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Town of Maggie Valley  
Zoning Board of Adjustment  
December 17, 2020

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Members Present: Chairman Bill Banks, Marion Hamel, Josh Hoogerwerf, Evans Duncan, and Allen Alsbrooks arrived at 6 pm.

Staff Present: Town Planner Ron Hancock and Town Clerk Vickie Best

Other's Present: Six (6) people

**Call to Order**

Chairman Banks called the meeting to order at 5:30 pm in the pavilion adjacent to Town Hall on Thursday December 17, 2020.

**Approval of the Minutes of the November 19, 2020 meeting**

(Action Required)

**ON MOTION OF MS. HAMEL, SECONDED BY MR. DUNCAN, THE MINUTES OF NOVEMBER 19, 2020 WERE UNANIMOUSLY APPROVED.**

Prior to opening the meeting for the variance requests, Chairmen Banks explained how the Zoning Board acts as a Quasi-Judicial Board and operates in the same way as a court of law.

**Application for Variance: High Country Furniture, 3192 Dellwood Road; Roof pitch**

(Action Required)

TOWN OF MAGGIE VALLEY ZONING BOARD OF ADJUSTMENT

APPLICATION FOR A VARIANCE

This petition to the Board of Adjustment is for a VARIANCE from the literal provisions of the Zoning Ordinance. Strict application of the ordinance prohibits using the parcel of land as described in the attached General Application Form and site-specific development plan. The relief requested is from the following provisions of the Zoning Ordinance:

154.055

Section number(s)

Factors Relevant to the Issuance of a Variance

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. For a variance to be granted, the applicant must

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be able to demonstrate that all the following requirements are met. In the spaces provided, please indicate the facts that you intend to show and the arguments that you intend to make to convince the Board of Adjustment that it can properly reach the required conclusions.

1. Indicate how an unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

Required roof pitch would result in excessive costs and is unnecessary. Required roof pitch is 7/12 to 12/12 slope. The current planned roof pitch is 4/12.

2. Indicate how the hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the public, may not be the basis for granting a variance. Unique personal or family hardships are irrelevant since a variance, if granted, runs with the land.

The existing buildings have a 4/12 roof pitch and request that this new building match the existing buildings on site.

3. Indicate how the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

All other buildings were built with town approval. We would like to match existing buildings.

4. Indicate how the requested variance is consistent with the spirit, purpose, and intent of the ordinance. Show how the request represents the least possible variation from the ordinance.

We commit to have this building built to High Country Furniture standards and keep within the code of Maggie Valley to have presentable fronts for businesses.

5. Indicate how the requested variance will maintain the public safety and welfare and do substantial justice. Demonstrate how the request will not be injurious to the neighborhood. State facts and arguments to show that, on balance if the variance is approved, the benefit received by the Applicant will substantially outweigh the harm suffered by the public.

The variance in roof pitch will allow consistency among all other buildings and will blend into our existing plans.

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Upon receipt of this application, the Board of Adjustment will schedule a hearing. All witnesses at the hearing shall provide sworn testimony and the Board may only base their conclusion on the testimony heard at the hearing. The Board of Adjustment is authorized to subpoena witnesses and compel the production of evidence. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor.

SEE APPLICATION BELOW:

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Application Number:

12-2-20-VARI

Applicable Fee:

\$200.00

## TOWN OF MAGGIE VALLEY ZONING BOARD OF ADJUSTMENT

## GENERAL APPLICATION FORM

Permit or Relief Requested: \_\_\_\_\_ Appeal X Variance \_\_\_\_\_ Special Exception \_\_\_\_\_

Applicant:

Doug Worrell

Owner:

WWW Investments, LLC

Address:

3232 Dellwood Road

Address:

3232 Dellwood Rd

Telephone:

828-926-1722

Telephone:

828-926-1722

Legal Relationship of Applicant to Property Owner:

Member Manager

Purpose of Request:

Building approval

Property Location:

3232 Dellwood Road, Waynesville, NC 28786

(Street Address)

Parcel Number:

8606-49-3787

Lot Size:

.775 AC

Zoning District:

Number of Buildings Proposed:

1

Gross Floor Area of Proposed Buildings:

5800

Total Square Footage of Land to Be Disturbed:

.5 Acres

Estimated Cost of Project:

\$250,000

- ATTACH SITE SPECIFIC PLAN DESCRIBING REQUEST
- APPROPRIATE FEE MUST ACCOMPANY ALL APPLICATIONS
- ATTENDANCE or REPRESENTATIVE IS REQUIRED AT ALL BOARD MEETINGS

Signature of Applicant

12-02-2020

Date

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Planner Hancock read the following facts of the case.

