

**AGENDA**  
**ZONING BOARD OF ADJUSTMENT**  
**BRUNSWICK COUNTY, N.C.**

**6:00 P.M., Thursday**  
**May 9, 2019**

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

- I. Call to Order.
- II. Roll Call.
- III. Consideration of Minutes of the January 10, 2019 Meeting.
- IV. Agenda Amendments.
- V. New Business.
  - A). 19-02V      Variance  
Applicant: Robert R. Scott  
Location: 1892 Windy Bluff Lane, Supply NC 28462  
Tax Parcel 23000061  
Applicant requests a Variance from Section 5.4.1.C. of the Brunswick County Unified Development Ordinance (UDO) to allow an accessory structure to be eight feet (8') from the right side property line as opposed to the ten feet (10') from the right side of property line required by the Ordinance for accessory structures fifteen feet (15') in height or greater.
  - B). 19-03S      Special Use Permit  
Applicant: John Frick  
Location: 1114 Sun Street NW, Ocean Isle Beach NC 28469  
Tax Parcel 1950001504  
Applicant requests a Special Use Permit from Section 5.2.3. and Sections 5.3.8.A. and 5.3.8.B. of the Brunswick County Unified Development Ordinance (UDO) to expand an existing "Nude Campground".

C). 19-04S Special Use Permit  
Applicant: J. Phillip Norris on behalf of Andrew Voralik  
Location: 802 Hickman Road NW, Calabash NC 28467  
Tax Parcel 2250002901  
Applicant requests a Special Use Permit from Section 5.2.3. and  
Section 5.3.5.M. of the Brunswick County Unified Development  
Ordinance (UDO) to allow a "Private Club or Lodge".

VI. Staff Report.

VII. Adjournment.

**MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**BRUNSWICK COUNTY, N.C.**

**6:00 P.M., Thursday**  
**January 10, 2019**

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

MEMBERS PRESENT

Robert Williamson, Chairman  
Robert Cruse, Vice Chairman  
Alan Lewis  
Virginia Ward  
Clayton Rivenbark, Alternate

MEMBERS ABSENT

Mary Ann McCarthy

STAFF PRESENT

Helen Bunch, Zoning Administrator  
Bryan Batton, Assistant County Attorney  
Jeff Isenhour, Code Enforcement Officer  
Anthony Fensore, Code Enforcement Officer  
Justin Brantley, Cape Fear Council of Governments

OTHERS PRESENT

Charles Milliken  
Cheryl Milliken

I. CALL TO ORDER.

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

II. ROLL CALL.

Ms. Mary Ann McCarthy was absent. Mr. Clayton Rivenbark served as an Alternate.

III. CONSIDERATION OF MINUTES OF THE DECEMBER 13, 2018 MEETING.

Ms. Ward made a motion to accept the minutes of the December 13, 2018 meeting as written. The motion was seconded by Mr. Lewis and unanimously carried.

IV. AGENDA AMENDMENTS.

There were none.

V. FUNCTIONS OF THE BOARD OF ADJUSTMENT.

Mr. Lewis 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.

Mr. Lewis 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.

Mr. Lewis 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 3.3.9.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.

Mr. Lewis 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, Jeff Isenhour, Charles Milliken, and Cheryl Milliken as their testimony being truthful and relevant to the respective case.

VII. New Business.

- A) 19-01V: Variance  
Applicant: Charles Milliken dba Waccamaw Mini Mart  
Location: 5204 Whiteville Road NW, Ash NC 28420  
Tax Parcel 1020001102

Applicant requests a Variance from Section 4.5.3.B of the Brunswick County Unified Development Ordinance (UDO) to allow a nonconforming gasoline island canopy damaged by more than 75% of its value by Hurricane Florence to be replaced at its same location, 0 feet from the front property line, as opposed to the 25' from the front property line required by the Ordinance.

Ms. Helen Bunch addressed the Board. Ms. Bunch read the Staff Report (attached). She identified the subject property and surrounding properties on a visual map.

Brunswick County Code Enforcement Officer Jeff Isenhour stated that he was asked by Ms. Bunch to view the site and post the notice of the variance request. Mr. Isenhour shared photographs that were taken at the site. Mr. Isenhour stated that while part of the canopy does meet the setback requirement, a portion of the canopy fronting Whiteville Road does not meet the twenty-five-foot (25') setback requirement. Mr. Isenhour displayed photos showing such. He continued that staff took pictures of the canopy to verify that the canopy was damaged. Mr. Isenhour identified the photo of the footer of the canopy and stated that it can be re-used.

Mr. Williamson asked Mr. Isenhour to elaborate on the damage to the canopy. Mr. Isenhour stated that he can't testify with expert knowledge in terms of the structural damage. Mr. Isenhour responded that the corner of the structure is damaged and added that the framing is rusted. Mr. Williamson asked if that corner was the only one damaged. Mr. Isenhour responded that the corner photographed was the corner with the most visible damage.

Ms. Ward asked Mr. Isenhour to show where the footprint support was located and asked if this part is still usable. Mr. Isenhour identified the footer and responded that the footer and support was still useable. Ms. Ward asked if it was just the top that needed to be replaced. Mr. Isenhour stated that just the canopy needs to be replaced.

Mr. Charles Milliken, Owner of the Waccamaw Mini Mart, addressed the board. Mr. Milliken stated that the reason the canopy needs to be replaced is that one corner was broken and separated from the canopy. Mr. Milliken stated that it was evaluated by an engineer and it was determined that said the whole canopy needs to be replaced from a structural perspective.

Mr. Williamson asked if Mr. Milliken has been selling gas since the recent Hurricane. Mr. Milliken responded that they have been able to continue selling gas since the storm. He continued that he had to dig the hole around the footer so that the engineer could evaluate the structural integrity of the footer.

Mr. Milliken stated that the property line on the map was incorrect as the post of the canopy is 20' from the state roadway.

Mr. Williamson asked for the width of the canopy. Mr. Milliken responded that the canopy is twenty-four feet (24') wide. Mr. Williamson asked what Mr. Milliken would do if the variance is not granted. Mr. Milliken responded that he would take down the canopy because it is dangerous in its current condition. Mr. Williamson asked if the gas pumps would stay in that location. Mr. Milliken responded that the gas pumps would stay in the same location. Mr. Williamson asked if there was anywhere else on the property to put the gas pumps and the canopy. Mr. Milliken responded that there isn't anywhere else on the property where the pumped can be relocated.

Ms. Ward asked for the dimensions of the canopy. Mr. Milliken responded that the canopy is 24' wide and 30' long.

Mr. Lewis asked if the foundation and supporting column still has structural integrity. Mr. Milliken responded that they are in good condition. Mr. Lewis asked if the post would have to be replaced. Mr. Milliken responded that the post would not have to be replaced, but he wants to replace the post because it has been there a long time and they rust over time.

Mr. Rivenbark asked if taking down the canopy would impact the business. Mr. Milliken responded that removing the canopy would hurt the business because there would be an absence of lighting for the gas pumps.

Mr. Williamson asked if there are currently lights on the canopy. Mr. Milliken responded that there are currently six lights. Mr. Milliken added that the new canopy would have six (6) recessed LED lights.

Mr. Rivenbark asked Ms. Bunch if the new canopy would have to meet the current ordinance in regards to lighting. Ms. Bunch responded that yes, the new canopy would need to meet current lighting requirements. Mr. Rivenbark asked if he was willing to meet the lighting requirements. Mr. Milliken responded that yes, he would meet the lighting requirements.

Assistant County Attorney Batton stated that the application mentioned lighting and safety and added that the conversation should address this area. Mr. Rivenbark stated that he did mention the issue of safety in terms of lighting.

Ms. Bunch stated that Mrs. Milliken, who also represents Waccamaw Mini Mart, can testify further on issues involving safety.

Ms. Cheryl Milliken stated that she has discussed issues such as lighting with Ms. Bunch and has provided drawings from the canopy company, McGee Corporation. She continued that the biggest reason the canopy is needed is due to the lack of lighting in the area coming from Whiteville into Brunswick County. She stated that there is a long stretch of road in this area that lacks night lighting and without lighting potential customers cannot see the store until they are upon it. Mrs. Milliken continued that there has been a decline in business since the hurricane because they have had to put up barrels, orange cones, and tape around the area. Mrs. Milliken stated that people have been asking if the pumps work. Mrs. Milliken stated that the canopy is the issue. Mrs. Milliken stated that they are requesting to replace the canopy in the same location. Mrs. Milliken stated that it is important to be able to have lighting that would let workers read license plates as well as be able to see who is walking up to the store. Mrs. Milliken stated that it is important for the safety of the workers and the customers of the store, continuing that if there was no canopy, then customers would be less likely to stop in bad weather conditions. Mrs. Milliken stated that if they couldn't replace the canopy it could cause them to go out of business. Mrs. Milliken stated that they are not asking for anything that they didn't have previously but are only requesting to rebuild the canopy in the same location.

