



**CITY OF SOUTHPORT
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA
INDIAN TRAIL MEETING HALL**

113 W. MOORE STREET

April 28, 2026

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 Minutes

1. March 24, 2026, Board of Adjustment Regular Meeting Minutes

D. Explanation of Quasi-Judicial Process

E. Explanation of Proceedings

F. Old Business

G. New Business

1. SUP-26-05 Special Use Permit – Accessory Dwelling Unit - 216 N. Atlantic Avenue

H. Other Business

I. Adjourn



**CITY OF SOUTHPORT
BOARD OF ADJUSTMENT
REGULAR MEETING
113 W. MOORE ST SOUTHPORT, NC 28461
March 24th, 2026, 4:30 PM
Minutes**

Present Members: Vice Chair Jason Robbins, Tuck Masker, Rodney Ross, John Allen, Steve Doshier

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

Board Liaison: Alderman Mark Spencer

Absent: Chair Pete Haislip, Harley Lemons, Chris Eckert

A. Call to Order

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

Vice Chair Robbins noted that he would be presiding over the meeting in place of Chair Haislip, who was unable to attend. Due to the number of absences, the Board Alternate, and noted that Mr. Doshier will be an acting voting member.

B. Pledge of Allegiance

Vice Chair Robbins led members in the recitation of the Pledge.

C. Approval of Minutes

1. February 24th, 2026, Board of Adjustment Meeting Minutes

A motion was made by Mr. Allen and seconded by Mr. Ross to approve the February 24th, 2026, Board of Adjustment Meeting Minutes.

The motion carried unanimously.

D. Explanation of Quasi-Judicial Process

Vice Chair Robbins stated that, as this is a Board of Adjustment meeting, the Board would be conducting a quasi-judicial evidentiary hearing. He explained that this type of hearing is similar to a court proceeding and is governed by state law, which establishes specific procedures and rules for decision-making. These procedures differ from legislative or administrative land-use decisions, and the Board's discretion is limited.

Vice Chair Robbins explained that the Board must base its decision on competent, material, and substantial evidence contained in the record. The decision must be guided by the standards set forth in the applicable ordinance and the facts presented during the hearing.

He instructed that individuals speaking as witnesses should focus on factual information relevant to the ordinance standards and avoid personal opinions or preferences unless properly qualified as expert testimony.

Vice Chair Robbins noted that the meeting is open to the public; however, only parties with standing have the right to fully participate. Parties include the applicant, the local government, and individuals who can demonstrate standing by showing they may suffer special damages. He explained that special damages may include impacts such as traffic, parking, stormwater runoff, crime, or property value, and that proximity alone is not sufficient to establish standing.

He further stated that other individuals may provide testimony as witnesses when recognized by the Board. General witness testimony must be limited to facts, while opinion testimony is only admissible from individuals who have been qualified as expert witnesses and who base their opinions on reliable facts and data.

E. Explanation of Proceedings

Vice Chair Robbins explained that the Board would be considering two Special Use Permit applications for Accessory Dwelling Units. He stated that each application would be reviewed individually in accordance with the procedures previously outlined.

Vice Chair Robbins outlined the order of proceedings as follows: City Staff presentation, applicant presentation, applicant's witnesses, and then those in opposition. The applicant may reserve time for rebuttal.

He advised that any documentary evidence, including reports or exhibits, should be introduced into the record by a witness with knowledge of the material at the time of their testimony or at its conclusion.

Vice Chair Robbins noted that attorneys representing parties may provide legal arguments and summarize their client's case but may not present factual testimony unless sworn in as witnesses.

He stated that he would rule on procedural matters and objections. All individuals speaking were instructed to identify themselves and provide their address or role for the record prior to giving testimony.

Vice Chair Robbins explained that, while there are no strict time limits for testimony, speakers should remain concise and avoid repetition. He stated that he may limit testimony that is irrelevant, unduly repetitive, or constitutes personal attacks.

He also noted that certain types of evidence require expert testimony. For example, opinions regarding property values must be provided by a qualified appraiser, and opinions related to stormwater or engineering must be provided by a design professional.

