



**CITY OF SOUTHPORT
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA
113 W. MOORE STREET
December 4, 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. Explanation of Quasi-Judicial Process**
- D. Explanation of Proceedings**
- E. Approval of Minutes**
 - 1. September 8, 2025, Board of Adjustment Meeting Minutes
 - 2. September 23, 2025 Board of Adjustment Meeting Minutes
- F. New Business**
 - 1. Special Use Permit SUP-25-05 - 729 N. Atlantic
- G. Other Business**
- H. Adjourn**



**City of Southport
Board of Adjustment Regular Meeting
Indian Trail Meeting Hall
113 W MOORE ST
Southport NC 28461
09/08/2025
4:30 pm
MINUTES**

Present Members: Chair Pete Haislip, Vice Chair Jason Robbins, Tuck Masker, John Allen, Chris Eckert, Rodney Ross, Harley Lemons, Steve Doshier – Alternate

Staff Present: Wendell Biddle, Planner; Ray DiGuseppe, Board of Adjustment Attorney; ChyAnn Ketchum, Public Information Officer; Tori Deviney, City Clerk

Absent: None

A. Call to Order

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

B. Pledge of Allegiance

Chair Haislip led members in the recitation of the Pledge

C. Approval of Agenda

A motion was made by Mr. Lemons and seconded by Vice Chair Robbins to approve the agenda, and the motion carries unanimously.

Chair Haislip asked for a motion to approve the appointment of Steve Doshier as Alternate on the Board of Adjustment

A motion was made by Mr. Masker and Seconded by Mr. Ross to approve Steve Doshier as a Board Alternate.

The motion carried unanimously.

D. Approval of Minutes

1. April 22, 2025, Board of Adjustment Meeting Minutes
2. July 22, 2025, Board of Adjustment Meeting Minutes

A motion was made by Mr. Masker and seconded by Mr. Ross to approve the Minutes, and the motion carried unanimously

E. Explanation of Quasi-Judicial Process

Chair Haislip shared the process of the Quasi-Judicial hearing; and asked for Board comment. There were none stated.

F. Other Business

1. SUP-25-04: Special Use Permit – 107A E 8th St

Chair Haislip explained that the applicant, Mr. Nicholas Chisum, of 1005 Bay Street, Supply, had submitted a Special Use Permit (SUP) request to operate a tattoo and body-piercing establishment at 107A East 8th Street. This land use is currently listed as obsolete in the City's Unified Development Ordinance (UDO) and therefore requires classification under the most comparable existing use category. Before reviewing the details of the request, he provided context on the regulatory changes that created the issue.

City Planner Biddle reminded the Board that in 2024 the City of Southport relinquished its Extra-Territorial Jurisdiction (ETJ) to Brunswick County. As a result, Southport lost three zoning districts, Heavy Industrial (HI), Light Industrial (LI), and Manufactured Housing (MH), and with them 12 land uses that had previously been permitted, including tattoo and piercing establishments.

Prior to the ETJ relinquishment, tattoo and piercing establishments had only been allowed in the Heavy Industrial district and only via Special Use Permit, with no specific supplemental standards. Therefore, even under the former regulations, an SUP would still have been required.

Because the land use category no longer exists, staff were required to determine the most appropriate comparable use for review. Under the UDO, the closest classification is "Business, Commercial, or Other Non-Residential Use Not

Elsewhere Classified,” which is a special use in the Business District (BD). Biddle emphasized that tattoo and body piercing are not protected land uses, and the City is under no statutory obligation to accommodate them as a matter of right. Vice Chair Robbins asked about the process; and enquired about a text amendment that would need review following the loss of ETJ.

City Planner Biddle shared the process standard and the process of a text amendment; and how it relates to the Tattoo and Piercing Studio.

Mr. Lemons asked to have the slides containing the lost zoning districts from the ETJ shown again; and expressed concerns in the language among differences in the charts.

Chair Haislip shared that the charts represent the difference between the districts before the loss of the ETJ and after.

Mr. Lemons expressed concern regarding future zoning of businesses; and enquired about the process before the Board of Aldermen should the Board of Adjustment approve the request, and the subsequent process should the Board of Aldermen strike it down.

