

**BOARD OF
ADJUSTMENT
JULY 11, 2023
5:00 PM**



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

-
1. Call to Order
 2. Approval of Agenda
 3. Approval of Minutes from September 20, 2022
 4. 2023-01- (VA) Hidden River, P61-173, Lot 5, Appaloosa Lane Variance
 5. Other Business
 6. Public Comments
 7. Adjournment

POLK COUNTY BOARD OF ADJUSTMENT

AGENDA ITEM

JULY 11, 2023 REGULAR MEETING

Agenda Item#: 4.

ATTACHMENTS:

Description	Type	Upload Date
Staff Report - Jameson Variance	Cover Memo	6/28/2023



To: Zoning Board of Adjustments

From: Cathy Ruth, Zoning Administrator

Date: July 11, 2023

Re: In the Matter of the Application of Jonathan and Janice Jameson for a Variance Request, Docket No. 2023-01 (VA)

A. Action Requested by Board of Adjustment

1. Review all currently available information prior to meeting
2. Consider Variance Request

B. Background

1. In May 2023, Attorney Lora Baker, contacted the Planning office and requested information regarding a variance for property located at Hidden River Subdivision, Lot 5, Appaloosa Lane, Tryon, NC 28782, identified as Tax Parcel ID P61-173 in the tax records of Polk County, and consisting of approximately 0.70 acres. The property is located in the Residential Estate/Very Low Density (RE-5) zoning district. Ms. Baker requested information for a previous hearing held for neighboring parcels. Ms. Baker was provided those records, a copy of the Polk County Zoning Ordinance, Variance of Polk County handout, an application and the Polk County Board of Adjustment Rules of Procedure for Quasi-Judicial Proceedings.
2. On June 9, 2023, Attorney Lora Baker, on behalf of owners, Jonathan and Janice Jameson, with a completed application, applied to the Board of Adjustment for a variance for the minimum buildable lot size (deviation from 5 acres to 0.70 acre) and side setback requirements (requesting reduced side setback requirement).
3. The property, comprised of 0.70 acres, is identified as Tax Parcel P61-173 on the tax records of Polk County. The property is located in the Residential Estate/Very Low Density (RE-5) zoning district.

4. Exhibits included:

- Exhibits XA consists of the General Application Form and narrative submitted by Attorney Lora Baker on behalf of Jonathan and Janice Jameson.
- Exhibit XB consists of the zoning permit/application and receipt of \$100.
- Exhibit XC consists of the recorded deed in the Register of Deeds Office dated September 9, 1999, Book 257, Page 1656.
- Exhibit XD consists of the recorded plat in the Register of Deeds Office dated February 16, 1982, Book A254, Page 233.
- Exhibit XE consists of the Polk County Property Card tax record for P61-173.
- Exhibit XF consists of Polk County Geographic Information System (GIS) map, P61-173.
- Exhibit XG consists Google Map of parcel area.
- Exhibit XH consists of the Polk County GIS map of P61-173 with flood layer.
- Exhibit XI consists of P61-173 and surrounding parcels' zoning and current uses from the Polk County GIS site.
- Exhibit XJ consists of the signed and notarized Affidavit of Mailing of notice of public hearing to adjacent property owners, property owner, and applicant; including map of adjacent property parcels and addresses.
- Exhibit XK consists of the signed and notarized Affidavit of Posting of notice of public and photos of posted signs.
- Exhibit XL consists of pictures taken by staff of the parcel.

Exhibit XA.1



GENERAL APPLICATION FORM

Docket No: _____

Date: 6-9-2023

Permit Fee: \$ 100.00

Receipt #: _____

Permit or Relief Requested: Appeal*

Variance

Special Use Permit

Applicant Jonathan Jameson / Janice Jameson

Owner: Jonathan Jameson / Janice Jameson

Address 107 Spruce Lane

Address 107 Spruce Lane

Zirconia, NC 28790

Zirconia, NC 28790

Telephone 843-422-4285

Telephone 843-422-4285

Legal Relationship of Applicant to Property Owner: same

Purpose of Request: see attached

Property Location: Apaloosa Lane, Lot 5

Street Address: N/A

Tax Map & Parcel Number: P61-173 Lot Size: 0.7 of an acre Zoning District: RE-5

Number Of Buildings To Remain: N/A Gross Floor Area To Remain: N/A

Number Of Buildings Proposed: 1 Gross Floor Area Of Proposed Buildings: 1465 - 2,000 sq. ft.

Total Square Footage Of Land To Be Disturbed: _____ Estimated Cost Of Project: \$400,000.00

Please provide clear directions (with landmarks) to the property: See attached

Loc # 8229

If needed to illustrate the appeal, or to request a variance or a special use permit, please attach a plot plan.

The applicant (if an owner of the property) grants the members and staff of the Polk County Board of Adjustment, and the Polk County Zoning Administrator and members of his staff, the right to enter onto the property for purposes of making a site inspection in connection with this proceeding. This right of entry shall not extend to any of the interior of any structures or enclosures on the property.

Jan Jameson
Signature of Applicant

* Please attach a copy of the Zoning Administrator's written decision, if available.

Exhibit XA.2

General Application Form Attachment

Purpose of Request: We request a variance as to the minimum buildable lot size (deviation from 5 acres to .7 acre) and side set back requirements (requesting reduced side set back requirement). With the current zoning ordinance we are not able to sell or build upon our property.

Please provide clear directions (with landmarks) to the property: Take 108 towards Tryon, turn left on Old Hwy 19, take a right at the fork in the road. Turn left onto River Road (which is a gravel road) and Appaloosa will be about a mile down the road.

Exhibit XA.4

Hidden River Variance Request Supplemental Information

Jameson Lot 5

Description of the Property

Jonathan R. Jameson and Janice R. Jameson own Lot 5, containing approximately 0.70 acres, in the Hidden River Subdivision (hereinafter “Hidden River” or “subdivision”) in Tryon Township, Polk County, North Carolina (hereinafter “Lot 5”). Mr. and Mrs. Jameson (hereinafter “Owners”) took title to Lot 5 by General Warranty Deed on September 9, 1999. Hidden River Subdivision was approved by the Polk County Board of Commissioners February 15, 1982. The plat, showing Lot 5, was recorded February 16, 1982, Map Slide A-254, Page 233, Polk County Registry (hereinafter “Plat”).

The Plat shows 18 lots, some with as little as 0.54 acres, some with as much as 1.81 acres, but most are well under one acre. All of the lots in the Hidden River Subdivision have specified setbacks from the centerline or roads and the cul-de-sac.

All of the lots in the Hidden River Subdivision are dedicated to and restricted to single family residential use per the Reservations and Beneficial Covenants of Hidden River Subdivision, as recorded in Book 179, Page 116, Polk County Registry, and as amended in Book 170, Page 1070 of the Polk County Registry.

There are three existing homes in the subdivision built in 1991, 1993, and 1998 on Lots 4, 7, and 11.

Procedural History for Hidden River

At the time Hidden River was approved as a subdivision by the Polk County Board of Commissioners, there was no zoning requirement governing minimum lot size or side set back requirements.

On December 18, 1989, The Hunting Country, R-2 Zoning was passed by the Polk County Board of Commissioners and with the exception of Lots 1, 2, and 18, all of the lots in Hidden River fell within the R-2 zoning district.

On or about July 23, 2001, the Polk County Board of Commissioners passed a new zoning ordinance that included Hidden River, the RE-5 zoning district. RE-5 requires a minimum acreage of 5 acres and a side set back of fifty (50) feet. There are no lots in Hidden River that meet that acreage requirement.

November 13, 1997 the Zoning Board of Adjustment granted a variance on the 50-foot setback for Lot 7.

December 19, 2000 the Zoning Board of Adjustment began hearings related to a request for variance for Lots 9, 12, 14 and 15. After several settings the Zoning Board of Adjustment denied the request for variance which was appealed to the Polk County Superior Court.

Exhibit XA.5

Judgment was filed November 8, 2001 in Polk County Superior Court, reversing the order of the Polk County Zoning Board of Adjustment and directing a variance be issued to the owners of Lots 9 and 12 allowing the petitioners to use their lots for single family residential purposes, despite the size limitation of their lots located in the then-current RE-2 Zoning District.

The November 8, 2001 judgment states that:

“upon the Polk County Board of Commissioners adoption of the Hunting Country RE-2 Zoning District, December 18, 1989, each of the Petitioners’ lots in said subdivision became a non-conforming use. Prior to said zoning amendment, no previous zoning requirement governing minimum lot size was in effect as to Petitioners’ lots.”

