

# Pender County Planning and Community Development

## Planning Division

805 S. Walker Street  
PO Box 1519  
Burgaw, NC 28425



Phone: 910-259-1202  
Fax: 910-259-1295  
[www.pendercountync.gov](http://www.pendercountync.gov)

---

## South Holly Shelter Estates Application Information Variance

**Case Number:** VAR 2025-21

**Application Type:** Variance

**Applicant:** Bishop Building, Inc.

**Owners:** Daniel Joeseph Higgins, II

**Location:** Approximately 0.20 miles west of the intersection of South Holl Shelter Estates Road and Carl Meeks Road.

**Property ID #(s):** 3257-08-8842-0000

**Description:** The applicant is seeking a 21' variance from the required 30' front setback for the placement of a home in the RA, Rural Agricultural, zoning district.

**Total Area of Project:** 1.84 ac

**Current Zoning:** RA, Rural Agricultural

**Technical Review Committee Meeting:** N/A

**Board of Adjustment Meeting:** TBD

### Application Materials

Application Package  
Site Plan

**VAR 2025-21**  
Application

# Pender County Planning and Community Development

805 S. Walker Street  
PO Box 1519  
Burgaw, NC 28425



Phone: 910-259-1202  
Fax: 910-259-1295  
[www.pendercountync.gov](http://www.pendercountync.gov)

## Variance Submission

Applications will be considered for the Board of Adjustment hearing and reviewed by Staff only when deemed complete. The application will be regarded as incomplete until the following items are received by the Planning and Community Development Staff.

1. \_\_\_\_\_ **Pre-submittal Meeting**  
Date of Meeting \_\_\_\_\_
2. \_\_\_\_\_ **Signed Application**
3. \_\_\_\_\_ **Payment**  
\$250 (online payment preferred, invoice generated upon receipt of application)
4. \_\_\_\_\_ **Narrative**  
A narrative shall be submitted to include the specific Ordinance Section for the requested variance.
5. \_\_\_\_\_ **Digital Submission**  
For all documents submitted in paper copy, provide a digital version. These may be emailed or uploaded to a share folder. *Physical media such as CD or USB drives will not be accepted.*  
**Adjacent Property List**  
A numbered list of names and addresses, including the applicant, the owner, and owners of all properties located within 500-feet of the perimeter of the project bounds of the property under consideration as obtained from the county tax listings and tax abstract.
7.  \_\_\_\_\_ **Adjacent Property Envelopes**  
The applicant shall provide a set of business envelopes addressed to the applicant, the owner, and each of the owners of all properties located within 500-feet of the perimeter of the project bounds and accompanied with first class postage adhered. Do not include return address or company branding on envelopes.

I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant

Ashton W Bishop  
Ashton W Bishop

Date

3/16/25

Printed Name

Staff Initials: \_\_\_\_\_

Date: \_\_\_\_\_

## APPLICATION FOR VARIANCE

### THIS SECTION FOR OFFICE USE

Application No.	VA	Date	
Application Fee	\$	Invoice Number:	

### SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Bishop Building Inc	Owner's Name:	Daniel Joseph Higgins II
Applicant's Address:	3436 Sea Eagle Ct	Owner's Address:	1215 Bowfin Lane Unit L
City, State, & Zip	Wilmington, NC 28409	City, State, & Zip	Carolina Beach, NC 28428
Phone Number:	910-617-8655	Phone Number:	704-519-5062
Email Address:	Contact bishopbuilding@gmail.com	Email Address:	dan.higgins98@gmail.com

Legal relationship of applicant to landowner:

### SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	3257-08-8842-0000	Total property acreage:	1.84
Zoning Classification:	RA	Variance Size:	21'
Variance Location & Address	1035 / 1135 S Holly Shelter Estates Rd. Rocky Point	Township:	Holly well
Describe Variance and amount or type requested:	UDO Section 4.14 - 21 feet	Water Provider:	
		Waste Water Provider:	Septic
		NAICS (if applicable):	

