

**MEETING SUMMARY OF THE HENDERSON COUNTY
BOARD OF ADJUSTMENT MEETINGS
January 31, 2024**

The Henderson County Board of Adjustment held its regularly scheduled and special called meetings at 4:00 p.m. at the King Street Meeting Room.

Board Members Present:

Steve Dozier
Andrew Riddle (Chair)
Carlos Ruiz
Mark Casoria
Louise St.Romain
Lynn Freeman Bush (alternate)

Staff Members Present:

Matt Champion
Autumn Radcliff
Russ Burrell

Call to Order / Introduction of the Board: Matt Champion called the meetings to order at 4:00 pm.

Election of Chair and Vice Chair: Matt Champion asked the Board for any Chair and Vice Chair nominations or a motion to keep the current Chair and Vice Chair. Mark Casoria made a motion to keep Andrew Riddle as Chair and Steve Dozier as Vice Chair. Louise St.Romain seconded the motion. All members voted in favor.

Review and Approve September 28, 2022, Meeting Summary: Chairman Riddle asked for approval of the November 29, 2023, meeting summary. Steve Dozier motioned to approve the meeting summary. Louise St.Romain seconded the motion. All members voted in favor.

Quasi-Judicial Hearing

Chairman Riddle motioned to go into a quasi-judicial hearing. All members had no disclosures or conflicts of interest to report with regards to the special use permit application on the agenda. Chairman Riddle swore in all parties, potential parties, and witnesses.

Standing

Chairman Riddle asked for a motion if the Board found sufficient evidence for Mr. John Newcomer and Mrs. Patricia Newcomer to prove standing and be made party to this application. The Board voted to make Mrs. Patricia Newcomer and Mr. John Newcomer opposing party to this application.

Chairman Riddle asked for a motion if the Board found sufficient evidence for Mr. Michael Gregory to prove standing and be made party to this application. The Board voted to make Mr. Michael Gregory opposing party to this application.

SUP-23-05 Spirit Cove Office

Matt Champion read the staff report for the application. The request is for a special use permit for an Office for a portion of property located off Evans Rd. TimberKnolls Spirit Cove Inc. is both the applicant and property owner. The subject area included in this application includes lot 5 of a recently recorded 16-acres, 5 lot minor subdivision. Brian Gulden, applicant's attorney, Lisa Schiller, president of TimberKnolls Spirit Cove, Inc., and Matt Sprouse, plan preparer, represented this application. Mr. John Newcomer and Mrs. Patricia Newcomer represented themselves against the application and own property adjacent to the subject area. Mr. Michael Gregory represented himself against the application and own property adjacent to the subject area.

The applicant is proposing to develop the subject area as a professional office with one structure. The proposed structure is shown as approximately 4,032SQFT and will be encompassed with a wraparound

porch. The structure will be accessed by a private driveway easement from Evans Rd (SR1196) with a cul-de-sac for emergency response vehicles. The structure will also contain 8 parking spaces and 1 ADA accessible parking space. The major site plan shows a total disturbance of 0.71 acres. The major site plan also shows the existing 130' wooded buffer to remain along Evans Rd (SR1196) and the eastern edge of the subject area. Total open space is shown as 4.41 acres. The TRC met on November 7, 2023, to discuss the major site plan and special use permit request. The TRC voted to forward the application to the ZBA with the following conditions: NCDOT driveway permit, NCDOT encroachment agreement, and the ADA accessible parking space is van accessible.

Attorney Brian Gulden submitted six (6) pieces of evidence for the record and called six (6) witnesses to give testimony. Testimony and evidence submitted was focused on a market impact analysis, character witnesses, and the applicant's intent of the property. Attorney Brian Gulden wrapped up case by 8:17PM

Continuance: Chairman Riddle asked all the parties and Board members to come up with another date to continue this hearing. After all parties and Board members agreed, Steve Dozier made a motion to continue SUP-23-05 until Friday, February 23, 2024, at 4:00PM in the King Street Meeting Room. Louise St.Romain seconded the motion. All members voted in favor.

Andrew Riddle, Chairman

Matt Champion, Zoning Administrator