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Mike Benson, Mayor Pro Tem



Alice Derian, ICMA-CM
Town Manager

Aldermen:
Fred Fontana
Richard Grant
Tom Leonard
Connie Pletl

Nancy Avery
Interim Town Clerk

**Zoning Board of Adjustment
Special Meeting Draft Minutes**
Monday, January 30, 2023, at 5:30 PM
2008 Loggerhead Court, North Topsail Beach NC 28460

Present: Hanna McCloud – Chair, Pat Stigall, Scott Morse, Cameron Kuegel, Lisa Lee Kozlowski.
Not Participating: Susan Meyer.

Absent: Paul Dorazio, Stu Harness.

Present Other: Deborah Hill – Planning Director, Kate Winzler – Clerk to the Planning Board, IT Director Ricky Schwisow, Alice Derian – Town Manager, Brain Edes – Town Attorney, Fire Chief Chad Soward, Building Codes Administrator Ralph Allen.

CALL TO ORDER Chair McCloud called the meeting to order at 5:34 p.m.

ADOPTION OF THE AGENDA Ms. Stigall made a motion to adopt the agenda. Mr. Morse seconded the motion. The motion passed unanimously, 5-0.

APPROVAL OF MINUTES Ms. Kozlowski made a motion to approve the minutes for September 14, 2022. Mr. Kuegel seconded the motion. The motion passed unanimously, 5-0.

PUBLIC COMMENT Ms. Bernadette Hudson declined to speak during the public forum, stating her intention to speak during the public hearing.

Ms. Rebecca Dickson of 113 Barton Bay Court spoke in support of the new fire station.

NEW BUSINESS

OATH OF OFFICE Clerk Winzler administered the oath of office to Scott Morse (reappointment).

CASE #VF-23-01

Chair McCloud introduced the case and asked for those wishing to speak to be sworn in. Clerk Winzler swore in Judge John Carter, Bernadette Carter Hudson, Ernest Olds, Don Woods, Brad Schuler, Chad Soward, Alice Derian, Ralph Allen, and Deborah Hill.

Attorney Edes gave the Board members the chance to review any possible conflicts or special knowledge about the case prior to opening the evidentiary hearing. None were presented.

Attorney Edes explained that the previous public comments were not made under oath and advised the Board not to consider those comments. He explained that Ms. Dickson could swear in and testify under oath. Attorney Edes explained this variance required a four-fifths vote to be granted.

Attorney Edes explained the order of business: first, the Planning Director and the applicant would address the Board. Then all those with standing who had been sworn in would address

the Board. Each person who testified would be subject to questions from the Board and subject to cross examination.

Chair McCloud opened the public hearing at 5:43 p.m.

Planning Director Deborah Hill introduced the subject as a variance application to the Board of Adjustment, not a recommendation to the Board of Aldermen. The decision of the Board of Adjustment would be appealable to the courts. Ms. Hill explained the correlation between the National Flood Insurance Program (NFIP) Coastal Regulations Part 59, and the North Topsail Beach Unified Development Ordinance (NTB UDO) § 7.04(G). She read the summary of the request: "Pursuant to the Town's Flood Damage Prevention Ordinance § 7.04(E)(10)(e), the Town of North Topsail Beach requests a variance from the Town's higher standard of enforcing V-zone development standards in an AE zone. Required by Unified Development Ordinance § 7.05(G), to allow construction of Fire Station Two at 3304 Gray Street, North Topsail Beach, NC meeting or exceeding NFIP AE zone requirements."

Planning Director Hill asked to enter into evidence:

- Exhibit 1 Staff Report
- Exhibit 2 Application dated January 26, 2023
- Exhibit 3 Town of North Topsail Beach's Intention to Seek Variance dated January 18, 2023
- Exhibit 4 Public Notice
- Exhibit 5 Certification of Public Notice
- Exhibit 6 Deed Book 3989 Page 84
- Exhibit 7 Section 7.04(E)(3) responses by Ernest W. Olds, AIA dated January 27, 2023
- Exhibit 8 Floodplain Design Analysis prepared by Bruce Beitel, Project Engineer
- Exhibit 9 Drawings for the Variance Hearing prepared by Becker Morgan Group, Paramounte Engineering PLLC, CBHF Engineering PLLC, Woods Engineering PA

Attorney Edes asked everyone who was sworn in if they had any objections.

