



Application for Variance
TOWN OF CAROLINA BEACH, N.C.

Permit Number: _____

Each application must be printed or typewritten and have all information answered. **It is strongly recommended that the applicant set up a meeting with Planning Staff prior to the submission deadline to ensure the application is complete.** The Town of Carolina Beach requires a licensed attorney to appear in a representative capacity to advocate the legal position of another person, firm, or corporation who is the applicant/owner of record.

Fee: to be submitted with application in accordance with the Town's annually adopted Rates and Fee Schedule

This petition will be scheduled for the next possible regular Board of Adjustment meeting. The applicant or a representative should be present at the meeting to answer any questions the Board may have. Board of Adjustment meetings are held on the third (3rd) Monday of each month at 6:00 P.M. in the Council Room at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Applicants will be informed of any changes in date, time, or location of meetings. Applications and supplementary time for processing and postings are required by the General Statutes of North Carolina. **Application Deadline: 25 days prior to next scheduled meeting.**

Applicant Name: Dry Dock Inn

Applicant Mailing Address:

300 Lake Park Blvd S. Carolina Beach N.C. 28428
Street Address City State Zip

Applicant Phone Number: mobile/work/home (circle one): 910-408-8390 mobile/work/home (circle one): _____

Applicant Email Address: deanna@reachprop.com

Property Owner Name: Pleasure Island Holdings, LLC

Property Owner Mailing Address:

1001 Military Cutoff Rd Ste 101 Wilmington N.C. 28405
Street Address City State Zip

Property address of variance being requested:

201 Fayetteville Ave, Carolina Beach N.C. 28428

Property Size: _____ sq. ft. Zoning Designation: _____

Please give a brief description of requested action:

We are requesting a variance for the back pool fence. The rails are standard 48" but the total height of the fence is 49-1/2" due to the fact our gates need to function and swing open.

Owner Signature: Ladd Gasparovic

Date: 06 / 11 / 2024

Owner Printed Name: Ladd Gasparovic

Variance Requirements

1. The Board of Adjustment conducts a quasi-judicial hearing. You may not contact the Board members once the application has been filed.
2. The Board of Adjustment is not empowered to modify zoning lines or grant a use variance.
3. The Board of Adjustment may attach conditions of approval to a variance to protect surrounding properties.
4. Town Staff will place a public hearing sign on the subject property. The sign must be prominently displayed on the property for at least ten days before the hearing. The property owner is responsible for maintaining the sign during this ten day period.

Variance Considerations

The Board of Adjustment will review all variance requests against the criteria below. In the spaces provided, please indicate the *facts* that you intend to show and the *arguments* that you intend to make to the Board.

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 from the property.

We ordered the lowest possible (standard) fence rails in height measuring 48" which would pass County Codes and Carolina Beach Codes. However, our fence cannot sit directly on the pool deck at the 48" as it would cause our gate to be inoperable. The perimeter of the block wall is hollow; the fence had to be installed using posts on plate which the plate will not allow the bottom rail to go any lower. The holes could not be core drilled due to the hollow wall.

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.

Unfortunately we can not make the fence the same height by lowering it from its current position without compromising the function of the gate. In order to meet your requirement with the fence in place, the bottom rail will have to rest on the concrete not allowing the gate to function at all. By having the gate stay at its current height and lowering the rest of the fence we still will not have a consistent top rail elevation. Core drilling into the pad is also going to present a challenge to lower the fence further as the block under the pad is hollow, possibly not allowing the concrete for the posts to have somewhere to stop.

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.

We attempted to install the correct fence as per county and town guidelines of 48" and not to exceed 54". We replaced a fence that had noticable holes and gaps and would not pass inspection with the same size fence and dimensions. Our fence is more secure now to the public with a functioning locked gate.