

REGULAR MEETING
TOWN OF WAYNESVILLE
BOARD OF ADJUSTMENT
JULY 7, 2009
TUESDAY, 5:30 P.M.
STATION #2 – 280 GEORGIA AVENUE

The Board of Adjustment held a regular meeting Tuesday, July 7, 2009. Members present were Gail Cross, Ken Stahl, Mack Noland, John Richardson and Neal Ensley. Also present at the meeting were Land Development Administrator Byron Hickox and Deputy Town Clerk Freida Rhinehart. Acting Chairperson Mack Noland called the meeting to order at 5:30 p.m.

Approval of Minutes of April 7, 2009

Gail Cross moved, seconded by Neal Ensley to approve the minutes of the April 7, 2009 meeting as presented. The motion carried unanimously.

Shell Isenberg – Conditional Use Permit – Oak Hill on Love Lane – 224 Love Lane – Love Lane Neighborhood District (LL-ND)

Byron Hickox stated the Isenbergs own Oak Hill on Love Lane. He continued that Oak Hill was previously operated as a Bed and Breakfast Home with four guest rooms. They wished to use a fifth bedroom and had to become an inn which is a conditional use in the Love Lane Neighborhood District. There are seven criteria which must be met in order to become an inn. The only item they had trouble meeting was a minimum 50' setback from every property line. It was not possible for them to purchase enough property to establish this setback from the rear of the structure. Following discussion with the Planning and Zoning personnel and it was suggested that an ordinance amendment be proposed to change the setbacks from 50' to 25'. The ordinance amendment was passed and the conditional use process was initiated. Thus, final approval of the conditional use permit is sought.

John Richardson asked if all seven conditions to become an inn have now been met. Mr. Hickox responded they have.

Jack Kersten said the building was originally known as Ten Oaks. After the building was sold the use was abandoned and in the meantime the ordinance governing bed and breakfasts was changed. The Administrative Code of North Carolina defined bed and breakfasts as four or fewer rooms. The purpose behind bed and breakfasts is the preserve lovely old homes since most people can't afford to maintain these larger houses. The ordinance has been changed and his client complies with all Town standards.

John Richardson moved, seconded by Gail Cross, to grant a conditional use permit to Shell Isenberg to operate Oak Hill on Love Lane at 224 Love Lane as an inn in full compliance with general requirements of Section 154.083 Conditional Uses and Section 154.233 Inns of the Town of Waynesville Land Development Standards. The motion carried unanimously.

WNC Community Credit Union – Variance – Street Yard Standards – Eagles Nest Road – Hazelwood Town Center (H-TC)

Patrick Bradshaw referred to the site plan indicating the location of Eagles Nest Road. The current location of WNC Community Credit Union is directly across Eagles Nest Road from the proposed location for a new building. The proposed site is currently an unimproved lot. There will be a new entrance road constructed into the property.

Ken Stahl asked if the new road would connect with Sulphur Springs Road. Mr. Bradshaw replied that discussion has taken place with the current property owner but no reply has been received. If in the future that property re-develops, the Town will require connectivity. At this time the new street will be built to the property line.

Mr. Bradshaw stated the DOT received a control of access to this area when the by-pass was built. WNC Community Credit Union has negotiated with DOT to purchase a defined break in control of access. Drainage ditches on the site will also affect the placement of the building.

Mr. Hickox pointed out the ordinance requires a minimum setback and a maximum setback for all non-residential buildings in the Hazelwood Town Center. The maximum setback not only from the front but from any street around it is 30 feet. The setback from the proposed new street complies but a variance from the required setback from Eagles Nest Road will be necessary.

Mr. Bradshaw indicated that yard standards according to Town standards are measured from the edge of the traveled way. The proposed building will be 35', 34' and 30' respectively from the edge of traveled way over to the existing DOT right of way line. Due to the DOT right of way, they cannot meet the maximum setback with respect to the traveled way. In addition that is compounded by the existing drainage ditches.

Mack Noland asked if the way the building fronts is an issue. Mr. Hickox responded that it is not.

Mr. Kersten said the granting of the variance will also provide for pedestrian access.

Mr. Hickox explained that since it is impossible to plan for every conceivable contingency, the variance process is in place to provide relief in such situations.

Mr. Bradshaw added that there is no problem complying with the minimum setback but they are seeking relief from the maximum setback from Eagles Nest Road.

Gail Cross moved, seconded by John Richardson, to grant a variance to WNC Community Credit Union to eliminate the maximum set back requirement from Eagles Nest Road based on the general requirements of Section 154.114(B)(3) and specific requirements set forth in Section 154.084(F)(2)(a) Granting of Variances. The motion carried unanimously.

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Adjournment

With no further business, Neal Ensley moved, seconded by John Richardson that the meeting be adjourned at 5:58 p.m. The motion carried unanimously.

Mack Noland
Acting Chairperson

Freida F. Rhinehart
Secretary

