

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*

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Heather Reynolds, CMC  
Town Manager

Tracy Martin  
Deputy Town Clerk

## **HOLLY RIDGE BOARD OF ADJUSTMENT MEETING AGENDA August 24, 2021 4:00pm**

1. Call to Order
2. Pledge of Allegiance
3. Adoption of Agenda
4. Approval of July 27, 2021 Meeting Minutes
7. New Business
  - A. Special Use Permit Request  
**Michael Soignet/New Hanover Airport—142 Stump Sound Church  
Request to amend approved SUP to store and sell fuel**
8. Board Questions/Comments
9. Adjournment

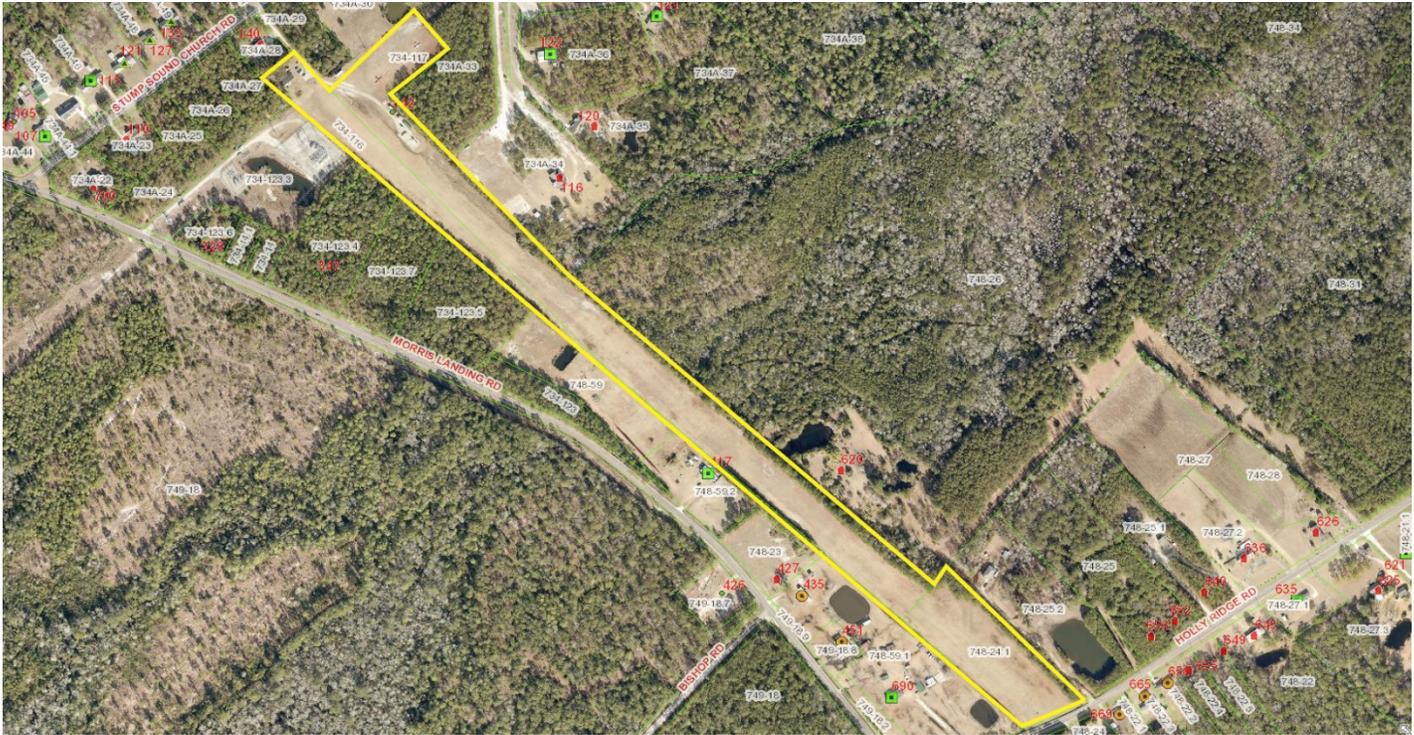


**Planning & Zoning Department  
Staff Report  
Special Use Permit  
Board of Adjustment Meeting Date:  
August 24, 2021**

Michael Soignet, applicant, is requesting the issuance of an amendment to the previously approved Special Use Permit to store and sale aviation fuel on the property being utilized as an airport.

