



**CITY OF SOUTHPORT
REGULAR BOARD OF ADJUSTMENT MEETING
(Rescheduled)
August 30, 2024
Indian Trail Meeting Hall
113 W. Moore Street
4:30 p.m.**

Meetings are open to the public.

Please silence your cellular phones.

ETHICS STATEMENT:

"If any members know of any conflict of interest or the appearance of a conflict of interest concerning matters on the agenda, please state at this time."

A. Call to Order

B. Pledge of Allegiance

C. Explanation of Quasi-Judicial Process

1. Quasi-judicial Information Sheet

D. Hearings and Requests

1. Appeal of an Administrative Decision-Violation (1010 Bussells Turn)
2. Special Use Permit Request: Accessory Dwelling Unit (244 E. 11th Street)
3. Special Use Permit: Bed and Breakfast (209 E. Moore St)

E. Approval of Minutes

1. Minutes of the Regular Board of Adjustment Meeting May 28, 2024

F. Other Business

G. Adjourn

WHAT IS A QUASI-JUDICIAL HEARING?

A quasi-judicial hearing is a more formal type of hearing in which **the deciding board uses evidence, facts, and expert testimony** to make a decision. It is more like a court hearing. Evidence must be substantial, competent, and material. **Opinions, hearsay, and repetitive** testimony will be ruled out of order by the Chair.

SITUATIONS THAT REQUIRE A QUASI-JUDICIAL HEARING:

Special Use Permits: Permits issued to authorize development or land uses in a particular zoning district upon evidence establishing compliance with general and supplemental standards for that use. A special use permit assures that the development does not cause harm to the adjacent properties. The deciding board may place conditions on the use to help mitigate any possible negative impacts. One example would be requiring the business to stop using outdoor speakers by a certain time to help prevent disturbances to the neighbors.

Variances: Special circumstances in which a property owner requests to modify certain provisions of the ordinance. The modification must not be from a self-inflicted hardship and must be consistent with the spirit and intent of the ordinance. One example would be a reduction of setbacks for an accessory building because of a stream running through the backyard.

Appeals: Only actual official staff/board determination or action can be appealed. The appeal must be made by a person with standing. The Board may reverse or affirm the decision as a whole or in part. An example would be a resident appealing the denial of a permit to their property.

HOW IS A QUASI-JUDICIAL HEARING CONDUCTED?

Typically, the presentation of information will begin with city staff. The Board Chair will swear the presenters in, either together or one at a time. After staff presents their materials, the applicant and any representatives will provide testimony in favor of their request. Any members of the public that wish to speak may do so, but the Chair has the authority to ascertain whether they have standing and should be considered. After those opposed to the request have spoken, the applicant has the opportunity for rebuttal. The deciding Board can ask questions throughout the hearing of evidence. After all evidence has been presented, the Board Chair will close the comment period, and the Board can deliberate. The public hearing will be closed after deliberations, and the Board will make a determination.

WHAT HAPPENS NEXT?

After a decision has been made to grant a variance, special use permit, or an appeal, a final order is composed that lists all of the findings of fact and the conditions of approval. The final document will be signed by the applicant and the Board Chair and filed at the Register of Deeds office so that it is always tied to the property. The applicant receives a signed copy of the final document.

RELEVANT DEFINITIONS:

Quorum-the number of voting members that must be present to hold the hearing. Typically, this number is a simple majority of board members. According to the UDO, in Southport's case, a quorum is four members.

Witnesses-persons who present evidence under oath. The Board chair may subpoena witnesses. Cross-examination must be allowed.

Standing-any person/organization who has standing may appeal a decision. Standing typically refers to the owner of the property, the applicant for the permit, anyone who will suffer "special damages" as a result of the decision, a neighborhood association that would be affected, or the unit of government that has made the decision being appealed. Proximity, financial investment, etc., do not establish standing. Standing must be ruled on by the chair/board only.

Expert Testimony-architects, engineers, surveyors, appraisers, and other licensed land use professionals can provide evidence supporting their clients but cannot make legal arguments or cross-examine evidence.

Conflict of Interest-members of the Board may be disqualified from participating and voting if any of the following conditions are present:

1. Fixed opinion prior to the hearing
2. Undisclosed ex-parte communication (discussion outside of the meeting)
3. Close family, business, or other relationship with an affected person
4. Financial interest in the outcome

If an objection is made and the member refuses to recuse his/herself, the remaining Board members vote on recusal.

STAFF REPORT
APPEAL OF DETERMINATION OF THE CODE ENFORCEMENT OFFICER

APPLICATION SUMMARY	
Hearing Date	July 30, 2024 Board of Adjustment
Applicant	Gregory Kleva
Property Owner	Jamie and Jackson Pederson
Parcel ID:	237BA037
Parcel Acreage	0.54 acres
Zoning District	R-20

APPEAL REQUEST

Gregory Kleva, applicant for property owners, Jamie Renn Pederson and Jackson Pederson, is appealing an administrative development decision by Derek Mabe, Code Enforcement Officer. The subject violation is for clearing and grading of property located at 1010 Bussells Turn SE, Southport, NC, prior to issuance of a zoning or building permit.

The applicants were issued a written notice of violation to Unified Development Ordinance Section 3.18 Tree Protection and Landscape Preservation. Specifically, the violation is for Section 3.18.I.1 Lot Clearing and Preparation, which states that no alteration of vegetation, trees, or landscape material in excess of three (3) inches DBH shall occur on a lot or building site prior to the issuance of a zoning or tree impact permit.

APPEAL PROCEDURE

In order for an administrative decision to be appealed, the public official must have made an official determination—a written, final, and binding order, requirement, or determination (160D-405(d) & -102(10)).

An appeal of an administrative development decision must follow quasi-judicial procedures, as outlined at G.S. 160D-406. Among other things, notice must be mailed and posted on the property; witnesses must provide sworn testimony and factual evidence; and the board must base its decision upon competent, substantial, relevant evidence in the record. Politics and personal preference are not legitimate bases for the decision.

The board of adjustment makes its own independent assessment of what the terms of the ordinance mean and “shall have all the powers of the official who made the decision” being appeal from. While some consideration as to the professional judgement of the zoning administrator should be given, ultimately the question of what the ordinance

Appeal 24-02 Staff Report BOA 7-30-2024

means is a question of law for which the board must make its own decision. In making this determination the key goal should be giving full effect to the terms of the ordinance and the intent of the governing board that originally adopted it, not substituting the opinion of staff as to what the ordinance should say. The Board of Adjustment is an independent Board governed by the UDO.

The board must determine any contested facts and apply relevant legal standards. The board may affirm the staff decision, reverse the staff decision, or modify the staff decision, and the board may “make any order, requirement, decision, or determination that ought to be made.”

Appeals of administrative decisions are decided by a simple majority vote. The decision of the board of adjustment may be appealed to the superior court in certiorari pursuant to G.S. 160D-1402.

APPLICANT’S JUSTIFICATION FOR APPEAL

The following statements are submitted by the applicant for justification and explanation for the appeal.

The Unified Development Ordinance of the City of Southport (UDO) was adopted on September 23, 2020. The Tree Preservation Regulations to the UDO were updated on November 11, 2021. The subject property is located within the Extra Territorial Jurisdiction (ETJ) of the City of Southport, State of North Carolina, which is subject to the UDO. Under the current UDO, a property owner must first obtain a permit before removing any trees from any property subject to the UDO.

Prior to the UDO being updated with respect to the Tree Preservation Regulations, no such permit was required. Additionally, the applicant states that prior to the UDO being updated with respect to the Tree Preservation Regulations, the City of Southport to notify all of the property owners, in writing of any proposed changes to the UDO. City of Southport advised that the City of Southport mailed out to all property owners the required notifications of the subject change to the UDO regarding tree preservation. It is the position of the property owners, Jamie Renn Pederson and Jackson Pederson, that at no time was he(sic) provided notice of the proposed change to the UDO that would require a permit to be issued by the city prior to tree removal from a property. In further support of this assertion and attached hereto as *Exhibit A* is a signed statement from seventy-five (75) property owners within Smithville Woods Subdivision stating that they never received any notification whatsoever regarding a change to the UDO that would require a permit to remove trees from their property.

As such, it is our position and assertion in this appeal that the property owners, Jamie Renn Pederson and Jackson Pederson were not given proper notice of the change to the UDO requiring them to obtain a permit before removing any trees from their property, and therefore the violation should be dismissed.

Appellant intends to offer further evidence in support of the fact that he should not be found responsible for the alleged violation at the applicable hearing.

STAFF REVIEW

The Unified Development Ordinance (UDO) became effective on September 23, 2020. This version includes tree protection and permit requirements. Numerous public hearings and a joint meeting of the Board of Aldermen and Planning Board were held before adopting the entirely rewritten UDO. Individual written notice to property owners is not required for updates to zoning text amendments.

Subsequent updates to the tree protection section of the ordinance on November 11, 2021, and September 8, 2022, included duly advertised public hearings prior to adoption.

The property owners submitted a building permit for a single-family home on a vacant property located at 1010 Bussels Turn SE on April 4, 2024. Upon reviewing the application, staff determined that clearing and grading of the subject lot occurred prior to



the building permit. The building inspector and code enforcement officer visited the site. The attached photos were taken on that site visit.



A notice of violation was sent to the property owner on April 12, 2024, citing UDO Section 3.18.I.1 and UDO Section 3.18.I.4.

The requirement of acquiring a permit for clearing a residential lot is found in Section 3.18.I.1 LOT CLEARING AND PREPARATION

1. No alteration of vegetation, trees, or landscape material in excess of three (3) inches DBH shall occur on a lot or building site prior to the issuance of a zoning or tree impact permit. Some clearing of understory trees and shrubs may be required to prepare a site for survey, inspection by governmental agencies as part of any permitting process, or to stake the proposed building site.

The fines for clearing a residential lot without a permit are outlined in Section 3.18.I.4 LOT CLEARING AND PREPARATION

4. In the event that a lot has been cleared without obtaining all proper permits from the city and the UDO Administrator is unable to determine the exact number of trees which have been removed in violation of this

ordinance, a civil penalty shall be levied under this subsection as follows:

a) If the property is located within a residential district, the offender shall be subject to a civil penalty in the amount of \$1.00 for each square foot of the total size of the lot that was cleared (not based on the lot area cleared). In addition, the offender shall be required to plant two (2) replacement canopy trees per 10,000 sf or fraction thereof.

Acknowledgement of the tree protection ordinance and associated fines for violating the ordinance is required as part of the building permit application. The applicant's builder signed both acknowledgments on the active permit to construct a single-family home.

BOARD OF ADJUSTMENT: DECISION

☐ Affirms the staff determination based on the following:

☐ Modifies the staff determination, including the following:

☐ Reverses the staff determination based on the following:

The final decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board.

Attachments:

Appeal 24-02 Staff Report BOA 7-30-2024

Appeal Application
Supporting Documents

Appeal 24-02 Staff Report BOA 7-30-2024

GEDDINGS & KLEVA, PLLC
ATTORNEYS AT LAW

8721 East Oak Island Drive
Oak Island, North Carolina 28465

Telephone: (910) 278-8998
Facsimile: (910) 278-8982

May 8, 2024

The City of Southport
1029 N. Howe Street
Southport, North Carolina 28461
Attn: Planning & Inspections

Re: Case Number 202404002

Dear Sir/Madam:

Please be advised that our office has been retained by Davis C. Herring, Jr. to assist him with respect to an appeal of a Notice of Violation dated April 12, 2024, by Code Enforcement Inspector Derek Mabe.

In furtherance of that appeal, enclosed please find the following:

- 1) Completed Appeal Application.
- 2) Current and Accurate Information as to the applicant, owner, subject property, and item at issue. This information is contained in the Appeal Application.
- 3) A copy of the Courtesy Letter/1st Notice of Violation dated April 8, 2024, being appeal is attached to the Appeal Application.
- 4) The specific section of the Southport City Ordinance that is at issue in the appeal is *Section 3.18 Tree Protection and Landscape Preservation*.
- 5) Justification/Explanation Pertinent to the Appeal is attached hereto.
- 6) The filing fee of \$250.00 has been submitted.

Once this application has been processed, please provide the undersigned with the date and time when this matter will be heard before the Board of Adjustment.

Thank you.

Sincerely,


Greg Kleva

RECEIVED

MAY 09 2024

**CITY CLERK,
CITY MANAGER'S OFFICE**



Justification and Explanation for Appeal:

The Unified Development Ordinance of the City of Southport (UDO) was adopted on September 23, 2020. The Tree Preservation Regulations to the UDO were updated on November 11, 2021. The subject property is located within the Extra Territorial Jurisdiction (ETJ) of the City of Southport, State of North Carolina, which is subject to the UDO. Under the current UDO, a property owner must first obtain a permit before removing any trees from any property subject to the UDO. Prior to the UDO being updated with respect to the Tree Preservation Regulations, no such permit was required. Additionally, prior to the UDO being updated with respect to the Tree Preservation Regulations, the City of Southport to notify all of the property owners, in writing of any proposed changes to the UDO. City of Southport advised that the City of Southport mailed out to all property owners the required notifications of the subject change to the UDO regarding tree preservation. It is the position of the property owners, Jamie Renn Pederson and Jackson Pederson, that at no time was he provided notice of the proposed change to the UDO that would require a permit to be issued by the city prior to tree removal from a property. In further support of this assertion and attached hereto as *Exhibit A* is a signed statement from seventy-five (75) property owners within Smithville Woods Subdivision stating that they never received any notification whatsoever regarding a change to the UDO that would require a permit to remove trees from their property.

As such, it is our position and assertion in this appeal that the property owners, Jamie Renn Pederson and Jackson Pederson were not given proper notice of the change to the UDO requiring them to obtain a permit before removing any trees from their property, and therefore the violation should be dismissed.

Appellant intends to offer further evidence in support of the fact that he should not be found responsible for the alleged violation at the applicable hearing.



Appeal Application

City of Southport, North Carolina

1029 N. Howe St, Southport NC 28461
www.cityofsouthport.com

Planning & Inspections
Phone 910-457-7925

For Staff Use Only

AP-24-02

Application No.

Appeal 24-02

Receipt No. _____

FEE: \$250.00

Date Received:

5/9/24

APPLICATION REQUEST(S):

____ Appeal of Decision or Action of the Administration

☒ Appeal of Action or Determination of the Code of Enforcement Officer

____ Request and Interpretation of Zoning and/or Code of Ordinance

____ Interpretation of Zoning Map

____ Submittal of Variance Application

PROPERTY (Location/identification information for property to which appeal request refers):

Name of Owner: Jamie Renn Pederson and Jackson Pederson

Address of property: 1010 Bussell Turn City: Southport

State: NC Zip Code: 28461 Phone: 910-443-4480

Tax Parcel ID: 237BA037 Zoning District Classification: R20

Subdivision Name: Smithville Woods Section: Marsh Creek Lot #: 37

Current Use of Property: Residential

Applicant/Appellant Information (If different than above):

Applicant's Name: Gregory Kleva Phone: 910-278-8998

Mailing Address: 8721 E. Oak Island Drive

City: Oak Island State: NC Zip Code: 28465

Email: greg@geddingsandkleva.com

GENERAL CHECKLIST FOR SUBMITTAL:

The following information/documentation items are required prior to the submittal being scheduled for review by the Board of Adjustment:

- X Completed appeal / interpretation / variance application form (with owner consent)
- X Current and Accurate information as to applicant, owner, subject property, and item at issue
- X Copy of Decision, Order, or Action being appealed (including date)
- X Specific section reference to the Ordinance or Guideline at issue in appeal or interpretation request
- X Completion of all justification / explanation questions applicable to your submittal
- n/a If applicable to your submittal: provide twelve (12) sets of a scaled drawing of the site plan
- n/a If applicable to your submittal: provide twelve (12) copies of each exhibit (8 ½" x 11" or 11" x 17")
- n/a If applicable to your submittal: Pre-application conference with Planning Staff
- X All FILING FEES must be paid upon submittal of completed application package

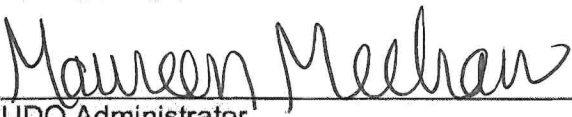


Signature (Owner or Authorized Applicant)

