

STATE OF NORTH CAROLINA  
COUNTY OF CARTERET

BEFORE THE MOREHEAD CITY  
BOARD OF ADJUSTMENT

In the matter of Application for )  
A Special-Use Permit by )  
HV Shepard, LLC )

ORDER

Index: Grantor: **Town of Morehead City**  
Grantee: **HV Shepard, LLC**

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**THE TOWN OF MOREHEAD CITY, NORTH CAROLINA  
ORDER GRANTING A SPECIAL-USE PERMIT**

The Board of Adjustment for the Town of Morehead City, NC, having held a public hearing on October 27, 2022, to consider application number BOA22-0003, submitted by Samer Hamad, on behalf of HV Shepard, LLC, a request for a special-use permit to allow for a “Restaurant” to be located in an existing building at 812 Shepard Street, zoned OP (Office and Professional District), and having heard all of the evidence and arguments presented at the hearing makes the following **FINDINGS OF FACT**:

1. The application was submitted indicating the correct section of the ordinance and that section does allow “Restaurant” with a special-use permit; and

2. The public hearing was properly advertised, notices were mailed to property owners adjacent to the site, and the property was posted per the statutory requirements; and

3. The proposed development does not affect adversely the general plans for the physical development of the town as embodied in these regulations or in any plan or portion thereof adopted by the Planning Board and/or the Council. The property is located in Neighborhood 1 of the CAMA Land Use Plan and is classified as Downtown Mixed Use. The Downtown business area is zoned for a variety of commercial, retail, marine commercial, and professional uses. Land Use Plan section 4.2.7 Areas of Local Concern, Policy 3 seems to promote the request: “Morehead City will continue to promote a variety of land uses which complement the residential, commercial, institutional, recreational and industrial needs of the community.” Section 4.2.8 Areas of Local Concern, Policy 1 also seems to promote the request: “Morehead City will encourage the redevelopment and restoration of the central business district as a retail, business, and professional services, office, and commercial marine center of the community. The town will encourage uses which provide for a multi-purpose central business district which includes living space as well as shopping and services. The town will promote the adaptive reuse of buildings in the central business district. The request does not appear to conflict with any of the Neighborhood 1 policy statements.; and

4. The proposed use will not be contrary to the purposes stated in the regulations; and

5. The proposed use is required to be placed on a lot of sufficient size to satisfy space requirements of the use, standards set forth for the use be met, minimum area, setback and other locational requirements of the district and parking requirements be met. Standards set forth for the use have been met. No additional parking is required for the restaurant because the proposed location is

within an existing building. No additional landscaping is required.

Based on the foregoing Findings of Fact, the Board of Adjustment makes the following **CONCLUSIONS OF LAW**. The following represent items D, E, F, and H, respectively, of the Special-Use Criteria:

1. *The proposed use will not affect adversely the health and safety of residents and workers in the Town.* Chairman Sewell said that he did not see anything that would have a detrimental effect. Bill Stompf agreed, stating that the applicant would be reusing an existing building. All Board members agreed; and

2. *The proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses.* Chairman Sewell said the proposed use would not change anything in the neighborhood. All Board members agreed; and

3. *The proposed use will not be affected adversely by existing uses.* Chairman Sewell said that he felt the proposed use would actually enhance the existing uses. All Board members agreed.

4. *The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, of the vehicular movement, or noise or fumes or of the type of physical activity.* Chairman Sewell said that the proposed expansion will not change the facility in a way that would affect vehicular movement as they lease their own parking facility. Bill Stompf agreed stating that the Town indicated that no additional parking would be required. All Board members agreed.

**NOW, THEREFORE,** based on the foregoing Findings of Fact and Conclusions of Law, the Board of Adjustment of the Town of Morehead City, North Carolina, by unanimous vote, orders the issuance of a Special-Use Permit to HV Shepard, LLC to allow for a “Restaurant” to be located in the existing building at 812 Shepard Street, Morehead City, NC.

**ORDERED,** this the 27<sup>th</sup> day of October, 2022.

\_\_\_\_\_  
Charles Sewell, Chairman

NORTH CAROLINA  
CARTERET COUNTY

I, \_\_\_\_\_, Notary Public, do hereby certify that Charles Sewell, Chairman to the Board of Adjustment for the Town of Morehead City, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and notarial seal this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary Public Signature

My commission expires on: \_\_\_\_\_