

**TOWN OF DUCK
PLANNING BOARD
REGULAR MEETING
September 14, 2016**

The Planning Board for the Town of Duck convened at the Paul F. Keller Meeting Hall on Wednesday, September 14, 2016.

Present were: Chair Joe Blakaitis, Vice Chair Marc Murray, Ron Forlano and James Cofield.

Absent: Tim McKeithan.

Also present were: Permit Coordinator Sandy Cross.

Others Present: Shane Faison and Karen Berger.

Others Absent: Director of Community Development Joe Heard and Council Liaison Chuck Burdick.

Chair Blakaitis called to order the Regular Meeting of the Planning Board for September 14, 2016 at 6:31 p.m.

PUBLIC COMMENTS

None.

OLD BUSINESS

Text Amendment: Proposal to Add Definitions and Section 156.140 Establishing Standards for the Development of Accessory Dwelling Units

Permit Coordinator Cross stated that Director Heard reviewed the previous meetings in his staff report as well as Town Council's comments from their August 3, 2016 meeting. She added that, having read the report Director Heard presented, she felt that he had covered most of the topics that the Board had discussed.

Chair Blakaitis agreed with Permit Coordinator Cross's comments. He thought Director Heard summed up Town Council's position and ideas on the issue as well. He pointed out to the Board that there was a draft text amendment ordinance in Director Heard's report. He added that Director Heard had also listed comments from Planning Board members – Member Cofield and Member McKeithan. He stated that he understood Member McKeithan's position and asked Member Cofield how he felt about his comments.

Member Cofield stated that he remains opposed to the draft ordinance as he had at the previous two Planning Board meetings. He reiterated that he does not feel that the stated potential benefits will be accomplished and that an accessory dwelling unit must be attached and not detached from the principal structure. He agreed with Member McKeithan's comment regarding

an attached accessory dwelling unit within the existing footprint of the principal dwelling unit should not be larger than 80% of the square footage of the existing footprint or 700 square feet.

Chair Blakaitis asked what Member Cofield meant in his comments regarding a better and proven way to accomplish affordable housing. Member Cofield stated that cities across the country have incentives through city agencies and state governments who often provide incentives to homeowners and developers to target affordable housing units. Chair Blakaitis asked how they are doing that. He further asked how Member Cofield would compare something that someone else is doing to something that the Town is able to do. Member Cofield stated that he clearly objects to the provision in the ordinance that states that the Town was doing it to help establish affordable housing units. He added that people will use the affordable accessory dwelling unit provision in order to obtain more income without meeting the target that is addressed in the draft ordinance.

Vice Chair Murray asked how people will obtain more income from an accessory dwelling unit than just adding a bedroom to a house. Member Cofield explained that one can establish an accessory dwelling unit and charge the market rental price or a set price per night. Chair Blakaitis noted that a family member could stay there as well. Member Cofield agreed. He added that his comment was discussed at length at previous meetings that people will most likely charge the market rate. He added that the objective of establishing affordable housing units will not be accomplished.

Vice Chair Murray asked if the motivation is economic, to make more money, why would an owner go to the expense of adding the ancillary things that an accessory dwelling unit has, which a simple addition to the existing house does not require. He explained that a detached unit has siding around four sides, which would not have to be provided if the unit is attached to the house. He stated that it seemed to him that if someone is building an accessory dwelling, they will be doing something different. He thought it was possible for them to rent it at the market rate for a portion of the year and then a monthly rate for another portion of the year. He added that just because every month of the year is not devoted to the goal that the Board hopes will happen does not mean that it is eliminated from happening at any other point during the year.

Member Cofield asked Vice Chair Murray if he understands the concept that if it is allowed to establish another unit in a house, whether it is in a house or detached from the house, the owner can go two different routes – one being the market rate and the other is a rate that the Town is suggesting to help establish affordable housing. He added that much of the discussion on the Planning Board level was that most will use accessory dwelling units as an opportunity to get more income, so the objective of the first few paragraphs of the draft ordinance will not be accomplished.

