



**Board of Adjustment
Agenda Packet**

August 13, 2020

Call to Order

- A) Announce Quorum Being Met
- B) Election of Chairman & Vice-Chairman
- C) Approval of Agenda
-) D. Approval of Minutes for August 15, 2019
-) E. Ask for Disqualifications

Old Business**New Business**

- A) **BOA 19-08 Justin Old - Glenmore Ridge Dewatering Violations - Applicant has requested and was granted a continuance to the October 8th Board of Adjustment Meeting:** Appeal of violation #1197 and violation #1198 for improperly pumping excess water not in accordance with the rules of the Unified Development Ordinance for property located on Campus Drive, Tax Map 22, Parcels 78A & 78B, Moyock Township.
- B) **BOA 20-01 Joey & Laurie Edwards - Variance Request:** Variance request for property located at 436 Shawboro Road, Parcel Identification Number 0033-000-0002-0000, Crawford Township, due to the residential single-family dwelling encroaching on the 50 foot minimum setback.

Announcements**Adjournment**



**CURRITUCK COUNTY
NORTH CAROLINA**

August 15, 2019
Minutes – Special Meeting of the Board of Adjustment

CALL TO ORDER - 7:00 PM

The Board of Adjustment met for a special meeting at 7:00 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
Cathy Bontemps	Board Member	Present	
Troy Breathwaite	Board Member	Present	
Steven Craddock	Board Member	Present	
Gregory Hammer	Board Member	Present	
Lynn L. Hicks	Board Member	Present	
Thom Roddy	Board Member	Present	
Laurie LoCicero	Planning Director	Present	
Ike McRee	County Attorney	Present	
Cheri Elliott	Clerk to the Board	Present	
Debbie LaShomb	County Employee Witness	Present	
Lauren Arizaga-Womble	Attorney	Present	
Jerry Lindsey	Applicant	Present	

Chairman Breathwaite called the meeting to order at 7:00 PM and asked the Clerk to the Board, Cheri Elliott, to call roll.

B Announce Quorum Being Met

Chairman Breathwaite announced a quorum being met with six board members present: Five regular members and one alternate member. Alternate member, Mr. Hicks, sat in the audience.

C. Approval of Agenda

Chairman Breathwaite asked if there were any changes to the agenda. Mr. Craddock motioned to approve as presented. Mr. Hammer seconded the motion and the motion carried unanimously.

RESULT: APPROVED [UNANIMOUS]
AYES: Cathy Bontemps, Board Member, Troy Breathwaite, Board Member, Steven Craddock, Board Member, Gregory Hammer, Board Member, Thom Roddy, Board Member

D Approval of Minutes for April 11, 2019

Chairman Breathwaite asked if there were any changes needed for the April 11th, 2019 meeting minutes. Mr. Craddock motioned to approve as presented. Mr. Hammer seconded the motion and the motion was approved unanimously.

RESULT: APPROVED [UNANIMOUS]
AYES: Cathy Bontemps, Board Member, Troy Breathwaite, Board Member, Steven Craddock, Board Member, Gregory Hammer, Board Member, Thom Roddy, Board Member

BOA Meeting Minutes - April 11, 2019

E Ask for Disqualifications

Chairman Breathwaite reference the State Government Ethics Act and asked if there were any board members having a known conflict of interest with respect to the matter coming to the board tonight. There were no conflicts noted.

OLD BUSINESS

There was no old business discussed.

NEW BUSINESS

- A. BOA 19-04 AAPCO & Family Co. - Jerry Lindsey: Jerry Lindsey with AAPCO & Family Co. is requesting a variance on behalf of the property owner, Donald Pitts, for a 2 foot encroachment on the required 20 foot setback for a sun room addition built by SolarTyme, a division of AAPCO. The subject property is located at 135 First View Way, Tax Map 9E, Parcel 22, Moyock Township.**

Chairman Breathwaite swore in all the participants in the public hearing.

Ms. LoCicero presented the case. The Unified Development Ordinance (UDO) requires lots created in the Single Family Residential-Mainland district (SFM) to maintain a 25 foot setback from the rear property line. However, the UDO also states lots in a conservation subdivision shall not be subject to minimum yard setback standards, except as required from major arterial streets, agricultural uses, or wetlands/surface waters. Section 6.4.4.1 UDO states the agreed upon setbacks for conservation subdivisions shall be shown on the final subdivision plat in order to assist with the issuance of building permits. The final plat for Moyock Crossing, Phase 1, Lot 22 shows a required rear yard of **20 feet**.

On September 26, 2018 a permit was issued to Solar Tyme, on behalf of the property owner Mr. Donald Pitts, to construct a 12' by 16' sun room addition to the existing dwelling at 135 First View Way, also known as Lot 22, Phase 1, Moyock Crossing. The site plan originally submitted with the permit application was denied because the proposed sun room was

encroaching into the required 20 foot rear setback. A subsequent site plan was submitted which was approved with the following conditions:

1. *Proposed sunroom and curved patio slab shall maintain required minimum setbacks from all property lines, including the required 20' setback from the rear property line.*
2. *As-Built Survey Required*

On March 20, 2019 the required as built survey was submitted showing a 2 foot encroachment into the required 20' foot rear setback.

The applicant is requesting a variance from setback shown on the recorded final plat, effectively reducing the setback to 18 feet.

Chairman Breathwaite had questions concerning the asbuilt and the actual size of the sunroom. Ms. LoCicero said the sunroom is 12' x 16' on the final asbuilt.

Chairman Breathwaite asked what is the purpose of the 20' setback. Ms. LoCicero said it is part of a 15' drainage and utility easement.

Ms. Bontemps asked what the normal setback is in the County. Ms. LoCicero said 25' is the normal setback, but there is flexibility for conservation subdivisions trying to conserve wetlands. Ms. LoCicero said the developer established the 20' setback.

Ms. Bontemps questioned whether a developer could have a 10' setback. Ms. LoCicero said that is not allowed. She said 20' is usually for the main structure and 10' would be for a pool.

Mr. Craddock said the higher the density the shorter the setback. Ms. LoCicero said she would agree with that statement.

Ms. Bontemps questioned why asbuilts are done after the building is complete. Ms. LoCicero said we must do this to make sure they adhered to the rules. The asbuilt shows as it is built.

Mr. Roddy asked is Shingle Landing was on a major arterial street. Ms. LoCicero said it is not.

Board discussion was held on why the applicant shifted the sunroom to the left side.

Ms. Arizaga-Womble suggested it was time to call a witness.

Mr. McRee called his first witness, Debbie Lashomb to the stand. He asked her to explain her job duties with Currituck County and how she was involved with this case. Ms. LaShomb said she denied the first permit request due to the sunroom being on the setback. Ms. LaShomb placed the permit on hold and called Charity with the applicant's company to asked them to show a site plan that complies with the setbacks. Ms. LaShomb said they resubmitted, shifting the sunroom to the right with the building still being 12' x 16', but the setback showed 20' and when there is 1' or less to the setback, we require an asbuilt. Ms. LaShomb said the Planner, Jason Litteral, talked to the applicant after the encroachment was found.

Mr. Hammer asked about the consequences to the land owner. Ms. LoCicero said they have to come into compliance and will have to eliminate the corner of the building to meet the setback requirement. Mr. Hammer asked if this is something that has happened before. Ms. LoCicero said this has happened before.

Ms. LaShomb clarified that she had noted on the site plan for the setback to be met and an asbuilt would be required.

Mr. Craddock asked if they have to change the roof. Ms. LoCicero said a 3' encroachment is allowed for eaves of a building.

Mr. McRee said the County rests it's case.

The Applicant, Jerry Lindsey with AAPCO & Family Co., came before the board. He said there was an error on their part and I also said this in an email. He admitted to the wrong doing, but thought they had the proper setbacks. He said they moved the building to the left to try to meet the requirements, but he could not cover up the window because it is an egress and also the door. He said if they have to cut the corner of the sunroom off that would be a hardship since it is a prefab sunroom. He said the encroachment is very minor and was a miscalculation on our part.

The board asked the applicant questions and the applicant showed pictures of the finished sunroom.

Ms. Arizaga-Womble asked the Clerk to the Board to not the following exhibits: County 1, pages 20-31 and Applicant 1, 4 photos and 1 asbuilt.

Ms. Bontemps asked if the County measures the setbacks and the applicant said they did not.

Mr. McRee had no questions for the applicant.

Chairman Breathwaite asked if the board had questions for the County.

Mr. Roddy asked what does the County want to do. Ms. LoCicero said we need compliance. Mr. Roddy asked if they have to tear down the structure and Ms. LoCicero said they only have to fix the part that is encroaching.

Mr. Roddy said he believe the County should have an employee measure and check before and during the construction for setbacks. Mr. Craddock said if an applicant knows they are that close to the setback, they should have the responsibility to hire a surveyor to check the setbacks to make sure they are in compliance. Mr. Craddock asked Ms. LaShomb if this is something other applicants do and she said yes.

Chairman Breathwaite said he is bothered by having to make this decision and wishes there was another option, but there is not. He reminded the board members that there are approval standards that have to be met in order to approve a variance. Number 4 review standard says the hardship cannot be the result of the applicant's own actions and they do not meet this requirement.

Mr. Craddock said if we approved this tonight, it would set a precedent for the contractors to accidentally make this same mistake and know that they could get a variance.

Ms. Bontemps said she has a problem with being able to have a shed closer to the property line than a house. Chairman Breathwaite said that would have to be changed through the Unified Development Ordinance (UDO), but we have to enforce the rules as they are now.

Ms. Arizaga-Womble explained legislature and enforcing it and said we are not here tonight to change the existing rules.

