

**BOARD OF
ADJUSTMENT
DECEMBER 12, 2023
5:00 PM**



**BRYANT H. WOMACK
BUILDING
40 COURTHOUSE ST.
COLUMBUS, NC 28756**

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1. Call to Order
 2. Special Use Permit Request - Gabe and Jami Temple - Docket No. 2023-03 (SU)
 3. Special Use Permit Request - Craig Taffaro - Docket No. 2023-03 (SU)
 4. Other Business
 5. Public Comments
 6. Adjournment

POLK COUNTY BOARD OF ADJUSTMENT

AGENDA ITEM

DECEMBER 12, 2023 REGULAR MEETING

Agenda Item#: 2.

POLK COUNTY BOARD OF ADJUSTMENT

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Agenda Item#: 3.

ATTACHMENTS:

Description	Type	Upload Date
Taffaro Deliberation Minutes	Cover Memo	1/23/2024

Frank Monterisi: Okay, we are going to begin the deliberation portion of our meeting. Just as a reminder, there's no evidence to be presented at this point. There will be no comments or anything taken from any of those that are here just observing. We have a worksheet that we will be working our way through, and hopefully you have copies of that. So, let us begin. We're going to do the Gabe and Jamie Temple application. As we go through the worksheet, what we're asking the panel members to do is to add their vote and they have to give us a valid reason for their vote, whether it be yay or nay. Just a reminder that these are both Special Use Permit applications, to approve a simple majority of the panel members that are here, three out of five votes for the application to move forward. *Number one, the use, Recreational Vehicle (RV) Park and/or Camp Areas, for which the Special Use Permit is sought is in the Multiple Use Zoning District and the proposed use complies with the standards for such use, if any, contained in the Zoning Ordinance.* I'll start off. The Zoning Administrator presented maps to show the area and the zoning district. I would vote that because of the staff report, which was submitted as Zoning Administrator 1 (ZA-1) into evidence, it showed that everything that was presented did conform with the standards for use in that particular district. So, my vote would be yes. Adrienne?

Adrienne Reilly: My vote is yes. They met all the requirements needed.

Frank Monterisi: Lisa?

Lisa Krolak: Yes.

Frank Monterisi: Hal?

Hal Green: Yes.

Frank Monterisi: Chris?

Chris Jones: Yes.

Frank Monterisi: Number one has five in favor, zero against. Number two, the proposed use will not adversely affect the health or safety of persons residing or working in the immediate neighborhood of such proposed use. Chris?

Chris Jones: I vote yes. The testimony and evidence provided during the testimony supports this.

Hal Green: I vote yes, for the reasons already given and the proposed use is very light on the ground and on the ground, the use will not have much if any effect on the adjacent properties.

Frank Monterisi: I vote yes. the rules that they set forth in their presentation will certainly determine how the facility itself is run, they specified the dumpsters, the removal of the trash, and as those particular facets are being carefully adhered to, will not adversely affect health or safety of persons living in the area.

Lisa Krolak: I vote yes. Following the camp rules, the health and safety of the people in the neighborhood are met. We talked about fire concerns and there were fire rules in the camp rules. Following the regulations with the county for health and safety for well and septic.

Adrienne Reilly: I vote yes. A lot of these reasons have already been spoken, and I like the fire prevention options, they're using a solo stove. If you're not familiar with, it doesn't give off a lot of smoke and it's very well contained.

Frank Monterisi: Number two. We also have five in favor, zero against. County Attorney, are these explanations sufficient?

Jana Berg: Did the Fire Marshal approve the roads? I would include that in the reasoning as well that it will not be detrimental or injurious to property values or to public improvements in the neighborhood of such proposed use.

Frank Monterisi: I will add that to mine, the letter submitted by Mr. Arledge the Fire Marshal of Polk County.

Frank Monterisi: Number three. The proposed use will not be detrimental or injurious to property, property uses or property values, or to public improvements, in the neighborhood of such proposed use. This was a stumbling block previously in the past, but we were given sufficient evidence by a real estate agent showing comparables in the area, there were no comparable or any evidence presented to the contrary. Much the opposite in this hearing, there was quite a bit of evidence to submit that property values continue to increase as with the rest of the county. So, I do not feel that a campground in that area will be injurious to neighboring property values or values in that area. I vote yes.

Lisa Krolak: I vote yes, based on the realtor's presentation, the values in the surrounding property should remain or go up.

Frank Monterisi: Thank you. Adrienne?

Adrienne Reilly: I vote yes. The reason being the real estate agent presented a really strong case.

Hal Green: I would vote yes to the reasons given, plus the fact that there is already two units on the premises being used as rental properties, which are not seen to cause a detrimental or injurious factors to the surrounding property.

Frank Monterisi: Two additional properties of similar use in the county?

Hal Green: That's correct. The property already has existing rentals that successfully have been rented out with no issues and nothing has caused in any adverse issues.

Chris Jones: My vote would be yes. To elaborate, I specifically asked the question for the rental properties that are on site, if there was anyone on site 24 hours a day to help govern the rules and regulations? They testified that no one was onsite fulltime. That in turn has not hurt the neighborhood, so I would support that. In addition, the extensive setbacks they have in the site plan are coming into play for me there. My vote is yes.

Frank Monterisi: So, significant setbacks and the low number of proposed units?

Chris Jones: Yes.

Jana Berg: I would like to suggest a couple of things. We are addressing property values, but we also need to address public improvements. We did hear testimony that driveway permits will be required by North Carolina Department of Transportation, that should eliminate or address some of the access issues with respect to the roadway. Also, the use of well water and on-site septic system has no impact to public improvements with respect to water supply and sewer.