### SECTION 3: SIGNATURES

Applicant's Signature	Ashton W Bishop	Date:	3/6/25
Applicant's Name Printed	Ashton W Bishop	Date:	3/6/25
Owner's Signature	Daniel J Higgins II	Date:	3/6/2025
Owner's Name Printed	Daniel Joseph Higgins II	Date:	3/6/2025

#### 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

<input type="checkbox"/> VA Fees \$250	Total Fee Calculation \$									
Payment Method :	<table style="width: 100%;"> <tr> <td style="width: 33%;">Cash :</td> <td style="width: 33%;">Credit Card:</td> <td style="width: 33%;">Check:</td> </tr> <tr> <td><input type="checkbox"/> \$ _____</td> <td><input type="checkbox"/> Master Card</td> <td><input type="checkbox"/> Check # _____</td> </tr> <tr> <td></td> <td><input type="checkbox"/> Visa</td> <td></td> </tr> </table>	Cash :	Credit Card:	Check:	<input type="checkbox"/> \$ _____	<input type="checkbox"/> Master Card	<input type="checkbox"/> Check # _____		<input type="checkbox"/> Visa	
Cash :	Credit Card:	Check:								
<input type="checkbox"/> \$ _____	<input type="checkbox"/> Master Card	<input type="checkbox"/> Check # _____								
	<input type="checkbox"/> Visa									

**VAR 2025-21**

Narrative

Applicant and owner 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 owner has an existing parcel of land that is identified by Pender County Parcel Identification Number 3257-08-8842-0000 that has been passed down through the family by QuitClaim Deed on or about December 15, 2020 with their deed being recorded in Deed Book 4734, at Page 2988 in the Office of the Pender County Register of Deeds and with the property being described as being all of lot 21, 22 and 23 in subdivision of Holly Shelter Estates as shown on the map thereof recorded in Map Book 10 at page 16 of the Pender County Registry, reference to which is hereby made for a complete description. Being all of Tract 2 as conveyed to Daniel Joseph Higgins and Clara Crystal Higgins in that deed recorded in Deed Book 2159, Page 285 of the Pender County Registry. Referenced in the Pender County GIS as LTS 21-23 PB 10/16 HOLLY SHELTER ESTATES plat 00090102 . A copy of the Applicant's Deed, the GIS and the survey the preliminary plot plan are attached hereto.

The property received by the owners previously had a residential structure located thereon which was destroyed by the flood waters from the Northeast Cape Fear River. The flood damaged residential structure was washed away.

Applicant/ owner 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 preliminary plot plan prepared for the owners by Bateman Civil Survey Company December 17, 2024

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 thirty one feet away 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 preliminary plot plan, can only be achieved if there is a variance from the front set back requirements of 21'. 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 would result in Applicant/owner 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.

**VAR 2025-21**

Deed

This instrument drafted by: **Robert G. Collins**  
After recording, mail to: **Collins & Collins Law Offices, PLLC**  
**215 Racine Drive, Suite 101**  
**Wilmington, NC 28403**

North Carolina )

)

**QUITCLAIM DEED**  
without title examination

**Pender County** )

)

Parcel ID: )

**3257-08-8842-0000** )

Tax Stamps: **\$120.00**

**Property Address: 1135 S. Holly Shelter Estate Road, Rocky Point, NC 28457**

This deed, made this 15 day of **December, 2020**, by and between **Daniel Joseph Higgins and wife, Clara Crystal Higgins** ("Grantor") to **Daniel Joseph Higgins, II and wife, Kimberly Brinkley Higgins**, of PO Box 1669, Beaufort, NC 28525 ("Grantee").

