Pender County

Agenda

Board of Adjustment Meeting
Wednesday, June 5, 2024 @ 9:00 AM
Pender County Public Assembly Room 805 S. Walker Street, Burgaw, NC 28425

		Presenter	Page
1.	CALL TO ORDER		
2.	ROLL CALL		
3.	INVOCATION		
4.	ADOPTION OF AGENDA		
5.	ADOPTION OF MINUTES		
5.1.	March 20, 2024 Meeting Minutes March 20, 2024 Meeting Minutes - Pdf		3 - 6
6.	PUBLIC COMMENT		
7.	APPEAL		
7.1.	APPEAL 2024-12: Appeal of Administrative Decision (To be continued) APPEAL 2024-12 - Pdf		7
8.	VARIANCE		
8.1.	VAR 2024-17: Variance request seeking relief from Section 4.14, Zoning District Dimensional Requirements, of the UDO VAR 2024-17 - Pdf		9 - 33
9.	DISCUSSION ITEMS		
10.	NEXT MEETING DATE		
11.	ADJOURNMENT		

Pender County
March 20, 2024 Meeting Minutes

TO:	Board of Adjustment
FROM:	Daniel Adams
DATE:	June 5, 2024
SUBJECT:	March 20, 2024 Meeting Minutes

SUMMARY:
Minutes from the March 20, 2024, Board of Adjustment meeting.

ACTION REQUESTED:
Approval of March 20, 2024, Board of Adjustment meeting minutes.

ATTACHMENTS:
1. Draft March 20, 2024 meeting minutes

Pender County Board of Adjustment Meeting Minutes – March 20, 2024

Members Present: Max Kipfer, Chairman
Brett Keeler, Vice-Chairman
Kyle Breuer
Jeffrey Snider, Alternate

Members Absent: Andrew Olsen, Alternate

Others Present: Daniel Adams, Planning Director
Justin Brantley, Deputy Planning Director
Taylor Davis, Planner
Donna Sayre, Planning Technician
Trey Thurman, County Attorney
Members of the Public

1. Call to Order: 9:02 a.m.

2. Roll Call

3. Invocation

4. Adoption of Agenda

Mr. Breuer made a motion to adopt the March 20, 2024, agenda. Mr. Snider seconded the motion, and the motion was unanimously approved.

5. Adoption of Minutes

Mr. Adams stated that the minutes reflect Mr. Breuer as being Vice-Chairman whereas it should state Mr. Keeler as Vice-Chairman. Mr. Keeler made a motion to adopt the minutes from the February 21, 2024, meeting, with the correction that Mr. Adams indicated. Mr. Snider seconded the motion, and the motion was unanimously approved.

6. Public Comment

There was no public comment.

7. Variance

Mr. Thurman swore in Planning staff members and members of the public who will be testifying at the hearing.

VARIANCE 2023-16 – Little Hampstead, LLC., applicant on behalf of Tanner Postal Commercial Real Estate and O'Leary Property Management, LLC., owners.

Mr. Adams stated that at the last meeting, the Applicant stated that they were going to resubmit the Master Plan to which they have. He stated that the resubmission shows the cross-access

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corridor that was in question and the staff needs additional time to evaluate the feasibility of the location. Mr. Adams stated that the Planning staff is requesting a continuance until the April 2024 meeting. The Board members discussed the April meeting date and decided on April 18, 2024, at 9:00 in the same location.

Mr. Breuer made a motion to table Variance 2023-16 until the April 18, 2024, meeting at 9:00 a.m. Mr. Keeler seconded the motion, and the motion was unanimously approved.

8. Appeal

Jeff Turpin, property owner and as manager of The JayTees Properties IV, LLC., is requesting an Appeal of an Administrative Decision made by the Pender County Planning and Community Development Department to deny two development permit applications. Master Development Plan MDP 2023-52 and Major Site Development Plan SDP 2023-249 were determined to be nonconforming to the Pender County Unified Development Ordinance and the Pender County Streets Plan.

The subject property is located off Headwaters Drive, roughly 420 feet east of the intersection of US Hwy. 17 and Headwaters Drive and is adjacent to the existing Hampstead Station Development. The property can be further identified by Pender County PIN 3282-85-8819-0000.

Mr. Adams stated that the Planning staff has been working closely with the Applicant and his Attorney to work towards a resolution that could be potentially occur outside of a hearing.

Attorney Andrew McVey stated this is an Appeal of an Administrative Decision concerning the location of a collector road. He stated that his client and the adjacent property owners have an agreement as to the location of the roadway as is proposed in the application. Mr. McVey stated that they would need to work with the Planning staff to come to an agreement that would be in all parties' best interest. He requested a continuance until the April 18, 2024, meeting.

Mr. Breuer made a motion to table Appeal 2024-12 until the April 18, 2024, meeting at 9:00 a.m. Mr. Snider seconded the motion, and the motion was unanimously approved.

9. Approvals and Resolutions

Amendments to the Rules of Procedures

Mr. Adams stated that this matter has been worked on for almost a year and after multiple discussions with the Board members two additions were added to Article 4 and the language has been updated to reference Section 160D.

Mr. Kipfer asked if Sections I and J were the items that had been discussed at the past meetings to which Mr. Adams responded affirmatively.

Mr. Kipfer asked if there were any questions or comments for Planning staff and none were presented.

Mr. Keeler made a motion to approve 9.1 Amendments to the Rules of Procedures with Mr. Breuer seconding the motion. The motion was unanimously approved.

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10. Discussion Items

Mr. Breuer stated that he has looked at the Pender County website and it needs to be updated.

Mr. Keeler stated that there are a few website pages that have outdated information on them, including Board member names. He stated that the advertisement for the Board openings has two districts listed but only one opening, which is contradictory.

Mr. Adams stated that the County has hired a company to build a County website so a new website will be transitioned to in the future.

11. Next Meeting Date

April 18**,** 2024 @ 9:00 a.m.
Commissioner's Meeting Room
805 S. Walker Street
Burgaw, NC 28425

11. Adjournment

The meeting adjourned at 9:18 a.m.

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Pender County
APPEAL 2024-12: Appeal of Administrative Decision

TO:	Board of Adjustment
FROM:	Daniel Adams
DATE:	June 5, 2024
SUBJECT:	APPEAL 2024-12: Appeal of Administrative Decision (To be continued)

SUMMARY:
Jeff Turpin, property owner and as manager of The JayTees Properties IV, LLC, is requesting an Appeal of an Administrative Decision made by the Pender County Planning and Community Development Department to deny two development permit applications. Master Development Plan MDP 2023-52 and Major Site Development Plan SDP 2023-349 were determined to be nonconforming to the Pender County Unified Development Ordinance and the Pender County Streets Plan.

The subject property is located off Headwaters Drive, roughly 420 feet east of the intersection of US Highway 17 and Headwaters Drive and adjacent to the existing Hampstead Station development. The property can be further identified by Pender County PIN 3282-85-8819-0000.

ACTION REQUESTED:
Case to be continued.

Pender County
VAR 2024-17: Variance request seeking relief from Section 4.14, Zoning District Dimensional Requirements, of the UDO

TO:	Board of Adjustment
FROM:	Tucker Cherry
DATE:	June 5, 2024
SUBJECT:	VAR 2024-17: Variance request seeking relief from Section 4.14, Zoning District Dimensional Requirements, of the UDO

SUMMARY:
Larry Ray Horrell, applicant and owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 4.14 "Zoning District Dimensional Requirements." Specifically, the applicant is seeking a 28.8-foot variance from the required 30-foot front setback for the placement of a home in the RA, Rural Agricultural, zoning district.

