



Nice Matters!

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DATE: September 18, 2017
TO: Planning Board Members
CC: Frank A. Rush, Jr., Town Manager
FROM: Josh Edmondson, CZO, Town Planner
SUBJECT: **Discussion of Amendment to Chapter 10 Definitions and Rules of Interpretation concerning the definition of Building Setback Line Front, Side or Rear**

A common issue that can be challenging is working to fit elevators and elevators shaft installations within the current building setbacks. This is not an issue with new constructions but can be on lots with existing structures. In some cases, the contractor, owner and I can adjust the placement of the shaft on the structure that works with the layout of the dwelling and meets the setbacks. Elevators have become more economical over the years and as such, are becoming more common in many permanent and second homes as well as some rental housing. As we have, more retiree's moving to Emerald Isle permanently along with our existing retirement population, I can see the request for elevators to continue to rise. In my opinion, the elevator and setback issue will continue to be challenging as I can see an increase in request for elevators continuing.

I am constantly reviewing all of our regulations to see if there are simple adjustments that can be made to assist our property owners. Keeping this in mind, I believe a simple amendment to the definition of building setback line, front, side or rear would accomplish many of the setback issues concerning elevator shafts. We currently allow certain features to encroach no more than 3' into the setbacks. Please see the below definition:

BUILDING SETBACK LINE, FRONT, SIDE OR REAR

A line establishing the minimum allowable distance between the nearest portion of any exterior building wall or vertical projection thereof, and the right-of-way of the street or property line when measured perpendicularly thereto. **The outermost three (3) feet of any uncovered porches, steps, eaves, gutters and similar fixtures may extend past the building setback line. All structures other than walkways shall be required to be set back so as to meet the required front, side and rear setback requirements with regard to the property lines.**

I believe allowing elevator shafts to take advantage of this 3' encroachment is a simple approach that could assist many property owners. More importantly, I believe it is consistent with the Landuse plan and the guiding principles of the Town. Below is the proposed amendment to the building setback line definition to allow for the elevator shaft encroachment:

BUILDING SETBACK LINE, FRONT, SIDE OR REAR

A line establishing the minimum allowable distance between the nearest portion of any exterior building wall or vertical projection thereof, and the right-of-way of the street or property line when measured perpendicularly thereto. **The outermost three (3) feet of any uncovered porches, steps, eaves, gutters, elevator shafts and similar fixtures may extend past the building setback line. All structures other than walkways shall be required to be set back so as to meet the required front, side and rear setback requirements with regard to the property lines.**

If the Board so chooses, I would request a recommendation to the Commissioners be made for consideration at their October meeting. I look forward to discussing this issue at your September 25, 2017 meeting.