

**BOARD OF
ADJUSTMENT
CONTINUATION OF
FEBRUARY 2, 2021
MEETING
MARCH 2, 2021
5:00 PM**



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

-
1. Call to Order - Continuation of February 2, 2021 Meeting
 2. Approval of Agenda
 3. Approval of Minutes from November 10, 2020
 - A. Approval of Minutes from November 10, 2020
 4. Variance - Thorpe 2021-01 (VA)
 5. Application Withdrawn - Conditional Use - Smith 2021-02 (CU)
 6. Other Business
 7. Public Comments
 8. Adjournment

POLK COUNTY BOARD OF ADJUSTMENT

AGENDA ITEM

MARCH 2, 2021 REGULAR MEETING

Agenda Item#: A.

ATTACHMENTS:

Description	Type	Upload Date
BOA Minutes 11.10.2020 - DRAFT	Exhibit	2/26/2021
Rowe - Signed Decision	Exhibit	1/25/2021

BOARD OF ADJUSTMENT
November 10, 2020 - 5:00 PM
Bryant H. Womack Building
40 Courthouse Street
Columbus, NC 28722
MINUTES

Members Present: Frank Monterisi (Chair), Hal Green, Paul Weidman, Michael Axelrod (Alternate), Robert Lariscey (Alternate)
Staff Present: Cathy Ruth (Administrator), Hannah Lynch (Secretary), and Jana Berg (County Attorney, via Zoom)
Others Present: Jonathan Rowe (Applicant)

1. Call to Order

Frank Monterisi called the meeting to order at 5:00 PM.

2. Approval of Agenda

Michael Axelrod made a motion to approve the agenda, seconded by Paul Weidman. A vote was taken and all were in favor. The motion passed unanimously.

3. Approval of Minutes

A. Approval of Minutes from October 6, 2020

Paul Weidman made a motion to approve the October 6, 2020 minutes, seconded by Hal Green. A vote was taken and all were in favor. The motion passed unanimously.

B. Approval of Minutes from October 15, 2020

Hal Green made a motion to approve the October 15, 2020 minutes, seconded by Paul Weidman. A vote was taken and all were in favor. The motion passed unanimously.

4. Conditional Use Permit Application 2020-03 (CU)

- Frank Monterisi stated they are ready to proceed with an application for a Conditional Use Permit, case number 2020-03 (CU), applied for by Jonathan Rowe. He read an overview of the Board of Adjustment's procedures, expectations, and responsibilities as pertaining to the quasi-judicial hearing.
- Frank Monterisi asked the Board if there were any ex-parte communications or relationships with the applicant to be disclosed. Michael Axelrod stated he has used Jonathan Rowe's professional services in the past on his property, but did not believe this would prevent him from being impartial in the hearing. Frank Monterisi also disclosed the same as Michael Axelrod, and it would have no effect on his decision-

making ability.

- Frank Monterisi swore in Cathy Ruth, Administrator and Jonathan Rowe, Applicant. No one was sworn in opposition to the application.
- Cathy Ruth passed out the staff report for the Board. She requested the packet be entered into evidence. Frank Monterisi accepted it as Zoning Administrator #1 (ZA-1). She went over the packet for the Board:
 - October 1, 2020 - Completed application for a Conditional Use Permit for a minor change to the original plan for the self-store facility. A Conditional Use Permit was granted and recorded in the Register of Deeds Office on January 8, 2020. It consisted of twelve storage buildings and one office located on NC Hwy 9 near the intersection of NC Hwy 9 and Landrum Road.
 - The property is comprised of 12.40 acres and is identified as Tax Parcel ID P97-4 in the tax records of Polk County. The property is located in the Multiple Use (MU) zoning district.
 - Exhibit XA - General Application Form and Certificate of Zoning Application submitted by Jonathan Rowe.
 - Exhibit XB - Zoning permit/application and receipt of \$100.
 - Exhibit XC - Recorded plat in the Register of Deeds Office dated August 21, 2019, Book F Page 1299.
 - Exhibit XD - Recorded deed in the Register of Deeds Office dated August 19, 2019, Book 442 Page 1260.
 - Exhibit XE - Tax Parcel Report for P97-4 from the Polk County GIS site.
 - Exhibit XF - Tax Parcel Report for P97-4 from the Polk County GIS site with an aerial view.
 - Exhibit XG - Aerial view with identified land uses in the area of P97-4 from the Polk County GIS site.
 - Exhibit XH - Aerial view from the Polk County GIS site with the zoning.
 - Exhibit XI - Affidavit of mailing and posting with photo.
 - Exhibit XJ - Conditional Use Permit 2019-05 (CU) signed and recorded January 8, 2020, Book 445 Page 1848.
- Cathy Ruth also passed out photos of the site to the Board. She requested the photos be entered into evidence. Frank Monterisi accepted it as Zoning Administrator #2 (ZA-2). Cathy Ruth went over the pictures of the site.
 - Frank Monterisi asked about the elevation difference from NC Hwy 9 and the buffer trees planted by the applicant. Cathy Ruth explained she wasn't a good judge of distance, but the trees are planted higher than the end of the driveway on the property, and lower than the house adjacent to the property by around 10' at least.
 - Hal Green asked if in general, the property slopes downhill from NC Hwy 9. Cathy Ruth testified it does slope downhill, and she believes grading was done, but that would be a question for the applicant.
- Cathy Ruth handed out a copy of the prior plan approved in 2019-05 (CU). She requested this be entered into evidence. Frank Monterisi accepted it as Zoning Administrator #3 (ZA-3).
 - She explained the prior plan was approved with units for RV storage, 11 storage facilities, and an office on the driveway. This

- plan also included information for the soil and erosion plan, and the slope of the property is shown.
- Cathy Ruth handed out a copy of the new proposed plan. She requested this be entered into evidence. Frank Monterisi accepted it as Zoning Administrator #4 (ZA-4).
 - She explained there are additions to this plan, and that the plan does meet the requirements for height limits, parking, and all requirements of the Polk County Zoning Ordinance. She explained if this new plan is approved by the Board of Adjustment that it will also need to be approved as a new Group Development by the Polk County Planning Board. She explained this was done for the first plan, but this will need to be added as a condition to this plan.
 - Frank Monterisi asked if the prior Group Development would not go with the property. Cathy Ruth explained it would need a new Group Development because the plan has different features, and the applicant is aware of the requirement.
 - Frank Monterisi asked what the height requirement is for the plan. Cathy Ruth explained the maximum height is 40'.
 - Jonathan Rowe presented a PowerPoint presentation on his requested project. He requested the presentation be entered into evidence. Frank Monterisi accepted it as Applicant #1 (AP-1).
 - Jonathan Rowe began by thanking the Board for listening to his case again, and he apologized for having to bring it in front of them a second time. He explained when they began grading the property his plans changed. He is not requesting any buildings be put closer to the edges of the property, and none closer to the road (NC Hwy 9) except for the office. He explained the slope lines on the original plan ended up not being nearly as drastic as previously shown, which allowed him to end up with significantly more space and less banks. The new proposed plan has come from that, and he would like to utilize the extra space by putting more buildings in.
 - He showed pictures of the site as it currently is, and a buffer line of trees has been planted. These are Brody Cedars that are expected to get to about 15' in height, and they are set approximately 20' lower in elevation than NC Hwy 9.
 - Jonathan Rowe testified the "house" Cathy Ruth referred to in her testimony is actually a barn, and the only house near the property is across NC Hwy 9. He testified he owns some of the treeline around the property.
 - He stated the office is moving in the new plan from the right side of the driveway to the left side, and closer to the road due to the way the grading ended up working out on site. He stated it will meet the setbacks required by the Polk County Zoning Ordinance, even though it does not show that on the plan.
 - He stated no boundaries were pushed, meaning no buildings would be placed any closer to property lines. He testified there is a creek in the woods to the back of the property, and that dictated the extent to which they could push the buildings toward the edges of the property.

- Jonathan Rowe went through the four criteria for issuing a Conditional Use Permit:
 1. The proposed use complies with the standards for such use, if any, contained in the Zoning Ordinance.
 - Jonathan Rowe explained Cathy Ruth's testimony covered the plan meeting the standards of the Zoning Ordinance, and that the plan will meet all height, parking, and any other requirements as needed.
 2. The proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of such proposed use.
 - Jonathan Rowe stated he will be adding fencing to the property for safety, and it will be a 6'H chainlink fence on the storage building side of the trees, down the bank. It will not be very visible from NC Hwy 9, and it will go along the slope.
 - He explained lighting would be low impact and directionally faced.
 - All storage buildings will have pest control and there will be a nightly patrol by a county police officer.
 - Jonathan Rowe handed out a letter from Bobby Arledge, Polk County Fire Marshal, and requested it be entered into evidence. Frank Monterisi accepted it as Applicant #2 (AP-2). The letter states the new plan does meet the requirements for the Polk County Fire Code.
 - Jonathan Rowe also explained the property is located in a straightaway area of NC Hwy 9, in a lower speed limit area, and the driveway is DOT approved and built to their specifications.
 3. 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.
 - Jonathan Rowe stated at the last hearing he had a real estate appraiser in attendance who testified the use of the property would not lower the value of surrounding properties. Jonathan Rowe stated as the use is the same, that is the case with the new plan as well.
 4. 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.
 - Jonathan Rowe testified the property will be in harmony with the surrounding area due to the buffer line of trees he has planted, the low-profile building structures, and the low-impact lighting.
- Frank Monterisi asked if there were any side line changes, to which Jonathan Rowe replied there were not. Frank Monterisi also asked if there were any changes to the elevation of the buildings, to which Jonathan Rowe replied there were not. Frank Monterisi asked if there would still be RV and boat storage, which Jonathan Rowe confirmed there would be.

- Jonathan Rowe then asked the Board if there was any possibility for flexibility within the plan to move the orientation of buildings, as long as he is not adding more buildings or units.
 - Frank Monterisi stated the first time Jonathan Rowe came before the Board, there were 11 proposed buildings, not including the office, and now there are 21 buildings, not including the office. Jonathan Rowe confirmed this and that the additional buildings were due to being able to better utilize the space that was gained from the grading of the property.
 - Paul Weidman stated if the buildings are not encroaching any further into the setback, not increasing the height or visibility of the buildings, he believes the orientation of the buildings on the property seems inconsequential from the perspective of meeting the four criteria for a Conditional Use Permit.
 - Jana Berg (via Zoom) explained to the Board if they are so inclined, they may put a condition on the permit that so long as the density is not impacted and they still meet the setbacks and other criteria, they could allow for minor deviations within the site plan.
 - Frank Monterisi suggested allowing Jonathan Rowe to still have 21 storage buildings, but to allow them to be oriented as necessary.
 - Hal Green suggested adding an additional condition that the distance between buildings not be any closer as well, to which Jonathan Rowe agreed the buildings would not be any closer than 20' apart, as required by Fire Code.
 - Hal Green summarized the following conditions thus far: 20' separation between buildings, complying with all setbacks, and no more than 21 storage buildings plus an office.
- Hal Green asked if the plan was fully graded. Jonathan Rowe replied the grading is complete.
- Frank Monterisi asked about the elevation change from NC Hwy 9 to the buffer line of trees. Jonathan Rowe stated it is about a 15' elevation change to the buffer of trees, then another 20' in elevation change down to the pad where the buildings will be placed. Frank Monterisi had Jonathan Rowe confirm the buildings would be around 10' in height with the RV storage at 20' in height, to which Jonathan Rowe agreed and stated the RV storage would then be about another 10' down in elevation from the main storage buildings.
- Hal Green asked where the RV storage is located on the plan. Jonathan Rowe stated the RVs are shown as buildings #8-11 on the new plan.
- Michael Axelrod stated it appears some buildings on the plan are closer to the lot lines than in the prior plan. He stated the office building in particular looks to encroach on the required setback. Jonathan Rowe stated that was an error on the drawing, and that the office building would meet the required setback.
- Jana Berg asked for clarification on the number of buildings being proposed on the new plan. Jonathan Rowe confirmed there will be 21 storage buildings (including the RV storage), plus an additional

office, allowing for 22 buildings total.

