



CITY OF SOUTHPORT
REGULAR BOARD OF ADJUSTMENT MEETING

September 24, 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 Process
- D. New Business**
 - 1. *Variance Request: 101 N Atlantic Ave*
- E. Approval of Minutes**
- 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.

Variations: 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 FOR VARIANCE APPLICATION

APPLICATION SUMMARY	
Hearing Date	September 24, 2024 Board of Adjustment
Applicant	Brian Kelley, Kelley Construction Services
Property Owner	Jesse and Kara McPherson
Parcel ID:	237LG021
Parcel Acreage	0.14 acres or 5,940 SF
Zoning District	R-10

VARIANCE PROPOSAL

Brian Kelley, applicant for owners, Jesse and Kara McPherson requests a variance for relief from the Southport Unified Development Ordinance standards outlined in Table 3.2 Dimensional Requirements by Zoning District. The applicant request is to reduce the rear setback requirement to four (4) feet on a property with a depth of sixty-six (66) feet.

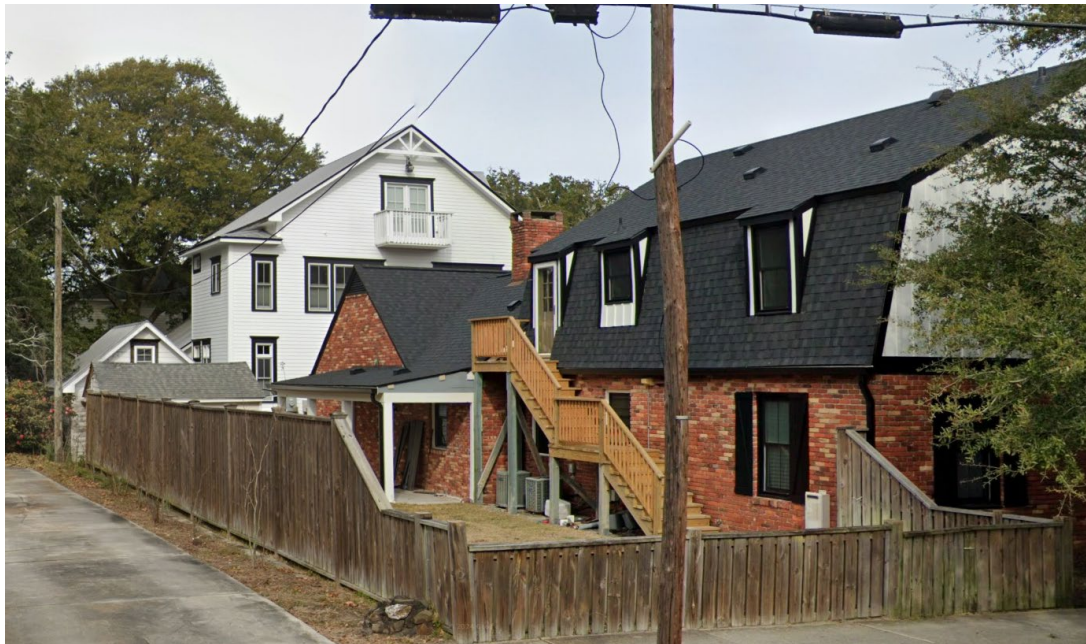
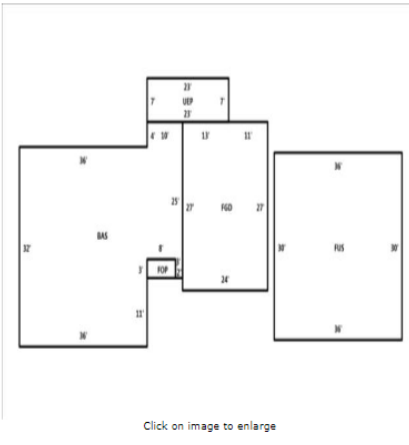
PROPERTY LOCATION AND DESCRIPTION

Subject property is located at 101 N Atlantic Avenue and can be further identified by Brunswick County Parcel ID 237LG021. The lot is on the corner of N. Atlantic Avenue and E. Moore Street. This is an R-10 zoned 5,940 square foot lot.

The home was built in 1970, prior to the first zoning ordinance of the City of Southport, which was adopted in 1972. No minimum lot sizes or building setbacks were formally enforced.



