



**Minutes of the Meeting
Regular Board of Adjustment Meeting
October 12, 2021 - 6:30 PM**

**Meeting Location:
Town Hall 101 Huntersville-Concord Road
Huntersville NC 28078**

1. Roll Call, Determination of Quorum

Quorum was determined, and Chairman Cecil called the meeting to order.

Regular Members in attendance: Chairman E. Cecil, Vice-Chairman P. Jacobson, S. Genenbacher, J. Bradshaw, M. Bennett, and K. Burton.

Regular Members absent: J. Loucks

Alternate Members present: J. Carbonell, J. Passarelli and K. Bray as a voting member

Chairman Cecil requested that J. Glass read the opening statement. J. Glass read the opening statement. Chairman Cecil asked all Board members if there was any conflict. There was no conflict stated.

Prior to testimony, a group attestation was completed for all parties involved or giving testimony to the case. This included: Lauren Speight and Louis Molnar,

2. Approval of Minutes

2.A. Consider approval of the September 14, 2021 Regular Meeting Minutes

J. Bradshaw made a Motion to Approve the September 14, 2021, minutes. P. Jacobson seconded the motion. The motion passed (7-0).

3. Hearing of Cases

3.A. Variance # 21-11 is a request by Louis F Molnar Jr from Article 3.2.3(d) (3) and Article 2.3.1 of the Huntersville Zoning Ordinance. The request is for a variance to allow construction of a subordinate structure (porch) within the rear setback. (Lauren Speight)

Lauren Speight, Planner II (also referred to herein as "staff") presented, and entered the Staff Report into the record through verbal testimony as indicated below, and written documentation, which is attached hereto as Exhibit A1, and incorporated herein by reference.

L. Speight explained that the variance requested is from Article 3.2.3(d) (3) and Article 2.3.1 of the Huntersville Zoning Ordinance to allow a subordinate structure (porch) within the rear setback. Staff finds that the applicant has met the four findings of fact based on the findings

presented and included in the staff report.

Louis Molnar, 16007 North Point Road stated that to his knowledge this structure is from the original building, and he intends to enclose the existing portion in question and remove a portion of the existing deck that encroaches into the setback which will actually bring the property more into compliance.

K. Burton asked if the applicant was also proposing the pool addition indicated on the enclosed documents and if this would further require a variance. Staff confirmed the proposed pool would be compliant and would not require a variance.

K. Bray asked staff if the applicant would also need a setback from Article 8.89 and if the structure or impervious calculations have changed since the house was first constructed. Staff confirmed that to the best of their knowledge the non-conformity is due to the size of the structure encroaching and not the setback, therefore they do not need a variance from Article 8.89. Additionally, to the best of staff's knowledge and the available records the structure and impervious calculations have not changed since the house was constructed.

J. Bradshaw made a Motion to Approve V21-11 with the condition that the existing deck be removed as indicated by the applicant and based on the finding of facts provided by staff. P. Jacobson seconded the motion. The motion passed unanimously (7-0).

4. Other Business

Chairman Cecil requested corrections to the Board of Adjustments membership list. Staff confirmed those corrections.

Chairman Cecil shared with the Board that he received a phone call from Mayor Aneralla requesting an appointment to discuss things. He stated that after some discussion to ascertain the purpose of the appointment, the Town Manager and Town Attorney joined the call. A date was agreed upon for the appointment and Chairman Cecil brought along P. Jacobson, J. Passarelli, and K. Bray as friends to join him.

Chairman Cecil stated that he was informed at the meeting that the Town Board had decided to remove the right of the Board of Adjustments to write their own rules of procedure. He stated he was very concerned about this because, in his opinion, this would cause the Board of Adjustments to lose their individuality.

P. Jacobson stated he was surprised to hear the Town's point of view and commented that the professional decorum at the September meeting was not their best. He commented that in his opinion the Board and the Town share the same goals for the rules of procedure to be accurate and to treat everyone with professional courtesy. He then apologized to J. Glass, Staff Attorney and concluded with his belief that the Board wants to run a quality meeting by the rules.

S. Genenbacher asked how E. Cecil selected those specific members of the Board to attend the meeting and why the Board was not informed of this meeting prior to it occurring. Chairman Cecil responded it was his decision based on receiving the call while meeting with P. Jacobson and the alternates to review the proposed rules of procedure edits.

Chairman Cecil stated he has followed up with members of the Town Board and determined

that there has not been a final decision made removing the ability of the Board of Adjustments to correct their rules of procedure; therefore, he would like to call a Special Meeting for October 19, 2021, at 6:30pm to discuss the proposed rules of procedure edits.

J. Glass asked to address the Board and stated that the current procedure in place for all other Boards is that the Board makes recommendations for amendments to the rules of procedure which are then presented to the Town Board for final approval. The Board of Adjustments remains independent from the Town Board because the Town Board does not have any involvement in the decision making for granting a variance, this is conducted by the Board of Adjustments. He then stated that based on the discussions the Town Attorney and Staff Attorney will be setting up a training related to legal requirements for granting a variance and making a motion that the Board will be invited to attend.

Chairman Cecil restated his concern regarding the Board of Adjustments remaining independent and then commented that the Board of Adjustments is not an advisory board to the Town as the other Board's are for which the Town Board approves the rules of procedure.

M. Bennett asked how the previous rules of procedure amendments were handled. P. Jacobson responded that the amendments were mutually provided by the Town Attorney and the Board of Adjustments, reviewed and voted on by the Board of Adjustments and signed by the Chairman.

5. Adjourn

M. Bennett made a Motion to Adjourn. J. Bradshaw seconded the motion. The motion passed unanimously (7-0).