- Michael Axelrod asked about the two front parcels of the property and if they would later be developed and their purpose. Jonathan Rowe explained there is no plan for these properties currently, and they are vacant. Michael Axelrod asked if they could be developed into a commercial use in the future, to which Jonathan Rowe stated they could, but there is no plan for that.
- Michael Axelrod asked Jonathan Rowe about the drainage capability of the property, and the first plan showed this. Jonathan Rowe stated the new plan does not show the full elevation lines of the property, but that the drainage plan for the proposed plan is very similar to the drainage plan on the original plan. He stated there is a ditch and a berm on the outside of the property and down the driveway to divert the water coming onto the property. The water is kept along the edges of the property and the drainage plan has been approved by the State.
- Michael Axelrod asked about the orange portion on the plan shown and what that is, to which Jonathan Rowe replied he was not sure. Michael Axelrod asked if that was the lowest part of the property and where the creek is located. Jonathan Rowe testified the area near the orange part on the plan is the lowest point of the property, and the creek is located in the treeline in that area, approximately 15'-20' into his property. He owns both sides of the creek, and it begins as a spring that is also located on his property.
- Robert Lariscey asked about the drainage for water falling onto the property due to heavy rains, and how that water would be diverted. Jonathan Rowe explained the buildings would be built up about 8" off the ground, and the ground will slope away from them. It will flow to drains along the edges of the driveway and diverted from there.
- Michael Axelrod asked for clarification on the buffer trees planted. Jonathan Rowe testified they are Brody Cedars, which are a version of the cedar tree that is hardy but does not get too tall. They are placed every 5', and there are approximately 85 of them planted for the buffer.
- Hal Green asked if the driveway would be paved or remain gravel. Jonathan Rowe stated it would remain gravel during construction but would be paved in the future. Hal Green asked how wide the driveway is, to which Jonathan Rowe confirmed it is 20' wide.
- Frank Monterisi closed the evidentiary portion of the hearing and asked the Board if they wished to proceed with deliberation and a decision at this meeting or at a future one. Cathy Ruth passed out the Conditional Use permit worksheet from the 2019 hearing, as well as a new worksheet for this hearing.
- Frank Monterisi asked if the supporting evidence for the evaluation of property and safety from the prior hearing would still apply for this hearing. Jana Berg explained it would have been better if the witnesses were present to testify in case someone was in opposition, but as that was not the case, the Board would need to make a finding that the proposed modifications to the plan would likely not have an impact on the prior opinions of witnesses. She explained since Bobby Arledge is a

government official, his letter is sufficient as evidence because it is an exception to the rules of evidence as an official government document. Regarding property value, the Board would need to find the proposed modifications are unlikely to have an impact on the prior appraiser's opinion of low-impact on property values for reasons such as the view from the road will not change, the setbacks will be met, the tree buffer will be in place, and the increase in density is slight.

- The Board discussed proposed conditions for the use, including requiring no increase in encroachment to the setbacks and no increase to building height. Jana Berg reminded the Board to include a condition to allow minor modifications to the site plan, provided the modifications meet setbacks, the modifications do not change the density of buildings on the site, and they maintain 20' distance between buildings.
- Michael Axelrod asked what the required setbacks are, to which Cathy Ruth testified they are 25' on the front and rear, and 15' on the sides. Michael Axelrod stated if the Board agrees to approve the plan, then this would be allowing the office to be approved as drawn which is encroaching on the setback. Jana Berg suggested the conditions include the office must meet the side setback requirement of 15'.
- Frank Monterisi and Hal Green stated they believed the Board would be ready to move forward with a decision.
- Michael Axelrod stated the new plan seems to have significantly more building area and square footage than the original plan, and he was not sure how that would effect the parameters in regard to safety and property values, since it looks like the size of the project has been doubled. Paul Weidman explained in terms of the safety requirement, the 20' spacing between buildings would be met, and Bobby Arledge's affidavit (AP-2) addresses that. In relation to the prior finding that the use will not be detrimental to surrounding property values, he does not recall there being anything in the last hearing that spoke to the density or number of buildings having an impact on the value, but rather it was in regard to the fit with the surrounding area. Hal Green stated he did not believe there would be an increase in traffic to the property due to the additional buildings, as customers using the storage facilities would not be in and out constantly.
- Cathy Ruth requested the Board go through the worksheet from the original Conditional Use permit and the new worksheet, as well as the supporting evidence for each of them. Frank Monterisi directed the Board to the original worksheet, and asked the Board if they just wanted to make modifications to that or just add to it.
- Frank Monterisi went through the conditions from the prior approval, and suggested keeping these and adding more. The prior conditions consisted of:
 1. The development shall comply with all regulations specified in the Polk County Zoning Ordinance;
 2. It shall be constructed in accordance with the submitted site plan;
 3. It shall employ low-impact lighting;
 4. Vegetative buffers as described in the site plan shall be maintained;
 5. The maximum height of storage buildings shall be 10' and storage covers shall be no greater than 20';
 6. Plantings shall be installed on the steep berm; and

7. If the conditions addressed in this permit are violated, the permit shall be revoked, and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another Conditional Use Permit and receiving their approval can the use be again permitted.
- Frank Monterisi listed the proposed additional conditions:
 1. The new plan for the property will need to be approved by the Polk County Planning Board as a group development;
 2. All conditions set forth in the original application are to be maintained;
 3. The location of the office building must meet the side yard setback of 15';
 4. Minor modifications to the plan are permitted, so long as there is no additional encroachment into the setbacks, the proposed density is not increased, and there will be at least a 20' separation between buildings.
 - Cathy Ruth asked the Board how to modify the prior findings to have them be inclusive of this hearing. Paul Weidman suggested an umbrella statement of, "The proposed modifications do not significantly alter any of the facts on which the prior conditional use permit was issued." Jana Berg suggested this would need to be stated under each fact.
 - Cathy Ruth asked if the office building is still to be 275' from the road. Michael Axelrod and Paul Weidman stated this was evidence in the prior findings, not a condition placed on the permit. The Board agreed the office should meet the standard setbacks for the zoning district, which is addressed by the first condition stating the development shall comply with all regulations specified in the Polk County Zoning Ordinance. Michael Axelrod stated the office in particular should be called out as needing to meet the 15' side setback, and the Board agreed this would be a condition.
 - The Board agreed to alter the condition from the first conditional use permit stating "It shall be constructed in accordance with the submitted site plan," to add the statement "with the exception that the location of the office building must comply with the setback requirements."
 - Frank Monterisi asked for a vote on whether the Conditional Use application should be approved with the additional conditions applied. A vote was taken and all Board members were in favor. The vote passed unanimously and the Conditional Use Permit 2020-03 (CU) was approved with additional conditions placed upon it.
 - Frank Monterisi explained Jana Berg would be drafting the findings of facts and permit for him to review and sign, and reminded the Board that the application will still need to go in front of the Polk County Planning Board for a final group development approval.

5. Other Business

Cathy Ruth passed out a 2021 Board of Adjustment draft schedule for the Board to review. Michael Axelrod made a motion to approve the 2021 Board of Adjustment as drafted, seconded by Paul Weidman. A vote was taken and all were in favor. The motion passed unanimously.

6. Public Comments

None.

7. Adjournment

Frank Monterisi adjourned the meeting at 6:32 PM.

STATE OF NORTH CAROLINA

BEFORE THE BOARD OF ADJUSTMENT

COUNTY OF POLK

CASE NUMBER: 2019-05 (CU)

In Re: Application of Jonathan Rowe
Conditional Use Permit

DECISION

PROCEDURAL HISTORY

This matter came on for hearing before the Polk County Board of Adjustment on December 3, 2019 to consider the application of Jonathan Rowe for a Conditional Use Permit for a self-storage business on tax parcel P97-4. Having received evidence and testimony on the application and proposed use, the Board of Adjustment continued the matter and the Board met on December 10, 2019 to consider and enter a decision on the matter as developed from the December 3, 2019 hearing.

BACKGROUND

The applicant, Jonathan Rowe, submitted an application to the Board of Adjustment on October 14, 2019 seeking a Conditional Use Permit to construct and operate warehouse storage facilities and an office on approximately 12.40 acres of vacant land located on Highway 9 South in Green Creek Township, Polk County near the intersection of Highway 9, Sandy Plains Road and Landrum Road.

The property is zoned Multiple Use (MU). The MU district is intended to provide locations for most types of land uses allowed in the other zoning districts. Uses in this district should not endanger the public health and safety, not substantially injure the surrounding property values, and be in harmony with the surrounding area. Storage and Warehouse Facilities are permitted in the MU district with a Conditional Use Permit (CUP).

Because the proposed development calls for more than one principal structure to be located on the property, the applicant submitted an application to the Planning Board for approval of a group development. The group development site plan under consideration by the Planning Board shows setbacks, the size and location of the following: a driveway/entrance, roadways, an office building and associated parking, self-storage buildings, covered parking for vehicle/boat/trailer storage, a berm buffer between the structures and Highway 9 and vegetative/tree buffer along the remaining property lines. It also indicates the topography of the property.

Specifically, the group development site plan consists of five one-story 20' by 130' storage buildings), one one-story 45' by 120' storage building, and a covered parking storage area to be located at the rear/east side of the property, along with four one-story 30' by 103' storage buildings, a smaller one-story storage building to be located no closer than 275 feet from Highway 9 behind an earthen berm, as well as a one-story 30' by 40' office building and parking area located beside the driveway.

The Planning Board found the proposed group development met all applicable standards of the Zoning Ordinance and approved the group development permit, pending approval of CUP and approval of septic for the office building. The Planning Board asked the Board of Adjustment to consider adding a condition that a planting be installed at the top of the steep berm and for the lighting to be low impact lighting.

STANDARD FOR APPROVAL

The Board may approve an application for a Conditional Use Permit if it makes each of the following findings of fact:

1. The proposed use complies with the standards for such use, if any, contained in the Zoning Ordinance;
2. the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of such proposed use;
3. 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; and
4. 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.

NOW THEREFORE, on December 10, 2019, having considered the matter as presented at the December 3, 2019 hearing, the Board of Adjustment hereby makes the following:

FINDINGS OF FACT

1. On the issue of whether the proposed use complies with the standards for such use contained in the Zoning Ordinance, the Board finds by a vote of 5-0 the proposed use, *Storage and Warehousing*, complies with the standards of the Zoning Ordinance.

