



**CITY OF SOUTHPORT  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING AGENDA  
113 W. MOORE STREET  
September 8, 2025  
4:30 PM**

**AGENDA**

**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 so state at this time.”

- A. Call to Order**
- B. Pledge of Allegiance**
- C. Approval of Agenda**
- D. Approval of Minutes**
  - 1. April 22, 2025 Board of Adjustment Meeting Minutes
  - 2. July 22, 2025 Board of Adjustment Meeting Minutes
- E. Explanation of Quasi-Judicial Process**
- F. Other Business**
  - 1. SUP-25-04: Special Use Permit – 107A E 8th St
- G. Adjourn**



CITY OF SOUTHPORT  
ZONING BOARD OF ADJUSTMENT REGULAR MEETING  
113 W. MOORE STREET  
April 22, 2025  
4:30 PM  
**Minutes**

**Members Present:**

Chair Pete Haislip  
Vice Chair Jason Robbins  
Tuck Masker  
Harley Lemons  
Rodney Ross  
John Allen  
Steve Doshier-Alternate Member

**Members Absent:**

Chris Eckert

**Staff Present:**

Maureen Meehan, Planning Services Director  
Wendell Biddle, City Planner  
Tori Deviney, Deputy City Clerk

**A. Call to Order**

Chair Haislip called the meeting to order at 4:30 PM.

**B. Pledge of Allegiance**

Chair Haislip led everyone in the Pledge of Allegiance.

**C. Approval of Agenda**

Chair Haislip asked for a motion to approve the agenda, which was given by Mr. Allen and seconded by Mr. Robbins. Unanimous vote, motion carried.

**D. Approval of Minutes**

1. March 25, 2025 Board of Adjustment Meeting Minutes

Chair Haislip asked for a motion to approve the March 25, 2025 Board of Adjustment meeting minutes, which was given by Mr. Allen and seconded by Mr. Robbins. Unanimous vote, motion carried.

**E. Explanation of Quasi-Judicial Process**

Chair Haislip explained the quasi-judicial process.

No members had any conflicts with the cases being presented.

**F. New Business**

1. **SUP-25-02: Special Use Permit Application for 204 North Rhett Street – Wendell**

## **Biddle**

Mr. Biddle introduced the case as a request by applicant Eric Gibbel on behalf of property owner August Adams for a special use permit to construct an accessory dwelling unit (ADU) above a detached garage at 204 N. Rhett Street. The parcel is zoned R-10 and measures 0.27 acres. Adjacent properties are also zoned R-10 and contain single-family residences.

Mr. Biddle provided an overview of the site and proposed improvements. The project includes a detached garage with a 464 sq. ft. ADU on the second level and a carport adjacent to the structure. He confirmed the proposed layout meets side and rear setback requirements and complies with the specific use standards outlined in Section 3.6.C of the Unified Development Ordinance (UDO). These include provisions for owner-occupancy, shared driveway access, off-street parking, and size limitations (ADUs must not exceed 800 sq. ft.). The proposed ADU would share the existing driveway, meet parking requirements via the driveway and carport, and comply with the 800 sq. ft. maximum.

Mr. Biddle clarified that the ADU would face Rhett Street and provided elevation drawings and the site plan for reference. He stated that the application was complete and met all applicable standards.

Mr. Masker asked for clarification on a dashed line visible on the site plan. Mr. Biddle explained it reflected a prior lot configuration from an old survey and no longer existed. Mr. Masker also asked whether the exterior stairs infringed on setback requirements; Mr. Biddle confirmed they did not.

Mr. Barry Almon, of 212 North Rhett Street, was sworn in and addressed the Board. Chair Haislip initially believed Mr. Almon to be the applicant, but upon clarification, learned he was a neighboring property owner with a general question. Mr. Almon inquired whether the proposed accessory dwelling unit (ADU) could be taller than the principal residence on the property.

Mr. Biddle initially responded “no,” but then clarified after further discussion with Mr. Allen that an ADU could in fact be taller than the principal structure, provided it did not exceed the maximum allowable height of 30 feet. Mr. Allen explained that a one-story home could be, for example, 20 feet tall, while an ADU on the same lot could be built up to 30 feet in height, resulting in the ADU being taller than the main house.

Mr. Biddle confirmed this was correct and explained that his initial response had been based on requirements from a prior jurisdiction and not Southport’s code. He then addressed questions about the footprint of the proposed ADU, noting that the plans appeared to show dimensions of approximately 32.4 feet in length and 14 feet in width, meeting the minimum square footage requirements. Mr. Allen calculated the proposed footprint at approximately 464 square feet.

The applicant was not present to speak, and no formal opposition testimony was presented.

Chair Haislip closed the hearing.

## **Board Deliberation and Motions:**

The Board proceeded to review the findings of fact and voted as follows:

1. **Motion 1:** Mr. Lemons moved 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.  
**Finding of Fact:** That it meets the UDO and all material presented meets requirements. The motion was seconded by Mr. Robbins and the motion passed unanimously.
2. **Motion 2:** Mr. Allen moved that the use **meets** all required conditions and specifications, specifically all 8 UDO standard. The motion was seconded by Mr. Lemons and the motion passed unanimously.  
**Finding of fact:** It complies with all 8 UDO standards, meaning all requirements are met.
3. **Motion 3:** Mr. Robbins moved 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. The motion was seconded by Mr. Masker and passed unanimously.  
**Finding of Fact:** The proposed use meets the standards of the UDO and we have heard no evidence indicating it would cause harmful adjacent consequences, or no objections or disputes
4. **Motion 4:** Mr. Masker moved 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 it is to be located and in general conformity with the City of Southport Comprehensive Plan. The motion was seconded by Mr. Ross and passed unanimously.  
**Finding of Fact:** Assuming that the UDO and the city of Southport's comprehensive plan are aligned, I think we've established the fact that meets all UDO requirements applicable.
5. **Motion 5 :** Mr. Masker made a motion to recommend **approval** of the special use application with conditions, including the following:

**Conditions:**

- The ADU may not be rented separately from the primary residence.
- Construction must be in substantial compliance with the submitted plans and design intent shown in the exhibits.

The motion was seconded by Mr. Robbins and passed unanimously.

Discussion turned to the fact that the applicant was not present for the hearing. Director Meehan noted that although the applicant was not present, they were not required to attend the hearing. Mr. Biddle confirmed that the applicant had been properly notified.

**2. SUP-25-03: Special Use Permit Application for 217 Stuart Avenue - Wendell Biddle**

Mr. Biddle presented the staff report for the second of two special use permit applications. He explained that the request was to construct a 524-square-foot detached accessory dwelling unit at 217 Stewart Avenue. The lot, zoned R-10, is 0.39 acres and surrounded by similar residential zoning. The UDO requires a special use permit for detached ADUs,

and Mr. Biddle confirmed that the proposal met the specific use standards in Table 3.1 of the UDO.

He displayed an aerial view and Google Street View of the property, noting the existing circular driveway and primary single-family residence. The ADU would be sited on an existing concrete pad, with ingress and egress through the existing driveway. He clarified that while the UDO typically limits lots to a single driveway, the circular driveway on this property was legally nonconforming (“grandfathered”) and not subject to modification unless reconstructed.

Mr. Robbins inquired whether revisiting the driveway access as part of this application would require bringing it up to current code, similar to floodplain redevelopment requirements. Director Meehan responded that the prior floodplain compliance situation was different and unrelated; driveway standards were only triggered by new construction or changes to the driveway itself. Chair Haislip added that the City had grandfathered existing driveways when the new policy was adopted.

Mr. Biddle outlined the proposal’s compliance with the eight specific ADU standards:

- Only one detached ADU on site
- Subordinate to the principal single-family structure
- Owned by the same property owner
- Served by the existing driveway
- Parking available on the existing driveway
- Detached structure under the 530-square-foot limit

Mr. Biddle stated the structure was intended as a single-story building.

Board members discussed the absence of an elevation drawing. Mr. Biddle confirmed the applicant had submitted a footprint plan but not a formal elevation.

Applicant’s representative, Steven Carr, was sworn in.

Steve Carr – 1155 Green Lewis Rd SE, Bolivia, NC.

Mr. Carr stated the ADU would be approximately 21 feet at its tallest point. The structure would feature a screened front porch, a 10-foot-tall rear wall, and an enclosed living space. It was intended as an auxiliary space for the property owners, who live out of town, to use when visiting their family in the primary residence.

## **Motions and Findings**

1. **Public Health, Safety, and Welfare** – A motion was made by Mr. Ross and seconded by Mr. Robbins 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. Motion carried unanimously  
**Finding of fact:** It meets the UDO and City requirements.
2. **Required Conditions and Specifications** – A motion made by Mr. Allen and seconded by Mr. Robbins that the use **meets** all required conditions and specifications. Motion carried unanimously.  
**Finding of fact:** It meets all 8 UDO standards.

3. **No Adverse Impact to Adjacent Property** – A motion was made by Mr. Robbins and seconded by Mr. Masker 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. Motion carried unanimously.  
**Finding of fact:** There have been no reports that it would and no objections from public and no objections presented today.
4. **Harmony with Area and Comprehensive Plan** – A motion was made by Mr. Allen and seconded by Mr. Ross 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 it is to be located and in general conformity with the City of Southport Comprehensive Plan. Motion carried unanimously.  
**Finding of fact:** It meets all applicable design standards.
5. With a motion was made by Mr. Allen and seconded by Mr. Robbins, that **the Board recommends approval** of the special use application with conditions. Motion carried unanimously.

**Conditions:**

- The ADU shall not be rented separately from the principal residence.
- Construction shall be in accordance with the plans and images submitted to staff, with the representative’s depiction included in the file.
- The existing accessory structure on site shall be demolished prior to completion of the new ADU.

Chair Haislip stated the applicant would receive formal communication of the decision within a few weeks and confirmed that the special use permit was approved.

**G. Other Business**

**1. Board of Adjustment Quasi-Judicial Training - Brady Herman**

**Discussion on ADUs and Pending Legislation**

After the vote, the Board briefly discussed accessory dwelling units more broadly. Mr. Allen raised questions about whether an ADU could be approved alongside another accessory structure, such as a shed. Planning Director Meehan explained that while multiple accessory structures are allowed, only one accessory dwelling unit may be permitted per lot, and a dwelling is defined by the presence of kitchen, bathroom, and sleeping facilities.

