

Jeff Wenzel
Mayor

Pamala Hall
Mayor Pro-Tem

Greg Hines
Councilmember

Dexter Sholar
Councilmember

Rena Bragg
Councilmember

Carolyn Stanley
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 March 22, 2022

1. Call to Order
2. Pledge of Allegiance
3. Adoption of Agenda
4. Approval of January 25, 2022 Meeting Minutes
5. New Business
 - A. Special Use Permit

**NC Cruisers, LLC—1061 E Ocean Hwy
Request for Special Use Permit in order to utilize the property
for an automotive sales business.**
6. Board Questions/Comments
7. Adjournment



**Planning & Zoning Department
Staff Report
Special Use Permit
Board of Adjustment Meeting Date:
March 22, 2022**

NC Cruisers, LLC, applicant, is requesting the issuance of a Special Use Permit to utilize the property under discussion for the use of an automotive sales location.

<p>Applicant: NC Cruisers, LLC</p> <p>Zoning Administrator: Nathan Rhue, CZO</p> <p>Property Owner: DANKAT, LLC</p> <p>Address: 1061 E Ocean Road (Parcel #029984)</p> <p>Current Zone: NB</p> <p>Acreage: .21</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 in order to utilize the property as an automotive sales location, 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 April 26, 2022 or at special time of Board's choosing 3. Determine findings in granting approval or denying proposal. 	<p>Current Zoning: NB</p> <p>Relevant History: Located within the Town's ETJ and currently zoned as Neighborhood Business (NB), a Special Use Permit is required for the property to be used for auto, truck and motorcycle sales. Directly adjoining the subject property is NB, R-20, and R-15A across E Ocean Road. The previous use of the property was for the Sundial Coffee and Tea establishment that has recently relocated. The request is to utilize a portion of the building located on the property for a used car dealer office with the applicant claiming no cars will be displayed.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

OVERVIEW

The applicant is requesting a Special Use Permit be approved in order to utilize a portion of the property for an automotive sales business. The portion of the building illustrated below will only be utilized as the office for the proposed automotive sales. The property is approximately .21 acres. The property is currently zoned Neighborhood Business (NB) and the use of the property for auto, truck and motorcycle sales is permitted with the approval of a Special Use Permit.

The proposed office building is adjoining a larger building that previously housed Sundial Coffee and Tea as well as an additional retail space addressed as 1059 E Ocean.

The Town’s Zoning Ordinance does not provide detailed supplemental regulations for automotive sales establishments. An official site plan has not been received and could be a conditional requirement should the Special Use Permit be approved. The site plan should include all, if any, required buffering, parking, etc.



