

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

Name of Applicant Requesting the Variance: Raymond Pate

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:  Date: 6/28/2022

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.******

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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: Raymond Pate
P.O. Box 228, Point Harbor, NC 27964
rgpatepepls@gmail.com

Owner Name, Address, Contact Information: Same as above.

Property Location/Address: 1006 Alexander Lane, Kill Devil Hills, NC

Parcel Number: 002294076

PIN Number: 988409077408

Area of Subject Property (acres or square feet): 0.172 acres

Lot Width: approx. 45' (irregular lot) Lot Depth: approx. 135' (irregular lot)

Current Zoning Classification: RL

Existing Land Use: Undeveloped, proposed for development with single-family dwelling

Surrounding Land Use:

North Pedestrian Easement South Public Street

East Single-family & undeveloped West Single-family

Description of Use Requested: The Applicant proposes to use the Subject Property for single-family dwelling. The proposed variance seeks a reduction from the 30' rear yard setback requirement.

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I (we) Raymond Pate, 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:

Section 153.121(C) of the Zoning Ordinance.

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

The proposed variance will allow the Subject Property to be more efficiently and appropriately
developed with a single-family dwelling use, which is a permitted "by right" use within the Town's
RL district.

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.

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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:

See attached Memorandum and supporting documents.

Staff comment, as Statement(s) of Fact:

See Staff Comments attached

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

See attached Memorandum and supporting documents.

Staff comment, as Statement(s) of Fact:

See Staff comments attached

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

See attached Memorandum and supporting documents.

Staff comment, as Statement(s) of Fact:

See Staff Comments attached

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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: 6/27/22 _____

STAFF COMMENTS – PATE APPLICATION

- 1) Other lots with these same dimensions have been developed with single family dwellings within the required setback requirements. Because this lot and the other ones surrounding it are located on the cul-de-sacs, they are an irregular shaped. Not all of them are the same shape or dimensions so the setbacks are determined differently for some of them. The rear yard setback for all lots within RL is 20% of the total depth of the lot, not to exceed 30'. Several irregular lots within Wright Shores have two rear lot lines that are measured at 20% of the depth of the lot, not to exceed 30'. On this specific lot the setbacks would be 30' on the east lot line and 23' on the north lot line. There is not unnecessary hardship as development of the lot as a single family dwelling has not been prohibited.
- 2) This is an irregular shaped lot because it is located on a cul-de-sac. The property setbacks are enforced identically to the same setback calculations as the other similar shaped lots within this subdivision. Therefore to change the regulations for this particular lot would not be in harmony with the adjacent developed property meeting the 20% depth rear lot setbacks.
- 3) Public safety and welfare will not be affected by granting this variance. Substantial justice will not be served because other property owners with similar lots have built to meet setback requirements. There are still vacant lots with these same dimensions that setbacks will be enforced uniformly. Enforcement of setbacks on this property as written will not prohibit development of a single family dwelling.

MEMORANDUM

To: Town of Kill Devil Hills Board of Adjustment

From: Kevin R. Hornik, The Brough Law Firm, PLLC
on behalf of Mr. Raymond Pate

Date: [INSERT DATE]

Re: 1006 Alexander Drive – Variance Application

To Whom It May Concern,

This Memorandum is submitted to you on behalf of Mr. Raymond Pate (the “Applicant”), owner of certain real property located at 1006 Alexander Drive, Kill Devil Hills, North Carolina (the “Subject Property”). The Applicant petitions the Town of Kill Devil Hills Board of Adjustment for a variance reducing the Town’s 30’ rear yard setback, imposed pursuant to Section 153.121 of the Town’s Zoning Ordinance, to an 8’ setback.

Factual Background

The Applicant acquired the Subject Property on January 13, 2022, pursuant to a North Carolina General Warranty Deed recorded in Dare County Registry Book 2583 at Page 22 on January 18, 2022.¹ As a result, the Applicant meets the requirements to initiate a variance petition under Section 153.323(A)(1) of the Zoning Ordinance.

For the purposes of this Memorandum, the Subject Property’s various lot lines shall be described as follows:



¹ See, Dare County Registry Book 2583, Page 22; (Attachment ____).

The Subject Property is 0.172 acres, or approximately 7,492 square feet, in area and is identified as Lot 76 of the Wright's Shores subdivision.² The North Lot Line borders on a Pedestrian Access Easement created as part of the Wright's Shores subdivision³, which is owned by Midtown Development Corporation. The Pedestrian Access Easement is of variable width, but averages approximately 30' in width.⁴ To the north of the Pedestrian Access Easement are single family residential uses. The East and West Lot Lines border lots developed and used as single-family dwellings. The South Lot Line borders an undeveloped lot, which is zoned Low Density Residential (RL).

Pursuant to N.C. Gen. Stat. § 136-96, the Pedestrian Access Easement likely qualifies as abandoned.⁵ Further, based on its shape and dimensions, the Pedestrian Access Easement is unsuitable for development with permanent structures. As a result, the Pedestrian Access Easement is likely to remain either vacant and unused or used for a low impact recreational purpose or as open space.

Section 153.121(C) of the Zoning Ordinance imposes a 30' rear yard setback. The 30' rear yard setback limits the building envelope on the Subject Property to 2,642 square feet of buildable area.⁶ Section 153.121(A) of the Zoning Ordinance imposes an 8' side yard setback on lots with an area of more than 5,000 square feet but not more than 7,500 square feet. The Subject Property falls into that category based on total lot area.

Description of the Proposed Variance

The Applicant proposes to reduce the rear yard setback from 30' to 8', as illustrated below:



See, Attachment 5.

² See, Subdivision of Wright's Shores; (Attachment 1).

³ See, Attachment 1 & Dare County GIS Data – Location of Pedestrian Access Easement (Attachment 2).

⁴ See, Dare County GIS Data – Pedestrian Access Easement Width; (Attachment 3).

⁵ See, N.C. Gen. Stat. § 136-96; (Attachment 4).

⁶ See, Surveys for Raymond Glenn Pate; (Attachment 5).

Argument

N.C. Gen. Stat. § 160D-705(d) describes the legal standard or criteria that an applicant must meet in order to be entitled to a variance. The statute imposes a “presumption of entitlement,” meaning that an applicant who presents uncontested competent, material, and substantial evidence to the decision-making board is entitled to approval of the requested variance. The statute reads as follows:

When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment *shall* vary any of the provisions of the zoning regulation *upon a showing of all of the following*:

(1) *Unnecessary hardship would result from the strict application of the regulation.* It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) *The hardship results from conditions that are peculiar to the property*, such as location, size, or topography. 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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

(3) *The hardship did not result from actions taken by the applicant or the property owner.* The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.

(4) *The requested variance is consistent with the spirit, purpose, and intent of the regulation*, such that public safety is secured and substantial justice is achieved.

See, N.C. Gen. Stat. § 160D-705(d) (emphasis added).⁷

Section 153.323(A)(2) of the Zoning Ordinance imposes nearly identical standards or criteria for approval of a variance. The following sections will address each of the approval criteria.

1. Unnecessary hardship would result from the strict application of the regulation.

North Carolina law provides little guidance in defining the term “unnecessary hardship.” Pursuant to a Coates’ Canons blog post, authored by Professor Adam Lovelady of the UNC School

⁷ See, Attachment 6.

of Government, entitled Variance Standards: What is hardship? And when is it unnecessary?⁸, “[t]he hardship must be more than mere inconvenience or a preference for a more lenient standard.”

Other states’ courts have discussed the definition of the term, or the process for making the determination, in greater detail. The Pennsylvania Supreme Court has stated that “[n]umerous factors should be considered when evaluating whether an applicant for a dimensional variance established unnecessary hardship; the factors include economic detriment to the applicant if the variance was denied, the financial hardship created by any work necessary to bring a building into strict compliance with zoning requirements, and the characteristics of the surrounding neighborhood.”⁹ Likewise, the Supreme Court of Wisconsin has weighed in, stating that “the standard for determining whether to grant an area variance under the unnecessary hardship standard is whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.”¹⁰

Ultimately, it is clear that the cornerstone of any definition or method of determining what constitutes an “unnecessary hardship” is a careful consideration of whether the dimensional standards imposed by a strict application of the applicable ordinance would unreasonably burdensome to use the property in an otherwise lawful manner.

In the present case, the Applicant proposes to construct a single-family dwelling on the Subject Property. That use is permitted “by right,” pursuant to Section 153.116(A) of the Zoning Ordinance. As a result of the “by right” designation of the single-family dwelling use category within the Low Density Residential Zone (RL), it is clear that the Town Board of Commissioners have determined that single-family dwelling uses are one of the “most appropriate” uses in the district.

Based upon the Applicant’s discussions with Town Planning Staff, the Applicant understands that the Zoning Ordinance imposes a 30’ rear yard setback from both the North and East Lot Lines. The irregular shape of the Subject Property, combined with the imposition of two 30’ rear yard setbacks, result in a building envelope of 2,642 square feet of buildable area. The imposition of two 30’ rear yard setbacks create an unnecessary hardship with respect to the development and use of the Subject Property as a single-family dwelling, which is an otherwise lawful use within the RL district.

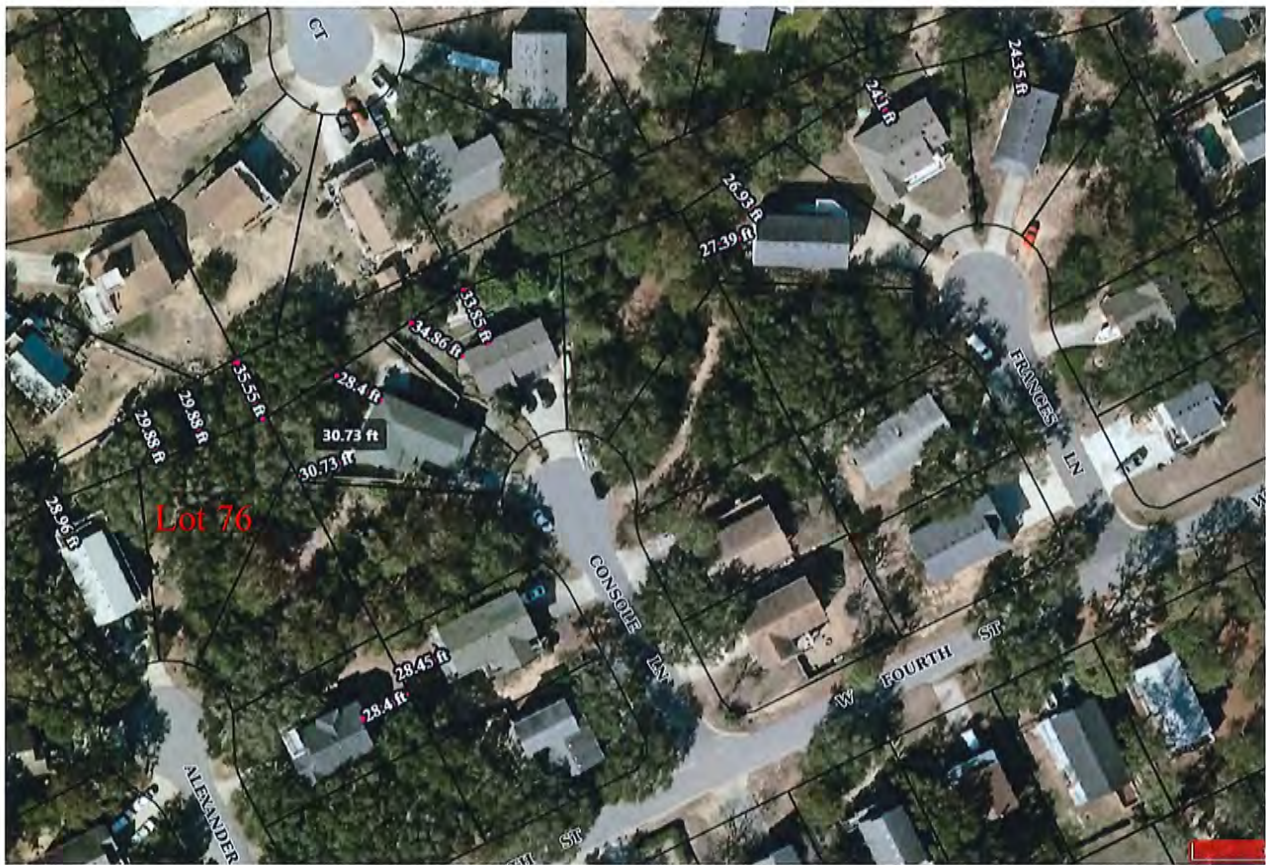
Moreover, as illustrated on the Dare County GIS Image below, the imposition of two 30’ rear yard setbacks would be inconsistent with the existing development pattern within the Wright’s Shores subdivision. Of the six single-family dwellings constructed on similarly shaped and sized lots located on Alexander Lane, Console Lane, and Frances Lane, all six appear to violate the Zoning Ordinance’s 30’ rear yard setback requirement. Thus, to impose a limitation on the Subject Property that is not uniformly imposed on other similar structures on similar lots would create an