Vice Chair Robbins emphasized that all parties are entitled to an impartial decision-maker. He asked whether any Board member had a conflict of interest, bias, or other reason requiring recusal. Hearing none, he proceeded.

He then asked whether any Board member had engaged in ex parte communication with the applicant or other interested parties regarding the case. Hearing none, he proceeded.

Vice Chair Robbins asked whether there were any objections from parties or members of the public to the Board hearing the case. Hearing none, he opened the hearing open.

F. New Business

1. SUP-26-04 – Accessory Dwelling Unit 206 W. Moore Street

Vice Chair Robbins swore in City Planner Wendell Biddle

City Planner Biddle provided the staff report for Special Use Permit Application, SUP-26-04, submitted by Mr. Rich Bandera on behalf of the property owners of 206 W. Moore Street. The request is to convert an accessory structure into an Accessory Dwelling Unit (ADU).

City Planner Biddle noted that neither the principal single-family residence nor the accessory structure has been completed; however, both are currently under construction.

He presented aerial imagery and photographs of the subject property and surrounding area, noting that the parcel is approximately 9,100 square feet in size and is zoned R-10 Residential, consistent with adjacent properties.

City Planner Biddle described site photographs included in the presentation. He stated that the image depicts the single-family residence currently under construction, and the dirt path located between the residence and the silt fencing represents the proposed driveway to be accessed from W. Moore Street.

He further explained that the image on the right shows the location of the detached accessory structure, which will be situated directly behind the primary residence.

He reviewed the site plan, stating that the accessory dwelling unit will meet required setbacks, including a five-foot rear setback and five-foot side setback. The enclosed garage footprint will be approximately 528 square feet, and the upper-level ADU will have an interior area of approximately 444 square feet.

City Planner Biddle further explained that the garage doors will face west, while the stairwell providing access to the ADU will be located on the east side of the structure and will not encroach into required setbacks. He stated the driveway will run from W. Moore Street along the west side of the residence and loop to the rear. He also identified a stormwater retention collection feature, located on the garage door side of the structure, that was included as part of the site design.

Elevations of the accessory structure were presented, showing the west and east facades.

City Planner Biddle stated that, pursuant to Table 3.1 of the Unified Development Ordinance (UDO), the proposed ADU requires approval of a Special Use Permit and must comply with the standards outlined in Section 3.6.C of the UDO. He then shared Special Use Standards:

1. An accessory dwelling (ADU) 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 will be a single-family residence on W. Moore Street.

3. No more than one (1) ADU shall be permitted on a single deeded lot in conjunction with the principal residential structure.
There are no other ADU's on the property.
4. The ADU shall be owned by the same person as the principal residential structure.
The ADU will be owned by the same person as the primary structure.
5. The ADU shall not be served by a driveway separate from that serving the principal residential structure.
The structure will be served by the same driveway that serves the single-family residence. This driveway is accessed from W. Moore Street.
6. There shall be a separate parking space for the ADU, subject to the off-street parking requirements of Section 3.14.
Parking space will be available on the driveway.
7. The ADU shall not exceed 800 square feet.
The proposed ADU will have an interior footprint of 444 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 ADU is detached and less than 530 square feet.

City Planner Biddle concluded that the Special Use Permit request is for an ADU consisting of approximately 444 square feet located on the upper level of a detached garage. Based on Staff review, Mr. Biddle stated that the application is complete and that the proposal meets all applicable standards for residential accessory dwelling units as established in the UDO.

City Planner Biddle concluded his presentation and offered to answer questions from the Board. He noted that the applicant was present and available for questions as well.

Vice Chair Robbins opened the floor to Board questions.

Mr. Ross inquired about the stormwater criteria referenced in the site plan.

City Planner Biddle stated that specific stormwater requirements were not part of the Special Use Permit review for this case and were highlighted for informational purposes only. He explained that the site plan includes a stormwater retention feature as part of the overall project design and noted that the proposal provides stormwater mitigation exceeding the minimum requirements for the lot.