Vice Chair Murray noted that Member Cofield had stated that most people and not everyone. He stated that even if 10% of the accessory dwellings that are built are used for affordable housing and 90% aren't, it is increasing the amount of affordable housing in Town in a way that will cost the Town nothing, while meeting the goal. Member Cofield stated that it must be balanced against the potential negative impacts of accessory dwelling units. He believes that it will change the character of a residential neighborhood, particularly if the accessory unit is a detached home. Vice Chair Murray stated that he understands Member Cofield's point but

disagrees. He doesn't feel that the harms outweigh the positives. Vice Chair Murray noted that the harms have not been enumerated yet in any way aside from the character argument. He added that he isn't convinced that the character will be changed.

Member Forlano stated that he does not have any problem with the draft ordinance. He isn't sure that he agrees with Member Cofield's comment regarding the character being changed in a residential community because of a detached unit. He explained that there is a residential area in Martin's Point and there are several large three/four car garages with mother-in-law apartments over them. Chair Blakaitis noted that they are detached garages. Member Forlano added that he did not think that they took away from the residential character of Martin's Point. Member Cofield pointed out that Member Forlano singled out garages with a unit above as opposed to a separate building that is a solely residential structure. Member Forlano reiterated that he does not see the negative impact of an accessory unit, whether it is a garage apartment or a small accessory unit or whether or not it houses people vacationing or affordable housing. He noted that the Town of Duck does not have much affordable housing. He thought that even the amendment it results in 10% more affordable housing, it will be a plus. He doesn't see a problem with someone making extra money from their home by either doing it as affordable housing or by capitalizing on higher rents from vacationers. He doesn't see why it will be a negative.

Chair Blakaitis agreed with Member Forlano and Vice Chair Murray's comments. He doesn't think the Board should change the first three potential benefits in the draft ordinance, because the Board doesn't know what advantages will ultimately be. To shrink the list of possible advantages in the text amendment is not be the right thing to do. He felt the draft ordinance should be left as it was written if the Board is going to approve it. He doesn't think the Town will see a lot of accessory dwellings or that they will change the character of a neighborhood.

Member Forlano asked how subdivisions will look upon the ordinance. Chair Blakaitis stated that the Sanderling subdivision has in its covenants and by-laws that accessory structures are prohibited. Member Forlano asked if Sanderling is the only subdivision in Duck that has that rule. Permit Coordinator Cross stated that she cannot speak to that issue as it would take a lot of research. She does not know the answer. Chair Blakaitis thought Sanderling is the only one. Member Cofield thought his subdivision has a similar covenant, but he isn't positive. Permit Coordinator Cross thought that many established subdivisions with covenants in Duck have some restriction. She added that accessory dwellings may happen more frequently in the subdivisions without an active homeowner association. Chair Blakaitis agreed. He stated that he is in favor of leaving the text amendment as it is.

Vice Chair Murray inquired about Member McKeithan's comment regarding an attached accessory dwelling unit within the existing footprint of a principal dwelling unit, suggesting that the footprint not be larger than 80% of the square footage of the existing footprint or 700 square feet, whichever is less. He did not agree with the 700 square foot suggestion and thought the footprint is fine. He noted that for new construction, the footprint is to be determined and for existing properties, it seemed that the footprint could be increased through an addition for an accessory dwelling unit.

Chair Blakaitis clarified that Member McKeithan is suggesting that if the dwelling unit is on the first floor, it cannot be larger than 80% of the square footage of the footprint. Vice Chair Murray stated that is correct, adding that it could be that or 700 square feet. Chair Blakaitis stated that, by looking at most homes, it would be 700 square feet. He explained that a 5,000 square foot house could have a footprint of 1,600 square feet. Chair Blakaitis noted that it is a large gap between letting it be the footprint or dropping it to 700 square feet. He doesn't think this restriction should be in the ordinance. He clarified that an accessory structure within a house has to have all of the facilities of a house. Permit Coordinator Cross stated he is correct. Chair Blakaitis thought the only concern with regard to an accessory structure within the footprint of a house would be the affordability, if more than one bedroom.

