

Town of Maggie Valley
Zoning Board of Adjustment Meeting
August 19, 2021

MINUTES

Members Present: Chairman Bill Banks, Marion Hamel, Josh Hoogerwerf, David Lybrand, Allen Alsbrooks and Evans Duncan

Staff Present: Manager Nathan Clark, Planner Kaitland Finkle, and Town Clerk Vickie Best

Others Present: 17 people including Mayor Mike Eveland, Alderman T. Wight, Planning Board Chairman Jeff Lee, and Frankie Wood

Call to Order

Chairman Banks called the meeting to order at 5:31 pm on Thursday August 19, 2021, in the Town Hall Boardroom. Chairman Banks went on to explain how a Quasi-Judicial Board operates the same as a Court of Law, taking testimony under oath.

Planner Kaitland Finkle introduced herself to the Board providing her experience and background in planning and local government.

Mr. Alsbrooks asked that people coming before the Board speak to the facts of the case, no comments based on emotions will be accepted. Only factual-proven evidence is considered, no general comments are acknowledged in the final decision.

IN REAL TIME, THE STOCKWELL CASE WAS HEARD FIRST, THE MINUTES DO NOT REFLECT THAT CHANGE TO THE AGENDA.

Approval of the Minutes of the March 18, 2021, meeting

(Action Required)

MS. HAMEL MADE A MOTION TO APPROVE THE MINUTES OF MARCH 18, 2021, AS PRESENTED. MR. DUNCAN SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Application for a Special Exception (RV-PUD): Jim Blyth, 4195 Soco Road

(Action Required)

The following application, consideration, plat, and standards of a Planned Unit Development (PUD) were presented to the Board.

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Application Number: 6-4-21-15PE
Applicable Fee: 200⁰⁰

TOWN OF MAGGIE VALLEY ZONING BOARD OF ADJUSTMENT
GENERAL APPLICATION FORM

Permit or Relief Requested: _____ Appeal _____ Variance _____ Special Exception

Applicant: TIM BLYTH, MEMBER MGR Owner: BLYTH HOLDINGS, LLC

Address: 212 CAMPBELL CREEK ROAD Address: 212 CAMPBELL CREEK ROAD

Telephone: 828-734-4444 Telephone: 828-734-4444

Legal Relationship of Applicant to Property Owner:

OWNER / MEMBER-MANAGER

Purpose of Request:

PUD SPECIAL EXCEPTION

Property Location:

4195 SOCO ROAD, MAGGIE VALLEY NC 28757

(Street Address) 7686-08-9408 .85 ACRES C-1
7686-08-6571 .79 ACRES C-2
Parcel Number: 7686-08-7321 Lot Size: 1.65 ACRES Zoning District: C-1

Number of Buildings Proposed: 25-26 Gross Floor Area of Proposed Buildings: 25,000 sq

Total Square Footage of Land to Be Disturbed: 85 Estimated Cost of Project: 2.5 million

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

[Signature]
Signature of Applicant

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ZONING BOARD OF ADJUSTMENT
CONSIDERATION OF SPECIAL EXCEPTION

Applicant: BLYTH HOLDINGS, LLC

Proposed Use of Property: MIXED USE - MOTOR HOME STORAGE - URBENT CA
RV

Property Location: 4195 SOLO ROAD
(Street Address)

I. COMPLIANCE WITH ORDINANCE REQUIREMENTS

The application DOES / DOES NOT comply with all applicable requirements of the land use ordinance, as provided below:

1. Ingress and egress to property and proposed structure with particular reference to automotive and pedestrian safety, convenience, traffic flow and control, and access in case of fire or catastrophe;
2. Refuse and service areas, with particular reference to the items above;
3. Off-street parking and loading areas where required with particular attention to the items above and to the economic, noise, glare, or odor effects of the special exception on adjoining properties and generally in the district;
4. Utilities, with reference to location, availability, and compatibility;
5. Screening and buffering, with reference to type, dimensions, and character;
6. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
7. Required yards and other open spaces; and
8. General compatibility with adjacent property and other property in the district.

