

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

6:00 P.M., Thursday
November 14, 2019

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

I. Call to Order.

II. Roll Call.

III. Consideration of Minutes of the October 17, 2019 Meeting.

IV. ~~New Business.~~

- A). 19-14S Special Use Permit
Applicant: Bledsoe Enterprises, Inc.
Location: 4437 Mount Misery Road NE, Leland, NC 28451
Tax Parcel Portion of 00900105
Applicant requests a Special Use Permit for a "Class I Mining Operation" consistent with Section 5.2.3 and Section 5.3.7.G of the Brunswick County Unified Development Ordinance (UDO).
- B). 19-15V Variance
Applicant: Patrick Newton
Location: 4734 Patrick Newton Drive SE, Southport, NC 28461
Tax Parcel 221AE049
Applicant requests six (6) variances from the Unified Development Ordinance (UDO) to allow the relocation of an outdoor advertising structure. The variances are from the following Sections of the UDO: Section 8.5.2.; 8.8.1.G.1.; 8.8.1.I.; 8.8.1.L.1.; 8.8.1.L.2.; and 8.8.1.L.3.
[Note: All requested variances must be approved for the case to be approved.]
- C). 19-16S Special Use Permit
Applicant: Jamie Jones
Location: 2811 Holden Beach Road SW, Supply, NC 28462
Tax Parcel 232HC00109
Applicant requests a Special Use Permit for a "Kennel" consistent with Section 5.2.3 and Section 5.3.5.U of the Brunswick County Unified Development Ordinance (UDO).

V. Staff Report.

- Memorandum regarding model homes.

VI. Adjournment.

MINUTES

ZONING BOARD OF ADJUSTMENT

BRUNSWICK COUNTY, N.C.

**6:00 P.M., Thursday
October 17, 2019**

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

MEMBERS PRESENT

Robert Williamson, Chairman
Mary Ann McCarthy
Marian Shiflet
Virginia Ward
Alan Lewis

MEMBERS ABSENT

None

STAFF PRESENT

Helen Bunch, Zoning Administrator
Bryan Batton, Assistant County Attorney
Brandon Hackney, Project Planner

I. CALL TO ORDER.

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

II. ROLL CALL.

The Chairman stated that all members were present.

III. CONSIDERATION OF MINUTES OF THE SEPTEMBER 12, 2019 MEETING.

Ms. Ward made a motion to accept the minutes of the September 12th, 2019 meeting as written. The motion was seconded by Ms. McCarthy and unanimously carried.

IV. AGENDA AMENDMENTS.

Chairman Williamson asked Ms. Bunch if there were any agenda amendments. Ms. Bunch stated that there were none.

V. OLD BUSINESS.

- A) 19-12A: Appeal of Decision
Applicant: James R. Todd/Brunswick Plantation Property Owners Association
Location: 252 S. Middleton Drive, Calabash, NC 28467
Tax Parcel 210IA058
Applicant is appealing an interpretation of the Brunswick County Unified Development Ordinance that Caw Caw Land Corporation can operate a model home, subject to the conditions and requirements outlined in the June 25, 2019 letter to Caw Caw Land Corporation.

The Chairman read the agenda description of case 19-12A, an appeal from James R. Todd/ Brunswick Plantation Property Owners Association. He stated that the applicant is appealing an interpretation of the Brunswick County Unified Development Ordinance (UDO) that Caw Caw Land Corporation can operate a model home, subject to the conditions and requirements outlined in the June 25, 2019 letter to Caw Caw Land Corporation.

The Chairman stated that the public hearing portion of the meeting has been concluded and due to the length of the meeting, the meeting was continued to this meeting. He stated that the purpose of this meeting is to make a decision based on the evidence heard at the September 12th, 2019 meeting.

Brunswick County Assistant Attorney Bryan Batton stated that he will give a timeline of what was heard in the last meeting. He continued that this case was an appeal of a zoning interpretation letter from Ms. Bunch. The appeal was filed by the property owners association, but the letter was directed to the developer. He stated that testimony was heard from the developer, property owners association, and citizens. Mr. Batton continued that the case was tabled until today's date for deliberation and a decision. He stated that the appeal itself, in his interpretation, is two-fold: (1) it challenged the ability to have a model home as a permitted use within a residential area; and (2) it appealed the staff decision letter directly and the conditions within the letter.

Mr. Batton stated that this Board in an appeal of a staff decision, has the power to reverse the decision, affirm the decision, or modify the decision based on evidence presented. He stated unlike variances or special use permits, the appeal of a staff decision requires a majority of three-fifths of the Board membership where the others are four-fifths.

The Chairman stated that the board members will work through the worksheet, then make a decision. He stated that the findings of facts will be listed based upon the evidence that was heard at the hearing. Following deliberation by the Board, the following decision was made by the Board.

DECISION:

Having held a hearing on September 12, 2019 and continuing until October 17, 2019, to consider Application Number 19-12A (Tax Parcel 210IA058) submitted by James R. Todd on behalf of the Brunswick Plantation Property Owners Association, Inc, an appeal of the adverse decision relating to:

Staff interpretation of the Brunswick County Unified Development Ordinance (UDO) that Caw Caw Land Corporation can operate a model home, subject to the conditions and requirements outlined in the June 25, 2019 letter to Caw Caw Land Corporation.

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 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):**
 - The subject parcel is used as a sales office at present and not as a model home.
 - The staff decision to define a model home was necessary, as it was not defined in the UDO.
 - The June 25, 2019 correspondence to the Caw Caw Land Corporation outlining the conditions was agreed to by the developer.
 - The Property Owners Association (POA) appealed the interpretation of staff stating what was allowed was not of a residential use.
 - The June 25, 2019 correspondence clearly stated that a sales office was not to be operated at this location.
 - The POA objected to the staff conditions, as what was described was not a “residential use”. A sales office is a commercial use.

2. **(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:**
 - A sales office is a commercial use and will not be allowed in residential areas.
 - Brunswick County allows a model home as a residential use.

- As the Brunswick County Unified Development Ordinance does not define a model home, the Board is therefore modifying the June 25, 2019 letter to the property owner as stated herein.
- A model home may be used under the following conditions and still retain its residential character.
 - No parking lots or additional driveways are permitted.
 - No vehicle turnaround space contiguous to the existing driveway may be installed.
 - 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 a.m. to 5:00 p.m.) 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.
 - There shall be no events or gatherings held in the model home other than open houses.
 - Only customary model home signage of a temporary nature indicating an open house or an agent on duty shall be allowed. No additional sales signage in any form will be permitted.
 - There will be no more than two workstations in the model home.

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

The Chairman reiterated that due to the fact of there not being a definition of a “model home” in the ordinance, staff made the decision that model homes are allowed under certain conditions.

The Chairman stated that Option B of Question 2 on the worksheet states that the Board will go with the interpretation of the ordinance language without regards to the particular facts of this case. He asked if any board member would like to provide comments on the letter to be provided to the Planning Board regarding the development of a definition in the UDO for a “model home.”

Ms. McCarthy stated that the June 25th, 2019 correspondence letter clearly outlined the differences between a model home and a sales office. She continued that the language is not currently in the Unified Development Ordinance and should be a part of the ordinance.

The Chairman recommended going through each condition within the June 25th letter to Caw Caw Land Corporation to determine if it should be left as is, be modified, or be removed. Following much discussion among Board members, it was recommended that correspondence be sent to the Brunswick County Planning Board to request the term “model home” be included in the definition section of the UDO and that consideration be given to the following definition and limitations:

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 for the time during which the section is being developed.

Recommended conditions/limitations for the use include the following:

1. The model home is considered a residential use and must maintain the residential character of the community.
2. A separate parking lot is not allowed for a model home. Parking is to take place within the existing driveway, with no vehicle turnaround space contiguous to the driveway.
3. An employee presence is typical at a model home. Brunswick County will allow for two full-time regularly scheduled employees on site during standard business hours (8:30 a.m. to 5:00 p.m.). 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.
4. There shall be no events or gatherings held in the model home other than open houses.
5. Customary model home signage for a temporary nature indicating an open house or an agent on duty shall be allowed, such as what is commonly called a “sandwich board”. No permanent sales signage in any form is permitted.
6. There shall be no more than two (2) workstations in the model home.