City Planner Biddle shared the details of the process to ensure the Board had clarity of what was being requested in the proposal; and shared the process before the Board of Aldermen.

Vice Chair Robbins asked if the Special Use Permit was issued for the land or just the property.

City Planner Biddle shared the limitations of the Special Use Permit and spoke to the property as it would be zoned for business.

Board Attorney DiGuiseppe spoke to the law covered by a Special Use Permit and provided clarity to what an approval vote would ensure concerning the property, land, and business use; and addressed concerns about future owners operating a Tattoo and Piercing Studio in that location.

Mr. Lemons asked if there was another way other than to either approve or deny the request for the Special Use Permit.

Board Attorney DiGuiseppe spoke to the laws concerning the permit.

Chair Haislip asked about cease and desist rules, in future violations of the permit; and sought clarity if in the case business owners chose who chose not to cease and desist.

City Planner Biddle shared his recommendations and spoke to the permitting rules.

Board Attorney DiGuiseppe addressed specific concerns regarding violations and code ordinance; and noted that the guidelines that would need to be determined to ensure the law was followed.

City Planner Biddle read the rule to the Board.

Mr. Ross asked if the permit would end once the applicant vacates the property.

Chair Haislip asked about the rules concerning business signage.

City Planner Biddle shared the permitting rules concerning signage.

Mr. Lemons expressed concerns about the process and noted that it was a different process than what had been in place before the loss of the ETJ; and enquired if separate permits would be required to add signage to the property.

Chair Haislip noted that signage was not being considered by the Board; and not subject to a decision today.

Mr. Lemons asked if there was a way to prolong the decision to know the action taken by the Board of Aldermen.

Board Attorney DiGuiseppe noted that the Board of Adjustment needed to act on the application.

City Planner Biddle noted that the applicant had submitted a substantial amount of money to open the business; and asked the Board to move forward.

Mr. Ross asked if the applicant did not realize they needed a Special Use Permit.

City Planner Biddle noted the applicant was unaware; and shared that the process typically works properly, but the zoning portion of the permit was not recognized earlier in the process.

Chair Haislip noted that the applicant tried to follow the rules in good faith; and asked if there were any other questions.

Mr. Masker asked if Staff's recommendation had been presented with the findings.

City Planner Biddle shared that it had been included in the documents the Board received.

Chair Haislip introduced the applicant and asked him to say a few words.

Chair Haislip swore in the applicant, Nicolas Chisom.

Mr. Chisom shared more background on the Tattoo and Piercing Studio; and noted that that the Studio would be located within other adult-oriented businesses; and shared the public outpouring in support of the Studio; and addressed the quality and safety of the work, including following all state safety standards; and noted that he hoped the business would add creative expression and encourage economic growth; and shared his journey toward reaching his goal of opening the Studio; and that he has both the support of family and other business owners in the community; and emphasized his belief that the Studio will be a long-term establishment in Southport.

Chair Haislip enquired about the hours of operation.

Mr. Chisom noted that the hours would be by appointment; and noted that it would not be a place of increased noise disturbances, and no alcohol would be allowed on the premises; and addressed concerns regarding the business signage noting that the landlord has need of an updated sign and that he offered to pay for the updates to accommodate his own sign.

Chair Haislip opened the floor to Public Comment.

a. Public Comment

Mr. Chisom noted that he had brought his family and business acquaintances and noted that they would all speak on his and the Studio's behalf.

Chair Haislip asked if there were any more comments from the Board; and if there were opponents that would like to speak.

City Clerk Tori Deviney noted that she received a public comment via email.

Board Attorney DiGuseppe noted that the Board had received several letters in opposition; but since they were not present, and per the procedure, the Board would only consider those impacted by the business are permitted to speak.

Chair Haislip spoke to the rules of the Quasi-Judicial hearing and emphasized the need that legal proceedings are followed.

Mr. Lemons asked if the applicant's petition needed to be addressed.

The Board swore-in William Mack, owner of Halo Heating and Air.