Mr. Allen asked about pending legislation in the General Assembly that could make ADU approvals administrative at the staff level and prevent local governments from imposing certain conditions, such as prohibiting rentals. Ms. Meehan confirmed that bills are under consideration at the state level that could require by-right approval of ADUs, limit local discretion, and mandate that ADUs be allowed for rental use, though short-term rentals could still be restricted under Southport’s existing ordinance.

Chair Haislip noted that municipalities only exercise authority delegated by the state and would be required to comply with any new statute. Mr. Allen and Mr. Robbins expressed concern that the state could remove the City’s ability to enforce conditions such as

prohibiting separate rental of ADUs.

A broader policy discussion followed, with Board members expressing mixed opinions. Some voiced opposition to prohibiting ADU rentals, noting that such units could provide affordable housing for younger residents and employees. Mr. Biddle emphasized that the purpose of ADUs from a planning perspective is to diversify housing options.

## **Board of Adjustment – Quasi-Judicial Training Session**

### **Presentation by Brady Herman**

Mr. Herman opened his presentation by thanking the Board for allowing him to join remotely. He explained that the training was intended as a refresher for returning members and an introduction for new ones, emphasizing that many of the Board's recent experiences provided a practical backdrop. He noted that the most important aspect of quasi-judicial decision-making is not always *what* decision is reached, but *how* it is made, as procedural missteps are often the basis for appeals.

### **Questions from the Board**

Mr. Masker asked how to handle individuals who appear, are sworn in, and begin speaking without establishing standing. Mr. Herman responded that it is appropriate for the Chair to clarify at the outset whether the person is participating as a party or simply testifying as a witness. To participate as a party, an individual must demonstrate standing, which under state law requires showing "special damages" specific to their property. He advised allowing witness testimony when appropriate, but limiting repetitiveness, always erring on the side of caution to avoid due process violations.

Chair Haislip added that many people mistakenly view Board of Adjustment proceedings as legislative public hearings, when in fact they are quasi-judicial processes with stricter requirements. Mr. Herman confirmed this distinction, noting that unlike legislative hearings where any person may speak freely, quasi-judicial decisions are bound by standing, evidence rules, and due process.

The discussion then turned to *ex parte* communications. Mr. Herman cautioned Board members against discussing cases outside of hearings but explained that if such conversations occur inadvertently, disclosure at the start of the meeting is sufficient. Similarly, site visits are permissible, provided members do not trespass and disclose their observations during the hearing. Director Meehan asked whether *ex parte* rules applied to conversations with anyone, not just applicants. Mr. Herman affirmed, explaining that any substantive discussion about a pending case should occur during the hearing so both sides have equal opportunity to hear and respond.

Mr. Robbins noted that members often do not realize a matter is coming before the Board until the agenda is released, and casual conversations with neighbors can unintentionally cross into case discussions. He cautioned members to be mindful of this and disengage once they recognize the matter relates to a pending case.

### **Discussion on Variances**

The Board asked several questions about variance standards. Mr. Masker expressed concern about applicants purchasing property knowing they may need a variance and then claiming hardship. He questioned whether this should be considered "self-created."

Mr. Herman acknowledged that this is a frequent gray area, but clarified that case law incorporated into Chapter 160D allows applicants to seek variances even if they purchased property with knowledge of restrictions. He emphasized that hardships must be peculiar to the property itself and not self-imposed.

Mr. Robbins provided a local example involving combined lots with multiple homes, noting that re-dividing them would create substandard lots. He asked whether this would be a self-created hardship. Mr. Herman agreed that it likely would be. Chair Haislip and Mr. Robbins discussed further that while knowledge of conditions does not automatically disqualify an applicant, boards must still evaluate each standard carefully.

Mr. Herman reiterated that the four standards for variances—practical difficulties or hardships, peculiar conditions, not self-created, and consistency with the spirit and intent of the ordinance—should be addressed individually in motions, which Southport’s Board already does. He praised the Board for its practice of asking detailed questions and tying findings directly to the evidence, stating that this approach strengthens decisions against appeal.

### **Special Use Permits and Conditions**

Mr. Herman also reviewed special use permits, noting that while conditions may be added, they must relate to the property and be consented to in writing by the applicant. Mr. Biddle asked whether conditions beyond those in the UDO are permitted. Mr. Herman confirmed they are, as long as they are property-related and agreed upon, giving examples such as prohibiting ADUs from being rented separately. However, he cautioned that purely aesthetic conditions, such as paint color, are prohibited by statute.

Board members discussed whether frequently applied conditions should instead be codified as UDO standards. Mr. Robbins commented that while this could provide clarity, the current approach has worked without challenge. Chair Haislip noted that conditions could be litigated in the future, but until then the Board’s practice stands.

## **H. Adjourn**

A motion to adjourn was made by Mr. Allen and seconded by Mr. Masker. Motion passed unanimously.

Adjourned at 6:30 PM.

X

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Pete Haislip  
Chair

X

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Tori Deviney  
Deputy City Clerk



CITY OF SOUTHPORT  
ZONING BOARD OF ADJUSTMENT REGULAR MEETING  
113 W. MOORE STREET July 22, 2025  
4:30 PM  
**Minutes**

**Members Present:**

Jason Robbins  
Tuck Masker  
John Allen  
Rodney Ross  
Chris Eckert  
Steve Doshier-Alternate

**Members Absent:**

Pete Haislip  
Harley Lemons

**Staff Present:**

Maureen Meehan, Planning Services Director  
Wendell Biddle, City Planner  
Tori Deviney, Deputy City Clerk  
ChyAnn Ketchum, Public Information Officer

Ray DiGuisspe, Board of Adjustment Attorney  
Brady Herman, Board of Aldermen Attorney

**A. Call to Order**

Chair Jason Robbins called the meeting to order at 4:33pm.

**B. Pledge of Allegiance**

Chair Robbins led everyone in the pledge of Allegiance.

**C. Swearing In of Members**

1. Jason Robbins  
Deputy Clerk Tori Deviney swore Jason Robbins in.

**D. Approval of Agenda**

Chair Robbins asked for a motion to approve the agenda which was given by Mr. Allen and seconded by Mr. Masker. Motion passed with a unanimous vote.

**E. Explanation of Quasi-Judicial Process**

Chair Robbins provided a detailed overview of the quasi-judicial process, emphasizing that the Board functions in a manner similar to a court: decisions must be based on competent, material, and substantial evidence, and not on opinion or hearsay. He also explained procedures for establishing standing, the role of expert testimony, and potential conflicts of interest. He then brought alternate member, Steve Doshier, in as an active voting member.

## F. Explanation of Proceedings

## G. New Business

### 1. Appeal of a Code Enforcement Determination AP-25-02

Chair Robbins disclosed that he had previously served as the listing broker for the property at issue, 416 East Bay Street, when it sold in 2018. He clarified that he had no financial relationship with the current owners and felt that this did not affect his ability to serve impartially.

Board member Mr. Allen disclosed his prior service as a member of the Board of Aldermen from 2019–2023, during which some of the related events occurred (the establishment of enforcing rights-of-way encroachment issues), but noted he did not believe it impaired his judgment.

No objections were raised to either disclosure.

Director Maureen Meehan was sworn in and presented staff's case. She explained that the appeal concerned an administrative decision issued April 3, 2025, citing hardened structures, specifically a fence and landscaping rocks, located within the City's rights-of-way adjacent to 416 East Bay Street. Director Meehan provided a corrected property size of approximately 7,800 square feet and noted that when the applicants purchased the property in 2018, no fencing or hardscaping existed in the rights-of-way. Between 2019 and 2021, the home was demolished, the lot cleared, and fencing and landscaping was installed without a permit. In 2023, a building permit for the new home was issued, but the violation remained unresolved. After unsuccessful attempts to work with the property owners informally, a formal notice of violation was issued in January 2024.

Director Meehan outlined the timeline of the City's ordinance changes on rights-of-way encroachments, noting that in December 2024, amendments allowed certain vegetative and parking encroachments but continued to prohibit hardened structures. She emphasized that the applicants' property was already subject to an open violation case and therefore was not eligible for the grace period provided to other property owners. She further explained that while approximately 85 properties were identified with encroachments, staff had worked extensively with owners to achieve compliance, resulting in only 22 open cases remaining. Most others had either removed the encroachments or received rights-of-way permits where appropriate. Staff therefore recommended that the Board affirm the decision and order removal of the fence and landscaping from the rights-of-way.

Board members questioned staff about how many encroachments had been resolved, whether the City had ever removed encroachments at the owner's expense, and the consistency of enforcement across properties. Director Meehan clarified that while provisions exist for the City to remove violations directly, that step had not yet been taken. Instead, staff had prioritized cooperative compliance.

City Attorney for the Board of Aldermen, Brady Herman, was then recognized and confirmed that all staff reports, exhibits, and the applicant's appeal letter were part of the official record. He reminded the Board that in reviewing appeals of staff decisions, they "step into the shoes" of the administrator to determine whether an error was made. Mr. Herman noted that the underlying facts were not in dispute: the fence encroached into the

rights-of-way and violated both the UDO and City ordinances before and after the December 2024 amendments. He distributed a legal memorandum to the Board, outlining relevant legal standards, and called Code Enforcement Officer Derek Mabe as a witness.

Code Enforcement Officer Derek Mabe was sworn in.

Mr. Herman called Code Enforcement Officer Derek Mabe as a witness. Mr. Herman handed him the staff agenda packet, noting he would reference specific exhibits and page numbers.

Officer Mabe explained that his duties include locating and documenting code enforcement violations. He stated that this particular matter was first brought to his attention by the City in November 2023, after which he conducted a site visit on October 13, 2023. During that inspection, he took photographs of 416 East Bay Street showing the fence encroachment. These photographs, included in the staff report, were confirmed by Officer Mabe as accurate representations of the property at that time.

Officer Mabe testified that he issued an initial courtesy notice/notice of violation on January 11, 2024, citing the Unified Development Ordinance (UDO) Section 3.17(D) regarding landscaping and structures in the public rights-of-way. He confirmed that this ordinance prohibited fences, walls, rocks, vegetation, or other materials from being placed in the City's rights-of-way. He noted that the violation could have also been cited under Section 16-8 of the Code of Ordinances, which contains analogous language, but the violation letter focused on the UDO. He explained that while there is no statutory requirement for a specific compliance period, he typically provides 10–15 days for correction.

