

Jeff Wenzel
Mayor

Pamala Hall
Mayor Pro-Tem

Greg Hines
Councilmember

Dexter Sholar
Councilmember

Rena Bragg
Councilmember

Thomas Hedrick
Councilmember

Town of Holly Ridge

*Post Office Box 145
Holly Ridge, North Carolina 28445*

*Telephone (910) 329-7081
Fax (910) 329-1593*



Heather Reynolds, CMC
Town Manager

Tracy Martin
Deputy Town Clerk

HOLLY RIDGE BOARD OF ADJUSTMENT MEETING AGENDA September 28, 2021 6:00pm

1. Call to Order
2. Pledge of Allegiance
3. Adoption of Agenda
4. Approval of August 24, 2021 Meeting Minutes
7. New Business
 - A. Special Use Permit Request
**Joe Szostak and Marc Caldwell—1100 NC Highway 50
Drinking Establishment**
8. Board Questions/Comments
9. Adjournment



**Planning & Zoning Department
Staff Report
Special Use Permit
Board of Adjustment Meeting Date:
September 28, 2021**

Joe Szostak and Marc Caldwell are requesting a Special Use Permit in order to utilize property located at 1100 NC Highway 50 for the use of a drinking establishment.

<p>Applicant: Joe Szostak and Marc Caldwell</p> <p>Property Owner: Holdens Unlimited, LLC</p> <p>Property/Parcel#: 1100 NC Highway 50 011445 (Map #735-15)</p> <p>Current Zone: Commercial</p> <p>Acreage: 9</p> <p>Number of Properties: 1</p> <p>Board of Adjustment Action Required: Yes</p> <p>Town Council Action Required: No</p> <p><u>Actions:</u></p> <ol style="list-style-type: none"> 1. Approve or Deny of the proposed Special Use permit for a drinking establishment, as presented in the Staff Report or with changes. 2. Continue to a future date to obtain additional information or to further consider information presented. The next available meeting date is October 26, 2021 or at special time of Board's choosing 3. Determine findings in granting approval or denying proposal. 	<p>Current Zoning: Commercial</p> <p>Relevant History: Parcels abutting this property are currently zoned R-15A, R-10A, and Commercial. A large portion of the surrounding acreage is mainly vacant and undeveloped. There are both residential dwellings and commercial establishments found adjoining and in the vicinity of the subject parcel.</p> <p>There is a vacant building found on the property subject to this SUP. The subject parcel is found within the ETJ of Holly Ridge.</p>
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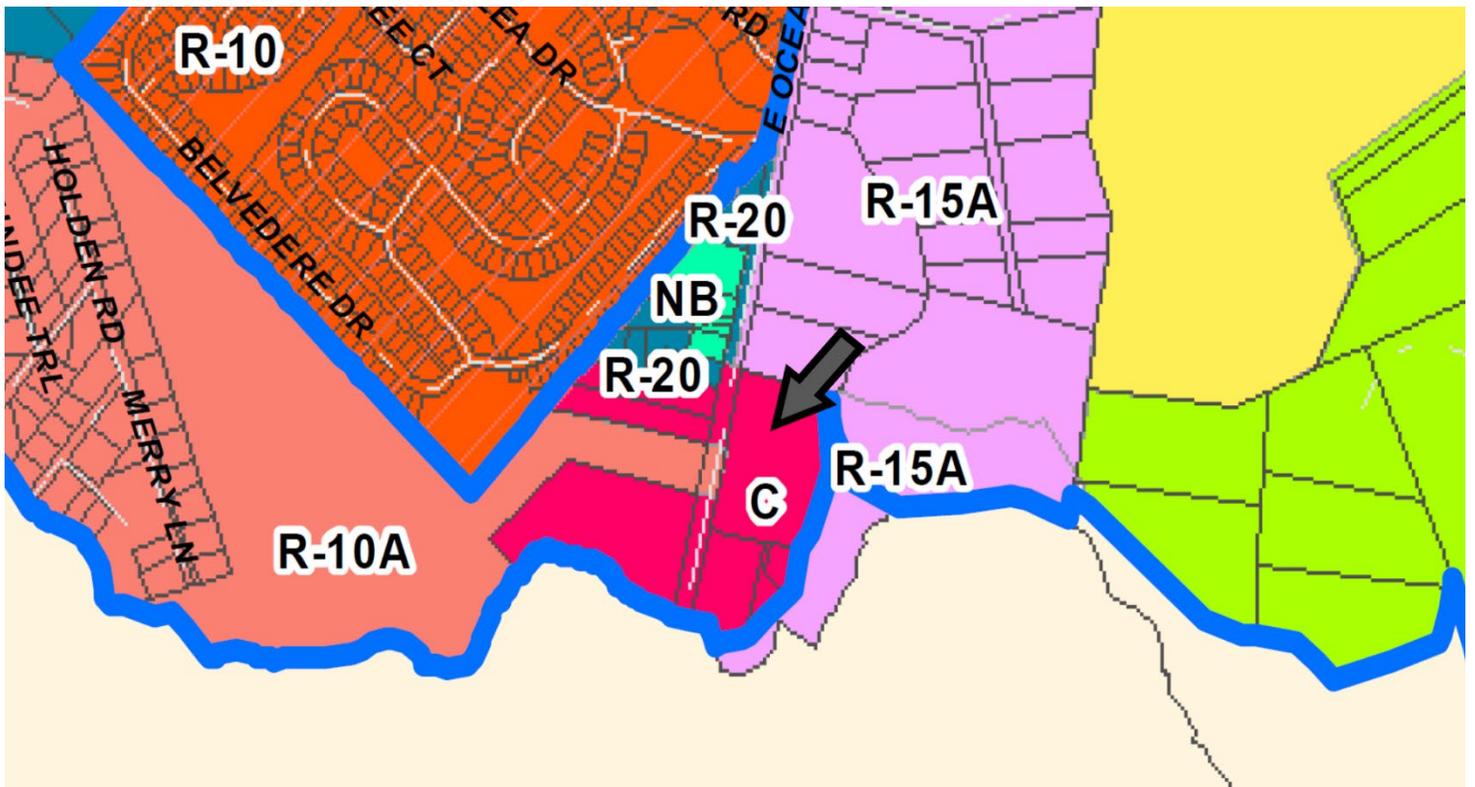


