



AGENDA ITEM COVERSHEET

PREPARED BY: Haley Anderson, Planner

DEPARTMENT: Community Development

MEETING: Board of Adjustment – 11/3/2025

SUBJECT: Consider a variance to Article 3. Sec. 3.6 – Accessory Use Standards for the front yard setback for accessory structures located at 606 Cape Fear Blvd.

Applicant: Amanda Michael

BACKGROUND:

The applicant is requesting a variance from Section 3.6 of the UDO to the Accessory Use Standards (See Attachment 1). The property is located at 606 Cape Fear Blvd. and is in the R-3 zoning district. The property is 10,450 sq ft. The applicant is requesting a variance to the front setback for accessory structures.

Accessory structures are required to meet the front setback of the zoning district, which is 25 feet from the front property line. The applicant is seeking a variance of up to a 4.8 feet encroachment into the front setback which would allow the proposed accessory structure to have a setback of 20.2 feet from the front property line.

CURRENT UDO REGULATIONS:

C. ACCESSORY USE OR STRUCTURE, RESIDENTIAL

1. Accessory structures associated with residential uses shall:
 - a) Be included when calculating the total allowable lot coverage, and shall not constitute a proportionate size greater than 25% of the principal building's lot coverage, regardless of the lot size.
 - b) Be limited to 15 feet in height.
 - c) Not be permitted within any required front or side yard, or within five (5) feet of the rear lot line.
 - d) Not be occupied, leased, rented, or otherwise used for profit, income, or for gain.
 - e) Not be used as a dwelling unit.

- f) Contain no more than three (3) internal plumbing fixtures (water heater is exempt).
- g) Meet State Building Code requirements if any dimension is greater than 12 feet.

PROPOSAL:

The applicant would like to build an accessory structure forwardly adjacent to the existing pool. The building is proposed to be 19x25 sq. ft. For this size to fit, the applicant is asking for a variance of 4.8 feet to the front 25-foot front setback (See Attachment 2).

REQUIRED FINDINGS:

When unnecessary hardships result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all the following:

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 of the property.
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.
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.
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.

CONDITIONS:

In granting any variance, the Board may prescribe reasonable and appropriate conditions and safeguards, in conformity with this ordinance. Violation of any such conditions or safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under the UDO.

ATTACHMENTS:

1. Application
2. Site Plan