

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



VARIANCE Application

REVIEW PROCESS

Step 1: Pre-Application Conference

In order to assist applicants through the variance process, applicants are highly encouraged to attend a pre-application conference prior to application submittal. Applicants are requested to review Section 122-1(2) of the Zoning Ordinance and sections relating to the application, and advised to contact Planning Staff with any questions. The purpose of the pre-application conference is to provide the applicant an opportunity to become familiar with the submittal requirements and procedures of the application, and also to receive preliminary comments from staff regarding the proposal's compliance with any applicable development regulations.

Step 2: Application Submittal

Applications must be received by the Planning and Inspections Department by 5:00 PM on the application deadline date. A complete application consists of the items detailed in the submittal checklist provided in this application.

Step 3: Staff Review

Upon receiving a completed application, staff may distribute it to certain departments and agencies for review. County Planning staff shall review the application, and prepare a staff report for the Zoning Board of Adjustment.

Step 4: Zoning Board of Adjustment Review and Action

The New Hanover County Zoning Board of Adjustment shall consider the application at a public hearing. Public hearings for variance applications are conducted in a quasi-judicial manner and include additional standards for the testimony and evidence presented during the hearing. The property owner, or their attorney, must be present for the meeting.

A variance shall be approved if the applicant provides substantial evidence that the proposed use will meet the following findings:

1. **Unnecessary hardship would result from the 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.*
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.*
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.*

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.

No change in permitted uses may be authorized by a variance. The Zoning Board of Adjustment may impose appropriate conditions on a variance, provided that the conditions are reasonably related to the variance. A concurring vote of a majority of members of the Board is necessary to grant a variance.

The Planning and Inspections Department shall notify the public of the hearing in accordance with standards of the Zoning Ordinance. This includes sending mailed notice to nearby residents, posting a sign on the subject property, and advertising the hearing in a local newspaper.

LT 27 GROVE POINT 1
.58 R-15 RES 2350 sq ft

PID R07919-010-018-000

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VARIANCE Application

Applicant/Agent Information		Property Owner(s) <i>If different than Applicant/Agent</i>	
Name <i>Keith Scott Williams</i>		Owner Name	
Company		Owner Name 2	
Address <i>6900 Persimmon Place</i>		Address	
City, State, Zip <i>Wilmington NC 28409</i>		City, State, Zip	
Phone <i>910 471-5008</i>		Phone	
Email <i>cheatrfive@gmail.com</i>		Email	
Subject Property Information			
Address/Location <i>6900 Persimmon Place Wilmington NC 28409</i>			
Parcel Identification Number(s) <i>R07919-010-018-000</i>			
Total Parcel(s) Acreage <i>.58</i>			
Existing Zoning and Use(s) <i>R15</i>			
Application Tracking Information		<i>(Staff Only)</i>	
Case Number	Date/Time received:	Received by:	

PROPOSED VARIANCE NARRATIVE

Subject Zoning Regulation, Chapter and Section: NHC Zoning Ordinance, Article V, Section 51.1-2
NHC Unified Development Ordinance, Article 3.1.3

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

Proposal is to have the setback of the back/periphery property line of 6900 Persimmon Place changed from 20 foot setback to 10 foot setback for the construction of a metal storage building.

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.*

Should the 20 foot setback be adhered to, there would be significant hardship, both financially & environmentally. As you can see in Attachment B, if the 20 foot setback was adhered to, the building would have to be moved from location 1 to location 2... continued on Attachment 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.

The shape of the property is one that makes it difficult to build anything in the back left side of the property. Having a 10-foot setback is hard to begin with because of the acute angle.

... Continued on Attachment 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.

complete narrative on Attachment 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.

The 10 foot setback on the side property lines are in accordance to the county zoning & setback regulations, and having a 10-foot setback instead of 20-foot on the back/periphery line will not affect the safety of any of the neighboring properties. If our property was one lot to the left, this would not be an issue as the "interior" lots in our neighborhood only have the 10 foot setback on all sides

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	<i>KS</i>	
2	Application fee - \$400 - <i>TBD</i>	<i>KS</i>	
3	Site plan or sketch illustrating requested variance	<i>KS</i>	
4	1 hard copy of ALL documents	<i>KS</i>	

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)

Kerth S Williams

Print Name(s)

Signature of Applicant/Agent

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

Attachment A

Criteria Narrative Continued...

