

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

NOV 19 2019

NEW HANOVER COUNTY
PLANNING & ZONING



VARIANCE Application

Applicant/Agent Information	Property Owner(s) <i>If different than Applicant/Agent</i>
Name Myron Smith, Jr., Thomas Oliver and Marybeth E. Lengyel	Owner Name
Company	Owner Name 2
Address Myron Smith, Jr. and Thomas Oliver 30 Stagg St., Stratford, CT 06615 Marybeth E. Lengyel 172 Loughlin Road, Oxford, CT 06478	Address
City, State, Zip See above	City, State, Zip
Phone (910) 508-7476 (c/o Applicants'/Owners' Attorney, Matt Nichols)	Phone
Email matt@mattnicholslaw.com (c/o Applicants'/Owners' Attorney, Matt Nichols)	Email
Subject Property Information	
Address/Location 4245 and 4285 Buck Dr.	
Parcel Identification Number(s) R01900-001-010-023 and R01900-001-010-039	
Total Parcel(s) Acreage 4245 Buck Dr. = ± 7.33; 4285 Buck Dr. = ± 1.09 acres	
Existing Zoning and Use(s) R-15; vacant	
Application Tracking Information (Staff Only)	

Case Number ZBA-947	Date/Time received: 11/19/19 8:00 AM	Received by: KV
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NOV 19 2019

NEW HANOVER COUNTY
PLANNING & ZONING

PROPOSED VARIANCE NARRATIVE

Subject Zoning Regulation, Chapter and Section: Zoning Ord. Sec. 61.2-1

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".

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		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:

4. Submit an application including all required supplemental information and materials;
5. Appear at public hearings to give representation and commitments; and
6. 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)

Thomas Oliver

 Print Name(s)



 Signature of Applicant/Agent

Thomas Oliver

 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

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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)

Myron Smith, Jr.

Print Name(s)

Signature of Applicant/Agent

Myron Smith, Jr.

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

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		KV
2 Application fee - \$400		WV
3 Site plan or sketch illustrating requested variance		KV
4 I have 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 the application meets the requisite 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:

7. Submit an application including all required supplemental information and materials;
8. Appear at public hearings to give representation and commitments; and
9. Act on my behalf without limitation with regard to any and all things directly or indirectly connected with or arising out of this application.

MB. J. Lynch
Signature of Property Owner

Michael E. Lynch
Applicant

MB. J. Lynch
Signature of Applicant/Agent

Michael E. Lynch
Applicant

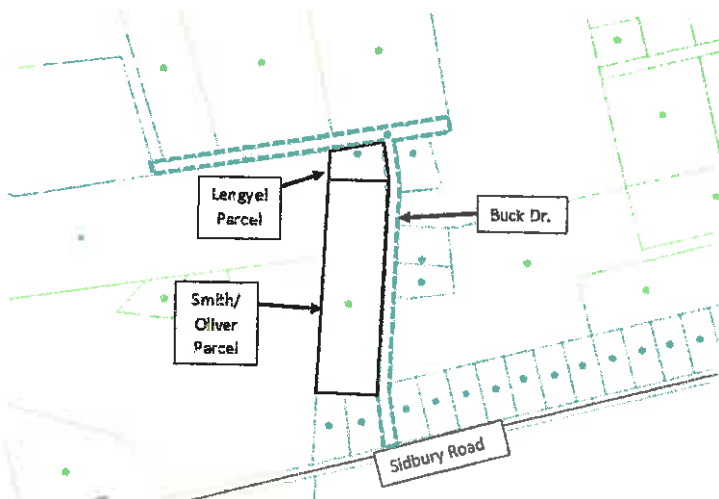
NOTE: Form must be signed by the owner(s) of record. If there are multiple owners, all owners must sign. If the landowner is a minor, the parent(s) must sign. If the landowner is a corporation, the president(s) must sign.

