



NEW HANOVER COUNTY

BOARD OF ADJUSTMENT

230 Government Center Drive, Lucie Harrell Conference Room, Wilmington, NC 28403

Members of the Board

Cameron Moore, Chair | **Kristin Freeman**, Vice-Chair
Henry "Hank" Adams | **Maverick Pate** | **Luke Waddell**

Board Alternates

Pete DeVita | **Richard Kern** | **Michael Keenan, Sr.**

Rebekah Roth, Director of Planning & Land Use | **Sharon Huffman**, Deputy County Attorney

September 28, 2021, 5:30 PM

I. Call Meeting to Order (Chairman Cameron Moore)

II. Approval of July Minutes (*currently in draft status*)

July Member Attendees: Cameron Moore, Kristin Freeman, Pete DeVita, Maverick Pate, Luke Waddell

III. Old Items of Business

IV. Regular Items of Business

Case BOA-963 – Jason Akins, applicant, on behalf of James and Debora Pressley, property owners, is requesting a variance of 8' from the 25' minimum front yard setback requirement and 1' from the 10' minimum side yard setback requirement per Section 3.2.8.D of the New Hanover County Unified Development Ordinance. The property is zoned R-15, Residential District and is located at 1521 Marsh Cove Lane.

V. Other Business

VI. Adjourn

MINUTES

BOARD OF ADJUSTMENT-DRAFT

The New Hanover County Board of Adjustment held a regular and duly advertised meeting at 5:30 P.M. at the New Hanover County Government Center Complex, 230 Government Center Drive, in the Lucie Harrell Conference Room, Wilmington, NC, on Tuesday, July 27, 2021.

Members Present

Cameron Moore, Chairman
Kristin Freeman, Vice-Chair
Pete DeVita
Maverick Pate
Luke Waddell

Members Absent

Hank Adams
Michael Keenan
Richard Kern

Ex Officio Members Present

Ken Vafier, Executive Secretary
Sharon Huffman, County Attorney
Wendell Biddle, Zoning Compliance Official
Andres Baena, Zoning Compliance Official
Amy Doss, Current Planner

The meeting was called to order at 5:30 P.M. by the Chairman, Mr. Cameron Moore.

Mr. Moore stated the Board of Adjustment is a quasi-judicial board appointed by the Board of Commissioners to consider variances from residents in New Hanover County where special conditions would create unnecessary hardships. The Board of Adjustment also hears appeals of the County's interpretation in enforcement of the Unified Development Ordinance. The appellants have thirty days in which to appeal any decision made by the Board to Superior Court.

FIRST ORDER OF BUSINESS

Mr. Pete DeVita made a motion to adopt the minutes from the June 23, 2021, meeting. Mr. Luke Waddell second the motion.

Following a motion by Mr. DeVita and seconded by Mr. Waddell the minutes from the June 23, 2021, minutes were unanimously approved.

Ken Vafier introduced new Planning staff members to the board: Wendell Biddle, Andres Baena, and Amy Doss.

Chairman Moore informed Board members that the case on today's agenda is a continuance from the April 27, 2021, meeting. The applicant and his team will address the board's itemized checklist requested to the applicant at the May 27, 2021, hearing.

The Chairman swore in Ken Vafier, Andrew Jones, PLLC, Sean McDonough, Brett Tanner, and Robert and Karen Foster.

CONTINUANCE CASE BOA-958

Sean McDonough, applicant, on behalf of Brett and Christy Tanner, property owners, is requesting a variance of 8.8' from the 15' minimum side yard setback requirement per Section 3.2.6.D of the New Hanover County Unified Development Ordinance for an addition to an existing garage. The property is zoned R-20S, Residential District and is located at 8020 Bald Eagle Lane.

