

**VILLAGE OF BALD HEAD ISLAND
PLANNING BOARD
SPECIAL MEETING**

**February 19, 2025
10:00 A.M.**

UPDATED AGENDA*

1. Call to Order
2. Roll Call
3. Amendments to Agenda/Approval of Agenda
4. Old Business
 - 4.1 Continue Deliberation on Special Use Application Case SUP-2025-01 – 87 Keelson Row
5. New Business
 - 5.1 – Hearing on Special Use Application Case SUP-2025-02 – 2 Maritime Way
 - 5.2 – Hearing on Special Use Application Case SUP-2025-03 – 96 Keelson Row
 - 5.3 – Proposed text amendment to the maximum building height requirement in the PD-2C zoning district. *
6. Staff Reports
7. Adjournment

*This agenda was updated to include Item 5.3.



VILLAGE OF BALD HEAD ISLAND
Planning Board Meeting
Agenda Item

Agenda Item:	Old Business 4.1
Date:	2/19/2025

Issue: Continued Deliberation on Special Use Application Case SUP-2025-1 – 87 Keelson Row

Department: Development Services

Contacts: Jae Kim, Assistant Village Manager
Stephen Boyett, Development Services Director

Attachments:

- 1) Maps : Aerial Map, Zoning Map, Future Land Use Map
- 2) Application
- 3) Public Hearing Notices
- 4) Letters to Adjoining Property Owners
- 5) List of Adjoining Property Owners
- 6) Reference to Village Ordinance (Permitted Uses Table)
- 7) Final Site Plan

Application No. SUP #2025-1

Applicant: Joe Lee
Nice Neighbors LLC (owner)

Property Location: 87 Keelson Row
Bald Head Island, NC 28461

Parcel Number(s): 2601B065

Zoning District: Planned Development 3 C (PD-3C)

Surrounding Zoning **North:** PD-3 **South:** PD-3C
 East: PD-3 **West:** PD-3C

Current Use of Property: Vacant

Requested Use of Property: Restaurant

Description of Request: A special use permit application was submitted to the Village on December 4, 2024.

The location of the proposed restaurant (described by the applicant as a “boutique restaurant”) is 87 Keelson Row which is located next to Marina Park.

Site and Area Description: Bald Head Island has three primary commercial area overlays and the subject property is located in the Marina/Harbour District in the marina

development area. If this property is developed, it will need to meet the Bald Head Island Commercial Design Standards.

Zoning District Information and Surrounding Land Uses: This section of the centrally located commercial zoning district (PD-3C: planned development 3 commercial district) is established as a district in which the principal use of land is for mixed use which includes residential uses, commercial services, offices, marina and marina related uses, club facilities, transient inn uses, and leisure activities and their attendant uses. Furthermore, it is the intent of this district to encourage the construction and continued use of land necessary for the embarkation and debarkation of ferry passengers.

Many of the existing land uses in the immediate area include:

- Commercial (retail services)
- Lodging facilities (including inn, hotel, and motel)
- Marina, and marina related
- Restaurant, cafe

Examples of uses permitted by right within the PD-3C zoning district include, but are not limited to the following:

- Clinics (medical services)
- Commercial (retail services)
- Government offices and facilities
- Library
- Lodging facilities (including inn, hotel, and motel)
- Marina, and marina related
- Offices (other than real estate)
- Real estate offices
- Trailer, construction (on job site)
- Trailer, passenger
- Trailer, tow
- Utility Services (public or private)

Examples of uses permitted by special use permit include the following:

- Bar, lounge, tasting room, tavern, wine shop
- Brewery, cidery, distillery, winery
- Restaurant, cafe
- Recreational facilities
- Utility facilities, public or private

Long Range Plan: The Brunswick Blueprint 2040 Plan was adopted on April 21, 2023, and provides guidance for future development on the island. More restaurants were submitted as

an idea for land use when islanders were surveyed for the plan. The Future Land Use Map has designated the subject property as Medium Density Residential – Mixed use.

Staff Analysis: Staff have determined that the application packet is complete and has provided a staff report that sets out relevant background materials and the standards the Planning Board must follow in making a quasi-judicial determination. Staff are not required to provide a recommendation on whether to grant or deny a Special Use Permit. In this instance, Staff makes no specific recommendation but is available to present evidence in the form of responses to questions from the Planning Board or other parties to the hearing.

The final site plan has been reviewed and approved by the Development Services Director (Stephen Boyett). Village ordinance Section 32-128 Site Development Plan as required by the SUP application was confirmed to be completed in full by the Development Services Director as submitted in the final site plan on 12/4/2024.

REQUIRED FINDINGS FOR A SPECIAL USE PERMIT: Special Use Permits (SUP) require the Planning Board to follow a quasi-judicial process. With respect to SUPs this means the Planning Board must exercise discretion in determining whether a specific use request, which has been deemed by Village Council to be generally compatible with the land uses permitted by right in a zoning district, should be approved following individualized review of the location, design and configuration proposed for development. Special Use Permits ensure the appropriateness of the use at a particular location within a given zoning district. The Planning Board shall consider the application, supporting documents, the site plan, and examine factual evidence presented at the hearing in determining whether a set of standards that have been approved by the North Carolina Courts have been met.

In granting or denying the Special Use Permit, the board shall consider whether:

1. The use will materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved.
2. The use meets all required conditions and specifications.
3. The use will substantially injure the value of the adjoining property, or, in the alternative, whether the use constitutes a public necessity.
4. The location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and be in general conformity with any comprehensive plan that has been adopted and any other officially adopted plan this applicable to the area.

The Special Use Permit, if granted, shall include approval of the final site plan. The Board may place conditions on the use as part of the approval to protect the public and ensure that the standards above are complied with. All conditions shall become part of the SUP approval and shall be included/illustrated on the final site plan to indicate the applicant's consent. The SUP shall run with the land and shall be binding on the original applicants, their heirs, successors

and assigns. Violations of the SUP, including any conditions placed thereon, shall be treated as a violation of the local zoning ordinance.

Minor field alterations or minor revisions to an approved SUP may be approved by the Administrator if the intent of the standards established with the original approval are still met and the alterations/revisions are limited to changes that do not increase the intensity, density, or character of the use. If the Administrator determines that the change is not minor, the Planning Board must approve the alterations/revisions. Please reference the Village Ordinance in Section 32-254 for guidance.

This decision of the board is effective upon filing the written decision with the Clerk to the Board. Decisions of the Planning Board shall be appealed to the Brunswick County Superior Court within 30 days of the final decision.

CONTINUED DELIBERATION: The Planning Board held a quasi-judicial hearing on Case SUP 2025-1 on January 10, 2025. The hearing was closed, and deliberation began. The Planning Board opted to continue deliberation to a later and time to have five Planning Board members present to deliberate and vote on this matter.

Special Use Permit Worksheet and Suggested Motion(s):

Planning Board is required to make certain Findings of Fact and draw appropriate Conclusions therefrom. At the end of the hearing a Motion or set of Motions should be made to approve or deny the application based on the Findings of Fact and Conclusions of the Planning Board. If conditions are to be included in a grant of the permit, they should be specifically stated. This worksheet is intended to help staff prepare an appropriate order for signature following the hearing. This is not the final order. It is a guide for getting to that point.

Findings of Fact

1. A quasi-judicial public hearing was held by the Village of Bald Head Island Planning Board on Special Use Permit request SUP #2025-01. A quorum of the Planning Board was present and participated in the hearing.
2. [PROPERTY DESCRIPTION/LOCATION].
3. Applicant was a party to the hearing. [APPLICANT RELATIONSHIP TO THE PROPERTY. INFORMATION ON PERSONS REPRESENTING APPLICANT].
4. The Village of Bald Head Island was a party to the hearing. [NAME AND TITLE OF STAFF PERSON] presented Staff Report and responded to questions of the Planning Board.
5. The information presented in the Staff Report is incorporated by reference.
6. [LIST OF ANY OTHER PARTIES PRESENTING RELEVANT EVIDENCE.]
7. All parties and all witnesses were sworn in.
8. [ADD FINDINGS OF FACT TO SUPPORT CONCLUSIONS LISTED BELOW].

Conclusions

1. The application for SUP #2025-01 was complete as submitted.
2. The hearing on SUP #2025-01 was properly advertised and noticed.
3. The Planning Board had authority to hear the application under the Village Codes of Ordinances and State law.
4. All parties were properly before the Planning Board and all evidence presented herein was under oath and was not objected to by any party. All evidence relied upon was credible and reliable.

5. [REQUESTED SPECIAL USE] (is/is not) a use within the [ZONING DISTRICT] as indicated by the Village of Bald Head Island Table of Permitted Uses.
6. SUP #2025-01 if completed as proposed, (will comply with all/will not comply with one or more) requirements of the zoning ordinance. [IF NOT, SPECIFY THE REQUIREMENT.]
7. SUP #2025-01 (will/will not) materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted because [SPECIFY HOW.]
8. SUP #2025-01 (will/will not) meet all required conditions and specifications because [SPECIFY HOW].
9. SUP #2025-01 (will/will not) substantially injure the value of adjoining or abutting property because [SPECIFY WHY].
10. SUP #2025-01 (will/will not) be in harmony with the area in which it is to be located and be in general conformity with any comprehensive plan that has been adopted or any other officially adopted plan because [SPECIFY WHY].
11. SUP #2025-01 (does/does not) meet all the required standards and should be (granted/denied) based on the reasons established above.
12. [SUP #2025-01 does not meet all the required standards but can meet the standards and be granted with appropriate conditions, as follows: [LIST CONDITIONS]].

Suggested Motions

- 1) I move that Special Use Permit SUP #2025-01 be (granted/denied/granted with conditions) based upon the application, the presentations and legal arguments made by the parties, and the competent, material, and substantial evidence submitted during the hearing and summarized in the Record for this matter.

[IF CONDITIONS] I further move that Special Use Permit SUP #2025-01 be granted subject to the following conditions: [LIST CONDITIONS].

- 2) I move that Village Staff is authorized to prepare a written Order setting out the Findings of Fact and Conclusions summarized today, and any other necessary material drawn from the Record to support the decision reached by the Planning Board, for execution by the Chair of the Planning Board within 15 days from the date of the close of this hearing.

ATTACHMENT 1

Aerial Map

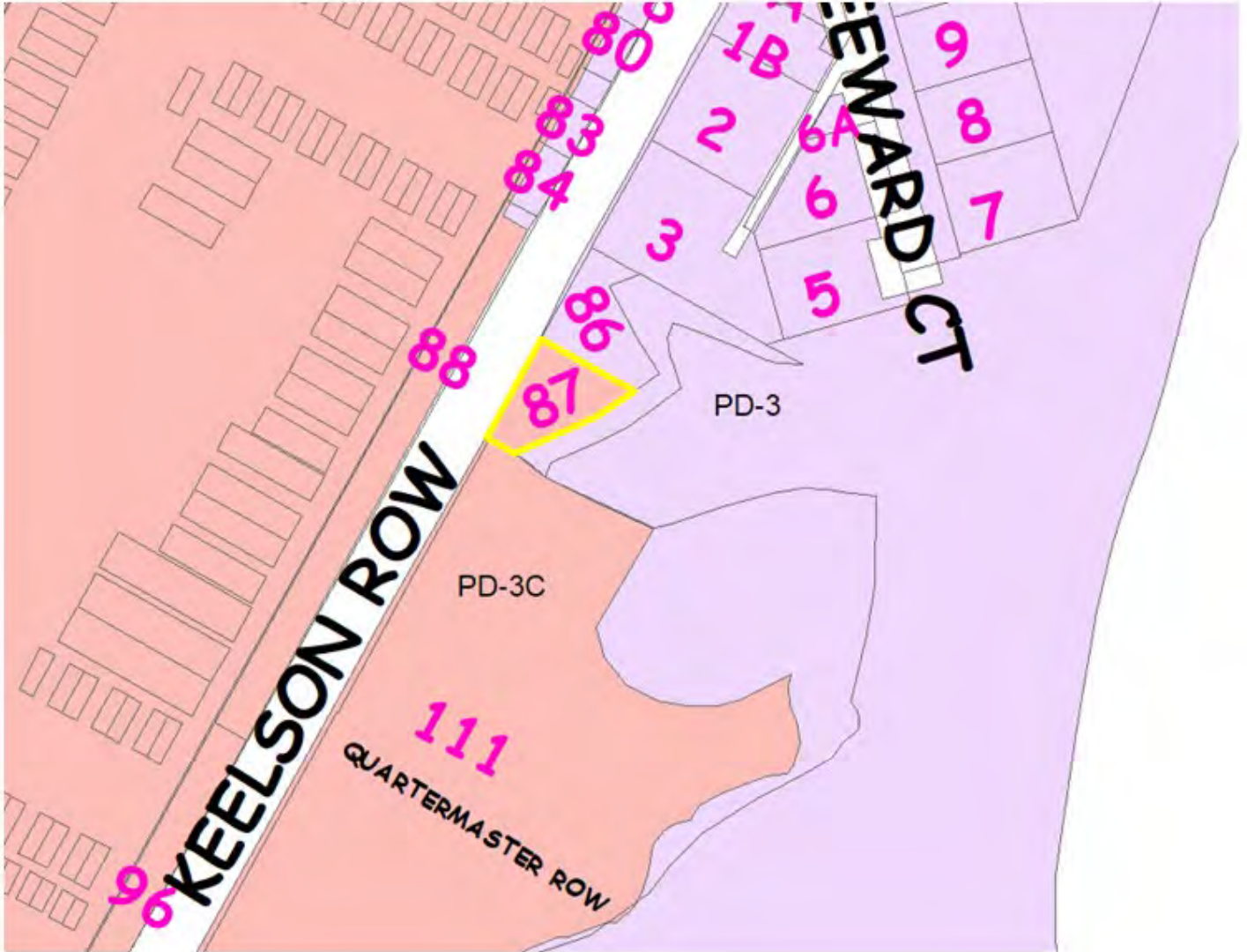
Parcel Identification: Lot 87, Tax Parcel # 2601B065, Nice Neighbors LLC



ATTACHMENT 1

Zoning Map

Parcel Zoning: Lot 87, PD-3C



ATTACHMENT 1
Future Land Use Map



Lot is marked with the YELLOW dot.

Full map on Page 12 & 13 here: [Section-6---Municipal-Guidance-PDF](#)

Legend:

-  Bald Head Island Town Limit
- Parcels Bald Head Island**
- Future Land Use**
-  Open Space - Conservation 1
-  Open Space - Conservation 2
-  Open Space - Recreation
-  Low Density Residential
-  Medium Density Residential
-  Medium Density Residential - Mixed
-  Commercial
-  Town Utility

SPECIAL USE PERMIT APPLICATION

Village of Bald Head Island, NC



This document is a public record under the North Carolina Public Records Act and may be published on the Village's website or disclosed to third parties.

SPECIAL USE PERMIT APPLICATION SUBMISSION:

Applications and fees are due upon submittal of the application. Per Sec. 32-102 (c) of the Code of Ordinances the planning board shall set a hearing on a special use permit request not to exceed 60 days following the receipt of an appropriate application.

PRE-APPLICATION MEETING: A pre-application meeting with Development Services staff is required to be scheduled prior to the submittal of a Special Use Permit Application. Please contact Stephen Boyett at 910-457-9700 ext. 1004 or sboyett@villagebhi.org to set up an appointment. Applicants must e-mail a pdf map, drawing, model, site or sketch plan to staff no later than five (5) working days prior to the desired meeting day.

GENERAL INFORMATION: The planning board conducts a quasi-judicial public hearing process. Only sworn testimony provided at the public hearing may be considered in their decision-making. The planning board members cannot be legally contacted by the applicant or applicant's representative prior to the public hearing (e.g. no ex parte communication). If you have any questions, please contact Development Services Director Stephen Boyett at 910-457-9700 ext. 1004 or sboyett@villagebhi.org.

PURPOSE OF A SPECIAL USE PERMIT: There are some land uses which are basically in keeping with the intent and purposes of the district where permitted, but which may have an impact on the area around them which can only be determined by review of the specific proposal. These uses may be established, under certain standards and with proper controls, in such a manner as to minimize any adverse effects. In order to ensure that these uses, in their proposed locations, would be compatible with surrounding development and in keeping with the purposes of the district in which they are located, their establishment shall not be as a matter of right, but only after review and approval of a special use permit as provided in Chapter 32 Article VII of the Village of Bald Head Island Code of Ordinances.

HARD COPY SUBMITTAL REQUIREMENTS: SUBMIT TO DEVELOPMENT SERVICES DEPARTMENT

- One copy of the Special Use Permit Application
- Special Use Permit Application fee
- Agent authorization form
- Legal description, maps, plans, and other as to completely describe the proposed use and existing conditions (see page 3 for detailed list).
- Envelopes addressed to property owners on the notification list.
 - Addresses must be from the notification list obtained from the Village. This list shall be obtained by emailing public.information@villagebhi.org and will be provided within 3 business days of the initial request.
 - Affixed with first class stamps and the following return address:
Village of Bald Head Island
Development Services Department
P.O. Box 3009
Bald Head Island, NC 28461

REVIEW FOR SUFFICIENCY: Development Services staff checks application for sufficiency upon submittal. Incomplete applications will be returned to the applicant for revision.

PUBLIC HEARING NOTIFICATION: Notification of the public hearing will take place by three different methods. A written notice prepared by the Development Services Department for all property owners of the land subject to the application; all property owners abutting the land subject to application. This notice will be postmarked not more than 25 days nor less than 10 days prior to the planning board meeting. A notice will be published on the Village's website no less than 10 days but not more than 25 days prior to the public hearing. A notice will also be posted at the land subject to the application at least 10 days prior to the public hearing.

PUBLIC HEARING/PLANNING BOARD: The planning board will consider the application, relevant support materials, staff report and public testimony given at the public hearing. After the public hearing the planning board will vote to approve, approve with conditions, or deny the special use permit. Four-fifths of the members of the planning board must vote for approval in order for a variance to be approved.

SPECIAL USE PERMIT APPLICATION INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Village's website or disclosed to third parties.

Application #: _____ Submittal Date: _____
Fee Paid \$ _____ Check # _____

APPLICANT/AGENT INFORMATION

Applicant Name(s): Joe Lee
Address: 17 Captains Charlie Ct
City: Bald Head Island State: NC Zip: 28461
Phone: 919-669-6863 Fax: _____
E-mail Address: leesautojoey@gmail.com

OWNER INFORMATION

Owner Name(s): Nice Neighbors LLC
Address: 240 Racine Dr, Suite 200
City: Wilmington State: NC Zip: 28403
Phone: 910-352-7766 Fax: _____
E-mail Address: mchittum@infranetgroup.com

PROPERTY INFORMATION:

Address/Location: 87 Keelson Row
Current Use: _____
Zoning District: Harbor Commercial
Proposed Use: Boutique Restaurant

Description of Proposed Use of the Property:

Unique small bites and offering specialty drinks with a view of marsh and marina

SPECIAL USE PERMIT APPLICATION INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Village's website or disclosed to third parties.

Each Special Use Application shall contain or be accompanied by such legal description maps, plans, and other information so as to completely describe the proposed use and existing conditions.