The application does not comply with the following requirements of the land use ordinance:

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§ **154.055 STANDARDS.**

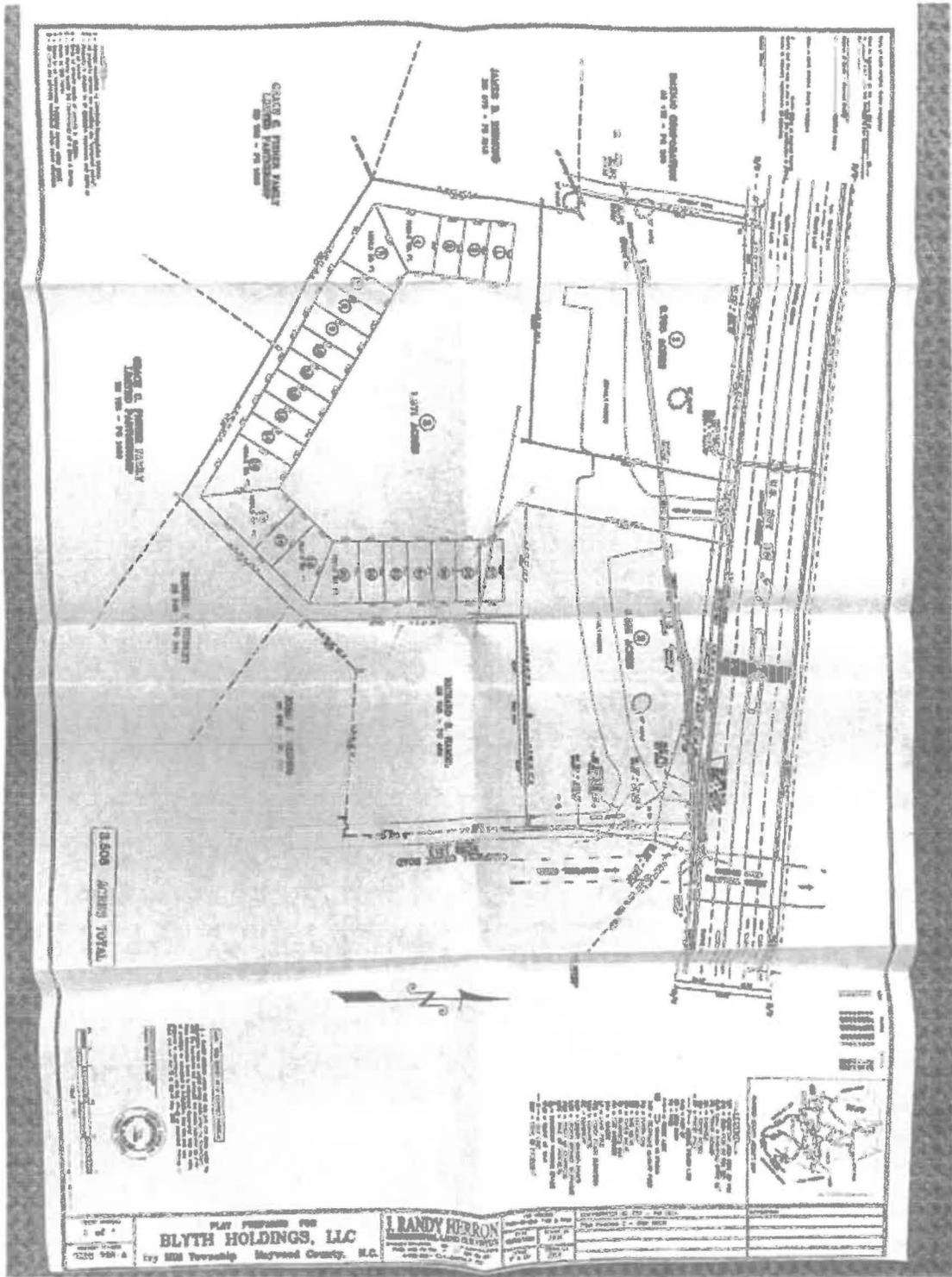
(A) The following standards governing lot areas and building setbacks shall apply in the zoning districts established in this chapter.

<i>Districts</i>	<i>Minimum Lot Area</i>	<i>Lot Area per Dwelling Unit</i>	<i>Minimum Lot Width</i>	<i>Setback (Front, Side, Rear)</i>
Residential 1	14,000 square feet		75 feet	25 feet, 10 feet, 10 feet
Residential 2	11,000 square feet	11,000 square feet; 3,000 square feet per each additional unit	60 feet	20 feet, 10 feet, 10 feet
Residential 3	7,000 square feet	7,000 square feet; 3,000 square feet per each additional unit	60 feet	15 feet, 10 feet, 10 feet
Neighborhood Business (C2)	7,000 square feet	7,000 square feet; for residential uses <u>and RV-PUDs</u> , R-3 provisions shall apply	60 feet	15 feet, 10 feet, 10 feet
General Business (C1)	—	For residential uses <u>and RV-PUDs</u> , R-3 provisions shall apply	75 feet	10 feet, 10 feet, 10 feet

§ **154.110 PLANNED UNIT DEVELOPMENTS.**

(4) *Land uses.* A mixture of land uses may be allowed in any planned unit development. However, within residential districts, nonresidential uses shall be primarily for the use of the PUD residents and shall not constitute the primary use in the planned unit development, and nonresidential uses shall be carefully designed to complement the residential uses within the planned unit development. All planned unit developments must be compatible with and not violate the intent of the zoning district. A travel trailer/RV park may be deemed a RV-PUD upon issuance of a Special Exception by the Zoning Board of Adjustment and approval of the land subdivision by the Planning Board in accordance with the requirements of § 154.039 (C)(2).

