



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: 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 (3<sup>rd</sup>) 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: Philip Humphrey/pghARCHITECTURE, pc

Applicant Mailing Address:  

4006 Park Avenue	Wilmington	North Carolina	28403
Street Address	City	State	Zip

Applicant Phone Number: mobile/work/home (circle one): 910-297-9570 mobile/work/home (circle one): Mobile

Applicant Email Address: pgharchitecture@gmail.com

Property Owner Name: Rob McCord, 1621 Lake Park Boulevard LLC

Property Owner Mailing Address:  

676 Swedeford Rd East/Suite 350B	Wayne	PA	19087
Street Address	City	State	Zip

Property address of variance being requested:  
1621 Lake Park Boulevard S

Property Size: 30,000 sq. ft.                      Zoning Designation: MF

Please give a brief description of requested action:

In order to provide an accessible route to common area doors on building's west side, the owner is requesting a variance

to increase the existing front yard setback encroachment by 10"-11".

Owner Signature: Rob McCord

Date: 11/04/2024

Owner Printed Name: Rob McCord

### 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.

The hardship is created by limiting the opportunity for patrons with disabilities to access common areas provided by the establishment.

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 structure was built in 1968, prior to the zoning ordinance. Enactment of the ToCB Zoning Ordinance created a non-conforming encroachment on the front yard setback.

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 ADA requires that alterations to primary function areas of an existing building also provide an accessible path of travel to the area.

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 requested variance will not reduce public safety and will provide equal access to the establishment's amenities to all patrons.

## **Issue: Local Laws, Ordinances, and Regulations**

### **Common Problem:**

City governments may fail to consider reasonable modifications in local laws, ordinances, and regulations that would avoid discrimination against individuals with disabilities.

### **Result:**

Laws, ordinances, and regulations that appear to be neutral often adversely impact individuals with disabilities. For example, where a municipal zoning ordinance requires a set-back of 12 feet from the curb in the central business district, installing a ramp to ensure access for people who use wheelchairs may be impermissible without a variance from the city. People with disabilities are therefore unable to gain access to businesses in the city.

### **City Zoning**



City zoning policies were changed to permit this business to install a ramp at its entrance.

### **Requirement:**

City governments are required to make reasonable modifications to policies, practices, or procedures to prevent discrimination on the basis of disability. Reasonable modifications can include modifications to local laws, ordinances, and regulations that adversely impact people with disabilities. For example, it may be a reasonable modification to grant a variance for zoning requirements and setbacks. In addition, city governments may consider granting exceptions to the enforcement of certain laws as a form of reasonable modification. For example, a municipal ordinance banning animals from city health clinics may need to be modified to allow a blind individual who uses a service animal to bring the animal to a mental health counseling session. 28 C.F.R. §§ 35.130(b)(7) and 35.136.

<https://www.ada.gov/resources/ada-city-governments/>



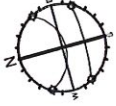
Existing Elevation	
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Oceaner Motel  
 1621 Lake Park Blvd S  
 Wilmington, NC 28403428  
 Alteration - Level 3

