



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: Equitas Law Partners, LP, as attorneys for Property Owner, North Pier Holdings, LLC

Applicant Mailing Address:

330 Military Cutoff, A-2, Wilmington, NC 28405

Street Address

City

State

Zip

Applicant Phone Number: mobile/work/home (circle one): (910) 500-1532 mobile/work/home (circle one): _____

Applicant Email Address:

sam@equitaslp.com

Property Owner Name: North Pier Holdings, LLC

Property Owner Mailing Address:

6316 Marywood Drive, Wilmington, NC 28409

Street Address

City

State

Zip

Property address of variance being requested:

1800 Canal Drive, Wilmington, NC 28428

Property Size: 33,566 sq. ft.

Zoning Designation: R-1

Please give a brief description of requested action:

A variance from Carolina Beach Town Code Section 40-74 limiting the maximum height of a structure in the R-1 zoning

district to 50', to allow for a 55' 4" elevator.

Owner Signature:  Jeff O'Brien (Dec 21, 2023 12:17 EST)

Date: 21/12/2023

Owner Printed Name: North Pier Holdings, LLC, by Jeff O'Brien

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.

Absent a variance, the property owner cannot build an elevator that fully services the entirety of the existing structure. This will deny citizens wishing to live in the building who require the assistance of an elevator from accessing areas requiring elevator access.

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 hardship results from the non-conforming use that the property owner is attempting to maintain in furtherance of the Town's stated goals and objectives, listed below. The non-conforming building presently on the property necessitates an elevator that is the height proposed. Had the existing structure not been in place at the time of purchase, there would not be a necessity to install the structure requested at the height requested. This hardship particular to the property and unique to this case.

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 stated hardship is not self created as the property owner did not build the existing structure that necessitates an elevator of this height. The property owner, rather, seeks to make meaningful use of an existing building, while providing additional improvements that promote safety, accessibility, and public health.

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 Carolina Beach Town Code, Section 40-2 states that the purpose of the zoning ordinance is to "promote health and general welfare", and that the Town's vision for land use is to "direct growth such that the quality of [the Town] is continually enhanced". The adopted land use plan also states that a local concern it seeks to address is to "encourage, support, and find a path forward for reuse or renovation of existing structures[.]"

The elevator will promote safety, accessibility, public health and welfare by providing additional accessibility to the existing structure. This variance furthers the Town's stated goals and objectives, and are thus consistent with the spirit of the ordinance, and proposed to be installed in a manner so as to ensure that public safety is secured and substantial justice is achieved.






20231221_1800 Canal Drive, Wilmington, NC 28428

Final Audit Report

2023-12-21

Created:	2023-12-21
By:	Kate Nevins (kate@equitaslp.com)
Status:	Signed
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"20231221_1800 Canal Drive, Wilmington, NC 28428" History

-  Document created by Kate Nevins (kate@equitaslp.com)
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TOWN OF CAROLINA BEACH, N.C.

Permit Number: _____

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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: Equitas Law Partners, LP, as attorneys for Property Owner, North Pier Holdings, LLC

Applicant Mailing Address:

330 Military Cutoff, A-2, Wilmington, NC 28405

Street Address

City

State

Zip

Applicant Phone Number: mobile/work/home (circle one): (910) 500-1532 mobile/work/home (circle one): _____

Applicant Email Address:

sam@equitaslp.com

Property Owner Name: North Pier Holdings, LLC

Property Owner Mailing Address:

6316 Marywood Drive, Wilmington, NC 28409

Street Address

City

State

Zip

Property address of variance being requested:

1800 Canal Drive, Wilmington, NC 28428


Property Size: 33,566 sq. ft.

Zoning Designation: R-1

Please give a brief description of requested action:

A variance from Carolina Beach Town Code Section 40-74, establishing side setback requirements to

allow the property owner to build a staircase for an additional means of ingress and egress.

Owner Signature:  Jeff O'Brien Jan 7, 2024 14:44 EST

Date: 02/01/____/____

Owner Printed Name: North Pier Holdings, LLC, by Jeff O'Brien

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. Absent a variance, the property owner cannot install the desired staircase to promote accessibility and safety due to the existing setback requirements. Strictly applying the ordinance in this case would preclude the owner's ability to further safety, accessibility, and promote public health on an existing structure.

