

MINUTES OF THE HENDERSON COUNTY  
ZONING BOARD OF ADJUSTMENT

The Henderson County Zoning Board of Adjustment held its regularly scheduled June meeting on Wednesday, June 29, 2005, at 4:00 p.m. in the Meeting Room of the Henderson County Land Development Building, 101 East Allen Street, Hendersonville, North Carolina. Those present were: Chairman Robert Fleming, Dean Bonessi, Tony Engel, Ann Pouch, Alternate Member Dale Caldwell, Assistant Zoning Administrator and Planner Autumn Radcliff, Planning Director Karen Smith, Development and Enforcement Director Toby Linville, and Secretary to the Board Joyce Karpowski.

Chairman Fleming called the meeting to order at 4:05 PM and introduced the members of the Board. Mrs. Smith introduced Autumn Radcliff filling in for Natalie Berry, Zoning Administrator. She also introduced Toby Linville, Development and Enforcement Director, a new position, who will be taking over the zoning function. Mr. Linville spoke about the new department.

Chairman Fleming presented the minutes of the meeting from May 25, 2005. There were no corrections or changes. Chairman Fleming moved to approve the minutes as written, Mrs. Pouch seconded, and all members voted to approve the minutes as presented.

Chairman Fleming welcomed everyone. Chairman Fleming explained the quasi-judicial procedure that would be followed today and the appeal process. He called forward anyone wishing to testify today to be sworn in. Sworn in were: Assistant Zoning Administrator Autumn Radcliff, Richard Krupp President of Carriage Park Homeowners Association, and Dale Hamlin acting on behalf of Carriage Park.

**Case TU-05-06, – Carriage Park**

Chairman Fleming called Case TU-05-06, Carriage Park, requesting a Temporary Use Permit to place a sign at the entrance of the subdivision at Haywood Road entrance for sale of remaining parcels within the development. The parcel is located at 2827 Haywood Road (Hwy 191) and is zoned R-20.

Chairman Fleming asked for a summary of the issues. Mrs. Radcliff said that the application was duly advertised using the procedures of a variance request, which are outlined in Section 200-69.B(3) of the Henderson County Zoning Ordinance. The parcel is zoned R-20 and in a WS-IV watershed. The parcel is located at 2827 Haywood Road (Hwy 191). Section 200-69.D – Temporary uses states the following.

“Except as otherwise provided in this chapter, the Zoning Board of Adjustment may grant a temporary use permit to allow a use not ordinarily permitted in the district, provided that such permit has a fixed expiration date, and the applicant satisfies any conditions imposed by the Zoning Board of Adjustment. [Amended 05-16-2001]”

Mrs. Radcliff continued that the sign (a diagram is in the packet) will be constructed of wood. The dimensions of the display area of the sign are to be 6 foot X 4 foot (24 Square feet). The numbers and thermometer reading will change on the sign with continuing sales. The applicant requests an expiration date of 2 years from the date of the Temporary Use Permit being granted. The sign will be located on the parcel to the left of the entrance and situated at a minimum of 10' back from the right of way boundary. The sign will be outside of the sight triangle required by the Department of Transportation for clear visibility onto the approaching street.

Chairman Fleming asked if there was a specific size for the sign in R-20 zoning. Mrs. Radcliff said that normally signs are not allowed in R-20 except for customary home occupations. Carriage Park is a subdivision – subdivisions are allowed signs and Carriage Park also has a Special Permit. Mrs.

Radcliff said this would be above and beyond what is in their permit already and would just be temporary.

Mrs. Pouch asked about signs up to 4 square feet being permitted in the R-20 district advertising sale or rental property and if that would apply. Mrs. Radcliff said that would apply to a homeowner but this proposed sign will be more extensive than what would be allowed by right and be for a fixed period of time.