The Chairman asked if there is any other further action that needs to be taken. Ms. Shiflet stated that she would like to know the timeframe for which the decision can be appealed, and if so, what is the next process. Mr. Batton stated that the decision may be appealed to Superior Court within thirty days from the date of the decision. Ms. McCarthy asked if the thirty days would start from ‘tomorrow’s date.’ Mr. Batton responded that is correct, it would start from ‘tomorrow’s date’. The Chairman asked if another revised letter would

be issued to the developer. Mr. Batton stated that the Chairman would sign a letter based upon the Board's decision and that the date would become effective on the date the letter is delivered. The Chairman asked if someone could appeal the decision. Mr. Batton stated that any appeal will be made to Superior Court.

Mr. Batton asked for a motion to affirm model homes in a residential area and to modify the conditions as stated. Ms. Ward motioned to send the proposed model home definition and recommended conditions to the Planning Board for consideration, Ms. Shiflet seconded the motion which was unanimously carried.

Mr. Batton stated that correspondence will be sent to the property owner (Mason Anderson/Caw Caw Land Corporation) and to the appellant, which was the Brunswick Plantation Property Owners Association.

VI. STAFF REPORT.

Ms. Bunch stated that the next meeting will be held November 14th. As of today, there are two cases and possibly a third case.

VII. ADJOURNMENT.

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

COUNTY OF BRUNSWICK
ZONING BOARD OF ADJUSTMENT

For Office Use Only
File# 19-145
141

Special Use Permit Application Form

Application Number ~~19-145~~ 19-145 Date 9/12/2019
Application Fee \$250.00 Receipt # 223038
Date of Meeting 11-14-2019 / 10-10-2019 Application Deadline _____

Applicant BLED SOE ENTERPRISES, INC. Owner Charles & Pamela Spivey
Address 1105 S. FRONT ST. WILMINGTON, NC 28401 Address 4439 MT MISERY RD LELAND, NC 28451-9057
adj 41971@outlook.com
Telephone (L) 910/233-5890 Telephone (L) 910-520-8615 or 423-486-3834
Relationship of Applicant to Owner Friend
Property Street Address 4439 MT MISERY RD LELAND, NC 28451-9057
Tax Map # see attached 069 0010301 and 009 00105 Parcel Zoning Designation RR
Proposed Use of Property Family pond fishing picnic area / farm →

SouthernGraphicsDesigns@gmail.com

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. there are None
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 area we would like to dig is more than two hundred feet (200 ft) from any property line, therefore the pond will not decrease nor increase the value any of the adjoining properties. by digging the pond it would help to reduce low areas by filling the low areas with the dirt and also drain our property there by allowing us to grow and produce better and more abundant crops.
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

9/12/19
Date
Page 1 of 1

Michael Bledsoe
Signature of Applicant
(Michael Bledsoe)

Charles & Pamela Spivey
Signature of Property Owner

SPIVEY POND NARRATIVE

Leland, North Carolina

For

Charles Spivey
4439 Mt. Misery Road, Leland NC 28451

(910) 520-8615



Revised
11/05/2019



November 2019

Prepared by:

NORRIS & TUNSTALL CONSULTING ENGINEERS, P.C.

1429 Ash-Little River Road
Ash, North Carolina 28420

(910) 287-5900
(910) 287-5902 (Fax)

License # C-3641
N&T Project No. 19124

NARRATIVE

The property owner, Mr. Charles Spivey wants to construct a five-acre fish pond on his property. As part of the construction he wishes to sell the excavated soil material rather than spread it over his property. He intends to accomplish this by applying for a single source borrow pit permit through NCDEQ with the intent that all of the excavated material that leaves the site will be used at Compass Point for the construction of house pads and other improvements on that project site. Under this scenario there is no need for a mining permit as long as the disturbed area is five acres or less and all the exported material goes to one off site project. A new parcel will be created that contains the pond area that is 20 acres or less in size. For dust control the owner will use a water truck as needed. The hours of operation will be limited to daylight hours only.

The pond when completed will be used for personal enjoyment.

OWNER:
 Charles Spivy N.D.
 4439 Mt. Misery Rd.
 910-521-8615

NORRIS & TUNSTALL
 CONSULTING ENGINEERS P.C.
 1960 EASTWOOD RD., SUITE #111
 WINSTON-SALEM, NC 27157
 PHONE (703) 433-8633

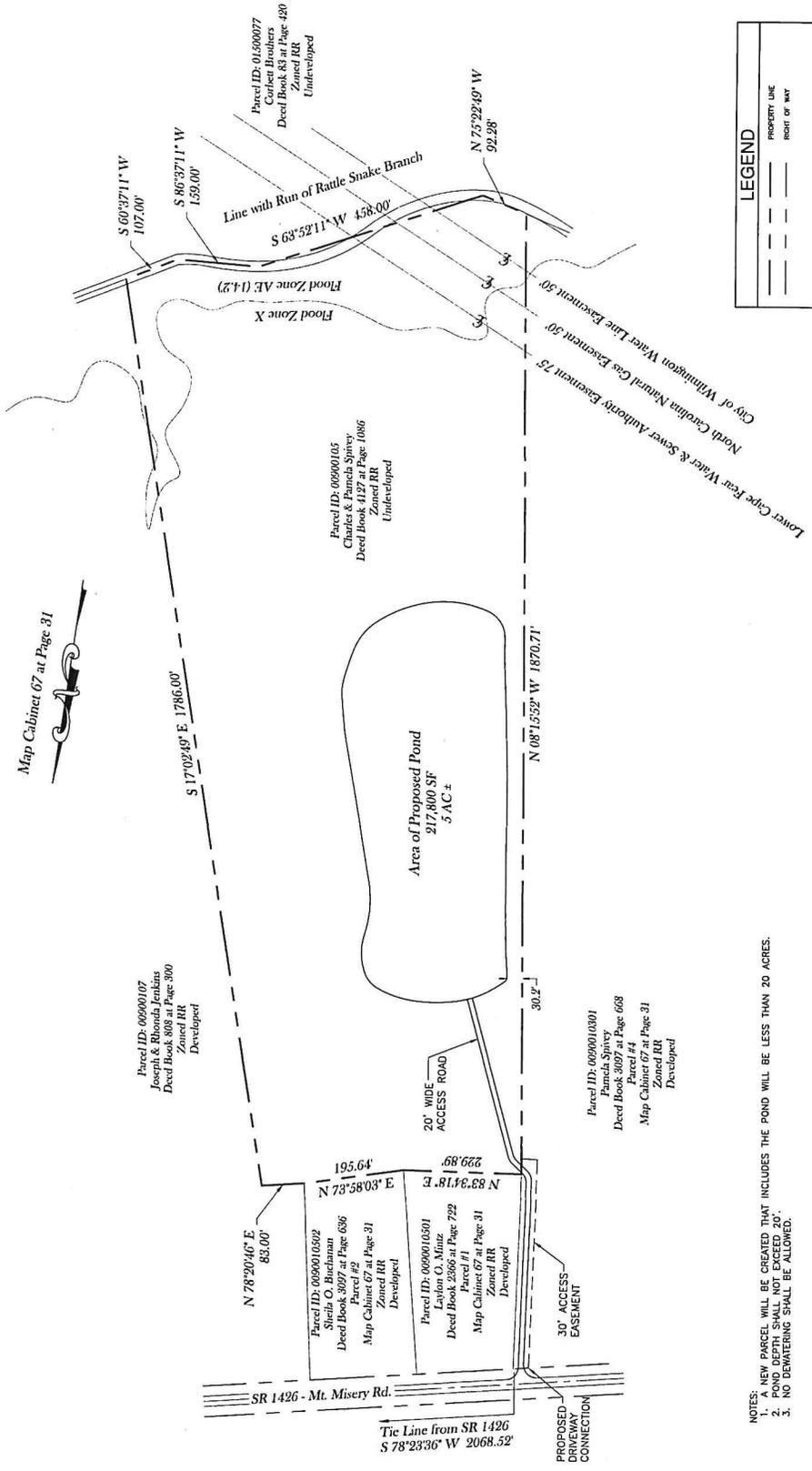
19124
 DATE: 11/01/19
 DRAWN: ZAC
 CHECKED: JPH



C1

SYMBOL	DATE	DESCRIPTION
BR		REVISIONS

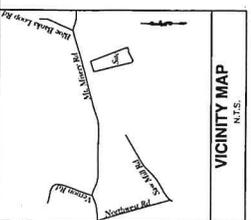
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LEGEND