05/08/2024

Date

APPROVED BY



UDO Administrator

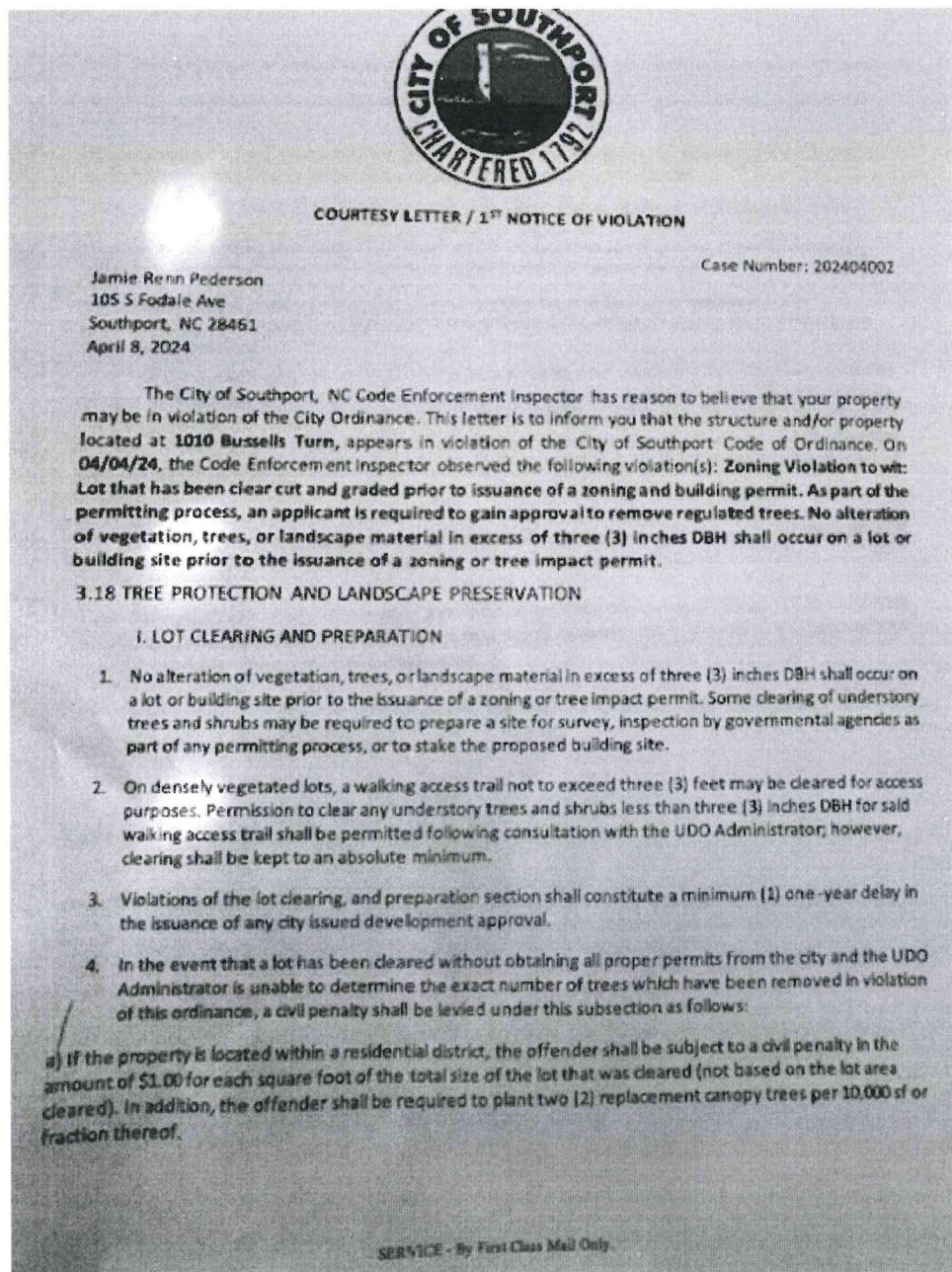
5/9/2024

Date

Greg Kleva

From: Ellen Herring <davisherring@icloud.com>
Sent: Tuesday, April 23, 2024 1:58 PM
To: Greg Kleva
Subject: Copy of letter

Thank you Greg, please let me know if you need anything else. Davey



b) If the property is located within a nonresidential district, the offender shall be subject to a civil penalty in the amount of \$2.00 for each square foot of the total size of the lot that was cleared (not based on the area cleared). In addition, the offender shall be required to plant four (4) replacement canopy trees per 10,000 sf or fraction thereof.

c) In addition to the civil penalties set forth in subsections 4(a) and 4(b) above, the offender shall be subject to all enforcement provisions of Section 2.15.D of this Unified Development Ordinance.

As shown above in 3.18.1 of the UDO, when a lot is cleared prior to obtaining all proper permits from the city, the offender shall be subject to civil penalty in the amount of \$1.00 for each square foot of the total size of the lot that was cleared (not based on the lot area cleared). In addition, the offender shall be required to plant two (2) replacement canopy trees per 10,000 sf or fraction thereof.

After reviewing aerial photography and using GIS to calculate the sf of the lot that was cleared, staff conservatively estimates that the civil penalty for the violation is \$23,522.40. All permits will be withheld until the violation is resolved.

As the owner/occupant of the property, **you have 30 days to correct the violations** or the City will take further steps to enforce the requirements of the Code of Ordinances, which may include levying civil penalties and seeking a court order from the Brunswick County Courts requiring you to correct the violation. If the City determines the any of the violations constitute a public nuisance, the city may also summarily abate the nuisance and bill you for the cost of abatement pursuant to the Southport Code of Ordinances.

To correct the violation, you must do the following: **Pay the entirety of the civil penalty and obtain necessary permits from the city.**

Please note that if any of the work described above requires Zoning, Building and/or Demolition Permits, they must be obtained from Southport Building Inspections office. All required inspections must be completed within the timeframe listed above.

If you have any questions, please do not hesitate to call me at (336) 569-9988 or email me at Mabe@AllianceCodeEnforcement.com.

Sincerely,

Derek Mabe

Derek Mabe

Code Enforcement Inspector

Sent from my iPhone

EXHIBIT A

The City of Southport has changed their code for ETJ's to include requiring permits for Cutting Trees Down off of your property. They are required, by law, to notify all property owners in writing of any changes. It has come to my attention, that the City of Southport states that the required notifications were mailed and many property owners are saying that they did not receive the notification. This poll is being conducted to determine if you have received written or verbal notification from the City of Southport.

"I, the undersigned owner of property in Smithville Woods Subdivision, Brunswick County, NC, confirm that I have NOT received notification, written or verbal, of any change in the code to require a permit to cut trees down from my property."

Signed David White

Date 4-28-24 Property Address 2000 PRIOR'S CAMP DR

Signed _____

Date 4/28/24 Property Address 7010 Robert Ruark Dr Spt n e

Signed Kathy Clemmons

Date 4/28/24 Property Address 7006 Robert Ruark Dr

Signed Adams Powell

Date 4/28/2024 Property Address 7002 Robert Ruark Dr

Signed [Signature]

Date 4/28/2024 Property Address 7000 Robert Ruark Dr.

Signed [Signature]

Date 4/28/24 Property Address 6009 Robert Ruark Dr.

Signed Carol Kirby

Date 4/28/24 Property Address 5002 Robert Ruark Dr.

Signed [Signature]

Date 4/28/24 Property Address 5012 Robert Ruark Drive

Signed [Signature]

Date 4/28/24 Property Address 5010 Robert Ruark Dr.

Signed [Signature]

Date 4/28/24 Property Address 6005 Robert Ruark Dr SE

Signed [Signature]

Date _____ Property Address _____

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Signed 

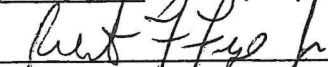
Date 4-27-24 Property Address 1000 Bonner Bussells Dr Southport NC

Signed 

Date 4-27-24 Property Address 1012 Dutchman Cove Rd Southport NC

Signed 

Date 4-27-24 Property Address 1026 BONNER BUSSELLS SOUTHPORT

Signed 

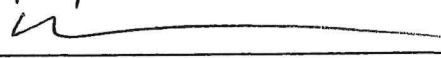
Date 4-27-24 Property Address 1007 BONNER BUSSELLS DR

Signed 

Date 4/27/24 Property Address 2006 Bonner Bussells Drive

Signed Charles E. Hingham

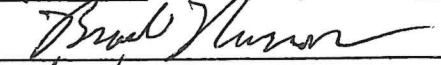
Date 4/27/24 Property Address 4016 Robert Ruark Dr.

Signed 

Date 4/28/24 Property Address 1004 Newton Dr

Signed Lisa B. Edgerton

Date 4/28/24 Property Address 1002 Newton Dr.

Signed 

Date 4/28/24 Property Address 3003 Bonner Bussells

Signed Sean Williams

Date 4/28/2024 Property Address 2008 Bonner Bussells Dr.

Signed James W. McIlhenny

Date 4/28/2024 Property Address 2002 Petes Camp Rd

The City of Southport has changed their code for ETJ's to include requiring permits for Cutting Trees Down off of your property. They are required, by law, to notify all property owners in writing of any changes. It has come to my attention, that the City of Southport states that the required notifications were mailed and many property owners are saying that they did not receive the notification. This poll is being conducted to determine if you have received written or verbal notification from the City of Southport.

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Signed *Gregory Planchon*
Date 4/27/24 Property Address 7002 ROBERT RUARK

Signed *David Henry*
Date 4/27/24 Property Address 7003 Robert Ruark Dr.

Signed *Q.K.V.*
Date 4-27-24 Property Address 7021 Robert Ruark Dr

Signed *Wade Richardson*
Date 4-27-24 Property Address 7008 Robert Ruark Dr.

Signed *Nancy Cator*
Date 4.27.24 Property Address 2006 Peter's Camp Dr.

Signed *James R. Evans*
Date 4-27-24 Property Address 1028 Bonner Bussells

Signed *Dinger Williams*
Date 4/27/24 Property Address 1024 Bonner Bussells Dr.

Signed *Tina L.*
Date 4/27/24 Property Address 1107 NEWTON DR.

Signed *Ben P. Richardson*
Date 4/27/24 Property Address 1006 NEWTON DR

Signed *G.B. Hall*
Date 4/27/24 Property Address 1005 NEWTON DR

Signed *G.B. Hall*
Date _____ Property Address _____

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Signed Jane P. McIntyn

Date 4-28-24 Property Address 4405 Robert Ruark Dr SP, NC 28461

Signed Bonnie Watts

Date 4/28/24 Property Address 1003 Fairley St. Southport, NC 28461

Signed Aina Oedham

Date 4/28/24 Property Address 4004 Robert Ruark Drive Southport, NC 28461

Signed Shirley Bingham

Date 4/28/24 Property Address 4008 Robert Ruark Drive Southport NC

Signed Danuel Noble

Date 4-28-2024 Property Address 3004 ROBERT RUARK DR. SE SOUTHPORT, NC

Signed Debra A. Mann

Date 4/28/2024 Property Address 4014 Robert Ruark Dr

Signed Ernest Riccio

Date 4/29/24 Property Address 6003 ROBERT RUARK DR.

Signed James Chiel

Date 4/29/24 Property Address 1005 Osprey Circle

Signed Michael Bantia

Date 4/29/24 Property Address 5011 Robert Ruark Dr.

Signed Carl Woodhouse

Date 4/29/24 Property Address 998 PEE'S CAMP DR.

Signed William Gualton

Date 4/28/24 Property Address 2002 BONNER BUSSELLS DR. SE.

The City of Southport has changed their code for ETJ's to include requiring permits for Cutting Trees Down off of your property. They are required, by law, to notify all property owners in writing of any changes. It has come to my attention, that the City of Southport states that the required notifications were mailed and many property owners are saying that they did not receive the notification. This poll is being conducted to determine if you have received written or verbal notification from the City of Southport.

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Signed Candie K. Kishner

Date 4/29/2024 Property Address 1014 Bonner Bussells dr.

Signed Judy Hauck

Date 4/29/24 Property Address 2004 Bonner Bussells Dr Southport

Signed Vina Powers

Date 4-29-24 Property Address 2001 Pete's Camp Dr. Southport N.C. 28461

Signed Jeff Miller

Date 4-29-24 Property Address 2000 BONNER BUSSELLS DR SOUTHPORT N

Signed Heather Hamilton

Date 4-29-24 Property Address 2017 Robert Ruark Dr. Se Southport NC 28461

Signed Jim Allen

Date 4/30/2024 Property Address 2011 Robert Ruark Dr SE

Signed Michelle Truitt

Date 4/30/24 Property Address 2016 ROBERT RUARK DR SE SOUTHPORT NC 28461

Signed Susan Street

Date 4/30/24 Property Address 2018 Robert Ruark DR

Signed Fran Nolan

Date 4/30/2024 Property Address 1000 BARRISTERS CORY

Signed Angel Dale

Date 4/30/24 Property Address 3001 Robert Ruark Dr. SE

Signed John M. Campbell

Date 4-30-24 Property Address 4007 ROBERT RUARK DR. SE SOUTHPORT, N.C. 28461

The City of Southport has changed their code for ETJ's to include requiring permits for Cutting Trees Down off of your property. They are required, by law, to notify all property owners in writing of any changes. It has come to my attention, that the City of Southport states that the required notifications were mailed and many property owners are saying that they did not receive the notification. This poll is being conducted to determine if you have received written or verbal notification from the City of Southport.

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Signed Ray C. Rueland
Date 4/28/24 Property Address 109 Live Oak Turn

Signed Ted L. Braver
Date 4/28/2024 Property Address 107 Live Oak Turn

Signed Al
Date 4/29/24 Property Address 3010 Robert Park South Port NC

Signed Mirind
Date 4/29/24 Property Address 1017 Captain Adkins Dr. Southport

Signed Lisa Damon
Date 4/29/24 Property Address 3003 Bonner Bussells Dr Southport NC

Signed Judith Mas Mundo
Date 4-29-24 Property Address 1019 Captain Adkins Dr.

Signed Mary Ellen Stewart
Date 4.29.24 Property Address 1022 Captain Adkins Dr.

Signed Deborah C. Minnett
Date 4/29/24 Property Address 1027 Captain Adkins Dr.

Signed James E. Minnett
Date 4/29/24 Property Address 1027 Captain Adkins Dr.

Signed C
Date 4/29/24 Property Address 1025 Captain Adkins Dr.

Signed Barbara Polanski
Date 4/29/24 Property Address 1034 Captain Adkins Dr.

The City of Southport has changed their code for ETJ's to include requiring permits for Cutting Trees Down off of your property. They are required, by law, to notify all property owners in writing of any changes. It has come to my attention, that the City of Southport states that the required notifications were mailed and many property owners are saying that they did not receive the notification. This poll is being conducted to determine if you have received written or verbal notification from the City of Southport.

"I, the undersigned owner of property in Smithville Woods Subdivision, Brunswick County, NC, confirm that I have NOT received notification, written or verbal, of any change in the code to require a permit to cut trees down from my property."

Signed Cheryl P. Miller
Date 4/28/24 Property Address 1906 Fairley St.
Signed Cheryl P. Miller
Date 4/28/24 Property Address 1008 Fairley St.
Signed Rita Doherty
Date 4/28/24 Property Address 1001 Fairley St.
Signed Larry Long
Date 4-28-24 Property Address 1004 Fairley St.
Signed Samuel Boudry
Date 4-29-24 Property Address 2007 West Ruark Dr.
Signed _____
Date _____ Property Address _____
Signed _____
Date _____ Property Address _____
Signed _____
Date _____ Property Address _____
Signed _____
Date _____ Property Address _____
Signed _____
Date _____ Property Address _____
Signed _____
Date _____ Property Address _____
Signed _____
Date _____ Property Address _____

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Signed Jessica E. Hunt
Date 4/30/24 Property Address 105 Lee Oak Turn
Signed Charlynn P. Gouzon
Date 4/30/24 Property Address 1015 CAPTAIN AOKINS DR
Signed _____
Date _____ Property Address _____
Signed _____
Date _____ Property Address _____
Signed _____
Date _____ Property Address _____
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"I, the undersigned owner of property in Smithville Woods Subdivision, Brunswick County, NC, confirm that I have NOT received notification, written or verbal, of any change in the code to require a permit to cut trees down from my property."

Signed [Signature]

Date 4/30/24 Property Address 1023 Capt. Adkins Dr.

✓ Signed William E. Hickman

Date 4/30/24 Property Address 1028 Capt. Adkins Dr

Signed [Signature]

Date 4/29/24 Property Address 1030 CAPTAIN ADKINS DR.

Signed [Signature] BRIAN KEMOE

Date 4/29/24 Property Address 1031 CAPTAIN ADKINS DR

Signed [Signature]

Date _____ Property Address _____

Signed _____

Date _____ Property Address _____

Signed _____

Date _____ Property Address _____

Signed _____

Date _____ Property Address _____

Signed _____

Date _____ Property Address _____

Signed _____

Date _____ Property Address _____

Signed _____

Date _____ Property Address _____

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"I, the undersigned owner of property in Smithville Woods Subdivision, Brunswick County, NC, confirm that I have NOT received notification, written or verbal, of any change in the code to require a permit to cut trees down from my property."

Signed Joie Pederson

Date 4/30/24 Property Address 1010 Bonner Bussells Turn

Signed Julie E. House

Date 4/30/24 Property Address 2001 Bonner Bussells Dr

Signed _____

Date _____ Property Address _____

Signed _____

Date _____ Property Address _____

Signed _____

Date _____ Property Address _____

Signed _____

Date _____ Property Address _____

Signed _____

Date _____ Property Address _____

Signed _____

Date _____ Property Address _____

Signed _____

Date _____ Property Address _____

Signed _____

Date _____ Property Address _____

Signed _____

Date _____ Property Address _____



COURTESY LETTER / 1ST NOTICE OF VIOLATION

Case Number: 202404002

Jamie Renn Pederson
105 S Fodale Ave
Southport, NC 28461
April 12, 2024

The City of Southport, NC Code Enforcement Inspector has reason to believe that your property may be in violation of the City Ordinance. This letter is to inform you that the structure and/or property located at **1010 Bussells Turn**, appears in violation of the City of Southport Code of Ordinance section (3.18 I). On **04/04/24**, the Code Enforcement Inspector observed the following violation(s): **Zoning Violation to wit: Lot that has been clear cut and graded prior to issuance of a zoning and building permit. As part of the permitting process, an applicant is required to gain approval to remove regulated trees. No alteration of vegetation, trees, or landscape material in excess of three (3) inches DBH shall occur on a lot or building site prior to the issuance of a zoning or tree impact permit.**

3.18 TREE PROTECTION AND LANDSCAPE PRESERVATION

I. LOT CLEARING AND PREPARATION

1. No alteration of vegetation, trees, or landscape material in excess of three (3) inches DBH shall occur on a lot or building site prior to the issuance of a zoning or tree impact permit. Some clearing of understory trees and shrubs may be required to prepare a site for survey, inspection by governmental agencies as part of any permitting process, or to stake the proposed building site.
2. On densely vegetated lots, a walking access trail not to exceed three (3) feet may be cleared for access purposes. Permission to clear any understory trees and shrubs less than three (3) inches DBH for said walking access trail shall be permitted following consultation with the UDO Administrator; however, clearing shall be kept to an absolute minimum.
3. Violations of the lot clearing, and preparation section shall constitute a minimum (1) one-year delay in the issuance of any city issued development approval.
4. In the event that a lot has been cleared without obtaining all proper permits from the city and the UDO Administrator is unable to determine the exact number of trees which have been removed in violation of this ordinance, a civil penalty shall be levied under this subsection as follows:

a) If the property is located within a residential district, the offender shall be subject to a civil penalty in the amount of \$1.00 for each square foot of the total size of the lot that was cleared (not based on the

lot area cleared). In addition, the offender shall be required to plant two (2) replacement canopy trees per 10,000 sf or fraction thereof.

b) If the property is located within a nonresidential district, the offender shall be subject to a civil penalty in the amount of \$2.00 for each square foot of the total size of the lot that was cleared (not based on the area cleared). In addition, the offender shall be required to plant four (4) replacement canopy trees per 10,000 sf or fraction thereof.

c) In addition to the civil penalties set forth in subsections 4(a) and 4(b) above, the offender shall be subject to all enforcement provisions of Section 2.15.D of this Unified Development Ordinance.

