



**TOWN OF HOLDEN BEACH
BOARD OF ADJUSTMENT
REGULAR MEETING
TOWN HALL PUBLIC ASSEMBLY
Monday, April 20, 2026
3:00 PM**

1. Call to Order
2. Roll Call
3. Approval of Minutes from February 17, 2026.
4. The Board of Adjustment will convene to consider Case No. 01-26. This matter involves a proposed 5.9-foot encroachment into the required 25-foot street-side setback at the property located at 938 Ocean Boulevard West, Holden Beach that was denied. As a result of this encroachment, the applicant is unable to construct the proposed single-family residence in full compliance with the applicable provisions of the zoning ordinance.

The applicant is therefore requesting a variance from the Holden Beach Zoning Code, specifically Chapter 15, Section 157.060(D)(3), to allow for the construction of the proposed structure as submitted.
5. Old Business
6. New Business
7. Adjournment

BOARD OF ADJUSTMENT

Application No. _____

Date _____

Permit Fee 175.00

Receipt # _____

GENERAL APPLICATION FORM

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

Applicant John McClure & Richard Ward Owner John McClure & Richard Ward

Address 908 Riverside Drive Address 908 Riverside Drive

Sunset Beach, NC 28468 Sunset Beach, NC 28468

Telephone 919-499-8761 Telephone 919-499-8761

Legal relationship of applicant to property owner Owner

Purpose of permit Construct Single Family Residence with setback encroachment

Property location 938 Ocean Blvd W, Holden Beach 28462
(Street Address)

Tax map 246AA047 Block _____ Lot 279

Lot size .11ac square feet 4860 Zoning District R-1

No. of buildings to remain 0 Gross floor area to remain 0

No. of buildings proposed 1 Gross floor area of proposed buildings 1285.5

Total square footage of land to be disturbed 4860 square feet

Estimated cost of project \$ 475,000

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

Site plan, boundary survey, site photos, email correspondence, building permit application, v-zone cert, new ownership app, owner exempt affidavit, sewer tap

Date 02/11/26

Signature of Applicant

Richard Ward
Richard Ward (Feb 11, 2026 10 45 59 EST)

TOWN OF HOLDEN BEACH
APPLICATION FOR A VARIANCE

Month February Day 10 Year 2026

TO THE HOLDEN BEACH ZONING BOARD OF ADJUSTMENT:

I, Richard Ward, 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): 157.060 (D)(3)

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.)

To request a variance from the Holden Beach Zoning Code of Ordinance Chapter 15 Section 157.060 (D)(3) for the construction of a single family residence with a 5.9ft encroachment into the 25ft street-side

building setback , located at 938 Ocean Blvd W, Holden Beach, Brunswick County.

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.)

Applicant would be unable to construct his proposed house if he complies with provisions of the ordinance.

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.)

Applicant's lot measures 4859 SF with only approx. 1179 SF building envelope when applying all setbacks. Lot does not meet 5000 SF dimensional requirements under 157.060 (D)(1)(a)

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

Applicant purchased lot after local building setbacks were established and after lot was platted on July 30, 1965.

Applicant was denied use of Small Lot Exception 15A NCAC 07H.0208 (b)(10)(J) by both Local Permit Officer and DCM

Minor Permit Coordinator, which would have allowed proposed structure to encroach into 30ft estuarine shoreline vegetated buffer.

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.)

Applicant is proposing to build a 1285 SF single family residence. The proposed structure is located at the edge of the 30ft estuarine shoreline vegetated buffer and will encroach no more into the 25ft setback than

both adjacent structures. The proposed house matches the modern coastal style, will not detract from the character of the neighborhood and is less square footage than the adjacent houses

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.)

A variance denial would prevent applicant from building their proposed house resulting in additional delays and costs associated with redesign and permitting.

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

Richard Ward
Richard Ward (Feb 11, 2026 10:45:59 EST)

Signature

**TOWN OF HOLDEN BEACH
ZONING PERMIT APPLICATION**

All sections must be completed, if not applicable write N/A.

