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

6:00 P.M., Thursday
August 22, 2019

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

I. Call to Order.

II. Election of Officers.

III. Roll Call.

IV. Consideration of Minutes of the July 11, 2019 Meeting.

V. Agenda Amendments.

VI. New Business.

A). 19-13V Variance
Applicant: Atlantic Telephone Membership Corporation (ATMC)
Location: 101 Town Creek Road NE, Leland, NC 28451
Tax Parcel 0700004602
Applicant requests three (3) Variances from Section 5.3.4.M. and Section 4.4.4.A. of the Brunswick County Unified Development Ordinance (UDO) for the construction of a minor utility equipment facility. The first variance request is to allow the facility to be located 34.7' from the front property line as opposed to the 40' required by the Ordinance. The second variance request is to allow the facility to be located 16' from the right-side property line as opposed to the required 30' from the right-side property line. The third variance request is to allow the facility to be located 29.4' from the street side property line as opposed to the 50' required by the Ordinance.

VII. Staff Report.

VIII. Adjournment.

MINUTES

ZONING BOARD OF ADJUSTMENT

BRUNSWICK COUNTY, N.C.

5:00 P.M., Thursday
July 11, 2019

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

MEMBERS PRESENT
Robert Williamson, Chairman
Mary Ann McCarthy
Marian Shiflet
Virginia Ward
Clayton Rivenbark, Alternate

MEMBERS ABSENT
Alan Lewis

STAFF PRESENT
Helen Bunch, Zoning Administrator
Bryan Batton, Assistant County Attorney
Justin Brantley, Project Planner

OTHERS PRESENT

Franco Micciche
Jerome Munna
Richard Cox
Joshua Torbich
Loretta Brown
Russell Brown

I. CALL TO ORDER.

The Chairman called the meeting to order at 5:05 p.m.

II. SWEARING IN OF NEW MEMBER

Ms. Marian Shiflet was sworn as a new member of the Board of Adjustment by Mr. Batton.

III. ROLL CALL.

Mr. Lewis was absent. Mr. Clayton Rivenbark served as an Alternate.

IV. CONSIDERATION OF MINUTES OF THE MAY 9, 2019 MEETING.

Mr. Rivenbark made a motion to accept the minutes of the May 9, 2019 meeting as written. The motion was seconded by Ms. McCarthy and unanimously carried.

V. AGENDA AMENDMENTS.

A) Request to postpone Case 19-10S (Richard King) up to six (6) months. Ms. Bunch stated that the first amendment to the agenda was a request by the applicant to postpone the case for up to six (6) months, citing health issues. Ms. Shiflet made a motion to table Case 19-10S for up to six (months). The motion was seconded by Ms. McCarthy and unanimously carried.

B) Request to withdraw Case 19-05A (Caw Caw Land Corporation and Mason H. Anderson). Ms. Bunch stated that the applicant has chosen not to appeal the case and will come into compliance.

VI. 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.

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

The Chairman swore in and or/ affirmed Helen Bunch, Franco Micciche, Jerome Munna, Richard Cox, Joshua Torbich, Loretta Brown, and Russell Brown as to their testimony being truthful and relevant to the respective case.

VIII. New Business.

A)

19-06V:	Variance
Applicant:	Grey Outdoor, LLC
Location:	4846 Southport-Supply Road SE, Southport, NC 28461 Tax Parcel 205PA001 Applicant requests a Variance from Section 8.8.1.G.1. of the Brunswick County Unified Development Ordinance (UDO) to allow a non-conforming outdoor advertising structure to be relocated one hundred sixty-five (165) linear feet from another outdoor advertising sign as opposed to the minimum three thousand (3,000) linear feet of separation for outdoor advertising structures required.

Mr. Guy Williamson, a representative of Grey Outdoor, LLC, requested the case to be tabled. The representative stated that the proposed relocation of the outdoor advertising structure will require a second variance from the Brunswick County Unified Development Ordinance. The representative stated that the initial request was for a single variance to move the structure straight back however it has been determined that moving the sign straight back will require an additional variance related to the left side property line.

Mr. Batton asked Ms. Bunch how soon this case be revisited by the Board. Ms. Bunch responded that this case can come back to the Board at the August, 2019 meeting, which would allow the appropriate time to advertise for the additional variance.

Ms. Ward made a motion to table Case 19-06V until the August, 2019 meeting. The motion was seconded by Mr. Rivenbark and unanimously carried.

B) 19-07A: Appeal of Decision
Applicant: Franco Micciche
Location: Intersection of Beach Barn Lane SW (Formerly Larry Lane SW) and Holden Beach Road SW (NC 130) near Supply, NC 28462
Tax Parcel 1980005902
The applicant is appealing a staff decision to deny a Nonconforming Use Certificate for an outdoor advertising structure, as the sign in question appears to have been recently constructed.

Ms. Bunch addressed the Board. Ms. Bunch read the Staff Report (attached). Ms. Bunch identified the subject property and surrounding properties on a visual map. Additionally, Ms. Bunch identified images of the sign structure currently located on the property and explained that sign appears to have been recently constructed.

Mr. Batton asked Ms. Bunch for clarification that the concern is with the change in the structure rather than the signage portion of the structure. Ms. Bunch clarified that the signage typically changes regularly and that the structure of the sign changing is the concern.

Mr. Williamson asked applicant Franco Micciche to come forward. Mr. Micciche stated that he has owned the property for one (1) year. Mr. Micciche stated that Jerome Munna (dba The Sign Shoppe) was a tenant leasing the space for a sign. Mr. Micciche added that there was a conflict regarding the interpretation of the lease agreement as well as the contract on the property. Mr. Micciche stated that the contract on the property did not separate signage from the billboard structure. He added that the contract refers to signage and that he was under the understanding that he owned the sign structure and the tenant owned the signage. Mr. Micciche stated that the realtor told him that he would own the sign structure with the property. Mr. Micciche stated that he honored the lease and tried to renegotiate the lease agreement with Mr. Munna to no avail. Mr. Micciche stated that he was not happy with the structure and wanted to improve the property.

Mr. Micciche stated that the signage was not removed by Mr. Munna prior to Hurricane Florence and it caused the sign to be bent over. Mr. Micciche stated that he re-erected the sign, recommending concrete footings for the sign to Mr. Munna. Mr. Micciche stated that Mr. Munna disagreed with this recommendation. Mr. Micciche continued that Mr. Munna's workers went on to the property without his permission and removed a portion of the sign. Mr. Micciche continued that he poured concrete into the footings to start the reconstruction, hiring workers to assist. Mr. Micciche stated that Brunswick Electric came and put the same lights on the property that were there before.

Mr. Micciche further clarified that the sign was damaged during the storm and his intention was to improve the property.

