



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Community
Development

MEETING: Board of Adjustment – November 18, 2024

SUBJECT: Appeal of Article 3: Zoning, Article 5: Flood Damage Prevention, and Article 7: Definitions and Measurement, of the Town’s Unified Development Ordinance for 315 Carolina Beach Avenue N.

Applicant: Travis Sherry

BACKGROUND:

The applicant, Travis Sherry, has filed for an appeal of staff’s determination that the structure in the northwest corner of the property is to be used as storage only. The applicant purchased the property in July of 2021. The property consists of the main house which has been divided into 2 units, 1st floor, and 2nd floor, another unit in the southwestern corner, and the storage building in the northwestern corner. (Attachment 2)

The applicant applied for and received a building permit to renovate the main home on the property. As renovations continued, staff noticed that work was being done to the storage structure in the rear. Staff met with the owners to discuss options because the work was not listed on the description of work for the building permit. (Attachment 3).

In 2015, the previous owners of the property applied for a permit to convert the existing nonconforming northwestern cottage into a storage building. They removed the bathroom and installed 2 large double doors to utilize the building for storage. (Attachment 4).

The only way the building could be converted into living space would be through a change of use permit. The structure shall meet all current requirements for setbacks, flood elevations, parking, and have a Type A landscape buffer. The T-1 zoning district requirements are below. Parking must be provided for all 4 units on the property.

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width ⁵	Min. Front Yard	Min. Rear Yard	Min. Side Yards (Corner Lot- Min 12.5 ft.) ⁵	Max. Density	Max. Height	Max. Lot Coverage
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T-1	Single/Multi-Family	6000	50 ft	20 ft	10 ft	7.5 ft	29 units/acre	50 ft	40%
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The applicant informed staff that they would like the storage area to be used as another living unit. However, because the old owners converted the cottage to storage, any renovations to make this structure a livable unit must meet current code. The existing structure is nonconforming to setbacks and flood. The structure is located below the BFE + 2' freeboard. The property is in AE 13' and the topography is approximately 9'. The addition of another livable unit on this property requires parking via an approved parking surface and maneuverings requirements. A Type A landscape buffer of 5' would have to be installed on the property. Type A buffers are required for 3-5 units on one property.

The applicant could renovate the existing storage building to the 2015 conditions up to 49% of the value of the building. The proposed lofted area shall be used as storage only and not exceed 15' in height to meet accessory structure requirements.

Building permit 24-014536 was applied for at New Hanover County and Staff denied the permit on the basis that the existing use for this building is a shed, the structure is in a flood zone, no living space is permitted below BFE + 2, repairs are permitted for storage only. (Attachment 5).

ACTION REQUESTED:

The board of adjustment shall hear and decide appeals of decisions of administrative officials charged with enforcement of the zoning ordinance.

The board can uphold or reverse staff's interpretation of the UDO, Articles 3, 5, and 7.

Attachments:

1. Appeal application
2. Real estate ad
3. 2021 Permit Application
4. 2015 Permit Application
5. NHC Building Permit Application 24-014536 Plans
6. Photos