The judgment further states:

“the refusal by the Polk County Zoning Board of Adjustment to grant variances as to the Petitioners, in light of the fact that it had previously granted a variance to Mr. James Catterton, the owner of a lot of less than two (2) acres located in Hidden River Subdivision, based on hardship, is not supported by the Zoning Board’s Findings of Fact and is arbitrary and capricious.”

Argument

It is our contention that the use of Lot 5 for a single-family residence was approved in 1982 when the Hidden River Subdivision was approved, and we are requesting the continued nonconforming use of the same. Jonathan and Janice Jameson are unable to make use of their land without a variance and would suffer unnecessary hardship from the strict application of the Ordinance. Given that several lots in the subdivision have been previously granted variances, we request that the Jamesons be treated equally, and granted a variance.

Elements to be Considered

1. Unnecessary hardship would result from the strict application of the Ordinance.

Should the zoning ordinance be strictly applied, the Jamesons would be unable to sell their lot, or build upon their lot. They are limited to constructing a single-family dwelling upon the same, given the restrictive covenants for Hidden River, and are limited to their current lot size. The Jamesons have attempted to sell their lot but no prospective purchaser will purchase the same given the current ordinance and inability to build.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

The Jamesons purchased a lot in a subdivision which had been approved by the Polk County Board of Commissioners. The lots, and their acreage, were set out when the subdivision was approved, in 1982. The size and location of the lot is not a hardship resulting from a personal circumstance.

Exhibit XA.6

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a Variance shall not be regarded as a self-created hardship; and

The Jamesons have not taken any action to reduce the size of their lot and are not responsible for their inability to sell or build upon the lot.

4. The requested Variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

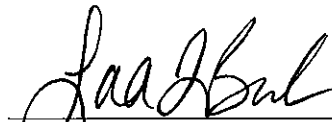
The stated intent of the Polk County zoning ordinance is to promote the “health, safety, morals and general welfare” of the county. A variance allowing the construction of a single-family residence would promote the health, safety, morals and general welfare of the community, providing an additional residence to be occupied by members of the community. The construction of the same does not endanger anyone or risk their general welfare.

Of the 18 lots in Hidden River, there are currently three (3) homes. One additional residence in the community will not overcrowd, overburden, or endanger Polk County residents.

Summary

In sum, the Jamesons request a variance upon Lot 5 of Apaloosa Lane in Hidden River subdivision, and without the same, their property will be essentially worthless.

This the 9th day of June, 2023.



Lora F. Baker
Attorney for Petitioners
Jonathan and Janice Jameson
Feagan & Baker
PO Box 309
Columbus, NC 28722
P: (828) 894-3541
F: (828) 894-3514
lbaker@feaganlawfirm.com

DATE 6/14/23
TIME 15:26:44
USER PLMALEJO

Exhibit XB.1

POLK COUNTY
APPLICATION AND PERMIT

PAGE 1
PROG# PT2000

PERMIT NUMBER ZP 25140 ZONING PERMIT APPLIED 6/14/2023
WORK ORDER# 48126 TYPE ZONING BOARD OF ADJUSTMENT ISSUED 6/14/2023
LOCATION APPALOOSA LN EXPIRES 12/11/2023
PIN HEALTH
PARCEL ID P61-173 TRYON REFERENCE
TOWNSHIP 9 COLUMBUS- OUTSIDE ACREAGE .700 CENSUS TRACT
WATERSHED NOT IN WATERSHED FLOOD PLAIN? Y SBC#
DIRECTIONS PENIEL TO GOLDEN RD; R ON RIVER; L ON APPALOOSA LN; 2ND LOT
ON LEFT

JAMESON, JONATHAN R

OWNER ID 26976
PHONE 828.692.0548

107 SPRUCE LANE

ZIRCONIA NC 28790

OWNER JAMESON JONATHAN R ET UX
OCCUPANT

828-692-0548

SUBDIVISION HIDDEN RIVER LOT #: 5
W HOME PARK
ZONING DISTRICT RE-5
COND/ SPECIAL USE
SETBACK FRONT: 50 REAR: 50 RIGHT: 50 LEFT: 50
PARKING SPACES
SIGNS/ PAVING
TYPE WATER/ SEWER
DESCRIPTION VARIANCE- HIDDEN RIVER, 2023-01-VA

SURVEYOR
GENERAL

SITE PLAN

*
*
*
*
*
*
*
*
*
*

PERMIT ISSUED: 6/14/2023 BY: PLCHELS PERMIT EXPIRES: 12/11/2023 or 12
months from last inspection

I HEREBY CERTIFY THAT THE INFORMATION GIVEN IS TRUE TO THE BEST OF MY
KNOWLEDGE AND THAT ZONING IS SUBJECT TO ALL ADDITIONAL REGULATIONS PERTAINING
TO THE PROPOSED USE. I UNDERSTAND THAT THIS PERMIT IS VOID AND OF NO EFFECT
WITHIN 30 DAYS OF ISSUANCE IF NO BUILDING PERMIT HAS BEEN ISSUED FOR THE
PROPOSED USE.

On File
SIGNATURE OF OWNER/ AGENT

6-14-2023
DATE

Chesha Allen
CODE ENFORCEMENT OFFICIAL

Exhibit XB.2

DATE 6/14/23 POLK COUNTY
TIME 15:26:44 BILLING NOTICE
USER PLMALEJO

PAGE 2
PROG# PT2000

PERMIT NUMBER ZP 25140 ZONING PERMIT APPLIED 6/14/2023
WORK ORDER# 48126 TYPE ZONING BOARD OF ADJUSTMENT ISSUED 6/14/2023
LOCATION APPALOOSA LN EXPIRES 12/11/2023
PIN HEALTH
PARCEL ID P61-173 TRYON REFERENCE
TOWNSHIP 9 COLUMBUS- OUTSIDE ACREAGE .700 CENSUS TRACT
WATERSHED NOT IN WATERSHED FLOOD PLAIN? Y SBC#
DIRECTIONS PENIEL TO GOLDEN RD; R ON RIVER; L ON APPALOOSA LN; 2ND LOT
ON LEFT

JAMESON, JONATHAN R

OWNER ID 26976
PHONE 828.692.0548

107 SPRUCE LANE

ZIRCONIA NC 28790

OWNER JAMESON JONATHAN R ET UX
OCCUPANT

828-692-0548

SERVICE	QUANTITY	RATE	FEE	AMOUNT	FEE PAID	FEE DUE
ZBA	1	100.00		100.00	100.00	
PAID BY: FEAGAN LAW FIRM, PLLC				CK#:	6917 PAID BY CHECK	
TRANSACTION 888154 TOTALS				100.00	100.00	

CASH RECEIPT

Exhibit XB.3

POLK COUNTY

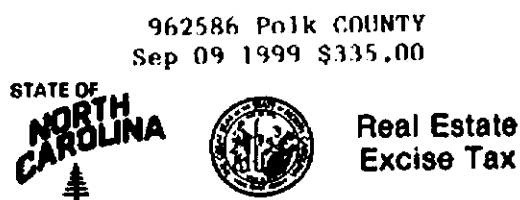
User ID : PLMALEJO
Today's Date : 6/14/2023
For : ZONING PERMITS

Collected By : PLMALEJO
Transaction Date 6/14/2023 Number 888154

Received From : FEAGAN LAW FIRM, PLLC PMT# ZP00025140 CK# 0000006917

Total Transaction Amt 100.00 CK#: 6917

Exhibit XC.1



FILED
Sep 09 1999 @ 04:30:23 PM
Pan Miller
Register of Deeds Polk COUNTY
BOOK 257 Page 1656

Excise Tax ^{335.00} ~~\$326.00~~ Recording Time, Book and Page
Tax Lot No. P-61-172 & 173 Parcel Identifier No. _____
Verified by Polk County on the _____ day of _____, 1999
By Tax Administrator _____

Mail after recording to GRANTEE

This instrument was prepared by Feagan and Foster, P.O. Box 309, Columbus, North Carolina 28722

Brief description for the Index

Lots 4 and 5 Hidden River Subdivision

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 9th day of September, 1999, by and between

GRANTOR

GRANTEE

WILLIAM E. JOHNSON and wife,
HELEN T. JOHNSON

JONATHAN R. JAMESON and wife,
JANICE R. JAMESON

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.
The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Tryon Township, Polk County, North Carolina and more particularly described as follows:

TRACT I:

Being all of Lot Number 4, containing 0.76 acres, more or less, as shown upon a plat entitled "Hidden River Subdivision," dated September 15, 1981, and prepared by Wolfe & Huskey, Inc., Engineering and Surveying, which plat is duly recorded in Map/Slide A- 254, Page 233, in the Office of the Register of Deeds for Polk County, North Carolina; reference being had to said recorded plat for a full and complete metes and bounds description of said Lot, pursuant to North Carolina General Statutes, Section 47-30 (g).

