



**PROPOSED AGENDA
OAK ISLAND BOARD OF ADJUSTMENT
WEDNESDAY, SEPTEMBER 9, 2026 – 10:00 AM
COUNCIL CHAMBERS - OAK ISLAND TOWN HALL**

CALL TO ORDER

APPROVAL OF MINUTES

Approval of Minutes -- July 15, 2026 meeting

I. OLD BUSINESS

II. NEW BUSINESS

- II.1 [VARIANCE 26-01757 - Request for Relief from Section 10.21 - Driveway Construction and Chapter 18, Article V - Stormwater Management](#)
[Application](#)
[Variance Narrative](#)
[Applicant Photos 4.pdf](#)
[Applicant Photos 3.pdf](#)
[Applicant Photos 2.pdf](#)
[Applicant Photos 5.pdf](#)
[Applicant Photos 1.pdf](#)
[Aerial 3807 E Yacht.png](#)

III. CHAIRMAN'S COMMENTS

IV. STAFF MEMBER REPORTS

V. ADJOURN

**BOARD OF ADJUSTMENT
AGENDA ITEM MEMO**

SUBJECT:	VARIANCE 26-01757 - Request for Relief from Section 10.21 - Driveway Construction and Chapter 18, Article V - Stormwater Management
DATE:	August 27, 2026
DEPARTMENT:	Development Services

Subject Summary: REQUEST SUMMARY

Tracie Miles, as applicant and owner, is requesting a variance for relief from the Town of Oak Island Code of Ordinances and Unified Development Ordinance (UDO) standards outlined in Chapter 18, Article V and Section 10.21, respectively. Specifically, the applicant seeks to construct/install a third driveway on the subject property.

LOCATION

The subject property is located on the southwest corner of E Yacht Dr. and NE 39th St. and is known by the address 3807 E Yacht Dr. The parcel may be further identified by Brunswick County PID: 235KM023.

PROPERTY DESCRIPTION

The subject property is described as a corner lot with no water frontage, is approximately 0.21 acres, and contains one single-family dwelling. There are three existing concrete driveways, with two being located on NE 39th St. and one E Yacht Dr.

BACKGROUND

The applicant submitted a driveway application which proposed a third driveway on the subject parcel. Per Section 10.21.1.5. "No more than two combined entrances and exits shall be allowed on any parcel of property, the frontage of which is less than 200 feet on each street."

The subject parcel features less than 200 feet of street frontage along NE 39th St. (152.14 ft) and E Yacht Dr. (60.04 ft).

The property is currently in a non-conforming status due to there being three driveways on the property.

Additionally, the application did not satisfy the Stormwater Management requirements of Chapter 18, Article V of the Town Code of Ordinances. Per the review notes, the proposed plan did not demonstrate the required driveway piping. Further, additional notes were provided by the Stormwater reviewer Brice Taylor which explained why the existing driveway failed, those notes stated:

1. Concrete Driveway was installed with no supporting base material.
2. The existing driveway pipe is undersized (12") and stormwater is topping over the drive and has nowhere to go but over the drive causing erosion on the downstream side of the driveway. There should be a minimum of 4LF of pipe on each side of the drive to prevent this in the future.

Both the Zoning and Stormwater reviewers determined the plan could not be approved as proposed and required a resubmittal.

The applicant did not resubmit.

The applicant applied for a Variance.

APPLICATION PROPOSAL

The applicant seeks to remove the existing concrete driveways within the right-of-way on E Yacht Dr. and NE 39th St. and replace it with pervious concrete. Though the application only seeks to remove and reinstall two driveways, there is an existing driveway that is not being altered, for a total of three. Zoning and Stormwater Staff must consider all existing and proposed improvements in their review of the application.

ZONING ADMINISTRATORS' CONCLUSION

It is the Administrators' conclusion the proposed installation of a third driveway creates a non-conformity and does not satisfy the standards of the zoning or stormwater ordinances.

TOWN OF OAK ISLAND UDO VARIANCE EVALUATION

4.10.2. Variances.

4.10.2.1. An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the UDO Administrator 30 days prior to the meeting at which it will be considered. Applications shall be handled in the same manner as applications for permits.

4.10.2.2. When unnecessary hardships would result from carrying out the strict letter of the UDO, the Board of Adjustment shall vary any of the provisions of the Ordinance upon a showing of all of the following:

4.10.2.2.1. 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.

4.10.2.2.2. 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.

4.10.2.2.3. 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 a variance shall not be regarded as a self-created hardship.

4.10.2.2.4. 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.

4.10.2.3. No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

4.10.2.4. The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit, or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this Ordinance.

