

TOWN OF WAYNESVILLE Zoning Board of Adjustment

9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Henry Kidder, Chair
David Felmet, Vice-Chair
Stephanie Strickland
Joshua Morgan
George Escaravage
Edward Moore
Alternates:
Margaret Chandler
John Baus
Robert Herrmann

Development Services
Director
Elizabeth Teague

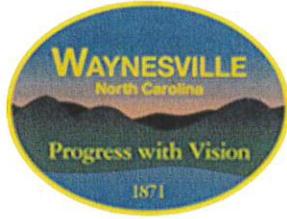
TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT REGULAR MEETING

Town Hall – 9 South Main Street, Waynesville, NC 28786
Tuesday, April 6, 2021, 5:30 PM

A. CALL TO ORDER/BUSINESS ITEMS:

1. Welcome/Announcements
2. Adoption of Minutes (as presented or amended) from August 4, 2020
3. North Carolina General Statutes Update to “160D”
 - Review of Conflict of Interest Statement
4. Adoption of Comprehensive Plan

B. ADJOURN



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REGULAR MEETING

Town Hall – 9 South Main Street, Waynesville, NC 28786
Tuesday, August 4th, 2020, 5:30 PM

THE WAYNESVILLE ZONING BOARD OF ADJUSTMENT held a regular meeting on August 4th, 2020, 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

Chairman Henry Kidder called the meeting to order at 5:35

The following members were present:

Henry Kidder (Chairman)
Stephanie Strickland (Vice Chair)
George Escaravage
John Baus-Alternate
Margaret Chandler Alternate
Robert Herrmann-Alternate

The following members were absent:

Joshua Morgan
Edward Moore

The following Attorneys were present:

Ron Sneed, Attorney for the Board

The following staff members were present:

Byron Hickox, Land Use Administrator
Esther Coulter, Administrative Assistant

Chairman Henry Kidder welcomed everyone and asked if there were any announcements

Land Use Administrator Byron Hickox went to the podium and introduced the new appointee Robert Herrmann he stated that Mr. Herrmann served on the planning board for 6 years.

Mr. Hickox told the board that the Draft Comprehensive Plan is on the Town of Waynesville Website and will go in front of the Board of Alderman August 17th, 2020. Then the final approval will be on September 8th, 2020.

Chairman Henry Kidder asked for nominations of Election of Chair and Vice Chair.

A motion was made by board member George Escaravage and seconded by board member John Baus to nominate board member Henry Kidder as Chairman of the Zoning Board of Adjustment. There being no other nominations, the motion passed unanimously. (5-0)

A motion was made by board member Margaret Chandler and seconded by board member George Escaravage to nominate Stephanie Strickland as Vice Chairman of the Zoning Board of Adjustments. There being no other nominations, the motion passed unanimously. (5-0)

Chairman Henry Kidder asked for a motion to approve minutes as presented or amended from June 2, 2020.

A motion was made by board member George Escaravage and seconded by Stephanie Strickland to approve the minutes from the June 2nd, 2020 board meeting. The motion passed unanimously. (5-0)

A motion was made by board member John Baus and seconded by board member George Escaravage to approve the board order from June 2nd, 2020. The motion passed unanimously. (5-0)

Elected Chairman Henry Kidder Adjourned the meeting at 5:44. Unanimously agreed. (5-0)

Henry Kidder, Chairman

Esther Coulter, Administrative Assistant

North Carolina General Statutes

§ 160D-109. Conflicts of interest.

(a) **Governing Board.** - A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(b) **Appointed Boards.** - Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(c) **Administrative Staff.** - No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

(d) **Quasi-Judicial Decisions.** - A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

(e) **Resolution of Objection.** - If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

(f) **Familial Relationship.** - For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)