Bernadette Carter Hudson of Atlanta Georgia stated that this was the first time she saw the documents. She asked if notification had been sent.

Planning Director Hill confirmed that notice was mailed to Evester Bailey in Durham North Carolina and Carter Hackney Hudson LLC in Lumberton, North Carolina on January 18, 2023. Ms. Hudson objected to the exhibits because she did not understand them, and that her father sold the property to the city for a police station. She stated that she has a parcel ownership interest within North Topsail Beach, which had been impacted by the fire station. Ms. Hudson stated that she had been given a week to review the letter.

Attorney Edes acknowledged that objection and advised the Board to accept exhibits 1-9 into evidence.

Mr. Kuegel made a motion to accept exhibits 1-9 into evidence. Ms. Stigall seconded the motion. The clerk called the role and the motion passed unanimously, 5-0.

Planning Director Hill presented the staff report. Ms. Hill clarified that in concurrence with the Onslow County tax record, Fire Station Number Two was built in 1986, establishing the building as pre-FIRM and constructed prior to the adoption of the Onslow County flood insurance rate maps, and the Town's incorporation.

Attorney Edes asked if staff had looked at the application.

Ms. Hill confirmed.

Attorney Edes explained that a variance shall only be issued prior to development permit approval; and variances shall only be issued upon three specific criteria. Attorney Edes asked if staff concluded a showing of good and sufficient cause was evidenced by the exhibits.

Ms. Hill confirmed, based upon her review of exhibits 1-9.

Attorney Edes asked if staff agreed that the criteria had been met that a determination that failure to grant the variance would result in exceptional hardship.

Ms. Hill agreed.

Attorney Edes asked if staff concluded that the criteria had been met for a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or this article, and granting this variance will meet the federal code of regulations regarding AE-zones.

Ms. Hill agreed, specifically substantiated by exhibits 7, 8, and 9.

Planning Director Hill continued by explaining that Mr. Olds' report concurs that UDO § 7.04(E)(3)(a) and (b) were not applicable, and § 7.04(E)(3)(c) did apply.

Attorney Edes explained that concurrence with § 7.04(E)(3)(c) requires movement to § 7.04(E)(4).

Ms. Hill agreed.

Mr. Kuegel asked for agenda page eleven on the overhead screens, to show § 7.04(E)(4).

Ms. Hill asked to advance to page seventeen of the agenda packet to illustrate the applicants' responses to § 7.04(E)(4). She read the responses to § 7.04(E)(4)(a)(b)(c)(d)(e)(f)(g)(h)(i)(j) and (k).

Attorney Edes asked if Ms. Hill had reviewed and assessed the letter dated January 27, 2023, from Ernest Olds of Becker Morgan Group, directed to Deborah Hill, as Planning Director to the Town, with responses in respect to the criteria in § 7.04(E)(4)(a) through (k).

Ms. Hill agreed.

Attorney Edes asked if Ms. Hill reviewed and assessed Becker Morgan's responses.

Ms. Hill agreed.

Attorney Edes asked if staff agreed with those responses, having added additional supporting criteria to those responses.

Ms. Hill agreed.

Attorney Edes asked if from staff's perspective, the required criteria found in § 7.04(E)(4) to grant the variance sought had been met.

Ms. Hill agreed.

Planning Director Hill invited the engineers to explain the floodplain design analysis by Bruce Beitel and the twenty-seven pages of drawings for the variance hearing.

Ernest Olds, Principal Architect with Becker Morgan Group in Wilmington, North Carolina, introduced Structural Engineer Don Woods, and Planner Brad Schuler with Paramounte to the Board.

Attorney Edes asked Mr. Olds for authentication that he wrote and signed the letter included in the agenda packet.

Mr. Olds confirmed that he did write and sign the letter.

