



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 26, 2019 at 5:00 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 February 27, 2018

Old Business

New Business

1. Election of Chairperson and Vice Chairperson
2. William G. Via and Sylvia V. Via – 2603 Bay Drive, Lot 3, Virginia Dare Shores Subdivision; Parcel Number: 000734003; Pin Number: 987520808674 – Variance from Chapter 153, Zoning, 153.121(B)(3) Setbacks

Adjournment

All citizens are cordially invited to attend.

Posted this 11th day of February 2019.

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

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(KDH Town Logo)

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Administrative Specialist

Coastland Times: Please publish as a regular legal ad on 02/13/2018 and 02/20/2018

Minutes of the February 27 2018, 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, Kevin Cox, Toni Dorn, Ronald Seidman II, and Jason Self

Members Absent: Blake Culpepper, Mike Lowack, and Natalie Painter

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 6:00 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 October 24, 2017

Jason Self moved to approve the minutes of the October 24, 2017 ZBOA meeting, as presented. Toni Dorn seconded the motion and approval was a unanimous, 5-0 vote.

Old Business

New Business

Through consensus, the Board decided to address New Business Item Two first at the meeting.

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**

Doug Burlage, on behalf of Coley Bear, LLC, requests a variance from Chapter 153, *Zoning*, §153.116 Permitted Uses (C) on-site accessory uses or buildings to divisions (A) or (B) of this section, for property located at – 2010 Bay Drive, Lot 1046, Avalon Beach Annex 2 & 3 Subdivision; Parcel Number: 002016000; Pin Number: 987408977831, Kill Devil Hills, North Carolina.

Doug Burlage, Jimmy Lane, Garnett Lane, and Donna Elliott were sworn in by Chairperson Rollason.

1st Draft

V/01/18-02/27/2018

February 27, 2018 – Zoning Board of Adjustment

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The Applicant

Mr. Doug Burlage identified himself as the property owner of 2010 Bay Drive, which is a soundside parcel with no structures, in Kill Devil Hills. Mr. Burlage has requested a variance from the Town Code to build a bulkhead on the property, and expects to begin building a home on the parcel within a year. He stated that his neighbors also support his building a bulkhead to prevent erosion on not only his property, but also their parcels. Mr. Burlage submitted five photographs of his lot, and indicated that the property had lost an estimated 12 to 15 feet due to storms and erosion. He asked for a variance to construct a bulkhead approximately 50 feet long to protect his property.

Mr. Self asked if the applicant had purchased at auction after the property had gone into foreclosure. The applicant stated the previous owner purchased the parcel at a foreclosure auction and had torn down the house originally on the land. Mr. Burlage purchased the land from that previous owner.

Ms. Dorn asked if the applicant planned to attach the proposed bulkhead to existing ones on neighboring properties. Mr. Burlage said he planned for the proposed bulkhead to abut the existing bulkheads on neighboring properties.

Chair Rollason asked if there were bulkheads on neighboring properties on either side of his property. The applicant replied both adjoining soundside properties had existing bulkheads, and that he hated to see his neighbors' existing bulkheads undermined by the effects of his property not having a bulkhead in place.

Ron Seidman inquired whether the applicant planned to build the proposed bulkhead along the same plane as the existing structures on his neighbors' properties. Mr. Burlage replied yes.

Kevin Cox inquired whether the proposed bulkhead would be positioned beyond the pins listed on the submitted property survey. The applicant replied yes, but the proposed location is on his property. Mr. Burlage stated that a CAMA representative indicated the proposed bulkhead could follow the existing shoreline or along a straight line between the existing bulkheads. He preferred not to follow along the existing shoreline of the property.

Mr. Wheless asked the applicant whether it was accurate that he was losing property due to his neighbors having bulkheads and his property not having one, with the increased tidal action and resulting erosion. Mr. Burlage replied yes and that erosion was negatively affecting his property.

Adjoining Property Owners

Jimmy and Garnett Lane identified themselves as owners of 2012 Bay Drive since 1994, which is north of the applicant's property. Mr. and Mrs. Lane stated they are ecstatic that the applicant is proposing a bulkhead for his property, which they have considered an eyesore for 10 years.

Mrs. Lane stated she understood that the applicant's property was the only parcel in their immediate area of Bay Drive without a bulkhead.

