

Planning Board Regular Meeting
January 28, 2019

The Black Mountain Planning Board held its regular meeting on Monday, January 28, 2019 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
Jennifer Willet
Lisa Milton
Jesse Gardner
Michael Raines
Scott Reed

Absent:

Pam Norton, Vice Chair

Staff:

Jennifer Tipton, Zoning Administrator
Jessica Trotman, Planning Director

The meeting was called to order at 6:02 p.m. and duly constituted and opened for business with a quorum of six (6) regular members.

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 6-0.

III. ADOPTION OF MINUTES

Michael Raines made a motion to adopt the minutes of November 26, 2018 as written. The motion was approved by consensus with a vote of 6-0.

IV. OLD BUSINESS

No old business.

V. NEW BUSINESS

1. Right-of-Way Closure Request for a Portion of Campbell Street

Jennifer Tipton reported that a small portion of Campbell Street was petitioned to be closed. The portion is approximately one hundred and twenty feet in length and forty feet wide. The portion of the right-of-way is not identified on any of the area plans, is not a hazard, is not part of a drainage or stormwater system and does not have any utilities located in the right-of-way. Ms. Tipton and Jessica Trotman explained to the board that they could make a complimentary application to close the rest of the right-of-way and it would be a separate process with separate notifications. The board asked if there were a cleaner way to these applications so that they could be heard at the same time rather than being staggered. Ms. Trotman said she will research if there are any ways to make the process cleaner and tighter. Peter Vazquez made a motion to table the request until at least the next meeting while staff looks at cleaner processes. The motion was seconded by Michael Raines and approved by a vote of 6-0.

2. Proposed Text Amendment for Duplex Definition

Jennifer Tipton presented a couple of alternative definitions of a duplex. The reason for the proposed amendment is to ensure that a duplex is one single structure and how the structure can be connected and to correct the ambiguity that is in the current definition. Ms. Tipton read an email from Doug Brock asking that the definition retain that a duplex can be subdivided as a townhome or condominium unit. Peter Vazquez proposed the following definition:

Duplex or Two Family Residence: A building on a single lot comprising of a single structure, either by original design and construction or through modification that contains two separate dwelling units, each of which is intended to be occupied as a separate residence for one family. A duplex or two family residence may be held in single ownership or may be subdivided as an individual townhome or condominium unit. Each dwelling unit shall be totally separated from one another by wall and floor assemblies having not less than 1-hour Fire-Resistance rating in accordance with the North Carolina Residential Building Code. Fire-resistance rater floor/ceiling and wall assemblies shall extend to and be tight against the exterior walls; wall assemblies shall extend from the foundation to the underside of the roof sheathing. Stairways intended to serve both dwelling units, for either access or egress must not require or permit passage through any units' 1-hour fire-resistive assembly or any adjoining dwelling unit.

Ms. Trotman reported that there was an instance where someone built two dwellings and attached them with a covered breezeway and called it a duplex and because of the ambiguity in the current definition, case law says that when there is ambiguity you side with the property owner for free use of the property. Staff wants to ensure that there is a more comprehensive definition so this instance doesn't happen again. The discussion then turned to how to divide a duplex and what amount of acreage goes with each unit. Ms. Trotman suggested creating a visual aid so that everyone can look at the same thing. Peter Vazquez suggested tabling the proposed amendment until the next meeting to allow staff to create a visual aid and to gather any other information that might be helpful.

VI. COMMUNICATION FROM PLANNING BOARD

Lisa Milton asked that page numbers be added to the pages in the packets.

VII. COMMUNICATION FROM STAFF

Jessica Trotman reported that the Board of Aldermen had continued the public hearing for the text amendments to the right-of-way closing procedures to gather comments from the Planning Board about noticing requirements. The statute is clear on who is to be notified so rather than saying everyone within two hundred feet shall be notified it will say may be notified. Ms. Trotman said that she would be glad to take any comments and report them back to the Board of Aldermen. Lisa Milton said that there are instances where broader notification should be required and sees it as a cost of operation of the town.

Jessica Trotman presented a one-page project sheet for the Blue Ridge Road Small Area Plan that shows the project area and describes what a small area plan is. Ms. Trotman reported that plans are underway for a joint session with the Board of Aldermen and the consultants to begin the process and from there then the community meetings will be planned. All property owners will be notified and the consultant is working on several survey methods. The project sheet will be displayed in different areas and will be posted on the website and staff will let the board know when the joint meeting has been scheduled.

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VIII. ADJOURNMENT

Jesse Gardner made a motion to adjourn at 7:12 p.m. The motion was approved by consensus with a vote of 6-0.

Prepared by:

Peter Vazquez, Chair

Jennifer Tipton, Zoning Administrator