Figure 2—Current Zoning

SPECIAL USE PERMIT REQUIREMENTS

Because the proposal requires a Special Use Permit, additional considerations must be considered by the Board of Adjustment. Per Section 7-5-10, the Board must make an affirmative finding of each of the following items prior to issuance of the Special Use Permit. Staff has provided some guidance for each item; however, the applicant is responsible for the burden of proof in establishing each item below has been duly addressed.

Section 7-5-10 (B) The Board of Adjustment shall issue a Special Use Permit only when the Board makes an affirmative finding for each of the following:

(1) That the use will not materially endanger the public health or safety, if located where proposed and developed according to the plan submitted and approved;

This establishment will not materially endanger the public. Its intended use is for our community to have a safe place for all ages to spend time, enjoy food, beverage, and local entertainment.

(2) That the use meets all required standards set forth in this Ordinance;

Both owners are familiar with the Town of Holly Ridge code of ordinances and will ensure that this establishment adheres to all required standards set forth in the code.

Drinking establishments are permitted within the Commercial District with an approved Special Use Permit. If developed according to plans received, the use will meet required standards.

(3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;

The owners have an accurate, up to date plot survey and will follow all guidelines/requirements throughout the entire building process. They will have running water and sewer which will benefit other businesses or future builds. With a modern design, they intend to add value to our community and hope to appeal to people of all surrounding areas.

(4) 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 Holly Ridge Comprehensive Plan.