<p><b>Applicant:</b> Michael Soignet</p> <p><b>Property Owner:</b> New Hanover Airport, LLC</p> <p><b>Parcel #:</b> 006954 (Map #734-117)</p> <p><b>Current Zone:</b> R-15</p> <p><b>Acreage:</b> 14.7</p> <p><b>Number of Properties:</b> 1</p> <p><b>Board of Adjustment Action Required:</b> Yes</p> <p><b>Town Council Action Required:</b> No</p> <p><b>Actions:</b></p> <ol style="list-style-type: none"> <li>1. <b>Approve or Deny</b> of the proposed Special Use permit for expansion of a non-conforming use by constructing additional hangers, as presented in the Staff Report or with changes.</li> <li>2. <b>Continue</b> to a future date to obtain additional information or to further consider information presented. The next available meeting date is January 28, 2019 or at special time of Board's choosing</li> <li>3. <b>Determine</b> findings in granting approval or denying proposal.</li> </ol>	<p><b>Relevant History:</b></p> <p>All parcels abutting this parcel are zoned R-15A, R-15, RA, and MFR. The properties abutting this parcel consists of single-family dwellings and undeveloped properties surrounding all three (3) parcels. One (1) parcel (4.85 acres) located on the western side of Parcel 734-116 is a substation for Jones-Onslow EMC. Another parcel (80 acres) is an undeveloped property zoned as MFR which is suited for high-density residential developments such as condominiums, townhomes, apartments, assisted living facility, duplex or multi-family dwellings.</p> <p>Operation of the airport has been consistent, and the property owner has constructed hangers as intended and under the previously approved SUP. The current request is to install one (1) tank that will hold 2-5,000 gallons.</p> <p>The properties are found within the ETJ of Holly Ridge.</p>
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## **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;

**Fuel storage has the potential to endanger the public health or safety. Fire and building codes are in place to provide direction to mitigate some of the dangers associated with such products. While the site plan illustrates the desired location of the tank, Fire and Building Code will dictate the exact location and protections, if any, that may need to be installed as well. If the Town determines the use of the tanks is acceptable, conditions should be included that the exact placement will be in accordance with all applicable fire and building codes.**

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

**The proposed use meets all the required standards of this ordinance. As an airport, fueling is a related facility for such a use. However, the location of such tanks will be dictated by fire and building codes and the SUP should be conditioned as such.**

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

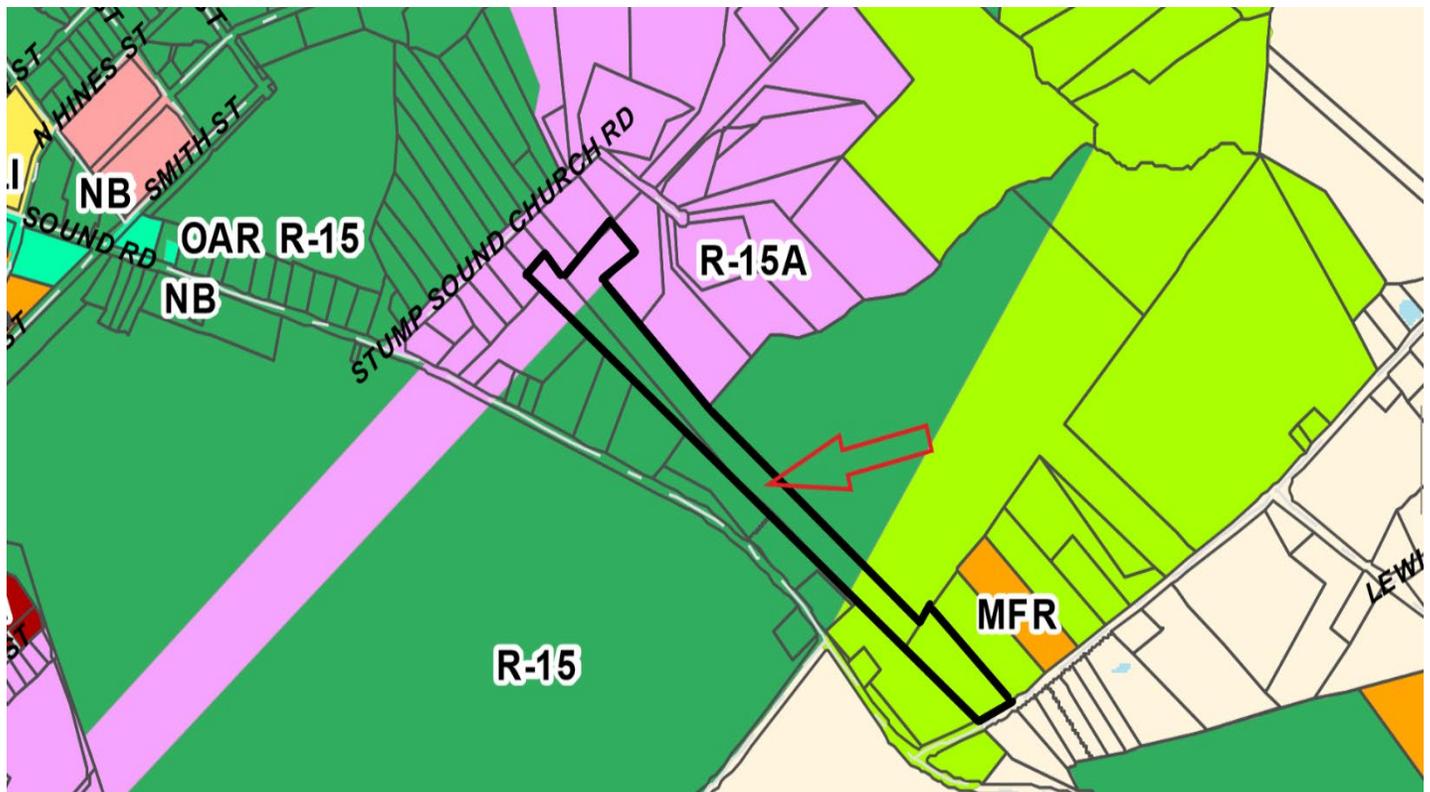
**Most of the parcels in the immediate proximity are zoned for residential uses, except for a parcel identified as a Jones-Onslow EMC substation. The Town supported continuing the use of the property as a public/private airport as was determined during the previous hearing. As part of the related facilities of an airport, the inclusion of a tank for fueling could be considered a public necessity.**

