

MINUTES

ZONING BOARD OF ADJUSTMENT

BRUNSWICK COUNTY, N.C.

**6:00 P.M., Thursday
January 14, 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
Ron Medlin

MEMBERS ABSENT

None

STAFF PRESENT

Helen Bunch, Zoning Administrator
Bryan Batton, Assistant County Attorney
Justin Brantley, Project Planner
Brandon Hackney, Project Planner
Miranda Garmenn, Zoning Technician

OTHERS PRESENT

Courtney Richter
Edwin Burnett
Tommy Sheets

I. CALL TO ORDER.

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

II. ROLL CALL.

All members were present.

III. CONSIDERATION OF MINUTES OF THE SEPTEMBER 10, 2020 MEETING.

Ms. Shiflet made a motion to accept the minutes of the September 10, 2020 meeting as written. The motion was seconded by Mr. Rivenbark 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, Brandon Hackney, Justin Brantley, Courtney Richter, Edwin Burnett, and Tommy Scheetz as to their testimony being truthful and relevant to the respective case.

VII. New Business.

- A) 21-01S: Special Use Permit
Applicant: Courtney Richter
Location: 7140 Beach Drive SW, Ocean Isle Beach, NC 28469
Tax Parcel 2423A016
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).

Mr. Hackney addressed the Board. Mr. Hackney read the Staff Report (attached). Mr. Hackney identified the subject property and surrounding properties on a visual map.

Applicant, Ms. Courtney Richter, addressed the Board. Ms. Richter stated that her intention for the property is strictly for dog grooming purposes. She added that the hours would be based on Monday-Friday 8:00 a.m. – 5:00 p.m. She stated that the customer would drop their dog off, the dog would be groomed, and would not stay more than two (2) to three (3) hours. She added a waste station would be on the property as well to minimize odor.

Mr. Williamson asked about the disposing of waste. Ms. Richter responded that a waste station is on the property, underground, for waste to be disposed of properly. Mr. Williamson asked how long a dog would be on the property. Ms. Richter responded two (2) to three (3) hours with four (4) hours being the maximum. Mr. Williamson asked how many dogs will be on the property at one time. Ms. Richter responded that there would be four (4) dogs per groomer a day. Mr. Williamson asked how many groomers will be on site. Ms. Richter responded that two (2) would be there.

Ms. Shiflet asked if any animals would be staying overnight. Ms. Richter responded no. Ms. Shiflet asked if any animals would be kept outside. Ms. Richter responded no. Ms. Richter added that the only time the animals would be outside is to go to the bathroom. She stated during that time the dog would be leashed.

Mr. Williamson asked what the businesses hours would be. Ms. Richter responded Monday-Friday 8:00 a.m. – 5:00 p.m., possibly 8:00 a.m. – 4:00 p.m. Mr. Williamson asked if the business would be open on the weekend. Ms. Richter responded no.

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

With no further comments, the Chairman summarized that Ms. Richter would like to have a “Kennel” which is allowed within the zoning district. Mr. Williamson added that this Special Use Permit would allow for grooming only. Mr. Williamson continued that the hours of operation would be Monday-Friday 8:00 a.m. – 5:00 p.m. Mr. Williamson added that proper sanitation measures would be taken.

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 January 14, 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. Minimal impact is anticipated as the adjacent properties to the south, east, and west, are zoned Commercial.
 - b. 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 Kennel 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. Ms. Richter 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. No testimony or evidence was presented at the hearing that the proposed use will adversely affect the health and safety of the public.
 - b. Applicant stated that no animals will be kept outside, and that adequate disposal of waste is proposed to maintain sanitary conditions and control odor.
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 Beach Drive (NC 179) via an existing driveway developed within the parcel. 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:** A minimum of five (5) standard and one (1) accessible parking space must be provided, based upon the square footage of the kennel.
 3. **Service Entrances and Areas:** All service vehicles will access the subject property from Beach Drive, 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 is available to the site. There is an existing septic system on the property that will be upfitted as required by Environmental Health through the Change of Use process.
 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:** Project boundary buffers and a street buffer are required. CLD Zoning to R-6000 Zoning will require a buffer with 0.6 visual opacity, which will be 30 ft. in depth, unless the depth is reduced by adding a six-foot fence or wall. If the opacity requirement cannot be met with existing vegetation, plantings must be added to meet the opacity requirements. The front yard will require a 20 ft. street yard with one (1) canopy tree or two (2) understory trees per one hundred linear feet of street frontage.
 10. **Effect on Adjoining Property:** The effect on adjoining property is minimal as one adjacent parcel is residentially developed, which will require a 20' deep buffer planted at 0.4 visual opacity. The use and zoning of the remaining adjacent parcels are commercial.
 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
 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. **This Special Use permit will be for dog grooming only. A kennel, as defined by the UDO, is “a commercial non-incidentual or non-profit establishment used as housing, leasing, sealing, training, rehabilitating, breeding, grooming, or fostering of any species, excluding domesticated livestock.”**
 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. **The applicant is not proposing any outdoor areas where animals will be kept.**
 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 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.
 4. Provide a Landscaping Plan that addresses the requirements for the front street buffer and the rear periphery buffer. Include the depth of each buffer and the proposed plantings consistent with the plant types addressed in Appendix A of the UDO.
 5. Indicate on the Site Plan the location of the existing septic system.
 6. Applicant must submit a Change of Use application for the county to review.
 7. 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) 21-02S: Special Use Permit
Applicant: ELB Family LP
Location: 7 Bell Swamp Connection NE, Winnabow, NC 28479
Portion of Tax Parcel 11100014
Applicant requests a Special Use Permit for “Commercial Recreation” consistent with Section 5.2.3 and Section 5.3.5.D of the Brunswick County Unified Development Ordinance (UDO).