Mr. Mack shared his relationship with the applicant; and spoke about the process of opening a business in Southport, and the difficulties associated with the process; he shared the relationships he had made with City Staff; and spoke about the changing climate of the city.

The Board swore-in the landlord of the Studio, Southport Resident, Randy Fullwood.

The Landlord shared the work the applicant has done to the property; and expressed appreciation to the tenant for his contributions.

The Board swore-in Emily Humphries, Southport Resident; who spoke to the City process regarding the development of Southport, but noted the loss of the ETJ and changes in the UDO; and that Tattoo and Piercings Studios were established as Heavy Industrial Zone; and expressed concerns for why the Studio is necessary when the location is not a Heavy Industrial Zone.

The Board sworn-in Andrea Mulligan, Southport Resident.

Ms. Mulligan addressed concerns about parking; and noted that the addition of the Studio would increase noise and traffic in the area; and stated that the clientele to those already existing establishments do not respect the residents in that area.

The Board sworn-in Krystal Beardsley, local bank branch manager.

Ms. Beardsley noted that she had known Mr. Chisom for years and spoke to the contents of his and his family's character; the growth of the community; and the preservation and encouragement of the City's youth.

Chair Haislip asked if there were any additional speakers.

Mr. Ross sought more information about the process the applicant underwent, specifically what the applicant receives as a checklist to ensure the proper process is followed.

City Planner Biddle assured Mr. Ross they do receive a complete checklist outlining the process and procedure.

Mr. Mack shared that City Staff did not share the process during the permitting process.

City Planner Biddle sought clarity on Mr. Ross's inquiry; and spoke to the process in total, through to fire inspection; and spoke to the change of use and the permitting that is encompassed under that process.

Mr. Eckert sought clarity for what was requested by the applicant; and if the request was classified under the UDO and asked him to elaborate.

City Planner Biddle shared that the SUP the applicant had filed for is covered under UDO 3.8.6D that covers land use; and noted that it was not classified in the UDO; and shared what was included in the ordinance.

Board Attorney DiGiuseppe spoke to the State Laws concerning UDO, ETJ, and what is permissible under the law; and the impacts on local code following the

loss of the ETJ; and addressed the parameters delineating classified and non-classified UDO; and clarified the rules concerning the Tattoo and Piercing Studio.

Chair Haislip asked Fire Marshal Madison Drew to speak to the item.

Fire Marshall Drew clarified that City Planner Biddle was correct in his outline of the process; and addressed the caveats in the requirements; and shared a background of the fire inspection. Fire Marshal Drew explained that the scope of work may not have risen to the level that would require a building permit, which could be why not everyone applied for one, as Mr. Mack previously inquired on.

Chair Haislip closed the public hearing portion of the Quasi-Judicial hearing; and opened the floor to Board comments.

Chair Haislip asked for a motion to approve the Special Use Permit - SUP-25-04.

b. Motion and Findings

Motion 1:

The use **will not** materially endanger public health, safety, or general welfare if located where proposed and developed to the plan as submitted and approved.

Finding of fact: The Studio fits in with similar business within the area.

A motion was made by Mr. Eckert and seconded by Mr. Ross.

The motion carried unanimously

Motion 2:

The use **meets** all required conditions and specifications.

Finding fact: Meets the required conditions.

A motion was made by Mr. Masker and seconded by Mr. Ekert.

The motion carried unanimously

Motion 3:

The use **will not** adversely affect the use of physical attributes of joining or abutting properties.

Finding of fact: the adjoining property is the landowners and the other is a parking lot.

A motion was made by Mr. Eckert and seconded by Vice Chair Robbins.

The motion carried unanimously.

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.

Finding of fact: It fits well within the area.

A motion was made by Mr. Eckert and seconded by Mr. Ross.

The motion carried unanimously.

Motion 5:

Based on the findings of fact and the evidence presented, the Board of Adjustment recommends **approval** of the special use application with conditions including:

The Special Use Permit shall remain valid only during the tenancy of the current applicant for the business purpose described in the application, and within the specific premises identified.

A motion was made by Mr. Masker and seconded by Vice Chair Robbins to approve the findings of facts and evidence presented for the Special Use Permit for SUP-25-04.

