

# 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

### ZONING & SUBDIVISION VARIANCE APPLICATION

This application form must be completed as part of a request for a zoning and/or subdivision variance. The application submitted through the county's online COAST portal. The main procedural steps in the submittal and review of applications for a variance 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 10.3.11 of the Unified Development Ordinance.



#### 1. Applicant and Property Owner Information

<b>Applicant/Agent Name</b> CINDEE WOLF	<b>Owner Name (if different from Applicant/Agent)</b> CWEST, L.L.C.
<b>Company</b> DESIGN SOLUTIONS	<b>Company/Owner Name 2</b>
<b>Address</b> PO BOX 7221	<b>Address</b> 701 E CHATHAM STREET, SUITE 201
<b>City, State, Zip</b> WILMINGTON, NC 28406	<b>City, State, Zip</b> CARY, NC 27511
<b>Phone</b> 910-620-2374	<b>Phone</b> 919-604-6166 (CURTIS WESTERBROOK)
<b>Email</b> CWOLF@LOBODEMAR.BIZ	<b>Email</b> CURTISSR@WESTBROOKCARY.COM

#### 2. Subject Property Information

<b>Address/Location</b> 9515 RVIER ROAD	<b>Parcel Identification Number(s)</b> 313113.23.2694 [R08800-001-007-000]
<b>Total Parcel(s) Acreage</b> 4.20 ACRES +/-	<b>Existing Zoning and Use(s)</b> R-15 / VACANT

#### Applicant Tracking Information (This section completed by staff)

<b>Case Number:</b> ZBA-950	<b>Date/Time Received:</b> 10/6/20 3:00pm	<b>Received by:</b> KV
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### 3. Proposed Variance Narrative

Subject Zoning Regulation, Chapter and Section

In the space below, please provide a narrative of the application (attach additional pages if necessary).

Reduction of the required twenty-foot (20') buffer yard width to ten feet (10') with the installation of an 8' high wooden screening fence and two (2) rows of evergreen shrubs located between the fence and the property line. Plantings shall be a minimum of three feet (3') in height at initial planting and provide a minimum of 50% visual opacity of the fence.

#### CRITERIA REQUIRED FOR APPROVAL OF A VARIANCE

The 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 (attach 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.

Offsetting the access drive a full 20' from the property boundary severely limits the usability of this section of the tract for the intended use.

- 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 tract is unusually shaped, and the access drive needs to extend through the narrow section to the frontage along River Road. However, that severely limits the resulting usability of that entire section of the tract. The development area is further constrained by an existing structure and the septic system fields, which must be specifically located based on soils characteristics.

- 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 buffer requirement is a basic regulation of the UDO to mitigate impacts and provide transition between dissimilar uses. The Owner simply seeks to modify the width of the buffer in exchange for a combination of plantings and a solid wooden fence that will provide the intended visual screening.

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

The use of the combination of a fence & plantings is already an option of the buffer yard types, but currently still requires a 20' width. That distance is unnecessary for the installation of the fence and required plantings. There is currently a draft of Code amendments that includes reducing the buffer width to 10' when using the fence / plantings alternative.

This request would pose no safety issue to the public, or the adjacent property owner. The spirit, purpose, and intent of the buffer regulations will still be preserved in providing both transition and visual screening of the RV park.

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". Applications determined to be incomplete must be corrected in order to be processed for further review.

**Application Checklist**

- This application form, completed and signed
- Application fee: \$400 per application
- Site plan or sketch illustrating the requested variance
- One (1) hard copy of ALL documents
- One (1) PDF copy of ALL documents

<i>Applicant Initial</i>	<i>Staff Initial</i>
CAW	KV
CAW	KV
CAW	KV
CAW	KV
CAW	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 required 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.

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.

  
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**Signature of Property Owner(s)**

Curtis Westerbrook, Sr. for CWEST, L.L.C.  
 \_\_\_\_\_  
**Print Name(s)**

  
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**Signature of Applicant/Agent**

Cynthia A. Wolf / Design Solutions  
 \_\_\_\_\_  
**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.

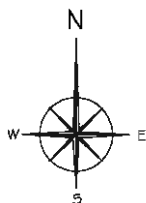
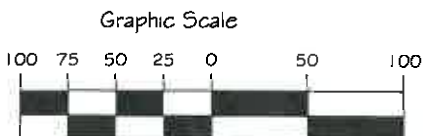
- **The land owner or their attorney must be present for the case at the public hearing**





**General Notes:**

- 1. NHC Co PIN: 313113.23.2694
- 2. Total Tract Area: 4.20 ac. ±
- 3. Zoning District: R-15



Buffer Variance Exhibit for

Property Address: 9515 River Road

**Snows Cut RV Park**

Federal Point Township / New Hanover County / North Carolina