PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY
Monday, October 6, 2008
Community Center – 509 Ocean Avenue
7:00 pm

MINUTES

I. CALL TO ORDER

Present Were:	Absent Was:
Chairman David Campbell	David Clay
Member Susan Dieterle	Steven Schwartz
Member Sherrie Quarrie	
Alternate Member James Flanagan	
Alternate Member Colleen Doyle	

II. APROVAL OF MINUTES – September 8, 2008 Regular Meeting

Moved by Board Member Sherrie Quarrie, seconded by Alternate Board Member James Flanagan to approve the minutes of September 8, 2008. Question called; motion carried, 5-0.

III. INTRODUCTION OF PRISCILLA DENINO

Ms.Denino was welcomed by the Board Members and Chairman Campbell asked that she receive a copy of the agenda for each meeting.

IV. NEW BUSINESS

A. Discussion and/or action regarding the Ocean Avenue Zoning regulations- Town Planner Ragsdale.

Item was deferred until Town Planner Ragsdale can be present.

B. Discussion and/or possible action regarding Ordinance 2008-09 amending regulations related to walls and fences.

Chairman Campbell asked what he status of the Ordinance is.

Town Manager Bursick stated that it had been advertised and can move forward.

Chairman Campbell went through Ordinance 2008-09 page by page to see if there were any errors or any changes that needed to be made.

The only error located was on page two (2) section 7A-38, subsection (j).

At the end of the paragraph it reads" ~~Fences and masonry~~ Walls shall be maintained in good condition, free from peeling paint, rotting wood, etc.. by the owner of the 8-B zoned property.

Chairman Campbell asked that the words "rotting wood" be removed".

Chairman Campbell asked that it read as follows: "Walls shall be maintained in good condition, free from peeling paint, etc... by the owner of the 8-B zoned property.

Chairman Campbell then asked if there were any comments from the audience.

Hank Saunders, 320 First Avenue stated that the requirement for the wall is economically unfeasible. His plan would be to place a block wall in with in a five year period. He stated that at this time with this economy it would be crushing to him. He went on to say that the Breakers were allowed to put a wood fence in. What I'm asking is that we make it equal. All people should have equality. It's not fair to give to some and not to others.

Chairman Campbell asked what the current ordinance is in 6-B.

Building Official Whitelock replied a wall.

Mr. Saunders again asked why the Breakers were allowed a wood fence.

Chairman Campbell replied, "I have no knowledge of the Breakers."
We are the Planning and Zoning Board, not code enforcement.

Chairman Campbell asked what the requirement was for 4 Rm and 5 Rmo.

Town Manager Bursick answered that per section 7A-34 (I) – 7A-35, it is a wall.

Building Official Whitelock noted that revisions were made on August 14, 2007 to the Town Ordinance.

Member Susan Dieterle asked if the fence at the Breakers was pre-existing.

Building Official Whitelock stated that at the time of permitting which was 2005 or 2006, some of it was done prior to the code change. He stated that he didn't have documents with him to be able to answer that.

Chairman Campbell stated that Mr.Saunders has a unique situation. He then asked if we have the capabilities to handle these unique situations.

Building Official Whitelock stated that a variance could be applied for.

Mr.Saunders asked if he would be approved.

Chairman Campbell replied that he has seen it go both ways and he can't say what they would do.

Mr. Saunders stated that he would like to see the ordinance changed.

Chairman Campbell said that it has said masonry walls since 1972.

Wendy Murray of Ocean Avenue stated that the wall behind the grocery store isn't pretty aesthetically and it's going to look like were in a penitentiary.

Mr. Saunders asked if the Breakers would be required to build a wall upon redevelopment.

Building Official Whitelock recited from page (5) subsection (11) "Upon development, redevelopment representing fifty percent (50%) or more of the current market value of the improvements contained on the property, or a change in the use of property consisting of residential to commercial or residential to a special exception use."

Chairman Campbell replied that was independent of the zone.

Mark Emerson, 512 Ocean Avenue stood and asked why we are putting Mr.Saunders through hell and these are his words not mine. He doesn't understand why it has to be the most expensive building materials.

Chairman Campbell replied that it has been that way since 1972 so people who have to deal with commercial have some sum of hope of a wall staying up during a hurricane or disrepair. He went on to say that we aren't changing that, it has been that way since 1972.

Mr.Emerson replied that it has been that way since 1972 so maybe it's time to revisit it. Why does it have to be the most expensive material out there? He said that it makes no sense, you would like one for privacy but your not considering the cost.

Member Susan Dieterle asked Town Manager Bursick if there was a way to check into possibilities from neighboring communities.

Town Manager Bursick stated that he could but it's up to the Board.

Member Susan Dieterle stated that there are materials now from vinyl to man made materials that are impervious.

Chairman Campbell replied that concrete walls have yet to be blown down from the storms. He went on to say that you can build aesthetically pleasing concrete walls. They are trying to isolate commercial from residential to protect the resident who abutted against commercial.

Chairman Campbell asked if there was anyone who wanted to research materials.

Member Sherrie Quarrie stated that the variance is sufficient.

Chairman Campbell then asked if every6one wanted to vote tonight. Member James Flanagan stated "yes".

Chairman Campbell asked for a motion to recommend the Town Commission adopt this ordinance.

Moved by alternate member James Flanagan, seconded by Member Sherrie Quarrie. Question called; motion carried 4-1. Member Susan Dieterle voted Nay.

C. Report on BOA reports for 08-28-08 and 10-02-08.

Town Manager Bursick stated the following:

1. Coastal construction variance for 901 Atlantic was approved for Carol Killingsworth.

2. 901 Atlantic – side setback variance was approved.

3. Denied construction of accessory structure for 402 Riverside Drive. It was continued until September 18, 2008 but the appeal was withdrawn.

4. Bed and Breakfast at 514 Ocean Avenue was continued until October 19, 2008.

Town Manager Bursick went on to report that the October 2, 2008 meeting was in reference to a Walgreen hearing. The result was rejection of recommendation by the magistrate. Essentially it was a recommendation to consider architectural changes. The recommendation was rejected.

Member Susan Dieterle asked when a list of allowable uses will be ready.

Town Manager Bursick replied as early as next week. As soon as Town Attorney Gougelman returns from vacation.

V. OLD BUSINESS

Chairman Campbell asked that Town Planner Ragsdale make sure they get a copy of the floor area ratio before the next meeting.

VI. ITEMS TO BE ADDED TO THE AGENDA FOR FUTURE MEETINGS

Building Official Whitelock asked if 7A-57 accessory structures could be discussed for clarification points.

Chairman Campbell stated to go ahead and add it to the December agenda.

VII. ADJOURNMENT

Moved by Board Member Sherrie Quarrie, seconded by Board Member Susan Dieterle to adjourn the meeting. Question called; motion carried 5-0.

Christina Hoffkins, Town Clerk (Town Seal)	Chairman Campbell