The subject property is located along South Holly Shelter Estates Road and south of the Northeast Cape Fear River in the Holly Township. The property may be further identified by Pender County PIN: 3257-09-6110-0000.

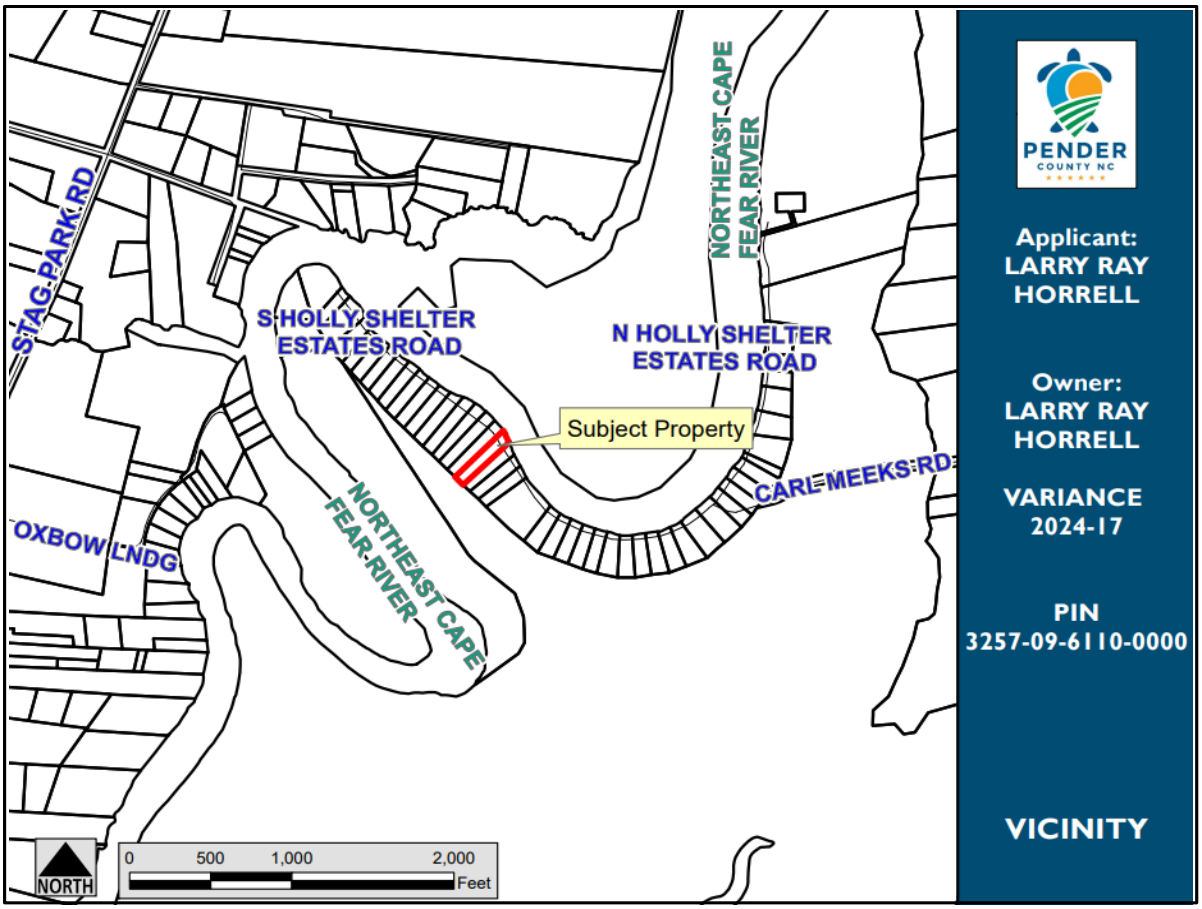
ACTION REQUESTED:
Hold a public hearing and consider the variance request.

ATTACHMENTS:
1. Staff Report
2. Application
3. Narrative
4. Horrell Deed
5. Map of Holly Shelter Estates
6. Site Plan
7. Site Plan - Zoomed In

STAFF REPORT FOR VAR 2024-17
VARIANCE APPLICATION

APPLICATION SUMMARY	
Case Number	VAR 2024-17
Hearing Date	June 5, 2024, Board of Adjustment
Applicant	Larry Ray Horrell
Property Owner	Larry Ray Horrell
Parcel Identification Number	3257-09-6110-0000
Acreage	0.7 Acres
Township	Holly
Zoning District	RA, Rural Agricultural
Pender 2.0 Future Land Use Category	Rural Agriculture

VARIANCE PROPOSAL
Larry Ray Horrell, applicant and owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 4.14 "Zoning District Dimensional Requirements." Specifically, the applicant is seeking a 28.8' variance from the required 30’ front setback for the placement of a home in the RA, Rural Agricultural, zoning district.
LOCATION
The subject property is located within the RA, Rural Agricultural, zoning district and is located to the south of South Holly Shelter Estates Road and the Northeast Cape Fear River in the Holly Township. The property may be further identified by Pender County PIN: 3257-09-6110-0000.

