

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 Cruze 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.