Mr. Ross further asked about impervious and pervious surface limitations related to stormwater regulations.

City Planner Biddle explained that, under the City's updated UDO, stormwater mitigation requirements are generally triggered when development exceeds approximately 8,000 square feet of impervious surface. He noted that stormwater compliance is reviewed separately from the Special Use Permit process.

Mr. Ross asked whether those requirements would apply to the current request.

City Planner Biddle confirmed that they would.

Mr. Allen asked whether the ADU was already under construction.

City Planner Biddle clarified that the accessory structure is currently under construction, but it is not considered an ADU until the Board approves the Special Use Permit. He explained that upon approval, the applicant may proceed with obtaining the necessary permits to convert the structure into a dwelling unit. He further noted that the structure may continue to be constructed as a garage or accessory building in the meantime.

Mr. Masker asked about the dashed line shown on the site map that runs around the property, questioning whether it represents the existing primary residence.

City Planner Biddle clarified that the dashed line represents the driveway that will serve both the primary residence and the proposed accessory structure, noting that neither structure currently exists and both are under construction.

Mr. Masker pointed out that the 18-foot rear setback line appears to cut through the middle of the proposed ADU and questioned the actual setback.

City Planner Biddle explained that the 18-foot rear setback applies only to the single-family residence. Because the lot is non-conforming, the accessory structure has a reduced five-foot rear setback, which applies to the ADU.

Mr. Masker then inquired about the generator platform and whether it is included in the plan.

City Planner Biddle confirmed that the generator platform is proposed and noted that certain mechanical equipment, such as HVAC or pool equipment,

is allowed to encroach into setbacks under UDO exceptions. He further explained that, due to the lot's irregular shape, the developer designed the site to maximize usability while complying with the reduced setbacks.

Vice Chair Robbins asked if there were any additional questions for City Planner Biddle, there being none, he asked if the applicant wanted to speak.

Vice Chair Robbins swore in Richard Bandera, 409 Burrington Avenue Southport, NC

Mr. Rich Bandera, representing the property owners, addressed the Board to clarify certain aspects of the proposal not previously covered by Staff. He noted that the stormwater retention system is a recent addition to the City's ordinance and applies to residential sites like this. The system was designed in coordination with City engineering and in compliance with the updated UDO to manage stormwater for both the single-family residence and the accessory structure.

Mr. Bandera stated that the driveway is constructed of pervious material and therefore does not contribute to impervious surface calculations. He further explained that the proposed accessory structure does not exceed the maximum allowable encroachment into the rear yard. The UDO prohibits encroachments exceeding 50% of the rear yard area, and in this case, the accessory structure occupies only approximately 7% of the rear yard.

Mr. Ross inquired about the type of pervious material used for the driveway.

Mr. Bandera replied that the pervious material used is 57 crushed stone and noted that it is not factored into the stormwater composition.

Vice Chair Robbins then asked if anyone else wished to speak on the matter. Hearing none, he closed the public hearing portion of the discussion.

Mr. Allen read 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.

Findings of Fact: The proposal meets all required stormwater setbacks and parking requirements.

A motion was made by Mr. Allen and seconded by Mr. Masker to approve the findings of fact and evidence presented for the Accessory Dwelling Unit 206 W. Moore Street.

The motion carried unanimously.

Mr. Ross read Motion 2:

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

Findings of Fact: It complies with all UDO requirements.

A motion was made by Mr. Ross and seconded by Mr. Masker to approve the findings of fact and evidence presented for the Accessory Dwelling Unit 206 W. Moore Street.

The motion carried unanimously.

Mr. Masker read Motion 3:

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

Findings of Fact: The finding of fact is based on the site plans presented, the various views of architectural elevations, and the explanation of site circulation and parking.

A motion was made by Mr. Masker and seconded by Mr. Ross to approve the findings of fact and evidence presented for the Accessory Dwelling Unit 206 W. Moore Street.

The motion carried unanimously.

Mr. Allen read 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.