Mr. Brantley addressed the Board. Mr. Brantley read the Staff Report (attached). Mr. Brantley identified the subject property and surrounding properties on a visual map.

Applicant and property owner, Edwin Burnett, addressed the Board. Mr. Burnett presented the Board with a map showing his property. Mr. Burnett stated that there are actually twenty (20) driving stalls not ten (10) driving stalls for parking. Ms. Bunch explained that the ordinance does not specify number of parking stalls required for the driving range. She continued that the Planning Director made the decision that the parking space requirement would be one (1) space per stall.

Mr. Burnett showed the Board where the Special Use would be on his property and that it was suggested to him to subdivide his property. Mr. Burnett stated that he thought this to be unnecessary. Mr. Burnett shared his concern for having to buffer the property surrounding the what would be newly subdivided land. He stated that he would rather put an easement on the property or lease the property.

Ms. Shiflet asked for clarification on parking. Mr. Burnett responded that he has ninety-four (94) parking spaces for the project and the Planning Department required eighty-four (84) spaces.

Ms. McCarthy stated that the plan submitted showed ten (10) stalls at 20' x 20'. Mr. Burnett stated that the square footage would be the same but the stalls are only 10' x 20'. It was agreed that the change in stall size calculated to a total of twenty (20) stalls.

Mr. Williamson asked about subdividing the property. Ms. Bunch responded that the Special Use Permit goes with the land. Ms. Bunch also stated that a portion of the property has been approved by the Planning Board for a subdivision but has never been recorded with the county. Mr. Burnett stated that this property does not abut the property in question. Mr. Batton clarified that the Special Use Permit is for the entire parcel. If the property is not

subdivided, any time another use is wanted on that parcel, it must go back in front of the Board for another Special Use Permit.

Ms. Shiflet stated that a reverse subdivision can be done if he would like to change it back. Mr. Burnett responded that it is too expensive and time consuming. Mr. Burnett reiterated that he does not understand why a lease cannot be done. Ms. McCarthy responded that subdivisions of property are recorded with the county whereas leases are not.

Mr. Williamson asked if a Special Use is needed for the driving range. Ms. Bunch replied that it is not needed for the driving range. Mr. Williamson asked if the best thing to do would be apply for only the putt-putt. Ms. Bunch responded that would be an option, however the putt-putt would have to be parceled out separately and would include parking for putt-putt on the portion of property specifically for the putt-putt. She also stated that the buffers would be impacted.

Mr. Burnett asked if he would have to buffer in between two parcels that he owns. Ms. Bunch responded yes, if buffering was required. She continued that ownership is not considered when determining buffering, rather the use of the land. Mr. Brantley stated that existing vegetation can be used to meet the buffer requirement. Ms. Bunch confirmed that there may be enough vegetation to meet the opacity requirement, but it would have to be shown as a buffer on the site plan. Mr. Brantley stated that the standards for buffers in the ordinance are the standards for commercial use whether or not a Special Use Permit is involved.

Mr. Tommy Scheetz, representing Norris and Tunstall, Consulting Engineers, approached the Board. Mr. Scheetz summarized that Mr. Burnett would prefer not to subdivide and asked if the county can require the applicant to subdivide. Ms. Shiflet responded that the Planning Department can require that.

Mr. Scheetz asked if there is a buffer requirement for commercial to commercial properties. Ms. Bunch responded that is zero buffer.

Mr. Rivenbark asked if the only area that doesn't require a buffer is the subdivided land from the driving range abutting the putt-putt and if the rest of the property lines would require a buffer. Ms. Bunch responded yes.

Mr. Scheetz asked if the applicant were to subdivide for the putt-putts, if the parking would have to be on the subdivided parcel. Ms. Bunch responded that a certain amount of parking can be considered off-site, but it would have to be clarified as off-site parking and cannot be used for the driving range.

Mr. Rivenbark asked how much vegetation is already on site for buffering and if it would be enough to cover the requirement. Ms. Bunch responded that it

would be determined by the county at the time of the site visit and would be based upon the existing opacity.

