

**MINUTES SUMMARY OF THE HENDERSON COUNTY
BOARD OF ADJUSTMENT MEETING
January 4, 2012
Rescheduled from December 28, 2011**

Henderson County Board of Adjustment rescheduled the December 28, 2011 meeting to January 4, 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
Tony Engel
Hunter Marks
Jim Clayton
David Sandler, Alternate Member

Staff Members Present:

Toby Linville, Zoning Administrator
Sarah Zambon, Deputy County Attorney
Karen Ann Wall, Board Secretary
Anthony Starr, Planning Director

Also Present:

John Myers, Applicant

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

Review and approve October 26, 2011 Meeting Summary: Chairman Phelps asked for approval of the summary. Mr. Engel made a motion for approval. Mr. Clayton seconded the motion. All members voted in favor.

Chair Election: Mr. Marks nominated Jim Phelps for Board of Adjustment Chairman. Mr. Clayton seconded the motion. All members voted in favor.

Vice-Chair Election: Mr. Phelps nominated Hunter Marks for Board of Adjustment Vice Chairman. Mr. Engel seconded the motion. All members voted in favor.

Case SUP-11-05: John Myers and Beth and Ronnie Oliver, requesting special use permit for Wind Turbine greater than 40 feet in height in R3 zoning on Chimney View Road (PIN 0604516921). John Myers and Mr. Linville were sworn in as parties. Hunter Marks made the motion to go into public hearing. Mr. Engel and Mr. Clayton seconded. All members voted in favor of going into public hearing. The zoning packet and the PowerPoint presentation by Mr. Linville were presented and accepted into evidence. After discussion Mr. Engel made the motion to accept the application with the following conditions:

1. The wind turbine must be in conjunction with either the Oliver residence or a residence on the Myers' property. In the instance where neither of these is the primary residence, the Applicant must notify the Zoning Administrator and will be reviewed by the Zoning Board of Adjustment. The Special Use Permit may be terminated if there is no appropriate primary residence.
2. Applicant shall provide documentation showing the proposed wind turbine is in fact an accessory to the home on PIN 0604713199. Such documentation should include a written and notarized agreement that provides the sharing of the revenue for energy created by the wind turbine.
3. Applicant shall provide proof of a platted easement to the homeowner of parcel 0604516921 for the purposes of access and maintenance.
4. Applicant shall submit a recorded plat that recombines parcels 0604516921 and 0604517412 or a plat adjusting the parcel boundaries to allow the wind turbine to meet the proper setback requirements of 110 feet. Alternatively the applicant may provide proof of a recorded plat and easement protecting the 110 foot zone from any structural encroachments.
5. Applicant shall design and install wind turbine with only non-reflective colors that are consistent with the natural vegetation within 200 feet of the proposed turbine location. The Applicant shall provide color samples to the Zoning Administrator for approval prior to installation.
6. Applicant shall provide a certified statement by a professional engineer, licensed in the State of North Carolina, certifying the survival sustained wind speed of 110 miles per hour and height measured from the ground at the base of the turbine to the center of the hub at its highest point.

7. There must be 60' trees within 200' of the wind turbine to allow maximum height.
8. The turbine must not exceed 100' to the center of the hub of the turbine.

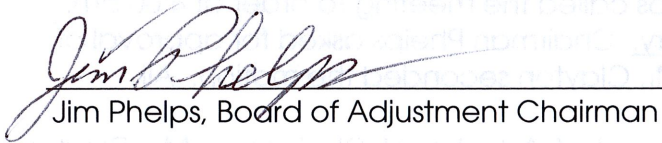
Mr. Marks seconded the motion.

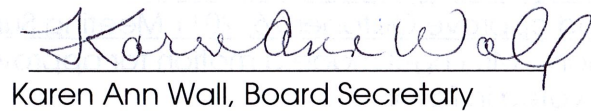
The vote was 4 - 1:

- Mr. Phelps - voted in favor of approving the application.
- Mr. Engel - voted in favor of approving the application.
- Mr. Marks - voted in favor of approving the application.
- Mr. Sandler - voted in favor of approving the application.
- Mr. Clayton - voted against approval of the application.

Mr. Engel made a motion to go out of public hearing. Mr. Clayton seconded the motion. All members voted in favor.

Adjourn Meeting: Chairman Phelps called for a motion to adjourn the meeting. Mr. Marks made the motion. The meeting was adjourned at 6:40 p.m.


Jim Phelps, Board of Adjustment Chairman


Karen Ann Wall, Board Secretary