

# CAROLINA BEACH

Board of Adjustment Meeting

Tuesday, April 22, 2025 – 6:00 PM

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



---

## AGENDA

### CALL TO ORDER

### CONFLICT OF INTEREST

*Members of the Board of Adjustment shall not vote on recommendations, permits, approvals, or other issues where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member or a member has a close familial, business, or other associational relationship. No member shall be excused from voting except upon those matters as noted, above, or upon those others involving the consideration of his own financial interest or official conduct. (160D-109)*

### APPROVAL OF MINUTES

1. March 3, 2025 & March 17, 2025 – BOA Minutes

### PUBLIC HEARING

2. To consider an appeal from staff's determination on the referenced sections from the Unified Development Ordinance (UDO).

### NON-AGENDA ITEMS

### ADJOURNMENT



## AGENDA ITEM COVERSHEET

---

**PREPARED BY:** Gloria Abbotts, Senior Planner

**DEPARTMENT:** Community  
Development

**MEETING:** Board of Adjustment – 4/22/2025

**SUBJECT:** March 3, 2025 & March 17, 2025 – BOA Minutes

---

**Action:**

Approve the March 3, 2025 & March 17, 2025 minutes

# CAROLINA BEACH

Board of Adjustment Meeting

Monday, March 3, 2025 - 6:00 PM

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



## MINUTES

### CALL TO ORDER

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

### PRESENT

Vice Chairman Wayne Rouse  
Board Member Wayne Hartsell  
Board Member Patrick Boykin  
Board Member David Marshall  
Board Member Dan Adams

### ABSENT

Chairman Ken Thompson

### ALSO PRESENT

Community Development Director Jeremy Hardison  
Senior Planner Gloria Abbotts  
Planner Haley Anderson  
Board Attorney Matt Nichols

### APPROVAL OF MINUTES

1. November 18, 2024 – BOA Minutes

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

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

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

*Motion passed unanimously*

### PUBLIC HEARING

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 201 Fayetteville Avenue  
Applicant: Pleasure Island Holdings, LLC

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 201 Fayetteville Avenue and is in the MX zoning district. Dry Dock Inn and its pool are located on the property. Dry Dock Inn consists of 2 buildings and 2 pools that span across 2 parcels of land (300 South Lake Park Boulevard and 201 Fayetteville Avenue). Each parcel has its own building and pool. The property associated with this variance is a 12,499.7-square-foot lot adjacent to Fayetteville Avenue. The building and pool on the lot are considered legal non-conforming structures because they do not meet the minimum setback standards for the zoning district for pools and buildings. Any fencing located within 20 feet of the front property line can be no taller than 4 feet or 48 inches.

The pool decking the fence is located on is raised above the natural grade of the lot. The Town ordinance requires fence height to be measured from the highest point of the fence, not including columns or posts, to the existing natural grade. N.C. Building Code requires that “the top of the barrier shall be at least 48 inches above grade measured on the side of the barrier that faces away from the swimming pool.” Because the elevated pool deck is raised above the natural grade of the lot and could be used as a step to climb a shorter fence, the fence height would need to be measured from the height of the raised pool deck. Therefore, the Town would approve a 4-foot fence measured from the pool deck rather than the natural grade because N.C. Building Code requires an adequate barrier.

Kyle Sears with Sears Fence, LLC, is the contractor who applied on behalf of the property owner in March 2024 to replace the fencing surrounding the pool located on the property. The application and supporting site plan materials proposed a 52-inch-tall fence, approximately 4 inches over the allowed 48 inches height. Mr. Sears was advised by the Town plan reviewer that the fencing within the front setback could not exceed 48 inches. They were told they would need to provide an updated fence section with an adjusted fence height to meet the Town ordinance regulations.

On April 9, 2024, Mr. Sears reached out to the Town plan reviewer and asked for a permit update. The plan reviewer reminded Mr. Sears the fence railing cannot go over 48 inches and the Town would need a new fence height. On May 10, 2024, Mr. Sears replied to the plan reviewer and asked if a variance would be possible. The plan reviewer told Mr. Sears the owners of Dry Dock Inn already went through a variance a year prior for a similar issue where the fence was installed without a fence permit and it was installed too tall, so the owners should be aware of this issue. The plan reviewer suggested they try to find other alternatives to avoid a variance. The plan reviewer suggested installing a different type of fence that would meet the height requirements and asked if it was possible to anchor the fence posts on the outside of the pool deck so the bottom horizontal bar sits flush with the pool deck.

After emailing the contractor, the plan reviewer called Andrea Thomas with New Hanover County Health & Human Services to check if the suggested fencing would meet N.C. Building Code and Health Department requirements. She said the suggestions were valid and could meet N.C. Building Code and Health Department requirements while also adhering to the Town ordinance. Ms. Thomas also mentioned she had heard a new fence was already installed on site. Upon hearing a new fence had been installed, the Town plan reviewer conducted a site visit and confirmed a new fence was installed without a permit and the fence was over 48 inches. The plan reviewer emailed the fence contractor and the owner of the property about the fence height violation. When told what their options were, owner Deanna Lanni decided they would pursue a variance.

To resolve the violation 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 201 Fayetteville Avenue. If approved, the fence would not need to be replaced or altered to meet the 4-foot fence requirement.

Individuals planning to speak on the matter were sworn in.

Ms. Anderson presented the details. She reviewed the 4 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 the 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.

Ms. Anderson also presented a timeline of events and said the Board can make conditions on approval, and if the Board supports the findings, staff recommends that the variance is granted for the existing pool fencing and any fence replacement in the future would need to meet Town ordinance height requirements.

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

Motion made by Vice Chairman Rouse

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

*Motion passed unanimously*

Ladd Gasparovic, a licensed attorney and partner in Pleasure Island Holdings, LLC, said they purchased the property in 2021, and among the renovation work that needed to be done was repair and replacement of the existing fence. He said they don't think a chain-link fence is an option due to safety concerns. Mr. Gasparovic said the situation was an honest mistake that resulted from a plate that is necessary for the fence door to swing, and he asked the Board to approve the variance.

Mr. Sears said the fence is at 50 inches because of the post-on-plate construction that was necessary for the elevated pool surface. He said the bottom rail can't go any lower, and the fence is 48 inches from the bottom rail, not the concrete. Mr. Sears said the current fence is at its lowest point when considering its position on an elevated concrete surface.

Board Member Hartsell asked if a Town permit was issued prior to installation of the current fence. Mr. Sears said the permit was in progress but not completed, but they had approval by email from the County, although a later email stated the matter was awaiting Town approval.

Board Member Marshall asked if a fence a couple of inches shorter could have been installed to keep it within the Town ordinance. Mr. Sears said to his knowledge, the lowest adequate pool fence the County will allow is 48 inches from rail to rail, not ground to rail. Board Member Marshall asked if the County and Town ordinances conflict with each other. Mr. Sears said that could be assumed.

Mr. Gasparovic said no one intended to install a fence without a permit, and this resulted from confusion over communication with the County. He said a shorter fence would not have met County requirements, so there is a conflict and no leeway, which he suggested should be addressed by offering some flexibility. Mr. Gasparovic pointed out that on Lake Park Boulevard and other roads there are new fences that are higher than theirs, so he doesn't think their fence being 2 inches off is going to cause a problem. He said the situation is peculiar to the property due to the pool, did not result from actions taken by the property owner due to conflicting Town and County rules, and still satisfies aesthetic and safety concerns.

Vice Chairman Rouse asked Ms. Anderson if she believes there is a conflict between the Town and County rules. Ms. Anderson said in the strictest sense, no, there is not a conflict because the Town requires no taller than 4 feet and the County requires a minimum of 4 feet. She said they would have to put the rail on the ground to meet 48 inches.

Mr. Hardison said new pools are not allowed in the front yard setback, so this is only an issue with a handful of older developments and parking lot pools. He said this issue could come up for other properties in the future when they change their fencing.

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

Motion made by Vice Chairman Rouse

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

*Motion passed unanimously*

Mr. Nichols said he wanted to note for the record that General Statutes also state that a variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

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

Regarding finding 1, the following disagreed: Vice Chairman Rouse, Board Member Boykin, Board Member Hartsell, Board Member Adams, and Board Member Marshall. Therefore, finding 1 failed 0-5.

Board Member Boykin said the applicant did not go in blind and knew the rules based on the previous situation.

Vice Chairman Rouse said this was an unfortunate action taken by the applicant, and he thinks there was a way to comply with the ordinance.

Regarding finding 2, the following agreed: Vice Chairman Rouse, Board Member Adams, and Board Member Marshall. The following disagreed: Board Member Boykin and Board Member Hartsell. Therefore, finding 2 passed 3-2.

Vice Chairman Rouse said he believes the situation is peculiar to that type of pool and the fact that it has been a remodel.

Regarding finding 3, the following disagreed: Vice Chairman Rouse, Board Member Boykin, Board Member Hartsell, Board Member Adams, and Board Member Marshall. Therefore, finding 3 failed 0-5.

Board Member Marshall said if the applicant had understood the rules and ensured all permits were obtained, there would've been a clear understanding of the requirements.

Board Member Boykin and Board Member Hartsell both pointed to the applicant's previous experience with their other pool as a reason why this resulted from their actions.

Vice Chairman Rouse said he thinks the hardship was caused by the applicant based on reviewing the timeline Ms. Anderson presented and the emails associated with it.

Regarding finding 4, the following agreed: Vice Chairman Rouse, Board Member Boykin, Board Member Hartsell, Board Member Adams, and Board Member Marshall. Therefore, finding 4 passed 5-0.

Board Member Marshall said he thinks the goal is to create a safe environment around the pool.

Board Member Boykin said this is consistent with safety, but he still thinks there was a way safety could be achieved without a variance.

Vice Chairman Rouse said they wanted to do the right thing but put the cart in front of the horse regarding the permit.

**The variance request was denied.**

**ACTION:** Motion to deny the variance of 4 inches to Sec. 40-204 from the 4-foot fence height requirement in the front yard setback located at 201 Fayetteville Avenue because it did not meet the 4 findings of fact

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

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

*Motion passed unanimously*

Mr. Gasparovic pointed out that the fence is only a 2-inch discrepancy, not 4 inches as stated in the motion.

Mr. Hardison said anything over 48 inches, the height regulation that the ordinance references, would need a variance, and the Board did not grant the variance.

Vice Chairman Rouse asked if he should make another motion. Mr. Nichols said no, the variance has been denied.

