



CITY OF SOUTHPORT
ZONING BOARD OF ADJUSTMENT
113 W. MOORE STREET
January 7, 2025
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
Tori Deviney, Deputy City Clerk

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

B. Chair Haislip led the attendees in the Pledge of Allegiance.

C. Explanation of Quasi-Judicial Process

1. Quasi-Judicial Process

Chair Haislip provided an overview of the quasi-judicial process for the public.

D. New Business

1. Special Use Permit Application - 6249 Lookout Point Dr - ADU - [Wendell Biddle]

City planner Wendell Biddle is sworn in. Mr. Biddle presented the case of a special use permit application submitted by Cameron Smith of Cameron Smith Construction on behalf of property owners Amy and David Tetter. The request sought approval to develop a 798-square-foot accessory dwelling unit (ADU) above the garage of a single-family residence under construction at 6249 Lookout Point Drive. The property is located within a PUD-zoned area, approximately 500 feet west of the Cape Fear River and about one mile northeast of the Indiana Trail Meeting Hall. The ADU would be part of the garage structure and connected to the main residence, with the application meeting UDO Table 3.1 requirements and specific use standards for accessory dwellings.

Board members raised several questions during the discussion. Mr. Lemons inquired whether the proposed ADU, situated above the attached garage, required a special use

permit. Mr. Biddle clarified that while accessory structures, such as standalone garages or sheds, do not require such permits, accessory dwelling units, which serve as independent living facilities with provisions for cooking, eating, sanitation, and sleeping, do require special use permits under city regulations. He also explained that this applies regardless of whether the ADU is attached to or detached from the main residence.

Chair Haislip asked Mr. Lemons to clarify his concerns, as the questions appeared to focus on whether the application should be reviewed at all. Mr. Masker raised concerns about the use of the term "existing" in the definition of an ADU, noting that the primary residence had not yet been constructed. He questioned how the ADU could be considered "added within" or "on the same lot as" an existing dwelling. Mr. Biddle explained that the permit request pertained to plans for a residence and ADU in development. The approval of the special use permit was necessary to move forward with obtaining a building permit for the construction of both the primary residence and the ADU.

Mr. Biddle clarified that special use permits are not required for all accessory structures, only for accessory dwelling units (ADUs). The purpose of requiring a special use permit is to ensure that the board verifies compliance with the nine specific use standards outlined in the zoning ordinance. He emphasized that the current discussion focuses on whether the proposal meets these standards, not on changing the process itself.

Planning Services Director Maureen Meehan is sworn in. Ms. Meehan further explains the distinction between a standard accessory structure and an ADU. While constructing a garage with a finished room above it (commonly referred to as a FROG) does not require a special use permit, the inclusion of a full bathroom, kitchen, and separate living area qualifies it as an ADU, which triggers the need for a special use permit. She noted that the proposal's inclusion of a full kitchen and living space was the defining factor requiring board approval.

Mr. Biddle also addressed concerns about the word "existing" in the ADU definition, explaining that while the primary residence is not yet built, standard practice does not allow accessory structures on lots without an existing or concurrently planned primary residence. This proposal complies with that standard as it is part of the overall residential development.

The applicant, Cameron Smith is sworn in. Mr. Smith clarifies that the presence of a kitchen in the proposed ADU was what triggered the special use permit requirement. He explained that the ADU would not have a separate exterior entrance, as access is only possible through the garage, which contains both stairs and an elevator leading to the upper level. The garage itself will not be heated but will be insulated.

Chair Haislip opened the floor for public comments, but no individuals spoke in opposition or support. Mr. Lemons asked about community feedback, and Mr. Biddle responded that there were two phone inquiries from curious neighbors about the notification signs but no comments either for or against the proposal.

With no further questions, Chair Haislip closed the public hearing and moved the discussion to the board for motions.

