

Town of Maggie Valley
Regularly Scheduled Zoning Board of Adjustment Meeting
July 20, 2023
Minutes

Members Present: Chairman Bill Banks, Marion Hamel, Eve Barrett, Tinker Moody, Jared Lee. Alternates David Carriker and Charlotte Ruiz (Not voting)

Staff Present: Interim Town Planner, Sam Cullen and Executive Assistant Shelly Clement

Others Present: David Halfaker

1. Call to Order

Chairman Banks called the meeting to order at 5:27 pm on July 20, 2023.

A quorum was established. David Carriker and Charlotte Ruiz will not vote.

There were no conflicts on interest.

2. Approval of Minutes

Marion Hamel requested correction of her name on page one. Ms. Hamel made a motion to approve the corrected minutes of April 20, 2023. Eve Barrett seconded the motion. Motion Carried unanimously.

3. New Business

a. Variance Request, 96 Rockin Chair Lane

Chairman Banks stated that the Zoning Board of Adjustment is like a Court of Law. The Board takes sworn testimony and deals in fact.

The following individuals were sworn in:

- Sam Cullen, Interim Town Planner
- David Halfaker, Homeowner

Planner Cullen gave a report including background information. He explained that the requested variance is for a front setback- the home and deck were built before the annexation of Brannon Forest. The current home encroaches ten feet into the setback at this time and Mr. Halfaker is requesting an additional ten feet. The Right of Way on Rockin Chair Lane is 50 ft.

Surrounding properties are either vacant or used for residential purposes. The adjacent property received a variance through the Homeowners Association of 5 feet to the side setback. Mr. Halfaker has the approval of the HOA.

Chairman Banks asked the property owner to speak. Mr. Halfaker stated that Sam gave a good background. The home has no room to expand without the variance. Planner Cullen asked Board members to look at the plat in the packet. Mr. Halfaker provided some sample pictures of what the deck will look like. Mr. Banks stated the home was built before annexation. Marion Hamel asked if the neighbors had any problem with it.

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Planner Cullen stated that there have been no negative comments. Eve Barrett asked about the renditions included in the packet. Mr. Halfaker spoke about how the single tree shown was allowed to be removed. All the pictures are renditions of the deck. Mr. Banks thanked the homeowner for addressing the questions.

Chairman Banks asked the board to review the application. The board read the applicant's responses.

Marion Hamel made a motion to grant the variance, Jimmy Moody Seconded. Motion Carried unanimously.

b. Discussion on Board Procedures and Policy

Planner Cullen spoke of the workshop that was attended recently, by him and some other Board members. There are updates on some new legislation. Planner Cullen will go over some things that will be talked about with the Aldermen, who will vote on them. Most variances run with the property but someone with a disability might receive a variance to go with their home.

He will be changing the format of the public notice letters being sent to neighbors, the variance will be described.

He added Disclosure of Conflicts/Ex-parte Communication to the Agenda.

Professional Opinions will be checked, documented proof will be required.

A deadline may be established of two weeks before the meeting for Planner Cullen to create the packet.

The dates of Planning and Zoning Boards schedules seem better now. The meetings are closer together in most months.

Ms. Hamel said the board should designate the Chair OR Vice Chair to sign all orders and all agreed. Mr. Carriker said it makes sense to not delay an applicant.

A motion to designate the Chair or Vice Chair to sign orders was made by Ms. Hamel and seconded by Jared Lee. Motion carried unanimously.

4. Other Business

a. Board Appointments (Chair and Vice Chair)

Jimmy Moody made a motion to appoint Bill Banks as chair and Marion Hamel as vice chair, Eve Barrett seconded. Motion carried unanimously.

b. Letter of thanks to send to ETJ member Josh Hoogerwerf.

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Planner Cullen stated that Janet Banks has drafted a letter of thanks to ETJ member, Josh Hoogerwerf. The letter was read by everyone, and a comment was 'it couldn't have been better.' All members signed and Planner Cullen will mail the letter to Mr. Hoogerwerf.

Planner Cullen stated that he was now the acting Interim Town Planner, and that any member could contact him for information. Mr. Lee asked if there would be less meetings needed after the passing of HB184. Planner Cullen said it will likely most affect the Planning Board and Board of Aldermen.

HB184 update: This bill eliminated the Extra Territorial Jurisdiction for only the Town of Maggie Valley, eliminated any downzoning and disallows any moratorium of any type.

Mr. Lee asked for a description of downzoning. An example is the Slope Ordinance, concerning building on steep slopes will not be allowed, that is considered downzoning.

Crypto mining could come into town, there can be no moratoriums set. Bill184 sunsets in 2028, which means it mainly ties the hands of the Town to control development.

Planner Cullen said there is some control with utility policies, a property owner will still need to apply to annex inside Town to receive sewer. There was discussion.

Eve Barrett asked about duplexes. Planner Cullen said the State of North Carolina recognizes duplex kind of like single family residences. He said Homeowners Associations can have a say about residences, but some properties are not located in an HOA. Planner Cullen says he may type something up for the Town's Quarterly newsletter.

5. Adjourn

Mr. Banks made a motion to adjourn at 6:15pm, Jimmy Moody seconded the motion. Motion carried unanimously.

s/Bill Banks

Chairman, Bill Banks

s/Shelly Clement

Executive Assistant, Shelly Clement