The motion carried unanimously.

G. Adjourn

A motion to adjourn was made by Mr. Robbins and seconded by Mr. Eckert. The motion passed unanimously.

The meeting adjourned at 6:10 p.m.

X

Pete Haislip
Chair

X

Tori Deviney
City Clerk

DRAFT



**City of Southport
Board of Adjustment Regular Meeting
Indian Trail Meeting Hall
113 W Moore St
Southport NC 28461
9/23/2025
4:30 p.m.
MINUTES**

Present Members: Chair Pete Haislip Vice Chair Jason Robbins, Tuck Masker, Harley Lemons, Rodney Ross, John Allen, Chris Eckert, Steve Doshier – Alternate

Staff Present: Maureen Meehan, Planning Services Director; Wendell Biddle, City Planner; Tori Deviney, City Clerk, ChyAnn Ketchum, Public Information Officer

Absent: None

A. Call to Order

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

B. Pledge of Allegiance

Chair Haislip led the Board in the recitation of the Pledge.

C. Approval of Agenda

A motion was made by Vice Chair Robbins and Mr. Allen seconded to approve the agenda.

The motion carried unanimously

D. Explanation of Quasi-Judicial Process

Chair Haislip shared process of the Quasi-Judicial hearing; and noted that the owners are his neighbors but does not feel as if there is a conflict; and asked the Board if anyone had any outside discussion concerning the item to be addressed. There being none, Chair Haislip noted that anyone wishing to speak on the matter needed to sign up on the sheet at the start of the meeting.

Chair Haislip acknowledges Jenna Fontaine and her service on the Board.

E. New Business

1. SUP-25-02 — 204 N Rhett St — Modification to SUP

City Planner Wendell Biddle presents his Special Use Modification Case SUP-25-02; and spoke to the modification of the special use permit request; he shared that the Board had approved an Accessory Dwelling Unit (ADU) at their Board meeting on April 22, 2025, for a garage to be added to 204 N. Rhett Steet. The structure was proposed to have been for 464 square feet, 33-foot rear setback, and 8-foot side setback; and explained the UDO concerning ADUs and the standard used to determine permitting for structures; he presented maps to illustrate the area and structure in question, and an image of the façade of the proposed garage; and the applicant was in need of 72 square feet of additional living space for the dwelling; he shared Section 3.6.C of the UDO and outlined the rules for ADUs and noted that the additional square footage was well within the rules stipulated in the UDO with the addition of the 72 square feet the total square footage of the garage is under 800 square feet.

Mr. Allen sought clarity concerning the setback distances and if those were within UDO guidelines.

City Planner Biddle noted that the proposed 33-foot rear setbacks and 8-foot side setbacks comply with the setback requirements established in the UDO.

Mr. Masker sought clarification regarding the staircase dimensions.

City Planner Biddle shared the dimensions of the staircase.

Vice Chair Robbins asked if the notices were dispersed and if any comments were received by neighboring property owners.

City Planner Biddle shared that notices were dispersed, and no comments were received apart from one call from a neighbor who enquired about specifics of the structure being built.

Chair Haislip asked if the Board had any questions for the applicant, there being no further questions, asked for a motion to approve the Special Use Case Modification Case SUP-25-02.

a. Motion and Findings

Motion 1:

The use **will not** materially endanger public health, safety, or general welfare if located where proposed and developed to the plan as submitted and approved.

Finding of Fact: Fits all UDO Standards

A motion was made by Mr. Eckert and seconded by Mr. Robbins.

The motion carried unanimously

Motion 2:

The use **meets** all required conditions and specifications.

A motion was made by Mr. Masker and seconded by Mr. Eckert.

The motion carried unanimously

Motion 3:

The use **will not** adversely affect the use of physical attributes of joining or abutting property or that the use is a public necessity.

Finding of Facts: Similar in criteria- Conforms to all UDO Standards

A motion was made by Mr. Allen and seconded by Mr. Robbins.

The motion carried unanimously.

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.

Finding of Fact: It is not substantially different from the original plan and that no objections have been received from neighboring property owners or the public.

A motion was made by Mr. Allen and seconded by Mr. Eckert.

