

MINUTES OF THE HENDERSON COUNTY
ZONING BOARD OF ADJUSTMENT

The Henderson County Zoning Board of Adjustment held its regular meeting, Wednesday August 26 at 4:00 p.m. in the King Street Meeting Room, 100 N. King Street, Hendersonville, North Carolina. Those present were: Jim Phelps, Chairman, Jim Crafton, Vice-chairman, Ann Pouch, Dean Bonessi, Alternate Board Member Brandon Yelverton, Zoning Administrator Toby Linville, Deputy County Attorney Sarah Zambon, and Zoning Board Secretary, Karen Ann Antonucci. Regular Board Member Tony Engel did not attend.

Chairman Phelps: Called the meeting to order at 4:17 PM. He introduced the board. Under the old business we have our minutes. Has everyone had a chance to read through those? Do you have any questions, corrections, additions or other changes that we'd like?

JCrafton: I move we approve.

APouch: Second.

Chairman Phelps: Motion made to approve and it's been seconded. All in favor say aye. Opposed, no. Unanimously approved.

All board members were in favor of approving the August 26th minutes.

Chairman Phelps: Next thing on the agenda we have an order, SUP-09-05 David VanVoorhis requesting a special use permit for Wind Turbine less than 40 feet in height. Has everyone had a chance to read over those and see the facts as we had pretty well specified them and the conclusions reached and the conditions under which we granted it are all properly specified? And requests, additions or changes? If not do I hear a motion that we approve this order?

DBonessi: I make a motion that we approve order SUP-09-05.

APouch: I second.

Chairman Phelps: Ann seconds. Any discussion? Being none, all in favor, aye. Opposed, no. Clearly carried unanimously.

All board members were in favor of approving the order.

Chairman Phelps: Ok. We have one other, I guess we call this an order. A complaint really, SUP-09-02 regarding a special use permit for Heliport, Private Accessory for Joseph Andy Petree. Has everyone had a chance to read over this and are there any questions or comments, corrections or additions?

JCrafton: I'd just like to – the question I was raising before we met in just general conversation, but Sarah why did our activity last month generate a sign-able document this month on that regard? Because I thought we essentially chose to do nothing.

Deputy County Attorney SZambon: It created a sign-able document on that regard. You don't actually have to vote on it. What happened was after you all had your discussion about it I asked whether or not you wanted in writing just for a record. Just so we have some kind of proof because we don't have - since it wasn't a quasi-judicial proceeding we don't have verbatim minutes on it. So just to have proof that it was – the matter was addressed is the whole reason I did that.

JCrafton: Ok.

Deputy County Attorney SZambon: So it's not an order. I forgot what I labeled it.

JCrafton: It says ordered this day.

Chairman Phelps: It says, 'Order Denying Request'.

Deputy County Attorney SZambon: Order Denying Request. Yes, an order to deny their appeal but nothing to – I wasn't a quasi-judicial proceeding. And that's mainly because I lack a good vocabulary to come up with a good term.

Chairman Phelps: So basically...

Deputy County Attorney SZambon: I tried real hard to come up with another word for Order. Does that make sense?

JCrafton: I understand.

Chairman Phelps: So it's just a record of what we did. It's just a written record.

Deputy County Attorney SZambon: It's just a record that you addressed the concern and for those reasons you decided not to continue with it.

Chairman Phelps: So do I have a motion that we approve this as written?

Zoning Administrator TLinville: Before you vote would you like to change the wording of that to something saying 'record denying request' or anything else? We can do that before you ink it.

DBonessi: What else...

Deputy County Attorney SZambon: It doesn't really matter. No one's going to think this was a quasi-judicial proceeding. Because the order doesn't have finding of facts, there's no record and it wasn't treated as such. It was a request by someone for an appeal that was mute.

JCrafton: And the language does say, 'this body refused to hear the request'. Ok. I move...

Deputy County Attorney SZambon: Yeah, I'd be more concerned with the body of it than what it's called.

Chairman Phelps: We really could have called it just a request denial, not even put order on it or anything.

Deputy County Attorney SZambon: Next time I will.

JCrafton: We don't need a motion on it or anything, do we?

Deputy County Attorney SZambon: No. Jim just needs to sign it.

JCrafton: Jim just needs to sign it as a record of what happened.

Deputy County Attorney SZambon: Yeah, I mean he might just want to ask you all if you are ok with it. But you don't really need a motion on it.

Chairman Phelps: But if you don't have a motion I'll just phrase it this way, is there any objection to my signing this on behalf of the Zoning Board of Adjustment?

JCrafton: Go for it, Jim.

Chairman Phelps: There being none I will do so. Ok. Then on the agenda there I don't see any other items unless there's any new business to come before the board or anybody have any announcements, Toby or Sarah or Karen Ann? If not do we have a motion to adjourn?

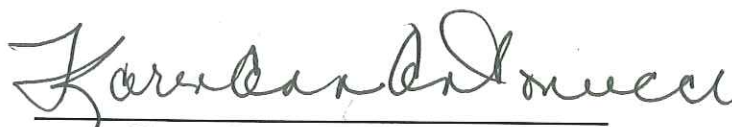
DBonessi: I motion to adjourn since I was the last one here.

Chairman Phelps: Last in, first out. Is there a second? All in favor say aye. Unanimous. We're out. I'm sorry you had to go all that effort for ten minutes worth of work.

All board members were in favor of adjourning the meeting at 4:25 p.m.

(Zoning Administrator Toby Linville instructed Zoning Board Secretary to put 'Request Denial' before Chairman Phelps signs the record.)


Chairman, Jim Phelps


Karen Ann Antonucci, Secretary