



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

Permit Number: 21V-03

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: The Freeman Group, LLC

Applicant Mailing Address:

717 Windemere Rd Wilmington NC 28405
Street Address City State Zip

Applicant Phone Number: mobile/work/home (circle one): 860 978-5911 mobile/work/home (circle one): 860 989-1350

Applicant Email Address:

Emily @ Alba.DG.com

Property Owner Name: The Freeman Group LLC

Property Owner Mailing Address:

717 Windemere Rd Wilmington NC 28405
Street Address City State Zip

Property address of variance being requested:

206 Lake Drive

Property Size: _____ sq. ft.

Zoning Designation: _____

Please give a brief description of requested action:

Owner Signature: Emily Krawiecki
Date: 8/24/2021

Owner Printed Name: Emily Krawiecki

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.

Pools are allowed by right in all but three zoning districts. Enforcing a strict interpretation of the ordinance will devalue this property in comparison with other similar properties and to no benefit. The fact is that pools are allowed to be placed in even closer proximity to a right of way by the current ordinance where they are considered to be conforming. See Exhibit 'A'; a standard lot configuration that occurs approximately (50) times in Wilmington Beach alone. The current ordinance allows pools to be placed within 5' of a right of way or adjacent front yard leaving them directly in the view of the adjoining neighbors. Not allowing an in ground pool is not only a hardship it is discriminatory.

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.

This double frontage lot is unique in that it fronts a wetland and not a roadway, see attached 'Exhibit B'. This photo shows the view from the rear of this lot where the proposed pool would be located. While it is true that once upon a time lots were platted here and that someday a developer could through legal process fill and develop these lots it would be an unfortunate event that the town should take upon itself now to prevent. Our towns storm water issues are well documented and losing a large drainage basin like this would be a disservice to the entire community. This lot itself contains delineated wetlands which are only a small part of a much larger basin.

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.

Every attempt was made to design a townhome that would allow for a reasonable size pool to be located in the rear yard. See 'Exhibit C', proposed site plan. The owner and builder were only made aware of the double frontage issue during plan review under the normal permitting process, when a pool was shown on the master site plan.

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 have to ask ourselves what the spirit and intent of a no structures rule in a front yard setback are. The zoning ordinance itself makes distinction between an at grade pool and a pool more than 30" above grade. The most obvious answer is to maintain the street scape. Although it was recently reviewed by Council I do not believe staff accurately portrayed the existing conditions and aforementioned lots where a similar if not identical condition exists and is permitted by the current ordinance. Approving this application to allow a pool to be placed within 10' of a rear lot line is already consistent with portions of the zoning ordinance as it is interpreted today, and would in no way affect or devalue any other properties in the vicinity now or in the future.



EXHIBIT 'A'

FRONT PORCH

CONFORMING POOL

5' SETBACK PER CURRENT

EXHIBIT 'B'



EXHIBIT 'C'

BIRMINGHAM AVE.
50' RIGHT OF WAY

NOTES:

1. SURVEY WAS PERFORMED ON NOVEMBER 4, 2020.
2. AREAS SHOWN WERE CALCULATED BY COORDINATE METHOD.
3. SURVEY DONE WITHOUT THE BENEFIT OF A CERTIFIED TITLE REPORT AND IS SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD.
4. SUBJECT PROPERTY REFERENCED AT DB 6281 PG 1869 MB 68 PG 244.
5. THIS SURVEY IS OF AN EXISTING PARCEL OF PROPERTY AND DOES NOT CREATE A SUBDIVISION.
6. SETBACKS PROVIDED BY BUILDER.
7. ZONED "R-1-WB".
8. PARCEL ID# R09010-015-007-000

