

**GRAY & LLOYD, L.L.P.**

ATTORNEYS AT LAW

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September 7, 2016

Mr. Wes Haskett  
Town Planner/Code Enforcement Officer  
Town of Southern Shores  
5375 N. Virginia Dare Shores  
Southern Shores, NC 27949

Re: Akers Family, LLC  
193 N. Dogwood Trail, Southern Shores, NC 27949  
My File No. 12850-001

Dear Mr. Haskett:

Please accept this letter as a formal request for a formal opinion by you as Town Planner. It is my understanding there is no specific form for a request for a formal opinion by the Town. As such, as indicated, please accept this letter as a formal request for a formal interpretation as set forth in Section 36-366(a)(2).

The specific issue we are requesting a formal interpretation is whether in fact a workshop area contained on the first floor of the above-described property has already been calculated and permitted as living space for the above premises.

In rendering your formal interpretation, we bring to your attention the following facts and circumstances:

1. The original house plans stated areas of first floor of 3,970 square feet, second floor of 2,138 square feet and tower of 202 square feet for a total square footage of 6,310 square feet.
2. The Certificate of Occupancy issued for the single family dwelling on October 11, 2007 stated that the size of the structure consisted of 6,360.56 square feet of living area and 4,555.48 square feet of non-living area.
3. As is set forth on attached sheet prepared by Ralph D. Calfee, Engineer, in doing a take off of the house first floor plan dated January 12, 2006, which was apparently the basis drawing for the building permit, there is a total on the first floor of 4,027 square feet, which includes 217 square feet of work shop. The only way that the calculation would have given rise to a total square

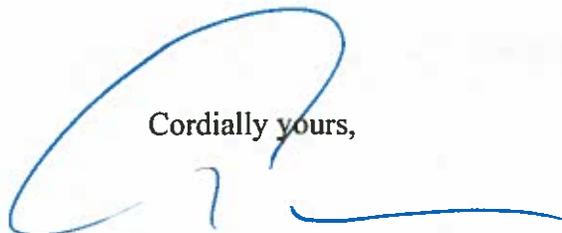
footage of living area of 6,360.56 square feet pursuant to the certificate of occupancy would be that it included the original 217 square feet as contained in the work shop that is contained on the first floor.

4. Your Code defines the term "Habitable Floors and Stories (Living Space)" to mean "Enclosed areas within a structure which are located below the top plate, and containing rooms or areas which have been designed and constructed for human habitation." There is no question that the work shop is below the top plate and has been designed and constructed for human habitation.

If there is any further information or documentation we can provide to assist you in making your interpretation that the work shop area contained on the first floor at 193 N. Dogwood Trail, Southern Shores, has been calculated and permitted as living space for the above premises, please advise.

With best wishes, I am

Cordially yours,

A handwritten signature in blue ink, appearing to read 'E. Crouse Gray, Jr.', with a large, stylized initial 'E' and a long horizontal flourish.

E. Crouse Gray, Jr.

ECGjr:kmg

Enclosure

cc: Mr. Gregory Akers (via e-mail)

Mr. Ralph D. Calfee (via e-mail)

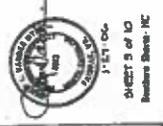
Mr. Ashley Belvin (via e-mail)

N:\WORD\Clients\A\Akers Gregory\12850-001 Issues with the Town of Southern Shores ( Op 03 14 16)\Haskett Ltr 090716.wpd

Architect: **House Engineering, P.C.**  
 1000 S. W. 10th St.  
 Fort Lauderdale, FL 33315  
 Phone: 954.574.1100  
 Fax: 954.574.1101

