



Town of Holden Beach
Board of Adjustment
Regular Meeting
Monday, October 21, 2024

The Town of Holden Beach Board of Adjustment met for a postponed meeting on Monday, October 21, 2024, 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 David Yarasheski. Alternate Member present was Rick McInturf. Present town staff members were Tim Evans and Carey Redwine. Absent was Vice Chairperson Richard Griffin and Alternate Member Richard Roberts.

CALL TO ORDER

Chairperson Anne Arnold called the meeting to order.

ROLL CALL

Made corrections to the agenda.

The agenda now reads: Rick McInturf was present. Phil Caldwell made a motion to change the agenda, second by Mary Lou Lahren. This was approved.

APPROVAL OF MINUTES FROM OCTOBER 16, 2023

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

ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON

Anne Arnold is Chairperson and Mary Lou Lahren is now Vice Chairperson.

OATH OF OFFICE

David Yarasheski is now a regular Member.

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.

Arnold: Alright, we will hear from you now Mr. Norton if you are speaking on behalf of your application.

Norton: They want to move their home and build an ocean front home. They are creating two rental properties out of this project. Both properties are going to be really nice, have a pool at both. We will put a retaining wall in, and we have zoning approval for this upon your approval we will apply for all the building permits and requirements.

Arnold: Anything else? Any questions from the Board?

Lahren: I think this is basically procedural and we are here to approve it because it is required by the ordinance. I presume Milligan is moving it.

Norton: That is correct.

McInturf: If the ordinance requires us to approve it, I say we approve it.

Arnold: Anything else from you Robert?

Norton: No.

Arnold: Charles, anything from you?

Charles: No, I want to talk about my case.

Arnold: Is it about this case?

Charles: No, it is about my case. You do not have it in front of you yet.

Arnold: If we do not have it on our agenda, we cannot discuss it. Let me finish with this case first and we will discuss it with the attorney and see what she says.

Chairperson Anne Arnold stated that case 01-24 was unanimously voted for the relocation.

OLD BUSINESS

Chairperson Anne Arnold stated that the board needs to leave the third Monday of the month open just in case we have a meeting.

NEW BUSINESS

Arnold: Just the topic is what we want to hear.

Charles: The topic is, I can't get into my house.

Arnold: We would like to hear from the attorney at this time.

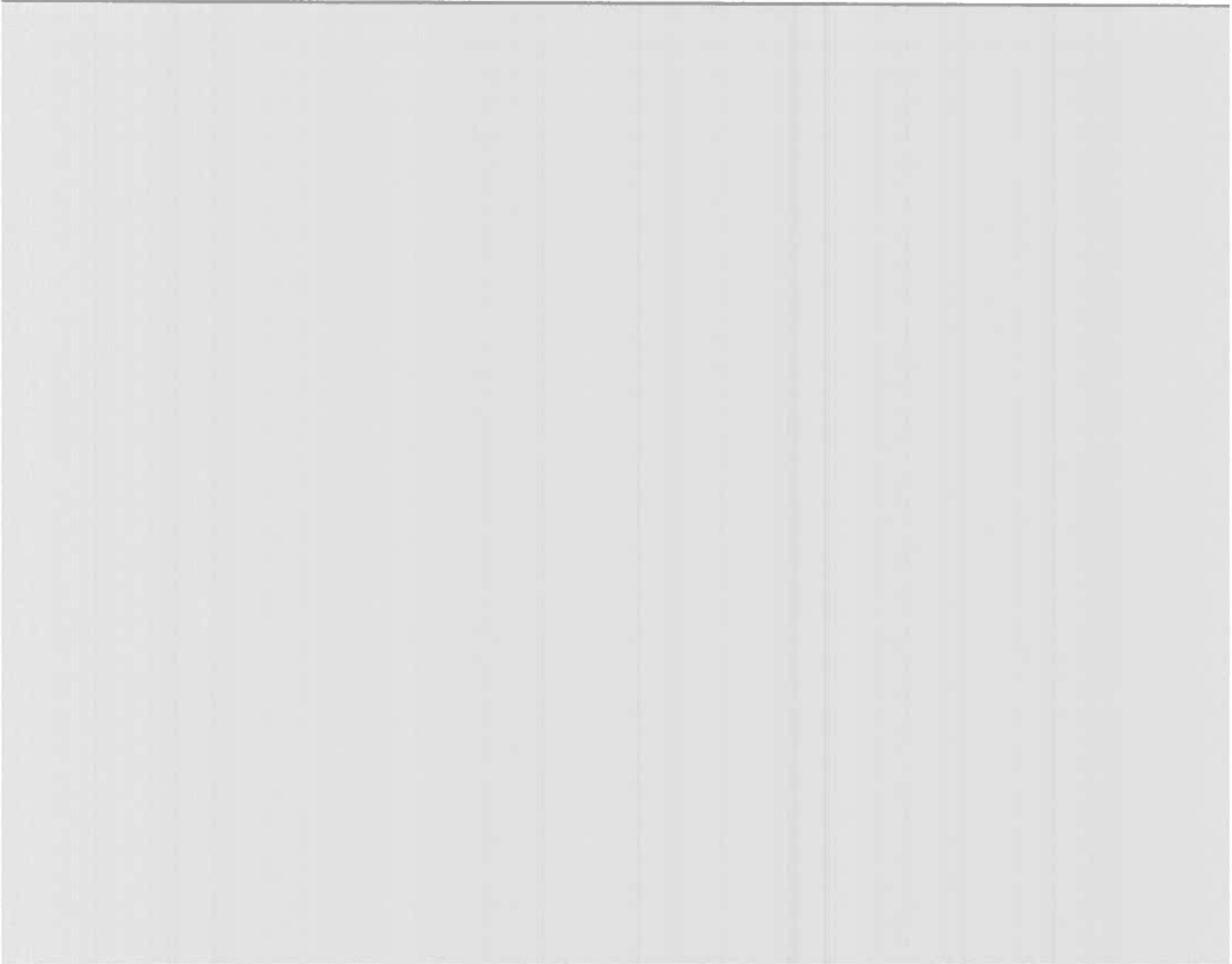
Moore: This requires either you to make an agenda modification or we have to wait until next meeting, we cannot add anything without a majority vote. Unless you have documentation for us?

