



**TOWN OF HOLDEN BEACH
BOARD OF ADJUSTMENT
REGULAR MEETING
TOWN HALL PUBLIC ASSEMBLY
Monday, October 21, 2024
3:00 PM**

1. Call to Order
2. Roll Call
3. Approval of Minutes from October 16, 2023
4. Election of Chair and Vice Chair
5. Oath of Office
6. CASE NO. 01-24: To request compliance of the Town of Holden Beach Code of Ordinances, Chapter 157.085 (D)-Relocation of Buildings. The request is to relocate 987 Ocean Boulevard West to 968 Ocean Boulevard West.
7. Old Business
8. New Business
9. Adjournment



Town of Holden Beach
Zoning Board of Adjustment
Regular Meeting
Monday, October 16, 2023

The Town of Holden Beach Board of Adjustment met for a postponed meeting on Monday, October 16, 2023, at 3:00 PM in the Holden Beach Town Hall Public Assembly. Present were Chairperson Anne Arnold, Regular Members Phil Caldwell, Mary Lou Lahren, and Jack Lohman. Alternate Members present were Aldo Rovito and Richard Roberts. Present town staff members were Tim Evans, Carey Redwine and Janna Piggott. Absent was Vice Chairperson Richard Griffin.

CALL TO ORDER

Chairperson Anne Arnold called the meeting to order.

ROLL CALL

Made corrections to the agenda.

The agenda now reads: a variance instead of compliance. Jack Lohman made a motion to change the agenda, second by Mary Lou Lahren.

APPROVAL OF MINUTES FROM SEPTEMBER 18, 2023

Anne Arnold made a motion to approve the minutes, second by Rick McInturf; minutes were approved.

CASE NO. 02-23: To request a variance from the Holden Beach Zoning Code of Ordinance Chapter 15, Section 157.060 (D)(4) to encroach into the side yard setback measured 5 feet from property line located at 167 Brunswick Avenue West, Holden Beach, North Carolina.

Evans: I don't know if we had a complaint or if we took notice of a cargo lift that was installed without a permit that was located inside setbacks at 160 Brunswick Avenue West. We talked to them and gave them a notice of violation and of course they followed procedures for asking for a variance.

Homeowner: I have 89y old parents and last summer I contacted a company called Sunset Lifts to put in an outdoor lift for them. It is an outdoor elevator to carry groceries. I called the contractor; the job took eight months to install the lift. I asked them several times, not just once, does this need a permit? He kept saying no. I said "okay, are you sure?" And again, he said "yep, you don't need one". My mom came down to pay her water bill and asked someone here if it needed a permit, I notified the town as soon as I heard.

Anne Arnold: Anybody have any questions?

Rick McInturf: I have a question, if I read all this right, were you first in contact with the home elevators and lifts or and did they refer you to this Sunset Lifts?

Almeida: I had seen their vans on the island. I did go online, and it looked like Home Elevator is a place out of Wilmington and were the closest ones to Holden Beach. I called Home Elevators and was informed that they only do indoors that the Sunset Lift does outdoor.

McInturf: Mr. Evans, do you know has Sunset Lift done work on the island before?

Evans: I am not aware if they have ever pulled a permit, that doesn't mean they have not done work.

McInturf: I understand.

Almeida: I contacted Home Elevators, and I was informed that the person who runs Sunset Lifts purchased the elevator from them but that was it. Apparently, he has a reputation for doing this. This is not the first time he has purchased their equipment and installed it without permits. I have not been able to contact him.

Evans: I spoke with him as well; they are a legitimate company. It appears to me that the property owners at 167 Brunswick Ave West were trying to do the right thing. It also seems, based on the information that we received from him that he has probably been doing this work without a license and without permits so this was a hit and miss. He got everything done and got out. We see it more than we should. In this case I don't think this is a nonconformance that was created by the property owner. I do believe based on the way it had to be installed that it could have a negative effect on the structure.

McInturf: Explain that a little bit more, how would it compromise the house?

Evans: They had to take down part of the rails and they had to change some of the structure on the side of the house. They also had to put a stable platform on the ground. We could approve it if it ever got permits but like I said, they would have to take down the structure relocate it somewhere else and dig up the slab and a bunch of other things. But that should not have any bearing on what you are saying. The truth of the matter is that this is not a no-conformance that they created in my opinion. Who owns the property next door?

