



LAUREL PARK BOARD OF ADJUSTMENT  
Regular Meeting Minutes  
January 11, 2024 – 4:00 p.m.

Chair Morse called the Regular Board of Adjustment Meeting to order at 4:00 p.m. on January 11, 2024, in person at Town Hall, 441 White Pine Drive, Laurel Park, NC 28739.

The following attended in person at Town Hall:

- Chair Mark Morse
- Vice-Chair Ray Goetsch
- Richard Groves
- Ronald Bajakian
- Pamela Stover
- Susan Laborde
- Alternate Member Travis Bonnema
- Town Manager Alex Carmichael
- Town Clerk Tamara Amin
- Interim Town Planner Kaitland Finkle

**APPROVAL OF THE AGENDA**

Town Clerk Amin asked to add the Joint meeting minutes of November 16, 2023 to the agenda. Chair Morse asked to remove the 106 Nimbus Lane from the agenda for a later date. There was much discussion about removing this item from the agenda. Ms. Stover did not think it was fair for the applicant to have to come back again because the neighbors with standing were unable to attend in person. Other board members wanted to give the neighbors an opportunity to come and speak since public comments needed to be in person and not written comments.

Vice Chair Goetsch moved to approve the amended agenda with the removal of the 106 Nimbus Lane application and the addition of the Joint meeting minutes and was seconded by Ms. Laborde. Chair Morse asked for discussion; there was none. Ms. Stover voted nay but the motion was passed by majority vote.

*Mr. Rick Groves joined the meeting at 4:11 p.m.*

Alternate Member Bonnema was replaced by Mr. Groves for the rest of the meeting at 4:11 p.m.

**APPROVAL OF THE MINUTES**

Vice Chair Groves moved to approve the November 16, 2023 regular minutes and was seconded by Mr. Bajakian. Chair Morse asked for discussion; there was none. The vote was unanimous in favor of the motion.

Ms. Stover moved to approve the November 16, 2023 joint minutes and was seconded by Ms. Laborde. Chair Morse asked for discussion; there was none. The vote was unanimous in favor of the motion.

## **OLD BUSINESS**

### **OATHS OF OFFICE**

Ms. Pamela Stover was sworn in by Town Clerk Amin.

## **NEW BUSINESS**

### **VOTING- CHAIR & VICE CHAIR**

Mr. Mark Morse nominated Mr. Goetsch as Vice Chair. There were no other nominations. Mr. Morse moved to appoint Mr. Goetsch as Vice Chair, seconded by Ms. Laborde. Chair Morse asked for discussion; there was none. The vote was unanimous in favor of the motion.

Ms. Laborde nominated Mr. Morse as Chair. There were no other nominations. Ms. Laborde moved to appoint Mr. Morse as Chair, seconded by Mr. Goetsch. Chair Morse asked for discussion; there was none. The vote was unanimous in favor of the motion.

## **PUBLIC HEARING FOR VARIANCE REQUEST- 91 RANSIER DRIVE**

Chairman Morse gave an overview of the quasi-judicial process.

Chairman Morse asked for a motion to open the variance hearing. Mr. Groves made a motion to open the variance hearing at 4:18 p.m., seconded by Vice Chair Goetsch. The motion was unanimously approved, and the variance hearing was called to order.

Chairman Morse stated that all individuals who wish to give testimony for the variance hearing must be sworn in.

All in attendance wishing to speak were sworn in by Chairman Morse.

Chairman Morse stated the Board is required to make disclosures of any possible conflicts. Chairman Morse asked for any disclosures from the Board members. There were none.

Board Members seated for this Hearing are Chairman Morse, Vice Chair Ray Goetsch, Richard Groves, Pamela Stover, Susan Laborde, and Ronald Bajakian.

Chairman Morse asked Ms. Finkle to give a staff overview.

Interim Town Planner Finkle, being duly sworn, said the residents at 91 Ransier Drive would like to add a freestanding carport to the lot to accompany the proposed home. The lot is identified on the records of the Henderson County Mapping Office as PIN#9558857732. The lot is in the R-20 zoning district, with an estimated acreage of .78 acres, and an average slope of 17%.

Accessory structures are permitted in the R-20 zoning district provided they meet the applicable setbacks which in this case would be a street setback of thirty-five (35) feet and a side setback of fifteen (15) feet according to the dimensional standards found in section 2.6.3.

