

CAROLINA BEACH

Board of Adjustment Meeting

Tuesday, May 19, 2026 – 6:00 PM

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



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

- [1.](#) February 17, 2026 – BOA Minutes

PUBLIC HEARING

- [2.](#) Variance to Section 3.13 Dimensional Requirements for Minimum Setbacks, Table 3.5 Setback Exceptions for cantilevered architecture, & Table 3.7 Off-Street Parking Dimensions for parking dimension size.

Applicant: Ryan Michiels

NON-AGENDA ITEMS

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Senior Planner

DEPARTMENT: Community
Development

MEETING: Board of Adjustment – May 19, 2026

SUBJECT: February 17, 2026 – BOA Minutes

Action:

Approve the minutes

CAROLINA BEACH

Board of Adjustment Meeting

Tuesday, February 17, 2026 - 6:00 PM

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



MINUTES

CALL TO ORDER

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

PRESENT

- Chairman Ken Thompson
- Board Member Jeff Hogan
- 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
- Board Attorney Matt Nichols

APPROVAL OF MINUTES

November 3, 2025 – BOA Minutes

ACTION: Motion to approve the minutes

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

Voting Yea: Chairman Thompson, Board Member Hogan, Board Member Hartsell, Board Member Boykin, Board Member Adams

Motion passed unanimously

PUBLIC HEARING

Consider a Variance to Article 3, Sec. 3.13 Dimensional Requirements for Exceeding 40% Lot Coverage for a New Construction Home Located at 1516 Pinfish Lane

Applicant: Floyd Construction Company, Inc.

Applicant Floyd Construction Company, Inc., is requesting a variance from Sec. 3.13 Dimensional Requirements. The property is located at 1516 Pinfish Lane and is in the MH zoning district. The property is 5,000 square feet. The applicant built a new construction duplex on the subject property and is requesting a variance to the 40% lot coverage allowance because the building exceeds 40% the size of the lot (2,000 square feet). Lot coverage consists of the footprint of the home, covered decks, elevated decks, staircases, and cantilevered architecture. Lot coverage does not include roof overhang.

In this case, the house is 2,000 square feet, and there is an additional covered rear porch that is 57 square feet, making the total lot coverage 2,057 square feet.

The home was approved at 2,000 square feet in size when the permits were issued. The approved square footage included the footprint of the home and the front covered porch. The approved plans did not include a covered rear porch, which was added later without updating the building permit or notifying the Town. The Town never received a foundation survey partway through the build and was not aware of the rear covered porch until the final as-built survey was submitted at the end of construction.

The applicant is proposing a variance of 57 square feet for total lot coverage of 2,057 square feet or 41.14%.

Individuals planning to speak on the matter were sworn in.

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

1. Unnecessary hardship would result from the strict application of the ordinance.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.
3. The hardship did not result from actions taken by the applicant or property owner.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance such that public safety is secured and substantial justice is achieved.

ACTION: Motion to open the public hearing

Motion made by Chairman Thompson, seconded by Board Member Hogan

Voting Yea: Chairman Thompson, Board Member Hogan, Board Member Hartsell, Board Member Boykin, Board Member Adams

Motion passed unanimously

Attorney Ned Barnes of 814 Carolina Beach Avenue North, representing the applicant, explained that the builder was hoping to attend but had a conflict and might arrive later.

Mr. Barnes presented a detailed argument addressing each of the four required criteria. As far as unnecessary hardship, he argued that if you examine maps of the Town from 1913 through 1948, you would find that this particular lot was a 50-by-100 foot lot, while other platted lots in various map books showed different dimensions – some 50 by 125 feet, others 60 by 105 feet, and others 60 by 120 feet. He contended that if this lot was platted as the others were, they would not be here today because there would be no encroachment as far as the footprint is concerned.

For conditions peculiar to the property, Mr. Barnes argued this fits the same category, stating that if these lots had been platted the same way at that time, they would not be here this evening.

