



**CITY OF SOUTHPORT
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA
113 W. MOORE STREET
September 23, 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. Explanation of Quasi-Judicial Process**
- E. New Business**
 - 1. SUP-25-02 — 204 N Rhett St — Modification to SUP
- F. Other Business**
- G. Adjourn**

STAFF REPORT

204 N. Rhett Street

MODIFICATION to SPECIAL USE PERMIT

APPLICATION SUMMARY	
Presentation Date	September 23, 2025
Applicant	Eric Gibbel
Property Owner	August Adams
Parcel ID:	238HG01101
Project Acreage	.27 acres/ 11,700 SF
Existing Land Use	Single-Family Residential
Zoning District	R-10
Request:	To modify the Special Use Permit issued on April 22 nd , 2025. The modification is to increase the square footage of the second floor dwelling space and in doing so, relocate the stairwell.

BACKGROUND

Eric Gibbel, on behalf of the property owner, August Adams, is requesting a modification to the Special Use Permit, SUP-25-02, for the purpose of increasing the square footage of the upper-level dwelling space by 72 square feet. The proposed modification will require the relocation of the staircase, which serves as the ingress/egress to the Accessory Dwelling Unit (ADU).

REVIEW PROCESS AND CONTEXT

A Special Use Permit requires oversight and review by the Board of Adjustment via a quasi-judicial proceeding. At a regularly scheduled Board of Adjustment that has been publicly notified, Board members shall review the proposed SUP and staff’s written comments prior to approving, approving with conditions, or denying. Approval and revocation procedures regarding SUP are found in Section 2.7.C of the UDO.

LOCATION

The subject property is located at 204 N. Rhett Street and can be further identified by Brunswick County Parcel ID 238HG01101. This is a .27-acre site located within a residential, R-10, district in the City of Southport. All adjacent properties are also zoned R-10.



Aerial Image of Subject Property and Surrounding Community



Zoning Image of Parcel and Adjacent Lots

SUP-25-02 DESCRIPTION

Special Use Permit, SUP-25-02, was heard at the regular Board of Adjustment meeting held April 22, 2025. The applicant's request was for an ADU above the detached garage. After hearing the staff's presentation and reviewing the staff report, the Board opened the meeting to the applicant, who was not present. The Board then closed the open meeting and deliberated and determined that the proposal met all the specific use standards established in UDO Section 3.6.C:

Where permitted, the following shall apply:

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

The proposed dwelling unit will be detached from the principal residential structure by way of the garage.

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

The principal use of the lot is for a single-family dwelling unit. The primary structure is an existing single-family residence on Rhett Street.

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

There are no other accessory dwelling units on the property.

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

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

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

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

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

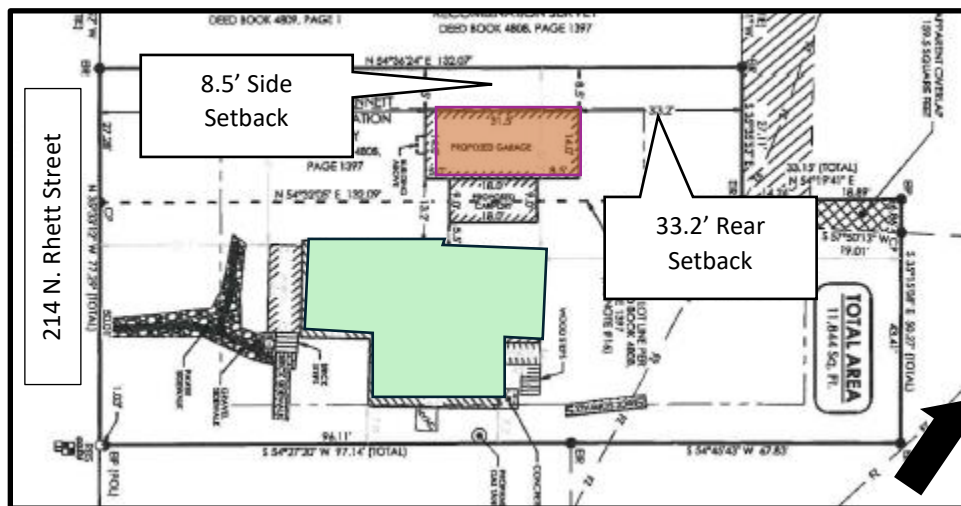
There is parking available on the driveway.

7. The accessory dwelling shall not exceed 800 SF.

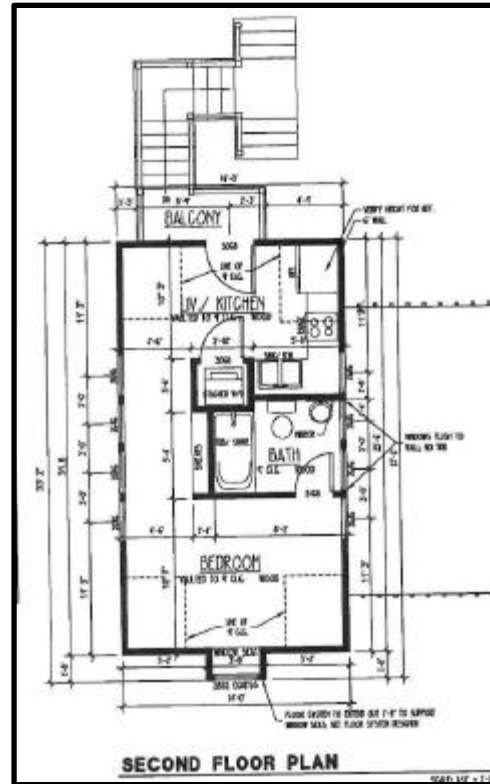
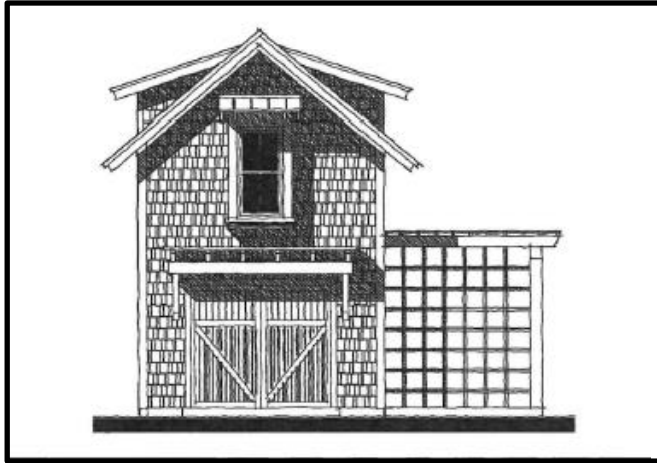
The proposed accessory dwelling is 464 SF.

8. Detached garages with a second-floor accessory residential dwelling may not exceed a ground-level building footprint area of 530 square feet and shall be constructed behind the front building line, except as allowed for riverfront lots, provided they are located no closer than five (5) feet to any adjoining property line.

The detached garage first floor is 464 square feet (31'.5"x14').



