Minutes
Town of Atlantic Beach
Board of Adjustment Meeting
Town Boardroom
125 West Fort Macon Road
Monday, June 8, 2026

Members Present
Mike Bosse, Chair
Bradley Jones, Vice Chair
Bonnie Pitts
Harrison Smith
Nathan Tietjen, Alt
Wendy Tiner (left at 6:07pm)

Members Absent
Tony Engrassia

Others Present
Katrina Tyer, Town Clerk
Elisabeth Webster, Planner
Jonathan Eure, Attorney
Officer: Jonathan Williams (departed 7:11pm)
Laura Siegle, Attorney with Harvell and Collins

Prior to the meeting, Katrina administered oaths to Harrison Smith and Bonnie Pitts.

CALL TO ORDER
Chairman Bosse called the meeting to order at 6:03pm.

EXCUSE ABSENT MEMBERS
Jones made a motion *to excuse* Tony Engrassia. Seconded by Smith. Vote was unanimous, 4-0. Motion carried.

Alternate Nathan Tietjen was seated. Alternate Wendy Tiner was present and left at 6:07pm.

Chairman Bosse confirmed with the board members that no one had a conflict of interest, financial or personal interest, conversation, or special knowledge regarding the cases. They confirmed they did not. Bosse acknowledged he lives on East Atlantic Blvd and goes by the property regularly but does not feel he has any conflicts of interest. The applicants confirmed they had no objections to the seated board.

Katrina Tyer, Town Clerk, administered oaths to Town Planner Elisabeth Webster, Attorney for Applicant Laura Siegle, and Michael Lopazanski, contractor.

Bosse opened the public hearing at 6:08pm.

Attorney Eure outlined the quasi-judicial nature of the hearing, instructing that decisions must be based on competent, substantial, and material evidence. He reviewed the four findings the applicant must prove.

VAR-26-02: 201 EAST ATLANTIC BLVD.
Laura Siegle, Attorney with Harvell and Collins, P.A., representing property owner Susan Henwood, has applied for a 10-foot variance from the 10-foot Minimum Street Setback as described in Section 18.3.3.F(g) Residential Single-Family and Duplex (RSD) for a set of steps to connect the existing driveway to the existing set of stairs leading to the existing deck.

Elisabeth reviewed the application and staff's findings. According to historical aerials available on the Carteret County GIS, the previous set of exterior steps was located wholly within the East Atlantic Ave. right-of-way from at least 2004 until they were removed in 2025 by a contractor. Because the steps remained removed for more than 180 days and the new steps are not planned for the same location, a variance is required. Staff does not have authority to grant construction outside of the established setbacks.

The property is located on the corner of East Atlantic Ave. and Beaufort Ave. Corner lots have two street-side setbacks. The driveway and garage entrance are located on East Atlantic Blvd. Currently, there is no access into the house from the existing garage. According to Carteret County GIS, there is approximately 15 feet from the edge of pavement along East Atlantic Blvd. and Beaufort Ave. to the property line for 201 East Atlantic Blvd. The home was built in 1945. She added that the proposed steps are set further back from the street than the original encroaching steps had been.

The application was submitted on May 22, 2026. The public hearing notice was posted on site on May 29, 2026. Adjoining property owners were sent notification letters on May 29, 2026.

She also noted that the property owner would appear before the Board at a subsequent meeting for a separate right-of-way encroachment issue, which could not be heard at this meeting due to a missed public advertisement deadline.