1. Location of all structures within 50 feet of the property, location and depth, if known, of any existing utility lines in the property or along any adjacent street.
2. Location of property boundaries, location of any easements for utility lines or passage which cross or occupy any portion of the property for proposed lines.
3. Detailed construction plans shall be submitted prior to issuance of a building permit.
4. A site development plan as set forth in section 32-128 of the Village of Bald Head Island Code of Ordinances. (see below).

Sec. 32-128. Site development plan.

A site development plan drawn to scale shall contain the following information for both multifamily and single-family dwelling and commercial properties:

(1) Multifamily:

- a. The name of planned development;
- b. The exact boundary lines of the planned development fully dimensioned by lengths and bearings, and the location on intersecting boundary lines of adjoining lands;
- c. Scale denoted both graphically and numerically;
- d. The plans for utility layouts, including sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to systems and/or sewage disposal systems. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, and gate valves;
- e. Street names;
- f. The location, purpose, and dimensions of areas to be used for purposes other than residential;
- g. Minimum building setback lines;
- h. The names of owners of adjoining properties and any adjoining subdivisions of record (or proposed and under review);
- i. The location and dimensions of all rights-of-way, utility or other easements, riding trails, natural buffers, pedestrian or bicycle paths, and areas to be dedicated to public use with the purpose of each stated;
- j. Right-of-way lines, and pavement widths of all streets and the location and width of all adjacent streets and easements;
- k. Property lines, building or other structures, watercourses, bridges, culverts, storm drains, and water retention or detention areas on the land to be subdivided;
- l. Sufficient engineering data to determine readily and reproducibly on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearing, or deflection angles, radii, central angles and tangent distances for the centerline of curved streets and curved property lines that are not the boundary or curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute;
- m. The accurate locations and descriptions of all monuments, markers and control points;
- n. The deed restrictions or any other similar covenants proposed for the planned development, if any;
- o. The date of the survey and plat preparation;
- p. North arrow and declination;
- q. The name and location of any property, within the planned development or within any contiguous property, that is listed on the U.S. Department of Interior's National Register of Historic Places; likewise any property that has been designated by local ordinances as an historic property pursuant to 160D-940 et seq.
- r. The name, address, and telephone number of owner, registered surveyor, land planner, architect, landscape architect, and professional engineer responsible for the subdivision and the registration number and seal of the professional engineer and registered surveyor;
- s. Flood hazard areas according to most recent FEMA flood insurance rate map stating date of map adoption;
- t. Topographic information showing vertical contour every two feet;

- u. Show boundaries of areas of environmental concern (CAMA), show boundaries of outstanding resource waters (DEM), and show COE 404 wetlands;
- v. Total number and location of proposed dwelling units and other structures; total residential floor area; total height; total open space area;
- w. An inventory of all trees of caliper greater than 12 inches at four feet above ground level, those existing and those to be removed;
- x. Provisions for open space;
- y. Any other information requested by the village planning board or council.

(2) *Single-family*. For all single lot development proposals, a site development plan, drawn to scale, shall contain the following information:

- a. A perimeter survey showing:
 - 1. The lot boundaries, the bearing and distance of each;
 - 2. The location of applicable front, side and rear yard lines; adjacent streets;
 - 3. Any and all existing structures showing the location thereof on the survey, as well as distances from the closest lot line;
 - 4. Any and all proposed structures or proposed alteration or extension of an existing structure;
 - 5. All existing and proposed structures and intended use;
 - 6. Topographical information showing vertical contours every two feet;
 - 7. Boundaries of areas of environmental concern as defined in the Coastal Area Management Act;
 - 8. The 404 line as established by the U.S. Army Corps of Engineers and any other pertinent information necessary to determine compliance with the Coastal Area Management Act, Federal Emergency Management Act, and any other local, state, or federal statutes, ordinances or regulations applicable to the lot;
 - 9. Proposed location of driveway;
- b. The location and square footage of the proposed structure or addition thereof and its total height;
- c. The total square footage of the lot;
- d. The total square footage of the lot covered by impervious cover;
- e. The type of sewage disposal system and proposed source of potable water;
- f. A detailed site plan for the lot, which shall show the locations and types of naturally occurring vegetation and growth, including all trees thereon with a trunk equal to or greater than 12 inches in width at a height four feet above the ground, and the locations thereof. The drawing shall include the limit of construction line and proposals for restoration or relandscaping of any area of vegetation disturbed by the proposed use;
- g. Such other information as may be required by the zoning officer concerning the lot as may be necessary to determine compliance of the proposed development of the site with this chapter; and
- h. Planting plan.

(3) *Nonresidential commercial*. For nonresidential (commercial) all elements under subsection (1) a. through x. of this section.

(4) *Vesting approval*. Vesting provision-approval of a site development plan by the village council will vest a property with zoning rights applicable at that time. Such vesting approval is valid for a period of two years. This vesting is intended to carry out provisions of G.S. 160D-108.1 and site development plans as used in this chapter constitute site specific development plans under the statute.

AGENT AUTHORIZATION FORM

Application #: _____

Submittal Date: _____

_____ is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- Rezoning
- Special Use Permit

- Site Plan
- Subdivision
- Variance
- Other: Restaurant

The property address is: 87 Keelson Row

The agent for this project is: Joe Lee

I am the owner of the property and will be acting as my own agent

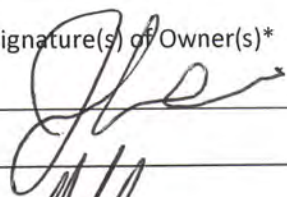
Agent Name: Joe Lee

Address: 17 Captain Charlies, BHI, NC 28461

Telephone Number: 919-669-6863


E-Mail Address: leesautojoey@gmail.com

Signature(s) of Owner(s)*



Joe Lee
Type or print name

12-5-24
Date



Michael Chittum
Type or print name

12-5-24
Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Brunswick County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature.



**Village of Bald Head Island
Notice of Special Meeting and Public Hearing**

**Planning Board
Friday, January 10, 2025, at 1:00 p.m.**

Public Notice is hereby given that the Village of Bald Head Island Planning Board will hold a special meeting on Friday, January 10, 2025, at 1:00 p.m. in the multi-purpose room of the Department of Public Safety (located at 273 Edward Teach Wynd) for the following purposes:

- To hold a Public Hearing, following quasi-judicial procedures on an application for a Special Use Permit for a proposed restaurant at 87 Keelson Row (Parcel ID #2601B065).
- To review and make a recommendation to Council on subdivision preliminary plat proposals to subdivide Parcel ID 26500062 into seven lots on Station House Way.

If you would like additional information, you may contact Deputy Village Clerk Carin Faulkner at (910) 457-9700 ext. 1025 or public.information@villagebhi.org.

Carin Z. Faulkner
Deputy Village Clerk

Posted : 12/30/2024



Village of Bald Head Island Notice of Special Meeting and Public Hearings

**Planning Board
Wednesday, February 19, 2025, at 10:00 a.m.**

Public Notice is hereby given that the Village of Bald Head Island Planning Board will hold a special meeting on Wednesday, February 19, 2025, at 10:00 a.m. in the multi-purpose room of the Department of Public Safety (located at 273 Edward Teach Wynd) for the following purposes:

- To continue deliberation, after conducting a quasi-judicial hearing on January 10, 2025, on an application for a Special Use Permit for a proposed restaurant at 87 Keelson Row (Parcel ID #2601B065).
- To hold a Public Hearing, following quasi-judicial procedures on an application for a Special Use Permit for a proposed distillery at 2 Maritime Way (Parcel ID #2642J008).
- To hold a Public Hearing, following quasi-judicial procedures on an application for a Special Use Permit for a proposed restaurant at 96 Keelson Row (Parcel ID #2601B113).

If you would like additional information, you may contact Deputy Village Clerk Carin Faulkner at (910) 457-9700 ext. 1025 or public.information@villagebhi.org.

Carin Z. Faulkner
Deputy Village Clerk

Posted : 2/7/2025



The Village of Bald Head Island

December 30, 2024

Notice of Public Hearing Planning Board

To Whom it May Concern:

The purpose of this letter is to notify you of an upcoming public hearing, following quasi-judicial procedures on an application for a Special Use Permit to develop and operate a restaurant in the PD-3C Zoning District. The restaurant use is proposed at 87 Keelson Row (Parcel #2601B065) Bald Head Island, NC. Please see the enclosed public notice for further details on this hearing.

The link to the agenda and associated documents for this meeting will be posted on this webpage:

<https://villagebhi.org/village-government/boards-committees/planning-board/>

If you have any general questions, you may call Carin Z. Faulkner, Deputy Clerk at 910-457-9700 ext. 1025 or via email at public.information@villagebhi.org.

Sincerely,

Stephen Boyett
Development Services Director



The Village of Bald Head Island

February 7, 2025

Notice of Continuation Planning Board

To Whom it May Concern:

The purpose of this letter is to notify you that deliberations and a vote on the Special Use Permit application to develop and operate a restaurant in the PD-3C Zoning District at 87 Keelson Row (Parcel #2601B065) Bald Head Island, NC, was continued from the January 10, 2025 meeting of the Planning Board following a public hearing using quasi-judicial procedures. This matter will be taken back up by the Planning Board on February 19, 2025. The public hearing was previously closed prior to the decision to continue the matter. Please see the enclosed public notice for further details.

The link to the agenda and associated documents for this meeting will be posted on this webpage:

<https://villagebhi.org/village-government/boards-committees/planning-board/>

If you have any general questions, you may call Carin Z. Faulkner, Deputy Clerk at 910-457-9700 ext. 1025 or via email at public.information@villagebhi.org.

Sincerely,

Stephen Boyett
Development Services Director



COMPENT LLC
 218 STATION HOUSE WAY
 BALD HEAD ISL, NC 28461

2601B064

VILLAGE OF BALD HEAD ISLAND THE
 PO BOX 3009
 BALD HEAD ISL, NC 28461-7000

2604J001 & 2600000526

BALD HEAD ISLAND YACHT CLUB
 PO BOX 3029
 BALD HEAD ISLAND, NC 28461

260JB045

FISHER LUKE C ETALS
 11 NORTH RD
 SALISBURY, NC 28144-6907

260JB044

MORGAN FAMILY TRUST
 PO BOX 400
 GLENBROOK, NV 89413-0400

260JB04

BALD HEAD ISLAND YACHT CLUB
PO BOX 3029
BALD HEAD ISLAND, NC 28461

2601B11301

BALD HEAD ISLAND LIMITED LLC
PO BOX 3069
BALD HEAD ISLAND, NC 28461-7000

26000005

MORGAN FAMILY TRUST
 PO BOX 400
 GLENBROOK, NV 89413-0400

260JB047 – also owns 260JB04

BALD HEAD ISLAND CLUB
PO BOX 11519
SOUTHPORT, NC 28461-1519

260JB043

ATTACHMENT 6

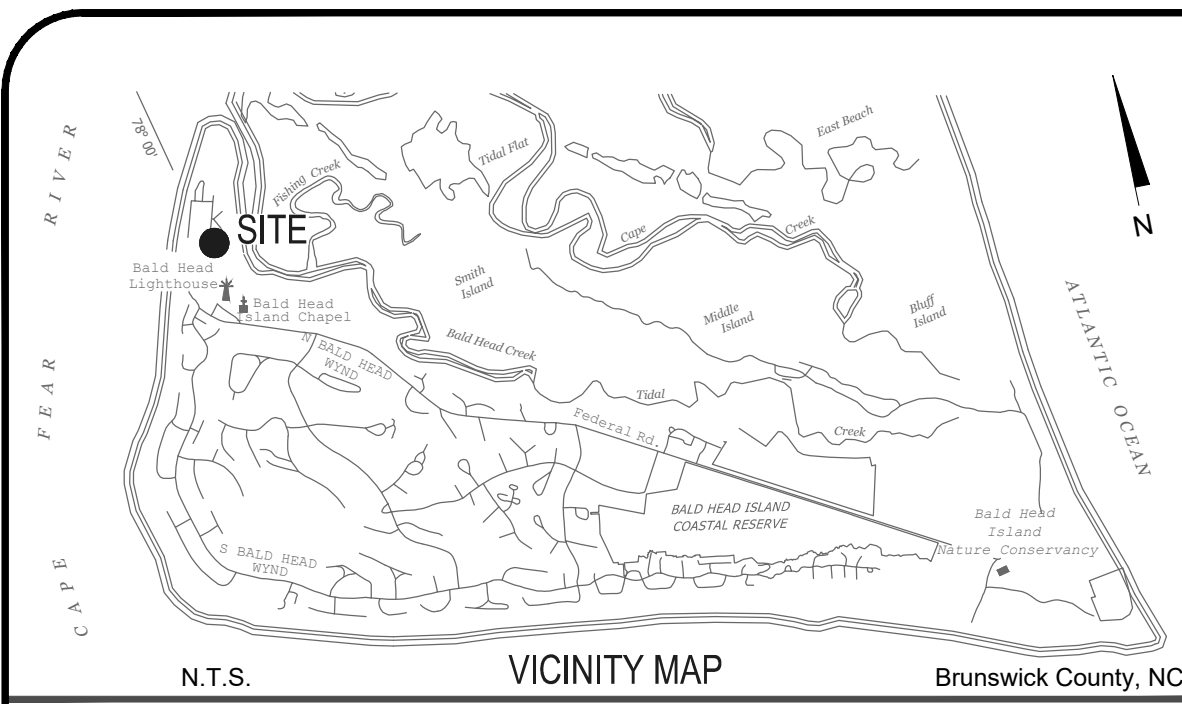
REFERENCE TO VILLAGE ORDINANCE

(Permitted Uses Table)

Sec. 32-126. Permitted and special uses.

The following uses are listed as permitted (P) or special (S) use in each zoning district. Prohibited uses are either not listed or a blank section shall be the only uses to which any land or structures located thereon shall be put and shall be the exclusion of all other uses w as permitted by Sec. [32-255](#). (See article VII of this chapter for provisions governing special uses and commercial filming activity.)

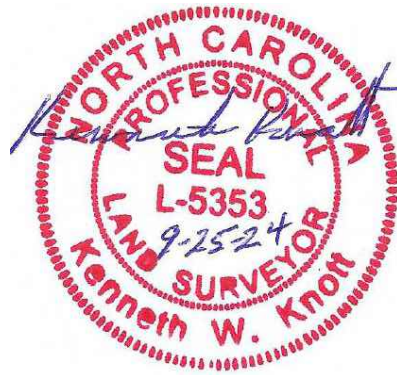
<i>Uses</i>	<i>PD-1</i>	<i>PD-2</i>	<i>PD-2C</i>	<i>PD-3</i>	<i>PD-3C</i>	<i>PD-3C-1</i>	<i>PD-4</i>	<i>NC</i>
Offices, other than real estate			P		P	S		P
Pre-manufactured structure			P					
Real estate offices			P		P	S	S	P
Recreational facilities	S	S	S	S	S	S	S	
Restaurants, cafes, and other food services (limited to club)	P		P		S			
Trailer, construction (on job site)	P	P	P	P	P	P	P	P
Trailer, food service			S					
Trailer, passenger			P		P			



BRUNSWICK COUNTY
NORTH CAROLINA

I, Kenneth W. Knott, certify that this topographic survey was field located and drawn under my direct supervision; the subject parcel is referenced in the Brunswick County Register of Deeds in Deed Book 4966, Page 608 and Map Book Z, Page 75; that the boundaries not surveyed are shown as broken lines from referenced record information; that this survey does not meet NCGS 47-30 standards and is not for recordation, conveyance or sales.

Kenneth W. Knott
N.C. PROFESSIONAL SURVEYOR L-5353



SURVEY NOTES:

- This Topographic survey is derived from information gathered by an actual field survey made by this office August, 2024.
- Horizontal & Vertical datum used for this project is NAD 1983/NAVD 1988.
- All distances are horizontal ground measurements unless otherwise noted.
- All areas computed by coordinate computation method.
- The nature of this survey is to depict existing topographic conditions and tree locations.
- Subsurface utility investigation was not performed as a part of this project.
- Any encumbrances or easements regarding canals, drainage, conservation, mineral rights, ingress / egress, access, utility or maintenance are at the discretion of the title attorney to report for this project. This office assumes no liability into the interpretation as to whether encumbrances, easements, or right-of-ways currently exist. This survey was performed without the benefit a full current title report and is subject to any Right-of-Ways, encumbrances or easements a full title report may reveal.
- Existing monumentation recovered in the field was held to re-establish the perimeter boundaries of the subject tract.
- Portions of the property shown hereon lies within FEMA Flood Hazard Zones "AE" BFE 9' & "AE" BFE 10' per FEMA Map # 3720300400L, effective date August 28 2018.
- The current zoning of the property is Urban Code - Bald Head Island Harbour Type VI Special District

PROFESSIONAL LAND SURVEYING SERVICES BY:

ESP ASSOCIATES, INC
SUBSURFACE · HYDROGRAPHIC · MOBILE · GEOMATICS

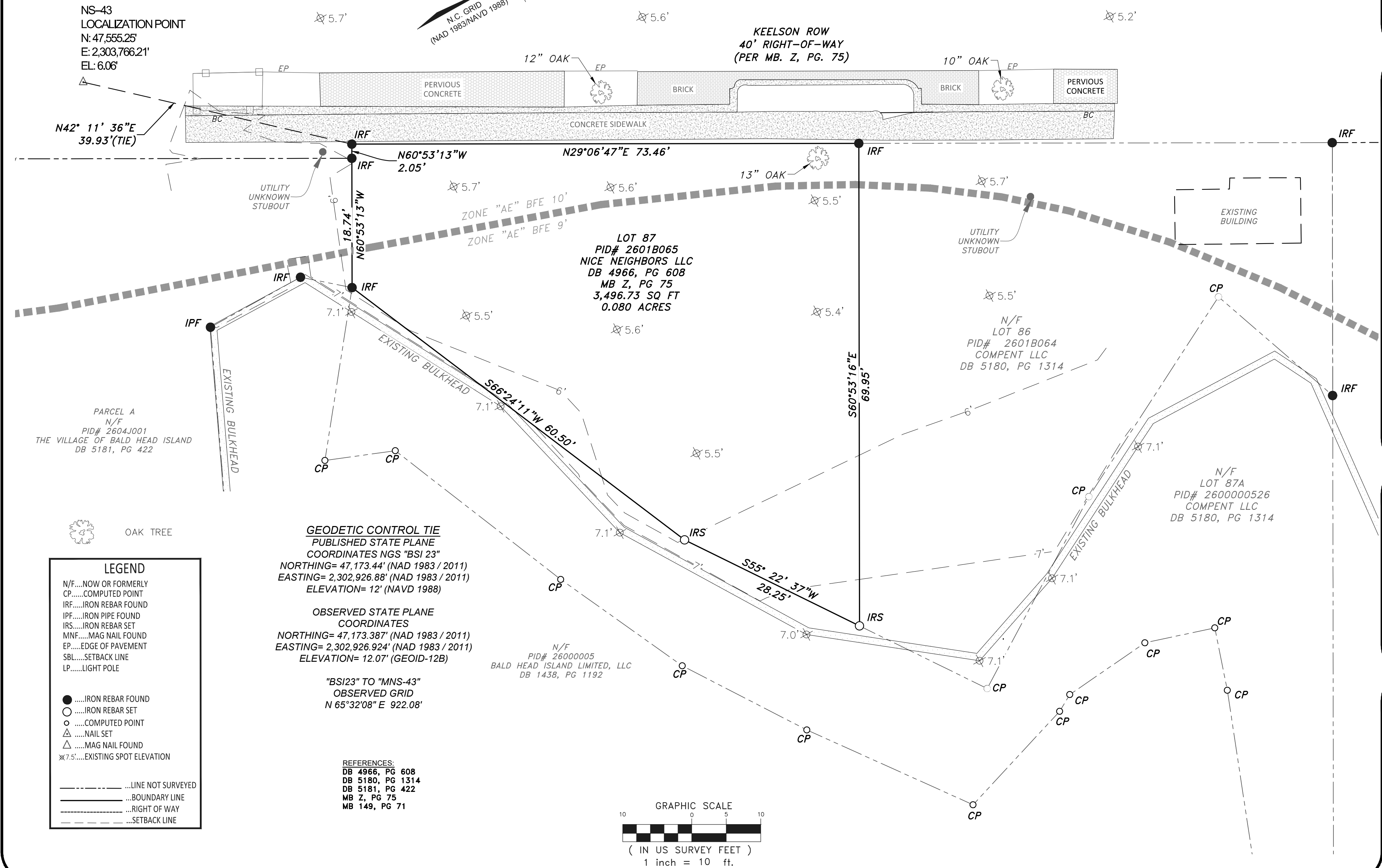
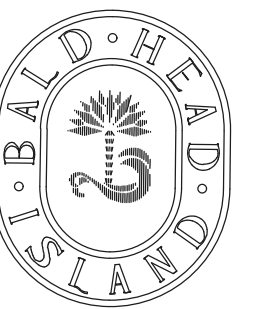
2111 Racine Drive, Suite 101
Wilmington, North Carolina 28403
(910) 444-3899 / www.espassociates.com / License # F-1407