April 22nd, 2025, Approved Site Plan



April 22nd, 2025, Approved Site Plan

MODIFICATION TO SUP-25-02

In early August, the applicant requested a modification to their ADU. Per UDO 2.6.J.1, staff are authorized to make “insignificant deviations” from approved permit/plans.

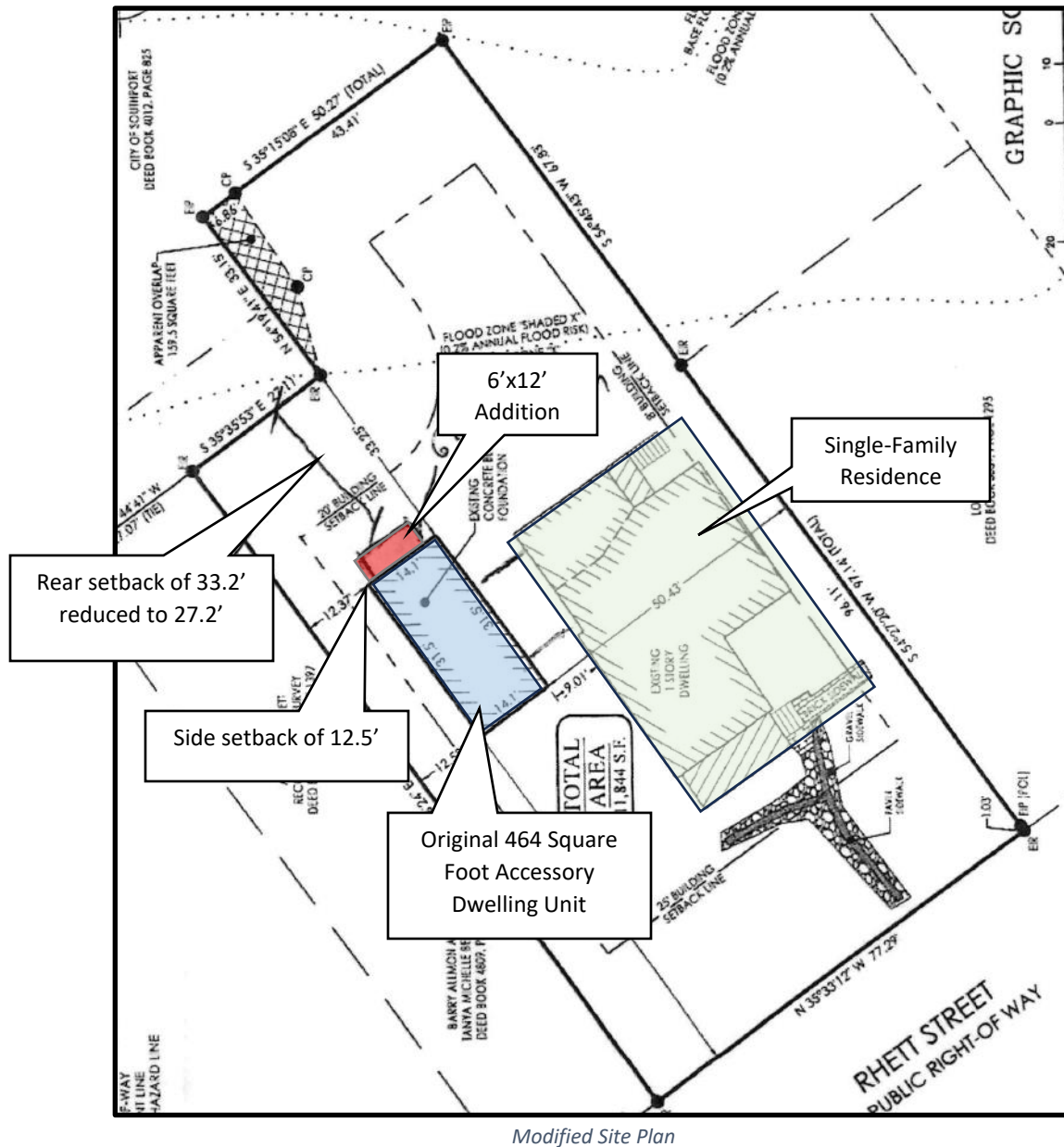
J. MODIFICATION OF PERMITS OR APPROVALS

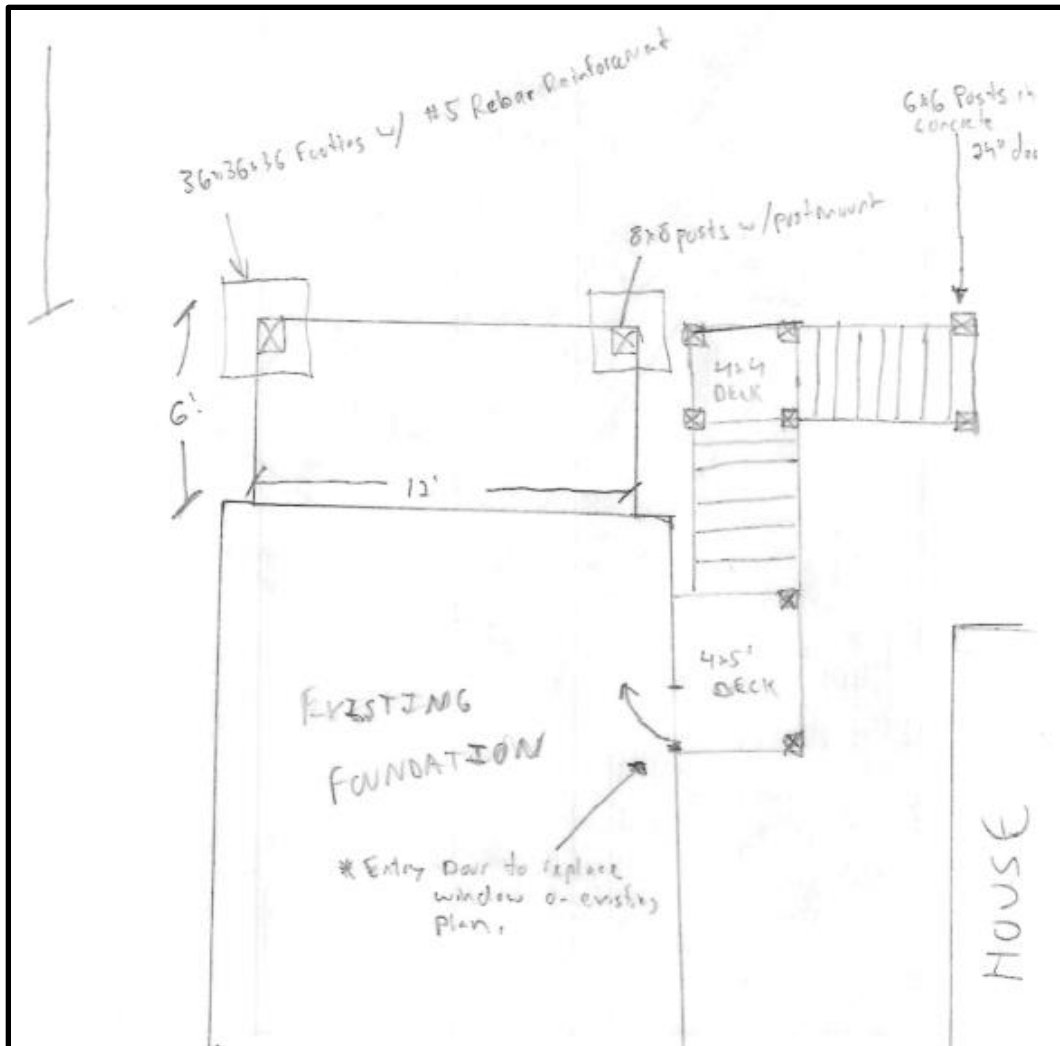
1. *Insignificant deviations from the permit (including approved plans and conditional district rezoning) issued by the Board of Aldermen, the Planning Board, the Board of Adjustment, or the UDO Administrator are permissible and the UDO Administrator may authorize such insignificant deviations unless classified as a major change as provided below.*