Mr. Roddy said the hardship is going to be suffered by the property owner and not the applicant. Ms. Arizaga-Womble said the land owner is responsible for making sure the rules are followed even if they hire a contractor to work on their property.

Mr. Craddock motioned to deny the variance request since it does not meet all six of the variance rules. Mr. Breathwaite amended the motion by saying rule #1 was suffered, but beyond that the hardship has not been met. Mr. Craddock accepted the amended motion. Mr. Hammer seconded the motion and the motion carried unanimously.

RESULT:	DENIED [UNANIMOUS]
AYES:	Cathy Bontemps, Board Member, Troy Breathwaite, Board Member, Steven Craddock, Board Member, Gregory Hammer, Board Member, Thom Roddy, Board Member

ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

Mr. Roddy motioned to adjourn the meeting. Mr. Craddock seconded the motion and the meeting adjourned at 8:10 PM.

Communication: BOA Meeting Minutes - August 15, 2019 (D. Approval of Minutes for August 15, 2019)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2668)

Agenda Item Title: PB 19-08 Justin Old - Glenmore Ridge Dewatering Violations:

Submitted By: Cheri Elliott – Planning & Community Development

Presenter of Item: Laurie LoCicero

Board Action: Action

Brief Description of Agenda Item:

Appeal of violation #1197 and violation #1198 for improperly pumping excess water not in accordance with the rules of the Unified Development Ordinance for property located on Campus Drive, Tax Map 22, Parcels 78A & 78B, Moyock Township.

Is this item regulated by plan, regulation or statute?

Manager Recommendation:



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2877)

Agenda Item Title: BOA 20-01 Joey & Laurie Edwards - Variance Request:

Submitted By: Cheri Elliott – Planning & Community Development

Presenter of Item: Laurie LoCicero

Board Action: Action

Brief Description of Agenda Item:

Variance request for property located at 436 Shawboro Road, Parcel Identification Number 0033-000-0002-0000, Crawford Township, due to the residential single-family dwelling encroaching on the 50 foot minimum setback.

Is this item regulated by plan, regulation or statute?

Manager Recommendation:



STAFF REPORT
BOA 20-01 JOEY AND LAURIE EDWARDS
VARIANCE REQUEST
BOARD OF ADJUSTMENT
AUGUST 13, 2020

APPLICATION SUMMARY

Property Owner: Joseph M. & Laurie L. Edwards 436 Shawboro Road Moyock, NC 27958	Applicant: Joey & Laurie Edwards 463 Shawboro Road Moyock, NC 27958
Case Number: BOA 20-01	Application Type: Variance
Parcel Identification Number: 0033-000-0002-0000	Existing Use: Residential
Parcel Size (Acres): 0.96 Acres	Zoning: Agricultural (AG)
Variance Requested from the Unified Development Ordinance: Section 3.3.3.F., Dimensional Standards, requires residential single-family detached dwellings located in the AG district to maintain a 50 foot minimum setback from a major arterial street (Shawboro Road/NC 34).	

STAFF ANALYSIS

Unified Development Ordinance

The Unified Development Ordinance (UDO), Section 3.3.3.F., Dimensional Standards, requires a single family dwelling in the Agriculture (AG) zoning district to maintain a 50 foot setback from the major arterial street (NC 34 Shawboro Road). In addition, Section 10.3.4.C, Allowable Setback Encroachments, permits an uncovered porch, or similar impervious site feature that does not extend above the first habitable floor of the building and does not impede the flow of stormwater, to encroach up to three feet into the required setback.

Background

On April 13, 2016, the county issued a demolition permit for the removal of an existing single family dwelling at 436 Shawboro Road. The house was removed and a final inspection was completed March 7, 2018.

On December 17, 2019, the county issued a building permit to construct a single family dwelling that would utilize the existing septic system installed in 1982. The building permit application included a site plan prepared by Rackley Land Surveying (copy attached) indicating:

1. The document was a site plan based on recorded information and design plans provided by the contractor/owner, but not a survey;
2. The proposed front setback (major arterial) of 66.60 feet;
3. A lot area of 43,498 square feet (0.99 acre); and,
4. The lot dimensions were 100 feet in width and 435.4 feet in depth.

The applicant began construction of the dwelling, and in February 2020 the county received an inquiry regarding a possible setback encroachment. The county contacted the contractor and advised him of a possible setback issue. Rackley Land Surveying completed a foundation survey March 9, 2020 and revealed the dwelling (and covered porch) were 47.74 feet from the front property line and not compliant with the 50 foot minimum major arterial front setback. The foundation survey also indicated dimensional deviations from the site plan submitted with the building permit application. The foundation survey indicated a lot area of 42,085 square feet (0.96 acre) and lot dimensions of 96.83 feet lot width and 434.67 feet lot depth. The owner filed a variance application on March 23, 2020

requesting a 2.26 foot reduction in the minimum 50 foot major arterial setback to accommodate the covered front porch.

Since the previous house was removed and the location was undocumented by a survey, it is unclear if the new dwelling was placed in the same footprint as the demolished dwelling.

The applicant is requesting a variance to allow the front porch of a single family dwelling to encroach 2.26 feet into the minimum major arterial street required setback, effectively reducing the major arterial street setback to 47.74 feet.

COVID-19 delayed scheduling the hearing.

VARIANCE REVIEW STANDARDS

A variance shall be approved on a finding that the applicant demonstrates the proposed use will meet all of the below requirements. It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, does not meet all of the requirements for a variance based on the below preliminary staff findings:

The alleged hardship is suffered by the applicant as a result of the application of this ordinance.

Preliminary Staff Findings:

1. The alleged hardship **is not** suffered by the applicant as a result of the application of the UDO because:
 - a. The approved site plan indicates the proposed dwelling would be 66.60 feet from the front corner marker (property line).
 - b. The applicant measured the setback from the roadway and not from the property line.
 - c. The dwelling meets the required 50 foot major arterial street setback.
 - d. The applicant can meet the required 50 foot major arterial street setback if the front porch was uncovered where located in the setback.

Applicant Findings:

1. A variance is needed in order to be able to have (the) house in the same location as previous house, to allow us to use the pre-existing septic.

The hardship relates to the applicant's land, such as location, size, or topography rather than personal circumstances.

Preliminary Staff Findings:

1. The hardship **does not** relate to the applicant's land but of personal circumstances. The applicant can meet the required 50 foot major arterial setback and allowable uncovered porch encroachment by removing the portion of the porch roof in the setback.

Applicant Findings:

1. Placement of the house was determined using pre-existing house and pre-existing septic. Any encroachment was unintentional. We placed the house where prior house/porch was located.

The hardship is unique, or nearly so, rather than one shared by many surrounding properties.

Preliminary Staff Findings:

1. The hardship **is not unique** because the proposed single family dwelling and front porch can meet the required 50 foot major arterial setback and allowable setback encroachments provided the front porch is uncovered (portion located in the setback).

Applicant Findings:

1. Lot size and pre-existing septic required the house placement to be determined.

The hardship is not the result of the applicant's own actions.

Preliminary Staff Findings:

1. The hardship **is** a result of the applicant's own actions because the field measurements were not taken from the front property line.

Applicant Findings:

1. Unknowingly, the site plans were drawn from the roadway and using the pre-existing structure that was replaced. Measurements were submitted to the surveyor for site plan not knowing the pins were on the backside of the ditch. I (applicant) placed the stake out pins for the house.

The variance will not authorize the initiation of a nonconforming use of land; and

Preliminary Staff Findings:

1. The variance **will not** authorize the initiation of a nonconforming use of land.

Applicant Findings:

1. Land is being used for residential housing as it was prior, if variance is granted, it will not create a new nonconformity.

The requested variance is consistent with the spirit, purpose, and intent of this ordinance, such that public safety is secured, and substantial justice is achieved.

Preliminary Staff Findings:

1. The requested variance **is not** consistent with the spirit, purpose, and intent of this ordinance because:
 - a. The request only meets 1 of the 5 review standards above.
 - b. The applicant can meet the required setback provided the roof is removed from the front porch.
 - c. The hardship is a result of the applicant's own actions.

STAFF RECOMMENDATION

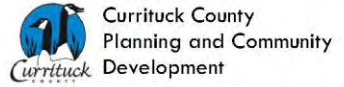
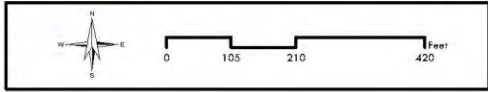
Staff recommends **denial** of the variance subject to the following factors:

- a. The variance request does not meet the required review standards.

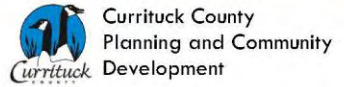
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Adjustment: www.co.currituck.nc.us/board-of-adjustment-minutes-current.cfm



BOA 20-01
 Joey and Laurie Edwards
 Aerial



BOA 20-01
 Joey and Laurie Edwards
 Zoning

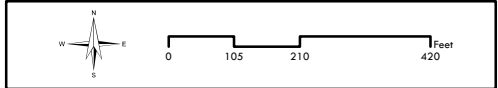


3.B.b

Shawboro Rd

Attachment: 2 Aerial (BOA 20-01 Joey & Laurie Edwards)

BOA 20-01
Joey and Laurie Edwards
Aerial



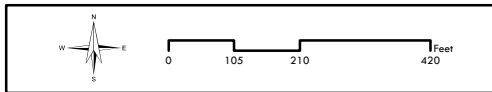
3.B.c

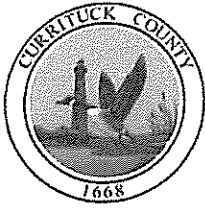
AG

Shawboro Rd

Attachment: 3 Zoning (BOA 20-01 Joey &

BOA 20-01
Joey and Laurie Edwards
Zoning





Variance Application

OFFICIAL USE ONLY:
 Case Number: _____
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information

APPLICANT:	PROPERTY OWNER:
Name: <u>Joey Edwards + Laurie Edwards</u>	Name: <u>Joey + Laurie Edwards</u>
Address: <u>463 Snowden Rd.</u>	Address: <u>463 Snowden Rd.</u>
<u>Moyock, NC 27958</u>	<u>Moyock, NC 27958</u>
Telephone: <u>757-739-8392</u>	Telephone: <u>757-739-8392</u>
Fax Number: _____	Fax Number: _____
E-Mail Address: <u>joey45019@gmail.com</u>	E-Mail Address: <u>joey45019@gmail.com</u>
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: _____	

Property Information

Physical Street Address: 436 Shawboro Rd.
 Location: Moyock, NC 27958
 Parcel Identification Number(s): 003300000020000

Request

I, Joey Edwards, hereby request a variance from Section(s) 3.3.3.F of the Unified Development Ordinance.

