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-19-01 Date 2-19-19

Application Fee $350.00 Receipt No. 654524

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 Starkey Sharp
   Mailing Address P.O. Drawer 1027
   City Kitty Hawk State NC Zip Code 27949
   Telephone 252-261-2126
2. Property Owner Name (If different from Applicant) For The Love of Pete LLC
   Mailing Address 10324 Grendel Ct.
   City Mechanicsville State VA Zip Code 23116
   Telephone
3. Property for which variance is requested:
   Street Address 64 Ocean Blvd
   Tax Parcel Identification Number 022627001
   Subdivision Name Southern Shores Amended Section 1 Block# 6 Lot# 3
   Zoning District Classification Residential
4. List specific Zoning Ordinance Section(s) and subsections(s) from which a variance is requested.
   Section 136-32 and related zoning text amendments
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

SHARP, GRAHAM, BAKER AND VARNELL, L.L.P.
ATTORNEYS AT LAW

KITTY HAWK, NORTH CAROLINA
TELEPHONE: (252) 261-2126
FACSIMILE: (252) 261-1188

Website Address:
www.ncobxlaw.com

SENDER'S EXTENSION:
245

STARKEY SHARP
JOHN C. GRAHAM, III
RONALD G. BAKER
CASEY C. VARNELL

MAILING ADDRESS:
POST OFFICE DRAWER 1027
KITTY HAWK, NC 27949-1027

STREET/SHIPPING ADDRESS:
4417 N. CROATAN HIGHWAY
KITTY HAWK, NC 27949-1027

Sender's E-mail Address:
nicole@ncobxlaw.com

February 19, 2019

Mr. Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores

Re: Application for variance, For the Love of Pete LLC

Dear Wes:

Attached is a revised "Page 1" of the variance application. I presented the application along with the fee last week and you asked me to change the first page to show my name as the applicant for the LLC.

Sincerely,

Starkey Sharp

RECEIPT

DATE 8-15-19 No. 654524

RECEIVED FROM Sharp, Graham, Baker & Varnell | $ 350.00

three-hundred & fifty & 00/100 DOLLARS

○ FOR RENT
○ FOR For The Love of Reek, LLC - 614 Ocean Blvd -

ACCOUNT		
PAYMENT	$350.00	
BAL. DUE		

○ CASH
✓ CHECK
○ MONEY ORDER
○ CREDIT CARD

#70214 BOA - Variance

FROM _____ TO _____

BY DVS

3-11

Application No. Date: **February 15, 2019**
Application Fee $350.00 Receipt No. 654524

==========

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 **For The Love of Pete, LLC**

Mailing Address: 10324 Grendel Ct.

City Mechanicsville State VA Zip Code 23116

Telephone (804)263-4840

2. Property Owner Name (If different from Applicant) _____

Mailing Address _____

City _____ State _____ Zip Code_____

Telephone _____ _____

3. Property for which variance is requested:

Street Address 64 Ocean Blvd.

Tax Parcel Identification Number 022627001

Subdivision Name Southern Shores Amended Section 1 Block# 6 Lot#3

Zoning District Classification : Oceanfront residential

4. List specific Zoning Ordinance Section(s) and subsections(s) from which a variance is requested. **Section 136-32 and related zoning text amendments**

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.

The applicant proposes to build a house on the property identified in paragraph 3 (64 Ocean Blvd.) The Town has adopted Section 136-32 relating to non-conforming lots. Prior to the adoption of this ordinance the proposed structure complied with all requirements of the Town with respect to zoning, use, size and other similar rules. The adoption of Section 136-32 has been interpreted by the staff of the Town to prohibit the proposed structure. The Town Council is considering zoning text amendments which would change 136-32 so that the proposed structure is permitted. The Planning Board has approved a zoning text amendment which would allow the proposed structure. The Town Council has instructed the Planning Board to add additional exceptions to the zoning text amendment to allow other structures to be included. The applicant seeks a variance to allow the proposed project to move forward while the Town works on the proposed changes to 136-32.