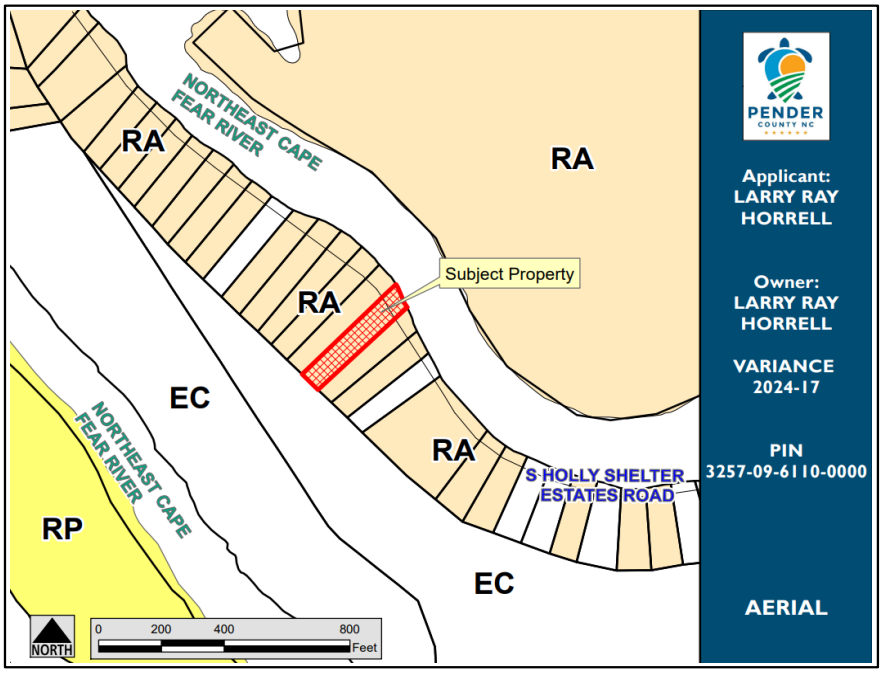


PROPERTY DESCRIPTION

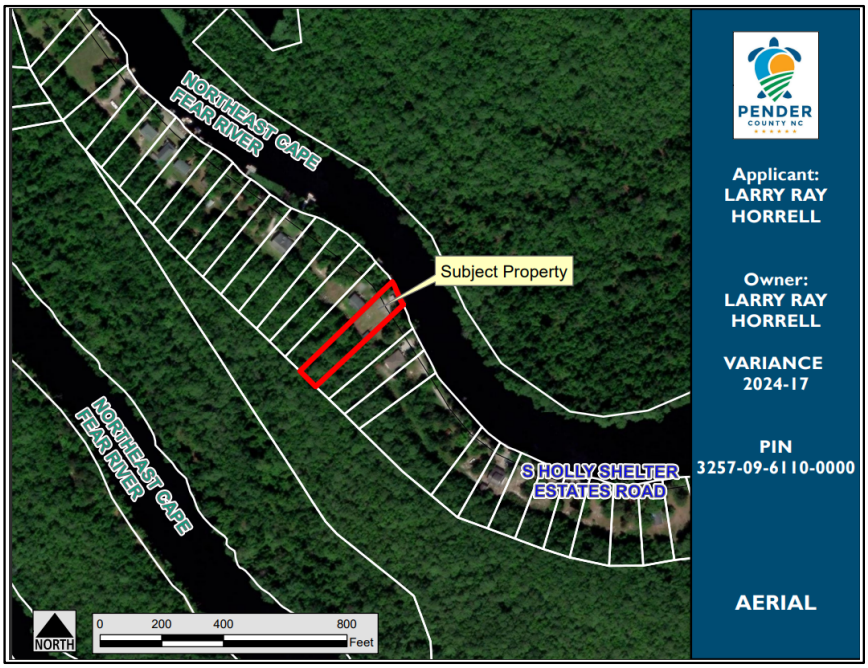
The subject property consists of one parcel (PIN: 3257-09-6110-0000) that is approximately 0.7 acres of land. The parcel is located to the south of South Holly Shelter Estates Road and borders the Northeast Cape Fear River. The parcel is zoned RA, Rural Agricultural.

The parcel previously included a residential structure that was destroyed in Hurricane Florence in 2018. The applicant intends to construct a new residential structure in the approximate footprint of the former structure. There is a 30-foot overhead power line easement located less than 10 feet from the rear of the proposed residential structure, as well as wetlands behind the 30-foot power line easement towards the rear lot line. Additionally, there is a 40-foot wide private access easement running through the north end (front) of the parcel.

Below: Zoning Map of Subject Property



Below: Aerial Map of Subject Property



VARIANCE DESCRIPTION

The applicant is requesting a variance for relief from the Pender County Unified Development Ordinance (UDO) standards outlined in Section 4.14 "Zoning District Dimensional Requirements." Specifically, the applicant is seeking a 28.8-foot variance from the required 30-foot front setback for the placement of a home in the RA, Rural Agricultural, zoning district. If approved, the applicant's residential structure will be setback 1.9 feet from the 40-foot roadway easement on the northeast corner and 14.5 feet on the northern corner. The site plan is attached in the Board's packet for reference.

As described in the submitted narrative, that can be found in the Board's packet, the applicant is proposing the County allow for relief from the 30-foot front setback required in the Rural Agricultural, zoning district. The applicant is intending to build a residential structure in the approximate footprint of the structure that was previously on the parcel and destroyed by Hurricane Florence in 2018, prior to their purchasing of the property (see **Attachment 1** for the Deed, as recorded by the Register of Deeds in Deed Book 4812, Pages 603-604). According to the applicant's narrative, this cannot be done without the approval of the requested variance due to limited buildable space on the lot. The lot contains a 30-foot power line easement with electric power lines overhead and wetlands located behind the easement that cannot be built upon. Due to these limitations, potential construction would be limited.

Section 4.14 of the Pender County UDO lists dimensional requirements for each zoning district. The Rural Agricultural zoning district requires newly created lots to be one (1) acre in size as shown in Table 4.14 of the UDO below. However, this lot was legally established as late as 1966 (Per Map Book 9 Page 102 in the Register of Deeds, see **Attachment 2**) and is therefore considered a legally established non-conforming lot and new development would have to comply with today's setback regulations.

It is important to note that no structures can be located within utility easements. However, setback requirements do not apply to the utility easement.

Section 4.6.5 of the Pender County UDO discusses Lot Type, Width, and Depth, and more specifically, Lot Line Equivalents (4.6.5.B). The 40-foot access easement on the parcel creates a Lot Line Equivalent, therefore, the front setback applies to the access easement and not the property line and any structure would have to meet the 30-foot front setback requirement from the access easement. An excerpt of this section is provided on the following page.

Below: Zoning District Dimensional Requirements Table 4.14 of the UDO

Dimensional Standards [9]	RA	RP	RM	MH	GB	OI	IT	GI	PD	EC
Lot Size	1 Acre[8]	15,000[5] Sq. Ft.	(1)	(7)	15,000 Sq. Ft.[8]	15,000 Sq. Ft.	1 Acre	1 Acre	(1)	1 Acre
Lot Size Duplex	60,000 Sq. Ft.	22,000 Sq. Ft.	(1)						(1)	
Min. Area Rezoning(3)	NA	5 Acres	10 Acres	5 Acres	1 Acre	1 Acre	5 Acres	5 Acres	5 acres	NA
Min. Lot Width-Ft	100[8]	80[6]	(1)	(7)	80[8]	80	100	100	(1)	100
Min. Chord Length at ROW line for "cul de sac's"	45	30	(1)	20	30	30	45	45	(1)	45
Min. Front Yd.-Ft.	30[8]	30	(1)	(7)	25[8]	25	40	50	(1)	50
Min. Side Yard-Ft	15[8]	10	(1)	(7)	10[8]	10	25	25	(1)	25
Min. Corner Yard Ft (10)	15	15	(1)	(7)	12	12	20	25	(1)	25
Min. Rear Yard-Ft	30[8]	25	(1)	(7)	10[8]	10	25	25	(1)	25
Max. Height-Ft	35[2]	35[2]	45	35	40	40	50	50	(1)	40
Min. Req. Structure Separation	30[8]	30	(1)		20[8]	20	(11)	(11)	(1)	50

