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Councilmember

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Councilmember

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Councilmember

Pamala Hall  
Councilmember

# *Town of Holly Ridge*

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

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



Heather Reynolds  
Town Manager

Margaret Stittner-Richmond  
Town Clerk

## **TOWN OF HOLLY RIDGE BOARD OF ADJUSTMENT MEETING MINUTES June 26, 2025 6:00 P.M.**

### **Call to Order**

The meeting was called to order at 6:00 PM. Board members present were Dave Mosey, and Tom Hedrick. Also present were Nathan Rhue, Community Development Director, Marsha-Gray Kircher, Community Development Administrator, and applicant Anthony Pileggi.

Roll call was led by Marsha-Gray Kircher.

A motion was made by *Tom Hedrick* and seconded by *Dave Mosey* to excuse the absence of Toni Hardin. *All Agreed.*

Due to the absence of Chairwoman Toni Hardin, Dave Mosey was acting Chairman.

### **Pledge of Allegiance**

*Acting Chairman Dave Mosey* led the moment of silence, followed by the Pledge of Allegiance.

### **Adoption of Agenda (Additions and/or Deletions)**

A motion was made by *Tom Hedrick* and seconded by *Dave Mosey* to adopt the agenda as presented. *All Agreed.*

### Adoption of Minutes (Additions and/or Deletions)

A motion was made by *Dave Mosey* and seconded by *Tom Hedrick* to adopt the minutes from April 30, 2024. *All Agreed.*

### New Business

#### **Special Use Permit – Anthony and Monica Pileggi – 112 Homestead Lane**

Acting Chair Dave Mosey directed anyone wishing to speak during the hearing to sign up at the Clerk's desk.

Acting Chair Dave Mosey opened the hearing on case Town of Surf City, Sarge Martin Road – request for special use permit.

Acting Chair Dave Mosey stated that the decision will be made by a simple majority vote of the Board. This hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this Board must make its decision. These rules are different from other types of land use decisions like rezoning cases. The Board's discretion is limited. The Board must base its decision upon competent, relevant, and substantial evidence in the record. A quasi-judicial decision is not a popularity contest. It is a decision constrained by the standards in the ordinance and based on the facts presented. If you will be speaking as a witness, please focus on the facts and standards, not personal preference or opinion.

Acting Chair Dave Mosey stated that participation is limited. This meeting is open to the public. Everyone is welcome to watch. Parties with standing have rights to participate fully. Parties may present evidence, call witnesses, and make legal arguments. Parties are limited to the applicant, the local government, and individuals who can show they will suffer special damages. Other individuals may serve as witnesses when called by the Board. General witness testimony is limited to facts, not opinions. For certain topics, this Board needs to hear opinion testimony from expert witnesses. These topics include projections about impacts on property values and projections about impacts on increased traffic. Individuals providing expert opinion must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Witnesses must swear or affirm their testimony. At this time, we will administer the oath for all individuals who intend to provide witness testimony.

Applicant Anthony Pileggi (112 Homestead Lane), Community Development Director Nathan Rhue and Marcy Frazier (166 Stump Sound Church Road) were sworn in before the hearing, administered by Board Acting Chair Dave Mosey.

Acting Chair Dave Mosey explained that the parties to this case are entitled to an impartial board. A Board member may not participate in this hearing if she or he has a fixed opinion about the matter, a financial interest in the outcome of the matter, or a close relationship with an affected person. The parties to this case have rights for any ex parte communication to be disclosed. Ex parte communication is any communication about the case outside of the hearing. That may include site visits as well as conversations with parties, staff, or the general public.

Acting Chair Dave Mosey gave all Board members the opportunity to reveal possible conflicts and to withdraw from the proceeding if necessary. There were no Board members with any conflicts, or outside communications.

All Board members were then asked by the Acting Chair if any of them had any information or special knowledge about the case that may come out at the hearing, and if so to please describe that information for the record so that any interested parties will know and can respond. There were none.

