

# CAROLINA BEACH

Planning and Zoning Commission

Thursday, July 10, 2025 - 6:00 PM

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



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## MINUTES

### CALL TO ORDER

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

### PRESENT

Chairman Wayne Rouse

Vice Chairman Jeff Hogan

Commissioner Ethan Crouch

Commissioner Todd Piper

Commissioner Bill Carew

Commissioner Lynn Conto

### ABSENT

Commissioner Melanie Boswell

### ALSO PRESENT

Community Development Director Jeremy Hardison

Senior Planner Gloria Abbotts

Planner Haley Anderson

### APPROVAL OF MINUTES

1. June 12, 2025 – P&Z Minutes

**ACTION:** Motion to approve the minutes as written

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

### STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Hardison reported the following during the past month:

#### Permitting

- 28 permits (renovation, repair, grading, additions, fences, etc.)
- 3 residential new construction
- 9 certificates of occupancy

## Demos

- 1117 Canal Drive (single-family home)
- 1611 Snapper Lane (mobile home)

## New businesses

- Noe Hair & Nail Lounge, 1000 North Lake Park Boulevard, Suite 121
- Drift Café, 1000 North Lake Park Boulevard, Suite 191
- Carolina Beach Market & Deli, 214 Cape Fear Boulevard
- Surf's Up Mini Golf, 1360 Bridge Barrier Road
- Bazen Golf Cars, 1309 Bridge Barrier Road

## Past and upcoming

- Technical Review Committee (TRC) July 1: Harmony Hospitality hotel and Carolina Beach Boat Yard new dry stacks and parking lot; a 140-room hotel is being proposed, and the company will address some of the comments from TRC and bring it back before the group in August
- Council July 8: approved commercial pool fence text amendment and tabled water-oriented uses text amendment
- Council workshop July 22: U.S. Army Corps of Engineers presentation and Canal Drive Sunny Day Flooding Project
- TRC August 5: Pedal Pub, 205 Cape Fear Boulevard rezoning from Mixed Use (MX) to Central Business District (CBD), and Harmony Hospitality hotel
- Council August 12: Motorized beach cart text amendment
- Council workshop August 26: Unified Development Ordinance (UDO) changes (including non-conforming lots)
- TBD: Carolina Beach Yacht Club Special Use Permit modification

Commissioner Carew said they have not seen a code enforcement update since January. Mr. Hardison said the latest figures are 18 complaints received, with 8 resolved, 5 letters sent out requesting compliance, and 3 still under investigation. Commissioner Carew asked for the figures from February forward, and Mr. Hardison said he would provide those.

Vice Chairman Hogan asked if the Pedal Pub had been requested in the past. Mr. Hardison said there was an application submitted by a different applicant 4-5 years ago and the Town created an ordinance to allow for it, but Council ultimately denied the application.

Chairman Rouse said this business would operate on the street and not in the water.

## **PUBLIC COMMENT**

None

## **PUBLIC HEARING**

2. Text Amendment to Amend Article 3, Section 3.6 Accessory Use Standards  
Applicant: Ashley Hunter

Applicant Ashley Hunter is applying for a text amendment to modify Article 3, Section 3.6 Accessory Use Standards. The applicant is pursuing this text amendment because they wish to build an accessory structure on their property that is inconsistent with the current ordinance regulations. She proposes the following changes:

1. allow larger lots the ability to have more than one accessory structure,
2. base the size of the accessory structure(s) on the size of the lot instead of the size of the primary structure, and
3. increase the height allowed for the structures.

#### *Number of Accessory Structures*

The applicant desires 2 separate accessory structures. This would apply to all accessory structures, residential and nonresidential. They would like to build a garage and office space and keep their existing storage shed. The current ordinance states there can be only one accessory building per lot, with limited exceptions.

#### *Size of Accessory Structures*

Based on the current ordinance, the size of the accessory structure is limited by the size of the primary structure. The applicant proposes an amendment that the size of an accessory structure would be based on lot size rather than the footprint of the home. Lots with smaller homes would be more limited in the size of their accessory structure, regardless of the size of the lot. Basing the size of the accessory structure on the lot size would be more equitable for adjacent property owners within a residential zoning district because the lots have similar characteristics but could not exceed the lot coverage of the primary structure. This amendment applies to all residential accessory structures.

#### *Height of Accessory Structure*

The applicant also desires to increase the height allowed because they would like to match the roof pitch of their single-family home, which she stated would be difficult to accomplish with the current 15-foot accessory structure height limitation.

The current Town Ordinance:

- permits only one accessory structure per lot,
- requires the accessory structure be no more than 25% the size of the primary structure, and
- limits the total height of the structure to 15 feet in height.

The text amendment is in general conformity with the Coastal Area Management Act (CAMA) Land Use Plan. The plan does not specifically touch on specifics related to accessory structures and their height, size, or number. Goal 4 of the Land Use Plan does state a desire to reduce overall non-conformities in the Town but also respect existing uses and entitlements and the rebuilding of structures. There are parcels in the Town that have more than one accessory structure that have potentially existed since before the accessory structures were limited to one per lot. There could be instances where the proposed text amendment may reduce non-conformities.

