

MINUTES OF THE HENDERSONVILLE BOARD OF ADJUSTMENT

Tuesday, May 12, 2021
1:30 p.m. in the City Operations Center

The Hendersonville Board of Adjustment held its regular monthly meeting on May 12, 2021 at 1:30 p.m. in the Council Chambers in City Hall, 160 6th Avenue East, Hendersonville, North Carolina. Those present were: Melinda Lowrance, Chair, Chris Freeman, Ernest Mowell, Roger Woolsey, Libby Collina, Charles Webb, Steve Smith, Lew Holloway, Community Development Director, Matt Manley, Planning Manager, Angela Beeker, City Attorney, Tyler Henry, Code Enforcement Officer and Secretary to the Board Terri Swann.

Absent: Barbara McCoy, Candi Guffey, Kathy Watkins

Chair called the meeting to order at 1:30 p.m.

Approval of the Agenda: A motion was made by Mr. Smith and seconded by Mr. Woolsey to approve the agenda. The motion passed unanimously.

Approval of the Minutes of the April 13, 2021 meeting. A motion was made by Mr. Freeman and seconded by Mr. Woolsey to approve the minutes as written. The motion passed unanimously.

Approval of the Decision for a variance from Craig Payne (File No. V-04-13-01), Lot 2 Laurel Spring Lane. A motion was made by Mr. Mowell to accept the decision as written. Mr. Woolsey seconded the motion which passed unanimously.

Approval to Alter a Nonconforming Use – WCCA- David White – 911 Tebeau Drive

Chair swore in all persons to give testimony. Those sworn in were Tyler Henry, Code Enforcement Officer, Linda Carter, Margot Nelson and Will Buie, WGLA.

Lew Holloway, Community Development Director stated there are seven members of the Board present and it will take an affirmative vote of all seven to approve the application. The applicant can request to postpone their application to the next meeting if they would like to have more than seven members present for the application to be heard. Mr. Buie conferred with the applicants and stated he would like to reserve the right to table the item, but he would like to proceed today with the hearing.

Chair opened the public hearing.

Application for a request seeking approval to alter a nonconforming use from David White of Western Carolina Community Action, Inc. (WCCA).

Tyler Henry, Code Enforcement Officer with the City of Hendersonville stated his name and title for the record. He asked that the staff reports, and attachments be entered into evidence for this hearing.

Mr. Henry stated this is not a variance request. It is a request to alter a nonconforming use for the property located at 911 Tebeau Drive (PIN 9569-40-9564). The current use is a childcare center and the property is zoned R-15, Medium Density Residential.

Mr. Henry stated the following concerning the subject property:

- The size of Parcel 1 is approximately 25,264 sq. ft.
- Parcel 2 is approximately 43,560 sq. ft.
- The primary building located on Parcel 1 is calculated to have 3,424 sq. ft. of gross floor area.
- The building of Parcel 2 has approximately 4,000 sq. ft. of gross leasable area.
- WCCA operates a childcare center on Parcel 1 and Parcel 2. Childcare center was previously but is not currently a permitted use in the R-15 Zoning District. The childcare center at the subject property is an existing, legal nonconforming use.
- The applicant is proposing to remove the cottage located on Parcel 1, which would reduce the total square footage of the structure by approximately 884 sq. ft.
- The applicant proposes to expand the primary structure on Parcel 1 in two places, adding approximately 291 sq. ft. to the total structure.
- At this time, there are no proposed changes or alterations to the structure primarily located on Parcel 2.

Mr. Henry stated the applicant is proposing to reconfigure the handicap parking and drop-off area. The applicant is also proposing to improve the gravel lot that currently exists on the lower portion of Parcel 1.

Mr. Henry stated based on the staff review of the applicant's information there is a suggested motion for the application.

Chair asked if there were any questions for staff.

Mr. Smith asked if the cottage shown in exhibit 3 was connected to the primary building. Mr. Henry stated that is a question for the applicant.

Will Buie with WGLA, 724 5th Avenue West stated his name for the record. He is the engineer working on the project. He is attending with Linda Carter and Margot Nelson both are with WWCA.

Mr. Buie stated to answer Mr. Smith's question, the cottage is connected to the primary building by a set of stairs. This will be closed off and a small expansion will be added.

Mr. Buie asked Ms. Carter to address the Board.

Linda Carter, Children's Services Director with WCCA stated her name and title for the record. Ms. Carter stated they are the largest branch of children's services in the area. They serve over 1,000 children a year. This is a free Head Start program for children ages 0-5. They have facilities in Henderson, Transylvania, Polk and Rutherford Counties.

Mr. Buie gave a presentation to the Board. He stated WCCA has been serving the community for over 50 years. Children's Services is a key program with WCCA. The facility on Tebeau Street will provide early Head-Start and Head Start and also NC Pre-K services for families in Henderson County.

