

MINUTES OF THE HENDERSON COUNTY
ZONING BOARD OF ADJUSTMENT

The Henderson County Zoning Board of Adjustment held its regular October meeting on Wednesday, October 24, 2001, 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, Janice Brown, John Davis, Anthony Engel, Ann Pouch, Zoning Administrator Dan Gurley, Planning Director Karen Smith, Assistant County Attorney Jennifer O. Jackson, and Secretary Joyce Karpowski.

Acting Chairman Crane called the meeting to order at 4:04 PM and introduced the members of the Board. She noted that this meeting was changed from the usual meeting date of October 31, and had been duly advertised. Chairman Crane presented the minutes of the meeting held on September 26, 2001. There were no changes or corrections. Janice Brown moved to accept the minutes as presented and John Davis seconded. The minutes were unanimously approved as presented.

Chairman Crane stated for the record that for case V-01-22, Cecil Jackson, Jr., there is an adjacent property owner named Samuel Neill, who she assumes is the attorney who has an office in Henderson County. Mr. Neill handled a legal matter for her last year that lasted several months involving a real estate building project. She said that is the only dealings that she has had with Mr. Neill and feels that she can give a fair and impartial judgment of the case, but feels that the Board and applicant should be aware. Neither the Board or Mr. Jackson had any objection to Mrs. Crane hearing the case.

Mrs. Pouch said that she was on the Lake Summit Property Owners Association Architectural Committee for Boat Houses and although she hadn't heard anything about this case until she received her packet from the Board, she hoped that it would not be a problem. County Attorney Jackson asked if Mrs. Pouch believed that she could render a fair and impartial decision. Mrs. Pouch said yes. No one had any objections to her sitting on the case.

Chairman Crane explained that the Board was a full Board this afternoon and for a case to be granted, the applicant needed 4 affirmative votes out of 5 votes. Chairman Crane called forward people who would testify in cases today. Sworn in were: Reddick Still, Lenox Cannon, William Waggoner, Cecil C. Jackson Jr., Carolee Lloyd, and Dan Gurley, Zoning Administrator.

Case V-01-21, Eugene K. Person

Chairman Crane called Case V-01-21, Eugene K. Person, seeking a variance of Section 200.14.D, front yard setback from 60 feet to 45 feet (15 feet) and a southwestern side yard setback from 30 feet to 25 feet (5 feet).

Dan Gurley gave a summary of the issues. The approximate size of the property in question is 0.61 acres. The parcel is zoned R-30. Section 200-14.D states that front yard setbacks for a single-family residence in this district are 60 feet from the centerline of a right of way, and side yard setbacks are to be 30 feet. The septic system was placed due to a stream at the rear of the property. The septic system's drain field must remain 50 feet from this stream per the Health Department. The property's topography changes dramatically toward the rear of the property. Mr. Gurley showed maps of the area, the septic system permit, a site plan, photographs of the property and structure and described them. He also presented a map with the slopes that are on the property, which he explained.

Chairman Crane called the agent for Mr. Person to come forward. Carolee Lloyd came forward and

introduced herself as an adjoining property owner who resides on Lot #10 and is Mr. Person's daughter. Ms. Lloyd explained with the lot frontage of 129 feet and the size of the house, there is only 51 feet for the side yards. So that is why Mr. Person is asking for the variance. Ms. Lloyd presented a letter from the adjoining property owner on Lot #8 saying that he has no objections and Ms. Lloyd herself has no objections. Ms. Lloyd explained that if Mr. Person had to move the house back to meet the front set back, the house would be down in a swale.

Chairman Crane asked if there were any questions. Mrs. Pouch asked if Mr. Person was aware of the problem with the stream and septic system when he bought the property. Ms. Lloyd said that he knew about the stream and that the septic had to be 50 feet from the stream.