Ms. Ward asked if the sign shown in the recent photographs is the same size as the original sign. Mr. Micciche responded that the sign is ten (10) feet by twenty (20) feet in size which was the same as it was before.

Mr. Micciche stated that he asked neighbors and community members for affidavits stating the age of the signage. Mr. Micciche stated he approached the previous property owner who said that he was willing to sign but recanted. Mr. Micciche added that he approached the neighbor across the street and that they were advised by Larry Hewett, the previous owner, not to sign the affidavit. Mr. Micciche stated that he has been "pushed around a little bit". Mr. Micciche stated that he could have called the police when the sign was being removed from his property but chose not to do so. Mr. Micciche added that he is not asking for anything major but is simply asking to be able to have the sign.

Mr. Micciche stated that he brought several photographs for the Board to view. He stated that these images include his sign, similar signs in the area, and images of the old sign following the storm. Mr. Micciche submitted the photographs to the Board. Additionally, Mr. Micciche stated that he also had an addendum titled "reconstruction of damaged sign and structures", which he submitted as well.

Ms. Shiflet asked Mr. Micciche if he has experience doing this type of construction. Mr. Micciche responded yes. Ms. Shiflet asked if he was aware that most municipalities or counties have zoning ordinances that have to be followed. Mr. Micciche responded yes and added that, unfortunately, he took advice from the wrong people. Mr. Micciche stated that he was told by workers he hired to help with the project that he was allowed to rebuild the sign. Mr. Micciche stated that he does understand and that he does apologize for his actions.

Mr. Rivenbark stated that the photographs that were submitted to the Board indicate that the structure has been completely rebuilt from the old structure. Mr. Micciche responded that yes, the only material he saved were two white boards. Mr. Rivenbark stated that information provided by the applicant indicates that the sign was repaired, but evidence shows the structure was replaced. Mr. Rivenbark asked Mr. Micciche if he had followed the International Building Code with North Carolina Amendments. Mr. Micciche responded that he had not followed the building code. Mr. Micciche apologized for not following the proper protocol. Mr. Micciche added that he is willing to do what is necessary to correct the issue.

Mr. Munna stated that Mr. Larry Hewett owned the property prior to Mr. Micciche and had a contract with Mr. Munna for leasing the space for the sign.

Mr. Munna stated that there was a difference of the interpretation of the contract with Mr. Micciche in terms of the ownership of the sign structure. Mr. Munna stated that Mr. Micciche told him that he was the owner of the sign. Mr. Munna added that he was the owner of the sign structure and leased the space on a yearly basis. Mr. Munna added that they attempted to negotiate over the span of a few months, but Mr. Micciche wanted to alter the contract to lease on a six (6) month basis. Mr. Munna stated that that was unacceptable because sign leases are typically for one-year periods. Mr. Munna stated that Mr. Micciche provided two options which included entering into a new six (6) month lease agreement or allowing Mr. Munna to remove his sign from the property.

Mr. Munna stated that he chose to remove the sign. Mr. Munna added that he removed the sign from the property on November 9, 2018. Mr. Munna stated that the sign was in good condition when it was removed. Mr. Munna added that his company typically does not use concrete footings for signs because the structures are more likely to break in high winds. He also stated that the permit numbers are still on the pole of the structure as the structure remains intact. Mr. Munna stated that the sign was replaced entirely around three (3) weeks later.

Ms. Ward asked if Mr. Munna had seen any of the photographs that were submitted by the applicant. Mr. Munna responded that no, he has not. Mr. Munna stated that the signs in the photographs are signs at different locations.

Ms. McCarthy asked Mr. Munna about a signed statement that indicated that Mr. Munna removed all materials on November 9, 2019. Mr. Munna responded that all materials were removed from the site.

Mr. Batton asked for clarification about the photograph that was previously discussed. Mr. Batton stated that some of the photographs that were submitted were examples of other signs in the area. The sign photographs were reviewed and reidentified.

Mr. Micciche stated that signage material on other signs were removed prior to Hurricane Florence but his sign structure was not removed.

Mr. Williamson asked Mr. Micciche if he made an agreement with Mr. Munna to allow him to remove the sign from the property. Mr. Micciche responded that he did not give Mr. Munna permission to remove the sign.

Mr. Williamson asked if Mr. Munna's workers removed the sign. Mr. Micciche responded that they did remove the sign but left pieces of the sign.

Mr. Williamson asked if he took pictures of this removal. Mr. Micciche responded that he did not take photographs at the time. Ms. Ward asked Mr. Micciche if Mr. Munna leases the property from him. Mr. Micciche responded that he leased the property and paid every six (6) months.

Attorney Richard Cox stated that he obtained a copy of the contract when Mr. Micciche purchased the property with Wendy Hewett. Mr. Cox provided the Board with a copy of the deed.

Mr. Cox stated that he sent a letter to Mr. Micciche stating that the Sign Shoppe owned the sign structure. Mr. Cox stated that the previous agreement with Mr. Munna was for the leasing of the land and not the sign structure. Mr. Cox clarified that Mr. Micciche owns the land and Mr. Munna owns the sign structure.

Mr. Cox read language from an addendum to the contract. Mr. Cox stated that the language indicated that the sign structure is owned by Mr. Munna and Sign Shop.

Mr. Cox stated that he began to work with the other property owner, Ms. Hewett. Mr. Cox stated that Ms. Hewett gave permission, in an email, to Mr. Munna to remove the sign from the property as a result of not reaching an agreement with the terms of a new lease.

Ms. Shiflet asked Mr. Cox to clarify the date of the email communication. Mr. Cox stated that the emails occurred in November, 2018. Mr. Cox provided the Board with photographs of the sign structure that was removed by Mr. Munna. Mr. Cox indicated that the photographs show that the sign was removed entirely and remains intact.

Mr. Williamson asked where the photographs of the sign were taken. Mr. Cox responded that the photographs were taken at Mr. Munna's Sign Shop.

Ms. Shiflet asked Mr. Cox if he would submit the addendum. Mr. Cox submitted the addendum.

Mr. Micciche stated that he would like to look at the addendum that was previously mentioned as it has been updated several times. Mr. Micciche stated that the sign was there for many years and was there before Mr. Munna had a sign business.

Mr. Williamson asked Mr. Munna how the sign became under his ownership. Mr. Munna stated that he built the sign around twenty (20) years ago. Mr.

Munna stated that he had obtained a permit with Brunswick County to build the sign. Mr. Munna added that he has always obtained permits when erecting sign structures. Mr. Munna stated that he was displeased to see that Mr. Micciche erected a sign without a permit.