---	PROPERTY LINE
---	RIGHT OF WAY

SCALE: 1" = 100'

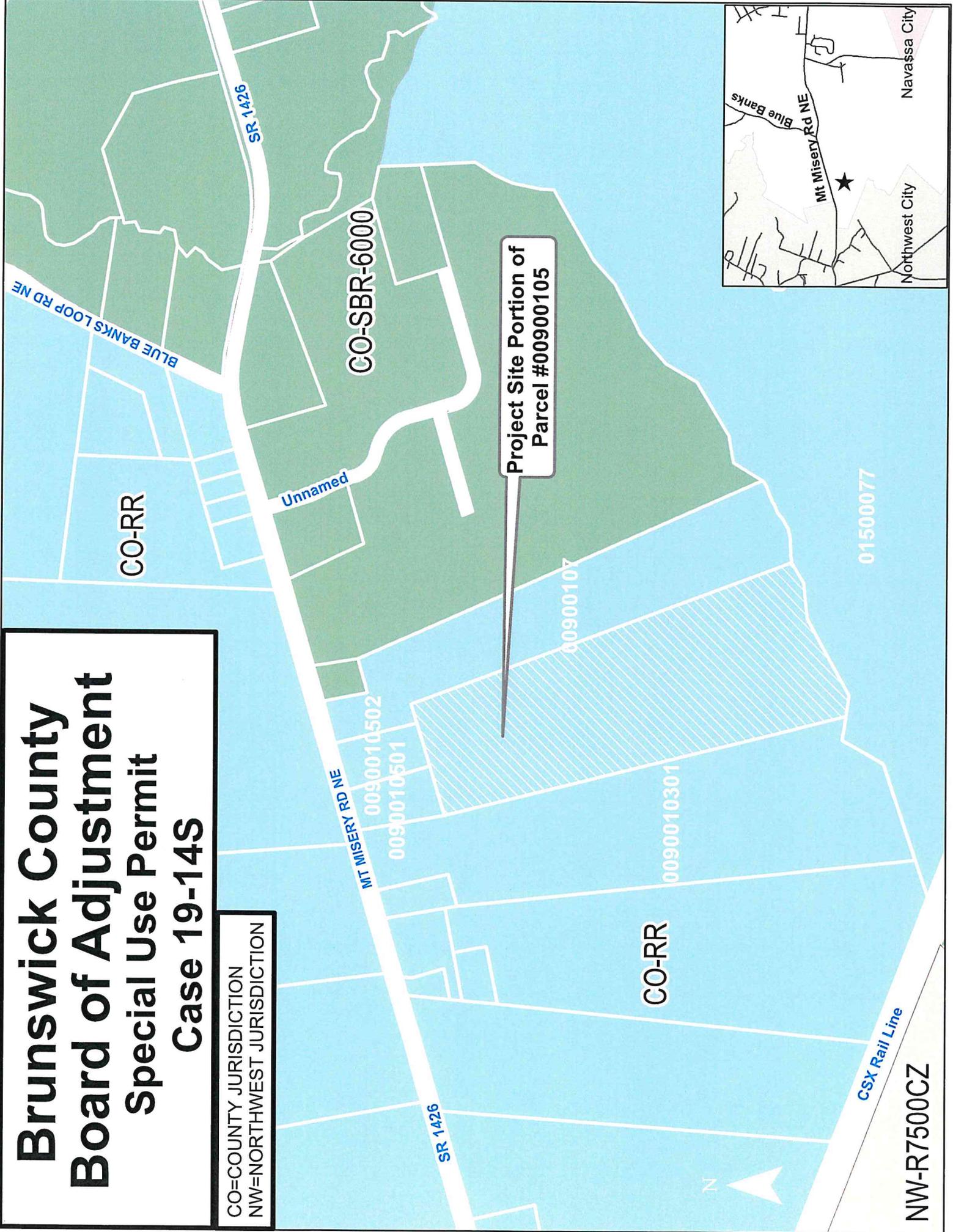


NOTES:

1. A NEW PARCEL WILL BE CREATED THAT INCLUDES THE POND WILL BE LESS THAN 20 ACRES.
2. THE POND WILL BE LESS THAN 20 ACRES.
3. NO DEWATERING SHALL BE ALLOWED.

Brunswick County Board of Adjustment Special Use Permit Case 19-14S

CO=COUNTY JURISDICTION
NW=NORTHWEST JURISDICTION

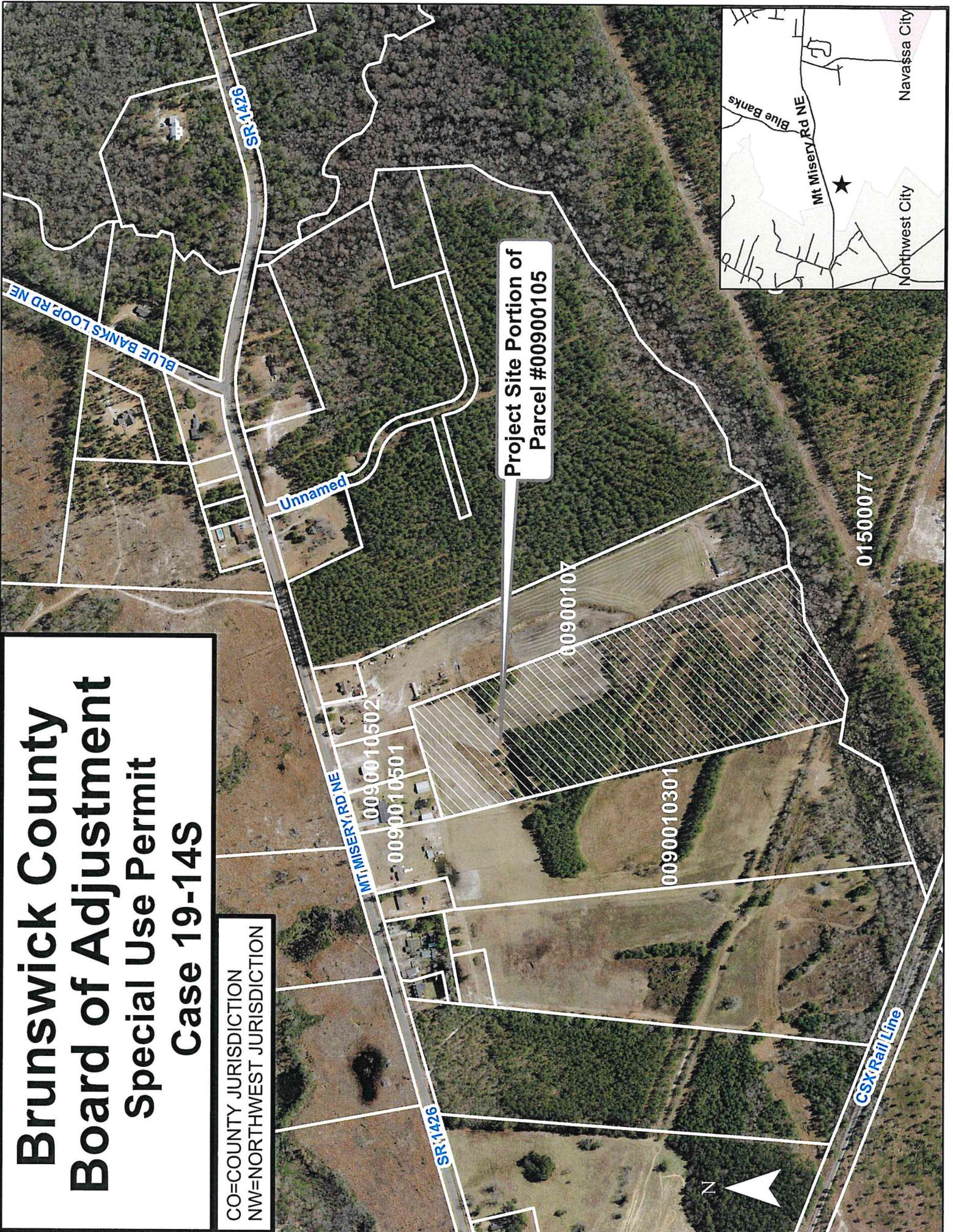


Project Site Portion of
Parcel #00900105

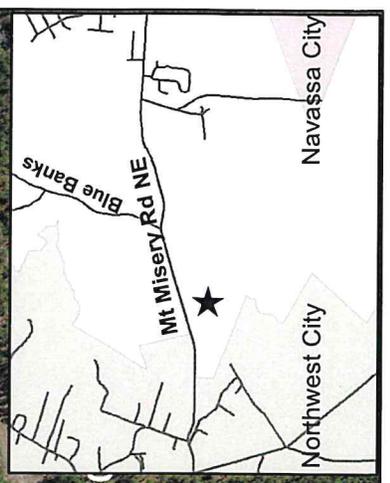
NW-R7500CZ

Brunswick County Board of Adjustment Special Use Permit Case 19-14S

CO=COUNTY JURISDICTION
NW=NORTHWEST JURISDICTION



Project Site Portion of
Parcel #00900105



CASE 19-14S

ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
0090010502	BUCHANAN SHEILA OWENS	715 DEWOIL PLANT RD	DELCO	NC	28436
0090010501	MINTZ LAYLON O	4435 MT. MISERY ROAD NE	LELAND	NC	28451
01500077	CORBETT BROTHERS	P O BOX 210	WILMINGTON	NC	28401
00900107	JENKINS JOSEPH TERRY ET	3091 PENDERLEA HWY	BURGAW	NC	28425-4061
0090010301	SPIVEY PAMELA	4439 MT MISERY ROAD	LELAND	NC	28451

OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
00900105	SPIVEY CHARLES MALCOLM SR ETUX	4439 MT MISERY RD NE	LELAND	NC	28451-9057

APPLICANT(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
N/A	BLED SOE ENTERPRISES, INC	1105 S. FRONT ST	WILMINGTON	NC	28401

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

November 14, 2019

Application No. 19-14S

Applicant: Bledsoe Enterprises, Inc

Property Location: 4437 Mount Misery Road, Leland NC 28451

Parcel Numbers: Portion of 00900105

Zoning District: Rural Residential (RR)

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

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

Proposed Use of Property: “Class I Mining Operation”

The application was submitted to the Brunswick County Planning Department on September 12, 2019.

Bledsoe Enterprises, Inc. desires to develop a Class I Mining Operation at the above referenced location. The Brunswick County Future Land Use Plan designates the subject parcel as Low Density Residential (LDR). The proposed use is only permissible in the RR Zoning District with Special Use Permit approval by the Brunswick County Board of Adjustment.

Approval Criteria – Section 3.3.9.B:

- 1. Circulation:** All access to the site will occur from Mt. Misery Road (SR 1426) via a 30-foot access easement to the site with a 20-foot haul road developed within the parcel. The applicant will use a water truck as needed for dust control. 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:** There will be no scales or office on-site. 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 truck staging.
3. **Service Entrances and Areas:** All service vehicles will access the subject property from Mt. Misery 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 will not be required for the proposed operation, as the mining site will not be manned.
7. **Open Space:** There are no separate open space requirements for this use.
8. **Environmental Protection:** The applicant must meet all applicable Federal, State and Local Government requirements.
9. **Screening, Buffering and Landscaping:** Project boundary buffers are required. RR Zoning to RR Zoning Undeveloped will require a 10' deep buffer with 0.2 visual opacity. If the opacity requirement 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 mining activities.
10. **Effect on Adjoining Property:** The effect on adjoining property is minimal as the current property owner owns the adjacent parcels.
11. **Compatibility:** The proposed use is permissible in the RR Zoning District with Special Use Permit approval by the Board of Adjustment.
12. **Impacts on Military Installations:** The proposed Special Use is not within five (5) miles of a military installation.

Additional Approval Criteria (Section 5.3.7.G.): Class I Mining Operation

Class I Mining Operations shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. Class I Mining Operations may not occupy more than 20 acres. **The site plan denotes a 5 acre +/- parcel.**
2. Soil or other unconsolidated material (i.e. sand, marl, rock, fossil deposits, peat, fill or topsoil) may be removed for use off-site. However, no further on-site processing is permitted (i.e. use of conveyor systems; screening machines; crushing; or other mechanical equipment). Mining activities where other on-site processing activities are conducted are considered Class II Mining Operations. **Applicant is aware that the use of conveyor systems, screening machines, crushing, or other mechanical equipment may not take place at this location.**
3. The use of explosives is not permitted. **Applicant is aware that explosives will not be used in the mining operations.**

4. All mining operations and their associated activities shall comply with the following standards when dewatering occurs:
 - i. Must be located a minimum of 100 feet from all property lines.
Applicant has stated that dewatering will not occur on this site.
 - ii. The depth of each excavation pit shall not exceed 35 feet.
Applicant has indicated that there will not be dewatering, therefore this requirement is not applicable.

***Commentary:** The pumping of surface waters from one excavation pit to another excavation pit when located on the same parcel of land as the mining operation shall not be considered dewatering.*

5. Temporary sand and soil mining activities undertaken in conjunction with land development may be considered a Temporary Mining or Borrow Pit subject to compliance with Section 5.5.4. **N/A**

Conditions:

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

1. The development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO).
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the special use permit application and kept on file by the Brunswick County Planning Department.
3. The applicant must legally subdivide Tax Parcel 00900105 in the manner denoted on the site plan, to include the proposed excavation area for the pond and the required buffer setbacks from the property line. The special use is to only be applicable to the mining site denoted on the site plan. The remaining parent parcel will not be a part of the Class I Mining Operation Special Use Permit.
4. The applicant must notify the North Carolina Department of Transportation (NCDOT) of the proposed change of use and provide the Brunswick County Planning Department with documentation from NCDOT stating whether site access improvements are warranted. Required improvements must be made prior to final zoning approval.
5. The applicant must notify the State of North Carolina to seek a mining permit if exported materials are hauled to more than one (1) project site. A copy of the mining permit must be filed with Brunswick County Planning Department.
6. Consistent with the application, mining operations will be limited to daylight hours only.

7. The applicant must ensure that the haul road remains dustless in nature during its use.
8. The depth of each excavation pit shall not exceed 35 feet if dewatering occurs.
9. The applicant must request a visual inspection of the site prior to the commencement of mining activities to ensure all requirements have been met.
10. 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.

DRAFT

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

Application No. 19-14S

Applicant: Bledsoe Enterprises, Inc.

Property Location: 4437 Mount Misery Road, Leland NC 28451

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

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

Proposed Use of Property: Class I Mining Operation

FINDINGS OF FACT

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

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

- Yes
- No

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

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

- Yes
- No

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

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

Application No. 19-14S

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

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

- IV. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL ADEQUATELY ADDRESS THE TWELVE (12) REVIEW FACTORS IDENTIFIED IN SECTION 3.3.9.B. OF THE BRUNSWICK COUNTY UNIFIED DEVELOPMENT ORDINANCE:
 Yes
 No

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

V. DECISION:

1. MOTION TO GRANT PERMIT:

“I move that we GRANT the special exception because the proposed use, if developed as proposed and subject to the conditions imposed below:

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

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

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

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

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

CONDITIONS:

- 1. That the development shall proceed in conformity with all plans and design features submitted as part of the special use permit application and kept on file by the Brunswick County Planning Department.
- 2. That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
- 3. That if the specified conditions addressed in this special use permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.
- 4. _____

- 5. _____

- 6. _____

COUNTY OF BRUNSWICK

ZONING BOARD OF ADJUSTMENT

RECEIVED
10-14-2019

Variance Application Form

Application Number 19-15V Date 10-10-19
Application Fee \$100.00 150.00 Receipt # 4u2072 ; 4u2071
(Effective July 1, 19)

Applicant PATRICK NEWTON Owner PAT NEWTON PROPERTIES, LLC
Address PO BOX 3292 Address PO BOX 3292
CARY, NC 27519 CARY, NC 27519
Telephone 919-677-9696 Telephone 919-677-9696
Relationship of Applicant to Owner LLC MEMBER/MANAGER
Property Street Address 4734 PATRICK NEWTON DR SE 28461
Tax Map # 22/AE049 Block N/A Lot 49
MB 24 P4392
Lot Dimensions 40x357 Square Footage 36,155 Zoning C-LD
PLUS IRREGULAR AREA
TO SOUTH

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.

Variance Application for Tax Parcel 221AE049

Background: The off-premise sign shown on the attached site plan was legally constructed under Brunswick County Building Permit Number 11302 and a Compliance/Occupancy Certificate was issued on August 13, 1990. This was prior to adoption of the Brunswick County Zoning Ordinance in January 1994. The sign has been continuously operated and maintained since original construction. This Variance Application is being submitted solely due the NC Highway 211 widening Project R-5021.