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Planner Finkle presented the Finding of Facts.

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Facts for Special Exception Application #6_4_21.SE1

1. Blyth Holdings LLC (Jim Blyth Member Manager) is the owner of 3 parcels located at 4195 Soco Road in Maggie Valley, NC with PINs 7686-08-6511, 7686-08-9408, and 7686-08-7321 zoned C1: GB (Commercial 1 District: General Business).
2. This property consists of 3.508 acres, broken down as .785 in Lot 1, .852 in Lot 2, and 1.871 in Lot 3.
3. Portions of the property are situated within the creek's Special Flood Hazard Area (SFHA). All development within the SFHA is required to comply with the Town's Flood Damage Prevention Ordinance.
4. Mr. Blyth has applied for a Special Exception to use the property as a Planned Unit Development (PUD) for RV Storage.
5. The Town's Zoning Ordinance will allow RV Storage within the C1 district upon issuance of a Special Exception by the Board of Adjustment.
6. The Lot Area per Dwelling Unit for RV-PUDs in the C1 district is 7,000 square feet; 3,000 square feet per each additional unit.
7. The proposal is for a 26-unit RV-PUD which requires 1.88 acres, more than the 1.871 acres in Lot 3 alone. The total acreage of the 3 parcels is 3.508 and will allow up to 49 units.
8. Most of the adjacent properties are single-family residential homes. Maggie Valley Nursing and Rehabilitation is behind the property. Maggie Valley United Methodist Church is across Soco Road.
9. All requirements of the Town's Zoning Ordinance for Special Exceptions and Planned Unit Developments shall be met.
10. The Planning Board has reviewed this application for the following considerations:
 - a) Relation of the special exception to applicable elements of the planning program; and
 - b) Appearance of the special exception relative to location, structure, and design.
11. On June 10, 2021, the Planning Board voted unanimously to recommend approval of the Special Exception.
12. If granted the Special Exception and permission to develop the site as a Planned Unit Development, the applicant shall be required to follow the Town's specific procedures for

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review of a major subdivision under final approval of the Planning Board.

13. As required by state statute, the property has been posted with a zoning hearing notice and all adjacent property owners have been notified of this hearing.

Each unit is required to have sewer and water taps because a PUD is a subdivision of land.

The Planning Board unanimously voted to recommend approval.

Excerpt from June 10, 2021, Planning Board Minutes

*Recommendation on Special Exception: Jim Blythe PUD 4195 Soco Road
Planner Hancock gave some background information. This is something that has not been seen before in Town, RV Storage and Dwelling combination. Ms. Crider's PUD, that was seen last month is similar. This is a Special Exception Application and the Planning Board's recommendation will go to the Zoning Board of Adjustment. This is in total, three and a half acres, at the corner of Campbell Creek and Soco Rd. The three existing parcels would be combined for the RV storage and dwelling units, with common area. The zoning is C1.*

Chairman Lee invited Mr. Blyth to speak to the Planning Board members. The property has been owned by him for 16 years. It is currently in three parcels, and he would like to combine the three into one. He spoke of the high need for indoor storage of motor homes, an enclosed commercial building. Mr. Heffron asked if the building would be one structure completely enclosed. Mr. Blythe answered, yes, architecturally pleasing to the eye. They will each have power, water, and sewer for washing RVs and dumping grey water. Mr. Heffron asked if people would be living in them. Mr. Blythe said he did not envision that, but there may be some people that would want to live there. The units will be designed for storage and will all have roll up doors and a personnel door.

Chairman Lee asked about the asphalt area shown on the plat and Mr. Blythe spoke of the possibility of an Urgent Care Center in the future. Mr. Heffron asked about the area in the middle of the plat. Mr. Blythe said that would be common area. Units coming in will be 40' or 45'. There will need to be room for them to pull in and maneuver. There is a ten-foot set back from the back of the property. Mr. Jared Lee verified that these were individual slips. Mr. Blythe said yes, with electric garage doors. Every slip will have their own floor drain and sewer. Each will have a water and sewer bill monthly.