Almeida: My sister.

Sister to Almeida: Yes, we own the property on the lift side.

Roberts: So, the setback encroachment is next to your property?

Sister to Almeida: Yes.

Arnold: How many people went by the house? Okay, we will show everyone who went by the house. And there is a fence around it.

McInturf: How did you originally contact Sunset Lifts?

Almeida: I called Home Elevators, and they told me they do not put outdoor elevators in and I need to contact this gentleman.

Roberts: Have you not talked to anybody from Sunset Lifts?

Almeida: No, I have not talked to the original man in months. He responded once to me; I told him I needed to know who the licensed electrician was for the paperwork. He did text me the name but is not returning phone calls.

Roberts: Have you contacted the legal counsel?

Almeida: I will be.

Lahren: Did you do any diligence and check on Sunset Lifts? Did you look at them from the Better Business Bureau?

Almeida: No, I was referred to by Home Elevators, so I did not think I needed to check because unfortunately, I assumed they were all associated.

Arnold: I understand another fact is it would be very costly to move it. Are there any other questions or comments?

McInturf: I have an initial inclination which doesn't necessarily say the way I'm going to vote on this, we have an ordinance that says five feet, this seems like a legal issue in my book. I think there's some liability for Sunset Lifts, however you look at this, they did this. It's very unfortunate for the families involved because you were trying to do the right thing.

Arnold: Our opinions do not come into facts, and we have to deal with the facts.

McInturf: We have an ordinance.

Arnold: We do. And we also have hardships which is our purpose in being here. Any other questions?

Chairperson Anne Arnold stated that case 02-23 was unanimously voted for the variance.

CASE NO. 03-23: To request compliance of the Town of Holden Beach Code of Ordinances, Chapter 157.085 (D)-Relocation of Buildings. The request is to relocate 485 Ocean Boulevard West to 946 Ocean Boulevard West.

Arnold: Has everyone been to this house? Are we in compliance with the zoning Mr. Evans?

Evans: You need to have everyone swear in.

Arnold: Are we in compliance with the zoning?

Pigott: There was a zoning application submitted and that has been approved but as far as zoning for relocation I have not seen anything.

Arnold: Alright. If the zoning is compliant then I don't know where to go from there.

Evans: I think you are mixing the responsibilities of the Planning Department and the Board of Adjustments. We have to approve it and you have to approve it but it is not the same. It will come to us and then we approve it and they will receive a building permit. But they apparently chose to bring it to the board before bringing it to us first. This means this doesn't negate their right to be heard by you under the ordinance for your approval.

Arnold: Okay, let's hear from you Mr. Norton.

Norton: Well, I understood and obviously maybe incorrectly that I had to be here first before I applied for a building permit. It's pretty simple overall, except for all the complications in it. They want to relocate an ocean front house to second row lot which is on the corner of Sailfish and Ocean Boulevard West. I provided elevations so you can see what the final product would look like. The site plan provided shows that all existing and proposed building and decks would be within the

town setbacks. In addition to relocating the home there would be some renovations to the interior of the existing home. Adding 654 square feet of heated space, adding 954 square feet of open decking, and putting new decking under and existing roof. This is the same family we did the same thing for several years ago.

Arnold: Mr. Evans does your team have any comments?

Evans: No.

McInturf: There is some fine print here that talks about the owners within 200 feet of the new location being notified, do we have any evidence?

Norton: Yes, I have email evidence that I have communicated with the person next door.

McInturf: Is there a form for that Tim?

Hegadore: I sent out a letter.

McInturf: Okay.

Arnold: It is up to the Permitting Department to make sure you meet all the federal, state, and local regulations such as building permits and those kinds of things. Are we ready to vote?

Chairperson Anne Arnold stated that case 03-23 was unanimously voted for the relocation.

CASE NO. 04-23: To request compliance of the Town of Holden Beach Code of Ordinances, Chapter 157.102 (A)-Cannot add to a non-conforming use. This request is for 127 Conch Street, Holden Beach, NC 28462.

Arnold: Mr. Evans, I will let you go first.

Evans: Go first as far as what?

Arnold: We are looking for facts to help them get the variance they are asking for.