Evidence in support of this finding of fact includes the following:

- A. Testimony of the Planning Director that the building heights, setbacks, parking and landscaping met the Zoning Ordinance requirements.
 - B. The approved group development permit issued by the Planning Board and pending approval of septic for the office building. The Planning Board requested, "a planting to be installed at the top of the steep berm and for lighting to be low-impact and respectful."
 - C. Expert testimony of Scott Roach, PE, Odom Engineering that the drainage and site plan met state standards and that the State of North Carolina approved the site plan.
 - D. A Certificate of Plan Approval issued by the NC DEQ for an erosion and sedimentation control plan (AP-2) by the State of North Carolina.
 - E. A driveway permit issued by the NCDOT (AP-3).
2. On the issue of whether the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of such proposed use, the Board finds by a vote of 5-0 the proposed use will not adversely affect the health or safety of persons residing

or working in the neighborhood.

Evidence in support of this finding of fact includes the following:

- A. Testimony and submittal of Exhibit AP-1 from the applicant showing that the property will be fenced, there will be regular pest control, they will utilize low-impact lighting, and they will be on the nightly patrol list of the Polk County Sheriff Office.
 - B. Testimony of the Fire Marshall, Bobby Arledge that he reviewed the plans for fire code and found that it meets the requirements
 - C. Submission into evidence of Exhibit AP-3 which is a driveway permit issued by the NCDOT.
 - D. The testimony and review of aerial photographs previously submitted into evidence of the location of the property along a straight section of highway, with reduced speed, near a caution light, and on a wide section of roadway.
3. On the issue of whether 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, the Board finds by a vote of 4-1 (with Member Weidman in opposition) 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.

Evidence in support of this finding of fact includes the following:

- A. The written opinion statement received into evidence as Exhibit AP-4 from expert witness Rick Placak, Real Estate Appraiser for the applicant that there would be no negative impact on the neighborhood.
 - B. Expert opinion testimony of Rick Placak that there would be very little, if any, negative impact on the surrounding property values.
 - C. Expert opinion testimony of Rick Placak that with the proposed business being as far off the property line as proposed, with a buffer planting, it will not have an impact on the surrounding property values.
 - D. Lay testimony of Ray Gasperson, the only neighbor present, that he appreciated the improved view scape of the land clearing, and view of the mountain.
 - E. Aerial photo contained in Exhibit AP-1 which showed the indicated presence of numerous commercial uses in the immediate vicinity of the proposed use.
4. On the issue of whether 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, the Board finds by a vote of 5-0 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.

Evidence in support of this finding of fact includes the following:

- A. The testimony of the applicant, the site plan and Exhibit AP-1 submitted by the applicant show the site will be developed and provide low-impact lighting, fencing, buffer, a higher elevation of the roadway in relation to the structures, a berm, low-profile buildings (AP-1).

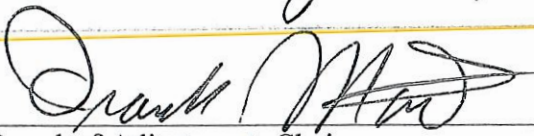
- B. The testimony of the applicant that the color palette of the buildings will be in harmony with the surrounding natural surroundings.
- C. The applicant testified he will have a low vegetative hedge that will not block the views and will maintain arbor buffers around the perimeter or provide a similar screening.
- D. The site plan indicates the business will be located 275' from road.
- E. Aerial photos indicated the presence of numerous commercial uses in the immediate vicinity of the proposed use (AP-1).

CONCLUSION OF LAW

BASED UPON THE FOREGOING FINDINGS OF FACT, the Board concludes as a matter of law the applicant produced substantial, material and competent evidence that the proposed use satisfies the standards of the Polk County Zoning Ordinance and concludes as a matter of law that the permit should be granted. The permit is hereby granted subject to the applicable provisions of the Polk County Zoning Ordinance, and the following special conditions which the Board of Adjustment finds to be in the public interest:

- A. The development shall comply with all regulations specified in the Polk County Zoning Ordinance;
- B. It shall be constructed in accordance with the submitted site plan;
- C. It shall employ low-impact lighting;
- D. Vegetative buffers as described in the site plan shall be maintained;
- E. The maximum height of storage buildings shall be 10 feet and storage covers shall be no greater than 20';
- F. Plantings shall be installed on the steep berm; and
- G. If the conditions addressed in this permit are violated, the permit shall be revoked, and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another Conditional Use Permit and receiving their approval can the use be again permitted.

This the 8th day of January 2020.



Board of Adjustment, Chair

POLK COUNTY BOARD OF ADJUSTMENT

AGENDA ITEM

MARCH 2, 2021 REGULAR MEETING

Agenda Item#: 4.

ATTACHMENTS:

Description	Type	Upload Date
Thorpe 2021-01 (VA) - Staff Report	Exhibit	1/25/2021



To: Zoning Board of Adjustments

From: Cathy Ruth, Zoning Administrator

Date: February 2, 2021

Re: In the Matter of the Application of Mosseller Construction LLC and Daniel Thorpe
for a Variance, Docket No. 2021-01 (VA)

A. Action Requested by Board of Adjustment

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

B. Background

1. In December 2020, Payton Peters, Mosseller Construction LLC came into the Planning office and requested information about opening a variance for an addition to an existing residence on P58-39. The Planning Administrator explained the process and provided Payton Peters a copy of the Polk County Zoning Ordinance, the Variance handout, an application and the Polk County Board of Adjustment Rules of Procedure for Quasi-Judicial Proceedings.
2. On December 28, 2020, Payton Peters and Daniel Thorpe applied to the Board of Adjustment for a variance at 1616 White Oak Mountain Road, Columbus, NC 28722
3. The property, comprised of 2.49 acres, is identified as Tax Parcel P58-39 on the tax records of Polk County. The property is located in the Multiple Use (MU) zoning district.
4. Exhibits included:
 - Exhibit XA consists of the General Application Form and site plan drawing submitted by Payton Peters and Daniel Thorpe.
 - 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 April 22, 2019, Book 439, Page 2456.

- Exhibit XD consists of the recorded Instrument of Recombination in the Register of Deeds Office dated April 22, 2019, Page 439, 2479.
- Exhibit XE consists of the Polk County Property Card tax record for P58-39.
- Exhibit XF consists of the Tax Parcel Report for P58-39 from the Polk County GIS site with an aerial view
- Exhibit XG consists of P58-39 from the Google site with an aerial view.
- Exhibit XH consists of an aerial view of the surrounding parcels' zoning and current uses around P58-39 from the Polk County GIS site.
- Exhibit XI consists of pictures taken from the site.



LOC. 137
P58-39
ZP 21382

GENERAL APPLICATION FORM

Docket No: _____

Date: 12/28/2020 *rel. rec'd #1212812020*Permit Fee: \$100.00

Receipt #: _____

Permit or Relief Requested: Appeal*☒ Variance☐ Conditional Use PermitApplicant: Mosseller Construction LLCOwner: Daniel ThopeAddress: P.O. Box 77 Lynn, NC, 28750Address: 1616 white oak mtn rd.Telephone: 828-817-6180Telephone: ~~828~~ 704-962-9995Legal Relationship of Applicant to Property Owner: BuilderPurpose of Request: 5 foot side setbackProperty Location: white oak MountainStreet Address: 1616 white oak mtn rd.Tax Map & Parcel Number: P58-39 Lot Size: 2.49 Zoning District: _____Number Of Buildings To Remain: 1 Gross Floor Area To Remain: N/ANumber Of Buildings Proposed: 1 Gross Floor Area Of Proposed Buildings: N/ATotal Square Footage Of Land To Be Disturbed: 1600 Estimated Cost Of Project: 150,000Please provide clear directions (with landmarks) to the property: go up white oak mtn rd it will be on your right 1616 - Hawksview

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

The applicant (if an owner of the property) grants the members and staff of the Polk County Zoning 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.

Signature of Applicant

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

XA-2

SURVEYOR CERTIFICATES:

I, TYRONE D. CANTRELL, CERTIFY THAT THIS MAP WAS DRAWN BY ME FROM AN ACTUAL FIELD SURVEY MADE BY ME ON OCTOBER 28, 2020; THAT THE RECORD REFERENCES ARE AS SHOWN ON THE FACE OF THIS PLAT; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY SHOWN AS BROKEN LINES AND WERE PLOTTED FROM RECORD REFERENCES AS SHOWN ON THE FACE OF THIS PLAT; THAT THE ERROR OF CLOSURE IS GREATER THAN 1 : 10,000; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH SECTION 1600 OF THE STANDARDS OF PRACTICE FOR LAND SURVEYORS IN NORTH CAROLINA AS AMENDED.

THAT THIS SURVEY IS OF AN EXISTING PARCEL OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

WITNESS MY HAND AND SEAL THIS 28TH DAY OF OCTOBER, A.D. 2020.

Tyrone D. Cantrell
TYRONE D. CANTRELL, PLS-4150

10/28/2020
DATE

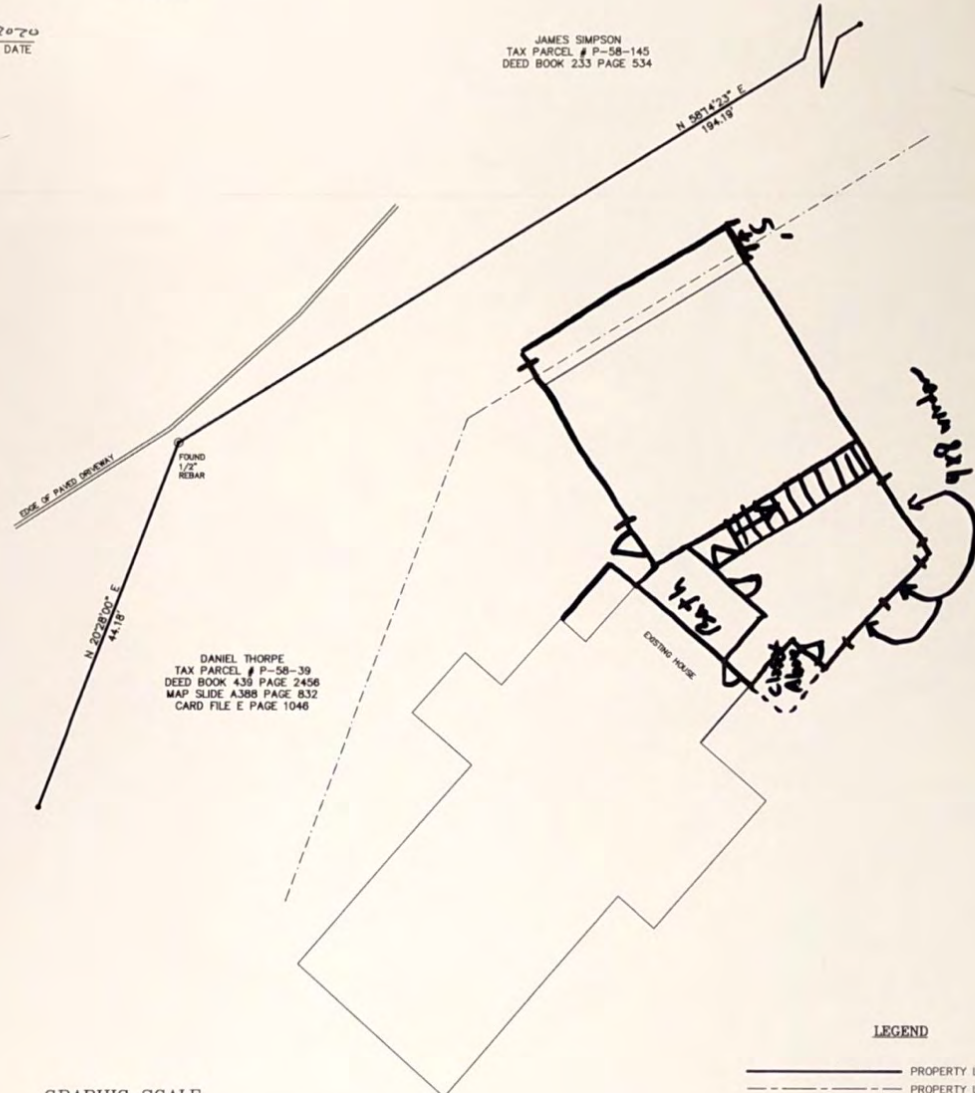


JAMES SIMPSON
TAX PARCEL # P-58-145
DEED BOOK 233 PAGE 534



GENERAL NOTES:

1. ALL DISTANCES ARE HORIZONTAL MEASUREMENTS UNLESS OTHERWISE NOTED.
2. ALL AREAS ARE CALCULATED BY THE COORDINATE COMPUTATION METHOD.
3. ALL PROPERTY CORNERS ARE MONUMENTED AS SHOWN HEREON.
4. BASIS OF BEARINGS FOR THIS SURVEY IS MAP SLIDE A388 PAGE 823, POLK COUNTY REGISTRY.
5. NO NCOS MONUMENT WAS FOUND WITHIN 2000' OF SUBJECT PROPERTY.
6. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE EXAMINATION. THE SUBJECT PROPERTY MAY BE SUBJECT TO EASEMENTS, SETBACKS, RIGHT-OF-WAYS, COVENANTS, OR RESTRICTIONS THAT THE SURVEYOR HAS NO KNOWLEDGE.
7. THE SUBJECT PROPERTY DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD AREA AS PER FEMA FLOOD INSURANCE RATE MAP.



DANIEL THORPE
TAX PARCEL # P-58-39
DEED BOOK 438 PAGE 2456
MAP SLIDE A388 PAGE 832
CARD FILE E PAGE 1046

TRUE NORTH
SURVEYING & MAPPING



450 WEBBER LANE
COLUMBUS, NC 28722
828-381-4009
FIRM LICENSE # F-0953

TOPOGRAPHIC SURVEY FOR:
DANIEL THORPE
TAX PARCEL # P-58-39
COLUMBUS TOWNSHIP
POLK COUNTY, NORTH CAROLINA

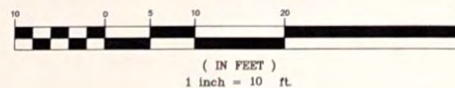
OWNER OF RECORD:
DANIEL THORPE

PREPARED FOR:
DANIEL THORPE

SCALE: 1" = 10'
ISSUE DATE: OCTOBER 28, 2020
JOB #: 2010-07
REVISIONS:

DRAWN BY: T. CANTRELL
CHECKED BY: T. CANTRELL
DRAWING FILE: 2010-07.dwg

GRAPHIC SCALE



LEGEND

- PROPERTY LINE SURVEYED
- - - PROPERTY LINE NOT SURVEYED
- - - RIGHT-OF-WAY LINE
- - - BUILDING SETBACK LINE
- ⊙ FOUND PROPERTY CORNER
- SET PROPERTY CORNER
- CALCULATED POINT

Request for Setback Variance

Dear White Oak Mountain Association, Inc. Architectural Committee

I am formally requesting a variance for my set back between my property line and my neighbor (Rick and Linda Simpson). As was formally approved, I am building a garage (addition) to my existing property. Given the layout of the land and existing house, it will be near impossible to drive in to the garage spot that is closest to the house. I would like to extend into the easement 5 feet as indicated on the attached plan (per Payton Peters of Mosseler Construction). This is the best solution for several reasons:

- 1) It will have the least impact on my existing land – as by not doing it, I would have to further angle the garage which would require much more (massive) retaining walls on the back of the garage.
- 2) This will have no material impact on the ground of the Simpon's property as most of this is foundation that will be below grade. Also, the variance will allow the foundation/walls to lie on the existing easement, however the roof overhang will cross the existing easement by 2 – 3 feet.
- 3) This will be further designed to include erosion control which will be better than existing (to include landscaping)

Please follow up with Payton or myself on any questions.

Regards,

Dan



12/22/20

Daniel Thorpe

Homeowner – 1616 White Oak Mountain Road.

Cell: 704 - 962 - 9995

ARTICLE V WAIVER OF SETBACKS, LOCATION AND SIZE OF IMPROVEMENT ON LOTS The Architectural Committee is hereby authorized and fully empowered, upon unanimous vote of all of its members, to waive compliance with the location, construction or alteration requirements of any permanent improvements upon the real property, if, in the opinion of all of the members of said Architectural Committee, the same shall be necessary to prevent undue hardships because of special circumstances attendant to the real property involved and if in the opinion of the members of such Committee, such violation or violations are minor, will cause no substantial injury or undue hardship to any other property owners, and will not adversely affect the common scheme of development. The waiver, approval or ratification by the Architectural Committee in accordance with terms of this paragraph shall be binding upon all owners of Numbered Lots at the Association, and the power of waiver herein conferred upon the Architectural Committee shall be construed strictly.

XA - 4

**White Oak Mountain Association, Inc.
Architectural Committee
PO Box 1106, Columbus, NC 28722-1106**

Mr. Daniel Thorpe
23151 Fashion Drive #6206
Estero, FL 33928

Sent via email:

December 26, 2020

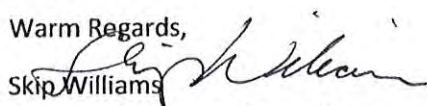
Reference: Your Request for Setback Variance

Dear Mr. Thorpe,

The Architectural Committee met (via emails and text) on December 24, 2020 and examined your request.

We are pleased to Approve your Request for 5-foot Variance to the 15 foot Setback along the Simpson/Thorpe boundary, as provided for by: Article V, White Oak Mountain Association, Inc. Declaration of Covenants and Restrictions White Oak Company, Polk County Registry, Book 165 at Page 1884-1905.

Warm Regards,


Skip Williams

Chair, Architectural Committee

Payton Peters
828-817-6180

DATE 12/28/20
TIME 15:50:07
USER PLYVETTE

XB-1 FOLK COUNTY
APPLICATION AND PERMIT

PAGE 1
PROG# PT2000

PERMIT NUMBER ZP 21382 ZONING PERMIT APPLIED 12/28/2020
WORK ORDER# 35940 TYPE ZONING BOARD OF ADJUSTMENT ISSUED 12/28/2020
LOCATION 1616 WHITE OAK MOUNTAIN RD EXPIRES 6/26/2021
PIN HEALTH
PARCEL ID P58-39 COLUMBUS REFERENCE
TOWNSHIP 9 COLUMBUS-OUTSIDE ACREAGE 2.490 CENSUS TRACT
WATERSHED NOT IN WATERSHED FLOOD PLAIN? N SBC#
DIRECTIONS HWY 108 TO SKYUKA RD BEAR R/ ONTO HOUSTON RD; L/ON WHITE OAK
MOUNTAIN RD; 2 MILES ON R/ BELOW RD IN LONG SWITCHBACK TO L

MOSELLER CONSTRUCTION LLC OWNER ID 56926
PHONE 8288176180

PO BOX 77

LYNN NC 28750

OWNER THORPE DANIEL W 704-926-9995
OCCUPANT

SUBDIVISION
M/HOME PARK LOT #: 38&9
ZONING DISTRICT MU
COND/SPECIAL USE
SETBACK FRONT: 25 REAR: 25 RIGHT: 15 LEFT: 15
PARKING SPACES
SIGNS/PAVING
TYPE WATER/SEWER P/P PRIVATE-PENDING APPROVAL 2A CONVENTIONAL SEPTIC SYS
DESCRIPTION APPLICATION FOR BOARD OF ADJUSTMENT HEARING - REQUESTING
VARIANCE OF 5' INTO 15' SETBACK

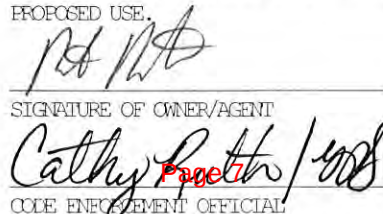
SURVEYOR
GENERAL

SITE PLAN

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PERMIT ISSUED: 12/28/2020 BY: PLHLYNCH PERMIT EXPIRES: 6/26/2021 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.


SIGNATURE OF OWNER/AGENT
Cathy R. H. / 1028
CODE ENFORCEMENT OFFICIAL

12/28/2020
DATE

CASH RECEIPT

XB-2

POLK COUNTY

User ID : PLYVETTE Collected By : PLYVETTE
Todays Date : 12/28/2020 Transaction Date 12/28/2020 Number 829819
For : ZONING PERMITS

Received From : THORPE DANIEL W PMT# ZP00021382 CK# 0000003040

Total Transaction Amt 100.00 CK#: 3040

XC-1

	
Doc ID: 004741490004 Type: CRP	
Recorded: 04/22/2019 at 01:02:19 PM	
Fee Amt: \$1,319.00 Page 1 of 4	
Revenue Tax: \$1,293.00	
Polk, NC	
Sheila Whitmire Register of Deeds	
BK 439	PG 2456-2459

Excise Tax \$1,293.00

Recording Time, Book and Page

Tax Parcel Identification No.: P58-39 & P58-216

Verified by Polk County:

 Assessor *LM*
 Collector *LM*
 Land Use *LM*

Mail after recording to See Below

✓ This instrument was prepared by Feagan Law Firm, PLLC, P.O. Box 309, Columbus, North Carolina 28722

Brief description for the Index

2 Tracts, White Oak Mountain

NORTH CAROLINA GENERAL WARRANTY DEED

 THIS DEED made this 10th day of April, 2019, by and between

GRANTOR

GRANTEE

**HAWK'S VIEW AT WHITE OAK, LLC,
 a North Carolina Limited Liability Company**
DANIEL W. THORPE
**Address: 1617 Elizabeth Avenue
 Charlotte, NC 28204**
**Address: 17304 Hidden Estates Circle
 Ft. Myers, FL 33908**
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 Columbus Township, Polk County, North Carolina and more particularly described as follows:

**BEING THE IDENTICAL PROPERTY DESCRIBED IN THE ATTACHED EXHIBIT "A" WHICH IS
 INCORPORATED HEREIN BY REFERENCE AS IF FULLY SET FORTH**

XC-2

THE ABOVE DESCRIBED PROPERTY IS NOT GRANTOR'S PRIMARY RESIDENCE FOR THE PURPOSES OF N.C.G.S. 105-317.2(2)

The property hereinabove described was acquired by Grantor by instrument recorded in Book 417, Page 324, Polk County Registry.

