

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

RECEIVED

FEB 5 2019

**NEW HANOVER COUNTY
 PLANNING & ZONING**



VARIANCE Application

Applicant/Agent Information		Property Owner(s) If different than Applicant/Agent
Name Hill Rogers	Owner Name Dry Pond Partners, LLC	
Company Cameron Management	Owner Name 2	
Address P.O. Box 3649	Address P.O. Box 3649	
City, State, Zip Wilmington, NC 28406	City, State, Zip Wilmington, NC 28406	
Phone (910) 762-2676	Phone (910) 762-2676	
Email hill@cameronco.com	Email hill@cameronco.com	
Subject Property Information		
Address/Location 5601 S. College Rd.		
Parcel Identification Number(s) R07100-004-004-000		
Total Parcel(s) Acreage 63		
Existing Zoning and Use(s) R-15; vacant land		
Application Tracking Information (Staff Only)		
Case Number 23A-936 / VAR-19-0005	Date/Time received: 2/5/19 4:00pm	Received by: BS

PROPOSED VARIANCE NARRATIVE

Subject Zoning Regulation, Chapter and Section: 72-43(11) maximum height

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

Please see attached Exhibit "A".

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.

Please see attached Exhibit "A".

2. **The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardship resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or general public, may not be the basis for granting a variance.**

Please see attached Exhibit "A".

3. **The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**

Please see attached Exhibit "A".

4. **The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.**

Please see attached Exhibit "A".

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APPLICATION REQUIREMENTS

Staff will use the following checklist to determine the completeness of your application. Please verify all of the listed items are included and confirm by initialing under "Applicant Initial". Staff will not process an application for further review until it is determined to be complete.

NEW HANCOCK COUNTY
PLANNING & ZONING

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

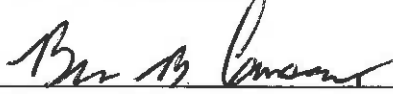
ACKNOWLEDGEMENT AND SIGNATURES

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.

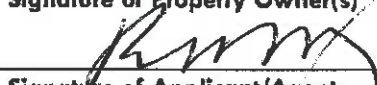
Dry Pond Partners, LLC by:



Signature of Property Owner(s)

Bruce B. Cameron, IV, Managing Member

Print Name(s)



Signature of Applicant/Agent

Hill Rogers/Cameron Management

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



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

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

Please note that for quasi-judicial proceedings, either the land owner or an attorney must be present for the case at the public hearing.


The undersigned owner does hereby appoint an authorized the agent described herein as their exclusive agent for the purpose of petitioning New Hanover County for a variance, special use permit, rezoning request, and/or an appeal of Staff decisions applicable to the property described in the attached petition. The Agent is hereby authorized to, on behalf of the property owner:

1. Submit a proper petition and the required supplemental information and materials
2. Appeal at public meetings to give representation and commitments on behalf of the property owner
3. Act on the property owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition applicable to the New Hanover County Zoning Ordinance.

Agent Information	Property Owner(s)	Subject Property
Name Matthew A. Nichols	Owner Name Dry Pond Partners, LLC	Address 5601 S. College Rd.
Company Law Office of Matthew A. Nichols	Owner Name 2	City, State, Zip Wilmington, NC
Address 3205 Randall Pkwy, Suite 104	Address P.O. Box 3649	Parcel ID R07100-004-004-000
City, State, Zip Wilmington, NC 28403	City, State, Zip Wilmington, NC 28406	
Phone (910) 508-7476	Phone (910) 762-2676	
Email matt@mattnicholslaw.com	Email hill@cameronco.com	
Application Tracking Information (Staff Only)		
Case Number Reference:	Date/Time received:	Received by:

This document was willfully executed on the 4 day of FEB, 2019.

Dry Pond Partners, LLC


Owner 1 Signature

By: Bruce B. Cameron, IV, Managing Member

Owner 2 Signature



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

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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.

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	Applicant	Subject Property
Name Matthew A. Nichols	Applicant Name Hill Rogers	Address 5601 S. College Rd.
Company Law Office of Matthew A. Nichols	Applicant Name 2 Cameron Management	City, State, Zip Wilmington, NC
Address 3205 Randall Pkwy, Suite 104	Address P.O. Box 3649	Parcel ID R07100-004-004-000
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Application Tracking Information (Staff Only)		
Case Number Reference:	Date/Time received:	Received by:

This document was willfully executed on the 4 day of FEB, 2019.



