

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

**September 11, 2025
1:00 P.M.**

AGENDA

1. Call to Order
2. Roll Call
3. Amendments to Agenda/Approval of Agenda
4. Approval of Minutes – January 10, 2025 & February 19, 2025
5. Organizational Items
 - 5.1 Oath of Office – Chris Webb (alternate member)
 - 5.2 Nomination and Election of Chair
 - 5.3 Nomination and Election of Vice Chair
6. New Business
 - 6.1 - Administrative Process
 - 6.1.1- Review and Make Recommendation on BHI Marina Parcels A & B Subdivision Preliminary Plat Submission
 - 6.2 – Legislative Process
 - 6.2.1 - Review and Make Recommendation on a staff Proposed Text Amendment to Subdivision Ordinance (Sec. 26-124) Clearing Height
7. Staff Reports
8. Adjournment



The Village of Bald Head Island

Planning Board Special Meeting Minutes

Friday, January 10, 2025

1:00 p.m.

Multipurpose Room of the Department of Public Safety Building

PRESENT: David Wray (Chair), William “Zan” Pope (Vice Chair), Chris Webb, Elizabeth Hervey Stephen, Marianna Fitz-Hugh (remote), James Clark (remote), Development Services Administrator Stephen Boyett, Village Manager Chris McCall, Assistant Village Manager Jae Kim, Village Counsel Will Quick, and Deputy Village Clerk Carin Faulkner.

NOT PRESENT: Rodney Jackson (alternate)

1. **Call to Order:** Chair Wray called to the meeting to order at 1:04 p.m.
2. **Roll Call**
3. **Amendments to Agenda/Approval of Agenda:** Chair Wray entertained a motion to approve the agenda as presented, Ms. Stephen moved, Ms. Webb seconded. The motion passed unanimously.
4. **Approval of Minutes:** Chair Wray entertained a motion to approve the November 27, 2023, and August 18, 2024, minutes as presented with corrections. Ms. Webb moved, Ms. Stephen seconded. The motion passed unanimously.
5. **New Business:**

5.1 Administrative Review and Approval

5.1.1 The Six on the Beach Subdivision Preliminary Plat:

- Mr. Quick gave background on the Planning Board’s role in this subdivision request and explained the types of land use decisions that are made in NC municipal government administrative, legislative, and quasi-judicial.

In particular, he described administrative and legislative decisions. The subdivision is an administrative decision. He said he would provide more information on quasi-judicial decisions when one comes up later in the meeting.

Mr. Quick asked if there were any questions from the board. There were no questions.

- Mr. Boyett presented the staff’s recommendation. He indicated that everything was provided by the applicant to make it a full application. It is part of the Cape Fear Station Planned Unit Development which has been approved as a commercial tract and the applicant is asking to change the use from commercial to single family use. It is comprised of 7 lots with service access. A technical review meeting was conducted with staff, which included Public Safety and Public Services. The Public Services Director specified where he wanted the utilities to be located and there was agreement on that with what is being shown in the drawings.

- The applicant (Jerry Biggs, for BHI Limited) explained that they had requested this subdivision a few years back. BHI Limited is not going to develop this property, but it wanted to ensure, as they are leaving the island, not leaving things open so that it could be developed into something Limited may not want it to. Here they are trying to establish that this is going to be a residential area. Mr. Biggs also mentioned that there is going to be a shear zone established so that nothing can be built on the hill and that the development would be down by the road.
- Chair Wray asked if there was a conflict of interest with any of the board members. There were none.
- Ms. Stephen had a few questions. She asked about the “hill” in which Mr. McCall explained is the location of the shear zone. She asked where the road would be, and Mr. McCall explained where that was on the plans. She asked if Public Safety could get to the road and Mr. Boyett explained that they would access it via Station House Way.
- Ms. Stephen commented that the lot sizes were small. Mr. McCall explained that the Planned Unit Development (PUD) allowed flexibility for smaller lot sizes.
- There was discussion about whether this tract would go through the Bald Head Association (BHA) Architectural Review Committee (ARC). Mr. McCall explained that this would not be under the BHA ARC, but a single family 22 ARC committee. The applicant acknowledged this committee.
- Chair Wray acknowledged that emails were received from the public and those were to be added to the record (Attachment A). Ms. Stephen asked to see them, and they were provided. Ms. Webb asked what the general concerns were. Chair Wray indicated that there were people opposed to the project and some confusion about the PUD. Mr. McCall explained that even though the underlying zoning district is commercial, that residential can be built here and it does not need to be rezoned. There was further discussion about the use possibly being changed back to commercial and Mr. McCall explained that under the PUD, commercial would be a higher intensity use and Council would have to approve it to change it in the PUD which is similar to a rezoning.
- Online board members were asked for comments. Mr. Clark did not have any. Ms. Fitz-Hugh attempted to speak and was not able due to connection issues (she emailed the deputy clerk who could not fix the issue on the Village’s end).
- Ms. Stephen moved that the Planning Board recommend approval of this subdivision application. Ms. Webb seconded. The motion passed unanimously.

5.2 Quasi-Judicial Procedure

5.2.1 Special Use Application Case SUP-2025-1 – 87 Keelson Row:

- Chair Wray introduced this item.
- Mr. Quick explained the quasi-judicial procedure and how it differs from other matters that come before the planning board.
- Ms. Faulkner swore in Ken Ridings, Joe Lee, Paul Kosla, and Village Staff (Jae Kim, Chris McCall, and Stephen Boyett).
- Before opening the hearing, Chair Wray gave the board members the opportunity to reveal possible conflicts and to withdraw from the proceeding if necessary.

- Chair Wray disclosed that he owns a property in the harbor on Keelson Row and feels that he can rule fairly and impartially. Ms. Webb indicated that she lives in the harbor but does not own the property. Her only financial interest is paying rent.
- Chair Wray asked the board members who have had any information or special knowledge about the case that may not come out in the hearing to please describe that information for the record so interested parties can respond. This includes communications with the applicant or interested parties about the case.
- Chair Wray disclosed that Bob McCoy, manager for the Harbour Association, discussed the procedures related to the planning board meeting with him. Mr. McCoy also emailed Chair Wray and after consulting with Mr. Boyett, Chair Wray responded with the procedures of the hearing. Sherry Beavers, president of the Harbour Association also emailed Chair Wray and he responded with an email crafted by Village Counsel. Sherry Beavers emailed Chair Wray and he responded with another email crafted by Village Counsel. Ms. Beavers emailed several times after that with information and there was no response on his part. Ken Ridding emailed Chair Wray regarding speaking for the Harbour Association and he did not respond. Julie Showalter texted Chair Wray and he responded with an email crafted by Village Counsel. Sammie Powers emailed Chair Wray and he responded with the email crafted by Village Counsel. Councilor Scott Thomas contacted Chair Wray and he discussed only the procedures of the meeting.
- Ms. Stephen disclosed that she was contacted by someone asking her opinion and she stated she was neutral.
- Mr. Pope indicated he also received those couple of emails that were forwarded to the board. Ms. Webb indicated the same.
- Chair Wray explained the proceeding and stated the following:

“In this hearing, we will first hear from the staff, then from the applicant and their witnesses, and then from any other persons with standing wanting to provide evidence. Finally, we will allow interested persons without standing to comment, but that information will not be considered by the Planning Board at this time. Parties with standing may cross-examine witnesses after the witness testifies when questions are called for.

If you want the Board to see written evidence, such as reports, maps, or exhibits, this information should be introduced during or at the end of the testimony of a witness who is familiar with the evidence. We cannot accept reports from persons who are not here to testify.

Only qualified experts in a particular discipline may testify as to their opinions; laypeople cannot testify as to opinion, only facts known to them. The controlling statutes specifically state that lay witnesses cannot testify to certain subjects by way of example. Those include how use of one property will affect the value of another property or whether increased vehicular traffic will pose a danger to public safety. If you would like a witness to be qualified as an expert on a particular topic, you must present evidence as to that person’s qualifications and the Planning Board must make a ruling on those qualifications first.

Attorneys who speak should not give factual testimony but may summarize their client’s case and ask questions of witnesses.

Before you begin your testimony, please clearly identify yourself for the record.”

- Chair Wray entertained a motion to open the hearing on Case #SUP-2025-1. Ms. Stephen made the motion. Mr. Pope seconded. The motion passed unanimously.
- Chair Wray instructed on standing determination and stated the following:

“Before we start to receive testimony, we need to determine who has standing to participate in the hearing as a party to present evidence. As a baseline, the subject property owner and any others with legal interest in the subject property, such as a lease holder, an easement holder, or someone with an option on the property have standing. Village Staff providing testimony on behalf of the Village also have standing.

For any other persons, the determination of whether you have standing depends on whether you will suffer ‘special damages’ as a result of a decision. In order to show special damages, you must provide some evidence of how you will be harmed. While an adjoining property owner usually has standing, simply living in the general vicinity of the subject property is likely not sufficient. Persons beyond the immediate adjoining property owners need to provide evidence of secondary impacts that would result from a decision on the request. Please note that a homeowners or other association organized to promote the interests of a particular area also has standing so long as at least one member would have standing.

At this time, I ask that any persons other than the applicant or Village Staff who would like to participate as a party in this matter identify themselves and present evidence as to how you have standing so that we may make a ruling.”

- Mr. Ridings indicated that he was here on behalf of the homeowners’ association. He said that the property, Lot 87, lies within the homeowner’s association and he is representing the HOA board. Mr. Quick indicated that Mr. Ridings has standing.
- Chair Wray asked for testimony from Village Staff.
- Mr. Boyett’s testimony:

“On December 4th, 2024, the Village received a Special Use Permit application for a restaurant to be located at 87 Keelson Row which is located next to the Marina Park in the PD-3C District, which is a commercial district. Some of the permitted uses by right in the PD-3C are things like clinics, retail commercial spaces, government office facilities, lodging facilities, including inns, hotels, motels, real estate offices, and then some of the examples of uses permitted by special use are bar lounge, tasting rooms, patterns, wine shops, brewery, site, distillery, restaurant, cafe, and recreational facilities.

Part of the Brunswick Blueprint, 2040 plan adopted April 21, 2023, 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 staff has determined that the packet is complete and has provided a staff report that sets out the relevant background materials and the standards in making a quasi-judicial determination. Staff are not going to be making a recommendation on whether it's a grant or deny the special use permit. In this instance staff make no specific recommendation but is available to present evidence and respond to questions from the planning board and other parties of the hearing. I would like to submit that our staff report be admitted into the evidence.”

- Chair Wray accepted the staff report as evidence (Attachment B).
- Chair Wray announced that the Board would hear from the applicant and any witnesses of the applicant. He confirmed that the applicant did not have an attorney present.
- Joe Lee's testimony:

"The idea behind this is, we're not looking for another Jules. We're looking for a restaurant similar to Mike Bites. Somewhere you can come, get a bite to eat. sit on the back porch, have a beer and enjoy the top deck looking over the creek system. It'll be the only thing that has that view, where the entire island can enjoy it and come, get a bite. Have a glass of wine to sit out. Everything we're doing is going to be very minimal. We're not going to have a huge trash compactor sitting out there like Jules. It's going to be a very minimal menu, just something to come out, have a good time and enjoy the views that we have there. And then I just want any questions I can answer for anyone to try to help. You know, in any way to get the best understanding out there."

- Chair Wray asked Mr. Lee if he had any further comments. He did not. Chair Wray asked the Board if they had any comments.
- Ms. Stephen asked how many parking spaces would be available. Mr. Lee stated there are ten on the site plan.
- Ms. Webb asked if the ten spaces are ones that are currently used or if this is 10 additional spaces. Mr. Lee stated that they are on his property according to the site plan. The site plan was provided on the meeting room screen for the audience to view.
- Chair Wray indicated that these questions are fine, but whatever decision is being made here would also go through the Commercial Review Board (CRB) and the applicant would have to meet the commercial design guidelines which include parking.
- Mr. Quick clarified that while the applicant has submitted the drawings, and they can be considered as part of the evidence today, unless the parking configuration is made a special condition of approval, the Board is simply approving the use and that Chair Wray is correct, everything will still need to go through the CRB process.
- Ms. Webb asked if it would also need to go through the Harbour Architectural Review Board (HARB). Chair Wray said yes, but that that HARB would only review what the building would look like, that the CRB would look at parking, setbacks, etc. He reminded the board that the governing body has already legislatively approved to allow this special use for this property.
- Ms. Stephen asked if this decision to allow the special use was made approximately 2 and half years ago. Chair Wray indicated that there was a rezoning request at that time for the adjacent lot (86) so that both lots were zone PD-3C. The Planning Board recommended the rezoning of that lot, but ultimately the Village Council denied the rezoning request. Ms. Faulkner showed the zoning map which indicates Lot 86 is still PD-3.
- Ms. Webb asked if the Board can take letters from adjoining property owners as evidence. Chair Wray indicated that only evidence presented at the hearing can be accepted as evidence. The owners would have to be present.
- Mr. Clark asked if the owner of lot 86 had automatic standing because they own the adjacent property. Chair Wray and Mr. Quick indicated, yes, they have standing. Mr. Clark asked if the Board had any input from the property owner. Chair Wray said that he had not heard from the property owner. Mr. Clark asked if the property owner has been notified of the special use

application. Mr. Lee indicated that he has spoken with the property owner and he is in favor. He offered to provide his phone number so that the Chair could call him. Mr. Quick indicated that staff have provided notice to the adjoining property owners. Mr. Clark commented that it is a significant fact that the party with the most direct impact by this proposal is not objected to it and through hearsay (according to the applicant) approved of it. Mr. Lee indicated that the owner of lot 86 was planning to be at this hearing but it was supposed to snow so they rescheduled their travel plans. Chair Wray confirmed that the property owner was notified and the property owner did not submit any correspondence (staff agreed). Mr. McCall asked that the record reflect the owner as Compent LLC. Chair Wray indicated that is Joe Elphick.

- Chair Wray asked if Mr. Lee had anything to add to his testimony. Mr. Lee asked Ms. Faulkner if she would scroll through the photos and requested that the Board provide any questions or thought they may have.
- There was consensus from the Board that it was not in their purview to comment on the design aspects. Mr. McCall also mentioned that the designs are subject to change.
- Chair Wray moved on to other persons who have standing. He asked Mr. Ridings if he would like to testify.
- Mr. Ridings testimony:

"I am Ken Ridings I have owned property at 6 Leeward for approximately 25 years, close to that and spent a lot of time on the island 10 years prior to that we have very close friends that had a Villa who were kind enough to let us stay. He was not on the island. So we've got quite a long history out here, and I certainly appreciate the board letting me speak on this matter on behalf of the Harbour Village Homeowners Association. None of those folks could be here, they were tied up with family surgery and one thing and the next. So I got a call from Sherry Beavers requesting that I speak on their behalf, and she indicated a good bit of this information that had come from other concerned residents as well as I've been approached by several other island residents regarding this project. I'd like to address if I could, briefly, the history of this and answer some of the questions because I was on the island a good bit of the time in the infancy of that lot being developed. Lot 86, and 87, I think, was originally called 87 A and 87 B and it was developed shortly after the Marina itself was built. It was built by the developer Limited, and the northern lot, which is now called Lot 86 was the residence of Mark Mitchell. That was obviously one of the developer's sons and he and his brothers, we all know Kent, they were hands-on management at the time. The southern lot, which is called 87 B at the time, as I recall, was owned by Stephen and Rachel Gonzalez. It was their full time, permanent residence, and the Gonzalez's also worked for Limited. Stephen was the head of Limited's IT department, which was in its infancy really at that time, but he ran that IT department out of that unit. At that time, it was all residential. I don't even know that there was zoning on the island but as the Village incorporated and started enacting zoning ordinances, it was felt that some special commercial designation should be given to that lot because the developer wanted to be compliant with the zoning ordinances. So, that's how it became one lot zoned residential, or one half the lot, really, one half the tract residential, the other half was a zoning, business with restrictions. The Gonzalez's subsequently left the island and when they did, they still maintained the property. They owned the property for a period of time. They put it on the rental market, and our family actually rented that unit 2 or 3 times for week long vacations. I love the property. It was gorgeous. The view was gorgeous, as Joey [Mr. Lee] indicated. I had actually talked to a realtor. And said you know, if it ever comes to the Mr.