The applicant started the application process before the passage of 136-32. This included the request for a setback variance which was approved by the planning board/board of adjustment. This application was well before the adoption of the ordinance. In addition, the applicant took title to the property in the named LLC (For the Love of Pete LLC) before the adoption of the ordinance in an effort to avoid creating a conflict with the new ordinance.

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.

If the variance is not allowed it will mean that the applicant purchased the property for a substantial amount of money and the property cannot be used for construction of any structure. The resulting loss in value will amount to several hundred thousand dollars.

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

If the variance is not granted the property must be left vacant or combined with adjacent property and cannot be used for construction as a separate parcel.

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

The applicant proposes to build a 5-bedroom residential house.

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

The applicant took steps in advance of the adoption of 136-32 to make certain the ordinance did not apply to the property. The town adopted 136-32 and staff has taken the position that the ordinance prohibits construction of the project.

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

The property is a lot fronting on the Atlantic Ocean and Ocean Blvd. The size and dimensions of the lot as shown on the original subdivision map are considered to be non-conforming to the present Town ordinances and Section 136-32 prohibits construction of houses on such lots.

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.

Prior to the adoption of 136-32 the proposed construction project on the property was permitted.

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.

a. **Northern adjacent - Parcel 02267000; Lot 4R Block 6 Section 1, Name of owner is "64A Ocean Blvd LLC", 1324 Ridge Road, Raleigh NC 27607**
b. **Southern Adjacent -Parcel 022626000; Lot 2R Block 6, Section 1, name of owner is Steven D Love and Kathleen M Gorman, 10324 Grendel Ct. Mechanicsville VA 23116**
c. **Across the street – Parcel 022656000, Lots 3 & 4; Name of owner is Lloyd Joseph Hogue and Susan Smith Hogue, 305 Herman Melville Ave, Newport News VA 23606**
d. **Across the Street – Parcel 022655000, Lots 1 & 2; Name of Owner is John R. Scoggin and Jamie M Scoggin, 25799 Mayville Ct, South Riding VA 20152**

(Tax listing pages attached.)

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

Attachments are the tax listing pages for the adjacent owners and the site plan/survey for the proposed project.

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.

CERTIFICATION

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 **Starkey Sharp** (your name) file this application on the behalf of **For the Love of Pete LLC** (property owner name).
I am the **attorney** 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.

_____ 2/15/19
Signature Date

STATE OF NORTH CAROLINA, COUNTY OF DARE

On this 15TH day of February, 2019,
Starkey Sharp 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 Nicole E Wilkinson

My Commission expires 12/28, 2020

Nicole E. Wilkinson
Notary Public
Dare County
North Carolina
My Commission Expires 12/28/2020

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on February 15 2019

Primary (100%) Owner Information:
64A OCEAN BLVD LLC
1324 RIDGE RD
RALEIGH NC 27607

Parcel Information:
Parcel: 022627000 PIN: 986712956104
District: 20- SOUTHERN SHORES
Subdivision: SO/SH AMENDED SECTION 1
LotBlkSect: LOT: 4R BLK: 6 SEC: 1
Multiple Lots: -
PlatCabSlide: PL: I SL: 139 Units: 1
Deed Date: 07/19/2016
BkPg: 2107/0934
Parcel Status: ACTIVE

Property Use: RESIDENTIAL

64 A OCEAN BLVD

BUILDING USE & FEATURES	**Tax Year Bldg Value: $650,900**	
Building Use:	MODERN OCEANFRONT ESTATE	
Exterior Walls:	SYNTHETIC STUCCO	**Actual Year Built:** 2018
Full Baths:	7 Half Baths: 2	
Bedrooms:	7	
Heat-Fuel:	3 - ELECTRIC	
Heat-Type:	2 - FORCED AIR	**Finished sqft for building 1:** 5825
Air Conditioning:	4 -CENTRAL W/AC	**Total Finished SqFt for all bldgs:** 5825

Disclaimer: In instances where a dwelling contains unfinished living area, the square footage of that area is included in the total finished sqft on this record. However, the assessed value for finish has been removed.