With no further comments, the Chairman summarized that Mr. Franco Micciche purchased the property which included an advertising structure. Mr. Williamson stated that the structure was determined to be non-conforming, as since its construction the development regulations have changed. Mr. Williamson continued that Mr. Micciche and Mr. Munna could not reach an agreement on the leasing related to the sign. Mr. Williamson stated that Mr. Micciche provided Mr. Munna with options and Mr. Munna chose to remove the sign from the property. Mr. Williamson stated that Mr. Micciche testified that Mr. Munna took the majority of the sign and left portions of the sign on the property. Mr. Williamson continued that Mr. Micciche attempted to get a non-conforming use certificate for the sign but was denied by staff. Mr. Williamson stated that Mr. Micciche is seeking a reinterpretation of the staff decision.

The Chairman asked if there were any comments to the summation. Attorney Cox stated that Mr. Munna indicated that there was nothing left on the property after the removal of the sign structure. Mr. Williamson stated that this would be added to the summary.

The Chairman asked if there were any additional comments to the summation. Mr. Micciche stated that before negotiations ended between him and Mr. Munna, he offered Mr. Munna a two (2) year lease agreement. Mr. Micciche stated that there were pieces of the sign on the property after the hurricane, which he cleaned up from the property. Mr. Micciche stated that he re-erected the original sign structure as it was displaced during the storm.

Mr. Williamson asked if there was damage to the sign during the storm and that Mr. Micciche cleaned it up. Mr. Micciche responded yes.

DECISION: Having held a public hearing to consider Case Number 19-07A (Tax Parcel 1980005902) submitted by Franco Micciche, an appeal of the adverse decision relating to the denial of a Nonconforming Use Certificate for an Outdoor Advertising Structure.

Insofar as the Ordinance affects the issuance of a Nonconforming Use Certificate presently located at the intersection of Beach Barn Lane SW (Formerly Larry Lane SW) and Holden Beach Road SW (NC 130) near Supply NC 28462, having heard all the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

1. There was substantial evidence in the record to show the following **FACT(S):**
   - A complaint was made to the Planning Department that an Outdoor Advertising Sign had been erected on Tax Parcel 1980005902, which is zoned Neighborhood Commercial (NC). Per Section 8.8.1.C. of the Brunswick County Unified Development Ordinance, Outdoor Advertising Signs are not a permitted use in the NC Zoning District.
   - A Nonconforming Use Certificate had never been requested for the sign.
   - The sign structure was taken down and all materials removed by the Sign Shoppe on November 9, 2019.
   - Based upon the information provided as part of the request for a Nonconforming Use Certificate for the subject sign, the request was denied.
   - The findings that support the decision to deny the Nonconforming Use Certificate were provided to the applicant in correspondence to him dated May 8, 2019.
   - A new sign was constructed to replace the original sign without receiving the proper permits.

2. (a) The resolution of this case depends on the interpretation of the Ordinance language as applied to the foregoing facts. It is the Board's **CONCLUSION** that the following sections of this Ordinance, as applied to those facts, shall be interpreted as follows:
   - The testimony and evidence provided support that the original sign was removed.
   - A Nonconforming Use Certificate was not in place for the original sign.
   - A new sign was constructed to replace the original sign without receiving the proper permits.
   - Per Section 8.8.1.C, of the UDO, Outdoor Advertising Signs are not a permitted use in the NC Zoning District.

THEREFORE, IT IS ORDERED that the decision of the Zoning Administrator is affirmed, as motioned by Ms. McCarthy, seconded by Ms. Ward and unanimously carried.

C)

19-08S:	Special Use Permit
Applicant:	Brunswick Christian Recovery Center, Inc.
Location:	545 Hickman Road NW, Calabash, NC 28467 Tax Parcel 2250003702 Applicant requests a Special Use Permit from Section 5.2.3. and Section 5.3.4.F. of the Brunswick County Unified Development Ordinance (UDO) to allow a "Social Service Facility".

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.

Mr. Torbich spoke on behalf of Brunswick Christian Recovery Center, LLC. Mr. Torbich stated that the Brunswick Christian Recovery Center has entered into an agreement with the property owners of 545 Hickman Road to expand the programming of the Brunswick Christian Recovery Center. Mr. Torbich stated that currently the Brunswick Christian Recovery Center has two housing and rehabilitation programs for men including a sixteen (16) week residential rehabilitation program. Mr. Torbich stated that the proposed new location would be a comparable program for women.

Mr. Torbich stated that the new facility would be for females and be staffed entirely by females. Mr. Torbich stated that Brunswick Christian Recovery Center is working on developing an option for childcare to help further assist program participants. Mr. Torbich stated that the facility is proposed to be in operation twenty-four (24) hours a day. Mr. Torbich stated that participants will live at the facility for sixteen (16) weeks. Mr. Torbich added that the participants will be in involved with daily programming, meetings, group events, as well as optional therapy. Mr. Torbich stated that the facility will be well staffed and will typically have one (1) staff member per 4 residents. Mr. Torbich stated that the staff for the facility would include a director of operations and continual staffing.

Mr. Williamson asked how many residents would be at the facility at one time. Mr. Torbich responded that they are working on having twenty-four (24) residents in the facility. Mr. Torbich added that they are able to have a maximum of twenty-eight (28) residents at the facility but are starting with twenty-four (24).

Ms. Ward asked if any of the woman will be going off-site for counseling or work. Mr. Torbich responded that counselors will come to the site and be provided by outside organizations. Mr. Torbich added that off-site activities may include community service events and activities. Mr. Torbich stated that transportation would be handled by staff and participants would have a set schedule every week.

Mr. Williamson asked about the Management Plan that was mentioned by Ms. Bunch during the staff report. Mr. Torbich responded that the Management Plan was submitted today. Mr. Williamson asked Mr. Torbich to clarify the staff to client ratio. Mr. Torbich responded that the one to four (1:4) staff to client ratio is what is typically the ratio for the men's facility. Mr. Torbich added that this ratio does not reflect twenty-four (24) hour staff. Mr. Williamson asked how many staff members would be on site during the night.

Mr. Torbich responded that there would be a minimum of three (3) staff members on site at night not including the site manager.

Mr. Torbich stated that the men's program has been successful, and they are looking forward to being able to help women in the area.

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

With no further comments, the Chairman summarized that Brunswick Christian Recovery Center is applying for a Special Use Permit to operate a "Social Service Facility". Mr. Williamson stated that the applicant indicated their awareness of the conditions and requirements and willingness to comply. Mr. Williamson stated that the program would be a sixteen (16) week program and would offer housing and a variety of programming for twenty-four (24) to twenty-eight (28) adult females.

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 July 11, 2019, 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, a "Social Service Facility", for which the Special Use Permit is sought is in harmony with the area and is not substantially injurious to the value of properties in the general vicinity. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
   a. The Staff Report states that this is a rural area, with the surrounding property zoned for residential development, utility substations and a wireless telecommunication tower. As such, the proposed use is in harmony with the area.
   b. No expert testimony was provided, or report submitted by an appraiser regarding the value of properties.

