

MINUTES OF THE HENDERSON COUNTY
ZONING BOARD OF ADJUSTMENT

The Henderson County Zoning Board of Adjustment held its regularly scheduled November meeting on Wednesday, November 28, 2007, at 4:00 p.m. in the Board of Commissioners Meeting Room, 100 N. King Street, Hendersonville, North Carolina. Those present were: Dean Bonessi, Chairman, Jim Phelps, Vice-chairman, Tony Engel, Ann Pouch, Gary Griffin, Alternate Jim Crafton, Alternate Janice Brown, Zoning Administrator Toby Linville, Secretary to the Board Karen Ann Antonucci, and Associate County Attorney Sarah Zambon.

Chairman Dean Bonessi called the meeting to order at 4:00 PM. He stated since there were no cases to hear that they move forward and approve the minutes. He asked for a motion to approve the minutes.

Jim Phelps offered a motion to approve the September 26, 2007 meeting minutes.

Ann Pouch seconded the motion.

The Board of Adjustment voted unanimously to approve the minutes.

Chairman Bonessi signed the minutes.

Chairman Bonessi asked for a motion to approve the order denying Appeal 07-16, George Andrew Bennett, for an appeal of S.R. 4.13.

Ann Pouch offered 2nd motion to approve this order.

The Board of Adjustment voted unanimously to approve the minutes.

Chairman Bonessi signed both copies of the order.

Chairman Bonessi said there were not cases to be heard then asked to have Associate County Attorney Sarah Zambon train the board on Hypotheticals Part-4.

OLD BUSINESS

Associate County Attorney Sarah Zambon began the first part of her training. The topic was Zoning Board of Administration Hypotheticals Part-4. She went through some facts and asked some true or false questions in the training. She stated that time limits can be imposed when hearing a party to the hearing.

Zoning Administrator Toby Linville suggested time limits can be indicated in the letters sent to adjacent property owners.

Associate County Attorney Sarah Zambon started the second part of her training. It was on the by-laws for the Zoning Board of Adjustment. She sited the board does not have its own by-laws but are using the ones that were created by the Board of Commissioners. She sited that the board has new responsibilities since the by-laws from 2002 were drawn up but were not adopted. She feels that the by-laws need to be reviewed, updated and approved based on the new Land Development Code. She provided a 2002 draft copy of the by-laws and other county board's by-laws as examples. She asked that the Zoning Board review the draft material and offer suggestions on what they want to

updated by-laws to reflect. She suggested they discuss what direction the board wants to go in and might want to address quorums and attendance in the updated by-laws.

Associate County Attorney Sarah Zambon said she could have a draft back to the board by the February 2008 board meeting.

Ann Pouch asked if the board is currently doing anything that might be out of line with what the Commissioners intended them to do.

Associate County Attorney Sarah Zambon said the board is operating within the realm of the wishes of the Board of Commissioners.

Gary Griffin asked if it was redundant to have their own by-laws since the Commissioners have created by-laws for the board already.

Jim Crafton said that having their own by-laws give the Zoning Board its own identity and is to their benefit.

Tony Engel said he is on other boards that have their own by-laws. He also asked about the role of the Alternate Board Member. At this time if the 5 board members are present the Alternate cannot vote.

Alternate Board Member Janice Brown said she did not want anymore responsibility.

Tony Engel moved to have Associate County Attorney Sarah Zambon take the 2002 draft and come up with the board's own by-laws.

Jim Phelps seconded the motion.

The Board of Adjustment voted 4-1 to approve drafting by-laws with Gary Griffin casting the dissenting vote.

Gary Griffin suggested the existing material pertaining to the Zoning Board from the Board of Commissioners by-laws be used to create the updated Zoning Board by-laws so as not to use Sarah's time to recreate basically the same intent of the by-laws.

Jim Crafton suggested the standards be raised for the Alternates. Since the decisions of the Zoning Board cannot be overturned by the Commissioners the Alternates should be more accountable and trained more extensively to serve the public better.

There being no further comments or business, **Chairman Bonessi** made a motion to adjourn the meeting. Jim Phelps offered a first and Tony Engel seconded the motion. The meeting was adjourned at 5:19 p.m. The next meeting will be on Wednesday, January 2, 2008 at 4:00 p.m.

Dean Bonessi, Chairman

Karen Ann Antonucci, Secretary