Vice Chair Murray thought if affordable housing is the goal, he doesn't assume that every person that wants affordable housing in Duck happens to be single, a couple or someone wanting to live alone. He stated that he doesn't understand why in section (C)(2)(c) it states the following: "An attached accessory dwelling unit within the existing footprint of the principal dwelling unit cannot be larger than the square footage of the existing footprint." He thought the word "existing" should be stricken. He explained that if someone wants to make an accessory unit larger, they will have to make the footprint larger first, then make the accessory dwelling unit larger. He added that if it is existing footprint, that means that somehow the Town will have to keep a record of every addition made. He stated that if the house changes ownership and the new owner adds a 20x20 foot addition, Director Heard will have to keep a record of that. If the property is sold, the new owner may want to build an accessory dwelling under the house. He stated that they would be told that the ordinance states that it can be built under the footprint of the existing house, but the existing footprint doesn't exist.

Member Forlano clarified that Vice Chair Murray wants the word "existing" stricken from that portion of the ordinance. Vice Chair Murray stated he is correct. He added that if the Board felt compelled to make it 80% of the footprint, he will be fine with it. Permit Coordinator Cross clarified that Vice Chair Murray is suggesting attaching an accessory dwelling unit within the footprint of the principal dwelling unit cannot be larger than the square footage of the dwelling footprint. Vice Chair Murray thought it should be that the accessory dwelling cannot be more than one third of the total square footage as it made more sense.

Chair Blakaitis clarified that Vice Chair Murray wishes to strike both existing footprints in the draft ordinance so it reads as follows: "An attached dwelling unit within the footprint of the principal dwelling cannot be larger than the square footage of the footprint." Vice Chair Murray suggested the language read as follows: "An attached accessory dwelling cannot be larger than the footprint of the dwelling." Chair Blakaitis clarified that Vice Chair Murray is only referencing attached units. Vice Chair Murray stated he is correct. Permit Coordinator Cross clarified that the suggested wording will read as follows: "An attached accessory dwelling unit cannot be larger than the square footage of the footprint." Vice Chair Murray stated it should read: "An attached accessory dwelling unit cannot be larger than the square footage of the principal dwelling footprint."

Permit Coordinator Cross noted that a person will still have to meet conditions (a) and (b) of the draft ordinance in Section 156.140. Chair Blakaitis stated that he wishes to discuss them as he feels they are confusing. He noted that it is about accessory dwelling units and Section

156.140(C)(2)(a) states: “The size of an accessory dwelling unit cannot exceed 35% of the heated square footage of the principal dwelling unit.” He asked how that will fit in with the other standards. Vice Chair Murray stated that it will if it is a multi-floor house. Chair Blakaitis pointed out that the draft ordinance does not say that. Vice Chair Murray agreed. He explained that when one comes to the Town to obtain a permit, they will be told that the accessory dwelling unit can only be as big as the footprint. Chair Blakaitis asked where the 35% factors in. Vice Chair Murray stated that it will never be used. They agreed that this statement could be confusing.

Member Cofield thought the general principle is that an accessory dwelling unit is competing with the size of the principal structure. Chair Blakaitis wasn't sure how that is possible when the principle residence is only one floor. Vice Chair Murray pointed out that it could be 50%. He explained that if it is a two-story building, then an accessory dwelling under the house will be 50%, which will not be allowed if the 35% is kept.

Shane Faison of 112 Ocean Bay Boulevard was recognized to speak. Mr. Faison thought the Board is confusing the square footage of a home and the footprint. Chair Blakaitis thought that the Board understood that the heated square footage is different than the footprint. Shane Faison pointed out that the square footage exceeds the footprint if it is a two-story house. Chair Blakaitis noted that Section 156.140(C)(2)(a) referred to the heated square footage. He added that the question is if Section (a) is needed or not in the ordinance.

