Board members present: Mark Spence

David Neel

Martha Chastain

Robert Sulaski

Arrington Cox

Danny Sharpe

Board members absent: Eleanor James

Town staff present: Angie Murphy, Town Clerk

 Ben Blackburn, Interim Town Manager

 Kayla DiCristina, Zoning Administrator

Mr. Spence, as Chair, called the meeting to order at 5:00 p.m., and led the group in a moment of silence. Mark Spence certified that a quorum was present. Chair Spence reviewed the purpose of the meeting.

**Agenda Adoption**

Robert Sulaski moved to adopt agenda as presented. Arrington Cox seconded and the motion carried 6/0.

**Adoption of July 28, 2022 Meeting Minutes**

Robert Sulaski moved to adopt the July 28, 2022 Meeting Minutes as presented. Arrington Cox seconded and the motion carried 6/0.

**Evidentiary Hearing**

A. **Special Use Permit:** A Special Use Permit application filed by the Town of Montreat’s Landcare Committee to construct a handicap accessible trail, associated parking, a welcome area, and seating areas on a property zoned Conservation District owned by the Town of Montreat PIN#071063480000000 on the eastern side of Assembly Drive at the intersection of Assembly Drive, Virginia Road and Kanawha Drive (PIN#071063480000000).

The Board briefly discussed whether there were any conflicts of interest with this project and with the Board members present. There were no conflicts of interest presented that would have caused any issues.

Town Clerk Angie Murphy swore in Kayla DiCristina and April Carder as witnesses.

Zoning Administrator Kayla DiCristina gave an overview of the subject property. It is zoned Conservation District and contains a recreation area. The subject property is also located within the “hatched green” area of the MRA Greenspace Agreement, which denotes areas used for recreation, fishing, beautification and greenspaces. The applicant proposes to pave and improve the existing trail/roadbed from the parking lot on the subject property to Flat Creek so that it is handicap accessible; to construct a trail welcome area with a covered bench and signage; to construct an ADA accessible parking spot and to add seating areas along the trail/roadbed adjacent to Flat Creek. The Montreat Zoning Ordinance Table of Permitted Uses requires a Special Use Permit in the Conservation District Zoning District for “Parks and Other Public Recreational Facilities”. The applicant does not propose to remove any trees within the right-of-way of Assembly Drive thus the Montreat Tree Ordinance does not apply. The applicant does not propose to conduct any land disturbing activity which uncovers one of more acres on a tract of land and is not proposing residential land disturbing activity. The applicant must take all reasonable measures to protect all public and private property from damage caused by land disturbing activities. The subject property does not contain steep slopes greater than 40%. The subject property contains approximately 9,677 square feet of existing impervious surface in the form of an existing gravel trail/roadbed, parking area and building. The applicant proposes to construct an additional 1,800 square feet of impervious area in the form of improvements to the existing trail/roadbed, ADA parking area, welcome area, and dropoff area. The applicant will disturb approximately 5,500 square feet during construction. The applicant is triggering the requirement for a Stormwater Control Permit and is required to obtain said permit and comply with the Town of Montreat Stormwater Regulations. At the time of this application, the applicant has not determined what stormwater control measures will be installed on site. The applicant will also need to obtain a Floodplain Development Permit at the time of applying for their Zoning Certificate of Compliance due to the presence of a Special Flood Hazard Area. The Montreat Comprehensive Plan identifies the improvement of the Town’s network of pathways and trails in order to connect the community “to the wilderness beyond” as a priority and recommends that the Town provide additional pedestrian and bicycle connectivity along Assembly Drive. The applicant’s proposal proposes connection to natural areas as is desired by the Comprehensive Plan, specifically Flat Creek, along Assembly Drive. Ms. DiCristina reviewed the findings that the Board of Adjustment would rule upon.

Landscape Designer April Carder answered some questions about tree removal and stormwater management from the Board. Chairman Spence questioned future plans for the roadbed. Ms. Carder stated that she envisioned vehicular grade permeable pavers would be utilized for the roadbed with the parking lot remaining graveled. Robert Sulaski moved to approve a Special Use Permit for construction of a handicap accessible trail associated parking, a welcome area, and seating areas on a property zoned Conservation District owned by the Town of Montreat and finds that all six findings of fact were met in the approval process. Robert Sulaski mentioned that he was so thankful that this project was on someone’s radar because it would be just another thing that makes Montreat special. Chairman Spence asked who would monitor stormwater efforts and Mrs. Carder explained, with the help of Ms. DiCristina reading from the ordinance, that it would be a combination of people. Ms. DiCristina further stated that the applicants would have to submit a survey demonstrating that they have installed stormwater management controls in accordance with their approved plan. Arrington Cox seconded Robert Sulaskis previous motion and the motion carried 6/0.

Sarah Stansill of 141 Holston Lane questioned the liability effects on the Town.

Applicant Patti Pyle thanked the Board of Adjustment for their support.

**Approval of Written Order of Appeal of Zoning Administrator’s Determination**

Zoning Administrator Kayla DiCristina asked the Board to amend the agenda to add a formal vote for the written order of the appeal at the end of the meeting. Martha Chastain moved to amend the agenda to add a formal vote for the written order at the end of the meeting. Danny Sharpe seconded and the motion carried 6/0. Kayla DiCristina passed out the written order which was prepared by the Town Attorney and asked the Board to review what was written only. Danny Sharpe moved to approve the written order of appeal as written. David Neal seconded and the motion carried 6/0.

**Discussion of Continued Meeting Streaming**

The Board briefly discussed the pros and cons of continuing to record/stream meetings on Zoom. Robert Sulaski moved to record the meetings for future availability but refrain from live streaming beginning at the next meeting. Danny Sharpe seconded and the motion carried 6/0.

**Adjournment**

Robert Sulaski moved to adjourn the meeting. Danny Sharpe seconded and the motion carried 6/0.

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| Eleanor James, Acting-Chair  |  | Angie Murphy, Town Clerk |