

January 29, 2003  
4:00 PM

MINUTES OF THE HENDERSON COUNTY  
ZONING BOARD OF ADJUSTMENT

The Henderson County Zoning Board of Adjustment held its regular January meeting on Wednesday, January 29, 2003, at 4:00 PM in the Meeting Room of the Henderson County Land Development Building, 101 East Allen Street, Hendersonville, North Carolina. Those present were: Vice Chairman Tamra Crane, Anthony Engel, Robert Fleming, Ann Pouch, Phillip Stanley, Planning Director and Acting Zoning Administrator Karen Smith, and Secretary Joyce Karpowski. Also present were Planning Board Chairman Tedd Pearce and Assistant County Attorney Russell Burrell.

Acting Chairman Crane called the meeting to order at 4:08 PM and introduced the members of the Board. The first order of business was the election of officers for the year 2003 and Chairman Crane opened the floor for nominations. Robert Fleming nominated Diane Grant for Chairman and Ann Pouch seconded the nomination. Ann Pouch nominated Tamra Crane for Vice Chairman and Robert Fleming seconded the nomination. There were no further nominations. The nominations were approved. Robert Fleming moved to appoint Joyce Karpowski as Secretary and Anthony Engel seconded the nomination. All voted in favor of the motion.

Chairman Crane presented the minutes of the meeting held on January 8, 2003. Chairman Crane said that there was a name correction on Page 1, Paragraph 4. Mr. Engel moved that the minutes be approved with the correction. Mrs. Pouch seconded the motion. The motion was unanimously approved.

Chairman Crane called forward people who would testify in the case today. Sworn in were: Richard Hallberg, Kathy Harshman, Georgina Holmes, Diane Simpson, June Reese, Laurence Holmes, Brenda Coates, Tedd Pearce, and Karen Smith, Acting Zoning Administrator.

Chairman Crane said that because this is a Conditional Use Permit, the Board will be operating under a quasi-judicial proceeding.

**Case V-02-15, Richard Hallberg and Kathy Harshman**

Chairman Crane opened the public hearing and called Case V-02-15, which is a continuation of Richard Hallberg and Kathy Harshman, requesting a Conditional Use Permit to operate a camp and its related services located in an R-20 district. The property is located at South Lakeside Drive at Lake Osceola. Karen Smith gave a summary of the issues. Mrs. Smith explained that the Board had received a packet for this case for the last meeting and had received a supplemental packet this month with information that the Planning Board had received for their meeting on January 21<sup>st</sup>. Mrs. Smith said the applicants are seeking a Conditional Use Permit to operate a day camp and a summer camp (which are defined by the applicants in their packets) on property in an R-20 district. The approximate size of the property in question is 12.3 acres. According to County tax records, the property is listed in the name of Camp Riley, Inc. The parcel is zoned R-20, Low Density Residential. Mrs. Smith read the definition of camp as defined in Section 200-7.B of the Zoning Ordinance. The applicants wish to operate a "day camp" and a "summer camp". From the information provided to date, staff understands that the applicants propose that the "day camp" be for children ages 6 to 14 and that it will operate for approximately 10 weeks (May 26-August 1) between the hours of 6:00 AM and 6:00 PM. The "summer camp" involves the applicants allowing the use of the camp property by other groups for daily or overnight use during a period before and after the operation of the day camp (March 31-May 23 and August 2-September 28). Summer campers staying overnight would provide their own tents or shelters. Day camp activities have been described in the packet sent to Board members last week, and will include various sports, horseback riding, mountain biking, swimming, rock climbing and arts and crafts. According to the

application materials, "summer camp" activities will be similar to those of the "day camp". R-20 does allow camps with a Conditional Use Permit. The property has been used as a camp in the past and has been the subject of two prior Conditional Use Permits (CU-5-93 and CU-01-10, files available at the meeting and orders were sent to the Board members).

There are no specific site standards for camps in the R-20 district or elsewhere in the Zoning Ordinance; therefore, the Board must consider the application in light of the general requirements and specific requirements applicable to all conditional uses. In order to grant the Conditional Use Permit, the Board must find that the general requirements in Section 200-55 of the Zoning Ordinance are met and Mrs. Smith read them. In addition, the Board must make findings as to whether the applicants have made sufficient provision the items in Section 200-69C of the Zoning Ordinance, where applicable and Mrs. Smith read them. The Board may impose reasonable conditions on a Conditional Use Permit to assure that it will meet the requirements and spirit of the Zoning Ordinance.

The applicants proposed an 8 ft. x 4 ft. sign (schematic attached). Such sign has already been installed on the property.

