BOARD OF ADJUSTMENT
FEBRUARY 6, 2024
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
   - A. Approval of Minutes from October 3, 2023
   - B. Approval of Minutes from October 17, 2023
   - C. Approval of Minutes from December 5, 2023
   - D. Approval of Minutes from December 12, 2023
4. On the Matter of Mike Nuckles on behalf of Christy Pond for a Special Use Permit Request- Docket No. 2024-01 (SU)
5. Other Business
6. Public Comments
7. Adjournment

POLK COUNTY BOARD OF ADJUSTMENT

AGENDA ITEM

FEBRUARY 6, 2024 REGULAR MEETING

Agenda Item#: A.

ATTACHMENTS:

Description	Type	Upload Date
10.3.2023	Cover Memo	1/26/2024

BOARD OF ADJUSTMENT
October 3, 2023 - 5:00 PM
Bryant H. Womack Building
40 Courthouse Street
Columbus, NC 28722
MINUTES

Members Present: Frank Monterisi (Chair), Betty Hill, Adrienne Reilly, Chris Jones.
Members Absent: Libby Morris
Staff Present: Cathy Ruth: (County Planner), Chelsea Allen (Secretary), Sarah Zoellers (GIS Specialist), Jana Berg (County Attorney)
Public: Gabe Temple, Jami Temple, Peyton Peters, Erica Bradley, Michael DeVere, Karen Day, Frank Gilliam, Bob Oldham, Scott Hauser, Joseph Martin, Debbie Rogers

1. Call to Order

Frank Monterisi called the meeting to order at 5:12pm.
A motion to approve the agenda was made by Chris Jones, seconded by Betty Hill.
Due to unexpected volume of attendants a brief adjournment was required from 5:16pm to 5:21pm in order to move the meeting to the upstairs chamber.
Frank Monterisi reconvened the meeting at 5:21pm.

2. Approval of Agenda

A motion to approve the agenda was made by Chris Jones, seconded by Betty Hill. There was no opposition and the motion carried unanimously.

3. Approval of Minutes from July 11, 2023

A motion to approve the minutes from July 11, 2023 was made by Adrienne Reilly, seconded by Chris Jones. There was no opposition and the motion carried unanimously.

4. Special Use Permit Request - Gabe and Jame Temple - Docket No. 2023-02 (SU)

Present to testify on behalf of the applicant: Gabe Temple, Jami Temple, Payton Peters, Erica Bradley
Present to testify in opposition of the applicant: Michael Devere, Karen Day, Frank Gilliam, Bob Oldham, Scott Hauser, Joseph Martin, Debbie Rogers

Frank Monterisi stated he was going to continue on with the business portion of the meeting. We've already had a number to the approval of the agenda has been approved. So, moving on to item number three, which is approval of the minutes of the July 11th meeting. Are there, any questions adjustments that need to be made those minutes as presented to us? We have a motion that

those minutes be accepted by Adrienne Reilly as submitted, seconded by Chris Jones.
Frank Monterisi read an overview of the Board of Adjustment's procedures, expectations, and responsibilities for evidentiary hearings and the four requirements to obtain a Special Use Permit. He asked the Board if there were any ex-parte communications or relationships with the applicant to be disclosed. There were no disclosures made.
Frank Monterisi asked Cathy Ruth to explain in Libby's absence what options were available to them.
Cathy Ruth explained the options to the applicants seeing that one board member was absence, either reconvening the meeting to another date so there would be five sitting members or to continue on with the four members present. She explained even with one missing member there was still a quorum present, and only a simple majority was needed in order to grant a Special Use Permit. The applicants decided to proceed with the four out of five board members present.
Frank Monterisi stated the Board is ready to proceed with the application for the Campground.
Frank Monterisi swore in Cathy Ruth (County Planner), Chelsea Allen (Planning Administrator), Jana Berg (County Attorney), Erica Bradley (Realtor), Jami and Gabe Temple (applicants), Payton Peters, Michael Devere, Karen Day, Frank Gilliam, Bob Oldham, Scott Hauser, Joseph Martin, and Debbie Rogers.

Cathy Ruth requested the staff report packet be entered into evidence. Frank Monterisi accepted the staff report packet as Zoning Administrator #1, (ZA-1). Cathy Ruth gave an overview of the Zoning Staff Report to the Board. The Temples are applying for two off grid sites, two domes, and a bath house.The staff report packet labeled Zoning Administrator #1, (ZA-1) contains the following exhibits:

-Exhibits XA consists of the General Application Form and site plan.
-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 October 6, 2022, Book 473, Page 1405.
-Exhibit XD consists of the recorded plat in the Register of Deeds Office dated November 24, 2015, Plat F 599.
-Exhibit XE consists of the Polk County Property Card tax record for
P106-18.
-Exhibit XF consists of Polk County Geographic Information System (GIS) map, P106-18.
-Exhibit XG consists Google Map of parcel area.
-Exhibit XH consists of P106-18 and surrounding parcels' zoning from the Polk County GIS site.
-Exhibit XI consists of P106-18 and surrounding parcels' current uses from the Polk County GIS site, tax record.
-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.

Frank Monterisi: Asked the Board, do you have any questions for Cathy? No questions. Frank addressed the audience, does anyone have any questions for Cathy Ruth?

Payton Peters: I was just wanting to know what the current rear building setbacks are.

Cathy Ruth: The setbacks are 25' from the front right of way, 25' from the back, and 15' from the sides.

Frank Monterisi: Let's move on to the applicants. The Temples, which one of you is going to speak?

Jami Temple: We are both going to present, if that's okay?

Frank Monterisi: Absolutely.

Jami Temple submitted her presentation, property rules, and a letter from the fire marshal to the Board.

Frank Monterisi accepted into evidence the presentation as Applicant Number One (AP-1), property rules as Applicant Number Two (AP-2), and the letter from Bobby Arledge, Polk County's Fire Marshal as Applicant Number Three (AP-3).

Jami Temple: Thank you all for being here, and thanks to the board for hearing our case and our request for a Special Use Permit. Gabe and I are excited about this venture and grateful for a community that cares about its neighbors and surroundings. I have several revisions noted in the PowerPoint and your packet. The sitemap is slightly different from the original submission. Also, I apologize for the untidy application display on the big screen; I didn't anticipate that.

A bit about us – we are the Temples, Gabriel, Jami, and our children. We moved to Polk County in 2017, seeking a community that values family, children, the arts, local businesses, and natural resource preservation. Polk County has proven to be an excellent choice for us, and we've been actively involved in sports, 4-H, Pony Club, church, and school. Gabe brings 10 years of sales and management experience, along with a background in hospitality and building. My background is in elementary education, Wilderness Leadership, and coaching. Together, we've dreamed of starting a family business, creating a legacy for our children.

We closed on our dream property about a year ago – Alpine South, as we named it. It consists of unique high-end short-term rentals, on-site experiences, and equine services. We carefully selected a single trainer, to rent our barn and pastures for horse care and guest riding opportunities. We emphasize privacy and limit traffic to maintain the serene environment.

Our 26-acre property features the Chalet and a shipping container. We cherish the natural beauty, with Beechwood trees forming the heart of the land. We've maintained privacy for guests, ensuring each site is secluded. Our business is committed to community investment, aligning with Polk County's vision for rural atmosphere preservation.

We recently completed a shipping container project and are now introducing geo-dome structures. Initially, we planned residential use, but due to code restrictions, we propose luxury off-grid sites with limited structures. Our aim is to

debunk the perception of a traditional campground, as we won't have RV sites or rustic camping. Our rules reflect a commitment to short-term rentals and maintaining semi-permanent structures.
The site plan includes two geo-domes with utilities, a bathhouse, and two off-grid canvas tents. The Fire Marshal approved the plan, addressing safety concerns. We value our community and want to assure everyone that our venture aligns with the county's vision for responsible development.
The previous property owners demonstrated a keen attention to detail in shaping the topography of these private pockets, incorporating side courses that seamlessly complement the overall design. The proposed site plan intricately showcases both existing and proposed structures, offering a comprehensive view of the project.
As we navigate the process of obtaining a Special Use Permit, our focus is on addressing each qualification criterion. The first step involves adherence to the zoning ordinance. To ensure compliance, we engaged with the fire marshal, securing written approval affirming that our roads meet the requirements for accommodating a 40,000-pound truck. Furthermore, we made adjustments to our plan, prioritizing the preservation of the natural beauty surrounding our land, especially concerning the creek.
Our collaboration with the NC DOT extends to the submission of a detailed driveway permit application and site map, currently under review by one of their engineers. This underscores our commitment to meeting regulatory standards.
Diving into the specific zoning ordinance for campgrounds, it's important to note that the maximum of 15 units per acre applies exclusively to Equestrian and Equestrian Villages Districts, exempting our current proposal.
Cathy Ruth: Ms. Temple is talking about the density, and that only applies to the Equestrian and Equestrian Village Zoning Districts, not to the Multiple Use Zoning District.
Jami Temple: Expanding on other aspects, our rental policy ensures that no unit exceeds a 90-day consecutive stay. Setbacks on the site map adhere to the required distances from neighboring property lines. Additionally, we've placed berms to enhance privacy and create a harmonious coexistence with neighboring properties.
Some things that were considered about the property entrances, the architectural design and insulation of the geo-domes, and the use of shipping containers. Our geo-domes are engineered for year-round occupancy, featuring insulation that meets mechanical requirements, though falling short of the specific R38 rating for residential buildings. The design incorporates a clear bay window for aesthetics and an insulated covering for practicality. Moreover, we highlighted our commitment to minimizing the environmental footprint, such as implementing a living roof on the shipping container.
Additional considerations covered the property's wells, the materials used for the domes, minimum and maximum stay durations, and the overall footprint of our proposed structures. We emphasized our unwavering commitment to minimal disturbance, citing examples such as preserving trees with a diameter larger than 5 inches unless they pose a hazard or are diseased.
The board had questions about the insulation factor, road construction plans, and the roles of NCDOT and the health department in the approval process. We assured the board that we are diligently working with relevant authorities, and we submitted a letter from the Fire Marshal as evidentiary support for

consideration, even in his absence from the meeting.
Frank Monterisi: When you state that the facility won't be rented for more than 90 days, I assume this refers to either a single family or a group. Could you elaborate on how you plan to enforce these rules?
Gabe Temple: To ensure compliance, we are considering the installation of Wi-Fi-enabled cameras in the surrounding area.
Frank Monterisi: In instances where campers may contact you late at night with loud music or fireworks, how precisely do you anticipate enforcing these regulations?
Jami Temple: Our residence is a short 7-8 minute drive away, and if a guest doesn't adhere to a warning, we would ask them to leave.
Gabe Temple: Additionally, we are exploring the implementation of a video security system on the property, accessible through Wi-Fi, allowing us to monitor activities without being physically present.
Betty Hill: Do you have plans to utilize the facility year-round?
Jami Temple: There is no specific downtime planned at the moment.
Frank Monterisi: Regarding the proposed A-frame building, will that serve as a primary residence?
Adrienne Reilly: No, it will function as another short-term rental, and our stay depends on availability.
Jami Temple: It's important to note that managing this property is our full-time job. We are fully committed and have ensured compliance with environmental laws. For our off-grid sites, we use eco-friendly products, and our property follows the principles of Leave No Trace Behind, utilizes biodegradable products, and limit the number of guests on-site. Additionally, we are dedicated to landscaping with native plants.
Erika Bradley: As a local realtor, I've conducted extensive research on the potential impact on property values. The proposed domes align with the area's zoning, preserving the property, and contributing positively to privacy.
Frank Monterisi: Could you provide more information on what the letters NCDEQ stand for?
Jami Temple: NCDEQ stands for the North Carolina Department of Environmental Quality. We've collaborated with them to ensure compliance.
Erika Bradley: In terms of property values, I've analyzed data within a 3-mile radius, including Emberglow, Silver Creek Campground, and this property. All three have shown an increase in the last year.
Frank Monterisi: Are they related to those two campgrounds?
Erika Bradley: No, they aren’t. I represented the buyers in Silver Creek Campground, which they're renovating. During our due diligence, we obtained a call log from 911. Interestingly, nobody knew that Alpine South was even here in the last year to my knowledge. They are preserving everything and distributing less than an acre of land. The 911 calls about Silver Creek Campground over the last year have decreased due to the improvements and renovations. Campgrounds often get a bad rap, similar to the overcrowded one Jami shared in her presentation, where people pay fifteen bucks a night. This property is different. In Chimney Rock, Lake Lure charges $275 to $350 a night. They’re preserving the property, and there have been no police calls or disturbances. This is more like luxury, off-grid living, not crowded with tents on all sides. They're only asking for two to four units at max on the property. If it were tiny homes or other structures, they wouldn't need approval. Based on my research,

as a top-rated realtor, I believe it won't adversely affect property values. Any questions? Thank you.
Jami Temple: The last qualification is being in harmony with the local neighborhood. We're ensuring that by connecting with the equestrian world and offering amenities like horseback riding. Our kids use the arena, fostering the equestrian aspect of Polk County. We've had families come to stay, not just for the Equestrian Center but for on-site opportunities. We connect them with Overmountain Vineyard and offer gift baskets from local companies to promote businesses in Polk County. We provide local jobs for cleaning, lawn maintenance, pest control, and use local subs. Our goal is to be good stewards, good neighbors, and a good business. We value privacy and aim to leave a legacy for our children. We meet the permit qualifications and hope to move forward. Any questions?
Cathy Ruth: Can you clarify the last slide?
Jami Temple: That is the old site map I initially sent. We've moved away from that plan and cleaned up the map.
Frank Monterisi: Anyone who signed up to testify, please come to the microphone and state your name for the record.
Francine Gilliam: My name is Francine Gilliam. What is the lifespan of the dome structure and the container?
Jami Temple: 25 years. At the end of 25 years, we can take it down and put another one there.
Francine Gilliam: What will you do with the materials?
Jami Temple: One thing I failed to mention earlier is we like to repurpose and reuse materials. Every piece of wood and everything left behind is used for the garden shed, repurposed.
Frank Monterisi: Anyone else?
Scott Hauser: My name is Scott Hauser. What platform are you using for listing?
Gabe Temple: VRBO, Booking.com, and Airbnb.
Scott Hauser: What is it listed under?
Gabe Temple: Alpine South, Chalet on 26 acres, Alpine South-Tryon.com.
Scott Hauser: What liability comes with listing?
Gabe Temple: We are insured, and so is our property.
Frank Monterisi: Let’s take a 10-minute recess. I'm sorry. Meeting recessed.
Frank Monterisi: Let’s resume the meeting. You went through the four criteria. Can Erika Bradley come back to answer some questions? In your professional opinion, would the proposed structure increase or decrease the property value?
Erika Bradley: The structure will either maintain or increase the property value. The domes will not cause a decrease as they are not visible from the road or neighboring properties.
Frank Monterisi: How do you base your opinion?
Erika Bradley: I base it on statistical analysis and a comprehensive study of the numbers over time. In the last three months alone, the impact may be lateral. Visibility is a key factor; the structures won't be seen from the road or neighboring properties, and they are not intended as event venues, ensuring they won't decrease the value.
Frank Monterisi: What do you base your opinion on? I need specifics.
Erika Bradley: My opinion is based on studying other properties in Henderson County and Buncombe County. Notably, such structures have not devalued