Figure 1—Aerial View of Property

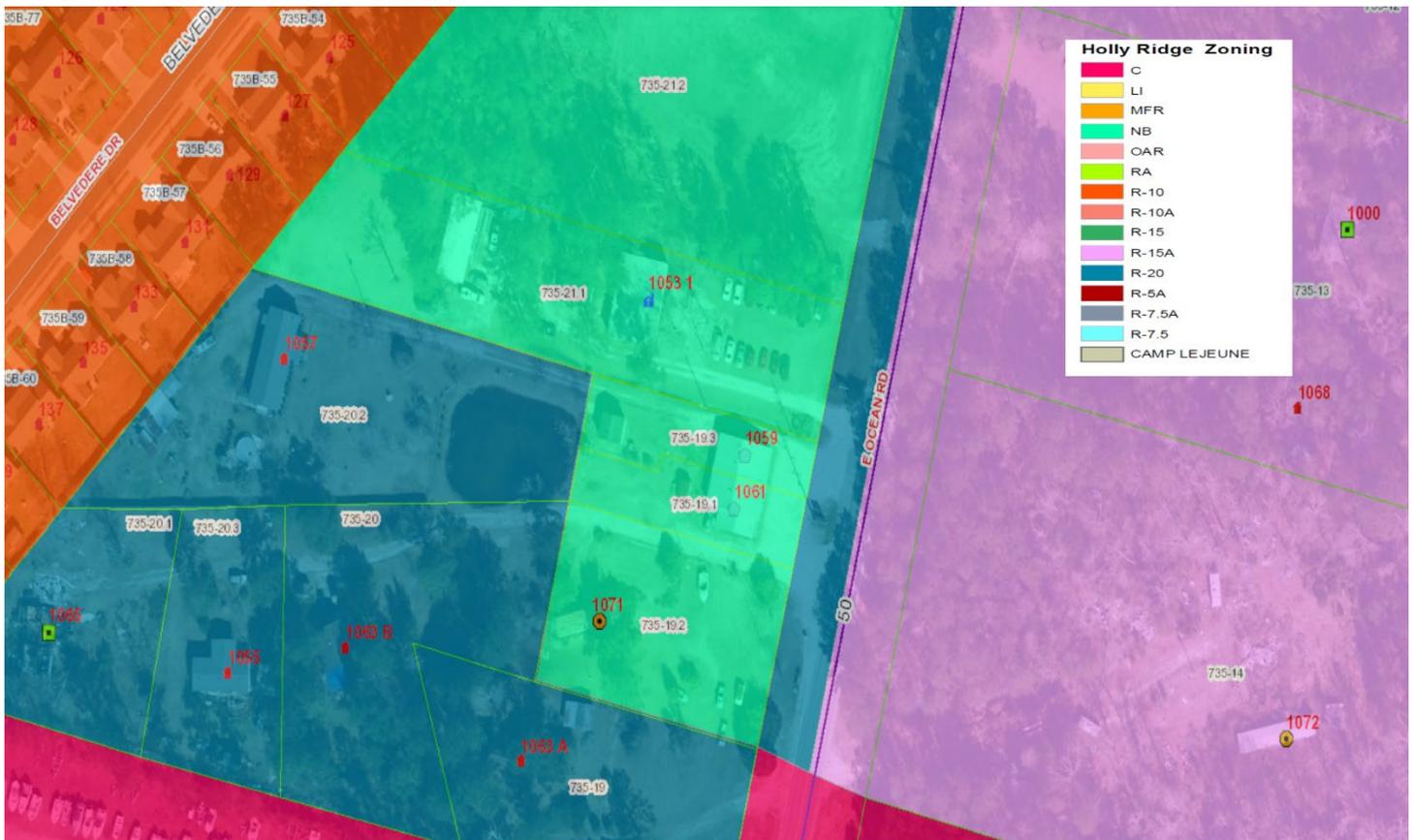


Figure 3—Current Zoning

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. The applicant is responsible for the burden of proof in establishing each item below has been duly addressed. They have provided the following responses as noted in their application. *Italics* are provided by Staff.

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;

There will be no endangerment to health or safety. We are moving current office from 312 Hwy 17 North to 1061 E Ocean Hwy. We will be working by appointment only.

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

The proposed use meets all the required standards of this ordinance. However, prior to issuance of an approved zoning permit the applicant will be required to provide the following:

- a) ***Submission and approval of site plan identifying applicable requirements such as buffering, parking, etc.;***
- b) ***Verification of compliance for all, if any, additional reasonable conditions posed by the Board.***

If the proposal is approved the conditions above should be included.

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

It will not injure the value of adjoining property. There is currently an office there.

(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.

It will be in harmony with the area. It will be primarily used as a used car dealer office. It will not be used as a lot. There will be no cars displayed.

The Town's Future Land Use map contained in the Comprehensive Growth Strategy Plan identifies this property for future "Commercial" use. This is also true with most properties along E. Ocean Road. The proposed density of the project would be more in harmony with the "Commercial" designation of the future land use map rather than any residential classification.