**Exhibit A to
Application for Variance
4245 Buck Dr. and 4285 Buck Dr.**

Overview

The Applicants/Owners are requesting a variance with respect to the access standards in New Hanover County Zoning Ordinance §§ 61.2-1 (Structures to Have Access) in order to allow construction of their proposed single-family residences, which are a permitted by-right use in the R-15 Zoning District. Applicants Myron Smith, Jr. and Thomas Oliver own property located at 4245 Buck Drive, which consists of approximately 7.33 acres. Applicant Marybeth Lengyel owns the adjacent parcel at 4285 Buck Drive, which consists of approximately 1.09 acres. With this variance request, the Applicants are proposing to limit development to a maximum of 5 lots, each with a single-family detached residence and any permitted accessory structures, on a combined total of approximately 8.42 acres, which equates to an overall density of approximately 0.6 units per acre—far less dense than the 2.5 units per acre generally permitted in the underlying R-15 Zoning District.

Buck Drive is a 60-foot private access that has been in existence for approximately 38 years. On December 10, 1981, a Declaration was recorded in Book 1195 at Page 1413 of the New Hanover County Registry, (copy attached hereto as Exhibit A-1), by W. A. Buck and other property owners establishing and dedicating Buck Drive as a 60-foot easement and access right-of-way, as shown on a Map of Survey of Right of Way for Buck Drive prepared by Robert H. Goslee & Associates, Registered Land Surveyors, in November 1981. Below is an illustration of the approximately relation of the parcels and Buck Drive, as well as a photograph of Buck Drive.



As illustrated by the picture above, Buck Drive is a very wide, unpaved road. Several residences already exist along Buck Drive and access their homes via Buck Drive. The history of Buck Drive is a lengthy and complicated one which includes an apparent disagreement between Mr. Buck and the County during the 1980s and 1990s regarding an alleged failure on Mr. Buck's part to adhere to the County's subdivision requirements. The end result of that disagreement has created a history of confusion and inconsistencies with regard to the treatment of different parcels along Buck Drive.

The Applicant/Owners, however, were not party to any of these disagreement or issues and purchased their properties nearly 20 years after any of these events occurred. The Applicants purchased their respective properties in 2018, and none of the Applicants purchased their property from Mr. Buck or the Buck family. As illustrated above, in appearance Buck Drive is a very wide, unpaved road, not very different from other unimproved roads in New Hanover County. In comparison, Sidbury Road, which is considered a main road the northern part of the County, is an approximately 60' foot wide NCDOT maintained right-of-way with approximately 24 feet of pavement.

Although Buck Drive is the only access to their property, Applicants Myron Smith, Jr. and Thomas Oliver have been informed by the County that they cannot build residences on their parcels in compliance with the R-15 Zoning District because Buck Drive does not currently meet the access standard in the Zoning Ordinances for a private road or easement according to the County. Mr. Smith and Mr. Oliver have appealed that determination to the Board of Adjustment, and that appeal remains pending (New Hanover County File No. ZBA-933). This variance request is submitted without prejudice to Mr. Smith and Mr. Oliver's pending appeal (ZBA-933). The Applicants are seeking to resolve the issues presented in this matter via this variance request, which will allow them to use Buck Drive to access their parcels, just as other residences on Buck Drive (some of which are further down Buck Drive) are currently allowed to do.

In sum, the requested variance will allow the Applicants to make a reasonable use of their land in a residential manner, which is in harmony with the surrounding area and residences, and will also result in a much higher quality of access for a large portion of Buck Drive. This will provide better and safer access for fire and other emergency vehicles in comparison to the current condition of the road. Allowing the variance will provide a significant benefit to all of those who currently live on Buck Drive. There are already more than three (3) residences on Buck Drive which are accessed via Buck Drive.

Accordingly, the Applicants/Owners are requesting a variance to Section 61.2-1 to allow five (5) additional single-family residences to be constructed on the two parcels (to be subdivided into a maximum total of five lots), subject to the following conditions:

1. Improvement of existing Buck Drive approximately 1,500 feet in length, 26-feet in width, from Sidbury Road to and including the northerly lane at the T-

junction of Buck Drive as shown on the Variance Exhibit attached hereto as Exhibit A-2, including 4" ABC Stone or other non-compacted parking surface, geosynthetic soil stabilizer fabric, and compacted subgrade as shown on the Gravel Driveway Section of Exhibit A-2, or to a standard otherwise acceptable to the New Hanover County Fire Marshal.