Regarding whether the hardship resulted from applicant actions, Mr. Barnes argued that the house fits the footprint without question. He noted that what was referenced as a porch in the back, he would

consider a concrete slab on the ground. Mr. Barnes emphasized that since the County now does inspections for the Town, there was nothing hidden and the slab was there when the inspector visited. He stated there was discussion between the builder and the County inspection department about the little roof area put over the slab, and suggestions were made.

Regarding public safety and substantial justice, Mr. Barnes reiterated that many lots were platted with dimensions greater than 50 by 100 feet, and had that been the case, they would not be present. He noted that every side setback, even with this slab of concrete, had been met.

Mr. Barnes described the builder's consideration for neighbors, explaining that when constructing the home, he surrounded the entire house with a drainage area so any runoff would not affect any other adjacent property, which was not something he was required to do.

Mr. Barnes added that he would not classify the structure as a porch but rather just a slab of concrete that has a small roof structure just above it but is not enclosed. He said the purpose was practical, noting that the covered area would provide shelter for pets during storms while owners were away or allow owners to check on pets without getting wet during rain.

Mr. Barnes emphasized that the structure was consistent with other properties in the area, created no safety issues, and did not impinge on anyone's view. He also noted that all setbacks were met and said the builder dropped off flyers at each neighbor's house asking if anyone had objections, and he heard back from no one.

There was extensive discussion about what constitutes lot coverage and what alternatives might be available. Ms. Anderson clarified that while the applicant could have a grade-level slab with no roof without issue or could have a roof that protrudes off the back up to 2.5 feet, this one is far greater than that and would therefore classify it as falling under lot coverage. She confirmed the builder could maintain the roof as built but would need to cantilever it without posts coming to the ground.

Board Member Boykin asked for clarification about the duplex configuration, and Ms. Anderson confirmed it was a top-and-bottom duplex rather than side-by-side, which is why it qualified as a duplex rather than a townhouse.

ACTION: Motion to close the public hearing

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

Voting Yea: Chairman Thompson, Board Member Hogan, Board Member Hartsell, Board Member Boykin, Board Member Adams

Motion passed unanimously

Chairman Thompson said regardless of what happened in the past, the rules were enforced at the point when the permit was requested, and how things have gone in history is beyond their control. He acknowledged that 57 square feet out of 2,000 is a very minor deviation.

Chairman Thompson observed that if the structure was supported by the house rather than posts and was fully cantilevered, it wouldn't be an issue.

Ms. Anderson explained that for a roof overhang, you could go into the setback up to 2.5 feet, as long as it's cantilevered with no posts coming down to support it.

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

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

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

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

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

ACTION: Motion to deny a variance to Section 3.13 Dimensional Requirements for exceeding 40% lot coverage by 57 square feet for a new construction home located at 1516 Pinfish Lane because it did not meet the four findings of fact

Motion made by Chairman Thompson, seconded by Board Member Hogan

Voting Yea: Chairman Thompson, Board Member Hogan, Board Member Hartsell, Board Member Boykin, Board Member Adams

Motion passed unanimously

ITEMS OF BUSINESS

Appoint Vice Chairman

Chairman Thompson recognized new Board Member Hogan and said they needed to appoint a Vice Chairman.

ACTION: Motion to nominate Board Member Hogan as Vice Chairman

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

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

Voting Nay: Board Member Boykin

Motion passed 4-1

NON-AGENDA ITEMS

None

ADJOURNMENT

ACTION: Motion to adjourn

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

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

Motion passed unanimously

The meeting adjourned at 6:35 PM.



AGENDA ITEM COVERSHEET

PREPARED BY: Haley Anderson, Planner

DEPARTMENT: Community Development

MEETING: Board of Adjustment – 5/19/2026

SUBJECT: Variance to Section 3.13 Dimensional Requirements for Minimum Setbacks, Table 3.5 Setback Exceptions for cantilevered architecture, & Table 3.7 Off-Street Parking Dimensions for parking dimension size.

