



Hearing Request Application - Form 1
Zoning Board of Adjustment
Town of Sunset Beach

Date Filed: _____ Case Number: _____ Received by: _____

Town-Initiated Citizen-Initiated

Instructions

This form must be filed out completely. Please attach the appropriate additional form depending on your request type along with required information as outlined in the appropriate checklist. Please type or print legibly. All property owners must sign and consent to this application, attach additional sheets if necessary. If the applicant is not the owner, the owners must sign the Designation of Agent section at the bottom of this form.

The Applicant Hereby (check all that apply):

- Requests a variance from the provisions of the Unified Development Ordinance as stated on Form 2
- Appeals the determination of a Town official as stated on Form 3
- Requests a special use permit as stated on Form 4
- Requests an establishment of vested rights as stated on Form 5

Applicant or Agent's Name: Christopher D. Stanley
 Mailing Address: Post Office Box 2469
 City, State, Zip: Charlotte NC 28459
 Daytime Telephone: 910-754-8029 Home Telephone: _____
 Interest in this Case (please circle one): Owner Adjacent Owner Other

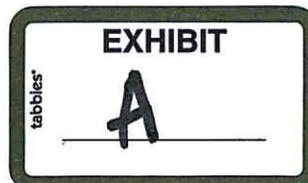
Property Owner(s) [if other than applicant/agent]: Sunset Beach Holdings II, LLC
 Mailing Address: 2421 Bowland Parkway, Suite 104
 City, State, Zip: Virginia Beach, VA 23454
 Daytime Telephone: 757-962-4808 Home Telephone: _____

Property Address: Riverside Drive (Block 40-E, Sunset Beach)
 Tax Parcel Number: Multiple Zoning District: BR-2
 Subdivision Name (if applicable): Inlet Pointe (aka Riverside North)

Applicant Certification and Designation of Agent

I (we) certify that the information in this application, the attached form(s) and documents submitted by me (us) as part of this application are true and correct. In the event any information given is found to be false, any decision rendered may be revoked at any time. I (we) hereby appoint the person named above as my (our) agent to represent me (us) in this application and all proceedings related to it. I (we) further certify to have received, read and acknowledged the information and requirements outlined in this packet.

Date: 9/23/15 Property Owner(s): _____
 Date: _____ Applicant/Agent(s): [Signature]





Variance Application - Form 2
Zoning Board of Adjustment
Town of Sunset Beach

Date Filed: _____ Case Number: _____ Fee Collected _____

Has work started on this project? YES NO
If yes, did you obtain a building permit? YES NO If yes, attach a copy.
Have you received a Notice of Violation for this project? YES NO If yes, attach a copy.

(1) What zoning ordinance section numbers are you seeking a variance from? Please list each section, the requirement and the requested variance.

Item	Code Section	Code Requirement	Variance Request
Example	6.06 (A)(C)	50' front yard setback	15' front yard (35' ft. reduction)
A		6.06 (G)(D)	10' front yard (15' reduction)
B			
C			

(2) Please describe why the variance(s) requested are necessary.

See Appendix Page 1 Attached

State facts and arguments in support of each of the following:

(a) **Unnecessary hardship would result from the strict application of the ordinance.** (Note: It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. It is not sufficient that failure to grant the variance simply makes the property less valuable.)

See Appendix Page 1 Attached

(b) **The hardship results from conditions that are peculiar to the property, such as location, size, or topography.** (Note: 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. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the life of the land.)

See Appendix Page 1 Attached

(c) **The hardship did not result from actions taken by the applicant or the property owner.** (Note: 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.)

See Appendix Page 1 Attached

(e) 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.

(State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the Applicant.)

See Appendix Page 1 Attached



East Coast Engineering & Surveying, P.C.

ENGINEERS • PLANNERS • SURVEYORS

Variance Application – Form 2
Zoning Board of Adjustment-Town of Sunset Beach
Riverside Subdivision – Block 40-E

Appendix Page 1

(2) Please describe why the variance requested is necessary.

Exceptional or extraordinary circumstances apply to the property which do not apply generally to other similar properties on the island which result from property size and shape that existed prior to the date of the current Ordinance; in which the applicant has no control. We are seeking a variance to reduce the required 25 foot front yard setback for the BR-2 zoning district by 15 feet for all lots within Riverside Subdivision (Block 40-E as recorded in Map Cabinet H, Page 358-358A). The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.

(a). Unnecessary hardship would result from the strict application of the ordinance.

Platted lots in Riverside Drive extend from the mean high water line along Jinks Creek Feeder Canal to an exterior boundary line located north of the bulkhead on the AIWW side of the subdivision. Lot area beginning at the street side of the proposed structure locations extending to the northern lot line will be open with an unobstructed view. No future development is foreseen north of Riverside Drive. This unique scenario allows for adequate light and air space similar to other lots in the same zone. It will also allow the extra room for emergency vehicles to access buildings that the current front yard setback would allow. Therefore, with this extra accessible space, the current front yard setback is an unnecessary hardship.

(b). The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

Lots within Block 40-E (Riverside Drive) were originally recorded in September 1976. During the years since, natural erosion, erosion due to several hurricanes and past Town dredging projects, caused the land encompassing Block 40-E to decrease in size from its originally mapped area. The erosion of the developable land has caused some of the platted lot depths to decrease. The decrease in lot depth, along with current town setback requirements that had not been adopted when this subdivision was originally recorded, will not allow for a reasonably sized dwelling.

(c) The hardship did not result from actions taken by the applicant or the property owner.

The lack of buildable area on a portion of these lots is a result of past erosion and dredging of Jinks Creek Feeder Canal and was not a self-created hardship. When erosion of this area became apparent, the Town adopted a resolution (November 10, 2003) and placed assessments on any property owner who failed to bulkhead their properties. The location of the existing bulkhead was installed in accordance with the Division of Coastal Management's guidelines per Major CAMA Permit 42-05. The placement of the approved bulkhead defined the buildable area within the block from thenceforth.

(e) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such as public safety is secured, and substantial justice is achieved

The property is zoned for residential development; a single family residential structure is the most appropriate development for the property. The easement width of Riverside Drive is 35 feet, with an additional 10 utility easement. Approval of the variance request would allow structures to be placed as far forward as possible in an effort to minimize development within the 30' C.A.M.A. buffer. An approved 10 foot front yard setback would provide a uniform alignment of structures along Riverside Drive, allow adequate ingress/egress for public access and emergency vehicles and allow adequate room for utility maintenance while providing the minimum variance to relieve the hardship. By reducing impact to the CAMA buffer area, this variance would agree with the Town's CAMA Land Use Plan in that it will preserve and conserve the land and estuarine waters, as well as, support the major and general permitting process as implemented by the North Carolina Division of Coastal Management.