2. Limiting the density of the subject property to a maximum total of five (5) lots and single-family residences, including any permitted accessory structures allowed under the County ordinances.

3. Maintenance Agreement for improved section of Buck Drive.

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.

According to the County, the Applicants/Owners cannot currently build their homes on the subject parcels due to the status of Buck Drive. Buck Drive, however, is already being used to access more than three (3) existing residences, some of which are further down the road from Sidbury Road than the Applicants' properties.

Improving Buck Drive to all County standards would be a very extensive and expensive undertaking, which would place a huge financial burden on the Applicants. This perhaps may explain why Buck Drive has not been improved in the past 40 years. There is no homeowners association in place to assess or organize members, or borrow money to facilitate and complete construction of the road improvements. It is economically unfeasible for the Applicants to construct the road to County standards, and there is no mechanism in place for the Applicants to do so and then assess others to share in the costs. The Applicants/Owners have no authority to control access to/from the road or block other property owners from using Buck Drive. It is not necessary to improve the road to all applicable County standards for a private road, as the Applicants are proposing a very low density and low intensity use of their properties, and Buck Drive is already usable and accessible for other residences along the road. Despite this, the Applicant/Owners are willing to improve Buck Drive in as much as they are capable within financial reason by installing a 26-foot wide layer of crushed stone/gravel—to a standard acceptable to the New Hanover County Fire Department—approximately 1,500 feet down Buck Drive from Sidbury Road to the northerly lane at the T-junction, as shown on Exhibit A-2 attached hereto. This will be a significant benefit to all current residents along Buck Drive. The Applicants are willing to install and maintain this improved portion of Buck Drive and propose that a road maintenance agreement be in place as a condition to this variance request.

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 status of Buck Drive is a very unique situation which results from an apparent disagreement between Mr. Buck and New Hanover County dating back at least 30 years ago—one that may not have ever been fully resolved and has been dealt with inconsistently over the years with respect to different properties along the road. The background circumstances and facts are unique to Buck Drive and the subject parcels located along Buck Drive. The hardship results from conditions that are peculiar to the property and does not result from personal circumstances. The hardship does not result from actions taken by the Applicants/Owners.

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 does not result from actions taken by the Applicants/Owners. The Applicants/Owners had nothing to do with the background issues and circumstances surrounding Buck Drive, which arose during the 1980s and 1990s and continue to create a hardship today. The Applicants/Owners did not even purchase their property from the Buck family. Also, from appearances as illustrated below there is nothing that would indicate that Buck Drive is not a usable road. There is a street sign installed at the intersection of Buck Dr. and Sidbury Rd. that would lead one to reasonably believe that it is a typical road; however, it has since been learned that the street sign is not official, which the Applicants/Owners did not know when they purchased their properties.



Additionally, the situation is unique in that there are inconsistencies in the treatment of different parcels along Buck Drive with respect to what construction and use has been allowed on some and prohibited on others. There are already more than three (3) residences on Buck Drive which are accessed via Buck Drive.

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.

Without a variance these Applicant/Owners cannot build their residences on their lots, according to the County. It is not consistent with the intent of the ordinance to make conforming R-15 property unbuildable because of a 30-year old disagreement involving other persons, and when the existing access to those parcels is a very wide, usable and accessible road that other residents are currently using on a daily basis. It is also not substantial justice for these three property owners (the Applicants) alone to be forced to assume the cost of improving Buck Drive to all County standards in order to build residences of their own when Buck Drive is already being used by other neighboring residents. Nevertheless, the Applicant/Owners are prepared to make substantial, reasonable improvements to Buck Drive to ensure that emergency vehicles have better access, which helps secure the public safety and benefits all residents on Buck Drive and facilitates Fire Department and other emergency access across Buck Drive. There are already more than three (3) residences on Buck Drive which are accessed via Buck Drive. Allowing this variance will also achieve substantial justice in this instance because it will provide for the improvement and future maintenance of a significant portion of Buck Drive from its current condition, which will remedy many of the concerns and issues raised in previous Buck Drive proceedings and matters from the 1980s and 1990s.