Staff is in general in support of the proposed text amendment. Staff has been working with the applicant on this and crafted language staff is comfortable with in regard to the number of structures and the size of the structures. However, staff has concerns regarding the increase in the height of the

accessory structures. Historically, the Town has been restrictive with the height of accessory structures in an effort to limit illegal conversion of these structures to living area or Accessory Dwelling Units (ADUs). Staff does also recognize there is a desire from homeowners to use these 2nd stories as office space or use the increased height allowance to add a roof pitch that better matches the primary structure roof pitch.

Ms. Anderson presented the details, including historic context, and gave examples.

Chairman Rouse asked about the difference between accessory structures and ADUs. Ms. Anderson said an accessory structure is an accessory use to the property, such as a detached garage, shed, gym, or office. She said the Town does not allow ADUs, and if someone wants an additional home on their property, they have to go through the Planned Unit Development (PUD) process.

Chairman Rouse asked if an accessory structure is allowed to have 3 plumbing fixtures. Ms. Anderson said yes, adding that a toilet and sink must go together and the 3rd is usually a shower or kitchen sink. She said any ADUs discovered in the Town would be a violation, and for them to be grandfathered they would have to show that the ADU was recognized as a taxed unit.

Commissioner Carew asked if it was a fair statement to say the ordinance needs more definition and better surrounding information to make it clearer. Ms. Anderson said yes, staff would like to have additional sessions to review accessory structures.

Commissioner Carew said he likes the idea of accessory structures being based on the size of the lot, but he questioned whether the passage of a bill at the State level would affect any changes the Town makes regarding accessory structures. Mr. Hardison said if the bill is passed, the Town would have to create an allowance for ADUs, but that doesn't mean they would have to give up on any accessory structure requirements.

Chairman Rouse questioned whether the passage of a State bill would affect setbacks for accessory structures. Mr. Hardison said the Town could be less restrictive but not more.

Commissioner Piper said he worries that any changes tonight could open up a gray area in which someone could put 2 Airbnbs on their property, which could be hard to detect and enforce.

**ACTION:** Motion to open the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

Applicant Ms. Hunter of 221 Teakwood Drive said their home has no garage and one shed, and they are just looking for storage and office space that is consistent with the architecture of the home. She said they have no interest in renting out any space.

Cary Staton of 221 Teakwood Drive said they want to build a miniature version and aesthetic match of their home, but the need for a higher pitch would put the height at about 19 feet. He said they have no interest in an ADU and just want to build a garage with an office above it.

Tony Bruffy of 1205 Saint Joseph Street said they have a large lot with a small home, so they are in agreement with the text amendment and think the current regulations are very restrictive for lots that are bigger than 7,000 square feet.

Natalie Evans of 1205 Saint Joseph Street said it would be nice to be able to expand on their property enough to make it a little more comfortable, so this text amendment should be considered.

No one else requested to speak.

**ACTION:** Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

Commissioner Conto said she agrees that the Town should reduce non-conformities, but she questioned at what cost. She mentioned stormwater problems and said more building on available land will make the situation worse. Commissioner Conto said she can understand the need for flexibility with large lots, but she can't see going above 15 feet and thinks they might be putting the cart before the horse if the State is going to impose regulations in the future.

Chairman Rouse asked what staff thinks is appropriate for height. Ms. Anderson said 15 has been the limit because it's difficult for someone to cut it in half and do something in the top of it. She said other municipalities are all over the board in their height limits: some are lower and some are higher. Ms. Anderson said she would suggest not going lower than 15 feet.

Chairman Rouse said he had a question for Mr. Staton.

**ACTION:** Motion to reopen the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

Chairman Rouse asked if 17 feet was the height needed for the project. Mr. Staton said they need more than 15 but less than 20, probably about 19 feet.

**ACTION:** Motion to close the public hearing

Motion made by Chairman Rouse

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Crouch, Commissioner Piper,

Commissioner Carew, Commissioner Conto  
*Motion passed 6-0*

Commissioner Crouch said while he is very sympathetic to this particular applicant and understands what they are trying to do, he is always concerned about unintended consequences of their decisions. He said if the Town starts allowing larger accessory structures, that's going to quickly roll into a higher frequency of the structures being used as ADUs, whether it's permitted or not, causing implications for density and traffic. Commissioner Crouch said for these reasons, he has strong trepidation about approving the amendment as it stands. He said he would consider some flexibility in terms of lot-size ratios but thinks the full request is too broad-reaching.

Commissioner Carew said there are compelling arguments for the Town to address this section of the code, but he doesn't think they are going to resolve this tonight. He said he agrees that tying the number of accessory structures to lot size makes sense, but he has reservations about increasing height. Commissioner Carew said he has concerns about how the passage of a State bill regulating ADUs could affect what happens in the Town, and he thinks there should be legal review for what-if scenarios in the future.

Commissioner Piper said he is in favor of the text amendment because current regulations punish the smallest houses, and more should be done to keep them on the island. He encouraged staff to consider a footnote that would allow an additional 3 feet above the current height limit of 15 feet for a home with a roof pitch greater than 4/12. Commissioner Piper said he is concerned that the passage of a State bill regarding ADUs would cause people to look for loopholes. He said he likes the spirit of the text amendment but thinks there are people who would take advantage of it.