Because the property owners did not respond, a notice of hearing was issued on March 7, 2024 (Exhibit F). He described these hearings as informal opportunities to provide due process and attempt to resolve issues cooperatively before escalating enforcement. When scheduling conflicts arose, a second notice of hearing was issued on April 23, 2024, setting a date of May 3.

At that hearing, the property owners did not appear, but their attorney did attend. Following the proceeding, Officer Mabe issued a Findings of Fact order on June 25, 2024 (Exhibit H), concluding that the property remained in violation of UDO Section 3.17(D) and granting an additional 10 days to correct the violation.

Officer Mabe testified that he later spoke directly with property owner Denise Russell by phone. She explained the fence was left in place to protect materials during ongoing home construction. They reached an agreement to extend the compliance deadline to August 15, 2024. Officer Mabe confirmed this understanding was reflected in an email from Ms. Russell (Exhibit I), in which she acknowledged the agreement and thanked him for the extension, stating the fence would be addressed following issuance of a certificate of occupancy.

Officer Mabe further explained that on August 16, 2024, he turned the case over to the City for abatement consideration, after which he had no further contact with the Russells. In December 2024, the Board of Aldermen adopted amendments to the Code of Ordinances (Sections 16-8 and 16-10), which continued to prohibit hardened structures in the rights-of-way but introduced a six-month grace period for new violations. Officer Mabe clarified that properties with open cases prior to the amendment, such as 416 East Bay Street, were excluded from the grace period and required to proceed under normal

enforcement.

He confirmed that in early 2025, he and Director Meehan issued the final notice of violation that is the subject of the present appeal. Officer Mabe also noted that another property nearby, 410 East Bay Street, was in violation for a similar rights-of-way encroachment and was also excluded from the grace period. That case remains under enforcement and scheduled for a hearing.

Mr. Herman concluded his questioning of Officer Mabe, thanked him for his testimony, and then turned the floor over to the appellants' attorney, Mr. Andy McVey, for cross-examination.

Attorney Andy McVey, representing the property owners, thanked Chair Robbins and began questioning Officer Derek Mabe. McVey noted that much of the discussion had not touched on parking, which he argued was relevant to the case. He asked Mr. Mabe about parking conditions near the property.

Mr. Mabe confirmed that the subject property sits at the corner of Kingsley Drive and East Bay Street, adjacent to Kingsley Park, a small public park with swings and a boardwalk to the Intracoastal Waterway. He agreed there are two handicapped parking spaces nearby and some gravel parking on the opposite side of the street, but was uncertain about other details, such as whether bollards had been removed or whether additional parking designs had been proposed.

Mr. McVey pressed further, asking if Mr. Mabe was aware that Ms. Therrien, the previous Interim City Manager, had discussed parking adequacy at Kingsley Park or submitted drawings for parking directly in front of the Russell property. Officer Mabe replied that he was not aware of those discussions.

Mr. McVey then shifted to the matter of a public records request his office had submitted on behalf of the Russells, seeking documents about parking at Kingsley Park, courtesy letters sent to other property owners regarding rights-of-way encroachments, and enforcement records for several listed addresses. He asked whether Officer Mabe's office had produced responsive documents. Officer Mabe stated he had not personally handled the records request and believed that responsibility fell under Director Meehan's department. He reiterated that he had not been directly contacted to produce documents.

Mr. McVey noted for the record that if courtesy letters had been issued to other property owners, but none were produced in response to the request, he would question Director Meehan about that omission when he called her to testify. He concluded his questions without further comment.

City Attorney Herman followed with a brief redirect. He asked Officer Mabe to clarify whether the pending enforcement matter at 410 East Bay Street was before the Board of Adjustment or still at the staff level. Officer Mabe explained it was an informal code enforcement hearing conducted by staff, not a quasi-judicial hearing, and that it had been rescheduled to allow the property owners more time.

With that clarification, Officer Mabe's testimony concluded.

Mr. Herman next recalled Director Meehan for additional testimony. He asked her to explain her duties as Planning Services Director and Unified Development Ordinance (UDO) Administrator. Director Meehan testified that she oversees code enforcement to

ensure violations are processed in accordance with law and policy, and she makes determinations under the Unified Development Ordinance (UDO).

Director Meehan confirmed her involvement in the current case, noting that while earlier complaints about the property may have predated her employment, she and her then-supervisor, **Travis Henley**, first became directly aware of the fence encroachment in late 2022.

Reviewing the as-built survey dated September 10, 2024 (Exhibit A), Director Meehan testified that the survey was submitted in order for the Russells to obtain a certificate of occupancy for their new construction home. The survey clearly depicted the fence extending into the East Bay Street rights-of-way, which she described as a substantial encroachment that effectively doubled the usable yard space of the property. She contrasted aerial imagery from 2019 (showing the lot without a fence) and 2021 (showing the fence installed) to illustrate how the encroachment had developed.

Director Meehan confirmed that the Russells' deed and recorded plats also showed the correct property boundaries, meaning the owners were on notice of the lot lines when they installed the fence.

Mr. Herman then turned to the timeline of City ordinance amendments. Director Meehan explained that beginning in early 2024, the Board of Aldermen debated revisions to the rights-of-way encroachment rules. Staff, aware that changes might affect the Russells' case, allowed enforcement efforts on the Russells to pause until the amendments were finalized. In December 2024, the Board adopted amendments to Sections 16-8 and 16-10 of the Code of Ordinances. Those amendments allowed certain parking surfaces and existing vegetation to remain in the rights-of-way but continued to prohibit hardened structures such as fences or stone landscaping. Importantly, the amendments also provided a six-month grace period for property owners to bring new violations into compliance; however, any cases already under active enforcement at the time of adoption, such as 416 East Bay Street, were excluded from the grace period.

To confirm, Meehan read directly from the Board of Aldermen's December 12, 2024 minutes, where a motion was adopted making this distinction explicit.

Director Meehan further testified that staff issued courtesy letters in January 2025 to approximately 85 property owners with potential rights-of-way encroachments, offering them the grace period and explaining the ordinance changes. Many owners complied, leaving about 22 open cases as of June 2025. She explained that while the amended ordinance shortened the removal timeline to 72 hours, staff typically extended compliance deadlines to encourage cooperation.

Director Meehan reviewed the final notice of violation sent jointly by her and Officer Mabe on April 3, 2025 (Exhibit L). The notice cited both the fence and the landscaping rocks as prohibited hardened structures within the City rights-of-way. Owners were given 15 days to remove the encroachments. She confirmed that no civil penalties had been issued, nor had the City exercised its authority to remove the encroachments at the owners' expense, preferring instead to resolve matters through cooperation and due process.

Mr. McVey began his questioning of Director Meehan by asking about her tenure with the City. She testified that she had been employed for almost three years and resided in Southport. Mr. McVey suggested that the City had "famously not enforced" rights-of-way violations for many years. Director Meehan responded that she could not speak to

enforcement prior to her employment and had no personal knowledge of past encroachments.

Mr. McVey confirmed with Director Meehan that approximately 80 properties were identified as out of compliance when the ordinance changes were first considered. He then revisited his earlier point regarding the public records request submitted by his office, which sought documents relating to courtesy letters and enforcement actions. Director Meehan acknowledged that courtesy letters had been sent and explained that all such letters, along with spreadsheets of affected properties, were shared with the City Clerk. McVey noted for the record that his office had not received those documents.

During this exchange, Deputy Clerk Deviney briefly interjected out of order to clarify that she had, in fact, provided the requested courtesy letters and supporting documents in a shared file.

Turning to the ordinance itself, Mr. McVey emphasized that the Russells were cited under a provision that pre-dated the December 2024 amendment. Director Meehan agreed, clarifying that the violation existed under the older ordinance and continued under the amended version. Mr. McVey argued that this meant the December 2024 amendment was unnecessary, since the City already had authority to enforce the encroachment. Director Meehan disagreed, explaining that the amendment was significant because it carved out exceptions for vegetation and parking surfaces that had previously been prohibited.

Mr. McVey then reviewed Exhibit K, the Board of Aldermen minutes from December 12, 2024, where the ordinance amendment was adopted. He read portions of Mayor Alt's statement into the record, in which the Mayor opposed the ordinance as unnecessary and potentially divisive. Director Meehan confirmed the accuracy of the minutes. Mr. McVey then noted that the amendment, as adopted, included a six-month grace period for new violations but excluded existing enforcement cases, such as the Russells'. He confirmed with Director Meehan that she presented the ordinance to the Board at that meeting. Mr. McVey asked whether she was aware that Alderman Carroll, who seconded the motion to adopt the ordinance, was a licensed real estate broker who had previously reached out to the Russells about selling their Bay Street property. Director Meehan said she was not aware. He also asked whether Alderman Mosteller, who made the motion, had led efforts to increase parking near Kingsley Park. Director Meehan responded that she knew there were discussions about parking but could not confirm who had led them.

Mr. McVey asked whether the Board of Aldermen was aware of pending compliance cases, including the Russells', when they adopted the ordinance. Director Meehan testified that she believed the Board was generally aware of open cases but could not speak to individual members' knowledge.

When asked whether any members of the Board of Aldermen had approached her department regarding the "necessity" of the ordinance, Director Meehan stated no, explaining that the matter was brought to her by the City Manager as an update to make the ordinance more usable.

Mr. McVey concluded his questioning without further comment.

Mr. Herman asked Director Meehan to clarify that the rights-of-way encroachment amendment was not adopted at a single meeting, but rather followed multiple public discussions and workshops. Director Meehan confirmed this, noting that staff made several presentations and the Board of Aldermen debated the issue extensively before

final adoption in December 2024. Mr. Herman asked whether the Russells had ever provided comments during the public hearings or comment periods. Director Meehan testified that, to her knowledge, the Russells had not spoken or submitted comments, though they were afforded the same opportunity as other citizens.

Mr. McVey resumed questioning. He confirmed that Director Meehan produced certain documents in response to the public records request and that the remainder would have been handled by the City Clerk or Deputy City Clerk. He then asked about her familiarity with the subject property. Director Meehan stated that she had physically visited the site and was aware of sketches proposing parking in the right-of-way in front of the Russells' home.

When Mr. McVey pressed on the parking issue, Mr. Herman objected, arguing that testimony regarding parking was outside the scope of the appeal. Chair Robbins acknowledged the objection and noted it for the record but allowed Mr. McVey to continue. Mr. McVey argued that parking was central to the case, asserting that the City's actions were aimed at devaluing his clients' property.

