August Tryon Board of Planning and Adjustment
Minutes
October 12, 2023
3:00 P.M.

Chairman John Walters called the meeting to order at 3:00 pm at the Tryon Town Hall with four other members present.

MEMBERS PRESENT: John Walters, Warren Carson, Daniel Gerst, Luis Ebratt, and Nigel Stroud

STAFF PRESENT: Tim Daniels and Jordan McKeown

Minutes From September 2023 Meeting

Chairman John Walters motioned to approve minutes from the September 2023 meeting with a correction under the Lanier section. To correct the word "**boats** not allowed" to "**buoys** not allowed"
All in Favor.

342 E Lakeshore Variance Clarification

Tim Daniels explained to the board that Mr. & Mrs. Johnson, in June, had applied for a variance to relocate some of the square footage of the boat house from the front side of their property, near the road, to the right side of the property, as opposed to pushing out farther into the lake. The variance was granted to do so. They recently submitted plans, Daniels did not approve the plans, because he was under the impression that the board was only allowing for the square footage of the portion that is underneath the road level. The plans that where submitted included that area above will be covered as well for additional living space. They did initially submit wire frames reflecting that it would possibly be enclosed and technically the footprint of the building is not changing from the top down. There was something about the boat slip not moving and in the plans it looks like the boat slip will be moved over. Daniels wanted to bring this before the board to get some clarification and discuss with the applicants. Because this is a variance and not just a regular permit he wanted to have the discussion on record.
Chairman John Walters stated that there a lot of references in the minutes and ordinances about square footage staying the same. Walters asked if they can explain what the current square footage is. Walters had calculated it as 390 square feet based off of a drawing from the last meeting but he stated it looks

like the plans that have been submitted are more than that. Mrs. Johnson pulled up the power point from the previous meeting showing in color an image of the original foot print, an image showing square footage that is being taken away for the retaining wall, as well as an image showing where they plan to shift everything. Also provided were drawings created in CAD. Walters asked if the box in the front of the existing structure that is being moved was a porch and if there was there space below. The Johnson's confirmed that there was basement space below. Mr. Johnson explained that in the lower level of the boat house there was a utility room, the boat slip went all the way up to the foundation. Because of the DOT requirements they are losing all of that square footage to build the retaining wall. When they were here before they proposed moving that square footage lost to the right side so they can still have the utility room space. The boat slip needs to be on the outside wall to make sure the upstairs is supported properly. If it is not laid out that way living space will be hard to access, structurally it won't be as sound, and it will be more costly to build.

Walters asked, on the added piece on the diagram, what is planned for each level. Peters stated, as he pointed to the diagram, when they proposed this the last time there was existing, living space and a boat slip with a porch on top. He reminds the board that at the last meeting they picked propose option two. He states that in proposed two he clearly stated that the new top portion would be covered. The line that he drew was never meant to be taken as the top portion would be a porch, it was meant to differentiate the original from the new. He stated the boat slip need to be moved for it to fit, he didn't think that it would be an issue since it's a change made under the roof. Peters states he needs the board to work with him on this, that for the structural design it need to be like this so that he can brace the structure. He didn't draw floor plans for the previous meeting because he needed to know which variance option the board was going to approve first. Once option two was approved by the board, then he drew up a floor plan in CAD. Peters expressed that the minutes that he read feel like a summary and not exactly what was said. He said that at the last meeting he said that this proposed option is what he is going to draw and submit, he states that he didn't change it, all he has done is drawn windows and doors on it a gave them a floor plan. He stated now he is going to have to rework a floor plan for what the town is saying. He felt like it wasn't a fair trade for the square footage that they have lost. Mr. Johnson added if there was another way to do it they would. Mrs. Johnson reminds the board that they are not only trying to comply with the town

ordinances but also with DOT.
Walters states that there is no question about the structural issues, but that square footage was never discussed. He stated that that there were references in the minutes about keeping the square footage the same. The footprint appears to be the same but square footage is being added.
Tim Daniels commented that the lake ordinances allow for x amount of covered square footage, with the variance that is going to increase this. Adding a second floor on is not going to be any kind of violation.
Mrs. Johnson stated that the minutes are just highlights of the conversation, she pointed out that at the previous meeting it was stated that it was reconfiguring the square footage, keeping it the best that they can to the original structure in a reconfigured format, because of DOT.
Walters asked what the square footage is. Peter's refers to board to the packet. Walters stated when he calculated it he got 555 square feet, the original was 390 square feet. Peter's states that the square footage has increased and was illustrated in proposed two.
Walters asked Daniels if he thinks this okay. Daniels stated that covering the second floor is not going to violate any ordinance, we just needed to get clarification for the square footage.
Daniel Gerst made the motion to allow the second floor to be enclosed and for the boat slip to move over.
Warren Carson second the motion
All in favor.

Before and After School Church Program Text Amendment

Tim Daniels reported that a local church came to him and asked if they were allowed to hold before and after school day care programs. Per the Towns ordinances there really wasn't a definition because it's not an all-day program, which has strict health department rules. Daniels spoke with the Towns lawyer about it, he stated it is pretty common for churches to have this sort of thing. Daniels would like to have part time daycares added into the ordinances since it is not clearly defined currently. The current ordinance allows for full time day care centers but not part time day care. Daniels also pointed out that there is the religious land use institutionalized perceive act that was written in 2000, which is vaguely written and if the church wanted to open a part time day care they could challenge us and most likely would win due to this act, according to the attorney. So, by getting ahead of that and defining things in our ordinance would be helpful.
Daniel Gerst asked if it was a matter of changing some of the

language in the current ordinance.
Daniels responded yes, and referred to the last page of the agenda packet. The change would read as follows:
SR 29. Religious Institutions (Churches)

A. Child care programs may be provided for children enrolled in five-year-old kindergarten and grades one (1) or above, which are time limited to before and/or after a routine school day, or which extends to full days during school holidays. Before- and /or after-school child care programs shall meet all of the requirements for a child care facility as stated in chapter 15 of the NC Division of Child Development handbook.

Gerst motions to accept the language.
Nigel Stroud second the motion.
All in favor.

Meeting Adjourned
Meeting was adjourned at 3:30 PM.

Prepared by:

Jordan McKeown
Billing Clerk

Approved by:

John Walters
Chairman