



# 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](http://www.southernshores-nc.gov)

Application No. VA-22-02 Date 11-8-22  
Application Fee \$350.00 Receipt No. 592270

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.

- Applicant Name KERRY L. AND DENISE E. SKINNER  
Mailing Address 36 GINGUITE TRAIL  
City SOUTHERN SHORES State NC Zip Code 27949  
Telephone 703 864-4032
- Property Owner Name (If different from Applicant) SAME AS OWNER  
Mailing Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Telephone \_\_\_\_\_
- Property for which variance is requested:  
Street Address 36 GINGUITE TRAIL  
Tax Parcel Identification Number 20 986718 32 4427  
Subdivision Name SOUTHERN SHORES SEC E Block# 129 Lot# 77A  
Zoning District Classification RS1
- List specific Zoning Ordinance Section(s) and subsections(s) from which a variance is requested.  
SECTION 36-202 (b)(5)c.
- 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.

Currently the Town zoning limits piers into Jean Guite Creek to 75' beyond the shoreline. Measurements are taken either from a bulkhead, uplands or marsh adjacent to the pier on either side.

This property has a very irregular shoreline that restricts our ability to get to deeper water. We request this variance so that we are able to extend 50' beyond the 75' maximum as currently measured for a total of 125'.

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

The irregular shoreline restricts our ability to reach deeper water without extending further than the allowed 75'. We could move the walkway structure further south, but that would add significant costs, but more importantly require at least another 155' of marshland disturbance.

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

We could move the pier south as outlined above, or build a platform in the presently proposed location without a boat lift or dock, as the water would not be deep enough to utilize one.

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

We will be able to build a pier to a water depth suitable for a boat lift.

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

A very irregular shoreline like this was not fully considered when the ordinance was written.

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

The property has over 500' of shoreline on Jean Guite Creek for a 100' wide lot. Highly irregular.

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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.

Granting this variance allows us to access the creek and sound in a manner consistent with the other waterfront owners in the Town. There are no health and public safety concerns with the proposed development.

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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.

- 34 Ginguite Trail: Larry and Lynn Blackburn
- 38 Ginguite Trail: Robert and Sandy Slates

There are no property owners across the street. It is the Marsh Parcel that is the subject of this application.

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9. Are any attachments being submitted with this application? Yes  No  If yes, please identify attachments and number of pages. 4

- Context Plan Overview
- Code Compliant Dock
- Skinner's Dock and Pier Sketch
- Millstone Marine narrative

**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](http://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.



**CERTIFICATION**

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

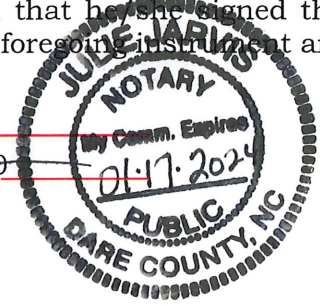
Kerry L. Skinner  
Property Owner Signature

11/8/2022  
Date

STATE OF North Carolina, COUNTY OF Dare  
On this 8<sup>th</sup> day of November, 20 22

Kerry L. Skinner 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 [Signature]  
My Commission expires 01.17.2024, 20  



**CERTIFICATION BY APPLICANT OTHER THAN PROPERTY OWNER**

I \_\_\_\_\_ (your name) file this application on the behalf of \_\_\_\_\_ (property owner name).

I am the \_\_\_\_\_ (attorney, contractor, etc.) for the property owner in this matter and file this application with the full knowledge and consent of the property owner. I certify that the information filed by me in this application is accurate to the best of my knowledge, information, and belief.

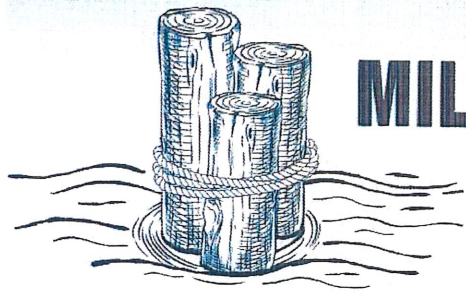
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

STATE OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_  
On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_ 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 \_\_\_\_\_  
My Commission expires \_\_\_\_\_, 20 \_\_\_\_\_



# MILLSTONE MARINE CONSTRUCTION

201-A Etheridge Road  
Maritime Woods Business Park  
Manteo, NC 27954  
252-305-8842  
252-305-8259 fax  
[www.millstonemarine.com](http://www.millstonemarine.com)

October 25th, 2022

Town of Southern Shores Planning Board  
C/O Wes Haskett Deputy Town Manager / Planning Director  
5375 North Virginia Dare Trail  
Southern Shores N.C., 27949

Hand Delivered

To: Andy Ward – Chairperson and members of the planning board

Reference: Variance Request Narrative for Kerry and Denise Skinner – 36 Ginguite Trail

My name is Kevin Lineberger with Millstone Marine and we are the marine contractors for the Skinners that live at 36 Ginguite Trail. I wanted to take a moment and outline the variance request we are making today with the Skinners. We have designed a pier for them that falls into a grey area in the town code due to a very irregular shaped shoreline. This probably was not considered when the ordinance was written as it does not give any guidance to staff on what to do in a situation like this. Were this across the canal in Martins Point, this pier would be able to move forward as is even though they have the same 75' restriction as the Southern Shores has. This is due to how the 75' is measured by Dare County.

