

REGULAR MEETING
TOWN OF WAYNESVILLE
BOARD OF ADJUSTMENT
SEPTEMBER 5, 2006
TUESDAY - 5:30 P. M.
TOWN HALL

The Board of Adjustment held its regular meeting Tuesday, September 5, 2006. Members present were Gail Cross, Mack Noland, Mike Erwin, John Richardson and Neal Ensley. Also present at the meeting were Land Development Administrator Byron Hickox, Planning Director Paul Benson and Deputy Town Clerk Freida Rhinehart. Chairperson Mike Erwin called the meeting to order at 5:33 p.m.

Approval of Minutes of June 6, 2006 and June 28, 2006

Gail Cross moved, seconded by Neal Ensley to approve the minutes of June 6, 2006 and June 28, 2006 as presented. The motion carried unanimously.

Conditional Use Permit - CAC of Haywood County Apartments - Cindy Lane - Ninevah Neighborhood District (N-ND)

Byron Hickox stated that an application has been submitted for a conditional use permit from CAC of Haywood County to construct two apartment buildings containing a total of 15 units on Cindy Lane in the Ninevah Neighborhood District (N-ND).

Mr. Hickox indicated the developers have done an excellent job bringing the drawings into compliance with the Town's Land Development Standards and presented the following Finding of Facts:

Findings of Fact for Ninevah Neighborhood District (Section 154.120)

- a. The maximum density and minimum lot size standards have been met.
- b. The building setback standards have been met.
- c. Landscaping and buffering standards for the district have been met.
- d. Parking and pedestrian access standards have been met.
- e. All access and connectivity standards have been met.
- f. Impervious surface standards have been met.
- g. Design standards (building height, articulation, etc.) have been met.
- h. Multi-family dwellings are a permitted use in the district.

Finding: Requirements contained in Section 154.120 have been met.

Findings of Fact for Developments Over 100,000 Square feet in Gross Floor Area or Five (5) Dwelling Units (Section 154.225):

Finding: Requirements contained in Section 154.225 have been met.

Findings of Fact for Conditional Uses (Section 154.083):

- a. That the proposed conditional use conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extend of landscaping on the site.

Finding: The proposed development would conform to the character of neighborhood.

- b. That adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.

Finding: The proposed development can be safely accessed from Cindy Lane.

- c. That adequate utilities (water, sewer drainage, electric, etc.) are available for the proposed use.

Finding: Adequate public utilities are available for the proposed development. The Stormwater Management Plan is complete and satisfactory.

- d. That the proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

Finding: The proposed development would not be noxious or offensive by any of the specified reasons.

- e. That the establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the land development district.

Finding: The proposed development would not impede the reasonable use of surrounding properties.

- f. That the establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

Finding: The proposed development would not be detrimental to or endanger the public health, safety or general welfare.

Based on the above finding of facts, Mr. Hickox concluded the requirements of the Nivevah Neighborhood District, conditions for a conditional use permit and requirements for developments over 100,000 square feet have been met. The Community Appearance Commission did recommend a change in the pitch of the roof to more closely fit the scale of the neighborhood. This change was indicated in re-submitted drawings.

Mack Noland asked if there were any drainage problems. Mr. Hickox responded there are not.

John Richardson asked why one building only has 7 apartments. Mr. Hickox replied they are allowing community space for the residents.

Mr. Jon Sarver of Sarver Housing Group stated his company is helping the owner develop this property. He said Town ordinances call for attractive designs and he would like to come back to Waynesville to do more projects.

Mack Noland asked about the exterior of the buildings. Mr. Sarver replied they will be brick with lots of windows similar to projects in other areas.

Mr. Noland inquired if someone would be living there to oversee the property. Mr. Sarver responded that there will be an on-site manager living there.

Neal Ensley asked if these would be all rental units. Mr. Sarver replied they will be rentals. He explained the units are all one bedroom of 540 sq. ft. The project is intended as work force housing with rent of about \$400 per month. No plans have been made to develop the 1+ acre property any further. A mobile home park which adjoins the property to the rear already has a nice tree buffer in place.

Larry Inman, a resident of the neighborhood, had a question regarding access to the property. Mr. Sarver replied the property will be accessed from Cindy Lane with a sidewalk constructed along the street.

Since there are children in the neighborhood, Mr. Inman also asked about the number of tenants in the buildings and the resulting increase in traffic flow on Cindy Lane. Mr. Sarver responded there will 14 tenants and 1 manager but only a small percentage of the residents will own cars.

Mr. Hickox said the narrowness of Cindy Lane will probably tend to slow traffic. Further questions could be addressed to the Public Works Director.

Mack Noland moved, seconded by John Richardson, that the conditional use permit be granted based on compliance with the general requirements of Section 154.083 and the specific requirements of 154.120 and 154.225. The motion carried unanimously.

Adjournment

With no further business, Mack Noland moved, seconded by Neal Ensley to adjourn the meeting at 5:45 p.m.

Mike Erwin
Chairperson

Freida F. Rhinehart
Secretary