In early 2017, the NCDOT hired a contractor to move the sign out of the newly acquired NCDOT right-of-way and easement areas as required by Project R-5021. The contractor applied for and was issued Brunswick County Building Permit 420556 to relocate the sign in accordance with the North Carolina Building Code. The sign was moved on May 15, 2017 and a new Compliance/Occupancy Certificate was issued on June 16, 2017 for the relocated sign.

In March 2018, Owner was notified by the Brunswick County Planning Department that Permit 420556 was issued in error, and that a Nonconforming Use Certificate and Variance are required to allow relocation of the sign. Owner applied for a Nonconforming Use Certificate in August 2018 and a Nonconforming Use Certificate was issued in September 2019.

Variations Required: The forced relocation of the sign requires a variance from the following Brunswick County UDO provisions:

8.5.2. Stacking of signs on top of one another is prohibited. The existing structure was originally permitted and built with the tiered (over/under) sign panels. Each sign panel conforms with the UDO maximum size requirement of 378 square feet and no variance is required for the individual panel area. The structure was simply shifted approximately 30 feet south of the original location onto a new concrete foundation on the same parcel.

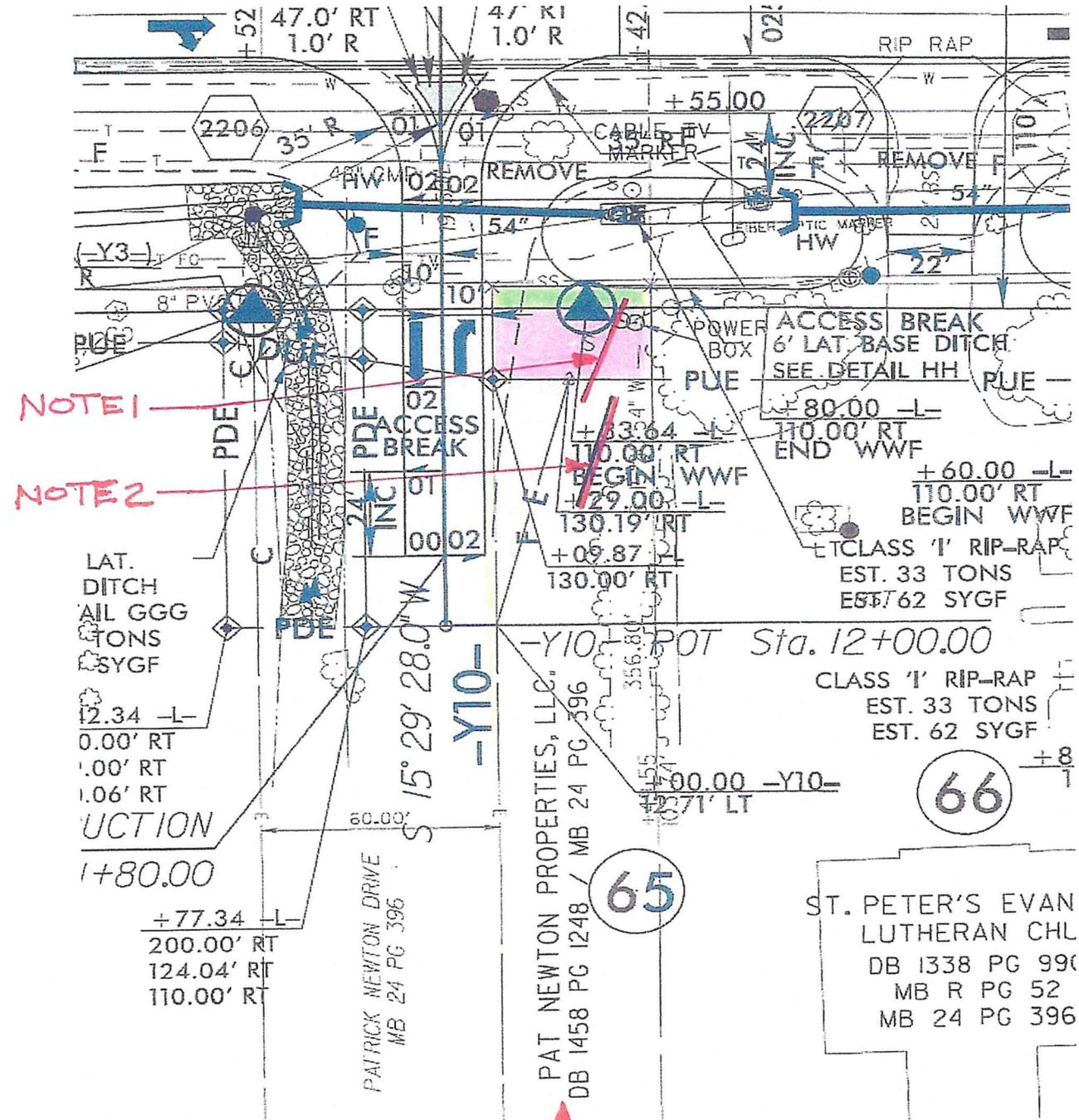
8.8.1.G.1. The minimum separation between off-premise signs on NC 211 is 3,000 linear feet. The sign is located at least 510 feet from an existing permitted off-premise sign located on Tax Parcel 2210006304.

8.8.1.I. Signs must be set back a minimum of 15 feet from any property line. The sign is located at least one foot from the eastern property line and at least 14 feet from the western property line. The sign is set back 20 feet from the front property line and no variance is required for the front setback.

8.8.1.L.1. Signs must be separated 500 linear feet from the centerline of an intersection. The sign is located at least 26 feet from the centerline of the Patrick Newton Drive/NC 211 intersection. This distance is based on the intersection location as shown on NCDOT Project R-5021 Plan Sheet 22.

8.8.1.L.3. Signs must be separated 250 feet from churches. The sign is located at least 1 foot from the St. Peters Lutheran Church western property line and at least 74 feet from the Joy Assembly Church eastern property line.

NCDOT Project Map



NOTE 1

NOTE 2

- P/w
- PUE
- TCE

NOTE 1: ORIGINAL SIGN LOCATION (N.T.S.)

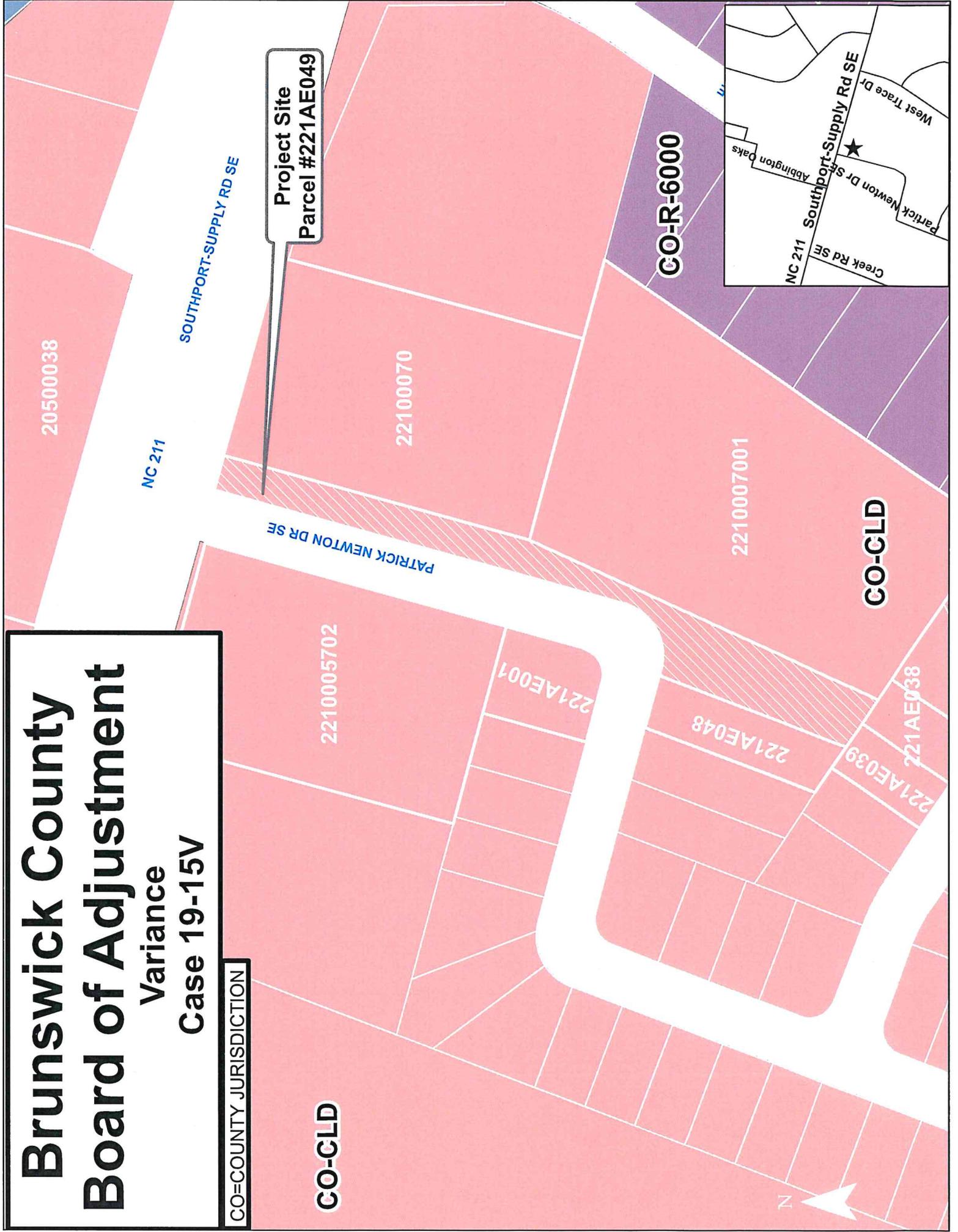
NOTE 2: NEW SIGN LOCATION (N.T.S.)