Section 10.2.4. D.1 defines a street setback as, “A street setback measured from the right- of-way edge associated with a public street or existing private street.” The home is bounded by two streets: Ransier Dr. and Panorama Dr., therefore, a street setback of thirty-five (35) feet applies to each street bordering the lot and a side setback of fifteen (15) feet. Due to the topography of the parcel and being bounded by two streets, the buildable area is constricted.

Section 2.6.3 note nine (note/9) points out that, “Except for fences, walls, and features identified in section 2.4.8: Allowable Encroachments into setbacks, detached accessory structures shall not be located between the primary front façade of the principal structure and a street setback line.” The driveway, mailbox, and address for the residence are all proposed to be located on Ransier Dr. The definition of primary building façade (pg. 416) states, “The architectural front wall (façade) of the building that faces the street from which the building is addressed.” Therefore, the proposed location of the carport would be located approximately three (3) feet within the primary building façade of the home in accordance with the definition.

Due to the unique factors of being bounded by two streets and the steep topography of the parcel, the applicant seeks relief from the street setback standards of thirty-five feet and the location and placement of the carport to be placed within the “front façade.” The carport is proposed down slope from street visibility with the roof being an even height with the street.

The Board reviewed the application and supporting documentation and introduced themselves to the audience.

Chairman Morse asked the applicant to present his case.

Mr. Chris Nevel, being duly sworn, presented pictures of the carport he applied for.

- a. Carport Pictures - The aforesaid pictures are attached to, and made part of, these minutes as Appendix 1.

Ms. Elaine Ciampi, of 2312 Laurel Park Highway asked Mr. Nevel some questions for clarification on the carport. But she had no objections.

The Board went into deliberation.

Ms. Laborde made a motion to grant the variance allowing 91 Ransier Drive the addition of a freestanding carport to the lot to accompany the proposed home. The motion was seconded by Mr. Bajakian.

Chairman Morse stated the Board will go through the five standards that must be considered in granting a variance.

1. Unnecessary hardship would result from the strict application of the ordinance. This CONCLUSION is based on the following FINDING(S) OF FACT:

To Approve: Chairman Mark Morse, Vice Chair Ray Goetsch, Richard Groves, Pamela Stover, Susan Laborde, and Ronald Bajakian.

To Deny: N/A

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. This CONCLUSION is based on the following FINDING(S) OF FACT:

To Approve: Chairman Mark Morse, Vice Chair Ray Goetsch, Richard Groves, Pamela Stover, Susan Laborde, and Ronald Bajakian.

To Deny: N/A.

3. The hardship did not result from actions taken by the applicant or property owner. This CONCLUSION is based on the following FINDING(S) OF FACT:

To Approve: Chairman Mark Morse, Vice Chair Ray Goetsch, Richard Groves, Pamela Stover, Susan Laborde, and Ronald Bajakian.

To Deny: N/A

4. The variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure:

To Approve: Chairman Mark Morse, Vice Chair Ray Goetsch, Richard Groves, Pamela Stover, Susan Laborde, and Ronald Bajakian.

To Deny: N/A

5. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This CONCLUSION is based on the following FINDING(S) OF FACT:

To Approve: Chairman Mark Morse, Vice Chair Ray Goetsch, Richard Groves, Pamela Stover, Susan Laborde, and Ronald Bajakian.

To Deny: N/A

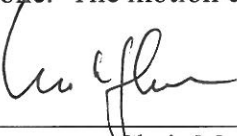
Chairman Morse stated the motion to approve the variance is granted for 12 months, that it attaches to the property not the current owner/applicant, is permanent, and is recorded with the Deed for the Property. Mr. Morse asked the applicant if an extension would be needed. Mr. Nevel said he would not need an extension.

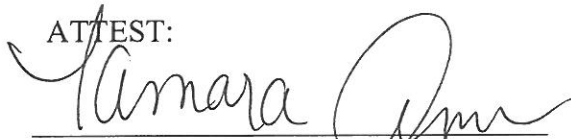
Vice Chair Goetsch made a motion to close the hearing at 4:43 p.m., seconded by Ms. Laborde. The motion was unanimously approved by the Board.

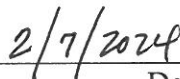
**ADJOURNMENT**

Town Clerk Amin said the next meeting will be March 14 at 4:00 p.m. The Board discussed options for a special meeting to discuss 106 Nimbus Lane. The Board asked Staff to send out a survey with dates within the next 30 days, no Fridays, and at 4:00 p.m.