TRACT II:

Being all of Lot Number 5, containing 0.70 acres, more or less, as shown upon a plat entitled "Hidden River Subdivision," dated September 15, 1981, and prepared by Wolfe & Huskey, Inc., Engineering and Surveying, which plat is duly recorded in Map/Slide A- 254, Page 233, in the Office of the Register of Deeds for Polk County, North Carolina; reference being had to said recorded plat for a full and complete metes and bounds description of said Lot, pursuant to North Carolina General Statutes, Section 47-30 (g).

The Grantors herein also convey to the Grantees, their heirs and assigns, to be used in common with the Grantors, and others having the lawful right to use the same, an easement for purposes of ingress, egress, and regress from the subject property to N.C.S.R. # 1516 along Hidden River Drive; said easement being particularly described and shown upon the plat referred to hereinabove and recorded in Map/Slide A- 254, Page 233 in the Office of the Register of Deeds for Polk County, North Carolina; reference being had to said recorded plat, pursuant to North Carolina General Statutes, Section 47-30 (g).

The property hereinabove described was acquired by Grantor by instrument recorded in Book 235, Page 72 and Book 206, Page 1424, Polk County Registry.

A map showing the above described property is recorded in Plat Book _____ Page _____

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

- a. Subject to applicable zoning ordinances, if any.
- b. Subject to such road and utility easements as may appear by reference to the public records of the Polk County Registry and by reference to a physical inspection of the subject property;
- c. Subject to the rights of lower riparian owners in and to the uninterrupted use of the waters of the Pacolet River.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)
By: _____
President

William E. Johnson (SEAL)
WILLIAM E. JOHNSON
Helen T. Johnson (SEAL)
HELEN T. JOHNSON

ATTEST:

Secretary (Corporate Seal)

(SEAL)

(SEAL)



NORTH CAROLINA, Durham County.
I, a Notary Public of the County and State aforesaid, certify that William E. Johnson and Helen T. Johnson
Grantor, personally appeared before me this day and acknowledged the execution of the foregoing
instrument.
Witness my hand and official stamp or seal, this 9 day of September, 1999.
My commission expires: 12-01-01 *John C. Horvendon* Notary Public

SEAL-STAMP NORTH CAROLINA, _____ County.
I, a Notary Public of the County and State aforesaid, certify that
personally came before me this day and acknowledged that _____ he is _____ Secretary of
_____ a North Carolina corporation and that by authority duly given and as
the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its
corporate seal and attested by _____ as its _____ Secretary.
Witness my hand and official stamp or seal, this _____ day of _____, 1999.
My commission expires: _____ Notary Public

The foregoing Certificate(s) of *John C. Horvendon*

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page
shown on the Pamela D. Miller REGISTER OF DEEDS FOR POLK COUNTY
By _____ Deputy/Assistant - Register of Deeds

NORTH CAROLINA, POLK COUNTY
I, William B. Newell,
Surveyor General of the State of North Carolina,
do hereby certify that the within and foregoing plat is a true and correct copy of the original plat on file in my office in this State at 14:50 o'clock on the 15 day of February, 1982.
Witness my hand and seal at this office in this State at 14:50 o'clock on the 15 day of February, 1982.

Dr. M. H. H. H.
Register of Deeds

CERTIFICATE OF APPROVAL FOR RECORDING PLAT
I, Steve B. Wilson, the County Clerk of Polk County, North Carolina, do hereby certify that on the 15 day of February, 1982, the Board of Commissioners of Polk County approved this plat for recording.

Feb. 15, 1982
DATE
Steve B. Wilson
COUNTY CLERK

CERTIFICATE OF APPROVAL BY THE PLANNING BOARD
I, W. E. Bannett, Chairman of the Planning Board, do hereby certify that the within and foregoing plat is a true and correct copy of the original plat on file in my office in this State at 12 o'clock on the 12 day of Nov., 1981.

W. E. Bannett
Chairman

CERTIFICATE OF OWNERSHIP AND DEDICATION
I (we) hereby certify that I am (we are) the Owner(s) of the property shown and depicted herein and that I (we) hereby submit this plat of subdivision with my(our) own consent, without burden or encumbrance, and dedicate all streets, walks, parks, and other places to private or public use as noted herein. I (we) certify the land as shown herein is within the planning jurisdiction of Polk County, North Carolina.

Mark Price
Owner

10/19/81
Date

CERTIFICATE OF ACCURACY
I, G. A. Wolfe, certify that this plat was drawn from an actual survey and that the boundaries and areas shown are as shown in the book 1000 page 1000.
I further certify that the boundaries and areas shown are as shown in the book 1000 page 1000.
I further certify that the boundaries and areas shown are as shown in the book 1000 page 1000.

Witness my hand and seal, this 8th day of September, A. D., 1981.

G. A. Wolfe
Surveyor General of the State of North Carolina

CERTIFICATE OF APPROVAL OF PRIVATE WATER AND SEWER SYSTEMS
I hereby certify that the water supply and sewerage disposal system installed, or proposed for installation in the subdivision entitled HIDDEN RIVER, is in accordance with the regulations of the North Carolina State Health Department and are hereby approved as shown.

Howard L. H. H.
COUNTY HEALTH OFFICER

CERTIFICATE OF APPROVAL OF THE CONSTRUCTION OF STREETS, IF APPLICABLE
I hereby certify that streets have been constructed in an acceptable manner in the subdivision entitled HIDDEN RIVER.

John M. H. H.
POLK COUNTY BUILDING INSPECTOR

HIDDEN RIVER

SECTION

OWNERS/DEVELOPERS)
MARTIN PRICE
MAIN ST. HOTEL
700 W. MAIN ST.
SPARTANBURG, S. C. 29301

SURVEYOR/ENGINEER
WOLFE & HUSKEY, INC.
P. O. BOX 35
LYMAN, S. C. 29365

NUMBER OF ACRES 16.93 MILE(S) OF NEW ROAD 0.1

NUMBER OF LOTS 18 DATE 9-15-81

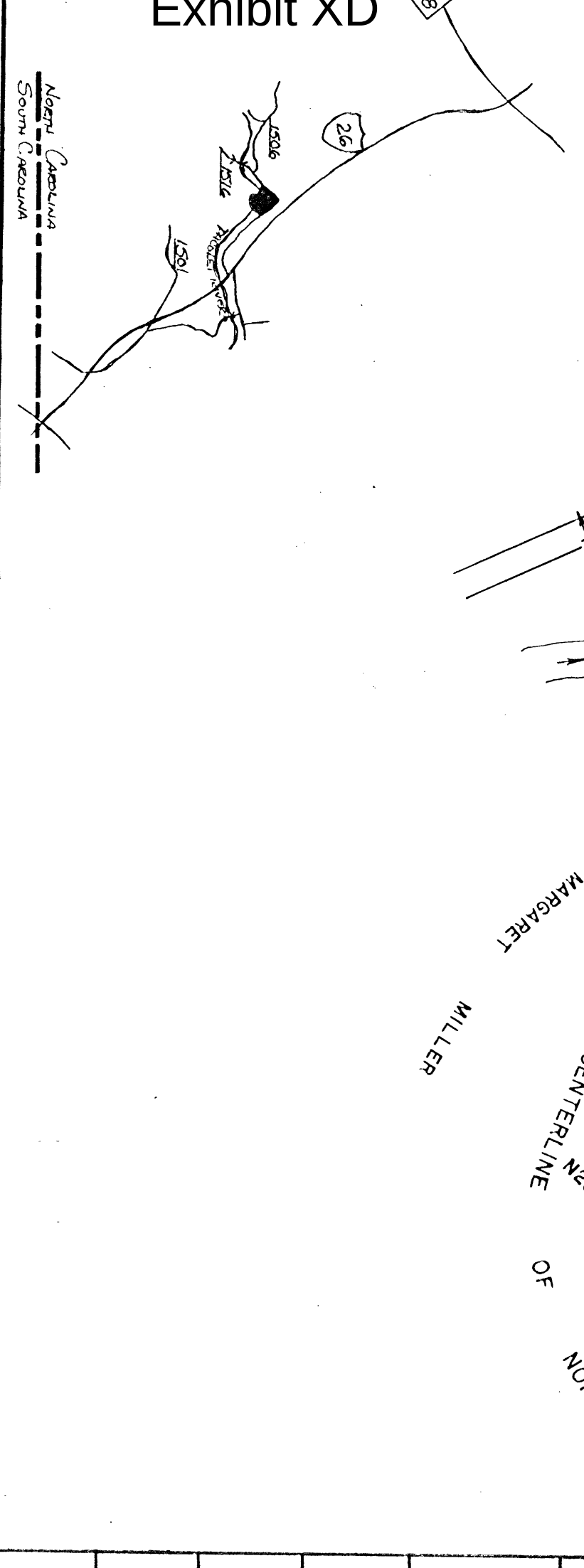
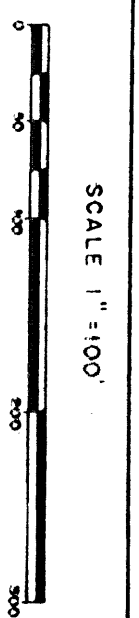