Findings of Fact: The ADU meets the same requirements of other ADUs in the neighborhood and is in harmony with other structures and does not conflict with the requirements included in the 2025 Comprehensive Plan as submitted.

A motion was made by Mr. Allen and seconded by Mr. Ross to approve the findings of fact and evidence presented for the Accessory Dwelling Unit 206 W. Moore Street.

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 the ADU cannot be rented separately from the primary residence.

A motion was made by Mr. Allen and seconded by Mr. Doshier to approve the findings of fact and evidence presented for the Accessory Dwelling Unit 206 W. Moore Street.

The motion carried unanimously.

G. Old Business

1. SUP-26-01 – Accessory Dwelling Unit 316 W. Moore Street

Vice Chair Robbins introduced the next item.

City Planner Biddle presented the staff report for Special Use Permit Application No. SUP-26-01, submitted by Solstice, LLC, Inc., on behalf of the property owners of 316 W. Moore Street. The request is to convert an accessory structure into an ADU.

City Planner Biddle drew the Board's attention to an 11" x 17" landscape plan that was submitted after the staff report. The plan shows the orientation of the proposed structure, the driveway, and the survey of the single-family residence.

He provided aerial imagery and site photos of the property, noting that the lot is approximately 8,200 square feet, zoned R-10, and bordered primarily by R-10 single-family residences, with a business district parcel across W. Moore Street.

City Planner Biddle explained that the existing accessory structure is non-conforming and must be demolished and rebuilt to comply with contemporary floodplain building codes and zoning standards. The existing structure encroaches on a 2.5-foot side setback, and the proposed rebuilt structure will be relocated to meet required setbacks and floodplain requirements.

He stated that the upper level of the two-story accessory structure is proposed to be converted into an ADU. The proposed accessory structure will comply with a five-foot side setback and a 25-foot rear setback. The existing

stone driveway will continue to serve the property, providing access to the rear of the structure.

City Planner Biddle reviewed elevations, noting that the barn doors on the accessory structure will face the single-family residence, while the garage door facing Brunswick Street will continue to serve as the driveway entrance. He clarified that the structure's orientation remains the same and that prior discussion about rotating or removing garage doors had been a misunderstanding.

He noted that, per Table 3.1 of the UDO, accessory dwelling units in the R-10 zone require a Special Use Permit and must meet specific use standards. Staff has determined that the application is complete and that the proposal meets all residential accessory dwelling unit standards established in the UDO. He shared that the request does meet the eight use standards:

1. An accessory dwelling (ADU) 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 will be a single-family residence on 316 W. Moore Street.
3. No more than one (1) ADU shall be permitted on a single deeded lot in conjunction with the principal residential structure.
There are no other ADU's on the property.
4. The ADU shall be owned by the same person as the principal residential structure.
The ADU will be owned by the same person as the primary structure.
5. The ADU shall not be served by a driveway separate from that serving the principal residential structure.
The structure will be served by the same driveway that serves the single-family residence. This driveway is accessed from Brunswick Street not W. Moore Street.
6. There shall be a separate parking space for the ADU, subject to the off-street parking requirements of Section 3.14.
Parking space will be available on the driveway.
7. The ADU shall not exceed 800 square feet.
The proposed ADU will have an interior footprint of 530 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 ADU is detached and less than 530 square feet.

City Planner Biddle concluded his presentation and offered to answer any questions from the Board.

Mr. Masker requested clarification on Item 5 of the UDO, which states that the ADU shall not be served by a driveway separate from that serving the principal residential structure. He noted that, according to the map, the primary residence shows an existing concrete driveway, and he sought to confirm which driveway would serve the ADU.

City Planner Biddle clarified that the pathway labeled on the site plan has never been used as a driveway, and that the ADU and single-family residence would use the driveway accessed from Brunswick Street.

Mr. Masker noted that the map labeling might be misleading and wanted to ensure the Board understood that the labeled “concrete driveway” would not serve the ADU.

Mr. Allen added that portions of the concrete would be removed to create landscaped areas.