There being no further business, Ms. Stover moved to adjourn at 4:50 p.m. and was seconded by Ms. Laborde. Chair Morse asked for discussion; there was none. The motion carried unanimously.

  
\_\_\_\_\_  
Chair Mark Morse

ATTEST:  
  
\_\_\_\_\_  
Tamara M. Amin, CMC, NCCMC  
Town Clerk/Deputy Tax Collector

  
\_\_\_\_\_  
Date

TOWN OF LAUREL PARK, NORTH CAROLINA  
ORDER GRANTING A VARIANCE

The Zoning Board of Adjustment for the Town of Laurel Park, North Carolina held a hearing on Thursday, January 11, 2024 at 4:00 p.m. to consider a variance application submitted by Chris Nevel of 329 Taylor Street, Hendersonville, North Carolina for a 32-foot setback on the Ransier Drive side encroaching 3 feet into the primary front facade, due to shape of the property, location of the right-of-way, existing location of the septic drain field, and topography. The property is located at 91 Ransier Drive, Town of Laurel Park, Henderson County, North Carolina. The property is identified on the records of the Henderson County Mapping Office as PIN # 9558857732, REID No. 106484.

The lot described in the application is located within the Town's R-20 Moderate Density Residential District and is approximately 33,977 square feet or 0.78 acres. The lot has an average slope of 17% which has the following dimensional standards: minimum lot area of 21,750 square feet or .5 acres, maximum impervious cover of 40%, minimum open space set-aside of 12%, minimum street setbacks for principal and accessory structures of 35 feet, minimum side and rear setbacks for principal structures of 25 feet and 15 feet for accessory structures, and maximum building height for principal structures is 35 feet and for accessory structures is 20 feet.

The motion considered by the Board of Adjustment was to grant a 32-foot setback on the western side of the property adjacent to Ransier Drive for the property identified in the records of the Henderson County Mapping Office as PIN # 955885773, REID No. 106484. The motion passed by a vote of six to zero.

Ordered this the 1<sup>st</sup> day of February 2024.

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The motion to grant the variance for 12 months was based on the following of facts and conclusions:

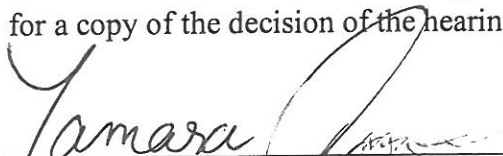
1. Unnecessary hardship would result from the strict application of the ordinance. This CONCLUSION is based on the following FINDING(S) OF FACT:
  - The topography, shape of the lot, right-of-way locations and septic drain field location limit the size and location for an accessory structure to be placed on the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. This CONCLUSION is based on the following FINDING(S) OF FACT:
  - The shape of the lot and the location adjacent to two right-of-ways is peculiar in comparison to other properties.

- The lot has an average slope of 17% and the already installed septic system and septic drain field limits the buildable area and location of the structures.
3. The hardship did not result from actions taken by the applicant or property owner. This CONCLUSION is based on the following FINDING(S) OF FACT:
- .78 acre with existing septic field and repair area requiring 15' setback to structures. Septic has already been installed and proposed house placement maxes out clearance.
  - The conditions are inherent to the property and do not result from any actions taken by the applicant/property owner.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This CONCLUSION is based on the following FINDING(S) OF FACT:
- Carport placement is the least destructive to the slope of the land as the carport is down slope from street visibility and the roof will be an even height with the street.
  - The variance allows an accessory structure placement compatible with surrounding homes.
  - All other zoning requirements can be met.

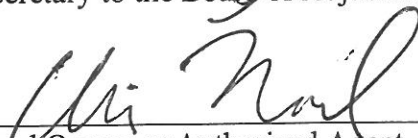
  
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 Chairman to the Board of Adjustment

2/2/2024  
 \_\_\_\_\_  
 Date

I certify that the above decision was filed with the Clerk of the Town of Laurel Park, North Carolina and mailed to the applicant and each person making a written request for a copy of the decision of the hearing.

  
 \_\_\_\_\_  
 Secretary to the Board of Adjustment

2/7/24  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Land Owner or Authorized Agent

2/7/24  
 \_\_\_\_\_  
 Date

NOTE: If the application is approved, the order granting a variance must be recorded by the applicant in the office of the Henderson County Register of Deeds within one month from the date of approval. If you are dissatisfied with the decision of the Board, an appeal may be taken to the Superior Court of Henderson County within thirty days of the date this order is served to you.