Karen Berger of 108 Ocean Bay Boulevard was recognized to speak. Ms. Berger stated that her subdivision has approximately ten single-story houses. She added that the people that own those houses are advancing in age and the lots will probably be sold. The new owners will be limited in potential growth if the Town tells them they can only add 35%. Vice Chair Murray explained that the owner can add on 100% of the square footage as long as it isn't an accessory dwelling. Ms. Berger clarified that if the owner does not install a kitchen, they can do as they please. Vice Chair Murray stated she is correct as long as they only had one kitchen.

Chair Blakaitis asked the Board how they feel about the height restriction for a detached accessory dwelling unit. He added that comments have been made asking why the Board should bother with the height restriction at all since the Town already has a 35-foot height limit. He stated that the other comment is that the 25 feet may not be enough for construction practices and may have to go up to 27 or 28 feet. He wondered if the lower height is better for the neighborhoods. It was **consensus** of the Board to strike 156.140(C)(2)(a) from the draft ordinance.

Member Forlano clarified that everything will have to be put on pilings, including accessory structures. Vice Chair Murray stated that it will, depending on the flood zone. Chair Blakaitis suggested making the height the same as the existing height limit. Vice Chair Murray thought the accessory dwelling unit needs to be shorter than the principle residence. Chair Blakaitis stated that he is in favor of the aesthetic appeal of a shorter building and making the height limit at 27 feet. It was **consensus** of the Board to change the height from 25 to 27 feet in the draft ordinance.

Chair Blakaitis asked the Board for their feeling on the 700 square feet for a detached accessory dwelling unit. It was *consensus* of the Board to change the language for 156.140(C)(2)(b) to: "...unit cannot be larger than 700 square feet of heated space in size."

Chair Blakaitis asked what is meant in 156.140(B)(1) regarding "other accessory structures and uses as permitted in the ordinance". He asked what it was and further asked if it meant garden sheds. Vice Chair Murray thought it meant a garden shed, pool, pool cabana or tennis court.

Vice Chair Murray moved to approve the draft ordinance amending the zoning ordinance of the Town of Duck as written with the following corrections: Section 2, subsection A should be stricken; subsection B should add the word heated; and subsection C should be changed to the following language: "An attached accessory dwelling unit cannot be larger than the square footage of the principal dwelling footprint"; and Section 3 Height, the height should be changed from 25 to 27 feet. Member Forlano seconded.

Motion carried 3-1 with Member Cofield dissenting.

Text Amendment: Proposal to Add Definitions and Section 156.141 Establishing Standards for Rooming Houses

Chair Blakaitis reminded the Board that at a previous meeting, they agreed to take no action when it was brought up that a certain definition can be changed in the existing ordinance, making it easier for staff to enforce.

Permit Coordinator Cross noted that Member McKeithan had some comments that the Board can discuss and clarified that the definition in the draft ordinance was provided by Town Attorney Robert Hobbs.

Member Cofield pointed out that the Board cannot do what Member McKeithan had suggested in his comments, which is to omit Standard (D) "Rental rooms cannot be located in an accessory dwelling unit." Vice Chair Murray asked if that the Board can legally prohibit it. Chair Blakaitis stated that the Board cannot limit the term. Vice Chair Murray noted that Member McKeithan wants to strike #6 in the staff report. He added that Member McKeithan knows that the term cannot be limited, so Standard (D) should be stricken. He isn't sure why Standard (D) was put in the draft ordinance. Chair Blakaitis didn't think Standard (D) should be stricken.

Permit Coordinator Cross stated that Director Heard included Standard (D), because the intent is to encourage accessory dwelling units to be more long-term in nature. She added that he discussed it with Town Attorney Hobbs and was told that the Town can regulate rooming houses in this manner. Chair Blakaitis clarified that the Town can regulate rooming houses. Permit Coordinator Cross stated he is correct. She added that the accessory dwelling unit is not the principal structure so it can be limited in use.

