

## TOWN OF WAYNESVILLE Zoning Board of Adjustment

9 South Main Street  
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Stephanie Strickland  
Henry Kidder  
Jack Suddath  
Neal Ensley (Chairman)  
David Felmet (Vice Chairman)  
Charles John Gisler

Development Services  
Director  
Elizabeth Teague

### Regular Meeting

Town Hall, 9 South Main Street, Waynesville, NC 28786  
**Tuesday January 5, 2016, 5:30 pm**

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The WAYNESVILLE ZONING BOARD OF ADJUSTMENT held a regular meeting on January 5, 2016 at 5:30 pm in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

### A. CALL TO ORDER

#### 1. Welcome/Calendar/Announcements

Ms. Elizabeth Teague, Development Services Director, welcomed everyone and called the meeting to order at 5:30 pm.

The following members were present:

David Felmet  
Stephanie Strickland  
Henry Kidder  
Jack Suddath  
Neal Ensley  
John Gisler

The following staff members were present:

Elizabeth Teague, Development Services Director  
Eddie Ward, Deputy Clerk

Ms. Teague asked each board member to introduce themselves and asked which members had experience serving on a Zoning Board of Adjustment. She said this would be an organizational and review meeting since this board had not met since 2013.

## **B. BUSINESS ITEMS**

### **1. Election of Chair and Vice Chair**

Ms. Teague said one of the first items that needed to be taken care of was the election of a Chairman and Vice Chairman. She outlined some responsibilities of these positions. The role of the Chairman is to “run” the meetings, which includes opening the meetings, going through the agenda, closing the meetings, managing Board Members, public comments, and rebuttals. The Chairman also has the power to call for a special meeting if necessary and is considered the liaison between the staff and the board. The Vice Chairman has the same responsibility in the absence of the Chairman.

Ms. Teague asked the Board for nominations for Chairman of the Board. There were two nominations for Board Member Neal Ensley for Chairman. One from Board Member Jack Suddath, and one from Board Member David Felmet.

*A motion was made by Board Member David Felmet, seconded by Board Member Henry Kidder, to elect Board Member Neal Ensley as Chairman of the Town of Waynesville Zoning Board of Adjustment. The motion passed unanimously.*

Chairman Ensley asked the Board for nominations for Vice Chairman of the Board. Board Member Jack Suddath nominated Board Member David Felmet.

*A motion was made by Board Member Jack Suddath, seconded by Board Member Stephanie Strickland, to elect Board Member David Felmet as Vice Chairman of the Town of Waynesville Zoning Board of Adjustment. The motion passed unanimously.*

### **2. Adoption of Minutes**

Ms. Teague asked the Board Members to look over the minutes from the December 3, 2013 regular meeting, and approve as presented or as corrected.

Chairman Ensley stated the only correction he saw was the spelling of his name should be Neal instead of Neil.

*A motion was made by Vice Chairman David Felmet, seconded by Board Member Stephanie Strickland, to approve the minutes of the December 3, 2013 minutes as corrected. The motion passed unanimously.*

*Chairman Ensley made a motion, seconded by Board Member Jack Suddath, to approve the minutes (summary) of the November 3, 2015 regular meeting as presented. The motion passed unanimously.*

### **3. Schedule for upcoming hearings**

Ms. Teague told the Board that the regularly scheduled meeting was set for the first Tuesday of each month at 5:30 p.m. She advised them that there were two variance applications that have been received in the Development Services Department for the Board’s consideration. These variances can

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be set for the next regularly scheduled meeting on February 2, 2016, and there will need to be a quorum at that meeting. The Board had questions about whether two cases could be heard in one meeting, and the time length involved. Ms. Teague gave the Board a general description of the types of variances being requested. Ms. Teague said that if the Board felt that both cases could not be heard in one meeting, another meeting could be scheduled, or the meeting could be continued.

*A motion was made by Board Member John Gisler, seconded by Vice Chairman David Felmet, to set the Board's regularly scheduled meetings to be held on the first Tuesday of each month, at 5:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC. Also, February 3, 2016 will be the reserve date if the meeting held on February 2, 2016, has to be continued. The motion passed unanimously.*

#### **4. Review of Quasi Judicial Process**

Ms. Teague stated that a review of the Quasi Judicial Process was conducted at the last meeting in December 2013, but she felt that the Board needed a refresher in procedures before the upcoming hearings. Ms. Teague gave the members a copy of an excerpt from the Town's ordinance for reference. She said the role of the Zoning Board of Adjustment is to give the public a chance to appeal an interpretation of an ordinance, and possibly obtain a variance from the ordinance. These types of appeals are handled much like court proceedings. Hearings will include the person who is asking for a variance, additional parties, and Town Staff. The Board will hear all evidence, and make a decision according to what they have heard. Attorney Ron Sneed will be in attendance, and the Board can speak openly with him. The Zoning Board of Adjustment is the only opportunity for evidence to be entered into records. If someone appeals the decision of this Board, the case will go to Superior Court and a judge will consider the evidence which was heard at the Zoning Board of Adjustment Meeting.

Ms. Teague reiterated that the Board could not discuss the cases beforehand with anyone. Board members can visit the properties in the cases to be heard prior to the hearing individually, but they cannot visit the site with other Board members or discuss the case with each other prior to the meeting. The goal is for the Board to have an open mind concerning each case and to weigh the merits of testimony and evidence provided at the meeting, and to avoid forming an opinion beforehand.

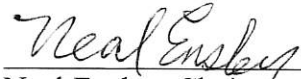
The meeting follows a strict procedure. The Chairman will call witnesses forward and swear them in. Ms. Teague explained who has the right to present evidence, or has "standing," in a case. A person who has "standing" is someone who has the right to present evidence. This may be a next door neighbor whose land may be impacted by the case, or it might be an expert witness in a certain field that can give an opinion. There will be a chance for rebuttals after each side has given their testimony. If the Chairman wishes, a time limit can be established for rebuttals and input from the public. After rebuttals, the Chairman will close the hearing.

After the hearing is closed, the Board has open discussion about the case and must develop a "Findings of Fact" for each case. These are facts that are proving, from the evidence presented, that there is reason for a variance or an appeal. The Chairman will call each question to vote. The Board must agree that the criteria for each question in the Findings of Fact are met before granting or denying the request. Ms. Teague discussed the Findings of Fact and conditions that the Board may attach to the approval of a variance as it deems necessary and appropriate.

Ms. Teague said these hearings are a big responsibility, and thanked everyone for serving on the Board.

**C. ADJOURN**

*With no further business, Vice Chairman David Felmet made a motion, seconded by Board Member Jack Suddath to adjourn at 6:51p.m. The motion passed unanimously.*



Neal Ensley, Chairman



Eddie Ward, Deputy Clerk