

TOWN OF EMERALD ISLE
BOARD OF ADJUSTMENT
REGULAR MEETING
WEDNESDAY, OCTOBER 11, 2006

The meeting was called to order at 9:00 AM by Planning Director Kevin Reed. Members present were: Russell Adams, John Kilgore, Linda Hughs, Mark Brennesholtz and Tom Kelly. Also attending was Planning Director, Kevin Reed.

Mr. Reed indicated to the Board that a revised set of minutes had been placed at the location of each Board member. A motion was made by Ms. Hughs to approve the revised minutes of the September 13, 2006 meeting of the Board. The motion was seconded by Mr. Adams and passed unanimously (5 to 0).

The first case on the agenda was #06-V-05 which was a request by Morris Brookhart, on behalf of Jodie E. Brookhart and Joanne T. Dreyer, for a variance to Section 19-1336, Paragraph (1)(c) of the Town Code in order to allow for the disturbance of a portion of the required 35% natural area. The property is located at 1708 Emerald Drive. Those persons wishing to present evidence at the hearing were sworn in by Mr. Reed.

Mr. Morris Brookhart presented his case to the Board. He explained that he owned the eastern portion of an existing duplex structure and that Joanne and Paul Dreyer owned the west unit. He explained the existing structure was built in approximately 1997. Mr. Brookhart explained to the Board that an existing structural retaining wall that supports the home was failing and that they had reviewed several options for making repairs. The preferred option involved the repair of the existing wall by constructing an engineered grade beam and then backfilling along the wall extending in a northerly direction to achieve the required 3:1 slope. Mr. Brookhart further explained that the backfilling would require for fill to be placed in a portion of the lots required "natural area". Mr. Brookhart acknowledged that the property currently only has 22% of the lot as natural area. There was considerable discussion among the Board members and the property owners regarding the impact of the proposed fill and its potential negative impact on Bogue Sound. There was considerable discussion among the Board and applicants regarding other feasible options for repair and the need to ensure protection of sound waters from construction activities if the variance is granted. Following further discussion by the Board, a ballot was taken on the request. The Board members in casting their ballots concluded that: (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance; (b) that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit; and (c) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done. The variance was granted by unanimous vote (5 to 0).

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

Respectfully submitted by

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