

NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE

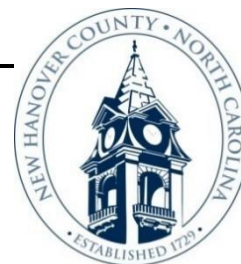
230 Government Center Drive, Suite 110

Wilmington, North Carolina 28403

Telephone (910) 798-7165

FAX (910) 798-7053

planningdevelopment.nhcgov.com



SPECIAL USE PERMIT APPLICATION

This application form must be completed as part of a special use permit application submitted through the county's online COAST portal. The main procedural steps in the submittal and review of applications are outlined in the flowchart below. More specific submittal and review requirements, as well as the standards to be applied in reviewing the application, are set out in Section 10.3.5 of the Unified Development Ordinance.



*If the proposed use is classified as intensive industry, the applicant shall conduct a community information meeting in accordance with Section 10.2.3, Community Information Meeting.

1. Applicant and Property Owner Information

Applicant/Agent Name Anna Bessellieu McCauley	Owner Name (if different from Applicant/Agent) Frances Bessellieu Revokable Trust
Company Marker 137 LLC	Company/Owner Name 2 Anna Bessellieu McCauley
Address 175 Whippoorwill Lane	Address Same
City, State, Zip Wilmington NC 28409	City, State, Zip Same
Phone 910-265-4314	Phone Same
Email Anna@marker137.com	Email Same

2. Subject Property Information

Address/Location 175 Whippoorwill lane		Parcel Identification Number(s) R07213-007-032-000
Total Parcel(s) Acreage 2.77	Existing Zoning and Use(s) R-15:Single Family Dwelling	Future Land Use Classification General Residential

Applicant Tracking Information (This section completed by staff)

Case Number: S20-03	Date/Time Received: 7/9/2020 Before 5 PM	Received by: GHS
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3. Proposed Zoning, Use(s), & Narrative

Please list the proposed use(s) of the subject property, and provide the purpose of the special use permit and a project narrative (attach additional pages if necessary).

See attached document.

4. Proposed Condition(s)

Please note: Within a special use permit proposal, additional conditions and requirements which represent greater restrictions on the development and use of the property than the corresponding zoning district regulations may be added. These conditions may assist in mitigating the impacts the proposed development may have on the surrounding community. Please list any conditions proposed to be included with this special use permit application below. Staff, the Planning Board, and Board of Commissioners may propose additional conditions during the review process that meet or exceed the minimum requirements of the Unified Development Ordinance.

See attached document.

5. Traffic Impact

Please provide the estimated number of trips generated for the proposed use(s) based off the most recent version of the Institute of Traffic Engineers (ITE) Trip Generation Manual. A Traffic Impact Analysis (TIA) must be completed for all proposed developments that generate more than 100 peak hour trips, and the TIA must be included with this application.

ITE Land Use: TBD - Working with WMPO for most similar use.

Trip Generation Use and Variable (gross floor area, dwelling units, etc.)

AM Peak Hour Trips:

PM Peak Hour Trips:

6. Criteria Required for Approval of a Special Use Permit

A use designated as a special use in a particular zoning district is a use that may be appropriate in the district, but because of its nature, extent, and external impacts, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. The purpose is to establish a uniform mechanism for the review of special uses to ensure they are appropriate for the location and zoning district where they are proposed.

For each of the four required conclusions listed below, include or attach a statement that explains how any existing conditions, proposed development features, or other relevant facts would allow the Board of County Commissioners to reach the required conclusion, and attach any additional documents or materials that provide supporting factual evidence. The considerations listed under each required conclusion are simply those suggested to help the applicant understand what may be considered in determining whether a required conclusion can be met. Any additional considerations potentially raised by the proposed use or development should be addressed.

1. The use will not materially endanger the public health or safety if located where proposed and approved.

Considerations:

- *Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersections with curb cuts;*
- *Provision of services and utilities, including sewer, water, electrical, garbage collections, fire protection;*
- *Soil erosion and sedimentation;*
- *Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater; or*
- *Anticipated air discharges, including possible adverse effects on air quality.*

See attached document.

2. The use meets all required conditions and specifications of the Unified Development Ordinance.

See attached document.

3. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

Considerations:

- *The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved (i.e. buffers, hours of operation, etc.).*
- *Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property.*

See attached document.

4. The location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the New Hanover County Comprehensive Land Use Plan.

Considerations:

- *The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved (i.e. buffers, hours of operation, etc.).*
- *Consistency with the Comprehensive Plan's goals, objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational standards.*

See attached document.

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". If an item is not applicable, mark as "N/A". Applications determined to be incomplete must be corrected in order to be processed for further review; Staff will confirm if an application is complete within five business days of submittal.

Application Checklist

Applicant
Initial

Staff Initial

☒ This application form, completed and signed

ABM

GHS

☒ Application fee:

- \$500; \$250 if application pertains to a residential use (i.e. mobile home, duplex, family child care home).

ABM

GHS

☐ Traffic Impact Analysis (if applicable)

N/A

☒ Site Plan including the following elements:

- Tract boundaries and total area, location of adjoining parcels and roads
- Proposed use of land, structures and other improvements
 - For residential uses, this shall include number, height, and type of units; area to be occupied by each structure; and/or subdivided boundaries.
 - For non-residential uses, this shall include approximate square footage and height of each structure, an outline of the area it will occupy, and the specific purposes for which it will be used.
- Development schedule, including proposed phasing
- Traffic and parking plan; including a statement of impact concerning local traffic near the tract; proposed right-of-way dedication; plans for access to and from the tract; location, width, and right-of-way for internal streets and locations; arrangement and access provisions for parking areas
- All existing and proposed easements, reservations, required setbacks, rights-of-way, buffering, and signage
- The location of Special Flood Hazard Areas, if applicable
- The approximate location of US Army Corps of Engineers Clean Water Act Section 404 wetlands, Rivers and Harbors Act Section 10 wetlands, and wetlands under jurisdiction of the NC Department of Environmental Quality.
- Location, species, and size (DBH) of regulated, significant, or specimen trees
- Any additional conditions and requirements that represent greater restrictions on development and use of the tract than the corresponding general use district regulations or additional limitations on land that may be regulated by Federal or State law or local ordinance.
- Any other information that will facilitate review of the proposed special use permit (Ref. Section 10.3.5, as applicable)

ABM

GHS

☐ Applications for uses in the intensive industry category must also submit:

- Community meeting written summary
- A list of any local, state, or federal permits required for use

N/A

N/A

☒ One (1) hard copy of ALL documents AND 5 hard copies of the site plan. Additional hard copies may be required by staff depending on the size of the document/site plan.

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☒ One (1) digital PDF copy of ALL documents AND plans

ABM

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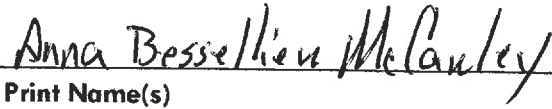
7. Acknowledgement and Signatures

By my signature below, I understand and accept all of the conditions, limitations, and obligations of the special use permit for which I am applying. I understand that the existing Official Zoning Map is presumed to be correct. I understand that I have the burden of proving that the proposal meets the four required conclusions. 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.

If applicable, 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 comments; 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

Note: This 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 application at the public hearings.

If an applicant requests delay of consideration from the Planning Board or Board of County Commissioners before notice has been sent to the newspaper, the item will be calendared for the next meeting and no fee will be required. If delay is requested after notice has been sent to the newspaper, the Board will act on the request at the scheduled meeting and are under no obligation to grant the continuance. If the continuance is granted, a fee in accordance with the adopted fee schedule as published on the New Hanover County Planning website will be required.

Applicant Tracking Information (This section completed by staff)			
Application Received:	Completeness Determination Required by (date):	Determination Performed on (date):	Planning Board Meeting:

(3).Proposed Zoning, Use(s), and Narrative Wedding venue (Outdoor Recreation Establishment

Wedding Venue (Outdoor Recreation Establishment)

12 - 16 events per year. Events are limited to once a week and will only take place on the weekend (friday, saturday,, or sunday

Events generally last 5 or 6 hours in total with an average of 125 people

Music is played following the ceremony and typically lasts 2.5 to 3 hours

Guests either drive their personal vehicles and park on the property or utilize Uber, Lyft or a taxi. There are also instances where the client hires a

Shuttle service.Parking is contained within the property and no on-street parking occurs.