PUBLIC HEARING

At the previous hearing, the board requested information be provided by the applicant regarding *current impervious coverage, allowance of water outfall to wetlands, CAMA permitting requirements, the distance of outfall to the adjacent septic system and the distance of the pipe's discharge to the intracoastal waterway*

Andrew Jones, PLLC- Mr. Jones presented on behalf of the applicant with a revised site plan drafted by the applicant and engineer working on the proposed garage and improvements. Mr. Jones stated that the applicant revised the original site plan in consultation with Mr. Sedgwick and in consideration of adjacent neighbor concerns. The impervious surface of the site will be reduced from the initial 29.2 % to 24.2 %. The impervious will be increased however with improvement to the garage the overall total of impervious will be lessened per site plan revision.

Mr. Jones stated the applicants team spoke to the NC DEQ CAMA representative regarding regulations as it pertains to outfall to the wetland area. Regulations require a minimum 30' distance from the outfall to the normal high-water line; this distance is also displayed on the revised site plan.

Mr. Jones stated there is a CAMA application proposed to submit to NC DEQ for the proposed scope of work.

Mr. Jones stated that the existing stormwater issue was discovered when the applicant purchased the property, and the applicant is seeking to control the water to the proposed structure with the proposed addition of the accessory structure.

Mr. Jones stated in speaking with the Environmental Health Department it was relayed that the sanitary septic system shall be located 25' away from a drainage system. This distance is also indicated on the revised site plan. The Environmental Health Department has documents indicating the location of the applicant's septic system and the adjacent property owner's system on file.

Chairman Moore asked if the site plan displays the drainage system.

Mr. Jones stated the drainage system is outlined on the revised site plan as three lines.

Brad Sedgwick, JBS Engineer Consulting- Mr. Sedgwick stated a surveyor was consulted for the house, garage and driveway and listed information regarding the built upon area on the site plan.

Mr. Sedgwick stated due to CAMA regulations the applicant modified the site plan to include the BUA of 24.2%. The drain lines are clear in the permit and on the ground and visible on the revised site plan. Mr. Sedgwick stated that Mr. Foster allowed access to his property to identify and locate his drainfield.

Mr. Sedgwick stated upon review there has been previous repair to the Mr. Foster's drainfield. These repairs were done after the system was installed. Documents are on file with Environmental Health. Mr. Sedgwick stated they propose to add a french drain to assist the water flow drain to directly to the intracoastal area.

Mr. Sedgwick stated with the revisions to the proposed variance requested, the changes will make the run-off better.

The bulkhead was listed as the normal high-water mark. Mr. Sedgwick stated he spoke with representative on regulations regarding storm water runoff. Mr. Sedgwick stated the lot was plotted many years ago and the county does not regulate stormwater run-off to this site.

Mr. Sedgwick stated per NC DCM, the area has a 30ft setback from the high-water line. Mr. Sedgwick stated NC DEQ does not regulate stormwater on an individual residential lot.

Mr. Jones asked the board if they had additional questions as it relates to the revised site plan.

Mr. Waddell stated the applicant has addressed all previous concerns and altered the piping to be used to increase better waterflow from the proposed garage addition.

Mr. DeVita asked if there is a preliminary drawing ready of the proposed garage.

Mr. McDonough stated currently no drawing is available. However, the garage is an extension of the roof and existing second floor building.

Chairman Moore stated the applicant will need a CAMA minor permit for activity to the site.

Chairman Moore asked if the adjacent neighbors were informed of the proposed drainage plans.

Karen Foster- (8024 Bald Eagle Lane) Ms. Foster asked if NC DEQ CAMA was satisfied with discharge of water flow being distributed to the bulkhead area. Ms. Foster asked if she could get copies of handouts pertaining to today's hearing.

Chairman Moore stated the applicant has presented satisfactory modifications to address concerns regarding stormwater flow. Chairman Moore stated NC DEQ CAMA will address concerns as the applicants pursue a CAMA permit.

Chairman Moore stated NCDEQ CAMA would require approval on the applicant's drainage proposal for permitting. The proposal will require a CAMA permit and impervious calculations must be provided to obtain a CAMA permit.

