

CAROLINA BEACH

Board of Adjustment Meeting

Tuesday, May 19, 2026 - 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 Jeff Hogan

Board Member Wayne Hartsell

Board Member Dan Adams

Board Member Dana White

ABSENT

Board Member Patrick Boykin

ALSO PRESENT

Community Development Director Jeremy Hardison

Planner Haley Anderson

Board Attorney Matt Nichols

APPROVAL OF MINUTES

February 17, 2026 – BOA Minutes

ACTION: Motion to approve the minutes

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

Voting Yea: Chairman Thompson, Vice Chairman Hogan, Board Member Hartsell, Board Member Adams, Board Member White

Motion passed unanimously

PUBLIC HEARING

Variance to Section 3.13 Dimensional Requirements for Minimum Setbacks, Table 3.5 Setback Exceptions for Cantilevered Architecture, and Table 3.7 Off-Street Parking Dimensions for Parking Dimension Size

Applicant: Ryan Michiels

Applicant Ryan Michiels is requesting three variances from Article 3 of the Unified Development Ordinance (UDO) to the side setbacks for a staircase, the cantilever size requirements, and the parking size requirements. The property is located at 817 Canal Drive and is in the R-1 zoning district. The property consists of 1,571 square feet of upland area directly adjacent to the Town yacht basin. The

property lines of the lot extend past the bulkhead over water because the lot was created from dredge spoils from dredging the yacht basin in 1939. The property lines that were created were not based on the existing land area. The property was bulkheaded in 2023, so the upland area is 25 feet wide and 61.5 feet long up to the bulkhead. Lot coverage and impervious surface coverage limits are based on the amount of upland area that is landward of the High-Water Line (HWL). The existing lot is nonconforming to R-1 dimensional standards, which require a lot be at least 50 feet wide and 5,000 square feet. The property is located in a Federal Emergency Management Agency (FEMA) flood zone and would be required to meet the FEMA flood regulations. It is also located in a Coastal Area Management Act (CAMA) Area of Environmental Concern and would need to meet all CAMA regulations due to its close proximity to estuarine waters.

The applicant would like to build a new single-family home that would meet all flood, building code, and CAMA requirements. The house is proposed to be no more than two bedrooms, requiring two parking spaces underneath and in front of the home. The structure is within the AE-11 flood zone and must be elevated. The maximum height limit in R-1 is 50 feet. The roof overhang is proposed to be no more than 6 inches. The HVAC and utilities are proposed to be placed on the left side of the house and will meet the required ordinance setbacks. CAMA will require an engineered stormwater system that captures 100% of the impervious surface runoff. The applicant does not have this system engineered yet, but Town staff will require it for the building permit application.

Side setback

The proposed structure meets the 10-foot front and 10-foot rear building setbacks from the front and rear property lines as required by Town Ordinance. CAMA would allow the building to be located up to the bulkhead. The applicant proposes a variance to encroach into the right-side 7.5-foot setback. The applicant proposes a 4.5-foot side setback to the staircase servicing the front of the building only. The remaining house will meet all front, rear, and side setbacks.

Cantilever size

The Town Ordinance allows cantilevered architecture to encroach into the building setbacks if the cantilevers are cumulatively not more than 25% per side of the building. The applicant is proposing two cantilevers, one on each side of the house, that are proposed to be 12.5 feet wide and encroach into the setback 2.5 feet. The building length is 45 feet, so a cantilever of 11.25 feet wide is permitted on each side of the house. This is the maximum allowed based on the width of the side of the building the cantilever is located. The applicant is proposing a variance to allow the cantilevers to be larger than allowed by ordinance. The applicant proposes 12.5 feet, which is 1.25 feet and 2.7% larger than the UDO permitted size of the cantilever.

Parking dimension

The Town Ordinance requires parking spaces to be 9 feet by 18 feet. Due to the width of the lot, the building can only be 10 feet wide. The home is required to be elevated to meet flood, so it will be built on pilings. These pilings will reduce the width under the home further and a 9-foot-by-18-foot space could not fit. The applicant is requesting the width of the parking space be reduced to 8.5 feet. For reference, compact car parking spaces in the UDO can be 8.5 feet by 18 feet.