MISCELLANEOUS USE **Tax Year Misc Value: $34,600**

Misc Bldg a: (RS1) FRAME UTILITY SHED Year Built: 2018 sqft: 328
Misc Bldg b: (DCK) DECK Year Built: 2018 sqft: 16
Misc Bldg c: (DCK) DECK Year Built: 2018 sqft: 26
Misc Bldg d: (RS1) FRAME UTILITY SHED Year Built: 2018 sqft: 44
Misc Bldg e: (PCH) CVD PCH - ATCHD TO MH OR OTHER Year Built: 2018 sqft: 20

LAND USE **Tax Year Land Value: $908,900**

Land Description : 20-Ocean front

TOTAL LAND AREA: 28000 square feet

Tax Year Total Value: $1,594,400

**Values shown are on file as of February 15 2019*

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on February 15 2019

Primary (100%) Owner Information:
LOVE, STEVEN D EUX
GORMAN, KATHLEEN M EUX
10324 GRENDEL CT
MECHANICSVILLE VA 23116

Parcel Information:
Parcel: 022626000 PIN: 986712956063
District: 20- SOUTHERN SHORES
Subdivision: SO/SH AMENDED SECTION 1
LotBlkSect: LOT: 2R BLK: 6 SEC: 1
Multiple Lots: -
PlatCabSlide: PL: I SL: 208 Units: 1
Deed Date: 07/02/2015
BkPg: 2031/0573
Parcel Status: ACTIVE

Property Use: RESIDENTIAL

62 OCEAN BLVD

BUILDING USE & FEATURES	**Tax Year Bldg Value: $797,000**	
Building Use:	BEACH CONTEMPORARY	
Exterior Walls:	VINYL / ALUM	**Actual Year Built:** 2016
Full Baths:	7 Half Baths: 2	
Bedrooms:	7	
Heat-Fuel:	3 - ELECTRIC	
Heat-Type:	2 - FORCED AIR	**Finished sqft for building 1:** 5019
Air Conditioning:	4 -CENTRAL W/AC	**Total Finished SqFt for all bldgs:** 5019

Disclaimer: In instances where a dwelling contains unfinished living area, the square footage of that area is included in the total finished sqft on this record. However, the assessed value for finish has been removed.

MISCELLANEOUS USE **Tax Year Misc Value: $68,400**

Misc Bldg c: (RP4) IN GROUND POOL Year Built: 2017 sqft: 624
Misc Bldg d: (WD1) WOOD DECK OR RAMP Year Built: 2017 sqft: 175
Misc Bldg e: (BT2) BATH HOUSE Year Built: 2017 sqft: 300

LAND USE **Tax Year Land Value: $942,500**

Land Description : 20-Ocean front

TOTAL LAND AREA: 30500 square feet

Tax Year Total Value: $1,807,900

**Values shown are on file as of February 15 2019*

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on February 15 2019

Primary (100%) Owner Information:

HOGUE, LLOYD JOSEPH EUX
SUSAN SMITH HOGUE EUX
305 HERMAN MELVILLE AVE
NEWPORT NEWS VA 23606

Parcel Information:

Parcel: 022656000 PIN: 986716942996
District: 20- SOUTHERN SHORES
Subdivision: SO/SH AMENDED SECTION 1
LotBlkSect: LOT: 3-4 BLK: 14 SEC: 1
Multiple Lots: -
PlatCabSlide: PL: 1 SL: 124 Units: 1
Deed Date: 06/20/1996
BkPg: 1058/0640
Parcel Status: ACTIVE

Property Use: RESIDENTIAL

65 OCEAN BLVD

BUILDING USE & FEATURES	**Tax Year Bldg Value: $137,200**	
Building Use:	BEACH CONTEMPORARY	
Exterior Walls:	MODERN FRAME	**Actual Year Built:** 1984
Full Baths:	2 Half Baths: 0	
Bedrooms:	4	
Heat-Fuel:	3 - ELECTRIC	
Heat-Type:	2 - FORCED AIR	**Finished sqft for building 1:** 1776
Air Conditioning:	4 -CENTRAL W/AC	**Total Finished SqFt for all bldgs:** 1776

Disclaimer: In instances where a dwelling contains unfinished living area, the square footage of that area is included in the total finished sqft on this record. However, the assessed value for finish has been removed.