Mr. DeVita stated the applicant has proposed a reversed piping that should assist with water flow to the bulkhead.

PUBLIC HEARING CLOSED.

Chairman Moore stated the applicant has provided a narrative for the variance request proposal.

Chairman Moore stated that the board is tasked with adhering to the zoning element of the requested variance.

Chairman Moore stated some of the narrative may have been altered as the site plan has been revised.

Chairman Moore stated the applicant has provided enhancements to replace the garage and addressed the neighbors' concerns of water run-off with no adverse effects the neighbors.

The Board discussed that the applicant addressed all concerns and is working with the neighbors' concerns of stormwater run-off, impervious area, and CAMA regulations.

Mr. Waddell stated the applicant has complied with all the board's request on additional information.

Mr. DeVita stated he commends the applicant on working with the neighbors on a mitigation plan to address their concerns.

Mr. DeVita made a motion to approve the variance as requested by the applicant.

Mr. Waddell second the motion.

A condition was place on the variance the applicant will be required to obtain a CAMA Minor Permit for the requested scope of work, and that development shall be consistent with the site plan submitted as the Applicant's "Exhibit B". The variance request was **GRANTED** for 8020 BALD EAGLE LANE.

The Board's decision was based on the following conclusions and findings of fact:

1. It is the Board's conclusion that, if the applicant complies with the literal terms of the ordinance, specifically a variance of 8.8' from the 15' minimum side yard setback requirement per Section 3.2.6.D of the New Hanover County Unified Development Ordinance, that an unnecessary hardship would result. This conclusion is based on the following FINDINGS OF FACT:

- The applicant proposes to extend the existing garage by 12' and construct a 24" tall masonry foundation wall to help divert and control surface water coming from adjacent planter area and runoff from Bald Eagle Lane.
- Failure to control runoff in this area could lead to further damage to the structure.
- The existing garage was built 5'-6' back as depicted in current survey. In order to serve the needs of Mr. And Mrs. Tanner and their family, the extension of the existing garage at the current setback of 5'-6' would:
 1. Mitigate water intrusion
 2. Maintain the integrity of existing home's architectural lines
 3. Enhance and/or maintain the value of their home consistent with neighboring properties
 4. Increase on-site protected parking
 5. Increase storage for homeowners.

2. It is the Board's conclusion that the hardship of which the applicant complains results from unique circumstances related to the subject property, such as location, size, or topography. This conclusion is based on the following FINDINGS OF FACT:

- As it relates to “hardship” and the rights of a property owner to enhance said property, the request for this variance is consistent with the existing structure setbacks, the continuity of the adjacent properties, and would have no adverse effects of adjacent property owners. Failure to grant the variance would deny the homeowners the right to both protect and enhance their property.

3. It is the Board's conclusion that the hardship of did not result from actions taken by the applicant or the property owner. This conclusion is based on the following FINDINGS OF FACT:

- The home was purchased with the understanding that the home would need improvements, repairs, and enhancements, which could include additions that are consistent with existing structure setbacks.

4. It is the Board's conclusion that, if granted, the variance will be consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This conclusion is based on the following FINDINGS OF FACT:

- The proposed addition is consistent with both the spirit and of the rights of any property owner to preserve the value and integrity of their investment.

There being no further business before the board, it was properly moved by Mr. DeVita and seconded by Mr. Waddell to adjourn the meeting. All ayes.

MEETING ADJOURNED.

Please note the minutes are not a verbatim record of the proceedings.

Executive Secretary

Chairman

Date: _____

**VARIANCE REQUEST
BOARD OF ADJUSTMENT
September 28, 2021**

CASE: BOA-963

PETITIONER: Jason D. Akins, applicant, on behalf of James Pressley, property owner.

REQUEST: Variance of 8' from the 25' minimum R-15 front yard setback (8' encroachment) and variance of 1' from the 10' side yard setback (1' encroachment) requirement per Section 3.2.8.D of the New Hanover County Unified Development Ordinance.

