



Minutes
Town of Atlantic Beach
Board of Adjustment Meeting
125 West Fort Macon Road
June 20, 2022

Members Present

Eddie Briley, Chair
Vada Palma, Vice Chair
Michael Bosse
Bradley Jones
Harrison Smith
Curt Winbourne, Alternate

Members Absent

Others Present

Derek Taylor, Town Attorney
Michelle Eitner, Planning Director
Elisabeth Webster, Planner
Katrina Tyer, Clerk

Prior to the meeting starting Katrina Tyer administered an oath to Bradley Jones

CALL TO ORDER AND ROLL CALL

Chairman Briley called the meeting to order at 6:00pm.

EXCUSE ABSENT MEMBERS

None.

APPROVAL OF MINUTES

Palma made a motion *to approve* the April 19, 2021 Minutes. Seconded by Smith. Vote was unanimous, 5-0. Motion carried.

VAR-22-2: 109 OCEAN RIDGE DRIVE - VARIANCE

Opening remarks and swearing in of witnesses

Elisabeth began by confirming with the board members that no one had a conflict, conversations or special knowledge about the case. Each confirmed no.

The applicants confirmed they did not have any objections to the board seated to hear the case. Alternate Curt Winbourne was then excused and left the meeting at 6:04pm.

Katrina administered an oath to David Stallings, Applicant, and Elisabeth Webster, Planner.

Chairman Briley stated will hear case VAR-22-2. Shenandoah Homes, LLC is requesting a 4.5 foot increase in the maximum height of 45 feet allowed in the RSW zoning district to allow construction of a single-family home on a vacant lot at 109 Ocean Ridge Drive. He opened the Public Hearing at 6:05pm.

Public Hearing

Shenandoah Homes, LLC submitted their application on May 20, 2022. Letters were mailed to abutting properties and the property was posted on June 2.

Elisabeth showed a map demonstrating the street low elevation is five feet and the beach side is 22 feet. Per the UDO, 18.10.2.H Rules of Measurement, maximum height is calculated from the existing grade elevation to the highest point on the roof. The plans are meeting the current setback rules.

Jones asked about the height of other homes on Ocean Ridge Drive and Elisabeth confirmed they cannot exceed the 45 feet requirement. She does not know if the topography has changed since the lot was purchased, but it was platted in the 1950s and there is a lot of natural vegetation on the lot.

Staff recommends the following based on the Variance questions:

- a. *Will unnecessary hardship result from strict application of the ordinance?*
Strict application of the ordinance would preclude the construction of a single-family home on the currently vacant lot.
- b. *Does the hardship result from conditions that are peculiar to the property?*
The hardship results from lot configuration and the low-lying spot in the center of the lot.
- c. *Did the hardship result from actions taken by the applicant or the property owner?*
The property owners/applicants did not create the low-lying spot in the center of the lot.
- d. *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?*
Staff believes the requested variance is consistent with the spirit, purpose, and intent of the Ordinance.

Staff asked that the full Staff Report and entire Agenda Packet be entered into evidence. Granted.

Applicant Presentation – Applicant and/or Agent

David Stallings currently owns a home he built at 810 Ocean Ridge Drive. He purchased this lot in January 2022, it is beside the Peppertree Beach Access. To his knowledge the lot has never been disturbed. He is proposing a three-story house, which is consistent to the other homes on Ocean Ridge Drive.

- a. *Will unnecessary hardship result from strict application of the ordinance?*
The height of the building is within the limits of the ordinance on the whole property, except for one low contour line which runs two feet low at the end of the building line. The contour line is at the end and that elevation is only present at that point. Strict application of the ordinance will cause unnecessary hardship for the building plan.
- b. *Does the hardship result from conditions that are peculiar to the property?*
Yes, the hardship is due to a peculiar low point on the property.
- c. *Did the hardship result from actions taken by the applicant or the property owner?*
No, the hardship is not from the actions of applicant or the property owner.
- d. *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, the variance requested is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Jones asked if the building plans could be revised to meet the ordinance. Mr. Stallings stated the current design is 4,800sqft, if revised to meet the ordinance, it would be under 4,000sqft. He argues that 45% of the houses on the street are at the 45ft mark and part of the lure of the Ocean Ridge area is the multi-generational feel and use of the area.

Palma wanted to ensure they preserve any of the natural vegetation on the lot that they can. He stated their intent is not to disturb the land other than for a single lane driveway and septic.

Presentation by Parties in Opposition

No comments.

Briley closed the public hearing at 6:26pm.

Board of Adjustment Discussion and Evaluation

Briley polled the board members and each agreed the following criteria have been met:

- 1) *Unnecessary hardship would result from the strict application of the Ordinance.*

Palma: Yes, because if abide by the ordinance they could build, but to small.

Jones: Yes, if the home size is reduced, they would lose 1,000 feet of use from a multi-generational home.

Harrison: Yes, they would probably not be allowed to use the lot.

Bosse: Yes.

Briley: Yes, a hardship for the home he has proposed to be built.
Vote was 5-0.

2) *The hardship results from conditions that are peculiar to the property, such as location, size, or topography.*

Palma: Yes, due to oddity and heights of the property

Jones: Yes, the odd shape of property. No other lots on Ocean Ridge are like it. It has never been disturbed.

Smith: Yes.

Bosse: Yes, undisturbed for many years. The low point on the lot is why they had to request a variance.

Briley: Yes, you cannot control sand dunes and things on the island. Back then they were not taken into consideration and he should not be punished now.

Vote was 5-0.

3) *The hardship did not result from actions taken by the applicant or the property owner.*

Palma: No, the lots there always uneven. Mother Nature's gift.

Brad: No, undisturbed land.

Smith: No, it is a natural piece of land.

Bosse: No, same reasons.

Briley: No, they did nothing to cause this.

Vote was 5-0.

4) *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.*

Palma: Yes, feels this will not affect the neighbors.

Jones: Yes, based on the town's notice with no response and based on the character of Ocean Ridge Drive. This will be a good multi-generational home for the area as intended.

Smith: Yes.

Bosse: Yes, for the same reasons.

Briley: Yes, same as the previous members stated.

Jones made a motion *to grant* the Variance from the 45-foot max height allowance in order to build a single-family home at 109 Ocean Ridge Drive. Seconded by Bosse. Vote was 5-0.

OTHER BUSINESS

No other business.

ADJOURNMENT

There being no further business the meeting adjourned. The time was 6:34 p.m.

These minutes were approved at the August 15, 2022 meeting of the Atlantic Beach Board of Adjustment.

Approved by:



Chair



Katrina Tyer, Clerk