The request was to relocate the exterior staircase from the rear of the property to the eastern side, so that the applicant can add 72 square feet to the dwelling unit, taking the square footage from the approved 464 square feet to 536 square feet. The extension would be a 6’x12’ cantilevered addition that displaces the staircase. The rear setback would be reduced from 33.2’ to 27.2’. The support footings for the addition will be 36”x36”x36” rebar reinforced concrete supporting 8x8 posts. Per UDO 2.6.J.2, staff are not authorized to approve deviations that are classified as a major change.

2. *Major changes to approved permits, plans, and conditions of development may be authorized only by the permit issuing authority in the same manner as outlined in this article for original submission. Major changes include, but are not limited to:*

- a. Change in use.
- b. Any increase in development density; such as, increase in density of units, whether residential, office, commercial or industrial; an increase in number of off-street parking or loading spaces; or an increase in impervious surface area.
- c. An increase in overall ground coverage by structures.
- d. A change in any site dimension by more than 10 percent.
- e. A reduction in approved open space or screening.
- f. A change in access and internal circulation design.





Modified Site Plan Drawing

STAFF SUMMARY

The applicant requests to modify their approved Special Use Permit issued in April 2025. The request is for an additional 72 square feet attached to the rear of the upper-level dwelling space. This additional square footage increases the approved ADU's dimensions by over 15% and requires footings which increases the total ground coverage. The addition also involves relocating the point of access to the eastern side of the ADU. The request qualifies as a major modification requiring further review and determination from the Board of Adjustment.

Staff find that the application is complete, and the modification to the ADU does not deviate the project from the established UDO standards.

SPECIAL USE PROCESS

The special use permit modification request 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 modification to 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: FINDINGS OF FACT

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*** 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 not*** materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;

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

Finding of Fact: _____

Motion 2:

_____ 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*** adversely affect the use or any physical attribute of adjoining or abutting property or that the use is a public necessity;

_____ 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 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 **denial** of the special use application based on the following:

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

Recommends approval of the special use application with no conditions.

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

Attachments:

1. Modification Application
2. SUP-25-02 Application
3. Site Plans
4. SUP-25-02 Findings of Fact



Special Use Permit

City of Southport, North Carolina

1029 N. Howe St, Southport NC 28461

www.southportnc.org

Planning & Inspections

Phone 910-457-7961 Fax 910-457-7957

Modified SUP - 25-02



For Staff Use Only

PERMIT No. PM SUP-25-02

FEE: \$ 250.00

Date Received: [Signature]

Applicant's Name: Eric Gibbel

Mailing Address: 826 N Lord St City: Southport

State: NC Zip Code: 28461 Phone: 217-730-1434

Email: gibbelep@me.com

Property Owner's Name: August Adams

Address of Owner: 410 E Bay St. City: Southport

State: NC Zip Code: 28461 Phone: 217-730-1434

Email: gibbelep@me.com

Address of the property: 204 N Rhett St. City: Southport

State: NC Zip Code: 28461 Zoning District of Property: SP-R-10

Overall Acreage: .27 Minimum Area Requirement for Zoning District: 10,000 sqft

Special Use Permit Request: Owners would like to make small alteration to their previously approved ADU. They would like to add a 6ft x 12ft area to the rear of the 2nd floor layout.


Zoning of Adjacent Lots: R-10

Design Professional: <u>Transystems</u>	License #: <u>F-0453</u>
Mailing Address: <u>101 Autumn Hall Dr. Suite 210</u>	City: <u>Wilmington</u>
State: <u>NC</u>	Zip Code: <u>28403</u>
Phone: <u>910-550-3249</u>	Email: <u>wdoyle@transystems.com</u>

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

Application Materials and Submittal:

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



Signature (Owner or Authorized Applicant)

8/20/2025

Date

APPROVED:

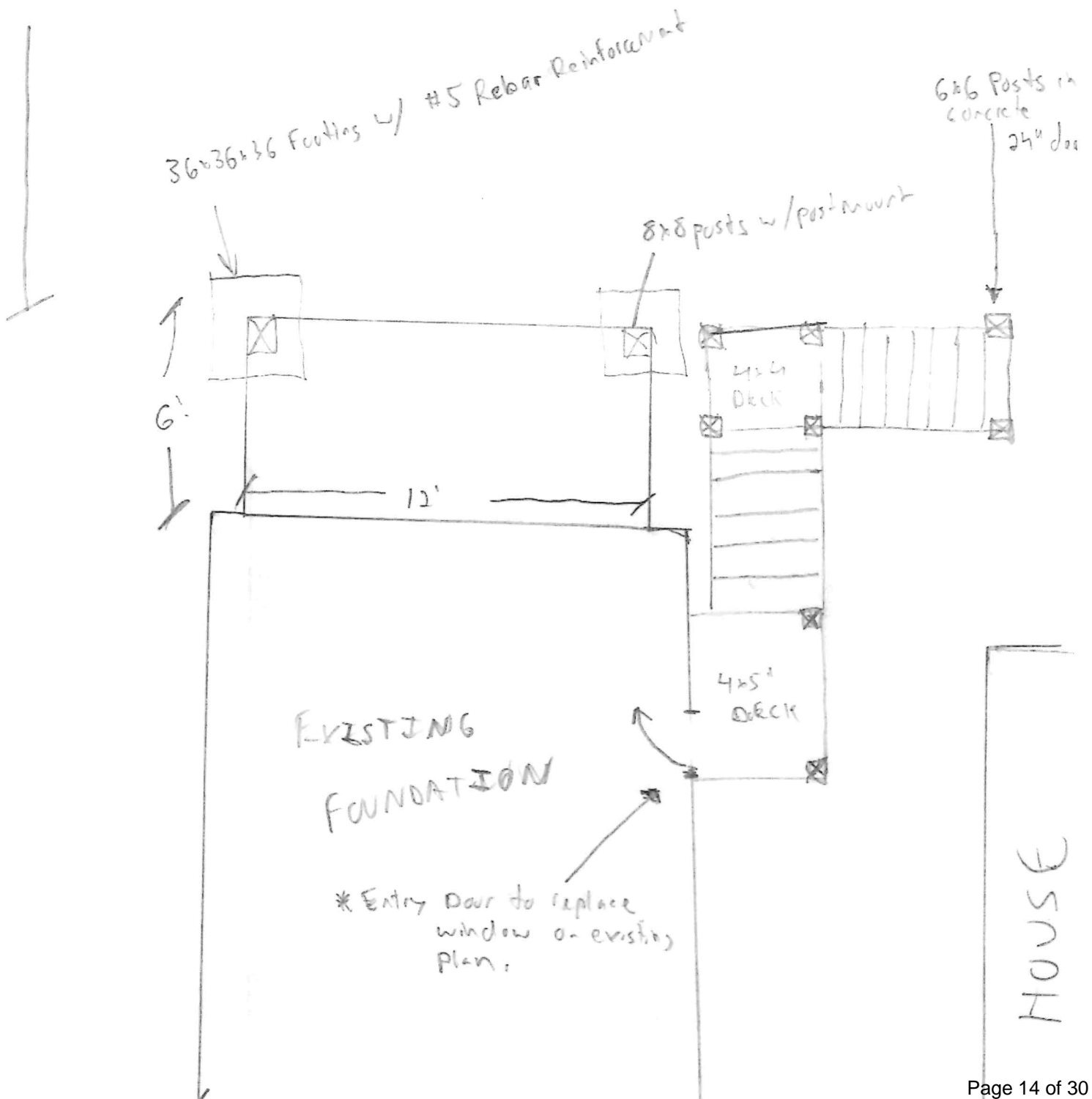


UDO Administrator

Aug 22, 2025

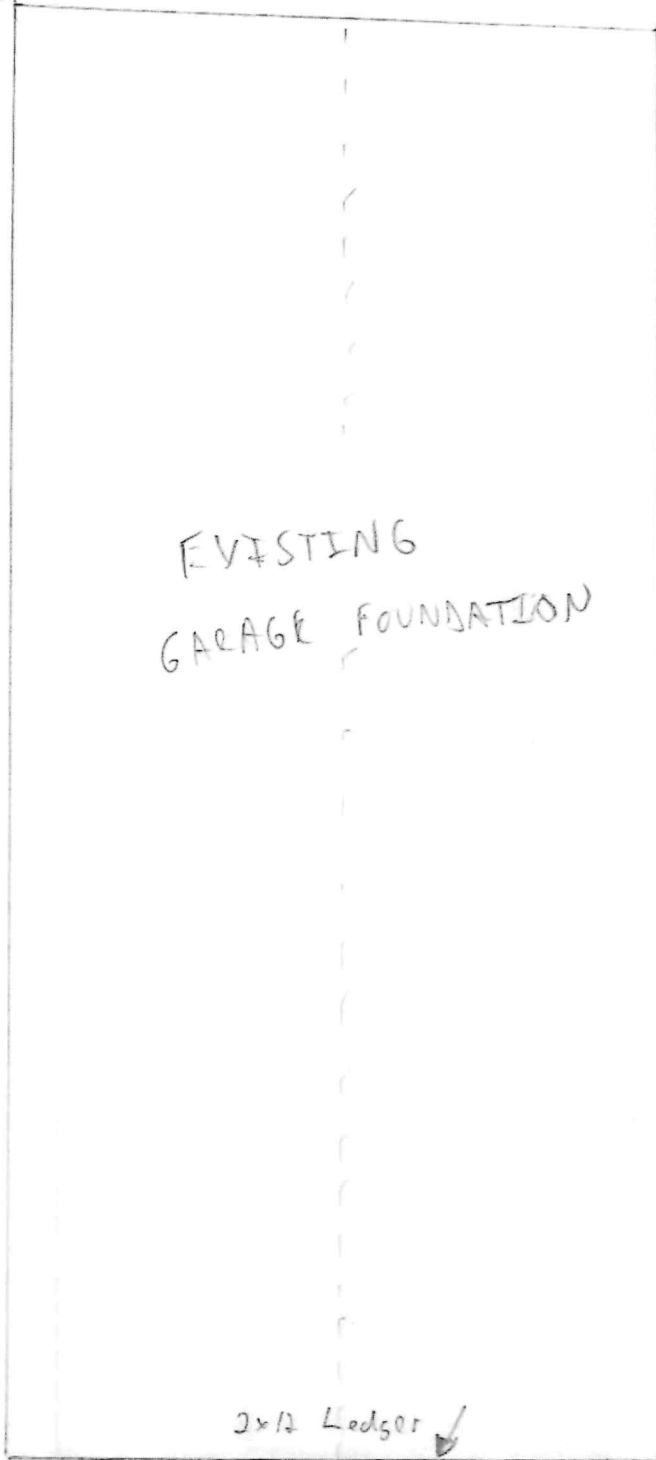
Date

FOUNDATION / FOOTERS



KAREN STREET ↑

14'



31' 6"

EXISTING
GARAGE FOUNDATION

2x12 Ledger

1 1/8" TJI's
on 16" centers
same as existing
garage.

725#
ADDITION
2ND FLOOR
ONLY

6'

4 1/4"

