TOWN OF SOUTHERN SHORES

5375 N Virginia Dare Trl, Southern Shores, NC 27949
(252) 261-2394 tel (252) 255-0876 fax
www.southernshores-nc.gov

Application No. VA-16-01 Date 3-17-16

Application Fee $350.00 Receipt No. 177173

VARIANCES APPROVED BY THE BOARD OF ADJUSTMENT RUN WITH THE PROPERTY. THEREFORE, APPLICANTS MUST BE THE PROPERTY OWNER, OR A DESIGNATED REPRESENTATIVE OF THE PROPERTY OWNER. REFERENCE TO YOU OR THE APPLICANT IN THIS APPLICATION INCLUDES THE PROPERTY OWNER IF THE APPLICANT IS NOT THE PROPERTY OWNER. NOTARIZED SIGNATURES OF ALL APPLICANTS ARE REQUIRED ON THE LAST PAGE. ADDITIONAL PAGES MAY BE ATTACHED TO ANSWER ANY QUESTIONS IN THIS APPLICATION OR TO PROVIDE ANY SUPPLEMENTAL INFORMATION.

1. Applicant Name STEVEN D. LOVE

   Mailing Address 10324 GRENDEL CT

   City MECHANICSVILLE State VA. Zip Code 23116

   Telephone _____

2. Property Owner Name (If different from Applicant) _____

   Mailing Address _____

   City _____ State _____ Zip Code _____

   Telephone _____

3. Property for which variance is requested:

   Street Address 64 OCEAN BLVD

   Tax Parcel Identification Number 022627001

   Subdivision Name _____ Block# _____ Lot# 3

   Zoning District Classification R-1

4. List specific Zoning Ordinance Section(s) and subsections(s) from which a variance is requested.

   36-202-D

5. For each Section/subsection listed above, describe with specificity how it applies to the property without the requested variance and how you propose it should be varied by providing the type, dimension, amount and location of the variance requested. Attach a scale drawing

using a current survey of the proposed placement of the structure for which the variance is being requested.

ENCLOSED

6. Is this variance request the result of a Notice of Violation issued by the Southern Shores Planning and Code Enforcement Department? Yes ___ No X If yes, attach copy of Notice.

7. Explain how the variance request meets the approval criteria for the granting of a variance as set forth by the Town of Southern Shores Code of Ordinances by answering the following questions. Note that personal inconvenience or financial burden standing alone will not be considered as evidence in determining unnecessary hardship. Unnecessary hardship must be attributable to a unique or peculiar physical condition of the property that is not shared by other properties and has not been created by the actions of the applicant.

   Describe the unnecessary hardship created on the property by the strict enforcement of the Zoning Ordinance.

   SEE SHEET ATTACHED

   Explain how the property can be used if the variance **is not** granted.

   SEE SHEET ATTACHED

   Explain how the property can be used if the variance **is** granted.

   SEE SHEET ATTACHED

   Explain how the unnecessary hardship is not the result of your own actions.

   SEE SHEET ATTACHED

7. Explain how the variance request meets the approval criteria for the granting of a variance as set forth by the Town of Southern Shores Code of Ordinances by answering the following questions. Note that personal inconvenience or financial burden standing alone will not be considered as evidence in determining unnecessary hardship. Unnecessary hardship must be attributable to a unique or peculiar physical condition of the property that is not shared by other properties and has not been created by the actions of the applicant.

Describe the unnecessary hardship created on the property by the strict enforcement of the Zoning Ordinance.

The subject lot was subdivided prior to the existence of Southern Shores being a municipality and the creation of a zoning ordinance. Fifty foot ocean front lots would have not been considered in creating a fifteen foot side setback for this zone. With the fifteen foot side setback, the town will now only allow a twenty foot wide residence on this lot. This in turn would create a long, narrow structure to maximize the value.

Explain how the property can be used if the variance ***is not*** *granted.*

20 foot wide residential structure.

Explain how the property can be used if the variance ***is*** *granted.*

26 foot wide residential structure.

Explain how the unnecessary hardship is not the result of your own actions.

