Minutes
Town of Atlantic Beach
Board of Adjustment Meeting
Town Boardroom
125 West Fort Macon Road
Monday, October 20, 2025

Members Present	Members Absent	Others Present
Michael Bosse, Chair	Harrison Smith, Vice Chair	Jonathan Eure, BOA Attorney
Tony Engrassia	Stephen Rea, Alternate	Katrina Tyer, Town Clerk
Bradley Jones	Shannon Vance, Alternate	Elisabeth Webster, Planner
Bonnie Pitts		

Prior to the meeting, Katrina administered oaths to Michael Bosse and Bradley Jones.

CALL TO ORDER
Chairman Bosse called the meeting to order at 6:01pm.

ROLL CALL/EXCUSE ABSENT BOARDMEMBER(S)/APPOINTMENT OF ALTERNATES
Engrassia made a motion *to excuse* Smith. Seconded by Jones. Vote was unanimous, 4-0. Motion carried.

ELECTION OF CHAIR/VICE-CHAIR
Bosse opened nominations for the positions of Chair and Vice-Chair.

Engrassia made a motion *to nominate* Mike Bosse to continue serving as Chair of the Board of Adjustment. Seconded by Jones. The vote was unanimous, 4-0.

Pitts made a motion *to nominate* Brad Jones to serve as Vice-Chair of the Board of Adjustment. Seconded by Engrassia. The vote was unanimous, 4-0.

APPROVAL OF AUGUST 19, 2024, OCTOBER 21, 2024 and SEPTEMBER 15, 2025.MEETING MINUTES
Jones made a motion *to approve* the August 19, 2024 Meeting Minutes. Seconded by Pitts. Vote was unanimous, 4-0. Motion carried.

Engrassia made a motion *to approve* the October 21, 2024 Meeting Minutes. Seconded by Jones. Vote was unanimous, 4-0. Motion carried.

Jones made a motion *to approve* the September 15, 2025 Meeting Minutes. Seconded by Pitts. Vote was unanimous, 4-0. Motion carried.

VAR-25-01: 110 Swindell Lane John Owen of Chase Building Company, applied for a 3-foot variance from Section 18.3.3.C(F) Single-Family Residential Wide Yard (RSW) 15- foot Minimum Street Setback.

Chairman Bosse explained that the variance requires a four-fifths vote for approval. With only four members present, the vote would need to be unanimous for approval. He confirmed with the board members that no one had a conflict of interest, financial or personal interest, conversation, or special knowledge regarding the case. They confirmed they did not. The applicant confirmed that he had no objections to the seated board.

Katrina Tyer, Town Clerk, administered oaths to Town Planner Elisabeth Webster and Applicant John Owen.

Presentation by Town Staff
Elisabeth explained that John Owen came to the town with a renovation permit for 110 Swindell Lane several months ago and discovered that the current front steps encroached into the existing setbacks. As part of the renovation project, they wanted to reconfigure the front steps. She explained that according to the UDO, if something is torn down, it must either be rebuilt on the exact same footprint or meet current regulations. The front setback in this zoning district is 15 feet, and the applicant is asking for a 3-foot encroachment into the setback. She presented a survey showing the current steps are 6.1 feet from the property line, encroaching approximately 9 feet into the required setback. The proposed steps would be 12 feet from the property line, encroaching only 3 feet into the setback, thereby reducing the nonconformity. She noted that the UDO allows front steps to encroach into front and rear setbacks by 4 steps or 18 inches, whichever is less. Typically, this results in an 18-

inch allowance since 4 steps would require more space. Therefore, the applicant was effectively requesting only a 1.5-foot variance beyond what would normally be allowed. She showed pictures of the current steps and the proposed design, which would have steps coming down to a landing and branching off, encroaching less than the current configuration. She mentioned she had received a few calls from neighboring properties inquiring about the subject of the hearing, but had not heard any opposition to the variance request. A neighboring couple did come to the original September meeting; she spoke to them, but they have not submitted any objections. The town has no objections, but the ordinance does not allow her to approve it.

Presentation by Parties in Favor
Attorney Eure read the required findings to the applicant to assist him with his testimony. John Owen of Chase Building Company presented on behalf of the application. He explained that the current steps are unsafe and need to be replaced. The new design would actually bring the steps closer to the house than they are currently, reducing encroachment into the right-of-way. He explained that the steps need a certain width (4-5 feet) for both safety and practical purposes, such as moving furniture into the house. He indicated that while he could potentially reduce the width slightly, the proposed design was the most functional and still reduced the overall encroachment of the existing steps.

