

**AGENDA
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**

- I. Call to Order.
- II. Swearing in of New Board Member Marian Shiflet.
- III. Roll Call.
- IV. Consideration of Minutes of the May 9, 2019 Meeting.
- V. Agenda Amendments.
 - A). Request to continue Case 19-10S for up to six (6) months (see attached letter).
- VI. New Business.
 - A). 19-05A Appeal of Decision
Applicant: Caw Caw Land Corporation and Mason H. Anderson
Location: 252 S. Middleton Drive, Calabash, NC 28467
Tax Parcel 210IA058
Applicant is appealing an interpretation of the Brunswick County Unified Development Ordinance (UDO) as to the use of an existing home as a sales office or model home.
 - B). 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.

- C). 19-07A Appeal of Decision
 Applicant: Franco Mieciche
 Location: Intersection of Beach Barn Lane SW (Formerly Larry Lane SW) and Holden Beach Road SW 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.
- D). 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”.
- E). 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”.
- F). 19-10S Special Use Permit
 Applicant: Richard King
 Location: 4976 Whiteville Road NW, Ash, NC 28420
 Portion of Tax Parcel 11600006
 Applicant requests a Special Use Permit from Section 5.2.3. and Section 5.3.5.V. of the Unified Development Ordinance (UDO) to allow a “Flea Market”.

VII. Staff Report.

VIII. Adjournment.

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

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

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

MEMBERS PRESENT

Robert Williamson, Chairman
Alan Lewis
Mary Ann McCarthy
Ron Medlin, Alternate
Clayton Rivenbark, Alternate

MEMBERS ABSENT

Robert Cruse, Vice Chairman
Virginia Ward

STAFF PRESENT

Helen Bunch, Zoning Administrator
Bryan Batton, Assistant County Attorney
Justin Brantley, Zoning Technician

OTHERS PRESENT

Robert R. Scott
Wanda C. Scott
Richard Rumbold
Laurie Ezzell Rumbold
John Frick
Phil Norris

I. CALL TO ORDER.

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

II. ROLL CALL.

Mr. Robert Cruse and Ms. Virginia Ward were absent. Mr. Clayton Rivenbark and Mr. Ron Medlin served as Alternates.

III. CONSIDERATION OF MINUTES OF THE JANUARY 10, 2019 MEETING.

Mr. Rivenbark made a motion to accept the minutes of the January 10, 2019 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.

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 3.3.9.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.

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

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

The Chairman swore in and or/ affirmed Helen Bunch, Robert R. Scott, Wanda C. Scott, Richard Rumbold, Laurie Ezzell Rumbold, John Frick, and Phil Norris as their testimony being truthful and relevant to the respective case.

VII. 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 the property line required by the Ordinance for accessory structures fifteen feet (15') in height or greater.

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. Williamson asked Mr. Robert Scott to come forward and explain his request for the Variance. Mr. Scott stated that he is a Real Estate Broker and has been working with this type of project for many years. Mr. Scott stated that he hired a designer and a surveyor and went through the County's development process. At the time of permitting the primary structure (residence) and the secondary structure were placed on the same permit. Mr. Scott stated that everything was fine with the process initially. Mr. Scott stated that the residence was completed, however the accessory building is around sixty percent (60%) complete as he was unable to finish the structure due to a lack of funds.

Mr. Scott stated that on the advice of the County he withdrew the accessory structure from the building permit to get a certificate of occupancy for the primary structure.

Mr. Scott stated that he was notified that a complaint was filed regarding the proximity of the accessory structure to the property line based on the height of the building. Mr. Scott stated that no one picked up on that during the process. Mr. Scott stated that this was not done intentionally or underhandedly. Mr. Scott stated that there is plenty of room on the property and the accessory structure could have been located elsewhere on the property if the oversight had been caught sooner. Mr. Scott stated that he needs a Variance for the setback of the accessory structure to obtain a building permit to finish the structure.

Mr. Lewis asked if a surveyor had been employed to measure the exact distance from the building to the property line or is the eight feet (8') distance an estimate only. Ms. Scott responded and stated that the initial site plan showed that the accessory structure was eight feet (8') from the property line.

Ms. Scott stated that the property has not been surveyed to verify the actual distance from the accessory structure to the property line. Ms. Scott stated that this issue could have been remedied early in the process if the oversight had been caught. Ms. Scott reiterated that they worked with several professionals during the process, but no one caught the issue.

Ms. McCarthy asked for clarification regarding the Notarized Request that was submitted July 26th, 2018 by the applicant to remove the unfinished accessory structure from the building permit in order to get the certificate of occupancy. Ms. Scott responded that this was done by Mr. and Ms. Scott based on the advice of one of the building inspectors to allow a certificate of occupancy to be issued for the main structure with the understanding that they would need to apply for another building permit to finish the accessory structure. Ms. Scott stated that no work has been done on the structure since July of 2018. Ms. Scott stated that they didn't realize it was a violation.

Mr. Williamson asked if a building permit was issued at this time, would the accessory structure be able to be finished. Mr. Scott responded that the accessory structure would be able to be completed with the issuance of a building permit. Mr. Williamson asked if all necessary inspections have been completed up to this point. Mr. Scott responded that the accessory structure inspections went right along in the process with the construction of the residence.

Mr. Williamson asked if there was anyone that would like to speak against the application. Mr. Richard Rumbold stated that he and his wife bought the adjacent property last May and moved from across the road. Mr. Rumbold stated that the building has been an eyesore for the last year and a half. Mr. Rumbold submitted photographs of his property in relationship to the accessory structure. Mr. Rumbold stated that they found out about the setback violation from the previous owner of their property. Mr. Rumbold stated that they are concerned about the possibility of a fire this close to their home.

Mr. Williamson asked who owns the fence along the property line that is shown in the photographs. Mr. Rumbold stated that the fence is located on the applicant's property according to the previous owner of the Rumbold's property.

Mr. Williamson asked Ms. Bunch what the minimum side yard setback for a primary structure or residence would be for this lot. Ms. Bunch responded that a primary structure could be located five feet (5') from the property line. Mr. Williamson asked if there was a limitation on the height of such structure. Ms. Bunch responded that the structure could be up to forty feet (40') in height and have a side yard setback of five feet (5') from the property line.

Mr. Williamson asked if the original building permit expired at some point. Ms. Bunch responded that the permit did not expire because the inspections continued. Ms. Bunch stated that several mistakes were made in this process. Ms. Bunch continued that there should not have been one permit issued for two separate structures. Ms. Bunch stated that the second mistake occurred when the applicant removed the accessory structure from the building permit to gain a certificate of occupancy for the main structure, and a separate building permit was not immediately issued for the accessory structure prior to issuing the certificate of occupancy for the primary residence. Ms. Bunch stated that if two permits had been issued there would have been a greater chance that the setback issue would have been properly identified.

Mr. Williamson asked why the Ordinance would allow a primary structure to have less setbacks than an accessory structure. Ms. Bunch stated that this may be a result of reasoning based on accessory structures having a greater potential for noises. Ms. Bunch stated that this will be discussed with the Planning Board for a possible re-evaluation of this section of the ordinance.

Ms. McCarthy asked if the accessory structure looked the same as it currently looks when the Rumbolds purchased the adjacent lot. Mr. Rumbold responded that currently the structure is more weathered. Ms. McCarthy asked if there was a survey of the property done at the time of purchase. Mr. Rumbold stated that there was not a survey done at that time and that the previous owner showed him the property line.

Ms. Laurie Ezzell Rumbold stated that she went on the Brunswick County Website and looked at different documents relating to the project. Ms. Rumbold stated that one of the notes entered by an inspector referred to the accessory structure as a "detached guest house". Ms. Rumbold added that when the accessory structure was removed from the building permit to get the certificate of occupancy it was referred to as a "storage building". Ms. Rumbold stated that she wanted this to be taken into consideration as the structure is located close to their bedroom window.

Mr. Williamson asked Ms. Bunch to clarify the classification of the building in question. Ms. Bunch responded that the building is an accessory structure. Ms. Bunch clarified that both storage buildings and a guest houses are considered accessory structures. Mr. Williamson asked if what Ms. Rumbold mentioned was a choice of words on the part of inspectors. Ms. Bunch responded that it was just a choice of words based upon what the inspectors saw at the site.

Mr. Williamson asked if there were any other comments. Mr. Scott reiterated that the building permit states that a primary structure could be located five feet (5') from the property line and the house is a much more significant building than the accessory building. Mr. Scott stated that any house this close

to the property line would block the view of the neighbor's home which is single-story.

Mr. Rivenbark asked for clarification from the Rumbolds about whether the accessory structure is in the same condition today as it was when they purchased the property. Mr. Rumbold responded that the structure is a little more weathered today than when they bought the adjacent property.

With no further comments, the Chairman summarized that Mr. and Ms. Scott applied for a building permit to build a house and an accessory structure. Mr. Williamson stated that there were errors made in the permitting process including having two (2) structures on the same building permit as well as the incorrect enforcement of setbacks. Mr. Williamson stated that there should have been a ten foot (10') side yard setback instead of what is presumed to be eight feet (8') from the side property line. Mr. Williamson stated that Mr. and Ms. Scott withdrew the accessory structure from the original permit so they could get a certificate of occupancy for the main house. Mr. Williamson stated that since that time it has been brought to the attention of Mr. and Ms. Scott that the accessory structure, due to its height, does not meet the required setback. Mr. and Ms. Scott are requesting a variance so that they can obtain a building permit to finish the structure. Mr. Williamson stated that Mr. and Ms. Rumbold object to the accessory structure being there because it infringes on the required setback. Mr. Williamson added that Mr. Rumbold included that there was a concern of fire safety as well as an obstruction of the view from their property.

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 19-02V, submitted by Robert R. Scott, a request for a variance to use the property located at 1892 Windy Bluff Lane, Supply NC 28462 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 structure is substantially complete. It would be difficult to remove two (2) feet from the right-side of the structure. It is noted that primary residential structures in this zoning district must be only 5' from the side property line, unless they are 40' or more in height.

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 general public, may not be the basis for grant a variance. This conclusion is based on the following **FINDINGS OF FACT**: The home is placed where it is as a result of staff errors, as there was sufficient property to meet the required 10' side yard setback.
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 the result of staff errors, as the applicant was issued a permit with a site plan showing the accessory structure being 8' from the right-site property line.
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 applicant did everything that should have been done. The staff caused the error. Had this been a primary structure it could have been 5' from the side property line.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE be GRANTED, as motioned by Mr. Lewis, seconded by Mr. Rivenbark and unanimously carried.

Mr. Batton stated that it would be helpful for staff and the Planning Board if the Board of Adjustment would make a formal request for the issue of setbacks for accessory buildings to be examined in more detail. Mr. Lewis made a motion to formally request that the issue of setbacks for accessory buildings be examined in more detail. The motion was seconded by Mr. Williamson and unanimously carried.

- 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".

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.

Mr. Williamson asked applicant John Frick to come forward. Mr. Frick stated that he did not have a problem with most of the requirements discussed in the Staff Report provided by Ms. Bunch. Mr. Frick stated that he did not agree with the requirement that stated that the new campsites be located a minimum of 1,500 feet from an existing dwelling. Ms. Bunch explained that this would not apply since the development is pre-existing.

Mr. Frick asked for clarification about where he would be required to put fencing. Ms. Bunch responded that it would be on the east side of the property where the new expansion will occur.

Mr. Frick stated that he has provided topography information. Mr. Frick stated that he will continue numbering lots. Ms. Bunch stated that discussion with staff has led to the recommendation for road signage to be provided appropriately throughout the community for improved coordination of emergency vehicles. Mr. Frick stated that he will provide road names as requested. Ms. Bunch stated that most of the requirements have been met based on the site plan but the timeline for the satisfaction of additional requirements will need to be discussed at another time.

Mr. Williamson asked how much fence will have to be built. Mr. Frick responded that there will be around 600-700' feet of fencing. Mr. Frick stated that he will use metal fence posts and metal top rail with cloth fencing. Ms. Bunch stated that the fabric must have 100% visual opacity. Mr. Frick stated that the adjacent property is used for forestry and isn't occupied by structures. Mr. Frick stated that cloth fencing is the most economical option rather than building a wall. Mr. Williamson stated that the opacity of the cloth must be certified to prove its opacity. Mr. Williamson added that the Board is not granting him the right to use fencing that does not meet the code. Mr. Frick stated that he would provide the proof of 100% opacity of the fencing material.

Mr. Frick asked if he would be able to build a pool on the site in the future. Ms. Bunch responded that the addition of a pool would be reasonable as it is part of the recreation facility.

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

With no further comments, the Chairman summarized that Mr. Frick has applied for a Special Use Permit to add 6 sites to an existing nudist campground. Mr. Williamson stated that Ms. Bunch read a Staff Report that

detailed several requirements that must be met before the additional campsites can receive final approval. Mr. Williamson stated that Mr. Frick has indicated that he is willing to meet all the conditions.

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 May 9, 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 "Nude Campground", for which the Special Use Permit is sought is in harmony with the area and is not substantially injurious to the value of properties in the general vicinity. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
 - a. The Staff Report states that this is a rural area, with the surrounding property zoned Rural Residential. As such, the proposed use is in harmony with the area.
 - b. The proposed use is a continuation of the existing use of the property.
 - c. No expert testimony was provided, or report submitted by an appraiser regarding the value of properties.
3. The use, a "Nude Campground", 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 Nude Campground as a permissible use in the Rural Residential (RR) Zoning District if approved by the Board of Adjustment through the Special Use Permit process.
 - b. Section 5.3.8.B. of the UDO outlines the additional criteria for Nude Campgrounds 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, provided all the conditions outlined in the Staff Report are met.
4. The use, "Nude Campground", for which the Special Use Permit is sought, if developed as proposed will not adversely affect the health and safety of the public. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
 - a. The Staff Report addresses the minimum 12 standards for all commercial development. The applicant has agreed to meet these standards.
 - b. No evidence was provided by those in attendance that the health and safety of the public would be impacted.
 - c. All campsites will be identified with a lot number and street names will be added to the development.

5. The use, a “Nude Campground”, 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 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.

b. The Board concurs with the staff report which outlines the additional review factors as stated in Section 5.3.8.B. for Nude Campgrounds in the Unified Development Ordinance, specifically:

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.**

Mr. Lewis made a motion to grant the Special use Permit if developed as proposed and subject to the conditions imposed below:

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.

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.

- 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" (Event Center).

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. Bunch included that since the Staff Report was written the Applicant has decided to include the option of having 4,000 sq. ft. of outdoor event space. Ms. Bunch clarified that the parking requirements would need to be recalculated, however she is confident that the applicant has exceeded the minimum requirement for the number of interior and exterior spaces necessary.

Ms. Bunch stated that since the Staff Report was written the Applicant has provided a landscape plan. Ms. Bunch stated that the Applicant is working on meeting the plantings and buffer requirements.

Mr. Phil Norris spoke on behalf of Mr. Andrew Voralik. Mr. Norris stated that his firm, Norris and Tunstall Consulting Engineers, has been working closely with Mr. Voralik. Mr. Norris stated that the event building is already located on the site. Mr. Norris added that this building was used previously by an electrical contractor. Mr. Norris continued that the property includes the commercial building, a tobacco barn, and a residential dwelling. Mr. Norris stated that the only changes to the property will be the development of the parking area in the front of the property. Mr. Norris added that an acceptable gravel surface will be used to maintain the rural character of the site while meeting stormwater requirements. Mr. Norris stated that more parking will be provided than the County requires. Mr. Norris stated that they have been granted the NCDOT Driveway Permit associated with the change of use and have also had the septic system approved for the site.

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

With no further comments, the Chairman summarized that Mr. Norris, on behalf of Andrew Voralik, has applied for a Special Use Permit for a "Private Club or Lodge" (Event Center). Mr. Williamson stated that Ms. Bunch read a staff report that included that the use is permissible in that zoning district. Mr. Williamson stated that Mr. Norris provided clarification into the intent of the project.

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 May 9, 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 "Private Club", for which the Special Use Permit is sought is in harmony with the area and is not substantially injurious to the value of properties

- in the general vicinity. This is based on sworn testimony and evidence submitted during the hearing which shows the following:
- a. The Staff Report states that this is a rural area, with the surrounding property zoned Rural Residential. 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 “Private Club”, 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 Private Club as a permissible use in the R-7500 Zoning District if approved by the Board of Adjustment through the Special Use Permit process.
 - b. Section 5.3.5.M. of the UDO outlines the additional criteria for Private Clubs 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.
4. The use, “Private Club”, 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. Project Engineer Phil Norris stated that the driveway permit had been approved and the septic system for the facility is in progress.
5. The use, the “Private Club”, 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 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.

- b. The Board concurs with the staff report which outlines the additional review factors as stated in Section 5.3.5.M. for a Private Club or Lodge (Event Venue) in the Unified Development Ordinance, specifically:
 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.

Ms. McCarthy made a motion to grant the Special Use Permit subject to the conditions imposed below:

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. Provide an Outdoor Lighting Plan for review and approval consistent with Section 6.9. of the UDO.
4. Revise the Landscaping Plan to address the buffer issues outlined in the staff report.
5. If the specified conditions addressed in this special use permit are violated, the permit shall be revoked, and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.

The motion was seconded by Mr. Lewis 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 the next meeting will be held on June 13th, 2019.

IX. Adjournment.

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

Internal Use Only
Application No. 19-05A
Date Received 5-6-2019
Fee \$125

receipt # 000023181

COUNTY OF BRUNSWICK

NOTICE OF APPEAL TO BOARD OF ADJUSTMENT

Applicant Caw Caw Land Corporation and Mason H. Anderson Owner Caw Caw Land Corporation
Address 380 Brunswick Dr. NW Calabash, NC 28467 Address 380 Brunswick Dr. NW Calabash, NC 28467
(910) 508-7476 (c/o Applicants/Appellants' attorney Matt Nichols)
Telephone (H) _____ (O) _____ Telephone (H) _____ (O) _____
Relationship of Applicant to Owner Applicant/Appellant Caw Caw Land Corporation is Owner.
Property Street Address 252 South Middleton Dr.
Tax Map # 210IA058 Lot Dimensions ±.41 acres Zoning CO-SBR-6000

I (Caw Caw Land Corporation and Mason H. Anderson
Appellant) hereby appeal to the Brunswick County Board of Adjustment

from the following adverse decision, order, requirement or determination of the Brunswick County Zoning Administrator.

In the space provided below or on the back of this form, please describe in detail, the background of your case and the specific nature of your appeal.

Applicants/Appellants hereby appeal from an interpretation memorandum dated April 10, 2019 from Helen Evans Bunch, Brunswick County Zoning Administrator ("Interpretation"). A copy of the subject Interpretation is attached hereto as Exhibit "A". Applicants/Appellants disagree with and dispute the Interpretation. For a more detailed description of Applicants'/Appellants' basis for appeal please see Exhibit "B" attached hereto and incorporated herein.

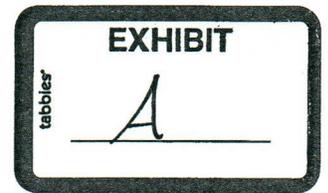
I certify that all the information provided by me in this Notice of Appeal is accurate to the best of my knowledge, information, and belief.

5/6/19
Date
5/6/19
Date

Mason H. Anderson
Signature of Appellant Caw Caw Land Corporation
By: Mason H. Anderson, President
Mason H. Anderson
Signature of Appellant Mason H. Anderson
Representative of Owner Caw Caw Land Corporation



Brunswick County Planning Department
P. O. Box 249
Bolivia, NC 28422
910-253-2025
910-253-2437 Fax



MEMORANDUM

DATE: April 10, 2019

TO: J. Phillip Norris, P.E.
Mason Anderson, Developer

FROM: Helen Evans Bunch, Zoning Administrator

RE: Commercial Activity at 252 South Middleton Drive (Project 451478)
Tax Parcel 210IA058

This memo is in reference to Project 451478 and the commercial activity taking place at 252 South Middleton Drive. While we appreciate the additional information provided, our interpretation is that the activity proposed for this location is a sales office and more intensive than a model home.

