

CAROLINA BEACH

Board of Adjustment Meeting

Monday, September 15, 2025 - 6:00 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



MINUTES

CALL TO ORDER

Chairman Thompson called the meeting to order at 6:00 PM.

PRESENT

Chairman Ken Thompson
Vice Chairman Wayne Rouse
Board Member Wayne Hartsell
Board Member Patrick Boykin
Board Member Dan Adams

ALSO PRESENT

Community Development Director Jeremy Hardison
Senior Planner Gloria Abbotts
Planner Haley Anderson
Stormwater System Manager Daniel Keating
Code Enforcement Officer Ashley Martin
Board Attorney Matt Nichols

APPROVAL OF MINUTES

May 22, 2025 – BOA Minutes

ACTION: Motion to approve the minutes as written

Motion made by Vice Chairman Rouse, seconded by Board Member Boykin

Voting Yea: Chairman Thompson, Vice Chairman Rouse, Board Member Hartsell, Board Member Boykin, Board Member Adams

Motion passed unanimously

PUBLIC HEARING

To Consider an Appeal from a Violation Issued for Materials Placed in the Town Right-of-Way
Pertaining to Section 34-8 of the Town Ordinance
Applicant: Willis and Nancy Cohoon

One of the roles for the Board of Adjustment is to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by staff. Staff has made a decision based on the Town ordinance, and the applicant is appealing staff's administrative decision. This is not a variance.

Applicants Willis (Bill) and Nancy Cohoon submitted an appeal application dated August 15, 2025. The appeal was submitted after a violation letter was issued on July 18, 2025, regarding 4x4 wood timber boards held in place by 10-inch spikes that were installed in the Town right-of-way on both Delaware Avenue and Florida Avenue – approximately 160 linear feet. Per Chapter 34, Section 8: Right-of-way maintenance:

Plantings in the right-of-way. No person shall place structures, materials, plantings, trees or shrubs in the right-of-way, unless associated with chapter 26, section 26-11, placement, collection, quantity and cost for pick-up of acceptable materials.

The violation was first discovered by Mr. Keating, who on January 29, 2025, found the property owner at 101 Delaware Avenue had a landscape crew preparing to install timbers lining the property at the street edge. Mr. Keating advised the contractors they could not install permanent structures in the Town right-of-way. Mr. Cohoon, the property owner, called the Town and spoke to Mr. Keating, who explained the Town ordinance to him and told him to speak to Mr. Hardison to discuss ordinance requirements and see if there was any flexibility in the ordinance for the timbers to be placed in the right-of-way. Mr. Cohoon did not contact Mr. Hardison, and Mr. Hardison sent Ms. Martin to the site to check if the timbers were installed. Upon her site visit, there were no timbers installed, and the property owner never contacted Mr. Hardison to discuss it, so Mr. Hardison thought the issue was resolved.

On June 5, 2025, Mr. Keating was checking storm drains on Florida Avenue when he again found a landscaping company installing the timbers. Mr. Keating spoke with Public Works Services Coordinator Eion Dockery, who confirmed the timbers were not permitted to be installed. Mr. Keating spoke to the homeowner, and Mr. Cohoon stated he received a permit to install them from the Community Development Department. The only permit on file for this address was a fence permit from 2021, and there was no record of the owner speaking to someone in the Community Development Department. After Mr. Keating spoke to them, the landscapers continued their work.

On July 18, 2025, Ms. Martin issued a violation warning letter, which was mailed to the owners of 101 Delaware Avenue.

Reasons for limiting materials in the right-of-way:

- Limits stormwater infiltration and drainage
- Improperly constructed curb
- Impedes right-of-way maintenance

Individuals planning to speak on the matter were sworn in.

Ms. Anderson presented the details and reviewed the timeline. She explained that these rights-of-way are 40 feet wide, and the area where the timbers were installed is legally Town property.

ACTION: Motion to open the public hearing

Motion made by Vice Chairman Rouse, seconded by Board Member Adams

Voting Yea: Chairman Thompson, Vice Chairman Rouse, Board Member Hartsell, Board Member

Boykin, Board Member Adams
Motion passed unanimously

Mr. Cohoon said he has owned the home for about 20 years and meant no disrespect to Town staff. He explained that the wooden timbers are small and easily removable, not a permanent structure, and would not impede Town maintenance or repairs. Mr. Cohoon said he installed them to define his property boundary, prevent vehicles from parking on or damaging his lawn, and reduce erosion and runoff into the street. He added that he believed his actions improved the community's appearance and environmental health, and he mentioned that many nearby properties have structures or materials within the right-of-way but have not been cited. Mr. Cohoon asked that if his appeal is not granted that he receive some extra time to meet the deadline for removal, which has already passed.

Neighbor Jen Starks of 203 Florida Avenue spoke in support of Mr. Cohoon, arguing that many homes in the area have similar encroachments. She provided photographs and urged the Town to enforce regulations consistently. Ms. Starks also said that Mr. Cohoon's border helped reduce flooding and runoff.