(4) Proposed Conditions

A maximum of 16 weddings will be scheduled throughout the calendar year, with all events taking place during the weekend(friday-Sunday)

All parking must be contained within the property

surrounding neighbors within the Soundview and Tanglewood neighborhoods will be notified prior to any event that is scheduled on the property

(6.1) The use will not materially endanger the public health or safety if located where proposed and approved.

Whippoorwill lane is a NCDOT state maintained roadway, however, there is a small portion of the road that is not maintained by NCDOT. This section of the road is gravel and is maintained by the homeowners.

There will be no parking along Whippoorwill because all parking will be on the property. Since the weddings will only occur at most once a week and on the weekends,traffic generated by the venue is not expected to be continuous- generally guests arrive right before the ceremony and leave afterwards. Guests get there at the beginning and leave at the end so there won't be a continuous flow of traffic as you see with a typical commercial business with customers coming at will.

Port-a-johns are delivered to the property prior to any event.

The dock is closed off during the event to the guests to eliminate the potential of water pollution and to protect the safety of all guests.

All the trash from the events is double bagged and stored on a trailer in the back of the property. We do separate the recyclables and dispose of either through commercial trash pick up or transporting it to recycle center to county dump.

We carry 1 million dollars in liability insurance through James E Moore insurance company.

Each event is required to carry a 1 million dollar day of event insurance policy naming Marker 137.

The Fire Marshall inspects each and every tent placed for every event.

We Have approximately 50 feet of a natural wood line running the entire length of the property to provide a sound barrier. We also vary the position of the Music vendors alternating the direction of the sound from the speakers.

We Have staff on property for every event from the time the first vendor arrives until the last guest and or vendor has departed. The wood line prevents guests from straying from the property onto the adjoining property.

(6.2) The use meets all required conditions and specifications of the Unified Development Ordinance.

An outdoor Recreation Establishment is permitted within the R-15 zoning district once a special permit use permit is obtained. The proposal meets all standards for the specified commercial principal uses as outlined in section 4.3.4A.4, specified below:

Outdoor recreation establishments in residential districts and the O&I district shall comply with the following standards:

A) Buffers adequate to screen adjoining residential uses from the effects of light and noise generated on the site shall be provided.

B) All buildings shall be set back from the right-of-way at least 50 feet and 100 feet if the site is in the Special Highway Overlay District.

C) Signage shall be limited to one ground sign not to exceed 32 square feet and shall be set back from the right-of-way at least 25 feet.

D) Access to the site shall be to a US or NC numbered road or to a collector road as designated on the Wilmington MPO Functional Classification Map.

E) As part of a Special Use Permit, other conditions deemed by the Commissioners necessary to promote the health, safety, and welfare of the community may be added.

(6.3) The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

The attached appraisal report indicates there is no negative impact to the adjoining properties.

The events generally occur from approximately 4pm to 10pm. The county noise ordinance of 10 pm is strictly adhered to for every event regardless of start time.

(6.4) The location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the New Hanover County Comprehensive Land Use Plan.

Appraisal report shows the surrounding area land uses.

The hours of operations, along with the natural buffers on the property help provide relief from the surrounding properties. The wedding venue will only operate during the weekend and for a couple hours in total, so the proposal is not much different than a property owner throwing a party or family reunion.

The general Residential place type focuses on the lower density housing and associated civic and commercial services. Typically, housing is single family or duplexes. Commercial uses should be limited to strategically located office and retail spaces, while recreation and school facilities are encouraged throughout. Types of uses include single-family residential, low density multi family residential, light commercial, civic, and recreational.

The general Residential place type is to provide opportunities for similar lower density residential development and supportive commercial, civic, and recreational development. In closing I hope that you will consider this application for a special use permit favorably. It has always been and will continue to be our greatest desire to do things in the right way. We were unaware of the need for this permit and for that i am profoundly sorry and hope that can be rectified with this application. Our mission to follow all the laws as written and to always take into consideration all who live adjacent to us. I look forward to working towards a solution that will allow us to continue the business we have come to love. It brings so much joy and happiness to me and a select few young brides and grooms. To be able to start their lives together in such a beautiful and peaceful setting is a blessing we are proud to offer them. We consider all of our clients family and welcome them back to enjoy a sunset on the dock to celebrate their anniversary or to bring their little ones for a photo shoot or just to romp in the yard at the place it all began.

New Hanover county Planning & Land Use Department
230 Government Center Dr, Suite 300
Wilmington NC 28401

RE: Marker 137

To Whom it may concern,

Marker 137 was the brainchild of my sister, Frances Boney Bessellieu. When she bought the property at 175 Whippoorwill Lane the previous owners had been having wedding for some time. It was her goal to be able to share what she was blessed to have on a limited basis. Shortly after establishing a business plan she was diagnosed with terminal cancer. I continued her business after her death with a purpose, I needed to generate some income to help further her legacy and keep the property on masonboro sound. I had left my job in order to care for her and my elderly mother. We have lived on masonboro sound our entire life and we wanted to share that life style with my children and hopefully future generations of our family. I made her that promise before she died and have worked extremely hard in keeping that promise. I also wanted to bring joy to a home that had experienced such profound sadness from the time she acquired the property. The weddings bring joy and happiness to my life after losing both my sister and my mother in a very short period of time. Unfortunately I also lost my husband just a mere three weeks before my sister quite unexpectedly. So now you know my mindset.

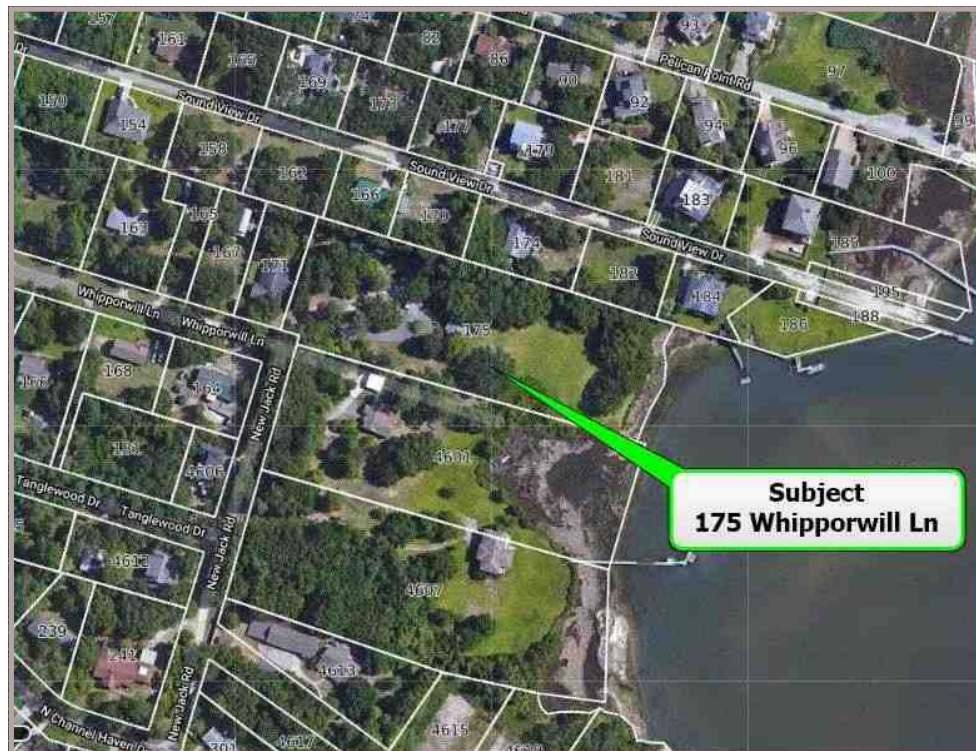
The business plan has evolved over time and settled into what I think is a business that benefits me both financially and spiritually without creating a nuisance. I decided early on we needed between 12 and 16 events per year to help meet the financial obligations of the property. So with that number in mind we never have more than one event per week during the weekends only. Our events average 125 people and about 5 to 6 hours in total. The music is generally playing for dancing for 2.5 to 3 hours. We are diligent in following the New Hanover County noise ordinance of a 10 pm shutdown of music. We do have approximately a 50 foot natural wood barrier along the entire length of the property to provide a natural sound barrier. We have 2.80 acres of property that is located at the end of our street so there are no adjacent roads to the property. We park at most 55 cars on our property so that it does not create any on street parking. We only allow licensed and insured vendors for the events. We also carry liability insurance through James E Moore insurance. We require each event carry their own day of event insurance as an additional buffer. There is staff at every event for the entirety of the event to ensure control and adherence to the laws of North Carolina and New Hanover County. We try and support our community by donating to several local animal rescues and other charities by way of monetary support as well as donating the venue for a yearly fundraiser. We try to keep an open line of communication with out neighbors to address and questions or concerns. We will for all future events be sending a list of all event dates to both the Soundview homeowners association as well as our immediate whippoorwill neighbors in an effort to be as transparent as possible.

