



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-23-02 Date 9-13-23
Application Fee \$350.00 Receipt No. 610925

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 Gerald Soucy
Mailing Address 17 9th Avenue
City Southern Shores State NC Zip Code 27949
Telephone 571-426-6220
2. Property Owner Name (If different from Applicant) Same as above
Mailing Address _____
City _____ State _____ Zip Code _____
Telephone _____
3. Property for which variance is requested:
Street Address 17 9th Avenue
Tax Parcel Identification Number Parcel - 021205000 Pin - 986806279625
Subdivision Name Seacrest Village Block# 54 Lot# 9
Zoning District Classification RS1
4. List specific Zoning Ordinance Section(s) and subsections(s) from which a variance is requested.
Sec 36-202 (d)(4) Minimum Side Yard Setback
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.

In March of 2023 I had a shed delivered, I was unaware of the requirement for a permit due to size of the shed which is 10'X16'. Prior to applying for Permit DPA23-000119 to renovate and enlarge decks in my back yard I had preliminary informational conversations with Mr. Kevin Clark. Mr. Clark informed me that I should have obtained a permit for the shed, he recommended I add the shed to the deck permit. When applying for the permit we discovered part of the shed may be located in the setback, approximately 1 foot of the front corner.

I was advised by the zoning office staff that I should relocate the shed to an area that is not in the setback. I discussed location options with the Zoning Office staff and based on the current plat (provided by the zoning office) the best location would be on the side of the house clear of the setbacks.

I was required to provide an updated survey plat showing deck expansion and shed location. When this survey was completed we learned at least 2 prior surveys were not accurate and the shed was relocated within the side yard setback.

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

Relocation of the shed to the recommended location cost \$450.00. To avoid cutting down numerous trees the shed had to be relocated prior to the deck construction, this caused delays with building the deck. I had to remove all boxes stored in the shed (approximately 75 boxes and other items) Then after relocation I had to move all items back into the shed. I also had to remove my outdoor shower and a section of the perimeter fencing as well as installing a new gate. After this has been completed, to be in compliance with the permit, I will need to update the Survey Plat which originally cost \$850.00.

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

If the variance is not granted, I will have to relocate the shed (cost \$450.00) to the front yard adjacent to the driveway area, this location will cause a visual impact to the neighbors and passersby. I would then replace the outsider shower, rebuild the fence, and gate returning the current location to open space. The shed cannot be returned to the original location in the back yard due to trees being in the path.

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

There is no impact to neighbors if the variance is granted. The shed is 5 feet from the side yard fence, the rebuilt gate is attached to the side fence and when closed aligns with the rear side of the shed. The distance from the shed to the neighbors pool fence is over 30 feet and more than 45 feet to the house. These distances are in line with the spirit of the setback ordinance. The current location of the shed has low visibility from the street and neighboring houses.

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

The shed originally did not have a permit and may have been within the setback. In good faith I coordinated with the zoning office to add the shed to the deck permit and relocate it to a better area avoiding setback problems. There was no way to know the old survey plats were not accurate. The requirement for an As-built Survey did not support having the property surveyed prior to relocation of the shed.

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

The updated survey plat shows the size and location of the house, the existing setback requirements pretty much prohibit any auxiliary structures in the rear or side yard areas.

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.

The old survey plat dated 03/07/2005 allowed the shed to be in the current side yard location while not infringing on setbacks, the neighboring property, or structures. The updated survey plat dated 10 Aug 2023 shows the shed infringing on the setback and still clear of neighboring property and more than 45 feet from the neighbor's house.

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.

19 9th Ave - Barreca, Joseph P Tee 4212 Mckenna Close, Chesapeake, VA 23321

18 9th Ave - Jones Family Partnership 4745 Weston Pl, Jamestown, NC 27282

15 9th Ave - Matsko, Mary Beth 11 Wendover Rd, Baltimore, MD 21218

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

Attachment 1 - Picture of shed from front side of house

Attachment 2 - Picture of shed from back side of the house

Attachment 3 - Survey Plat dated 03/07/2005 - obtained from SS Zoning office

Attachment 4 - Survey Plat dated 10 August 2023

CERTIFICATION

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

Arul Jay
Property Owner Signature

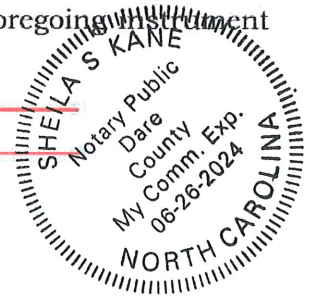
13 sep 2023
Date

STATE OF NC, COUNTY OF DARE
On this 13 day of September, 2023

_____ 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 Sheila Skane

My Commission expires 06/26/2024, 20



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.



