

Kitty Hawk Board of Adjustment
Minutes
October 15, 2024

***Note: due to technical malfunctions, the audio equipment failed to capture a recording of the meeting. As such, the minutes below reflect a summary of the meeting rather than a transcription.**

Agenda

1. Call to Order/Attendance
2. Swearing in of Speakers:
***Note: "The Board of Adjustment is a quasi-judicial body and anyone participating in a public hearing before the Board must be sworn in prior to speaking. When appearing before the Board, please state your name and address for the record and address the Board in a courteous manner."*
3. Issue
 - a. Public Hearing
 - b. Board Deliberation & Decision
4. Adjourn

1) Call to Order/Attendance

Chairman Meads called the meeting to order at approximately 10:00 a.m., with the attendance noted by Rob Testerman

Board Members Present:

Blair Meads, Chairman
Timothy Fish, Vice-Chairman
Abby Berquist
Kip Tabb, Alternate
William Yetzer, Alternate

Staff Present:

Rob Testerman, Director of Planning & Inspections
Casey Varnell, Town Attorney

2) Approval of Minutes from May 25, 2022 Meeting.

Bill Yetzer moved that the Board approve the minutes of the May 22, 2022 meeting, seconded by Chairman Meads. With a call for the vote, the motion carried 4-0

3) Swearing In of Speakers

Chairman Meads invited persons planning to participate during the public hearing to come forward. The Town Clerk then swore in by oath those persons who would be offering testimony during the public hearing.

- Mark Cochran, applicant - 3641 N Virginia Dare Trail
- Rob Testerman - Director of Planning & Inspections, Town of Kitty Hawk

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- 4) **3641 N Virginia Dare Trl. - Section 42-504(f) of the Town Code establishes reduced front yard setback of not less than 15', when certain scenarios are present. The applicant is requesting a further reduction of the front yard setback.**

a. **Public Hearing:**

Mr. Testerman outlined the procedure is to go into public hearing, hear the staff presentation, hear comments from sworn speakers, then close the public hearing and go into Board discussions. Mr. Testerman noted that variance approval requires a 4/5 vote.

Chairman Meads opened the public hearing.

Planner Testerman: Presented the staff report and staff findings (attachment 1)

Mark Cochran read his prepared statement (attachment 2)

Mr. Yetzer asked if there was an associated site plan? Asked if parking would be provided under the house, otherwise parking is pushed into the right-of-way. Mr. Yetzer also noted that the existing HVAC stand is 3'x3', inquired as to why a six foot wide deck would be required to house the HVAC.

Mr. Cochran responded that having the area six foot wide would allow for easier maintenance, with the servicers being able to move all around the HVAC. Mr. Testerman noted that there is a site plan and provided it to the Board.

Mr. Fish asked whether there would be additional concrete slab under the house once it was raised?

Mr. Testerman noted that due to CAMA (Coastal Area Management Act) regulations, a new slab would not be permitted.

Mr. Tabb asked if the parking would remain the same, to which Mr. Cochran responded that it would.

Mr. Tabb asked why a 30' long deck was necessary for the HVAC. Mr. Cochran responded that that would allow the servicers to access the HVAC unit from the front stairs, rather than requiring a ladder.

Chairman Meads asked what the existing lowest horizontal structural member elevation was?

Mr. Cochran responded that he did not recall, but the plan is to provide twelve feet of clearance.

Mr. Tabb noted that the HVAC needs to be relocated due to the environment, and verified that it would be located on the proposed deck? Mr. Cochran confirmed that it would be located on the southwest corner.

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Mr. Yetzer inquired to the Town Attorney asking what the Boards options were?

Mr. Varnell responded that the Board could approve, deny or approve with modifications.

Mr. Yetzer asked if the approval could be tied to the raising of the house, preventing the encroachment if the house does not get raised.

Mr. Varnell indicated that is permissible.

Mr. Tabb asked if it was the applicant's intent to do the deck in collaboration with the house raising?

Mr. Cochran confirmed that it was his intention.

Hearing no further questions Chairman Meads closed the public hearing to go into deliberations.

Mr. Tabb made a motion to approve the variance request as presented.

Ms. Berquist seconded the motion.

Chairman Meads indicated that he had two issues. One was resolved during discussions. The second issue was that we are allowing a deck to be called an HVAC stand.

Ms. Berquist asked if we are setting a precedent?

Vice Chairman Fish noted that the house two doors down was 8.4' from the front property line. Approval of this request would put this one closer than that two doors down.

Ms. Berquist agreed but noted that it would be a reasonably similar distance.

Mr. Tabb noted that one condition he would like to require is that the encroachment is in conjunction with raising the house.

Mr. Yetzer indicated agreement.

Mr. Tabb made a motion to approve the request in accordance with the site plan presented, with the condition that approval of the deck encroachment is dependent on the house being raised.

Mr. Yetzer seconded the motion

The motion passed unanimously.

Hearing no other business, Chairman Meads adjourned the meeting at approximately 5:00pm.