Planning Board of Adjustment Action Minutes

8/6/2024

The action minutes provide an overview of the Planning Board of Adjustment agenda items and actions that occurred during the meeting, excluding the evidentiary hearing portion of the meeting. Minutes for the evidentiary hearing agenda items are at the end of the action minutes. Please refer to the video recording for more details about the meeting or the Planning Board of Adjustment webpage for meeting materials. Due to technical issues the video does not have any audio. Please reach out to the Woodfin Town Clerk for a copy of the audio recording by emailing clerk@woodfin-nc.gov.

Board Members Present: Chair Michael Bennett, Vice Chair Scott Hanson, Kennedy Young, Chris DeRonne, Larry Hopkins, Glenda Overbeck, and Michael Valentine
Board Members Absent: None
Town of Woodfin Staff Present: Ricky Hurley, Marie Biddix

Meeting Start Time: 6:00 **Meeting End Time:** 8:15

AGENDA ITEM	ACTION
Approval of Agenda	**Motion:** Approve Agenda **1ST: Member Hanson** **2ND: Member Young** **Vote: 6-0 (approved)** **Notes:** (Video 0:54)
Approval of Minutes June 4, 2024	**Motion:** Approve Minutes **1ST: Member Young** **2ND: Member Valentine** **Vote: 6-0 (approved)** **Notes:** (Video 1:08)
New Member Oath Michael Valetine Sworn in by Mayor McAllister	**Motion:** Approve Minutes **Notes:** (Video 2:51)

New Business

Administrative Review **Ben Lippen Rd. & Desperate Ln.** PIN 9629-65-5672, 9629-65-4520, 9629-65-4447 *19-lot major subdivision* Concept plan	**Notes:** (Video 5:28)
Evidentiary Public Hearing **66 Lake Town Lane** PIN 9730-99-4827 *Variance* Section 54-214(e)(4) – increase land disturbance/impervious surface limits	**Motion:** Approve with Condition **1ST: Member DeRonne** **2ND: Member Hopkins** **Vote: 5-0 (approved)** **Notes:** (Video 22:24) (Motion 1:02:23)
Legislative Public Hearings *Text Amendment* Sec. 54-10 Definitions Sec. 54-143(b) – Table of Uses	**Motion:** Continued to September 3, 2024 **1ST: Vice Chair Hanson** **2ND: Member Young** **Vote: 6-0 (approved)** **Notes:** (Video 1:04) (Motion 2:14:02)
Adjourn	**Motion:** Continued to September 3, 2024 **1ST: Member Overbeck** **2ND: Vice Chair Hanson** **Vote: 6-0 (approved)** **Notes:** (Motion 2:14:54)

Planning Board of Adjustment Minutes
Evidentiary Public Hearing

66 Lake Town Lane - PIN 9730-99-4827

Zoning and Use	Zoning Requirement	Applicant Request	Variance
R-7 Single Family	Land Disturbance: 15% of the total lot area (21,780 sq. ft.)	16.7% (24,205 sq. ft.)	8'6" (71%)
	Impervious Surface: 8% of the total lot area (11,325 sq. ft.)	8.7% (12,616 sq. ft.)	

Ricky Hurley, Pat Reagan

Ricky Hurley gave an overview of the project, a 3.37-acre parcel, containing lots 259 & 260 of Reynolds Mountain. The property is currently vacant, zoned R-7 Residential District and subject to the Town's Steep Slope standards. Access is provided at the end of publicly maintained Lake Town Lane. Surrounding properties are occupied with a mixture of detached single family and duplex residential homes on individual lots ranging from 0.13 to 3.95 acres in size. The property slopes downhill in a westward direction, with elevations ranging from 2,625 to 2,785 feet.

The variance will not benefit the homeowner, it is simply to help the SW infrastructure and will be below the retaining wall. This is the same parcel that received a variance at the last meeting. This is a community led effort to help with ongoing stormwater issues.

The property owner, Chris Burkhart, is partnering with the HOA to improve the Reynolds Mountain drainage system. These are last-minute changes from the POA, which is why this parcel is requesting another variance. The stormwater infrastructure will be installed down the lower side of the property, as shown on exhibit two. Chair Hayes closed the public hearing at 6:12.

Pat Reagon with Reynolds Mountain POA explained that project in detail to the board members. Members asked questions related to streams, runoff, existing stormwater runoff and the location of existing infrastructure. Additional discussion was had about the pipes, sewer systems and technical calculations.

Motion to approve with the condition that the variance is approved only for the stormwater system and if the system is not built the variance is null and void.

The board members discussed the evidence and agreed all found findings required had been met.

- Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

- The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

- The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.

- The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

MOTION: Member DeRonne made a motion to approve the variance with the one condition that the variance be granted solely for this project and that the four findings required to grant a variance per section 54-69(e)(2)(a)(1-4) had been met. Member Hanson seconded the motion which carried unanimously.