3. The use, a "Social Service Facility", for which the Special Use Permit is sought, is in conformance with all special requirements applicable to this use. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
   a. Section 5.2.3. of the Brunswick County Unified Development Ordinance lists a Social Service Facility as a permissible use in the

CLD Zoning District if approved by the Board of Adjustment through the Special Use Permit process.

b. Section 5.3.4.F. of the UDO outlines the additional criteria for Social Service Facilities if approved by the Board of Adjustment through the Special Use Permit process.
c. The application packet submitted by the applicant was reviewed by the Zoning Administrator and found to meet all requirements and conditions of the ordinance, if all the conditions outlined in the Staff Report are met.
d. The applicant testified that all standards required by the UDO would be met.

4. The use, "Social Service Facility", for which the Special Use Permit is sought, if developed as proposed will not adversely affect the health and safety of the public. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
   a. The Staff Report addresses the minimum 12 standards for all commercial development. The applicant has agreed to meet these standards.
   b. The Staff report stated that in addition to the standard requirements, there is no family care home, group care home or emergency shelter within a one-half mile radius of the proposed facility.
   c. Brunswick Christian Recovery Director Josh Torbush testified that this is not a court-ordered program, therefore the residents choose to be there and can leave the program if they desire to do so at any time. He continued that while in the program the residents are supervised 24 hours per day, 7 days per week.

5. The use, a "Social Services Facility", 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 Hickman Road (SR 1303). 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:** One (1) parking space per three (3) beds is required. Additional spaces will be required for the staff

based upon the square footage of the gathering space. Five (5) parking spaces are currently on the site, one of which is handicapped accessible. There is enough space to develop additional parking as needed for the facility.

3. **Service Entrances and Areas:** All service vehicles will access the subject property from Hickman Road, which is a state-maintained road.
4. **Lighting:** No additional 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. Public sewer is not available to this site. The existing septic system must be rechecked to ascertain if the use can be accommodated. County water is available via a 12-inch water line.
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:** A twenty-foot (20') street buffer with either one (1) canopy tree or two (2) understory trees per one hundred linear feet will be required adjacent to Hickman Road. The surrounding area is developed and will required a 0.6 opacity buffer between the Social Service Facility and the golf course (Tax Parcel 22500089) and wireless telecommunication facility (Tax Parcel 2250003704) sites. No buffer will be required next to the Brunswick Electric Substation, as it is like zoned. If the opacity requirements cannot be met with existing vegetation, plantings must be added to meet the opacity requirements. A compliance inspection must be conducted by the County prior to the commencement of facility occupancy.
10. **Effect on Adjoining Property:** The effect on adjoining property is minimal as buffers have been established on the property for some time.
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 5.3.4.F. for Social Service Facilities in the Unified Development Ordinance, specifically:

1. **Location Consideration:** A facility shall be no closer than one-half mile radius from any existing and/or permitted social service facility or emergency shelter, Group Home, or Family Care Home. The distance shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line for the lot on which the existing facility is located. **The Applicant meets this requirement.**

2. **Facility or Shelter Management:**

   i. Temporary shelter shall be available to residents for no more than six months. **To be addressed in the written management plan.**

   ii. Staff and services shall be provided to assist residents to obtain permanent shelter and income. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment of programs for residents. **Management Plan to be provided separately.**

   iii. Each facility or shelter must indicate as part of the written management plan how the following services will be provided (if applicable):

      a. Food service.
      b. Job counseling.
      c. Alcohol and drug addiction screening and counseling.
      d. Domestic abuse counseling.
      e. Health Care.
      f. Mental Health Care.
      g. Case Management.
      h. Transportation.
      i. Safety Plan.

      Management Plan to be provided separately.

3. **Development Standards**

   i. **Common Facilities:** The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:

      a. Central cooking and dining room(s).
      b. Recreation room.
      c. Counseling center.
      d. Childcare facilities.

Applicant is aware of these options.

ii. **Security:** Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees. **Site is so designed.**

iii. **External Lighting:** Any lighting shall be internally oriented and shall not exceed 40 feet in height in commercially zoned areas and 30 feet in height in residentially zoned areas. **Facility complies with this requirement.**

iv. **Recreational Areas:** If overnight occupants are housed in the facility or shelter, outdoor recreation areas should be provided. If families are housed, a play area for children should be provided. **Facility is open to adult females only.**

v. **Outdoor Activity:** For the purposes of noise abatement in residential districts, organized outdoor activities may only be conducted between the hours of eight a.m. and ten p.m. **Applicant is aware of this requirement**.

vi. **Unit Density:** Minimum of 200 gross square feet per person. **To be addressed by the applicant.**

vii. **Hours of Operation**: Facilities and shelters may remain open 24 hours per day.

viii. **Separation of Clients:** If overnight occupants are housed in the facility or shelter, separate spaces for families should be provided from individuals and special needs clients. **To be addressed by the applicant.**

ix. **Buffering:** Buffering shall be consistent with the requirements outlined in Section 6.2. No activities shall occur in the buffer area except for maintenance of the buffer and the installation of water, sewer, electrical and other utility systems. **Applicant is aware of this requirement.**

x. **Off-Street Parking.** Off-street parking shall be in accordance with Section 6.12, Off-Street Parking and Loading Spaces. **Applicant is aware of this requirement.**

c. Mr. Torbich stated that he is aware of the requirements and agreed to comply with all conditions of the permit.

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

a) will be in harmony with the area and not substantially injurious to the value of properties in the general vicinity,

b) will be in conformance with all special requirements applicable to the use,
c) will not adversely affect the health and safety of the public, and
d) will adequately address the twelve (12) review factors identified in Section 3.5.9.B. of the Brunswick County Unified Development Ordinance with the following conditions:

1. The development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO).
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the special use application and kept on file by the Brunswick County Planning Department.
3. The applicant must provide a completed Written Management Plan and supplemental information as necessary to address facility management and development standards as outlined in Section 5.3.4.F. of the Brunswick County UDO.
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. The facility must obtain all proper permits and meet all Federal, State and Local Government requirements prior to the issuance of a Certificate of Occupancy.
6. The applicant must request a visual inspection of the site prior to the issuance of a Certificate of Occupancy to insure all requirements have been met.
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 Ms. McCarthy 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.

D) 19-09S: Special Use Permit
Applicant: Loretta Brown
Location: 216 Ocean Isle Beach Road SW, Shallotte, NC 28470
Tax Parcel 2120002005
Applicant requests a Special Use Permit from Section 5.2.3. of the Brunswick County Unified Development Ordinance (UDO) to allow a "Bed and Breakfast".

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.