Director Meehan acknowledged that she had seen conceptual sketches for parking near the site but explained she received them only for informational purposes. She testified that she was not directly involved in the discussions, which were handled at the time by her then-director Travis Henley. When asked if she was aware of these sketches before or after the December 2024 ordinance amendment, she stated that her awareness came prior to adoption.

Mr. McVey questioned how the matter progressed from Board discussions to an ordinance amendment. Director Meehan explained that after months of workshops and agenda discussions, the Board of Aldermen formally requested that staff draft amendment language for consideration.

On redirect, Mr. Herman asked about the status of UDO updates. Director Meehan confirmed that revisions were underway but placed on hold to ensure consistency with the recently adopted ordinance amendments. Mr. Herman emphasized that regardless of pending updates, the April 3, 2025 notice of violation remained valid under both the amended City Code (Section 16-8) and the existing UDO (Section 3.17).

Having concluded testimony, Chair **Robbins** thanked the witnesses and recessed the meeting for a brief break until 6:00 p.m.

Mr. McVey requested that the Board take one of three possible actions:

1. **Grant a variance** from what he referred to as the "Russell Ordinance," asserting that the December 2024 amendment was adopted under circumstances aimed directly at the Russells' property.
2. **Decline to enforce the ordinance** until the Board of Aldermen could revisit its adoption and enforcement. He argued that the ordinance was enacted and is being enforced imprudently.
3. **Make a finding of fact** that the City's enforcement has been arbitrary and capricious.

Mr. McVey asserted that the ordinance changes in December 2024 coincided with only two open compliance cases, one of which was the Russells', and that this demonstrated

selective enforcement. He noted that his office had submitted a public records request in April 2025, and that many courtesy letters to other property owners were issued only after that request, in June 2025.

Mr. McVey introduced into evidence Applicants' Exhibit 1, the affidavit of Denise B. Russell, which he tendered to the Board. He walked through several paragraphs of the affidavit, noting that the Russells' property at 416 East Bay Street sits adjacent to Kingsley Park, a small neighborhood park with minimal amenities. He explained that the Russells had previously lived across the street, purchased the Bay Street lot in 2018, and made improvements at their own expense, including raising the bulkhead on both their property and the City's adjoining bulkhead.

He emphasized that the fence in question had been in place since 2018, or at least 2019, according to both the Russells' testimony and the City's own aerial images. He argued that the fence and accompanying landscaping rocks were comparable to those at nearby 410 East Bay Street, which he described as nearly identical yet not cited at the time of the ordinance's adoption.

Mr. McVey suggested that the City's enforcement was motivated by interest in converting the rights-of-way in front of his clients' home into a parking lot for Kingsley Park. He recounted that the Russells were asked in 2019 by then Building Inspector, Wayne Strickland, about donating the lot to expand the park, which they declined. He argued that subsequent actions by the City, removing bollards from an existing gravel lot, reporting a lack of parking at Kingsley Park, and proposing parking sketches for the rights-of-way, demonstrated a retaliatory course of conduct intended to devalue his clients' property.

Mr. McVey cited statements made by Alderman Mosteller in 2024 about adding parking near the park, noting that she was liaison to the Parks and Recreation Advisory Board. He pointed to Exhibit B, a City-provided drawing that depicted new parking spaces within the rights-of-way at the Russells' frontage, and he argued this corroborated his clients' concerns.

He further asserted that the Russells' property was initially included in a proposed historic district expansion, but was later excluded from the adopted map. He suggested this exclusion was deliberate, intended to avoid conflicts with the City's parking plans. McVey quoted the City's own draft design standards for historic districts, which discouraged new parking lots fronting historic streets, and argued that the removal of the Russells' property from the map was another example of selective treatment.

Mr. McVey also raised safety and environmental concerns, stating that turning the rights-of-way into parking would force vehicles to back out onto East Bay Street and would compromise stormwater management. He referenced his clients' affidavit testimony that the site lies within an Area of Environmental Concern under state law, though Chair Robbins cautioned him to provide documentation or limit testimony to evidence in the record.

In conclusion, Mr. McVey described the Russells as good citizens who have acted in good faith but feel they have been unfairly targeted. He characterized the City's actions as arbitrary and capricious, and he reiterated the applicants' requests:

- Grant a variance and find them in compliance,
- Declare the City's enforcement improper and decline to uphold the violation, or
- Return the matter to the Board of Aldermen to reconsider the ordinance.

Mr. McVey closed by apologizing if his cross-examination earlier in the evening had seemed overly animated, stressing that his passion reflected the seriousness with which his clients view the issue. He asked the Board to act decisively, noting that many residents in attendance were watching closely for the outcome.

Mr. Herman began his closing remarks by addressing the affidavit submitted by the Ms. Russell. He noted several inconsistencies and described portions of the testimony as “sloppy,” clarifying that he did not mean this as a personal criticism of Mr. McVey, but rather as a reflection of the client’s recollections. He pointed out that the deed for the property was conveyed to the Russells on December 10, 2018 (City’s Exhibit B, p. 14). Given this timeline, he argued, it was implausible that the fence was built in 2018 as claimed, since City GIS aerial maps clearly showed no fence or landscaping rocks on the site at that time. Mr. Herman maintained that the fence was constructed later and that it encroached into the City’s rights-of-way, which he described as the “sole issue in this case.”

Mr. Herman further challenged statements in Ms. Russell’s affidavit, particularly her claim that she and her husband were unaware in June 2024 of the City’s plans to convert the rights-of-way into parking. He pointed out that earlier correspondence from February and May 2024, including communications from former Building Inspector Strickland, referenced parking discussions. He argued this created an internal inconsistency within the affidavit.

Turning to McVey’s three requests, Mr. Herman responded as follows:

1. **Variance Request** – Mr. Herman stated that while the Board of Adjustment has authority to grant variances, it can only do so when properly applied for and noticed under statutory procedures. No such variance application was before the Board that evening, and he argued no undue hardship had been demonstrated.
2. **Declining Enforcement** – Mr. Herman emphasized that the Board did not have authority to suspend or decline enforcement of the ordinance. He explained that the Board steps into the shoes of the Zoning Administrator and Code Enforcement Officer, and those officials lack discretion to selectively enforce. To excuse the Russells, he warned, would amount to impermissible non-enforcement.
3. **Arbitrary and Capricious Enforcement** – Mr. Herman acknowledged the Russells’ argument of selective enforcement but stated that such constitutional claims must be heard in **Superior Court**, not by the Board of Adjustment. He cited case law, including *Grace Baptist Church v. City of Oxford* (1987), explaining that selective enforcement requires proof of intentional and discriminatory treatment “with an evil eye and an unequal hand,” not merely lax enforcement. He also noted that after the ordinance was amended, **88 property owners** were sent courtesy letters, with **22 receiving formal notices of violation** in the same manner as the Russells.

Mr. Herman reiterated that a municipality cannot be stopped from enforcing its ordinance merely because it previously failed to act or even appeared to condone a violation, citing *City of Raleigh v. Fisher*. He further explained that there is no statute of limitations on enforcement actions relating to encroachments in public rights-of-way (N.C.G.S. § 1-45). He concluded by requesting that the Board affirm staff’s decision and set a clear timeframe for remediation, such as 15 days or another reasonable period. He also asked the Board to consider enforcement options if compliance did not occur, including civil

penalties or City-led abatement with costs charged back to the property owner.

Mr. McVey responded briefly, asking that if the Board were inclined to rule against the Russells, it suspend the effect of its order to allow his clients an opportunity to pursue a variance application.

Chair Robbins then asked if there were any additional witnesses or parties with standing wishing to speak. Hearing none, he opened the floor for Board questions.

Mr. Masker inquired about the approved site plan, noting that the northwest elevation of the Russells' home appeared to sit only about 2 feet 5 inches from the rights-of-way. Director Meehan explained that because the lot was nonconforming in size, reduced setbacks were permitted by ordinance, either through averaging setbacks along the block or under nonconforming lot provisions.

Mr. Ross asked whether a final landscaping plan existed. Mr. McVey replied that his clients were prepared to provide one once this matter was resolved, but that staff had instructed them to hold off. Director Meehan clarified that for a single-family home, no formal landscape plan is required except for tree mitigation for building permit approvals. She noted that no trees were removed on this property and that while discussions had occurred regarding buffering in the right-of-way, staff could not authorize new vegetation there.

Mr. Masker questioned as to whether the site plan or permit contained any note about the fence. Director Meehan responded that the staff attachments included an email from former Development Director Henley, which recognized the fence's presence and stated it would need to be addressed.

With no additional questions, Chair Robbins closed the public hearing and announced that the Board would proceed into deliberation.

Chair Robbins reminded members that their options were limited to affirming, modifying, or reversing the Code Enforcement Officer's decision, and that while findings of fact were necessary, the Board was not required to apply the four-pronged test used in variance cases.

Attorney DiGuseppe outlined the framework for decision-making. He explained that while the appellant's attorney had suggested several possible outcomes, including granting a variance, delaying action, or finding no violation, the Board's authority was narrower. Since no variance application was before the Board, no record could be developed or decided on that matter. Similarly, the Board could not decline enforcement or remand the matter to the Board of Aldermen, as jurisdiction properly rested with the Board of Adjustment. The essential question, he stated, was whether the violation existed. If the Board affirmed the violation, arguments regarding arbitrary or capricious enforcement would be more appropriately addressed in Superior Court.

### **Motion and Findings**

Mr. Allen made a motion that this board upholds the Code Enforcement Officer's decision based on the fact that there is an admitted clear violation of city code and hardened structure is in the rights-of-way and the ordinance prohibited this before the property was purchased, before the current owners and before the fence was erected. Mr. Ross seconded the motion.

At this point, Mr. Eckert asked for clarification regarding how the enforcement would proceed.

After discussion, the Board agreed to allow the property owners **14 days** to remove the fence and landscaping rocks from the rights-of-way. The Board further authorized City staff to pursue enforcement remedies in accordance with the ordinance should compliance not occur within that period.