Mr. Lewis asked if Mrs. Milliken was aware of any neighbors or adjacent property owners who have complained or objected to the replacement of the canopy. Mrs. Milliken responded that no neighbors have any issues with the replacement of the canopy

With no further comments, the Chairman summarized that Mr. and Mrs. Milliken are requesting a 25' Variance to rebuild a gasoline pump canopy. Mr. Williamson added that it is evident that the canopy is close to the property line. He added that from looking at the property and hearing testimony it has been determined that it would be impractical to move the pumps to another location on the site. Mr. Williamson added that the canopy is nonconforming but it is legal because it was built before the zoning ordinance was adopted in Brunswick County. Mr. Williamson stated that the primary reason the canopy is needed is to provide adequate lighting for the safety of workers, customers, and the community. He continued that Mr. Milliken had indicated that if the canopy could not be rebuilt, the gas pumps would stay in the same location without a canopy.

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 held a public hearing to consider Case Number 19-01V, submitted by Charles Milliken, dba Waccamaw Mini Mart, a request for a variance to use the property located at 5204 Whiteville Road NW, Ash NC 28420 in a manner not permissible under the literal terms of the ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following **FINDINGS OF FACTS** and draws the following Conclusions:

1. It is the Board's **CONCLUSION** that, unnecessary hardship will result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This conclusion is based on the following **FINDINGS of FACT**: The topography of the land, coupled with the lack of unoccupied area to place a canopy along with the related drive aisles and tanks in a location that will totally comply with the ordinance is unavailable.
2. It is the Board's **CONCLUSION** that the hardship does result from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the public, may not be the basis for grant a variance. This conclusion is based on the following **FINDINGS OF FACT**: There is no separate location on the property that is large enough to place the gasoline tanks, drive area and canopy on the property. The canopy is an accessory to the convenience store, which did not receive hurricane damage.
3. It is the Board's **CONCLUSION** that the hardship does not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. This conclusion is based on the following **FINDINGS OF FACT**: The hardship is a result of the actions of Hurricane Florence. The canopy was installed prior to the enactment of zoning in Brunswick County. The location of the canopy met the standards in effect for the project at the time it was constructed.
4. It is the Board's **CONCLUSION** that the requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This conclusion is based on the following **FINDINGS OF FACT**: The Staff Report indicated that the hardship was a result of an Act of God (Hurricane). There is no other area on the parcel that the canopy, tanks and related drive aisle will fit. The applicant stated that without

the canopy there is inadequate lighting for the gas pump area, making the area unsafe for patrons and employees.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a 25' front yard VARIANCE be GRANTED, as motioned by Ms. Ward, seconded by Mr. Lewis and unanimously carried with the conditions that canopy must not exceed the size of the previous canopy (24x30), must be placed in the same location and all canopy lighting must meet the standards for canopy lighting outlined in Section 6.9. of the Brunswick County Unified Development Ordinance.

VIII. Staff Report.

Ms. Bunch stated that there is no staff report.

IX. Adjournment.

With no further business, Mr. Cruse made a motion to adjourn. The motion was seconded by Mr. Lewis and unanimously carried.

For Office Use Only  
File# 19-02 V

COUNTY OF BRUNSWICK

ZONING BOARD OF ADJUSTMENT

Variance Application Form

Application Number 19-02 V Date 3-27-2019

Application Fee \$100.00 Receipt # —————

Applicant Robert R Scott Owner Robert R Scott

Address 1892 Windy Bluff Lane Address Sumo  
Supply NC 28461

Telephone 910-477-0540 Telephone \_\_\_\_\_

Relationship of Applicant to Owner SAME

Property Street Address 1892 Windy Bluff Lane, Supply NC 28461

Tax Map # 23000061 Block \_\_\_\_\_ Lot \_\_\_\_\_

Lot Dimensions \_\_\_\_\_ Square Footage \_\_\_\_\_ Zoning R-7500

**REQUEST FOR A VARIANCE**

**PURPOSE OF VARIANCE** - A variance is the official allowance of a variation from the requirements of the County Zoning Ordinance or other development regulations. An applicant for a variance must demonstrate that there are some valid reasons which create the need for a variance. These reasons cannot be strictly economic, but must generally involve some physical problem with the subject property which will not allow it to be developed in a reasonable manner if the development regulations are followed literally. The reasons must be peculiar to the property and cannot be a result of the owners own actions.

**BOARD OF ADJUSTMENT** - The Board of Adjustment, or BOA, is the official board which considers requests for variances. The BOA receives sworn testimony at its meetings and issues decisions on variance requests based on this testimony. It is the responsibility of each applicant for a variance to attend the BOA meeting and present sworn testimony in support of the request.

**REASON FOR THE REQUEST FOR A VARIANCE** - Explain in your own words why you are requesting a variance. Make sure you clearly indicate the problem(s) you have in complying with the County development regulations. (Attach additional sheets if necessary.)

We were notified by the planning dept. that through a mistake in the permitting process the out building permitted at the time our application for a single family residence was not in compliance with the code. The building was approved with that original permit, but we ran out of money to finish it along with the house, and on advise from the planning dept. we withdrew that bldg from the permit to be removed later when we were able to complete it.

Now we are told by planning it is out of compliance and we must get a variance.

- ATTACH PLOT PLAN DESCRIBING VARIANCE REQUEST
- PROVIDE 1 ORIGINAL AND 12 COPIES OF ALL ATTACHMENTS TO BE INCLUDED AS PART OF THE APPLICATION DOCUMENT.
- APPROPRIATE FEE MUST ACCOMPANY ALL APPLICATIONS.
- REPRESENTATION IS REQUIRED AT ALL BOARD MEETINGS.

Date

Signature of Applicant

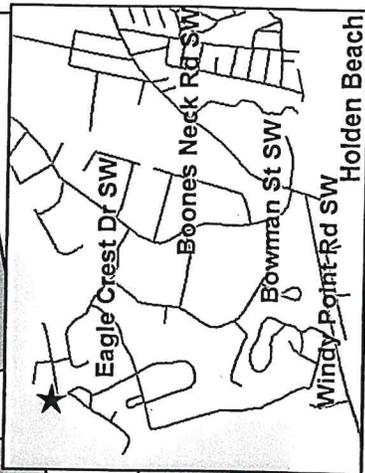
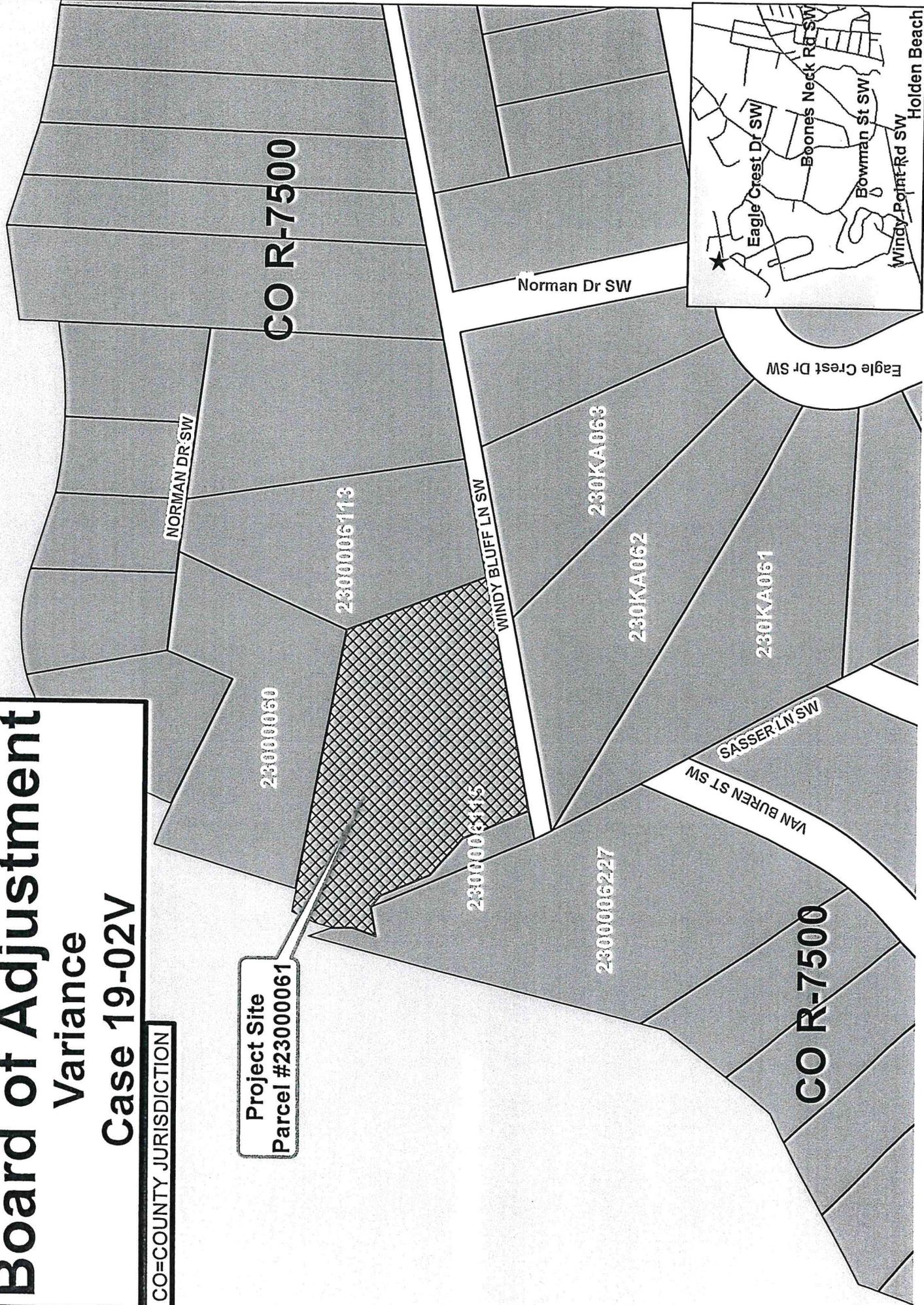
Signature of Property Owner