Mr. Davis asked about the minimum of 5 feet from the house to the septic tank and if that was accurate. Ms. Lloyd said that she believed so. Mr. Davis asked if the variance were granted, would it be at that 5 foot minimum or would there be 20 feet between. Mr. Gurley said he did not know. Mr. Davis wanted to know if there was room to move the house further back toward the septic and maintain the 5 foot minimum. Chairman Crane said that she assumed not, or else they would not be asking for the variance. Mr. Davis said he thought the variance was based on lot slope and not the septic. Mr. Engel said it was a combination. Mr. Davis said he understood the variance was based on both, but he would like to know the distance from the house to the septic. Mr. Engel asked if Mark Jones actually ran flags along each line to see whether the drain fields fit. Ms. Lloyd said that there were not many flags out there. It was determined that the flags were for the house, not the septic system.

Ms. Lloyd said the variance was the result of where the home was going, so it wouldn't be too far below the road. She said that it would meet the minimum 5 feet from the septic tank. Mr. Davis said that the variance was based mostly on the topography. Ms. Lloyd agreed. Mr. Davis said that topography can sometimes be overcome, although not always ideally.

Chairman Crane asked if anyone would like to speak in favor of the application. There was no one. Chairman Crane asked if there was anyone to speak in opposition. There was no one.

Chairman Crane asked for discussion. Mr. Gurley said that it had just come to his attention that the way the site plan is drawn that was submitted, Mr. Person asked for a variance on the Lot #8 side, but he is only 27 feet from the opposite side property line and would need a 3 foot variance on the Lot #10 side. It was explained to Ms. Lloyd that the Board was accustomed to seeing more detailed plans, so the more information she could give, the better. The site plan was discussed and Ms. Lloyd said that she would like to amend the application.

County Attorney Jackson said that her concern was that it was not advertised as such, even though the property owner on that side is in attendance. The other option is to act on this application and have the applicant reapply for the other side yard setback variance, which would be more costly to the applicant. Mr. Davis moved that the Board not act on the application based on not having enough facts. Mr. Davis said that he wanted to know how far the septic tank would be from the house. Chairman Crane wanted to check on the length of the lot frontage and the numbers on the site plan to make sure the numbers are right.

Ms. Jackson pointed out that the legal notice said the request was for a 5 foot side yard setback variance and a 15 foot front yard setback variance. Technically the total side yard variances are 8 feet (5 + 3), and the Board could generously interpret the legal notice to mean 5 feet on both sides. The conservative approach would be to readvertise the second side yard variance. But if the Board wanted to act, especially since the adjoining property owner that is affected, is present, that the Board could consider it. Chairman Crane said that since the adjoining property owner is present, given time and expense constraints, she would like to go ahead with the variance. But not if there was anything to stretch the letter of the law. Ms. Jackson said that the difference was a conservative or liberal reading of the law and the Board must decide on any risk for appeal, which she believed would be small, based on lack of notice. Chairman Crane said that if anyone was

concerned with the side yard setbacks, they would be here today. Mr. Engel agreed, especially since the person affected by it (Ms. Lloyd) was here. Ms. Jackson said the most appropriate thing to do is to see if the Board would allow an amendment to the application. If that passes, then there is an amended application to vote on. If it is not amended, then the Board can act on the original application. Chairman Crane asked if it was appropriate for the agent to amend the application. Ms. Jackson said yes. Mr. Davis asked if it is proper for the Board to act on an amendment and would be setting a precedent. Ms. Jackson said that the board has amended applications in the past, actually at the last meeting. Janice Brown moved to amend the application in addition to the original application, to allow a 3 foot side yard setback variance adjacent to Lot #10. Ann Pouch seconded. John Davis stated that he would vote only because the adjacent property owner is in attendance. The amendment was amended to add that the adjacent property owner of Lot #10 is present and is the agent acting on behalf of the applicant. Janice Brown made the motion and Ann Pouch seconded. The amendment was unanimously approved. Ms. Jackson said the application is now a 3 foot setback variance on the Lot #10 side, a 5 foot setback variance on the Lot #8 side and a 15 foot front yard setback variance.