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

In location 2, (also displayed on Attachment B) we would have to move the septic drain lines to the repair field. Based on our research, this would cost over \$10,000. In location 2, we would also have to cut down established trees (seen in pictures on Attachment C). These trees are over 50 years old and provide shade to the property, helping our home to be energy efficient, as well as providing the neighborhood with overall appealing aesthetics. The cost we were quoted to have the trees removed was \$4277.56 (attachment D). With the many trees constantly being cut down in Wilmington, we would like to do our part to save these established trees if possible.

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

If we had to adhere to the 20 foot setback on the back property line, it would result in so much unused space in the backyard (attachment E). This would also cause somewhat of an "eyesore" to the neighborhood having to move it closer to the main house and not hidden by the established trees that would need to be removed.

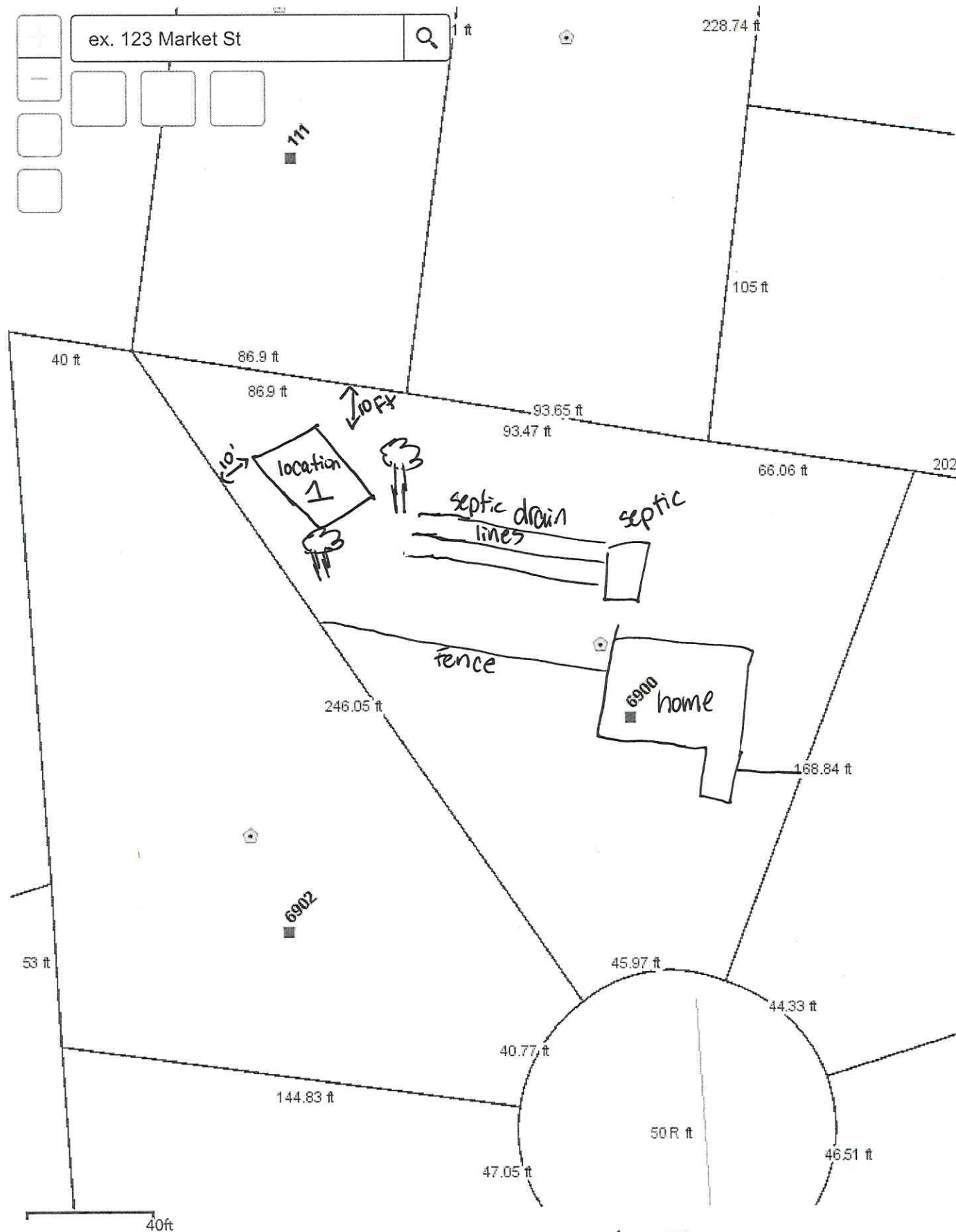
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

