Board members present: Arrington Cox

Robert Sulaski

Eleanor James

Mark Spence

David Neel, Alternate

Martha Chastain

Bill Solomon

Danny Sharpe, Alternate

Board members absent: None

Town staff present: Angie Murphy, Town Clerk

Scott Adams, Zoning Administrator

Six members of the public were present and several members were watching via Zoom. Mr. Spence, as Chair, called the meeting to order at 7:00 p.m. and held a moment of silence.

Town Clerk Angie Murphy swore in all new and re-appointed members as a group.

**Certification of Quorum**

There was a quorum present.

**Agenda Approval**

Robert Sulaski moved to approve the agenda as presented. Eleanor James seconded and the motion carried 7/0.

**Minute Adoption**

There were no minutes to be adopted.

**Election of BOA Officers**

A. Robert Sulaski moved to elect Mark Spence as Chair. Martha Chastain seconded and the motion carried 7/0.

B. Robert Sulaski moved to elect Eleanor James as Vice-Chair. Danny Sharpe seconded and the motion carried 7/0.

C. Town Clerk Angie Murphy will continue to serve as Secretary.

**BOA Meeting Times/BOA Meeting Responsibilities**

A Special Meeting needs to be held on Wednesday, March 16th at 4:00 p.m. in Montreat Town Hall regarding a Special Use Permit for MRA hotel at 309 Collegiate Circle, Montreat, NC. Robert Sulaski moved to hold this meeting on Wednesday, March 16th. David Neel seconded and the motion carried 7/0.

There was a discussion about changing the time for the regular meeting schedule. Robert Sulaski moved to change the regular meeting schedule to the 4th Thursday of each month at 5 p.m. Eleanor James seconded and the motion carried 5/2 with Martha Chastain and David Neel voting against the motion.

Mr. Adams and Chairman Spence advised the board members that they need to block their calendars for the monthly Regular Meeting day/time. Board of Adjustment members also need to confirm their availability via e-mail to Town Staff.

**Application for Standing/Conflicts**

Molly Brown of 121 Assembly Drive, Montreat, NC submitted an application for standing. Robert Sulaski moved to approve Molly Brown’s request to have standing. Eleanor James seconded and the motion carried 7/0.

Several Board Members received letters/comments from members of the community in opposition of this Variance Request. Members stated that they did not respond to the letters/comments.

**Evidentiary Hearing**

**Variance Request – 115 Assembly Drive PIN#071064551300000**

**Sherwin Shilati, property owner**

Molly Brown of 121 Assembly Drive, Montreat, NC stated that her family did not support a variance that would allow for a six-foot high fence to be built at 115 Assembly Drive. Mrs. Brown felt that approving this variance will cause guest and potential homeowners to question whether our community cares about home values and keeping Montreat special. Mrs. Brown went onto say that the proposed fence will have a negative effect on all in the homeowner property values in Montreat, especially the neighbor homes on either side, and behind, 115 Assembly Drive. Mrs. Brown stated that in her opinion a fence like this belongs around a house out in the country where neighbors are not so close, not in the heart of Montreat. Mrs. Brown also stated that the approval of the variance could set a precedent to encourage other homeowners in Montreat that might want to do something like the fence in the future. Mrs. Brown also stated that the path to and from the gate is a favorite path for Montreat residents and visitors and the path goes right by 115 Assembly Drive. Mrs. Brown advised that this is a well-traveled path and she was extremely concerned about Mr. Shilati’s dogs charging town to the fence and barking each time someone passed by the fence. Mrs. Brown concluded by saying that a six-foot high fence built around a house in Montreat, at the very entrance to the community, was way out of place and would be a total eyesore.

Town Clerk Angie Murphy swore in Sherwin Shilati virtually as a witness. Zoning Administrator Scott Adams stated that the property owner (Sherwin Shilati) proposed installing a 6’ tall, horizontal cedar plank fence around his property’s front, side and rear property lines. The Montreat Zoning Ordinance requires picket fences with a maximum height of 36” (3’) in front yards, and fences with a maximum height of 5’ in side and rear yards. The applicant’s proposed 6’ fence requires a Variance for materials, height and landscaping. The applicant is not currently proposing any landscaping. The applicant is requesting this Variance to fence height due to his concerns that his two dogs that can jump a 3’ tall fence. Mr. Adams advised that the applicant cannot ask for a variance to the materials as prescribed by ordinance.

Mr. Shilati attended the meeting via Zoom. Mr. Shilati stated that he has young children so the fence would be a security measure since his home is so close to Assembly Drive. Mr. Shilati also has 2 boxers and the fence would allow them the freedom to roam. Mr. Shilati travels a lot with his job and the fence would give his family security and peace of mind.

Robert Sulaski moved to deny a Variance request to construct a six foot tall (6’) fence along the front, side, and rear property line. Arrington Cox seconded and the motion carried 7/0.

**Adjournment**

Eleanor James moved to adjourn the meeting at 8:15 p.m. Martha Chastain seconded and the motion carried 7/0.