



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town of Kill Devil Hills Zoning Board of Adjustment has scheduled a regular meeting for Tuesday, February 27, 2018 at 6:00 p.m., in the Meeting Room of the Administration Building, 102 Town Hall Drive, off Colington Road.

AGENDA

Call to Order and Roll Call

Approval of the Minutes of October 24, 2017

Old Business

New Business

1. Meeting Time
2. Burlage, Doug on behalf of Coley Bear, LLC – 2010 Bay Drive, Lot 1046, Avalon Beach Annex 2 & 3 Subdivision; Parcel Number: 002016000; Pin Number: 987408977831 – Variance from Chapter 153, *Zoning*, §153.116 Permitted Uses (C) on-site accessory uses or buildings to divisions (A) or (B) of this section

Adjournment

All citizens are cordially invited to attend.

Posted this 12th day of February 2018.

James Michael O'Dell
Administrative Specialist

Copies to: Zoning Board of Adjustment members in their meeting materials; Mayor & Board of Commissioners; Town Manager; all Town bulletin boards; KDH Sunshine List including all local news media; KDH Electronic Distribution List; website, social media; file



TOWN OF KILL DEVIL HILLS
Land Where Flight Began

(Town Logo)

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Posted this 12th day of February 2018.

James Michael O'Dell
Administrative Specialist

Coastland Times: Please publish as a regular legal ad on 02/14/2018 and 02/21/2018

Minutes of the October 24, 2017 (rescheduled from August 29, 2017 and September 26, 2017) Meeting of the Kill Devil Hills Zoning Board of Adjustment (ZBOA) held at 6:00 p.m. in the Meeting Room of the Administration Building, 102 Town Hall Drive, off Colington Road.

Members Present: Chairperson Robert Rollason III, Vice Chairperson Mike Lowack, Blake Culpepper, Toni Dorn and Jason Self

Members Absent: Kevin Cox, Natalie Painter, and Ronald Seidman II

Others Present: Donna Elliott, Zoning Administrator; Jay Wheless, Attorney for the ZBOA; and Michael O'Dell, ZBOA Clerk / Administrative Specialist

Call to Order and Roll Call

At 6:10 p.m., Chairperson Robert Rollason called this meeting of the Kill Devil Hills Board of Adjustment to order and welcomed all present. The clerk was called upon to conduct the Roll Call and five members of the Board of Adjustment were present, constituting a quorum.

Approval of the Minutes of December 20, 2016 and July 25, 2017

Mike Lowack moved to approve the minutes of the December 20, 2016 and July 25, 2017 ZBOA meetings, as presented. Toni Dorn seconded the motion and approval was a unanimous, 5-0 vote.

Old Business

New Business

- 1. Smith, Michael G. & Green, Deborah H. – 106 East Third Street, Parcel Number: 002734000, Pin Number: 988406378800 – Variance from Chapter 153, Zoning, §153.082(2)(c) *Exceptions* / §153.181(A) *Setbacks* / §153.161(A)(3),(B)(3),(C) *Setbacks***

Michael G. Smith and Deborah H. Green request a variance from Chapter 153, Zoning, §153.082(2)(c) *Exceptions* / §153.181(A) *Setbacks* / §153.161(A)(3),(B)(3),(C) *Setbacks*, for property located at 106 Third Street, Parcel Number: 002734000, Pin Number: 988406378800, Kill Devil Hills, North Carolina.

Michael G. Smith and Donna Elliott were sworn in by Chairperson Rollason.

The Applicant

Mr. Smith identified himself as the property owner, and stated he had worked with the Town's Planning Department involving several projects on his property, including a bulkhead and a fence. He then planned to build a shed, and was told by Town Staff that since the shed was sized less than 12 feet by 12 feet, a building permit was not required. As Mr. Smith was constructing the shed, Senior Planner Cameron Ray visited the site and told the property owner that the shed was required to be five feet from the property line. Mr. Smith said he then moved the shed from its location two and a half feet from the property line to five feet from the line. The shed was then anchored to the ground. Because the survey of the property was old, Mr. Smith said the Town required an as-built survey, which he had prepared. Mr. Smith was told again by Town staff on a site visit that the shed was sitting outside the setback lines and needed to be moved again.

Mr. Smith submitted three exhibits: three photographs of the property's back yard during Hurricane Matthew. As indicated by the photographs, he said that the entire backyard was flooded during the storm, with the exception of the area where the shed was situated (five feet from the property line). The shed was surrounded by water but did not flood. He said if the shed would have been moved an additional five feet further prior to the storm (as required by the Town), the shed would have flooded, potentially releasing chemicals and pesticides kept inside of the structure. He noted that the survey indicated that the parcel was located in an ecologically sensitive area. He also consulted with neighbors in placing the shed's location, so it would not block their view of the pond.

He has done what has been asked by the Town, but after experiencing the flooding of Hurricane Matthew, Mr. Smith asked for the shed to remain at its current location, five feet off of the property line.

Mr. Culpepper asked the applicant if Mr. Ray told him that the shed needed to be five feet off the property and whether Mr. Ray had provided Mr. Smith written directions. Mr. Smith said the information had been shared verbally on two occasions, to him and to Ms. Green, the co-owner.