# Brunswick County Board of Adjustment

## Variance Case 19-02V

CO-COUNTY JURISDICTION

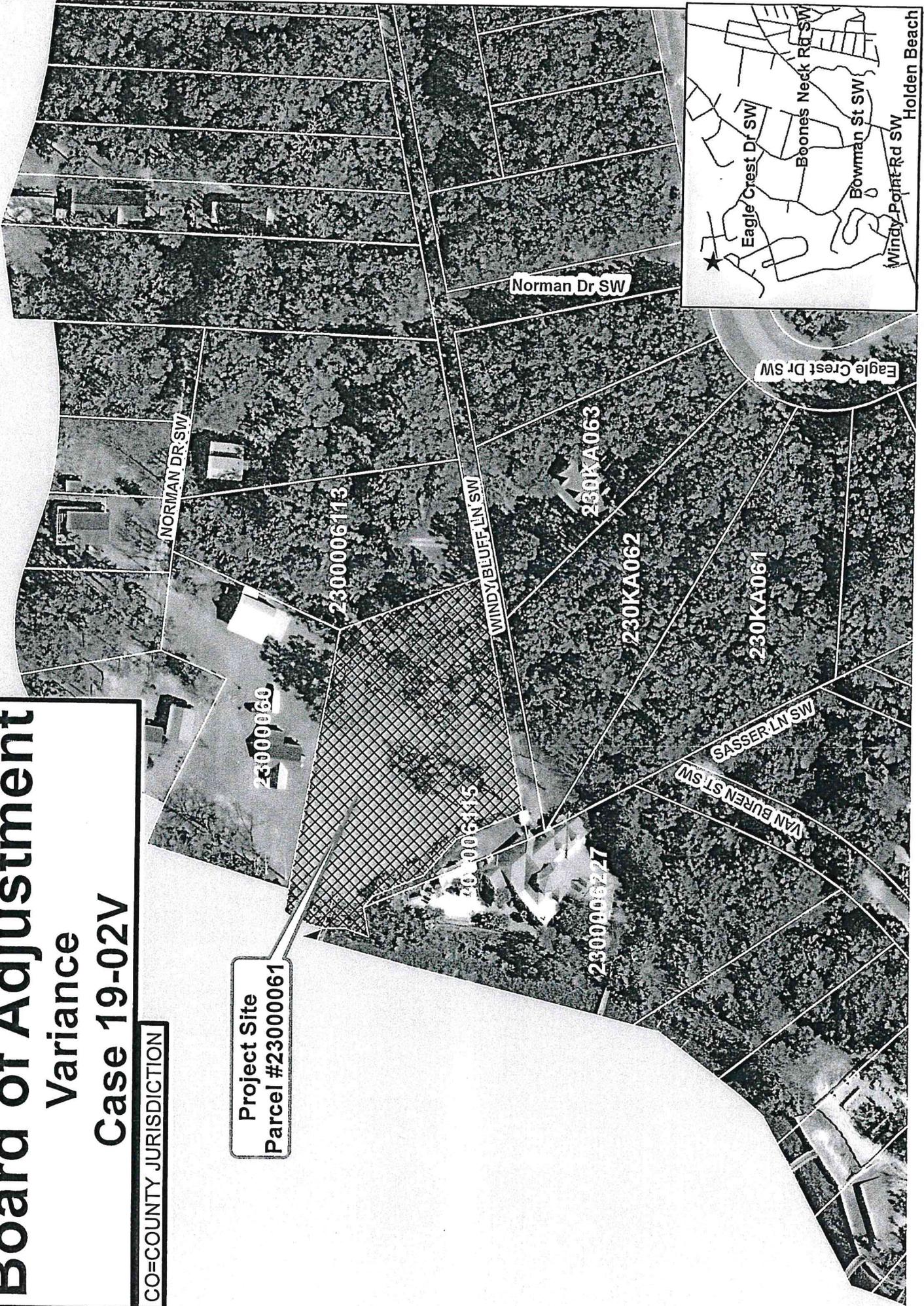
Project Site  
Parcel #23000061



# Brunswick County Board of Adjustment Variance Case 19-02V

CO-COUNTY JURISDICTION

Project Site  
Parcel #23000061



# CASE 19-02V

## ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
2300006115	HOBBS VENTURES LLC	POST OFFICE BOX 668	SHALLOTTE	NC	28459
2300006227	HOBBS VENTURES LLC	POST OFFICE BOX 668	SHALLOTTE	NC	28459
230000060	RUMBOLD RICHARD GUNN ETUX	3582 NORMAN DR SW	SUPPLY	NC	28462-2691
230KA061	CARLTON PATTI N	3019 SW FULFORD AVE	SUPPLY	NC	28462
2300006113	STONE CLIFTON & VIRGINIA	1868 WINDY BLUFF LANE SW	SUPPLY	NC	28462
230KA062	OVERMAN JOSEPH R ETUX	643 BARHAM ROAD	REIDSVILLE	NC	27320
230KA063	OVERMAN JOSEPH R ETUX	643 BARHAM ROAD	REIDSVILLE	NC	27320

## OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
23000061	SCOTT ROBERT R ETUX	1225 HIDDEN SHORES DR	SHALLOTTE	NC	28470-1797

## APPLICANT(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
23000061	SCOTT ROBERT R ETUX	1225 HIDDEN SHORES DR	SHALLOTTE	NC	28470-1797



**BRUNSWICK COUNTY BOARD OF ADJUSTMENT  
VARIANCE  
STAFF REPORT**

May 9, 2019

**Application No.** 19-02V  
**Applicant:** Robert R. Scott  
**Property Location:** 1892 Windy Bluff Lane, Supply NC 28462  
**Parcel Number:** 23000061  
**Zoning District:** Medium Density Residential (R-7500)  
**Surrounding Zoning**   **North:** R-7500   **South:** R-7500  
                                  **East:** R-7500   **West:** R-7500

**Proposed Use of Property:** Accessory – Structure

The application was submitted to the Brunswick County Planning Department on March 27, 2019. The applicant, Robert Scott, has filed an application for a Variance from Section 5.4.1.B. of the Brunswick County Unified Development Ordinance (UDO) to allow an accessory structure to sit eight feet (8') from the right side property line, as opposed to the ten feet (10') from the side property line required by the Ordinance.

**Relevant Information**

- A public hearing was duly noticed as a sign was posted on the subject parcel and adjoining property owners were notified of the meeting.
- Robert R. Scott and Wanda C. Scott are the owners of the property located at 1892 Windy Bluff Lane.
- The subject property contains 1.33 acres in total and is currently zoned Medium Density Residential (R-7500).
- Section 5.4.1.C. of the UDO provides that in the R-7500 Zoning District the setback requirement for accessory structures in the side/rear yard is 10' if the structure is fifteen feet (15') in height or greater.
- On May 17, 2017, Robert Scott submitted an online application for a building permit for a single-family residential structure. While the application did not include the accessory structure, the site plan that was submitted with the application did include the accessory structure.

- On May 19<sup>th</sup>, 2017, Planning Staff identified that the accessory structure was included on the initial site plan but was not included with the original permit application. Staff requested for the applicant to submit a separate application for the accessory structure. Planning staff reviewed and approved the principal structure but did not review and approve the accessory structure.
- The site plan showed an 8' setback for the accessory structure.
- A separate application for the accessory structure was never submitted.
- On May 19, 2017 a permit was issued (Project Number 422929) for both the primary single-family dwelling and the accessory structure.
- On July 26, 2018 Robert Scott submitted a notarized request to remove the unfinished accessory structure from the building permit in order to obtain a Certificate of Occupancy for the primary structure with the intent to reapply to finish the accessory structure at another time.
- Staff in error separated the accessory structure from the original permit without immediately requiring that a permit be issued for the unfinished accessory structure.
- A Certificate of Occupancy for the primary dwelling was issued on August 31, 2018.
- On January 29, 2019 the Planning Department received a complaint stating that the accessory structure at 1892 Windy Bluff Lane is too close to the property line and has not been finished. The request was transferred to Code Administration to ascertain why there was no permit for the structure.
- On March 5, 2019 Community Enforcement made a site visit to the site and found that the structure is approximately 8' from the side property line and has not been completed. The structure was determined to be 15' in height or greater.
- Based upon information received from Community Enforcement and Code Administration it was determined that a permit could not be issued for the structure, as the structure is not set back 10' from the right-side property line, as required in Section 5.4.1.C. of the UDO for accessory structures 15' in height or greater.
- On March 27, 2019 Robert and Wanda Scott met with the Brunswick County Zoning Administrator to discuss possible options.
- On March 27, 2019 Robert Scott filed an application for a variance with the Brunswick County Board of Adjustment. The applicant has requested a 2' variance from the right-side property line, which would allow the structure to be located 8' from the side property line.