Applicant 1 Signature
Hill Rogers, Cameron Management

Exhibit "A" to Variance Application

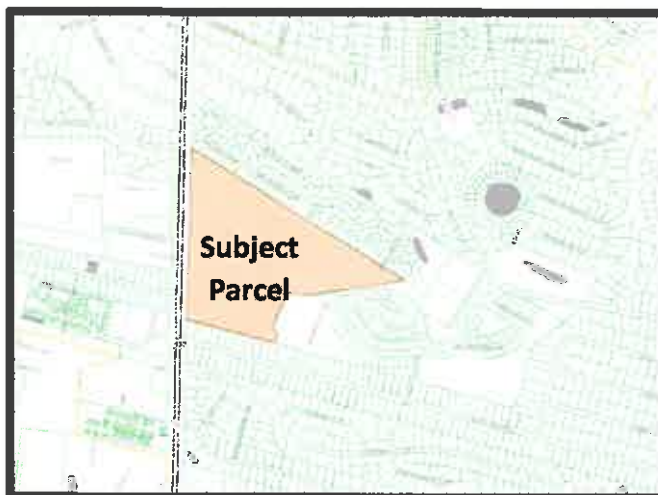
REQUEST: 5' Variance from 40' Building Height Restriction for one interior building on the Whiskey Branch multi-family development conceptual plan (attached hereto as Exhibit "A-1")

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 concept for the Whiskey Branch development as a whole is a mixed-use project consistent with the Comprehensive Plan, including a proposed high quality, multi-family apartment community (the component before the Board on this variance request), and a proposed commercial node along College Road. In order to accommodate the development of the entire project, only a certain portion of the subject parcel, which is uniquely shaped and has additional limitations, can be dedicated to the multi-family component. Given that a balance must be struck between density, open space, building design, and the overall project design, some flexibility is needed. In order to achieve these ends, create a higher quality exterior building façade, and meet the goals of the 2016 Comprehensive Plan, the Applicant requests a 5' variance from the 40' height limitation for one interior building in the proposed Whiskey Branch multi-family development. The proposed development will also require a CUD(R-10) rezoning and special use permit approval from the New Hanover County Board of Commissioners for the proposed high-density multi-family residential project consisting of 324 apartment units, a clubhouse, pool and other associated amenities. This conditional use rezoning and special use permit process, including Planning Board review, assures that the County Commissioners will ultimately determine whether this development should be allowed to proceed, and if approved, the County Commissioners can place conditions on any such approval.

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.

Several conditions unique to the property contribute to the justification for granting the variance request as described below. The larger Subject Parcel has a unique shape as seen below which constricts the parcel.

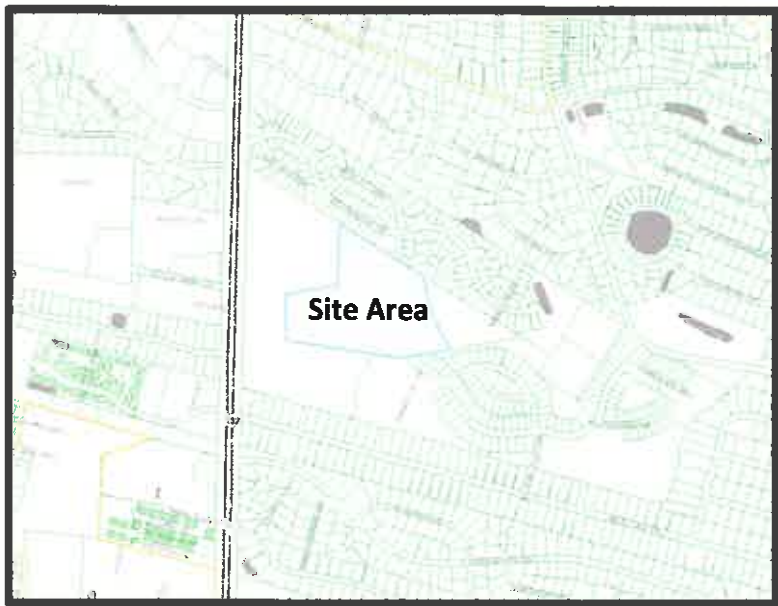


The specific site of the subject multifamily portion of the project is further constrained by site logistics:

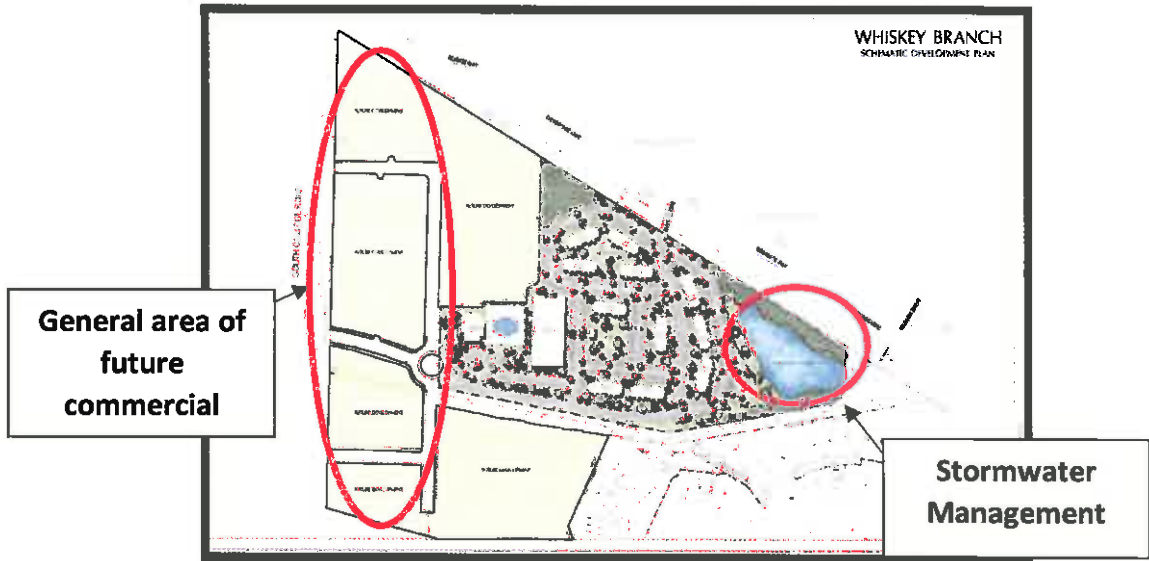
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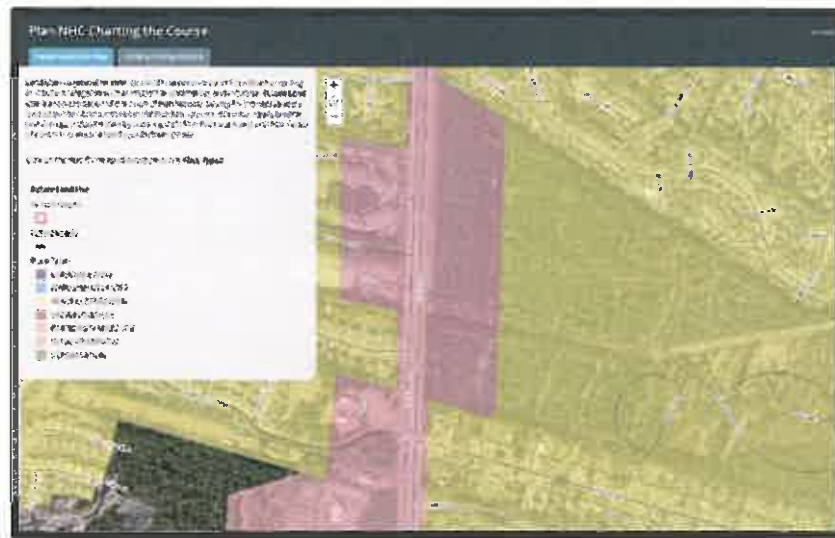
NEW HANOVER COUNTY
PLANNING & ZONING



To achieve the desired site plan and ultimately the goal of a vibrant and successful mixed-use community, the site design must include room for both a sufficient stormwater management system and future development of the commercial node along College Road as seen below on a conceptual plan of the Whiskey Branch multi-family project. Due to these constraints, the space available for the multi-family buildings must be used efficiently while still achieving a high-quality exterior building façade.



Additionally, the property is unique in that it designated as a split placetype (Community Mixed Use and General Residential) in the Plan NHC 2016 Comprehensive Plan.



In order to achieve the goals of the Comprehensive Plan by developing a mixed-use project in this location with higher density along a major transportation corridor, some flexibility is needed in order to achieve a balance between building square footage and aesthetics. Allowance for additional height in one interior building will allow a more efficient use of the space and higher quality façade design. The additional height requested for one interior building will also have no negative impacts on any surrounding properties, and it will in fact greatly enhance the project as a whole.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

The hardship did not result from actions taken by the applicant. The location of the site and the application of the 2016 Comprehensive Plan, including placetype designation by the County, greatly favors and encourages the development of a high quality mixed-use development at this location. The additional height requested for one building to be located in the interior of the project will greatly enhance the design aesthetics for the overall project and help achieve this goal of creating a high quality development.

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.

As illustrated above, the Comprehensive Plan designates this area as a split placetype and a mixed-use project is consistent with this designation as it includes both residential and commercial uses. Additionally, the Comprehensive Plan encourages a shift away from sprawling single type land

uses to more compact, mixed-use walkable development to accommodate growing population, increase housing, job and shopping opportunities, preserve room to protect natural resources and improve healthy lifestyles by promoting walkability. In that manner, the New Hanover County Zoning Ordinance allows the opportunity for higher density projects in and adjacent to Community Mixed Use placetypes. In order to achieve room for a mixture of uses, a stormwater management system and preservation of open space, space for the multi-family buildings must be used efficiently while maintaining a high-quality building façade to enhance the community and incorporate urban design principles. A height variance of 5' for one interior building will allow a more attractive, more functional and more efficient design of the site and will not have any negative impact on surrounding properties.

