



Town of Nederland Board of Zoning Adjustment

MINUTES

Monday, November 8, 2010 ~ 7:30 pm
Nederland Community Center
750 Highway 72 North

1) Call to Order

Chairman Stringfellow called the meeting to order at 7:40 pm.

2) Roll Call

Present: Chairman Mark Stringfellow; Board Members Debbie Davenport, Ken MacFerrin, Mark Moll; Alternate Board Member Bill Martin.

Also present: Town Administrator Alisha Reis, Deputy Clerk Kristen Edwards, Town Attorney Chris Price, Building Official Eric Pendley, Former Interim Town Administrator Cheri Andersen.

Absent: Board Member Steven Taylor, Trustee Liaison Marci Wheelock.

3) Approval of minutes from February 11, 2010

A motion to approve the minutes was made by Board Member Moll, seconded by Board Member MacFerrin and approved unanimously by a roll call vote, with Board Member Davenport recusing herself from approving minutes related to Business Item A (Application for a Setback Variance at 235 E. 5th Street), but approving the rest of the minutes, and Board Member Martin abstaining.

4) Scheduled Business

- a. Appeal – Building Permits #10NED-00011 and #10NED-00012 (259 and 261 West Fourth St.)

Chairman Stringfellow introduced the item by reading a prepared statement delineating the dynamics of the appeal process. In

accordance with Nederland Municipal Code, the BZA hears and decides appeals of decisions made by the Zoning Administrator. The hearing is open to the public but is not a public hearing at which the public has the right to present evidence and testimony. Although the Board is acting as a judge in the case, strict rules of evidence do not apply. At the conclusion of the hearing, the Board will deliberate. When a decision is reached, the Board will direct the Town Attorney to prepare written findings. The Board is required to render decision in writing, and will meet again to review the draft written decision and approve it when deemed accurate.

The order of the hearing is as follows:

- 1) Town Staff will summarize the decision of the Zoning Administrator.
- 2) The property owner or his representative will present the basis for his appeal. He may introduce witnesses, and both Staff and the Board may pose questions to the witnesses.
- 3) Town Staff may present evidence or testimony in response to the property owner.
- 4) The property owner has the final opportunity to respond to Town Staff and make his final argument as to why the decision should be overturned.

After all testimony is concluded, the Board will begin deliberations. If a decision can be reached tonight, the Board will make a motion to that end.

Chairman Stringfellow admitted into public record the initial building permit applications for 259 W. Fourth Street [Exhibit #1] and 261 W. Fourth Street [Exhibit #2].

Former Interim Town Administrator Cheri Andersen presented the summary of the Town's decision. Much had occurred before her arrival as Interim Town Administrator; given the chaotic circumstances of her arrival, it took her a while to process the documents and arrive at her decision. Andersen issued a letter on July 13, 2010, summarizing her findings based on the material submitted to the Town. Both properties in question are non-conforming lots that require a replat to combine the lots to create a legal sized lot in order to build upon the properties. It appeared to her that the necessary replat never occurred. Property owner Paul Rewinkel needed to apply for a variance for non-conforming lots in order to move forward with the building process, but she was