



**CITY OF SOUTHPORT
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA**

113 W. MOORE STREET

August 25, 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. Swearing in of Members

1.

1. Chris Eckert
2. Lotem "Tuck" Masker
3. Jerry Rivenbark
4. Sue Hodgins
5. Selection of Chair and Vice Chair

D. Approval of Minutes

1. Approval of May 26, 2026, Board of Adjustment Regular Meeting Minutes

E. Explanation of Quasi-Judicial Process

F. Explanation of Proceedings

G. New Business

1. VAR-26-01 – 724 N Howe Street

H. Other Business

I. Adjourn



**CITY OF SOUTHPORT
BOARD OF ADJUSTMENT
REGULAR MEETING
INDIAN TRAIL MEETING HALL
113 W. MOORE ST SOUTHPORT, NC 28461
May 26th, 2026, 4:30 PM
Minutes**

Present Members: Chair Pete Haislip, Vice Chair Jason Robbins, Tuck Masker, Rodney Ross, John Allen (Arrived at 4:48pm), Steve Doshier, Harley Lemons, Chris Eckert

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: Harley Lemons

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 Minutes

1. April 28th, 2026, Board of Adjustment Meeting Minutes

A motion was made by Mr. Masker and seconded by Mr. Eckert to approve the April 28th, 2026, Board of Adjustment Meeting Minutes.

The motion carried unanimously.

D. Explanation of Quasi-Judicial Process

Chair Haislip opened the quasi-judicial evidentiary hearing and explained that the hearing would be conducted in a manner similar to a court proceeding. He stated that North Carolina law establishes specific procedures and rules governing how the

Board of Adjustment must reach its decision in quasi-judicial matters, and that these procedures differ from administrative or legislative land-use decisions.

Chair Haislip advised that the Board's discretion is limited and that its decision must be based on competent, material, and substantial evidence presented in the record. He further stated that the Board's decision must be constrained by the applicable standards in the ordinance and based on the facts presented during the hearing.

E. Explanation of Proceedings

Chair Haislip explained the proceedings. He instructed anyone speaking as a witness to focus on facts and ordinance standards rather than personal preference or opinion. He noted that the meeting was open to the public, but that only parties with standing have the right to participate fully. He stated that parties are generally limited to the applicant, the local government, and individuals who can demonstrate standing by showing that they will suffer special damages. Examples of special damages may include impacts related to parking, stormwater runoff, crime, or property values. He further explained that proximity alone is not sufficient to establish standing.

Chair Haislip stated that other individuals may serve as witnesses if called by the Board, but that witness testimony is limited to facts and not opinions. He further advised that individuals offering expert opinions must be qualified as experts and must provide the factual evidence upon which their opinions are based.

Chair Haislip then asked whether any Board member had a conflict of interest regarding the matter before the Board. Hearing none, he proceeded with the hearing.

Board Attorney DiGuiseppe noted, for transparency, that he had consulted with the owner of the Brunswick Partnership for Housing (BPH). He shared that it was not a conflict but wanted to have stated on the record.

Chair Haislip elevated Board alternate, Steve Doshier, to full member in the absence of Harley Lemons.

F. Old Business

None

G. New Business

1. SUP-26-06 – Special Use Permit – Brunswick Partnership for Housing

Chair Haislip recognized City Planner Biddle and requested that Staff present the Special Use Permit

Chair Haislip swore in City Planner Wendell Biddle.

Planner Biddle presented Special Use Permit SUP-26-06, a request from Brunswick Partnership for Housing (BPH) to construct seven townhomes divided between two residential buildings on a 0.69-acre parcel located along East 11th Street near North Atlantic Avenue. He stated that the parcel is directly adjacent to the existing BPH Transitional Housing Development and is served by existing utilities. He noted that the property is located outside the Special Flood Hazard Area and is zoned Office and Institutional (O&I).

Planner Biddle explained that Table 3.1 of the Unified Development Ordinance (UDO) requires a Special Use Permit for multi-family dwellings in the O&I zoning district. He reviewed the applicable zoning and land use definitions, including the definition of the O&I District and multi-family dwellings.

Planner Biddle stated that the proposed development would include seven townhomes split between two residential buildings, stormwater infrastructure, required landscaping, and a 20-foot rear buffer yard. He explained that a shared parking agreement had been prepared to ensure that the existing BPH development continues to meet its minimum parking requirements.