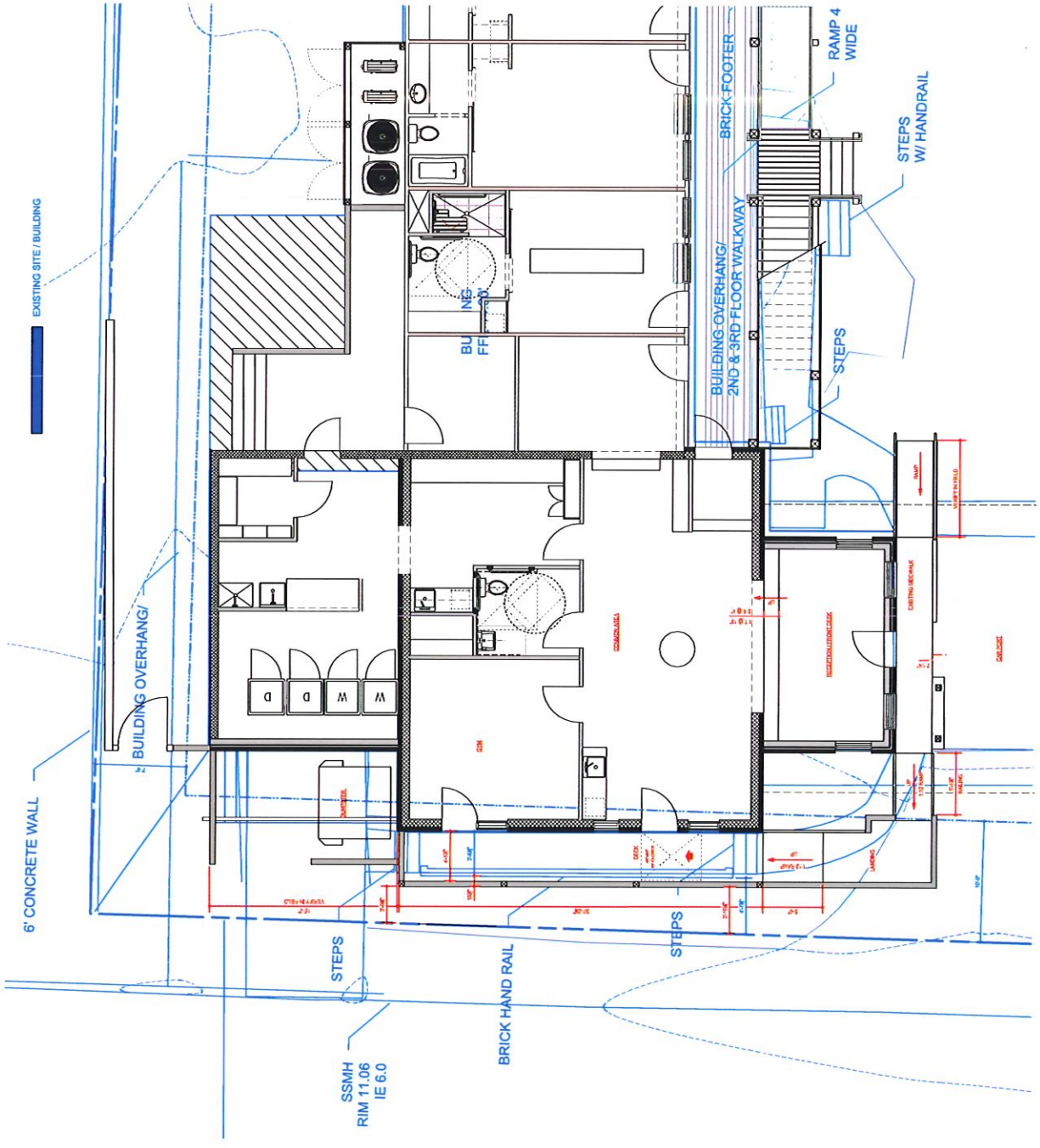


pgH ARCHITECTURE  
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8 Site Plan  
BD2  
Scale: 1/4" = 1'-0"



Project Name	Front Seaback
Project No.	
Revision	
Date	April 25, 2024
Author	
Checker	
Designer	
Project Manager	

Oceaner Motel  
 Abstraction - Level 3  
 1621 Lake Park Blvd S  
 Wilmington, NC 28403428