BRUNSWICK COUNTY										9/18/2024 1:45:28 PM									
MCPHERSON JESSE P ETUX MCPHERSON KARA S										Return/Appoval Notes: Parcel: 237LG021									
101 N. ATLANTIC AVE SOUTHPORT 28461 SOUTHPORT										PLAT: UNQ ID 110071									
37759750										ID NO: 209616833141									
BRUNSWICK COUNTY (100), DOSHER HOSP TAX (100), SOUTHPORT (100), SOUTHPORTCARD NO. 1 of 1										1									
Reval Year: 2023 Tax Year: L-9DX66										1.0000 LT SRC= Inspection									
2024										TW-03 Cl- FR- 21 14 EX- AT- LAST ACTION 20221010									
Appraised by 53 on 10/10/2022 404P OLD SOUTHPORT - SMITHVILLE																			
CONSTRUCTION DETAIL					MARKET VALUE					DEPRECIATION					CORRELATION OF VALUE				
Foundation - 4	5.00	USER	ETI.	BASE	RCN	EVB	AVB	Standard	0.28000	CREDENCE TO	MARKET								
Con./Pip/Crawl	01	DI	2.762	134	150.50	447130	193	% GOOD	72.0	DEPR. BUILDING VALUE - CARD	321,830								
Sub Floor System - 4	8.00									DEPR. OB/XF VALUE - CARD	2,720								
Plywd/Pli bd	8.00									MARKET LAND VALUE - CARD	260,820								
Exterior Walls - 10	33.00		TYPE: SINGLE FAMILY RESIDENTIAL					SFR CONSTRUCTION		TOTAL MARKET VALUE - CARD	585,470								
Aluminum/Vinyl Siding	33.00		STYLE: 3 - 2.0 Stories							TOTAL APPRAISED VALUE - CARD	585,470								
Exterior Walls - 21	0.00									TOTAL APPRAISED VALUE - PARCEL	585,470								
Face Brick	0.00									TOTAL PRESENT USE VALUE - PARCEL	0								
Roofing Structure - 05	8.00									TOTAL VALUE DEFERRED - PARCEL	0								
Mansard	8.00									TOTAL TAXABLE VALUE - PARCEL \$	585,470								
Roofing Cover - 03	4.00									PERMIT									
Composition Shingle	4.00									CODE	DATE	NOTE	NUMBER	AMOUNT					
Interior Wall Construction - 4	19.00									SALES DATA									
Plywood Panel	19.00									ROUT: WTRSHD:									
Interior Wall Construction - 5	0.00									OFF.	RECORD	DATE	DEED	TYPE	Q/U/W/I	INDICATE			
Drywall/Sheetrock	0.00									BOOK	PAGE	MOYR	SL	Q	U	I			
Interior Floor Cover - 08	7.00									03161	0378	5	0011			225000			
Vinyl	7.00									31441	0132	3	0001	WD	U	0			
Interior Floor Cover - 14	0.00									HEATED AREA: 2,458									
Carpet	0.00									NOTES									
Heating Fuel - 04	1.00									075T#50194									
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	14.000																		
H/2/O	14.000																		
Bedrooms																			
BAS - 4 FUS - 0 LL - 0																			
Bathrooms																			
BAS - 2 FUS - 0 LL - 0																			
Half-Bathrooms																			
BAS - 0 FUS - 0 LL - 0																			
Office																			
BAS - 0 FUS - 0 LL - 0	0																		
TOTAL POINT VALUE	107,000																		
BUILDING ADJUSTMENTS																			
Market/Design	14	1	45	1,4500															
Quality	3	AVERAGE	1,0000																
Size		SIZE	0,8600																
Construction	05	1,00	1,0000																
Factor																			
TOTAL ADJUSTMENT FACTOR	1,250																		
TOTAL QUALITY INDEX	134																		
ADJUSTMENT TABLE																			
TYPE	SUBAREA	GS AREA	% RPL CS	CODE	DESCRIPTION	COUNT	LT	HT	UNITS	UNIT PRICE	ORIG % COND	BLDG#	AYB	EYB	ANN DEP RATE	% OVR	COND	OB/XF DEPR. VALUE	
BAS	1,378	100	22150	32	FENCING	0	0	117	14.00	0	0	01185018			53		85	1392	
FOD	648	030	52025	85	STORAGE/UTILITY	14	12	168	20.00	0	0	00002004			53		31	1042	
FOP	24	030	1132	22	CONCRETE	0	0	320	4.50	0	0	19851985			53		20	288	
FUS	1,080	090	156298		PAVING														
UEP	161	050	13023															3,722	
TOTAL OB/XF VALUE																			
3,000																			
FIREPLACE																			
2 - 1 Story Single																			
SUBAREA TOTALS																			
3,291 547,130																			
BUILDING DIMENSIONS FGD=W11W13527E24N27Area:648;UEP=N7W2357E23Area:161;BAS=W1054W36532E36N11N3E853E2N25Area:1378;FOP=E8N3W853AArea:24;FUS=530 E36N30W36Area:1080;TotalArea:3291																			
LAND INFORMATION																			
HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRON TAGE	DEPTH	LAND SIZE	COND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES	ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJUST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES		
SFR	0100	R10	90	66	0.6900	2	1,0000		PS	4,200.00	90.000	FF	0.690	2,898.00	260820				
TOTAL MARKET LAND DATA																			
260,820																			
TOTAL PRESENT USE DATA																			



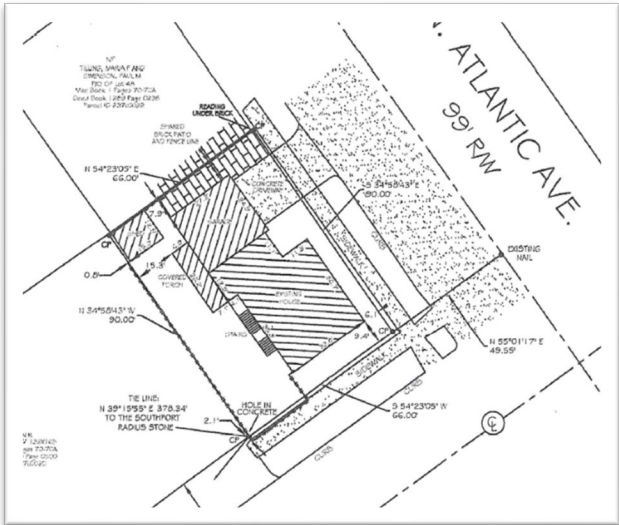
VAR-24-02 Staff Report BOA 9-24-24



VARIANCE DESCRIPTION

The variance request is for a rear yard setback reduction on a property with a depth of sixty-six (66) feet. Specifically, the applicant is requesting a setback of four (4) feet for the rear yard to accommodate the addition of a laundry room and full bath. Full surveys and drawings are attached to this report.

The unified development ordinance (UDO) allows for a reduction of side and rear setbacks for nonconforming lots of record. The allowable reduced rear setback for this lot is twelve (12) feet and reduced side yard setbacks are five (5) feet.



Existing Conditions

designed in such a way to assist the applicant to come into better and closer conformance with the City's zoning regulations. All evidence and testimony heard is substantive and competent in nature. 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.

General Statute (GS) 160A-388. (d) codifies the evaluative criteria the Board of Adjustment finds to be met when deciding a variance request. The four standards are:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

These requirements from the General Statutes must be the standards utilized when hearing and deciding on variance cases. If approval is granted, the variance application needs to comply with all 4 criteria outlined above.

