

Pender County Planning and Community Development

Planning Division

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MINUTES

Pender County Board of Adjustment Meeting March 18, 2015 9:00 a.m. Pender County Public Meeting Room 805 S. Walker Street, Burgaw, North Carolina

Call to Order: Chairman Ferrante called the meeting to order at 9:00 a.m.

Invocation: Administered by Vice-Chairman Pullen.

Roll Call: Chairman Ferrante

Pender County Board of Adjustment Members:

Ferrante: Pullen: Goble: Newton: Walton:

Alternates:

Godridge: Peters:

- 1. Adoption of the Agenda:** Motion to adopt the agenda was made by Board member Peters; seconded by Board member Newton. Vote unanimously approved.
- 2. Adoption of the Minutes: February 18, 2015:** Motion to adopt the minutes was made by Board member Godridge; seconded by Board member Peters. Vote unanimously approved.
- 3. Public Comment:** None

** No Public Hearings **

- 4. Training:** Part II of training continued from February 18, 2015. Director Breuer gave an overview of the training session that was held on March 18, 2015 and provided the materials needed for part II of the training which included a mock application for a Variance, script for the mock Variance hearing, Board Order for the mock hearing, and a Variance Sample Decision Tool. Director Breuer assigned roles of the mock hearing to Board members and staff; all reviewed the application and proceeded with the mock hearing. After hearing the mock Variance request the Board adjourned for a ten minute recess, the Board reconvened at 10:20 am. Director Breuer opened the floor for discussions and questions regarding the mock Variance hearing and the Board's process. Board members discussed what they should do when a Board member has a conflict of interest regarding a case; the Board agreed that once a Board member acknowledge their conflict a vote should take place to determine if that Board member could participate in the hearing; Board members also agreed that the Chairman should be notified of any conflicts prior to the hearing. Chairman Ferrante suggested that before opening the hearing the Chairman should outline how the process of the hearing and suggested having a memo to follow. Board members disagreed with the mock Board accepting hearsay as evidence in the mock hearing and determined that they would not accept hearsay as evidence in hearings. Board members agreed that sympathetic issues should not be reasoning for approval of a request. Director Breuer stated that when the Board reviews the Findings of Facts of cases, reasons have to be stated explaining why the request did or did not meet the criteria; Board

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members agreed that the Findings of Facts would be discussed and stated during the meeting, staff would then draft the Board Order based on the Findings of Facts and email it to the Board members for review, staff would make any requested revisions prior to the Chairman signing the Board Order. In conclusion to the training session Director Breuer stated that staff would create a Rules of Procedure document and would include the Variance Decision Tool with all future Board packets.

The entire recording of the Board of Adjustment Meeting and Training Session is on file with the permanent records in the Planning Department office.

- 5. Next meeting:** No cases for April; May 20, 2015, as applicable
- 6. Adjournment:** Meeting adjourned at 11:20 am.