Mr. Lowack asked Mr. Smith how the shed was attached to the ground and whether the structure sat directly on the ground. Mr. Smith replied the shed was fastened with screw anchors into the ground, with galvanized straps. The shed sits on four by four beams with skids, so it can be moved.

Mr. Lowack asked the applicant whether the shed had electrical power running to it. Mr. Smith said it did not have any electrical service.

Mr. Wheless asked whether the land slopes from the shed to the pond, and if the shed was moved, whether there would be a height difference at the door. Mr. Smith replied that the land does slope. If the shed was at the same elevation, but relocated another five feet, there would be an increase of 12 inches. Mr. Wheless asked Mr. Smith whether this height difference would be an inconvenience. The applicant replied that it would be an inconvenience. He noted that where the shed was currently located, there was already an eight inch step to the door. He also said that the five foot shift could block his neighbor's view of the pond, which was a factor in placing the structure in its current location.

Chairperson Rollason asked, in referencing the as-built survey, whether the shed lines up with the cantilever on the house. The applicant replied yes. Chairperson Rollason also inquired whose notation was on the as-built survey. Mr. Smith said the notation was from the Planning Department.

Opposition

None.

The Town

Zoning Administrator Donna Elliott stated that the house's cantilever is six feet, three inches and the shed is 5.1 feet. Mr. Smith received a Town zoning permit to build his 11 foot by 11 foot shed on December 18, 2015. Due to the shed's size, a building permit was not required. One of the conditions of the zoning permit required the applicant to submit an as-built survey upon the shed's completion to verify that the structure was erected in the correct location. Ms. Elliott stated that Chief Building Codes Inspector Matt Lowcher notated on the as-built survey that the shed, if within the rear yard, was to be located five feet from the property line or within the building envelope. She stated it was a requirement of the zoning permit.

When the applicant submitted the as-built survey, Town staff discovered that the shed was not located in compliance with the setback requirements. If the applicant wishes to keep the shed in the same general location on the property, it would be required to be moved to 10 feet from the property line to be within the building envelope. In the alternative, the shed could be relocated behind the rear line, with it being at least five feet from the rear and side property lines.

Mr. Lowack asked whether Town staff first learned the shed was not in the properly located on the property from the as-built survey. Mr. Ray had visited the site and asked the property owner to move the shed to the 5 foot setback prior to the as-built survey submission. However, Ms. Elliott stated she learned of the issue with the as-built survey submission. It was noted on the as-built survey that the shed had to be placed within the setback exception or in the building envelope.

Ms. Elliott stated the Dare County Tax Department has categorized the shed, along with a ramp and a canopy on the property as a miscellaneous building.

Mr. Culpepper inquired whether the notation on the as-built survey “shed needs to be inside of building envelope or in rear yard setback 5’ from property lines” was Mr. Lowcher’s note. Ms. Elliott replied yes.

Mr. Wheless asked in the zoning permit process whether some type of pre-permit meeting is held between staff and applicants. Ms. Elliott replied staff meets with applicants when they request their information at the Planning Department counter, which can include an application, owner authorization (if the applicant is not the property owner), health department approval, and survey. If a building permit is required, building plans and an elevation certificate would be submitted as a part of the process. In this instance, however, the shed was only 11 feet by 11 feet, so the applicant was not required to have plans and elevation certificates, as elevation certificates are required at 150 square feet and the shed was 121 square feet.

Mr. Wheless asked whether the language in the “project name” section of the applicant’s zoning permit about the rear yard setback and property lines was prepared individually with each permit application or was boilerplate language on all applications. Ms. Elliott said that because conditions are different for every project, the language changes since requirements may be different. She stated she documents any conditions in the “conditions” section of the permit while Mr. Lowcher places them in the “project name” section.

Mr. Wheless asked whether the rear yard setbacks are clearly defined to an applicant. Ms. Elliott replied that staff does its best to explain property line and setback requirements to all applicants. He then inquired that when the as-built would indicate “five feet from property lines,” it is only addressing one line, the rear property line. Ms. Elliott replied that it was addressing the rear and side property lines. If it is behind the rear setback, it is the rear yard, which it can be five feet from the rear and five feet from the side, if the parcel is an interior lot.

The applicant inquired about the five foot setback requirement. Ms. Elliott replied the requirement was five feet from the side and rear setback if in the rear yard. Mr. Smith expressed some confusion over the setback requirement language on the zoning permit, noting the property had a 30 foot building line affecting the placement of the shed. Ms. Elliott stated that the applicant could locate the shed behind the rear setback or alternatively within the building envelope. She reiterated language from the as-built survey from Mr. Lowcher that the shed should be placed “... inside of building envelope or in rear yard setback 5’ from property lines,” noting the structure would comply if moved to 10 feet from the property line, inside the building envelope, or behind the 30 foot building line, as long as the shed is five feet from the side and rear property lines.

Mr. Smith indicated that he would prefer to place the structure in the rear yard, but the sloping grade makes it difficult. Ms. Elliott replied if the shed was moved five feet, the structure would be within the building envelope and comply with zoning requirements.