**COUNTY OF BRUNSWICK  
ZONING BOARD OF ADJUSTMENT**

For Office Use Only  
File# 19-035

**Special Use Permit Application Form**

Application Number ~~19-035~~ 19-035 Date 4-11-2019  
Application Fee \$250.00 Receipt # 023753  
Date of Meeting 5-9-2019 Application Deadline 4-11-2019

Applicant John Frick Owner John Frick  
Address 1114 Sun St NW Address \_\_\_\_\_  
Ocean Isle Beach NC 28469  
Telephone (L) 287 6404 (C) 664 0154 Telephone (L) \_\_\_\_\_ (C) \_\_\_\_\_  
Relationship of Applicant to Owner self  
Property Street Address 1114 Sun St NW Ocean Isle Beach NC 28469  
Tax Map # 1950001504 Parcel Zoning Designation RR  
Proposed Use of Property Nude  
A Campground

**PLEASE ENCLOSE WITH APPLICATION:**

1. A **detailed statement of all proposed uses** of the property (Attach separate sheet).
2. **Site plan** showing all buildings, outdoor facilities, parking lots, all signs, proposed lighting, sanitation facilities, and utilities. (Attach separate sheet.) Site plan must include dimensions of parcel of land dimensions of existing structures and/or proposed structures including setbacks, i.e., distance from adjacent properties.
3. Detailed plan for any amplification or other entertainment equipment located outdoors.
4. In the space below, please indicate how the proposed project will or will not substantially injure the value of adjoining or abutting property.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Other information and documents, as requested.

- **APPROPRIATE FEE MUST ACCOMPANY ALL APPLICATIONS.**
- **PROVIDE 1 ORIGINAL OF ALL ATTACHMENTS TO BE INCLUDED AS PART OF THE APPLICATION DOCUMENT. ADDITIONAL COPIES WILL BE REQUESTED ONCE THE APPLICATION HAS BEEN REVIEWED BY STAFF.**

**REPRESENTATION IS REQUIRED AT ALL BOARD MEETINGS**

4-11-19  
Date

John Frick  
Signature of Applicant

John Frick  
Signature of Property Owner

# Brunswick County Board of Adjustment Special Use Permit Case 19-03S

CO-COUNTY JURISDICTION

CO-RR

SUNSHINE ST NW

RICHARDSON DR NW

SUN ST NW

- 1952A019
- 1952A021
- 1952A022
- 1952A023
- 1952A024
- 1952A025
- 1952A026
- 1952A027
- 1952A028
- 1952A031
- 1952A032

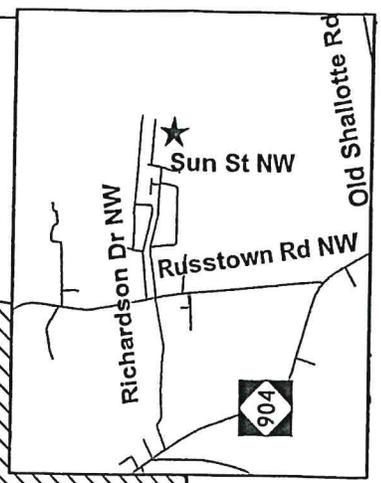
1950001505

- 1952A004
- 1952A003
- 1952A002

1950001601

19500015

Project Site  
Parcel #1950001504



# Brunswick County Board of Adjustment Special Use Permit Case 19-03S

CO-COUNTY JURISDICTION

SUNSHINE ST NW

RICHARDSON DR NW

1952A004

1952A003

1952A002

SUN ST NW

1952A019

1952A018

1952A017

1952A016

1952A015

1952A014

1952A013

1952A012

1952A011

1952A010

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1952A021

1952A022

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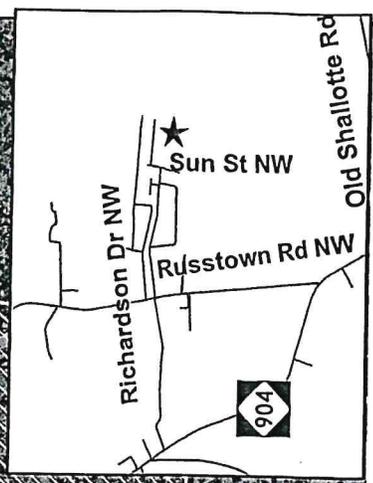
1952A032

1950001505

1950001601

19500015

Project Site  
Parcel #1950001504



# CASE 19-03S

## ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
1950001601	BRUNSWICK TIMBER LLC	15 PIEDMONT CENTER	ATLANTA	GA	30305
1952A002	BLAKE KENNETH ETUX	526 VILLAGE RD NE	LELAND	NC	28451-8490
1952A019	OROSTEK ROBERT L ET JOSEPHINE	6619 SUNSHINE ST NW	OCEAN ISLE BEACH	NC	28469
1952A028	MILLER BRENDAN C ET CHRISTIE L	6555 SUNSHINE ST NW	SHALLOTTE	NC	28469
1952A031	ESTELL DANIEL L ET JUDITH V	6535 SUNSHINE NW	OCEAN ISLE BEACH	NC	28459
1952A032	ESTELL DANIEL L ET JUDITH	6535 SUNSHINE STREET NW	OCEAN ISLE BEACH	NC	28469
1952A021	MCGOWAN ROBERT W ET LORI A	6611 SUNSHINE ST NW	OCEAN ISLE BEACH	NC	28469
1952A023	FRYE TYRONE J ET	PO BOX 6245	OCEAN ISL BCH	NC	28469-0245
1952A022	FRYE TYRONE J ET	PO BOX 6245	OCEAN ISL BCH	NC	28469-0245
1952A024	FRYE TYRONE J ET	PO BOX 6245	OCEAN ISL BCH	NC	28469-0245
1952A025	LSF10 MASTER PARTICIPATION TRUST	13801 WIRELESS WAY	OKLAHOMA CITY	OK	73134-2500
1950001504	FRICK JOHN P JR ETUX JILL	1114 SUN ST NW	OCEAN ISLE BEACH	NC	28469
19500015	FRICK JOHN P JR ETUX JILL	1114 SUN ST NW	OCEAN ISLE BEACH	NC	28469
1950001505	FRICK JOHN P JR ETUX JILL	1114 SUN ST NW	OCEAN ISLE BEACH	NC	28469
1952A026	HILDEBRANDT RICHARD E ETUX	PO BOX 388	SHALLOTTE	NC	28459-0388
1952A004	STALEY DEBORAH J ETVIR	1014 OLD HWY 16 NORTH	MILLERS CREEK	NC	28651
1952A003	STALEY DEBORAH J ETVIR	1014 OLD HWY 16 NORTH	MILLERS CREEK	NC	28651
1952A027	BURTON SHEILA BENTON AND	102 CEDAR HOPE CV	WILMINGTON	NC	28411-6618

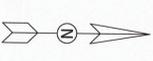
### OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
	FRICK JOHN P JR ETUX JILL	1114 SUN ST NW	OCEAN ISLE BEACH	NC	28469

### APPLICANT(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
	FRICK JOHN P JR ETUX JILL	1114 SUN ST NW	OCEAN ISLE BEACH	NC	28469





**General Notes**

PROJECT MUST MEET THE INTERNATIONAL BUILDING CODE WITH NORTH CAROLINA AMENDMENTS FOR SANITATION AND PLUMBING INSTALLATIONS, ACCOMMODATIONS, USE AND ANY ASSOCIATED PARKING.

PROJECT MUST BE BUILT TO COUNTY SPECIFICATIONS FOR WATER AND SEWER. A UTILITY PLAN MUST BE SUBMITTED BY ENGINEER AND EMERGENCY MANAGEMENT.

COUNTY AND STATE STORMWATER PERMITS MUST BE OBTAINED PRIOR TO ANY LANDSCAPE AREAS WILL BE CUT OFF OR DISTURBED BEFORE OBTAINING PERMITS.

THERE SHALL BE A NOTE ON THE FINAL PLANS, MASTER COVENANTS, AND DEEDS SHOWING THE LOCATION OF THE WETLANDS AND NOTING THAT THOSE AREAS MAY NOT BE FILLED.

PROPERTY BOUNDARIES, SURVEY DATA, EXISTING UTILITIES, AND NATURAL RESOURCES OF ENVIRONMENT AND NATURAL RESOURCES AND/OR THE U.S. ARMY CORP OF ENGINEERS.

