

**TOWN OF MAGGIE VALLEY
REGULARLY SCHEDULED ZONING BOARD OF ADJUSTMENTS
MARCH 10, 2011
MINUTES**

Members Present: Chairman Bill Banks, Marion Hamel, Nancy Fish, Caroline Edwards, Candice Way, Jim Hasseler, and Lyndia Massey
Staff Present: Planning Director Nathan Clark and Town Clerk Vickie Best
Others Present: James Harden Sr.

Meeting Called to Order

Chairman Banks called the meeting to order at 5:31 p.m. in the Town Hall Boardroom.

Approval of Minutes: February 10, 2011

**MS. WAY MADE A MOTION TO APPROVE THE MINUTES OF FEBRUARY
10, 2011 AS PRESENTED.**

**MS. HAMEL SECONDED THE MOTION.
MOTION CARRIED UNANIMOUSLY.**

Agenda Setting: Variance Request, Specialty Lock & Door

Mr. and Ms. Robert Labraccio, owners of the Specialty Lock & Door located at 3101 Dellwood Road (8606-49-8794) have requested to build a small storage shed within the right of way. The structure was previously used as a single family home, but was converted to commercial use several years ago. The garage has been converted to a door showplace. Now additional storage is needed. Mr. Labraccio informed Director Clark that the adjoining neighbor do not have an issue with the storage shed sitting in the right-of-way. A drawing of the proposed shed has not been submitted.

The Zoning Board of Adjustment will have a public hearing regarding the request to build in the right-of-way on April 5, 2011 at 5:30 p.m.

If a variance is granted, the Board of Aldermen will approve/review the aesthetics.

Other Business

The Planning Board members have requested a text revision to the two questions the Planning Board is required to answer for the Zoning Board of Adjustment before a Special Exception Use Permit is issued. The Planning Board members felt the current questions were too vague and limited their ability to fully address their comments/concerns. The Planning Board would like to see the following four questions be required an answer before a Special Exception Use Permit is approved.

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- 1) Relation of the Special Exception to the goals and objectives outlined by the Town's most recent Comprehensive Plan and Land Use Plan.
- 2) Has the applicant satisfied the requirements of the Town of Maggie Valley Appearance Standards and Design Review?
- 3) Is the proposed use in harmony and compatible with the surrounding land uses?
- 4) What possible externalities will the adjacent property owners/neighborhood incur as a result of the proposed use?

Question number 2 requires the Community Appearance Committee to give their report before the issue comes to the Zoning Board of Adjustments for a decision.

As for question number 4, externalities can be both positive and negative.

Several members felt question number 4 was redundant, and suggested combining 3 and 4. It was the consensus that number 4 should be deleted.

Director Clark explained that number 4 provides the Planning Board members an opportunity to expand on what is compatible and what externalities may occur due to the proposed use.

The Zoning Board members understood.

A Zoning Board of Adjustment workshop will be held in Morganton on April 15 for any members wishing to attend.

Mr. James Harder Sr. asked to address the board regarding Quest Services and the rule requiring greenspace. Mr. Harden questioned when the "grandfather clause" ceased to exist. The closing of Quest Services has been extremely hard on his family, especially during these hard economic times.

Chairman Banks once again explained that the Zoning Board of Adjustment could not take action until a certified parking plan is submitted. Without a certified/official plan, the Board cannot make a determination about the greenspace. Chairman Banks explained how the Zoning Board of Adjustments operates as a Quasi-Judicial body. Evidence must be submitted and sworn testimony given.

When Mr. Harden began talking about Mr. Ring having a gate across said right-of-way and putting railroad ties in the creek, Chairman Banks again reiterated that a professional parking plan must be submitted prior to any decision being made.

Director Clark asked that the Zoning Board of Adjustment members set a date for their annual get together at the April 5 meeting.

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Meeting Adjourned

**ON MOTION OF MS. HAMEL, SECONDED BY MS. FISH, WITH ALL IN
FAVOR THE MEETING ADJOURNED AT 6:05 P.M.**

Chairman Bill Banks

Vickie Best, Town Clerk, CMC