Chairperson Rollason accepted into evidence the applicant's exhibits, application, and Town's packet into evidence and the hearing was closed.

Mr. Wheless provided an overview of the decision process: there are four questions set out by the N.C. General Assembly, each of which must be approved by a four-fifths vote. A denial of or a vote of less than fourth-fifths on any question, will deny the variance. The Board will vote on each question, supporting the decision for that choice.

Board of Adjustment Findings of Fact

The Board of Adjustment established the following findings of fact:

1. It is the Board of Adjustment's CONCLUSION that the hardship of which the Applicant complains **DOES** result from a strict application of the ordinance. This conclusion is based on the following FINDINGS OF FACT: There is an increased likelihood of the shed flooding in the event of the structure moving waterward and downhill from its current location, due to the sloping elevation of the property. There would be increased difficulty in entering and exiting the shed if moved, due to the distance of the shed's floor from the ground will increase due to the change in slope. The Board finds it credible that the applicant relied upon Town staff, which visited the site once or possibly twice, and directed the applicant to move the shed to five feet from the property line from two and a half feet, which the applicant complied. The applicant relied upon the zoning permit, and conditions were not listed in the body of the permit; however, were listed in the project name. The applicant found language in the project name confusing.

2. It is the Board of Adjustment's CONCLUSION that the hardship of which the Applicant complains **DOES** result from conditions that are peculiar to the property. This conclusion is based on the following FINDINGS OF FACT: There is a pond that covers approximately one-third of the property. The sloping grade toward the pond is a topographic feature that is uncommon in the general area, and the proclivity for flooding on the lot is increased.

3. It is the Board of Adjustment's CONCLUSION that the hardship **DOES NOT** result from the Applicant's own actions. This conclusion is based on the following FINDINGS OF FACT: The applicant justifiably relied upon Town staff that visited the property in relocating the shed five feet from the side yard property line. The zoning permit language was ambiguous, especially in the project name area and no direct description of conditions for granting the zoning permit.

2nd Draft

V/01/17-08/29/2017

October 24, 2017 – Zoning Board of Adjustment

Page 5 of 6

4. It is the Board of Adjustment's CONCLUSION that, if granted, the variance **WILL** be consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This conclusion is based upon all of the above FINDINGS OF FACT listed above, as well as the following: The Town has conceded that safety and welfare are not in danger. The applicant's actions demonstrated he complied with staff onsite visits and instructions. There is substantial injustice as the applicant did comply with the directions of Town staff and was courteous to the neighbors in the placement of the shed. There has been no objection by surrounding property owners.

Mr. Self moved to approve the variance request for 106 Third Street, as submitted, based on the Findings of Fact. Ms. Dorn seconded the motion.

Mr. Culpepper suggested the Town should consider the inclusion of a site approval evaluation requirement, prior to construction, in the development process.

Mr. Culpepper moved to amend the main motion, adding the condition that any owner shall not install permanent hard-wired electrical power supplied by a public utility. Mr. Lowack seconded the motion, which was approved by a unanimous, 5-0 vote.

The Board then voted on Mr. Self's main motion as amended and granted the variance for 106 Third Street, Kill Devil Hills, North Carolina, with the condition that no owner install permanent hard-wired electrical power supplied by a public utility to the shed. This motion, as amended, was approved, by a unanimous 5-0 vote.

Adjournment

There being no further business before the Board of Adjustment at this time, Mr. Culpepper moved to adjourn, which was seconded by Mr. Self and approved by a unanimous vote of 5-0. The meeting adjourned at 7:15 p.m.

Submitted by:

James Michael O'Dell
ZBOA Clerk

NAME: _____

Date: _____

Signature: _____

4/5 Vote is necessary on each question in order to grant a variance.

- (1) Does a strict application of the ordinance result in an unnecessary hardship to the Applicant?

YES _____ NO _____

(It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.)

- (2) Does the hardship result from conditions that are peculiar to the property, such as location, size, or topography?

YES _____ NO _____

(Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.)

- (3) Does the hardship result from actions taken by the applicant (or the property owner)? Voting yes is for *denial* of the variance.

YES _____ NO _____

(The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.)

- (4) Is the requested variance consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and is substantial justice is achieved?

YES _____ NO _____

NOTES:

- No change in permitted uses may be authorized by variance.
- Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.
- Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

Town of Kill Devil Hills, NC
Application for a Variance
Page 1

A variance is not a right. It may be granted to an application only if the applicant establishes compliance with the hardship criteria established in NCGS §160A-388(d).