surrounding properties as long as they are committed to protecting and preserving the natural surroundings. On the contrary, they often enhance property values by attracting tourists.
Frank Monterisi: I'm seeking specifics.
Erika Bradley: I can pull up addresses from Henderson and Buncombe County for comparison, and I'm willing to do that. However, there are currently no dome homes in Polk County.
Frank Monterisi: There are properties in Polk County.
Erika Bradley: I used Silver Creek Campground and Emberglow as examples. In the last year, values around those properties have increased by 23 percent. That's the overview.
Frank Monterisi: Can you provide specific numbers and percentages?
Erika Bradley: In the last year around the three properties - the subject property, Emberglow, and Silver Creek - the values have gone up. The list price to sell price has been two to three percent more over the year.
Frank Monterisi: Can I have those specific numbers?
Erika Bradley: I can provide those numbers for Henderson and Buncombe County. However, for Polk County, specifically, there are no dome homes for a direct comparison. The tents my clients purchased have significantly contributed to enhancing the property, thereby positively impacting property values. In thriving communities like this, such improvements invariably lead to an increase in overall property value.
Adrienne Reilly: Just to clarify Erika's point, she's grappling with the challenge of finding comparable properties due to the unique nature of the campground industry. The distinct business model makes it challenging to establish direct comparisons. Erika is offering her professional opinion, emphasizing that she is not a commercial appraiser.
Erika Bradley: Precisely. As I mentioned earlier, my expertise lies in market analysis, not commercial appraisal.
Frank Monterisi: You should be able to identify properties around Silver Creek Campground.
Erika Bradley: I've examined land and home properties around those campgrounds, and the evidence indicates a substantial increase in values.
Frank Monterisi: Those are the numbers we need. We require concrete evidence for our Comparative Market Analysis (CMA), and I can promptly provide those for your thorough review.
Adrienne Reilly: Erika, in your expert opinion, could you delve into the specific differences between Silver Creek and the proposed campground? I'm interested in understanding factors such as the number of units, traffic, and any other relevant aspects that might differentiate the two.
Erika Bradley: It's a challenge to make a direct comparison, as each property stands out in its uniqueness. Comparative analyses should adhere to specific parameters, preferably involving properties adjacent to each other.
Adrienne Reilly: Are you equipped to handle such intricate comparisons?
Erika Bradley: Absolutely. I've collaborated with an appraiser during our property acquisition, focusing on comparable properties to demonstrate that values won't diminish.
Frank Monterisi: We need granular data. Can you provide detailed information on properties neighboring Silver Creek, perhaps including the one situated across the street?

Erika Bradley: I can certainly compile that data for your scrutiny.
Peter Golds: From a real estate perspective, I'm intrigued to understand how potential buyers typically react to properties in proximity to a campground.
Erika Bradley: Approximately 7 out of 10 buyers express interest, contingent upon how well I present the property. It largely hinges on how effectively I address concerns, such as visibility from the road.
Frank Monterisi: Just to clarify, our concern is potential decreases in property values. Any further questions from the audience?
Payton Peters: In my testimony, let's zero in on the four criteria. Structures permitted by the local government, specifically small residential structures, are not within the scope of this discussion.
Frank Monterisi: Correct.
Payton Peters: Referencing XF1, it's apparent that the property aligns with current zoning setbacks and conditions. The buffer and setbacks are in compliance with ordinances, ensuring minimal impact on surrounding property owners not directly bordering the entrance.
Jami Temple: That's correct.
Payton Peters: Could you provide an estimate of the distance of the first structure from the road?
Jami Temple: It's approximately 600 feet.
Payton Peters: Given that the entire area is secured by neighboring property owners and includes buffers, and considering its designation as a campground, is it accurate to say they will need to adhere to standard campground criteria if rezoning is granted? In other words, if rezoned for campground use, they will need to comply with all relevant campground regulations?
Frank Monterisi: The perspective on that depends. Our approval is based on what they've submitted. Currently, they are proposing five structures, and there are no setbacks in question.
Payton Peters: If the campground proposal is approved, what would be the setback requirement?
Frank Monterisi: We are not rezoning; this is for a Special Use Permit. The setbacks will remain at 25 feet on the front and back, and 15 feet on the sides.
Payton Peters: So, even after the approval, there will still be a considerable buffer, exceeding the setback requirements of the current residential zoning?
Frank Monterisi: Setbacks are not under question at the moment.
Payton Peters: If the Temples were not pursuing a campground and were instead subdividing for houses, would they be allowed to build up to the setback requirements?
Frank Monterisi: Yes, but that's not the request they've submitted.
Payton Peters: As the closest neighbors, we haven't experienced disturbances during the construction. We appreciate the 10-acre buffer; we can't see their activities and only became aware of them through official notifications.
Joseph Martin: We've known the Temple family for almost a year and have been invited as friends. They positively contribute to the community, actively supporting local businesses. They excel as hosts, instilling valuable skills in their children. Their venture has economic and social benefits for the area.
Frank Monterisi: Any questions for Mr. Martin or Mr. Peters?
Peter Cole: Concerns include potential impacts on safety, property values, and neighborhood harmony. If approved, the campground remains even if the Temples decide to leave. Consideration is needed for ongoing management

and adherence to rules, especially in the event of a property sale.
Frank Monterisi: Rules will stay with the property, and new owners must comply. Property boundaries will be posted.
Gabe Temple: We split our time, renting out our current house to make ends meet. The off-grid sites are designed for luxury, attracting responsible guests. Our goal is to maintain a positive reputation.
Michael Devere: If the property is sold, do the restrictions stay with it, or can the new owner revert to regular multi-use?
Frank Monterisi: No reapplication is necessary to revert to regular residential.
Michael Devere: Okay, that's what I was trying to understand. I believe everyone else has covered it. Aside from that, I'd like to extend a warm welcome to Gabe and Jami. Your presentation was thorough, and I appreciate it.
Frank Monterisi: Next is Debbie Rogers.
Debbie Rogers: Thank you. I've been a resident in this neighborhood and a property owner for 21 to 22 years. We acquired our property at a 30% discount compared to the rest of the subdivision due to its proximity to a grandfathered trailer on the property line. Despite this, we were content with our purchase. The land where the trailer sits has been on the market for 22 years. In 2014, attempts were made to improve the property, investing $5,000 per acre, but the trailer remains. After two years of attempting to sell, half of the property was eventually sold at a $5,000 per acre loss. The sales records confirm this information. The presence of such a trailer impacts the community's property values. While the proposed campground may be attractive, the existence of this trailer deters potential buyers. Many may dismiss the idea of purchasing land adjacent to a campground. Short-term rentals near the equestrian center haven't proven lucrative for most, affecting the sense of community and property values negatively. I wish the presenters luck in life, but I urge them not to introduce a campground into our neighborhood. The existing noise from the equestrian center and traffic issues already pose challenges.
Payton Peters: For four structures?
Debbie Rogers: I apologize for the confusion. What I meant to convey is that our ability to turn onto our road is already problematic due to a curve, and additional traffic concerns may necessitate measures like a three-way stop.
Frank Monterisi: The Department of Transportation handles such issues, beyond the scope of this Board.
Frank Monterisi: Mrs. Rogers, were you among the neighbors adjacent to this property who received a letter or were shown on the map presented to us?
Debbie Rogers: No, I was not.
Debbie Rogers: If you zoom out on the map, you can see the stream where they sold half of the land. The trailer is not visible due to its location in front. They sold it after $5,000 per acre improvement, incurring a loss even after paying $17,000 for it.
Frank Monterisi: Any questions for Ms. Rogers?
Adrienne Reilly: I have one question. Is the trailer in poor condition, or should it have been removed?
Debbie Rogers: It's a trailer with an addition attached. It's permanent and has been marketed as a short-term rental, though rarely occupied.
Adrienne Reilly: So, it's habitable?
Erika Bradley: Yes, it is.
Debbie Rogers: Different tenants pay three or four hundred dollars a month,

and most are decent individuals.
Adrienne Reilly: So, it's being used as a short-term rental?
Debbie Rogers: Essentially, it serves as a permanent rental whenever there's interest.
Adrienne Reilly: Someone bought it and now rents it out?
Debbie Rogers: Its part of the land I mentioned, grandfathered in on our property line.
Adrienne Reilly: Alright, I understand now.
Frank Monterisi: Ms. Bradley?
Erika Bradley: My question is about the various uses permitted. You're aware that a mobile home park is a possibility?
Debbie Rogers: Yes.
Erika Bradley: I showed them the little white mobile home you referenced as a short-term rental.
Debbie Rogers: My concern is that any of these uses will devalue our properties.
Erika Bradley: The two dome homes are not visible from the road and are in a zone allowing such use.
Debbie Rogers: Would you want that in your backyard?
Erika Bradley: I grew up in a single wide, in poverty, and I am familiar with such living conditions.
Debbie Rogers: I had similar experiences.
Frank Monterisi: This isn't pertinent to the current discussion.
John Rogers: My wife, Mr. Cole, and Michael have covered all my concerns.
Frank Monterisi: Carl Small?
Audience Member: Did not attend.
Bob Oldham: I appreciate your presentation. I hope you address the listed restrictions. Regarding internet issues, our cameras sometimes fail, and the reliability of the internet here is questionable. Fires across the creek and potential security concerns must be considered.
Gabe Temple: I understand the term "campground" has caused misconceptions. Our fire pits are high-quality, smokeless, and comply with safety rules. As for internet, we have a reliable fiber optic connection with 300 megabytes per second. Our security system, including cameras, operates smoothly. We provide $250 SOLO stainless-steel smokeless fire pits for each site.
Frank Monterisi: Mr. Hauser, do you have any further comments?
Scott Hauser: Yes. Just to clarify, you allow alcoholic beverages on the premises?
Gabe Temple: Correct.
Scott Hauser: I want to discuss the situation with Over Mountain Vineyards. They had to remove their pits, likely due to safety concerns, possibly involving fires being lit outside the designated areas.
Audience Member: Absolutely correct. They were not adhering to the rules. By the way, I appreciate your idea.
Frank Monterisi: Let Mr. Hauser share his thoughts.
Scott Hauser: In 2015, I relocated to Overhill and currently reside near the proposed glamping sites, approximately 110 meters from Dr. Kelly Sulik's arena. It's important to note that she invested $40,000 to create a quiet environment. The proposed use could have adverse effects on the health and

safety of individuals within a 500-meter radius. Currently, we already have 15 horse-related facilities within that radius, and recent events like amplified music have disrupted Dr. Sulik during the day.
Frank Monterisi: Was the disturbance on their property?
Kelly Sulik: Yes, it was on their property.
Chris Jones: Is there an official police report?
Jami Temple: We have never hosted loud events on our property. The disturbance might have originated from the nearby Equestrian Center.
Chris Jones: At what time did this disturbance occur?
Kelly Sulik: At 7 pm, during regular hours, but it was disruptive to my activities.
Scott Hauser: In an equestrian neighborhood, there should be a standard for quiet even during regular hours.
Jami Temple: It's worth noting that we also have equestrian activities on our property.
Scott Hauser: Health and safety are paramount. Placing campsites close to Dr. Sulik's arena raises concerns, especially considering the wildlife in the area. Additionally, allowing unarmed, possibly intoxicated campers without firearms raises significant safety concerns.
Gabe Temple: Firearms would need to be kept locked in their vehicles.
Scott Hauser: What if someone is in a tent far from their car?
Chris Jones: These are hypothetical situations.
Frank Monterisi: Stick to the facts, please.
Scott Hauser: The proposed use raises safety concerns with armed and potentially intoxicated visitors. This contradicts the idea of harmony with the neighborhood.
Joseph Martin: People typically drink on vacations; it's a normal occurrence.
Frank Monterisi: Let's stay focused on the relevant issues, facts. No further evidence or comments will be accepted at this time, we'll reconvene and continue on October 17, 2023, at 5:00 pm. for deliberation.

5. Other Business

   None.

6. Public Comments

   None.

7. Adjournment

   Meeting continued until October 17, 2023 at 5:00 p.m.

POLK COUNTY BOARD OF ADJUSTMENT

AGENDA ITEM

FEBRUARY 6, 2024 REGULAR MEETING

Agenda Item#: B.

ATTACHMENTS:

Description	Type	Upload Date
10.17.2023	Cover Memo	1/26/2024

BOARD OF ADJUSTMENT
October 17, 2023 - 5:00 PM
Bryant H. Womack Building
40 Courthouse Street
Columbus, NC 28722
MINUTES

Members Present: Frank Monterisi (Chair), Chris Jones, Adrienne Reilly, Betty Hill
Members Absent: Libby Morris
Staff Present: Cathy Ruth (County Planner), Chelsea Allen (Secretary), Sarah Zoellers
(GIS/Planning), Jana Berg (County Attorney)

1. Call to Order

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

2. Continuation Special Use Permit Request - Gabe and Jami Temple - Docket No. 2023-04 (SU)

A worksheet was passed out to the Board to record their findings and evidence for the approval or denial of the Special Use Permit requested by Gabe and Jami Temple for a campground on their property. Jana Berg explained to the Board they would need to make a finding of each of the four requirements for a Special Use Permit, and provide evidence from the hearing on October 3, 2023 to support that finding.

1. The use, *Recreational Vehicle (RV) Park and/or Camp Areas,* for which the Special Use Permit is sought is in Multiple Use Zoning District and the proposed use complies with the standards for such use, if any, contained in the Zoning Ordinance.

- The Board discussed the evidence submitted for proving compliance with the Zoning Ordinance. The County Planner testified the setbacks requirements would meet the standards of the Zoning Ordinance, presented maps to show the surrounding area and zoning district, (ZA-1).
- A vote was taken on whether the application met the first criteria of a Conditional Use Permit, and it was agreed 4-0 the first criteria had been met.

2. 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 discussed evidence submitted to the safety of the property from persons residing or working in the neighborhood of the proposed use. The evidence showed the nature of the business would help improve the health of the neighborhood clearly marked property lines would prevent guests from walking outside of the property on to neighboring

properties, and the provision of a healthy and private environment for guests. Additionally, Bobby Arledge (Polk County Fire Marshal) letter stated he reviewed and inspected the road, entry and exit plans and they met or exceeded all requirements. The applicants submitted a set of guest rules to be followed and enforced. The Board discussed and agreed all of these details contribute to the health and safety of the property.

- A vote was taken on whether the application met the second criteria of a Special Use Permit, and it was agreed 4-0 the second criteria had been met.

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.

- The Board discussed the 150' minimum set backs and expert testimony given by the applicant's realtor, Erika Bradley. She stated in her professional opinion the proposed use would not affect property values but did not submit any material evidence for the Board to review. Two of four Board members found the realtor's testimony too general to meet requirement number three.

The applicants requested to withdraw their application at that time.

3. Other Business

None.

4. Public Comments

None.

5. Adjournment

Frank Monterisi adjourned the meeting at 6:38pm.

POLK COUNTY BOARD OF ADJUSTMENT

AGENDA ITEM

FEBRUARY 6, 2024 REGULAR MEETING

Agenda Item#: C.