Palethorpe: I am representing Scott Barr, he is out of the country. They want to enhance their porch from the standpoint that some of the pylon down at the bottom needs replacing and some of the boards on the front porch. When the house was built back in 1971, the owner, Mr. Robinson asked

permission from the county and the town to set the house to the left of the lot and the reason for that was he had a lot of nieces and nephews that came to visit. Scott Barr is the third owner of the house, and they would like to replace the siding on the house. As a matter of fact, I've picked up the siding after the last two hurricanes. Some of the windows also look a little rough. I think that these homeowners want to comply with whatever the ordinance is but we're dealing with a cottage that is 40 years old.

Arnold: Thank you. Any questions?

Lohman: This says it is nonconforming and he writes in here that it is two feet too close to the property line. Does that mean the whole building is two feet too close?

Evans: One side of the structure is sitting in the setback. Before you come apply for the variance you have to make an application for construction, in other words you are being denied your due process if we don't turn you down and send you here. They were turned down because it was a nonconforming structure which means in these terms that it is that at some point in time possibly prior to the ordinance or by some other mechanism the house got built inside the setback. Now I don't remember what the age is, but it is our impression that we've seen these before and most of the time when there like that it's like for impervious area or something most of these non-conforming structures were already built prior to an engagement of the ordinance you know what I mean or by an enforcement of the ordinance. At the same time, you really need to have as part of the evidence the contractor that applied for the permit along with the company for part of the evidence. Do you know who applied for the permit?

Arnold: Yes, Gerald Baker who is my husband. But in full disclosure we have different businesses. Does anyone have a problem with this?

McInturf: Will you clarify something for me? One whole side of the house is in the setback, it is not just a wall, you said you could not add to a nonconforming structure. How is the language of

157.102 where it talks about how you can't increase the extent of nonconformity? If they built on the other side, they're not increasing the nonconforming

Evans: They are not trying to increase; they are trying to add additional living area to the structure.

McInturf: To the right?

Evans: Yes.

Roberts: In 1971 was it in compliance?

Evans: Yes, because it had to receive a certificate of occupancy.

Arnold: Any comments or questions?

Chairperson Anne Arnold stated that case 04-23 was unanimously voted for the variance.

OLD BUSINESS

No old business.

NEW BUSINESS

No new business.

ADJOURNMENT 3:48 P.M.

3172 Holden Beach Rd
Suite 2
Supply, NC 28462

Website ccCraftsman.com



Office: 910-842-6413
Fax: 910-842-6416

e-mail
ccCraftsman@atmc.net

...when craftsmanship matters

09/19/2024

Town of Holden Beach

Re: Relocation of home on Holden Beach

Carolina Craftsman, Inc. is under contract with the owners of 987 OBW to relocate their home to their vacant lot located at 968 OBW. A site plan is attached to show the proposed project in it's entirety which will include:

- Delivery and set up of the 987 House onto a piling foundation
- Connection of all utilities
- Concrete placed underneath with a storage room
- Gravel Driveway
- Stormwater collection per plan
- Construction of a retaining wall per plan
- Installation of a pool, decking, and fence per plan

**All proposed work shall be permitted and approved by the Town of Holden Beach and in compliance with all applicable codes and ordinances.

Robert Norton
President
Carolina Craftsman, Inc.

NC 56699

TOWN OF HOLDEN BEACH

BOARD OF ADJUSTMENT

Application No. _____

Date 9/19/24

Permit Fee 175.00

Receipt # _____

GENERAL APPLICATION FORM

Permit or Relief Requested: _____ Appeal Variance _____ Special Use Permit _____

Applicant Cardina Craftsman Owner Mike & Diane Lepley

Address 3172 Holden Beach Rd Address 908 Midnight Channel Rd

#2 Supply, NC 28462 Wilmington, NC 28403

Telephone 910-842-6413 Telephone 770-845-4008

Legal relationship of applicant to property owner Contractor / agent

Purpose of permit Relocate home from 987 to 968 OBW w/pool

Property location move from 987 to 968 OBW
(Street Address)

Tax map _____ Block _____ Lot _____

Lot size 0.13 Acre square feet 5741 Zoning District R1

No. of buildings to remain _____ Gross floor area to remain _____

No. of buildings proposed 1 Gross floor area of proposed buildings 1825

Total square footage of land to be disturbed 1825 square feet

Estimated cost of project \$ 198,000

The following documents are attached to and a part of this application: (Plot plan, building permit application, drawings, surveys, etc.)