Mr. Buie stated the facility has operated as a childcare facility since construction in the 1950's. WCCA purchased the property in 2020 with the intention of improving the facility to provide needed childcare for the community. WCCA has secured grant funding that will help to modernize and improve the Tebeau Street facility providing a safe and secure environment for children.

Mr. Buie showed the 2019 aerial of the facility. He showed the 2010 aerial of the facility and he showed the 2001 aerial of the facility. All show both buildings on the property. Mr. Buie showed the 1984 aerial of the facility which shows that the second building was constructed after 1984 but before 2001.

Mr. Buie showed the proposed site plan and stated the existing cottage will be removed. He pointed out the proposed building expansion area. He stated the existing drop-off area will be reconfigured and the existing gravel parking area will be improved. There will two small expansions, one to the northern side and one to the western side. They will add ADA bathrooms and other safety measures. He showed the Board a photo of the proposed facility improvements. The expansion will have less square footage than what is there today.

Mr. Buie stated in summary the proposed expansion or enlargement will be de minimis and would in fact be less building square footage than exists today. The intensity of the non-conforming use will be less on the surrounding neighborhood by removing existing structures in the setback and serving fewer children than the previous operator. The facility will be more compatible with the neighborhood with the removal of existing buildings and proposed expansion will be limited to current area of operation. The enlargement of the facility will support the public health, safety and welfare of the community by providing a vitally needed service.

Margot Nelson with WCCA stated the early Head Start program does provide much needed services for the community. The need for quality childcare is the greatest need in this community. They will have five classrooms and provide infant care. This is no cost to the parents that qualify. WCCA does important work for the community. They focus on school readiness and they also help the parents whether it is for wellness or to help with obtaining their GED and also with transportation. The Henderson County Public School system believes a child has a much greater chance of success when the child goes through the WCCA Head Start program.

Chair asked if there were any further questions for the applicant.

Mr. Woolsey asked about the building in exhibit 2 and if it would remain. Mr. Buie stated the cottage would be removed but the building in exhibit 2 would remain.

Mr. Mowell asked about the dotted line shown on the site plan. Mr. Buie explained that was a sidewalk and that right-of-way had been closed now.

Some discussion was made concerning the gravel lot. Mr. Buie stated improvements will be made to that lot.

Ms. Collina asked about the direction of the vehicles being altered and how the traffic will flow afterward. Mr. Buie stated the current traffic pattern will reverse and this will make access safer and will improve the drop-off area. Ms. Nelson stated they will do everything they can to make the arrival and departure easy for both the parents and the children.

Mr. Henry stated there is an error in the motion and he made the correction to the Board.

Chair asked if anyone else would like to speak in favor of the project. No one spoke. Chair asked if anyone would like to speak in opposition. No one spoke.

Chair closed the public hearing for Board discussion.

Mr. Mowell made the following motion: With regard to the request by Mr. David White for authorization to alter a structure that houses a nonconforming use under Section 6-2-1 (b) of the Zoning Ordinance as depicted in the site plan, I move the Board to find that 1) The proposed enlargement or extension shall be de minimis in relation to the existing building or structure. 2) The proposed enlargement or extension shall not increase the intensity of the nonconforming use, which to say, it will not result in an increase in dwelling units for residential use nor in gross floor area for a nonresidential use. 3) The proposed enlargement or extension is designed so that it will not render the use of the property any less compatible than it is in its existing circumstances and, 4) The authorization of such proposed enlargement or extension is not otherwise contrary to the public health, safety or welfare. Accordingly, I further move the Board to grant the requested authorization to alter a nonconforming use in accordance with and only to the extent represented in the application. Mr. Woolsey seconded the motion.

Chair called for the vote. The following vote was taken by a show of hands.

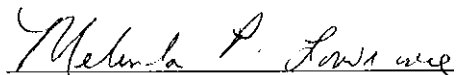
Mr. Woolsey	Yes
Mr. Freeman	Yes
Mr. Webb	Yes
Ms. Lowrance	Yes
Mr. Mowell	Yes
Ms. Collina	Yes
Mr. Smith	Yes

The vote was unanimous. Motion approved.

Variance– InterFaith Assistance Ministry– 119 Jack Street

Chair stated she would need to recuse herself as she is on the Board for InterFaith Assistance Ministry and she cannot vote on their variance application. Only six Board members were left in attendance and therefore the item for the variance for InterFaith Assistance Ministry had to be postponed for lack of a quorum. This application will be heard at the next regular monthly meeting in June.

Meeting adjourned at 2:06 p.m.


Melinda Lowrance, Chair


Terri Swann, Secretary