



**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.

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 carries 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.

The motion carries 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 Chisom, 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 no longer exists 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, three zoning districts, Heavy Industrial (HI); Light Industrial (LI); and Manufactured Housing (MH); were eliminated; 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 inquired about a text amendment that would need review following the relinquishment of the 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 eliminated 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 and after the relinquishment of ETJ.

Mr. Lemons expressed concern regarding future zoning of businesses; and inquired about the process currently being considered by 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 business.

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 relinquishment of the ETJ; and inquired 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 until the Board of Aldermen acted on the matter.

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

City Planner Biddle noted that the applicant had invested a substantial amount of money to open the business; and discussed motion 5, concerning compliance with the Comprehensive Plan; 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 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 inquired 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 shared 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 DiGuiseppe 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; and shared the relationships that 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.

Mr. Fullwood 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.

Ms. Humphries spoke to the City process regarding the development of Southport but noted the relinquishment 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 swore-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 swore-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 relinquishment 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; and 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 carries 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 carries 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 carries 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 carries 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.

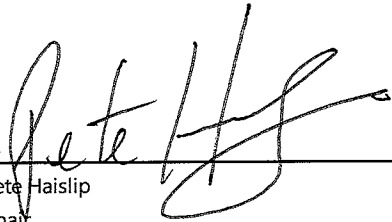
The motion carries unanimously.

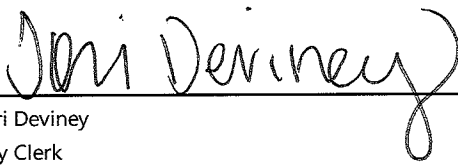
G. Adjourn

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

The motion carries unanimously.

The meeting adjourned at 6:10 p.m.

X 
Pete Haislip
Chair

X 
Tori Deviney
City Clerk