Before granting a variance, the Board of Adjustment must take a separate vote and vote affirmatively (by a 4/5 majority) on each of the four (4) required findings stated above. Findings of fact are an accepted record of the exhibits, evidence presented, and a formal recording of the decision made at the hearing. The motion to adopt the findings of fact can be made in conjunction with the motion to approve or deny the application or as a separate motion afterwards. A motion to make an affirmative finding on each of the 4 criteria requirements shall include a statement of the specific reasons or facts supporting each motion. A motion to deny a variance may be made on the basis that any 1 or more of the 4 criteria set forth are not satisfied or that the application is incomplete and shall include a statement of the specific reasons or facts that support it.

BOARD OF ADJUSTMENT: FINDING OF FACTS AND CONCLUSION OF LAW

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

VAR-24-02 Staff Report BOA 9-24-24

Motion 1: “Unnecessary hardship would/would not result from a strict application of the ordinance. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property”

[There should be some factual explanation by the Board for its decision on this motion.]

Finding of Fact:

Motion 2: “The hardship results/does not result from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance”

[Note: If the application does not meet conditions and specifications, it must be denied.]

Finding of Fact:

Motion 3: “The hardship did/did not result from actions taken by the applicant or property owner. The act of purchasing property with knowledge that circumstances exist that might justify a variance shall not be considered as a self-created hardship”

[There should be some factual explanation by the Board for its decision on this motion.]

Finding of Fact:

Motion 4: “The requested variance is consistent/not consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice achieved.”

[There should be some factual explanation by the Board 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 variance application based on the following:

Recommends approval of the variance application with conditions, including the following: _____

Recommends approval of the variance 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
Site Plan

- I, WILLIAM W. DEANEY II, P.L.S. CERTIFY TO ONE OF THE FOLLOWING:
- THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COURT PARCEL THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
 - THAT THE SURVEY IS OF AN EXISTING PARCEL OF LAND.
 - THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS RECONVERSION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

PROFESSIONAL LAND SURVEYOR L-29773

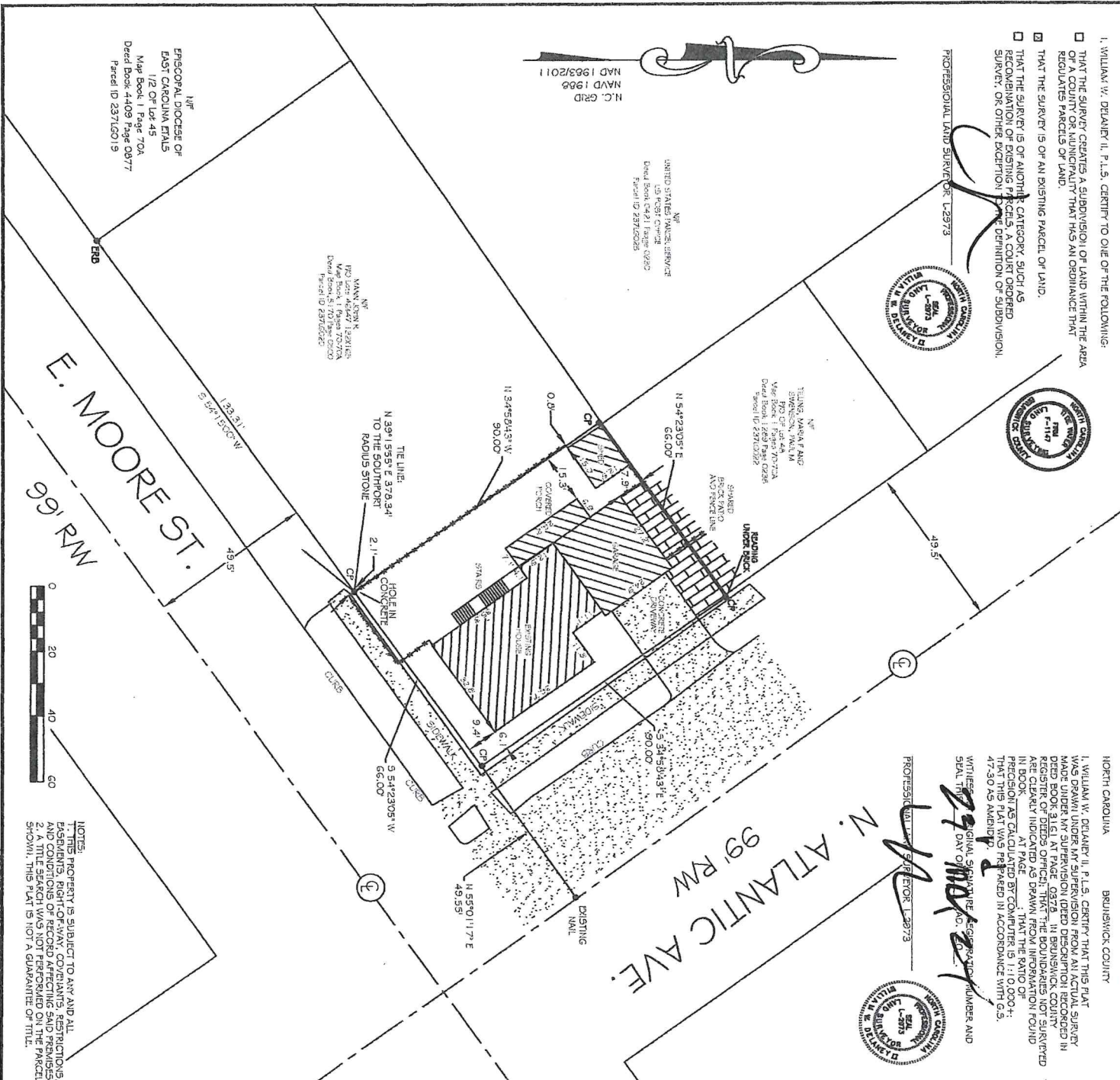


UNITED STATES INLAND SURVEYOR
 STATE OF NORTH CAROLINA
 David Deaney II, License #29773
 Parcel ID 2371G021

N.P.
 EPISCOPAL DIOCESE OF
 EAST CAROLINA ETALS
 1/2 OF Lot 45
 Map Book 1 Page 70A
 Deed Book 4409 Page 0877
 Parcel ID 2371G019