I have attached three photos to better understand the hardship the irregular shoreline creates for the Skinners as the ordinance is interpreted today by staff.

## Photo A

This photo shows the irregular shoreline and it shows the pier as we would like to build it. As measured by the town ordinance this pier is approximately 50' beyond the 75' maximum allowed by the town.

**Photo B**

This photo is zoomed further out to show various neighbors piers built out into the creek to 75' as measured from their regular shoreline and how much of a hardship the irregular shoreline creates for the skimmers as the code is enforced today. Its important to note that this photo also shows the pier as we would like to build it with the variance request at a total distance of 50' beyond what the town currently allows.

**Photo C**

This photo shows how we could alter the plans to comply with the ordinance by shifting the pier as far south as we can under CAMA rules. While this works for both the town and CAMA it requires an additional 155' of pier to get there. That comes with a high cost both in terms of money spent as well as a much larger environmental impact to the coastal and 404 wetlands that we would be crossing. Financially speaking 155' of pier would cost the Skimmers an additional 20,500.00 and serve no useful purpose other than to comply with ordinance as its written today.

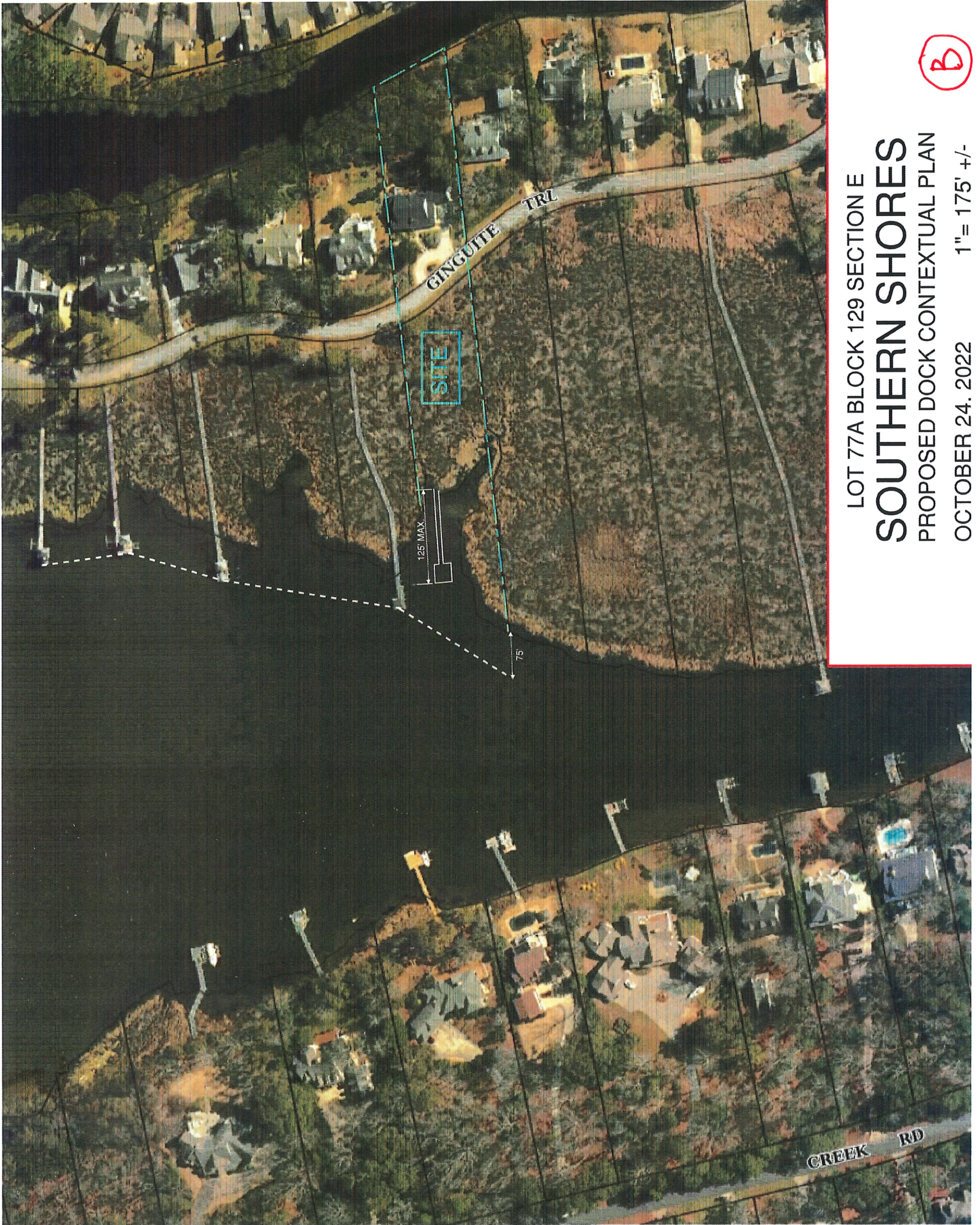
Have a great day and thank you for your time