Deputy Clerk Deviney restated the motion as follows:

*"The motion on the floor is that the Board uphold the Code Enforcement Officer's decision based on the fact that there is an admitted and clear violation of the City Code, with hardened structures located in the public rights-of-way. The ordinance prohibiting such encroachments was in place prior to the purchase of the property by the current owners and prior to the erection of the fence. The motion further states that this enforcement is not arbitrary or capricious, as the City identified approximately 80 rights-of-way violations, noticed all those violation, and 60 or some have since come into compliance. The appellants are to be given fourteen (14) days to remove the fence and rocks, and if compliance is not achieved within that period, staff is authorized to proceed with enforcement and penalties in accordance with the UDO."*

Mr. Allen also stated for the record that enforcement was not arbitrary or capricious, as the City had issued notices to all known rights-of-way violators, the majority of whom had since complied.

Following the vote, Mr. McVey requested that the Board suspend the effect of its order to allow time for his clients to pursue a variance application. Chair Robbins asked if there was a motion in that regard. Hearing none, he stated that the Board would proceed without granting the request.

## H. Other Business

There was no other business.

## I. Adjourn

Chair Robbins adjourned the meeting at 6:55 pm.

X

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Jason Robbins  
Chair

X

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Tori Deviney  
Deputy City Clerk

# STAFF REPORT

## SPECIAL USE PERMIT APPLICATION

### SUP-25-04

APPLICATION SUMMARY	
<b>Presentation Date</b>	August 26, 2025
<b>Applicant</b>	Nicholas Chism
<b>Property Owner</b>	Fullwood Family Trust
<b>Parcel ID:</b>	237GL020
<b>Project Square Foot</b>	625 Square Feet
<b>Existing Land Use</b>	Vacant Lots
<b>Parcel Acreage</b>	.1
<b>Zoning District</b>	Business District (BD)
<b>Request:</b>	Mr. Chism is requesting to operate his business in the BD requiring a Special Use Permit.

### BACKGROUND

Mr. Nicholas Chism, applicant and owner of Feros Ferio Ink, is requesting that the Board of Adjustment grant him a Special Use Permit to operate his tattoo parlor at 107 (a) East 8<sup>th</sup> Street, a Business (BD) zoning district. The request comes as the City of Southport no longer has either an appropriate zoning designation for, or the land use, *Tattoo and Piercing Establishment*.

In late spring of this year, Mr. Chism established his tattoo and body piercing parlor, Feros Ferio Ink, in an existing multiunit commercial space. The appropriate health department requirements were met, and the 625-square-foot shop underwent the necessary fire inspection. Unfortunately, Mr. Chism did not seek to ensure that the zoning allowed for a tattoo parlor at this location. Once staff were informed that a tattoo parlor was in operation, a Notice of Violation (NOV) letter was sent to Mr. Chism, alerting him that he must cease all operations and cover his sign advertising Feros Ferio Ink. Within the week, Mr. Chism complied with the notice but had the problem of not knowing where he could establish his trade within the city's corporate limits.



*Feros Ferio Ink Tattoos & Piercings*

**LOCATION AND ZONING**

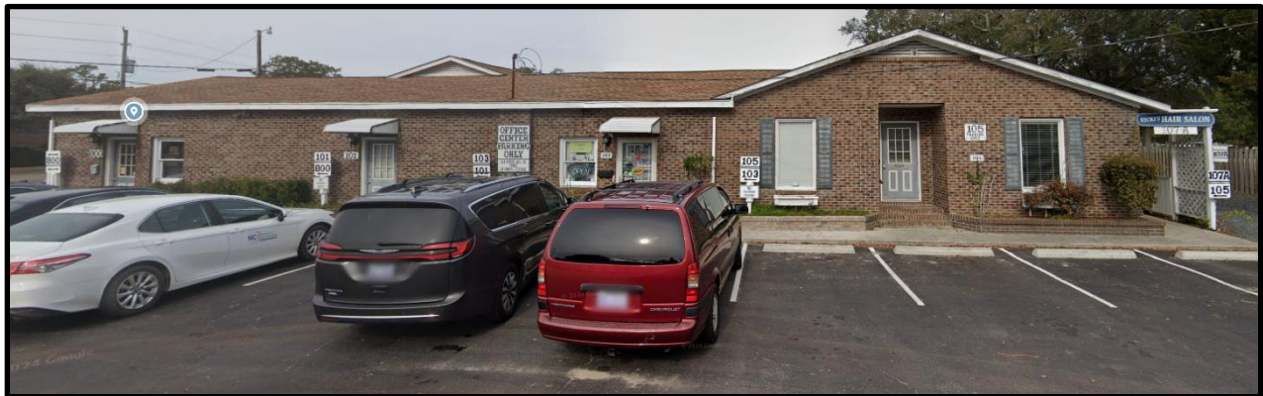
The subject property is located at the corner of Howe Street and East 8<sup>th</sup>, specifically 107 (a) East 8<sup>th</sup> Street, and is further identified by Brunswick County Parcel ID 237EA04701. As previously detailed, the parcel is in the BD zoning district and is part of the multitenant building, the Office Center. Though the lot is 0.1 acres, the subject office space is 625 square feet. Other businesses that are a part of the Office Center include Randy’s Auto Detailing, South Brunswick Counseling Services, Tide Water Land Surveying, Rivenbark Contracting, and Coastal Golf Cars. Former businesses include Cape Fear Discs and Vicki’s Hair Salon. Directly across E. 8<sup>th</sup> Street is The Tiki Tavern, also zoned BD, and directly to the east of the property is a vacant lot zoned Office & Institute, O&I. North of the subject lot are more BD parcels, and approximately 85’ southeast is 729 N. Atlantic Avenue, a residential lot zoned R-10.



*207 (a) East 8th Street*



*Distance between Residential Property & Feros Ferio Ink*



*Office Center 800 East 8th Street*



*The Tiki Tavern 730 N. Howe Street*



Google Map Aerial View



GIS Aerial Map



City of Southport Official Zoning Map

**CONTEXT**

Prior to the City of Southport relinquishing the extraterritorial jurisdiction (ETJ) to Brunswick County, the land use, *Tattoo and Piercing Establishment*, was permitted by Special Use Permit (SUP) in the former Heavy Industrial (HI) zoning district. With the loss of the ETJ came the loss of three zoning districts: Manufactured Housing (MH District), Light Industrial (LI District), and Heavy Industrial (HI District). Also, multiple land uses are no longer detailed in the Unified Development Ordinance (UDO) to include *Tattoo and Piercing Establishments*.

Table 3.1: Table of Uses	Districts											Use Stand ard		
	P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													
Uses	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
RESTAURANT, CARRY-OUT	722211					S		P	P	P				
RESTAURANT, STANDARD & FAST-FOOD	722211					S		P	P	P				
RETAIL SALES, MAJOR										P				
RETAIL SALES, MINOR						P		P	P	P				
RETAIL SALES, MODERATE									P	P				
SALVAGE OPERATIONS													SS	3.8.FF
SHOPPING CENTER	233320					SS		SS	PS	PS				3.8.GG
SHOOTING RANGE, INDOOR										PS	PS	PS		3.8.HH
SHOOTING RANGE, OUTDOOR												SS		3.8.HH
SHORT- TERM VACATION RENTALS						PS		PS	PS					3.8.II
SOLAR FARM													SS	3.8.JJ
STORAGE, SELF-SERVICE										PS	PS	PS		3.8.KK
TATTOO AND PIERCING ESTABLISHMENT												S		

Table 3.1 Highlighting Former Land Use and Relinquished Zoning Districts

Though this is an unprecedented situation, the UDO does provide guidance for situations when a land use is not listed. Per UDO Section 3.4.4:

*Unlisted uses. The uses listed may not address all possible uses. In determining if a use is permitted, the UDO Administrator shall consider which category of expressed uses most closely matches the use proposed and apply the regulations pertaining to that category to the proposed use. In determining the use which most closely matches the proposed use, the UDO Administrator shall consider the density and intensity of the use, and anticipated traffic, noise, light, and odor on adjacent properties. Such interpretation shall be provided in writing to the property owner and subject to appeal by the Board of Adjustment.*

Of this case, Staff finds that the closest land use to what is being proposed is the land use *Business, Commercial, or Other Non-Residential Use Not Elsewhere Classified*. This land use allows Mr. Chism to present his request before the Board of Adjustment and provides the Board of Adjustment with the opportunity to ensure that the required use standards are applied to the applicant. The use standards, outlined in UDO Section 3.8.D, are met by the applicant as detailed under the **Development Review** section of this report.

UDO Section 3.8.D **Business, Commercial, or Other Non-Residential Use Not Elsewhere Classified**

*Where permitted, the following shall apply:*

1. *The Board of Adjustment must find that the proposed use will be similar in character and intensity to other permitted or conditional uses provided for within the district in which it is proposed. Such determination shall be noted as a finding of fact and shall be included in the record of the final disposition of the application. **Staff find that the proposed use is low in intensity relative to what is permitted within the BD and the existing uses in the immediate area.***
2. *Any proposed outdoor operations, inventory display and/or storage must be specifically approved by the Board of Adjustment who may establish any additional conditions as may be determined necessary. Such conditions may include, but shall not be limited to: screening, buffering, increased setbacks or other appropriate conditions up to and including denial of such proposed outdoor use for the location sought for due cause in order to protect, maintain or promote the general public, health, safety and welfare. Such due cause shall be noted as a finding of fact and shall be included in the record of the final disposition of the application. **Staff find that this standard does not apply to the proposed use.***
3. *Parking and/or loading requirements shall be those noted for the use most closely associated with the proposed use as determined by the Board of Adjustment in conjunction with staff review and recommendation. **Staff find that the proposed use's parking requirements meet or exceed the standard established in the UDO.***
4. *The Board of Adjustment shall reasonably consider and may require the establishment of appropriate hours of operation for the proposed use should they determine such limitation to be appropriate in order to protect, maintain or promote the general public health, safety and welfare. **The proposed operating hours are amendable.***
5. *The Board of Adjustment shall consider and may require any additional relevant time, place and manner conditions or restrictions as may be deemed appropriate for the location sought for due cause in order to protect, maintain or promote the general public health, safety and welfare. Such due cause shall be noted as a finding of fact and shall be included in the record of the final disposition of the application. **The applicant is willing to hear out any conditions that the Board of Adjustment may have.***

Table 3.1: Table of Uses	Districts											Use Stand ard		
	P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													
Uses	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
BUSINESS, COMMERCIAL, OR OTHER NON-RESIDENTIAL USE NOT ELSEWHERE CLASSIFIED	561						SS	SS	SS	SS				3.8.D

UDO Table 3.1

**STAFF REVIEW AND RECOMMENDATION**

**Summary of Applicant’s Request**

The owner of Feros Ferio Ink, located at 107 (a) East 8<sup>th</sup> Street, submitted a Special Use Permit application on July 26<sup>th</sup>, 2025. Staff found that the application was complete and assigned Mr. Chism’s case to the August 26<sup>th</sup> Board of Adjustment agenda. The applicant is requesting the Board to review their case and grant the Special Use Permit allowing them to conduct business on the subject lot. The proposed business, a tattoo and piercing establishment, is no longer an available land use within the UDO, nor does it have an adequate zoning district for its operation. In situations such as this, the UDO requires staff to find the closest land use and apply said requirements to the proposed. The land use *Business, Commercial, or Other Non-Residential Use Not Elsewhere Classified* allows the applicant to bring forth their proposal for a Special Use Permit if they meet the necessary standards outlined in UDO Section 3.8.D.