Presentation by Parties in Opposition
There were no presentations by parties in opposition.

The Public Hearing ended at 6:26pm.

Engrassia requested that the Planning Board review the ordinance to ensure it makes sense and provides practical measurements.

Board of Adjustment Discussion and Evaluation
Pursuant to Section 18.2.4.X.3, Variance Review Standards, a variance shall be approved on finding the applicant demonstrates all of the following:

1) Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

Jones: The front steps to get into a home are important. Based on the testimony, it would be a hardship.
Bosse: The proposed encroachment into the current setback is 1.5 feet, much less than what is currently there.

After Attorney Eure's recommendation, they voted on each finding after discussion.

The Board agreed that access to the home is essential, and if the ordinance were strictly applied, the applicant would not be able to have appropriate access to the home with safe front steps. Jones made a motion *to approve* Finding 1, an unnecessary hardship would result from the strict application of the ordinance. Seconded by Engrassia. Vote was unanimous, 4-0. Motion carried.

2) The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

Bosse: The house was built pre-2019, before the UDO was written. Per the applicant, the landing will be helpful for moving items. Yes, this is peculiar to the property due to the location of the home.
Engrassia: If the current steps are not usable, it does not make sense to rebuild as is.
Jones: This was not done by any personal actions of the homeowners.

Engrassia made a motion *to approve* Finding 2, the hardship results from conditions peculiar to the property. Seconded by Jones. Vote was unanimous, 4-0. Motion carried.

3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of the variance shall not be regarded as a self-created hardship.

Engrassia: the conditions of the are pre-existing, not built by the property owner or his fault.

Jones: The steps were built before the current UDO, not an action of the current owner.

The Board agreed that the hardship was not created by the applicant as the home and steps were already in place before the current owner purchased the property. Jones made a motion *to approve* Finding 3, the hardship did not result from actions taken by the applicant or property owner. Seconded by Jones. Vote was unanimous, 4-0. Motion carried.

4) The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.

Bosse: Based on the original steps and encroachment, the proposed steps will be drastically lower. Moving the steps back allows more right-of-way and frontage to the property.
Engrassia: Agrees.
Jones: He feels this is in the spirit of what the drafters of the Ordinance intended. Based on the testimony, there is no way to make the steps safer if they are smaller.

The Board agreed that the variance was consistent with the spirit of the ordinance, noting that the proposed design would actually reduce the current encroachment significantly, and that safe access to the home was in line with the purpose of the ordinance. Jones made a motion *to approve* Finding 4, variance is consistent with the spirit, purpose, and intent of the ordinance. Seconded by Engrassia. Vote was unanimous, 4-0. Motion carried.

Pitts made a motion *to approve* the Order for Variance for 110 Swindell Lane for a 3-foot variance from Section 18.3.3.C(F) Single-Family Residential Wide Yard (RSW) 15- foot Minimum Street Setback. Seconded by Jones. Vote was unanimous, 4-0. Motion carried.

BOARD/STAFF COMMENTS
There was a suggestion that the Planning Board might want to review UDO's current 18-inch allowance for front steps and consider more practical measurements. Elisabeth agreed to bring this up at the Planning Board meeting scheduled for November.

RECESS
Jones made a motion for *a five-minute recess* for staff to prepare the Variance Order. Seconded by Engrassia. Vote was unanimous, 4-0. Motion carried. The time was 6:41.

APPROVAL OF ORDER VAR-25-01
Elisabeth passed out the order at Attorney Eure asked for a moment to review. The time was 6:44pm

After Attorney Eure approved of the order, Engrassia made a motion *to accept* the Order for Variance for 110 Swindell Lane for a 3-foot variance from Section 18.3.3.C(F) Single-Family Residential Wide Yard (RSW) 15- foot Minimum Street Setback. Seconded by Jones. Vote was unanimous, 4-0. Motion carried.

There being no further business the meeting adjourned. The time was 6:47p.m.

These minutes were approved at the April 20, 2026 meeting of the Atlantic Beach Board of Adjustment.

Approved by:

Mike Bosse, Chair

Katrina Tyer, Clerk