

**Town of Woodfin  
Planning and Zoning Board of Adjustment  
April 5, 2021 Meeting Minutes  
Town Hall and Zoom**

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Board Members Present: Chair Kenneth Razza  
Theresa Stoker  
Jeff Angel  
Jay Grimmett  
Barbara Lamb  
Mike Molling (alt)

Board Members Absent: Patrizia Hoffman

Town Staff Present: Adrienne Isenhower  
Michael Saunders

Chairman Razza called the meeting to order at 6:36 p.m. and asked Mr. Angel to lead the invocation.

**Approval of the Agenda**

Board member Lamb moved to adopt the agenda. Board member Stoker seconded and the motion carried 6/0.

**Approval of the Minutes**

Draft minutes were still pending from the previous meeting.

**Public Forum**

There was no public comment.

**Old Business**

**Conditional Use Permit – Bluffs on River Bend (Richmond Hill):** Mr. Razza asked for confirmation of attendance for Mr. John Noor and Mr. Derek Allen. Mr. Razza stated there was six witnesses who had requested to speak and asked Mr. Noor and Mr. Allen if they had opinions on witness testimony. The consensus was to hold the witness statements until the end of the hearing. Mr. Razza then asked Mr. Noor and Mr. Allen to continue the hearing where it was left off in April.

Mr. Noor began by cross-examining Mr. Holdsworth and asked questions regarding his knowledge and expertise in traffic engineering, water quality and stormwater. Mr. Noor also asked if a traffic impact analysis, safety analysis or stormwater assessment had been completed. Mr. Holdsworth replied he did not have expertise in traffic engineering, water quality or stormwater and studies were being conducted but were not complete.

Mr. Allen reminded the board of the testimony from the initial hearing and provided a description of the applicant's request. He stated the property is 82 acres and has been zoned Mountain Village since it was annexed into the town of Woodfin, allowing for multi-family use by right. Mr. Allen stated Planning Director Adrienne Isenhower had provided a determination based on permit choice that the applicant could proceed with the density of 17 units per acre. He discussed the property being located in an opportunity zone and reminded the board that the applicant had been working with the town for several months and previous town officials had asked for inclusion of hospitality and retail uses into the development. Mr. Allen stated the only request at this time was to exceed maximum building height of 35' with 55' buildings. An exhibit was provided

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of zoning ordinance Sec. 54-316 which requires a conditional use permit to exceed building height. Mr. Allen stated the higher buildings would allow for smaller footprints, reduced stormwater, and more open space. Mr. Allen also shared the letter received from the West Buncombe Fire Chief with approval for 55' buildings. He reminded the board members the standards found in Chapter 2-71 and Chapter 54-71 were agreed upon to be applicable to this particular conditional use request. Mr. Allen noted an objection to the standards, and stated the standards found in Chapter 2-71(c)(1)(c) were likely unconstitutional and would likely be challenged on those grounds. Mr. Allen then called in civil engineer Scott Burwell.

Mr. Burwell was sworn in by Chairman Razza. Mr. Allen asked Mr. Burwell to discuss his currently employer, and his education and training. Mr. Burwell stated he had worked for McGill Associates since August 2010; he attended NC State University and obtained his professional engineers license in 2012. Mr. Allen asked if he had ever testified to a local board and he responded he had. Mr. Allen shared Mr. Burwell's professional CV and Mr. Burwell highlighted a few recent residential projects that had gone through the City of Asheville Board of Adjustment and he stated the majority of his work was in western North Carolina. Mr. Allen asked Chairman Razza to approve Mr. Burwell as an expert witness. Mr. Razza allowed Mr. Noor to ask a few questions of Mr. Burwell regarding his previous experience and education. Mr. Burwell was sworn in by Chairman Razza.

Mr. Allen shared the concept site plans submitted by the applicant and stated their purpose was to portray height of the buildings. Mr. Allen asked Mr. Burwell if the increased height would affect persons health or safety and Mr. Burwell responded higher buildings would create less impervious surface and create less of a disturbance from a stormwater and design. Mr. Noor asked Mr. Burwell several questions regarding the effect of building height on the neighborhood, whether a stormwater analysis had been done and discussed differences in stormwater treatments based on building height. Mr. Burwell discussed the requirements of the Buncombe County stormwater ordinance and protections that could be offered for water quality and erosion control.