A **model home** (AKA show home) is a term for a "display" version of a home within a *new* development or *new* section of development that is furnished and decorated to show to prospective buyers the living space and features of homes that are available. An office may be provided within the home or within the garage for staff hosting the model. Model homes are available for purchase and are typically at a location only for the time during which the section is being developed.

A **sales office** is the office of a company responsible for selling its goods or services. In response to our additional questions, the proposed situation would operate from 8:00 a.m. until 5:00 p.m. seven days per week with a desk in each bedroom and conference area within the garage. The expanded hours of operation, broadened usage of the structure for business purposes as opposed to display purposes, and the increase in vehicular and pedestrian traffic moves the use from residential to commercial.

There are two options available to you to have a sales office in this location.

1. Appeal - If you do not agree with the interpretation of the use, you may appeal the interpretation to the Brunswick County Board of Adjustment.
 - If the Board of Adjustment determines that the proposed use meets the definition of a model home, the residential designation of the parcel will

remain. Activities conducted in the structure would be limited to those that are consistent with the model home definition.

- If the Board determines that the proposed use meets the definition of a sales office, the Brunswick Plantation Master Plan would require modification by the Brunswick County Planning Board for the commercial use.
2. Modify the Brunswick Plantation Master Plan - If you agree that this is a commercial activity, you may request an amendment to the Brunswick Plantation Master Plan to change 252 South Middleton Drive from residential to commercial. Please note that an amendment to the Brunswick Plantation Master Plan also requires a Neighborhood Meeting that meets all the neighborhood meeting requirements outlined in the UDO and an updated Master Site Plan for Brunswick Plantation.

Please feel free to contact me immediately at 910-253-2035 or via email at helen.bunch@brunswickcountync.gov. if you have any questions and/or concerns. We look forward to working with you to resolve this issue.

/heb

Exhibit “B”
To
Brunswick County Board of Adjustment Appeal Application
(252 South Middleton Dr.)

APPELLANTS/APPLICANTS/
PETITIONERS:

Caw Caw Land Corporation
Mason H. Anderson

AGENT:

Matthew A. Nichols
Law Office of Matthew A. Nichols

DATE:

May 6, 2019

PROPERTY:

252 South Middleton Drive, Calabash, NC
(Tax Parcel No: 210IA058)

Statement by Appellants/Applicants/Petitioners

NOW COME the Appellants/Applicants/Petitioners Caw Caw Land Corporation and Mason H. Anderson (the “Applicants”) and hereby appeal from and respond as follows to the Memorandum dated April 10, 2019, attached to this Appeal as Exhibit “A” (the “Interpretation”):

1. It is the Applicants’ contention that the Interpretation does not constitute a sufficient Notice of Violation (“NOV”) to the Applicant-property owner. However, to the extent that this document does constitute an NOV, the Applicants appeal and dispute any such notice of violation or alleged violation of the Brunswick County ordinances. The Interpretation is nonspecific and vague and does not sufficiently apprise the Applicants of the alleged violation(s). The Applicants plead these deficiencies and lack of specificity by the County in complete or partial defense to the alleged violation(s). The Applicants request a more definite statement from the County regarding the alleged violation(s) of the County’s ordinances. The Applicants request additional time and opportunity to respond to any additional statement or explanation that may be provided by the County in this matter.
2. The Interpretation does not cite any specific sections or provisions of the North Carolina General Statutes or the Brunswick County ordinances as a basis or predicate for the alleged noncompliance. The Applicants plead these deficiencies and lack of specificity by the County in complete or partial defense to the alleged violation(s), and the Applicants request a more definite statement from the County regarding which ordinance(s) the County is citing or relying upon in this matter and the basis for the County’s interpretation of its ordinances. The Applicants request additional time and opportunity to respond to any additional statement or explanation that may be provided by the County in this matter.

3. The Applicants appeal and dispute the Interpretation, including the purported factual and legal grounds stated in the Interpretation.
4. The Interpretation alleges that the Applicants and/or the subject property is in violation of Brunswick County ordinances. This allegation is denied.
5. The Interpretation of the Brunswick County ordinance(s) by the County in this matter is incorrect and erroneous and should be reversed. The Applicants dispute and appeal the facts alleged in the Interpretation. The Applicants dispute and appeal the determinations and conclusions stated in the Interpretation.
6. To the extent not fully responded to above, the Applicants deny that they are in violation of any provision of the Brunswick County ordinances or any other County ordinances/regulations or applicable law. The Applicants further respond that the County bears the burden of proof on any such alleged violation(s). Furthermore, the Applicants deny that the subject property or the use of the subject property are in violation of any County ordinances. The Applicants deny that the subject property or the use of the Applicants' property is in violation of the Brunswick Plantation Master Plan.
7. The Applicants plead any applicable provisions of Federal and State law as a defense to the Interpretation.
8. The Applicants assert and plead their vested rights under the Brunswick Plantation Master Plan and any amendments thereto as a complete or partial bar and defense to any allegation by the County that the Applicants are in violation of the County's ordinances.
9. The Applicants assert and plead their statutory, common law and constitutional vested rights in the County's ordinances and prior approvals for the Brunswick Plantation development as a complete or partial bar and defense to any allegation by the County that the Applicants are in violation of the County's ordinances or the Brunswick Plantation Master Plan.
10. The Brunswick Plantation Master Plan specifically allows the Applicants to operate a Sales Office as well as a Model Home on any site in the development
11. **Reservation of Rights and Defenses.** The Applicants reserve all rights and defenses, including the right to assert additional defenses as the facts become discovered and further known in this matter. The Applicants reserve their right to present witnesses and other evidence at the Hearing in this matter, including all rights to inspect the County's evidence (if any) and the right to cross-examine witnesses at the Hearing.

AUTHORITY FOR APPOINTMENT OF PERSON
TO ACT ON MY BEHALF

The undersigned owner, Caw Caw Land Corporation does hereby appoint Matthew A. Nichols to act on my behalf for the purpose of petitioning Brunswick County for: a) an appeal to the Brunswick County Board of Adjustment from a determination of the code enforcement officer or zoning official or petition for an interpretation of the land development code; and/or b) an application for a variance to the Brunswick County Board of Adjustment.

The owner does hereby covenant and agree with Brunswick County that said person has the authority to do the following acts for and on behalf of the owner:

- (1) To submit a proper petition, appeal or variance application and the required supplemental materials:
- (2) To appear at public meetings to give testimony and make commitments on behalf of the owner; and
- (3) To accept conditions or recommendations made for the issuance of a variance on the owner's property.
- (4) To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition, appeal or variance request.

This appointment agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: 5/6/17

Appointee's Name, Address & Telephone:

Matthew A. Nichols

Law Office of Matthew A. Nichols

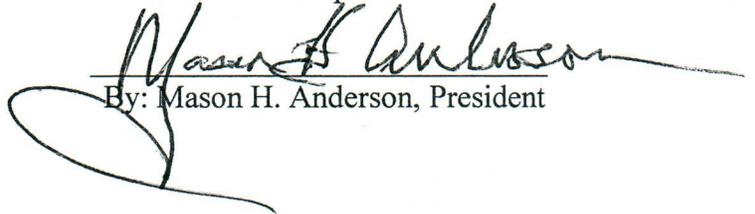
3205 Randall Parkway, Suite 104

Wilmington, NC 28403

(910) 508-7476

Signature of Owner:

Caw Caw Land Corporation


By: Mason H. Anderson, President

AUTHORITY FOR APPOINTMENT OF PERSON
TO ACT ON MY BEHALF

The undersigned applicant, Mason H. Anderson does hereby appoint Matthew A. Nichols to act on my behalf for the purpose of petitioning Brunswick County for: a) an appeal to the Brunswick County Board of Adjustment from a determination of the code enforcement officer or zoning official or petition for an interpretation of the land development code; and/or b) an application for a variance to the Brunswick County Board of Adjustment.

The applicant does hereby covenant and agree with Brunswick County that said person has the authority to do the following acts for and on behalf of the applicant:

- (1) To submit a proper petition, appeal or variance application and the required supplemental materials:
- (2) To appear at public meetings to give testimony and make commitments on behalf of the applicant; and
- (3) To accept conditions or recommendations made for the issuance of a variance on the applicant's property.
- (4) To act on the applicant's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition, appeal or variance request.

This appointment agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: 5/8/19

Appointee's Name, Address & Telephone:

Matthew A. Nichols

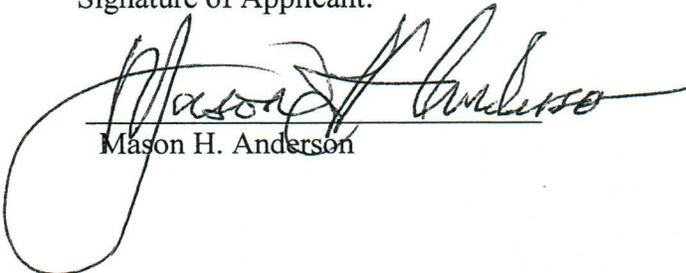
Law Office of Matthew A. Nichols

3205 Randall Parkway, Suite 104

Wilmington, NC 28403

(910) 508-7476

Signature of Applicant:


Mason H. Anderson

**LAW OFFICE OF
MATTHEW A. NICHOLS**

3205 Randall Parkway, Suite 104
Wilmington, NC 28403

Ph: (910) 508-7476
Email: matt@mattnicholslaw.com

May 6, 2019

VIA HAND DELIVERY

Clerk to the Brunswick County Board of
Commissioners
30 Government Center Drive NE
David R. Sandifer County Administration
Building
Bolivia, North Carolina 28422

Brunswick County Board of Adjustment
c/o Helen Evans Bunch, CZO
Zoning Administrator
Brunswick County Planning Department
75 Courthouse Drive (Building I)
Bolivia, NC 28422

Helen Evans Bunch, CZO
Zoning Administrator
Brunswick County Planning Department
75 Courthouse Drive (Building I)
Bolivia, NC 28422

Re: NOTICE OF APPEAL TO THE BRUNSWICK COUNTY BOARD OF
ADJUSTMENT of an Interpretation/Determination dated April 10, 2019 for
property located at 252 South Middleton Dr., Calabash, NC, Brunswick County
(Tax Parcel No: 210IA058)

Dear Honorable Clerk and Ms. Bunch:

I represent Caw Caw Land Corporation, the owner of the above-referenced property located at 252 252 South Middle Dr., Calabash, NC and Mr. Mason H. Anderson, a representative of Caw Caw Land Corporation. Please accept this letter and the enclosed appeal by my clients of an Interpretation/Determination by Zoning Administrator Helen Evans Bunch, CZO dated April 10, 2019 with respect to my client's property.

Please find enclosed the following:

1. Appeal Application with attached Exhibits A and B;
2. Authority for Appointment of Agent Forms; and,

Clerk to the Brunswick County Board of Commissioners
Ms. Helen Evans Bunch, CZO
Brunswick County Board of Adjustment
May 6, 2019
Page 2

3. A check made payable to Brunswick County in the amount of \$125.00 for the Appeal Application Fee.

If it is necessary for me to direct this appeal or provide a copy of this appeal to another County official, please let me know, and I will promptly do so. Also, please let me know if you require any additional information or documents at this time.

Thank you for your time and attention to this matter.

Sincerely yours,



Matthew A. Nichols

MN/nc

**LAW OFFICE OF
MATTHEW A. NICHOLS**

3205 Randall Parkway, Suite 104
Wilmington, NC 28403

Ph: (910) 508-7476
Email: matt@mattnicholslaw.com

May 6, 2019

VIA HAND DELIVERY

Clerk to the Brunswick County Board of
Commissioners
30 Government Center Drive NE
David R. Sandifer County Administration
Building
Bolivia, North Carolina 28422

Brunswick County Board of Adjustment
c/o Helen Evans Bunch, CZO
Zoning Administrator
Brunswick County Planning Department
75 Courthouse Drive (Building I)
Bolivia, NC 28422

Helen Evans Bunch, CZO
Zoning Administrator
Brunswick County Planning Department
75 Courthouse Drive (Building I)
Bolivia, NC 28422

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Ms. Helen Evans Bunch, CZO
Brunswick County Board of Adjustment
May 6, 2019
Page 2

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Thank you for your time and attention to this matter.

Sincerely yours,



Matthew A. Nichols

MN/nc



BUSINESS CORPORATION ANNUAL REPORT

SOSID: 0246860
Date Filed: 2/20/2019 11:59:00 PM
Elaine F. Marshall
North Carolina Secretary of State
C2019 052 02005

NAME OF BUSINESS CORPORATION: Caw Caw Land Corporation

SECRETARY OF STATE ID NUMBER: 0246860 STATE OF FORMATION: NC

REPORT FOR THE FISCAL YEAR END: 12/31/2018



Filing Office Use Only

Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Mason H Anderson

2. SIGNATURE OF THE NEW REGISTERED AGENT: _____

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED OFFICE STREET ADDRESS & COUNTY

4. REGISTERED OFFICE MAILING ADDRESS

252 S. Middleton-Dr.-NW-

252 S. Middleton Dr. NW

Calabash, NC 28467 Brunswick

Calabash, NC 28467

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Real Estate Sales/Golf Course Operations

2. PRINCIPAL OFFICE PHONE NUMBER: (910) 845-6928

3. PRINCIPAL OFFICE EMAIL: _____

Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS & COUNTY

5. PRINCIPAL OFFICE MAILING ADDRESS

252 S. Middleton Dr. NW

252 S. Middleton Dr. NW

Calabash, NC 28467 Brunswick

Calabash, NC 28467

6. Select one of the following if applicable. (Optional see instructions)

The company is a veteran-owned small business

The company is a service-disabled veteran-owned small business

SECTION C: OFFICERS (Enter additional officers in Section E.)

NAME: Mason H. Anderson

NAME: Jimmy A McLamb

NAME: George A Sloane III

TITLE: President

TITLE: Treasurer

TITLE: Secretary

ADDRESS: _____

ADDRESS: _____

ADDRESS: _____

252 S. Middleton Dr. NW

450 Dunlieth St NW

16 Causeway Dr.

Calabash, NC 28467

Calabash, NC 28467

Ocean Isle Beach, NC 28469

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

Mason H Anderson
SIGNATURE

2/14/19
DATE

Form must be signed by an officer listed under Section C of this form.

Mason H. Anderson
Print or Type Name of Officer

President
Print or Type Title of Officer

CASE 19-05A

ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
210IA070	TRUEMAN LARRY D ET MILAGROS	380 BIRCHRIDGE DRIVE	KERNERSVILLE	NC	27284
210IA072	LEWIS GREGORY W ET DIANE L	251 S MIDDLETON DR NW	CALABASH	NC	28467
210IA014	HELF TODD	8979 MARSHVIEW LANE	SUNSET BEACH	NC	28468
210IA059	STATHOS GEORGE GUS ETUX JANETTA A	262 S MIDDLETON DRIVE NW	CALABASH	NC	28467
210IA060	FULFORD PAUL D ETUX AMY P	89 GRAYSON AVE	EAST EARL	PA	17519
210IA071	WAWRO ARDETH L ETALS	4836 NORRISVILLE RD	WHITE HALL	MD	21161-9679
210IA057	ESSEX HOMES SOUTHEAST INC	13000 S TRYON ST # F205	CHARLOTTE	NC	28278-7652
210IA073	HARRIS ROY L III	628 COVINGTON DR NW	CALABASH	NC	28467-1892

OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
210IA058	CAW CAW LAND CORP	380 BRUNSWICK DR NW	CALABASH	NC	28467-2377

APPLICANT(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
210IA058	CAW CAW LAND CORP	380 BRUNSWICK DR NW	CALABASH	NC	28467-2377

P.O.A.

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
	Jon Trainor (President)	jontrainor1948@icloud.com			

Brunswick County Board of Adjustment Appeal of Decision

Case 19-05A

CO=COUNTY JURISDICTION

CO-SBR-6000

LANSDOWNE DR NW

N MIDDLETON DR NW

Project Site
Parcel #210IA058

210IA057

210IA060

210IA059

210IA014

210IA073

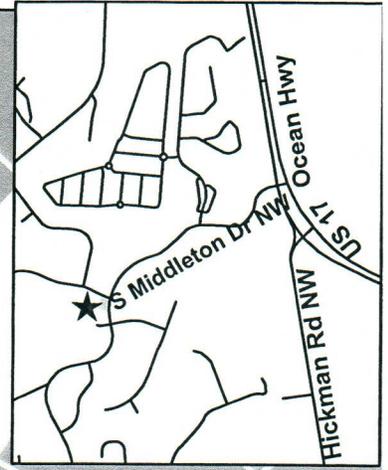
210IA072

210IA071

210IA070

S MIDDLETON DR NW

MONMOUTH DR NW

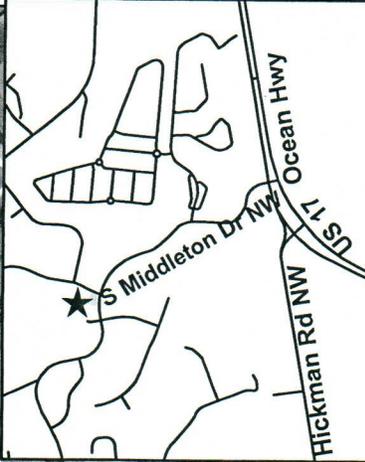


Brunswick County Board of Adjustment Appeal of Decision Case 19-05A

CO-COUNTY JURISDICTION



Project Site
Parcel #210IA058



**BRUNSWICK COUNTY BOARD OF ADJUSTMENT
APPEAL OF STAFF DECISION
STAFF REPORT**

July 11, 2019

Application No. 19-05A

Applicant: Caw Caw Land Corporation and Mason H. Anderson

Property Location: 252 South Middleton Drive, Calabash NC 28467

Parcel Number: 210IA058

Zoning District: SBR-6000 (High Density Site Built Residential)

Surrounding Zoning **North:** SBR-6000 **South:** SBR-6000
East: SBR-6000 **West:** SBR-6000

Proposed Use of Property: Sales Office or Model Home

The application was submitted to the Brunswick County Planning Department on May 6, 2019.

Appeal: The applicant is appealing an interpretation of the Brunswick County Unified Development Ordinance as to the use of an existing home at 252 South Middleton Drive as a sales office or model home.

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.
- Caw Caw Land Corporation is the owner of the home located at 252 South Middleton Drive.
- Caw Caw Land Corporation is the owner of Tax Parcel 210IA058, the parcel on which the home is located. Mason H. Anderson is the President of Caw Caw Land Corporation per documents filed with the North Carolina Secretary of State.
- On February 12, 2019, an e-mail was sent to the Zoning Administrator stating that a single-family home located at 252 South Middleton Drive (Tax Parcel 210IA058) was in the process of being converted into a professional office space.
- The subject property contains 0.41 acres in total. It is zoned High Density Site Built Residential (SBR-6000) and it is within a platted residential section of the Brunswick Plantation Planned Development.
- The Brunswick County Land Use Plan designates this parcel as Low Density Residential (LDR).
- Land uses surrounding the subject property consist of single-family residential homes.