Planner Biddle reviewed the site plan and stated that the proposed development would consist of approximately 10,516 square feet, including 7,288 square feet of residential area. He noted that an accessory storage building would be attached to Building 2, and that the site would include a stormwater pond and required rear buffer yard.

Planner Biddle reviewed the dimensional standards and parking requirements. He stated that the combined parking requirement for the existing and proposed BPH developments is 28 spaces, including ADA-compliant spaces. The proposed development requires 16 spaces, based on two spaces per unit plus two guest spaces. The existing development requires 12 spaces, based on two spaces per unit, two guest spaces, and two spaces for the 450-square-foot office. He also noted that the development would include a network of five-foot-wide sidewalks.

Planner Biddle stated that existing vegetation at the rear of the lot would be preserved where feasible to increase the opacity of the 20-foot buffer yard. He explained that the required buffer type calls for a minimum of two canopy trees and four understory trees per 1,000 square feet.

Planner Biddle reviewed utilities, lighting, and design. He stated that existing utility infrastructure would be used, proposed lighting complies with UDO standards, and 10 light poles are proposed with a maximum color

temperature of 3000 Kelvin. He also stated that, to comply with UDO standards, the orientation of Building 2 had been revised to face East 11th Street.

Chair Haislip asked for clarification regarding the proposed density of eleven units per acre.

Planner Biddle explained that the proposed density is approximately ten dwelling units per acre, which is below the maximum allowable density of eleven dwelling units per acre. He reviewed the parking calculations and stated that the shared parking agreement accounted for the existing BPH development requirements. He noted that the combined developments would provide sufficient parking to meet the minimum standards and would exceed the required number of spaces by one.

Mr. Robbins asked whether the lots would be combined and whether any variances related to parking were required. He asked whether the shared parking arrangement would function similarly to an easement.

Planner Biddle stated that the agreement would be recorded and would run with the land.

Mr. Ross asked whether the arrangement would be reflected in the deed and remain with the property.

Planner Biddle confirmed that it would.

Mr. Eckert noted that the density was listed as eleven units per acre while the parcel was less than one acre at 0.69 acres. He asked whether the density was prorated and whether the maximum allowable number of units would therefore be 7.59.

Planner Biddle explained that the acreage would be prorated and confirmed that the proposed seven units comply with the standard.

Mr. Robbins asked about the rear buffer yard and drainage concerns near a drainage swale.

Planner Biddle stated that he had not specifically evaluated that issue but noted that the site was not located within a flood hazard area and that additional flood zone requirements could not be imposed.

Mr. Robbins asked whether anyone could address the floodwater issues that caused significant damage during the “no-name” storm of 2024 on Fodale

Avenue. He asked whether the flooding may have been related to the swale located on or near the subject property.

Planner Biddle stated that the issue was not part of his research and asked whether the applicant wished to address the matter. He then continued the presentation and stated that existing trees would be maintained where feasible. He noted that several regulated trees would remain on the property.

Mr. Robbins asked whether the trees along the street frontage would remain.

Planner Biddle stated that the developers intended to preserve trees where feasible, although some tree removal may be necessary for construction of the stormwater pond. He noted that several trees would remain on the property. He reviewed utilities, lighting, and design standards and reiterated that the developers revised the project design so that the units would face North on 11th Street.

Mr. Robbins asked whether the revised building orientation would place the front-facing side toward the street.

Mr. Masker stated that if a person were standing in the middle of E. 11th Street, that would be the elevation visible from the roadway.

Planner Biddle confirmed that the developer had revised the design to meet that orientation requirement.

Planner Biddle stated that Staff found the proposed development to be consistent with the intent of the O&I zoning district, to provide needed housing opportunities, to meet density and dimensional standards, to be compatible with surrounding development, and to provide adequate parking and circulation. He stated that Staff recommended approval of the Special Use Permit as presented.

Chair Haislip opened the floor to questions from the Board.

Mr. Ross asked additional questions regarding parking and sidewalks and the relationship between the existing and proposed structures. He also asked how trash service would be handled.

Planner Biddle explained the parking and sidewalk arrangements and stated that trash service would utilize individual receptacles.

Chair Haislip asked if it would be a dumpster.

Planner Biddle noted that a dumpster could not be placed on the property due to applicable requirements and that residents would wheel individual receptacles to the front for collection. He also stated that the property owner wanted to preserve a specimen tree located at the front of the property, which required the site design to be revised to accommodate that preservation effort.