⁸ See, Attachment 7.

⁹ See, *Hertzberg v. Zoning Bd. of Adjustment of City of Pittsburgh*, 554 Pa. 249, 721 A.2d 43 (1998).

¹⁰ See, *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23, 269 Wis. 2d 549, 676 N.W.2d 401 (2004)

unnecessary hardship on the Applicant and the Applicant's otherwise lawful use of the Subject Property.¹¹



2. The hardship results from conditions that are peculiar to the property.

In the present case, the hardship described above is the result of the irregular or peculiar shape of Lot 76. The Subject Property presents an angular backyard area, as a result of the intersection of the North and East Lot Lines. These lot lines are not the result of action taken by the Applicant. Rather, they are the result of the original platting of the Wright's Shores subdivision.

While it may be argued that the irregular dimensional characteristics of the Subject Property that give rise to this petition are common among other lots within the Wright's Shores subdivision, as described above it is clear that other lots were not subject to this same setback requirement. Therefore, the imposition of two 30' rear yard setbacks on the Subject Property—without imposing similar restrictions on others—is a condition peculiar to the Subject Property that is not common to other lots within the neighborhood.

3. The hardship did not result from actions taken by the applicant or the property owner.

¹¹ See, Dare County GIS Data – Rear Yard Setbacks within Wright's Shores; (Attachment 8).

As described above, the hardship is not the result of action taken by the Applicant. The hardship is the result of the irregular or peculiar shape of the Subject Property.

4. The requested variance is consistent with the spirit, purpose, and intent of the regulation.

Pursuant to Section 153.115(A) of the Zoning Ordinance, the Low Density Residential District “is established as an area in which the principle use of the land is for single-family residences and is intended to preserve and enhance low-to-medium density neighborhoods.” Single-family dwellings are permitted “by right” within the RL district.

Moreover, Section 153.001 of the Zoning Ordinance states that the purpose of the Zoning Ordinance is to “conserve[e] the value of buildings and encourage[e] the most appropriate use of land throughout the town.” As discussed above, the Town Board of Commissioners has determined that single-family dwelling uses are the “most appropriate use” within the RL district by establishing that the “principle use of the land [within the RL district] is for single-family residences.”

The requested variance is intended to facilitate the development of a single-family dwelling on the Subject Property. As such, the proposed variance is consistent with the stated purpose and intent of the Zoning Ordinance, to “encourage[e] the most appropriate use of land throughout the town.”

Without the variance, the Subject Property could only be developed with a much smaller structure—if at all. As a result, the Subject Property would be much less valuable and may have a negative impact on the value of adjoining or nearby properties—many of which have already been developed with single-family dwellings.¹² Thus, the proposed variance is consistent with the stated purpose and intent of the Zoning Ordinance, to “conserve[e] the value of buildings.”

Finally, the proposed variance would allow the Subject Property to be developed in a manner that is consistent with the development pattern in the neighborhood. As a result, substantial justice would be achieved.

5. Additional standards noted on Variance Application Form.

In addition to the four variance review and approval criteria outlined in the Zoning Ordinance and under N.C. Gen. Stat. § 160D-705(d), the Town’s Variance Application Form lists three similar—though, distinct—review criteria. Those are:

1. That there are unnecessary hardships in the manner of carrying out the strict letter of the ordinance.
2. That the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit.
3. That in granting the variance, the public safety and welfare have been assured and substantial justice has been done.

¹² See, Relative Size of Homes May Affect Overall Property Values: The Appraisal Journal; (Attachment 9).

The Applicant objects to the imposition of these standards, to the extent that they are inconsistent with the variance standards imposed by the Town's Zoning Ordinance and N.C. Gen. Stat. § 160D-705(d).

Notwithstanding the foregoing, the arguments discussed above demonstrate that the three standards stated in the Variance Application Form have also been met.

- a. That there are unnecessary hardships in the manner of carrying out the strict letter of the ordinance.

As discussed in Section 1, above, Town Staff have advised the Applicant that strict enforcement of the Zoning Ordinance would require the imposition of a 30' rear yard setback from both the North and East Lot Lines. As a result, the buildable area of the Subject Property is dramatically reduced, which unreasonably burdens the otherwise lawful use of the subject property for development with a single-family dwelling.

- b. That the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit.

It is a commonly accepted truth that the purpose of building setbacks is to protect structures on adjacent properties from each other—i.e., to prevent one property owner from constructing a building or structure along the common property line.

In the present case, the neighboring property across the North Lot Line is an abandoned Pedestrian Access Easement. As discussed above, the Pedestrian Access Easement lot is irregularly shaped and is likely undevelopable and unusable for any purpose other than a pedestrian walking path. As a result, there is little reason why a 30' setback is necessary to protect the Pedestrian Access Easement from the construction of a single-family dwelling on the Subject Property.

Moreover, as discussed above, at least six other single-family dwellings have been constructed within the Wright's Shores subdivision on similarly sized and shaped lots, and all of them have been permitted to encroach into one or more of the 30' rear yard setbacks that Town Staff have interpreted the Zoning Ordinance to implement.

Finally, as discussed above, Section 153.115(A) of the Zoning Ordinance notes that the Low Density Residential District "is established as an area in which the principle use of the land is for single-family residences and is intended to preserve and enhance low-to-medium density neighborhoods." Single-family dwellings are permitted "by right" within the RL district. Section 153.001 of the Zoning Ordinance states that the purpose of the Zoning Ordinance is to "conserve[e] the value of buildings and encourage[e] the most appropriate use of land throughout the town." As a result, it is clear that the Town Board of Commissioners intended single-family dwelling uses as the "most appropriate use of land" within the RL district.

The requested variance is intended to facilitate the development of a single-family dwelling on the Subject Property. As such, the proposed variance is consistent with the stated purpose and

intent of the Zoning Ordinance, to “encourage[e] the most appropriate use of land throughout the town.”

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

The public safety and welfare will not be impacted by the proposed variance. However, granting the proposed variance would ensure that substantial justice is done.

As discussed above, many nearby properties have been developed in a manner that is inconsistent with Town Staff’s apparent interpretation of the 30’ rear yard setback requirements. At least six lots within the Wright’s Shores subdivision have been developed with single-family dwellings which encroach within 30’ of each of the rear lot lines.

Granting the proposed variance would ensure that the Applicant and Subject Property are treated similarly to other neighboring and nearby properties that are used for the same use and which are subject to similar irregular lot shapes and dimension. As a result, substantial justice would be done by granting the proposed variance.

Conclusion

Based on the facts and arguments presented in this Memorandum, it is clear that the Applicant has presented competent, material, and substantial evidence in the record to make a *prima facie* showing of entitlement to a variance under the approval standards outlined in Section 153.323 of the Town’s Zoning Ordinance and under N.C. Gen. Stat. § 160D-705(d).

§ 136-96. Road or street not used within 15 years after dedication deemed abandoned; declaration of withdrawal recorded; joint tenants or tenants in common; defunct corporations.

(a) Every strip, piece, or parcel of land that has been at any time dedicated to public use as a road, highway, street, avenue, or for any other purpose whatsoever, by a deed, grant, map, plat, or other means, and that has not been actually opened and used by the public within 15 years after its dedication is conclusively presumed to have been abandoned by the public for the purposes for which it was dedicated; and no person shall have any right or cause of action thereafter to enforce any public or private easement in the land.

(b) Notwithstanding subsection (a) of this section, no abandonment of any public or private right or easement shall be presumed until the dedicator or a person claiming under the dedicator files or causes to be recorded in the register's office of the county where the land lies a declaration withdrawing the strip, piece, or parcel of land from the public or private use to which it was dedicated.

(c) When the fee simple title is vested in tenants in common or joint tenants of any land embraced within the boundaries of a road, highway, street, avenue, or other land dedicated for any public purpose whatsoever, as described in this section, any one or more of the cotenants, on the cotenant's behalf and on behalf of the other cotenants, may execute and cause to be registered in the office of the register of deeds of the county where the land is situated the declaration of withdrawal provided for in this section. Under Chapter 46A (Partition) of the General Statutes and Article 29A (Judicial Sales) of Chapter 1 of the General Statutes, and on petition of any one or more of the cotenants, the land thereafter may be partitioned by sale only as between or among the cotenants, irrespective of who may be in actual possession of the land. In the partition proceeding, any cotenant may object to the withdrawal certificate and the court shall thereupon order the certificate cancelled of record.

(d) When any corporation has dedicated any strip, piece, or parcel of land in the manner set out in this section, and the dedicating corporation is no longer in existence, the corporation is conclusively presumed to have no further right, title, or interest in the land, regardless of the provisions of conveyances from the corporation, or those holding under the corporation, retaining title and interest in the land. The right, title, and interest in the land is conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to it, subject to the provisions of this section.

(e) This section does not apply in any of the following circumstances:

- (1) When the continued use of any strip of land dedicated for street or highway purposes is necessary to afford convenient ingress or egress to any lot or parcel of land sold and conveyed by the dedicator of the street or highway.
- (2) When the public dedication is part of a future street shown on the street plan adopted pursuant to G.S. 136-66.2. Upon request, a city shall adopt a resolution indicating that the dedication described in the proposed declaration of withdrawal is or is not part of the street plan adopted under G.S. 136-66.2. This resolution shall be attached to the declaration of withdrawal and shall be registered in the office of the register of deeds of the county where the land is situated. (1921, c. 174; C.S., ss. 3846(rr), 3846(ss), 3846(tt); 1939, c. 406; 1953, c. 1091; 1957, c. 517; 1987, c. 428, s. 1; 2020-23, s. 16.)