In closing I hope that you will consider this application for a special use permit favorably. It has always been and will continue to be our greatest desire to do things in the right way. We were unaware of the need for this permit and for that I am profoundly sorry and hope that can be rectified with this application. Our mission to follow all the laws as written and to always take into consideration all who live adjacent to us. I look forward to working towards a solution that will allow us to continue the business we have come to love. It brings so much joy and happiness to me and a select few young brides and grooms. To be able to start their lives together in such a beautiful and peaceful setting is a blessing we are proud to offer them. We consider all of our clients family and welcome them back to enjoy a sunset on the dock to celebrate their anniversary or to bring their little ones for a photo shoot or just to romp in the yard at the place it all began.

Thank you for your consideration,

Anna McCauley
Marker 137
910-265-4314

External Obsolescence Market Analysis



LOCATED AT

175 Whipporwill Ln
Wilmington, NC 28409
LOT 2-R-1-A MARIE S HAWKINS ESTATE REDIV

FOR

BESSELLIEU FRANCES BONEY REV TRUST (ANNA McCAULEY)

AS OF

07/28/2020

BY

Jeffrey Weaver
Weaver Appraisal Service
PO BOX 1627
Wrightsville Beach, NC 28480
(910) 796-9024
jeffweaver0412@gmail.com

PRIVACY NOTICE

Pursuant to the Gramm-Leach-Bliley Act of 1999, effective July 1, 2001, Appraisers, along with all providers of personal financial services are now required by federal law to inform their clients of the policies of the firm with regard to the privacy of client nonpublic personal information. As professionals, we understand that your privacy is very important to you and are pleased to provide you with this information.

Types of Nonpublic Personal Information We Collect

In the course of performing appraisals, we may collect what is known as "nonpublic personal information" about you. This information is used to facilitate the services that we provide to you and may include the information provided to us by you directly or received by us from others with your authorization.

Parties to Whom We Disclose Information

We do not disclose any nonpublic personal information obtained in the course of our engagement with our clients to nonaffiliated third parties, except as necessary or as required by law. By way of example, a necessary disclosure would be to our employees, and in certain situations, to unrelated third party consultants who need to know that information to assist us in providing this market analysis study services to you. All of our employees and any third party consultants we employ are informed that any information they see as part this assignment is to be maintained in strict confidence within the firm.

A disclosure required by law would be a disclosure by us that is ordered by a court of competent jurisdiction with regard to a legal action to which you are a party.

Confidentiality and Security

We will retain records relating to professional services that we have provided to you for a reasonable time so that we are better able to assist you with your needs. In order to protect your nonpublic personal information from unauthorized access by third parties, we maintain physical, electronic and procedural safeguards that comply with our professional standards to insure the security and integrity of your information.

Please feel free to call us any time if you have any questions about the confidentiality of the information that you provide to us.

Supplemental Addendum

File No.

Client	BESSELLIEU FRANCES BONEY REV TRUST (ANNA McCAULEY)					
Property Address	175 Whipporwill Ln					
City	Wilmington	County	New Hanover	State	NC	Zip Code 28409
Lender/Client	NA					

PROPERTY ADDRESS: 175 Whipporwill Ln , Wilmington NC 28409
CURRENT OWNER: BESSELLIEU FRANCES BONEY REV TRUST (ANNA McCAULEY)

PURPOSE OF THIS ASSIGNMENT:

The purpose of this assignment was to determine if any external obsolescence is created to other nearby properties when the subject property is being used for wedding and other events located on the subject lot.

DEFINITION OF EXTERNAL OBSOLESCENCE:

The definition of external obsolescence, “is an element of depreciation; a defect, usually incurable, caused by negative influences outside a site and generally incurable on the part of the owner, landlord, or tenant.”¹

(SOURCE:1 The Dictionary of Real Estate Appraisal, 4th Edition, Appraisal Institute, 2002, Page 106)

For this assignment, the appraiser's assignment is to estimate if any external obsolescence (value impact) would be present for any adjoining property owner due to the subject property wedding events. Also the appraiser is to measure any possible impact on any marketability concerns for the neighboring properties.

INTENDED USE AND USER:

The intended user is the client stated above as well as the local zoning board that has this property under review for a special use permit. No other intended use or users are noted.

SCOPE OF WORK:

The appraiser researched other properties in the area to try and find sales data that would help demonstrate if any external obsolescence from events considered comparable to the subject property. Due to the limited data that met the general use of the subject property, the appraiser expanded this search to include homes that were located near community parks (which can be used for wedding events), local churches (due to the use being similar to only several days a week use) as well as other properties that had limited daily events and traffic patterns that would be comparable to the subject property.

The data was obtained and then a direct comparison of these effected properties was compared back to similar properties in each area that were far enough away from these locations to allow for a measurable analysis to determine if any impact on value or marketability was present.

In order to better illustrate the results of this analysis, the appraiser has provided a Regression Analysis which can be presented in a graph to show a visual result of this analysis. See the attached Regression Analysis for the results and conclusions of this analysis.

RESULTS AND CONCLUSIONS:

The appraiser has reviewed the subject property and supplied market data demonstrated by the regression analysis provided that clearly shows there would be no negative impact on value of the neighboring properties of the subject by it being used as a wedding event location.

The data provided is in line with what the general overall expectation was noted during the inspection process of the subject property. The subject properties overall location and lot layout as well as the extensive amount of buffer area between the neighbors properties indicates the use as a wedding event location should not cause any impact on normal activities for the neighbors. In fact, it would be hard for the neighbors to even see that an event is going on due to the buffer areas.

The only possible nuisance that MAY could happen is if the music was played at such a high level it would interfere with normal living conditions of the neighbors. There is already a noise ordinance in place that would not allow the client to allow this to happen.

The appraiser sees no reason at all that this property should not be allowed to obtain a special use permit to be used for a wedding event as requested by the client

Supplemental Addendum

File No.

Client	BESSELLIEU FRANCES BONEY REV TRUST (ANNA McCAULEY)					
Property Address	175 Whipporwill Ln					
City	Wilmington	County	New Hanover	State	NC	Zip Code 28409
Lender/Client	NA					

CERTIFICATIONS:

The statements of fact contained in this report are true and correct.

- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined conclusion or direction that favors the cause of the client, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this assignment.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person(s) signing this certification

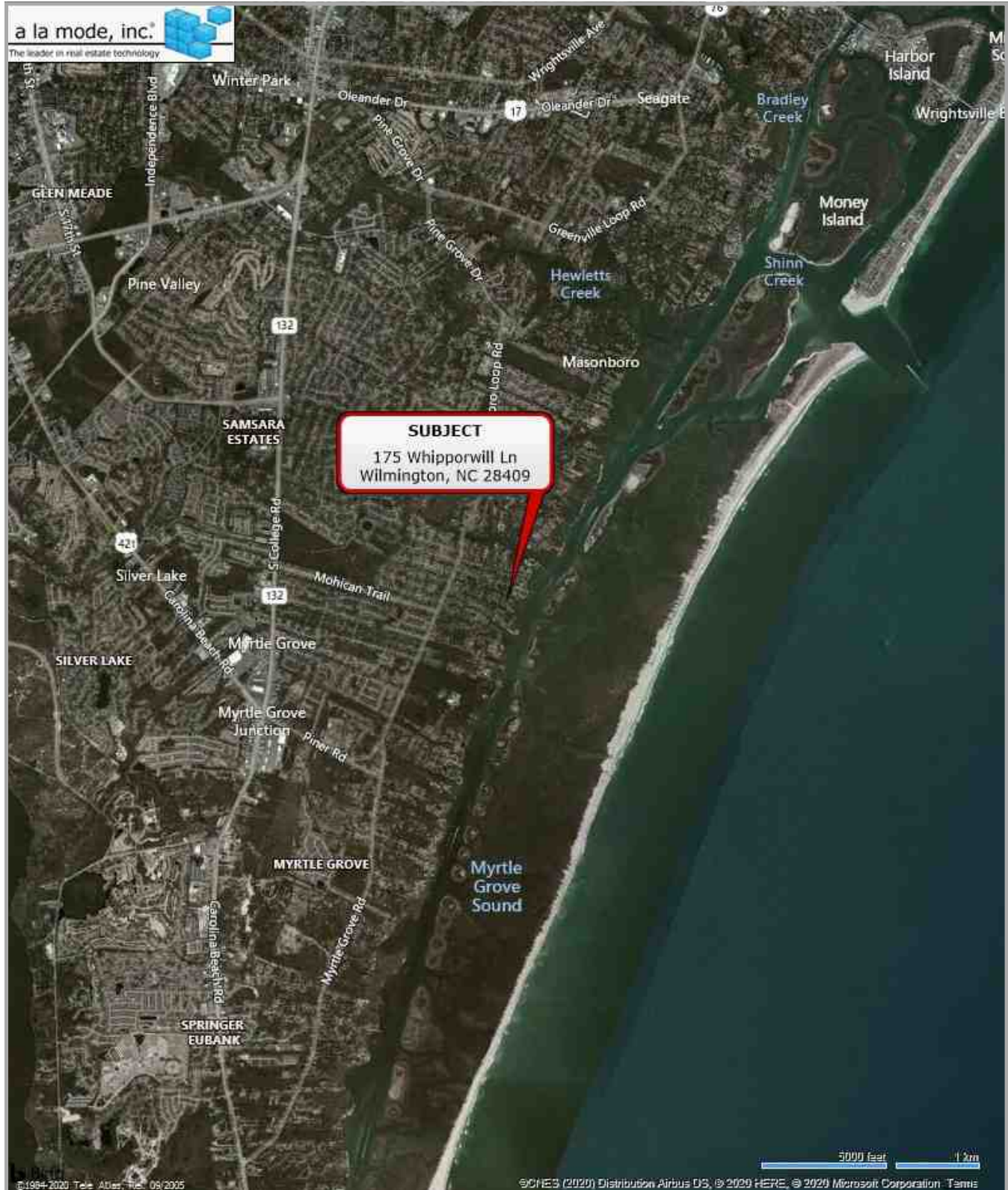
DATE: 07/28/2020

JEFFREY WEAVER, CERTIFIED RESIDENTIAL APPRAISER #NCA3073



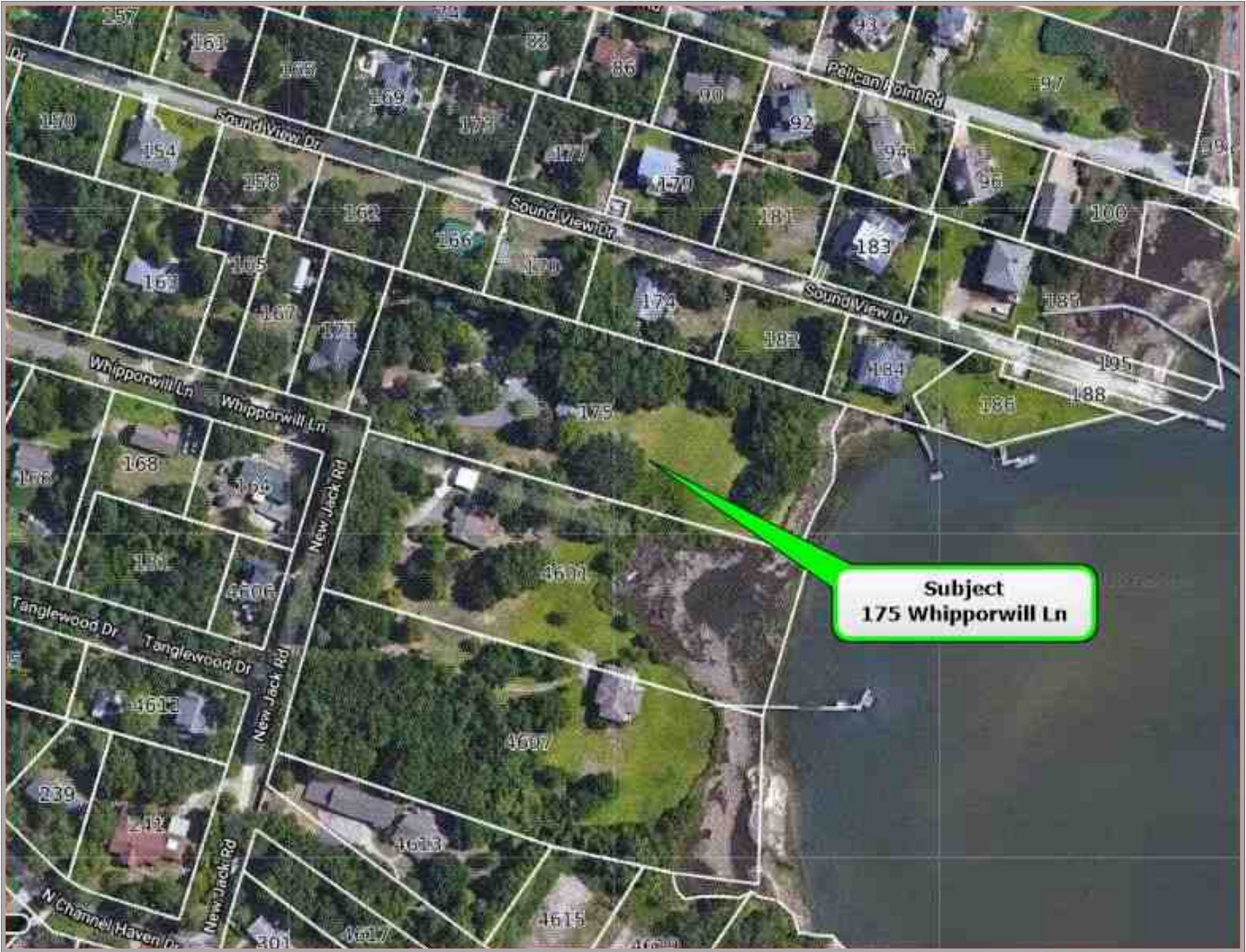
Community Map

Client	BESSELLIEU FRANCES BONEY REV TRUST (ANNA MCCAULEY)				
Property Address	175 Whipporwill Ln				
City	Wilmington	County	New Hanover	State	NC
Lender/Client	NA	Zip Code	28409		



Neighborhood Map

Client	BESSELLIEU FRANCES BONEY REV TRUST (ANNA McCAULEY)				
Property Address	175 Whipporwill Ln				
City	Wilmington	County	New Hanover	State	NC
Lender/Client	NA	Zip Code	28409		



Tax Plot Map with lot dimensions

Client	BESSELLIEU FRANCES BONEY REV TRUST (ANNA McCAULEY)			
Property Address	175 Whipporwill Ln			
City	Wilmington	County	New Hanover	State NC Zip Code 28409
Lender/Client	NA			