Board Members took a short break. Upon returning, Vice Chairman Rouse said he would resubmit the motion for a vote.

Mr. Gasparovic said he wanted to clarify that the fence is about 2 inches over, not 4 inches, and this is because they can't go below that because of safety. He said the bottom rail must go directly on the ground, and there is not a feasible construction alternative for that. Mr. Gasparovic reiterated that there are fences on the main drag that are higher than theirs, and he feels like they satisfied the 4 conditions.

**ACTION:** Motion to deny the variance to exceed the maximum the 4-foot or 48-inch fence height requirements for the front yard setback in Sec. 3.20 located at 201 Fayetteville Avenue because it did not meet the 4 findings of fact

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

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

*Motion passed unanimously*

Mr. Nichols clarified that the Board's decision was based upon the findings previously made.

### 3. Variance to the Required 20-Foot Front Yard Setback for 1621 South Lake Park Boulevard Applicant: Philip Humphrey, pghARCHITECTURE, PC

Applicant Philip Humphrey, pghARCHITECTURE, PC, is requesting a variance of up to 7 feet from Article 3 of the Unified Development Ordinance (UDO) that requires a 10-foot front yard setback. The property is located at 1621 South Lake Park Boulevard and is in the MF zoning district. The property consists of a 0.68-acre lot, Lots 1-3, 20-22 BLK 2 Wilmington Beach. The existing use is a motel, and there is an existing permit for renovation work at the property.

There is an existing walkway structure that is 3 feet and 11.75 inches from the front property line. The existing walkway is raised and has steps leading to the front door. The applicant would like to provide an accessible route for entry to the common spaces of the building. The applicant would like to construct an ADA-compliant ramp in the current footprint of the walkway. To meet ADA requirements, the ramp would have to be expanded by 10.5 inches. The ramp railing is proposed to be greater than 30 inches from the adjacent grade. Structures below 30 inches are permitted within the setback. However, a variance must be granted to accommodate the railing.

To resolve the situation, the applicant requests up to a 7-foot variance to the required 10-foot front yard setback. The structure meets the minimum required side (7.5 feet), corner side (12.5 feet), and rear (10 feet) yard setbacks.

Individuals planning to speak on the matter were sworn in.

Ms. Anderson presented the details. She reviewed the 4 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 the 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.

Ms. Anderson also presented the background and said the Board can make conditions on approval, and if the Board supports the findings, staff recommends that if the site is redeveloped then the new structure would need to meet Town building setbacks.

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

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

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

*Motion passed unanimously*

Attorney Alan Solana, representing the applicant, went over the physical characteristics of the building that resulted in this situation. He said they are required to have a leveled landing for ADA compliance, but they cannot have more than a half-inch rise when going over the threshold into the building, so they have to raise the landing to get to door height to get in, which brings it over 30 inches. Mr. Solana said otherwise, they would not be required to put in a railing. He said there is no other way internally to change the building, and the width of the land is dictated from ADA code. He said this is the least obtrusive way they can make it compliant, and there isn't really another way to modify the existing structure. Mr. Solana said the building was constructed in 1968 prior to the zoning ordinance and adoption of the ADA, and they are limited by the structure and its placement. He said his client would agree to the condition Ms. Anderson mentioned.

Board Member Marshall asked Mr. Solana if he has information about what the railing will look like. Mr. Solana said this is not on the plan, but they are trying to make it as unobtrusive as possible. Mr. Hardison said on the rendering it shows that it will match the siding of the building.

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

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

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

*Motion passed unanimously*

Vice Chairman Rouse said he doesn't have an issue with the request. Board Member Marshall said he agreed.

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

Regarding finding 1, the following agreed: Vice Chairman Rouse, Board Member Boykin, Board Member Hartsell, Board Member Adams, and Board Member Marshall. Therefore, finding 1 passed 5-0.

Vice Chairman Rouse said he believes a hardship would result for those who need that entrance, and he doesn't believe there is another way for a handicapped person to access the building.

Mr. Nichols asked the Board to clarify for the record that no one from the public wanted to speak on the matter. No one came forward.

Regarding finding 2, the following agreed: Vice Chairman Rouse, Board Member Boykin, Board Member Hartsell, Board Member Adams, and Board Member Marshall. Therefore, finding 2 passed 5-0.

Vice Chairman Rouse said this is because the building was constructed before ADA compliance was necessary.

Regarding finding 3, the following agreed: Vice Chairman Rouse, Board Member Boykin, Board Member Hartsell, Board Member Adams, and Board Member Marshall. Therefore, finding 3 passed 5-0.

Vice Chairman Rouse said this was not due to anything the applicant did, and they did try to remodel the building, although certain characteristics existed previously and this is the only reasonable way for access.

Regarding finding 4, the following agreed: Vice Chairman Rouse, Board Member Boykin, Board Member Hartsell, Board Member Adams, and Board Member Marshall. Therefore, finding 4 passed 5-0.

Board Member Boykin said public safety is secured because they are putting up a fence there.

**The variance request was approved.**

**ACTION:** Motion to approve a variance of 6 feet and 11 5/8 inches to Article 3, Sec. 3.13 Dimensional Requirements from the 10-foot front setback requirement at 1621 South Lake Park Boulevard and that it meets the 4 findings of fact with the condition that should anything else put be on the property other than this ADA ramp for this specific purpose that we heard tonight then the setback encroachment shall be eliminated either through reconstruction or razing the building and redevelopment

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

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

*Motion passed unanimously*

## **NON-AGENDA ITEMS**

Vice Chairman Rouse said the next Board of Adjustment meeting is on March 17 at 6:00 PM.

## **ADJOURNMENT**

**ACTION:** Motion to adjourn

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

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

*Motion passed unanimously*

The meeting adjourned at 7:20 PM.

# CAROLINA BEACH

Board of Adjustment Meeting

Monday, March 17, 2025 - 6:00 PM

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



## MINUTES

### CALL TO ORDER

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

### PRESENT

Chairman Ken Thompson

Vice Chairman Wayne Rouse

Board Member Patrick Boykin

Board Member Dan Adams

### ABSENT

Board Member Wayne Hartsell

### ALSO PRESENT

Community Development Director Jeremy Hardison

Senior Planner Gloria Abbotts

Planner Haley Anderson

### CONFLICT OF INTEREST

*Members of Board of Adjustment shall not vote on recommendations, permits, approvals, or other issues where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member or a member has a close familial, business, or other associational relationship. No member shall be excused from voting except upon those matters as noted, above, or upon those others involving the consideration of his own financial interest or official conduct. (160D-109)*

### PUBLIC HEARING

Variance to Section 3.13 Dimensional Requirements for Minimum Setbacks, Maximum Lot Coverage, and Maximum Impervious Coverage at 7 Sailfish Lane in the R-1 Zoning District

Applicant: Eighteen Eleven Properties, LLC

Chairman Thompson said because this variance requires a supermajority, all four Board Members present tonight would have to agree for it to pass. He gave the applicant the option to wait until a later date when the full Board of five is present, but the applicant opted to move forward tonight.

Individuals planning to speak on the matter were sworn in.

Applicant Eighteen Eleven Properties, LLC, is requesting a variance from Section 3.13 of the Unified Development Ordinance (UDO) that requires a 20-foot front yard setback, 7.5-foot side setback, 10-foot rear setback, 40% maximum lot coverage, and 65% maximum impervious coverage. The property is located at 7 Sailfish Lane and is in the R-1 zoning district. The property consists of a 1,400-square-foot lot with an existing ground-level one-story single-family home built in 1945. The existing structure and lot are both non-conforming to R-1 dimensional standards.

The existing structure is 4.9 feet from the front, 3.8 feet from the north side, 3.3 feet from the east side, and 5.3 feet from the rear property lines. The existing home does not meet current flood regulations. If the applicant wanted to renovate the home, they are limited to 49% of the value of the structure. The New Hanover County Tax Department previously had the building valued at \$57,300 in 2021, and the updated 2025 value is \$142,900. The 49% rule is calculated using only the building value; it does not include the land value.

If the applicant utilized the minimum setbacks to rebuild a new structure to meet the ordinance, the maximum size of the structure would be 13 feet x 20 feet. Meeting all setbacks would leave the applicant with a 260-square-foot maximum footprint, 40% maximum lot coverage is 560 square feet, and 65% maximum impervious coverage is 910 square feet.

The applicant would like to utilize the existing footprint of the home to build a new structure that meets flood requirements, parking requirements, and building code requirements. A three-bedroom two-story home on pilings is proposed. The proposed structure would be 21 feet x 34 feet 8 inches. Three parking spaces are required and will be provided underneath the home. The structure is within the AE11 flood zone. All living space in the new structure must be elevated 11 feet + 2 feet. The maximum height limit in R-1 is 50 feet. The proposed structure will be 36.25 feet tall.

To resolve the situation, the applicant requests a 10.17-foot variance to the required 20-foot front yard setback, a 3.67-foot variance to the required north side setback, a 3.83-foot variance to the required east side setback, and a 4.75-foot variance to the required rear setback. The applicant also requests up to a 3% increase in maximum impervious coverage and up to a 13% increase in maximum lot coverage.

Ms. Anderson presented the details. She said the requested variance is for the following:

- Front, rear, and side building setbacks
- 40% lot coverage limit
- 65% impervious surface
- Utility and platform setbacks

Ms. Anderson 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.

Ms. Anderson also presented information about site background, existing conditions, ordinance regulation, and the proposed development. She said the Board can make conditions on approval, and if the Board supports the findings, staff recommends that the variance is granted for the proposed structure only, and any new structures on the property shall conform to the setback requirements.

**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 Boykin, Board Member Adams

*Motion passed 4-0*

Attorney Ned Barnes of 814 Carolina Beach Avenue, representing the applicant, said the proposed construction is a single-family home that will serve as the family's primary residence. He said there initially were plans to lift the existing structure, but because it was built 80 years ago any efforts to do so would be futile. Mr. Barnes said the structure as it exists today is not compatible with the others around it because the others are on pilings and out of the flood zone, so this would make the property more compatible with adjacent properties. He said the applicant did not create the hardship because they purchased the home as it is, where it is. Mr. Barnes said if the variance is approved, the new structure would be out of the flood zone and offer parking underneath, which would eliminate the need to park along the road, improving access for emergency service vehicles. He said what they build will have to meet current building codes, be structurally sound, and use fire-retardant materials, which will benefit the applicant and adjacent property owners. Mr. Barnes said the plans have done an excellent job of fitting the proposed property within the footprint as it currently exists so it will not encroach on neighbors.