Vice Chair Murray stated that he understood the argument, but it doesn't make any sense since the Board had been told at the past three meetings that the Town cannot regulate who rents what and that section of the ordinance clearly regulates it and for the duration. Permit Coordinator Cross noted that the definition in the draft ordinance states, "Any size dwelling, not herein

designated as a Bed and Breakfast Inn or Home, in which any number of individual rooms, which do not themselves constitute separate dwelling units, are rented to one or more persons who are not part of the family that resides in the dwelling.” Vice Chair Murray asked how the “do not constitute separate dwelling units” works. He asked if it means that accessory dwelling units are totally eliminated from the ordinance. He added that, by definition, an accessory dwelling unit is a separate dwelling unit. Permit Coordinator Cross noted that the ordinance is referencing a rooming house. Vice Chair Murray understood but isn’t sure how the ordinance can mention accessory dwelling units. He explained that the definition of a rooming house had the language: “...which do not themselves constitute separate dwelling units...” Member Cofield thought it seemed inconsistent but is consistent with what Town Attorney Hobbs had said at the Planning Board meeting he attended. Chair Blakaitis noted that it doesn’t mean that the Board has to follow Town Attorney Hobbs’ advice, it is just a recommendation. Vice Chair Murray asked if Town Attorney Hobbs can be asked to clarify his recommendation. Chair Blakaitis stated that if Town Attorney Hobbs is asked, the Board will have to hold another meeting on the issue.

Vice Chair Murray understood that it is totally based on the use that the homeowner is designating for their home. Chair Blakaitis stated that the homeowner will have to get permission from the Town to be considered a boarding house. Permit Coordinator Cross stated that there is going to be an administrative process to it. Vice Chair Murray clarified that if someone wants to rent a room on Airbnb or any other room rental websites, the homeowner will have to go to the Town and submit an application as per the draft ordinance. Chair Blakaitis stated he is correct. Vice Chair Murray clarified that a homeowner with an accessory dwelling unit on their property can live there and rent rooms. Chair Blakaitis stated that it doesn’t have to be an accessory dwelling. Permit Coordinator Cross noted that the owner will be limited to renting two rooms within the house.

Vice Chair Murray asked what will happen if an owner has an accessory dwelling unit and they want to rent a room in there. Permit Coordinator Cross stated that it will not be permitted under the draft standards for a rooming house. Vice Chair Murray stated that the way the draft ordinance is written, it totally eliminates any possibility of accessory dwelling units being rented on a nightly or weekly basis. Chair Blakaitis stated that it will not affect the weekly basis. Permit Coordinator Cross stated that it is separate from an accessory dwelling unit. Vice Chair Murray pointed out that it referred to the accessory dwelling unit. Permit Coordinator Cross stated that the ordinance only refers to them in the sense that an owner cannot rent rooms as a rooming house within an accessory dwelling unit. Vice Chair Murray asked if they are separate rooms or rooms for any duration. Permit Coordinator Cross stated that it is for separate rooms as a rooming house.

Vice Chair Murray clarified that if an accessory dwelling unit had one room in it, it cannot be rented. Chair Blakaitis stated it cannot be rented on a nightly basis. Vice Chair Murray added that it cannot be rented on a weekly or bi-weekly basis. Chair Blakaitis clarified that it negated what the Board discussed for an accessory dwelling unit, which can be rented on a weekly basis. Permit Coordinator Cross pointed out that a rooming house can be rented as an accessory use to the principal, single-family residential property.

Member Forlano stated that, hypothetically, he wants to create a rooming house within a two-bedroom home. He added that he will come before the Town and ask to create the rooming house with the two bedrooms. He asked what he will have to do to prove that he is going to use the bedrooms. Permit Coordinator Cross stated that she doesn't know what he will have to do. She added that once the ordinance is established and approved, then a process will be developed. Member Forlano gave a scenario where he is approved for a rooming house with two bedrooms and he rents it out as a bed and breakfast, but does not advertise it. He added that he will tell people he will rent the room and supply breakfast. He asked what the difference is between the rooming house he created and a bed and breakfast. Vice Chair Murray stated that it is based on the number of bedrooms. Member Forlano pointed out that he is only asking for two bedrooms. Vice Chair Murray stated that the number of bedrooms is the difference.