**Site Notes**

WATER PROVIDER: WELT  
SEWER PROVIDER: SEPTIC

MODIFICATION/ EXPANSION OF EXIST. CAMPGROUND:  
EXISTING CAMPSITES: 52  
PROPOSED CAMPSITES: 6

TOTAL CAMPSITES: 58  
CAMP SITE ACRES: 4 CAMPSITES PER 1 ACRE  
PROPOSED CAMP SITE SQUARE FOOTAGE: 1,330 S.F. (1,260 S.F. MINIMUM)  
CAMP SITE WIDTHS: APPROXIMATELY 25'-0"

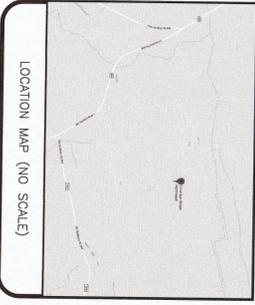
IMPERVIOUS AREA: UNCHANGED  
WETLANDS AREA: N/A

PERIPHERY BUFFER: 10'-0" STREET BUFFER AND PROPERTY BOUNDARY BUFFER OF 0.4 OPAQITY PERIPHERY BUFFER ALONG THE PERIMETER OF BUILDING CAMPGROUNDS PER 5.3.8 (NOTE: III) OF THE ORDINANCE (UD 0.)  
NO HERITAGE TREES ON SITE

**DRAWING SHEETS**

C-1	SITE PLAN
C-2	EGRESS/UTILITY PLAN/DETS.

No.	Revision/Issue	Date
1	FIRST ISSUE	04/16



**Project Name and Address**

WHISPERING PINES  
NUDIST RESORT  
JOHN FRICK  
1114 SUN STREET NW  
OCEAN ISLE BEACH, NC 28469  
TEL: 910.664.0154

Project	WPNR	Sheet	C-1
Date	04/10/2019	Scale	As Noted

RECEIVED  
APR 29 2019

**Commercial Site Plan Review Number 3**  
**Proposed Addition to Whispering Pines Nudist Resort**  
**Tax Parcel 1950001504**  
**1114 Sun Street NW, Ocean Isle Beach NC 28469**

- Address on the site plan the 10' street buffer and the 0.4 opacity periphery buffer. See Section 5.3.8.4. of the UDO for 0.4 opacity buffer depth and planting options. Permissible plant types can be found in Appendix A of the UDO.

Because this is a Nudist Resort the periphery buffer must completely obscure the view of all colonists and internal activities from all adjoining properties and any external streets (Section 5.3.8.B.4.). Thus, the opacity of the buffer will have to be 100%, which would require a fence or wall as opposed to plantings. The buffer should be labeled with the buffer depths shown on the site plan. Indicate by note how the opacity requirement will be met. ***This must be better addressed on the site plan.***

- Note that the buffer area and the utility easement are separate and cannot be located within the same area. ***Clarify with labels.***
- Indicate if the roads will be public or private and indicate the street names. Propose street names otherwise it will not be possible for fire and emergency vehicles to respond quickly. ***Not addressed.***
- Provide a street detail, knowing that the minimum surface must be 6" of compact stone, provided it will support fire apparatus of 75,000 lbs. Provide documentation that the road surface will support fire apparatus of 75,000 lbs. ***Documentation of road surface support of fire apparatus has not been provided.***
- ***Address the topography of the of the property and provide a storm water plan.***
- ***Note that permanent lot numbers must be installed for each campsite per Section 5.3.8.A.4.ix. of the UDO.***
- ***Note that all Federal, State and Local Codes must be met, including but not limited to compliance with the International Building Code with North Carolina Amendments, the North Carolina Fire Prevention Code and the Brunswick County Unified Development Plan.***
- Please confirm that no part of the facility of structures will be:
  1. Located within 1,500 feet, measured in any direction from a building used as a dwelling.
  2. Located within 1,500 feet, measured in any direction, from a building in which an adult business or a sexually oriented business is located.
  3. Located within 1,500 feet, measured in any direction from a building used as a church, synagogue, other house of worship or cemeteries.
  4. Located within 1,500 feet, measured in any direction from a building used as a public school or as a state licensed day care center.
  5. Located within 1,500 feet, measured in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.

***Not addressed.***

**BRUNSWICK COUNTY BOARD OF ADJUSTMENT  
SPECIAL USE PERMIT  
STAFF REPORT**

May 9, 2019

**Application No.** 19-03S

**Applicant:** John Frick

**Property Location:** 1114 Sun Street NW, Ocean Isle Beach NC 28469

**Parcel Number:** 1950001504

**Zoning District:** Rural Low Density Residential (RR)

**Intent:** “The Rural Low Density Residential District is intended to accommodate nonresidential agricultural uses and low density residential development, as well as limited nonresidential uses that are supportive of the County’s traditional agricultural orientation including farming, silviculture operations and related activities. Development in this District should rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal, respectively, although clustered residential development served by public water and wastewater systems may be allowed.”

**Surrounding Zoning:**      **North:** RR                      **South:** RR  
   **East:** RR                              **West:** RR

**Proposed Use of Property:** Nude Campground

The application was submitted to the Brunswick County Planning Department on April 11, 2019.

John Frick. proposes to expand Whispering Pines Nudist Resort, a “Nude Campground” at the above referenced location. The Brunswick County Future Land Use Plan designates the subject parcel as Low Density Residential (LDR). The proposed use is only permissible in the RR Zoning District with Special Use Permit approval by the Brunswick County Board of Adjustment.

**Approval Criteria – Section 3.3.9.B:**

- 1. Circulation:** All access to the site will occur from Richardson Drive NW (private road) and Russtown Road NW (SR 1315). The existing driveway permit will support the use.

2. **Parking and Loading:** Two (2) parking spaces at each campsite plus one (1) parking space per 500 square feet of enclosed area are required. The applicant has planned for the appropriate number of spaces at each campsite. No additional enclosed area is proposed.
3. **Service Entrances and Areas:** N/A
4. **Lighting:** No additional lighting will be required. Any additional outdoor lighting must meet the requirements of Section 6.9. of the Brunswick County Unified Development Ordinance (UDO).
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:** An existing well is located on-site. Additional septic systems are proposed. Both the well and septic systems must be reviewed and approved by Brunswick County Health Department – Environmental Health prior to occupancy.
7. **Open Space:** Per Section 5.3.8.A.4.ii. of the UDO, a minimum of 8% of the total land area shall be devoted to accessible common open spaces intended for recreational use. These open spaces are separate from individual campsites and shall be grouped and of character suitable for active and passive recreation and shall be reasonably located for safe and convenient access to residents. The applicant meets these requirements.
8. **Environmental Protection:** The applicant must meet all applicable Federal, State and Local Government requirements, including the International Building Code with North Carolina Amendments, the North Carolina Fire Prevention Code and the Unified Development Ordinance.
9. **Screening, Buffering and Landscaping:** A 10' street buffer and a 0.4 opacity periphery buffer would typically be required. Because this is a Nudist Resort the periphery buffer must completely obscure the view of all colonists and internal activities from all adjoining properties and any external street (Section 5.3.8.B.4. of the UDO). Thus, the opacity of the buffer will have to be 100%, which would require a fence or wall as opposed to plantings. The buffer should be labeled with the buffer depths shown on the site plan. Indicate by note how the opacity requirements will be met. Existing screening, buffering and landscaping of the parcel at the peripheral may be enough in some areas of the property. It is not enough in all areas based upon staff observation.
10. **Effect on Adjoining Property:** The effect on the adjoining property will be minimized with the 100% opaque periphery buffer.
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.

**Additional Approval Criteria (5.3.8.B.)**

1. The standards of Section 5.3.8.A., Campgrounds shall apply to all campgrounds. **Applicant has been made aware of all the standards and will comply with them prior to the issuance of any permits.**
2. Must meet all applicable county and state regulations including but not limited to, Campground, Mobile Home Park and PUD ordinances. **Applicant has been**

**made aware of all the standards and will comply with them prior to the issuance of any permits.**

3. Must operate as a private organization with no access by the general public. Only members or guest members may be permitted on site. **Applicant must agree to this requirement in writing.**
4. Must provide visual and noise screening and/or buffering to completely obscure view of colonists and internal activities from adjoining properties and any external streets. **Applicant has been made aware of all the standards and will comply with them prior to the issuance of any permits.**
5. No part of any facility or structure shall be:
  - i. Located within 1,500 feet, measured in any direction, from a building used as a dwelling.
  - ii. Located within 1,500 feet, measured in any direction, from a building in which an adult business or a sexually oriented business is located.
  - iii. Located within 1,500 feet, measured in any direction, from a building used as a church, synagogue, other house of worship or cemeteries.
  - iv. Located within 1,500 feet, measured in any direction from a building used as a public school or as a state licensed day care center.
  - v. Located within 1,500 feet, measured in any direction, from any lot or parcel on which a public playground, public swimming pool, or public park is located.

**Applicant must agree to this requirement in writing.**

Conditions:

If approved, this development shall have a vested right for a period of three years. A two-year extension may be requested by the applicant to the Brunswick County Board of Adjustment.

