

## Planning and Zoning Board

### Minutes

Thursday, September 20, 2018

5:30 p.m.

The Blowing Rock Planning and Zoning Board met on Thursday, September 20, 2018 for their regularly scheduled meeting. Chairman Harwood called the meeting to order at 5:30 pm. Members present were Joe Papa, Kim Hartley, Don Hubble, Mike Page, Wes Carter, Genie Starnes, Pete Gherini and Harrison Herbst. Staff members present were Planning Director Kevin Rothrock, and Planning & Zoning Support Specialist Tammy Bentley.

Chairman Harwood asked if there were any changes to the agenda. There were none. *Ms. Hartley made a motion to accept the agenda order, seconded by Mr. Papa. All members were in favor of the motion.*

Chairman Harwood asked if there were any changes to the August 23, 2018 meeting minutes. Mr. Page noted that Mr. Herbst was not including in attending members. *Mr. Gherini made a motion to approve the minutes as amended, seconded by Ms. Starnes. All members were in favor of the motion.*

#### 1. **Conditional Rezoning 2018-02 (R-10S to CZ-CB, Central Business) – 134 Sunflower Lane**

Mr. Rothrock gave the staff report. Barbara McGill is requesting a conditional rezoning of her property from R-10S to Conditional Zoning – Central Business (CZ-CB). The 0.13-acre property is located at 134 Sunflower Lane. The Applicant is requesting the rezoning to a zoning district that allows short-term rental so she can rent her home on a short-term basis. The property is further identified by Watauga County PIN 2807-98-8982-000.

Mr. Papa asked Mr. Rothrock how this was different from the request on Ransom Street. Mr. Rothrock advised that request was for short-term overlay district which is allowed in R-6M. This property is zoned R-10S and this is a conditional rezoning request, not an overlay.

Mr. Hubble said that once the property is sold, the new owners do not have to abide to the 'no pets' and other conditions proposed by the applicant. Mr. Rothrock explained that a rezoning runs with the property. He further explained that new owners would be purchasing a list of rights and restrictions with the property. Mr. Hubble asked how new

owners are notified of this. Mr. Rothrock said that it is reflected on the zoning map and in the recorded meeting minutes.

Mr. Page noted that R-10S is a transition between CB and R-15. Mr. Rothrock confirmed and added that properties across the street may be developed. Mr. Page said that a rezoning may decrease contiguous property values. Mr. Rothrock said that the Board can consider that, but the use is still residential and not CB; it is CZ-CB with a list of conditions and restrictions.

Ms. Jennifer McGill, property co-owner and daughter of Ms. Barbara McGill, addressed the Board. She thanked the Board of their time and said she and her mother love Blowing Rock and being seasonal residents. She added that they enjoy sharing Blowing Rock with friends and family and are making this request to reduce the minimum rental period from what is currently allowed in R-10S.

Mr. Carter asked Ms. McGill if there is anything unique about her property. She said that there are 3 bedrooms and 3 parking spots and that there is some buffer on most sides of the property. Chairman Harwood, noting that he attended the neighborhood meeting and heard opposition to this request, asked Ms. McGill if there would be a financial hardship if this is not approved. Ms. McGill said no. Chairman Harwood asked their experiences with previous short-term rentals at the property. Ms. McGill said it has been a good experience with no damage or complaints. She added that the property and renters are insured, and that the online information has been amended to reflect a minimum 28 day rental period. Chairman Harwood asked if there have been complaints from neighbors. She said no.

Mr. Page asked if the property had been rented on a short-term basis. Ms. McGill advised yes, that they were unaware they were in violation. Ms. Barbara McGill said she saw the information in the Town newsletter and contacted the Town regarding the zoning of the property, at which point she realized short-term rentals were not allowed. Ms. Starnes asked if the short-term rentals were continued after they knew it was a violation. Ms. Barbara McGill said no.

Ms. Hartley asked how long the property has been rented. Ms. Jennifer McGill said some last year and some this year. Ms. Starnes asked if they bought the property as a seasonal residence. Ms. McGill said yes. Ms. Starnes asked what prompted renting the property. Ms. McGill said they wanted to share Blowing Rock with others.