Motion 1: Mr. Robbins made a motion 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:** Consults standards outlined in the applicable ADU ordinance within the UDO, seconded by Mr. McGee. **All ayes. Motion carried.**

Motion 2: Mr. Masker made a motion that the use **meets** all required conditions and specifications based on the printed material, seconded by Mr. Lemons. **All ayes. Motion carried.**

Motion 3: Mr. McGee made a motion 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 based on the material presented, seconded by Mr. Robbins. **All ayes. Motion carried.**

Motion 4: Mr. Masker made a motion 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, seconded by Mr. Robbins. **All ayes. Motion carried.**

Motion 5: Mr. Robbins made a motion based on the findings of fact and the evidence presented, the Board of Adjustment that the special use application be **approved** with conditions including the following: that the accessory dwelling unit may not be rented separately from the rest of the property, and that it be built in line with the plans committed, seconded by Mr. Lemons. **All ayes. Motion carried.**

E. Approval of Minutes

1. Minutes of the October 22, 2024 Meeting
Mr. Robbins motioned to approve the minutes, seconded by Mr. Lemons. **Unanimous vote; motion carried.**
2. Minutes of the November 26, 2024 Meeting
Mr. Robbins motioned to approve the minutes, seconded by Mr. McGee. **Unanimous vote; motion carried.**

F. Other Business

Mr. Haislip opened the discussion by revisiting a question raised by Mr. Lemons, asking why they were even reviewing the matter. He acknowledged the question was legitimate but appeared uncertain about how to address it. Mr. McGee then suggested a text amendment to clarify the issue, proposing the addition of certain criteria under the definition of an Accessory Dwelling Unit (ADU). He mentioned that if a dwelling unit above a garage includes a full kitchen and full bathroom, it would require a special use permit. Ms. Meehan provided an example from the previous year regarding a single-family home with an accessory dwelling unit, stating it was in the permitting stages and did not seem to differ from what was being discussed.

Mr. Robbins contributed by suggesting adding the term "existing or proposed" to clarify the situation, especially regarding whether the accessory dwelling unit was already built or in the process of being constructed. He also proposed revisiting the definitions to ensure the criteria for what constitutes an ADU are clear, particularly whether a unit provides full living amenities, such as the ability to sleep, prepare food, and have a bathroom, without needing to access the main house. Ms. Meehan reinforced

this idea, emphasizing that the unit must be a complete, independent facility, essentially functioning as an extra apartment in the house.

Mr. Lemons expressed disagreement but acknowledged the need for better clarification on them. He suggested the wording should clearly distinguish between detached and attached units, advocating for the inclusion of the terms "either attached or detached" to make the language more precise.

Mr. Biddle explained that detached accessory dwelling units typically have a smaller allowed square footage compared to attached units, which can be up to 800 square feet, whereas detached units are limited to around 530 square feet.

Mr. Masker cautioned the group, pointing out that the existing language being used might cause confusion. He mentioned that if they moved forward with a text amendment, they should avoid using multiple "ors" and instead create a clearer list. He warned that the current phrasing might lead to confusion between residential and commercial ADUs, as the regulations surrounding these are distinct. He stressed the need for absolute clarity, especially for any new permits or applications, ensuring the distinction between residential and commercial ADUs was clear and definitive, possibly by separating the residential and commercial.

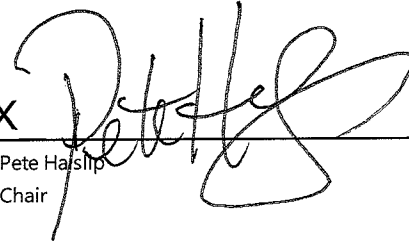
Finally, Ms. Meehan sought to confirm the understanding of the group, clarifying either existing or proposed for an attached or detached unit and generating a list of the exact residential or commercial, still having to be an independent living facility to meet the definition.

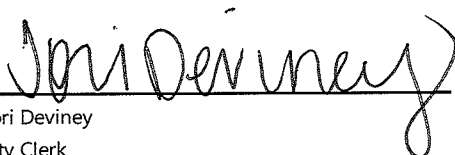
Clerk Saldo provides an update on new members, informing the board that four new members will be joining them at their next meeting.

G. Adjourn

A motion to adjourn the meeting was made by Mr. Lemons and seconded by Mr. Robbins.

The meeting was adjourned at 5:16 p.m.

X 
Pete Haslip
Chair

X 
Tori Deviney
City Clerk