BOOK PAGE
1195 1413RECORDED AND VERIFIED
REBECCA P. TUCKER
REGISTER OF DEEDS
NEW HANOVER CO. NC

DEC 10 10 37 AM '81

DRAWN BY: ROBERT CALDER, ATTORNEY AT LAW

STATE OF NORTH CAROLINA :

DECLARATION

COUNTY OF NEW HANOVER :

W. A. Buck (also known as William Arnold Buck, Sr.) and wife, Edna H. Buck (also known as Edna Mae Buck) are the owners of a tract of land containing 250 acres, more or less, in Cape Fear Township in New Hanover County, North Carolina, portions of which are now owned by Norman P. Rochelle, whose wife is Thelma R. Rochelle, Louis F. Hufham, III and wife, Debra M. Hufham and Isaac L. Kornegay and wife, Nancy A. Kornegay, all of whom were granted access to their property over a 20 foot private access road running along the West line of the W. A. Buck property, but it is now the desire of all parties to provide access to said lands over Buck Drive which is a 60 foot road right of way as shown on the attached Map of Survey of Right of Way For Buck Drive prepared by Robert H. Goslee & Associates, Registered Land Surveyors, in November, 1981, copy of which Map of Survey being attached hereto and made a part of this Declaration as though fully set out herein, said Buck Drive running North from Sidbury Road (S. R. #1336) for a distance of approximately 1500 feet, and it is also the desire for all of the parties to release any rights they have in the use of the above mentioned 20 foot private access roadway and to close the same;

NOW, THEREFORE, the parties to this agreement for themselves, their heirs, successors in title and assigns, do hereby establish, for the private use of the parties to this agreement, and their successors in title, for the purpose of providing ingress and egress to the lands owned by them, an access easement over that 60 foot right of way known as Buck Drive running East from Sidbury Road (S. R. #1336) in Cape Fear Township in New Hanover County, North Carolina, as the same is more particularly shown on Map of Survey of Right of Way For Buck Drive prepared by Robert H. Goslee & Associates, Registered Land Surveyors, in November, 1981, which said Map is attached to this Declaration and made a part thereof as though fully set out herein, and the parties do further dedicate as a 60 foot easement and access right of way that 60 foot strip of land shown as "60' Easement" on the attached map which adjoins Buck Drive on the North.

Norman P. Rochelle and wife, Thelma R. Rochelle; Louis F. Hufham, III and wife, Debra M. Hufham and Isaac L. Kornegay and wife, Nancy A. Kornegay do further, for themselves, their heirs, successors in title and assigns, release any rights or claims they would otherwise have to the use of a 20 foot private access road the Western line of which is a line which begins at the Southwest corner of Lot 18 of White Oak Plantation as the same is shown on map recorded in Map Book 17 at Page 48 in the New Hanover County Registry and runs thence North 7° 43' 30" East 1,558.89 feet, more or less, said line being a Western line of the W. A. Buck and wife, property and an Eastern line of Tisinger, said line being shown on the attached Map of Survey. The parties agree that this 20 foot roadway shall be closed.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, this the 23rd day of November, 1981.

10

Norman P. Rochelle (SEAL)
Norman P. Rochelle

Thelma R. Rochelle (SEAL)
Thelma R. Rochelle

Louis F. Hufham III (SEAL)
Louis F. Hufham, III

Debra M. Hufham (SEAL)
Debra M. Hufham

RETURNED TO B. CHESHIRE

Isaac L. Kornegay (SEAL)
Isaac L. Kornegay

Nancy A. Kornegay (SEAL)
Nancy A. Kornegay

William Arnold Buck, Sr. (SEAL)
William Arnold Buck, Sr.

