

1
Town of Maggie Valley
Zoning Board of Adjustment Meeting
November 18, 2021
MINUTES

Members Present: Chairman Bill Banks, Marion Hamel, Tinker Moody, Allen Alsbrooks, Eve Barrett, and Jared Lee

Members Absent: Charlotte Ruiz

Staff Present: Town Planner Kaitland Finkle and Town Clerk Vickie Best

Others Present: Six people

Call to Order

Chairman Banks called the meeting to order at 5:30 pm on Thursday November 18, 2021, in the Town Hall Boardroom.

Swearing in New Members

Clerk Best administered the oath of office to Jared Lee and Eve Barrett. The ZBOA members welcomed the new members. Jared Lee was appointed as a full member and Eve Barrett is alternate number 1 when any members are absent.

Approval of Officers

MR. ALSBROOKS NOMINATED BILL BANKS TO REMAIN CHAIRMAN. MS. HAMEL SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

MR. ALSBROOKS NOMINATED MARION HAMEL TO REMAIN VICE-CHAIRMAN. MS. BARRETT SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF MINUTES: September 30, 2021

MS. HAMEL MADE A MOTION TO APPROVE THE MINUTES OF SEPTEMBER 30, 2021, AS PRESENTED. MR. ALSBROOKS SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Application for a Special Exception request in C-1 for Axe Throwing Business by Dwayne Forsythe, 2771 Soco Road (7686-75-4942)

Chairman Banks explained how a quasi-judicial board operates, taking testimony under oath like a court of law.

Clerk Best administered the oath to Mr. Forsythe.

Town of Maggie Valley
Zoning Board of Adjustment Meeting
November 18, 2021
MINUTES

Application for Special Exception request in C-1 for Axe Throwing Business by Dwayne Forsythe, 2771 Soco Road (7686-75-4942)

Item 7a

McCoy Feed & Seed Company Inc own 2.0122 acres at 2755 Soco Road, PIN 7686-75-4942. Tom Sprinkle has been given authorization to oversee the current and future projects at Eagle Plaza, the existing horseshoe shaped building of approximately 21,441 square feet. The property is zoned C-1, General Business.

Future tenant, Dwayne Forsythe, is requesting approval for a Special Exception for an Axe Throwing Business. All activity is proposed inside unit 2771 which is approximately 3,500 square feet of the existing building.

The Town's Zoning Ordinance does not address the proposed use of Axe Throwing Business requiring classification based on similar land uses. Community Center/Amusement Park/Special Events, are the most similar and all require a Special Exception to be granted by the Zoning Board of Adjustment.



SPECIAL EXCEPTION. A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. The uses may be permitted in a zoning district as special exceptions, if specific provision for the special exceptions is made.

§ 154.091 OFF-STREET AUTOMOBILE PARKING AND STORAGE.

Each automobile parking space shall be not less than 9 feet by 18 feet totaling 162 square feet. Use classification parking space requirements for most similar land uses:

- (2) Bowling alleys - 2 spaces for each alley, plus 1 additional space for each 2 employees;
- (11) Places of public assembly, including private clubs and lodges, auditoriums, dance halls, pool rooms, theaters, stadiums, gymnasiums, amusement parks, community centers, and all similar places of public assembly - 1 space for each 4 seats provided for patron use, plus 1 space for each 100 square feet of floor or ground area used for amusement or assembly, but not containing fixed seats and 1 space per each employee on the maximum shift;

There are currently 70 shared parking spaces available to all tenants. Future repaving tentatively scheduled for Spring 2022 could add an additional 10 spaces totaling 80 spaces.

3
Town of Maggie Valley
Zoning Board of Adjustment Meeting
November 18, 2021
MINUTES

Application for Special Exception request in C-1 for Axe Throwing Business by Dwayne Forsythe, 2771 Soco Road (7686-75-4942)

(A) Generally. Where storage is permitted, businesses within the Commercial District 1 (General Business) and Commercial District 2 (Neighborhood Business) may store materials, supplies, and repair parts that new and used), however, the storage shall be accomplished in such a manner as to screen the stored items from the public view.

(B) Junk. Disassembled, abandoned, or junked vehicles and equipment may not be openly stored on a lot. However, those items may be stored if screened from public view.

No outdoor storage is proposed.

It is the Staff's recommendation to grant the Special Exception allowing an Axe Throwing Business for 2771 Soco Road. Based upon:

- Zoning is C-1.
- Existing Commercial Land Uses on the site.
- Access along the corridor.
- Building to the rear of the property.
- Proposal of all indoor business.

At their Board meeting regarding this issue on October 14, the Planning Board voted unanimously to recommend approval of the Special Exception. They also created a consistency and findings statement which review and make 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.

Excerpt from the Planning Board's discussion about the Axe Throwing business.

Town of Maggie Valley
Zoning Board of Adjustment Meeting
November 18, 2021

MINUTES

A portion of the meeting minutes outline the discussion below:

Planner Finkle gave the background information for this request. All activity will take place inside the unit. A similar land use is amusement parks. The Staff recommendation is to approve this request. Chairman Williamson asked Mr. Forsythe to come forward and speak. He mentioned the Axe Throwing business located in Asheville. Chairman Williamson passed around a photo from a throwing club. He asked Mr. Forsythe how he got the idea. Mr. Forsythe said he has been to many. The axes are actually hatchets weighing under two pounds. Chairman Williamson asked if he would serve food and or alcohol. Mr. Forsythe said he does plan to have food and alcohol. Planner Finkle stated that food and alcohol are allowed, but the Planning Board is voting on the Axe Throwing. Mr. Helfers asked about the throwing area safety. Mr. Forsythe said lanes are twelve feet long with a nine foot wall between each lane. Only one person is allowed in the lane at a time. Some lounges allow children and some require everyone to be 18 or older. Throwers retrieve their own axes. Mr. Helfers questioned footwear and Mr. Forsythe said most businesses require closed shoes. There will be some coaching as well. Tournaments will be a possibility. Chairman Williamson asked about the noise that may be created. Mr. Forsythe said the neighbor is Snappy's Restaurant. All axes will be thrown to the outside walls. A description of the available parking was given. Chairman Williamson asked Mr. Sprinkle, owner of Eagle Plaza, for the approximate number of spaces in the plaza. The estimate would be 50. Mr. Heffron asked about the hours of operation. The hours would be approximately 11am to 9pm seven days a week. The number of lanes will be 10 to