The structure will be a modern design and visually appealing. The outdoor recreational area will be well maintained and inviting. The establishment will provide residents of Holly Ridge a place large enough to bring family and friends while still maintaining an upscale, hometown feel. Not only will this establishment operate in harmony with the area, they believe it will add value by being large enough and popular enough to draw interest from people of surrounding cities and towns.

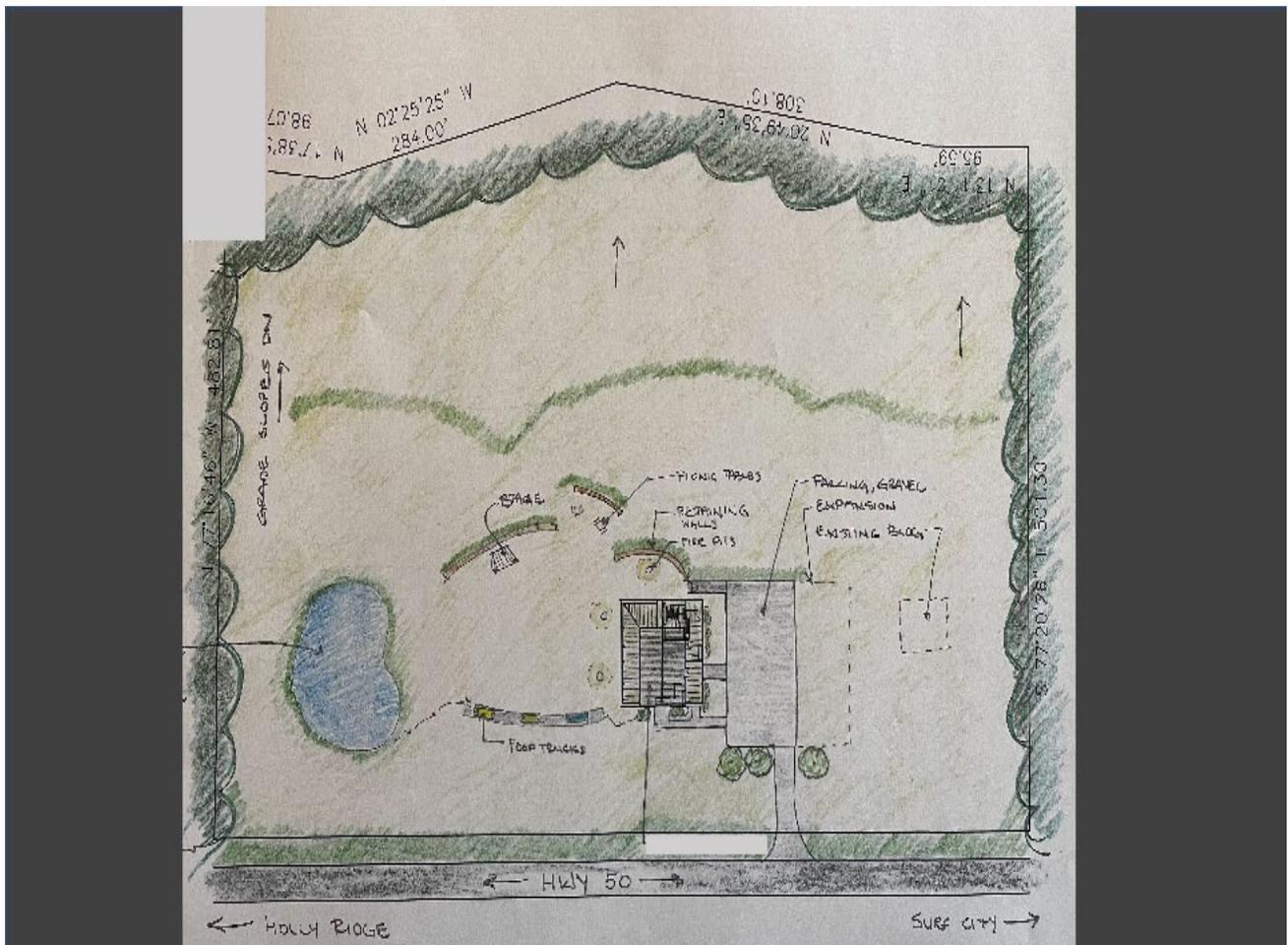


Figure 3—Site Plan

The Town's Future Land Use map contained in the Comprehensive Growth Strategy Plan identifies this property for Commercial Use. Additionally, the surrounding properties are also designated for future commercial uses as well.

