

CAROLINA BEACH

Board of Adjustment Meeting

Monday, November 03, 2025 — 6:00 PM

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



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. September 15, 2025 – BOA Minutes

PUBLIC DISCUSSION

2. Consider a variance to Article 3. Sec. 3.6 – Accessory Use Standards for the front yard setback for accessory structures located at 606 Cape Fear Blvd.

Applicant: Amanda Michael

NON-AGENDA ITEMS

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Senior Planner

DEPARTMENT: Community
Development

MEETING: Board of Adjustment – November 3, 2025

SUBJECT: September 15, 2025 – BOA Minutes

Action:

Approve the minutes

CAROLINA BEACH

Board of Adjustment Meeting

Monday, September 15, 2025 - 6:00 PM

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



MINUTES

CALL TO ORDER

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

PRESENT

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

ALSO PRESENT

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

APPROVAL OF MINUTES

May 22, 2025 – BOA Minutes

ACTION: Motion to approve the minutes as written

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

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

Motion passed unanimously

PUBLIC HEARING

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

Applicant: Willis and Nancy Cohoon

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

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

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

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

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

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

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

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

Individuals planning to speak on the matter were sworn in.

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

ACTION: Motion to open the public hearing

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

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

Boykin, Board Member Adams
Motion passed unanimously

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

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

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

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

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

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

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

No one else requested to speak.

ACTION: Motion to close the public hearing

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

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

Motion passed unanimously

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

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

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

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

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

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

Board Member Adams said he agrees with this.

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

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

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

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

Voting Nay: Board Member Hartsell

Motion passed 4-1

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

ITEMS OF BUSINESS

Appoint a Chairman and Vice Chairman of the Board of Adjustment

ACTION: Motion to nominate Ken Thompson as Chairman

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

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

Motion passed unanimously

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

ACTION: Motion to nominate Wayne Rouse as Vice Chairman

Motion made by Board Member Adams, seconded by Chairman Thompson

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

Motion passed unanimously

ADJOURNMENT

ACTION: Motion to adjourn

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

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

Motion passed unanimously

The meeting adjourned at 6:50 PM.



AGENDA ITEM COVERSHEET

PREPARED BY: Haley Anderson, Planner

DEPARTMENT: Community Development

MEETING: Board of Adjustment – 11/3/2025

SUBJECT: Consider a variance to Article 3. Sec. 3.6 – Accessory Use Standards for the front yard setback for accessory structures located at 606 Cape Fear Blvd.

Applicant: Amanda Michael

BACKGROUND:

The applicant is requesting a variance from Section 3.6 of the UDO to the Accessory Use Standards (See Attachment 1). The property is located at 606 Cape Fear Blvd. and is in the R-3 zoning district. The property is 10,450 sq ft. The applicant is requesting a variance to the front setback for accessory structures.

Accessory structures are required to meet the front setback of the zoning district, which is 25 feet from the front property line. The applicant is seeking a variance of up to a 4.8 feet encroachment into the front setback which would allow the proposed accessory structure to have a setback of 20.2 feet from the front property line.

CURRENT UDO REGULATIONS:

C. ACCESSORY USE OR STRUCTURE, RESIDENTIAL

1. Accessory structures associated with residential uses shall:
 - a) Be included when calculating the total allowable lot coverage, and shall not constitute a proportionate size greater than 25% of the principal building's lot coverage, regardless of the lot size.
 - b) Be limited to 15 feet in height.
 - c) Not be permitted within any required front or side yard, or within five (5) feet of the rear lot line.
 - d) Not be occupied, leased, rented, or otherwise used for profit, income, or for gain.
 - e) Not be used as a dwelling unit.

- f) Contain no more than three (3) internal plumbing fixtures (water heater is exempt).
- g) Meet State Building Code requirements if any dimension is greater than 12 feet.

PROPOSAL:

The applicant would like to build an accessory structure forwardly adjacent to the existing pool. The building is proposed to be 19x25 sq. ft. For this size to fit, the applicant is asking for a variance of 4.8 feet to the front 25-foot front setback (See Attachment 2).