TOPOGRAPHIC SURVEY FOR THE PROPERTY OF:

NICE NEIGHBORS LLC

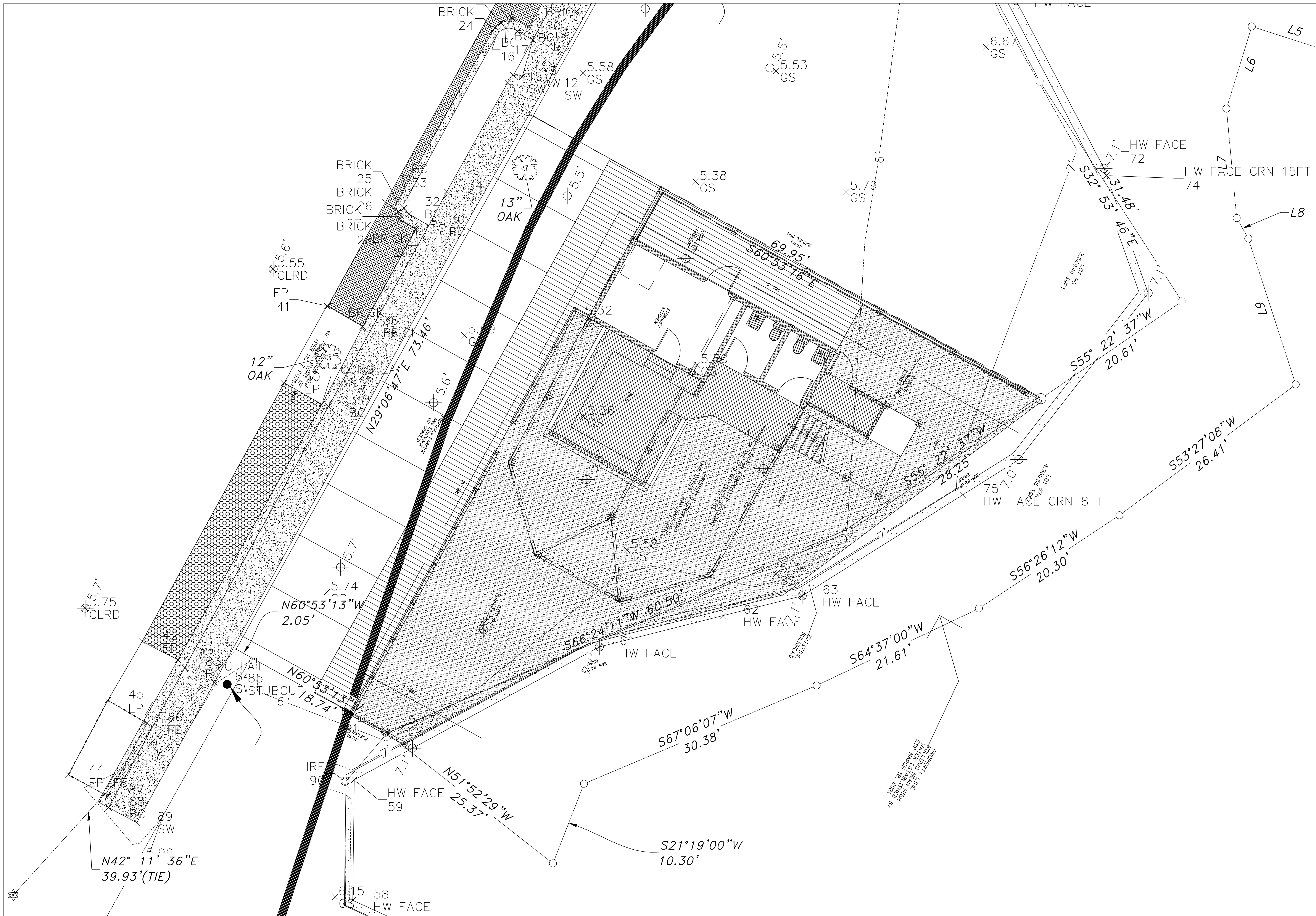
LOT 87

87 KEELSON ROW-BALD HEAD ISLAND HARBOUR SECTION 1
BALD HEAD ISLAND, SMITHVILLE TOWNSHIP
BRUNSWICK COUNTY, NORTH CAROLINA

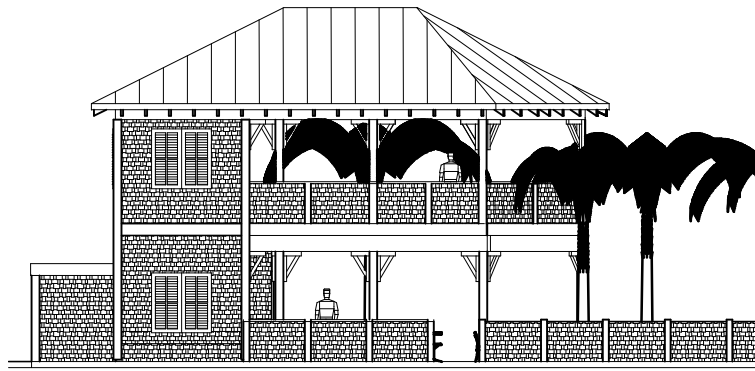


DATE 08/30/24	SCALE 1" = 10'
DRAWN BY J.T.P.	CHECKED BY K.W.K.

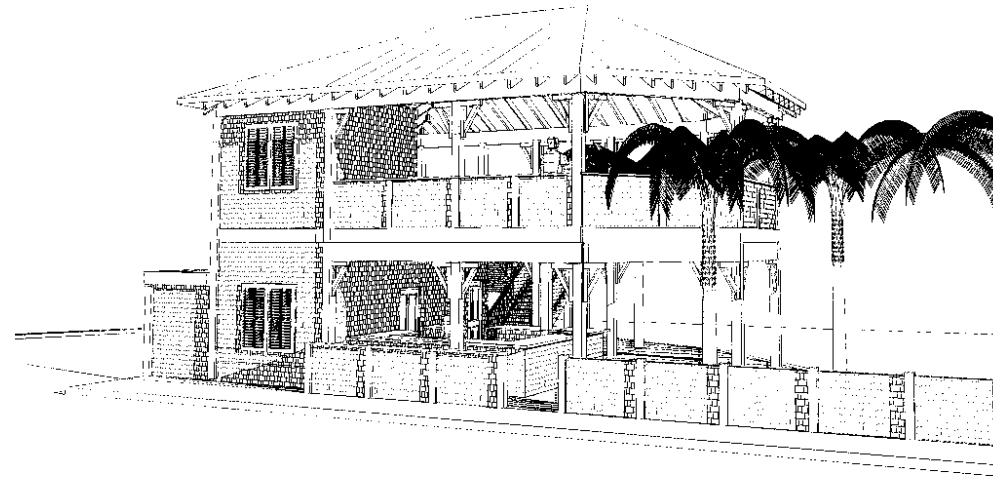
REVISIONS
-DESCRIPTION- TOPOGRAPHIC SURVEY
SHEET 1 OF 1



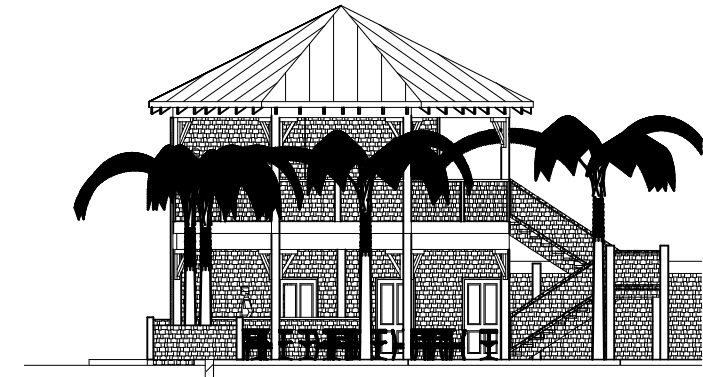
Lee's Home Building, LLC		Keelson Row - Lot 87 Bald Head Island, North Carolina	
DATE		DESCRIPTION	
REV. NO.			
Richard (Tony) Biggs 805 Joseph Willetts Drive SE Winnabow, NC 29479		9 1 0 • 4 7 0 • 4 7 1 5	
Drawn By : RAB		Date: 10/11/24	
Checked By : RAB		Scale : As noted	
Sheet Number :		S1	
REVISIONS			



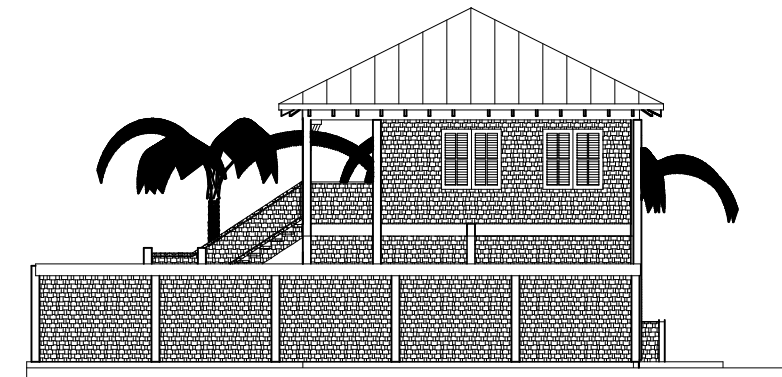
FRONT



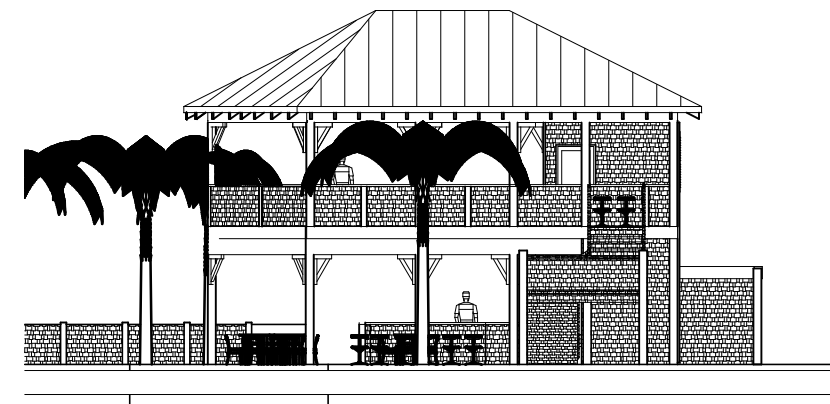
STREET VIEW



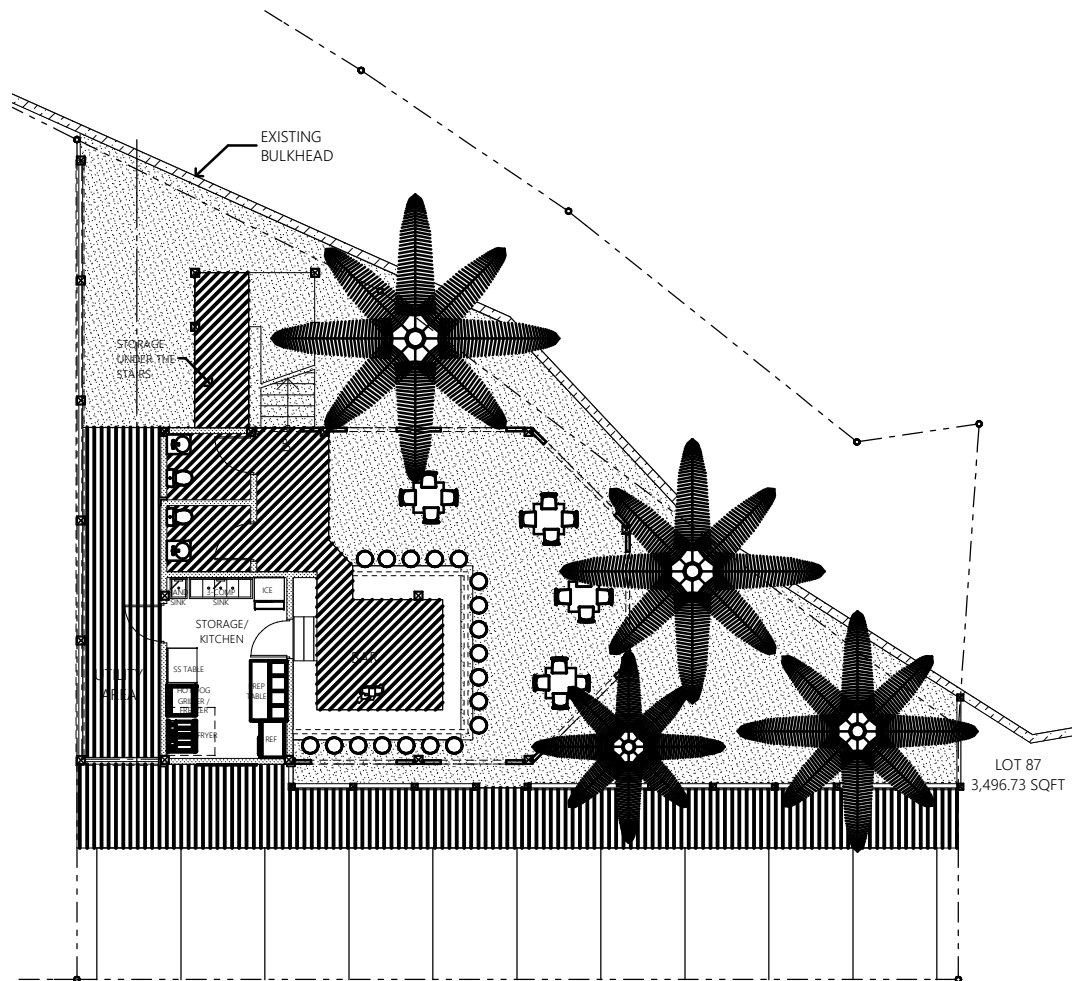
RIGHT



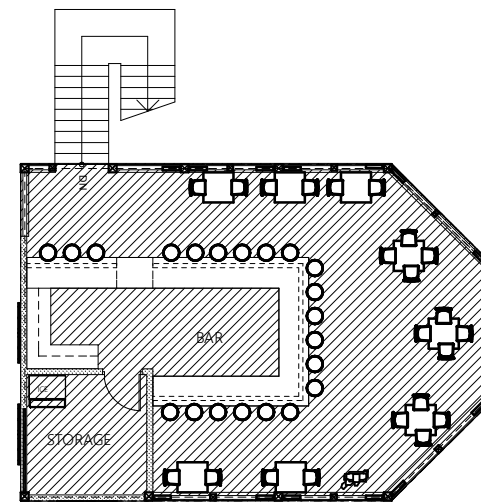
LEFT



REAR



FIRST FLOOR PLAN



SECOND FLOOR PLAN

MARINA BAR KEELSON ROW
Bald Head Island,, NC

PAUL D KOSLA, RA, LEED AP

1217 Lillibridge Dr.
Leland, North Carolina 28451
Cell 410-610-3283
pkosla@twc.com

PROJECT NUMBER	L 04-23	DRAWN BY	PDK
SHEET NUMBER	V1-01	CHECKED BY	PDK
DATE	05/30/2024	SCALE	1/16"=1'-0"



VILLAGE OF BALD HEAD ISLAND
Council Meeting
Agenda Item

Agenda Item:	New Business 5.1
Date:	2/19/2025

Issue: Hearing on Special Use Application Case SUP-2025-02 – 2 Maritime Way
Department: Development Services
Contacts: Jae Kim, Assistant Village Manager
Stephen Boyett, Development Services Director

Attachments:

- 1) Maps : Aerial Map, Zoning Map, Future Land Use Map
- 2) Application
- 3) Public Hearing Notice
- 4) Letter to Adjoining Property Owners
- 5) List of Adjoining Property Owners
- 6) Reference to Village Ordinance (Permitted Uses Table)
- 7) Final Site Plan

Application No. SUP #2025-02
Applicant: Alex Munroe
Cape Fear Distillery
Property Location: 2 Maritime Way Unit 1
Bald Head Island, NC 28461
Parcel Number(s): 2642J008
Zoning District: Planned Development 2 C (PD-2C)
Surrounding Zoning **North:** PD-2C **South:** PD-2C
East: PD-2C **West:** PD-1

Current Use of Property: Unit 1 is currently a property management office.

Requested Use of Property: Retail (gallery) and Distillery

Description of Request: A complete special use permit application was submitted to the Village on January 16, 2025.

Description of the use of the property is gallery of fine art and accessories. Distillery for producing, bottling, and labelling spirits, sale of spirits. The gallery is a commercial use (retail services) and is permitted by right. The distillery is a use that is permitted by special use permit.

The location of the proposed gallery with distillery is 2 Maritime Way Unit 1. It is one of 4 units in a commercial building owned by Tiffany's Beach Properties, LLC.

Site and Area Description: The subject property is located in the southwest corner of the intersection of Muscadine Wynd and Maritime Way, centrally located on the island where the largest number of commercial properties exist.

Bald Head Island has three primary commercial area overlays and the subject property is located in the Mid Island District in the Maritime Way District area.

Zoning District Information and Surrounding Land Uses: This section of the centrally located commercial zoning district (PD-2C: planned development 2 commercial district) was established as a district in which the principal uses of the land are commercial, municipal and utility service areas for the entire island. Per the Village Code Section 32-125 (c)(1-5) the district is intended to provide the following:

- A town hall service area;
- Commercial service areas;
- A pedestrian-oriented commercial center;
- A property owner's clubhouse and related sports activities and their attendant uses; and
- Transient inns and their attendant facilities.