Mr. Olds explained the size limitations of the current lot for building a new fire station and noted that location is exemplary for rapid call response. He explained that Becker Morgan Group has extensive experience designing public safety buildings in the coastal area and hurricane zone. He expressed confidence that his team understood the project for providing a durable, resilient facility, reasonable to the anticipated category three or category four hurricane storm conditions of this community. The building was engineered for 162 miles-per-hour design level, including the glass and roof, and designed for resiliency to return to service quickly and to not contribute negatively to post-storm problems. The elevation of the equipment bay floor will be roughly eight feet nine inches, higher than the highest noted storm tide or sand intrusion experienced in the last twenty to thirty years.

Mr. Olds addressed AE-Zone versus V-Zone engineering. Because the lot is not located on the beach, Mr. Olds expressed his opinion that a piling-elevated structure was not the most appropriate design. He suggested that a concrete masonry structure is appropriate for this type of building and this location. The design includes backup generation, elevated mechanical equipment, and public safety facility features designed to survive a storm and respond when needed.

Mr. Don Woods, Principal Structural Engineer of Woods Engineering in Wilmington, North Carolina explained that Woods Engineering provided the structural engineering for this project and this design was engineered to conform with the FIRM maps, the building codes, and FEMA. The variance was from the higher V-Zone standards that the Town of North Topsail Beach adopted. Mr. Woods explained that the FIRM maps identify this location as an AE-Zone, predicted not to have high velocity wave action, as may be experienced on the oceanfront.

Mr. Woods explained that the only way to deal with oceanfront wave loads is to elevate a structure above them and leave as little as possible below the base flood elevation, while accounting for four feet of scour. At this AE-Zone location, it is predicted the water will rise and then fall, without any scour. For the proposed fire station foundation, the top of the footings will be two feet eight inches below the ground. The building will have flood vents allowing the water to enter and equalize, avoiding the creation of hydrostatic pressure. The internal decontamination rooms will be flood proofed and engineered for hydrostatic pressure. Mr. Woods noted that designing to the required V-Zone would be an unnecessary expense when the designed structure met the building codes. The variance sought was not on any building codes or any FEMA regulation. The variance sought was only on the Town ordinance. Mr. Woods stated that V-Zone design is not suited for a fire station with apparatus bays. He noted the habitable spaces within the fire station will comply with the elevation requirement.

Attorney Edes asked Mr. Woods if his testimony was that the present design complies with all federal regulations from a federal law perspective, and the variance needed was due to the fact that the Town of North Topsail Beach had more stringent criteria than the federal criteria.

Mr. Woods confirmed.

Mr. Ernie Olds reviewed the flood plan.

Planning Director Hill asked if the flood vents on the design plan were engineered.

Mr. Olds confirmed.

Ms. Hill requested that the signed and sealed flood engineering be included in the construction application.

Mr. Olds agreed.

Attorney Edes asked if the flood plan was included in the exhibits.

Planning Director Hill confirmed.

Mr. Olds identified the principals used to design the building. He indicated that the green marks on the plan were louvered flood vents within the fire apparatus bay and were designed to float open during flood conditions and allow the movement of water into and out of the building.

The interior of the building contains four dry flood-proofed spaces, including a decontamination area, an equipment storage area, and an elevator. A metal dam would be placed by the firefighters before a storm, and the gate would then be sealed with a gasket. This design will be capable of withstanding floodwaters up to the prescribed level. All materials placed at fourteen feet and below are durable, flood-resistant, capable of getting wet and drying out, and ready to become active again. The materials will not be subject to mold.

Ms. Stigall asked for the size of the dams.

Mr. Olds replied approximately three feet three inches by six feet tall; tall enough to reach the fourteen-foot height.

Attorney Edes invited Attorney John Carter of Carter, Hackney, and Hudson to cross examine the witnesses.

Attorney Carter asked Planning Director Hill why none of the exhibits were enclosed in the letter he received two to three weeks prior to the hearing.

Planning Director Hill explained the requirement is to provide notice of the hearing, the materials were available at Town Hall, and the building plans were available digitally.

Attorney Carter asked if the material was available.

Planning Director Hill confirmed that the entire report with all nine attachments was posted on the Town's website.