Section 1: Basic Data

Name: John McClure & Richard Ward Telephone #: 919-499-8761
 Holden Beach Property Address: 938 Ocean Blvd W, Holden Beach 28462
 Lot: 279 Subdivision: Harbour Acres
 Permanent Mailing Address (print same if local address above applies):
 Street Address: 908 Riverside Dr
 City/State/Zip Code: Sunset Beach NC 28468
 Contractor Who Will Perform Work: Ward Custom Builders
 Contact Person: Richard Ward Telephone: 919-499-8761
 Address: 908 Riverside Dr, Sunset Beach NC 28468



Section 2: Specific Criteria Required to Support Application Approval:

Type of Structure:

New: Alteration: Repair: Relocate: Driveway: Fence:
 Other: _____

Property Use:

Single Family: Two Family: Apartment: Duplex: Townhouse: Other: _____

- (1) Total Gross Floor Area of Structure: 1285.5
- (2) How Many Bedrooms Does The/Will The Structure Have: 4
- (3) Required Setbacks in Feet:
 Front: 25 Rear: 20 Side: 5
- (4) Platted Area in Square Feet: 4859.86 Usable Area in Square Feet per Survey: 1759
- (5) Type of Driveway Material: gravel Driveway Area (in square feet): 2170
- (6) Flood Zone (AE, VE, X): AE
- (7) Base Flood Elevation (BFE): 12
- (7) Design Flood Elevation (DFE): 14
- (8) Average Original Grade: 5.77
- (9) Proposed Finished Grade: 7.9
- (10) Proposed Top of Slab: 8.2
- (11) Lowest Horizontal Structural Member: 16.9
- (12) Highest Point of Structure Above Mean Sea Level: 47.9



Certification to be Completed by Applicant:

"I certify that any construction, alteration or replacement of building and/or use of land shall be carried out in accordance with the information and Zoning Permit criteria listed above."

Richie Ward Richie Ward 1/30/19/25
 Authorized Signature Printed Name Date

Section 3: To be Completed by Town of Holden Beach Zoning Official

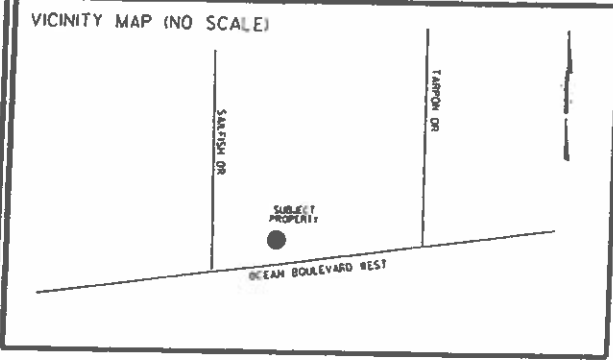
CAMA Permit Required? Yes: No: Stormwater Permit Required? Yes: No:
 Zoning District Determination for Property: Residential District (R1 Zone)
 Residential District (R2 Zone) Commercial District (C Zone)

Zoning Official Approval Signature: _____ Date: _____

* This permit expires 1 Year from the date of issue if construction has not begun. This form replaces all previous forms. *

This permit expires 1 year from the date of issue.
*** DENIED - part of the house is encroaching into the front yard 25' setback ***
 157.060

VICINITY MAP (NO SCALE)



282

N/F
EARL DUNN
JOYCE DUNN
DB 1930 PG 1374
PB 8 PG 13

DRIP
LINE
16.0'

LANDWARD EDGE
OF BULKHEAD
N 82°0'
48'

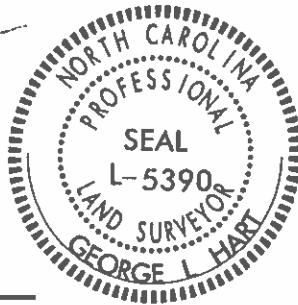
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I FURTHER CERTIFY THIS IS A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).

