

BOARD OF ADJUSTMENT
MEETING MINUTES ♦ May 24, 2011

MINUTES

A meeting of the Kure Beach Board of Adjustment was held May 24, 2011, beginning at 7:05 p.m. at Kure Beach Town Hall, located at 117 Settlers Lane, Kure Beach, NC. A quorum was present.

MEMBERS IN ATTENDANCE:

Peter Boulter, Chair
Charlie Allo
Dolores Coe
Tony Garibay

MEMBERS ABSENT:

Harry Humphries

STAFF IN ATTENDANCE:

Secretary, Josie Fitzgerald

APPROVAL OF AGENDA:

Chair Boulter read the agenda and proposed the Agenda be approved
Agenda was approved unanimously

APPROVAL OF THE MINUTES:

MOTION: Member Allo moved to approve the minutes of January 25, 2011

SECOND: Member Garibay second

VOTE: Unanimous

OLD BUSINESS:

A. Meeting Time change

There was discussion regarding changing the time for the Board to meet. It was agreed to meet at 7:00 p.m.

MOTION: Member Allo moved to change the time for the Board of Adjustment to meet in the future to 7:00 p.m.

SECOND: Member Garibay second

VOTE: Unanimous

It was noted that there is a process to be followed to change the time, i.e. advertise, put the change on the web, etc. Secretary will follow up with the Town Clerk on the procedure to change meeting time.

There was further discussion regarding submitting the minutes to the members for convenience and economy. All agreed it would be convenient and all confirmed they had e-mail capabilities. The procedure will be to e-mail draft of minutes marked "draft" to all members, then once approved a final version will be posted.

MOTION: Member Allo moved to have future minutes forwarded by e-mail for approval.

SECOND: Member Coe second

VOTE: Unanimous

NEW BUSINESS:

Chairman Boulter introduced Don Eggert, Director of Local Government Services.

The members introduced themselves and gave a short statement of their experience and service on the Board. Members stated what they wanted to get from this session.

Mr. Eggert presented a packet to each member (a copy is attached). The presentation was to follow an interactive format with questions and answers.

There was discussion regarding the composition of the Board of Adjustment, its duties and authority. It was suggested that meeting more often than once or twice a year would be beneficial in keeping skills up.

The General Statues were discussed regarding the standards and guidelines for Boards of Adjustment. What they can do is outlined in State law.

There was discussion regarding special uses and conditional uses.

It was noted that most of the cases handled involved appeal of the Building Inspector's decisions. It was noted that if the Town Ordinance does not expressly prohibit something, then it is permitted. The SIC numbers are being utilized to identify permitted uses.

There was discussion on ethical behavior and conflict of interest with a member of the Board. Examples of improper behavior; meeting before a hearing and talking about a case; if member has an interest in ownership; if member is related to the applicant. There should always be disclosure to stay in compliance with the Rules of Procedure .

Hypothetical case studies were discussed:

1. A request to have a commercial business in a residential area on grounds of economic hardship and what is qualified as a hardship.
2. Business in residential area. Lack of evidence was an issue. Factual information and details are necessary since cases are not always cut and dry.
3. Side yard encroachment vs. cutting a tree. The side yard requirement would supersede.

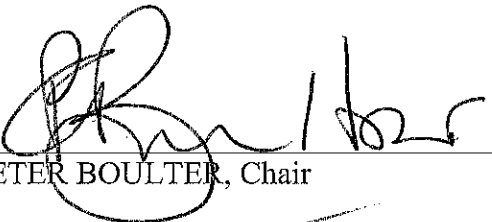
There was a discussion about possibly meeting more often than when a case comes up. Meeting at least once a quarter would be helpful to discuss different scenarios before an issue arises. Discussion on trying to come to conclusion and make decision on their own and not have to rely on attorney or building inspector. Although it was agreed that it would be helpful to have the building inspector's interpretation and thoughts regarding the Ordinance. It was also suggested that getting a copy of the cases far in advance to have more opportunity for research would be helpful.

Don Eggert stated he can be available to visit and assist with training more frequently if the Board felt it valuable.

ADJOURNMENT:

MOTION: Member Allo moved to adjourn the meeting
SECOND: Member Garibay second
VOTE: Unanimous

Meeting adjourned at 8:35 p.m.



PETER BOULTER, Chair

ATTEST 

JOSIE FITZGERALD, Secretary