The Board referred the application to the Planning Board for review and a recommendation. Staff will present the Planning Board's recommendation later in the meeting. However, staff would like to note that the applicants presented a revised site plan to the Planning Board at its meeting on January 21, 2003. It has been distributed to the Board today. Applicants brought in an amended plan, which they will describe today. In reviewing the revised site plan, the applicants informed the Planning Board of their intentions to use temporary sewage disposal and water supply (in the form of so-called "port-a-potties" with attached sinks) for the first year as well as their plans to provide temporary shelter via two large "pavilion-type" tents for the first year. In addition, they propose to remove one of the potential cabin sites, to remove two of the tennis courts and to install a swimming pool in the future (no time frame has been specified). The main house building (Building 6 on the site plan) has already been removed – it is not clear what will be built in its place. The applicants have provided Planning Department staff with a copy of the revised site plan. They should review the revisions to the plan in detail as well as their other information so that the Board has a full understanding of what has been requested.

Also, for the record, Mrs. Smith said that today's hearing was duly advertised in accordance with the Zoning Ordinance.

Mrs. Smith showed photographs of the property and described them. Mrs. Smith also showed an air photo of the property. The Board took time to read the recommendations of the Planning Board. Mrs. Smith entered all the packet materials as evidence.

Chairman Crane called the applicants forward to give any additional information. Kathy Harshman and Richard Hallberg came forward. Mr. Hallberg said they would like to open a day camp for school children out of school for approximately 10 weeks. The hours of operation would be 6 AM to 6 PM, Monday through Saturday. The activities listed would not create an excessive amount of noise – no rifle range. Chairman Crane asked if there would not be a rifle range or one that would not create noise. Mr. Hallberg said there would not be a rifle range. There would not be any shooting sports: no BB gun or bow and arrows. Mr. Hallberg said there is a place for a dining hall and kitchen but he has not been able to get a contractor to build it for this year. He will rent a tent pavilion from Hendersonville Tents to use this year, the size 40' x 100' (or 80'), that will seat approximately 160. He also plans on removing 2 tennis courts and installing a pool, but not this year. There will be another tent in that location, the size 40' x 60', to seat approximately 100 people. Mr. Hallberg said that the main house on the site plan was burned by the fire department and the rubble removed by a contractor. Mr. Hallberg said they want to replace the building with another home in the future. Cabin #8 will be removed and replaced with a similar cabin. Mr. Hallberg said that the cabins will not be used for overnight stays, but for activities only and shelter for the kids. Chairman Crane asked if the cabins would be open by May of this year. Mr. Hallberg

said no.

Chairman Crane asked Mr. Hallberg to address what would be used this year. Mr. Hallberg said they would have cabins #9, 10, and 11 used as craft buildings, building #3 will be the Director's living quarters, #1 for the maintenance quarters, #2 will be maintenance and storage, #5 will be the Director's office and infirmary, #4 the barn for horses, #7 a tool shed, and the rest is self explanatory on the site plan.

Mr. Hallberg said they will encourage parents to come in from Old South Carolina onto Lakeside Drive and enter the property by the first entrance. The drive on the property will be one way and they will be encouraged to return onto Old South Carolina. The drop-off point will be next to the dining hall site on the map where the counselors will greet the children. Parking will be in the front or on the side and is shown on the site map.

Chairman Crane about the sizes of cabins #9, 10 and 11 and how many children could be in them. Mr. Hallberg said they would fit 20 children comfortably in each of the cabins and the size is approximately 20' x 35'. Chairman Crane asked about the pool. Mr. Hallberg said that the pool on the site plan is proposed, but there was an old pool that has been filled in (it was behind cabin #11). Mr. Hallberg said there is private drive onto Bonner Street but will be used only for themselves, friends and family and there will be a locked gate during business hours.

Chairman Crane asked about other options for traffic to get to the camp. Mr. Hallberg said they could come around Lake Osceola, but there would only be one place to enter the camp. Mr. Hallberg said there are only 3 entrances to the camp: The 2 in front on Lakeside and the 1 in the back onto Bonner. But the one on Bonner is a private drive with no commercial traffic.

Chairman Crane asked about the ownership of the property. Mr. Hallberg said they have a lease with the option to purchase.

Mrs. Pouch asked if there would be overnight campers this year. Mr. Hallberg said after August 1 and before May 26. Mr. Hallberg said during the 10 weeks the children are out of school, there would be no overnight camping, just the director and maintenance. Mrs. Pouch asked if the overnight campers would be in the cabins or tents. Mr. Hallberg said tents. Chairman Crane asked if any of the cabins were habitable. Mr. Hallberg said yes. Chairman Crane asked about groups from out of town. Mr. Hallberg said they would be summer campers, from out of the area who could rent the property for a few days, but only before May 26 and after August 1. That is the only time people would be there overnight except for the caretakers.

Mr. Fleming asked about the type of lighting. Mr. Hallberg said low-density lights with 2 floodlights at the front of the property. Mr. Hallberg said the lighting is for safety.

Dr. Stanley asked if from September to March the property would be empty. Mr. Hallberg said there would be maintenance work being done with caretakers living on the property, but no commercial activity. Dr. Stanley asked if the property would be gated. Mr. Hallberg said there is a gate on the private drive and there are 2 gates across the front of the property. Dr. Stanley asked if this was a camp before. Mr. Hallberg said yes, he believed since 1927. Mr. Hallberg gave a history of the camp as he knew it. Mr. Hallberg said there is an old gymnasium down the road and they are trying to lease it.