- Correspondence was sent to Mr. Anderson on March 15, 2019 stating that it is staff's interpretation that this relocated use is a sales office as opposed to a model home. Anderson was asked to relocate the sales office into a commercial area of the Brunswick Plantation Planned Development. A Change of Use Permit Application was provided for the owner to complete. The County asked that all activities at the address cease and that no additional construction on the parcel take place until this matter is resolved.
- On March 19, 2019 Mr. Anderson filed Application 451478 for a Change of Use (see attached). Per the application, the used was to be changed from a single-family home to a sales office/model home.
- The Planning Department was contacted on April 5, 2019 by Mr. Phil Norris on behalf of the owner(s). It was stated that "if the determination is made for the use as a model home sales location, Mr. Anderson would like to withdraw the Change of Use Application previously submitted.
- On April 10, 2019 correspondence was sent to Mr. Anderson and Mr. Norris regarding the commercial activity taking place. With the additional information provided in the Change of Use Application, our interpretation was that the activity proposed for this location is a sales office and more intensive than a model home.
- Staff defined a model home as "a term for a 'display' version of a home within a new development or new section of development that is furnished and decorated to show to prospective buyers the living space and features of homes that are available. An office may be provided within the home or with the garage for staff housing the model. Model homes are available for purchase and are typically at a location only for the time during which the section is being developed".
- Staff defined a sales office as "the office of a company responsible for selling its goods or services. The expanded hours of operation proposed (8:00 a.m. – 5:00 p.m.), broaden usage of the structure for business purposes as opposed to display purposes, and the increase in vehicular and pedestrian traffic moves the use from residential to commercial".
- Two options were offered for Caw Caw Land Development to have a sales office at this location: (1) If you do not agree with the interpretation of the use, you may appeal the interpretation to the Brunswick County Board of Adjustment. If the Board of Adjustment determines that the proposed use meets the definition of a model home, the residential designation of the parcel will remain. Activities conducted in the structure would be limited to those that are consistent with the model home definition. If the Board determines that the proposed use meets the definition of a sales office, the Brunswick Plantation Master Plan would require modification by the Brunswick County Planning Board for the commercial use; or (2) Request a modification of the Brunswick Plantation Master Plan to change 252 South Middleton Drive from residential to commercial. This would require a Neighborhood Meeting that meets all the neighborhood meeting requirements outlined in the UDO and an updated Master Site Plan for Brunswick Plantation Planned Development.
- On May 6, 2019 a Notice of Appeal to the Board of Adjustment was filed with the Brunswick County Planning Department.
- On May 22, 2019 the applicant's attorney (Matthew A. Nichols) requested to continue the hearing for the appeal from the Board of Adjustment's June 13, 2019 Meeting until the Board's July 11, 2019 meeting. "The purpose of this continuance

request is to allow my clients additional time to discuss this matter with County Staff in an effort to resolve this matter if possible.”

- On June 17, 2019 Attorney Nichols, the Assistant County Attorney and the Zoning Administrator met.
- On June 20, 2019 Attorney Nichols proposed a “settlement”.
- On June 25, 2019 Brunswick County outlined the conditions regarding the extent to which the model home may be used and still retain the residential character (see attached). The correspondence went on to state that if they wished to cancel the pending appeal based upon the criteria provided, such must be done by the close of business on Wednesday, June 26th.
- As of July 2, 2019 the appeal has not been cancelled by the applicant.



Brunswick County Planning Department
P.O. Box 249
75 Courthouse Drive N.E., Bldg I
Bolivia NC 28422

June 25, 2019

Caw Caw Land Corporation
c/o Attorney Matthew Nichols
3205 Randall Parkway, Suite 104
Wilmington, NC 28403

Re: 252 S. Middleton Drive – Appeal to Board of Adjustment

Thank you for your email dated June 20, 2019 outlining the proposed use for the model home at 252 S. Middleton Drive. Respectfully, a sales office is a commercial use and will not be allowed in the residential area. Brunswick County allows a model home as a residential use. Below I have outlined the conditions regarding the extent to which the model home may be used and still retain the residential character.

1. As there have been frequent complaints and safety concerns raised related to on-street parking impacts, Brunswick County will agree to the installation of a new driveway along South Middleton Drive and a corresponding parking area with eight spaces. The parking shall be consistent with the design standards outlined in Section 6.12.5 of the Brunswick County U.D.O. The use of these spaces will be limited to employees and sales agents.
2. Installation of a six-foot wooden privacy fence along the rear (Western) property line of the model home. The finished side of the fence shall face outwards.
3. Installation of a six-foot wooden privacy fence from the rear property corner toward South Middleton Drive, along the inside property line to a point even with the rear of the model home. This is to effectively screen the proposed parking area. The finished side of the fence shall face outwards.
4. Associated with the parking in the rear, there will need to be landscaping along South Middleton Drive to screen the parking lot from view.
5. Brunswick County does not agree to the installation of a new vehicle turnaround space contiguous to the existing drive way.
6. An employee presence is typical at a model home. To that end, Brunswick County will allow for two full-time regularly scheduled employees on site during standard business hours (8:30 am to 5:00 pm). Other personnel shall also be permitted to be on site at various times throughout the day on a limited basis for business associated with clients/prospective clients.
7. With regard to landscaping, in addition to item four above, there will need to be landscaping along the new fencing with 3 understory trees and three shrubs per 100 linear feet.

8. There shall be no on-street parking associated with the use of the model home. In addition, street signage shall be placed indicating that on-street parking is prohibited.
9. There shall be no events or gatherings held in the model home other than open houses.
10. There is currently one sign on site for the model home. Customary model home signage for a temporary nature indicating an open house or an agent on duty shall also be allowed. No additional sales signage in any form will be permitted.
11. There shall be no more than three work stations in the model home.

Brunswick County Planning appreciates the opportunity to work with you prior to the appeal hearing. Should you wish to cancel the pending appeal based on the criteria above, please do so in writing by the close of business on Wednesday, June 26, 2019.

Sincerely,

Helen Evans Bunch, CZO
Zoning Administrator

/heb

cc: Jon Trainor – Brunswick Plantation POA

**COUNTY OF BRUNSWICK
ORDER INTERPRETING THE
UNIFIED DEVELOPMENT ORDINANCE (UDO)**

The Board of Adjustment for the County of Brunswick, having held a public hearing on **July 11, 2019** to consider **Application Number 19-05A (Tax Parcel 210IA058)** submitted by **Caw Caw Land Corporation and Mason H. Anderson**, a request for an interpretation of:

The Brunswick County Unified Development Ordinance (UDO) as to the use of an existing home as a Sales Office or Model Home.

Insofar as the Ordinance affects the use of a single-family dwelling presently located at 252 S. Middleton Drive, Calabash NC 28467, having heard all of the evidence and arguments presented at the hearing, the Brunswick County Board of Adjustment 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):**

- 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:** _____

- (b) The resolution of this case depends solely on an interpretation of the Ordinance Language, without regard to the particular facts of this case. Therefore, it is the Board's CONCLUSION that the following sections or provisions of the Ordinance shall in this case and hereafter be interpreted as follows:** _____

THEREFORE, IT IS ORDERED that the decision of the Zoning Administrator is hereby

Affirmed

Reversed

Modified as follows: _____

In addition, IT IS FURTHER ORDERED that the following action be taken:

Ordered this the 11th day of July 2019.

Robert J. Williamson, Chairman

Secretary _____

COUNTY OF BRUNSWICK

ZONING BOARD OF ADJUSTMENT

Variance Application Form

Application Number 19-06V Date 4-11-2019
Application Fee \$100.00 Receipt # _____

Applicant Grey Outdoor, LLC Owner Haywood Equity Group Ltd Partnershi
c/o Ralph Dickson
Address P O Box 1591 Address P.O. Box 458
Wrightsville Beach NC 28480 Gastonia NC 28053-0458
Telephone 910-620-5168 Telephone 704-868-6893

Relationship of Applicant to Owner Lessee + Lessor

Property Street Address 4846 Southport Supply Rd Southport NC 28461
Plant Bk 0004 Pg 0098
Tax Map # 208711652937 Block n/a Lot n/a

Lot Dimensions 162 x 221 ft. Square Footage 35,802 Zoning C-LO

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 are looking to relocate and replace an existing 12x28 ft billboard sign at 4846 Southport Supply Rd. The property has been taken and purchased by the state for a widening project. We would like to relocate the existing sign on private property outside of the right of way. The existing regulations would preclude the relocation of the sign structure we would like to put the same size sign in place of the existing sign. The sign was built before 2000 and is an existing non-conforming sign due to spacing from other signs.

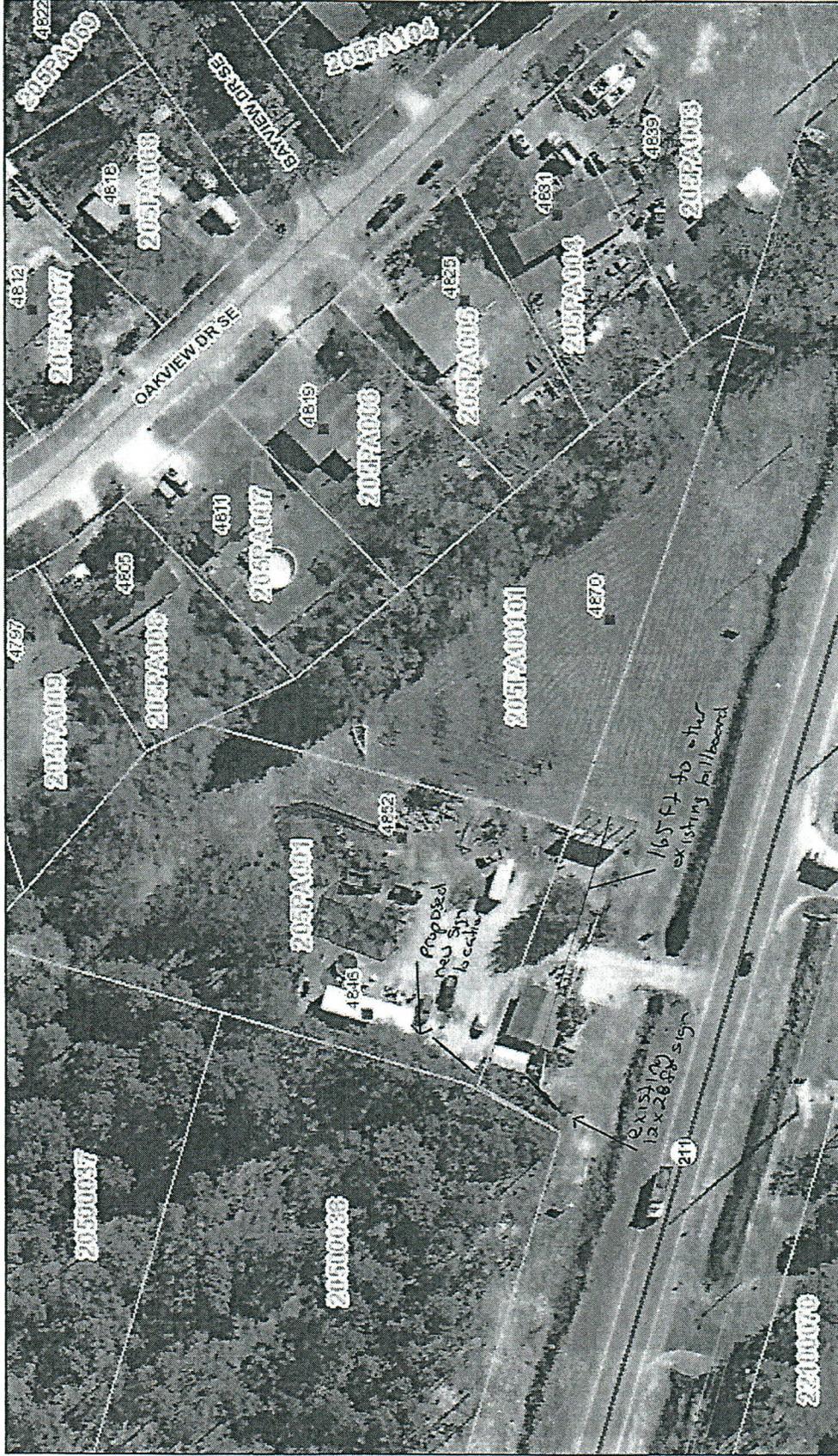
- ATTACH PLOT PLAN DESCRIBING VARIANCE REQUEST
- PROVIDE 1 ORIGINAL AND 12 COPIES OF ALL ATTACHMENTS TO BE INCLUDED AS PART OF THE APPLICATION DOCUMENT.
- APPROPRIATE FEE MUST ACCOMPANY ALL APPLICATIONS.
- REPRESENTATION IS REQUIRED AT ALL BOARD MEETINGS.

4-11-19
Date

M. Davis
Signature of Applicant

R. III
Signature of Property Owner

Brunswick County GIS Data Viewer



4/11/2019, 3:24:49 PM

- Addresses
- US Hwy
- NC Hwy
- Interstate
- State Road
- Minor
- Parcels
- State Road
- Condo
- Parcel



CASE 19-06V

ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
205PA00101	PAT NEWTON PROPERTIES LLC	POST OFFICE BOX 3292	CARY	NC	27519
205PA008	STAMEY JAMES G ETUX	PO BOX 10	POLKVILLE	NC	28136
205PA009	BROWNSON HUGH R ETUX HELENE M	11324 FARLIN ST	LOS ANGELES	CA	90049
22100066	MILLIKEN PROPERTIES LIMITED PARTNER	PO BOX 2267	SHALLOTTE	NC	28459
22100070	ST PETERS LUTHERAN CHURCH	4843 SOUTHPORT-SUPPLY RD	SOUTHPORT	NC	28461
205PA007	HODGE RUBY LOIS	4811 OAKVIEW DR	SOUTHPORT	NC	28461
20500038	HAYWOOD EQUITY GROUP LTD PARTNERSHIP	PO BOX 458	GASTONIA	NC	28053-0458
20500037	HAYWOOD EQUITY GROUP LTD PARTNERSHIP	PO BOX 458	GASTONIA	NC	28053-0458
205PA010	HARRINGTON SHIRLEY P	1025 USREY RD	LILESVILLE	NC	28091-6014

OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
205PA001	HAYWOOD EQUITY GROUP LTD PARTNERSHIP	PO BOX 458	GASTONIA	NC	28053-0458

APPLICANT(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
	Grey Outdoor, LLC	PO BOX 1591	WRIGHTSVILLE BEACH	NC	28480

Brunswick County Planning Variance Case 19-06V

CO=COUNTY JURISDICTION

205500037

205500038

LONGVIEW DR SE

BAYVIEW DR SE

OAKVIEW DR SE

205PA0102

205PA0092

205PA0087

205PA0077

205PA0101

SOUTHPORT-SUPPLY RD SE

NC-211

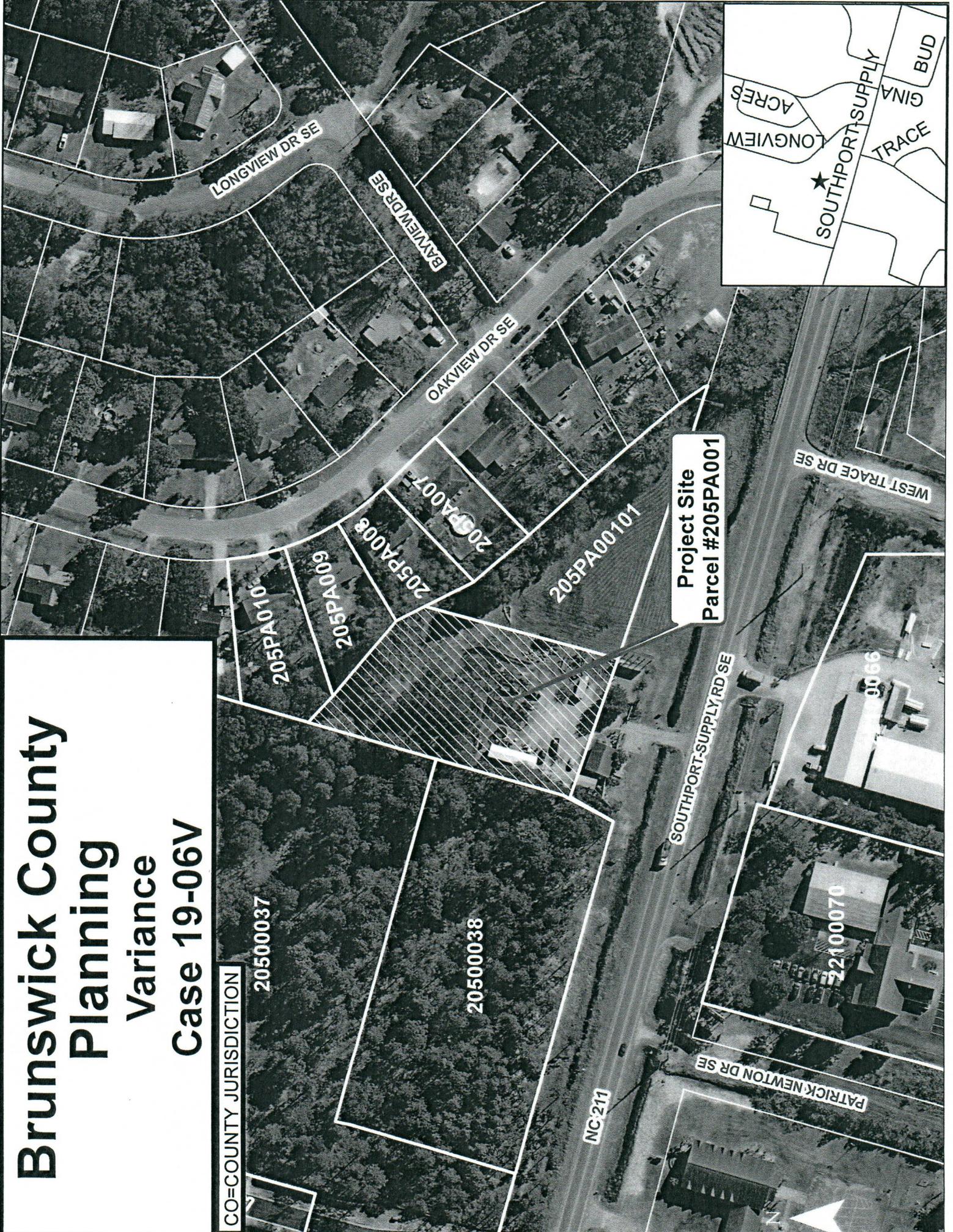
PATRICK NEWTON DR SE

22100070

WEST TRACE DR SE

LONGVIEW ACRES
SOUTHPORT-SUPPLY
TRACE
GINA
BUD

Project Site
Parcel #205PA001



Brunswick County Planning

Variance Case 19-06V

CO=COUNTY JURISDICTION

20500037

CO-CLD

20500038

NC 211

SOUTHPORT-SUPPLY RD SE

22100070

22100066

PATRICK NEWTON DR SE

CO-R-7500

LONGVIEW DR SE

BAYVIEW DR SE

OAKVIEW DR SE

205PA010

205PA009

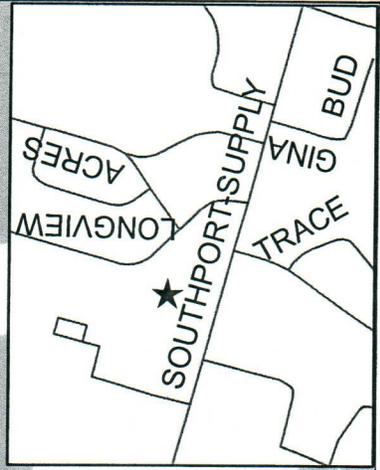
205PA008

205PA007

205PA0101

Project Site
Parcel #205PA001

WEST TRACE DR SE





**Brunswick County Planning Department
P.O. Box 249
75 Courthouse Drive N.E., Bldg I
Bolivia, NC 28422**

NONCONFORMING USE CERTIFICATE NU 19-02

This document is the for the purpose of legally establishing a nonconforming use as outlined in Section 10.5. of the Brunswick County Unified Development Ordinance (UDO). "A nonconforming sign is a sign that was legally established subject to a lawfully issued permit in compliance with the applicable laws and ordinance in effect on the date of construction, but by reason of its size, height, location, design, or construction is no longer in compliance with the requirements".

Tax Parcel Number of Requested Parcel: 205PA001

Physical Address of Subject Parcel: 4846 Southport-Supply Road

Existing Nonconforming Use: Outdoor Advertising Sign

Petitioner's Name and Mailing Address: Grey Outdoor, LLC PO Box 1591
Wrightsville Beach NC 28480

Property Owner's Name and Mailing Address: Same as above.