REQUIRED FINDINGS:

When unnecessary hardships result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
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.

CONDITIONS:

In granting any variance, the Board may prescribe reasonable and appropriate conditions and safeguards, in conformity with this ordinance. Violation of any such conditions or safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under the UDO.

ATTACHMENTS:

1. Application
2. Site Plan



Application for Variance
TOWN OF CAROLINA BEACH, N.C.

Item 2.

Permit Number: 25V-03

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. 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 third (3rd) 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: Amanda Michael

Applicant Mailing Address:

606 Cape Fear Blvd Carolina Beach NC 28428
Street Address City State Zip

Applicant Phone Number: (mobile)/work/home (circle one): (919)247-6647 mobile/work/home (circle one): _____

Applicant Email Address:

MandiLmich@aol.com

Property Owner Name: Amanda Michael

Property Owner Mailing Address:

606 Cape Fear Blvd Carolina Beach NC 28428
Street Address City State Zip

Property address of variance being requested:

606 Cape Fear Blvd Carolina Beach

Property Size: 10,423 sq. ft.

Zoning Designation: R1

Please give a brief description of requested action:

I would like to build an accessory structure adjacent to my pool to use for entertaining, storage, and office space. I would like the structure to be 19'x25' to allow for adequate storage of all my pool equipment, furniture during off season and hurricanes, as well as space for a full bathroom and kitchenette. My front pilings of my house in lot to side of pool is 25' from my property line per town, but shown as 30.1' on my last survey done when my additional purchased lot was added to my current lot. The area in question is completely surrounded by 6' fence for further discretion. I would also request a 4th plumbing fixture as I would like a full bathroom and a sink in the kitchenette area as we will be grilling out and preparing food there.

Owner Printed Name: Amanda Michael

Variance Requirements

- | |
|---|
| 1. The Board of Adjustment conducts a quasi-judicial hearing. You may not contact the Board members once the application has been filed. |
| 2. The Board of Adjustment is not empowered to modify zoning lines or grant a use variance. |
| 3. The Board of Adjustment may attach conditions of approval to a variance to protect surrounding properties. |
| 4. Town Staff will place a public hearing sign on the subject property. The sign must be prominently displayed on the property for at least ten days before the hearing. The property owner is responsible for maintaining the sign during this ten day period. |

Variance Considerations

The Board of Adjustment will review all variance requests against the criteria below. In the spaces provided please indicate the facts that you intent to show and the arguments that you intent to make to the Board.

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made from the property.

Restriction to current setbacks would only allow for 14' wide building at max, which would significantly restrict square footage therefore restricting its intended use. This would not allow for adequate storage of pool/beach equipment and furniture in off season and hurricanes. The shed (temporary structure) currently houses the equipment but is insufficient size to house furniture in event of hurricane or off season. We would also like to use area as entertaining area as it is adjacent to our pool, as well as my office. The additional 5 feet would put the structure 5' in front of and lateral to my front pilings on my house. This is still 45 feet from roadway and behind 6 foot fence.

2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

My second partial lot purchased at later date was combined with my original purchased lot, which already had surrounding 6' fence which was grandfathered in. The pool was added to additional lot and is too close to setbacks of 25 feet from property line to allow for adequate size structure. The bigger setbacks on Cape Fear Blvd use of a lot of my additional lot, making it unusable space even though fully fenced in.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

My second lot was not full lot due to neighbors pool and setbacks. This limited use of good portion of front end of lot due to large setbacks from road to property line and then property line to house. The area is fully fenced in and appears more as side yard than front yard. Having to abide by setbacks limit use of own property and limit placement and size of structure needed.

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.

I have no intent of using structure for rent purposes. I plan to use structure as my personal office, as there is no additional room in my house for this. I also plan to use for entertaining and cooking by pool and having restroom nearby. The proximity of my house to this area makes getting to bathroom and kitchen area difficult. We often have small children that need constant supervision at pool and having this area with kitchenette and bathroom would allow us to fully enjoy our pool area and provide safe environment for everyone. The kitchen sink area is needed for food prep. I am more than happy to sign something saying I will not rent structure.