Chairman Crane asked about the 2 packets and what information was current. Mrs. Smith said the second packet contained supplemental information. The applicants provided advertising material, a daily schedule, clarification from the original material, more details, and a list of activities. Chairman Crane said the application dated September 30, 2002, stands with the supplemental information and the revised map received today and that is what the Board should consider. Mrs. Smith said yes and a part of the original application was a 2-page narrative about the camp.

Mrs. Pouch asked if there was city water. Mr. Hallberg said yes. Chairman Crane asked about sewer. Mr. Hallberg said there are 3 septic tanks on the property, but for the 10 weeks the camp will use port-a-potties with hand washing sinks on the outside with sanitizer soap and paper towels. The company will service them on an as needed basis, 2 times a week, 3 times a week, whatever is required. Chairman Crane asked if there was a full camp, how many port-a-potties would he have and where would they be placed. Mr. Hallberg said he didn't put them on the site plan because they are a temporary thing. They would be placed all around the camp and there would be about 30.

Mr. Fleming asked about the garbage removal. Mr. Hallberg said there would be a dumpster near cabins # 1, 2, and 3. Chairman Crane asked if any facilities have working bathrooms. Mr. Hallberg said the bathrooms in # 1, 2, 3, and 5 are working. #5 is the infirmary and would be available. The facilities in #9 and 10 will be removed, but will be in use this year. Chairman Crane asked the size of the infirmary. Mr. Hallberg said 20' x 40'. Chairman Crane asked if there will be medical staff on site. Mr. Hallberg said yes, they have spoken to 2 nurses. One nurse, he believes, lives on the lake, and she would be on site part time and on call at other times. Chairman Crane asked if there was a requirement that there be a medical person on site all the time. Mr. Hallberg said he was not sure and Ms. Harshman said she was not aware of it.

Mr. Fleming asked if the cabins had to have occupancy certificates in order to be approved for the children to stay in them and the number for occupancy. Mr. Hallberg said yes, the Fire Department has already done that. Chairman Crane asked if they have to have permits to use all the cabins from the Fire Department. Mr. Hallberg said only if they were overnight. Chairman Crane asked about using them for arts and crafts. Mr. Hallberg said they don't have to be inspected for that; the Fire Department has already done that. Chairman Crane asked about a septic permit. Mr. Hallberg said they are working with the Health Department now to get that.

Chairman Crane asked the expected opening date. Mr. Hallberg said May 27. Chairman Crane asked if there were any reservations. Mr. Hallberg said no, there have been several inquiries, but no money. Chairman Crane asked about lunch. Mr. Hallberg said the children bring their own lunch. A trailer from Sysco will be placed near the dining hall site to store the lunches. Mr. Hallberg said it would be a regular semi trailer, but it would be placed along a tree line and screened from the road.

Chairman Crane asked how long the loop was off of Lakeside for the drop-off. Mr. Hallberg said he never measured it. Chairman Crane asked how many cars could be in there from road to road. Mr. Hallberg said 10 – 12 cars. Chairman Crane said she had a concern about 230 –250 cars dropping children off. She said there would probably be back-up along the road and what would Mr. Hallberg do about that. Mr. Hallberg said he had spoken to several neighbors and a suggestion was to put a 3-way stop at South Carolina. He said it wouldn't stop the traffic jam, but he hopes they wouldn't all be there at 6 AM. Chairman Crane asked why they are starting at 6 AM. He said because parents have to work. He said he expects the majority of children to arrive between 6:30 and 7:30 AM. Chairman Crane said she believed there would be a major problem with traffic there. Mr. Engel asked if he was planning to have the cars backup along Carolina Ave. Mr. Hallberg said that he hoped they would unload fast enough so there wouldn't be a backup, just like they do at schools. He said the counselors would be out there to open doors and guide the children to the tent pavilion where other counselors would organize them into their groups. Chairman Crane asked how many counselors were planned. Mr. Hallberg said 1 per 10 children. Chairman Crane asked about a covered facility at the drop-off. Mr. Hallberg said that was where the tent pavilion came into place. Mr. Hallberg said it was just a short walk up some steps to the tent. Mr. Hallberg said the tent is where the dining hall is sited on the plan. The tent is the 40' x 100' tent. Mr. Hallberg said the parents could park also. Chairman Crane asked how many cars could be parked in the circle area. Mr. Hallberg said the area would be graveled, but the area is mainly for parents coming in late, around 9 or 10 o'clock, to walk their children to the tent. In the early morning, if they want to park, they will be required to park to the right, because parking in the circle would have to back up, and he doesn't want that with the children walking and also block the flow of traffic. Chairman Crane

asked if the parking on the right was gravel. Mr. Hallberg said no, but it will be. He said they could probably park about 30 cars there. Chairman Crane asked what portion of the front circle would be gravel. Mr. Hallberg explained using the site plan that the gravel would be behind the sign and the front would stay grass. Mr. Hallberg said the parents would not be allowed around the big circle – it would be blocked off with orange cones. Dr. Stanley suggested that with traffic backing up along the road, he consider traffic going around the large circle. Mr. Hallberg said he could consider it, but he would rather not. It could be dangerous if the children were on both sides of the drive.