TAX PARCEL ID 221AEO49

Brunswick County Board of Adjustment

Variance
Case 19-15V

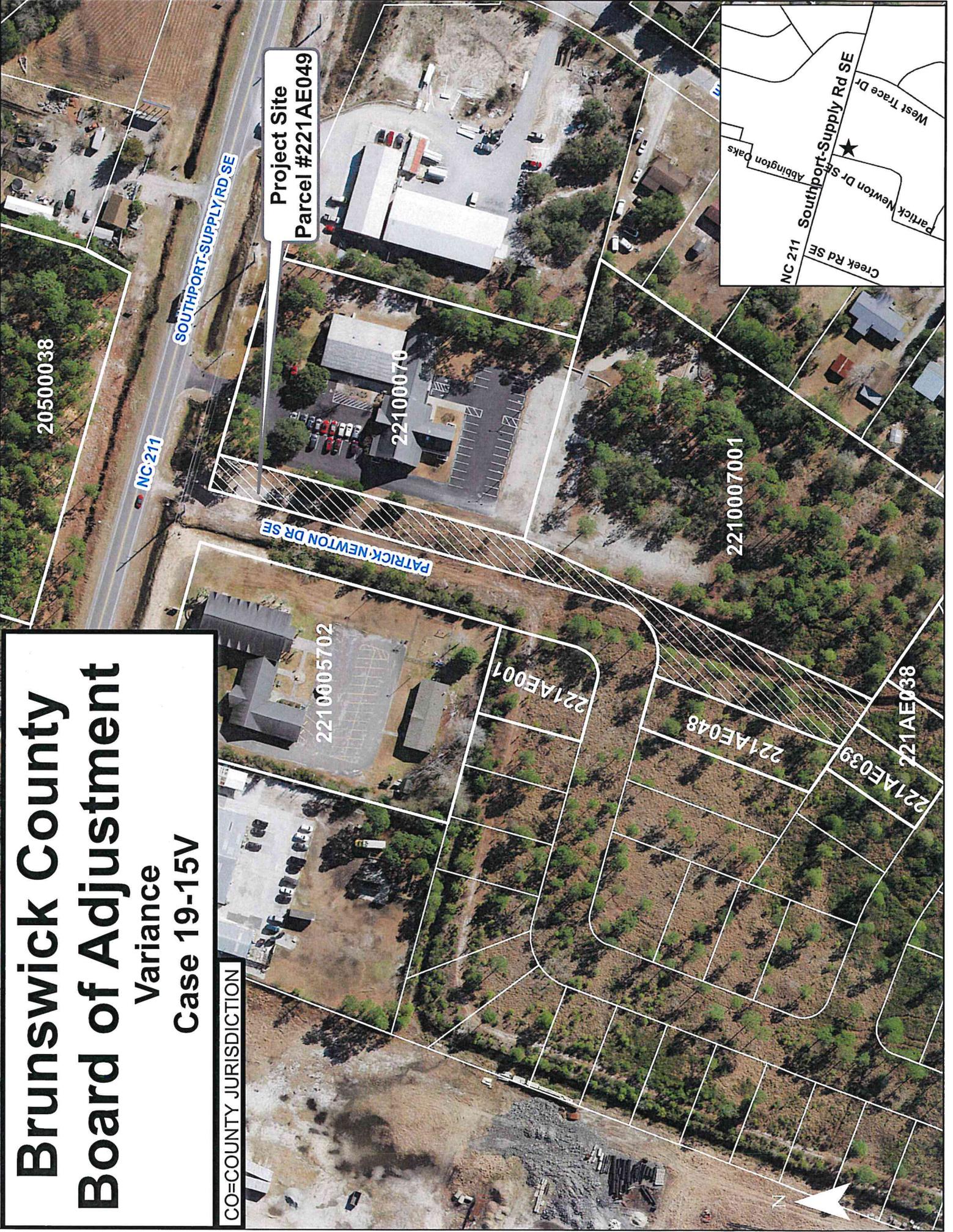
CO-COUNTY JURISDICTION



Brunswick County Board of Adjustment

Variance
Case 19-15V

CO-COUNTY JURISDICTION



Project Site
Parcel #221AE049

SOUTHPORT-SUPPLY RD SE

NC 211

PATRICK NEWTON DR SE

20500038

22100070

2210007001

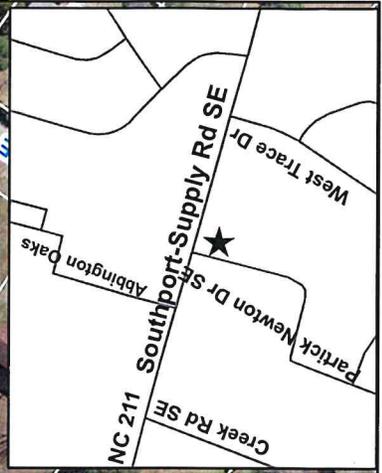
2210005702

221AE001

221AE048

221AE039

221AE038



CASE 19-15V

ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
2210005702	JOY ASSEMBLY OF GOD	4811 SOUTHPORT SUPPLY SE	SOUTHPORT	NC	28461
221000070	ST PETERS LUTHERAN CHURCH	4843 SOUTHPORT-SUPPLY RD	SOUTHPORT	NC	28461
2210007001	ST PETERS LUTHERAN CHURCH	4843 SOUTHPORT-SUPPLY RD	SOUTHPORT	NC	28461
221AE001	BARKER AND CANADY CUSTOM HOMES INC	2005 EASTWOOD RD SUITE 201	WILMINGTON	NC	28403
221AE039	BARKER AND CANADY CUSTOM HOMES INC	2005 EASTWOOD RD SUITE 201	WILMINGTON	NC	28403
221AE038	BARKER AND CANADY CUSTOM HOMES INC	2005 EASTWOOD RD SUITE 201	WILMINGTON	NC	28403
221AE048	BARKER AND CANADY CUSTOM HOMES INC	2005 EASTWOOD RD SUITE 201	WILMINGTON	NC	28403
20500038	HAYWOOD EQUITY GROUP LTD PARTNERSHIP	PO BOX 458	GASTONIA	NC	28053-0458

OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
221AE049	PAT NEWTON PROPERTIES LLC	POST OFFICE BOX 3292	CARY	NC	27519

APPLICANT(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
221AE049	PATRICK NEWTON	POST OFFICE BOX 3292	CARY	NC	27519

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

November 14, 2019

Application No. 19-15V
Applicant: Patrick Newton, dba Pat Newton Properties, LLC
Property Location: 4734 Southport-Supply Road SE, Southport NC 28461
Parcel Number: 221AE049
Zoning District: Commercial Low Density (CLD)
Surrounding Zoning **North:** CLD **South:** CLD
East: CLD **West:** CLD

Proposed Use of Property: Outdoor Advertising Structure

The application was submitted to the Brunswick County Planning Department on October 10, 2019.