Attorney Carter asked if the Town had analyzed the impact of the new building on adjoining properties.

Planning Director Hill explained that was not the purpose of this meeting nor the application. The application was to request a variance from the Town's higher standards from the flood regulations. FEMA and NFIP have minimum standards, and in 2000, the Town adopted higher flood standards. A variance was required for the fire station to be built to AE-Zone standards with plumbing and flood-proofed areas on the ground-level floor. She explained typically, the Town's ordinance did not allow for floodproofing. NFIP does allow floodproofing in non-residential areas, but not residential areas. The hearing was to address the discrepancies between the Town's flood ordinance and the plans the architects and engineers presented.

Attorney Carter asked if the engineering firm had presented any documents, estimation, or discussion regarding the impact to adjoining properties.

Planning Director Hill responded she was not aware of any.

Attorney Edes explained that UDO § 7.04(E)(4)(g) addressed "The compatibility of the proposed use with existing and anticipated development." He explained both the engineer and staff discussed the impact and need for a fire station located next to such highly dense residential areas. Attorney Edes offered to read it or provide a copy to Attorney Carter.

Planning Director Hill explained as the fire station was located on that site since 1986, the use as a fire station is existing.

Attorney Carter and Planning Director Hill discussed the need for the fire station balanced with its impact on the surrounding African American community.

Attorney Edes asked Attorney Carter for confirmation that that Attorney Carter was in attendance as both an advocate and a stakeholder.

Attorney Carter confirmed.

Attorney Edes explained that at this stage, Attorney Carter was entitled to cross examine Ms. Hill, and if Attorney Carter wanted to provide testimony, he would have that opportunity as well. Attorney Edes asked not to combine cross examination with testimony.

Attorney Carter asked Planning Director Hill if she had seen the dimensions of the new building. Ms. Hill confirmed.

Attorney Carter asked if the firehouse property would accommodate the new proposed facility, or if it would encroach on any other properties.

Planning Director Hill stated that the proposed building met the required setbacks as evidenced in exhibits eight and nine. She deferred to the architects and engineers regarding the footprint of the proposed building.

Attorney Carter asked Mr. Olds if the proposed facility would be exclusively contained on the property where the current building is located.

Mr. Ernie Olds confirmed.

Attorney Carter asked if Mr. Olds could see any impact to any adjoining properties once the proposed building was completed.

Mr. Olds answered that he did not see any negative impacts; the proposed building would fit within the setbacks on all sides.

Attorney Carter asked how many stories the proposed building was.

Mr. Olds replied two stories, although not all the building would be two stories. The equipment bay will be one very tall story, and there will be an elevated crew area with a second story above.

Attorney Carter asked if there were drawings or exhibits that he could have access to.

Mr. Olds offered to send the documents given to the Town.

Attorney Edes explained that for the purpose of the hearing, exhibits one through nine had been entered, and offered to break for Attorney Carter to receive a copy.

Attorney Carter confirmed.

Chair McCloud called a recess at 6:40 p.m.

The meeting resumed at 6:48 p.m.

Clerk Winzler swore in Kesha Bailey.

Attorney Edes asked if Mr. Carter had any additional questions.

Attorney Carter declined.

Attorney Edes asked if either staff or the Becker Morgan Group had anything additional to offer.

Both declined.

Mr. Kuegel asked what the building height would be.

Mr. Olds answered less than forty feet.

Attorney Edes asked if anyone wished to testify either in favor or against the application.

Ms. Bernadette Carter Hudson spoke. Ms. Hudson stated she understood the need for and importance of the fire station, having lost two homes. Ms. Hudson requested more time to review the new fire station proposal before a decision was made. Ms. Hudson explained her father and Edgar Yow were friends, and that her father sold the property to the city for a police

station. Her family accepted the rescue squad installation there. Ms. Hudson stated the installation of public works without being notified was a disappointment and betrayal of their trust. She expressed support for the Town's council and the city.