(Please Type or Print)

Applicant Name, Address, Contact Information: Douglas Burlage
502 W. AYCOCK ST. KDH 27948

Owner Name, Address, Contact Information: Coley Bear LLC
502 W. AYCOCK ST KDH NC. 27948

Property Location/Address: 2010 Bay Dr. KDH

Parcel Number: Lot 1046

PIN Number: 987408977831

Area of Subject Property (acres or square feet): _____

Lot Width: 50' Lot Depth: _____

Current Zoning Classification: RESIDENTIAL

Existing Land Use: VACANT RESIDENTIAL LOT

Surrounding Land Use:

North RESIDENTIAL South Resident

East RESIDENTIAL West SOUND

Description of Use Requested: BULKHEAD

Town of Kill Devil Hills, NC
Application for a Variance
Page 2

I (we) DOUG BURLAGE, hereby petition the Kill Devil Hills Board of Adjustment for a variance from the literal provisions of the Kill Devil Hills Zoning Ordinance because under the interpretation given to me by the Zoning Administrator, I (we) am/are prohibited from using the parcel of land described in this application in the manner that I have proposed. I (we) request a variance from the following provisions of the ordinance:

153.116 Permitted Uses (C) on-site accessory
uses or buildings to divisions (A) or (B) of this
Section.

To the end that the above-mentioned property can be used in the manner described herein:

RESIDUAL
residential

Facts Relevant to the Issuance of a Variance

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board of Adjustment is required to reach the determination that 1) there are unnecessary hardship(s) to the applicant if the strict letter of the ordinance is carried out; 2) the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit; and, 3) that in granting of the variance the public safety and welfare have been assured and substantial justice has been done.

In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board of Adjustment that it can properly reach these conclusions.

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.

1. That there are unnecessary hardships in the manner of carrying out the strict letter of the ordinance.
Applicant comment: as Statement(s) of Fact:

EROSION CONTROL FOR MY LOT + NEIGHBORS

Staff comment, as Statement(s) of Fact:

The Zoning Ordinance will not allow a bulkhead to be built on this property without a primary structure. This property is vacant.

2. That the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit:

Yes it will preserve the intent of the ordinances by preventing erosion on my neighbors property and my property lot 1046

Staff comment, as Statement(s) of Fact:

The bulkhead will help to prevent erosion on this property and the neighboring properties. There is an excetion in the Zoning Ordinance that allows rope and split rail fences on vacant lots.

3. That in granting the variance, the public safety and welfare have been assured and substantial justice has been done:

IT will prevent a severe erosion problem

Staff comment, as Statement(s) of Fact:

Public safety and welfare will not be affected by installing a fence. Substantial justice may be served by preventing more erosion along this shoreline.

Town of Kill Devil Hills, NC
Application for a Variance
Page 4

Calls, conversations or other communications with any member of the Board of Adjustment prior to the meeting cannot be considered in the final decision and may result in the Board Members' recusal due to a conflict of interest. If adjacent property owners are to testify on behalf of the applicant, they must be present. Petitions and written consent may be accepted by the Board of Adjustment, but they cannot be used as a basis for the decision.

Certification:

I (we) hereby acknowledge and say that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the Town of Kill Devil Hills Planning and Inspections Department.

Applicant Signature: Douglas C. Burlage
Date: 2-2-18

**Town of Kill Devil Hills, NC
Required Attachments/Submittals for an
Application for a Variance**

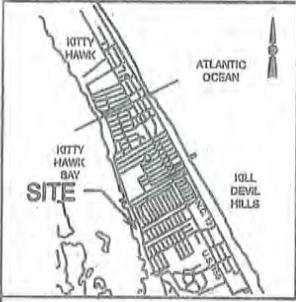
Name of Applicant Requesting the Variance: Douglas C. Burlage / COKEYBEAR LLC

1. Typed metes and bounds description of the property (or portion of property). A recorded deed is sufficient, if the deed describes only the subject property.
2. Dare County Tax Records print out of the names and addresses of all immediately adjacent property owners, including any that are directly across the street/road or highway.
3. Fee received by: Donna Elliott Date: 2/2/18