As shown above in 3.18 I of the UDO, when a lot is cleared prior to obtaining all proper permits from the city, the offender shall be subject to civil penalty in the amount of \$1.00 for each square foot of the total size of the lot that was cleared (not based on the lot area cleared). In addition, the offender shall be required to plant two (2) replacement canopy trees per 10,000 sf or fraction thereof.

After reviewing aerial photography and using GIS to calculate the sf of the lot that was cleared, staff conservatively estimates that the civil penalty for the violation is \$23,522.40.

As the owner/occupant of the property, **you have 30 days to correct the violations from the date of this letter** or the City will take further steps to enforce the requirements of the Code of Ordinances, which may include levying civil penalties and seeking a court order from the Brunswick County Courts requiring you to correct the violation. If the City determines that any of the violations constitute a public nuisance, the City may also summarily abate the nuisance and bill you for the cost of abatement pursuant to the Southport Code of Ordinances.

To correct the violation, you must do the following: **Pay the entirety of the civil penalty and obtain necessary permits from the City.**

APPEAL

1. An appeal from any final order or decision of the UDO Administrator or official charged with enforcement of the UDO or other ordinance that regulates land use or development may be taken to the Board of Adjustment by any party who has standing under NCGS160D-1402. Appeals of a final subdivision decision may be made in accordance with NCGS 160D-1403(b). The official who made the decision shall give written notice to the owner of the property and the party who sought the decision, if different. A notice of appeal, specifying the grounds therefor, shall be considered filed with the official and the Board of Adjustment when delivered to the city clerk, and the date and time of filing shall be entered on the notice by the clerk.
2. The owner or other party shall have 30 days from the date of the receipt of a written final, binding determination by the official to file an appeal. The written notice shall be delivered by personal delivery, electronic mail, or by first class mail. Any other person withstanding to appeal shall have 30 days from the receipt of any source of actual or constructive notice of the decision to file an appeal. In the absence of evidence to the contrary, notice given pursuant to NCGS 160D-403(b) by first class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

If you have any questions, please do not hesitate to call me at (336) 569-9988 or email me at Mabe@AllianceCodeEnforcement.com.

Sincerely, *Derek Mabe* Code Enforcement Inspector

Dorothy Dutton

From: Bonnie Therrien
Sent: Wednesday, April 10, 2024 11:37 AM
To: Dorothy Dutton
Cc: Frank Lai; Karen Mosteller; Lowe Davis; Marc Spencer; Rebecca Kelley; Richard Alt; Robert Carroll
Subject: Re: : 1010 Bussells Turn

Thanks!

Bonnie Therrien, City Manager

From: Dorothy Dutton <Ddutton@cityofsouthport.com>
Sent: Wednesday, April 10, 2024 10:56:45 AM
To: Bonnie Therrien <btherrien@cityofsouthport.com>
Cc: Frank Lai <flai@cityofsouthport.com>; Karen Mosteller <kmosteller@cityofsouthport.com>; Lowe Davis <ldavis@cityofsouthport.com>; Marc Spencer <m Spencer@cityofsouthport.com>; Rebecca Kelley <rkelly@cityofsouthport.com>; Richard Alt <ralt@cityofsouthport.com>; Robert Carroll <rcarroll@cityofsouthport.com>
Subject: : 1010 Bussells Turn

The fine for 1010 Bussells Turn is \$23,522.40. I have attached the NOV, if you would like to see it.

From: Bonnie Therrien <btherrien@cityofsouthport.com>
Sent: Wednesday, April 10, 2024 9:29 AM
To: Dorothy Dutton <Ddutton@cityofsouthport.com>
Subject: RE: 1010 Bussells Turn

Do we know the fees yet?

From: Dorothy Dutton <Ddutton@cityofsouthport.com>
Sent: Thursday, April 4, 2024 4:51 PM
To: Bonnie Therrien <btherrien@cityofsouthport.com>
Subject: 1010 Bussells Turn

Bonnie,

I wanted to make you aware that another lot has been cleared without the appropriate permits in place. They just applied for the permit today. Penny asked the Mike to go take a look at it, and it was cleared. Derek has already opened a case on it. We will get the fees calculated and I will let you know.

Thanks.

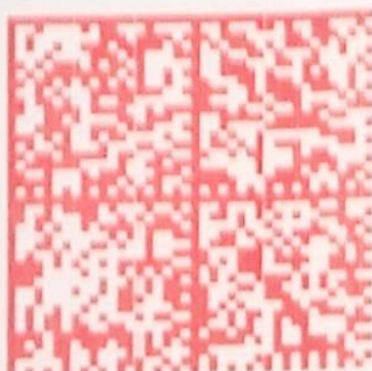


City of Southport

1029 N. Howe Street
Southport, North Carolina 28461

Nov/Nov

Jamie Renn Pederson
105 S Fodale Ave
Southport, NC 28461
April 12, 2024



quadiant

FIRST-CLASS MAIL
IM1

\$000.64

04/12/2024 ZIP 28461
043M30245469

US POSTAGE

Southport City Hall
1029 N. Howe St.
Southport, NC 28461

COURTESY LETTER / 1ST NO1

Jamie Renn Pederson
105 S Fodale Ave
Southport, NC 28461



Dorothy Dutton

From: Dorothy Dutton
Sent: Monday, June 3, 2024 1:52 PM
To: Derek Mabe
Subject: RE: [EXTERNAL] Re: 1010 Bussells Turn

Thank you!

From: Derek Mabe <mabe@alliancecodeenforcement.com>
Sent: Monday, June 3, 2024 12:32 PM
To: Dorothy Dutton <Ddutton@cityofsouthport.com>
Subject: [EXTERNAL] Re: 1010 Bussells Turn

The entire piece of land was cleared and leveled other than a few trees here and there for shade.

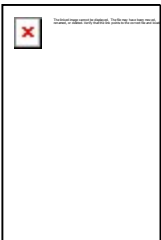
On Mon, Jun 3, 2024, 12:27 PM Dorothy Dutton <Ddutton@cityofsouthport.com> wrote:

Hey, Derek.

Do you have any idea how much of the property at 1010 Bussells was cleared? The Mayor is asking how close to the footprint of the house the clearing was done. All I have is the site plan for the home.

No worries if you don't; just wanted to check!

Thanks!



Dorothy (Dorrie) Dutton

Assistant City Manager.

Phone: (910) 457-7900 ext. 1010

Mobile : (910) 269-3662

Email: ddutton@cityofsouthport.com

1029 N.Howe Street

Southport, NC 29461

www.cityofsouthport.com

WARNING: This email originated from outside of the City of Southport. Please DO NOT click on links or attachments unless you are familiar with the sender and know the content to be safe.

GEDDINGS & KLEVA, PLLC
ATTORNEYS AT LAW

8721 East Oak Island Drive
Oak Island, North Carolina 28465

Telephone: (910) 278-8998
Facsimile: (910) 278-8982

July 9, 2024

The City of Southport
1029 N. Howe Street
Southport, North Carolina 28461
Attn: Planning & Inspections

Re: Case Number AP-24-02
Jamie Renn Pederson

Dear Sir/Madam:

Our office represents Jamie Renn Pederson and Jackson Pederson in their Appeal of a Notice of Violation by Code Enforcement Inspector Derek Mabe for alleged actions violating Section 3.18 of the Southport UDO for property located at 1010 Bussell Turn, Southport, North Carolina 28461 which is scheduled for an evidentiary hearing on July 23, 2024. The purpose of this letter is to provide further information regarding that appeal and to address recent actions by the North Carolina General Assembly.

As you are aware, the subject property is located within the Extra Territorial Jurisdiction (ETJ) of the City of Southport. On June 26, 2024, the North Carolina General Assembly, by passage of House Bill 911, prohibited the City of Southport from enforcing its development ordinance regulations beyond its contiguous corporate/city limits, and as of July 1, 2024, subjected those properties to Brunswick County's developmental regulations.

While the City of Southport's enforcement powers do remain in effect until Brunswick County adopts the regulation or until August 30, 2024, whichever is sooner, as a practical matter, it does not seem fair or equitable for the City of Southport to penalize a property owner for an alleged violation of a city tree ordinance on a parcel of property which the City of Southport will now ultimately have absolutely no regulatory authority over when the property is developed and a residence constructed.

Additionally, the City of Southport's regulatory powers for properties located in the ETJ, prior to the passage of House Bill 911, and pursuant to *North Carolina General Statute 160D-20 – Municipal Extraterritorial Jurisdiction*, extended to an area not more than one mile beyond its continuous corporate limits. In the present matter, the subject property is located in an area of the ETJ that is approximately 1.25 miles beyond the contiguous limits of the City of Southport.

It is our position that should the City of Southport decide to continue to exercise enforcement powers over properties in the ETJ during the aforementioned time period, the subject property is located in an area of the ETJ that the City of Southport does not have any regulatory power over.

Therefore, it is respectfully requested that the subject Notice of Violation for the property located at 1010 Bussell's Turn, Southport, North Carolina be summarily dismissed.

Thank you for your attention and consideration of the above.

Very truly yours,



Greg Kleva









STAFF REPORT FOR SUP-24-08 SPECIAL USE APPLICATION – ACCESSORY DWELLING UNIT

APPLICATION SUMMARY	
Hearing Date	July 30, 2024 Board of Adjustment
Applicant	Douglas and Deborah Luehe
Property Owner	Douglas and Deborah Luehe
Parcel ID:	237DB006 & 237DB00701
Parcel Acreage	.52 acres or ~15,130 SF
Zoning District	R-10

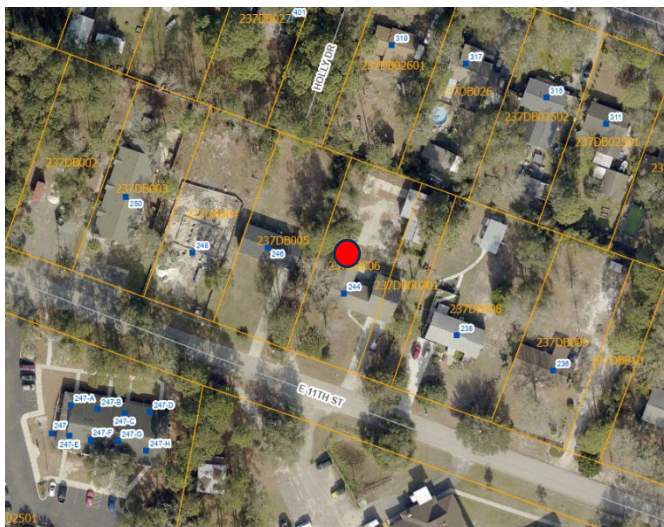
SPECIAL USE PROPOSAL

Douglas and Deborah Luehe, applicants and owners, are requesting a special use permit to construct an accessory dwelling unit.

PROPERTY LOCATION AND DESCRIPTION

The subject property is located at 244 E 11th Street and can be further identified by Brunswick County Parcel ID 237DB006 & 237DB00701. This is a .52-acre site within the City's Jurisdiction and zoned R-10.

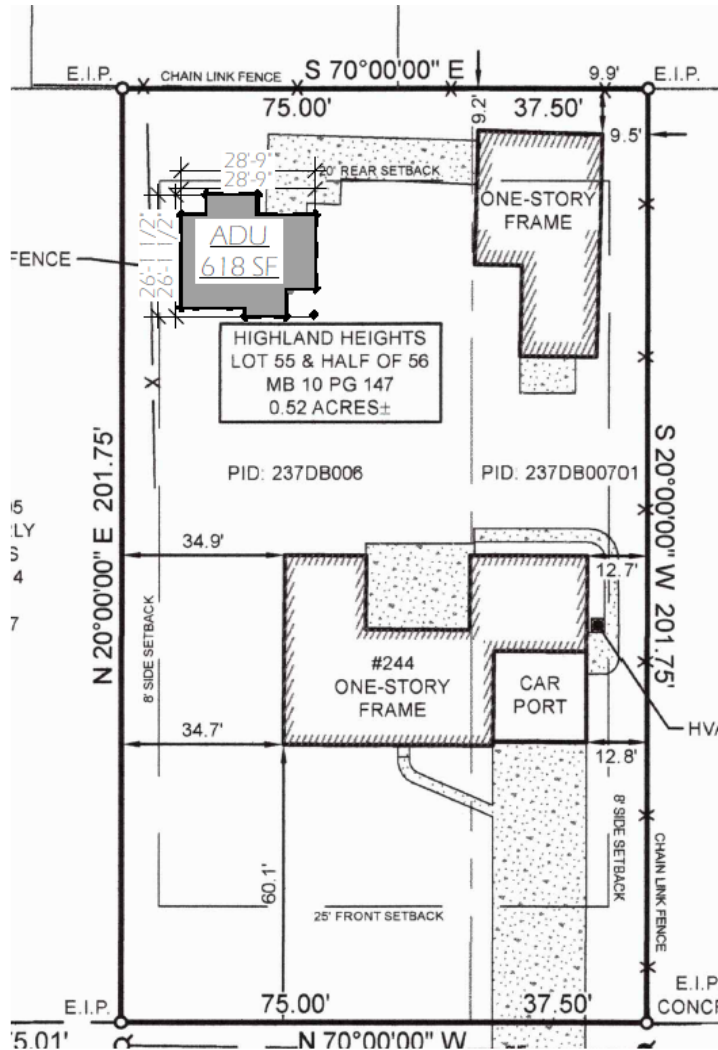
Vicinity



Zoning

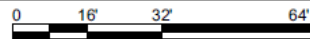


SPECIAL USE DESCRIPTION



SITE PLAN

SCALE: 1/32" = 1'-0"



The proposed accessory dwelling unit (ADU) will be a newly constructed detached single-story structure. The total square footage is 618 SF, and the unit meets the minimum side and rear setbacks for R-10 zoned properties (Side 8' and Rear 20'). The unit, as designed, will include a living area, bedroom, kitchenette, private sanitary facilities, and office. Parking is provided on the existing driveway.

Below are the supplemental standards for accessory dwelling units found in Section 3.6.C of the UDO, with narrative showing how the proposal is compliant.

Where permitted, the following shall apply:

1. An accessory dwelling may be within, attached, or separate from the principal residential structure.

The proposed dwelling unit will be separate from the principal residential structure.

2. The principal use of the lot shall be a detached single-family dwelling built to the North Carolina State Building Code standards.

The principal use of the lot is a single-family dwelling unit and was built per the NC State Building Code standards.

3. No more than one (1) accessory dwelling shall be permitted on a single deeded lot in conjunction with the principal residential structure.

There are no other accessory dwelling units on the property.

4. The accessory dwelling unit shall be owned by the same person as the principal residential structure.

The accessory dwelling will be owned by the same person as the primary structure.

5. The accessory dwelling shall not be served by a driveway separate from that serving the principal residential structure.

There is only one driveway on the property that will serve the residents of the primary structure and the accessory dwelling unit.

6. There shall be a separate parking space for the accessory dwelling subject to the off-street parking requirements of Section 3.14.

There is parking available on the existing driveway.

7. The accessory dwelling shall not exceed 800 SF.

The proposed accessory dwelling is 618 SF.

8. Detached garages with a second-floor accessory residential dwelling may not exceed a ground-level building footprint area of 530 square feet and shall be constructed behind the front building line, except as allowed for

riverfront lots, provided they are located no closer than five (5) feet to any adjoining property line.

N/A

The application, survey, and building drawings are attached to this report.

STAFF SUMMARY

The applicant requests a special use permit for a 618 SF accessory dwelling unit on an R-10 zoned residential lot.

Staff find that the application is complete, and the applicant meets all the residential accessory dwelling unit standards in the UDO.

SPECIAL USE PROCESS

The special use permit request you will be hearing is a quasi-judicial decision, so it must be conducted in a way that ensures procedural and substantive due process. Anyone wanting to provide testimony must be sworn in. As a quasi-judicial hearing, the decision makers must be fair and impartial, and you must base your decision only on the competent evidence you receive. If anyone has a direct or potential financial interest in this proposed project, they should recuse themselves. A majority vote is required for a special use permit. Conditions can be applied that will assure that the use in its proposed location will be harmonious with the area in which it is proposed and with the spirit of the UDO. All specific conditions shall run with the land and shall be binding on the original applicant for the special use permit, the heirs, successors, and assigns. Each case is decided on a case-by-case basis. The decision must be based on the specific site and not the owner or other locations they may own. The Board of Adjustment is to look at the circumstances of the property, not the circumstances of the property owner.

BOARD OF ADJUSTMENT: FINDING OF FACTS

The Board of Adjustment shall approve, modify, or deny the application for a special use permit. In approving a special use permit, the Board of Adjustment, with due regard to the nature and state of all adjacent structures and uses in the district, shall make written findings that the following motions will be fulfilled.

The Chairman will now guide the Board through the following motions, which have been distributed in advance of the hearing:

Motion 1: That the use will/ will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;

SUP-24-08 Staff Report BOA 7-30-2024

[The Board should have some factual explanation for its decision on this motion.]

Finding of Fact:

Motion 2: That the use **meets/does not meet** all required conditions and specifications

[Note: It must be denied if the application does not meet conditions and specifications.]

Finding of Fact:

Motion 3: That the use **will/will not** adversely affect the use or any physical attribute of adjoining or abutting property or that the use is a public necessity

[The Board should have some factual explanation for its decision on this motion.]

Finding of Fact:

Motion 4: That the location and character of the use, if developed according to the plan as submitted and approved, **will/will not** be in harmony with the area in which it is to be located and in general conformity with the City of Southport Comprehensive Plan

[The Board should have some factual explanation for its decision on this motion.]

Finding of Fact:

Motion 5: Based on the findings of fact and the evidence presented, the Board of Adjustment:

☐ Recommends denial of the special use application based on the following:

☐ Recommends approval of the special use application with conditions, including the following: _____

-
- ☐ Recommends approval of the special use application with no conditions.