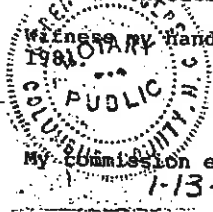
EDNA H. BUCK

BY: William Arnold Buck, Sr. (SEAL)
William Arnold Buck, Sr.,
Attorney in Fact for Edna H. Buck

STATE OF NORTH CAROLINA
Columbus
COUNTY OF ~~NEW HANOVER~~

I, Karen Budgar, a Notary Public in and for the State and County aforesaid, do hereby certify that NORMAN P. ROCHELLE and wife, THELMA R. ROCHELLE, personally appeared before me this date, and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal or Stamp, this the 30th day of November, 1981.



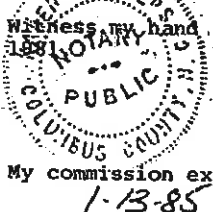
Karen Budgar
Notary Public

My commission expires:
1-13-85

STATE OF NORTH CAROLINA
Columbus
COUNTY OF ~~NEW HANOVER~~

I, Karen Budgar, a Notary Public in and for the State and County aforesaid, do hereby certify that LOUIS F. HUFHAM, III and wife, DEBRA M. HUFHAM, personally appeared before me this date, and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal or Stamp, this the 30th day of November, 1981.



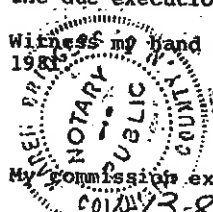
Karen Budgar
Notary Public

My commission expires:
1-13-85

STATE OF NORTH CAROLINA
Columbus
COUNTY OF ~~NEW HANOVER~~

I, Karen Budgar, a Notary Public in and for the State and County aforesaid, do hereby certify that ISAAC L. KORNEGAY and wife, NANCY A. KORNEGAY, personally appeared before me this date, and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal or Stamp, this the 1st day of ~~November~~ December, 1981.



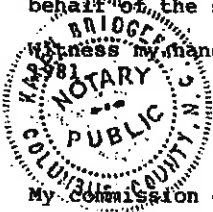
Karen Budgar
Notary Public

My commission expires:
1-13-85

STATE OF NORTH CAROLINA
COUNTY OF ~~NEW HANOVER~~ Columbus

I, Karen Bridgers, a Notary Public in and for the State of North Carolina, and the County of New Hanover, do hereby certify that WILLIAM ARNOLD BUCK, SR., personally appeared before me this date, and acknowledged the due execution of the foregoing instrument; I do further certify that WILLIAM ARNOLD BUCK, SR., Attorney in Fact for EDNA H. BUCK, personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of EDNA H. BUCK and that his authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded in the Office of the Register of Deeds of New Hanover County, North Carolina, on the 14th day of May, 1973, in Book 970 at Page 809, and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney; that the said WILLIAM ARNOLD BUCK, SR., acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said EDNA H. BUCK.

Witness my hand and Notarial Seal or Stamp, this the 10th day of ~~November~~ December, 1981.



Karen Bridgers
Notary Public

My Commission expires: 1-13-85

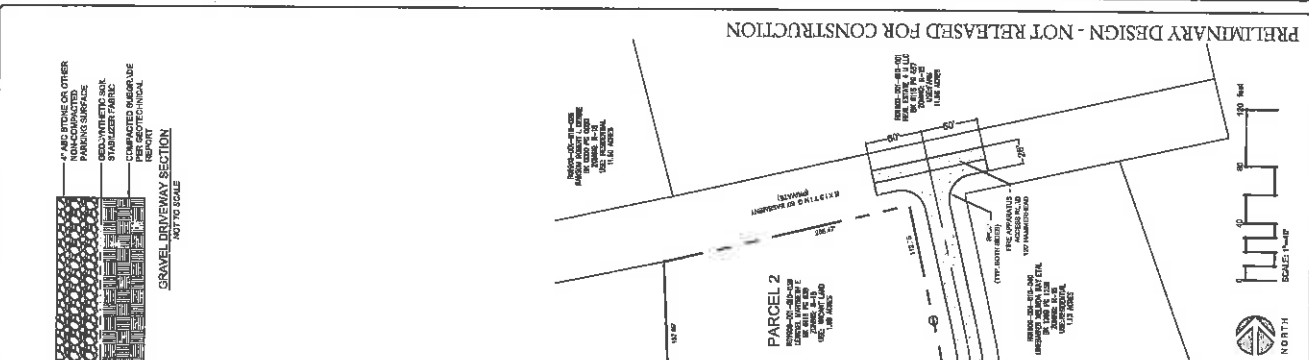
STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