Mrs. Lane said that they were losing more property every year due to erosion, which was caused by the applicant's property. Noting the applicant's submitted photos, Mr. and Mrs. Lane stated that the applicant's property was originally a similar depth as surrounding properties. However, Mr. Burlage's property is much more shallow than the adjoining properties due to erosion and not having a bulkhead in place. Mrs. Lane also noted the 25-foot return on their bulkhead, which they had to set in place due to the erosion of their property. She said if a bulkhead is not installed on the applicant's property soon to address the erosion issue, they will need to install a longer tieback on their property in an attempt to combat the erosion that is occurring. She also noted that sandbags and stone were in place on their property to address the erosion. Mr. and Mrs. Lane were in complete support of the applicant's plan for a bulkhead.

Mr. Wheless asked because the applicant's property lacks a bulkhead, did they believe or know there was a greater level of storm debris into adjoining properties or the roadway. Mr. and Mrs. Lane replied yes. Mr. and Mrs. Lane said several recent storms were devastating to the adjoining properties, with snakes, vegetation, and assorted debris washing onto the neighboring properties from the applicant's lot. A bulkhead would prevent the erosion.

Mr. Wheless inquired whether the erosion around the south side of their bulkhead's tieback is a safety concern. Mrs. Lane replied the erosion around the tieback was a safety concern and that it is especially a serious safety concern for their grandchildren and great grandchildren who visit their property. The Lanes indicated that they have placed concrete and other preventative measures to slow the erosion on their property. The Lanes said they will need to install another bulkhead or lose additional property to erosion if the applicant's proposed bulkhead is not built.

Chair Rollason noted that the Board had received an email from adjoining property owners Linwood and Nancy Church at 2008 Bay Drive in support of the applicant's proposed bulkhead, noting that their property had been negatively impacted by erosion.

Opposition

None.

The Town

Zoning Administrator Donna Elliott stated that Mr. Burlage has requested a variance to allow him to build a bulkhead on his vacant piece of property. The bulkhead is considered an accessory structure and the Town does not permit accessory structures without a primary/principal structure. The definition for accessory structure states that it is a building or other structure, the use of which is clearly incidental to and customarily found in conjunction with the principal structure or use located on the same lot. Section 153.116(C) Permitted uses – does allow on-site accessory uses or buildings to single-family dwellings or duplex dwellings.

1st Draft

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Since there is not a single-family dwelling or duplex on this site, the bulkhead would not be permitted. She noted that there is an exception to this rule in Section 153.082(B)(2)(g) which states that split rail or rope fencing not exceeding four feet in height shall be permitted on lots without a primary structure.

Mr. Seidman asked Ms. Elliott if she knew how many properties on Bay Drive do not have a bulkhead. She replied she did not know, but suggested that a majority of properties that have a house do have a bulkhead.

Chair Rollason referred to the Application for a Variance Item #2, Staff Comment: "The bulkhead will help to prevent erosion on this property and the neighboring properties . . ." He asked Ms. Elliott if she agreed with the statement. She replied yes.

Ms. Elliott stated she had spoken with the Elizabeth City CAMA representative, and noted that the applicant had applied for and would be granted a CAMA permit independently of the Town's issuance of a variance. However, without a variance, a bulkhead could not be built.

Mr. Wheless asked Ms. Elliott if there was any reason that the variance should not be granted other than it is strictly outside of the ordinances presented. She replied no. He asked if there were any health or safety concerns in this instance. Ms. Elliott replied no; current ordinances do not permit the construction of a bulkhead on this property without an existing structure.

Mr. Cox asked if there was an existing house on the property, this would not be an issue. Ms. Elliott replied that Mr. Cox's statement was correct. He inquired whether a building had been on the applicant's property. She replied there had been a house on the property, which had been demolished prior to Mr. Burlage's purchase of the lot.

Chair Rollason accepted the February 2, 2018 application, the applicant's photograph exhibits, and Town's responses 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: Without a bulkhead, the applicant's lot, along with the adjoining properties, will continue to erode affecting the applicant's

1st Draft

V/01/18-02/27/2018

February 27, 2018 – Zoning Board of Adjustment

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property and neighboring parcels. The applicant's proposed bulkhead would prevent erosion and storm damage to the applicant's property, which is 12 to 15 feet shallower than neighboring soundside properties with bulkheads already installed.

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: The applicant's property is a non-bulkheaded soundside lot that is surrounded by properties with bulkheads.
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 Board heard testimony indicating there might be a greater hardship because there is greater erosion and flooding to the applicant's property by its lack of a bulkhead and the wave action off of the neighboring property tiebacks, further not being his doing.
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: Testimony from the Town indicates that substantial justice would be achieved with the granting of a variance. Lack of a bulkhead is allowing a greater amount of storm debris on adjoining properties and the roadway; therefore, this bulkhead could enhance public safety of the neighbors and the entire neighborhood. The direct neighbors are experiencing physical damage to their own properties and exposing them, their guests, and family members to some degree of physical harm due to the erosion around the ends of their existing bulkheads.

