

**NEW HANOVER COUNTY
ZONING BOARD OF ADJUSTMENT**

Number of Members: 5 plus 3 alternates
Ex-Officio: Planning Director

Term of Office: 3 years

Regular Meetings: Fourth Tuesday of every month at 5:30 p.m. in the Lucie F. Harrell Conference Room at the Government Center, 230 Government Center Drive, Wilmington, NC.

Compensation: \$20.00 per member per meeting plus auto mileage

Statute or cause creating Board: N.C. General Statutes 153-A-345, 266.17. The Commissioners increased to 3 alternates 11/21/94 (officially 4/1/96). The Zoning Ordinance requires members to be appointed from different areas within the County's zoning jurisdiction.

Brief on Functions: In New Hanover County, the duties of the Board fall into two general categories: Interpretation and Granting Variances.

Interpretation: The function of the Board of Adjustment which is most closely similar to that of the courts is interpretation of the Ordinance. This function involves (a) interpreting the meaning of parts of the Ordinance which are unclear, (b) applying the Ordinance to particular fact situations, and, if necessary, (c) correcting any mistakes or abuses of discretion which the zoning official may have made in administering the Ordinance. In exercising this power, the basic principle for the Board to keep in mind is that it must not vary the Ordinance. Its function here is to interpret and apply what the governing body has written, not to vary that legislative pronouncement to fit its own ideas. Its decisions must be in accord with what the Board believes to be the actual meaning and intent of the Ordinance.

Granting of Variances: General Statute 153A-345(d) provides that, "when practical difficulties or unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment may, in passing upon appeals, vary or modify any regulation or provision of the Ordinance relating to the use of land, so that the spirit of the Ordinance is observed, public safety and welfare secured, and substantial justice done." Basically, a variance is a permit, which the Board may grant in certain situations, enabling a property owner to make use of his property in some way which is in conflict with the literal provisions of the Ordinance. Sometimes a lot so small or so peculiarly shaped that the owner would have great difficulty in complying with the yard requirements and yet erecting a suitable building. Sometimes contours of the terrain are such as to create hardships in complying with these requirements. Sometimes the lot is located in a cluster of nonconforming uses which will prevent the owner from securing any reasonable return from his land if he complies with the Ordinance (as where a lot in a residential district is surrounded by nonconforming business structures). When the Board grants exemptions from harsh provisions, it is "granting a variance."

The above has been largely excerpted from the Zoning Board of Adjustment in North Carolina by Michael B. Brough and Philip P. Green, Jr.

CURRENT MEMBERS	TERM OF OFFICE	
	APPOINTMENT	EXPIRATION
Henry A. Adams 8725 Fazio Drive Wilmington, NC 28411 910-686-5941(H) 910-350-1200 (W) 910-520-1434 (C)	Unexpired 3/24/14 First 11/14/16	12/1/16 12/1/19
Andrew T. Barnhill 337 Stradleigh Road Wilmington, NC 28403 910-620-7622 (H)	First 11/17/14	12/1/17
Raymond E. Bray 3213 Galway Road Castle Hayne, NC 28429 910-602-7872 (H) 910-343-0777 (W) 910-279-4111 (C)	First 11/16/15	12/1/18
Chad McEwen 226 Shore Point Drive Wilmington, NC 28411 910-604-2100 (C)	First 11/21/11 Second 11/17/14	12/1/14 12/1/17
Joe Miller 6715 Creek Ridge Road Wilmington, NC 28409 910-833-8485 (W)	First 12/9/13 Second 11/14/16	12/1/16 12/1/19
ALTERNATES:		
Kristin K. Freeman 203 Hilliard Court Wilmington, NC 28411 910-508-6077 (C)	First 11/14/16	12/1/19
Brett Keeler 917 Colonial Circle Carolina Beach, NC 28428 910-470-2024 (C)	First 11/14/16	12/1/19
Colin J. Tarrant 7842 Olde Pond Road Wilmington, NC 28411 910-815-7100 (W)	First 11/21/11 Second 11/17/14	12/1/14 12/1/17
Staff Support: Ben Andrea, Exec. Secretary Current Planning & Zoning Supervisor NHC Planning and Inspections Department 230 Government Center Drive, Suite 110 Wilmington, NC 28403 910-798-7571		11/16/16 File: /Zoning B/C #33