

Town of Weaverville

Board of Adjustment

Minutes – Monday, October 10, 2022

The Board of Adjustment of the Town of Weaverville met for its regularly scheduled monthly meeting at 6 pm on Monday, October 10, 2022, in the Community Room and Council Chambers at Town Hall, 30 South Main Street, Weaverville.

Present: Chairman Tycer Lewis, Board Members Paul Clauhs and Roger Parkin, Alternate Member Larry Murray, Town Attorney Jennifer Jackson and Planning Director/Zoning Administrator James Eller. Vice-Chair Cynthia Wright was absent. Board Member Peter McGuire participated in the meeting by Zoom to listen but did not vote.

1. Call to Order

Chairman Lewis called the meeting to order at 6:00 pm and welcomed those in attendance to the meeting. The board members and staff introduced themselves. Board Member Larry Murray was recognized as a regular voting member of the Board.

2. Election of Officers

Board Member Clauhs made a motion to appoint Tycer Lewis as Chairman of the Board. Board Member Parkin seconded the motion. In a vote of 4 to 0, the motion passed.

Board Member Parkin made a motion to appoint Cynthia Wright as Vice Chair of the Board. Chairman Lewis seconded the motion. In a vote of 4 to 0, the motion passed.

3. Approval of Agenda

Board Member Clauhs made a motion to approve the agenda as presented. Board Member Murray seconded the motion. In a vote of 4 to 0 the motion passed.

4. Approval of Minutes

Board Member Murray made a motion to approve the minutes from the June 13, 2022, meeting of the Board with minor amendments suggested. Chairman Lewis seconded the motion and all voted in favor of approving the minutes as amended.

5. Order on Variance Application for 104 Fortress Ridge

Based on the evidentiary hearing held on June 13, 2022, and the vote of the Board on the matter, staff presented a written order for the Board's consideration. After review of the order, Board Member Parkin made a motion to adopt the order as written. Board Member Clauhs seconded the motion. In a vote of 4 to 0 the motion passed and the order was adopted.

6. Order on Variance Application for 12 Banks Town Road

Based on the evidentiary hearing held on June 13, 2022, and the vote of the Board on the matter, staff presented a written order for the Board's consideration. After review of the order, Board Member Murray

made a motion to adopt the order as written. Chairman Lewis seconded the motion. In a vote of 4 to 0 the motion passed and the order was adopted.

7. Any Other Business

For training purposes, Attorney Jackson provided a review of the areas within the Town’s Code of Ordinance that provide the Board of Adjustment with jurisdiction, and their respective standards, which includes: appeals of administrative decisions, issuance and amendments to special use permits, variances from development regulations, sidewalk waivers, decisions on vegetative screening and/or buffer waivers, extensions of time for the repair/replacement of nonconforming structures, replacement of a nonconforming use with another nonconforming use, public health nuisance appeals, flood damage prevention variances and appeals, and traffic and parking appeals.


Attorney Jackson indicated that the Board may be asked to take on the duties of the animal control appeals board as well. While the subject matter is outside the normal scope of the Board, which typically works in land use matters, the animal control appeals does have to conduct its business using quasi-judicial procedures and there are no other boards that are trained in that. She also indicated that the cases are very rare. There was a consensus that the Board was willing to take on those duties. Jackson indicated that she would pass this consensus along to the Mayor as he decides what he would like to propose.

Attorney Jackson and Planning Director Eller also provided a review of quasi-judicial procedures with an emphasis on evidence standards.

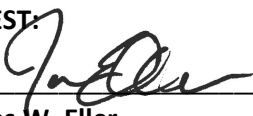
An updated roster was presented showing a vacancy in an alternate seat. It is anticipated that Town Council will be taking action in the upcoming months to fill this vacancy. Board members were encouraged to send any recommendations for appointment to the Board to staff.

8. Adjournment

At approximately 6:45 pm, Board Member Murray made a motion to adjourn, which was seconded by Board Member Clauhs. All voted in favor and the meeting was adjourned.



Tycer Lewis, Chair
Board of Adjustment

ATTEST:


James W. Eller
Town Planner / Town Clerk