The final decision of the Board will be reduced to writing. A copy will be recorded with the Register of Deeds for Brunswick County.

Attachments:

Application

Survey

Building Drawings

Special Use Permit

City of Southport, North Carolina



1029 N. Howe St, Southport NC 28461
www.southportnc.org

Planning & Inspections
Phone 910-457-7961 Fax 910-457-7957

For Staff Use Only

PERMIT No. SUP-24-00 FEE: \$ 250 Date Received: 4/26/24

Applicant's Name: Douglas & Deborah Luehe
Mailing Address: 244 E. 11th St City: Southport
State: NC Zip Code: 28461 Phone: 240.210.3432
Email: dluehe@outlook.com

Property Owner's Name: [same]
Address of Owner: _____ City: _____
State: _____ Zip Code: _____ Phone: _____
Email: _____

Address of the property: [same] City: _____
State: _____ Zip Code: _____ Zoning District of Property: DBS147 PG 310
Overall Acreage: 0.52 Minimum Area Requirement for Zoning District: _____
Special Use Permit Request: Accessory Dwelling Unit
Proposed Use: "mother-in-law suite"
Zoning of Adjacent Lots: residential

Surveyor: Intracoastal Land Surveying License #: L-5411
Mailing Address: 108 N. Keri St Suite # City: Wilmington
State: NC Zip Code: 28405
Phone: 910-769-0009 Email: chris@intracoastallandsurveying.com

Per Section 2.7.A of the UDO, special use permits may be issued by the UDO Administrator, after approval by the Board of Adjustment. The petition for a special use permit and accompanying plans shall be submitted to the UDO Administrator.

Application Materials and Submittal:

1. One (1) digital copy and 12 hard copies of the special use permit site plan shall be submitted with all such applications.
2. The special use permit site plan shall be prepared by and sealed by a licensed land surveyor, landscape architect, or engineer registered to practice in the state of North Carolina, and shall include all of the required information as provided in Appendix A: Submission Requirements.


Signature (Owner or Authorized Applicant)

28 Jun 24
Date

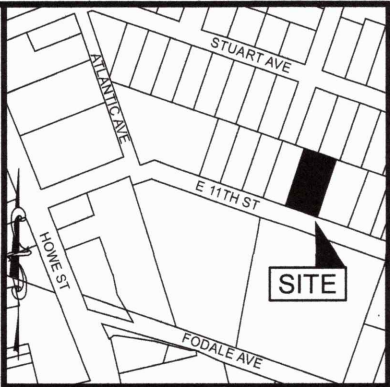
APPROVED:


UDO Administrator

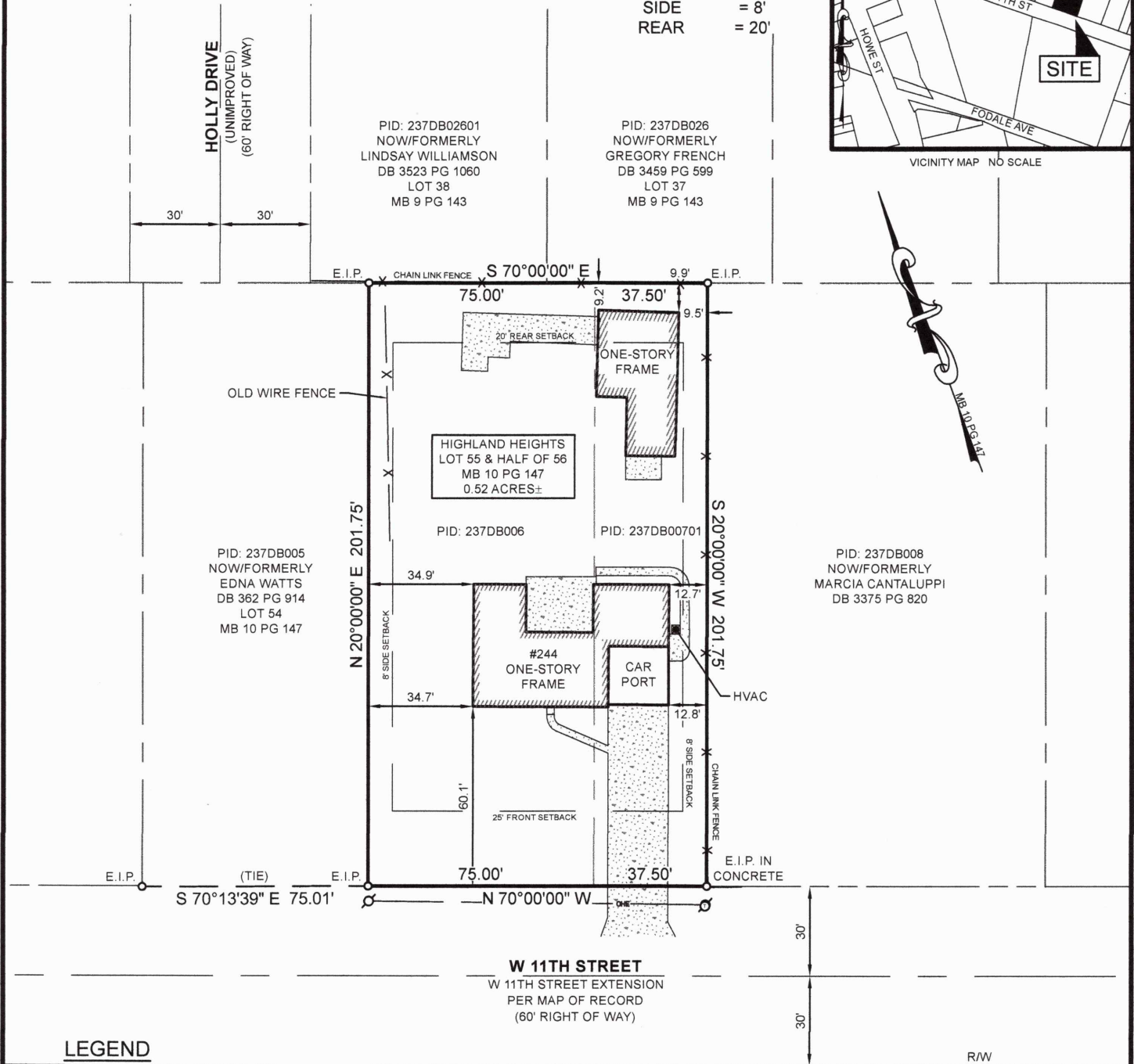
7/8/24
Date

IMPERVIOUS DATA
STRUCTURES= 3,368 SQFT
DRIVE/WALK/PATIO= 2,534 SQFT
HVAC= 9 SQFT
TOTAL AREA= 5,911 SQFT
MAXIMUM LOT COVERAGE = 35% (7,944 SQFT)

SURVEY REFERENCE
DB 5147 PG 310
MB 10 PG 147
BUILDING SETBACKS
SOUTHPORT R-10
FRONT = 25'
SIDE = 8'
REAR = 20'



VICINITY MAP NO SCALE



- LEGEND
- E.I.P. EXISTING IRON PIPE
 - TELEPHONE PEDESTAL
 - UTILITY POLE
 - OVER HEAD ELECTRIC
 - R/W RIGHT OF WAY
 - FENCE LINE
 - SETBACK LINE
 - PROPERTY LINE
 - CONCRETE

- NOTES
1. AREA CALCULATED BY COORDINATE METHOD.
 2. MAP AND SURVEY PREPARED WITHOUT THE BENEFIT OF A CERTIFIED TITLE REPORT.
 3. THIS LOT IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, OR COVENANTS OF RECORD.
 4. SETBACKS DISPLAYED ARE SUBJECT TO REVIEW BY ALL INTERESTED PARTIES.
 5. DISTANCES SHOWN ARE HORIZONTAL GROUND IN US SURVEY FEET UNLESS OTHERWISE NOTED.
 6. THIS LOT IS NOT LOCATED IN AN AREA OF 100 YEAR FLOOD.
 7. OWNERSHIP OF FENCE ALONG PROPERTY LINE UNKNOWN TO SURVEYOR.

Plat of Survey For:

DEBORAH & DOUGLAS LUEHE
DEED BOOK 5147 PAGE 310
LOT 55 & THE WESTERN ONE-HALF OF LOT 56
HIGHLAND HEIGHTS SECTION 1A
MAP BOOK 10 PAGE 147

SMITHVILLE TOWNSHIP BRUNSWICK COUNTY, NC

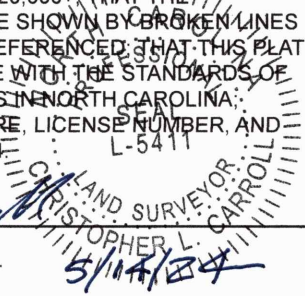
Address: 244 E. 11TH Street Southport, NC 28461

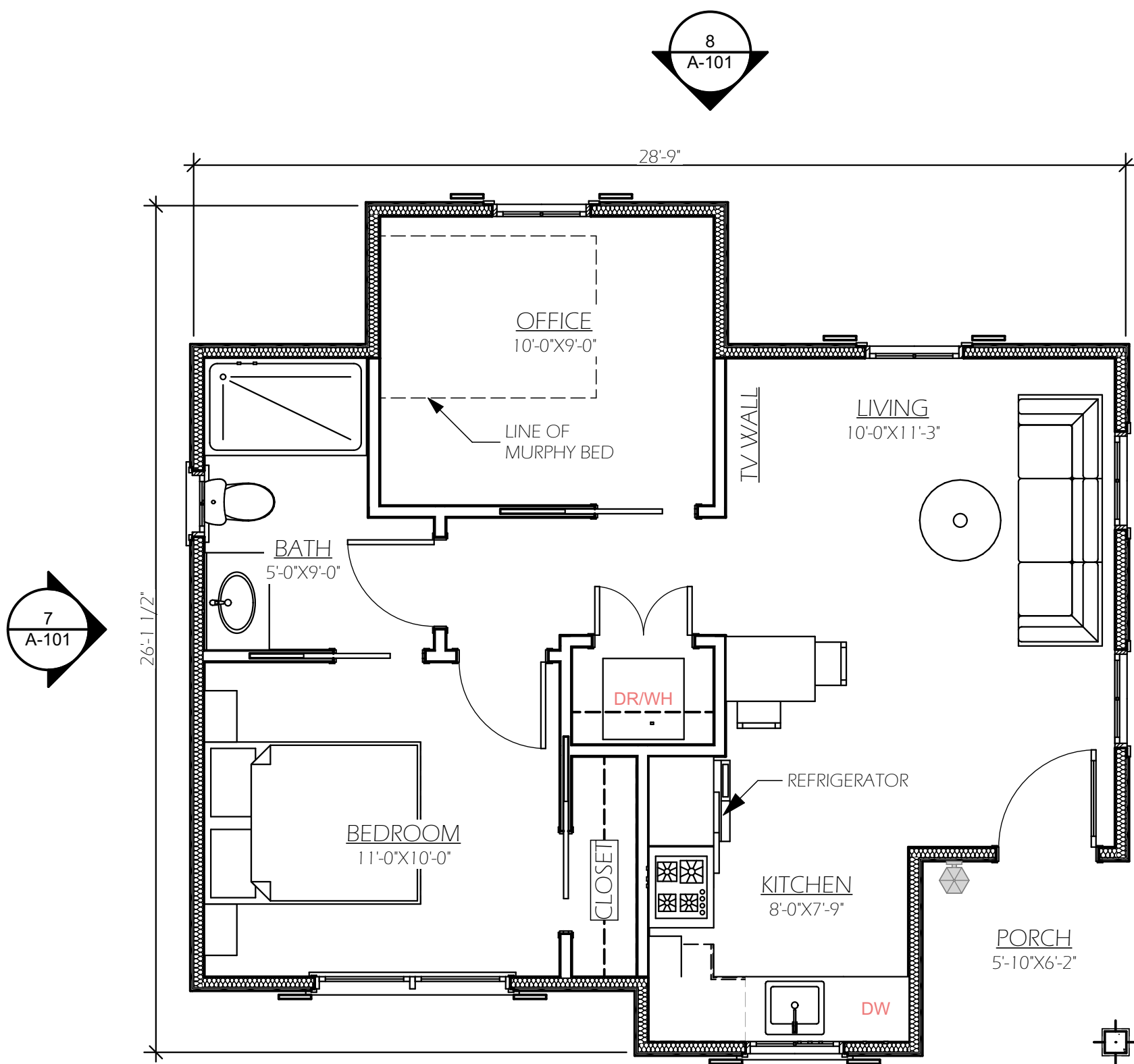


INTRACOASTAL LAND SURVEYING, PLLC
108 N. Kerr Ave.
Suite F4
Wilmington, NC 28405
chris@intracoastallandsurveying.com
NC Firm # P-2342
910-769-0009 © 2024 INTRACOASTAL LAND SURVEYING, PLLC

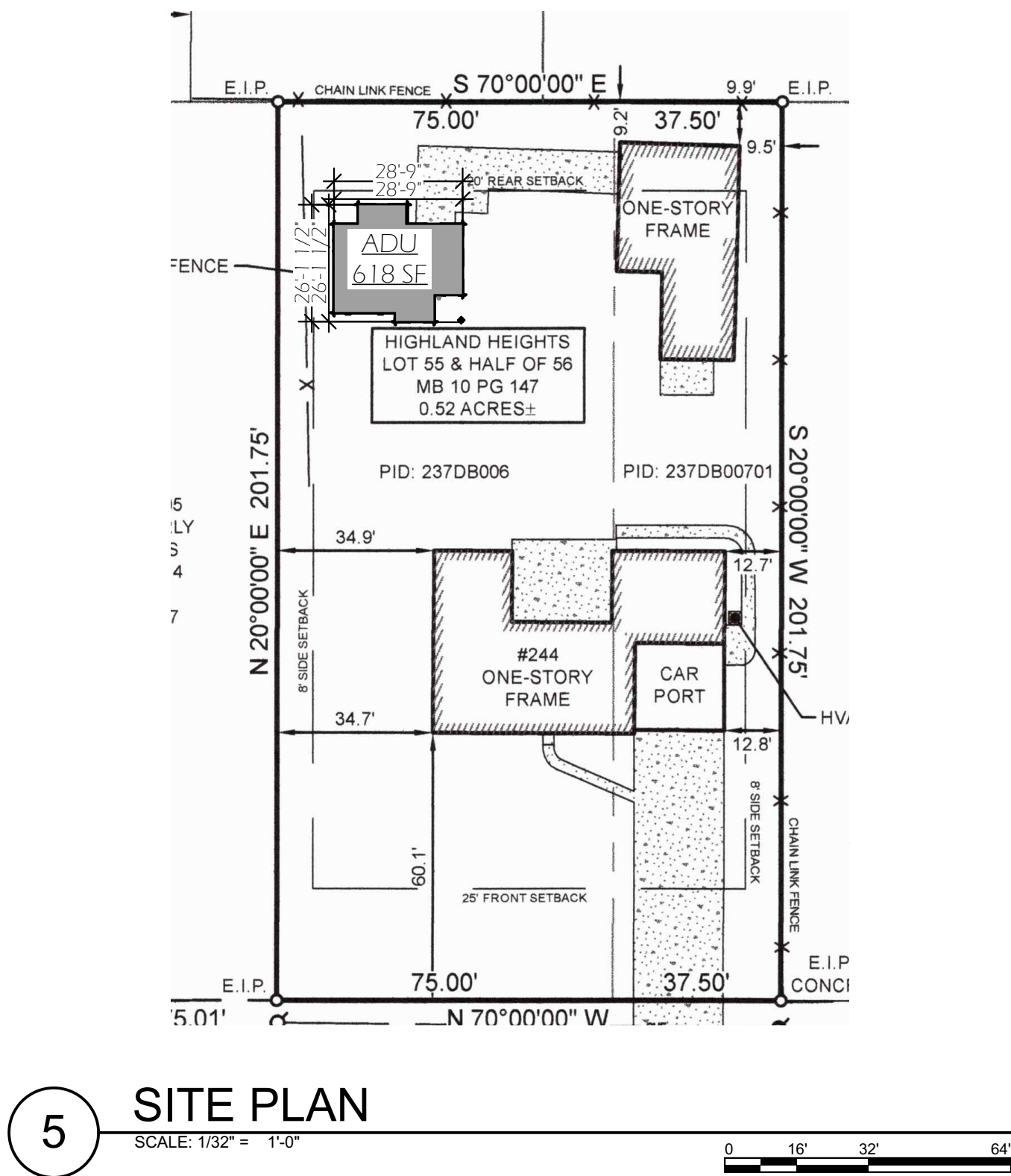
I, CHRISTOPHER L. CARROLL, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; DEED DESCRIPTION RECORDED IN BOOK 5147 PAGE 310; THAT THE RATIO OF PRECISION AS CALCULATED IS 1/20,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN BY BROKEN LINES PLOTTED FROM INFORMATION REFERENCED; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYORS IN NORTH CAROLINA; WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 14TH DAY OF MAY 2024.