Mr. Robbins stated that he wished to retract his earlier drainage question after realizing he had confused the project location. He then asked about the northern adjacent property.

Planner Biddle stated that he did not know the specific use but believed it was related to a commercial AT&T facility. He noted that the northern portion of the property is zoned R-10.

Mr. Masker asked Planner Biddle to return to the image showing the lot layout. He asked whether an easement located north of the property would appear on that map and requested clarification regarding the relationship between the existing facility to the north and the proposed development.

Mr. Masker stated that he recalled previous discussions involving neighboring residential properties and transitional housing developments requiring an eight-foot rear fence. He asked whether that requirement applied to the proposed project.

He referenced a prior review of the cell tower and stated that it had been found acceptable but asked whether any additional bulk criteria were required to be met for the development.

Mr. Masker asked whether elevations of the proposed structures were available, specifically requesting a front elevation of Building 2 and an elevation view from the perspective of someone parked in front of the building.

He also asked for clarification regarding the accessory storage area, noting that the storage component had been incorporated into the building design, and asked where the storage building would be located.

Planner Biddle shared the building elevations and noted that the storage building was not depicted in the images presented to the Board.

Mr. Masker stated that there had been significant discussion regarding the storage building and noted that it would be detached from Building 2 but constructed simultaneously. He referenced Table 3.2 and asked whether the standards applied by use or by zoning district.

Planner Biddle stated that the standards were based on zoning classifications, as land use itself does not dictate the applicable dimensional requirements.

Mr. Masker referenced the additional setback requirements associated with the buffer.

Planner Biddle explained that the standard setback is 15 feet, but because the property is adjacent to R-10 zoning, a 20-foot buffer is required.

Mr. Robbins asked for the depth of the stormwater pond.

Planner Biddle stated that he did not have that information available and deferred the question to the applicant.

Chair Haislip invited the applicant to come forward to address questions from the Board.

Chair Haislip swore in Barry Fulton, applicant, and Jeremy Blair and Allison Engebretson, of Paramoute Engineers.

Mr. Fulton thanked Planning Staff and presented the proposed development on behalf of the applicant. Mr. Fulton shared that he serves on the Board of Directors for Brunswick Partnership for Housing. He discussed the intended use of the facility and presented a slideshow showing the proposed additions to the lots. He spoke about the cost of the structures and stated that the goal of the project is to assist residents in transitioning from temporary housing into permanent homes. He reviewed the number of beds proposed within each unit and discussed the types of workers and professions the development is intended to serve. Mr. Fulton noted that the property had been acquired from AT&T after and stated that he is committed to supporting local communities and organizations such as Brunswick Partnership for Housing. He clarified that the proposed buildings would serve as rental housing and not transitional housing.

Chair Haislip asked whether individuals currently utilizing transitional housing could transition into the proposed apartments.

Mr. Fulton stated that they could. He discussed the anticipated cost structure for residents and again reviewed the number of beds within the units and the target residents, including hospitality workers, educators, and lower-income workforce employees. He explained that the intent is to provide housing

stability while residents increase their income and eventually transition out of workforce housing.

Chair Haislip asked the Board for questions.

Mr. Ross asked to view the landscaping plan again and asked whether the transitional housing facility was separate from the proposed housing development. He also asked whether any trees would need to be relocated.

Ms. Engebretson stated that the trees would be preserved.

Mr. Fulton concluded his presentation.

Chair Haislip opened the floor for additional Board questions directed to the applicant.

Mr. Robbins asked about the depth and dimensions of the stormwater pond.

Jeremy Blair of Paramounte Engineering stated that he did not have the exact horizontal dimensions available but explained that the stormwater design complies with all applicable stormwater ordinance requirements. He discussed the engineering analysis and testing performed and stated that there is adequate depth to support the approved design in accordance with state and local requirements.

Mr. Ross asked whether the pavement would be pervious.

Mr. Blair stated that it would likely consist of a pervious concrete material.

Mr. Robbins again asked about the depth of the pond and sought clarification regarding whether the depth would be uniform.

Mr. Blair confirmed that the pond would have a uniform depth. He noted that the design standards for the filtration system require the pond to remain dry most of the time.

Mr. Robbins asked whether a fence would be installed around the pond.

Mr. Blair stated that the pond would most likely not be fenced so that it could remain accessible for maintenance purposes.

Chair Haislip asked whether there were any additional questions.

