

**Minutes from the September 28, 2006
Planning Commission Meeting
7:00 p.m.**

- 1) Attendance: Betty Jameson, Paul Daugherty, Gwen Schieda, Kelly Bradshaw and John Hofmann.
- 2) Meeting called to order at 7:05 p.m.
- 3) Recommendation to Town Council for Isabel damaged lots.

John Hofmann explained his August 2, 2006 memo to Town Council concerning three lots where the existing structures were damaged and subsequently demolished. The Zoning Ordinance allows the owner of these lots to rebuild to any non-conforming standards within one year of the casualty. The Planning Commission has the authority to grant one 12-month extension to the initial one-year period. Because of the time period that has elapsed (3 years since Hurricane Isabel) without the owners of these lots rebuilding, any new structures will now need to conform to the standards in the current ordinance.

The three properties in this category are 9213 Bay Avenue and 9300 and 9304 Atlantic Avenue. The owner of 9304 Atlantic Ave. did request a one-year extension that was approved by the Planning Commission.

The following comments were received from those in attendance:

- a) Randy Hummel, Town Councilman – Any ordinance that is passed to provide relief to these properties should be written so as not to allow the owners to obtain any variances to the standards in the new ordinance.
- b) Ron Russo – owner of 9113 Bay – He has had many discussions with the Town in regards to rebuilding and could have made small repairs to keep the Town from ordering demolition of the property. He did agree to demolish the structure several months ago. Wants the opportunity to be able to either rebuild or sell the property and not have to comply with current standards. He would like a year from the adoption of a new ordinance to allow either himself or a new owner to obtain a building permit.
- c) Joe Niosi – owner of 9300 Atlantic Avenue: He was unaware of the time requirements to rebuild and would like a year to get a permit.

- d) Paul Goldstein – owner of 9304 Atlantic Avenue: He originally got permits after purchasing the property in January of 2004. Because of cost escalation and his decision to go to school out of state he did not follow through on his building permit though he did request and receive the one-year extension. He also wants a year to allow either himself or a purchaser of his property to get a building permit.
- e) Mike Bojokles, Town Councilman – Wants to give the owners of these properties the opportunity to rebuild.
- f) Denise Lucero, VP of Council – Wants to grant the owners some relief but noted that other owners of damaged properties made an extra effort to rebuild within the timeframe allowed in the Zoning Ordinance.
- g) Chairwoman Jameson: Observed that the lots owned by Mr. Nosi at 9300 Atlantic have sufficient space to be able to use the current ordinance standards with restricting the type of house that would be compatible with the area.

A MOTION was made by Gwen to recommend that the Town Council approve an ordinance allowing the rebuilding based on the old footprint and that the owners of the property would have 9 months to apply for a building permit and 4 months to start building after the permit is approved. Secondly, the property at 9300 Atlantic Avenue would not be included in any new ordinance that the Town approves granting relief for this situation. Seconded by Paul. All in favor. MOTION carries.

4) Minor sub-division – 3940 4th Street – Mike Colaiani:

Mr. Hofmann reviewed Mr. Colaiani's Minor Sub-Division application to create new lots 33R and 36R from lots 33-36 and part of an alley he owns in block 24. Lot 33R would contain the existing house and Lot 36R would be for a new building site. If approved, both lots 33R and 36R would comply with the standards in the Zoning Ordinance. Mr. Hofmann pointed out two concerns – one being drainage from Lot 33R running across lot 33R and how it will increase when Lot 36R is built on.

The second sewer concern is that the Town approval of this MSD not confer any right to a sewer tap until it is purchased by the owner for Lot 36R and the Town has available capacity at the time application is made by the owner to purchase the sewer tap.

A MOTION was made by Kelly that the MSD be approved subject to placing notes on the plat to be recorded that address the concerns about drainage and the sewer tap. Seconded by Gwen. All in favor. MOTION carries.

Norma Robinson discussed with the Planning Commission the situation with Mary Sullivan's two properties on Atlantic Avenue and what is needed to be able to add onto the existing house when the addition will be located on the second property. She was advised to consult with Mr. Hofmann on how to process a minor subdivision that will combine all of Ms. Sullivan's lots and eliminate the concern about having one structure on two different lots.

Meeting adjourned at 8:15 p.m.