Mr. Heffron mentioned the front elevation. Planner Hancock stated that it will have to meet the Town's Aesthetic and Design review. Mountain Vernacular on the façade and landscaping, all shall be met. Common Area and Restrictive Covenants would all be in place. There will be an electronic gate to enter the area. Chairman Lee asked about vehicle parking and Mr. Blythe thinks people will park inside the building; leaving their vehicles when they take the motor home. Chairman Lee asked if there was anything that would keep people from living in the

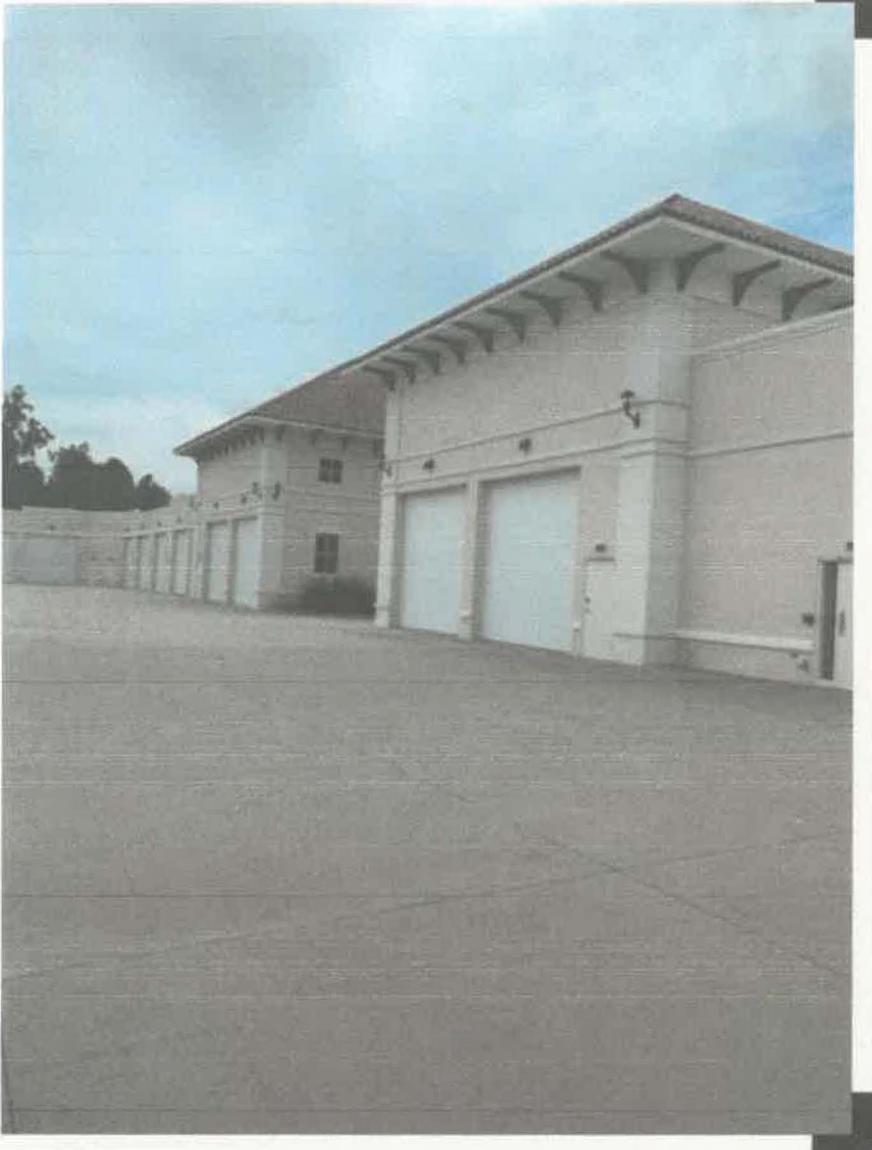
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units. Mr. Blythe said no, there is nothing to preclude that. If someone wanted to live in there, they may park in front of the door. Each unit will have their own restroom facility inside, rather than a community restroom.

Planner Hancock stated that if this is approved by the Zoning Board, it will come back to the Planning Board with all the requirements of a Major Subdivision to be met at that time. Mr. Jared Lee asked about the post and beam look for the possible Urgent Care Center. Mr. Blythe spoke of his future plans.

A vote to recuse Ms. Dennis, who has a close personal relationship with the applicant, was requested by Chairman Lee. The vote passed and Ms. Dennis was recused. Chairman Lee asked if there were any additional questions. There were none. He asked for a motion to recommend this Special Exception for a PUD to the Zoning Board. Mr. Heffron made the motion to recommend the approval of the Special Exception for the Jim Blythe PUD at 4195 Soco Road. Mr. Jared Lee seconded. The Recommendation passed unanimously. Planner Hancock stated that the Recommendation from this Board will go to Zoning board. If approved, Mr. Blythe will come back to the Planning Board for the subdivision approval. There may be conditions set by the Zoning Board. The plat is subject to change.

