

CAROLINA BEACH

Board of Adjustment Meeting

Monday, March 17, 2025 - 6:00 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



MINUTES

CALL TO ORDER

Vice Chairman Rouse called the meeting to order at 6:00 PM.

PRESENT

Chairman Ken Thompson

Vice Chairman Wayne Rouse

Board Member Patrick Boykin

Board Member Dan Adams

ABSENT

Board Member Wayne Hartsell

ALSO PRESENT

Community Development Director Jeremy Hardison

Senior Planner Gloria Abbotts

Planner Haley Anderson

CONFLICT OF INTEREST

Members of Board of Adjustment shall not vote on recommendations, permits, approvals, or other issues where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member or a member has a close familial, business, or other associational relationship. No member shall be excused from voting except upon those matters as noted, above, or upon those others involving the consideration of his own financial interest or official conduct. (160D-109)

PUBLIC HEARING

Variance to Section 3.13 Dimensional Requirements for Minimum Setbacks, Maximum Lot Coverage, and Maximum Impervious Coverage at 7 Sailfish Lane in the R-1 Zoning District

Applicant: Eighteen Eleven Properties, LLC

Chairman Thompson said because this variance requires a supermajority, all four Board Members present tonight would have to agree for it to pass. He gave the applicant the option to wait until a later date when the full Board of five is present, but the applicant opted to move forward tonight.

Individuals planning to speak on the matter were sworn in.

Applicant Eighteen Eleven Properties, LLC, is requesting a variance from Section 3.13 of the Unified Development Ordinance (UDO) that requires a 20-foot front yard setback, 7.5-foot side setback, 10-foot rear setback, 40% maximum lot coverage, and 65% maximum impervious coverage. The property is located at 7 Sailfish Lane and is in the R-1 zoning district. The property consists of a 1,400-square-foot lot with an existing ground-level one-story single-family home built in 1945. The existing structure and lot are both non-conforming to R-1 dimensional standards.

The existing structure is 4.9 feet from the front, 3.8 feet from the north side, 3.3 feet from the east side, and 5.3 feet from the rear property lines. The existing home does not meet current flood regulations. If the applicant wanted to renovate the home, they are limited to 49% of the value of the structure. The New Hanover County Tax Department previously had the building valued at \$57,300 in 2021, and the updated 2025 value is \$142,900. The 49% rule is calculated using only the building value; it does not include the land value.

If the applicant utilized the minimum setbacks to rebuild a new structure to meet the ordinance, the maximum size of the structure would be 13 feet x 20 feet. Meeting all setbacks would leave the applicant with a 260-square-foot maximum footprint, 40% maximum lot coverage is 560 square feet, and 65% maximum impervious coverage is 910 square feet.

The applicant would like to utilize the existing footprint of the home to build a new structure that meets flood requirements, parking requirements, and building code requirements. A three-bedroom two-story home on pilings is proposed. The proposed structure would be 21 feet x 34 feet 8 inches. Three parking spaces are required and will be provided underneath the home. The structure is within the AE11 flood zone. All living space in the new structure must be elevated 11 feet + 2 feet. The maximum height limit in R-1 is 50 feet. The proposed structure will be 36.25 feet tall.

To resolve the situation, the applicant requests a 10.17-foot variance to the required 20-foot front yard setback, a 3.67-foot variance to the required north side setback, a 3.83-foot variance to the required east side setback, and a 4.75-foot variance to the required rear setback. The applicant also requests up to a 3% increase in maximum impervious coverage and up to a 13% increase in maximum lot coverage.

Ms. Anderson presented the details. She said the requested variance is for the following:

- Front, rear, and side building setbacks
- 40% lot coverage limit
- 65% impervious surface
- Utility and platform setbacks

Ms. Anderson reviewed the four required criteria the Board must consider in the decision-making process:

1. Unnecessary hardship would result from the strict application of the ordinance.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography.
3. The hardship did not result from actions taken by the applicant or property owner.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance such that public safety is secured and substantial justice is achieved.

Ms. Anderson also presented information about site background, existing conditions, ordinance regulation, and the proposed development. She said the Board can make conditions on approval, and if the Board supports the findings, staff recommends that the variance is granted for the proposed structure only, and any new structures on the property shall conform to the setback requirements.