LOCATION: 1521 Marsh Cove Lane
PID: R07908-003-017-000

ZONING: R-15, Residential District

ACREAGE: 0.23 Acres

BACKGROUND AND ORDINANCE CONSIDERATIONS:

Jason D. Akins, applicant, on behalf of James Pressley, property owner, is requesting a variance from the minimum R-15 front yard setback requirement of 25' and a variance from the minimum side yard setback of 10' in order to construct steps to the front of the house and allow for a 1' intrusion into the side yard.

The UDO allows for two different types of subdivision design: Performance Residential Developments and Conventional Residential Developments. In a performance development, individual lots are not subject to the specific yard requirements of a zoning district provided that the density for the zoning district is not exceeded. In a conventional development, the UDO requires that the dimensional standards for each zoning district be met. The subject parcel is legally described in Deed Book 958 PG 139 as being part of a subdivision of land which was originally recorded in December 1965, before there was an option to utilize the standards of a performance development. Although not recorded specifically as a conventional development, the parcel is subject to the required 25' front setback and 10' side setback in the R-15 district as specified in the dimensional standards in Section 3.2.8 of the UDO:

D. District Dimensional Standards [11-16-2020]		
Standard	Single Family Detached	Duplex
Lot area, minimum (square feet)*	15,000	25,000
1 Lot width, minimum (feet)*	80	80
2 Front setback (feet)*	25	25
3 Side setback, street (feet)*	15	15
4 Side setback, interior (feet)*	10	10
5 Rear setback (feet)*	20	20
Density, maximum (dwelling units/acre)**	2.5	
Building height, maximum (feet)***	40	

* Does not apply to Performance Residential Developments (see Section 3.1.3.D).

** Applies only to Performance Residential Developments (see Section 3.1.3.D).

*** Structures elevated on open foundations consisting of piers, posts, columns or piles shall have a maximum height of 44 feet.

The UDO prescribes a minimum lot width of 80' and size for the R-15 district of 15,000 sf. The subject property is a legal nonconforming 0.23-acre parcel recorded in 1965, and as a result the parcel contains dimensional non-conformities with respect to lot width and area, and is only 10,018 sf. As a result, the buildable area on the lot is reduced to approximately 1,200 sf. In a conventional development, the UDO requires that the dimensional standards for each zoning district be met. Please refer to the attached aerial map for context.

The subject property is a vacant lot with the exception of a slab of concrete and a boardwalk leading to a dock. As it is, the lot is already non-conforming in size and width. Buildable land on the lot has been further reduced by wetlands located on three sides of the property. Flood zone standards require elevated piling construction of the house, which results in additional rise and run required for the front steps which create further encroachment into the front setback. As the parcel is adjacent to the Intracoastal Waterway, it is subject to standards set forth in the Coastal Area Management Act which requires a 20' buffer from the mean high-water line at this site.

The structure is proposed in the only buildable area on the lot with the exception of the front stairs, which are necessary for access and the small corner that juts into the side setback and ensures the safe architectural construction of the building. According to the applicant, imposing the side setback requires the structure to be out of square by 9". In the absence of a variance for 1' into the side setback at the right rear corner the home could have potential structural issues.