Vice Chair Robbins confirmed that the Board intended that the pathway not be used for vehicular access if a condition were applied.

Mr. Masker observed that the property’s address is 316 W. Moore Street, meaning practical vehicular access to the primary residence occurs from W. Moore Street, but noted that the Brunswick Street driveway could function as a *de facto* drive. He emphasized caution regarding Item 5 to ensure compliance as a single unit.

Mr. Ross asked whether any UDO requirements prohibit a driveway in the rear, noting that vehicles could access either location.

City Planner Biddle confirmed there were no restrictions.

Vice Chair Robbins swore in Planning Services Director Meehan

Director Meehan stated that both driveways currently exist, and no new driveways are being constructed for the ADU. The property owners would be allowed to continue using both the Brunswick Street driveway and the W. Moore Street pathway, independent of the ADU.

Vice Chair Robbins asked if there were any additional questions.

Mr. Ross inquired whether Staff applied pervious surface calculations to the driveways.

City Planner Biddle responded that no calculations were applied because the driveways are existing.

Vice Chair Robbins asked if the applicant or any other parties wished to speak. Hearing none, he closed the public hearing portion and asked whether the Board wished to discuss the matter before taking a motion.

Mr. Allen read 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.

Findings of Fact: The ADU meets all required floodplain setbacks and parking requirements.

A motion was made by Mr. Allen and seconded by Mr. Ross to approve the findings of fact and evidence presented for the Accessory Dwelling Unit 316 W. Moore Street.

The motion carried unanimously.

Mr. Ross read Motion 2:

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

Findings of Fact: It complies with all UDO plan specifications by the City of Southport.

A motion was made by Mr. Ross and seconded by Mr. Allen to approve the findings of fact and evidence presented for the Accessory Dwelling Unit 316 W. Moore Street.

Yay: 3

Nay: 1 (Mr. Masker)

Abstain: 0

Mr. Allen read Motion 3:

The motion for the use **will not** adversely affect the use of physical attributes of joining or abutting properties or that the use is public necessity.

Findings of Fact: The ADU is similar to other ADUs in the area and meets all setback requirements.

Vice Chair Robbins asked for any discussion.

Mr. Masker stated that the application meets the bulk criteria but expressed uncertainty regarding overall compliance, noting that the proposal appears more consistent as a whole compared to other ADUs previously reviewed.

Mr. Ross added that the Board should consider that the structure in question is an existing structure being replaced.

Mr. Masker raised a concern regarding driveway access, specifically questioning whether the same driveway serves both the ADU and the primary residence, as required. He requested clarification on the location of the pedestrian connection from the driveway to the primary house, emphasizing the requirement that the driveway serving the ADU must also serve the primary residence.

In response, Mr. Ross indicated the location of the walkway on the map. Upon review, Mr. Masker acknowledged the clarification and confirmed that the requirement was satisfied.

A motion was made by Mr. Allen and seconded by Mr. Ross to approve the findings of fact and evidence presented for the Accessory Dwelling Unit 316 W. Moore Street.

The motion carried unanimously.

Mr. Ross read 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.

Findings of Fact: The ADU meets all UDO and City of Southport 2050 Comprehensive Plan requirements.

A motion was made by Mr. Ross and seconded by Mr. Masker to approve the findings of fact and evidence presented for the Accessory Dwelling Unit 316 W. Moore Street.

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 the condition that the ADU cannot be rented separately from the primary residence.

A motion was made by Mr. Allen and seconded by Mr. Ross to approve the findings of fact and evidence presented for the Accessory Dwelling Unit 316 W. Moore Street.

The motion carried unanimously.

Mr. Masker requested to amend his vote on Motion 2, stating his prior objection was due to not clearly seeing the walkway on the plans. Upon clarification, he changed his vote to affirmative. Deputy Clerk Baillargeon confirmed the change. Motion 2 carried unanimously.

H. Other Business

Vice Chair Robbins asked if there was any Other Business to discuss.

Mr. Ross inquired about the current pervious/impervious ratio standards used by the City.

