

TOWN OF LAKE SANTEETLAH

Planning Board

October 4, 2024 at 1:00PM

Location: 16 Marina Drive Lake Santeetlah NC
28771 & Zoom Meeting
Planning Board Meeting

AGENDA

Meeting called to order

Approval of the Agenda

Approval of the August 20, 2024, Planning Board Minutes

Designation of Planning Board Chair

Designation of Planning Board Vice Chair

Request for Public Comment

Old Business:

1. Craig update on FAQ's
2. Glenn update on Forms
3. Bill update on analysis of past public input to the current Ordinance
4. Lori update on public access to Planning and Zoning related forms

New Business:

1. Discussion of Procedural Changes to Ordinance

Next Meeting Date

Meeting Adjourned

Town of Lake Santeetlah

Planning Board Meeting

August 20, 2024 at 1:00PM

Chair Beth Carlton called the meeting to order at 1:02 PM. Board members Bill Piel, Glenn Barnett, Lori Bailey, and Craig Keith were present. Town Administrator Kim Matheson and Town Clerk Kala Farley were also present for the meeting. Alternate Board members Alan Davidson and Jack Gross were present on Zoom. Town Attorney Craig Justus was also available on Zoom.

The first order of business was approval of the agenda. Bailey made a motion to approve the agenda. Keith seconded. All Approved. The motion passed unanimously.

Approval of the June 25, 2024 Planning Board Meeting Minutes: Bailey made a motion to approve the minutes. Keith seconded. All approved. The motion passed unanimously.

Public Comment:

Jack Gross: Gross said there was an error on the agenda that was sent out and the date needs corrected. Gross said he hoped that during the meeting the attorney referenced in Old Business #3 would be identified. Gross said it would be appreciated if a mass email of the meeting notification with the meeting agenda be sent out sooner than it was for this meeting.

Alan Davidson: Davidson said he would like to reiterate his concern of the language in the current ordinance that classifies homes as nonconforming and noncompliant, which changes the home's status, and creates a different set of rules for those homes. Davidson said most of the nonconforming homes are classified as such due to setback issues. Davidson said the homes classified as nonconforming have to follow the language and rules found in Article 12, Page 38 of the zoning ordinance. Davidson also said another issue he has with the zoning is that any lot in the Town has the ability to apply to have its zoning status changed, for example, to commercial or multifamily, where that did not exist before the zoning ordinance was passed.

Old Business

1. **Keith working on FAQ's:** Matheson said she came up with a list of questions that are typically asked and has sent it to Keith to review.
2. **Barnett working on Forms:** Barnett said the day after the last Planning Board meeting, he met with Zoning Administrator Brandon Emory and got some information from him. Barnett said Emory sent some sample forms and he was doing a comparison with the ordinance forms they already have. Barnett said Emory made a suggestion that forms should be organized so they are simple and easy to read.
3. **Piel examining an attorney's review of alternate ordinances presented to the Planning Board compared to current codes, and analysis of past public input to the current ordinances for which the Planning Board and Zoning Board of Appeals are responsible:** Piel said he focused on the proposed changes and analyzed the key points

that came out of the attorney's review. Piel provided the Board with a copy of his report. (see attached)

4. **Bailey and Carlton working on improving public access to Planning and Zoning related forms:** Chair Carlton said one thing Emory had mentioned that she thought they could incorporate easily is that the ordinance needs an index. Piel said he had a rudimentary index for the zoning ordinance and shared it with the Board. (see attached)

New Business

1. **Discussion of after-the-fact Zoning Compliance Application for gazebo at 56 Chalet Village:** Chair Carlton said it has come to the attention of the Board that an application for a building was made after the building was finished. Emory looked at it, and although it was noted in the application that the setbacks were short, only 7 feet, Emory judged it to be in compliance. Chair Carlton said she believes this was not right given the setbacks are 10 feet. Chair Carlton said the Zoning Administrator has the ability to do minor variances which means five percent. In this case, five percent is only six inches, and not three feet. Chair Carlton said she feels this approval is in error and this should require a variance at the very least.

Matheson said she thinks the Zoning Administrator might have been under the impression that there might have been a possibility that setbacks were going to be reviewed and possibly reduced as setbacks were the issue that was frequently brought up as the reason variances are needed. The application in question was approved subject to review and adjustment of the setbacks. Emory said in an email to the applicant that if the setbacks do not change he would be in contact with the applicant to let him know that they need to go through the variance procedure. Chair Carlton said the application should have been judged based on the setbacks that were in the ordinance at the time rather than based on the potential change of setbacks in the future.