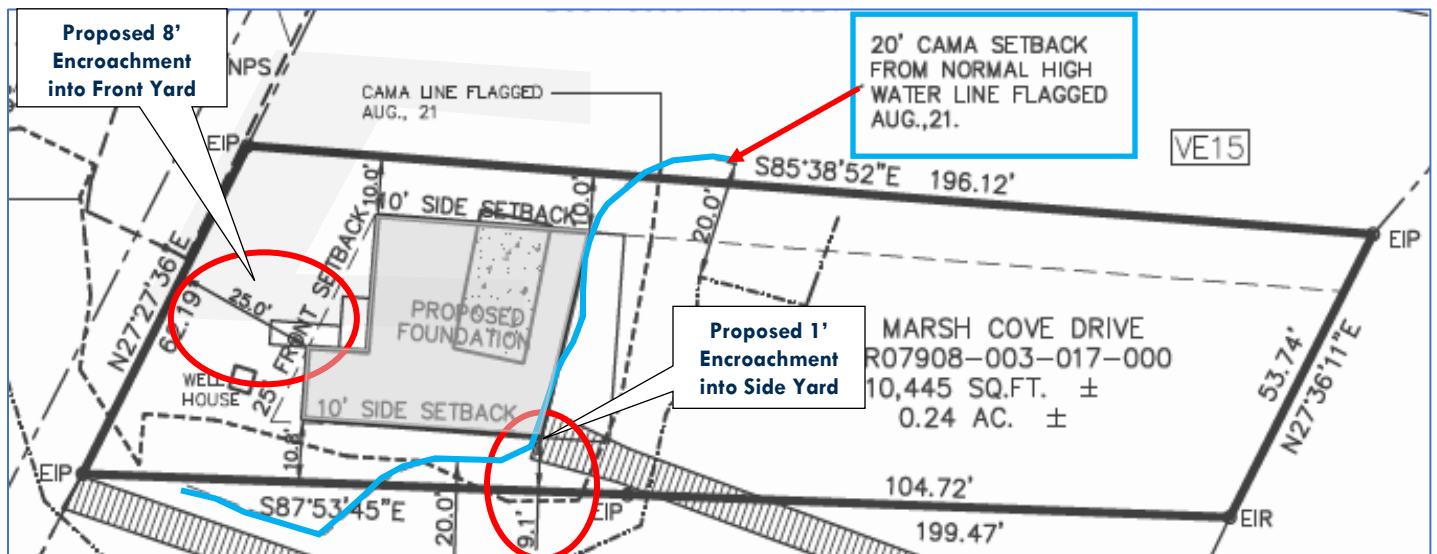


Figure 2: Proposed Site Plan with Staff Markups

The applicant contends that the variance is necessary to permit safe access to the front of the house and safe construction of the home which the property owners intended to pursue when they purchased the lot. Since purchasing the lot and development of the first layout, the normal high-water line has moved further inland forcing the structure to be located even closer to the front setback. Construction standards in the VE flood zone require elevated piling construction, which in turn means the structure must have more rise/run thus the steps encroach further into the front setback. Buildable area on the lot has been reduced since purchasing the lot which the applicant contends has created a hardship.

In summary, the applicants are requesting a variance from the 25' R-15 front yard setback requirement to construct stairs 8' into the front setback to the existing single-family dwelling on the subject property, which will be set back 17' from the Right-of-Way Marsh Cove Lane. In addition, the applicant is requesting a 1' variance from the 10' side setback.

BOARD OF ADJUSTMENT POWER AND DUTY:

The Board of Adjustment has the authority to authorize variances from the terms of the Unified Development Ordinance where, due to special conditions, a literal enforcement of the regulations would result in unnecessary hardship. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with the Unified Development Ordinance. A concurring vote of four-fifths (4/5) of the voting members of the Board shall be necessary to grant a variance. A variance shall not be granted by the Board unless and until the following findings are made:

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. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the 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.

ACTION NEEDED (Choose one):

1. **Motion to approve the variance request based on the findings of fact (with or without conditions)**
2. **Motion to table the item in order to receive additional information or documentation (specify)**
3. **Motion to deny the variance request based on specific negative findings in any of the 4 categories above.**



Case: BOA-963

Vicinity Map

Address: 1521 Marsh Cove Lane

Variance from R-15 front setback and side setback requirements per Section 3.2.8.D of the New Hanover County Unified Development Ordinance.

Applicant: Jason D. Akins



Case: BOA-963

Zoning Map

Address: 1521 Marsh Cove Lane

Variance from R-15 front setback and side setback requirements per Section 3.2.8.D of the New Hanover County Unified Development Ordinance.