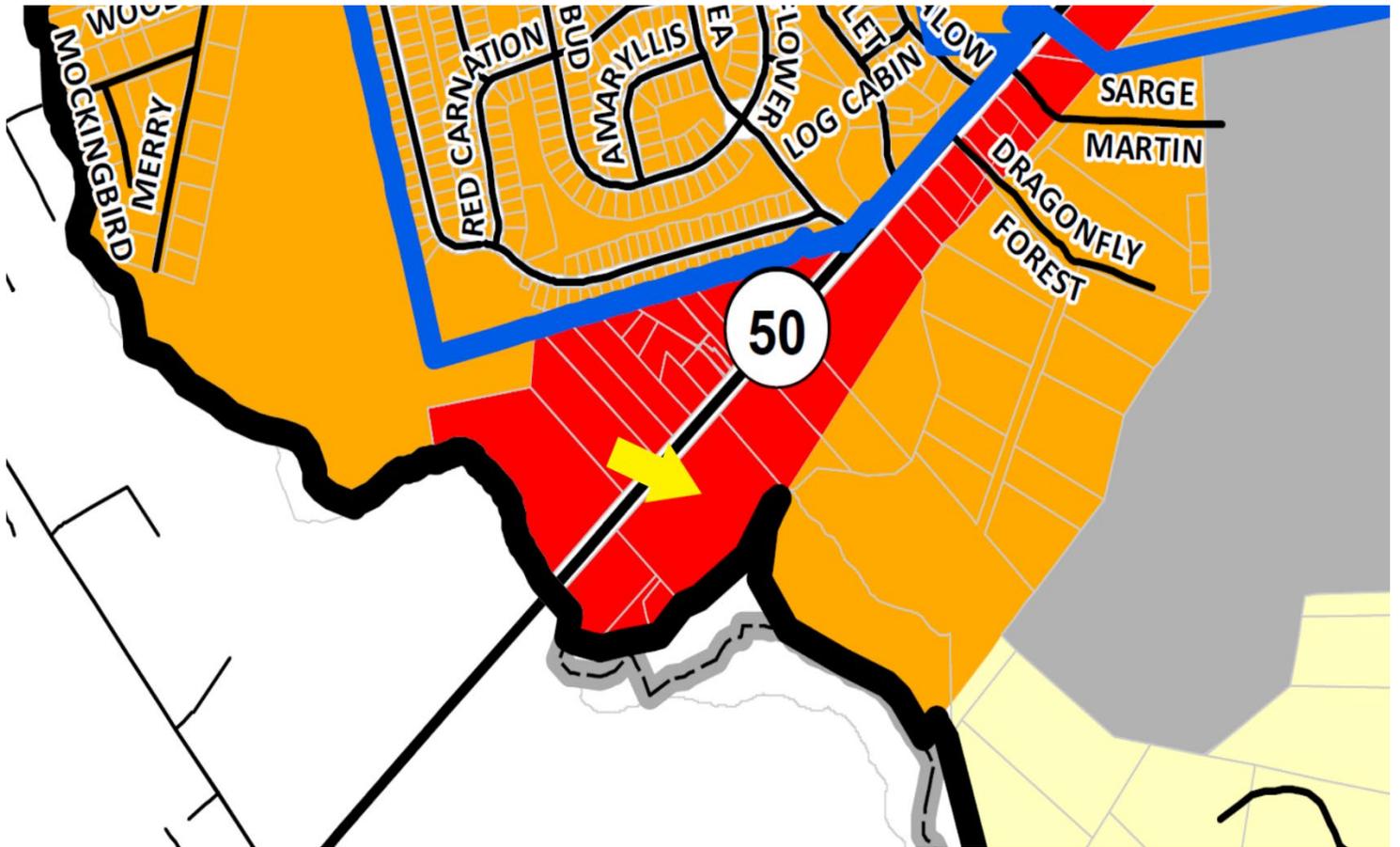


Figure 3—Future Land Use Map

BOARD OF ADJUSTMENT ACTION

The following sequence should be utilized during the Special Use Permit quasi-judicial hearing:

1. Chair opens hearing and announces case.
2. Witnesses are sworn in.
3. Staff gives summary overview the case.
4. The applicant presents case, documents, evidence, witnesses. BOA may ask questions. Chair allows cross-examination.
5. Objectors present case (if present), documents, evidence, witnesses. BOA may ask questions. Chair allows cross-examination.
6. Applicant's rebuttal (if applicable).
7. Objector's rebuttal (if applicable).
8. Chair summarizes evidence and excludes hearsay, opinion. BOA may add/clarify.
9. Deliberation and determination of facts and conclusions.
10. Motion and vote on each of the four findings below:
 1. That the use will not materially endanger the public health or safety, if located where proposed and developed according to the plan submitted and approved;
 2. That the use meets all required standards set forth in this Ordinance;
 3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
 4. 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 Holly Ridge Comprehensive Plan.
11. Hearing closed.

Town of Holly Ridge

Post Office Box 145
Holly Ridge, North Carolina 28445
Telephone (910) 329-7081 Fax (910) 329-1593



SPECIAL USE PERMIT APPLICATION

Town of Holly Ridge Zoning Ordinance