Mr. Seidman moved to approve the variance request for 2010 Bay Drive, as submitted, based on the Findings of Fact. Mr. Self seconded the motion, which was approved by a unanimous, 5-0 vote.

1. Meeting Time

The Board discussed moving the current meeting time to earlier in the day, making it better for member and staff schedules. Mr. Self moved to amend the regular ZBOA meeting time for all future meetings to 5:00 p.m. Mr. Seidman seconded the motion, which was approved by a unanimous, 5-0 vote.

Adjournment

There being no further business before the Board of Adjustment at this time, Mr. Seidman moved to adjourn, which was seconded by Mr. Self and approved by a unanimous 5-0 vote. The meeting adjourned at 6:32 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, NORTH CAROLINA
OWNER AUTHORIZATION

I, William G. Via, authorize DAVID Via
(Owner) (Agent/ Contractor)

to act as my agent for Side Variance Request
(Description)

located at 2603 Bay Drive
(Address)

I understand and accept responsibility to comply with all regulations and required inspections.

I further understand and acknowledge that until a final inspection has been performed and approved and this project has received a Certificate of Occupancy/Completion (CO), no portion of this project is authorized for use or occupancy.

William G. Via
Signature of Owner

2/17/19
Date

David Via
Signature of Agent

2/17/19
Date

828 Onklette Ave Chesapeake, VA. 23325
Address

757-775-0194
Telephone # (s)

OWNER AUTHORIZATION IS REQUIRED AT INITIAL SUBMITTAL

Please check with you Insurance Agent prior to construction. Your project may affect your flood insurance rates!

Town of Kill Devil Hills, NC

**Required Attachments/Submittals for an
Application for a Variance**

Name of Applicant Requesting the Variance: David Via / William G. Via

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: Heleetha Gm Date: 2-6-19

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.*****

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: David M. Via 828 Oakliffe Avenue,
Chesapeake, VA 23325 Cell # 757-775-0194

Owner Name, Address, Contact Information: William G. Via 206 Granville Drive,
Newport News, VA, 23606 Cell 757-592-0656

Property Location/Address: 2603 Bay Drive

Parcel Number: Lot 3 Block 80 Virginia Dare Shores

PIN Number: 07987520808674

Area of Subject Property (acres or square feet): 8562 Square feet

Lot Width: 51.07' Lot Depth: 153.84'

Current Zoning Classification: Residential

Existing Land Use: Single family Home

Surrounding Land Use:

North Residential

South Residential

East Residential

West Kitty Hawk Bay (water)

Description of Use Requested: In purchasing the 3 lots across Bay Drive it increases
the lot size to an amount that would require a 10' set back on the
sides. Since the home is existing, it is impossible to accomplish this. These 3
lots are actually across the street (Bay Drive) and on the water. I would like
a variance to allow the purchase so I can build my parents a pier as it was
requested by my mother who is 80 years old.

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

I (we) David Via and William G. Via, 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:

Allow for us to purchase the 3 lots across the street and tie into the property at 2603 Bay Drive, Lot 3 Block 80, and allow the 8' side set-back that is currently in place. With adding the two parcels together, the ordinance requires a 10' side set back.

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

This will allow us to build a nice pier on the Bay as I have already hired an engineering firm that engaged the ^{Army} Corps of Engineers, The Town of KDH, Dare County Tax Mapping and Strong Surveying to make sure that the pier would be approved, based on the circumstances.

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.

Town of Kill Devil Hills, NC
Application for a Variance
Page 3

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:

I Am trying to build a pier that my parents have wanted for a long time. They are 80 and 82 years old and I want to do this before it gets too late. This home will also stay with the family going forward and it would be a shame to have a combined property set back stop this when they are separated.

Staff comment, as Statement(s) of Fact:

By combining the two UNbuildable lots west of the structure the total land area changes the setbacks for the property. However, NO improvements are proposed to the primary structure.

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

No-one on either side of the property will be affected as nothing changes on the home side of the street.

Staff comment, as Statement(s) of Fact:

There will be no net change to the property west of Bay Drive.

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

I have made supe with Quibb & Associates, The Army Corps of Engineers,
Camp, NC Division of Constal Management, Dare County and the Town of KDH
that all is good with building a pier, once the property is purchased.
All that is needed is a variance to allow me to purchase the lot and tie the

Staff comment, as Statement(s) of Fact: Properties together. We will make the area better
as it will be a beautiful addition.
In granting this variance there will be NO threat to public
safety and welfare.