# ADDITIONS INC

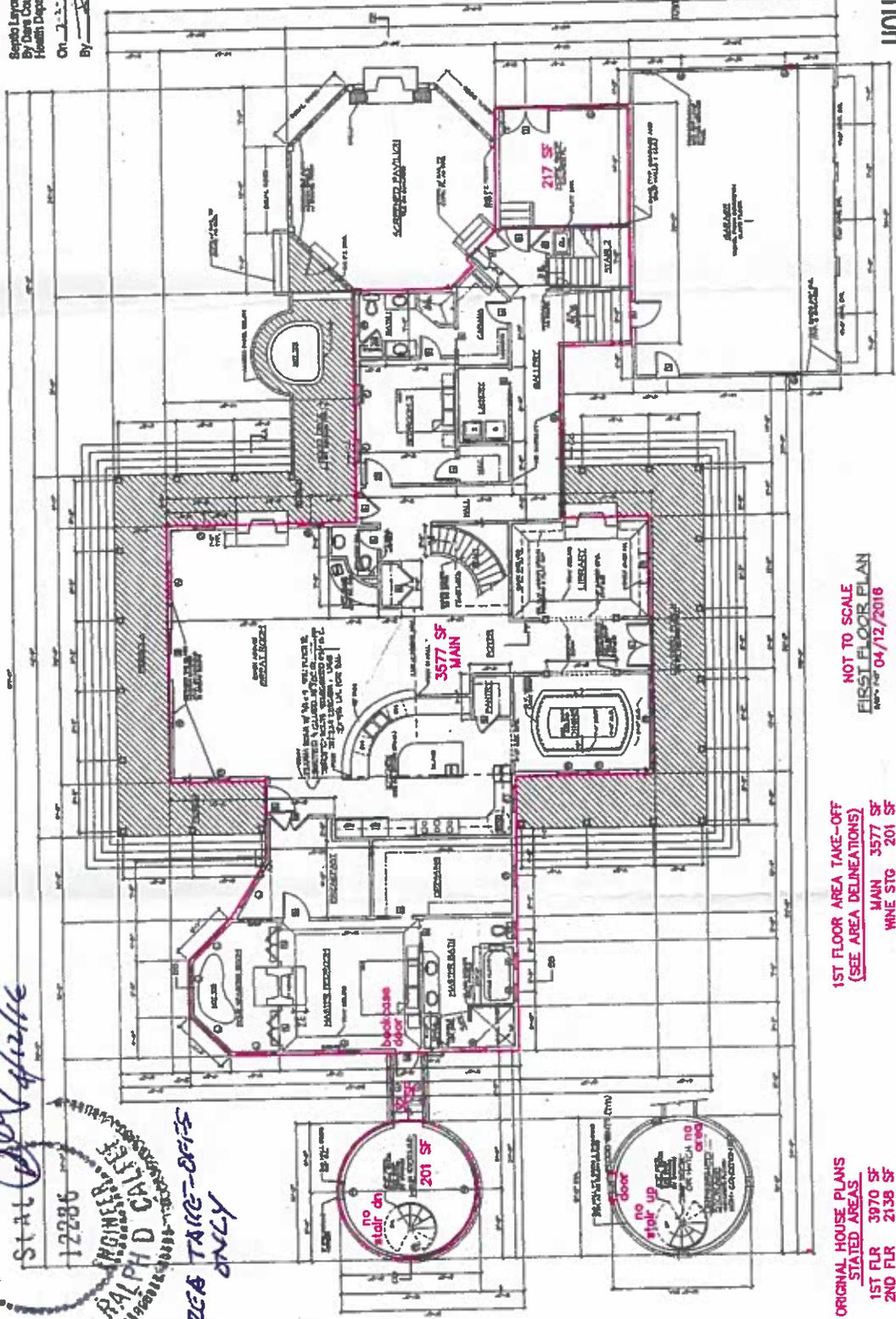
225  
 NORTH DOBHOOD TRAIL  
 FORT LAUDERDALE, FLORIDA 33304  
 REGISTERED PROFESSIONAL ENGINEER  
 STATE OF FLORIDA  
 LICENSE NO. 12286



Sealed Layout Approved  
 By **Diana County Health Department**  
 On **11/11/07**  
 By *[Signature]*



**HOUSE ENGINEERING, P.C.**  
 1000 S. W. 10th St.  
 Fort Lauderdale, FL 33315  
 Phone: 954.574.1100  
 Fax: 954.574.1101



**1ST FLOOR AREA TAKE-OFF (SEE AREA DELINEATIONS)**

MAIN	3577 SF
WINE STG	201 SF
WINE STG HALL	32 SF
WORKSHOP	217 SF
1ST FLOOR	4027 SF
1ST FLOOR AREA ADJUSTMENT	+57 SF

**ORIGINAL HOUSE PLANS STATED AREAS**

1ST FLR	3970 SF
2ND FLR	2138 SF
TWR OFF	202 SF
TOTAL	6310 SF

**NOT TO SCALE**  
**FIRST FLOOR PLAN**  
 REV. 04/12/2016

BUILDING PERMIT APPLICATION 11/07/05 6310 SF  
 DEV PERMIT 02/14/06 & C.O. 10/11/07 6361 SF  
 AREA ADJUSTMENT +51 SF

1ST FLOOR AREA ADJUSTMENT +57 SF

*AREA TAKE-OFF'S ONLY*

**SEAL**  
 NORTH CAROLINA PROFESSIONAL ENGINEER  
 RALPH D. GOFF  
 LICENSE NO. 12286