Many of the existing land uses in the immediate area include a grocery store, retail stores, restaurants, and residential. To the North, South, and East of the site, are all zoned PD-2C. To the West of the site is zoned neighborhood commercial (NC) district, which was primarily intended to accommodate very low intensity office, and personal service uses within residential areas. Per the Village zoning ordinance, the district was established to provide convenient locations for businesses, which serve the needs of island residents and visitors without disrupting the character of the neighborhood. It is a transitional land use zoning district in which the principal use of the land is residential with some office and service uses allowed to serve the surrounding residential districts in which traffic and parking congestion can be reduced to a minimum in order to preserve residential values and promote the general welfare of the surrounding residential districts.

Examples of uses permitted by right within the PD-2C zoning district include, but are not limited to the following:

- Clinics (medical services)
- Commercial (retail services) – The gallery is a retail service and is permitted by right.
- Government offices and facilities
- Library
- Lodging facilities (including inn, hotel, and motel)
- Offices (other than real estate)
- Real estate offices
- Restaurants, cafes, and other food services (limited to club)
- Trailer, construction (on job site)

- Trailer, passenger
- Trailer, tow
- Utility Services (public or private)

Examples of uses permitted by special use permit such as a distillery include the following:

- Clubhouse (public or private)
- Commercial filming activity
- Freestanding baffled lighting
- Recreational facilities
- Trailer, food service
- Utility facilities (public or private)
- Veterinary clinic

Long Range Plan: The Brunswick Blueprint 2040 Plan was adopted on April 21, 2023, and provides guidance for future development on the island. An ABC Store was submitted as an idea for land use when islanders were surveyed for the plan. The Future Land Use Map has designated the subject property as Commercial use.

Staff Analysis: Staff have determined that the application packet is complete and has provided a staff report that sets out relevant background materials and the standards the Planning Board must follow in making a quasi-judicial determination. Staff are not required to provide a recommendation on whether to grant or deny a Special Use Permit. In this instance, Staff makes no specific recommendation but is available to present evidence in the form of responses to questions from the Planning Board or other parties to the hearing.

The final site plan has been reviewed and approved by the Development Services Director (Stephen Boyett). Village ordinance Section 32-128 Site Development Plan as required by the SUP application was confirmed to be completed in full by the Development Services Director as submitted in the final site plan on 1/16/2025.

REQUIRED FINDINGS FOR A SPECIAL USE PERMIT: Special Use Permits (SUP) require the Planning Board to follow a quasi-judicial process. With respect to SUPs this means the Planning Board must exercise discretion in determining whether a specific use request, which has been deemed by Village Council to be generally compatible with the land uses permitted by right in a zoning district, should be approved following individualized review of the location, design and configuration proposed for development. Special Use Permits ensure the appropriateness of the use at a particular location within a given zoning district. The Planning Board shall consider the application, supporting documents, the site plan, and examine factual evidence presented at the hearing in determining whether a set of standards that have been approved by the North Carolina Courts have been met.

In granting or denying the Special Use Permit, the board shall consider whether:

1. The use will materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved.
2. The use meets all required conditions and specifications.
3. The use will substantially injure the value of the adjoining property, or, in the alternative, whether the use constitutes a public necessity.
4. The location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is
5. to be located and be in general conformity with any comprehensive plan that has been adopted and any other officially adopted plan this applicable to the area.

The Special Use Permit, if granted, shall include approval of the final site plan. The Board may place conditions on the use as part of the approval to protect the public and ensure that the standards above are complied with. All conditions shall become part of the SUP approval and shall be included/illustrated on the final site plan to indicate the applicant's consent. The SUP shall run with the land and shall be binding on the original applicants, their heirs, successors and assigns. Violations of the SUP, including any conditions placed thereon, shall be treated as a violation of the local zoning ordinance.

Minor field alterations or minor revisions to an approved SUP may be approved by the Administrator if the intent of the standards established with the original approval are still met and the alterations/revisions are limited to changes that do not increase the intensity, density, or character of the use. If the Administrator determines that the change is not minor, the Planning Board must approve the alterations/revisions. Please refer to the Village Ordinance in Section 32-254 for guidance.

This decision of the board is effective upon filing the written decision with the Clerk to the Board. Decisions of the Planning Board shall be appealed to the Brunswick County Superior Court within 30 days of the final decision.

Special Use Permit Worksheet and Suggested Motion(s):

Planning Board is required to make certain Findings of Fact and draw appropriate Conclusions therefrom. At the end of the hearing a Motion or set of Motions should be made to approve or deny the application based on the Findings of Fact and Conclusions of the Planning Board. If conditions are to be included in a grant of the permit, they should be specifically stated. This worksheet is intended to help staff prepare an appropriate order for signature following the hearing. This is not the final order. It is a guide for getting to that point.

Findings of Fact

1. A quasi-judicial public hearing was held by the Village of Bald Head Island Planning Board on Special Use Permit request SUP #2025-02. A quorum of the Planning Board was present and participated in the hearing.
2. [PROPERTY DESCRIPTION/LOCATION].
3. Applicant was a party to the hearing. [APPLICANT RELATIONSHIP TO THE PROPERTY. INFORMATION ON PERSONS REPRESENTING APPLICANT].
4. The Village of Bald Head Island was a party to the hearing. [NAME AND TITLE OF STAFF PERSON] presented Staff Report and responded to questions of the Planning Board.
5. The information presented in the Staff Report is incorporated by reference.
6. [LIST OF ANY OTHER PARTIES PRESENTING RELEVANT EVIDENCE.]
7. All parties and all witnesses were sworn in.
8. [ADD FINDINGS OF FACT TO SUPPORT CONCLUSIONS LISTED BELOW].

Conclusions

1. The application for SUP #2025-02 was complete as submitted.
2. The hearing on SUP #2025-02 was properly advertised and noticed.
3. The Planning Board had authority to hear the application under the Village Codes of Ordinances and State law.
4. All parties were properly before the Planning Board and all evidence presented herein was under oath and was not objected to by any party. All evidence relied upon was credible and reliable.

5. [REQUESTED SPECIAL USE] (is/is not) a use within the [ZONING DISTRICT] as indicated by the Village of Bald Head Island Table of Permitted Uses.
6. SUP #2025-02 if completed as proposed, (will comply with all/will not comply with one or more) requirements of the zoning ordinance. [IF NOT, SPECIFY THE REQUIREMENT.]
7. SUP #2025-02 (will/will not) materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted because [SPECIFY HOW.]
8. SUP #2025-02 (will/will not) meet all required conditions and specifications because [SPECIFY HOW].
9. SUP #2025-02 (will/will not) substantially injure the value of adjoining or abutting property because [SPECIFY WHY].
10. SUP #2025-02 (will/will not) be in harmony with the area in which it is to be located and be in general conformity with any comprehensive plan that has been adopted or any other officially adopted plan because [SPECIFY WHY].
11. SUP #2025-02 (does/does not) meet all the required standards and should be (granted/denied) based on the reasons established above.
12. [SUP #2025-02 does not meet all the required standards but can meet the standards and be granted with appropriate conditions, as follows: [LIST CONDITIONS]].

Suggested Motions

- 1) I move that Special Use Permit SUP #2025-02 be (granted/denied/granted with conditions) based upon the application, the presentations and legal arguments made by the parties, and the competent, material, and substantial evidence submitted during the hearing and summarized in the Record for this matter.

[IF CONDITIONS] I further move that Special Use Permit SUP #2025-02 be granted subject to the following conditions: [LIST CONDITIONS].

- 2) I move that Village Staff is authorized to prepare a written Order setting out the Findings of Fact and Conclusions summarized today, and any other necessary material drawn from the Record to support the decision reached by the Planning Board, for execution by the Chair of the Planning Board within 15 days from the date of the close of this hearing.

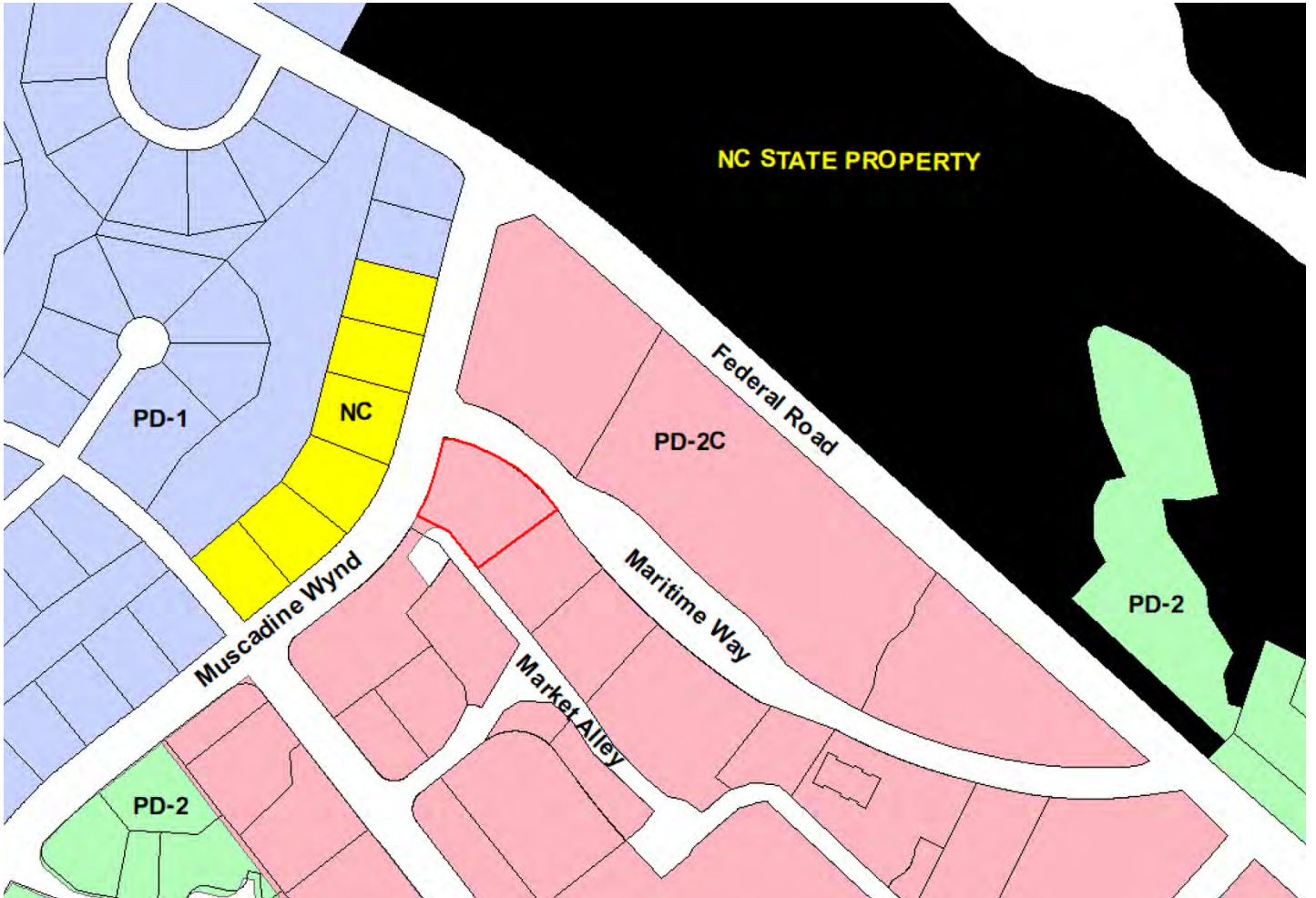
ATTACHMENT 1

Aerial Map



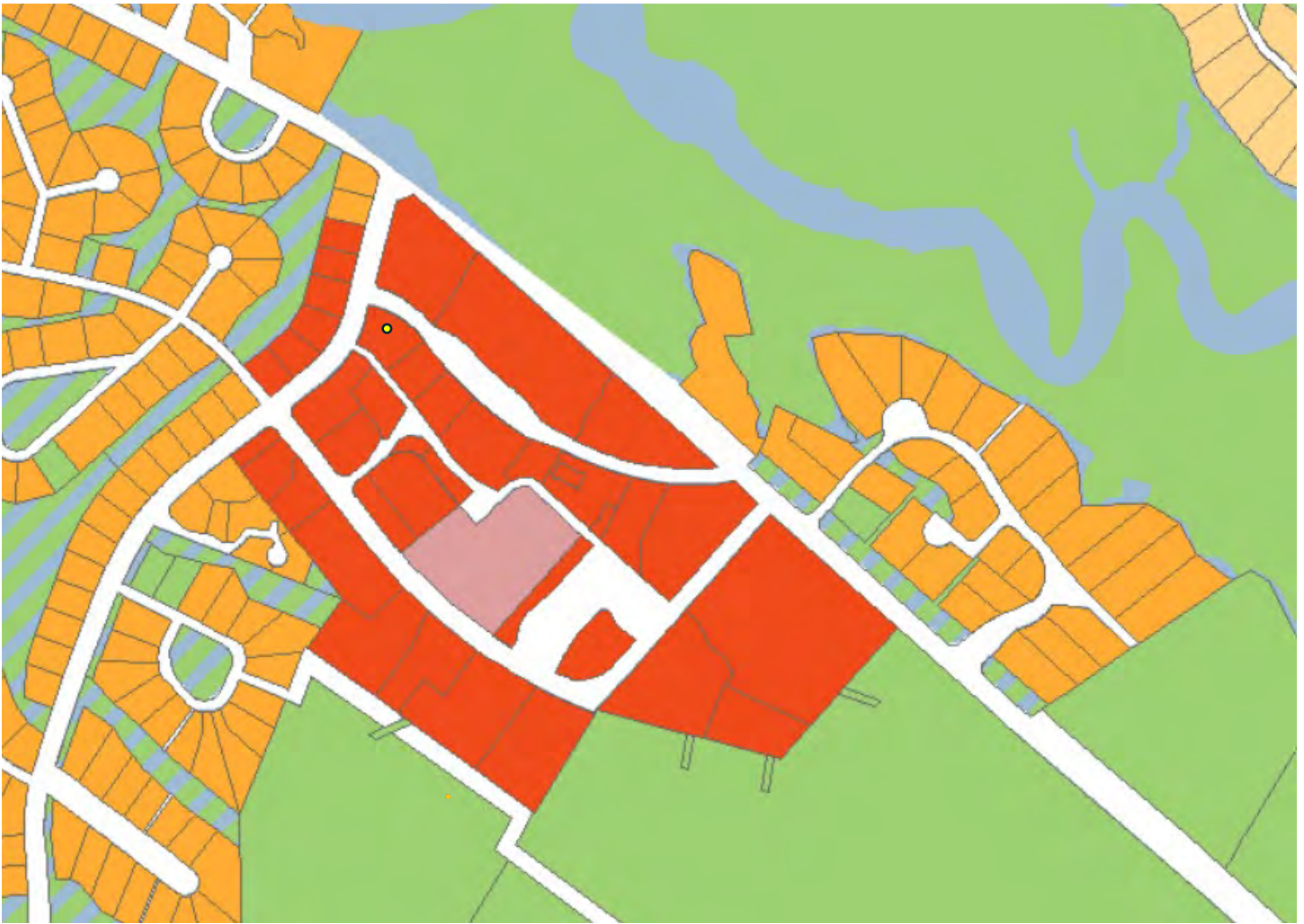
ATTACHMENT 1

Zoning Map



ATTACHMENT 1

Future Land Use Map



Lot is marked with the YELLOW dot.

Full map on Page 12 & 13 here: [Section-6---Municipal-Guidance-PDF](#)

Legend:

-  Bald Head Island Town Limit
- Parcels Bald Head Island**
- Future Land Use**
-  Open Space - Conservation 1
-  Open Space - Conservation 2
-  Open Space - Recreation
-  Low Density Residential
-  Medium Density Residential
-  Medium Density Residential - Mixed
-  Commercial
-  Town Utility

SPECIAL USE PERMIT APPLICATION

Village of Bald Head Island, NC



This document is a public record under the North Carolina Public Records Act and may be published on the Village's website or disclosed to third parties.

SPECIAL USE PERMIT APPLICATION SUBMISSION:

Applications and fees are due upon submittal of the application. Per Sec. 32-102 (c) of the Code of Ordinances the planning board shall set a hearing on a special use permit request not to exceed 60 days following the receipt of an appropriate application.

PRE-APPLICATION MEETING: A pre-application meeting with Development Services staff is required to be scheduled prior to the submittal of a Special Use Permit Application. Please contact Stephen Boyett at 910-457-9700 ext. 1004 or sboyett@villagebhi.org to set up an appointment. Applicants must e-mail a pdf map, drawing, model, site or sketch plan to staff no later than five (5) working days prior to the desired meeting day.

GENERAL INFORMATION: The planning board conducts a quasi-judicial public hearing process. Only sworn testimony provided at the public hearing may be considered in their decision-making. The planning board members cannot be legally contacted by the applicant or applicant's representative prior to the public hearing (e.g. no ex parte communication). If you have any questions, please contact Development Services Director Stephen Boyett at 910-457-9700 ext. 1004 or sboyett@villagebhi.org.

PURPOSE OF A SPECIAL USE PERMIT: There are some land uses which are basically in keeping with the intent and purposes of the district where permitted, but which may have an impact on the area around them which can only be determined by review of the specific proposal. These uses may be established, under certain standards and with proper controls, in such a manner as to minimize any adverse effects. In order to ensure that these uses, in their proposed locations, would be compatible with surrounding development and in keeping with the purposes of the district in which they are located, their establishment shall not be as a matter of right, but only after review and approval of a special use permit as provided in Chapter 32 Article VII of the Village of Bald Head Island Code of Ordinances.

HARD COPY SUBMITTAL REQUIREMENTS: SUBMIT TO DEVELOPMENT SERVICES DEPARTMENT

- One copy of the Special Use Permit Application
- Special Use Permit Application fee
- Agent authorization form
- Legal description, maps, plans, and other as to completely describe the proposed use and existing conditions (see page 3 for detailed list).
- Envelopes addressed to property owners on the notification list.
 - Addresses must be from the notification list obtained from the Village. This list shall be obtained by emailing public.information@villagebhi.org and will be provided within 3 business days of the initial request.
 - Affixed with first class stamps and the following return address:
Village of Bald Head Island
Development Services Department
P.O. Box 3009
Bald Head Island, NC 28461

REVIEW FOR SUFFICIENCY: Development Services staff checks application for sufficiency upon submittal. Incomplete applications will be returned to the applicant for revision.

PUBLIC HEARING NOTIFICATION: Notification of the public hearing will take place by three different methods. A written notice prepared by the Development Services Department for all property owners of the land subject to the application; all property owners abutting the land subject to application. This notice will be postmarked not more than 25 days nor less than 10 days prior to the planning board meeting. A notice will be published on the Village's website no less than 10 days but not more than 25 days prior to the public hearing. A notice will also be posted at the land subject to the application at least 10 days prior to the public hearing.

PUBLIC HEARING/PLANNING BOARD: The planning board will consider the application, relevant support materials, staff report and public testimony given at the public hearing. After the public hearing the planning board will vote to approve, approve with conditions, or deny the special use permit. Four-fifths of the members of the planning board must vote for approval in order for a variance to be approved.

SPECIAL USE PERMIT APPLICATION INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Village's website or disclosed to third parties.