2 - 1 1/8" LVL
Beams

8x8 Treated
Posts attached
w/ post mounts

12

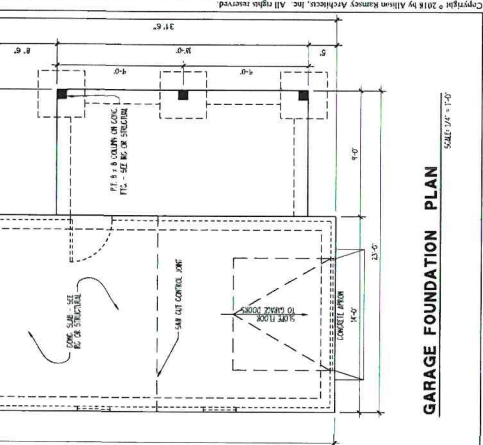
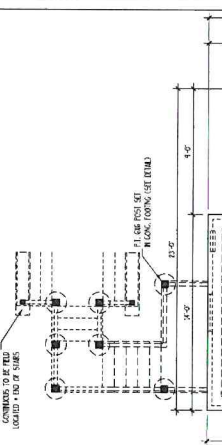
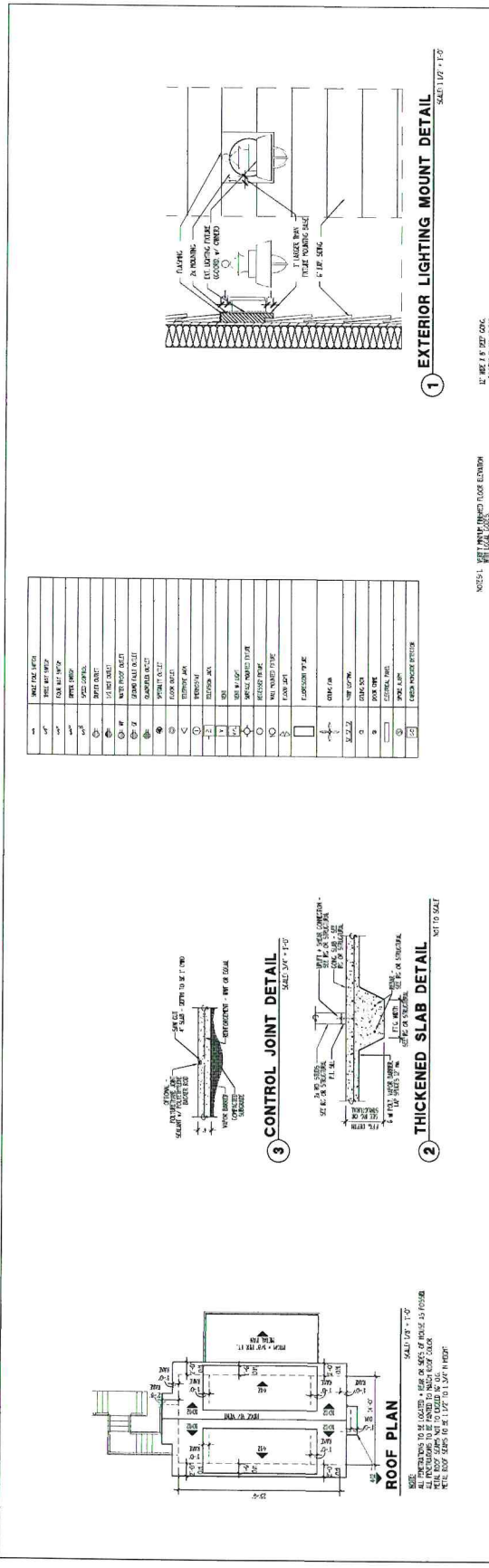
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1 - 1 1/8" TJI w/ blocking

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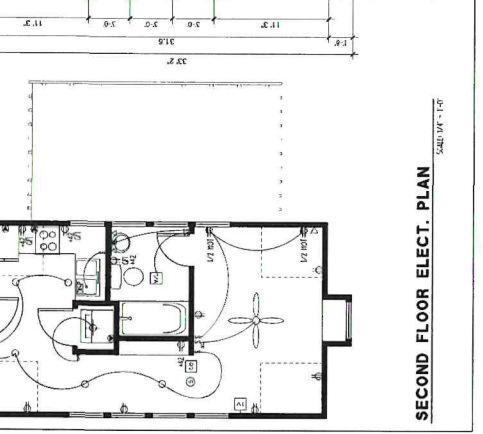
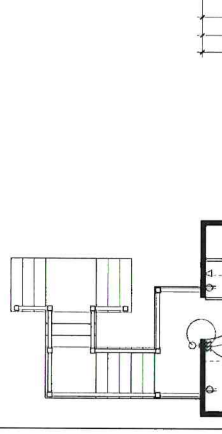
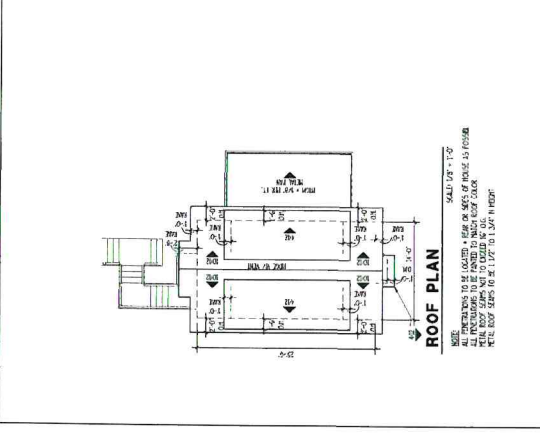
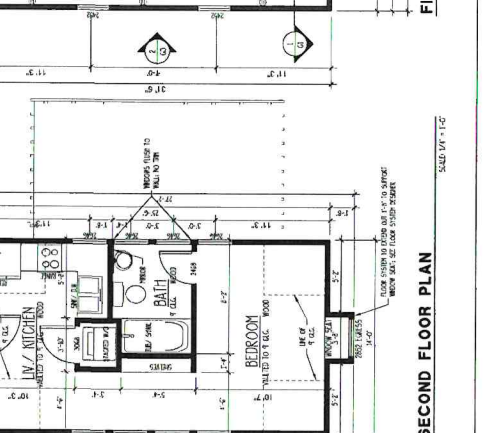
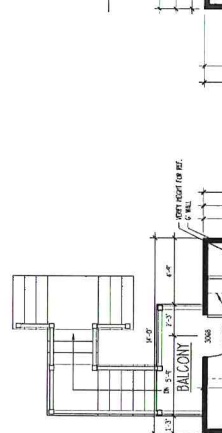
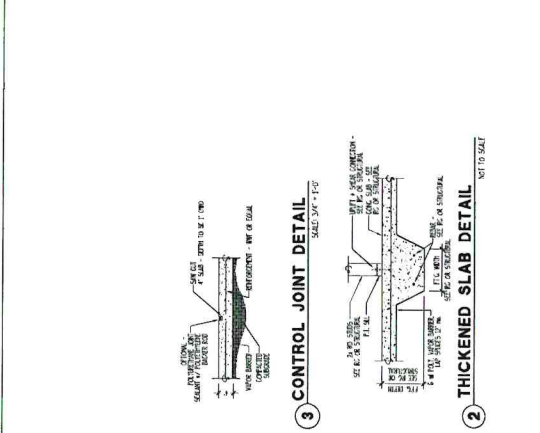
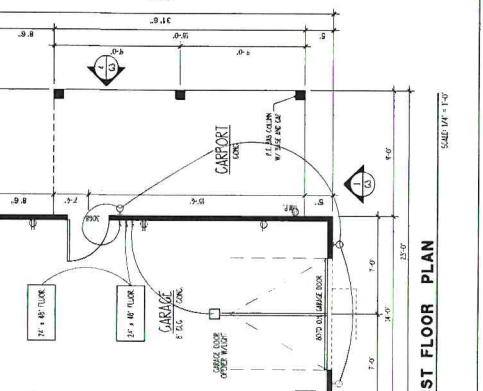
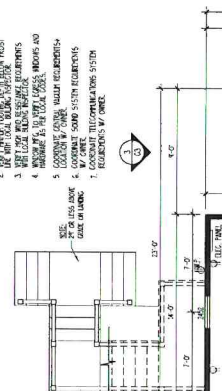
ALISON RAMSEY
Architects - Consulting Mechanical, Electrical & Plumbing
1000 CHESAPEAKE
BETHESDA, MD 20814
www.alisonramsey.com

