

MINUTES OF THE HENDERSON COUNTY  
ZONING BOARD OF ADJUSTMENT

The Henderson County Zoning Board of Adjustment held a special called meeting on Wednesday, June 13, 2007, at 7:15 p.m. in the Board of Commissioners Meeting Room, 100 King Street, Hendersonville, North Carolina. Those present were: Chairman Dean Bonessi, Tony Engel, Jim Phelps, Ann Pouch, Alternate Jim Crafton, Zoning Administrator Natalie Berry, Code Enforcement Services Director Toby Linville, Associate County Attorney Sarah Zambon, and Secretary to the Board Joyce Karpowski.

Chairman Dean Bonessi called the meeting to order at 7:22 PM.

The Board had a draft variance order to look over and approve, but only 3 members from the hearing were present and the order could not be approved. The Board discussed ways of having orders printed at the end of each hearing so applicants would not have to wait until the next meeting for their orders. Attorney Zambon said perhaps there could be a conditional permit issued the day of the hearing so people could start their project and not have to wait. She would speak with the County Attorney and see if there was something.

Chairman Bonessi asked about a proxy vote for orders when members cannot be present. Attorney Zambon said she would check and see if this is feasible and how.

The Board discussed the attendance of the Board members and how to handle the absenteeism that is making it difficult at times to hear cases.

Chairman Bonessi asked how the Board wanted to proceed tonight since there were 3 alternate members and 1 regular member absent. Attorney Zambon said everything could be done tonight except the approval of the order.

The Board decided to first continue with the membership issue. The question is what would help – more member or more alternates. Mr. Phelps said one alternate should come every month. Chairman Bonessi suggested drafting a letter to all members asking if they still want to serve on the Board. He said the real question is why people are not showing up. Attorney Zambon said members do not have to attend the meeting, but must be able to have access to the material and information from a meeting, then they could sit in a continued hearing at the next meeting. The Board discussed having an extra member at all meetings. Attorney Zambon said she would not want to use telephone conferencing because of legal issues. Mr. Phelps said maybe Mr. Crafton would come to every meeting and that would help. Mr. Crafton said he was planning on coming to every meeting anyway. Attorney Zambon said that we need committed members before the new Land Development Code is in place. Chairman Bonessi said he would speak with Natalie and Joyce about the letter and get that out. The Board seems to like the idea of having “permanent” alternate, who attends every meeting and then also have another alternate at each meeting. The Board also suggests adding another alternate for a total of 5 alternates. The Board also suggested the members give at least 2 weeks notice if they cannot attend a meeting. Mr. Crafton suggested that with 4 alternate members, the Board ask 2 alternates to attend each month. Mr. Linville said that the Commissioners usually use 3 absences in a row as a reason to replace a member and the Board may want to consider using that or adding it to the By-Laws.

The Board moved on to the Nuisance Ordinance. Chairman Bonessi said the Board had a lot of discussion about businesses being allowed outdoor storage as long as it's a part of the business. Mr. Phelps had a problem with that and suggested dead carcasses in outdoor storage by a tanning factory would not be healthy and outdoor refrigerator storage by a refrigerator repair company would not be safe. The Board discussed these and other outdoor storage possibilities.

Mr. Phelps suggested the wording for B should read "Outdoor storage by a business may be allowed so long as it is an essential part of the business and in compliance with a valid zoning permit and in so doing does not present a public nuisance or cause a health or safety hazard." Then if somebody wanted to do something else, it would come before this Board. Attorney Zambon said there is an exemption for farms through State law. Mr. Phelps said there had to be some statement that would not infringe on the rights of business and the same time the rights of the citizens.

Mr. Linville asked if that was the language the Board wanted to be presented to the Board of Commissioners. Chairman Bonessi said perhaps it could be drafted and brought back to the Board at the June meeting.

The Board went on to discuss its responsibility to interpret the Nuisance Ordinance and that most violations are resolved before coming before the Board.

The Board also discussed where and how much storage should be allowed. The Board thanked Mr. Linville for coming tonight.

Attorney Zambon said she would like to speak about some of the hypotheticals in the handout sheets. She would do as many possible until 9 PM. The Board said they could do more at meetings after hearings until 7 PM. Attorney Zambon suggested the Board look over the hypotheticals in advance and perhaps it would go faster.

Attorney Zambon proceeded to go over the hypotheticals and explained the reasons and why. The Board asked many questions.

There being no further business, Chairman Bonessi adjourned the meeting at 9:00 PM. The next meeting is Wednesday, June 27, 2007, at 4 PM.

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Dean Bonessi, Chairman

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Joyce Karpowski, Secretary