Dr. Stanley said he was concerned with the tents in wind and lightning. Mr. Hallberg said that is why he is trying to contract with Mr. Somerville to rent the permanent structure, the gymnasium. He said it was just down the street. Chairman Crane asked where the building was located. Mr. Hallberg showed the building was on the map about 2 blocks away. He said they would probably walk along the road. Ms. Harshman said they would prefer to have them in the activity buildings and infirmary if necessary, but if there was time to use the gym. Mr. Hallberg said the buildings would fit more than 20 children but 20 would be the size for arts and crafts. If they had to fold up tables, they could fit more than 20 but not for all day. Chairman Crane asked if there were weeks of total rain, what would they do. Mr. Hallberg said for just rain, the tents would provide enough shelter. If there are heavy winds, thunder and lightning storms, they would be off-loaded at the gymnasium. Mrs. Smith said that may require another kind of permit. Chairman Crane said she really wouldn't consider that as a possible solution because there is no agreement. Chairman Crane said there would only be the 3 buildings, 9, 10, and 11 and the infirmary to put kids in – maybe 80, possibly some more, but not 300. Mr. Hallberg said there is the barn also, as a last resort. He said if there were storms for 3 – 4 days, they would probably close the camp for that week. After this year, the dining hall will be erected. The contractors could not guarantee it for this year, and he did not want construction going on with children there.

Chairman Crane asked if either of them had run a summer camp or day camp before. Both answered no. She asked what kind of shape the barn was in structurally. Mr. Hallberg said it is in fairly good shape, with heavy beams, and needs some sheet metal on the roof, but it is basically in good shape. It has new electrical wiring. Chairman Crane asked about the dogs (around the barn in a photo). Three dogs will remain in the cabins the applicants live in and not interact with the children. Three other dogs will be gone. The dogs have had their shots.

Mr. Engel asked if the lease was subject to this approval. Mr. Hallberg said no. Dr. Stanley asked if they leased the property with this intention. Mr. Hallberg said they wanted to run a day camp year round, but the County considers that day care, so they limited them on how long they can run the camp. Dr. Stanley asked how many campers were at the previous camps. Mr. Hallberg said 200 for overnight. Chairman Crane asked if there was enough lighting to accommodate that many people at night. Mr. Hallberg said there is enough lighting, but they need more poles in by the back part of the property. But there is enough lighting at the front and where the cabins are. Chairman Crane asked if there were any ravines or holes or things not filled in, things that would be dangerous for kids to fall into. Mr. Hallberg said no. Mr. Hallberg said they are cleaning up and finding stuff every day, but no old wells or holes.

Chairman Crane asked about the activities – from 7:30 - 8:30 AM they separate into individual groups with free time. Mr. Hallberg said the campers will be supervised at all times. Free time means there is no scheduled activity, with time to go from one area to the next in the morning. Chairman Crane asked where they would eat lunch. Mr. Hallberg said at the tent and if the weather is fine, they can go to another location outside.

Chairman Crane asked Mrs. Smith about the definition of camps, where it says “provides food or lodging accommodations of tents or cabins for groups” and they are not going to provide food or accommodations. Mr. Hallberg said they would be bringing in pizza on Friday and will have BBQ on Saturday and also provide all drinks and snacks. Mrs. Smith said the YMCA camp was under that regulation and the regulation is broad enough to include day camps. Because they want to do food next year, the Board has to consider it for future years.

Dr. Stanley asked why have the camp on Saturday, most go Monday to Friday. Mr. Hallberg said a lot of parents work on Saturday. Chairman Crane asked if both of them would be there. Mr. Hallberg said Ms. Harshman will be the Director and he is head of maintenance.

Dr. Stanley asked if there was fence around the camp. Mr. Hallberg said yes, a wire fence which needs repair in some places.

Chairman Crane asked about the activities of mountain biking and horseback riding, and if there were trails. Mr. Hallberg said yes. There are separate trails for the biking. Horseback riding will be done around the road on the property. Mr. Hallberg said the children will bring their bikes, but he will provide them if they don't. Horses are provided. Chairman Crane asked where the rock climbing was. Mr. Hallberg said rock climbing will be on the handball court, which will be turned into a rock-climbing wall. Swimming will be where the tennis courts are, but not now. They will not be using Lake Osceola. Mrs. Pouch asked if people used Lake Osceola for swimming and boating. Mr. Hallberg said he heard of people swimming in it and he has seen a boat or two. Mrs. Smith asked which buildings will be completed by the time camp is opened. Mr. Hallberg said #1, 2, 3, 5, 4, 9, 10, and 11. They will be by the opening. Mrs. Smith asked if the summer campers would be allowed to use the buildings. Mr. Hallberg said no, they would bring their own tents. Chairman Crane asked about the opening that he said was May 27 and did he plan to open before then. Mr. Hallberg said yes, March 31 is the actual opening date. Chairman Crane asked if the gas tank at building #8 was in use. Mr. Hallberg said no, it will be removed and the building will be removed. Ms. Harshman said they want to replace the cabin.

