

MINUTES

ZONING BOARD OF ADJUSTMENT

BRUNSWICK COUNTY, N.C.

**6:00 P.M., Thursday
March 11, 2021**

**Commissioners Chambers
David R. Sandifer Administration Building
Brunswick County Government Center
Old Ocean Highway East, Bolivia**

MEMBERS PRESENT

Robert Williamson, Chairman
Marian Shiflet
Mary Ann McCarthy
Clayton Rivenbark
Virginia Ward (alternate)

MEMBERS ABSENT

Ron Medlin

STAFF PRESENT

Helen Bunch, Zoning Administrator
Bryan Batton, Assistant County Attorney
Miranda Garmenn, Zoning Technician

OTHERS PRESENT

Sabrina Hoadley
Emile Chagnon
Sylvain Goulet
Devoria Berry
Andrea Simmons

I. CALL TO ORDER.

The Chairman called the meeting to order at 6:00 p.m.

II. ROLL CALL.

Mr. Medlin was absent. Ms. Ward served as alternate.

III. CONSIDERATION OF MINUTES OF THE JANUARY 14, 2021 MEETING.

Ms. Shiflet made a motion to accept the minutes of the January 14, 2021 meeting as written. The motion was seconded by Ms. McCarthy and unanimously carried.

IV. AGENDA AMENDMENTS.

There were none.

V. FUNCTIONS OF THE BOARD OF ADJUSTMENT.

Ms. McCarthy explained that the Board of Adjustment is a quasi-judicial Board assigned the function of acting between the Zoning Administrator or Planning Director, who administer the Unified Development Ordinance (UDO), and the courts, which would have the final say on any matter. The Board's duties are to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator or Planning Director; to grant Special Use Permits and to grant Variances.

Ms. McCarthy said that the public hearing is not to solicit broad public opinion about how the Board should vote on a matter; rather, it is a time for submittal of relevant, factual evidence in the record by the applicants, proponents, opponents and staff. All parties involved must be affirmed or sworn in as required by the North Carolina General Statutes. The opposing parties have the right to cross examine witnesses and file documents into the record.

Ms. McCarthy stated that the Chairman will announce the case; the Zoning Administrator will submit into evidence the Staff Report; the applicant or person filing the application will present relevant evidence to the Board as it relates to the Approval Criteria outlined in Section 3.5.9.B. of the UDO; the opposition will have an opportunity to speak; and then the Zoning Administrator will provide recommended conditions based on the approval criteria and information provided during the public hearing. Once all parties have addressed the Board, all parties will have the opportunity for rebuttals and the Chairman will summarize all evidence presented. All parties will have the opportunity to comment on the summation given to the Board. Once the summary is accepted, the public hearing session will be over, and the Board will discuss the matter amongst themselves and vote to grant or deny the Special Use Permit and/or Variance.

Ms. McCarthy informed the audience that if anyone was not satisfied with the outcome of the Board's decision, they may file an appeal to Superior Court.

VI. SWEARING IN OF APPLICANT, WITNESS, AND OTHER INTERESTED PARTIES.

The Chairman swore in and or/ affirmed Helen Bunch, Sabrina Hoadley, Emile Chagnon, Sylvain Goulet, Devoria Berry, and Andrea Simmons as to their testimony being truthful and relevant to the respective case.

VII. New Business.

- A) 21-03S: Special Use Permit
Applicant: Ruffin It Doggy Daycare, LLC
Location: 925 Seaside Road SW Unit 14, Ocean Isle Beach, NC
28469
Tax Parcel 2270002307
Applicant requests a Special Use Permit for a “Kennel” consistent with Section 5.2.3 and Section 5.3.5.U of the Brunswick County Unified Development Ordinance (UDO). The proposed use of the site is daytime dog boarding and grooming only. The Special Use Permit will be applicable to all units at 925 Seaside Road SW.

Ms. Bunch addressed the Board. Ms. Bunch read the Staff Report (attached). Ms. Bunch identified the subject property and surrounding properties on a visual map. She stated that the parcel is zoned Commercial Low Density (CLD).