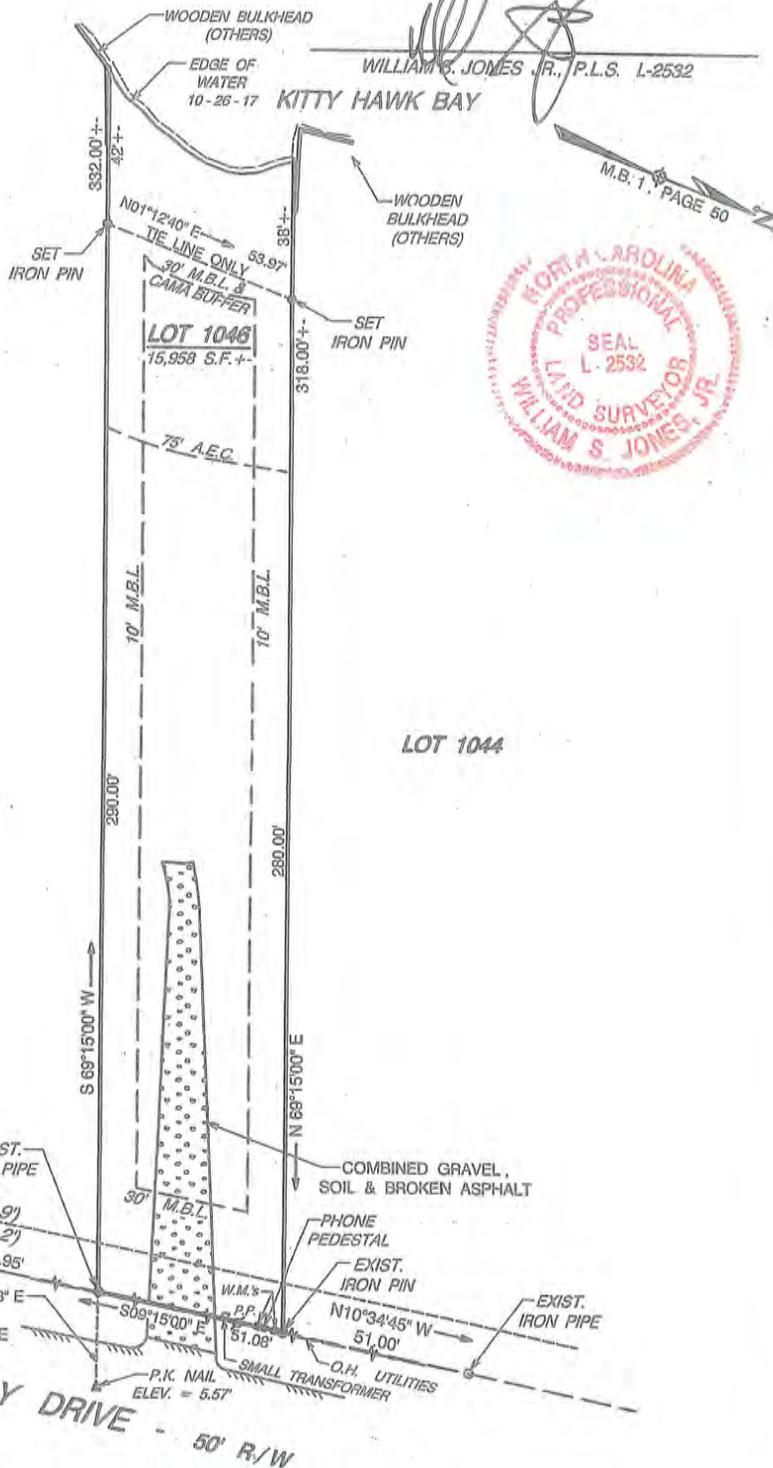
The application fee is nonrefundable.

******Important: If any of the above requirements are not present at the time of submittal of the Application for an Appeal, the application is not complete and will not be accepted.******

I, WILLIAM S. JONES JR., P.L.S., CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD LAND SURVEY MADE BY ME FROM INFORMATION AS REFERENCED HEREON, AND THAT THE RATIO OF PRECISION IS 1:10,000+- . WITNESS MY HAND AND SEAL THIS 29 TH DAY OF JANUARY 2015 .



VICINITY MAP
N.T.S.



NOTES:

- 1) THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE REVEALED BY A FULL AND ACCURATE TITLE SEARCH. SURVEYOR MAKES NO CERTIFICATION AS TO BUILDING SETBACK LINES. THEY SHOULD BE VERIFIED PRIOR TO CONSTRUCTION.
- 2) FIRM 3720957400J
DATED 9/20/06
- 3) 2010 BAY DRIVE
- 4) PIN # 987403977831
- 5) GROUND ELEVATION = 3.5+-

**SURVEY FOR
COLEY BEAR, LLC
LOT 1046, AVALON BEACH ANNEX 2 & 3
MAP BOOK 1, PAGE 50
TOWN OF KILL DEVIL HILLS
DARE COUNTY, NORTH CAROLINA
SURVEYED 10-26-17**



FILE NO: 17238
WILLIAM S. JONES JR., R.L.S., P.A. C-1301
303 WEST ARCHDALE STREET
KILL DEVIL HILLS, N.C. 27948
P: (252) 441-3673 F: (252) 441-0925

DATE: 1-29-15 SCALE: 1" = 40' DRAWN BY: GVS

1262



TOWN OF KILL DEVIL HILLS PLANNING & INSPECTIONS DEPARTMENT

(252) 449-5318

NON-REFUNDABLE FEES

DATE: 2/2/18

- Administrative Review
- Board of Adjustment
- CAMA
- Copies
- Exempt/Subdivision Plat
- Fines and/or Re-inspection Fee
- Site Plan Review
- Text Amendment
- PAID

AMOUNT: 300⁰⁰ Three hundred dollars **FEB - 2 2018**

RECEIVED FROM: Doug Burlage

DESCRIPTION: 2610 Bay Dr. - accessory use structure

BY: Donna Elliott







TOWN OF KILL DEVIL HILLS

PUBLIC HEARING

DATE: February 27, 2018

TIME: 6:00 pm

LOCATION:

KILL DEVIL HILLS TOWN HALL
102 Town Hall Drive
Kill Devil Hills, NC

APPLICATION: Doug Burlage -

Coley Bear, LLC - 2010 Bay Dr. - Lot 1046,

Avalon Beach Annex 2/3 s/d - Chapter 153.116

Permitted Uses (C) on site acc. uses or structures to
divisions (A) or (B) of this section

For more information about this application
contact the Planning and Inspections Dept.

at (252) 449-5318

TOWN OF KILL DEVIL HILLS
PUBLIC HEARING
DATE: _____
TIME: _____
LOCATION:
KILL DEVIL HILLS TOWN HALL
102 Town Hall Drive
Kill Devil Hills, NC
APPLICATION: _____