City Planner Biddle explained that, under the City's updated UDO, stormwater mitigation is generally required when development exceeds approximately 8,000 square feet of impervious surface or 500 square feet of disturbed area. He noted he would confirm the exact figures and provide the Board with the official text the following morning.

Mr. Ross noted his interest in understanding the criteria currently applied by the City.

Mr. Allen asked for clarification on whether mitigation would be required if the project exceeded those ratios. City Planner Biddle confirmed that any development above 8,000 square feet of impervious surface would require stormwater mitigation.

Director Meehan added that for an existing lot, the threshold would be an 800-square-foot addition.

City Planner Biddle stated he would email the Board the exact text of the stormwater rule.

Mr. Ross asked for confirmation that the threshold refers to 8,000 square feet of impervious ground cover. City Planner Biddle confirmed that was correct.

Vice Chair Robbins clarified that impervious surfaces include foundations, driveways, and other hard surfaces, but not water surfaces such as pools. City

Planner Biddle confirmed that decking and edging count as impervious, but water surfaces do not.

I. Adjourn

Vice Chair Robbins asked if there was any additional business. Hearing none, he asked for a motion to adjourn the meeting.

A motion was made by Mr. Allen and seconded by Mr. Ross to adjourn.

The motion carried unanimously.

The Board adjourned at 5:19 p.m.

X

Pete Haislip
Chair

X

Scott Baillargeon
Deputy Clerk

STAFF REPORT FOR SPECIAL USE APPLICATION – ACCESSORY DWELLING UNIT

APPLICATION SUMMARY	
Hearing Date	April 28, 2026 Board of Adjustment
Applicant	Fred Fiss
Property Owner	Fred Fiss
Property Address	216 N. Atlantic Ave
Parcel ID:	238IA025
Parcel Acreage	0.19 Acres 8,276 Sq Ft
Zoning District	R-10

SPECIAL USE PROPOSAL

Fred Fiss, property owner and applicant, is requesting a Special Use Permit to convert an existing accessory structure into an Accessory Dwelling Unit (ADU) at the subject location. The structure, though constructed, is unfinished. Mr. Fiss is requesting that he be permitted to install a bathroom and kitchenette in the space above the existing garage.

PROPERTY LOCATION AND DESCRIPTION

The subject property is located at 216 N. Atlantic Avenue and can be further identified by Brunswick County Parcel ID 238IA025. This is a 0.19-acre site located within the R-10 residential district in the City of Southport. The lot contains a single-family residence and a detached garage.