The foregoing certificates of Karen Bridgers;
and _____;
Notaries Public of New Hanover
County, are certified to be correct.

This the 10 day of ~~November~~ December, 1981.

REBECCA P. TUCKER, REGISTER OF DEEDS

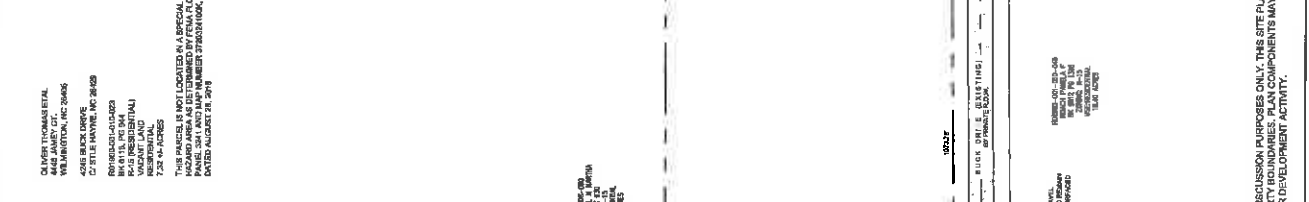
BY: [Signature]
~~Deputy~~ - Assistant



PARCEL #1 INFORMATION OWNER INFORMATION:
 CLIENT INFORMATION: 4245 BUCK DRIVE, CASTLE HAYNE, NC 28429
 PROJECT ADDRESS: 4245 BUCK DRIVE, CASTLE HAYNE, NC 28429
 TAX PARCEL IDENTIFICATION #: 00000-00-00-000
 CURRENT ZONING: R-10 (RESIDENTIAL)
 ACRES: 7.28
 FLOOD INFORMATION: THIS PARCEL IS NOT LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY FEMA FLOOD INSURANCE RATE MAPS. DATED AUGUST 28, 2018.

PARCEL #2 INFORMATION OWNER INFORMATION:
 CLIENT INFORMATION: 4285 BUCK DRIVE, CASTLE HAYNE, NC 28429
 PROJECT ADDRESS: 4285 BUCK DRIVE, CASTLE HAYNE, NC 28429
 TAX PARCEL IDENTIFICATION #: 00000-00-00-000
 CURRENT ZONING: R-10 (RESIDENTIAL)
 ACRES: 1.28
 FLOOD INFORMATION: THIS PARCEL IS NOT LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY FEMA FLOOD INSURANCE RATE MAPS. DATED AUGUST 28, 2018.

GRAVEL DRIVEWAY SECTION (NOT TO SCALE):
 4" APC STONE OR OTHER PARQUET SURFACE
 4" POLYMER BLENDED SAND
 4" STABILIZED SAND
 4" COMPACTED SAND
 4" SUBGRADE
 4" FINISH GRADE



PARCEL #1 INFORMATION:
 AREA: 7.28 ACRES
 TAX PARCEL IDENTIFICATION #: 00000-00-00-000
 CURRENT ZONING: R-10 (RESIDENTIAL)
 FLOOD INFORMATION: THIS PARCEL IS NOT LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY FEMA FLOOD INSURANCE RATE MAPS. DATED AUGUST 28, 2018.