Attachment 1

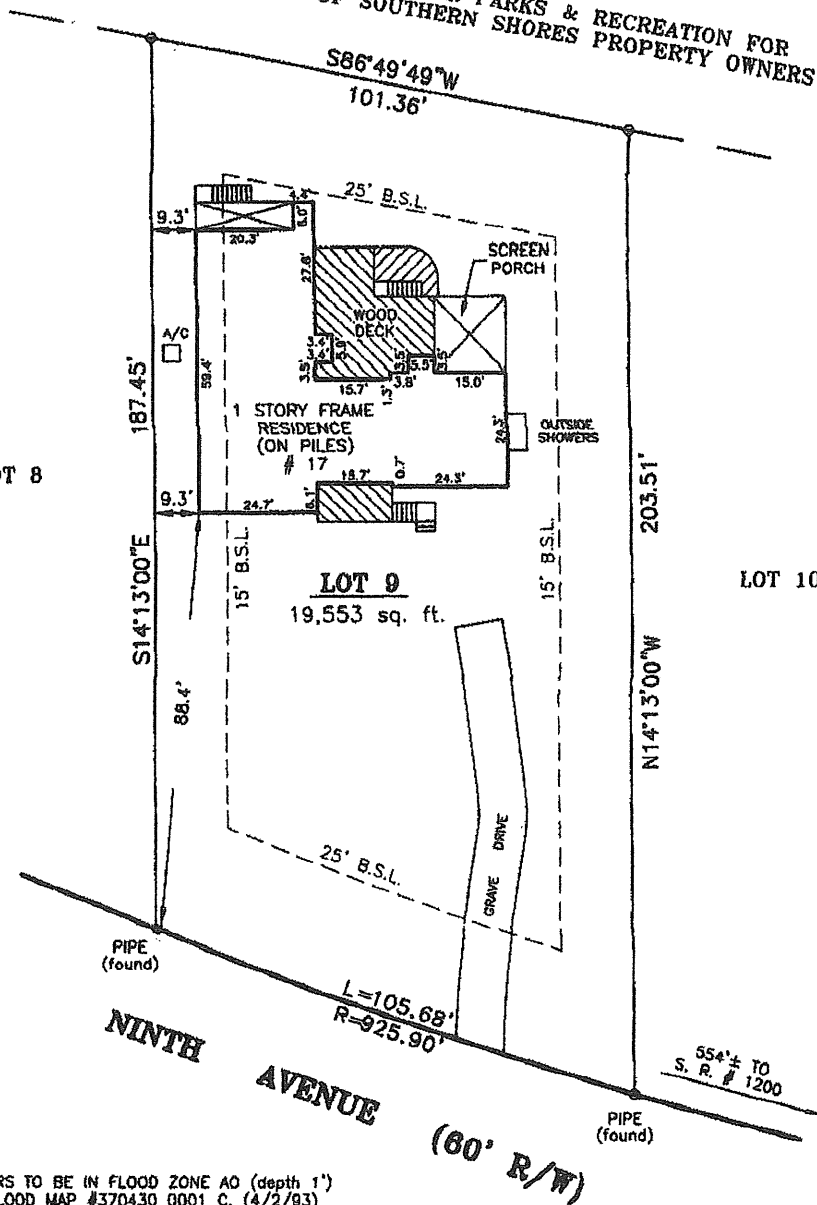


Attachment 2

RESERVED FOR PARKS & RECREATION FOR
USE OF SOUTHERN SHORES PROPERTY OWNERS



LOT 8

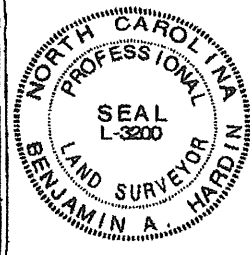


NOTES:

1. THIS SITE APPEARS TO BE IN FLOOD ZONE AO (depth 1') AS SHOWN ON FLOOD MAP #370430 0001 C. (4/2/93)
2. FLOOD ZONE INFORMATION SHOWN HEREON IS SCALED FROM F.I.R.M. (F.I.R.M. MAPS ARE AT APPROXIMATE SCALE) AND DOES NOT IMPLY THAT THE PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING. FOR FURTHER INFORMATION, CONTACT THE COMMUNITY FLOOD OFFICIAL IN THE AREA.
3. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ALL OF THE EASEMENTS AND/OR RESTRICTIONS THAT MAY AFFECT THIS SITE.

PHYSICAL SURVEY
OF
LOT 9, BLOCK 54
SEACREST VILLAGE
M.B. 2 PG. 97
ATLANTIC TOWNSHIP DARE COUNTY NORTH CAROLINA
MADE FOR
LEILA O. W. and WILLIAM P. BOYER, JR.

I, Benjamin A. Hardin, P.L.S., certify that this plat was drawn under my supervision from an actual field land survey made under my supervision. Witness my original signature, registration number and seal this 9th day of MARCH, A.D. 2005. *Benjamin A. Hardin*
Certification L-3200



MIDGETTE & ASSOCIATES, P.C.
SURVEYORS AND PLANNERS
NORTH CAROLINA & VIRGINIA
P.O. BOX 130
MOYOCK, N.C. 27958
TELEPHONE (252) 435-1624
FAX: (252) 435-1690

SCALE: 1" = 30'
FILE NUMBER: 020323PY.DWG

F.B.202 PG.78
FLD DATE: 03/07/05