Applicant, Ms. Sabrina Hoadley, addressed the Board. Ms. Hoadley stated that her intention for the property is to open a doggy day care. She added that she has been in the profession for twenty-two (22) years. Ms. Hoadley said the facility will be a climate controlled doggy day care that will be used for grooming and play. Ms. Hoadley stated that she would like to provide this service not only for the general public but also for those with disabilities that would not be able to walk their dogs.

Ms. McCarthy asked how many animals would be at the Kennel a day. Ms. Hoadley stated that it would vary based on the evaluation given to the dog. She estimates up to thirty (30) dogs per day.

Ms. McCarthy asked if the total number of dogs would include those being groomed and those there for daycare. Ms. Hoadley responded that there would be five (5) to ten (10) dogs being groomed per day and that grooming is held in a separate area.

Ms. Ward asked what floor would be provided. Ms. Hoadley responded that it would be an impervious floor that could be easily cleaned and would help control the odor. She stated the floor would also have drains. Ms. Hoadley stated that she has spoken with the Department of Agriculture [state licensing agency] on the subject.

Ms. Ward asked if the Kennel would be open seven (7) days a week. Ms. Hoadley responded that operations would take place Monday-Friday 8:00 a.m. – 5:00 p.m.

Mr. Williamson asked if all dogs would be there all day. Ms. Hoadley responded that there are different options of a half day or a full day.

Mr. Williamson asked how many workers would have to be present to take care of thirty (30) dogs. Ms. Hoadley responded that there would be one (1) worker per ten (10) dogs.

Mr. Williamson asked how the dogs were divided. Ms. Hoadley responded that the dogs would be separated by size.

Mr. McCarthy asked if the dogs would go outside at all. Ms. Hoadley responded no. There will be potty stations inside that the dogs will use.

Ms. McCarthy asked if the Department of Health would need to be involved. Ms. Hoadley stated that the Department of Agriculture does inspections. She continued that she has worked with them previously and is familiar with their regulations.

Mr. Williamson asked Mr. Bunch to read the proposed conditions of approval from the Staff Report.

Mr. Williamson asked if there were any comments to the proposed conditions of approval. Ms. Hoadley asked if now was the time to request a two (2) year extension. Ms. Bunch responded that the Special Use Permit is valid for three (3) years and any additional time needed would need to be approved by the Board of Adjustment once the three (3) years is up.

With no further comments, the Chairman summarized that Ms. Hoadley would like to have a “Kennel” (day time boarding and dog grooming only) which is allowed within the zoning district. Mr. Williamson added that the Special Use Permit is for the entire property, not just the unit itself. Mr. Williamson continued that the maximum number of dogs a day would be thirty (30) and the hours of operation would be Monday-Friday 8:00 a.m. – 5:00 p.m. Mr. Williamson stated that the dogs would be inside all day.

The Chairman asked if there were any comments to the summation. There were none. The Board discussed the worksheet and determined the following:

DECISION: Having heard all of the evidence and arguments presented at the hearing, the Board of Adjustment, at its meeting on March 11, 2021, finds and determines that the application is complete, and subject to the conditions imposed below, the following findings are made.

1. A written application was submitted and complete in all respects.
2. The use, “Kennel”, for which the Special Use Permit is sought is in harmony with the area and is not substantially injurious to the value of

properties in the general vicinity. This is based on sworn testimony and evidence submitted during the hearing which shows the following:

- a. The Staff Report states that the dogs will remain inside. As such, the proposed use will not impact and will be in harmony with the area
 - b. Interior to be renovated to lessen the noise and address any odor coming from the facility.
 - c. No expert testimony was provided, or report submitted by an appraiser regarding the value of properties.
3. The use, a “Kennel”, for which the Special Use Permit is sought, is in conformance with all special requirements applicable to this use. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
- a. Section 5.2.3. of the Brunswick County Unified Development Ordinance lists Kennel as a permissible use in the CLD Zoning District if approved by the Board of Adjustment through the Special Use Permit process.
 - b. Section 5.3.5.U. of the UDO outlines the additional criteria for Veterinary Clinics, Animal Hospitals, and Kennels if approved by the Board of Adjustment through the Special Use Permit process.
 - c. The application packet submitted by the applicant was reviewed by Planning Staff and found to meet all requirements and conditions of the ordinance, if all the conditions outlined in the Staff Report are met.
 - d. The applicant testified that she is aware of all standards required by the UDO and all standards and conditions will be met.
4. The use, “Kennel”, for which the Special Use Permit is sought, if developed as proposed will not adversely affect the health and safety of the public. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
- a. The Staff Report addresses the minimum 12 standards for all commercial development. The applicant has agreed to meet those standards.
 - b. The facility is self-contained. Non-porous floors and drains have been installed to allow for easy clean-up as needed.
5. The use, a “Kennel”, if developed as proposed will adequately address the twelve (12) review factors identified in Section 3.5.9.B. of the Brunswick County Unified Development Ordinance. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
- a. The Board concurs with the staff report which outlines the twelve (12) review factors as stated in the Unified Development Ordinance, specifically:
 1. **Circulation:** All access to the site will occur from Seaside Road (NC 904) and Old Georgetown Road (SR 1163). The

proposed is located within an eighteen (18) unit shopping center. Accommodations for all units were made at the time of shopping center construction.

2. **Parking and Loading:** Per Section 6.12.6.A.3. of the Brunswick County Unified Development Ordinance, one (1) parking space per two hundred fifty (250) square feet of enclosed floor area is required for the proposed use. Additional spaces are available due to the requirement that the shopping center have one (1) parking space per 300 square feet of area when initially constructed.
 3. **Service Entrances and Areas:** All service vehicles will access the subject property from Seaside Road and Georgetown Road.
 4. **Lighting:** No outdoor lighting is proposed with this request. Any new outdoor lighting must meet the lighting requirements stated in Section 6.9. "Outdoor Lighting" of the UDO prior to installation.
 5. **Signs:** Any signage must meet the requirements of Article 8, Signs, of the UDO prior to installation. Signage is a separate permitting process.
 6. **Utilities:** Public water and sewer are already connected to this site.
 7. **Open Space:** There are no separate open space requirements for this use.
 8. **Environmental Protection:** The applicant must meet all applicable Federal, State and Local Government requirements.
 9. **Screening, Buffering and Landscaping:** All screening, buffering and landscaping requirements were met at the time of the construction of the shopping center.
 10. **Effect on Adjoining Property:** The effect on adjoining property is minimal as all activities will be held inside.
 11. **Compatibility:** The proposed use is permissible in the CLD Zoning District with Special Use Permit approval by the Board of Adjustment.
 12. **Impacts on Military Installations:** The proposed Special Use is not within five (5) miles of a military installation.
- b. The Board concurs with the staff report which outlines the additional review factors as stated in Section 5.3.5.U. for Veterinary Clinics, Animal Hospitals, and Kennels in the Unified Development Ordinance, specifically:
1. In the RR district, the use shall be permitted as a limited use subject to the standards in this Section. **N/A as parcel is zoned CLD.**
 2. A 300-foot separation shall be maintained between the outdoor areas where animals are kept and any property line

of any adjacent residential use in a residential district. **N/A as no animals will be kept outdoors.**

3. A minimum six-foot high wall shall be installed and maintained between outdoor areas where animals are kept and any property line of an adjacent residential use in a non-residential district. **N/A as no animals will be kept outdoors.**
4. The facility shall be constructed, designed, and located on the site to minimize noise, odor, and other impacts on neighboring properties. Adequate waste disposal shall be required to maintain sanitary conditions and control odor. **Applicant is aware of this requirement.**
5. All facilities shall be licensed by the Animal Health Division of the North Carolina Department of Agriculture and Consumer Services, Article 3, and all other required permits or certificates shall be acquired and maintained. **Applicant is aware of this requirement.**

Ms. McCarthy made a motion to grant the Special Use Permit if developed as proposed and subject to the conditions imposed below:

- a) will be in harmony with the area and not substantially injurious to the value of properties in the general vicinity,
- b) will be in conformance with all special requirements applicable to the use,
- c) will not adversely affect the health and safety of the public, and
- d) will adequately address the twelve (12) review factors identified in Section 3.5.9.B. of the Brunswick County Unified Development Ordinance with the following conditions:
 1. The development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO).
 2. The development shall proceed in conformity with all amended plans and design features submitted as part of the special use permit application and kept on file by the Brunswick County Planning Department.
 3. The facility must obtain all proper permits and meet all Federal, State and Local Government requirements prior to the issuance of a Certificate of Occupancy.
 4. The applicant must request a visual inspection of the site by the Planning Department prior to the issuance of a Certificate of Occupancy to ensure all requirements have been met.
 5. If the specified conditions addressed in this special use permit are violated, the permit shall be revoked, and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another

special use permit and receiving their approval can the use be again permitted.