Kevin Lineberger  
Estimator  
Millstone Marine Construction, Inc.  
252-202-2678 cell





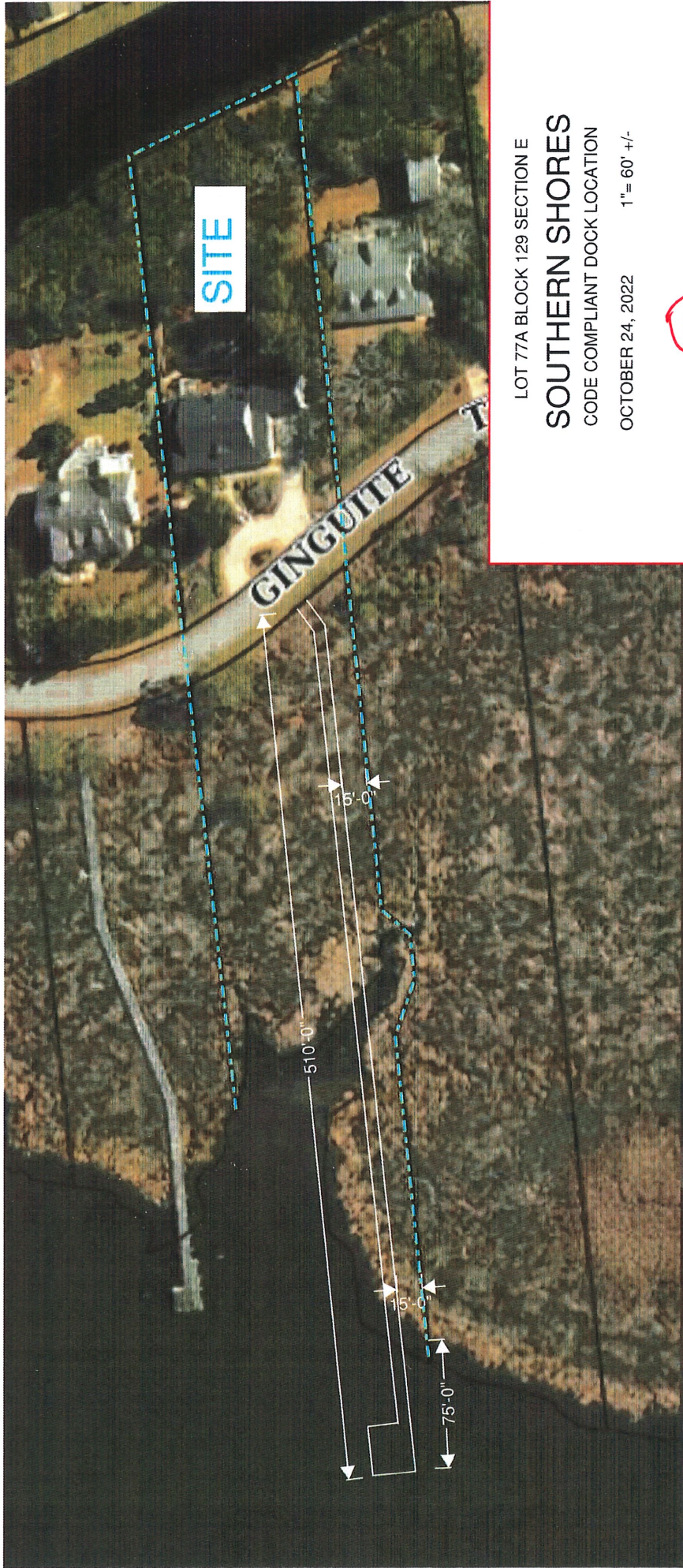




LOT 77A BLOCK 129 SECTION E  
**SOUTHERN SHORES**  
PROPOSED DOCK CONTEXTUAL PLAN  
OCTOBER 24, 2022 1" = 175' +/-

B





LOT 77A BLOCK 129 SECTION E  
**SOUTHERN SHORES**  
CODE COMPLIANT DOCK LOCATION  
OCTOBER 24, 2022 1"= 60' +/-

C