The subject lot was one of two lots combined and permitted by the Town of Southern Shores through their CAMA permitting process for a sixteen bedroom wedding house. The CAMA Permit was issued December 10, 2015 with approved wedding house plans. At this time, a building permit could have been issued by the Town of Southern Shores. As owner of the adjoining lot to the south, I felt that this use would be inconsistent with the surrounding properties. In hopes to maintain a typical use, I attempted to negotiate the purchase of this fifty foot parcel. Prior to the town having to issue a building permit for this sixteen bedroom structure, I negotiated to purchase the single fifty foot parcel. In the meantime, the town changed their ordinances with regard to their parking requirements and their square footage limitations.

Describe the conditions that are peculiar to the property, such as location, size, or topography which causes the unnecessary hardship.

THIS LOT IS A FIFTY FOOT WIDE LOT THAT EXISTED PRIOR TO SOUTHERN SHORES BECOMING A MUNICIPALITY AND ITS RELATED ORDINANCE. FURTHER RESTRICTIONS FROM C.AMA ALSO APPLY.

Explain how the requested variance is consistent with the spirit, purpose, and intent of the Town's Zoning Ordinance (Town Code Chapter 36) such that public safety is secured, and substantial justice is achieved.

THIS REQUEST IS VERY CONSISTENT IN THAT IT WILL ALLOW FOR THREE FEET LESS SIDE SETBACK AND THE CONSTRUCTION OF A 26 FOOT WIDE RESIDENCE INSTEAD OF 20 FOOT WIDE.

Will the variance, if granted, allow an increase or extension of an existing nonconforming use on the property?

NO

Will the variance, if granted, allow a use otherwise prohibited in the zoning district containing the property?

NO

8. List the names and addresses of all abutting property owners and the owners of property immediately across the street from the property affected. The list shall be current according to the most recent tax listing abstract as filed in the office of the Dare County Tax Supervisor.

SOUTH - SOUTHERN SHORES CIVIC ASSOCIATION
NORTH - 64A OCEAN BLV LLC
ACROSS THE STREET - JOESPH HOGLIE LLOYD

9. Are any attachments being submitted with this application? Yes X No ____ If yes, please identify attachments and number of pages. 3

1) SURVEY WITH 20 FOOT BY 90 FOOT STRUCTURE
2) SURVEY WITH 26 FOOT BY 70 FOOT STRUCTURE
3) QUESTION 7

FILING OF APPLICATION

Variance applications are filed with the Town of Southern Shores Planning and Code Enforcement Department at Town Hall located at 5375 N. Virginia Dare Trail, Southern Shores, NC. Applications may be filed in person Monday through Friday during normal office hours or may be mailed to the previously listed address. In order for an application to be considered complete all questions and information requested in the application must be answered and provided. Applications must have original notarized signatures of the applicant and must be accompanied by the required application fee. Applications found to be incomplete will not be accepted and will be returned to the applicant.

SCHEDULING OF APPLICATION

Applications submitted will be placed on the following month's Board agenda. The monthly filing deadline and Board meeting dates for the year are listed on the Town's website at www.southernshores-nc.gov under Planning and Code Enforcement Department or you may receive a copy by contacting the Department at (252) 261-2394.

HEARING OF APPLICATION

The Planning Board serves as the Board of Adjustment which is a quasi-judicial body governed by the North Carolina General Statutes and Chapter 36, Article XII of the Southern Shores Town Code. Meetings are held in the Pitts Center located at the Town of Southern Shores Municipal Complex. At the meeting, the Board will hear testimony and receive evidence from the applicant, Town Staff and other interested parties. Board members cannot discuss any case with any interested parties or persons prior to the public hearing of the case. Any person who testifies at the hearing must be sworn in and any written or physical evidence presented to the Board will be retained by the Board.

BOARD DECISION

The concurring vote of a four-fifths majority of the board shall be necessary to grant a variance. The Board's decision will be made, reduced to writing, filed, served and subject to appeal in the manner provided by Section 36-368 of the Southern Shores Town Code. Decisions of the Board may be appealed by any aggrieved party to Superior Court within 30 days from the effective date of the Board's decision.

ADDITIONAL INFORMATION

Persons seeking additional information or assistance concerning variance applications should contact the Zoning Administrator at the Planning and Code Enforcement Department at (252) 261-2394.

CERTIFICATION

I certify that the information filed by me in this application is accurate to the best of my knowledg information, and belief.