Ridings testimony continued:

market, let me know. And so of course it came up about, because I was curious about the zoning issue and he showed me the planning map of the development, and I also had a conversation, several conversations actually with Mark as he was coming and going next door. The maps that were drawn at that time did not show any business development on the north side of what is now known as the Marina Park. I think the reason this is zoned business at that time was just to become compliant. The business was already there and at that time it was hard to move the IT operation, because you didn't have the plugin servers and modems and routers that you have today. So that is how that became zoned business with restrictions. The area was in my mind and what I know from conversations and the early maps never showed that as being a high traffic, high density business. Now subsequently that property was sold family to the Hankerds. They bought the property. They lived on the island. They had another residence they built. They bought the property with the intent of putting in a gift shop, and they did. They ran a gift shop out of there. I do not believe that caused a lot of angst in the community. It was not high traffic, not a lot of noise, not a lot of other issues that could come with food services. But then they decided to sell ice cream out of the gift shop, and that became a point of contention on the island. And then they ultimately, in the crofter associated with that particular unit, put in a takeout pizza operation in there. I wasn't privy to the actual proceeding at that time, but within a relatively short period of time after that the Hankerds ultimately sold their house, shut down the business, and moved off the island. They developed and sold the property back to the developer, Limited, and that's how they ended up back with the entire track. Limited tried to renovate the property. That was the plan they came in to start working on it. They discovered they had so much termite wood, rot and prior storm damage. One day they just came in and raised the entire tract. Except for the crofter and garage that stands on Lot 86, the north end of Lot 86. So that is a little recent history. As you pointed out, there was a hearing before Council involving both lots. The developer, Limited, wanted to combine both lots again into one lot. They wanted to rezone Lot 86 to full commercial use, and they wanted to remove the restrictions on Lot 87 to make it compatible for restaurant use, and that was the plan, and that had to be voted on before the Council because it was a true zoning change as opposed to this, which we're talking about restrictions. That's a little history of the lot. I was at that that meeting and listened to the arguments and provided testimony. I think the Harbour Association believes that a lot of the points brought up at that particular hearing or Council proceeding is germane to what we're talking about here today. I know that this is a quasi-judicial proceeding, and a little bit different than a normal court proceeding. And of course. I think one of the things that has to be decided that's already been pointed out by Village Counsel and the Board, that this is unlike a normal court proceeding. There's a little more latitude given to some evidence, and who can testify to some degree, but much like court proceeding, what this board today side besides, is legally binding, so that in a nutshell is what we're talking about being the difference here, and we appreciate you letting us give our opinion on this. Aside from the finding of law which has already been established that this is a perfectly proper proceeding. The Board was given a packet prepared by Ms. Faulkner and reviewed, I'm assuming by Counsel, and it not only defines what we're doing here with the letter of law, but it also gives some other things that basically says, other areas may be considered in addition to those, there's some more latitude. But I'd like to go through the 4 points that were in your packet, or the packet produced by the Village, and talk about these. And again, a lot of this, I'm not going to give opinions. I'm trying to stay away from opinions about what might happen, because nobody knows. But I'd like to talk about what exists in the Marina now, being a resident there for quite some time and being relatively close to this property. I say relatively close. I've actually measured it. My property is a is 180 feet from it, and there's some

Mr. Ridings testimony continued:

that are closer. The first is negative impact. And I'm going to paraphrase this, I think it is on the Village site. Okay, we've got it here (Ms. Faulkner pulled it up on the screen for the audience). "The use will materially endanger, the public health and safety." Well, if anybody's gone into the marina in the summertime the existing traffic can be an issue. It's not that we have bumper to bumper and can't move. It's more of a matter of safety. The speed of the cars, people walking across the street, the parking to the restaurants, the bars that we believe can be considered a public hazard. As it is now matter of fact, last year the public safety actually had to install and leave a temporary speed[ometer] in the Marina, on a couple of occasions, exploring the flow of traffic. Public safety in the summertime, they I don't wanna say compelled, but you see, there is normally an officer tied up in the peak time at some of the food service establishments and that's the reason to try to maintain and try to prevent someone from getting killed by a golf cart, and whatever else might go wrong quite frankly. That's going on now. So again, will this increase traffic? I don't know if it'd be small operation, probably will not, do we need more traffic? That could be a problem. I don't think we do. The other thing relative to public safety, and it can also go to parking as well. Keelson Row is the only entrance and exit, the only egress from our neighborhood. The rescue vehicles now sometimes have difficulty. And I'm gonna jump around a little bit because this kind of goes down to do all conditions. The specifications meet the requirements. But the plan drawn by the developer shows 10 additional parking spaces. They're pull in spaces, and if you look at the drawing they're on the opposite side of the pedestrian sidewalk from the street. It's 10 new spaces, but as I look at the property in order to develop visibility sights were probably gonna have to scavenge 4 to 6 existing parallel spaces that are currently used by Marina slip owners who get a parking pass Every one of those premium owners, they get a parking pass. Every homeowner has a parking pass. Parking is extremely tight. What we're talking about doing is removing 4 to 6. I don't know the exact design, but we're talking about 4 to 6, according to my estimation, we're going to those spaces and what we're gonna have is people backing out in the dark late at night on the weekend, after spending an hour or 2 at a bar across the pedestrian sidewalk into the dark on [inaudible]. We just think that's a public safety hazard. The other concern, potential injury to surrounding property and property value. Well, as Counsel pointed out, I am not a licensed real estate appraiser. I'm not a licensed realtor. But I will say this and give direct testimony. I wrote; I live at 6 Leeward Court. I am approximately 180 feet from this development. Currently in the summertime, with the southwest pervasive wind coming in the mouth of the river, permeating over the arena area, currently on Leeward Court we get noise from music, crowds, and occasionally odor from the existing food services on that end of the street, and those are over twice the distance well over twice the distance away from my house and marina neighborhood. That is what we get now. So, I don't wanna think about basically a small restaurant and a bar with French shells and empty food cans and 90-degree summer high temperature that, I think, is going to be an issue. The other issue is the garbage. I know Joey (Mr. Lee) had indicated he's not gonna have a big dumpster, but if you look at the drawing, all the garbage facilities as best I can tell is just drawn down, are on the north side, the residential side of the lot and if there's some type of garbage truck there's no way to get one turn or if it is a garbage truck coming in to pick anything up like the grease trap, or whatever else it might be. There's no way. I don't see a way that a commercial truck can make the turn, because directly across the street is the Marina Clubhouse with parallel parking. So how can that garbage get in and out of there. I don't know the plan for that. Maybe they can elaborate on that. But those are our concerns from property back. Lastly, and I'll close this up pretty quickly is the character with the surrounding property. Well, obviously on the north side is the Inn at Bald Head Island. It just won a national award for being

Mr. Ridings testimony continued:

one of the top inns in the country. I don't know what impact it would have on that. But you know an outdoor bar with noise at night. I don't know that that's what we want in that neighborhood. I think the other thing to consider is the other property that directly joins this is the Village park. Now the Village has spent a lot of money, invested a lot of money to buy the property. They've upgraded it. They've worked on the bathroom restoring its facilities and they raise revenue from events where they rent to private parties to have weddings and different functions. And those activities bring a lot of money to the island when these people come over to spend money for a formal wedding. Do we want a bar, an outdoor 2 story parking deck overlooking the pollinator garden, the dock? And would anybody care to hold a formal wedding in that environment? I mean, that, I think is a real concern. So, you know in closing, I certainly know that this property, if this is approved it'll have to go to other boards before this project moves ahead. Other planning committees, the Commercial Standards Review Board, the Harbour Association Architecture Review. But if you approve it, it's going to be forever approved restaurant use and then we fear that it's just a matter of time before here comes the next proposed project, and the next proposed project. So I would ask that as a representative of the Harbour Association, I would respectfully ask the Board to deny this special use request based on those concerns. Thank you very much."

- Chair Wray asked if there were any questions for Mr. Ridings. He stated that he would like to clarify a few things. He indicated that this property is already zoned for restaurants through a special use permit, whether the board denies it or approves it, any other person could come and also apply for a restaurant under a special use permit. The legislative body, the Village Council, has already approved through the zoning this property for a restaurant. So that whatever we do does not change anything with the Village's zoning.
- Mr. Ridings asked for further clarification on that. His understanding is that there cannot be a restaurant there it is zone business with exceptions, restaurant, real estate office, there were several exceptions, and it is zoned business now, with exceptions which it has some type of early supplemental use proposal attached to it that prevented those businesses.
- Chair Wray indicated to Mr. Ridings that he may be confusing this with a deed restriction now in the deed that indicates the property could never be a real estate office, which is not anything to do with the Village, but the deed. That property has restrictions on certain businesses. As far as the zoning, a restaurant is allowed through a special use permit.
- Mr. Quick explained that there are certain uses that are permitted by right and simply all the applicant would have to do in those situations is seek clarification from staff, that the use is permitted by right and as long as that is the case, it doesn't have to go through this type of process. If it were a commercial use permitted by right, it would still have to go through the Commercial Review Board process. It doesn't bypass those. But there are certain uses that in advance the Village Council has determined may be appropriate in that space but needs to go through a process like this to ensure that the appropriate amount of scrutiny is given before a permit is granted for that type of use.
- Mr. Ridings expressed his understanding of what Mr. Quick stated and that someone else could come back and make the request again. He asked if this project is approved and the land is sold, does this have to happen again. Mr. Quick indicated that the approval runs with the property. He asked Mr. Boyett if the Village has a limitation in its ordinance for how long a Special Use Permit is good for. Mr. Boyett said he is not sure, but he does not think so. Mr. Quick said that if it is not in the ordinance, then the SUP would be good in perpetuity.

- Mr. Ridings asked if there is a long-term plan. He said he was aware of the recent effort involving several volunteers and there was a design firm. Chair Wray indicated that he was on that board. Mr. Ridings indicated that he had the plan, and it doesn't show any commercial development north of the park. He understands that the zoning is in place, but the plan does not. He stated that the map the developer had did not show any commercial planned for north of the Marina Park. He asked if anybody knew of any long-term plan that was developed at any time that showed restaurants. Chair Wray responded and indicated that Brunswick County did a plan and they had multiple meetings on the island. He said with the commercial plan, that shows what could be put there. He said if you look for his office, that his office has been there since the creation of the island and it wasn't on the plan. For clarification, Mr. Quick cited Section 32-254 c says in a case where a special use permit has not been exercised within the time limit set by the Planning Board, which may not be shorter than 12 months, or within 12 months, if no specific time limit has been set without further action, the permit shall be null and void. It goes on to say what exercise means, that would include construction but also would include evidence of contracts for construction. The application could not get a special use permit today and then wait 11 months and sell the property to someone else and then no development has begun and it runs with the land.
- Mr. Ridings said he would like to submit two pieces of documentation for the record. One is a newly enacted parking ordinance and it designates where parking is allowed overnight (Attachment C). He stated that part of the driving impetus for the parking is the new ladder truck because there is a real concern the new ladder truck can't make it into the marina with cars parked on both sides of the street. *"God forbid we don't have a fire like California and Maui last year, but the harbor would be a prime location for that."* He stated that the other document for the record is the long range commercial plan map (Attachment D). Chair Wray asked Mr. Ridings to submit the documents to Village Counsel. Village Counsel indicated no concerns with the materials. Mr. McCall clarified that the parking ordinance is not a new parking ordinance, that it has been in place for a number of years ago. The Village has been ramping up enforcement and working with the homeowners association.
- Chair Wray reiterated that the commercial area planning effort only showed what could be developed. He said they also showed three story condos in the parking lot next to the Chandler Building. Mr. McCall confirmed that the purpose of the commercial planning task force was too look at the long term planning of the commercial areas on the island.
- Mr. Wray commented that the only thing the parking ordinance does is show what decals can be used in certain areas. Mr. Ridings agreed and that everyone who owns a slip gets a decal and everybody that ones a house gets a decal and look at the number of parking spaces available. He said at least 4 of those maybe as many as six will be gone. All you have to do is look at the number of boat slips and the number of available parking spaces and it's woefully short, not to mention parking at the existing food service businesses in the area. Ms. Stephen said for clarification the Inn and Marsh Harbor Inn both have a certain number of spaces as well. Mr. Ridings said that he thought that Marsh Harbor has a few loading and unloading spots that are designated. For whatever reason the Inn does not have allotted spaces. Mr. McCall corrected Mr. Ridings and indicated that per the Harbour Village Parking Ordinance there are designated spaces for the inns, in addition to lots 86 and 87, they get one decal per lot for on street parking. The Inn is considered two lots and gets 2 decals for on street parking.
- Chair Wray asked Mr. Ridings if his intent is to show the Board the parking, because the Commercial Review Board would be looking for the applicant to provide parking on their own

property, not public property. Mr. Ridings indicated that Mr. Lee's plan shows 10 pull in off street parking spaces and in order to build those you would have to eliminate 4-6 on street parking. And to get into the proposed restaurant people are going to have to drive across the existing pedestrian sidewalk. He maintained that slip owners and property owners will be losing parking spaces.

- Chair Wray reminded Mr. Ridings that the Board's role is a special use permit. That parking would be a consideration for the Commercial Review Board. Mr. Quick stated that the Board could condition any approval on requirements that might include things like parking. For example there could be no more than one parallel parking spot to be lost or that all parking be on site. You can add conditions that then would still be applicable through the other processes. Chair Wray indicated that the Board does not have enough information. The drawings for the inside of the building are not to scale. Mr. Kosla indicated that it is a rendering, a preliminary drawing and the number of seats (which Chair Wray counted as 78) is approximate. He acknowledged that when this goes through the Commercial Review Board that the number of parking spaces is delegated by the number of seats and that would need to be worked out. Chair Wray indicated that this establishment would have to have 2 spaces per six seats according to the CRB. That means 26 parking spaces. Mr. Ridings said the concern is the first floor is at the sidewalk and they are going to have to take away those parking spaces. He reiterated his concern is that if this is approved and you remove the existing conditions then someone else can come along and say that they want to put in a hot dog stand next to the Marina Park and that runs with the property and they don't have to go through this procedure. All they have to do is get the agreement of the other committee. He said he hopes we don't kick the can down the road and throw it on the other committees. He indicated that he did not have anything else to add and thanked the Board for their time.
- Chair Wray asked if other people would like to speak, if they need to be sworn-in. Mr. Quick said that if they do not have standing they do not need to be sworn in.
- Mr. McCall indicated he would like to submit something and asked Ms. Faulkner to pull up the aerial. He said that the Marina Park area is leasable space and is rented out for wedding receptions and rehearsals and that the proposed restaurant is about 250 feet from there. Staff noticed that the design of the proposed structure is open facing the Marina Park area and that is a point of concern. The other businesses are further away; Jules is about 450-500 feet away. When people rent out the park it is with the understanding that it is a public park, and the general public can walk right up while the renters are using it.
- Mr. Quick advised staff to swear in other speakers regardless of standing. This would cover the Village should anyone challenge it in Superior Court.
- Mr. Lee commented on the parking and with the zoning he's allowed to go 50 feet but he said that there is a way to get parking underneath the building if that is what they would need. He said he thinks parking is something that can be taken care of.
- Dann Jackson expressed he would like to speak. Ms. Faulkner swore him in.
- Dann Jackson's testimony:

"My wife, Gail and I are the owners of 2 and 3 Keelson Road, which I think are probably the 2 closest properties to 87, other than 86. And I wasn't going to say anything. But I heard a comment from one of your board members that's participating online and I got the impression from him that he said, well, nobody heard from 86, and I'm afraid that it seemed to me like well, if nobody heard from him that he must be okay with it. I want to let you know that Gail and I, we are the owners of

2 and 3 Keelson Row and we never received anything about this proceeding. The only reason we found out about it is through word of mouth. And then we saw the sign on the property. But we have received nothing via email or mail or anything. So what I wanted to say that just because somebody hasn't contacted you and tell you that we don't, you know, object to this, that that we are for it. So I want to just go on record that I have to say that we're in support of everything, Mr. Riding said, and we're fully supportive of the Marina Association's stand on this. I looked at this, and it would be a huge impact. A very, very large impact on our property. The noise, parking, the general nuisance. It's an outdoor party. It looks like it's an outdoor party that's gonna happen every day during the summer. Everything's out outdoors. Sound travels, you know a long way and it would be disruptive. So I just want to go on record that we are not for this particular use for that project."

- Chair Wray ruled that Mr. Jackson has standing. There were no objections.
- Ms. Webb asked if only adjoining property owner received a letter. Mr. Quick confirmed that only adjoining property owners are required to be given specific notice.
- Ms. Stephen asked to clarify if 86 is currently vacant. Chair Wray indicated that it has a crofter on it. The audience viewed the map/list of property owners who received notices and there was discussion about who owns the surrounding properties.
- Chair Wray asked if there were any further questions. Someone from the audience asked why nobody was allowed to speak during the prior matter, or if that is for a future meeting. Mr. Quick said that the Board does not generally take questions from the audience, but he would happily answer the question from a legal perspective. State law requires that persons withstanding be given the opportunity to participate in quasi-judicial processes. That is not the case for subdivision, which is an administrative process. There's no requirement or avenue for public participation. There's no specific process for public input. It's up to Council or this board, whether they want to hear from individuals, but no requirement.
- Mr. McCall said that historically, the Council/the mayor has allowed for some public comment. He said to some degree on Bald Head, we are a little less formal. You would not be able to raise your hand at a city council meeting in Wilmington and get called on. There is a public comment period on the agenda so at minimum you would be able to make comments then.
- Chair Wray announced that anyone else without standing now has the opportunity to speak. He stated that the Board cannot consider information from persons with outstanding. However, they're providing this opportunity so the information is captured on the record. Nobody came forward.
- Chair Wray opened the floor for comments and questions from the members online.
- Mr. Clark discussed the other commercial uses that could go in this location that would not require a special use permit. Such as retail services, is a permitted use. So we wouldn't be going into all of these elements like parking. That would be for the Commercial Review Board. He wanted to focus on the special considerations. He said number 4, location and character is the most troubling because putting a bar north of the park. He sees the park as a transition from the commercial side with Jules up to residential. Having a bar is a big issue for location and character.
- Ms. Fitz-Hugh was having issues unmuting during the meeting. Mr. Quick advised that she cannot vote and said that the board should not make a phone call in this instance.
- There were no further questions from the Board.

- There was discussion about Mr. Clark's comments.
- Seeing there were no further questions, Mr. Quick advised Chair Wray to entertain a motion to close the public hearing. Ms. Stephen moved to close the hearing. Mr. Pope seconded. The motion passed unanimously.
- The Board discussed several points including Mr. Clark's statement about location and character, and conclusions/standards provided in the Board packet such as if it would materially endanger the public health or safety, the boundary for commercial and residential in the area, similar uses in the vicinity, traffic, will or will not substantially injure the value of adjoining or abutting property (no testimony given on property values), the question of losing revenue on weddings, noise from the weddings, bands and music, buffering, food odors, trash odors, and related conditions that could be included in the Special Use Permit.
- There was discussion about what the vote would be if a motion was made, considering that it may be a 2 to 2 vote and that a tie would equate to a denial since it is not a majority vote. The Board asked Mr. Clark (online) if he had any comments. Mr. Clark said that his sole focus is the harmony aspect which seems to give the Board a fair amount of subjective discretion. The Board asked Ms. Fitz-Hugh if she had anything to add. There was no response. Mr. Clark if there are other commercial operations serving food or beverages parallel to or to the north on the other side of Keelson. The Yacht Club is directly across the street and the inns serve limited food only to their guests. Ms. Fitz-Hugh gained connection and indicated that she was able to hear the discussion and understand the concerns. She said that she cannot vote so she did not see any reason to get into the fray. She said she understands the concerns, particularly the residential concerns with the harmony as Mr. Clark stated.
- Mr. Lee asked if it would please the Board if he took out all cooked food. Chair Wray asked counsel if he would need to submit another application to do this. Mr. Quick said that the Board could make it a permit condition since he suggested it, it's in the Board's purview to consider it.
- Chair Wray permitted Mr. Ridings to speak. Mr. Ridings wanted to correct a previous comment about the townhouses being the closest residential, he said that is incorrect that he measured and the houses on Leeward Court and the Elements buildings are the closest. He indicated that he does smell odor and he can hear music. He said when he moved in Jules was Ebb and Flow and he knew what he was getting into. He said that his back deck [on Leeward Court] overlooks the marsh and it is the only place he has to sit outside and enjoy. The subject property is 180 from him whereas Jules is, he's guessing, 700 feet to 1,000 feet away.
- Mr. Jackson added that it's just not the food, it's the noise that is going to be intolerable. He said that the Elements might be rentals right now, but the owner could decide to live there. He does not know how you could get away with having a bar in the State of North Carolina or who would want to purchase property across the street from a bar. After a drink or two the noise level goes up unbelievably. He said it's completely inappropriate to have adjacent to a residential community and it's not family oriented, this is a family oriented island.
- Mr. Lee indicated he is trying to make people happy and find a solution.
- Mr. Quick advised that testimony is different than discussion conditions and having a conversation with the applicant about the realities of what a condition might look like is different than accepting testimony. He said if the Board would like to accept additional testimony it can reopen the hearing.

