



LAUREL PARK BOARD OF ADJUSTMENT
Regular Meeting Minutes
January 16, 2025, 4:00PM

Chair Morse called the Regular Board of Adjustment Meeting to order at 4:00 p.m. on January 16, 2025, in person at Town Hall, 441 White Pine Drive, Laurel Park, NC 28739.

The following attended in person at Town Hall:

- Chair Mark Morse
- Richard Groves
- Susan Laborde
- Mark Packard
- Alternate Member Paul Bell
- Police Chief/ Interim Town Clerk Bobbie Trotter
- Regional Planner Kaitland Finkle
- Applicant Ann Kirkley
- Applicant Frances "Missy" Miles
- Officer Erich Junger- Issuance of Oaths

The following were absent:

- Paul Bell
- Pamela Stover
- Ronald Bajakian
- Town Manager Cara Reeves

APPROVAL OF THE AGENDA

Two additions were added by Mr. Morse: Elections of Officers and approval of excuse absence for Mrs. Stover and Mr. Bajakian. Mr. Groves moved to approve the agenda and was seconded by Ms. Laborde. Chair Morse asked for discussion; there was none. The vote was unanimous in favor of the motion.

Elections of Officer- Chair- Nomination made by Mrs. Laborde in favor of Mark Morse, with a second from Mr. Groves. The vote was unanimous in favor of the motion. Vice Chair- Nomination was made by Mr. Morse in favor of Mrs. Laborde, with a second from Mr. Packard. The vote was unanimous in favor of the motion.

Motion for excused absence made by Mr. Groves with a second from Mr. Packard. The vote was unanimous in favor of the motion.

APPROVAL OF THE MINUTES

Motion to approve the November 14, 2024, meeting minutes was made by Mr. Packard with a second from Mrs. Laborde. Chair Morse asked for discussion; there was none. The vote was unanimous in favor of the motion. Paul Bell abstained.

OATH OF OFFICE

Officer Erich Junger administered the oath for Mark Packard and Paul Bell. Mr. Morse stated that for this meeting, Mr. Bell would be an acting member of the Board, not as an alternate.

PUBLIC HEARING GUIDELINES

Chairman Morse had all Board Members to introduce themselves.

Chairman Morse gave an overview of the quasi-judicial process. He explained the variance requested must meet all five (5) Statutory Standards and the burden of proof rest with the applicant. Chairman Morse stated that all individuals who wish to give testimony for the variance hearing must be sworn in.

PUBLIC HEARING FOR VARIANCE REQUESTS- 641 RANSIER DRIVE

Chairman Morse asked for a motion to open the variance hearing. Vice Chair Laborde made the motion to open the variance hearing at 4:11 p.m., seconded by Mr. Groves. The motion was unanimously approved, and the variance hearing was called to order.

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

Chair Morse stated the Board is required to make disclosures of any possible conflicts. Chair Morse asked for any disclosures from the Board members. Mrs. Finkle stated that she did have a training session with the two new board members

Board Members seated for this Hearing are Chairman Morse, Richard Groves, Mark Packard, Alternate Member Paul Bell and Susan Laborde.

Chairman Morse asked Regional Planner, Kaitland Finkle to give a staff overview.

Mrs. Finkle, being duly sworn, said the owner of 641 Ransier Drive would like a variance to restore a nonconforming structure located between the primary front façade of the principal structure and the street setback. Mrs. Finkle gave a definition of a façade. She continued and stated the lot is identified on the records of the Henderson County Mapping Office as PIN 9558735771. The lot is in the R-20 zoning district, with an estimated acreage of 1.25 acres, and an average slope of 23%.

Mrs. Finkle added that the accessory structures are permitted in the R-20 zoning district provided they meet the applicable setbacks. The setbacks are a street setback of thirty-five (35) feet and side and rear setbacks of fifteen (15) feet. According to Section 2.6.3. All setbacks can be met,

with the street setback being more than fifty (50) foot, and side and rear setbacks being more than seventy (70) foot setbacks.

Second 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 existing garage was located between the principal structure and Ransier Drive.

Section 5.3.4 Restoration states "If a nonconforming structure other than a manufactured or mobile home is damaged or destroyed by any means to an extent of 75% or more of its replacement cost or size, it may only be reconstructed in accordance with the requirements of this Ordinance."

The structure has been demolished as a result of severe tree damage that occurred during Hurricane Helene. The owner wishes to replace the 12' X 20' structure in the same location to provide much needed storage for the tenants on site, given the small size (1,180 sq ft) of the home built in 1945.

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.

To Approve: Chairman Morse, Alternate Member Paul Bell, Richard Groves, Susan Laborde, and Mark Packard.