Prior to initiating building design and permit, we did our due diligence and contacted the Planning and Land Use department asking what the particular setbacks were for our property, so we could adhere to the county's zoning regulations. The property address was given to the Zoning Compliance Official for Zoning and Setbacks to make sure we were obtaining the correct setbacks. Per the Zoning Compliance Official, we were told the setback for our property address was 10 feet (see Attachment F). With this information, we mapped out the area in order to know what building dimensions could be put in the area. We contacted the building company, made our non-refundable deposit of \$5,6750 (Attachment G) to obtain a site plan, and submitted the information for a permit. Had we been told the setback was 20 feet on the back property line, we would not have moved forward with plans. But, since we did, we now have a \$5,6750 non-refundable deposit at stake. This loss would cause a significant hardship (as well as the above stated hardships) on our family, and we feel this hardship is based on the incorrect information we were given while we were being proactive, from the Zoning office.

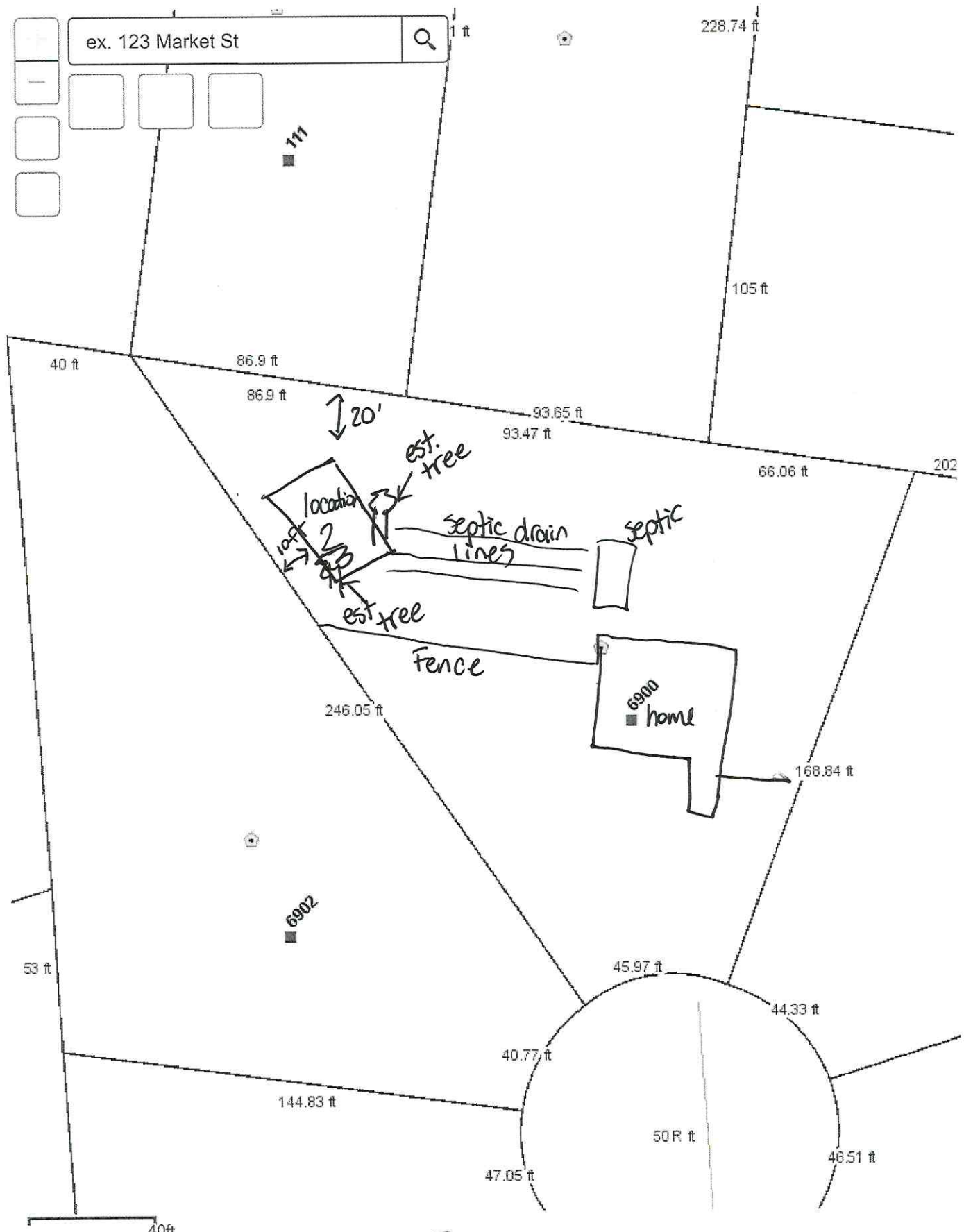


Find A Parcel

An Interactive Web Map of New Hanover County, NC



2,337,187.238 131,352.143 Feet



2,337,049.652 131,351.275

Attachment C page 1 of 3

Unused area would be much greater than this current display.



Location 1



Front view of location 1

Attachment C page 2 of 3



Location 1 with established trees shown



Location 2 marked



Location 2 marked

Attachment C page 3 of 3



Tree 1, 8 foot circumference



Tree 2, 7 foot circumference

Attachment D



Tree Removal

Landscapes Unlimited

Client Name: Williams, Keith

Project Name: Tree Removal

Jobsite Address: 6900 Persimmon Place Wilmington, North Carolina 28409

Estimate ID: EST2373208

Date: Mar 22, 2021

Billing Address: 6900 Persimmon Place Wilmington, North Carolina 28409

Tree Removal

\$4,277.56

Labor, equipment, and disposal costs to remove (1) large Hickory and (1) large Oak in the event building needs to be shifted inward from property lines. Includes excavating stumps.

