

# 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



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FEB 17 2021

NEW HANOVER COUNTY  
 PLANNING & LAND USE

## VARIANCE Application

Applicant/Agent Information		Property Owner(s) If different than Applicant/Agent
Name	Kenneth Haynes	Owner Name Jeffrey Finucan
Company	1 <sup>st</sup> Choice Enclosures	Owner Name 2 Jeane Finucan
Address	11611 Hwy 90	Address 4504 Barnards Landing Rd
City, State, Zip	Conway SC 29526	City, State, Zip Wilmington, NC 28412
Phone	(843) 344-7350	Phone (910) 4660-2289
Email	1 <sup>st</sup> Choice Enclosures.S@gmail	Email FinucanJeffrey@gmail
<b>Subject Property Information</b>		
Address/Location 4504 Barnards Landing Rd, Wilmington		
Parcel Identification Number(s) R07015-004 009-000		
Total Parcel(s) Acreage 0.27		
Existing Zoning and Use(s) R-10 Res.		
<b>Application Tracking Information (Staff Only)</b>		
Case Number BOA-956	Date/Time received: 2/17/21 1:30 PM	Received by: KV

## PROPOSED VARIANCE NARRATIVE

Subject Zoning Regulation, Chapter and Section: \_\_\_\_\_

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

\* See attached

## 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.*

\* See attached

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.**

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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.**

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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.**

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## Finucan Variance

### Proposed Variance:

This variance request is to build a screen pool enclosure into the rear building setback. The structure would be located eleven feet and eight inches from the rear property line. This entire project began under the impression that the rear building setback for accessory structures was five feet. The pool has already been installed and we would now like to enclose the pool with a screen lanai for both safety and enjoyment. The enclosure will protect the family from harmful insects and reduce maintenance on the pool. The rear building setback is different for larger structures. We were not aware of that when we proposed building the enclosure

1. Unnecessary hardship would result from strict application of the ordinance.

Not having the pool enclosure will propose an unnecessary hardship. The pool cannot be reasonably relocated at this time. The entire project hinged on the construction of the enclosure. Some family members have allergic reactions to certain insect bites. The enclosure will greatly reduce the risk of this. The enclosure will also bring the pool into compliance as far as a safety barrier for children. Both of these safety considerations could be solved by the addition of a pool enclosure.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

Other homes in the vicinity have similar setbacks. Each property is unique, and this situation is unique as well. A pool enclosure is an accessory structure, but is not used to house supplies, furniture and so forth. The overall size of an accessory structure should not change the building setback. This structure will not unreasonably restrict any visibility. It is constructed from aluminum beams and screens. It is see-through.

3. The hardship did not result from actions taken by the applicant or the property owner.

The property owner took every precaution to avoid this hardship that he knew to do. The owner checked the rear setback of the property and was told it was five feet for accessory structures. This had also been the case for another project pictured in this request. There was no reason to believe the overall size of the structure would affect the setback requirement.

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

Granting of the variance would actually increase the public safety. The pool enclosure provides a lockable security deterrent. This would help to prevent any small children or mentally handicap people from entering the pool without supervision.

The variance is consistent with the spirit and purpose of the ordinance in that accessory structures are allowed to be built up to five feet from the property line. The overall appearance will be no different than anyone else in the neighborhood who has built workshops or storage buildings along their property.

## 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	JL	KV
2	Application fee - \$400	JL	KV
3	Site plan or sketch illustrating requested variance	JL	KV
4	1 hard copy of ALL documents	JL	KV

## ACKNOWLEDGEMENT AND SIGNATURES

By my signature below, I understand and accept all of the conditions, limitations and obligations of the variance application for which I am applying. I understand that I have the burden of proving why this application meets the require findings necessary for granting a variance. I certify that this application is complete and that all information presented in this application is accurate to the best of my knowledge, information, and belief.

