

BANNER ELK PLANNING BOARD MEETING  
MONDAY NOVEMBER 7, 2022  
MINUTES

Members Present: Joel Owen, Melinda Eggers, Aaron Barlow, Jacki Lecka, and Penny VonCanon.

Staff Present and Participating: Zoning Administrator Riley Pudney

Chairman Joel Owen called the meeting to order at 6:00 pm. A quorum was established, the Pledge of Allegiance was conducted, and the meeting was called to order.

**Consideration of October 2022 Minutes**

Chairman Joel Owen asked the Board to look at the August minutes and see if any adjustments needed to be made. With no other comments, Penny VonCanon motioned to approve the October minutes with a second by Jacki Lecka. The motion passed unanimously.

**Special Use Request-Coffee Shop Holly Ogle**

Zoning Administrator Riley Pudney explained to the Board that this was a request for an accessory use coffee shop that will be in the realty office of Holly Ogle's business. The shop will serve coffee and prepackaged baked goods.

Chairman Joel Owen verified that she will be using the same entrance and not opening the side entrance. Penny VonCanon asked if the current parking lot was painted and had parking stops. Mrs. Ogle stated that it was not painted and there were no stops in place. The Board informed her that the spaces will have to be painted and stops put in place to meet the ordinance. Zoning Administrator Riley Pudney informed her that she will need at least 5 marked spaces. Ms. Ogle stated that she did not have to have that requirement for the hostel. Chairman Joel Owen and Penny VonCanon explained that it will have to meet the requirements of the ordinance for this request.

Mrs. Ogle asked why the businesses across the street did not have their parking lot painted. Chairman Joel Owen explained that that property was not in front of the Board asking for a permit and that they would address it at a different time. Mrs. Ogle asked what the best parking stop material was. The Board provided information regarding timbers, rubber, concrete or 4x4 stops.

Aaron Barlow asked if this was an accessory use or a change of use. Mrs. Ogle stated that her realty business is being operated out of her residence upstairs and the remaining section will be used for the coffee shop. She stated that 922 out of 4,400 square feet will be used for the coffee shop, which is 20% of the property. After discussion, the Board and Zoning Administrator Riley Pudney determined that it was a change of use request rather than an accessory use.

Aaron Barlow asked if the baked goods would be prepared on site or if they would be prepacked. Mrs. Ogle informed the Board that her home kitchen has been approved by the Department of Agriculture and that she has the permits to bake in her home. Zoning Administrator Riley Pudney explained that if she baked the goods at the shop and provided seating, she would be considered a restaurant and would have to meet the requirements of a restaurant, such as a grease trap, proper dumpster...etc. Mrs. Ogle said that she would not bake out of her home due to the conditions it would place on her permit.

Aaron Barlow then asked if the lighting was adequate. Zoning Administrator Riley Pudney explained that the streetlight and lights affixed to the structure were adequate and met the requirements.

Mrs. Ogle asked the Board why her property was having to meet all the rules while the Mexican store across the street did not. Zoning Administrator Riley Pudney informed the Board that the Town is in fact working with them to bring their building into compliance.

With no further questions or comments, Melinda Eggers motioned to favorably recommend the change of use to the Board of Adjustment. The motion was seconded by Penny VonCanon and passed unanimously. Chairman Joel Owen asked for it to be noted that if seating were added, the parking requirement would increase and to inform the Fire Department of possible seating in the downstairs portion of the building.

### **Staff Updates**

Zoning Administrator Riley Pudney informed the Board of the following updates:

David Woods and Jennifer Woods came to the meeting to discuss changes in the approved renderings. The changes include the eaves/overhangs, stone material being used and the landscaping on the side of the building. The Planning Board discussed what they would like to see: which is cultured stone, some eave or overhang to be installed and landscaping on the side of the building. The Board agreed that the changes can be accepted administratively once samples have been provided. Zoning Administrator Riley Pudney also stated for the Board that the corner of the building will have to remain in the setback after the addition of the eaves and overhangs. Mr. Woods said they had one foot three inches to have an overhang and will remain in the setback. The Woods will get the Town samples of the materials and the changes will be approved administratively.

Zoning Administrator Riley Pudney informed the Board that the Gwaltney Farms rezoning has its public hearing next week. The owner has offered to spot zone a part of the property to commercial rather than the entire piece. If the Council approves this, he will be asked to subdivide the tract into the new boundary lines.

Also, she is working with the Banner Elk Mini Storage to complete their required items such as parking, landscaping, and stone façade. It should be completed within the next month.

She presented to the Board a copy of the Faux Stone-Cultured stone ordinance and asked for recommendations to change the definition so that the only faux stone allowed would be cultured stone. The Board agreed to remove "(faux stone)" from the ordinance. The amendment will be brought to the Council for review.

Lastly, she informed them of the Town of Sugar Mountain putting forth a Resolution to allow for Towns to regulate the appearance of Singly Family Homes. She provided the Board with a copy of the resolution and asked for the Board to review it and discuss it at their next meeting. As well as reviewing the Land Use Plan and picking goals to begin implementing in the new year.

With no further comments or questions, Penny VonCanon motioned to adjourn the meeting and was seconded by Aaron Barlow. The motion passed unanimously, and the meeting adjourned at 7:40 pm.

Respectfully Submitted,

Riley Pudney, Zoning Administrator and Clerk