



# *Town of Kure Beach*

## *BOARD OF ADJUSTMENT*

Annual Organizational Meeting  
Tuesday, January 23, 2018, 7:00pm  
A Quorum was present

### **MEMBERS IN ATTENDANCE:**

Peter Boulter, Chairman  
Tony Garibay  
Harry Humphries  
Anne Brodsky

### **MEMBERS ABSENT:**

Bryant Bass

### **STAFF ATTENDANCE:**

Kathleen Zielinski, BOA Clerk

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Attorney James Eldridge

### **I. CALL TO ORDER:**

Chair Boulter called the meeting to Order at 7:00 p.m.

### **II. APPROVAL OF AGENDA:**

MOTION: Member Humphries moved to approve Agenda  
SECOND: Member Brodsky  
VOTE: Unanimous

### **III. APPROVAL OF MINUTES: (12/14/17)**

MOTION: Member Garibay moved to approve the Minutes  
SECOND: Member Brodsky  
VOTE: Unanimous

### **IV. MEMBER ITEMS:**

None

## V. OLD BUSINESS:

Member Humphries commented that two unfilled alternate seats remain on the Board.

## VI. NEW BUSINESS:

### a. Election of Chairman and Vice Chair positions

Member Humphries expressed his recommendation to nominate Member Brodsky for Chair. When Member Brodsky rejected the idea, Chairman Boulter announced that he would be willing to continue as Chairman.

MOTION – Member Humphries moved to nominate Peter Boulter to serve as Chairman for 2018

SECOND – Member Brodsky

VOTE – Unanimous

MOTION - Member Brodsky moved to nominate Tony Garibay to serve as Vice Chair for 2018

SECOND- Member Humphries

VOTE - Unanimous

### b. 2017 Annual Report

Member Garibay asked if there is some way that this board can be kept abreast of Chapter 19 changes. Attorney Eldridge then gave an overview of the changes that occurred in 2017. Included were:

- A text amendment to accommodate the new fire station situation
- A text amendment prohibiting shipping containers
- New regulations on livestock
- Text amendments to clarify wording related to setbacks versus yards and resolving ambiguity in identifying what is prohibited
- Text amendment changing permitted rear yard fence height from 4' to 6'

The board directed its clerk to request the red line versions of the aforementioned ordinance changes from the Town Clerk and to, in the future, notify the board of changes as they occur.

At the request of Member Humphries, Attorney Eldridge explained the justification for the board denying a recent variance request based upon Inspector Batson's interpretation of a legally non-conforming situation. He stated that, rather than getting into the complexity of the issue, the board's focus was on identifying any hardship to the applicants of which the board determined there was none. Members then discussed other examples of non-conforming situations throughout the town. Following their discussion, Attorney Eldridge asked if the board wished to entertain motion to approve the annual report.

Motion – Member Brodsky moved to approve the Annual Report for presentation to Council  
Second – Member Humphries  
Vote - Unanimous

c. Rules of Procedure amendment

Attorney Eldridge reviewed proposed changes to the BOA Rules of Procedure, including:

- Tightening up of the text
- Changing the title of secretary to clerk
- Specifying that the board will only meet in the months when there are cases to be heard, thus eliminating the need to publish notices of cancellation each month that a meeting is not held

He then explained that the rules call for discussion of an amendment at one meeting followed by adoption at the next. He suggested that a preliminary motion would be needed waiving that provision if the board wished to vote on the amendment at the present time.

MOTION – Member Humphries moved to waive the one-month requirement  
SECOND – Member Garibay  
VOTE – Unanimous

MOTION – Member Brodsky moved to adopt the amended Rules of Procedure  
SECOND – Member Garibay  
VOTE – Unanimous

Discussion turned to the two alternate positions that remain vacant. The board directed their clerk to request that the Town Clerk solicit the applicants for the recent openings on the Planning & Zoning to apply for the Board of Adjustment.

**VII. ADJOURNMENT:**

MOTION: Member Humphries moved to adjourn the meeting  
SECOND: Member Garibay  
VOTE: Unanimous

**Meeting was adjourned at 7:38 p.m.**

  
FOR

Peter Boulter, Chairman

Attest:   
Kathleen Zielinski, Secretary