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: _____

Date: _____

Jason Van

2/4/2019

1433



TOWN OF KILL DEVIL HILLS
PLANNING & INSPECTIONS DEPARTMENT

(252) 449-5318

NON-REFUNDABLE FEES

DATE: 2/5/19

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

AMOUNT: three hundred and 00/100

PAID

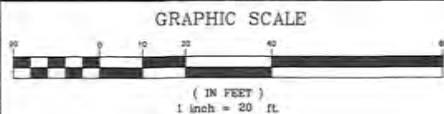
RECEIVED FROM: David via

FEB - 5 2019

DESCRIPTION: Variance Request - 2603 Bay Drive - Side
Setback variance request.

TOWN OF
KILL DEVIL HILLS

BY: Heath Goo



LINE TABLE:

L-1	N04°10'07"E	7.14'
L-2	N18°52'02"E	19.04'
L-3	N04°12'47"W	15.46'
L-4	N22°34'21"W	14.76'
L-5	N25°34'57"W	27.86'

LEGEND:

- ⊙ Ex. Rebar
- ⊙ Ex. OP
- ⊙ Ex. Pinched Pipe
- ⊙ Ex. CM
- Rebar Set Flush
- Inaccessible/Computed Point
- ⊙ Water Meter
- ⊙ Phone Ped.
- ▲ CATV
- ⊙ Small Transformer



EXEMPTION CERTIFICATE:

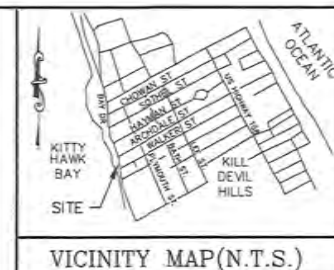
This plat is exempt from Planning Board Review pursuant to GS1604-376.

Date _____ Town Planner _____

REVIEW OFFICER:

State of North Carolina
County of Dare
I, _____ Review Officer of Dare County,
certify that the map or plat to which this certification is
affixed meets all statutory requirements for recording.

Date _____ Review Officer _____



CERTIFICATE OF OWNERSHIP & APPROVAL

We own Lot 3 & Lots 3-5 shown hereon and hereby approve this plan of recombination.

Date _____ Owner _____

Date _____ Owner _____

NOTARY CERTIFICATE

State of _____ County,
I, a Notary Public of the County and State aforesaid, certify that

before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this _____ day of _____, 20____.

Notary Public

My Commission expires _____.

SURVEYOR'S CERTIFICATE:

I, M. Douglas Styons Jr., certify that this plat was drawn under my supervision from an actual survey made under my supervision using the descriptions found in M.B. 1, PG. 188 & M.B. 2, PG. 131, that the boundaries not surveyed are clearly indicated as drawn from information found in M.B. 1, PG. 188 & M.B. 2, PG. 131; that the ratio of precision or positional accuracy as calculated is at least 1/10,000; that this plat was prepared in accordance with G.S. 47-39 as amended. I also certify to the following:

☒ d. That this plat is of a survey of another category such as the recombination of existing parcels, a court-ordered survey or other except to the definition of Subsection (b).

PRELIMINARY

Witness my original signature and seal this 10th day of December, 2018.

P.L.S. L-3227

Styons Surveying Services

2700 N. Croatan Hwy. Kill Devil Hills, NC, 27948 C-1697
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.

LOT 3R, A RECOMBINATION OF LOT 3, BLOCK 80, VIRGINIA DARE SHORES & LOTS 3-5, BLOCK 87, VIRGINIA DARE SHORES			
SCALE: 1" = 20'	SURVEYED FOR WILLIAM G. VIA and SYLVIA V. VIA		
FILE NO.: 00-347	ATLANTIC TOWNSHIP KILL DEVIL HILLS		
DWG NO.: 00347RC	DARE COUNTY NORTH CAROLINA		
FLOOD ZONE: SEE LINE	DATE: 12-07-18 REV. DATE:	REC. REF. SEE NOTES	SHEET: 1 OF 1
	PROJ. NO.: SEE NOTES	3720 9875 00 J	F.I.R.M. DATE: 9-30-08

LEGEND:

- ⊙ Ex. Rebar
- ⊙ Water Meter
- Phone Ped.
- ▲ CATV
- ⊙ Fire Hydrant
- Fence
- ⊙ Ex. OP
- ⊙ Ex. Pinched Pipe

NOTES:

Lot Area = 7,432 Sq. Ft.

