

**MEETING SUMMARY OF THE HENDERSON COUNTY
BOARD OF ADJUSTMENT MEETINGS
February 21, 2025**

The Henderson County Board of Adjustment held its regularly scheduled and special called meetings at 4:00 p.m. at the King Street Meeting Room.

Board Members Present:

Stephen Wilkie
Andrew Riddle (Chair)
Carlos Ruiz
Mark Casoria
Louise St.Romain (Vice Chair)
Ken Gordon (alternate)

Staff Members Present:

Matt Champion
Autumn Radcliff
Russ Burrell

Call to Order / Introduction of the Board: Chairman Riddle called the meetings to order at 9:30 am.

Review and Approve January 29, 2025, Meeting Summary: Chairman Riddle asked for approval of the January 29, 2025, meeting summary. Carlos Ruiz motioned to approve the meeting summary. Louise St.Romain seconded the motion. All members voted in favor.

Attorney representing Morrow Insurance Group, Bill Alexander, submitted documentation pertaining to the illegal permit revocation by the Zoning Administrator. Bill Alexander asked that the Board postpone the appeal hearing until the formal permit revocation process is met. Chairman Riddle asked for a motion to carry or motion to deny the request from Bill Alexander. Carlos Ruiz made a motion to deny the request from Bill Alexander. Louise St.Romain seconded the motion. All voted in favor.

Appeal A-24-01 Cool Creek, LLC

Chairman Riddle opened the quasi-judicial hearing for appeal A-24-01 Cool Creek, LLC. Chairman Riddle swore in Greg Heimburg, Terry Robinson, and Billy Taylor. Craig Justus, attorney, represented Carriage Park HOA during the hearing.

Matt Champion gave the Zoning Administrator's report for the appeal submission. A-24-01, Cool Creek, LLC that was submitted on behalf of Cool Creek, LLC by Attorney W. Scott Jones. The subject area in questions is 18 Carriage Park Way located on PIN 9559-59-8967 and is approximately 1.14 acres. On 10/16/2024 Temporary Change of Occupancy Zoning Permit for Morrow Insurance issued for a portion of the existing sales office for Carriage Park at 18 Carriage Park Way due to Hurricane Helene. On 11/6/2024 Zoning Administrator Revoked Temporary Zoning Permit due to specific regulations pertaining to the special use permit that Carriage Park operates under. On 11/20/2024 the Board of Commissioners adopted text amendments pertaining to a Federal Disaster Declaration recovery effort for temporary residential housing and debris storage sites. On 12/5/2024 Appeal filed on behalf of Cool Creek, LLC by W. Scott Jones, Attorney.

The Planning and Zoning Departments were collectively working on text amendments to the LDC pertaining to Hurricane Helene relief efforts. During the time the zoning permit was issued to Morrow Insurance, no decision had been made on whether displaced non-residential uses would be addressed. The zoning permit was issued in anticipation that displaced non-residential uses would be part of the relief text amendments. The Beverly Hanks Business Park flooded out with no timeline of when it would reopen. Terry Robinson of Morrow Insurance ("Robinson"), on behalf of Cool Creek LLC (owner of the parcel in question) sought a temporary use permit from the Zoning Administrator to use the subject property. Neither Robinson nor Cool Creek LLC informed the Zoning Administrator that work had already begun on the premises to allow Robinson and Morrow Insurance to use the premises prior to the

application for the temporary use permit. At the time the issue of a temporary permit was raised, the Zoning Administrator was unaware of the provisions of the existing special use permit for Carriage Park from 1993. Robinson informed the Zoning Administrator that most Morrow Insurance employees worked from home and would not have much foot traffic. Robinson stated that Morrow Insurance was actively looking for a new location and already found a potential facility that would be available in 2025. Robinson was made aware by the Zoning Administrator that the zoning permit could be revoked if the Board of Commissioners did not adopt relief amendments for displaced non-residential uses. The Zoning Administrator issued a temporary use permit to Cool Creek LLC to allow Morrow to use the subject premises.

Subsequent to the issuance of the temporary use permit, the Board of Commissioners did not adopt any relief amendment regarding displaced non-residential uses. In addition, subsequent to the issuance of the temporary use permit, the Zoning Administrator learned of the provisions of the special use permit covering the subject property which do not allow for the use requested. In addition, subsequent to the issuance of the temporary use permit, the Zoning Administrator was informed by the Carriage Park Homeowners Association that work had commenced on modification of the premises to allow for Morrow Insurance's use prior to the application for the temporary use permit. The Zoning Administrator revoked the zoning permit issued for Morrow Insurance on November 6, 2024, due to the relief text amendments not addressing displaced non-residential uses. The Zoning Administrator revoked the zoning permit due to the existing special use permit for Carriage Park explicitly stating that the "Welcome Center" is to be used solely for the benefit of Carriage Park.

After lengthy discussion, Chairman Riddle asked for a motion to uphold or overturn the Zoning Administrator's permit revocation. Louise St.Romain motion to uphold the Zoning Administrator's permit revocation. Carlos Ruiz seconded the motion. All voted in favor.

Adjournment: Chairman Riddle asked for a motion to adjourn. Louise St.Romain made a motion to adjourn. Stephen Wilkie seconded the motion. All voted in favor. The meeting adjourned at 3:16pm.

Andrew Riddle, Chairman

Matt Champion, Zoning Administrator