Dr. Stanley mentioned that they might have talked to the neighbors before proposing the camp. Mr. Hallberg said they did talk to the nearby neighbors.

Chairman Crane said that it is her understanding that the former permit is null and void. Mrs. Smith said not necessarily, and the Board may want to cover that. The Board may want to make the former permit null and void and this permit only good for the applicants. Chairman Crane pointed out the permit issued to Service Works in 2001 with the conditions.

Chairman Crane said, in the original application, it said they would be using all sports fields and amenities year round. But it has been amended to be from March 31 through September 28. She asked if they were still proposing 300 children. Mr. Hallberg said yes. Chairman Crane asked if outside groups would still have the same ratio of counselors to campers. Mr. Hallberg said any outside groups would provide their own counselors. He said he and Ms. Harshman would supervise and be on site 24-7 while outside groups were there. Mr. Engel asked if there would be 30 people working when there were 300 children there. Mr. Hallberg said there would be more, but that's how many counselors there would be. Mr. Hallberg said there would also be a nurse on staff, Ms. Harshman, himself, and a maintenance staff. Mr. Engel asked where all their cars would be parked. Mr. Hallberg said on the site map next to #5, there is parking in an open field. Chairman Crane said that is right next to where children would be playing. Mr. Hallberg said the map is not to scale and there are hills and valleys. Chairman Crane asked if there was a way to mark the area off. Mr. Hallberg said yes.

Chairman Crane said in the original site plan buildings #2 and 5 had a kitchen and boys and girls rest room. Mr. Hallberg said that was if they opened the day camp year round so that is not applicable now. She also asked about installing a 3-way stop and if he had spoken to anyone about that. Mr. Hallberg said no, it was a suggestion from a neighbor to speak to the DOT.

Chairman Crane asked if anyone else had any questions. There were none at this point and the Board took a 2-minute break.

The Board reconvened and asked for the Planning Board recommendations. Tedd Pearce, Chairman of the Planning Board came forward. Mr. Pearce said that everything was outlined in the Minutes Jan. 29, 2003

memo sent to the Board. He commented on the former conditional use permit still being in effect and to remove that. The Planning Board reiterated the hours of operation and a range period, such as 10 weeks, and a period of weeks before and after, because the specific dates are pertinent to this year, but will change every year. Item #3 is whether the facility can handle 300 day campers with the proposed tents, if there are enough existing buildings and if the tents are a safe enough situation. He mentioned the perimeter buffering and that the Planning Board thought that condition should remain the same. Regarding item #5, the use of port-o-potties, several Planning Board members questioned if this would be approved by Henderson County Health Department. He read several of the items in the memo.

Mr. Pearce said that he felt the loop (for drop-off) could probably handle more than the dozen cars Mr. Hallberg stated. He feels the Planning Board thinks the most important things to address are solid facilities for safety concerns and the public health issues regarding the port-o-johns used on a permanent basis.

The Board discussed the conditional use permit issued to Service Works, Inc. which is still in effect.

Chairman Crane asked if there was anyone to speak in favor of the application. There was no one. She asked if there was anyone in opposition to or having concerns with the application.

Judith Sloan came forward and was sworn in. Chairman Crane confirmed that Ms. Sloan was an adjoining property owner. Ms. Sloan said that she purchased her property in April of this year and there was no access to the camp from Bonner Street. She is concerned that the area is residential and she does not want commercial traffic on Bonner Street. She said the camp has been accommodating in saying that the drive will be used for private use only, but she would like that in writing. She is concerned that it not become a service entrance and presented a petition signed by the residents of Bonner Street. Mr. Engel said the applicants said they would have a locked gate across the driveway. Ms. Sloan said she would like it in writing. Mrs. Pouch asked if there was ever an exit from the camp onto Bonner Street. Ms. Sloan said no but there are other people who have lived there longer. Chairman Crane asked the Board if they would like to accept the petition from Ms. Sloan. Mrs. Pouch said they would think about it.

