

Planning and Zoning Board

Minutes

Thursday, February 19, 2015

5:30 p.m.

The Blowing Rock Planning and Zoning Board met on Thursday, February 19, 2015 for their regularly scheduled meeting. Chairman West called the meeting to order at 5:30 pm. Members present were David Laughter, Lisa Stripling, David Harwood, Wes Carter, and Genie Starnes. Members Alice Roess and Natalie Bovino were absent. Staff members present were Planning Director Kevin Rothrock and Administrative Assistant Tammy Bentley.

Chairman West asked if there were any changes to the January 29, 2015 meeting minutes. There were none. *Ms. Stripling made a motion to approve the minutes. The motion was seconded by Mr. Harwood. All members were in favor of the motion.*

Chairman West asked if there were any changes to the January 15, 2015 meeting minutes. There were none. *Mr. Harwood made a motion to approve the minutes. The motion was seconded by Ms. Starnes. All members were in favor of the motion.*

Land Use Code Amendment – Accessory Apartments in R-15 and R-MH Zoning Districts

Mr. Rothrock presented the staff report. This amendment is based on requests from homeowners over the years to construct guest houses for family or rental to a year-round tenant. There are several accessory apartments that are “grandfathered” in Town. Properties in the R-15 zoning districts are considered non-conforming and the Land Use Code restricts either the main house or accessory apartment from being expanded. Accessory apartments are defined in the Land Use Code as having the external appearance of a single-family residence, but in which there is located a second dwelling unit. These units are limited to not more than 25% of the gross floor area of the building nor more than a total of 750 square feet. Accessory apartments are allowed in all residential zoning districts except R-15, single-family and R-MH (mobile home).

Mr. Harwood asked Mr. Rothrock if this amendment would eliminate the current non-conforming properties. Mr. Rothrock said yes, unless the accessory exceeds the size limits; those properties would continue as a non-conforming situation.

Mr. Carter asked how “apartment” is defined. Mr. Rothrock said that “apartment” is not defined in the Land Use Code, but that “dwelling” is and that apartment is defined in the staff memo submitted to the Board.

Mr. Carter asked the difference with having a room with bathroom, kitchen and bedroom in a house. Mr. Rothrock said that does not match the definition. He added that, for zoning enforcement purposes, having a stove constitutes a kitchen. Mr. Carter asked about a separate

entrance and separate utilities. Mr. Rothrock said that separate entrances are not addressed and that separate utilities would be up to the property owner. Mr. Carter asked if the intent is to allow any homeowner in R-15 to convert a bedroom into an apartment without a separate entrance. Mr. Rothrock responded that he did not see a need to mandate a separate entrance. Mr. Carter asked if the apartment is only considered as an apartment if it is rented out. Mr. Rothrock said no and reminded the Board that the size of the apartment would be limited by the ordinance; that in order to have a 750 square foot accessory apartment that the main house would have to be 3000 square feet.

Chairman West asked how this would be impacted by the building code, specifically fire separation. Mr. Rothrock said that might be a factor. Chairman West said that applicants must meet the parking requirements. Mr. Rothrock confirmed and said that there must be three parking spaces total - two for the single-family residence and one for the accessory apartment.

Mr. Carter asked if the building code defines a dwelling and what are the building code requirements. Mr. Rothrock said he did not know the exact building code requirements, but that any new or remodeled accessory apartment would have to meet the building code.

Mr. Rothrock told the Board that the 2014 Comprehensive Plan supports the amendment. He also said that when the economy soured that many people wanted to be able to have and rent an accessory apartment. Chairman West added as long as the rental period is a minimum of 28 days. Mr. Rothrock confirmed.

Mr. Harwood commented that mobile homes were too small to warrant an accessory apartment. Mr. Rothrock agreed and said that currently there are no mobile homes in the RMH district and that if RHM was excluded from this amendment that would be the only residential zoning district that would not allow accessory apartments.

Audience member Mr. Jim Steele, asked where the 750 square feet or 25% figures originated. Mr. Rothrock said he did not know; but they are currently defined in the Land Use Code. Mr. Rothrock added that the only change would be “can be attached or detached from the principal residence. Mr. Steele said that he thinks this is the right thing.

Mr. Carter said that he thinks the Board should define “apartment.” Chairman West noted that “accessory apartment” is defined. Mr. Carter said that it needed to be further defined. Mr. Rothrock said that “accessory dwelling unit” could be used. He added that he does not think that adding a definition for “apartment” was necessary. Chairman West said he thought “accessory dwelling unit” should be used.

Mr. Carter said that he thought a separate entrance should be required. Chairman West said that he has seen many accessory apartments without separate entrances. Mr. Laughter said that the homeowner may not want a separate entrance for live-in help or a caretaker.