ATTACHMENTS:

Description	Type	Upload Date
12.5.2023	Cover Memo	1/26/2024

BOARD OF ADJUSTMENT
December 5, 2023 - 5:00 PM
Bryant H. Womack Building
40 Courthouse Street
Columbus, NC 28722
MINUTES

Members Present: Frank Monterisi, Adrienne Reilly, Lisa Krolak, Chris Jones, Hal Green
Staff Present: Cathy Ruth, Chelsea Allen, Sarah Zoellers, Jana Berg
Alternate (Present but not participating): Libby Morris

1. Call to Order

Hal Green called the meeting to order at 5:01pm

2. Approval of Agenda

A motion was made to approved the agenda by Chris Jones and seconded by Lisa Krolak. A vote was taken and the motion carried unanimously.

3. Approval of Minutes

A. September 20, 2022 Minutes

A motion was made by Lisa Krolak to approve the minutes from the September 20, 2022 hearing, seconded by Chris Jones. A vote was taken and the motion carried unanimously.

4. Special Use Permit Request - Gabe and Jami Temple - Docket No. 2023-03 (SU)

A. Staff Report - Temple

Frank Monterisi read an overview of the Board of Adjustment's procedures, expectations, and responsibilities for evidentiary hearings and the four requirements to obtain a Special Use Permit. He asked the Board if there were any ex-parte communications or relationships with the applicant to be disclosed. There were no disclosures made.

Frank Monterisi swore in Cathy Ruth (County Planner), Jana Berg (County Attorney), Gabe and Jami Temple (applicants), Kendra Brigman (Realtor), Karen Day, Payton Peters, Bob Oldham, Debbie Rogers, Johnny Rogers.

Cathy Ruth: I would like to submit the Zoning Staff Report to the Board as evidence.
Frank Monterisi: The staff report will be accepted into evidence as Zoning Administrator one, (ZA-1).

Cathy Ruth gave an overview of the Zoning Staff Report to the Board. The Temples are applying for two off grid sites, two domes, and a bath house.

- Exhibits XA consists of the General Application Form and site plan.
- 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 October 6, 2022, Book 473, Page 1405.
- Exhibit XD consists of the recorded plat in the Register of Deeds Office dated November 24, 2015, Plat F 599.
- Exhibit XE consists of the Polk County Property Card tax record for P106-18.
- Exhibit XF consists of Polk County Geographic Information System (GIS) map, P106-18.
- Exhibit XG consists Google Map of parcel area.
- Exhibit XH consists of P106-18 and surrounding parcels' zoning from the Polk County GIS site.
- Exhibit XI consists of P106-18 and surrounding parcels' current uses from the Polk County GIS site, tax record.
- 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.

Frank Monterisi: Are there any questions from the Board?
Board: No questions.
Lisa Krolak: Is the chalet located on the property a part of the application?
Cathy Ruth: Ms. Temple, can you answer that?
Jami Temple: No.
Chris Jones: The cabins, three cabins shown in the photos, do they own them?
Jami Temple: No.
Chris Jones: Are they rentals?
Cathy Ruth: They used to be owned by the previous property owner, he passed away. He owned the 26 acres the Temples currently own and the 3.10-acre property containing the rental cabins.
Frank Monterisi: Applicant, would you like to present?
Jami Temple: Yes, may I submit my presentation into evidence?
Frank Monterisi: Yes, this will be accepted into the record as evidence marked as Applicant Number One, (AP-1).
Jami Temple: We were drawn to Polk County for many reasons, the county's Economic Development priorities and support. We wanted to invest back into the community. At Alpine South we are offering high end rentals, experiences, and services. We are surrounded and nestled by beautiful land and expansive acreage. In December 2022 we had our first short term rental and have expanded over the last year to our container home and currently working on a third short term rental. We are ready to expand further and broaden our horizons with unique offerings. We have 26 acres that contains fenced pastures, a 10-acre wooded area at the back for the property, a six-stall barn, and contoured topography perfectly set up for pockets of privacy throughout. Our property is perfect for setting up our business for short term rentals. We are proposing to add five nonresidential structures, 2 geodomes with electric, plumbing, high end

finished flooring, and utilities. The same as what you would have in a cabin built to residential standards. Also, two off grid sites, and a bath house with laundry for these rentals to be able to access. The off-grid sites will have sturdy canvas coverings set upon elevated platforms. The canvas tents and sites are very secure. These canvas tents that are as close to a cabin as you can get without being a small cabin. It's thick canvas, they use them for elk hunting and they're very secure. They're not just tents that you would pop up and use. They're structures that would stay there. These are just some examples of pictures of what we have envisioned for these domes. When we first started this adventure and we found out we were going to be classified possibly as a campground. This is kind of what came to mind when we heard the word campground, overcrowded, overuse, overrun, noise, traffic, and trash. Not that there's not a place for these experiences. We've been to campgrounds that may look like that and have had fun there too. But what we are trying to obtain here is a luxurious experience for our guests and for our neighbors to not experience the noise pollution and things like that that often come with what these types of campgrounds are. The proposed sites that we are asking for as you can see the triangles are where we would like the geodomes to be and the circles would be the off-grid sites. We have a walking path and a parking area. The road goes to the geodome. We would not put a road across that creek, instead there would be parking and then a small walk with a walking path so there would be no construction on the other side of the creek. I would also like to put into the evidence a letter from the fire marshal in regards to the road. He has been on site and made sure everything was sound and that we were in compliance with the fire code.

Frank Monterisi: The letter from Mr. Arledge, Polk County's Fire Marshall will be accepted into evidence as applicant number two, (AP-2). Just a reminder to the panel that Mr. Arledge being a government official, his letter is not considered hearsay, it is considered evidence.

Jami Temple: We would like to work with Pacific Dome Home. They are the leading company in the dome world and this is an example of one of their domes. They are a great company. They are very eco-friendly, and sustainability. It is really big to them. They make these things very sharp looking and very, very, very luxurious. This is the company that we would like to work with. They can hold snow, wind, and rain. They have the best design and architecture and are very, very popular. People use them all over the world. To show our qualification on how we meet the four criteria, number one: We are following all codes and permits requirement. We would not cross the creek to maintain the natural beauty and as little disruption as possible in that ten acres of wooded area on the backside of our parcel. We already have our parking lot that's been approved and the road has been approved. That back part will not be disrupted by sound, traffic, or anything of that nature. We have worked with NCDOT and submitted our application for the road and parking lot, and worked with engineers to make sure that everything is meeting code and up to standards. For the second qualification, regarding health and safety, we have been working with North Carolina Department of Environmental Quality (NCDEQ), specifically with Brian Shamblin regarding the total amount of acreage displacement from existing and proposed builds. We made sure the existing and future builds are meeting current codes. All soaps used in the rentals will be biodegradable. We have a central dumpster that is emptied once

a week. We have animal proof containers, to make sure neighbors are not affected. We have put in retaining walls for erosion and are cognizant of neighbors downstream. We will continue to enforce our rules, including quiet hours, no recreational drugs are allowed on site. We have received no complaints, no calls to or from law enforcement, and no disruptions with our guests. Our neighbors didn't not know we existed prior to the previous Special Use Permit hearing (SUP). We take that very seriously and want to maintain that way of life and privacy. We limit the total number of people allowed on site at any one time. It's not like there's fifty people at the chalet and then fifty people at the container and then twenty people at the off-grid sites. For example, if there is a big gathering they must rent out the entire property. We are very cognizant about the amount of people that can actually be on those 26 acres at one any one point. For the third qualification, leave, no trace behind is my background. Part of my major was Wilderness Leadership and Experiential Education leave. No Trace is a really big part of that. Not just, going somewhere and getting your stuff and taking it with you, but actually leaving it better than you found it. We just really feel strongly about implementing that on our land and with our business. So that's very important for us to be good stewards and examples to our children. During current and future builds we remove only trees and debris that are either dead or unsafe and they have all been less than five inches. We did just take a tree down two days ago, that was bigger than that, but it was dead.
Gabe Temple: It was struck by lightning. It was dead.
Jami Temple: But that we are very cognizant of making sure that we keep as much foliage, as much greenery, and the natural beauty of our property as possible. The last one as far as making sure that we are in harmony with our neighborhood. We do this several ways with the equestrian world. We connect with equestrian enthusiasts. We offer amenities to Residents in Polk County. We have the barn and we have a trainer in part of our agreement. Is she offers rides and stuff two guests who come on site and can use the arena and things like that, which has been a great. Just to have we offer short-term rentals, which is needed in the area where three miles from the equestrian center. We have people coming into town and stay and it's great to bring them in to try on and get to really show them what our towns about and just really connect with people outside of Tryon. We love and employing people. Who are local we have Nelon Cole exterminators, our contractor, Payton Peters, people who help us clean. We tried to always source people who are inside Polk County who we can use for any sort of job. We like to promote local businesses and we also like to highlight businesses by doing guest gift baskets for local companies and we like to invest also in local charities and sponsor sports, music, and art. This really is bigger than just putting up some off -grid tents and a dome, this is adding to our family business and to us investing back into Polk County. We have a realtor here I'd like to call her up and have her speak to comps, and talk about neighboring property values.
Frank Monterisi: Lets hold off before bringing her up to see if the Board has any questions for you.
Lisa Krolak: This will be a campground so will there be quiet hours and will there be dogs allowed on the property?
Jami Temple: We only allow them in the container home currently. We have discussed allowing them at the off-grid sites eventually. However, if we do allow

a guest to have a dog on site they have to pay an additional fee at the initial deposit that is refundable and then a 50 dollar a day fee per dog.
Lisa Krolak: Do you have a leash law for the protection of the dogs and the neighbors?
Jami Temple: We do, we do a screening, and they must be leashed at all times and picked up after, but we have not definitely decided on those rentals if we would allow them we would have very strict rules in place that they must abide by.
Lisa Krolak: Okay and then I assume you're interested in having families come and of course little kids there, that may wander around your property. Are you going to mark the border of the property so people know when they hit it and don't get lost?
Jami Temple: That's an excellent point. Yes, so our property line is all fenced in and we will have them marked but because we haven't extended over the creek yet we haven't yet marked them. But everything will be very, very well labeled as far as where our property ends and where the neighbors begins. We also offer maps for our current guests so that they can see where the creek is and they can go and know where their boundaries are currently.
Lisa Krolak: Okay. Thank you.
Chris Jones: The cabins next door, they have no one on site, have they had any issues?
Jami Temple: No, not a lot of traffic and no issues with those at all.
Lisa Krolak: Are you guys on site?
Jami Temple: We do not live on site currently, our house is 15 minutes away. This is my and my husband's full-time job, daily 7:30-8-9pm. He was in sales before and on call, is on call. He understands the mindset of being on cal. That is part of our business model, we will be there, and on call means on call. We've gotten calls about a power outage or something has happened that is out of our control, we have gone over there one in the morning to help our renters and get them whatever they need. We don't lackadaisically say, oh yeah, we'll go if there's an issue. That's part of our work ethic and part of our business model is we are here 24 -7. So yeah, we will be there at the drop of a hat.
Lisa Krolak: Thank you.
Lisa Krolak: Are you going to rent these year-round?
Jami Temple: Yes, we would be open year-round. There are seasonal, obviously, with the off-grid sites they take a little dip down during the winter season.
Lisa Krolak: Do you offer heating?
Jami Temple: Yes, there is heating and air, via split units.
Frank Monterisi: During your testimony, you specified a number of time that you're involved predominantly with short term rentals. What is a short-term rental in your opinion?
Jami Temple: We don't allow any rentals over 30 days. We don't rent for five months for a discounted rate. These are short-term guests who are coming in.
Frank Monterisi: And you mentioned being able to rent the facility out for a party or birthday or something like that. You mentioned the maximum number of people that you would allowed on the premises. Where does that number stop? What is the maximum number if someone wants to have a gathering?
Jami Temple: 80
Frank Monterisi: Is that including the new sites?

Jami Temple: Yes.
Frank Monterisi: Okay, so when you mentioned that you were going to do some perimeter markings and will those perimeter markings be available for people coming from outside your property into yours? And from your property going onto an adjacent neighbor's property? What I'm asking is are you going to have a dual perimeter marking?
Jami Temple: As far as what our neighbors can see into our property?
Frank Monterisi: Someone just walking through the woods coming in, they'll know when they get to your property.
Jami Temple: Yes, sir.
Frank Monterisi: And when some of your guests are also wandering through the woods, are they going to be able to know when they're leaving your property?
Jami Temple: Absolutely. It will be very, very well marked. On a map, we have QR codes already that you can look at and scan and then we'll have them very, very well posted as we expand. Because right now people can go to the creek, but we have not gone beyond.
Frank Monterisi: The area on the other side is not fenced?
Jami Temple: The whole property is fenced, even past the creek.
Lisa Krolak: What can you do with a container?
Jami Temple: Essentially, it's like a cabin, it was a preexisting structure which made it a lot easier economical and cheaper to build than starting using wood. And so we built it in and now it's a short-term rental.
Frank Monterisi: Do you have your list of rules?
Jami Temple: I apologize I did not reprint those for this hearing but I can email or get them to you.
Cathy Ruth: Can you speak them and get them on the record?
Jami Temple:

1) Quiet hours are 10PM to 7AM. No outside music, games or noise above normal speaking voice.
2) Campfires: burn only in designated fire pits. Use only wood provided by Alpine South. Never build fires above rim of fire pit. Fire pits shouldn't be moved for any reason.
3) Pets: Must be preapproved. They must be kept on leashes (if applicable) at all times. Alpine South staff reserves the right to ask any guest with a pet we deem as a nuisance to leave. A refund will be given.
4) Fireworks are prohibited.
5) Any weapons, including but not limited to: knives, guns, brass knuckles, bb guns, pellet guns, slingshots, must be kept in vehicles at all times.
6) Under no circumstances may a guest go past marked Alpine South boundaries for any reason.
7) Personal tents, RV's, campers, etc., are prohibited.
8) Scoop it, bag it, and bin it. Please dispose of pet feces properly. Please bag it and dispose of it in an outdoor garbage bin around Alpine South.

Hal Green: What type of wilderness leadership training have you had?
Jami Temple: At college I had a dual major in Elementary Education and Wilderness Leadership. Basically it was in conjunction with my Elementary Education, where you start your freshman year and you have courses throughout and in your senior year you have to do a 21-day immersion trip where

you and other students plan your trip and execute it. You have food drops, you sustain yourself basically for 21 days. I've done Wilderness First Responder. I've done leave No Trace Left Behind training and I had no idea at the time that it would infiltrate my teaching journey and our business as much as it has. But it really just gave us a well-rounded appreciation and philosophy on how we operate our business.
Hal Green: You have Wilderness First Responder training?
Jami Temple: It was a Wilderness First Responder course. Yeah. It expired, I haven't kept it up with it, but if we were an hour from definitive care I could I could do a lot of damage.
Frank Monterisi: Karen or Bob, do you have any more questions?
Karen Day: Yes. Are they already renting out the tents which are on the other side of the creek?
Frank Monterisi: I understand that. But that would be a violation of the code and nothing to do with us as far as an application is concerned. Is that correct, Cathy?
Cathy Ruth: That's correct.
Karen Day: But if they say they're going to limit the amount, the number of people to 80 and then do not, that's a violation of the zoning ordinance.
Frank Monterisi: Then it would be up to you or to any other neighbor to let the Building and Planning Department know that a violation is happening and then they would look into it. As far as this Board, this is not within in our purview.
Karen Day: If they are already doing something without approval, then how do we know they are going to follow the Special Use Permit set forth by this Board?
Jami Temple: I appreciate that question Karen. Before we even applied for the Special Use Permit, we were unaware that we would need permission to have a tent site on our personal property, we didn’t know that was a thing. We didn't know this whole Special Use Permit was the thing. We thought if you have a tent up and there's no electricity, things of that nature, then people could come on your property and stay in the tent.
Frank Monterisi: Do you still rent?
Jami Temple: Only to friends and family.
Frank Monterisi: Bob, do you have any questions?
Bob Oldham: I didn't get a copy of the nice presentation until we showed up here. It's a very nice presentation, well done. They do say that across the creek, they're going to have fire pits. My reaction is using fire pits is they're nice, but they do have sparks fly out of them. They're hard to control with a number of these, and stuff around come down every year not just this year, but they come down throughout the year. You can't get rid of them all 12 months a year. Once the fire gets started it's probably going to spread. Major fires could and do spread very easily is one point, also the marking of the property line. I wonder how it's going to be marked around the property line. Is there just going to be a sign occasionally, every once in a while? I don't know how if you're walking around you're going to see those things as you walk through the woods, you see lots of marks but I have no idea what they are or mean. It's not going to work with people who wandered all over the area and particularly young kids or teenagers. They're not going to know not to cross it. Fire and they keeping people on the property under their control, people such as myself not knowing if I am crossing into private property, so those are my two concerns. Thank you.