Brenda Coates came forward and said that the applicants have moved into the property and have been accommodating and pleasant neighbors to deal with. Ms. Coates said that her concern is if the camp changed ownership, she would like the conditional use permit to be only for the applicants. Chairman Crane said the Board has the power to do that. Mr. Hallberg said that they do intend to incorporate for financial and insurance reasons. Chairman Crane said that if the permit were issued, it would be issued as applied for and if they were to incorporate, it would not be issued to the corporation. Mrs. Smith said the permit might have to be amended. Ms. Coates said her second concern is the port-o-johns and septic issue. She said that she spoke to Mr. Smith at the Health Department and he has concerns about the sewage and waste from a camp. She hopes the conditional use permit will be conditioned on the acceptability of the port-o-johns or the property perking for a septic system, since some lots around her property have not perked. She was concerned about the number of port-o-johns and their visual impact. She said that her third issue is the impact of additional traffic. She feels the road will not accommodate 200-300 additional cars. She described the road (Lakeside Drive) as two lane, windy and with "no parking" signs on it. She feels the 3-way stop may slow the traffic down. She would like to hear what the Department of Transportation would say. She also said there is no control over the parents of the campers. You can request that they use a drive, but they will do what they need to do. When the YMCA camp was there with 50 –75 campers, the parents drove very fast. She spoke about the present permit (Service Works) with 200 campers, but they were brought in by bus, not by individual parents. She also does not feel the camp will accommodate 300 children, maybe 200. She said that she is also Secretary for the homeowners' association. She is also concerned with the overnight camping and would like to know how many and where they would be located. She said the people around the lake are concerned with traffic and sewage. She said there is a restriction on boats to no more than 4 horsepower. She said the applicants have been very cooperative; she complained about their

large outdoor light and they did correct it. Chairman Crane asked how far Ms. Coates' home is from the property. Ms. Coates said about 300 feet. Ms. Coates said the neighbors have no opposition to a day camp, but would question an overnight camp. She said the Homeowner's Association maintains the lake and would not like children sneaking out and going into the lake. Actually, the lake insurance does not permit swimming in the lake, because of the cost of the insurance. Chairman Crane said that the Board does not have any jurisdiction over homeowners' rules and regulations and the Board should consider only information presented in person or documented.

June Reese came forward and is an adjoining property owner. She said her concern is the port-o-johns. She asked if they know where they will be placed and how many. Chairman Crane said she asked the same question and the applicants said there would be approximately 30 and placed all around the site, but there is no site plan. She also asked where the dumpsters will be. Chairman Crane said they will ask. Ms. Reese asked about the bikes and if they would be noisy. The bikes are regular bicycles, not motorized. She questioned the days of operation. Chairman Crane said that it was stated as Monday – Saturday. The notification was discussed.

Georgina Holmes came forward and said she lives on Bonner Street. She questioned having the camp on Saturday and then how would there be weekend campers there. Chairman Crane said the day camp would be the end of May through the first of August, Monday – Saturday. The weekend campers would be March to the beginning of day camp and the end of day camp to September.

Diane Simpson said she owns property on Oklahoma, which is not adjoining. The Board determined that Ms. Simpson would have standing because of the traffic impact. She is concerned about traffic on Lakeside Drive because she walks and bikes around the lake. She said she is concerned the traffic will be fast because the parents will be in a hurry.

Chairman Crane asked Mr. Hallberg if he would like to add anything. Mr. Hallberg said the camp had been an overnight camp for a number of years. He will not have high intensity lights for activity at night. Chairman Crane asked if there would be quiet hours and rules. Mr. Hallberg said yes. Ms. Harshman said that with themselves on the property, they can monitor that. Chairman Crane asked if Mr. Hallberg could say where the dumpster and port-o-johns would go. Mr. Hallberg said there would be 30 port-o-johns for 300 children. If they had only 100 children this year, everything would decrease, the traffic and number of port-o-johns. Mr. Hallberg described where all the port-o-johns would be placed on the site plan. Mr. Hallberg said port-o-johns next to the tents would be screened by the tent flaps, which would be on all tents because of the rain. Only 2 would be visible. Chairman Crane asked for a site plan with port-o-john sites, dumpster sites, and lighting. The dumpster would be beside building #5 on a concrete slab that would be fenced off. Chairman Crane asked that all the details, such as fenced in dumpster sites and gated fences should be in writing or there would be a book full of conditions. Mr. Hallberg said that the port-o-john locations may be changed because of increased use in some places. Mr. Pearce suggested that the port-o-john locations just be specified, not the number. Chairman Crane said that it is hard to visualize without seeing or being familiar with the property. Mr. Hallberg described the property and what could be seen.

Georgina Holmes said that she is also concerned that the driveway on Bonner Street not be used for commercial, such as emptying the dumpster and port-o-johns. Chairman Crane said the gate would be closed. Ms. Holmes said that she would like it in writing. Bonner Street is a state maintained gravel road. Mrs. Smith asked if Mr. Hallberg had a driveway access permit from the state for that back entrance. Mr. Hallberg said no. Mrs. Smith said that he probably should get one. Mr. Hallberg said the purpose of the driveway is for the applicants' use. Chairman Crane asked when and how the dumpsters would be emptied. Chairman Crane asked if they would come between 6 AM and 6 PM. Mr. Hallberg said probably and come in the front entrance. Mr. Hallberg said there is garbage pick-up on Bonner Street now for the residents. He said that he would use the same trash company. Chairman Crane said the Board would have to consider the trash truck coming through where several hundred children are playing or down Bonner Street, which would be safer. Mr. Engel asked about the locked gate. Mr. Hallberg said the garbage company would have



access (a key to gate) if that were necessary. Mr. Hallberg said the port-o-john people would come in the front entrance either early in the morning before the children arrived or in the evening after the children left.