10 SEPT 21
Date of Application

_____ Application Number

011445
Parcel ID Number

Name of Owner/Applicant : JOE SZOSTAK AND MARC CALDWELL

Mailing Address : 339 BELVEDERE DR, HOLLY RIDGE, NC 28445

Street Address : 1100 NC HIGHWAY 50

City, State, Zip : UNINCORPORATED ONSLOW, NC, 28445

Telephone : (252) 503-7097 Alternate: (928) 750-9611

Description of Proposed Use : ALCOHOL ESTABLISHMENT

Zoning District : C Special Use Fee : \$300

I certify that the above information is true and accurate.

Owner/Applicant Signature : _____

Owner/Attorney in Fact

Supporting data and information shall include a Site Plan in addition to the application fee as set out in the Schedule of Fees, as adopted. Application must be submitted to the Holly Ridge Planning/Zoning Department.

Date received : _____

Received by : _____

A FEE WILL BE REQUIRED AT SUBMISSION OF THIS APPLICATION PER CURRENT ADOPTED FEE SCHEDULE.

Property Description; 1100 NC HWY 50 Holly Ridge NC 28445, PIN: 423601467052

Current Owners; Holdens Unlimited LLC

Applicants for special use permit/ Buyers; Joseph Szostak and/or Marc Caldwell and/or Lebzan, LLC

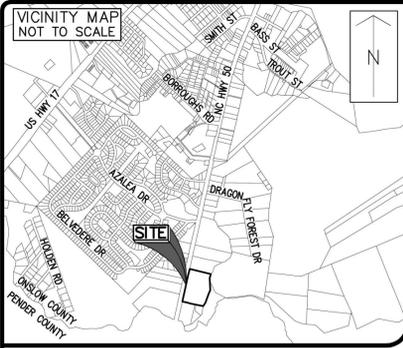
I, Donna Pierce, Representative of Holdens Properties LLC, understand that the buyers of my property located at 1100 NC HWY 50, Holly Ridge NC 28445, intended use of the property is to build an establishment that serves alcohol.