Subtotal \$4,277.56

Taxes \$0.00

Estimate Total \$4,277.56

Estimate authorized by: _____
Company Representative

Estimate approved by: _____
Customer Representative

Signature Date: _____

Signature Date: _____



Find A Parcel

An Interactive Web Map of New Hanover County, NC

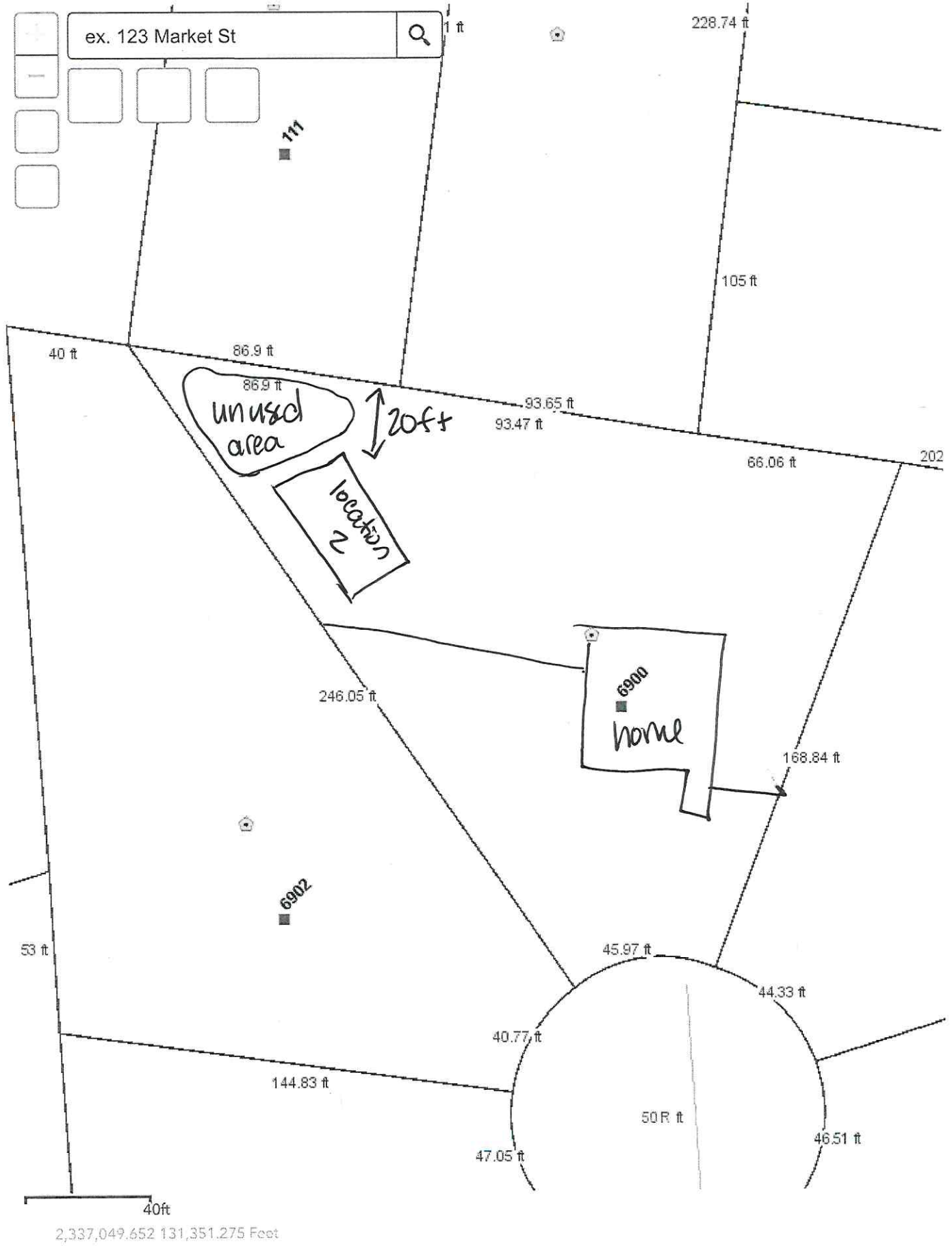
ex. 123 Market St

1 ft

1 ft

1 ft

1 ft



2,337,049.652 131,351.275 Feet

All rights reserved

Attachment E

page 2 of 2

Unused area would be much greater than this current display.



Reply all Delete Junk Block ...

Attachment F

Fwd: Zoning Setbacks Inquiry

April Stephens <als4122@aol.com>

Fri 3/26/2021 10:06 AM

To: Keith Williams



**** CAUTION: External Email ****

Do not click links or attachments unless you recognize the sender and know the content is safe.

-----Original Message-----

From: Temple, Sheighla <stemple@nhcgov.com>

To: April Stephens <als4122@aol.com>

Sent: Wed, Aug 26, 2020 10:37 am

Subject: RE: Zoning Setbacks Inquiry



The address in question is in a performance subdivision meaning that all structures have a minimum setback requirement of 10' between structures on all sides, unless the structure is under 600 sqft, then it is required to be 5' off the property line on the sides and rear. I hope this information was helpful and please feel free to follow up with further questions, thank you for your time, and have a wonderful day.