Attorney Laura Siegle provided each board member with a handout containing 21 photos of the site and an enlarged survey. She explained what each photo detailed. She emphasized the physical constraints of the property: the lot is under 5,000 square feet, the dwelling sits only 12 feet from the Atlantic Boulevard property line and approximately 5 feet 8 inches from the Beaufort Avenue property line. The front door is the sole entry point to the home and sits approximately four feet above ground level, making exterior steps an absolute necessity. A strict application of the 10-foot setback would leave only 2 feet of clearance at the front of the structure, which is physically insufficient for any safe stairway configuration. The proposed L-shaped stair design is the only viable configuration given the garage door placement at ground level. The minimum code-compliant stair width of 3 feet, combined with the need for handrails appropriate for an elderly owner and family members who use walkers, made further reduction of the stair dimensions impracticable. The property owner has taken so long to complete the repairs because of issues with the first contractor and is now trying to fix the property as it should be. She briefly reviewed the required findings as stated in the application, noting a safe set of steps would have to be 4 feet, but cannot construct because of the garage; the home is very old and close to the property lines; this is no fault of the property owner, she had issues with a previous contractor and is trying to fix the property with proper access; there is not risk to public safety.

The contractor, Michael Lopazanski, clarified that they considered parking and an entrance at the rear of the house, but due to the location of the septic system and drain field, it was not feasible.

No objections from neighboring properties were raised to staff. No parties appeared in opposition.

The May 22 application and photo exhibit were incorporated into the record.

Bosse closed the public hearing at 6:36pm and the board deliberated.

Jones feels this is a peculiar lot since it is on the corner, and these upgrades will make the property look better and safer.

Elisabeth shared with the board that this property has been in disarray for over two years and the property owner has been trying to correct the problems and abide by the rules.

The Board evaluated the application against the four required variance standards pursuant to Section 18.2.4.X.3(g):

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*:
   Bosse: Yes, due to the age of the home, its location on a corner lot, and there being no other access through the garage or rear of the home.
   Jones: Yes, having no other access to the home is a hardship.
   Tietjen: Yes, the home needs accessibility. He does not see any other way.
   Smith: Yes, this is a hardship.
   Pitts: Yes, because of the grade and topography of the lot, there is no other way to meet the setbacks.

Jones made a motion *to accept* that unnecessary hardship would result from strict application of the Ordinance. Seconded by Smith. Vote was unanimous, 5-0. 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:*
   Pitts: Yes, the topography and location on two streets is peculiar. She likes that they are encroaching less on the setback with this proposed plan.
   Smith. Yes, due to the topography and the septic in the backyard. The corner lot and size add to hardship.
   Tietjen: Yes, agrees the corner location and size of lot (under 5,000sq ft) make this peculiar.
   Jones: Yes, agrees with the attorney's findings. This is reasonable based on her testimony.
   Bosse: Yes, agrees, and the pictures help prove the hardship.

Jones made a motion *to accept* that the hardship results from conditions that are peculiar to the property. Seconded by Smith. Vote was unanimous, 5-0. 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*:
   Tietjen: No, this is a very old lot, and a 1945 home, created by previous owners.
   Jones: Absolutely no action taken by applicant. The contractor created the current nonconforming status.
   Smith: No, the property is older than UDO.
   Pitts: Agrees with what was already stated.
   Bosse: The owner actually eliminated steps on Atlantic Blvd and wishes to restore the property to a safe and attractive condition through the proper procedures.

Tietjen made a motion *to accept* that the hardship did not result from actions taken by the property owner. Seconded by Pitts. Vote was unanimous, 5-0. 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:*
   Smith: Yes, not being able to access the home is a safety concern. This will grant safe access to the home.
   Pitts: Yes, it is going to make the property more attractive and will not obstruct a view or impede traffic.
   Tietjen: Yes, agrees with the presentation; this will make the property cleaner and look better visually.
   Jones: Yes, agrees completely.
   Bosse: Yes, agrees with other board members.

Smith made a motion *to accept* that the variance request is consistent with the spirit, purpose, and intent of the ordinance. Seconded by Jones. Vote was unanimous, 5-0. Motion carried.

