

BANNER ELK PLANNING BOARD MEETING  
MONDAY, 04 APRIL 2016  
MINUTES

Members Present: Allen Bolick, BR Hoffman, Meredith Olan, Joel Owen, Penny VonCanon

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

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 March 7, 2016 Minutes

Chairman Owen asked if anyone had changes to the minutes from March 2016. BR Hoffman noted that her name had been omitted from the Members Present list and she was present. Penny VonCanon moved to approve the minutes with the noted change. BR Hoffman seconded. The vote was unanimous and the motion carried.

Dr. Nitti – Additional Signage Needs – Discussion Only

Zoning Administrator Cheryl Buchanan spoke on behalf of Dr. Nitti's request. Dr. Nitti has asked if he could have a free standing sign. Cheryl Buchanan had told him that since he was downtown and part of a commercial development, the only free standing sign he could have was to be part of the combined development sign. Dr. Nitti would like to incorporate a changeable copy sign in order to be able to advertise his specialty clinics during the busy summer months. Currently his business has a building attached sign and a suspended sign. It would appear that most of the businesses that are located at the back of the commercial development have taken up space in the combined development sign since they do not have equal main road exposure. Dr. Nitti has expressed that he does not feel his business is being exposed properly to those passing through town. Cheryl Buchanan told the Board that she was pretty confident about how to address this but since the owner of Back in Action (BIA) was not willing to accept her interpretation, she was willing to speak to the Planning Board in order to make sure she hadn't missed anything. Mr. Nitti had indicated that he would be at the meeting to speak but did not appear.

The Planning Board agreed with Ms. Buchanan's interpretation that Dr. Nitti could not have an additional free standing sign but could put something inside the window as long as it did not cover more than 50% of the window. Ms. Buchanan said she would convey to Dr. Nitti the Board's thinking.

Heritage Overlay versus Historic District

Cheryl Buchanan said that she had been made aware that perhaps the authority the Planning Board thought they had and what was really in place might be two different opinions. Therefore,

she went back through the minutes reviewed when the conversation first came up and what it was the Town was trying to accomplish by establishing this district. Although referred to as a Historic District, the procedure required to have this district was never completed. What the Town currently has is a Heritage Overlay Zoning District. A Historic District is much stricter and provides the authority to tell citizens in that district whether they can make any changes to historic buildings or can greatly delay the demolition of a historic structure. Section 503 (a) and (b) of the Town of Banner Elk's Zoning Ordinance gives instruction on how to accomplish demolition of any historic structure, which the Heritage Overlay District does not give the Town the authority to do. Ms. Buchanan said she made the same presentation to the Town Council and they stated they are very happy with the Heritage Overlay District and she wanted to make sure that everyone understood exactly what we have. Mrs. Buchanan said she would like to amend the zoning ordinance to remove (a) and (b) of Section 503.

Penny VonCanon moved to recommend Town Council call for a Public Hearing to remove (a) and (b) from Section 503. Allen Bolick seconded. The vote was unanimous and the motion carried.

#### Residential Plan – David Burns

Cheryl Buchanan noted that David Burns of Burns Construction Company had stopped by to see her about renting the front portion of his business as a residence. The property is in the C1-P zoning district and was built in 1988. The front portion of the building has a full bathroom and kitchen space. Therefore, it could function as a single family dwelling. The remainder of the building is a covered shed and an enclosed building of less than 200sf. Mr. Burns is thinking of moving his office to the enclosed space in the back and renting the front portion as a residential dwelling.

According to Mr. Burns, he has lived in the front portion a couple of times over the years. He explained that he has two (2) parking spaces in front, meeting the requirement of the ordinance for parking for a dwelling and that he can park in the covered shed area for his office space in the back. Therefore he meets all the requirements for parking for this property.

Ms. Buchanan said she wanted to bounce this idea off of the Planning Board to see how they felt about this project. Basically, they would like to see an official plan showing the parking and exactly where everything would be located. Accordingly, the ordinance indicates that an accessory dwelling or apartment would be a conditional use in the C1-P and would require a review by the Planning Board and the BOA. No vote on this, simply a discussion for this.

#### Section 600 Rewrite

Ms. Buchanan once again presented to the Planning Board a draft copy of Section 600 regulating signs. Items discussed were adding feather signs to Section 607, Prohibited under subsection (o). Table 609-1, strike Project/Construction Signs and call them project signs. On Table 609-A, strike Commercial Property Sales and label it for commercial areas. In Table 608-B, strike individual businesses and label tis multi-tenant buildings. The Planning Board said they would

like for Ms. Buchanan to check with the Town Attorney and then bring another corrected draft to the Board for next month. No action was taken and this was tabled till next month.

With no further discussion, Penny VonCanon moved to adjourn. Meredith Olan seconded. All were in agreement and the meeting came to a close at 7:35 pm.

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