Application #: _____ Submittal Date: _____
Fee Paid \$ _____ Check # _____

APPLICANT/AGENT INFORMATION

Applicant Name(s): Cape Fear Distillery
Address: 277 Bourbon St
City: Elizabethtown State: NC Zip: 28757
Phone: 910-619-2591 Fax: _____
E-mail Address: alex@capefeardistillery.com

OWNER INFORMATION

Owner Name(s): AG's Munroe
Address: 706 Evergreen St
City: Whiteville State: NC Zip: 28757
Phone: 910 619 2591 Fax: _____
E-mail Address: alex@capefeardistillery.com

PROPERTY INFORMATION:

Address/Location: Maritime Way unit 1
Current Use: Property Management Office
Zoning District: PD-2C
Proposed Use: Gallery with distillery

Description of Proposed Use of the Property:

Gallery of fine art and accessories. Distillery for producing, bottling and labeling spirits. Sale of spirits

SPECIAL USE PERMIT APPLICATION INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Village's website or disclosed to third parties.

Each Special Use Application shall contain or be accompanied by such legal description maps, plans, and other information so as to completely describe the proposed use and existing conditions.

1. Location of all structures within 50 feet of the property, location and depth, if known, of any existing utility lines in the property or along any adjacent street.
2. Location of property boundaries, location of any easements for utility lines or passage which cross or occupy any portion of the property for proposed lines.
3. Detailed construction plans shall be submitted prior to issuance of a building permit.
4. A site development plan as set forth in section 32-128 of the Village of Bald Head Island Code of Ordinances. (see below).

Sec. 32-128. Site development plan.

A site development plan drawn to scale shall contain the following information for both multifamily and single-family dwelling and commercial properties:

- (1) *Multifamily:*
 - a. The name of planned development;
 - b. The exact boundary lines of the planned development fully dimensioned by lengths and bearings, and the location on intersecting boundary lines of adjoining lands;
 - c. Scale denoted both graphically and numerically;
 - d. The plans for utility layouts, including sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to systems and/or sewage disposal systems. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, and gate valves;
 - e. Street names;
 - f. The location, purpose, and dimensions of areas to be used for purposes other than residential;
 - g. Minimum building setback lines;
 - h. The names of owners of adjoining properties and any adjoining subdivisions of record (or proposed and under review);
 - i. The location and dimensions of all rights-of-way, utility or other easements, riding trails, natural buffers, pedestrian or bicycle paths, and areas to be dedicated to public use with the purpose of each stated;
 - j. Right-of-way lines, and pavement widths of all streets and the location and width of all adjacent streets and easements;
 - k. Property lines, building or other structures, watercourses, bridges, culverts, storm drains, and water retention or detention areas on the land to be subdivided;
 - l. Sufficient engineering data to determine readily and reproducibly on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearing, or deflection angles, radii, central angles and tangent distances for the centerline of curved streets and curved property lines that are not the boundary or curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute;
 - m. The accurate locations and descriptions of all monuments, markers and control points;
 - n. The deed restrictions or any other similar covenants proposed for the planned development, if any;
 - o. The date of the survey and plat preparation;
 - p. North arrow and declination;
 - q. The name and location of any property, within the planned development or within any contiguous property, that is listed on the U.S. Department of Interior's National Register of Historic Places; likewise any property that has been designated by local ordinances as an historic property pursuant to 160D-940 et seq.
 - r. The name, address, and telephone number of owner, registered surveyor, land planner, architect, landscape architect, and professional engineer responsible for the subdivision and the registration number and seal of the professional engineer and registered surveyor;
 - s. Flood hazard areas according to most recent FEMA flood insurance rate map stating date of map adoption;
 - t. Topographic information showing vertical contour every two feet;

- u. Show boundaries of areas of environmental concern (CAMA), show boundaries of outstanding resource waters (DEM), and show COE 404 wetlands;
- v. Total number and location of proposed dwelling units and other structures; total residential floor area; total height; total open space area;
- w. An inventory of all trees of caliper greater than 12 inches at four feet above ground level, those existing and those to be removed;
- x. Provisions for open space;
- y. Any other information requested by the village planning board or council.

(2) *Single-family*. For all single lot development proposals, a site development plan, drawn to scale, shall contain the following information:

- a. A perimeter survey showing:
 - 1. The lot boundaries, the bearing and distance of each;
 - 2. The location of applicable front, side and rear yard lines; adjacent streets;
 - 3. Any and all existing structures showing the location thereof on the survey, as well as distances from the closest lot line;
 - 4. Any and all proposed structures or proposed alteration or extension of an existing structure;
 - 5. All existing and proposed structures and intended use;
 - 6. Topographical information showing vertical contours every two feet;
 - 7. Boundaries of areas of environmental concern as defined in the Coastal Area Management Act;
 - 8. The 404 line as established by the U.S. Army Corps of Engineers and any other pertinent information necessary to determine compliance with the Coastal Area Management Act, Federal Emergency Management Act, and any other local, state, or federal statutes, ordinances or regulations applicable to the lot;
 - 9. Proposed location of driveway;
- b. The location and square footage of the proposed structure or addition thereof and its total height;
- c. The total square footage of the lot;
- d. The total square footage of the lot covered by impervious cover;
- e. The type of sewage disposal system and proposed source of potable water;
- f. A detailed site plan for the lot, which shall show the locations and types of naturally occurring vegetation and growth, including all trees thereon with a trunk equal to or greater than 12 inches in width at a height four feet above the ground, and the locations thereof. The drawing shall include the limit of construction line and proposals for restoration or relandscaping of any area of vegetation disturbed by the proposed use;
- g. Such other information as may be required by the zoning officer concerning the lot as may be necessary to determine compliance of the proposed development of the site with this chapter; and
- h. Planting plan.

(3) *Nonresidential commercial*. For nonresidential (commercial) all elements under subsection (1) a. through x. of this section.

(4) *Vesting approval*. Vesting provision-approval of a site development plan by the village council will vest a property with zoning rights applicable at that time. Such vesting approval is valid for a period of two years. This vesting is intended to carry out provisions of G.S. 160D-108.1 and site development plans as used in this chapter constitute site specific development plans under the statute.

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

Tiffany Williams is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- Rezoning
- Special Use Permit

- Site Plan
- Subdivision
- Variance
- Other: _____

The property address is: 2 Maritime Way unit 1

The agent for this project is: Tiffany Williams

I am the owner of the property and will be acting as my own agent

Agent Name: _____

Address: _____

Telephone Number: _____

E-Mail Address: _____

Signature(s) of Owner(s)*

Tiffany Williams
Tiffany Williams Type or print name

1/16/25 Date

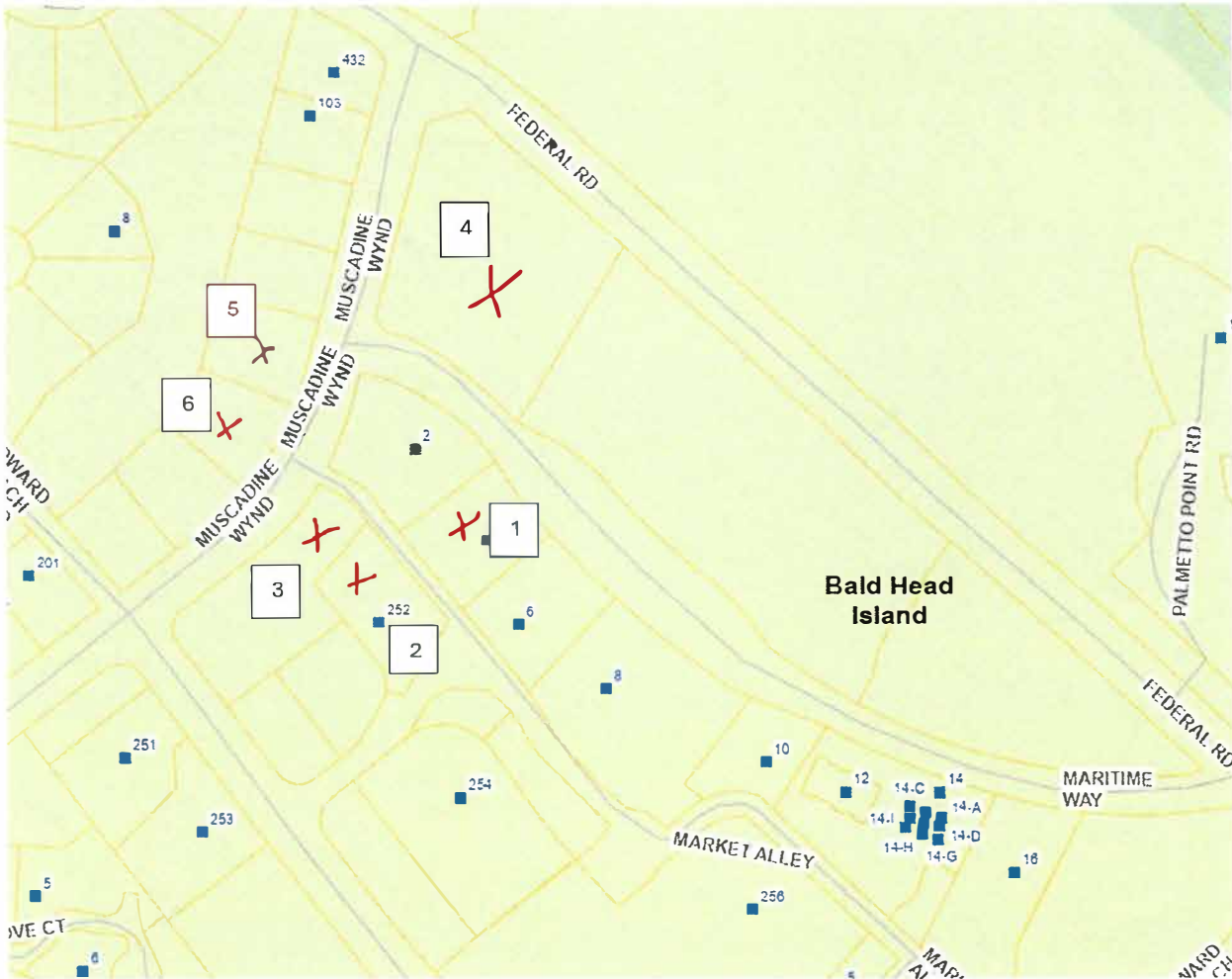
Type or print name

Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Brunswick County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature.



1	TIFFANYS BEACH PROPERTIES LLC PO BOX 3001 BALD HEAD ISLAND, NC 28461
2	BELLSOUTH TEL CO 747200 AT&T PO BOX 182576 COLUMBUS, OH 43218-2576
3	DJS ASSOCIATES LLC PO BOX 569 BOONE, NC 28607-0569
4	NICE NEIGHBORS LLC STE 200 240 RACINE DR WILMINGTON, NC 28403-8703
5	FISHER JOHN L PO BOX 3365 BALD HEAD ISL, NC 28461-7003
6	FISHER JOHN L PO BOX 3365 BALD HEAD ISL, NC 28461-7003 (since this address is identical to the other property you only need to do one envelope for this property owner)

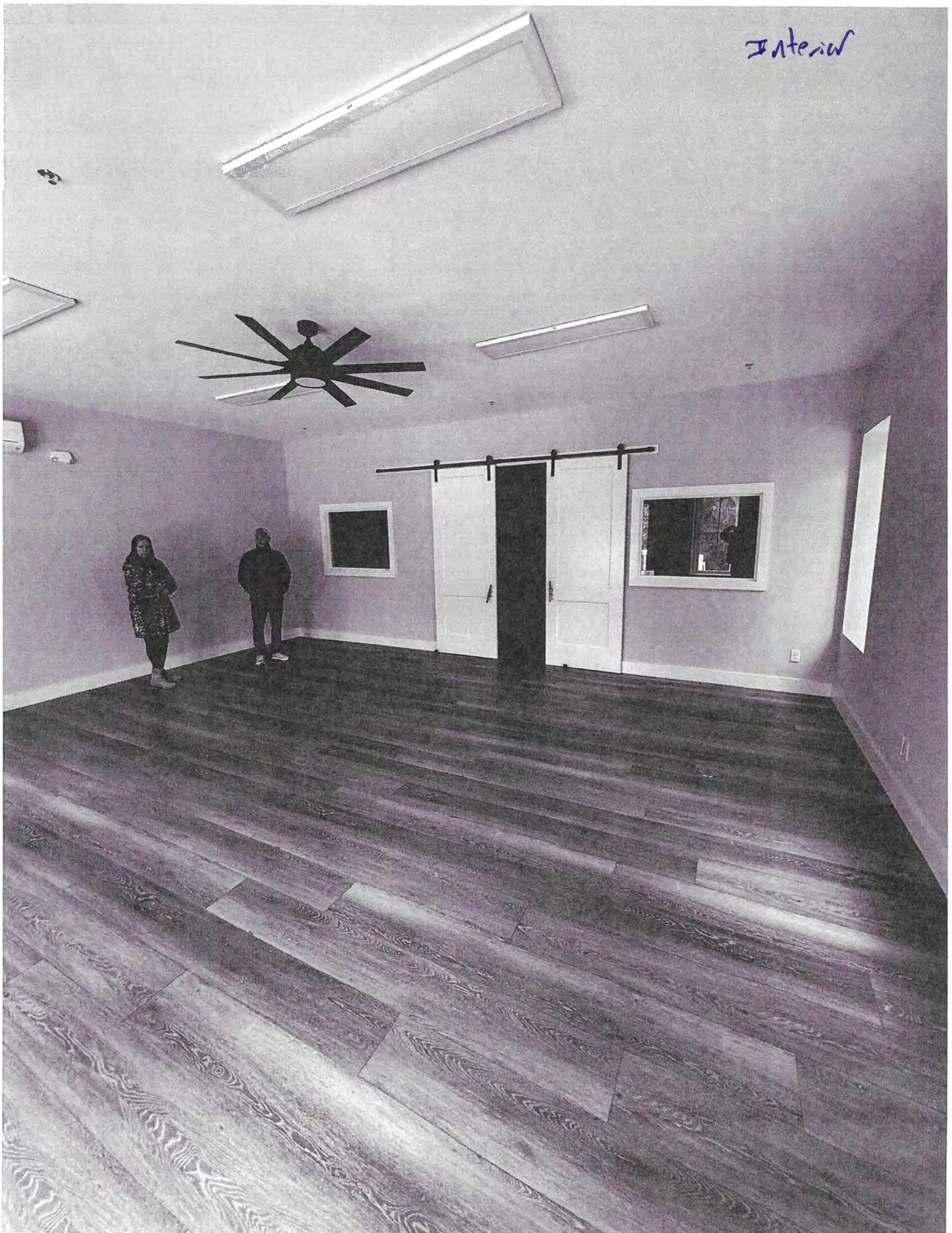


Exterior Front



Interior

Interior



Exterior
Rear





BALD HEAD
ISLAND ACADEMY
scientia potentia est



School Address: 2B Maritime Way
PO Boc 3499
BHI, NC 28461

December 30th, 2024

Mr. Alex Munroe
Cape Fear Distillery
277 Bourbon Street
Elizabethtown, NC 28337

Dear Mr. Munroe,

Thank you for spending so much time with me and sharing your vision for bringing Topsy Toads Gallery <https://www.tipsytoadgallery.com> to the community of Bald Head Island.

After our lengthy discussion I was left excited about the potential impact your gallery can have on our community, particularly as a dynamic space dedicated to showcasing art and artifacts. Your vision aligns seamlessly with BHI shared values of hospitality, preservation, wellness, and education, creating a welcoming haven for North Carolina talent and unique discoveries. These are all things as a community we can rally behind.

BHI Academy, our private K-9 grade elementary school, is adjacent to your proposed gallery. As we navigate the unique challenges of BHI being a barrier island with limited, correction no commercial space for growth, it's essential that we foster a collaborative spirit, while still following necessary regulations. To ensure that our two entities can thrive side by side, we suggest scheduling tastings to begin after school dismissals at 2:30 PM EST Monday - Friday. Additionally, we encourage you to take advantage of weekends, school breaks and holidays when BHI Academy is not in operation, allowing for greater exposure during higher volume periods (peak seasons).

We will gladly provide our official school schedule, detailing all non-operational days, to assist in your operational planning.

Wishing Topsy Toads Gallery great success on the Island.

Sincerely,

Sheree A. Vaickus
Interim Head of School

cc: BHI Academy Board of Directors



BALD HEAD
ISLAND ACADEMY
scientia potentia est





Village of Bald Head Island Notice of Special Meeting and Public Hearings

**Planning Board
Wednesday, February 19, 2025, at 10:00 a.m.**

Public Notice is hereby given that the Village of Bald Head Island Planning Board will hold a special meeting on Wednesday, February 19, 2025, at 10:00 a.m. in the multi-purpose room of the Department of Public Safety (located at 273 Edward Teach Wynd) for the following purposes:

- To continue deliberation, after conducting a quasi-judicial hearing on January 10, 2025, on an application for a Special Use Permit for a proposed restaurant at 87 Keelson Row (Parcel ID #2601B065).
- To hold a Public Hearing, following quasi-judicial procedures on an application for a Special Use Permit for a proposed distillery at 2 Maritime Way (Parcel ID #2642J008).
- To hold a Public Hearing, following quasi-judicial procedures on an application for a Special Use Permit for a proposed restaurant at 96 Keelson Row (Parcel ID #2601B113).

If you would like additional information, you may contact Deputy Village Clerk Carin Faulkner at (910) 457-9700 ext. 1025 or public.information@villagebhi.org.

Carin Z. Faulkner
Deputy Village Clerk

Posted : 2/7/2025



The Village of Bald Head Island

February 7, 2025

Notice of Public Hearing Planning Board

To Whom it May Concern:

The purpose of this letter is to notify you of an upcoming public hearing, following quasi-judicial procedures on an application for a Special Use Permit to develop and operate a distillery and retail/gallery space in the PD-2C Zoning District. The distillery use, which requires a Special Use Permit, is proposed at 2 Maritime Way Unit 1 (Parcel # 2642J008) Bald Head Island, NC. Please see the enclosed public notice for further details on this hearing.

