

TOWN OF BLACK MOUNTAIN PLANNING BOARD

The Black Mountain Planning Board held its regular meeting on Monday, September 24, 2018 at 6:00 p.m. in Town Hall at 160 Midland Avenue, Black Mountain, North Carolina.

I. CALL TO ORDER

The meeting was called to order with the following members present:

Peter Vazquez, Chair
Pam Norton, Vice Chair
Jennifer Willett
Lisa Milton
Jesse Gardner
Michael Raines
Scott Reed

Staff:

Jennifer Tipton, Zoning Administrator
Jessica Trotman, Planning Director

The meeting was called to order at 5:58 p.m. and duly constituted and opened for business with a quorum of five (5) members. Members Jesse Gardner and Pam Norton arrived late.

II. ADOPTION OF AGENDA

Lisa Milton made a motion to adopt the agenda as presented. The motion was approved by consensus with a vote of 5-0.

III. ADOPTION OF MINUTES

Jennifer Willett made a motion to adopt the minutes of August 27, 2018 as written. The motion was approved by consensus with a vote of 5-0.

IV. OLD BUSINESS

1. Right-of-Way Closure Request for First Street (off of Blue Ridge Assembly Drive)

Ms. Tipton presented the staff memo to the board stating that nothing had changed since the last meeting when the closure was presented. Ms. Tipton did reference a letter that was given to the board from Mike and Carol Sobol stating that they were not in favor of the closure. Ms. Tipton reminded the board about their ability to amend the scope of the closure of the right-of-way but that they could not make the applicant amend the scope any further. Lisa Milton asked about the vacant lot behind 32 Blue Ridge Assembly Drive and questioned if it met the nonconforming section since the nonconforming section does not allow lots that have contiguous frontage that are owned by the same person to build on the lot.

Dana Bobilya, 75 Maney Lane, spoke on behalf of his brother Andrew Bobilya, who is the one petitioning for the closure, and said that if the board was not willing to close the entire portion of First Street without the closure of the additional alleyway then Andrew Bobilya would like to request that the back portion, from the beginning of the alleyway back to the Penley's property. Dana Bobilya stated again that there will be a fifteen foot easement for access and utilities and will leave it open at the alleyway so as not to block access for any additional lots and the Clegg's would keep the alleyway open so as not to block access. Jesse Gardner made a motion to recommend the closure First Street in its entirety with the condition that the fifteen foot easement

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for access and utilities that the petitioner volunteered be recorded. The motion was approved by a vote of 6-1 with Lisa Milton voting against the recommendation to close First Street in its entirety.

V. NEW BUSINESS

1. Text Amendment Proposal – Definitions of Vacant Land and Undeveloped Land

Ms. Tipton presented the proposed text amendment to the board explaining that the goal for the amendment is to clarify the difference between a vacant lot and an undeveloped lot. The town receives numerous complaints about tall grass and weeds and the ordinance doesn't specify between a vacant lot and an undeveloped lot. The definitions provided come from the Planner's Dictionary and have stood up in court.

Elaine Loutzenheiser, 410 Avena Road, spoke about lots on Padgettown Road that could meet either definition of a vacant lot or undeveloped land. The board was fine with the definition of an undeveloped lot but recommended that vacant lot be explained further to include improvements that have to be permitted or should have been permitted. The board found that the amendment was consistent with the Comprehensive Plan and was reasonable and in the public interest. Jesse Gardner made a motion to adopt the Statement of Consistency. The motion was approved by a vote of 6-1 with Lisa Milton voting against the Statement of Consistency. Jesse Gardner made a motion to recommend the proposed text amendment as amended. The motion passed with a vote of 6-1 with Lisa Milton voting against the recommendation of the proposed text amendment.

2. Text Amendment Proposal – Floodway Encroachments

Ms. Tipton presented the proposed text amendment to the board explaining that the goal for the amendment is to add language back into the ordinance regarding debris and blockages in the streams and rivers. It appears to staff that the language was inadvertently omitted in the 2010 update of the Land Use Code and this amendment just adds the language back to the code. The board recommended replacing special flood hazard area with floodway areas and recommended adding store items and miscellaneous debris to the last sentence. The board found that the amendment was consistent with the Comprehensive Plan and was reasonable and in the public interest. Jesse Gardner made a motion to adopt the Statement of Consistency. The motion was approved by consensus with a vote of 7-0. Jesse Gardner made a motion recommend the proposed text amendment as amended. The motion was approved by consensus with a vote of 7-0.

3. Text Amendment Proposal – Home Occupations

Ms. Tipton presented the proposed amendment to the board explain that the goal for the amendment is to require home occupations to fill out an application that will have zoning information so that staff can determine that the home occupation is operating in a legal district and that the home occupation is following all other requirements of the home occupation ordinance. Several board members felt that the amendment was fair and Ms. Trotman said that it was a balance staff and supports staff because there is something to reference and is a more equitable approach. Jesse Gardner said it would be a good baseline. The board found that the proposed amendment was consistent with the Comprehensive Plan and was reasonable and in the public interest. Jesse Gardner made a motion to adopt the Statement of Consistency. The motion passed with a vote of 6-1 with Lisa Milton voting against the Statement of Consistency. Jesse Gardner made a motion to recommend the proposed text amendment as written. The motion

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passed by a vote of 6-1 with Lisa Milton voting against the recommendation of the proposed text amendment.

4. Text Amendment Proposal – Historic District Overlay

Ms. Tipton presented the proposed amendment to the board explaining that the goal for the amendment is to clean up some inconsistent language, to revise the noticing requirements so that they match the noticing requirements for all other public hearings and to remove the mandatory requirement for a conservation district review since it is not required by the statute and to make it an educational resource. Jesse Gardner asked if the Historic Commission had seen the amendments and it was noted that they had been emailed the amendments and no one had commented. The board decided to table the proposed amendment until the Historic Commission could look over the amendments and make any comments.

VII. COMMUNICATION FROM PLANNING BOARD

None.

VIII. COMMUNICATION FROM STAFF

Ms. Trotman thanked the board for their work on the agenda items and staff will continue to clean up the ordinance and some of the amendments will be easy and some will be harder and said she appreciated the hard work.

IX. ADJOURNMENT

Jesse Gardner made a motion to adjourn at 7:51 p.m. The motion was approved by consensus with a vote of 7-0.

Prepared by:

Peter Vazquez, Chair

Jennifer Tipton, Zoning Administrator