

BANNER ELK PLANNING BOARD MEETING  
MONDAY, MAY 04, 2020  
MINUTES

Members Present to the Zoom Meeting: Aaron Barlow, Allen Bolick, Ray Knowles, Meredith Olan, Joel Owen, Penny VonCanon

Staff Present: Zoning Administrator Cheryl Buchanan, Town Manager Rick Owen

Due to the Covid-19 Pandemic and the restrictions placed on the State of North Carolina in conducting public meetings, the Planning Board meeting for May 2020 was conducted via Zoom audio and video. Chairman Joel Owen called the zoom meeting to order at 6:05 pm; noting that Aaron Barlow, Allen Bolick, Meredith Olan and Penny VonCanon were present for audio and video while Ray Knowles and Joel Owen were present via audio only. A quorum was present and the meeting was called to order.

**Consideration of the March 2020 Minutes**

Penny VonCanon motioned to approve the minutes for the March 2020 meeting as submitted. Aaron Barlow seconded the motion. The vote was:

Aaron Barlow – Yea  
Allen Bolick – Yea  
Ray Knowles – Yea  
Meredith Olan – Yea  
Joel Owen – Yea  
Penny VonCanon – Yea

The vote was unanimous and the motion carried.

**Old Business**

**Amendment to the Louisiana Purchase Footprint**

Louisiana Purchase received approval from the Town Boards to build a new restaurant along Main Street East. The original plans called for a front decking to run about 2/3's of the way across the front of the building. During construction, it was brought to my attention that the decking began to run the entire length of the building. Zoning Administrator Cheryl Buchanan called the owner and inquired into the reasoning for this. Laurie Bagby told her that she didn't know this would be a problem and decided to extend it across the remainder of the front of the building. Ms. Buchanan told Mrs. Bagby that construction on the decking would need to stop until she could get approval from the Town before they could continue. Ms. Buchanan explained that they were at the maximum amount of seating that their parking can provide for and that some seats would have to be moved out of the inside to allow for extra seating on the deck. Mrs. Bagby said she understood and is happy to comply. Ms. Buchanan told the Board that she is asking for approval for the deck extension.

Allen Bolick motioned to allow the extension of the decking as long as the seating does not increase. A second by Penny VonCanon. The vote was:

Aaron Barlow – Yea

Allen Bolick – Yea  
Ray Knowles – Yea  
Meredith Olan – Yea  
Joel Owen – Yea  
Penny VonCanon – Yea

The vote was unanimous and the motion carried.

### **Short Term Rental Ordinance**

Zoning Administrator Cheryl Buchanan told the Board that this is the third reading of the ordinance on short term rentals. The last edit has the comments and questions by the Board in blue. The Town's Attorney responded and his comments are in red. Ms. Buchanan asked if there were any additional comments the Board would like to make.

Aaron Barlow noted that under maximum overnight occupancy, the determination is made based on the construction permits referral to septic capabilities. Mr. Barlow said that his own rental property does not have a septic permit to indicate what that capacity is, so this might not be the most accurate record to use. Ms. Buchanan said that the property cards the tax assessor's office use is updated at least every four years for revaluation purposes, more often if a building permit is pulled for additions and such, so that could definitely be a source of determining the number of bedrooms for a dwelling. Ms. Buchanan said she would run it by the Town's Attorney.

Allen Bolick asked that no street parking be added to #7 on parking. Ms. Buchanan made note of this addition.

Penny VonCanon referred to the application process under section 7, asked if an information sheet could be handed to the homeowner about the danger of leaving trash out and the bears that populate our area. Ms. Buchanan said she thought she could do that.

Ms. Buchanan said she would go back to the Town's Attorney with the one comment and asked if the Board was ready to vote. Aaron Barlow motioned to ask that Town Council call for a Public Hearing for the new ordinance. Meredith Olan seconded. The vote was:

Aaron Barlow – Yea  
Allen Bolick – Yea  
Ray Knowles – Yea  
Meredith Olan – Yea  
Joel Owen – Yea  
Penny VonCanon – Yea

The vote was unanimous and the motion carried.

### **New Business**

#### **Rezoning Request Crom, Ogle and Pach, LLC from C-2 to R-2**

Zoning Administrator Buchanan reviewed the location of the property and mentioned that it has been vacant for quite a while. Ms. Buchanan introduced Holly Ogle, one of the partners to the application, who had joined the meeting in case there were questions. Miss Ogle had Tommy Burleson from Avery Inspections look at the property and he said from a building code standpoint

he could see this property working well for duplex. The application indicates that the property is surrounded on three sides by residential properties. Ms. Buchanan asked Miss Ogle if she had anything she wanted to add to the conversation, but she replied that she did not.

With no further questions, Meredith Olan motioned to send a request to Town Council to call for a public hearing based on this rezoning request being consistent with the promotion of developing residential property within walking distance of the Town of Banner Elk to better support a walkable community as well as the best use of the property due to the market's reflection on the need for additional residential properties and in keeping with the harmony of the neighborhood. Seconded by Aaron Barlow. The vote was:

Aaron Barlow – Yea

Allen Bolick – Yea

Ray Knowles – Yea

Meredith Olan – Yea

Joel Owen – Yea

Penny VonCanon – Yea

The vote was unanimous and the motion carried.

With no further business, Penny VonCanon motioned to adjourn and a second by Meredith Olan. Everyone was in agreement and the meeting came to an end at 6:27 pm.

Respectfully submitted,

Cheryl Buchanan, Zoning Administrator, Town of Banner Elk