

Kitty Hawk Board of Adjustments Meeting
January 27, 2025 –4 p.m.
Kitty Hawk Municipal Building, Smith Room

Minutes

The Town of Kitty Hawk Board of Adjustments met on Monday, January 27, 2025. This meeting was held in the Smith Room at the Kitty Hawk Municipal Building at 101 Veterans Memorial Drive, Kitty Hawk, NC. The meeting was called to order at 4:pm by Chairman Blair Meads.

1.) Call to Order/ Attendance

Members Present: **Kip Tabb, Member** **Bill Yetzer, Member**
 Blair Meads, Chairman **Tim Fisher, Member**
 Abby Berquist, Member

Members Absent: **Mark Perry, Alternate** **Justin Langley, Alternate**

Others Present: **Rob Testerman, Planning Director**
 Jessica Everett, Administrative Zoning Technician

2.) Consideration of Appeal Order from December 19, 2024 Hearing

Chairman Meads: Thank you. Today, we're going to be reviewing the consideration of the appeal order from our December 19th hearing, and I'll turn it over to Mr. Gallop to let us know what's next. S

Mr. Gallop: So y'all had a hearing on December 19th and you voted to reverse the Senate Administrator's decision and this is, once you made that decision, you're locked into that decision and this statute requires that you put your contested facts and conclusions on paper and have a written decision that is approved by the board.

What's before you today is that written decision. It was initially prepared by the applicant's attorney, circulated with the town attorney. They both agree on this being the order that should be entered and then I looked at it as well and don't have any issues with it.

Also, Mr. Testament has the ability, if we had to, to provide the audio of the last meeting which was about an hour and 45 minutes. It's available and it's here if necessary. But other than that, it's up to the board to adopt this order or to amend it or to adopt some other sort of order.

I have told the chair, and I told the attorney the reason the attorneys for the town and the applicant are not here is because I told them if it went much differently than one would expect I would have Chairman Meads, continue the hearing until they could have an opportunity to be here and be involved in the hearing.

Mr. Tabb: May I ask a question about this? This really came about because there was a text amendment that was presented to the council, and they voted 4-1 not to approve that text amendment. Is that correct? Did we create a de facto text amendment by agreeing to this?

Mr. Gallop: No, what you've done here is to determine, based on the facts that were presented to the zoning administrator, whether the ordinance as it sat, as it sits because it hasn't changed, means one thing or the other. And you all made a decision as to what it meant based on the facts that were presented to you. In reality, the failure of the text amendment is interesting, but it really wasn't necessary for this decision to be in front of you.

Mr. Tabb: That was my question because when I started thinking about it, it's like we're an appointed board and it's almost as though we just, you know, provided.

Mr. Gallop: You're a quasi-judicial body. The way I look at it is the legislative body, the board of commissioners, adopts the rules. And then when the applicant comes in and asks for an interpretation of those rules, they start the game. And the rules don't change. Those are the rules you look at. And then you're the referee who looks at the rules and decides whether or not the ball is a strike or a ball or whatever. So what you've done in this case is taken the facts that the zoning administrator had, applied them yourself to the ordinance and reached a decision.

Mr. Tabb: I want to clarify, I'm not going to vote against this at all. It just seemed like it's something that, as I was looking over the entirety of what has occurred, that I just wanted to clarify that's not what we in fact did. All right.

Chairman Meads: I'm assuming everybody's had a chance to review your packet on the recommended motion, I mean on the draft that was drafted by both attorneys. And I guess at this point we could either, we could make a motion to approve, or we could discuss it if anybody needs to discuss it.

MOTION

Mr. Yetzer: I'd make a motion to approve.

Mr. Tabb: I second.

Chairman Meads: I have a second. So, at this point we'll vote. All in favor? Aye.

Aye, Unanimous Motion passes.

3.) Other Business

Chairman Meads: Anything else?

Mr. Yetzer: I'm still a little offended that you guys don't want to hear an hour and a half of my stupid questions.

Chairman Meads: Okay, great. All right, so that motion passes. So we'll get that in place. Is there any other business that we need to discuss today? Okay. Any comments from anybody? I'd like to thank you, Mr. Gallup, for helping us with this. The last meeting I was so frazzled I don't think I took the time to thank you for coming in and doing this and helping us out, because this is definitely new territory for probably most of us. Very

stressful territory. So I'm glad that it's over. But thank you for your help. Thank you. Thank you, guys. And I guess, do you all have any comments?

Mr. Testerman: Only a quick one. I had Billy Yetzer and Kit Tabb moved up to regular members, filling the positions of Natalie Smith, who moved out of the area, and Christine Butner, who passed away back in December. The board appointed Mark Perry and Justin Langley as alternates to fill the board out. Both of them had conflicts today. They'll be here in the future.

Chairman Meads: Welcome to the permanent position. We look forward to seeing you at our next one.

Mr. Tabb: Does that come with a raise? It's hard to find what's on there.

Ms. Berquist: Can we vote on that ourselves?

4.) Adjourn

Hearing no further comments, Chairman Meads adjourned the January 27, 2025, Kitty Hawk Board of Adjustments meeting at 4:07 pm