

**MEETING SUMMARY OF THE HENDERSON COUNTY
BOARD OF ADJUSTMENT
AUGUST 29, 2012**

The Henderson County Board of Adjustment held its regular meeting on August 29, 2012 at 4:00 p.m. in the King Street Meeting Room, 100 N. King Street, Hendersonville, North Carolina.

Board Members Present:

Jim Phelps, Chairman
Hunter Marks
Tony Engel
Ann Pouch
Hilliard Staton, Alternate Member
David Sandler, Alternate Member
Morton Lazarus, Alternate Member

Staff Members Present:

Toby Linville, Zoning Administrator
Sarah Zambon, Deputy County Attorney
Todd Taylor, Board Secretary

Call to order / Introduction of the Board: Chairman Phelps called the meeting to order at 4:00 pm.

Review and approve July 25, 2012 Meeting Summary: Chairman Phelps asked for approval of the meeting summary. Tony Engel made the motion for approval. Ann Pouch seconded the motion. All members voted in favor.

Order SUP-12-03: Albert and Valudia Jackson requested a Special Use Permit for a commercial dog kennel at 1050 Upward Road (PIN 9597094920). Hunter Marks made the motion to approve the Order. Anne Pouch seconded the motion. All members voted in favor.

Order Sup-12-04: Boyd Hyder requested a Special Use Permit for an Asphalt Plant located off of Clear Creek Road, PIN (9660929834). Hunter Marks made the motion to approve the Order. Hilliard Staton seconded the motion. All members voted in favor.

Variance V-12-01: Janet Hilliard requested a variance for meeting the side setback requirement for a proposed subdivision of her property located at 7741 Brevard Rd. Property is zoned Residential Two Rural (PIN 9528175335). This was a quasi-judicial procedure. Mr. Jonathon Hilliard was sworn in to testify on behalf of Janet Hilliard, his ex-wife. Mr. Linville summarized the nature of the variance request which was to subdivide property with one of the existing buildings on site not having to meet the required 10' side setback requirement. Mr. Linville stated that it was the staff's opinion that no hardship existed and that it was the position of the staff to recommend denial of the variance. Mr. Hilliard testified that if the variance was not granted, it would create a hardship upon Ms. Hilliard and reduce her ability to earn income on her rental property which is the building in question. Deputy Attorney, Sarah Zambon, asked a series of questions to the applicant, Mr. Hilliard, regarding his stated hardship and purpose behind the variance request, and determined that based on the variance requirements as stated in the Land Development Code, it did not meet the components required for the approval of a variance. Hunter Marks made a motion to approve the variance request. Tony Engel seconded it. The vote count was 3 to 2 in favor of variance request approval; however, since a Board Approval requires 4 out of 5 votes, the request was denied.

Variance V-12-02: Boyd Hyder requested a variance for meeting the perimeter setback requirement for the proposed asphalt plant on the property located off Clear Creek road. The property is zoned industrial. (PIN 9528175335). This was a quasi-judicial procedure. Boyd Hyder, property owner, Greg Bellini, general contractor, and Bill Harper adjacent property owner were sworn in to testify in this case. Mr. Linville summarized the nature of the variance request which was to reduce the 100'

perimeter setback in the rear of the property to 20' since it is abutting a property of similar use. Mr. Linville stated that it was the position of the staff to recommend approval of the variance. The County's Deputy Attorney, Sarah Zambon, asked a series of questions to the Mr. Linville, regarding the purpose behind the variance request, and determined that based on the variance requirements as stated in the Land Development Code, it did meet the components required for the approval of a variance. Anne Pouch made a motion to approve the variance, Mr. Staton seconded it. All members voted in favor of the request.

Amend SUP-12-04: Boyd Hyder made a request to amend the Special Use Permit for the proposed asphalt plant on the property located off Clear Creek road. The property is zoned industrial. (PIN 9528175335). This was a quasi-judicial procedure. Boyd Hyder, property owner, Greg Bellini, general contractor, and Bill Harper were sworn in to testify in this case. Mr. Linville recommended approval of the newly amended site plan. Tony Engel made the motion to approve. Hunter Marks seconded it. All members voted in favor of request.

Adjourn Meeting: There being no further business Mr. Engel voted for adjournment and Chairman Phelps adjourned the meeting at 5:15 p.m.

Jim Phelps, Board of Adjustment Chairman

Todd Taylor, Board Secretary