

Upon final inspection of the work, the County notified Applicants that the work was unpermitted. When the Applicants contacted Coastal Pools, it ceased communications with the Applicants.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board finds that the pool patio extension, with gazebo, are a modest extension of what was previously approved. Upon visiting the site, the Board is sympathetic to the Applicant's desire to amend the pool patio design in the manner that it was amended.

The Board finds that the Applicants have satisfied the standards for granting of the variance and set forth these additional findings, many of which were also applicable to the previous variance:

A. Unique physical characteristics exist such that literal enforcement of the setback requirements would result in practical difficulty or unreasonable hardship in enabling the Applicant to develop the property.

The narrow size of the property presents a unique challenge of meeting side yard setbacks within the AC district. The lot width varies from 150' to 184.76' and side yard setbacks in that zoning district are 50'. The site plan provided by the Applicants clearly demonstrates the constraints of constructing anything within the allowable setbacks. It is apparent that the primary dwelling and garage were constructed at a diagonal angle because of these constraints.

B. The need for a variance is not based upon circumstances which are self-created or self-imposed. The property has existed in its current configuration for decades. The property owner has not made changes to the configuration. While the project extension was completed without permission by the Applicants, it is the unique configuration of the Property that warrants the grant of a variance. The Board is also satisfied with the testimony by Mrs. Haddaway that she understood her contractor was knowledgeable and completed the extension with all required permissions from the County.

C. The variance is not requested for greater profitability or lack of knowledge of the restrictions. The pool patio and gazebo will be used for private purposes.

D. The variance is not contrary to the public interest and will not be a detriment to adjacent or neighboring properties.

E. The variance will not exceed the minimum adjustment necessary to relieve the practical difficulty or unreasonable hardship. The Board finds that the extension was modest and compatible with this Board's previous variance grant.

Documents in Record

1. Application for Non-Critical Area Variance.
2. Tax Map with subject property highlighted.
3. Notice of Public Hearing for Advertising.
4. Newspaper Confirmation.
5. Notice of Public Hearing with list of Adjacent Property Owners attached.
6. Non-Critical Area Variance Standards.
7. Staff Report.
8. Sign Maintenance Agreement/Sign Affidavit.
9. Independent Procedures Disclosure and Acknowledgement Form.
10. Aerial Photo.
11. Photo of after the fact 12 x 12 Gazebo (Photo not Applicants property).
12. Site Plan prepared by Lane Engineering, LLC dated 06/1/24 for the after the fact gazebo and extended patio.
13. Old Site Plan for pool variance approved by the Board, Application VAR-23-2.
14. Site Plan from Health Department showing drain field and tanks.
15. Board of Appeals Decision No. VAR-23-2.
16. Notice of Regulations Letter from Elisa Deflaux, dated 04/15/24.

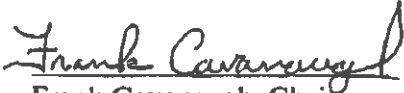
Mr. Krebeck moved that the Applicants be granted the requested variance subject to staff conditions. The motion was seconded by Vice Chairman Dorsey. Based upon the foregoing, the Board finds, by a unanimous vote, that the variance is granted subject to staff conditions.

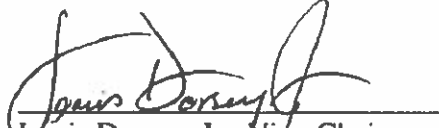
1. The Applicants shall make an after-the-fact building permit application to the Office of Permits and Inspections for the gazebo and follow all rules, procedures and construction timelines as outlined regarding new construction.

2. The Applicants shall apply for an amendment of the swimming pool permit (SWM-2-39) for review of the additional area of pool patio.

3. This approval is only for the requested improvements and additions in this application and does not cover or permit any other changes or modifications. Items not specifically addressed in this application may require additional approvals.

IT IS THEREFORE, this 31st day of July, 2024, **ORDERED** that the Applicant's request for a variance is **GRANTED**.


Frank Cavanaugh, Chairman


Louis Dorsey, Jr., Vice-Chairman


Patrick Forrest


Zakary A. Krebeck


Jeff Adelman