- Chair Wray asked the Board their thoughts on the condition of no cooked food. There was discussion on the wine bar, bottle shop, and distillery. Ms. Fitz-Hugh made the point that those proposed businesses are not in the harbor, so the Board cannot bring those in. Chair Wray brought them up because they are establishments that do not have food. Mr. Clark asked about the activity that goes on in Lot 88. Staff indicated that the lot is owned by the Yacht Club. It's a private club and clubhouses, public or private are a permitted use by right. Mr. Clark asked if they operate a bar for their members there. Ms. Stephen indicated that they do serve alcohol there but not on a regular basis and they do not sell it. Members can have catered events there similar to how the Village rents out Marina Park, but on a smaller scale. Mr. Clark questioned whether the activities at the club, the parties, etc. required a special use permit. The Club's lot was confirmed to be zoned PD-3C. The use as a club does not require a special use permit. Mr. Quick stated that there are some uses that exist in the marina area today that might otherwise need a special use permit, but they were existing uses prior to the Village Council's legislative decision to require certain uses to go through a special use permit process. Staff pulled up the zoning map. Mr. Clark said that all he is trying to show is that what is going on at Lot 88 is comparable to the proposed use for Lot 87 if the Board was to grant it. He said it's hard to argue that it wouldn't be in harmony if somebody's doing the same thing across the street. If it doesn't have regular bar service and all that sort of stuff it would then argue against it being out of harmony with the adjacent neighborhood.
- Chair Wray asked the Board if there is a motion. Ms. Stephen indicated that the suggested motion is to grant, deny, or grant with conditions. Chair Wray said from what he is hearing the Board can limit the hours and have a condition to limit food preparation. Mr. Quick suggested that if conditions are being considered that it may be helpful to reach consensus on what a condition would be before you get into the process of granting or denying.
- Ms. Stephen started to make a motion, Chair Wray interrupted and wanted to make sure the Board was following proper protocol. He said he thought that if her motion is to deny and the vote is a tie that it is no longer a motion. Mr. Quick said that if the motion to deny was tied 2-2 and then a motion to grant were made and that also tied 2-2 then the special use permit will be denied because it cannot reach a majority to be approved. Chair Wray asked if it could then the conditions be considered. Mr. Quick said that the appropriate motion would be to grant the permit with conditions. Once all the options are exhausted and there is no consensus, then the only outcome is that the special use permit can be denied. Chair Wray asked the Board if they would be agreeable to it with conditions. Ms. Stephen indicated she would like to see the denial first. Ms. Webb asked the Village about the status of the parking in the Marina Park. Is that considered public parking for any one at any time? Mr. McCall stated it's public parking but not overnight. The Board discussed the roundabout and horseshoe area are also used for parking when Jules is full and also the area where the kayaks are stored.
- Mr. Quick added one more option and that would be to continue the hearing at a date at which the Board has five members present and the motion would be to continue to a date certain. The evidentiary hearing has been closed and because the Board has two members who are here online and have been listening and have heard all the evidence the Board should not reopen the evidentiary hearing. The problem in that instance is that it's really hard to not have the Board members be influenced further and trying to collect additional evidence is problematic. So the Board could continue this to another date if that is the pleasure of the Board.
- There was discussion.

- Ms. Stephen made a motion to continue the meeting for a future time when there are five members present, five of whom were present and have heard the entire evidentiary portion of the hearing.
- Mr. Quick advised that the applicant's due process interests be considered and that he was asked if he wants a decision today.
- Mr. Lee asked how long the Board would need.
- Since Mr. Clark indicated that he will be back on the island in February, the Board said that it would be less than 30 days.
- Mr. Lee said that is fine.
- Chair Wray emphasized that the continuance of this item would be deliberation only because all members present will have heard the evidentiary portion of the hearing today.
- Ms. Webb seconded Ms. Stephen's motion to continue this item to a meeting at a future time when there are five members present who have heard the evidentiary portion of the hearing. The motion passed unanimously.
- An unidentified audience member made comments about the process that were not germane.

5.3 Staff Reports:

- There were no reports from the staff.

6. Adjournment: Ms. Stephen made the motion to adjourn, Mr. Pope seconded. The motion passed unanimously. The meeting was unanimously adjourned at 3:45 p.m.

APPROVED:

ATTEST:

David Wray
Planning Board Chair

Carin Z. Faulkner
Deputy Village Clerk

From: [David Wray](#)
To: [Marianna Fitz hugh](#)
Cc: betsistephen@gmail.com; [Chris Webb](#); [Zan Pope](#); [Chris McCall](#); [Jae Kim](#); [Carin Faulkner](#)
Subject: [EXTERNAL] Re: proposed 7 lot on Station House
Date: Tuesday, January 7, 2025 8:31:41 PM

Hi Marianna,

Please submit any questions relating to items on our agenda to the Village staff or to me directly. The Planning Board is a public body and we are not allowed by North Carolina law to engage in conversations as a group in person or by email without giving notice to the public and providing them access to our discussions.

To better understand the law, below is a paragraph from a publication from the UNC School of Government regarding the North Carolina's Open Meeting Laws.

"The definition of official meeting makes clear that an official meeting occurs by the simultaneous communication, in person or electronically, by a majority of the board. Because the definition includes electronic communication, a telephone call or email communication that involves a simultaneous conversation among a majority of a public body would violate the open meetings law if notice and access are not provided."

I am sorry you will not be able to attend the meeting on Friday.

Thank you,

David Wray, Chair
Planning Board
Village of Bald Head Island

On Jan 7, 2025, at 7:54 PM, Marianna Fitz hugh <mariannaf@aol.com> wrote:

All

I believe I am correct that the proposed 7 lot Development on Station House will be a Developer subdivision. With a developer subdivisions, NO ARC guidelines are required. They require Village laws..such as height.

Please use the USLER home on Station House as your guide. Please use the Southern Living neighborhood as well as your guide.

The developer DOES NOT conform to ARC guidelines.

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From: [Marianna Fitz hugh](#)
To: [David Wray](#)
Cc: [Jae Kim](#); [Carin Faulkner](#); [Chris McCall](#); betsistephen@gmail.com; [Chris Webb](#); [James Clark](#); [Rodney Jackson](#); [Zan Pope](#)
Subject: [EXTERNAL] Re: Planning Board Friday meeting
Date: Wednesday, January 8, 2025 9:01:12 PM

David,

I have gone back and re read the supporting documentation. I understand PD2C allows for residential.

It is unclear to me whether the Village manager is approving a zoning change from PD2C to PD2 under the provision that allows the Village manager to approve a change in zoning density. I would like this to be clarified PRIOR to the hearing.

If the parcel is being changed to a PD2, that has some impacts on the future potential use of the parcel and any structure built on the parcel. It also has an impact on the set backs , size and other physical attributes of what is allowed to be built on the PD2 vs PD2C.

If a structure is built on a PD2C parcel, it appears that same structure could in the future be used for commercial purposes (Inn/ retail).

Because of that, all structures built on a PD2C zoned property should be subject to commercial guidelines since they can be used for commercial purposes after construction even if they are used for residential purposes initially.

If the applicant wants to avoid the commercial building guidelines, then we should require the zoning to change from PD2C to PD2. This would ensure that all future uses of the property are residential. Perhaps that is what is being done by the Village Manager but it is unclear to me from reading the documentation. Otherwise, it should be made clear that the commercial building guidelines will apply to structures built on this parcel.

We have never had commercial guidelines before . Now we have buildings being built on commercial property with certain guidelines put in place. This discussion should be held in public at the planning board meeting so there is a record of how the planning board views this situation . Therefore, I have copied all other planning board members and alternates in case they have more questions prior to the meeting.

I am working on my travel plans in hopes of being there on Friday but will not know until Friday if I can be there on time.

Marianna

On Jan 8, 2025, at 1:39 PM, Marianna Fitz hugh <mariannaf@aol.com> wrote:

It could be a matter of interpretation. I site sec 9-22. By leaving this zoned as a PD2C, nothing precludes these structures as being used as commercial later. The

applicant should be willing to change the zoning or should accept regulation for parcels in the commercial overlay. This is a subdivision request with 0 built on the parcel now and 0 proposed to be built. So, these properties are still subject to the commercial building guidelines set forth. And this is not the job of the planning board to determine what structures are subject to review by the Village. However, I would still like my email to be read as I was told I am allowed to have done . Thanks
Sent from my iPhone

On Jan 8, 2025, at 12:58 PM, David Wray
<dwwray@intracoastalrealty.com> wrote:

Marianna,

The application request is for a Subdivision Preliminary Plat for Parcel Number 26500062. Please read the supporting information in our packet. The current zoning for this parcel is PD-2C, which allows for residential use. Also, the parcel is in the Cape Fear Station Planned Unit Development. By being in a PUD, the developer can decrease assigned density for a specific parcel without the Planning Board's approval.

Any elements of design of residential structures to be proposed, if the applicant wants to share can do so, but it is not required of the Village and/or Planning Board as it relates to the review/approval of the submitted preliminary subdivision plat.

To answer your questions:

1. The parcel is not subject to the Bald Head Island Commercial Design Standards. The applicability of the CDS only applies to non-residential or mixed commercial/residential use.
2. The applicate would most likely have an internal ARC that would make determinations as to what could be built.
3. That would be up to the developer, but again, that is out of the scope of our responsibility in reviewing this application. We would only make decisions that are relevant to the subdivision plat as presented.

Let me know if you have any other concerns with this process.

Thank you,

David Wray

On Jan 8, 2025, at 9:38 AM, Marianna Fitz hugh

<mariannaf@aol.com> wrote:

Hello

The planning Board will vote on the new Six on the Beach subdivision Friday.

This subdivision parcel is zoned PD2C and is included in the Village's East Beach Commercial overlay district.

All developments in the commercial district, regardless of use, must approved by the Village's commercial review board.

My three questions are this:

First of all, since the applicant is not asking for a zoning change or to have this parcel removed from the commercial overlay district, shouldn't this be noted in the application and the meeting minutes today reflect that the development is still subject to the commercial design guidelines set forth by the Village commercial overlay?

Secondly, aside from the commercial design guidelines, are there any other Village or BHA guidelines that would apply to this parcel?

And third, if the applicant claims to provide internal design guidelines for the parcel, are those guidelines available for review?

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From: [Marianna Fitz hugh](#)
To: [Jae Kim](#); [David Wray](#)
Cc: [Carin Faulkner](#); [Chris McCall](#)
Subject: [EXTERNAL] Re: Planning Board Friday meeting
Date: Wednesday, January 8, 2025 10:03:10 AM

Carin

Per Jae Kim's directions to me, please have my email listed below read out loud at the meeting . Thank you so much.

> On Jan 8, 2025, at 9:38 AM, Marianna Fitz hugh <mariannaf@aol.com> wrote:

>

> Hello

>

> The planning Board will vote on the new Six on the Beach subdivision Friday.

>

> This subdivision parcel is zoned PD2C and is included in the Village's East Beach Commercial overlay district.

>

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From: Jesse Hermann jessehermann@gmail.com

Subject: 6 on the beach proposal

Date: January 9, 2025 at 8:51 PM

To: dway@bhisland.com, dway@intracoastalrealty.com, cfaulkner@villagebhi.org, jkim@villagebhi.org, pquinn@villagebhi.org

JH

You don't often get email from jessehermann@gmail.com. [Learn why this is important](#)

To David Wray and the Planning Board of Bald Head Island,

We live at 210 Station House Way.

We write with concern about the proposed development of Lot 4101 Cape Fear Station (Six on the Beach). It appears that this parcel, which is zoned PD-2C for commercial property is being subdivided as a residential development without being rezoned as such. We have a couple of concerns.

The first is if the housing developed on the property would not be subject to the residential zoning requirements, most notably 35 foot roof height and residential setbacks. The second is that if the zoning is not changed the property could later awkwardly be redeveloped as commercial.

If this parcel is to be commercial then it should be subject to the Commercial Overlay rules, which mandate Commercial ARC control and mandate 3, not 6 structures to be built. Or, it should be rezoned to residential with the oversight and rules so associated.

Hopefully we got the details of the rules and nomenclature right. Regardless, our hope is that the property would be subject to the height and set back regulations if developed residential as planned and that if such the zoning be specifically changed to residential.

Please know that it is not our intention to interfere with development but rather that development continue in a planned and organized way as consistent with the area.

We would request that this letter be read aloud at the Planning Board meeting scheduled for January 10, 2025 so that it is included in the minutes.

Thank you for your attention.

Sincerely,

Jesse Hermann and Jesse Hermann

From: Randall Tuttle rtuttle@tradestreetcap.com
Subject: BHI Planning Boards
Date: January 9, 2025 at 8:54 PM
To: dwrap@intracoastalrealty.com

RT

You don't often get email from rtuttle@tradestreetcap.com. [Learn why this is important](#)

Dear Mr. Wray and member of the Bald Head Island Planning Board

I am writing in reference to your January 10, 2025 Meeting and Agenda Item New Business 5.1.1, Lot 4101 Cape Fear Station. My wife Claire and I live at 208 Station House Way, just across Station House Way from the proposed development.

I do not know the details of BHI zoning, and am a little confused about a residential development being planned for a commercial lot (which I think Lot 4101 is zoned). My simple request (as I am sure that you all always do) is to consider the unique character of Bald Head in general, and the special nature of East Beach, as you make your decisions. Commercial buildings must follow the Commercial Design Guidelines, with special East Beach overlay details. Residential buildings must follow ARC guidelines with special references to Cape Fear Station and/or Station House Row.

We encourage the Planning Board and Village Council to insure that any development is within the letter and spirit of the guidelines that make Bald Head Island a special place.

Thank you.

RST

Randall S. Tuttle
Trade Street Capital Partners
635 Trade Street
Winston Salem NC 27101
336-725-4411 (Office)
336-577-0648 (Mobile)
www.tradestreetcap.com

T R A D E  S T R E E T
C A P I T A L P A R T N E R S

From: [Courtney Toledo](#)
To: [Courtney Toledo](#); [Carin Faulkner](#)
Subject: [EXTERNAL] Lot 4101 & Meeting today
Date: Friday, January 10, 2025 6:50:39 AM

Good morning,
How do I contact David Wray regarding The proposal to subdivide Lot 4101?

I am strongly opposed to the proposals to subdivide Parcel ID 26500062 into seven lots on Station House Way.

This proposal would further congest an already extremely congested area that faces parking/traffic issues.

Surrounding homeowners purchased and built homes knowing that that was only one lot and it will negatively affect their views and home values.

Thanks,
Courtney
(443) 791-1222

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From: David Wray dwwray@intracoastalrealty.com
Subject: Re: 6 on the beach proposal
Date: January 10, 2025 at 11:51 AM
To: Jesse Hermann jessehermann@gmail.com
Cc: David Wray dwwray@bhisland.com, Carin Faulkner cfaulkner@villagebhi.org, jkim@villagebhi.org, Peter Quinn pquinn@villagebhi.org, Chris McCall cmccall@villagebhi.org

To Jesse Hermann,

Thank you for reaching out to the Planning Board regarding your concerns about the proposed development at Lot 4101 Cape Fear Station.

I acknowledge receipt of your email.

Thank you for taking the time to provide this feedback and for your dedication to fostering planned and organized development on Bald Head Island.

Sincerely,

David Wray

Chairman, Planning Board

Bald Head Island

On Jan 9, 2025, at 8:51 PM, Jesse Hermann <jessehermann@gmail.com> wrote:

You don't often get email from jessehermann@gmail.com. [Learn why this is important](#)

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We write with concern about the proposed development of Lot 4101 Cape Fear Station (Six on the Beach). It appears that this parcel, which is zoned PD-2C for commercial property is being subdivided as a residential development without being rezoned as such. We have a couple of concerns.

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Thank you for your attention.

Sincerely,

Jesse Hermann and Jesse Hermann



From: David Wray dway@intracoastalrealty.com
Subject: Re: BHI Planning Boards
Date: January 10, 2025 at 11:56 AM
To: Randall Tuttle rtuttle@tradestreetcap.com
Cc: Chris McCall cmccall@villagebhi.org, Carin Faulkner cfaulkner@villagebhi.org

Dear Mr. Tuttle,

Thank you for reaching out to the Planning Board about the proposed development at Lot 4101 Cape Fear Station.

I acknowledge receipt of your email.

Thank you for taking the time to provide this feedback.

Sincerely,
David Wray
Chairman, Planning Board
Bald Head Island

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You don't often get email from rtuttle@tradestreetcap.com. [Learn why this is important](#)

Dear Mr. Wray and member of the Bald Head Island Planning Board

I am writing in reference to your January 10, 2025 Meeting and Agenda Item New Business 5.1.1, Lot 4101 Cape Fear Station. My wife Claire and I live at 208 Station House Way, just across

I do not know the details of BHI zoning, and am a little confused about a residential development being planned for a commercial lot (which I think Lot 4101 is zoned). My simple request (as of Bald Head in general, and the special nature of East Beach, as you make your decisions. Commercial buildings must follow the Commercial Design Guidelines, with special East Beach special references to Cape Fear Station and/or Station House Row.

We encourage the Planning Board and Village Council to insure that any development is within the letter and spirit of the guidelines that make Bald Head Island a special place.

Thank you.

RST

Randall S. Tuttle
Trade Street Capital Partners
635 Trade Street
Winston Salem NC 27101
336-725-4411 (Office)
336-577-0648 (Mobile)
www.tradestreetcap.com

TRADE  STREET
CAPITAL PARTNERS

From: Courtney Toledo courtneytoledo@yahoo.com
Subject: Proposal to subdivide Lot 4101
Date: January 10, 2025 at 12:12 PM
To: dwwray@bhisland.com

CT

You don't often get email from courtneytoledo@yahoo.com. [Learn why this is important](#)

Dear David,

I am strongly opposed to the proposals to subdivide Parcel ID 26500062 into 7 lots on Station House Way.

This proposal would further congest an already extremely congested area that faces parking/traffic issues.

Putting seven houses on 1.19 acres on Bald Head is too many.

Such a subdivision goes against the spirit of Bald Head Island and how the developers marketed it.

Surrounding homeowners purchased and built homes knowing that that was only one lot and it will negatively affect their views and home values.

I also think that you might consider that you could possibly have a conflict of interest in voting for this for several reasons.

