

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD
REGULAR MEETING
Town Hall – 9 South Main St., Waynesville, NC 28786
April 21, 2014

THE WAYNESVILLE PLANNING BOARD held a regular meeting on Monday April 21, 2014 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

Chairman Patrick McDowell welcomed everyone and called the meeting to order at 5:30 p.m. with the following members present:

Marty Prevost
Jon Feichter
Brooks Hale
Patrick McDowell
Shell Isenberg
Don Stephenson
Danny Wingate

The following staff members were present:

Paul Benson, Planning Director
Eddie Ward, Deputy Town Clerk
Jason Rogers, Codes Administrator

2. Minutes of March 17, 2014

Board Member Marty Prevost made a motion, seconded by Board Member Brooks Hale, to approve the minutes of March 17, 2014 as presented. The motion passed unanimously.

B. NEW BUSINESS

3. Public Hearing: Consideration of text amendment to Section 14.5.2A, Historic Preservation Commission Membership and Quorum, of the Town of Waynesville Land Development Standards

Chairman Patrick McDowell asked Planning Director Paul Benson to explain the Land Development Standards text amendments. Mr. Benson said the Historic Preservation Commission had recently voted to recommend the membership of the Commission be increased by two members for a total of nine members. Commission members believe this change will bring more vitality to the Commission.

Mr. Benson stated that in 2011 the membership of the Commission was reduced from nine members to seven members because of difficulty filling all positions with interested persons. Since that time the Commission has become more stable and the current members would like to increase the membership to nine persons again. There has been some interest in the positions from people in the community, so the Commission feels it would not be a problem to fill two more positions.

Requirements for membership on the Historic Preservation Commission include residing within the corporate limits and extra-territorial jurisdiction of the Town of Waynesville, and demonstrating special interest, experience, or education in history, architecture, archaeology, or related field.

Recommendation of the staff is that the requested amendment be approved.

A motion was made by Board Member Jon Feichter, seconded by Board Member Don Stephenson, to approve the text amendment to Section 14.5.2A, Historic Preservation Commission Membership and Quorum, of the Town of Waynesville Land Development Standards. The motion passed unanimously.

4. Public Hearing: Consideration of a text amendment to Chapter 15, Administration of the Town of Waynesville Land Development Standards

Mr. Benson stated that in the 2013 session the North Carolina General Assembly adopted Session Law 2013-126 modifying the NC General Statutes regarding quasi-judicial proceeding handled by local governments. These changes were adopted in response to a request by the NC Bar Association and are regarded by planning law experts with the NC School of Government to be an improvement over the former statutes.

The changes apply primarily to Appeals of Administrative Decisions and Variance Requests handled by the Zoning Board of Adjustment. All are made to keep Town Code in compliance with state enabling legislation. They include:

- Changes in public notice of Variance and Appeal requests to remove published notice and add mailed notice to affected and adjacent property owners.
- Enables the Clerk to the Board as well as the Chair to swear in witnesses.
- Clarifies the requirements for written notice of decision and the delivery of that notice.
- Adds provisions for an expedited hearing process in cases where enforcement actions are not stayed until the hearing is held.
- Eliminates the super-majority (4/5th) vote required to uphold an appeal of an administrative decision.
- Requires that the Administrator appear as a witness in cases of appeal of an administrative decision.
- Eliminates the “practical difficulties” language from considering the granting of a variance
- Eliminates the test that a variance may not be properly granted if the applicant can make reasonable use of the property without the variance.

Recommendation of the staff is that the requested amendment be approved.

A motion was made by Board Member Marty Prevost, seconded by Board Member Brooks Hale, to approve the text amendment to Chapter 15 Administration of the Town of Waynesville Land Development Standards. The motion passed unanimously.

Town Manager Marcy Onieal came into the meeting at 5:45 p.m. Manager Onieal asked the Board for discussion and their thoughts of the direction of the Planning Board and the process of hiring a replacement for Planning Director Paul Benson upon his retirement in May. There were no comments from the Board.

Chairman McDowell thanked Mr. Benson for all his work, and stated that he had been a great asset to the Town of Waynesville during his years as Planning Director.

C. ADJOURN

With no further business, it was the consensus of the Board to adjourn the meeting at 5:53 p.m. All were in favor.

Patrick McDowell, Chairman

Eddie Ward, Deputy Town Clerk