Applicant: Ryan Michiels

BACKGROUND:

The applicant is requesting three variances from Article 3 of the UDO to the side setbacks for a staircase, to the cantilever size requirements, and the parking size requirements (See Attachment 1). The property is located at 817 Canal Dr. and is in the R-1 zoning district. The property consists of 1,571 sf of upland area directly adjacent to the town yacht basin. The property lines of the lot extend past the bulkhead over water because the lot was created from dredge spoils from dredging the yacht basin in 1939. The property lines that were created were not based on the existing land area. The property was bulkheaded in 2023, so the upland area is 25' wide and 61.5' long up to the bulkhead. Lot coverage and impervious surface coverage limits are based on the amount of upland area that is landward of the High-Water Line (HWL). The existing lot is nonconforming to R-1 dimensional standards which require a lot be at least 50' wide and 5,000 square feet. The Property is located in a FEMA flood zone and would be required to meet the FEMA flood regulations. It is also located in a CAMA Area of Environmental Concern and would need to meet all CAMA regulations due to it's close proximity to estuarine waters.

CURRENT UDO REGULATIONS:

	R-1 Zoning District Requirements
Front Setback	10'
Rear Setback	10'
Side Setback	7.5'
Lot Coverage	40%
Impervious Surface	65%
Cantilever Size	No more than 25% per side of the building
Parking Size	9'x18'

PROPOSAL:

The applicant would like to build a new single-family home that would meet all flood, building code, and CAMA requirements. The house is proposed to be no more than 2 bedrooms, requiring two parking spaces underneath and in front of the home. The structure is within the AE-11 flood zone and must be elevated. The maximum height limit in R-1 is 50'. The roof overhang is proposed to be no more than 6". The HVAC & Utilities are proposed to be placed on the left side of the house and will meet the required ordinance setbacks. CAMA will require an engineered stormwater system that captures 100% of the impervious surface runoff. The Applicant does not have this system engineered yet, but town staff will require it for the building permit application.

Side Setback:

The proposed structure meets the 10' front and 10' rear building setbacks from the front and rear property lines as required by Town Ordinance. CAMA would allow the building be located up to the bulkhead. The applicant proposes a variance to encroach into the right side 7.5' setback. The applicant proposes 4.5' side setback to the staircase servicing the front of the building only. The remaining house will meet all front, rear, & side setbacks. (See Attachment 2).

Cantilever Size:

The Town Ordinance allows cantilevered architecture to encroach into the building setbacks if the cantilevers are cumulatively not more than 25% per side of the building. The applicant is proposing two cantilevers; one on each side of the house that are proposed to be 12.5' wide and encroach into the setback 2.5'. The building length is 45' so a cantilever of 11.25' wide is permitted on each side of the house. This is the maximum allowed based on the width of the side of the building the cantilever is located. The applicant is proposing a variance to allow the cantilevers to be larger than allowed by ordinance. The applicant proposes 12.5', which is 1.25' and 2.7% larger than the UDO permitted size of the cantilever (See Attachment 2).

Parking Dimension:

The Town Ordinance requires parking spaces be 9'x18'. Due to the width of the lot, the building can only be 10' wide. The home is required to be elevated to meet flood so it will be built on pilings. These pilings will reduce the width under the home further and a 9'x18' space could not fit. The applicant is requesting the width of the parking space be reduced to 8.5'. For reference, compact car parking spaces in the UDO can be 8.5'x18'.

	R-1 Zoning District Requirements	Proposed for 817 Canal
Front Setback	10'	10'
Rear Setback	Per CAMA Up to the Bulkhead	3' from Bulkhead
Side Setback	7.5'	4.5' *for the staircase only*
Lot Coverage	40%	35.46%
Impervious Surface	65%	51.05%
Cantilever Size	25%	27.78%
Parking Size	9'x18'	8.5'x18' – *Compact Car Size*

In Summary, the applicant requests the following variances:

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

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.