§ 160D-705. Quasi-judicial zoning decisions.

(a) Provisions of Ordinance. – The zoning or unified development ordinance may provide that the board of adjustment, planning board, or governing board hear and decide quasi-judicial zoning decisions. The board shall follow quasi-judicial procedures as specified in G.S. 160D-406 when making any quasi-judicial decision.

(b) Appeals. – Except as otherwise provided by this Chapter, the board of adjustment shall hear and decide appeals from administrative decisions regarding administration and enforcement of the zoning regulation or unified development ordinance and may hear appeals arising out of any other ordinance that regulates land use or development. The provisions of G.S. 160D-405 and G.S. 160D-406 are applicable to these appeals.

(c) Special Use Permits. – The regulations may provide that the board of adjustment, planning board, or governing board hear and decide special use permits in accordance with principles, conditions, safeguards, and procedures specified in the regulations. Reasonable and appropriate conditions and safeguards may be imposed upon these permits. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities. Conditions and safeguards imposed under this subsection shall not include requirements for which the local government does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local government, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land.

The regulations may provide that defined minor modifications to special use permits that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification or revocation of a special use permit shall follow the same process for approval as is applicable to the approval of a special use permit. If multiple parcels of land are subject to a special use permit, the owners of individual parcels may apply for permit modification so long as the modification would not result in other properties failing to meet the terms of the special use permit or regulations. Any modifications approved apply only to those properties whose owners apply for the modification. The regulation may require that special use permits be recorded with the register of deeds.

(d) Variances. – When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. 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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

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 development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 17, 50(b), 51(a), (b), (d).)

BEGINNING at a point in the right of way of Alexander Lane of Wright's Shore subdivision, section 2, lying in Kill Devil Hills, NC between Lots 75 & 76 as recorded on map or plat Book 6, Page 32 of the Public Registry of Dare County, North Carolina. Running N 08 degree(d) 22 minutes(m) 08 seconds(s)W 106.70 feet(') to a point in the line of an "Easement Dedicated for Pedestrian Access". Running thence along said line N66(d) 47(m) 48(s)E 80.11' to a point in said line to a common corner with Lot 83 of said subdivision. Running thence with the line of Lot 83/76 S29(d) 27(m) 07(s)E 30.93' to a point in said line of Lot 83. Running thence in a common line with Lot 77 S23(d) 20(m) 15(s)W 132.09' to a point in the right of way of the arc of the cul de sac of Alexander Lane. Running with the arc of said cul de sac 22.30' to the point and place of beginning. Said cul sac radius being 40' with a cord distance of 21.99'. This being all of Lot 76 with an area of 0.172 acres more or less. Description provided from an actual field survey performed by Raymond G. Pate, PE, PLS the 5th day of May 2022.

Relative Size of Homes May Affect Overall Property Values: The Appraisal Journal

CHICAGO (Feb. 28, 2013) – The size of a property relative to the average sized property in its neighborhood may affect its sale price, according to an article published this week in The Appraisal Journal.

The Appraisal Journal is the quarterly technical and academic publication of the Appraisal Institute, the nation's largest professional association of real estate appraisers. The materials presented in the publication represent the opinions and views of the authors and not necessarily those of the Appraisal Institute.

"The Impact of Relative Size on Home Values," by Paul K. Asabere, Ph.D., and Forrest E. Huffman, Ph.D., examines the impact on pricing of the relative size of houses. Relative size impact refers to the effect on home values of house size relative to the average size of properties in the same neighborhood. Unlike absolute size, which is a property characteristic, relative size is a type of neighborhood effect.

In the study, the authors expand on previous research by developing new measures of the effect of relative house size and the pricing effects of relative size. The research uses standard regression analysis and a database of 5,996 home sales in 412 subdivisions in the San Antonio area over a one-year period from April 2001 through March 2002.

The study shows that larger houses sell at discounts while smaller houses carry premiums relative to the average house size within the same neighborhood. Houses that were larger relative to the average-sized homes in the neighborhood sold at an 11 percent discount while the homes that were smaller relative to the average home sold at a 4.7 percent premium.

However, the authors emphasize that there has been very little analysis of the potential effects of relative size. The appraisal profession has not developed any specific definitional or procedural guidelines for the concept. The investigation into the potential effect of relative size begins with a discussion of the underlying buyer motivations that might drive these effects.

Asabere is professor of finance at Temple University. He has published extensively in all the top journals in real estate and urban economics, including The Appraisal Journal, Journal of Real Estate Research, Journal of Real Estate Finance and Economics, Land Economics, Regional Science, Urban Economics, Urban Studies, and Real Estate Economics. He is currently on the editorial boards of the Journal of Real Estate Research and Journal of Real Estate Finance and Economics.

Huffman received his Ph.D. in real estate from the University of South Carolina in 1985. He is currently a professor of real estate and finance at Temple University in Philadelphia. He has published in numerous academic and professional journals and is a past contributor to The Appraisal Journal. In addition to valuation and hedonic modeling, his current interests include the impacts of historical preservation and the value impacts associated with fracking.

Read "[The Impact of Relative Size on Home Values](#)" in the Winter 2013 issue of The Appraisal Journal.

Also in The Appraisal Journal's Winter 2013 Issue:

"The Price Effects of HVTLs on Abutting Homes," by Steven C. Bottemiller, MAI, and Marvin L. Wolverton, Ph.D., MAI, reports on study of how power lines affect sale prices of homes in Portland, Ore., and Seattle.

"The Power of Energy: Effects of a Nuclear Power Station on Land Sale Prices," by Lori Dickes, Ph.D., David Wyman, Ph.D., and Steve Spring looks at how proximity to a nuclear plant impacts the sale prices of lakefront lots on a reservoir constructed for the generation of nuclear power in South Carolina.

"An Introduction to Market Components and Interactions," by David A. Braun, MAI, SRA, presents an introduction to market behavior in a unique perspective that discusses the market pricing mechanism in four main components to help appraisers better understand the mechanical operation of a market and develop the basic skill sets upon which market analyses are based.

###

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<https://canons.sog.unc.edu/2014/05/variance-standards-what-is-hardship-and-when-is-it-unnecessary/>



Coates' Canons NC Local Government Law

Variance Standards: What is hardship? And when is it unnecessary?

Published: 05/27/14

Author Name: Adam Lovelady

Generally, development regulations like zoning and subdivision standards apply equally to all properties. But sometimes a particular property is unfairly burdened by the general rules, creating an unnecessary hardship for the owner. The general statutes authorize the local board of adjustment to grant a variance from the rules in those limited circumstances. But what is an unnecessary hardship? Recent amendments to the state statute clarify what can (and what can't) qualify as unnecessary hardship. This blog explores those new standards.

General Statute section 160A-388(d) sets forth the standards for granting a zoning variance (The standards also may be applied to subdivision and other development regulation). These mandatory standards apply to zoning variances for all counties and municipalities in the state, and the new standards override any contrary ordinance provisions that may have been in place prior to 2013. For a summary of the other changes to the board of adjustment statute, see this [blog](#) from my colleague David Owens.

Under the new statute a board of adjustment *shall* vary the provisions of the zoning ordinance if strict application of the ordinance would create unnecessary hardship. In order to obtain the variance, the applicant must show all of the following:

- Unnecessary hardship would result from the strict application of the ordinance
- The hardship results from conditions that are peculiar to the property
- The hardship is not a self-created hardship

Additionally, the applicant must show that the variance will

<https://canons.sog.unc.edu/2014/05/variance-standards-what-is-hardship-and-when-is-it-unnecessary/>

- Be consistent with the intent of the ordinance
- Secure public safety
- Achieve substantial justice

Finally, the statute prohibits any use variance.

To be sure, a variance is not a free pass from regulations or a tool to subvert the zoning ordinances. In order to obtain a variance, the applicant bears the burden of providing competent, substantial and relevant evidence to convince the decision-making board that the property meets all of the statutory standards for a variance. Merely showing some hardship is insufficient.

Let's consider each of the standards in more detail.

Unnecessary Hardship from Strict Application

Whenever there is regulation, there is some level of necessary hardship and inconvenience shared by all of the community. An applicant for a variance must show *unnecessary* hardship. What is enough hardship? Unfortunately, there is no simple formula. It is determined on a case-by-case basis. That is why the board of adjustment holds a quasi-judicial hearing and considers the evidence presented.

The hardship must be more than mere inconvenience or a preference for a more lenient standard. Cost of compliance may be a factor, but cost is not determinative. It is not enough for an applicant to say that development will cost more in order to comply. The applicant must show the substantial and undue nature of that additional cost as compared to others subject to the same restriction.

Under the old statutes, many jurisdictions applied a standard that the applicant must show that there is no reasonable use of the property without a variance. Under current statutes, that stringent standard is no longer allowed. A property owner can prove unnecessary hardship, even if the owner has some reasonable use of the property without the variance.

Peculiar to the Property

The unnecessary hardship must be peculiar to the property, not general to the neighborhood or community. Such peculiar characteristics might arise, for example, from location of the property, size or shape of the lot, or topography or water features on the site.

Imagine a lot that narrows dramatically toward the front yard and where the side yard setbacks prohibit the property owner from building an addition. The hardship (not being allowed to build an addition) flows from the strict application of the ordinance (the setback) and is peculiar to the property (because of the shape of the lot). A variance may be appropriate if the owner presents evidence to show she meets all of the standards.

<https://canons.sog.unc.edu/2014/05/variance-standards-what-is-hardship-and-when-is-it-unnecessary/>

By contrast, a variance is not the appropriate remedy for a condition or hardship that is shared by the neighborhood or the community as a whole. Consider that same narrowing lot. If all of the houses on the street shared that hardship, a variance would not be appropriate. Such conditions should be addressed through an ordinance amendment.

Hardships that result from personal circumstances may not be the basis for granting a variance. The board is looking at the nature of the property and the land use ordinances, not the nature of the applicant and their circumstances. Bringing an elderly parent to live with the family, for example, is a change in personal circumstance, not a condition peculiar to the property.

The reverse is also true. An applicant's personal circumstances cannot be the basis for denying a variance. The board should consider the property, not the applicant's bank account and ability to cover the cost of the hardship. Moreover, the fact that the applicant owns property nearby is irrelevant to the consideration of whether this particular property deserves a variance (*Williams v. N.C. Dept. of Env. & Nat. Resources*, 144 N.C. App 479, 548 S.E. 2d 793 (2001))

Not Self-Created Hardship

You can't shoot yourself in the foot and then ask for a variance. The hardship must not result from actions taken by the applicant or property owner.

So what is self-created? Suppose a property owner sells part of a conforming lot and makes the remainder of the lot nonconforming. The hardship (limitations on the non-conforming lot) was self-created (by the owner selling the sliver off the parcel. The owner may not seek a variance for building on the substandard lot. Similarly, where an owner failed to seek zoning and building permits and then incorrectly placed foundation footings in the setback, the hardship is self-created. No variance is allowed. Ignorance of the law is no excuse.

