

MINUTES OF THE HENDERSON COUNTY
ZONING BOARD OF ADJUSTMENT

The Henderson County Zoning Board of Adjustment held its rescheduled meeting of November 24th on December 1st, 2010 at 4:00 p.m. in the King Street Meeting Room, 100 N. King Street, Hendersonville, North Carolina. Those present were: Jim Phelps, Chairman, Jim Crafton, Vice Chairman, Ann Pouch, Hunter Marks, Tony Engel, Zoning Administrator Toby Linville, Deputy County Attorney Sarah Zambon, Zoning Board Secretary, Karen Ann Wall.

Chairman Phelps: Called the meeting to order at 4:13 PM. He introduced the board members.

Chairman Phelps: The Old Business is review and approve the minutes. We were just having a discussion about that. Apparently there were some typos we saw originally but can't find now unless anyone else has got anything.

JCrafton: I would like to offer one thing that I think does need to be corrected, Page 1 just past the middle point you see Hunter Marks made a motion, J Crafton seconded, then is says J Crafton made the statement "Motion made and seconded. All in favor say aye." I think that should be Jim Phelps. I didn't acknowledge the motion was made.

ZBA Secretary KAWall: Yeah, that's true.

Chairman Phelps: Anything else anybody's seen that's obvious? I know I read through them on the computer and couple things but nothing of any significance. Tony said he thought he spotted some typos or transposition errors but I didn't spot them as I read back through. Well if there are no other corrections, additions do I have a motion we approve the minutes as corrected?

JCrafton: So moved.

APouch: Second.

Chairman Phelps: Ann second. All in favor, aye. Opposed, no. Unanimously approved. That takes care of our first item on the agenda. The New Business is the approval of Order A-10-04 Charles Stambaugh Associates P.A. requesting appeal of civil penalties assessed on case number HEND-2007-065 Four Sims Hollow. So everybody has a copy of the order I guess in the book. Having previously read through those I found them accurate to me. You got these two you say you want signed?

ZBA Secretary KAWall: And you grabbed yours, right? You grabbed yours the other day?

Chairman Phelps: Well you got these two that need to be signed, right?

ZBA Secretary KAWall: Yeah.

TEngel: Having not been here do I vote on this?

Chairman Phelps: You had a chance to read it, so

TEngel: Yeah, but I don't know exactly, because I wasn't here.

Chairman Phelps: Well, it's just a matter to make it official right, Sarah? At this point we just voting to sign and make it official on the actions that we took.

Deputy County Attorney SZambon: All the order is doing is recounting what happened at your last meeting. You cannot change the decision now. Yes, Tony?

TEngel: I wasn't here at the last meeting.

Deputy County Attorney SZambon: But you had available – you read the minutes?

TEngel: I read the whole thing.

Deputy County Attorney SZambon: You had the minutes and you read the order. And you had all the other information that was available to you, the language, all the stuff, you can vote on the approval of the order.

TEngel: There can be no changes?

Chairman Phelps: No, there can be no changes.

Chairman Phelps: So do I have a motion we adopt and approve the order as written, A-10-04?

HMarks: I make a motion.

APouch: I second.

Chairman Phelps: Hunter, Ann seconds.

APouch: I mean that's what we did.

Chairman Phelps: Yeah, that's it. It seems accurate to me. Any discussion on the order? If not shall we come to a vote? All in favor of approving the order as written, aye. Opposed, no. Unanimously approved. Karen Ann, I'll sign the orders and that will take care of that matter.

Chairman Phelps – voted to approve order as written

Jim Crafton – voted to approve order as written

Ann Pouch – voted to approve order as written

Hunter Marks – voted to approve order as written

Tony Engel - voted to approve order as written

Chairman Phelps introduced Planning Director, Anthony Starr to present training on the Stormwater Management Ordinance. Mr. Starr made his presentation.

There was a brief discussion regarding the January 5th 2011 meeting (rescheduled from December 29, 2010). Since there were no cases to be heard the Zoning Board voted to cancel the January 5th meeting. The next Zoning Board meeting would be January 26th, 2011.

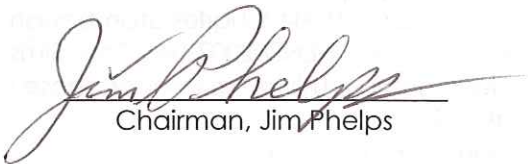
Chairman Phelps requested David Weintraub, ECO member give a presentation of the recent film he produced on Stormwater issues in Henderson County. The Zoning Board Secretary was asked to contact Mr. Weintraub and schedule a presentation.

Chairman Phelps: Anything else to come up at this meeting? If not we'll entertain a motion to adjourn. All in favor, aye.

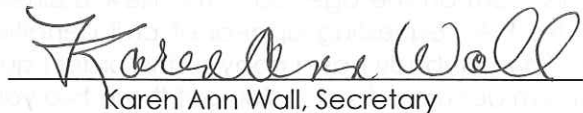
All members stated aye.

Chairman Phelps: Meeting is adjourned.

Meeting adjourned at 4:54 p.m.



Chairman, Jim Phelps



Karen Ann Wall, Secretary