

BANNER ELK PLANNING BOARD MEETING  
MONDAY, 06 OCTOBER 2014  
MINUTES

Members Present: Allen Bolick, BR Hoffman, Martha Laura Miller, Joel Owen, and Penny VonCanon

Staff Present: Zoning Administrator Cheryl Buchanan

Others Present: Rebecca Bolick, Bill Dicks, Meredith Olan, Charles VonCanon, Jr

Chairman Joel Owen called the meeting to order at 6:05 pm. The Chairman noted that there was a quorum present.

*Consideration of the September 2014 Minutes*

Chairman Owen asked if anyone had changes to the minutes from September 06, 2014. BR Hoffman commented that she did not work in Real Estate in Blowing Rock, but had worked at Appalachian State University. Penny VonCanon noted that after she read her statement for a motion on the rezoning on Elk Creek, she wanted to make sure her intent was clear. Her motion was to recommend rezoning, that the Planning Board does not vote on rezoning, it is their purview to review the Planning Board's minutes and hold a Public Hearing. It is after all of this that the Town Council votes on an issue. Penny VonCanon made a motion to approve the minutes as amended. Allen Bolick seconded. The vote was unanimous and the minutes were approved.

*Welcome New Board Member – Meredith Olan*

The Chairman welcomed newest member Meredith Olan, who has an application before the Town Council for Monday night's meeting. Zoning Administrator Cheryl Buchanan had asked her to attend the Planning Board meeting and observe what our meetings are like. Mrs. Olan was made welcome by the Board and those in attendance.

*Request to Approve Signage in the Heritage Overlay District*

Chairman Owen asked Zoning Administrator Cheryl Buchanan to review the requests.

*Banner Elk Volunteer Fire Department*

Ms. Buchanan stated that the old sign that hung above the bay was out of compliance. IT was removed so the doors to the bays could be enlarged for new equipment. Ms. Buchanan stated that Bill Dicks of The Sign Shop was donating the sign and that the new sign was in compliance with color and materials. Penny VonCanon moved to approve the sign as submitted. Martha Laura Miller seconded. The vote was unanimous and the motion carried.

### *Ridgefront Realty*

Ms. Buchanan admitted that this sign was put up without her prior approval. She sent a notice of violation that was never picked up at the Post Office, so she taped a copy to the front door. She later received a call from the sign company, Appalachian Signs, who said they did not know it needed to be approved and that they were to blame and would pay the penalty. Ms. Buchanan spoke with the Town Manager and it was decided that the penalty could be waived as it may have been an honest mistake. Chairman Owen said that it was the responsibility of the business owner to know they needed approval and to pay the penalty. Ms. Buchanan took note of this statement. Allen Bolick voted to approve the sign as it meets the confines of the ordinance. BR Hoffman seconded. The vote was unanimous and the motion carried.

### *Olive Oil and Balsamic Vinegar Tasting Room*

Ms. Buchanan told the Board that this is a new venture in Banner Elk but is also a part of an older and successful business. Stonewalls, in downtown Banner Elk has made room for a smaller shop inside the restaurant for this new business. The signs being reviewed tonight are in addition to the old sign. Ms. Buchanan reviewed color and placement. Penny VonCanon asked if the signs met the ordinance for the size requirements. Ms. Buchanan said that Bill Dicks would be taking some of the current space out of the Stonewalls sign and repainting and this would bring it into conformance. Penny VonCanon moved to approve the signs as submitted. Martha Laura Miller seconded the motion. The vote was unanimous and the motion carried.

### Section 500 – Architectural Review Standards

Ms. Buchanan read the first paragraph of the Architectural Review Standards (ARS) and noted that single family detached residential and duplexes are exempt from this portion of the ordinance. In other words, there is nothing to prevent someone from coming into town and building a house on an individual lot with aluminum siding and painting it pink. Ms. Buchanan asked if this was the intent of the board when the rewrite was done in 2005.

Chairman Owen said he did not want to target people who had lived here for a long time that he wouldn't mind the restrictions on those who build in the Heritage Overlay District (HOD). Mr. Owen said there is a difference in what you can see and what you can't. Martha Laura Miller said she lives in the ETJ and that there is a house behind her that was not very nice to look at until new owners came in and changed it. She stated that if they had painted it pink, she would not have liked it at all. Ms. Buchanan reminded everyone that the reason for the ETJ is to have those properties already in conformance in case they might decide to annex into town. Penny VonCanon said that the ARS's are there to protect properties, not to make owning a home a hardship. Martha Laura Miller said she would like to take the time to read through the entire section 500 before making any decisions, but would be ready to make a decision next month. Everyone agreed and this was tabled until next month.

### Section 305 – Required Road Access

Ms. Buchanan referred to the case regarding the cell tower and the 20 foot right-of-way (r-o-w) that most likely will disallow the cell company from constructing a cell tower on the Hall's property. Ms. Buchanan had questioned the Town's Attorney as to whether there was a statutory requirement of 25 feet. The answer was no, there is not. Penny VonCanon said that the ordinance requires 25ft along the major road to be 25 feet and not the entire road in order to keep the sight triangle clear. Ms. Buchanan said that she had no opinion, but she felt the judge was looking at the road as a whole when he made his ruling. Allen Bolick confirmed this and said he was of the opinion that 25 feet was the right number and that we shouldn't do anything. The Board was in agreement and no vote was taken on this agenda item.

### Historic Banner Elk School and the Incubator

Ms. Buchanan asked the Planning Board to be thinking about the Incubator and the zoning of Medical/Educational (M/E) and perhaps the Town might want to look at the Government/Office (G/O) zoning designation. The Planning Board did not want to discuss changing the zoning now, but would consider looking at it later if the Incubator was to go away. However, the Board was supportive of changing the name to a Small Business Center.

### Temporary Seasonal Business Signs vs Temporary Agricultural Product Signs

Ms. Buchanan said she was confused about the intent of these two categories and asked the Board for their input. Penny VonCanon said that she thought that the temporary agricultural signs are for produce or Christmas trees and the other was for someone like Snow Toys and Wing-N-It, whose businesses are both seasonal. Ms. Buchanan questioned the timeframe of 120 days. Mrs. VonCanon said it was 90 days plus two weeks before and two weeks after a season. No change was put forward and the discussion came to an end.

With no further business before the Board, Penny VonCanon moved to adjourn. Martha Laura Miller seconded. The vote was unanimous and the meeting came to a close.

Respectfully submitted,

Cheryl Buchanan  
Zoning Administrator, Town of Banner Elk