For more information about this application
contact the Planning and Inspections Dept.
at (919) 448-5113

db
Doug Burlage
General Contractor
252.207.8992



County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on February 02 2018

Primary (100%) Owner Information:

COLEY BEAR, LLC
502 W AYCOCK ST
KILL DEVIL HILLS NC 27948

Parcel Information:

Parcel: 002016000 PIN: 987408977831
District: 07- KILL DEVIL HILLS
Subdivision: AVALON BEACH ANNEX 2 & 3
LotBlkSect: LOT: 1046 BLK: SEC:
Multiple Lots: -
PlatCabSlide: PL: 1 SL: 88 Units: 0
Deed Date: 10/18/2017

BkPg: [2199/0212](#)

Parcel Status: ACTIVE



Property Use: VACANT LAND (PRIVATE)

2010 BAY DR

BUILDING USE & FEATURES

Tax Year Bldg Value: \$0

Next Year Bldg Value: \$0

Building Use:

Exterior Walls:

Actual Year Built:

Full Baths:

Half Baths:

Bedrooms:

Heat-Fuel:

Heat-Type:

Finished sqft for building 1:

Air Conditioning:

Total Finished Sqft for all bldgs: 0

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

Next Year Misc Value: \$0

LAND USE

Tax Year Land Value: \$211,700

Next Year Land Value: \$211,700

Land Description : 07-Sound Front

TOTAL LAND AREA: 15000 square feet

Tax Year Total Value: \$211,700

Next Year Total Value: \$211,700

*Values shown are on file as of February 02 2018

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on February 02 2018

Primary (100%) Owner Information:

CARR, CHARLES B III TIC
 CARR, MICHELLE M TIC
 5072 CENTURY DR
 VIRGINIA BEACH VA 23462

Parcel Information:

Parcel: 002019000 PIN: 988405070900
 District: 07- KILL DEVIL HILLS
 Subdivision: AVALON BEACH ANNEX 2 & 3
 LotBlkSect: LOT: 1049 BLK: SEC:
 Multiple Lots: -
 PlatCabSlide: PL: 1 SL: 88 Units: 1
 Deed Date: 10/12/2012
 BkPg: [1910/0388](#)

Parcel Status: ACTIVE



Property Use: RESIDENTIAL

2007 BAY DR

BUILDING USE & FEATURES	Tax Year Bldg Value: \$141,700	Next Year Bldg Value: \$141,700
Building Use:	TRADITIONAL	
Exterior Walls:	VINYL / ALUM	Actual Year Built: 2000
Full Baths:	2 Half Baths: 0	
Bedrooms:	4	
Heat-Fuel:	3 - ELECTRIC	
Heat-Type:	2 - FORCED AIR	Finished sqft for building 1: 1573
Air Conditioning:	4 -CENTRAL W/AC	Total Finished SqFt for all bldgs: 1573

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: \$1,600	Next Year Misc Value: \$1,600
Misc Bldg b: (RS1) FRAME UTILITY SHED Year Built: 2000 sqft: 96		

LAND USE	Tax Year Land Value: \$76,500	Next Year Land Value: \$76,500
Land Description : 07-Residential Subdivision		

TOTAL LAND AREA: 7000 square feet

Tax Year Total Value: \$219,800	Next Year Total Value: \$219,800
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*Values shown are on file as of February 02 2018



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

February 14, 2018

Charles & Michelle Carr
5072 Century Drive
Virginia Beach, VA 23462

Dear Adjacent Property Owner(s):

The purpose of this letter is to advise you that a variance application has been submitted to the Town of Kill Devil Hills by the property owner of 2010 Bay Drive. You are receiving this notice as an adjacent property owner (2007 Bay Drive). The nature of the application is to seek relief from Chapter 153, *Zoning*, §153.116 Permitted Uses (C) on-site accessory uses or buildings to divisions (A) or (B) of this section.

The Board of Adjustment will hold a public hearing on this matter on Tuesday, February 27, 2018, at 6:00 p.m. in the Meeting Room, located at 102 Town Hall Drive, off Colington Road. At that time, you may appear and present any arguments you may have for or against the granting of this variance.

Should you have any questions, please do not hesitate to contact Donna Elliott, Zoning Administrator, at 252-449-5310.

Sincerely,

James Michael O'Dell
Administrative Specialist

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on February 02 2018

Primary (100%) Owner Information:

CHURCH, LINWOOD K EUX
 CHURCH, NANCY S EUX
 240 HIGH CREST LN
 NELLYSFORD VA 22958

Parcel Information:

Parcel: 002018000 PIN: 987408977745
 District: 07- KILL DEVIL HILLS
 Subdivision: AVALON BEACH ANNEX 2 & 3
 LotBlkSect: LOT: 1048 BLK: SEC:
 Multiple Lots: -
 PlatCabSlide: PL: 1 SL: 88 Units: 1
 Deed Date: 06/28/2001
 BkPg: [1379/0287](#)

