Minutes
Town of Atlantic Beach
Board of Adjustment Meeting
Town Boardroom
125 West Fort Macon Road
Monday, August 17, 2026

Members Present
Mike Bosse, Chair
Bradley Jones, Vice Chair
Tony Engrassia
Bonnie Pitts
Harrison Smith
Wendy Tiner, Alt (left at 6:06pm)

Members Absent

Others Present
Katrina Tyer, Town Clerk
Elisabeth Webster, Planner
John O'Daniel, Manager
Police Officer Lawrence
Bryce Pike, Pike Law Firm, Lamb Attorney
Susan Lamb, Property Owner
Matt and Stacey Lamb, Property Residents
Kerry Gardner, Contractor

CALL TO ORDER
Chairman Bosse called the meeting to order at 6:00pm.

APPROVAL OF MEETING MINUTES
Engrassia made a motion *to approve* the June 8, 2026 Minutes. Seconded by Smith. Vote was unanimous, 5-0. Motion carried.

Jones made a motion *to approve* the July 13, 2026 Minutes. Seconded by Engrassia. Vote was unanimous, 5-0. Motion carried.

APPROVAL OF ENCROACHMENT ORDER – 201 East Atlantic Blvd.
Engrassia made a motion *to approve, adopt, and ratify* the Order granting an Encroachment at 201 East Atlantic Blvd. Seconded by Jones. Vote was unanimous, 5-0. Motion carried.

Clerk's Note: The Order is filed with the July 13, 2026, Minutes.

VAR-26-04: 115 HOOP POLE CREEK DRIVE
Bryce Pike of Pike Law Firm, PLLC, representing property owner Susan Lamb, applied for a variance from Section 18.4.8, *Accessory Uses and Structures*, paragraph 11(ii)a, which specifies that accessory structures shall be located behind the front building line of the principal structure. The applicant seeks to construct a detached garage in the front yard of the property at 115 Hoop Pole Creek Drive.

The Chairman invited all board members to disclose any ex parte communications, specialized knowledge, fixed opinions, or personal or business relationships with the applicant. No conflicts of interest were identified by any sitting board member. Smith stated he did walk by the property. Attorney Pike, on behalf of the applicant, did not object to any of the seated board. Alternate board member Tiner left the meeting room.

Katrina Tyer, Town Clerk, administered oaths to Attorney Bryce Pike, Town Planner Elisabeth Webster, and Contractor Kerry Gardner, W.K. Gardner Construction. And later administered oath to Stacey Lamb.

Attorney Eure provided procedural opening remarks, outlining the four required findings for granting a variance under NC law: (1) that unnecessary hardship would result from strict application of the ordinance; (2) that the hardship results from conditions peculiar to the property, such as location, size, or topography; (3) that the hardship did not result from actions taken by the applicant or property owner; and (4) that 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. The Board may not consider hardships resulting from personal circumstances, the desire for more profitable use of the land, or hardships common to the general public.

Chairman Bosse opened the public hearing. The time was 6:08pm.

VARIANCE 115 HOOP POLE CREEK DRIVE
The applicants have applied for a Variance from Section 18.4.8 Accessory Uses and Structures, subsection (D)(11)(ii)(a) of the Unified Development Ordinance, which specifies that "accessory buildings shall be located behind the front building line of the principal structure".

The property at 115 Hoop Pole Creek Drive is a waterfront lot on Hoop Pole Creek. The applicant's contractor had engaged in preliminary discussions with staff about constructing a detached garage in the front (street-side) yard of the property. No

building permit was ever formally submitted for that project; however, a review triggered by a similar application on Ocean Ridge Drive revealed that Section 18.4.8 prohibits accessory structures from being placed forward of the principal structure's front building line.

Staff worked with the applicant, their attorney, and a consultant over several months to identify compliant alternatives. Staff considered a breezeway connection but rejected it as a circumvention of the ordinance's intent, given the risk of establishing a precedent for detached accessory dwelling units. A fully attached hallway connection was also explored, but this option introduced a significant complication due to changes to the FEMA flood maps adopted on January 17, 2025.

This lot falls under 3 different flood zones. Under the updated flood maps, the front portion of the property, where the garage is proposed, is now located within a LiMWA (Limit of Moderate Wave Action) flood zone designated AE-9. The rear waterside of the property, while partially outside the LiMWA zone in an AE-7 designation, is largely encumbered by a 30-foot CAMA buffer from Hoop Pole Creek, within which no impervious surface is permitted. The existing principal structure currently sits in a Shaded X zone, meaning it is not subject to coastal construction requirements.

Staff explained that attaching the proposed garage to the principal structure, the only mechanism by which the garage could be considered part of the principal structure and therefore placed forward of the front building line, would cause the entire structure to be reclassified into the LiMWA flood zone. This reclassification would make the principal structure nonconforming and impose piling construction requirements, breakaway wall standards, and elevation requirements on the primary residence that do not currently apply to make it compliant. This is important for insurance purposes. Staff confirmed that a breezeway, rather than a fully enclosed and air-conditioned hallway, would not be considered a sufficient attachment to meet the ordinance's intent. Staff stated that there is no administrative authority to waive the location requirement and that the variance process is the appropriate avenue.