**Planning Staff Review**

Planning Staff has a due process requirement to submit all complete land use applications to the appropriate board. In this case, disposition per the standards and processes laid out within the UDO belongs to the Board of Adjustment as is required by the Special Use Permit review process established in UDO Section 2.7.C. Once the application has been verified ‘complete,’ Staff researches the proposed land use concerning the applicable development standards and only after can an appropriate recommendation be made.

**Development Review**

Although there is a nearby residential zoning district, Staff finds that the property’s use as a Tattoo and Piercing establishment is considered a low-intensity use that is appropriate for the Business District and, more specifically, for the subject location. Staff surmised that the proposed land use will be regarded as low-intensity by way of the following factors.

1. That a similar land use to what is being proposed is the use *Personal Service Establishment*, which generally has a client-to-customer ratio of 1:1. This is a

- ratio that will be similar to the proposed business, Feros Ferio Ink, with one artist and one customer at a time.
2. The shop door. The shop door/shop is recessed from the exterior wall of the building by more than 10 feet, essentially hiding the façade of the tattoo parlor from street view. With the shop being virtually hidden from street view, the only means of knowing it is there will be by its sign and by online advertising. This ensures minimal influence on the existing area.
    - a. It should be noted that all signs must receive administrative review and approval before being hung. In this case, the sign will need to meet the design standards of the existing signs and may not be extravagant or otherwise non-conforming.
  3. Business Hours. Per the applicant, Feros Ferio Ink will have non-traditional hours, opening at 4 PM or otherwise by appointment and closing as necessary. These off-peak hours will not provide an increase to the peak hour traffic in the area.
    - a. Only one artist will be in operation at Fero
  4. Lighting. No additional outdoor lighting will be necessary or used.
  5. Parking Requirements. Per the applicant, Feros Ferio Ink will have a total of six (6) parking spaces allotted to their operation. The non-traditional hours will ensure that there will be no parking congestion within the Office Center multitenant mall.
    - a. Prior to the loss of the land use, *Tattoo and Piercing Establishment*, one (1) space was required per every 100 square feet of floor area. At that rate a total of six (6) spaces would be required if this standard were still in use.
    - b. The proposed land use, *Business, Commercial, or Other Non-Residential Use Not Elsewhere Classified*, requires one (1) space per 200 square feet of floor area. At 625 square feet, three (3) spaces would be required.

After a thorough review, the Special Use Permit application was deemed complete by Planning Staff and is eligible to be granted approval by the Board of Adjustment in a quasi-judicial process upon verification that all standards are met. As such, Staff believes the request is within keeping of the intent and purpose of the Unified Development Ordinance and recommends approval of the Special Use Permit.

### 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 they must base their decision only on the competent evidence they 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 ensure 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:**

\_\_\_\_\_ 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 use ***will*** 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:**

\_\_\_\_\_ The use ***meets*** all required conditions and specifications;

\_\_\_\_\_ The use ***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:**

\_\_\_\_\_ 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;

\_\_\_\_\_ The use ***will*** 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:**

\_\_\_\_\_ 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 it is to be located and in general conformity with the City of Southport Comprehensive Plan;

\_\_\_\_\_ The location and character of the use, if developed according to the plan as submitted and approved, ***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 approval of the special use application with no conditions.
- Recommends approval of the special use application with conditions, including the following: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**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
- Notice of Violation Letter
- Adjacent Neighbor Notification Letter
- Brunswick County Environmental Health Tattoo Permit



# Special Use Permit

City of Southport, North Carolina

1029 N. Howe St, Southport NC 28461  
[www.southportnc.org](http://www.southportnc.org)

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

**For Staff Use Only**

PERMIT No. SUP-25-04 FEE: \$ 750 Date Received: Jul 26, 2025

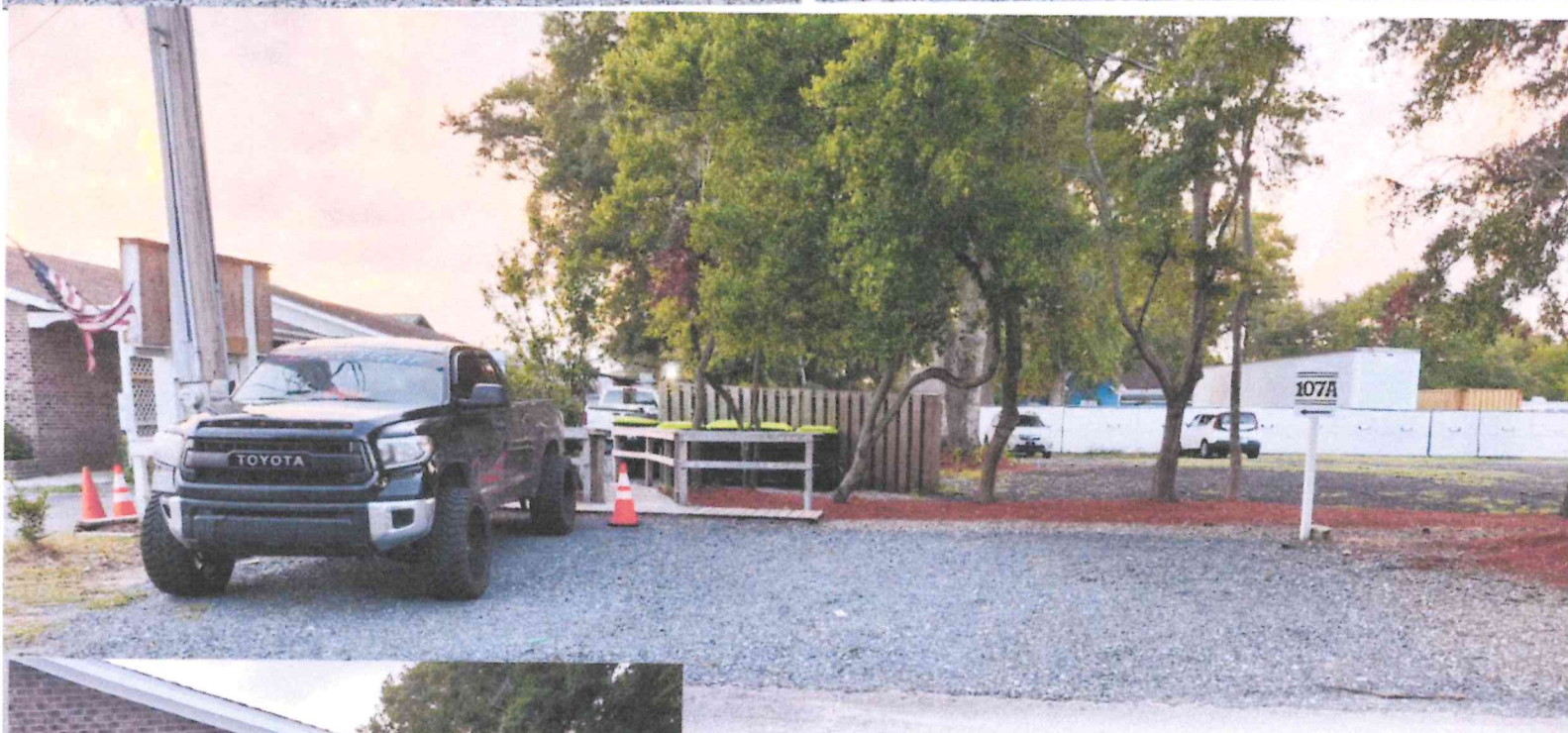
Applicant's Name: Nicholas Edward Chiron  
Mailing Address: 1005 Bay St SW City: Supply  
State: NC Zip Code: 28462 Phone: (910) 512-6236  
Email: ferosferioink@gmail.com

Property Owner's Name: Randy Fullwood family trust  
Address of Owner: 924 N Howe St City: Southport  
State: NC Zip Code: 28461 Phone: (910) 523-6034  
Email: Randyfullwood@gmail.com

237EA04701

Address of the property: 107a E 8th St / 237EA04701 City: Southport  
State: NC Zip Code: 28461 Zoning District of Property: Business District  
Overall Acreage: N/A 0.1 Minimum Area Requirement for Zoning District: N/A  
Special Use Permit Request: To allow for tattoo shop to operate in Business district zoning  
Zoning of Adjacent Lots: Business district





**Shop size: 625 sq f**  
**Dedicated parking**  
**spaces 5**

To whom it concerns,

I was asked to describe why we think our shop should be able to continue to operate in Southport. I'd like to start by saying I've been a local for 26 of the 38 years of my life. This is my home and it has always been a dream of mine to have a shop here for me and my family. I took a lot of time and consideration in selecting the location I chose. I felt that with it being a family destination that I need to choose a area where adult industry was predominant. Therefore being beside a probation office and adjacent to a bar would be perfect. This is how we came to chose our location. We immediately began renovations. We have already invested a substantial amount of money into the building inside and out, making it a much more appealing place in general. We then pulled our permits through the health department and our fire inspection, which I thought to be the only obstacles to overcome to get open. I've helped open two other shops and was completely unaware of any regulations for zoning of tattoo shops in Brunswick county. Especially being that most shops in the area are zoned the same as my current location. Therefore I sincerely apologize for the confusion. But I strongly believe our shop would be a valuable addition to the community for many reasons. We are well known and respected members of the community. Our shop will be dedicated to providing the highest standards in the industry with a hospitable and inviting family environment. We want to bring a modern artform that's loved by many old and young. It will be a place for adults to come and socialize and bond. One of the very few adult activities in Southport that don't involve alcohol. We want to help our community by improving our shop to make it the most beautiful and inviting place it can be. Tattoo studios are also a largely profitable business and would be bringing money back into the Southport community. We plan on doing community volunteer work as a shop in whole, including sponsorships, road clean up, and committing to community activities. That being said me and my partner have invested our life savings into this shop. I'm a sole provider of a family of six. All we are asking is for the board to see us for what we are. A small family owned business that's just trying to build something for their future. We will not disappoint our community you have our pledge. Thank you for your consideration.