A map showing the above-described property is recorded in Map Slide A-388 at Page 823 and Card File E at Page 1046.

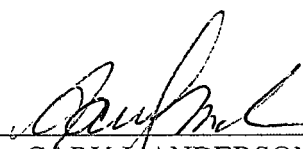
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

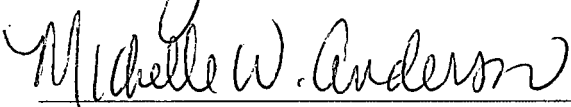
And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons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

- a. Subject to all rights of way for public utilities;
- b. Subject to all rights of way for public or private streets, roadways, and/or easements, including the right of way for NCSR #1136, White Oak Mountain Road
- c. Subject to applicable Polk County zoning ordinances, if any;
- d. Subject to the Covenants and Restrictions as set forth in the attached Exhibit "A";

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.

HAWK'S VIEW AT WHITE OAK, LLC,
a North Carolina Limited Liability Company

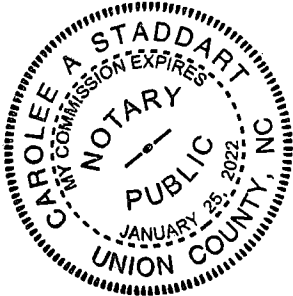

By: GARY J. ANDERSON, Member/Manager (SEAL)


By: MICHELLE W. ANDERSON aka
MICHELLE G. ANDERSON, Member/Manager (SEAL)

XC-3

SEAL-STAMP

State of North Carolina, County of Mecklenburg



I, a Notary Public of the County and State aforesaid, certify that that GARY J. ANDERSON, personally came before me this day and acknowledged that he is a Member/Manager of HAWK'S VIEW AT WHITE OAK, LLC, an North Carolina Limited Liability Company, Grantor(s), and that he as a Member/Manager, being authorized to do so, executed the foregoing on behalf of the Company.

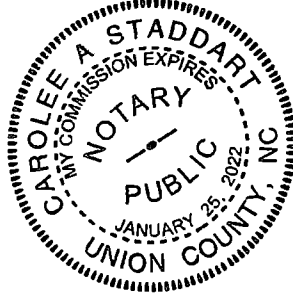
Witness my hand and official stamp or seal, this 10th day of April, 2019.

My commission expires: Jan 25, 2022

Carollee A. Staddart
Notary Public

SEAL-STAMP

State of North Carolina, County of Mecklenburg



I, a Notary Public of the County and State aforesaid, certify that that MICHELLE W. ANDERSON aka MICHELLE G. ANDERSON, personally came before me this day and acknowledged that she is a Member/Manager of HAWK'S VIEW AT WHITE OAK, LLC, an North Carolina Limited Liability Company, Grantor(s), and that she as a Member/Manager, being authorized to do so, executed the foregoing on behalf of the Company.

Witness my hand and official stamp or seal, this 10th day of April, 2019.

My commission expires: Jan 25, 2022

Carollee A. Staddart
Notary Public

XC-4

Exhibit "A"

TRACT 1: BEING all of Lot 13A, Block C, containing 1.27 acres, more or less, and being more particularly shown and delineated upon that certain plat entitled, "Survey for Robert W. and Mary Carol Boyd, Located in White Oak Twp., Polk County, North Carolina," dated August 10, 1987 and prepared by Wolfe & Huskey, Inc., Engineering and Surveying and said plat being duly recorded in Map Slide A-388, Page 823, in the Office of the Register of Deeds for Polk County, North Carolina; reference being made to said recorded Plat for a full and complete metes and bounds description of said tract, pursuant to North Carolina General Statutes 47-30(g).

TMS#: P58-39

TRACT 2: BEING all of that certain tract or parcel of land, containing 1.22 acres, more or less, and being more particularly shown and delineated upon that certain plat entitled, "Michelle G. & Gary J. Anderson," Columbus Twp., Polk Co., No. Car., dated May 19, 2004, prepared by Butler Associates Reg. Land Surveyor, Tryon, NC and recorded in Card File E at Page 1046 in the Office of the Register of Deeds for Polk County, North Carolina; reference being made to said recorded Plat for a full and complete metes and bounds description of said tract, pursuant to North Carolina General Statutes 47-30(g).

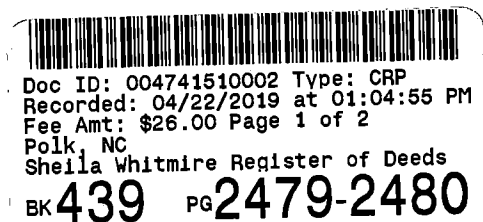
TMS#: P58-216 (formerly p/o P58-168)

The above described TRACT 1 and TRACT 2 is conveyed SUBJECT TO those reservations, restrictions, covenants, provisions and conditions applicable to White Oak Mountain Subdivision, recorded in Book 165, Page 1884, Polk County Registry.

There is also conveyed a perpetual right of way and easement, for the purposes of ingress, egress and regress, over and along the private roads leading from the above described property throughout White Oak Mountain Subdivision, to be used by the Grantees, their successors and assigns, together with all other persons having a lawful right to use the same.

This being the identical property conveyed to Hawk's View at White Oak, LLC, a North Carolina limited liability company by deed of Michelle G. Anderson (a/k/a Michelle W. Anderson) and husband, Gary J. Anderson dated December 28, 2015 and recorded in Book 417 at Page 324 in the Office of the Register of Deeds for Polk County, North Carolina.

XD-1



INSTRUMENT OF COMBINATION

✱ Prepared by: Phillip R. Feagan
Feagan Law Firm, PLLC
P.O. Box 309
Columbus, NC 28722

STATE OF NORTH CAROLINA

COUNTY OF POLK

This Instrument of Combination is made the 18th day of April, 2019, by
DANIEL W. THORPE.

Mailing Address: 17304 Hidden Estates Circle, Fort Myers, Florida 33908

WITNESS:

THAT WHEREAS, DANIEL W. THORPE owns certain real property located in
Polk County, North Carolina, which was acquired by the following Deed:

Deed from HAWK'S VIEW AT WHITE OAK, LLC, a North Carolina Limited
Liability Company, to DANIEL W. THORPE, recorded in Book 439 at Page 2456 of
the Polk County Registry (Tract 1: P58-39 & Tract 2: P58-216); and

WHEREAS, DANIEL W. THORPE, wishes to combine these properties into a
single tract of land that will be described by one common boundary line for the purpose
of complying with applicable provisions of the Polk County Zoning and Subdivision
Ordinances and North Carolina General Statutes Section 161-14.1, to create one (1) tax
parcel to be shown on the tax maps for Polk County, North Carolina; and

XD-2

WHEREAS, this is a limited, special purpose instrument executed for the reason stated, is not a conveyance and does not change nor modify in any manner the ownership interests in the described property; and

WHEREAS, by execution and recordation of this Instrument of Combination, the described properties are combined and shall be described as follows:

BEING all of that parcel containing a **total of 2.49 acres** and consisting of all of that parcel containing 1.27 acres (P58-39) and all of that parcel containing 1.22 acres (P58-216).

IN WITNESS WHEREOF, DANIEL W. THORPE, has set his hand and seal the day and year first above written.

Daniel W Thorpe (SEAL)
DANIEL W. THORPE

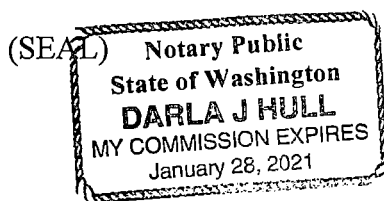
STATE OF WASHINGTON

COUNTY OF Washington/Whatcom

I, a Notary Public, certify that DANIEL W. THORPE, personally appeared before me this day and acknowledged the execution of the foregoing Instrument of Combination.

Witness my hand and notarial seal-stamp.

This the 18 day of April, 2019.



Darla J Hull
Notary Public

Darla J Hull
Printed Name

My Commission Expires: 01-28-2021

XE-1

THORPE DANIEL W
1616 WHITE OAK MOUNTAIN RD
CMB
2.490 AC TWSP: 009

YR 2020 **P58-39**
LOT 13A, BLK C
PIN:
DISTRICT: 9 COLUM TOWNSHIP- SWF

POLK COUNTY

ACCOUNT#: 56926 PAGE 1
NBHD: 0W01 WHITE OAK MOUNTAIN
Plat Bk/Pg APPR: RV2 APPR DT: 3/08/2016
1.00 EXCD: NOTICE:

PAGE 1

Bldg No.	1					Exempt Code	LAND VALUE	43,170
Imp Desc:	R03	RES - LOG HOME	EYB:	1616 WHITE OAK MOUNTAIN RD			MISC VALUE	0
Grade :	A	RESID A GRADE	AYB: 2006	Finished Area:	2,148.00		BLDG VALUE	446,542
# of Units		8 Rms	3 Bedrms	3.0 Bathrms	HBaths		TOTAL VALUE	489,712

[illegible]

PROPERTY NOTES:

PERMIT NO	TYPE	DATE	BOOK	PAGE	DT	DATE	QS	SALES PRICE
ZP00021382	ZBA	12/28/2020	439	2456	CMB	4/22/2019		
AMOUNT			439	2456	WD	4/22/2019		646,500
BP00021150	ADD	11/02/2020	417	324	WD	1/20/2016	A	
AMOUNT	175,000		310	1172	WD	2/05/2004		9,000

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

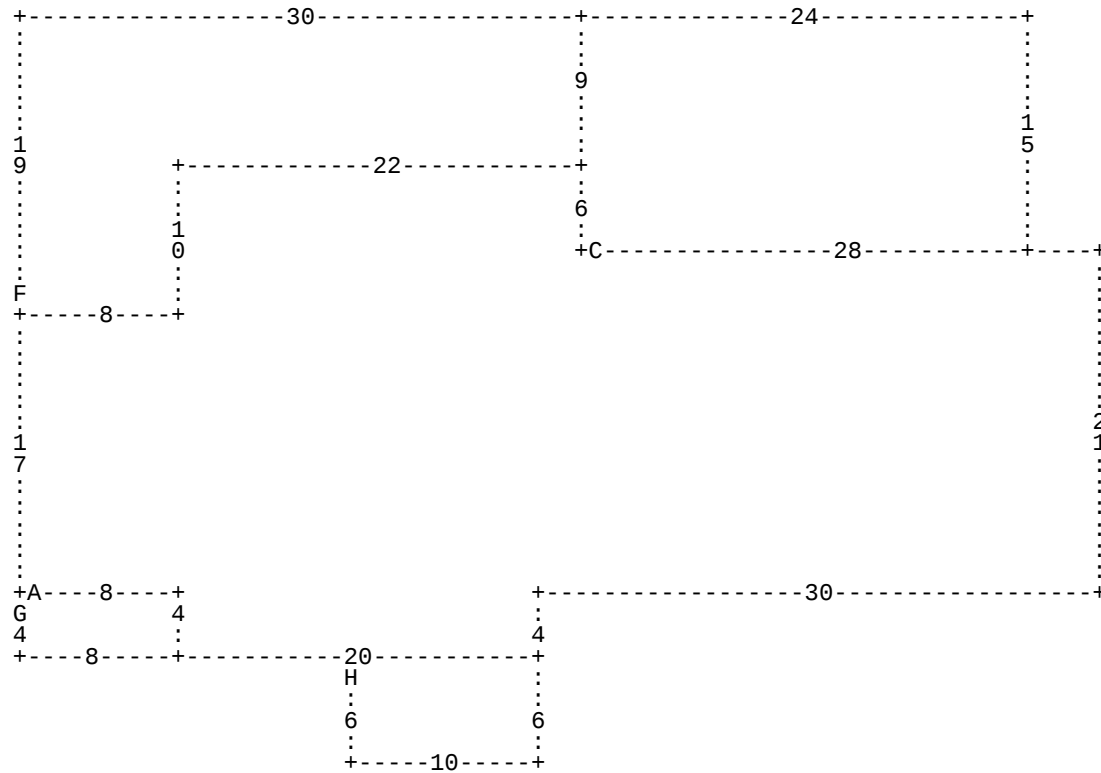
[illegible]