Acting Chair Dave Mosey opened the hearing on case Anthony Pileggi, 112 Homestead Lane - request for special use permit and asked for a summary from Town Staff.

Nathan Rhue requested that the Staff Report previously provided to the Board and the applicant be entered into evidence as Exhibit A: which would include the staff report, application, and evidentiary information from applicant, survey and maps.

Acting Chair Dave Mosey asked if there was anyone present that would like to examine the staff report or object to its submission. There were none.

A motion was made by *Tom Hedrick* and seconded by *Dave Mosey* to admit the staff report as Exhibit A without objection. *All Agreed.*

Nathan Rhue explained that the applicant and owner of the property, Anthony Pileggi has applied for a Special Use Permit. The property in question is 112 Homestead Lane, parcel ID 053986, zoned Rural Agriculture which allows for Airport Use by way of a special use permit. In association with the Town's definition of airports, "landing fields, aircraft parking or service facilities, passenger or baggage terminals, or related facilities for operation, service, fueling, repair, storage, charter, sales or rental of aircraft..." are considered part of an airport and would require such uses to be permitted by way of an approved Special Use Permit.

Nathan Rhue explained that the applicant is requesting the issuance of a Special Use Permit to utilize their property for components of an airport for an aircraft hangar, aircraft parking, and storage. This parcel is at the end of Homestead Lane and adjoins the property that is currently utilized as an airport with 2 hangars.

Nathan Rhue explained that 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 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.

*The applicant provided that the proposal to use the property and existing building for aircraft parking will not materially endanger the public health or safety in the vicinity as the property is co-located with an existing airport.*

Staff provided that current regulations associated with State building codes provides some measure of safety precautions such as fuel storage and size of storage areas. Being as the request is also associated with personal property, there seems to not be any material endangerment to the public health and safety existing with this proposal.

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

*The applicant provided that the proposed use will meet all required standards already in place for the co-located existing airport.*

Staff provided that uses associated with airports are permitted within the Rural Agriculture (RA) District with an approved Special Use Permit. The storage of aircraft on personal property, especially adjoining an existing airport, would meet all required standards. The documented response provided by the applicant's email also confirms that the existing Duke Energy easement will not be utilized for traveling as directed by Duke Energy.

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

*The applicant provided that the value of the adjoining property should already include the impact of an operating airport. The only adjoining property also has shared property lines with the airport.*

Staff provided that most of the parcels in the immediate proximity are zoned for residential uses, aside from the adjoining property being an airport. This being considered it appears no substantial injury to the value of adjoining property seems to exist, particularly as this request is associated with the storage and parking of aircraft.

(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 applicant provided that any aircraft parked outdoors will be in close proximity to the property lines of the airport. Any hangered aircraft will be out of view. This is consistent with the adjoining property usage, which has been determined to be in harmony and conformity with the Holly Ridge Comprehensive Plan.*

Staff provided that the Future Land Use Map designates this parcel as medium density residential with the adjoining parcel being an airport which is accessible by the subject parcel.

Acting Chair Dave Mosey asked if the Board had any questions for staff. There were none.

Acting Chair Dave Mosey asked the applicant to present their case.

Applicant Anthony Pileggi, 5125 Barcroft Lake Drive, Leland. Anthony Pileggi stated that he does not have a lot to say that has not already been mentioned by Nathan Rhue. Currently owns two airplanes – one is under construction, and one is flyable. The one that is under construction is on the property in question, and the one that is flyable is in Maryland.

Anthony Pileggi explained that he wants to be able to park his aircraft in the building on the property which is under construction. The shell of the building is complete. Anthony Pileggi mentioned that he will not be storing any fuel, or conducting any business, just personal use only.

Acting Chair Dave Mosey asked about the maintenance of the aircraft, would it be his own personal maintenance.

Anthony Pileggi responded yes it would be personal.

Acting Chair Dave Mosey asked if there would be no fueling at the property.

Anthony Pileggi responded that there is currently a fuel tank at the airport and that is where he would do any fueling.

