



**KURE BEACH PLANNING & ZONING COMMISSION  
REGULAR MEETING**

A regular meeting of the Kure Beach Planning & Zoning (P&Z) Commission was held on  
Wednesday, September 2, 2015. A quorum of the Commission was present.

**P&Z MEMBERS IN ATTENDANCE**

Chairman Craig Galbraith  
Vice Chair Joe Whitley  
Member Alan Votta  
Member Bill Moore  
Member John Ellen

**ABSENT**

P&Z Attorney James E. Eldridge  
Council Liaison Craig Bloszinsky

**STAFF PRESENT**

John Batson, Building Inspector  
Josie Fitzgerald, Admin. Asst.

**I. CALL TO ORDER**

Chairman Galbraith called the meeting to order at 7:00 p.m.

**II. APPROVAL OF THE AGENDA**

MOTION: Member Ellen moved to approve the meeting agenda, as presented  
SECOND: Vice Chairman Whitley  
VOTE: Unanimous

**III. APPROVAL OF THE MINUTES**

MOTION: Member Moore moved to approve the minutes of the August 5, 2015 P&Z  
meeting.  
SECOND: Vice Chairman Whitley  
VOTE: Unanimous

**IV. PUBLIC COMMENTS**

None

**V. OLD BUSINESS**

**A. Vacation Rentals – Data collection**

Vice Chairman Whitley reported that more time was required and suggested this issue be tabled until the December meeting for follow up

**MOTION:** Chairman Galbraith moved to table the issue of vacation rental data collection until the December meeting  
**SECOND:** Vice Chairman Whitley  
**VOTE:** Unanimous

**B. Duplex – Parking**

Member Votta suggested that more time was required for further research

**MOTION:** Member Votta moved to table the duplex parking issue until the next meeting  
**SECOND:** Member Ellen  
**VOTE:** Unanimous

**C. Fences – height and location**

- A five (5') foot high fence creates a fortress type mentality
- The standing ordinance is four (4') feet height limit
- No further discussion

**MOTION:** Chairman Galbraith moved to dismiss this issue  
**SECOND:** Member Ellen  
**VOTE:** Unanimous

**VI. NEW BUSINESS**

Request for Text Amendment: Sec. 19-320 Control of Setbacks

- Paul Deveraux, contractor submitted the request
- It was suggested by Building Inspect Batson that the Ordinance is adequate as it stands
- Often propane tanks and HVAC systems are placed in the setbacks and they are asked to be removed.
- It is understandable that people want to maximize their small lot and sometimes an HVAC is an after-thought creating a violation
- The text amendment would grant some relief to homeowners and give some wiggle room

Statement by Fred Yelverton 521 Anchor Way

- His property borders the subject property at 517
- Would like to be on record that he tried to work out the situation with Mr. Deveraux
- He witnessed at the time of inspection, the HVAC was moved close to the house, and then after inspection it was moved back in the setback and a generator was added
- Setbacks affect property values
- He tries to be a good neighbor and Mr. Jones, the homeowner, is a wonderful neighbor and may not be aware of this request.
- Mr. Deveraux did not show much concern for the setback, there is room behind the house, but he doesn't want to move it
- At the time of inspection, they were told by Inspector Batson to move it out of the setback and he believes it was moved at that time

- The generator is noisy and is under Mr. Yelverton's bedroom window.
- The first email to the Town regarding the generator was in July, 2014 during early construction and there was time to change it

**Discussion:**

- Generators should not be in setback, they are luxury and not required. HVAC is different; if the house is too big, then there needs to be a change in plan design to find a place for the HVAC and/or generator
- There is no point to change the Ordinance to satisfy two neighbors, but will impact the whole town
- General comments are that the Ordinance is fair and does not need a text amendment

**MOTION:** Member Ellen moved to recommend to Council not to grant the Ordinance text amendment as requested

**SECOND:** Vice Chairman Whitley

**VOTE:** Unanimous

**MOTION:** Chairman Galbraith moved to submit a Consistency Statement to Council with the following recommendation: *The request is not consistent with the Town's comprehensive plan, zoning regulations promote appropriate use of land, stabilizes property values and provides public health, safety and welfare.*

**SECOND:** Member Ellen

**VOTE:** Unanimous

**VII. MEMBER ITEMS**

**Manufactured/container housing to be placed on next month's agenda for discussion**

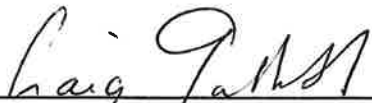
**VIII. ADJOURNMENT**

**MOTION:** Member Moore moved to adjourn the meeting

**SECOND:** Vice Chairman Whitley

**VOTE:** Unanimous

**The P&Z meeting adjourned at 7:26 p.m.**



Craig Galbraith, P&Z Chairman



Josie Fitzgerald, Secretary