



LAUREL PARK BOARD OF ADJUSTMENT
Regular Meeting Minutes
November 14, 2024 – 4:00 p.m.

Chair Morse called the Regular Board of Adjustment Meeting to order at 4:00 p.m. on November 14, 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
- Ronald Bajakian
- Richard Groves
- Susan Laborde
- Alternate Member Travis Bonnema- in place of Pamela Stover
- Town Clerk Tamara Amin
- Interim Town Planner Kaitland Finkle
- Applicant Justin Moffitt
- Resident Mark Malak

The following were absent:

- Pamela Stover
- Interim Town Manager Cara Reeves

Chair Mark Morse started the meeting asking everyone to introduce themselves.

APPROVAL OF THE AGENDA

Town Clerk Amin said she needed to add the yearly calendar on the agenda. Ms. Laborde moved to approve the amended agenda and was seconded by Mr. Groves. Chair Morse asked for discussion; there was none. The vote was unanimous in favor of the motion.

APPROVAL OF THE MINUTES

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

RECOGNITION

Chair Mark Morse recognized Vice Chair Ray Goetsch with a Certificate of Appreciation and thanked him for all his years of service.

PUBLIC HEARING FOR VARIANCE REQUEST- 205 MOORE STREET

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

Chairman Morse asked for a motion to open the variance hearing. Mr. Bajakian made a motion to open the variance hearing at 4:08 p.m., seconded by Mr. Groves. 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.

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, Alternate Member Travis Bonnema, Richard Groves, Susan Laborde, Vice Chair Ray Goetsch and Ronald Bajakian.

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

Interim Zoning Administrator Kaitland Finkle, being duly sworn, said residents at 205 Moore Street submitted a Zoning Compliance Permit application to rebuild a shed that burned down on the property. The lot is identified on the records of the Henderson County Mapping Office as PIN 9568029119. The lot is in the ETJ R-20 zoning district, with an estimated acreage of .59 acre, and an average slope of 5%. They are requesting a variance from the 30-foot street setback, a variance to be located between the primary front façade of the principal structure and a street setback line, and a variance for replacing a preexisting nonconforming structure.

Accessory structures are permitted in the R-20 zoning district provided they meet the applicable setbacks which are a street setback of thirty (30) feet and side and rear setbacks of ten (10) feet according to Section 2.6.3. The required 30-foot street setback will not be met when replacing the structure in the exact same footprint which was previously set back 9 feet from Ficker Circle. Section 10.2.4. D.1 states a street setback is “measured from the right-of-way edge associated with a public street or existing private street.” The home is bounded on three sides by streets: Ficker Circle and Moore Street which are both NCDOT maintained secondary roads (SR-1158).

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 existing storage shed was located between the principal structure and Ficker Circle.

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 percent or more of its replacement cost or size, it may only be reconstructed in accordance with the requirements of this Ordinance.

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

Chairman Morse asked the applicant to present his case.

Applicant, Justin Moffitt, explained that he was rebuilding the shed that was burnt to the ground. The applicant explained that due to septic and water lines he can't move it to another location.

Neighbor, Mary Malak, who lives at 305 Flicker Circle, explained how the rebuilding of the shed would put their property in danger due to the continuous unmonitored burning that Mr. Moffitt does on his property.

Neighbor's John and Sarah Adams of adjoining property 209 Ficker Circle have each submitted emails to the Board members stating their opposition. While this information will not be used for evidence, it will be included as part of the record.

- a. Adams' Emails- The aforesaid emails are attached to, and made part of, these minutes as Appendix 1.

The Board went into deliberation discussing Section 5.3.4 Restoration. As part of the Nonconformities chapter, the UDO regulations are written to bring nonconformities into compliance. Ms. Finkle mentioned the Outdoor Storage of Junk Vehicle regulations after hearing Ms. Malak's concerns of the many vehicles on the property.

Ms. Laborde made a motion to grant the variance, the motion was seconded by Mr. Groves.

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: N/A

To Deny: Chairman Morse, Alternate Member Travis Bonnema, Richard Groves, Susan Laborde, Vice Chair Ray Goetsch and Ronald Bajakian.