N.P.
 MARY STERN
 N2 Lot 46&47 12&13
 Map Book 1 Page 70A
 Deed Book 4409 Page 0877
 Parcel ID 2371G022

N.P.
 TELLING MARLA F AND
 ERIC D. DEANEY II
 V&P Book 1 Page 707A
 Deed Book 1269 Page 0248
 Parcel ID 2371G027



NORTH CAROLINA BRUNSWICK COUNTY

I, WILLIAM W. DEANEY II, P.L.S. CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION DEED DESCRIPTION RECORDED IN DEED BOOK 3161 AT PAGE 0378. IN BRUNSWICK COUNTY REGISTER OF DEEDS OFFICE. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 125 AT PAGE 175 THAT THE PLAT OF RECONVERSION WAS FILED BY COMPUTER IN 2004. THAT THE EXISTING PLAT WAS RECORDED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WRITERS ORIGINAL SIGNATURE, REGISTERED NUMBER AND SEAL THIS DATE FOR L-29773

PROFESSIONAL LAND SURVEYOR L-29773

W. Deaney II

WILLIAM W. DEANEY II, P.L.S. L-29773



- NOTES:
1. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, ENCUMBRANCES, RESTRICTIONS, AND CONDITIONS OF RECORD AFFECTING SAID PARCELS.
 2. A TITLE SEARCH WAS NOT PERFORMED ON THE PARCELS SHOWN. THIS PLAT IS NOT A GUARANTEE OF TITLE.

E. MOORE ST.		N. PHOENIX ST.	
N. ATLANTIC AVE.		N. PHOENIX ST.	
E. MOORE ST.		N. PHOENIX ST.	
E. MOORE ST.		N. PHOENIX ST.	

VICINITY MAP - NOT TO SCALE

Surveyed and Mapped By
Tide Water Land Surveying
 P.O. Box 11506
 802 North Howe Street
 Southport, North Carolina 28461
 Phone: 910-457-9580
 twlandsurveying@aol.com

- NOTES:
1. NO GEODETIC MONUMENT WAS FOUND WITHIN 2000'
 2. SURVEY DATE: MARCH 25, 2024.
 3. PLAT SCALE: 1" = 20'
 4. ALL DISTANCES ARE HORIZONTAL GROUND.
 5. THE LAND SHOWN ON THIS PLAT IS IN A FLOOD HAZARD AREA X ACCORDING TO FEMA MAP #5720209600X.
 6. ZONED R10.
 7. E.R.B. - EXISTING REBAR.
 8. E.I.P. - EXISTING IRON PIPE.
 9. C.P. - CONCRETE POINT.
 10. C.P. - COLD POINT.
 11. E.I.P. - EXISTING IRON PITCH PIPE.
 12. E.C.M. - EXISTING CONCRETE MONUMENT.

101
 N. Atlantic Ave.
 P/O OF Lot 48
 Map Book 1 Pages 70-70A
 Deed Book 3161 Page 0378
 Parcel ID #2371G021

5939.63 Sq. Ft.
 0.14 Acres

Surveyed and Mapped for:
Jesse P. McPherson
 and wife,
Kara S. McPherson

City of Southport
 Smithville Township
 Brunswick County
 State of North Carolina

1. WILLIAM W. DEANEY II, P.L.S. CERTIFY TO ONE OF THE FOLLOWING:
 THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF LAND THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
 THAT THE SURVEY IS OF AN EXISTING PARCEL OF LAND.
 THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS RECONSTRUCTION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

PROFESSIONAL LAND SURVEYOR L-23773



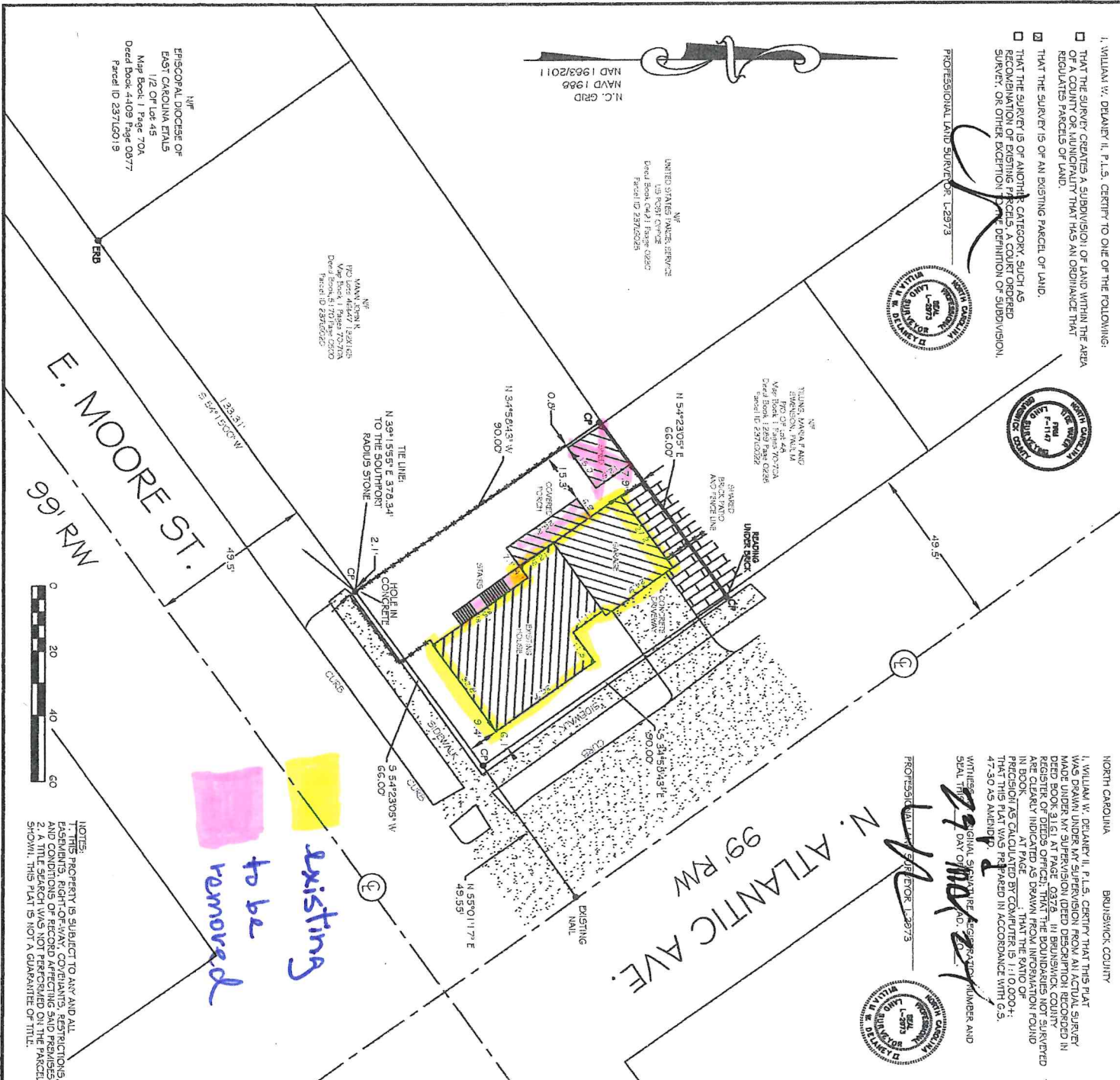
NORTH CAROLINA BRUNSWICK COUNTY
 1. WILLIAM W. DEANEY II, P.L.S. CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 3161 AT PAGE 0376 IN BRUNSWICK COUNTY REGISTER OF DEEDS OFFICE); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 1752 AT PAGE 376; THAT THE PLAT OF 09/04/14 THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH C.S. 47-30 AS AMENDED.
 WRITTEN ORIGINAL SIGNATURE AND EXPIRATION NUMBER AND SEAL THIS DAY OF _____ 2024.
 WILLIAM W. DEANEY II
 PROFESSIONAL LAND SURVEYOR L-23773