Pictures of subject lot and areas used for weddings and events/SAMPLES

Client	BESSELLIEU FRANCES BONEY REV TRUST (ANNA McCAULEY)				
Property Address	175 Whipporwill Ln				
City	Wilmington	County	New Hanover	State	NC
				Zip Code	28409
Lender/Client	NA				



water view which also is a buffer zone to neighbors



typical event size and location with buffer zones from neighbors



typical event size and location with buffer zones from neighbors



typical event size and location with buffer zones from neighbors



typical event size and location with buffer zones from neighbors



buffer zones from neighbors

Interior Photos

Client	BESSELLIEU FRANCES BONEY REV TRUST (ANNA McCAULEY)				
Property Address	175 Whipporwill Ln				
City	Wilmington	County	New Hanover	State	NC
Lender/Client	NA	Zip Code	28409		



buffer zones from neighbors



buffer zones from neighbors



buffer zones from neighbors



buffer zones from neighbors



buffer zones from neighbors



buffer zones from neighbors

Location Map with areas noted as buffer zones from neighbors

Client	BESSELLIEU FRANCES BONEY REV TRUST (ANNA McCAULEY)				
Property Address	175 Whipporwill Ln				
City	Wilmington	County	New Hanover	State	NC
				Zip Code	28409
Lender/Client	NA				



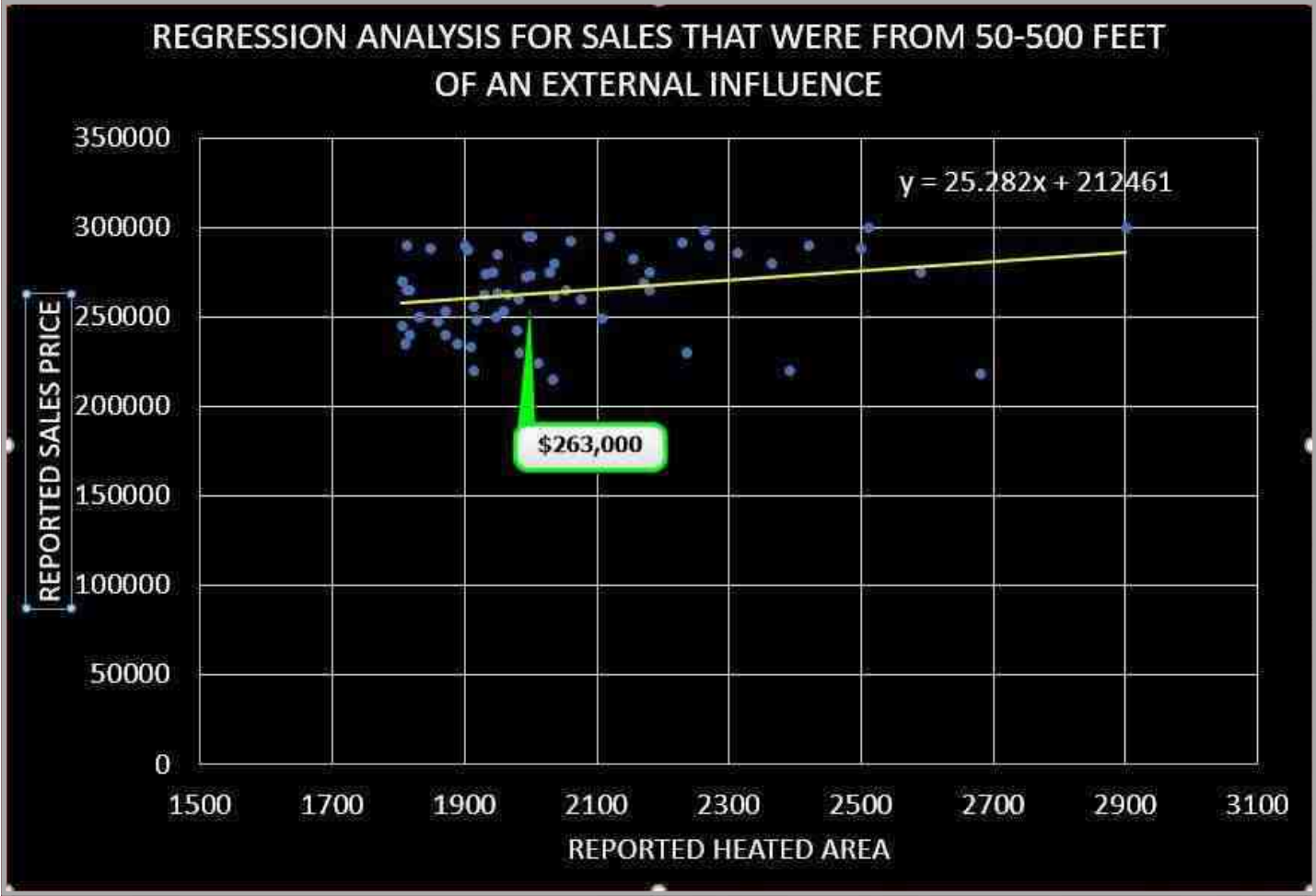
The map above shows the overall lot size and layout of the land, buffer zones from neighbors and general area used for weddings and events on this property. As you can see the location of the area used is approximately 70 feet from the side property lines on the north and south and 400 feet from the road/driveway on the west. The east is buffered by the intracoastal waterway.

The areas along the property lines that buffer the view as well as the sound barrier are lined with very large and mature trees and shrubs. The area used for the tents and activities cant be seen by any neighbors from any direction. The appraiser has measured the distance from each home from the area that the tent for these events are located and found that the closest home is 150 feet away. This is for the home at 174 Sound View Dr. The home located at 184 Sound View Dr is approx. 200-250 feet away. The home located at 4601 New Jack Rd which is the next door neighbor is located 250 feet away. The other homes located towards the front of the lot and driveway to the subject property area are over 400 feet away from the area used during the events.

Based on this data that is clearly demonstrated above, it would be almost impossible for any neighbor to be able to view the activities going on during any events on the subject lot. The large buffer of trees would also work as a sound barrier that would limited any potential noise from music or crowd noise as long as the music level is within the decibel level allowed by current zoning ordinances. Its the appraisers opinion that the decibel level could exceed the zoning ordinance levels at the direct site of the event location and the buffer of trees would diminish the sound drastically if measured from the streets and property lines as required should a complaint be filed.

REGRESSION ANALYSIS

Client	BESSELLIEU FRANCES BONEY REV TRUST (ANNA McCAULEY)					
Property Address	175 Whipporwill Ln					
City	Wilmington	County	New Hanover	State	NC	Zip Code 28409
Lender/Client	NA					



The data above represented by the blue dots is a sale found within the past year that was located within 500 feet of a school, church, busy road, commercial property or other external influences considered comparable to the subject property. In fact, the data above most likely represents a more drastic external influence than what the subject properties use were represent to the nearby neighbors.

Each blue dot shows a sale that is then plotted on this graph based in its heated area on the bottom of the graph and then with its reported sales price on the left.

After each dot was plotted, the appraiser applied a statistical trend line represented by the yellow line. This data can be used to estimate the most likely sales price of homes based on their heated area. For an example, the appraiser took a 2000 sq. ft. home and lined it up until it hit the yellow trend line to estimate its most likely sales price which was \$263,000. This is determined by using the slope of this trend line formula of $y=25.282+212461$. This is how the estimated value of a 2000 sf. ft. home of \$263,000 is determined from homes that had some kind of similar external influence.