4.6.5 Lot Type, Width, and Depth (UDO)

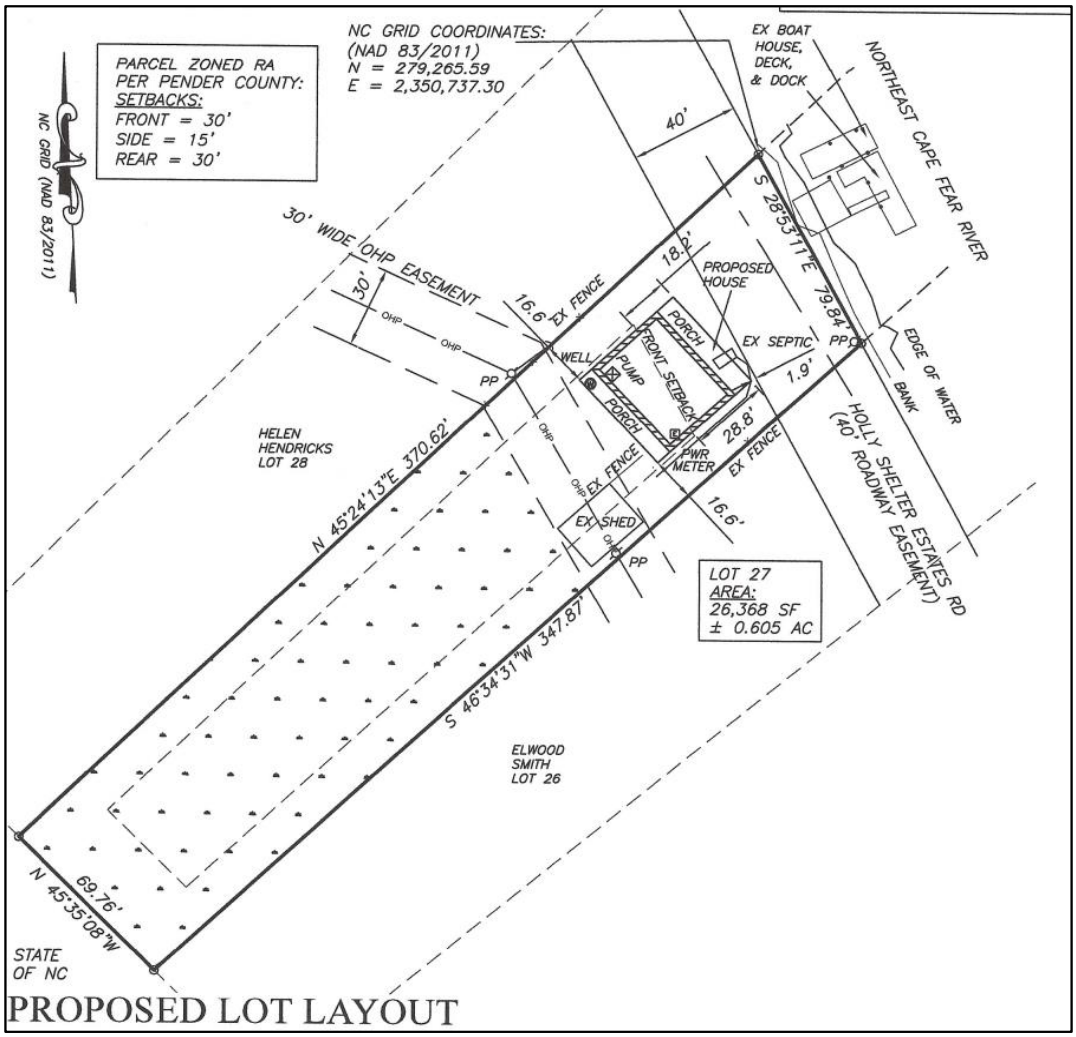
B. Lot Line Equivalent - The following provisions shall apply in the determination of a lot line equivalent.

1) A front lot line equivalent is a straight line joining the foremost points of the side lot lines. In the case of rounded property corners at street intersections, the foremost point of a side lot line shall be assumed to be the point at which the side and the front lot line would have met without such rounding.

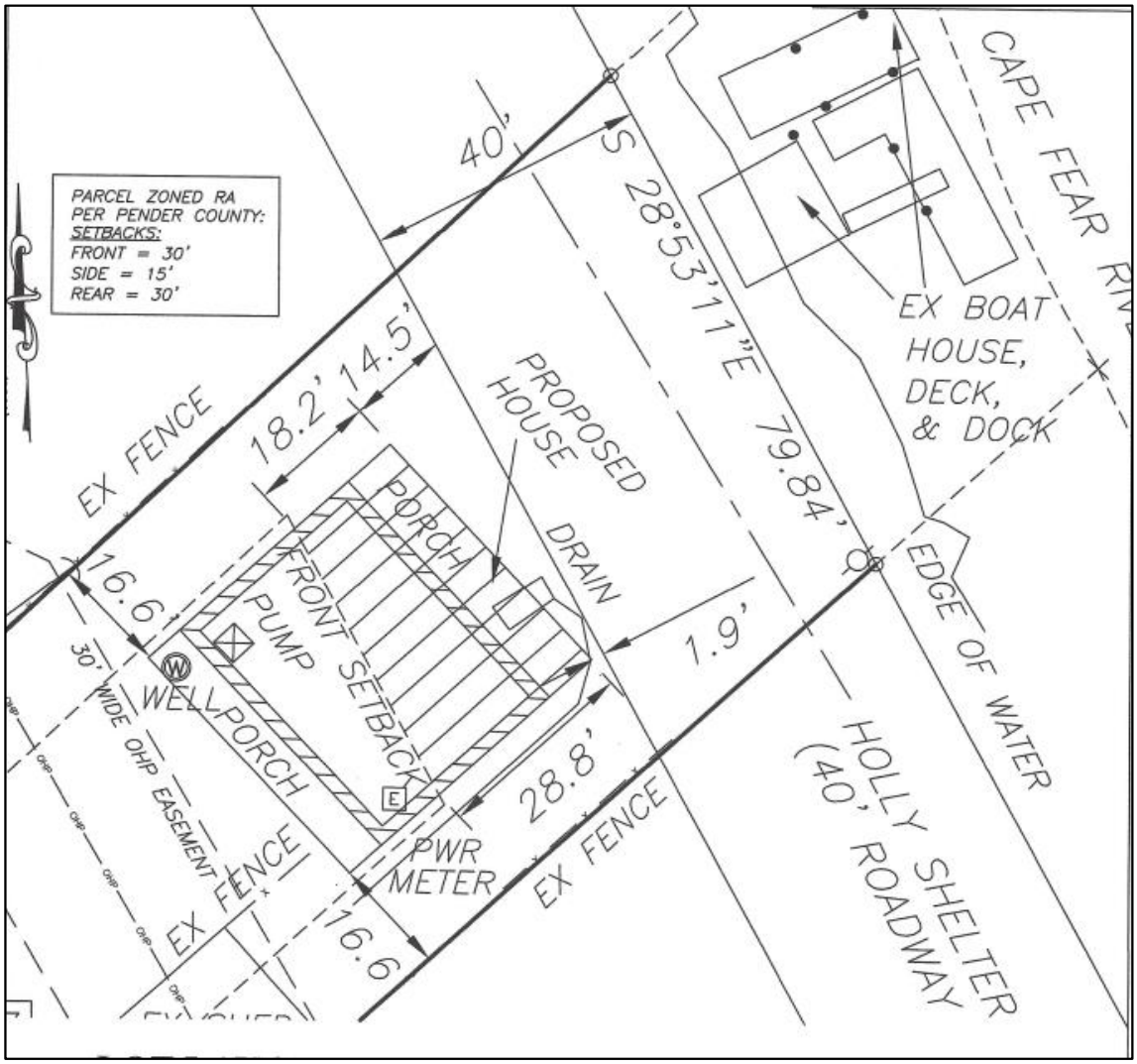
2) ***A front lot line is any lot line adjacent to a public or private right-of-way or ingress/egress easement.*** In the case of a corner lot, either side adjacent to a street maybe considered to be the front, provided the structure to be located on the lot is situated to meet the required front, side and rear yards for the zoning district in which the lot is located.

The site plans associated with this request can be found in the Board's packet as **Attachment 3** and **Attachment 4** and are provided below.