Christopher L. Carroll
CHRISTOPHER L. CARROLL, P.L.S.
LICENSE NUMBER L-5411





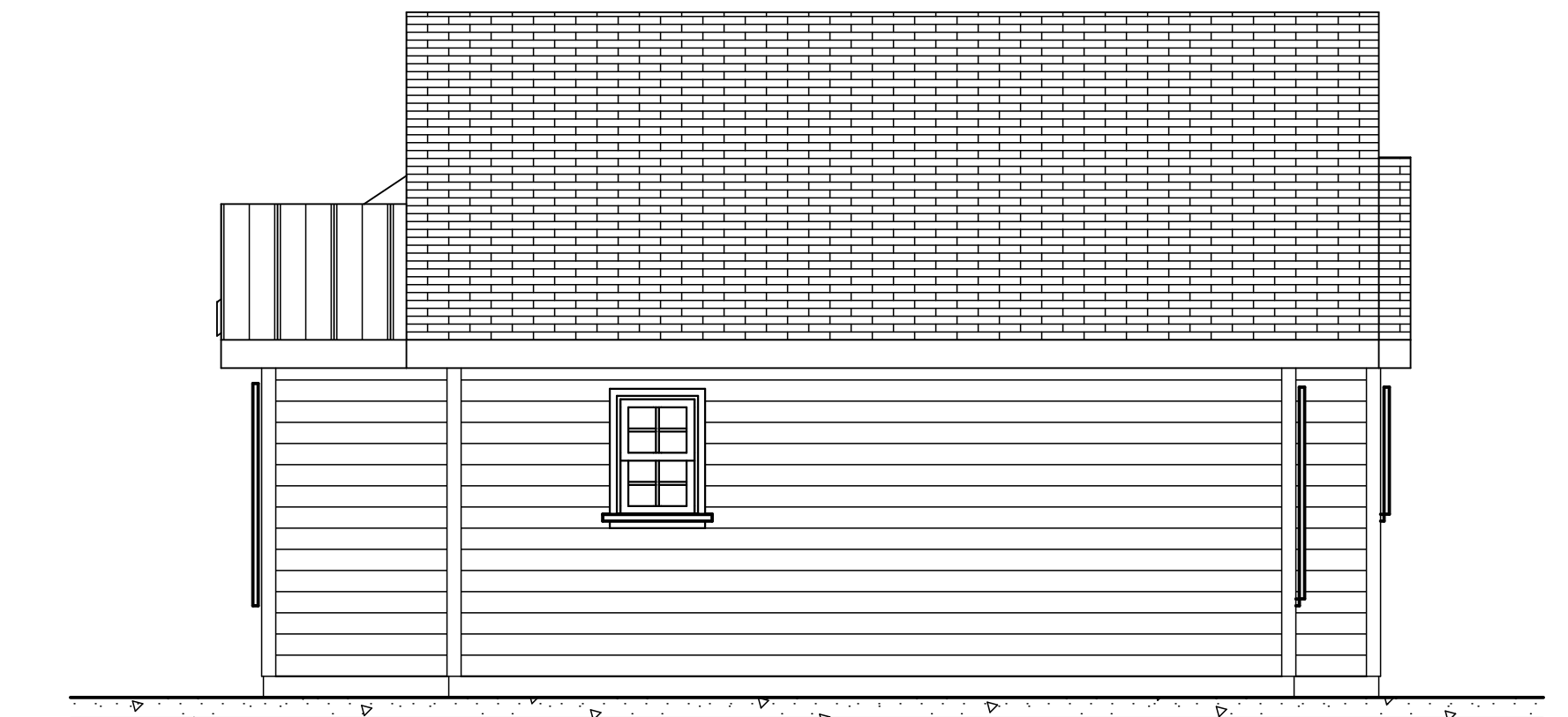
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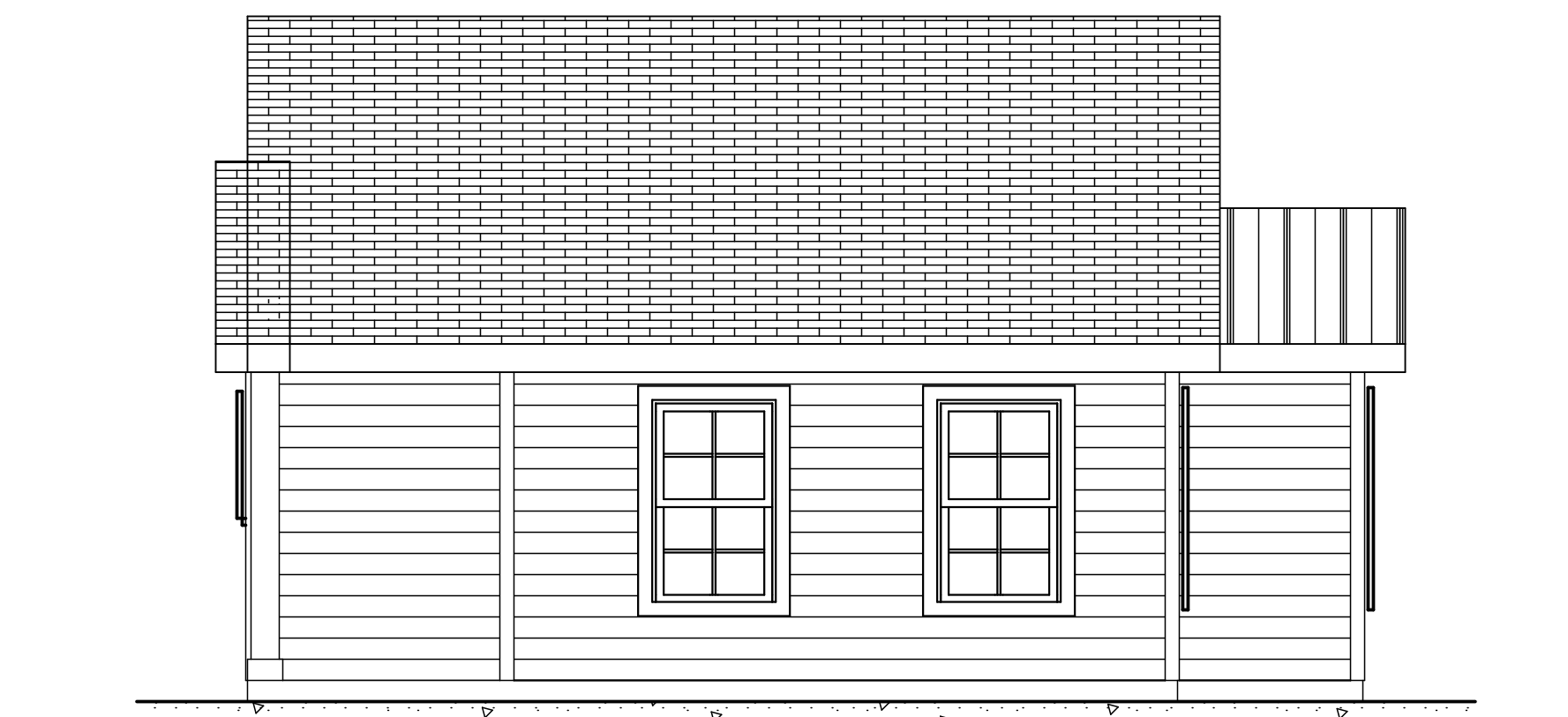
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8 REAR ELEVATION
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9 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



JBA
JENNIFER BENSON
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P.O. BOX 1421
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YAUPON WAY
OAK ISLAND, NC 28465
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OSER RESIDENCE
244 E. 11TH ST.
SOUTHPORT, NC 28461

0	Date:	Revision:

THE DRAWINGS AND PLANS SET FORTH ON THIS SHEET AS INSTRUMENTS OF SERVICE ARE AND SHALL REMAIN THE PROPERTY OF JENNIFER BENSON ARCHITECTURE. USE OF THIS DRAWING IS LIMITED TO A SPECIFIC PROJECT FOR THE PERSONS NAMED HEREON AND FOR THE CONSTRUCTION OF ONE BUILDING. ANY USE OR REUSE OF SAID DRAWING IS STRICTLY PROHIBITED WITHOUT PERMISSION FROM JENNIFER BENSON ARCHITECTURE.

DATE: 6/6/2024	DRAWN BY: JAB
SCALE:	PROJECT NO: 24.150

CHECKED BY:
JENNIFER BENSON

SHEET TITLE:
FLOOR PLANS

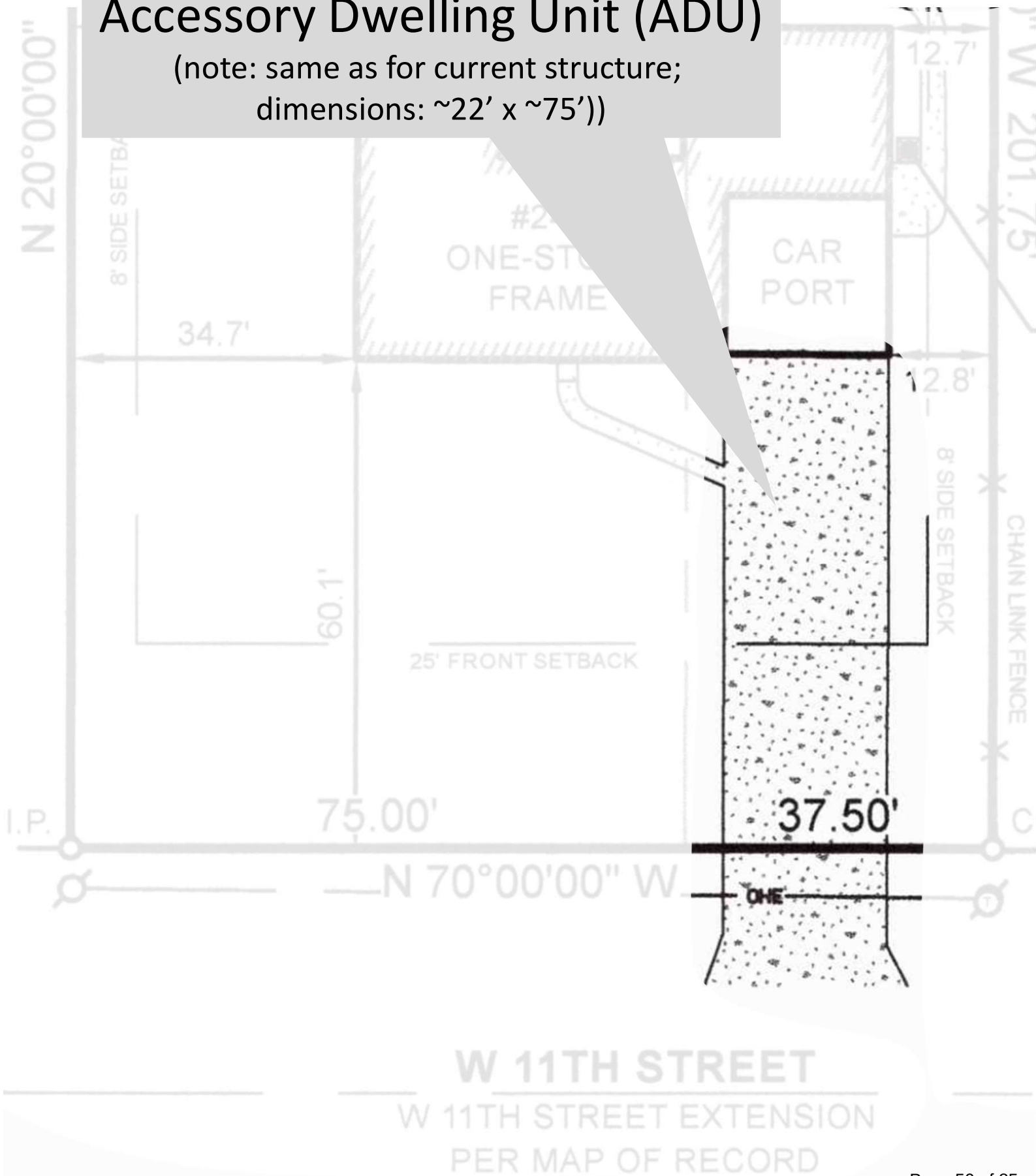
SHEET NUMBER:

A-101

PRELIMINARY DWGS - NOT FOR CONSTRUCTION

Detail of Parking Area for Accessory Dwelling Unit (ADU)

(note: same as for current structure;
dimensions: ~22' x ~75')



**STAFF REPORT FOR SUP-24-09
SPECIAL USE APPLICATION – BED AND BREAKFAST**

APPLICATION SUMMARY	
Hearing Date	July 30, 2024 Board of Adjustment
Applicant	John Mann and Amy Coggins
Property Owner	John Mann
Parcel ID:	237LG020
Parcel Acreage	.50 acres or ~21,780 SF
Zoning District	R-10 - Residential

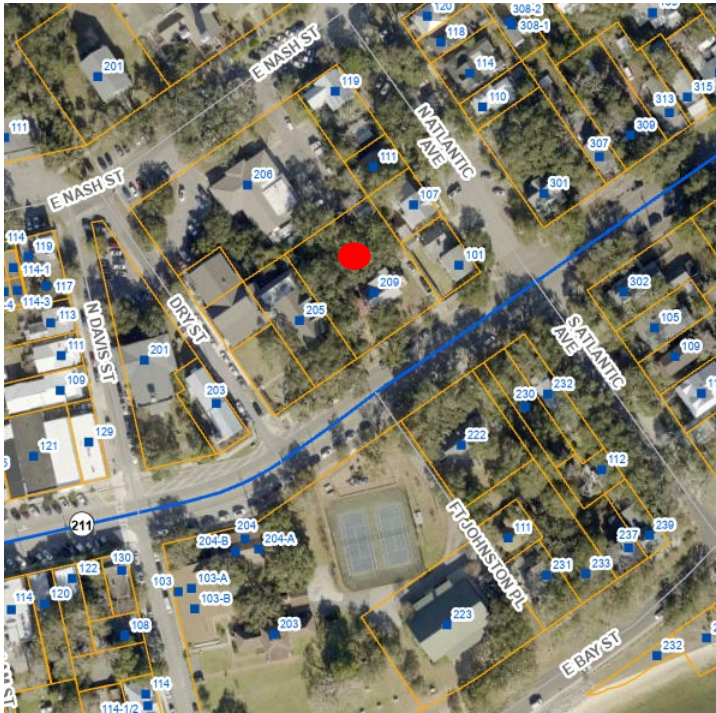
SPECIAL USE PROPOSAL

John Mann, owner and applicant, requests a special use permit to operate a bed and breakfast within an existing single family home. Section 3.5 – Table 3.1 Table of Uses permits bed and breakfasts with a special use permit and standards, in the R-10 zoning district.

Staff find that the application is complete, and the applicant has met all the special use standards.



PROPERTY LOCATION AND DESCRIPTION



The subject property is located at 209 E Moore Street and can be further identified by Brunswick County Parcel ID 237LG020. The parcel is .50 acres within the City's corporate limit.

The property includes an existing single-family home and carriage house.



The subject property is zoned R-10, which allows Bed and Breakfasts with a Special Use Permit and Standards. The standards are outlined below with descriptions of how the project meets the requirements.

Further, there are nonresidential use standards within the UDO that must be met. Those sections are also listed including how the proposal meets the development standards.



SPECIAL USE DESCRIPTION

The proposal is the use of an existing 4 bedroom 4 bathroom home as a bed and breakfast. There is a 5th suite in the basement of the home that will be used as the owner/inn manager accommodations. The inn will be used for overnight stays and offer an outdoor event space for guests.

Section 3.8.C. Bed and Breakfast has the following three (3) supplemental standards, where permitted:

1. Sanitation. Compliance with rules governing the sanitation of bed and breakfast homes, section 2200 of the North Carolina Administrative Code, Title 10, Department of Human Resources.

This standard will be met though state permitting to operate the bed and breakfast.

- *No permit for a lodging establishment shall be issued to a person until an application is submitted in accordance with Rule .1833 and*

SUP-24-09 Staff Report BOA 07-30-24

an evaluation by the regulatory authority shows that the establishment complies with this Section. However, for bed and breakfast homes and inns, the regulatory authority shall allow a period of 210 days after the date of issuance of the permit to comply with the certified food protection manager requirements in Rule .1822 of this Section

2. Management Plan. The application for a bed and breakfast home should include a management plan.

A management plan is attached to this document. The management plan outlines the purpose and maintenance of the business – an inn and event space for guests staying at the property. Sanitation and food safety protocol is also included in the plan. Food will not be prepared on site, but will be purchased for consumption. An ABC license will be acquired for on-site consumption of alcohol at events and eventually for purchase by the glass.

3. An on-site manager shall be required to have permanent residence at any permitted bed and breakfast establishment.

There is a dedicated owner/manager suite for the required on-site management. The management plan outlines the requirements of the on-site manager whether it is the owners of the property or a hired manager position.

The following standards found in Article 3 of the UDO are required for any bed and breakfast establishment. Sections that are not applicable to a change of use for a property are not included in this report.

3.9 Dimensional Requirements – building setbacks for R-10 properties are Front: 25', Rear: 20', and Side 15'.

The existing home meets the required setbacks. Any new accessory structures must meet these setbacks.

3.14 Parking – one (1) space for every rental room plus one (1) space for every two (2) permanent occupants.

The applicant provides six (6) spaces within an existing parking pad and on the existing driveway. Parking configurations are found on page 24 of 26 of the management plan attached to this report.

3.19 Signs – a separate sign permit will be submitted for approval.

STAFF REVIEW

As stated previously, Staff find the application complete and the supplemental standards have been met.

The use as a bed and breakfast alone is a low intensity use appropriate in residential neighborhoods. The addition of an event space increases the intensity of use and potential for conflicts within the adjacent residential neighborhood. Staff offer the following conditions to consider:

1. Each onsite event must have a separate noise permit. The inn cannot carry a blanket permit for events throughout the year.
2. The sale of beer and wine by the glass is limited to guests of the inn, not the general public.

SPECIAL USE PROCESS

The special use permit request you will be hearing is a quasi-judicial decision, so it must be conducted in a way that ensures procedural and substantive due process. Anyone wanting to provide testimony must be sworn in. As a quasi-judicial hearing, the decision makers must be fair and impartial, and you must base your decision only on the competent evidence you receive. If anyone has a direct or potential financial interest in this proposed project, they should recuse themselves. A majority vote is required for a special use permit. Conditions can be applied that will assure that the use in its proposed location will be harmonious with the area in which it is proposed and with the spirit of the UDO. All specific conditions shall run with the land and shall be binding on the original applicant for the special use permit, the heirs, successors, and assigns. Each case is decided on a case-by-case basis. The decision must be based on the specific site and not the owner or other locations they may own. The Board of Adjustment is to look at the circumstances of the property, not the circumstances of the property owner.

BOARD OF ADJUSTMENT: FINDING OF FACTS

The Board of Adjustment shall approve, modify, or deny the application for a special use permit. In approving a special use permit, the Board of Adjustment, with due regard to the nature and state of all adjacent structures and uses in the district, shall make written findings that the following motions will be fulfilled.