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 application and kept on file by the Brunswick County Planning Department.
3. Amend the site plan to include a 0.4 periphery buffer at 100% visual opacity. This will require a solid fence or wall with the associated plantings per Section 5.3.8.B.4. of the UDO. Indicate on the site plan how the opacity requirement will be met.
4. Clarify on the site plan the buffer area and utility easement as they must be separate and not in the same area.
5. Address on the site plan how the roads will be identified so that fire apparatus can quickly respond to the individual camp sites.

6. Provide documentation as part of the street detail that the road surface will support fire apparatus of 75,000 lbs.
7. Address the topography of the property and provide a stormwater plan.
8. Install permanent lot numbers for each campsite per Section 5.3.8.A.4.ix. of the UDO.
9. Note that all Federal, State and Local codes must be met, including compliance with the International Building code with North Carolina Amendments, the North Carolina Fire Prevention Code and the Unified Development Ordinance (UDO).
10. Confirm in writing that the project will meet each requirement of Section 5.3.8.B. of the UDO.
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.

**BRUNSWICK COUNTY  
SPECIAL USE PERMIT  
FINDINGS OF FACT WORKSHEET**

**Application No.** 19-03S

**Applicant:** John Frick

**Property Location:** 1114 Sun Street NW, Ocean Isle Beach NC 28469

**Zoning District:** RR **Land Use Classification:** Low Density Residential

**Surrounding Zoning:** North: RR, South: RR, East: RR, West: RR

**Proposed Use of Property:** Nude Campground

\*\*\*\*\*

**FINDINGS OF FACT**

Having heard all of the evidence and arguments presented at the hearing, the Board of Adjustment, at its regular meeting, determined that application is complete / incomplete and finds:

- I. WHETHER THE PROPOSED USE IS IN HARMONY WITH THE AREA AND NOT SUBSTANTIALLY INJURIOUS TO THE VALUE OF PROPERTIES IN THE GENERAL VICINITY:

- Yes
- No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

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- II. WHETHER THE USE IS IN CONFORMANCE WITH ALL SPECIAL REQUIREMENTS APPLICABLE TO THE USE:

- Yes
- No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

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**BRUNSWICK COUNTY  
SPECIAL USE PERMIT  
FINDINGS OF FACT WORKSHEET**

**Application No. 19-03S**

- III. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL NOT ADVERSELY AFFECT THE HEALTH AND SAFETY OF THE PUBLIC:  
 Yes  
 No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

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- IV. WHETHER THE USE, 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:  
 Yes  
 No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

---

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V. DECISION:

1. MOTION TO GRANT PERMIT:

“I move that we GRANT the special exception because the proposed use, 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 3.3.9.B. of the Brunswick County Unified Development Ordinance.”**

**BRUNSWICK COUNTY  
SPECIAL USE PERMIT  
FINDINGS OF FACT WORKSHEET**

2. MOTION TO DENY PERMIT: (state all that are applicable)

“I move that we DENY the special exception permit because the proposed use, if developed as proposed:

- a) **will not be in harmony with the area and not substantially injurious to the value of properties in the general vicinity, and/or**
- b) **will not be in conformance with all special requirements applicable to the use, and/or**
- c) **will adversely affect the health and safety of the public, and/or**
- d) **does not adequately address the twelve (12) review factors identified in Section 3.3.9.B. of the Brunswick County Unified Development Ordinance.”**

**CONDITIONS:**

- 1. That the development shall proceed in conformity with all plans and design features submitted as part of the special use permit application and kept on file by the Brunswick County Planning Department.
- 2. That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
- 3. That 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.
- 4. \_\_\_\_\_  
\_\_\_\_\_
- 5. \_\_\_\_\_  
\_\_\_\_\_
- 6. \_\_\_\_\_  
\_\_\_\_\_

**COUNTY OF BRUNSWICK  
ZONING BOARD OF ADJUSTMENT**

For Office Use Only  
File# 19-043

**Special Exception Permit Application Form**

Application Number 19-048                      Date 4-22-2019  
Application Fee \$250.00                      Receipt # 023763  
Date of Meeting 5/9/19                      Application Deadline 4/11/19

---

Applicant J. Phillip Norris, P.E.                      Owner Andrew Voralik

Address 1429 Ash-Little River Rd                      Address 806 Hickman Rd NW, Calabash, NC  
Ash, NC 28420

Telephone (H) \_\_\_\_\_ (O) 910-287-5900                      Telephone (H) 619-540-2685 (O) \_\_\_\_\_

Relationship of Applicant to Owner Engineering Consultant

Property Street Address 802 Hickman Rd NW, Calabash, NC

Tax Map # 2250002901                      Lot Dimensions 280'x815' +/-                      Zoning R7500

Proposed Use of Property Residential/Commercial (home/event venue)                      "PRIVATE CLUB re Lodge"

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**PLEASE ENCLOSE WITH APPLICATION:**

1. A **detailed statement of all proposed uses** of the property (Attach separate sheet).
2. Site plan showing all buildings, outdoor facilities, parking lots, all signs, proposed lighting, sanitation facilities, and utilities. (Attach separate sheet.) Site plan must include dimensions of parcel of land dimensions of existing structures and/or proposed structures including setbacks, i.e., distance from adjacent properties.
3. Detailed plan for any amplification or other entertainment equipment located outdoors.
4. In the space below, please indicate whether the proposed project will or will not substantially injure the value of adjoining or abutting property.

\_\_\_\_\_  
The proposed project will utilize an existing commercial building currently on the site and will have the required buffers; therefore it will not affect any of the adjacent properties.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Other information and documents, as requested.
  - **APPROPRIATE FEE MUST ACCOMPANY ALL APPLICATIONS.**
  - **PROVIDE 1 ORIGINAL AND 12 COPIES OF ALL ATTACHMENTS TO BE INCLUDED AS PART OF THE APPLICATION DOCUMENT.**

**REPRESENTATION IS REQUIRED AT ALL BOARD MEETINGS**

DATE 4/16/2019

  
Signature of Applicant

# Brunswick County Board of Adjustment Special Use Permit Case 19-04S

CO=COUNTY JURISDICTION

CO-RR

CO-R7500

Project Site  
Parcel #2250002901

2250002919

2250002906

GREEN PASTURES LN NW

CO-NC

HICKMAN RD NW

2250009601

2250009811

SHING

Green Pastures Ln

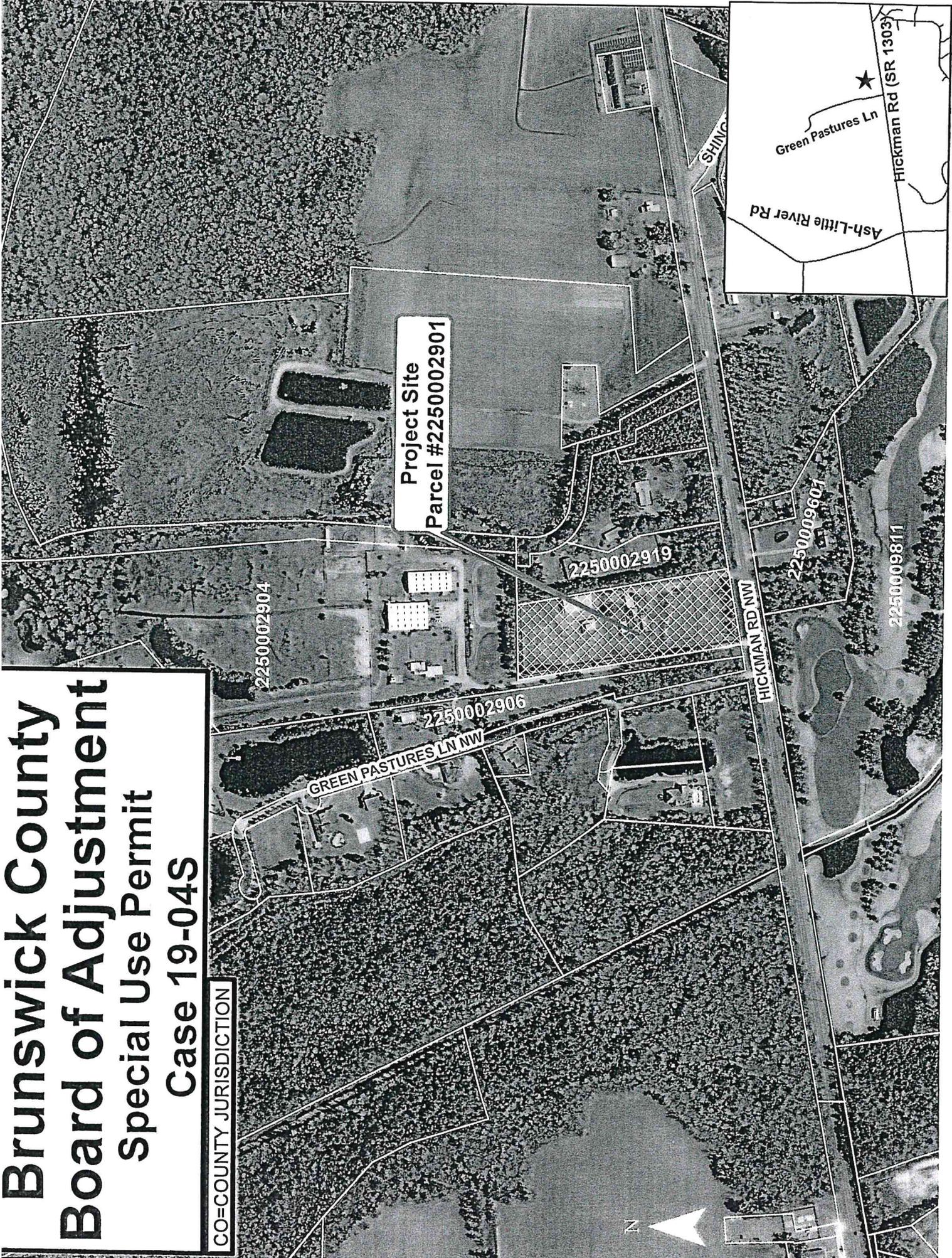
Ash-Little River Rd

Hickman Rd (SR 1303)



