

**MEETING SUMMARY OF THE HENDERSON COUNTY
BOARD OF ADJUSTMENT MEETING
July 5, 2017**

The Henderson County Board of Adjustment held a continuation of the June 28th meeting at 9:00 am at 25 Country Rd., 124 Tradition Way and 28 Bradley Rd. Hendersonville, North Carolina.

Board Members Present:

Ron Kauffman, Chair
Jim Hysong
Ann Pouch
David Sandler
Hilliard Staton
Gary Weinberg, Alternate Member

Staff Members Present:

Toby Linville, Zoning Administrator
Russ Burrell, County Attorney
Autumn Radcliff, Senior Planner

Call to order / Introduction of the Board: Chairman Ron Kauffman called the meeting to order at 9:05 am.

Appeal SUP-15-04-Shelley Residence 25 Country Rd: Chairman Kauffman called the meeting to order at 9:05 am at the property of Stan Shelley at 25 Country Rd. Mr. Shelley showed wind damage to the Crane's buffer from a recent storm. Robert Oast directed the ZBA to a high point near the Shelley's pool with a clear view of the Crane's barn. Mr. Oast indicated that the vantage was the same view presented in the evidence he presented earlier in photographs. Mr. Kauffman asked Mr. Shelley about the tree species and foliage to determine its effectiveness as a visible barrier. There was some dispute about the buffer's visual and audio effectiveness. Directions were then given to the next meeting site at 152 Tradition Way.

Clemmer Residence 124 Tradition Way: Chairman Kauffman reconvened the meeting at 9:20 am at the property of Russ Clemmer at 124 Tradition Way. Ms. Clemmer led the ZBA upstairs to a landing where the barn can be seen from a window.

Crane Barn 28 Bradley Rd: Chairman Kauffman reconvened the meeting at 9:45 am the Crane property inside the new building. Chairman Kauffman asked if there were any questions from the Board. David Sandler asked if there were building plans for the structure. Toby Linville answered yes, they were reviewed and approved by Building Inspections before the building permit was issued.

Jim Hysong asked if there was a minimum fence height required in the SUP approval. Toby Linville answered no and read the following excerpt from the conditions from the approved order: All designated parking needs to be physically buffered by vegetation or fencing.

Ron Kauffman stated that from the rules of real estate he thinks the loft with stairs makes the barn 1.5 stories. Ron Kauffman stated the board would need to discuss clarification for issues like the 150 maximum attendance and 10:00 pm limit. Chris Stepp said that the Cranes were very interested in having more clarification. Ann Pouch said that when the board originally considered the permit they considered the 150 maximum for attendees not to include caterers or band members. She said they considered the ceremony stopping at 10:00 pm and understood that guests might be leaving until 11:00 pm.

Ron Kauffman said the balance of the board is not to thwart entrepreneurship or good neighborship. Russ Burrell advised that at the next regular meeting that the board would need to first consider revoking or upholding the SUP and that if upheld they could clarify points from the order. Ron Kauffman asked if the board could request further conditions. Russ Burrell answered that if both parties reached a compromise the board could agree to those conditions. Mr. Burrell said all parties must be present, it must be disclosed, and the compromise could not be compelled. Ann Pouch asked if they could require amendments to the fencing. Russ Burrell answered that the board could clarify the condition. Robert Oast said that his clients still maintain that the permit has been violated and should be revoked.

David Sandler asked the Crane's how the loft would be finished and its purpose. They replied it would have railings and is just an architectural feature. Ron Kauffman asked where the band would be located. The Cranes answered that the building was wired for a stage in the southeast corner. Kauffman asked if the outside openings would be enclosed. The Cranes answered yes that the doors and windows would be enclosed and

the building would be heated and cooled. Hilliard Staton asked if the music would be indoors. The Cranes answered yes. Stan Shelley stated that at the original hearing the board allowed outdoor music. Kauffman asked what type of windows would be used. Bill Crane answered thermopane windows.

Jim Hysong read from the Supplemental Requirements for an Entertainment Complex for Dust Reduction: Unpaved *roads, travelways* and/or parking areas shall be treated to prevent dust from adverse effects to adjacent properties. Bill Crane answered that the road would be paved in time. Toby Linville answered the Supplemental Requirements for a Small Place of Assembly do not require dust reduction but the gravel driveway as exists would meet those requirements.

Continue Meeting: Ron Kauffman made a motion to continue the meeting to July 26th at 4:00 pm at 100 N King St at 10:10 am. David Sandler seconded the motion and all members voted in favor.

Ron Kauffman, Chairman

Toby Linville, Zoning Administrator