

# BOARD OF ADJUSTMENT STAFF REPORT



Hearing Date: 6-10-15

Case File #: BOA-15-04

General Description: Request for Vested Rights

Town Initiated

Citizen Initiated

Applicant(s): Gregory and Dinah Gore via Sammy Varnam, Agent

## APPLICATION OVERVIEW:

The Sunset Beach Planning & Inspections Department has received an application to request vested rights for a Lots 19-25, Block 28; generally located West of Sunset Blvd., South of North Shore Dr. West, and North of West Main St. (see attached location map). This request is required to be approved by the Board of Adjustment according to Article 4, Section 4.02 before such rights can be granted to the applicant.

## STAFF COMMENTARY

As per Article 4, Section 4.02 of the UDO, the Board of Adjustment is authorized to grant vested rights upon review a "site specific development plan". The purpose of the site specific development plan is for the applicant to describe with reasonable certainty the type and intensity of the development being vested.

Town Staff reviewed the attached site plan against Article 5, Section 5.03(C) of the Town's Unified Development Ordinance (UDO). In addition to staff review, the Board of Adjustment has the authority to consider, as appropriate, the following items as per Article 5, Section 5.03(C)(2) of the UDO:

*(a) Pedestrian and vehicular traffic movement within and adjacent to the site with particular emphasis on the provision and layout of parking areas, off-street loading and unloading, movement of people, goods, and vehicles from access roads, within the site, between buildings, and between buildings and vehicles.*

## DEPARTMENT OF PLANNING AND INSPECTIONS

*(b) The design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. Particular attention shall be given to safety and fire protection, impact of surrounding development, and contiguous and adjacent buildings and lands.*

*(c) Adequate lighting, based upon the standards set forth in Article 9, Part III, shall be provided to ensure safe movement of persons and vehicles and for security purposes. Lighting standards shall be a type approved by the Planning Board.*

*(d) Landscaping shall be provided as part of the overall site design and integrated into building arrangements, topography, parking, and buffering requirements in accordance with Article 10.*

*(e) Signs shall be designed so as to be harmonious with other signs on the site and located so as to achieve their purpose without constituting hazards to vehicles and pedestrians (refer to Article 11).*

*(f) Storm drainage, sanitary waste disposal, water supply, and garbage disposal shall be reviewed and considered. Particular emphasis shall be given to the adequacy of existing systems, and the need for improvements, both on-site and off-site, to adequately carry run-off and sewage, and to maintain an adequate supply of water at sufficient pressure.*

*(g) Environmental elements relating to soil erosion, preservation of trees, protection of water courses, and resources, noise, topography, soil, and animal life shall be reviewed, and the design of the plan shall minimize any adverse impact on these elements. Particular reference shall be made to areas of environmental concern as designated by the Coastal Area Management Act and the Coastal Resources Commission.*

In addition, the Board may approve the site specific development plan upon set terms and conditions as may reasonably be necessary to protect the public health, safety and welfare.

LOCATION MAP OF AREA



**BOARD OF ADJUSTMENT SUMMARY**

Passed \_\_\_\_\_ Denied \_\_\_\_\_ (For \_\_\_\_\_ Against \_\_\_\_\_ Abstained \_\_\_\_\_)

**Commentary:**