

CAROLINA BEACH

Board of Adjustment Meeting

Tuesday, February 17, 2026 - 6:00 PM

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



MINUTES

CALL TO ORDER

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

PRESENT

Chairman Ken Thompson

Board Member Jeff Hogan

Board Member Wayne Hartsell

Board Member Patrick Boykin

Board Member Dan Adams

ALSO PRESENT

Community Development Director Jeremy Hardison

Senior Planner Gloria Abbotts

Planner Haley Anderson

Board Attorney Matt Nichols

APPROVAL OF MINUTES

November 3, 2025 – BOA Minutes

ACTION: Motion to approve the minutes

Motion made by Board Member Adams, seconded by Board Member Boykin

Voting Yea: Chairman Thompson, Board Member Hogan, Board Member Hartsell, Board Member Boykin, Board Member Adams

Motion passed unanimously

PUBLIC HEARING

Consider a Variance to Article 3, Sec. 3.13 Dimensional Requirements for Exceeding 40% Lot Coverage for a New Construction Home Located at 1516 Pinfish Lane

Applicant: Floyd Construction Company, Inc.

Applicant Floyd Construction Company, Inc., is requesting a variance from Sec. 3.13 Dimensional Requirements. The property is located at 1516 Pinfish Lane and is in the MH zoning district. The property is 5,000 square feet. The applicant built a new construction duplex on the subject property and is requesting a variance to the 40% lot coverage allowance because the building exceeds 40% the size of the lot (2,000 square feet). Lot coverage consists of the footprint of the home, covered decks, elevated decks, staircases, and cantilevered architecture. Lot coverage does not include roof overhang.

In this case, the house is 2,000 square feet, and there is an additional covered rear porch that is 57 square feet, making the total lot coverage 2,057 square feet.

The home was approved at 2,000 square feet in size when the permits were issued. The approved square footage included the footprint of the home and the front covered porch. The approved plans did not include a covered rear porch, which was added later without updating the building permit or notifying the Town. The Town never received a foundation survey partway through the build and was not aware of the rear covered porch until the final as-built survey was submitted at the end of construction.

The applicant is proposing a variance of 57 square feet for total lot coverage of 2,057 square feet or 41.14%.

Individuals planning to speak on the matter were sworn in.

Ms. Anderson presented the details. She 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.

ACTION: Motion to open the public hearing

Motion made by Chairman Thompson, seconded by Board Member Hogan

Voting Yea: Chairman Thompson, Board Member Hogan, Board Member Hartsell, Board Member Boykin, Board Member Adams

Motion passed unanimously

Attorney Ned Barnes of 814 Carolina Beach Avenue North, representing the applicant, explained that the builder was hoping to attend but had a conflict and might arrive later.

Mr. Barnes presented a detailed argument addressing each of the four required criteria. As far as unnecessary hardship, he argued that if you examine maps of the Town from 1913 through 1948, you would find that this particular lot was a 50-by-100 foot lot, while other platted lots in various map books showed different dimensions – some 50 by 125 feet, others 60 by 105 feet, and others 60 by 120 feet. He contended that if this lot was platted as the others were, they would not be here today because there would be no encroachment as far as the footprint is concerned.

For conditions peculiar to the property, Mr. Barnes argued this fits the same category, stating that if these lots had been platted the same way at that time, they would not be here this evening.

Regarding whether the hardship resulted from applicant actions, Mr. Barnes argued that the house fits the footprint without question. He noted that what was referenced as a porch in the back, he would

consider a concrete slab on the ground. Mr. Barnes emphasized that since the County now does inspections for the Town, there was nothing hidden and the slab was there when the inspector visited. He stated there was discussion between the builder and the County inspection department about the little roof area put over the slab, and suggestions were made.

Regarding public safety and substantial justice, Mr. Barnes reiterated that many lots were platted with dimensions greater than 50 by 100 feet, and had that been the case, they would not be present. He noted that every side setback, even with this slab of concrete, had been met.

