



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: \$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 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.

Applicant

Name: Dry Dock Inn

Applicant Mailing Address:

300 Lake Park Blvd S. Carolina Beach NC 28428

Street Address City State Zip

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

Applicant Email Address:

deanna@reachprop.com

Property Owner

Name: Pleasure Island Holdings LLC

Property Owner Mailing Address:

1001 Military Cutoff Rd Ste 101 Wilmington, NC 28405

Street Address City State Zip

Property address of variance being requested:

300 Lake Park Blvd S. Carolina Beach NC 28428

Property Size: 6848 sq. ft. Zoning Designation: Commercial

Please give a brief description of requested action:

Please see attached.

Owner Signature: _____

Date: 5 / 26 / 23

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.

- (1) This was an honest and actual mistake where both the General Manager of Dry Dock and Gator Fencing both actually believed that New Hanover County had the ability to approve.
- (2) The 54" fence that was constructed looks great, is not obstructive, and it's not even noticeable from the street that it's higher than 48".
- (3) 54" is a generally accepted **minimum** height for swimming pool safety to keep young children from drowning. The new fence looks great, isn't obstructive and is far more safe.
- (4) There are many fences along Lake Park Blvd that are over 48", including the fence directly across the street which appears to be fairly new and is 78" (see picture).
- (5) The fence was custom made and can not reasonably be modified or moved. Requiring owner of Gator Fencing to move the fence would cost more than \$15,000.

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.

- (1) Because a pool for a fairly large motel borders the street, this presents a clear public safety hazard. It is a well accepted safety code nationally that 54" is the minimum height requirement for swimming pool fencing.
- (2) The fence was custom made and can not reasonably be modified or moved. Requiring the owner of Gator Fencing to move the fence would cost more than \$15,000.
- (3) The swimming pool next to the street makes it peculiar and allows more safety by following the swimming pool safety guidelines.

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.

- (1) As discussed in Background Statement (attached), property owner and Gator Fence both actually believed that New Hanover County had the ability to authorize the fence, AND believed that 54" was required due to swimming pool safety.

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.

- (1) The new fence looks much better than the 8' wooden privacy fence it replaced (see pictures) and it provides much better visibility than the previous fence.
- (2) The property owner has spent significant money and time renovating and beautifying the Dry Dock Motel, staying open year round, hiring local workers, and helping to beautify this area of Carolina Beach.
- (3) Because a swimming pool is next to the street and right next to the sidewalk, the safety of visitors and children is served by allowing the 54" fence to remain.
- (4) Neighboring fences and many fences along Lake Park Blvd are greater than 48" and it's doubtful that anyone would ever know

We (local owners/investors) purchased the Dry Dock in December 2021. It was an older, dilapidated motel that needed a ton of work. It's on the main street and very close to the lake and was considered by most to be an "eyesore." We've invested well over \$500,000 in renovations (interior, exterior, and staffing) that have made it much more attractive and we now keep it open year round. We found out (the hard way) that prior owners didn't permit much of the work. We've done everything 100% by the book, always pulling the appropriate permits for our permits.

However, with the fence on the pool facing Lake Park Blvd (the "new fence"), a mistake was made. This was an honest mistake, and we're providing the background so that the Board can understand this was an honest mistake by all parties involved, and we're asking that the Board allow the current fence to remain in place.

The new fence replaced an old 8' wooden fence that totally blocked visibility from Lake Park Blvd. We wanted our guests to be able to see out, and we wanted passers by to be able to see our new and improved pool and overall motel accommodations. In doing so, we hired Gator Fencing, a locally owned, highly reputable company. We made sure Gator would apply for a fence permit with the town, and they did. There was confusion about the size of the fence. In our permitting with the motel renovations, we've dealt with both the Town of Carolina Beach and New Hanover County. Specifically with the pool, we've had to work with New Hanover County for pool safety. Back on March 31, 2022, Gator Fence applied and was denied a permit for the new fence of 54". At the same time, our general manager Dee Lanni was dealing with New Hanover County on the pool safety and inspections (as well as Danny) and got approval from New Hanover County for a 54" fence. Note that our group has experience dealing with hospitality and rentals and pools. Generally speaking, 54" is the required height for pool code safety and we were assuming this nationally accepted standard of 54" for pool safety would prevail. In any event, New Hanover County approved the 54" pool fence height, and we let Gator Fence know that the County approved it. At that time, both our General Manager and Danny, the owner of Gator Fencing, both believed that the County was in charge of the pool and that it had approved the 54" fence. We realize now that this was an error, however, for the reasons below we're asking that the Board grant a variance.