Mr. Eckert referenced the UDO and asked about the requirement for an eight-foot fence adjacent to residential properties.

Planner Biddle explained that because the project is residential in nature, the requirement would not apply in this instance. He stated that the buffer yard requirement is based on the relationship between zoning districts and land uses. He explained that if surrounding zoning classifications changed in the future, any additional requirements would apply to the newly rezoned property rather than the applicant, although he stated that such a change was unlikely.

Mr. Fulton noted that a fence would be located behind the structure.

Mr. Eckert stated that he was curious whether a fence would be required because the development is residential in use.

Mr. Allen discussed the distinction between O&I zoning requirements and residential zoning requirements.

Planner Biddle explained that when O&I zoning is adjacent to R-10 zoning, a 20-foot buffer yard is required. However, when R-10 zoning is adjacent to O&I zoning, there is no reciprocal buffer requirement. He stated that the zoning of the subject property would remain O&I.

Chair Haislip closed the public hearing and stated that he would entertain motions from the Board.

Board Attorney DiGuiseppe noted that despite the arrival of Mr. Allen during the hearing, Mr. Doshier would remain eligible to vote on the matter in place of Mr. Lemons.

Planner Biddle stated that there had been a miscommunication between himself and Director Meehan regarding the consistency statement included in the packet materials. He explained that the statement related to the Comprehensive Plan and advised the Board that it should not be overly concerned with the issue.

There being no further questions, Chair Haislip closed the hearing and requested a motion from the Board.

Mr. Robbins 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: It complies with various standards and the ordinance, City's Comprehensive Use Plan, and other City statutes.

A motion was made by Mr. Robbins and seconded by Mr. Masker to approve the findings of fact and evidence presented for Special Use Permit – Brunswick Partnership for Housing.

The motion carried unanimously.

Mr. Allen read Motion 2:

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

Findings of Fact: The plans comply with City Staff and the UDO requirements.

A motion was made by Mr. Allen and seconded by Mr. Ross to approve the findings of fact and evidence presented for the Special Use Permit – Brunswick Partnership for Housing.

The motion carried unanimously.

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 a public necessity.

Findings of Fact: The use is a public necessity for affordable housing and will not adversely affect adjoining or abutting properties due to restrictions and requirements set forth in the UDO relative to setbacks and other building codes.

A motion was made by Mr. Allen and seconded by Mr. Robbins to approve the findings of fact and evidence presented for the Special Use Permit – Brunswick Partnership for Housing.

The motion carried unanimously.

Mr. Robbins 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 use meets all other requirements of the UDO specifically policy 1.1 and Action 1.1.7. and support the proposed use.

A motion was made by Mr. Robbins and seconded by Mr. Ross to approve the findings of fact and evidence presented for the Special Use Permit – Brunswick Partnership for Housing.

The motion carried unanimously.

Mr. Robbins 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 no conditions.

A motion was made by Mr. Robbins and seconded by Mr. Eckert to approve the findings of fact and evidence presented for the Special Use Permit – Brunswick Partnership for Housing.

The motion carried unanimously.

Mr. Doshier requested that the minutes from the prior meeting concerning the Fitzgerald property be amended to include certain statements by members of the public at that meeting.

Chair Haislip noted that the minutes from that meeting had already been approved and adopted by the Board.

Board Attorney DiGuiseppe further noted that the information Mr. Doshier sought to have included in the minutes of the prior meeting was excluded by the Board at that meeting and that the subject matter of this discussion was not properly before the Board for any discussion or action at the current meeting. Therefore, he advised that it was not proper to include this information in the minutes of the current meeting either.

H. Old Business

None

I. Other Business

None

J. Adjourn

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

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

The motion carried unanimously.

The Board adjourned at 5:30 p.m.

X

Jason Robbins
Vice Chair

X

Scott Baillargeon
Deputy Clerk

DRAFT



Variance Application

City of Southport, North Carolina

1029 N. Howe St, Southport NC 28461

www.southportnc.org

Planning & Inspections

Phone 910-457-7961 Fax 910-457-7957

For Staff Use Only

Application No. VAR-26-01

Receipt No. _____

FEE: \$ 750.00

Date Received: June 18, 2026

APPLICANT / APPELLANT INFORMATION

Applicant's Name: David & Kim Anderson Phone: (910) 269-3334

Mailing Address: 112 Country Club Dr.