Copy of Map of Requested Parcel *(to be attached to the request).*

******* FOR OFFICE USE ONLY *******

Based upon the review of the information provided above, a Nonconforming Use Certificate is hereby issued as follows:

Nonconforming Use: Outdoor Advertising Sign

Date Nonconforming Use is to be Discontinued: Indefinitely, per the terms and limitations of the Brunswick County Unified Development Ordinance

Authorized County Official: Helen Evans Bunch, Zoning Administrator

Date of Authorization: June 25, 2019

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

July 11, 2019

Application No. 19-06V
Applicant: Grey Outdoor, LLC
Property Location: 4846 Southport-Supply Road SE, Southport NC 28461
Parcel Number: 205PA001
Zoning District: Commercial Low Density (CLD)
Surrounding Zoning **North:** CLD & R-7500 **South:** CLD
 East: CLD & R-7500 **West:** CLD

Proposed Use of Property: Outdoor Advertising Structure

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

The applicant, Grey Outdoor, LLC, has filed an application for a Variance from Section 8.8.1.G.1. of the Brunswick County Unified Development Ordinance (UDO) to allow an Outdoor Advertising Structure to be relocated one hundred sixty-five (165) linear feet from another Outdoor Advertising Structure as opposed to the minimum three thousand (3,000) linear feet of separation for Outdoor Advertising Structures as required. **The Variance must be granted for the sign to be relocated.**

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.
- Haywood Equity Group Ltd Partnership is the owner of the property located at 4846 Southport-Supply Road SE, Southport NC.
- The subject property contains 1 acre in total and is currently zoned Commercial Low Density (CLD).
- The structure was constructed prior to the implementation of zoning in the unincorporated area of Brunswick County. The structure has been continuously utilized and maintained since construction.

- Nonconforming Use Certificate NU 19-02 was issued for the subject Outdoor Advertising Sign by the Brunswick County Zoning Administrator on June 25, 2019 (see attached).
- The North Carolina Department of Transportation (NCDOT) is in the process of land acquisition for the widening of NC 211 (Southport-Supply Road) from River Road to Midway Road. The project requires the removal of the nonconforming sign from its current location.
- Section 10.5.3.A.2. of the Brunswick County Unified Development Ordinance (UDO) states that “Nonconforming signs may not be moved on the site or relocated to another site, except in conformance with the ordinance”.
- The applicant proposes to relocate the Outdoor Advertising Sign approximately one hundred sixty-five (165) feet west from an existing Outdoor Advertising Sign. Per Section 8.8.1.G.1. of the UDO, the minimum sign separation is 3,000 linear feet.
- The separation requirements for Outdoor Advertising Signs were amended from 2,000 linear feet to 3,000 linear feet in 2015.
- The applicant will need the following variance to relocate the Outdoor Advertising Structure at the proposed location.
 - 2,835 linear foot variance to allow approximately 165 feet of separation between two (2) outdoor advertising signs.

BRUNSWICK COUNTY BOARD OF ADJUSTMENT

ORDER GRANTING/DENYING A VARIANCE

The Board of Adjustment for Brunswick County, having held a public hearing on July 11, 2019 to consider Case Number 19-06V, submitted by Franco Mieciche, a request for a variance to use the property located at the intersection of Beach Barn Lane SW and Holden Beach Road SW, 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:

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:

Internal Use Only 07
Application No. 19-07A
Date Received 6/3/2019
Fee \$125

COUNTY OF BRUNSWICK

NOTICE OF APPEAL TO BOARD OF ADJUSTMENT

Applicant FRANCO Micciche Owner FRANCO Micciche
Address 2000 Beechbarrow Ln SW Address _____
Shalotte NC 28470 _____
Telephone (H) 910-754-2276 (O) 305-896-8526 Telephone (H) 910-754-2276 (O) 305-896-8526
Relationship of Applicant to Owner _____
Property Street Address Same
Tax Map # 1980005902 Lot Dimensions _____ Zoning NC

I (FRANCO Micciche
Appellant) hereby appeal to the Brunswick County Board of Adjustment from the following adverse decision, order, requirement or determination of the Brunswick County Zoning Administrator.

In the space provided below or on the back of this form, please describe in detail, the background of your case and the specific nature of your appeal.

The lights were not present as stated
it was there they were not.

The sign had concrete footers poured by me
to insure strength of structure, because of the
amount of rain, the ground was abnormally wet
and cure time was prolonged.

The sign is placed in exact position as original.
When Brunswick electric install lights they were pulled
from some people. Richard Cox was not present, Brian wife
works for Seam Shop.

I certify that all the information provided by me in this Notice of Appeal is accurate to the best of my knowledge, information, and belief.

6-3-2019
Date

[Signature]
Signature of Appellant

CASE 19-07A

ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
1980006101	MCCALL JOSEPH EDWARD	2484 A I CLEMMONS RD SW	SHALLOTTE	NC	28470-1728
19800055	CLEMMONS BETTY	2450 AI CLEMMONS ROAD	SHALLOTTE	NC	28470
19800065	NORD WAYNE R ET	2530 LINA TRAIL SW	SHALLOTTE	NC	28459
19800064	WOODS WILTON ETUX	830 HOLDEN BEACH RD SW	SHALLOTTE	NC	28470-1735
1980005906	GORE MARK W ET	765 TATUM RD SW	SHALLOTTE	NC	28470-1731
1980005902	NORTHERN FORCE HOLDINGS LLC	299 RIVERSIDE DR SW	SUPPLY	NC	28462-2765
19800059	EVANS GRACIE H	952 HOLDEN BEACH RD SW	SHALLOTTE	NC	28470
1980005901	DUNN DEREK	PO BOX 1639	WINTERVILLE	NC	28590

OWNER(S)

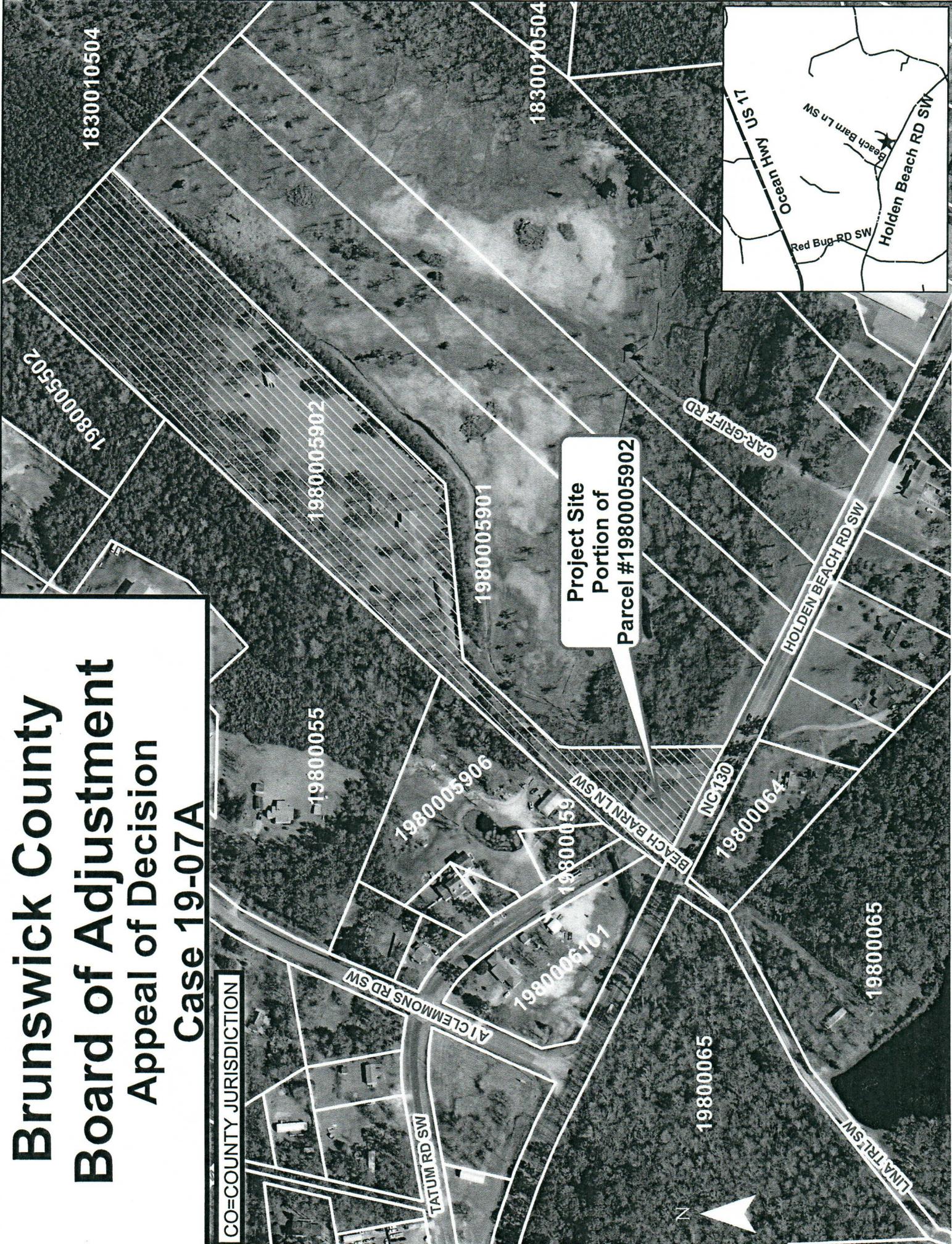
PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
1980005902	NORTHERN FORCE HOLDINGS LLC	299 RIVERSIDE DR SW	SUPPLY	NC	28462

APPLICANT(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
1980005902	FRANCO MICCICHE	2434 LARRY LANE	SHALLOTTE	NC	28470

Brunswick County Board of Adjustment Appeal of Decision Case 19-07A

CO=COUNTY JURISDICTION



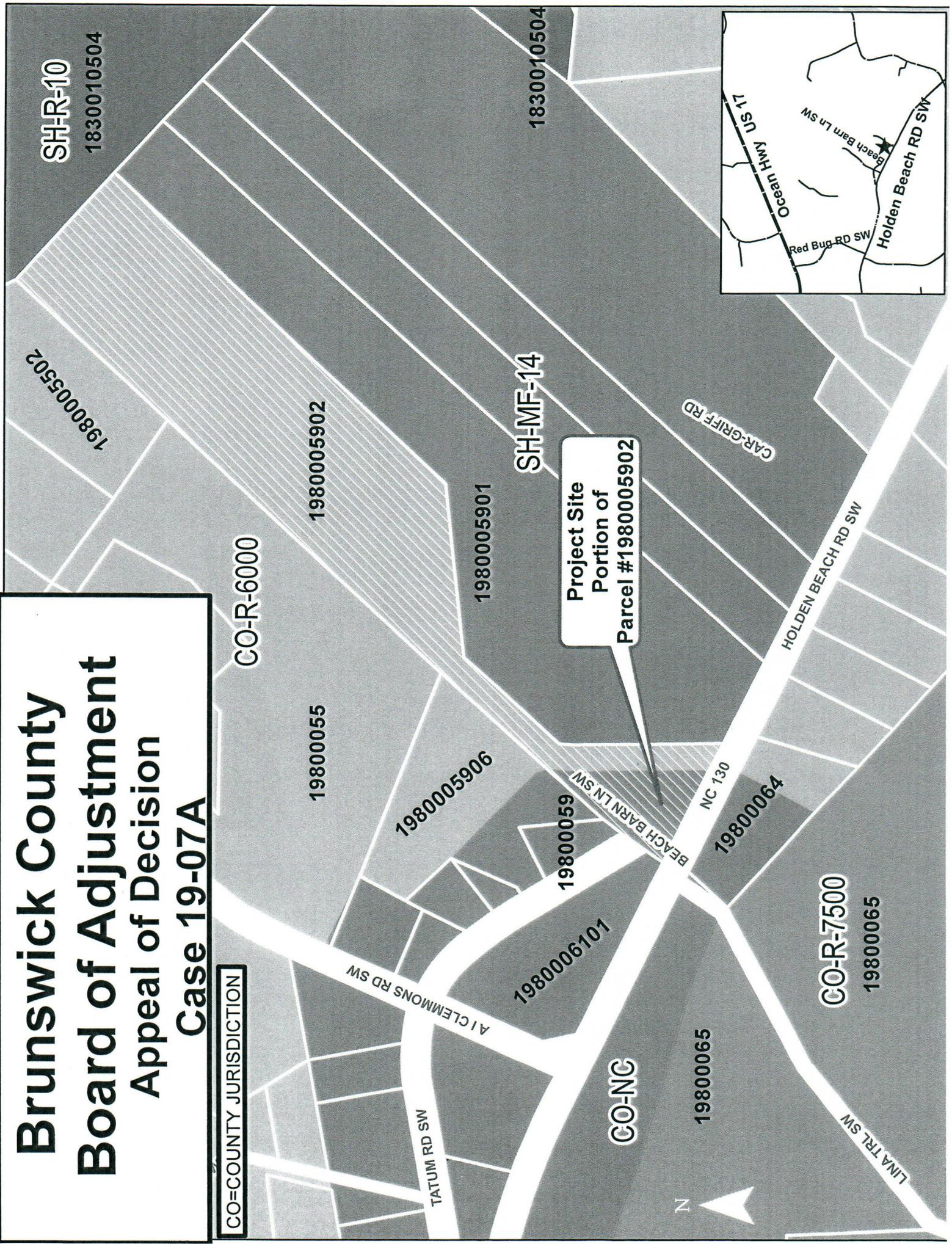
Project Site
Portion of
Parcel #1980005902



Brunswick County Board of Adjustment Appeal of Decision

Case 19-07A

CO=COUNTY JURISDICTION



SH-R-10
1830010504

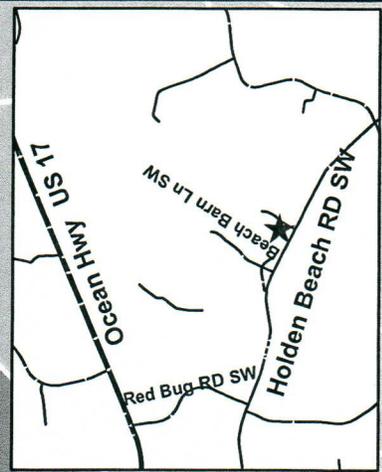
SH-MF-14

CO-R-6000

CO-NC

CO-R-7500

Project Site
Portion of
Parcel #1980005902





Brunswick County Planning Department
P.O. Box 249
75 Courthouse Drive N.E., Bldg I
Bolivia NC 28422

May 8, 2019

Mr. Franco Micciche
2434 Larry Lane
Shallotte, NC 28470

RE: Denial of Nonconforming Use Certificate for Outdoor Advertising Sign
Tax Parcel Number 198005902
Case NU19-01

Dear Mr. Micciche:

We have reviewed the application submitted for a Non-Conforming Use Certificate for an Outdoor Advertising Sign located on Tax Parcel Number 198005902, as well as the information provided by the public regarding this structure during the 30-day comment period. Based upon the information provided, we do not believe that the sign currently in place at this location is the original sign placed on the parcel by the Sign Shop.

The findings that support the decision are as follows:

- Mr. Jerome Munna with the Sign shop has signed a statement that “the billboard in question was taken down and all materials removed by the Sign Shoppe on Nov. 9, 2018.”
- Mr. Larry Hewett and Mrs. Shirlean Hewett have filed an affidavit stating that they are the previous owners of the property. It states that Mr. and Mrs. Hewett “saw The Sign Shoppe remove the sign entirely and several weeks later saw a new one was put up . . . “
- Attorney Richard Cox has provided a letter stating that he “personally drove by the Property after the signage was removed and saw that it was no longer on the Property. At a later time while I was driving by the Property, I noticed a new sign structure had been constructed on the Property”.
- Mr. Chris Clemmons has filed an affidavit stating that he is aware of a sign being near that location from the mid to early 90s. Mr. Clemmons continued that he was hired by Mr. Micciche to build a new sign from the ground up in November of 2018 on the same parcel of property, but at a slightly different location. The landowner (Mr. Micciche) was responsible for applying for a sign permit but failed to do so.

- There are distinct differences in the original sign and the new sign based upon photographs of both signs. The original sign had gray posts which were inset from each end of the sign. The recently constructed sign has posts that have not been painted and are attached to each end of the sign.

Based upon the foregoing, the request for a Non-Conforming Use Certificate for the outdoor advertising sign located on Tax Parcel 1980005902 is denied. Consistent with Section 10.3.2.C. of the Brunswick County Unified Development Ordinance, "An appeal by any person aggrieved by a final order, interpretation or decision of the Zoning Administrator may be filed with the Board of Adjustment per Section 9.11.5. within 30 days of issuance of the decision. An appeal form has been attached for your convenience. If an appeal is not filed within 30 days of the issuance of the decision, the sign must be removed from the property.

Please feel free to contact me at helen.bunch@brunswickcountync.gov or 910-253-2035 if you have any questions or concerns.

Sincerely,

Helen Evans Bunch, CZO
Zoning Administrator

/heb
Enclosure
Certified Receipt 7010 0290 0002 4539 0413

**BRUNSWICK COUNTY BOARD OF ADJUSTMENT
APPEAL OF STAFF DECISION
STAFF REPORT**

July 11, 2019

Application No. 19-07A

Applicant: Franco Mieciche

Property Location: Intersection of Beach Barn Lane SW and Holden Beach Road SW (NC 130) near Supply, NC

Parcel Number: 1980005902

Zoning District: High Density Residential (R-6000)

Surrounding Zoning **North:** R-6000; NC **South:** NC
 East: R-6000 **West:** NC

Proposed Use of Property: Nonconforming Outdoor Advertising Sign

The application was submitted to the Brunswick County Planning Department on June 3, 2019.

Appeal: The applicant requests to appeal a staff decision made by the Brunswick County Planning Department to deny a nonconforming use certificate for an outdoor advertising structure, as the sign in question appears to have been recently constructed. Consistent with Section 10.3.2.C. of the Brunswick County Unified Development Ordinance (UDO) “An appeal by any person aggrieved by a final order, interpretation or decision of the Zoning Administrator may be filed with the Board of Adjustment”

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.
- Northern Force Holdings LLC is the owner of the property located at the intersection of Beach Barn Lane SW and Holden Beach Road SW (NC130), the parcel on which the outdoor advertising sign is located.
- 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 UDO, Outdoor Advertising Signs are not a permitted use in the NC Zoning District.
- The property owner indicated that the sign had been relocated, however, no Nonconforming Use Certificate had ever been requested for the sign..

- Per Section 10.5.1. of the UDO “A nonconforming sign is a sign that was legally established subject to a lawfully issued permit in compliance with the applicable laws and ordinance in effect on the date of construction, but by reason of its sign, height, location, design or construction is no longer in compliance with the requirements of Article 8, ‘Signs’, and has a valid Nonconforming Use Certificate. Nonconforming sign structures shall be included in this definition”.
- On January 16, 2019 Mr. Franco Mieciche submitted an application for a Nonconforming Use Certificate for an Outdoor Advertising Sign located on Tax Parcel Number 1980005902,
- Per the procedures outlined in Section 10.3.2.B. of the UDO for Nonconforming Use Certificates, notices were sent to adjacent property owners and the property was posted for the thirty (30) day comment period. Based upon the information provided, we do not believe that the sign currently in place at this location is the original sign placed on the parcel by the Sign Shop.
- The findings that support the decision to deny the Nonconforming Use Certificate were provided to Mr. Mieciche in correspondence to him dated May 8, 2019 (see attached).
- Consistent with Section 10.3.2.C. of the Brunswick County UDO, “an appeal by any person aggrieved by a final order, interpretation or decision of the Zoning Administrator may be filed with the Board of Adjustment per Section 9.22.1. within 30 days of issuance of the decision.”
- Mr. Mieciche filed a Notice of Appeal to the Board of Adjustment on 6/3/2019.