Property Owner Signature

3/16/15
Date

STATE OF Virginia, COUNTY OF Richmond

On this 16th day of March, 20 16

Steve Love personally appeared before me and is known to me to be the person who signed the foregoing instrument and he/she acknowledged that he/she signed the same and being duly sworn by me, made oath that the statements in the foregoing instrument are true.

Signature of Notary Public

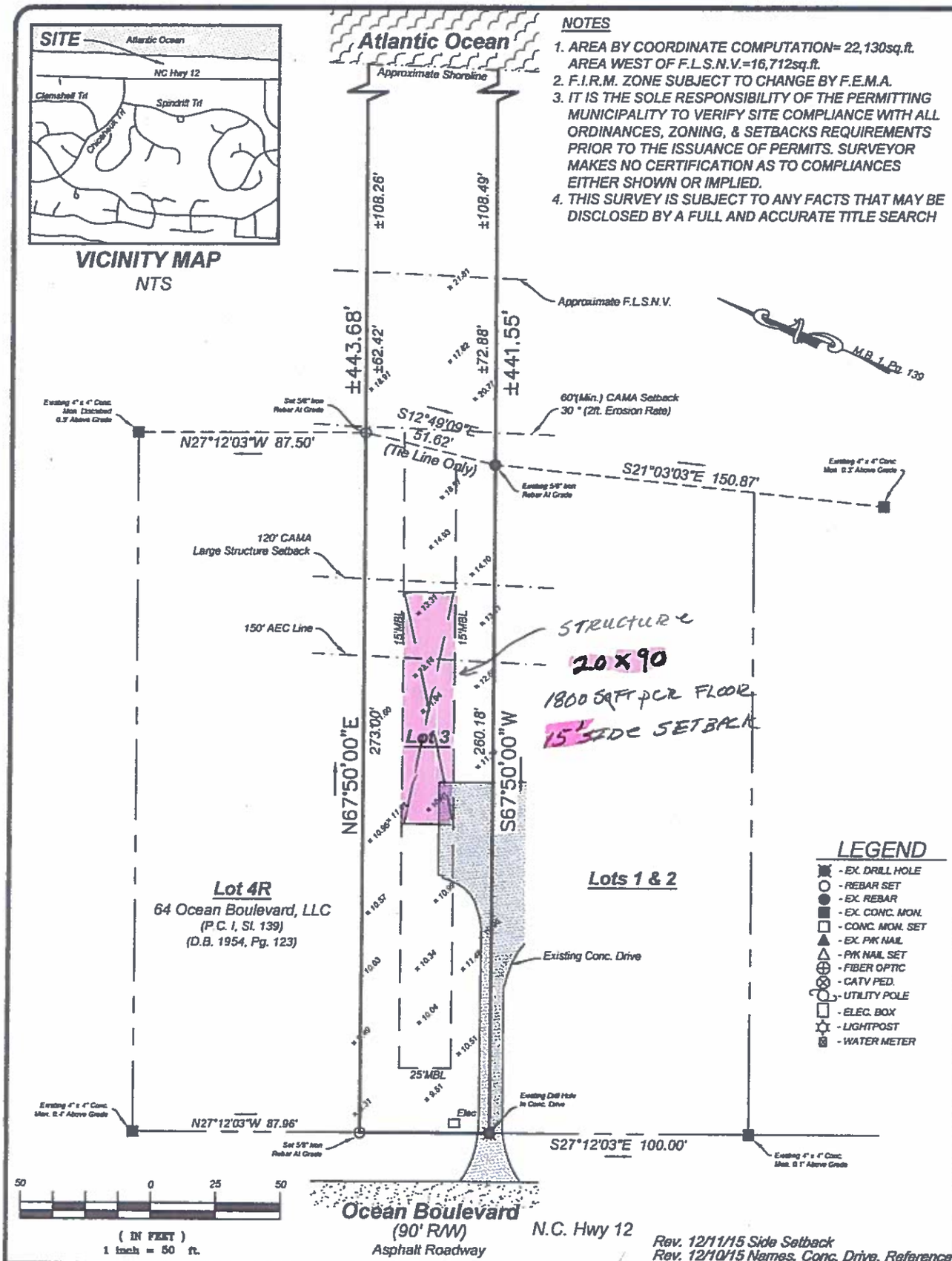
My Commission expires May 31, 20 18

KATHLEEN ALLEN FLAKE
NOTARY PUBLIC
MY COMMISSION NUMBER 7054547
COMMONWEALTH OF VIRGINIA

VICINITY MAP
NTS

NOTES

1. AREA BY COORDINATE COMPUTATION= 22,130sq.ft.
   AREA WEST OF F.L.S.N.V.=16,712sq.ft.
2. F.I.R.M. ZONE SUBJECT TO CHANGE BY F.E.M.A.
3. IT IS THE SOLE RESPONSIBILITY OF THE PERMITTING MUNICIPALITY TO VERIFY SITE COMPLIANCE WITH ALL ORDINANCES, ZONING, & SETBACKS REQUIREMENTS PRIOR TO THE ISSUANCE OF PERMITS. SURVEYOR MAKES NO CERTIFICATION AS TO COMPLIANCES EITHER SHOWN OR IMPLIED.
4. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH



Rev. 12/11/15 Side Setback
Rev. 12/10/15 Names, Conc. Drive, Reference

RECORDED REFERENCE: M.B.1, Pg.139	PIN NO.: 986712956130	SURVEY DATE: 6/22/14	SURVEY FOR: Nags Head Freehold, LLC
RECORDED DEED: D.B. 2027, Pg. 446	PARCEL ID#: 022627001	FILE NO.: 15-1003A	
F.I.R.M. ZONE: VE 12.0'	F.I.R.M. MAP: 3720986700J	SCALE: 1" = 50'	Lot 3, Block 6, Section 1 Southern Shores
		DRAWN: JEF	
		CHECKED: JEF	
		ATLANTIC TOWNSHIP	DARE COUNTY / NORTH CAROLINA

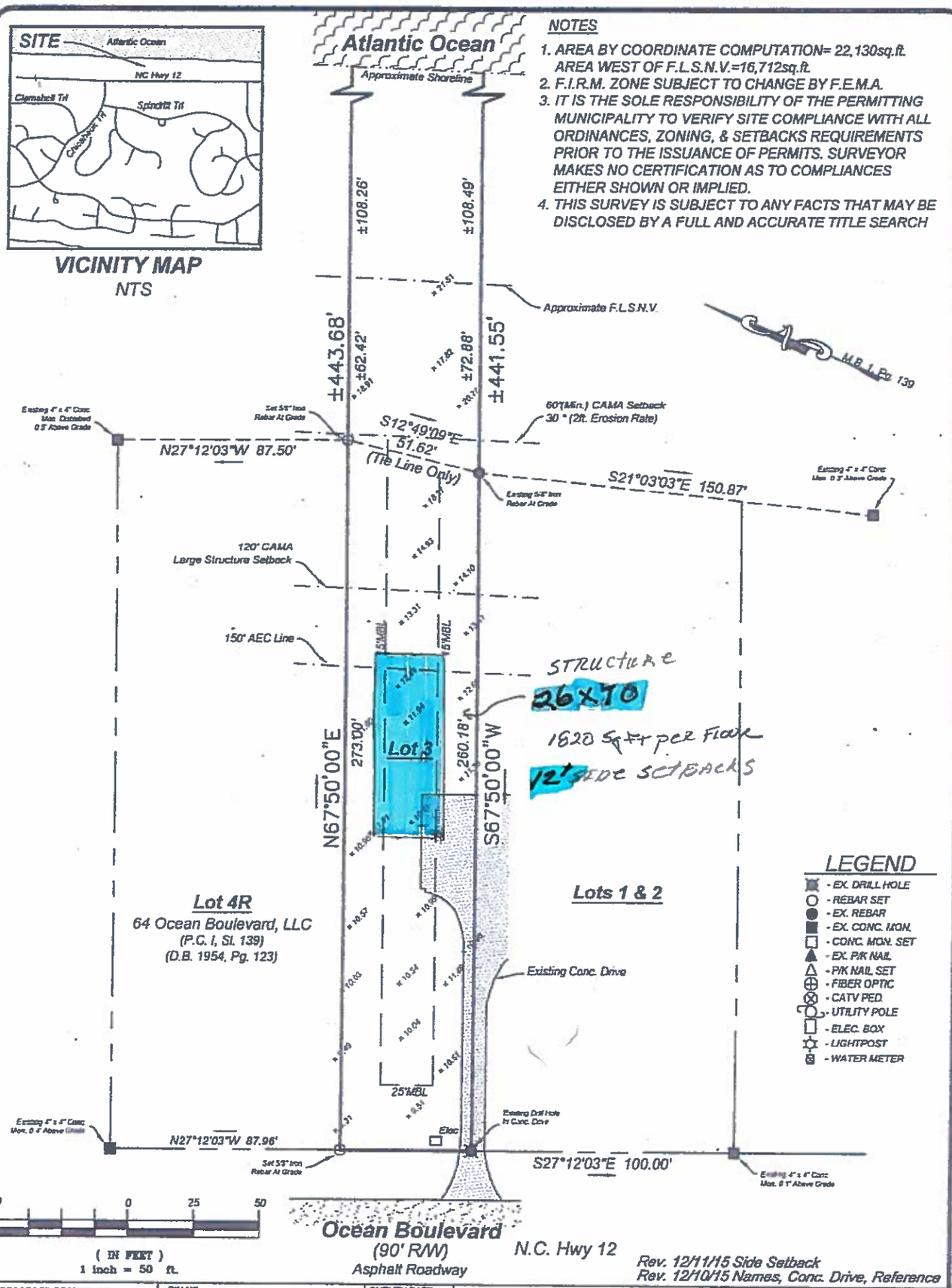
I, JAMIE E. FURR, CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD SURVEY AS PER RECORDED DESCRIPTION, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH N.C.A.C. TITLE 21, CHAPTER 56, SECTION 1600.