Parcel Status: ACTIVE



Property Use: RESIDENTIAL

2008 BAY DR

BUILDING USE & FEATURES	Tax Year Bldg Value: \$166,200	Next Year Bldg Value: \$166,200
Building Use:	TRADITIONAL	
Exterior Walls:	VINYL / ALUM	Actual Year Built: 2001
Full Baths:	2 Half Baths: 1	
Bedrooms:	3	
Heat-Fuel:	3 - ELECTRIC	
Heat-Type:	2 - FORCED AIR	Finished sqft for building 1: 1541
Air Conditioning:	4 -CENTRAL W/AC	Total Finished SqFt for all bldgs: 1541

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: \$25,500	Next Year Misc Value: \$25,500
Misc Bldg b: (WD1) WOOD DECK OR RAMP Year Built: 2002 sqft: 480		
Misc Bldg c: (RD2) MED. WD. DOCK WD. GIRDERS BOLT Year Built: 2012 sqft: 336		
Misc Bldg d: (RD2) MED. WD. DOCK WD. GIRDERS BOLT Year Built: 2002 sqft: 872		
Misc Bldg e: (BK1) BULKHEAD Year Built: 2016 sqft: 58		

LAND USE	Tax Year Land Value: \$231,300	Next Year Land Value: \$231,300
Land Description : 07-Sound Front		

TOTAL LAND AREA: 17500 square feet

Tax Year Total Value: \$423,000	Next Year Total Value: \$423,000
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*Values shown are on file as of February 02 2018



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

February 14, 2018

Linwood & Nancy Church EUX
240 High Crest Lane
Nellysford, VA 22958

Dear Adjacent Property Owner(s):

The purpose of this letter is to advise you that a variance application has been submitted to the Town of Kill Devil Hills by the property owner of 2010 Bay Drive. You are receiving this notice as an adjacent property owner (2008 Bay Drive). The nature of the application is to seek relief from Chapter 153, *Zoning*, §153.116 Permitted Uses (C) on-site accessory uses or buildings to divisions (A) or (B) of this section.

The Board of Adjustment will hold a public hearing on this matter on Tuesday, February 27, 2018, at 6:00 p.m. in the Meeting Room, located at 102 Town Hall Drive, off Colington Road. At that time, you may appear and present any arguments you may have for or against the granting of this variance.

Should you have any questions, please do not hesitate to contact Donna Elliott, Zoning Administrator, at 252-449-5310.

Sincerely,

James Michael O'Dell
Administrative Specialist

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on February 02 2018

Primary (50%) Owner Information:

LIVERMAN, FRANCES KAYE JRO
 407 SEAPORT TRL
 CARROLLTON VA 23314

[View Secondary Owner Information](#)

Parcel Information:

Parcel: 002017000 PIN: 987408979985
 District: 07- KILL DEVIL HILLS
 Subdivision: AVALON BEACH ANNEX 2 & 3
 LotBlkSect: LOT: 1047 BLK: SEC:
 Multiple Lots: -
 PlatCabSlide: PL: 1 SL: 88 Units: 1
 Deed Date: 08/07/2015
 BkPg: [2038/0569](#)
Parcel Status: ACTIVE



Property Use: RESIDENTIAL

2009 BAY DR

BUILDING USE & FEATURES	Tax Year Bldg Value: \$39,800	Next Year Bldg Value: \$39,800
Building Use:	BUNGALOW OR OLD STYLE	
Exterior Walls:	STUCCO	Actual Year Built: 1962
Full Baths:	1 Half Baths: 0	
Bedrooms:	2	
Heat-Fuel:	3 - ELECTRIC	
Heat-Type:	2 - FORCED AIR	Finished sqft for building 1: 1104
Air Conditioning:	4 -CENTRAL W/AC	Total Finished SqFt for all bldgs: 1104

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	Next Year Misc Value: \$0
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LAND USE	Tax Year Land Value: \$76,500	Next Year Land Value: \$76,500
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Land Description : 07-Residential Subdivision

TOTAL LAND AREA: 7000 square feet

Tax Year Total Value: \$116,300	Next Year Total Value: \$116,300
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*Values shown are on file as of February 02 2018



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

February 14, 2018

Frances Kaye Liverman
407 Seaport Trail
Carrollton, VA 23314

Dear Adjacent Property Owner(s):

The purpose of this letter is to advise you that a variance application has been submitted to the Town of Kill Devil Hills by the property owner of 2010 Bay Drive. You are receiving this notice as an adjacent property owner (2009 Bay Drive). The nature of the application is to seek relief from Chapter 153, *Zoning*, §153.116 Permitted Uses (C) on-site accessory uses or buildings to divisions (A) or (B) of this section.

The Board of Adjustment will hold a public hearing on this matter on Tuesday, February 27, 2018, at 6:00 p.m. in the Meeting Room, located at 102 Town Hall Drive, off Colington Road. At that time, you may appear and present any arguments you may have for or against the granting of this variance.

Should you have any questions, please do not hesitate to contact Donna Elliott, Zoning Administrator, at 252-449-5310.