Respectfully,

Sheighla Temple | Zoning Compliance Official

Planning & Land Use - Planning & Zoning

New Hanover County

230 Government Center Drive, Suite 110

Wilmington, NC 28403

(910) 798-7521 p | (910) 798-7053 f

www.nhcgov.com

From: April Stephens <als4122@aol.com>

Sent: Wednesday, August 26, 2020 10:34 AM

To: Temple, Sheighla <stemple@nhcgov.com>

Subject: Re: Zoning Setbacks Inquiry

Sure...the address is 6900 Persimmon Place



-----Original Message-----

From: Temple, Sheighla <stemple@nhcgov.com>

To: als4122@aol.com <als4122@aol.com>

Sent: Wed, Aug 26, 2020 10:32 am

Subject: Zoning Setbacks Inquiry

Hello Mrs. April,

Could you please provide an address in regard to your inquiry in order to provide accurate information?

Respectfully, Sheighla Temple

Sheighla Temple | Zoning Compliance Official

Planning & Land Use - Planning & Zoning

Attachment 67

1183 S NC 41 & 111 Hwy
 Beulaville, NC 28518
 Office (910) 298-3774 *Josie*
 sales@superiormsc.com



Installer: _____ Date: _____

BUILDING CONTRACT 2021.01

Date: 2-6-2021

Customer Name: Keith S Williams

Address: 6900 Persimmon Pl

City: Wilmington State: NC Zip Code: 28409

Phone Number: #1 _____ #2 _____

Note:

Email:

STRUCTURE SIZE:

Width 30' Length 41' Height 10'

A-Frame: Building Carport _____ Combo _____ Barn _____ Other _____

Roof Lean-To: _____ Drop Down Lean-To: _____

Basic Dressed Yes No Openings Yes No Qty/Size _____

CARPORT ONLY:

Gable _____ Closed Sides _____ Closed Ends _____

COLORS:

Roof: Antique Bronze Walls: light stone Trim: light stone

Color Screws: Yes No Two-Tone _____ Height _____

STRUCTURE OPTIONS:

Roof: Vertical Horizontal _____ Walls: Vertical _____ Horizontal

Roll-Up Doors: Qty/Size 2-10x8 WL Insulated Yes No

Panel Doors: Qty/Size _____ Insulated Yes No \$ _____

Walk-In Door: Basic 1 Cottage _____ Other _____ \$ _____

Windows: Basic _____ Metal Grid _____ Insulated 3 Side Entry: 1-10x9 for Rollup

Insulation: Roof (Full) R4 R9 walls R10 roof CLOSURE STRIPS ROOF WALL

Building Zone: 3' OC _____ 4' OC 5' OC _____ Other _____ (May Change by County)

Engineered-Certified (Plans) Basic Certified Non-Certified

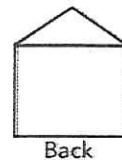
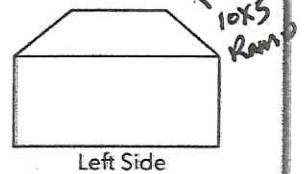
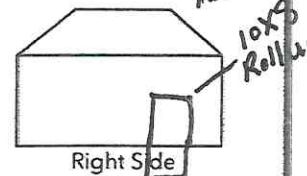
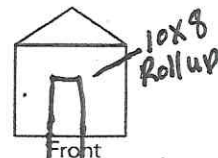
MISC. Options:

CONCRETE:

Pad Size: 30x40x4" 2-10x5 Ramps 12'x12" Footers: Yes No Lean-To: _____ Footers: Yes No \$ _____

Fiber: No PSI 3,500 Other _____ Grading (\$75.00 an hr.) Yes No

DOORS & WINDOWS FACING THE BUILDING



CUSTOMER IS RESPONSIBLE FOR THE COST OF ANY GRADING DONE BY SMS&C, LLC AND IS TO PROVIDE ANY FILL DIRT NEEDED TO LEVEL GROUND. IF CUSTOMER COMPLETES GRADING CUSTOMER IS RESPONSIBLE FOR ADDITIONAL CONCRETE AT \$265 PER YARD. IF CUSTOMER FAILS TO PAY FOR GRADING SUPERIOR MS&C, LLC RESERVES THE RIGHT TO TERMINATE THE CONTRACT AND COLLECT ALL UNPAID DEBTS. IF THERE IS NO ACCESS TO THE SITE CUSTOMER IS RESPONSIBLE FOR ALL EXPENSES TO ACCESS THE SITE (EX. CONCRETE BUGGY/PUMP). THERE IS A \$500 TRIP FEE FOR ANY UNNECESSARY TRIPS TO YOUR PROJECT. CUSTOMER IS RESPONSIBLE FOR TOW BILL IF CONCRETE TRUCK GETS STUCK.