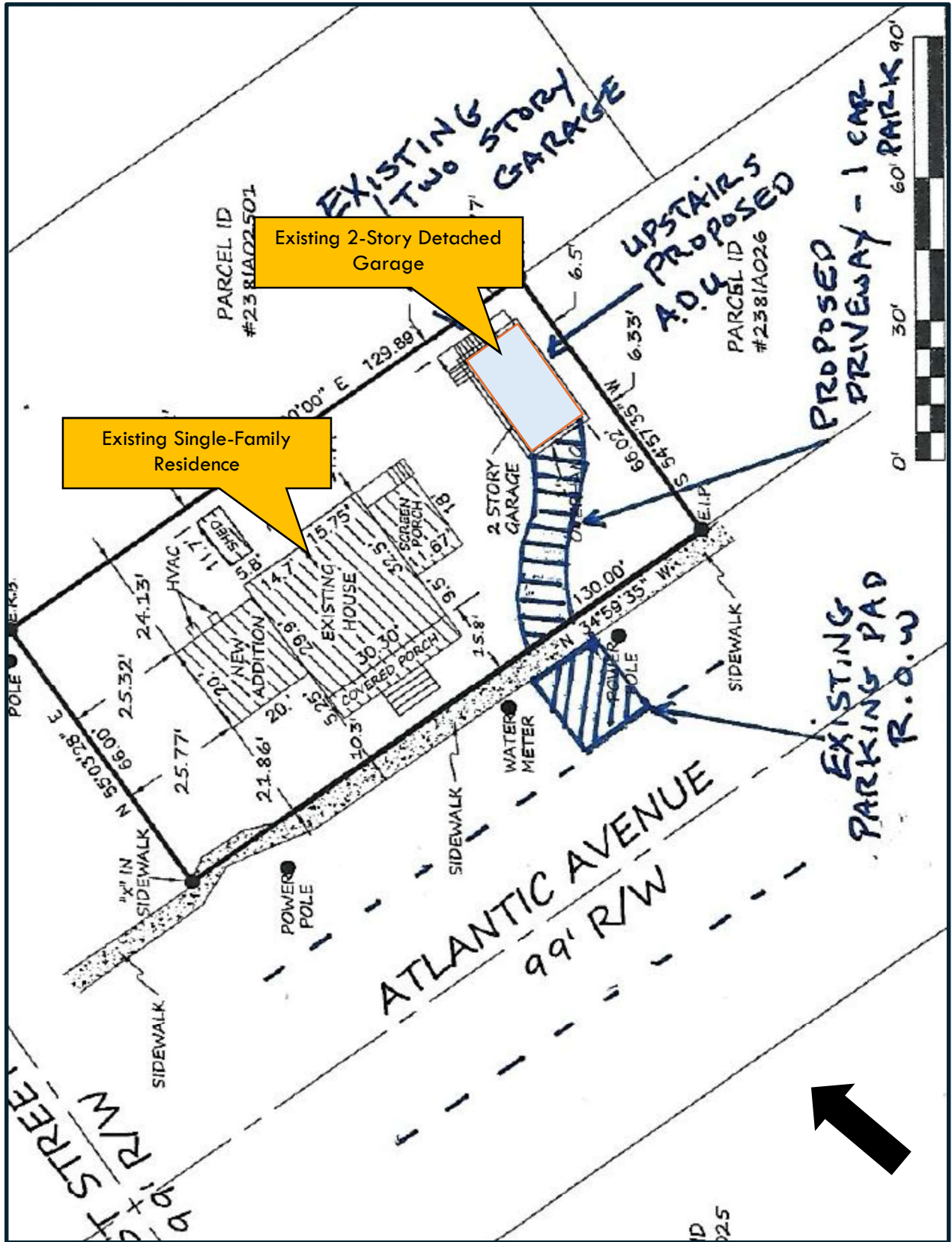
Street View of 216 N. Atlantic Ave.