Below: Site Map Showing Proposed Home and Setbacks



Below: Zoomed-In Site Plan



ZONING ADMINISTRATOR'S CONCLUSION

The applicant is requesting 28.8 feet of relief from Section 4.14 of the UDO, which requires a 30-foot front setback in order to have the appropriate space to construct a residential structure. The existing 40-foot access easement that runs through the property creates a lot line equivalent, as described in Section 4.6.5 of the UDO, making the front setback requirement 30 feet from the access easement and not the property line, limiting the useable space of the parcel. The applicant cites the access easement, overhead power line easement, and wetlands on the parcel as reasons why this request is appropriate. If approved, the applicant's residential structure will be set back 1.9 feet from the 40-foot roadway easement on the northeast corner and 14.5 feet on the northern corner.

PENDER COUNTY UDO VARIANCE EVALUATION

3.14 VARIANCE

3.14.1 Applicability

A. The Board of Adjustment may vary certain requirements of this Ordinance, in harmony with the general purpose of these regulations, where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical or result in a hardship in making reasonable use of the property.
B. The Board of Adjustment may waive certain requirements when authorized to do so by provisions adopted as a part of this Ordinance.
C. No variance shall be permitted that would have the effect of allowing a use not permitted in the use table of Section 5.2.3.
D. No variance shall be permitted that would allow a project to exceed the maximum density as to number of dwelling units to the acre in a Zoning District. This maximum density shall be inclusive of any density bonus allowance or additional units in a planned unit development.
E. The need for the variance cannot be a result of the owner's own actions and cannot be for strictly economic reasons.
F. The Board of Adjustment may grant variances in the following special circumstances, as indicated in Section 3.14.7 of this Ordinance.

3.14.6 Burden of Proof

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below (Findings), as well as the burden of persuasion on those issues.

3.14.7 Findings

In granting any variance, the Board of Adjustment shall make the following findings:

A. That special or unique circumstances or conditions or practical difficulties exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning districts;
   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, 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 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.
B. In making the findings above, the Board of Adjustment may give special weight to the number and percentage of nearby properties that share characteristics for which the variance is requested by the applicant. The Board of Adjustment may grant a variance to expand an existing structure, including the expansion of a nonconforming structure if the findings listed above can be made.

BOARD OF ADJUSTMENT: FINDING OF FACTS

1. It is the Board's CONCLUSION that the hardship of which the applicant complains **results/does not 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.
   a. This conclusion is based on the following FINDINGS OF FACT:
2. It is the Board's CONCLUSION that, the hardship **results/does not result** from conditions that are peculiar to the property, such as location, size, 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.
   a. This conclusion is based on the following FINDINGS OF FACT:
3. It is the Board's CONCLUSION that the hardship **results/does 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 granting of a variance shall not be regarded as a self-created hardship.
   a. This conclusion is based on the following FINDINGS OF FACT:

4. It is the Board's CONCLUSION that, the requested variance is **consistent/not consistent** with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
   a. This conclusion is based on all of the FINDINGS OF FACT:

BOARD OF ADJUSTMENT ACTION FOR VARIANCE

MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

Kipfer	Breuer	Keeler	Snider	Olsen

VAR 2024-17:
Application

APPLICATION FOR VARIANCE

THIS SECTION FOR OFFICE USE			
Application No.	VA 2024-00017	Date	4/11/2024
Application Fee	$250.00	Invoice Number:	00034607

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Larry Ray Harrell	Owner's Name:	Larry Ray Harrell Aleta Whaley Harrell
Applicant's Address:	P.O. Box 94 Wallace, NC 28466	Owner's Address:	P.O. Box 94
City, State, & Zip		City, State, & Zip	Wallace, NC 28466
Phone Number:	910-376-1545	Phone Number:	910-376-1545
Email Address:	industrialpowerlightcembarq mail.com	Email Address:	same
Legal relationship of applicant to landowner:	same		

SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3257-09-6110-0000	Total property acreage:	0.50
Zoning Classification:	RA	Variance Size:	
Variance Location & Address	1205 S Holly Shelter Estates Road, Rocky Point, NC 28457		
Describe Variance and amount or type requested:	Variance from the ~~rear~~ front set back requirements within the Rural Agriculture Zoning District based upon attached Narrative		

SECTION 3: SIGNATURES			
Applicant's Signature	Larry Ray Harrell	Date:	4-5-2024
Applicant's Name Printed	Larry Ray Harrell	Date:	4-5-2024
Owner's Signature	Larry Ray Harrell	Date:	4-5-2024
Owner's Name Printed	Larry Ray Harrell	Date:	4-5-2024

NOTICE TO APPLICANT:

1. The Board of Adjustment shall review applications for a variance and shall be the approving authority for all requirements.
2. All applicants seeking a variance shall schedule a pre-application conference with the administrator to discuss the procedures, standards, and regulations required for variance approval.
3. An application for a variance shall be submitted in accordance with application requirements.
4. Once the application has been determined complete, the Administrator shall schedule a public hearing and give notice to adjoining/abutting property owners and aggrieved parties in the form of applicant supplied #10 envelopes with paid first class postage.
5. The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below (Findings), as well as the burden of persuasion on those issues.
6. Applicant must also submit the information described in the Variance Checklist provided below.
7. Applicant or agent authorized in writing must attend the public hearing.
8. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Adjustment agrees to table or delay the hearing.

OFFICE USE ONLY			
☑ VA Fees $250		Total Fee Calculation $ 250.00	
Payment Method :	Cash : ☐ $_____	Credit Card: ☐ Master Card ☐ Visa	Check: ☑ Check # 19147
Application received by:	Tucker Cherry	Date:	4/11/2024

VAR 2024-17:
Narrative

NARRATIVE

Applicants are seeking a variance from the front setback requirements for real property located within the Pender County Rural Agricultural Zoning District, as such setback requirements are set forth within Section 4.14 of Pender County Unified Development Ordinance. Currently, the front setbacks for a property located within the Rural Agricultural Zoning District is thirty feet (30').

The Applicants purchased an existing parcel of land that is identified by Pender County Parcel Identification Number 3257-09-6110-0000 on or about May 5, 2023 with their deed being recorded in Deed Book 4812, at Page 603 in the Office of the Pender County Register of Deeds and with the property being described as Lot No. 27 of Holly Shelter Estates as shown on the survey plat map recorded in Map Book 10, at Page 16 in the Office of the Pender County Register of Deeds. A copy of the Applicant's Deed and the original survey plat map of Holly Shelter Estates is attached hereto.

The property purchased by the Applicants previously had a residential structure located thereon which was destroyed by the flood waters from the Northeast Cape Fear River during Hurricane Florence in September 2018. The flood damaged residential structure was torn down and removed from the property prior to the Applicants purchasing the property on or about May 5, 2023.

Applicants intend to construct a new residential structure on the property and within approximate footprint of the previous residential structure; however, the construction of such residential structure cannot be achieved unless a variance is obtained from the front set back requirements of the Rural Agricultural Zoning District due to the actual portion of the lot that can be utilized for constructing a residential structure thereon being limited in size due to the existence of the following existing conditions, as the same on are shown on the attached survey plat map entitled "Proposed Lot Layout" prepared for the Applicants by Tideland Surveying, PLLC on April 4, 2024 and on April 10, 2024 ("Plat Maps"), which a copy of the Plat Maps are attached hereto:

a) the front lot line is located along the western right-of-way line of Holly Shelter Estates Road, which is forty feet (40') in width and such roadway lying immediately adjacent to the Northeast Cape Fear River;

b) the existence of a thirty foot (30') wide power line right of way with electric power lines located therein with the powerline being located less than ten feet (10') from the rear building line of the proposed residential structure; and

c) the existence of wetlands that are located behind the thirty foot (30') wide power line right of way to the rear lot line, which would limit any residential structure being constructed therein.