# Brunswick County Board of Adjustment Special Use Permit Case 19-04S

CO-COUNTY JURISDICTION



Project Site  
Parcel #2250002901

2250002904

2250002919

2250002906

GREEN PASTURES LN NW

HICKMAN RD NW

2250009607

2250009811



# CASE 19-04S

## ADJACENT PROPERTY OWNER(S)

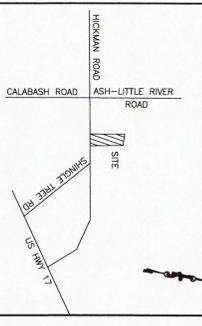
PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
2250002906	SMITH MARC PAUL	PO BOX 1031	LITTLE RIVER	SC	29566
2250009811	MEADOWLANDS GOLF CLUB INC	PO BOX 4159	CALABASH	NC	28467
2250009601	ALLEN MICHAEL G & TERRI B ALLEN	791 HICKMAN ROAD	CALABASH	NC	28467
2250002919	LONG JOHN MICHAEL	790 HICKMAN RD NW	CALABASH	NC	28467
2250002904	SMITH GLORIA J	5800 LITTLE RIVER NECK RD	NORTH MYRTLE BEACH	SC	29582

## OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
2250002901	VORALIK ANDREW ETUX	806 HICKMAN RD NW	CALABASH	NC	28467-2028

## APPLICANT(S)

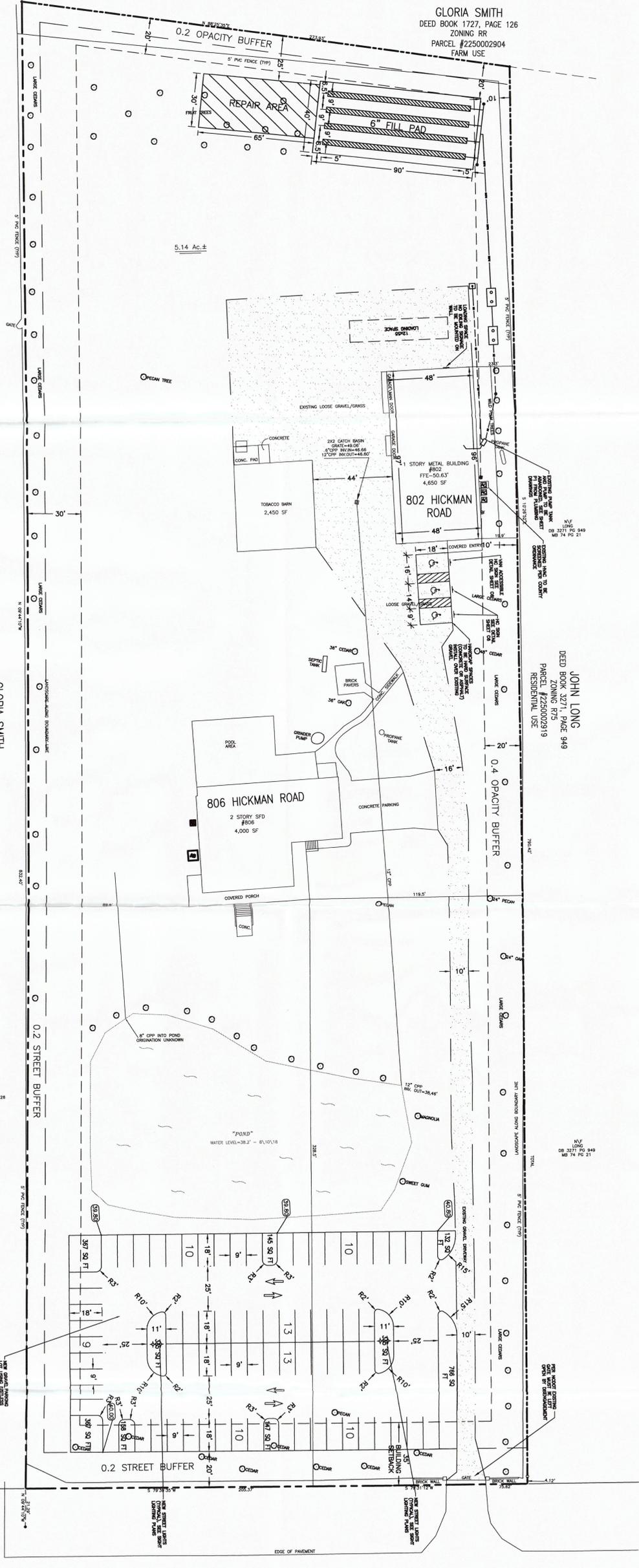
PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
2090003508	J. Phillip Norris	1429 Ash-Little River Rd	Ash	NC	28420



VICINITY MAP  
N.T.S.



GLORIA SMITH  
DEED BOOK 1727, PAGE 126  
ZONING RR  
PARCEL #2250002904  
FARM USE



JOHN LONG  
DEED BOOK 3271, PAGE 949  
ZONING R75  
PARCEL #2250002919  
RESIDENTIAL USE

GLORIA SMITH  
DEED BOOK 1727, PAGE 126  
ZONING RR  
PARCEL #2250002904  
FARM USE

MARC SMITH  
DEED BOOK 1409, PAGE 581  
ZONING R75  
PARCEL #2250002906

**SITE DATA**

PARCEL NUMBER:	2250002901
ZONING:	R-7500
TOTAL SITE AREA:	223,898.4 SF / 5.14 AC
DISTURBED AREA:	34,442.8 SF / 0.79 AC
BUILDING USE:	PRIVATE CLUB
BUILDING HEIGHT:	20'
STREET BUFFER:	20'
BUILDING SETBACKS:	
FRONT:	35'
SIDE:	20'
REAR:	20' MIN. - 50' TOTAL
PARKING REQUIRED:	
TOTAL REQUIRED:	4,650 GROSS SF x 1 SP/290 SF = 19 SP
SPACES PROVIDED:	74 SPACES
SPACES PROVIDED:	3 SPACES
TOTAL SPACES PROVIDED:	77 SPACES
LOADING SPACE (12'x35')	1
UTILITIES:	
WATER:	BRUNSWICK COUNTY PUBLIC UTILITIES
SEWER:	ON-SITE SEWER SYSTEM
SOIL:	ON-SITE SEWER SYSTEM
SOLID WASTE DISPOSAL:	ROLL OUT CART

- NOTES:
1. PARKING LOT TO BE CONSIDERED NON-BUILT UPON AREA PER NCDEQ STORMWATER DESIGN MANUAL SECTION A-4 & BRUNSWICK COUNTY STORMWATER ORDINANCE SECTION 1.6(d), "A SURFACE OF NUMBER 57 STONE, AS DESIGNATED BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS, LAID AT LEAST FOUR INCHES THICK OVER A GEOTEXTILE FABRIC."
  2. GRAVEL USED FOR DRIVEWAY AND AROUND METAL BUILDING MUST BE DUSTLESS IN NATURE.