Engrassia wanted clarification on the timeline regarding changes to the flood maps and the planning conversations with staff and the contractor.

Jones asked the town's position on this. Webster stated that for the town to consider it part of the primary structure, it has to be connected, and a breezeway is not the intent of the property. The town does not allow a second residence on a lot, even though she feels their intentions are pure; it is how the ordinance was written.

Attorney Bryce Pike presented on behalf of applicant Susan Lamb and the property occupants, Matt and Stacy Lamb. He addressed each of the four variance findings and reviewed the application. He argued that an unnecessary hardship exists because the front yard is the only viable location for the structure given the 30-foot CAMA buffer precluding rear-yard construction and the flood zone complications that prevent a code-compliant attachment to the principal structure. He noted that the project began in 2024, before the January 2025 flood map revisions, when none of these complications existed. He argued that the hardship arises from conditions peculiar to this property, specifically the lot configuration, the canal buffer, the location of the updated flood zone boundaries, and not from any actions taken by the applicants. He further argued that the variance is consistent with the spirit of the ordinance, citing the stated purpose of Section 18.4.8 as allowing a broad range of accessory structures while reducing adverse impacts on surrounding land, and noting that the proposed structure complies with all other applicable standards.

He submitted letters of support from multiple neighboring property owners, including those at addresses 131, 112, 114, 135, 117, 110, and 118 Hoop Pole Creek Drive. Attorney Eure noted that while the intent is good, it may be hearsay since the people are not here to testify to their effect. The Board did not review the letters or include them in the minutes.

Clerk's Note: The packet was included in the minutes; it contained an updated response to the findings, GIS aerial, and Preliminary Plot Plan dated February 6, 2025.

Elisabeth addressed other Board questions about CAMA buffer construction limitations. She stated anything under 200 feet could be constructed. Engrassia inquired about the requirements if the proposed structure was smaller than 25x36. She stated it is based on a percentage of the primary structure. Chairman Bosse asked for confirmation it meets the setbacks. She confirmed it does. Jones questioned the other properties on the same street with accessory structures in the front of the homes. Webster stated that if other properties do have a garage or other structure in the front of the home, they are much older.

Katrina swore in Stacy Lamb, property owner. She testified that the structure is intended to serve as a home office for her and her husband, who operate Chasin' Tails on the Causeway and have outgrown their existing space. She also noted that there are approximately eight other detached garages visible on Hoop Pole Creek Drive that appear to be located in front of the primary structures on their respective lots, though she acknowledged she could not confirm their permit history or the address. She stated that neighbors she had spoken with were uniformly supportive of the application.

The public hearing closed at 6:50pm and the board began deliberation.

Will unnecessary hardship result from strict application of the ordinance:
Jones: no comment
Engrassia: Construction in front of the home is safer, but it's a physical restraint. He does not have a preference.
Bosse: If this was before 2025 flood map changes, they could build it and attach it without a problem for the primary structure. Now the only location it fits is the front street side. Flood zone maps created that issue. Not having it attached and the new maps is an unnecessary hardship, given the layout of the property.
Smith: Due to the new flood maps and CAMA buffer, they can not build this where they want it.
Pitts: Nothing to add.

Smith made a motion *to accept* that unnecessary hardship would result from the strict application of the Ordinance. Engrassia seconded. The vote was Smith, Bosse, and Engrassia in favor. Jones and Pitts did not vote. Attorney Eure asked for hands that voted against. Pitts stated she would like to vote no but would like to set conditions. He told her to offer them during the final vote for the variance. Jones did not vote.

Attorney Eure stated that, at this point, the motion fails, and the board opened it up for more discussion.

Jones feels allowing a structure that violates the UDO opens it up for other areas in town to build non-compliant structures. He asked whether there were conditions palatable to the town, but he does not know if the applicant would even consider them.

Pitts feels the board would be setting a new standard if they allow this. She understands they keep saying there are already ones built, but they are older.

Chairman Bosse asked for another motion, but no one offered one. Attorney Eure stated everyone has to vote. The board went back to discussion.
Smith: feels it is an unnecessary hardship because they cannot build anywhere else due to CAMA and FEMA rules. They could have done so prior to 2025.
Smith made a motion *to accept* that unnecessary hardship would result from the strict application of the Ordinance. Engrassia seconded. The vote was Smith, Bosse, and Engrassia in favor. Jones and Pitts did not vote.

Pitts: It is a hardship, but it is not unnecessary.
Bosse: It is unnecessary because they cannot build anywhere else on the lot.
Engrassia: They need the storage.
Jones: The UDO is in place for a reason. We have to hold property owners to it and stop allowing non-compliant building.