Mr. Hubble asked if there were objections from neighbors at the neighborhood meeting. Mr. Rothrock confirmed that there were objections. Mr. Hubble asked how the Board knows what transpired at the neighborhood meeting. Mr. Rothrock advised that it is in the staff report.

Chairman Harwood opened the meeting to public comment.

Ms. Carol Aldridge, of 251 Hill Street and 158 Sunflower, said she loves neighbors (the applicants) but wants to know who her neighbors are and that this is opening a can of worms.

Ms. Jane Fonvielle, of 293 Hill Street, said she has not met the applicants, but that this is opening Pandora's box. She added that she is surrounded by long-term rentals and can see those becoming short-term rentals if this is allowed. Ms. Fonvielle said she does not want commercial uses in her neighborhood and asked the Board if they want this in the Mayview, Laurel Park, and Wonderland neighborhoods. She added that people move here because they love Blowing Rock, but then want to change Blowing Rock. She asked the Board to really think about this and the impacts of changing property to commercial.

Ms. Annie Alexander, of 183 Hill Street, said that she lives next door to the applicant and has a hotel in front of her. She added that she does not want one on the side of her and that she is unsure of the effect on the property values. Mr. Page asked if she lives on the corner. She confirmed that she does.

Ms. Carol Aldridge noted that apathetic neighbors don't necessarily mean approval of the request.

Ms. Pam Vines, of Jenkins Realtors, asked the applicant if they paid occupancy tax on the rentals. Ms. Barbara McGill said no.

*Ms. Starnes made a motion to close the public comment period, seconded by Mr. Herbst. **All members were in favor of the motion.***

Mr. Papa said that this is spot zoning, Chairman Harwood said he did not think this is spot zoning. Mr. Rothrock said this is not spot zoning as the property is directly across from CB.

*Mr. Page made a motion to recommend to Town Council that this request be denied, seconded by Mr. Hubble. Chairman Harwood asked if there was any discussion on the motion.*

Mr. Page said that he is sympathetic to the applicant and this puts them in a bind, but that it also puts the Town in a bind. He added that approval by the Planning Board was not required, but approval would complicate other requests.

Mr. Carter said that it is not appropriate to make one property different from adjacent properties.

Ms. Starnes noted that the applicant can continue to rent the property, but for a minimum of 28 days.

With no more discussion, Chairman Harwood asked the Board to vote on Mr. Page's motion. **All member were in favor of the motion.**

### **Other Business**

Mr. Rothrock advised the Board that 3 appeals have been received in response to the short-term rental notices of violations that were mailed in August. He added that others responded that they would comply with the ordinance, and others have not

responded at all. Mr. Rothrock advised the Board that the appeals will be heard by the Board of Adjustment.

Mr. Rothrock also updated the Board on the process of permitting and inspecting short-term rentals. He advised the Board that there is state statute that prohibits permitting and/or inspections of residential rental property. He added that the Town attorney thinks we can't permit short-term rentals, but that we are awaiting word from the School of Government to see if they think this applies to short-term rentals as well as long-term rentals.

The Board discussed this development and whether or not we are being overly cautious in our response.

Mr. Page asked that the statute be emailed to Board members.

Mr. Hubble noted that we can still enforce the short-term rental ordinance and collect occupancy tax, but we cannot require permits or inspections for short-term rentals.

Mr. Rothrock advised the Board that the updated sign ordinance was approved without changes by the Town Council.

He also advised that the Commercial Design sub-committee had walked through Town and looked at building heights and that this process is moving forward. Mr. Page said he appreciated the walkabout and that it provided a much better perspective than seeing it on paper.

Mr. Hubble asked about the process of going through the entire land use code. Mr. Rothrock said that goal has not yet been set.

*Mr. Papa made a motion to adjourn the meeting, seconded by Mr. Page. **All members were in favor of the motion.***

Chairman Harwood adjourned the meeting at 6:30 pm.

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Chairman David Harwood

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Tammy Bentley  
Planning & Zoning Support Specialist