

Zoning Board of Adjustment Meeting
February 16, 2023
Minutes

Members Present: Chairman Bill Banks, Members: Marion Hamel, Tinker Moody, Eve Barrett, and David Carriker

Staff Present: Town Planner, Kaitland Finkle, Assistant Town Planner, Sam Cullen, Town Manager, Vickie Best.

Others Present: 4

1. Call to Order

Chairman Banks called the meeting to order at 5:30 pm on February 16, 2023, in the Town Hall Boardroom.

2. Swearing in Eve Barrett as a Full Member (Replacing Kirk Noonan)

Eve Barrett took her oath of office.

3. Swear in David Carriker as an alternate member.

David Carriker took his oath of office.

A quorum was established. David Carriker will be a voting member for this meeting.

4. Approval of Minutes

Marion Hamel made a motion to approve the minutes of April 21, 2022, as presented. Tinker Moody seconded the motion. Motion carried unanimously.

5. New Business

a. Duke Energy/Haywood Electric Membership Corporation (HEMC) Variance to UDO Section 152.03 Maximum Height.

The following individuals were sworn in.

- Sandy Barnhill, Duke Energy
- Josh Deaver, Haywood EMC
- Kaitland Finkle, Town Planner

Planner Finkle gave the board a report including background information. She explained that Duke Power will be doing the work with financial aid from HEMC. HEMC has requested a transmission feed line to be installed on Duke Power's utility poles. Duke agreed but suggested they do a distribution feed line. Planner Finkle explained that the poles are about 65 feet tall but would set about 57 feet high after being placed in the ground. She explained that our max structure height in commercial district is 45 feet. Some of the poles will be larger than the original poles by a few feet and some by nearly 10 feet, but the max will be 57 feet from grade. She explained that the poles count as structures in our UDO and therefore are expected to conform to height requirements.

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Mr. Barnhill reiterated that they are requesting this variance to better serve the community.

Mr. Deaver spoke to the fact that the company has investigated all options, and this is the most reasonable for them. The only other option would be to run a line through the Hemphill area and through the Cataloochee ski area. HEMC will bear the cost of this work over the course of time.

Mr. Banks asked if the poles that have already been installed were outside of the town's jurisdiction. Planner Finkle explained that the poles are in our jurisdiction but while initial conversations about the work began well over a year ago the Town hadn't been involved in any conversations before the work started.

Mr. Deaver said that the current HEMC sub-station was at capacity and the transmission lines will add needed power and hopefully support 20 years' worth of growth.

Mr. Barnhill spoke to the timeline of the project and said it should run through 2024. He spoke to plans of stopping construction during the busy season of 2023. Planner Finkle confirmed this.

Mr. Barnhill expressed a desire to work with the town.

Marion Hamel made a motion to Grant the variance to Maximum Height 45 feet and instead allow 57 feet, seconded by Tinker Moody, Motion carried unanimously.

b. Maggie Valley Storage Solutions 69 Water Plant Rd (7686-19-1189) Variance to Design Guidelines.

The following individuals were sworn in.

- Calvin Clayton, Storage Solutions
- Kaitland Finkle, Town Planner

Planner Finkle gave a report including background information and explained the variance requested is to deviate from UDO design standards. She explained the buildings are finished but do not comply with the standards set in the UDO. She noted this property is on a private road and about 300 ft away from Rich Cove Road, but our ordinance does not differentiate between public and private roads. She spoke to the cost of putting a parapet roof and explained this is part of the reason why they requested to keep a flat roof.

Mr. Calvin stated he is an appointed agent for the owner. He pointed out how the buildings looked before the current improvements were done. He spoke to how for the most part the buildings were out of public view which is why they are requesting

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not to have to do any additional façade improvements. He spoke to the color of the faux stone that has been used on the buildings and that it is consistent with the native stone of the area. He mentioned adding a parapet would make the buildings more visible which seems contradictory.

Mrs. Hamel asked if money was the main issue here and Mr. Calvin said that it was more aesthetic driven. Ms. Moody asked if the other storage units in town have a pitched roof. Planner Finkle explained some do. Mrs. Hamel mentioned that if we let things go just because of aesthetic opinion the board could set an unwanted standard. She mentioned how this board required Dollar General to have a pitched roof. Mr. Banks spoke to the fact that this board had required this property to be screened in their April meeting and people would not see this from the road.

Planner Finkle spoke to the board about a conversation she had with an engineer for the project, and that there would be extra steps to secure a parapet to the building with a flat roof. Planner Finkle spoke to the fact that she received one comment from the neighbor on the opposite side of the property who had no concerns.

David Carriker made a motion to grant the variance not requiring a pitched roof or parapet and not requiring any additional façade improvements to the metal building due to the fence and screening required as a condition of the Special Use Permit, seconded by Eve Barrett. Motion carried unanimously.

Marion Hamel made a motion to adjourn at 6:28 P.M., Tinker Moody seconded the motion. Motion carried unanimously.



Chairman, Bill Banks



Sam Cullen, Assistant Town Planner