The applicant, Pat Newton dba Pat Newton Properties, LLC, has filed an application for the following Variances from Section 8 of the Brunswick County Unified Development Ordinance (UDO) to allow an Outdoor Advertising Structure to be relocated as follows:

Variance from Section 8.5.2. of the UDO to allow the double decking (stacking) of signage, as it is not allowed in the current ordinance for outdoor advertising signs.

Variance of 2,490 linear feet from Section 8.8.1.G.1. of the UDO to allow a non-conforming outdoor advertising structure to be relocated five hundred ten (510) linear feet from another off-premise sign as opposed to the minimum three thousand (3,000) linear feet of separation for off-premise structures required by the UDO..

Variance from Section 8.8.1.I. to allow the outdoor advertising structure to be located one (1) foot from the east property line and fourteen (14) feet from the west property line as opposed to the fifteen feet (15) from any property line setback required. This will equate to a 14' variance from the east property line and a 1' variance from the west.

Variance from Section 8.8.1.L.1., which requires 500 linear feet from the centerline of an intersection for sign placement. The proposed sign will be 26' from the intersection of Southport-Supply Road and Patrick Newton Drive, thus requiring a variance of 474 linear feet.

Variance from Section 8.8.1.L.2., which requires that another outdoor advertising be 150' from any existing on-premise sign. It is proposed to be 144' from the closest on-premise sign, requiring a 6' variance.

Variance is from Section 8.8.1.L.3.3., which requires an outdoor advertising structure to be 250' from any church. The proposed sign will be 1.5' from the church property line, which will require a variance of 248.5 linear feet.

All variances 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.
- Pat Newton Properties, LLC is the owner of the property located at 4734 Southport-Supply Road SE, Southport NC.
- The subject property contains 0.829 acres 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 19-04 was issued for the subject Outdoor Advertising Sign by the Brunswick County Zoning Administrator on September 3, 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 and will need each of the above-noted variances to relocate the Outdoor Advertising Structure to the proposed location.



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

NONCONFORMING USE CERTIFICATE NU 19-04

This document is 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: 221AE049

Physical Address of Subject Parcel: 4734 Patrick Newton Drive SE

Existing Nonconforming Use: Outdoor Advertising Sign

Petitioner's Name and Mailing Address: Patrick Newton

PO Box 3292

Cary, NC 27519

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: September 3, 2019

BRUNSWICK COUNTY BOARD OF ADJUSTMENT

ORDER GRANTING/DENYING A VARIANCE

The Board of Adjustment for Brunswick County, having held a public hearing on November 14, 2019 to consider Case Number 19-15V, submitted by Patrick Newton, a request for a variance to use the property located at 4734 Southport-Supply Road, 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:

**COUNTY OF BRUNSWICK
ZONING BOARD OF ADJUSTMENT**

For Office Use Only
File# 19-165

Special Use Permit Application Form

Application Number 19-165 Date 10-17-19
Application Fee \$250.00 + \$300.00 Receipt # 222718
Date of Meeting 11-14-2019 Application Deadline _____

Applicant Jamie Jones Owner Ahmed Rabah Maher Etux Rasmiya

Address 2724 Pine Knoll Ln. SW Address 2816 Rose St.
Supply, NC 28462 Supply, NC 28462

Telephone (L) _____ (C) 919-532-1278 Telephone (L) 910-952-5100 (C) _____

Relationship of Applicant to Owner none

Property Street Address 2811 Holden Beach Rd. SW

Tax Map # 2324C00109 Parcel Zoning Designation C4D

Proposed Use of Property Retail, Kennel

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. N/A
4. In the space below, please indicate how the proposed project will or will not substantially injure the value of adjoining or abutting property.

All of the surrounding property is zoned Commercial Low Density, as is the subject parcel.