XE-2

POLK COUNTY

2020 P58-39

PAGE 2



A= MA R03
G= AC 50

1,398.00 RES-LOG HOME
32.00 PORCH

C= AC 76
H= AC 56

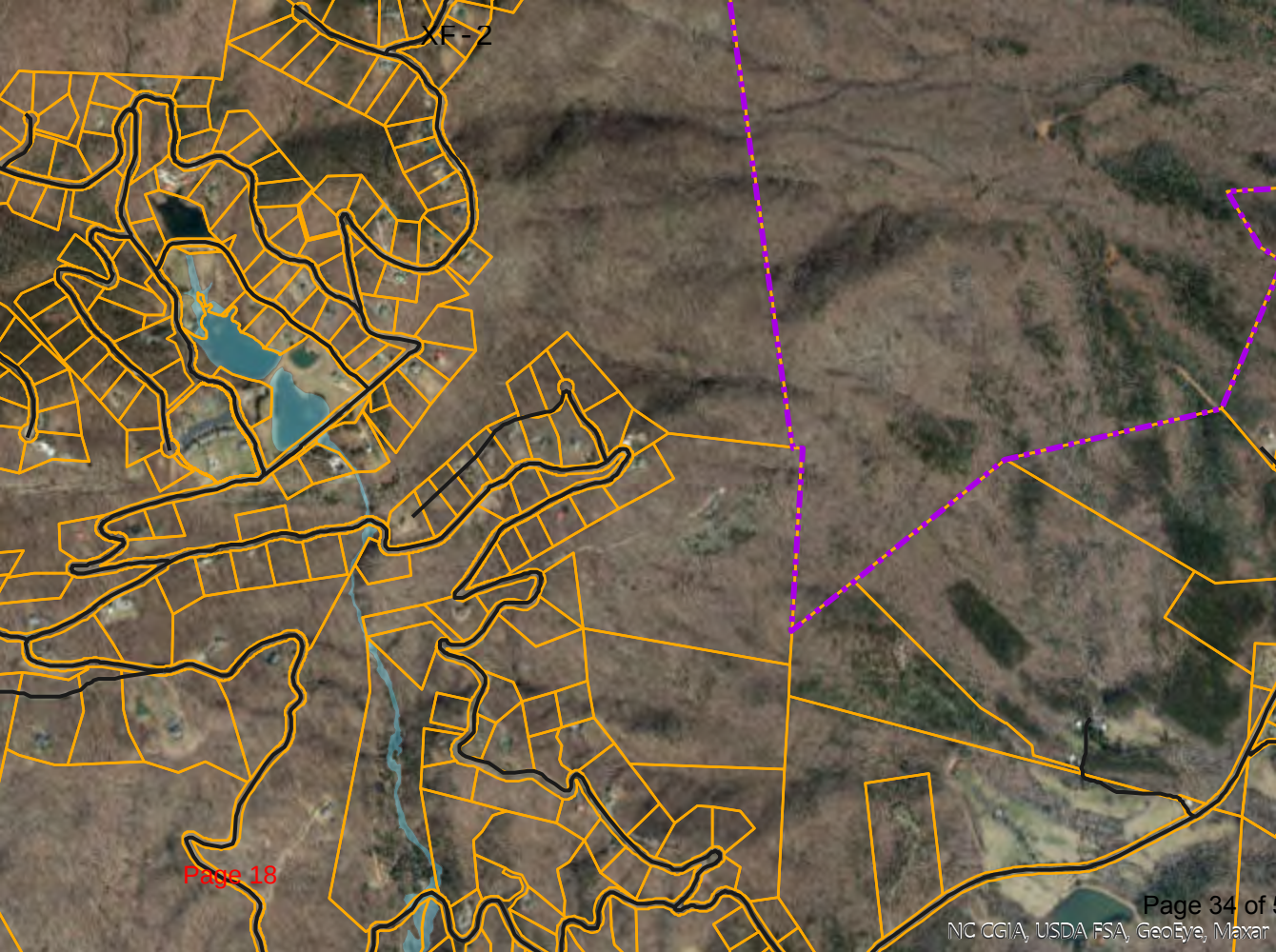
220.00 DECK - TYPICAL
60.00 PORCH - STOOD

F= AC 76

350.00 DECK - TYPICA



XF-1



XF-2

Untitled Map

X - G

Write a description for your map.