Staff has reviewed the plans at TRC, and if approved, staff suggest the following condition:

- The staircase encroaching into the building setback shall be made of a non-combustible material and constructed of a minimum 2x lumber material.

ATTACHMENTS:

1. Application
2. Site Plan



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

Item 2.

Permit Number: 26V-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. 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: Ryan C Michielos

Applicant Mailing Address:

7200 Mullet Ct. Wilmington NC 28409
Street Address City State Zip

Applicant Phone Number: mobile/work/home (circle one): 910-742-8100 mobile/work/home (circle one):

Applicant Email Address:

nagsheadconstruction@gmail.com

Property Owner Name: Ryan C Michiels

Property Owner Mailing Address:

7200 Mullet Ct. Wilmington NC 28409
Street Address City State Zip


Property address of variance being requested:

817 Canal Drive, Carolina Beach 28428

Property Size: 3920 sq. ft. Zoning Designation: R-1

Please give a brief description of requested action:

Due to the extremely small size of the lot, I am requesting that the entry staircase fall 3' into the setback, one of the parking spots be 6" narrower than required, and that the 25% cantalever allowance be increased to 26%.

Owner Signature: 
Date: 04 / 20 / 2026

Owner Printed Name: Ryan C Michiels

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 intend to show and the *arguments* that you intend 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.

It would result in a structure that too small for the project to be financially viable. Parking would not be able to fit under the house resulting in an 20% decrease in the building footprint on a lot where sqft is extremely limited. In order to do this the entry stairs must be outside the buildable area. The cantalever increase to 26% is necessary because 12'6" is the absolute minimum size that can fit a staircase and still meet building codes.

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.

The lot is extremely small at only 3920sqft. This is the major contributing factor in the variance requested. Due to the setback requirements the building footprint is only 10' wide. Because of the setback limitations, building dimensions would require the requested setbacks for a safe, finacially viable building. To the best of my knowledge, this lot does not meet the conventional lot dimensions for R-1 zoning in Carolina Beach.

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.

I was aware of the size othe lot and setbacks that existed but did not create those circumstances in anyway. Without these variances, the lot would not be economically practical to build on.