**COUNTY OF BRUNSWICK
ORDER INTERPRETING THE
UNIFIED DEVELOPMENT ORDINANCE (UDO)**

The Board of Adjustment for the County of Brunswick, having held a public hearing on **July 11, 2019** to consider **Application Number 19-07A (Tax Parcel 1980005902)** submitted by **Franco Miechiche**, a request for an interpretation of:

The staff decision to deny a Nonconforming Use Certificate for an Outdoor Advertising Structure

Insofar as the Ordinance affects the use of an Outdoor Advertising Structure presently located at the intersection of Beach Barn Lane SW and Holden Beach Road SW, having heard all of the evidence and arguments presented at the hearing, the Brunswick County Board of Adjustment 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):**

- 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:**

- (b) The resolution of this case depends solely on an interpretation of the Ordinance Language, without regard to the particular facts of this case. Therefore, it is the Board's CONCLUSION that the following sections or provisions of the Ordinance shall in this case and hereafter be interpreted as follows:**

THEREFORE, IT IS ORDERED that the decision of the Zoning Administrator is hereby

_____ **Affirmed**

_____ **Reversed**

_____ **Modified as follows:** _____

In addition, IT IS FURTHER ORDERED that the following action be taken:

Ordered this the 11^h day of July, 2019.

Robert J. Williamson, Chairman

Secretary _____

**COUNTY OF BRUNSWICK
ZONING BOARD OF ADJUSTMENT**

For Office Use Only
File# 19-085

Special Use Permit Application Form

Application Number 19-085 Date June 19, 2019
Application Fee \$250.00 Receipt # 023807
Date of Meeting 7-11-2019 Application Deadline _____

Applicant Brunswick Christian Recovery Center, Inc. Owner Nancy Warren Howell
Address 1994 Ash-Little River Rd Address 545 Milkman Rd NW
Ash NC 28920 Colabash NC 28467

Telephone (L) 910-284-1357 (C) 919-389-9925 Telephone (L) 910-612-7358 (C) _____

Relationship of Applicant to Owner Purchaser

Property Street Address 545 Milkman Rd NW Colabash NC 28467

Tax Map # 2250003702 Parcel Zoning Designation Commercial Low Dens.
Proposed Use of Property I-1 Social Service Facility

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.
Project has sufficient borders & tree barriers to adjoining properties. Project also is adjacent to non residential properties & is in Commercial ~~low dens~~ zoning.
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

6/20/19 Date Signature of Applicant [Signature] Signature of Property Owner [Signature]



Mission Statement

Providing the spiritual and educational tools necessary for a long-term recovery from the illness of addiction and the beginning of a successful life.

Program Overview

Brunswick Christian Recovery Center is a non-profit, Faith-based ministry serving those suffering from active addiction. We are not a traditional short-term rehabilitation facility. We work a 12-Step program taken from the Life Recovery Bible and Workbook all the while providing an environment conducive to recovery. This is a proven program that works absolutely for anyone willing to adopt it. Our primary purpose is to Provide each resident with the spiritual and educational tools necessary for a long-term recovery from the illness of addiction and the beginning of a successful life. In addition, BCRC's aim is to present each resident with a clear biblical understanding of God and his son Jesus Christ.

ADMISSION

Eligibility for admission is open to qualified applicants 18 years or older, voluntarily seeking assistance for active substance abuse issues. A personal interview is required, and applicants may be placed on a waiting list pending admission. BCRC requires potential residents to be detoxed or provide a physician's release prior to being accepted as a resident. BCRC is not a medical detoxification facility and prospective residents will be required to submit to a breath and urine analysis upon arrival. This is for the safety of others and your own. Random drug screening will be used to maintain this environment. Applicants are asked to commit to a minimum 16-week program of action including church attendance, devotionals, 12-step participation, Community Events, Community Service, and fundraising. We have provided guidelines and a daily schedule to assist you.

Section 1: Executive Summary

Program Overview: Brunswick Christian Recovery Center is a non-profit, faith-based ministry serving those suffering from active addiction. We are not a traditional short-term rehabilitation facility. We offer an extended program of directed activities that stretch from remedial or supplemental education of the individual all the way to daily application of newly learned skills. This is a proven program of recovery that absolutely works for anyone willing to adopt it. The residents not only study the spiritual principles that foster sobriety, but with the help of a 12-step program will begin to initiate conscious contact with God and begin to build a bright new future by working to erase the wreckage of their past. (See pg. 4-8)

Mission Statement: Providing the spiritual and educational tools necessary for a long-term recovery from the illness of addiction and the beginning of a successful life.

Section 2: Admissions policy

Eligibility: Eligibility for admission is open to men who are voluntarily seeking assistance for an active addiction. A personal interview is required and applicants may be placed on a waiting list prior to admission. BCRC may require potential residents to be detoxed or require a physician's release. BCRC is not a medical detoxification facility and prospective residents will be asked to submit to a breath and urine analysis upon arrival. This is for

the safety of all the residents, and random drug screening will be used to maintain this environment. Applicants are asked to commit to a minimum 12 week program of action including but not limited to church attendance, bible study, and 12-step participation. Residents will be required to participate in work programs, fund raising opportunities, and volunteer work in the community.

Check in Procedure: Someone who has been accepted as a resident at Brunswick Christian Recovery Center should be breathalyzed and drug tested prior to their transportation departing from the BCRC campus. A positive screening on a breathalyzer or a ten-panel urine analysis test should be immediately addressed, and Staff should determine whether detox is necessary prior to admission.

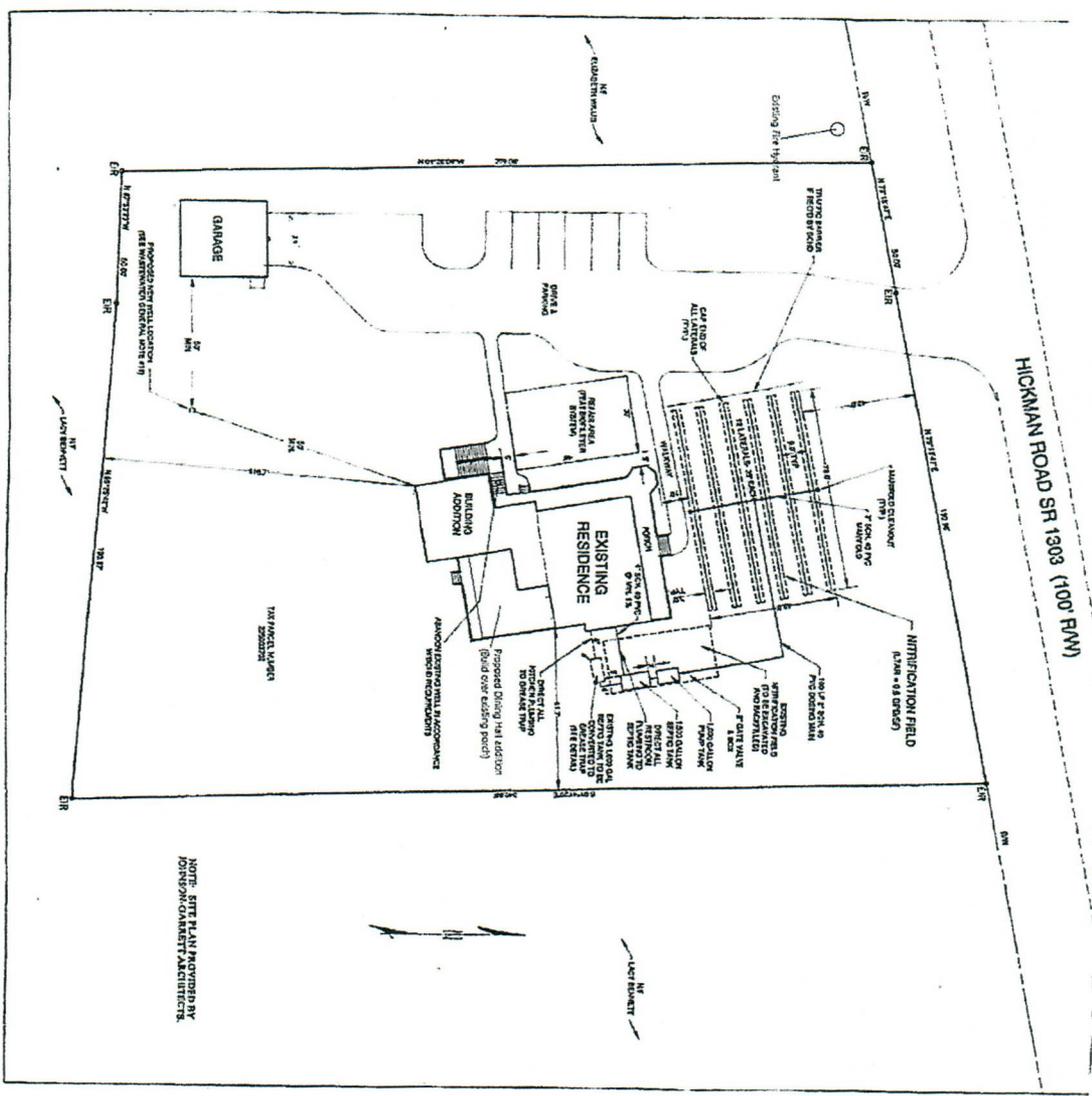
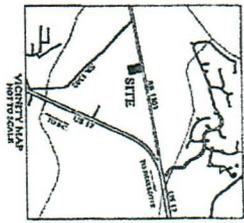
Residents belongings (bag, suitcase, wallet etc.....) will immediately be placed in the care of a staff member or a senior resident and a thorough search will be conducted. Any forbidden items found in search should be brought immediately to staff. Resident's clothing should then be placed in the dryer for 30 minutes.

Resident's Cell phone, Credit Cards, Excess Money, EBT Card, and any other forbidden items should be taken and kept in the safe throughout the duration of the resident's time at BCRC. Any medication that is found will be checked to make sure it is allowed and that the medicine matches what the prescription says.

Each resident will then have their picture taken and put on the resident application. The application will then be filled out by the new resident and a staff member or a senior resident will go over the Program Overview with them. After completion of an aloud reading of the Program Overview residents will be required to sign and date the document. The signed page should be kept by BCRC and the rest should be given to the resident. Residents will then complete an EBT application or if they already possess an EBT card will complete a change of address form. (See pg. 9-12)

Return Policy: If residency is terminated for any reason the resident will not be eligible for readmission for a minimum of ninety (90) days following his departure. Readmission is limited to two terms of residency however a second readmission is not a guarantee or a right.

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	6:00 am Wake up/Lights On	6:00 am Wake up/Lights On	6:00 am Wake up/Lights On	6:00 am Wake up/Lights On	6:00 am Wake up/Lights On	
	7:00am On Awakening	7:00am On Awakening	7:00am On Awakening	7:00am On Awakening	7:00am On Awakening	
7:30am Wake up/Light on	7:15am-8:00am Chores Ray Transport	7:15am-8:00am Chores Ray Transport	7:15am-8:00am Chores Ray Transport	7:15am-8:00am Chores Ray Transport	7:15am-8:00am Chores Ray Transport	
9:00am Leave for Church	8:15am-8:45am Prepared Breakfast	8:15am-8:45am Prepared Breakfast	8:15am-8:45am Prepared Breakfast	8:15am-8:45am Prepared Breakfast		9:00am Prepared Breakfast
9:30am S.S. Begins BAG	9:00 am Church (Guest)	9:00 am Church (Rudy)	9:00 am Church (Rocky)	9:00 am Church (Pat)	9:00 am Prepared Breakfast	10:00am On Awakening
10:30am Service Begins BAG	10:15 am Projects	10:15 am Projects	10:15 am Projects	10:15 am Projects	9:45 am Church (Chase)	Chores After Awakening
After Church Phone calls begin	12:00 pm Prepared Lunch	12:00 pm Prepared Lunch	12:00 pm Prepared Lunch	12:00 pm Prepared Lunch	After Church Projects	11:00am Phone calls begin
12:00pm Prepared Lunch	12:45-1:15 pm Share partner	12:45-1:15 pm Share partner Meeting	12:45-1:15 pm Share partner	12:45- 1:15 pm Share partner	12:00 pm Prepared Lunch	12:00pm Prepared Lunch
	1:30-2:30 pm Step Meeting	1:30-2:30 pm Step Study Meeting	1:30-2:30 pm Step Meeting	1:30-2:30 pm Step Meeting	12:45-1:15 pm Share Partner	
5:00pm Phone Calls End	3:30-4:30 pm Speaker Meeting (Josh)	3:30-4:30 pm Speaker Meeting (Tyler)	3:30-4:30 Speaker Meeting (Ridge)	3:30-4:30 pm Speaker Meeting (Ant)	1:30 – 2:30 pm Step Meeting	3:00pm Meeting (optional)
5:00pm Prepared Dinner	5:30pm Prepared Dinner	5:30pm Dinner	5:30pm Dinner	5:30pm Dinner	4:30pm Leave for CR	5:00pm Prepared Dinner
5:30pm Leave for Church	6:15pm Rec Time	6:15pm Rec Time	6:30pm Leave for Church	6:15 Rec Time	6:00pm Dinner at CR	
6:00pm Service Begins BAG			7:00pm Service Begins BAG			Phone Calls End at Retirement
Retire on Return	7:00-7:30pm Journal	7:00-7:30pm Journal	Retire on Return	7:00-7:30pm Journal	Retire on Return	7:00pm Retirement
Free Time After Retirement	7:30pm Retirement Ray Transport	7:30pm Retirement Ray Transport	Free Time After Retirement Ray Transport	7:30pm Retirement Ray Transport	Free Time After Retirement Ray Transport	Free Time After Retirement
Free Time	8:00PM Free Time	8:00PM Free Time	Free Time	8:00PM Free Time	Free Time	Free Time
11:00pm Lights Out	11:00pm Lights Out	11:00pm Lights Out	11:00pm Lights Out	11:00pm Lights Out	12:00am Lights Out	12:00am Lights Out



PLAN



NOTE: SITE PLAN PROVIDED BY JOHNSON-COMMUNITY ARCHITECTS

SYMBOL	DATE	DESCRIPTION	BY
		REVISION	

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NORRIS, KUSKE & TUNSTALL
 CONSULTING ENGINEERS, INC.
 301 MARKET STREET
 WASHINGTON, NC 27681
 PHONE (919) 343-8653
 FAX (919) 343-8654
 nkt@nkt.com

OWNER:
 NAME:
 ADDRESS:
 PHONE:
 TEL:

ROSE BED & BREAKFAST
 BRUNSWICK COUNTY, NORTH CAROLINA

CASE 19-08S

ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
2250003703	BRUNSWICK ELECTRIC MEMBERSHIP CORP	P O BOX 826	SHALLOTTE	NC	28459
209ND040	FIELDS JACK E ETUX MARTTHA T	1510 SALT MARSH TRAIL	LITTLE RIVER	SC	29566
2250003204	HUCKS ANN WILLIS	1740 PHARVIEW DR SW	OCEAN ISL BCH	NC	28469
2250003203	HUCKS ANN WILLIS	1740 PHARVIEW DR SW	OCEAN ISL BCH	NC	28469
209ND039	LINKOUS THOMAS E	169 KING ARTHUR LANE	ADVANCE	NC	27006
22500089	WHITE BOBBIE B	9113 FOREST DR SW	SUNSET BEACH	NC	28468-5023
209ND00103	CROW CREEK PROPERTY OWNERS ASSN INC	240 HICKMAN RD NW	CALABASH	NC	28467-2017

OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
2250003702	HOWELL WARREN R ET	545 HICKMAN ROAD NW	CALABASH	NC	28467

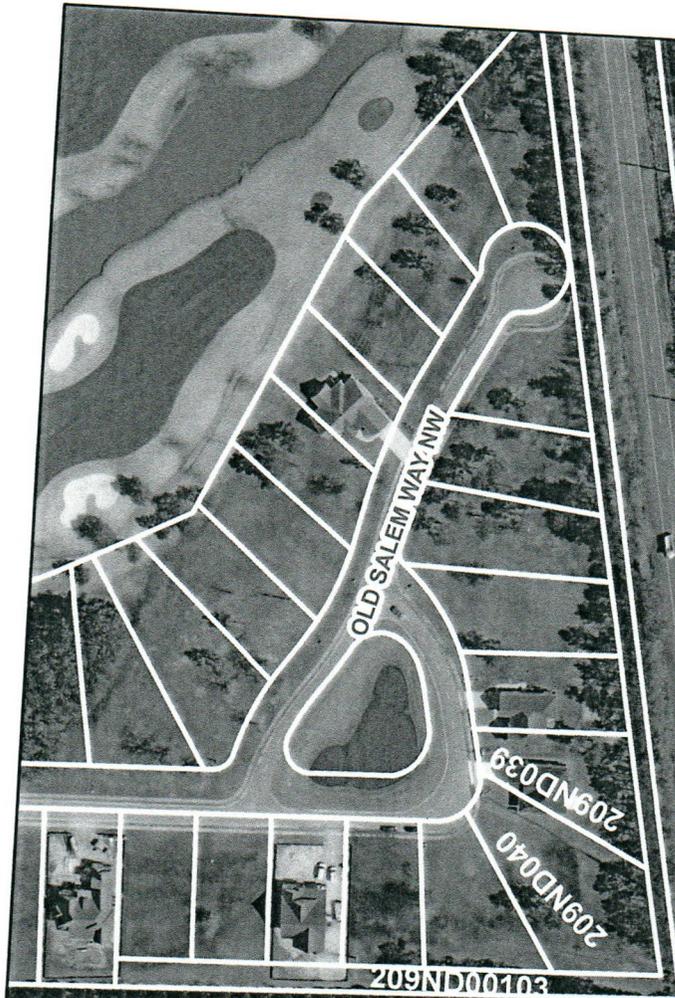
APPLICANT(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
N/A	BRUNSWICK CHRISTIAN RECOVERY CENTER	1994 ASH-LITTLE RIVER RD	ASH	NC	28420

Brunswick County Board of Adjustment Special Use Permit Case 19-08S

CO-COUNTY JURISDICTION

2250003203



OLD SALEM WAY NW

209ND039
209ND040

209ND00103

Project Site
Parcel #2250003702

HICKMAN RD NW

2250003703

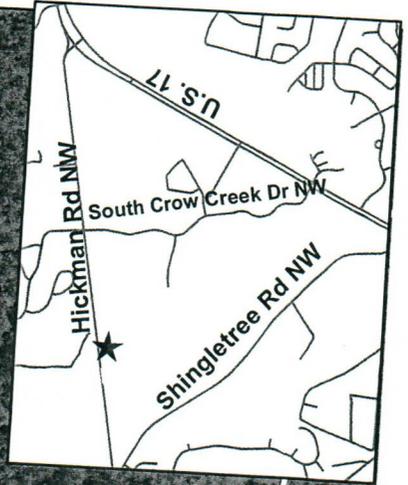
2250003204

SR 1303

22500089

2250003203

SHINGLETREE RD NW



Hickman Rd NW

South Crow Creek Dr NW

Shingletree Rd NW

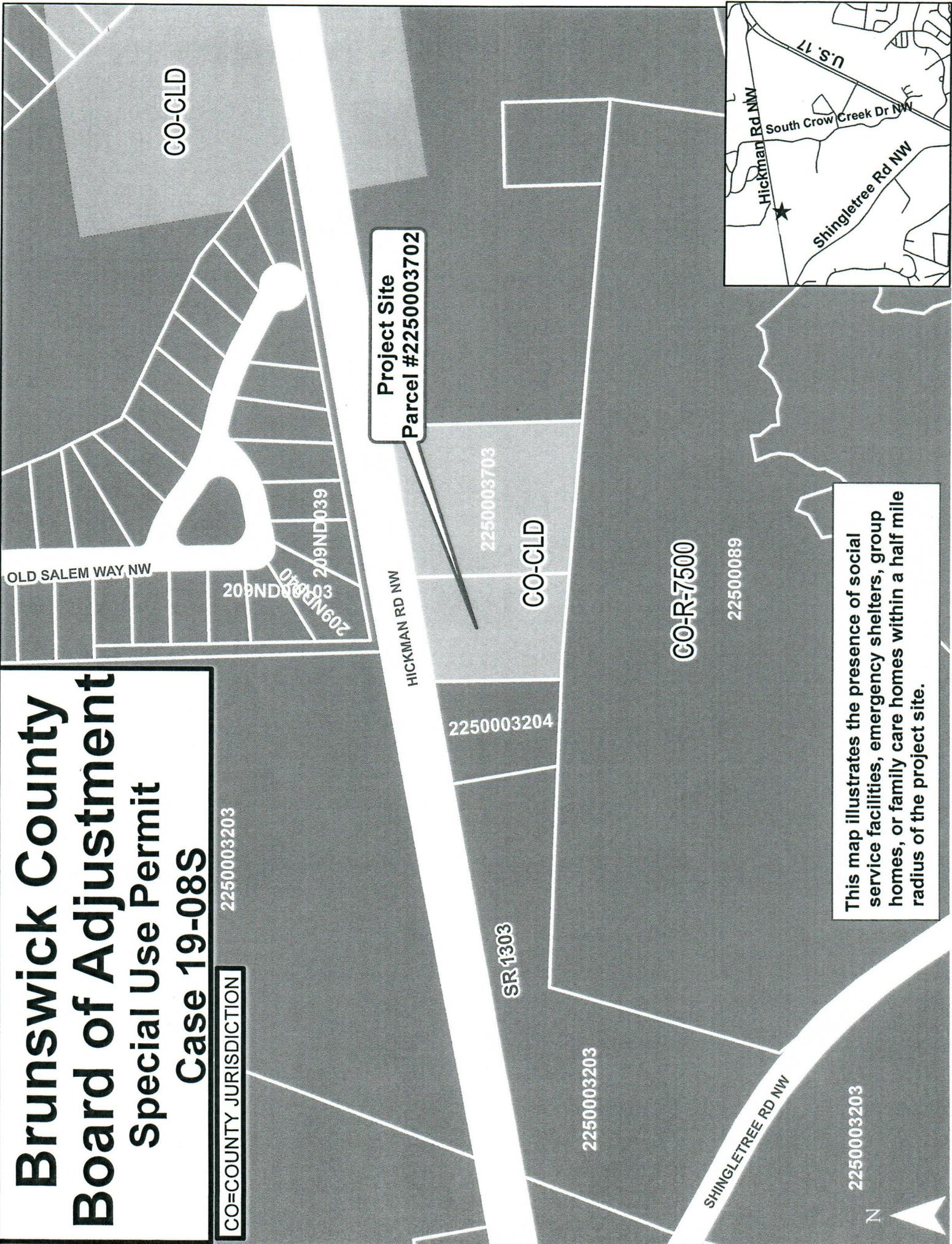
U.S. 17



Brunswick County Board of Adjustment Special Use Permit Case 19-08S

CO=COUNTY JURISDICTION

2250003203



This map illustrates the presence of social service facilities, emergency shelters, group homes, or family care homes within a half mile radius of the project site.