UNITED STATES TRUCK SERVICE
 Parcel Book 021 Parcel 0282
 Parcel ID 2376228

EPISCOPAL DIOCESE OF EAST CAROLINA ETALS
 1/2 OF Lot 45
 Map Book 1 Page 70A
 Deed Book 4-109 Page 0877
 Parcel ID 23716019

MANA SPARK
 Parcel Book 48477 Parcel 12812
 Deed Book 51701 Page 0270
 Parcel ID 2376228



NOTES:
 1. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT-OF-WAY COMPANIES, RESTRICTIONS, AND CONDITIONS OF RECORD AFFECTING SAID PARCELS. A TITLE SEARCH WAS NOT PERFORMED ON THE PARCELS SHOWN. THIS PLAT IS NOT A GUARANTEE OF TITLE.

existing
to be removed

	E. MOORE ST.	75.15345' W
	N. ATLANTIC AVE.	75.15345' W
	E. MOORE ST.	75.15345' W
	E. MOORE ST.	75.15345' W

VICINITY MAP - NOT TO SCALE
 Surveyed and Mapped By
Tide Water Land Surveying
 P.O. Box 11506
 802 North Howe Street
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 Phone: 910-457-9580
 twlandsurveying@aol.com

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 5. THE LAND SHOWN ON THIS PLAT IS IN A FLOOD HAZARD AREA X ACCORDING TO FEMA MAP #170209600X.
 6. ZONED R10.
 7. E.R.B. - EXISTING REBAR.
 8. E.I.P. - EXISTING IRON PIPE.
 9. E.S.P. - EXISTING SPLIT.
 10. C.P. = CALC POINT.
 11. E.I.F.P. = EXISTING IRON FITCH PIPE.
 12. E.C.M. = EXISTING CONCRETE MONUMENT.

101
 N. Atlantic Ave.
 P/O OF Lot 48
 Map Book 1 Pages 70-70A
 Deed Book 3161 Page 0376
 Parcel ID #23716021
 5939.63 Sq. Ft.
 0.14 Acres

Surveyed and Mapped for:
Jesse P. McPherson
 and wife,
Kara S. McPherson
 City of Southport
 Smithville Township
 Brunswick County
 State of North Carolina

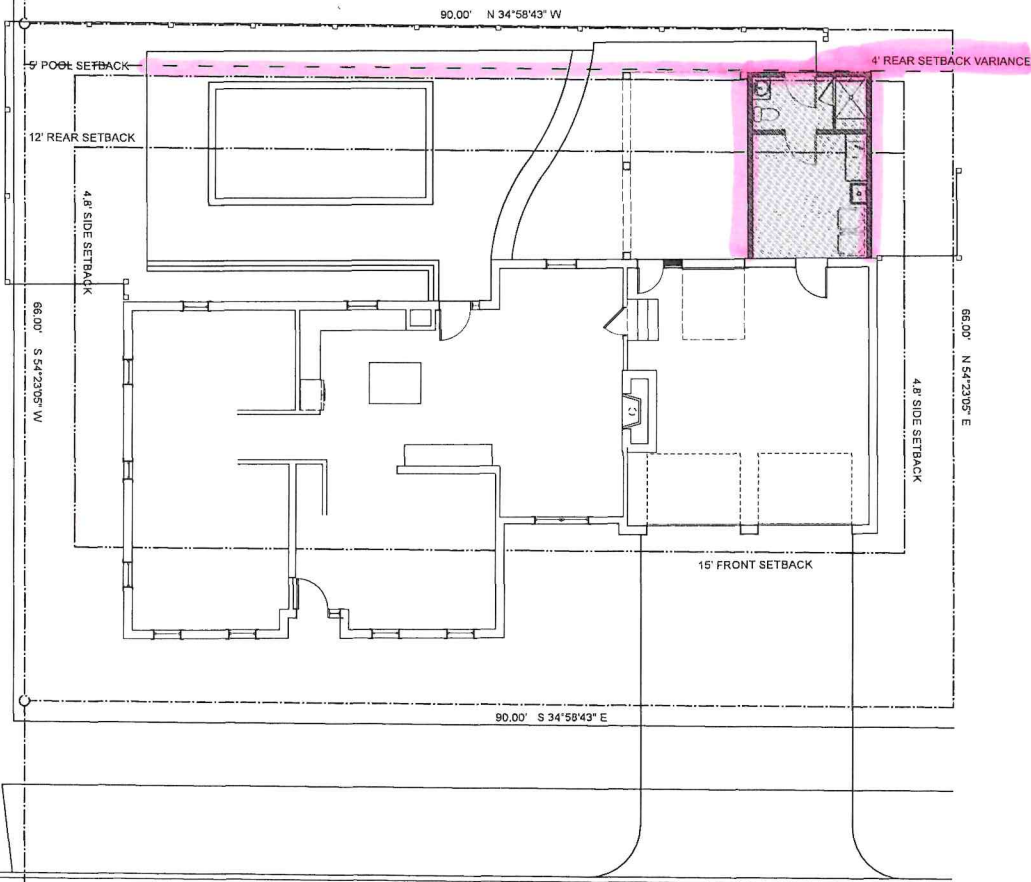
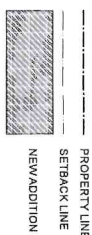
NOT TO SCALE