MISCELLANEOUS USE	**Tax Year Misc Value: $0**

LAND USE	**Tax Year Land Value: $311,700**

Land Description : 20-Ocean Influence B

TOTAL LAND AREA: 20000 square feet

Tax Year Total Value: $448,900

**Values shown are on file as of February 15 2019*

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on February 15 2019

Primary (100%) Owner Information:
SCOGGIN, JOHN R EUX
SCOGGIN, JAMIE M EUX
25799 MAYVILLE CT
SOUTH RIDING VA 20152

Parcel Information:
Parcel: 022655000 PIN: 986716943847
District: 20- SOUTHERN SHORES
Subdivision: SO/SH AMENDED SECTION 1
LotBlkSect: LOT: 1-2 BLK: 14 SEC: 1
Multiple Lots: -
PlatCabSlide: PL: 1 SL: 124 Units: 1
Deed Date: 01/27/2012
BkPg: 1887/0168
Parcel Status: ACTIVE

Property Use: RESIDENTIAL

63 OCEAN BLVD

BUILDING USE & FEATURES	**Tax Year Bldg Value: $495,000**	
Building Use:	BEACH CONTEMPORARY	
Exterior Walls:	MODERN FRAME	**Actual Year Built:** 2004
Full Baths:	7 Half Baths: 1	
Bedrooms:	7	
Heat-Fuel:	3 - ELECTRIC	
Heat-Type:	2 - FORCED AIR	**Finished sqft for building 1:** 4014
Air Conditioning:	4 -CENTRAL W/AC	**Total Finished SqFt for all bldgs:** 4014

Disclaimer: In instances where a dwelling contains unfinished living area, the square footage of that area is included in the total finished sqft on this record. However, the assessed value for finish has been removed.

MISCELLANEOUS USE **Tax Year Misc Value: $19,800**

Misc Bldg b: (RP4) IN GROUND POOL Year Built: 2005 sqft: 264
Misc Bldg c: (PC2) CONCRETE POOL DECK Year Built: 2005 sqft: 624