Chairman Thompson asked if anyone wanted to argue against the requested variance. No one came forward.

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

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

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

*Motion passed 4-0*

Chairman Thompson said his biggest concerns are safety of the surrounding properties and the public in general as well as consistency in applying the law. He said the request should benefit the community at large and produce justice in a reasonable measure for the applicant. Chairman Thompson said it's clear there are strong arguments in favor of public safety when it comes to the plan's parking, new materials, and better construction techniques. He asked if there are options for pervious driveway material.

Wescott Butler of 206 Texas Avenue said they can look at that, but they were on site today during a rain event and found that the water flows down the street and isn't coming between homes, so the system is doing its job. He said they can look into possibly doing a paver.

Board Member Adams asked if there is anything in the code regarding thickness for the apron of the driveway that impervious concrete would affect. Mr. Hardison said the apron of the driveway has to be within the right-of-way, which is a very small area on this street.

Vice Chairman Rouse said if the existing house burned down or flooded, they could build back in the same footprint, which would result in more encroachment than what they are currently seeking. He said it can be difficult to find ways for people to improve non-conforming properties in ways that make sense and are for the good of the community. Vice Chairman Rouse said the Fire Department has had concerns about getting its vehicles through this area, so moving vehicles off the street will help. He said he is inclined to support the application with staff's recommended condition.

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

Regarding finding 1, the following agreed: Chairman Thompson, Vice Chairman Rouse, Board Member Boykin, and Board Member Adams. Therefore, finding 1 passed 4-0.

Regarding finding 2, the following agreed: Chairman Thompson, Vice Chairman Rouse, Board Member Boykin, and Board Member Adams. Therefore, finding 2 passed 4-0.

Regarding finding 3, the following agreed: Chairman Thompson, Vice Chairman Rouse, Board Member Boykin, and Board Member Adams. Therefore, finding 3 passed 4-0.

Regarding finding 4, the following agreed: Chairman Thompson, Vice Chairman Rouse, Board Member Boykin, and Board Member Adams. Therefore, finding 4 passed 4-0.

**The variance request was approved.**

**ACTION:** Motion to approve the variance to Article 3, Section 3.13 Dimensional Requirements to allow the following – 9-foot 10-inch front yard setback, 3-foot 10-inch west side setback, 3-foot 1-inch east side setback, 5-foot 3-inch rear setback, 53% total lot coverage, 69% total impervious service, and a 2-foot 6-inch rear setback for the utilities, utility platform, and platform staircase access – with the staff recommended condition that any new structures on the property shall conform to the setback requirements; this is for the property located at 7 Sailfish Lane because it meets the four findings of fact

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

Voting Yea: Chairman Thompson, Vice Chairman Rouse, Board Member Boykin, Board Member Adams  
*Motion passed 4-0*

**NON-AGENDA ITEMS**

Chairman Thompson said the next Board of Adjustment meeting is scheduled for April 22.

**ADJOURNMENT**

**ACTION:** Motion to adjourn

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

Voting Yea: Chairman Thompson, Vice Chairman Rouse, Board Member Boykin, Board Member Adams  
*Motion passed 4-0*



## AGENDA ITEM COVERSHEET

**PREPARED BY:** Jeremy Hardison, Planning & Development Director

**DEPARTMENT:** Planning & Development

**MEETING:** Board of Adjustment – 4/22/2025

**SUBJECT:** To consider an appeal from staff's determination on the referenced sections from the Unified Development Ordinance (UDO).

### BACKGROUND:

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. The applicant, Oceana Owners Association Inc/Olin Fur, submitted two applications dated 1/5/24 and 2/9/24 (attachment 1 & 2). These were submitted after a complaint (Attachment 3) to staff on 12/21/23 that a water oriented business was operating at the Carolina Beach Yacht Club (CBYC) formally Joyner Marina located at 401 Marina St. Staff reviewed the complaint and submitted a response (attachment 4). The appeal hearing was postponed to see if the parties could mutually come to an agreement during scheduled mediation involving the Applicant, CBYC and the Town.

The appeals reference several ordinance sections. In July of 2025 the Town adopted a Unified Development Ordinance (UDO) that consolidates various planning, zoning, and development regulations into one comprehensive document. The UDO process was a year-long effort guided by the Planning & Zoning Commission, involving thorough review and analysis before completion. Below are the sections that are identified in the appeal application with reference to the new sections in the UDO. The amended ordinances are in attachment 5 with the edits from the UDO adoption.

Old Sections	New UDO Sections	Section Name
40-2	1.3	Purpose and vision policy
40-71 & 72	3.4	Table of uses
40-150 (a) 1,2,4 (b) (d)(2) (e)(1) (7) (c) & (e)	3.24	Off-street parking
40-329 (a)	2.14.D.15-16	Specific review procedures, special use permit

40-330 (a)(2)	2.13.A	Modifications of permits or approvals
40-489 (b)	2.6	UDO Administrator

The CBYC business is the center of the appeal. The CBYC is approved as a Commercial Marina consisting of a building with a residential unit, gravel parking lot, wet boat storage spaces, fuel dock, and a retail/eating and drinking establishment. The Marina also owns an offsite parking lot(referred to as Oceana Parking lot) located inside the gated community of the Oceana neighborhood for the guests of the marina. The Marina is zoned MB-1(Marina Business) and the offsite Oceana parking lot is zoned R-1B (Residential).

In December 2020 an agreement was executed to issue the Conditional Use Permit with conditions based on the site plan (attachment 6) to add an eating and drinking establishment to the existing marina. When Staff did a final inspection in 2023 the Oceana parking lot a transformer was encroaching on two parking spaces. There was also a neighbor's block fence that was encroaching on a parking space in the gravel parking lot of the marina building (Attachment 7 - Encroachments). Neither encroachment was depicted on the approved site plan. The applicant opt to relocate these spaces in the Oceana parking lot under a minor modification approved by staff. This did not increase the total number of parking spaces for the marina.

CBYC is currently in the process to modify their Conditional Use Permit to add additional boat storage spaces and parking spaces, a hearing date has not been scheduled yet for Town Council to consider.

During the UDO adoption process, the Commission determined that Water-Oriented Uses would be reviewed separately from the UDO to allow for more focused time and consideration. Staff proposed an ordinances amendment to address Water Oriented Uses to be reviewed by the Commission that is scheduled for next week.

**BOARD ACTION:** The board of adjustment shall hear and decide appeals decisions of administrative officials charged with enforcement of the zoning or unified development ordinance.

The board can agree or deny staff interpretation on the ordinances referenced.

#### Attachments

1. Appeal Application 1.5.24
2. Appeal Application 2.9.24
3. Complaint
4. Staff response

5. Referenced Ord. Sections
6. CUP Site Plan
7. Encroachments



Application for Appeal  
**TOWN OF CAROLINA BEACH, N.C.**

Item 2.

Permit Number: ~~Com 21-067~~

25A-01

Each application must be printed or typewritten and have all information answered. **It is strongly recommended that the applicant set up a meeting with Planning Staff prior to the submission deadline to ensure the application is complete.** The Town of Carolina Beach requires a licensed attorney to appear in a representative capacity to advocate the legal position of another person, firm, or corporation who is the applicant/owner of record.

Fee: to be submitted with application in accordance with the Town's annually adopted Rates and Fee Schedule

This petition will be scheduled for the next possible regular Board of Adjustment meeting. Meetings are scheduled for the third Monday of the month. The applicant or a representative should be present at the meeting to answer any questions the Board may have. Board of Adjustment meetings are held on the second (3<sup>rd</sup>) Monday of each month at 6:00 P.M. in the Council Room at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Applicants will be informed of any changes in date, time, or location of meetings. Applications and supplementary time for processing and postings are required by the General Statutes of North Carolina. **Application Deadline: 25 days prior to next scheduled meeting.**

Applicant

Name:

Oceana Owners Association, Inc

Applicant Mailing Address:

440 Oceana Way  
Street Address

Carolina Bch  
City

NC  
State

28428  
Zip

Applicant Phone Number:

(mobile)

work/home (circle one): 704-572-2666

(circle one):

Applicant Email Address:

OlinT Furr@Yahoo.com

Property Owner Name:

CBYC, LLC

Property Owner Mailing Address:

401 Marina St.  
Street Address

Carolina Bch  
City

NC  
State

28428  
Zip

Section(s) of ordinance being appealed:

Sec. 40-329(a), Sec. 40-330(a)(2), Sec. 40-489(b)  
 Sec. 40-150(a) 1,2,4, Sec. 40-150(b), Sec 40-150(c)(1), 40-150(e)(7)(c)+(e)

Please give a brief description of the interpretation:

Jeremy has not ensured compliance with the plans. Jeremy made a major change without council approval. Jeremy has not followed off-street parking standards + requirements. Jeremy has violated NC Building codes for ADA requirements.

Applicant Signature: Oceana Owners Association, Inc by

Olin Furr President

Date: 1 / 5 / 24

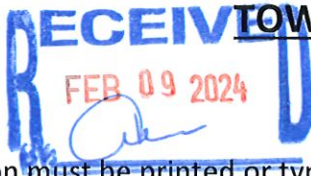
Applicant Printed Name:

Olin Furr



# Application for Appeal

Item 2.



**TOWN OF CAROLINA BEACH, N.C.**

Permit Number: 25A-02

Each application must be printed or typewritten and have all information answered. **It is strongly recommended that the applicant set up a meeting with Planning Staff prior to the submission deadline to ensure the application is complete.** The Town of Carolina Beach requires a licensed attorney to appear in a representative capacity to advocate the legal position of another person, firm, or corporation who is the applicant/owner of record.

