

TOWN OF EMERALD ISLE
BOARD OF ADJUSTMENT
REGULAR MEETING
WEDNESDAY, FEBRUARY 13, 2008

The meeting was called to order at 11:00 AM by Chairman Mark Brennesholtz. Members present were: Mark Brennesholtz, Russell Adams, Tom Kelly, Frank Powell, Jerry Stockdale and Sally Waters. Members absent were John Kilgore. Also attending was Planning Director, Kevin Reed.

The first order of business was to consider approval of the minutes for the Board's May 5, 2007 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-01 which is a request by Stephen and Erika Harlacher for a variance to Section 19-107, Paragraph (3) of the Town Code in order to allow for the construction of an addition to an existing commercial structure that would extend to within 7 feet of the property line rather than the required 15-foot side yard setback. The property is located at 7801 Emerald Drive. Those persons wishing to present evidence at the hearing were sworn in by Mr. Reed. Mr. Greg Smitka made the presentation for the request to the Board. Mr. Smitka indicated that they wished to construct a walk in cooler for the Chowdaheads Restaurant that would extend into the required 15-foot setback. Mr. Smitka indicated that other locations on the property for the addition that would meet setback requirements were either impractical or unsightly. The placement of the addition at the proposed location was also necessary to maintain the "work flow" within the restaurant. There were several questions raised by Board members regarding the location of the existing septic system on the property, the frequency in which the addition/cooler needed to be accessed by employees, the protection of existing trees on the property and other issues. Mr. Smitka and Ms. Halracher responded to those questions. After further discussion by the Board, Chairman Brennesholtz called for a vote on the request. The variance was denied by a vote of 2 in favor and 3 against the request.

There being no further business to come before the Board, a motion to adjourn was made by Jerry Stockdale. The motion was seconded by Tom Kelly and passed unanimously (5 to 0). The meeting was adjourned at 11:47 AM.

Respectfully submitted by

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