Date 9/19/24 Signature of Applicant [Signature]

Application No. _____

TOWN OF HOLDEN BEACH
APPLICATION FOR A VARIANCE

Month _____ Day _____ Year _____

TO THE HOLDEN BEACH ZONING BOARD OF ADJUSTMENT:

I, Robert Norton, hereby petition the Zoning Board of Adjustment for a VARIANCE from the literal provisions of the Holden Beach Code of Ordinances because, under the interpretation given to me by the Zoning Enforcement Officer, I am prohibited from using the parcel of land described in the attached form (General Application Form) in a manner shown by the plot plan attached to that form. I request a variance from the following provisions of the ordinance (cite paragraph numbers): _____

_____ so that the above-mentioned property can be used in a manner indicated by the plot plan attached to the General Application form or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein: (If a variance is requested for a limited time only, specify duration requested.)

Factors Relevant to the Issuance of a Variance

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach three conclusions before it may issue a variance: (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance; (b) that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit; and (c) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these three required conclusions.

a. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance. The courts have developed three rules to determine whether in a particular situation "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

(1) If he complies with the provisions of the ordinance, the property owner can secure no reasonable return from, or make no reasonable use of, his property. (It is not sufficient that failure to grant the variance simply makes the property less valuable.)

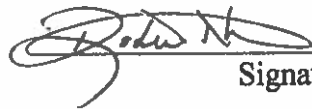
(2) The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (Note: Hardships suffered by the applicant in common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant, since a variance, if granted, runs with the land.)

(3) The hardship is not the result of the applicant's own actions.

b. the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

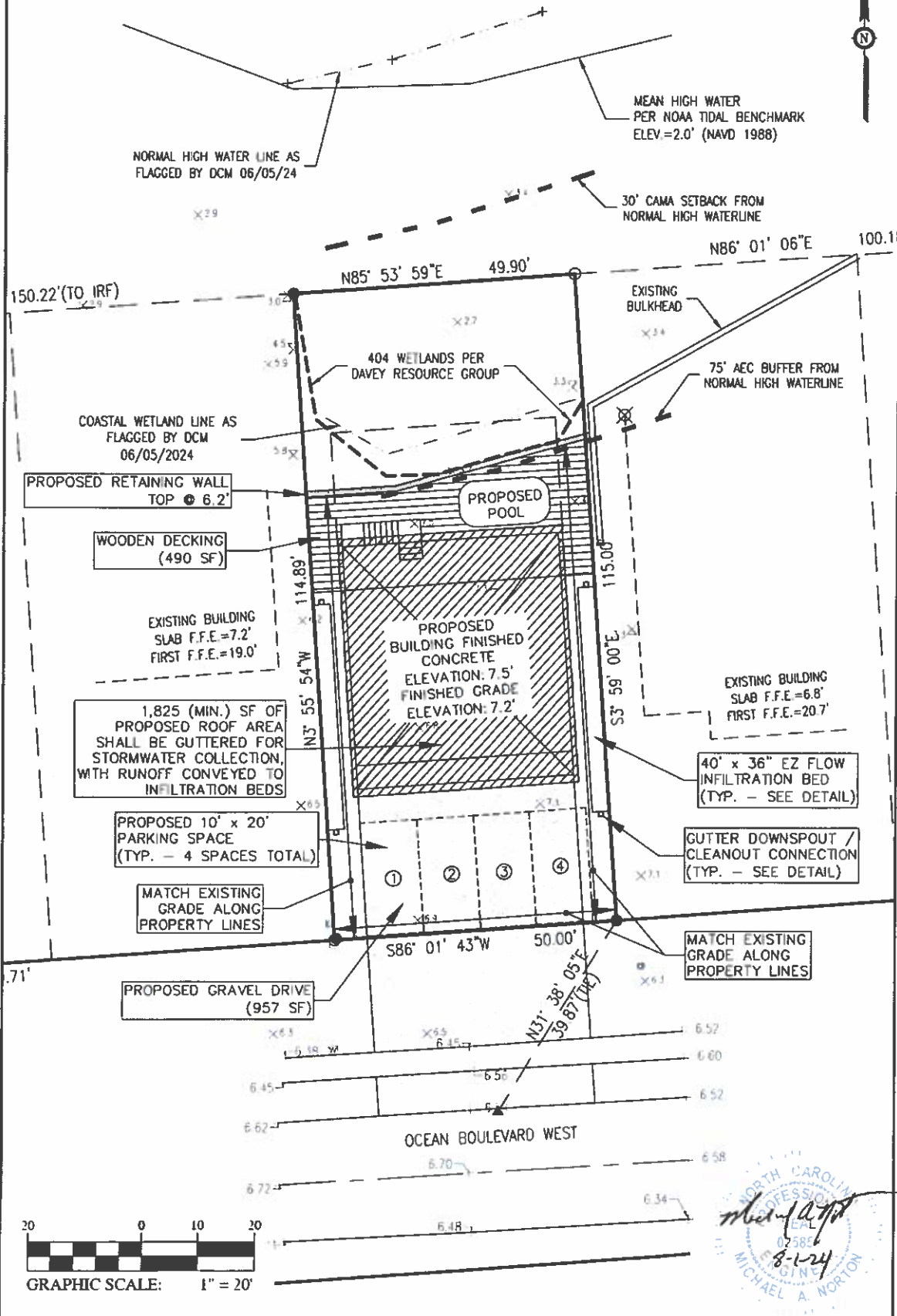
c. The granting of the variance secures the public safety and welfare and does substantial justice. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.