Fee: to be submitted with application in accordance with the Town's annually adopted Rates and Fee Schedule

This petition will be scheduled for the next possible regular Board of Adjustment meeting. Meetings are scheduled for the third Monday of the month. The applicant or a representative should be present at the meeting to answer any questions the Board may have. Board of Adjustment meetings are held on the second (3<sup>rd</sup>) Monday of each month at 6:00 P.M. in the Council Room at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Applicants will be informed of any changes in date, time, or location of meetings. Applications and supplementary time for processing and postings are required by the General Statutes of North Carolina. **Application Deadline: 25 days prior to next scheduled meeting.**

Applicant Name: Oceana Owners Association, Inc

Applicant Mailing Address:

440 Oceana Way Carolina Bch NC 28428  
Street Address City State Zip

Applicant Phone Number: mobile/work/home (circle one): \_\_\_\_\_ mobile/work/home (circle one): 704-572-2666

Applicant Email Address: OlinTfurr@yahoo.com

Property Owner Name: CBYC, LLC

Property Owner Mailing Address:

401 Marina St. Carolina Bch NC 28428  
Street Address City State Zip

Section(s) of ordinance being appealed:

40-71    40-72    40-150    40-150(g) 1, 2, 4  
40-150(b)    40-150(d)    40-150(d)(2)    40-2

Please give a brief description of the interpretation:

SEE Attached explanation - 40-548 definitions - ch 10 Harbor & Marining regulations  
Sec 40-71, Sec 40-72, Jeremy's reason as historical rather than ordinance based  
Sec 40-150, Pictures of traffic congestion created by Planning & Zoning and  
Sec 40-2 (g) Purpose of zoning

Applicant Signature:

Oceana Owners Association, Inc by Olin Furr President

Date: 2 / 9 / 24

Applicant Printed Name:

Oceana Owners Association, Inc Olin Furr President



2/7/24

Appeal of Town Determination from complaint dated 12/21/23

Oceana Owners Association, Inc is appealing the decision by Jeremy Hardison dated 1/11/24.

I am asking this board to look intently at what Jeremy is determining here. Look at it from a practical application of the entire zoning ordinances and definitions. The residents of Ga. Ave. and Oceana have experienced the results of this decision, and it is a traffic nightmare and only creates congestion during the boating season. We all know that is not the intent of our zoning ordinances. I have attached each definition and ordinance to back up our position.

Sec. 40-548 Definitions:

**Marina** means a boat basin with facilities for berthing, securing or storing various types of watercraft.

**Marina, Commercial**, means any **marina** which caters to the general public, provides goods and services for sale. (if you

rent slips to the general public and offer goods for sale you qualify). Note: this only pertains to the Commercial Marina entity that operates the marina and no one else. (CBYC only)

**Water oriented businesses** means any boat that can be rented for off-site use or offers off-site activities: charter boats, boat rentals, dive boats, dinner cruises, boat taxi, etc... Note: **Any Boat** that can be rented is a water-oriented business and must have a conditional use permit because they each come with different parking needs as Sec. 40-72 states. A Commercial Marina is a separate Conditional Use permit.

## **Chapter 10- Harbor And Marina Regulations**

Marina means boat slips that incorporate the following:

- (1) Parking shall be provided in accordance with the requirements of chapter 40, zoning. (40-150)
- (2) Separate male and female restroom facilities shall be provided for the exclusive use of the commercial marina patrons.
- (3) Properly screened and adequately sized solid waste disposal facilities shall be provided for the exclusive use of commercial marina patrons.
- (4) A separate, incorporated property owners association shall be established to provide for the maintenance of all common property and facilities.
- (5) Water
- (6) Electricity

## (7) Sewer Pump Out.

### SEC. 10-4 General Regulations

The following regulations shall apply to shoreline areas:

#### (13) Commercial activities

b. Commercial business allowances shall be reviewed in accordance with the allowances granted by Chapter 40, zoning , and as specifically permitted in this chapter.

### Sec. 40-71 & 40-72 Table of Permissible uses:

(P) permitted by right- means that the Business in MB-1 (CBYC) has the right to engage in those activities but no one else.

(CZ) Conditional zoning must be obtained before the use may be created and its uses listed.

Lets' look at Jeremy's response to my complaint that states Freedom Boat Club is not approved under Commercial Marinas for CBYC's CUP. He states that all water-oriented businesses are allowed to operate under the CUP for CBYC without any further approvals. First you should know that the Town Ordinance does not say this anywhere and Jeremy knows it. He says it is a historical interpretation that staff has implemented in this situation. There is no history of this because CBYC is unique and there is no other marina like it. A Conditional Zoning Permit is required so the Zoning

Commission and Town Council can determine if what is proposed will not cause problems or be a detriment to the surrounding zoning districts. This is why all Water-Oriented Businesses require a Conditional Use Permit.

In the Table of Permissible uses under MB-1 there are 12 uses listed that require a Conditional Zoning Permit. Of those 12 that apply to this CUP, Bars and Taverns, Commercial Marinas, Parking and Loading and Water-Oriented businesses all apply for any approval for CBYC.

Water-Oriented Businesses each have different parking needs and are specifically separated in the table so the Town Council can determine if the parking supplied is adequate.

The Director of Planning is supposed to create uses not listed and require parking spaces based upon the maximum anticipated use. (40-150 (d) (2).

**No where in this ordinance does it insinuate or say all water-oriented businesses are included in a commercial marina designation.**

Under Jeremy's approach to this issue, he is saying that any water-oriented business can operate from a slip in a commercial marina without any approval or consideration of its parking needs. If I rented a slip at CBYC and had a 50' tour/sunset cruise boat that could hold 40 customers that could generate 20 to 25 parking spaces needed including the crew and or employees. Jeremy says that the commercial marina must supply only one parking space for that use. Common sense tells us that this approach is incorrect and

wrong. In Sec. 40-150(d) under Parking space Schedule for Commercial Marina, it requires 1 parking space per wet boat storage space, 1 per 2 dry storage, 1 per service bay, 1 per 2 employees + required for all other on-site uses.

Look at the definitions for Marina & Commercial Marina and you will notice that it is a boat basin for storing watercraft. It becomes commercial when the slip is rented to the boat owner for storage and the marina could also sell products and services. The parking requirement in sec. 40-150(d)

Commercial Marina is for that purpose, Storage not water-oriented businesses. That is why it only requires one parking space. It goes on to say plus all other on-site uses. This CUP has Residential Dwelling @ 1 space per 1000 sq.ft., Office @ 1 space per 200 sq.ft., Eating/Drinking establishment

@ 1 per 110 sq. ft. plus  $\frac{1}{2}$  of outdoor area., Retail sales area @ 1 space per 200 sq. ft. It does not include any water-oriented businesses that would create additional parking needs. Freedom Boat Club is a boat time share business that is renting 21 slips and it double stacks boats and has 40 boats, 29 employees and approximately 350-400 customers that come in multiple cars. This one water-oriented business has created havoc with overcrowded parking and many cars parking on the side of the street. He says this marina can add unlimited water-oriented businesses regardless of the increase in traffic or parking congestion.

Sec. 40-150(a) Purpose of Parking Ordinance

1. Provide off-street parking standards which will **alleviate traffic congestion** in the streets and promote safe and unrestricted traffic flow.
2. Provide for the **efficient storage of vehicles** while **minimizing the detrimental effects of off-street parking on adjacent properties.**

Jeremy's approach is **increasing** traffic congestion and restricting flow while **increasing** the detrimental effects of off-street parking on adjacent properties. This is zoning malpractice. Look at the pictures of last season and please explain how any board or committee could agree that Jeremy is not completely wrong to ignore his responsibility as director to fix this.

Look at Sec. 40-2(a), This is the purpose and vision policy for Zoning and Jeremy looks the other way.

Olin Furr

Oceana Owners Association, Inc.

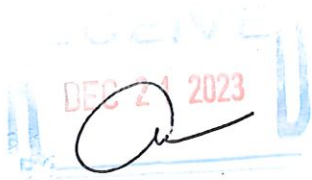


Georgia Ave









1121 N. Lake Park Boulevard  
Carolina Beach, North Carolina 28428  
910 458 8492

## VIOLATION COMPLAINT FORM

In accordance with Section 19.6 of the Carolina Beach Zoning Ordinance the following information is required from all complainants who request the Town to investigate and resolve issues associated with potential zoning violations. Furthermore, by completing and signing this form you acknowledge that the information provided becomes public record and may be distributed to any individual requesting this information.

Complainant's Name Oceana Owners Association, Inc.

Contact Information: Address 440 Oceana Way  
Carolina Bch, N.C. 28428  
Telephone Number 704-572-2666  
Email Address OlintFurr@yahoo.com

Location and/or Address of alleged violation:

Street Address 401 Marina St.

Name of Violator (if known) Town of Carolina Bch + CBPC, LLC

If the above is unknown, please describe the location or draw the location on the back of this form with street or road names and any other identifiable feature.

Below, please describe the nature of the alleged violation as you have witnessed it.

Jeremy + CBPC have violated sec 40-71 (Water Oriented Businesses)  
MUST HAVE approval of Town Council. Town Council Has never Approved  
Freedom Boat Club to operate inside of CBPC. Also violates 40-150(a)1, 2  
40-150(d), 40-2 (a) 40-6 (b) 40-70 (b)(2) SEE Attached Response

Oceana Owners Association, Inc

Olint Furr

Signature of Complainant

12/21/23

Date



12/21/23

Violation Complaint against Town of Carolina Beach and CBYC, LLC. Jeremy Hardison has allowed CBYC, LLC to violate Zoning Sec. 40-71 Table of Permitted Uses (Water Oriented Businesses). While CBYC is allowed to rent its designated slips to boat owners, it in no way gives them a license to allow additional water oriented businesses without Town Council's Approval as it says in the ordinance.

Freedom Boat Club is a Boat Time Share Program operating inside of CBYC. The traffic and activity generated from this water oriented business is tremendous. They boast over 350 customers and set up appointments for half or full day excursions. Each customer pays an up front fee to join the Time-Share then pays a monthly fee for unlimited access to 38 boats. They also are planning on expanding the business. Many customers come in multiple cars and makes parking a much larger problem. This business is not approved by Council. Prior to Freedom Boat club opening their business in Carolina beach we never had traffic issues. This is a business that is much larger than CBYC.

In Sec. 40-150 Off Street Parking (a) the purpose is to (1) provide standards to alleviate traffic congestion in the streets and promote safe and unrestricted traffic flow. (2) Provide for the efficient storage of vehicles while minimizing the detrimental effects of off-

street parking on adjacent properties.

In Sec. 40-150 (d) Off Street Parking Schedule under "Commercial Marina" you must have 1 parking space per wet slip, 1 space per 2 employees plus required for all other on site uses. Freedom Boat Club is another on site use. From a zoning perspective 1 parking space per wet slip is limited access for each slip.

Please read and review Sec. 40-2 (a), Sec.40-6 (b), and Sec.40-70 (b) (1) & (2).

Jeremy this is why there is a huge traffic problem here at peak boating season, spring summer and fall and it is one you and your staff are allowing to get much worse. Zoning Ordinances are around for guidelines and protections and im afraid our residential community is not getting it.

