

**MEETING SUMMARY OF THE HENDERSON COUNTY
ZONING BOARD OF ADJUSTMENT
November 28, 2012**

The Henderson County Zoning Board of Adjustment held its regular meeting on November 28, 2012 at 4:00 p.m. in the King Street Meeting Room, 100 N. King Street, Hendersonville, North Carolina.

Board Members Present:

Jim Phelps, Chairman
Hunter Marks
Tony Engel
Jim Clayton
Ann Pouch
David Sadler, Alternate Member

Staff Members Present:

Toby Linville, Zoning Administrator
Sarah Zambon, Deputy County Attorney

Call to order / Introduction of the Board: Chairman Phelps called the meeting to order at 3:57 pm.

Review and approve September 26, 2012 Meeting Summary: Chairman Phelps asked for vote to approve the meeting summary. All members voted in favor.

SUP-12-05 Johnson Home Occupation Chairman Phelps presented the guidelines for a quasi-judicial hearing. He asked that all parties wishing to speak come to the podium to determine their standing. Rod Johnson was made a party of the hearing because he is the applicant. Kayla Tadsen was made a party of the hearing because she is an adjoining property owner. Lou Magrish was made a witness to Kayla Tadsen. Carl McKenzie was made a witness to Rod Johnson. Richard McGraw was made a party to the hearing because he is an adjoining property owner. Brett Fiora was made a witness to Richard McGraw.

After presentation of the staff report and all parties involved Hunter Marks made a motion to approve the Special Use Permit with the following conditions: the applicant meet the requirements of SR 2.8, the applicant should not replace his service vehicle with anything larger than his commercial van, that if the applicant adds a vehicle to his operation he must amend the SUP and no customers will visit the home occupation. The motion was seconded by Tony Engel. All members voted in favor of approving SUP-12-05.

2013 ZBA Calendar Toby Linville presented the board with the 2013 board calendar.

Board Secretary Toby Linville asked that the board make a motion to appoint the board secretary as the Zoning Administrator or their designee. The board voted unanimously to approve this appointment.

Legal Case Sarah Zambon presented the board with a legal case concerning the importance of burden of proof in quasi-judicial hearings.

Adjourn: There being no further business, Hunter Marks made a motion to adjourn. All members voted in favor at 6:30 p.m.

Jim Phelps, Board of Adjustment Chairman

Toby Linville, Zoning Administrator