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The picture above is only an example of other RV-PUDs. This is not a replication of the proposed units.

This is a market not addressed in Haywood County. Leaving motorhomes outside is not an option for many. Some of the units will have living quarters.

Each unit will have water and sewer. Each unit will provide a means of refilling the motorhome with fresh water and be able to dump directly into the municipal sewer system. There will be a drain in the floor of the garage to provide a means to wash the motorhome.

The façade will meet the aesthetic guidelines. The garages will allow for the owner to put out the motorhome slide outs. The living quarters will be above the garage.

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These types of facilities are also common to race car teams.

The units will have heat, air, and exhaust.

There will be a common area maintenance fee.

Mr. Blyth estimates the value of the development to be 3.1 million dollars.

Some units will have an elevator. There will be two parking spaces in front of the garage for each unit. There will be fencing in the front of the property, no windows in the back. There will be windows in the front of the units.

Multi-family units are allowed in the C1 District. But as the Board continued to talk, this request does not fit into one box. Condos and storage are allowed in C1, but this is the inverse: massive garage with maybe some living quarters.

Mr. Alsbrooks asked about the upcoming Unified Development Ordinance and how that would be affected. "A project like this would be suitable on my end of Town (Dellwood Rd) but not in the middle of a tourist town."

Again, this project must meet the appearance standards.

Ms. Hamel, previously owned the home adjacent to the property being discussed, stated that storage behind her previous home was very unsightly. "Storage would look much better enclosed in a structure."

Mr. Hoogerwerf concurred, adding that his family has stored things there before. Ms. Hamel added that the appearance standards would eliminate the industrial appearance and Maggie Valley would love to have those folks with living quarters being in town.

Mr. Blyth explained that he plans to bring in an urgent care and possibly a fast-food restaurant on each corner of the property along Soco Road.

Again, there will be deed restrictions and HOA fees for maintenance.

Although there are a lot of pieces and moving parts, Mr. Blyth had lunch with the CEO of the hospital and is currently waiting on a list for services from them. It may be a year or a year and a half before Maggie Valley can look at this in real time. This project will add value to the town and jokingly Mr. Blyth added that he needs storage for his motorhome.

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Manager Clark explained that in the past there was a motel on the property (Maggie Crest), so there is 26 one-bedroom sewer capacity that remains with the property. The project will be completed in phases. Maggie Valley has the sewer capacity for the project. Mr. Blyth is aware that more sewer taps will be needed. Each unit will require separate water and sewer taps.

Planner Finkle explained that logistics and approval would be done at staff level. The only issue for the Zoning Board of Adjustment to be concerned about is the proposed use. Twenty-five units can fit onto the site. If twenty-six units are desired an additional 3,000 feet will be needed. The Planning Board will review the plan for compliance with subdivision regulations.

Frankie Wood stated that he had looked at what Jim (Mr. Blyth) is trying to do and the only problem he sees is the lot lines. Mr. Wood is in favor of having an urgent care in Maggie Valley and had thought about bringing one to Maggie Valley himself. "I am actually doing the same thing. I have rented one of these in Florida. The builder can make these look-like condos or townhouses. This is a good plan and fits with everything and will bring in the right people."

Jane McKinney, resident of 58 Campbell Creek Rd., stated that she is in favor of the Blyth project. Blyth Holdings is behind a line of trees surrounding her property. She too agreed about the unsightly storage currently on the property.

MR. LYBRAND MADE A MOTION TO APPROVE THE PROJECT WITH THE ABILITY TO ADJUST PROPERTY LINES FOR MOTORHOME STORAGE WITH POSSIBLE LIVING QUARTERS. MS HAMEL SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Application for a Variance: Van Stockwell, 1113 Moody Farm Road
(Action Required)

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Application No. 210715002

**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:

Section number(s) 154.036 (B)(9)

Factors Relevant to the Issuance of a Variance

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. In order for a variance to be granted, the applicant must be able to demonstrate that all of 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.

The home does not have a garage. It does have a small carport. We are car enthusiasts with 5 vehicles currently and I need a place to store and maintain them.

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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.

The property is long and narrow with the home very close to Jonathan Creek so there is absolutely no way or room to build any kind of garage behind the home. Also the lot is very narrow so there is nowhere on either side to build a garage. There is also no way to attach the garage to the home.

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.

I bought the property in September of 2020 "as is" originally to be a part time home (6 months here and about 6 months in southwest Florida). However We are selling our home there and going to be full time here in Maggie Valley and need a the space for our cars.

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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as possible.

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 building will be tastefully built to match the home. It will be architecturally pleasing and not look like the commercial storage units in the area and directly across Moody Farm Rd from us.

