



Town of Sunset Beach
Board of Adjustment

Meeting Minutes of April 15, 2015
9:00 am

Members Present: Robert Forrester, Chairman; Peter Scott, Leon August, Jim Strandquist, Pete Larkin, Gene Allen, Lawrence Sweeny

Members Absent: None

Staff Present: Rawls Howard, Director of Planning and Inspections; Grady Richardson-Town Attorney; Cindy Nelson, Secretary

Quorum present, Chairman Robert Forrester read a Chairman's Welcome, the Pledge of Allegiance recited by all in attendance, and Rawls Howard Planning Director sworn in.

The Chairman noted that there were seven Board members present today and only five Board members would participate in voting; Robert Forrester, Peter Scott, Leon August, Peter Larkin, Gene Allen.

Consideration of Approval of Minutes: None

Continuances or Withdrawals: None

Old Business: None

New Business:

A. SUP Request:

SUP-15-01; Tal Banay, Contractor/Agent for property owners HT Ocean Isle Beach LLC, seeks a Special Use Permit (SUP) to allow outdoor display and storage of merchandise in accordance with Article, Section 7.26 of the UDO for the lot located at 402 Sunset Blvd. North.

Rawls Howard proceeded to give an overview of the Special Use request along with a power point presentation. He explained that as per Unified Development Ordinance (UDO) Section 7.26 it is currently required for a business to apply for a Special Use Permit to be allowed to have outdoor displays to sell merchandise such as beach chairs and other related items.

The applicant is already following the standards set in place, and Staff recommends approval of this request. The applicant Tal Banay was present to answer any questions the Board would have.

Brief discussion ensued on how merchandise could be displayed and where it would be located on the property as per current ordinance.

CHAIRMAN ROBERT FORRESTER ENTERTAINED A MOTION TO OPEN THE PUBLIC HEARING. SECOND WAS MADE BY PETER SCOTT AND THE MOTION CARRIED UNANIMOUSLY.

THERE WERE NO QUESTIONS OR COMMENTS BY THE PUBLIC.

THE PUBLIC HEARING WAS CLOSED WITH A MOTION FROM CHAIRMAN ROBERT FORRESTER. MOTION MOVED BY PETER SCOTT. SECOND WAS MADE BY PETER LARKIN. THE MOTION WAS CARRIED UNANIMOUSLY.

CHAIRMAN ROBERT FORRESTER ENTERTAINED A MOTION TO OPEN DELIBERATION AND FOR THE BOARD'S APPROVAL OR DENIAL OF THE APPLICATION. MOTION MOVED BY PETER LARKIN. SECOND WAS MADE BY GENE ALLEN. MOTION WAS CARRIED UNANIMOUSLY.

PETER SCOTT MOVED TO GRANT APPROVAL OF THE APPLICATION SUBJECT TO THE CONDITIONS PER ORDINANCE AND STATE LAW. SECOND WAS MADE BY GENE ALLEN. MOTION WAS CARRIED UNANIMOUSLY.

Peter Larkin suggested the ordinance be reworded as the criteria for such a request is already written in the Unified Development Ordinance. Peter Scott further commented that a merchant should not have to pay a fee to come to the Town for approval for outdoor displays they already have. The process should be simpler. The Board was in agreement.

The Chairman read the four (4) Findings of Fact:

1. The use is in harmony with the area-yes, the area is a commercial zone and no other properties are affected.
2. The request would not substantially injure the value of adjoining or abutting property-no, as the property owner owns the surrounding property. The request does not impact roads or utilities.
3. The proposal would be in the harmony with the area-yes, this is a commercial property which already conforms to the current ordinances.
4. The proposal in harmony with the current Land Use Plan-yes, it is a permitted use in the MB-1 zoning district.

CALL FOR A VOTE TO APPROVE THE MOTION:

PETER LARKIN: YES

ROBERT FORRESTER: YES

PETER SCOTT: YES

GENE ALLEN: YES

LEON AUGUST: YES

THE MAJORITY OF THE VOTE APPROVED THE APPLICATION.

Chairman Robert Forrester told the applicant that a letter of approval would be sent to him.

Conversation ensued in regard to rewording the UDO. The Board was in agreement that the Town needs to be fair and equitable.

Administrative Items

A. Director and Staff Comments

- a. Legislative Updates-Rawls Howard informed the Board of two legislative bills being considered by the State; which are House Bills 201 and 255.

- b. Work Items for Board Consideration:

- i. Establish a regular meeting date for the Board of Adjustment instead of meeting Ad Hoc. Discussion was to approve meeting the second Wednesday of each month. This would exclude special meetings if needed. If the Board has no business then the meeting will be canceled. The proposed schedule will also allow for the Town to meet public notification requirements.

GENE ALLEN MOTIONED TO APPROVE MEETING THE SECOND WEDNESDAY OF EVERY MONTH. SECOND WAS MADE BY LEON AUGUST. VOTE WAS UNANIMOUS TO SEND A RECOMMENDATION TO TOWN COUNCIL FOR APPROVAL.

- ii. Discussion on Rules of Procedure: Robert Forrester said the Board just received the Rules of Procedure for review and the Members have not had sufficient time to review them, however, he noted a few items for change. He suggested changing the word "Chairman" to "Chairperson". Also establish a procedure in the case of a meeting that has to be carried over. Robert distributed some changes to the text for Board Member review.

Some general discussion ensued.

Pete Larkin challenged the wording in the second paragraph of “D. Quorum”; page 3. The second paragraph needs re-written to address the number of voting members in cases of continuance in which some of the members present at the original meeting may not be present during the continued meeting. Or if in the case of a variance when 4/5’s of the vote is required and only 4 members are present, then it may not be fair to the applicant. Grady Richardson the Town Attorney has also not had time to review the Rules of Procedure. The Board asked to add this subject to the May 5, 2015 agenda for further consideration.

- iii. Appointment of Cindy Nelson as Board of Adjustment Secretary:
PETER SCOTT MOTIONED TO APPOINT CINDY NELSON AS THE BOARD OF ADJUSTMENT SECRETARY. SECOND WAS MADE BY PETER LARKIN.

A YES VOTE FOR THE APPOINTMENT WAS MADE BY ROLL CALL:
PETER SCOTT, ROBERT FORRESTER, PETER LARKIN, GENE ALLEN,
LEON AUGUST

Adjournment: 10:30 am. CHAIRMAN ROBERT FORRESTER ENTERTAINED A MOTION TO ADJOURN. MOTION WAS MOVED BY PETER SCOTT. SECOND WAS MADE BY LEON AUGUST. MOTION WAS CARRIED UNANIMOUSLY.

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Robert Forresster
Chairperson Robert Forrester

Submitted by:

Cindy Nelson

Cindy Nelson Board of Adjustment Secretary