Provide a narrative of why the variance is needed and what circumstances have lead to the need for a variance:

I placed house where pre-existing house was, in order to be able to use pre-existing septic. lot size and pre-existing house determined the placement of the house. I placed the stake out pins for the house, unknowenly that the pins were on the back side of the ditch. Any encroachment was unintentional. Land is being used for residential housing as it was prior. I had everything approved with using pre-existing septic prior to purchasing the lot, to be able to use the pre-existing septic. Pre-existing septic is 5 ft. from Back of house. It would have cost \$12,000.00 to move septic.

Attachment: 4 Variance application Edwards (BOA 20-01 Joey & Laurie Edwards)

Relevant Factors for Issuance of a Variance

A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it makes detailed written findings that:

- A. The alleged hardship is suffered by the applicant as a result of the application of the Ordinance. (Variances can not be granted if the hardship is the result of restrictions other than those of the ordinance; restrictive covenants are an example).

A variance is needed in order to be able to have house in same location as previous house, to allow for us to use the pre-existing septic.

- B. The hardship relates to the applicant's land, such as location, size, or topography, rather than personal circumstances. (Hardships suffered by the applicant should be the result of factors directly related the applicant's land and not ordinance requirements).

Placement of the house was determined using pre-existing house, and pre-existing septic. Any encroachment was unintentional. We placed house where prior house/porch was located.

- C. The hardship is unique, or nearly so, rather than one shared by many surrounding properties. (Hardships suffered by the applicant in common with neighbors does not justify a variance, the proper remedy is not a variance, but rather an amendment of the ordinance. Courts have held that a board's granting a variance based on such factors amounts to an attempted usurpation of legislative power).

lot size and pre-existing septic required the house placement to be determined.

- D. The hardship is not the result of the applicant's own actions. (Where a property owner has either knowingly or unknowingly violated the ordinance by erecting a forbidden structure, he/she cannot cite expenses as a hardship, otherwise no one would ever comply with the ordinance. Similarly, when a person buys property and certain restrictions exist, he/she cannot be said to suffer hardship if those restrictions are enforced; such hardship would be self imposed).

Unknowingly the site plans were drawn from the roadway and using the pre-existing structure that was replaced. Measurements were submitted to the surveyor for site plan. Not knowing the pins were on the backside of the ditch, I placed the stake out pins for house.

- E. The variance will not authorize the initiation of a nonconforming use of land. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted will not create a new nonconformity).

Land is being used for residential housing as it was prior, if variance is granted, it will not create a new nonconformity.

Relevant Factors for Issuance of a Variance

A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it makes detailed written findings that:

- A. The alleged hardship is suffered by the applicant as a result of the application of the Ordinance. *(Variances can not be granted if the hardship is the result of restrictions other than those of the ordinance; restrictive covenants are an example).*

A variance is needed in order to be able to have house in same location as previous house, to allow for us to use the pre-existing septic.

- B. The hardship relates to the applicant's land, such as location, size, or topography, rather than personal circumstances. *(Hardships suffered by the applicant should be the result of factors directly related the applicant's land and not ordinance requirements).*

Placement of the house was determined using pre-existing house, and pre-existing septic. Any encroachment was unintentional. We placed house where prior house/porch was located.

- C. The hardship is unique, or nearly so, rather than one shared by many surrounding properties. *(Hardships suffered by the applicant in common with neighbors does not justify a variance, the proper remedy is not a variance, but rather an amendment of the ordinance. Courts have held that a board's granting a variance based on such factors amounts to an attempted usurpation of legislative power).*

lot size and pre-existing septic required the house placement to be determined.

- D. The hardship is not the result of the applicant's own actions. *(Where a property owner has either knowingly or unknowingly violated the ordinance by erecting a forbidden structure, he/she cannot cite expenses as a hardship, otherwise no one would ever comply with the ordinance. Similarly, when a person buys property and certain restrictions exist, he/she cannot be said to suffer hardship if those restrictions are enforced; such hardship would be self imposed).*

Unknowingly the site plans were drawn from the roadway and using the pre-existing structure that was replaced. Measurements were submitted to the surveyor for site plan. Not knowing the pins were on the backside of the ditch, I placed the stake out pins for house.

- E. The variance will not authorize the initiation of a nonconforming use of land. *(State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted will not create a new nonconformity).*

Land is being used for residential housing as it was prior, if variance is granted, it will not create a new nonconformity.

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

Laurie Edwards
Joey Edwards
Property Owner(s)/Applicant*

3-19-2020
Date

***NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.**

Owner Verification

If the person who is requesting the Board of Adjustment to take action on a particular piece of property is not the owner of the property, or under contract to purchase, then the actual owner of the land must complete this section. If the owner is the appellant/application please do not complete this section.

Dear Sir or Madame:

I am the owner of the property located at _____

I hereby authorize _____
to appear with my consent before the Board of Adjustment in order to request a variance at the above location. I understand that a variance, if granted, is permanent and runs with the land. I authorize you to advertise and present this matter in my name as the owner of the property.

If you have any questions, you may contact me at the following at the address, phone number, or email address listed on this application.

Respectfully yours,

Owner Date

Sworn to and subscribed before me, this the _ day of _____, 20____.

Notary Public

My commission expires: _____

Attachment: 4 Variance application Edwards (BOA 20-01 Joey & Laurie Edwards)

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

Laurie Edwards
Joey Edwards
Property Owner(s)/Applicant*

3-19-2020
Date

***NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.**

Owner Verification

If the person who is requesting the Board of Adjustment to take action on a particular piece of property is not the owner of the property, or under contract to purchase, then the actual owner of the land must complete this section. If the owner is the appellant/application please do not complete this section.

Dear Sir or Madame:

I am the owner of the property located at _____

I hereby authorize _____
to appear with my consent before the Board of Adjustment in order to request a variance at the above location. I understand that a variance, if granted, is permanent and runs with the land. I authorize you to advertise and present this matter in my name as the owner of the property.

If you have any questions, you may contact me at the following at the address, phone number, or email address listed on this application.

Respectfully yours,

Owner Date

Sworn to and subscribed before me, this the _ day of _____, 20____.

Notary Public

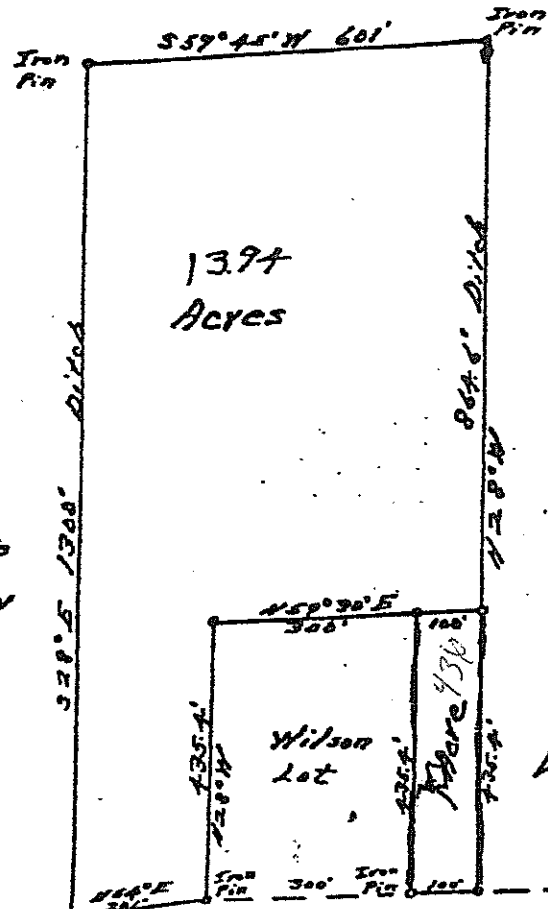
My commission expires: _____

Attachment: 4 Variance application Edwards (BOA 20-01 Joey & Laurie Edwards)

BOX 89 PAGE 483

JOHN E. ROBERTS
 CURRITUCK COUNTY, NORTH CAROLINA
 PART OF C. K. THOMPSON TRACT
 SURVEYED FEB. 18, 1957
 SCALE 1 INCH = 200 FEET
 S. ELMO WILLIAMS

G. F. Roberts Property



13.94
Acres

Grandy Property

G. F. Roberts Property

To Shambers
 Highway No. 170
 To Sligo

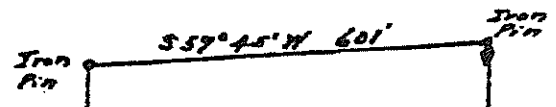


This map is not a certified survey & has not been reviewed by a local government agency for compliance with any applicable land development regulations.