To Deny: N/A

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

To Approve: Chairman Morse, Alternate Member Paul Bell, Richard Groves, Susan Laborde, and Mark Packard.

To Deny: N/A.

3. The hardship did not result from actions taken by the applicant or property owner.

To Approve: Chairman Morse, Alternate Member Paul Bell, Richard Groves, Susan Laborde, and Mark Packard.

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 Morse, Alternate Member Paul Bell, Richard Groves, Susan Laborde, and Mark Packard.

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.

To Approve: Chairman Morse, Alternate Member Paul Bell, Richard Groves, Susan Laborde, and Mark Packard.

To Deny: N/A

The variance was granted and a motion for an extension for the variance was granted for a total of twenty-four (24) months. The motion was brought forth by Mr. Groves with Mrs. Laborde to second the motion. The vote was unanimous in favor of the motion.

A motion to close the hearing was by Mr. Groves at 4:28 pm, and the second was Mr. Bell. The vote was unanimous in favor of the motion.

PUBLIC HEARING FOR VARIANCE REQUESTS- 320 CRYSTAL SPRINGS DRIVE

Chairman Morse asked for a motion to open the variance hearing. Vice Chair Laborde made the motion to open the variance hearing at 4:29 p.m., seconded by Mr. Packard. The motion was unanimously approved, and the variance hearing was called to order.

Chairman Morse reminded everyone we were in a quasi-judicial process.

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.

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

Board Members seated for this Hearing are Chairman Morse, Richard Groves, Mark Packard, Alternate Member Paul Bell, and Susan Laborde.

Chairman Morse asked Regional Planner, Kaitland Finkle to give a staff overview.

Mrs. Finkle stated the owner of 320 Crystal Springs Drive would like a variance from the street setback and a variance from the side setback and to restore a nonconforming structure. The lot is identified on the records of the Henderson County Mapping Office as PIN 9558873316. The lot is in the R-20 zoning district, with an estimated acreage of .28 acre, and an average slope of 8%.

Principal structures are permitted in the R-20 zoning district provided they meet the applicable setbacks with are a street setback of thirty (30) feet and side setback of twenty (20) feet according to Section 2.6.3.

Section 5.3.4 Restoration states “If a nonconforming structure other than a manufactured or mobile home is damaged or destroyed by any means to an extent of 75% or more of its replacement cost or size, it may only be reconstructed in accordance with the requirements of this Ordinance.”

The home was built in 1955 and is 924 square feet. There have been three additions, prior to 1998 and this increased the square footage to 1,518 square feet. It has been demolished as a result of severe tree damage that occurred during Hurricane Helene.

1. Unnecessary hardship would result from the strict application of the ordinance.

To Approve: Chairman Morse, Alternate Member Paul Bell, Richard Groves, Susan Laborde, and Mark Packard.

To Deny: N/A

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

To Approve: Chairman Morse, Alternate Member Paul Bell, Richard Groves, Susan Laborde, and Mark Packard.

To Deny: N/A.

3. The hardship did not result from actions taken by the applicant or property owner.

To Approve: Chairman Morse, Alternate Member Paul Bell, Richard Groves, Susan Laborde, and Mark Packard.

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 Morse, Alternate Member Paul Bell, Richard Groves, Susan Laborde, and Mark Packard.

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.

To Approve: Chairman Morse, Alternate Member Paul Bell, Richard Groves, Susan Laborde, and Mark Packard.

To Deny: N/A

A motion to approve the variance application was made by Mrs. Laborde with Me Groves to second. The vote was unanimous in favor of the motion.

The variance was granted and a motion for an extension for the variance was granted for a total of twenty-four (24) months. The motion was brought forth by Mr. Bell with Mr. Groves to second the motion. The vote was unanimous in favor of the motion.

The motion to close the hearing was by Mr. Bell at 4:56 pm, and second was Mrs. Laborde. The vote was unanimous in favor of the motion.

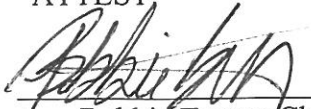
NEW BUSINESS

A discussion was brought up by Chair Morse about the process of the UDO and the thoughts of the many different damaged properties, because of Hurricane Helene. After much discussion, there was no motion made; however, the Board was in support of a change of the UDO, particularly, Section 5.3.4 Restoration.

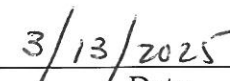
ADJOURNMENT

There being no further business, Ms. Laborde moved to adjourn at 5:24 p.m. and was seconded by Mr. Packard. The motion carried unanimously.

ATTEST:


Bobbie Trotter Chief of Police
Interim Town Clerk/Deputy Tax
Collector


Chair Mark Morse


Date