



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Community
Development

MEETING: Board of Adjustment – 3/17/25

SUBJECT: Variance to Section 3.13 Dimensional Requirements for Minimum Setbacks, Maximum Lot Coverage, and Maximum Impervious Coverage at 7 Sailfish Lane in the R-1 Zoning District.

Applicant: Eighteen Eleven Properties, LLC

BACKGROUND:

The applicant is requesting a variance from Section 3.13 of the UDO that requires a 20' front yard setback, 7.5' side setback, 10' rear setback, 40% maximum lot coverage, and 65% maximum impervious coverage. The property is located at 7 Sailfish Lane and is in the R-1 zoning district. The property consists of a 1,400 square foot lot with an existing ground level one-story single-family home built in 1945. The existing structure and lot are both nonconforming to R-1 dimensional standards.

The existing structure is 4.9' from the front, 3.8' from the north side, 3.3' from the east side, and 5.3' from the rear property lines. The existing home does not meet current flood regulations. If the applicant wanted to renovate the home, they are limited to 49% of the value of the structure. New Hanover County Tax currently has the building valued at \$57,300. The 49% rule is calculated using only the building value, it does not include the land value.

If the applicant utilized the minimum setbacks to rebuild a new structure to meet the ordinance the maximum size of the structure would be 13'x20'. Meeting all setbacks would leave the applicant with a 260 square feet maximum footprint. 40% maximum lot coverage is 560 square feet, and 65% maximum impervious coverage is 910 square feet.

The applicant would like to utilize the existing footprint of the home to build a new structure that meets flood requirements, parking requirements, and building code requirements. A 3-bedroom 2-story home on pilings is proposed. The proposed structure would be 21' x 34'8". 3 parking spaces are required and will be provided underneath the home. The structure is within the AE11 flood zone. All living space in the new structure must be elevated 11+2'. The maximum height limit in R-1 is 50'. The proposed structure will be 36.25' tall.

To resolve the situation the applicant requests a 10.17' variance to the required 20' front yard setback, a 3.67' variance to the required north side setback, a 3.83' variance to the required east side setback and a 4.75' variance to the required rear setback. The applicant also requests up to a 3% increase in maximum impervious coverage and up to a 13% increase in maximum lot coverage.

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:

If the board supports the findings, staff recommends the below condition for the variance

The variance is granted for the proposed structure only and any new structures on the property shall conform to the setback requirements.

ATTACHMENTS:

1. Application
2. Site Plan
3. Plans
4. Photo of the existing home