Lynn Barbee  
Mayor

Joe Benson  
Council Member

Deb LeCompte  
Council Member



Jay Item 2.  
Mayor Pro Tem

Mike Hoffer  
Council Member

Bruce Oakley  
Town Manager

**Town of Carolina Beach**  
1121 N. Lake Park Blvd.  
Carolina Beach, NC 28428  
Tel: (910) 458-2999  
Fax: (910) 458-2997

1.11.24

Olin Furr  
440 Oceana Way  
Carolina Beach NC 28428

Dear Mr. Furr,

I am in receipt of your violation complaint dated December 21, 2024. The purpose of this letter is to provide my determination regarding your complaints. Below are the sections of the ordinance that you referenced in your complaint. I have addressed each one below.

**Sec 40-71**

**Sec. 40-71. - Table of permissible uses.**

Response: Commercial Marinas are approved under conditional zoning and include water oriented businesses including but not limited to commercial charter activities such as fishing, touring, diving, etc. Once a commercial marina is approved water oriented businesses are allowed to operate without further approval from the Town Council. A water-oriented business located outside a commercial marina is subject to the conditional zoning requirements.

**40-150 (a) 1,2**

Purpose. The purpose of this section is to:

- (1) Provide off-street parking standards which will alleviate traffic congestion in the streets and promote safe and unrestricted traffic flow;
- (2) Provide for the efficient storage of vehicles while minimizing the detrimental effects of off-street parking on adjacent properties;

Response: Parking at Carolina Beach Yacht Club is in compliance with the Town's Ordinance for commercial marinas.

**40-150 (d)**

**Sec. 40-150. - Off-street parking standards.**

(d) Off-street parking space schedule.

Response: Carolina Beach Yacht Club and the water oriented businesses in operation on premises are required to have one parking space per boat storage space and are in compliance with the Town's Ordinance for commercial marinas.

Sec. 40-150. - Off-street parking standards states for types of uses not listed, the Planning Director shall have the authority to determine the appropriate number of required parking spaces based upon the maximum anticipated use.

#### **40-2 (a)**

##### **Sec. 40-2. - Purpose and vision policy.**

(a) Purpose. The zoning regulations and districts as set forth herein are designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue congestion of population; facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been designed with consideration given to the character of each district and its suitability for various uses, with a view toward conserving the value of buildings and property, and for encouraging the most appropriate use of land throughout the community.

Response: Carolina Beach Yacht Club and the water oriented businesses in operation on premises are required to have one parking space per boat storage space and are in compliance with the Town's Ordinance for commercial marinas.

#### **40-6 (b)**

##### **Sec. 40-6. - Relationship among Town ordinances.**

(b) Zoning provisions. When inconsistencies are identified within this chapter, the more restrictive zoning language shall apply.

Response: I agree that 40-6 requires the most restrictive zoning interpretation when there is inconsistency. No inconsistencies exist.

#### **40-70 (b) (2)**

##### **Sec. 40-70. - Zoning districts described.**

(b) R-1B, Residential District (Single-Family Dwellings).

(2) Intent. The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with the residential community and which would be detrimental to the residential quality and value of the district.

Response: Carolina Beach Yacht Club is zoned Marina Business. Sec. 40-70(b) is not applicable.

Sincerely,

Item 2.

*Jeremy Hardison*

Jeremy Hardison  
Planning & Development Director  
Town of Carolina Beach

## Ordinances referenced in the appeal application

### Blue is new language from the UDO

### Red is strikethrough language that was removed

## Prior Ord. Sec. 40-329. (a)

### 2.14 SPECIFIC REVIEW PROCEDURES

#### D. SPECIAL USE PERMIT

15. The ~~official with responsibility under article XV of this chapter~~ UDO Administrator shall ensure compliance with plans approved by the Town Council and with any other conditions imposed upon the special use permit. ~~Enforcement of the plans approved by the Town Council and with any other conditions imposed upon the special use permit shall be pursuant to those procedures set forth in article XV of this chapter regarding administration, enforcement and review of approvals and subject to applicable administrative review and appeal procedures.~~ Further, ~~in the event of an article XV decision~~, finding a failure to comply with the plans approved by the Town Council and with any other conditions imposed upon the special use permit, and subject to applicable administrative review and appeal procedures, no building permits for further construction shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of ~~the Town's zoning~~ this ordinances.

## Prior Ord. Sec. 40-330. (a)(2)

### 2.13 MODIFICATION, REVOCATION, AND RESUBMISSION OF A DENIED PERMIT

#### A. MODIFICATION OF PERMITS OR APPROVALS

2. Major changes to approved permits, plans, and conditions of development may be authorized only by the permit issuing authority in the same manner as outlined in this ordinance for original submission. Major changes include, but are not limited to:

b) Increase in intensity of the development; such as increase in density of units, whether residential, office, commercial, or industrial; an increase in number of off-street parking or loading spaces; an increase in height; or an increase in impervious surface area.

## Prior Ord. Sec. 40-489. (b)

### 2.6 UDO ~~ZONING~~ ADMINISTRATOR

B. Under no circumstance is the UDO Administrator ~~zoning administrator~~ permitted to make changes in this ordinance or to grant exceptions to the actual meaning of any clause, standard, or regulation contained in this ordinance.

## Prior Ord. Sec. 40-150. (a) 1,2,4

### 3.24 OFF-STREET PARKING

#### A. PURPOSE

1. The purpose of this section is to:

- A. Provide off-street parking standards which will alleviate traffic congestion in the streets and promote safe and unrestricted traffic flow.

- B. Provide for the efficient storage of vehicles while minimizing the detrimental effects of off-street parking on adjacent properties.
- D. Ensure the proper and adequate development of off-street parking throughout the town and its environs.

Item 2.

#### Prior Ord. Sect 40-150(b)

### 3.24 OFF-STREET PARKING

#### B. APPLICABILITY

1. The off-street parking standards contained herein shall apply to all new ~~buildings~~ construction and uses, changes of ~~ownership and uses~~, expansions, additions and renovations to existing structures and uses.

#### Prior Ord. Sec 40-150(e)(1)

### 3.24 OFF-STREET PARKING

#### D. GENERAL PROVISIONS AND REQUIREMENTS

1. Minimum parking space size. The minimum size parking space for 90-degree parking or other diagonal parking spaces shall be nine (9) feet in width and 18 feet in length. Parallel parking spaces shall not be less than eight (8) feet in width and 22 feet in length. Golf cart spacing may be six (6) feet in width by 14 feet in length. ~~Notwithstanding the foregoing, the Technical Review Committee may modify the required parking space size based upon the minimum parking space dimensions recommended by the Urban Land Institute or other comparable national standard using factors that include, but are not limited to, whether sufficient area is available between the front wheel stop or barrier and the property line, walkway, parking drive/aisle, or landscaped area; the width of the parking space being sufficient for comfortable door opening clearance; the ease of maneuverability into and out of spaces; and the impact of the vehicle size on the desired angle of the parking space.~~

#### Prior Ord. 40-150(e)(7)(c)&(e)

### 3.24 OFF-STREET PARKING

#### F. *Parking design and construction.*

3. *Vision clearance.* In order to maintain an acceptable and safe line of sight for motor vehicle drivers, no parking spaces, fences, walls, posts, signs, lights, shrubs, trees or other type of obstructions not specifically exempted shall be permitted in the space between 30 inches above ground level and ten feet above ground level within a sight distance triangle. A sight distance triangle shall be the visually unobstructed area of a street/driveway corner as determined by measuring a distance of 30 feet along the intersecting curb lines, or edges of pavement of the intersecting street/driveway if curbs are not present, and connecting the two points by a straight line to form a triangular shaped area over the corner.

5. *Maneuvering.* All parking facilities shall be designed and constructed so that maneuvering shall take place entirely within the property lines of the facility and shall be arranged so that ingress and egress is by forward motion of the vehicle. Exceptions may be granted for maneuvering of vehicles that meet the following conditions and the required sidewalk and landscaping regulations shall be waived for those parking spaces.

1. Single- and multi-family dwellings.
2. Commercial establishments meeting the following criteria:
  - (i) Located on a non-through street.
  - (ii) Applicable NCDOT approval has been obtained and provided to Town.
  - (iii) Located in the Highway Business (HB) Zoning District

**Prior Ord. Sec. 40-2.****PURPOSE AND VISION POLICY**

- E. Purpose. The ~~zoning~~ land development regulations and zoning districts as set forth herein are designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue congestion of population; facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been designed with consideration given to the character of each district and its suitability for various uses, with a view toward conserving the value of buildings and property, and for encouraging the most appropriate use of land throughout the community.
- F. Vision policy. The ~~zoning~~ land development regulations and zoning districts as set forth herein are also intended to effectuate the general vision policy of the town, as set forth in the current Carolina Beach Land Use Plan adopted by the Town Council:

We, the residents, business, and property owners of the Town of Carolina Beach, shall seek to preserve and enhance our community as both an appealing destination resort and year-round place in which to live. We will continually strive to protect and nurture the natural and manmade features of our community which make it so unique. These features include our boardwalk/amusement area, marina and boat basin, Carolina Beach Lake, Carolina Beach State Park, and our stable, permanent single-family residential neighborhoods. As the inherent value of our community continues to increase over the coming years, and the forces of investment and change influence that growth, the town's mission shall be to positively direct growth such that the quality of each of these features is continually enhanced within the context of a small, family-oriented beach resort town.

**Prior Ordinance 40-71****3.4 TABLE OF USES**

- A. Generally. ~~The table in section 40-72~~ Table 3.2 sets forth the permitted, conditional zoning, and special uses allowed in each zoning district.
1. Permitted by right (P). The letter "P" in the zoning district column opposite the listed use means the use is permissible by right in the zoning districts in which it appears.
  2. Permitted use with standards (PS). Uses with additional standards are denoted with a "PS."
  3. Conditional zoning (CZ). The letters "CZ" in the zoning district column opposite the listed use means that conditional zoning, as set forth in ~~article XVII~~ Section 2.21 of this ~~chapter ordinance~~, must be obtained before the use may be created. Use standards may also be required for certain conditional zoning uses.
  4. Special use permit (S). The letter "S" in the zoning district column opposite the listed use means that a special use permit, as set forth in ~~article XI~~ Section 2.14(C) of this ~~chapter ordinance~~, must be obtained before the use may locate in the district in which it appears.