Mr. Allen introduced Jeffrey Moore who was sworn in by Mr. Razza. Mr. Moore stated he works for Gannett Fleming, listed previous positions held and reported he had a professional engineer's license in North Carolina, South Carolina, Georgia, and Florida. Mr. Noor asked Mr. Moore a couple of follow up questions and he was accepted as an expert in traffic. Mr. Allen asked Mr. Moore questions regarding traffic impact upon the proposed development and height of buildings. Mr. Moore reported in his opinion, from a traffic standpoint, no adverse impacts would be created based on the change in height.

Mr. Noor questioned Mr. Moore on the impact of the conditional use request on traffic and Mr. Allen objected to two questions. At the second objection, Mr. Allen asked Mr. Razza to poll the board on the objection, and specifically whether questions not related to 35' or 55' building height are improper. Mr. Sneed refined the request and explained the applicant's stance is the decision is based solely on height and Mr. Noor's stance is the wording of the standards broaden the request to other issues beyond building height. Mr. Noor added clarification that even if the board decides height is the only issue, he planned to introduce expert witnesses to provide testimony that height create additional impacts.

Ms. Stoker stated her opinion was the issue before the board was strictly related to height, and additional issues were not applicable. Ms. Lamb stated, in her opinion, the increased height would impact the health, safety and welfare of the neighborhood. She stated until additional analysis was done, she would not be in favor of

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increasing the height. Mr. Sneed explained to Ms. Lamb it was up to the parties to present evidence and clarified Ms. Lamb's statement to a vote for presentation of additional information. Mr. Razza stated by following standards listed in Chapter 2 of the zoning ordinance, additional information was necessary. Mr. Grimmatt stated his opinion was additional information would be beneficial to the board. Mr. Angel stated his opinion was the testimony should only be related to height. Mr. Molling stated agreement that more information was necessary. Mr. Sneed stated by a 4-2 vote, Mr. Allen's objection was overruled and allowed Mr. Noor to continue.

The board took a brief recess at 7:57 p.m.

The board reconvened at 8:08. Mr. Noor continued questioning Mr. Moore regarding completion of a safety analysis and traffic impact analysis. Mr. Moore stated analyses were being conducted, but none were complete. Mr. Noor asked Mr. Moore to clarify whether building height would impact traffic volume. Mr. Moore responded the height was not impactful to his analysis. Mr. Noor asked about several aspects of the study and Mr. Moore provided feedback on the variables used for the analysis and what portions had been completed. Mr. Noor questioned Mr. Moore about trucks using the intersection of Pearson Bridge Road and Richmond Hill Road. Mr. Moore explained there is an alternate way to get to the property that would be communicated to the truck drivers.

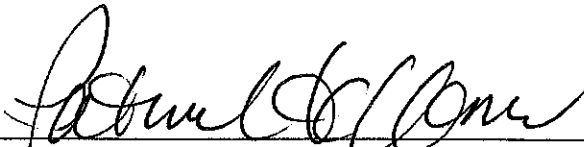
Mr. Allen asked Mr. Moore whether the change in height would change cue times, delay times, peak times, whether heavy trucks were used or change any part of the traffic analysis and Mr. Moore responded the height change would not have an impact on the traffic analysis.

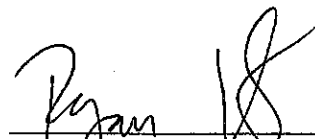
Mr. Allen voiced concern about comments by Ms. Lamb regarding the objection previously discussed. He stated her response sounded like unequivocal conclusions and asked for her recusal. Mr. Noor shared Mr. Sneed had clarified Ms. Lamb's comments to request more information and did not think her recusal was necessary. Ms. Lamb shared she was just stating her opinion and could change her mind with evidence to the contrary. Mr. Sneed explained Ms. Lamb had the option to recuse herself if she felt she had made her decision and if she did not, the board would have to decide whether she should be recused. Ms. Lamb decided to recuse herself.

Mr. Razza reported the board no longer had a quorum based on zoning ordinance language. Mr. Noor suggested continuing the hearing until May so procedural issues could be addressed. Mr. Allen asked to schedule another hearing sooner than the next meeting, and Mr. Noor disagreed. Mr. Razza stated the hearing would be continued to the next regular meeting in May.

**Adjournment**

The meeting was adjourned at 8:52 p.m.

  
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Planning and Zoning Board of Adjustment Chair

  
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Town Clerk