Vice Chair Murray noted that Member McKeithan made a point that it will be preferable for an owner occupied home containing an accessory dwelling unit to be rented on a long-term basis to someone on the Town's work force. However, it does not seem appropriate to prohibit a homeowner from renting the accessory dwelling unit on a short-term basis since a non-occupied homeowner with an accessory dwelling unit cannot be required to rent the unit on a long-term basis, but the unit could be a short-term vacation rental. Therefore, the owner with an accessory dwelling unit who occupied their home should also be allowed to decide how their unit is utilized. He explained that Member McKeithan is saying that the Town is allowing accessory dwellings through the draft ordinance that is being sent to the Town Council, and is giving an advantage to homeowners that do not live on the property. He further explained that if the homeowner does not live on the property, they can rent two separate units – a five-bedroom house and a one-bedroom accessory dwelling unit. He added that if they live on the property, then they will fall under the definition of a rooming house and must come before the Town staff and apply. He stated that if they applied, the rooms in the accessory dwelling unit cannot be rented.

Chair Blakaitis pointed out that the homeowner would have bedrooms in the house, so they would not need the accessory dwelling unit. Vice Chair Murray stated that if the house is five bedrooms and the homeowner can rent two bedrooms, some of the bedrooms will be useless for the homeowner that lives in the house. He thought it is odd. He added that an absentee homeowner can rent whatever they want.

Member Cofield pointed out that the homeowner that lives in the house could rent rooms in their house. Vice Chair Murray noted that a homeowner cannot rent the accessory dwelling unit. Chair Blakaitis agreed, pointing out that the homeowner can't according to the draft ordinance. Vice Chair Murray thought the most sensible thing will be for a homeowner who has a five-bedroom house with an accessory dwelling unit to rent the accessory dwelling unit. Chair Blakaitis stated that they can apply for a rooming house and rent it in the accessory dwelling unit.

Chair Blakaitis asked why Standard (D) cannot be stricken from the draft ordinance. He thought it is confusing and limiting enough that he isn't sure if it needed to be in the ordinance. Vice Chair Murray agreed. He added that when he read Member McKeithan's comments and the draft ordinance, he agreed with Member McKeithan. However, since having the discussion with

the Board, he feels confused. Chair Blakaitis thought Vice Chair Murray is confused with Standard (D) being in the draft ordinance. Vice Chair Murray agreed.

Permit Coordinator Cross pointed out that Standard (A) states that a homeowner cannot have the same use – the rooming house use – in an accessory dwelling, because it is not the primary single-family residential use. Chair Blakaitis agreed, but added that the rest of the language indicated that the rest of the property may contain other accessory structures and uses as permitted in the ordinance. Vice Chair Murray noted that rental rooms cannot be located in an accessory dwelling unit. Member Cofield understood the language that if there is more than one bedroom in an accessory dwelling unit, a homeowner cannot rent more than one bedroom.

Chair Blakaitis clarified that if the Board struck Standard (D), then Standard (A) will still apply. He thought it won't if the word "primary" is in it. Permit Coordinator Cross thought it would still apply. Chair Blakaitis thought if the Board strikes Standard (D), Standard (A) will need to be changed with the following wording: "A rooming house can be permitted as an accessory use to any structure on the property." Vice Chair Murray pointed out that all that is allowed in the residential zoning district is single-family residential uses, so there has to be an accessory use to it, otherwise, the use becomes commercial. Chair Blakaitis noted that accessory dwelling units are allowed in the residential district. Permit Coordinator Cross stated that the definition of a rooming house in the draft ordinance is: "Any size dwelling, not herein designated as a bed and breakfast inn or home, in which any number of individual rooms, which do not themselves constitute separate dwelling units..." Vice Chair Murray stated that the definition is why he feels that Standard (D) should be stricken from the ordinance.

