



**City of Southport
Board of Adjustment
113 W. Moore Street, Southport, NC 28461
June 15, 2022 at 4:30 p.m.**

Present: Harley Lemons, Lisa Fosbury, Jason Robbins, Loten Masker, Amy Aycocock, and Kate Seigler

Absent: Josh Cline McGee, Pete Haislip

Board Liaison: Alderman Tom Lombardi

Staff Present: Dorothy Dutton, City Clerk
Thomas Lloyd, Developmental Services Director

Others Present: Chase Hildreth, and Jennifer Ordonez

Meetings are now open to the public.

- 1.) Call to order by Chairman Harley Lemons at 4:37 p.m.
- 2.) Harley Lemons led everyone in saying the Pledge of Allegiance.
- 3.) Board Chair stated that with the absence of Pete Haislip and Josh Cline McGee, a motion would be needed to move the City alternate, Tuck Masker to serve as a full member for this meeting. ***A motion was made by Jason Robbins and seconded by the Board Chair to move Loten Masker to serve as a full member. All ayes. Motion carried.***
- 4.) Board Chair asked each member of the Board to state their name and whether they are a City resident or a resident of the ETJ. The Board members went around the table introducing themselves. He described the quasi-judicial process. A quasi-judicial hearing is different than a land-use or legislative decision. Individuals with standing are allowed to speak, but only evidence and facts presented should be used to make a decision. Mr. Lemons asked that speakers identify themselves and state their address. He explained that he will stop any testimony that is redundant or not relevant. He defined expert testimony. Chair Lemons explained that any ex parte communications is strictly prohibited. And stated that the hearing process is that City staff would speak first, then the applicant. If anyone was opposed to the request, they would be given the opportunity to speak, followed by any rebuttal by the applicant. Mr. Lemons will correct anyone who speaks out of turn or is making irrelevant testimony. City Clerk Dorothy Dutton announced that she needed to swear Ms. Kate Seigler in before testimony could begin. She performed the oath of office, and Ms. Seigler became an official member of the Board, serving as full ETJ member.

5.) Mr. Lemons introduced the application for an accessory building at 2010 Robert Ruark Drive for Augusto and Jennifer Ordonez. Mr. Lemons opened the public hearing at 4:44 p.m. He called Mr. Thomas Lloyd up and swore him in to give evidence. He explained that the location is in the City's ETJ and is about a half-acre lot. The applicant is looking to add a bathroom into the existing accessory building. It will be used primarily as a recreation room but will ultimately be used to care for family members. Because of the addition of the bathroom, it requires the accessory dwelling permit. There cannot be multiple accessory structures on one lot, but this structure is the only one. There is a principal structure on the property, and the square footage does not exceed the maximum 800 square feet. There is adequate parking. Ms. Fosbury asked about utilities and whether the adjacent property owners sent comments in. Mr. Lloyd stated that they only receive City water, and the property is served by septic. He tried looking for a copy of the septic permit with the County but was unable to find it. Mr. Lloyd and Ms. Dutton explained that no building permit can be issued without an approval from the County's Environmental Health Department for the septic, which includes the location of the leach lines and the appropriate amount of flow. There are currently two and a half bathrooms in the existing dwelling. Lisa Fosbury asked more questions about how the County would calculate the septic system size or number of leach lines. Mr. Lemons asked the applicants to approach and be sworn in. Mr. Ordonez and Mr. Hildreth were sworn in, and they both stated their names and addresses. Mr. Ordonez explained that the garage has an unfinished space which was the first option to add extra living area. Because the expense was so great, they started looking into adding a possible dwelling into the existing workshop building. For the time being it will be a recreation area, but eventually, her mother might move in so that they can help take care of her. The workshop space is at the back of the building. The front of the building will serve as the recreation and dwelling space. The workshop will remain unconditioned space. The recreation and dwelling space will be conditioned. Mr. Lemons reminded the applicant that they are not able to heat the workshop area because it will put the space over the maximum heated square footage. Mr. Lemons thanked the applicants for their testimony. He asked if there were any more questions from the Board or staff. Ms. Dutton explained that here are certain fixtures that trigger the building inspector to permit a project a certain way. The presence of a sink, heating or cooling system, or a closet, would direct the building inspector to permit the project as a residence, which would require the septic approval. Mr. Lemons closed the public hearing at 4:56 p.m.

