



**Minutes
Town of Atlantic Beach
Board of Adjustment Meeting
September 19, 2016**

Members Present

John Kurek, Chair
David Cox
Vada Palma
Gary Plough
Cynthia Chamblee, Alternate

Members Absent

John Lotspih
Judy French, Alternate

Others Present

Michelle Shreve, Planning Director
Katrina Tyer, Clerk
Arrington Moore, Management Assistant
John Harrell, Inspections Director
Derek Taylor, Town Attorney
Eddie Cameron, Applicant

CALL TO ORDER

Chairman Kurek called the meeting to order at 7:00pm.

OATHS OF OFFICE

Oaths of Office were administered to John Kurek, David Cox and Alternate Cynthia Chamblee by Katrina Tyer, Town Clerk.

APPROVAL OF JUNE 20, 2016 MINUTES

Palma made a motion to approve the June 20, 2016 Minutes. Seconded by Cox. Vote was unanimous. Motion carried.

CASE VAR-16-02 ORRIS T. SLOAN

Chairman Kurek introduced the variance request to the board. Eddie Cameron of Eddie Cameron Construction, agent for Orris Temple Sloan, applied for a variance on the front setback to build a single-family home at 315 Ocean Ridge Drive.

There were not any conflicts or objections from the seated members on the board.

Eddie Cameron and Michelle Shreve were sworn in by Chairman Kurek.

Staff Presentation

Michelle Shreve, Planner, introduced the item to the board. The applicant is requesting a variance from setback requirements outlined in Section 5.6 of the UDO. The front setback is described in Note 4, "Front Yard Setback". The front yard setback for new construction shall be the average of the front yard setback for the existing principal structure(s) located on the nearest or adjacent developed R-1(C), R-1(5), R- (7), R-1M, or R-2 zoned property located on either side of the lot on which the new construction is to be located." As many homes on Ocean Ridge Drive have large lots with large front setbacks (distance between street-side property line and the house or decks), this requires development to continue utilizing similarly large front setbacks despite the size of the lot or size of the home on it.

The property is vacant, as the original home was demolished earlier this year. The property owner wishes to redevelop the lot with a four-bedroom single-family residence and accompanying driveway, walkways, porches/decks, stormwater system, and new septic system. The setbacks are seven feet from the side property

lines (east and west); sixty feet from the static line on the oceanfront side (south) of the lot per CAMA; and the setback from the front property line (north) is the average of the adjacent two structures. In this case, the front setback would be 85.5 feet. This leaves a buildable area (part of the lot inside the setbacks) of approximately 4,660 square feet.

The applicant is requesting a variance from the required front setback by 23.5 feet. If granted, this would increase their buildable area of the lot by approximately 1,320 square feet, for a total buildable area of approximately 5,980 square feet.

Staff confirms that a notice of public hearing was sent to the 15 property owners within 150 feet of the property as listed in the Carteret County tax records on August 18, 2016. Letters containing the advertisement for the variance request were mailed on August 30, 2016 by the Planning and Zoning Department. This satisfies requirements in Section 3.23B of the UDO. A copy of the notification letter and a listing of the property owners are included in the agenda packet. A sign identifying the property variance request was posted on the north side of the property on August 30, 2016. A Notice of Public Hearing was published in Carteret-News Times on September 9 and September 14. Staff has not received any comments from the public.

Staff confirms the following:

- 1) that the reduction in front setback will result neither in the extension nor initiation of nonconformity.
- 2) that the size of home desired by the property owner would not fit within the buildable area with the current front setback.
- 3) that while CAMA's 60' rear setback is the same for almost every oceanfront property on Ocean Ridge Drive, the front setbacks vary depending on the adjacent structures. This creates a different front setback for nearly every oceanfront property, regardless of the consistent rear setback.
- 4) that the front setback requirement considers the front setbacks of the two adjacent structures. This property is adjacent to one of the oldest cottages on the street, which sits along the same rear CAMA setback, but due to the smaller size of the cottage, has an expansive front setback.
- 5) that the hardship is not a result of the applicant's own actions.
- 6) that granting this variance would not adversely affect public safety and would be consistent with the spirit, purpose, and intent of the ordinance.

Planner Shreve requested the Staff Report be admitted into the record. It was admitted.

Staff recommended granting this variance request with any conditions that the Board sees fit.

Applicant/Agent Presentation

Eddie Cameron, Eddie Cameron Construction of Morehead City, stated the applicant, Mr. Sloan, is out of town on business and unable to attend. They have been working on this project for a while. He appreciates the board for volunteering their service.

The house on east side was built in 1950 and is approximately 3,000 sq. feet. The house on the west side was built around the same timeframe and renovated in the 1990s. He has been building on Ocean Ridge since the 1980s and feels this is an average size home for the area.

Mr. Cameron did not have any additional materials to offer the board.

No comments from the public.

Chairman Kurek closed the public hearing at 7:25 p.m.

Chairman Kurek polled the board members and each agreed the following criteria has been met:

- 1) Proper notice was given to adjoining property owners of the holding of the public hearing to consider the variance, pursuant to Planner Shreve's testimony.
- 2) The variance does not result in the extension of a non-conforming situation in, or authorize the ignition of a non-conforming use of land, pursuant to Planner Shreve's testimony.
- 3) If the applicant complies strictly with the Ordinance, he will suffer substantial hardship.
- 4) The hardship relates to the applicant's land, rather than personal circumstances.
- 5) The hardship is a result of personal circumstances suffered only by the applicant, rather than neighbors or the general public.
- 6) The hardship is not a result of the applicant's own actions.
- 7) The variance is consistent with the spirit, purpose and intent of the ordinance, such as public safety is secured, and substantial justice is achieved.

Joyner made a motion to grant the variance request for a new home to be constructed at 315 Ocean Ridge Drive with a front setback that is 23.5 feet shorter than is required by Section 5.6 of the Atlantic Beach Unified Development Ordinance. Seconded by Cox. Vote was unanimous. Motion carried.

ADJOURNMENT

There being no further business Palma made a motion to adjourn the meeting. Seconded by Joyner. Vote was unanimous. The time was 7:31 p.m.

Approved by:



John Kurek, Chair



Katrina Tyer, Town Clerk