Chairman Crane asked the Board to discuss the findings. The fact relating to complying with the literal terms of the district, he cannot secure a reasonable return from or make a reasonable return of his property due to the topography. There was discussion on this finding. Ms. Lloyd said that there was a very sharp drop off from the road going back to where the house is placed, then a gradual continuing drop. Ms. Lloyd said that there is more of a drop from Lot 8 than from Lot 10. Chairman Crane asked about drainage problems or standing water. Ms. Lloyd said no, the water flows out to the back. Chairman Crane asked if the septic tank has been installed. Ms. Lloyd said no. Ms. Lloyd said that Mr. Person does own the lot.

Mr. Engel asked Mr. Gurley where the topography plan came from. Mr. Gurley said that the Planning Department drew it, it was not USGS. Mr. Gurley described the map and the slopes. Mr. Engel asked if there were plans to fill the front yard to bring it up. Ms. Lloyd said yes. Mr. Engel looked at the septic plan which said it must be installed level on the contours which means, they will have to install it on angles and it will take up more space.

Chairman Crane said that the hardship is not the result of the applicant's own action. The members agreed. Chairman Crane said that the variance is in harmony with the general purpose and intent of the ordinance and will preserve its spirit. The Board felt it met that condition. Chairman Crane said that the variance will secure the public safety and welfare and will do substantial justice. She felt there was not a public safety issue there.

Mrs. Pouch said that with regard to the application of Eugene K. Person for a variance from the minimum yard requirements, I move the Board to make the following findings of facts: strict enforcement of the regulations would result in practical difficulties or unnecessary hardship to the applicant; the variance is in harmony with the general purpose and intent of the ordinance and will preserve its spirit; and in the granting of the variance the public safety and welfare have been secured and substantial justice has been done. Accordingly, I further move the Board to grant the requested variance in accordance with and only to the extent represented in the amended application. Mr. Engel seconded the motion.

The Chairman called for the vote. The following vote was taken by a show of hands:

Mrs. Pouch	Yes
Mr. Engel	Yes
Mrs. Crane	Yes
Mr. Davis	Yes
Ms. Brown	Yes

Motion carried and the variance was approved as amended.

Case V-01-22, Cecil C. Jackson, Jr.

Chairman Grant called Case V-01-22, Cecil K. Jackson, Jr., requesting a variance of Section 200-29.D, front yard setback of 45 feet to 26 feet (19 foot variance).

Mr. Gurley gave a summary of the issues. Mr. Gurley said that this is amended from what was advertised in the legal notice which was a 40 foot setback variance and the variance now stands as read (19 feet). The appellant is seeking a variance of Section 200-29.D, front yard setback of 45 feet to 26 feet (19 feet). The approximate size of the property in question is 0.32 acres. The parcel is zoned WR. Section 200-29.D states that front yard setbacks for a single-family residence in this district are to be 45 feet from the centerline of a right of way. This lot was determined to be a pre-existing, nonconforming lot by the Zoning Administrator on October 16, 2001. This order was at each members place today. Section 200-39.F allows pre-existing, non conforming property to be built upon "provided that the Zoning Board of Adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions." Mr. Gurley showed a site plan and septic permit. Mr. Gurley said that he spoke with Mark Jones today and Mr. Jones said that the septic system was placed in the only place on the lot that it could be placed. Mr. Gurley said that it was difficult to tell exactly where the lot lines were, but he came the closest possible. Mr. Gurley also had copies of the order granting the lot existing lot status. He also presented 2 letters that he received today. Mr. Gurley showed photographs of the lot, and explained the difficulty in finding the lot and lot lines.

Mr. Davis asked if Lateral Road was a gravel road. Mr. Gurley said yes. Mr. Davis asked if the road was used on a regular basis. Mr. Gurley said that the Edmonds use it, he believes the Cannons use it, and the Stills. Mr. Davis asked if the applicant would use Lateral Road to enter his property. Mr. Davis asked if the road was used daily. Mr. Gurley said that it was hard to tell, some of the homes looked like weekend homes.