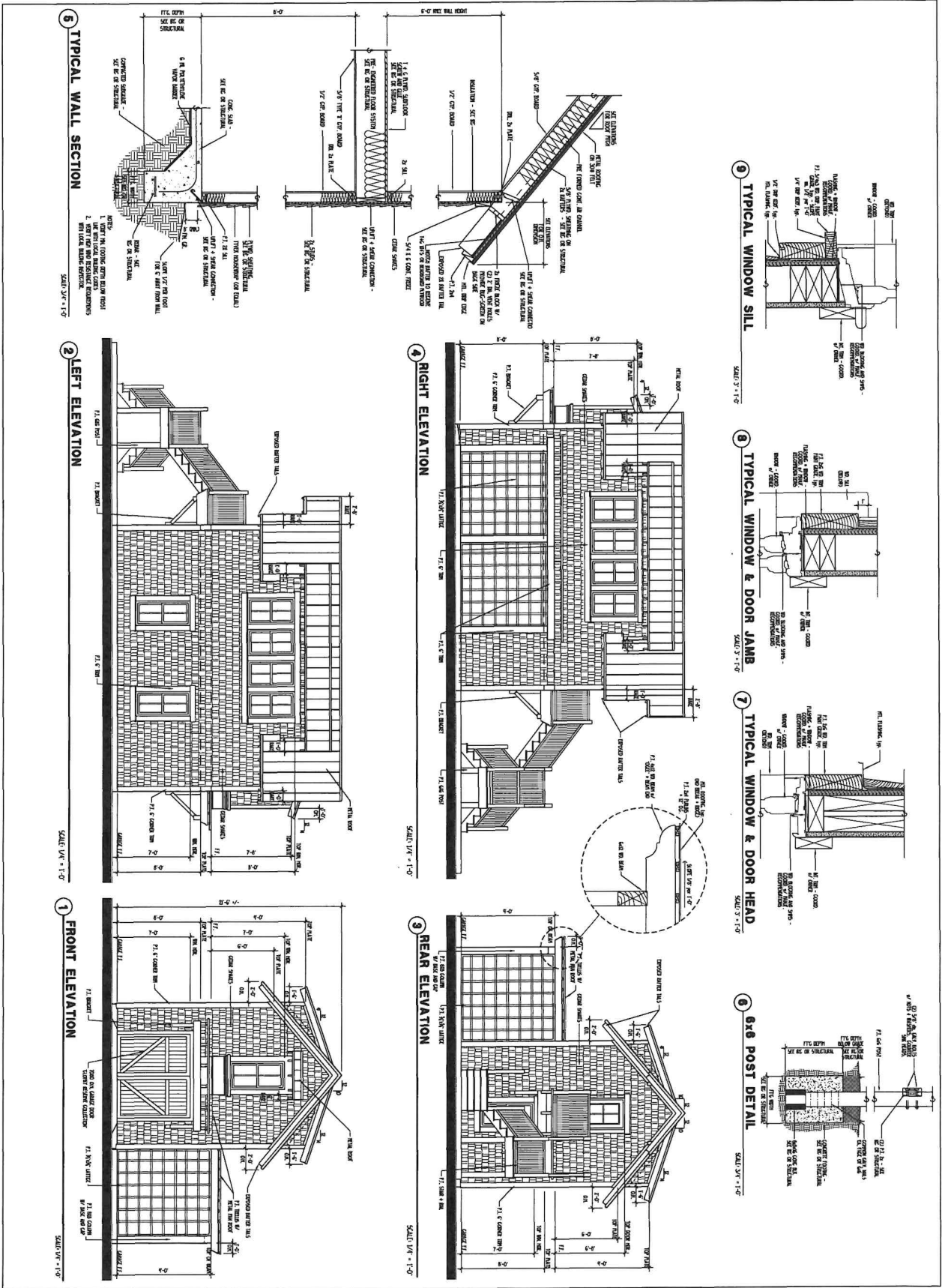
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DATE	03/27/2016
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DRAWING NAME	G0063.DWG

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www.allisonramseyarchitect.com

G0063



Special Use Permit

City of Southport, North Carolina

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

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

For Staff Use Only

PERMIT No. SUP-25-02

FEE: \$ [#]250

Date Received: _____

Applicant's Name: Eric Gibbel

Mailing Address: 204 N Rhett St City: Southport

State: NC Zip Code: 28461 Phone: 910-931-0008

Email: ERIC@GIBBELCONSTRUCTION.COM OR GIBBELEP@ME.COM ^(city)

Property Owner's Name: August Adams

Address of Owner: 410 East Bay St City: Southport

State: NC Zip Code: 28461 Phone: 217-730-1434

Email: AUGUSTADAMS@HOTMAIL.COM

Address of the property: 204 N Rhett st City: Southport

State: NC Zip Code: 28461 Zoning District of Property: SP-R-10

Overall Acreage: .27 / 11,761 Minimum Area Requirement for Zoning District: 10,000 sqft

Special Use Permit Request: Constructing a detached garage with additional dwelling unit above it.
New living space will serve as a guest room for visiting family members.

Zoning of Adjacent Lots: SP-R-10 Parcel ID: 238HG01101

Design Professional: Transystems License #: F-0453
 Mailing Address: 101 Autumn Hall Dr. Suite 210 City: Wilmington
 State: NC Zip Code: 28403
 Phone: 910-550-3249 Email: wdoyle@transystems.com

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

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Signature (Owner or Authorized Applicant)

3-24-2025

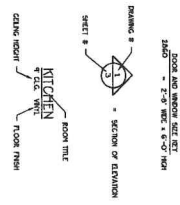
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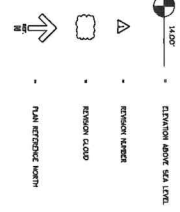
UDO Administrator