Applicant: Jason D. Akins



Case: BOA-963

Aerial Map

Address: 1521 Marsh Cove Lane

Variance from R-15 front setback and side setback requirements per Section 3.2.8.D of the New Hanover County Unified Development Ordinance.

Applicant: Jason D. Akins



NEW HANOVER COUNTY

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Rebekah Roth, Director of Planning & Land Use | Sharon Huffman, Deputy County Attorney

ORDER TO GRANT A VARIANCE – Case BOA-963

The Board of Adjustment for New Hanover County, having held a public hearing on September 28, 2021 to consider application number BOA-963, submitted by Jason Akins, applicant, on behalf of James Pressley, property owner, a request for a variance of 8' from the 25' minimum R-15 front yard setback and a variance of 1' from the minimum 10' side yard setback requirements per Section 3.2.8.D of the New Hanover County Unified Development Ordinance to use the property located at 1521 Marsh Cove Lane in a manner not permissible under the literal terms of the ordinance and having heard all the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

1. It is the Board's conclusion that, if the applicant complies with the literal terms of the ordinance, specifically the 25' minimum R -15 front yard setback and the 10' minimum side yard setback requirements per Section 3.2.8.D of the New Hanover County Unified Development Ordinance, that an unnecessary hardship would/would not result. *(It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.)* This conclusion is based on the following FINDINGS OF FACT:

- _____.
- _____.
- _____.
- _____.

2. It is the Board's conclusion that the hardship of which the applicant complains results/does not result from unique circumstances related to the subject property, such as location, size, or topography. *(Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.)* This conclusion is based on the following FINDINGS OF FACT:

- _____.
- _____.
- _____.
- _____.

3. It is the Board's conclusion that the hardship did/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.)* This conclusion is based on the following FINDINGS OF FACT:

- _____.
- _____.
- _____.
- _____.

4. It is the Board's conclusion that, if granted, the variance will/will not be consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This conclusion is based on the following FINDINGS OF FACT:

- _____.
- _____.
- _____.
- _____.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE from New Hanover County Unified Development Ordinance to allow a variance of 8 from the 25' minimum R-15 front yard setback and a variance of 1' from the side yard setback requirements per Section 3.2.8.D of the UDO be GRANTED/DENIED, subject to the following conditions, if any:

ORDERED this 28th day of September, 2021.

Cameron Moore, Chairman

Attest:

Kenneth Vafier, Executive Secretary to the Board

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

Applicant/Agent Name Jason D. Akins	Owner Name (if different from Applicant/Agent) James Pressley
Company 16 Pointe Properties LLC	Company/Owner Name 2 Debora Pressley
Address 222 Seacrest Dr.	Address 5108 Outeway Pl
City, State, Zip Wrightsville Beach NC 28480	City, State, Zip Wilmington NC 28409
Phone 704-506-2404	Phone 910-444-8710
Email jason@16PointeProperties.com	Email debora.pressley@gmail.com

2. Subject Property Information

Address/Location	Parcel Identification Number(s)
1521 Marsh Cove	R07908-003-017-000
Total Parcel(s) Acreage	Existing Zoning and Use(s)
. 223 .23	R-15 lot w/ concrete pad

3. Proposed Variance Narrative

Subject Zoning Regulation, Chapter and Section	3.2.8(D)
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In the space below, please provide a narrative of the application (attach additional pages if necessary).

This lot was platted sometime in the 50's. It is currently a non-conforming lot as it is only 62' wide at the most and only 10,018 sq. ft. Given the front, and side setbacks and the normal high water line on the rear the buildable area is reduced to approximately 1200 sq. ft. As it is in a VE flood zone it must be elevated. Stairs are required for egress and require a minimum rise + run. Given this the stairs will project into the front setback. In the city 8' of open deck (even roofed) and stairs are allowed to project into the setback. We are asking for a variance to allow the 4' wide stairs to project approximately 8' into the front setback. We are also asking for a separate variance of approximately 9' at the right rear corner of the buildable area into the 10' side setback. The lot has an angle and this prevents the house from being square by the tiniest amount.