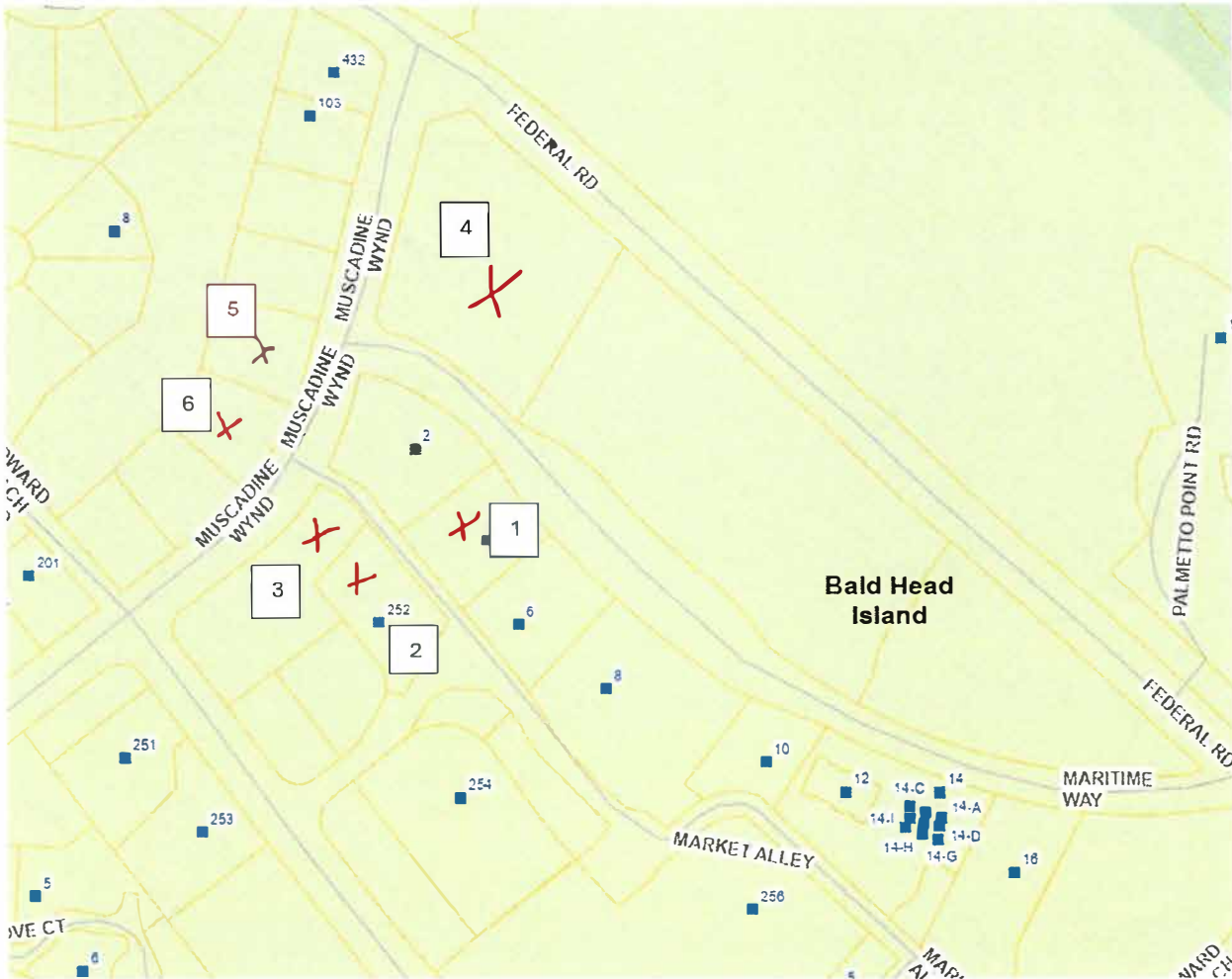
The link to the agenda and associated documents for this meeting will be posted on this webpage:

<https://villagebhi.org/village-government/boards-committees/planning-board/>

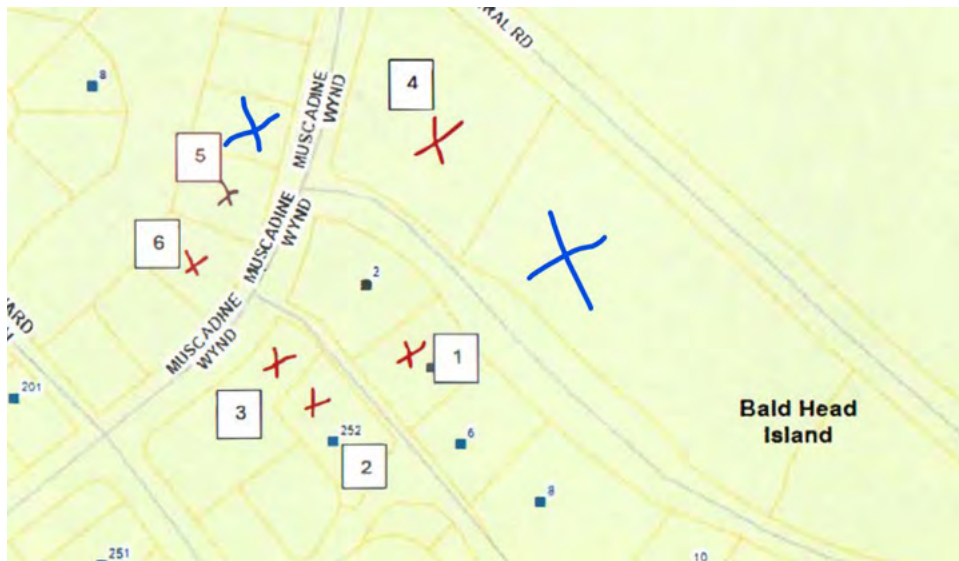
If you have any general questions, you may call Carin Z. Faulkner, Deputy Clerk at 910-457-9700 ext. 1025 or via email at public.information@villagebhi.org.

Sincerely,

Stephen Boyett
Development Services Director



1	TIFFANYS BEACH PROPERTIES LLC PO BOX 3001 BALD HEAD ISLAND, NC 28461
2	BELLSOUTH TEL CO 747200 AT&T PO BOX 182576 COLUMBUS, OH 43218-2576
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NOTE: Village Counsel advised that the Village add the properties marked with a blue “X”.

7 - **2642E01301**

FISHER JOHN L
PO BOX 3365
BALD HEAD ISL, NC 28461-7003

8 - **2642J011**

PELICAN REAL PROPERTY LLC
3700 GLENWOOD AVE STE 530
RALEIGH, NC 27612-5539

ATTACHMENT 6

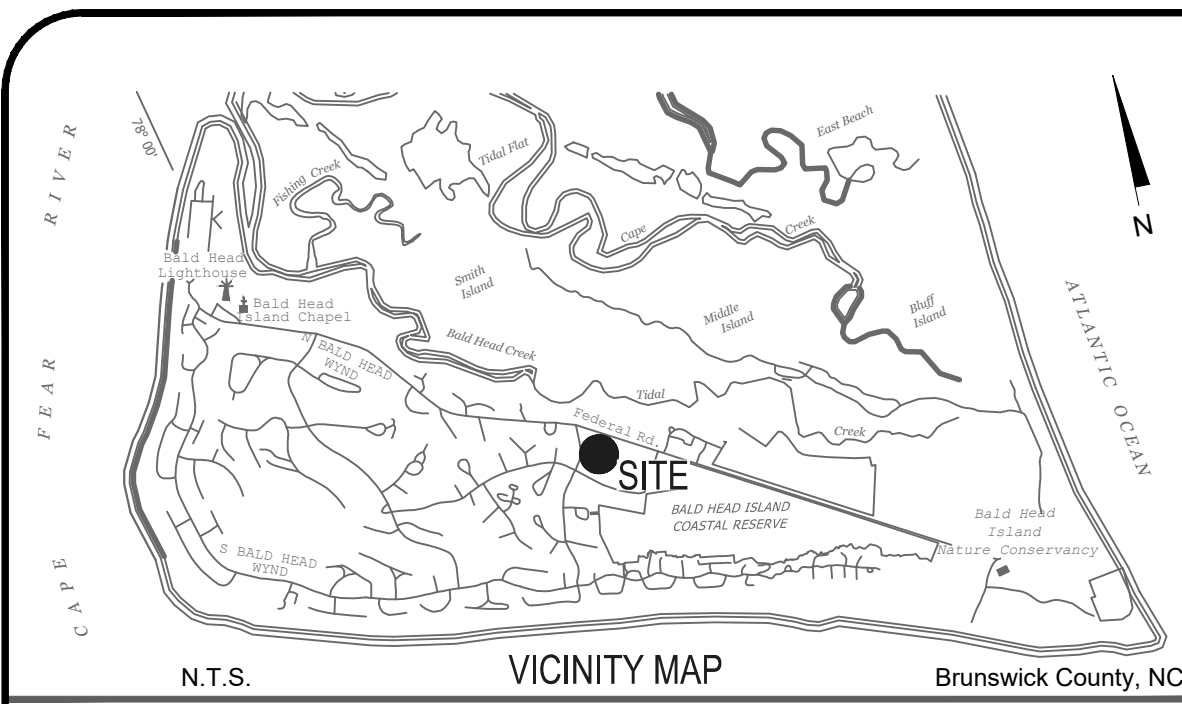
REFERENCE TO VILLAGE ORDINANCE

(Permitted Uses Table)

Excerpt from An Ordinance of the Village of Bald Head Island, North Carolina to Amend Chapter 32 of the Village Code of Ordinances to Define and Classify Each of “Brewery, Cidery, Distillery, Winery”; “Bar, Tavern, Lounge, Wine Shop”; and “Restaurants, Cafes” as a Special Use in the Planned Development 2 Commercial and Planned Development 3 Commercial Districts. Adopted 10/11/2024

Section 2. The Permitted & Special Uses Table in Section 32-126 of the Village Code be amended to include “Brewery, Cidery, Distillery, Winery”; “Bar, Tavern, Lounge, Wine Shop”; and “Restaurants, Cafes,” each as a special use in the PD-2C and PD-3C non-residential zoning districts, as follows:

<i>Uses</i>	<i>PD-1</i>	<i>PD-2</i>	<i>PD-2C</i>	<i>PD-3</i>	<i>PD-3C</i>	<i>PD-3C-1</i>	<i>PD-4</i>	<i>NC</i>
<u>NON-RESIDENTIAL</u>								
<i>Brewery, Cidery, Distillery, Winery</i>			S		S			
<i>Bar, Lounge, Tasting Room, Tavern, Wine Shop</i>			S		S			
<i>Restaurant, cafe</i>			S		S			

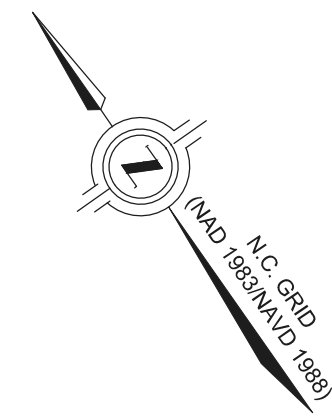


BRUNSWICK COUNTY
NORTH CAROLINA

I, Kenneth W. Knott, certify that this As-Built Survey was field located and drawn under my direct supervision; the subject parcel is referenced in the Brunswick County Register of Deeds in Deed Book 3683, Page 327 and Map Book 81, Page 43; that the boundaries not surveyed are shown as broken lines from referenced record information; that this survey does not meet NCGS 47-30 standards and is not for recordation, conveyance or sales.

PRELIMINARY

N.C. PROFESSIONAL SURVEYOR L-5353



SURVEY NOTES:

1. This As-Built survey is derived from information gathered by an actual field survey made by this office February, 2023.
2. Horizontal & Vertical datum used for this project is NAD 1983/NAVD 1988.
3. All distances are horizontal ground measurements unless otherwise noted.
4. All areas computed by coordinate computation method.
5. The nature of this survey is to depict Existing Conditions at Shops at Maritime Lot 2 Revised.
6. Subsurface utility investigation was not performed as a part of this project.
7. Any encumbrances or easements regarding canals, drainage, conservation, mineral rights, ingress / egress, access, utility or maintenance are at the discretion of the title attorney to report for this project. This office assumes no liability into the interpretation as to whether encumbrances, easements, or right-of-ways currently exist. This survey was performed without the benefit a full current title report and is subject to any Right-of-Ways, encumbrances or easements a full title report may reveal.
8. Existing monumentation recovered in the field was held to re-establish the perimeter boundaries of the subject tract.
9. A portion of the property shown hereon lies within FEMA flood hazard zone "SHADED X" 0.2% Chance Flood Hazard & "AE", BFE 8' per FEMA Map # 3720300400L, effective date August 28 2018.
10. The Roof Peak of Building #1 is 20.8' & Building #2 is 20.9' above the Lowest Grade on the Property which is an Elevation of 6.0' NAVD 1988.

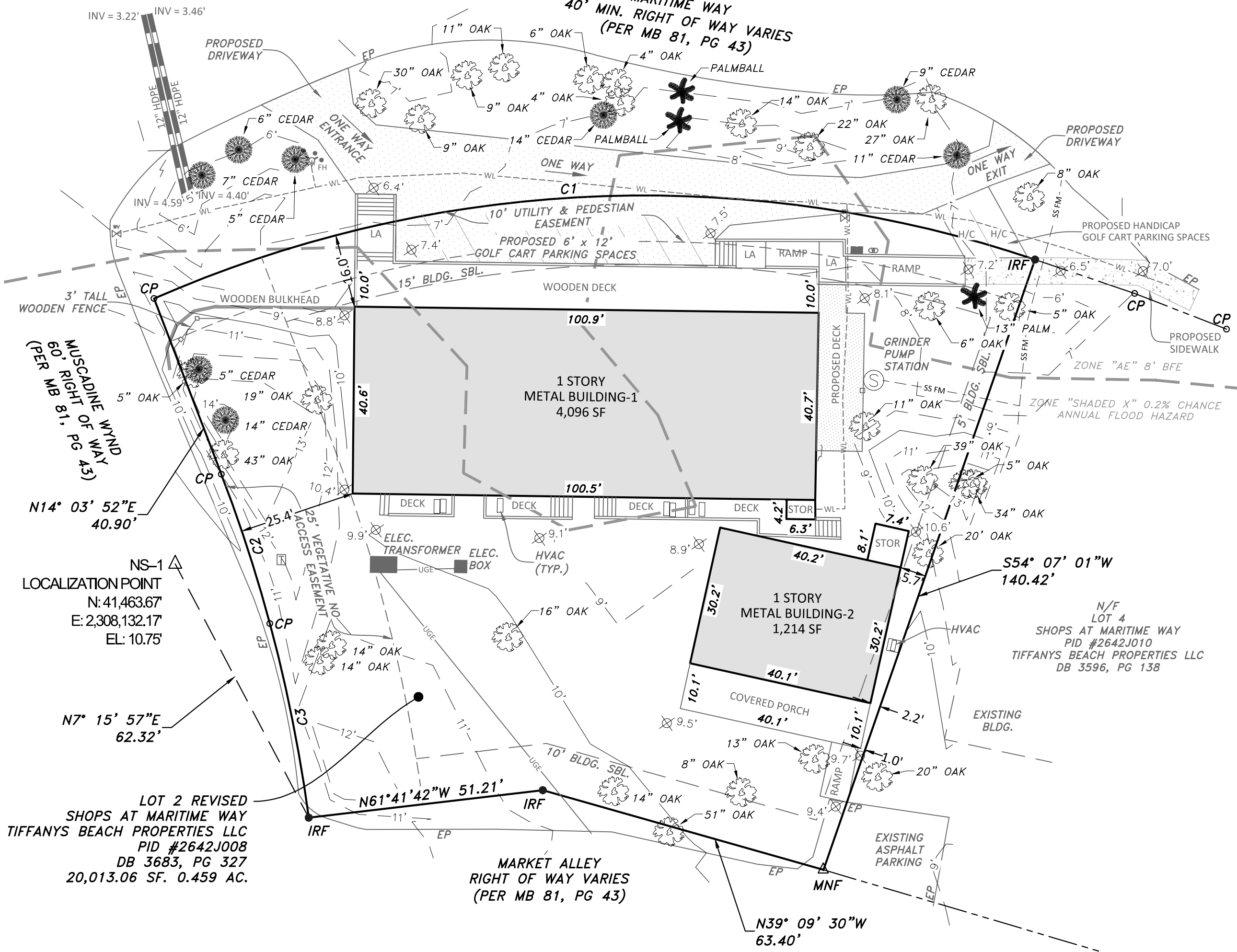
GEODETIC CONTROL TIE
PUBLISHED STATE PLANE
COORDINATES NGS "BSI 23"
NORTHING= 47,173.44' (NAD 1983 / 2011)
EASTING= 2,302,926.88' (NAD 1983 / 2011)
ELEVATION= 12' (NAVD 1988)

**OBSERVED STATE PLANE
COORDINATES**
NORTHING= 47,173.387' (NAD 1983 / 2011)
EASTING= 2,302,926.924' (NAD 1983 / 2011)
ELEVATION= 12.07' (GEOID-12B)

"BSI23" TO "NS-1"
OBSERVED GRID
S 42°21'14" E 7,726.28'

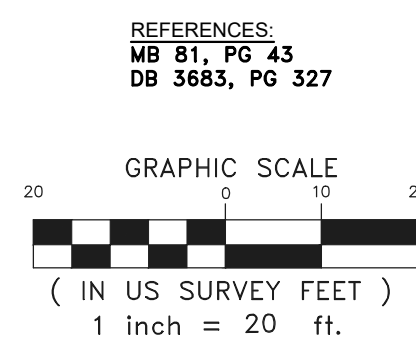
LEGEND

- N/F.....NOW OR FORMERLY
- CP.....COMPUTED POINT
- NS.....NAIL SET
- IRF.....IRON REBAR FOUND
- MNF.....MAG NAIL FOUND
- MNS.....MAG NAIL SET
- SBL.....SETBACK LINE
- EP.....EDGE OF PAVEMENT
- MNS.....MAG NAIL SET
- LA.....LANDING AT STEPS/RAMP
- STOR.....STORAGE ROOM
- FH.....FIRE HYDRANT
- WL.....WATERLINE
- UGE.....UNDERGROUND ELECTRIC
- SS FM.....SANITARY SEWER FORCEMAIN
-IRON REBAR FOUND
-IRON REBAR SET
-COMPUTED POINT
- △.....MAG NAIL FOUND
- △.....NAIL SET
-TELEPHONE PEDISTAL
-WATER METER
- ⊗.....EXISTING WATER VALVE
- ⊗.....EXISTING FIRE HYDRANT
- ⊗.....GRINDERPUMP STATION
- ⊗ 7.5'.....EXISTING SPOT ELEVATION
- ...LINE NOT SURVEYED
- ...BOUNDARY LINE
- ...RIGHT OF WAY
- ...SETBACK LINE



**LOT 2 REVISED
SHOPS AT MARITIME WAY
TIFFANYS BEACH PROPERTIES LLC
PID #2642J008
DB 3683, PG 327
20,013.06 SF. 0.459 AC.**

SET BACKS PER BHI LIMITED PD-2C:
FRONT SETBACK - 15'
SIDE SETBACK - 5'
SIDE SETBACK ON CORNER - 15'
REAR SET BACK 10'



Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	196.08	264.96	42.40	S57° 32' 19"E	191.64
C2	34.04	330.00	5.91	N16° 59' 16"E	34.02
C3	43.07	330.00	7.48	N23° 40' 52"E	43.04

AS-BUILT SURVEY FOR THE PROPERTY OF:
TIFFANYS BEACH PROPERTIES LLC
LOT 2 REVISED
THE SHOPS AT MARITIME WAY
BALD HEAD ISLAND, SMITHVILLE TOWNSHIP
BRUNSWICK COUNTY, NORTH CAROLINA



DATE 2/13/23	SCALE 1" = 20'
DRAWN BY J.T.P.	CHECKED BY K.W.K.
REVISIONS	
-DESCRIPTION- AS-BUILT SURVEY	
SHEET 1 OF 1	

PROFESSIONAL LAND SURVEYING SERVICES BY:
ESP ASSOCIATES, INC
SUBSURFACE · HYDROGRAPHIC · MOBILE · GEOMATICS
211 Racine Drive, Suite 101
Wilmington, North Carolina 28403
(910) 444-3899 / www.espassociates.com / License # F-1407



VILLAGE OF BALD HEAD ISLAND
Council Meeting
Agenda Item

Agenda Item:	New Business 5.2
Date:	2/19/2025

Issue: Hearing on Special Use Application Case SUP-2025-03 – 96 Keelson Row
Department: Development Services
Contacts: Jae Kim, Assistant Village Manager
Stephen Boyett, Development Services Director

Attachments:

- 1) Maps : Aerial Map, Zoning Map, Future Land Use Map
- 2) Application
- 3) Public Hearing Notice
- 4) Letter to Adjoining Property Owners
- 5) List of Adjoining Property Owners
- 6) Reference to Village Ordinance (Permitted Uses Table)

Application No. SUP #2025-03

Applicant: Harper Peterson
South Water LLC

Property Location: 96 Keelson Row
Bald Head Island, NC 28461

Parcel Number(s): 2601B113

Zoning District: Planned Development 3 C (PD-3C)

Surrounding Zoning **North:** PD-3C **South:** PD-3C
 East: PD-3C **West:** PD-3C

Current Use of Property: Retail with Bar

Requested Use of Property: Restaurant

Description of Request: A special use permit application was submitted to the Village on January 31, 2025.