Facts for Variance Application #12\_2\_20. VAR1

1. WWW Investments, LLC (Doug Worrell) is the owner of property located at 3232 Dellwood Road within the ETJ of the Town of Maggie Valley, NC with PIN 8606-49-3787 and zoned C-1, General Business.
2. The subject area is comprised of a partially vacant lot adjacent to the property owner's existing business, High Country Furniture.
3. Mr. Worrell would like to expand his business and proposes to build additional warehouse/storage space for the existing operation.
4. Mr. Worrell is seeking a variance from the Town's Zoning Ordinance and Design Guidelines Section 154.125 (J) Pitched Roofs.
5. The Town's Design Guidelines require that the front façade on all new commercial buildings use acceptable building materials including, "natural and traditional materials such as wood and native stone." The proposal is to erect a metal building and use wood and stone architectural elements on the front façade.
6. The Town's Design Guidelines require that all new commercial buildings less than 15,000 square feet in area have a minimum roof pitch of 7/12. The proposal is to construct a new building having a roof pitch of approximately 4/12.
7. All other requirements of the Town's Zoning Ordinance and Design Guidelines shall be met.
8. All adjacent property owners have been notified of the Public Hearing and the site has been posted as required by state statute.

Planner Hancock explained that since the last revision of the Zoning Ordinance, the Zoning Board of Adjustment have had requests for variances because of the 7/12 pitched roof requirement. When issues such as this comes up repeatedly, the problem is the ordinance requirement. This will be addressed/corrected in the Unified Development Ordinance (UDO).

As Mr. Worrell's business has increased, his need for storage has grown. The new storage building will be 66' by 88' and it will be dressed to look attractive from the outside. There will be more parking on the other side of the building and the area will be landscaped. The front of the structure will face Dellwood Road. There

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will be a canopy on the front, but no entrance. There will be some cultured stones to break up the monotony of a long front face.

The cost of building the pitch roof required would be a waste of money and difficult to do. The 7/12 pitch is not a good pitch for a warehouse.

**ON MOTION OF MS. HAMEL, SECONDED BY MR. DUNCAN, THE BOARD UNANIMOUSLY APPROVED THE VARIANCE FOR A 4/12 PITCHED ROOF.**

**Application for Variance: Jeff Koenke, 3009 Dellwood Road; Roof pitch**

(Action Required)

SEE APPLICATION BELOW:

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Application Number:

12-3-20-VARI

Applicable Fee:

\$ 200.00

TOWN OF MAGGIE VALLEY ZONING BOARD OF ADJUSTMENT  
GENERAL APPLICATION FORM

Permit or Relief Requested: \_\_\_\_\_ Appeal ☒ Variance \_\_\_\_\_ Special Exception \_\_\_\_\_Applicant: Allphase StorageOwner: Jeffrey M. KoenkeAddress: 3009 Dellwood Road  
Waynesville, NC 28786Address: 2601 SE 7th ST.  
Pompano Beach, FL 33062Telephone: 954-531-4403Telephone: 954-531-4403

Legal Relationship of Applicant to Property Owner:

I am the owner of Allphase Storage located at 3009 Dellwood Rd.

Purpose of Request:

Gain approval for construction of additional warehouse building including the  
variances referenced.

Property Location:

3009 Dellwood Road Waynesville, NC 28786

(Street Address)

Parcel Number: 8606 59 3820 Lot Size: 3 acres Zoning District: Maggie Valley, NC.Number of Buildings Proposed: 2 Gross Floor Area of Proposed Buildings: 2,000. SFTotal Square Footage of Land to Be Disturbed: \_\_\_\_\_ Estimated Cost of Project: \$30,000.

- ATTACH SITE SPECIFIC PLAN DESCRIBING REQUEST
- APPROPRIATE FEE MUST ACCOMPANY ALL APPLICATIONS
- ATTENDANCE or REPRESENTATIVE IS REQUIRED AT ALL BOARD MEETINGS

Jeffrey M. Koenke

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**1. Indicate how an unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

Our proposed building is going to be a warehouse facility used to store and clean personal property items such as furniture, toys, tools, etc. We intend to use preformed metal siding. The use of other "approved" building materials would increase the overall cost of the project dramatically as well as reduce the longevity and durability of the structure of it is intended purpose. The request for the roof pitch to a 4/12 slope would reduce the construction cost by nearly \$10K compared to a pitch of 7/12. Wind force and snow load also make the 4/12 pitch a better slope for a warehouse structure.

