
.337			
Existing Zoning and Use(s)			
R15 958 unused land			
Application Tracking Information (Staff Only)			
Case Number	Date/Time received:	Received by:	
	7-2-18 4:30pm	BDA	

PROPOSED VARIANCE NARRATIVE

Subject Zoning Regulation, Chapter and Section: _____

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

We are proposing a residence that has two main levels with 1430 heated sf on level 1 and 1519 on level 2. There are 2 rooms within this 1500 sf footprint that bring the total sf to 3217. One is a small room on the 3rd floor and the other is the entry access level in the garage. We took into consideration the limits of the lot in the design and were able to do everything except a small portion of the front access steps. The lot has multiple difficulties for which we are requesting a minor variance totaling 61 sf.

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.**

Strict application of the ordinance creates a hardship as the owner would not be able to have front access stairs to the home and if the stairs were altered would then create an issue for vehicles to access the home. The owner has altered the plans from the original design a great amount to shrink as much as possible. If this were not a VE zone then the stairs would not be an issue. Additionally the city of Wilmington allows 8' feet of encroachment as they realize the strict application of ordinances can create hardships.

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.

3 major conditions peculiar to this property, are

1. The curvature of the setback make designs with straight lines very difficult if not impossible

2. The VE zone height requires the steps to project much more than normal.

3. The pie shape and 404 line that exceeds the setback

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.

All the conditions making a design of even a small home were pre-existing. The owners have kept plans simple and small while trying to preserve the value of the lot with a proper home and have not created any extra or undue 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.

The variance is consistent as we have minimally impacted the front setback, no neighbors are affected as the actual pavement is still another 20 feet from the property line and we will show the owner has made alterations from the first design in an attempt to even have to apply for the variance

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	JA	
2	Application fee – \$400	JA	
3	Site plan or sketch illustrating requested variance	JA	
4	1 hard copy of ALL documents	JA	

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.

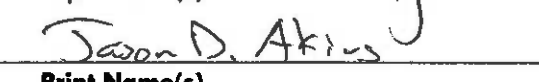
I also appoint the applicant/agent as listed on this application to represent me and make decisions on my behalf regarding this application during the review process. The applicant/agent is hereby authorized on my behalf to:

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)


 Print Name(s)


 Signature of Applicant/Agent


 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

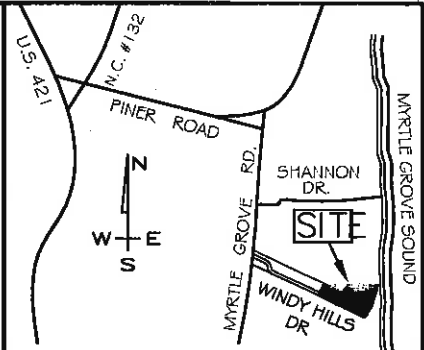
Application Comments

I, PATRICK C. BRISTOW, CERTIFY THAT THIS PROPERTY WAS SURVEYED AND MAP DRAWN UNDER MY SUPERVISION: DESCRIPTION AS SHOWN ON THE FACE OF THIS PLAT; RATIO OF PRECISION AS CALCULATED BY COMPUTER IS 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN BY BROKEN LINES PLOTTED FROM INFORMATION REFERENCED; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH 'THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA' (21 NCAC 56.1604); WITNESS MY ORIGINAL SIGNATURE, LICENSURE NUMBER AND SEAL THIS 29TH DAY OF JUNE A.D. 2018.

PRELIMINARY

PATRICK C. BRISTOW
N.C. PLS No. L-4148

FLOOD ZONE BOUNDARY FROM NHC
ONLINE G.I.S. & FIRM PANEL REFERENCED



LOCATION MAP
NOT TO SCALE

SURVEY REFERENCE

MAP BOOK 39 PAGE 168
DEED BOOK 6086 PAGE 2046

WETLAND LINE TABLE		
LINE	LENGTH	BEARING
L1	95.85	N89°10'02"W
L2	3.15	S00°49'58"W
L3	48.63	S78°57'27"W
L4	57.90	S88°33'05"W
L5	28.05	N82°40'12"W
L6	25.60	S59°26'55"W
L7	23.60	N64°04'55"W

N/F TELFAIR DEVELOPMENT INC.
DB 2674 PG 868

NORMAL HIGH WATER & "404"
WETLANDS MARKED BY
SOUTHERN ENVIRONMENTAL
GROUP, INC.

LEGEND

- = EXISTING IRON PIPE
- ⊙ = CENTERLINE
- ⊕ = BENCHMARK
- ⊗ = OAK TREE

61 Sq Ft

NOTE: THIS LOT IS LOCATED
IN ZONES VE (EL. 15 & 16) AS PER
MAP # 3720314300 J
COMMUNITY ID # 370168
DATED: APRIL 3, 2006

ZONE VE
(EL. 16)

ZONE VE
(EL. 15)

N/F SCHNELL
DB 2768 PG 982

SURVEYED LOT IS SUBJECT TO ALL
UTILITY EASEMENTS, RESTRICTIONS
OR COVENANTS OF RECORD.

WINDY HILLS DRIVE

60' PRIVATE RW

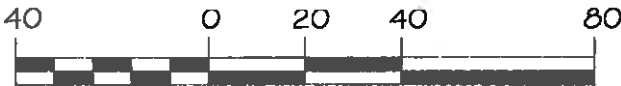
BOUNDARY SURVEY FOR
KENNETH TILLEY & CYNTHIA TILLEY

LOT B WINDY HILLS
FEDERAL POINT TOWNSHIP NEW HANOVER COUNTY, N.C.

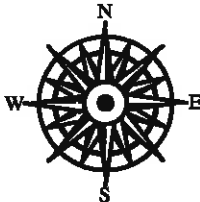
S:\LAND PROJECTS\WINDY HILLS LOT B\dwg\237 WINDY HILLS DRIVE.dwg

JUNE 29, 2018

0.337 AC.±



1 INCH = 40 FEET



PATRICK C. BRISTOW
LAND SURVEYING, PC
4113-A OLEANDER DRIVE
WILMINGTON, N.C. 28403
(910) 791-1500 (PH) (910) 791-1504 (FAX)
E-MAIL: pat@bristowsurveying.com
FIRM LICENSURE NO. C-3071



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-928

The Zoning Board of Adjustment for New Hanover County, having held a public hearing on July 24, 2018 to consider application number ZBA-928, submitted by 16 Pointe Properties LLC, applicant, on behalf of Kenneth and Cynthia Tilley, property owners, a request for a variance to use the property located at 237 Windy Hills Drive 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 25' front yard requirement of Section 51.6-2 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 25' front yard required in R-15 zoning per Section 51.6-2 of the New Hanover County Zoning Ordinance be GRANTED/DENIED, subject to the following conditions, if any:

ORDERED this 24th day of July, 2018.

Raymond Bray, Chairman

Attest:

Benjamin Andrea, Executive Secretary to the Board