The location of the proposed restaurant is 96 Keelson Row which is located on the southeast corner of the BHI marina opposite Jules' Salty Grub & Island Pub.

Site and Area Description: Bald Head Island has three primary commercial area overlays and the subject property is located in the Marina/Harbour District in the marina development area. If this property is developed, it will need to meet the Bald Head Island Commercial Design Standards.

Zoning District Information and Surrounding Land Uses: This section of the centrally located commercial zoning district (PD-3C: planned development 3 commercial district) is established as a district in which the principal use of land is for mixed use which includes residential uses, commercial services, offices, marina and marina related uses, club facilities, transient inn uses and leisure activities and their attendant uses. Furthermore, it is the intent of this district to encourage the construction and continued use of land necessary for the embarkation and debarkation of ferry passengers.

Many of the existing land uses in the immediate area include:

- Commercial (retail services)
- Lodging facilities (including inn, hotel, and motel)
- Marina, and marina related
- Restaurant, cafe

Examples of uses permitted by right within the PD-3C zoning district include, but are not limited to the following:

- Clinics (medical services)
- Commercial (retail services)
- Government offices and facilities
- Library
- Lodging facilities (including inn, hotel, and motel)
- Marina, and marina related
- Offices (other than real estate)
- Real estate offices
- Trailer, construction (on job site)
- Trailer, passenger
- Trailer, tow
- Utility Services (public or private)

Examples of uses permitted by special use permit include the following:

- Bar, lounge, tasting room, tavern, wine shop
- Brewery, cidery, distillery, winery
- Restaurant, cafe
- Recreational facilities
- Utility facilities, public or private

Long Range Plan: The Brunswick Blueprint 2040 Plan was adopted on April 21, 2023, and provides guidance for future development on the island. More restaurants were submitted as an idea for land use when islanders were surveyed for the plan. The Future Land Use Map has designated the subject property as Commercial.

Staff Analysis: Staff have determined that the application packet is complete and has provided a staff report that sets out relevant background materials and the standards the

Planning Board must follow in making a quasi-judicial determination. Staff are not required to provide a recommendation on whether to grant or deny a Special Use Permit. In this instance, Staff makes no specific recommendation but is available to present evidence in the form of responses to questions from the Planning Board or other parties to the hearing.

The final site plan has been reviewed and approved by the Development Services Director (Stephen Boyett). Village ordinance Section 32-128 Site Development Plan as required by the SUP application was confirmed to be completed in full by the Development Services Director as submitted in the final site plan on 1/31/2025.

REQUIRED FINDINGS FOR A SPECIAL USE PERMIT: Special Use Permits (SUP) require the Planning Board to follow a quasi-judicial process. With respect to SUPs this means the Planning Board must exercise discretion in determining whether a specific use request, which has been deemed by Village Council to be generally compatible with the land uses permitted by right in a zoning district, should be approved following individualized review of the location, design and configuration proposed for development. Special Use Permits ensure the appropriateness of the use at a particular location within a given zoning district. The Planning Board shall consider the application, supporting documents, the site plan, and examine factual evidence presented at the hearing in determining whether a set of standards that have been approved by the North Carolina Courts have been met.

In granting or denying the Special Use Permit, the board shall consider whether:

1. The use will materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved.
2. The use meets all required conditions and specifications.
3. The use will substantially injure the value of the adjoining property, or, in the alternative, whether the use constitutes a public necessity.
4. The location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and be in general conformity with any comprehensive plan that has been adopted and any other officially adopted plan this applicable to the area.

The Special Use Permit, if granted, shall include approval of the final site plan. The Board may place conditions on the use as part of the approval to protect the public and ensure that the standards above are complied with. All conditions shall become part of the SUP approval and shall be included/illustrated on the final site plan to indicate the applicant's consent. The SUP shall run with the land and shall be binding on the original applicants, their heirs, successors and assigns. Violations of the SUP, including any conditions placed thereon, shall be treated as a violation of the local zoning ordinance.

Minor field alterations or minor revisions to an approved SUP may be approved by the Administrator if the intent of the standards established with the original approval are still met and the alterations/revisions are limited to changes that do not increase the intensity, density,

or character of the use. If the Administrator determines that the change is not minor, the Planning Board must approve the alterations/revisions. Please reference the Village Ordinance in Section 32-254 for guidance.

This decision of the board is effective upon filing the written decision with the Clerk to the Board. Decisions of the Planning Board shall be appealed to the Brunswick County Superior Court within 30 days of the final decision.

Special Use Permit Worksheet and Suggested Motion(s):

Planning Board is required to make certain Findings of Fact and draw appropriate Conclusions therefrom. At the end of the hearing a Motion or set of Motions should be made to approve or deny the application based on the Findings of Fact and Conclusions of the Planning Board. If conditions are to be included in a grant of the permit, they should be specifically stated. This worksheet is intended to help staff prepare an appropriate order for signature following the hearing. This is not the final order. It is a guide for getting to that point.

Findings of Fact

1. A quasi-judicial public hearing was held by the Village of Bald Head Island Planning Board on Special Use Permit request SUP #2025-03. A quorum of the Planning Board was present and participated in the hearing.
2. [PROPERTY DESCRIPTION/LOCATION].
3. Applicant was a party to the hearing. [APPLICANT RELATIONSHIP TO THE PROPERTY. INFORMATION ON PERSONS REPRESENTING APPLICANT].
4. The Village of Bald Head Island was a party to the hearing. [NAME AND TITLE OF STAFF PERSON] presented Staff Report and responded to questions of the Planning Board.
5. The information presented in the Staff Report is incorporated by reference.
6. [LIST OF ANY OTHER PARTIES PRESENTING RELEVANT EVIDENCE.]
7. All parties and all witnesses were sworn in.
8. [ADD FINDINGS OF FACT TO SUPPORT CONCLUSIONS LISTED BELOW].

Conclusions

1. The application for SUP #2025-03 was complete as submitted.
2. The hearing on SUP #2025-03 was properly advertised and noticed.
3. The Planning Board had authority to hear the application under the Village Codes of Ordinances and State law.
4. All parties were properly before the Planning Board and all evidence presented herein was under oath and was not objected to by any party. All evidence relied upon was credible and reliable.

5. [REQUESTED SPECIAL USE] (is/is not) a use within the [ZONING DISTRICT] as indicated by the Village of Bald Head Island Table of Permitted Uses.
6. SUP #2025-03 if completed as proposed, (will comply with all/will not comply with one or more) requirements of the zoning ordinance. [IF NOT, SPECIFY THE REQUIREMENT.]
7. SUP #2025-03 (will/will not) materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted because [SPECIFY HOW.]
8. SUP #2025-03 (will/will not) meet all required conditions and specifications because [SPECIFY HOW].
9. SUP #2025-03 (will/will not) substantially injure the value of adjoining or abutting property because [SPECIFY WHY].
10. SUP #2025-03 (will/will not) be in harmony with the area in which it is to be located and be in general conformity with any comprehensive plan that has been adopted or any other officially adopted plan because [SPECIFY WHY].
11. SUP #2025-03 (does/does not) meet all the required standards and should be (granted/denied) based on the reasons established above.
12. [SUP #2025-03 does not meet all the required standards but can meet the standards and be granted with appropriate conditions, as follows: [LIST CONDITIONS]].

Suggested Motions

- 1) I move that Special Use Permit SUP #2025-03 be (granted/denied/granted with conditions) based upon the application, the presentations and legal arguments made by the parties, and the competent, material, and substantial evidence submitted during the hearing and summarized in the Record for this matter.

[IF CONDITIONS] I further move that Special Use Permit SUP #2025-03 be granted subject to the following conditions: [LIST CONDITIONS].

- 2) I move that Village Staff is authorized to prepare a written Order setting out the Findings of Fact and Conclusions summarized today, and any other necessary material drawn from the Record to support the decision reached by the Planning Board, for execution by the Chair of the Planning Board within 15 days from the date of the close of this hearing.

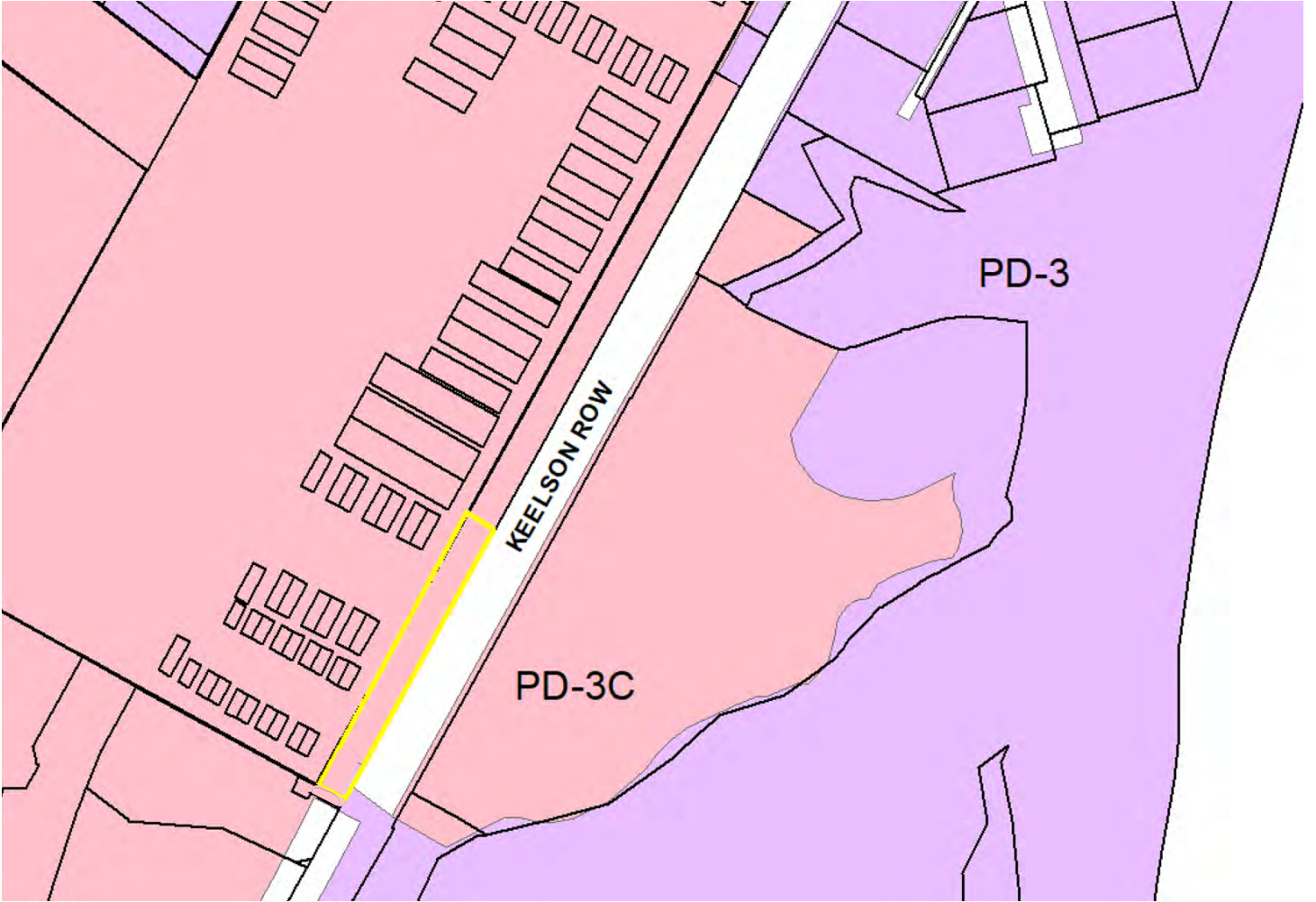
ATTACHMENT 1

Aerial Map



ATTACHMENT 1

Zoning Map



ATTACHMENT 1

Future Land Use Map



Lot is marked with the YELLOW dot.

Full map on Page 12 & 13 here: [Section-6---Municipal-Guidance-PDF](#)

Legend:

-  Bald Head Island Town Limit
- Parcels Bald Head Island**
- Future Land Use**
-  Open Space - Conservation 1
-  Open Space - Conservation 2
-  Open Space - Recreation
-  Low Density Residential
-  Medium Density Residential
-  Medium Density Residential - Mixed
-  Commercial
-  Town Utility

SPECIAL USE PERMIT APPLICATION INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Village's website or disclosed to third parties.

Application #: _____ Submittal Date: 1/31/25
Fee Paid \$ _____ Check # _____

APPLICANT/AGENT INFORMATION

Applicant Name(s): Harper Peterson
Address: 5 S Water St
City: Wilmington State: NC Zip: 28401
Phone: 910-616-1000 Fax: _____
E-mail Address: hpeterson3@ec.rr.com

OWNER INFORMATION

Owner Name(s): South Water LLC
Address: 5 S Water St
City: Wilmington State: NC Zip: 28401
Phone: 910-616-1000 Fax: _____
E-mail Address: hpeterson3@ec.rr.com

PROPERTY INFORMATION:

Address/Location: 96 Keelson Row, Bald Head Island, NC 28461 PID#2601B113
Current Use: RETAIL, WITH Will o THE WISP BAR
Zoning District: PD3C
Proposed Use: Food Service

Description of Proposed Use of the Property:

Change Existing Sail Shop/Will o The Wisp into Kitchen with Pizza Oven

AGENT AUTHORIZATION FORM

Application #:

Submittal Date: 1/31/25

Riverside Adventure Company

is the owner* of the property for which the attached

application is being submitted:

- Land Use Amendment
- Rezoning
- Special Use Permit
- Site Plan
- Subdivision
- Variance
- Other: _____

The property address is: 96 Keelson Row, BHI 28461

The agent for this project is: Bruce Marek, P.E.

I am the owner of the property and will be acting as my own agent

Agent Name: Bruce Marek, P.E.

Address: 5489 Eastwind Rd, Wilmington 28403

Telephone Number: 910-228-2484

E-Mail Address: marekyd@ec.rr.com

Signature(s) of Owner(s)*

Type or print name

Date

Type or print name

Date



Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Brunswick County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature.

53.23'

S59°54'00"E

9+50

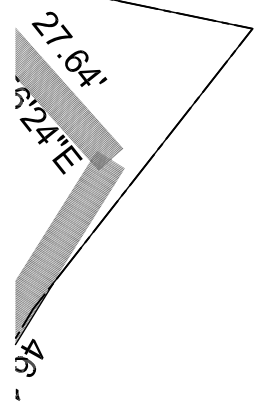
10+00

11+00

12+00

12+75

13+00



M4

MILL
O' THE
WISP
GAZEBO

MILL
O' THE
WISP
FERGOLA

THE SAIL SHOP

CAMA LOR APPROVED RAISED DECK EXTENSION 2'X3'6"

CAMA LOR REQUEST 6" WOOD BOARD WALK 35-18 REV 1

Boileroom

N29°04'43"E 1153.76'

Elect Panels
Transformer

GAZEBO

5-6-06 CAMA 14
CUPOLA/RANGE L

CB

KEELSON ROW

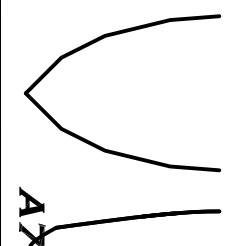
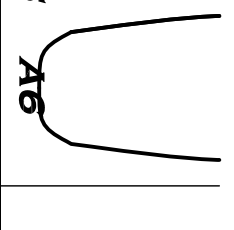
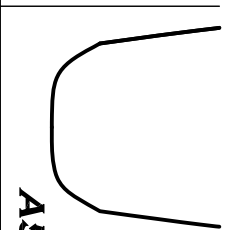
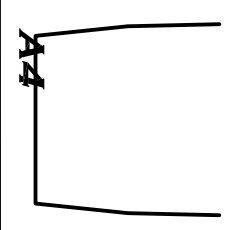
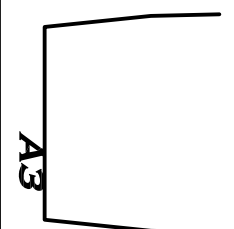
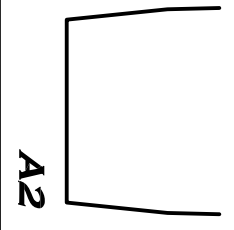
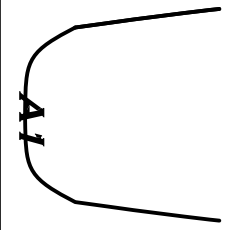
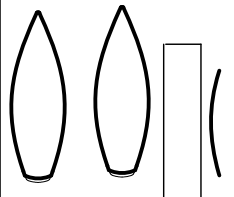
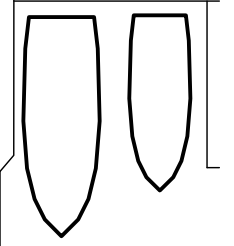
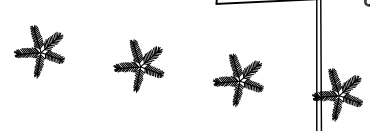
CB

CB

4' CONCRETE SIDEWALK

TMH

4' CON



A

A1

A2

A3

A4

A5

A6

A7

N

B

12/11/15

12-11-2015
8092, 8096
Brunswick County, NC Register of Deeds - page 2 of 2

PROFESSIONAL LAND SURVEYING SERVICES BY:
E.S.P. ASSOCIATES, P.A.
GEOMATICS - MOBILE - HYDROGRAPHIC - SUBSURFACE
211 Redne Drive, Suite 101
Wilmington, North Carolina 28403
(910) 313-6648 / www.espsurvey.com / License # C-0587

ADJACENT TO KEELSON ROW, BALD HEAD ISLAND, BRUNSWICK COUNTY
BALD HEAD ISLAND LIMITED, LLC.
RECOMBINATION OF LANDS BELONGING TO:

RECOMBINATION OF LANDS BELONGING TO:
SMITHVILLE TOWNSHIP, NORTH CAROLINA

SCALE
1" = 40'
DATE: 11-08-15
DRAWN BY: R.A.P.
CHECKED BY: R.A.P.
REVISIONS

RECOMBINATION
-DESCRIPTION-
SHEET
2 OF 2

2482

GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.

