

Town of Maggie Valley
Regularly Scheduled Zoning Board of Adjustment Meeting
January 18, 2024
Minutes

Members Present: Marion Hamel, Tinker Moody, Jared Lee, David Carriker

Members Absent: Chairman Bill Banks, Charlotte Ruiz

Staff Present: Town Planner, Sam Cullen, Assistant Town Planner, Noah Taylor, Town Manager Vickie Best

Others Present:

1. Call to Order

Vice Chair Hamel called the meeting to order at 5:41 pm on January 18, 2024.

A quorum was established.

2. Letter of Resignation from Eve Barrett

Planner Cullen presented the letter of resignation as written. There were no questions.

3. Appointment of David Carriker as Full Member of the ZBOA

Planner Cullen read that the Board of Aldermen appointed David Carriker as a full member at the October meeting.

a. Oath of office

David Carriker was sworn in as a full member of the ZBOA on January 18, 2024, at 5:42pm by Town Manager Vickie Best.

4. Disclosure of Conflicts/ Ex parte Communication

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

5. Approval of Agenda

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

David Carriker made the motion to approve the agenda for the January 18th meeting. Tinker Moody seconded. Motion carried unanimously.

6. Approval of Minutes

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

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

David Carriker made a motion to approve the minutes of the July 20, 2023, ZBOA Meeting. Jared Lee seconded the motion. Motion carried unanimously.

7. New Business

a. Variance Request, 302 Silver Leaf Circle

Vice Chair 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:

1. Sam Cullen, Town Planner
2. Agent representing Miroslaw Rutz (Slawomir Stachura)

Planner Cullen gave a report including background information. The request from the homeowner is to the left side setback, from the adopted 10 feet for R-2 medium density zoning district to 4 feet, which equals a 6-foot variance. The applicant would like to save the existing house pad to build on, due to slope and erosion concerns. The location of the house pad was originally set at the present location due to these concerns. He stated that the surrounding lots are residential with similar land characteristics. He stated that with a very small unbuildable lot next to this variance, the foundation would still set 15.5 feet from the next homeowner's property line. The unbuildable lot was originally part of the lot in question before it was subdivided.

Vice Chair Hamel asked the agent representing the property owner to speak.

The agent stated that the property owner does not seek any special requests besides the 6-foot variance and that the information provided by Planner Cullen is accurate.

David Carriker asked about the adjoining small lot. Planner Cullen explained that it is unbuildable and therefore would allow the foundation to sit 15.5 feet from the next buildable lot.

Vice Chair Hamel asked about adjoining property owners' concerns.

Planner Cullen stated that there was one, and he addressed the concerns of the property owner due to a misunderstanding.

Vice Chair Hamel thanked the agent for addressing the questions.

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Vice Chairman 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.

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

Jimmy Moody made a motion to grant the Variance, David Carriker seconded. Motion carried unanimously.

b. Amendment to Board Procedures and Policy

Planner Cullen stated the background information. He stated that the General Statutes changed in title, which include changing from 160A to 160D, and therefore the change needs to be reflected in the board's policy as well.

He offered to answer any questions. There were none.

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

A motion to approve the amendment to the Boards Procedures and Policy was made by David Carriker and seconded by Tinker Moody. Motion carried unanimously.

Marion Hamel asked about an update for the Planning and Zoning Board vacancies.

Planner Cullen stated for the Planning Board a member is up for reappointment and one is stepping down when his appointment is up. He stated that both boards have applicants, and they will be interviewed by the Board of Aldermen at the next regular meeting.

Vice Chair Hamel asked if Planner Cullen thinks the timeline between meetings will stay the same.

Planner Cullen stated that two cases could be upcoming but no confirmation yet. He stated that there could be deadtimes and busy times.

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8. Other Business

There was no old business discussed.

9. Adjourn

David Carriker made a motion to adjourn at 6:18pm, Tinker Moody seconded the motion. Motion carried unanimously.

s/Marion Hamel

Vice Chairman, Marion Hamel

s/Noah Taylor

Town Planning Assistant, Noah Taylor