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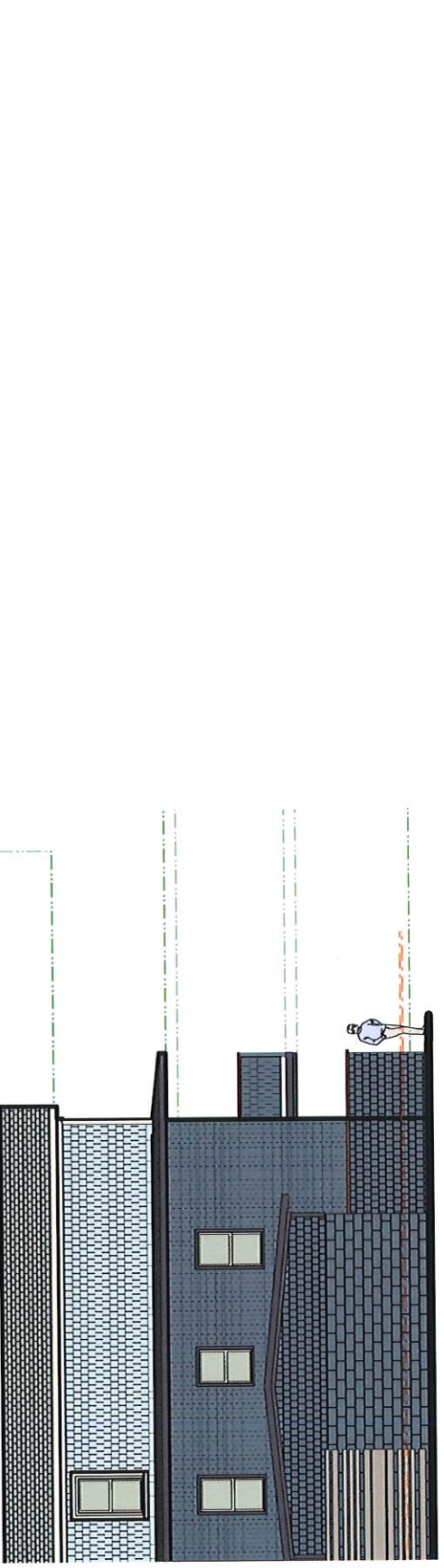


Project Name	New Elevation
Project No.	1621
Revision	1
Date	April 26, 2024
Author	gph
Checker	

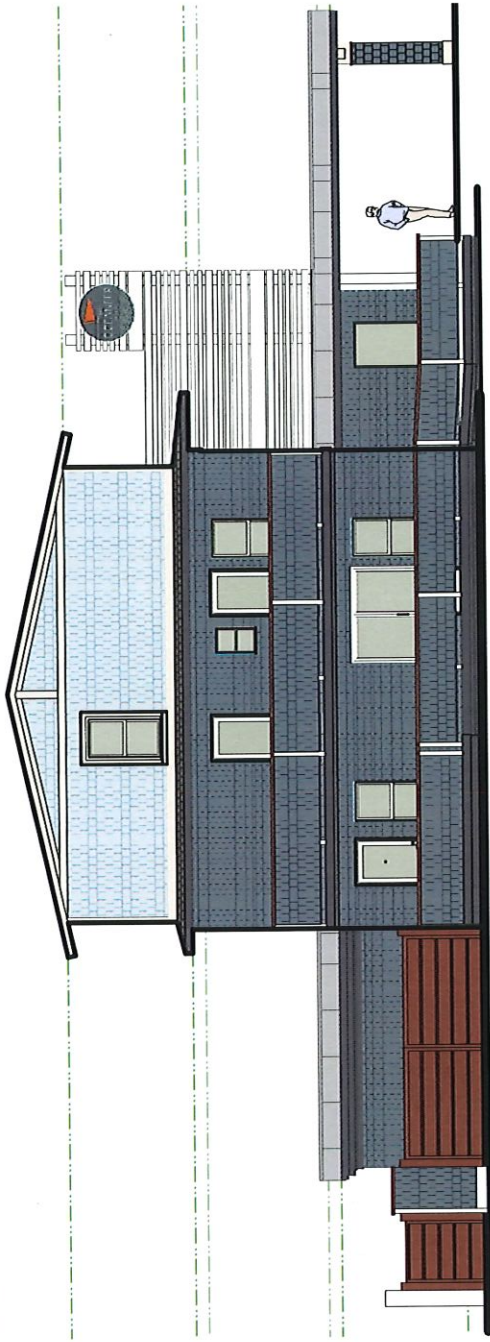
Oceaner Motel  
 Aberdeen - Level 3  
 1621 Lake Park Blvd S  
 Wilmington, NC 2840428



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1 North Elevation  
 scale 1/8" = 1'-0"  
 BD3



2 West Elevation  
 scale 1/8" = 1'-0"  
 BD3