Exhibit XD

North Carolina
South Carolina

Exhibit XE

JAMESON JONATHAN R ET UX
1516 SR

.700 AC TWSP: 009

N2 FOUND
YR 2023 P61-173
LOT 5
PIN:
DISTRICT: 9 COLUM TOWNSHIP-

POLK COUNTY

ACCOUNT#: 26976
NBHD: 0H07
Plat Bk/Pg

HIDDEN RIVER S/D
APPR: RV6 APPR DT: 3/10/2020
EXCD: NOTICE:

PAGE 1

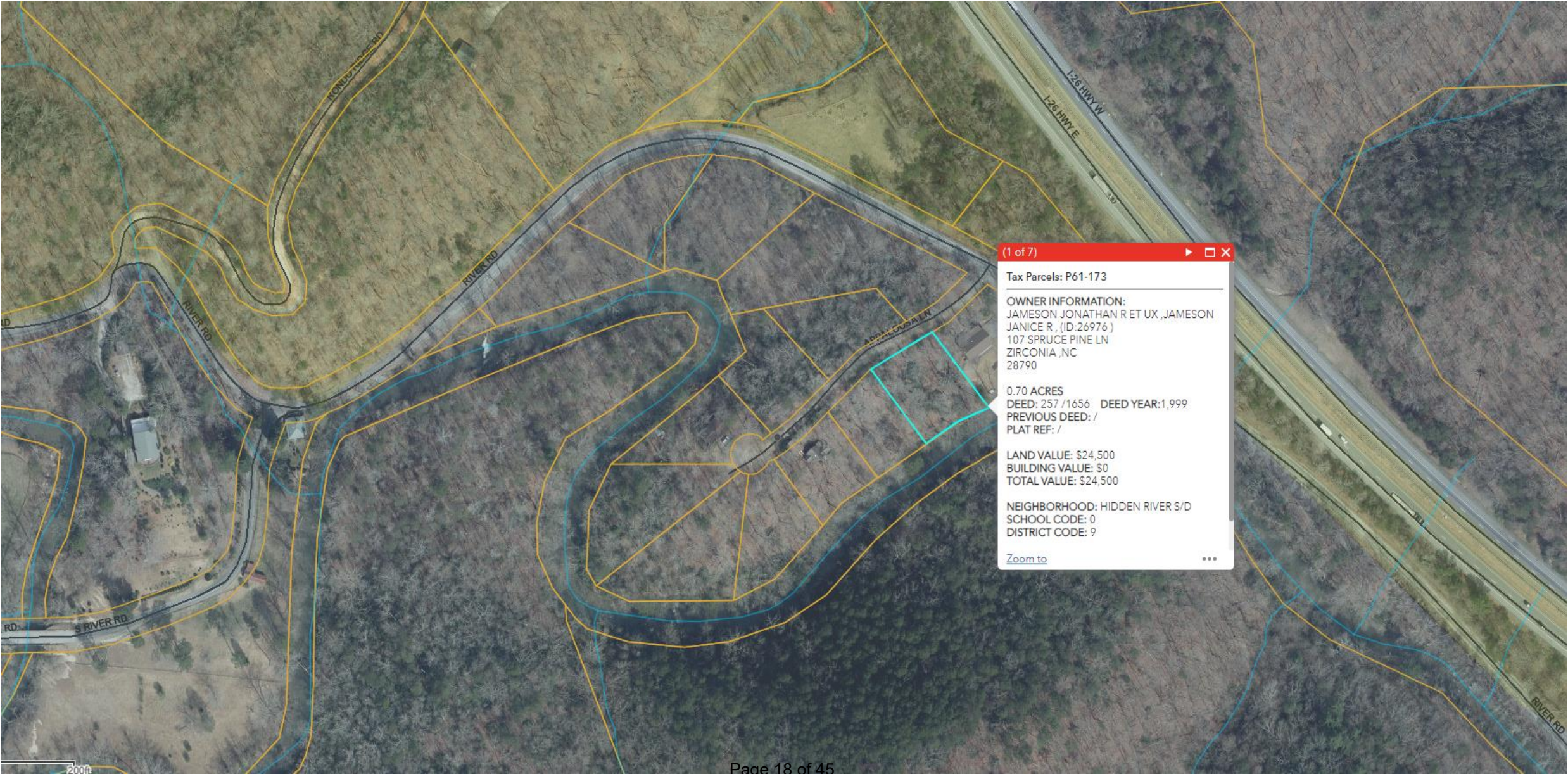
Bldg No.						Exempt Code				LAND VALUE	24,500
Imp Desc:		EYB:								MISC VALUE	0
Grade :		AYB:		Finished Area:						BLDG VALUE	0
# of Units	Rms	Bedrms	Bathrms	HBaths						TOTAL VALUE	24,500
TYPE/CODE/DESCRIPTION	PCT	%CMP	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%		COST

PROPERTY NOTES:	PERMIT NO	TYPE	DATE	BOOK	PAGE	DT	DATE	QS	SALES PRICE
				257	1656	ONE	9/09/1999	U	167,500
	AMOUNT			235	72		12/31/1997	#	
	AMOUNT								

MISC CODE	DESC	UNITS	RATE	AYB	EYB	DT	PCT	%CMP	ADD.DEPR	PCT	VALUE	EXMPT
							.00					
							.00					
							.00					
							.00					

#	ZONE	TYPE/CODE	LAND QTY	LAND RATE	DPH	DPT%	TOP%	LOC%	SIZ%	SHP%	OTH%	ADJ	FMV	EXMPT
1		AC BS	.700	35,000.00		.00	.00	.00	.00	.00	.00	.00	24,500	