Ms. Loretta Brown stated that she would like to open a "Bed and Breakfast" at her home, using two (2) spare bedrooms.

Mr. Williamson asked how many guests are planned to be able to be accommodated. Ms. Brown responded that they are planning to accommodate two guests for each room, which is four guests total. Ms. Brown stated that the policy for the proposed "Bed and Breakfast" includes a limitation on one vehicle per room. Ms. Brown added that the parking requirement of two spaces per room is excessive.

Mr. Russell Brown referred to the policies of the proposed "Bed and Breakfast" and stated that they wish to minimize the parking requirement to maintain the home character of the property. Mr. Brown stated that there is space for parking accommodations, but they would like to limit the spaces.

Mr. Williamson asked Ms. Bunch to clarify the requirement. Ms. Bunch responded that the Brunswick County Unified Development Ordinance requires two parking spaces per room. Ms. Brown asked Ms. Bunch for the number of the ordinance section. Ms. Bunch responded that the requirement is found within Section 6.12.6., Required Parking.

Mr. Rivenbark asked if the applicant has a problem with the parking requirements. Mr. Brown responded that they do not have a problem with the parking requirement. Mr. Rivenbark asked Ms. Bunch to elaborate on the parking requirements. Ms. Bunch stated that it must be a dustless surface because it is proposed to be in use more than two (2) days per week.

Ms. Brown asked if the parking and driveway need to be complete before the opening of the "bed and breakfast". Ms. Bunch responded that all requirements must be met prior to opening.

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

With no further comments, the Chairman summarized that Ms. Brown has applied for a Special Use Permit to operate a "Bed and Breakfast". Mr. Williamson stated that there was discussion about the number of parking spaces required. It was determined that the applicant will adhere to the parking requirements. Mr. Williamson stated that Ms. Bunch read additional conditions and additionally made the applicant aware they would need to meet all requirements prior to beginning the use.

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 July 11, 2019, 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, a "Bed & Breakfast", 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 properties in the general area.
   b. Property and adjacent properties are like-zoned, all looking residential in nature.

3. The use, a "Bed & Breakfast", for which the Special Use Permit is sought, is in conformance with all special requirements applicable to this use. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
   a. Section 5.2.3. of the Brunswick County Unified Development Ordinance lists a Bed & Breakfast as a permissible use in the R-7500 Zoning District if approved by the Board of Adjustment through the Special Use Permit process.
   b. 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.

4. The use, "Bed & Breakfast", for which the Special Use Permit is sought, if developed as proposed will not adversely affect the health and safety of the public. This is based on sworn testimony and evidence submitted during the hearing which shows the following:

a. The Staff Report addresses the minimum 12 standards for all commercial development. The applicant has agreed to meet these standards.
b. The applicant testified that the Bed & Breakfast is small (total of 2 bedrooms) and is in a rural area.

5. The use, a "Bed & Breakfast", 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 Ocean Isle Beach Road (SR 1184). 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:** Two (2) guest rooms are proposed. Section 6.12.6. of the Brunswick County Unified Development Ordinance (UDO) requires two (2) parking spaces per guest room plus a minimum of two (2) parking spaces for the residence. Six (6) parking spaces are required with one (1) space being handicapped accessible. As a result, no employee parking will be required. Loading of the trucks will occur on the site. Adequate room is available for loading and unloading.
      3. **Service Entrances and Areas:** All service vehicles will access the subject property from Ocean Isle Beach Road, which is a state-maintained road.
      4. **Lighting:** No outdoor lighting is proposed with this request. Any new outdoor lighting must meet the lighting requirements stated in Section 6.9. "Outdoor Lighting" of the UDO prior to installation.
      5. **Signs:** Any signage must meet the requirements of Article 8, Signs of the UDO prior to installation. Signage is a separate permitting process.
      6. **Utilities:** Public water and sewer are available to this site, however, neither will be required for the proposed operation.
      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:** A twenty-foot (20') street buffer is required. One (1) canopy tree or two (2) understory trees per one hundred (100) linear feet of road frontage are required. Acceptable plant types are found in Appendix A of the UDO. If the 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 bed and breakfast activities.
10. **Effect on Adjoining Property:** The effect on adjoining property is minimal as the parcel is one (1) acre in size and only two (2) guest rooms are proposed.
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.

b. The applicants stated that they are aware of the requirements and agreed to comply with all conditions of the permit.

Ms. McCarthy made a motion to grant the Special Use Permit 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 3.5.9.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. A minimum of six (6) parking spaces must be provided, four (4) assigned to the Bed and Breakfast and two (2) for the residence. Spaces must be at least nine feet (9') wide and eighteen feet (18') deep and designed in accordance with Section 6.12.5. of the UDO.
5. All Federal, State and Local Regulations must be met prior to Bed and Breakfast Occupancy. This includes a recheck of the existing septic system from Environmental Health and Building Permits from Brunswick County Code Administration.
6. The applicant must request a visual inspection of the site prior to the commencement of bed and breakfast activities to ensure all requirements have been met by all parties.
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.

VIII. Staff Report.

Ms. Bunch stated that next month's meeting will likely include a minimum of two cases. Ms. Bunch also provided the Board with an updated version of the Board of Adjustment membership information.

IX. Adjournment.

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

For Office Use Only
File# 19-13V

COUNTY OF BRUNSWICK

ZONING BOARD OF ADJUSTMENT

Variance Application Form

Application Number 19-13V

Date 8/8/2019

Application Fee $150.00

Receipt # 458536

Applicant Atlantic Telephone Membership Corp. (ATMC)

Address 640 Whiteville Road NW

Shallotte, NC 28470

Telephone 910-755-1701

Owner Same

Address

Telephone

Relationship of Applicant to Owner Same

Property Street Address 101 Town Creek Road NE

Tax Map # 0700004602 Block N/A * Lot N/A

*.12 ac Old US 17

Lot Dimensions Approximately 100' x 65' Square Footage Approximately 5,296 sq ft Zoning CO-RR

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.

For Office Use Only
File#_____

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.)

PLEASE SEE ATTACHED

- **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.**

8-7-2019		W. Scott Dutton for ATMC
Date	Signature of Applicant	Signature of Property Owner

ATLANTIC TELEPHONE MEMBERSHIP CORPORATION
CORPORATE SEAL
SHALLOTTE, N.C.

Memo re: ATMC Town Creek Equipment Building Replacement **7/29/2019**

The ATMC Town Creek equipment building was flooded during hurricane Florence in September of 2018. Services were restored under emergency conditions and remain in a temporary state until final repairs/replacements can be implemented. ATMC has proposed to replace the building originally established in the late 1980s with a cabinetized solution including its backup generator to be placed on a 12-foot high galvanized steel platform with approximately the same footprint on the same property. Due to current zoning requirements for the location, the parcel (ID: 0700004602) is not large enough to accommodate the modern replacement considering the current setbacks for the Rural/Residential zone.

