Town of Sunset Beach
Board of Adjustment

Meeting held at 102 Shoreline Drive W Sunset Beach
Fire Station #1

Meeting Minutes February 10, 2016
9:00 am

Members Present:
Chairperson; Robert Forrester, Leon August, Peter Scott, Lawrence Sweeney.

Members Absent: Jim Strandquist

Staff Present: Richard Hathcock GIS Planner; Cindy Nelson, Secretary, Lisa Anglin; Town Clerk; Kevin Dempsey; Fire Chief

Chairperson Robert Forrester called the meeting to order, established that a quorum was present, and read a prepared welcome statement. The Pledge of Allegiance was recited by all in attendance.

Consideration of Approval of Minutes: CHAIRPERSON ROBERT FORRESTER ENTERTAINED A MOTION TO APPROVE THE MINUTES FROM THE OCTOBER 14, 2015 MEETING. MOTION MOVED BY PETER SCOTT. SECOND MADE BY LEON AUGUST. MOTION CARRIED UNANIMOUSLY.

Swearing in of Staff: Richard Hathcock GIS Planner was sworn in.

Continuances or Withdrawal's-None

Old Business- None

New Business

a. BOA-16-01; Robert Honeycutt, Owner; seeks a variance of 8 ft. from the minimum front 25 ft. setback requirement in the BR-2 zoning district as specified in Article 6, Section 6.06(G)(D) of the Unified Development Ordinance for property located at 1430 Bay St.

Chairperson Forrester informed the applicant that they have the option to wait until there was a five member board in attendance in order to be granted a 4/5th's vote. Today there was a four

member Board as one member was absent. The applicant exercised the option to continue with hearing today.

A power point presentation of the case was given by Richard Hathcock:

- Applicant wants to construct a single family residence at 1430 Bay Street.
- Mr. Honeycutt no longer owns the property at 1432 Bay Street as listed on the Staff Report. Just something of note but not relevant to the case.
- Legal conforming lot in BR-2.
- Applicant is asking for a reduction of the 25' front setback. The sides and rear setbacks are already met. He is asking for a 7' encroachment out of the front setback.
- Applicant is claiming this is an odd shaped lot that needs a variance.
- He is subject to the adhering to the 30' CAMA buffer regulation.

Discussion between Ricard Hathcock and Board members:

Peter Scott: What is the buildable square footage of the lot?

Chairperson Forrester: According to my calculations it is 1250 square feet.

The Chairperson continued, if the buildable area is less than 1200 square feet than the applicant could apply to CAMA for a variance from the 30' buffer area.

Richard Hathcock: Yes, he could apply to CAMA for a variance if the Town does not grant the variance.

Applicant and property owner Robert Honeycutt was sworn in.

Mr. Honeycutt said Richard described the case accurately and was prepared to answer any questions.

Dialog briefly ensued between the Board and Mr. Honeycutt.

Peter Scott asked Mr. Honeycutt if he owned one big lot and then subdivided it. Mr. Honeycutt confirmed that was correct.

The Board questioned Staff; were there any objections from adjacent property owners in regard to this variance request. Richard Hathcock answered that no objections were sent via mail however, an email was sent in objection to this case. Chairperson Forrester said email cannot be considered into evidence as that person is not here to be sworn in and defend their stance. The Chairperson did ask for the record to reflect that an email was sent in regard to the case.

After additional dialog with Mr. Honeycutt, Chairperson Forrester said this appears to be a self-imposed hardship.
Anne Honeycutt of 5575 Strawpond Road Dunn NC was sworn in.

Chairperson Forrester asked Mrs. Honeycutt how critical it was to have the stairs and elevator in the front of the house. Mrs. Honeycutt answered that it is a better location for entering and exiting the house.

Peter Scott: Is your intent to live in the house?

Mrs. Honeycutt: Yes, we will live in the house with the exception of renting to close friends a couple times a year if we are away.

CHAIRPERSON FORRESTER MADE A MOTION TO OPEN THE HEARING TO THE PUBLIC. MOTION MOVED BY PETER SCOTT WITH A SECOND BEING MADE BY LEON AUGUST. MOTION CARRIED UNANIMOUSLY.