Date

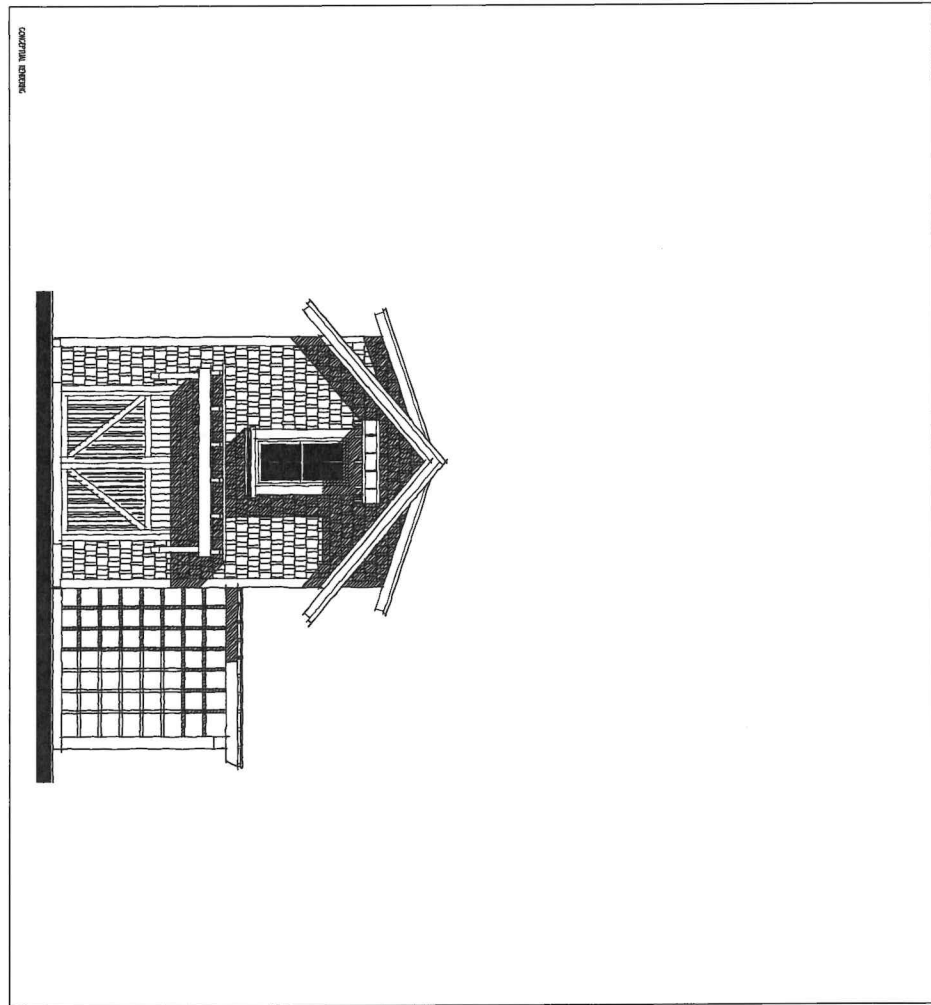
SYMBOLS + KEYS



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G0063

DRAWING INDEX

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GENERAL INFO.

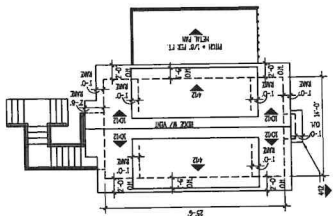
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DATE	03/27/2018
JOB NO.	G0063
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ISSUED BY	G0063/JRS

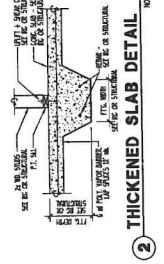
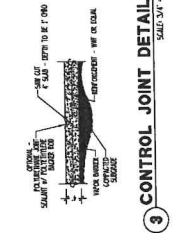
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 Beaufort SC, 29902
 (843) 764-0599
 www.allisonramseyarchitect.com

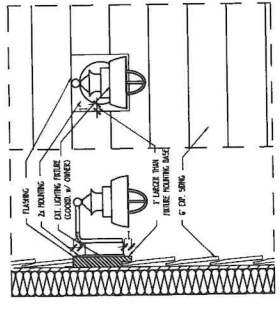
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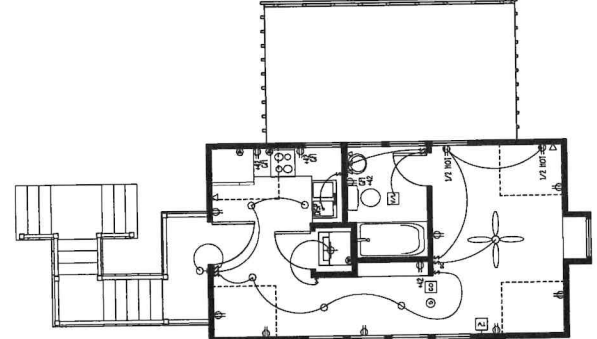
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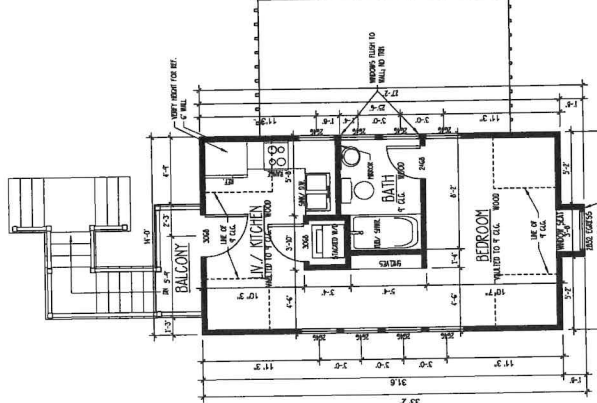
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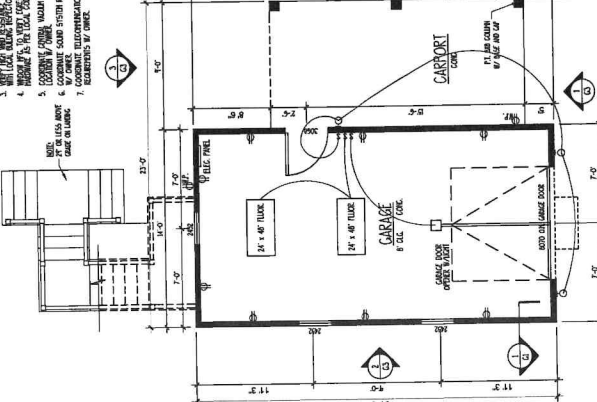
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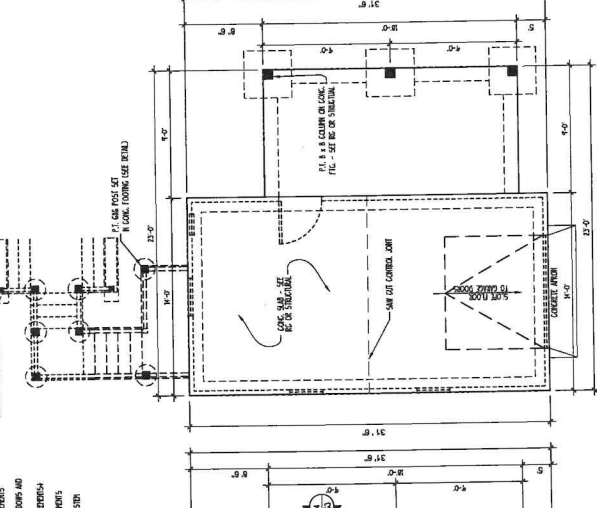
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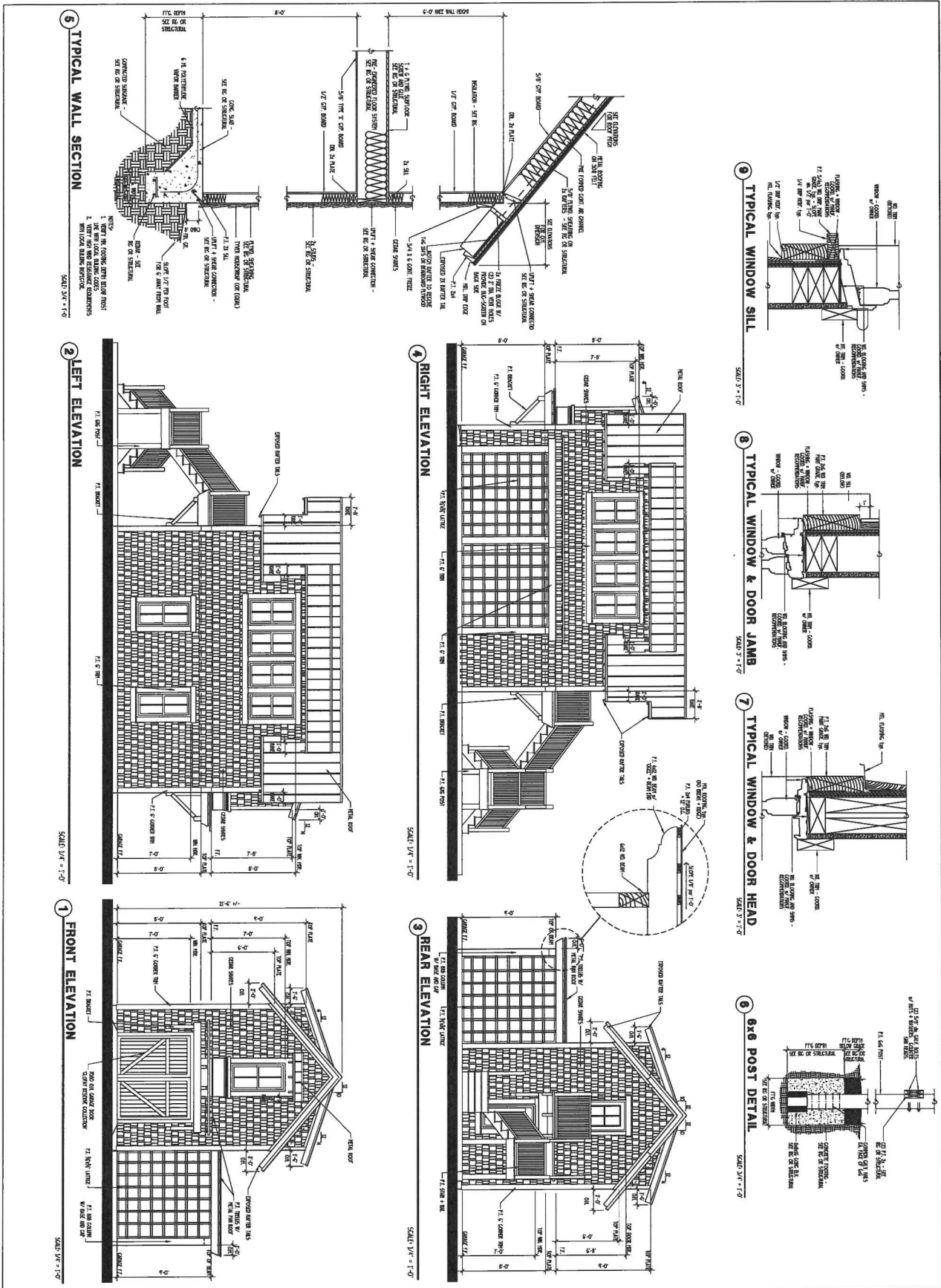
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DATE	03/27/2018
NO. NO.	0003
REV. NO.	015
REVISION	CONSTRUCTION