City: Oak Island State: NC Zip Code: 28465

Email: kim@artskipper.com

PROPERTY (Location/identification information for property to which variance request refers):

Name of Owner: David & Kim Anderson

Address of property: 724 N. Howe St City: Southport

State: NA Zip Code: 28461 Phone: 910-269-3334

Tax Parcel ID: 209611659692 Zoning District Classification: BD

Subdivision Name: N/A Section: Block 6 Lot #: 14

Current Use of Property: Vacant Lot



VARIANCE APPLICATION (COMPLETE THE FOLLOWING):

I, **Kim Anderson**, the Applicant, hereby **submit a VARIANCE Application** for review and consideration of the Board of Adjustments requesting a Variance be granted from the City of Southport Ordinances as described below:

General Statement of Request (include property/project description and relevant Ordinance Code Sections):

Applicant requests a variance from the strict application of UDO Section 3.15 as applied to the northwest frontage of 724 N. Howe St., Southport, NC, PIN 209611659692, zoned BD. The primary purpose of this request is to protect the long-term health and longevity of the existing mature 42-inch live oak located at the street frontage adjacent to the electrical transformer in the front easement, as shown on the attached image and site plan. Strict application of the sidewalk requirement would place a five-foot sidewalk directly within the tree/root area and conflict zone beside the transformer. As a secondary matter, Section 3.15 requires sidewalks for new nonresidential development in the BD district. The requested relief is the minimum necessary to allow an alternate sidewalk response at that tree and transformer location so the tree can be preserved and pedestrian improvements can be maintained elsewhere to the maximum practical extent.

VARIANCE JUSTIFICATION STATEMENT(S)

- a. What are the unnecessary hardships that would result from carrying out the strict letter of the Ordinance? It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

Strict application of the sidewalk requirement at this location would require excavation, grading, root cutting, fill, compaction, or similar disturbance within the critical root area of the mature live oak and immediately adjacent to the electrical transformer in the front easement. Those impacts would materially threaten the tree's health, stability, and long-term longevity and could effectively force severe damage or removal of a mature tree that currently defines the frontage. That is the unnecessary hardship created by carrying out the strict letter of the ordinance at this specific point on the site.

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

The hardship results from conditions peculiar to this property and this frontage: the front easement & NW corner of the lot, the fixed location of the existing 42-inch live oak at the northwest corner, the presence of the electrical transformer in the front easement adjacent to the tree, and the limited space between the curb line, easement area, and the tree's root flare. The attached image shows that this is a site-specific physical condition, not a personal circumstance and not a hardship common to the neighborhood or the general public.



c. Show that the hardship does not result from the actions of the Applicant or property owner.

The hardship did not result from actions taken by the applicant or the property owner. The live oak, its established root area, and the transformer/easement condition are existing pre-development site conditions. The applicant did not plant, relocate, or create those conditions and is requesting only the relief necessary to avoid harming the tree.

d. Describe how the requested variance is consistent with the spirit, purpose and intent of the Southport Unified Development Ordinance, such that public safety is secured and substantial justice achieved.

The requested variance is consistent with the spirit, purpose, and intent of the Southport UDO because it balances the pedestrian objectives of Section 3.15 with the tree-preservation purpose of Section 3.18, which states that tree preservation should occur when at all possible. The request is narrowly tailored to the minimum relief necessary at the tree and transformer conflict area, secures public safety, avoids unnecessary damage to a mature live oak, and achieves substantial justice by prioritizing the tree's longevity while preserving pedestrian improvements elsewhere to the maximum practical extent.



Rolling bins are picked up daily.
Located under the egress stairs, North
Elevation, behind fenced doors.

RECEIVED
JUN 18 2026
By:

FEMA-FLOOD ZONE:
https://fema.gov for Brunswick County
https://fema.gov for Brunswick County
NCEM CMAA Areas of Environmental
Concern: Not applicable to this project.

FREE STANDING SIGNAGE:
Dual side monumental sign.
Per [Section 2.91](#), see drawing C2001 for details on
signage.

SEE A108 drawing for more detail

EXTERIOR LIGHTING:
ALL Ext. Lighting will be attached to the building and
conform with [Sec. 4-151](#)
All Ext. Lights will conform to [Sec. 3-14](#)
including the 3,000-Kelvin lighting color temp.

RECYCLING & TRASH CONTAINERS:
Rolling bins are pushed up daily.
Located under the egress stairs, North
Elevation, behind fenced doors.