4.10.3. Burden of Proof in Appeals and Variances.

4.10.3.1. When an appeal is taken to the Board of Adjustment in accordance with Section 4.10.1, the UDO Administrator shall have the initial burden of presenting to the Board of Adjustment sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.

4.10.3.2. The burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth in Section 4.10.2.2, as well as the burden of persuasion on those issues, remains with the applicant seeking the variance.

4.10.4. Board of Adjustment Action/Voting.

The concurring vote of four-fifths of the Board of Adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority.

BOARD OF ADJUSTMENT: FINDING OF FACTS

1. It is the Board's CONCLUSION that the hardship of which the applicant complains results/does not 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.

a. This conclusion is based on the following FINDINGS OF FACT:

2. It is the Board's CONCLUSION that, the hardship results/does not result 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. This conclusion is based on the following FINDINGS OF FACT:

3. It is the Board's CONCLUSION that the hardship results/does 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 granting of a variance shall not be regarded as a self-created hardship.

a. This conclusion is based on the following FINDINGS OF FACT:

4. It is the Board's CONCLUSION that, the requested variance is consistent/not consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

a. This conclusion is based on all of the FINDINGS OF FACT:

Attachments:

[Application](#)

Variance Narrative
Applicant Photos 4.pdf
Applicant Photos 3.pdf
Applicant Photos 2.pdf
Applicant Photos 5.pdf
Applicant Photos 1.pdf
Aerial 3807 E Yacht.png

Financial Impact Statement: N/A

Legal Review: N/A

TOWN OF OAK ISLAND VARIANCE APPLICATION

Section 1: Applicant Information

Name(s): <u>Tracie Miles</u>	Phone: <u>704-975-1958</u>
Street Address (mailing): <u>3807 East Yacht Drive</u>	City/State/Zip Code: <u>Oak Island, NC 28465</u>
Email: <u>traciewmiles@gmail.com</u>	Business/Firm Name (If applicable): <u>—</u>

Section 2: Property Owner Information

Name(s): <u>Tracie Miles (& Kristi Orr)</u>	Phone: <u>704-975-1958</u>
Street Address (mailing): <u>3807 East Yacht Drive</u>	City/State/Zip Code: <u>Oak Island, NC 28465</u>
Email: <u>traciewmiles@gmail.com</u>	Legal Relationship of Applicant to Landowner: <u>Self</u>

Section 3: Subject Property Information

PID:	<u>235KM023</u>	Zoning District:	<u>R-6A</u>
Total Acreage:	<u>9,147 sq. Ft.</u>	List Existing Structures (dwellings, pools, sheds, etc.):	<u>patio, shed, home, driveway</u>

Section 4: Variance Request

Short description of variance request and location on property

As fully explained in the attached letter, we are requesting a variance to be able to repair our existing driveway to its original state, not alter, and reclaim safety & appearance.

Section 5: Required Supplemental Materials

Check all included

☒	Narrative describing the request that addresses each of the four (4) variance standards
☒	Photos (include pictures of structure included in request or area of property applicable to request)
☐	List of names and mailing addresses, including the applicant, owner, and owners of all adjacent properties surrounding the subject property including those across the street as obtained by the County tax listing
<u>n/a</u>	Survey (if requesting an encroachment)
☐	Application fee (to be paid at time of application)

Applicant Signature:	<u>Tracie Miles</u>	Date:	<u>7/17/26</u> <u>7-17-26</u>
Owner Signature:	<u>Tracie Miles</u>	Date:	<u>7/17/26</u> <u>7-17-26</u>

Tracie Miles & Kristi Orr
3807 East Yacht Drive
Oak Island, NC 28465
704-975-1958
traciewmiles@gmail.com
kristiorr14@aol.com

July 17, 2026
Town of Oak Island Board of Adjustment
c/o Planning and Inspections Department
4601 E. Oak Island Drive
Oak Island, NC 28465

Re: Request for Variance due to Permit Denial for Driveway Repair at 3807 East Yacht Drive Parcel ID 235KM023, Permit/Application No. 26-01582

Dear Members of the Board of Adjustment:

I am writing to request a variance with regards to my permit application to repair the existing driveway at the above-referenced property being denied and to respectfully request a variance from the current driveway width and entrance-count provisions of the Town's ordinance . Myself and co-owner of the home, Kristi Orr, are not seeking to alter, expand, or add to our driveway in any way. We are asking only for permission to repair, at our own expense, the driveway that has existed on this property since our home was built in 1990 — a circular roundabout driveway and a separate standalone driveway that together predate the ordinance now being used to deny us the ability to maintain it.