What if the owner relied in good faith on seemingly valid surveys and obtained building permits? After construction began, a neighbor objected, citing a new survey and arguing that the foundation wall is within the setback. Is the owner's hardship self-imposed? Our North Carolina courts have held that hardships resulting from such good faith reliance on surveys and permits are eligible for a variance (*Turik v. Town of Surf City*, 182 N.C. App. 427, 642 S.E.2d 251 (2007)).

An important statutory provision applies here: "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." For example, if the original owner had a legitimate case for a variance, someone buying the lot from that owner would have the same legal position as the original owner. They could seek a variance. This rule aligns with the broader zoning concept that land-use permissions run with the land,

<https://canons.sog.unc.edu/2014/05/variance-standards-what-is-hardship-and-when-is-it-unnecessary/>

and land-use decisions are based on the property and impacts of development, not based on the particular owner. Is this a loophole for an unscrupulous owner to overcome the limit on variances for self-created hardship by selling the property to a spouse or sham LLC? Maybe, but the requirement for substantial justice (discussed below) probably protects from someone gaming the system.

Restrictive covenants and other legal limitations *may* be a factor in determining hardship. Consider a property that has limited development ability due to a privately-imposed covenant for a street setback and a publicly-imposed stream setback. Can the owner seek a variance from the public stream setback? The NC Court of Appeals—interpreting a specific local ordinance—found that the board should consider physical *and* legal conditions of the property, including restrictive covenants (*Chapel Hill Title & Abstract Co., Inc. v. Town of Chapel Hill*, 362 N.C. 649, 669 S.E.2d 286 (2008)).

Let me emphasize that covenants and other legal limitations *may* be a factor. In that case, the decision was based on the local ordinance, and the decision pre-dated the statutory variance standards. A self-imposed legal limitation—like an easement across a property that limits buildable area—that was created after a zoning ordinance limitation became effective, could be viewed as a self-imposed hardship so that no variance should be granted.

Ordinance Purpose, Public Safety, and Substantial Justice

In addition to those standards for “unnecessary hardship,” the statutory standard for granting a variance requires the applicant to show that “[t]he requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.”

Where an ordinance expresses a clear intent, a variance cannot subvert that intent. But, alternatively, a variance may help to give effect to the ordinance intent. In one North Carolina case, an applicant was seeking a variance to allow an additional sign at a secondary entrance. Among other things, the ordinance purpose was to provide “adequate and effective signage,” “prevent driver confusion,” and “allow for flexibility to meet individual needs for business identification.” The purpose, the court found, called for the flexibility that the applicant sought, and the variance was allowed. (*Premier Plastic Surgery Ctr., PLLC v. Bd. of Adjustment for Town of Matthews*, 213 N.C. App. 364, 369, 713 S.E.2d 511, 515 (2011)).

The applicant also must show that the variance does not harm public safety. Even if an applicant met the standard for unnecessary hardship, a variance may be denied for public safety concerns. A property owner may prove an unnecessary hardship exists from limitations on on-site drives and parking for a commercial use. But, if neighbors presented expert evidence that the increased traffic and stormwater effects will harm public safety, the board may be justified in denying the variance.

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Additionally, the statute requires the applicant to show that through the variance “substantial justice is achieved.” The concept of substantial justice raises issue of fairness for the community and neighbors. This concept echoes the requirement that hardship must be peculiar to the property—not shared by the community. If everyone bears this hardship, then one lucky person should not be relieved through a variance. Similarly, the justice standard draws upon a notion of precedence. Suppose Joe sought a variance last year and was denied. If Karl is seeking variance this year that is essentially the same request for a similar property, then the variance outcome should be the same.

The substantial justice standard also can play in favor of the applicant. If an applicant relies in good faith on a city permit, and that permit turned out to be wrongly issued, the applicant would have no vested rights in that mistakenly issued permit. Substantial justice might argue for allowing a variance for the applicant.

No Use Variance

North Carolina courts long ago established that use variances are not permitted, and that rule is now part of the statutory standards. If a land use is not permitted on the property, a variance cannot be used to, in effect, amend the ordinance and allow the use. If only single family residences are permitted in a district, a variance cannot permit a duplex (*Sherrill v. Town of Wrightsville Beach*, 76 N.C. App. 646, 334 S.E.2d 103 (1985)).

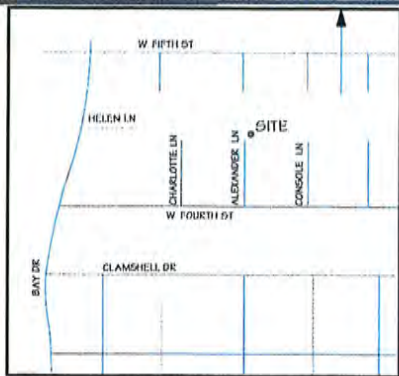
If the use is already permitted on the property, a variance to allow the expansion of the permitted use is permissible. So, for example, if a sign is permitted for a commercial property, a variance to permit an additional sign is allowable. It is an area variance, not a use variance. (*Premier Plastic Surgery Ctr., PLLC v. Bd. of Adjustment for Town of Matthews*, 213 N.C. App. 364, 713 S.E.2d 511 (2011)).

Conclusion

Making decisions about variances is a hard job. How much hardship is enough hardship? Is justice being served? Does the variance preserve the spirit of the ordinance? Rarely are there clear answers for these questions. Seeking those answers is the hard task of the board of adjustment. The applicant must present competent, material, and substantial evidence that they meet all of the standards. And the board must consider the issues on a case-by-case basis; they must weigh the evidence, apply the required statutory standards, and decide if a variance is warranted.

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VICINITY MAP
NTS

NOTES

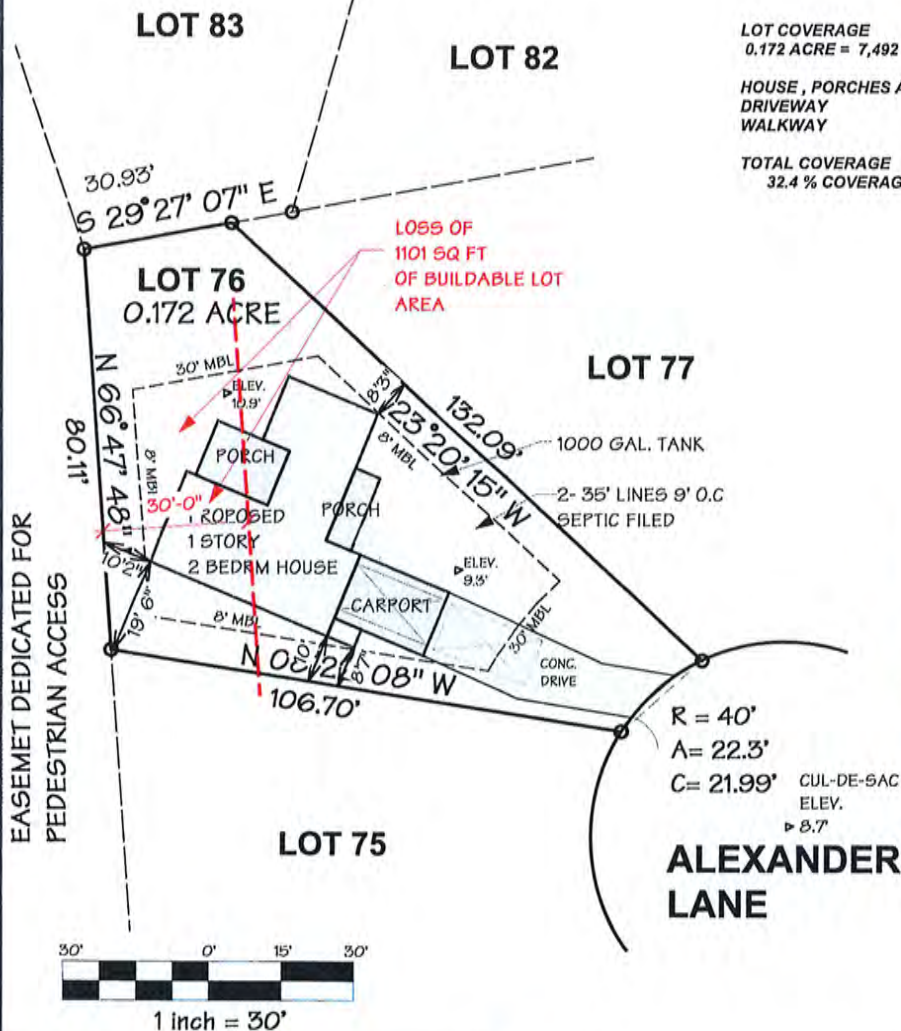
1. AREA BY COORDINATE COMPUTATION = 172 ACRE
2. F.I.R.M. ZONE SUBJECT TO CHANGE BY F.E.M.A.
3. IT IS THE SOLDE RESPONSIBILITY OF THE PERMITTING MUNICIPALITY TO VERIFY SITE COMPLIANCE WITH ALL ORDINANCES, ZONING & SETBACK REQUIREMENTS PRIOR TO THE ISSUANCE OF PERMITS. SURVEYOR MAKES NO CERTIFICATION AS TO COMPLIANCES EITHER SHOWN OR IMPLIED.
4. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL OR ACCURATE TITLE SEARCH.
5. COVERED AREA - N/A
6. PRELIMINARY - NOT FOR SALES, RECORDATION OR CONVEYANCES
7. THE RATIO ERROR OF CLOSURE IS EQUAL TO OR GREATER THAN 1:10,000