STAFF REPORT FOR VARIANCE APPLICATION

APPLICATION SUMMARY	
Hearing Date	August 25, 2026 Board of Adjustment
Applicant	David & Kim Anderson
Property Owner	David & Kim Anderson
Property Address	724 N. Howe St.
Parcel ID:	237ED013
Parcel Acreage	0.24 Acres 10,454 Sq Ft
Zoning District	Business District

BACKGROUND & ORDINANCE CONSIDERATIONS

Mr. and Mrs. Anderson, property owners of 724 N. Howe Street, recently received minor site plan approval for the development of a wine & café bar called SoPo Social. As a requirement of new commercial development within the BD zoning district, the Unified Development Ordinance (UDO) calls for the installation of a five (5) inch thick by five (5) foot wide sidewalk to be installed within the right-of-way for pedestrian access to adjacent facilities where applicable. It is this standard, UDO Section 3.15.B, that the Andersons are seeking relief in the form of a variance.

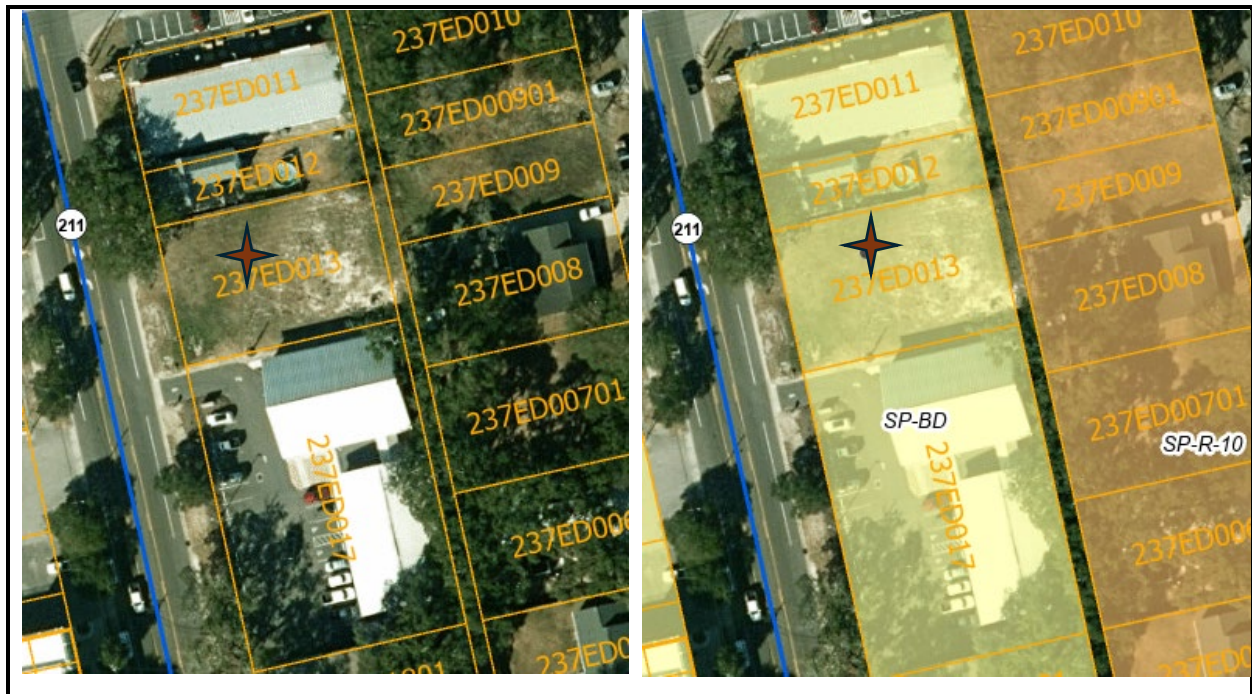
Sidewalks shall be required on at least one (1) side of the street, in all new major subdivisions, multi-family developments, and new construction nonresidential development of a principal use within the BD, CBD, HC, OI, and MF districts. Redevelopment or change of use of existing nonresidential or multi-family structures does not require the installation of sidewalks.

With a 42" diameter Live Oak tree directly in the path of the would-be sidewalk and an electrical transformer box behind the tree, the subject property is faced with either installing the sidewalk and irreparably damaging the specimen tree, rerouting the transformer, or seeking a variance that would negate the requirement of a sidewalk for that portion of the property. It should be noted that though the adjoining properties do not have sidewalks, the applicant is willing to install a portion of sidewalk on the other side of their driveway, but are looking to preserve the specimen tree and not have to relocate the electrical transformer.