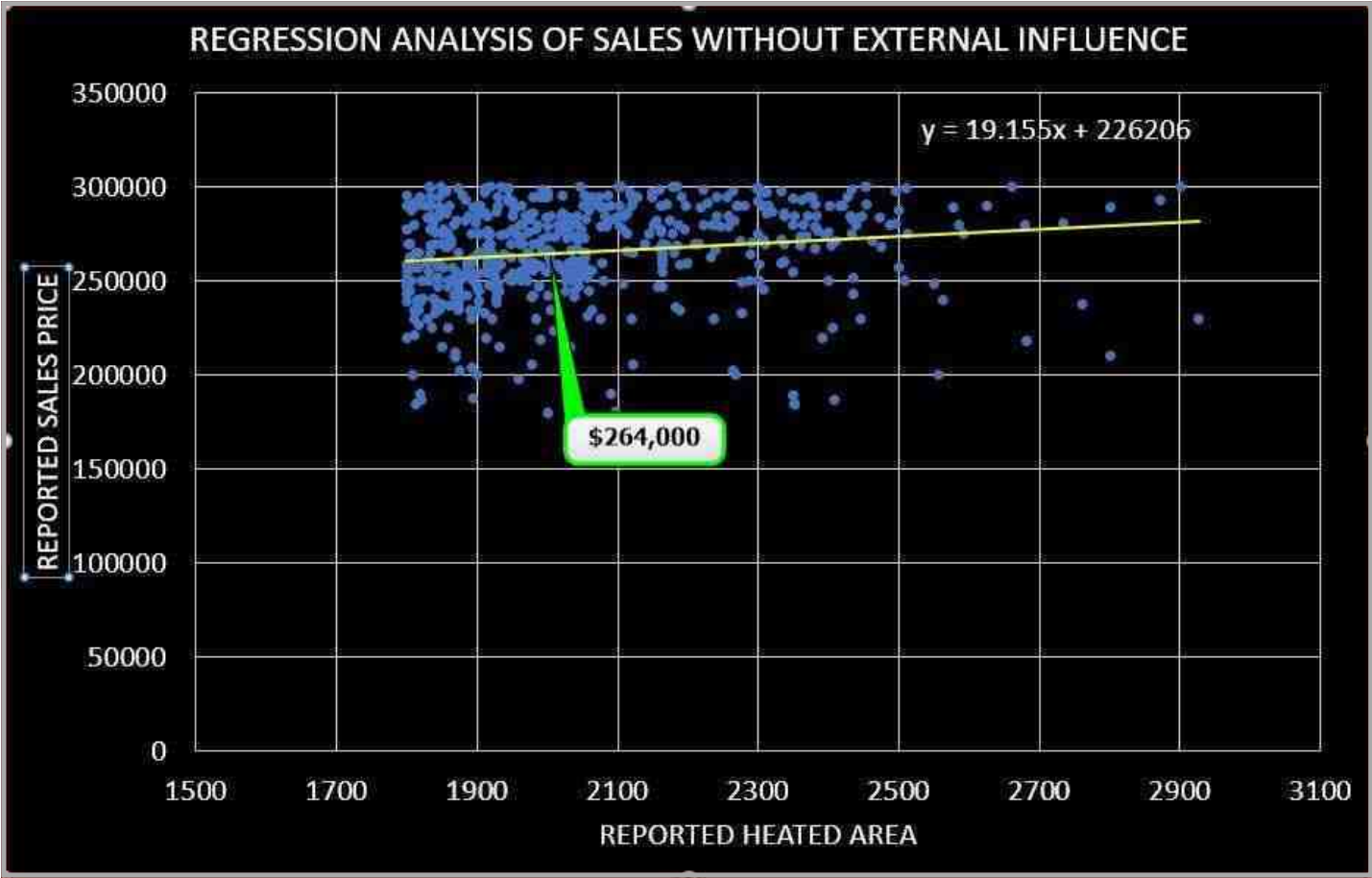
See the next graph below which represents sales similar to above but they were not located near any external influence.

As you can see, the same 2000 sq.ft. home in the other graph showed the estimated value to be \$264,000.

This analysis clearly shows that both sets of data gave a very similar value for the same 2000 sq.ft. home. This is market data support that supports the appraisers conclusion that the subject property being used as a wedding event location would not have any negative impact on value or marketability for the nearby neighbors.

REGRESSION ANALYSIS

Client	BESSELLIEU FRANCES BONEY REV TRUST (ANNA McCAULEY)					
Property Address	175 Whipporwill Ln					
City	Wilmington	County	New Hanover	State	NC	Zip Code 28409
Lender/Client	NA					



This graphs and analysis is done in the same manner as described above but it was for homes not located in areas with nearby influences similar to the subject property. See comments and conclusions above.



JEFFREY WEAVER
REAL ESTATE APPRAISER

EXPERIENCE

WEAVER APPRAISAL SERVICE
1993-PRESENT

Appraisal Experience:
32 Years Total Appraisal Experience in North Carolina
23 Years Certified Real Estate Appraiser, North Carolina License #A3073
23 Years Certified FHA Appraiser, License #NCA3073
10 Years Certified North Carolina Department of Revenue Real Estate Appraiser
10 Years Certified North Carolina Association of Assessors Real Estate Appraiser
25 Years Real Estate Salesman/Broker

Certifications and Professional Designations:
NC Certified Appraiser, License #A3073-current
NC Certified FHA Appraiser, License #NCA3073-current
NC Real Estate Broker-current
IAAO Certified Evaluator, CAE-past
IAAO Mass Appraisal Specialist, MAS-past
IAAO Residential Evaluation Specialist, RES-past

Appraisal Employment:
23 Years Weaver Appraisal Service/Owner
15 Years Real Estate Appraisal Consultant/Speaker-Owner
10 Years Senior Real Estate Appraiser; Kinston, NC- Ad Valorem Tax Department
2 Years Senior Mass Appraiser Project Manager/Consultant; Wayne County, NC-Ad Valorem Tax Dept.
3 Years Senior Mass Appraiser Project Manager/Consultant; Harnett County, NC-Ad Valorem Tax Dept.
2 Years Senior Mass Appraiser Project Manager/Consultant; Davison County, NC -Ad Valorem Tax Dept.
3 Years Appraiser Apprentice, Johnston County, NC-Ad Valorem Tax Dept.

Appraisal Education:
University of North Carolina at Chapel Hill-(Ad Valorem Section)
Johnston County Community College
Lenoir County Community College
Multiple Appraisal School Updates/Companies

OBJECTIVE

To provide objective, professional, unbiased superior quality appraisal reports that exceed typical guidelines.

SKILLS & ABILITIES

Extensive analytical and statistical skills. Proficient Excel knowledge. Regression Analysis.

VITALS

Po Box 1627
Wrightsville Beach, NC 28480
T 910-796-9024
E jeffweaver0412@gmail.com

Resume - Page 2

2

JEFFREY WEAVER

REAL ESTATE APPRAISER

Sample of Courses Completed: (not a full list)

National USPAP, The New FHA handbook, Understanding Residential Construction, The Sales Approach, Construction Details and Trends, Appraising Manufactured Homes, FHA Appraisal The New Way, The Cost Approach, Land and Site Valuation, Residential Appraisal Review Trainees/Supervisors, Analysis of AQB;s Facts Part One and Part Two, Appraising for the Secondary Market, Appraisals for Secondary Market, Appraisals for Conventional Underwriting, Extraction of Data From Market, Residential, Construction, Cost, Basic, Appraisal, Principles, Regression Analysis, Basic, Appraisal Procedures, Residential Market Analysis and Highest and Best Use, Statistics, Modeling and Finance, Reo and Foreclosure Appraising, Residential Property Inspection, Advanced, Residential Application Studies Appraisal Report Writing, Avoiding Mortgage Fraud for Appraisers, Complex Appraisals, R-1, R-2, R-3, G-1 Appraisal Classes, Appraising the Odd Ball, Fundamentals of Mass Appraisal, Assessment Administration Residential Modeling Concepts for Mass Appraisals, Fundamentals of Real Property Appraisal, 1 and 2 Income Approach to Valuation, Appraisal of Land, Residential Modeling Applications, Principles and Techniques of Cadastral Mapping, IAAO Standards of Professional Practice and Appraisal of Residential Property, Understanding Real Property Appraisal, Introduction to GIS, Depreciation Analysis, Appraisal Uses of Excel Software, Highest and Best Use, Valuing Property Affected by Environmental Contamination, Fundamentals of Industrial Valuation, Valuation of Agriculture Land, Multiple Regression Analysis for Real Property Valuation, Advanced Residential Appraisal Regression Analysis.

