

BANNER ELK PLANNING BOARD MEETING  
MONDAY, NOVEMBER 01, 2021  
MINUTES

Members Present: Melinda Eggers, Meredith Olan, Joel Owen

Members Participating via Zoom Meeting: Penny VonCanon

Staff Present and Participating: Zoning Administrator Cheryl Buchanan

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 November 2021 was conducted via in person and Zoom audio and video. Chairman Joel Owen called the meeting to order at 6:06 pm; noting that himself and Melinda Eggers were present and Penny VonCanon were present for audio and video. A quorum was established, and the meeting was called to order. Chairman Owen said he would like to leave some of the heavier discussions until there was a full board present. Meredith Olan arrived late after the meeting was called to order.

**Consideration of the October 2021 Minutes**

Penny VonCanon motioned to approve the October 2021 minutes as submitted. Second by Melinda Eggers. The vote was:

Melinda Eggers – Yea

Joel Owen – Yea

Penny VonCanon – Yea. The motion carried with a 3 to 0 vote in favor.

**New Business**

**Shipping Containers as Housing**

Zoning Administrator Cheryl Buchanan said that she had received a call enquiring whether Banner Elk would allow shipping containers as housing. Ms. Buchanan asked for the Board's input and said that prior to the meeting she had run this topic by the Town Attorney; and he had provided some wording that may help guide the discussion. The general census of the board was that they would not want to see them as housing; but opened a discussion on allowing them as storage units. Chairman Joel Owen said he has two of them but that they are screened from public view. Melinda Eggers said her family has some too, but they could not easily be seen from the road. Miss Eggers said the nature of their businesses requires a lot of storage of equipment and that they are necessary.

Chairman Owen mentioned that the Dollar General had one sitting in their parking lot for several months while a renovation project was going on. Meredith Olan asked about the PODS sized containers, which are smaller than a shipping container and used mostly for temporary residential storage. There was an agreement among the members that shipping containers could not be allowed for housing and could be used for residential storage for three (3) months with a one (1) time renewal for three (3) additional months. Time limits on use for storage was discussed at length. The final agreement was that shipping containers could be allowed for storage on construction sites if the project had an active building permit. Once a permit expires, then the

containers will be required to be removed. It was also agreed that in the C-2 Zoning District the containers could remain indefinitely if they are screened from view. Additionally, the Board also agreed that if a shipping container had the appropriate siding and a roof, it would not be required to be screened and could remain indefinitely.

Ms. Buchanan said she would run these recommendations by the Town Attorney and bring them back for next month's meeting.

### *Old Business*

#### *Planning Board Duties*

Zoning Administrator Cheryl Buchanan said this had been the topic of discussion for a couple of months and she is submitting a change to the ordinance to replace the word "recommend" with "review" in looking at cases bound for the Board of Adjustment.

Penny VonCanon motioned to recommend a call for a public hearing for an ordinance amendment. Seconded by Melinda Eggers. The vote was:

Melinda Eggers – Yea

Meredith Olan - Yea

Joel Owen – Yea


Penny VonCanon – Yea. The motion carried with a 4 to 0 vote in favor.

#### *Report on Tree Permitting*

Zoning Administrator Cheryl Buchanan reported to the Board that she had approved three (3) rather large projects that were time sensitive and wanted to report to the Board what she had approved. They were as follows:

1. Lees-McRae College had several trees that needed to be removed. Ms. Buchanan reviewed them and the reason for the removal. Ms. Buchanan also told the Board that she did not have them put a lot of trees back since the campus is landscaped extensively. She did ask for a row of shrubs to replace the trees that had grown into the power lines near Hemlock Village housing to keep the separation that was established by those trees.
2. Best Western had an evergreen that was dying. Ms. Buchanan said she approved the removal of the tree with a replacement as well as a new retaining wall and plantings. A Japanese maple was used to replace the evergreen.
3. Sugarview Condos has several oversized white pines and the residents have been concerned about the trees snapping in two and causing a lot of damage to housing. During a storm in August, a tree did snap and fall on a car in the parking lot of these houses. The trees will be replaced with some low growing trees such as a dogwood or redbud in the spring.

Additionally, Ms. Buchanan said that Rick Owen has approached Town Council about the removal of three (3) very large oak trees located in the right-of-way of the proposed new street connection to Culver Street. Ms. Buchanan said that one of the trees is clearly dying and the other two tree's root systems will most likely be damaged when the road is built this winter. Mr. Owen asked if



the trees could be removed, and Ms. Buchanan said she would like to take this to the Tree Board aka the Planning Board. The Board agreed that the trees should be removed due to construction and asked if there would be any trees placed on the property in another place. Ms. Buchanan replied yes; that she had been talking about this with Manager Owen and said she would bring the landscaping plan to the Board when available.

**In Lieu Fees for Sidewalks**

Zoning Administrator Cheryl Buchanan said that the recent Special Use Permit for the Banner Elk Retail Center had been under the belief that they could donate money in lieu of a sidewalk on that project. However, further investigation proved that this only applies to sidewalks built in the Heritage Overlay District. Banner Elk Retail Center was required by the Board of Adjustment (BOA) to go back and add a sidewalk and then come back to the BOA for approval. During the BOA meeting there was a discussion about amending the ordinance to allow the same ruling as in the Heritage Overlay District. Ms. Buchanan simply took the wording from the Heritage Overlay District and placed it in Section 152.086 (E) Sidewalks. Meredith Olan stated that she believes that the money should be designated to some other portion of the Pedestrian Plan. Penny VonCanon agreed. Meredith Olan motioned to amend the ordinance to add the wording from section 152.089 (3) to section 152.086 (E) adding that the fee in lieu of would go towards another project in the pedestrian plan. Seconded by Penny VonCanon. The vote was:

Melinda Eggers – Yea

Meredith Olan - Yea

Joel Owen – Yea

Penny VonCanon – Yea. The motion carried with a 4 to 0 vote in favor.

With no further business, Melinda Eggers motioned to adjourn. Second by Meredith Olan. All agreed and the meeting came to an end at 7:11 pm.

Respectfully submitted,

Cheryl Buchanan, Zoning Administrator, Town of Banner Elk