Thanks,
Courtney
(443) 791-1222



VILLAGE OF BALD HEAD ISLAND
Planning Board Meeting
Agenda Item

Agenda Item:	New Business 5.2.1
Date:	1/10/2025

Issue: Special Use Permit 2025-01 – 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 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 #2025-01

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 has 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 is 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.

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

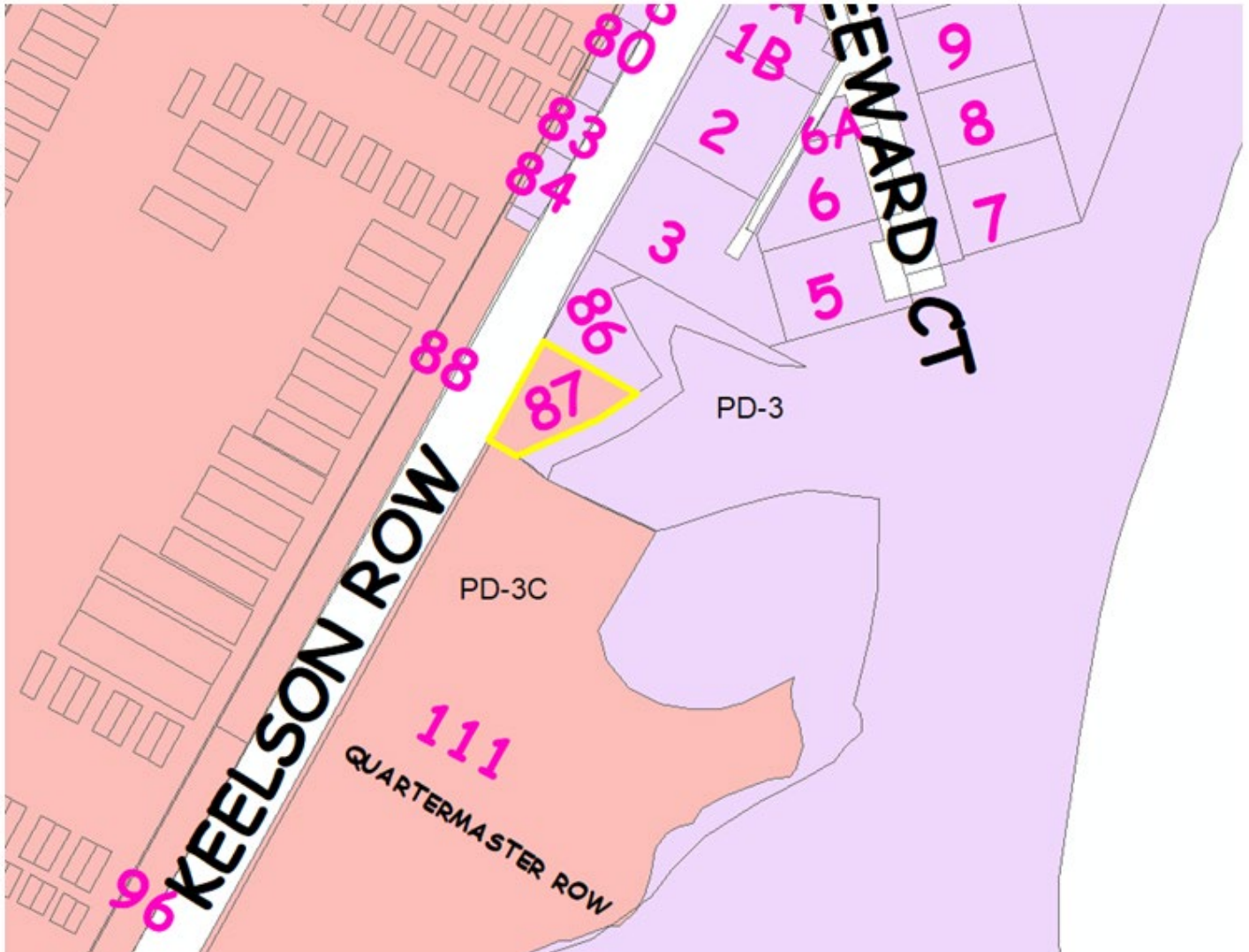
Parcel Identification: Lot 87, Tax Parcel # 2601B065, Nice Neighbors LLC



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 INFORMATIONApplicant Name(s): Joe LeeAddress: 17 Captains Charlie CtCity: Bald Head Island State: NC Zip: 28461Phone: 919-669-6863

Fax: _____

E-mail Address: leesautojoey@gmail.com**OWNER INFORMATION**Owner Name(s): Nice Neighbors LLCAddress: 240 Racine Dr, Suite 200City: Wilmington State: NC Zip: 28403Phone: 910-352-7766

Fax: _____

E-mail Address: mchittum@infranetgroup.com**PROPERTY INFORMATION:**Address/Location: 87 Keelson Row

Current Use: _____

Zoning District: Harbor CommercialProposed 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

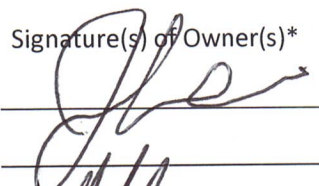
Agent Name: Joe Lee

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



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,

A handwritten signature in black ink, appearing to read "S. Boyett", followed by a horizontal line.

Stephen Boyett
Development Services Director



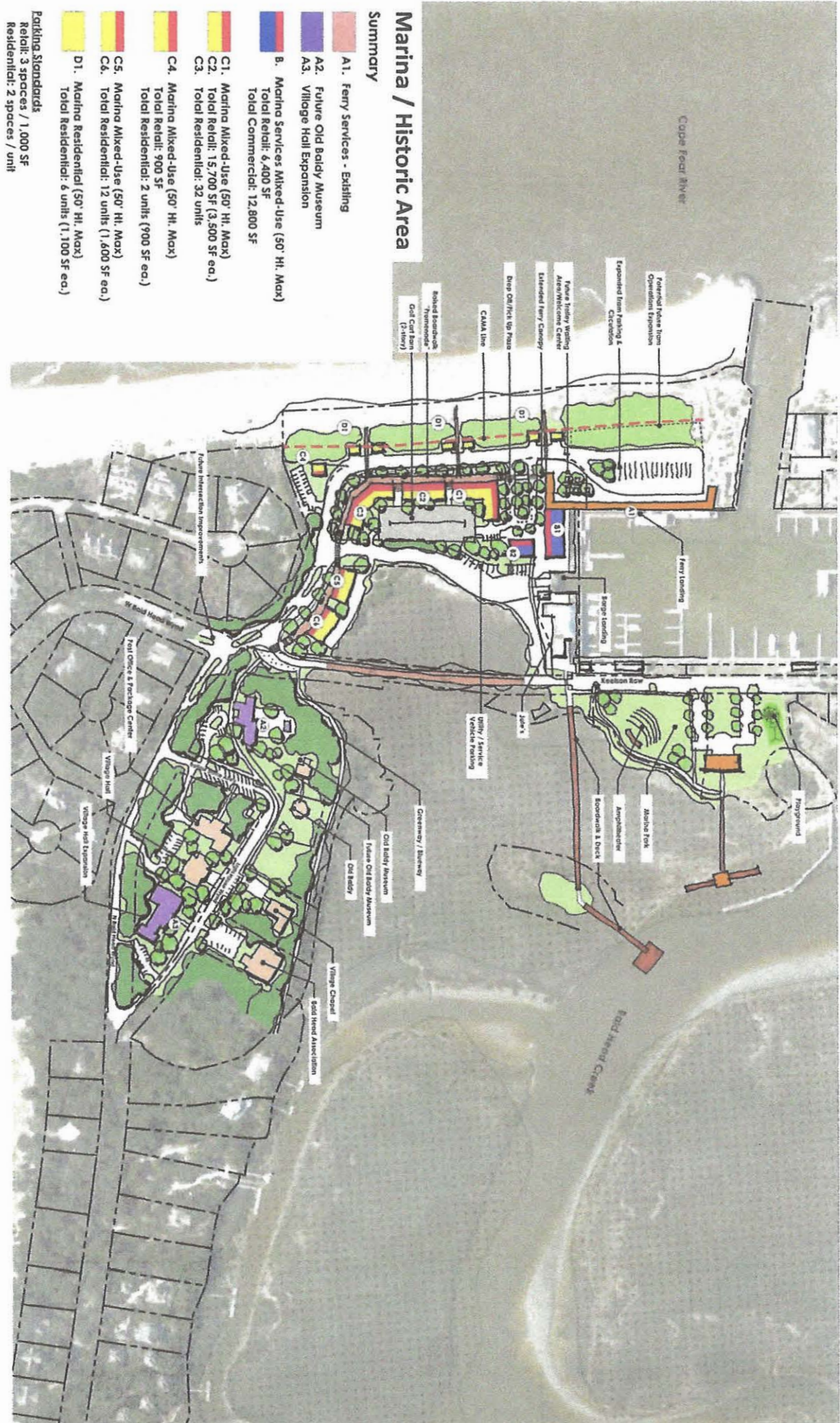
NOTES:

1. Provision to be made for daytime parking at beach accesses and Association dock access.
2. There will be dedicated spaces for the buses per Village Parking Ordinance.
3. No Parking areas will be created at corners and near intersections.
4. Map subject to further revision.

Revision Dates	
1	Parking Update 6-29-09
2	Parking Update 7-07-09
3	Parking Update 7-08-09 11am
4	Revised 11-07-2012
5	Added Notes 12-17-2012
6	Revised 02-19-2013
7	Sign locations 06-25-2015

Bald Head
Island
Limited LLC

PO BOX 3069
BHI NC
28461





The Village of Bald Head Island

Planning Board Special Meeting Minutes

Wednesday, February 19, 2025

10:00 a.m.

Multipurpose Room of the Department of Public Safety Building

PRESENT (in-person): David Wray (Chair), James Clark, Elizabeth Hervey Stephen, Chris Webb (alternate), Development Services Administrator Stephen Boyett, Assistant Village Manager Jae Kim, and Deputy Village Clerk Carin Faulkner.

PRESENT (online): William “Zan” Pope (Vice Chair), Village Counsel Will Quick

NOT PRESENT: Marianna Fitz-Hugh, Rodney Jackson (alternate)

1. **Call to Order:** Chair Wray called the meeting to order at 10:00 a.m.

2. **Roll Call**

3. **Amendments to Agenda/Approval of Agenda:** Ms. Stephen moved to approve the agenda as presented, Mr. Clark seconded. The motion passed unanimously.

4. **Old Business:**

4.1 Continue Deliberation on Special Use Permit Application Case SUP-2025-01 – 87 Keelson Row

- Mr. Quick stated that he would like for the record to show that the applicant, Mr. Lee, consented to the continued deliberation and vote during a remote meeting. The applicant is not present at this meeting, nor did anyone identify as a representative for the applicant. There was discussion on how to proceed since there are four members present in person and one member online. Mr. Quick advised that if Mr. Lee is reachable, and consents to the fifth member voting remotely, the Board can proceed. While Mr. Boyett was contacting Mr. Lee, Mr. Quick, as recommended by Ms. Stephen, spoke briefly about the quasi-judicial process to inform the audience.
- Mr. Boyett reported that Mr. Lee is currently out of the country and is having difficulty getting back. He has agreed to allowing Mr. Pope to vote remotely. He will be sending an email to Mr. Boyett to confirm which will be forwarded to Ms. Faulkner for the record (Attachment A).
- The Planning Board continued its deliberation on the SUP application.
- Mr. Clark reviewed the four factors that were included in the agenda packet as guidance. He indicated that he did not think that the use will materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted. He said the sue meets all required conditions and specifications. He did not think that there were any conditions that could be placed. He said he did not think the use will substantially injure the value of the adjoining property. He said that property has been sitting there for 20 years but in the past had been a pizzeria and a surf shop. He said that it would be hard to argue that this use is a public necessity but cited the Brunswick Blueprint 2040’s public poll which

indicated public interest in more restaurants in general. As far as location and character of the use, he said that he thought it would be in harmony with the area.

- Chair Wray mentioned the public park (rented out for events), the Yacht Club (used until 11 p.m.), Jules' restaurant, the vacant BBQ place, Boathouse restaurant and the inns.
- Mr. Pope had a question about the operating hours or time restrictions that are in place. Chair Wray indicated that the Yacht Club's lease allows use until 11 p.m. The Village lease allows use until 10:00 p.m. There was discussion about the other businesses being grandfathered.
- Mr. Quick corrected the record to state that the Special Use Permit process was added to the Village ordinance recently. Most of the restaurants that exist in the harbor were built when the marina was initially developed. The Village's noise ordinance was discussed. Ms. Webb indicated that the noise ordinance starts at 11 p.m., it could be 10:00 p.m., but definitely by 11:00 p.m.
- Ms. Webb made a few comments for the record. She's not a property owner, but a resident of the marina. She acknowledged the comments from several interested parties including those who testified at the last meeting. She said that the Board has been counseled extensively by the Village Attorney on what its obligations are, which is to make a decision based on clear factual evidence that was presented, not necessarily people's opinions. For instance, when it comes to the effect on property values, one could make an assumption, but the Board did not hear from an appraiser or realtor to provide factual evidence. She said that everyone should also know that this project has to go before the Commercial Review Board. This Board cannot make a judgement on parking or increased traffic, because that is just a judgement and we don't have any facts to base that on. She wanted to make sure that the evidentiary portion of the hearing is in the record and all of the Board members present, including Mr. Pope were present for that hearing. She said she struggled with this, but she understands her responsibility as a Board member and that she must take one hat off and put on the other.
- Mr. Pope moved that the Planning Board approve the Special Use Permit. Mr. Clark seconded the motion. The motion passed 4 to 1 with Ms. Stephen voting no.

5. New Business:

5.1 Hearing on Special Use Application Case SUP-2025-02 – 2 Maritime Way

- Chair Wray introduced this item and asked all who wish to testify to see the Deputy Clerk Ms. Faulkner to be sworn in and to sign up if they have not already. He explained that only persons with standing, as determined later in the hearing, will be able to provide testimony for the Board's consideration.
- Ms. Faulkner swore in Village Staff (Stephen Boyett and Jae Kim), the applicant (Alex Munroe) and Claude Pope.
- Chair Wray gave the Board members a chance to reveal any possible conflicts and to withdraw from the procedure if necessary. No members had conflicts.
- Chair Wray asked the Board members if they have any information or special knowledge about the case that may not come out in the hearing today. He added, this includes communication with the application or interested parties about the case. No members had information or communications to disclose.
- Chair Wray instructed on written evidence, that it should be introduced during or at the end of the testimony of a witness and that the Board cannot accept reports from persons who are not

present to testify. He stated only qualified experts in the particular discipline may testify as to their opinion. Lay witnesses cannot testify to certain subjects by way of example. Those include how the use of one property will affect the value of another property, or whether increased vehicular traffic will pose a danger to public safety. If a qualified person testified evidence must be presented to that person's qualification and the Board will make a ruling on those qualifications. Attorneys who speak should not give factual information but may summarize their client's case and ask questions. Those providing testimony must clearly state their name for the record.

- Chair Wray entertained a motion to open the hearing. Ms. Stephen made the motion, Mr. Clark seconded. The motion passed unanimously.
- Chair Wray indicated that the Board needs to determine who has standing to testify and stated a few examples of who would have standing and who may not. He asked for anyone who is not the applicant or staff to indicate if they wish to speak.
- Mr. Pope (Claude) explained that he owns 8 Maritime Way and 6 Maritime Way, this property is located at 2 Maritime Way, so one lot removed from his lot. He said he may or may not have standing based on proximity. He said he would let the Board decide, but that he does have comment and would like to speak if not found in standing. Mr. Quick asked that Mr. Pope outline at a high level what the impact might be and that should help the Planning Board determine whether he has standing or whether to have him comment at the end.
- Before the Board determined Mr. Pope's standing, he made comments related to knowing Mr. Munroe for several years and his business acumen. He said time will tell whether it hurts his business or not. He said his biggest issue is the school and its proximity to the proposed business. He referenced a letter written by Ms. Vaickus, co-founder of Bald Head Island Academy which indicated they were okay with it being next door and his thoughts on that.
- Mr. Quick thanked Mr. Pope for his comments and indicated that he had provided the Planning Board sufficient information to determine if Mr. Pope has standing. He stated that the comments on the school are more appropriate for the comment period at the end, not for testimony of a person who has standing.
- Chair Wray asked the Board for input on standing. Ms. Webb indicated that she felt Mr. Pope does not have standing but she would like to hear his opinions. The Chair without objection determined that Mr. Pope did not have standing and requested testimony from Village Staff.
- Mr. Boyett's testimony:

"The Village received a completed Special Use Permit application on January 16, 2025. The description of the use for the special use permit was a gallery of fine art accessories, and a distillery. While the retail use is a permitted use, having a distillery as part of the use does require a special permit, which is why we had Mr. Munroe fill out the application. The subject property is the end unit of the relatively newer piece property on Maritime Way Muscadine. The unit that I know for a while had the pet washing business. So it is a commercial piece of property in PD-2C. Examples of permitted uses in PD-2C are clinics, commercial retail services, government offices, libraries, lodging facilities, offices, restaurants, cafes, services. So those are some of the examples of what are permitted uses examples of other special use are private commercial filming activity, recreational facilities, utilities facilities, and a veterinary clinic. As part of the long range plan, Blueprint 2040 that was adopted on April 21st of 2023, provides guidance for future development on the island, an ABC Store was submitted as an idea for land use when islanders were surveyed. Staff has determined that the application package is complete, and the staff report provides the

materials and standards the Planning Board must follow to make a quasi-judicial determination. So I'd like to recommend that that staff report be submitted in as evidence." (Attachment B)

- Mr. Quick reminded Chair Wray that the Board should ensure that all persons with standing consent to this being done by remote means. Those with standing replied that they consent.
- Chair Wray asked if there were any questions for staff. There were none. He announced that the Board will now hear testimony from the applicant.
- Mr. Munroe's testimony:

"I have been an island owner since 1992. My brother's in real estate here. I was in real estate here on the island for many years with the Mitchell family when we developed. I left town to become an entrepreneur, and I did, and had several successful companies and ended up with the Vineyard and Winery in Elizabethtown. I've got 26 rooms there kind of modeled after the Flora's Bluff development and I learned a lot about development here so I've got a nice spa and gift shop and all that and the tasting room there called Topsy Toad Gallery. We basically distill 13 products now, so it's not like we're a small distillery that has one trick pony type thing. We distribute in Missouri, South Carolina, Florida, Virgin Islands different places. But of course, living on the island. I've always known that, and it'd be cool to have a place to be able to buy spirits, right? So that's all it is. We've got great brands that won national and international awards for design and taste. Cape Fear rums has Old Baldy on it, and Cape Fear Cape Fear Solera Whiskey and Frying Pan Shoals Bourbon, everything modeled after the Cape Fear community. So I think that here we are at Cape Fear, so what better place to have Cape Fear Distillery, right? So what I'll do is produce the product in Elizabethtown in my facility there and move it here in bond to my bonded facility, which is federally permitted, and then we can do tasting. I think it's like half an ounce. So we are monitored on that. We're not a bar. I don't want to be a bar. It's gonna be a tasting room. We will have a lot of nice artwork there, because I've been collecting art for some time. We'll do bar accessory gifts and stuff like that, just, you know a couple pieces of art and that type of thing. We will sell bottles and the tasting. Sheree [Vaickus of Bald Head Island Academy] been very supportive, and I appreciate Claude's comments and everyone's concern about the school., I said, hey, we don't have to do it, right? But she has stepped up, and I've had many great conversations with her, and I consider a friend of mine now. She did request that we don't call it a distillery on the outside, so we'll call it the Topsy Toad Gallery and Gifts and then the tasting will only be conducted after 2:30 outside of school hours and weekends. So not a bar, just a high-end gift shop that has spirits. And Claude and everyone else, I hope that it benefits your business. But I think this will be a convenient thing for the island and for the property [owners] and rental guests as well so hopefully it will boost business. I will work with Sheree too, I want to donate some of the sales to her, we had a gentlemen's agreement on that, so I won't support the school."