Legend



Google Earth

Page 19

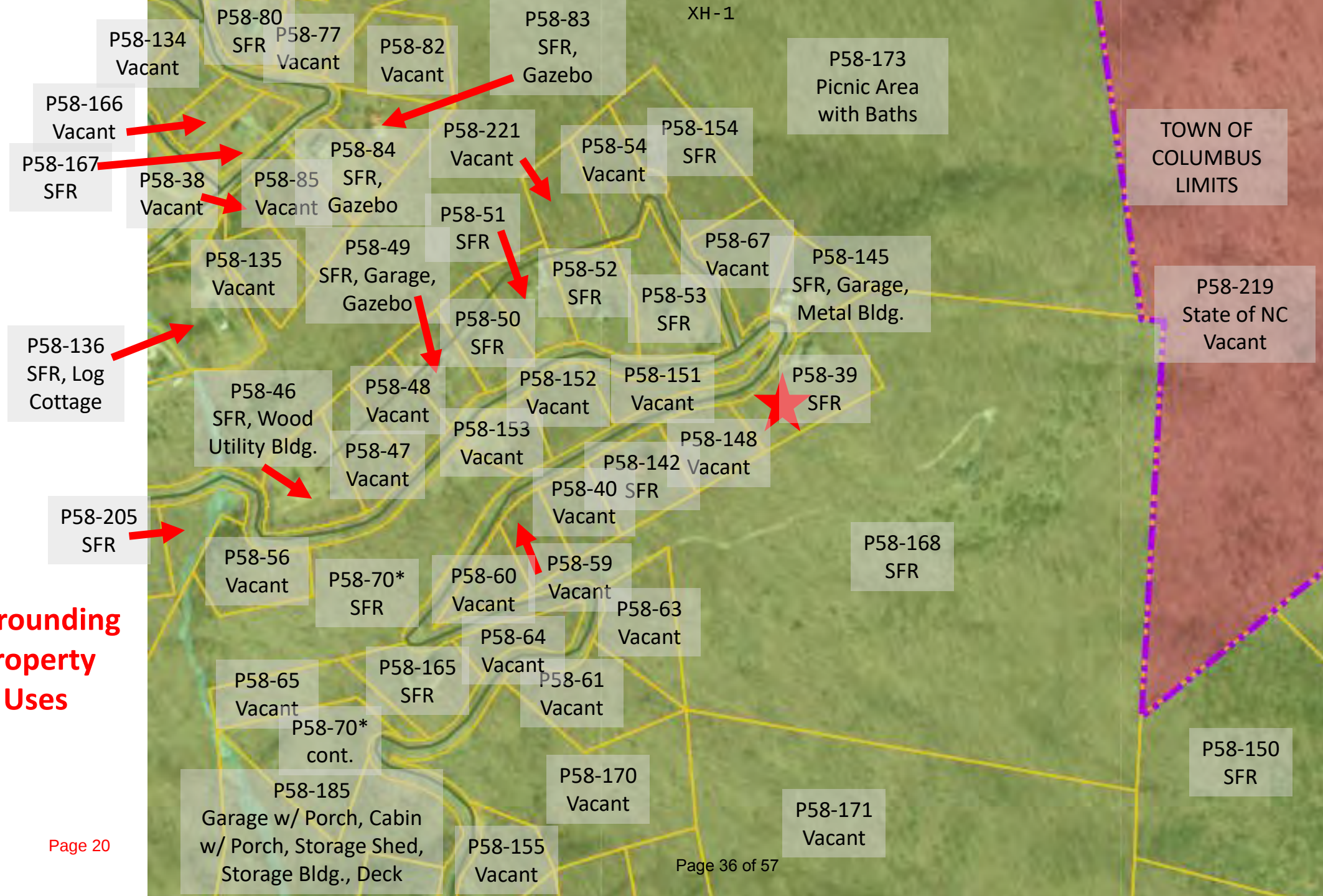
© 2020 Google

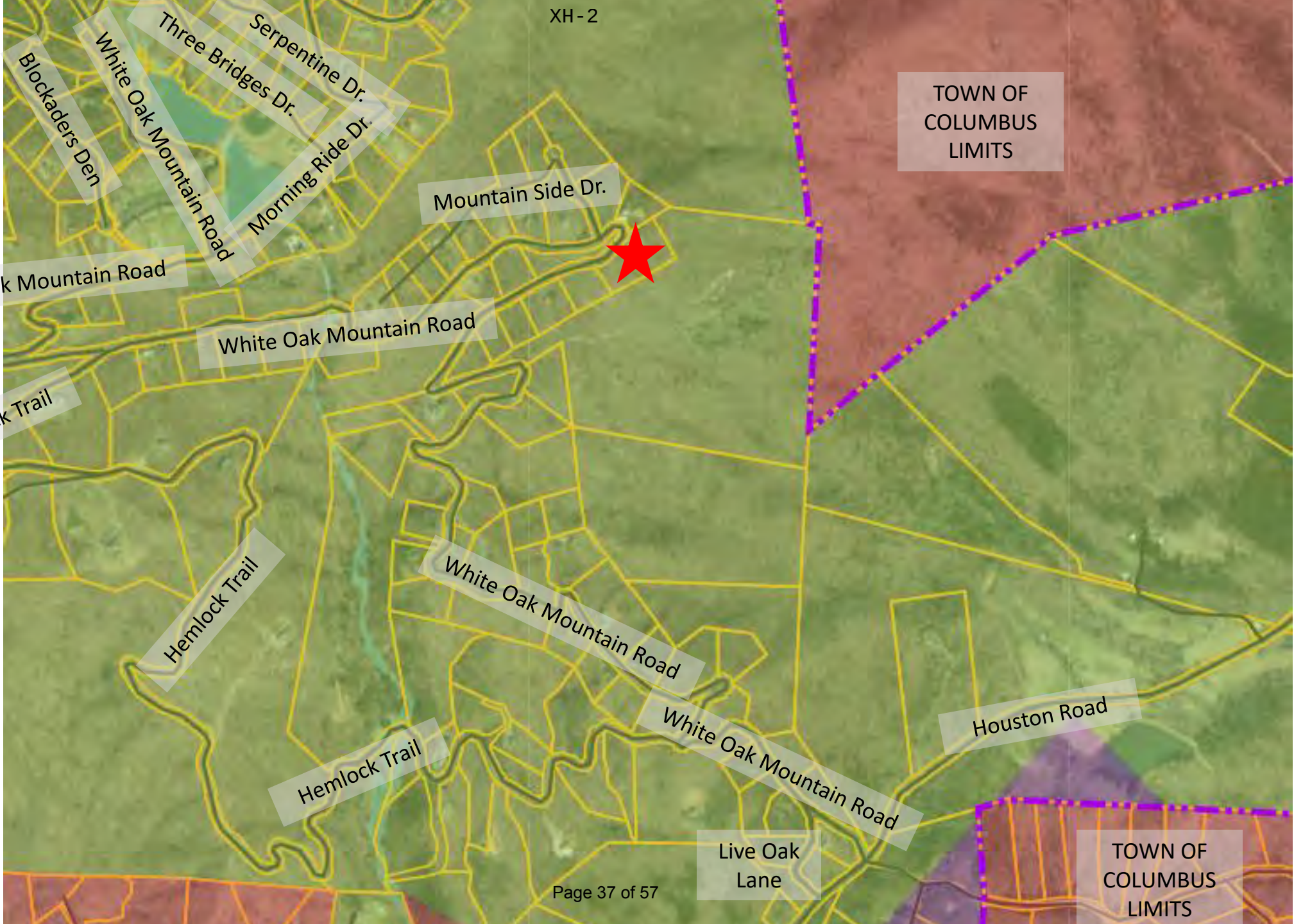
Page 35 of 57

300 ft



Surrounding
Property
Uses





XH-2

TOWN OF
COLUMBUS
LIMITS

Mountain Side Dr.



White Oak Mountain Road

White Oak Mountain Road

Hemlock Trail

Hemlock Trail

White Oak Mountain Road

Hemlock Trail

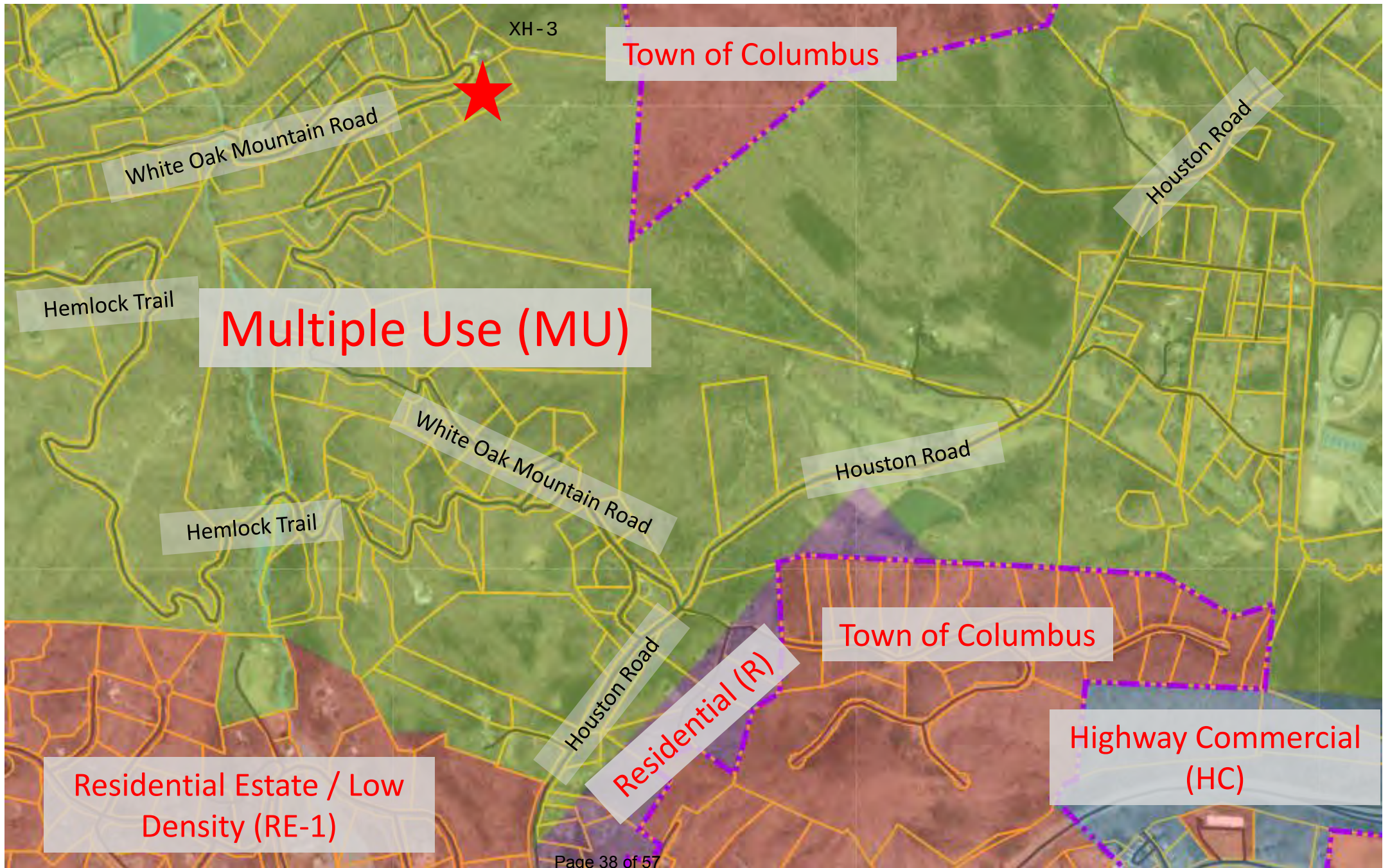
White Oak Mountain Road

Houston Road

Live Oak
Lane

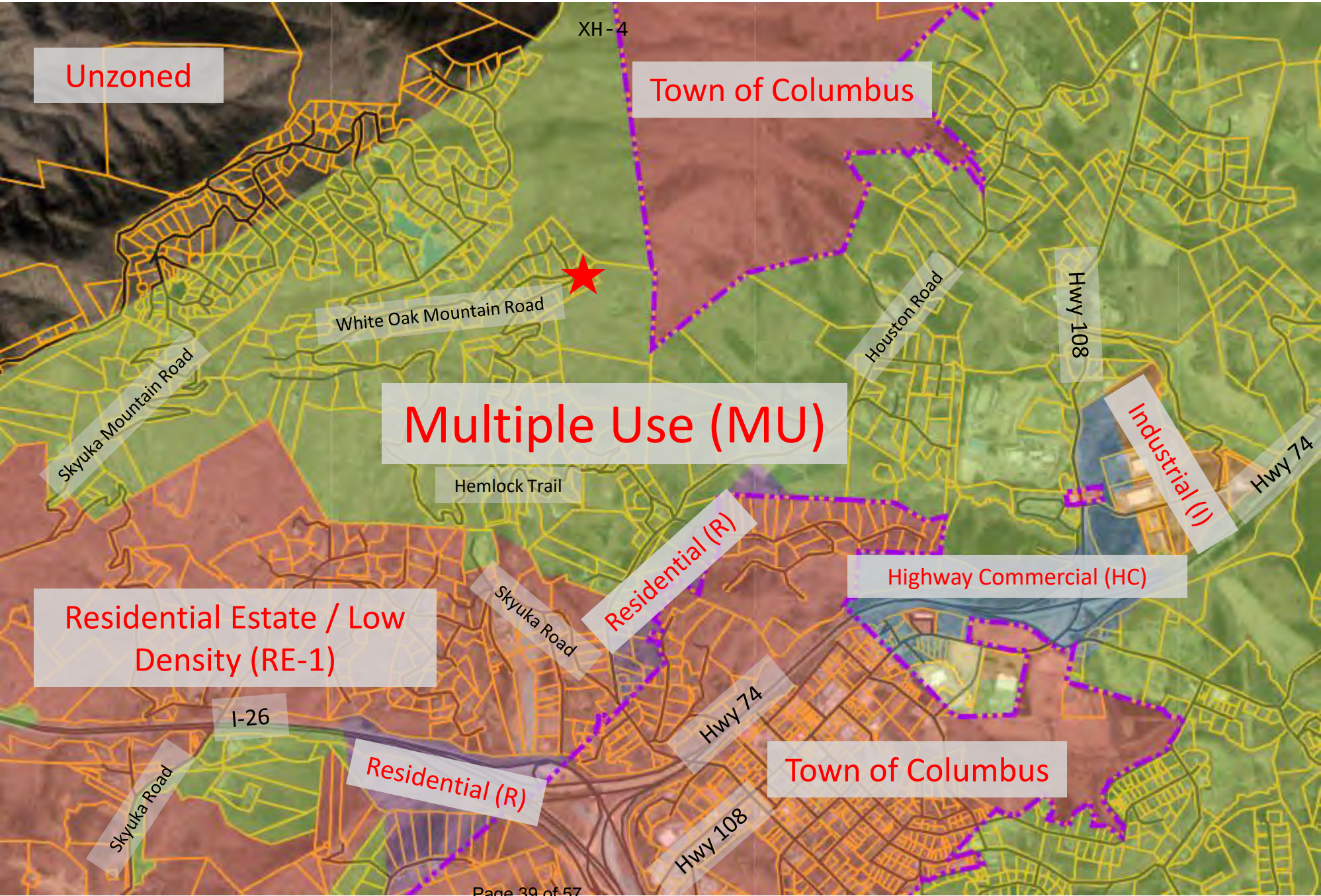
TOWN OF
COLUMBUS
LIMITS

Surrounding
Roads



**Surrounding
Zoning**

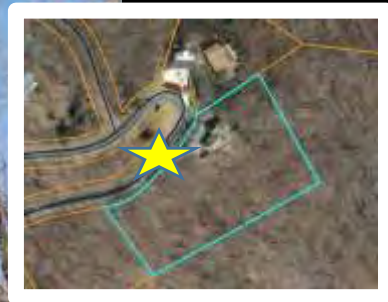
Surrounding Zoning
(Zoomed Out)