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.

Imposing the 25' front set back significantly reduces the almost non-existent buildable area. Given the VE zone no reasonable use can be made of the property w. that setback.

Imposing the 10' side set back causes the home to be out of square by 9". In the absence of a minor variance at the right rear corner the home could have potential structural issues.

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 parcel was originally configured in the 1950's and is a nonconforming lot size of approximately 10,018 sf which is $\frac{2}{3}$ of the minimum of 15,000 sf. It is also on 62' wide at its widest, well below the minimum of 80'.

~~at the~~ approximately $\frac{2}{3}$ of the lot is wetlands. Due to the normal highwater line the buildable area is approximately 35' x 35'. This has actually shrunk as of the date of this application due to a more restrictive reflagging of the

NHW making the hardship even greater. 3 sides of this property have coastal wetlands that must remain undisturbed with buffers that can not be encroached upon.

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 lot was initially configured in the 1950's and has maintained its original configuration since then.

County state and federal regulations, special flood hazard regulations, CAMA regulations and Clean Water Act regulations impose constraints on the property.

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.**

Allowing the variance results in minimal to no disturbance to adjacent coastal and jurisdictional wetlands allowing them to continue to function for flood control and water quality mitigation.

The reduction in setback still provides sufficient setback of the home and as this is the last home before wetlands does not impose any threats to public safety nor inconvenience to anyone.

allowing the variance provides the property owners to develop the property versus what would be a very expensive unbuildable lot.

The home is also much smaller than similar homes in the area and the owner has worked for months to ~~keep~~ redesign to keep the home within the tiny footprint but still be a functional home.

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

Applicant Initial

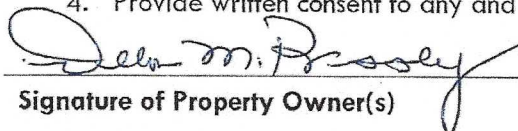
JA
JA
JA
JA
JA

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;
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; and
4. Provide written consent to any and all conditions of approval.


Signature of Property Owner(s)

Debon M. Pressley
Print Name(s)


Signature of Applicant/Agent

Jason D. Akins
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

<h2 style="margin: 0;">JAMES M. and DEBORA M. PRESSLEY</h2>		
PID: R07908-003-017-000 BOOK 6420 PAGE 819 0.24 ACRES +/-	PID: R07908-003-072-000 BOOK 6420 PAGE 819 TRACT B - CONSERVATION AREA 2.45 ACRES +/- MAP BOOK 39 PAGE 199	PID: R07908-003-076-000 BOOK 6420 PAGE 819 0.52 ACRES +/- MAP BOOK 39 PAGE 199
FEDERAL POINT TOWNSHIP, NEW HANOVER COUNTY NORTH CAROLINA		

MICHAEL UNDERWOOD and ASSOCIATES, PA
102 CINEMA DRIVE, SUITE A
WILMINGTON, NC 28403
PHONE: 910-815-0650
FAX: 910-815-0393
E-MAIL: mua@bizec.rr.com

A line drawing of a person in a crouched position, looking through a surveying instrument mounted on a tripod. The person is wearing a cap and a long-sleeved shirt. The tripod is a standard surveying tripod with three legs and a central column.

CHECKED BY: MNU SCALE: 1"=40'

\\Carlson Buddy\2019\Final Surveys\Tall Ships Landing\Lot 24 and 25\dwg

NC GRID, NAD '83

NORTH CAROLINA
NEW HANOVER COUNTY

MICHAEL N. UNDERWOOD, P.L.S.
LICENSE NUMBER L-2962
SEAL OR STAMP

[illegible]

©2021 MICHAEL UNDERWOOD and ASSOCIATES, PA