Signature

**STORMWATER PLAN 968 OCEAN BOULEVARD WEST
HOLDEN BEACH, NORTH CAROLINA
FOR
CAROLINA CRAFTSMAN**



<p>712 Village Road SW Suite 103 Senoeca, NC 28470 910.733.5872 M.C. Farms & Landcare & Co. LLC mcgill@senoeca-nc.com</p>	<p>DATE REV. AUG. 1, 2024</p>	<p>968 OCEAN BOULEVARD WEST FOR CAROLINA CRAFTSMAN</p>	<p>STORMWATER PLAN</p>	<p>SHEET 1 of 3</p>
	<p>PROJECT # 24 07006 PHL 002</p> <p>PROJECT MANAGER M. NORTON</p>			

STORMWATER PLAN
968 OCEAN BOULEVARD WEST
HOLDEN BEACH, NORTH CAROLINA
FOR
CAROLINA CRAFTSMAN

GENERAL NOTES & MAINTENANCE

SURVEY BY COASTAL GEOMATICS, TITLED "BOUNDARY, TOPOGRAPHIC & PLOT PLAN 968 OCEAN BOULEVARD WEST", DATED JULY 8, 2024

THIS SITE DEVELOPMENT IS INTENDED TO SATISFY THE INTENT OF THE TOWN STORMWATER MANAGEMENT ORDINANCES, DIVISION OF COASTAL MANAGEMENT ORDINANCES, AS WELL AS STATE STORMWATER PLAN SW8 040740 BASED ON PROPOSED IMPERVIOUS AREA ADDITIONS AND RUNOFF TREATMENT PER CONSTRUCTION IN ACCORDANCE WITH STATE-REFERENCED PLAN. HOWEVER, MCGILL ASSOCIATES DOES NOT CERTIFY THE SITE SOILS AND SEASONAL HIGH WATER TABLE (SHWT) CHARACTERISTICS. OWNER/CONTRACTOR RESPONSIBLE FOR VERIFICATION OF SUITABLE SOILS FOR INFILTRATION AND SHWT LOCATION AS PART OF CONSTRUCTION ACTIVITIES TO MAINTAIN 2' SEPARATION FROM BOTTOM OF INFILTRATION BEDS TO ENSURE PROPER FUNCTION. IF SOILS SCIENTIST OR GEOTECHNICAL ENGINEERING DATA DO NOT CONFIRM SUITABILITY, CONTACT ENGINEER FOR PLAN REVISIONS.

INFILTRATION SYSTEMS SHALL NOT BE LOCATED WITHIN CAMA JURISDICTIONAL BOUNDARIES.