NOT TO SCALE

Site Notes

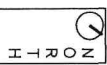
1. PROPERTY ZONED R-10 SOUTHPORT, NORTH CAROLINA. SETBACKS - SIDE 5' (60% - 4.8') REAR 20' (60% - 12') SOUTHPORT ALLOWS NONCONFORMING LOTS IN THE R-10 DISTRICT SETBACK PROPORTIONATE TO THE LOT. SETBACKS SHALL BE 5' (MIN LOT SIZE 10,000) ALLOWING 40% REDUCTION
2. MAXIMUM HEIGHT - 40 FEET
3. SITE INFORMATION TAKEN FROM SURVEYED AND MAPPED FOR JESSIE MCPHERSON AND WIFE KARAS MCPHERSON BY WILLIAM W DELANEY PLS DATED MAY 23, 2024. ALL SETBACKS TO BE VERIFIED AND ESTABLISHED DURING CONSTRUCTION

Graphic Legend



ATLANTIC AVENUE

1 Site Plan
A100 Scale: 1/8" = 1'-0"



August 12, 2024

McPherson Renovation
101 North Atlantic Avenue
Southport, NC 28461

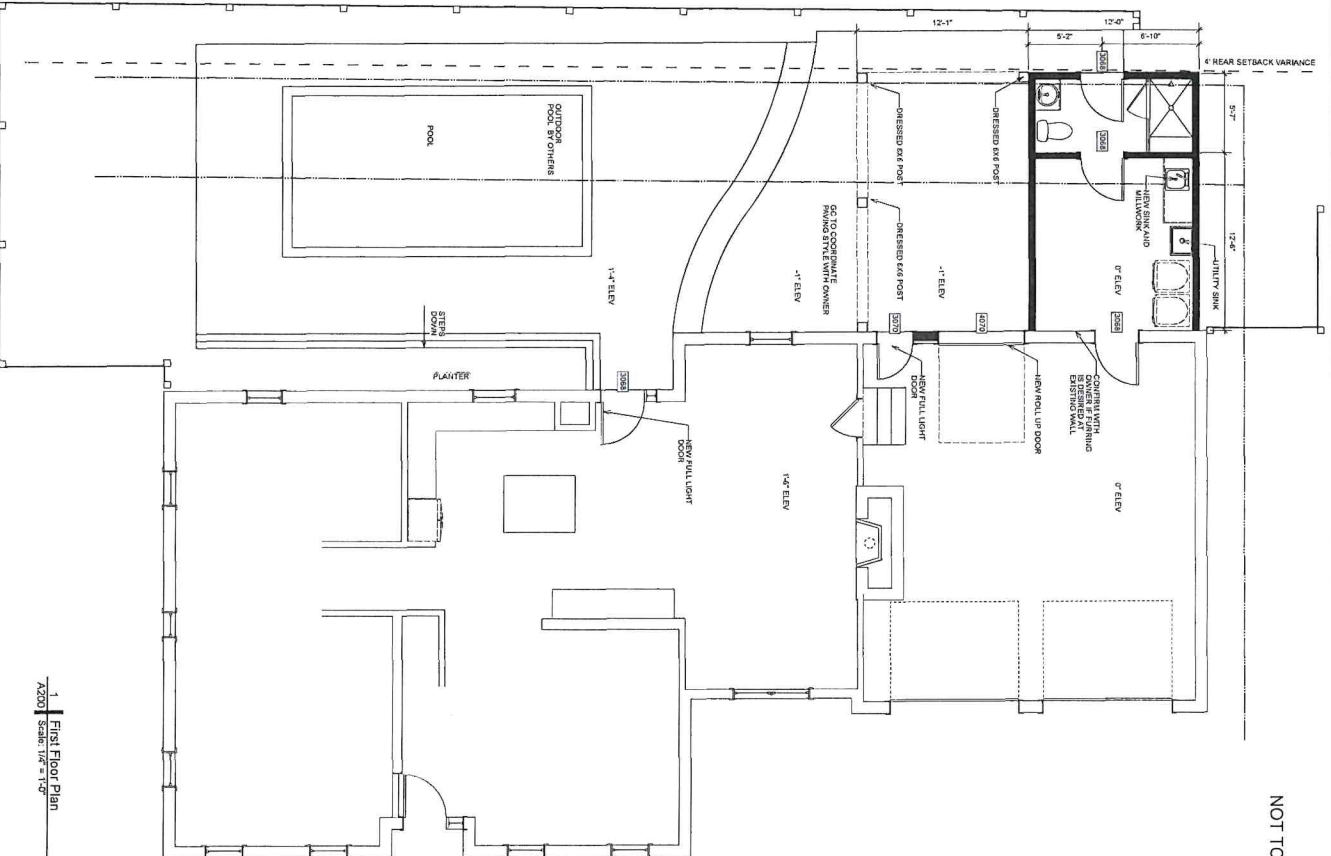
REVISIONS



Site Plan

A100

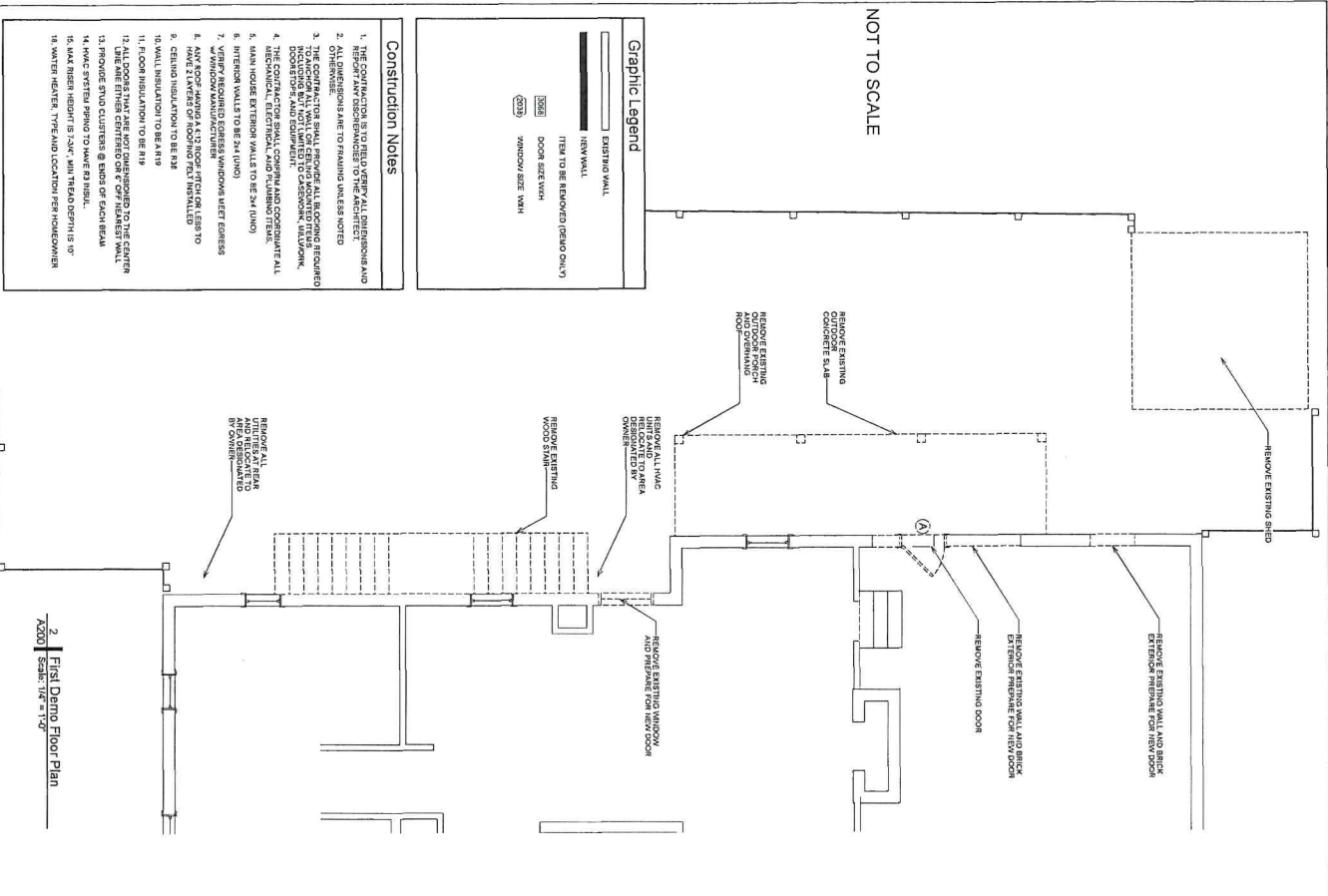
NOT TO SCALE



1 | First Floor Plan
A200 | Scale: 1/4" = 1'-0"

2 | First Demo Floor Plan
A200 | Scale: 1/4" = 1'-0"

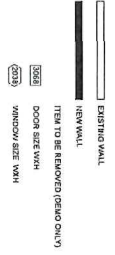
