

Town of Maggie Valley  
Regularly Scheduled Zoning Board of Adjustment Meeting  
March 17, 2022  
Minutes

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

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

Others Present: Four People

### **Call to Order**

Chairman Banks called the meeting to order at 5:29 pm on Thursday March 17, 2022, in the Town Hall Boardroom.

Alternate Eve Barrett will not be voting this evening because a full board is present. Ms. Barrett may participate in discussions. A quorum is established.

Chairman Banks explained how a Quasi-Judicial Board operates like a Court of Law taking evidence under oath.

### **Approval of Minutes**

**Ms. Hamel made a motion to approve the minutes of February 17, 2022, as presented. Mr. Alsbrooks seconded the motion. Motion carried unanimously.**

### **New Business**

► Saralyn Price, 920 Soco Road (7696-78-0564) Special Exception: Request of C-1 Residential Use.

Planner Finkle explained that zoning compliance letters have been written to help lending institutions to be more agreeable to financing a home located within a Commercial District. Thus far, that has not been enough. No changes are planned for the single-family home. A Special Exception would hopefully help the home sell.

Planner Finkle presented the Finding of Facts.

1. Saralyn Carver Price owns 1.08 acres at 920 Soco Road, PIN 7696-78-0564.
2. The property is zoned C-1, General Business.
3. On February 23, 2022, the property owner applied for a Special Exception for a Residential Use, as required in the C-1 district.
4. The use is an existing legal nonconforming Single-Family Home built in 1952 with 1,806 square feet.
5. There are no proposed changes to the property.

All other requirements of the Town's Zoning Ordinance for Special Exceptions shall be met.

The Planning Board recommended approval of the Special Exception.

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Mr. Hoogerwerf stated that his family ran into the same situation with the same issues. Why was it zoned C1?

Planner Finke responded that the home was built well before Maggie Valley was incorporated (1974). In the beginning of Maggie Valley establishing zoning codes, every parcel that touched Soco Road was zoned commercial. The proposed Unified Development Ordinance (UDO) will positively address these types of issues.

Mr. Alsbrooks reported that he had attended the Planning Board Meeting but did not speak on the matter. Mr. Alsbrooks added that at the last two Aldermen Meetings there were citizens concerned about the direction the Town is heading. One concern, the Town is trying to force residential into commercial zones. "It pains me that people are not here to speak tonight."

154.172 POWERS AND DUTIES.

(2) Special exceptions.

(b) 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)1. above;
3. Off-street parking and loading areas where required with particular attention to the items in division (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.

The answer to the above questions meets the guideline for a Special Exception.

**Mr. Alsbrooks made a motion to approve 920 Soco Road (7696-78-0564) for the requested Special Exception. Ms. Hamel seconded the motion. Motion carried unanimously.**

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► Variance from Section 145.125 requesting use of mesh netting instead of required landscaping for a chain link fencing for Parcel 8607-71-9896, located at 2438 Dellwood Road.

Wholesale Supply Group, Inc from Johnson Tennessee would like to open a wholesale warehouse for HVAC, Plumbing, and Electrical Supplies to Haywood County.

Amy Powell is the owner of 25.63 acres on Dellwood Road, PIN 8607-71-9896. The property is zoned C-1, General Business. New tenant Wholesale Supply group at 2438 Dellwood Road requests using mesh netting instead of the required landscaping for chain link fencing.

On November 16, 2021, Wholesale Supply Group received Zoning Permit (#21116002) to renovate an existing building for warehouse and sales. The original request included a pipe yard fenced with chain link and barbed wire behind the building. However due to the requirements per Code Section 154.125.M they chose to withdraw the request for a fenced in storage yard.

Code Section § 154.125 Design Guidelines:

**(M) Screened Utilities, Trash Containment, Buffering and Fencing**

Where chain link is deemed necessary for security purposes and/or dumpster screening, such fencing must be completely concealed by evergreen plant material. Chain link with plastic insets of natural earth tone color is acceptable for the screening of dumpsters.

The Town of Maggie Valley recognizes that there may exist certain conditions that make the literal enforcement of its Zoning Ordinance result in a practical difficulty or unnecessary hardship. To that end, the Town has created a process whereby interested parties may request a variance from the Zoning Board of Adjustment from specific requirements of the ordinance.

Planner Finkle presented the facts for the case.

1. Amy Powell is the owner of 25.63 acres on Dellwood Road, PIN 8607-71-9896.
2. The property is zoned C-1, General Business.
3. Tenant Wholesale Supply Group has received permits to operate at 2438 Dellwood Road.
4. On November 16, 2021, Wholesale Supply Group received a Zoning Permit (#211209001) to renovate the existing structure for a Warehouse and Sales at 2438 Dellwood Road.
5. Code Section § 154.125.M states “Where chain link is deemed necessary for security purposes and/or dumpster screening, such fencing must be completely concealed by evergreen plant material. Chain link with plastic insets of natural earth tone color is acceptable for the screening of dumpsters.”
6. The location of the proposed fenced in pipe yard is behind an existing structure situated between other buildings on Dellwood Road.
7. All requirements of the Town’s Zoning Ordinance for Variances shall be met.