The motion was seconded by Mr. Rivenbark and unanimously carried. Approval of this permit confers upon the right to develop with the type and intensity of use as herein described and as shown on the approved site plan. Vested rights are hereby established pursuant to Section 9.5. of the Brunswick County Unified Development Ordinance.

- B) 21-04S: Special Use Permit
Applicant: Marco Goulet
Location: 5970 Ocean Hwy E, Winnabow, NC 28479
Tax Parcel 09800062
Applicant requests a Special Use Permit for “Outdoor Sales or Display Areas, Other Than Mobile and Modular Home Sales Lots, and Vehicle and Heavy Equipment Sales and Rentals” consistent with Section 5.2.3 and Section 5.3.5.K of the Brunswick County Unified Development Ordinance (UDO). The proposed use of the site includes outdoor wood carving sales.

Ms. Bunch addressed the Board. Ms. Bunch read the Staff Report (attached). Ms. Bunch identified the subject property and surrounding properties on a visual map. She stated that the parcel is zoned Rural Residential (RR).

Emile Chagnon and Sylvain Goulet addressed the Board. Mr. Chagnon presented the Board with pictures of the proposed sales items. Mr. Chagnon stated he would be the one making all the items for display and sale. He stated that custom milling would be done, adding that the sales items are made from trees they cut themselves.

Mr. Williamson asked what the hours of operation would be. Mr. Chagnon responded that the hours would be based on traffic by the site. He added the hours would most likely be Tuesday – Saturday 10:00 a.m. – 5:00 p.m.

Ms. Ward asked if any on-site presentations would be done. Mr. Chagnon stated everything would be done on site and there would also be presentations for the public to watch.

Mr. Williamson asked how the carvings would be secured. Mr. Chagnon stated that the carvings would be chained to a pedestal. Mr. Chagnon added that the items are very heavy.

Ms. Shiflet asked if the North Carolina Department of Transportation (NCDOT) has been notified about access off Highway 17. Mr. Goulet stated that he has spoken with NCDOT and the access will need to be paved per NCDOT guidelines.

Ms. Shiflet asked if the office building has been built. Mr. Goulet responded no.

Mr. Williamson asked Ms. Bunch to read the proposed conditions of approval from the Staff Report.

With no further comments, the Chairman summarized that Mr. Chagnon and Mr. Goulet would like to have “Outdoor Sales or Display Areas, Other Than Mobile and Modular Home Sales Lots, and Vehicle and Heavy Equipment Sales and Rentals” which is allowed within the zoning district. He stated that the hours of operation would be dependent on traffic and Mr. Chagnon would be making the items himself.

The Chairman asked if there were any comments to the summation. There were none. The Board discussed the worksheet and determined the following:

DECISION: Having heard all of the evidence and arguments presented at the hearing, the Board of Adjustment, at its meeting on March 11, 2021, finds and determines that the application is complete, and subject to the conditions imposed below, the following findings are made.

1. A written application was submitted and complete in all respects.
2. The use, “Outdoor Sales or Display Areas Other Than Mobile and Modular Home Sales Lots, and Vehicle & Heavy Equipment Sales and Rentals”, for which the Special Use Permit is sought is in harmony with the area and is not substantially injurious to the value of properties in the general vicinity. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
 - a. The Staff Report states that this is a rural area, with the surrounding property zoned Rural Residential and vacant. As such, the proposed use is in harmony with the area.
 - b. No expert testimony was provided or report submitted by an appraiser regarding the value of properties.
3. The use, an “Outdoor Sales or Display Area Other Than Mobile and Modular Homes Sales Lots and Vehicle & Heavy Equipment Sales and Rentals”, for which the Special Use Permit is sought, is in conformance with all special requirements applicable to this use. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
 - a. Section 5.2.3. of the Brunswick County Unified Development Ordinance lists an Outdoor Sales or Display Areas Other Than Mobile and Modular Home Sales Lots, and Vehicle & Heavy Equipment Sales and Rentals as a permissible use in the RR Zoning District if approved by the Board of Adjustment through the Special Use Permit process.