Ms. Hudson explained that Doctor Samuel Eaton developed a plat for African Americans to have a beach home. She noted the astronomical cost of owning ocean property, and this area was one of the most economical places with the most beautiful beaches in North Carolina. She would like to continue to enjoy it. Ms. Hudson explained that her five lots around the proposed fire station would be impacted. She specifically noted the unsightly visual impact of CAT backhoes and garbage receptacles in her backyard. Ms. Hudson explained that there is limited beach property available, and this is one of the most reasonable and beautiful beaches and towns. Ms. Hudson raised her kids here every summer. She recalled a former Police Chief stopping by her house to visit, explaining how ingrained her family has been in this community. Ms. Hudson expressed the value this place holds for her, and her desire for her children to spend time here. She recognized the need for the fire station. Ms. Hudson questioned if due diligence had been done to identify another location for the fire station, knowing that land is scarce and expensive. She noted that this will impact a historically Black community established in the nineteen-fifties. Ms. Hudson stated she has development plans that she shared with Planning Director Hill and described their friendship. She expressed her gratitude for being able to attend the hearing and provide representation as a property owner with interest and family here. Ms. Hudson explained that she did not want to stop progress, realizing the need for public service and facilities. Ms. Hudson benefitted from the Town's service when her mother's health was challenged. She explained that she is not insensitive to the needs of the community. Ms. Hudson asked that the Town be sensitive to the needs of her community, of her family and friends who have inquired about buying her property to build homes here. Ms. Hudson explained that she spoke with realtors and attorneys to discover the highest and best use for her land in accordance with the community. This is the last piece of developable property she owns for people of like minds and values to be citizens. She recognized there are some outdated restrictions within Ocean City which need to be modernized. Ms. Hudson asked the Zoning Board to consider the impact on the community, and not replicate what happened historically.

Ms. Hudson explained that she works in the construction industry and identified the proposed concrete building materials as the best of the best. She thanked the Board for their time, and asked for time to examine the literature, become comfortable with the proposal, and identify what she can do to offer homes to people who want to be at Topsail.

Ms. Hudson declined to cross examine.

Ms. Kozlowski explained that the only determination for the Zoning Board to decide at the meeting was whether to grant a variance or not.

Ms. Hudson asked for consideration on the impact it will have on her community and for a delay.

Mr. Kuegel asked Ms. Hudson if she had followed the Board of Aldermen meetings within the last year.

Ms. Hudson answered she received information from her brother, who receives the notifications.

Mr. Kuegel explained that the fire station had been discussed extensively over the last year.

Planning Director Hill explained the timeline of meetings for the project. The current meeting was for the variance request on the Town's higher standard flood regulations. There will be a Planning Board meeting on February 9, 2023, to review the design plans for the fire station and make a recommendation to the Board of Aldermen, followed by a Board of Aldermen public hearing on March 1, 2023. Ms. Hill extended an invitation to these meetings.

Kesha Bailey, whose family owns the adjacent property at 2757 Island Drive, stated that her home will be the most impacted by this project; and they have owned the property since 1985. She explained that she understood the need for a fire station and had questions about the size of the development.

Planning Director Hill explained the orientation of the proposed fire station in relation to 2757 Island Drive for Ms. Bailey.

Ms. Bailey asked about the generator and tank platform over the property line.

Mr. Olds explained there will be an elevated emergency generator on a platform on the side of the building, and a set of steps from the ground to the access platform. Mr. Olds stated these items will be located within the Town's property. He explained that the gray shaded area indicated someone may need to walk on the adjacent property to access the generator ladder. There will be nothing physical located across the property line.

Ms. Bailey asked if an individual would have to walk off the property to access the stairs.

Mr. Olds answered not if the person originated from the front entrance of the fire station.

Ms. Bailey asked if there would be any fencing around the property.

Mr. Olds replied that was not yet resolved with the planning department; he did not have a clear directive on whether there should or should not be a fence. Mr. Olds continued explaining that the platform will be elevated, as well as the other mechanical platform.

Ms. Bailey asked about the impact of flooding on adjacent properties considering the existing concrete parking lot, the additional elevation, and the additional roof area of the new building. She explained that the emergency access located at the end of Gray Street currently allows high tide water to run down Gray Street and pool on Island Drive.