Mr. Carter said now was a good time to define “dwelling.” Mr. Steele said that at one time there could not be an oven installed as that made the space an accessory apartment.

Audience member Mr. Joe Papa, asked if anyone could build a 750 square apartment. Chairman West said only if the house is 3000 square feet or larger. Mr. Papa asked what say the neighbors would have. Mr. Rothrock said none if this amendment is approved.

Chairman West noted that Mr. Rothrock does have flexibility in administering the code. Mr. Rothrock said yes, but only for zoning permits. Mr. Rothrock added that in Blowing Rock it can be hard to provide extra parking and that may be where he would be flexible.

Mr. Harwood asked if “dwelling unit” is defined. Mr. Rothrock confirmed and added that the wording should be “Single-Family with Accessory Dwelling Unit”, which eliminates the need to define “apartment”.

Mr. Carter said that he is concerned that people will rent out a bedroom and call it an apartment and asked Mr. Rothrock if the ordinance says it must have a stove. Mr. Rothrock said that it does not have to have a stove. Mr. Rothrock said that we are already defining accessory apartment as a dwelling unit. Mr. Carter asked if dwelling unit includes a stove. Mr. Rothrock said no.

Mr. Carter asked if the intent is to allow people to put a microwave in a bedroom and the rent the bedroom. Mr. Rothrock said that a stove makes it a dwelling unit, but that the ordinance could be further amended to define a kitchen as having a stove.

Mr. Carter said that the thought the bathroom should be a full bathroom. Mr. Rothrock said that a bathroom in a dwelling must have a tub or shower.

Mr. Carter asked if existing homeowners must declare an attached accessory apartment as such with the Town. Mr. Rothrock said only if they changed something. Mr. Carter asked if there should be some Town requirement to note that 2 families live in a property. Mr. Rothrock said no and added that a detached accessory apartment would have a unique 911 address.

Mr. Rothrock reiterated that the Board could add that “a kitchen as defined herein contains a stove, cooktop,” and added that traditionally the stove made it permanent.

Mr. Papa said that he thought the amendment creates the opportunity for rental units and that the decision should not be made too fast tonight. Mr. Carter said that was a good point and feels the amendment would create a rental unit at the residence. Mr. Rothrock said this is exactly what people have requested.

The Board discussed the need to require a separate entrance and defining “cooking facility”.

Mr. Laughter made a motion to amend the ordinance by adding to dwelling unit “a kitchen as defined herein has a sink and stove or cooktop appliance”, and adding to the proposed ordinance at the end of the last sentence “as long as separate ingress and egress is available” and send to Town Council for approval. The motion was seconded by Ms. Starnes. All members were in favor of the motion except Mr. Carter. Motion passed.

Land Use Code Amendment – Reducing BRAAC Membership from 9 to 7

Mr. Rothrock presented the staff report. In 2013, an ordinance was adopted re-establishing the Blowing Rock Appearance Advisory Commission (BRAAC) under the authority of the Land Use Code. One standard was for BRAAC to be comprised of nine residents and citizens of the Town’s planning and zoning jurisdiction and a quorum of five (5) members to conduct official

business. Recent vacancies on the Board have been difficult to fill resulting in difficulty in having a quorum.

Ms. Starnes commented that when she was a member of BRAAC it was difficult to conduct business due to a lack of members.

Ms. Starnes made a motion to approve the amendment as written, seconded by Ms. Stripling. All members were in favor of the motion.

Land Use Code Amendment – Review of Sign Ordinance along Highway 321 with Posted Speed Limit over 35mph.

Mr. Rothrock presented the staff report along with a Powerpoint presentation. At the February 10, 2015 public hearing, the Town Council approved the draft ordinance for Appalachian Ski Mountain’s sign reducing the overall height to 16 feet. In addition, the Council asked the Planning Board to further study freestanding signage flexibility options in the area along Highway 321 with a posted speed limit over 35mph in the corridor north of Town to the far limits of the ETJ.

Mr. Carter asked where the height of the sign was measured from. Mr. Rothrock said from an average of the slope. Mr. Carter asked if a sign could be placed anywhere on a property. Mr. Rothrock responded anywhere but within the right-of-way.

The Board discussed the potential for development and signage needs along the corridor. Mr. Harwood said that he is not convinced that anything needs to change, with the exception of signs for multiple tenant occupancies. He added that he is not in favor of having several 16’ signs.

The Board decided to table the request so they can further deliberate.

Other Business

Mr. Harwood thanked Chairman West for his service. He said that Chairman West was leaving big shoes to fill and that he appreciated him running a tight ship.

Mr. Harwood made a motion to adjourn the meeting, seconded by Ms. Starnes. All members were in favor of the motion.

Chairman West adjourned the meeting at 7:30 pm.

Chairman Jim West

Tammy Bentley, Administrative Assistant