Gabe Temple: Our current fire pits are Solo smokeless fire pits, I recognize Hendersonville had some fires get out of control this past season. Our pits will be surrounded by rock and concrete, I understand sparks can still go up but we can talk about that more as we move forward. We will be happy to work with our neighbors regarding the signs and what they would feel comfortable with when entering Alpine South and exiting Alpine South.
Frank Monterisi: Are you aware of the burning ban?
Gabe Temple: Yes, and we observed that and let our guests know there was a fire ban and removed the wood at all the sites except for the Chalet due to it being a huge wall of stacked fire wood.
Frank Monterisi: Are you aware of the half-moons?
Gabe Temple: Yes, we are open to looking into installing those to put their minds at ease.
Jami Temple: Can Payton Peters speak?
Payton Peters: Hi, how are you guys doing today? My name is Payton Peters. I am a resident of the property adjacent to Alpine South. I have a purchase agreement on that property with Vic Russell and so I'm testifying as a neighbor and testifying as their builder. My family business, Mosseller Construction, holds the permit on the project that we are currently doing over there. We hold the permit for those projects over there, go to 5 of 46, of exhibit applicant number one (App-1).Turn to page 5 of 46. Proposed site plan, Alpine South. This property over here has a house, a container home, and they had another permit for a rental for a one bedroom down here. That's what we have a building permit to construct. If you can see on there in the lower area, the yellow line, the white line goes on there and it goes down to the water to go up to the screen. This property over here has a house, a container home and they had another permit for a rental for a one bedroom down here and that's what we have. We have that building permit to construct which Cathy, we talked about. Can you can see on there in the lower, the yellow line, the white line goes on there and it goes down to the water to go up to the screen. This is where we are constructing another dwelling that is to be rented so that will be a total of three legal rentals. They have their CO on their previous builds, can everybody hear me okay? Okay. Right here is where we have a permit on one of their accessory dwellings and they have another accessory dwelling that is currently right here. That is the container home that you guys had some questions about. None of those things that we have over here are under question. Those things have all been sanctioned by Polk County local government. They all meet local building code. The container home has a CO. It's currently legal to be rented. It has the same rights as any of you guys that have a rental on your own property. We have a permit open on the far back left, they have another accessory dwelling, the container home, all those have met local code, received Certificates of Occupancy. And you have the right to rent that out. So that's not what we're here discussing. What we're doing is we're going for a reason to be conditional use. And it's being put on as a campground. But a lot of the property that is on this slide here is already committed to a lease agreement with their tenant that has a horse training business out here. She has horses under pasture at least six or seven acres. This part back here was originally part of one of the pastures that has now been brought back into part of their business plan. But every one of these pastures has a fence all the way around it. When you come into the property as y'all can see in some of the other slides around the road and down

through there everything is very, very organized and designated. This project here are committed to something separate. What they're doing is they're putting up a couple dome homes to try to be unique to their vision and what they went out to create by doing Alpine South. They have a container home. We're doing a modern build which consists of a shed roof over it and that's something that we were looking at things that are going to be unique. I've got it built up on Piers everything meets code. What they're trying to do is they're trying to make something that's more outdoorsy, more fun, more towards Jami's vision of her wildlife and stuff like that. And so, what they decided is they came up with, it's not everybody knows what's being built right now. Everything's been expensive, with prices that went up and so they're trying to explore options of doing a dome or doing a tent and with me building more structures and see I'm legally permitted to where I can come in here and applied it to things. We're not crossing the street on the other side. They have 10 acres in the rear that is densely wooded. This 10-acre rear is a 90 % gain in the legal building rear setback. Cathy, what's the rear setback for this parcel?
Cathy Ruth: 25 feet front and back, 15 on the sides.
Payton Peters: 25 feet. It may be more than that. If you draw a line from that corner property line next to Kelly Soulik's property and run it over here, it is 1,000 feet. And so that is a massive, massive increase in a rear zoning setback whenever everything else is of any detriment is on this side. The reason that they're having to go through this whole thing is because these structures that they're wanting to permit, they don't meet residential building code for their R values. That means for everybody else is that they can't insulate them with R19 walls and R38 roofs and things like that. And so, we could build these other accessory structures in the same form that what we're doing now without going for this. But whenever they went to go build these structures, they didn't meet the code so they can't get a CO on a structure and put heat in it without this permit. What we're doing here is they have four criteria for this permit and that's what everyone here is supposed to come up here and talk about, everything else it really doesn't apply there if it doesn't designate to one of the four criteria that they have listed because that's what you're voting on. Correct? And so, the last time that we had this thing everyone talked over everyone, when we looked at the whole thing and so that's what I was wanting for everyone to be aware of. Whatever they address their concerns to talk about only the four criteria listed here for the SUP. The four criteria part of that how you affect that? And what we're doing is we're trying to get these buildings built and, in a cost effective way to do the same thing that I can legally do by spending more money on building more buildings. And so, it just eats away at the bottom line trying to do things that are unique and it's hard to do these things to make everybody happy. And so anyways, I'm going to move on. They have very little traffic that comes in. They can say as it were talking about this one here. This one doesn't have there's not a lot of traffic coming in on these rentals, especially in the offseason. They have a very good business plan and separate from the whole thing over here in the back, these two that are going to be on this side and these two that they've got marked here on this side. They want to have power on those rentals so they can try to turn a year-round income on them and that will justify spending the money on it. And so, they have to be able to heat these things or it will be too cold because they don't have door values because they're tent camping or whatnot. And so, they have been renting this house and that one, which is the

container home that has a CO. And then as soon as we obtain a CO on our current structure, they will rent that one as well and they're legally within their rights to do so. And so, I've got some more things to talk about but I've got my papers over here. Alright, they are looking for the Special Use Permit based on their current zoning district and that is their right, as it is written and approved via the zoning ordinance as a Special Use, which means it is permitted just it requires a higher level of permit. So anyways, that kind of concludes what I've got here to talk about and Kendra Brigman has run some comps. She's a real estate agent that is local and we brought her on after the last meeting to talk about, the impact of this and other campgrounds and things that are inside the county and I'm going to turn this over to her.
Frank Monterisi: Any questions?
Hal Green: How many existing structures total?
Payton Peters: There is a six-stall barn, when purchased, the chalet, a five-bedroom house at the entrance, the container home which has one bedroom, and the other accessory dwelling currently under construction, containing one bedroom. And then we have a dome, that kicked this whole thing off, but upon consultation, it wasn't going to meet the R Values.
Hal Green: We have what you mentioned plus the four additional structure, less than 10 structures on a 26-acre tract of land.
Payton Peters: Yes, sir.
Frank Monterisi: Okay, you want to bring Kendra up to testify?
Kendra Brigman: My name is Kendra Brigman. I am with Gateway Realty, I have been in real state for a little over three and half years. We've run these papers here, but unfortunately don't have all the copies for everyone. Could we submit this into evidence, but am going to go over it first and give a brief overview and then we'll submit it. Okay applicant number three (AP-3). The best way to show the values is to bring the tax values and percentages and show how they have gone up or down. So, I was going to go over some of that with y 'all, and I also have a market home value report as well to go over. So, what I did was I chose Silver Creek Campgrounds, which I think used to be a big issue, and Emberglow Campground, they're both in Mill Spring. Silver Creek Campground, I did four comps on that, and I'll just tell you the percentages. For the first home, and all of these homes are also either directly beside of or right across the street from. The percentages I have for Silver Creek would be a 19% increase from 2016 to 2023 for all these, a 24% increase, a 72% increase, and the 74% increase. For Emberglow I have percentages also spanning from 2016 to 2023. Percentage increases or decreases for Emberglow which is the other campground is an 18% increase, a 19% increase, a 36% increase and a 64% increase. So then to compare that to the other homes that aren't around campgrounds per se would be some popular areas of Tryon. I did two out of Gillette Woods, I did want to add a Warrior Drive, which is a popular or well-known area and also Hunting Country. Those percentages are a 12 % increase for Gillette Woods, a 14% increase for Gillette Woods, 16 % increase for Warrior Drive and the highest being 17% for Hunting Country. That being said that shows the homes that are around the campgrounds are staying within the market, if not even doing better. I have a market report for Mill Spring, Saluda, Columbus, and Tryon. For Mill Spring, the median home value, and this is within the last three months, is $522, 000. Change over the last month is almost 3.5% increase. Over the last 12 months is a 21.2 % increase, and then over the past

36 months, a 43% increase. In Saluda the median home value is $534,000, in the last month the increase was 0.75%, in the past 12 months it increased 21.99%, and the past 36 months was a 62% increase. In Columbus the median home value is $416,000, over the last month that has gone up 0.25 percent, 12 months is 13%, and 36 months is almost 47%. In Tryon the median home value is $422,000 with the last month being 0.26%, the last 12 months being 11.5%, and 36 months being 42%. With that being said Mill Spring and Saluda are the only ones who had multiple campsites or campgrounds already. Mill Spring with Silver Creek Campground, we all know that sold about eight months ago for about $1.1 million and they have done a lot with that. I know that it used to be at issue in the past but I believe with what they're trying to do that won't cause an issue like how it used to be and with that being said Mill Spring and Saluda really have blown the other two out of the water with percentages on increases for the surrounding property values.
Frank Monterisi: Can you compare the size of Silver Creek Campground and Ember Glow Campground to what the applicant is suggesting?
Kendra Brigman: I know that Silver Creek, I believe, was 27 acres, I can't remember what Ember Glow was.
Frank Monterisi: As far as the campsites, do you know anything about the campsites?
Kendra Brigman: Emberglow has tiny homes and cabins, they also do RV sites. I believe they have tent sites as well and domes. And Silver Creek, they have the same thing as well but I can get more information on that.
Frank Monterisi: To the best of your knowledge are Silver Creek and Emberglow comparable in size, and larger or smaller than what is being proposed before us?
Kendra Brigman: Emberglow if my mind serves me correctly is definitely bigger than and Silver Creek I would say is more comparable in size. Am I getting them mixed up? Okay.
Frank Monterisi: In this particular property, the folks in the area might recognize this area being known as Green Creek, are any of the listings in that area?
Kendra Brigman: Can your repeat that question? I'm sorry.
Frank Monterisi: As far as the comps that are around Silver Creek, that are around Emberglow and then the market report you provided us for the four different areas, are any of those areas that you've listed for us located in the vicinity of this particular applicant's property? Are any of those in the vicinity of the applicants proposed development?
Kendra Brigman: They're all in Mill Spring.
Frank Monterisi: Yes, but this property is in Greek Creek correct?
Cathy Ruth: Green Creek is not a town, she did give a market study for Tryon. It's a Tryon address.
Frank Monterisi: She did?
Adrienne Reilly: And across the street is Columbus.
Frank Monterisi: As far as the mailing address is concerned. Okay so the last address, I just want to clarify so we know what we're talking about. The last one that you gave us where in Tryon the mean average of $422,000 and during the last 30 days there was a 0.26% increase and then an 11.5% increase and lastly a 42% increase, correct?
Kendra Brigman: Yes, for one month, twelve months, and thirty-six months.
Adrienne Reilly: Just thinking about Silver Creek and Emberglow, how many

units do they have per campsite? Just roughly.
Kendra Brigman: I know Emberglow is the biggest, I couldn't give you an exact number.
Adrienne Reilly: Not an exact, just a roundabout number. 100 units, 100 sites? As far as Silver Creek does anybody know what he's putting there?
Kendra Brigman: They have already been remodeling it to continue as a campground. Maybe 80?
Adrienne Reilly: And they have about the same amount, spaces for campers? It seemed big so I was just wondered if you had an idea. It's really a couple of sites here versus 80 over there.
Frank Monterisi: I was trying to get from you was relative sizes of both of the campgrounds versus what is being proposed here. We're looking at five additional sites here?
Kendra Brigman: Correct.
Frank Monterisi; Are there are more than five sites at Silver Creek?
Kendra Brigman: Yes.
Frank Monterisi: Are there more than five sites at Emberglow?
Kendra Brigman: Yes, substantially at Emberglow yes.
Adrienne Reilly: How many units do they have per campsite?
Kendra Brigman: I think about 80-90 sites all together.
Adrienne Reilly: Any idea of what they are doing there?
Kendra Brigman: I don't know but I will check.
Hal Green: Just to clarify, we have 4 proposed units, I don't add up to more than 6 rental units on their property?
Frank Monterisi: I guess you'd have to ask Jami to answer. Jami, can you approach the stand?
Jami Temple: This is all we are proposing as far as were not permitted.
Hal Green: Those four are going to be added to how many now?
Jami Temple: Two currently.
Hal Green: So, you are renting a grand total of six rentals on a 26-acre parcel of land?
Jami Temple: This is all we are proposing as far as things that would not be permitted, seven totals when the construction Payton Peters was talking about is finished.
Hal Green: So, seven total rentals on 20 something odd acres. The barn and the lady using some of your acreage that is pasture, she doesn't live there?
Jami Temple: Correct, she does not.
Chris Jones: The properties that are adjacent to the proposed property, in your professional opinion, I mean those numbers were radically higher, one of them was 70% plus. Do you believe that those campgrounds actually help improve the property values to those houses?
Kendra Brigman: I do believe that they don't hurt it. I know that in other areas a lot of campgrounds will let you walk on their trails or maybe you could create a fee per year to be able to use the use amenities and it could potentially be quieter than other things that could happen beside you, and with what little bit doing on the property and the buffer in between where people are going to be staying and the neighboring properties.
Frank Monterisi: This packet is it applicant number three (App-3)?
Payton Peters: I was going to say Silver Creek has an office, a play room with bathrooms, a shower house, five cabins that are really small and 50 campsites,