Chairman Morse stated the motion to approve the variance did not pass.

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.

Mr. Justin Moffit departed the meeting at 4:43 p.m.

Ms. Mary Malak departed the meeting at 4:44 p.m.

BOARD OF ADJUSTMENT APPOINTMENT RECOMMENDATION

Town Clerk Amind said the Town Council appoints volunteers to serve on the four standing advisory boards, and any other boards/commissions as needed. Council has asked each Board to make recommendations. Current members may be reappointed or new applicants appointed. Town staff solicited the public for applications on the Town's Facebook page, website, and the bimonthly newsletter.

Board member update:

Susan Laborde (current member, wishes to renew her term)
Mark Morse (current member, wishes to renew his term)
Ray Goetsch (does not wish to complete his term)
Ritch Holt (ETJ does not wish to complete his term/moving no longer eligible)
Travis Bonnema (no longer eligible after 12/31/2024)

The Board will therefore have 6 open positions:

1 position - 1-year term ending December 31, 2025
1 position - 2-year term ending December 31, 2026 (alternate)
2 positions - 3-year term ending December 31, 2027
1 ETJ position - 2-year term ending December 31, 2026 (no applications)
1 ETJ positions - 3-year term ending December 31, 2027 (no applications)

The following are the individuals for consideration:

1. Susan Laborde (current member, wishes to renew her term)
2. Mark Morse (current member, wishes to renew his term)
3. Douglas Sparks
4. Pamela Flasch
5. Nancy McKinley (Ecusta Trail Committee Member)
6. Mark Packard
7. Joseph W. Amy
8. Paul Bell

After much deliberation, Mr. Bonnema made a motion to recommend to Council renewing Ms. Laborde and Mr. Morse's terms for 3 years, seconded by Mr. Groves. The motion was unanimously approved by the Board.

Mr. Bonnema made a motion to recommend to Council appointing Ms. McKinley for the 1 year term, seconded by Ms. Laborde. The motion was unanimously approved by the Board.

Mr. Groves made a motion to recommend to Council appointing Mr. Packard for the 2 year alternate term, seconded by Mr. Bonnema. The motion was unanimously approved by the Board.

Chair Morse recommended adding another recommendation for Council in case they do not want any of the previously recommended members.

Ms. Laborde made a motion to recommend to Council appointing Mr. Bell for any of the terms, seconded by Mr. Groves. The motion was unanimously approved by the Board.

COMPREHENSIVE PLAN STEERING COMMITTEE RECOMMENDATION

Town Clerk Amin said Laurel Park first adopted a Land Use Plan in 1988, with significant updates in 2005. A new Comprehensive Land Use Plan was most recently adopted in 2016 with a 10-year period of review. It is now time to update the plan with new census and community data. This plan serves as the cornerstone for long-range planning efforts including establishing a vision and goals for the future. It also provides policy statements to guide future development and land uses within the community. Town Council is looking for volunteers to be appointed to the Comprehensive Plan Steering Committee from each of the Boards. The commitment would be no more than 1 meeting every other month not to exceed the next 18 months.

Mr. Bonnema made a motion to recommend to Council appointing Mr. Mark Morse to the Steering Committee, seconded by Mr. Groves. The motion was unanimously approved by the Board.

DISCUSS CHANGES TO THE UDO AND HOW IT AFFECT BOA

Chair Morse said 2 months ago there was a text amendment to road standards. Ms. Finkle said the only item that would affect Laurel Park will be sidewalks needing to be maintained by the Town.

YEARLY CALENDAR

Town Clerk Amin asked the Board to look over their 2025 Meeting Calendar.

Mr. Groves made a motion to approve the calendar for 2025, seconded by Ms. Laborde. The motion was unanimously approved by the Board.

ADJOURNMENT

Town Clerk Amin said the next meeting will be January 16 at 4:00 p.m. All members thanked Mr. Goetsch.

There being no further business, Ms. Laborde moved to adjourn at 5:05 p.m. and was seconded by Mr. Groves. 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

