



RECEIVED
JAN 22 2021
M

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

Permit Number: 21V-01

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: \$450.00 to be submitted with application

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 second (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.

Applicant

Name: J&S land Development LLC

Applicant Mailing Address:

711 Carolina Beach Ave N Carolina Beach NC 28428

Street Address

City

State

Zip

Applicant Phone Number: mobile/work/home (circle one): 719 499 1373 mobile/work/home (circle one): _____

Applicant Email Address:

Steve@steveshuttleworth.com

Property Owner Name: J&S Land Development LLC

Property Owner Mailing Address:

8620 River Rd Wilmington NC 28412

Street Address

City

State

Zip

Property address of variance being requested:

167 Delaware Ave

Property Size: 12600 sq. ft.

Zoning Designation: R-1B

Please give a brief description of requested action:

Seeking approval of a Map of Recombination, creating one 70' wide and one 50' wide lot where currently there are two 60' wide lots See attached survey

Currently lot 18 (60 ft wide) has a single family home that encroaches 4' 2" on to lot 19 (60 wide). Thereby creating a non conforming use on both lots..

The proposed map of recombination creates a new 50 ft wide lot (lot 19R) that will meet all required setbacks. Lot 18R with the existing home will have a slight encroachment into the side setback.

The variance allows for a 5'9" side set back where s 7' 6" is required.

Owner Signature: Steve Shuttleworth

Date: 1 / 22 / 21

Owner Printed Name: J&S Land Development LLC

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. Strict application will require the complete loss of the existing home because cutting off 1' 9 " from the end of the home, foundation, roof and end wall is impractical.

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. The hardship was created and facilitated by the town by approving and allowing the current home to be built across a pre-existing lot line.

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 owner did not build the current home and is proposing a solution to resolve the 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. The variance will allow for the encroachment to be resolved and a new conforming lot to be created with while also retaining existing housing stock.

RECEIVED
JAN 29 2021
BY: *Am*

Rec'd \$450.00 from Ed Pasvin