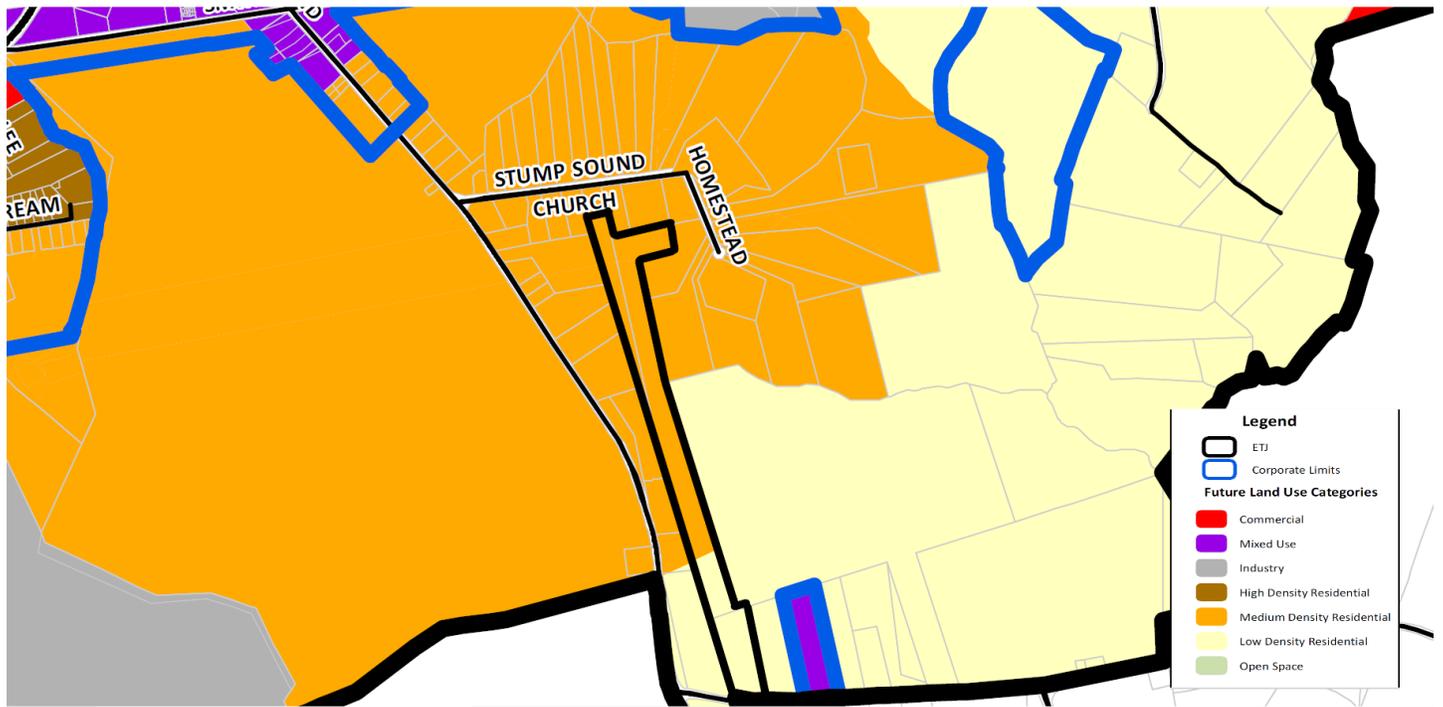
(4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Holly Ridge Comprehensive Plan.