The ATMC Town Creek equipment site is critical for multiple communication services that converge at one location. It serves as one of the major pathways for all ATMC local and long-distance voice traffic leaving ATMC's network. Also, the location provides voice, data, and video services to approximately 2300 residential and business customers in the Leland serving area, including provision for four (4) Schools including North Brunswick High School and one (1) Emergency Shelter that serves as the County's proposed Disaster Relief Station from Town Creek.

ATMC also provides critical circuits vital to the Brunswick County E911 service and operation. While the wide area network is designed with a redundant pathway for this traffic, it should still be considered vital for E911 communications because if connections were lost on one path, operations could become dependent on a single vulnerable critical link through the Town Creek location.

The Town Creek office also provides service to eleven (11) Cell Towers in the Town Creek and Leland areas. Should cell phone services fail, then landline phones would be the only way for the public to contact 911 in areas served by these towers. If the Town Creek temporary site were rendered out-of-service, then all related ATMC landline voice customers would lose the ability to contact 911 for emergency services. Critical infrastructure restoration and emergency forces, law enforcement, and any other services/personnel that rely on wireless communications in the area would not be able to communicate/coordinate until services were restored. The current proposal incorporates an extra layer of protection by elevating the equipment and its backup generator above flood levels.

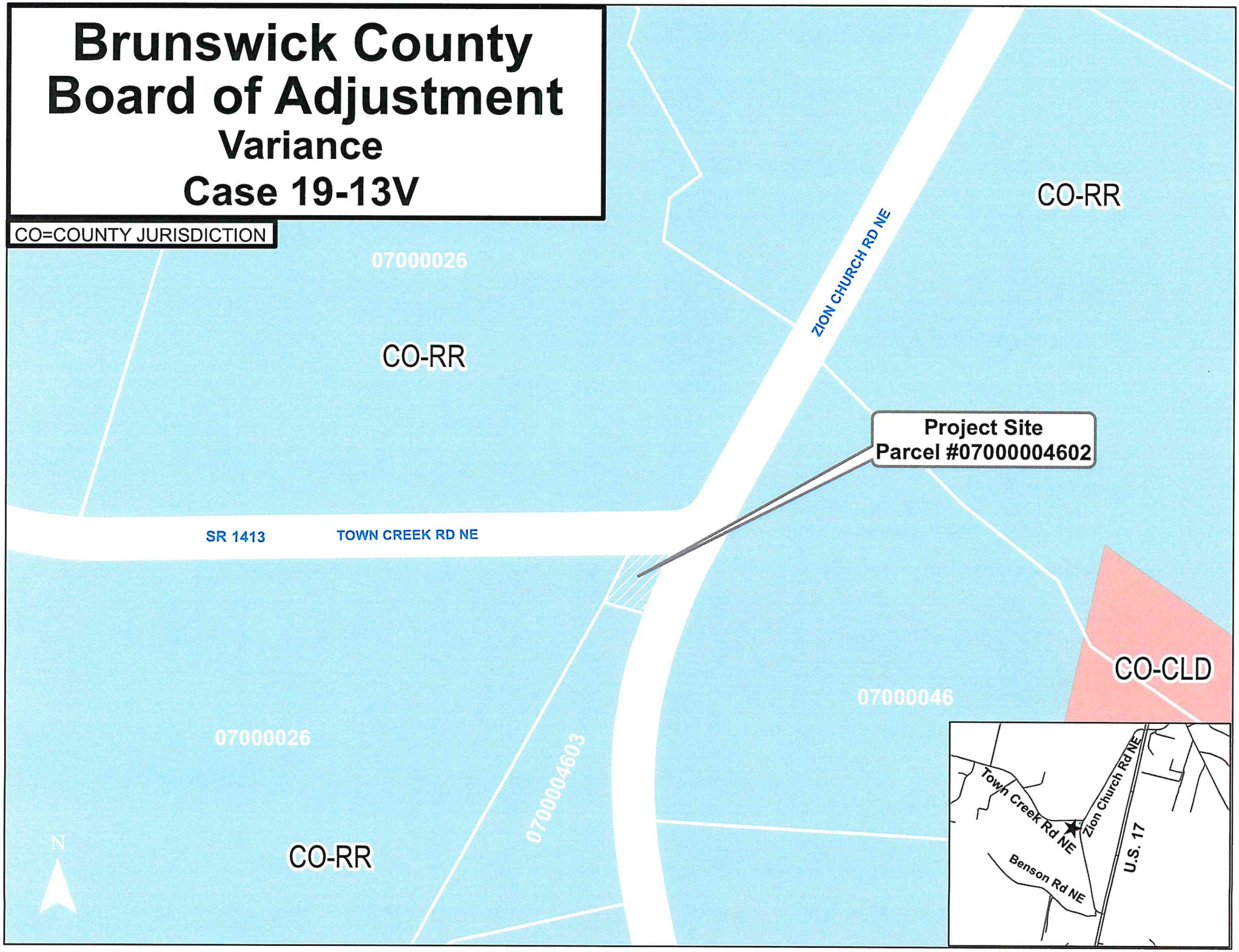
ATMC is requesting a permitting variance for this instance because of both the critical nature of the services provided to the public, emergency responders, emergency restoration forces, and the increasing urgency in the need to finalize a more protected permanent solution with regards to the current hurricane season.