- b. Section 5.3.5.K. of the UDO outlines the additional criteria for Outdoor Sales or Display Areas Other Than Mobile and Modular Home Sales Lots, and Vehicle & Heavy Equipment Sales and Rentals if approved by the Board of Adjustment through the Special Use Permit process.
 - c. The application packet submitted by the applicant was reviewed by the Zoning Administrator and found to meet all requirements and conditions of the ordinance, if all of the conditions outlined in the Staff Report are met.
- 4. The use, “Outdoor Sales or Display Areas Other Than Mobile and Modular Home Sales Lots, and Vehicle & Heavy Equipment Sales and Rentals”, for which the Special Use Permit is sought, if developed as proposed will not adversely affect the health and safety of the public. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
 - a. No testimony was provided to the contrary
 - b. The applicant testified that he was in conversation with the North Carolina Department of Transportation (NCDOT) regarding access from US 17 to the parcel.
- 5. The use, “Outdoor Sales or Display Areas Other Than Mobile and Modular Home Sales Lots, and Vehicle & Heavy Equipment Sales and Rentals” if developed as proposed, will adequately address the twelve (12) review factors identified in Section 3.3.9.B. of the Brunswick County Unified Development Ordinance. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
 - a. The Board concurs with the staff report which outlines the twelve (12) review factors as stated in the Unified Development Ordinance, specifically:
 - 1. **Circulation:** All access to the site will occur from Ocean Highway East (US17). As a condition of approval, the applicant must notify the North Carolina Department of Transportation (NCDOT) of the proposed change of use and provide the Brunswick County Planning Department with documentation from NCDOT stating whether site access improvements are warranted. Required improvements must be made prior to final zoning approval.
 - 2. **Parking and Loading:** Per Section 6.12.6.A.#. of the Brunswick County Unified Development Ordinance, one (1) parking space per two hundred (200) square feet of floor area is required for the first 50,000 square feet of gross leasable area.
 - 3. **Service Entrances and Areas:** All service vehicles will access the subject property from Ocean Highway East (US 17), which is a state-maintained road.
 - 4. **Lighting:** No outdoor lighting is proposed with this request. Any new outdoor lighting must meet the lighting

requirements stated in Section 6.9. “Outdoor Lighting” of the UDO prior to installation

5. **Signs:** Any signage must meet the requirements of Article 8, Signs of the UDO prior to installation. Signage is a separate permitting process.
 6. **Utilities:** Public water from Brunswick County is available on the opposite side of Ocean Highway. Sewer is available via a high-pressure force main and can only be utilized if the parcel soil will not perk.
 7. **Open Space:** There are no separate open space requirements for this use.
 8. **Environmental Protection:** The applicant must meet all applicable Federal, State and Local Government requirements.
 9. **Screening, Buffering and Landscaping:** Non-residential uses next to vacant property require a buffer of 0.2 opacity, which equates to 10’ of buffer depth and either 1x canopy tree, 1 understory tree and 7 shrubs per 10 linear feet or 1 canopy tree, 2 understory street and 3 shrubs per 100 linear feet. The street buffer must be a minimum of 20’ in depth. Plantings are 1 canopy tree per 100 linear feet or 2 understory trees per 100 linear feet. Approved Landscape Species can be found in appendix A. of the Brunswick County Unified Development Ordinance (UDO). Note that existing vegetation may be used to meet the buffer requirements on site, provided the opacity requirements can be met.
 10. **Effect on Adjoining Property:** The effect on adjoining property is minimal as all adjacent property is vacant.
 11. **Compatibility:** The proposed use is permissible in the RR Zoning District with special Use Permit approval by the Board of Adjustment.
 12. **Impacts on Military Installations:** the proposed Special Use is not within five (5) miles of a military installation.
- b. The Board concurs with the staff report which outlines the additional review factors as stated in Section 5.3.5.K. for Outdoor Sales or Display Areas Other Than Mobile and Modular Home Sales Lots, and Vehicle & Heavy Equipment Sales and Rentals in the Unified Development Ordinance, specifically:
1. The outdoor display area shall be located on the same property as the primary sales or rental area and shall be shown on an approved site plan. **Compliant.**
 2. A transition area shall be established along any site of the property where a permanent outdoor sales or display area abuts or is across the street from a residential use or residential zoning district in a manner that is consistent

