

MINUTES
BURKE COUNTY BOARD OF ADJUSTMENT
August 13, 2019

The Burke County Board of Adjustment Meeting was held on Tuesday, August 13, 2019 at 6:00 PM in the Commissioners Meeting Room located at 110 N. Green Street, Morganton, North Carolina.

MEMBERS PRESENT:

Ed Hallyburton, Chairman
Doris Smith
Mario Sacchetti
Robert Love
Gary Kling
Rick McClurd

MEMBERS ABSENT:

Virginia Cook

STAFF PRESENT: Peter Minter, Sr. Planner; Jennifer Forney, Planner

CALL TO ORDER:

Chairman Hallyburton officially called the Burke County Board of Adjustment meeting to order at 6:00 P.M.

PLEDGE OF ALLEGIANCE LED BY:

Brycen Lasher, Student at Valdese Elementary

APPROVAL OF THE MINUTES:

A motion for approval of the June 11, 2019 minutes, as presented, was made by Rick McClurd and was supported by Robert Love. The Board granted approval by a 6/0 vote.

All individuals wishing to comment during the public hearing were sworn in before the opening of the meeting.

PUBLIC MEETING

CUP 2019-06 - A REQUEST FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 30X48 FOOT ACCESSORY BUILDING FOR RESIDENTIAL USE/STORAGE AT 2091 WALL STREET OF BURKE COUNTY, VICKIE YORK, APPLICANT.

Peter Minter presented a summary of the case before receiving questions and comments from the Board.

Vickie York, Applicant:

Mrs. York stated that the application she filled out for the request explained her position. She said her husband collects old cars and that they own several that have been sitting outside in the elements, which ruins their paint. Mrs. York said that they have wanted a garage for years but couldn't afford it until their mortgage was paid. According to Mrs. York, the building would be strictly for storing their vehicles and personal storage.

Danny York, Property Owner:

Mr. York explained that he wanted to place an outside faucet on the building to wash his cars. He stated that he would also like to have electricity for visibility.

Open Public Hearing

There was no one present for public comment.

Close of Public Hearing

The Board discussed the following issues during the meeting:

- A. Plans for future improvements to the building.
- B. When the applicants learned they need permits.
- C. When staff became aware of the building.
- D. When the building was built.
- E. What company constructed the building?
- F. Who poured the pad for the building?
- G. The thickness of the pad.
- H. The cost of the building.
- I. Possibility of commercial use of building.

Action by the Board

✎ **MOTION: Rick McClurd made a motion to approve CUP 2019-06 for 2091 Wall Street per staff’s recommendation:**

STAFF RECOMMENDATION

Staff recommends approval of the Conditional-Use Permit of a 1,440 square foot personal storage garage. All work and development of this requested use is subject to all standards and procedures for design qualifications and requirements as noted within the zoning ordinance and is to include electrical and plumbing should the owner so choose. Double fees, as required by zoning and building inspections will be required on all permits for the proposed project. No commercial use shall be permitted for this building. Any additional conditions for the requested use as requested or set by the Board of Adjustment are welcomed and encouraged.

Mr. McClurd was supported by Gary Kling. The Board voted unanimously with a 6/0 vote.

PUBLIC MEETING

CUP 2019-07 - A REQUEST FOR A HOME OCCUPATION USE TO OPERATE A COMMERCIAL BUSINESS WITHIN AN ACCESSORY BUILDING PREVIOUSLY PERMITTED ONLY FOR RESIDENTIAL USE AT 2635 MOOSE LODGE STREET OF BURKE COUNTY, ALLEN WHISNANT, APPLICANT.

Peter Minter presented a summary of the case before receiving questions and comments from the Board.