WITNESS MY HAND AND SEAL THIS 11th DAY OF DECEMBER, 2015

P.L.S. L-4692

IF THIS SEAL IS ABSENT, THIS PLAT IS TO BE CONSIDERED PRELIMINARY, NOT TO BE USED FOR RECORDATION, CONVEYANCE, OR SITE/SEPTIC APPROVAL.

EASTERN GEOMATICS, PLLC
"PROFESSIONAL SURVEYING SERVICES"
P.O. BOX 1026
(305 Soundview Drive)
KILL DEVIL HILLS, N.C. 27948
FIRM LIC#: P-0733
PHONE / FAX: 252-441-4590



NOTES

1. AREA BY COORDINATE COMPUTATION= 22,130sq.ft.
   AREA WEST OF F.L.S.N.V.=16,712sq.ft.
2. F.I.R.M. ZONE SUBJECT TO CHANGE BY F.E.M.A.
3. IT IS THE SOLE RESPONSIBILITY OF THE PERMITTING MUNICIPALITY TO VERIFY SITE COMPLIANCE WITH ALL ORDINANCES, ZONING, & SETBACKS REQUIREMENTS PRIOR TO THE ISSUANCE OF PERMITS. SURVEYOR MAKES NO CERTIFICATION AS TO COMPLIANCES EITHER SHOWN OR IMPLIED.
4. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH

Rev. 12/11/15 Side Setback
Rev. 12/10/15 Names, Conc. Drive, Reference

RECORDED REFERENCE: M.B.1, Pg.139	PIN NO.: 986712956130	SURVEY DATE: 6/22/14	SURVEY FOR: Nags Head Freehold, LLC
RECORDED DEED: D.B. 2027, Pg. 446	PARCEL ID#: 022627001	FILE NO.: 15-1003A	
F.I.R.M. ZONE: VE 12.0'	F.I.R.M. MAP: 3720986700J	SCALE: 1" = 50'	
		DRAWN: JEF	Lot 3, Block 6, Section 1 Southern Shores
		CHECKED: JEF	
ATLANTIC TOWNSHIP	DARE COUNTY	NORTH CAROLINA	

I, JAMIE E. FURR, CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD SURVEY AS PER RECORDED DESCRIPTION; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH N.C.A.C. TITLE 21, CHAPTER 56, SECTION 1600.

WITNESS MY HAND AND SEAL THIS 11th DAY OF December, 2015

P.L.S. L-4692

IF THIS SEAL IS ABSENT, THIS PLAT IS TO BE CONSIDERED PRELIMINARY, NOT TO BE USED FOR RECORDATION, CONVEYANCE, OR SITE/SEPTIC APPROVAL.

EASTERN GEOMATICS, PLLC
"PROFESSIONAL SURVEYING SERVICES"
P.O. BOX 1026
(305 Soundview Drive)
KILL DEVIL HILLS, N.C. 27948
FIRM LIC#: P-0733
PHONE / FAX: 252-441-4590