The motion carried unanimously.

Mr. Allen read Motion 5:

Based on the findings of fact and the evidence presented, the Board of Adjustment recommends **approval** of the special use application with conditions including:

Conditions: The dwelling cannot be rented separately from the main structure.

A motion was made by Mr. Allen and seconded by Mr. Robbins to approve the findings of facts and evidence presented for the Accessory Dwelling Unit for SUP-25-02.

The motion carried unanimously.

F. Other Business

Chair Haislip asked if there was any other business.

Mr. Allen asked for a status update regarding the Rights of Way appeal of 416 Bay Street.

Planning Services Director Meehan shared a status update regarding the rights of way appeal of 416 Bay Street; noting that the property owner had thirty days to appeal to the superior court and shared the date; and that Staff had not yet received anything from the property owners, and following the date specified, the City could move forward with abatement.

Mr. Allen sought additional clarification regarding the rights of way appeal, and noted that 85 citations had been dispersed, and asked if the Board of Aldermen had considered any changes or adjustments.

Planning Services Director Meehan shared that non-compliant property owners have received notice of violation notices that have not yet come into compliance and that those residents may be awaiting final determination before making those changes.

City Planner Biddle noted that if the Board would forward the emails they have received to Staff, he would reply according to the procedures.

Mr. Lemons requested a list of terms and Board appointments.

City Clerk Deviney shared that she was working to deliver that list to the Board.

Vice Chair Robbins asked if there were any upcoming matters the Board would consider.

City Planner Biddle shared that a potential for another special use permit may be upcoming.

Mr. Allen asked if the lawsuit is filed at 416 Bay Street, to be made aware.

Planning Services Director Meehan shared that she would let the Board know.

G. Adjourn

Chair Haislip asked for a motion to adjourn, which was made by Vice Chair Robbins and seconded by Mr. Allen.

The motion carried unanimously, and the meeting adjourned at 5:03 p.m.

X

Pete Haislip
Chair

X

Tori Deviney
City Clerk

DRAFT

**STAFF REPORT FOR
SPECIAL USE APPLICATION – ACCESSORY DWELLING UNIT**

APPLICATION SUMMARY	
Hearing Date	December 4 th , 2025 Board of Adjustment
Applicant	William FitzGerald
Property Owner	William FitzGerald
Property Address	729 N. Atlantic Avenue
Parcel ID:	237ED010
Parcel Acreage	.15 acres approximately 6,500 SF
Zoning District	R-10

SPECIAL USE PROPOSAL

Mr. William FitzGerald, applicant and property owner, is requesting a Special Use Permit to construct an Accessory Dwelling Unit (ADU).

PROPERTY LOCATION AND DESCRIPTION

The subject property is located at 729 N. Atlantic Avenue and can be further identified by Brunswick County Parcel ID 237ED010. This is a .15-acre site located within a residential, R-10, district in the City of Southport.