Jones made a motion *to approve* Variance VAR-26-02 for 201 East Atlantic Boulevard as proposed for a 10-foot variance from the 10-foot Minimum Street Setback as described in Section 18.3.3.F(g) Residential Single-Family and Duplex (RSD) for a set of steps to connect the existing driveway to the existing set of stairs leading to the existing deck. Seconded by Pitts. Vote was unanimous, 5-0. Motion carried. The time was 6:49pm.

VAR 26-03: DAVIS BLVD.

James Stephenson, consultant for Davis Blvd., LLC, has applied for a 6-foot variance from the 16-foot minimum street setback as described in Section 18.3.5(D)(h) Commercial Corridor (COR). The variance request is for the following Parcels: 637516841057000, 637516843018000, and 637516843098000 located at the intersection of N. Charlotte Ave. and Davis Blvd. and owned by Annie M Piner Family LTD PTNSP. The application was submitted on May 22, 2026. The public hearing notice was posted on site on May 29, 2026. Adjoining property owners were sent notification letters on May 29, 2026.

Chairman Bosse confirmed with the board members that no one had a conflict of interest, financial or personal interest, conversation, or special knowledge regarding the cases. They confirmed they did not. The applicant confirmed they had no objections to the seated board.

Chairman Bosse opened the public hearing at 6:52pm.

Elisabeth reminded the board of the small area planning initiative for the Causeway corridor that Council implemented a couple of years ago. The planning consultant for the project conducted public engagement and surveys. The result was a series of text amendments that restructured the Causeway's zoning into three Commercial Corridor sub-districts (COR 1, COR 2, and COR 3), with the intent of promoting business redevelopment and walkability along the Causeway as the gateway to Atlantic Beach. This Davis Boulevard project is the first development proposal to come before the Town under those text amendments, and the Planning Board and Council acknowledged at the time of adoption that early projects might reveal issues when the new rules applied in practice.

This total project involves 12 existing parcels proposed to be recombined into 17 single-family residential lots with individual septic systems and driveways. The project also includes replacement of 629 linear feet of existing bulkhead. 10 residential lots would have private docks with boat slips, and the 7southern lots would have deeded access to the 7 private community docks.

The complication arises because the parcels on the north side of Davis Boulevard are zoned Residential Multi-Family (RMF), which requires a 10-foot setback, while the 3 parcels on the south side, the subject of this variance, are zoned COR-1. The COR-1 district requires a 16-foot street setback, which includes a 6-foot planting zone. The applicant is requesting a reduction of that setback from 16 feet to 10 feet for the three south-side parcels, bringing them into conformance with the RMF setback standards applicable to the north side, so that the overall project can be developed uniformly. The properties located directly

to the east and west are zoned Commercial Corridor (COR-1). The properties located to the south are zoned Commercial Corridor (COR-2).

The project has already completed a Phase 1 Joint Concept Meeting with the Planning Board and Council and will still proceed through a Phase 2 process involving another Technical Review Committee (TRC), Planning Board, and final Council approval. The property previously hosted approximately 37 trailer owners who were leasing space from the current property owner. They were notified prior to Christmas to remove their trailers. Many trailer owners were present at the Joint Public Hearing Meeting and primarily expressed frustration with how the notification was handled rather than opposition to redevelopment, and that discussions about whether trailers might remain through the end of July were between the property owner and the trailer residents and did not require formal town involvement. Attorney Eure reminded the board that this was probably not relevant to this case.

She recommends that, if the board approves the variance, it be contingent upon approval of the major site plan, so that if the major site plan process does not result in final approval, the variance would not affect other possible future development.

Jones and Smith questioned if there had been any objections since this ordinance was passed a couple of years ago. She explained this was the first project to be developed under the new rules, and the town understands this is a working document.