NOT TO SCALE



Construction Notes

1. THE CONTRACTOR IS TO VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT.
2. ALL DIMENSIONS ARE TO FINISH UNLESS NOTED OTHERWISE.
3. THE CONTRACTOR SHALL PROVIDE ALL JOISTS REQUIRED TO SUPPORT ALL WALLS, CEILING, FLOORING, ROOFING, DOORS, WINDOWS, AND EQUIPMENT.
4. THE CONTRACTOR SHALL CONSULT AND COORDINATE ALL MECHANICAL, ELECTRICAL, AND PLUMBING WORK.
5. SHOWN DOORS EXTERIOR WALLS TO BE 24" (MIN)
6. SHOWN WINDOWS EXTERIOR WALLS TO BE 24" (MIN)
7. WINDOW MANUFACTURER'S WINDOW LEFT SIDINGS TO BE 1/2" (MIN)
8. ANY ROOF DRAINAGE TO BE 1/2" (MIN) FROM ROOF TO EXTERIOR WALL
9. CEILING INSULATION TO BE R-19
10. WALL INSULATION TO BE R-19
11. FLOOR INSULATION TO BE R-19
12. ALL JOISTS SHALL BE DIMENSIONED TO THE CENTER
13. PROVIDE 2x10 STUDS @ 24" ON CENTER TO SUPPORT ALL CEILING FINISHES
14. MAX RISER HEIGHT IS 3-1/2" MIN TREAD DEPTH IS 11"
15. MAX WATER HEATER TYPE AND LOCATION PER HOMEOWNER
16. WATER HEATER TYPE AND LOCATION PER HOMEOWNER