In summary, the applicant requests the following variances:

- A 3-foot variance to the required 7.5-foot side setbacks for the front staircase only
- A 2.7% increase in cantilever size
- An 8.5-foot-wide parking space under the house

Staff has reviewed the plans at Technical Review Committee (TRC), and if approved, staff suggests the following condition: The staircase encroaching into the building setback shall be made of a non-combustible material and constructed of a minimum 2x lumber material.

Individuals planning to speak on the matter were sworn in.

Ms. Anderson presented the details. She reviewed the four required criteria the Board must consider in the decision-making process:

1. Unnecessary hardship would result from the strict application of the ordinance.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.
3. The hardship did not result from actions taken by the applicant or property owner.
4. 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.

She also reviewed site background and existing conditions.

ACTION: Motion to open the public hearing

Motion made by Chairman Thompson, seconded by Vice Chairman Hogan

Voting Yea: Chairman Thompson, Vice Chairman Hogan, Board Member Hartsell, Board Member Adams, Board Member White

Motion passed unanimously

Mr. Michiels confirmed regarding the parking variance that the pilings would be approximately 8 inches in diameter each, which physically limits the usable clear width beneath the structure. He noted that he had deferred to staff's recommendation of 8 feet 5 inches – the compact car dimension – to also provide a measure of practical tolerance in the event that a piling is placed even slightly off-center during construction.

On the cantilever width variance, Mr. Michiels explained that the increase was not arbitrary. He said because the building is only 10 feet wide, the only practical interior location for the internal staircase connecting the floors is within the cantilevered portion of the structure. Mr. Michiels stated that the 27.78% width figure represents the absolute minimum cantilever dimension that can physically accommodate a compliant interior staircase. He acknowledged that an alternative would be to extend the building's overall length by approximately 1.8 feet, which would reduce the cantilever percentage back to 25%, but stated he was trying to avoid doing so for both structural and geotechnical reasons. Specifically, Mr. Michiels expressed concern that extending the building closer to the bulkhead risks interference with the bulkhead's "dead men" anchoring system, which typically extends approximately 10 feet back into the ground, and that vibratory pile driving in close proximity to a bulkhead can cause soil settlement that could compromise bulkhead integrity.

On the side setback variance for the staircase, Mr. Michiels described the front staircase as a matter of public safety that he, as a career firefighter assigned to Federal Point Station 19, felt strongly about. He explained that he had engaged in extensive consultation with the Carolina Beach Fire Department, going through four separate design iterations before arriving at the current proposal. He presented a diagram to the Board showing two fire suppression scenarios: one using only the rear staircase (requiring an estimated 132 feet of hose to reach the second floor) and one using the proposed front staircase (requiring approximately 82 feet of hose). Mr. Michiels characterized the 50-foot difference as significant in a fire scenario and said that having a single point of egress from an elevated building is both dangerous for occupants and firefighters. He further noted that placing the sole staircase at the rear of the home — which abuts the bulkhead and canal — creates a particularly hazardous egress condition.

Regarding the Fire Department's conditions, Mr. Michiels said 2x lumber refers to structural framing of 2-by-4 or 2-by-6 minimum dimensioned lumber. He noted that the baluster members are also required to be 2x minimum and that while the stair treads may be 1x material per the Fire Department's concurrence, the entire staircase assembly will be clad in non-combustible or limited-combustibility materials. Mr. Michiels explained that the Fire Department's primary concern was heat and fire exposure from adjacent structures and that heavy timber — while technically combustible — resists ignition and burns slowly.

Mr. Michiels addressed the staircase dimensions. He said his landing is the minimum permissible size, the staircase width is the minimum permissible 3 feet, and the run length is also at minimum code dimensions, all intended to minimize the extent of encroachment into the setback.

Vice Chairman Hogan asked Mr. Michiels to clarify the distance from the rear corner of the house to the bulkhead. Mr. Michiels said the corner of the home would sit approximately 6 feet 3 inches from the bulkhead, with the 3-foot rear staircase then reducing that clearance to approximately 3 feet 3 inches between the edge of the stair structure and the bulkhead face.

Chairman Thompson asked Mr. Michiels why he would not simply extend the building to bring the cantilever percentage to 25%. Mr. Michiels reiterated the geotechnical concerns with the bulkhead anchoring system and the risk of soil settlement from pile driving, stating these were his primary reasons for trying to keep the building as far from the bulkhead as possible.