WITNESS MY HAND AND SEAL THIS 24TH DAY OF JULY, 2025

George L. Hart

PROFESSIONAL LAND SURVEYOR L-5390

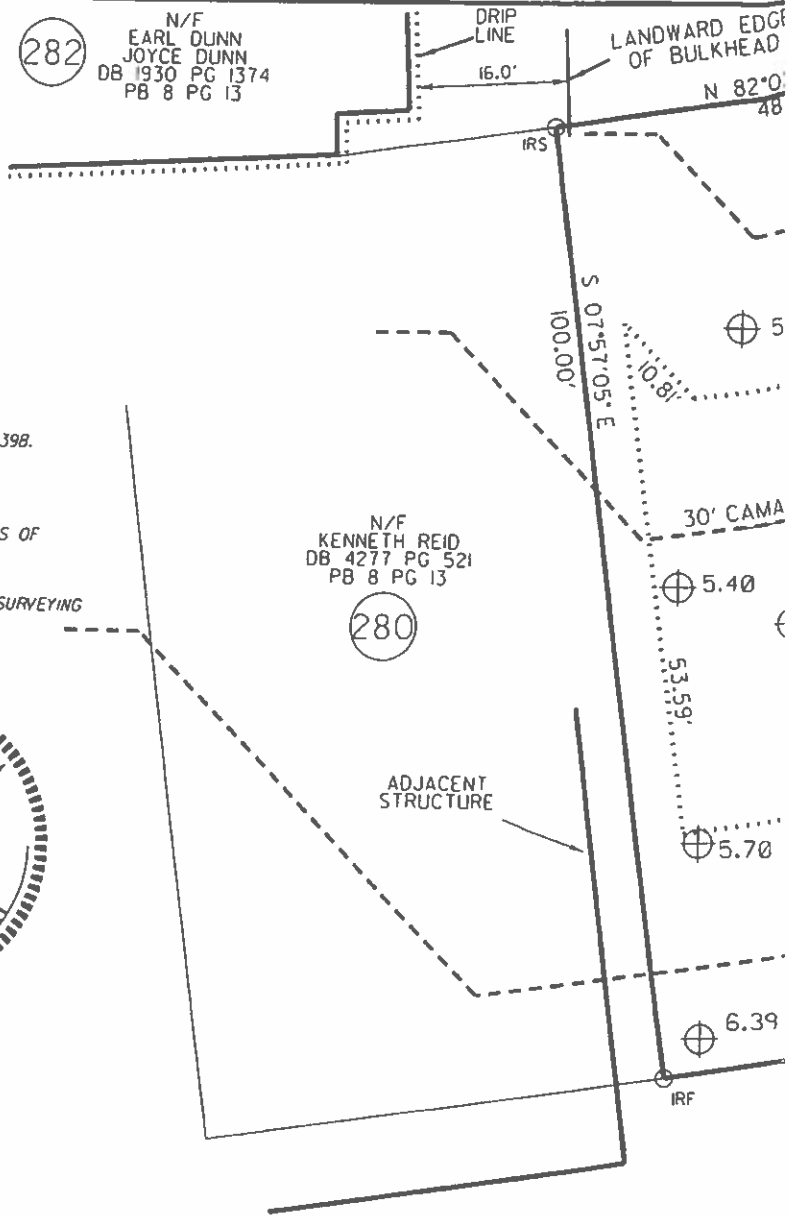


LEGEND

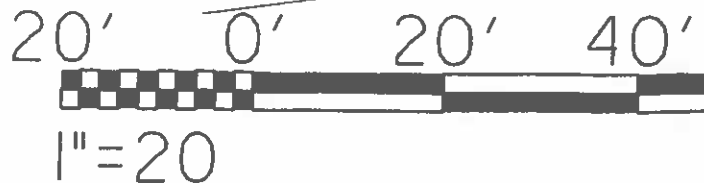
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- X—X— FENCE
- N/F ——— NOW OR FORMERLY

GENERAL NOTES:

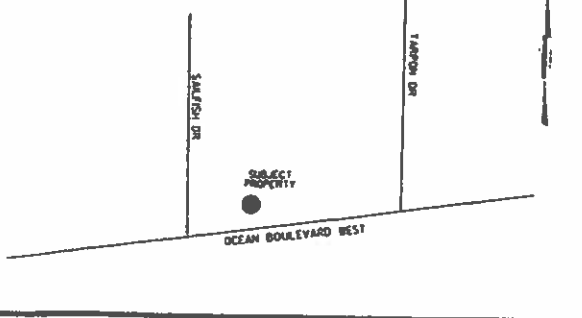
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3. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS AND/OR RIGHT OF WAY OF RECORD THAT MAY LIMIT THE USE OF THIS PROPERTY.
4. NON-CONFORMING STRUCTURES HAVE NOT BEEN CREATED BY THIS SURVEY.
5. THIS SURVEY IS SUBJECT TO ANY FACTS DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
6. THIS PROPERTY IS LOCATED WITHIN FEMA FLOOD HAZARD AREA AE-12 (PANEL 3720200500K EFFECTIVE 08/28/2018).
7. LOT IS ZONED RESIDENTIAL R1
8. UTILITIES WERE NOT LOCATED WITH THIS SURVEY.
9. SETBACKS SHOULD BE VERIFIED PRIOR TO CONSTRUCTION.