---x---x---x---x--- = PROPOSED 4' ALUMINUM FENCE

---o---o---o---o--- = PROPOSED WOOD LATTICE ENCLOSURE

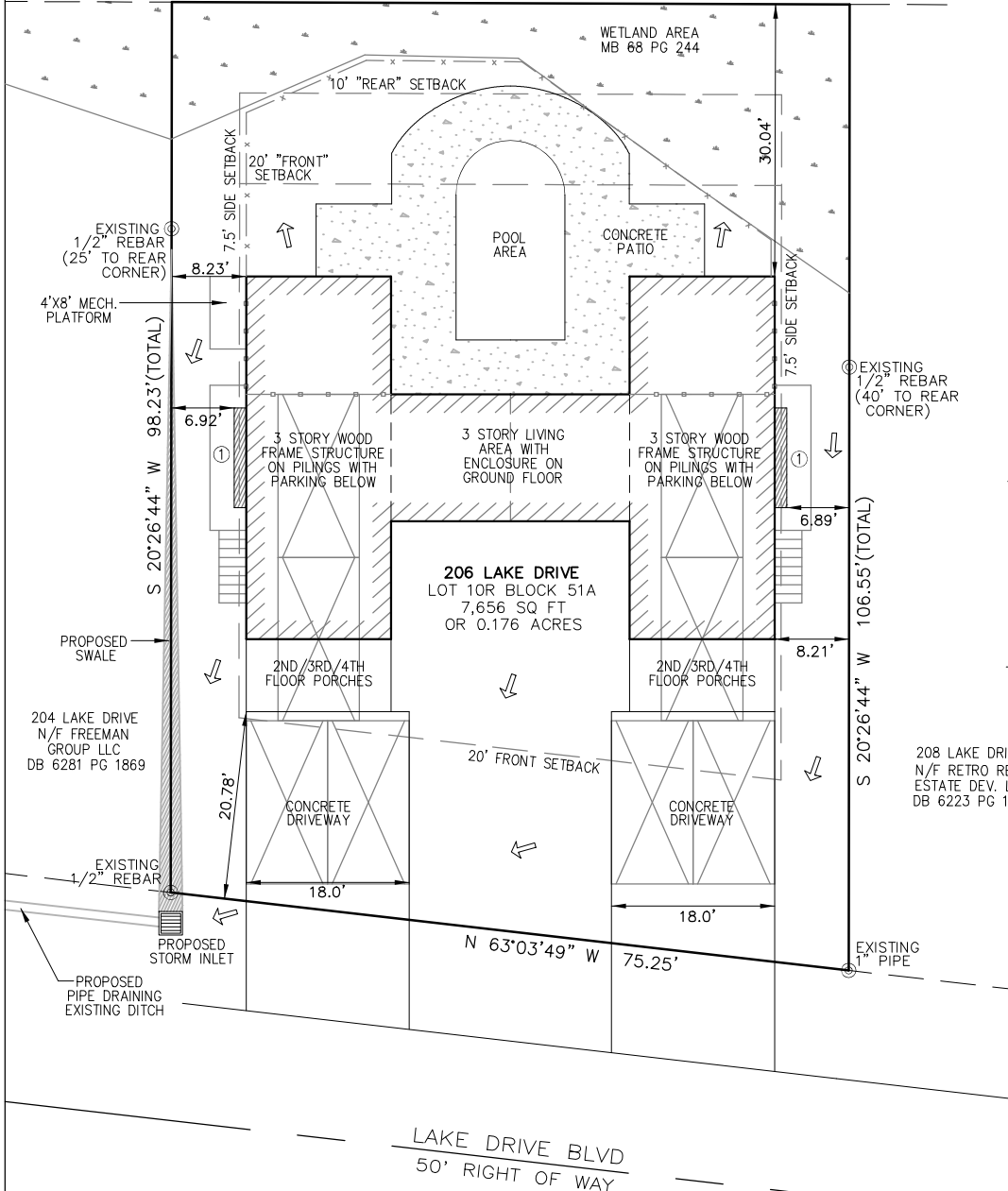
① = 4'X16' ELEVATED HVAC PLATFORM W/ STEPS

▨ = 3RD STORY CANTILEVER STRUCTURE (11.00' X 1.33')

↘ = PROPOSED DRAINAGE



N 69°25'00" W 74.77'



IMPERVIOUS SURFACE AREA FOR THIS LOT = 3,496± SQ. FT.

HOUSE = 1648± SQ. FT.
CONCRETE DRIVE = 873± SQ. FT.
PORCHES = 256± SQ. FT.
POOL PATIO = 719± SQ. FT.

*TOTAL ACRES DISTURBED = 0.080 ACRES OR 45.7% OF LOT AREA

SURVEYOR CERTIFICATION

I certify that this map was drawn under my supervision from an actual survey made under my supervision; that the boundaries not surveyed are indicated as drawn from information in deed book 6281 page 1869; that the ratio of precision or positional accuracy 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 24th day of June, 2021.

Joshua M. McKittrick, PLS



9' X 18' CAR PARKING AREA (8 TOTAL)

FLOOD ZONE NOTE

THIS PARCEL IS LOCATED WITHIN FLOOD ZONES AE-11 AS INDICATED ON FEMA FIRM PANEL NO. 3130, MAP NO. 3720313000K WITH AN EFFECTIVE DATE OF 8/28/2018.

LOT SURVEY/PROPOSED PLOT PLAN

Joshua M. McKittrick
Land Surveying, PLLC

Firm No.: 1608
(910)231-5339(CELL)

809 Windgate Drive
Wilmington, North Carolina
28412

Date : 6/24/21
Scale: 1"=20'
Drawn : JMM
Chk: JMM
Proj. No: 20834

206 LAKE DRIVE
LOT 10R - BLOCK 51A - MB 68 PG 244
TOWN OF CAROLINA BEACH
NEW HANOVER COUNTY, NC
FEDERAL POINT TOWNSHIP