LOT COVERAGE
0.172 ACRE = 7,492 SF

HOUSE, PORCHES AND CARPORT = 1811 SF
DRIVEWAY = 683 SF
WALKWAY = 31 SF

TOTAL COVERAGE 2425 SF
32.4 % COVERAGE



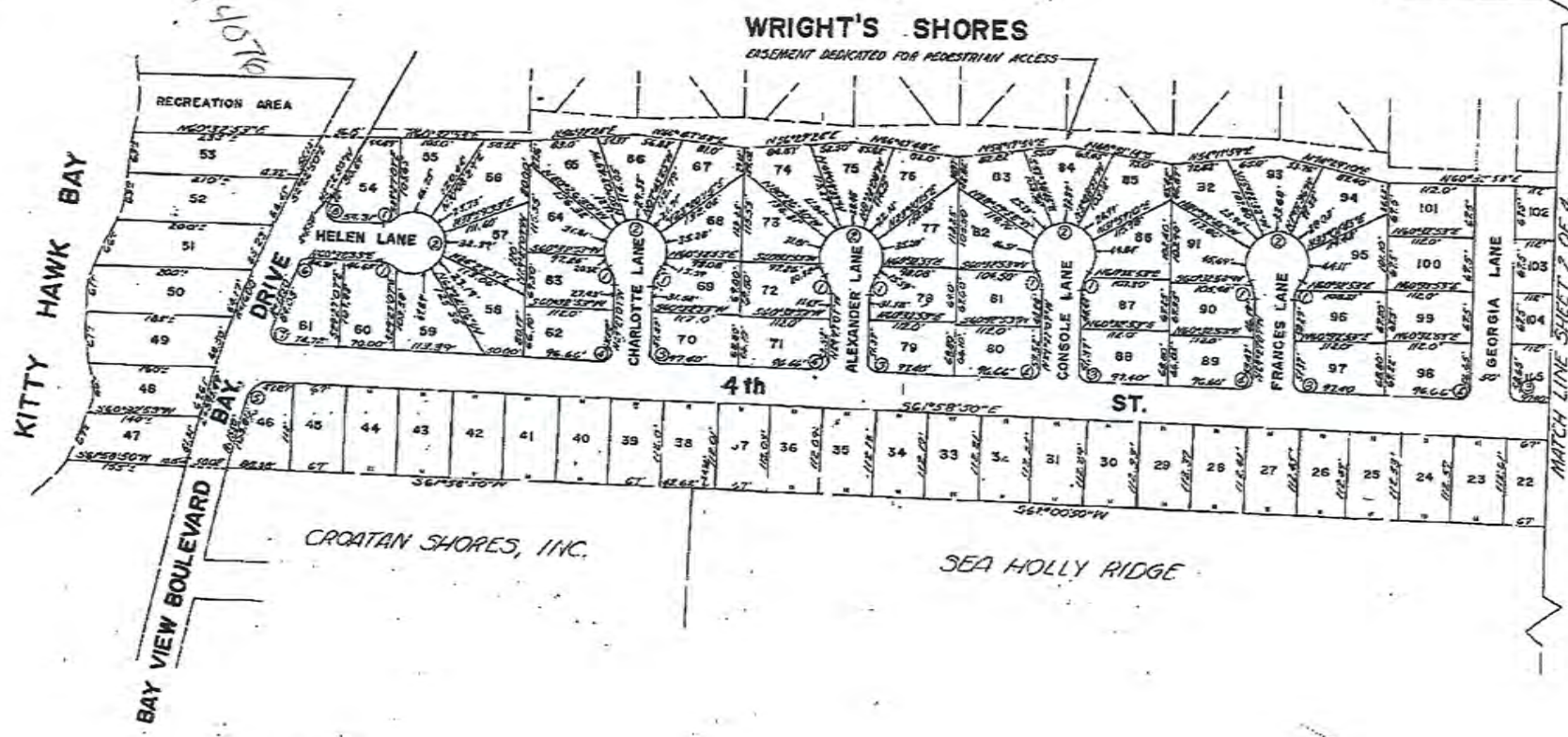
RECORDED REFERENCE P.B.6, PG.32	PIN NO 988409077408	DATE 5-06-2022	SURVEY FOR RAYMOND GLENN PATE 1006 ALEXANDER LANE LOT 76, BLK.2 WRIGHT'S SHORES
RECORDED DEED D.B. 201, PG.88	PARCEL ID# 002294076	FILE NO. XX-XXX	
FIRM ZONE X	FIRM MAP 3720988400K	SCALE 1" = 30'	
		DRAWN bd CHECKED RP	
KILL DEVIL HILLS		DARE COUNTY	NORTH CAROLINA

Raymond G. Pate

P.O. BOX 228, Point Harbor, NC 27964
252-435-8785 rgpatepepls@gmail.com

V/6/2022-07/26/2022: Submitted by Applicant

NO.	RADIUS	DELTA	TANGENT	ARC
1	40'	35°39'42"	12.87'	24.90'
2	40'	25°14'06"	12.87'	175.45'
3	15'	88°34'03"	14.63'	23.19'
4	15'	9°25'57"	15.38'	23.96'
5	15'	74°41'11"	11.44'	19.55'
6	15'	6°10'37"	9.93'	17.55'
7	15'	104°52'01"	21.37'	28.76'
8	15'	116°5'29"	24.13'	30.44'



SUBDIVISION
OF
WRIGHT'S SHORES
TOWN OF KILL DEVIL HILLS
DARE COUNTY, NORTH CAROLINA
WILLIAM F. CLARK
LAND SURVEYOR
N.C.L-1266 VA.1017 S.C.3719 GA.1638
MANTEO, NORTH CAROLINA

DATE JAN. 10, 1973
J.N. 719



I, WILLIAM F. CLARK, LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL SURVEY MAP AS FILED IN THE OFFICE OF THE CLERK OF SUPERIOR COURT, DARE COUNTY, NORTH CAROLINA, AND THAT THE SAME IS IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE OF THE STATE OF NORTH CAROLINA, AND THE RULES AND REGULATIONS OF THE BOARD OF LAND SURVEYORS OF THE SAME STATE.

WITNESSED MY HAND AND SEAL THIS 10th DAY OF JANUARY, 1973.

W.F. CLARK
REG. LAND SURVEYOR N-1266

SUBSCRIBED AND SWORN BEFORE ME THIS 10th DAY OF JANUARY, 1973.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

4/6/2022-07/26/2022: Submitted by Applicant

BK 2583 PG 22 - 25 (4)

This Document eRecorded:

Fee: \$26.00

Dare County, North Carolina

Cheryl L. House, REGISTER OF DEEDS

DOC# 700111938

01/18/2022 09:41:02 AM

Excise Tax: \$270.00

Transfer Tax: \$1,350.00

Dare County Land Transfer No.: 182-22 Land Transfer Tax: 1350.00 1985 Sessions Law Chapter 670 (HB 215)

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$270.00

Land Transfer Tax: \$1,350.00

Parcel Nos.: 002294076

LT#: _____

Mail after recording to:

Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

This instrument was prepared by:

Wyatt M. Booth, Williams Mullen, 301 Fayetteville Street, Suite 1700, Raleigh, NC 27601

Brief Description for the Index: 1006 Alexander Lane, Lot 76, Sec 2, Wright's Shores, Kill Devil Hills, NC 27948

THIS DEED made this 13th day of January, 2022, by and between:

GRANTOR	GRANTEE
MIDTOWN DEVELOPMENT CORPORATION , a Virginia corporation 3200 Pacific Avenue, Suite 100 Virginia Beach, VA 23451	RAYMOND GLENN PATE (Unmarried) PO Box 228 Point Harbor, NC 27964

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that Grantor, for valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in Dare County, North Carolina and more particularly described as follows:

submitted electronically by "Rose Harrison Gilreath & Powers, P.C."
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Dare County Register of Deeds.

(46619997.1)

V/6/2022-07/26/2022: Submitted by Applicant

Those certain lands as are more particularly described in Exhibit A which is attached hereto and made a part hereof by reference.

All or a portion of the property herein conveyed does not include the primary residence of a Grantor.

A map showing the above-described property is recorded in Map Book 6, Page 32, Dare County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to Grantee in fee simple.

And Grantor covenants with Grantee that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions: (i) taxes for the 2021 and subsequent years' ad valorem taxes, and (ii) all easements, rights-of-way and restrictions of record.

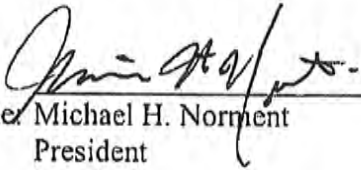
(Signature page follows)

GENERAL WARRANTY DEED
[SIGNATURE PAGE]

IN WITNESS WHEREOF, Grantor has executed this General Warranty Deed as of the day and year first above written.

GRANTOR:

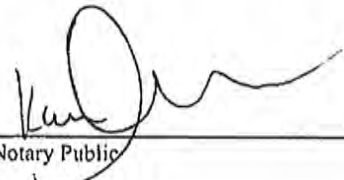
MIDTOWN DEVELOPMENT CORPORATION,
a Virginia corporation

By: 
Name: Michael H. Norment
Its: President

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Virginia Beach

I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Michael H. Norment, President.

Date: Jan. 13th, 2022


Signature of Notary Public

Karen Gober
Notary Printed Name

My Commission Expires: September 30, 2024

Registration Number: _____

(Official Seal)



EXHIBIT A

Legal Description

(Parcel 002294076; PIN 988409077408 – 1006 Alexander Lane, Kill Devil Hills, NC 27948)

Lot 76 of the subdivision known as, "Wright's Shores, Section Two," as shown on a map or plat thereof made by William F. Clark, Land Surveyor, dated January 10, 1973, and recorded in Map Book 6, Page 32, Public Registry of Dare County, North Carolina.

RECORDED

simplified

ID:

70011938

County:

Dare

Date:

1-18-22

Time:

9:41 AM

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$270.00
Land Transfer Tax: \$1,350.00

Parcel Nos.: 002294076
LT#:

Mail after recording to:

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WITNESSETH, that Grantor, for valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in Dare County, North Carolina and more particularly described as follows:

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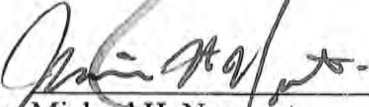
(Signature page follows)

GENERAL WARRANTY DEED
[SIGNATURE PAGE]

IN WITNESS WHEREOF, Grantor has executed this General Warranty Deed as of the day and year first above written.

GRANTOR:

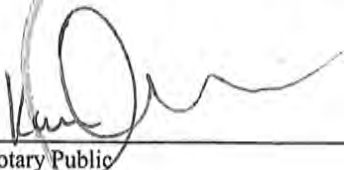
MIDTOWN DEVELOPMENT CORPORATION,
a Virginia corporation

By: 
Name: Michael H. Norment
Its: President

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Virginia Beach

I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Michael H. Norment, President.

Date: Jan. 13th, 2022


Signature of Notary Public

Karen Gober
Notary Printed Name

My Commission Expires: September 30, 2024

Registration Number: _____

(Official Seal)

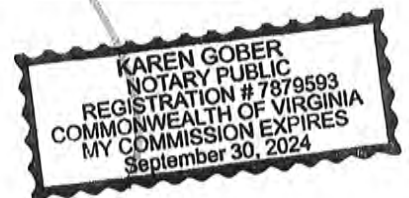


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Nettie Midgett Dare County Transfer Tax P.O. Box 1000 962 Marshall Collins Dr. Manteo, N.C. 27954 (252) 475-5939	AFFIDAVIT OF CONSIDERATION OR VALUE	TAX OFFICE USE ONLY:
--	--	----------------------

****COMPLETE ALL SECTIONS OF THIS AFFIDAVIT OR IT MAY BE REJECTED. AN AFFIDAVIT MAY BE REQUIRED WITH ANY INSTRUMENT CONVEYING REAL PROPERTY.**

1. TRANSFER DATA

Grantor

Midtown Development Corporation

Address

3200 Pacific Avenue, Suite 100

City Virginia Beach State VA Zip 23451

Grantee

Raymond Glenn Pate

Street Address

PO Box 228

City Point Harbor State NC Zip 27964

2. PROPERTY LOCATION

1006 Alexander Lane, Kill Devil Hills, NC 27948

Tax District 07-Kill Devil Hills

Tax Parcel ID 002294076; PIN 988409077408

Subdivision Wright's Shores **Section** 2 **Block** -- **LOT** 76; **Subdivision** Wright's Shores.

PROPERTY DESCRIPTION CHECK ONE

VACANT RESIDENTIAL ☒ IMPROVED RESIDENTIAL ☐ CONDOMINIUM ☐ TIMESHARE ☐

VACANT COMMERCIAL ☐ IMPROVED COMMERCIAL ☐ TOWNHOUSE ☐ CO-OWNERSHIP ☐

3. CONSIDERATION OR VALUE DATA (ITEMS 1-5 MUST BE COMPLETED)

1. **Actual Cash Consideration** \$135,000.00

2. **Other Consideration** None

3. **Total Consideration** \$135,000.00

4. **Fair Market Value** \$135,000.00

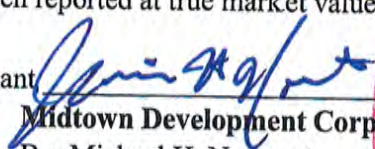
4. EXPLANATION OF ABOVE OR LEASE VALUE COMPUTATION

Deed pursuant to Offer to Purchase and Contract – Vacant Lot/Land between Grantor and Grantee dated November 24, 2021.