I just talked to John, he owns the place.
Hal Green: And that is on a tract of land that is approximately the same size?
Payton Peters: No, it's forty plus acres. So, what they are asking for in addition to what the town has already permitted for us to do, is an extra four total, plus a bath house.
Frank Monterisi: Karen or Bob, do you have anything else you want to add?
Karen Day: Hi, I am Karen day, I am a neighbor of this property. They have to meet four criteria? Not endanger public health and safety. That is my only issue that I have to speak to is the fire issue this past summer. I don't know how to decide if it will injure with the surrounding property values, but ensure it will not hurt the surrounding property values, it has seven adjacent surrounding properties adjacent to it not counting the one across the street. There are, four farms, people, couples, single people, who live on their property and keep animals, and use as a farm. One is a rental, two vacant lots, and the three little cabins called Green Creek cabins. Those are the surrounding properties. If you go another step out, it is couples living on their farms, keeping their animals and using their land to farm. I don't see how this sort of business compares with that. These farms that are adjacent to their property have a wide variety of animals, not just horses and I know for a fact if people or dogs run on their property, there will be issues, and probably not good ones. They might have quiet hours but we are on farms, we get up early, run our tractors and we are adjacent to a place where there are transient people, where there are going to potentially be 80 people staying next door. I thought the zoning had particular requirements for handling parking when there are larger groups of people and I don't know if they have taken into account the parking rules.
Gabe Temple: Yes, to clarify the fire issues. That was just in general, forest fires?
Karen Day: Yes.
Gabe Temple: We didn't have any issues last year but we are happy to have that discussion with them, as far as them getting up early and using their tractors doesn't bother us nor our tenants. The dog issue, I think all of our neighbors have dogs, we don't allow them unless they are on a leash, which I think is more of a rule than most have around our area. Our closest neighbor is Payton Peters, the others are at least 500 feet or more away so we are not right in their backyard. I am not sure transient people are the correct term for describing the type of tenants we are going to be catering to. The cost will prevent transient people from stopping in and staying at our places. The units we are renting are minimum two-night stay, high-end, and I think we do fit in harmony with the surroundings. Transient people are not going to be an issue and I do think we fit in really well with the surrounding properties.
Jami Temple: I would like to speak to the nature of Gabe and I and our family. Last year, we used the land and conducted wilderness school for our homeschool group and projects. We have been on property, we bought and closed on our property last October, we have been all over the property and no one even knew we were here until the last Special Use Permit hearing that we applied back for in September originally. We have been all throughout the property, we have had kids on site, class, school groups and we too value our privacy as well as that of our neighbors. We value our land, we value our neighbors and like Gabe said we want to work with our neighbors and be a part of the community and are willing to work with them so that they feel good about it

as well. We have our trainer on property who also gets up early and uses a tractor and has been.
Frank Monterisi: She has been?
Jami Temple: Yes.
Frank Monterisi: How long has she been on property?
Jami Temple: We closed on our property October 6th last year and her lease started October 7th of last year.
Chris Jones: Gabe said the cost was pretty expensive, what is the minimum for two nights?
Gabe Temple: Weekends rates, taxes and fees $550-600, without taxes or fees it is $195 per night on the weekends. In the summer that is what is.
Bob Oldham: My concern is that you will occasionally be gone, when you are on vacation, last time you talked about security cameras but the internet in our area is not good, others had a business and tried to run a business and couldn't. I am not sure at midnight or two o'clock in the morning how you are going to keep the security going. I hope you do well with your business but I have some worries about what is going to go on. We had some neighbors this past year, who had a contractor out there and a fire started, then it was under control, then out of control, then the fire department had to come out and it made it across the river. We had some issues regarding fires, one last year it came close to our home. We do have wild animals, we keep or animals in at night, these people will be in a tent at night and there will be no guns on the property.
Jami Temple: They can have them locked in their vehicles.
Gabe Temple: Internet, we have Windstream out there, the last time I clocked it was like 185 GB per second in the last year. We had one outage due to a farmer/tractor knocking out all the boxes last year while cutting the foliage. Payton Peters lives next door, he's a good friend to help, currently in works, the automatic gate/security code. As far as the wild animals, that's just nature. Our business is based on people having a good time so if there are any issues we are going to have a gate with a pass code, cameras, and as far as the wild animals go, we can't really control that.
Payton Peters: Their other tenant that has the lease of the barn and the pasture on their property has upwards of 10-12 horses. She is there every morning early and every evening, she leaves late. She has horses out in paddocks during the night as well as there hasn't been any issues with wild animals. Those horses, she sells and markets them as her business so she takes great care in their handling. Everything is very clear and mindful in the way it is set up and it's already being handled very congruently. The renters have been coming and going just fine with no disruptions and everything has been handled in a professional manner.
Frank Monterisi: Alright if no more evidence is to be presented at this hearing, we will reconvene at five o'clock on the December 12, 2023.

5. <u>Special Use Permit Request - Craig Taffaro - Docket No. 2023-04 (SU)</u>

A. Staff Report - Taffaro

Frank Monterisi stated the Board is ready to proceed with the application for

Melvin Hill Meats. He read an overview of the Board of Adjustment's procedures, expectations, and responsibilities for evidentiary hearings. He asked the Board if there were any ex-parte communications or relationships with the applicant to be disclosed to which there were none.

Frank Monterisi swore in Cathy Ruth (County Planner), Jana Berg (County Attorney), Craig and Abbey Taffaro (Applicants), Nikki Suave (Realtor), Veronica Johnson, Craig Scruggs, Gene Armstrong, Luke Carter, Francis Clancey, Bobby Louis, Linda Roland, Rafael Bravo, Paul K. Young, Adam French, Jason Craig, Jon-Pierre Sirois, Renee Sirois, Will Salley, Brian Panchyshyn, and Doyle Perkins.

Cathy Ruth requested the staff report to be submitted into evidence. The staff report was accepted into evidence as Zoning Administrator One, (ZA-1). Cathy Ruth presented the staff report to the Board.

Exhibits included:

- XA. General Application Form and site plan.
- XB. Zoning permit/application and receipt of $100.
- XC. Recorded deed in Register of Deeds Office dated November 15, 2021, Book 464, Page 2409.
- XD. Recorded plat in the Register of Deeds Office dated November 15, 2021, Book G, Page 87.
- XE. Polk County Property Card Tax Record for P126-190.
- XF. Polk County Geographic Information System (GIS) map, P126-190.
- XG. Google Map of parcel area.
- XH. P126-190 and surrounding parcels' zoning from the Polk County GIS site.
- XI. P126-190 and surrounding parcels' current uses from the Polk County GIS site, tax record.
- XJ. 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.
- XK. Signed and notarized Affidavit of Posting of notice of public and photos of posted signs.
- XL. Pictures taken by staff of the parcel.

There were no questions from the Board at that time.

Craig Taffaro approached the Board and asked the Melvin Hill Meats presentation be entered into evidence. Frank Monterisi accepted the presentation as Applicant One (AP-1).

Craig Taffaro introduced himself to the Board and explained his family's historical roots in butchery. He explained his business vision for Melvin Hill Meats, a custom animal processing facility and stated he would address each of the four criteria.

Craig Taffaro:
I want to set the context for the conversation just by giving you some idea of

what our business vision is. I'll step through each of the criteria for Special Use Permit.

Our business venture has grown out of our love for farming, our desire to integrate our work and our business. We lived in Charlotte for seven years and a variety of jobs and financial services and banking. Among other things that was regularly a problem for me as I wrestled with was the way that my work was so disconnected, and that I could go to work and have interaction with my colleagues. We'd work, come home, and not ever actually meet my community. As we started to plan what was next for our family, at a place where a network that we could integrate those things of our life, our friendships, and our work could become together as one, and really be founded in friendship ultimately. I'm so happy that so many are here who have become our friends in the couple of years since we purchased this property. We do farm on our property. We have pasture that actually one of our neighbors leased before we purchased this land, and he cared for that land before we did. We still have some shared use of that land. We run beef cattle. He runs dairy cattle. We also raise pigs in a pastured setting, meaning we don't just have them on a feedlot. They're out on pasture and rotating around so they're not destroying the land. We do have a few hobby interests on the farm, we also keep about twelve or so hives of bees and sell the rendered honey. Because we're also farmers, we recognize the work that farmers put into their animals, how they raise their animals and care for them. And that we actually get to partner with them in a very intimate way, in actually taking the life of their animals.

Because we understand how people raise their animals, we approach our work with gravitas, all that we do we want to fulfill the purpose of these animals, to feed people. So, to give some context as to why we are requesting a Special Use Permit, it was recognizing and be as we entered into the community and began to talk to other farmers about what was something that we could provide to the community that we heard consistently. Well, we need a butcher, I have to drive so far and it's such a long wait.

My great-great-great grandfather was the first one over from Sicily into the port of New Orleans. He was 7 years old when he came over to the states, he dropped out of high school at about 13. He worked as a butcher his whole life until he retired in his 70s. I actually have his original honing steel that he used, and if you look on my website on that front page, that's an actual picture of my great-great-grandfather. It's been wonderful for me to rediscover some of my own family rooms as well as we pursue this venture. I think of our work less as processing, which sounds very industrial, and more as harvesting. We help people harvest their animals. It is hard to find, a lot of people didn't even know we were there until this hearing. We don't plan to transport inedibles. All the stuff that gets left behind, the things that people don't want back from their animal like hides, is to not transport those things to the landfill or hold in cans for a rendering company. The state has approved our method of composting those things.

I add to this the definition of animal processing facilities from the county zoning ordinance. There are no specific ordinance standards or requirements for animal processing called out in the ordinance. I just reference here on this page some of the general ordinance requirements that we do comply with. In the case of parking requirements, I think we would fall into some other generic business category, as best I can tell. We do fulfill those requirements. There is

ample space for off -street loading and unloading, given that we plan to have people pull in with livestock trailers. We need ample space for them to pull in or back their trailers in. The site plan that was included in Cathy's presentation show the setbacks to the lot size requirements.
Beyond just the zoning ordinance requirements, we will comply with building codes with our primary regulator being the Department of Agriculture, we work very closely with them. We also work with the Department of Environmental Quality both the Division of Water Resources, that's particular to the handling waste water. As well as the waste management group that handles the composting requirements. As I mentioned previously, when I was at a large multinational bank I managed a team within a regulatory compliance division and while making these slides and listing all of the various regulators and inspectors and requirements that I have. I felt like I had more now than I did in banking. You may find that funny, you may not, but there you go.
Frank Monterisi: Let me ask our attorney something. What, understanding I haven't seen what has been presented before, so will be presented, how much of it actually falls under the jurisdiction of the North Carolina Department of Agriculture?
Jana Berg: You need to find that they are meeting the requirements required. The other agencies or whatever and he's indicated that's not our purview to determine whether or not they're properly disposing other ways for the waste management or whatever. You can make condition on your approval that they meet the criteria set forth from the other agencies.
Frank Monterisi: Thank you.
Craig Taffaro: The next few slides show that we have normal sewage toilets or sinks and follow standard practices approved by Polk County Health and Human Services. The wastewater from the floor drains and our butcher shop facility on site then will be periodically pumped and hauled from that tank to this water treatment facility. Research done by of Cornell University, as well as Penn State University, and handling particular to put waste or whole animal remains on the farm. We have studied that research very closely and then reviewed that with our state inspectors as well as the Department of Environmental Quality. So we're both complying with best practices proposed by these universities, as well as complying with size and scale, and what we can and cannot put into that compost. I want to share here that I've had some visitors that have come as we were doing some test runs in our facility, either slaughtering our own animals and getting a feel for how we wanted the flow to work, as well as our composting methods or helping friends and family. We have active compost going on right now on site, and as I've had some visitors come recently and prospective customers, and I am hearing them say "it doesn't stink here, usually when I go to an animal processor it stinks". It's because I wrap all of the stuff that would stink in a big diaper and it's all the carbon material that I am using, primarily wood chips, mulch, or something of that nature that has a carbon material that's going to absorb, any of those smells that would attract coyotes and dogs. As long as we follow these best practices we have no issue with smell or attracting pests and if I didn't do it properly, I am the first one to know because I will be there to smell it. A few weeks ago when I met with Cathy, I also happened to run this composting method by Geoff Hiles, the Polk County Environmental Health Director and he could see no problems with this in terms of any surface runoff issues or seepage from these compost piles based on the standards that we

were following.
I do want to mention a couple things just from a family perspective. Our goal is really more than to benefit to our neighbors, not be injurious to them, as well as to ourselves. That's kind of a low bar, not injurious. We plan to make it more than that. We've already started to do some of these things. So they were unfortunately some collapsing houses that had rich history behind them in the community. One of the homes on the property was once a beautiful old farmhouse was once. I think the construction finished in 1904. And that builder, George Branscombe, was the first pastor of Melvin Hill Church, which is right across the street from our property. He granted the land for that church, then he built this home, and it was a gorgeous old home. So when we first acquired the land we had high hopes and saving the place in the recovering. We soon found out that we would have to win the lottery in order to do that. That house, which had become a bit of an eyesore, was a danger. My neighbor who leased the property, his kids played on that property all the time. And so, to think about a house that was any day going to fall over we wanted to remove that potential danger. That's been taken down and we have done a lot of kudzu eradication, as well as clearing out the corner of our property, so there is a clear line of sight. Finally, the proposed use is in harmony with the neighborhood. As I mentioned earlier in my remarks, the idea for this business grew out conversations with neighbors and members of the community. And ultimately, I have to say that our neighbors are the reason that we want to exist as a business, doing this particular business. Our desire for having this business is so that we can be in harmony with the neighborhood. Everything that we do in terms of our management, our handling of the animal waste, the maintenance of our structure, of our property, is all aimed at the fact that the business is meant to be in harmony with our neighbors. I have a real passion for teaching others as well. And so that got me in contact with Polk County Livestock Association (PCLA). There is a picture here of a tour where I welcome folks to our property to get a sense for what they did expect out of our facility. As well as training in the top-right where we did a class on meat curing, butchery, home sausage making, things of the sort. So I want to not just be a business owner, but an educator. In terms of what else is in our neighborhood as I mentioned, we have a dairy farmer right across the street. We also have a dairy farm just a few miles away, Looking Glass Creamery. We have a market garden within about a quarter of a mile and livestock producers all around us, but they're all home scale or larger scale as I think that the business sits very nicely. With that I will close my remarks and open up for questions.
Frank Monterisi: What is a custom exempt animal processing facility?
Craig Taffaro: There are three tiers of animal processing facility in North Carolina. There's USDA -inspected facility. Think of that as tier one. I'll talk about exactly what these mean in a moment. There's state-inspected, and that would be tier two. Then there's a custom-exempt facility option. Think of that as the third tier. USDA and state -inspection options, tier one and tier two, are quite similar with one nuance. What they require from the facility is that a state inspector is on site at all times during slaughter. The inspector has to do an inspection of the animal as well as a post-mortem inspection of the animal. The purpose for that is so that that inspector can stamp the official state or USDA approval on that animal is safe for human consumption. The differences between the state and USDA's is that you are state inspected. USDA for