Mr. Barnes described the builder's consideration for neighbors, explaining that when constructing the home, he surrounded the entire house with a drainage area so any runoff would not affect any other adjacent property, which was not something he was required to do.

Mr. Barnes added that he would not classify the structure as a porch but rather just a slab of concrete that has a small roof structure just above it but is not enclosed. He said the purpose was practical, noting that the covered area would provide shelter for pets during storms while owners were away or allow owners to check on pets without getting wet during rain.

Mr. Barnes emphasized that the structure was consistent with other properties in the area, created no safety issues, and did not impinge on anyone's view. He also noted that all setbacks were met and said the builder dropped off flyers at each neighbor's house asking if anyone had objections, and he heard back from no one.

There was extensive discussion about what constitutes lot coverage and what alternatives might be available. Ms. Anderson clarified that while the applicant could have a grade-level slab with no roof without issue or could have a roof that protrudes off the back up to 2.5 feet, this one is far greater than that and would therefore classify it as falling under lot coverage. She confirmed the builder could maintain the roof as built but would need to cantilever it without posts coming to the ground.

Board Member Boykin asked for clarification about the duplex configuration, and Ms. Anderson confirmed it was a top-and-bottom duplex rather than side-by-side, which is why it qualified as a duplex rather than a townhouse.

ACTION: Motion to close the public hearing

Motion made by Board Member Adams, seconded by Board Member Boykin

Voting Yea: Chairman Thompson, Board Member Hogan, Board Member Hartsell, Board Member Boykin, Board Member Adams

Motion passed unanimously

Chairman Thompson said regardless of what happened in the past, the rules were enforced at the point when the permit was requested, and how things have gone in history is beyond their control. He acknowledged that 57 square feet out of 2,000 is a very minor deviation.

Chairman Thompson observed that if the structure was supported by the house rather than posts and was fully cantilevered, it wouldn't be an issue.

Ms. Anderson explained that for a roof overhang, you could go into the setback up to 2.5 feet, as long as it's cantilevered with no posts coming down to support it.

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

Regarding finding 1, the following disagreed: Chairman Thompson, Board Member Hogan, Board Member Hartsell, Board Member Boykin, and Board Member Adams. Therefore, finding 1 failed 0-5.

Regarding finding 2, the following disagreed: Chairman Thompson, Board Member Hogan, Board Member Hartsell, Board Member Boykin, and Board Member Adams. Therefore, finding 2 failed 0-5.

Regarding finding 3, the following disagreed: Chairman Thompson, Board Member Hogan, Board Member Hartsell, Board Member Boykin, and Board Member Adams. Therefore, finding 3 failed 0-5.

Regarding finding 4, the following disagreed: Chairman Thompson, Board Member Hogan, Board Member Hartsell, Board Member Boykin, and Board Member Adams. Therefore, finding 4 failed 0-5.

ACTION: Motion to deny a variance to Section 3.13 Dimensional Requirements for exceeding 40% lot coverage by 57 square feet for a new construction home located at 1516 Pinfish Lane because it did not meet the four findings of fact

Motion made by Chairman Thompson, seconded by Board Member Hogan

Voting Yea: Chairman Thompson, Board Member Hogan, Board Member Hartsell, Board Member Boykin, Board Member Adams

Motion passed unanimously

ITEMS OF BUSINESS

Appoint Vice Chairman

Chairman Thompson recognized new Board Member Hogan and said they needed to appoint a Vice Chairman.

ACTION: Motion to nominate Board Member Hogan as Vice Chairman

Motion made by Board Member Adams, seconded by Board Member Hartsell

Voting Yea: Chairman Thompson, Board Member Hogan, Board Member Hartsell, Board Member Adams

Voting Nay: Board Member Boykin

Motion passed 4-1

NON-AGENDA ITEMS

None

ADJOURNMENT

ACTION: Motion to adjourn

Motion made by Board Member Hartsell, seconded by Board Member Boykin

Voting Yea: Chairman Thompson, Vice Chairman Hogan, Board Member Hartsell, Board Member Boykin, Board Member Adams

Motion passed unanimously

The meeting adjourned at 6:35 PM.