AFFIDAVIT OF CONSIDERATION
[SIGNATURE PAGE]

5. SIGNATURE

Under penalties of law, I declare that I have examined this Affidavit, including accompanying statements, and to the best of my knowledge and belief, it is true, correct and complete. I do declare that the above real estate has been reported at true market value.

Signature of Affiant  (Seal) Date 11/13/22
Midtown Development Corporation
By: Michael H. Norment
Its: President

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 13th
DAY OF January, 2022


Notary Public

My Commission Expires: September 30, 2024

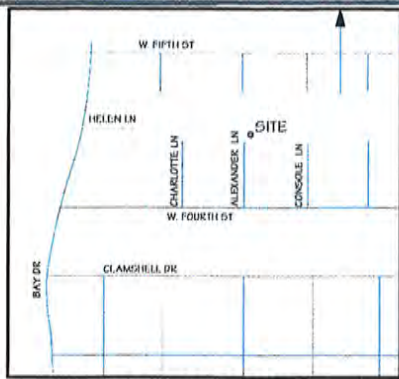
[NOTARY STAMP/SEAL]



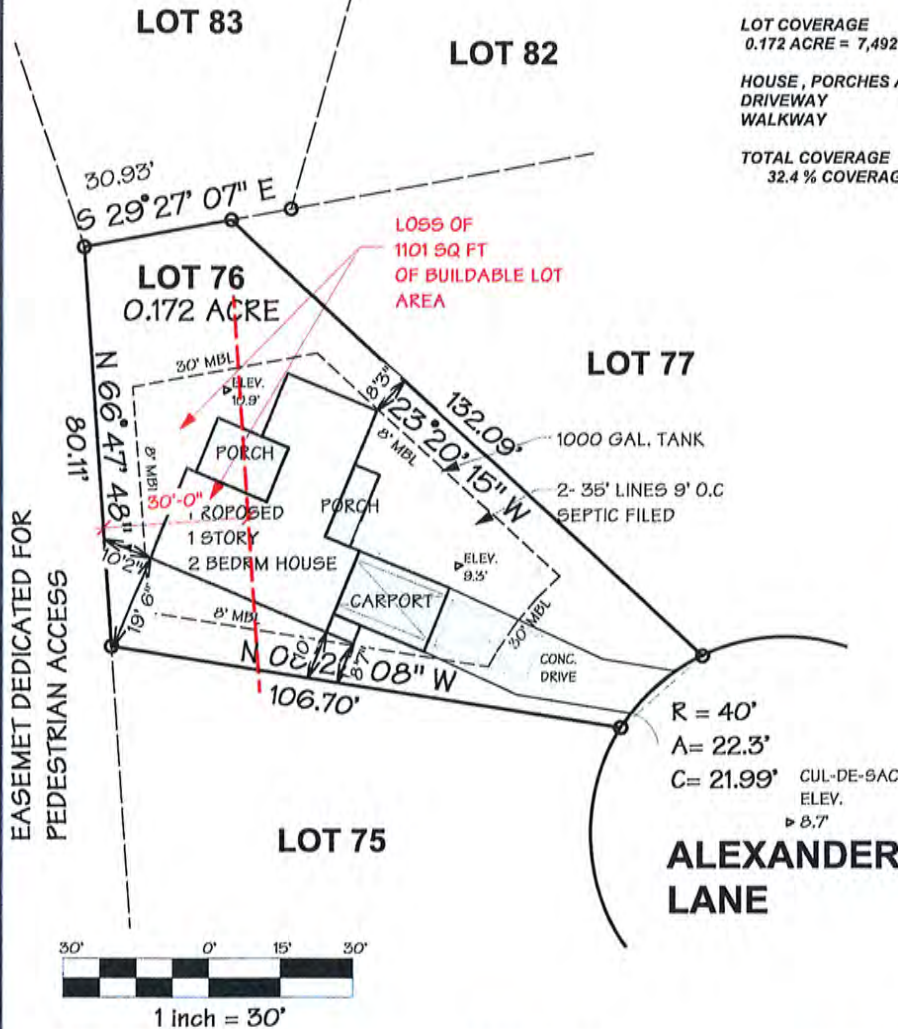
BEGINNING at a point in the right of way of Alexander Lane of Wright's Shore subdivision, section 2, lying in Kill Devil Hills, NC between Lots 75 & 76 as recorded on map or plat Book 6, Page 32 of the Public Registry of Dare County, North Carolina. Running N 08 degree(d) 22 minutes(m) 08 seconds(s)W 106.70 feet(') to a point in the line of an "Easement Dedicated for Pedestrian Access". Running thence along said line N66(d) 47(m) 48(s)E 80.11' to a point in said line to a common corner with Lot 83 of said subdivision. Running thence with the line of Lot 83/76 S29(d) 27(m) 07(s)E 30.93' to a point in said line of Lot 83. Running thence in a common line with Lot 77 S23(d) 20(m) 15(s)W 132.09' to a point in the right of way of the arc of the cul de sac of Alexander Lane. Running with the arc of said cul de sac 22.30' to the point and place of beginning. Said cul sac radius being 40' with a cord distance of 21.99'. This being all of Lot 76 with an area of 0.172 acres more or less. Description provided from an actual field survey performed by Raymond G. Pate, PE, PLS the 5th day of May 2022.

ATTACHMENT 5.1 NOTES

1. AREA BY COORDINATE COMPUTATION = 172 ACRE
2. F.I.R.M. ZONE SUBJECT TO CHANGE BY F.E.M.A.
3. IT IS THE SOLDE RESPONSIBILITY OF THE PERMITTING MUNICIPALITY TO VERIFY SITE COMPLIANCE WITH ALL ORDINANCES, ZONING & SETBACK REQUIREMENTS PRIOR TO THE ISSUANCE OR PERMITS. SURVEYOR MAKES NO CERTIFICATION AS TO COMPLIANCES EITHER SHOWN OR IMPLIED.
4. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL OR ACCURATE TITLE SEARCH.
5. COVERED AREA - N/A
6. PRELIMINARY - NOT FOR SALES, RECORDATION OR CONVEYANCES
7. THE RATIO ERROR OF CLOSURE IS EQUAL TO OR GREATER THAN 1:10,000



VICINITY MAP
NTS



LOT COVERAGE
0.172 ACRE = 7,492 SF

HOUSE, PORCHES AND CARPORT = 1811 SF
DRIVEWAY = 683 SF
WALKWAY = 31 SF

TOTAL COVERAGE 2425 SF
32.4 % COVERAGE

LEGEND

- EX. PIPE
- REBAR SET
- EX. REBAR
- EX. CONC. MON.
- CONC. MON. SET
- EX. P/K NAIL
- P/K NAIL SET
- FIBER OPTIC
- CATV PED.
- UTILITY POLE
- ELEC. BOX
- LIGHTPOST
- WATER METER
- MANHOLE

RECORDED REFERENCE P.B.6, PG.32	FILE NO. 988409077408	DATE 5-06-2022	SURVEY FOR RAYMOND GLENN PATE 1006 ALEXANDER LANE LOT 76, BLK.2 WRIGHT'S SHORES
RECORDED DEED D.B. 201, PG.88	PARCEL ID# 002294076	FILE NO. XX-XXX	
F.I.R.M. ZONE X	F.I.R.M. MAP 3720988400K	SCALE 1" = 30'	
		DRAWN bd CHECKED RP	
KILL DEVIL HILLS		DARE COUNTY	NORTH CAROLINA

Raymond G. Pate

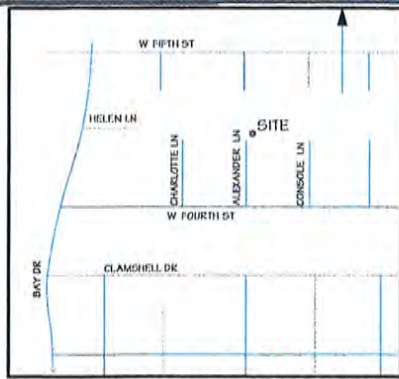
P.O. BOX 228 , Point Harbor, NC 27964
252-435-8785 rgpatepepls@gmail.com

V/6/2022-07/26/2022: Submitted by Applicant

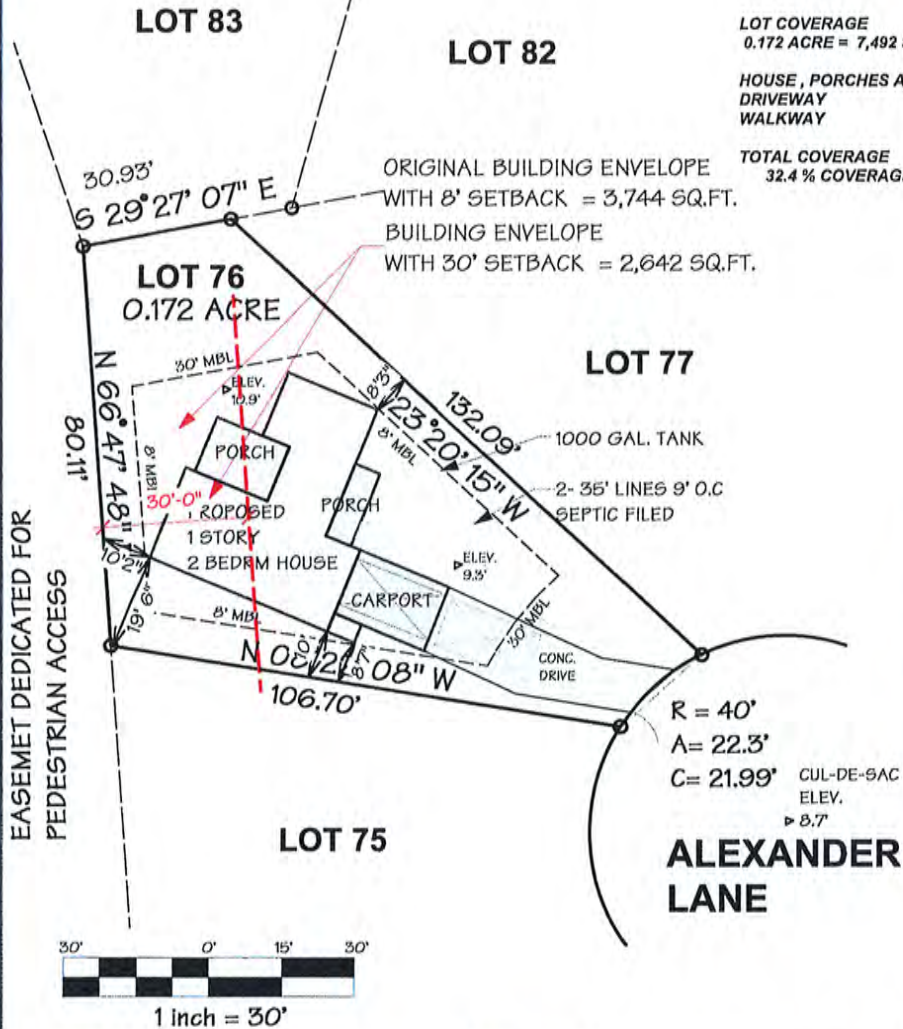
ATTACHMENT 5.2

NOTES

1. AREA BY COORDINATE COMPUTATION = 172 ACRE
2. F.I.R.M. ZONE SUBJECT TO CHANGE BY F.E.M.A.
3. IT IS THE SOLDE RESPONSIBILITY OF THE PERMITTING MUNICIPALITY TO VERIFY SITE COMPLIANCE WITH ALL ORDINANCES, ZONING & SETBACK REQUIREMENTS PRIOR TO THE ISSUANCE OF PERMITS. SURVEYOR MAKES NO CERTIFICATION AS TO COMPLIANCES EITHER SHOWN OR IMPLIED.
4. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL OR ACCURATE TITLE SEARCH.
5. COVERED AREA - N/A
6. PRELIMINARY - NOT FOR SALES, RECORDATION OR CONVEYANCES
7. THE RATIO ERROR OF CLOSURE IS EQUAL TO OR GREATER THAN 1:10,000