Charles: I do have documentation, let me tell you what the problem is. You guys are not going to be open on Veterans Day.

Arnold: I must call this meeting to order.

Chairperson Anne Arnold stated that we would have a meeting on November 18, 2024.

ADJOURNMENT 3:21 P.M.





**TOWN OF HOLDEN BEACH
BOARD OF ADJUSTMENT
REGULAR MEETING
TOWN HALL PUBLIC ASSEMBLY
Monday, November 18, 2024
3:00 PM**

1. Call to Order
2. Roll Call
3. Approval of Minutes from October 21, 2024
4. CASE NO. 02-24: To request a variance from the Holden Beach Zoning Code of Ordinances Chapter 15, Section 157.060 (D)(4) to encroach into the back yard setback measured 20 feet from bulkhead located at 159 High Point Street, Holden Beach, North Carolina.
5. Old Business
6. New Business
7. Adjournment

TOWN OF HOLDEN BEACH
BOARD OF ADJUSTMENT

Application No. _____

Date Oct. 10, 24

Permit Fee 175.00

Receipt # _____

GENERAL APPLICATION FORM

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

Applicant _____ Owner Charles McSwain

Address _____ Address 159 High Point St.

_____ Holden Beach 28462

Telephone 910-540-7200 Telephone _____

Legal relationship of applicant to property owner Charles McSwain

Purpose of permit Wheelchair Lift - We are both 100% disabled by VA →

Property location 159 High Point St.

Tax map 232 PC012 (Street Address) Block _____ Lot 219

Lot size 50x100 square feet 5000 Zoning District R21

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

No. of buildings proposed _____ Gross floor area of proposed buildings _____

Total square footage of land to be disturbed 6x6 Foot 36 square feet

Estimated cost of project \$ VA is paying for it

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

Date Oct. 10, 24 Signature of Applicant [Signature]

VA is getting lift in. My wife has CHF + COPD. She is in last stages. She would like to be able to get out of the house. I am also in need of a lift. I fall go up or down with out falling due to trigeminal nerve VA is scared that I fall add I am on blood thinner so if I hit ~~head~~ or bleed the I would be a bleed out. my head

Application No. _____

TOWN OF HOLDEN BEACH
APPLICATION FOR A VARIANCE

Month _____ Day _____ Year _____

TO THE HOLDEN BEACH ZONING BOARD OF ADJUSTMENT:

I, _____, 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



**100% Disabled
American Veteran**

**Pay Grade
E4**

**Rank
PO3**

**Agency / Department
Coast Guard**

**Authorized Passage
MWR, Commissary
Unlimited Exchange**



**MCSWAIN,
CHARLES THOMAS**

Identification and Privilege Card



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NOTES:
PROPERTY IS IN A FLOOD HAZARD AREA
COMM. NO. 375352/PANEL NO. 3720201600K (8/28/2018)
THIS SURVEY AND PLAT PREPARED FOR LOCATION
ONLY / FOR REFERENCE ONLY / NOT FOR RECORDING



PLS JAN K. DALE

N.C. REG. NO. L-1250

PLOT PLAN FOR
CHARLES T. McSWAIN ET UX
OF
ELEVATOR LIFT
LOT 219
HOLDEN BEACH HARBOR SUBD.
TAX PARCEL 232PC012
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JAN K. DALE
N.C. REG. NO. L-1250
891 COPAS RD. - SHALLOTTE, N.C.
910-754-4477

SCALE	1" = 20'
TOWNSHIP	LOCKWOOD FOLLY
COUNTY	BRUNSWICK
STATE	N.C.
TOWN	HOLDEN BEACH
DATE	10/8/2024
FIELD BOOK	192
DRAWN BY	JKD
DWG. NO.	99/HB175

