



LAUREL PARK BOARD OF ADJUSTMENT
Special Meeting Minutes
February 7, 2024 – 4:00 p.m.

Chair Morse called the Regular Board of Adjustment Meeting to order at 4:01 p.m. on February 7, 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

All Board members introduced themselves.

APPROVAL OF THE AGENDA

Vice Chair Goetsch moved to approve the agenda and was seconded by Mr. Bajakian. Chair Morse asked for discussion; there was none. The vote was unanimous in favor of the motion.

APPROVAL OF THE MINUTES

Ms. Laborde moved to approve the January 11, 2024 regular minutes and was seconded by Vice Chair Goetsch. Chair Morse asked for discussion; there was none. The vote was unanimous in favor of the motion.

OLD BUSINESS

PUBLIC HEARING FOR VARIANCE REQUEST- 106 NIMBUS LANE

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

Chairman Morse asked for a motion to open the variance hearing. Ms. Stover made a motion to open the variance hearing at 4:06 p.m., seconded by Mr. Bajakian. 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.

Chairman Morse stated the Board is required to make disclosures of any possible conflicts. Chairman Morse asked for any disclosures from the Board members. Mr. Groves recused himself as well as Ms. Laborde. As they have had outside conversations about this application. Mr. Groves read his statement and entered it into record.

- a. Mr. Groves Recusal letter - The aforesaid letter is attached to, and made part of, these minutes as Appendix 1.

All remaining Board members approved their recusals.

Alternate Member Travis Bonnema stepped in for the hearing.

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

Board Members seated for this Hearing are Chairman Morse, Vice Chair Ray Goetsch, Travis Bonnema, Pamela Stover, and Ronald Bajakian.

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

Interim Town Planner Finkle, being duly sworn, said the residents at 106 Nimbus Lane would like to add a storage shed to their lot to accompany their home. The lot is identified on the records of the Henderson County Mapping Office as PIN#9558286302. The lot is in the R-30 zoning district, with an estimated acreage of .51 acres, and an average slope of 9%.

Accessory structures are permitted in the R-30 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 and rear setback of ten (10) feet according to the dimensional standards found in section 2.5.3. 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 surrounded by three streets: Nimbus Ln., Tower Cir., and Toms Dr., therefore, a street setback of thirty-five (35) feet applies to each street bordering the lot and a rear/side setback of ten (10) feet. Due to the home being surrounded by three streets, this really constricts and limits the buildable areas.

Also, in section 2.5.3 note seven (note/7) 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 definition of primary building façade according to page 416 states, "The architectural front wall (façade) of the building that faces the street from which the building is addressed." Section 10.2.13. A: Exterior building wall facades shall be distinguished as primary, secondary, or tertiary, in accordance with the following standards (see Figure 10.2.14, Building Façade Walls Distinguished):

- Primary walls are the architectural front façade of the building that faces the street from which the building is addressed.

- In cases where site conditions result in a situation where a building wall could be designated as either a primary or secondary wall, the wall shall be treated as a primary wall. Nothing in these standards shall limit the number of primary walls on any particular building.

The proposed location of the storage shed would technically be located within the front façade of the home according to the previously mentioned sections (10.2.13.A.1 & C, p. 379/380). The mailbox for the residence is located on Nimbus Ln. and the driveway/house numbers are accessible from Tower Cir. The architectural focal point of the home could be interpreted as the side that is adjacent to Toms Drive (see image below); however, staff made the interpretation that along Nimbus Ln. and Tower Cir. would be the front façade based how the ordinance reads and that the home is addressed by a mailbox and street numbers on the home.

Due to the unique factors of being surrounded by three streets and the difficulty in determining the front façade of the home, the applicant seeks relief from the street setbacks standards of thirty-five feet and the location and placement of the storage shed to be placed within the “front façade.” The storage shed will match the aesthetics of the home and landscaping is planned to help screen the structure from offsite view.

Vice Chair Goetsch asked Staff to clarify why this application was even considered since that lot was not conforming to begin with.

Staff explained that even with a nonconforming lot the Town is not permitted to refuse applications for the lot. There must be considerations made.

Chairman Morse asked the applicant to present their case.

Ms. Susanne Preuss presented the Board with photos for the record.

- b. Photos - The aforesaid photos are attached to, and made part of, these minutes as Appendix 2.

Ms. Preuss said she does not consider Nimbus Lane to be the front façade and proposed Toms Drive as the primary façade, since that is where the front yard is located. Ms. Preuss explained that a shed is needed because currently they only have a carport not a garage to store their gardening tools and bicycles. She hates that they are an eyesore when someone is passing by in the community. The spot that was picked was because of the slopes of the property among other things.

Mr. Morse asked for any public comments.

Mr. Steve Kalbaugh of 192 Tower Circle read his letter into the record.

- c. Letter- The aforesaid letter are attached to, and made part of, these minutes as Appendix 3.

Mr. Richard Groves concurs with Mr. Kalbaugh and agrees since there are alternative locations where the homeowners can put a shed, the variance should not be approved. He believes this is not a reasonable use of land or structure with a placement in the frontage and in the 35-foot setback.

Ms. Betty Adams pointed out in Ms. Preuss' picture that there is a barbeque grill in the so-called "front" of the house Ms. Preuss is presenting. Ms. Adams said you cannot be grilling in front of a house, and you can't walk from the carport to the so called "front." Ms. Adams said this is the first house you see when driving into Sky Village and the first thing you will see is a Shed. Ms. Adams also agreed with both Mr. Kalbaugh and Mr. Groves that there are other places on the property.

Ms. Preuss explained the other places on the property would impose on fire codes and there are large trees, retaining walls, and a propane tank.

Mr. Groves further explained that this would be considered unnecessary hardship and inconvenience for the whole community.

The Board went into deliberation.

Ms. Stover said it is unfortunate it's on three streets, but the frontage of the house is defined by the carport and the mailbox.

Mr. Bonnema said a reduction of fifteen feet is huge.

Mr. Bajakian said neighbors objecting is significant, putting it in a different location may be inconvenient but could be the only solution.

Vice Chair Goetsch agreed with Mr. Bajakian.

Ms. Stover made a motion to grant the variance for 106 Nimbus Lane. The motion was seconded by Vice Chair Goetsch.

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: N/A

To Deny: Chairman Mark Morse, Vice Chair Ray Goetsch, Travis Bonnema, Pamela Stover, and Ronald Bajakian.

Chairman Morse stated the motion to approve the variance is denied.

Vice Chair Goetsch made a motion to close the hearing at 4:51 p.m., seconded by Mr. Bajakian. The motion was unanimously approved by the Board.

ADJOURNMENT

Chair Morse said the next meeting is on March 14, 2024.

There being no further business, Mr. Bajakian moved to adjourn at 4:52 p.m. and was seconded by Ms. Stover. Chair Morse asked for discussion; there was none. The motion carried unanimously.

ATTEST:



Tamara M. Amin, CMC, NCCMC
Town Clerk/Deputy Tax Collector



Chair Mark Morse

5/16/2024

Date