

**MEETING SUMMARY OF THE HENDERSON COUNTY
BOARD OF ADJUSTMENT MEETINGS
December 18, 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 (Vice Chair)
Ken Gordon
Louise St.Romain
Mark Casoria
Carlos Ruiz

Staff Members Present:

Matt Champion
Autumn Radcliff
Russ Burrell

Call to Order / Introduction of the Board: Chairman Dozier called the meeting to order at 4:00 pm.

Review and Approve November 19, 2024, Meeting Summary: Chairman Dozier asked for approval of the November 19, 2024, meeting summary. Louise St.Romain motioned to approve the meeting summary. Ken Gordon seconded the motion. All members voted in favor.

Order for SUP-24-06 Fireside Electronic Messaging Sign: Chairman Dozier asked for approval of the Order for SUP-24-06. Louise St.Romain motion to approve the order as presented. Ken Gordon seconded the motion. All voted in favor.

Order for SUP-24-07 Horse Shoe Community Church Electronic Messaging Sign: Chairman Dozier asked for approval of the Order for SUP-24-07. Mark Casoria motion to approve the order as presented. Louise St.Romain seconded the motion. All voted in favor.

Order for SUP-24-08 & V-24-03 Whalen Tiny Home: Chairman Dozier asked for approval of the Order for SUP-24-08 and V-24-03. Louise St.Romain motion to approve the order as presented. Ken Gordon seconded the motion. All voted in favor.

Quasi-Judicial Hearing

Chairman Dozier 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 and variance application on the agenda. Chairman Dozier swore in all parties and witnesses for the following cases.

SUP-24-05 The Farm at Simple Life

Matt Champion read the staff report for the application. The request is for a special use permit for a recreational vehicle park. The subject area is comprised of a portion of PIN: 9588-62-0283, which totals 10.46 acres. Simple Life-Hamlet, LLLP is the applicant and the property owners are the Hoots family.

The applicant is currently under contract to purchase the subject area and proposes a Recreational Vehicle Park that will be recombined with the existing Village of Wildflowers RV

Park to the east. The major site plan shows a total of 60 new RV spaces that are approximately 60'X45'. The developer proposes tiny homes for each RV space. Access to the subject area will be through existing roads within the Village of Wildflowers, Just Wandering Ln and Vista Pond Ln, off S Orchard Rd (SR 1792). The major site plan shows two parking spaces for each RV space. The total area of disturbance is shown as 8.987 acres. Total impervious surfaces post development is shown as 2.53 acres. The major site plan also shows a proposed common area with walking trails.

The TRC reviewed the special use permit and major site plan application on November 5, 2024. The TRC voted to forward the application to the ZBA with the following conditions: soil erosion and sedimentation control permit, stormwater control permit, flood damage prevention development permit, NCDOT Traffic Impact Analysis, private sewer easement to the existing private manhole and any permitting with NCDEQ for capacity to the lift station.

After further Board discussion, Mark Casoria moved to approve SUP-24-05 with the Technical Review Committee's conditions. Carlos Ruiz seconded the motion. All voted in favor.

V-24-04 S. Lake Summit Setback

Matt Champion read the staff report for the applications. The request is a reduction in the front yard setback requirements for the Estate Waterfront Residential (WR) zoning district off a road classified as a "Local Road". Section 42-32 (B) of the Henderson County Land Development Code requires the front yard setback for a structure off a Local Road to a minimum of 45' from center of the right-of-way. The subject area is comprised of PIN: 9575-93-0483, which totals 1.12 acres. Julie Reo is the applicant and the Newnam's are the property owners.

Principal and accessory structures within the Waterfront Residential (WR) zoning district requires a minimum front yard setback of 45' measured from the center of the right-of-way. The subject area suffered an embankment failure in front of the structure facing S. Lake Summit Rd due to the water runoff from Hurricane Helene. The embankment failure has compromised the front of the existing residential structure. Instead of backfilling the area in front of the structure or just placing a retaining wall, the applicant is proposing to place a subsurface storage structure in front of the existing dwelling. The storage structure will act as both a storage area for the property owners and structural support against the wall holding up the foundation of the residence. The storage structure will only be visible by way of a door facing S. Lake Summit Rd at ground level. Additionally, the storage structure will be accessible from a set of stairs coming from the lower level of the existing residential structure. The storage structure will be encroaching into the front yard setback by approximately 27' and therefore requesting a variance to reduce the setback for this structure to 18'.

The TRC met and reviewed the application during their December 3, 2024, meeting and forwarded the application to the ZBA with the condition from NCDOT to only allow parallel parking to the structure along S Lake Summit Rd. The architect for the project has revised the major site plan to show parallel parking.

After further Board discussion, Mark Casoria moved to approve V-24-04 with the Technical Review Committee's conditions. Louise St.Romain seconded the motion. All voted in favor.

Appeal Scheduling: County Attorney Russ Burrell briefed the Board on an appeal of a decision made by the Zoning Administrator. The Board was asked to consider scheduling the appeal during the January 29, 2025, regularly scheduled meeting. Mark Casoria moved to schedule the appeal hearing on January 29, 2025, at 4:00PM. Carlos Ruiz seconded the motion. All voted in favor.

Adjournment: Chairman Dozier adjourned the meeting at 4:32PM.

Andrew Riddle, Chairman

Matt Champion, Zoning Administrator