**WITNESSETH:**

That said Grantor, for and in consideration of the sum of **\$10.00** to them in hand paid, the receipt of which is hereby acknowledged, have remised and released and by these presents do remise, release, and forever quitclaim unto the Grantee and their heirs and assigns all right, title, claim, and interest of the said Grantor in and to a certain tract or parcel of land lying and being in the County of **Pender** and State of North Carolina, and more particularly described as follows:

**BEING all of Lot 21, 22 and 23 in Subdivision of Holly Shelter Estates as shown on the map thereof recorded in Map Book 10 at Page 16 of the Pender County Registry, reference to which is hereby made for a more complete description.**

**Being all of TRACT 2 as conveyed to Daniel Joseph Higgins and Clara Crystal Higgins in that deed recorded in Deed Book 2159, Page 285 of the Pender County Registry.**

To have and to hold the aforesaid tract or parcel of land and all privileges thereunto belonging to them the said Grantee and their heirs and assigns free and discharged from all right, title, claim or interest of the said Grantor or anyone claiming by, through or under them.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

In Testimony Whereof, said Grantors have hereunto set their hands and seals the day and year first above written.

Daniel Joseph Higgins (SEAL)  
Daniel Joseph Higgins

Clara Crystal Higgins (SEAL)  
Clara Crystal Higgins

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, Robert G Collins, a Notary Public, do hereby certify that Daniel Joseph Higgins and Clara Crystal Higgins personally appeared before me this day, and being by me duly sworn, say that they acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed.

Witness my hand and official seal, this the 15 day of December 2020.

(Official Seal) [Signature]