GIS Parcel Information, P61-173: Zoomed Out



(1 of 7) ▶ □ ✕

Tax Parcels: P61-173

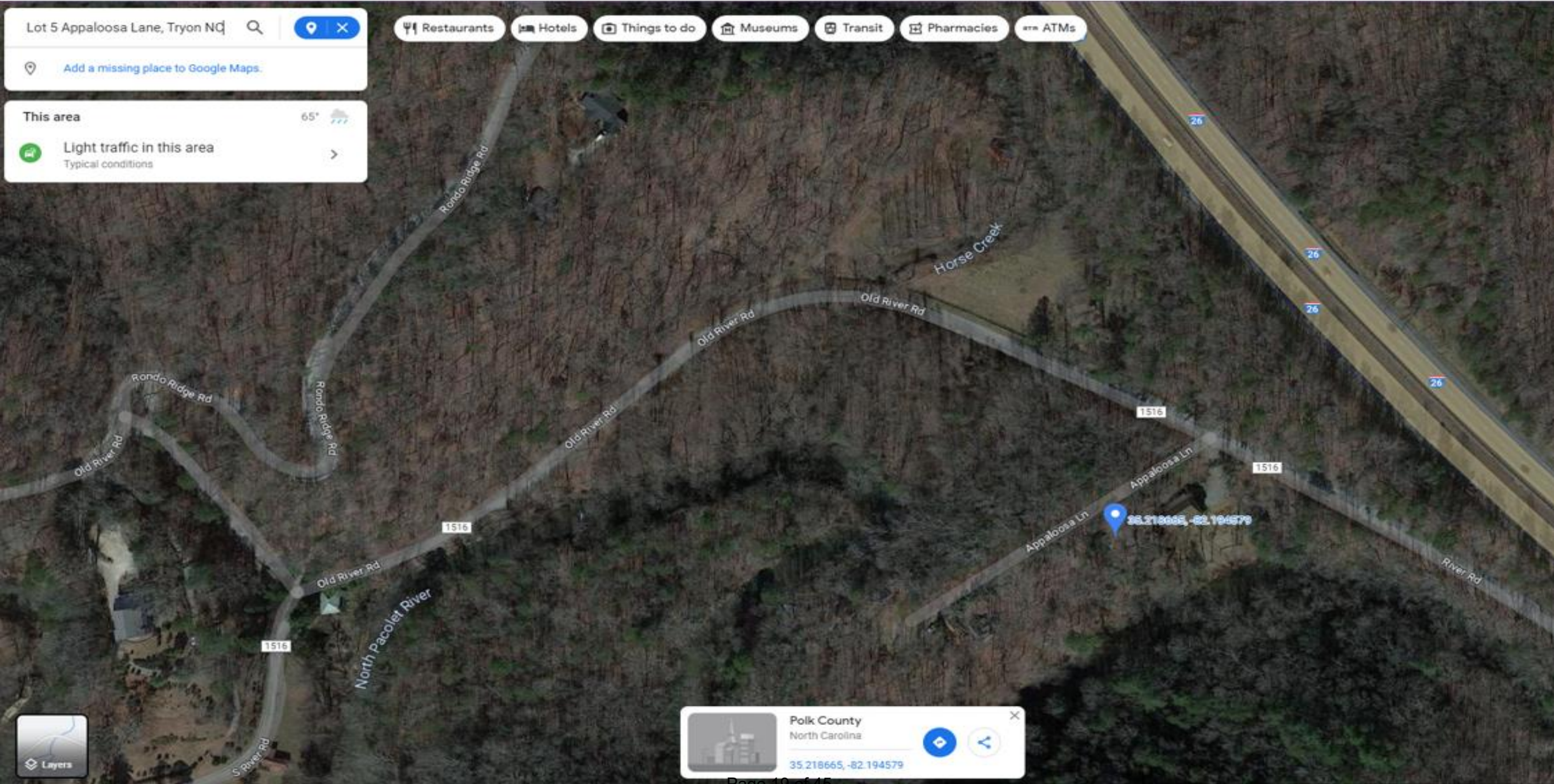
OWNER INFORMATION:
JAMESON JONATHAN R ET UX ,JAMESON
JANICE R , (ID:26976)
107 SPRUCE PINE LN
ZIRCONIA ,NC
28790

0.70 ACRES
DEED: 257 /1656 DEED YEAR:1,999
PREVIOUS DEED: /
PLAT REF: /

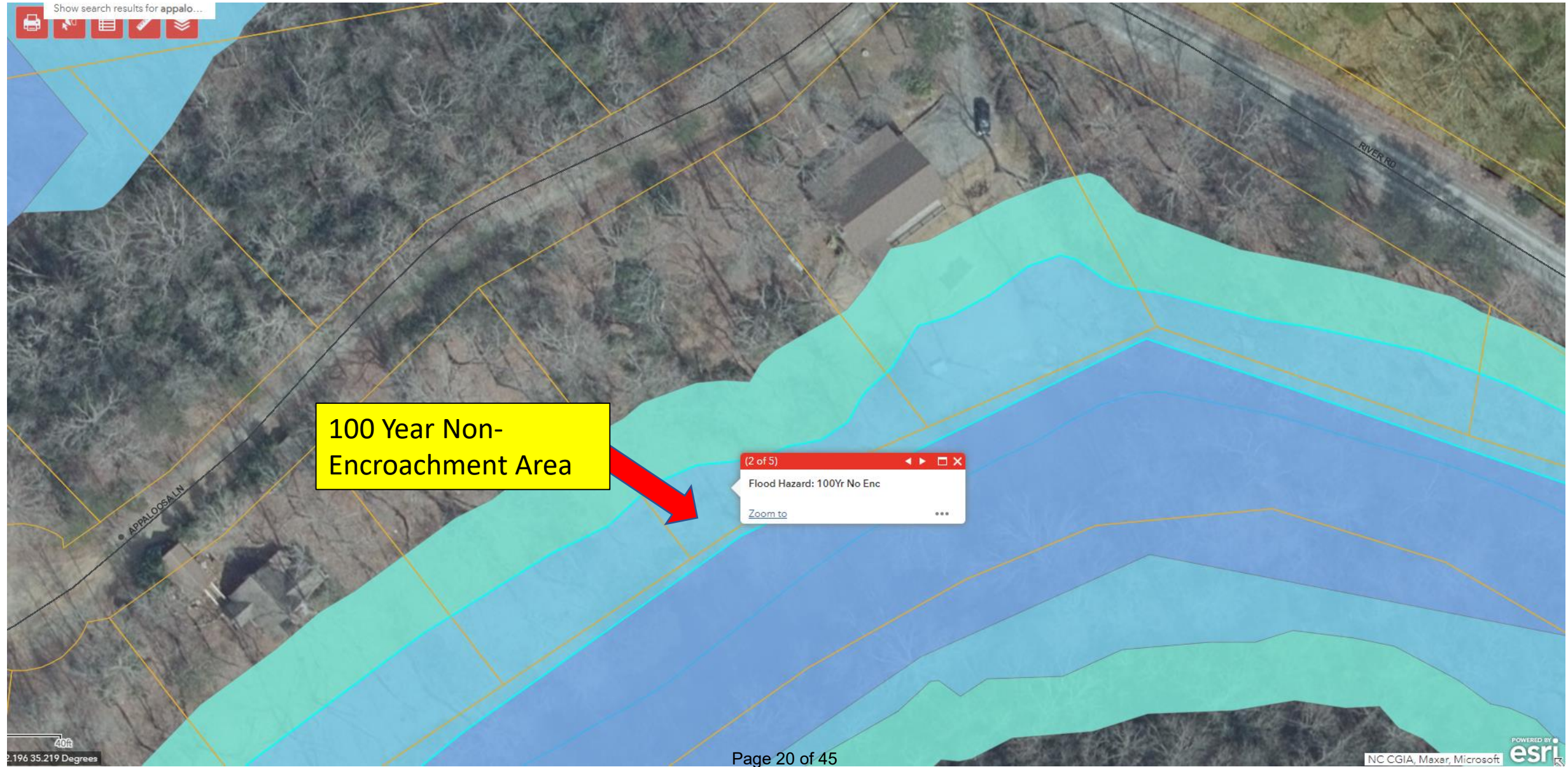
LAND VALUE: \$24,500
BUILDING VALUE: \$0
TOTAL VALUE: \$24,500

NEIGHBORHOOD: HIDDEN RIVER S/D
SCHOOL CODE: 0
DISTRICT CODE: 9

[Zoom to](#) ...