Attachment: 4 Variance application Edwards (BOA 20-01 Joey & Laurie Edwards)

BOOK 89 PAGE 183
JOHN E. ROBERTS
 CURRITUCK COUNTY, NORTH CAROLINA
 PART OF C.K. THOMPSON TRACT
 SURVEYED FEB. 18, 1957
 SCALE 1 INCH = 200 FEET
 S. ELMO WILLIAMS

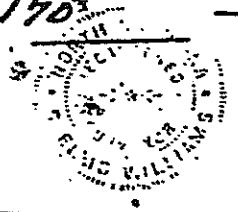
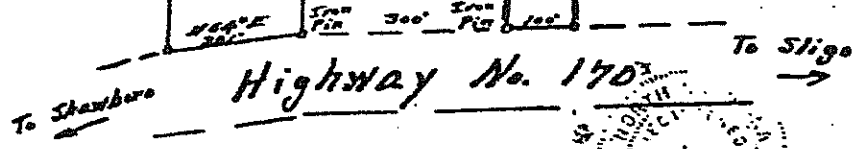
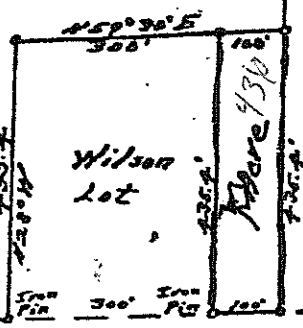
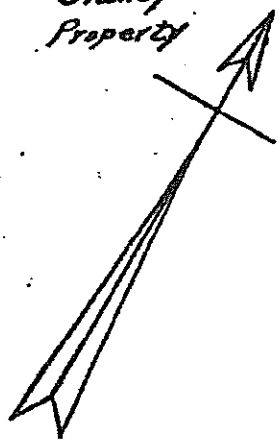
G. F. Roberts Property



1394
Acres

G. F. Roberts Property

Grandy Property

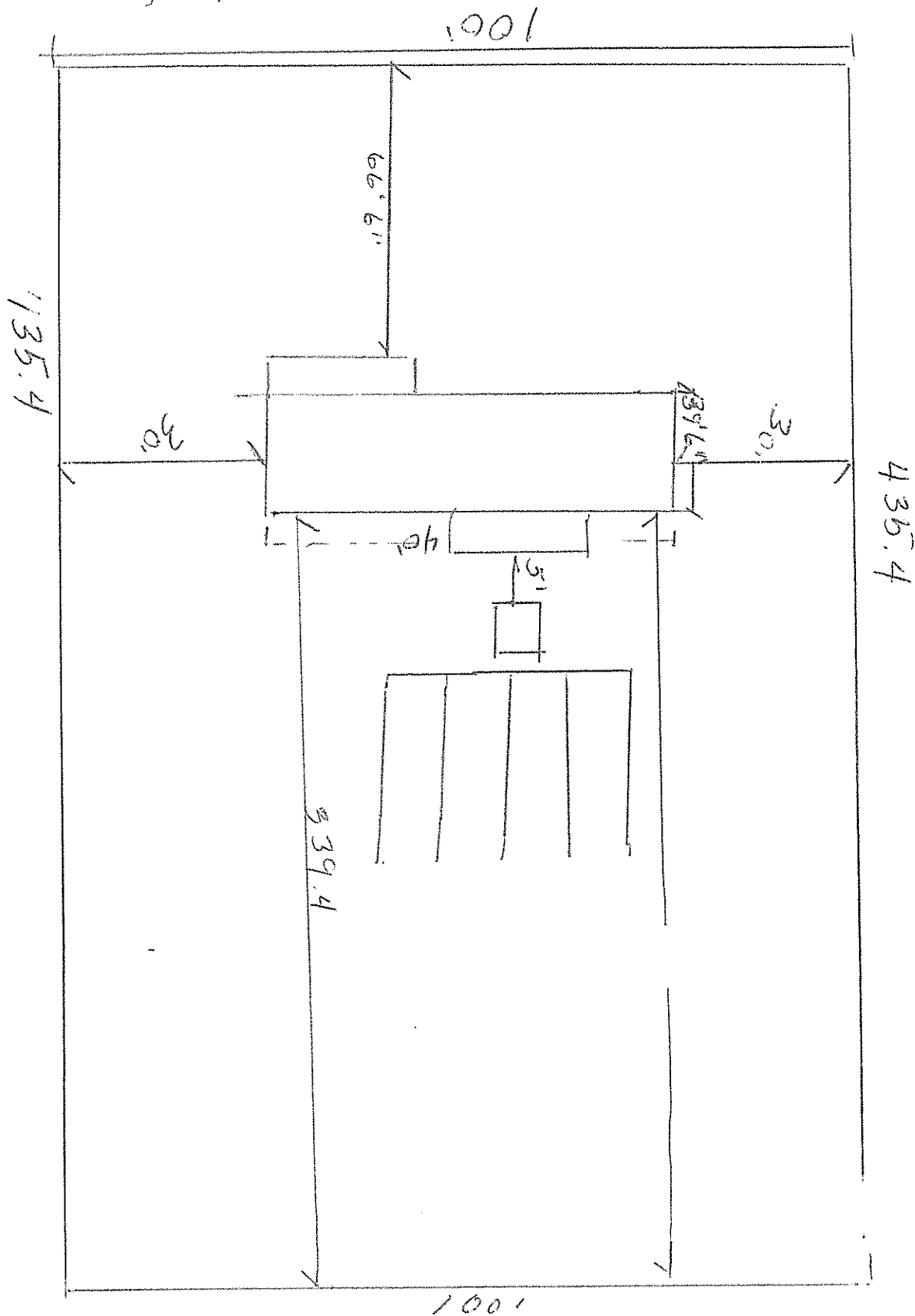


This map is not a certified survey & has not been reviewed by a local government agency for compliance with any applicable land development regulations.

Attachment: 4 Variance application Edwards (BOA 20-01 Joey & Laurie Edwards)

Showboro Road 436

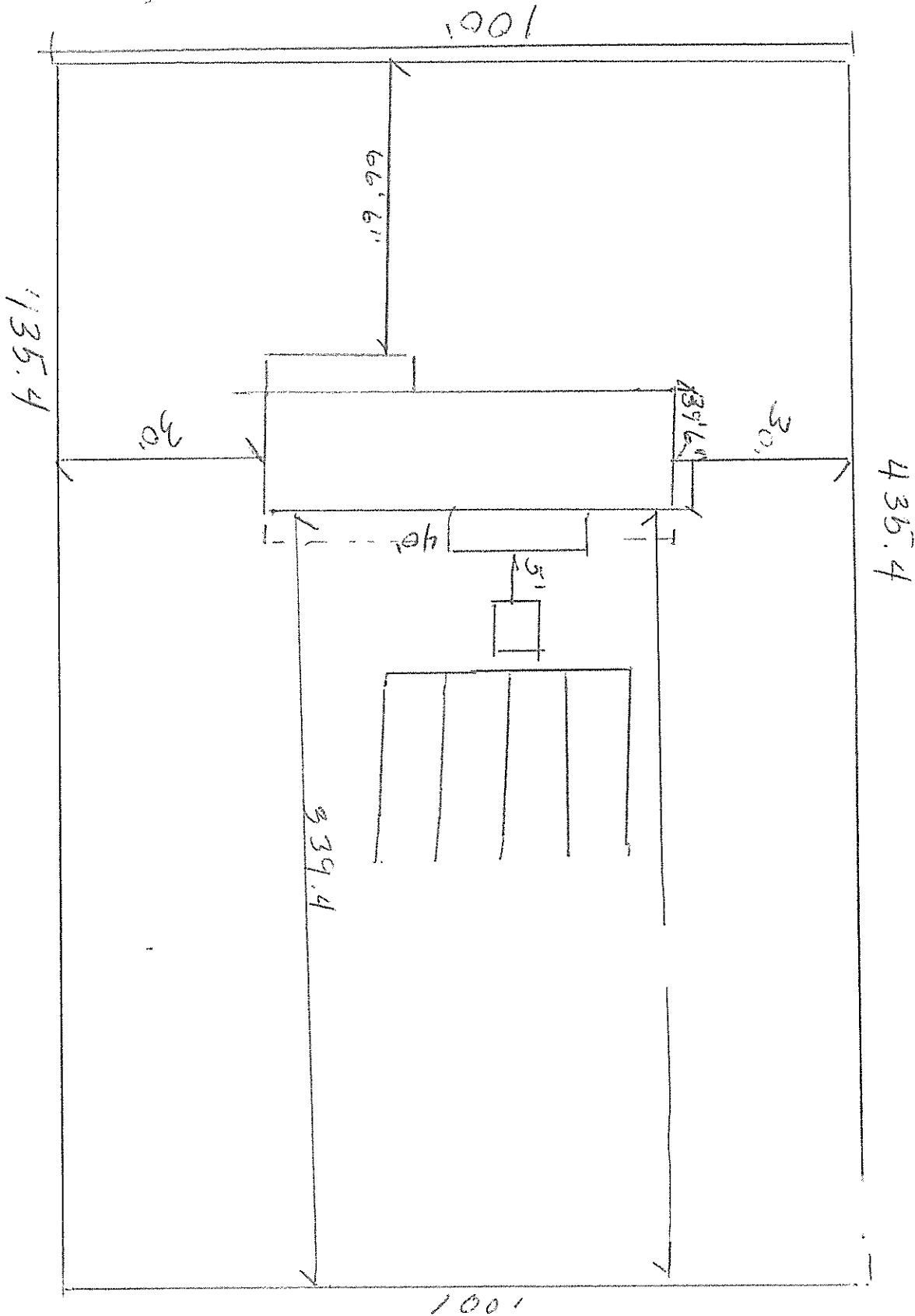
[Handwritten signature]



