

MINUTES OF THE HENDERSON COUNTY  
ZONING BOARD OF ADJUSTMENT

The Henderson County Zoning Board of Adjustment held its regularly scheduled January meeting on Wednesday, January 31, 2007, at 4:00 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, Zoning Administrator Natalie Berry, and Secretary to the Board Joyce Karpowski. Gary Griffin arrived late.

Chairman Dean Bonessi called the meeting to order at 4:15 PM. He said the Board is waiting for the fifth member of the Board to arrive. In the interim, Chairman Bonessi presented an award to Dale Caldwell who has served on the Board since 1994 and has resigned. He thanked him for his service.

Chairman Bonessi presented the minutes of the meeting from January 3, 2007. Mr. Phelps moved to approve the minutes, Mr. Engel seconded, and all four members voted to approve the minutes as presented.

The agenda was adjusted to speak about the Appeal from Mr. Lamb.

**Case N-07-01, Richard Leon Lamb, Appeal of Notice of Violation and Declaration of Public Nuisance**

Chairman Bonessi called Case N-07-01, Richard Leon Lamb, Appeal of Notice of Violation and Declaration of Public Nuisance, 500 Brookside Camp Road. Ms. Berry explained that Mr. Lamb's attorney, Christopher Stepp, has asked to continue this hearing to the Board's regular meeting in March. Along with this property, Mr. Lamb has another property in violation and he is asking that they both be heard together in March. Ms. Berry has spoken to Toby Linville, Director of Code Enforcement, and Tom McGraw and Lyle Case, Enforcement Officers, and they are in agreement with this. She explained that the first property has been cleaned up and Mr. Lamb is no longer in violation.

The Board discussed the continuance and had no problem with it. Mrs. Pouch made a motion to continue the case until the March 28, 2007, meeting and Mr. Engel seconded. All four members voted in favor of the motion.

**COMMITTEE AND STAFF REPORTS:**

Ms. Berry passed out a confidential paper from Associate County Attorney Sarah Zambon about bona fide farms in relation to the Nuisance Ordinance.

Ms. Berry showed the Board a rendering of a plaque with all the names and years of service of the members of the Zoning Board of Adjustment since 1980. She would like to have it made and find a place to hang it.

Mrs. Pouch asked if there was any way to limit the amount of time that people speak before the Board. Ms. Berry said the only way to limit people in a quasi-judicial hearing is if they are not parties to the proceeding. If the hearing is not quasi-judicial, then there can be a time limit.

Mr. Griffin arrived.

Ms. Berry asked the Board if they had any idea about how long they wanted the meetings to be and if they wanted to limit the amount of cases heard in one month. Mr. Griffin said to take them as they

come and they can always be continued to another date. Chairman Bonessi said it might be nice to limit the meetings to 4 hours. Ms. Berry said that, if she has a lot of cases in a month, she can let the petitioners know that their case may be continued because of the time.

Ms. Berry spoke about a court ruling that said if an application comes in, and the ordinance changes, the application stays under the ordinance at the time it came in.

**Case V-06-15, Sandra D. Donaldson, (petitioner), continued**

Chairman Bonessi called the continuance of Case V-06-15 Sandra D. Donaldson, requesting a 45 foot variance from the front yard setback requirement of 75 feet at 459 Sandy Flat Mountain Road. The property is zoned RC. Mr. Brookshire presented a letter from Ms. Donaldson requesting a continuance of the hearing to the February 28, 2007 meeting. Mr. Brookshire explained that the person from Raleigh covers 36 counties and he is having difficulty getting him to come to look at the septic placement. He said they will try to minimize the variance request, but he needs the septic information first. Mr. Brookshire said that he would be glad to wait until the March meeting if the Board would be agreeable to that. The Board discussed this and Mr. Brookshire amended his request to the March 28, 2007. Mrs. Pouch made a motion to continue the hearing to the March 28, 2007 meeting and Mr. Phelps seconded. All five members voted in favor.

OLD BUSINESS: None

NEW BUSINESS: Election of Officers

Chairman Bonessi requested nominations for chairman. Mrs. Pouch nominated Mr. Bonessi and Mr. Griffin seconded. There were no other nominations and Mr. Bonessi was elected. Mrs. Pouch nominated Mr. Phelps for vice chairman and Mr. Engel seconded. There were no other nominations and Mr. Phelps was elected. Mr. Engel nominated Mrs. Karpowski for secretary and Mrs. Pouch seconded. There were no other nominations and Mrs. Karpowski was elected.

There being no further business, Mr. Engel made a motion to adjourn and Mr. Griffin seconded. The meeting was adjourned at 4:50 PM. The next meeting is Wednesday, February 28, 2007, at 4 PM.

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Dean Bonessi, Chairman

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Joyce Karpowski, Secretary