VICINITY MAP
NTS



RECORDED REFERENCE P.B.6, PG.32	PARCEL ID 988409077408	DATE 5-06-2022	SURVEY FOR RAYMOND GLENN PATE 1006 ALEXANDER LANE LOT 76, BLK.2 WRIGHT'S SHORES
RECORDED DED D.B. 201, PG.88	PARCEL ID 002294076	FILE NO. XX-XXX	
FIRM ZONE X	FIRM MAP 3720988400K	SCALE 1" = 30'	
		DRAWN bd CHECKED RP	
KILL DEVIL HILLS		DARE COUNTY	NORTH CAROLINA

Raymond G. Pate

P.O. BOX 228 , Point Harbor, NC 27964
252-435-8785 rgpatepepls@gmail.com

V/6/2022-07/26/2022: Submitted by Applicant

Dare County GIS Data
Rear Yard Setbacks within Wright's Shores



2101



TOWN OF KILL DEVIL HILLS
PLANNING & INSPECTIONS DEPARTMENT
(252) 449-5318

NON-REFUNDABLE FEES

DATE: 6/28/22

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

PAID
WITH
CASH

AMOUNT: 300⁰⁰ Three Hundred dollars

RECEIVED FROM: Raymond Pate

DESCRIPTION: 1006 Alexander Lane
Variance Request

JUN 28 2022

BY: Don Elliott



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

§ 153.121 SETBACKS.

(C) *Rear yard.* The minimum rear yard setback requirements on any lot shall be 20% of the total depth of the lot but shall not exceed 30 feet from the rear property line.



APR 30 2006

Tax District: Kill Devil Hills
Subdivision: Wright's Shores Sec 2
Lot BLK-Sec: Lot: 76 Blk: Sec: 2
Property Use: Vacant Land (Private)
Building Type:
Year Built:

Owners: Pate, Raymond Glenn -
Primary Owner
Building Value: \$0
Land Value: \$86,800
Misc Value: \$0
Total Value: \$86,800

1006 Alexander LN
Kill Devil Hills NC, 27948
Parcel: 002294076
Pin: 988409077408

This map is prepared from data used for the inventory of the real property for tax purposes. Primary information sources such as recorded deeds, plats, wills, and other primary public records should be consulted for verification of the information contained in this map.





002294076

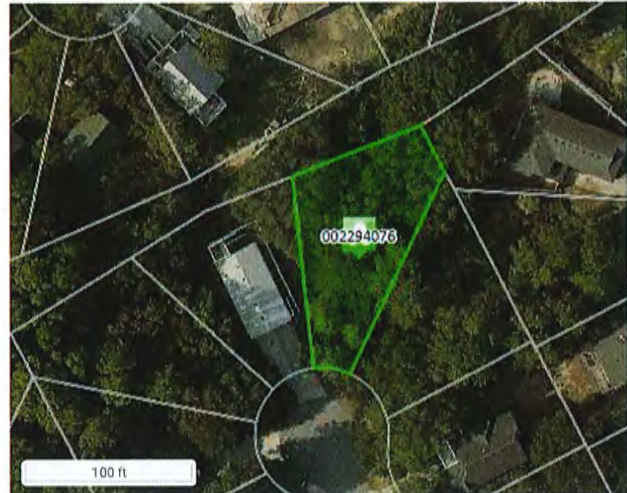
**1006 ALEXANDER LN,
KILL DEVIL HILLS, NC,
27948**

PATE, RAYMOND GLENN

-
P. O. BOX 228
POINT HARBOR, NC, 27964, USA

Assessed Value

\$86,800



PARCEL INFORMATION

Parcel ID	002294076	PIN	988409077408
Land Use Code	0010	Land Use Description	VACANT LAND (PRIVATE)
District	KILL DEVIL HILLS	Neighborhood	07130004
Zoning Code	RL	Zoning Desc.	RESIDENTIAL LOW DENSITY
Subdivision	WRIGHT'S SHORES SEC 2		
Legal Desc.	LOT: 76 BLK: SEC: 2		
Plat Cab Slide	PL: 6 SL: 32		
Deed Date	01/18/2022	Book / Page	2583 / 0022
Tax Status	Taxable		

SECONDARY OWNERS

No data to display

ASSESSMENT DETAILS

REAL ESTATE ASSESSED VALUE

Land Value	\$86,800
Building Value	\$0
Other Improvements	\$0
Total Assessed	\$86,800



002295000

**1002 ALEXANDER LN,
KILL DEVIL HILLS, NC,
27948**

AHLSTED, ARTHUR R
AHLSTED, JACKIE H
1436 LAKE MEADE DR
SUFFOLK, VA, 23434, USA

Assessed Value

\$311,900



PARCEL INFORMATION

Parcel ID	002295000	PIN	988409077388
Land Use Code	0100	Land Use Description	SINGLE FAMILY RESIDENTIAL
District	KILL DEVIL HILLS	Neighborhood	07130004
Zoning Code	RL	Zoning Desc.	RESIDENTIAL LOW DENSITY
Subdivision	WRIGHT'S SHORES SEC 2		
Legal Desc.	LOT: 78 BLK: SEC: 2		
Plat Cab Slide	PL: 6 SL: 32		
Deed Date	05/06/2020	Book / Page	2374 / 0305
Tax Status	Taxable		

SECONDARY OWNERS

No data to display

ASSESSMENT DETAILS

REAL ESTATE ASSESSED VALUE

Land Value	\$86,300
Building Value	\$225,600
Other Improvements	\$0
Total Assessed	\$311,900



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

July 18, 2022

Arthur R. & Jackie H. Ahlsted
1436 Lake Meade Drive
Suffolk, VA 23434

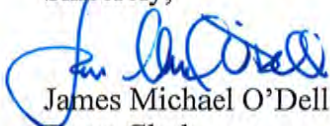
Dear Adjacent Property Owner(s):

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 1006 Alexander Lane. You are receiving this notice as an adjacent property owner (1002 Alexander Lane). The nature of the application is to seek relief from Chapter 153, Zoning §153.121(C) setbacks.

The Board of Adjustment will hold a public hearing on this matter on Tuesday, July 26, 2022, at 5:00 p.m. in the Kill Devil Hills Town Hall Meeting Room, located at 102 Town Hall Drive. 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
Town Clerk



002294000

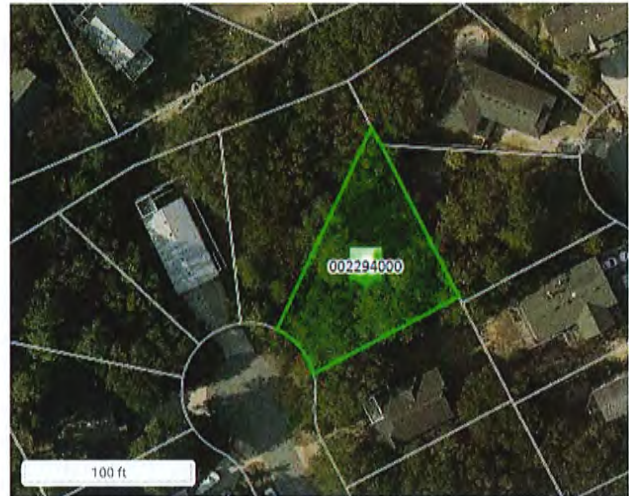
**0 ALEXANDER LN, KILL
DEVIL HILLS, NC, 27948**

T&B HOMES INC

1706 VIRGINIA AVE
KILL DEVIL HILLS, NC, 27948, USA

Assessed Value

\$86,300



PARCEL INFORMATION

Parcel ID	002294000	PIN	988409077455
Land Use Code	0010	Land Use Description	VACANT LAND (PRIVATE)
District	KILL DEVIL HILLS	Neighborhood	07130004
Zoning Code	RL	Zoning Desc.	RESIDENTIAL LOW DENSITY
Subdivision	WRIGHT'S SHORES SEC 2		
Legal Desc.	LOT: 77 BLK: SEC: 2		
Plat Cab Slide	PL: 6 SL: 32		
Deed Date	11/23/2021	Book / Page	2567 / 0225
Tax Status	Taxable		

SECONDARY OWNERS

No data to display

ASSESSMENT DETAILS

REAL ESTATE ASSESSED VALUE

Land Value	\$86,300
Building Value	\$0
Other Improvements	\$0
Total Assessed	\$86,300



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

June 18, 2022

T&B Homes INC.
1706 Virginia Avenue
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 1006 Alexander Lane. You are receiving this notice as an adjacent property owner (0 Alexander Lane, Kill Devil Hills, NC). The nature of the application is to seek relief from Chapter 153, Zoning §153.121(C) setbacks.

The Board of Adjustment will hold a public hearing on this matter on Tuesday, July 26, 2022, at 5:00 p.m. in the Kill Devil Hills Town Hall Meeting Room, located at 102 Town Hall Drive. 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
Town Clerk



002293000

**1008 ALEXANDER LN,
KILL DEVIL HILLS, NC,
27948**

ST AUBYN, NICOLE

-
6703 STEEPLE CHASE DR APT 302
WINDSOR, CO,80550, USA

Assessed Value

\$263,100



PARCEL INFORMATION

Parcel ID	002293000	PIN	988409076436
Land Use Code	0100	Land Use Description	SINGLE FAMILY RESIDENTIAL
District	KILL DEVIL HILLS	Neighborhood	07130004
Zoning Code	RL	Zoning Desc.	RESIDENTIAL LOW DENSITY
Subdivision	WRIGHT'S SHORES SEC 2		
Legal Desc.	LOT: 75 BLK: SEC: 2		
Plat Cab Slide	PL: 6 SL: 32		
Deed Date	05/25/2021	Book / Page	2509 / 0771
Tax Status	Taxable		

SECONDARY OWNERS

No data to display

ASSESSMENT DETAILS

REAL ESTATE ASSESSED VALUE

Land Value	\$86,300
Building Value	\$176,800
Other Improvements	\$0
Total Assessed	\$263,100



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

June 18, 2022

Nicole St. Aubyn
6703 Steeple Chase Drive, Apt. 302
Windsor, CO 80550

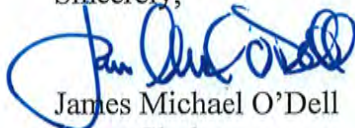
Dear Adjacent Property Owner(s):

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 1006 Alexander Lane. You are receiving this notice as an adjacent property owner (1008 Alexander Lane, Kill Devil Hills, NC). The nature of the application is to seek relief from Chapter 153, Zoning §153.121(C) setbacks.