Sincerely,

James Michael O'Dell
Administrative Specialist

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on February 02 2018

Primary (100%) Owner Information:

HUNTER, DAVID B EUX
 HUNTER, BETTY B EUX
 PO BOX 123
 KILL DEVIL HILLS NC 27948

Parcel Information:

Parcel: 002015000 PIN: 987408989070
 District: 07- KILL DEVIL HILLS
 Subdivision: AVALON BEACH ANNEX 2 & 3
 LotBlkSect: LOT: 1045 BLK: SEC:
 Multiple Lots: -
 PlatCabSlide: PL: 1 SL: 88 Units: 1
 Deed Date: 11/29/2000
 BkPg: [1351/0409](#)

Parcel Status: ACTIVE



Property Use: RESIDENTIAL

2011 BAY DR

BUILDING USE & FEATURES	Tax Year Bldg Value: \$372,600	Next Year Bldg Value: \$372,600
Building Use:	BEACH CONTEMPORARY	
Exterior Walls:	VINYL / ALUM	Actual Year Built: 2008
Full Baths:	3 Half Baths: 0	
Bedrooms:	4	
Heat-Fuel:	3 - ELECTRIC	
Heat-Type:	2 - FORCED AIR	Finished sqft for building 1: 3114
Air Conditioning:	4 -CENTRAL W/AC	Total Finished SqFt for all bldgs: 3114

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	Next Year Misc Value: \$0
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LAND USE	Tax Year Land Value: \$79,500	Next Year Land Value: \$79,500
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Land Description : 07-Residential Subdivision

TOTAL LAND AREA: 9000 square feet

Tax Year Total Value: \$452,100	Next Year Total Value: \$452,100
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*Values shown are on file as of February 02 2018



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

February 14, 2018

David & Betty Hunter
PO Box 123
Kill Devil Hills, NC 27948

Dear Adjacent Property Owner(s):

The purpose of this letter is to advise you that a variance application has been submitted to the Town of Kill Devil Hills by the property owner of 2010 Bay Drive. You are receiving this notice as an adjacent property owner (2011 Bay Drive). The nature of the application is to seek relief from Chapter 153, *Zoning*, §153.116 Permitted Uses (C) on-site accessory uses or buildings to divisions (A) or (B) of this section.

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Should you have any questions, please do not hesitate to contact Donna Elliott, Zoning Administrator, at 252-449-5310.

Sincerely,

James Michael O'Dell
Administrative Specialist

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on February 02 2018

Primary (100%) Owner Information:

LANE, GARNETT W TTEE TRE
 208 WILSON DR
 CHESAPEAKE VA 23320

Parcel Information:

Parcel: 002014000 PIN: 987408977815
 District: 07- KILL DEVIL HILLS
 Subdivision: AVALON BEACH ANNEX 2 & 3
 LotBlkSect: LOT: 1044 BLK: SEC:
 Multiple Lots: -
 PlatCabSlide: PL: 1 SL: 88 Units: 1
 Deed Date: 03/10/2017
 BkPg: [2155/0479](#)
Parcel Status: ACTIVE



Property Use: RESIDENTIAL

2012 BAY DR

BUILDING USE & FEATURES	Tax Year Bldg Value: \$175,100	Next Year Bldg Value: \$175,100
Building Use:	CAPE COD	
Exterior Walls:	MODERN FRAME	Actual Year Built: 1993
Full Baths:	4 Half Baths: 0	
Bedrooms:	4	
Heat-Fuel:	3 - ELECTRIC	
Heat-Type:	2 - FORCED AIR	Finished sqft for building 1: 1767
Air Conditioning:	4 -CENTRAL W/AC	Total Finished Sqft for all bldgs: 1767

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: \$30,400	Next Year Misc Value: \$30,400
Misc Bldg a: (BK1) BULKHEAD Year Built: 2017 sqft: 73		
Misc Bldg b: (RP1) ABOVE GROUND POOL Year Built: 1993 sqft: 479		
Misc Bldg c: (PDK) WOOD DECK AROUND POOL Year Built: 1993 sqft: 1159		
Misc Bldg d: (RD2) MED. WD. DOCK WD. GIRDERS BOLT Year Built: 2006 sqft: 840		
Misc Bldg e: (RD2) MED. WD. DOCK WD. GIRDERS BOLT Year Built: 2006 sqft: 154		

LAND USE	Tax Year Land Value: \$207,800	Next Year Land Value: \$207,800
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Land Description : 07-Sound Front

TOTAL LAND AREA: 14500 square feet

Tax Year Total Value: \$413,300	Next Year Total Value: \$413,300
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*Values shown are on file as of February 02 2018



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

February 14, 2018

Garnett W Lane TTEE TRE
208 Wilson Dr
Chesapeake, VA 23320

Dear Adjacent Property Owner(s):

The purpose of this letter is to advise you that a variance application has been submitted to the Town of Kill Devil Hills by the property owner of 2010 Bay Drive. You are receiving this notice as an adjacent property owner (2012 Bay Drive). The nature of the application is to seek relief from Chapter 153, *Zoning*, §153.116 Permitted Uses (C) on-site accessory uses or buildings to divisions (A) or (B) of this section.

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Should you have any questions, please do not hesitate to contact Donna Elliott, Zoning Administrator, at 252-449-5310.

Sincerely,

James Michael O'Dell
Administrative Specialist