Acting Chair Dave Mosey asked if there were any questions from the Board for the applicant. There were none.

Acting Chair Dave Mosey asked if there were any additional questions for the applicant or if there was anyone present that would like to speak in opposition.

Marcy Frazier, 166 Stump Sound Church Road had a question. Marcy Frazier stated that she was confused because the notification she received made it sound like a whole new building was being built, but the applicant stated that he is going to park in an existing building. Marcy Frazier asked if the applicant was putting up a new building.

Nathan Rhue responded that there is a building currently under construction at 112 Homestead Lane. Anthony Pileggi already has a building permit for a single-family dwelling with the attached garage. This special use permit would allow the applicant to utilize the property to store his aircraft on there – as storing an aircraft would be considered a use of an airport. The applicant is not going to be building a separate building.

Marcy Frazier stated that they thought a new building was going to be built. She stated that she knew there would be an issue with another building because of the powerlines. That was the only concern that she had – additional building being built.

Acting Chair Dave Mosey asked about the building being built, that it is a residence.

Anthony Pileggi responded that it is residence with an indoor pickleball court but would now like to use that pickleball court area to park his aircraft.

Nathan Rhue added that this property was previously zoned as R-15 and was rezoned to RA in May. Mr. Pileggi applied for a building permit in April 2024 and has been upfront with what he would like to do with the property. At that time, he was unable to do this due to the

zoning of R-15 and decided to move forward with a single-family dwelling with an oversized garage.

Acting Chair Dave Mosey asked if the Board had any discussion. There were none.

A motion was made by ***Dave Mosey*** and seconded by ***Tom Hedrick*** to close the public hearing. ***All Agreed.***

Tom Hedrick began discussion on standard number 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.

A motion was made by ***Tom Hedrick*** and seconded by ***Dave Mosey*** to accept the findings of the first standard. ***All Agreed.***

Tom Hedrick began discussion on standard number 2: That the use meets all required standards set forth in this Ordinance.

A motion was made by ***Tom Hedrick*** and seconded by ***Dave Mosey*** to accept the findings of the second standard. ***All Agreed.***

Tom Hedrick began discussion on standard number 3: That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

A motion was made by ***Tom Hedrick*** and seconded by ***Dave Mosey*** to accept the findings of the third standard. ***All Agreed.***

Tom Hedrick began discussion on standard number 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.

A motion was made by ***Tom Hedrick*** and seconded by ***Dave Mosey*** to accept the findings of the fourth standard. ***All Agreed.***

A motion was made by ***Dave Mosey*** and seconded by ***Tom Hedrick*** to approve the Special Use Permit to utilize their property for components of an airport for an aircraft hangar, aircraft parking, and storage, and direct Staff to prepare the Special Use Permit and allow Acting Chair Dave Mosey to sign the Special Use Permit. ***All Agreed.***

Nathan Rhue stated that Staff will draft and the Acting Chair will sign a final written decision to reflect the vote and reasoning for this decision. That written decision will be provided to the applicant and other parties with a right to such notice. Parties have thirty (30) days to appeal this decision. Additionally, per Section 7-5-13 of the Town of Holly Ridge Zoning Ordinance, the Special Use Permit, together with any directly related town permit or approval, will automatically become void if the holder of the Special Use Permit fails to record the Special Use Permit in the office of the Onslow County Register of Deeds within 90 days subsequent to the date that the Special Use Permit is issued. Unless otherwise specified in the Special Use Permit, if the use authorized by a Special Use

Permit is not started within 12 months from date of issuance or is started but ceases for a continuous period of 12 months, the Special Use Permit will automatically become void.

**Board Questions/Comments**

There were none.

**Adjourn**

A motion was made by *Tom Hedrick* and seconded by *Dave Mosey* to adjourn the meeting at 6:27 PM. *All Agreed.*



Dave Mosey  
Acting Chair



Marsha-Gray Kircher  
Community Development Department