

TOWN OF EMERALD ISLE
BOARD OF ADJUSTMENT
REGULAR MEETING
WEDNESDAY, MAY 13, 2009

The meeting was called to order at 9:00 AM by Chairman Mark Brennesholtz. Members present were: Mark Brennesholtz, Frank Powell, Sally Waters and James Normille. Also attending was Planning Director, Kevin Reed. The applicants, Earl and Rebecca Bassett, were also in attendance.

The first order of business was to consider the election of a Chairman and Vice-Chairman for the Board. Frank Powell made a motion to nominate Mark Brennesholtz as Chairman and Russell Adams as Vice-Chairman. The motion was seconded by James Normille. There being no further nominations, the Chairman closed the nominations. The Board then voted unanimously (4 to 0) to approve the slate of officers for the Board.

The second order of business was to consider approval of the minutes for the Board's November 19, 2008 meeting. It was mentioned that the spelling of the name "Shenigo" needed to be corrected. James Normille made a motion to approve the minutes as corrected. The motion was seconded by Sally Waters and passed unanimously (4 to 0).

The first case on the agenda was #09-V-01 which is a request by Earl and Rebecca Bassett 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 side yard setback of 10-feet in order to allow for the construction of a deck and shower that would extend 6.5 feet in the required setback. Mr. Earl Bassett presented the request to the Board and indicated that the deck and shower was under construction without a permit when he was notified by the Town that a permit would be required and that the current configuration of the new deck would require a variance. Mr. Bassett indicated that the size and location of the deck was chosen to take advantage of their backyard and to insure that it did not encroach upon their septic system which is also located in the rear of the property. He further indicated that the deck and shower would be easily accessible by his wife who has limited mobility at times. There were several questions from Board members regarding other locations in the rear that might be acceptable alternatives and not require a variance. Several Board members indicated that while they were sympathetic to the Bassett's situation, that it did not appear that they would meet the requirements the Board must consider when granting a variance. 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 2 to votes in favor of the variance and 2 votes against the variance. Since the request did not receive a 4/5 majority vote in favor of the variance, it was denied.

There being no further business to come before the Board, a motion to adjourn was made by Mrs. Waters. The motion was seconded by Mr. Powell and passed unanimously (4 to 0). The meeting was adjourned at 9:50 AM.

Respectfully submitted by

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