

VAR-18-04 127 Sound Drive

Variance Review Summary

Board of Adjustment meeting July 16, 2018

Application Details:

Date of Application: June 18, 2018
Property Owner: Gary and Melinda Bridges
Applicant: Brian Deanhardt with BRIMCO Builders

Property Details:

Street Address: 127 Sound Drive
Zoning District: RSW
Structure Height Limit: 45ft
PIN Number: 637516841435000
Flood Zone: AE6
Impervious Coverage Permitted: 40%

Variance Review Procedure:

- ✓ Pre-application Conference – June 15th
- ✓ Submit Application – June 18th
- ✓ Completeness Determination – June 18th
- ✓ Public Notification – June 25th
- ✓ Public Hearing Scheduled
- Board of Adjustment Review and Decision – July 16th, 7PM

Description of Variance Request:

Brian Deanhardt of BRIMCO Builders, agent for property owners Gary and Melinda Bridges, has requested a variance to build a house with stairs that encroach 48” into the street setback, which is 30” too close to the street-side property line as required by Section 18.10.2.D.1.b. of the UDO.

Brian knew that the originally intended design of the structure wouldn't meet requirements – the front steps would encroach into the street setback. The street setback is measured as the shortest distance between the adjacent structure and street-adjacent property line – essentially, a structure can't be any closer to the street than either of their neighbors. The street setback in this case is 30 feet. The structure can't be moved farther back on the lot due to the CAMA 30' buffer extending landward from the bulkhead. The steps as originally designed would encroach 48” into the street setback. The UDO allows for 18” of encroachment of uncovered steps, but that leaves 30” of steps that cannot be built. For reference, the steps would terminate 28 feet from the front property line, which is approximately 10 feet from the edge of the asphalt pavement.

In order to get construction moving forward on this project, Brian applied for permits for the house, but with modified steps. These modified steps meet the setback requirements, but they block a car from entering the first floor parking area under the house. Only two cars can fit in the driveway with the current configuration of stairs, which is the minimum number of off-street parking spaces for a single-family home. Permits were obtained on June 25th to build the single-family residence with steps blocking the parking area.

Brian Deanhardt has applied for a variance on behalf of property owners to build the originally intended steps instead of the currently permitted modified steps. The originally intended steps would encroach 30 inches further into the street setback than is allowed in the UDO. The following bolded statements are Required Findings for Variances by the Board of Adjustment regarding this case.

- **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 of the property.** *Under strict application of the Ordinance, the steps will not be able to be built as originally intended. The modified steps are compliant with the Ordinance, but block access to the parking area under the house.*
- **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 hardship resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.** *This lot is subject to the 30' buffer landward of the Normal High Water line, which is on the water-side of the bulkhead, as well as a street setback to match the neighboring structures. The street setback, and in some cases, the CAMA buffer, differ property to property.*
- **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 the variance shall not be regarded as a self-created hardship.** *Staff is unaware of actions taken by the applicant or property owner that would result in a hardship.*
- **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.** *Staff agrees that the requested variance is consistent with the spirit, purpose, and intent of the Ordinance.*

Summary Compiled by: Michelle Grace Shreve, Director of Planning and Zoning



TOWN OF ATLANTIC BEACH PLANNING & ZONING DEPARTMENT
 125 WEST FORT MACON ROAD ATLANTIC BEACH, NC 28512

CASE NUMBER:
VAR-18-04

VARIANCE INFORMATION

Applicant's Name: Brian Deanhardt
 Mailing Address: 224 Pintail Ln HI
 Primary Telephone: 252-399-9093
 Primary E-mail: bdeanhardt@yahoo.com

Owner's Name: Gary Bridges
 Mailing Address: 106 Staten Ct. Greenville NC
 Primary Telephone: 252-402-1258
 Primary E-mail: gary@marinesystemdesign.com

Variance Address: 127 Sound Dr.

Zoning District: RSW
 Flood Zone: AE-8
 Lot Size (sq. ft.): 7319 sq ft
 CAMA/USACE?: yes
 Septic/Sewer: yes
 Impervious %: 41/32%

Front Setback: 30'
 Side Setbacks: 7'
 Rear Setback: 30'
 Height Limit: 45'
 PIN: 637516841435
 Deed Bk/Pg: 11/29

What section of the Unified Development Ordinance are you requesting a variance from?
Front 30' setback Section 18.10.2.D.1.b.

PLEASE RESPOND TO THE FOLLOWING STATEMENTS. CONFIRM COMPLIANCE WITH FACTUAL EXPLANATION.

