



**Town of North Topsail Beach  
Zoning Board of Adjustment  
Special Meeting Draft Minutes  
Wednesday, January 24, 2024, at 6:00 PM**

**2008 Loggerhead Court, North Topsail Beach, NC 28460**

**(910) 328-1349 | [www.northtopsailbeachnc.gov](http://www.northtopsailbeachnc.gov)**

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Present: Hanna McCloud – Chair, Scott Morse, Kip Malcolm, Susan Meyer - Alternate.

Absent: Paul Dorazio - Vice Chair, Stu Harness, Lisa Lee Kozlowski – Alternate.

Staff Present: Deb Hill MPA AICP CFM CZO - Planning Director, Town Attorney Brian Edes (via Teams), Ricky Schwisow, Kate Winzler CMC, NCCMC - Clerk to the Board of Adjustment.

**I. CALL TO ORDER**

Chair McCloud called the meeting to order at 6:02 p.m.

**II. OATH OF OFFICE**

Clerk Winzler administered the Oath of Office to Kip Malcolm for appointment as a regular member to the Zoning Board of Adjustment.

**III. ADOPTION OF AGENDA**

**Mr. Morse made a motion that we adopt the agenda. Ms. Meyer seconded the motion. The motion passed unanimously, 4-0.**

**IV. APPROVAL OF MINUTES**

A. March 22, 2023 Special Meeting Minutes

**Ms. Meyer moved to approve the minutes of the March 22 special meeting. Mr. Morse seconded the motion. The motion passed unanimously, 4-0.**

B. June 28, 2023 Special Meeting Minutes

**Mr. Malcolm made a motion to approve the June 28, 2023 special meeting minutes. Ms. Meyer seconded the motion. The motion passed unanimously, 4-0.**

**V. PUBLIC COMMENT**

None.

**VI. OLD BUSINESS**

None.

**VII. NEW BUSINESS**

A. Case #V-24-01 Variance Request by Keith Parker on behalf of Col. Michael Metcalf

Chair McCloud introduced the case and asked that the persons who wish to testify approach the podium to be sworn in.

Attorney Edes explained that in order to grant the variance, a unanimous vote of all four Board members present would be required. He asked if the applicant understood and consented.

Planning Director Hill requested a brief recess to explain the circumstance and consequences to the applicant.

Attorney Edes introduced himself to Col. Metcalf and explained that for a variance to be approved, it required a four-fifths vote from a five-member board. Normally, the Town would try to have five board members seated. There were only four members seated for this hearing, so essentially, it would require a unanimous vote of all four members present. He explained that Col. Metcalf had a right to a five-member board. Attorney Edes stated that there would be a brief recess, and he would be happy to answer any questions from Col. Metcalf.

Col. Metcalf thanked Attorney Edes for explaining.

The Zoning Board of Adjustment took a recess at 6:08 p.m.

The Zoning Board of Adjustment returned at 6:12 p.m.

Clerk Winzler swore in property owner Col. Michael Metcalf, applicant Keith Parker, and Planning Director Hill.

Attorney Edes reviewed the quasi-judicial process. He polled the Board regarding their roles as impartial decision makers. He asked the Board if anyone had any basis that would prevent them from being fair and impartial and to base their votes solely on the competent evidence produced during the hearing. All Zoning Board of Adjustment members responded to the questions in the negative.

Attorney Edes again explained that to approve the variance, a unanimous vote of all four Board members present would be required.

Chair McCloud asked for confirmation from the applicant that they agreed to the unanimous vote condition.

Col. Metcalf said that he agreed.

Chair McCloud reviewed the order of business for the hearing and opened the public hearing on Case #V-24-01 at 6:19 p.m and asked for testimony from the staff.

Planning Director Hill reviewed the staff report.

Attorney Edes asked if Ms. Hill would like to enter the staff report including Exhibits 1-9 into evidence as Exhibit A.

There was discussion between Attorney Edes and Ms. Hill.

Ms. Hill agreed.

Attorney Edes asked if Col. Metcalf had any objections.

Col. Metcalf replied, "No, sir. No objections."

Attorney Edes recommended that the Board accept the entire packet as described by Ms. Hill into evidence as Exhibit A without objection.

Chair McCloud acknowledged.

The Board did not have any questions for the Planning Director.

Col. Metcalf thanked the Zoning Board of Adjustment for their time, introduced himself, and stated that everything he wanted to share was part of the report Planning Director Hill made. He thanked the Board for their service and being present to hear his case.

Mr. Malcolm asked Col. Metcalf if he had any disputes over what was presented and if he agreed or concurred that the facts were accurate.

Col. Metcalf agreed.

No one spoke opposing the request.

The Planning Director had no further comment.

The Board had no further questions for staff.

The Board had no discussion.

Chair McCloud called for a motion on the conclusion.

**Mr. Morse made a motion that the Board finds as facts that the descriptions and statements of fact set forth in the staff report presented as evidence to the Board, as well as technical evaluations, all relevant factors, all standards specified in the Unified Development Ordinance Sec. 2.03.04 and having heard all of the evidence and arguments presented at the hearing by all sworn witnesses, included as a summary of findings of fact, that the application for a variance be granted. Ms. Meyer seconded the motion. The motion passed unanimously, 4-0.**

Chair McCloud closed the public hearing at 6:33 p.m.

Attorney Edes stated that he presumed staff would draft a proposal.

Planning Director Hill agreed.

Attorney Edes thanked Chair McCloud and the Board.

**VIII. ADJOURNMENT**

**Ms. Meyer moved that we adjourn. Mr. Malcolm seconded the motion. The motion passed unanimously, 4-0.**

The Zoning Board of Adjustment meeting adjourned at 6:33 p.m.

APPROVED

CERTIFIED

This 29<sup>th</sup> day of February 2024

This 29<sup>th</sup> day of February 2024

\_\_\_\_\_  
Chair

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Clerk to the Zoning Board of Adjustment