Attachment: 4 Variance application Edwards (BOA 20-01 Joey & Laurie Edwards)

Showboro Road 436

[Handwritten signature]



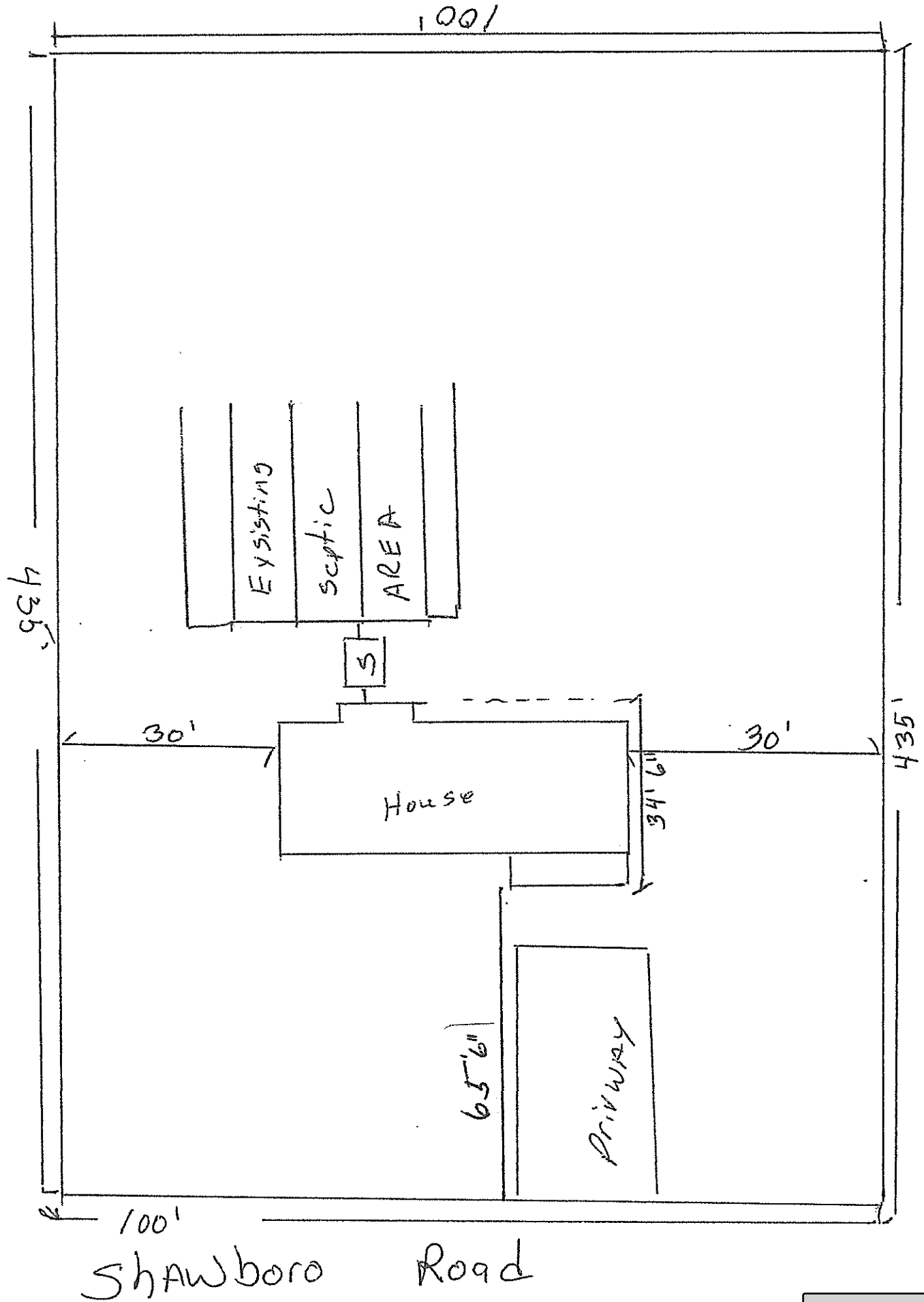
Attachment: 4 Variance application Edwards (BOA 20-01 Joey & Laurie Edwards)



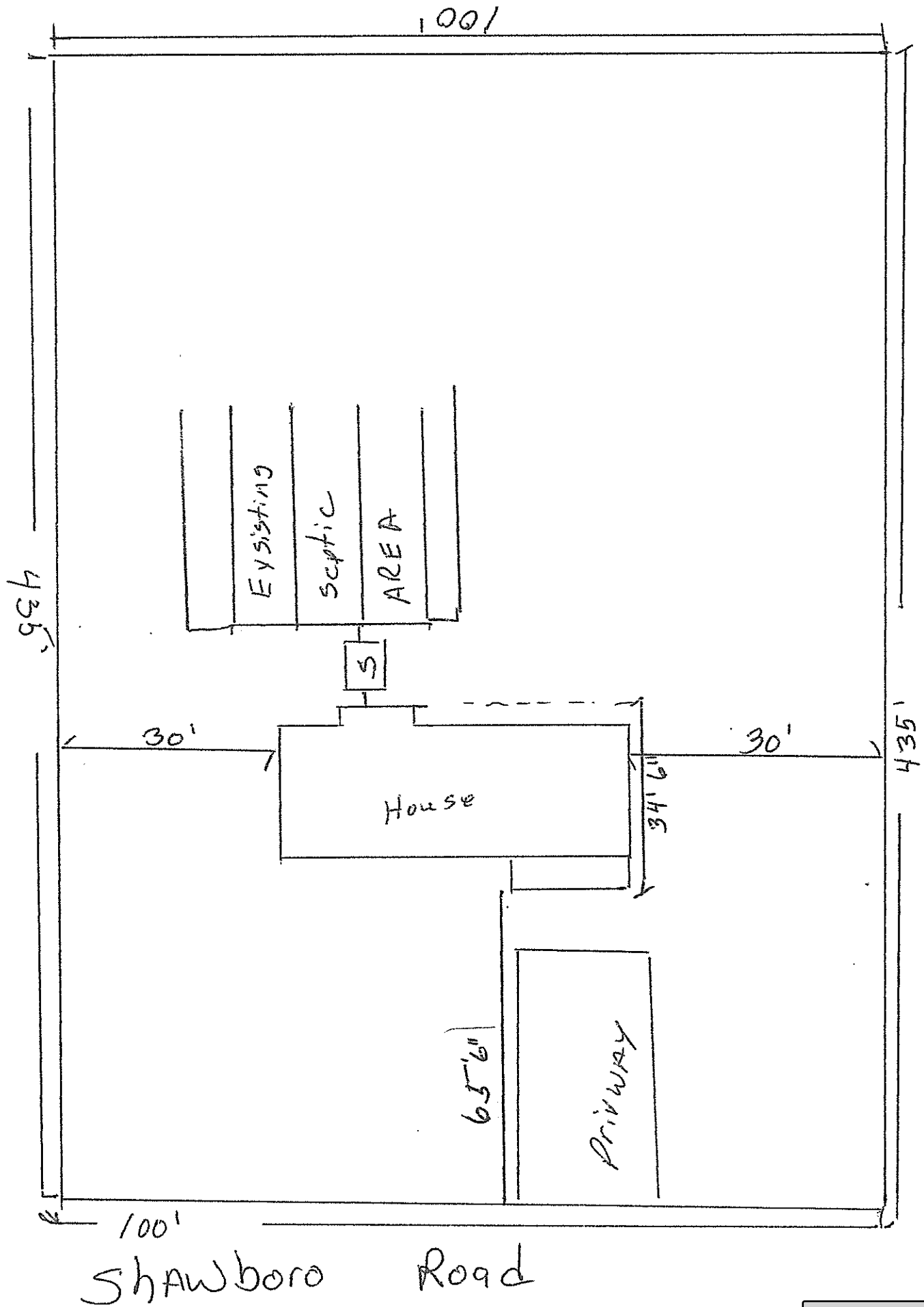
Attachment: 4 Variance application Edwards (BOA 20-01 Joey & Laurie Edwards)



Attachment: 4 Variance application Edwards (BOA 20-01 Joey & Laurie Edwards)

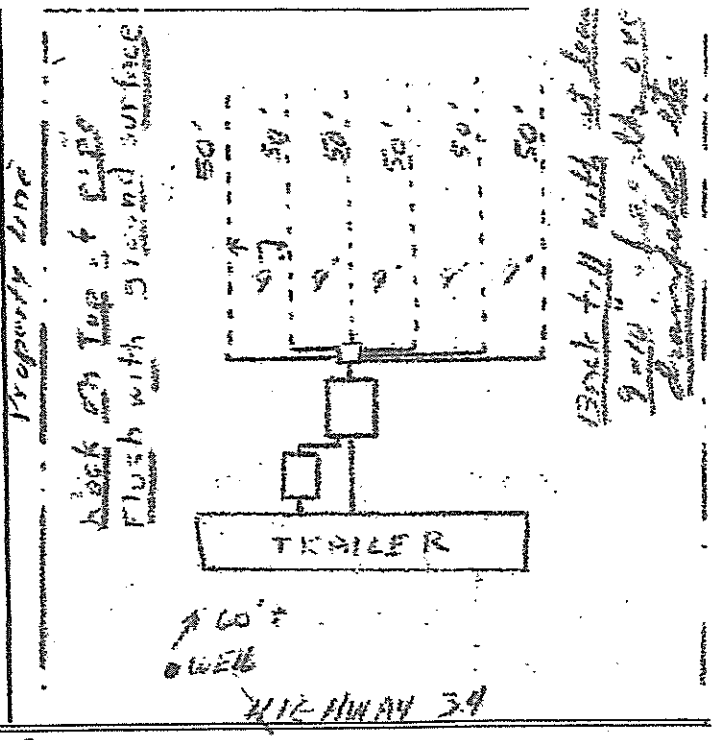


Attachment: 4 Variance application Edwards (BOA 20-01 Joey & Laurie Edwards)



