



LAUREL PARK BOARD OF ADJUSTMENT
Regular Meeting Minutes
May 15, 2025, at 4:00 pm

Chair Morse called the Regular Board of Adjustment Meeting to order at 4:00 p.m. on March 13, 2025, in person at Town Hall, 441 White Pine Drive, Laurel Park, NC 28739.

The following attended in person at Town Hall:

- Chair Morse
- Groves
- Bajakian
- Packard
- Malak
- Town Clerk Banks
- Regional Planner Finkle
- Admin Asst/Zoning Admin Hollis

The following were absent:

- Susan Laborde
- Pamela Stover

CALL TO ORDER

Mr. Morse called the meeting to order at 4:05 pm.

MOTION TO EXCUSE ABSCENTEES

Chair Morse called for a motion. Packard made the motion and Malak seconded the motion. The vote was unanimous in favor of the motion

APPROVAL OF THE AGENDA

Chair Morse suggests amending the agenda to remove the order of approval for the variance request and to add Malak's introduction. We found out during training that we are not required to do variance requests. Before we would do the variance then sign off and be done with it and then there was some information, we thought that said they had to come to us after we approve it and reapprove the order which turns out is not true. Chair Morse called for a motion. Packard made a motion and Groves seconded the motion. The vote was unanimous in favor of the motion.

APPROVAL OF THE MINUTES

Chair Morse asked if there were any changes or modifications to the minutes. Chair Morse said he had a couple of amendments. One being he did not make the motion for variance for signage he called for the motion and Packard made the motion and Groves seconded the motion.

Chair Morse called for a motion to approve the minutes as amended. Malak made a motion and Groves seconded the motion. The vote was unanimous in favor of the motion.

OLD BUSINESS

a. Order of Approval for Variance Request – 1735A Brevard Road.

Packard said he knows what the BOA members granted but spoke with another business owner in that same Ingles business area and he stated that that group of people /association will not allow it regardless and that you can't put any type of signage like that. Groves asked how Uncle Scott's can do it and Finkle replied that she thinks it is because Uncle Scott's is painted. Groves said he thinks he knows who Packard was referring to and he thinks that person needs to mind their business until there is something official. Finkle said it really is not our concern. Chair Morse said it was his understanding that Ingles owns that property so whatever rule they set up are the rules that they have to go by.

Finkle stated this happens a lot and we issue zoning permits quite often and then we find out that an HOA has different more restrictive requirements and we do not enforce those as a town. We do not enforce HOA, restrictive covenants and they can be great and more restrictive but we, as The Town do not go chasing after that. Certainly, that organization, LLC or any HOA could say this does not comply with our regulations and has to come down, but this is something that The Town will get involved in. Groves said this would be a objection obviously by that group to Heart Strings banner. Finkle said they were notified and received a letter specifically stating what her request was.

NEW BUSINESS

a. Quasi-Judicial Training Recap

Special Use Permits -Chair Morse said they talked a lot about special use permits and they do not use special use permits. Some are moved to say we should be doing special use permits because we are supposed to be a non-partial entity.

Standards and guidelines - for recusal or when is there cases when you feel you may have a bias and not necessarily financial, personal and that kind of stuff. Finkle said this board is different than any other types of conflicts of interests. It does include the term close associational relationship. This is small town, and you may have a lot of associational relationships and step one will be disclosure and just state how you know this person and put it all out there.

Chair Morse said the other one he took from this was a lot of times people come in and say something like my property value is going to be affected. Our answer to that shouldn't be oh well that is too bad, our answer should be where is the expert opinion on

that. They can bring in or hire their own expert someone like a grader, appraiser. Finkle stated we need actual evidence and most of the time it will have to come from a expert standing in this room unless they can submit a written report.

The Right to Appeal – Chair Morse said they review our decisions for constitutional violations if we do not give people the right to present their case they have standing or if it is someone they should have standing and we do not recognize that standing.

Exceeding Our Statutory Authority – In other words going berserk and letting someone do whatever they want outside what they are asking for.

Inconsistency with Applicable Procedures – Which means we just run amuck.

Other Area of Law – Like speeding to get here.

Support or Lack Thereof by Confident Material and Substantial Evidence in viewing entire record - If someone goes to superior court and says they say the people against us said our home value would be damaged, and the Judge said we don't have anything provided in evidence. Then we haven't done our job.

Arbitrary Capricious Decisions – Is a decision made without a rational basis or reasonable explanation.

Groves said he believes they try hard to follow these things.

OTHER BUSINESS OR COMMENTS

Chair Morse asked if there were any other business or comments. There was none.

ADJOURNMENT

Chair Morse moved to adjourn at 4:33 pm. Groves made a motion, Bajakian approved the motion and Packard seconded the motion; The vote was unanimous in favor of the motion.