Thank you for your consideration

certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application.

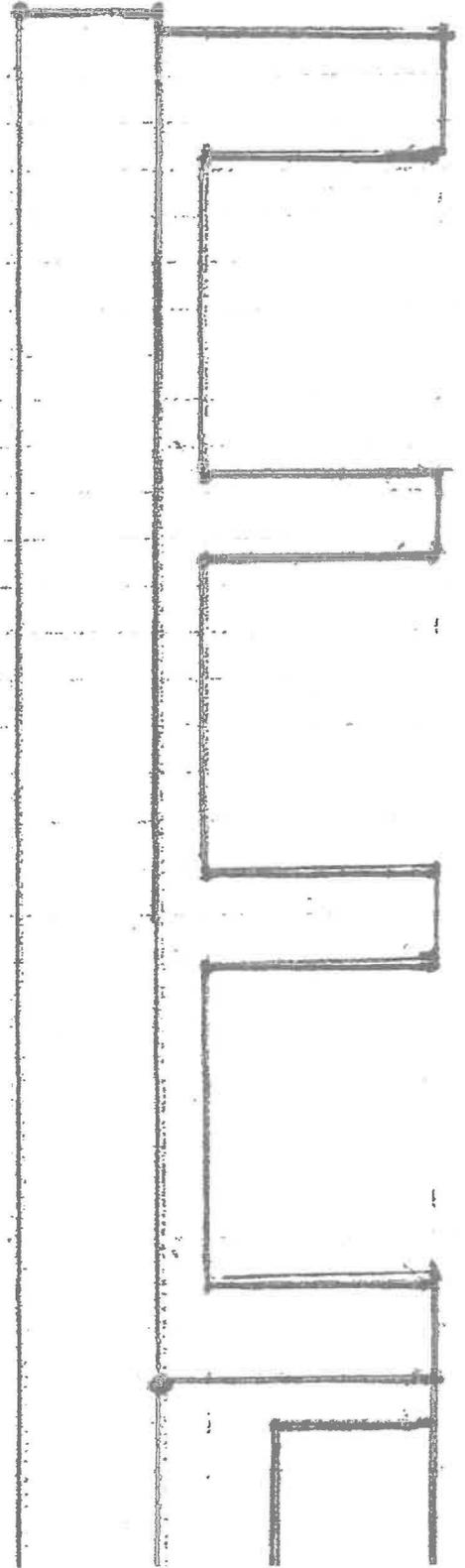
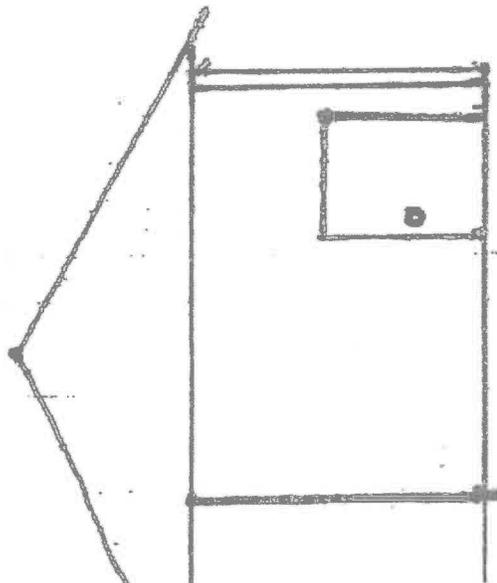
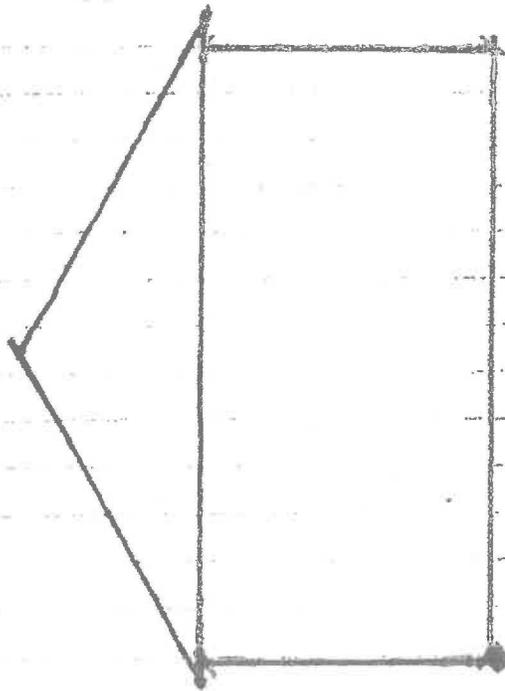


