

MINUTES OF THE HENDERSON COUNTY  
ZONING BOARD OF ADJUSTMENT

The Henderson County Zoning Board of Adjustment held its regularly scheduled December meeting rescheduled to Wednesday, January 3, 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, Gary Griffin, Jim Phelps, Ann Pouch, Alternate Member Eric Goodman, Zoning Administrator Natalie Berry, Development and Enforcement Director Toby Linville, Associate County Attorney Sarah Zambon, and Secretary to the Board Joyce Karpowski.

Chairman Dean Bonessi called the meeting to order at 4:10 PM. Chairman Bonessi presented the minutes of the meeting from November 29, 2006. Mrs. Pouch moved to approve the minutes, Mr. Engel seconded, and all members voted to approve the minutes as presented.

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

Chairman Bonessi called the continuance of Case V-06-135 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 January 31, 2007 meeting. Mr. Brookshire explained that people from Raleigh will be looking at the septic placement next week and then they should have the information that they need. He spoke about reducing the size of the house and the variance request, but he needs the septic information first. Chairman Bonessi asked if he would have enough time and Mr. Brookshire said he hoped so and wants to get it as soon as possible. Mr. Phelps made a motion to continue the hearing to the January 31, 2007 meeting and Mrs. Pouch seconded. All members voted in favor.

**Case TU-06-08A, The Boulders Subdivision, petitioner**

Chairman Bonessi called Case TU-06-08A, The Boulders Subdivision, petitioner, requesting an amendment to the existing Temporary Use Permit #06-08 to place a sign at the entrance of the subdivision. The entrance is located directly across from 278 Randy Drive and the parcel is zoned R-15.

Ms. Berry gave a summary of the issues. Applicant requests an amendment to their Temporary Use Permit to place a sign at the entrance to the subdivision. The sign is to advertise the subdivision to potential buyers. After they received their Temporary Use Permit, they put up the sign, not realizing they needed a Temporary Use Permit for the sign. A picture of the sign is Exhibit "D". The sign is now covered up, Exhibit "C". It basically was an oversight. The sign is a 4' 5" x 5' 7" surface area sign, one-sided. The sign will be 8' 9" tall and will set back out of the right of way and is not in the travel sight. The applicant requests an expiration date of 5 years from the date of the Temporary Use Permit being granted while the subdivision is being developed.

Chairman Bonessi asked what the original Temporary Use Permit was granted for. Ms. Berry said she thought 2 years. But he may want the sign for longer than the construction trailers. She said the location of the sign was shown on Exhibit "B". There are no lights on the sign. Mrs. Pouch asked when the 5 years would start. Ms. Berry said from when the Board approves the permit and the 5 years would be for the sign only. Ms. Berry said that Randy Drive was in Stoney Mountain Estates.

Chairman Bonessi asked why they needed the Temporary Use Permit. Ms. Berry said the Ordinance does not allow signs over 4 square feet in the R-15 district. The sign is 25 square feet. The Board said

that 4 square feet is pretty small and you need a bigger sign. Ms. Berry said that the Board has allowed these for several subdivisions.

Mr. Griffin questioned the 5 years. Ms. Berry said that most are for 2 -3 years. Mr. Griffin said they could come back and renew it. Chairman Bonessi questioned the original permit for 2 years and the sign amendment for 5 years. Mr. Griffin said the grant the permit for 2 years. Chairman Bonessi agreed, saying 5 years seemed a long time.

Dan Scranton, representing the sign company, said the top of the sign is changeable and asked if they would have to come before the Board to change the top. Ms. Berry said no as long as the change is on the same surface and the size doesn't increase.

The Board discussed the length of time for the Temporary Use Permit and a permanent sign at the entrance of the subdivision.

Mr. Griffin made a motion to approve the Temporary Use Permit for 3 years and Mr. Engel seconded.

Chairman Bonessi called for a vote by show of hands.

Mrs. Pouch	Yes
Mr. Bonessi	Yes
Mr. Phelps	Yes
Mr. Griffin	Yes
Mr. Engel	Yes

Chairman Bonessi said the Temporary Use Permit has been granted and he will make arrangements to sign it by the end of the week. Ms. Berry asked when it could be effective. Associate County Attorney Sarah Zambon said that it could be effective as of today, but the order wouldn't be signed until the next meeting. Ms. Berry asked if the cover of the sign could be removed tomorrow. Associate County Attorney Sarah Zambon said yes.

**COMMITTEE AND STAFF REPORTS:**

Development and Enforcement Director Toby Linville spoke to the Board about the Public Nuisance Ordinance. The Ordinance was approved by the Board of Commissioners in July and enforcement started in September. The Board of Adjustment is the Board that will hear appeals of a public nuisance declaration. The Board discussed the Ordinance with Mr. Linville.

**OLD BUSINESS:** None

**NEW BUSINESS:** Ms. Berry reminded the Board that elections for the Board would be next month, the first scheduled meeting of the year.

Associate County Attorney Sarah Zambon said that she would like to go over procedural things with the Board at future meetings.

There being no further business, Mr. Phelps made a motion to adjourn and Mr. Griffin seconded. The meeting was adjourned at 5:14 PM. The next meeting is Wednesday, January 31, 2007, at 4 PM.

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Dean Bonessi, Chairman

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Joyce Karpowski, Secretary