

TOWN OF EMERALD ISLE
BOARD OF ADJUSTMENT
REGULAR MEETING
WEDNESDAY, JUNE 8, 2005

The meeting was called to order at 9:00 AM by Chairman Mike Johnson, members present were: Chairman Johnson, Russell Adams, Bob Stanley, Jerry Stockdale and Mark Brennesholtz. Also attending were alternate members John Kilgore and Jerry Stockdale as well as Planning Director, Kevin Reed.

The minutes of the last regular meeting of March 10, 2004 were considered for approval. A motion was made by Mr. Brennesholtz to approve the minutes as presented. The motion was seconded by Mr. Adams and passed unanimously.

Case 05-V-01. A request by Kenneth and Alisa Heverly for a variance to Section 19-101, Paragraph 4 of the Town Code in order to allow for the construction of a dwelling that would extend into the required 30-foot front yard setback. The property is located at 2313 Ocean Drive. Mr. Kenneth Heverly was sworn in by Mr. Reed. Mr. Heverly stated that the owners wished to demolish the existing structure at 2313 Ocean Drive and replace it with a new single-family dwelling. Mr. Hevelry indicated that the existing dwelling at this location was located as close as 8 feet to the front property line; therefore, it already violated the front setback requirements. He indicated the new structure would be located 20 feet from the front property line, thus necessitating a variance of 10 feet Mr. Heverly indicated that the existing dwelling was constructed in 1958 and they desired to place it with a more appealing and safer dwelling. He further indicated that the CAMA setback of 60 feet from the first stable line of vegetation necessitated moving the new dwelling closer to the front property line.

There were a number of questions raised by members of the Board regarding whether or not other variances had been granted for similar redevelopment properties in the same area. Staff responded to those questions and indicated that numerous properties in the same area did not meet the 60-foot ocean Erodible setback. It was the consensus of the members present that the more appropriate way to resolve the setback issue would be to have the Town Board and Planning Board look at changing the setback requirements in this area of Town. Mr. Ken Gardner who owns property at 2311 Ocean spoke to the Board and indicated that he felt the request failed to meet the statutory test for granting a variance. After further discussion the members called for a vote on the request.

There being no further questions by the Board. Chairman Johnson asked for a written ballot to be taken that would allow for the dwelling to be constructed within 20-feet of the front property line. The ballot was 3-2 in favor of denying the variance.

Mr. Frank Rush, Town Manager indicated to the Board members that the most practical way of addressing situations like this one, and others in the non-conforming area of Town, may be to change the Town's setbacks or seek some change in the CAMA

setback. He indicated the Town Board and Planning Board may look at this issue in the future.

A motion to adjourn was made by MR. Brennesholtz. The motion was seconded by Mr. Stockdale and passed unanimously.

Respectfully submitted by

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