



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

Permit Number: 21V-02

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: Jack & Lisa Greene

Applicant Mailing Address:

515 Harper Ave Carolina Beach NC 28428

Street Address

City

State

Zip

Applicant Phone Number: mobile/work/home (circle one): 913-206-2791 mobile/work/home (circle one): _____

Applicant Email Address:

lgreene@proag.com, jackbgii@att.net

Property Owner Name: Jack & Lisa Greene

Property Owner Mailing Address:

515 Harper Ave Carolina Beach NC 28428

Street Address

City

State

Zip

Property address of variance being requested:

511 Harper Ave Carolina Beach NC 28428

Property Size: 8,779 sq. ft.

Zoning Designation: R-3

Please give a brief description of requested action:

We are requesting a reduction of the front setback from 25' to 15'.

Owner Signature: _____

Date: 8 / 3 / 2021

Jack & Lisa Greene

Owner Printed Name: Jack & Lisa Greene

Variance Requirements

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| 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.

The new home is already substantially completed. It would cause significant economic waste and would be an undue hardship to have to tear it down and rebuild it to strictly conform to the ordinance. The delay involved with a tear down and rebuild of the new home would also be detrimental to the health and well-being of the family since the home was built so that the owners' father/father-in-law with progressing Alzheimer's can be relocated back to Carolina Beach.

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 right of way on Harper Avenue is approximately 80'. Many of the neighboring houses along Harper Avenue have even less of a front yard setback than the home at issue, and this home does not look out of place and is not too close to the road.

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.

Because other neighboring houses have even less front yard setback than this home, the owners reasonably were not able to recognize that others had made a mistake in staking out the home. Even Carolina Beach inspections did not notice the mistake since the large public right of way combined with the small setback of neighboring houses make this home consistent with its surroundings.

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 purpose of the front yard setback is also so that streets maintain a consistent appearance. On this section of Harper Ave. between N. 5th St. and N. 6th St., there are 7 lots that front on the same side of the road, including the lot at issue. There are four lots to the southeast of 511 Harper, one of which is vacant. The other three lots have the following front yard setbacks: 1. On Lot 5 of MB 15 PG 45/ 507 Harper, setback is 11.2'; 2. On Lot 4 of MB 15 PG 45/505 Harper, setback is 15.4'; 3. On Lots 1 & 2 MB 15 PG 45/501 Harper, setback is only 6.2'. The average setback of these three homes is 10.9'. The setback on the lot at issue is 15.9', which is more than any of the 3 built homes to the southeast. The other two homes to the northwest of the lot at issue (one of which is also owned by the Greenes) have setbacks in excess of the required 25', which is why a variance is required. The granting of this variance would prevent economic waste and allow a father with Alzheimer's to come home without unnecessary delay. Because so many of the neighboring houses have a lesser setback, allowing this variance preserves the appearance of the street and allows fairness and justice.