with one of the alternatives in the table below. **Properties across the street are zoned Commercial Low Density and are not used for residential purposes.**

3. The merchandise shall not be located in any buffer area. **Addressed on the proposed site plan.**
4. Permanent sales or display areas shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic. **Addressed on the proposed site plan.**
5. Permanent outdoor sales or display areas may not be located in any required parking space. **Addressed on the proposed site plan.**
6. Adequate public restrooms and/or toilet facilities in accordance with the requirements of North Carolina Building Codes apply. **To be provided within the office denoted on the site plan.**

Ms. Shiflet made a motion to grant the Special Use Permit if developed as proposed and subject to the conditions imposed below:

- a) will be in harmony with the area and not substantially injurious to the value of properties in the general vicinity,
- b) will be in conformance with all special requirements applicable to the use,
- c) will not adversely affect the health and safety of the public, and
- d) will adequately address the twelve (12) review factors identified in Section 3.5.9.B. of the Brunswick County Unified Development Ordinance with the following conditions:
 1. The development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO).
 2. The development shall proceed in conformity with all amended plans and design features submitted as part of the special use permit application and kept on file by the Brunswick County Planning Department.
 3. Provide a revised site plan that addresses the following: distance from the proposed structure to the property lines; Ocean Highway East right-of-way width; existing driveways adjacent to the parcel; proposed driveway location, width and the proposed material to be used for the driveway; sight distance triangle for driveway; parking lot design, including the drive aisle width, parking space layout and numbers of spaces to be provided; indicate the square footage of the display area, understanding that one (1) parking space will be required for every 300 square feet of display area; address trash facilities; and indicate the location of the closest fire hydrant.
 4. The applicant must notify the North Carolina Department of Transportation (NCDOT) of the proposed change of use and provide

- the Brunswick County Planning Department with documentation from NCDOT stating whether site access improvements are warranted. Required improvements must be made prior to final zoning approval.
5. Provide an Outdoor Lighting Plan consistent with Section 6.9. of the UDO.
 6. Provide the building elevation of the proposed structure consistent with the requirements of Section 6.8. of the UDO.
 7. Provide a Landscape Plan that includes a list of the type of plants that will make up the project boundary and street buffers.
 8. Develop a Stormwater Plan.
 9. The facility must obtain all proper permits and meet all Federal, State and Local Government requirements prior to the issuance of a Certificate of Occupancy.
 10. The applicant must request a visual inspection of the site prior to the issuance of a Certificate of Occupancy to ensure all requirements have been met.
 11. If the specified conditions addressed in this special use permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.

The motion was seconded by Mr. Rivenbark and unanimously carried. Approval of this permit confers upon the right to develop with the type and intensity of use as herein described and as shown on the approved site plan. Vested rights are hereby established pursuant to Section 9.5. of the Brunswick County Unified Development Ordinance.

C) 21-05S: Special Use Permit
 Applicant: Community Support Agency, LLC
 Location: 3009 Old Ocean Highway, Bolivia, NC 28422
 Tax Parcel 13900043
 Applicant requests a Special Use Permit for “Group Care Home” consistent with Section 5.2.3 and Section 5.3.3.B of the Brunswick County Unified Development Ordinance (UDO).

Ms. Bunch addressed the Board. Ms. Bunch read the Staff Report (attached). Ms. Bunch identified the subject property and surrounding properties on a visual map. She stated that the parcel is zoned Neighborhood Commercial (NC).

