

REGULAR MEETING
TOWN OF WAYNESVILLE
BOARD OF ADJUSTMENT
SEPTEMBER 2, 2008
TUESDAY - 5:30 P. M.
TOWN HALL

The Board of Adjustment held a regular meeting Tuesday, September 2, 2008. 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, Deputy Town Clerk Freida Rhinehart. Chairperson Mike Erwin called the meeting to order at 5:30 p.m.

Approval of Minutes of July 1, 2008

John Richardson moved, seconded by Gail Cross to approve the minutes of July 1, 2008 as presented. The motion carried unanimously.

Four Star Development - Request for Zoning Vested Rights Approval - Preservation Way Condominium Development - Preservation Way and Park Drive - East Waynesville Neighborhood District (EW-ND)

Byron Hickox reminded the Board of Adjustment members that a conditional use permit was approved in February to construct 48 dwelling units in 3 buildings located on 6.53 acres. He distributed a map showing the location between East Street and Hillside Road. The utility plans and other requirements for the conditional use permit discussed at the February meeting have been completed and a conditional use permit has been granted.

Mr. Hickox then explained what the Zoning Vested Rights Approval involves. It is an assurance to a developer that for a period of time (which for the Town of Waynesville is 2 years) regardless of how our Land Development Standards may change that the developer may develop the project as it was originally approved. We are currently undergoing a 5-year review of our Land Development Standards. A vested right would allow Four Star to develop their project as approved even if the Standards should change drastically.

Mike Erwin asked if the 2 year period would give them time to get the building permit. Mr. Hickox responded that a building permit must be obtained by the end of the 2 years. A building permit is then good for one year and can be renewed for a \$50.00 charge.

John Richardson asked if they have a building permit now. Mr. Hickox responded they do not.

Gail Cross asked when the 2 year period begins. Mr. Hickox replied that it would begin tonight.

Mack Noland asked if all requirements of the original conditional use permit have been met. Mr. Hickox said they have. The plan is exactly as approved. If there should be any change, the vested rights could not apply and would result in beginning the process all over again.

Neal Ensley asked if there is a history of such approval for other developers. Mr. Hickox responded that this is the first time since he has been here, but with the high cost of investment in this type of

development, it is not unusual for developers to request the vested rights period. Mack Noland said the Board of Adjustment has granted similar requests in the past.

Denise Herr of 147 Preservation Way asked if sidewalks would be installed to allow residents to walk downtown from the development. She said the current roadway is very narrow.

Mr. Hickox said this project will include sidewalks along the internal lane to Park/Hillside and Preservation Way. A woodland mulch path is also shown extending approximately 500'. These will only be internal. If anything is altered, the plan would have to be resubmitted.

Ms. Cross and Mr. Ensley informed Ms. Herr that the Board of Adjustment determined when the conditional use permit was granted that access to the development was reasonable. Mr. Erwin also stated that the developer is responsible for access within and bordering the development but decisions regarding other improvements outside the development lie with the Public Works Department.

Mack Noland moved, seconded by John Richardson, to grant approval of zoning vested rights to Four Star Development for a 2 year period to construct 48 dwelling units contained in 3 buildings on a 6.53 acre property based on compliance with general requirements of Section 154.092 of the Waynesville Land Development Standards. The motion carried unanimously.

Election of Officers

Mack Noland moved, seconded by Neal Ensley that Mike Erwin continue as Chairperson. The motion carried unanimously.

Gail Cross moved, seconded by Neal Ensley that Mack Noland be elected Vice Chairperson. The motion carried unanimously.

Adjournment

With no further business, Mack Noland moved, seconded by Neal Ensley to adjourn the meeting at 5:50 p.m.

Mike Erwin
Chairperson

Freida F. Rhinehart
Secretary