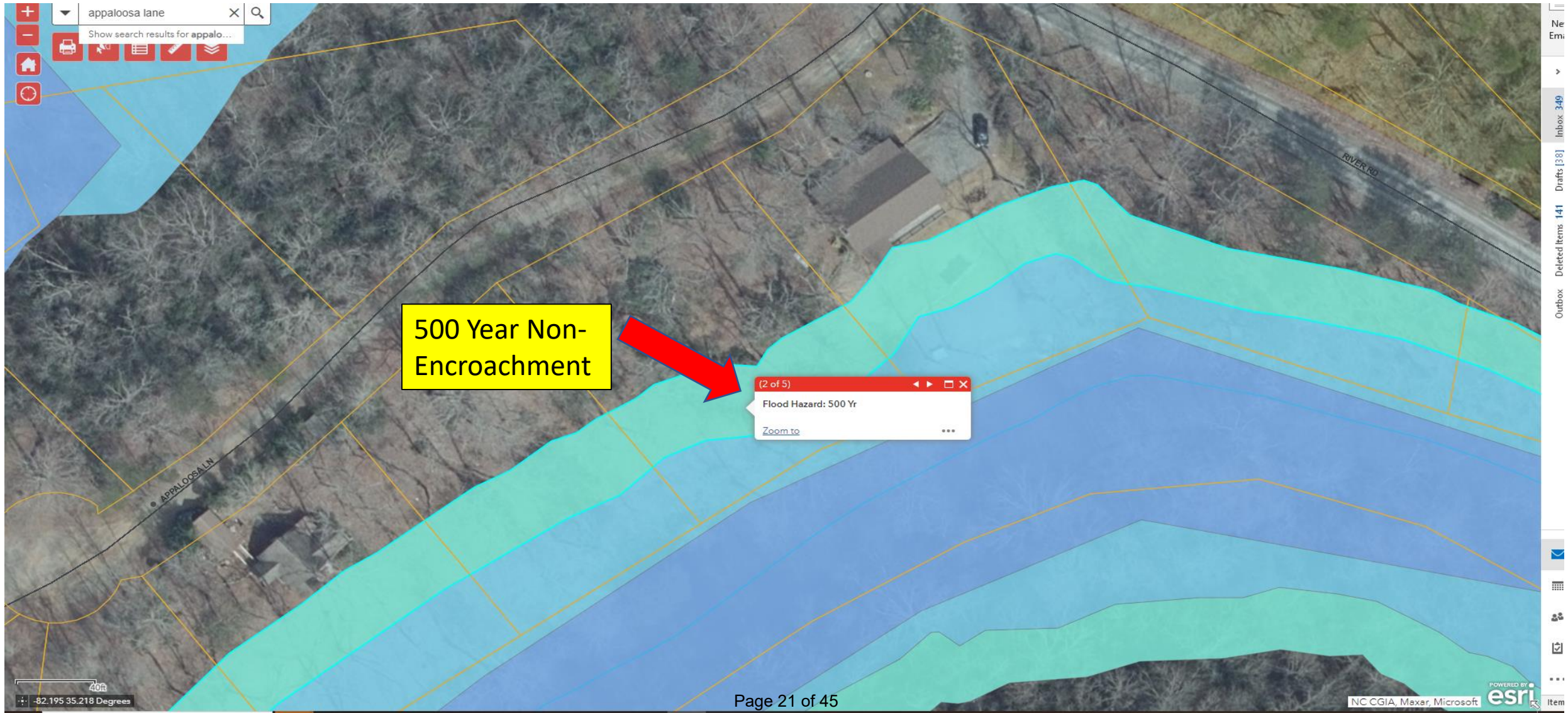


GIS 100 Year Non-Encroachment Flood Hazard Area

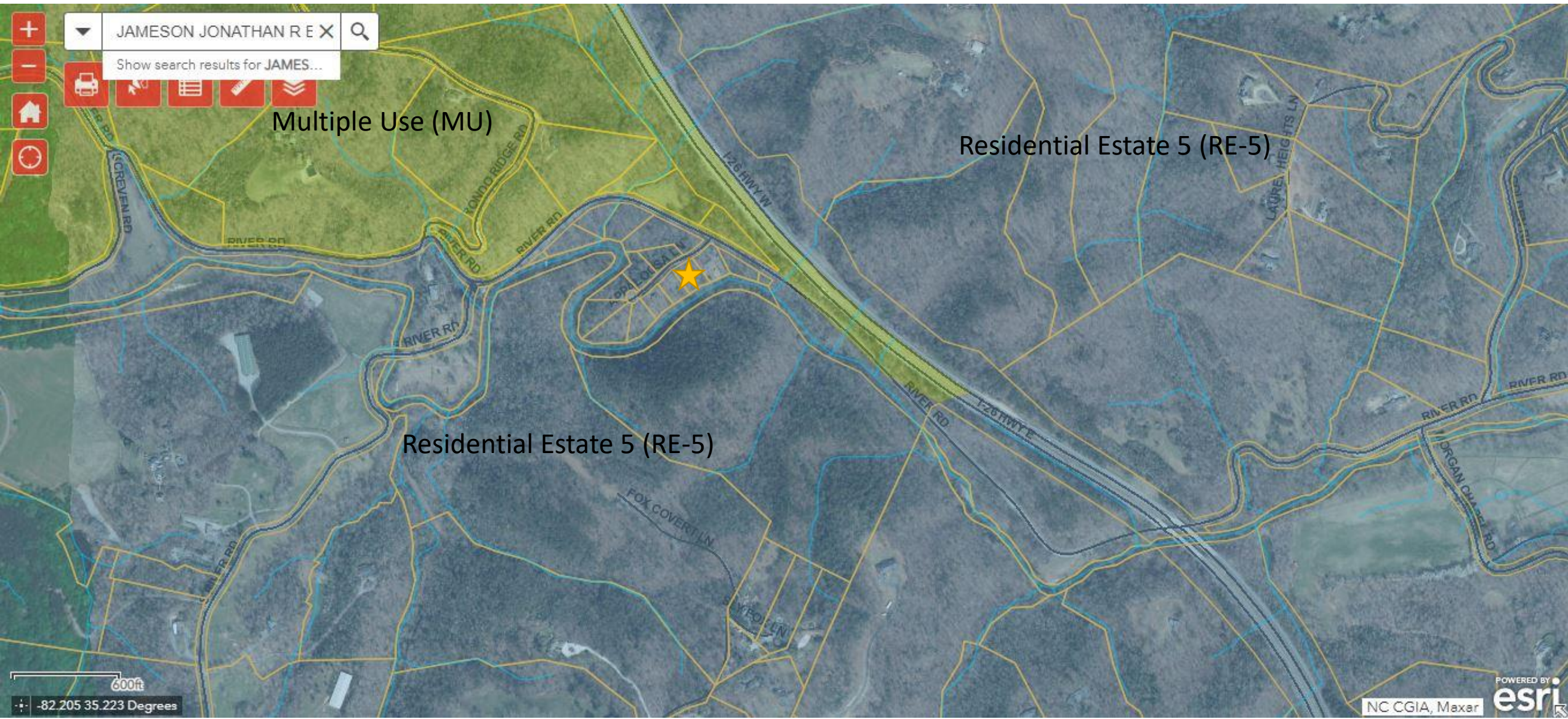


GIS 500-Year Non-Encroachment Flood Hazard Area

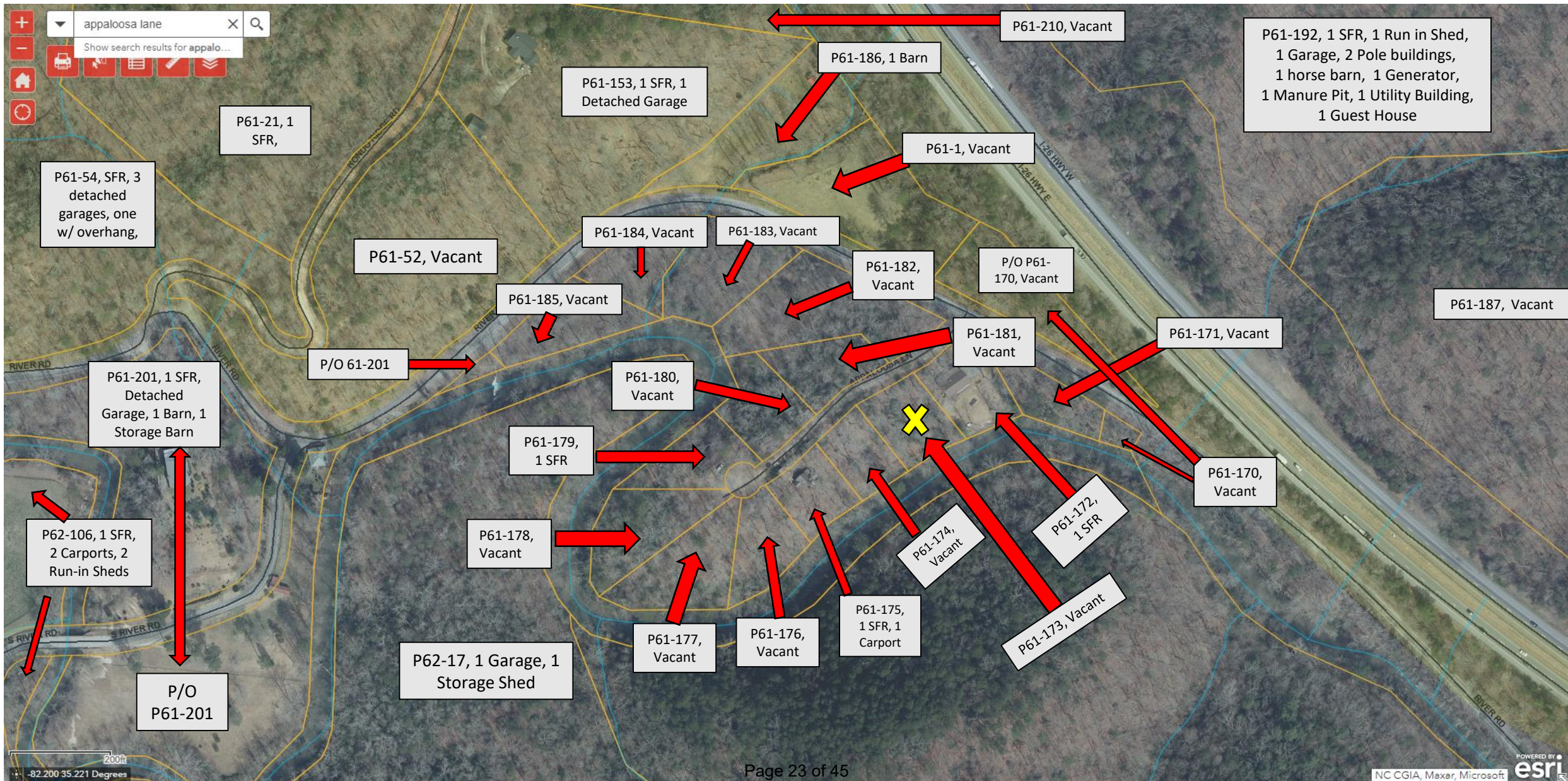
- Note it is permissible to build within this area without extra requirements from the Polk County Flood Ordinance.