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

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

  
 \_\_\_\_\_  
 Signature of Property Owner(s)

JEFFREY L. FRANCAU  
 \_\_\_\_\_  
 Print Name(s)

  
 \_\_\_\_\_  
 Signature of Applicant/Agent

Kennetha Haynes  
 \_\_\_\_\_  
 Print Name(s)

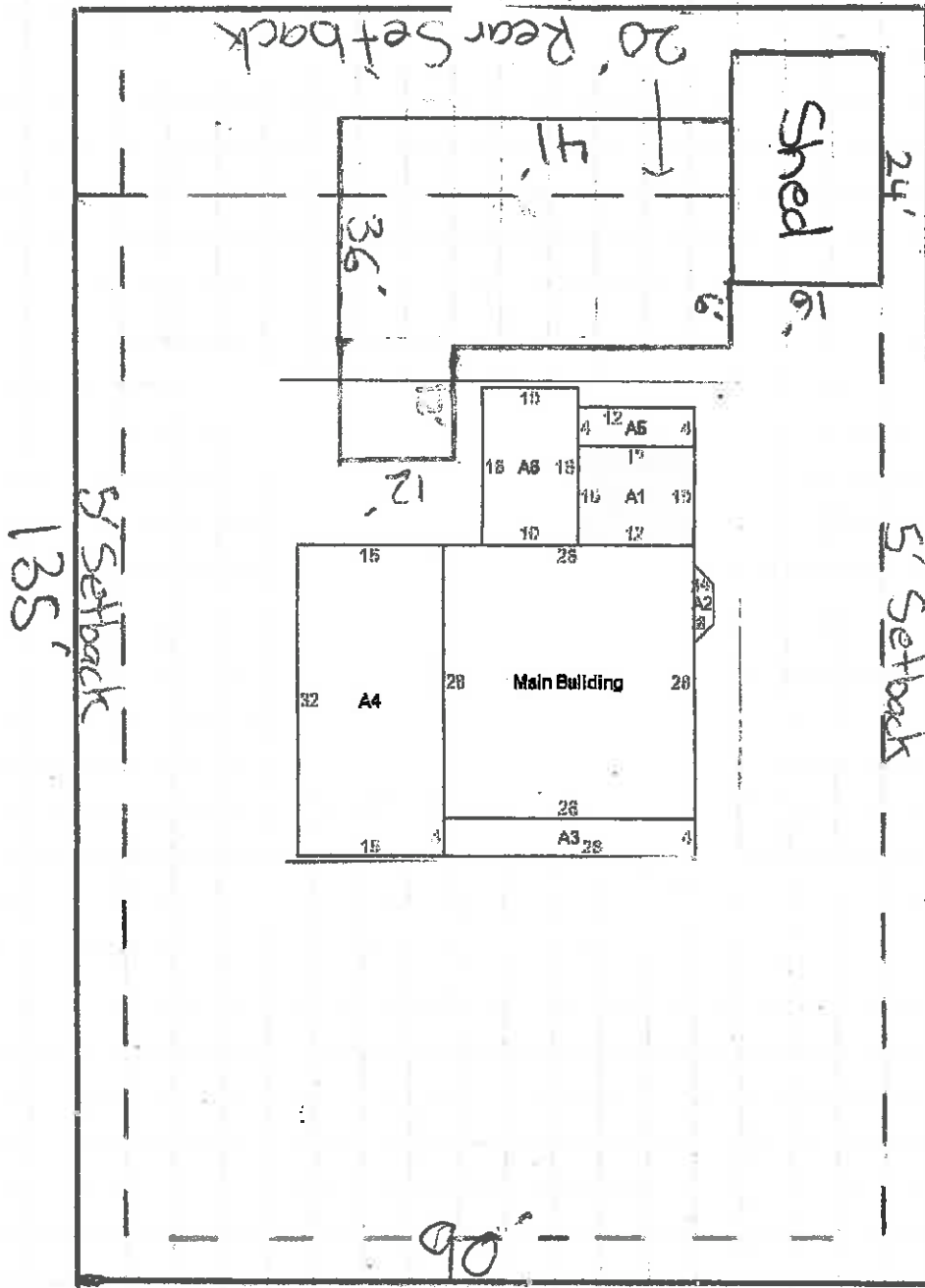
**NOTE:** Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.

**\*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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Scale  
1" = 20'

Finucan Residence

4504 Barnards Landing Rd



Finucan



DADE COUNTY