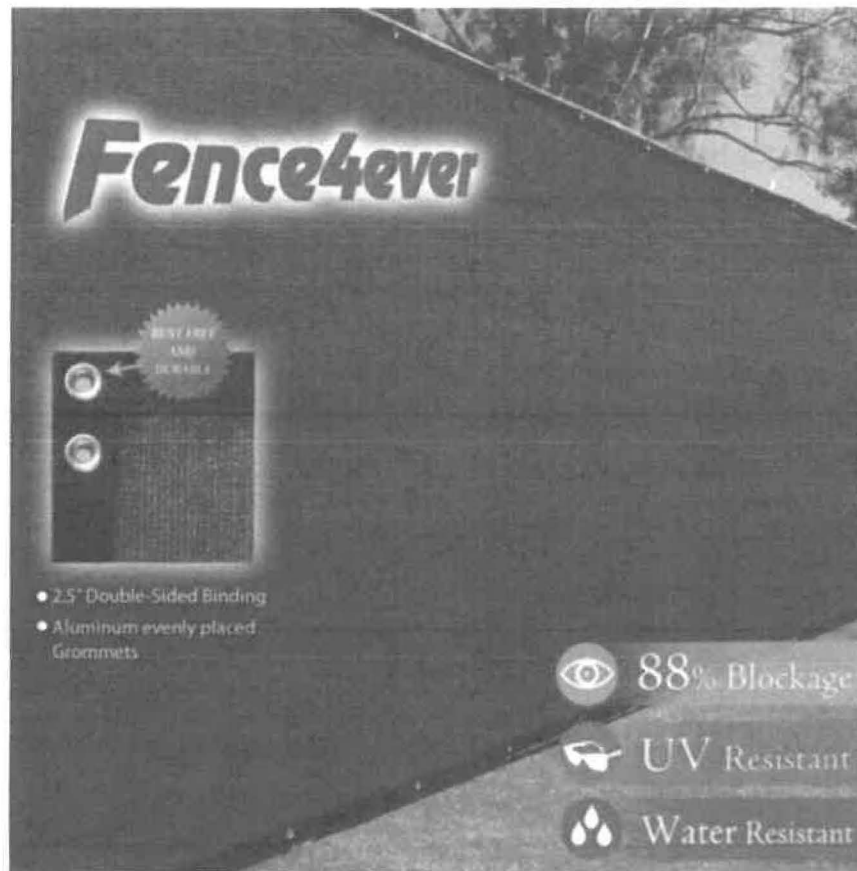
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8. As required by state statute, the property has been posted with a zoning hearing notice and all adjacent property owners have been notified of this hearing.

The headquarters for this business is in Cleveland Tennessee. There will be a showroom area for counter tops, vanities, and such. The business is known to assist Habitat for Humanity and other non-profits.

