

**Town of Swansboro
Board of Adjustment
Special Meeting
April 6, 2026**

Call to Order

The meeting was called to order at 5:30 pm. Board members in attendance were Ralph Kohlmann, Wayne Mixon, John Fitzgerald, Jeff Brooks. Tom Cariker was absent.

Minutes

On a motion by Mr. Mixon, seconded by Mr. Fitzgerald, the April 17, 2024 Special Meeting were unanimously approved.

Business

Election of Chair, and Vice Chair

In accordance with the Board of Adjustment General Rules, a Chairman and a Vice-Chairman shall be elected from within the membership by the members.

On a motion by Mr. Mixon, seconded by Mr. Fitzgerald and approved unanimously, Mr. Kohlmann was reappointed to serve as Chair.

On a motion by Ralph Kohlmann, seconded by Mr. Mixon and approved unanimously, Mr. Cariker was reappointed to serve as Vice-Chair.

Brezza Lofts Minor Special Use Permit- Lot 8 Ward Farm Town Center

Town Attorney Francis Rasberry clarified that he was serving as counsel to the Board, not the Town administration. He explained that the Town Manager and Planner Brehmer requested his presence to provide legal guidance on the special use permit process and address questions regarding legal matters and procedures.

The public hearing was opened at 5:35pm, and the following individuals were sworn in by Deputy Clerk Aliette M. Cuadro:

- Planner Rebecca Brehmer
- Suzanne Nelson
- John Plageman

Planner Brehmer reviewed that Proforma Ward Farm Lot 8, LLC of Ward Farm Town Center had applied for a special use permit, the 1.22-acre parcel was zoned B-3, Traditional Business. The applicant proposed a mixed-use development consisting of 13 for-sale condominiums above approximately 13,200 square feet of commercial retail space.

Additionally, Planner Brehmer shared that the property had previously received approval for a special use permit in October 2024 for the construction of 16 townhomes. Following market research and consideration of local interest, the applicant determined that a mixed-use development would be more suitable for the property and submitted a new application.

She further shared that the B-3 zoning district was unique to Ward Farm and was specifically established to accommodate a mix of residential and commercial uses. Pursuant to §152.179, Table of Permitted Special Uses, the proposed development required a Minor Special Use

Permit and review by the Board of Adjustment. She noted that this permit category was established through a 2023 amendment to the Table of Permitted Uses, making this the Board's first application under this category.

Planner Brehmer explained that the proposal was consistent with the Future Land Use Map and the CAMA Land Use Plan Update, both of which designated Ward Farm as a traditional town center. She also noted that the Planning Board reviewed the application at its March 3, 2026, regular meeting and unanimously recommended approval.

Planner Brehmer further shared that the applicant had completed the necessary Unified Development Ordinance (UDO) text amendment process and that the site plan had undergone Technical Review Committee review. She reviewed the applicable zoning and land use maps and outlined the four special use permit criteria the Board was required to consider under §152.210 of the Unified Development Ordinance (UDO).

In response to inquiries from the board, the following was clarified by the Town Planner Brehmer:

- The applicant had provided a narrative addressing the required standards but had not included specific business operating hours or employee counts because the future commercial tenants had not yet been identified.
- The B-3 zoning district allowed uses similar to those permitted in the B-1 and B-2 districts, including retail, office space, and medical uses. All businesses would be required to comply with the Table of Permitted Uses. She also confirmed that applicable Town ordinances, including noise regulations, would remain in effect.

Town Attorney Raspberry explained that, because the matter was a quasi-judicial proceeding and the applicant was an LLC, Mr. Plagman needed to acknowledge for the record that he was appearing as a fact witness to avoid concerns regarding the unauthorized practice of law, consistent with a North Carolina State Bar ethics opinion.

Mr. Plagman provided that acknowledgment.

Mr. Plagman provided a review of the proposed development and its design. He shared that the project had evolved from a three-story townhouse concept to a two-story building intended to complement historic downtown Swansboro. The design incorporated colors and architectural elements inspired by the Town's historic character.

Mr. Plagman also clarified that other structures shown in the project renderings represented potential future development concepts and were not part of the current application.

The Board asked for clarification regarding Mrs. Nelson's appraisal report, noting that although it indicated surrounding properties had remained stable or increased in value, the report did not appear to include supporting data regarding those properties.

Attorney Rasberry stated that Mrs. Nelson was qualified as an expert in real estate valuation. He noted that her report and credentials were included in the record, allowing her to proceed with her testimony.

Mrs. Nelson explained that she had reviewed comparable properties but had not included all of the supporting information in the submitted report. She indicated that additional comparative information was available in her working files and maintained that her professional opinion was that the proposed development would not negatively affect surrounding property values.

In response to an inquiry from the board regarding the Planning Board's recommendation, Attorney Rasberry clarified that although the recommendation was acknowledged and appreciated, the Board of Adjustment's decision in the quasi-judicial hearing had to be based solely on the evidence and testimony presented during the hearing.

The Board proceeded to review the four Minor Special Use Permit criteria outlined in §152.210 of the Unified Development Ordinance (UDO)

- (1) The special use is allowed pursuant to § 152.210 and meets all the required conditions and specifications, including without limitation, those set out in § 152.211.
The request would meet the standards of the Unified Development Ordinance.
- (2) The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
Site Plan was verified by engineer and went through the Town's internal Technical Review Committee to ensure it meets all fire and building code and requirements.
- (3) The special use will not substantially injure the value of adjoining or abutting property.
OR the special use is a public necessity.
A appraisal from Realty Services of Eastern Carolina Inc was provided.
- (4) The location and character of the special use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is located. The special use shall demonstrate conformance to the Land Use Plan or other plan in effect at the time and address impacts of the project as required by G.S. §160A-382(b).
The project would enhance the neighborhood and be in harmony with its surroundings as an extension of the historic downtown.

The public hearing was closed at 6:05pm.

Attorney Rasberry explained that he had prepared a draft order in advance of the proceedings and offered to email it to the Planning Director for printing and distribution to the Board for review and approval during the meeting, avoiding the need to reconvene at a later date. A recess was called to allow time for the draft order to be emailed and distributed to the Board.

The Board took a recess from 6:09 to 6:17pm

Attorney Rasberry presented the draft order for the Board's review and consideration, and The Board reviewed the draft written order and approved the order as presented.

On a motion by Mr. Fitzgerald, seconded by Mr. Mixon the proposed Brezza Lofts Minor Special Use Permit- Lot 8 Ward Farm Town Center based on §152.210 was unanimously approved.

Chairman/Board Thoughts/Staff Comments

No comments were made.

Adjournment

On a motion by Mr. Mixon, seconded by Mr. Fitzgerald, the meeting adjourned at 6:18pm.