custom exempt, which is the regulation I operate under. I'm exempted from having an inspector be on site at all times during slaughter, performing those inspections before and after death. What I give up in return for that exemption is that I cannot sell to you, it's all labeled not for sale. So, my work is processing animals for the owners.
Hal Green: Roughly how long does the waste have to be in a diaper before it transmogrifies itself into compost?
Craig Taffaro: It takes about three to four months to go from flesh on bones or any fleshy substance, guts, hide, to just bones. Based on the Cornell, Penn State research is not to turn the compost for about three to four months. The common method of composting is to turn the compost regularly so that you aerate and provide oxygen to all those microbes working in there. In my case, I'm using a very coarse wood chip material so that it allows air flow in front and underneath so that I don't have to turn it and open up those smells before everything is actually decomposed.
Hall Green: So these are aerobic microorganisms?
Craig Taffaro: Aerobic, yes sir.
Hal Green: Once produced, what do you do with it?
Craig Taffaro: I plan to use all of it on my sixteen acres. I'll spread the majority of it on to pasture, I'll use some on orchard trees. If I wanted to actually sell to the public this compost, I would be opened up to a separate set of regulations through the Department of Environmental Quality, have to have compost analysis done and have those records available to hand out to people.
Hal Green: You don't appear to be a masochist.
Craig Taffaro: No, although I have been accused of it a couple of times.
Chris Jones: So you will be doing deer?
Craig Taffaro: Potentially, but my primary aim is to serve mainly domestic livestock raisers so I would cap the amount of deer I would process in a season.
Chris Jones: My next question was going to be feral hogs. If you're going to process those as well?
Craig Taffaro: That's a good question. I haven't even thought about that. Do you have a problem with feral hogs?
Chris Jones: I don't.
Lisa Krolak: So, is this all above ground?
Craig Taffaro: It is above ground, there is no subsurface composting happening. So, you start with one to two feet of base material so you have no leakage from the compost pile, then the organic matter, then a covering of 2-3 feet of wood chips on top of that. This is the sweet spot for our location. If I go closer to one to two feet, I may get buzzards or some dogs sniffing around but if I get that full covering to 3 feet of coverage of wood chips, nothing disturbs the pile.
Lisa Krolak: Do you have to get the compost inspected at all?
Craig Taffaro: No, the rule is written such that the compost, at my scale and the operation size and the laws that I'm operating under. The law is such that if it becomes a nuisance reported as such by a neighbor or a passerby that, hey, this guy's got compost and it stinks, at that point I would be subject to further inspection upon how I compost. But as long as I remain under, the size of the management area must be less than one acre. For the compost the total volume not including the finished compost must be less than or equal to 100

cubit tons or cubic feet, and anticipated size based on our anticipated volume of the animals. Probably never going to be a quarter of that.
Lisa Krolak: Do the bones decompose?
Craig Taffaro: They do become brittle to the point they break up.
Chris Jones: In terms of the regulations, do they allow you to sell the cow alive then use you as a service to slaughter that cow? Is that the plan?
Craig Taffaro: Yes, partially. However, we don't have a large enough piece of land, with 16 acres to have a full time business of doing just that on its own, it would be a side venture, most of the business activity that would support us would be providing the service.
Nicky Suave, Realtor representing the applicants approached the Board. She submitted comparative market analyses into evidence. It was accepted into evidence as Applicant Number Two, (AP-2).
Nicky Suave: This is pertaining to their property value on the local market. What I did here is we don't have any processing plants in Polk County except for one. That's very new. So I went to Rutherford County and Henderson County. The one out in Rutherford east of downtown, one is in Lake Lure, and the other was Flat Rock, kind of Dana area.
In order for the data to be relevant and made sure the properties were all within a mile of the property, which is the McEntire property that you'll see listed here 1201 McEntire. I had to go out as far as two miles just because of the terrain and the topo, it's not intensely populated or overly resided here yet. Look at how prices have gone up because that's what happens. I basically narrowed it down to properties are selling for a 100 percent or more of list price. And that means that there was a ton of interest in these properties cumulative days on market. I think the highest was 59 days now. I tried to keep these within the past year or two, but in order to keep the data confined to a small radius I had to go back to 2021 in one instance.
As you can see, the price per square foot on all of these increase with the date. And with the exception of one listing, everything was 100 % of list price or higher.
The exception I have to the price per square foot is 1601 Piney Nag Road, these are all vacant lots. This is an up and coming area. People are buying more vacant lots. The highest cumulative day on the market was 38 days. That's not normal. Land sits. So while there are no homes here to show an increase in property value and the lot sizes are variable, the more acres you have, the less price per acre you end up. And so there's no real accurate scale that I can show you, what I can show you as these things are on the market and they're off the market and people are paying 100% of what they're being asked to pay. The data is pretty clear, all of these meat processing plants, and none of them are huge or USDA. I did my best to find the appropriate type of meat processing plant in a very similar area because there's nothing to compare to. In my professional opinion, there is zero chance this is going to have a negative effect on property value up there. Everyone thinks people only move here for horses but they don't, they move here for the country life style, to raise their own animals, homestead, and not have to go to Ingles for everything they need. We want this country lifestyle, but we don't have stuff like this in Polk County to provide.
Frank Monterisi: The list you provided us, McEntire Road?
Nikki Suave: Yes.

Frank Monterisi: Is that actually in Polk County or is that Rutherford?
Nikki Suave: No, that's McEntire Road up in the Lake Lure area. It's in Rutherford County.
Lisa Krolak: People want this stuff in Polk County and come here for it.
Cathy Ruth: Will you give your background?
Nicky Suave: Sure. I've been here since 2005. I have been a realtor since 2017. I was with Keller Williams before, and now Tryon Horse and Home. Not only do I have a business but I stake my whole life, my family is here. Yeah, I don't want anything negative to happen here.
Adrienne Reilly: Is there any other meat processing facilities in the area?
Nikki Suave: Weicker's place on Highway 108 but they only process deer.
Adrienne Reilly: Did he have to go through this process as well?
Lisa Krolak: Ask Cathy.
Cathy Ruth: They are in an unzoned area, which would not require a Special Use Permit.
Frank Monterisi: Luke Carter? Good evening.
Luke Carter: My name is Luke Carter, my family and I operate a small farm less than four miles from Craig and Abby's. I'm a member, and my wife is a member of the Polk County Livestock Association. My wife is a board member actually of the association. I would like to speak today just for a few minutes about how Craig and Abby's proposed property use is designed and will be operated in such a manner as to be in harmony with the neighborhood, so point four on the criteria. And I'd like to do that by just talking about being in harmony with the neighborhood means is being done by him meeting a true need of us as farmers and this community. He is meeting that need, because that is important, especially for an animal processing facility. First, the need. Back in 2021 when we bought our farm, one of the first things we were told was, good luck getting a spot on the meat processors list. You'd better call now to get on the waiting list. Our immediate response was we don't have fencing yet, much less that we don't have the animals. But their response still was, call now or you won't get on the list. So with zero animals and very confused, we called and joined and there were five people ahead of us on that Infamous waiting list at the only processor in the area that could even take our call. All the while we were wondering how we were going to raise and sell, and how our customers couldn't get that meat processed for their table. That was a problem that needed solving. Second, I'd like to talk about how they plan to meet that need in a way that is harmonious. This past August the Polk County Livestock Association of PCLA sponsored a tour that Craig and Abby hosted that Craig referred to in the slideshow. I, and about 20 to 30 other farmers and neighbors in the community attended. And many of them are here tonight, while we were eager to learn everything about their vision, their facility, their services, and to see every nook and cranny of their nascent operation. We had one primary burning question on our minds and that was will you get to open soon? So despite wanting, our eagerness to hear about his opening date, Craig opened that tour back in August with words I needed to hear and others needed to hear. Words that impressed on me the importance of what he and his family were doing while they were meeting a tangible need that we all have. I realized it was about so much more than processing meat. I've done my best to recall so I can recount to you what he told us in his opening remarks that day. He said, Abby and I have dreamed of a family business that is more than just a means of providing for our family. We

wanted a business that would bring us into friendship with our community and customers. We wanted our economic transactions to be more than an exchange of goods and services between strangers. Rather, we want our exchange to be one founded in the love of our neighbors. We wanted to always keep in front of us the gravitas, or the weight, of what we are doing. I left that tour with a clear conviction of the commitment that Abby, Craig, and their kids have to work and live in harmony with their neighborhood and this community. To leave it better than they found it and to raise the next generation that will do the same. They, and we, are part of a growing community that wants to know our butcher directly, see firsthand the quality of our meat and the cleanliness of the process and to know that our animals are being treated with respect, even on their last day. The Taffaros are providing this to others and many other farmers in the community and customers. I'm very familiar with their plans. I've seen them and it is not unsightly. It will not be unsightly, will not smell bad due to the composting process. I've used this similar process for over two years and have had zero issues with animals after 20 to 30 animals being buried in composting the exact same way in which I have full confidence in his composting plant. Their place will truly avoid the problems and perceptions that are understandably associated with some other meat processing facilities. I would not hesitate to buy property and build my own home immediately adjacent to their property. So just to conclude a few things after those couple of points. We need the Taffaros and their business, the community needs it. They play a critical role in preserving our rich heritage of farming and stewarding the land, animals, and people that live here and provide healthy food for you and me, and busting open the log jam in the meat supply chain locally. I hope that we can put all available efforts to support this startup to bust down any barriers in their way and even incentivize their success because they're success is the counties success. So with deep respect and appreciation for what you this board do to protect us, our community, and our property I'd ask you to consider that, my family and I, as well as the rest of the farming community of our neighbors, are eagerly hoping that Melvin Hill Meats will be open for business soon.
Adrienne Reilly: How far away do you have to drive your cows now?
Luke Carter: Aaron Bradley goes about four hours away. When I moved here in many people said you probably have to drive to Asheboro, North Carolina before. Its north about 45 minutes. Asheboro is where Pinnacle Meats is located.
Nikki Suave: That was one of my comps.
Rafael Bravo: Not only that but most are just beef, sometimes, you have to wait half a year, sometimes 12 months waiting to get them processed. Also, it not just cattle, it’s a lot of people are sending sheep, goats, pigs. It’s harder to get the smaller animals on the processing list. Some of these companies spend half of the year processing deer and half of the year processing domestic, so sometimes we would end up waiting a year to sign up to get our animals into the facility. So, it was a nightmare. So having a Craig and his family is a blessing for all of us.
Adrienne Reilly: Thank you very much.
Frank Monterisi: I didn't mean to skip you. Did you want to say something?
Audience Member: No, that's okay.
Frank Monterisi: Francis Clancey?
Francis Clancey: I am a resident of the Green Creek neighborhood here. I'm

also a member of the Polk County Livestock Association and run a small farm with my wife just down the street on Highway 9 from Craig. So, I visited Melvin Hill Farm as a potential customer and as a professional in the food and beverage production industry for over 15 years and have a degree in biochemistry of agriculture. I very much feel that the level of the cleanliness of Melvin Hill Meats is of the same quality of a research and education facility of a top tier university.
Without maintaining this high level of cleanliness, there is a serious risk of health to the consumer that can go unnoticed to the naked eye that can only be seen in the lab testing. Melvin Hill has and uses all the necessary equipment to butcher and package these meats in the utmost sanitary ways. If the community did not have access to a facility like Melvin Hill each piece of livestock would need to be butchered by the farmer who would not necessarily have the know-how or equipment to properly package sanitary products for their family. At that point it would be unsafe for them to consume. The equipment necessary can also be extremely expensive, and to the point where it eliminates even the attempt. Having this facility would reduce the risk of all health and safety concerns in the neighborhood and I can also confirm that there are no offensive odors or threats to the surrounding community. I would definitely like to mention that the location is in harmony with the rest of the neighborhood as I experience it from working less than two miles down the street from Craig's facility and living less than 10 minutes away.
Frank Monterisi: Do you live on a farm also and do you sell your own meat?
Francis Clancey: Yes, sir. My wife and I do you have intentions of selling our lambs but currently we don't have anyone to turn in the local area to even have any processed. I have worked in food production, but have not gained the skills necessary to butcher any animals. So, having Craig in the neighborhood, it really would be a way for my wife and my two-week old daughter to really be able to live on the farm and be self-sufficient one day. Thank you.
Lisa Krolak: How does this work? You would pay to have your lambs processed and then you get the meat back and then do you sell it to other people?
Francis Clancey: No, I would not sell it. It would be used, you know, for example, we've been raising lambs since July and I would love to have my parents and in-laws over for a nice lamb roast for Christmas and without a facility like Craigs, I would not be able to do that.
Frank Monterisi: So, self–consumption?
Francis Clancey: Correct. So, it's 100 % for self -consumption in this case.
Lisa Krolak: Is it possible for farmers to use Craig to process the meat and sell it themselves? Because he said he can’t sell it.
Francis Clancey: North Carolina Department of Agriculture certified and United States Department of Agriculture certified are the only two types of processing facilities that are legally allowed to produce, process, and sell.
Lisa Krolak: Sure, so that the farmers in this area, they would not be taking it to him to actually sell to make money from the animals?
Francis Clancey: I will let Craig answer that, I am still relatively new to the farming industry.
raig Taffaro: I cannot take the animal, process it, package it and hand it back to Francis for him to go sell at a farmer’s market. Francis can develop a business model to presale that animal and he can presale to different people if he has the means to track 50 different people and then I can send it back to the owners. A

few years ago a similar question submitted to the USDA about this. We can handle animal shares but how far, how many shares can we get out of an animal? And the USDA said, well we don't set a limit, so if you can feasibly divide a cow 50 ways, then go for it. It's not very feasible to divide a cow 50 ways generally, but that can be part of the business model for farmers who maybe don't want to go retail individual packages, but have customers interested in their product as long as they can record a transaction prior to me receiving the animals for slaughter, then I can process.

Lisa Krolak: That's great for the farmers, I'm glad they can sell.

Adrienne Reilly: I just want to make sure I am clear on this, say I go over to this gentleman who owns this beautiful cow and I say I want half of that and my neighbor wants the over half, when that cow is ready he can then bring it to you and have it processed?

Craig Taffaro: Provided you write him a check first. Correct. You would pay the gentleman who owns the cow, now it's your portion of the cow and then I slaughter it and from there it's yours.

Veronica Johnson: I'm a psychiatric and family nurse practitioner, I teach online courses, and had a yearlong program that focused on lifestyle medicine, so I can attest that I am a health expert. I am also a member of the PCLA and I have about 30 chickens, three hives of bees and gardens. These guys have helped me a lot. In fact, Craig just helped me process a bird because a hawk killed one of my ducks. He answers the phone on a Sunday and then helped me through it. So, part of my business model is using permaculture and forest therapy, farming and homesteading as therapeutic modality. A lot of studies are showing that Shinren -yoku, if you've heard of that, its forest therapy. People that live closer to a forest have lower rates of depression. Our gut microbiome is actually native to the soil microbiome. There's a whole book on it called Eat Dirt. I read this book that talked about regenerative farming, do you guys know what that means or what that is? Okay. So, this book said that 10 years ago the soil had 80% less nutrients in it. Because of the conventional farming practices, and the book was written in 1920. So our soil is so freaking depleted now, like everybody's loving magnesium, everybody in here should be taking a magnesium supplement because we don't have magnesium in our soil anymore. The solution to all of that is regenerative farming. The things that Craig is doing and composting is a big part of that. If y'all remember the barbecue festival here in Tryon the Harmon Field. They had all of the remains from all over the barbecues. They left in a huge pile every year and you come back the next year and people grabbed up the compost because it was beautiful and people's gardens grew like crazy. Compost is so important for the forest. Right now the leaves are falling so that the compost can compost the forest. I mean this is, we are nature. This is how we become healthier, not only in our environments, but inside of our bodies. So, I would like to talk to the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood, it will actually improve the health. Like we just talked about of our communities and neighborhoods because it will provide food safety for Polk County, and I don't know if y 'all know, but the labeling, when you go to the grocery store and you buy free-range chicken, do you know what that means? Free -range means that the chicken is allowed 20 minutes of sunlight a day, and that sunlight can come through the window or the door of the coop. They don't have to step foot outside in order to be considered free-

range. Most of the chicken in the store, they are living in like 10,000 birds per barn, and y 'all have better terminology for it than me, but they are, they're living in each other's feces. They're sad, they're angry, the birds are depressed, and so then we slaughter this bird that has a shitty life, sorry for my French. And then we consume that right? We can consume that energy. That is just, this is not healthy all the way around. We would have our own food safety in our community. I can't even kill chickens, y'all I sobbed this year trying to process some birds. When you slaughter an animal pheromones get released in an animal. If there's a lot of fear in that animal, people that eat deer meat, you know people that don't know how to hunt deer properly, they'll taste bad. The reason it tastes bad is because all the fear pheromones and we're consuming that because the deers terrified, and it's dying a miserable death. Craig knows all this and he does all of this and so the animals are cared for, the animals are happy, in the sunshine. Then they're on their last day that they're slaughtered. They're slaughtered ethically, humanely, they don't suffer. Also, the kudzu eradication, Polk County is being consumed by kudzu right now. The proposed use will not be detrimental or injurious to property, property values or public improvements in the neighborhood. In fact, if these regenerative farming practices actually improve the land and the health of our communities, as I just talked about, the proposed use is designed and will be operated in such a manner as to be in harmony with the neighborhood. Nikki said the reason people move here to Polk County is because we want control of our own food safety. We want to farm. We want to be able to homestead. We want to be able to take some of these vital things that we need to survive in our own hands. People are so separated from their food. No, it's crazy. When I posted this thing on social media about crying over my chickens, I had a lot of angry vegans, asking why I was killing chickens? And then people would just say why don't you just go to the grocery store bought off the shelf, I don't want to know the bird before I eat the bird. It's so vital and so important to be connected. Thank you.