ACTION: Motion to open the public hearing

Motion made by Vice Chairman Rouse, seconded by Board Member Adams

Voting Yea: Chairman Thompson, Vice Chairman Rouse, Board Member Boykin, Board Member Adams

Motion passed 4-0

Attorney Ned Barnes of 814 Carolina Beach Avenue, representing the applicant, said the proposed construction is a single-family home that will serve as the family's primary residence. He said there initially were plans to lift the existing structure, but because it was built 80 years ago any efforts to do so would be futile. Mr. Barnes said the structure as it exists today is not compatible with the others around it because the others are on pilings and out of the flood zone, so this would make the property more compatible with adjacent properties. He said the applicant did not create the hardship because they purchased the home as it is, where it is. Mr. Barnes said if the variance is approved, the new structure would be out of the flood zone and offer parking underneath, which would eliminate the need to park along the road, improving access for emergency service vehicles. He said what they build will have to meet current building codes, be structurally sound, and use fire-retardant materials, which will benefit the applicant and adjacent property owners. Mr. Barnes said the plans have done an excellent job of fitting the proposed property within the footprint as it currently exists so it will not encroach on neighbors.

Chairman Thompson asked if anyone wanted to argue against the requested variance. No one came forward.

ACTION: Motion to close the public hearing

Motion made by Vice Chairman Rouse, seconded by Board Member Adams

Voting Yea: Chairman Thompson, Vice Chairman Rouse, Board Member Boykin, Board Member Adams

Motion passed 4-0

Chairman Thompson said his biggest concerns are safety of the surrounding properties and the public in general as well as consistency in applying the law. He said the request should benefit the community at large and produce justice in a reasonable measure for the applicant. Chairman Thompson said it's clear there are strong arguments in favor of public safety when it comes to the plan's parking, new materials, and better construction techniques. He asked if there are options for pervious driveway material.

Wescott Butler of 206 Texas Avenue said they can look at that, but they were on site today during a rain event and found that the water flows down the street and isn't coming between homes, so the system is doing its job. He said they can look into possibly doing a paver.

Board Member Adams asked if there is anything in the code regarding thickness for the apron of the driveway that impervious concrete would affect. Mr. Hardison said the apron of the driveway has to be within the right-of-way, which is a very small area on this street.

Vice Chairman Rouse said if the existing house burned down or flooded, they could build back in the same footprint, which would result in more encroachment than what they are currently seeking. He said it can be difficult to find ways for people to improve non-conforming properties in ways that make sense and are for the good of the community. Vice Chairman Rouse said the Fire Department has had concerns about getting its vehicles through this area, so moving vehicles off the street will help. He said he is inclined to support the application with staff's recommended condition.

Board Members went through each required finding for the variance request.

Regarding finding 1, the following agreed: Chairman Thompson, Vice Chairman Rouse, Board Member Boykin, and Board Member Adams. Therefore, finding 1 passed 4-0.

Regarding finding 2, the following agreed: Chairman Thompson, Vice Chairman Rouse, Board Member Boykin, and Board Member Adams. Therefore, finding 2 passed 4-0.

Regarding finding 3, the following agreed: Chairman Thompson, Vice Chairman Rouse, Board Member Boykin, and Board Member Adams. Therefore, finding 3 passed 4-0.

Regarding finding 4, the following agreed: Chairman Thompson, Vice Chairman Rouse, Board Member Boykin, and Board Member Adams. Therefore, finding 4 passed 4-0.

The variance request was approved.

ACTION: Motion to approve the variance to Article 3, Section 3.13 Dimensional Requirements to allow the following – 9-foot 10-inch front yard setback, 3-foot 10-inch west side setback, 3-foot 1-inch east side setback, 5-foot 3-inch rear setback, 53% total lot coverage, 69% total impervious service, and a 2-foot 6-inch rear setback for the utilities, utility platform, and platform staircase access – with the staff recommended condition that any new structures on the property shall conform to the setback requirements; this is for the property located at 7 Sailfish Lane because it meets the four findings of fact

Motion made by Vice Chairman Rouse, seconded by Board Member Boykin

Voting Yea: Chairman Thompson, Vice Chairman Rouse, Board Member Boykin, Board Member Adams
Motion passed 4-0

NON-AGENDA ITEMS

Chairman Thompson said the next Board of Adjustment meeting is scheduled for April 22.

ADJOURNMENT

ACTION: Motion to adjourn

Motion made by Vice Chairman Rouse, seconded by Board Member Adams

Voting Yea: Chairman Thompson, Vice Chairman Rouse, Board Member Boykin, Board Member Adams
Motion passed 4-0