Signature of applicant

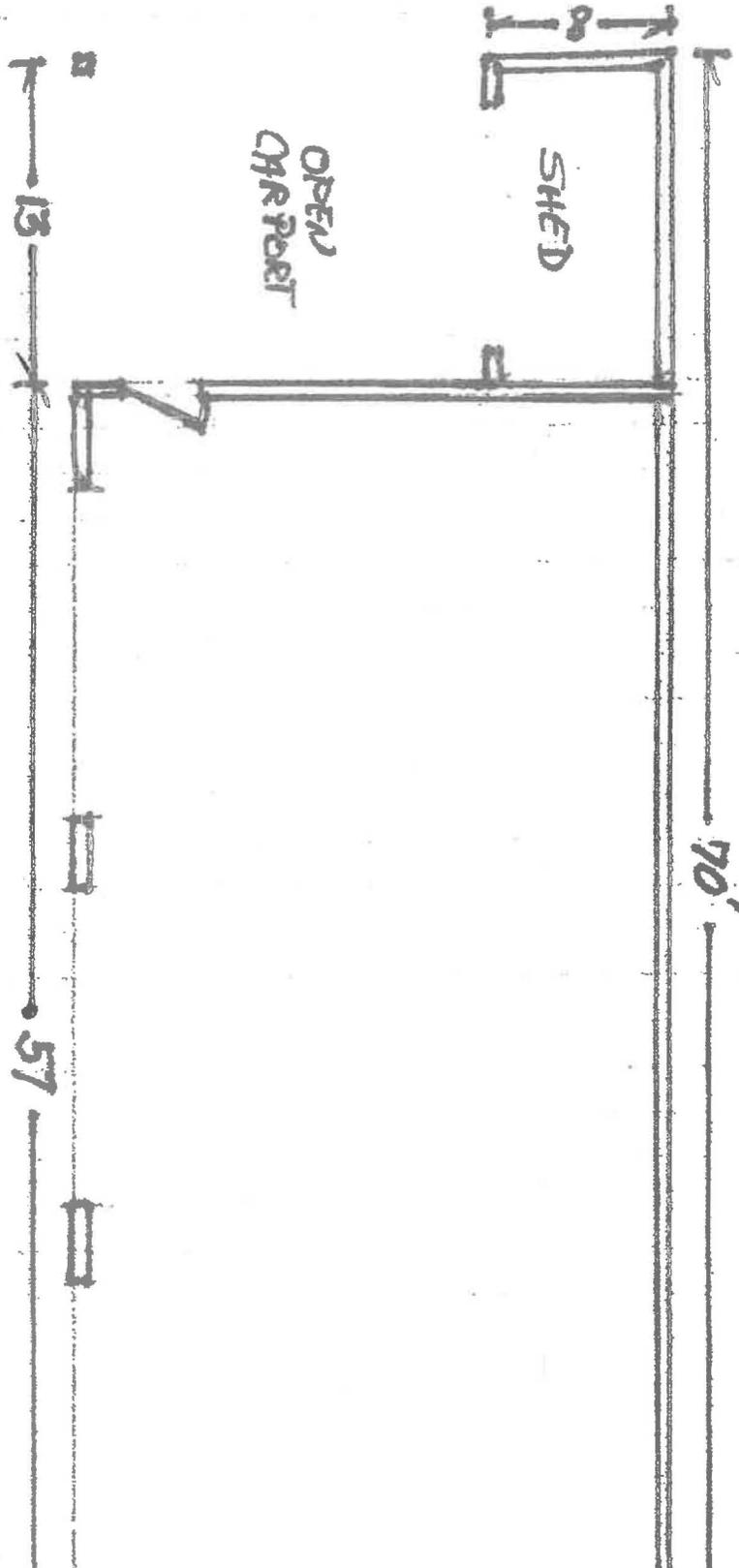
Date July 15, 2021

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.

