

**BOARD OF ADJUSTMENT**  
MEETING MINUTES ♦ September 27, 2011

**MINUTES**

A meeting of the Kure Beach Board of Adjustment was held September 27, 2011, beginning at 7:03 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  
Harry Humphries  
Dolores Coe

**MEMBERS ABSENT:**

Tony Garibay  
Sandra Whaley, Alternate

**STAFF IN ATTENDANCE:**

Secretary, Josie Fitzgerald  
John Batson, Code Enforcement Officer  
Holt Moore, Esq.

**APPROVAL OF AGENDA (Sept. 27, 2011):**

**MOTION:** Member Charlie Allo  
**SECOND:** Member Harry Humphries  
**VOTE:** Unanimous

**APPROVAL OF THE MINUTES (Meeting May 24, 2011):** Minor typing revision on page 3, last paragraph delete the word "do."

**MOTION:** Member Harry Humphries  
**SECOND:** Member Charlie Allo  
**VOTE:** Unanimous

## OLD BUSINESS:

### A. Suggested training topics for November Meeting

Since John Batson will be conducting the training session in November, John suggested members go through different ordinances and bring a hypothetical case to the next meeting for discussion. John could then do research and reflect back to them where he is coming from the Code Enforcement point of view.

It was suggested to give John ideas of different NC statutes and laws to be discussed.

Member Coe suggested that anticipated case questions be addressed and discuss possible answers. The type of questions they can be expected to get would be valuable to be prepared with proper answers.

Attorney Holt said they will need to be prepared to apply the law to the facts of each case. It may be helpful to see where the Board goes right or wrong as far as procedure.

Decisions are based on law, facts, and common sense. Cases to be reviewed should be local NC and based on our ordinances, property lines, setbacks, non-conforming issues.

The issue of alternative energy was addressed and it was agreed that it is important to focus on potential problems down the road that may come up with the introduction of new ordinances.

Member Allo suggested NC cases be reviewed and see how particular subjects were addressed and then apply them to our local area.

There was further discussion regarding the definition of a lot and how to determine what is accepted as the "mean definition" of a lot. Definitions can then go back to clarification by the P&Z Commission.

Some suggestions for training topics:

1. Come up with 3 suggestions each and forward to John who will select a few for discussion.
2. The proposed expansion of the business district and its potential problems may be a topic. Although complex and only hypothetical at this point, it can be discussed in more detail once the P&Z has addressed this issue.
3. The five year plan as it relates to what planning there should be and what the P&Z should be following.
4. Setbacks and fences are the common problems that the Board has already come across and may be reviewed and clarified.

B. Approval of the tentative schedule

Nov. 29, 2011 – Training by John Batson

Feb. 2012 – Annual BOA organizational meeting

May 2012 – Training session

It was suggested to have sessions in the summer months when there are more daylight hours. It was agreed to hold the organizational meeting in January as in the past instead of February. Have the Council of Government training in May. Although some of it is repetitious, it is helpful for new members and as an overview for seasoned members. Attorney Moore can be available to contribute legal aspects.

**NEW BUSINESS:**

There was discussion about alternate members attending meetings, especially training sessions. There will be more of a specific invitation to attend training session to alternates. Although it is not required that alternate members attend formal case hearings unless called, all members are encouraged to attend all meetings since there is a benefit to the training presented and experience.

There was discussion of possibly amending the bylaws to include particular criteria for attending meetings to include alternates. There have been situations where an alternate was called to attend a case hearing and prepared for the hearing, then the member attends. It should be considered that when the alternate is called to attend, they should be allowed to sit in and vote at the hearing even if the member attends the meeting. Although it was agreed that would be a fair practice to follow, it was decided not to take any action at this time, but address this issue at the annual organizational meeting.

It was observed that some members may not have a copy of the Institute of Government Board of Adjustment manual and will be supplied with one for the next meeting. It was suggested that manuals should be returned when a member leaves the commission.

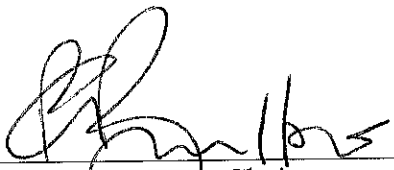
**ADJOURNMENT:**

**MOTION:** Member Charlie Allo

**SECOND:** Member Dolores Coe

**VOTE:** Unanimous

Meeting adjourned at 7:50 p.m.

  
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PETER BOULTER, Chair

ATTEST   
JOSIE FITZGERALD, Secretary