Mr. Burnett stated his concern is the impact buffering would have on his farmland. Mr. Scheetz stated the driving range is a commercial use and the farmland is vacant. Mr. Scheetz asked if a buffer would be required between his own commercial use and his farm use. Mr. Brantley responded that no buffer would be required in that situation.

Mr. Brantley clarified that both the driving range and miniature golf were applied for, which means both require a Special Use Permit. If the applicant had applied separately this would not be the case.

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

With no further comments, the Chairman summarized that Ms. Burnett would like to have “Commercial Recreation” which is allowed within the zoning district. He stated that the applicant had concerns on subdividing his property. Mr. Williamson added that one use requires a Special Use Permit and one does not. Since they were applied for together, the combined uses will receive the Special Use Permit.

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 January 14, 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, “Commercial Recreation,” 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. No expert testimony was provided, or report submitted by an appraiser regarding the value of the properties.
 - b. No testimony was provided or evidence presented that the use was not in harmony with the area.
3. The use, a “Commercial Recreation,” 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 Commercial Recreation 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.D. of the UDO outlines the addition criteria for Commercial Recreation 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. Mr. Burnett, on behalf of ELB Family LP, testified that he is aware of all standards required by the UDO and they will be met.
4. The use, “Commercial Recreation”, 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 or evidence was presented at the hearing that the proposed use will adversely affect the health and safety of the public.
 - b. Applicant indicated that he understands that the project driveway must comply with NCDOT’s driveway requirements.
5. The use, a “Commercial Recreation”, 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 Bell Swamp Connection NE. 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.1. of the Brunswick County UDO, uses not listed shall be reviewed by the Planning Director, for a determination of the required spaces. It has been determined by the Planning Director that the project will require 20 spaces for the driving range (1 space per stall), 72 spaces for miniature golf (2 spaces per hole), and 2 spaces for the office (1 per 500 SF). A minimum of 94 parking spaces are required for the project.

A loading space is not required, however, one is provided. Four accessible parking spaces shall be provided as part of the 94 spaces.

3. **Service Entrances and Areas:** All service vehicles will access the subject property from Bell Swamp Connection (SR 1407), which is a state-maintained road.
4. **Lighting:** 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. Provide an outdoor lighting plan for review and approval prior to permitting.
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 is available to this site. Sewer is available via a force main and will not be required unless the septic system is not acceptable to Environmental Health.
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:** Project boundary buffers are required. A Landscape Plan must be provided that addresses periphery buffer requirements. A twenty-foot (20') street buffer is required fronting Ocean Highway and Bell Swamp Connection. One (1) canopy tree or two (2) understory trees per one hundred (100) linear feet of road frontage are required. CLD Zoning to CLD Zoning Residentially Developed will require a project boundary buffer with 0.4 visual opacity. CLD Zoning to CLD Zoning Undeveloped will require a project boundary buffer with 0.2 visual opacity. CLD Zoning to RR Zoning Developed will require a project boundary buffer with a 0.8 visual opacity. Buffer alternatives are provided in Section 6.3.9.A.4. of the UDO. Acceptable plant types are found in Appendix A of the UDO. If the opacity requirements cannot be met with existing vegetation, plantings must be added. A compliance inspection must be conducted by the County prior to the commencement of commercial recreation activities.
10. **Effect on Adjoining Property:** The effect on adjoining property is moderate as adjacent parcels are residentially developed. However, buffering and lighting requirements will minimize any nuisance associated with the use.

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:

District	Minimum Lot Width (ft.)	Minimum Lot Area (s.f.)		Yard (ft.)		
		Yes	No	Front	Rear	Side
C-LD, N-C	75	None	10,000	Per District		

1. All food sales shall be for customers of the recreational facility. Off-site sale of food shall not be permitted. **Applicant is aware of this requirement.**
2. When located in the CP District, only one enclosed facility is allowed, not to exceed 5,000 square feet in area. Retail sales shall be limited to those directly related to the recreational activity (e.g. public or private kayak launch, sales, and rental facility). **N/A. Proposed use located in the CLD District.**

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. The applicant must legally subdivide portions of Tax Parcel 11100014 in the manner denoted on the site plan. The Special Use permit is to only be applicable to the project site denoted on the site plan. The

remaining parent parcel will not be a part of the Commercial Recreation Special Use Permit.

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. Commercial recreation activities on-site are anticipated to take place from 12:00 p.m. – 10:00 p.m. Monday through Sunday, however, the hours may vary based on seasonal demand.
6. The applicant must request a visual inspection of the site prior to the commencement of commercial recreation activities to ensure all requirements have been met.
7. The applicant must address and resolve all Planning Department comments provided as part of the site plan to review prior to issuance of construction permits.
8. Consistent with Section 6.12.9., Loading Areas, the loading space shall not be located within any front, side, or rear yard. The applicant must address this prior to issuance of construction permits.
9. 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 not be a February 2021 meeting.

IX. Adjournment.

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