5. Prohibited. A use specifically prohibited in the table of permissible uses for every zoning district. Any use listed as prohibited has been reviewed and considered as having a detrimental impact on the health and safety of the community.
- B. Use designation.
1. If a "P" or "CZ" or "PS" does not appear in a zoning district column opposite a listed use, the use is not permitted in that zoning district.
  2. Uses not listed. The uses listed may not address all possible uses. In determining if a use is permitted, the UDO Administrator shall consider which category of expressed uses most closely matches the use proposed and apply the regulations pertaining to that category to the proposed use ~~The permitted, not permitted or conditional status of any use not listed in the table of uses shall be determined by the zoning administrator based upon the administrator's comparison of similar uses as allowed in similar locations. The zoning administrator may refer any unlisted use to the board of adjustment for interpretation. The zoning Administrator's determination may also be appealed to the Board of Adjustment in accordance with the provisions of article XVI of this chapter.~~ No interpretation shall be made which would change the character of a zoning district relative to the purpose of such zoning district and the other uses allowed.
    - a) Interpretation of unlisted uses. Where a proposed use is not specifically listed in the table of permissible uses, the ~~zoning administrator~~ UDO Administrator may permit the proposed use upon a determination that the proposed use has an impact similar in nature, function, and/or duration similar to another permitted use listed in the table of permissible uses. The ~~zoning administrator~~ UDO Administrator shall give due consideration to the purpose and intent statements in this section concerning the base zoning district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question.
    - b) Standards for ~~approving~~ determining unlisted uses. In determining the use which most closely matches the proposed use, the UDO Administrator shall consider ~~In order to determine if a proposed use(s) has an impact that is similar in nature, function, and duration to the other approved uses allowed in a specific zoning district, the zoning administrator shall assess~~ all relevant characteristics of the proposed use, including but not limited to the following:
      - i. The volume and type of sales, retail, wholesale, etc.
      - ii. The size and type of items sold and nature of inventory on the premises.
      - iii. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution.
      - iv. Any dangerous, hazardous, toxic, or explosive materials used in the processing.
      - v. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside, or outside the principal building; predominant types of items stored (such as business

- vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders).
- vi. The type, size, and nature of buildings and structures.
  - vii. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes.
  - viii. Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures, and communications towers or facilities.
  - ix. The impact on adjacent lands created by the proposed use.
  - x. [If requested, the applicant shall submit evidence to the UDO Administrator of the anticipated traffic, noise, light, or odor of the proposed use. Reports prepared by the applicable professional trade may be required \(e.g. transportation engineer, environmental scientist, etc.\).](#)
- c) Decision by zoning administrator. [A final determination on the proposed use shall be provided in writing to the applicant and subject to appeal by the Board of Adjustment.](#)
- i) ~~Typical use: Added to ordinance. In making the determination, the zoning administrator shall recommend a text amendment to this section if it is determined the proposed use is common or likely to recur frequently, or that omission of specific inclusion and reference in the table of permitted uses is likely to lead to public uncertainty and confusion. Until final action is taken on a proposed amendment, the interpretation of the zoning administrator shall be binding.~~
  - ii) ~~Atypical uses. In making a determination whether to approve a proposed use that is not listed in the table of permissible uses, an unlisted use, the zoning administrator interpretation shall be binding. Aggrieved parties may appeal the interpretation to the BOA.~~

## **Prior Ord. 40-72**

### **3.4 Table of Uses**

Table 3.2: Table of Uses		P = Permitted by Right; CZ = Conditional Zoning (Use Standard noted); PS = Permitted Use with a Use Standard													Use Standard
Uses of Land	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1	
<b>Accessory Uses (3.6)</b>															
Accessory structure or use, nonresidential								PS	PS	PS	PS	PS	PS	PS	3.6.B
Accessory uses and structures, residential including garages, carports, etc. (See sections 40-261, 40-548)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.6.C
Home occupations, customary (See sections 40-261, 40-548)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		3.6.D
Outdoor display								PS	PS	PS	PS	PS	PS	PS	3.6.E
Outdoor seasonal sales	PS	PS	PS	PS		PS	PS	PS	PS	PS	PS	PS	PS	PS	3.6.F
Swimming pools, private (See sections 40-261, 40-548)	PS	PS	PS	PS	PS	PS	PS	PS		PS		PS	PS		3.6.G
Temporary healthcare structures	PS	PS	PS	PS	PS	PS	PS	PS		PS		PS	PS		3.6.H
Temporary storage container	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.6.I
Trailer, temporary construction (See section 40-261)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.6.J
<b>Residential Uses (3.7)</b>															
Dwelling, multifamily (Triplex; quadraplex; Units <= 4)							P	P				P	P		
Dwelling, multifamily (Units > 4)							CZ	CZ				CZ	CZ		3.7.A
Dwelling, single-family detached	P	P	P	P	P	P	P	P		P		P	P		
Dwelling, two-family	P					P	P	P				P	P		
Family care home	PS	PS	PS	PS	PS	PS	PS	PS		PS		PS	PS		3.7.B
Manufactured home, on standard, single-family lot (See section 40-261)						P									3.7.C

Table 3.2: Table of Uses		P = Permitted by Right; CZ = Conditional Zoning (Use Standard noted); PS = Permitted Use with a Use Standard														Use Standard
Uses of Land		R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1	
<del>40-261 Class AA, A, and B)</del>																
Manufactured home (Class C)		Prohibited														
<del>Attached single-family residential</del>	-	-	-	-	-	-	P	P	-	P	-	P		P	-	
Planned Unit Development (Section 3.8)																
Planned unit development, business <del>(See article XII of this chapter)</del>										CZ	CZ	CZ	CZ	CZ		<u>3.8.B</u>
Planned development, industrial															CZ	<u>3.8.C</u>
Planned unit development, residential <del>(See article XII of this chapter)</del> Units <= 4	PS			PS			PS	PS	PS			PS	PS	PS		<u>3.8.D</u>
Planned unit development, residential <del>(See article XII of this chapter)</del> Units > 4	CZ			CZ			CZ	CZ	CZ			CZ	CZ	CZ		<u>3.8.E</u>
Nonresidential Uses (Section 3.9)																
Adult entertainment establishment <del>(See sections 40-261, 40-548)</del>															CZ	<u>3.9.A</u>
Aircraft takeoff and landing zone <del>(See sections 40-261, 40-548)</del>		Prohibited														
Animal care facility												P				
Animal care facility with outdoor area <del>(See section 40-261)</del>												CZ				<u>3.9.B</u>
Art galleries <del>(See section 40-548)</del>									P	P	P	P	P			
Auction sales										P		P				
<del>Automotive, major</del> Automobile repair garages, including engine overhauls, body and paint shops and similar operations in enclosed buildings <del>(See sections 40-261, 40-548)</del>												CZ	PS		PS	<u>3.9.C</u>
Vehicle sales lot and rental lot <del>(See section</del>												P			P	

Table 3.2: Table of Uses		P = Permitted by Right; CZ = Conditional Zoning (Use Standard noted); PS = Permitted Use with a Use Standard													Use Standard
Uses of Land	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1	
Automotive, minor <del>Automobile service stations and convenience stores</del>									PS	PS	PS				3.9.D
<del>Car wash (See section 40-548)</del>											<del>P</del>				
Bakery, retail, <del>on-premises sales only</del>									P	P	P				
Bakery, <del>retail, off-premises sales</del> wholesale											P			P	
Bed and breakfast inn <del>(See section 40-261)</del>	CZ						CZ	CZ	CZ	CZ	CZ		CZ		3.9.E
Boat and personal water craft (PWC) sales and rental									P		P	P	P	P	
Boat repair facility											PS	PS		PS	3.9.G
Body piercing and tattoo facility											CZ				
Bus terminal									P		P				
<del>Cafeteria or dining room for employees of permitted uses</del>														CZ	
Cemeteries, public and private <del>(See section 40-261)</del>														CZ	3.9.I
Commercial indoor recreation, <del>such as bowling alleys, etc.</del>									P		P				
<del>Arcades, rides, games in enclosed buildings</del>									<del>P</del>		CZ				
<del>Theaters, in enclosed structure</del>									<del>P</del>		<del>P</del>				
Commercial outdoor recreation, <del>such as miniature golf, golf driving ranges, par 3 golf courses, go-carts and similar enterprises (See section 40-261)</del>									CZ		<del>P</del> CZ			PS	3.9.J
<del>Outdoor amusements, carnival and rides</del>									<del>CZ</del>		<del>CZ</del>				
<del>Theaters, open-air drama</del>									CZ		CZ			CZ	
Contractors offices, no outdoor storage									P		P			P	
Day nurseries, day care centers and preschools <del>(See sections 40-261, 40-548)</del>	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ	CZ	CZ	PS	PS	PS	3.9.K

Table 3.2: Table of Uses		P = Permitted by Right; CZ = Conditional Zoning (Use Standard noted); PS = Permitted Use with a Use Standard													Use Standard
Uses of Land	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1	
Drop-in child care providers (See sections 40-261, 40-548)	CZ	CZ	CZ	CZ		CZ	PS	PS	PS	PS	PS	PS	PS	PS	3.9.L
Dwelling for caretaker on-premises where employed											P	P		P	
Drive-in/through facility											P				
Dry stack storage facilities												PS			3.9.M
Ear piercing facility											P				
Exhibition buildings									CZ		P			P	
Exterminator service business offices, no outdoor storage of materials or equipment									P		P			P	
Fire stations, emergency services, nonprofit	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ			CZ	
Funeral homes and crematoriums									P		P				
Gardens, arboreta, nurseries, and greenhouses, items for sale									P	P	P			P	
Nursery, garden and landscaping, display and sales											P			P	
Government/public facilities and utilities (See section 40-261)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.9.P
Group care/rehabilitation facility										CZ				CZ	
Laundries and dry cleaning, delivered by customers									P	P	P				
Laundromats, self-service									P	P	P				
Libraries	CZ		CZ	CZ				P	P	P	P				
Live entertainment complex in enclosed buildings									CZ		CZ				
Marinas, docks and/or piers, private	P	P	P		CZ				P			P			
Marinas, docks and/or piers, public or commercial	CZ				CZ		CZ		P			CZ			
Fishing piers, public and private									P/CZ						