Mr. Davis asked if the driveway would be coming off the other, back side of the property. Mr. Gurley said that according to the plan, the driveway would be coming off Camp Windy Wood Road. Mr. Davis asked if the front setback would still be off the gravel road. Mr. Gurley said the variance is off the gravel road. Mr. Davis asked if that is determined to be the front of the house. Mr. Gurley explained that the Ordinance is interpreted when there are 2 right of ways, there are 2 front yards.

Chairman Crane called Mr. Jackson forward. Mr. Jackson said that he has lived in Asheville basically all his life. He bought the 2 lots (107 & 108) in 1975 from a lady who bought them in 1922 and 1924. Mr. Jackson described the area. Mr. Jackson said that Mark Jones approved the septic system for 2 bedrooms. He said that he wants to put a porch in the back and a garage on the side - he doesn't know if it will be 1 or 2 car garage. Mr. Jackson described the lateral road as a service road that has not been developed. Mr. Jackson said that there was a green house about 300 feet southwest on the lateral road. Mr. Jackson said that there was no house in view across the lateral road. Mr. Jackson said across the street is straight down with no homes. Mr. Jackson described the area as wooded and he can't see any houses.

Chairman Crane asked where the garage would be. Mr. Jackson said that the garage would probably be where the ditch is now. The drive would come off Camp Windy Wood Road.

Mr. Jackson said that the trail will remain and is like a park and will never be developed next to him. He would put a porch on the back. The house would face Windy Wood and the back would face the lateral road. Mr. Jackson said that the corner of the house would be no closer than 5 feet from the lateral road. He said the house would more likely be 20 feet and 10 feet from the road, but they asked for 5 feet just in case an overhang projected, or something like that. Mr. Jackson said that the placement of the septic system requires the house to be set back 85 feet from the front and Camp Windy Wood Road.

Chairman Crane asked about a side yard setback variance. Mr. Jackson said that he did not need

the side yard variance. Chairman Crane asked about the 40 foot variance advertised in the legal notice and that was reduced to 26 feet. Mr. Jackson agreed. Mr. Gurley said that the variance would be 19 feet and the house would be 26 feet from the centerline of the lateral road.

Mr. Jackson said that the hardship is the topography that is there, the lots were laid out in the twenties, he purchased them in 1975 when there was no zoning, and the septic system causes a hardship. Mr. Jackson said that the building would be in harmony and improve the site and the structure will be aesthetically fitting and there would be no effect on the safety and welfare and anybody else's property. Mr. Jackson said it would be a benefit to some of the older houses there now.

Mr. Engel asked if the septic system was in place. Mr. Jackson said no. Mr. Engel asked if Mr. Jones flagged the system on the property. Mr. Jackson said yes. Mr. Engel asked if the flags showed that the house could not be moved back. Mr. Jackson said yes, every bit has to be used. Mr. Engel asked Mr. Jackson about the septic plan showing the driveway on the right side and Mr. Jackson's plan shows the driveway on the left side. There was discussion about the driveway. Mr. Jackson said the driveway would be on the side that the septic permit says and apologized for the confusion.

Chairman Crane asked if Mr. Jackson had measured himself to see if the house could go back any further. Mr. Jackson said yes and he had a contractor look at it also. Mr. Jackson said everything has to be used.

Chairman Crane asked about the house plans. Mr. Jackson said that it was 1 story, and he probably would not have a basement. Mr. Jackson said the garage would be on the first level. Chairman Crane asked if the 52' x 32' included the garage. Mr. Jackson said yes, and probably a porch would be on the back. There was discussion about the size of the house, garage and porch. Chairman Crane asked how many heated square feet the house would be. Mr. Jackson said probably about 1000 sq. ft. and that's a rough guess.