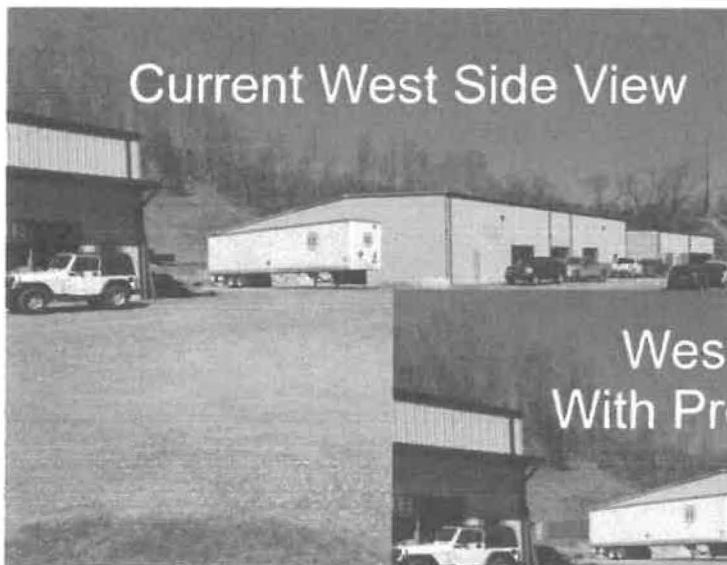
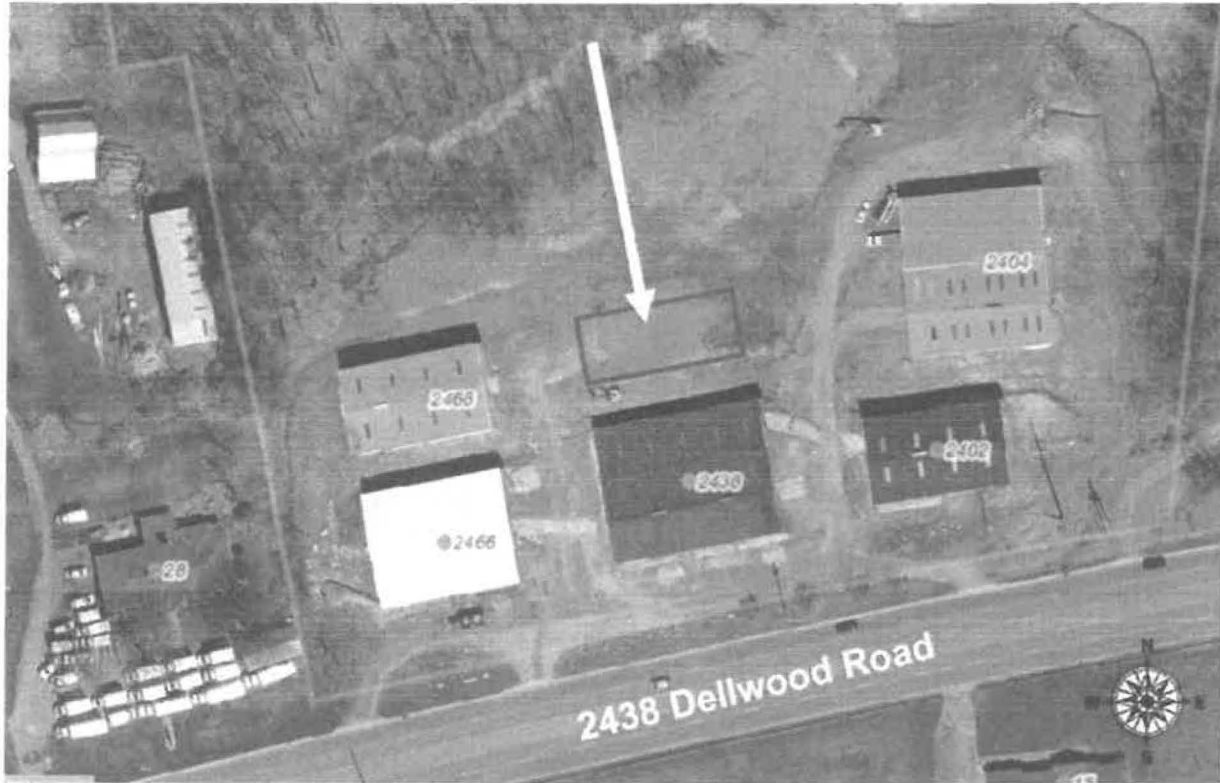
Due to the cost of purchasing a chain link fence, the trees to block the storage area will put the company over budget approximately \$23,591.00. Mr. Greg Kimbell is asking to be allowed to use a different screening called Fence4ever. The cost to bring the warehouse up to code will be expensive in addition to getting water and sewer to the warehouse.

## Example of Fence Screen to be Used



A small portion of the screening will be seen from Dellwood Road. The following overlay will show how much can be seen from Dellwood Road, not including traffic going 45 to 55 mph past the property.

## Proposed Area for Security Chain Link Fence



Please note the green fencing on both the east side and west side.

## East Side View With Proposed Fence



The fence is to buffer the storing of pipes. Mr. Hoogerwerf stated that Biltmore Estate uses this type of fencing. Mr. Hoogerwerf went on to say that he understands the ordinances and how a member cannot

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consider costs a hardship. Keeping with the spirit of the ordinance "How much can one see behind a warehouse traveling forty-five mph?"

Mr. Alsbrooks is never in favor of eliminating trees. A trade-off could be to only require trees on each end of the fencing/storage area.

Gates are going to be at both ends of the storage area. Chairman Banks asked the members to review the standards under 154.125 which reads:

Screened Utilities, Trash Containment, Buffering and Fencing

Where chain link is deemed necessary for security purpose and/or dumpster screening, such fencing must be completely concealed by evergreen plant materials. Chain link with plastic insets of natural earth tone is acceptable for the screening of dumpsters.

The storage area will be 120-feet by 40-feet with 14- feet gates at each end.

Planner Finkle informed the members that a Special Exception was granted to Cool Breeze Campground and part of the trees died, they were too short to begin with, and now the owner is required to plant trees that will screen the campground from Soco Road.

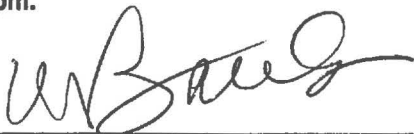
Mr. Hoogerwerf suggested allowing the screen fence netting and put a requirement that trees are planted in the front of the warehouse. Requiring 78-trees to be planted around the fencing is overkill.

The warehouse will employ three to eight people as business grows.

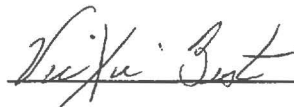
Ms. Barrett suggested Mr. Kimbell apply for the façade grant from the Town of Maggie Valley because trees do not grow on gravel and a better landscape design for the front will be needed.

**Mr. Alsbrooks made a motion to allow the screening of the storage area to be netting, in an earth tone color, and to install landscaping in the front to improve the façade. Ms. Moody seconded the motion. Motion carried unanimously.**

**Ms. Moody made a motion to adjourn, Ms. Hamel seconded the motion, motion carried unanimously at 6:30pm.**



Chairman Bill Banks



Vickie Best, CMC, Town Clerk



