

STATE OF NORTH CAROLINA
COUNTY OF CARTERET

BEFORE THE MOREHEAD CITY
BOARD OF ADJUSTMENT

In the matter of an Application for)
A Variance for 910 Evans Street)
Water Davis on behalf of BMG Associates)

ORDER

Index: Grantor: **Town of Morehead City**
Grantee: **BMG Associates**

**THE TOWN OF MOREHEAD CITY, NORTH CAROLINA
ORDER GRANTING A VARIANCE**

The Board of Adjustment for the Town of Morehead City, NC, having held a public hearing on October 27, 2022, to consider an application for a Variance to use property in a manner not permissible under the literal terms of the Town of Morehead City Unified Development Ordinance (UDO), and having heard all of the evidence and arguments presented at the hearing, granted a Variance on October 27, 2022, for the use of the property identified below in accordance with the plan and conditions listed below:

LOCATION OF PROPERTY: 910 Evans Street

CARTERET COUNTY PIN NUMBER: 638619614114000

NATURE OF VARIANCE: A variance under Article 5-3 of the Unified Development Ordinance (UDO) and from Article 13-1 to allow for a reduction of the east side yard setback from seven feet (7') to one foot (1') and a reduction of the west side yard setback from seven feet (7') to five feet (5') at 910 Evans Street, zoned R5S (Single-Family Residential) District. The **FINDINGS OF FACT** based on testimony provided during the public hearing were as follows:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. **The house would be limited to eleven (11) feet in width without the requested variances. The existing structure is located in an odd position and is not usable as a residence.** The vote on the finding was 5-0 in favor of the finding and conclusion.

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. **The property is very narrow and that limits the amount of development that can occur to improve the property.** The vote on the finding was 5-0 in favor of the finding and conclusion.

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 the variance shall not be regarded as a self-created hardship. **The existing building is already in violation of setbacks and by not granting a variance for the property a situation may be created where nothing could be built on the property.** The vote on the finding was 5-0 in favor of the finding and conclusion.

4. 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. **The applicant is trying to make improvements on a property that needs improvements and has presented a plan that better meets the Town's setback requirements and corrects deficiencies that exist with the existing structure. Additionally, the request would restore the alley to the proper width as it is currently being invaded by eighteen (18) inches.** The vote on the finding was 5-0 in favor of the finding and conclusion.

NOW, THEREFORE, based on the foregoing Findings of Fact and the conclusions reached by the unanimous vote of the Board of Adjustment, **IT IS ORDERED** that the application for a **VARIANCE** to allow for a reduction of the east side yard setback from seven feet (7') to one foot (1') and a **VARIANCE** to allow for the reduction of the west side yard setback from seven feet (7') to five feet (5') at 910 Evans Street, zoned R5S (Single-Family Residential) District are **GRANTED**.

This order shall be presented to the Carteret County Register of Deeds office for recording after the expiration of statutory time for filing an appeal, or if a timely appeal is so filed, then after a determination by a court of competent jurisdiction that the Board's determination is upheld.

Charles Sewell, Chairman

NORTH CAROLINA
CARTERET COUNTY

I, _____, Notary Public, do hereby certify that Charles Sewell, Chairman to the Board of Adjustment for the Town of Morehead City, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and notarial seal this the _____ day of _____, 2022.

Notary Public Signature

My commission expires on: _____