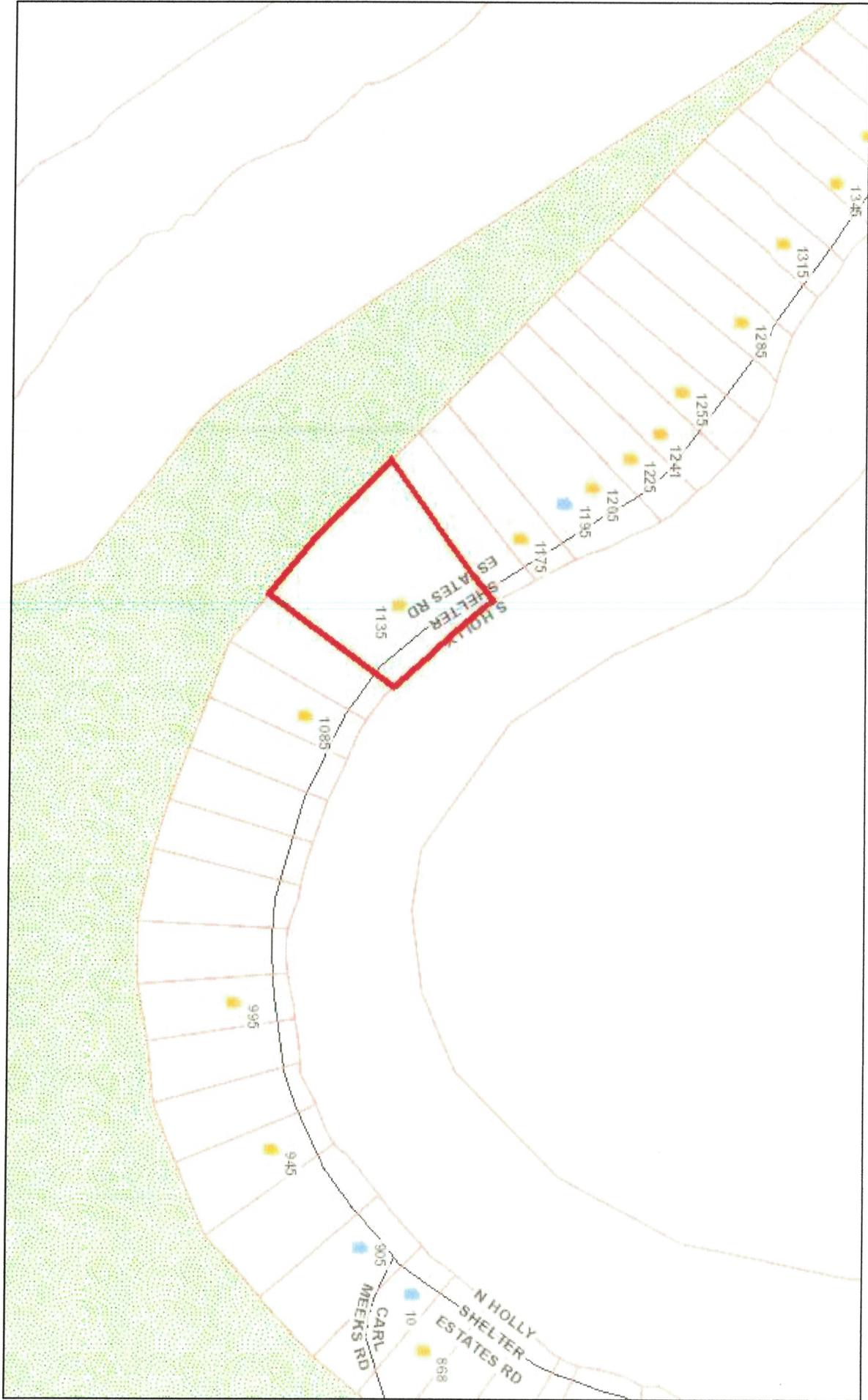
Notary Public

My commission expires: 9/9/25



**VAR 2025-21**

Map and Survey



**Owner:** HIGGINS, DANIEL JOSEPH II  
 1215 BOWFIN LANE UNIT 1  
 CAROLINA BEACH, NC 28428

**Deed Ref:** /

**Property Address:** 1035 S HOLLYSHELTER ESTATES RD  
**Description:** LTS 21-23 PB 10/16 HOLLY SHELTER ESTATES

**Sale Price:**  
**Sale Date:**

**Plat:** 00090102  
**Account No:** 1009741  
**Township:** HOLLY  
**Subdivision:**

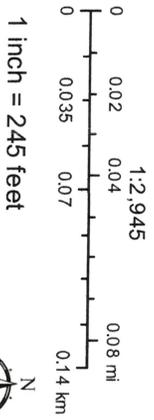
**Tax Codes:** G01 F24 R40

**Acres:** 0  
**Land Value:**

**Building Value:**  
**Total Value:**

**Deferred Value:**  
**Exempt Amount:** EXEM\_AMT  
**PCL Class:** R  
**Heated Sq Feet:**

# Pender County



I CERTIFY THAT THIS MAP DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 4734, PAGE 2988); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION SHOWN HEREON; THAT THE RATIO OF PRECISION IS 1:10,000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600). THIS 17th DAY OF DECEMBER, 2024.



Clarito F. Corpus  
CLARITO F. CORPUS, PLS L-5046

REVISION: MOVED PROPOSED HOUSE AND SEPTIC SYSTEM PER CLIENT REQUEST 12/17/24  
REVISION: MOVED HOUSE 10' FROM TOE OF SLOPE 12/18/24  
REVISION: MOVED PROPOSED SEPTIC TO LEFT OF HOUSE 01/06/2025

**NOTES:**

- BY GRAPHIC PLOTTING ONLY, THIS TRACT IS LOCATED IN ZONE "AE BFE:12.8" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP, EFFECTIVE COMMUNITY-PANEL NUMBER 3720325700 J, DATED 2/16/2007 AND ZONE "AE BFE:13.2" ACCORDING TO THE PRELIMINARY PANEL NUMBER 3720325700 K, DATED 8/29/2014.
- TOTAL SITE AREA= 73,873.78 S.F. OR 1.70 AC.±  
LOT 21 = 25,223.83 S.F. OR 0.58 AC.±  
LOT 22 = 23,877.26 S.F. OR 0.55 AC.±  
LOT 23 = 24,772.69 S.F. OR 0.57 AC.±
- THIS SITE MAY BE SUBJECT TO CAMA DEVELOPMENT PERMITS.
- THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.
- SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT.
- PENDER COUNTY GIS LISTS PARCEL #3257-08-8842-000 PROPERTY ADDRESS AS #1035 AND #1135 IN DIFFERENT FIELDS.
- IMPROVEMENTS SHOWN AT APPROXIMATE LOCATIONS WERE DIGITIZED FROM AERIAL PHOTOGRAPHY.
- THIS DRAWING IS CONSIDERED PRELIMINARY UNLESS SIGNED AND SEALED BY A PROFESSIONALLY LICENSED SURVEYOR.