THIS LOT IS SUBJECT TO THOSE CERTAIN COVENANTS, RESTRICTIONS, AND CONDITIONS SET FORTH IN AN INSTRUMENT BY COASTAL DEVELOPMENT CORPORATION, DATED DECEMBER 17, 1962, RECORDED IN BOOK 166, PAGE 752 IN THE OFFICE OF THE REGISTER OF DEEDS OF BRUNSWICK COUNTY, NORTH CAROLINA, WHICH COVENANTS, RESTRICTIONS, AND CONDITIONS RUN WITH SAID LAND BY WHOMSOEVER OWNED, AND WHICH ARE EXPRESSLY CONSENTED TO BY SAID PARTY OF THE SECOND PARTY BY THE ACCEPTANCE OF THIS DEED.



VICINITY MAP (NO SCALE)



282 N/F EARL DUNN JOYCE DUNN DB 1930 PG 1374 PB 8 PG 13

IMPERVIOUS NOTES

PROPOSED DWELLING = 1285.5 SQ FT
 LOT AREA = 4859.86 SQ FT
 PERCENT IMPERVIOUS = 26.5%
 LOT AREA IN AEC = 4337.06 SQ FT
 DWELLING IN AEC = 1285.5 SQ FT
 PERCENT IMPERVIOUS IN AEC = 29.6%

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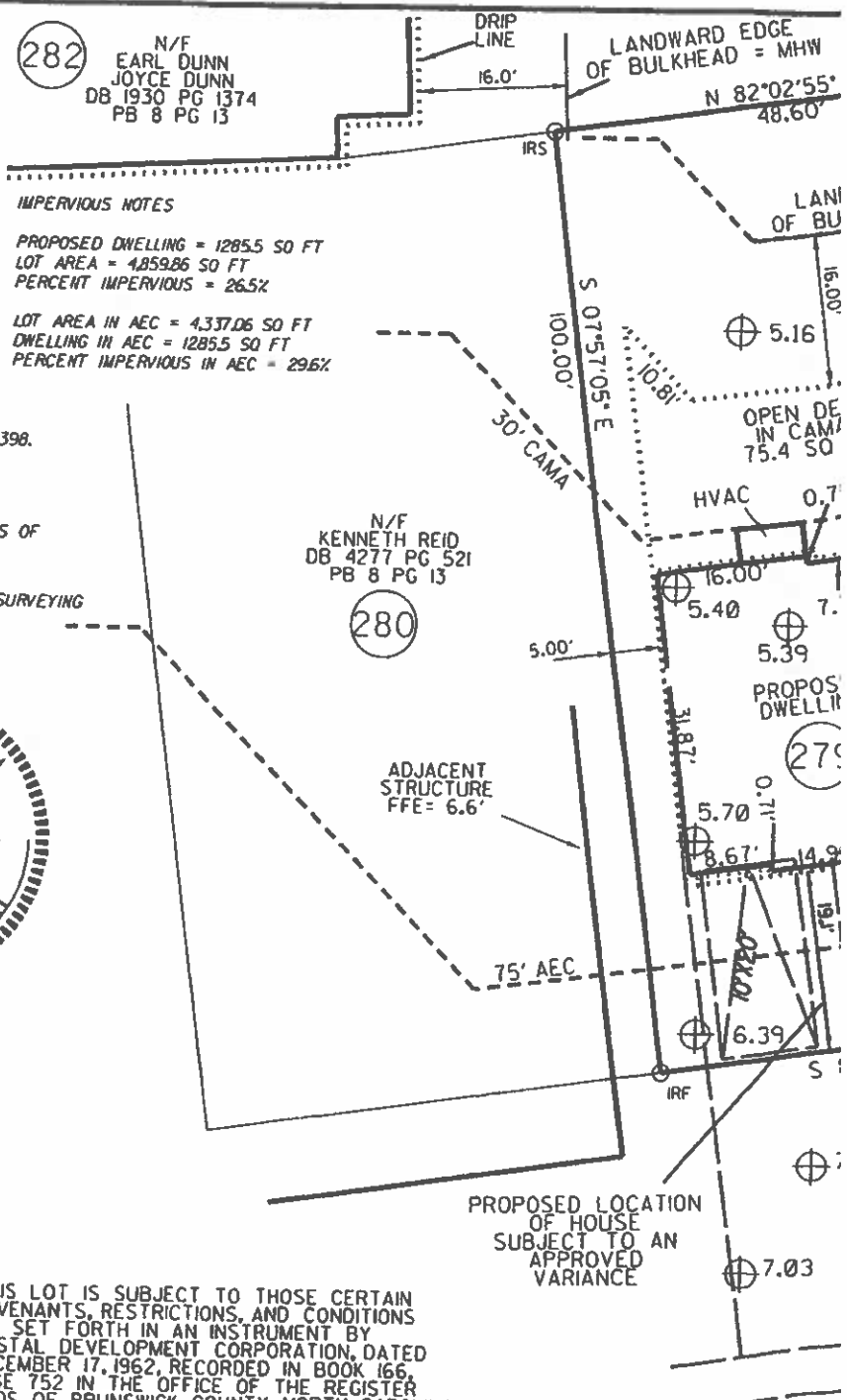
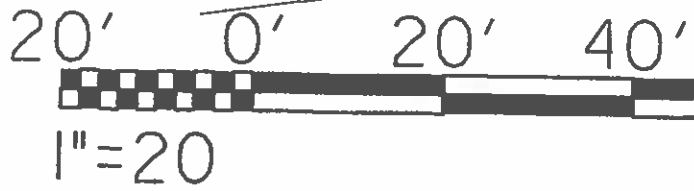
George Lhart
 PROFESSIONAL LAND SURVEYOR L-5390