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

July 11, 2018

Application No. 19-08S

Applicant: Brunswick Christian Recovery Center, Inc.

Property Location: 545 Hickman Road NW, Calabash, NC 28467

Parcel Number: 2250003702

Zoning District: Commercial Low Density (CLD)

Intent: “This District is intended primarily to be used in outlying areas, adjacent to major thoroughfares, with yards and other provisions for reducing conflicts with adjacent residential uses, and with substantial setbacks to reduce marginal friction on adjacent major thoroughfares. Commercial uses in this District will serve the needs of residential neighborhoods for auto-dependent commercial facilities; and serve the needs of highway-oriented tourist business.”

Surrounding Zoning: **North:** R-7500 **South:** R-7500
 East: CLD **West:** R-7500

Proposed Use of Property: “Social Service Facility”

The application was submitted to the Brunswick County Planning Department on June 18, 2019.

The Brunswick Christian Recovery Center, Inc. proposes to open a “Social Service Facility” 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 permissible in the Commercial Low Density (CLD) 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 (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. **Utilities:** 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 2250003704sites. 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.

Additional Approval Criteria (Section 5.3.4.F.): Social Service Facility

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.**

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 permit 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.

**COUNTY OF BRUNSWICK
ZONING BOARD OF ADJUSTMENT**

For Office Use Only
File# 19-098

Special Use Permit Application Form

Application Number 19-098 Date 7 Jun 19
Application Fee \$250.00 Receipt # 23796
Date of Meeting 7/11/19 Application Deadline 6/13/19

Applicant Loretta Brown Owner Russell T. Brown
Address 216 Ocean Isle Beach Rd SW Address 216 Ocean Isle Beach Rd. SW
Shallotte, NC 28470 Shallotte, NC 28470
(910) (910)
Telephone (L) 579-1776 (C) 443-9847 Telephone (L) 579-1776 (C) 443-9845
Relationship of Applicant to Owner Spouse
Property Street Address 216 Ocean Isle Beach Rd SW, Shallotte, NC 28470
Tax Map # 2120002005 Parcel Zoning Designation R7500
Proposed Use of Property Bed + Breakfast

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.
None planned
4. In the space below, please indicate how the proposed project will or will not substantially injure the value of adjoining or abutting property.
The proposed project will not substantially injure the value of adjoining or abutting property. It is a 1 acre lot w/ample space for parking and sufficient buffer to adjacent property. The exterior + grounds will be maintained in a pleasing and residential manner + the number of cars will be limited. The property is not in a subdivision. A current neighbor is Shallotte Swamp Park which is visible from this 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

6/17/19 Loretta Brown Russell T. Brown
Date Signature of Applicant Signature of Property Owner

Special Use Permit Application Form

Attachment 1

1. We propose to use the house at 216 Ocean Isle Beach Rd. SW, Shallotte, NC 28470, parcel #2120002005, as our primary residence and rent extra rooms for overnight guests. We plan to follow the definition of a bed and breakfast home as stated in state statute 130A-247. Definitions.

(5a) "Bed and breakfast home" means a business in a private home of not more than eight guest rooms that offers bed and breakfast accommodations for a period of less than one week and that meets all of the following criteria: a. Does not serve food or drink to the general public for pay. b. Serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals, only to overnight guests of the home. c. Includes the price of breakfast in the room rate. The price of additional meals served shall be listed as a separate charge on the overnight guest's bill rate at the conclusion of the overnight guest's stay. d. Is the permanent residence of the owner or the manager of the business.

Loretta Brown

216 Ocean Isle Beach Rd SW

Shallotte, NC 28470

RECEIVED
6/19/19

6/18/19

Dear Ms. Bunch,

In response to your letter dated 6/14/19, I have attached an amended site drawing that addresses the first six (6) items. Also attached is the interior layout asked for in the last item. I have also included our policies which state that only one parking space per room will be provided. Parking spaces will be a pervious material, turf or coquina, with the exception of the designated handicap space which will be concrete with appropriate signage. There is an existing ramp to the front door.

In answer to your other questions the guest stay will be a maximum of seven (7) days. A continental breakfast of pastries, cereal and beverages will be served. The cost of this meal is included in the room rate per state guidelines.

Thank you for your assistance in this matter,

Loretta Brown

910-443-9847

Four Mile Bed & Breakfast is an exclusive property where every guest reservation is both important and special to us. If your travel plans change and you must cancel your reservation, please call us at least 3 (three) days* prior to your arrival date to cancel your reservation less a \$35 processing fee per room.

In the unlikely event that you must cancel with less than three (3) days* notice, shorten your stay or check out early, please understand that we must ask you to take responsibility for your entire reservation. If we can re-book your room(s), a full or partial refund will be made.

Rates/policies are subject to change and vary during high impact periods and special requests. *A 30-day cancellation notice is required for some holidays and special events.

Required at Check-in: The minimum age to check-in is 18. A government issued ID must be presented at Check-in.

Check-in: 3:00 PM - 9:00 PM. If arriving outside of check-in times, please call to make arrangements.

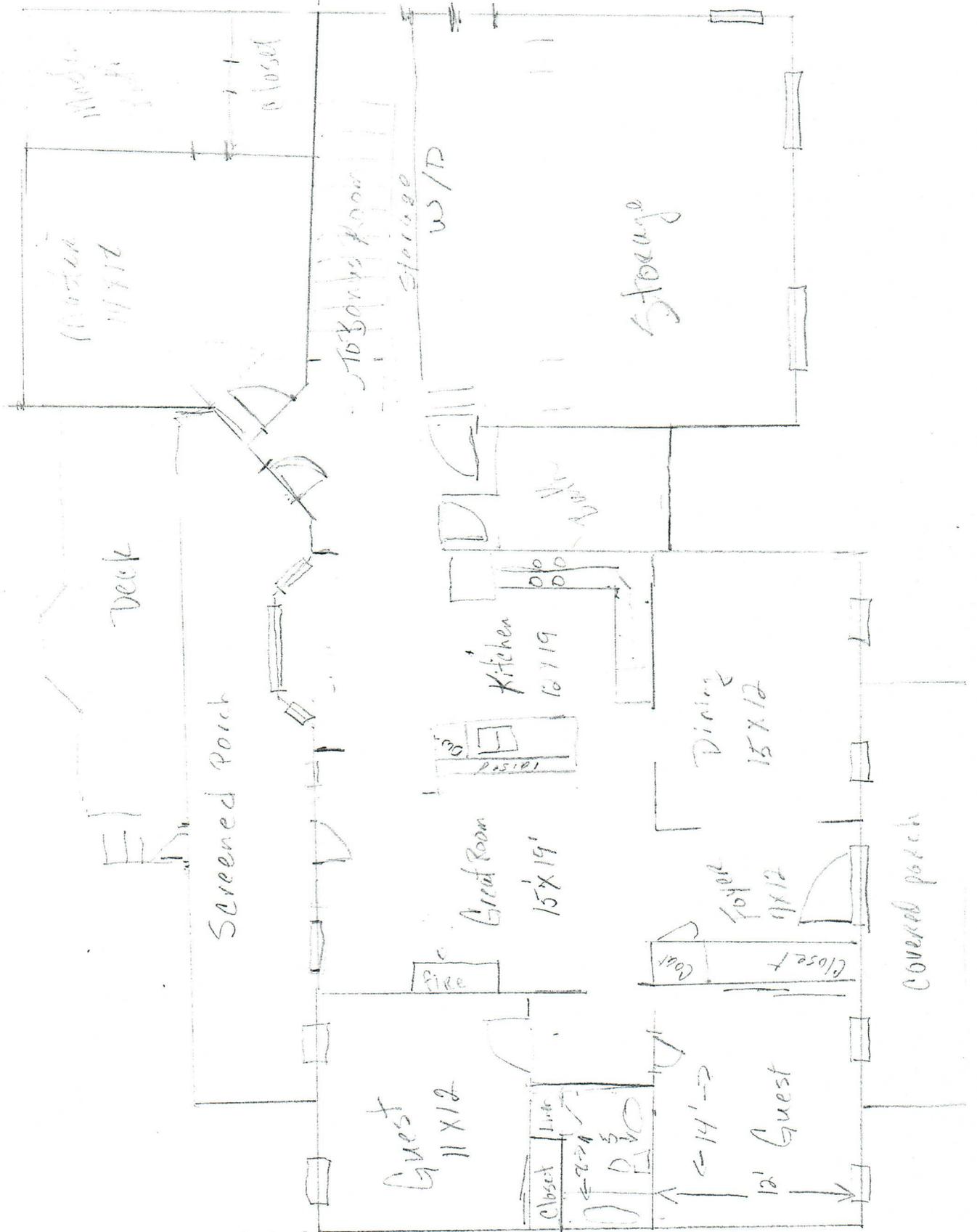
Check-out: 11:30 AM.

Absolutely No Smoking Inside; however designated outdoor smoking areas are available.

Pets: No pets are allowed.

Special situations allow for children, please call to make arrangements.

Parking: Only one parking space per unit is allowed.



Helen Bunch

From: Helen Bunch
Sent: Wednesday, June 19, 2019 12:32 PM
To: Loretta Brown
Subject: Bed and Breakfast Special Use Permit Application

Mrs. Brown:

Thank you for the additional information provided for the Special Use Permit Application. Please note the following:

- Per the interior layout information provided, a total of two (2) guest rooms will be available. Please confirm that this is the case. Note that the Brunswick County Unified Development Ordinance (UDO) requires a minimum of 2 parking spaces for each guest room. As such, a minimum of four 9x20 parking spaces will be required, in addition to the minimum of 2 spaces required for your home.
- Note that the 5' wide handicap parking aisle must be separately delineated from the parking space. Please show these dimensions as well as the dimensions of the standard spaces on the site plan.
- Note the driveway.
 - A new driveway permit will be required from the North Carolina Department of Transportation. The County must sign the application prior to it proceeding to the Division 3 Offices for review and approval.
 - The apron from the street to the property line as well as the handicapped space and aisle must be surfaced with asphalt or concrete. The remainder of the parking spaces and driveway may be surfaced with asphalt, concrete, 57 stone, slate or recycled asphalt. Note that turn or coquina are not acceptable surfaces, as **they are not ductless surfaces**. All parking lot surfaces must be dustless in nature.
- Thank you for showing the trees within the first 20' from the property line. What are the tree types? Only certain types of trees are permissible.

Feel free to contact me if you have questions and/or concerns. I look forward to working with you on this project!

Helen Evans Bunch, CZO
Zoning Administrator
Brunswick County Planning

Helen Bunch

From: Loretta Brown <loretta.brown59@outlook.com>
Sent: Thursday, June 20, 2019 5:31 PM
To: Helen Bunch
Subject: Re: Bed and Breakfast Special Use Permit Application
Attachments: site plan.jpg

CAUTION: This email originated from outside of Brunswick County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Bunch,

Thank you for your clarification of the parking size.

As indicated on the interior plan there will be (2) two guest rooms.

I have attached a revised site plan indicating tree types. In the 20' buffer we have one canopy tree - a Chinese Crape Myrtle and four understory trees - one Japanese Flowering cherry, two Crape Myrtle, and one Redbud. Inside the drive circle there are also several trees including live oak, pine, crepe myrtle, and dogwoods which provide additional buffer even though it is past the 20' mark.

The parking will meet the UDO guidelines 9'x18' each. The concrete handicap parking space will include a 5' access aisle in addition to the 9' width.

We also are aware that the driveway will need to be upgraded and a new driveway permit will need to be obtained from the NC Department of Transportation. We will proceed with this once we receive board approval.

Please let me know if I have left anything out or if the site drawing needs additional work.

Thank you,

Loretta Brown
910-443-9847

From: Helen Bunch <Helen.Bunch@brunswickcountync.gov>
Sent: Wednesday, June 19, 2019 12:32 PM
To: Loretta Brown
Subject: Bed and Breakfast Special Use Permit Application

Mrs. Brown:

Thank you for the additional information provided for the Special Use Permit Application. Please note the following:

- Per the interior layout information provided, a total of two (2) guest rooms will be available. Please confirm that this is the case. Note that the Brunswick County Unified Development Ordinance (UDO) requires a minimum of 2 parking spaces for each guest room. As such, a minimum of four 9x20 parking spaces will be required, in addition to the minimum of 2 spaces required for your home.
- Note that the 5' wide handicap parking aisle must be separately delineated from the parking space. Please show these dimensions as well as the dimensions of the standard spaces on the site plan.
- Note the driveway.
 - A new driveway permit will be required from the North Carolina Department of Transportation. The County must sign the application prior to it proceeding to the Division 3 Offices for review and approval.
 - The apron from the street to the property line as well as the handicapped space and aisle must be surfaced with asphalt or concrete. The remainder of the parking spaces and driveway may be surfaced with asphalt, concrete, 57 stone, slate or recycled asphalt. Note that turn or coquina are not acceptable surfaces, as **they are not ductless surfaces**. All parking lot surfaces must be dustless in nature.
- Thank you for showing the trees within the first 20' from the property line. What are the tree types? Only certain types of trees are permissible.

Feel free to contact me if you have questions and/or concerns. I look forward to working with you on this project!

Helen Evans Bunch, CZO
Zoning Administrator
Brunswick County Planning

CASE 19-09S

ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
2120002011	PRIDGEN GINNY G ETVIR	175 OCEAN ISLE BEACH RD SW	OCEAN ISLE BEACH	NC	28469-3617
2120002006	DANFORD CARRIE WEMYSS	4281 JONES STREET	SHALLOTTE	NC	28470
2120002108	HOLDEN DAVID M & E KELLY	5710 OCEAN HIGHWAY WEST	SHALLOTTE	NC	28470
2120002003	JENERETTE MIKE	210 OCEAN ISLE BEACH SW	SHALLOTTE	NC	28470

OWNER(S)

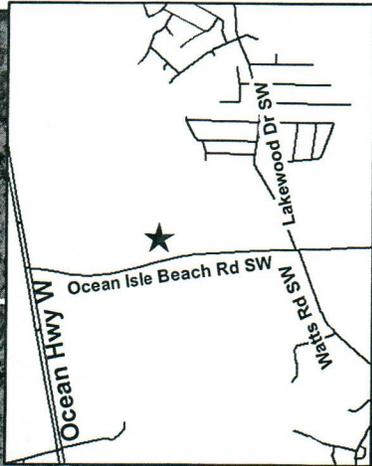
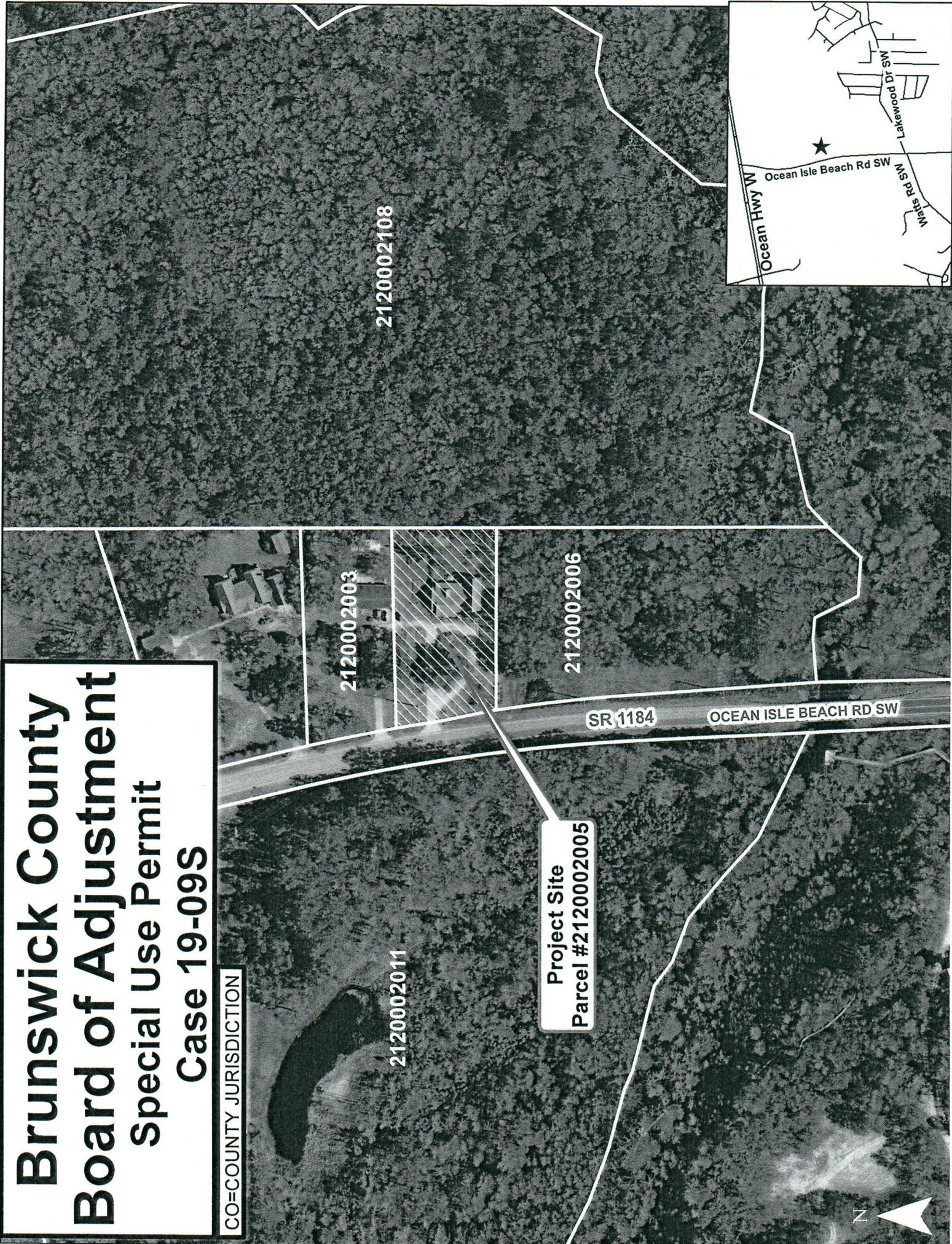
PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
2120002005	BROWN RUSSELL T ETALS	216 OCEAN BEACH RD SW	SHALLOTTE	NC	28470

APPLICANT(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
2120002005	LORETTA BROWN	216 OCEAN BEACH RD SW	SHALLOTTE	NC	28470-1797

Brunswick County Board of Adjustment Special Use Permit Case 19-09S

CO=COUNTY JURISDICTION



2120002108

2120002003

2120002006

2120002011

Project Site
Parcel #2120002005

SR 1184

OCEAN ISLE BEACH RD SW

N

Brunswick County Board of Adjustment Special Use Permit

Case 19-09S

CO=COUNTY JURISDICTION

CO-R-7500

2120002108

2120002003

2120002006

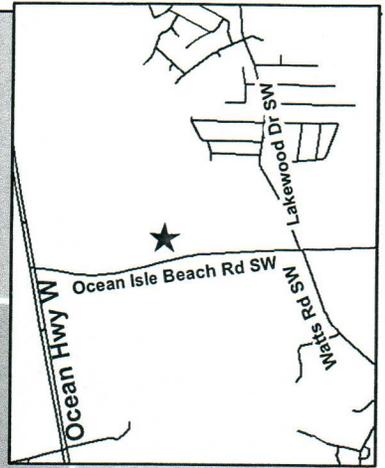
2120002011

SR 1184

OCEAN ISLE BEACH RD SW

Project Site
Parcel #2120002005

CO-RR



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

July 11, 2018

Application No. 19-09S

Applicant: Loretta Brown

Property Location: 216 Ocean Isle Beach Rd SW, Shallotte, NC 28470

Parcel Number: 2120002005

Zoning District: Medium 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 are 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:** R-7500 **South:** R-7500
 East: R-7500 **West:** R-7500

Proposed Use of Property: “Bed and Breakfast”

The application was submitted to the Brunswick County Planning Department on June 7, 2019.

