

Town of Maggie Valley  
Zoning Board of Adjustments  
June 18, 2020  
MINUTES

Members Present: Chairman Bill Banks, Marion Hamel, Allen Alsbrooks, Alternate David Lybrand, Alternate Tinker Moody, Evans Duncan, and Extra Territorial Jurisdiction (ETJ) member Joshua Hoogerwerf

Staff Present: Planner Ron Hancock and Town Clerk Vickie Best

Others Present: Betty Jo Beasley, Teresa Smith, and Dean and Nicole Clark

1. **Call to Order**

With a quorum present, Chairman Banks called the meeting to order at 5:32 pm in the pavilion (adjacent to Town Hall) on Thursday June 18, 2020.

2. **Approval of the Minutes of the January 16, 2020 meeting**

(Action Required)

**MR. ALSBROOKS MADE A MOTION TO APPROVE THE MINUTES OF JANUARY 16, 2020 AS PRESENTED. MS. HAMEL SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.**

3. **Application for Special Exception: Clark, 40 Deer Run Road**

(Action Required)

Chairman Banks asked that Planner Hancock present the facts for the case.

**Facts for Special Exception Application #2\_19\_20.SE1**

1. Hazel and Bart Campbell are the owners of property located at 40 Deer Run Road in Maggie Valley, NC with PIN 7696-28-2380, and zoned C-1: General Business.
2. On February 19, 2020 Nicole Clark, the Campbell's potential lessee, applied for a Special Exception to use the property for residential purposes.
3. This parcel consists of 0.8 acres which also contains an automotive repair shop.
4. The proposed single-family residence would be situated on the rear of the lot in a location that has previously been used for a manufactured home.
5. The Town's Zoning Ordinance will allow residential uses within the C-1 district upon issuance of a Special Exception by the Board of Adjustment.

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6. Upon issuance of a Special Exception, the Town's Zoning Ordinance will allow one residence to coexist with a commercial business on a parcel in the C-1 district. The residence may be a Class A Manufactured Home.
7. The adjacent properties are currently being used for residential, commercial, and civic purposes and are zoned either C-1 or R-1.
8. The site is served by public utilities and has frontage on a Town of Maggie Valley owned and maintained public street.
9. All requirements of the Town's Zoning Ordinance for Special Exceptions shall be met.
10. All requirements of the Town's Zoning Ordinance for the placement of manufactured homes shall be met.
11. At their March 12, 2020 meeting, the Planning Board 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.
12. The Planning Board has recommended denial of the Special Exception.
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.

Planner Hancock also provided pictures taken from 40 Deer Run Road.



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Under oath the following statements were made.

Ms. Clark stated that she works for the Chamber to clean up during and after events on the Festival Grounds. Ms. Clark's Mother-in-law lives in Maggie Valley and she is her sole source of transportation. Ms. Clark drives a school bus for Jonathan Valley School. Ms. Clark's family lives in Maggie Valley and she wants to have a home in Maggie Valley. Ms. Clark intends to put a fence up around her home if permitted. The Planning Board recommended denying the request to place a doublewide home at this location.

The new home has been preapproved for financing, but the Clark family were waiting until they got approval from the Zoning Board of Adjustment. No grading will be needed, and the home will be installed to meet Maggie Valley's Ordinances. Ms. Clark assured the board that she would work hand in hand with Planner Hancock to make sure everything complies.

Betty Jo Beasley addressed the board stating that she is representing her family; Hazel and Bart Campbell are owners of the property. The family has tried to rent the space out for several years. There once was a singlewide on this site, therefore there are sewer and water connections. Ms. Beasley stated that her family would like to see Ms. Clark rent the space and clean up the area.

Teresa Smith, Chamber Director addressed the board stating that she was speaking as a character witness for Nicole (Clark). Nicole has worked for the Chamber for the last fifteen (15) years helping with events held on the Festival Grounds as well as the cleanup afterwards. The Clark family takes care of everything needed during and after an event.

Nicole has earned Director Smith's trust and confidence that everything will be taken care of in every way. Director Smith stated that Ms. Clark is an extremely hard worker and is exemplary in her cleaning capabilities.

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Dean Clark addressed the board stating that he is a long-haul truckdriver and is gone for much of the time. Maggie Valley would be a safer, more convenient place for both his wife and son.

Mr. Alsbrooks stated for clarification that singlewide mobile homes are not allowed but doublewide homes are, with a Special Exception. The last request for a mobile home to be placed there was for a singlewide.

Ms. Hamel questioned why the Planning Board recommended denying the request.

Planner Hancock responded that a doublewide at this location is currently allowed and in the future Unified Development Ordinance will be allowed. Planner Hancock disagreed with the Planning Board's determination. There has been a mobile home there before and there are mobile homes surrounding the parcel.

All requirements must be met prior to receiving a Certificate of Occupancy (CO). The Mobile Home Company will set up the home.

Mr. Duncan asked about trout buffers or any other issues with this neighborhood. There are no trout buffers and there will be no issues with the ten (10) foot setback front, sides, and rear.

Chairman Banks asked that the board review the eight questions to receive a Special Exception.

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 reference to automotive and pedestrian safety, convenience, traffic flow and control, and access in case of fire or catastrophe.

**DOES- PUBLIC ROAD**

2. Refuse and service areas, with reference to the items above.

**DOES- RESIDENTIAL TRASH COLLECTION**

3. Off-street parking and loading areas where required with 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.

**N/A- RESIDENTIAL HOME**

4. Utilities, with reference to location, availability, and compatibility.

**DOES- UTILITIES ARE ALREADY THERE**

5. Screening and buffering, with reference to type, dimensions, and character.

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**DOES- THERE ARE TWO (2) LARGE TREES THAT WILL REMAIN BETWEEN THE GARAGE AND THE HOME LOCATION. THE LOT WILL BE CLEARED OF WEEDS, SAPLINGS, ETC.**

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.

**YES- N/A**

7. Required yards and other open spaces; and

**DOES- PLANNER HANCOCK WILL ENSURE THE SETBACKS ARE MET.**

8. General compatibility with adjacent properties.  
**DOES**

**MS. HAMEL MADE A MOTION TO APPROVE THE SPECIAL EXCEPTION. MR. ALSBROOKS SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.**

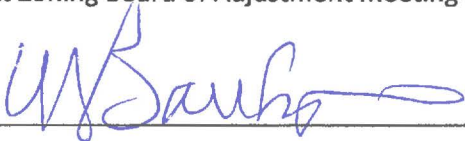
4. Other Business

There was some uncertainty if the Zoning Board of Adjustments had formally approved the amended Rules of Procedure. Staff will check but was under the belief that the document was adopted in September 2018.

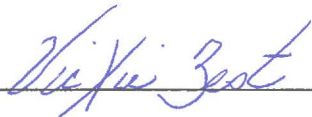
5. Adjourn

**ON MOTION OF MS. HAMEL AND SECONDED BY MR. ALSBROOKS, WITH ALL IN FAVOR THE MEETING ADJOURNED AT 6:01 PM.**

The next Zoning Board of Adjustment meeting is scheduled for July 16, 2020.

  
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Chairman Bill Banks

  
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Vickie Best, Town Clerk, NCCMC, CMC