Chairman Crane asked the Board to read the letters from adjoining property owners presented earlier. Chairman Crane said that the Board had to address the letters and if they would be accepted into evidence. Chairman Crane asked who the Windy Wood Trust was and how it related to this matter. Mr. Still said that the Trust represents a man named Mr. Martin, who owns the property on the other side of the trail (Lots 109 & 110). Mr. Still said that Ms. Cory was his sister and co-owned the property with him (Mr. Still) directly across Lateral Road from the proposed site. Chairman Crane said that her concern is that Ms. Cory has misunderstood the nature of the request. Mr. Still said that the original legal notice said that the variance was for 40 feet and the setback should be 45 feet, she thought it would just be 40 feet from the road. But she does understand now that it will be 19 feet from the centerline of the road. Mr. Gurley said that he spoke with Ms. Cory also, and she does now understand. Chairman Crane asked if the Board would like to accept the letters. Mr. Davis said there was no reason not to. Everyone was in agreement and the Board accepted the letters from the 2 property owners as evidence in the case.

Chairman Crane asked if there was anyone to speak in favor of the application. There was no one. Chairman Crane asked if there was anyone to speak in opposition.

William Waggoner came forward and stated that he is the owner of property that has been Camp Windy Wood since 1952. Mr. Waggoner said that he has no connection with the Windy Wood Land Trust. Mr. Waggoner owns the land across Camp Windy Wood Road from the applicant's property. Mr. Waggoner wanted to give a little history and the 30' trail does go all the way to the lake. The ditch apparently held the graded water line that came all the way from Zirconia to carry water to wash the diggings from the zircon mine. The ditch runs all the way through Mr. Waggoner's property also. Camp Windy Wood Road has been there since, at least, the 1950's. Mr. Waggoner purchased the land starting in 1952 and it was there well before that because the Flat Rock Playhouse, now Lake Summit Playhouse, was there and the County/State was maintaining the

road. Mr. Waggoner said that when zoning was first being talked about, they came up with R-30, in order to maintain the space between houses, especially in the future. At the time, there were several lots around the lake that were smaller than R-30 and they made sure to have them grandfathered in. Property owners wanted to be sure they could rebuild in case of fires. Mr. Waggoner said the purpose of zoning is so that the neighbors are not crowded as in other resort areas. Mr. Waggoner said that he would hate to see a house go so close to a road that is being used and there is one person that lives on the road year round. Mr. Engel asked where a person lives year round on the lateral road. Mr. Gurley and Mr. Waggoner explained the way Windy Wood Road connected to Lateral Road.

Mr. Reddick Still came forward and explained that he is property owner directly across lateral road from Mr. Jackson's property. Mr. Still has been at Lake Summit for 65 years and his family has been there for 80 years. Mr. Cannon owns Mr. Still's grandfather's house, which is across the trail from Mr. Still. Mr. Still explained where peoples property was. The full time resident is on lots 38 & 39. Mr. Cannon's property is lots 53 & 54. Mr. Still owns lots 40 & 41. Mr. Still said that the Cory's that sent the letter is his sister and co-owner of lots 40 & 41. Mr. Still said that Lateral Road ended at the Edmonds property (lots 38 & 40). The Edmonds house is very close to the road and not 300 feet down the road but more like 50 feet or 100 feet at the most.

Mr. Engel asked how the Edmonds enter their property. Mr. Still said from Lateral Road and there is no other entrance. Mr. Still said that Lateral Road stops at the Edmond's property.

Chairman Crane asked about the people that live there year round. Mr. Still said the Young's on lots 57 & 58. Mr. Still said that the ground is steep from Lateral Road down to the lake. He said that Mr. Cannon's house is about 75 feet from Lateral Road, centered on the 2 lots. Mr. Still said that his house is directly in front of where Mr. Jackson is proposing to build, in the center of his lots. Mr. Still said that he can see his roof from the center of the road. Mr. Still said that his house is 50 feet from lateral road. Chairman Crane asked Mr. Still if he lived in the house. Mr. Still said that it was a summer residence, as is the Cannon's and Edmond's. Chairman Crane asked about Mr. Neill. Mr. Still said Mr. Neill lives there full time, but does not enter off Lateral Road. Mr. Still said that the Young's are year round residents. Also, Mr. Waggoner at the end of Camp Windy Wood Road is a full time resident. Mr. Still said that there is nothing on lots 55 & 56. Mr. Still said that Mr. Martin owns lots 109 & 110 and Montgomery Industries owns lots 111, 112 & 113.