Table 3.2: Table of Uses		P = Permitted by Right; CZ = Conditional Zoning (Use Standard noted); PS = Permitted Use with a Use Standard													Use Standard
Uses of Land	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1	
Medical and dental clinics								P	P		P			P	
Meeting facilities	CZ	CZ	CZ	CZ		CZ	CZ	CZ	P		P			P	
Mixed use commercial nonresidential-residential (See section 40-261)								PS	PS	PS	PS	PS	PS		3.9.Q
Motels and hotels								CZ	CZ		CZ		CZ	CZ	
Motels and hotels, operated with a marina												CZ			
Multi-use facility								P	P	P	P	P	P	P	
Museums					P				P		P		P	P	
Offices, public, private or civic/general								P	P	P	P	P	P	P	
Parking lot, commercial—permanent (See section 40-261)									PS/CZ						3.9.R
Parking lot, town operated (See section 40-261)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parking, municipal decks									P						
Parking, private decks									CZ						
Parking and loading areas serving uses in the same zoning district, on same or contiguous lot (See article V of this chapter)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parking and loading areas serving uses in the same zoning district, on non-contiguous lot (See article V of this chapter)	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	P	CZ	CZ	CZ	CZ	CZ	
Personal service establishment								CZ	P	P	P			P	
Bank/financial institutions									P		P				
Barber shops									P	P	P				
Postal mailing services, commercial									P		P			P	
Photographic studio								P	P	P	P				
Printing/reprographics									P		P			P	
Radio, computer, television and appliance repairs and rental service									P		P				
Tailor shops									P	P	P				

Table 3.2: Table of Uses	P = Permitted by Right; CZ = Conditional Zoning (Use Standard noted); PS = Permitted Use with a Use Standard														Use Standard
Uses of Land	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1	
<del>Spa health club</del>									<del>P</del>		<del>P</del>				
<del>Studios, artist, designers, gymnasts, musicians, sculptures</del>								<del>CZ</del>	<del>P</del>		<del>P</del>				
Pet shops and pet supply stores									P		P				
Post offices									P		P			P	
Religious institution <del>Churches/places of worship/parish houses</del>	CZ	CZ	CZ	CZ		CZ	CZ	CZ	P		CZ				
Rental of any item, the sale of which is permitted in the district									P		P	P			
Rental of golf carts, mopeds, e-bikes and scooters <del>(See section 40-261)*</del>								PS	PS	PS	PS	PS		PS	3.9.T
Repair of any item, the sale of which is permitted in the district									P		P	P			
<del>General</del> Retail sales								P	P	P	P	P		P	
<del>Furniture stores</del>											<del>P</del>				
Rooming house	Prohibited														
Schools, commercial for specialized training									P		P			P	
Schools, public and private	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ			CZ	
<del>Schools, private, general instruction</del>	<del>CZ</del>	<del>CZ</del>	<del>CZ</del>	<del>CZ</del>		<del>CZ</del>	<del>CZ</del>	<del>CZ</del>	<del>CZ</del>		<del>CZ</del>			<del>CZ</del>	
Seafood production and/or processing and/or dockage, wholesale and retail												CZ		CZ	
Shooting range														CZ	3.9.T
Shopping centers/big box								CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Swimming pools, public <del>(See sections 40-261, 40-548)</del>	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		3.9.U
<del>Telephone exchange</del>									<del>P</del>		<del>P</del>			<del>P</del>	
Tennis courts, commercial <del>(See section 40-261)</del>									CZ		CZ				3.9.W
Tennis courts, private <del>(See section 40-261)</del>	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ	3.9.W
Trailer, business									<del>CZ</del>						
Trailer park, travel <del>(See section 40-548)</del>															
Utilities, private <del>(See section 40-261)</del>	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	P	P	P	P	P	P	

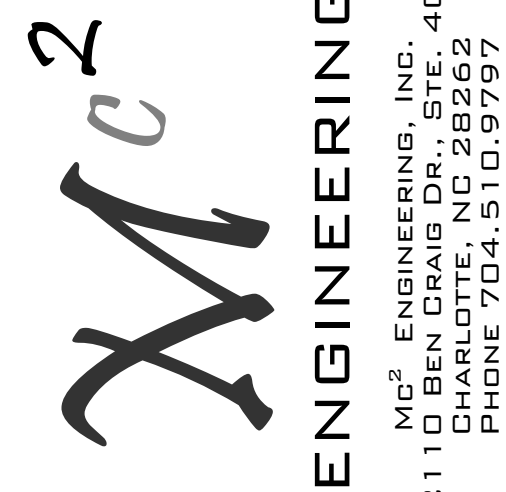
Table 3.2: Table of Uses	P = Permitted by Right; CZ = Conditional Zoning (Use Standard noted); PS = Permitted Use with a Use Standard														Use Standard
Uses of Land	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1	
Water oriented businesses									CZ			CZ			
Wholesale sales									P		P	P		P	
Wireless telecommunications facilities (see <del>article X of this chapter</del> Division 4, Wireless Telecommunication)															
Eating and/or drinking establishments (Section 3.10)															
Bars and taverns ( <del>See section 40-261</del> )									CZ		CZ	CZ	CZ	CZ	3.10
Beer shop (On-premise)									PS	PS	PS				3.10
Breweries ( <del>See section 40-261</del> )									PS	PS	PS			PS	3.10
Distillery									PS		PS			PS	3.10
Event venue/bar									CZ		CZ				3.10
Ice cream stores								P	P	P	P				
Standard restaurants and eateries								P	P	P	P	P	P	P	
Wine shop (Retail/Off-on premise)									PS	PS	PS	PS			3.10
Manufacturing, Assembly, Storage, and Processing (Section 3.11)															
Beverages, bottling works														P	
Flammable liquid storage, <del>1,000 gallons aboveground only (See section 40-261)</del>														CZ	3.11.A
Ice manufacture, sales and storage											P			P	
Manufacturing, artisan									P	P	P			P	
General assembly and repair											CZ			P	
Manufacturing and assembly, processing, and packaging, except those uses identified in section 40-261														P	
Manufacturing incidental to retail business, sold on premises only, maximum of five manufacturing operators									P		P			P	
Manufacturing, limited											CZ			P	

Table 3.2: Table of Uses		P = Permitted by Right; CZ = Conditional Zoning (Use Standard noted); PS = Permitted Use with a Use Standard													Use Standard
Uses of Land	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1	
Sign painting and sign fabrication											P			P	
Recreational vehicle/boat storage, yard <del>(See section 40-261)</del>											PS	PS		PS	<u>3.11.B</u>
Towing service impound yard, salvage operation											CZ			PS	<u>3.11.B</u>
Warehouses, mini storage, Self-service storage facility <del>Large and mini</del>														P	
Woodworking shops														P	

### **Prior Ord. Sect. 40-150 (d) (2)**

#### **D. GENERAL PROVISIONS AND REQUIREMENTS**

~~(2) For types of uses not listed, the Planning Director shall have the authority to determine the appropriate number of required parking spaces based upon the maximum anticipated use.~~



THE DESIGNS AND DRAWINGS SHOWN ARE THE PROPERTY OF  
Mc2 ENGINEERING, INC. REPRODUCTION OR USE FOR ANY  
PURPOSE OTHER THAN THAT AUTHORIZED BY Mc2  
ENGINEERING, INC. IS PROHIBITED. 2018 ©

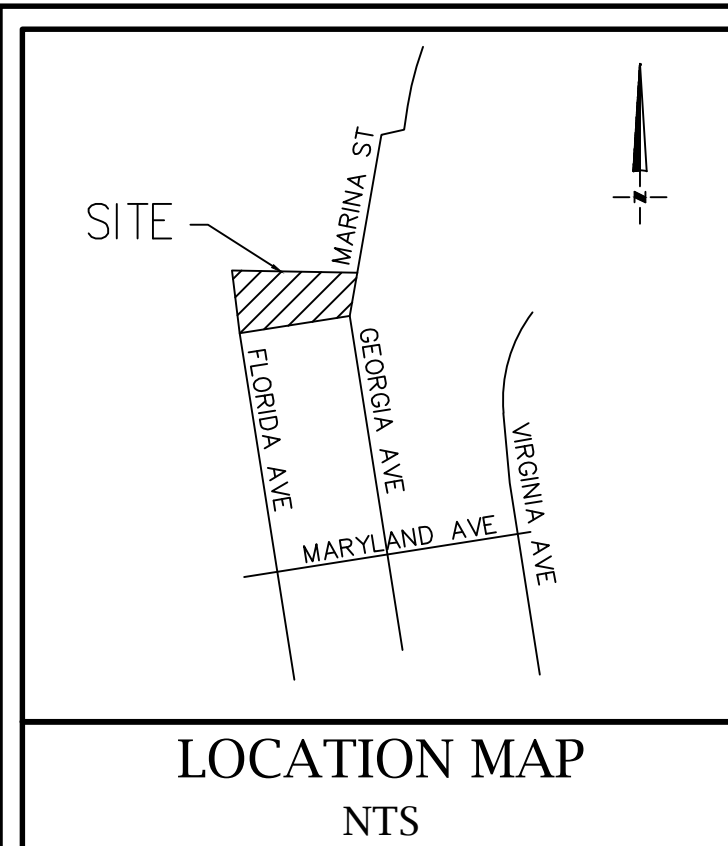
CAROLINA BEACH MARINA  
AND YACHT CLUB  
401 MARINA STREET  
CAROLINA BEACH, NC

# SKETCH PLAN

REVISIONS		
1	9/25/2018	CAROLINA BEACH REVISIONS
2	9/27/2018	CAROLINA BEACH REVISIONS
3	10/17/2018	CAROLINA BEACH REVISIONS
4	11/2/2018	CAROLINA BEACH REVISIONS
5	11/8/2018	CAROLINA BEACH REVISIONS
6	11/20/2018	CAROLINA BEACH REVISIONS
7	12/4/2018	CAROLINA BEACH REVISIONS
8	12/7/2018	CAROLINA BEACH REVISIONS
9	3/5/2019	CAROLINA BEACH REVISIONS
10	9/22/2019	CAROLINA BEACH REVISIONS