14. Chairman Williamson asked about the sign. There is a sign for the entire plaza and Mr. Forsythe will have a sign over his business. Mr. Helfers asked which area he would occupy in the plaza. Planner Finkle showed that on the map. Mr. Heffron spoke of the peak times. He stated that the parking would not be adequate during peak times. Planner Finkle said that was an interesting observation. "Do you design parking for the peak times or for the average day?" There was discussion. Mr. Forsythe stated that a lot of the businesses would be closed during his busy hours. He thinks that his busy time will be 6 or 7pm. Ms. Dennis asked about the walls and is there netting. Mr. Forsythe said there would be chain link. Mr. Lee asked if the lane had a barrier along the sides and Mr. Forsythe said yes, chain link. The lounges use the World Axe Throwing Lounge requirements. Planner Finkle had some facts listed for the Board members. The board reviewed the facts listed. Mr. Heffron said the structure was existing and the color is olive green and brown, with the most part of the building being brick. Chairman Williamson mentioned growing our community and supporting businesses.

Mr. Helfers made the motion to move this request along to the Zoning Board of Adjustment with a recommendation. He thanked Mr. Forsythe. Chairman Williamson made a call for the vote. The motion is to recommend the Special Exception for an Axe Throwing Business in Eagle Plaza. The motion passed with all in favor.

Planner Finkle presented her Finding of Facts.

Town of Maggie Valley
Zoning Board of Adjustment Meeting
November 18, 2021
MINUTES

Facts for Special Exception Application #211007004

1. McCoy Feed & Seed Company Inc own 2.0122 acres at 2755 Soco Road, PIN 7686-75-4942.
2. This property is known as Eagle Plaza, a horseshoe shaped building of approximately 21,441 square feet.
3. The property is zoned C-1, General Business.
4. On October 7, 2021, future tenant, Dwayne Forsythe, applied for a Special Exception to operate an Axe Throwing Business in unit 2771 which is approximately 3,500 square feet.
5. The location of the proposed activity on Soco Road, the Town's main thoroughfare which often experiences high traffic volumes, will allow for easy access.
6. The proposed location on the lot is inside the existing structure.
7. There are 70 parking spaces existing.
8. All requirements of the Town's Zoning Ordinance for Special Exceptions shall be met.
9. On September 29, 2021, the Planning Board voted unanimously to recommend approval of the Special Exception after reviewing the application for the following considerations:
 - a) Relation of the special exception to applicable elements of the planning program;
 - b) Appearance of the special exception relative to location, structure and design.
10. 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.

There are safety protocols to axe throwing and a waiver must be signed by anyone throwing. This will be an amusement attraction like shooting ranges, darts, arrows, etc.

The game of axe throwing originated in Canada.

Lanes must be reserved. Each lane will have at least two people throwing, but four to six people per lane can compete. There will be a snack bar. People generally stay an hour to an hour and a half. You pay by the hour. There will be three managers and six to eight coaches. Each participant goes through a fifteen-minute training session. The coaches will continue to patrol the area.

As for parking, there are sixteen spaces at his unit. Reservations will be accepted until 10 pm and the business will close at 11 pm.

Mr. Forsyth owns other business i.e., Grand Prix go-carts, Penny Saver, and a Coffee Shop.

The axes will be thrown to the outside wall. There will be no noise issues. The targets will be put on to a concrete wall covered in boarding. So, there will be three levels of material.

6
Town of Maggie Valley
Zoning Board of Adjustment Meeting
November 18, 2021
MINUTES

Ms. Barrett has gone to Asheville to throw axes and had a wonderful time. This sport is becoming increasingly popular.

MR. ALSBROOKS MADE A MOTION TO APPROVE THE SPECIAL EXCEPTION FOR AN AXE THROWING BUSINESS. MS. HAMEL SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Other Business

The new Unified Development Ordinance (UDO) will be presented to Council early next year. The new statues under 160D are always legally referenced. When the Aldermen vote to enact the new UDO after numerous public input sessions, there will be changes to the Zoning Board of Adjustments rules and regulations. The UDO is expected to go before Council around March 22, 2022.

Enforcement of rulings has been an issue in the past. The ZBOA puts in a lot of time and energy making decisions, but then the follow up to make sure the ruling is being carried out falls by the wayside.

Queen's Garage continuously leave cars outside their building waiting to be serviced.

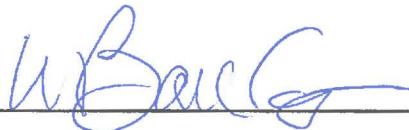
Planner Finkle responded that she could issue a violation and Special Permits can be revoked.

The ZBOA members felt the town should seriously look at hiring a code enforcement officer.

Ms. Hamel had issues with the single-wide mobile home behind the Cottage Café.

Planner Finkle will review the minutes and send a Notice of Violations if applicable.

MR. ALSBROOKS MADE A MOTION TO ADJOURN AT 6:06 PM. MS. BARRETT SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.



Chairman Bill Banks



Vickie Best, CMC, Town Clerk