Mr. Still said he has learned today that Mr. Jackson's house will front on Camp Windy Wood Road. Mr. Still said that he is a realtor and a certified residential appraiser in South Carolina. Mr. Still said that zoning ordinances are to protect adjoining neighbors. Mr. Still said that the area is wooded and the houses are in the woods. Mr. Still addressed one of the photographs with the corner pin in the road and said that the house being 5 feet from the pin would not even be up on the level part of the lot. Mr. Still said that he understood the problem with the septic tank taking up so much of the lot. Mr. Still said that he walked the lot and did not see any flags designating the septic lines. Mr. Still said that 5 feet is too close to the road. Mr. Still said that he feels the house so close to the road would hurt property values.

Chairman Crane asked how Mr. Still accessed his property. Chairman Crane asked if you could see Mr. Still's house from lateral road. Mr. Still's house roof could be seen on one of the photographs. Mr. Gurley said that the picture was taken standing about 19 feet from the centerline of lateral road on Mr. Jackson's property. The property lines of Mr. Jackson's property along lateral road were discussed for clarification and also where the house would be placed. There was discussion about exactly where the corner pin at lateral road and the 30' trail was for Mr. Jackson's property, whether it was in the road or up on the bank. Mr. Jackson said he thought the pin was not in the road but just slightly up the bank.

Mr. Engel asked about the placement of the house - one side being about 20 feet from lateral road and the other side being about 6 feet from lateral road. Mr. Jackson said or more. Mr. Gurley wanted to remind the Board that by granting a 5 foot variance, the variance was from the entire

property line.

Chairman Crane asked about the septic layout. Mr. Engel said that from the house to the tank was 5 feet, and 10 feet to the property line. Chairman Crane asked if there was more than 5 feet between the septic tank and the proposed house. Mr. Jackson said no. Mr. Engel asked if the Health Inspector, Mark Jones, plotted the whole system on the ground with flags. Mr. Jackson said yes, that it had been marked for the contractor. Mr. Gurley reminded the Board that they could see the property on a field trip or continue the meeting until next month and ask for more clear markings. Mr. Engel said that the septic was 15 feet from a bank and they were also using chambers to take less area.

Mr. Davis said if the whole plan were reversed and the septic was on the back and the house on the front, we'd still be looking at a variance. Mr. Engel said then the variance would be off a used road. Mr. Engel said that there was another bank that they had to stay 15 feet off, so there were a lot of restrictions. Chairman Crane asked if the septic system had been installed. Mr. Jackson said no. Chairman Crane asked if there was a well. Mr. Jackson said there was public water from the Saluda Water Department.

Mr. Davis asked Mr. Still if he came out the back of his house, would he be able to see the proposed house. Mr. Still said yes. Mr. Davis asked how Mr. Still entered his property. Mr. Still said that the trail was all woods and his driveway followed the curve on the map. He said there was joint parking between Mr. Cannon's house and his house. Mr. Davis asked if the parking was on the 30 foot trail and Mr. Still said part of it was. Mr. Engel said that Mr. Still doesn't drive on the lateral road past Mr. Jackson's property. Mr. Still said yes but he could see the property as he turned into the driveway. Mr. Still tried to clarify exactly where the road went to his property. Mr. Engel asked if the proposed house would be about 30 feet from Mr. Still's drive. Mr. Still agreed that would be probably correct. Mr. Still was concerned that the one corner of the proposed house would be sitting close to the edge of the property.

Mr. Lenox Cannon said that his property had been in his family for 80 years. Mr. Cannon feels that the zoning laws should be adhered to. Mr. Davis asked Mr. Cannon if anything he had heard would change his mind. Mr. Cannon said that if the Board saw the property, they would see that the house would be right on the road.

