

TOWN OF EMERALD ISLE  
BOARD OF ADJUSTMENT  
REGULAR MEETING  
WEDNESDAY, MARCH 9, 2011

The meeting was called to order at 9:04 AM by Chairman Mark Brennesholtz. Members present were: Mark Brennesholtz, Russell Adams, John Kilgore, Frank Powell and Sally Waters. Also attending was Planning Director, Kevin Reed. The applicants, Sharon Regi Parks and Allan Norris were also in attendance.

The first order of business was to consider the election of a Chairman Vice-Chairman for the Board. A motion was made by Frank Powell to nominate Mark Brennesholtz as Chairman and Russell Adams as Vice-Chairman. The motion was seconded by John Kilgore and passed unanimously (5 to 0).

The second order of business was the approval of the minutes for the Board's February 10, 2010 meeting. Russell Adams made a motion to approve the minutes as presented. The motion was seconded by Sally Waters and passed unanimously (5 to 0).

The third order of business on the agenda was case number 11-V-01 which was a request by Sharon Regi Parks on behalf of Winifred K. Regi for a variance to Chapter 5, Table 5.1 "Table of Dimensional Standards" of the Town's Unified Development Ordinance (UDO). The request is for a variance to the required minimum front yard setback of 30-feet in order to allow for the construction of a deck that would extend 13 feet and 6 inches into the required setback. Mr. Reed gave a brief presentation on the background of this request. Mr. Reed indicated that Mr. Allan Norris, doing business as Fixation, submitted a request for a building permit in order to re-construct the existing front deck and steps at 1803 Ocean Drive. The information submitted by Mr. Norris indicated that the new deck and steps would be 38 feet from the front property line, thus meeting the required setback of 30-feet. After construction began commenced the Chief Code Enforcement Officer for the Town, Jim Taylor, questioned the location of the deck and asked that work stop until a survey could be performed. The survey indicated that the new steps extended to within 13.6 feet of the front property line. At that time, the contractor was directed to either bring the structure into compliance or seek a variance from the Board of Adjustment.

Mr. Allan Norris gave his perspective on the situation and indicated that he has measured from the edge of the pavement and not the front property line. He further indicated that a mistake by him and the Planning and Inspection Office resulted in the deck being constructed in the wrong location and not in compliance with the Town's regulations. Mr. Norris further indicated that other homes in the area also do not meet the required front yard setback of 30-feet and therefore, this case would not set a precedent if a variance is granted. Mr. Reed indicated that there was no confusion on behalf of Town staff because the Planning and Inspection Office approved the permit request because the applicant had indicated that the proposed deck would meet the required setback. Ms. Sharon Parks indicated that her mother is handicapped and needs access to her home. She indicated this new deck would allow for safe access to the home by her mother. Ms. Regi also indicated that the poor condition of the deck and steps required them to be replaced. There was considerable discussion by the members of the Board on existing decks that are not in compliance that might need to be replaced and what other owners would have to deal with when facing such a situation. Several members of the Board indicated that since the new deck and steps were in the same footprint as the ones that were removed, that the applicants were

only asking to replace what already existed. Mr. Russell Adams indicated that the applicants appeared to have brought this hardship upon themselves by requesting a permit that indicated the new deck would meet setbacks when in fact it could not. Mr. Adams felt the Town approved the permit request based on information provided by the applicants. There was a general feeling among other members of the Board that the need to replace an existing non-conforming deck was a hardship unique to the property in question. There was further discussion by the Board and following that discussion, the Chairman called for a vote on the request. The vote of the Board was four (4) votes to approve the request and one (1) vote to deny. The variance was granted by a 4 to 1 vote of the Board.

There being no further business to come before the Board, a motion to adjourn was made by Frank Powell. The motion was seconded by Russell Adams and passed unanimously (5 to 0). The meeting was adjourned at 10:05 AM.

Respectfully submitted by,

A handwritten signature in cursive script that reads "Kevin B. Reed". The signature is written in black ink on a white background.

Kevin B. Reed, Secretary  
Town of Emerald Isle Board of Adjustment