

# CAROLINA BEACH

Board of Adjustment Meeting

Monday, June 19, 2023 - 6:00 PM

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



---

## MINUTES

### CALL TO ORDER

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

### PRESENT

Chairman Wayne Hartsell

Vice Chairman Patrick Boykin

Board Member Ken Thompson

Board Member Tim Howard

### ABSENT

Board Member Jullena Shelley

Board Member Paul Levy

Board Member David Marshall

### ALSO PRESENT

Planning Director Jeremy Hardison

Senior Planner Gloria Abbotts

### APPROVAL OF MINUTES

1. May 2, 2023 – BOA Minutes

**ACTION:** Motion to accept the minutes

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

Voting Yea: Chairman Hartsell, Vice Chairman Boykin, Board Member Thompson, Board Member Howard

*Motion passed 4-0*

### DISCUSSION ITEM

2. Variance to Chapter 40. Article VII. Fence Regulations from the Required 4-Foot Height Limitation for Fences Located Within the 20-Foot Front Yard Setback for 300 South Lake Park Boulevard

Applicant Pleasure Island Holdings LLC is requesting a variance to allow fencing over 4 feet within the 20-foot front yard setback from Sec. 40-204. - Height Restrictions, which requires that no fence shall exceed 4 feet in height when located in the front yard setback. The property is located at 300 South Lake Park Boulevard and is in the MX zoning district. The Dry Dock Inn and its pool are located on the property.

Gator Strong Services, a fence contractor, applied for a fence permit on behalf of the property owner in March 2022 to replace the fencing surrounding the pool located on the property. The application and supporting site plan materials proposed a 54-inch fence. Gator Strong Services was advised by the planning reviewer that the fencing within the front setback could not exceed 4 feet. They were told they would need to provide an updated site plan with an adjusted fence height to meet Town ordinance regulations. Danny Vulin from Gator Strong Services inquired about any fence exceptions or variance process. Mr. Hardison and Planner Haley Moccia advised Mr. Vulin there were no exceptions in the ordinance and spoke to him about the variance process. Mr. Vulin did not indicate a desire to apply for a variance at the time and was told to submit an updated site plan with a conforming fence height for fence permit approval.

No updated site plan was submitted, and the fence permit was left unissued. It was discovered in March 2023, through a code enforcement audit of all the unissued and open permit applications, that a fence was installed surrounding the pool at the Dry Dock Inn without an issued permit. The fence height surrounding the pool measured 56.5 inches. Town staff contacted Mr. Vulin, the fence contractor, and Deanna Lanni, the property owner listed on the fence application, to inform them the fence was too tall within the front setback, and it would need to be reduced to 48 inches to meet the Town's 4-foot fence height requirements. Mr. Vulin said the owner contacted the County, who sent the N.C. Administrative Code addressing fence requirements surrounding pools. Ms. Lanni said she sent the information from the County to Mr. Vulin and was unaware he proceeded without a permit.

Mr. Vulin and the owner of the Dry Dock Inn met on site to determine appropriate avenues to meet the Town ordinance. It was suggested they could alter or replace the section of fencing located within the front setback to meet the fence height requirements.

To resolve the situation, the applicant is seeking a variance to the required 4-foot fence height limitation for fences located within the 20-foot front yard setback for 300 South Lake Park Boulevard. If approved, the fence would not need to be replaced or altered to meet the 4-foot fence requirement.

Chairman Hartsell asked the applicant and applicant representative to see him. After some discussion, Mr. Hartsell said they would like to move the meeting to another time. Mr. Hardison said July 17 would be the next date on the schedule, so staff will check to see if everyone can make it then.

#### **NON-AGENDA ITEMS**

None

#### **ADJOURNMENT**

**ACTION:** Motion to adjourn

Motion made by Vice Chairman Boykin

Voting Yea: Chairman Hartsell, Vice Chairman Boykin, Board Member Thompson, Board Member Howard

*Motion passed 4-0*

The meeting adjourned at 6:05 PM.