Chairman Crane asked if the Board had any questions. Mrs. Pouch asked if the property were staked with flags and more photographs taken, if it would be helpful. Chairman Crane said that a drawing of the house exactly on the property would be most helpful to her because it sounds like Mr. Jackson doesn't know exactly what he is going to build. Mr. Engel said that if the septic system isn't all laid out, there may be even less room than the plan shows, or there may be more room. Chairman Crane asked if Mr. Jackson had a set of plans. Mr. Jackson said the plans were not finalized. Mr. Jackson said he had tentative plans, but not with him.

Chairman Crane said that because this property and plans were so close, it would be helpful to see exact drawings of the proposed house. Mr. Davis asked if the meeting could be continued. Ms. Smith said the meeting had to be continued to an exact date. Mr. Davis said that would give Mr. Jackson time to investigate the tightest placement of the septic and possibly decrease the size of the variance. Chairman Crane suggested that Mr. Jackson take everything that was said into consideration and try to build the house not as close to the property line so a 5 foot variance would not be necessary. Mr. Jackson may have to change his plans to keep the house away from the road. It would be better to have exact plans. Mr. Engel said that perhaps the house could be shaped differently so that it would be uniformly further away from the road. Chairman Crane said that she would also like to know exactly where the pin is at the corner, if Mr. Gurley could perhaps dig it out. Mr. Davis said that with more exact drawings, perhaps the house would be further from the property line.

Mr. Engel asked if Mr. Jackson had called someone to do the septic system. Mr. Jackson said yes.

Mr. Engel said that the contractor could mark the system on the lot, which would be helpful. Mr. Engel said that would locate the house better on the property. Chairman Crane said that the lot and septic system would dictate the shape and style of the house. Mr. Davis asked if the meeting were continued, what frame of time would Mr. Jackson need. Mr. Jackson said the next meeting would be fine. Meeting dates were discussed. The next date was November 28 and Mr. Jackson said that he could be ready. The Board discussed what Mr. Jackson needed to do. Mr. Jackson said that he had a commitment away on November 24, and asked if his son could come before the Board on November 28. The Board said that would be fine.

Chairman Crane asked for a motion to continue the meeting for Mr. Jackson until November 28 at 4:00 PM. Mr. Davis made the motion and Ms. Brown seconded the motion. All members voted in favor by a show of hands. The meeting was continued to November 28, 2001, at 4:00 PM.

Chairman Crane asked if the meeting would be readvertised. Mr. Gurley said that, because it is continued, it does not have to be readvertised. Mrs. Smith said that everyone who was here knows about the continuance.

COMMITTEE AND STAFF REPORTS

Mrs. Smith wanted to make sure everyone received a copy of the draft of the zoning rewrite at the last meeting. Mrs. Smith said that the Planning Department had been directed to redo the draft, so the next one will be different from the current draft.

Mrs. Smith said that the state is currently looking at not allowing the reduction for separation of septic systems from 100 feet to 50 feet. The Board of Commissioners has sent a letter to the state saying that Henderson County needs that ability because of the topography. The Board of Health is also addressing the issue.

OLD BUSINESS -

Mr. Gurley asked if everyone had a copy of the state Board of Adjustment book.

NEW BUSINESS

Chairman Crane asked that the members keep the packets from today for the continuation of Mr. Jackson's case. Then only new information will be sent to the members for the meeting in November. Mrs. Smith said that the members from tonight should sit on Mr. Jackson's case in November. Mr. Gurley will let Mrs. Crane know if she will be chairing the case in November.

The next meeting will be on Tuesday, November 13, 2001, at 7:00 PM. The next regular meeting will be on Wednesday, November 28, 2001, at 4:00 PM. There being no further business, Tamra Crane made a motion to adjourn, John Davis seconded the motion, and all members voted in favor. The meeting was adjourned at 6:28 PM.

Tamra Crane, Chairman

Joyce Karpowski, Secretary