Zoning



Surrounding Property Uses



AFFIDAVIT OF MAILING

State of North Carolina
County of Polk

Re: Notice of Board of Adjustment Hearing

Chelsea V. Allen of Polk County, North Carolina, being duly sworn, states that on the 20th day of June 2023, she personally Mailed, first-class the public notice that reads, "Notice of Board of Adjustment Hearing" to the following property owners and adjacent property owners:

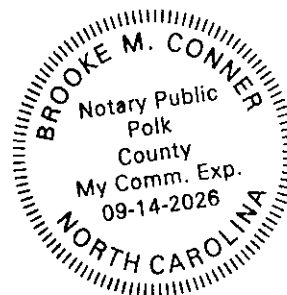
SEE ATTACHED LIST

Chelsea V. Allen
Chelsea V. Allen

Subscribed and sworn to before me this 21st day of June 2023.

Brooke M. Conner
Notary Public

My Commission Expires: 09/14/2026



Adjacent Property Owners – Hidden River Variance, Docket 2023-01 (VA)

Applicant's Address:

JAMESON JONATHAN R ET UX, JAMESON JANICE R, P61-173
107 SPRUCE PINE LN
ZIRCONIA, NC
28790

Adjacent Property Owner's Addresses:

BURNETT COMMUNITY DEVELOPMENT, LLC, P61-172
7254 HWY 11
CAMPOBELLO, SC
29322

PACOLET AREA CONSERVANCY, P61-174
850 N TRADE ST
TRYON, NC
28782

PACOLET AREA CONSERVANCY, P61-181
850 N TRADE ST
TRYON, NC
28782

PACOLET AREA CONSERVANCY, P61-182
850 N TRADE ST
TRYON, NC
28782

NC FARMS LLC, P76-101
PO BOX 14636
ATLANTA, GA
30324

AFFIDAVIT OF POSTING

State of North Carolina
County of Polk

Re: Notice of Public Hearing

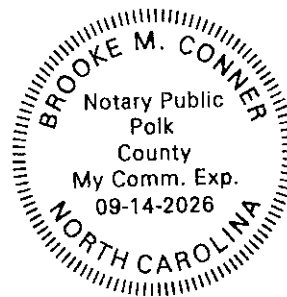
Chelsea V. Allen of Polk County, North Carolina, being duly sworn, states that on the 16th day of June 2023, she personally posted the attached photographed notice that reads, "Public Hearing Board of Adjustment Hearing 5 PM July 11, 2023, 40 Courthouse St. Polk County Call 828-894-2732."

Chelsea V. Allen
Chelsea V. Allen

Subscribed and sworn to before me this 20th day of June 2023.

Brooke M. Conner
Notary Public

My Commission Expires: 09/14/2026



Sign Posting Locations



Public Hearing
Sign was posted
at the corner of
Appaloosa Lane
and River Road.



Exhibit XK.4

The first of two public hearing signs, posted on Appaloosa Lane, facing River Road.



Exhibit XK.5

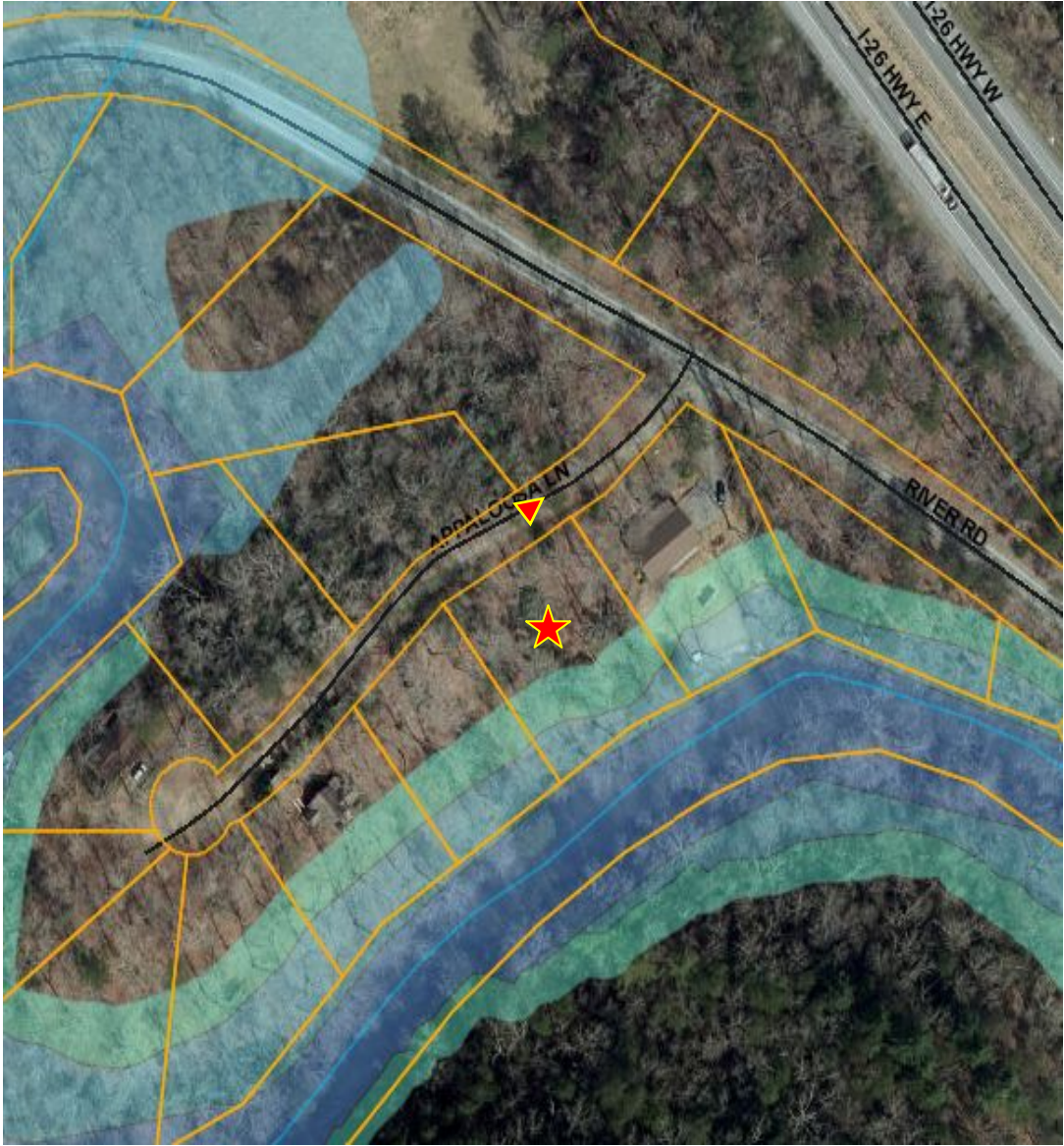
The second public hearing sign posted on Appaloosa Lane is closer to the cul-de-sac at the end of the road.



Sign Posting Location

Exhibit XL.1

Standing facing River Road



**Facing left portion of front property line
from the center of the road.**



Exhibit XL.2

Aerial View - Vantage/Viewpoint



Front View of P61-173 - Middle of Parcel



Aerial View of Photographed Location



View of parcel across from P61-173



Exhibit XL.4

Aerial View of Photographed Location



Left side of Appaloosa Lane facing River Road.

Exhibit XL.5

Aerial View - Photograph Location



Second sign posted on left side of Appaloosa Lane facing toward culdesac at the end of road.