Attachment: 4 Variance application Edwards (BOA 20-01 Joey & Laurie Edwards)

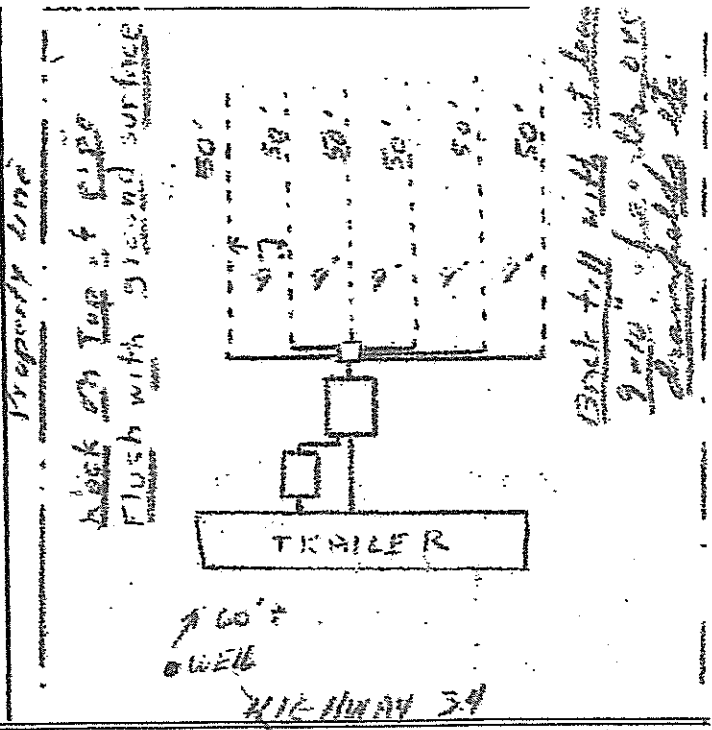
Date Issued 6-24-82 NEW REPAIRING
 Owner Ronald J. Riner Maryland
 Address P.O. Box 3 - Universal Park N.C.
 Location US 34 - near Twp Center
 Subdivision _____ Blk _____ Lot _____
 House () Modular () Mobile Home (x) Business ()
 No. Bedrooms 3 No. Persons 5 No. Baths 2
 Garbage Disp. - Yes () No (x) - A.W.M. Yes (x) No ()
 A. Dishwasher - Yes () No (x) - Site Suit. Yes (x) No ()
 Tank Capacity 1000 Gals. Type Pre-cast
 Drain Tile 450 Grease Trap Ft. Width of Ditch (3) Ft.
 Soil Type Fill Water Table 36"
 Work to be done by W. G. Holt
 Address 142 Maryland Tel _____
 Water Supply: Individual (x) Public ()
 Improvements permit by DeW. Brown, R.S.
PERMIT EXPIRES AFTER 3 YEARS



CERTIFICATE OF COMPLETION BY DeW. Brown, R.S. Date June 24, 1982

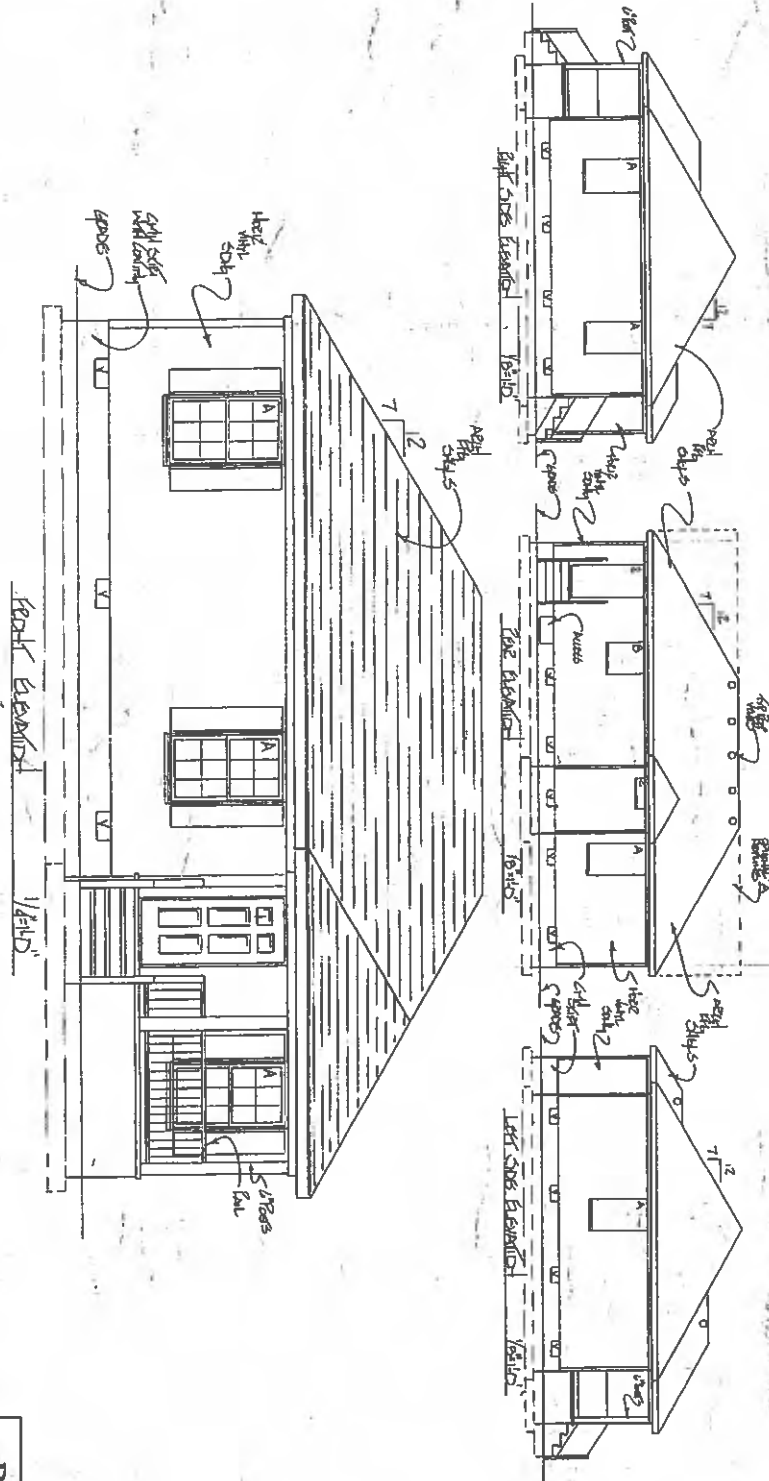
Attachment: 4 Variance application Edwards (BOA 20-01 Joey & Laurie Edwards)


Date Issued 6-1-82 NEW Building
 Owner Ronald J. Riner Traynham
 Address P.O. Box 3-Universal Park N.C.
 Location US 34. 1/2 MI. W. of
 Subdivision _____ Blk. _____ Lot _____
 House () Modular () Mobile Home (x) Business ()
 No. Bedrooms 3 No. Persons 5 No. Baths 2
 Garbage Disp. - Yes () No (x) - A.W.M. Yes (x) No ()
 A. Dishwasher - Yes () No (x) - Site Suit. Yes (x) No ()
 Tank Capacity 1000 Gals. Type Pre-cast
 Drain Tile 450 Ft. Grass Type Trap Width of Ditch (3) Ft.
 Soil Type Fill Water Table 36"
 Work to be done by W.G. Holt
 Address 142 Traynham Tel. _____
 Water Supply: Individual (x) Public ()
 Improvements permit by Del Brown, R.S.
PERMIT EXPIRES AFTER 3 YEARS