Given that the subject building for which the variance is requested is oriented toward the center of this large parcel, and that there is a significant distance from the subject building to any adjacent parcels or single family uses, the visual perception of an additional 5' will be minimal to the surrounding area, while the aesthetic improvements to the façade will greatly benefit the multi-family complex and site design as a whole.

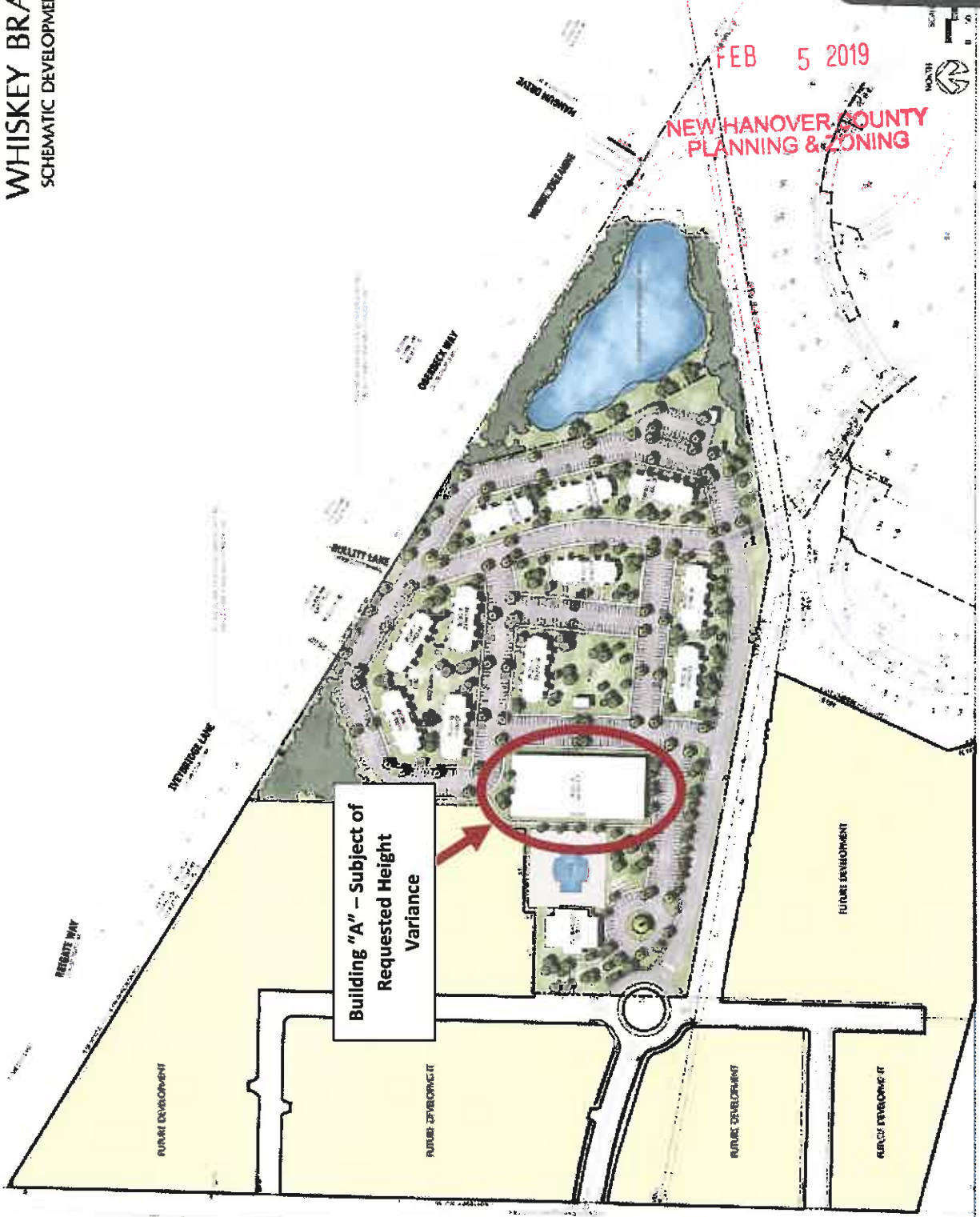
WHISKEY BRANCH
SCHEMATIC DEVELOPMENT PLAN

EXHIBIT
A-1

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Building "A" - Subject of Requested Height Variance

SOUTH COLLEGE ROAD