Applicant Stephenson described the project as a complex redevelopment effort requiring careful coordination of a lot of permits and moving parts. He feels single-family residential, rather than commercial, is the highest and best use for the property. The two corner lots at the intersection of North Charlotte Avenue and Davis Boulevard (Lots 14 and 15), in the COR 1 district, require a setback of 16 feet applied on both street frontages. This would consume a disproportionate share of the available lot area, making it very difficult to construct homes consistent with those on the north side of Davis Boulevard, which are governed by the more permissive RMF setback of 10 feet. The 16-foot setback was geared towards commercial development. He acknowledged that they are aware of the Town's alley and will not encroach on it. He mentioned that some of the current trailers are on or encroaching on other lots, using zero setbacks, so even though they are asking for a reduction, 10 feet would be an improvement.

No parties appeared in opposition.

Chairman Bosse exited the public hearing at 7:16pm.

The Board evaluated the application against the four required variance standards pursuant to Section 18.2.4.X.3(g):

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: Yes, based on the town and developer's testimony, single-family development is allowed in this zone.
   Tietjen: Yes, there is a hardship trying to develop in two different zoning districts. Thinks there is need for consistency.
   Smith: Yes, since these are corner lots, there is a double setback restriction making development of single-family almost impracticable. This will be more aesthetic for the neighborhood.
   Bonnie: Yes, agrees with Jones and other members.
   Bosses: same as other members.

Jones made a motion *to accept* that unnecessary hardship would result from strict application of the Ordinance. Seconded by Smith. Vote was unanimous, 5-0. 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*:
   Pitts: Yes, to create conformity in the lots, they need the additional setback area. The corner lot configuration and shallowness of the lots are peculiar.
   Smith: Yes, this is peculiar since it is in two zoning districts. It is not in the main COR district of the Causeway, where you would expect these setbacks.
   Tietjen: Does not really see it as a hardship except it is a hardship for cost, but would benefit the town if it was uniform.
   Jones: He agrees with Smith, regarding the two zones and corner setbacks.
   Bosse: Feels applying the same zoning district for the entire development makes sense, keep the project uniform.

Smith made a motion *to accept* that the hardship results from conditions that are peculiar to the property. Seconded by Jones. Vote was unanimous, 5-0. 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*:
   Jones: No, the hardship was not self-created, just the circumstances. After hearing from the town and applicants, he thinks they did a lot of work, and this plan will benefit the town.
   Tietjen, Pitts, Bosse, Smith: all agree.

Pitts made a motion *to accept* that the hardship did not result from actions taken by the property owner. Seconded by Tietjen. Vote was unanimous, 5-0. 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*:
   Smith: Yes, as much as possible to do right by the new ordinance and to keep the setbacks consistent.
   Pitts: The developer is doing the best with what the situation is.
   Jones, Bosse, and Tietjen: All agree.

Jones made a motion *to accept* that the variance request is consistent with the spirit, purpose, and intent of the ordinance. Seconded by Pitts. Vote was unanimous, 5-0. Motion carried.

The applicant confirmed that sidewalks would be installed on both sides of Davis Boulevard as part of the project.

Elisabeth noted the Town retains the ability to enforce the full COR 1 requirements for any future redevelopment on adjacent or nearby parcels.

Jones made a motion *to approve* Variance VAR-26-03 Davis Blvd (Parcels: 637516841057000, 637516843018000, and 637516843098000) for a reduction in the 16-foot setback to 10 feet, conditioned upon approval of the major site plan. Seconded by Smith. Vote was unanimous, 5-0. Motion carried. The time was 7:30pm.

OTHER BUSINESS

Planning Director Webster raised the possibility of scheduling an earlier Board of Adjustment meeting to accommodate the right-of-way encroachment matter related to 201 East Atlantic Boulevard, which could not be heard at this meeting due to the missed public advertisement deadline. There were no objections from the Board.

ADJOURNMENT

Jones made a motion *to adjourn*. Seconded by Tietjen. Vote was unanimous, 5-0. Motion carried. The time was 7:31p.m.

These minutes were approved at the August 17, 2026 meeting of the Atlantic Beach Board of Adjustment.

Approved by:

Mike Bosse, Chair

Katrina Tyer, Clerk