Brad Schuler, a professional planner with Paramounte engineering explained that this project site was subject to CAMA (Coastal Area Management Act) regulations which require no increase in the amount of impervious surface. While the building will be larger, the parking areas will be smaller, one of the driveway accesses to Island Drive will be removed, some areas of impervious pavement will be swapped for pervious pavement to allow for water flow-through, and the patio area will be a wooden platform instead of concrete. Overall, the amount of impervious surface will decrease on this site.

Ms. Bailey asked if the building would be concrete instead of aluminum.

Mr. Olds explained that the structure of the building will be concrete masonry and steel and the roof will be a membrane with metal.

Attorney Edes asked for confirmation from Mr. Schuler that the impervious surface as designed will decrease.

Mr. Schuler agreed.

Attorney Edes asked if this would mitigate against flooding and ponding as a general planning principal.

Mr. Schuler answered overall the site would generate stormwater.

Attorney Edes asked if the new site as proposed would be better situated to deal with surface water.

Mr. Schuler confirmed.

Ms. Bailey explained that the area of Island Drive in front of the fire station and her family's house floods every time it rains. She asked if the elevated impervious area leading to the fire truck bays would aggravate the current flooding issue.

Mr. Schuler answered that the new access to the bays would be sloped.

Ms. Bailey reiterated her concern regarding the flooding. She asked if the plans contained provisions to minimize the runoff from this sloped elevation.

Mr. Schuler replied that there is a slope from the entrance of the existing bay to the property line near Gray Street presently.

Ms. Bailey stated that she did not quite understand but wanted to move forward.

Attorney Edes told Mr. Bailey she did not have to rush.

Ms. Bailey reasserted that her biggest concern was flooding. She explained that typical rainstorms flood her front yard. Ms. Bailey expressed concern that runoff from the new elevated building could worsen the existing flood issue. Tropical storms and hurricanes cause flooding down Gray Street. Ms. Bailey reiterated that the fire station is needed. She stated that it is a noise nuisance, but her family has become accustomed to it. Ms. Bailey wanted North Topsail to recognize the flooding issue and any potential hurricane wind issues from constructing a new taller building. Ms. Bailey asked if the new fire station would accommodate three fire trucks.

Mr. Olds answered the plans reflect four equipment bays, and there are four bays in the existing building.

Ms. Bailey asked if the length and width of the proposed building would remain the same.

Mr. Olds answered that the proposed building is slightly deeper and slightly wider than the existing building.

Ms. Bailey concluded her testimony and cross examination.

Attorney Edes explained that the meeting was for the Town's application for a variance from its more restrictive floodplain regulations.

Ms. Stigall asked if the plans reflected an increase in pervious surface to facilitate drainage.

Mr. Schuler confirmed that the CAMA regulations require this design to not exceed the existing impervious surface, and the design had been modified to include pervious pavement and the wood deck.

Ms. Stigall asked for an estimation on the increase in pervious surface percentage.

Mr. Schuler stated that there was a decrease in impervious surface in this proposal.

Ms. Stigall asked if that would facilitate drainage.

Mr. Schuler confirmed.

Ms. Kozlowski explained that she drives past the fire station daily and is affected by the flooding in both that area and the area by the Salt and Light Christian Center. Ms. Kozlowski noted that flooding is a topic that she takes seriously, is particularly aware of and affected by and will consider in her decision.

Attorney Edes noted that Mr. Ernie Olds is a Principle in Becker Morgan, and that Mr. Olds has an American Institute of Architects suffix on the letter addressed to Ms. Hill. Attorney Edes asked for Mr. Olds' field of specialty, and the duration of his architectural license.

Mr. Olds stated he has been a licensed architect for thirty-nine years.

Attorney Edes asked Mr. Woods if he was a licensed structural engineer.

Mr. Woods confirmed he is a licensed professional engineer and a licensed structural engineer and has been practicing for thirty-eight years. He has had a license for thirty-two years and his own firm for twenty-four years.

Attorney Edes asked Mr. Schuler for his credentials.

Mr. Schuler responded that he has been a certified planner with certification through the American Institute of Certified Planners since 2014.