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Town of Maggie Valley

Phone 828-926-0866/Fax 926-3576 3987 Soco Road Maggie Valley, NC 28751

Facts for Variance Application #210715002

1. Van and Karen Stockwell are the owners of a property with PIN 7696-28-9345 located at the intersection of Moody Farm Road and Riddle Cove Road in the Presley Estates neighborhood of Maggie Valley.
2. This property consists of a 0.456 acre (19,863 square feet) lot accessed by a circular drive off Moody Farm Road which has a 60-foot right of way, address 1113 Moody Farm Road.
3. The lot is currently zoned C-2, a Medium Density Residential zoning district with a front yard setback requirement of 15 feet as measured from the street right of way and 10 feet from side and rear property lines.
4. In July 2021, one of the property owners, Van Stockwell, applied for a variance to the requirement that an "accessory building or structure shall be permitted only in a rear yard". The Variance would be to allow an accessory building in the front yard.
5. The existing 1,152 square foot home was built in 1986 at the rear of the property leaving no space to locate an accessory structure in the rear yard.
6. The parcel is 75 feet wide with the existing home 48 feet wide and attached carport 12 feet wide.
7. The property is adjacent to Jonathan Creek, and the home sits almost entirely in the Floodway. The proposed garage will be located in the 100 Year Floodplain and be required to obtain a Floodplain Development Permit and comply with Flood Damage Prevention regulations as outlined in Chapter 152.
8. The applicants have stated that the zoning ordinance would cause an unnecessary hardship because strict application of the standard will not allow them to locate a detached garage anywhere on the property.
9. The layout maintains setback separation between houses to the sides and does not encroach on neighboring properties.
10. The proposed design is consistent with the spirit of the ordinance in that proposed materials will match the existing residential home and not look like a commercial storage building.
11. Construction of the garage as presented will not impede emergency vehicle access, create a fire hazard, or otherwise be contrary to public health and safety.
12. As required by state statute, all adjacent property owners have been notified of the Public Hearing and the site has been posted.

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The Stockwells purchased their home in September and were planning to live there six-months out of the year and in South Florida the remaining six-months. They began staying longer and longer and have now sold their home in South Florida and moved to Maggie Valley permanently. Mr. Stockwell is a car enthusiast and has five cars and a Slingshot.

Mr. Stockwell assured the Board that he would match the garage to the house. The garage will have a copper roof as does the home.

Mr. Albrooks clarified that the proposed garage would sit approximately 30 to 35 feet from the home and 20 to 25 feet from the sidewalk along Moody Farm Road.

Mr. Stockwell added that the home next door has a three-car attached garage in the front of the house.

Ms. Hamel questioned Mr. Stockwell about the number of cars he owns or has owned in the past. Mr. Stockwell currently has five cars, but has had as many as fifteen cars in the past.

Betty Daniels, a resident of Ferguson Mobile Home Park stated they have storage buildings on one side of the property and now their view will be ruined by the huge garage next to the road.

Mr. Albrooks again stated that only facts would be accepted, not by adjoining property owners that have no standing.

Ms. Daniels responded that the garage and the storage buildings together would look too industrial. This will be bad for the vacation cabins (above Stockwell property) as well.

Brad Cox, owner of the vacation cabins stated that he built these cabins about 15-years ago and they have proven to be an asset to Maggie Valley. "The cabins are beautifully maintained and enhance Maggie Valley whereas, the large garage would be an eyesore and decrease property values."

Mr. Albrooks asked if Mr. Cox has factual evidence that the garage would decrease his property values? (That would need to come from an appraiser or another professional on property values.)

The Board agreed that the area has a mixed use of development i.e., storage units, cabin rentals, and a mobile home park. Mr. Albrooks added that Mr. Stockwell does not have to meet the design standards because of being residential; but he has agreed to do so.

After continued discussion among the board members, Manager Clark stated that the Board should focus on the intent of the ordinance, rather than the aspect of comments. "Should

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these types of buildings be placed in the front yard? As a Board, you must look at minimum relief.”

Mr. Alsbrooks responded that there is no practical way to attach a garage to the house. The Board discussed if the issue is an unnecessary hardship. Although there is not a backyard, Mr. Stockwell knew what he was purchasing when he bought the home.

Mr. Lybrand questioned if the parcel could be split, and an apartment be built over the garage. Mr. Stockwell agreed that he would build a garage apartment.

Planner Finkle responded that the area is zoned C2 and subdividing the parcel would not allow the setbacks to be met for the minimum square footage because of the sixty-foot frontage.

Mr. Alsbrooks stated that the project could be approved with conditions i.e., the garage mimic the character and colors of the home, landscaping be installed to screen the property from view, and the structure’s location meet all setbacks.

Mr. Hamel stated that she would oppose that motion, Mr. Duncan added that it would be a stretch to find a hardship in this request.

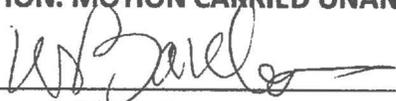
MS. HAMEL MADE A MOTION TO DISAPPROVE THE REQUEST. MR. ALSBROOKS SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Other Business

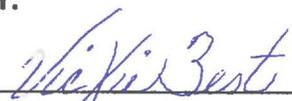
Planner Finkle asked that everyone complete their application for reappointment and get those into the Clerk by the end of August. Appointments will be made in September by Council.

Adjourn

MS. HAMEL MADE A MOTION TO ADJOURN AT 7:26 PM. MR. ALSBROOKS SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.



Chairman Bill Banks



Vickie Best, CMC, NCCMC, Town Clerk