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 hardship results from the size and dimensions of the existing building on the property that the property owner is attempting to maintain in furtherance of the Town's stated goals and objectives, listed below. This hardship is particular to the property and unique to this case.

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 stated hardship is not self-created as the property owner did not build the original building that it is now renovating in hopes of maintaining an existing structure. The property owner, rather, seeks to make meaningful use of an existing structure, while providing an additional means of ingress and egress to promote safety, accessibility, and public health.

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 Carolina Beach Town Code, Section 40-2 states that the purpose of the zoning ordinance is to "secure safety from fire" and "promote health and general welfare", and that the Town's vision for land use is to "direct growth such that the quality of [the Town] is continually enhanced". The adopted land use plan also states that a local concern it seeks to address is to "encourage, support, and find a path forward for reuse or renovation of existing structures[.]"

The staircase necessitating the variance promotes safety, accessibility, and public health and welfare by providing an additional improvement that furthers the Town's stated goals and objectives.

This variance furthers the Town's stated goals and objectives, and is thus consistent with the spirit of the ordinance, and proposed to be installed in a manner so as to ensure that public safety is secured and substantial justice is achieved.






BOA Application Variance. Setback

Final Audit Report

2024-01-02

Created:	2024-01-02
By:	Kate Nevins (kate@equitaslp.com)
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"BOA Application Variance. Setback" History

-  Document created by Kate Nevins (kate@equitaslp.com)
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TOWN OF CAROLINA BEACH, N.C.

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Fee: \$450.00 to be submitted with application

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Applicant

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Applicant Phone Number: mobile/work/home (circle one): (910) 500-1532 mobile/work/home (circle one): _____

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Property Owner Name: North Pier Holdings, LLC

Property Owner Mailing Address:

6316 Marywood Drive, Wilmington, NC 28409

Street Address

City

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Zip

Property address of variance being requested:

1800 Canal Drive, Wilmington, NC 28428

Property Size: 33,566 sq. ft.

Zoning Designation: R-1

Please give a brief description of requested action:

A variance from Carolina Beach Town Code Section 40-426(b) which prohibits an increase in lot coverage when a non-conforming

use is being renovated at an amount less than 50 percent of the current tax value. This variance requests an increase in the total lot coverage
by 736 sq. ft. from the original construction coverage.

Owner Signature:  Jeff O'Brien (Dec 21, 2023 12:17 EST)

Date: 21/12/2023

Owner Printed Name: North Pier Holdings, LLC, by Jeff O'Brien

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. Absent a variance, the property owner cannot install the additional proposed improvements, including a fire suppression riser, deck for additional structural support between buildings, a trash chute and compactor, or a service deck to move HVAC and meter bases out of the flood zone. Strictly applying the ordinance in this case would preclude the owner's ability to further safety, accessibility, and promote public health on an existing structure.

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 hardship results from the non-conforming use that the property owner is attempting to maintain in furtherance of the Town's stated goals and objectives, listed below. The additional improvements necessitating the additional lot coverage would be allowed on any other property in the R-1 zoning district or to any other property owner, but for this particular property's status as maintaining a non-conforming use. This hardship particular to the property and unique to this case.

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 stated hardship is not self-created as the property owner did not build the original building that constituted the original construction footprint that they are now bound to. They also did not establish the existing non-conforming use. The property owner, rather, seeks to make meaningful use of an existing building, while providing additional improvements that promote safety, accessibility, and public health.

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 Carolina Beach Town Code, Section 40-2 states that the purpose of the zoning ordinance is to "secure safety from fire" and "promote health and general welfare", and that the Town's vision for land use is to "direct growth such that the quality of [the Town] is continually enhanced". The adopted land use plan also states that a local concern it seeks to address is to "encourage, support, and find a path forward for reuse or renovation of existing structures[.]" Each of the additional improvements necessitating the variance promote safety, accessibility, and public health and welfare by providing additional improvements that further the Town's stated goals and objectives. This variance furthers the Town's stated goals and objectives, and are thus consistent with the spirit of the ordinance, and proposed to be installed in a manner so as to ensure that public safety is secured and substantial justice is achieved.






20231221_Application for Variance TOWN OF CAROLINA BEACH. N.C.

Final Audit Report

2023-12-21

Created:	2023-12-21
By:	Kate Nevins (kate@equitaslp.com)
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