Attorney Edes expressed his belief that these professionals would qualify as experts in civil superior courts; the technical component of their testimony should be considered expert testimony. Mr. Edes asked everyone present if there were any objections to that.

No one objected.

There was no additional testimony provided by the applicant.

Attorney Edes asked if there was any additional testimony from anyone who was sworn in.

No one spoke.

Attorney Edes asked if there was anyone who wanted to speak who had not signed up.

No one spoke.

Attorney Edes explained this is a variance hearing. The applicant is the Town of North Topsail Beach, and they are required to meet the criteria as described by Ms. Hill included in the staff report, and on pages seventeen through nineteen of the agenda packet, specifically 7.04(E)(3)-(4) of the Town's Code of Ordinances. Mr. Edes reminded the Zoning Board of their duty to recollect the evidence as they heard it. Mr. Edes reviewed the proceedings:

- Staff presented the item through Ms. Hill, including:
 - The architects' responses sent to the Town in support of the Town's application.
 - Staff found that the relevant criteria was met.
 - Becker Morgan in their response found that the relevant criteria was met.
- Mr. Carter testified, asking is there was any assessment as to the new design on adjacent property.
 - The Board reviewed subsection 7.04(E)(4)(g) which discussed the favorable impact of a more modern fire station in this area, given the development density.
- Ms. Hudson testified.
- Ms. Bailey testified and requested postponement.
- There were concerns expressed about flooding.
- Mr. Edes did not recall hearing any expert or other evidence related directly to the criteria.

Attorney Edes directed the Board that if they found that all the criteria had been met based upon the competent evidence produced during the hearing, a motion to approve the variance would be in order.

Chair McCloud asked Attorney Edes for confirmation that the Zoning Board was only required to grant or deny the variance at this meeting.

Attorney Edes confirmed. He explained that all additional approvals required will not be impacted, but to proceed to the next level of approval, the variance was the prerequisite. The variance was solely needed because the Town's local code was more stringent than the federal

code. Attorney Edes reiterated that there was uncontested testimony that the design met all federal regulations.

Chair McCloud asked Attorney Edes for confirmation that the next discussion regarding this project would be at the next Planning Board meeting, and if approved, the following Board of Aldermen meeting.

Attorney Edes confirmed, stating again that all other tangential approvals must be obtained before proceeding.

Mr. Kuegel noted that the subject would be moot at additional meetings on the subject if the variance was not granted.

Ms. Hill confirmed the subject would be on the agenda for the Board of Aldermen meeting on March 1st, 2023.

Mr. Kuegel stated the fire house had been a regular topic of discussion at Town meetings for over a year. The variance hearing was the first of many steps required to build the fire station.

Ms. Stigall made a motion that the Board finds as fact that the descriptions and statements of fact set forth in the staff report presented as evidence to the Board, as well as technical evaluations, all relevant factors, all standards specified in the Unified Development Ordinance 7.04(E)(4)(a) – (k) and having heard all of the evidence and arguments presented at the hearing by all sworn witnesses, included as a summary of findings of fact. And that this application for a variance be granted subject to the following conditions.

- A showing of good and sufficient cause has been made;
- A determination that failure to grant the variance would result in exceptional hardship; and
- A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, create fraud on or victimization of the public, or conflict with existing local laws of this article.

Ms. Kozlowski seconded the motion. The clerk called the role, and the motion passed unanimously, 5-0.

Attorney Edes clarified that Planning Director Hill testified that the conditions of the motion had been satisfied.


Mr. Edes thanked everyone for their participation and their decorum.

ADJOURNMENT Mr. Kuegel made a motion to adjourn. Ms. Stigall seconded. Motion passed unanimously, 5-0.

The Zoning Board of Adjustment meeting adjourned at 7:39 p.m.

APPROVED

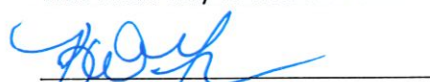
This 22nd day of March 2023



Hanna McCloud
Chair

CERTIFIED

This 22nd day of March 2023



Kate Winzler
Clerk