PARCEL #2 INFORMATION:
 AREA: 1.28 ACRES
 TAX PARCEL IDENTIFICATION #: 00000-00-00-000
 CURRENT ZONING: R-10 (RESIDENTIAL)
 FLOOD INFORMATION: THIS PARCEL IS NOT LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY FEMA FLOOD INSURANCE RATE MAPS. DATED AUGUST 28, 2018.

NOTES:
 1. THIS SITE PLAN IS A GENERAL REPRESENTATION AND SHOULD BE UTILIZED FOR DISCUSSION PURPOSES ONLY. THE SITE PLAN APPROXIMATES EXISTING CONDITIONS AND DOES NOT TAKE INTO ACCOUNT ANY CHANGES THAT MAY OCCUR DURING THE COURSE OF CONSTRUCTION.
 2. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL GOVERNMENTS.
 3. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL GOVERNMENTS.

EXHIBIT
 A-2



**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 Myron Smith, Jr.	Address 4245 Buck Drive
Company Law Office of Matthew A. Nichols	Owner Name 2 Thomas Oliver	City, State, Zip Wilmington, NC
Address 3205 Randall Parkway, Ste. 104	Address 30 Stagg St.	Parcel ID R01900-001-010-023
City, State, Zip Wilmington, NC 28403	City, State, Zip Stratford, CT 06615	
Phone (910) 508-7476	Phone	
Email matt@mattnicholslaw.com	Email	
Application Tracking Information (Staff Only)		
Case Number Reference: ZBA-947	Date/Time received: 11/19/19 8:00 AM	Received by: KW

This document was willfully executed on the 13th day of November, 2019.

Owner 1 Signature
Myron Smith, Jr.

Owner 2 Signature
Thomas Oliver



**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 the agent for the purpose of petitioning New Hanover County for a variance, special use permit, rezoning, or an appeal of Staff decisions applicable to the property described in the attached petition. I am 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 matters 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 Marybeth E. Lengyel	Address 4202 Back Ditch
Company Law Office of Matthew A. Nichols	Owner Name 2	City, State, Zip Wilmington, NC
Address 3205 Randall Parkway, Ste. 104	Address 172 Loughlin Rd.	Parcel ID R0100-001-010-030
City, State, Zip Wilmington, NC 28403	City, State, Zip Oxford, CT 06478	
Phone (910) 508-7478	Phone	
E-mail mat@matnicholslaw.com	E-mail	
Case Number Reference: ZBA-947	Date/Time received: 11/19/19 8:49 AM	Received by: Kor

This document was willfully executed on the _____ day of _____ 20____

Owner 1 Signature
Marybeth E. Lengyel

Owner 2 Signature

**LAW OFFICE OF
MATTHEW A. NICHOLS**

3205 Randall Parkway, Suite 104
Wilmington, NC 28403

Ph: (910) 508-7476
Email: matt@mattnicholslaw.com

November 18, 2019

VIA HAND DELIVERY

Mr. Ken Vafier CFM, AICP
Planning Manager
New Hanover County Planning and Land Use Department
230 Government Center Drive, Suite 110
Wilmington, NC 28403

Re: APPLICATION FOR VARIANCE TO THE NEW HANOVER COUNTY
ZONING BOARD OF ADJUSTMENT for property located at 4245 and 4285
Buck Dr., New Hanover County (PARIDs: R01900-001-010-023 and
R01900-001-010-039)

Dear Ken:

I represent the owners of the above-referenced property located at 4245 and 4285 Buck Drive. Please accept this letter and the enclosed variance application with respect to my clients' property.

Please find enclosed the following:

1. Variance Application with attached Exhibits;
2. Authority for Appointment of Agent Forms; and,
3. A check made payable to New Hanover County in the amount of \$400.00 for the Variance Application Fee.

Please let me know if you require any additional information at this time.

Thank you for your time and attention to this matter.

Mr. Ken Vafier
November 18, 2019
Page 2

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Matthew A. Nichols". The signature is fluid and cursive, with a prominent initial "M" and "N".

Matthew A. Nichols

MN/nc
Enclosures

CC: Myron Smith, Jr.