The Chairman will now guide the Board through the following motions, which have been distributed in advance of the hearing:

Motion 1: That the use will/ will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;

[The Board should have some factual explanation for its decision on this motion.]

Finding of Fact:

Motion 2: That the use meets/does not meet all required conditions and specifications

[Note: It must be denied if the application does not meet conditions and specifications.]

Finding of Fact:

Motion 3: That the use will/will not adversely affect the use or any physical attribute of adjoining or abutting property or that the use is a public necessity

[The Board should have some factual explanation for its decision on this motion.]

Finding of Fact:

Motion 4: That the location and character of the use, if developed according to the plan as submitted and approved, will/will not be in harmony with the area in which it is to be located and in general conformity with the City of Southport Comprehensive Plan

[The Board should have some factual explanation for its decision on this motion.]

Finding of Fact:

Motion 5: Based on the findings of fact and the evidence presented, the Board of Adjustment:

☐ Recommends denial of the special use application based on the following:

☐ Recommends approval of the special use application with conditions, including the following: _____

-
-
- ☐ Recommends approval of the special use application with no conditions.

The final decision of the Board will be reduced to writing. A copy will be recorded with the Register of Deeds for Brunswick County.

Attachments:

Application

Management Plan

Site Plan and Survey

Page 1 of 2

Special Use Permit

City of Southport, North Carolina



1029 N. Howe St, Southport NC 28461
www.southportnc.org

Planning & Inspections
Phone 910-457-7961 Fax 910-457-7957

For Staff Use Only

PERMIT No. 8UP24-09 FEE: \$ 750 Date Received: 6/20/24

Applicant's Name: John Mann and Amy Coggins
Mailing Address: 209 E. Moore St City: Southport
State: NC Zip Code: 28461 Phone: 919-757-5319
Email: johnmann5319@gmail.com and amycoggins01@gmail.com

Property Owner's Name: John Mann
Address of Owner: 209 E. Moore St City: Southport
State: NC Zip Code: 28461 Phone: 919-757-5319
Email: johnmann5319@gmail.com and amycoggins01@gmail.com

Address of the property: 209 E. Moore St City: Southport
State: NC Zip Code: 28461 Zoning District of Property: R-10
Overall Acreage: 0.50 Minimum Area Requirement for Zoning District: _____
Special Use Permit Request: Use property as Bed and Breakfast in accordance with current UDO Guidelines
Zoning of Adjacent Lots: CBD, R-10

Design Professional: none License #: _____
Mailing Address: _____ City: _____
State: _____ Zip Code: _____
Phone: _____ Email: _____

Per Section 2.7.A of the UDO, special use permits may be issued by the UDO Administrator, after approval by the Board of Adjustment. The petition for a special use permit and accompanying plans shall be submitted to the UDO Administrator.

Application Materials and Submittal:

1. One (1) digital copy and 12 hard copies of the special use permit site plan shall be submitted with all such applications
2. The special use permit site plan shall be prepared by and sealed by a licensed land surveyor, landscape architect, or engineer registered to practice in the state of North Carolina, and shall include all of the required information as provided in Appendix A: Submission Requirements.

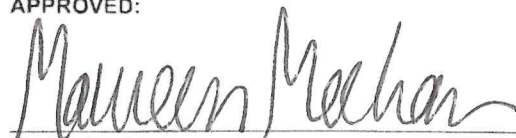


Signature (Owner or Authorized Applicant)

18 June 2024

Date

APPROVED:



UDO Administrator

7/5/2024

Date

Southport, North Carolina

The Carriage House Inn Business and Management Plan

Proposed Name

The Carriage House Inn
(a modern BnB)

Location 209 E Moore St, Southport, NC
Brunswick county, Parcel: 237LG020

Owning corporation – coggmann ventures LLC

Owner and Authors: John Mann (919)-757-5319

and Amy Coggins (919)803-9359

Version Date: 19 June 2024

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2. Inn name reference and overall purpose of business

The Carriage House Inn - The name was derived to coincide with the property which was built in 1935 and contains a carriage house. Given the carriage house will be incorporated into part of the property as well as an event space, this defined the reference for the name.

Purpose – the property will be used as a bed a breakfast with the basement turned into the owners onsite living location. The Main house will have 4 bedrooms for renting as an Inn. The back yard will be an event space used for weddings, retirement or birthday parties, etc...

The current proposal is that any wedding that is booked must reserve all the rooms for the Inn as part of the wedding package.

The carriage house will be restored with an original carriage house door structure and used as a reception space following any events. ABC permits will be obtained to support on premise consumption of alcohol.

Food – No food will be made or prepared on site from base ingredients. A “continental” style breakfast will be served each morning (cheese, pasties, muffins, fruit, yogurt/granola) which will be purchased from local bakeries and shops.

Operating hours. The inn will operate from 7am to 11PM. And outdoor events will operate with this timeframe and follow all restricted noise ordinance requirements as outlined Division 3, section 9.93 “regulation of amplified sound” as well as all other section of Division 3.

Events -all events will be private invitation events only and not open to the public. If food is requested it will be catered.

Food – even though the establishment will not be preparing food, all manager and employees that interface guests will servsafe certified.

1. Proper handwashing: Employees must wash their hands frequently and properly to prevent the spread of foodborne illnesses.
2. Food storage: Food must be stored at proper temperatures to prevent spoilage and contamination.
3. Equipment sanitation: All food contact surfaces, including utensils and equipment, must be cleaned and sanitized regularly to prevent cross-contamination.
4. Pest control: Food establishments must have measures in place to prevent pests such as rodents and insects from entering the facility.
5. Personal hygiene: Employees must follow strict personal hygiene practices, including wearing clean uniforms and hair restraints.
6. Food handling practices: Food handlers must be trained in safe food handling practices to prevent the spread of foodborne illnesses.
7. Cleaning and sanitizing. Food establishments must have procedures in place for cleaning and sanitizing all areas of the facility, including food preparation areas and dining areas.

Cleaning and Sanitation will be maintained by cleaning staff in accordance with NC GS 130A-248 Regulation of food and lodging establishments including but not limited to;

- Sanitation requirements for cleanliness of floors, walls, ceilings, storage spaces, utensils, ventilation.
- equipment, and other areas and items will be conducted by the cleaners as required by NC GS 130A-248 -
- Requirements for cleaning and maintaining: disposal facilities; and Lavatory and toilet facilities, food protection, and waste disposal;
- Recycling locations and procedures
- The cleaning and bactericidal treatment of eating and drinking utensils and other food-contact surfaces. A requirement imposed under this subdivision to sanitize multiuse eating and drinking utensils and other food-contact surfaces does not apply to utensils and surfaces provided in the guest room of the lodging unit for guests to prepare food while staying in the guest room.
- The appropriate and reasonable use of gloves or utensils by employees who handle unwrapped food;
- The methods of food preparation, transportation, catering, storage, and serving;
- The health of employees and Animal and vermin and pest control.

3. Industry Overview

The Boutique Inns industry comprises of intimate, luxurious and fashionable Inn environments that feature unique architecture and design. They are also known as lifestyle Inns, villas and wellness Inns. Boutique Inns might offer food and beverage services as well as having restaurants, spas and salons in the premises.

It is important to state that the Boutique Inns or Bed and Breakfast industry does not include chain Inns; nonetheless it does include boutique brands owned by larger Inn groups.

In recent time, the Boutique Inns industry has experienced steady growth as several consumer trends supported demand for the services offered by boutique Inns. For instance, consumer confidence and spending have both experienced steady increase over the period, allowing rates of both domestic and international travel to increase. This increase in travel strongly benefits the surrounding business establishments within the current community.

Another consumer trend has been the gravitation toward unique lodging and experience, which establishments in the Boutique Inns and Bed and Breakfast industry offer. Going forward, the Boutique Inns industry will continue experiencing this robust growth as domestic and non-US resident trips increase.

The Boutique inns industry is a thriving sector of the economy of the United States, United Kingdom, France, Italy, and Canada and in most countries of the world. Statistics has it that in the US, the Boutique Inns industry generates well over \$7 billion annually from more than 1,997 registered and licensed boutique Inns scattered all around the country. The industry is responsible for the employment of well over 60,106 people.

The boutique Inn business will continue to blossom because people will always have need to lodge for various reasons especially when they are out of their base. There are rooms for any entrepreneur who is interested in running a boutique Inn business in the United States of America to start in any capacity and

still maximize profit in the business. (Profitable Ventures Magazine LTD, 2022, [Boutique Inn Business Plan \[Sample Template for 2022\] \(profitableventure.com\)](#)).

4. Benefits for the city of Southport

The Inn or bed and breakfast will bring in continued support of tourism for downtown Southport while supporting local vendors that are already established in the area. With events, the Carriage House inn will utilize local catering as well as party supply rentals for all events. Again, the Inn does not prepare or serve food and therefore additional revenue and services will be supplied by local vendors

In store sales – the proposed plan is to provide a small pantry and gift shop will be stocked with branded materials as well as local merchandise from local vendors. This will also support independent small businesses in the area.

5. Executive Summary

We are going to be a customer centric boutique Inn that is defined as a modern Bed and Breakfast, that fits into the culture, atmosphere, and architecture that is Southport, North Carolina. Our boutique Inn facility will be decorated in an exquisite and elegant facade, and a place where customers can find comfort and luxury with unique themed rooms, fireplaces, lounges, and specialty event space with a designed carriage house with potential outdoor firepit patio. No doubt our high-end unique guest rooms will provide our customers with a warm and comfortable stay that is within walking distance of downtown business district and restaurants (0.2 miles).

We are going to be a customer-centric boutique inn with a service culture that will be deeply rooted southern charm and comfort. We know that we will be able to achieve our set business goals, increase our profitability, and reinforce our positive long-term relationships with our clientele, surrounding businesses, the community, and all our employees.

6. Our Products and Services

This will be proposed as over 21 establishment. All renters are expected to be over 21. All rooms will have a full bathroom (already in place), queen beds, desks/tables and TVs.

The main floor will have an attached small coffee and pasty lounge (with additional seating available in a sunroom and screened patio)

Once a wine, beer, and liquor license is obtained, along with proper town permits, a selection of wine by the glass or bottle or beer will be available for purchase. Additionally, the carriage house will contain a functional reception space with bathrooms to serve as direct support for hosting private events.

The grounds will be designed to support events such as weddings, receptions, parties, or other private events with the support of the carriage house functional reception space.

Our Mission and Vision Statement

Vision Statement:

To be the quintessential haven of Southern hospitality, where every guest feels like family. Our inn will evoke a sense of timeless charm, offering a respite from the hustle and bustle of modern life. We envision a place where tea flows freely, relaxing evenings under ancient oak trees, and rocking chairs beckon on front porches for our quests. Our vision is to create an intimate retreat that celebrates the rich heritage, graciousness, and soulful allure of the South that enhances the Southport downtown area and supports local business.

Mission Statement:

At the Southport Carriage House Inn, we are committed to providing an enchanting experience that transcends mere accommodation. Our Mission is providing and delivering a reliable, authentic, and unique southern experience that is superior to our competitors within the Southport area and to obtain high degree of occupancy for the calendar year through a high degree of customer satisfaction and repeat business. This will be accomplished through:

1. Warmth and Welcome - We strive to create an inviting atmosphere where guests arrive as strangers and leave as cherished friends. Our Southern hospitality extends beyond pleasantries; it's a genuine embrace that makes each visitor feel like they've come home.
2. Elegance with a Twist - Our boutique inn marries elegance with a touch of whimsy. From antique furnishings to locally crafted artwork, we curate an ambiance that reflects the region's charm. We believe that luxury lies not only in thread count but also in the stories woven into every quilt and the views of majestic oaks and the Cape Fear river breeze drifting through open windows.
3. Sustainability and Stewardship - Rooted in our Southern heritage, we honor the land and its bounty. We will source as much of our supplies and breakfast items from local vendors to support local artisans and businesses. Our commitment to sustainability ensures that generations to come can savor the same oak-shaded tranquility and moonlit nights that grace our inn."

7. Management Plan and Job Roles and Responsibilities

Management Plan for business

The Business will be running as a joint LLC with Amy Coggins and John Mann. The property will be owned solely by John Mann. The business will be paying fees for the usage or renting of the property of a fair market value to cover mortgage and expenses.

Background experiences

John has worked in the entertainment and restaurant industry for his entire career with coordinating and running large investigator meetings at Inns around the world. He has also taken Inn design courses at Cornell in his preparation for this role. Over the past 20 years John has been in leadership positions with the area of project management and has managed project budgets in excess of 400 Million dollars as well as managing over 400 direct reporting line. Recently he also has experience running a North American operational team where he has P&L responsibilities including all administrative decision and control of expenses, overhead, benefits, and contractors. Through his younger career rolls, he has had significant experience working in the restaurant and bars and understands the customer service approach. John's overall experience in all these areas provides a large breath of experience to manage this boutique inn.

Amy's experience, outside of being a Southport and Oak Island native, is more on the IT and accounting side of the business. Amy has a long experience working in the IT field and will be using that experience to manage the systems, security, websites, booking systems, point of sale systems, and accounting systems (quickbooks). She has owned several small businesses in her past and has experience setting up business entities, general accounting ledgers, and other back end operational aspects of owning a business.

Benefits for all employees working at the Inn:

Some of the benefits we are considering as part of employment agreements;

- Employee discounts for Inn stays (25%)
- free stay nights - Each employee will get one week free stay every Year of employment.
- Referral bonuses for any booked events. Employees will receive a 5% referral bonus of the event revenue.
- Earned paid time off – At such time where employees are working a full time schedule (e.g. 20-40 hours a week), paid time off will be provided
- Sick leave will be provided for full time employees
- Benefits may be added at a later time for employees to include Medical and Dental, etc...

President of board/CEO/Owners

Oversee development and acquisition of the facility and property enhancements. Obtain appropriate RFPs for construction and permits necessary to run facility including ABC licensing and insurance.

Increases operational effectiveness by providing purpose, direction, and hiring the right talent that is in line with the operating vision and mission statements. Additionally, the President will communicate values, strategies, and objectives to the co-owners and founders as well as assigning accountabilities, planning, monitoring, an overseeing staff performance.

Creates, communicates, and implements the organization's vision, mission, and overall direction

Responsible for pricing decisions, creating and closing partner business deals, and providing overall direction for the business

Responsible for signing checks and documents on behalf of the company

Evaluates the success of the organization

If a board is established, reports to the board summary results and plans.

Inn Manager: (if applicable)

Once the business is up and running and many of the day to day operation details are worked out, there is an option for the owners to hire and hand over operations to a Inn manager that will be required the opportunity to live on site (in the owners suite). The manager will be responsible for managing the daily activities, staff, events, and maintenance of the property.

As a Inn Manager, this person will be the key orchestrator of the inn's daily operations. This role encompasses a wide range of responsibilities to ensure the inn runs smoothly and provides an exceptional guest experience. This role will report to the Chief Executive Officer/owners.

Inn Manager Responsibilities:

- Sales and Marketing: Interfaces with third party providers (wedding planners, community events, vendors) and develops opportunities to increase sales.
- Supervise Staff: Oversee work at all levels, including receptionists, maids, and any employees or contractors. Set clear objectives for each team member.
- Efficient Planning: Plan activities and allocate responsibilities to achieve the most efficient operating model. Ensure seamless coordination among different departments.
- Customer Interaction: Welcome and register guests upon arrival. Handle guest inquiries, feedback, and complaints professionally.
- Financial Management: Monitor budgets, funds, and expenses. Collect payments and maintain accurate records.
- Health and Safety Compliance: Enforce health and safety standards throughout the inn. Address maintenance issues promptly.
- External Collaboration: Collaborate with external vendors and partners. Identify property needs and execute plans to address them. Identifies, prioritizes, and reaches out to new partners, and business opportunities within the community.
- May also serve as the Facility/maintenance manager.

The goal for this position is to enhance customer dedication, expand clientele, and uphold the inn's reputation. If you're a team player, an effective leader, and passionate about creating memorable guest experiences.

Facility/Maintenance Manager

The Facility/Maintenance Manager will be filled by one of the owners during the set up and initial operations of the inn. Eventually this role may fall to the Inn manager, once hired, or this role maybe a

separate person if scalability and profitability allows. This role is critical to ensuring the inn's physical infrastructure runs smoothly. In addition to the physical structure and safety this role is also responsible for organizing security and general administrative services.

Maintenance and Repair: Regularly inspect and maintain the inn's facilities, including rooms, common areas, and exterior spaces. Coordinate repairs for equipment, systems, and infrastructure (e.g., plumbing, electrical, HVAC). Develop maintenance schedules based on organizational needs. Responsible for planning and overseeing building work/repairs and any renovations. Advises on energy efficiency and cost-effectiveness, supervises outsourced staff including maintenance, grounds, and contractors. Coordinating building external and internal cleaning (landscape) and parking services

Space Management: Optimize space utilization within the inn. Arrange furniture, fixtures, and decor to enhance guest experience. Ensure efficient use of storage areas.

Safety and Compliance: Enforce health and safety standards. Address any safety hazards promptly. Comply with local regulations and codes.

Vendor Management: Collaborate with contractors, suppliers, and service providers. Negotiate contracts and oversee work quality.

Budgeting and Cost Control: Manage facility-related budgets. Monitor expenses and allocate resources effectively.

Emergency Preparedness: Develop and implement emergency response plans. Train staff on evacuation procedures and create and update the safety manual.

Front Desk, Sales, and Marketing employee(s)

This role may be filled by one of the owners, the Inn manager, or a part time employee or intern. Checking in and out of customers and manages customer expectations and requests.

Front house support including Guest Check-In and Check-Out: Greet guests warmly upon arrival. Efficiently handle check-in and check-out procedures. Distribute room keys and provide necessary information of the local area. Coordinates cleaning and management of rooms with cleaning staff.

Operational oversight, including maintenance and cleaning of "breakfast" area, kitchen (cleaning tables, coffee, snacks), and gift shop/pantry. Ensure coffee is fresh and available throughout day, water and snacks are available, and help prepare the afternoon tea/wine/cheese happy hour.