Aerial Image of Subject Property and Surrounding Community

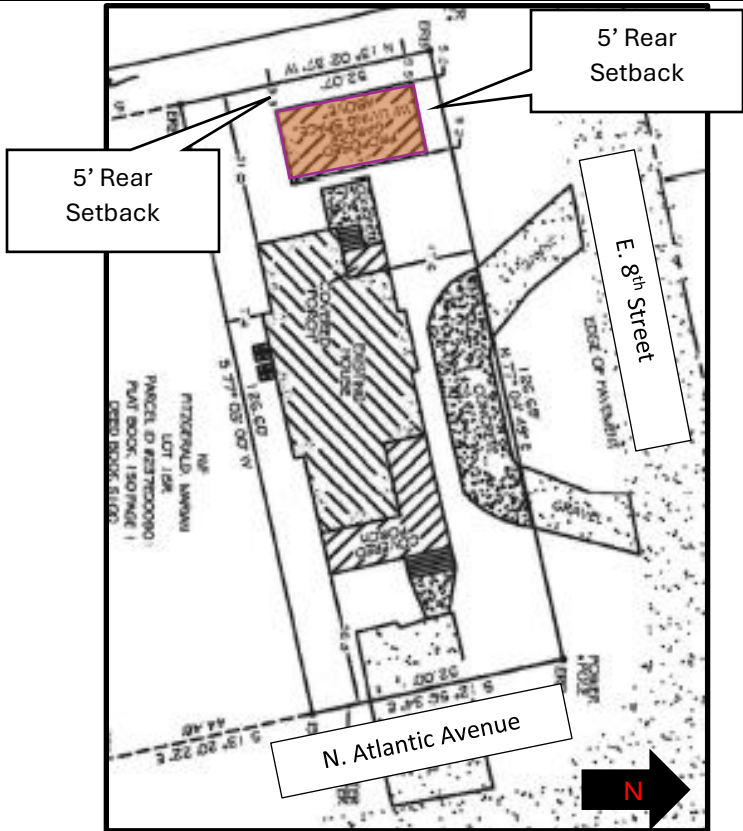


Zoning Image of Parcel and Adjacent Lots

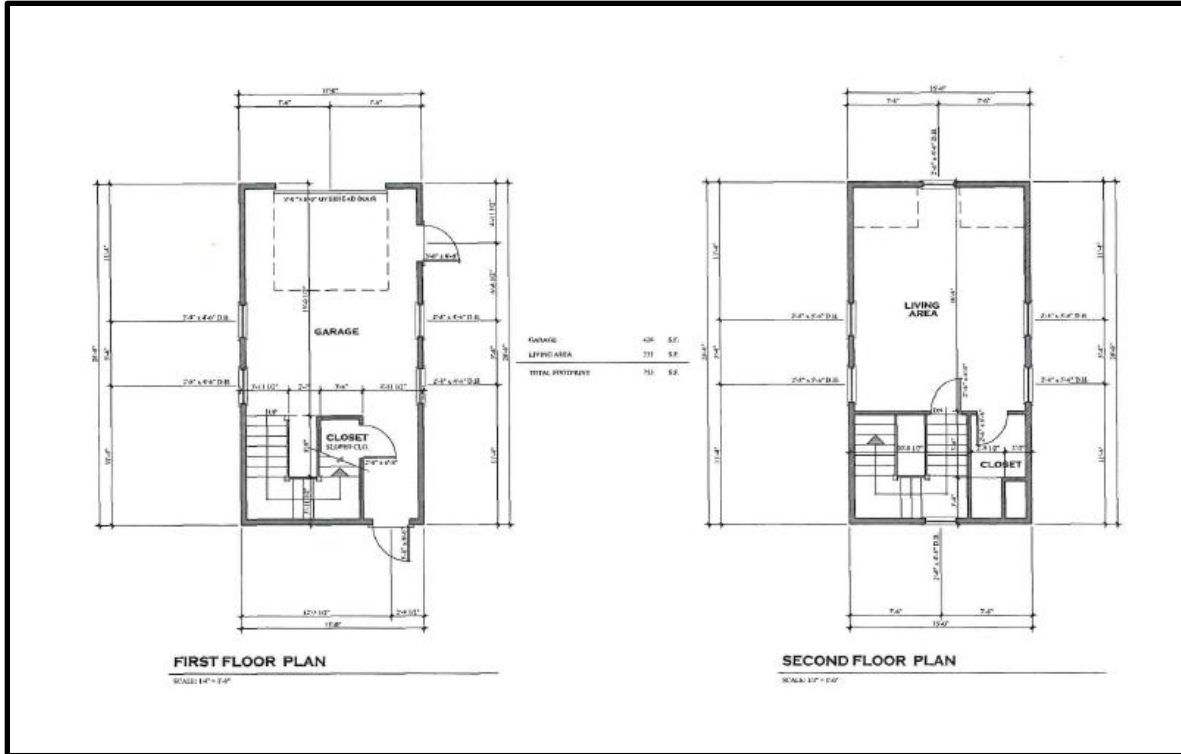


729 N. Atlantic Avenue Street View

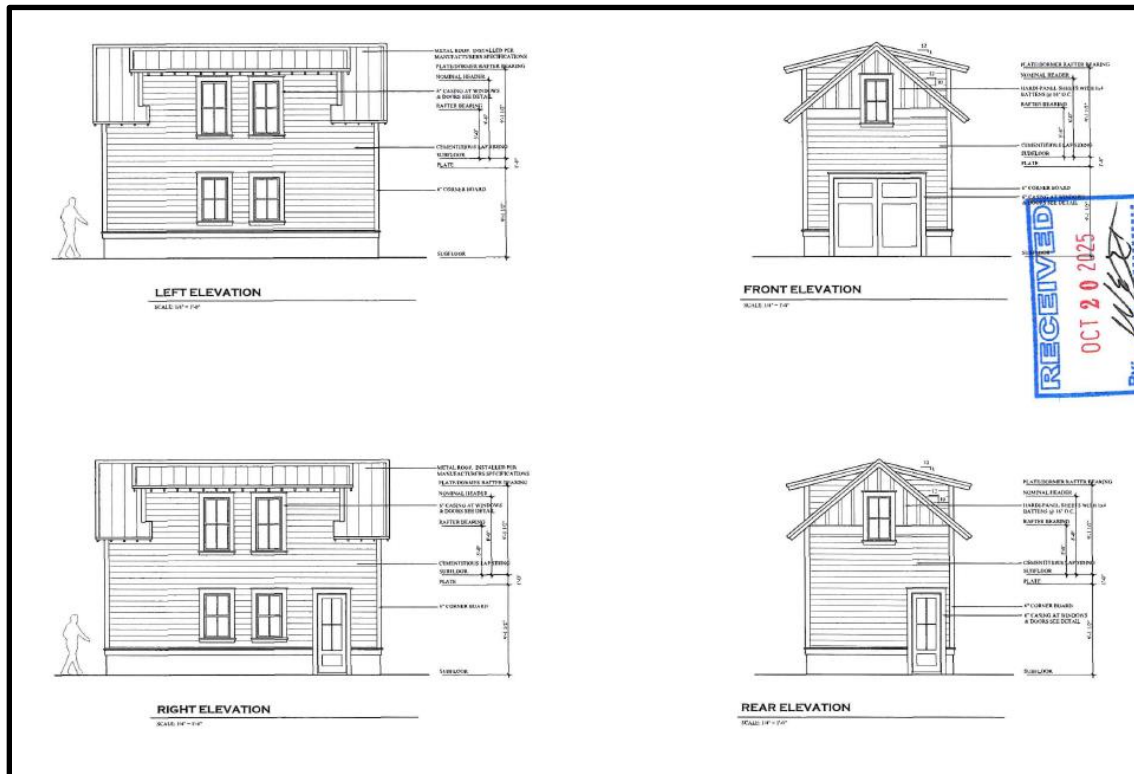
SPECIAL USE DESCRIPTION



Proposed ADU



ADU Floor Plan



Proposed ADU Elevation

The proposed accessory dwelling unit (ADU) will be a detached 420 square foot structure (28'-0" x 15'-0") with full living capabilities that include a bedroom, bathroom, kitchen, and living space. With a 5' side and a 5' rear setback, the ADU meets the accessory structure minimum setbacks established in UDO Section 3.6.C.8. Parking will be provided on the driveway. Below are the supplemental standards for accessory dwelling units found in Section 3.6.C of the UDO, with narrative showing how the proposal is compliant.

Where permitted, the following shall apply:

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

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

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

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

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 a roundabout parking pad that serves the lot in conjunction with the front driveway.

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 420 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 accessory dwelling unit meets this standard.

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

STAFF SUMMARY

The applicant requests a special use permit for a 420 SF accessory dwelling unit in a residential, R-10, zoning district.

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

SPECIAL USE PROCESS

The special use permit request you will be hearing is a quasi-judicial decision, so it must be conducted in a way that ensures procedural and substantive due process. Anyone wanting to provide testimony must be sworn in. As a quasi-judicial hearing, the decision makers must be fair and impartial, and you must base your decision only on the competent evidence you receive. If anyone has a direct or potential financial interest in this proposed project, they should recuse themselves. A majority vote is required for a special use permit. Conditions can be applied that will 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*** 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:

Application

Survey

Building Drawings