Mrs. Smith asked if there were any licensing requirements from the state for a day camp. Mr. Hallberg said there are no requirements. Unless there were state subsidies for children, there are no rules or regulations, per Vicki Warren (he wasn't sure of the name). Chairman Crane asked for any promotional paperwork. Mr. Hallberg said that they did not bring the application for camp, just an advertisement. Chairman Crane asked about providing lunch on Friday and Saturday. Mr. Hallberg said they would provide lunch on Friday and Saturday and the parents would provide lunch the rest of the week. Mrs. Smith asked if that would be happening once there was a dining hall. Mr. Hallberg said that would change. Chairman Crane asked if they would provide drinks and snacks. Mr. Hallberg said yes and they would provide bottled water at the tents and nurses station. Mr. Hallberg said the children would be provided with bottles to be filled with water and the cabins would have water dispensers in them.

Mr. Fleming said that he would like to look at the property so he would feel comfortable making a decision. Dr. Stanley asked about closing the private drive off of Bonner Street. Mr. Hallberg said that he does not want to use the driveway for commercial use, but if it is necessary to use it for trash pickup and the safety of the children, he would like to do that. He would like to have the trash picked up at the same time as the Bonner Street residents. He feels the easiest and safest way would be through Bonner Street, but if he has to do it through the front entrance, then that's what he will do. Mr. Engel said that the trucks that handle dumpsters are different than the residential garbage trucks.

The Board discussed procedure for a site visit and continuing the public hearing. Previous camps were discussed and the permits issued to them. The Board asked about a DOT statement about how much traffic the road could hold. Mrs. Smith said that the previous Zoning Administrator had spoken to Ed Green, District Engineer from the DOT, who apparently said the road could accommodate the traffic (that information is hearsay). Mrs. Smith read the statement in the Zoning Administrator's memo to the Planning Board.

The Board discussed the application and conditions. Mrs. Pouch asked what were the main problems and suggested conditions: need a permit to use driveway off Bonner Street, agree to place port-o-johns discreetly, have to get a permit from the Health Department for the port-o-johns and find out how many are necessary. Mr. Hallberg said there are no rules or regulations against the port-o-johns. Mr. Hallberg said 1 port-o-john to 10 children is an acceptable rate. Mrs. Smith said the Board could call in the Environmental Health Supervisor; there is a letter in the packets from him from October and he needs an application to render a decision. Mr. Hallberg said he is going to apply to the Health Department this week. Mrs. Smith said the Health Department has to determine the use classification and whether port-o-johns can be used, but this can't be done until there is an application.

Chairman Crane said that her main concerns were traffic backup on Lakeside and South Carolina and traffic around the loop for safety of the children and fixed shelter for the children. In her experience getting children into buildings during electrical storms very quickly would be a concern and being prepared for long term activities. There could be downpours of rain for a week. Mr. Hallberg said the other buildings were proposed for that. Chairman Crane said the long term plans are fine but she doesn't feel there are enough safe facilities right now for activities if it were raining all week. Mr. Hallberg said that if it were just rain, that's what the tent pavilions were for, as well as the activity buildings. Mr. Hallberg said in lightning storms the children would have to go to the closest building on the thirteen acres. Mr. Hallberg said their concern is for the children. For the 300 children their contingency is with the big dining hall, the other pavilions to be put up, the activity buildings that will be put up, but if they are limited this year, they will also be limited next year when they do have the buildings. Chairman Crane asked the size of the dining hall. Mr. Hallberg said it was 45' x 120' or so and would hold 460 children or adults in a seating arrangement for dining.

Mr. Pearce suggested that a limit could be placed on the permit if granted. It could further be limited by requesting that the Fire Marshal's Office inspect the property and at no time are they allowed to have more people, students and staff on site than is permissible per the fire codes. This could be done now, with lesser facilities, but as they grow with more buildings the Fire Marshal could approve more. Mr. Hallberg said that more children could probably be placed in the buildings in a lightning storm just to get them out of the weather. Mr. Engel said that tents have an occupancy rating. Mr. Pearce said they also would have a safety rating. Mr. Pearce said between the Health Department and Fire Marshal, there should be something for leeway and guidance along those lines. Tents are used for assemblies and churches, so there must be different types of tents. Chairman Crane said there are so many specifics that need to be included in this, just for the safety of the children. The Board needs to know that it is documented. Mr. Hallberg doesn't want to have to come back to the Board every time he builds a building to get approval for more children. Chairman Crane said that after this year and when the buildings are finished, the Zoning Enforcement Officer can check that. Mrs. Smith said that depends on the approval and the conditions and the Zoning Administrator can issue the Zoning Permits for the buildings but they have to meet zoning regulations and setbacks. But if the buildings were not on the plan, they would have to come back. It could be done so that the applicants would not have to come back to the Board by giving approval for this year for a certain amount of children and after the planned buildings are built, it would be approved for an increased set amount of children. Mrs. Smith said that would work if it were all spelled out.