Chairman Hogan asked whether Mr. Michiels was aware of the rules when he purchased the property. Mr. Michiels said he knew the setback requirements but misunderstood the cantilever regulation. He said he understood the 25% limitation to apply to the depth of the cantilever relative to the joist, not to the width of the cantilever relative to the building face, and this misunderstanding became apparent only after he had already closed on the property. Mr. Michiels stated that he had gone through approximately 15 designs before arriving at the current application.

Paul Groff of 815 Canal Drive referenced a prior variance proceeding before the Board on May 22 of the previous year involving the same property and recalled testimony regarding a neighbor who had incurred \$15,000 in costs to shift a structure by 6 inches to comply with setbacks. He argued that

property owners in the area had paid a premium for their lots with an understanding of what could and could not be built in the immediate vicinity and that expanding the buildable envelope of 817 Canal Drive diminishes that expectation. Mr. Groff suggested that as a builder, Mr. Michiels may be seeking to maximize the property's market value. He acknowledged that some variances may be warranted but argued that this situation involves a sophisticated buyer who understood the constraints when he purchased the lot. Mr. Groff said the variances, if granted, would take something away from adjacent property owners in the form of diminished views and setback protections.

Joe Hinkle of 900 Carolina Beach Avenue North expressed concern about Fire access between closely spaced structures in the neighborhood, referencing a previous boat fire which he recalled the Fire Department had accessed by traveling through the vacant lot at 817 Canal Drive. He questioned whether, once the lot is developed, Fire apparatus would still be able to protect the adjacent properties. Mr. Hinkle also raised general concerns about flooding in the area, describing repeated inundation of the Canal Drive corridor during King Tides and other weather events, including temporary road closures that back up traffic. He acknowledged that the stormwater engineering requirement would address some runoff concerns but expressed broader environmental unease about additional development in the flood-prone corridor.

Regarding the flooding concern, Mr. Michiels noted that neighboring lots have already been developed and that the natural result is that undeveloped lots like his tend to receive more surface water. He emphasized that his proposed impervious surface coverage – at 51% – is well below the permitted 65%, and that the mandatory 100% stormwater capture engineering plan would ensure that runoff from his development is fully contained on site. Mr. Michiels stated he had taken deliberate steps to minimize his environmental impact beyond what the ordinance requires.

Mr. Michiels said he plans to live in the home, noting that in his track record as a licensed builder he has personally lived in every home he has built for a minimum of two years and that he has never constructed a home for someone else to inhabit. He said his contractor's license is carried for liability purposes only and that he does not build homes for sale as a business practice.

Mr. Michiels also contextualized the physical scale of the proposed variances, estimating that the combined effect would add approximately 20 square feet to the home's livable area – a negligible gain, he argued, that does not suggest a profit motive. He further noted that the proposed house, even with the variances, would be less than half the square footage of neighboring homes.

Mr. Michiels said it is not feasible to leave lots undeveloped as reserved Fire access corridors, noting that if that standard were applied consistently it would effectively prohibit development of every other lot on Canal Drive. He also noted that the Carolina Beach and Federal Point Fire Departments both maintain marine firefighting capabilities that allow canal-side fires – including boat and dock fires – to be attacked from the water side. Mr. Michiels suggested the decision to approach the prior boat fire from the land side likely reflected an initial dispatch assumption of a structure fire.

ACTION: Motion to close the public hearing

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

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

Adams, Board Member White
Motion passed unanimously

Vice Chairman Hogan expressed a general concern about the precedent-setting nature of variance decisions, noting that the Town has over 400 non-conforming lots. He cautioned that granting variances on one lot could invite a cascade of applications from owners of similarly situated lots, remarking that this risk makes him disinclined to grant variances absent a compelling and genuine hardship. Vice Chairman Hogan noted that he had been working with Town staff through his role on the Planning and Zoning Commission to develop clearer regulatory standards for non-conforming lots, a process he hoped would be formalized.

Board Member Adams expressed agreement with Vice Chairman Hogan.

Vice Chairman Hogan added that of the three variances before the Board, the parking space width was his least significant concern, observing that a compact car, a golf cart, or a similar vehicle could reasonably be accommodated in an 8-foot-5-inch space and that the constraint is a direct and unavoidable product of the lot's geometry.

Board Member Hartsell agreed with the concern about precedent but said owners of small, non-conforming lots have legitimate investment interests and some reasonable expectation of being able to build, provided they meet substantive criteria. He noted that the Board would likely face many similar cases involving small lots in the future and that setting a precedent was perhaps unavoidable.