Chairman Fleming asked Dale Hamlin to come forward. Mr. Hamlin said the reason for a more detailed sign is to sell Carriage Park out a little faster. He said the land is very steep and the general traffic on Highway 191 does not see more than 25 – 30 homes and he would like the traffic on Highway 191 to know that there is the potential for 695 homes in Carriage Park. Mr. Hamlin said they have sold about 350, so they have sold about half and would like to accelerate the selling of the balance. He said the sign would be a scorecard type of thing, tasteful, quality looking, not garish, with some kind of graphic showing where they are at the current stages. This would be something like the Red Cross using a thermometer to show how fast things are going. Mr. Hamlin said he doesn't think the general public knows how large Carriage Park is and this would be an opportunity to say to come and look at the place. He feels it would help the homeowners association to accelerate the sales and the developers to leave. Mr. Hamlin said he got the idea from a sign on Highway 25 South in front of a development between Flat Rock and Hendersonville.

Mr. Bonessi said that the dimension of the sign was 24 square feet but what was the height of the sign. Mr. Hamlin said the sign looks to be low to the ground so it would be eye level with drivers. He said they don't want the sign to be busy, but a quick read at eye level.

Chairman Fleming asked if the proposal would be for a couple of years. Mr. Hamlin said they are accelerating sales and hope to sell out in a couple of years.

Mr. Engel asked for the exact height of the sign. Mr. Hamlin said that the sign would probably be eighteen (18) inches from the ground so the sign would be 7 ½ feet high.

Richard Krupp, President of the Homeowners Association of Carriage Park came forward. He said they were interested in knowing the placement of the sign and it appears to be facing out to Highway 191 and not perpendicular to Highway 191, which is fine. Mr. Krupp said that if the sign will help sell the lots quicker, the Association is in favor of it. Mr. Krupp said that is the position of the Executive Board of Carriage Park, not just his personal position.

There were no more comments and Chairman Fleming closed the public hearing and asked the Board for discussion.

Mr. Engel said the height of the sign should be stated. Mrs. Pouch and Chairman Fleming said that could be a condition. Mr. Engel said that it should say the sign be 6 feet high and 1-½ feet from the ground. Mrs. Pouch asked if the 2 years was too long. Mr. Caldwell said not for what he wanted to do. Mr. Engel said 2 years was on the short side. Mr. Bonessi said he would like to add that if they sold out sooner, that the sign be removed. Chairman Fleming asked if the permit would have to be renewed after 2 years. Mrs. Radcliff said yes.

Mrs. Pouch said with regard to the application of TU-05-06, Carriage Park, for a Temporary Use Permit, I move the Board to make the following findings of facts: That a satisfactory expiration date has been decided which will allow the applicant sufficient time in which to accomplish their goals and that time shall be two (2) years. Accordingly, I further move the Board to grant the requested Temporary Use Permit with and only to the extent represented in the application and to restrict the size of the sign to 7 ½ feet high and 4 feet wide. Also, a condition that if the properties sold out sooner, the permit would expire and the sign be removed. Also, include the conditions that Mrs. Radcliff included in the

summary of issues (#7 & #8) and as the sign is shown on page 1-4 of the Board's packet. Mr. Engel seconded the motion.

Chairman Fleming asked for a vote by a show of hands:

Mr. Fleming	-	Yes
Mrs. Pouch	-	Yes
Mr. Caldwell	-	Yes
Mr. Engel	-	Yes
Mr. Bonessi	-	Yes

Chairman Fleming said the Temporary Use Permit was granted with conditions.

**Case I-05-07, – Natalie Berry**

Chairman Fleming called Case I-05-07, Natalie Berry, requesting interpretation of whether a Restaurant would be an allowed use by right within the C-2 zoning district.

Chairman Fleming said that the Board would not be able to deal with this matter and Ms. Berry asked that it be withdrawn. Chairman Fleming made the motion to withdraw the application and Mrs. Pouch seconded the motion. All members voted in favor.

COMMITTEE AND STAFF REPORTS: None

OLD BUSINESS: None

NEW BUSINESS: None

There being no further business, Mr. Caldwell made a motion to adjourn. Chairman Fleming seconded the motion and all voted in favor. The Chairman adjourned the meeting at 4:29 PM.

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Robert Fleming, Chairman

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Joyce Karpowski, Secretary