CAD FILE: 18-026 BASE.DWG  
PROJECT NO.: 18-026  
DESIGNED BY: TAP  
REVIEWED BY: JDM  
DATE: AUGUST 31, 2018

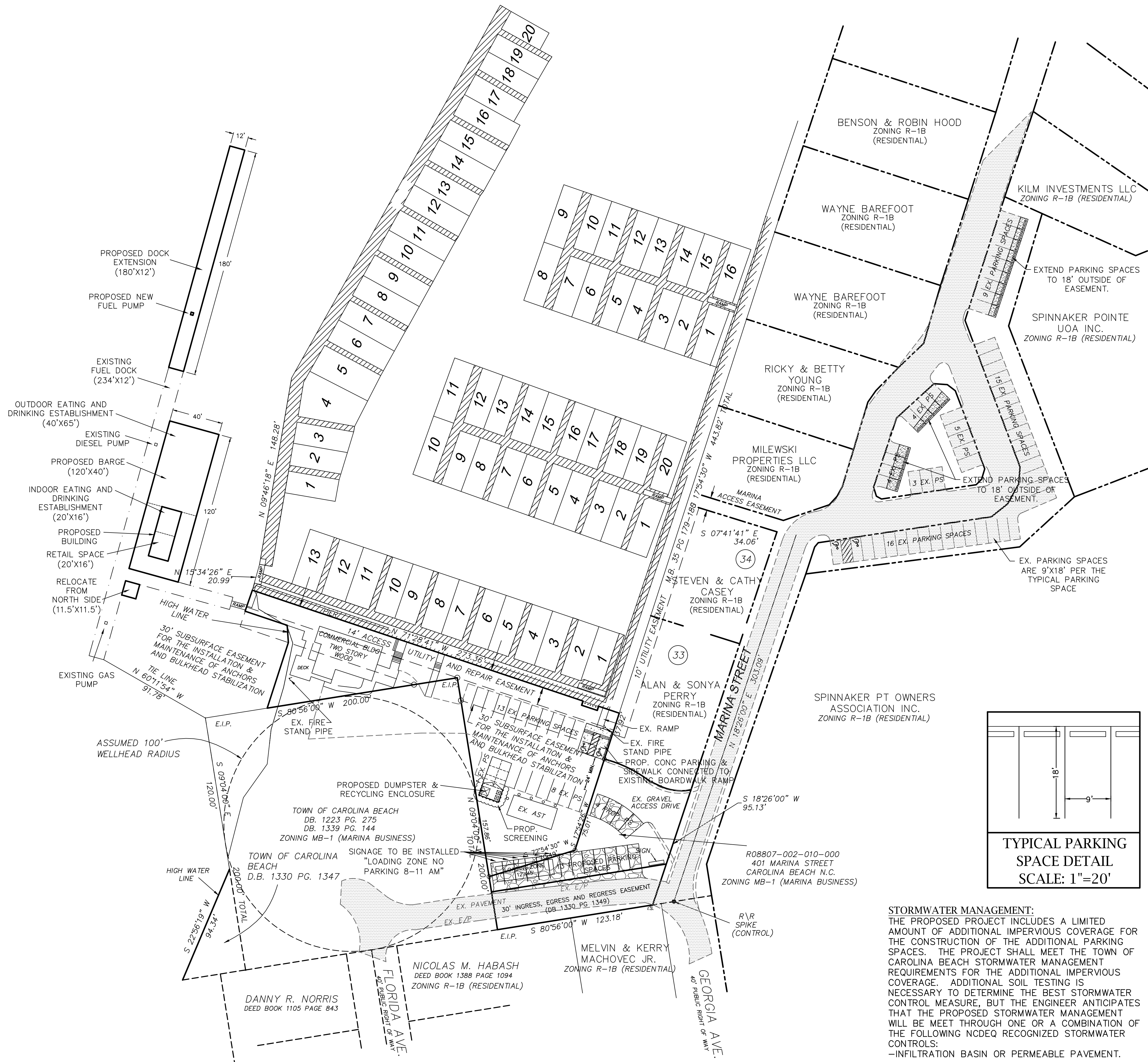
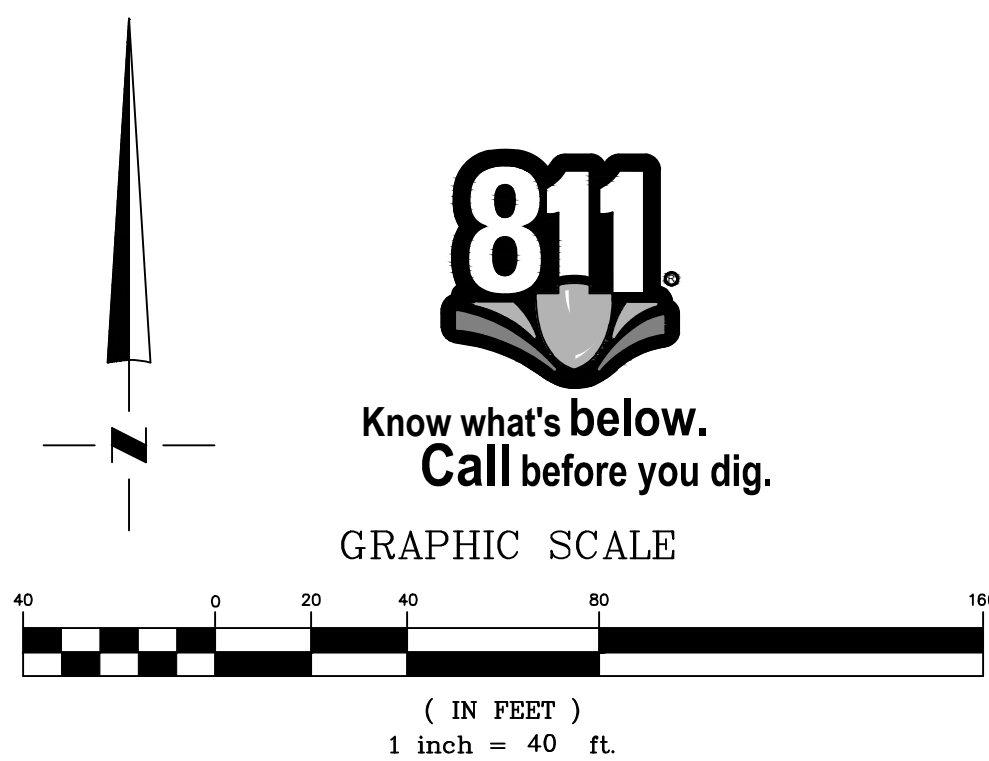
# SP1.0



PROPERTY OWNER PER GIS:	JOYNER MARINA LLC RALEIGH, NC 27602
SITE AREA:	±1.36 AC (±59,237 SF) 0.53 AC (±23,087 SF) 0.24 AC (±10,450 SF) 0.59 AC (±25,700 SF)
PARCEL IDS:	R08519-002-028, R08807-002-010, R08519-002-002
JURISDICTION:	TOWN OF CAROLINA BEACH
CURRENT ZONING:	MB-1-MARINA
<u>PARKING CALCULATIONS</u>	
REQUIRED OFF-STREET PARKING:	94 (93.2)
BOAT SLIP	
-1 SPACE PER WET SLIP	69
RETAIL (BARGE)	
-1 SPACE PER 200 SF	1.6
-1/2 OF STRUCTURE (16' X 20')=320 SF	
EATING & DRINKING ESTABLISHMENTS (BARGE)	
-1 SPACE PER 110 SF (INDOOR)	2.9
-1/2 OF STRUCTURE (16' X 20')=320 SF	
-1 SPACE PER 220 SF (OUTDOOR)	11.8
-(40'X65')=2,600 SF	
RESIDENTIAL ABOVE EXISTING COMMERCIAL	
-1 SPACE PER 1,000 SF	1.2
-1,200 SF APARTMENT	
OFFICE (EXISTING COMMERCIAL BUILDING 1ST FLOOR)	
-1 SPACE PER 300 SF	2
-600 SF	
RETAIL (EXISTING COMMERCIAL BUILDING 1ST FLOOR)	
-1 SPACE PER 200 SF	4.7
-933 SF	
EXISTING OFF-STREET PARKING:	79
PROPOSED OFF-STREET PARKING:	16
TOTAL OFF-STREET PARKING:	95
<u>LOT COVERAGE</u>	
EXISTING BUILDING/FUEL TANK:	2,144 SF
EXISTING CONCRETE/ASPHALT/GRAVEL:	25,640 SF
TOTAL EXISTING IMPERVIOUS:	27,784 SF
PROPOSED GRAVEL:	1,975 SF
TOTAL PROPOSED IMPERVIOUS AREA:	29,759 SF

## DEVELOPMENT SUMMARY

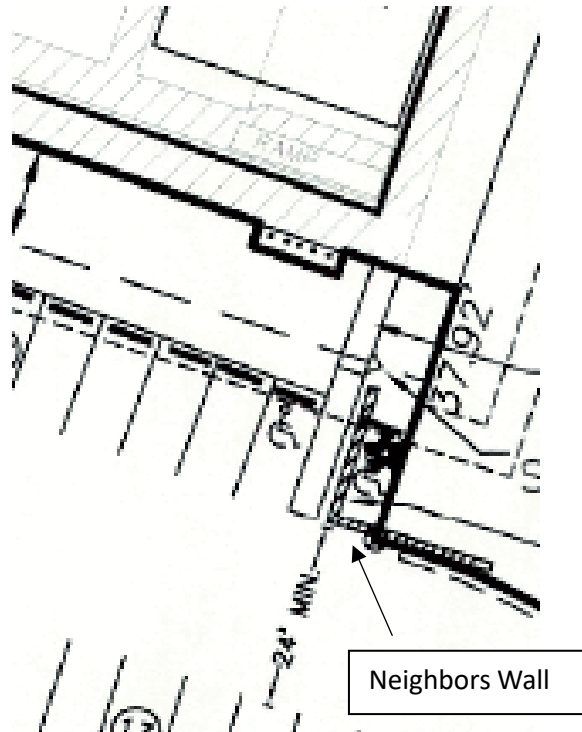
**PROJECT DESCRIPTION:**  
PROJECT INCLUDES PROPOSED DOCK  
EXTENSION WITH NEW FUEL PUMP AND NEW  
BARGE WITH BUILDING TO HOUSE SMALL  
RETAIL AREA AND EATING AND DRINKING  
ESTABLISHMENT.



**STORMWATER MANAGEMENT:**  
THE PROPOSED PROJECT INCLUDES A LIMITED AMOUNT OF ADDITIONAL IMPERVIOUS COVERAGE FOR THE CONSTRUCTION OF THE ADDITIONAL PARKING SPACES. THE PROJECT SHALL MEET THE TOWN OF CAROLINA BEACH STORMWATER MANAGEMENT REQUIREMENTS FOR THE ADDITIONAL IMPERVIOUS COVERAGE. ADDITIONAL SOIL TESTING IS NECESSARY TO DETERMINE THE BEST STORMWATER CONTROL MEASURE, BUT THE ENGINEER ANTICIPATES THAT THE PROPOSED STORMWATER MANAGEMENT WILL BE MET THROUGH ONE OR A COMBINATION OF THE FOLLOWING NCDEQ RECOGNIZED STORMWATER CONTROLS:  
—INFILTRATION BASIN OR PERMEABLE PAVEMENT.

Encroachments

## Wall



## Transformer

