

BANNER ELK PLANNING BOARD MEETING  
MONDAY, 01 FEBRUARY 2016  
MINUTES

Members Present: Allen Bolick, Martha Laura Miller, Meredith Olan, Joel Owen, Penny VonCanon

Staff Present: Zoning Administrator Cheryl Buchanan

Others Present: Boe Barinowski and Bob Barinowski, Brenda Lyerly, Mr. and Mrs. Stevenson, Charles B. VonCanon, Jr.

Chairman Joel Owen called the meeting to order at 6:02 pm. The Chairman opened with the pledge of allegiance to the flag and noted that there was a quorum present.

Consideration of the January 4, 2016 Minutes

Chairman Owen asked if anyone had changes to the minutes from January 2016. Penny VonCanon asked that the following changes be made:

To add “and perform” to a sentence that will then read: “It was agreed upon by all the members that installation was the key to how the siding would look **and perform**. Additionally, Mrs. VonCanon asked that .44 inch be changed to .044 inch in the text amendment. The sentence would then read: “Mr. Seehorn addressed her points by informing the Board that he intended to use .044” commercial grade vinyl siding and that a 16” overhang was not necessary and would be difficult to work with.” Cheryl Buchanan also told the Board that the Town Attorney asked that she remove the strike through on the text amendment change and leave vinyl siding in the prohibited materials list.

Meredith Olan moved that the minutes be approved as changed. Allen Bolick seconded the motion. The vote was unanimous and the motion carried.

Request to Amend a Conditional Use Permit (CUP) – Clemmons Produce

Zoning Administrator Cheryl Buchanan was asked to review the application to amend the CUP for Clemmons Produce. Ms. Buchanan stated that the CUP was originally approved in 2000 and was issued to Clemmons Produce who was leasing property from Buck McLean. The Clemmons left and after other tenants, Boe Barinowski is now currently the lessee of the property and operates under the name of Mountain Rooster Produce. Mr. Barinowski’s request is to add a small wooden structure for a coffee kiosk. Because there is a CUP on the land, the amendment is necessary to operate under the guidelines of the Zoning Ordinance. Mr. Barinowski’s request is to put this building in front of the office building and to serve coffee through a drive-through window. A review of the application shows that there is sufficient ingress and egress, parking spaces, refuse container properly screened, proper utilities which will not be needed for this

venture, no additional screening or buffering is required per the ordinance, and no additional signage is being requested. Currently the property has a changeable copy sign and they intend to use it. Mr. Barinowski also plans to make one way in an entrance and one way out an exit. The proper is zoned C-2 and is in the Town limits. Ms. Buchanan stated that the only concession to the whole request that might be questionable is that Mr. Barinowski would like to try this on a temporary basis to see if it will work. If it doesn't, then he plans to remove the building. If it works well, Mr. Barinowski commented that he would be willing to move the metal garage and put this wooden structure in its place.

Joel Owen stated that he liked that the building was removable if it turns out that this doesn't work. Meredith Olan asked if he could possibly need water later on. Mr. Barinowski answered that he did not anticipate needing anything additional. Penny VonCanon asked how long was temporary. Mr. Barinowski said he was thinking about 2 years, however long it might take for a business model to start up and see some success. Allen Bolick told the Board that there was a venture like this in Lenoir that has become very popular and has two drive through windows now.

Penny VonCanon moved to recommend approval to the Board of Adjustment the request to amend the CUP with the following conditions:

1. An exit and entrance sign be put up to help direct traffic; and
2. The amendment is based on a 2- year trial period, ending in February 2018.

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

#### Legislative Changes in 2015 – A Review

Cheryl Buchanan reviewed the changes made by the North Carolina General Assembly in 2015 that affect zoning. The list is attached to these minutes as part of the record. The law with the largest impact was to Section 160A-381 of the General Statutes. Allen Bolick asked if the Town would be willing to let the POAs know about this new law so they could fix their POA laws to protect themselves. Cheryl Buchanan said she would be willing to do this.

#### Workshop on Section 600 – Signs – Content Neutrality

Cheryl Buchanan began this session by asking the Planning Board to help her bite off the biggest piece of the “elephant” in this project, which is temporary signs and how to regulate them without that regulation being based on content of the sign. Ms. Buchanan again read the guidelines of what could be regulated and a lively discussion ensued. The list covered quantity per lot, size of the temporary sign, time and frequency whereby anyone can have a temporary sign, location from the edge of the road, height, and materials.

It was agreed upon that 30 days cumulative in a 6 month period for the same sign would be sufficient time for a temporary sign in Banner Elk and that no more than three (3) per lot should be allowed to cut down on litter and distraction. Although sandblasted, handcarved or routed are not required for a temporary sign, material sufficient to withstand the weather must be used.

Size cannot exceed 18" by 24" or 3sf. For temporary signs, the height cannot exceed 4 feet, and cannot be placed closer than five (5) feet from the edge of the highway.

Meredith Olan read back wording that could be used in the ordinance revision for signs. Following is the text:

“Temporary signs are exempt from permit requirements and are allowed in the Banner Elk Zoning Jurisdiction provided that they are displayed for no more than 30 days cumulative within a six (6) month period for the same sign. Temporary signs are limited to three (3) per parcel and must be placed at least five (5) feet from the edge of the road without blocking other signs. Temporary signs cannot exceed three (3) square feet or a height of four (4) feet and must be made of a material that is suitable for the timeframe they are visible without deterioration. A deteriorated sign can be pulled if it is unreadable to the public.

With no further discussion, Meredith Olan moved to adjourn. Penny VonCanon seconded. All were in agreement and the meeting came to a close at 8:24 pm.

Respectfully submitted,  
Cheryl Buchanan, Zoning Administrator, Town of Banner Elk