THIS DESIGN DOES NOT CONSIDER STRUCTURAL MATTERS ASSOCIATED WITH FOUNDATIONS, DECKS, WALKWAYS, OR OTHER STRUCTURES. OWNER OR CONTRACTOR SHALL CONSULT WITH GEOTECHNICAL AND/OR STRUCTURAL ENGINEER TO ENSURE STRUCTURES ARE NOT COMPROMISED BY PROPOSED STORMWATER TREATMENT MEASURES.

STORMWATER FEATURES FOR ROOF

EZ FLOW DRAINAGE SYSTEMS ARE FOR USE IN NON-TRAFFIC AREAS ONLY.

INFILTRATION SYSTEMS MAY BE LOCATED IN ALTERNATE LOCATIONS ON THE LOT AS DESIRED, EXCEPT WITHIN RESTRICTED SETBACKS, EASEMENTS, OR OTHER PROHIBITED AREAS, AS LONG AS RUNOFF FROM ROOF AREA IS DISTRIBUTED PER PLAN.

BOTTOM OF INFILTRATION SYSTEM SHALL MAINTAIN LEVEL GRADE. OWNER/CONTRACTOR RESPONSIBLE FOR VERIFICATION.

PROPOSED ROOF AREA SHALL BE DRAINED WITH GUTTERS AND DOWNSPOUTS, AND BE DIRECTED TO INFILTRATION SYSTEM PER PLAN.

IF INFILTRATION SYSTEM FAILS, IT SHALL BE REMOVED, REPAIRED, AND/OR REPLACED AS NEEDED TO RESTORE DESIGNED OPERATION.


THE USE OF BUNDLED EXPANDED POLYSTYRENE SYNTHETIC AGGREGATE UNITS IS PROPOSED TO CREATE STORAGE VOLUME FOR STORMWATER RUNOFF SUITABLE FOR COMPLIANCE WITH TOWN ORDINANCE REQUIREMENTS. PROPERTY OWNER AND CONTRACTOR ACCEPT FULL RESPONSIBILITY FOR USE AND MAINTENANCE OF THIS PRODUCT. MCGILL ASSOCIATES DOES NOT GUARANTEE THE INTEGRITY OF THIS PRODUCT, BUT OFFERS ITS USE AT THE OWNER'S DISCRETION BASED ON REASONABLE DATA PROVIDED BY THE MANUFACTURER. REFERENCES: INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS (IAPMO) STANDARD IAPMO IGC-276-2010; CERTIFICATION OF EZFLOW UNDER THIS STANDARD: "PERFORMANCE OF CHAMBER AND EZ1203H SYSTEMS COMPARED TO CONVENTIONAL GRAVEL SEPTIC TANK SYSTEMS IN NORTH CAROLINA", PUBLISHED BY UEHLER, BERKOWITZ, BEUSHER, AVERY, OGLE, ARRINGTON, AND GRIMES.

CALCULATIONS
 (Per Plot Plan & Survey Provided)

