



**Board of Adjustment Minutes  
Indian Trail Meeting Hall, 113 W. Moore St.  
March 28, 2023, 4:30 P.M.**

**Present:** Harley Lemons, Pete Haislip, Jason Robbins, Amy Aycocock, Josh Cline McGee, Loten Masker, Kate Seigler

**Board Liaison:** Alderman Tom Lombardi

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

**Others Present:** Cameron Smith, Contractor  
Patrice Frink, Adjacent Property Owner  
Andris Frink, Adjacent Property Owner  
Other concerned citizens/property owners.

**Meetings are open to the public.**

**A.)** Call to order by Chairman Harley Lemons at 4:32 p.m.

**B.)** *Vice Chair Haislip motioned to move Loten Masker into the meeting as a full-voting member, in the absence of Ms. Lisa Fosbury. Josh Cline McGee seconded the motion. All ayes. Motion carried.*

**C.)** The Pledge of Allegiance was led by Chair Lemons. Mr. Lemons explained the quasi-judicial procedure, what type of evidence is considered, and what it means to have standing.

**D.)** Chair Lemons opened the Public Hearing at 4:39 p.m. Mo Meehan, City Planner, approached the podium and was sworn in by Chair Lemons before she began her testimony. Ms. Meehan explained that the applicant is seeking a variance from the parking requirements as outlined in Article 3.14.B.7 Parking Lot Design, for the property located at 108 West Brown Street, which is zoned Business District (BD). The parcel is a 33' wide lot and is a total of 5,445 square feet (0.13 acres). The ordinance states that vehicles cannot back out into the right-of-way to exit the parking spaces. The applicant has submitted two proposals for the site. The first alternative is to include two parking spaces side by side at the front of the property, with walkways leading to the building. This option does not use the existing right-of-way for parking, but the vehicles would back into the right-of-way.

The second alternative is to use the right-of-way for the two parking spaces. This would allow the home to be closer to the lot line. The driveway length would be reduced, and the building would be more similarly placed on the property as the neighboring structures.

The building proposed is for a small boutique hotel. The applicant originally met with City staff in early 2023, and the use is permitted in the Business District. It was determined while speaking with staff that the parking requirement for non-residential uses can be reduced by 50% in the Business District where on street or public parking facilities are available within 500 linear feet of the proposed use. This property is eligible for the reduction of two spaces, but the width of the lot made parking a challenge.

The applicant, Cameron Smith, has stated that the conditions of the site create a hardship.

Cameron Smith addressed the Board of Adjustment after being sworn in by Chair Lemons. Mr. Smith explained that it was confusing because so many other vehicles park in the rights-of-way, and back out of parking spaces. The lot to the left of this property is zoned Business, too. Chair Lemons asked what a boutique hotel was and was told it is a hotel of three or less suites.

Patrice Frink, an adjacent property owner, was sworn in to give her testimony. She said she is a part of a multi-generational family from Southport. She suggested there should be a radius or percentage of space around residential areas to protect residential areas and make people feel safer. She also didn't realize the property was zoned Business.

Andris Frink, also an adjacent property owner, asked if they would pave the driveway? Several members of the Board of Adjustment commented that the driveway was more of a design concern and not for the variance request. Jason Robbins asked for clarification about what exactly the Board was considering. Ms. Dutton stated that the Board should focus on the variance itself and let City Staff and the Planning Board manage the design standards.

Chair Lemons closed the Public Hearing at 5:19 p.m. Cameron Smith requested that the Board disregard Option 2, because it clouds the request. He would rather have a variance to be able to back into the right-of-way area.

After no further questions, the Board focused on the Finding of Facts and Conclusions of Law. The Board of Adjustment should consider the following standards:

- 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.*

Chair Lemons began asking the Board for motions on each of the factors.

**1. Josh Cline McGee made a motion that unnecessary hardship would result from the strict application of the ordinance because without being able to back out of the property, there is likely very little use of the property. Amy Aycok seconded the motion. All ayes. Motion carried.**

**2. Kate Seigler made a motion that hardship results from conditions that are peculiar to the property because the lot size does not allow for maneuverability, and a parking turnaround is impossible. Vice Chair Haislip seconded the motion. All ayes. Motion carried.**

**3. Josh Cline McGee motioned that the hardship did not result from actions taken by the applicant or property owner because the property has been vacant, and the property has not been reduced or expanded. Kate Seigler seconded the motion. All ayes. Motion carried.**

**4. Jason Robbins motioned that the variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice achieved, because there is already a lot of backing out on Brown Street and on street parking. Kate Seigler seconded the motion. All ayes. Motion carried.**

**5. Josh Cline McGee made a motion that based on the findings of fact and the evidence presented, the Board of Adjustment approve the Variance request with the condition that only Option A is approved. Jason Robbins seconded the motion.** Option A is for the parking spaces to be installed on the property, and not in the right-of-way. The vehicles will back out from the spaces into the right-of-way. **All ayes. Motion carried.**

**E.) Approval of Minutes**

**Amy Aycock motion to approve the Board of Adjustment minutes from November 29, 2022. Jason Robbins and Kate Seigler seconded the motion. All ayes. Motion carried.**

**F.) Other Business**

1. Ms. Dutton explained that recently, the Board of Adjustment members had been assigned a City sponsored email address. The City's IT consultant had emailed instructions on how to log-in to check those emails, and the City Manager has requested that all City business be handled through those email accounts instead of any personal email accounts. This protects the Board of Adjustment members and their privacy. When a request for information is submitted, it might include any or all correspondence, including their email communications. At that time, their personal email accounts are subject to inspection. Ms. Dutton stated she would resend all the information to the Board, and they should contact her or the IT Consultant with any questions. Jason Robbins suggested that maybe the IT Consultant could turn off the "reply all" function in everyone's email accounts.

2. Ms. Dutton explained that she and Community Relations Director, Randy Jones, have been working on ordinance amendments to Chapters 2 and 13 of the Code of Ordinances. The amendments would add all the City's boards, committees, and commissions to the Code, as well as establish a process for expiring terms and reappointments. Terms would be for three years and would span from July 1-June 30. Chair Lemons was not in favor of the changes.

**G.) 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.**

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Harley Lemons, Chair, Board of Adjustment

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Dorothy Dutton, Asst. City Manager/City Clerk