



**CITY OF SOUTHPORT
BOARD OF ADJUSTMENT
REGULAR MEETING
113 W. MOORE STREET
October 22, 2024
4:30 PM**

Minutes

Present: Pete Haislip, Jason Robbins, Harley Lemons, Loten Masker, Josh Cline McGee

Staff Present: Maureen Meehan, Planning Services Director
Wendell Biddle, City Planner
Noah Saldo, City Clerk

- A. Chairman Haislip called the meeting to order at 4:30 p.m.
- B. Chairman Haislip led the attendees in the Pledge of Allegiance

C. Explanation of Quasi-Judicial Process

- 1. Quasi-Judicial Process
Chairman Haislip provided an overview of the quasi-judicial process for the public.

D. New Business

- 1. *Variance Request: 101 N Atlantic Ave* [Wendell Biddle]
The meeting focused on a variance request concerning the rear lot setback for 101 North Atlantic Avenue. Hailey Arvidson from Kelly Construction, discussed the necessity for the variance to allow the construction of a new laundry room and full bath for the applicant, Mr. Brian Kelley. Various presenters explained the lot's history and presented sketches showing the existing and proposed site plans.

Mr. Biddle articulated the variance necessity due to the lot being legally non-conforming, unable to meet current R10 zoning standards. The applicant proposed reducing the setback from 12 feet to 4 feet to accommodate additional construction.

Questions arose regarding a non-conforming accessory dwelling located in the corner of the lot.

Mr. Siddell clarified that the accessory dwelling would be demolished, but the existing fence would remain.

Mr. McGee raised questions about the setback calculations. Mr. Siddell explained how the setbacks were determined and noted that the proposed remodel should not impact the sideline setback. Mr. Siddell also indicated that while he had not specifically explored the matter, he believed the structure would not interfere with the fire separation line between buildings.

Mr. Robbins expressed concerns regarding fire safety and the impact of reduced setbacks.

Ms. Meehan was sworn in and presented findings from the special use permit of an adjacent property. She stated that the neighboring house is set back over 26 feet from the property line, as measured from the property line to the corner of the home.

Ms. Arvidson was sworn in and explained that the current laundry room is located in the accessory structure being referenced. She clarified that the proposed addition would not encroach as far as the existing structure.

A discussion arose regarding the possibility of a pool on the property. Mr. Siddell clarified that the pool is not part of this application and would require a separate application process.

Mr. Robbins and Mr. McGee both questioned the design of the proposed addition, with Mr. McGee stating he did not see a hardship since the structure could potentially be reoriented to comply with setback requirements. Ms. Arvidson addressed the concerns, stating that reorienting the design would create aesthetic and functional challenges, including limited access to the exterior and egress issues. She explained that the McPhersons' hardship arises from having to exit the home in inclement weather to access their laundry room.

Mr. McPherson was sworn in and noted that the existing fence was installed approximately 5-6 years ago. Questions were raised regarding the door leading to the neighboring yard. Ms. Arvidson explained that the exterior door is a safety feature to provide an alternative egress route in case of fire. While not a life safety expert, she emphasized that the architect designs such features to comply with safety codes. The discussion revisited the possibility of reorienting the design. Ms. Arvidson reiterated that concerns about egress and life safety issues from potential fires made the current design the most efficient and appropriate option. A comment was made by Mr. Masker suggesting that the applicant should have explored alternative options with City staff. Ms. Arvidson responded that the application process requires the demonstration of hardship, which was satisfied by showing that the McPhersons must currently leave their home to access the laundry room.

A discussion took place regarding whether the applicant would be able to resubmit the project if it were denied. Mr. Siddell clarified that the issue pertains to the variance, not the design itself. He noted that, according to the architect, redesigning the project is not feasible, which is the basis for the hardship claim.

Mr. McPherson thanked the board members for their time and stated that he is ready for a decision so that he can move forward in some manner.

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

Mr. Masker made the motion, Mr. Lemons seconded with Mr. Lemons, Mr. Masker, and Chairman Haislip voting Yes. Mr. McGee and Mr. Robbins voting No. **Motion passed 3-2**

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

Harley Results motion die for lack second

Mr. McGee made the motion, seconded by Mr. Masker with Mr. Lemons voting No. **Motion passed 3-1**

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

Mr. Masker made the motion, seconded by Mr. Lemons. Mr. Lemons, Mr. Masker, and Chairman Haislip voting Yes, Mr. McGee and Mr. Robbins voting No. **Motion passed 3-2**

Motion 4: "The requested variance is **consistent** with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice achieved."

Mr. Lemons made the Motion, Seconded by Mr. Robbins with Chairman Haislip, Mr. Lemons, and Mr. Masker voting Yes. Mr. Robbins and Mr. McGee voting No. **Motion passed 3-2**

Motion 5: Based on the findings of fact and the evidence presented, the Board of Adjustment **Denies the variance request based on one or more of the findings of facts not present.**

Mr. Robbins made the motion with Mr. McGee seconding the motion, with Mr. Lemons voting No. **Motion passed 3-1**

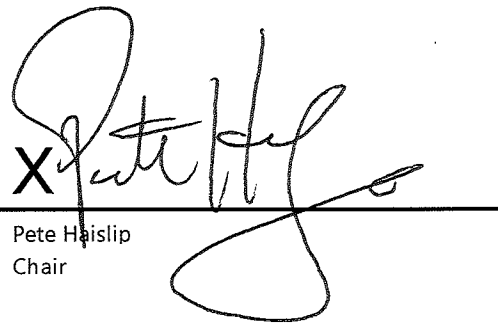
E. Approval of Minutes

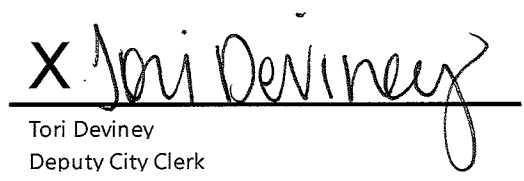
1. Minutes of the August 27, 2024 Board of Adjustment meeting

Mr. Lemons made a motion to approve the August 27, 2024 Board of Adjustment Minutes. Mr. McGee seconded the motion. **Unanimous vote. Motion Carried**

F. Adjourn

Chairman Haislip declared the meeting adjourned at 5:44 p.m.

X 
Pete Haislip
Chair

X 
Tori Deviney
Deputy City Clerk