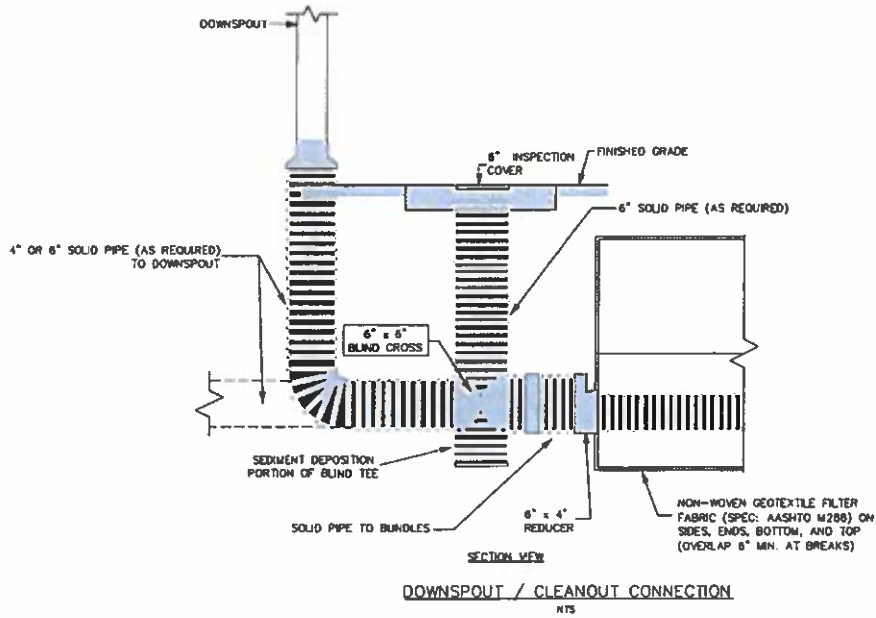
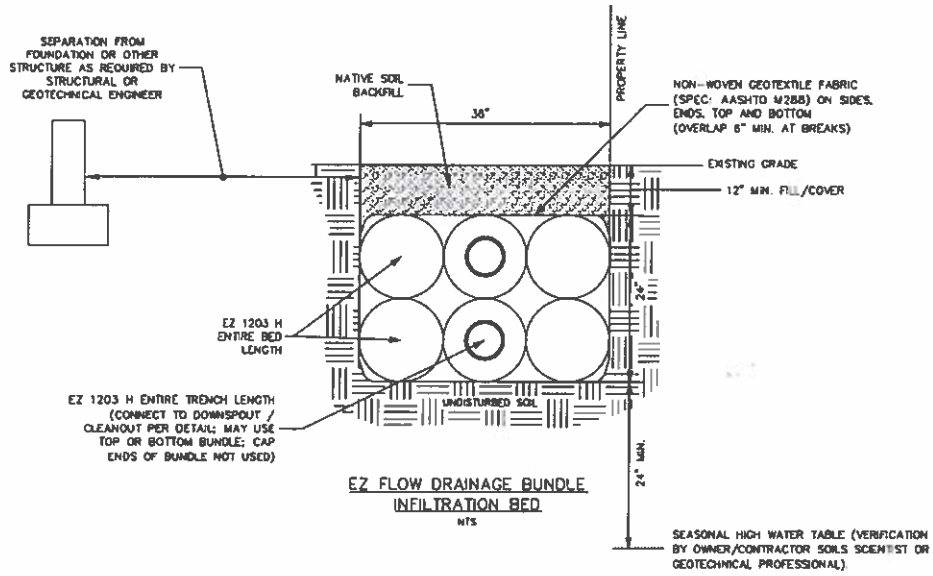
Main Structure (Without Overhang) 1,854 SF (28.8%)
 Main Structure (Including Overhang) 1,825 SF (31.8%)
 Total Proposed Built-upon Area 1,825 SF (31.8) (40% Max.)
 Lot Area 5,741 SF

Bed Capacity per Linear Ft (36" x 24" Bed Cross Section)
 EZ Flow 1203H (1.60 CF/LF Ea.)
 1.60 x 2 = 3.20 CF Per Linear Ft (As Proposed)

Roof Area Collection
 Roof Area To Be Collected = 1,825 SF
 Storage Volume Needed: 1,825 SF x 1.5 Inch Rainfall
 Storage Volume Needed: 1,825 SF x 0.125 Feet = 228.125 CF
 Required Bed Length = 228.125 / 3.20 = 71.2 Feet
 Use Two (2) Beds - 40' x 36" x 24" Each

 <p>712 Village Road SW Suite 102 Statesville, NC 28670 919.752.2877 NC Firm License # C-02459 www.mcgillassoc.com</p>	DATE REV. AUG. 1, 2024	968 OCEAN BOULEVARD WEST FOR CAROLINA CRAFTSMAN	STORMWATER PLAN	SHEET 2 of 3
	PROJECT # 24-07006 PH 002 PROJECT MANAGER M. NORTON			

**STORMWATER PLAN
968 OCEAN BOULEVARD WEST
HOLDEN BEACH, NORTH CAROLINA
FOR
CAROLINA CRAFTSMAN**



<p>712 N. Raleigh Road SW Suite 103 Durham, NC 27410 910.756.5877 NC Firm License # C0418 mcgill@kocobus.com</p>	<p>DATE REV. AUG 1, 2024</p>	<p align="center">968 OCEAN BOULEVARD WEST FOR CAROLINA CRAFTSMAN</p>	<p align="center">STORMWATER PLAN</p>	<p align="center">SHEET 3 of 3</p>
	<p>PROJECT # 24-07006 PH. 002</p> <p>PROJECT MANAGER M. NORTON</p>			

