

Town of Maggie Valley
Special Called Zoning Board of Adjustment Meeting
September 30, 2021
MINUTES

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

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

Others Present: Reporter Vicki Hyatt and 18 others

1. Call to Order

Chairman Banks called the meeting to order at 5:34 pm on Thursday September 30, 2021, in the Town Hall Boardroom. Chairman Banks informed the audience how a Quasi-Judicial Board operates like a court of law, only taking testimony under oath.

2. Approval of Minutes of the August 19, 2021, Meeting

MR. ALSBROOKS MADE A MOTION TO APPROVE THE MINUTES OF AUGUST 19, 2021, AS PRESENTED. MS. HAMEL SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

3. Application of a Special Exception in C-1 for Automobile Service and Repair: Amanda and Brian Scott, 2404-A Dellwood Road (8607-71-9896)

ON MOTION OF MS. HAMEL, WITH ALL IN FAVOR, MR. ALSBROOKS WAS ALLOWED TO RECUSE HIMSELF DUE TO HIS CLOSE FRIENDSHIP WITH THE SCOTTS.

Under oath, the following testimony was provided.



2404-A Dellwood Road property is owned by Amy Powell. The warehouses already house several other businesses.

It is the Staff's recommendation to grant the Special Exception allowing Automobile Service and Repair for 2404 A Dellwood Road with parking as presented, 7 Exterior spaces and Interior Storage of 2,500 Square Feet given that all repair and storage proposed is inside of the building.

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Based upon

- Existing Zoning is C-1.
- Existing Commercial Land Uses on the site.
- Access along the corridor.
- Back building located off the corridor.
- Proposal of indoor repair and storage area.

At their Board meeting regarding this issue on September 29 at 6:30 PM, the Planning Board created a consistency statement and findings statement which reviewed and made recommendations concerning the special exceptions relative to the following considerations:

1. Relation of the special exception to applicable elements of the planning program; and
2. Appearance of the special exception relative to location, structure, and design.

Zoning Board of Adjustment Meeting: Before any special exception shall be issued, the Board shall make written findings certifying compliance with all specific rules governing the individual Special Exception and that satisfactory provision and arrangement has been made concerning the following wherever applicable:

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 in division (B)(3)(b)1. above;
3. Off-street parking and loading areas where required with particular attention to the items in division (B)(3)(b)1. 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; and
7. Required yards and other open spaces;
8. General compatibility with adjacent property and other property in the district.

Facts for Special Exception Application #210916002

1. Amy Powell owns 25.63 acres on Dellwood Road with PIN 8607-71-9896 zoned C-1, General Business.

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2. Amanda and Brian Scott are requesting to relocate their business "Scott's Automotive & Lockout" from 525 Soco Road (behind Seven Silver Seas) to 2404 A Dellwood Road contingent upon being granted a Special Exception to operate an Automobile Service and Repair.
3. This parcel is situated on a 25.63-acre lot that contains five (5) existing warehouse type structures.
4. On September 16, 2021, Amanda and Brian Scott applied for a Special Exception to operate "Scott's Automotive & Lockout", an Automobile Service and Repair at 2404 A Dellwood Road.
5. "Scott's Automotive & Lockout" was previously operating at 525 Soco Road. A sign permit was issued for the business on March 12, 2021.
6. The location of the proposed activity on Dellwood Road, the Town's main thoroughfare which often experiences high traffic volumes, will allow for easy access.
7. The proposed location on the lot will provide adequate screening as there is another building in front of the proposed structure to be used.
8. They are not proposing the required 22 spaces external of the building. However, they have space for 7 vehicles. This provides for 2 employees and 5 customers. There is also more than 2,500 square feet interior dedicated to storage.
9. All other requirements of the Town's Zoning Ordinance for Special Exceptions shall be met.
10. The Planning Board has reviewed this application for the following considerations:
 - c) Relation of the special exception to applicable elements of the planning program; and
 - d) Appearance of the special exception relative to location, structure, and design.
11. On September 29, 2021, the Planning Board voted 4 to 0 recommended approval of the Special Exception.
12. 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.

Billy Case was present to represent Amy Powell, owner of the warehouses. If approved, the lease agreement will be for three-years.

There will be no outdoor storage.

The Scott's have outgrown their current location. Mr. Scott added that he really doesn't want to do oil changes, but all oils will be stored and removed daily by a recycling service. Mr. Scott will not have any outside storage and the concrete floor will be covered with epoxy to prevent any seepage.

The same sign at Mr. Scott's current location will be removed and installed at the new location.

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MR. HOOGERWEFT MADE A MOTION TO APPROVE THE SPECIAL EXCEPTION FOR AUTOMOBILE SERVICE AND REPAIR AT 2404A DELLWOOD ROAD. MS. HAMEL SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

4) Application for a Special Exception in C-1 for RV-PUD: Frankie Wood property between The Citgo and Creekside Lodge

Due to Mr. Alsbrooks attending the Planning Board where this issue was discussed, and to maintain the high standards of the Zoning Board of Adjustment the following motion was made.

MS. MOODY MADE A MOTION TO RECUSE MR. ALSBROOKS, MR. HOOGERWERF SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

As earlier stated, all testimony is given under oath.