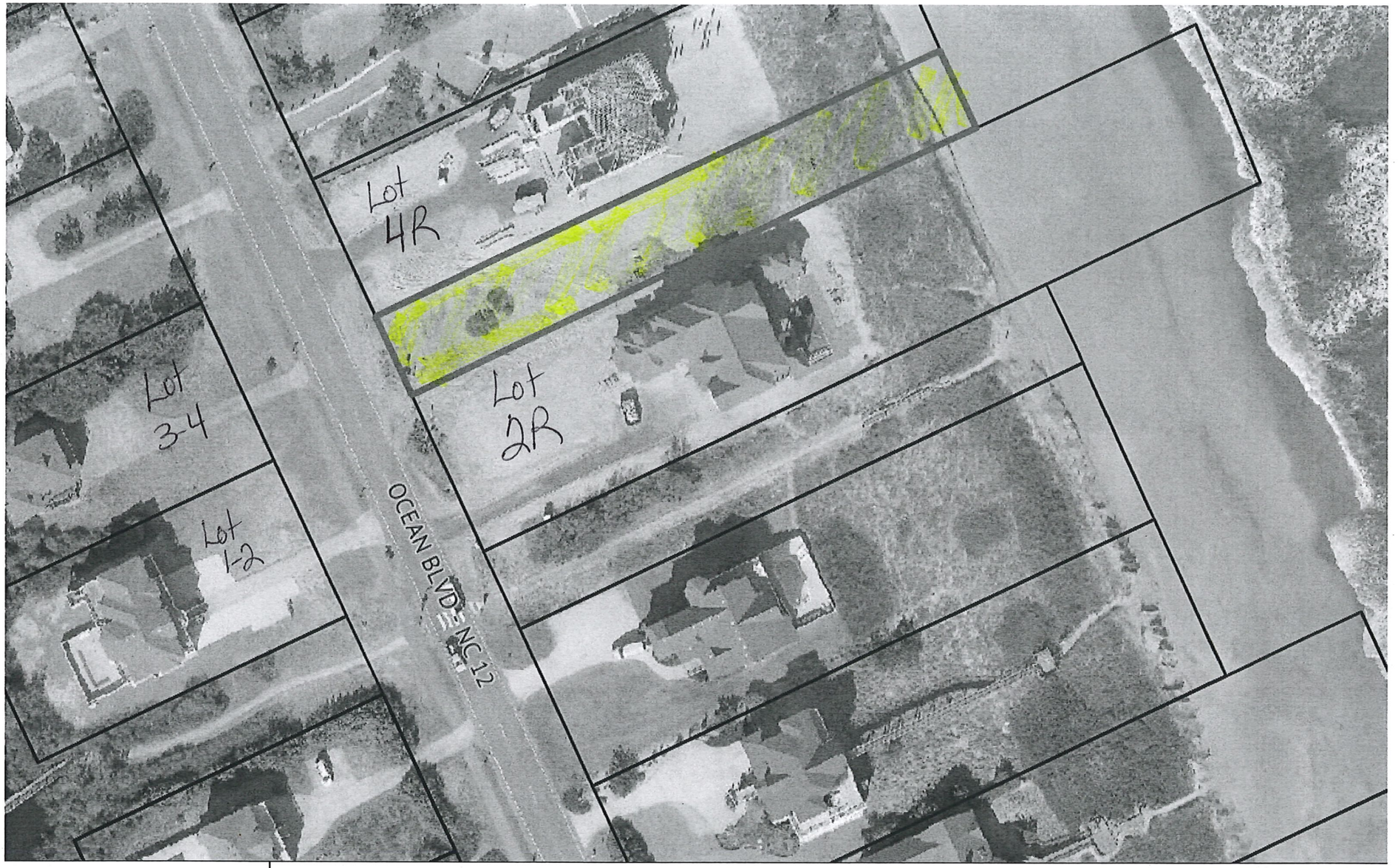
LAND USE **Tax Year Land Value: $311,700**