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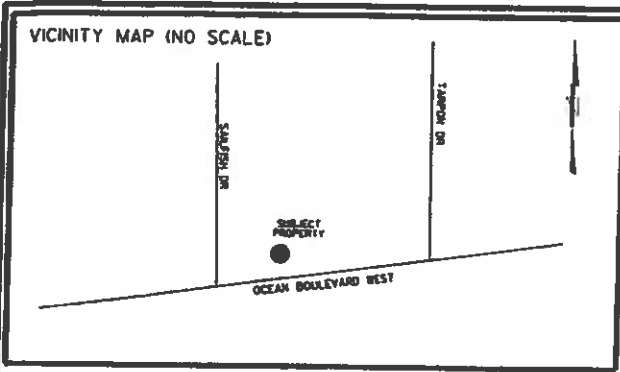
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OCE/ 60'

VICINITY MAP (NO SCALE)



282
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DB 1930 PG 1374
PB 8 PG 13

IMPERVIOUS NOTES

PROPOSED DWELLING = 12855 SQ FT
LOT AREA = 485986 SQ FT
PERCENT IMPERVIOUS = 26.5%

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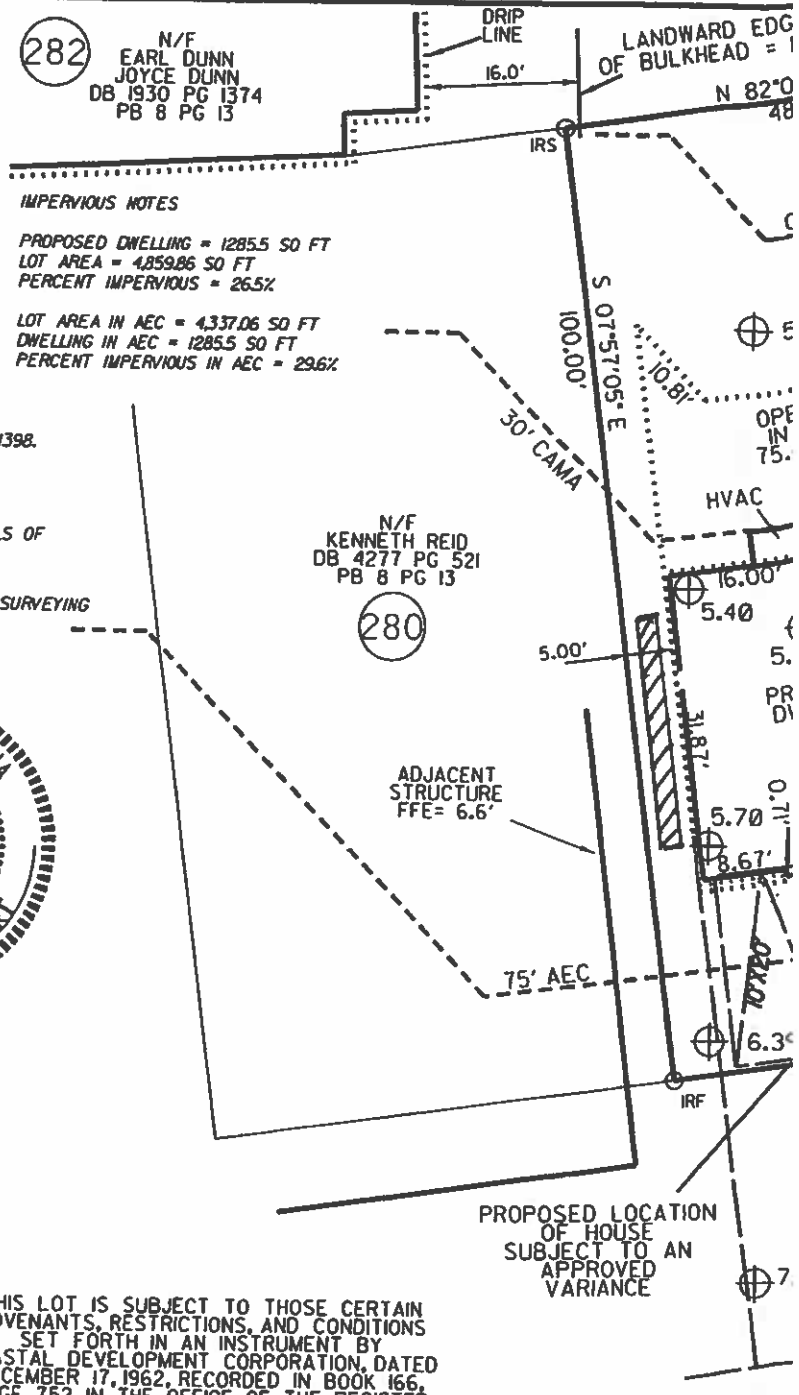
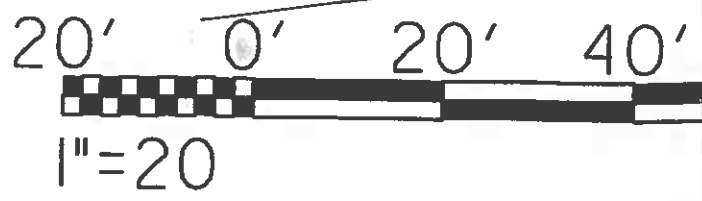
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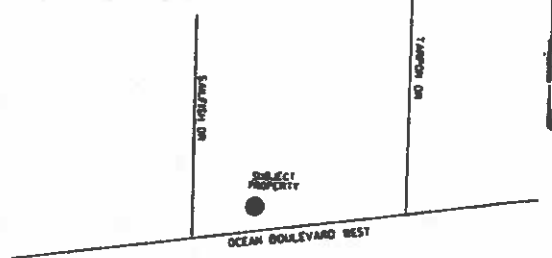