- Chair Wray asked the Board if they have any questions from Mr. Munroe. Mr. Clark asked Mr. Munroe to confirm that there won't be any production at the Bald Head Island location.
- Mr. Munroe explained that the distillery production means bottling and labeling. He said he will have a still there, but it will not be operating, he must have it there for legal reasons. They will bottle and label on site, otherwise it will be transferred to the island from his other facility. He said he still must go through the State for approval.
- There was discussion on making a condition that the still cannot operate and if there are sprinklers at the location. Mr. Boyett indicated the building has sprinklers.

- Mr. Quick indicated that there are permit processes from the North Carolina ABC that have to be gone through and while it is common that these types of establishments have to come before municipal bodies for permits of all sorts, we typically don't get to place conditions on that sort of thing, with respect to areas that are in the clear purview of the ABC Board.
- Chair Wray asked the applicant if he was okay with not operating tasting during school hours. The applicant said he was okay.
- Chair Wray announced that the Board will now hear from other persons with standing and their witnesses. If any. Hearing none, he announced that the Board will now hear from persons that are not parties but wish to provide information. He asked Mr. Pope (Claude) to speak if he would like to do so.
- Mr. Pope (Claude) mentioned Ms. Vaickus' letter supporting this use. He said it went a long way to helping him get over that the distance between the school and the distillery was literally four and a half inches. He still remains concerned if it was a different school that the applicant would not have the support. But in this particular case the next door neighbor is happy so he is happy. As far as impact on our business again, time will tell whether it helps or hurts. But it's really irrelevant in a capitalistic society.
- Chair Wray thanked Mr. Pope for his comments. He asked if there were any other persons who would like to speak.
- Chief Gibson (Public Safety Chief) commented for clarification, that one of the forms included in the ABC permit application is a local government opinion form that will need to be completed. Village management meets on that and currently he is the designated Village staff person signing off, so the Village is able to provide an opinion that goes to the ABC Commission and the Commission will then decide whether to issue the permit and under General Statute. So, they make the decision as far as the school and one of those is whether the establishment is located within 50 feet of a church, public school or any non-public school. So ultimately the Commission will make that decision. Even though the local government would give that opinion form, the Commission makes that decision.
- Ms. Stephen asked for clarification on the number of bays that are in the retail building, she thinks there are four where the distillery would be operating. She asked if they are all leased and stated that any one of them could move, including the school. Chair Wray stated, yes, they are all leased out. Ms. Stephen said, but that they don't know about the future. We don't know about Monkees in the future, not the wine bar.
- Chair Wray entertained a motion to close the public hearing. Ms. Stephen made the motion, Ms. Webb seconded. The motion passed unanimously.
- Chair Wray indicated that this was the time for discussion and asked for the pleasure of the Board. Ms. Stephen indicated she was ready to vote. Chair Wray pointed out that any restrictions would be handled by another agency as Chief Gibson pointed out.
- Ms. Webb pointed out the agreement between Ms. Vaickus and Mr. Munroe about the tasting hours. She asked if that should be a condition of the Special Use Permit. There was further discussion among the Board, with advice from Village Counsel on whether the Planning Board should add a condition for tasting hours while a school is operating in the space next door and a violation of the condition would be enforced. Mr. Quick said that the Board could set a condition at a time after which tastings could occur. The Board just can't require that they not operate entirely or not operate certain things that are approved by the State. Ms. Webb felt doing so would help with the ABC Board to have something binding. Mr. Quick said that it seems like the applicant is willing to have this condition, however agreeing to a condition is

not a requirement. He gave a suggestion on wording it. There was further discussion about the wording of the condition, if there is a need for this condition, and if there is how it would be enforced.

- The Board went through the five items for consideration that were listed in the Board Packet.
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.).
- Ms. Stephen made a motion to approve Special Use Permit Application 2025-02 on the condition that tastings will not occur prior to 2:30 p.m. while the school currently located next door is in session. Mr. Clark seconded the motion. The motion passed unanimously.
- Mr. Quick asked the Board to make a motion for staff to prepare a permit order. Ms. Stephen made a motion for the Board to authorize staff to prepare a written order setting out the findings of fact and conclusion summarized today in this matter for execution by the chair of the Planning Board within 15 days from the date of the close of this hearing. Mr. Clark seconded the motion. The motion passed unanimously.
- For the record, Mr. Quick asked the Board to pass a similar motion for the previous special use permit. Ms. Stephen made the motion to authorize staff to prepare a written order setting out the findings of fact and conclusion summarized today for Case SUP 2025-01 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 closing of this hearing. Mr. Clark seconded. The motion passed unanimously.

5.2 Hearing on Special Use Application Case SUP-2025-03 – 96 Keelson Row

- Chair Wray introduced this item and asked all who wish to testify to see the Deputy Clerk Ms. Faulkner to be sworn in and to sign up if they have not already. He explained that only persons with standing, as determined later in the hearing, will be able to provide testimony for the Board's consideration.
- Ms. Faulkner swore in Village Staff (Stephen Boyett and Jae Kim), and the applicant (Harper Peterson).
- Chair Wray gave the Board members a chance to reveal any possible conflicts and to withdraw from the procedure if necessary. No members had conflicts.
- Chair Wray asked the Board members if they have any information or special knowledge about the case that may not come out in the hearing today. He added, this includes communication with the application or interested parties about the case. Chair Wray indicated that he had a conversation with Dann Jackson, and he texted him to ask if he could be heard today and he responded to him.
- Chair Wray instructed on written evidence, that it should be introduced during or at the end of the testimony of a witness and that the Board cannot accept reports from persons who are not present to testify. He stated only qualified experts in the particular discipline may testify as to their opinion. Lay witnesses cannot testify to certain subjects by way of example. Those

include how the use of one property will affect the value of another property, or whether increased vehicular traffic will pose a danger to public safety. If a qualified person testified evidence must be presented to that person's qualification and the Board will make a ruling on those qualifications. Attorneys who speak should not give factual information but may summarize their client's case and ask questions. Those providing testimony must clearly state their name for the record.

- Chair Wray entertained a motion to open the hearing. Ms. Stephen made the motion. Mr. Clark seconded. The motion passed unanimously.
- Chair Wray indicated that the Board needs to determine who has standing to testify and stated a few examples of who would have standing and who may not. He asked for anyone who is not the applicant or staff to indicate if they wish to speak.
- Julie Showalter indicated she should like to speak. She said she has standing. She was sworn in by Ms. Faulkner. She was identified by the Chair as an adjacent property owner and that she does have standing. He requested that Village Staff provide testimony.
- Before receiving staff's testimony, Mr. Quick advised that the Board receive consent from the persons who have standing to have this proceed remotely, including the adjoining property owner. The applicant and the Ms. Showalter consented.
- Mr. Boyett's testimony:

"The Village received a Special Use Permit application on January 31, 2025, for 96 Keelson Row on the southeast corner of BHI Marina, opposite of Jules' Salty Grub and Island Pub, located in the PD-3C zoning district. Some of the existing land uses in the immediate area are commercial retail services, lodging, marina, marina related, restaurant, cafe. The applicant wants to turn the unit into a restaurant which does require a Special Use Permit in PD-3C. An example of what would require a Special Use Permit in that area are a bar, lounge, tasting room, wine shop, brewery, restaurant, cafe, and recreational facilities. I would like to note that in the Brunswick Blueprint 2040 plan that was adopted on April 21, 2023, more restaurants were submitted as an idea for landing use when others were surveyed. Staff has determined that the application packet is complete. We've provided the staff report that I'd like to get added into the record as evidence." (Attachment C).

- Chair Wray asked if there were any questions for staff. There were none. He announced that the Board will now hear testimony from the applicant.
- Mr. Peterson's testimony:

"Mr. Chairman, and board members, my name is Harper Peterson, my wife and I own the property at 96 Keelson Row which presently serves as a retail shop, as bar with appropriate licenses, and an entertainment venue. It's a linear space along the marina. It's delineated on this photo (aerial of property on the screen). As part of our retail service we provide menu items from our nearby restaurant, the Boathouse Kitchen, formerly Delphina, on a request basis, and we deliver to the facility at 96 Keelson Row, and serve these food items, principally salads and pizza. Our desire is to move as we're moving the retail portion of this facility at 96 to a new location, we'd like to move the kitchen equipment to that space, approximately 450 square feet in size, and more specifically pizza ovens and the kitchen equipment not requiring a hood system so minor equipment in terms of a full scale restaurant that you would be familiar with, and we spoke to the Brunswick County Health Department. They tentatively approved our proposed layout. We've met with Mr. Boyett the building inspector, we've met with JP [McCann]. We'd have to go, if approved here, before the

Commercial Review Board with regard to any physical changes to the building, the exterior also, including parking.”

- Chair Wray asked if there is a sprinkler system in the building. Mr. Peterson says they do.
- Mr. Pope (Zan) asked Mr. Peterson if he is planning on turning the whole space into a kitchen or if there is going to be seating as well. Mr. Peterson indicated that there will primarily be a receiving area for the customers to order, but that there’s not seating within that space.
- Chair Wray asked to hear from other persons with standing.
- Ms. Showalter’s testimony:

“Julie Showalter, I own the property adjacent, 10 and 16 Marina Wynd, Jules’ Salty Grub and Island Pub and Lulu’s Barbecue. My concern is the parking situation, the traffic situation that is already horrible during the seasonal times. This is gonna create more traffic, more people coming to pick up their food. I’m not quite sure about the seating arrangements over there with capacity, dining outdoors. My other concern is garbage. Where’s the garbage gonna go? Right now, I know the facility has two cans, one recycling, one for garbage. That is something that during the summertime, when you know temps are high, if we don’t change the compactor out every month, the garbage starts to smell. And people on the front deck of my restaurant will complain about it. So it’s something we have to diligently take care of. So garbage and parking are two of my biggest concerns. I witnessed this morning a cart going about 20 miles per hour through the harbor. When I was in the Marina Park, I did go up and talk to the guy about it and told him he needed to slow it down. I don’t care what time of year it is if one of my dogs would have ran out, they would have got hit and killed. It was one of the guys working on the barge. But that is a concern that I have. I’m a resident of the harbor as well. And carts go flying through there. There’s no signs other than on the pedestrian bridge. Nobody looks at it. There’s no speed bumps and I’ve talked to public safety about it continually. So, I am concerned about the parking situation, and people coming and going to pick up at that location versus the location that he’s at right now at the Boathouse.”

- Ms. Stephen asked if pizzas are already picked up at the current location versus the Boathouse. Ms. Showalter indicated that she witnesses people delivering pizzas to the Wisp (the applicant’s seating area for the bar). She thought that people always picked up at the Boathouse building (Chandler). Regardless she said she is concerned about the trash and increased traffic and that other people in the harbor are just as concerned.
- There were no questions from the Board.
- Mr. Peterson made comments in response to Ms. Showalter. He said he also witnessed the speeder that morning and that it was pretty dramatic. He addressed the trash by indicating that they presently remove their trash on a regular basis and they have a dumpster at the Boathouse and the Jailhouse. He said he is aware of the problems that come with the trash. As far as parking, he said that will come up with the Commercial Review Board, but that he is ready to address that problem. As far as the traffic issue and speeding, he said that he had a good experience in 2024 with the Sunset Celebration and worked with Public Safety to slow traffic down. He said he’d be happy to work with the Village.
- Chair Wray announced that the Board would now hear from other persons who are not parties who wish to provide information for the record. Please note, the Board cannot consider information from persons without standing.

- Ms. Webb announced that she had joined the meeting on Zoom. She indicated that she had heard all the testimony.
- No one else from the public spoke for the record.
- Ms. Webb said she agreed with the traffic and parking and that it is becoming more of a problem. She did not think much is changing here except for the pizza is going to be made on site instead of being shuttled over, so not much of a change in traffic flow and the parking issue that already exists.
- Ms. Stephen made a motion to grant the Special Use Permit. She was reminded that the Board needs to close the public hearing. Ms. Stephen moved to close the public hearing. Mr. Clark seconded. The motion passed unanimously.
- Ms. Stephen made the original motion, to grant the Special User Permit based upon the application, the presentations, and legal arguments made by the parties, and the competent material and substantial evidence submitted during the hearing summarized in the record for this matter. Mr. Clark seconded the motion. The motion passed unanimously.
- Chair Wray asked if the Board should have a discussion to go over the four factors that the Board was to take into consideration. Mr. Quick agreed.
- The Board went through the four factors in the Board packet. They agreed that the aspects of speeding and parking are for the Commercial Review Board to address and that the Board does not have any evidence on that. They agreed that not much is changing.
- Ms. Stephen made a motion to authorize staff to prepare a written order, setting up the findings of fact and conclusion 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. Before a vote was taken, Mr. Quick advised that the Board follow up the discussion with a motion.
- Ms. Stephen made a motion to grant the special use permit 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. Mr. Clark seconded the motion. The motion passed unanimously.
- Ms. Stephen made a motion to authorize staff to prepare a written order, setting up the findings of fact and conclusion 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. Mr. Clark seconded the motion. The motion passed unanimously.

5.3 Proposed text amendment to the maximum building height requirement in the PD-2C zoning district.

- Mr. Boyett gave the staff report and took questions from the Board.
- Mr. Clark asked staff if there are any current projects in this area that would be adversely affected by this change. Mr. Boyett said not at this time.
- Mr. Biggs, representing the developer, indicated that they aren't developing but about 10 or 15 years ago Limited had designs for a 35-foot residential building. He said the person that they spoke with who may end up owning the land knows.

- Mr. Quick made comments in regard to vested rights, that there are some types of development that have vested rights but that this is not really an issue here. The subdivision is not a type of development that would have a vested right to a previous type of ordinance.
- Staff showed the zoning district on the zoning map.
- Mr. Quick explained that this is a fix to make it consistent with what is allowed for single family residential in other areas.
- Chair Wray mentioned four properties on Federal Road that can be mixed use, he asked if this would apply to single family only. That the four with covenants would still be allowed to go to 45 feet. Mr. Quick agreed that this would only be for single family homes and there are very few of them in the PD-2C which may have been why this was never included before.
- Chair Wray reminded the Board that this is a legislative decision that will go to the Village Council, that the Board is making a recommendation today. Mr. Quick advised the Board to make a recommendation based on the draft consistency statement in the board packet, that they can pass the draft as-is or make any changes.
- Ms. Stephen moved to approve the zoning statement of consistency and recommendation as presented. Mr. Clark seconded the motion. The motion passed unanimously.

6. **Staff Reports:** Ms. Faulkner indicated that there was a proposal for the Board to have a regularly scheduled meeting and that the Board would be receiving a poll to determine if there is a good time for the Board to have a monthly meeting. She explained that if we do have a matter that needs to go to the board that it would make things go smoothly as far as timing.

7. **Adjournment:** Ms. Stephen made the motion to adjourn, Mr. Clark seconded. The motion passed unanimously. The meeting was unanimously adjourned at 11:43 a.m.

APPROVED:

ATTEST:

David Wray
Planning Board Chair

Carin Z. Faulkner
Deputy Village Clerk

From: [Stephen Boyett](#)
To: [Carin Faulkner](#); [Jae Kim](#); wquick@brookspierce.com
Subject: Fw: [EXTERNAL]
Date: Wednesday, February 19, 2025 10:21:46 AM

See below response from Joe Lee on ok for Zane to act remotely in todays Planning Board Meeting.
Get [Outlook for iOS](#)

From: Joey Lee <leesautojoey@gmail.com>
Sent: Wednesday, February 19, 2025 10:13:57 AM
To: Stephen Boyett <sboyett@villagebhi.org>
Subject: [EXTERNAL]

hey Stephen I'm sorry I couldn't make it I Joe Lee give permission to zan pope to vote from abroad the meeting thanks please call 919-669-6863 if any questions thanks Joe

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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.