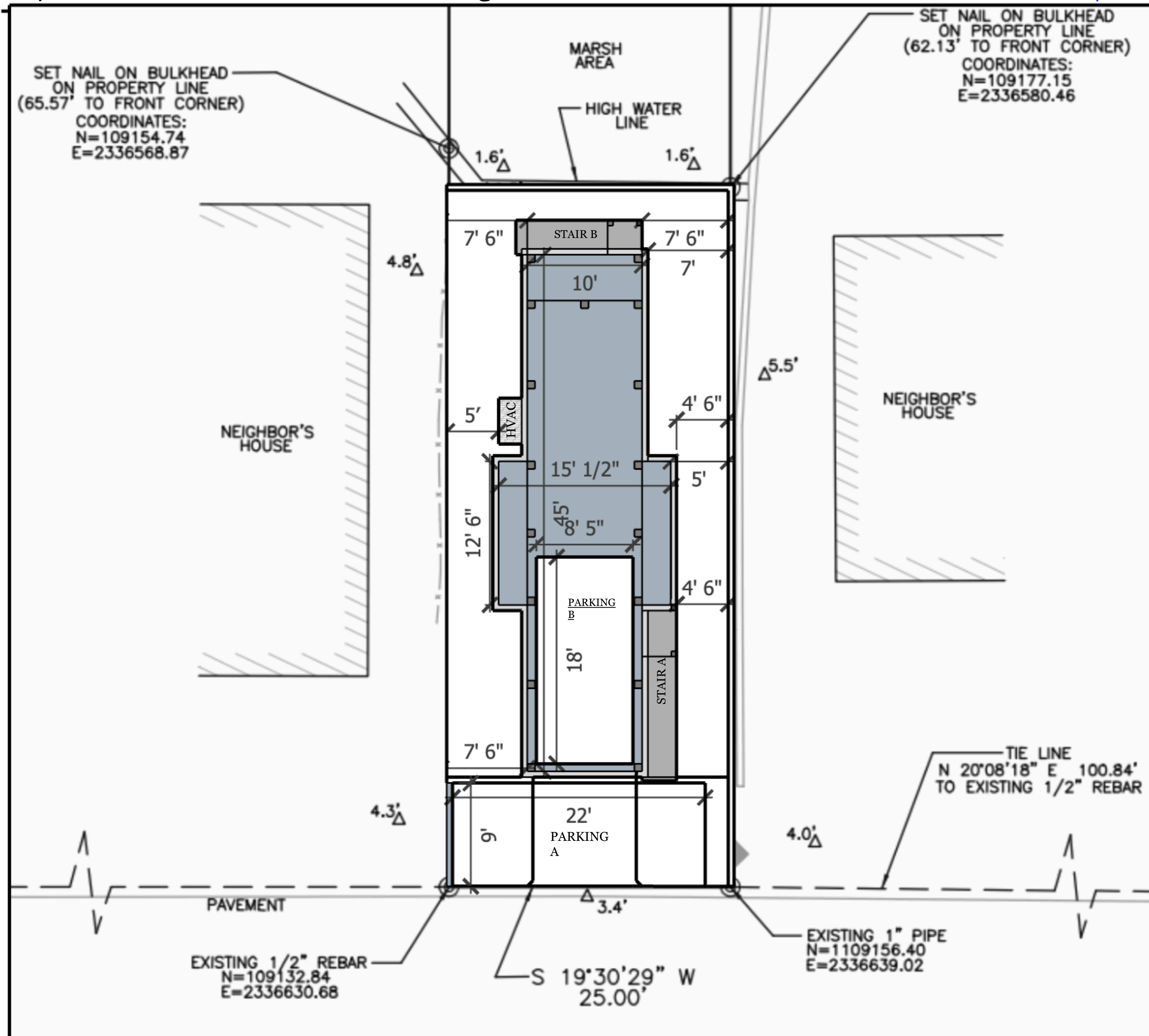
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

I believe that this would be in the best interest of public safety. This would allow a second staircase for emergency easment and increase the fire safety of the structure. The purpose of this variance is to improve the safety of the structure both structurally and in reference to fire safety.



PROJECT TITLE

817 CANAL VARIENCE REQUEST



VARIENCE A

ENTRY STAIRS WILL INTRUDE 3' INTO THE SETBACK. THIS IS REQUIRED TO ALLOW PARKING ACCESS UNDER THE STRUCTURE. WITHOUT PARKING ACCESS HOUSE FOOTPRINT WOULD NEED TO BE DECREASED BY 19%. STAIRCASE WILL BE CONSTRUCTED OF MINIMUM 2X LUMBER AND CLAD IN NON-COMBUSTABLE MATERIAL.

VARIENCE B

PARKING SPACE UNDER THE HOUSE WILL BE 8'5" INSTEAD OF THE REQUIRED 9'. THIS IS THE MAXIMUM SPACE POSSIBLE WITHOUT THE PILINGS INTRUDING INTO THE SETBACK.

VARIENCE C

THE CANTILEVER SECTION WILL BE 12'6" INSTEAD OF THE ALLOWED 25% (WHICH IS 12'). THIS INCREASE TO 26% OF THE SIDEWALL IS REQUIRED TO FIT A STAIRCASE IN THIS SECTION OF THE HOME AND STILL MEET MODERN BUILDING CODE.

NO.	DATE	REVISIONS	REMARKS
1			
2			
3			
4			
5			

817 CANAL VARIENCE REQUEST

817 CANAL