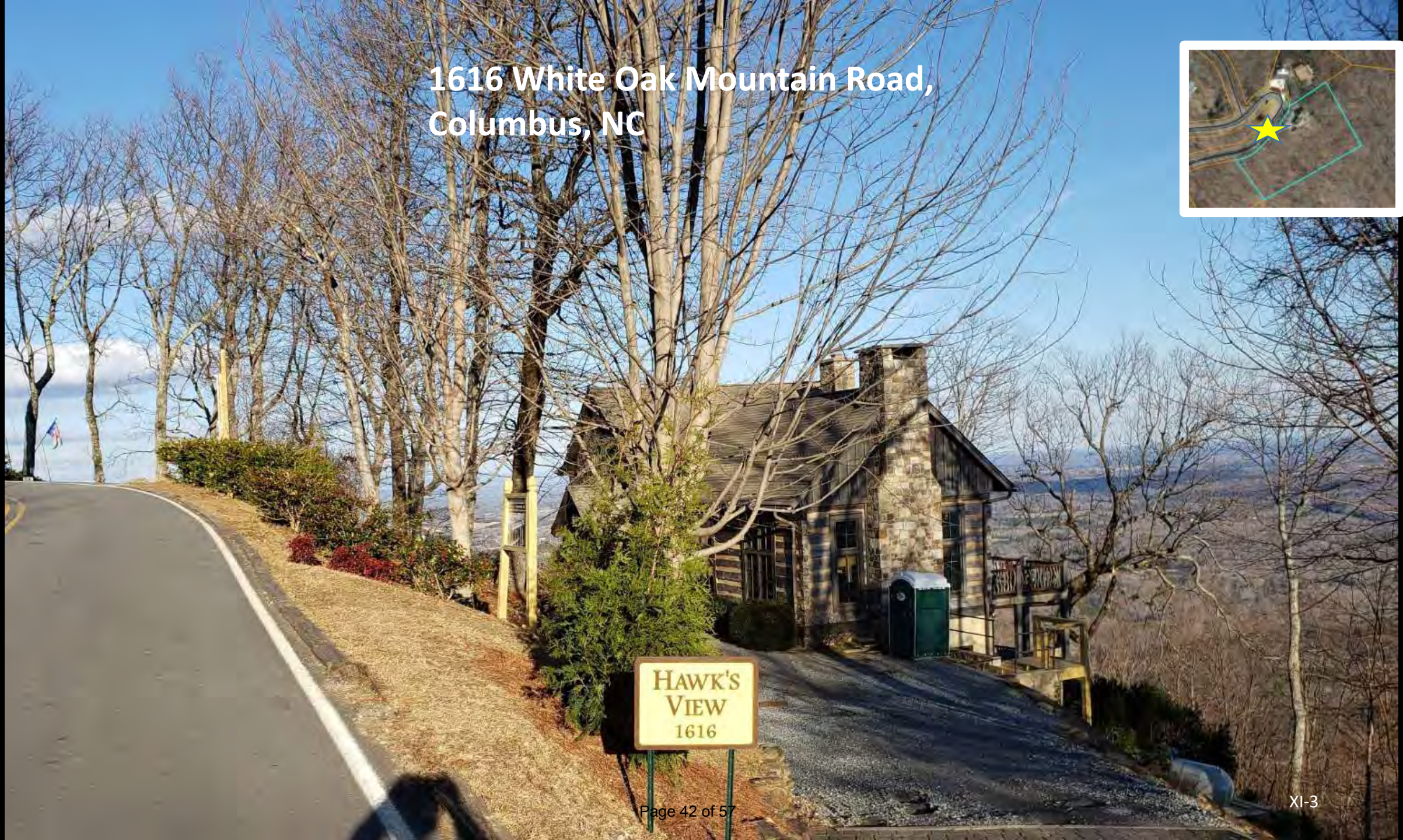
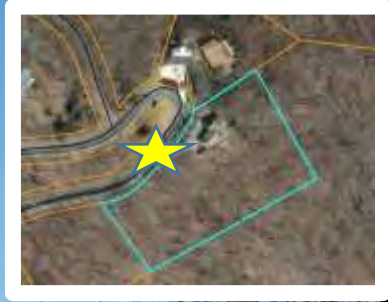
Driving up White Oak Mountain Rd,
property on right

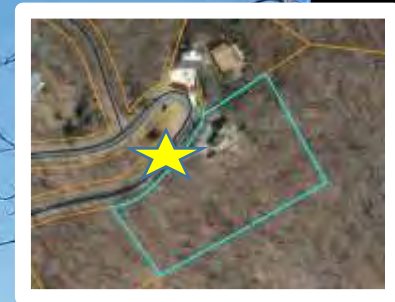


Driving up White Oak Mountain Rd,
property on right



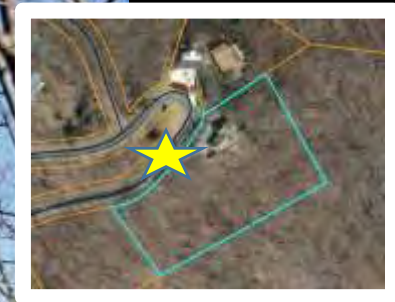
1616 White Oak Mountain Road,
Columbus, NC





1616 White Oak Mountain Road

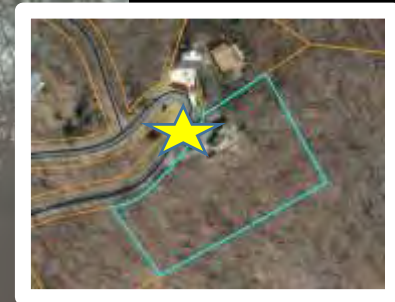
1616 White Oak Mountain Road



Standing in front of driveway off of White Oak Mountain Rd



Standing in front of driveway off of White Oak Mountain Rd., house on the left in this picture.

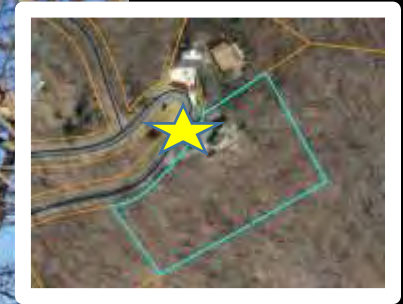


Standing in front of driveway off of White Oak Mountain Rd. , looking across the street from house.



Standing in front of driveway off of White Oak Mountain Rd. , looking across the street from house.





Standing in front of driveway off of White Oak Mountain Rd. , house on the right of this picture.



Standing off of White Oak Mountain Rd. ,
facing the house, this is the left corner of the
property (neighbor's driveway).



**Standing off of White Oak Mountain Rd. ,
looking at corner of property and neighbors
property past 1616 (neighbor's driveway).**

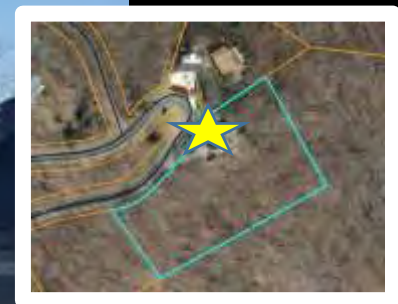


**Standing in front of house off of White Oak
Mountain Rd.**

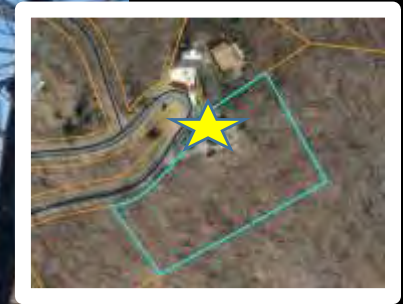
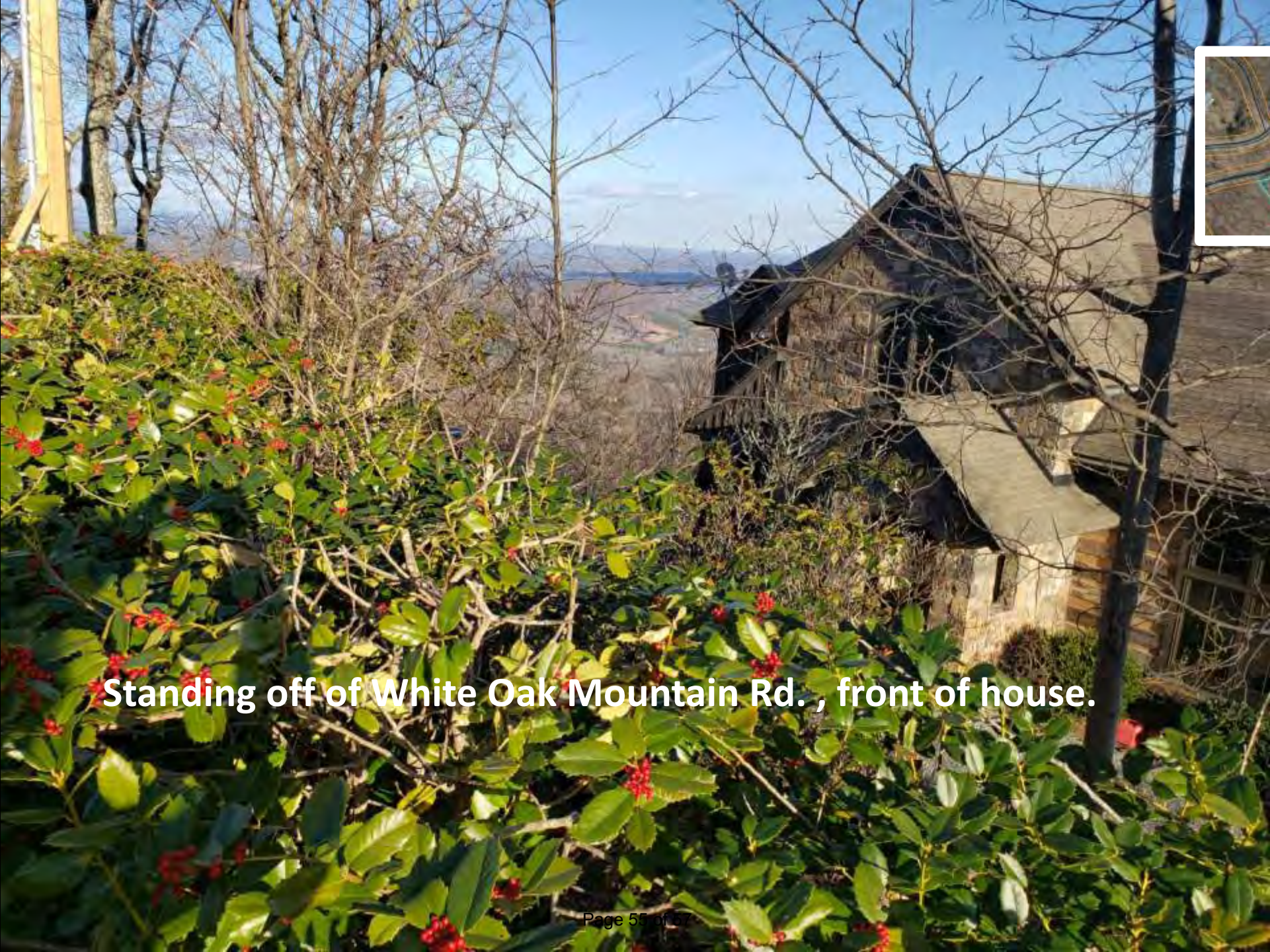


Standing off of White Oak Mountain Rd. , left side of house.





Standing off of White Oak Mountain Rd. , left side of house.



Standing off of White Oak Mountain Rd., front of house.



Standing off of White Oak Mountain Rd. , front of house.

POLK COUNTY BOARD OF ADJUSTMENT

AGENDA ITEM

MARCH 2, 2021 REGULAR MEETING

Agenda Item#: 5.

Background/Purpose of Request:

Application for a Conditional Use Permit was withdrawn by the applicant.