Board members present: Wade Burns

Dan Dean

Bill Scheu

Mason Blake

Sally Stansill

Allen Crawford

Bill Roberts

Board members absent: David Holcomb

Town staff present: Angie Murphy, Town Clerk

Adrienne Isenhower, Zoning Administrator

Alex Carmichael, Town Administrator

One member of the public was present but several members were watching via Zoom. Mr. Scheu called the meeting to order at 10:31 a.m., and led the group in a moment of silence.

**Agenda Approval**

Dan Dean moved to adopt the agenda as presented. Mason Blake seconded and the motion carried 7/0.

**Meeting Minutes Adoption**

After reviewing proposed changes to the minutes Dan Dean moved to approve the August 25th Meeting Minutes as amended. Bill Roberts seconded and the motion carried 7/0.

**Old Business**

1. Items for Review:

a. Front Yard Setbacks-Article 500: Mr. Burns presented a packet of proposed setback changes many of which are based on Hillside Development and Stormwater Ordinances. Mr. Scheu felt these would be better discussed when we address those Ordinances specifically.

b. Double Frontage Lots-Article 608: It was decided based on an email that Mrs. Isenhower sent out prior to the meeting to include proposed language about the location of required front, side and rear yards on irregularly shaped lots shall be determined by the Zoning Administrator. Mason Blake moved to approve the general concept with regards to double frontage lots with some alteration to the verbiage. Wade Burns seconded and the motion carried 7/0. Mrs. Isenhower gave further information about creating possible structured standards that must be met in order for the Zoning Administrator to make any decisions.

c. Notice of Violation (NOV): There was some discussion about whether to capitalize or not. Mr. Dean suggested making it a named definition which would make it proper and consistent to capitalize going forward.

d. Accessory Dwelling Units vs. Multi-family Homes: Mrs. Isenhower described a home on Whitewater Cove Rd which was permitted by the Town as a duplex in 2008 and later was added to the permit additional square footage. Mrs. Isenhower stated that accessory dwelling units are traditionally considered mother-in-law suites whereas multi-family dwellings are considered apartment buildings or duplexes. Mr. Dean stated that this residence is currently up for sale as three rental units in the R-1 district. Mr. Dean felt that this type of house is not appropriate for the R-1 district and he questioned exactly how it happened to come about. Mr. Dean would like to insure that this type of construction does not happen in the R-1 district in the future. Mr. Blake moved to bring this blatant violation of the Ordinance, which is being advertised, to the attention of the Town Administrator and the Zoning Administrator and asked them to investigate further and decide if it is in fact a violation and issue a Notice of Violation if needed. Mr. Crawford seconded and the motion carried 7/0. Mr. Scheu also questioned who enforced the Ordinance. Mr. Scheu asked Mr. Carmichael and Mrs. Isenhower to investigate the verbiage of who enforces the Code of Ordinances. Mr. Scheu suggested doing a little more work on the chart of permitted uses in Section 500.

**New Business**

A. Review of Final Draft Changes

Mr. Dean stated that the font in the Table of Contents does not match the rest of the Ordinance. Beginning with Section 310.42 there needs to be some renumbering of subsequent sections. In Section 311.41 “of the Zoning Administrator” should be “by the Zoning Administrator”. The reference in Section 311.43 should be 311.6. In Section 606.12 the word “uses” should be capitalized. In Section 805.22 Mr. Dean felt that for consistencies sake the sentence “For each Principal Building on a Lot” should be added back to the verbiage.

Mr. Blake moved for approval subject to making the Chart of Permitted Uses in Section 500 consistent to send it to the Town’s lawyer for approval. Mr. Burns seconded and the motion carried 7/0.

The next meeting will be held September 24th.

**Public Comment**

Mr. Richard DuBose of 160 Woodland Road stated that it is next to impossible to follow the business conducted online but he wanted to make a comment with regards to the setback decision as it relates to Greenspace/Conservation Easement of the MRA. Mr. Dubose stated that the MRA has 3 1/2 to 4 1/2 miles of boundary line that will be affected by moving that setback. Mr. DuBose has sought guidance with the Appalachian Highlands Conservancy and they have noted that bringing the setback closer to the boundary line jeopardizes the trees in the Conservation Easement to a greater degree and it increases the likelihood of trees falling on property and damaging property. Mr. DuBose is not asking the Commission to change their mind about their decision but he will consider going to the Town Council and ask them to reconsider the decision.

**Adjournment**

Bill Roberts moved to adjourn the meeting. Dan Dean seconded and the meeting was adjourned at 11:35 a.m.

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Bill Scheu, Chair Angie Murphy, Town Clerk