

KURE BEACH TOWN COUNCIL
PUBLIC HEARING
October 9, 2007
7:00pm

MINUTES

CALL TO ORDER	Mayor Fuller
WELCOME	Mayor Fuller
INVOCATION	Chuck Keener
PLEDGE OF ALLEGIANCE	All

COUNCIL MEMBERS PRESENT:

Mayor	Tim Fuller
Mayor Pro Tem	Mac Montgomery
Commissioner	Jim Dugan
Commissioner	Dean Lambeth

COUNCIL MEMBERS ABSENT:
Commissioner Bill Ufferman

STAFF PRESENT:

Town Clerk	Nancy Avery
Building Inspector	John Batson

Town Attorney was not in attendance.

OPENING OF HEARING:

Mayor Fuller called the public hearing to order at 7:03pm stating the purpose of the hearing is to consider proposed amendment to Chapter 19, Section 19-1, 19-331 and 19-339 of the Code of Ordinances. Notice of the public hearing was advertised in the Star News newspaper on September 20th and 26th, 2007, posted at Town Hall and on the website on September 13, 2007.

Resident Chuck Keener gave the invocation and Mayor Fuller led in the Pledge of Allegiance.

Mayor Fuller read the proposed amendments as follows: comments:

“That the Code of Ordinances for the Town of Kure Beach is hereby amended by the following changes/additions to Chapter 19, Zoning, Article IV, Supplemental District, Section 339, Minimum parking requirements, as follows:

1) Table inset item 1 (residential)

Currently reads:

“Two (2) parking spaces on the same lot for each dwelling unit”

Amend to read:

“Two (2) parking spaces for up to three bedrooms and 1 additional parking space for each bedroom thereafter per each dwelling unit”

2) Table inset item 2 (multi-family)

Currently reads:

“Two (2) spaces per each type of multi-family units (e.g. apartments, town houses, condominium), dwelling unit of which one (1.0) space per each two cars per unit must be unobstructed. One (1) additional parking space for each bedroom over four (4) per dwelling unit”

Amend to read:

“Two (2) parking spaces for up to three bedrooms and 1 additional parking space for each bedroom thereafter per each dwelling unit”

19-331 Density control requirements for residential units

Amend to add the following paragraph

“A bedroom is defined as any room 10’x10’ or larger, having a closet, and at the discretion of the Building Inspector”

PUBLIC COMMENTS:

Mayor Fuller opened the floor to public comments.

1) Chairman of the Shoreline Access and Parking Committee (SLAP), Chuck Keener, asked if this will be grandfathered?

Mayor Fuller responded that it can’t apply to existing houses, only new.

2) Mary Stevens, resident at 610 S. Ft. Fisher, asked how does this affect older houses in the older section of town that don’t have much parking now?

Building Inspector Batson stated that it doesn’t affect those homes, only new construction.

Ms. Stevens stated her family has owned a small cottage for 20+ years that sits on ½ lot. Is it correct that nothing can be built unless grandfathered in?

Mayor Fuller and Commissioner Lambeth replied that it can be built if it meets setback requirements.

Ms. Stevens asked if the cottage washed away, could it be rebuilt?

Commissioner Lambeth responded that yes it can be rebuilt but you can’t change the footprint unless you can meet the current setbacks.

Ms. Stevens asked if it could be rebuilt if she wants to renovate or update?

Building Inspector Batson stated that she can renovate, but there is an open space clause that says as long as you meet the current setbacks you can add on. And the only way it is grandfathered in, is if the building was destroyed by natural disaster.

Ms. Stevens asked if it was okay to install new windows?

Inspector Batson said that is fine.

3) SLAP committee chair, Chuck Keener, asked if someone is putting 3 cars in the driveway, is that legal?

Mayor Fuller replied it is, if they have 3 bedrooms, yes.

4) SLAP committee chair, Chuck Keener asked what prevents overflow parking from taking up public parking?

Inspector Batson replied that this amendment doesn't address that issue.

5) SLAP committee chair, Chuck Keener asked how do you enforce it when they are more cars parked than the requirements allow?

Mayor Fuller replied that if they can get cars on the driveway, we won't say anything. If cars start spreading out onto the side of road and right of way, etc, this gives us something to enforce. This will be a zoning/parking enforcement.

Commissioner Lambeth stated that we can restrict how many people live in a house by definition of family member/relation, etc, but is hard to enforce.

COUNCIL COMMENTS

As there were no other comments from the public, Mayor Fuller asked for comments from Council members.

Mayor Pro Tem Montgomery

1) What about duplexes that will be grandfathered. If they close in and create a bedroom on the ground floor, does that come under new regulations?

Inspector Batson said it would come under new regulations because that would be changing the use of the building.

2) The existing language in Table inset item 2 for multi-family currently reads "one of which unobstructed". The amendment removes that language – why the change? It leads me to believe I can park under the unit and line up as many cars as I want to. Is that correct?

Commissioner Lambeth explained that if when it was built and not enclosed, this would allow some control on parking if is later enclosed

3) 19-1 article I -- the amendment adds "at discretion of the Building Inspector" – are we leaving ourselves open to problems?

Commissioner Dugan said he thinks adding "and" defines it more. This means there must be a room 10x10 or larger, and a closet and the Building Inspector's discretion.

Mayor Fuller commented he disagrees, that adding "and" at discretion of BI doesn't automatically make a 10 x 10' or larger with a closet a bedroom. It is an effort to try to control density.

4) Mayor Pro Tem Montgomery – aren't we trying to stop people putting in other rooms and then using them as a bedroom? Will this force larger duplexes to have more parking spaces or limit size of building?

Inspector Batson replied this amendment will either make the building smaller or we will see less bottom floors enclosed

5) Commissioner Lambeth commended that P&Z said it would be easier to control pervious surface with this amendment.

6) Commissioner Duagan asked who enforces this?

Mayor Fuller replied that zoning enforces.

Building Inspector Batson said this amendment applies to the \$50 civil citation that already exists

STAFF COMMENTS

Insepctor Batson commented:

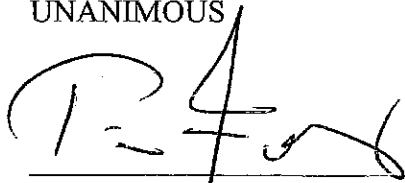
- he thinks this amendment will help enforce some of the complaints we have been getting about why we allow so many cars to be parked
- he should be able to tell pretty well from the plans what the intention of the room is as to whether it is to be a bedroom or not
- if a car is parked on the right of way, that isn't the purpose of right of way - that is up to the police to enforce that.

Mayor Fuller asked in terms of enforcing this ordinance, do you know how many bedrooms there are in each building? If not, can you find out?

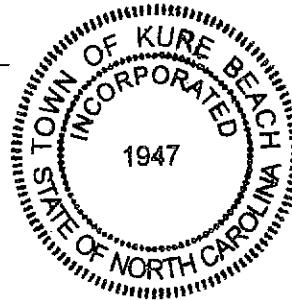
Inspector Batson replied he does not know that information, but he could find out.

CLOSING OF HEARING

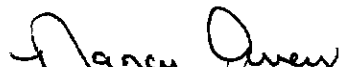
ACTION – Commissioner Dugan MADE THE MOTION to adjourn the public hearing at 7:32pm. Commissioner Lambeth seconded the motion. THE VOT OF APPROVAL WAS UNANIMOUS



Tim Fuller, Mayor



ATTEST:


Nancy Avery, Town Clerk