Chairman Crane asked the applicant if it would be possible to get the ratings and capacity and sizes of tents; also fire marshal's ratings on capacity of the existing buildings as well as the proposed buildings; and something from the Health Department. The Board is struggling with this because there is information normally included that is not here, such as sizes of buildings. The more information and details Mr. Hallberg can give the Board is to his benefit. Chairman Crane said that she did not feel she could personally make a decision with the information before them. She explained that she has to be satisfied that the safety of the children and the welfare of the people in the neighborhood are not jeopardized. She feels she needs more information. Mr. Engel agreed. Mr. Fleming said that he would like the placement of the dumpster and port-o-johns. Mr. Engel asked what would happen if people brought children before 6 AM. Mr. Hallberg said the gates would be closed until 6 AM. Mr. Engel asked if cars would be lining up before the gates were open. Mr. Hallberg said hopefully not. Mr. Hallberg said that he would get measurements of everything and all the buildings. Chairman Crane said Mr. Hallberg might want to think about having a drop-off in another location and swing the cars all around the loop on the property at the heaviest time of drop-off. If there are 150 – 200 cars coming through in an hour's time, there will be a major traffic problem on the road. The same problem would occur at pick-up time between 5 and 6 PM. She made some suggestions. Chairman Crane said that she would not be agreeable to walking the children 3 blocks up Lakeside to an inside facility – that would be too unsafe. Mrs. Pouch asked if the barn could be used. Mr. Hallberg said yes, it is an eighteen horse stall barn with sides on one side.

Dr. Stanley said that he didn't think he needed to see the property. Chairman Crane agreed, but would like the information discussed. Chairman Crane asked if the Board had to visit the site as a group. Mrs. Smith said that one person couldn't have information that the others didn't have. The Board could visit the site and then come back to the meeting. Chairman Crane was concerned with time. Mr. Hallberg asked if he provided the detailed information, cabin sizes, light locations, dumpster locations, camping locations, (he made several suggestions). Mr. Engel asked if they had established how many overnight campers there would be. Mr. Hallberg said he had no idea, that they range from 100 – 125 usually. Mrs. Smith asked if the Board wanted a schedule of when the buildings would be started and completed. Chairman Crane said that, generally, applicants do specify when buildings will be added.

Chairman Crane suggested that the Board list what they would like Mr. Hallberg to provide for the next meeting: 1) site plan showing camp sites, port-o-john locations, dumpster locations, lighting,

gates, if pouring a slab and installing fencing for the dumpster, pavilion tents (size, locations and occupancy, survivability in inclement weather, rental agreement, safety rating, maximum occupancy rating according to the Fire Marshal) (Mrs. Smith said they must get a building permit for tents), building occupancy, 2) Health Department information – port-o-johns allowed?, file application and let Board know what they say, 3) address traffic flow drop-off and pick-up, 4) permit for driveway off Bonner Street, if applicable, 5) sizes of existing buildings and occupancy and the proposed buildings and occupancy, 6) timetable for removal of anything (buildings, rubble, gas tank, boat).

Mr. Fleming asked about abandoned wells and Mr. Hallberg said they had been filled with sand. He also said there would be no campfires; they would allow steel fireboxes and will purchase some. Ms. Harshman asked where they could get a site map showing all the structures on the property. Mrs. Smith suggested the Land Records Office. Various suggestions were made.

Chairman Crane continued with 7) a timetable for construction of proposed buildings, 8) copy of application for the campers. Mr. Fleming said that if Mr. Hallberg provided all these details, he feels he would not have to visit the site.

The Board discussed when to continue the meeting to. Chairman Crane asked the applicants how long they would need to gather the requested information. Mr. Hallberg said 2 weeks. Mrs. Smith asked if the Board wanted the information in advance of the meeting. Chairman Crane said that would be very helpful. It was suggested to continue the hearing to the end of February. Mr. Hallberg said they are trying to open the camp at the end of March. Mr. Hallberg said they are advertising the camp in newspapers and radio. The Board said they could work with receiving the information at the continuation of the meeting. Mr. Hallberg asked how many copies would be needed. The Secretary said 7 copies. The date was discussed and all members present should attend. It was decided to have the meeting on Monday, February 17, 2003, at 4:00 PM. Mrs. Smith said with a continuation there was no notice required in the newspaper. Dr. Stanley made a motion to continue the case until Monday, February 17, 2003, at 4:00 PM. Mr. Engel seconded the motion and all members approved. The members of the Board were reminded not to talk about the case until the hearing reconvened. Chairman Crane thanked the adjoining property owners for their attendance.

#### COMMITTEE AND STAFF REPORTS - None

OLD BUSINESS – Daniel Gurley has resigned as Zoning Administer and the County has advertised the position.

#### NEW BUSINESS – None

The continuation of the Conditional Use hearing will be on Monday, February 17, 2003, at 4:00 PM. The next regular meeting will be on Wednesday, February 26, 2003, at 4:00 PM. There being no further business, Chairman Crane recessed the meeting at 7:24 PM.

To be continued with the February 17, 2003, portion of the meeting.