Alan Whisnant, Applicant:

Mr. Whisnant began by passing out a sketch of the proposed use of his building. He stated that the proposed use of the accessory building would be under 50% of the total square footage of his home as designated by the zoning ordinance. Mr. Whisnant thanked his family and friends from Moose Lodge street for supporting him and attending the meeting. Mr. Whisnant said the he was aware of non-factual complaints from a single anonymous source about his building. Because of the rumors Mr. Whisnant said that he spoke face to face with every household on Moose Lodge Street and the first neighbors to the east and west on Summers Road. None of the neighbors had an issue with the use of his building. Mr. Whisnant also included a signed petition. According to Mr. Whisnant, every neighbor signed the petition except one who stated that he did not get political or sign petitions. In Mr. Whisnant's opinion removing the restriction would not have a negative effect on the economic welfare of their community or surrounding businesses. To the south of Moose Lodge Street, it is zoned general business (G-B) for the Moose Lodge, restaurant, and campground. To the north is the industrial/office complex of Burke Memorial Park and the campground. To the west is the industrial complex of the automotive metal shaping company and another vacant building that Maynard Electric is in the process of acquiring. Mr. Whisnant said that he spoke with those businesses as well. They did not have an issue with the use of his building and signed the petition also. Mr. Whisnant recounted the history of their businesses growth beginning when the Whisnants started this process in 2016-2017. At that time Mrs. Whisnant was doing a few custom paintings as a hobby that people began to pay her for. She then began a mobile painting business and has provided painting activities to the public libraries and other groups. Last year she had a successful experience at the Morganton Festival and will have two booths this year. So, as her business has grown so has her need for space. Mr. Whisnant stated that earlier in 2019 he received his taxidermy license from NC Wildlife Resources Commission. Mr. Whisnant now realizes that he will need more space for coolers, freezers, and other materials. Taxidermy is inspected, regulated, and governed by the NC Wildlife Resources Commission. Mr. Whisnant said that he has met with officer Huss and Master Officer Bell from the NC Wildlife Resource Commission who have also signed the petition. On June 13, 2019 Mr. Whisnant asked Bradley Kirkley, Zoning Administrator, if there were any permitted taxidermist in Burke county to which Bradley answered that there were none. Mr. Whisnant found seven taxidermists listed in Burke County in a google search. Mr. Whisnant asked Bradley had there been any complaints regarding any taxidermy business to which Mr. Kirkley replied no. Mr. Whisnant said that he was not surprised that there had not been any complaints because taxidermy is not disruptive to the community. Mr. Whisnant explained that deer taxidermy is seasonal. The Whisnants are both employed fulltime and use their home businesses to supplement their income. Mr. Whisnant is requesting that the restriction be lifted from his building for their current home occupations and any future home occupations that may be granted by the County.

Open Public Hearing

Matthew Scronce, Citizen:

Mr. Scronce lives at 2664 Moose Lodge Street. He indicated that he did not have any issued with the request. He stated that more traffic comes down Moose Lodge Street from the Moose

Lodge than any other traffic. Mr. Scronce said that he thinks the Whisnant's building is beautiful and that once the Leland Cypress trees that Mr. Whisnant planted grow up, the building will be hidden.

Close of Public Hearing

The Board discussed the following issues during the meeting:

- A. Where Mrs. Whisnant holds classes.
- B. How much of the home's square footage used for business.
- C. How many people attend the art classes.
- D. Possible future commercial uses of the property.
- E. Why did the entrance point to the building change?
- F. The ability of the of the building to accommodate the new uses and previously mentioned storage.
- G. Possibility of rezoning the property.
- H. Where the businesses were previously conducted.

Action by the Board

✎ **MOTION: Rick McClurd made a motion to deny CUP 2019-07 for 22635 Moose Lodge Street per staff's recommendation:**

STAFF RECOMMENDATION

Staff recommends denial of the Conditional-Use Permit request based on the conditions originally set forth from CUP 2017-03, which prohibit the use or operation of any commercial activity for the accessory building. The applicant/owner can continue the home occupation use based upon his current and active permits within the single-family home, but no expansion should be permitted within the accessory building

Mr. McClurd was supported by Gary Kling. The Board voted unanimously with a 6/0 vote.

The next meeting is scheduled for September 10, 2019.

ADJOURNMENT: Chairman Hallyburton adjourned the meeting.

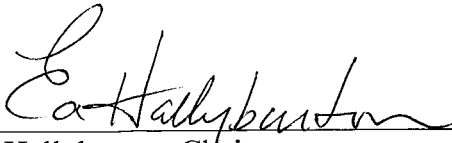
Submitted by,

Jennifer H. Forney

**Jennifer H. Forney
Planner**

Approved this 10th day of September 2019

Jennifer H. Forney
Secretary to the Board



Ed Hallyburton, Chairman
Burke County Board of Adjustment