Vice Chair Murray clarified that a homeowner can rent rooms in an accessory dwelling unit for a week, a year or two days, but it is not a rooming house. Permit Coordinator Cross stated he is correct. Vice Chair Murray didn't understand why it is in the draft ordinance. Member Cofield stated that a homeowner cannot rent more than the unit itself in an accessory dwelling unit. Vice Chair Murray asked if "rental of individual rooms" can be added to Standard (D). Member Cofield thought it was a logical conclusion. Chair Blakaitis asked how the language in Standard (D) should be worded. Member Cofield suggested the wording read as follows: "Individual rental rooms..." Permit Coordinator Cross suggested the wording read as follows: "Rental of individual rooms..." Vice Chair Murray stated that he liked Member Cofield's suggestion and suggested the wording read as follows: "Individual rental rooms cannot be located in an accessory dwelling unit." Chair Blakaitis agreed.

Vice Chair Murray wondered if the new wording implies that it is one bedroom. Member Forlano stated that it does not limit it to one bedroom. Vice Chair Murray suggested the following language: "Individual rooms cannot be located in a multi-bedroom accessory dwelling unit." Chair Blakaitis pointed out that a homeowner can rent up to two bedrooms in a single-family residence as a rooming house. Member Cofield stated that with an accessory dwelling unit, the homeowner can rent out units, but not individual rooms. Vice Chair Murray stated that it makes sense. It was *consensus* of the Board to change the wording in Standard (D) to read as follows: "Individual rental rooms cannot be located in an accessory dwelling unit."

Member Cofield moved to approve the draft ordinance with the change to Section (D) that was discussed. Chair Blakaitis seconded.

Motion carried 4-0.

NEW BUSINESS

None.

APPROVAL OF MINUTES

Minutes from the August 10, 2016, Regular Meeting

Vice Chair Murray had a correction to Page 1 of the minutes.

Member Cofield moved to approve the August 10, 2016 minutes as amended. Chair Blakaitis seconded.

Motion carried 4-0.

OTHER BUSINESS

None.

STAFF COMMENTS

Summary of September 7, 2016 Town Council Meeting

Permit Coordinator Cross gave an update on the September 7, 2016 Council meeting to the Board and audience.

Project Updates

Permit Coordinator Cross reviewed the project updates with the Board and audience.

BOARD COMMENTS

Chair Blakaitis asked about the building being constructed near Councilor Jon Britt's place. He clarified that the building is not for Councilor Britt, but appears to be for the condo association. Permit Coordinator Cross stated that the building is a garage/storage for Sun Realty. Chair Blakaitis thought it was approved a long time ago and asked if they still fall within the approval period. Permit Coordinator Cross stated that they do. Chair Blakaitis asked what timeframe the approval period is. Permit Coordinator Cross stated that Sun Realty had one project and then came back with an additional project, which was the garage. She thought it all falls within the approval period. She added that Director Heard had approved it and Sun Realty went through a Plan of Development because it is still covered under the rule.

Member Cofield asked if it is only going to be a garage. Permit Coordinator Cross stated that it is, but also includes heated storage space. She explained that when there is a storage unit, things

such as screens are not only stored there, as there can be electronics stored there as well. She noted that she wasn't sure if there was an office in the space. Member Cofield stated that it looked like an HVAC system was installed. Permit Coordinator Cross stated that there was. Member Cofield pointed out that it is more than a garage. Permit Coordinator Cross noted that it is still intended for storage. Member Cofield asked why the HVAC system was installed. Chair Blakaitis suggested that it can be for storing electronics and items that need to be kept cool. Vice Chair Murray explained that it cannot be living space, office space or any separate use other than the use below it, because it would have to be fire separated. Permit Coordinator Cross understands that the space is intended for storage. Vice Chair Murray clarified that there isn't any fire separation. Permit Coordinator Cross stated that she did not know.

Member Cofield stated that a lot of people are asking questions about the garage/storage building. He thought it doesn't meet the setback requirements as it is situated so close Duck Road. Permit Coordinator Cross agreed, noting that it is an odd shaped lot. Member Cofield noted that it is the only structure that close to Duck Road within a mile of the property. He suggested that staff look and make sure it is in compliance with the approval that was granted. Permit Coordinator Cross stated that it will be through regular inspections.

ADJOURNMENT

Member Cofield moved to adjourn the meeting. Chair Blakaitis seconded.

There was no vote.

The time was 8:02 p.m.

Approved: _____
/s/ Joe Blakaitis, Chairman