Frank Monterisi: Okay, so we will add, put these on the mine, that public improvement for driveway access is regulated by the North Carolina Department of Transportation (NCDOT), and that the use of on-site septic systems will have no effect on the public use of water in the area. So condition number three, we also have five in favor, zero against. Number four, the proposed use is designed and will be operated in such a manner as to be in harmony with the neighborhood in which it is to be located. I'll start, the site plan that was submitted by the applicant, as Chris has said, specifies the setbacks far exceed what is required in that particular area. The area is very rural, horse farms and vacant land, and I see no evidence that was presented to the contrary that anything presented here with the injurious to the matter for the harmony with the particular neighborhood, especially because there were four units next to this property. I will vote yes to number four.

Hal Green: I vote yes. I repeat that there are already two units which are rented, they would be in harmony with the neighborhood. I also recall that there is a horse pasture that will continue to be used as a horse pasture, which is actually on the front or road side of the property, is maintaining its existing rural character which would be in harmony with the neighborhood.

Chris Jones: I vote yes, it will be used in the manner in which it was designed I heard no testimony that would contradict any of that any time. When we addressed an issue with Mr. Temple, he immediately responded with an acceptable answer.

Adrienne Reilly: My vote is yes, they gave a great presentation. I think they'll be great stewards of the land. I don't think they would ever do anything to make it a nuisance. I think it's a plus, my vote is yes.

Lisa Krolak: Yes, as well. I think that it's important that they have that camp rules outlined and that will help with being in harmony with the neighborhood. The rules are pretty strict. And only adding four campsites on twenty-six acres, the density won't have a big impact, it will be manageable and negligible.

Frank Monterisi: Four campsites in addition to the two, correct?

Lisa Krolak: Yes.

Frank Monterisi: Since this is a Special Use Permit, there are conditions that we want to apply to the permit. One is that we want them to operate under the rules that were submitted into evidence at the hearing. Can anyone think of anything else?

Jana Berg: I would suggest that they substantially adhere to the site plan as submitted, because covers the horse pasture and the setbacks.

Frank Monterisi: Good point. They will need to adhere to the site plan.

Jana Berg: I would say substantially adhere. That doesn't materially affect the use. For example, a campsite might need to be moved twenty-five feet to the north. Minor deviations would be okay, but a substantial deviation, like instead of putting four campsites, they put ten, or instead of maintaining the horse pasture, they decide to put their use closer to the road.

Frank Monterisi: If they wanted to put four more sites they would need to come back before the board. Is that true? That would be a substantial modification to the site plan which would require another hearing?

Adrienne: When you were saying adding on to other, is that the yurt thing or can they put tiny homes on there?

Jana: It depends on whether or not putting tiny homes on there would require a Special Use Permit.

Cathy Ruth: If it met single -family residential building code, it would not. If it was an RV type, it would. So, it depends who builds it and who inspects it.

Frank Monterisi: I think if you if you remember the testimony who lived across the street, that if it was stick homes, they wouldn't even have to be before us.

Adrienne Reilly: Okay.

Jana Berg: One thing that was a concern was how to alleviate brush fires. They mentioned they have Solo stoves, and there are other similar types.

Chris Jones: The ones that have a spark arrestor on it.

Jana Berg: What do you think about that? To help alleviate the fire concern?

Frank Monterisi: I think at certain times of the year that would be absolutely necessary. I don't know how we would address it. When you put a spark arrestor on, it takes a little bit from the use of it as opposed to being able to roast a marshmallow or hot dogs the fires actually cover. I'm not sure it is absolutely necessary.

Jana Berg: What about eliminating fires during burn bans? But they would be breaking rules anyway, so we don't need to do that. The spark arrestor devices that help prevent forest fires? The only reason I say that is it was a big concern I heard addressed. Not sure if it is necessary, it's up to the Board.

Frank Monterisi: Maybe if we add something like during times of extreme dryness.

Adrienne Reilly: High winds?

Hal Green: Is it possible just to include that they need to follow the requirements of the state and local authorities, but they're already required to do that.

Jana Berg: We could require fire suppression devices during times of drought.

Chris Jones: How about if we require them to have fire extinguishers in each unit?

Frank Monterisi: I think that is an excellent idea. I believe Mr. Temple said he provides the wood and if the conditions are good, he would not supply it. The only other thing people were talking about was marking the perimeter boundaries both inside and outside. Making sure guests don't wander onto neighboring property. And from the perspective of protecting Mr. Temple's property, marking the outside so hunters and horseback riders don't come on their property. I think you need sufficient boundary markings. I have five conditions.

Jana Berg: Park rules as submitted, substantially adhere to site plan as submitted, provide fire extinguishers for the sites, and mark the property boundaries. What do you have?

Cathy Ruth: The development of the parcels shall comply with all regulations as specified in the Polk County Zoning Ordinance. Substantially adhere to the site plan as submitted. For fire safety, fire extinguishers in each unit. Property perimeters marked, posted. Park Rules as submitted.

Frank Monterisi: Yeah, I had one too many. I had the solo stove. We decided against that. So, we have four. Our next thing is to see if the applicant is satisfied with those conditions.

Gabe Temple: I agree to the conditions.

Frank Monterisi: Gabe Temple, Applicant, agreed to the conditions. The Special Use Permit is granted. Our attorney will prepare the legal document and after it is signed, you can appeal to the Superior Court in 30 days after it's been signed. Ok, this one? Ok.