As a result of the above existing conditions, the proposed construction of the residential structure, as shown on the Plat Maps, can only be achieved if there is a variance from the front

set back requirements 28.1' on the southern portion of the lot and decreasing to 15.5' on the northern portion of the lot as you move along the front lot line. If the variance from the front lot line were not granted, the approximate set back line based upon the thirty foot (30') set back requirement within Section 4.14 of the Pender County Unified Development Ordinance and which is represented on the Plat Maps as "FRONT SETBACK", would result in Applicants only being allowed to construct a residential structure in very limited size and to the extent that no real beneficial use could be made if the residential structure were actually constructed on the property even though the structure would comply with the side and rear setback requirements of Section 4.14 of the Pender County Unified Development Ordinance.

Due to the unique circumstances stated above, a hardship does exist that is peculiar to the Applicant's property which is not necessarily common to other properties located within the neighborhood known as "Holly Shelter Estates" or the general public. If granted, the requested variance will be consistent with the spirit, purpose, and intent of the Pender County Unified Development Ordinance, such that the public safety remains secured and substantial justice is achieved by the public and the Applicants.

ATTACHMENT 1:

Deed

Doc No: 20115323
Recorded: 05/05/2023 10:29:17 AM
Fee Amt: $26.00 Page 1 of 2
Excise Tax: $130.00
Pender County North Carolina
Sharon Lear Willoughby, Register of Deeds
BK **4812** PG **603 - 604 (2)**

Revenue: $130.00

DEED

Parcel Identification Number	Date	Assessor's Office Verification
3257-09-6110-0000		

Prepared by Corbett & Fisler, Attorneys, Burgaw, North Carolina 28425-0727

This deed made on May 4, 2023 by:

GRANTORS	GRANTEE
Joshua Rivers Ezzell (unmarried) **908 Old Maple Hill Road** **Maple Hill, NC 28454**	**Larry Ray Horrell** **and spouse** **Aleta Whaley Horrell** **P. O. Box 94** **Wallace, NC 28466-0094**

The designation Grantors and Grantee as used in this instrument shall include the designated parties, their heirs, successors and assigns.

Grantors, for a valuable consideration paid by Grantee, receipt of which is acknowledged, convey to Grantee in fee simple the parcel of land, located in Rocky Point Township, Pender County, North Carolina, which is Lot Twenty Seven (27) of Holly Shelter Estates as shown on the map recorded in Map Book 10, at page 16, of the Registry of Pender County, North Carolina.

Grantee shall have and hold the above land and all its privileges and appurtenances in fee simple.

The property described above was acquired by Grantors by the deed recorded in Deed Book 4676, at page 1754, of the Registry of Pender County, North Carolina. The principal residence of Grantors is not located on the property described above.

Grantors covenant with Grantee that Grantors are seized of the premises in fee simple; Grantors have the right to convey the same in fee simple; Grantors will warrant and defend the title against the lawful claims of all persons except those noted below; and title is marketable and free and clear of all encumbrances except, (1) the lien for property taxes which come due after the execution of this instrument, (2) restrictions of record, and (3) utility easements created prior to the execution of this instrument.

IN WITNESS WHEREOF, the hands of Grantors have been hereunto set on the day and year first above written.

2

Joshua Rivers Ezzell

Joshua Rivers Ezzell

North Carolina, County of Pender

I certify that Joshua Rivers Ezzell personally appeared before me this day, each acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated..

Date: May 4, 2023.

Robin S Corbett

Official Signature of Notary

Robin S. Corbett

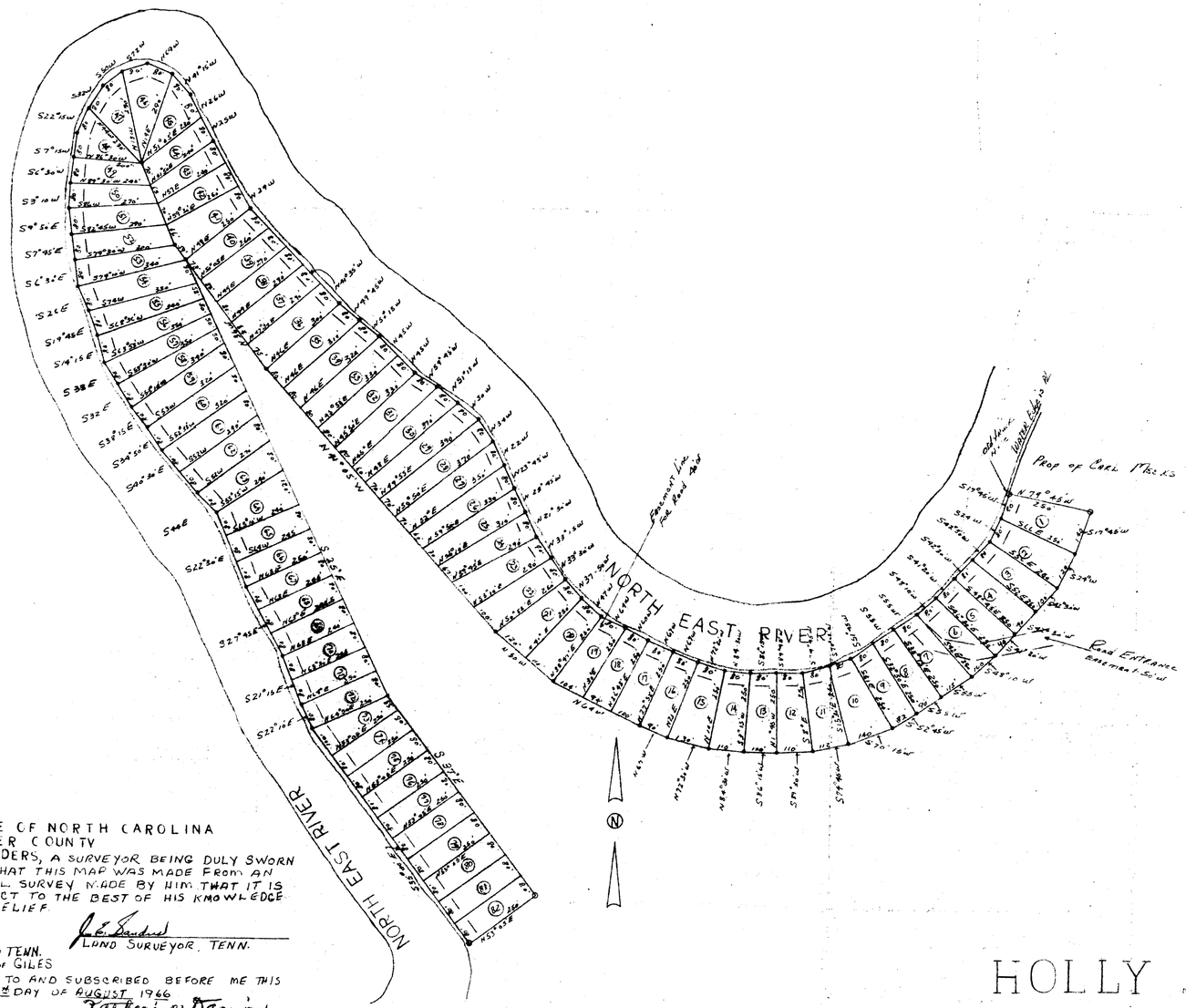
Notary Public (Printed or Typed Name)