Reservation Management: Manage online and phone reservations. Ensure accurate booking details. Coordinate room assignments. Monitor demographic information and analyzes the volumes of transactional data generated by customer purchases. Manages external research and coordinates all the internal sources of information to retain the organizations' best customers (follow up communications, hand written thank you notes, birthday/anniversary gifts) and attract new ones.

Guest relations and Customer Service: Address guest inquiries and complaints professionally. Provide information about the Inn, amenities, and local attractions. Upsell additional services when appropriate: Create a welcoming atmosphere for guests. Foster positive relationships to encourage repeat visits.

Sales and Marketing: Promote Inn services and special offers. Collaborate with the marketing team to create engaging content. Assist in organizing events and promotions. Identifies, prioritizes, and reaches out to new partners, and business opportunities within the community. Develops, executes and evaluates new plans for expanding increase sales, documents all customer contact and information, helps to increase sales and growth for the company.

Administrative Tasks: Keep the front desk area organized and presentable. Handle incoming calls and messages. Assist with mail distribution. Work closely with housekeeping and maintenance staff. Liaise with other departments to ensure seamless operations.

Temporary serving staff and bartenders

For scheduled private events, temporary staff will be hired as needed for serving, event support, or clean up. Any bartenders will be certified as per NC ABC requirements

Accountant:

Currently one of the owners will be responsible for the accountant role. An independent CPA will be in to perform **quarterly** audits on “the books” and review all established financial business practices to ensure that all local, state, and federal laws are being adhered to. The current CPA is Ben Micham at

Micham and McSwain CPA's, PLLC.
314 West Millbrook Road, Suite 001
Raleigh NC, 27609
Phone 919.846.2640, email ben@michamcpa.com
Website www.michamcpa.com

Accountant is responsible for preparing financial reports, budgets, and financial statements for the organization, monthly, quarterly, and annually.

Provides management with financial analyses, development budgets, and accounting reports; analyzes financial feasibility for the most complex proposed projects; conducts market research to forecast trends and business conditions.

Responsible for financial forecasting and risks analysis

Performs cash management, general ledger accounting, and financial reporting.

Responsible for developing and managing financial systems and policies including coordination of independent accounting audits conducted by 3rd party at least once every three years to have practices reviewed as well as oversight of the CPA services being contracted.

Cleaning Staff:

Inn Housekeeper Responsibilities: Inn housekeepers play a crucial role in ensuring a pleasant and comfortable stay for guests. They uphold cleanliness standards and contribute to the overall positive experience at the Inn. List of responsibilities include but not limited too;

- **Room Cleaning:** Ensure guest rooms are spotless by making beds, vacuuming carpets, and dusting furniture.

- Bathroom Sanitization: Clean and disinfect bathrooms, including scrubbing toilets, showers, and mopping floors.
- Restocking Supplies: Replenish toiletries, towels, and other essentials in guest rooms.
- General Maintenance: Keep common areas (lobby, hallways, conference rooms) tidy by vacuuming carpets, cleaning windows, and maintaining furniture.
- Lost and Found: Collect items left behind by guests and return them to the lost and found desk.
- Observation: Report any maintenance issues (e.g., faulty light bulbs, furniture repairs) promptly.
- Laundry Duties (if applicable): Wash and dry linens (towels, sheets) and restock linen carts.

8. Attachments

Submission requirements and checklist, Major site plan / conditional use permit from UDO

Information required	Att #	Update / comment
Proposed and approved name of development, project		Provided above
Developer application name including mailing address and phone numbers	1	Same as owner
Property Owner names, including mailing address	1	
Name, Registration number, landscape architect	1	N/A, no landscape architect for special use permit. Building architect supporting project
Date of Plan preparation and surveys. North arrow orientation, map scale, etc..	2	
Sketch vicinity map showing the relationship between the proposed property and the surrounding areas	3 and 5	
Tax parcel number, owners, zoning classifications and book and page number of the site tract and adjacent tracks provided to planning board	4	
Boundaries of any proposed or pending zoning districts on site. Boundaries must be described by bearing and distance they do not follow	N/A	No pending zoning districts on site
Sufficient Engineer data to determine readily, and to be reproducible on the ground. Every straight or Curved boundary line, street line, right of way, easement, setback, including dimensions, etc... all dimensions shall be measured to nearest one tenth of a foot and all angles to nearest minute	2	No property engineer being modified. See survey map for other items in attachment 2
Location, dimension, density, and description of proposed land use on parcel, including commercial, office, industrial, and recreational uses	N/A	Existing property
Location and dimensions of existing proposed buildings and structures on site and all adjacent tracks. Any buildings to be removed (N/A for us), Total stories and building heights must be indicated	N/A	See attachment 5 for building if needed from Tax card records of Main building and accessory building. Also see attachment 2 for survey. No buildings removed.
Location, direction, dimensions, name, and surface type of existing and proposed right ways and easements with adjacent properties.	N/A	No modifications done to current property,
Location of roads appearing on officially adapted plans	2 and 3	Moore St and Atlantic. See attachments 2 and 3
Location of roads, streets, and circulation patterns, including proposed or required bicycle and ped paths	N/A	Existing property, See attachment 7 for larger view of location

Information required	Att #	Update / comment
Total Square footage of existing and proposed impervious surfaces		impervious surfaces. Current house - 1710 Carriage house – 640 sq ft Concrete drive way 1200 sq ft Walkways – ~800 sq ft ~3,350 SQ FT total impervious Total SQ FT of property 21,780
Names, Cross sections, approx. grades and pavements widths of proposed roads right of way, including corners and curves	N/A	Existing structure, no proposed roads or right of ways
Location and dimensions of parking and loading spaces and drive aisles, including handicap parking	6	Parking spaces
Location and dimensions of existing and proposed sidewalks and accessible accessways	2 and 3	Existing sidewalks
Location and dimensions of all trash containers and required screening	2	No change in location, see annotation on Attachment 2
FEMA designated flood hazard areas and flood zones panels	8	See attachment 8. No flood risk.
Location and description of CAMA areas of environmental concern, including 404 wetland areas as determined by the army corps of engineers.	N/A	Existing property, none
Location and description of environmental features such as wooded areas, marshes, swamps, rocks, ponds, streams, and other natural features affecting site	N/A	None to note
Existing and proposed topography	5	See attachment 5
Location, size, and flow of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains	N/A	Existing property, no drainage courses
Location and size of stormwater basins and other comparable stormwater management mechanisms	N/A	Existing property, no basins
Location and labeling of minimum building setback lines	2	Existing property, see survey
Total number and type of dwelling units by development phase	N/A	No development phases imposed
Detailed utility plans including water, sewer, and stormwater. Connections to existing systems and sewage disposal. Plans must show lines, sites, locations of mains, hydrants, blow-offs, etc...Approval of city of Southport, Brunswick County Utilities, and NCDOT.	N/A	Existing structure
NOTE- detail plans may be submitted after site plan and approval obtain by city public		

Information required	Att #	Update / comment
services department prior to construction and issuance of building permits		
Signage	n/a	Separate application done on – line, draft completed will be submitted following Special use application submission. Signs – one 3x4 free standing sign Two – 1.5 x 1.5 ft wall sign on house/ Pillars
Outdoor Lighting plan	N/A	Low voltage landscape lights may be added later.
Locations, dimensions, and size of required buffers, street, foundation planting, parking facility	N/A	Existing structure
Location and species, and size of all regulated trees as per ordinance	N/A	Existing structure
Location and size of all groves of trees to be protected	N/A	Existing structure
Location, species, dimensions, and spacing of all required landscaping material labeled	N/A	Existing structure
Note on plan stating that prior to any clearing, grading or construction, activity tree protection fencing will be installed around protected plants etc...	N/A	Existing structure

Attachment 1 – Owner, builder, architect information

Owner's information – mailing addresses and phone numbers

John Mann
209 E Moore St., Southport, 28461
Mobile – 919-757-5319
Email – johnmann5319@gmail.com

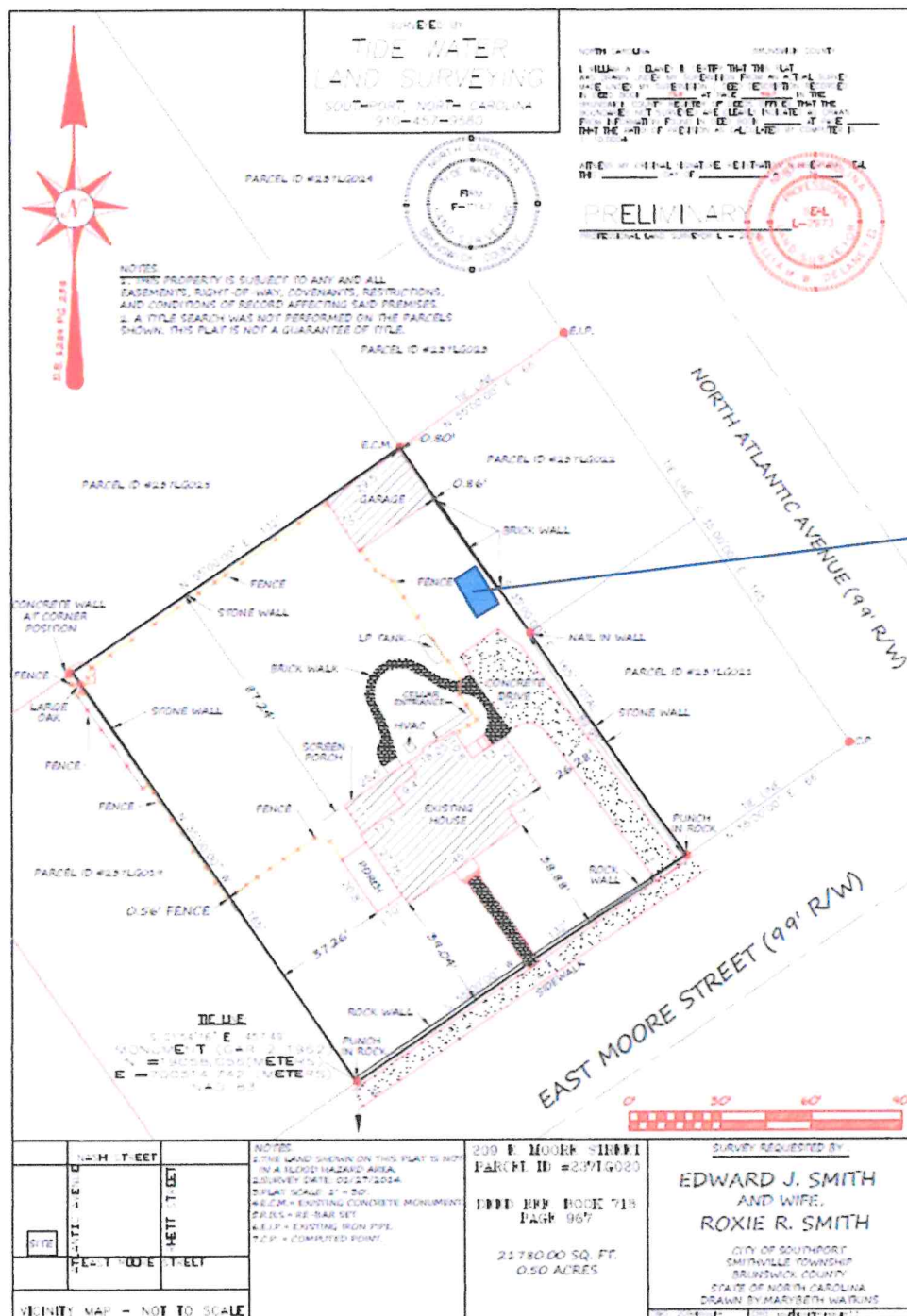
Amy Coggins
509 Brooks St., Wake Forest, NC 27587
Mobile – 919-803-9359
Email – amycoggins01@gmail.com

Proposed Developers for interior work of basement only

Zachary Jaquon
Echo General Contracting
Wilmington, NC 28405
Mobile - 910.520.9710
zavh@echonc.com

Architect's Information

Gordon Hall
2143 East Lake Shore Drive
Wilmington, NC
Mobile - 910 470 4255
Email - gordonthearchitect.hall@gmail.com
Registration number - SosId: 1364631



Trash receptacle
locations (no
change from
existing location)

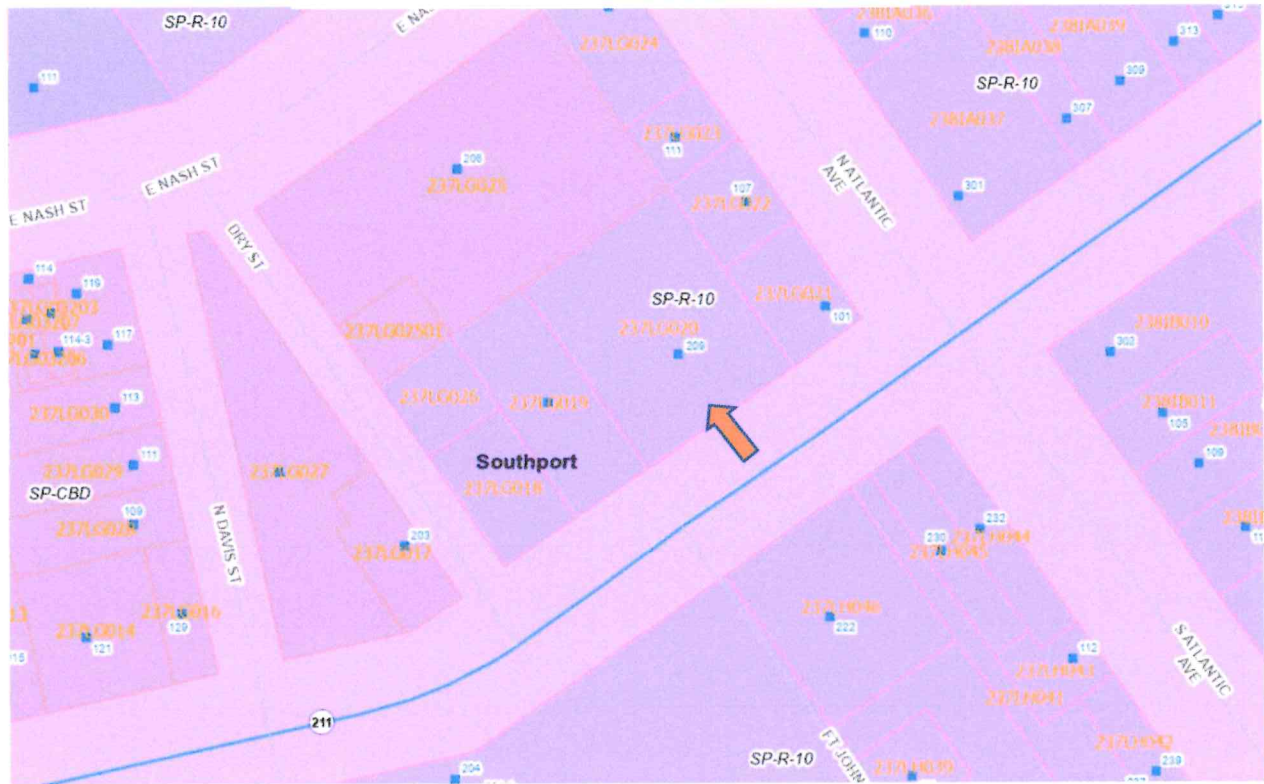
Attachment 3 - vicinity map showing the relationship between proposed property and the surrounding areas .

Includes flood zones, no flood zone

Includes streets and zoning districts as per Brunswick county GIS

Purple is R-10

Brown is CBD



Attachment 4 - Tax parcel number, owners, zoning classifications and book and page number of the site tract and adjacent tracks.

101 N. Atlantic Ave , Zoned R-10, Private residence

Parcel Information

Parcel ID: 237LG021
Parcel PIN: 209616833141
Calc. Acreage: 0.13
Legal Description
L-90X66

Owner Information

Owner Name:
MCPHERSON JESSE P ETUX
MCPHERSON KARA S
Mailing Address:
101 N ATLANTIC AVE
SOUTHPORT, NC 28461-3901

Deed and Plat References

Deed Book: 03161
Deed Page: 0378
Plat Book:
Plat Page:

107 North Atlantic Ave, Zoned R-10, Private residence

Parcel Information

Parcel ID: 237LG022
Parcel PIN: 209616833108
Calc. Acreage: 0.11
Legal Description
L-PT OF 48

Owner Information

Owner Name:
TILLING MARIA F AND
SWENSON PAUL M
Mailing Address:
107 NORTH ATLANTIC AVE
SOUTHPORT, NC 28461

Deed and Plat References

Deed Book: 01289
Deed Page: 0238
Plat Book:
Plat Page:

111 North Atlantic Ave - Zoned R-10 Private residence

Parcel Information

Parcel ID: 237LG023
Parcel PIN: 209616832263
Calc. Acreage: 0.08

Legal Description

L-55 X 66

Owner Information**Owner Name:**

ECHO ATLANTIC HOLDINGS LLC

Mailing Address:

616 E KIVETT ST
ASHEBORO, NC 27203-6531

Deed and Plat References

Deed Book: 03942

Deed Page: 0075

Plat Book:

Plat Page:

210 E Nash St - Zoned Business District, Post office**Parcel Information**

Parcel ID: 237LG025

Parcel PIN: 209616831129

Calc. Acreage: 0.91

Legal Description

US POST OFFICE

Owner Information**Owner Name:**

UNITED STATES PARCEL SERVICE

Mailing Address:

210 E NASH STREET
SOUTHPORT, NC 28461

Deed and Plat References

Deed Book: 00421

Deed Page: 0230

Plat Book:

Plat Page:

205 E. Moore St, Zoned R-10 special use - Church**Parcel Information,**

Parcel ID: 237LG019

Parcel PIN: 209616831063

Calc. Acreage: 0.25

Legal Description

L-S 1/2 OF 45 PLAT 1/70A

Owner Information**Owner Name:**

EPISCOPAL DIOCESE OF EAST CAROLINA ETALS

Mailing Address:

PO BOX 1336 705 DOCTORS DR
KINSTON, NC 28503-1336

Deed and Plat References

Deed Book: 04409

Deed Page: 0877

Plat Book:00000

Plat Page: 00000

204 E. Moore St, Zoned CBD Community center and Museum

Parcel Information

Parcel ID: 237LH047
Parcel PIN: 209616821695
Calc. Acreage: 2.45
Legal Description
2.2AC

Owner Information

Owner Name:
CITY OF SOUTHPORT
Mailing Address:
201 E MOORE STREET
SOUTHPORT, NC 28461

Deed and Plat References

Deed Book: 02634
Deed Page: 0269
Plat Book: 00000
Plat Page: 00000

222 E. Moore St, Zoned R-10 Private Residence

Parcel Information

Parcel ID: 237LH046
Parcel PIN: 209616823898
Calc. Acreage: 0.37

Legal Description
L-115.5X140 .37AC

Owner Information

Owner Name:
SNYDER BRAD A ETUX
SNYDER MOLLY L
Mailing Address:
1809 STILLWATER DR
RALEIGH, NC 27607-6741

Deed and Plat References

Deed Book: 04720
Deed Page: 1074
Plat Book: 00000
Plat Page: 00000

Attachment 5 - Location and dimensions of existing proposed buildings and structures on site and all adjacent tracks.