THIS PLAN HAS BEEN REVIEWED TO BE IN ACCORDANCE WITH THE CITY OF CHARLOTTE, NORTH CAROLINA, AND THE STATE OF NORTH CAROLINA, AND THE FEDERAL GOVERNMENT. ALL DIMENSIONS TO BE PARTIAL TO WHOLE UNLESS OTHERWISE NOTED. ALL DIMENSIONS TO BE PARTIAL TO WHOLE UNLESS OTHERWISE NOTED. ALL DIMENSIONS TO BE PARTIAL TO WHOLE UNLESS OTHERWISE NOTED.

ALISSON RAMSEY ARCHITECTS
1000 CHARLOTTE ST.
RICHMOND, VA 23220
(804) 984-0559
www.alissonramseyarchitect.com

G0063



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DATE	03/27/2018
JOB NO.	G0063
DRAWN BY	JFS
ISSUED BY	CS/CLK

This plan was prepared to meet professional standards and practices. It is the responsibility of the purchaser of this plan to verify the accuracy of the information contained herein and to ensure that the plan is suitable for the intended use. The purchaser is advised that the plan is not to be used for any other purpose without the written consent of Allison Ramsay Architects, Inc. All dimensions are in feet and inches unless otherwise noted. The purchaser is advised that the plan is not to be used for any other purpose without the written consent of Allison Ramsay Architects, Inc. All dimensions are in feet and inches unless otherwise noted.

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 Beaufort SC, 29902
 (843) 986-0539
 www.allisonramsayarchitect.com

G0063



**CITY OF SOUTHPORT
PLANNING & ZONING**

1029 N. Howe Street, Southport, NC 28461

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

Maureen Meehan, Director

September 18, 2025

ATTN: Mr. Stephen R. Outten
Bailey & Busby PLLC
7110 Wrightsville Ave., #A-1
Wilmington, NC 28403

RE: Zoning Verification Letter; 5020 J. Swain Blvd., Southport, NC 28461; Parcel ID:
2210000209

Mr. Outten,

The Office of City Planning is responsible for administering, interpreting, and enforcing the Unified Development Ordinance (UDO) of the City of Southport. Based upon our review of our records, we hereby certify as follows:

1. As of the date hereof, the above property is classified as Highway Commercial (HC) zoning district. The HC district has the following dimensional characteristics:
 - a. Minimum 10,000 square feet (subject lot is 96,268 square feet)
 - b. Minimum lot width of 75 feet (subject lot is approximately 268 feet wide)
 - c. Minimum front setback of 25 feet
 - d. Minimum rear setback of 20 feet
 - e. Minimum side setback of 8 feet
 - f. The maximum height of any structure is 40 feet
2. The above property is parcel G of the Dutchman Village development.
3. The adjacent properties are zoned as Highway Commercial and are also part of the Dutchman Village development.
4. The UDO permits the operation and use of this Property for the following uses: *Restaurant, Carry-Out; Restaurant, Standard & Fast-Food; and Alcoholic Beverages, Packaged, Retail Sales.*
5. For a full detailed list of land uses permitted by right within the HC zoning district, refer to UDO Article 3, Table 3.1.
6. Please refer to the attached document, Dutchman Village Covenants and Restrictions, for a list of prohibited land uses.
7. To my knowledge, there are no present violations of the UDO with respect to the property.
8. Currently, there are no plans to make changes to the City's Land Use Plan, or the zoning classification of this property.



**CITY OF SOUTHPORT
PLANNING & ZONING**

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

Maureen Meehan, Director

This information was researched on September 18, 2025, by the undersigned at the request of and as a public service. The undersigned certifies that the above information contained herein is believed to be accurate and is based upon, or relates to, the information supplied by the requestor.

The Authority assumes no liability for errors or omissions.

All information was obtained from public records, which may be inspected during regular business hours.

Sincerely,

Wendell E. Biddle

City Planner

City of Southport

Development Services