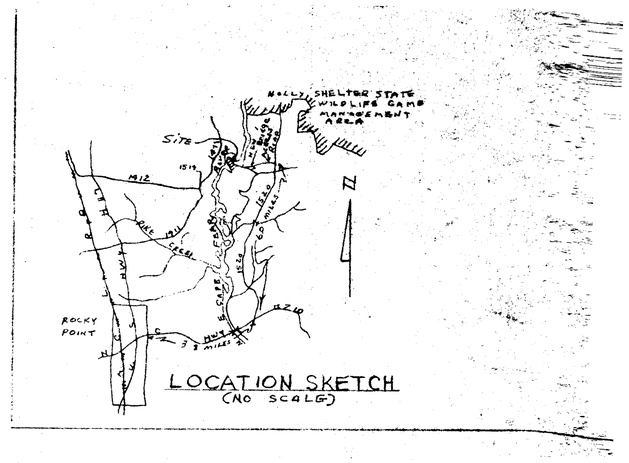
My commission expires 10-19-2027.

ROBIN S. CORBETT
NOTARY PUBLIC
PENDER COUNTY, N. C.

INSERT OFFICIAL SEAL

ATTACHMENT 2:
Map of Holly Shelter Estates (1966)





NOTE:

- ALL SURVEY LINES ARE MAGNETIC

Filed for registration on the 25 Day of October 1966 At 12:30 O'clock P. M. and registered in the office of the Register of Deeds for Pender County in Book No. 9 Page 102

Hugh Overturf Jr.
SB Register of Deeds for PENDER COUNTY

STATE OF NORTH CAROLINA
PENDER COUNTY
JE SANDERS, A SURVEYOR BEING DULY SWORN SAYS THAT THIS MAP WAS MADE FROM AN ACTUAL SURVEY MADE BY HIM THAT IT IS CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF

J.E. Sanders
LAND SURVEYOR, TENN.

STATE OF TENN.
COUNTY OF GILES
SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 29th DAY OF AUGUST 1966

Katherine Darwin
NOTARY PUBLIC
MY COMMISSION EXPIRES Jan 16-1967.

STATE OF NORTH CAROLINA - Pender Co.
The foregoing certificate of Katherine Darwin a Notary Public of Giles County, Tennessee under his official seal is adjudged to be correct. Let the said instrument and the certificates be registered.
This, the 25th day of October 1966

Frances N. Hatch
CLERK OF SUPERIOR COURT

MAP
OF
HOLLY SHELTER ESTATES

HOLLY TOWNSHIP PENDER COUNTY, N. C.

50 ACRES ±

SCALE : 1" = 200' AUGUST 1966

200' 100' 0 200' 400'
SCALE IN FEET

PROP OF: Dr. William H. & NANCY PRICE

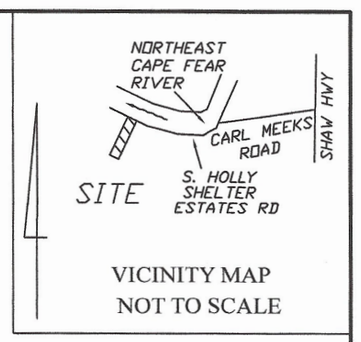
MB 9-102

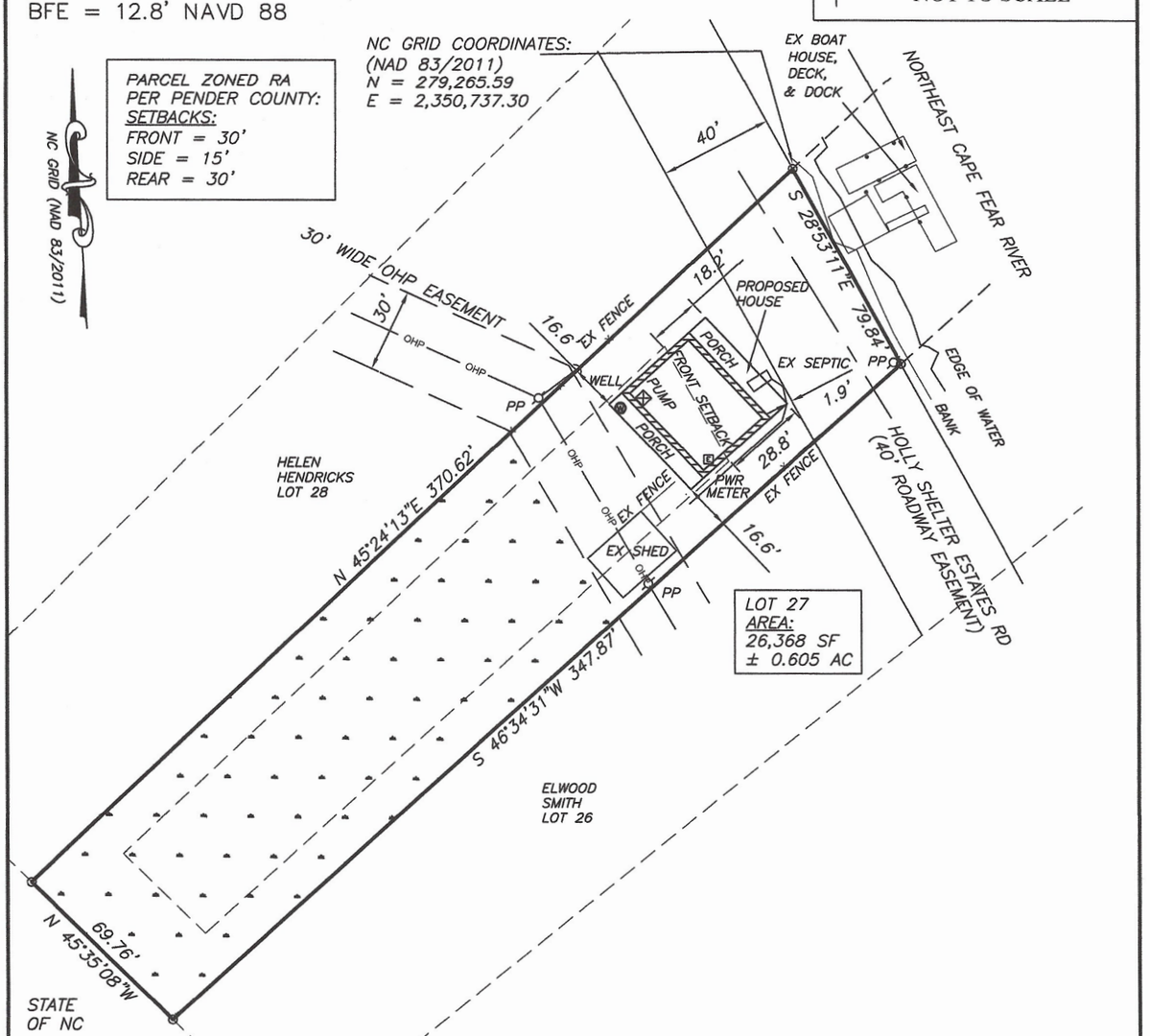
ATTACHMENT 3:

Site Plan

LARRY HORRELL
1205 HOLLY SHELTER ESTATES RD
LOT 27, HOLLY SHELTER ESTATES, MB 10, PG 16
HOLLY TOWNSHIP PENDER COUNTY NORTH CAROLINA

FEMA FLOOD MAP INFO
MAP# 3720325700J
EFFECTIVE DATE: 2/16/2007
FLOOD ZONE: AE (FLOODWAY)
BFE = 12.8' NAVD 88





PROPOSED LOT LAYOUT

I certify that this plat was drawn under my supervision from an actual field survey made under my supervision from information as noted hereon; that the boundaries not surveyed are clearly indicated as dashed lines; that the ratio of precision as calculated us 1:10,000+ and is correct to the best of my knowledge and belief.