Action Item: Request Town Attorney to review validity of Zoning Administrator approval of setbacks in advance of discussion, recommendation, and public hearing to amend Zoning Code. Attorney Justus said it is atypical for a zoning application to have a ruling like this as the ruling should be made with the rules that are in place at the time rather than based on a potential change. Justus said that this be put on the Agenda for the Town Council to address and direct the Zoning Administrator on what they want and have the applicant come in and apply for a variance since the best recourse would be to go through a variance.

Action Item: Discussion by Town Attorney Zoning Administrator's recommendation to clarify definition of non-conforming structures. Justus said he understands that people financing sales of property, such as lenders and banks, can look at the label of non-conforming and be intimidated by that. Justus said there is a way to define nonconformity to exclude certain things, such as a setback, so the ordinance could define nonconforming to except out setbacks, and, if that is the only problem, the structure would be labeled conforming.

Action Item: Request Town administrator to provide list of all zoning application since 6/1/23 with documentation that fees required were collected when application was submitted: Matheson provided the information requested to the Board for review.

Keith asked about the potential of changing the setbacks given that setbacks have been one of the major issues that has been brought up in dealing with the zoning. Keith said he thinks having a public workshop to hear public input would be ideal prior to changing any verbiage. Barnett said he thought a public workshop for community input would be very beneficial to help with what direction the Board goes with any changes.

Justus recommended to solicit public input on certain issues for the next meeting via mass mail to have a better understanding of what the community thinks.

Thomas Connor: Connor asked for clarification about what was being discussed in terms of setbacks and the variance procedure. Connor asked why not just leave the setbacks as they are since that is what people know them to be and what they thought they would have when they purchased their property.

Susan Robinson: Robinson said the Board needs to make sure the code is in plain language where people can understand it in order to reduce the ability for people to distribute misinformation. Robinson said this should be done before putting out a query.

Roger Carlton: Carlton said the side setbacks need to be protected because that is where the repair area for the sewer or the septic tanks are on a lot of houses. Carlton said the front setback is important for parking and the setback from the lake is important to protect your house from damage or sinking due to wake, erosion, high water, etc. Carlton said there hasn't been a plethora of people with an issue with the setbacks but rather a few people that have continually brought it up as being an issue.

Barnett said from his perspective, the issue with the variances is not the number of variance occurring but rather that it is primarily the same issue behind the need for the variances.

Roger Carlton: Carlton said the code was six years in the making and there was extensive work that went in to it and it is fair. Carlton said if the Board collectively feels that there is a burden on the people of the Town that requires a new review of setbacks, the Board should do both a quick survey and hold a meeting for public input rather than go back and forth on which to do.

Jack Gross: Gross said in relation to the discussion of fire and side variances, the North Carolina building code is five foot from the drip edge, so, even if there is no drip edge, there would be ten feet between buildings. Gross said that it is incorrect to say there are buildings in Town that are above the height regulation because the zoning ordinance says that height is measured from the building's 911 entrance and those standards have been met. Gross said he feels it is the Town's responsibility to identify homes that are nonconforming because people need to know whether or not their home is noncompliant.

Set next meeting: The next meeting is scheduled for Friday, October 4, 2024 at 1:00PM.

Resignation of Board Chair Carlton: Carlton said she has submitted her resignation letter and this will be her last meeting.

Motion to Adjourn

Bailey made a motion to adjourn. Piel seconded. All Approved. The motion passed unanimously. The meeting was adjourned at 2:19PM.

Beth Carlton, Board Chair

Kala Farley, Town Clerk

In September 2023 a property owner hired an attorney to review a revised Zoning Ordinance proposed by Mr Davis and Ms Emerson to replace the existing Zoning Ordinance. The memorandum points out proposed changes and shortcomings in the proposed Emerson/Davidson Zoning Regulations (the document) but purposefully does not cover shortcomings within our existing ordinance.

I have reviewed subject memorandum to gather the information it contains suggesting changes to our current Zoning Ordinance. For this review I ignored the shortcomings of the proposed replacement plan and focused on the changes proposed.

1. The document allows multiple primary dwellings to exist on a single lot.
2. The document does not provide for Special uses, Commercial and Planned Unit Development (PUDs)
3. The document calls for a five foot setback from the side property line, allowing the Zoning Administrator to approve a farther reduction to 3 feet.
4. The document proposes restricting building height by limiting the number of stories a building may have to two stories and one basement.
5. The document proposes undefined parking requirements and removes regulations on fences and signs.
6. The document does not require evidence of County septic or sewer approval.
7. The document does not restrict the permitted uses allowed for properties (Junkyards, gas stations, taverns, etc are allowed).
8. The document contemplates the creation of a Manufactured home district.
9. The document does not follow the stated goals developed from property owner input prior to creating the existing Santeetlah Land Use Plan.

William Piel
Zoning Board Member

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