Vice Chairman Hogan said he is also sympathetic to the applicant and wants to look at this again in the future, and while he thinks it's fairer to have accessory structures based on lot size instead of existing house size, he has concerns about changing the height limit and is not ready to vote on this tonight. He said he thinks they should work on wording a bit more.

Chairman Rouse said the Commission is an advisory board, and the ultimate answer will come from Council. He said everyone who spoke made good points, and he thinks there must be a way to accommodate them while eliminating any fears of unintended consequences. Chairman Rouse asked if the applicant can ask for a variance from the Board of Adjustment. Mr. Hardison said a variance can be requested for any type of dimensional requirement.

Commissioner Carew asked if they can get Wes McLeod, who worked with the Commission previously on the Unified Development Ordinance (UDO) process through Cape Fear Council of Governments (COG), to offer his help again. Mr. Hardison said Mr. McLeod is no longer with COG and operates a consultant business, so the Commission could ask COG for assistance from someone else or go under contract with Mr. McLeod. Commissioner Carew said given the complexity of the issue, it would make sense to get outside input.

**ACTION:** Motion that the Commission, whereas in accordance with the provisions of the North Carolina General Statutes, does hereby find and determine that the adoption of the following text amendment

for Article 3, Section 3.6 Accessory Use Standards is inconsistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Vice Chairman Hogan, seconded by Commissioner Crouch

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

4. Zoning Map Amendment to Consider a Request to Rezone 301 Canal Drive from Marina Business (MB-1) to Central Business District (CBD)  
Applicant: Town of Carolina Beach

The Town Marina located at 301 Canal Drive is in 2 zoning districts: Marina Business (MB-1) and Central Business District (CBD). The western side of the marina is in the CBD, and the eastern side is in MB-1. Through the recent text amendment process for water-oriented uses that staff worked on with the Commission, certain uses were identified as more intense and are only allowed in the CBD to accommodate the parking demand. The Commission has requested consistent zoning and land uses for the entirety of the property so all operations fall under the same zoning guidelines.

For consistency, it is best practice for the entirety of a property to be within the same zoning district. One of the standards for creating zoning districts is to follow plotted lot lines. Guidance for the interpretation of zoning district boundaries comes from Sec. 1.7 of the UDO. The adjacent uses are all in the CBD, except for 308 North Lake Park Boulevard and 400 North Lake Park Boulevard to the north of the marina.

This rezoning is consistent with the Land Use Plan. The property is shown on the Future Land Use Map in the Downtown Business Area. This is described as the Boardwalk Commercial Area and Central Recreation District of the Town with an active pedestrian-scaled environment.

Staff recommends approval of the rezoning.

Ms. Abbotts presented the details, including the history and surrounding uses.

**ACTION:** Motion to open the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

No one requested to speak.

**ACTION:** Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

Chairman Rouse said the Commission has previously spent hours going over this in workshops, so this is not a quick decision.

**ACTION:** Motion that whereas in accordance with the provisions of the North Carolina General Statutes, the Commission does hereby find and determine that the adoption of the Zoning Map Amendment for 301 Canal Drive is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans and the potential impacts on the surrounding area are mitigated by the approved conditions

Motion made by Vice Chairman Hogan, seconded by Commissioner Crouch

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

## **ITEMS OF BUSINESS**

### **4. Appoint a Chair and Vice Chair of the Planning and Zoning Commission**

During this time annually, the Commission appoints a Chair and Vice Chair.

Commissioner Conto recommended that the Commission retain the current Chair and Vice Chair based on the wonderful job they have done.

There were no other nominations.

**ACTION:** Motion to re-elect Wayne Rouse as Chairman and re-elect Jeff Hogan as Vice Chairman

Motion made by Commissioner Carew, seconded by Commissioner Crouch

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

Chairman Rouse said this will be the start of his last year on the Commission, as he will term out after this.

## **NON-AGENDA ITEMS**

Commissioner Carew said there is a House Bill that might cause the Town to lose the ability to set parking requirements, so it might be appropriate to urge Council to not only consider the right-of-way situation on Saint Joseph Street but also all over the Town.

Chairman Rouse said he agrees and thinks Saint Joseph Street deserves the same protection as what was done years ago with Spencer Farlow Drive and Annie Drive: parking is only allowed in the right-of-way with a Town re-entry sticker, and enforcement is complaint-driven.

Mr. Hardison said this is Council policy, and he can bring this up during the August workshop.



Vice Chairman Hogan asked how to make sure Council knows the Commission wants to start working on the accessory structures issue. Mr. Hardison said he will have a conversation with Council during the August workshop. Vice Chairman Hogan said this definitely needs some tweaking, and he wants to make sure this doesn't just go away. He said there should be a way to make these regulations better so the applicant and other speakers tonight can get the help they need for their properties.

Chairman Rouse said everything they said makes sense, but the Town just needs to find the right language.

#### **ADJOURNMENT**

Chairman Rouse adjourned the meeting at 7:20 PM.