Owner of Community Support Agency, Devoria Berry and assistant Andrea Simmons addressed the Board. Ms. Berry stated this would be a group home for children. She added she works in conjunction with Trinity Health Resources. She stated that a survey was done with an outcome of the need for a residential group home in Brunswick County so children would not have to

leave their county. Ms. Berry added that Community Support Agency has been in operation since 2006, providing out-patient therapy, medication management, and treatment for children and adults. Ms. Berry stated that a home setting is important for children with issues.

Ms. Shiflet asked what the standard stay is for a child. Ms. Berry responded that it is dependent on an assessment, working with the family, and a treatment plan.

Ms. McCarthy asked if schooling is done at the home. Ms. Berry responded that the children would go to public school. If they are unable go to school the children will be placed in a day program.

Ms. McCarthy asked if all other services would be provided at the home. Ms. Berry responded that specialists would come to the home if needed.

Mr. Williamson asked if families were able to visit the home. Ms. Berry responded that the goal is for reunification and the Department of Social Services as well as Community Support Agency would decide as a team how the parent is involved.

Mr. Batton asked what the maximum number of individuals receiving treatment would be at one time in the home. Ms. Berry responded eight (8). Mr. Batton asked how many full-time staff would stay overnight. Ms. Berry responded two (2). Mr. Batton asked if the maximum number of people in the house at one time would be ten (10). Ms. Berry responded yes.

Ms. Ward asked if the property needs any major repairs. Ms. Berry responded no.

Ms. Shiflet asked if the applicant was renting the property. Ms. Berry responded yes and the landlord lives next door.

Ms. McCarthy asked if the home would be both boys and girls. Ms. Berry responded that it would only be boys.

Mr. Williamson asked Ms. Bunch to read the proposed conditions of approval from the Staff Report.

With no further comments, the Chairman summarized that Ms. Berry and Ms. Simmons would like to operate a "Group Care Home" which is allowed within the NC Zoning District. He stated that the use is compatible with surrounding development based upon the photos provided. Mr. Williamson also added that a survey was completed with a determination for a need of a group care home in Brunswick County. Mr. Williamson stated that ten (10) people maximum would be in the home at one time.

The Chairman asked if there were any comments to the summation. There were none. The Board discussed the worksheet and determined the following:

DECISION: Having heard all of the evidence and arguments presented at the hearing, the Board of Adjustment, at its meeting on March 11, 2021, finds and determines that the application is complete, and subject to the conditions imposed below, the following findings are made.

1. A written application was submitted and complete in all respects.
2. The use, “Group Care Home”, for which the Special Use Permit is sought is in harmony with the area and is not substantially injurious to the value of properties in the general vicinity. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
 - a. The photos provided of the property confirmed that it is in harmony with the area, with the landlord living next door.
 - b. No expert testimony was provided, or report submitted by an appraiser regarding the value of the property.
3. The use, “Group Care Home”, for which the Special Use Permit is sought, is in conformance with all special requirements applicable to this use. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
 - a. Section 5.2.3. of the Brunswick County Unified Development Ordinance Lists a Group Care Home as a permissible use in the NC Zoning District if approved by the Board of Adjustment through the Special Use Permit process.
 - b. Section 5.3.3.B. of the UDO outlines the additional criteria for Group Care Homes if approved by the Board of Adjustment through the Special Use Permit process.
 - c. The application packet submitted by the applicant was reviewed by the Zoning Administrator and found to meet all requirements and conditions of the ordinance, if all the conditions outlined in the Staff Report are met.
 - d. The applicant testified that all standards required by the UDO would be met.
4. The use, “Group Care Home”, for which the Special Use Permit is sought, if developed as proposed will not adversely affect the health and safety of the public. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
 - a. The Staff Report addresses the minimum 12 standards for all commercial development. The applicant has agreed to meet these standards.
 - b. No testimony was provided regarding adverse affects to the health and safety of the public.
 - c. The applicant testified that per the Court System, this use is necessary in the community. She continued that around-the-clock supervision would be provided for the residents.