Loretta Brown desires to develop a Bed and Breakfast 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 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 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. Based upon the proposed length of the haul road, 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.

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 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.

**COUNTY OF BRUNSWICK
ZONING BOARD OF ADJUSTMENT**

For Office Use Only
File# 19-105

Special Use Permit Application Form

Application Number 19-105 Date 6/20/2019
Application Fee \$250.00 Receipt # 023804
Date of Meeting 7-11-2019 Application Deadline _____

Applicant Richard King Owner Richard King
Address 4976 Whiteville Rd Address _____
Ash NC 28420
Telephone (L) 287-3711 (C) 910-444-9579 Telephone (L) _____ (C) _____
Relationship of Applicant to Owner Same
Property Street Address 4976 Whiteville Rd
Tax Map # 11600006 Parcel Zoning Designation RR
Proposed Use of Property Flea Market

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.

Adjacent property to left, we are 1200' away from vacant home. Adjacent property to Rt we are 1600' from home. We own home across street.

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

5-31-19
Date

Richard King
Signature of Applicant

Richard King
Signature of Property Owner

Reference Board of Adjustment Case 19-108

Application for the flea market I
would like to postponed for six months
due to medical problems at this time.

Richard King
7/2/19

01/14/2005
\$300.00 36

Brunswick County--Register of Deeds
Robert J. Robinson
Inst #246829 Book 2074Page 260
01/14/2005 11:03:33am Rec# 217929



RET Richard R King
TOTAL 20 REV 300 TC# 50
REC# _____ CK AMT 320 CK# 159
CASH _____ REF _____ BY Bq

TS	AUX	CON	GR	BLK	SUF	PI
7	5	1160	D	0011	5	TR-1
MAP	MPSUF	BLK	PIN	SUF	PI	
7	5	1160	0	0011	5	TR-2

WARRANTY DEED

Prepared by: DOUGLAS W. BAXLEY, Attorney at Law

WITHOUT OPINION OF TITLE

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

THIS DEED, made this the 14th day of January, 2005, by and between TERRY F. FORMYDUVAL (unmarried), party of the first part, hereinafter referred to as Grantor and RICHARD R. KING, party of the second part, hereinafter referred to as Grantee of 5640 Kingtown Road NW, Ash, North Carolina, 28420;

W I T N E S S E T H :

That the Grantor, in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration to him in hand paid by the Grantee, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does hereby bargain, sell, and convey unto the Grantee, his heirs and assigns, a ONE-HALF (1/2) undivided interest in and to those certain tracts or parcels of land located in Waccamaw Township, Brunswick County, North Carolina and more particularly described as follows:

FIRST TRACT:

Lying on the west side of the lower New Brittain Road, BEGINNING in the west side of said road at the mouth of a ditch, running thence with said ditch west forty poles to the old spring ditch, thence with the old spring ditch about south thirty two poles to M. G. Parker's corner a stake, thence with said Parkers line east forty poles to stump, Parkers corner, at the said lower New Brittain road, thence with said road north five degrees east thirty two poles to the beginning, containing eight acres, more or less, and being a part of the

*1 pole = 16.5 ft.
1 chain = 66 ft
1 link = 6.6 ft*

property conveyed to Phillip S. Formyduval and Curtis Formyduval by deed dated January 31, 1974 and recorded in Book 306, Page 751 of the Brunswick County Registry, and also being the same as conveyed by H. C. Smith to Pearl D. Formyduval and wife, Edith E. Formyduval, by deed dated December 4, 1924 and recorded in Book 40, Page 545 of the Brunswick County Registry.

SECOND TRACT:

Lying and being in Waccamaw Township, Brunswick County, containing 101 acres, more or less, according to a survey made by W. S. Milliken on April 15, 1924, and being bounded on the north by the lands of W. M. FormyDuval; on the east by the lands of the Ross Estate; on the south by the lands of H. J. FormyDuval, O. P. FormyDuval and T. P. FormyDuval; and on the west by lands of T. P. FormyDuval and W. M. FormyDuval; Being the tract of land described in a certain mortgage deed from M. G. Parker and wife to the Federal Land Bank of Columbia, as the first tract, as recorded in Book 43, Page 142, records of Brunswick County, North Carolina, and also in a mortgage deed executed by Ester Long and husband, Will C. Long, of record in Brunswick County, North Carolina, also being the same tract of land described in that certain deed from J. B. Ward, et ux to A. D. Currie, et ux, dated September 18, 1934, recorded in Book 57, Page 193, and in that certain deed from Ester Long, widow, to A. D. Currie, dated September 26, 1946, recorded in Book 87, Page 312, Brunswick County Registry, reference to all of said conveyances and the record thereof being hereby especially made for a more complete description of the premises hereby intended to be conveyed.

And being the same property as was conveyed to Phillip S. Formy-Duval by deed dated 31 October 1960 recorded in Book at Page 144 and deed dated 11 March 1983 recorded in Book 523 at Page 659, Brunswick County Registry. Grantor and Grantee are devisees of the said Phillip S. Formy-Duval. By virtue of this conveyance, Grantee will own 100% of the property herein conveyed.

TO HAVE AND TO HOLD the aforesaid ONE-HALF (1/2) undivided interest in said tracts or parcels of land together with the privileges and appurtenances thereunto belonging to the said Grantee, his heirs and assigns forever.

AND the said Grantor does hereby covenant that he is seized of said ONE-HALF (1/2) undivided interest in said premises in fee simple, that he has the right to convey the same, that the same is free and clear of encumbrances, and that he will warrant and defend the title to the same against the lawful claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the Grantor has hereunto set his hand
and seal the day and year first above written.

Terry F. Formyduval (SEAL)
TERRY F FORMYDUVAL

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

I, a Notary Public of the County and State aforesaid, do hereby certify TERRY F. FORMYDUVAL (unmarried) personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein set forth.

Witness my hand and notarial seal this the 14th day of January, 2005.

Nancy Lee
Notary Public

My commission expires:

11/01/08



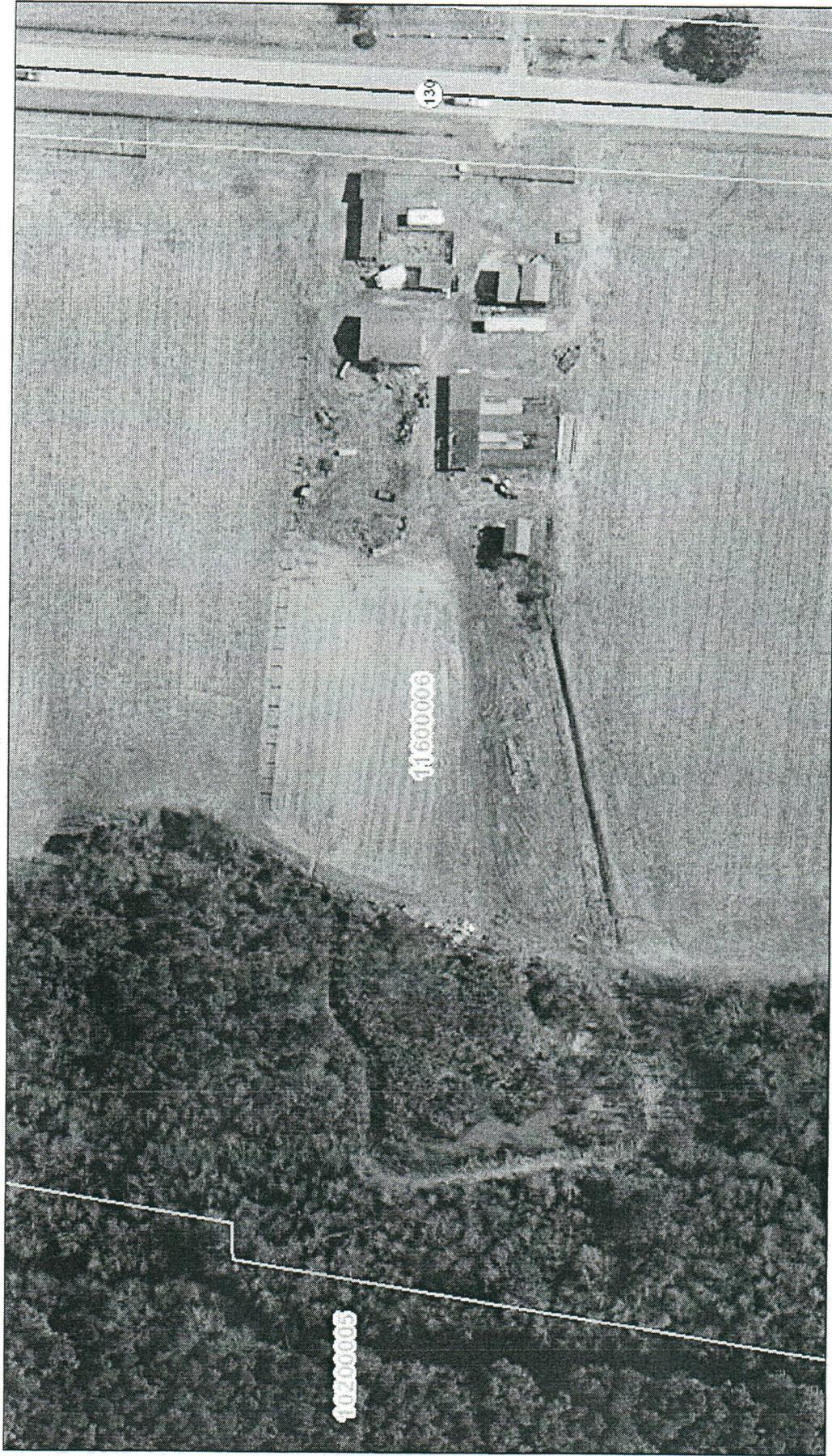
STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

The Foregoing (or annexed) Certificate(s) of NANCY LEE

Notary(ies) Public is (are) Certified to be Correct.
This Instrument was filed for Registration on this 14th Day of January, 2005
in the Book and page shown on the First Page hereof.

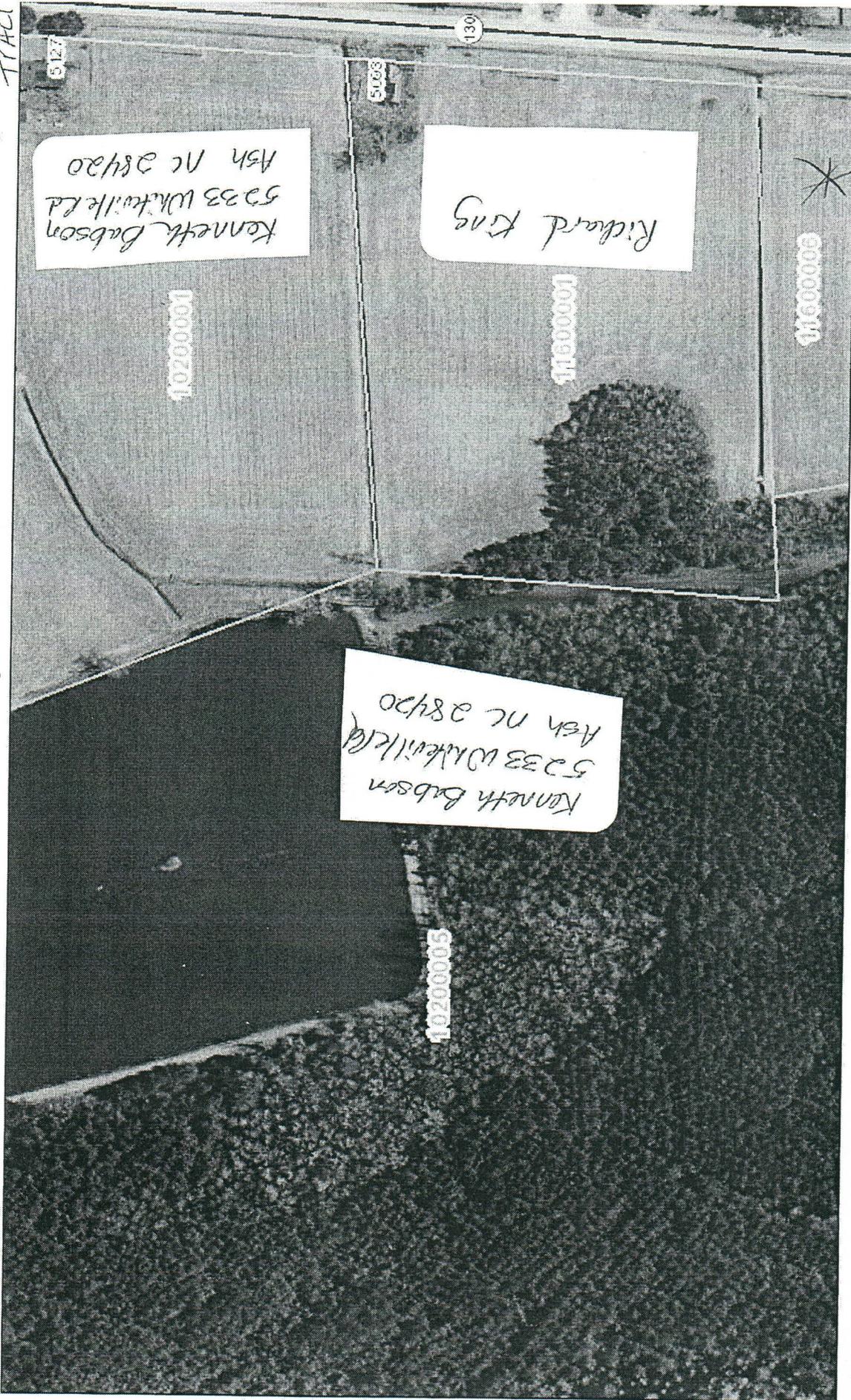
Robert J. Robinson
ROBERT J. ROBINSON, Register of Deeds

Brunswick County GIS Data Viewer



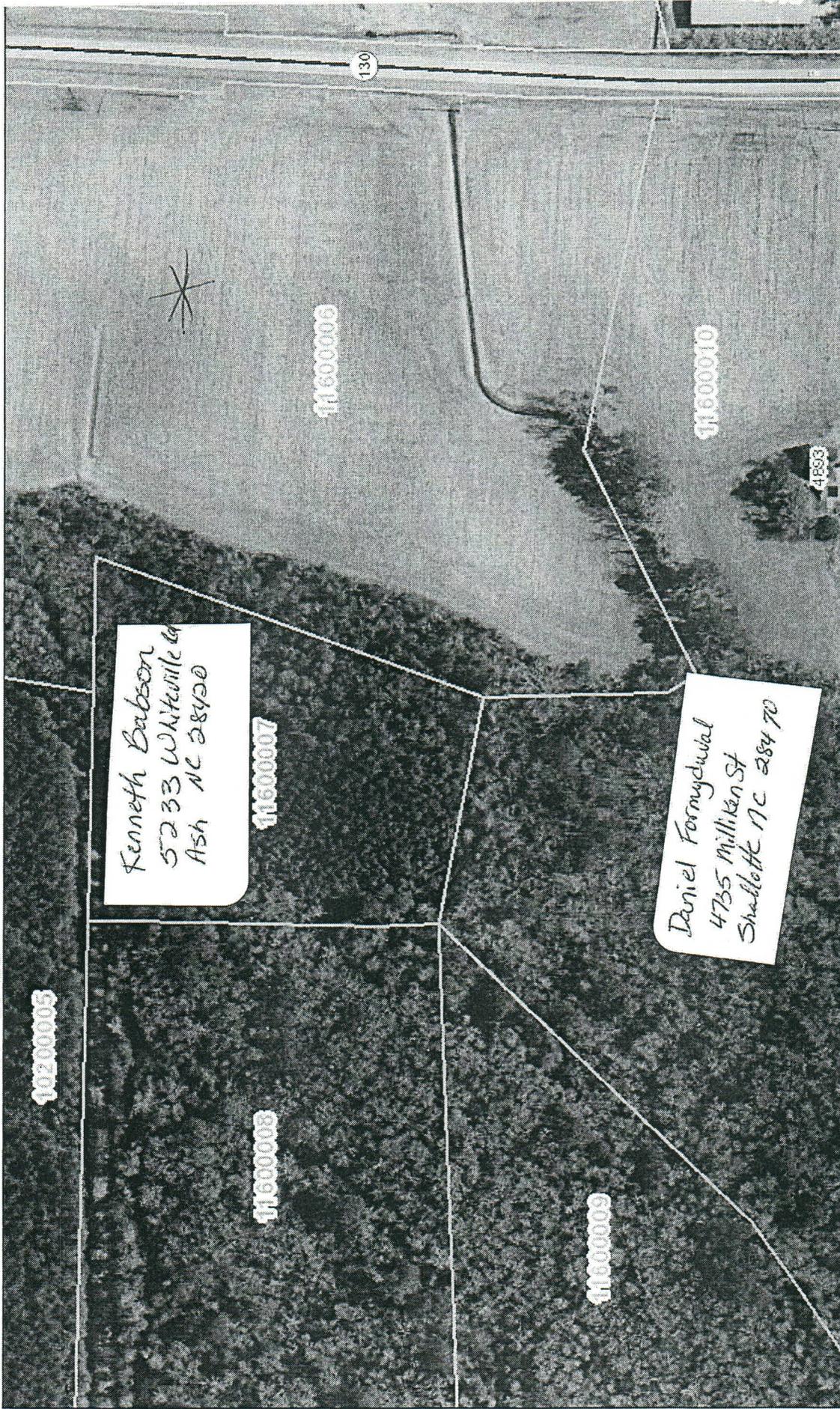
Brunswick County GIS Data Viewer

North of
TRACT



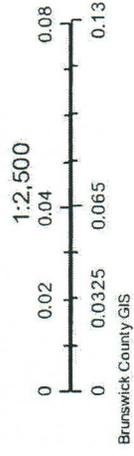
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- US Hwy
- NC Hwy
- Interstate
- Minor
- State Road
- Parcel
- ▣ Condo