**Being as the use of the property has existed prior to the Town having current regulations in place and the property having an approved SUP, the legal non-conforming use is permitted to remain. The addition of the tanks for fueling as related facilities of an airport would be in harmony with the current use of the property but may differ from the surrounding residential uses. As the Town has desired the continued use of the property as an airport, the proposed addition of tanks for fueling as submitted should be permitted.**

**The Town's Future Land Use map contained in the Comprehensive Growth Strategy Plan identifies this property for future "Commercial" use. The proposed density of the project could be considered more in harmony with the "Commercial" designation of the future land use map rather than a "Low Density Residential" classification.**

The current and future land use designation of the site is primarily "Residential."





In addition to the standards noted above regarding issuance of Special Use Permits, Section 7-6-5 states that “after taking evidence and testimony, the Board of Adjustment shall find whether the proposed alteration, expansion, change or rebuilding of the non-conforming use will have a substantial adverse impact upon adjacent properties, the neighborhood or the public. If it finds that a petition will not have a substantial adverse impact, the Board of Adjustment may grant a Special Use Permit and may impose reasonable conditions and safeguards on the issuance of such permit. If the Board of Adjustment finds that a petition will have a substantial adverse impact, it shall consider:

- A. The possible detriment or benefit to the owner of the non-conforming use from refusing to issue the permit, issuing it but requiring, either wholly or partially, that the non-conforming use be brought into compliance, or issuing it as requested;
- B. The possible detriment or benefit of the owners of adjacent or neighboring properties from refusing to issue the permit, issuing it but requiring, either wholly or partially, that the non-conforming use be brought into compliance, or issuing it as requested; and
- C. The possible detriment or benefit to the public from refusing to issue the permit, issuing it but requiring, either wholly or partially, that the non-conforming use be brought into compliance, or issuing it as requested and furthermore consideration of setting a precedent for other areas of the Town.

Prior to the issuance of building permits, the following will need to be submitted:

- Approval from Duke Energy, or other additional entities in control of the existing easement, as to the location and installation of any and all development in that area;
- Installation of any required buffering as directed by the BOA.

**BOARD OF ADJUSTMENT ACTION**

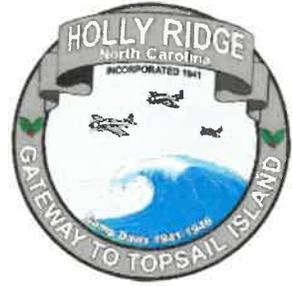
The following sequence should be utilized during the Special Use Permit quasi-judicial hearing:

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.

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## SPECIAL USE PERMIT APPLICATION

Town of Holly Ridge Zoning Ordinance

7/14/21  
Date of Application

SUP-08-01  
Application Number

006954  
Parcel ID Number

Name of Owner/Applicant: Michael D Soignet  
New Hanover Airport LLC

Mailing Address: P.O. Box 3274 Topsail Beach NC 28445

Street Address: 142 Stump Sound Church Road

City, State, Zip: Holly Ridge, NC, 28445

Telephone: 734-516-0530 Alternate: \_\_\_\_\_

Description of Proposed Use: Storage and Sale of Aviation Fuel

Zoning District: R-15 Conditional Use Fee: 300-

I certify that the above information is true and accurate.

Owner/Applicant Signature: [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: 7-15-2021

Received by: [Signature]

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