PRIMARY STATE PLANE
AZIMUTH CONTROL COORDINATES
GCS TBM TN "G1"
NORTHING= 47,467,086.0
EASTING= 2,303,658.0220
GCS TBM TN "G2"
NORTHING= 47,410,791.0
EASTING= 2,303,228.0580

LEGEND
--- DEED BOOK
--- PAGE REFERENCE
--- REINFORCED CONCRETE PIPE
--- 100.00' DENOTES PARTIAL DISTANCE
--- ELECTRICAL SUBSTATION
--- STORAGE BOX
--- PILING CLUSTER
--- ANIL SET
--- TYPICAL
--- FIBER OPTIC COMMUNICATION LINE
--- NEW IRON PIN SET, 5/8" REBAR
--- EXISTING CONCRETE MONUMENT
--- EXISTING IRON PIPE
--- EXISTING ROW STAKE
--- TYPICAL TELEPHONE PESTAL
--- POWER POLE
--- LINE NOT SURVEYED
--- EASEMENT (RIGHT-OF-WAY)
--- OTHER REFERENCE LINE

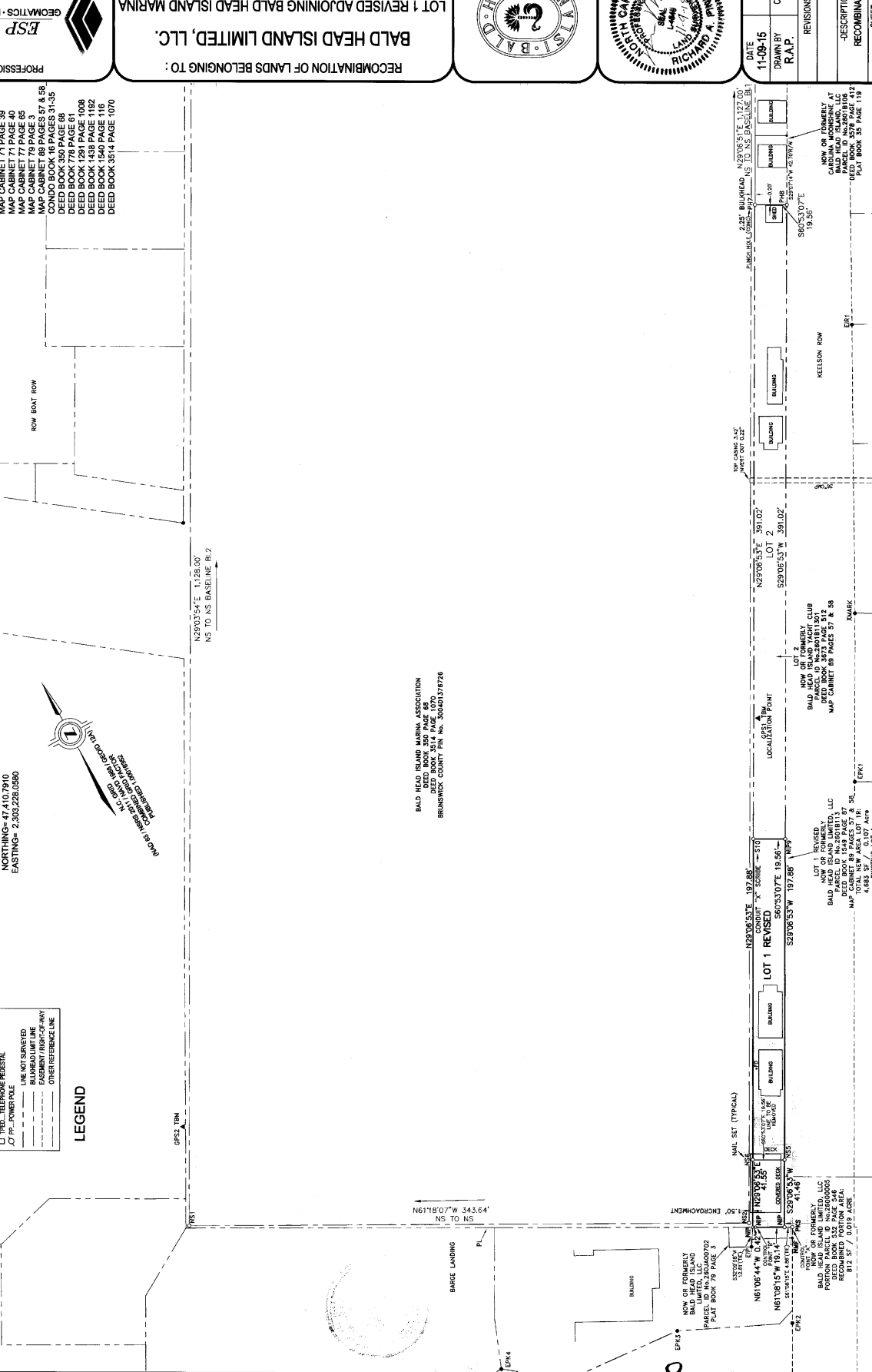
ADDITIONAL REFERENCES
MAP CABINET'S PAGE 142
MAP CABINET 17 PAGE 176
MAP CABINET 21 PAGE 79
MAP CABINET 21 PAGE 500
MAP CABINET 22 PAGE 211
MAP CABINET 22 PAGE 19
MAP CABINET 42 PAGE 10
MAP CABINET 69 PAGE 73
MAP CABINET 71 PAGE 39
MAP CABINET 71 PAGE 40
MAP CABINET 76 PAGE 9
MAP CABINET 76 PAGE 15
MAP CABINET 88 PAGES 57 & 58
CONDO BOOK 350 PAGES 88
DEED BOOK 778 PAGE 81
DEED BOOK 1438 PAGE 108
DEED BOOK 1438 PAGE 1182
DEED BOOK 1540 PAGE 116
DEED BOOK 3514 PAGE 1070

ROW BOAT ROW

BRUNSWICK COUNTY REGISTERED PROFESSIONAL SURVEYOR
R.A. PETERSON, P.E.
11111 BRUNSWICK BLVD., SUITE 100
GREENSBORO, NC 27409
PHONE: 336-733-1111
FAX: 336-733-1112
www.ra-peterston.com

BALD HEAD ISLAND MARINA ASSOCIATION
DEED BOOK 3514 PAGE 1070
BRUNSWICK COUNTY PIN No. 3040131728

NS TO MS BASELINE B. 2
N29°03'54"E 1,128.00'



LOT 1 REVISED
N29°06'53"E 197.88'
S60°53'07"E 19.85'
S29°06'53"W 391.02'
S29°06'53"W 391.02'
N29°06'53"E 391.02'
N29°06'53"E 1,127.00'
S60°53'07"E 19.85'
S29°06'53"W 391.02'

Recorded in the Brunswick County Registry at Plat Cabinet _____, Slide _____

map 02 Page 66

12/11/15

KH



Village of Bald Head Island Notice of Special Meeting and Public Hearings

**Planning Board
Wednesday, February 19, 2025, at 10:00 a.m.**

Public Notice is hereby given that the Village of Bald Head Island Planning Board will hold a special meeting on Wednesday, February 19, 2025, at 10:00 a.m. in the multi-purpose room of the Department of Public Safety (located at 273 Edward Teach Wynd) for the following purposes:

- To continue deliberation, after conducting a quasi-judicial hearing on January 10, 2025, on an application for a Special Use Permit for a proposed restaurant at 87 Keelson Row (Parcel ID #2601B065).
- To hold a Public Hearing, following quasi-judicial procedures on an application for a Special Use Permit for a proposed distillery at 2 Maritime Way (Parcel ID #2642J008).
- To hold a Public Hearing, following quasi-judicial procedures on an application for a Special Use Permit for a proposed restaurant at 96 Keelson Row (Parcel ID #2601B113).

If you would like additional information, you may contact Deputy Village Clerk Carin Faulkner at (910) 457-9700 ext. 1025 or public.information@villagebhi.org.

Carin Z. Faulkner
Deputy Village Clerk

Posted : 2/7/2025



The Village of Bald Head Island

February 7, 2025

Notice of Public Hearing Planning Board

To Whom it May Concern:

The purpose of this letter is to notify you of an upcoming public hearing, following quasi-judicial procedures on an application for a Special Use Permit to develop and operate a restaurant in the PD-3C Zoning District. The restaurant is proposed at 96 Keelson Row (Parcel # 2601B113) Bald Head Island, NC. Please see the enclosed public notice for further details on this hearing.

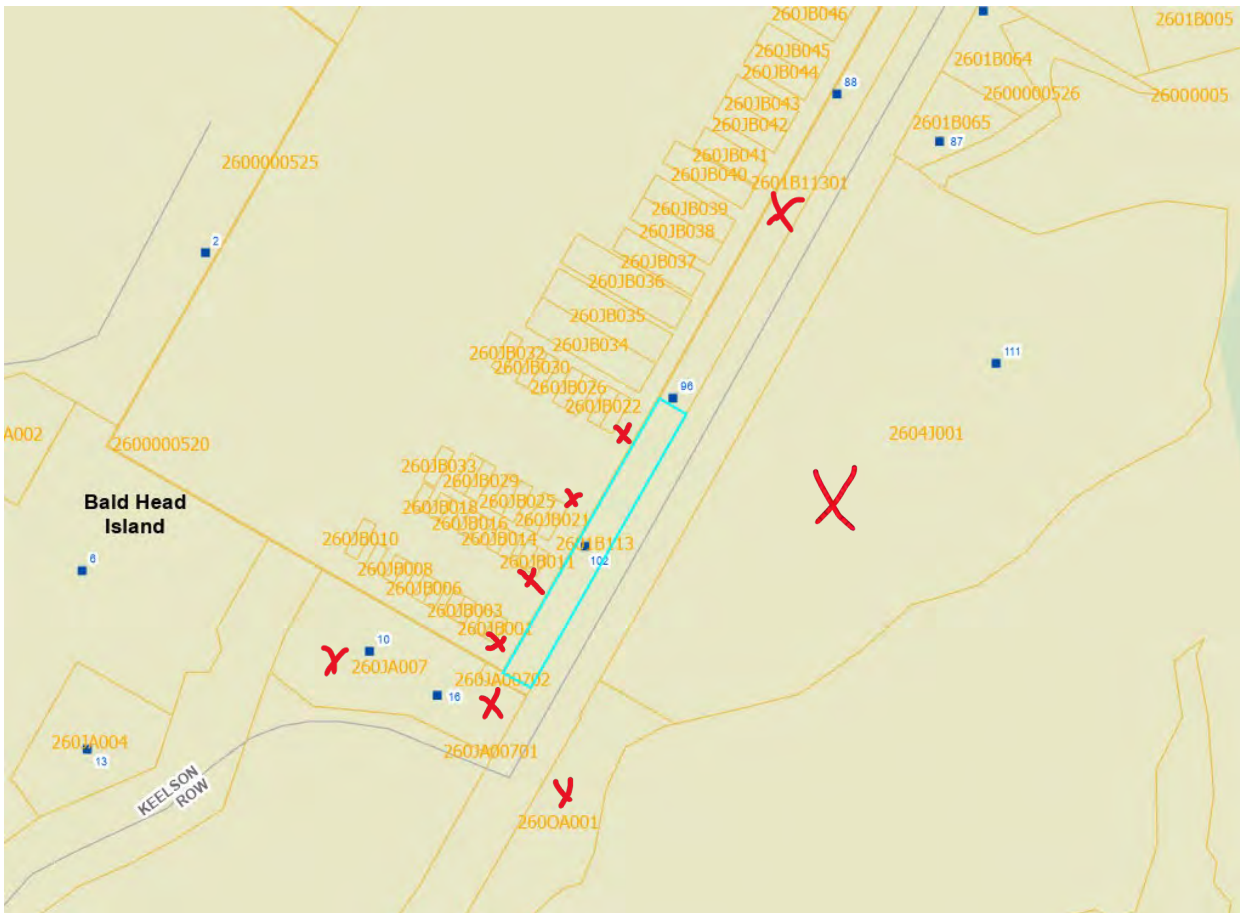
The link to the agenda and associated documents for this meeting will be posted on this webpage:

<https://villagebhi.org/village-government/boards-committees/planning-board/>

If you have any general questions, you may call Carin Z. Faulkner, Deputy Clerk at 910-457-9700 ext. 1025 or via email at public.information@villagebhi.org.

Sincerely,

Stephen Boyett
Development Services Director



2601B11301

BALD HEAD ISLAND YACHT CLUB
 PO BOX 3029
 BALD HEAD ISLAND, NC 28461

260JA00702

BALD HEAD ISLAND LIMITED LLC
 PO BOX 3069
 BALD HEAD ISLAND, NC 28461-7000

260JA007

HARBORITAVILLE SHOW CORP
 10 MARINA WYND
 BALD HEAD ISL, NC 28461

2604J001 (do not send – received application)

VILLAGE OF BALD HEAD ISLAND THE
 PO BOX 3009
 BALD HEAD ISL, NC 28461-7000

260OA001 (duplicate)

BALD HEAD ISLAND LIMITED LLC
 PO BOX 3069
 BALD HEAD ISLAND, NC 28461-7000

260JB001

RIVERSIDE ADVENTURE CO
 PO BOX 864
 WILMINGTON, NC 28402-0864
 (n/a – applicant)

260JB011

MC GEOUGH MARK A ETUX
 MC GEOUGH SARAH L
 15902 KNOX HILL RD
 HUNTERSVILLE, NC 28078-5693

260JB021

JACKSON PROPERTIES OF BRUNSWICK INC
 PO BOX 3045
 BALD HEAD ISL, NC 28461-7000

260JB020

ESMERALDA HOLDINGS LLC
 5426 SHARON VIEW ROAD
 CHARLOTTE, NC 28226-0716

ATTACHMENT 6

REFERENCE TO VILLAGE ORDINANCE

(Permitted Uses Table)

Sec. 32-126. Permitted and special uses.

The following uses are listed as permitted (P) or special (S) use in each zoning district. Prohibited uses are either not listed or a blank section shall be the only uses to which any land or structures located thereon shall be put and shall be the exclusion of all other uses w as permitted by Sec. [32-255](#). (See article VII of this chapter for provisions governing special uses and commercial filming activity.)

<i>Uses</i>	<i>PD-1</i>	<i>PD-2</i>	<i>PD-2C</i>	<i>PD-3</i>	<i>PD-3C</i>	<i>PD-3C-1</i>	<i>PD-4</i>	<i>NC</i>
Offices, other than real estate			P		P	S		P
Pre-manufactured structure			P					
Real estate offices			P		P	S	S	P
Recreational facilities	S	S	S	S	S	S	S	
Restaurants, cafes, and other food services (limited to club)	P		P		S			
Trailer, construction (on job site)	P	P	P	P	P	P	P	P
Trailer, food service			S					
Trailer, passenger			P		P			



VILLAGE OF BALD HEAD ISLAND
 Planning Board Meeting
 Agenda Item

Agenda Item:	New Business 5.3
Date:	2/19/2025

Issue: Proposed Text Amendment to the Maximum Building Height Requirement in the PD-2C Zoning District
Department: Development Services
Contacts: Stephen Boyett, Development Services Director
Attachments: 1) Zoning Map (Click [HERE](#))
 2) Statement of Consistency

Background: Staff is proposing a text amendment to change the maximum single-family (SF) building height requirement in the PD-2C Zoning District from 45' to 35'.

Sec. 32-127. Dimensional density and structure requirements.

(a) *Dimensional requirements by district.* The dimensional requirements table (Table 1 of this section) lists dimensional density maximums and minimum structure requirements for each zoning district.

(b) *Corner visibility.* No planting, fence or other obstruction to visibility at elevations of three to seven feet above street level shall be erected, maintained or allowed to exist within 15 feet of the intersection of any street right-of-way lines.

Table 1: Dimensional Requirements

Residential:

<i>Dimension Requirements for Dwelling Units</i>	<i>PD-1</i>	<i>PD-2</i>	<i>PD-2C</i>	<i>PD-3</i>	<i>PD-3C</i>	<i>PD-3C-1</i>	<i>PD-4</i>	<i>NC</i>
(SF/MF)								
Minimum Side Yard Setback on Corner Lots	15'	15'	15'		15'	10'	25'	20'
Minimum Rear Yard	10'	10'	10'		5'	10'	10'	15'
Maximum Building Height (1) (SF/MF)	35'/45'	35'/45'	45' 35'/45'		50'	45'	35'	35'
Maximum Lot Coverage (2)	25%							30%

Recommendation:

Staff recommend approval of the proposed amendment as it conforms residential single-family development in the PD-2C zoning district with what is permitted in the PD-1 and PD-2 zoning districts. Staff recommends maintaining the 45' maximum height for multi-family residential in PD-2C consistent with what is permitted in the PD-1 and PD-2 zoning districts. This recommendation does not affect the maximum height for non-residential development in PD-2C.

Staff also believes this change is consistent with the following policies in the Brunswick Blueprint 2040 Plan (adopted on April 21, 2023).

- "Living in harmony with nature" is how BHI was originally created, and the nature and cultural assets of the island are prominent features of the community. The environment was ranked number two as far as goals for future development (Page 176 and 182). Limited building heights promotes this harmony.
- Policy Recommendation #7, Examine the regulatory framework, includes consideration of possible zoning ordinance updates regarding new development in commercially zoned areas. (Page 186).
- Recommended Action Plan Item 1: "Clarify the rules that control new development." In reviewing the ordinances Staff believes the existing maximum single-family building height of 45' in the PD-2C zoning district may have been an oversight. Making it 35' consistent with other areas of the island clarifies development for builders. (Page 187)

Staff recommend that the Planning Board consider the proposed amendment and staff's recommendations and advice and comment on whether the proposed amendment is consistent with the Village's comprehensive plan (Blueprint Brunswick 2024) and provide written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board.

A sample "Zoning Statement of Consistency and Recommendation" is attached to this report. The statement of consistency is the suggested motion that a Planning Board member should make, and an explanation should be included in the motion.

Village of Bald Head Island Planning Board Zoning Statement of Consistency and Recommendation

Prior to consideration by the governing board of the proposed zoning amendment, the planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive or land-use plan. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. G.S. 160D-604.

Proposed Zoning Amendment: Change the maximum single-family building height requirement in the PD-2C Zoning District from 45' to 35' in Table 1: Dimensional Requirements in Section 32-127 of the Village Code of Ordinances.

Statement of Consistency: Pursuant to Section 160D-604 of the North Carolina General Statutes and Section 32-83 of the Village Code of Ordinances, the Village of Bald Head Island Planning Board hereby recommends that the proposed zoning amendment is consistent with the comprehensive zoning goals of the Village, including as set forth in its comprehensive plan (Blueprint Brunswick 2040) and any other applicable plans and policies adopted by the Village that are identified below.

Explanation of Recommendation: The Planning Board finds its recommendation is reasonable and in the public interest because it makes the maximum height for single-family residential development in the PD-2C zoning district consistent with what is allowed in other zoning districts that often abut PD-2C. It also promotes the Village's stated goal of promoting development that is in harmony with nature.

The Planning Board considered and approved this Statement of Consistency and Recommendation at its meeting on February 19, 2025 by a vote of ___ to ___.

By: _____
Chair, Planning Board