The driveway has cracked tremendously in multiple places and partially collapsed in large portions because of storm drainage pipes that were installed incorrectly beneath it at the time of original construction, within the road right-of-way the Town controls. The resulting erosion has undermined the concrete to the point that it now poses a genuine safety hazard. Unfortunately, we are left with a dangerous, deteriorating, unsightly driveway that we are not permitted to fix under the new ordinances of the 28-foot maximum width and three-entrance restrictions. We are asking the Board to grant a variance so that we may repair, in place, not alter, the driveway that has served this property for thirty-five years.

1. Unnecessary Hardship Would Result from Strict Application of the Ordinance

Strict enforcement of the current ordinance would leave us with only two options, both of which impose severe and unwarranted hardship. The first is to leave the driveway as it stands: cracked and sunken in 3-6 inches, uneven and actively collapsing. That outcome creates an ongoing

liability exposure for us as homeowners and a continuing public safety risk on a corner lot that sees substantial vehicular and pedestrian traffic.

The second option, the only one the ordinance would otherwise permit, is to remove the entire driveway, pay to have the material hauled off, and fully re-landscape the entire yard, a lot which is 9,147 square feet, at a combined cost we expect to run into thousands and thousands of dollars.

Neither option is a reasonable consequence of a request to simply repair a pre-existing condition.

The damaged driveway is also depressing the resale value of our home, compounding the financial harm. Requiring us to bear this cost and this liability due to an ordinance put in place after the completion of the driveway is creating an unnecessary hardship that strict application of the ordinance would impose on us without justification.

2. The Hardship Results from Conditions Peculiar to the Property, Not from Personal Circumstances

This property sits on a corner lot with frontage on two streets, a physical condition that led to the construction of a circular driveway providing access from both adjoining roads, as well as the standalone short driveway. That configuration is a function of the lot itself, not a personal preference or convenience we created. The drainage infrastructure that was installed of (which the town says they did not install but we cannot confirm nor deny) in the right-of-way beneath and adjacent to the driveway, and the erosion that has followed from it, are likewise conditions specific to this property and its location, not circumstances of our own making. The combination of the corner lot's dual-road access and the Town's storm drainage system running through the right-of-way at this particular address are exactly the kind of site-specific conditions that the hardship standard is meant to address.

3. The Hardship Was Not Self-Created

We did not create this condition. The driveway was built in 1990 or shortly after, well before the current ordinance existed, and it was in place, in its present 32-foot configuration with its two points of access, when we purchased the home in 2021. We have not modified, expanded, or otherwise changed the driveway since acquiring the property. On that basis, we believe the driveway should be recognized as a legal nonconforming structure and grandfathered under the ordinance, and that any hardship created by the intersection of the new max length of 28 feet (formerly 32 feet) and entrance limits with our pre-existing driveway is a hardship.

4. The Variance Aligns with the Spirit and Intent of the Ordinance

We understand ordinances of this kind are generally intended to manage impervious surface, preserve neighborhood character, and maintain safe, orderly access to properties. Granting this

variance serves each of those purposes rather than undermining them. We are not increasing the driveway's footprint, adding impervious surface, or creating any new entrance; we are restoring, in kind, a driveway configuration. A repaired, structurally sound driveway will be safer for visitors and passersby than the cracked and collapsing surface that exists today, and it will present a better-kept, more visually cohesive appearance on a prominent, well-traveled corner of the island. Allowing the repair also protects the safety of everyone who visits or stays at the home. In every respect, a properly repaired driveway furthers the underlying goals of safety, appearance, and orderly development that the ordinance is meant to serve, while a driveway left to deteriorate under strict application of the new width and entrance limits would work against those same goals.

Conclusion

For the reasons set out above, we respectfully ask the Board of Adjustment to grant a variance allowing the repair of our existing driveway in its current configuration, without requiring any reduction in width or elimination of either point of access. There are few, if any, homes on Oak Island that have three entrance driveways or even space to do that, so approving this request would not be a precedent setting move that would invite additional homeowners to request this same variance. We are not asking to expand or alter the driveway in any way, only to repair, at our own expense, what has existed on this property since it was built. Original, color photographs and the contractor estimate were taken to Ray Powe and we are happy to provide any other supporting documentation the Board may find helpful. We are glad to attend the hearing in person to answer any questions, if needed.

Thank you for your time and consideration of this appeal. I would appreciate confirmation that this request has been received, via email reply at traciewmiles@gmail.com.

Respectfully submitted,

Tracie Miles
Kristi Orr