Craig Scruggs: I'm Craig Scruggs, Pastor of Melvin Hill Church, right across the road here. He said he's already composting and I have two pit bulls outside, they have not come home with anything yet, I've not smelled anything else. Also, the most amazing thing is the cleaning and improvement of the property that's taken place. He has cleaned up that area up because it was overgrown in kudzu. There were two houses, one real big one, if you've ever watched the moonshiners, Josh and Bill used to keep their stash underneath that big one, that's the one that was there that was falling in. He said it was a big piece of history there in our community, but it was necessary to tear that down to dispose of all that stuff like he did, we are grateful. I've not heard an animal holler yet, I told him I love hearing those kids laughing and playing over there. We're thankful to have him do a service for members in our church and farmers who have to have their animals processed, dispatched however, you want to say it. We were grateful to have them they've been nothing but a pleasure to live around.

Chris Jones-Have you had any rumblings from the congregation?

Craig Scruggs: Absolutely not. When we got a letter from you all about this year and we read it to the congregation. Matter of fact, several from the congregation are here tonight in support of Craig. No, there's been absolutely no relevance whatsoever. They didn't know they were killing animals over there.

So, they didn't really know what it was, I've never heard anything. No one's complained.
Frank Monterisi: Paul Young?
Audience Member: Paul Young had to leave.
Bobby Lewis: No trouble, no smell, been in the facility and its clean, if you all don't approve his facility then something is wrong with this process.
Adam French: I live just one mile down, myself, and wife are in full support for this Special Use Permit (SUP) approval. The quality and attention to detail are to the highest standards, we believe it will enhance property values and public improvements in the area. It will integrate well within our neighborhood, as well as being a sustainable an ethical practice.
Rafael Bravo: I live on Peniel Road and have a sheep farm just outside of Columbus, I am addressing requirement number two, this will not adversely affect the health of the persons in the county or world. They do not use chemicals or pesticides. Minimizing the amount of dewormers and chemicals in sheep, takes months, and it takes years to get to a good herd. But there was always something missing. Originally, I wanted to sell locally. So far we had to sale to someone in Atlanta. We all know about the to reduce fossil fuels, etc. and having to ship locally grown animals hundreds of miles away is not helping that cause. I have been working with my current herd since 2016 and if they have to go all the way to Pennsylvania or Georgia, we lose in every aspect. We grow and nurture these herds with our hearts and we want this to be used by the people in the same area and it's only through him that we can do that. So he needs to be approved.
Jason Craig: I raise cows and pigs, I am a dairy farmer across the street from Craig.
I am mildly complying with all laws. It's very important that you know, when Craig called me and said I would like to move to the county from Charlotte, most people who come before him probably say what can I come here and do to make money and extract some profit? He asked, what does the community need from me? And I'm not sure if you ever had a man like that or a question like that where they're asking what can I do here to make money versus what can I do that the community needs. I would like to wrap up and say there is no one in our community that is not excited about it and if there's any stray dogs or feral children digging up his guts it's mine. We are having no problems and nothing but joy and economic impact in our community that has kept the integrity of our place in our neighborhood. I have a 14-year-old daughter and an 11-year-old daughter who also have started raising pigs to sale to church. They've done the math and so my family is already benefiting in multiple generations and I cannot foresee any possible reason that anyone in the community or on this Board could possibly put any impediment especially because when Craig started if I understand the history of the zoning laws which he studied carefully he was in IT and banking and all sorts of other things, he's no dummy he read the laws carefully. They read the zoning rules carefully, however they're designated, he knew what he was doing and he still knows what he's doing. And we as a community should welcome him and be glad that he's here.
Brian Panchyshyn: I own the property across the street and we have no issue with this being approved. We are not farmers nor vested but we are good to go with it.
Linda Roland: I have 14 acres that I basically farm almost entirely by myself. Ever since I was a kid I wanted to be a farmer. I was the first girl in my high

school to be in the SFA and I had to fight my way into the agriculture class. That's quite the feat. I had to fight with everybody to get into that agriculture class. I love cows. I love cows, I have nothing for horses, you can't eat them, you can't milk them. I have two dairy cows, one is going to freshen in February. I have raised several calves, and I have one butchered yearly. A couple of years ago, I was told by the local butcher that if you have a calf that is born on your property, you better call up right now as soon as that calf hits the ground and make an appointment to have it butchered, if that's what your plan is, because it will take a year and a half, two years, before you can have that calf butchered. This was during the pandemic so I get it, you know, there was a problem then but it made me really scared because it's like I butcher one a year for my family, my kids and myself, you know, we divide the whole cow between all of us and I really think we do need more butchers in the area. It's ridiculous that if we have a pandemic you have to wait a year and a half to two years to get put on a waiting list and I feel as though it's very important. I'm also a member of the agricultural group, they are a great bunch of people. Everybody is willing to help each other. They're coming to my farm this coming Saturday to help me with an overload on my chickens that I've not been able to keep up with and helping me clean up the pens and whatnot. Great group of people, and I just want you to know that we are all standing for Craig and Abby and we would appreciate you just helping Polk County. Thank you.

Jon Pierre Sirois: I just wanted to say Renee and I went over the other day and had a really nice pleasant visit with Abby and we saw their operation and we're excited that they're able to do something in this great country of ours and be able to have a business work with our neighbors and try to eat as close to farm - to -table as we can. So from me welcome and we'll be glad to see you in our neighborhood.

Frank Monterisi: You can read it to us.

Jon Pierre Sirois: Myself, and my wife who is unfortunately not here tonight wish to express our full support for great application for a special use permit. We have observed Melvin Hill Meats dedication to quality and community values of the story ensuring that their proposed use of land were adhered to the highest standards of arts and butchery without affecting the neighborhood's health or safety. We believe that the operation of the facility will not only maintain but also enhance property values and projects in the area it's design and operation aimed at being in harmony with the surrounding environment. We integrate well with the character of our neighbor moreover. We are confident that the proposed use of the property will provide educational benefits to the community, promoting sustainable and ethical farming practices. In conclusion, we trust that the Board will find that the application meets all necessary criteria for the special use permit for this property and will bring substantial benefit to our community. Thank you.

Chris Jones: I think that Abby with her extenuating circumstances, next week might not be able to come back. I would like to make a motion to deliberate and conclude the hearing tonight.

Jana Berg: You can do that and I can draw up a draft decision but it won't be effective until Frank Monterisi, the Chair, signs it next week.

Adrienne Reilly: I second that motion.

Frank Monterisi: I don't think that a weeks' time will make a lot of difference but we have to go through each of the four criteria during the deliberation which

could take good bit of time but if everyone is willing to stay then I have no objection.

Chris Jones: I am willing to stay.

Jana Berg: I have an option for you if you would like to consider it. You can take a vote on each of the criteria tonight, yay or nay, and then Abby can go have her baby knowing that they have the permit and I can draft up a decision and you can then decide next week what criteria you want to add or remove from it you can.

Frank Monterisi: I don't know that a weeks' time is going to make any real difference, I doubt very much that the permit is in jeopardy at this time and Abby's presence certainly is not required in order to approve this special use permit. I think instead of rushing through it tonight as there are four criteria that we must deliberate and I don't want to jeopardize his operation and its going to require quite a bit of thought, instead of rushing through it tonight I think it best to hold off for the next meeting. So, his operation can run seamlessly in perpetuity and not have any issues pop up because we didn't take the necessary time for consideration.

Hal Green: With 35 years of practice in law. I've seen many glitches where the glitch was not expected. I really do think it would probably be a good idea. I think it's perfectly obvious what the outcome is. In order to get it done technically, correctly, probably we need to do it on the 12th.

Frank Monterisi: The other thing is that we have to consider that the conditions that we place, should we place any at that time, have to be approved by the applicant as well. I'm not the least bit concerned with the outcome of our decision, but I do think we need to make it right, make it clear. If there's no other business to be brought before this Board. We will reconvene the deliberation process on December 12, 2023 at 5:00pm.

6. Other Business

   None.

7. Public Comments

   None.

8. Adjournment

   Frank Monterisi adjourned the meeting at 8:47pm.

POLK COUNTY BOARD OF ADJUSTMENT

AGENDA ITEM

FEBRUARY 6, 2024 REGULAR MEETING

Agenda Item#: D.

ATTACHMENTS:

Description	Type	Upload Date
12.12.2023	Cover Memo	1/26/2024

BOARD OF ADJUSTMENT
December 12, 2023 - 5:00 PM
Bryant H. Womack Building
40 Courthouse Street
Columbus, NC 28722
MINUTES

1. Call to Order

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

2. Special Use Permit Request - Gabe and Jami Temple - Docket No. 2023-03 (SU)

Frank Monterisi: Okay, we are going to begin the deliberation portion of our meeting. Just as a reminder, there's no evidence to be presented at this point. There will be no comments or anything taken from any of those that are here just observing. We have a worksheet that we will be working our way through, and hopefully you have copies of that. So, let us begin.

We're going to do the Gabe and Jami Temple application. As we go through the worksheet, what we're asking the panel members to do is to add their vote and they have to give us a valid reason for their vote, whether it be yay or nay. Just a reminder that these are both Special Use Permit applications, to be approved a simple majority of the panel members that are here. Three out of five votes are required for the application to move forward.

Number one, the use, Recreational Vehicle (RV) Park and/or Camp Areas, for which the Special Use Permit is sought is in the Multiple Use Zoning District and the proposed use complies with the standards for such use, if any, contained in the Zoning Ordinance.

I'll start off. The Zoning Administrator presented maps to show the area and the zoning district. I would vote that because of the staff report, which was submitted as Zoning Administrator 1 (ZA-1) into evidence, it showed that everything that was presented did conform with the standards for use in that particular district. So, my vote would be yes. Adrienne?
Adrienne Reilly: My vote is yes. They met all the requirements needed.
Frank Monterisi: Lisa?
Lisa Krolak: Yes.
Frank Monterisi: Hal?
Hal Green: Yes.
Frank Monterisi: Chris?
Chris Jones: Yes.
Frank Monterisi: Number one has five in favor, zero against.

Number two, the proposed use will not adversely affect the health or safety of persons residing or working in the immediate neighborhood of such proposed use.
Chris?
Chris Jones: I vote yes. The testimony and evidence provided during the testimony supports this.
Hal Green: I vote yes, for the reasons already given and the proposed use is very light on the ground, the use will not have much if any effect on the adjacent properties.
Frank Monterisi: I vote yes. The rules that they set forth in their presentation will certainly determine how the facility itself is run, they specified the dumpsters, the removal of the trash, and as those particular facets are being carefully adhered to. The use will not adversely affect health or safety of persons living in the area.
Lisa Krolak: I vote yes. Following the camp rules, the health and safety of the people in the neighborhood are met. We talked about fire concerns and there were fire rules in the camp rules. Also, following the regulations with the county for health and safety for well and septic.
Adrienne Reilly: I vote yes. A lot of these reasons have already been spoken, and I like the fire prevention options, they're using a solo stove. If you're not familiar with, it doesn't give off a lot of smoke and it's very well contained.
Frank Monterisi: Number two. We also have five in favor, zero against. County Attorney, are these explanations sufficient?
Jana Berg: Did the Fire Marshal approve the roads? I would include that in the reasoning as well that it will not be detrimental or injurious to property values or to public improvements in the neighborhood of such proposed use.
Frank Monterisi: I will add that to mine, the letter submitted by Mr. Arledge, Fire Marshal of Polk County.
Frank Monterisi: *Number three. The proposed use will not be detrimental or injurious to property, property uses or property values, or to public improvements, in the neighborhood of such proposed use.*
This was a stumbling block previously in the past, but we were given sufficient evidence by a real estate agent showing comparable in the area, there were no comparable or any evidence presented to the contrary. Much the opposite in this hearing, there was quite a bit of evidence to submit that property values continue to increase as with the rest of the county. So, I do not feel that a campground in that area will be injurious to neighboring property values or values in that area. I vote yes.
Lisa Krolak: I vote yes, based on the realtor's presentation, the values in the surrounding property should remain or go up.
Frank Monterisi: Thank you. Adrienne?
Adrienne Reilly: I vote yes. The reason being the real estate agent presented a really strong case.
Hal Green: I would vote yes to the reasons given, plus the fact that there is already two units on the premises being used as rental properties, which are not seen to cause a detrimental or injurious factors to the surrounding property.
Frank Monterisi: Two additional properties of similar use in the county?
Hal Green: That's correct. The property already has existing rentals that successfully have been rented out with no issues and nothing has caused in any

