

TOWN OF EMERALD ISLE
BOARD OF ADJUSTMENT
REGULAR MEETING
WEDNESDAY, MAY 14, 2008

The meeting was called to order at 9:00 AM by Chairman Mark Brennesholtz. Members present were: Mark Brennesholtz, Russell Adams, John Kilgore, Tom Kelly, Frank Powell, Jerry Stockdale and Sally Waters. Also attending was Planning Director, Kevin Reed and Chief Code Enforcement Officer Jim Taylor.

The first order of business was to consider approval of the minutes for the Board's February 13, 2008 meeting. A motion was made by Mr. Adams to approve the minutes as presented. The motion was seconded by Mr. Stockdale and passed unanimously (5 to 0).

The first case on the agenda was #08-V-03 which is a request by Bruce Rogers, on behalf of John and Terri Smith, for a variance to Section 19-336, Paragraph (1) of the Town Code in order to allow for the construction of a dwelling that would disturb a portion of the required natural area. The property is located at 5709 Beachview Lane. Those persons wishing to present evidence at the hearing were sworn in by Mr. Reed. Mr. Bruce Rogers made the presentation for the request to the Board. Mr. Rogers indicated that the property in question had been previously developed but the existing home and septic system had been removed. He further indicated that the lot contained only 29% natural area and that the proposed septic system for the lot would impact approximately 15% of the natural area resulting in a total remaining natural area of 14%. Jerry Stockdale had a question about the location of the proposed septic system and how much area needed to be disturbed for the system. Also, in a response from Tom Kelly, Mr. Rogers indicated that based on a letter from the Carteret County Health Department, the location of the proposed septic system could not be relocated to somewhere else on the property. Mr. Adams questioned the amount of land needing to be disturbed if the septic system failed and the repair area had to be utilized for a new system. Jim Taylor responded to questions from the Board members on his role as the Dunes and Vegetation Protection Inspector. After further discussion, a motion was made by Mark Brennesholtz to grant the variance with the following two conditions: (1) all trees in the impacted portion of the natural, with a diameter greater than 3", that had to be removed will be replaced with similar indigenous vegetation having a diameter of at least 3" elsewhere on the property; and (2) a minimum of 14% of the lot must remain as natural area. The motion was seconded by John Kilgore and passed unanimously (5 to 0).

There being no further business to come before the Board, a motion to adjourn was made by Russell Adams. The motion was seconded by Jerry Stockdale and passed unanimously (5 to 0). The meeting was adjourned at 9:45 AM.

Respectfully submitted by

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