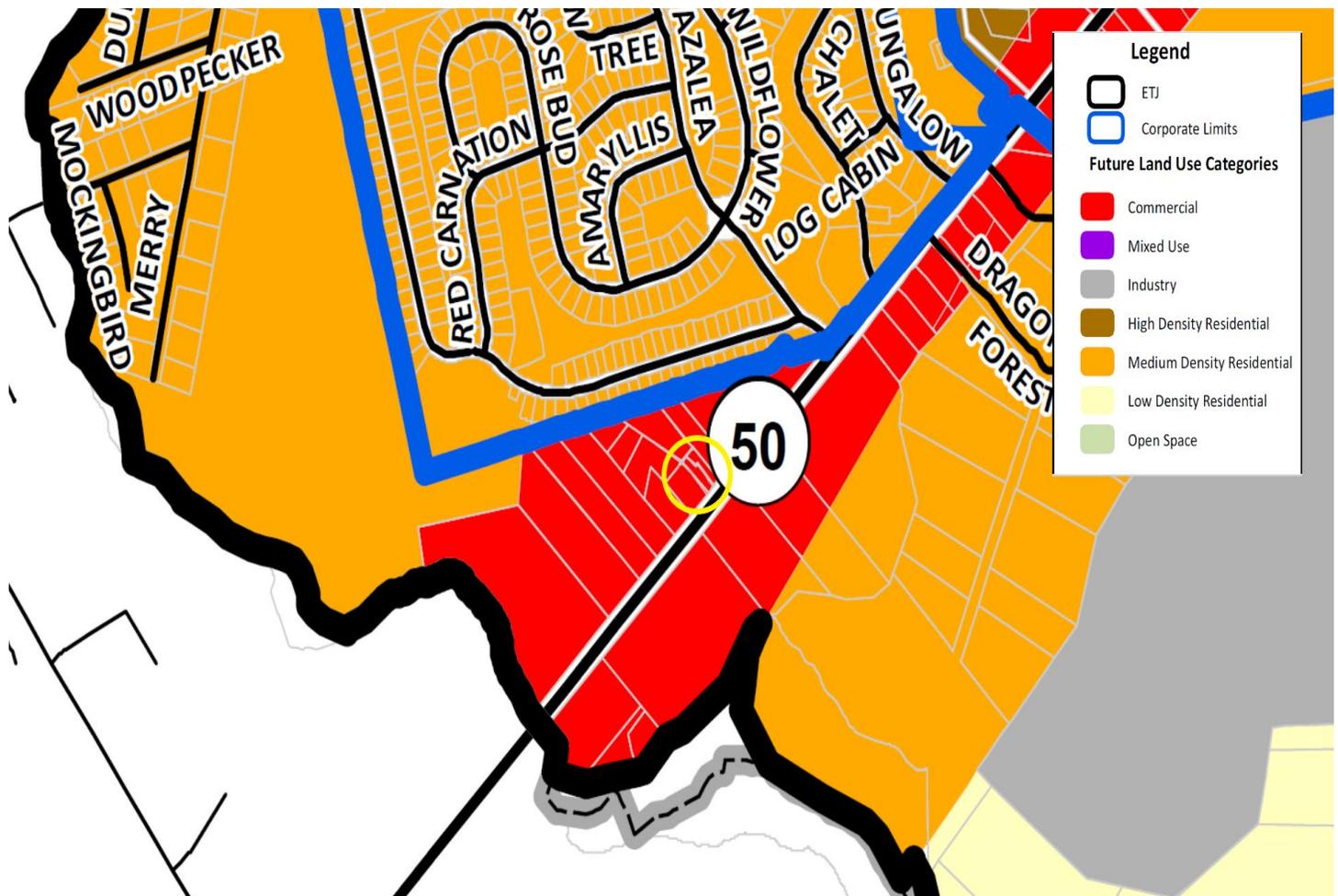


Figure 4—Future Land Use Map

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.
12. Motion and vote to approve Special Use Permit and issuance.

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

Date of Application: 2/10/22 Application Number: _____ Parcel ID Number: 029984
Name of Owner/Applicant: NC Cruisers LLC
Mailing Address: 422 Belvedere drive Holly Ridge NC 28445
Street Address: 1061 E. Ocean Hwy
City, State, Zip: Holly Ridge, NC 28445
Telephone: _____ Alternate: _____
Description of Proposed Use: Used Car Dealer Office

Zoning District: NB

Special 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.

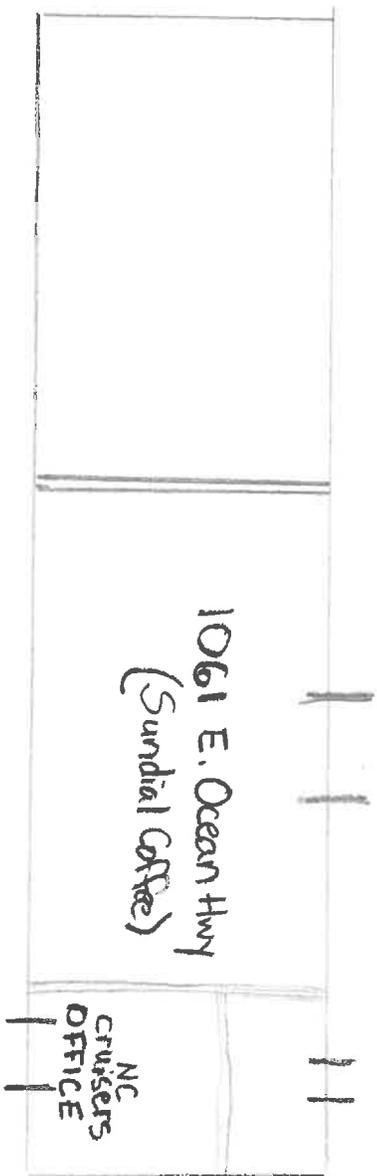
Date received: 02/11/2022 RECEIPT # 16873

Received by: MARSHA - GRAY KIRCHER

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

HWY 50

PARKING



Parking

FACTORS RELEVANT TO THE ISSUE OF A SPECIAL USE PERMIT

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.

- 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;

There will be NO endangerment to health or SAFETY. We are moving current office from 312 Hwy 17 North to 1061 E. Ocean Hwy. We will be working by appointment only.

- 2. That the use meets all required standards set forth in this Ordinance;

yes

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

It will not injure the value of adjoining property. There is currently an office there.

- 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.

It will be harmony with the Area. It will be primarily used as a used car dealer office. It will not be used as a lot. There will be no cars displayed.