PROPERTY LOCATION & DESCRIPTION

Located along N. Howe Street between The Tiki Tavern and ABC store, the subject lot is zoned Business District (BD) and is approximately 0.24 acres/ 10,454 square feet. The lot is further

identified by county parcel number 237ED013. Mr. and Mrs. Anderson received minor site plan approval for their development on April 9, 2025. The project is currently under construction.



Aerial and Zoning Overlay Imagery of Subject Parcel and Adjacent Lots



Entrance into Subject Lot



Location of Prescribed Sidewalk



Specimen Tree in Line of Prescribed Sidewalk

VARIANCE PROCEDURE

The variance request is a quasi-judicial decision so it must be conducted in a way to ensure 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 4/5th majority vote is required for a variance. Conditions can be applied but they must be proportional and directly applicable to the variance situation. In other words, they should be designed in such a way to assist the applicant to come into better and closer conformance with the City's zoning regulations. All evidence and testimony heard is substantive and competent in nature. 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.

General Statute (GS) 160D – 705 (d) codifies the evaluative criteria the Board of Adjustment finds to be met when deciding a variance request. The four standards are:

- (1) Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.

Before granting a variance, the Board of Adjustment must take a separate vote and vote affirmatively (by a 4/5 majority) on each of the four (4) required findings stated above. Findings of fact are an accepted record of the exhibits, evidence presented, and a formal recording of the decision made at the hearing. The motion to adopt the findings of fact can be made in conjunction with the motion to approve or deny the application or as a separate motion afterwards. A motion to make an affirmative finding on each of the 4 criteria requirements shall include a statement of the specific reasons or facts supporting each motion. A motion to deny a variance may be made on the basis that any 1 or more of the 4 criteria set forth are not satisfied or that the application is incomplete and shall include a statement of the specific reasons or facts that support it.

BOARD OF ADJUSTMENT: FINDING OF FACTS AND CONCLUSION OF LAW

The Chairman will now guide the Board through the following motions, which have been distributed in advance of the hearing:

Motion 1:

_____ “Unnecessary hardship would result from a strict application of the ordinance. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property”

-Or-

_____ “Unnecessary hardship would not result from a strict application of the ordinance. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property”

[There should be some factual explanation by the Board for its decision on this motion.]

Finding of Fact: _____

Motion 2:

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

Or

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

[Note: If the application does not meet conditions and specifications, it must be denied.]

Finding of Fact: _____

Motion 3:

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

Or

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

[There should be some factual explanation by the Board for its decision on this motion.]

Finding of Fact: _____

Motion 4:

_____ “The requested variance is **consistent** with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice achieved.”

Or

_____ “The requested variance is **not consistent** with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice achieved.”

[There should be some factual explanation by the Board 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:

☐ Denial the variance application based on the following:

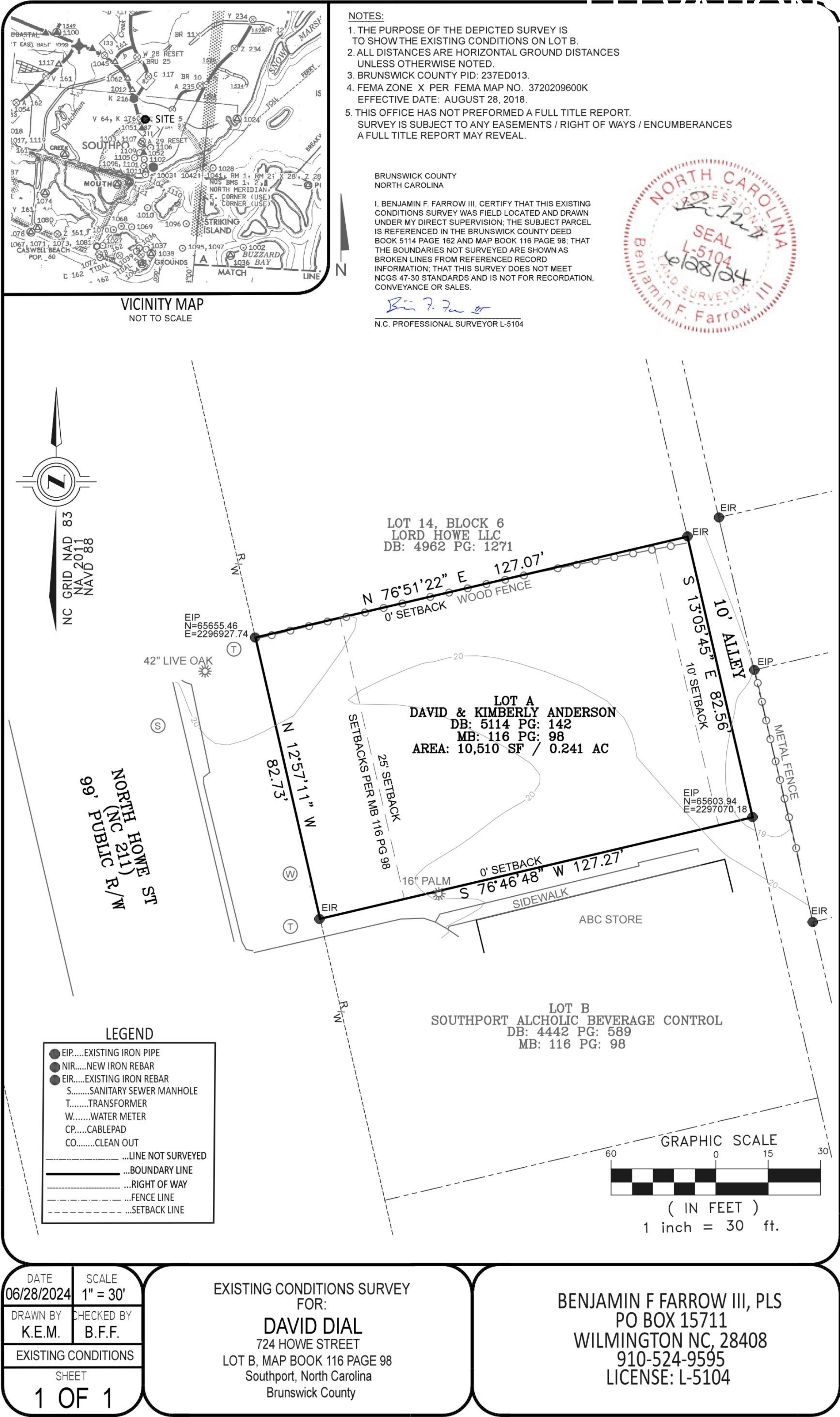
☐ Approval the variance application with conditions, including the following:

-
- ☐ Approval of the variance 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
Site Plan
TRC Approval Letter



Facet Architecture
14959 Scothurst Ln
Charlotte NC 28277
Tel: 833.322.3838

Firm Seal:

Professional Seal:

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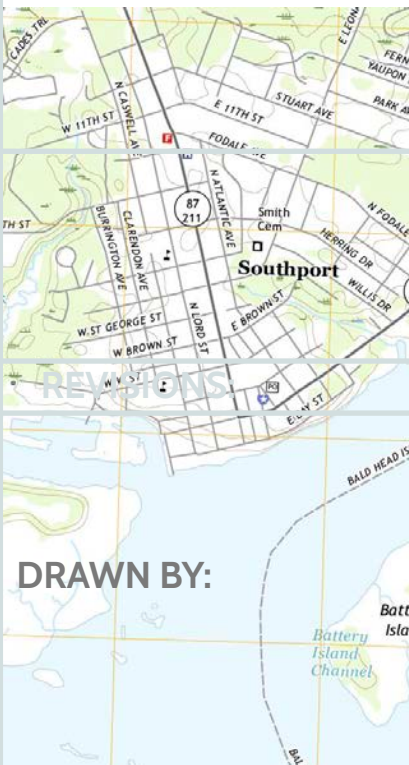
CLIENTS:

David & Kim Anderson
W/ Armando Fullwood

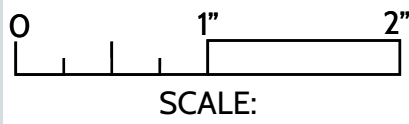


PROJECT:

724 N. Howe St.
Southport NC 28461
TYPE V-B Sprinklered
CAFE/BAR/RETAIL
2-Story A2/M



DRAWN BY:



ZONING:
LOT SURVEY
BY
OTHERS

Z003

ISSUED: 07.20.24

UPDATED SURVEY by OTHERS **A**
SCALE: SEE DRAWING GRAPHIC SCALE | Z003