Charlie Nern of 647 Oyster Bay Drive and island property owner was sworn in.
Not in favor of altering setbacks. And, the Town's CAMA representative said that CAMA would most likely grant a 30' buffer variance in this case if the Town denied the request. He preferred the Town grant the variance as opposed to the option of disturbing the CAMA buffer area. He further said granting this variance will not affect others living on the street and there are no other persons here to testify against this case.

WITH NO OTHER COMMENTS, THE PUBLIC PORTION OF THE HEARING WAS CLOSED WITH A CALL FOR A MOTION FROM CHAIRPERSON FORRESTER. MOTION MOVED BY PETER SCOTT AND A SECOND BY LEON AUGUST. MOTION CARRIED UNANIMOUSLY.

CHAIRPERSON FORRESTER ENTERTAINED A MOTION TO APPROVE OR DENY THE VARIANCE AS REQUESTED. LARRY SWEENEY MOVED TO APPROVE THE VARIANCE. SECOND WAS MADE BY LEON AUGUST.

Chairperson Forrester said the applicant proposed to move the front set back from 25' to 17' off of Bay Street.

Board Discussion:

Larry Sweeney: Its stairs and an elevator. I do not see where there would be an issue in granting the variance.

Peter Scott: This is not a case of undue hardship. There are many cul de sac lots on the island who have conformed to set backs. Elevators are not common to the front of the house. They could redesign the home to fit on the lot without a variance. This is a result of the applicants own hardship and granting this variance could open a door to similar situations.

Leon August: I not in favor of the variance. The house could be redesigned to fit the elevator in without a variance.

Chairperson Forrester: All the homes on Bay Street are uniform in structure from the street. There is an interest in protecting the 30' CAMA setback, however, the lot was created by the applicant who owned the tract of land and subdivided it. He could have reconfigured the lots differently to include room for building the house that he wants.

MOTION ON THE FLOOR TO GRANT THE VARIANCE, CHAIRPERSON FORRESTER ASKED FOR A ROLL CALL:

Leon August: No
Peter Scott: No
Larry Sweeney: Yes
Chairperson Forrester: No

Variance was denied and the Findings of Fact were read.

The variance was not granted as the request results from the owners own actions and he could make a reasonable return on his property by reconfiguring the house design.

CHAIRPERSON FORRESTER CALLED FOR A MOTION TO CLOSE THE HEARING. MOTION MOVED BY PETER SCOTT WITH A SECOND MADE BY LEON AUGUST. MOTION CARRIED UNIMOULSY.

Administrative Items:

A. Director and Staff Comments-None

B. Board Member Comments and Request for Future Agenda Items-None

Election of Officers

CHAIRPERSON FORRESTER ENTERTAINED A MOTION FOR THE ELECTION OF THE CHAIRMAN. PETER SCOTT MOVED TO ELECT ROBERT FORRESTER AS CHAIRMAN. SECOND WAS MADE BY LARRY SWEENEY. MOTION APPROVED UNANIMOULSY BY ROLL CALL:

Leon August-Yes
Peter Scott-Yes
Larry Sweeney-Yes
Robert Forrester-Abstained

CHAIRPERSON FORRESTER ENTERTAINED A MOTION FOR THE APPOINTMENT OF VICE CHAIRMAN. CHAIRPERSON FORRESTER NOMINATED PETER SCOTT TO SERVE AS VICE CHAIRMAN. A SECOND WAS MADE AND THE MOTION WAS APPROVED UNANIMOULSY BY ROLL CALL:

Leon August-Yes
Robert Forrester-Yes
Larry Sweeney-Yes

It was noted there would not be a quorum present for the March 9, 2016 meeting.

Adjournment- 9:55 am. CHAIRPERSON FORRESTER CALLED FOR A MOTIONED TO ADJOURN. MOTION CARRIED BY LEON AUGUST. SECOND WAS MADE BY PETER SCOTT. MOTION CARRIED UNANIMOUSLY. CHAIRPERSON FORRESTER SAID WE ARE ADJOURNED UNTIL THE APRIL MEETING.

TOWN OF SUNSET BEACH
OFFICIAL SEAL
NC

Town of Sunset Beach
Board of Adjustment

Chairperson Robert Forrester

Submitted by:

Cindy Nelson

Cindy Nelson Board of Adjustment Secretary

***Minutes from October 14, 2015 meeting were approved at the February 10, 2016 meeting.