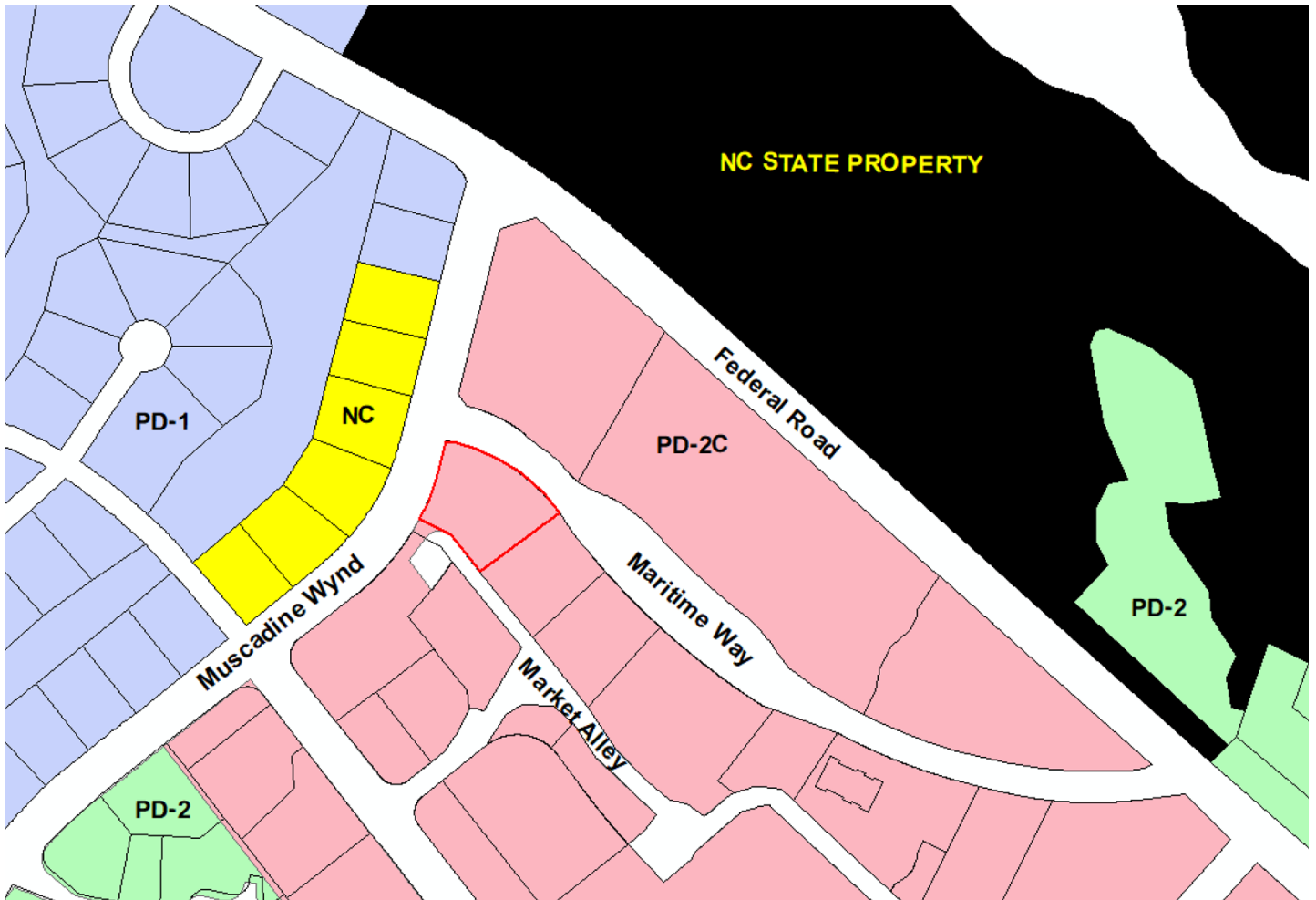
[IF CONDITIONS] I further move that Special Use Permit SUP #2025-02 be granted subject to the following conditions: [LIST CONDITIONS].

- 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.

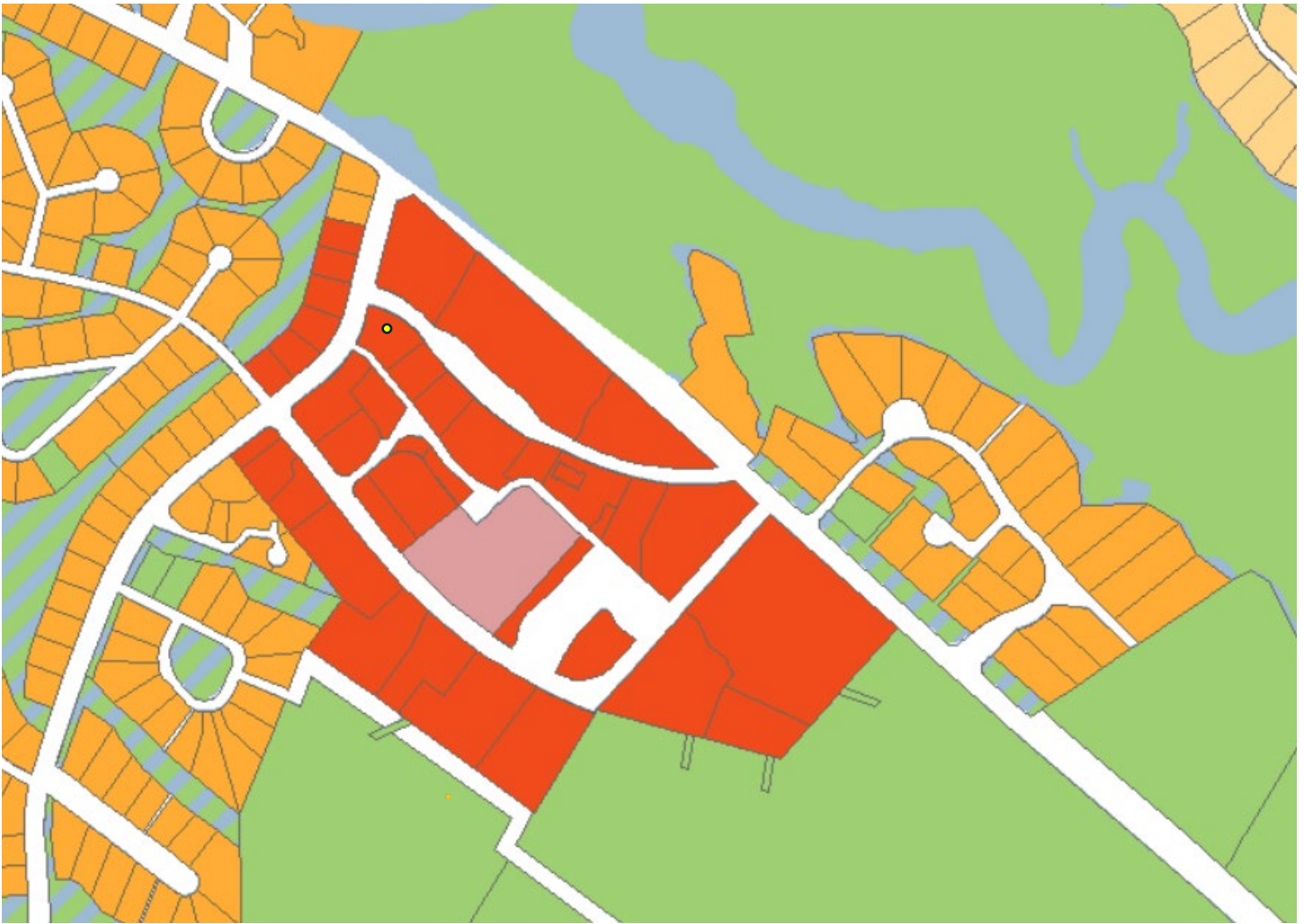
Aerial Map



Zoning Map







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: 28337
 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: 28337
 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

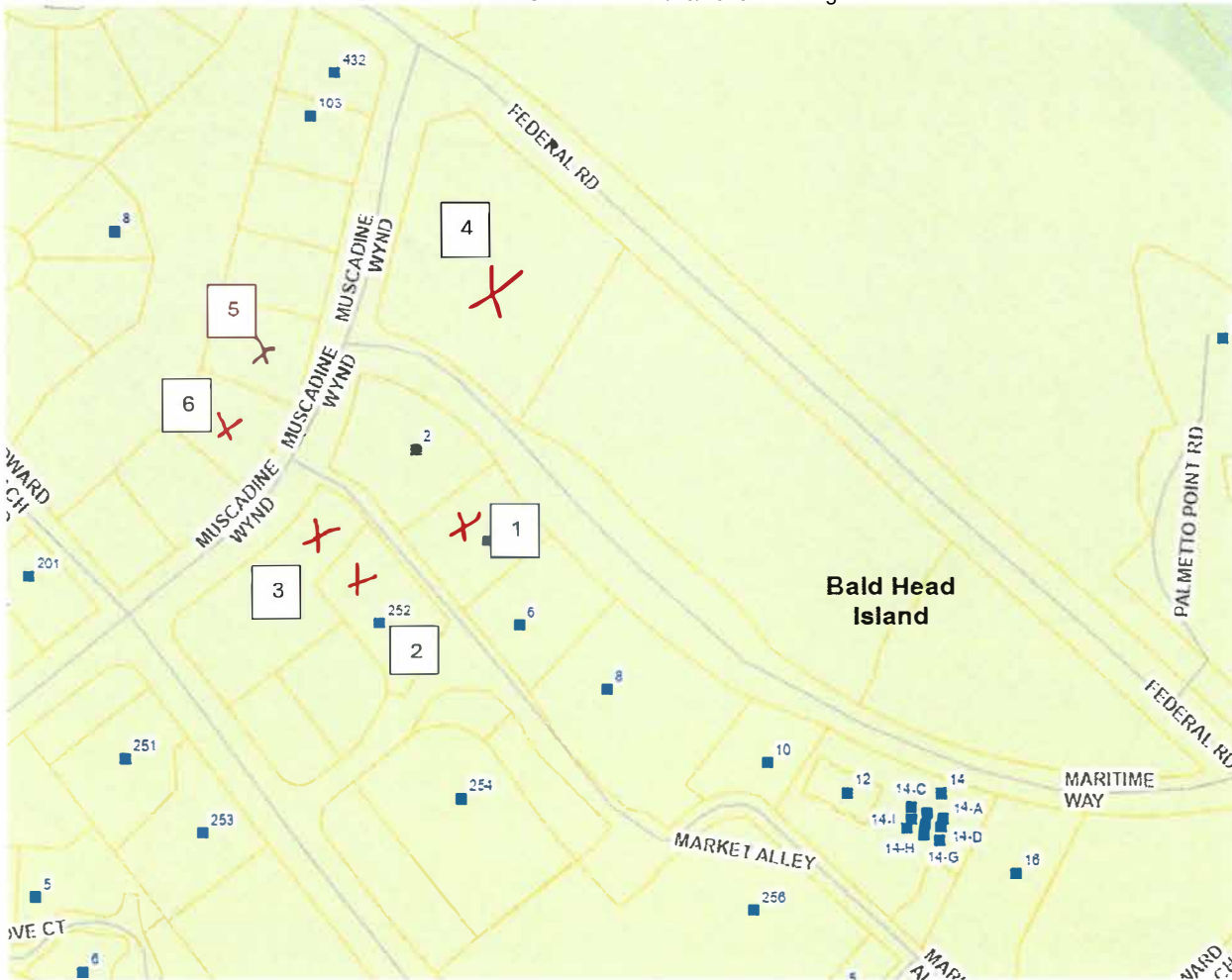
Type or print name

Date

Attach additional sheets if there are additional owners.

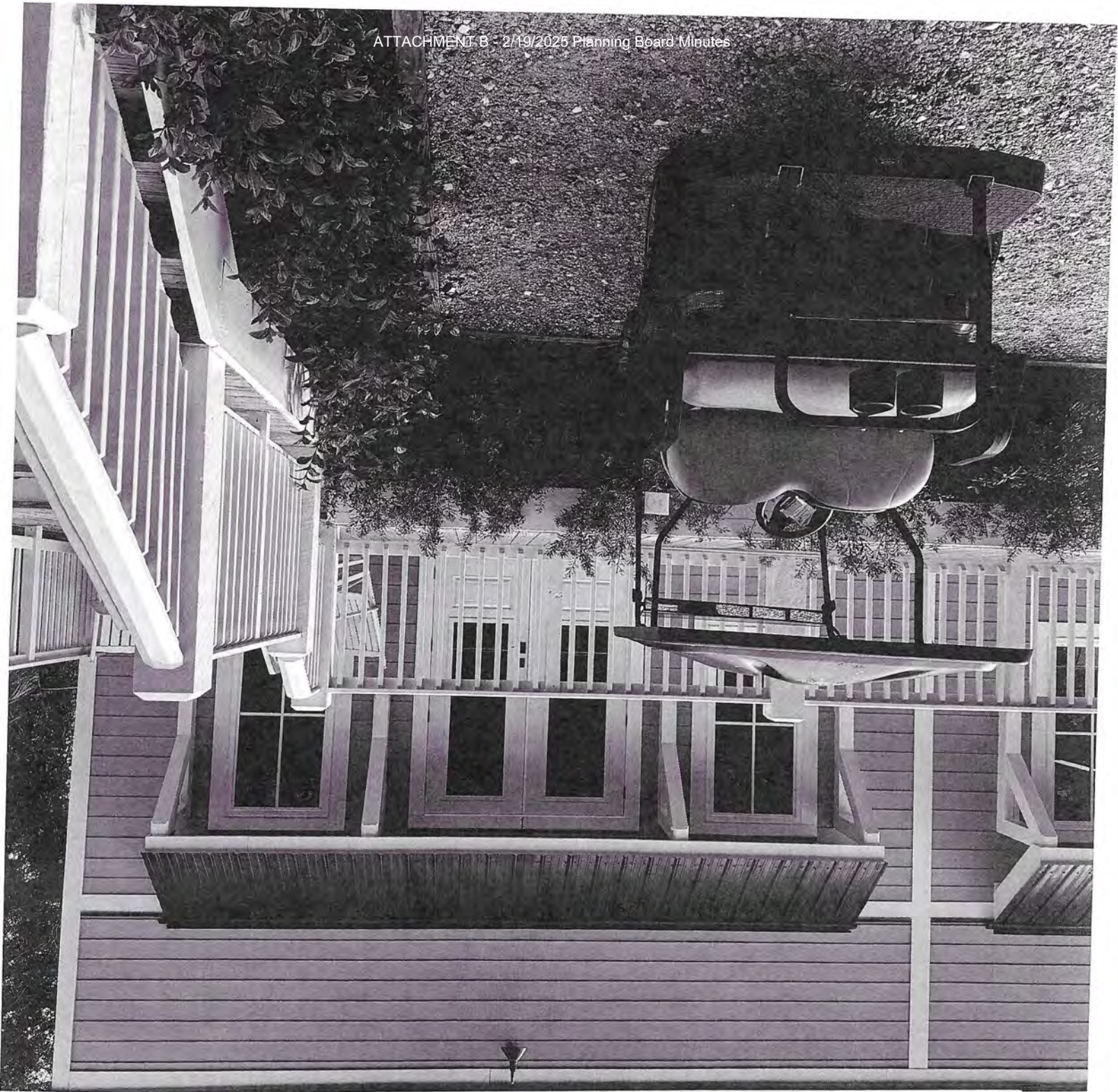
*Owner of record as shown on the latest equalized assessment rolls of Brunswick County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

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.



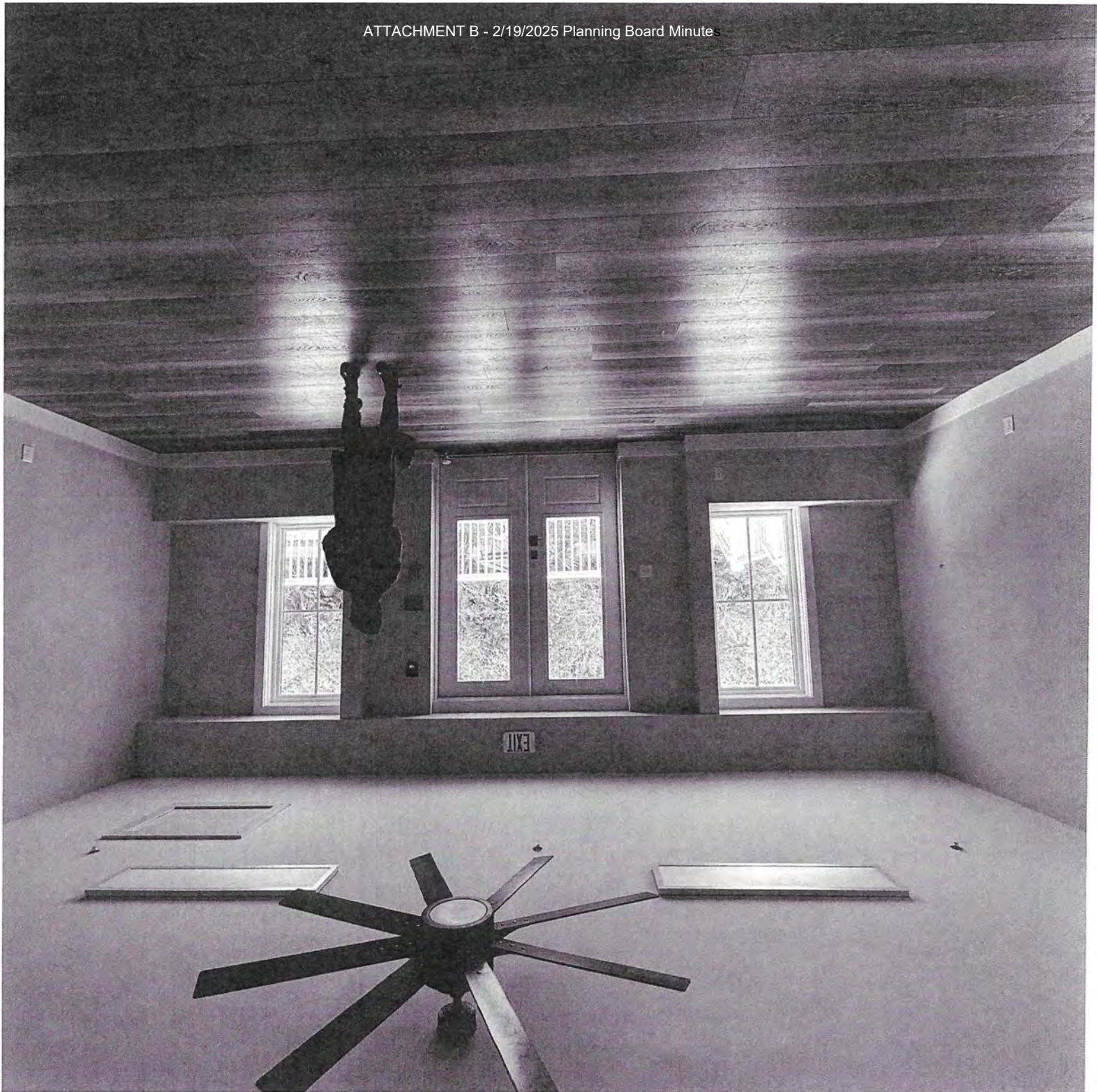
1	TIFFANYS BEACH PROPERTIES LLC PO BOX 3001 BALD HEAD ISLAND, NC 28461
2	BELLSOUTH TEL CO 747200 AT&T PO BOX 182576 COLUMBUS, OH 43218-2576
3	DJS ASSOCIATES LLC PO BOX 569 BOONE, NC 28607-0569
4	NICE NEIGHBORS LLC STE 200 240 RACINE DR WILMINGTON, NC 28403-8703
5	FISHER JOHN L PO BOX 3365 BALD HEAD ISL, 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 Box 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 Tipsy 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 Tipsy 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:

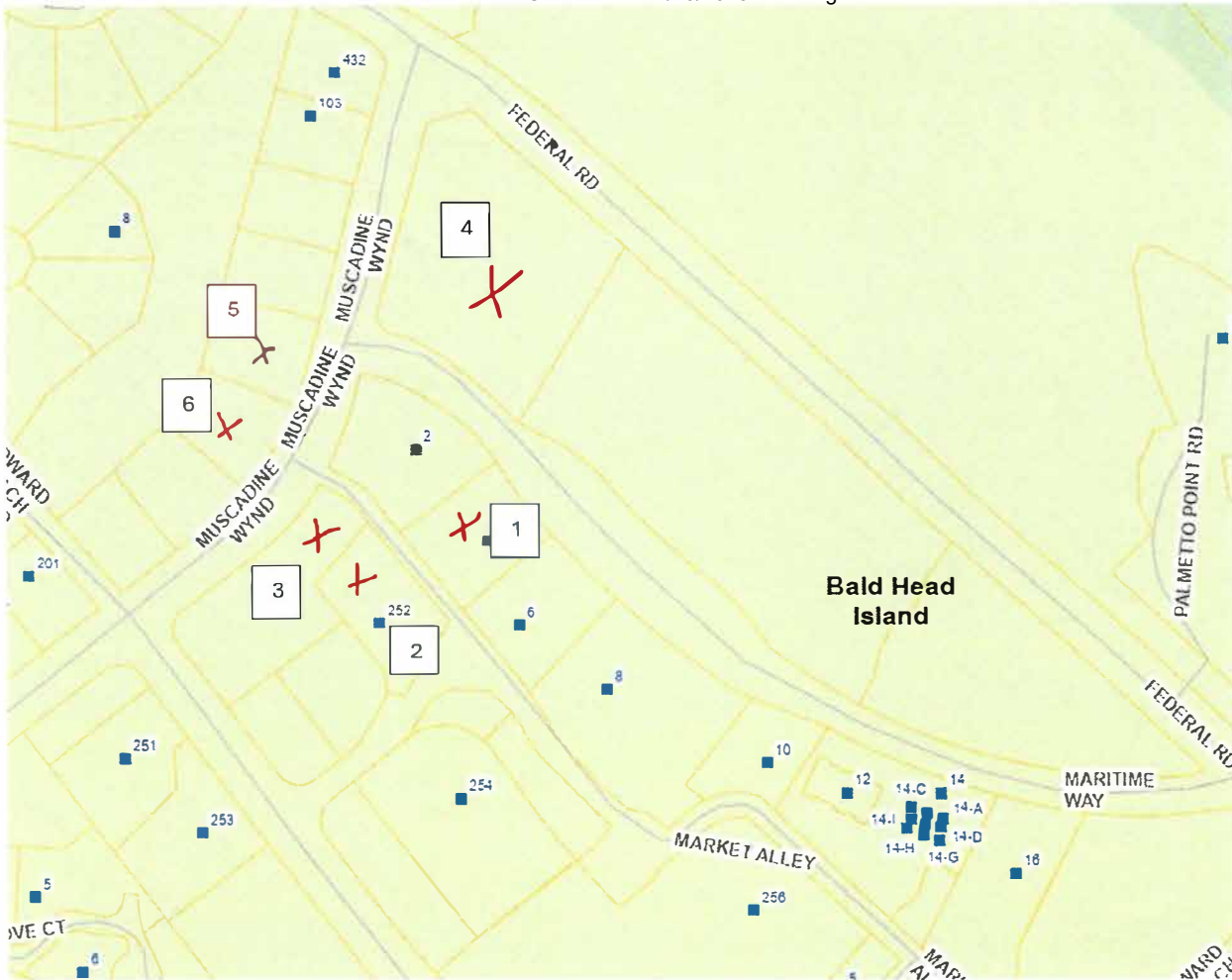
<https://villagebhi.org/village-government/boards-committees/planning-board/>

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.

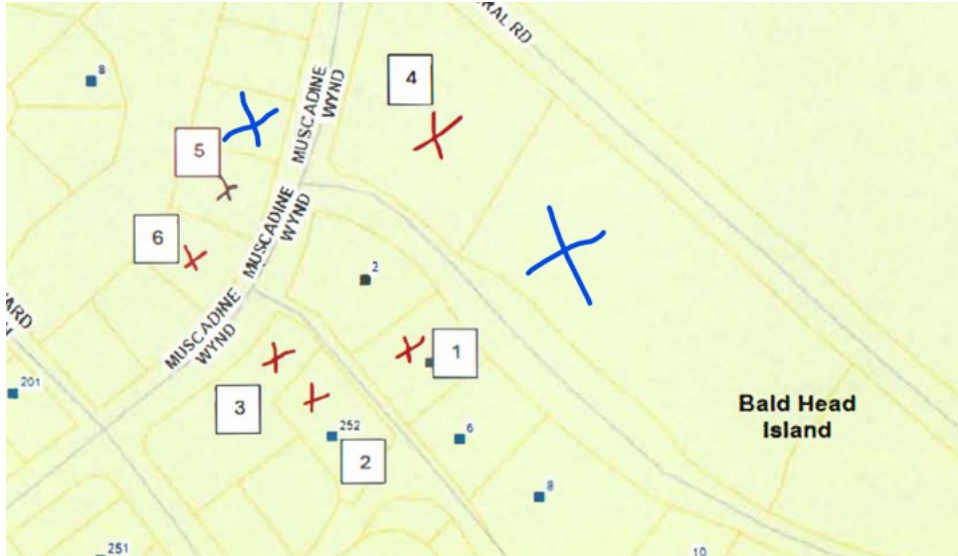
Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Boyett", followed by a horizontal line.

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
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)



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

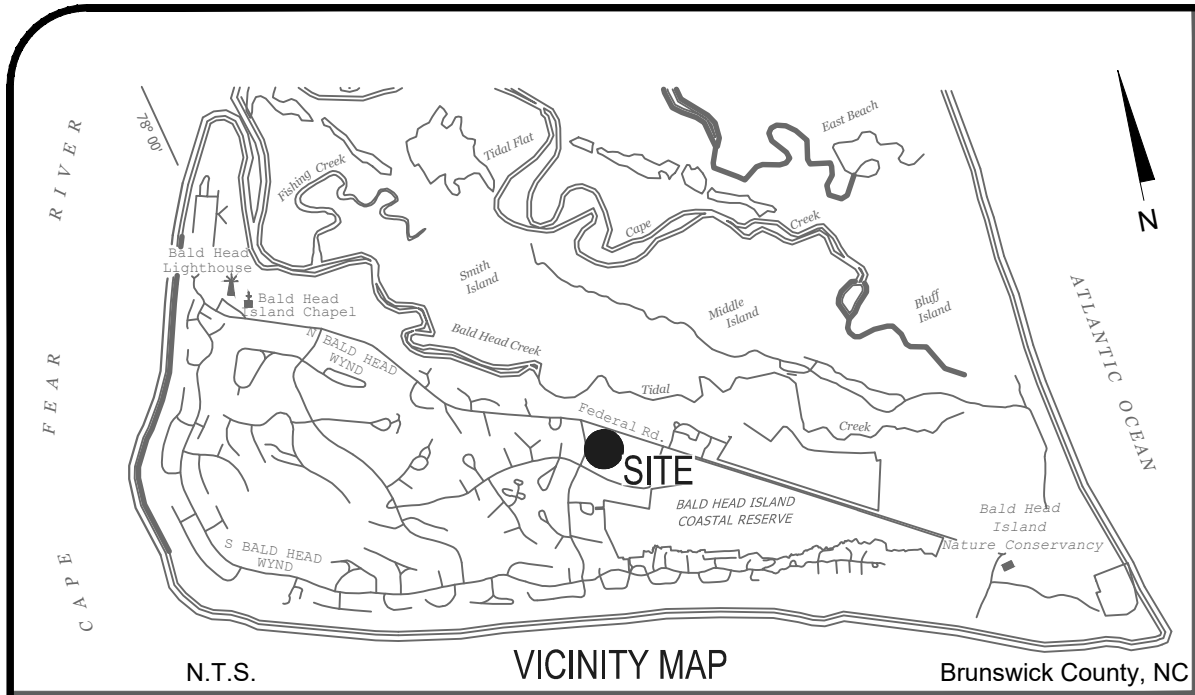
REFERENCE TO VILLAGE ORDINANCE

(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>			<i>S</i>		<i>S</i>			
<i>Bar, Lounge, Tasting Room, Tavern, Wine Shop</i>			<i>S</i>		<i>S</i>			
<i>Restaurant, cafe</i>			<i>S</i>		<i>S</i>			



- 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	

OAK TREE

CEDAR TREE

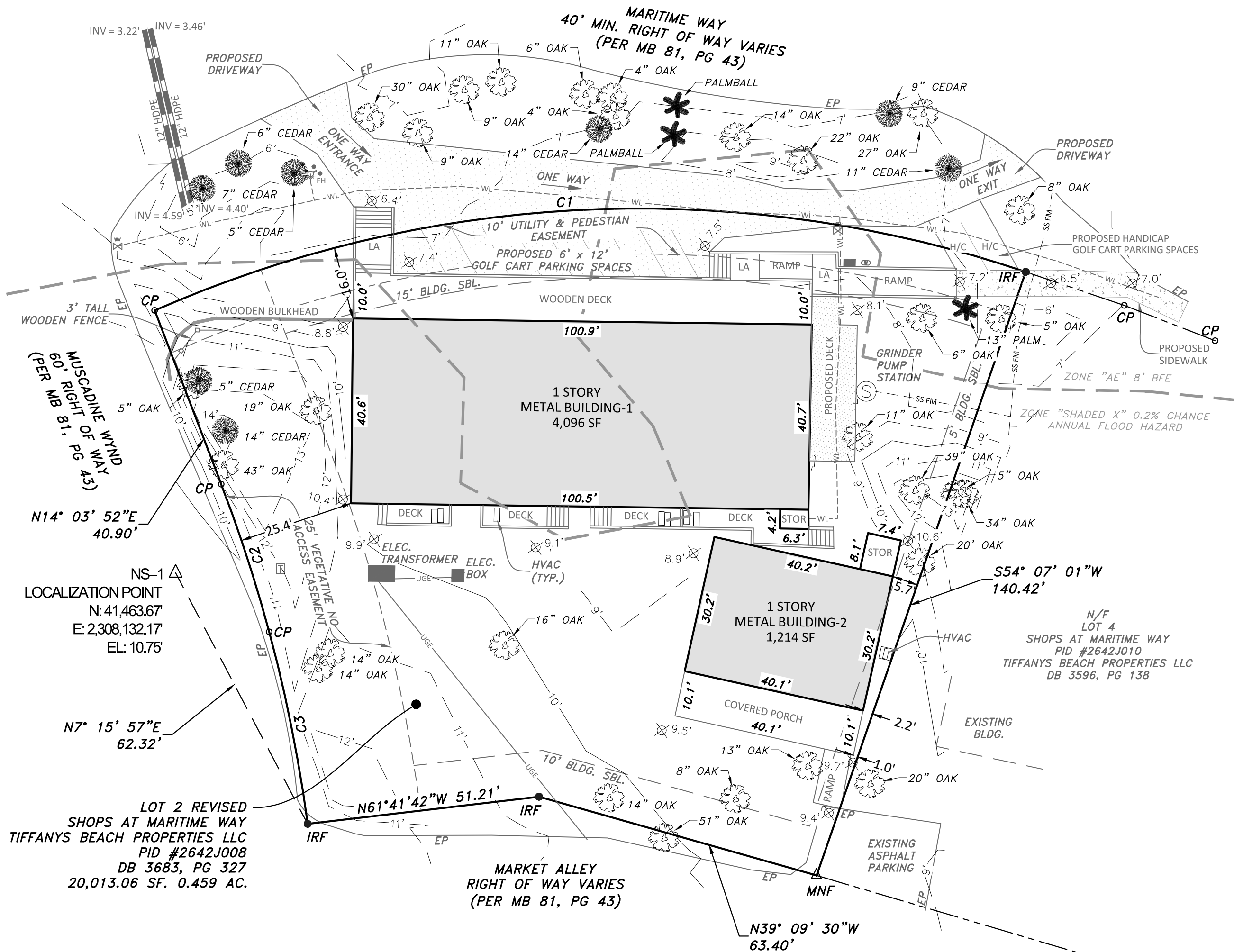
PALM/PALMBALL TREE

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.

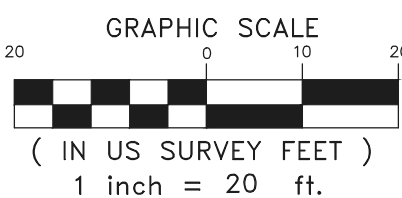
PRELIMINARY

N.C. PROFESSIONAL SURVEYOR L-5353



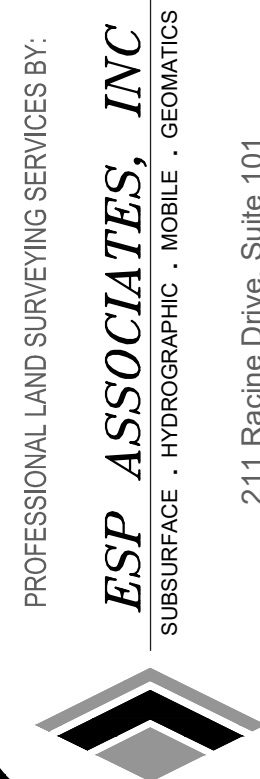
SET BACKS PER BHI LIMITED PD-2C:
FRONT SETBACK - 15'
SIDE SETBACK - 5'
SIDE SETBACK ON CORNER - 15'
REAR SET BACK 10'

REFERENCES:
MB 81, PG 43
DB 3683, PG 327



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

PROFESSIONAL LAND SURVEYING SERVICES BY:

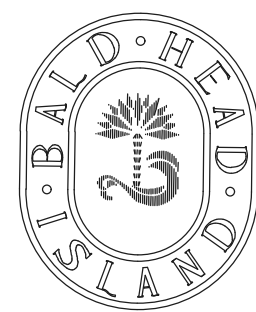


AS-BUILT SURVEY FOR THE PROPERTY OF:

TIFFANY'S 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	



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

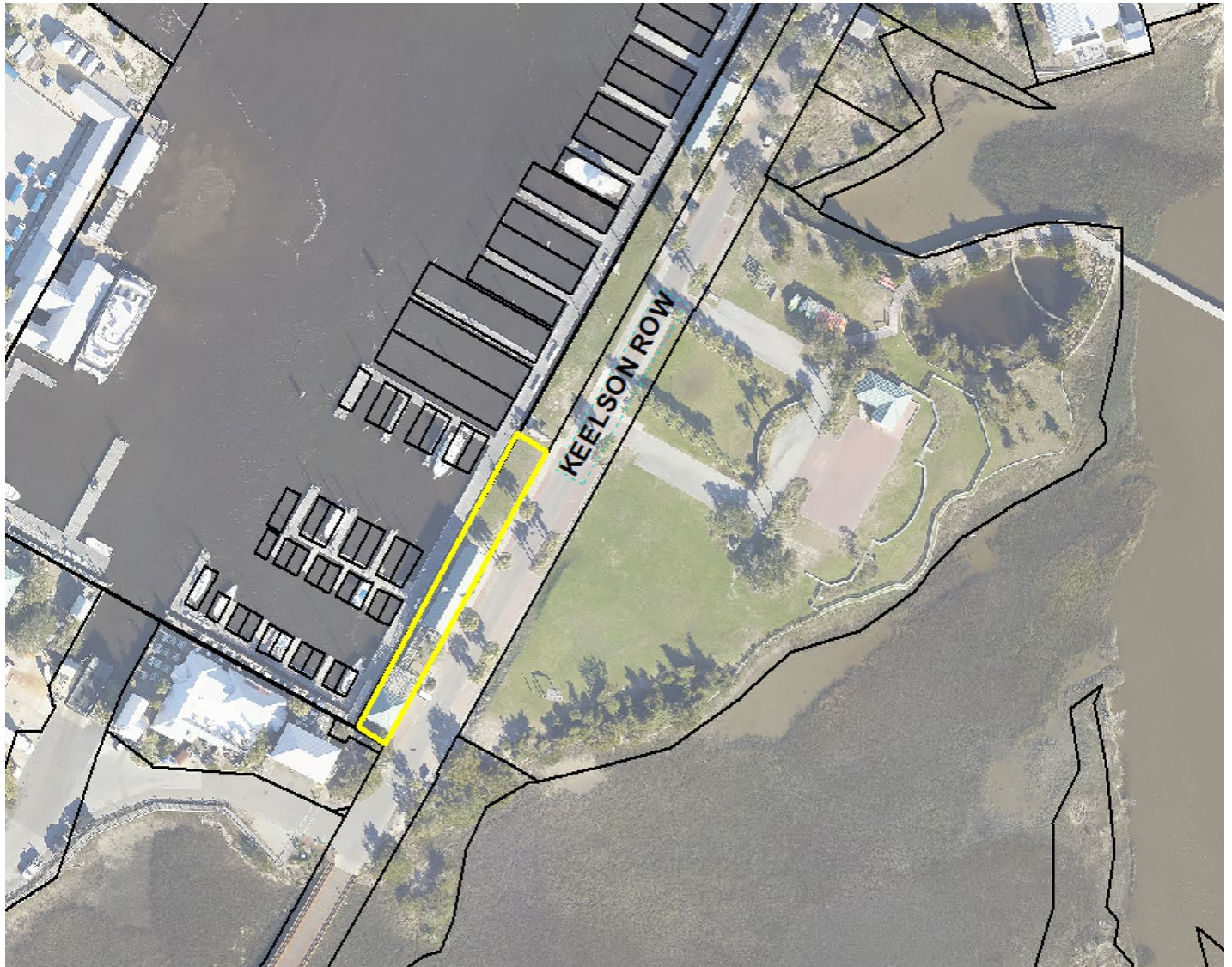
- 1) I move that Special Use Permit SUP #2025-03 be (granted/denied/granted with conditions) based upon the application, the presentations and legal arguments made by the parties, and the competent, material, and substantial evidence submitted during the hearing and summarized in the Record for this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