Board Member White noted this is the second time there has been a meeting about this particular lot and the fact that staff has previously indicated working on the bigger picture regarding non-conforming lots. He expressed agreement with Vice Chairman Hogan.

Chairman Thompson acknowledged that the applicant had presented a genuinely compelling case, particularly on the fire safety rationale for the side staircase. Nevertheless, he stated that he did not find the arguments compelling enough – except on the parking issue – to justify granting the setback or cantilever variances, given the broader pool of non-conforming lots that could be affected by any loosening of standards.

Board Members went through each required finding for the side setback variance request.

Regarding finding 1, the following disagreed: Chairman Thompson, Vice Chairman Hogan, Board Member White, Board Member Hartsell, and Board Member Adams. Therefore, finding 1 failed 0-5.

Regarding finding 2, the following agreed: Board Member Hartsell. The following disagreed: Chairman Thompson, Vice Chairman Hogan, Board Member White, and Board Member Adams. Therefore, finding 2 failed 1-5.

Regarding finding 3, the following agreed: Board Member Hartsell. The following disagreed: Chairman Thompson, Vice Chairman Hogan, Board Member White, and Board Member Adams. Therefore, finding 3 failed 1-5.

Regarding finding 4, the following disagreed: Chairman Thompson, Vice Chairman Hogan, Board Member White, Board Member Hartsell, and Board Member Adams. Therefore, finding 4 failed 0-5.

The side setback variance request was denied.

Board Members went through each required finding for the cantilever size variance request.

Regarding finding 1, the following disagreed: Chairman Thompson, Vice Chairman Hogan, Board Member White, Board Member Hartsell, and Board Member Adams. Therefore, finding 1 failed 0-5.

Regarding finding 2, the following disagreed: Chairman Thompson, Vice Chairman Hogan, Board Member White, Board Member Hartsell, and Board Member Adams. Therefore, finding 2 failed 0-5.

Regarding finding 3, the following disagreed: Chairman Thompson, Vice Chairman Hogan, Board Member White, Board Member Hartsell, and Board Member Adams. Therefore, finding 3 failed 0-5.

Regarding finding 4, the following disagreed: Chairman Thompson, Vice Chairman Hogan, Board Member White, Board Member Hartsell, and Board Member Adams. Therefore, finding 4 failed 0-5.

The cantilever size variance request was denied.

Board Members went through each required finding for the parking dimension variance request.

Regarding finding 1, the following agreed: Chairman Thompson, Vice Chairman Hogan, Board Member White, Board Member Hartsell, and Board Member Adams. Therefore, finding 1 passed 5-0.

Regarding finding 2, the following agreed: Chairman Thompson, Vice Chairman Hogan, Board Member White, Board Member Hartsell, and Board Member Adams. Therefore, finding 2 passed 5-0.

Regarding finding 3, the following agreed: Chairman Thompson, Vice Chairman Hogan, Board Member White, Board Member Hartsell, and Board Member Adams. Therefore, finding 3 passed 5-0.

Regarding finding 4, the following agreed: Chairman Thompson, Vice Chairman Hogan, Board Member White, Board Member Hartsell, and Board Member Adams. Therefore, finding 4 passed 5-0.

The parking dimension variance request was approved.

ACTION: Motion to approve a variance to Article 3 to allow the following at 817 Canal Drive – allow an 8.5-foot-wide parking space under the house – because it met the four findings of fact and motion to deny variances to Article 3 to deny the following at 817 Canal Drive – allow the front staircase to encroach up to 3 feet into the 7.5-foot side setback and allow the cantilever width to increase up to 2.78% or up to 27.78% total because they did not meet the four findings of fact

Motion made by Chairman Thompson, seconded by Vice Chairman Hogan

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

Adams, Board Member White
Motion passed unanimously

NON-AGENDA ITEMS

Vice Chairman Hogan requested that the Board formally communicate to Council a request for action on clearer regulatory standards for non-conforming lots. He noted that this request had been raised through the Planning and Zoning Commission as well. Mr. Hardison said staff can follow up on the status of this. Chairman Thompson agreed and said he would draft a memo from the Board to Council.

ADJOURNMENT

ACTION: Motion to adjourn

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

Voting Yea: Chairman Thompson, Vice Chairman Hogan, Board Member Hartsell, Board Member Adams, Board Member White

Motion passed unanimously

The meeting adjourned at 6:50 PM.