Sincerely,

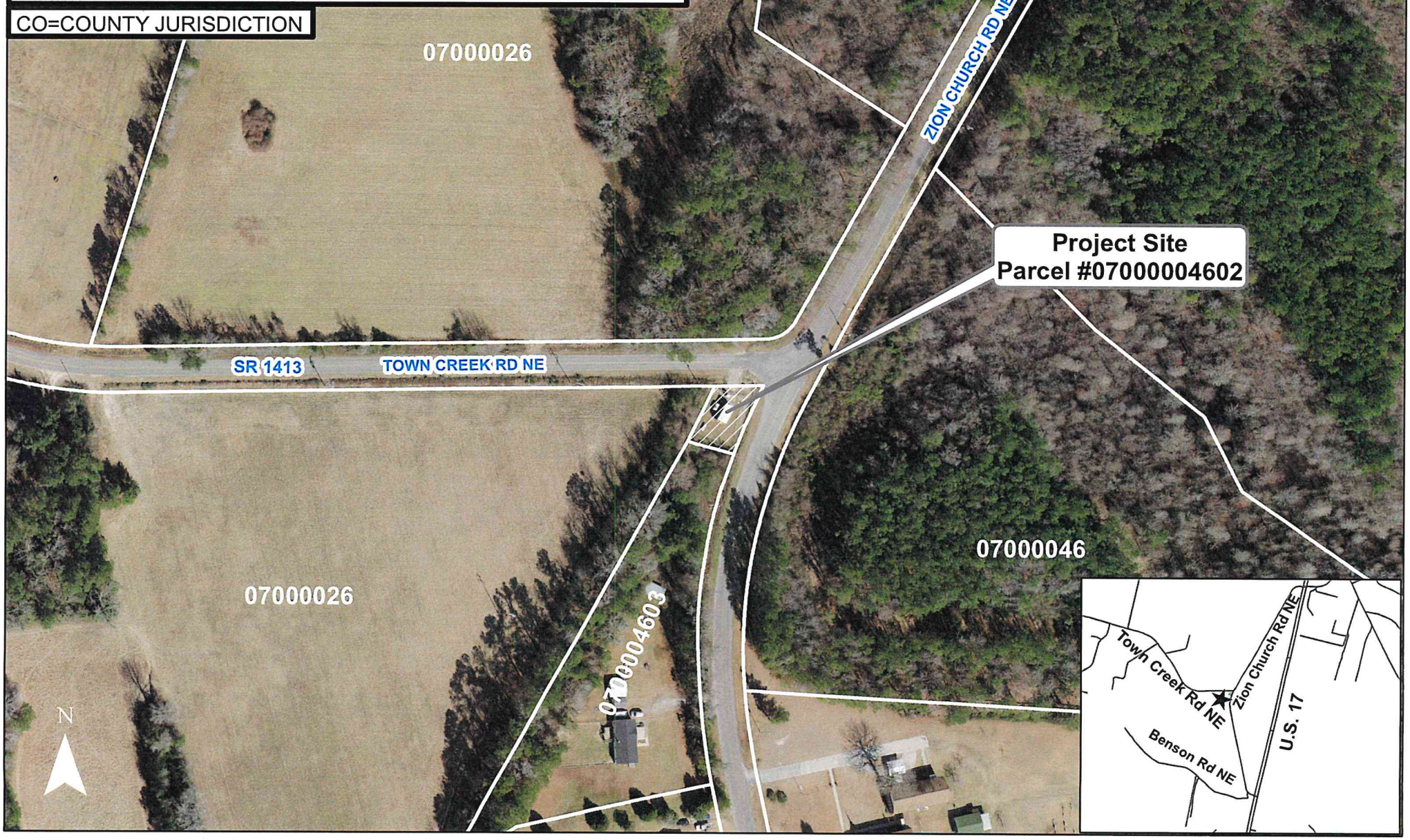
W. Scott Dutton

Scott Dutton
Director OSP Engineering
ATMC

Brunswick County Board of Adjustment
Variance
Case 19-13V



Brunswick County Board of Adjustment
Variance
Case 19-13V



CASE 19-13V

ADJACENT PROPERTY OWNER(S)

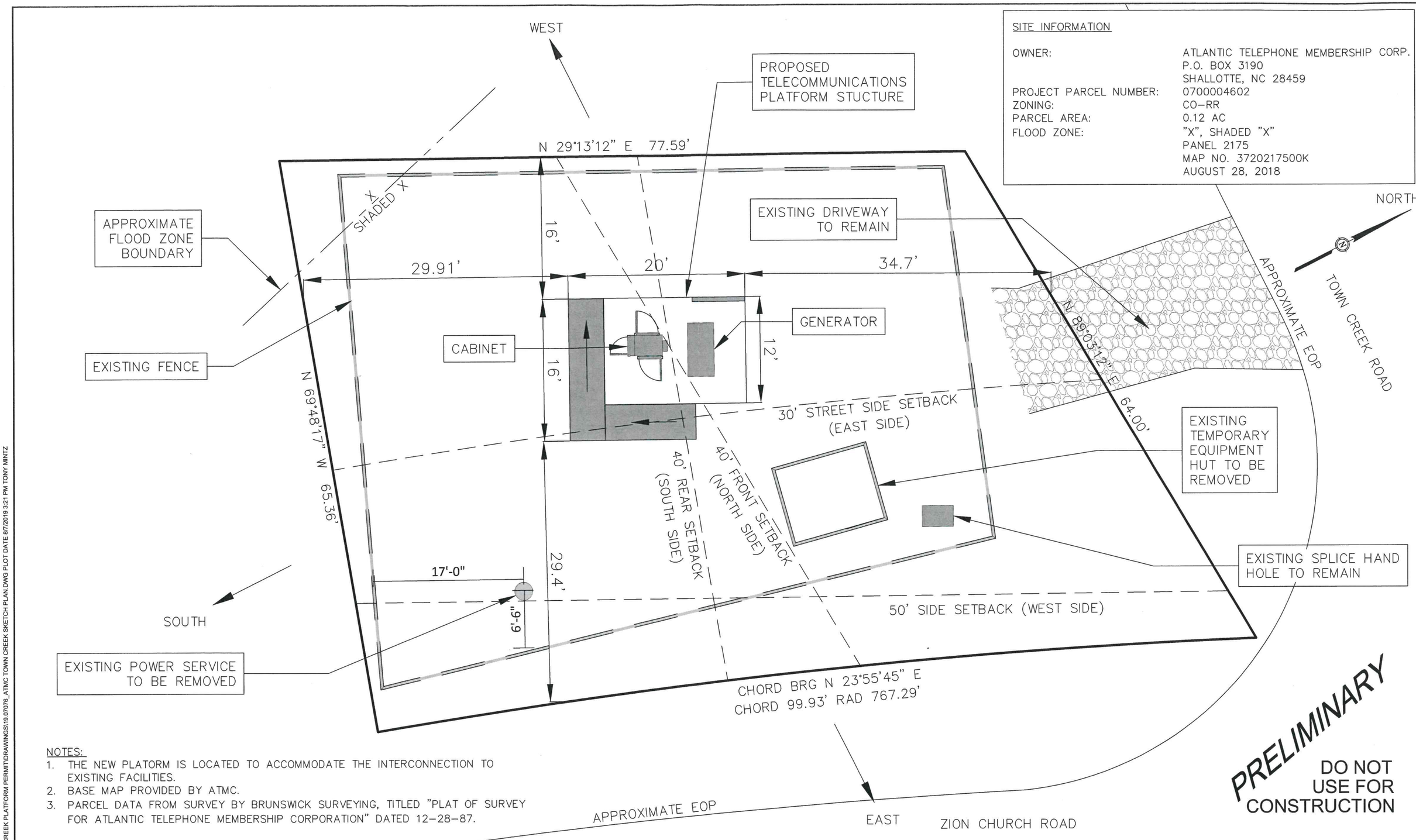
PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
0700004603	HANCOCK DAVID ET AMBER	6877 ZION CHURCH ROAD	LELAND	NC	28451
07000046	CREECH V A JR ESTATE	PO BOX 3416	FREDERICKSBURG	VA	22402
07000026	SKIPPER ARTHUR CLARK ET	400 OCEAN DR	OAK ISLAND	NC	28465-8209

OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
0700004602	ATLANTIC TELEPHONE MEMBERSHIP CORP	P O BOX 3198	SHALLOTTE	NC	28459

APPLICANT(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
0700004602	ATLANTIC TELEPHONE MEMBERSHIP CORP ATTN: W. Scott Dutton	P O BOX 3198	SHALLOTTE	NC	28459



SITE INFORMATION

OWNER:	ATLANTIC TELEPHONE MEMBERSHIP CORP. P.O. BOX 3190 SHALLOTTE, NC 28459
PROJECT PARCEL NUMBER:	0700004602
ZONING:	CO-RR
PARCEL AREA:	0.12 AC
FLOOD ZONE:	"X", SHADED "X" PANEL 2175 MAP NO. 3720217500K AUGUST 28, 2018

NOTES:
1. THE NEW PLATORM IS LOCATED TO ACCOMMODATE THE INTERCONNECTION TO EXISTING FACILITIES.
2. BASE MAP PROVIDED BY ATMC.
3. PARCEL DATA FROM SURVEY BY BRUNSWICK SURVEYING, TITLED "PLAT OF SURVEY FOR ATLANTIC TELEPHONE MEMBERSHIP CORPORATION" DATED 12-28-87.

PRELIMINARY
DO NOT USE FOR CONSTRUCTION

mcgill
712 Village Road SW
Suite 103
Shallotte, NC 28470
910.755.5872
NC Firm License # C-0459
mcgillassociates.com

DATE AUG. 7, 2019	PROJECT # 19.07076
OFFICE MANAGER M.NORTON	DESIGNER T.MINTZ
PROJECT MANAGER M.NORTON	REVIEWER M.NORTON

FOR
ATLANTIC TELEPHONE MEMBERSHIP CORP.
BRUNSWICK COUNTY, NORTH CAROLINA

10 0 5 10 20
GRAPHIC SCALE DIVISION VALUE = 10 FEET

TOWN CREEK SHELTER
SKETCH PLAN

SHEET
C-101

P:\2019\19.07076 - ATMC TOWN CREEK PLATFORM PERMIT\DRAWINGS\19.07076_ATMC TOWN CREEK SKETCH PLAN.DWG PLOT DATE 8/7/2019 3:21 PM TONY MINTZ

BRUNSWICK COUNTY BOARD OF ADJUSTMENT
VARIANCE
STAFF REPORT

August 22, 2019

Application No.	19-13V
Applicant:	Atlantic Telephone Membership Corporation
Property Location:	101 Town Creek Road NE, Leland NC 28451
Parcel Number:	0700004602
Zoning District:	Residential (RR)
Surrounding Zoning	**North:** RR **South:** RR **East:** RR **West:** RR

Proposed Use of Property: Minor Utility Equipment Facility

The application was submitted to the Brunswick County Planning Department on August 8, 2019.

The applicant, Atlantic Telephone Membership Corporation, has filed an application for three (3) variances from Sections 5.3.4.M. and 4.4.4.A. of the Brunswick County Unified Development Ordinance (UDO) to allow a Minor Utility Equipment Facility 34.7' from the front property line as opposed to the 40' required by the Ordinance. The second variance request is to allow the facility to be located 16' from the right-side property line as opposed to the required 30' from the right-side property line. The third variance request is to allow the facility to be located 29.5' from the street side property line as opposed to the 50' required by the ordinance. All variances must be granted for the request to be granted.

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.
- Atlantic Telephone Membership Corporation is the owner of the property located at 101 Town Creek Road NE, Leland NC 28451
- The subject property contains 0.123 acres in total and is currently zoned Rural Residential (RR).
- The initial structures were installed prior to the implementation of zoning in the unincorporated areas of Brunswick County (mid-80s). The structures have been continuously utilized and maintained since construction.

- The structure was in operation until the fall 0f 2018, when it was damaged by Hurricane Florence. The underground improvements integral to the operation of the facility were not greatly impacted by the hurricane.

- Section 5.3.4.M. of the Brunswick County Unified Development Ordinance (UDO) addresses Utility Facilities and states "1. All utility equipment and substations less than 600 square feet in size shall be exempt from minimum lot requirements in any zoning district. The district minimum yard measurements shall remain in effect . . . 2. Utilities facilities in residential areas or adjoining residential uses shall maintain residential setbacks (where applicable), be fenced (unless totally enclosed with a structure), and either be screened from view or designed to have a residential appearance."

- The facility is less than 600 square feet in size and is exempt from the minimum lot requirements.

- The rear of the property is adjacent to a residential use and will maintain the residential setbacks.

- The site is fenced, but not at 100% visual opacity. The fence must be at 100% opacity or designed to have a residential appearance.

- Section 4.4.4.A. of the Brunswick County Unified Development Ordinance (UDO) states that Nonresidential Uses in the Rural Residential Zoning District must be located forty feet (40') from the front and rear property lines and a minimum of thirty feet (30') from the side property lines, with both sides when added together being a minimum of eighty feet (80').

- The applicant proposes to place the minor utility equipment 34.27' from the front property line as opposed to the 40' required by the Ordinance. The second variance request is to allow the facility to be located 16' from the right-side property line as opposed to the required 30' from the right-side property line. The third variance request is to allow the facility to be located 29.4' from the street side property line as opposed to the 50' required by the ordinance.

- The applicant will need the following variances to place the minor utility equipment at the proposed location:

    - 5.73' variance from the front yard (Town Creek Road) setback requirement;
    - 14' variance from the right-side yard setback requirement; and
    - 20.6' variance from the left-side (also street-side) yard setback requirement.

- All variances must be approved to enable the project to move forward.

For Office Use Only

File#_____

BRUNSWICK COUNTY BOARD OF ADJUSTMENT

ORDER GRANTING/DENYING A VARIANCE

The Board of Adjustment for Brunswick County, having held a public hearing on August 22, 2019 to consider Case Number 19-13V, submitted by Atlantic Telephone Membership Corporation (ATMC) a request for a variance to use the property located at 101 Town Creek Road NE., 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/will not) 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:

   _____
   _____
   _____

2. It is the Board's CONCLUSION that the hardship (does/does not) 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 general public, may not be the basis for granting a variance. This conclusion is based on the following FINDINGS OF FACT:

   _____
   _____
   _____

3. It is the Board's CONCLUSION that the hardship (does/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:

   _____
   _____
   _____

For Office Use Only

File#_____

4. It is the Board's CONCLUSION that the requested variance (is/is not) 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:

_____

_____

_____

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE be (GRANTED/DENIED) subject to the following:

_____

_____

_____