

**BOARD OF ADJUSTMENT**  
VARIANCE HEARING ♦ NOVEMBER 2, 2006

**MINUTES**

A variance hearing of the Kure Beach Board of Adjustment was held November 2, 2006 beginning at 7:30pm at Kure Beach Town Hall, located at 117 Settlers Lane, Kure Beach NC. A quorum was present. Applicants David and Catherine Rützi, 342 Third Avenue South.

MEMBERS IN ATTENDANCE:

Betty Swann, Chair  
Harry Humphries, Vice Chair  
Anne Brodsky  
John Gordon  
Charles Allo, alternate

MEMBERS ABSENT

Norm Collins

STAFF IN ATTENDANCE:

Town Clerk Nancy Avery  
Building Inspector John Batson  
Town Attorney A. A. Canoutas

Court reporter services provided by Aurelia Ruffin and Associates.

CALL TO ORDER

Chair Swann called the meeting to order at 7:30 pm.

APPROVAL OF MINUTES

Member Humphries MADE THE MOTION to approve the minutes from the October 11, 2006 meeting. Member Brodsky seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Member Brodsky MADE THE MOTION to adopt the draft Rules of Procedure as submitted. Member Gordon seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS. Said Rules of Procedure are herein included as part of these minutes as attachment A.

### OPENING OF HEARING/POLL OF MEMBERS

Chair Swann opened the hearing at 7:38 pm. Chair Swann explained to all present that the board of adjustment is a quasi-judicial administrative body, that members may only consider substantial, competent and material evidence for factual determination, that hearsay and opinion testimony may not be considered in findings of fact, that applicant must prove that ordinance standards have been met and called for a poll of members regarding conflict of interest.

Harry Humphries -no conflict  
Anne Brodsky -no conflict  
John Gordon -no conflict  
Charles Allo -no conflict  
Betty Swann -no conflict

### ADMINISTRATION OF OATH

Chair Swann administered the oath to the following signed in to testify:

John Batson, Building Inspector  
David Rutti, applicant  
Catherine Rutti, applicant

### TESTIMONY, FINDING OF FACT AND BOARD DECISION

A transcript of testimony, cross examination, findings of fact and Board decision is herein incorporated as part of these minutes as attachment B.

The Board of Adjustment denied the variance request and ordered the shed to be removed with a vote of four to one as follows:

Members Swann, Brodsky, Humphries and Allo to deny. Members Gordon to Grant. A copy of the order issued is herein incorporated as part of these minutes as attachment C.

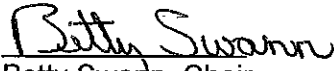
Chair Swann explained to the applicants that any appeal to the decision of the Board of Adjustment must be filed with the Clerk of the Superior Court of New Hanover County within 30 days.

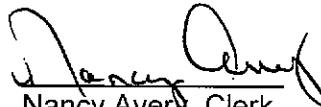
### OTHER ITEMS

Members Allo MADE THE MOTION to send a letter to council to review the procedures for granting permits in accordance with the town's ordinance. Member Brodsky seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

### ADJOURNMENT

Member Humphries MADE THE MOTION to adjourn the hearing at 9:20 pm. Member Allo seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

  
Betty Swann, Chair

  
Nancy Avery, Clerk