*Nick Oliver*  
7/20/25



# City of Southport

June 24, 2025

ATTN: Feros Ferio Ink  
Mr. Nicholas Chism  
107A E. 8<sup>th</sup> St.  
Southport, NC 28461

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

## NOTICE OF VIOLATION

RE: Installation of sign advertising Feros Ferio Ink.

Dear Mr. Chism,

I am writing this Notice of Violation to formally document and serve notice concerning the zoning violation detailed below. The property of 107A. E. 8th Street stands in violation of the City of Southport's Sign Ordinance established in the city's Unified Development Ordinance (UDO).

### Violation

UDO Section 3.19.B.1

*Except as otherwise provided in subsection C, it shall be unlawful to erect or maintain any sign without first obtaining a sign permit.*

### Corrective Action

To bring your property into compliance, the sign advertising Feros Ferio Ink is to be removed within 15 days of receipt of this letter. No sign may be posted until a sign permit has been reviewed and issued by the UDO Administrator. This code case will close upon verification that compliance has been met.

For further guidance on Freestanding Ground Sign requirements, please note that UDO Section 3.19.F.4.1 requires that:

*Such signs (freestanding ground signs) may contain signage for each establishment within a multi-tenant building subject to the height and size requirements provided in Table 3.10.*

- a) *Each sign for multi-tenant signs shall be uniform in color and make. Individual logos using the same color palette can be incorporated.*

Table 3.10 Freestanding Ground Sign Size		
Zoning District	Maximum Height	Maximum Square Footage per Face
CBD	0	0
HC	25 ft.	125 sq. ft.
BD/OI/PUD	8 ft.	60 sq. ft.
LI/HI	25 ft.	187.5 sq. ft.

Figure 1



## City of Southport

### **Per UDO Section 2.15.B PERSONS LIABLE**

*The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.*

### **Per UDO Section 2.15.D. PENALTIES AND REMEDIES FOR VIOLATIONS**

- 1. Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use permits, shall also subject the offender to a civil penalty of \$25. If the offender fails to pay this penalty within 10 days after being cited for a violation, the penalty may be recovered by the city in a civil action in the nature of debt.*
- 2. This ordinance may also be enforced by any appropriate action listed in G.S. 160A-175, Enforcement of Ordinance.*
- 3. Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.*
- 4. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this ordinance.*

Appeal from the UDO Administrator's decision shall be to the Board of Adjustment. For full details concerning the appeals process, please see attachment 1.

To apply for a sign permit, please visit the City of Southport permitting portal at <https://cityofsouthport.com/development-services/#permits--inspections>. To schedule an appointment to discuss the above corrective action and a plan to come into compliance, call me at (910) 363-7670 or email me at [hpyles@cityofsouthport.com](mailto:hpyles@cityofsouthport.com). Your immediate attention to this matter will be appreciated.

Sincerely,

Harlan Pyles  
Code Enforcement Officer  
City of Southport Planning



# City of Southport

June 24, 2025

ATTN: Feros Ferio Ink  
Mr. Nicholas Chism  
107A E. 8<sup>th</sup> St.  
Southport, NC 28461

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

## NOTICE OF VIOLATION

RE: Prohibited land use within designated zoning district.

Dear Mr. Chism,

This letter serves to formally document and provide notice that the continued use of 107 A. E. 8<sup>th</sup> Street stands in violation of the City of Southport's land use requirements established in the Unified Development Ordinance (UDO). All commercial activities regarding tattoos, body piercing, or any other body modification must cease until all applicable permits and approvals are obtained and complied with.

### Violation

#### UDO Section 3.5.B.1

*If a cell in the table of uses is blank the use is prohibited in the corresponding zoning district.*

As the above address is zoned Business District (BD), the operation of a Tattoo and Piercing Establishment is expressly prohibited.

### Corrective Action

To bring your property into compliance, all tattoo and body modification procedures must cease within 15 days of receipt of this letter. This is to include the removal of all signage and advertisements. Cease operations until such time that an amendment is passed by the Board of Aldermen that changes the land use code to allow for Tattoo and Piercing Establishments within the BD zone. This code case will close upon verification that compliance has been met.



# City of Southport

Table 3.1: Table of Uses	Districts													Use Stand ard
	P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													
Uses	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
RESTAURANT, CARRY-OUT	722211					S		P	P	P				
RESTAURANT, STANDARD & FAST-FOOD	722211					S		P	P	P				
RETAIL SALES, MAJOR										P				
RETAIL SALES, MINOR						P		P	P	P				
RETAIL SALES, MODERATE									P	P				
SALVAGE OPERATIONS												SS		3.8.FF
SHOPPING CENTER	233320					SS		SS	PS	PS				3.8.GG
SHOOTING RANGE, INDOOR										PS	PS	PS		3.8.HH
SHOOTING RANGE, OUTDOOR												SS		3.8.HH
SHORT- TERM VACATION RENTALS						PS		PS	PS					3.8.II
SOLAR FARM												SS		3.8.JJ
STORAGE, SELF-SERVICE										PS	PS	PS		3.8.KK
TATTOO AND PIERCING ESTABLISHMENT												S		

Figure 1

### Per UDO Section 2.15.B PERSONS LIABLE

*The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.*

### Per UDO Section 2.15.D. PENALTIES AND REMEDIES FOR VIOLATIONS

1. *Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use permits, shall also subject the offender to a civil penalty*



## City of Southport

*of \$25. If the offender fails to pay this penalty within 10 days after being cited for a violation, the penalty may be recovered by the city in a civil action in the nature of debt.*

- 2. This ordinance may also be enforced by any appropriate action listed in G.S. 160A-175, Enforcement of Ordinance.*
- 3. Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.*
- 4. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this ordinance.*

Appeal from the UDO Administrator's decision shall be to the Board of Adjustment. For full details concerning the appeals process, please see attachment 1.

To apply for a Special Use Permit, please visit the City of Southport permitting portal at <https://cityofsouthport.com/development-services/#permits--inspections>. To schedule an appointment to discuss the above corrective action and a plan to come into compliance, call me at (910) 457-7900 or email me at [wbiddle@cityofsouthport.com](mailto:wbiddle@cityofsouthport.com). Your immediate attention to this matter will be appreciated.

Sincerely,

Wendell E. Biddle, CZO  
City Planner  
City of Southport  
Development Services





CITY OF SOUTHPORT  
PLANNING & ZONING

1029 N. Howe Street, Southport, NC 28461

P: (910) 457-7900 | cityofsouthport.com

Maureen Meehan, Director

**PUBLIC NOTICE | SPECIAL USE PERMIT**  
**BUSINESS, COMMERCIAL, OR OTHER NON-RESIDENTIAL USE NOT**  
**ELSEWHERE CLASSIFIED**

August 26, 2025

The City of Southport Board of Adjustment has scheduled a meeting and quasi-judicial hearing for **Monday, September 8, 2025, at 4:30 p.m.** at the Indian Trail Meeting Hall, located at 113 W. Moore Street.

Nicholas Chism, applicant, submitted a Special Use Permit application to operate a Tattoo and Body Piercing Parlor which is not currently a land use permitted in the Unified Development Ordinance.

In such circumstances, interested parties may file a Special Use Permit in accordance with UDO Section 3.8.D **Business, Commercial, or Other Non-Residential Use Not Elsewhere Classified**.

- 1. The Board of Adjustment must find that the proposed use will be similar in character and intensity to other permitted or conditional uses provided for within the district in which it is proposed. Such determination shall be noted as a finding of fact and shall be included in the record of the final disposition of the application.*
- 2. Any proposed outdoor operations, inventory display and/or storage must be specifically approved by the Board of Adjustment who may establish any additional conditions as may be determined necessary. Such conditions may include, but shall not be limited to: screening, buffering, increased setbacks or other appropriate conditions up to and including denial of such proposed outdoor use for the location sought for due cause in order to protect, maintain or promote the general public, health, safety and welfare. Such due cause shall be noted as a finding of fact and shall be included in the record of the final disposition of the application.*
- 3. Parking and/or loading requirements shall be those noted for the use most closely associated with the proposed use as determined by the Board of Adjustment in conjunction with staff review and recommendation.*
- 4. The Board of Adjustment shall reasonably consider and may require the establishment of appropriate hours of operation for the proposed use should they determine such limitation to be appropriate in order to protect, maintain or promote the general public health, safety and welfare.*
- 5. The Board of Adjustment shall consider and may require any additional relevant time, place and manner conditions or restrictions as may be deemed appropriate for the location sought for due cause in order to protect, maintain or promote the*



CITY OF SOUTHPORT  
PLANNING & ZONING

1029 N. Howe Street, Southport, NC 28461

P: (910) 457-7900 | [cityofsouthport.com](http://cityofsouthport.com)

**Maureen Meehan**, Director

*general public health, safety and welfare. Such due cause shall be noted as a finding of fact and shall be included in the record of the final disposition of the application.*

The subject property is located at 107a East 8<sup>th</sup> Street and further identified as parcel I.D. 237EA04701.

Per Section 2.14 of the Southport Unified Development Ordinance (UDO), all property owners abutting the subject property must be notified by mail. Comments and sworn testimony can be made at the hearing. If you have any questions regarding this case or the hearing process please contact the City Planner, Wendell Biddle, at (910) 457-7900 ext. 1010 or via email at [wbiddle@cityofsouthport.com](mailto:wbiddle@cityofsouthport.com).

The City of Southport does not discriminate on the basis of disability. If you need auxiliary aid, or other accommodations in order to attend this meeting, please contact the Clerk's office as far in advance of the meeting as is possible so that your request can be considered.

