

Town of Weaverville
Planning and Zoning Board
Minutes – Tuesday, September 4, 2018

The Planning and Zoning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00pm on Tuesday, September 4, 2018 within Council Chambers at Town Hall.

Present: Chairman Doug Theroux, Vice-Chairman Gary Burge, Board Members Catherine Cordell, Peter Stanz and Steve Warren Alternate Board Member John Chase, Town Attorney Jennifer Jackson and Planning Director James Eller.

1. Call to Order.

Chairman Doug Theroux called the meeting to order at 6:00 pm.

Chairman Theroux congratulated Board Members Burge, Chase and Cordell for their reappointment to the Planning and Zoning Board.

2. Approval of the Minutes from the August 7, 2018 Meeting of the Board.

Mr. Stanz motioned to approve the minutes as presented. Ms. Cordell seconded and all voted unanimously.

3. Discussion Related to a Proposed Zoning Ordinance Text Amendment Related to Nonconformities.

Mr. Eller described that the material before the Board related to nonconformities was reflective of the Board's comments and concerns from the previous month's meeting with one exception being language addressing nonconforming lots made such by insufficient street access as required by Sec. 36-12.

Ms. Jackson provided the following proposed ordinance Section 36-531(c).

“If a lot is nonconforming in that it does not have street access as described in Section 36-12, a building can be constructed on such lot if the applicant can provide evidence of a recorded legal access to a publicly maintained street or roadway which will support actual vehicular access to the lot.”

4. Consideration of a Motion Establishing a Recommendation to Town Council on the Aforementioned Proposed Text Amendment.

Mr. Burge motioned to provide a positive recommendation on the language related to nonconformities, inclusive of proposed section 36-531(c), finding such language an improvement over the existing

ordinance in that it is more comprehensive, finding such language in compliance with the Town's comprehensive land use plan and finding such language in the best interest of the public. Mr. Stanz seconded and all voted unanimously.

5. Discussion Related to a Proposed Zoning Ordinance Text Amendment Related to Conditional Zoning Districts.

Mr. Eller noted that the intent of the revised language related to conditional zoning districts before the Board for their consideration was to allow for any use on any property to be eligible to apply for a CZD while maintaining certain uses as permissible only via a CZD within the Table of Uses. Ms. Jackson added that such an arrangement would allow for some transitional zoning on a property by property basis rather than a conventional transitional district previously discussed by the Board.

A conversation occurred revolving around the topics of vested rights, spot zoning and a creep of commercial zoning into residential districts. Consensus was gained that site specific conditional zoning was the most feasible mechanism to achieve the highest and best use on properties which border a neighboring zoning district.

6. Consideration of a Motion Establishing a Recommendation to Town Council on the Aforementioned Proposed Text Amendment.

No such motion was made as the conversation related to conditional zoning districts is to continue at the next regularly scheduled meeting of the Board.

7. Any Other Business to Come Before the Board.

Ms. Cordell noted that she would be absent from the next regularly scheduled meeting of the Board in October.

8. Adjournment.

Mr. Warren motioned to adjourn. Ms. Cordell seconded and all voted unanimously.



Doug Theroux, Chairman
Planning and Zoning Board

ATTEST:



James W. Eller
Planning Director / Deputy Town Clerk