The Board of Adjustment will hold a public hearing on this matter on Tuesday, July 26, 2022, at 5:00 p.m. in the Kill Devil Hills Town Hall Meeting Room, located at 102 Town Hall Drive. 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
Town Clerk



002292000

**0 ALEXANDER LN, KILL
DEVIL HILLS, NC, 27948**

GODFREY, RAYMOND M JR
GODFREY, VICTOR R
205 EDRIEANN DR
ELIZABETH CITY, NC, 27909, USA

Assessed Value

\$86,800



PARCEL INFORMATION

Parcel ID	002292000	PIN	988409075482
Land Use Code	0010	Land Use Description	VACANT LAND (PRIVATE)
District	KILL DEVIL HILLS	Neighborhood	07130004
Zoning Code	RL	Zoning Desc.	RESIDENTIAL LOW DENSITY
Subdivision	WRIGHT'S SHORES SEC 2		
Legal Desc.	LOT: 74 BLK: SEC: 2		
Plat Cab Slide	PL: 6 SL: 32		
Deed Date	11/30/2001	Book / Page	1402 / 0461
Tax Status	Taxable		

SECONDARY OWNERS

No data to display

ASSESSMENT DETAILS

REAL ESTATE ASSESSED VALUE

Land Value	\$86,800
Building Value	\$0
Other Improvements	\$0
Total Assessed	\$86,800



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

July 18, 2022

Raymond M. Godfrey, Jr.
Victor R. Godfrey
205 Edrieann Drive
Elizabeth City, NC 27909

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 1006 Alexander Lane. You are receiving this notice as an adjacent property owner (0 Alexander Lane, Parcel number: 002292000). The nature of the application is to seek relief from Chapter 153, Zoning §153.121(C) setbacks.

The Board of Adjustment will hold a public hearing on this matter on Tuesday, July 26, 2022, at 5:00 p.m. in the Kill Devil Hills Town Hall Meeting Room, located at 102 Town Hall Drive. 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
Town Clerk



002291000

**1012 ALEXANDER LN,
KILL DEVIL HILLS, NC,
27948**

CUMMINGS, DONALD M
CUMMINGS, TERESA L
1012 ALEXANDER LN
KILL DEVIL HILLS, NC, 27948, USA

Assessed Value

\$301,300



PARCEL INFORMATION

Parcel ID	002291000	PIN	988409075386
Land Use Code	0100	Land Use Description	SINGLE FAMILY RESIDENTIAL
District	KILL DEVIL HILLS	Neighborhood	07130004
Zoning Code	RL	Zoning Desc.	RESIDENTIAL LOW DENSITY
Subdivision	WRIGHT'S SHORES SEC 2		
Legal Desc.	LOT: 73 BLK: SEC: 2		
Plat Cab Slide	PL: 6 SL: 32		
Deed Date	02/27/2004	Book / Page	1548 / 0420
Tax Status	Taxable		

SECONDARY OWNERS

No data to display

ASSESSMENT DETAILS

REAL ESTATE ASSESSED VALUE

Land Value	\$86,300
Building Value	\$215,000
Other Improvements	\$0
Total Assessed	\$301,300



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

July 18, 2022

Donald M. and Teresa L. Cummings
1012 Alexander Lane
Kill Devil Hills, NC 27948

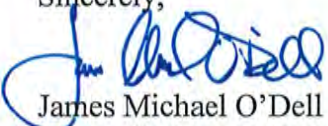
Dear Adjacent Property Owner(s):

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 1006 Alexander Lane. You are receiving this notice as an adjacent property owner (1012 Alexander Lane). The nature of the application is to seek relief from Chapter 153, Zoning §153.121(C) setbacks.

The Board of Adjustment will hold a public hearing on this matter on Tuesday, July 26, 2022, at 5:00 p.m. in the Kill Devil Hills Town Hall Meeting Room, located at 102 Town Hall Drive. 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
Town Clerk



002290000

**1014 ALEXANDER LN,
KILL DEVIL HILLS, NC,
27948**

HEGGIE, TEMPLE W

-
909 CEDAR DR
KILL DEVIL HILLS, NC, 27948, USA

Assessed Value

\$267,300

PARCEL INFORMATION

Parcel ID	002290000	PIN	988409076330
Land Use Code	0100	Land Use Description	SINGLE FAMILY RESIDENTIAL
District	KILL DEVIL HILLS	Neighborhood	07130004
Zoning Code	RL	Zoning Desc.	RESIDENTIAL LOW DENSITY
Subdivision	WRIGHT'S SHORES SEC 2		
Legal Desc.	LOT: 72 BLK: SEC: 2		
Plat Cab Slide	PL: 6 SL: 32		
Deed Date	07/09/2019	Book / Page	2310 / 0615
Tax Status	Taxable		

SECONDARY OWNERS

No data to display

ASSESSMENT DETAILS

REAL ESTATE ASSESSED VALUE

Land Value	\$86,300
Building Value	\$181,000
Other Improvements	\$0
Total Assessed	\$267,300



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

July 18, 2022

Temple Heggie
909 Cedar Drive
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 1006 Alexander Lane. You are receiving this notice as an adjacent property owner (1014 Alexander Lane). The nature of the application is to seek relief from Chapter 153, Zoning §153.121(C) setbacks.

The Board of Adjustment will hold a public hearing on this matter on Tuesday, July 26, 2022, at 5:00 p.m. in the Kill Devil Hills Town Hall Meeting Room, located at 102 Town Hall Drive. 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
Town Clerk



027148000

**910 CONSOLE LN, KILL
DEVIL HILLS, NC, 27948**

LYCETT, CHARLES P

-
910 CONSOLE LN
KILL DEVIL HILLS, NC, 27948, USA

Assessed Value

\$260,800



027148-000 07-988409-043 06/16



PARCEL INFORMATION

Parcel ID	027148000	PIN	988405078526
Land Use Code	0100	Land Use Description	SINGLE FAMILY RESIDENTIAL
District	KILL DEVIL HILLS	Neighborhood	07130004
Zoning Code	RL	Zoning Desc.	RESIDENTIAL LOW DENSITY
Subdivision	WRIGHT'S SHORES SEC 2		
Legal Desc.	LOT: 83 BLK: SEC: 2		
Plat Cab Slide	PL: 6 SL: 32		
Deed Date	03/31/2021	Book / Page	2487 / 0871
Tax Status	Taxable		

SECONDARY OWNERS

No data to display

ASSESSMENT DETAILS

REAL ESTATE ASSESSED VALUE

Land Value	\$86,800
Building Value	\$172,600
Other Improvements	\$1,400
Total Assessed	\$260,800



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

June 18, 2022

Charles P. Lycett
910 Console Lane
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 1006 Alexander Lane. You are receiving this notice as an adjacent property owner (910 Console Lane, Kill Devil Hills, NC). The nature of the application is to seek relief from Chapter 153, Zoning §153.121(C) setbacks.

The Board of Adjustment will hold a public hearing on this matter on Tuesday, July 26, 2022, at 5:00 p.m. in the Kill Devil Hills Town Hall Meeting Room, located at 102 Town Hall Drive. 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
Town Clerk



002095999

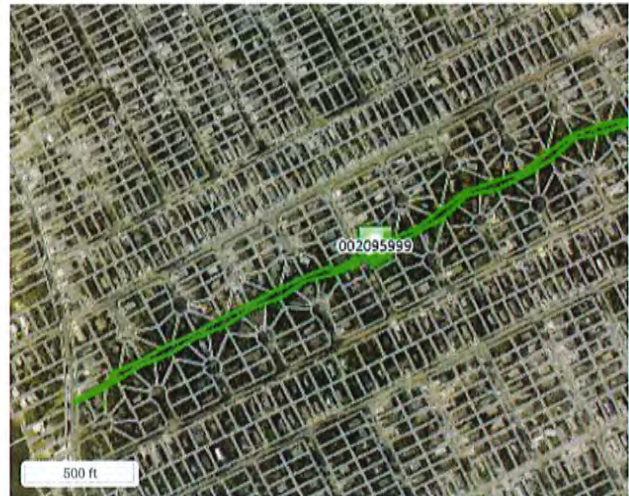
**0 GEORGIA LN, KILL
DEVIL HILLS, NC, 27948**

MIDTOWN DEV CORP

3200 PACIFIC AVE STE 100
VIRGINIA BEACH, VA, 23451, USA

Assessed Value

\$16,600



PARCEL INFORMATION

Parcel ID	002095999	PIN	988405174996
Land Use Code	0010	Land Use Description	VACANT LAND (PRIVATE)
District	KILL DEVIL HILLS	Neighborhood	07130004
Zoning Code	RL	Zoning Desc.	RESIDENTIAL LOW DENSITY
Subdivision	WRIGHT'S SHORES		
Legal Desc.	LOT: PEDESTRIAN ACCESS BLK: SEC:		
Plat Cab Slide	PL: 4 SL: 33		
Deed Date	01/26/1970	Book / Page	0164 / 0170
Tax Status	Taxable		

SECONDARY OWNERS

No data to display

ASSESSMENT DETAILS

REAL ESTATE ASSESSED VALUE

Land Value	\$16,600
Building Value	\$0
Other Improvements	\$0
Total Assessed	\$16,600



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

June 18, 2022

Midtown Dev Corp.
3200 Pacific Avenue, STE 100
Virginia Beach, VA 23451

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 1006 Alexander Lane. You are receiving this notice as an adjacent property owner (0 Georgia Lane, Kill Devil Hills, NC). The nature of the application is to seek relief from Chapter 153, Zoning §153.121(C) setbacks.

The Board of Adjustment will hold a public hearing on this matter on Tuesday, July 26, 2022, at 5:00 p.m. in the Kill Devil Hills Town Hall Meeting Room, located at 102 Town Hall Drive. 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
Town Clerk

TOWN OF KILL DEVIL HILLS

PUBLIC HEARING

DATE: July 26, 2022

TIME: 5:00 pm

LOCATION:

KILL DEVIL TOWN HALL

102 Town Hall Drive

Kill Devil Hills, NC

APPLICATION: Raymond Pate

1006 Alexander Ln. Parcel # 002294076

PIN # 988409077408 - Variance from Chapter

153, Zoning 153.121(c) Setbacks

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

V/6/2022-07/26/2022: Submitted by Town Staff



TOWN OF KILL DEVIL HILLS
PUBLIC HEARING
DATE: _____
TIME: _____
LOCATION: _____
KILL DEVIL TOWN HALL
100 Green Hill Drive
Kill Devil Hills, NC
APPLICATION: _____
The date mentioned above may be subject to change by
posting and hearing date will be 30 days prior to the

V/6/2022-07/26/2022: Submitted by Town Staff

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.