- Tori Deviney, Deputy City Clerk

7010610276

ID Number

North Carolina Department of Health and Human Services  
Division of Public Health  
Environmental Health Section

# Tattoo Permit

Permission is hereby granted to NICHOLAS E CHISM

Tattoo Artist

to engage in tattooing as defined in G.S. 130A-283

at FEROS FERIO INK 107 A E 8TH ST, SOUTHPORT, NC 28461

Place of Practice

Brunswick perniti valid until 04/23/2026

County

Expiration Date

is not transferable to any other person or place of practice.



Registered Environmental Health Specialist

04/23/2025

Date



**Purpose:** General Statute 130A-283 states "No person shall engage in tattooing without first obtaining a tattooing permit from the Department". The permit is issued to a tattoo artist who meets all requirements of *Rules Governing Tattooing* 15 NCAC 18A .3200. The permit is not transferable to any other person or place of practice and is valid for a period of one year.

This form is to be used as the permit as specified above.

**Preparation:** Local environmental health specialist shall issue a permit every time a permit issuance is indicated. Prepare an original and one copy for:

1. Original to tattoo artist
2. Copy for the local health department

**Disposition:** Please refer to Records Retention and Disposition Schedule for County/District Health Departments which is published by the North Carolina Division of Historical Resources.

Additional forms may be ordered from: Division of Environmental Health  
1652 Mail Service Center  
Raleigh, NC 27699-1632  
(Courier 52-01-00)



# APPLICATION FOR TATTOO PERMIT

Brunswick County Health Services, Environmental Health Section  
25 Courthouse Drive NE ▪ P. O. Box 9  
Bolivia, NC 28422

(910)253-2150

Email: [flplans@brunswickcountync.gov](mailto:flplans@brunswickcountync.gov)

RECEIVED  
183  
APR 21 2025

PAID  
APR 21 2025

Complete and submit the following application and \$250.00 permit fee to the above address.

Type of Application: New  Renewal   
Date of Application: 4/21/25  
Establishment Name: Feros Fero Ink  
Address: 107a E 8th St 28461  
Telephone: (910) 617-4094 Email: Feros Fero ink@gmail  
Business Hours: 4pm - 12am  
Numbers of Tattoo Artists in Establishment: 1

Artist Name: Nicholas E. Crism  
Mailing Address: 1065 Bay St SW 28462  
Telephone: (910) 512-6236 Email: \_\_\_\_\_  
Anticipated Date to Begin Tattooing: Asap

Tattoo Artist Signature:

## INSTRUCTIONS

- Purpose:** To allow tattoo artists to apply for tattooing permits as required in General Statute 130A-283 and 15A NCAC 18A .3202. A separate application must be completed for each permit.
- Preparation:** Each tattoo artist must complete and sign a separate application for each location where he or she will engage in tattooing within the state of N.C. the completed application must include the full name, mailing address and signature of the tattoo artist, the name and street address of the tattoo establishment and the anticipated date of commencing operation.
- Submission:** The completed application must be submitted to the local Health Department in the county where the tattoo establishment is located at least 30 days before commencement of operation. The local Health Department may require payment of fees or additional information upon submission of the application.

0276  
H

ID# \_\_\_\_\_

### TATTOO ARTIST DATA SHEET

Complete and submit with Tattoo Permit Application

RECEIVED

APR 2 - 2025

#### ARTIST INFORMATION:

Name: Nicholas Chism

Establishment Name: Feros Fero Ink

Tattoo training/bloodborne pathogen class:  
Location American Red Cross Date: 4/1/25

Name/location of establishment where previously employed: Blood Sweat & Gears  
Tattoo's

#### FACILITY INFORMATION:

Water Supply:  County/Community  Private Well\*

\*Private water supply wells must comply with the construction requirements of 15A NCAC 18A .1700 and 15A NCAC .0100 2C.

Sewage Disposal:  County/Community  On-Site System\*

\*On-site wastewater systems must be specifically approved for the proposed use and be permitted by the department or other regulatory agency.

#### TATTOO EQUIPMENT & PROCEDURES:

Number of artists in establishment: 1

Number of dedicated hand wash sinks provided in tattooing area(s): 2

Disinfectant(s) to be used: Cavicide, Madicide

Germicidal solution to be used on patron: Green Soap

What type of tattooing equipment to be used:  Disposable  Multi-use\*

If multi-use equipment will be used provide the make/model number of the autoclave:

Name, address, telephone number of company contracted to process autoclave endospore tests:

\*Attach a copy of the current test result for the autoclave to this application.

Is there a separate dedicated sink for cleaning equipment? NO

If yes, describe equipment and location:

What will be used to cover a tattooed area once complete: non stick Gauze pad/SaniDerm

Will microblading be offered? no

If yes, describe equipment that will be used:

Will permanent make-up equipment be used? no

If yes, provide make/model of machine(s):

Brunswick County Environmental Services  
PO Box 9 Bolivia, NC 28422  
(910) 253-2150

**Applicant** NICHOLAS CHISM FEROS FERIO INK  
**Project Number** 2025103289  
**Payment Date** 4/21/2025  
**Payment Method** CASH  
**Payment Amount** \$250.00  
**Check Number**  
**Received By** rasheedah salley-bry

Permit Number	Description	Permit Amount	Permit Payment Amount	Amount Due
1000	NEW TATTOO APPLICATION	\$250.00	\$250.00	\$0.00



Score: N/A

Health Department 10

Inspection of  
Tattoo Establishment

\*Inspection Date 04/23/2025

Current Facility ID 7010610276

\*status Code A

Old Facility ID \_\_\_\_\_

Water Supply:  Municipal/Community  On-Site Supply  
Wastewater:  Municipal/Community  On-Site System

Water sample taken today?  Inspection  Name Change  
 Yes  No  Re-inspection  Verification of Closure  
 Visit  Status Change

\*Establishment Name: FEROS FERIO INK

Name Of  
Tattoo Artist: NICHOLAS E CHISM

Location Address: 107 A E 8TH ST

Mailing Addr: 1005 BAY ST SW 28462

City: SOUTHPORT State: NC Zip 28461

City: SUPPLY State: NC Zip 28462

Comments:

**\*\* SEE COMMENT SHEET ATTACHED \*\***

**RECORDS: (.3206; .3208)**

- 1. Records maintained for each patron include name, address, phone number, date of birth, and signature \_\_\_\_\_
- 2. Monthly records of bacterial endospore destruction tests maintained for each autoclave \_\_\_\_\_

**TATTOO ROOM: (.3205; .3207; .3208; .3210)**

- 3. Separate and apart from areas used for other purposes \_\_\_\_\_
- 4. Separate work stations for each artist \_\_\_\_\_
- 5. Room clean and good repair \_\_\_\_\_
- 6. Furniture easily cleanable, kept clean \_\_\_\_\_
- 7. Instruments, dyes, carbons, stencils kept in clean closed containers, case or storage cabinet \_\_\_\_\_
- 8. Sterile instruments packaged in sterile containers \_\_\_\_\_
- 9. Rigid solid waste container with plastic liner \_\_\_\_\_
- 10. No animals or use of tobacco in tattoo room \_\_\_\_\_
- 11. No eating or drinking by artists in tattoo room \_\_\_\_\_

**LAVATORY: (.3203; .3204; .3207; .3208)**

- 12. Accessible to tattoo room \_\_\_\_\_
- 13. Use restricted to tattoo artists \_\_\_\_\_
- 14. Clean and good repair, kept free of storage \_\_\_\_\_
- 15. Hot and cold water under pressure, mixing faucet \_\_\_\_\_
- 16. Antiseptic soap and germicidal solution provided \_\_\_\_\_
- 17. Individual scrub brushes and fingernail files or orange sticks provided for each artist \_\_\_\_\_
- 18. Individual disposable hand towels provided \_\_\_\_\_
- 19. Approved water supply and sewage disposal \_\_\_\_\_

**TATTOOING PROCEDURES: (.3208; .3209)**

- 20. Hands washed thoroughly before each patron \_\_\_\_\_
- 21. Clean disposable latex gloves worn \_\_\_\_\_
- 22. Clean gown or lap cloth used \_\_\_\_\_
- 23. Sterile instruments handled by aseptic technique \_\_\_\_\_
- 24. Ink dispensed into disposable ink caps \_\_\_\_\_
- 25. Skin examined and only healthy skin tattooed \_\_\_\_\_
- 26. New disposable or sterile razor used \_\_\_\_\_
- 27. Germicidal solution applied to skin \_\_\_\_\_
- 28. Only new sterile needles used \_\_\_\_\_
- 29. Tattoo cleaned and sterile dressing applied \_\_\_\_\_

**PRECAUTIONS: (.3207; .3208; .3209)**

- 30. Blood and body fluid precautions taken \_\_\_\_\_
- 31. Protective coverings & lap cloths removed & disposed of or laundered \_\_\_\_\_
- 32. Contaminated Equipment cleaned and disinfected \_\_\_\_\_
- 33. Contaminated instruments properly stored, cleaned, and autoclaved \_\_\_\_\_
- 34. Needles removed and placed in sharps container \_\_\_\_\_


**MISCELLANEOUS: (.3205; .3207; .3210)**

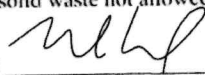
- 35. Poisons in covered, labeled containers \_\_\_\_\_
- 36. Premises free of vermin, flies, or mosquito breeding places \_\_\_\_\_
- 37. Outdoor solid waste in watertight containers with tight lids, properly secured \_\_\_\_\_
- 38. Litter and solid waste not allowed to accumulate \_\_\_\_\_

Comment Sheet Attached?

Yes  No

Rept

Received by: 

Inspection by: 

EHS I.D. #2078 - KESSEL, ROBERT

**Purpose:** General Statute 130A-283 requires the Commission for Health Services to adopt rules governing tattooing. 15A NCAC 18A .3200 specifies the requirements for tattoo artists. This form is developed to be used in making inspections of tattoo establishments. **Preparation:** Local environmental health specialists shall complete the form every time they conduct an inspection. Based on observations and information provided by the tattoo artist, place a check mark beside each item to indicate compliance with the applicable rules. Prepare an original and one copy for: **1.** Original to be left with tattoo artist. **2.** Copy for the local health department. Specific deficiencies are underlined. If additional explanation is needed, use another sheet. **Disposition:** Please refer to Records Retention and Disposition Schedule 8.B.6., for County District Health Departments which is published by the North Carolina Division of Archives & History. Additional forms may be ordered from: Division of Environmental Health, 1632 Mail Service Center, Raleigh, NC 27699-1632. (Courier 52-01-00)

