



## 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-23-01 Date 6-1-23  
Application Fee \$350.00 Receipt No. 565974

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 Cima Network Inc. - Lindsey Lupino  
Mailing Address 121 New Britain Blvd  
City Chalfont State PA Zip Code 18914  
Telephone 267-308-8318
- Property Owner Name (If different from Applicant) Aston Properties  
Mailing Address 610 E. Morehead St. Suite 100  
City Charlotte State NC Zip Code 28202  
Telephone 704-319-4922
- Property for which variance is requested:  
Street Address 5500 N. Croatan Hwy Kitty Hawk NC 27949  
Tax Parcel Identification Number \_\_\_\_\_  
Subdivision Name \_\_\_\_\_ Block# \_\_\_\_\_ Lot# \_\_\_\_\_  
Zoning District Classification C/General Commercial
- List specific Zoning Ordinance Section(s) and subsection(s) from which a variance is requested.  
36-165 (8) Table 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.

The blue background is counting towards the total sign allowance, the channel letters are 122.4 sqft without counting the blue architectural painted feature.

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.

The restrictive sign allowance only allows 58.2 sqft of signage with being setback 475 ft inside the shopping center with Wells Fargo building located at the front of the center. 48" letters have readable max distance

Explain how the property can be used if the variance **is not** granted. of 480'

The Five Below retail space will not be a successful brick + mortar store without their standard brand recognition and larger sign for pedestrian and vehicle traffic.

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

The Five Below retail space will be more successful which will promote economic benefits to the city, with a ten year lease this will create jobs and promote vehicle/pedestrian safety.

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

Five Below is looking to expand into the Southern Shores area and is planning to take over the Dollar Tree space.

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

TENANT SPACE IS 9,650 ft and setback 475 ft from Croatan Hwy.

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 larger building sign will promote vehicle and pedestrian safety which secures public safety.

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.

See Attached.

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

Five Below Sign Drawings, sheets 1-8.

**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**

see attached signed LOA.

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

\_\_\_\_\_  
Property Owner 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\_\_\_\_

**CERTIFICATION BY APPLICANT OTHER THAN PROPERTY OWNER**

I Lindsey Lupino (your name) file this application on the behalf of Aston Properties (property owner name).

I am the Sign Contractor (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.

Lindsey Lupino  
Signature

5/24/2023  
Date

STATE OF PENNSYLVANIA, COUNTY OF Bucks

On this 24 day of May, 2023

LINDSEY LUPINO 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 Cynthia Willis

My Commission expires 9/20, 2025

Commonwealth of Pennsylvania - Notary Seal  
Cynthia Willis, Notary Public  
Bucks County  
My commission expires September 20, 2025  
Commission number 1320533  
Member, Pennsylvania Association of Notaries



**LETTER OF AUTHORIZATION**

I, L. Karen Partee owner or agent of the owner for the property located at Marketplace at Southern Shores do hereby authorize CIMA Network Inc, and /or their agents, to obtain all permits to install signage on the property listed above **provided such permit does not diminish the signage allowed for any other tenants at the property.**

**Property Owner Information:**

L. Karen Partee

Name: Aston Properties, Inc., 610 E. Morehead St.,  
Address: Suite 100, Charlotte, NC 28202

Phone: 704-319-4922

Fax: \_\_\_\_\_

Signature:  Date: May 8, 2023

<b>Primary Owner</b>	<b>Street Address</b>	<b>City, State, Zip</b>
First National Bank of Pennsylvania	1 Juniper Trl.	Southern Shores, NC 27949
Townebank	2 Juniper Trl.	Southern Shores, NC 27949
Townebank	6 Juniper Trl.	Southern Shores, NC 27949
Southern Shores Business Center LLC	8 Juniper Trl.	Southern Shores, NC 27949
Juniper Trail Investors LLC	12 Juniper Trl.	Southern Shores, NC 27949
Chen, Libin & Zheng, Shan Qiang	21 Juniper Trl.	Southern Shores, NC 27949
Brill, Beatrice J	3 Palmetto Ln.	Southern Shores, NC 27949
Norton, Scott A	5 Palmetto Ln.	Southern Shores, NC 27949
Clower, Michael W Ttee	7 Palmetto Ln.	Southern Shores, NC 27949
Muller, Michael G & Muller, Elaine C	9 Palmetto Ln.	Southern Shores, NC 27949
Barnes, Cathy T	11 Palmetto Ln.	Southern Shores, NC 27949
Barrick, Margaret Barnes & Barric, Seth Wesley	13 Palmetto Ln.	Southern Shores, NC 27949
Elwang, William D	15 Palmetto Ln.	Southern Shores, NC 27949
Hedrick, Brian M & Nesbitt, Kathryn R	17 Palmetto Ln.	Southern Shores, NC 27949
Patterson, Shane M & Patterson, Robyn N	19 Palmetto Ln.	Southern Shores, NC 27949
Peachtree Shoreside LLC	5400 N Croatan Hwy.	Southern Shores, NC 27950
First National Bank of Pennsylvania	5405 N Croatan Hwy.	Southern Shores, NC 27951
Roughton, Mildred Hill	5406 N Croatan Hwy.	Southern Shores, NC 27952
Cia Real Estate Holding Co, LLC	5415 N Croatan Hwy.	Southern Shores, NC 27953
Peachtree Shoreside LLC	5416 N Croatan Hwy.	Southern Shores, NC 27954
Eckard Land Holding Co	5424 N Croatan Hwy.	Southern Shores, NC 27955
First Union National Bank	5425 N Croatan Hwy.	Southern Shores, NC 27956
1600 Peachtree LLC	5430 N Croatan Hwy.	Southern Shores, NC 27957
Dare County Alcohol Beverage Control Board	5440 N Croatan Hwy.	Southern Shores, NC 27958