



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

RES22-492
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: \$500.00 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: Lary Ellis & Cory Ellis

Applicant Mailing Address:
311 Spencer Farlow Dr Carolina Beach NC 28428
Street Address City State Zip

Applicant Phone Number: mobile/work/home (circle one): 910.442.8388 mobile/work/home (circle one): 910.405.2455

Applicant Email Address: exphometeam@gmail.com

Property Owner Name: Lary & Cory Ellis

Property Owner Mailing Address:
311 Spencer Farlow Dr Carolina Beach NC 28428
Street Address City State Zip

Property address of variance being requested:
311 Spencer Farlow Dr. CB NC 28428

Property Size: 2601 sq. ft. Zoning Designation: Residential

Please give a brief description of requested action:

Variance request for pilings and pool.

Owner Signature: _____



Date: 11 / 3 / 2023

Owner Printed Name: Lary C Ellis

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.

311 Spencer Farlow Drive is a recently completed new home with a swimming pool. The swimming pool was constructed in its permitted location. However, due to a mistake with the builder, the Town's mistake and the unusual shape of the lot, a portion of the pool was constructed in the 25' setback. There is no remedy for this, except tearing the pool out. Additionally, due to an error by the builder, pilings for the front porch are approximately 4" in the front set back.

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 lot is unusual in its shape and proximity to the pavement of adjacent roads. See attached survey, with the encroachments highlighted in yellow.

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 hardship did not result from actions taken by the owner, but rather by their builder and permitting staff.

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 is consistent with the spirit, purpose and intent of the ordinance. The slight encroachments create no public safety threat. Given the alternative of tearing out/down new construction substantial justice requires granting the required variance.