Land Description : 20-Ocean Influence B

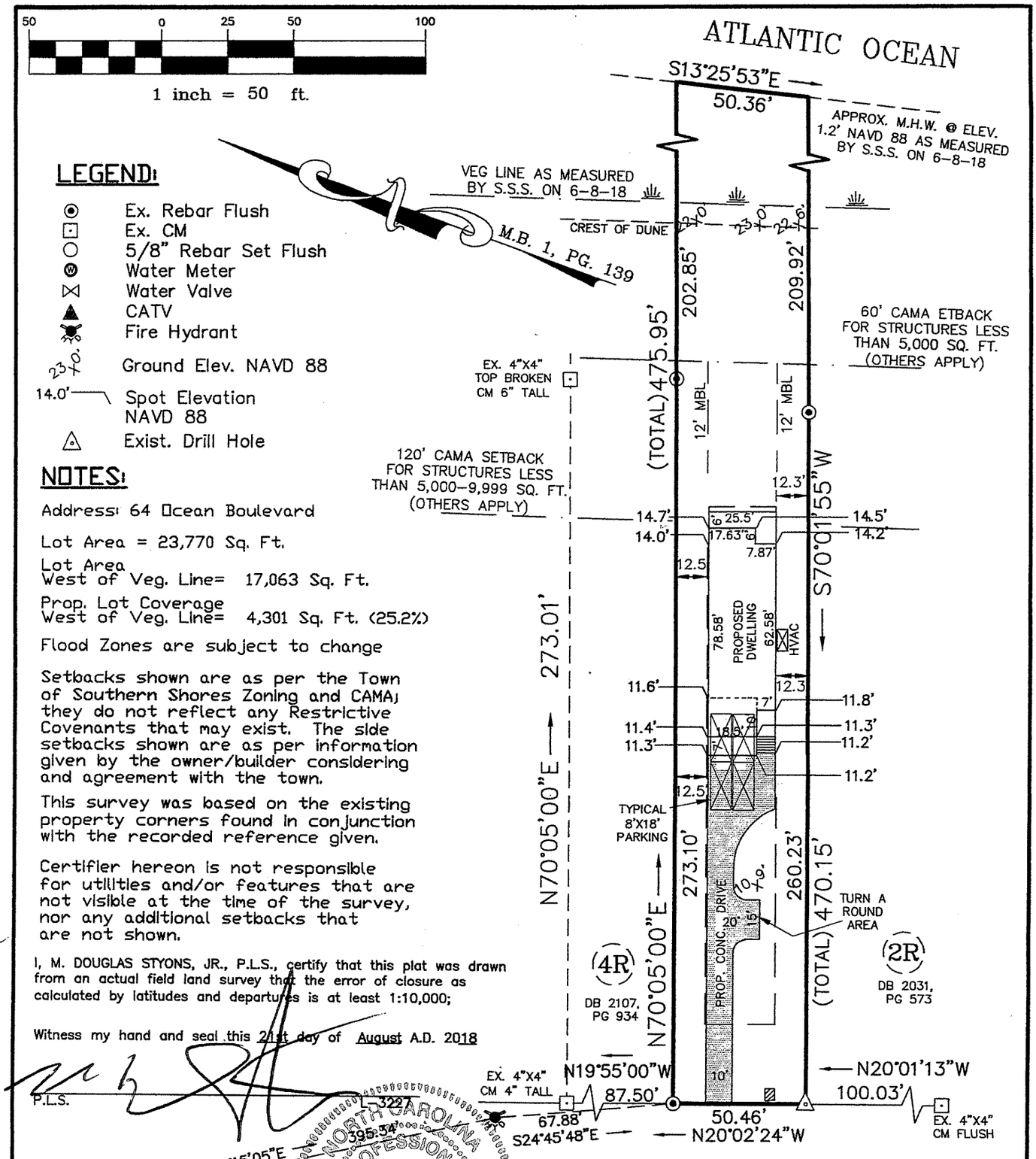
TOTAL LAND AREA: 20000 square feet

Tax Year Total Value: $826,500

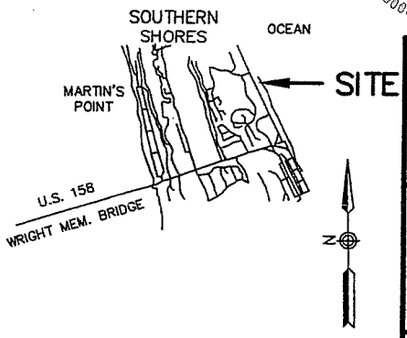
**Values shown are on file as of February 15 2019*



This map is prepared from data used for the inventory of the real property for tax purposes. Primary information sources such as



REVISED SITE PLAN



VICINITY MAP (N.T.S.)

LOT 3, BLOCK 6

SOUTHERN SHORES AMENDED SECT.1

SURVEYED FOR

FOR THE LOVE OF PETE, LLC

ATLANTIC TOWNSHIP
SOUTHERN SHORES

DARE COUNTY
NORTH CAROLINA

DATE: 6-08-18
REV.DATE: 8-21-18 NAME CHANGE
SCALE: 1" = 50'
FILE NO.: 18-184
DWG NO.: 18184SP2

F.I.R.M.: 3720 9867 00 J
F.I.R.M. DATE: 9-20-06
FLOOD ZONE: VE (12.0')
REC. REF. MB 1, PG 139
D.B. 2247, PG 253
PIN NO.: 20986712956130

C-1697
Styons Surveying Services
2700 N. Croatan Hwy. Kill Devil Hills, NC. 27948
Phone: (252) 441-1415 Fax: (252) 480-1182

Any unauthorized use or alteration of this document is prohibited
A red seal must be present for this to be an original document