



Board of Adjustment Minutes
Indian Trail Meeting Hall, 113 W. Moore St.
November 29, 2022, 4:30 P.M.

Present: Pete Haislip, Jason Robbins, Amy Aycock, Lisa Fosbury, Josh Cline McGee, Loten Masker, Kate Seigler

Absent: Harley Lemons

Board Liaison: Alderman Tom Lombardi

Staff Present: Dorothy Dutton, City Clerk
Travis Henley, Director of Development Services
Maureen Meehan, City Planner

Others Present: Mason Ward, Contractor

Meetings are open to the public.

- 1) Call to order by Vice Chairman Pete Haislip at 4:29 p.m.
- 2) The Pledge of Allegiance was led by Vice Chairman Haislip. Mr. Haislip explained the quasi-judicial procedure, what type of evidence is considered, and what it means to have standing. ***A motion was made by Josh Cline McGee to move Loten Masker from an alternate member to a full-member status for this meeting. The motion was seconded by Amy Aycock. All ayes. Motion carried.***
- 3) ***A motion was made by Jason Robbins to approve the August 30, 2022, and the minutes from October 4, 2022, as presented. Josh Cline McGee seconded the motion. All ayes. Motion carried.***
- 4) Vice Chair Pete Haislip explained that typically City staff presents the information first, then the applicant, and then any opposition. The Board of Adjustment would have the opportunity to ask questions of City staff, and the representatives of the project. The Vice Chair opened the Public Hearing at 4:37 p.m. and asked Ms. Dutton to address the Board.
After Mr. Haislip swore her in, Ms. Dutton stated that there was a Special Use Permit request for 310 Firefly Lane for an accessory dwelling. The existing parcel is 0.28 acres and is zoned as PUD. The proposed structure includes a loft bedroom, living room, bathroom, porch, and garage for golf carts. The total square footage is 720.77, which is less than the maximum. The proposed accessory dwelling meets the setback requirements and will have the same owners as the existing home. The accessory dwelling and principal dwelling will be accessed by the same private 20' right-of-way. There are two parking spaces allocated to the accessory dwelling. The proposed accessory dwelling will be the only accessory structure on the property.
Ms. Dutton explained there are four (4) factors to consider when determining whether a Special Use Permit should be approved. These are:

- a) *That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;*
- b) *That the use meets all required conditions and specifications;*
- c) *That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and*
- d) *That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the City of Southport Land Use Plan.*

Ms. Dutton was asked to explain the site plan and the layout of the driveway, but she deferred to Mr. Mason Ward, the contractor and owner representative. Vice Chair Haislip swore Mr. Ward in, and he explained that the accessory dwelling will be accessed from the private alley at the back of the property. Ms. Dutton explained to Ms. Ward that the accessory dwelling must use the exact same driveway, but there must be at least two (2) parking spaces designated.

Mason Ward said the accessory dwelling will use the exact driveway, and they would likely just create a pathway between the principal and accessory dwellings. He stated the property owners wanted to build the accessory dwelling to accommodate their adult children and their families when they visited. The McDonald's have no intention of using the structure for a short-term vacation rental. Mr. Ward added that the H.O.A. has already approved the accessory dwelling.

The Board had no further questions and Vice Chair Haislip closed the hearing. Being there was no deliberation needed, Vice Chair Haislip began asking the Board for motions on each of the factors.

1. Amy Aycock made a motion that the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved. Kate Seigler seconded the motion. All ayes. Motion carried unanimously.

2. Jason Robbins made a motion that the use meets all required conditions and specifications now that the accessory dwelling unit will be accessed from the existing gravel pad from the private alley and there will be at least two (2) additional parking spaces. Kate Seigler seconded the motion. All ayes. Motion carried unanimously.

3. Jason Robbins made a motion that the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity. Kate Seigler seconded the motion. All ayes. Motion carried unanimously.

4. Kate Seigler motioned that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the City of Southport Land Use Plan. Jason Robbins seconded the motion. All ayes. Motion carried unanimously.

5. Jason Robbins made a motion that based on the findings of fact and the evidence presented, the Board of Adjustment approve the Special Use Permit with the condition that the accessory dwelling unit use the same driveway as the principal structure and that the unit shall be in compliance with the Short-term Rental ordinance. The motion was seconded by Amy Aycock. All ayes. Motion carried unanimously.

5) Other Business: City Staff provided an update to the Board of Adjustment on several projects to include right-of-way encroachment, short-term rental ordinance updates, and pending development projects in the City.

6) Adjournment:

There was no other business to consider. **Loten Masker made a motion to adjourn the meeting. Josh Cline-McGee seconded the motion. All ayes. Motion carried unanimously. Vice Hair Haislip adjourned the meeting at 5:09 p.m.**

Vice Chairmen, Pete Haislip

City Clerk, Dorothy Dutton