**2. Indicate how the hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. Unique personal or family hardships are irrelevant since a variance, if granted, runs with the land.**

There are other similar structures in use along Dellwood Road into Maggie Valley, as well as within the main center of the town. Currently, the property is undeveloped and adjacent to our office. The added height required to achieve a 7/12 pitch would result in a structure that towers above all existing structures along the road corridor and potentially obstruct the views of exiting houses behind the proposed building.

**3. Indicate how the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**

The construction of this warehouse facility will allow us to better compete with similar businesses that serve the area of Haywood County. To our knowledge, there has not been any development of this property in the last 20 years. It will also allow us to keep and maintain our current location at the adjacent property address of 3009 Dellwood Road.

**4. Indicate how the requested variance is consistent with the spirit, purpose, and intent of the ordinance. Show how the request represents the least possible variation from the ordinance.**



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I understand that the image of Maggie Valley and surrounding areas is traditional mountain architectural style. A variance allowing us to use the preformed metal exterior and the roof pitch is to facilitate a lower overall height and would be very consistent with existing structures along Dellwood Road. We intend to add cultured stone and exposed timbers along the section of the building that will be visible to persons traveling along the road. These materials will reflect the traditional mountain style of building. The added use of native plants and shrubs around the front and side of the building will increase the curb appeal and enhance the mountain style desired in Maggie Valley.

**5. Indicate how the requested variance will maintain the public safety and welfare and do substantial justice. Demonstrate how the request will not be injurious to the neighborhood. State facts and arguments to show that, on balance, if the variance is approved, the benefit received by the Applicant will substantially outweigh the harm suffered by the public.**

The addition of this building would add to the overall appeal of the adjacent properties. This will not be a high traffic use facility or create congestion or safety issues. No hazardous or regulated materials will be used or stored on the property. There are several businesses along this stretch of road corridor that uses similar construction as our proposed structure.

Planner Hancock provided the Finding of Facts.

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**Facts for Variance Application #12\_2\_20.VAR2**

1. Jeff's Roofing, Inc. (Jeff Koenke) is the owner of property located at 3009 Dellwood Road within the ETJ of the Town of Maggie Valley, NC with PIN 8606-59-3820 and zoned C-1, General Business.
2. The subject area is comprised of a 3.17 acre partially vacant lot which is adjacent to the property owner's existing business operation, Allphase Storage.
3. Mr. Koenke would like to expand his business and proposes to build additional mini-storage buildings on the property.
4. Mr. Koenke is seeking a variance from the Town's Zoning Ordinance and Design Guidelines Sections 154.125 (D) Building Materials and 154.125 (J) Pitched Roofs.
5. The Town's Design Guidelines require that the front façade on all new commercial buildings use acceptable building materials including, "natural and traditional materials such as wood and native stone." The proposal is to erect a metal building and use wood and stone architectural elements on the front façade.
6. The Town's Design Guidelines require that all new commercial buildings less than 15,000 square feet in area have a minimum roof pitch of 7/12. The proposal is to construct storage buildings having shed roofs.
7. All other requirements of the Town's Zoning Ordinance and Design Guidelines shall be met.
8. All adjacent property owners have been notified of the Public Hearing and the site has been posted as required by state statute.

Mr. Koenke has agreed to make the storage units look like Torry Pinter's units at 1094 Soco Road. The units will be facing each other. The Koenkes will be owner/operators. The house is being renovated so the Koenkes can move up here from Florida.

As earlier stated, the metal building will have synthetic stone four (4') up the structure.

Ms. Hamel felt the building would be an improvement to the area.

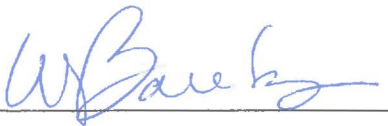
**MR. HOOGERWERF MADE A MOTION TO APPROVE THE VARIANCE REQUEST FOR THE MINI-STORAGE UNITS THAT WILL LOOK LIKE TORRY PINTER'S STORAGE UNITS AND TO ALLOW FOR A 4/12 ROOF PITCH. MS. HAMEL SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.**

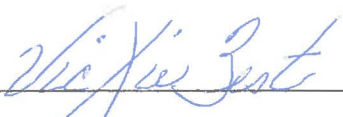
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**Other Business**

**Adjourn**

**ON MOTION OF MR. LYBRAND, WITH ALL IN FAVOR THE MEETING  
ADJOURNED AT 6:05 PM.**

  
\_\_\_\_\_  
Chairman Bill Banks

  
\_\_\_\_\_  
Vickie Best, CMC, NCCMC, Town Clerk

The next Zoning Board of Adjustment meeting is scheduled for January 21,  
2021.