CERTIFICATE OF COMPLETION BY Del Brown, R.S. Date June 24, 1982

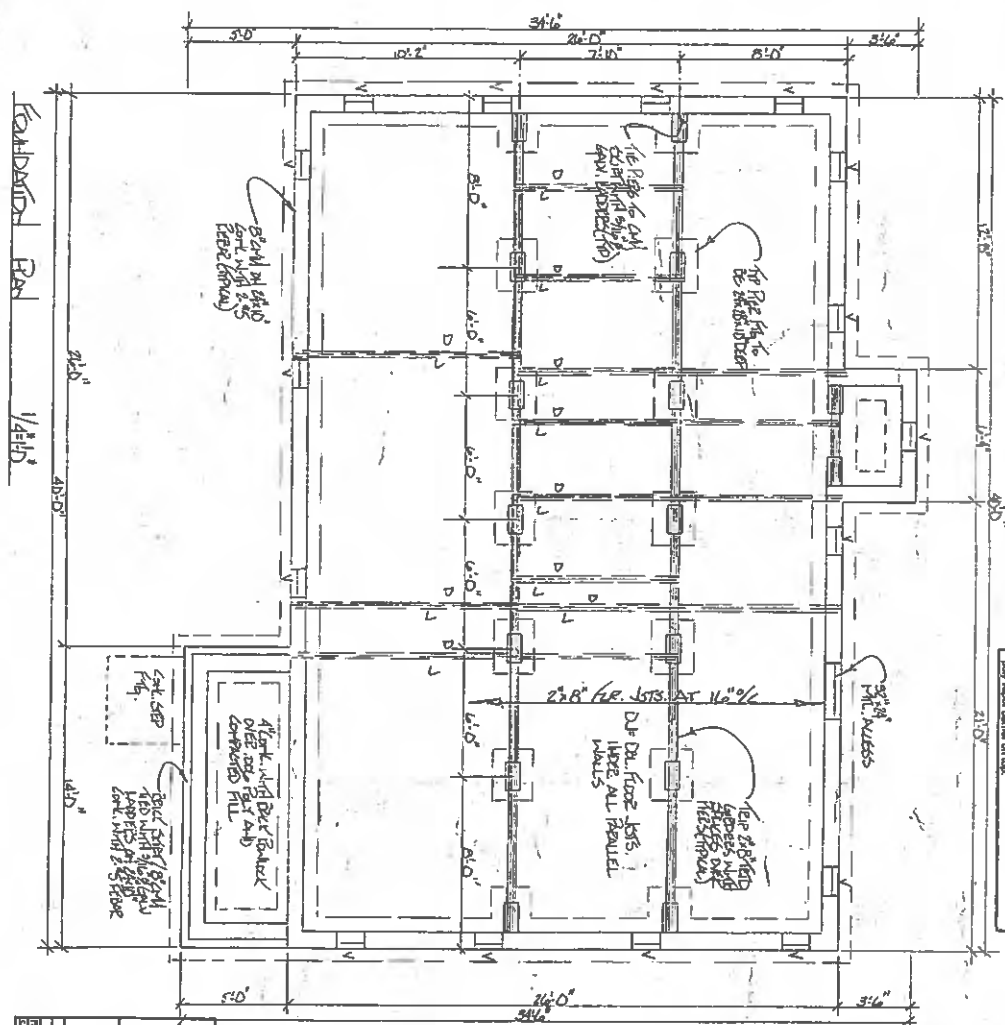
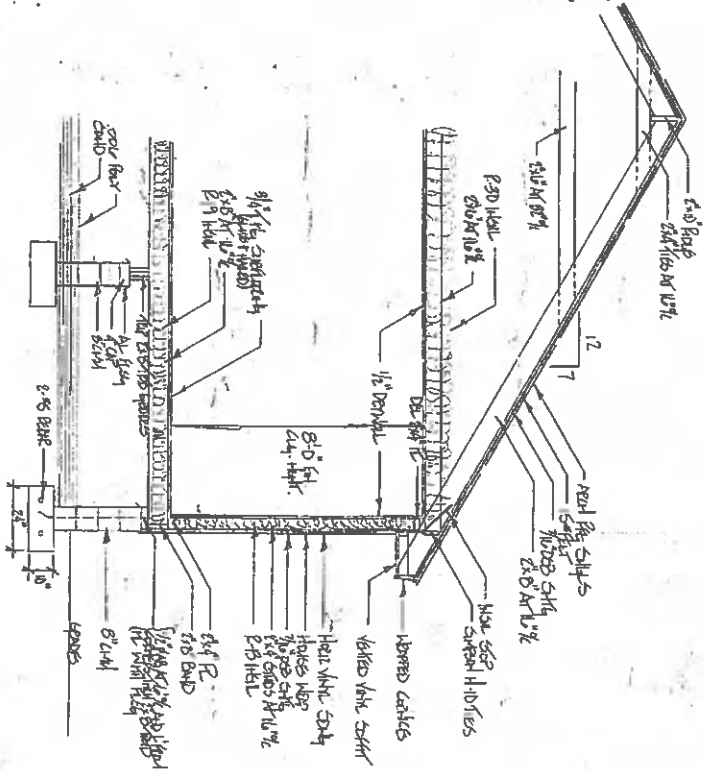
Attachment: 4 Variance application Edwards (BOA 20-01 Joey & Laurie Edwards)



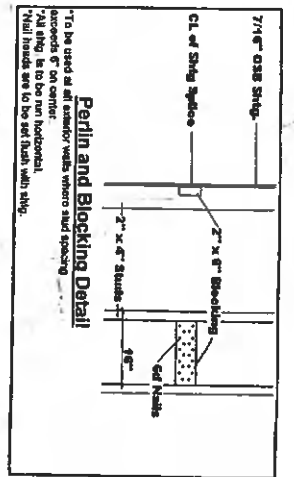

BARNES RESIDENTIAL DESIGN
 808 Chris Court
 Chesapeake, VA 23322
 757-546-1485
 757-667-4398
 757-546-3825 Fax


BARNES RESIDENTIAL DESIGN
 808 Chris Court
 Chesapeake, VA 23322
 757-546-1485
 757-667-4398
 757-546-3825 Fax

FRONT WALL SECTION 3/8"=1'-0"



Foundation Notes:
 1. All walls and footings to be 22 STP (Fiberglass Treated)
 2. V. & H. Foundation walls with weep and
 3. All exterior walls to be 4\"/>



To be used at all eave/wall joints where roof sheathing meets exterior wall.
 All shing to be run horizontal.
 Nail heads are to be set flush with shig.

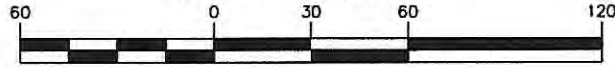
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FOUNDATION SURVEY
FOR
JOSEPH M. EDWARDS & WIFE LAURIE L. EDWARDS
CRAWFPRD TOWNSHIP
CURRITUCK COUNTY, NORTH CAROLINA

BEING THE PROPERTY AS DESCRIBED IN DEED BOOK 1516, PAGE 559
MARCH 9, 2020

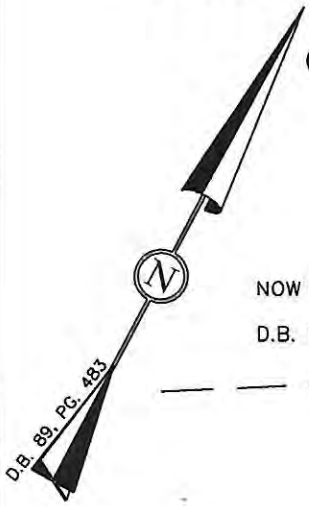
GRAPHIC SCALE



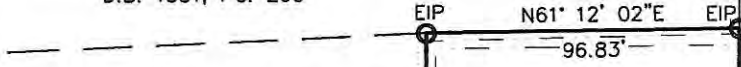
(IN FEET)
1 inch = 60 ft.



VICINITY MAP
NTS

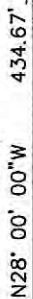


NOW OR FORMERLY
TWIDDY
D.B. 1331, PG. 266



42,085 SF
0.96 ACRES

NOW OR FORMERLY
JONES & SMALL
D.B. 1264, PG. 495

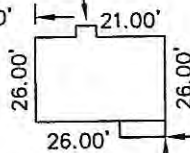


NOW OR FORMERLY
FEREBEE
D.B. 303, PG. 477

LEGEND

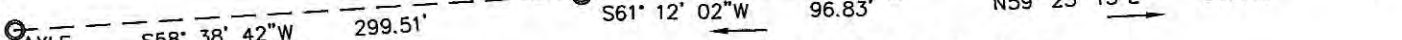
- NGS MONUMENT (K210)
- SET IRON REBAR
- EXISTING CORNER (AS NOTED)
- PROPERTY LINE
- PROPERTY EXTENSION
- RIGHT OF WAY
- EXISTING DITCH
- PROPERTY TIE LINE (NOT SCALE)

DWELLING UNDER CONSTRUCTION



BENT AXLE

CONTROL CORNER



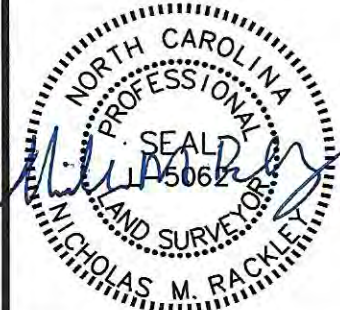
SHAWBORO ROAD (NC HWY 34 - 100' R/W)

- NOTES:
- 1.) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
 - 2.) AREA BY COORDINATE METHOD.
 - 3.) THE PROPERTY IS LOCATED IN FLOOD ZONE "X" AND AS SHOWN ON MAP PANEL #3720894800K, DATED DECEMBER 21, 2018.
 - 4.) PROPERTY ADDRESS: 436 SHAWBORO ROAD SHAWBORO, NC 27973

I, NICHOLAS M. RACKLEY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM THE DEED DESCRIPTION RECORDED IN D.B. 1516, PG. 559; THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+. THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30(M) AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 9TH DAY OF MARCH, 2020.

I, NICHOLAS M. RACKLEY PLS-5062, CERTIFY,

C. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.