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Margaret Cratch
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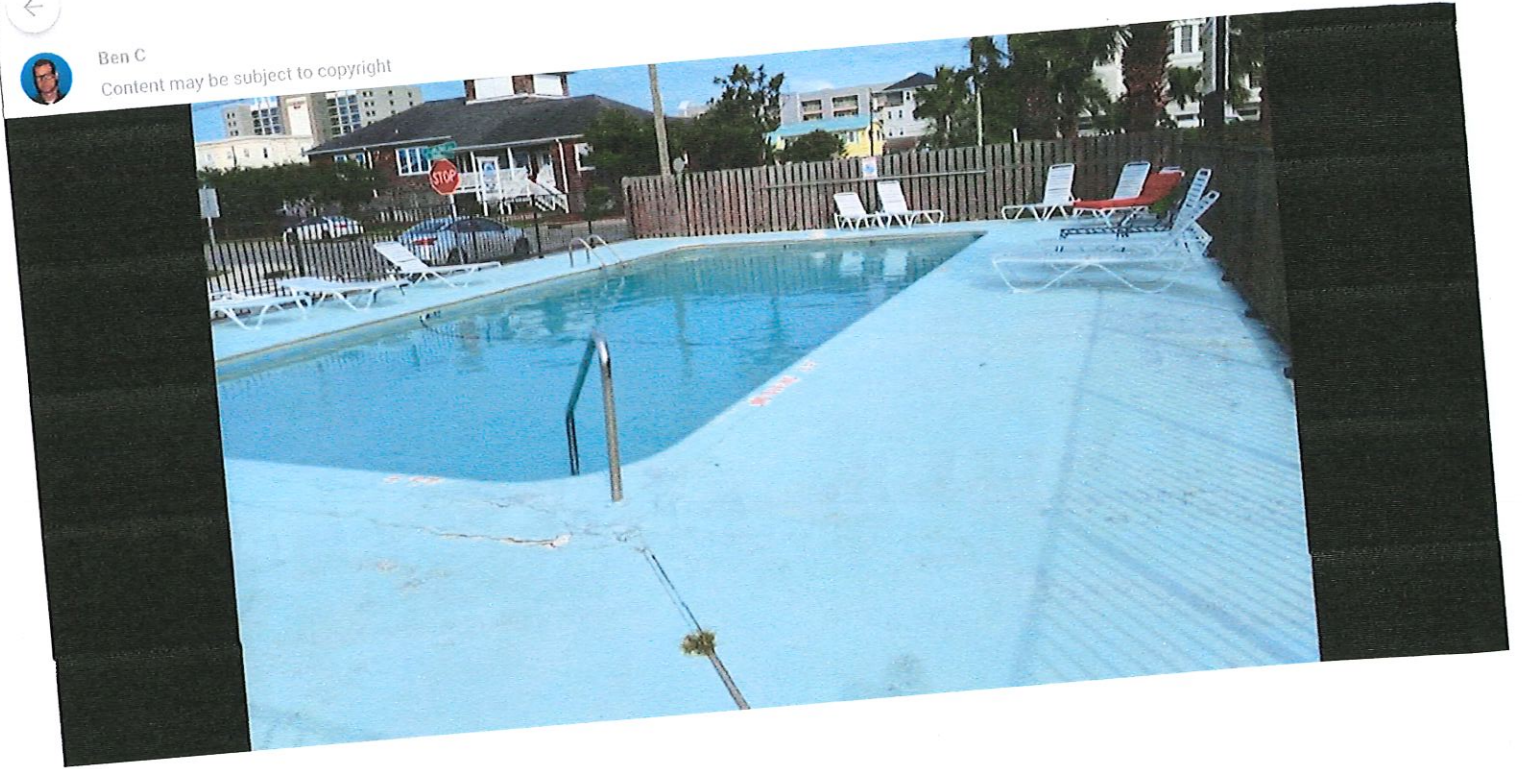


4/18/23, 11:04 AM



Ben C

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