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

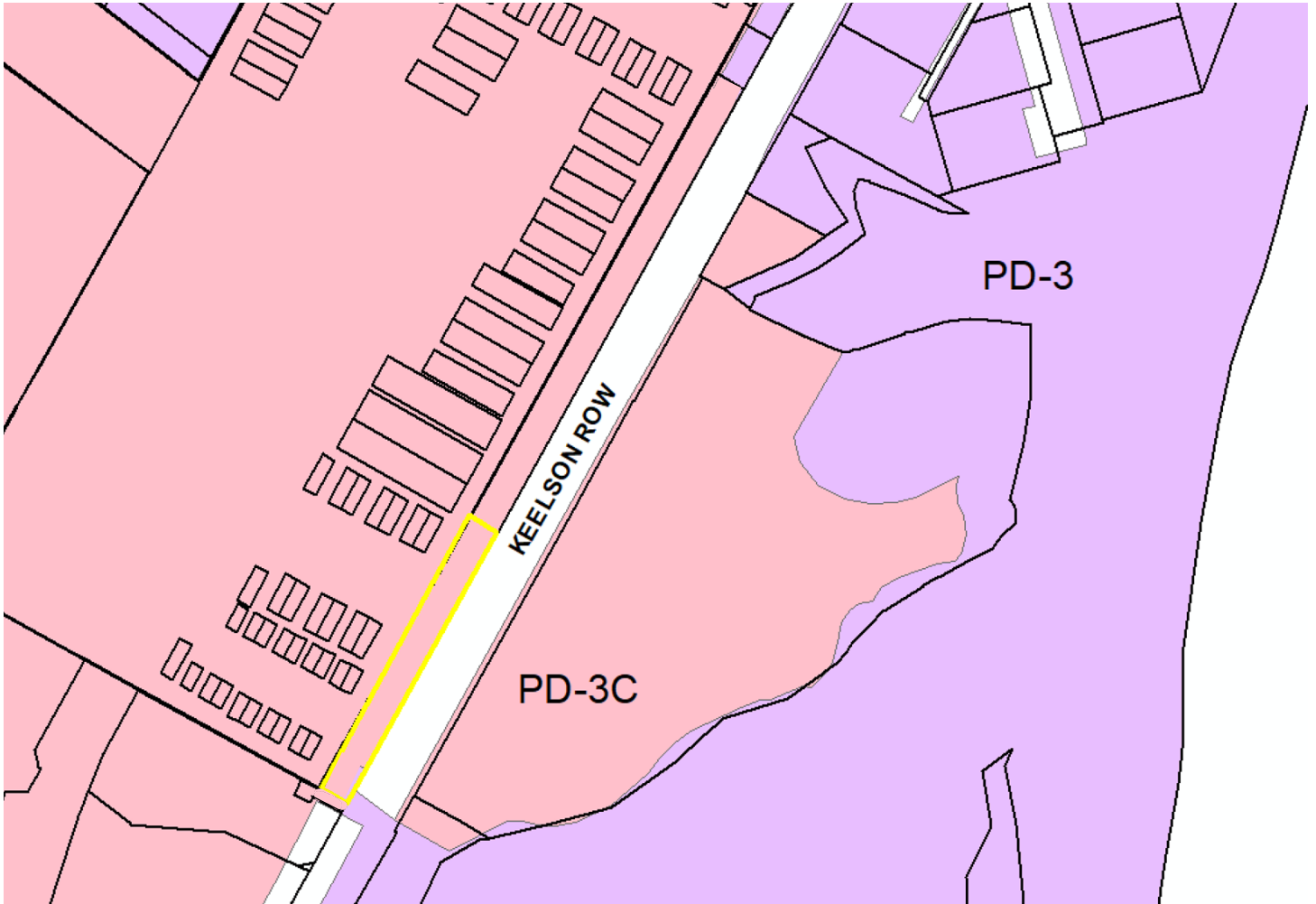
- 2) I move that Village Staff is authorized to prepare a written Order setting out the Findings of Fact and Conclusions summarized today, and any other necessary material drawn from the Record to support the decision reached by the Planning Board, for execution by the Chair of the Planning Board within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

ATTACHMENT C - 2/19/2025 Planning Board Minutes
ATTACHMENT 1

Aerial Map



Zoning Map



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: 1/31/25Riverside Adventure Company

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

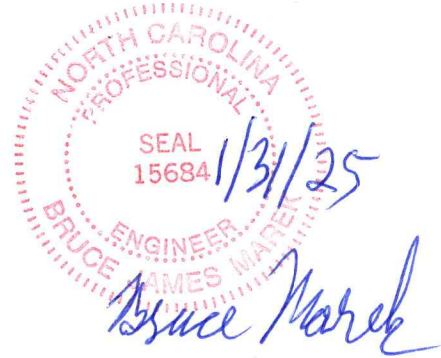
Type or print name

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.



S59°54'00"E
53.23'

9+50

10+00

CB

KEELSON ROW

11+00

CB

12+00

12+75

CB

13+00

TMH

4' CON

WALL
O' THE
WISP
GAZEBO

WALL
O' THE
WISP
GAZEBO

THE SAIL SHOP

CAMALOT APPROVED RAISED DECK EXTENSION 11'X31'6"

CAMALOT REQUEST 6" WOOD BOARD WALK 35-18 REV 1

Electrical Panels

Transformer

GAZEBO

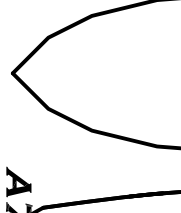
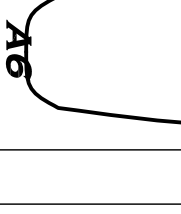
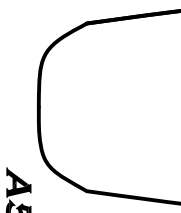
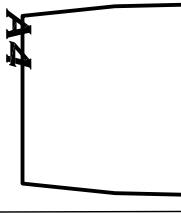
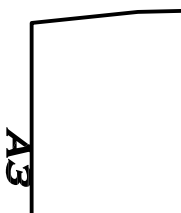
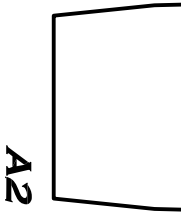
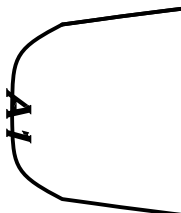
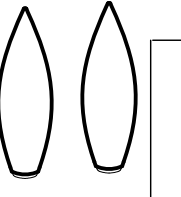
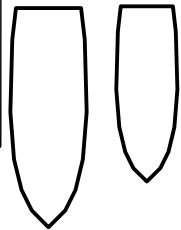
5-6-06 CAMA 11
CUPOLA/RANGE L

A

N

B

N29°04'43"E 1153.76'



A1

A2

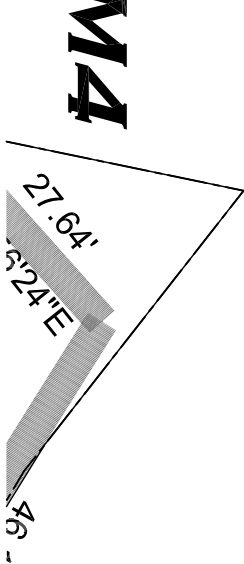
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A4

A5

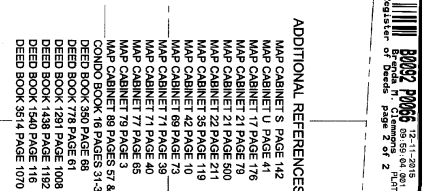
A6

A7



0+50







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

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

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

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

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

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

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

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

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

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			



The Village of Bald Head Island

OATH OF OFFICE

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK
VILLAGE OF BALD HEAD ISLAND

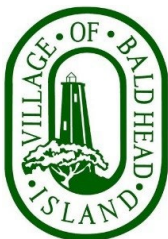
I, CHRIS WEBB, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as Regular Member of the Planning Board of the Village of Bald Head Island, so help me God.

(North Carolina Constitution, Article VI, Section 7)

Sworn this the 11^h day of September 2025.

CHRIS WEBB

Carin Z. Faulkner
Deputy Village Clerk



VILLAGE OF BALD HEAD ISLAND
Planning Board Meeting
Agenda Item

Agenda
Item:
Date:

**New
Business
6.1**
9/11/2025

Issue: BHI Marina Parcel A & B Subdivision Preliminary Plat
Department: Development Services
Contacts: Stephen Boyett, Development Services Director
Attachments: 1) Aerial Map
2) Preliminary Plat – Planning Board members who wish to view a larger version of this plat can pick up a copy at Village Hall in the Village Clerk’s office. It is available for inspection in the Clerk’s office for all other interested parties.
3) Statement of Consistency

**BHI Marina Parcel A
Subdivision Preliminary Plat – PARID 260JA008**

Subdivider: Bald Head Island Limited

Jerry Biggs (Agent)

Property Location: Marina Wynd

Parcel Number: 260JA008

Size of Parcel: 5.59 Acres Total

New Lots/Parcels:

Barge Landing: 0.686 Acres

Parcel “A” (Remainder): 4.882 Acres

Current Zoning District: PD-3C

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

Current Use of Property: Marina Ferry Terminal, Barge Landing Access & Staging

**BHI Marina Parcel B
Subdivision Preliminary Plat – PARID 260JA003**

Subdivider: Bald Head Island Limited
Jerry Biggs (Agent)

Property Location: Marina Wynd

Parcel Number: 260JA003

Size of Parcel: 2.161 Acres Total

New Lots/Parcels:

Golf Parcel:	0.986 Acre
Parcel "B" (Remainder):	1.175 Acre

Current Zoning District: PD-3C

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

Current Use of Property: Golf Cart Rentals, Restaurant, Coffee Shop, Harbormaster, and offices.

A preliminary subdivision plat was submitted by the subdivider/agent and a technical review meeting has taken place. The next step of the process is for the planning board to consider the plat in open session and make recommendation to the village council for approval, conditional approval, deferral, or denial of the subdivision proposal.

Planning Board Guidance

Sec. 26-2. Purpose of chapter.

The purpose of this chapter is to regulate and control the subdivision of land within the corporate limits of the village in order to promote the public health, safety, and general welfare of the community. They are designed to lessen congestion in streets and roadways; to further the orderly layout and use of land; to ensure proper legal description and proper monumenting of subdivided lands; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land and avoid undue concentration of population; to facilitate adequate provisions for transportation, water, sewerage, open space, recreational areas and other public requirements; and to facilitate the further resubdivision of larger tracts into small parcels of land.

Sec. 26-7. Subdivision defined.

The term "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this chapter:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the village as shown in its subdivision regulations;
- (2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets; and
- (4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the village, as shown in this chapter.

Sec. 26-51. Generally.

(a) The following sections are an outline of the procedure for obtaining approval of the subdivision of land within the territorial jurisdiction of this chapter. The procedure for review and approval of a subdivision plat consists of two separate steps. However, informal consultation with the village manager for advice and assistance and preparation of a sketch plan is recommended prior to the submission of the preliminary plat. The first step is the preparation and submission to the planning board, and then to the village council a preliminary plat of the proposed subdivision. The second step is the preparation and submission to the village manager of a final plat together with required certificates and assurances. The final plat is the instrument recorded in the office of the register of deeds when duly approved pursuant to the terms of this chapter.

(b) Any subdivider wishing to subdivide any tract shall submit a preliminary plat of such proposed subdivision for approval. The following procedures shall dictate the process of approval of a subdivision in the jurisdiction of the village.

Sec. 26-53. Procedures for securing approval of subdivisions.

...

c. *Planning board approval.* The manager shall submit the preliminary plat proposal to the next regularly scheduled meeting of the planning board occurring more than 28 days after the submission of the preliminary plat to the manager. The subdivider shall submit ten copies of the proposal to the planning board, including any necessary revisions, not less than seven days prior to the regularly scheduled meeting. The manager may report to the planning board as to the compliance of the preliminary plat to the requirements of this chapter and shall make any recommendations with regard thereto that the manager deems relevant to the preliminary plat. The planning board shall consider the preliminary plat in open session and shall require the attendance of the subdivider or his agent. Notice of the meeting by first class mail shall be given to the subdivider or designated agent. Failure of the subdivider or agent to attend the planning board meeting at which such preliminary plat is considered shall result in the deferral of any discussion or consideration thereof and the automatic rescheduling of consideration of such plat to the next regularly scheduled meeting of the planning board. If the subdivider or his agent fails to attend two consecutive regularly scheduled meetings of the planning board at which such preliminary plat is scheduled for consideration, the proposal shall be deemed withdrawn by the subdivider. At its meeting the planning board shall review the preliminary plat proposal and all other pertinent material, shall hear from the official agent, and shall determine whether the proposal meets the policy, purposes and standards established by this chapter. The planning board then shall recommend to the village council approval, conditional approval, deferral, or denial of the subdivision proposal.

Project Information

Applicant is requesting to subdivide Parcel #260JA008 (also known as Parcel "A") to subdivide out the barge landing.

Applicant is requesting to subdivide Parcel #260JA003 (also known as Parcel "B") to subdivide out the area currently used by Cary Cart Company for its daily golf cart rental operations.

Staff Recommendation

The proposed subdivision is in general conformity with the Village of Bald Head Island Zoning and Subdivision Ordinances; therefore, staff recommends approval.

Planning Board Action

After review and discussion, a planning board member should make a motion to recommend that the Village Council approve; approve with conditions (if requested by applicant); defer; or deny the subdivision proposal using the attached Subdivision Plat Recommendation template.

AERIAL
Parcel A



AERIAL

Parcel B



Village of Bald Head Island Planning Board Subdivision Plat Recommendation

The planning board shall review the preliminary plat proposal and all other pertinent material, shall hear from the official agent, and shall determine whether the proposal meets the policy, purposes and standards established by the Subdivision Ordinance. The planning board then shall recommend to the village council approval, conditional approval, deferral, or denial of the subdivision proposal. Code Sec. 26-53.

Proposed Subdivision Description:

Subdivision Preliminary Plat, Parcel #260JA008, subdivide 5.59 acres into two lots: Barge Landing (0.686 acres) and Parcel "A" (4.882 acres).

Subdivision Preliminary Plat, Parcel #260JA003, subdivide 2.14 acres parcel into two lots: Golf Parcel (0.986 acre) and Parcel "B" (1.175 acre).

Recommendation: Pursuant to Sections 160D-604 and 803 of the North Carolina General Statutes and Section 26-53 of the Village Code of Ordinances, the Village of Bald Head Island Planning Board hereby recommends that the proposed subdivision regulation *Choose One*.

- ☒ Be approved because it meets the policy, purposes and standards established by the Village Subdivision Ordinance.
- ☐ Be denied because it does not meet the policy, purposes and standards established by the Village Subdivision Ordinance.
- ☐ Be approved with the specific petitioned for exceptions or conditions set forth below as permitted by the Village Subdivision Ordinance.
- ☐ Be deferred for further consideration.

Explanation of Recommendation: The Planning Board finds its recommendation is reasonable and in the public interest because the proposed subdivision:

- ☒ Meets the technical requirements of the Village Subdivision Ordinance.

Conditions/Exceptions Related to Approval (if sought by applicant, pursuant to Sec. 26-14): The Planning Board recommends that Village Council adopt the following conditions/exceptions to approval:

- ☐ There were no recommended conditions/exceptions.

The Planning Board considered and approved this Recommendation at its meeting on September 11, 2025 by a vote of ____ to ____.

By: _____
Chair, Planning Board



VILLAGE OF BALD HEAD ISLAND
Planning Board Meeting
Agenda Item
REVISED

Agenda Item: **New Business 6.2**
Date: **9/11/2025**

Issue: Proposed Text Amendment to Subdivision Ordinance – Clearing Height
Department: Development Services
Contacts: Stephen Boyett, Development Services Director
Attachments: None

Background: Staff are proposing a text amendment to the Village’s subdivision ordinances which changes the maximum clearing height at pavement on Village roads from 12 feet to **13.5** feet. This is to accommodate the new ladder truck.

Per N.C.G.S. 160D-604 (c) – “Any development regulation other than a zoning regulation that is proposed to be adopted pursuant to this Chapter may be referred to the planning board for review and comment. Any development regulation other than a zoning regulation may provide that future proposed amendments of that ordinance be submitted to the planning board for review and comment. Any other action proposed to be taken pursuant to this Chapter may be referred to the planning board for review and comment.”

The proposed amendment is indicated in **RED**.

Sec. 26-124 (f)(1) Design criteria by road classification.

- a. The following list classifies road types into three categories and dictates the minimum design standards for each classification:

Classification	Type
A	Secondary streets and culs-de-sac
B	Primary single lane thoroughfares
C	Primary bifurcated thoroughfares
D	Service access thoroughfares

Description	A	B	C	D
Right-of-way width	30 feet	40 feet	40 feet	20 feet
Clearing width	16 feet	18 feet	16 feet/lane	14 feet
Clearing height at pavement	13.5 12 feet	13.5 12 feet	13.5 12 feet	13.5 12 feet
Base course width	14 feet	16 feet	12 feet/lane	12 feet

Recommendation:

Staff recommend approval of the proposed amendment.

Staff believe 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). While the Village is increasing the clearing height and this may result in the reduction of vegetation, this is the absolute minimal amount needed for our apparatus to safely travel the roads that have a tree canopy.
- Policy Recommendation #2, Improve mobility and access. Indicates that the Village should evaluate how to safely accommodate walkers, bicyclists, and golf carts. The proposed amendment was presented to Village Council with other amendments to the Village’s Code of Ordinance which address the size of commercial use vehicles on the island. Other vehicles will be limited in size, whereas the Department of Public Safety’s apparatus was built as small as manufacturers could make it and customized for Village roads.

Staff recommend that the Planning Board review the proposed amendment and staff’s recommendations and make comments. The comments will be summarized and presented to the Village Council when the ordinance amendment is on the agenda (October 17). A public hearing is required.

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 clearing height at pavement on Village roads from 12 feet to 13.5 feet in the design criteria by road classification table included in Sec. 26-124 (f)(1) 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) for the reasons set forth below.

Explanation of Recommendation: The Planning Board finds its recommendation is reasonable and in the public interest because it is consistent with the following policies in the Brunswick Blueprint 2040 Plan:

- “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). While the Village is increasing the clearing height and this may result in the reduction of vegetation, this is the absolute minimal amount needed for our apparatus to safely travel the roads that have a tree canopy.
- Policy Recommendation #2, Improve mobility and access. Indicates that the Village should evaluate how to safely accommodate walkers, bicyclists, and golf carts. The proposed amendment was presented to Village Council with other amendments to the Village’s Code of Ordinance which address the size of commercial use vehicles on the island. Other vehicles will be limited in size, whereas the Department of Public Safety’s apparatus was built as small as manufacturers could make it and customized for Village roads.

The Planning Board considered and approved this Statement of Consistency and Recommendation at its meeting on September 11, 2025, by a vote of ____ to ____.

By: _____
Chair, Planning Board