5. The use, a “Group Care Home”, if developed as proposed will adequately address the twelve (12) review factors identified in Section 3.5.9.B. of the Brunswick County Unified Development Ordinance. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
 - a. The Board concurs with the staff report which outlines the twelve (12) review factors as stated in the Unified Development Ordinance, specifically:
 1. **Circulation:** All access to the site will occur from Old Ocean Highway (US 17 Business). While the facility is a Change of Use, the use will remain residential in nature and will not require NCDOT review.
 2. **Parking and Loading:** Three (3) parking spaces are proposed, as Section 6.12.6. of the Brunswick County Unified Development Ordinance (UDO) requires one (1) parking space per three (3) beds for group living. A total of seven (7) beds will be provided.
 3. **Service Entrances and Areas:** All service vehicles will access the subject property from Old Ocean Highway, which is a state-maintained road.
 4. **Lighting:** No outdoor lighting is proposed with this request. Any new outdoor lighting must meet the lighting requirements stated in Section 6.9. “Outdoor Lighting” of the UDO prior to installation.
 5. **Signs:** Any signage must meet the requirements of Article 8, Signs of the UDO prior to installation. Signage is a separate permitting process.
 6. **Utilities:** Public water and a septic system are utilized at this site.
 7. **Open Space:** There are no separate open space requirements for this use.
 8. **Environmental Protection:** The applicant must meet all applicable Federal, State and Local Government requirements.
 9. **Screening, Buffering and Landscaping:** Additional screening, buffering and landscaping are not required as the intent is for the facility to blend in with the existing neighborhood.
 10. **Effect on Adjoining Property:** The effect on adjoining property is minimal as the facility will operate as a residence.
 11. **Compatibility:** The proposed use is permissible in the CLD Zoning District with Special Use Permit approval by the Board of Adjustment.
 12. **Impacts on Military Installations:** the proposed Special Use is not within five (5) miles of a military installation.

- b. The Board concurs with the staff report which outlines the additional review factors as stated in Section 5.3.5.D. for Commercial Recreation in the Unified Development Ordinance, specifically:
1. A group care home may be no closer than one-half mile radius, measured lot line to lot line, from any existing and/or permitted facility care home, group care home, or emergency shelter. **No facilities are within ½ mile of the location of the proposed home.**
 2. The home shall be operated in a manner that is compatible with the neighborhood and shall not be detrimental to adjoining properties as a result of traffic, noise, refuse, parking or other activities. **Applicant is aware of this requirement.**
 3. The home shall maintain a residential appearance compatible with the neighborhood. **Applicant is aware of this requirement.**
 4. The home shall meet all Site requirements, and all applicable housing and North Carolina Building codes requirements. **Applicant is aware of this requirement.**

Ms. Ward made a motion to grant the Special Use Permit if developed as proposed and subject to the conditions imposed below:

- a) will be in harmony with the area and not substantially injurious to the value of properties in the general vicinity,
- b) will be in conformance with all special requirements applicable to the use,
- c) will not adversely affect the health and safety of the public, and
- d) will adequately address the twelve (12) review factors identified in Section 3.5.9.B. of the Brunswick County Unified Development Ordinance with the following conditions:
 1. The development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO).
 2. The development shall proceed in conformity with all amended plans and design features submitted as part of the special use permit application and kept on file by the Brunswick County Planning Department.
 3. A minimum of three (3) parking spaces must be available for the Group Care Home.
 4. All Federal, State and Local Regulations must be met prior to Group Care Home Occupancy. This includes a recheck of the existing septic system from Environmental Health and Building Permits from Brunswick County Code Administration as necessary to meet all standards.

5. The applicant must request a visual inspection of the site prior to the commencement of group care home client occupancy to ensure all requirements have been met by all parties.
6. If the specified conditions addressed in this special use permit are violated, the permit shall be revoked, and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.

The motion was seconded by Mr. Rivenbark and unanimously carried. Approval of this permit confers upon the right to develop with the type and intensity of use as herein described and as shown on the approved site plan. Vested rights are hereby established pursuant to Section 9.5. of the Brunswick County Unified Development Ordinance.

VIII. Staff Report.

Ms. Bunch stated there will be a April 8, 2021 meeting. Ms. Bunch also informed the Board of the ongoing Comprehensive Transportation Plan Survey for Brunswick County and encouraged all to complete the survey.

IX. Adjournment.

With no further business, Ms. Shiflet made a motion to adjourn. The motion was seconded by Ms. McCarthy and unanimously carried.