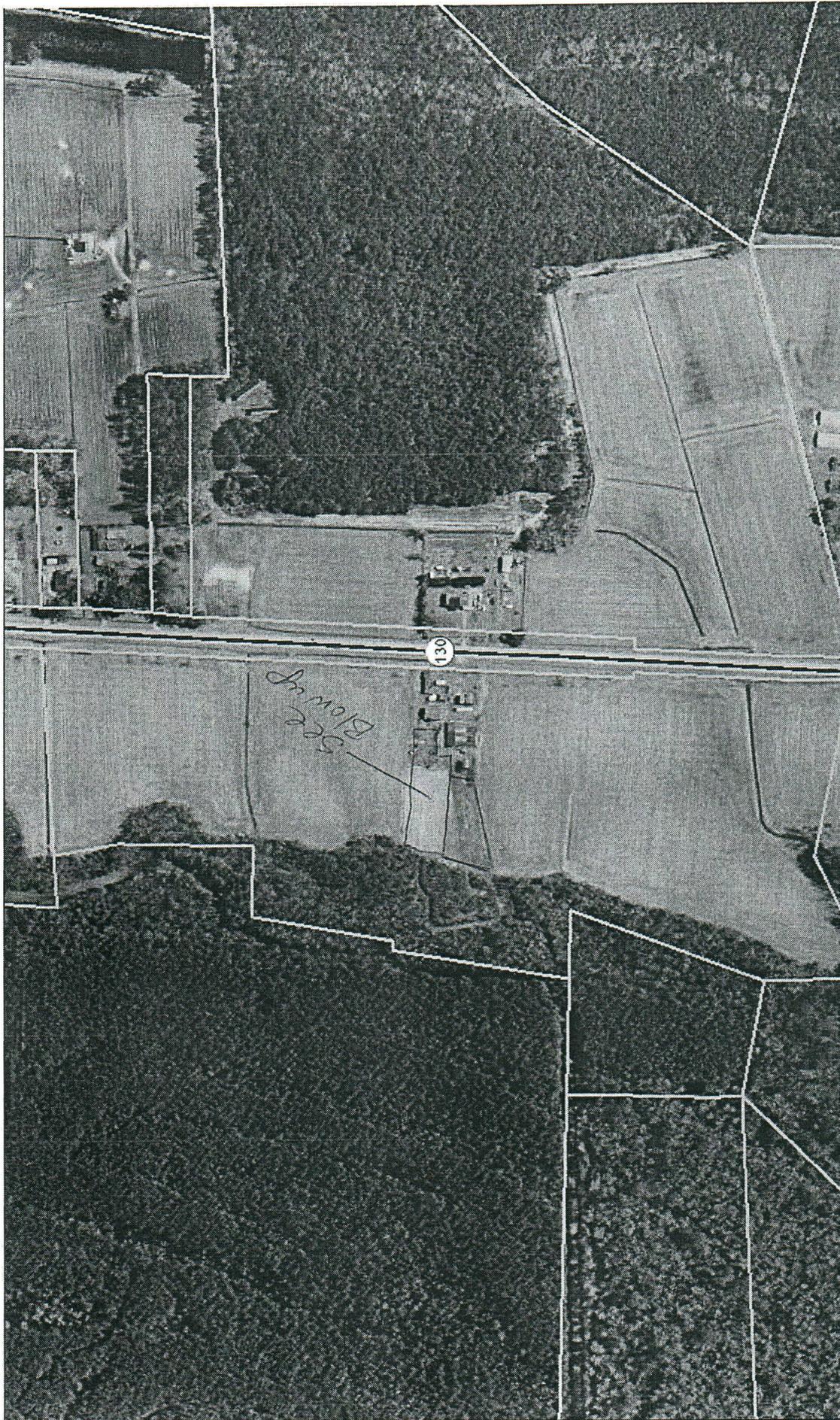


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- Addresses
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- Interstate
- State Road
- Minor
- Parcel
- ▣ Parcels
- ▣ Condo



Brunswick County GIS Data Viewer



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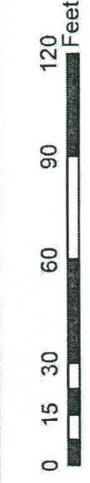
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- US Hwy
- NC Hwy
- Interstate
- Minor
- State Road
- Parcel
- Parcels**
- Condo



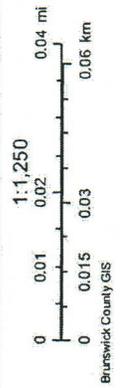


Brunswick County assumes no legal responsibility for nature of, contents of or accuracy of any information contained on this map. This map may not be accurate or up-to-date. All map information must be verified by recipient. Grid based on NC State Plane Coordinates, NAD 83 datum, feet.

Parcel: 11600006



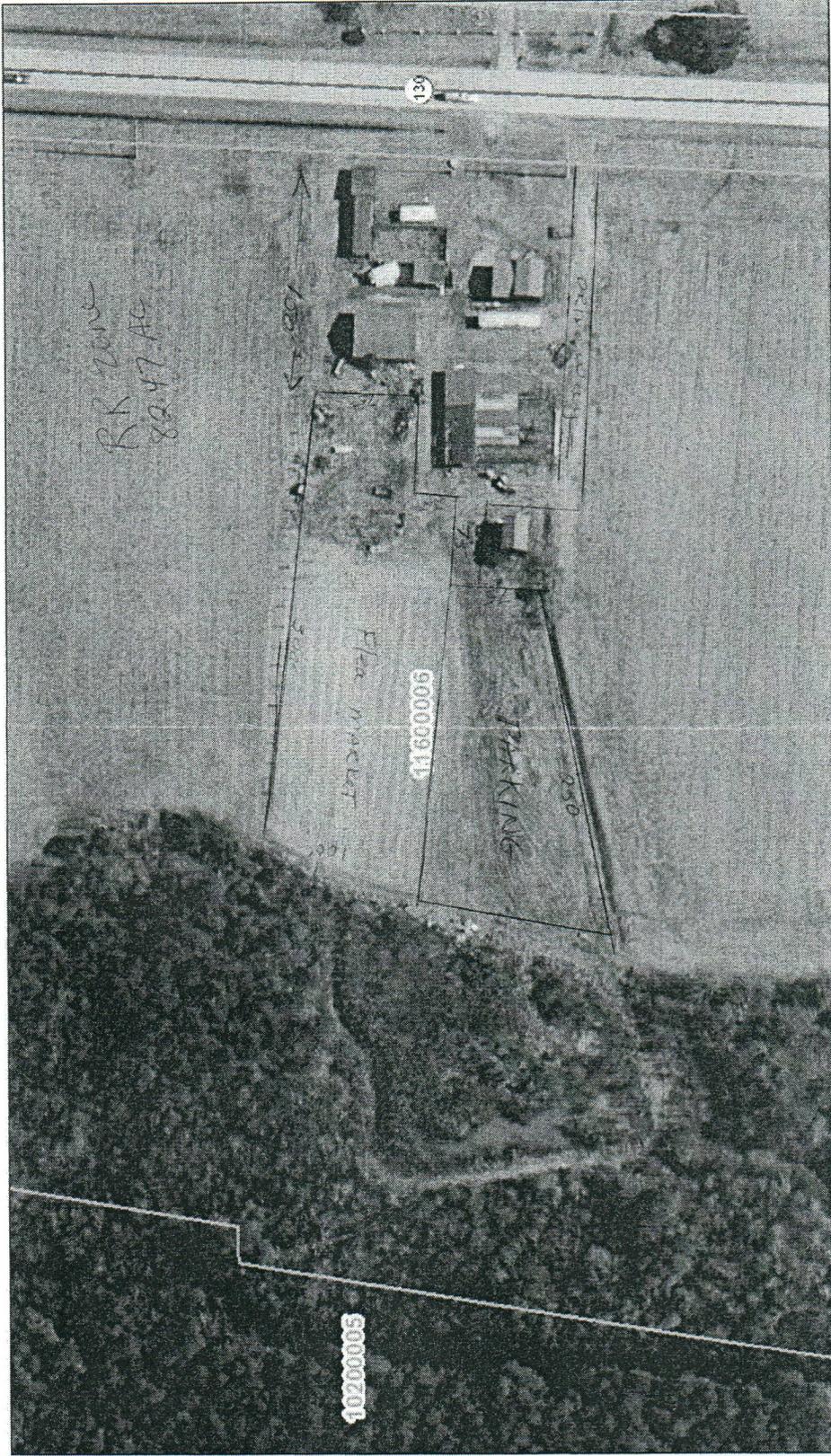
Brunswick County GIS Data Viewer



Richard King
4976 Whitewick Rd
AsH, NC 28420

- 5/30/2019, 3:33:30 PM
- Addresses
 - US Hwy
 - Interstate
 - Minor
 - NC Hwy
 - State Road
 - Parcel
 - ▣ Parcels
 - ▣ Condo

Brunswick County GIS Data Viewer



Richard King
 4976 Whiteville Rd
 Ash, NC 28420

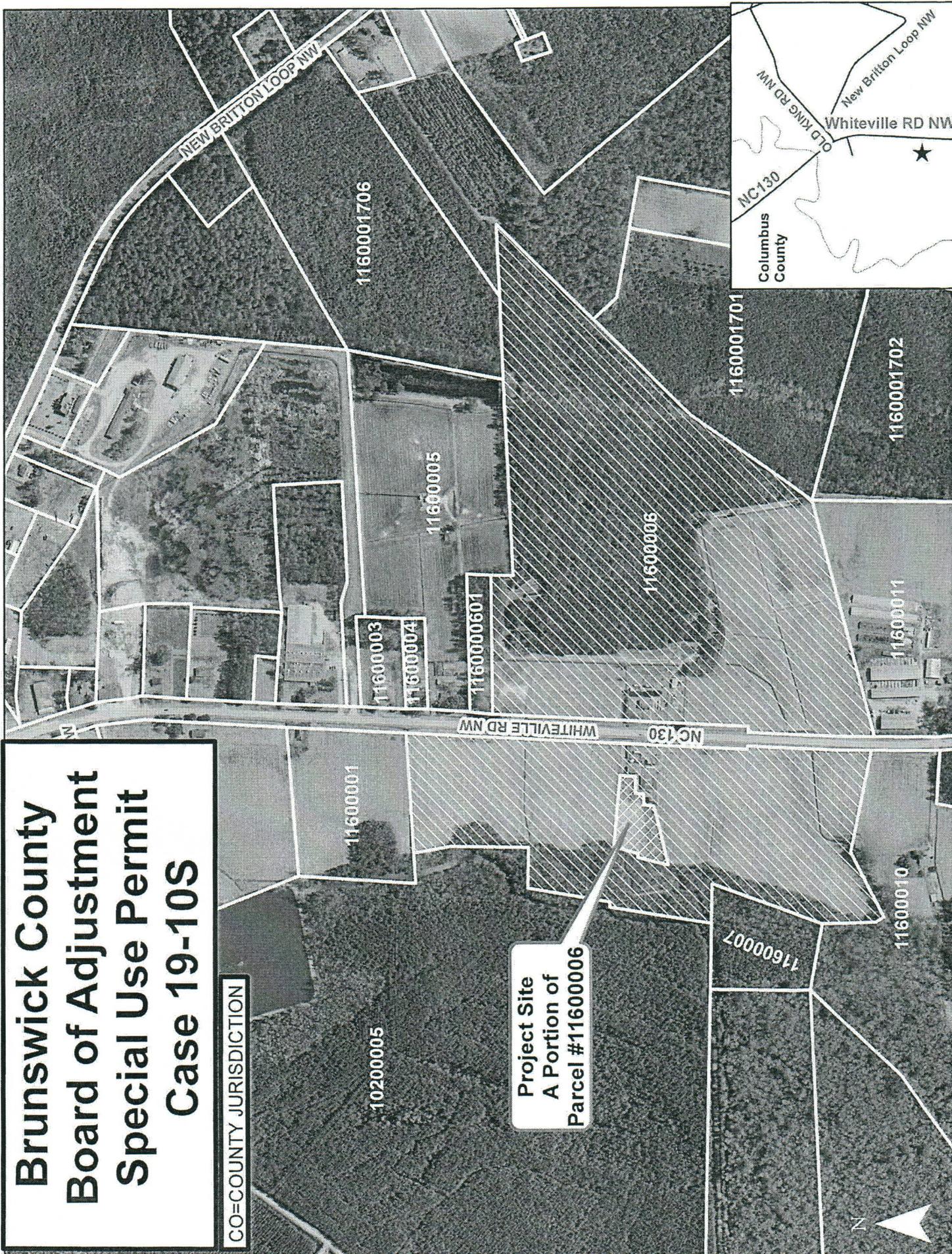
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- Addresses
- US Hwy
- Minor
- Parcel
- Interstate
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- Parcels
- State Road
- Condo

Brunswick County Board of Adjustment Special Use Permit Case 19-10S

CO=COUNTY JURISDICTION

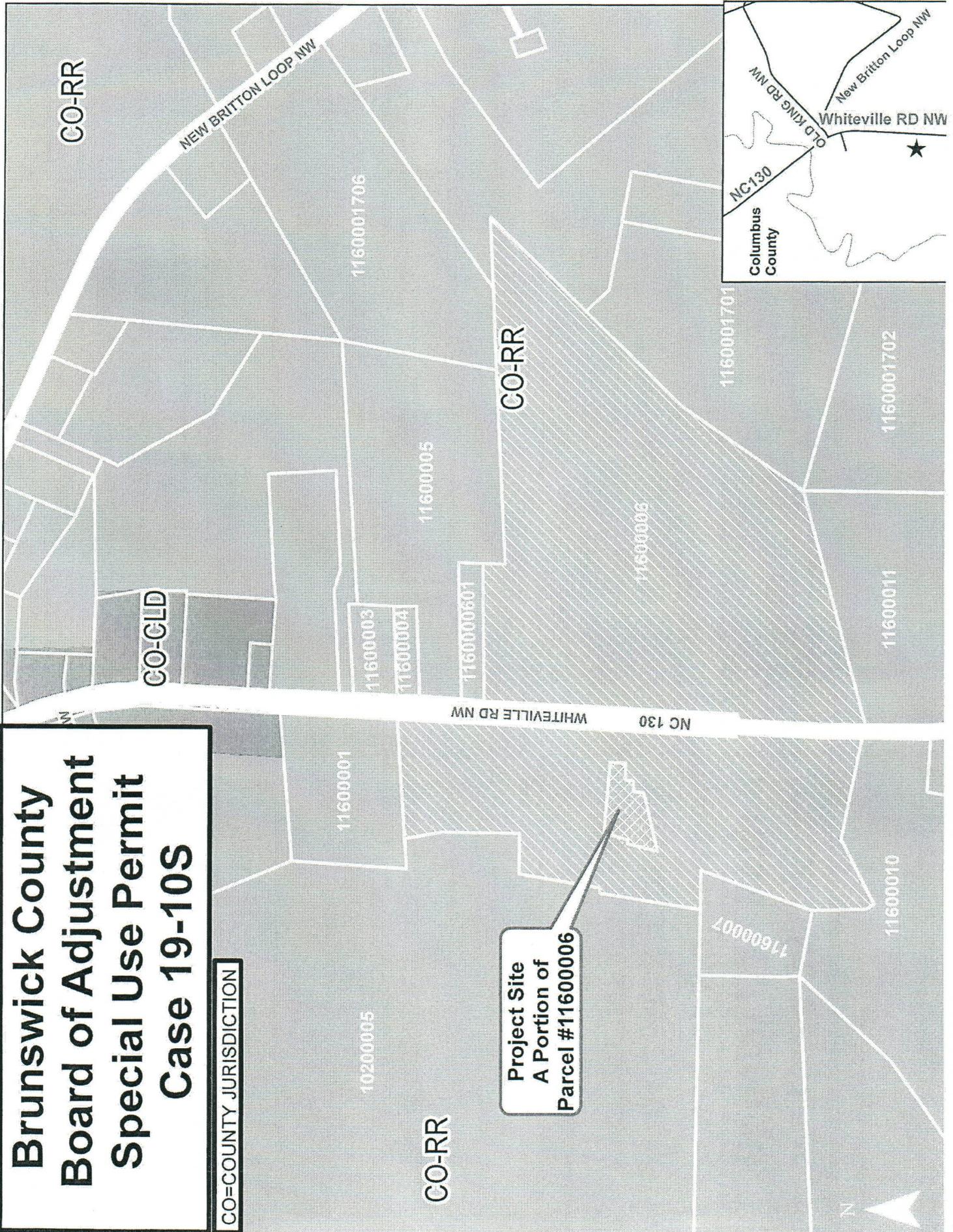
Project Site
A Portion of
Parcel #11600006



Brunswick County Board of Adjustment Special Use Permit Case 19-10S

CO-COUNTY JURISDICTION

Project Site
A Portion of
Parcel #11600006



CASE 19-10S

ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
11600001	KING RICHARD	4976 WHITEVILLE RD NW	ASH	NC	28420
1160000601	BABSON RODNEY DEWAYNE	6504 LITTLE RD NW	ASH	NC	28420
11600011	KING LYLE RAY ET JUDY	4872 WHITEVILLE ROAD NW	ASH	NC	28420
1160001701	ROSS CHRISTINE IRENE ETALS	711 W MORELAND BLVD	WAUKESHA	WI	53188-2483
1160001706	ROSS CHRISTINE IRENE ETALS	711 W MORELAND BLVD	WAUKESHA	WI	53188-2483
11600017	MUSSELWHITE DEBORAH K ROSS ETALS	2911 MIDTOWN WAY APT 306	WILMINGTON	NC	28403-5043
1160001702	ROSS JEWELL (LT)	4023 LAKE BRAZOS LN	RICHMOND	TX	77406-8091
11600005	BABSON JUDITH C M AND	6480 LITTLE RD NW	ASH	NC	28420-3726
11600003	HEWETT BENJAMIN	PO BOX 1994	SHALLOTTE	NC	28459-1994
11600010	FORMYDUVAL DANIEL PRATT	4735 MILLIKEN ST	SHALLOTTE	NC	28470-4467
11600004	BLACKWELL TRAVIS JR	5050 WHITEVILLE RD NW	ASH	NC	28420
11600007	BABSON KENNETH R (LT)	5233 WHITEVILLE RD NW	ASH	NC	28420-3717
10200005	BABSON KENNETH R (LT)	5233 WHITEVILLE RD NW	ASH	NC	28420-3717

OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
11600006	KING RICHARD	4976 WHITEVILLE RD NW	ASH	NC	28420

APPLICANT(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
11600006	KING RICHARD	4976 WHITEVILLE RD NW	ASH	NC	28420



Brunswick County Planning Department
P.O. Box 249
75 Courthouse Drive N.E., Bldg I
Bolivia NC 28422

June 27, 2019

ZONING BOARD OF ADJUSTMENT SPECIAL USE PERMIT REQUEST

Application Number: 19-10S

Tax Parcel Number: A portion of 11600006

Richard King has filed an application for a Special Use Permit for a "Flea Market" at 4976 Whiteville Rd NW, Ash, NC. The proposed location is indicated on the accompanying map. Section 5.2.3. of the Brunswick County Unified Development Ordinance (UDO) lists this activity as a Special Use permissible by the Zoning Board of Adjustment, provided the limitations for a "Flea Market" outlined in Section 5.3.5.V. of the UDO are met.

The Zoning Board of Adjustment will hold a Hearing on this matter **Thursday, July 11, 2019 at 5:00 P.M. in the Commissioner's Chambers on the First Floor of the David R. Sandifer Administration Building** located at 30 Government Center Drive at the Brunswick County Government Center in Bolivia, North Carolina. At this time, you may appear and present your arguments for or against the Special Use request.

Helen Evans Bunch, CZO
Zoning Administrator

HEB/jb