Flood Zones are subject to change

Setbacks shown are as per the Subd. Plat and as per Zoning; they do not reflect any Restrictive Covenants that may exist.

This survey was based on the existing property corners found in conjunction with the recorded reference given.

(5) S20°45'00"E 50.00' (3A) P.E.-E, SL. 338

143.44'

S69°15'00"W

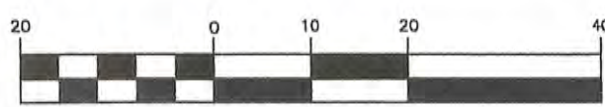
20% MBL

8' MBL

8' MBL

(2)

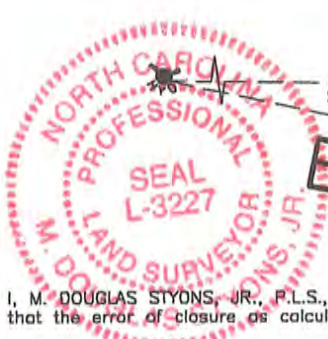
(4)



(IN FEET)
1 inch = 40 ft.

N69°15'00"E

153.84'



BAY DRIVE

I, M. DOUGLAS STYONS, JR., P.L.S., certify that this plat was drawn from an actual field land survey that the error of closure as calculated by latitudes and departures is at least 1:10,000;

Witness my hand and seal this 10th day of April A.D. 2001

[Signature]
P.L.S. L-3227

KITTY HAWK



ATLANTIC OCEAN



163.46'
1.12'
51.07'

N09°00'00" (TIE LINE ONLY)

(75' R/W)

LOT 3, BLOCK 80
VIRGINIA DARE SHORES

TOWN OF KILL DEVIL HILLS

PUBLIC HEARING

DATE: Tuesday February 26th 2019

TIME: 5:00 pm

LOCATION:

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

APPLICATION: William G. Via

2603 Bay Drive, Lot 3, Virginia Dare
Shores Subdivision - Variance from Chapter
153, Zoning, 153.121(B)(3) Setbacks

For more information about this application
contact the Planning and Inspections Dept.
at (252) 449-5318



TOWN OF BELL DEVIL HILLS
PUBLIC HEARING
DATE: _____
TIME: _____
LOCATION:
BELL DEVIL HILLS TOWN HALL
102 Town Hall Drive
Bell Devil Hills, NC
AGENDA:
1. Call to Order
2. Presentation by the Planning Board
3. Presentation by the Board of Commissioners
4. Public Comments
5. Meeting Adjourns

Parcel:

[Parcel Data](#)

[Tax Bill](#)

[Tax Certification](#)

[GIS](#)

[Quick Links](#)

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on February 01 2019

Primary (100%) Owner Information:

VIA, WILLIAM G EUX
VIA, SYLVIA V EUX
206 GRANDVILLE DR
NEWPORT NEWS VA 23606

Parcel Information:

Parcel: 000734003 PIN: 987520808674
District: 07- KILL DEVIL HILLS
Subdivision: VIRGINIA DARE SHORES
LotBlkSect: LOT: 3 BLK: 80 SEC:
Multiple Lots: -
PlatCabSlide: PL: 1 SL: 188 Units: 1
Deed Date: 05/19/2000
BkPg: [1329/0181](#)

Parcel Status: ACTIVE

Property Use: RESIDENTIAL



2603 BAY DR

BUILDING USE & FEATURES

Tax Year Bldg Value: \$179,600

Building Use:	BEACH CONTEMPORARY
Exterior Walls:	VINYL / ALUM
Full Baths:	3 Half Baths: 0
Bedrooms:	4
Heat-Fuel:	3 - ELECTRIC
Heat-Type:	2 - FORCED AIR
Air Conditioning:	4 -CENTRAL W/AC

Actual Year Built: 2001

**Finished sqft for building 1: 1744
Total Finished SqFt for all
bldgs:1744**

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: \$96,000**

Land Description : 07-Residential Subdivision

TOTAL LAND AREA: 7000 square feet

Tax Year Total Value: \$275,600

**Values shown are on file as of February 01 2019*

Parcel:

[Parcel Data](#)

[Tax Bill](#)

[Tax Certification](#)

[GIS](#)

[Quick Links](#)

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on February 01 2019

Primary (100%) Owner Information:

FLYTHE, MAGNUS T JR EUX

FLYTHE, NANCY S EUX

972 JORDAN MILL RD

SEABOARD NC 27876

Parcel Information:

Parcel: 000734004 PIN: 987520808589

District: 07- KILL DEVIL HILLS

Subdivision: VIRGINIA DARE SHORES

LotBlkSect: LOT: 4 BLK: 80 SEC:

Multiple Lots: -

PlatCabSlide: PL: 1 SL: 188 Units: 1

Deed Date: 10/13/2009

BkPg: [1815/56](#)

Parcel Status: ACTIVE

Property Use: RESIDENTIAL



2601 BAY DR

BUILDING USE & FEATURES

Tax Year Bldg Value: \$96,600

Building Use: BEACH BOX
Exterior Walls: MODERN FRAME
Full Baths: 1 Half Baths: 1
Bedrooms: 3
Heat-Fuel: 3 - ELECTRIC
Heat-Type: 2 - FORCED AIR
Air Conditioning: 4 -CENTRAL W/AC

Actual Year Built: 1974

**Finished sqft for building 1: 1248
Total Finished SqFt for all
bldgs:1248**

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: \$96,700**

Land Description : 07-Residential Subdivision

TOTAL LAND AREA: 7500 square feet

Tax Year Total Value: \$193,300

**Values shown are on file as of February 01 2019*



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

February 12, 2019

Magnus T. & Nancy S. Flythe
972 Jordan Mill Rd
Seaboard, NC 27876

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 2603 Bay Drive. You are receiving this notice as an adjacent property owner (2601 Bay Drive, Kill Devil Hills). The nature of the application is to seek relief from Chapter 153, *Zoning*, §153.121(B)(3) Setbacks.

The Board of Adjustment will hold a public hearing on this matter on Tuesday, February 26, 2019, at 5:00 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 or by email at donna@kdhnc.com.

Sincerely,

James Michael O'Dell
Administrative Specialist

Parcel:

[Parcel Data](#)

[Tax Bill](#)

[Tax Certification](#)

[GIS](#)

[Quick Links](#)

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on February 01 2019

Primary (100%) Owner Information:

TAFT, PATRICIA C TIC
CARTER, THOMAS P TIC
3558 SHORE DR APT 409
VIRGINIA BEACH VA 23455

Parcel Information:

Parcel: 026684000 PIN: 987520808658
District: 07- KILL DEVIL HILLS
Subdivision: VIRGINIA DARE SHORES
LotBlkSect: LOT: 2 BLK: 80 SEC:
Multiple Lots: -
PlatCabSlide: PL: 1 SL: 188 Units: 1
Deed Date: 08/13/2002
BkPg: [1445/0015](#)

Parcel Status: ACTIVE

Property Use: RESIDENTIAL

2605 BAY DR



BUILDING USE & FEATURES

Tax Year Bldg Value: \$108,700

Building Use: BEACH BOX
Exterior Walls: MODERN FRAME
Full Baths: 2 Half Baths: 0
Bedrooms: 3
Heat-Fuel: 3 - ELECTRIC
Heat-Type: 2 - FORCED AIR
Air Conditioning: 4 -CENTRAL W/AC

Actual Year Built: 1988

**Finished sqft for building 1: 1144
Total Finished SqFt for all
bldgs:1144**

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: \$96,000

Land Description : 07-Residential Subdivision

TOTAL LAND AREA: 7000 square feet

Tax Year Total Value: \$204,700

**Values shown are on file as of February 01 2019*

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on February 08 2019

Primary (100%) Owner Information:

TAFT, PATRICIA C TIC
CARTER, THOMAS P TIC
3558 SHORE DR APT 409
VIRGINIA BEACH VA 23455

Parcel Information:

Parcel: 026683000 PIN: 987520808733
District: 07- KILL DEVIL HILLS
Subdivision: VIRGINIA DARE SHORES
LotBlkSect: LOT: 1 BLK: 80 SEC:

Multiple Lots: -

PlatCabSlide: PL: 1 SL: 188 Units: 0

Deed Date: 03/02/2001

BkPg: [1362/0081](#)

Parcel Status: ACTIVE

Property Use: VACANT LAND (PRIVATE)

2607 BAY DR



BUILDING USE & FEATURES

Tax Year Bldg Value: \$0

Building Use:

Exterior Walls:

Full Baths:

Half Baths:

Bedrooms:

Heat-Fuel:

Heat-Type:

Air Conditioning:

Actual Year Built:

Finished sqft for building 1:

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

LAND USE

Tax Year Land Value: \$94,700

Land Description : 07-Residential Subdivision

TOTAL LAND AREA: 6000 square feet

Tax Year Total Value: \$94,700

*Values shown are on file as of February 08 2019

Parcel:

[Parcel Data](#)

[Tax Bill](#)