Neighbor Patrick Maloney also spoke in support of Mr. Cohoon, citing chronic flooding and traffic issues on their street. He said vehicles frequently drive through standing water, sending debris into their yards, and Mr. Cohoon's timbers helped protect his property. Mr. Maloney criticized the Town for inconsistent enforcement and inadequate stormwater management, adding that other homes have permanent masonry structures much closer to the road that have never been cited.

Mr. Keating clarified his role, stating that the situation began when a contractor questioned why materials were being installed in the right-of-way. He explained that obstacles in the right-of-way create problems for utility and maintenance workers and can lead to disputes between contractors and residents. Mr. Keating said he had no intention of singling out Mr. Cohoon but was responding to a complaint and enforcing existing rules.

Vice Chairman Rouse asked about Mr. Cohoon's request to receive extra time to comply if his appeal was not successful. Ms. Anderson said the Board may extend the time limit.

Vice Chairman Rouse asked staff to investigate other situations in the area that were mentioned as being out of compliance.

Board Member Boykin said in reading through the information Mr. Cohoon provided, there is reference to specifications and drawings being submitted, but he doesn't see anything attached. Mr. Cohoon explained that his wife hand delivered them to the front office, and the Community Development Department should have included them with the appeal. He said he never received a response and added that after months of silence, he assumed it was acceptable to proceed.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Vice Chairman Rouse, seconded by Board Member Hartsell

Voting Yea: Chairman Thompson, Vice Chairman Rouse, Board Member Hartsell, Board Member Boykin, Board Member Adams

Motion passed unanimously

Mr. Hardison said the applicant has every right to protect his property and noted that homeowners are allowed to build structures up to their property line, but not within the right-of-way. He said he hopes the applicant can meet with staff to come up with a suitable solution to meet everyone's needs.

Mr. Cohoon acknowledged that he misunderstood where his property line ended, saying he believed the dirt area beyond the asphalt belonged to him. Chairman Thompson clarified that the right-of-way extends 20 feet from the center line of the road, meaning the area where the timbers were installed is Town property. He said he understands the applicant's position but hopes he understands the Town's argument, whether he agrees with it or not.

Board Member Hartsell said everything is not black and white, and he personally would have done the same thing in the applicant's situation.

Board Member Boykin said the Town must be careful with whatever precedent is set and ensure all property owners are treated equally.

Chairman Thompson said things in the right-of-way constitute a hazard to the movement of traffic and people, and if the applicant is allowed to do this then the Town is saying it accepts responsibility and liability.

Vice Chairman Rouse said if the Town wanted to change the ordinance, then it would need to be done for the entire Town, which can't be done at this hearing and is something Council would have to do. He said he understands that what the applicant did was a defensive move and thinks it looks nice, but someone else's might not and then there would be a hodgepodge of things in the right-of-way. Vice Chairman Rouse said the Code Enforcement Officer is present and noting complaints about other properties. He said he plans to vote to affirm staff's decision but would like to give the applicant 60 days to comply so he has some extra time without incurring a fine.

Board Member Adams said he agrees with this.

ACTION: Motion to affirm, wholly or partly, the staff interpretation and determination of the violation of Chapter 34, Section 34-8 of the Town ordinance with the approval of giving the applicant 60 days to remove the materials

(Mr. Nichols clarified that the motion would be to affirm wholly the staff interpretation.)

Motion made by Vice Chairman Rouse, seconded by Board Member Adams

Voting Yea: Chairman Thompson, Vice Chairman Rouse, Board Member Boykin, Board Member Adams

Voting Nay: Board Member Hartsell

Motion passed 4-1

Chairman Thompson said the Board is upholding staff's interpretation, but the applicant has 60 days to remove the materials with no fine. He added that he likes the way it looks.

ITEMS OF BUSINESS

Appoint a Chairman and Vice Chairman of the Board of Adjustment

ACTION: Motion to nominate Ken Thompson as Chairman

Motion made by Vice Chairman Rouse, seconded by Board Member Adams

Voting Yea: Chairman Thompson, Vice Chairman Rouse, Board Member Hartsell, Board Member Boykin, Board Member Adams

Motion passed unanimously

Board Member Adams said he would like to nominate Vice Chairman Rouse to continue in that role. Board Member Boykin pointed out that Vice Chairman Rouse is running for Council. Vice Chairman Rouse said he has to get elected first. Chairman Thompson said Vice Chairman Rouse would like to serve out his term, and if he's sworn in to Council in December, then in January the Board would need to vote for another Vice Chairman. Board Member Boykin said this seems disruptive to him.

ACTION: Motion to nominate Wayne Rouse as Vice Chairman

Motion made by Board Member Adams, seconded by Chairman Thompson

Voting Yea: Chairman Thompson, Vice Chairman Rouse, Board Member Hartsell, Board Member Boykin, Board Member Adams

Motion passed unanimously

ADJOURNMENT

ACTION: Motion to adjourn

Motion made by Board Member Boykin, seconded by Board Member Adams

Voting Yea: Chairman Thompson, Vice Chairman Rouse, Board Member Hartsell, Board Member Boykin, Board Member Adams

Motion passed unanimously

The meeting adjourned at 6:50 PM.