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

10-22-19
Date

Jamie Jones
Signature of Applicant

[Signature]
Signature of Property Owner

Brunswick County Board of Adjustment

Special Use Permit
Case 19-16S

CO-COUNTY JURISDICTION

CO-R-6000

232HC001

232HC002

CO-CLD

NC 130

HOLDEN BEACH RD SW

232HC00108

CO-MR-3200

232HD00302

N

CO-R-6000

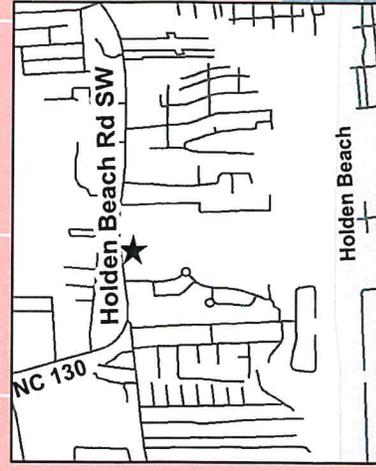
LIBERTY LN SW

Project Site
Parcel #232HC00109

232HC00104

CO-CLD

232HC00106

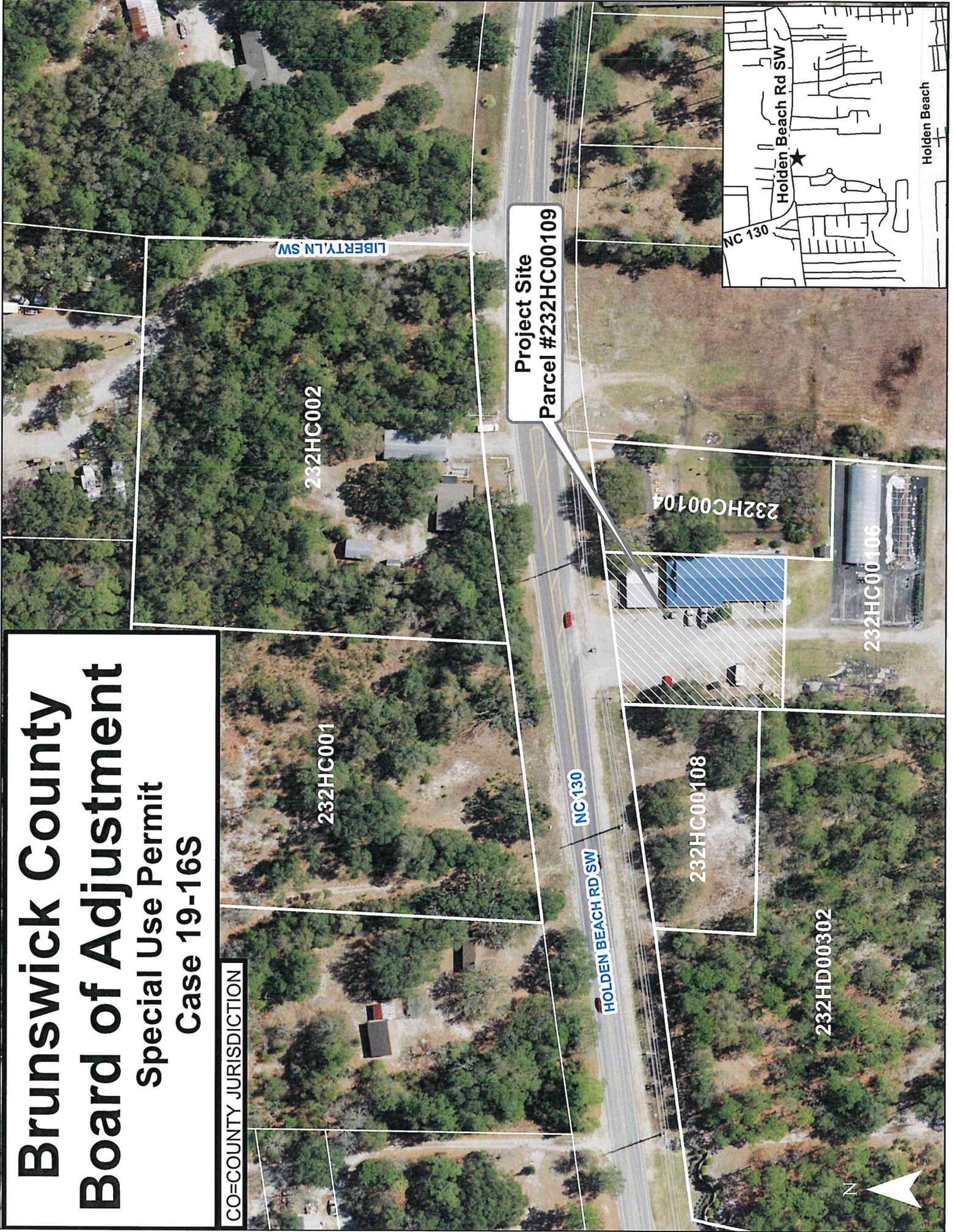


Brunswick County Board of Adjustment

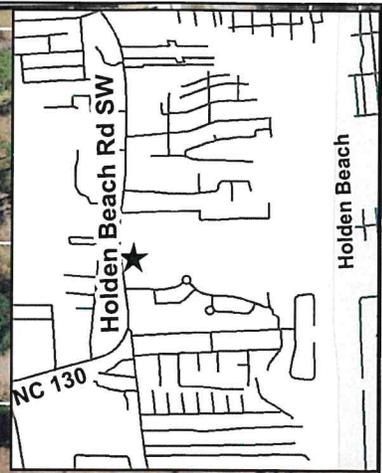
Special Use Permit

Case 19-16S

CO-COUNTY JURISDICTION



Project Site
Parcel #232HC00109



CASE 19-16S

ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
232HC00104	MATTINGLY KAYE C TRUSTEE (LT)	2822 HOLDEN BEACH ROAD SW	SUPPLY	NC	28462
232HC00106	ABOU RAHAL MAHER ETUX RASMIYA	2816 ROSE STREET	SUPPLY	NC	28462
232HC002	MATTINGLY KAYE C TRUSTEE	2822 HOLDEN BEACH RD SW	SUPPLY	NC	28462
232HC001	FAR STAR OFFICE PARK LLC	348 SERENTY DRIVE	HOLDEN BEACH	NC	28462
232HD00302	SOUTH SHORE REAL ESTATE LLC	PO BOX 14	WINNABOW	NC	28479
232HC00108	OTTON HOWARD E JR ET JANET	457 RIDGE ROAD	LEESVILLE	SC	29070

OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
232HC00109	ABOU RAHAL MAHER ETUX RASMIYA	2816 ROSE STREET	SUPPLY	NC	28462

APPLICANT(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
N/A	JAMIE JONES	2724 PINE KNOLL LN SW	SUPPLY	NC	28462

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

November 14, 2019

Application No. 19-16S

Applicant: Jamie Jones

Property Location: 2811 Holden Beach Road SW

Parcel Number: 232HC00109

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:** CLD **South:** CLD
 East: CLD **West:** CLD and MR-3200

Proposed Use of Property: “Kennel”

The application was submitted to the Brunswick County Planning Department on October 17, 2019.

Jamie Jones proposes to open a business for a “Kennel” at the above referenced location. The Brunswick County Future Land Use Plan designates the subject parcel as Commercial. 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 3.5.9.B:

1. **Circulation:** All access to the site will occur from Holden Beach Road (NC 130) via an existing commercial driveway developed within the parcel. As a condition of approval, the applicant must notify the North Carolina Department of Transportation (NCDOT) of the proposed change of use and provide the Brunswick County Planning Department with documentation from NCDOT stating whether site access improvements are warranted. Required improvements must be made prior to final zoning approval.

2. **Parking and Loading:** A minimum of one space per 250 square feet of structure must be provided for the kennel. With a square footage of 2,040 square feet of space, at least 8.16 parking spaces must be provided for the kennel, with one (1) of these spaces being an accessible space. There is adequate parking area for the creation of parking spaces on the site.
3. **Service Entrances and Areas:** All service vehicles will access the subject property from Holden 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 a septic system are available for this site.
7. **Open Space:** There are no separate open space requirements for this site.
8. **Environmental Protection:** The applicant must meet all applicable Federal, State and Local Government requirements.
9. **Screening, Buffering and Landscaping:** A ten-foot (10') Project Boundary Buffer with 0.2 visual opacity is required for the portion of the property adjacent to undeveloped MR-3200 Zoning. Existing vegetation can be used to meet buffer requirements if the vegetation is available.
10. **Effect on Adjoining Property:** The effect on adjoining property is minimal as all adjacent parcels are vacant except for one parcel which is zoned CLD with a mobile home located on it.
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 5.3.5.U.): Veterinary Clinics, Animal Hospitals, and Kennels

Veterinary clinics, animal hospitals, and kennels shall be permitted in accordance with the use tables in Section 5.2., subject to the following:

1. In the RR district, the use shall be permitted as a limited use subject to the standards in this Section. **NA.**
2. A 300-foot separation shall be maintained between the outdoor areas where animals are kept and any property line of any adjacent residential use in a residential district. **NA.**
3. A minimum six-foot highwall shall be installed and maintained between outdoor areas where animals are kept and any property line of an adjacent residential use in a non-residential district. **Applicant is aware of this requirement.**
4. The facility shall be constructed, designed, and located on the site to minimize noise, odor, and other impacts on neighboring properties. Adequate waste disposal shall be required to maintain sanitary conditions and control odor. **Applicant is aware of this requirement.**
5. All facilities shall be licensed by the animal Health Division of the North Carolina Department of Agriculture and Consumer Services, Article 3, and all other

required permits or certificates shall be acquired and maintained. **Applicant is aware of this requirement.**

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 parking spaces in the parking lot must be delineated consistent with the requirements of the UDO with at a minimum the required number of spaces for each permitted use. In addition to the standard parking spaces, accessible spaces must be provided consistent with the UDO.
4. Indicate on the site plan the location and proposed screening of the dumpster.
5. Install and maintain a six-foot fence must be between outdoor areas where animals are kept and any property line of an adjacent residential use in a non-residential area.
6. All licenses must be received prior to the opening of the business.
7. Contact the Brunswick County Planning Department to complete an on-site zoning compliance inspection prior to the opening of the business.
8. If the specified conditions addressed in this special use permit are violated, the permit shall be revoked, and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.

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

Application No. 19-16S

Applicant: Jamie Jones

Property Location: 2811 Holden Beach Road SW, Supply NC 28462

Zoning District: CLD **Land Use Classification:** Commercial

Surrounding Zoning: North: CLD, South: CLD, East: CLD, West: CLD & MR-3200

Proposed Use of Property: Kennel

FINDINGS OF FACT

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

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

- Yes
- No

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

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

- Yes
- No

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

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

Application No. 19-16S

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

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

- IV. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL ADEQUATELY ADDRESS THE TWELVE (12) REVIEW FACTORS IDENTIFIED IN SECTION 3.3.9.B. OF THE BRUNSWICK COUNTY UNIFIED DEVELOPMENT ORDINANCE:
 Yes
 No

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

- V. DECISION:

1. MOTION TO GRANT PERMIT:

“I move that we GRANT the special exception because the proposed use, if developed as proposed and subject to the conditions imposed below:

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

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

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

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

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

CONDITIONS:

- 1. That the development shall proceed in conformity with all plans and design features submitted as part of the special use permit application and kept on file by the Brunswick County Planning Department.
- 2. That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
- 3. That if the specified conditions addressed in this special use permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.
- 4. _____

- 5. _____

- 6. _____



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

MEMORANDUM

DATE: October 24, 2019

TO: Brunswick County Planning Board

FROM: Helen Evans Bunch, Clerk *Helen Evans Bunch*
Brunswick County Board of Adjustment

RE: Development of a Definition for a "Model Home"

On September 12, 2019 and October 17, 2019, the Brunswick County Board of Adjustment heard a case appealing the staff determination of what is considered a "model home". After the Board rendered its decision, it was recommended that the term "model home" be included in the Definition Section of the Ordinance and that consideration be given to the following definition.

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 for the time during which the section is being developed.

Recommended conditions for the use include the following:

1. The model home is considered a residential use and must maintain the residential character of the community.
2. A separate parking lot is not allowed for a model home. Parking is to take place within the existing driveway, with no vehicle turnaround space contiguous to the driveway.
3. An employee presence is typical at a model home. Brunswick County will allow for two full-time regularly scheduled employees on site during standard business hours (8:30 a.m. to 5:00 p.m.). 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.
4. There shall be no events or gatherings held in the model home other than open houses.

5. Customary model home signage for a temporary nature indicating an open house or an agent on duty shall be allowed., such as what is commonly called a "sandwich board". No permanent sales signage in any form is permitted.
6. There shall be no more than two (2) workstations in the model home.

We are happy to answer any questions that you may have.

/heb