- ▶ Parcel 7686-86-1324 was previously approved for a campground under a different owner.
- ▶ Under a Zoning Ordinance Text Amendment approved by the Board of Aldermen on August 17, 2021, RV Planned Unit Development are approved (Ordinance 957).
- ▶ September 29, 2021, the Planning Board recommended approval of the RV-PUD.
- ▶ Frankie Wood has been appointed by the Donaldson family to be their agent.
- ▶ The site was allowed thirteen (13) sites under the previous owner. Now Mr. Wood is removing the structure and relocating the dumpster. Otherwise, it is the same plan. Mr. Wood stated that the plan was engineered and should work fine. If there were to be any deficiencies, it will be resolved. Only high-end RVs will be allowed.

Ms. Hamel asked if this RV-PUD would be used for housing workers for Ghost Town. Mr. Wood responded that this property was not suited for housing.

Mr. John Dargusa, owner of Water's Edge Motor Court and RV Park explained the differences between Class A, B, and C when it comes to motorhomes. Class A are big motorhomes, Class B is like a Van, and Class C is an RV that goes over the top of a vehicle.

Ms. Hamel had concerns that the place would look like a dump if older RVs were allowed. Ms. Hamel went on to ask if the problem with the right-of-way had been resolved. Mr. Wood responded that they would not use the road.

Ms. Hamel went on to ask if Mr. Wood has a timeline of when these different projects will be complete.

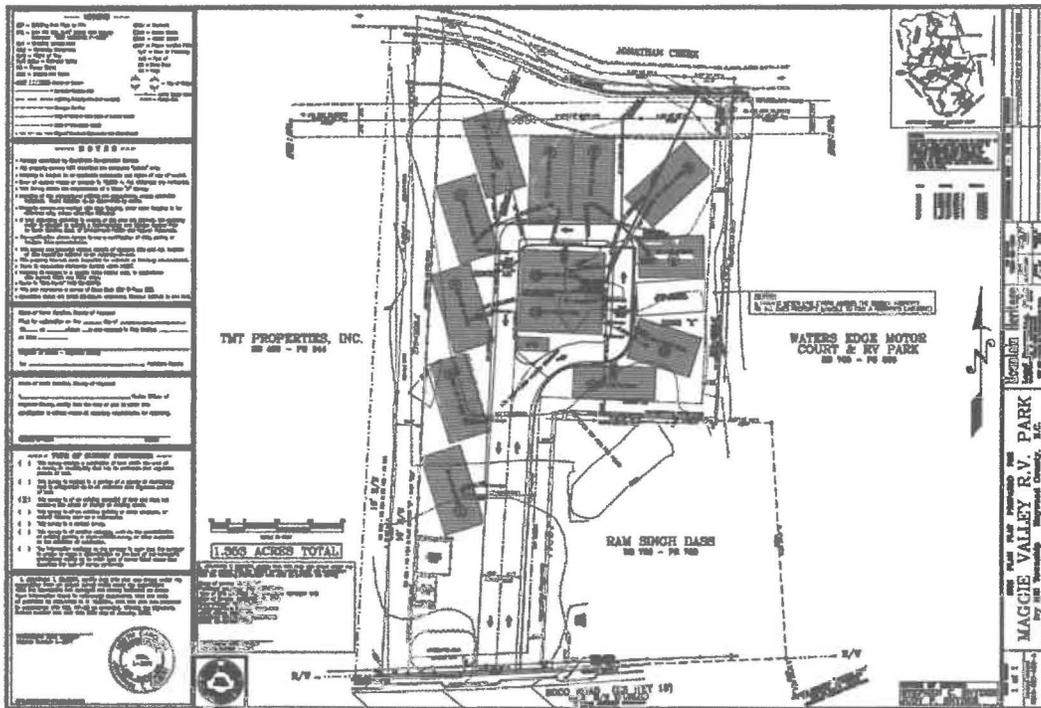
Mr. Wood responded that he has begun the Moody Farm Road Project and will be ready to start on this project upon approval.

Chairman Banks had concerns about firetrucks and emergency vehicles moving around in this RV-PUD.

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► The 180-day rule of moving RVs is required by FEMA. The RVs will not have to be removed at this site; the green area shown on the map is the 100-year Flood Plain. These are going to be individually sold lots with an on-site manager. There will be an HOA with covenants.

► The ZBOA had concerns about glare from the lighting overflowing into the motel rooms next door. Mr. Wood intends to install nice downward lighting to light the RV-PUD only.



It is staff's recommendation to grant the Special Exception allowing a RV-PUD with 15 spaces.

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MR. LYBRAND MADE A MOTION TO APPROVE THE SPECIAL EXCEPTION. MS. MOODY AND MS. HAMEL ASKED TO ADD ONLY CLASS A RVs. Due to the text amendment, MR. LYBRAND STATED HE DID NOT INCLUDE CLASSES IN HIS MOTION. MOTION CARRIED UNANIMOUSLY.

Mr. Wood assured the Board that only high-end RVs will be allowed.

ON MOTION OF MR. ALSBROOKS, WITH ALL IN FAVOR, THE MEETING ADJOURNED AT 6:24 PM.



Chairman Bill Banks



Vickie Best, Town Clerk