Will unnecessary hardship 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.)
yes, because The Front step will block the garage entrance if changed

Does the hardship result 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.)
yes, because The Adjacent houses do not allow the Front mbl to move Forward

Did the hardship 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 the variance shall not be regarded as a self-created hardship.)
No

Is the requested variance consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved?
yes, because the House will be architecturally connect with the steps being Accessed From the Front



APPLICATION REQUIREMENT	INCLUDED: Y or N or N/A	SUBMITTED & APPROVED
Fee for variance application, as required in the current fee schedule	Y	<i>ms</i>
Applicant name and contact information (with authorized agent information, if applicable)	Y	<i>ms</i>
A written description of the requested variance demonstrating the required findings and other considerations		
A written description of proposed development, including detail on use type, density, number of residential units, floor area, lot coverage, and the configuration of features required in Article 18.5.		
A site plan (may be digital) to show the following items:		
• Ownership information and zoning district designation for site and surrounding properties		
• Existing site features and topography	NA (varmt)	
• Proposed topographic contours, if land disturbance is proposed (provide externally-approved sedimentation and erosion control documentation as applicable)		
• Proposed site plan of parcel, showing the requested variance and the applied standard	Y	<i>ms</i>
• Stormwater drainage plan with location of all existing and proposed drainage facilities necessary to serve the site, including easements (provide externally-approved stormwater permit documentation as applicable)		
• Location of all existing and proposed utilities including electrical, water, sewage, telephone and gas facilities, including easements (provide documentation as applicable)	Y	<i>ms</i>
• Parking areas and buffer, landscaping and screening devices/areas	NA	—
Information regarding compliance with CCHD, CAMA, US ACOE, or other agencies		
Other information as requested by the UDO Administrator or Board of Adjustment		

PROCEDURE TIMELINE	Anticipated Date	Date Completed	Staff Responsible
Pre-application meeting:	June 15	June 15	<i>ms</i>
Application received:	June 18	June 18	<i>ms</i>
Date signs posted:	June 25		
Date letters mailed:	June 25		
Date of BOA meeting:	July 16	July 16	
Date decision delivered			

To the Town of Atlantic Beach,

**We are applying for a variance for the uncovered front step located at 127
Sound Dr.**

**The front steps encroach into the front 30' MBL by 48". The town allows 18"
So we are asking for a 30" variance**

**Thank you
Brian Deanhardt
Brimco Builders**

Gary Bridges owner

RECEIVED
6/18/18



TOWN OF ATLANTIC BEACH PLANNING & ZONING DEPARTMENT
 125 WEST FORT MACON ROAD ATLANTIC BEACH, NC 28512

CASE NUMBER:

APPOINTMENT OF AGENCY

Type of Application: VARIANCE

Application Address: 127 Sound Dr.

I, GARY BRIDGES, owner of property located in the Town of Atlantic Beach at 127 Sound Dr. in Carteret County Deed Book 11 Page 29 and having PIN# _____, do hereby appoint as my representing agent 637516841435 to represent me in the application indicated above and authorize him/her to act as my agent in all matters formal and informal relating to the Town of Atlantic Beach procedures for such requested actions. I authorize him/her to receive and submit all official correspondence with the understanding, however, that as the owner of the property I must sign any and all affidavits and statements that may be required for approvals of the request.

Applicant's Name: Brian Dearhardt
 Mailing Address: 224 Pinhol Ln
 Primary Telephone: 252-399-9093
 Primary E-mail: bdearhardt@yahoo.com
 SIGNATURE: [Signature]
 DATE: 6/18/18

Owner's Name: Gary Bridges
 Mailing Address: 106 STATION GR
 Primary Telephone: 252-402-1258 GREENVILLE, NC 27834
 Primary E-mail: gabey@macinesystemsdesign.com
 SIGNATURE: [Signature]
 DATE: 6/18/18

RECEIVED
6/18/18



RIGHT ELEVATION



LEFT ELEVATION

E-2 6-18-2018

E-2 ELEVATIONS

THIS PLAN IS EXCLUSIVELY OWNED BY BKD INC DBA BRIMCO BUILDERS
IT MAY NOT BE COPIED, BUILT OR REPRODUCED WITHOUT WRITTEN
CONSENT OF BKD INC DBA BRIMCO BUILDERS

1/4"=1'-0"

GARY AND MELINDA BRIDGES
121 SOUND DR
ATLANTIC BEACH NC

BKD INC DBA BRIMCO BUILDERS
DESIGN-BUILD 252-399-9093
HARKERS ISLAND NC 28531