Authentisign
Donna Pierce

09/07/2021

9/7/2021 11:34:41 PM GMT

Donna Pierce



EAST OCEAN ROAD - N.C. HIGHWAY 50
100' PUBLIC R/W

- GENERAL NOTES**
- THIS IS A BOUNDARY AND TOPOGRAPHIC SURVEY.
 - ELEVATIONS ARE REFERENCED TO NAVD 88.
 - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
 - UNITS ARE U.S. SURVEY FEET UNLESS OTHERWISE NOTED.
 - AREA BY COORDINATE GEOMETRY.
 - NO GRID MONUMENTS FOUND WITHIN 2000' OF SITE.
 - THIS SURVEY PERFORMED AND MAP PREPARED WITHOUT BENEFIT OF A TITLE REPORT. THIS SURVEY SUBJECT TO ANY FACTS AND EASEMENTS WHICH MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
 - FLOOD NOTE: AS DETERMINED BY GRAPHIC PLOTTING, THE SITE APPEARS TO BE LOCATED IN SPECIAL FLOOD HAZARD AREAS (AS SHOWN HEREON) PER FEMA FLOOD INSURANCE RATE MAP #3720423600 L, EFFECTIVE DATE JUNE 2ND, 2021.
 - UTILITY STATEMENT: THE UNDERGROUND UTILITIES SHOWN (IF ANY) HAVE BEEN LOCATED FROM COUNTY GIS INFORMATION, EXISTING DRAWINGS & FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED, OR THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
 - COUNTY PARCEL I.D.: 011445
 - SITE ADDRESS: 1100 NC HIGHWAY 50, HOLLY RIDGE, NC 28445.
 - SITE OWNER PER DEED BOOK 2979, PAGE 880: HOLDEN'S UNLIMITED, LLC.
 - TOTAL SITE AREA: 394,883 SQUARE FEET (9.07 ACRES).

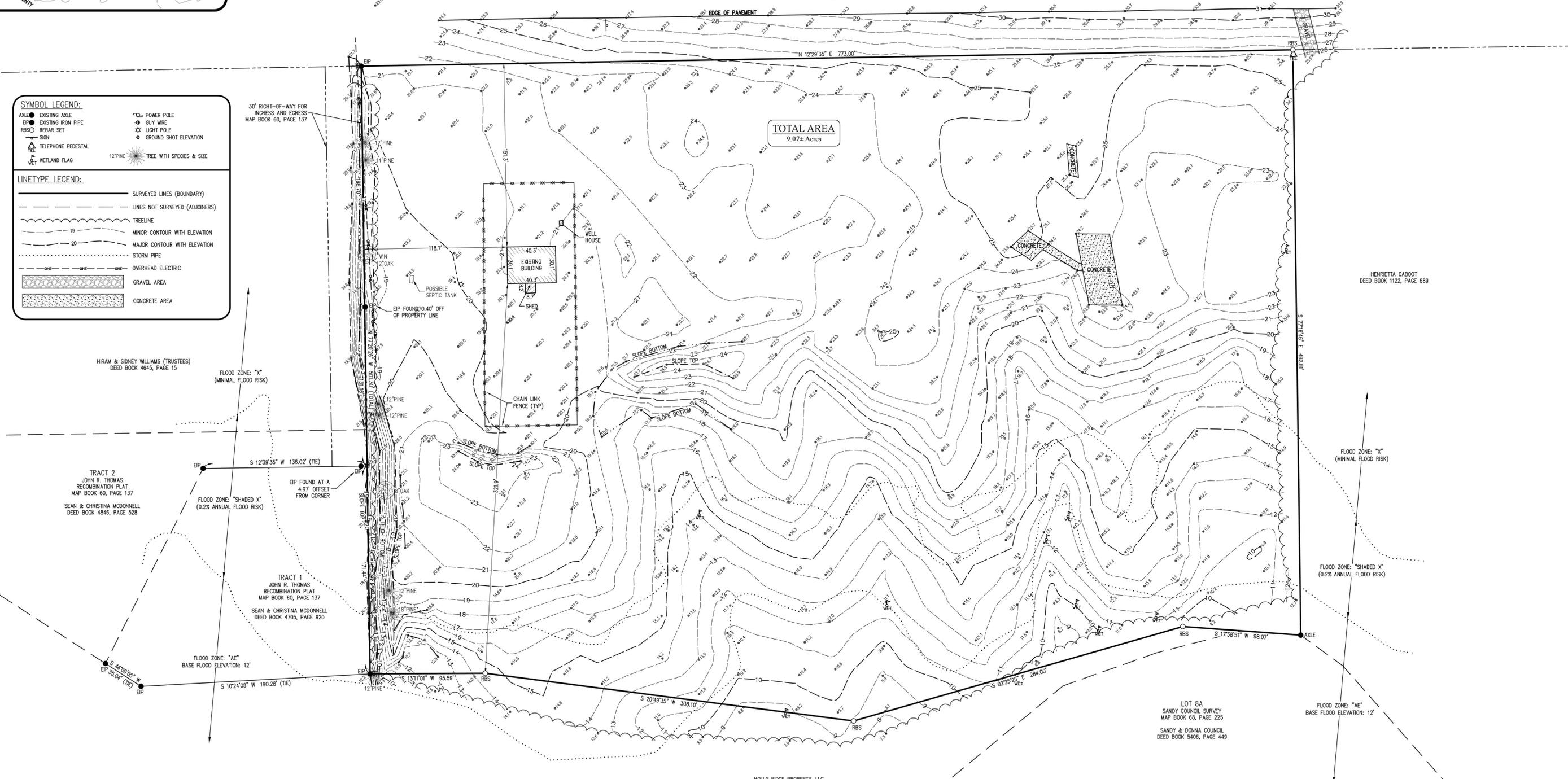
SYMBOL LEGEND:

- EXISTING AXLE
- EXISTING IRON PIPE
- REBAR SET
- SIGN
- TELEPHONE PEDESTAL
- WETLAND FLAG
- POWER POLE
- GUY WIRE
- LIGHT POLE
- GROUND SHOT ELEVATION
- TREE WITH SPECIES & SIZE

LINETYPE LEGEND:

- SURVEYED LINES (BOUNDARY)
- LINES NOT SURVEYED (ADJOINERS)
- TREELINE
- MINOR CONTOUR WITH ELEVATION
- MAJOR CONTOUR WITH ELEVATION
- STORM PIPE
- OVERHEAD ELECTRIC
- GRAVEL AREA
- CONCRETE AREA

TOTAL AREA
9.07± Acres

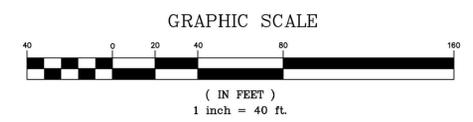


CERTIFICATE OF ACCURACY & MAPPING

I, THE UNDERSIGNED, CERTIFY THAT THIS SURVEY WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 2979, PAGE 880, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS SHOWN HEREON; THAT THE RATIO OF PRECISION, AS CALCULATED, IS 1:10,000+; THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 8TH DAY OF SEPTEMBER, 2021.



MILES O. MCCALL III - PROFESSIONAL LAND SURVEYOR (L-3518)



JOB NO: 20-1132.08

ATLANTIC COAST SURVEY, PLLC
P-0822
PO Box 12568 Wilmington, NC 28405
(910) 292-4669 www.atlanticcoastsurvey.com

PREPARED FOR:
OFFSHORE EAST CONSTRUCTION
(910) 915-9370

BOUNDARY AND TOPOGRAPHIC SURVEY

1100 NC HIGHWAY 50
HOLLY RIDGE, NC 28445

ONSLOW COUNTY, NORTH CAROLINA

DESIGNER: N/A
DRAWN BY: EEB
CHECKED BY: ACS
SCALE: 1" = 40'
DATE: 8/19/2021
PROJECT NO.: 20-1132.08

SHEET NO. 1 OF 1