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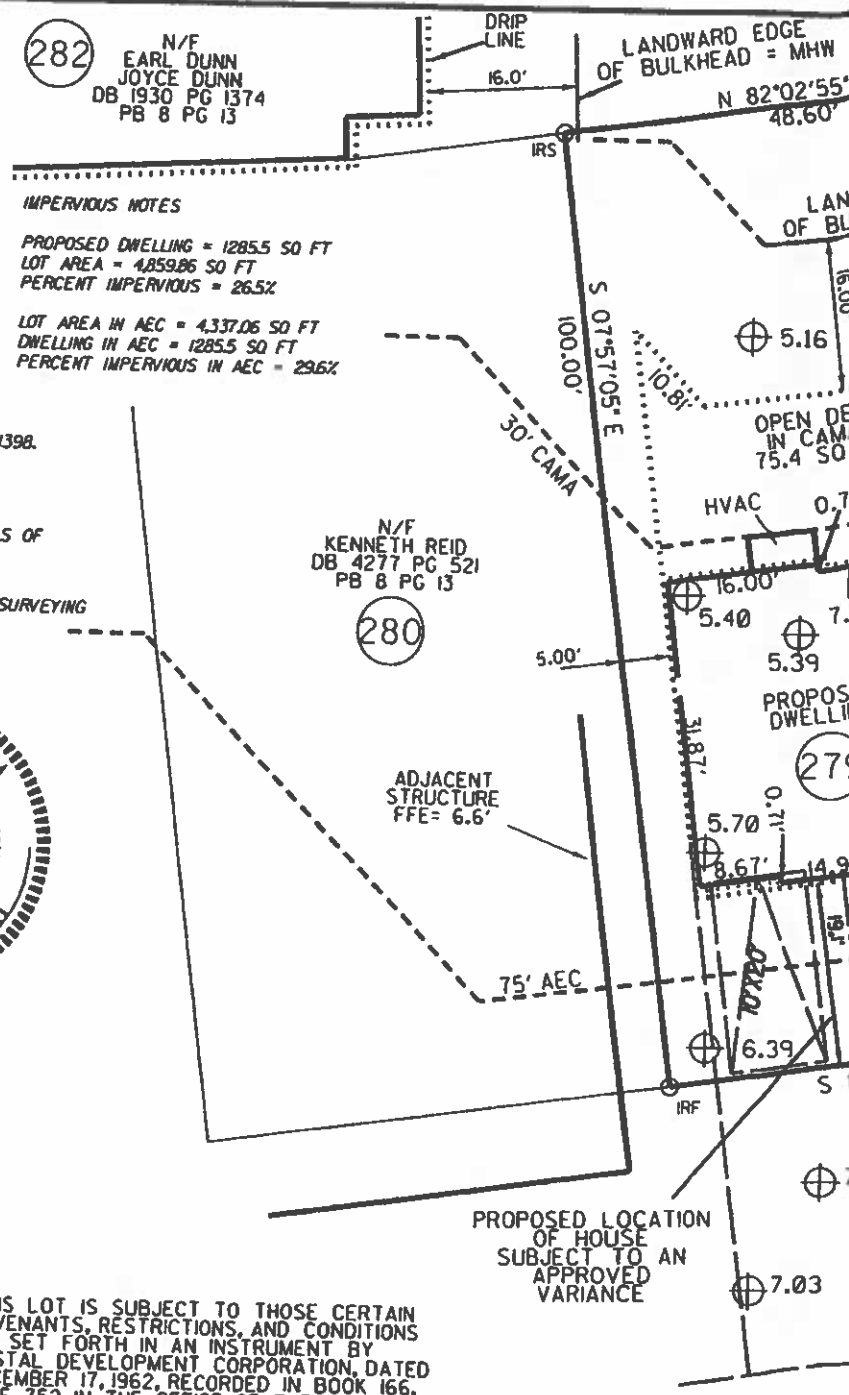
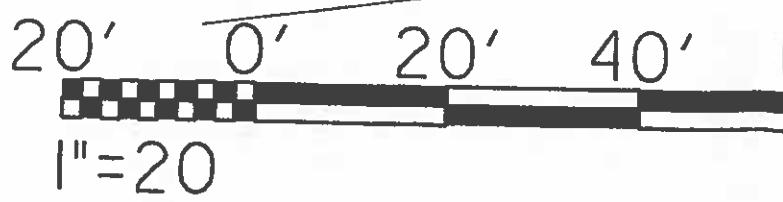
[Signature]
PROFESSIONAL LAND SURVEYOR L-5390



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OCEAN BOULEVARD WEST