BRUNSWICK COUNTY 6/17/2024 1:29:58 PM

SMITH EDWARD J ETUX SMITH ROXIE R Parcel: 237LG020
 209 E. MOORE ST SOUTHPORT 28461 SOUTHPORT
 80026908
 BRUNSWICK COUNTY (100), DOSHER HOSP TAX (100), SOUTHPORT (100), SOUTHPORT FIRE (600)
 CARD NO. 1 of 1
 1.0000 LT SRC= Inspection
 Appraised by 53 on 10/10/2022 404P OLD SOUTHPORT - SMITHVILLE TW-03 CI- 21 FR- 14 EX- AT- LAST ACTION 20221010

Reval Year: 2023 Tax Year: 2024 L-P/O 46847 132X165 PLAT 1/70-70A

CONSTRUCTION DETAIL		MARKET VALUE		DEPRECIATION		CORRELATION OF VALUE	
Foundation - 4	5.00	USE MOD	Eff. Area	BASE RATE	RCN	EYB	AYB
Con Ftg/Crawl	5.00	01 01	3.594	123	159.60	577103	19761935
Sub Floor System - 4	8.00	TYPE: SINGLE FAMILY RESIDENTIAL		SFR CONSTRUCTION		% GOOD	
Plywd/Pti bd	8.00	STYLE: 3 - 2.0 Stories				CREDENCE TO MARKET	
Exterior Walls - 21	35.00					DEPR. BUILDING VALUE - CARD 217,410	
Face Brick	35.00					DEPR. OB/XF VALUE - CARD 6,720	
Roofing Structure - 03	7.00					MARKET LAND VALUE - CARD 571,030	
Gable	7.00					TOTAL MARKET VALUE - CARD 895,160	
Roofing Cover - 03	4.00					TOTAL APPRAISED VALUE - CARD 895,160	
Composition Shingle	4.00					TOTAL APPRAISED VALUE - PARCEL 895,160	
Interior Wall Construction - 5	21.00					TOTAL PRESENT USE VALUE - PARCEL 0	
Drywall/Sheetrock	21.00					TOTAL VALUE DEFERRED - PARCEL 0	
Interior Floor Cover - 14	8.00					TOTAL TAXABLE VALUE - PARCEL \$ 895,160	
Carpet	8.00						
Heating Fuel - 04	1.00						
Electric	1.00						
Heating Type - 09	4.00						
Heat Pump Only	4.00						
Air Conditioning Type - 03	4.00						
Central	4.00						
Bedrooms/Bathrooms/Half-Bathrooms	17.000						
4/4/1	17.000						
Bedrooms	0						
BAS - 4 FUS - 0 LL - 0	0						
Bathrooms	0						
BAS - 4 FUS - 0 LL - 0	0						
Half-Bathrooms	0						
BAS - 1 FUS - 0 LL - 0	0						
Office	0						
BAS - 0 FUS - 0 LL - 0	0						
TOTAL POINT VALUE	115.000						
BUILDING ADJUSTMENTS							
Market/Design	14 .45 1.4500						
Quality	3 AVERAGE 1.0000						
Size	SIZE SIZE 0.8000						
Construction	05 1.00 1.0000						
Factor	1.160						
TOTAL ADJUSTMENT FACTOR	1.160						
TOTAL QUALITY INDEX	133						

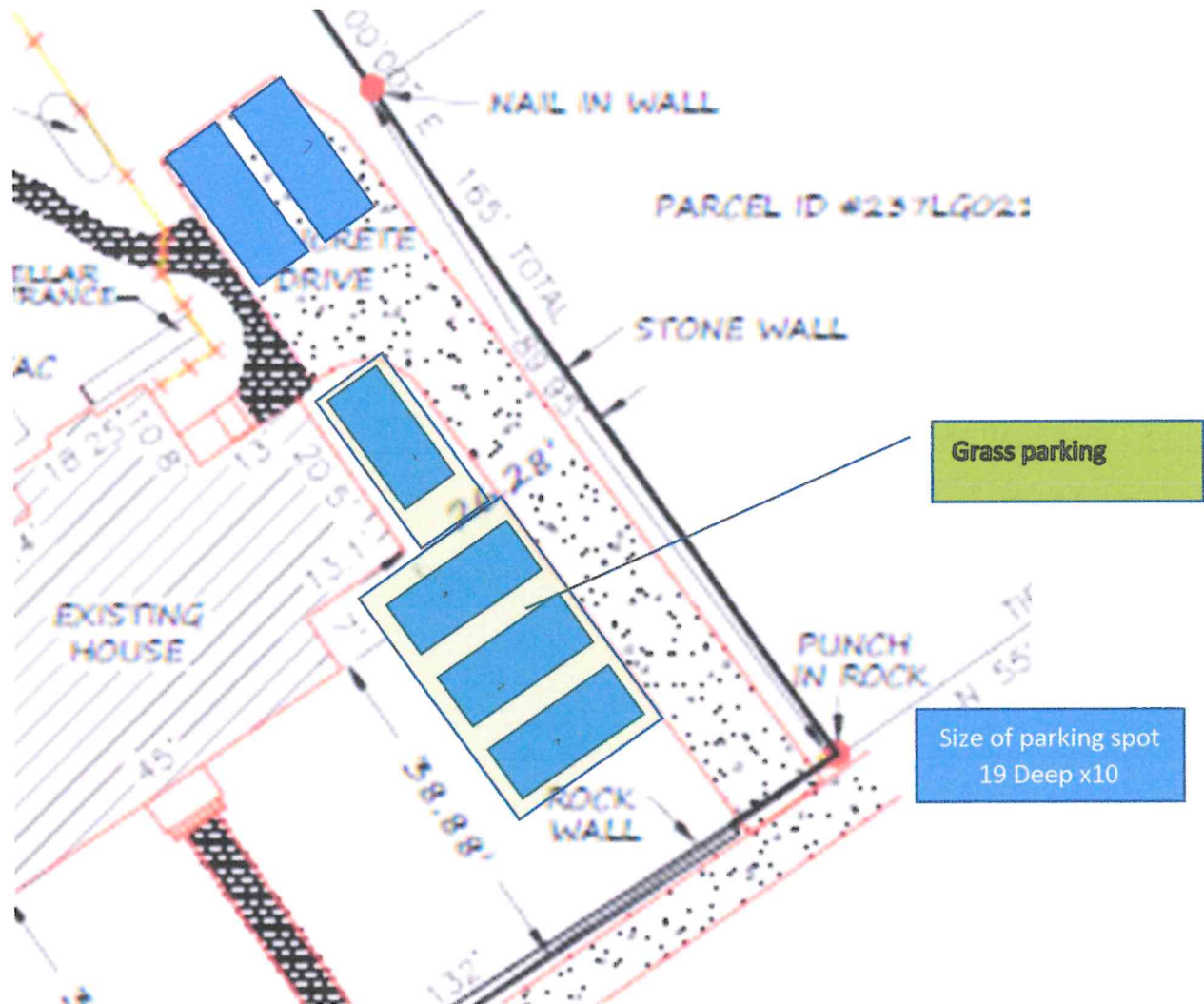
Click on image to enlarge

SUBAREA		MARKET VALUE		DEPRECIATION		CORRELATION OF VALUE	
TYPE	GS AREA	%	RPL CS	CODE	DESCRIPTION	COUNT	THWTHUNITS
BAS	1.757	100	280417	34	GARAGE (FRAME/CBL)	32	20 640
FOP	44	030	2075	22	CONCRETE PAVING	0	0 1,200
FSP	413	025	23143				
FUS	1,484	090	213226				
LLU*	873	020	27930				
SFB	210	080	26813				
FIREPLACE	3 - 2 Story Single/1 Story Double		3,500				
SUBAREA TOTALS	4,781		577,103				

BUILDING DIMENSIONS BAS=W9W4N11W18S5W9S6W17S2S2SE18E26N7E13N21Area:1757;FOP=N4W4S4E4Area:16;FSP=S5W9S6W16N23E16S12E9Area:413;SFB=W10S21E1021Area:210;FOP=S4E7N4W7Area:28;LLU=Area:873;FUS=S39W44N28E17N6E9N5E18Area:1484;TotalArea:4781

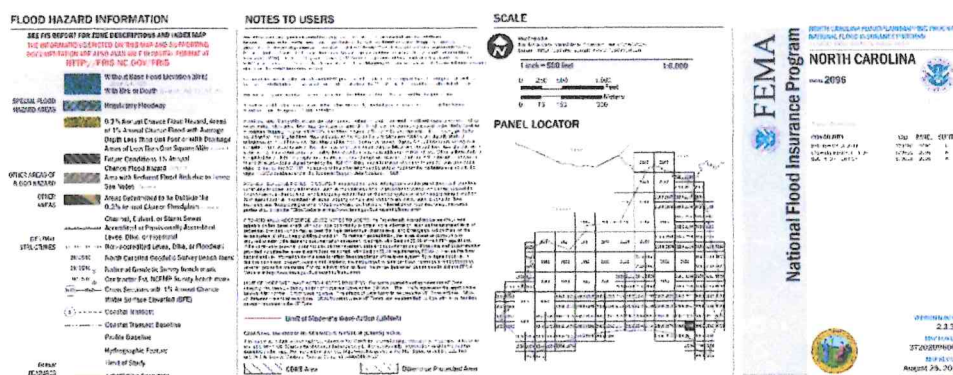
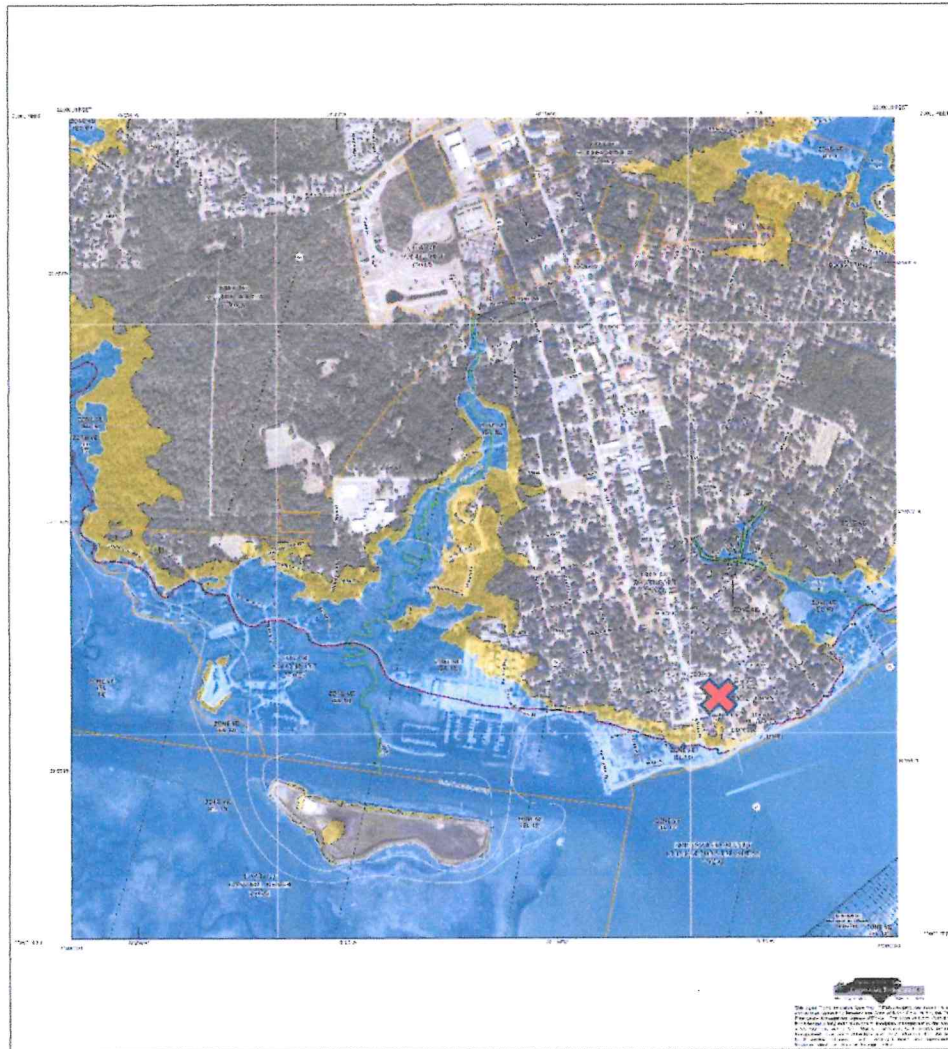
LAND INFORMATION

Attachment 6 – Parking paces



[illegible]

No flood zone





**Board of Adjustment Minutes
Indian Trail Meeting Hall
113 W. Moore St.
May 28, 2024 at 4:30 p.m.**

Present: Pete Haislip, Jason Robbins, Harley Lemons, Jason Robbins, Amy Aycok, and Tuck Masker
Absent: Kate Seigler
Board Liaison: Marc Spencer, Absent
Staff Present: Maureen Meehan, City Planner
Dorothy Dutton, City Clerk/Assistant City Manager

Others Present: John Sipe, Pauline Ketchum, Viviana Paredes (an owner), the Homeowner's Association President for the Preserve at Fishers Landing

- A. Call to order by Chairman Pete Haislip at 4:28 p.m.
- B. Chairman Haislip led the Pledge of Allegiance.
- C. Chairman Haislip reviewed the quasi-judicial process with the public.

D. New Business

1. Special Use Permit: Two-Family Dwelling (Duplex)

Chairman Haislip swore in City Planner Mo Meehan. Ms. Meehan explained that the owners of the property are requesting a Special Use Permit for a two-family dwelling or a duplex on 9th Street. The property is zoned R-10 but is 0.23 acres. R-10 zoning allows two-family dwellings with a Special Use Permit. Each unit in the duplex will have two bedrooms and 2.5 baths, and a total of 1660 square feet. The duplex will be two stories and the dwellings share a wall on the interior and have a shared outdoor space in the rear. Staff found the application complete. Harley Lemons asked if any of the adjacent properties had called to complain about the proposed duplex. Ms. Meehan stated that some had called, but no one complained. Mr. Sipe, the owner's representative, was sworn in. He said the owners are retired from the military. They want to live on one side and allow family to use the other side. This will not be a short-term rental-property owners know they are not allowed.

Tuck Masker asked about how long they have owned the property, which was about three years. They purchased it with the idea that a duplex was possible with the SUP process. Public Services Director Tom Stanley helped them figure out utilities. The utilities will be connected towards the front right side. The building is mostly engineered except for the common wall, which will be wood framed construction.

Josh Cline McGee asked about impervious surface and said the calculations on one of the sheets was not right. Ms. Meehan confirmed that for independent residential outside of subdivisions there is no maximum impervious.

Ms. Ketchum, one of the proposed neighbors asked about whether there would be enough parking available-two for each unit. Mr. Sipe stated that there would be. And Deena _____, representing the Preserve HOA, asked if they intended to but an access point through 11th Street, at the rear of the property. Ms. Meehan said that they would not be allowed because that would be using the HOA's private property.

The public hearing closed at 4:55 p.m.

The Board began talking through the appropriate motions.

- a). **Amy Aycock made a motion that the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved. The motion was seconded by Tuck Masker and Jason Robbins. All ayes. Motion carried.**
- b). **Amy Aycock made a motion that the use meets all required conditions and specifications because it meets all of the requirements in the UDO. Jason Robbins seconded the motion. All ayes. Motion carried.**
- c). **Amy Aycock made a motion that the use will not adversely affect the use or any physical attribute of adjoining or abutting property or that the use is a public necessity because it is still a residential use and all zoning standards have been met. Tuck Masker seconded the motion. All ayes. Motion carried.**
- d). **Tuck Masker made a motion that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which is it to be located and in general conformity with the City of Southport Comprehensive Plan. Jason Robbins seconded the motion. All ayes. Motion carried.**
- e). **Tuck Masker made a motion recommending approval of the special use permit for a two-family dwelling with the condition that no one side of the duplex could be rented separately from the other side-the same language the Board uses for accessory dwellings. Josh Cline McGee seconded the motion. There was some discussion about whether the condition was necessary. A vote was counted, but the motion failed 2-3. Jason Robbins made a motion to recommend approval of the special use permit application for a two-family dwelling with no conditions. Amy Aycock seconded. Tuck Masker, Amy Aycock, Jason Robbins and Pete Haislip all voted aye. Harley Lemons and Josh Cline McGee voted no. Motion carried.**

Harley Lemons asked about whether the Chair is able to vote. City Clerk/Assistant Manager stated that the Chair was able to vote, but not to make the motion. Mr. Lemons asked her to provide clarification on the topic for the next meeting.

E. Approval of Minutes

Jason Robbins made a motion to approve the minutes from the March 26, 2024 Board of Adjustment Meeting. Tuck Masker seconded the motion. All ayes. Motion carried.

F. Adjourn

Jason Robbins made a motion to adjourn. Amy Aycock seconded the motion. All ayes. Motion carried. Chairman Haislip adjourned the meeting at 5:15 p.m.

Pete Haislip, Chair
Board of Adjustment

Dorothy Dutton
Asst City Manager/City Clerk