Attorney Pike read the "Purpose" from the UDO again. "This section authorizes the establishment of accessory uses and structures that are incidental and subordinate to principal uses. The purpose of this section is to allow a broad range of accessory uses and structures, provided they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands".

Bosse reminded the board that requiring the structure to be attached creates complications with FEMA rules.

Jones asked if the proposed structure meets the code. Attorney Pike confirmed it does; just the location in front of the primary does not.

Attorney Eure reviewed the ordinance again and explained that this specific code is the focus of the variance.

Jones wants to hear something substantial. He understands it is a hardship, but it is not substantial and asked for more evidence.

Contractor Kerry Gardner provided detailed technical testimony regarding the construction implications. He explained that prior to the January 2025 flood map changes, the garage could have been constructed in the AE-7 or AE-8 zone with a conventional masonry foundation above the base flood elevation plus freeboard, which would have been straightforward. Under the current LiWMA designation, construction in the front yard now requires deep pilings, engineered breakaway walls on the first floor, and prohibition of any utilities, electrical panels, or equipment attached to the breakaway walls. He further described the severe consequences of attaching the structure to the principal residence: the entire primary structure would be pulled into the LiWMA flood zone, and in the event of a catastrophic loss requiring substantial reconstruction, the owners would be obligated to rebuild the primary residence to coastal construction standards, including pilings, at an estimated additional cost of approximately $750,000. This worst-case scenario, while not immediately triggered by the attachment, represents a substantial and real hardship tied specifically to the property's circumstances and insurance costs. Building now with a breezeway is more reasonable.

Engrassia asked if the structure could be built if attached by a breezeway. Webster said that is not the town's stance. A breezeway is not enough to consider it attached. It must be an enclosed hallway. Gardner stated that a hallway is not the preferred option because of the flood requirements.

Jones commented that Gardner's testimony helped with establishing the unnecessary character of the hardship.

Unnecessary hardship would result from the strict application of the Ordinance.
After extended discussion and two failed motions due to a lack of sufficient votes, the Board ultimately reached consensus that the hardship was unnecessary, driven by the specific flood zone and site constraints.

Smith made a motion *to accept* that unnecessary hardship would result from the strict application of the ordinance. Seconded by Engrassia. Vote was unanimous, 5-0. Motion carried.

The hardship results from conditions that are peculiar to the property, such as location, size or topography.
Pitts: Yes, the topography is based on where the house is situated on the lot.
Smith: Yes, the flood zones as they relate to the CAMA buffer.
Bosse: He agrees.
Engrassia: He agrees. The flood zones on this lot are unique.
Jones: This is unusual and is subject to federal government regulations.

Jones made a motion *to accept* that unnecessary hardship results from conditions that are peculiar to the property. Seconded by Pitts. Vote was unanimous, 5-0. Motion carried.

The hardship did not result from actions taken by the applicant or the property owner.
The Board found no evidence that the applicants had taken any action contributing to the hardship. The applicants had worked cooperatively with Town staff throughout a lengthy review process, and the primary complicating factor, the January 2025 FEMA flood map revision., was entirely outside the applicants' control.
Jones: Does not see the applicant did anything to create these circumstances. And thanked them for not proceeding without permits
Engrassia: Agrees
Smith: No, and they have been working with the town
Pitts: No, they have not done anything.

Jones made a motion *to accept* that the hardship did not result from actions taken by the property owner. Seconded by Engrassia. Vote was unanimous, 5-0. Motion carried.

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.
They noted that the structure complies with all other applicable development standards and that the purpose of the ordinance aims to reduce adverse impacts on surrounding properties rather than categorically prohibit accessory structures. No public safety concerns were identified with the proposed placement. The presence of similar structures in the neighborhood, while of uncertain permit history, was noted as consistent with the character of the area.
Engrassia: Understands they are not wanted in the front of homes for cosmetic reasons, but they cannot build behind, and other houses on the street have structures in the front.

Smith: The Ordinance is not concrete; it is their job to analyze them. On his walks, he noticed other structures have them in front, so it is consistent with other homes in the neighborhood.
Jones: Agrees
Bosse: Agrees

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

Jones made a motion *to approve* VAR-26-04, granting a variance from Section 18.4.8, paragraph 11(ii)a, to allow a detached accessory structure (garage) to be located forward of the front building line of the principal structure at 115 Hoop Pole Creek Drive, as proposed. Seconded by Engrassia. Vote was unanimous, 5-0. Motion carried.

BOARD/STAFF COMMENTS
None.

ADJOURNMENT
Jones made a motion *to adjourn*. Seconded by Smith. Vote was unanimous, 5-0. Motion carried. The time was 7:40p.m.

These minutes were approved at the September 21, 2026 meeting of the Atlantic Beach Board of Adjustment.

Approved by:

Bradley Jones, Vice Chair

Katrina Tyer, Clerk