RACKLEY
LAND SURVEYING

1015 Macey Jo Court Elizabeth City, NC 27909
C-4476 (By appointment only) 252-679-7670
rackleylandsurveying@yahoo.com

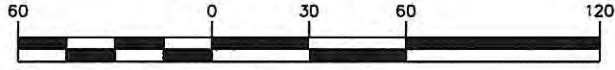
Attachment: 6 Foundation Survey (436 Shawboro Road) (BOA 20-01 Joey & Laurie Edwards)

SITE PLAN FOR JRC CONSTRUCTION CRAWFRD TOWNSHIP CURRITUCK COUNTY, NORTH CAROLINA

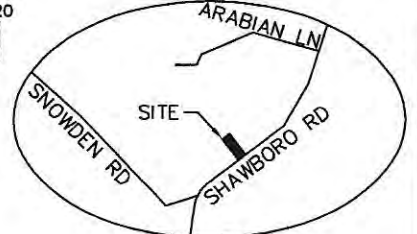
BEING THE PROPERTY AS DESCRIBED IN DEED BOOK 1415, PAGE 774

NOVEMBER 19, 2019

GRAPHIC SCALE

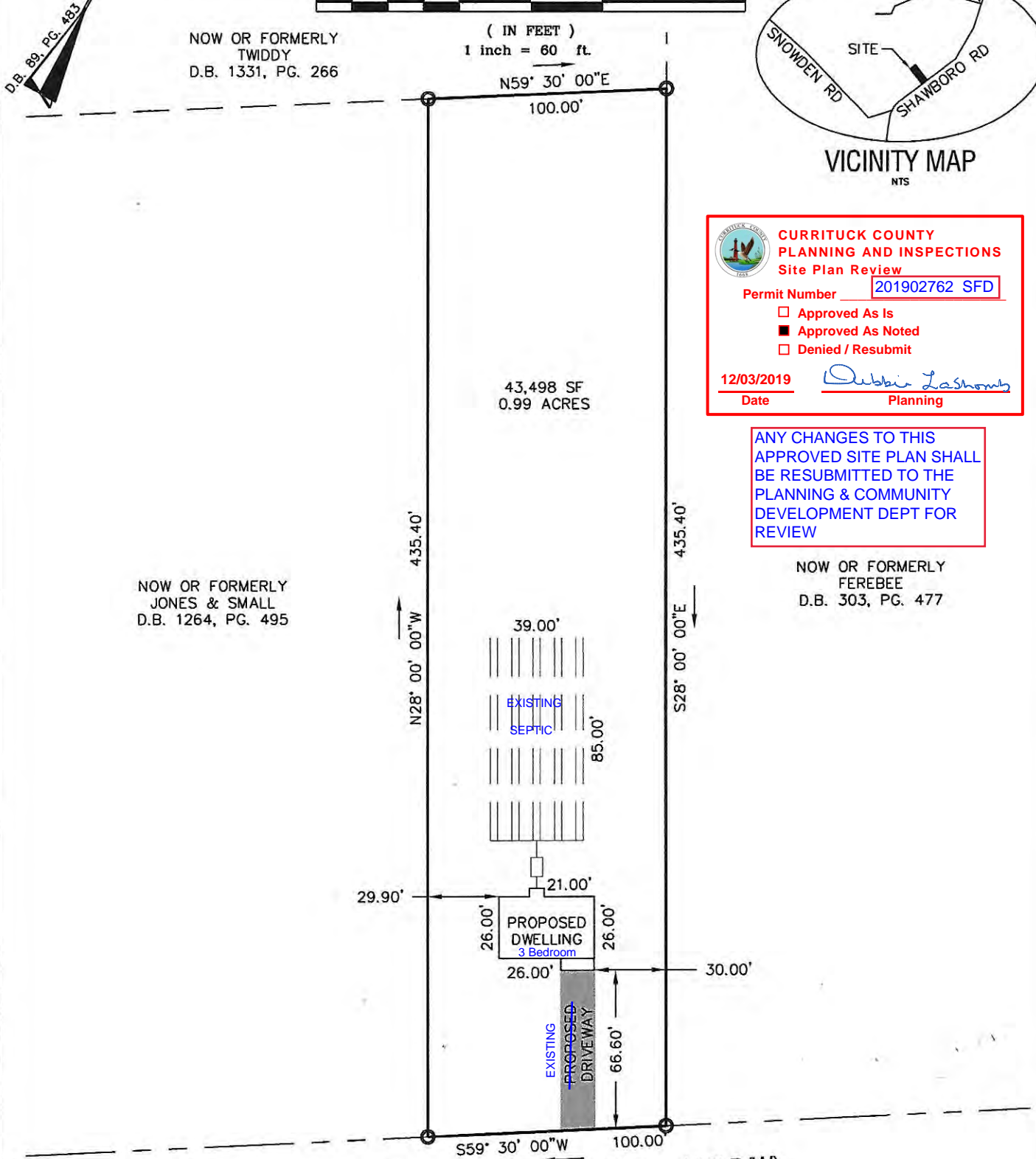


(IN FEET)
1 inch = 60 ft.



VICINITY MAP
NTS

NOW OR FORMERLY
TWIDDY
D.B. 1331, PG. 266



NOW OR FORMERLY
JONES & SMALL
D.B. 1264, PG. 495

NOW OR FORMERLY
FEREBEE
D.B. 303, PG. 477

**CURRITUCK COUNTY
PLANNING AND INSPECTIONS**
Site Plan Review

Permit Number 201902762 SFD

Approved As Is
 Approved As Noted
 Denied / Resubmit

12/03/2019 *Dubai Lashomb*
Date Planning

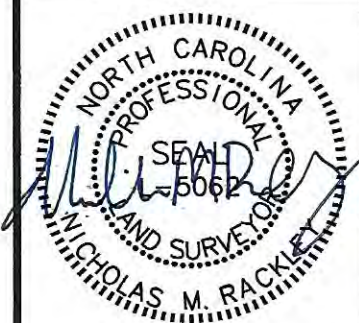
ANY CHANGES TO THIS
APPROVED SITE PLAN SHALL
BE RESUBMITTED TO THE
PLANNING & COMMUNITY
DEVELOPMENT DEPT FOR
REVIEW

LEGEND

- CORNER MARKER
- PROPERTY LINE
- PROPERTY EXTENSION
- RIGHT OF WAY

- NOTES:
- 1.) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
 - 2.) AREA BY COORDINATE METHOD.
 - 3.) THE PROPERTY IS LOCATED IN FLOOD ZONE "X" AND AS SHOWN ON MAP PANEL #3720894800K, DATED DECEMBER 21, 2018.

THIS IS A SITE PLAN ONLY
(NOT A SURVEY) BASED ON
RECORDED INFORMATION
AND DESIGN PLANS
PROVIDED BY
CONTRACTOR/OWNER.



RACKLEY

LAND SURVEYING

1015 Macey Jo Court Elizabeth City, NC 27909
C-4476 (By appointment only) 252-679-7670
rackleylandsurveying@yahoo.com

Attachment: 7 Approved Site Plan (BOA 20-01 Joey & Laurie Edwards)



HEALTH DEPARTMENT RELEASE

Currituck County Health Department
Environmental Health Section
PO Box 189
Elizabeth City, NC 27907
Phone: (252) 232-6603 Fax:



Permit Valid Until:

Applicant: JRC CONSTRUCTION
Address: 463 SNOWDEN RD
City: MOYOCK
State/Zip: NC / 27958
Phone #:

Property Owner: BURNETTE MARGARET
Address: 481 SNOWDEN RD
City: MOYOCK
State/Zip: NC / 27958
Phone #: 232-0836

Property Location & Site Information
Address: 436 SHAWBORO RD Subdivision: Phase: Lot:
Road#: SHAWBORO NC 27973 Township:
*Structure: SINGLE FAMILY
of Bedrooms: 3 # of People: 6 Directions:
*Water Supply: N/A Type of business:
Basement: [] Yes [X] No Total sq. Footage: No. Of Employees:

*Proposed Improvement:

*Release Conditions: Approved for 3 Bedroom home, 5'+ from any part of the septic system.

This release in no way expresses or implies that the existing subsurface sewage treatment and disposal system serving the site will continue to function for any period of time.

Applicant/Legal Reps. Signature Required? [] Yes [] No
Applicant/Legal Reps. Signature: Date:
*Issued By: Carver, Kevin *Date of Issue: 11/07/2019
Authorized State Agent:

Site Plan/Drawing attached.

[] Hand Drawing

[] Import Drawing

Total Time: (HH:MM)
Hours Minutes

Activity Code: -

Attachment: 7 Septic Inspection (BOA 20-01 Joey & Laurie Edwards)



County of Currituck Project Approval

Application #: 201902762
Property Owner: BURNETTE, MARGARET CRIBB
Location: 436 SHAWBORO RD
Parcel ID: 003300000020000
Project Description: SFD (SINGLE FAMILY MAINLAND)
Issued Date: 12/17/2019
Expiration Date: 06/14/2020

(IF WORK ON THE PROJECT HAS NOT COMMENCED ON OR BEFORE THE EXPIRATION DATE LISTED ABOVE, THIS PROJECT APPROVAL IS NULL AND VOID)

CONDITIONS OF APPROVAL:

Construct a 3 bedroom, 2 bathroom, single family dwelling with a front porch. A soil test is required to determine the soil's characteristics at this site. This test shall be performed by an approved agency using an approved method. This report is required at the time of the footing inspection.

Must schedule all required inspections, including the required final inspection upon completion of work. Call Mainland Office 232-3378 or Corolla office 453-8555 by 3 p.m. one day prior to schedule. One set of approved plans must be on site for all inspections. All work performed shall comply with the state building code and all other applicable state and local laws and local ordinances and regulations.

Per Session Law 2017-130 Section 4, GS 153A-352. Any disagreement with a decision made by a Building Inspector may be brought before the Chief Building Inspector for review, Inspector Decision Forms are available upon request.

Development shall be completed strictly in accordance with the approved site plan as noted and approved by the Planning & Community Development Department on 12/3/19. ANY CHANGES TO THIS APPROVED SITE PLAN AND/OR BUILDING PLANS SHALL BE RE-SUBMITTED TO THE PLANNING & COMMUNITY DEVELOPMENT DEPT FOR REVIEW.

Flood Zone: X

B	20051	SINGLE FAMILY DWELLING	339.60
		HOMEOWNER RECOVERY FEE	10.00
C		CERTIFICATE OF COMPLIANCE SFD	
E		ELECTRICAL RESIDENTIAL NEW	50.00
I		INSULATION RESIDENTIAL NEW	50.00
M		MECHANICAL RESIDENTIAL NEW	50.00
P		PLUMBING, RESIDENTIAL NEW	50.00

Attachment: 7 SFD - Project Approval (BOA 20-01 Joey & Laurie Edwards)



County of Currituck Project Approval

Z

ZONING PERMIT, RESIDENTIAL

TOTAL FEE 549.60

Attachment: 7 SFD - Project Approval (BOA 20-01 Joey & Laurie Edwards)