COMMUNICATION

Quality appraisals reports that far exceed typical guidelines are the primary foundation of my business plan. I have spent over two years creating and excel spreadsheet program which is included within every appraisal report. This extensive program was created in order fully demonstrate to my clients a true and accurate measure of neighborhood trends, support for all adjustments, as well as an easy method for the client or reader of the report, to follow the reasoning and justification for the conclusions.

STATE OF NORTH CAROLINA)

COUNTY OF NEW HANOVER

THIS TRUST AGREEMENT is entered into on August 14, 2015, between FRANCES BONEY BESSELLIEU, of New Hanover County, North Carolina, as Grantor (the "Grantor"), and FRANCES BONEY BESSELLIEU, of New Hanover County, North Carolina, as initial Trustee (the "Trustee").

WITNESSETH:

The Grantor desires to create a trust to be held, administered and distributed in accordance with the provisions of this Trust Agreement. Accordingly, the Grantor has transferred to the Trustee, and the Trustee acknowledges receipt from the Grantor of the sum of one dollar in cash. This property, together with any other property which may hereafter be conveyed to the Trustee subject to the trust hereby created, shall be held, administered and distributed by the Trustee, upon the trust and for the purposes and uses herein set forth. The trust initially created by this Trust Agreement shall be known as the "FRANCES BONEY BESSELLIEU REVOCABLE TRUST DATED AUGUST 14, 2015."

ARTICLE I - IDENTIFICATION

- A. **Children.** The Grantor has no children.
- B. **Mother.** Grantor's mother is Mary Anna Bessellieu
- C. **Sister.** Anna McCauley is Grantor's sister.
- D. **Nephews.** Christopher Kyle McCauley and Samuel Owen McCauley are Grantor's nephews.
- E. **Brother.** Anthony Owen Bessellieu is Grantor's brother.

ARTICLE II - INITIAL REVOCABLE TRUST

- A. **Distributions.** The Trustee shall hold, manage, sell, exchange, invest and reinvest the trust property, collect all income and, after deducting such expenses as are properly payable, shall accumulate and distribute the income and principal as herein provided. The Trustee shall distribute the income and principal of the trust to the Grantor in such amounts as the Grantor

AB
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may direct. All undistributed trust income shall be accumulated and invested. If the Grantor becomes incapacitated, the Trustee shall distribute such amounts of the income and principal of the trust for the comfort, health, support, maintenance or other needs of the Grantor as the Trustee shall determine, in the Trustee's discretion, to be necessary or appropriate to maintain the Grantor in accordance with the Grantor's accustomed standard of living at the time of the execution of this Trust Agreement.

B. Additions Following Death of Grantor. Following the death of the Grantor, the Trustee shall add to this trust all property which was owned by the Grantor and which is received by such Trustee under the Grantor's Will and all non-probate assets (which shall include, but not be limited to, any payments from an employee or self-employed benefit plan, individual retirement account or annuity or any proceeds of any insurance policy on the life of the Grantor) which are payable to the Trustee hereunder.

C. Distributions Following Death of Grantor. Following the death of the Grantor and the additions in Article II, Section B, and prior to the payments in Article II, Section D, the Trustee shall make the following distributions:

1. First Distribution. All of the Grantor's interest in the real property and the improvements thereto which are located at 174 Sound View Drive, Wilmington, North Carolina 28409, shall be distributed to MARY ANNA BESSELLIEU for the term of her life, subject to the terms contained in this paragraph. If MARY ANNA BESSELLIEU fails to survive the Grantor, this gift shall lapse. MARY ANNA BESSELLIEU shall be entitled to full possession of the property without requirement of bond or other security. MARY ANNA BESSELLIEU shall maintain such property in good condition and shall pay for all assessments, insurance, taxes, and ordinary repairs. The above described real property interest is given subject to a mortgage loan, and except as may be provided for below, MARY ANNA BESSELLIEU shall be responsible for all mortgage payments. MARY ANNA BESSELLIEU shall not be required to pay for damage to or depreciation of such property, unless it is caused by her act or omission. MARY ANNA BESSELLIEU, in her absolute and uncontrolled discretion, may lease such property upon reasonable terms and conditions for a period not to exceed her life with such lease payments being paid directly to MARY ANNA BESSELLIEU. Upon the death of MARY ANNA BESSELLIEU, the property which remains subject to this life estate shall be distributed in the same manner as the property of this trust would have been distributed had the Grantor died on the same day as MARY ANNA BESSELLIEU with


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MARY ANNA BESSELLIEU being treated for such purposes as having failed to survive the Grantor.

The sum of Forty-Three Thousand Two Hundred Dollars (\$43,200.00) shall be given to the Trustee who shall hold such funds in a separate trust for purpose of making the mortgage payments, with such trust being administered as provided in this paragraph. This trust shall be known as the 174 Sound View Drive Trust. The Mortgage payments shall include principal and interest payments and any lender escrowed tax and insurance payments. The Trustee shall have all of the powers and protections granted to the Trustee under other provisions of this Trust Agreement. The Trustee shall distribute such amounts of the income and principal of this trust as necessary to pay the monthly mortgage payments until all income and principal shall be exhausted. If MARY ANNA BESSELLIEU shall die prior to the exhaustion of funds held in this trust, the trustee shall continue to make the mortgage payments for the benefit of the subsequent beneficiaries until all principal and interest held in this separate trust shall be exhausted. Except as otherwise provided in this paragraph, the income and principal of this trust shall be used exclusively to pay for mortgage payments. This trust shall terminate upon the exhaustion of principal and interest or upon the sale of the real property by any beneficiary, whichever shall first occur. Upon termination, the remaining property of this trust shall be distributed in the same manner as this trust would have been distributed had the Grantor died on the date of such trust termination.

2. Second Distribution. All of the Grantor's interest in the real property and the improvements thereto located at 175 Whippoorwill Lane, Wilmington, North Carolina 28409 shall be distributed to ANNA MCCAULEY for the term of her life, subject to the terms contained in this paragraph. If ANNA MCCAULEY fails to survive the Grantor, this distribution shall lapse. ANNA MCCAULEY shall be entitled to full possession of the property without requirement of bond or other security. ANNA MCCAULEY shall maintain such property in good condition and shall pay for all assessments, insurance, taxes, and ordinary repairs. The above described real property interest is given subject to a mortgage loan, and except as may be provided for below, ANNA MCCAULEY shall be responsible for all mortgage payments. ANNA MCCAULEY shall not be required to pay for damage to or depreciation of such property, unless it is caused by her act or omission. ANNA MCCAULEY, in her absolute and uncontrolled discretion, may lease such property upon reasonable terms and conditions for a period not to exceed her life with such lease payments being paid directly to ANNA MCCAULEY. Upon the death of ANNA MCCAULEY, the property which remains


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subject to this life estate shall be distributed in the same manner as the property of this trust would have been distributed had the Grantor died on the same day as ANNA MCCAULEY with ANNA MCCAULEY being treated for such purposes as having failed to survive the Grantor.

The sum of Seventy-Two Thousand Dollars (\$72,000.00) shall be given to the Trustee who shall hold such funds in a separate trust for purpose of making the mortgage payments, with such trust being administered as provided in this paragraph. This trust shall be known as the 175 Whippoorwill Lane Trust. The Mortgage payments shall include principal and interest payments and any lender escrowed tax and insurance payments. The Trustee shall have all of the powers and protections granted to the Trustee under other provisions of this Trust Agreement. The Trustee shall distribute such amounts of the income and principal of this trust as necessary to pay the monthly mortgage payments until all income and principal shall be exhausted. If ANNA MCCAULEY shall die prior to the exhaustion of funds held in this trust, the trustee shall continue to make the mortgage payments for the benefit of the subsequent beneficiaries until all principal and interest held in this separate trust shall be exhausted. Except as otherwise provided in this paragraph, the income and principal of this trust shall be used exclusively to pay for mortgage payments. This trust shall terminate upon the exhaustion of principal and interest or upon the sale of the real property by any beneficiary, whichever shall first occur. Upon termination, the remaining property of this trust shall be distributed in the same manner as this trust would have been distributed had the Grantor died on the date of such trust termination.

