



**Town of North Topsail Beach
Zoning Board of Adjustment Regular Meeting**

**Tuesday, February 18, 2025, at 6:00 PM
2008 Loggerhead Court, North Topsail Beach, NC 28460**

(910) 328-1349 | www.northtopsailbeachnc.gov

PRESENT: Scott Morse, Lisa Lee Kozlowski, Susan Meyer, Kip Malcolm

ABSENT: Hanna McCloud - Chair, Jason Stahr- Alternate.

I. CALL TO ORDER

Mr. Malcolm called the meeting to order at 6:02 p.m.

II. ADOPTION OF AGENDA

Ms. Meyer made a motion to remove from the current agenda Item VI. ORGANIZATIONAL A. Rules of Procedure. Mr. Morse seconded the motion. The motion passed unanimously, 4-0.

Ms. Meyer made a motion to add the appointment of a Vice Chair to the Zoning Board of Adjustment on the agenda. Ms. Kozlowski seconded the motion. The motion passed unanimously, 4-0.

Ms. Meyer made a motion to adopt the agenda as amended. Mr. Morse seconded the motion. The motion passed unanimously, 4-0.

III. ELECTION OF VICE CHAIR

Ms. Meyer made a motion to nominate Kip Malcolm as Vice Chair of the Zoning Board of Adjustment. Ms. Kozlowski seconded the motion. The motion passed unanimously, 4-0.

IV. APPROVAL OF MINUTES: DECEMBER 17, 2024, SPECIAL MEETING

Town Attorney Ferguson recommended that the Zoning Board of Adjustment amend the minutes to reflect the intention of the Board by changing the motion to adjourn to a motion to recess to the next scheduled Board of Adjustment meeting.

Ms. Kozlowski made a motion to adopt the correction of adjournment to recess until the next scheduled meeting in the minutes. Ms. Meyer seconded the motion. The motion passed unanimously, 4-0.

Mr. Morse made a motion to adopt the minutes with the amendments as changed. Ms. Kozlowski seconded the motion. The motion passed unanimously, 4-0.

V. OLD BUSINESS: #AA24-000003 Appeal by Aneta Paval of the denial of a fence permit #SB24-000044 at lot 14 Green Oar Street, Rogers Bay Campground located at 4021 Island Drive (continued)

Vice Chair Malcolm introduced the continued appeal AA#24-000003, and recognized the Appellant, Ms. Paval attending via Teams.

Town Attorney Ferguson gave a summary of the appeal and recommended that the Zoning Board ask for the additional evidence and testimony requested at the previous evidentiary hearing, and then entertain any additional questions from the Board to either staff or the appellant. After which they may close the evidentiary hearing and enter into deliberations.

Planning Director Hill presented a letter from Winston C. Soward, Fire Chief of the North Topsail Beach Fire Department.

There were no additional questions from the Board or Ms. Paval regarding the letter from the Fire Chief.

Ms. Paval inquired about the pictures she submitted.

Vice Chair Malcolm identified the pictures as pages seven and eight of the staff report, and without objection from the Board or Ms. Paval admitted them into the record.

Ms. Paval answered questions from the Board.

There was discussion between the Board and the Town Attorney.

Planning Director Hill answered a question from the Board.

Ms. Paval provided testimony to the Board.

Mr. Morse made a motion to close the evidentiary hearing part and move to the deliberation. Ms. Kozlowski seconded the motion. The motion passed unanimously, 4-0.

The public hearing was closed at 6:25 p.m.

The Zoning Board of Adjustment deliberated.

Ms. Meyer made a motion to uphold the denial of the fence. Ms. Kozlowski seconded the motion. The motion passed unanimously, 4-0.

Ms. Paval stated her intention to appeal to Onslow County Superior Courts.

Attorney Ferguson explained the process of reviewing the written decision at the next scheduled Board meeting and that appeal rights begin to run at the adoption of the written decision.

VI. NEW BUSINESS: #VAR24-000001 Variance application by Mr. Lincoln "Tad" Scott from the 20-foot Front Yard Setback requirement listed in UDO Table 5-1 for property at 1108, 1112, 1116 New River Inlet Road (R-5 Zoning District) due to 90-foot CAMA setback requirement
Deputy Town Clerk Winzler swore in Lincoln Tadd Scott, and Planning Director Hill.

Town Attorney Ferguson explained the four criteria an applicant is required to prove to grant a variance. Mr. Ferguson allowed the Board to identify any possible conflicts or special knowledge. None were presented.

Vice Chair Malcolm reviewed the order of business for the variance request, opened the public hearing on case #VAR24-000001 at 6:39 p.m. and requested testimony from the staff.

Planning Director Hill presented the staff report and exhibits one through fifteen, and with clarification from the Town Attorney asked that they be entered into the record of the evidentiary hearing without objection from the applicant, Mr. Scott. She answered a question from the Board.

Attorney Ferguson explained that the applicant was seeking a variance from the Town's front yard setback requirements.

Applicant Lincoln Tadd Scott provided testimony. He presented a series of four pictures for the consideration of the Board.

The Board accepted the pictures into the record without objection.

Mr. Scott answered questions from the Board.

Planning Director Hill answered questions from the Board.

Planning Director Hill cross examined Mr. Scott.

Mr. Morse made a motion to close the evidentiary part of the hearing and move to deliberation. Ms. Meyer seconded the motion. The motion passed unanimously, 4-0.

The public hearing was closed at 7:17 p.m.

Town Attorney Ferguson reviewed the four elements required for the granting of a variance.

The Zoning Board of Adjustment deliberated.

Mr. Morse made a motion to deny the variance request. Ms. Kozlowski seconded the motion. The motion passed unanimously, 4-0.

Planning Director Hill raised a procedural question.

Attorney Ferguson provided guidance for the Board to direct the Planning Director to draft a simple variance request denial letter and allow the Vice Chair to sign it for the Applicant before the CRC deadline.

The Board, the Planning Director, and the Town Attorney provided clarification on the determination to the Applicant.

Ms. Meyer made a motion to direct the director to issue a letter indicating the findings of this variance hearing tonight. Ms. Kozlowski seconded the motion. The motion passed unanimously, 4-0.

VII. CLOSED SESSION: Pursuant to NCGS § 143.318.11 (a) (3) Consultation with the attorney
Mr. Morse made a motion to enter into closed session. Ms. Kozlowski seconded the motion. The motion passed unanimously, 4-0.

The Zoning Board of Adjustment went into closed session at 7:26 p.m.

No action was taken.

Ms. Kozlowski made a motion to go back into open session. Ms. Meyer seconded the motion. The motion passed unanimously, 4-0.

The Zoning Board of Adjustment came out of closed session at 7:40 p.m.

VIII. ADJOURNMENT

Ms. Meyer made a motion to adjourn. Mr. Morse seconded the motion. The motion passed unanimously, 4-0.

The Zoning Board of Adjustment meeting adjourned at 7:40 p.m.

APPROVED

This 18th Day of March, 2025.

CERTIFIED

This 18th Day of March, 2025.

Chair

Clerk to the Zoning Board of Adjustment