SURVEY REFERENCE
DB 4812 PG 603
MB 10 PG 18

Tideland Surveying, PLLC
203 OTTAWAY CT.
HAMPSTEAD, NC 28443
910-789-9735
FIRM # P-2226

NORTH CAROLINA PROFESSIONAL SEAL L-4736 LAND SURVEYOR HANS L. LONANDER

4/04/24

LEGEND

- PROPERTY LINE
- RIGHT OF WAY
- NON-SURVEYED LINE
- IRON PIPE FOUND
- IRON ROD FOUND

GRAPHIC SCALE

50 0 25 50

(IN FEET)
1 inch = 50 ft.

ATTACHMENT 4:

Site Plan- Zoomed In

LARRY HORRELL
1205 HOLLY SHELTER ESTATES RD
LOT 27, HOLLY SHELTER ESTATES, MB 10, PG 16
HOLLY TOWNSHIP PENDER COUNTY NORTH CAROLINA

FEMA FLOOD MAP INFO
MAP# 3720325700J
EFFECTIVE DATE: 2/16/2007
FLOOD ZONE: AE (FLOODWAY)
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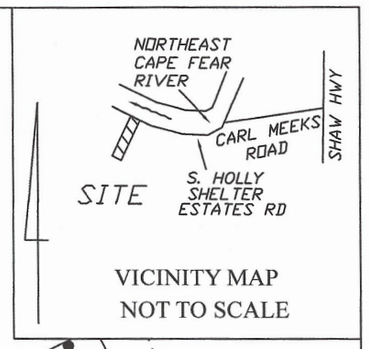

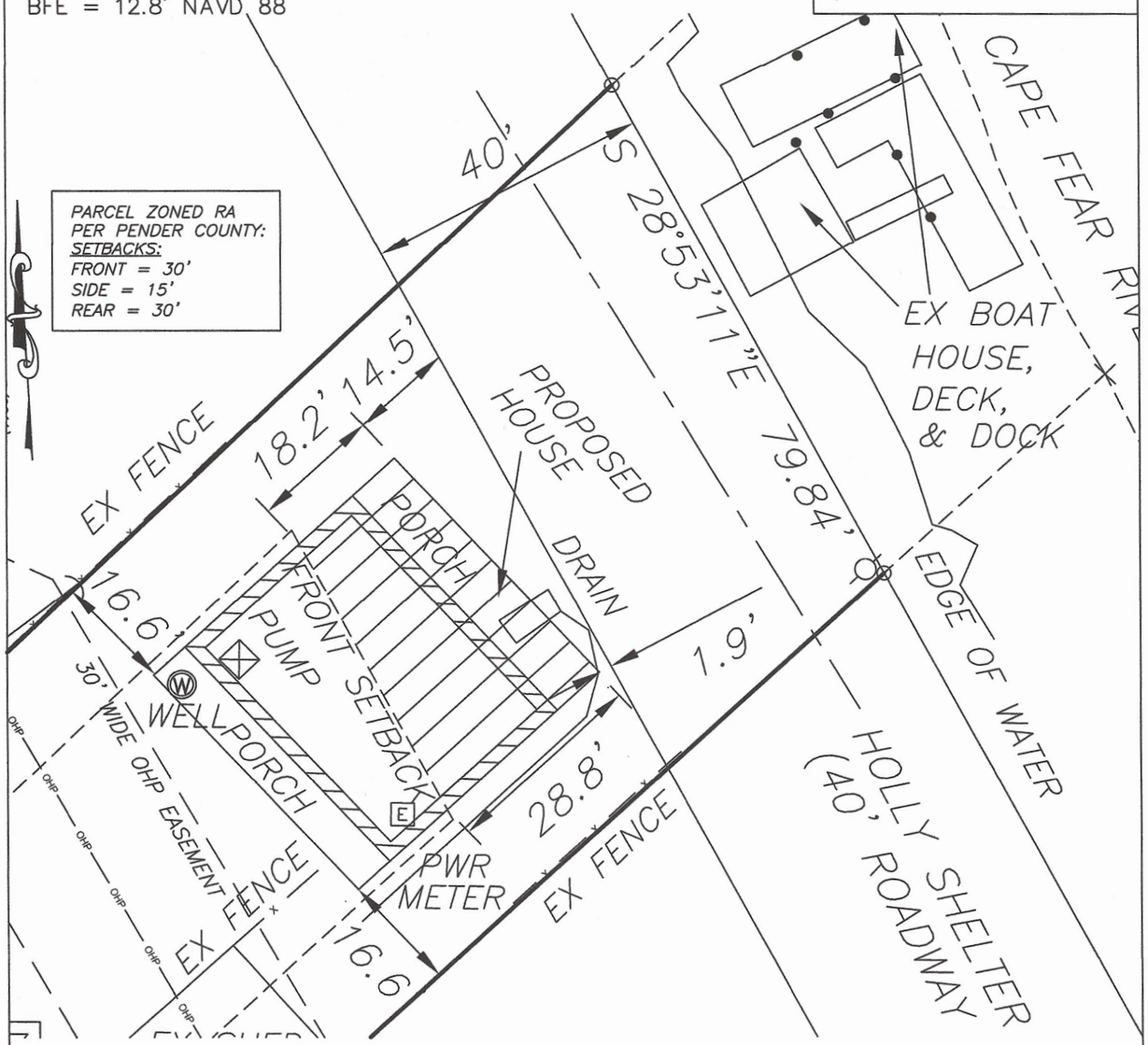

LOT LAYOUT

This is a lot layout and is meant to show the relation of the lot lines. This is not a recordable map and does not meet G.S. 47-30 and is not meant for recordation or conveyance of land.

SURVEY REFERENCE
DB 4812 PG 603
MB 10 PG 18

Tideland Surveying, PLLC
203 OTTAWAY CT.
HAMPSTEAD, NC 28443
910-789-9735
FIRM # P-2226

NORTH CAROLINA PROFESSIONAL SEAL L-4736 LAND SURVEYOR HANS L. LONANDER

4/10/24

LEGEND

PROPERTY LINE
RIGHT OF WAY
NON-SURVEYED LINE
IRON PIPE FOUND
IRON ROD FOUND

GRAPHIC SCALE

20 0 10 20

(IN FEET)
1 inch = 20 ft.