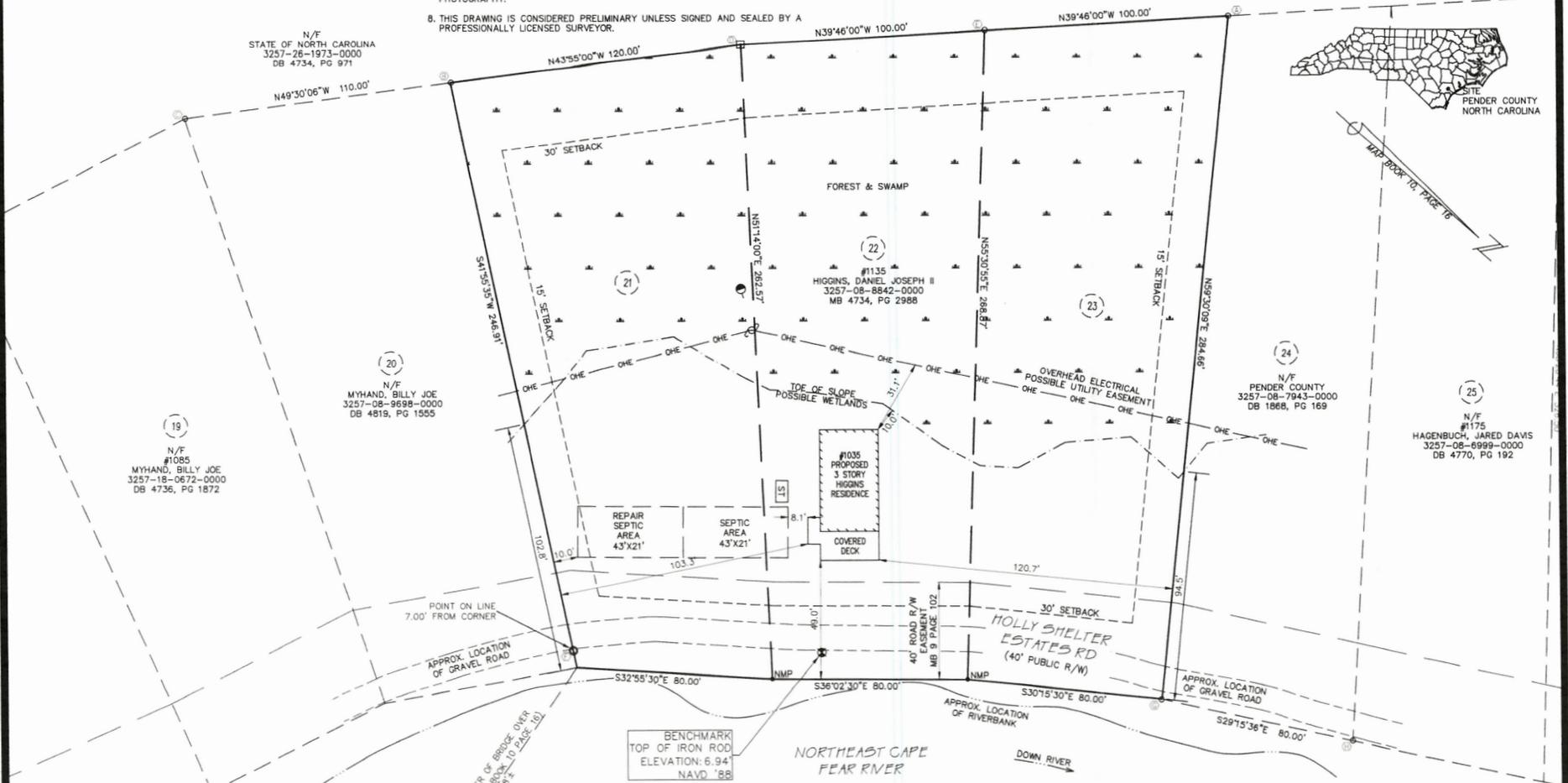
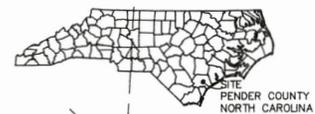
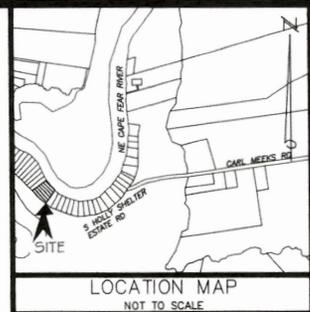
**TABLE DISCLOSING LOCATION OF FOUND PROPERTY CORNERS FROM SAME AS INDICATED BY BOOK 10, PAGE 16**