Graphic Legend



McPherson Renovation
 101 North Atlantic Avenue
 Southport, NC 28461

August 12, 2024

REVISIONS



A200

First Floor Plan



Variance Application

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

Application No. VAR-24-02

Receipt No. _____

FEE: \$ 750.00 CK# 2470

Date Received: 8/20/24 JO

APPLICANT / APPELLANT INFORMATION

Applicant's Name: Kelley Construction Services, LLC Phone: 910-477-7711

Mailing Address: 4015 Airport Road SE

City: Southport State: NC Zip Code: 28461

Email: Brian@kelley-con.com

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

Name of Owner: Jesse and Kara McPherson

Address of property: 101 N Atlantic Ave City: Southport

State: NC Zip Code: 28461 Phone: 910-279-4710

Tax Parcel ID: 237LG021 Zoning District Classification: R-10

Subdivision Name: Southport Section: _____ Lot #: _____

Current Use of Property: Primary Dwelling

VARIANCE APPLICATION (COMPLETE THE FOLLOWING):

I, Kelley Construction Services, LLC, the Applicant, hereby **submit a VARIANCE Application** for review and consideration of the Board of Adjustments requesting a Variance be granted from the City of Southport Ordinances as described below:

General Statement of Request (include property/project description and relevant Ordinance Code Sections):

The McPherson family whose property that sits at 101 N. Atlantic Ave, in downtown Southport, would like to build an addition off the back of their garage. Current setbacks do not allow for them to build they addition they need. Presently, there is no suitable location for a laundry room in the house, so the laundry is done in a shed in the backyard. Section 3.9.A.2 of the UDO has Table 3.2 that defines the minimum rear setback as 20', with the adjusted size of the property from Section 3.9.B.1 the current rear setback is 12". We are requesting a variance to lower this setback to 4'. This addition would serve a dual purpose. It will add a laundry area that can be accessed without going outside, and will add an extra bathroom for elderly parents whom are expected to move into the garage and struggle with stairs.

VARIENCE JUSTIFICATION STATEMENT(S)

a. **What are the unnecessary hardships that would result from carrying out the strict letter of the Ordinance? It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

The lot size is very small - 5,939.63 sqft.

Without the variance, the McPhersons wont be able to build the addition they need.

b. **How does the hardship result from conditions that are peculiar to the property, such as location, size, or topography? Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.**

By the way the house is positioned on the lot, and originally designed, it is difficult to add an addition that works well with the layout of the home, looks aesthetically pleasing and is consistent with the architecture of the neighborhood.

c. Show that the hardship does not result from the actions of the Applicant or property owner.

The McPhersons are trying to live with and modify an existing dwelling to meet current living standards (interior laundry room). They are not the original owners or builders, and the proposed addition provides them with function that doesnot exist within the current dwelling.

d. Describe how the requested variance is consistent with the spirit, purpose and intent of the Southport Unified Development Ordinance, such that public safety is secured and substantial justice achieved.

Section 1.7 states the ordinances shall be held... "for the promotion of the public safety, health, convenience, prosperity and general welfare." The McPhersons having to go outside to do laundry at night, or certain times of year does not promote safety, health or convenience. Allowing a family to have interior laundry space does promote prosperity and general welfare.

CERTIFICATION OF APPLICATION / APPELLIANT:

I, Kelley Construction Services, LLC, Applicant / Appellant, hereby certify that all the information presented by me in this application is true and accurate to the best of my knowledge, information, and belief.

Signature of Applicant: Bri Kelly (Brian Kelley) Date: 8/1/24

COUNTY OF: Brunswick STATE OF: North Carolina

ACKNOWLEDGEMENT

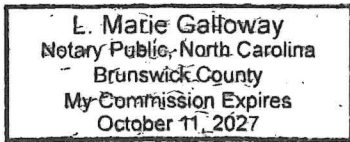
The above applicant, Brian Kelley (Kelley Construction) signed before me, on this, the 1st day of August, 2024.

E. Marie Galloway

10.11.2027

NOTARY PUBLIC

COMMISSION EXPIRATION



For Staff Use Only

Application No. _____

APPLICANT'S CERTIFICATION OF OWNER CONSENT

I, Jesse McPherson, hereby consent to this application as the [X] property owner and/or as the _____ official representative(s) of the property owner, specific to the property located at 101 N. Atlantic Ave, Southport NC 28461 (address), and identified with a Tax Parcel I.D. Number of _____.

Signature of Applicant: [Signature] Date: 8/1/24

COUNTY OF: Brunswick STATE OF: NC

ACKNOWLEDGEMENT

The above property owner and/or his official representative, Jesse P McPherson, signed before me, on this, the 1st day of August, 20 24.

[Signature]

NOTARY PUBLIC

10.11.2027

COMMISSION EXPIRATION

E. Marie Galloway
Notary Public, North Carolina
Brunswick County
My Commission Expires
October 11, 2027

For Staff Use Only

Application No. _____

**Table 3.2:
Dimensional Requirements by Zoning District**

Zoning District	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Minimum Front Setback (feet)	Minimum Rear Setback (feet)	Minimum Side Setback [1] (feet)	Maximum Height Limit (feet)
R-10	10,000	75	25	20	8	40
R-20	20,000	100	40	25	12	40
MF	13,750	100	25	20	8	40
MH	5,000	50	20	20	4	40
PUD	Section 4.15	Section 4.15	Section 4.15	Section 4.15	Section 4.15	40
O/I	12,000	70	25	15	10	40
CBD	0	0	0	0	0	40
BD	0	0	0	10	0	40
HC	10,000	75	25	20	8	40
LI	10,000	75	25	20	8	50
HI	43,560	100	25	25	15	100
OS	None	None	None	None	None	None

1. Where any side yard is provided, though not required, the same shall be not less than four (4) feet.

B. SETBACK EXCEPTIONS AND ENCROACHMENTS

1. Nonconforming lots which are located in the R-10 district may be granted rear and side yard setbacks proportionate to the size of the lot. Example: If a 10,000 square foot lot is required and the lot is 6,000 square feet, a 40 percent reduction is allowed.

1.7 INTERPRETATION AND CONFLICT

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare. It is not intended by this ordinance to interfere with, abrogate, or annul any easements or covenants between parties; provided, however, that where this ordinance imposes a greater restriction upon land development, the use of land or buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this ordinance shall govern.