There are four questions that have to be considered as part of the approval process.

A. Lisa Fosbury made a motion that the use will not materially endanger the public health, safety, or general welfare if located where the proposed and developed according to the plan as submitted and approved. Amy Aycok seconded the motion. Jason Robbins asked if the septic system condition should be added during this motion. **Lisa Fosbury edited her motion to include the condition that the appropriate septic approval will be obtained for the proposed use. All ayes. Motion carried.**

B. Lisa Fosbury made a motion that the use meets all required conditions and specifications. The motion was seconded by Jason Robbins. All ayes. Motion carried.

C. Kate Seigler made a motion that the use will not adversely affect the use or any physical attribute of adjoining or abutting property. Lisa Fosbury seconded the motion. All ayes. Motion carried. Board Chair Harley Lemons

asked how the adjacent property owners are notified for these types of applications. Mr. Lloyd said the property owners receive a notice by first-class mail, and that City staff mailed notices to all adjacent property owners, including properties across the street. And the property is posted with a sign that states the date of the public hearing.

D. Amy Aycock made a motion 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 with the additional condition that the dwelling must be compliant with the short-term vacation rental ordinance. If the dwelling is rented for more than thirty (30) days, the accessory dwelling and principal structure must be rented together. Lisa Fosbury seconded the motion. All ayes. Motion carried.

Mr. Lemons said the final motion to consider is based on the findings of fact and the evidence presented and make a motion to approve or deny the application. **Jason Robbins made a motion to approve the special use permit with the following conditions:**

- 1. The septic system permit will be obtained from Brunswick County based on the proposed use.**
- 2. The dwelling must be compliant with the short-term rental ordinance. If the structure is rented for longer than thirty days, it must be rented with the primary structure.**

Lisa Fosbury seconded the motion. All ayes. Motion carried. The special use permit was approved.

There was discussion about recording the final approval at the Register of Deeds, so it runs with the land in perpetuity. Mr. Lloyd explained that once the final order was signed by the Board Chair and the applicant, it would be recorded.

6.) Approval of Minutes

a.) A motion was made by Jason Robbins to approve the Minutes of the March 22, 2022 Board of Adjustment meeting. Amy Aycock seconded the motion. All ayes. Motion carried.

b.) A motion was made by Amy Aycock and seconded by Kate Seigler to approve the minutes of the April 26, 2022 Board of Adjustment meeting. All ayes. Motion carried.

7.) Board Chair Harley Lemons said that if there are any questions or topics that anyone would like to talk or train about, now is the time to bring it up. Lisa Fosbury said that she had some questions about the building permit process as it pertains to the septic approval, etc. Thomas explained that the septic permit is left entirely up to the County. Ms. Fosbury said she wanted more information about the actual process of applying for a building permit. Jason Robbins said that it would be helpful to learn more about that process. There was some discussion about the current building inspector and also when the former building inspector used to attend the Board of Adjustment meetings. Loten Masker asked about the date of the survey that was submitted. He suggested

requiring applicants to acquire a new survey when they apply for permits. Mr. Lloyd explained that it is the requirement normally, but because this is an existing structure, he didn't think it was required.

8.) Lisa Fosbury made a motion to adjourn the meeting. Jason Robbins seconded the motion. All ayes. Motion carried. The meeting was adjourned at 5:41 p.m.

Harley Lemons, Board of Adjustment Chair

Dorothy Dutton, City Clerk

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