Exhibit XL.6

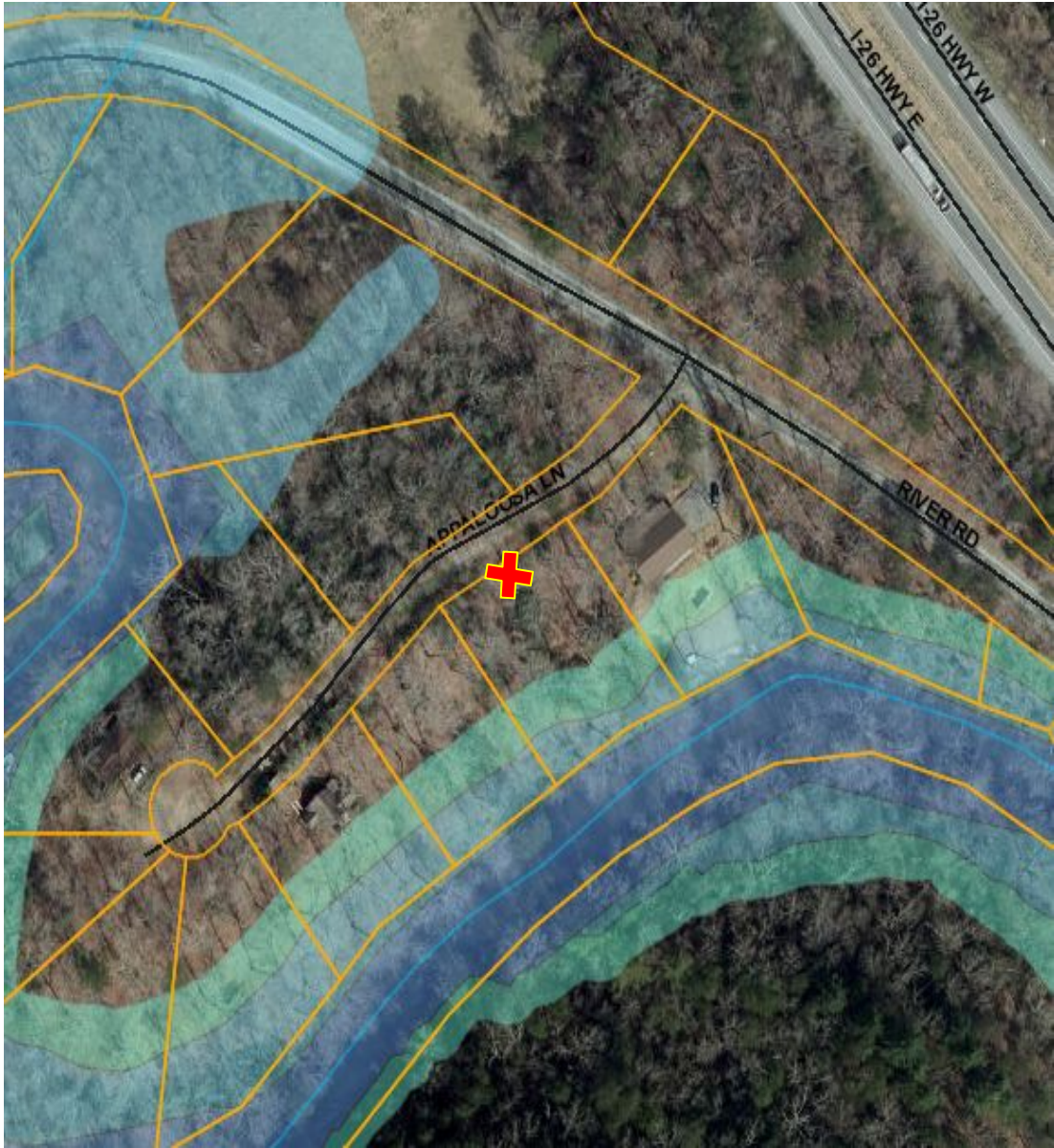
Aerial View of Second Sign Posting Location



Front View of Jameson's Parcel, P61-173



Aerial View - Photograph Location



View across the road from P61-173



Exhibit XL.8

Aerial View - Photograph Location



Midway in front of P61-173 facing end of road/culdesac



Aerial View - Photograph Direction



First of two signs posted on left side of Appaloosa Lane, facing end of road (Culdesac)



Aerial View - Photograph Location



**Existing Single Family Residence on left before
pacel P61-173**

Exhibit XL.11



Aerial View - Existing SFR beside (P61-173)

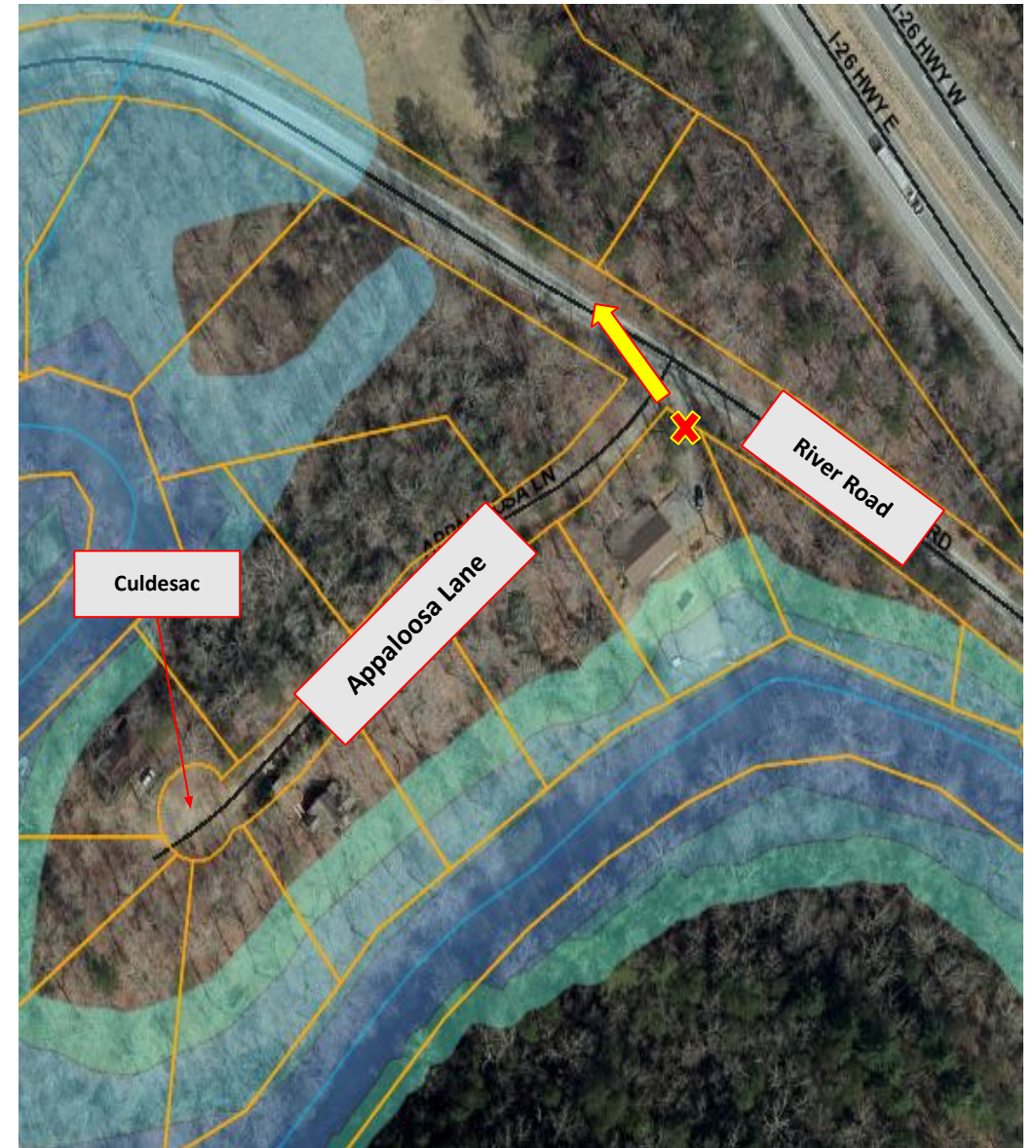


**Standing at beginning of Appaloosa Lane
facing left down River Road**



Exhibit XL.12

**Aerial View - Sign Location and direction of
photo**



**Beginning of Appaloosa Lane facing right
down River Road**



Exhibit XL.13

Aerial View - Location of Photograph



**Straight across River Road from beginning of
Appaloosa Lane**



Exhibit XL.14

Aerial View- Photograph Location



Looking Up Appaloosa Lane from River Road



Aerial View - Direction of Photograph

