

**MINUTES OF THE  
Henderson County Technical Review Committee  
November 1, 2011**

The Henderson County Technical Review Committee met for their regular meeting on November 1, 2011 in the King Street Meeting Room at 100 N. King Street, Hendersonville, NC.

TRC Members Present:

Anthony Starr, Planning Director  
Toby Linville, Zoning Administrator  
Tom Stauffer, Building Services Director  
Rocky Hyder, Emergency Services Director  
Marcus Jones, Director of Engineering  
Dennis Frady, Hendersonville Assistant Utilities Director

TRC Members Absent:

Natalie Berry, Assistant County Engineer  
Seth Swift, Environmental Health Supervisor  
Steve Cannon, NCDOT

Also Present:

Sarah Zambon, Deputy County Attorney  
Karen Ann Wall, Secretary  
Susan Olivari, Applicant  
Stuart Stepp, Architect  
John Myers, Applicant  
Richard Freudenberger, on behalf of John Myers

Approval of Meeting Summary: Mr. Starr asked for the approval of the October 18, 2011 meeting minutes. Rocky Hyder made a motion to approve. All members voted in favor.

Major Site Plan Review – Olivari - Place of Assembly - 5 Highland Park Dr (PIN 9577833954)– Stuart Stepp Architect, for Mark and Susan Olivari, Applicant. Presentation by Toby Linville: Mr. Linville, reviewed the plan and supplemental requirements that must be met prior to approval: submission of Major Site Plan, lighting mitigation; maximum and minimum number of occupants (40 - 499 persons); and 50 foot perimeter setback. He said the existing building would be renovated because the septic system did not allow for expansion on the site. He noted the 50 foot perimeter setback could not be met for this existing building. Mrs. Olivari said the building would be used for Homecoming dinners and sports and other banquet venues. Mr. Linville said there were landscaping requirements that needed to be met at one tree for every ten spaces, but may be able to be met by the existing buffer, and the new buffer that will be added. Mr. Stepp said the trees on the edge of the site will remain will put 10 azaleas across the front and a tree buffer on the far end of the site. Mr. Linville said that each parking space needs to be within 60 feet of a tree. Mr. Linville moved to approve the site plan with the following conditions: 1-Obtain an erosion control permit before driveway grading is started. 2-Consult Assistant County Engineer, Natalie Berry, regarding Stormwater issues. 3-Parking lot landscaping requirements be met and reflected on plan (each space within 60' of a tree) and resubmit to Zoning Administrator. 4- Meet NCDOT driveway requirements. 5-Ensure the septic system is installed correctly. All members voted in favor.

Minor Site Plan Review – Little Bearwallow Mountain LLC and Beth and Ronnie Oliver (PIN 0604713199) - Wind Mill Turbine, Accessory > 40 feet. - 1247 Chimney View Rd. – John Myers of Little Bearwallow LLC and Beth and Ronnie Oliver, Applicants. Presentation by Toby Linville: Mr. Linville said the wind turbine would need a special use permit and the TRC needed to make a recommendation to the Board of Adjustment. He reviewed the supplemental requirements; Wind turbine must be accessory to a principal dwelling or structure; the height cannot exceed 40 feet above any trees or structure within a 200 foot radius of the turbine and cannot exceed 100 feet in height; Rotor blades must be at least 10 feet off the ground; Must be setback 110 percent of the height of the turbine from adjoining property lines; Has to have a color that is consistent with existing development or natural conditions; Has to be compliant with FAA and FCC regulations; Meet structural requirements so the foundation meets and exceeds requirements for structural integrity; Has to be able to survive a wind speed consistent with NC State Building Code; Board of Adjustment shall consider noise and appearance when they review the application.



Mr. Myers said the wind turbine would be a part of a small sustainable community and is working with UNCA, Warren Wilson, and AB Tech students as an educational project. He asked that the color not be brown or green because the turbine location would be seen against the sky and brown or green would stand out. He requested the color be the light white as is manufactured or paint it a grey. He expressed concern with Henderson County Mountain Ridge Protection Act required tower height as not being a State ordinance and did not agree with the limitations in relation to turbulence. He proposed the blades be higher than the ordinance allows so as not to loose flow-turbulence and 25 to 50% of power if conditions were not right. He asked for an extra 20 feet. Mr. Freudenberger, Publisher for BackHome Magazine, offered further information on the points Mr. Myers made. He pointed out how the industry typically determines the tower height versus how the Henderson County ordinance determines height and other ordinances require the color be non-reflective and not a specific color. Mr. Starr said neither the TRC nor the Board of Adjustment had the ability to waive the height requirements and a variance could not be granted for it.

After discussion Mr. Starr made the motion to recommend approval of the application to the Board of Adjustment with the following conditions;

**1-**Applicant shall provide documentation the proposed Wind Turbine is in fact accessory to the home on PIN 0604713199. Such documentation should include a written and notarized agreement that provides the sharing of the revenue for energy created by the Wind Turbine.

**2-**Applicant shall provide proof of a platted easement to the homeowner on the parcel 0604516921 for the purposes for access and maintenance.

**3-**Applicant shall submit a recorded plat that recombines parcels 0604516921 and 0604617412 or a plat adjusting the parcel boundaries to allow the wind turbine to meet the property line setback of 110 feet. Alternatively, the applicant may provide proof of a recorded plat and easement protecting the 110 foot fall zone from any structural encroachments. Appropriate documentation of the condition must be met prior to construction of the wind turbine.

**4-**Applicant shall design and install the wind turbine with only non-reflective colors that are consistent with the natural vegetation within 200 feet of the proposed wind turbine location. The applicant shall provide color samples to the Zoning Administrator for approval prior to construction.

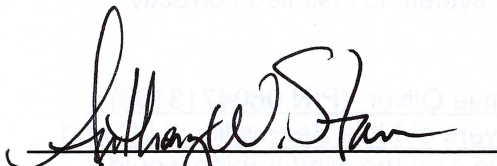
**5-**Applicant shall provide a certified statement by a professional engineer, licensed in the Sate of North Carolina, certifying the survival sustained wind speed of 110 miles per hour and height measured from the ground at the base of the wind turbine to the center of the hub at its highest point.

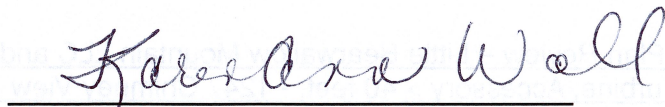
**6-**There must be 60 foot trees left within 200 feet of the wind turbine to allow the maximum height.

**7-**The turbine must not exceed 100 feet to the center of the hub of the turbine.

Mr. Jones seconded the motion. All members voted in favor.

Adjournment: Mr. Starr adjourned the meeting at 2:58p.m.

  
Anthony W. Starr, Chairman

  
Karen Ann Wall, Secretary