[Tax Certification](#)

[GIS](#)

[Quick Links](#)

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on February 01 2019

Primary (100%) Owner Information:

TAFT, PATRICIA C TIC
CARTER, THOMAS P TIC
3558 SHORE DR APT 409
VIRGINIA BEACH VA 23455

Parcel Information:

Parcel: 000753000 PIN: 987520807511
District: 07- KILL DEVIL HILLS
Subdivision: VIRGINIA DARE SH BLKS 85-90
LotBlkSect: LOT: 2 BLK: 87 SEC:
Multiple Lots: -
PlatCabSlide: PL: 2 SL: 131 Units: 0
Deed Date: 08/13/2002
BkPg: [1445/0015](#)



Parcel Status: ACTIVE

Property Use: VACANT LAND (PRIVATE)

0 BAY DR

BUILDING USE & FEATURES

Tax Year Bldg Value: \$0

Building Use:
Exterior Walls:
Full Baths:
Bedrooms:
Heat-Fuel:
Heat-Type:
Air Conditioning:

Half Baths:

Actual Year Built:

**Finished sqft for building 1:
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**

LAND USE **Tax Year Land Value: \$4,200**

Land Description : 07-Sound Front

TOTAL LAND AREA: 2000 square feet

Tax Year Total Value: \$4,200

**Values shown are on file as of February 01 2019*



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

February 12, 2019

Patricia C. Taft & Thomas P. Carter
3558 Shore Dr. Apt. 409
Virginia Beach, VA 23455

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 2603 Bay Drive. You are receiving this notice as an adjacent property owner (2605, 2607 Bay Drive and Vacant Lot #000753000). The nature of the application is to seek relief from Chapter 153, *Zoning*, §153.121(B)(3) Setbacks.

The Board of Adjustment will hold a public hearing on this matter on Tuesday, February 26, 2019, at 5:00 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 or by email at donna@kdhnc.com.

Sincerely,

James Michael O'Dell
Administrative Specialist

Parcel:

[Parcel Data](#)

[Tax Bill](#)

[Tax Certification](#)

[GIS](#)

[Quick Links](#)

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on February 01 2019

Primary (100%) Owner Information:

ADRIANI, GARY W EUX
ADRIANI, SUSAN V EUX
608 W WALKER ST
KILL DEVIL HILLS NC 27948

Parcel Information:

Parcel: 000737002 PIN: 987520809676
District: 07- KILL DEVIL HILLS
Subdivision: VIRGINIA DARE SHORES
LotBlkSect: LOT: 3A BLK: 80 SEC:
Multiple Lots: -
PlatCabSlide: PL: E SL: 338 Units: 1
Deed Date: 04/20/2007
BkPg: [1726/0460](#)

Parcel Status: ACTIVE

Property Use: RESIDENTIAL



608 W WALKER ST

BUILDING USE & FEATURES

Tax Year Bldg Value: \$283,700

Building Use: TRADITIONAL
Exterior Walls: VINYL / ALUM
Full Baths: 3 Half Baths: 1
Bedrooms: 3
Heat-Fuel: 3 - ELECTRIC
Heat-Type: 2 - FORCED AIR
Air Conditioning: 4 -CENTRAL W/AC

Actual Year Built: 2005

**Finished sqft for building 1: 2700
Total Finished SqFt for all
bldgs:2700**

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: \$2,400**

Misc Bldg a: (RS1) FRAME UTILITY SHED Year Built: 2011 sqft: 98
Misc Bldg b: (WD1) WOOD DECK OR RAMP Year Built: 2011 sqft: 25

LAND USE

Tax Year Land Value: \$78,900

Land Description : 07-Residential Subdivision

TOTAL LAND AREA: 6000 square feet

Tax Year Total Value: \$365,000

**Values shown are on file as of February 01 2019*



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

February 12, 2019

Gary W. & Susan V. Adriani
608 West Walker St.
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 2603 Bay Drive. You are receiving this notice as an adjacent property owner (608 West Walker St, Kill Devil Hills). The nature of the application is to seek relief from Chapter 153, *Zoning*, §153.121(B)(3) Setbacks.

The Board of Adjustment will hold a public hearing on this matter on Tuesday, February 26, 2019, at 5:00 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 or by email at donna@kdhnc.com.