- ① BASE CONTROL POINT  
LINE CONTROL POINT;  
N46°54'28"W 0.23'
- ② N45°43'50"W 0.22'  
S14°19'43"W 0.25'
- ③ S47°34'05"W 0.22'
- ④ S38°20'28"W 7.00'
- ⑤ S79°19'53"E 0.21'
- ⑥ N15°01'17"E 0.06'

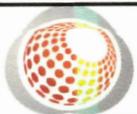
NOTE: THE ABOVE FIGURES WERE DERIVED FROM AN ACTUAL SURVEY USING CONTROL POINTS AS SHOWN HEREON WITHIN THIS SUBDIVISION AS THE CONTROL BASE. BEARINGS AND DISTANCES OTHERWISE SHOWN HEREON ARE FROM BOOK 10, PAGE 16.

**LEGEND**

- EXISTING IRON
- NONMONUMENTED POINT
- ⊙ SET IRON
- CONCRETE MONUMENT
- ⊕ GUY WIRE
- ⊖ POWER POLE
- CENTER LINE
- R/W LINE
- ADJACENT PROPERTY LINE
- EASEMENT LINE
- SUBJECT TRACT BOUNDARY LINE
- INTERNAL TRACT BOUNDARY
- OHE — OVERHEAD ELECTRIC
- POSSIBLE WETLANDS
- APPROX. RIVERBANK



THE LINE TO MARK IN CENTER OF BRIDGE OVER FEAR RIVER SHALL CHECK PER MAP BOOK 10 PAGE 160  
N82°50'29"E 234.88±



**Bateman Civil Survey Company**  
Engineers • Surveyors • Planners  
30 COVIL AVENUE, WILMINGTON, NC 28403  
Phone: 910.772.9113 Fax: 910.772.9128  
NCBELS FIRM No. C-2378

**PRELIMINARY PLOT PLAN**  
EXCLUSIVELY FOR:  
**DAN & KIM HIGGINS**  
LOTS 21, 22, & 23  
IN SUBDIVISION OF HOLLY SHELTER ESTATES  
1.35 HOLLY SHELTER ESTATES RD  
AS RECORDED IN MAP BOOK 10, PAGE 16  
AND DEED BOOK 4734 PAGE 2988 OF THE NEW HANOVER COUNTY REGISTRY  
HOLLY TOWNSHIP PENDER COUNTY NORTH CAROLINA  
SCALE: 1" = 30'  
DECEMBER 17, 2024

Field By: LSB  
Drawn By: DBG  
Checked By: CFC  
Scale: 1" = 30'  
Project Number: 24W040  
**S-1**