Aerial Imagery of Subject Property



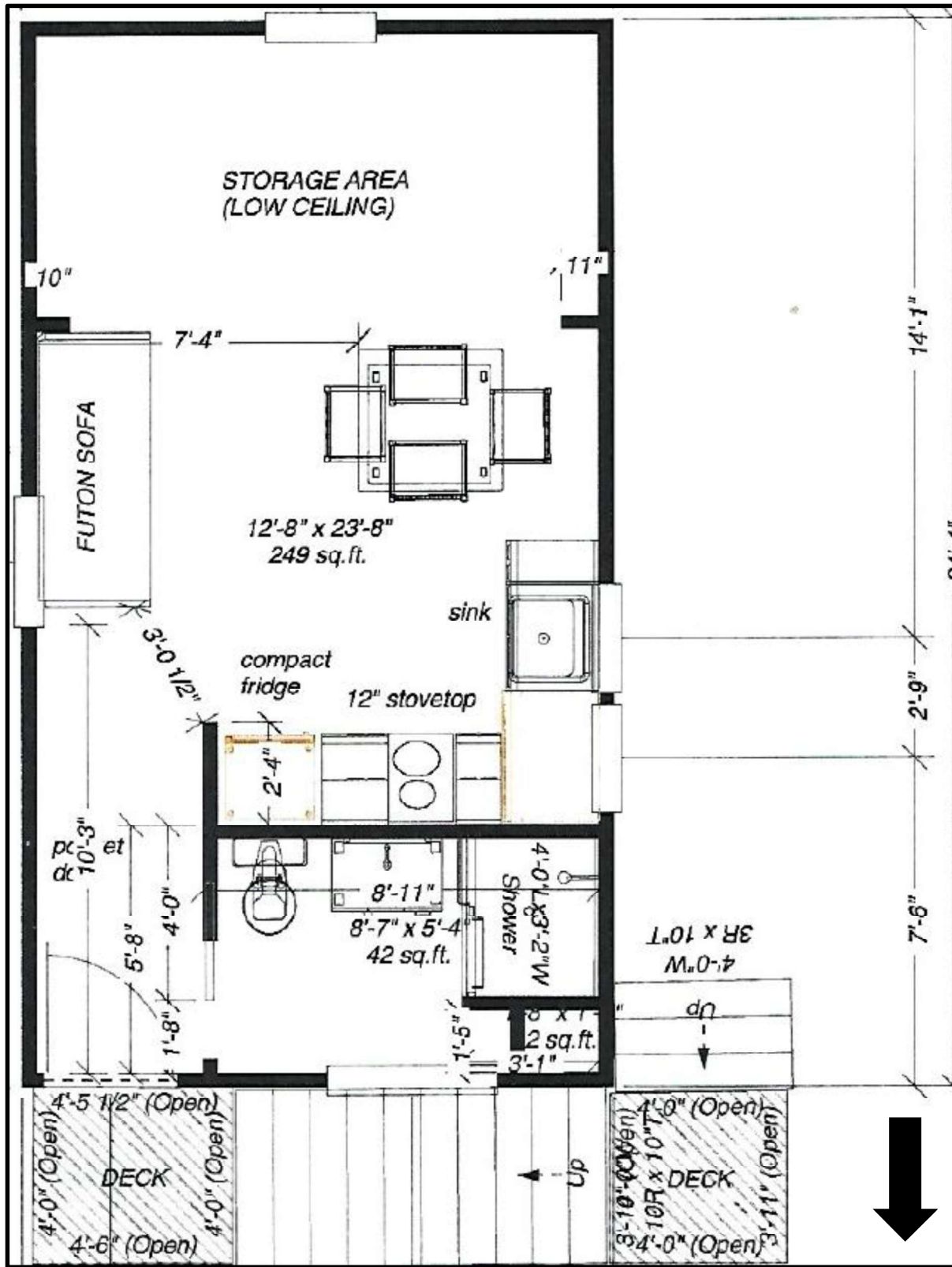
Zoning Image of Subject Property (R-10)



216 N. Atlantic Ave Site Plan



Existing Detached Garage



Proposed Second Floor ADU (312 SF)

SPECIAL USE DESCRIPTION

The detached structure measures (24'4" x 13'4") generating a footprint of 327 square feet. The proposed ADU will have an interior footprint of 312 square feet above the detached garage. With a 5-foot rear and a 5-foot side setback, the ADU meet 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 ADU's found in Section 3.6.C of the UDO, along with a narrative explaining how the proposal complies.

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 a single-family residence on N. Atlantic 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.

The structure will be served by the same driveway that serves the single-family residence. This driveway will connect to N. Atlantic Avenue.

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

Parking for the accessory dwelling unit will be provided on the existing driveway.

7. The accessory dwelling shall not exceed 800 SF.

The accessory structure will have an exterior footprint of 327 square feet. The interior footprint of the ADU will total 312 square feet.

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.

At 327 SF, the ground floor footprint of the proposed accessory structure does not exceed the maximum square footage allotted by the UDO. The structure is to be constructed to the side-rear of the single-family residence where it will meet the minimum 5-foot side and rear setback standards. The dwelling unit will be built to NC building code and consist of an interior living space of 312 SF above the detached garage. The driveway will serve both the primary residence and the ADU as well as provide the requisite parking space.

STAFF SUMMARY

The applicant requests a special use permit for an Accessory Dwelling Unit in the R-10 residential zoning district. Staff finds that the application is complete and that the proposal meets all the residential accessory dwelling unit standards in the UDO. The application, survey, and building drawings are attached to this report.

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 must consider the circumstances of the property, not those 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, the proposed accessory dwelling unit **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, the proposed accessory dwelling unit **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