Sincerely,

James Michael O'Dell
Administrative Specialist

Parcel:

[Parcel Data](#)

[Tax Bill](#)

[Tax Certification](#)

[GIS](#)

[Quick Links](#)

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on February 01 2019

Primary (100%) Owner Information:

MAURER, ERIC R EUX
MAURER, TENIA W EUX
605 W ARCHDALE ST
KILL DEVIL HILLS NC 27948

Parcel Information:

Parcel: 000735000 PIN: 987520809725
District: 07- KILL DEVIL HILLS
Subdivision: VIRGINIA DARE SHORES
LotBlkSect: LOT: 5-7 BLK: 80 SEC:
Multiple Lots: -
PlatCabSlide: PL: 1 SL: 188 Units: 1
Deed Date: 08/10/2011
BkPg: [1873/0281](#)

Parcel Status: ACTIVE

Property Use: RESIDENTIAL



605 W ARCHDALE ST

BUILDING USE & FEATURES

Tax Year Bldg Value: \$248,000

Building Use: TRADITIONAL
Exterior Walls: VINYL / ALUM
Full Baths: 3 Half Baths: 1
Bedrooms: 4
Heat-Fuel: 3 - ELECTRIC
Heat-Type: 2 - FORCED AIR
Air Conditioning: 4 -CENTRAL W/AC

Actual Year Built: 2007

**Finished sqft for building 1: 2464
Total Finished SqFt for all
bldgs:2464**

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: \$88,600**

Land Description : 07-Residential Subdivision

TOTAL LAND AREA: 7500 square feet

Tax Year Total Value: \$336,600

**Values shown are on file as of February 01 2019*

Parcel:

[Parcel Data](#)

[Tax Bill](#)

[Tax Certification](#)

[GIS](#)

[Quick Links](#)

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on February 01 2019

Primary (100%) Owner Information:

MAURER, ERIC R EUX
MAURER, TENIA EUX
605 W ARCHDALE ST
KILL DEVIL HILLS NC 27948

Parcel Information:

Parcel: 029614000 PIN: 987520806682
District: 07- KILL DEVIL HILLS
Subdivision: VIRGINIA DARE SH BLKS 85-90
LotBlkSect: LOT: 3-7 BLK: 87 SEC:
Multiple Lots: -
PlatCabSlide: PL: 2 SL: 131 Units: 0
Deed Date: 08/04/2017
BkPg: [2184/0739](#)



Parcel Status: ACTIVE

Property Use: VACANT LAND (PRIVATE)

0 BAY DR

BUILDING USE & FEATURES

Tax Year Bldg Value: \$0

Building Use:

Exterior Walls:

Full Baths:

Bedrooms:

Heat-Fuel:

Heat-Type:

Air Conditioning:

Actual Year Built:

Finished sqft for building 1:

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**

LAND USE

Tax Year Land Value: \$5,700

Land Description : 07-Sound Front

TOTAL LAND AREA: 7000 square feet

Tax Year Total Value: \$5,700

**Values shown are on file as of February 01 2019*

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on February 08 2019

Primary (100%) Owner Information:

MAURER, ERIC R EUX
MAURER, TENIA EUX
605 W ARCHDALE ST
KILL DEVIL HILLS NC 27948

Parcel Information:

Parcel: 029614001 PIN: 987520806669
District: 07- KILL DEVIL HILLS
Subdivision: VIRGINIA DARE SH BLKS 85-90
LotBlkSect: LOT: 8,9,10 BLK: 87 SEC:
Multiple Lots: -
PlatCabSlide: PL: 2 SL: 131 Units: 0
Deed Date: 08/25/2017
BkPg: [2188/0680](#)

**Parcel Status:** ACTIVE**Property Use:** VACANT LAND (PRIVATE)**0 BAY DR****BUILDING USE & FEATURES****Tax Year Bldg Value: \$0**

Building Use:

Exterior Walls:

Full Baths:

Half Baths:

Bedrooms:

Heat-Fuel:

Heat-Type:

Air Conditioning:

Actual Year Built:**Finished sqft for building 1:****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****LAND USE****Tax Year Land Value: \$5,400**

Land Description : 07-Sound Front

TOTAL LAND AREA: 6000 square feet**Tax Year Total Value: \$5,400****Values shown are on file as of February 08 2019*



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

February 12, 2019

Eric R. & Tenia W. Maurer
605 West Archdale St.
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 2603 Bay Drive. You are receiving this notice as an adjacent property owner (605 W. Archdale St. and Vacant Lots 029614000 & 029614001). The nature of the application is to seek relief from Chapter 153, *Zoning*, §153.121(B)(3) Setbacks.

The Board of Adjustment will hold a public hearing on this matter on Tuesday, February 26, 2019, at 5:00 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 or by email at donna@kdhnc.com.

Sincerely,

James Michael O'Dell
Administrative Specialist