3. Third Distribution. All of the Grantor's membership interest in MARKER 137, LLC, or its successor whether by change of name, consolidation or merger, shall be distributed to ANNA MCCAULEY; provided if ANNA MCCAULEY fails to survive the Grantor, this distribution shall lapse.

4. Fourth Distribution. The Grantor's horse, Odysseus, shall be distributed to those of Jacky Wilkins and Tammy Wilkins who shall survive the Grantor, together with the sum of Ten Thousand Dollars (\$10,000.00). No such distribution of cash shall be made, though, if the Grantor's horse, Odysseus, is not living upon the Grantor's death or if the gift of the Grantor's horse, Odysseus, is not made for any other reason.

5. Fifth Distribution. The sum of Fifty Thousand Dollars (\$50,000.00) shall be distributed to the University of North Carolina Wilmington, tax identification number 56-


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June 10, 2020

Amy J. Lewis
4601 New Jack Road
Wilmington, NC 28409

My property is directly beside the property of Anna Bessellieu McCauley, who resides at 175 Whippoorwill Lane. The operation of her home and yard as a wedding venue has not been a problem for us. We are her nearest neighbor and our yards intersect each other with no fencing or barrier. Ms. McCauley is always on site and maintains security and strict oversight of these events. Our communication lines are always open with her and we feel that we are good friends and good neighbors.

Please permit Ms. McCauley to continue her Marker 137 business.

Sincerely,
Amy J. Lewis

Joyce H. Lewis
4607 New Jack Road
Wilmington, NC 28409

June 10, 2020

To Whom It May Concern:

I live across an estuarine marsh from Anna Bessellieu McCauley. My family has owned this property since the 1940s and I was here when a previous owner of 175 Whippoorwill Lane started having weddings in the front yard. They did not bother me then and they still do not bother me at all. Ms. McCauley is a good neighbor and I support her in her endeavor to obtain a permit for her wedding venue business (Marker 137).

Sincerely,
Joyce H. Lewis

To Whom It May Concern,

This letter is in reference to our neighbor, Anna McCauley and the Marker 137 Venue. My husband and I own one of the properties, 174 Soundview Drive, Wilmington, NC, which is directly adjacent to her property at Marker 137. We have never had any concerns with the events at her venue. We have the utmost high respect for Anna and how she runs her events on the property. We have never had a problem with noise or how long the events have lasted during the evening. In fact, it's a nice change of pace when there is an event planned as we can sit on our porch and watch and listen to the family and friends gathering to enjoy our beautiful Wilmington waterway.

Anna has always been up front with her neighbors and has often stopped by to make us aware of her events and schedule.

She gives back to the community as much as possible by allowing some non-profit organizations to use her venue at discounted rates or even donations for certain events. An example of this would be the "Be-The-Adult" organization with some of their fundraising activities.

We look forward to her continuing her business venture as she is not a nuisance to anyone in the area.

Thank you for taking the time to read our letter of support for Anna and please know that you may contact us at anytime if you have any questions or concerns. Have a great day.

Cameron and Sharon Edwards
174 Soundview Drive
Wilmington, NC 28409
symedwards6@gmail.com

New Hanover County Planning & Land Use Department
230 Government Center Drive, Suite 110
Wilmington, NC 28401
June 7th, 2020
Re: Letter of support Marker 137

To whom it may concern,

I am writing this letter in support of Anna McCauley and her wedding venue Marker 137. It is with sincere consideration of all parties involved that I offer this on behalf of Anna and her family.

I have known Anna and her family for over 20 years, well before the wedding venue was created. The venue was created as a means of keeping this land in her family after inheriting it from her dear sister Francis. Anna is a very thoughtful and caring person. She is very concerned not to infringe upon the privacy of her neighbors and is very respectful of all laws associated with holding the venue on her property. She has indicated that she only holds 12-16 events per year and that most of those occur in the spring and fall due to the heat of the summer months. She has also expressed to me that she has no desire to hold more events than 16 per year as it is too much wear and tear on the land and that she prefers to hold the minimum number of events needed to pay the yearly mortgage on the property. She has also conveyed that she needs to hold these events or she would not be able to keep this land in her family and pass it down to her boys, Chris and Sam. These weddings and small celebrations fill her with deep joy and appreciation of the beauty of this property, particularly during these most challenging of times.

Anna is conscientious about the music played, the volume of the music, how it is projected and also turns off the music at precisely 10pm per local governance. She has also offered to post the scheduled events in advance and share this schedule with the Sound View Home Owners Association. I believe in my heart that an amicable solution can be reached and that the

majority of the neighbors are very supportive of Anna and her venue.

Please feel free to reach out to me if I can provide any more input that would be helpful to the planning commission as they review the permit application needed to continue operations at marker 137.

I sincerely appreciate your consideration,

Tania Corbi

185 Sound View Drive

[617-2846](tel:617-2846)



...



Marker 137



Susan Lassiter

...

To: anna marker137.com

Fri 6/5/2020 2:09 PM

To whom it may concern re: special use permit

Anna McCauley has been a neighbor and friend of mine for many years. She is a valued member of our community who uses her business, Marker 137, in many generous ways. Anna is always eager to volunteer her property, staff and equipment to anyone in need. Out of the goodness of her heart, she has hosted fund-raisers for various charities, neighborhood oyster roasts, as well as weddings, funerals, and family events. She is the very definition of a person who finds more joy in giving rather than receiving. Anna is also a person who respects authority and strives to follow the rules of her industry. She conducts her business ethically and operates it with the utmost consideration for those around her. The events are conducted tastefully and the property is kept neat and clean. Hospitality, kindness and hard work are the roots and goals of Marker 137.

Susan Lassiter
179 Sound View Drive
Wilmington NC



June 2, 2020

To Whom It May Concern,

It is with pleasure that I submit this letter of support for Anna McCauley and her wonderful event venue, Marker 137.

I am a clinical social worker in Wilmington, and the founder of Be The Adult, a local nonprofit organization whose mission is to provide blueprints for calm and effective parenting. We have a book illustrated by children in New Hanover County, a podcast with a large community following, and I provide parenting seminars free of charge to local schools and organizations. We rely on donations and community support to keep our important mission alive.

When Anna McCauley heard about our work, and the testimonials from some of the hundreds of local families who we have helped, she immediately offered her support. She generously donated her venue, Marker 137, to us for our annual fundraiser, and has pledged that we can use it every year, free of charge.

We would not be the organization that we are without Anna's generosity. Using her incredible venue has helped us to grow exponentially by giving us a free and beautiful space to bring together our current supporters and their friends, who after enjoying our informative events at Marker 137 become Be The Adult supporters too.

Our community, along with much of the world, is trying to cope with incredibly traumatic events. Our work to create lasting and meaningful change by educating and supporting parents is now more important than ever. We need more people like Anna McCauley who is trying to help children be able to grow into their best selves.

To Whom It May Concern:

The intent of this letter is to provide support for Anna Mccauley and the activities that take place as part of her Marker 137 business.

We live at 4606 New Jack Rd which is within a few hundred feet of Anna's property. In the entire time that Marker 137 has been holding events we have never had an issue with her or her guests. In fact, we often enjoy the music from our front porch. The parking and traffic into her property has always been completely under control and has never affected us. The music has never been offensive or overly loud. it always ends at 10:00 pm--even when the crowd pleads for it to continue.

We can give one example of how Anna's business has supported our neighborhood. The husband of one of our neighbors (Daniel Langley) passed away last fall after a battle with brain cancer. His wife and 12 year old son were looking for a place to have a celebration of life. Anna offered up her property for this event which included a pig-pickin and many stories to commemorate Daniel's life. I know this meant a lot the family and friends that were able to attend this event.

In summary, Anna and her business are the best neighbors we could hope for, and we strongly support both.

David and Jennifer Tucker

4606 New Jack Rd

Wilmington, NC 28409