

Town of Maggie Valley
Regularly Scheduled Zoning Board of Adjustment Meeting
August 15, 2024
Minutes

Members Present: Vice Chairman Marion Hamel, David Carriker, Shelly Clement,
Charlotte Ruiz

Members Absent: Chairman Banks, Amber Patterson, Tinker Moody

Staff Present: Town Planner, Sam Cullen, Assistant Town Planner, Noah Taylor

Others Present: David Westerfield, Katie Bell

1. Call to Order

Vice Chairman Marion Hamel called the meeting to order at 5:30 pm on August 15, 2024.

A quorum was established.

2. Disclosure of Conflicts/ Ex parte Communication

Vice Chairman Marion Hamel asked if there were any conflicts of interest on the agenda for anyone. There were none.

3. Approval of Minutes

Vice Chairman Marion Hamel asked if there were any corrections to the minutes. There were none.

Vice Chairman Marion Hamel asked if there was any more discussion. There was none. She then asked for a motion to approve the minutes.

Shelly Clement made a motion to approve the minutes of the May 16th, 2024, Meeting. David Carriker seconded the motion. Motion carried unanimously.

4. New Business

a. Variance Request, 35 Donald Circle

Vice Chairman Marion Hamel stated that the Zoning Board of Adjustment acts like a Court of Law. The Board takes sworn testimony and deals in fact.

The following individuals were sworn in:

- Sam Cullen, Town Planner
- Katie Bell (Property Owner's Daughter)

Planner Cullen gave a report including background information. The request from the property owner is for a variance to the front setback, from the required 20-foot setback for R-2 Medium Density Residential, to 1 foot which equals a 19-foot variance.

2
Town of Maggie Valley
Regularly Scheduled Zoning Board of Adjustment Meeting
August 15, 2024
Minutes

Planner Cullen stated that the property owner wants to build a handicap ramp for his wife so she can have access to their home. He read that the Fair Housing Act makes it illegal to restrict concessions that would allow owners to fully access their home.

Planner Cullen stated that two neighbors called about the variance, and he was able to answer their questions, they had no concerns. Planner Cullen stated that the zoning of the neighborhood is too restrictive for the existing development as it makes most of the homes encroach on the front setbacks.

Mr. Cullen asked if there were any questions.

David Carriker stated that the other houses have similar features and asked if the variance is similar to the setbacks of those properties.

Planner Cullen stated yes.

Marion Hamel stated that the house seems hard to access.

Marion Hamel asked the property owner to speak.

Katie Bell, David Westerfield's Daughter stated that her mother cannot access the house due to health issues and that her husband will build the ramp for her mom to be able to access the home.

She stated that the existing steps are steep, which makes it harder for her mother to use.

Marion Hamel thanked Katie Bell for addressing the questions.

Marion Hamel asked the board to review the application. The board read the applicants' responses. They found there to be a hardship imposed if the variance should be denied and found the variance to uphold the spirit and intent of the ordinance of Maggie Valley.

She read the 4 findings of fact:

3
Town of Maggie Valley
Regularly Scheduled Zoning Board of Adjustment Meeting
August 15, 2024
Minutes

1. If the applicant complies with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because:	Strict application of the ordinance would prevent the property owner from using his entrance due to mobility issues
2. The hardship of which the applicant complains results from conditions that are peculiar to the property and unique circumstances related to the applicant's property because:	The property is a smaller than the average lot for the setbacks imposed and the existing structure predates the setback requirements
3. The hardship is not the result of the applicant's own actions because:	No, due to zoning regulations imposed after creation of the structure.
4. The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit and assures public safety, welfare and substantial justice because:	The ordinance is meant to control growth while still allowing property owners to use their properties as intended.

Marion Hamel asked if there was any more discussion. There was none. She then asked for a motion to approve the variance.

David Carriker made a motion to grant the Variance, Shelly Clement seconded. Motion carried unanimously.

5. Other Business

There was no old business discussed.

4
Town of Maggie Valley
Regularly Scheduled Zoning Board of Adjustment Meeting
August 15, 2024
Minutes

6. **Adjourn**

David Carriker made a motion to adjourn at 5:46pm, Charlotte Ruiz seconded the motion. Motion carried unanimously.

_____X_____

Vice Chairman, Marion Hamel

_____X_____

Town Planning Assistant, Noah Taylor