

Town of Weaverville

Zoning Board of Adjustment
Minutes – Monday, April 24, 2017

The Zoning Board of Adjustment of the Town of Weaverville met for a special called meeting at 7pm on Monday, April 24, 2017 in council chambers at Town Hall at 30 South Main Street, Weaverville.

Present: Chairman Al Root, Board Members Paul Clauhs, Tycer Lewis, Jeff McKenna and Cynthia Wright, Alternate Member Roger Parkin, Town Attorney Jennifer Jackson and Town Planner James Eller.

1. Call to Order

Chairman Al Root called the meeting to order at 7:00pm.

2. Approval of the Minutes from the February 13, Meeting of the Board

Mr. Lewis motioned to approve the minutes presented from the February 13, 2017 meeting of the Zoning Board of Adjustment. Ms. Parkin seconded and all voted unanimously.

3. All Matters on Remand from the Superior Court Concerning the Mayfair Partners, LLC Application for a Special Use Permit for 97 Lakeshore Drive, PIN: 9732-94-3657, Including Consideration of a Proposed Consent Order for a Modified Plan that has been Agreed to by all Parties to this Matter.

Chairman Root briefly described the history of the matter before the Board, the Order from the Superior Court and the Consent Agreement reached by all parties involved.

Chairman Root then identified the Board Members hearing the matter including himself, Mr. Clauhs, Mr. Lewis, Mr. McKenna and Mr. Parkin. An inquiry was made as to any conflict of interest on the matter from the identified members and none were noted. An inquiry was made as to any ex parte communication. Chairman Root noted that he was vaguely familiar that settlement negotiations had taken place but was not aware of the particulars and had made a concerted effort to distance himself from such information. No ex parte communication from members of the Board was noted.

The parties were then identified as Mayfair Partners, LLC and their representative Mr. Craig Justice; the Town of Weaverville represented by Town Planner James Eller; and individual town residents Mr. Michael Watkins, Thomas and Marian Plautt, James and Sharron Proffitt, Sara and Thomas Veasey and Conley Hyer; and the Lake Louise Preservation Association (LLPA) with Mr. Plautt representing same as the president of the association.

Chairman Root described the remand from the Superior Court as being the adoption of an order approving the original plan or the adoption of a consent order for a plan which had been agreed upon by all parties involved.

Chairman Root asked if each of the aforementioned parties agreed to the jurisdiction of the Board to hear the remand from Superior Court and unanimous consent was granted.

Chairman Root asked Mr. Eller the actions taken to properly notice the meeting. Mr. Eller produced and affidavit of publication, an affidavit of mailing and an affidavit of posting each showing that the meeting had been duly advertised in accordance with state statute and municipal code. No objections were noted to the notice given and the aforementioned affidavits.

Chairman Root asked the Board to entertain a motion to enter the public hearing. Mr. Lewis made a motion to enter into the public hearing. Mr. McKenna seconded and all voted unanimously.

Town Attorney Jackson asked the Board to adopt the record established from previous public hearings regarding this matter. Mr. McKenna motioned to adopt the record of the proceedings. Mr. Lewis seconded and all voted unanimously.

Ms. Jackson then described to the Board the consent agreement reached by all parties involved including the reduction of dwelling units from twenty one to fourteen with the aggregate including eleven smaller units along the Reems Creek side of the property and three larger homes adjacent to Quarry Road near the intersection of Lakeshore Drive; the reduction of units allowed portions of the property to be freed for other purposes such as an improved and enlarged recreational area, moving the road improvements for Quarry Road onto the applicants portion of the property within the right-of-way and away from the property of Mr. Hyer, the preservation of the greenway and moving the footprint of the proposed structure further away from the property of Mr. Watkins; the Town has agreed to undertake the necessary widening and improvements to Quarry Road at such point as the work has been funded in exchange for a separate property adjacent to Reems Creek being deeded to the Town for passive recreational use by the public; outdoor lighting will be installed and maintained in accordance with the lighting ordinance of the Town; the engineered storm water plan remains in effect from the original plan but the Town is authorized to accept an alternate plan in conjunction with Buncombe County Stormwater Management and the exterior appearance of the dwelling would remain consistent from the original plan.

Chairman Root asked if overflow or visitor parking was provided on the revised plan and Ms. Jackson confirmed. Mr. McKenna asked if structures two and three would be two story dwellings and Ms. Jackson confirmed. Mr. Parkin asked about the timing of improvements to Quarry Road and Ms. Jackson noted that said improvements would not be done until construction of the project had been completed.

Mr. Veasey, a party to this matter, asked Ms. Jackson if additional buffering was shown on the revised plan and Ms. Jackson noted that the developer was receptive to the request.

Chairman Root asked the Board to entertain a motion to close the public hearing. Mr. Clauhs made a motion to close the public hearing. Mr. McKenna seconded and all voted unanimously.

Chairman Root asked if any of the parties would like to address the Board in advance of their deliberation. Mr. Platt spoke to the Board on behalf of the LLPA regarding the effort of same in opposing the proposed development and support of the revised plan shown and described by the consent order.

Chairman Root asked the Board to entertain a motion adopting the described consent order agreed to by all parties to this matter. Mr. McKenna made a motion to adopt the consent order. Mr. Lewis seconded. Chairman Root recognized the effort by all parties involved and noted his expectation and faith in the developer to follow through on the plan agreed upon. All voted unanimously in favor of the motion.

4. Any Other Business to Come Before the Board.

Chairman Root noted that the next meeting of the Board will be held on Monday, May 8, 2017.

5. Adjournment.

Mr. Clauhs motioned to adjourn. Mr. Parkin seconded and all voted unanimously.

**Al Root, Chairman
Zoning Board of Adjustment**

ATTEST:

**James W. Eller
Town Planner / Deputy Town Clerk**