SCALE: 1" = 30'

C2

SYMBOL	DATE	DESCRIPTION	BY
REVISIONS			
© 2019 NORRIS & TUNSTALL			

MEADOWLANDS GOLF CLUB INC  
DEED BOOK 1061, PAGE 460  
ZONING R75  
PARCEL #2250009811

MICHAEL & TERRI ALLEN  
DEED BOOK 2446, PAGE 1152  
ZONING R75  
PARCEL #2250009601

**NORRIS & TUNSTALL**  
CONSULTING ENGINEERS P.C.

1900 EASTWOOD RD SUITE 11 WILMINGTON, NC 28403  
PHONE (910) 343-9653

1429 ASH-LITTLE RIVER RD. NW ASH, NC 28420  
PHONE (910) 287-5900

OWNER:  
ANDREW VORALIK  
806 HICKMAN RD NW  
CALABASH, NC 28467  
619-540-2685

LAYOUT PLAN  
**802 HICKMAN ROAD EVENT VENUE: FILE #2018073155**  
**HICKMAN ROAD**  
**BRUNSWICK COUNTY, NORTH CAROLINA**

18111

License #C3641

DES. JRN  
SOB. JRN  
EDD. JRN  
DATE 04/25/19

**Proposed Hickman Road Private Club (Event Venue)  
Project Review 3  
Tax Parcel 2250002901  
802 Hickman Road**

- Note the Off-Street Parking
  - The parking calculations in the application were based upon indoor usage. Will any outdoor space be used for the event venue? Will other buildings on the property be used for the event venue? If so, please provide the square footages and property locations of each use. ***Please indicate in the site data - parking information on Sheet C2 that the use of any outdoor space for an event will require additional parking and the approval of the Brunswick County Planning Department at a minimum.***
- Address Outdoor Lighting consistent with Section 6.9 of the UDO. We understand that this was provided by others. The sheet provided does not meet our requirements.
  - ***Note that the entire parcel is not shown. There should be additional lighting for the area between the large parking lot and the event structure that would allow people to safely walk from the parking lot to the event, as well as the handicapped parking area and the entrance to the event structure. Please address.***
  - ***Provide a cut sheet for each type of lighting fixture chosen so that we can ascertain if the light source is concealed, recessed and not visible from the street right-of-way and adjoining properties and that the light is not emitted upwards toward the sky.***
  - ***Verify that the proposed fixture heights are 40'.***
  - ***Indicate the type of lighting, i.e. LED?***
  - ***Indicate how the light is mounted so that we can insure that the cone of light is contained on-site and does not cross property lines.***
  - ***Provide the minimum, average and maximum illumination level calculations for the street entrance and both parking lots.***
- Address project signage. ***We understand that the owners will be responsible for this task.***
- Note that a Landscape Plan is required.
  - The buffer requirements are associated with the Landscape Plan and will be reviewed once information has been provided on the current usage of each Tax Parcel. (2250002904 and 2250002919). ***Tax Parcel 2250002904 (rear and side) will require a 0.2 opacity buffer, which equates into 10' of depth with associated plantings. Section 6.3.9.A.4. of the UDO shows the number of plants required for each 100' of property. Existing plants can be utilized to meet the buffer opacity. Tax Parcel 2250002919 (right side) will require a 0.4 opacity***

***buffer, with a 20' deep vegetative area. This area can be reduced with a 6' solid fence or 6' wall; but will also require plantings as indicated in Section 6.3.9.A.4. of the UDO. Please address the plantings.***

- ***The street buffer should be 1 canopy tree or 2 understory trees per 100 linear feet of street frontage.***
- ***Please be sure to mark the 100' landscaping intervals and the type of plans proposed on the Landscape Plan.***

**BRUNSWICK COUNTY BOARD OF ADJUSTMENT  
SPECIAL USE PERMIT  
STAFF REPORT**

May 9, 2019

**Application No.** 19-04S

**Applicant:** Phil Norris

**Property Location:** 802 Hickman Road NW, Calabash NC 28467

**Parcel Number:** 2250002901

**Zoning District:** Low Density Residential (R-7500)

**Intent:** “The R-7500, R-6000, and SBR-6000 districts are established to provide for orderly suburban residential development. A limited number of commercial and civic uses area allowed, subject to the restrictions necessary to preserve and protect the residential character of the neighborhood. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities. Due to the higher intensity developments contained in this district, it is intended to be applied to properties served by public sewer and water systems.”

**Surrounding Zoning:**     **North:** RR                     **South:** R-7500  
                                  **East:** RR; R-7500           **West:** RR; R-7500

**Proposed Use of Property:** Private Club (Event Venue)

The application was submitted to the Brunswick County Planning Department on April 22, 2019.

J. Phillip Norris, on behalf of Andrew Voralik, proposes to open a “Private Club (Event Venue)” at the above referenced location. The Brunswick County Future Land Use Plan designates the subject parcel as Low Density Residential (LDR). The proposed use is only permissible in the R-7500 Zoning District with Special Use Permit approval by the Brunswick County Board of Adjustment.

**Approval Criteria – Section 3.3.9.B:**

1. **Circulation:** All access to the site will occur from Hickman Road NW (SR 1303). The existing driveway permit will support the use.

2. **Parking and Loading:** One (1) parking space per 250 square feet of enclosed floor area is required for indoor events. 4,000 square feet of outdoor event area is also requested, with 1 parking space per 1,000 square feet of outdoor area. This equates into 4 additional parking spaces. The proposed parking greatly exceeds the requirements for the permitted uses.
3. **Service Entrances and Areas:** Same as that of the patrons attending events.
4. **Lighting:** All outdoor lighting must be compliant with Section 6.9. of the Brunswick County Unified Development Ordinance (UDO).
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:** A septic system is proposed for the site. Brunswick Utilities water is available.
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:** Tax Parcel 2250002904 (rear and side) will require 0.2 opacity buffer, which equates into 10' of depth with associated plantings. Section 6.3.9.A.4. of the UDO shows the number of plants required for each 100' interval of property. Tax Parcel 2250002919 (right side) will require a 0.4 opacity buffer with 20' deep vegetative area. This area can be reduced with a 6' solid fence or 6' wall; but will also require plantings as indicated in Section 6.3.9.A.4. of the UDO. A street buffer of 20' in depth must front Hickman Road. Required plantings are 1 canopy tree or 2 understory trees per 100 linear feet of street frontage. Existing screening, buffering and landscaping of the parcel at the peripheral may be enough. If, at the time of inspection, the opacity requirement cannot be met with existing plants, additional plantings will be required.
10. **Effect on Adjoining Property:** The effect on the adjoining property is minimal as the surrounding property is residential and rural in nature and will be buffered from the subject parcel.
11. **Compatibility:** The proposed use is permissible in the R-7500 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.

**Additional Approval Criteria (5.3.5.M.)**

1. If a proposed club or lodge is to be included in a development existing prior to May 1, 2007, a Special Use Permit (see Section 3.5.) shall be required. **N/A.**
2. In all subdivisions proposed on or after the May 1, 2007, a club or lodge may be allowed in compliance with the dimensional requirements in the table below (if applicable). **N/A.**

**Conditions:**

If approved, this development shall have a vested right for a period of three years. A two-year extension may be requested by the applicant to the Brunswick County Board of Adjustment.

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 application and kept on file by the Brunswick County Planning Department.
3. Indicate in the site data – parking information on Sheet C2 that the use of any outdoor space for an event will require additional parking and the approval of the Brunswick County Planning Department.
4. Provide an Outdoor Light Plan for review and approval consistent with Section 6.9. of the UDO.
5. Revise the Landscaping Plan to address the buffer issues outlined in the staff report.
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.

**BRUNSWICK COUNTY  
SPECIAL USE PERMIT  
FINDINGS OF FACT WORKSHEET**

**Application No.** 19-04S

**Applicant:** J. Phillip Norris on behalf of Andrew Voralik

**Property Location:** 802 Hickman Road, Calabash NC 28467

**Zoning District:** R-7500 **Land Use Classification:** Low Density Residential

**Surrounding Zoning:** North: RR, South: R-7500, East: RR; R-7500, West: RR; R-7500

**Proposed Use of Property:** Private Club (Event Venue)

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**FINDINGS OF FACT**

Having heard all of the evidence and arguments presented at the hearing, the Board of Adjustment, at its regular meeting, determined that application is complete / incomplete and finds:

- I. WHETHER THE PROPOSED USE IS IN HARMONY WITH THE AREA AND NOT SUBSTANTIALLY INJURIOUS TO THE VALUE OF PROPERTIES IN THE GENERAL VICINITY:

- Yes
- No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

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- II. WHETHER THE USE IS IN CONFORMANCE WITH ALL SPECIAL REQUIREMENTS APPLICABLE TO THE USE:

- Yes
- No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

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**BRUNSWICK COUNTY  
SPECIAL USE PERMIT  
FINDINGS OF FACT WORKSHEET**

**Application No. 19-04S**

- III. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL NOT ADVERSELY AFFECT THE HEALTH AND SAFETY OF THE PUBLIC:  
 Yes  
 No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

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- IV. WHETHER THE USE, 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:  
 Yes  
 No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

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V. DECISION:

1. MOTION TO GRANT PERMIT:

“I move that we GRANT the special exception because the proposed use, 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 3.3.9.B. of the Brunswick County Unified Development Ordinance.”**

**BRUNSWICK COUNTY  
SPECIAL USE PERMIT  
FINDINGS OF FACT WORKSHEET**

2. MOTION TO DENY PERMIT: (state all that are applicable)

“I move that we DENY the special exception permit because the proposed use, if developed as proposed:

- a) **will not be in harmony with the area and not substantially injurious to the value of properties in the general vicinity, and/or**
- b) **will not be in conformance with all special requirements applicable to the use, and/or**
- c) **will adversely affect the health and safety of the public, and/or**
- d) **does not adequately address the twelve (12) review factors identified in Section 3.3.9.B. of the Brunswick County Unified Development Ordinance.”**

**CONDITIONS:**

- 1. That the development shall proceed in conformity with all plans and design features submitted as part of the special use permit application and kept on file by the Brunswick County Planning Department.
- 2. That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
- 3. That 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.
- 4. \_\_\_\_\_  
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- 5. \_\_\_\_\_  
\_\_\_\_\_
- 6. \_\_\_\_\_  
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