THE CUSTOMER WILL BE RESPONSIBLE TO PROVIDE A LIFT IF THE STRUCTURE IS 14' AND OVER IN HEIGHT. ALL DEPOSITS ARE NON-REFUNDABLE. NO REFUNDS ON ANY STRUCTURE OR MATERIAL. SUPERIOR METAL STRUCTURES & CONCRETE, LLC IS NOT RESPONSIBLE FOR PERMITS, DAMAGE TO UNDER GROUND WATER LINES, YARD, ETC. NOT RESPONSIBLE FOR ANY OTHER DAMAGE CAUSED BY OTHER CONTRACTORS/VEHICLES. SMS&C, LLC SHALL NOT BE LIABLE FOR ANY INJURY TO ANY PET OR TO ANY PERSON ENTERING THE PREMISES OR THE STRUCTURE DURING CONSTRUCTION. SMS&C, LLC RESERVES THE RIGHT TO CORRECT ANY BALANCE ERRORS OR TO REPOSSSESS ANY STRUCTURE NOT PAID FOR IN FULL UPON INSTALLATION, IT ALSO RESERVES THE RIGHT TO REFUSE ANY ORDERS. SMS&C, LLC PROVIDES LIMITED WARRANTY. MANUFACTURER WARRANTS THE FRAMING ELEMENTS FOR 20 YRS AND ROOFING MATERIAL FOR 40 YEARS ONLY AGAINST RUST THROUGH FROM INSTALLATION, ASSUMING NORMAL CARE AND MAINTNENANCE. STRUCTURE WILL WITHSTAND THE SNOW LOAD AND WIND SPECIFIED ON THE ENGINEER-CERTIFIED PLANS OF THE SAID STRUCTURE PROVIDED (ENGINEERED CERTIFIED STRUCTURES ONLY). STRUCTURE DAMAGE OR LOSS CAUSED BY THEFT, FIRE, ACTS OF GOD (NATURAL DISASTERS, BAD WEATHER), AND OR ANY OTHER CAUSES OR ANY ALTERATION OR ABUSE OF THE STRUCTURE SHALL VOID ALL SUCH LIMITED WARRANTIES. WE DON'T GUARANTEE CONCRETE WILL NOT CRACK. PRICE MAY CHANGE IF ENGINEER CALLS FOR 2' OR 3' CENTERS/LARGER FOOTER DEPENDING ON YOUR COUNTY. All basic 14 gauge tubing and all 29 gauge sheeting. Any upgrades is additional cost. BASIC CERTIFIED MAY NOT MEET YOUR COUNTY CERTIFICATION. INCLEMENT WEATHER MAY EXTEND STRUCTURE COMPLETION. \$35 FEE FOR BOUNCED CHECKS.

SUBTOTAL \$ 28,165.00
 TAX \$ _____
 TOTAL \$ 28,165.00
 1ST PYMT (20%) 5,635.00
 2ND PYMT (60%) 16,895.00
 Due day of Concrete Pour
 FINAL PYMT (20%) 5,635.00
 Due day of Building Install

I HAVE READ AND UNDERSTAND THE ABOVE INFORMATION AND APPROVE THE CONSTRUCTION OF THE BUILDING.

CUSTOMER SIGNATURE: _____ DATE: 2/6/2021

SALES SIG: Josie Sanchez PRINT Josie Sanchez DATE: 2-6-2021

PROJECT TIME FRAME: 8-10 wks CONCRETE and 4-5 wks STRUCTURE Initials

IS ELECTRICITY AVAILABLE? YES NO

Polch # 176