

BANNER ELK PLANNING BOARD
MONDAY, 03 FEBRUARY, 2014
MINUTES

Members Present: Allen Bolick, Will Mauney, Martha Laura Miller, Joel Owen, and Penny VonCanon

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

Others Present: Rebecca Bolick, Susan Brown and son Charlie, Bill and Donna Dicks, Brenda Lyerly, Ted Silver, Brent Simmons, Charlie B. VonCanon

Chairman Joel Owen called the meeting to order at 6:05 pm. A quorum was present and the Chairman opened the meeting with the pledge of allegiance to the flag.

Consideration of the November 2013 Minutes

Penny VonCanon asked for some clarity for the November 2013 minutes on who owned exactly how much of the old Apple Orchard property. The Zoning Administrator, Cheryl Buchanan, explained that when Mr. Ingalls could no longer pay for the entire tract, he and the Puckett's agreed to a friendly foreclosure procedure and Mr. Ingalls was allowed to keep his paid equivalent portion (3+ acres) and the remainder of the property (7+ acres) reverted back to the Pucketts. Then Mr. Ingalls auctioned off his property (3+ acres) and Mr. Walrath bought it.

After this explanation and with no changes noted, Martha Laura Miller moved to approve the minutes as submitted. Will Mauney seconded. The vote was unanimous and the motion carried.

Zoning Permit Request – Mike and Susan Brown – New Commercial Building in the HOD

Mike and Susan Brown want to add to their current consignment business by adding a new commercial building on an adjoining lot beside their property. They have purchased the lot and will combine it with their existing lot, to make one larger lot. Please note the review sheet of the zoning ordinance for this project. The Brown's are simply asking for a zoning permit and are not required to do anything else. The new building will be accessed by the existing driveway into the current parking lot and then behind the building and into the adjoining parking lot behind the new building. Mike and Susan Brown have obtained an NCDOT permit to widen the current driveway. The Preserve America Committee reviewed the application to make sure that the new building complies with Section 500 of the ordinance and could fit into the Heritage Overlay District. There will be a French drain in the back corner of the gravel parking lot for drainage and the guttering from the building will run into that as well. The property is

under the 50% maximum coverage of impervious surface and has made the above allowance for stormwater drainage. There will not be a lot of tree removal, just those that are dead or dying and some debris that was left from another property. The Browns do plan to add a few ornamental trees but have been asked to leave the bank clear of vegetation due to the difficulty of the line of sight along that property.

Penny VonCanon moved to issue the zoning permit for the new commercial building. Martha Laura Miller seconded. The vote was unanimous and the motion carried.

Consideration of a CUP and Variance Request for High Country Polaris, Inc.

Zoning Administrator Cheryl Buchanan began this discussion by clarifying why this property needed a variance. There exists a 100ft NCDOT right-of-way (r-o-w) along Highway 184, confirmed with NCDOT for this property, and Banner Elk's zoning ordinance does not allow for parking in the r-o-w. By nature of this r-o-w, this business would be greatly affected by this requirement of the ordinance and could not use a considerable portion of their property in the front of the building. Use of the front portion is detrimental to the success of any business there.

A review of the variance and the CUP accompanied everyone's paperwork and Ms. Buchanan asked if there were any questions. Penny VonCanon asked about the percentage of impervious surface. Ms. Buchanan told her that she had contacted the Town's Attorney prior to the meeting and he assured her that this property was grandfathered in and could not be asked to comply with this requirement. Ms. Buchanan reviewed the lights on the building and the two existing stormwater drains. Ms. Buchanan stated that she was not sure what was planned for solid waste disposal and asked Mr. Simmons if he could elaborate on what had been used before. Mr. Simmons said they had a dumpster located at the back of the building. Ms. Buchanan asked if the enclosure was still there. Mr. Simmons replied that it had been removed. Ms. Buchanan told Mr. Simmons that if Mr. vonRospeunt planned to use a dumpster that he would need to check the ordinance and build an enclosure to shield it from adjoining properties.

The Planning Board agreed that should Mr. vonRospeunt want to build a display for the ATV's, such as a rock pile, etc., then he would need to come back before the Board and discuss those plans with them. Penny VonCanon also cautioned Mr. Simmons on the use of lighting and that the zoning ordinance allows for full cut-off lights and lights on signage cannot shine into oncoming traffic.

Penny VonCanon made a motion to approve the CUP and Variance with the following conditions:

1. Security light on right side of building should be brought into compliance,
2. A dumpster enclosure per the ordinance,
3. Any major outdoor display must be approved by the Planning Board prior to being built.

Martha Laura Miller seconded the motion. The vote was unanimous and the motion carried.

Discussion for Planning Board Workshop in February

Zoning Administrator Cheryl Buchanan asked the members of the Planning Board to decide on the best date for a Planning Board Workshop in February. The date decided on was Thursday, 20 February 2014 at 4:00 pm.

With no other business before the Board, Penny VonCanon moved to adjourn. Will Mauney seconded. All were in agreement and the meeting came to a close at 7:25 pm.

Respectfully submitted,
Cheryl L. Buchanan, Zoning Administrator