adverse issues.
Chris Jones: My vote would be yes. To elaborate, I specifically asked the question for the rental properties that are on site, if there was anyone on site 24 hours a day to help govern the rules and regulations? They testified that no one was onsite fulltime. That in turn has not hurt the neighborhood, so I would support that. In addition, the extensive setbacks they have in the site plan are coming into play for me there. My vote is yes.
Frank Monterisi: So, significant setbacks and the low number of proposed units?
Chris Jones: Yes.
Jana Berg: I would like to suggest a couple of things. We are addressing property values, but we also need to address public improvements. We did hear testimony that driveway permits will be required by North Carolina Department of Transportation that should eliminate or address some of the access issues with respect to the roadway. Also, the use of well water and on-site septic system has no impact to public improvements with respect to water supply and sewer.
Frank Monterisi: Okay, so we will add, put these on mine, that public improvement for driveway access is regulated by the North Carolina Department of Transportation (NCDOT), and that the use of on-site septic will have no effect on the public use of water in the area. So condition number three, we also have five in favor, zero against. *Number four, the proposed use is designed and will be operated in such a manner as to be in harmony with the neighborhood in which it is to be located.*
I'll start, the site plan that was submitted by the applicant, as Chris has said, specifies the setbacks far exceed what is required in that particular area. The area is very rural, horse farms and vacant land, and I see no evidence that was presented to the contrary, that anything presented here would be injurious to the matter for the harmony with the particular neighborhood, especially because there were four units next to this property. I will vote yes to number four.
Hal Green: I vote yes. I repeat that there are already two units which are rented, they would be in harmony with the neighborhood. I also recall that there is a horse pasture that will continue to be used as a horse pasture, which is actually on the front or road side of the property, is maintaining its existing rural character which would be in harmony with the neighborhood.
Chris Jones: I vote yes, it will be used in the manner in which it was designed I heard no testimony that would contradict any of that any time. When we addressed an issue with Mr. Temple, he immediately responded with an acceptable answer.
Adrienne Reilly: My vote is yes, they gave a great presentation. I think they'll be great stewards of the land. I don't think they would ever do anything to make it a nuisance. I think it's a plus, my vote is yes.
Lisa Krolak: Yes, as well. I think that it's important that they have that camp rules outlined and that will help with being in harmony with the neighborhood. The rules are pretty strict. And only adding four campsites on twenty-six acres, the density won't have a big impact, it will be manageable and negligible.
Frank Monterisi: Four campsites in addition to the two, correct?
Lisa Krolak: Yes.
Frank Monterisi: Since this is a Special Use Permit, there are conditions that we

want to apply to the permit. One is that we want them to operate under the rules that were submitted into evidence at the hearing. Can anyone think of anything else?
Jana Berg: I would suggest that they substantially adhere to the site plan as submitted, because that covers the horse pasture and the setbacks.
Frank Monterisi: Good point. They will need to adhere to the site plan.
Jana Berg: I would say substantially adhere. That doesn't materially affect the use. For example, a campsite might need to be moved twenty-five feet to the north. Minor deviations would be okay, but a substantial deviation, like instead of putting four campsites, they put ten, or instead of maintaining the horse pasture, they decide to put their use closer to the road.
Frank Monterisi: If they wanted to put four more sites they would need to come back before the board. Is that true? That would be a substantial modification to the site plan which would require another hearing?
Adrienne Reilly: When you were saying adding on to other, is that the yurt thing or can they put tiny homes on there?
Jana: It depends on whether or not putting tiny homes on there would require a Special Use Permit.
Cathy Ruth: If it met single-family residential building code, it would not. If it was an RV type, it would. So, it depends who builds it and who inspects it.
Frank Monterisi: If you remember the testimony who lived across the street, that if it was stick homes, they wouldn't even have to be before us.
Adrienne Reilly: Okay.
Jana Berg: One thing that was a concern was how to alleviate brush fires. They mentioned they have Solo stoves, and there are other similar types.
Chris Jones: The ones that have a spark arrestor on it.
Jana Berg: What do you think about that? To help alleviate the fire concern?
Frank Monterisi: I think at certain times of the year that would be absolutely necessary. I don't know how we would address it. When you put a spark arrestor on, it takes a little bit from the use of it as opposed to being able to roast a marshmallow or hot dogs the fires actually cover. I'm not sure it is absolutely necessary.
Jana Berg: What about eliminating fires during burn bans? But they would be breaking rules anyway, so we don't need to do that. The spark arrestor devices that help prevent forest fires? The only reason I say that is it was a big concern I heard addressed. Not sure if it is necessary, it's up to the Board.
Frank Monterisi: Maybe if we add something like during times of extreme dryness.
Adrienne Reilly: High winds?
Hal Green: Is it possible just to include that they need to follow the requirements of the state and local authorities, but they're already required to do that.
Jana Berg: We could require fire suppression devices during times of drought.
Chris Jones: How about if we require them to have fire extinguishers in each unit?
Frank Monterisi: I think that is an excellent idea. I believe Mr. Temple said he provides the wood and if the conditions are good, he would not supply it. The only other thing people were talking about was marking the perimeter boundaries both inside and outside. Making sure guests don't wander onto neighboring property. And from the perspective of protecting Mr. Temple's

property, marking the outside so hunters and horseback riders don't come on their property. I think you need sufficient boundary markings. I have five conditions.
Jana Berg: Park rules as submitted, substantially adhere to site plan as submitted, provide fire extinguishers for the sites, and mark the property boundaries. What do you have?
Cathy Ruth: The development of the parcels shall comply with all regulations as specified in the Polk County Zoning Ordinance. Substantially adhere to the site plan as submitted. For fire safety, fire extinguishers in each unit. Property perimeters marked, posted. Park Rules as submitted.
Frank Monterisi: Yeah, I had one too many. I had the solo stove. We decided against that. So, we have four. Our next thing is to see if the applicant is satisfied with those conditions.
Gabe Temple: I agree to the conditions.
Frank Monterisi: Gabe Temple, Applicant, agreed to the conditions. The Special Use Permit is granted. Our attorney will prepare the legal document and after it is signed, you can appeal to the Superior Court in 30 days after it's been signed.

3. Special Use Permit Request - Craig Taffaro - Docket No. 2023-03 (SU)

A worksheet was passed out to the Board to record their findings and evidence for the approval or denial of the Special Use Permit requested by Abby and Craig Taffaro for a Animal Processing Facility on their property. Jana Berg explained to the Board they would need to make a finding of each of the four requirements for a Special Use Permit, and provide evidence from the hearing on December 12, 2023 to support that finding.

1. The use, *Animal processing facilities,* for which the Special Use Permit is sought is in Multiple Use Zoning District and the proposed use complies with the standards for such use, if any, contained in the Zoning Ordinance.

Frank Monterisi: Going through the same set of criteria, number one. The use, Animal Processing Facility, for which the Special Use Permit is sought is in the Multiple Use Zoning District and the proposed use complies with the standards for such use, if any, contained in the Zoning Ordinance. Again part of the evidence that indicated was the Zoning Administrator's packet Exhibit Zoning Administrator One, (ZA-1). It was very complete. I would vote yes to number one.
Adrienne Reilly: My vote is yes as well. What was presented was great and there were no objections. It's something that's needed in the county.
Lisa Krolak: I vote yes. Do we need to provide from slides five and six the different regulations he was complying with?
Frank Monterisi: When we get to the health and safety, I think those would be more appropriate there.
Jana Berg: Number one applies to the Zoning Ordinance requirements. So if the those things pertain to that, this is the place to add it.
Hal Green: For the reasons given, I would agree and vote yes.
Chris Jones: For the reasons given, I also vote yes.

2. The proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of such proposed use:

Frank Monterisi: Okay, number two, the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of such proposed use. I think the extensive description of the composting system that no one was concerned about it. As for the evidence that was presented to us and the comments in terms of the visitors to the facility talking about the cleanliness of the place. Hopefully, that will continue. I vote yes for number two.
Chris Jones: Yes. To elaborate on that, we had several people testify that they had actually been in there and they were extremely clean, the processes that he used as a butcher, are sanitary, and the neighbors that live there say, yes, he can he can chop our meat for us. I think that's a testament to he's going to run a good business.
Hal Green: I vote yes. The process he explained with the woodchips for the remains and that the neighbors were okay with that. They know more about that than I do.
Lisa Krolak: I vote yes. He will being using composting and a holding tank and then taking it to the Rutherford County Wastewater Facility.
Adrienne Reilly: I vote yes. His composting methods are cutting edge. I think his neighbors would be very happy, especially because most of them are farmers, and even the dogs don't get into his compost, so it's working.
Frank Monterisi: Okay, just to step back one second, I didn't list the findings for you. Condition number one we had five in favor, none against, and that is the same for condition number two.

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.

Frank Monterisi: Condition number three. Absolutely. It was a packet that was submitted. We only got one copy of it. And I know that Chelsea emailed it and that I got a copy and everyone else got a copy and in that packet there was sufficient evidence as to other surrounding areas. Not having any in the area. No evidence was presented whatsoever that it would be detrimental to the surrounding area. Again, it did show quite a bit of increase in the property values and so that type of facility in my mind really had no effect. I vote Yes.
Lisa Krolak: Well, for the facts that you just stated and also that he had put so much time and energy into improving the condition of the property, removing the building and turning a portion of the property into pasture lands. I vote yes as well.
Hal Green: This is almost an editorial comment, but it appears that far from being injurious, this is actually proposing a very needed point of service for people, not only is it not a negative, but it's a positive. I vote yes.
Frank Monterisi: I had no idea that there were those kinds of issues involved in the processing of animals.
Hal Green: My family was involved in this and it's not cheap to truck animals to processing facilities.
Adrienne Reilly: I vote yes for all the reasons given and to elaborate on uses, to

take that property and make it what it is today has added value to that neighborhood.
Chris Jones: My vote is yes as well. I believe that one could easily argue that it increased the property values there. It's certainly not detrimental. As Adrienne said he improved the neighborhood immediately and started to clean it up. So, I fully support that.
Jana Berg: Regarding public improvements I think it may be advisable to repeat the thing about the septic holding tank, the transferring of waste water to another facility so that this facility isn't adding sewage to our public improvements. Also, with respect to the roadway he didn't anticipate any increased traffic so it wouldn't impact the public Improvements in terms of roads. Did we get expert testimony about property values on this one?
Frank Monterisi: Yes. That was the packet that Nikki Suave submitted.
Jana Berg: Okay and that was the expert testimony, that it would not be injurious to property values.
Frank Monterisi: Condition number three. We also have five in favor and zero against.

4. The proposed us 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.

Frank Monterisi: We were engulfed by people from the surrounding area and other neighborhoods, not just the immediate surrounding area from directly across the street. I don't know how you consider a church to be in harmony with a meat processing plant, but there seemed to be no objections as to that particular point. And again, from the site plan that was submitted the description of the surrounding area, it very much fit in with this facility. The presentation of his property leading to the aesthetics and so on I think it will be operated in such a way as to remain in harmony and will remain in harmony in that particular area, so I vote yes.
Chris Jones: My vote is yes as well. Anytime you hear people talk and they're so passionate about what they do it's very moving. We heard a man testify to how much he loved his sheep and it almost brought him to tears. So, this service that he's providing not only does it do good for the people and then the community it is also beneficial for the animals.
Hal Green: I vote yes for all the reasons that have already been given. The farming operations in this part of Polk County absolutely need this service and if he is willing to give up a career on Wall Street, at least in Charlotte, North Carolina, to provide this service, all power to him.
Lisa Krolak: I vote yes as well. The business is actually defined to fit into the neighborhood. It's not a large processing facility, which I'm always afraid of that they're going to be pulling in hundreds of animals a day, but this is very surgically defined to meet the needs of the community. So, I think this is pretty beautiful. So, I approve it. Thank you.
Adrienne Reilly: I vote yes for a lot of the reasons that were spoken here and I will say that I got quite an education during that meeting. I had no idea what went on and no idea that animals had to drive that distance would be bad meat, the stress they go through, so it was an education for me as well, thank you. I vote yes.

Frank Monterisi: For item number four we also have five in favor and zero against.

Frank Monterisi: So, with a special use permit there are conditions that can be applied which we discussed and would like to put in place. There are two that come to mind, actually three now. Number one, would be that he maintains the composting procedures as presented before us. Number two, the removal of waste water will be brought to another facility and to maintain his operation as a custom exempt facility. He explained the three different tiers of meet processing, the USDA, the North Carolina, and the customer exempt and those conditions were very specific. So, now you need to keep that operation as custom exempt and I guess we also need to see that he complies with the North Carolina state and federal regulations. Anything else?
Lisa Krolak: I think you covered it.
Frank Monterisi: There are four conditions. Are you willing to comply with those conditions we placed on you?
Craig Taffaro: Yes, I think so but I have a question about maintaining the operation as a custom exempt facility, what was the reason for this condition?
Frank Monterisi: It was based on you and your explanation of the process and what was involved and in that type of operation you are unable to sell the meat. That seemed to be the service the local people have testified on behalf of you seemed to like in terms of operations. Rafael Bravo was pretty intent on that, as well as some of the other ones, but he was able to sell Chris' sheep and then bring it to you to process as opposed to you processing meat and then selling it.
Jana Berg: So, let me interject for a second to make sure I understand correctly. From what I understand, a custom exempt is that people bring already purchased animals for processing versus another type of facility where somebody would be bringing in animals to be processed and then the meat sold to people who have pre-purchased.
Hal Green: I think also there is a scale you have the next tier up where you are regulated by the North Carolina Department of Agriculture, and that requires a North Carolina Department of agriculture employee there. It’s a supervised process which implies necessarily a larger scale to sell the meat and this is very much a thing a small-scale neighborhood operation, in things make this shorthand to preserve it as a small-scale neighborhood operation would be too limited to this customs exempt of processor scale and if him and his neighbors feel the need to ramp up past the first tier and sell to South Carolina, then we'll be happy to talk to you again.
Frank Monterisi: They’re not able to sell any meat at all, they are only able to process on behalf of someone else.
Jana Berg: True, but I don’t know that, it practically limits the scale, theoretically no it doesn’t but people could be sending meat to him from all across the country to process.
Frank Monterisi: Yeah, I don't think we're talking about the size of the facility, just the amount of inspections that are due, the amount of employees in place, as far as being state inspectors and federal inspectors in place, and that type of thing.
Jana Berg: If someone, you know, Chris wants to buy a hundred head of cattle

from someone to bring it in, he can take it to him in the process. I guess I was trying to get at, what is your concern that you're trying to address with limiting it to the custom exempt processing? What is the hook there that makes that important?
Lisa Krolak: To try and understand that this is the business model he's showing us, and this is what's going to go forward, and it's not going to change, because right now we're all putting our yes's because this is the business model, but if he wants to change it to this other business model, how do we keep that from happening I guess is what I'm thinking and the exempt or the custom exempt is a way of doing that.
Jana Berg: I appreciate that but I just wanted to hear what's the overriding reason for that?
Lisa Krolak: Because I'm saying yes to this business model. I'm not saying yes to the other business model. He wants to change it to next year that somehow I said yes to that but I didn't because I said yes to this one. So, can he change it to the other?
Jana Berg: I just don't know what about the different facilities are so distinct. The only thing I'm aware of that is distinct from one to another, and maybe I'm incorrect. I'm the one who may be challenged in court so, you know what I'm saying is probably moot but my point is the model where the custom exempt processor business model versus the one where you have to have the USDA inspector, what changes about what he does is just about the point in which the meat is sold.
Lisa Krolak: For the value no. If you're going to have to do that, are you going to? Would you want, can I ask him questions?
Craig Taffaro: Can I add a clarifying point?
Frank Monterisi: I'm afraid not. We have tier one was USDA, there has to be an inspector on the premises, and can sell to anyone across the country, tier two, he can't sell across state lines, tier three, is custom exempt and he can't sell at all. And custom, which is what we're talking, the custom exempt is that he can't sell at all.
Jana Berg: Okay, so here's what I would do then in light of what you just said. The custom exempt processor better serves the community making it more conforming. I wanted a hook to hit into our criteria. And that's it.
Frank Monterisi: Okay, to better service the farming community.
Jana Berg: It can be the harmony with the neighborhood. Okay. The custom exempt fits the harmony with the neighborhood model. Okay. And that's what I was looking for.
Frank Monterisi: Okay. That makes sense. So, we're going to put that, we maintain custom exempt operation to better serve the community.
Jana Berg: Just to better serve the neighborhood.
Frank Monterisi: Better serve. Let's make it the community.
Jana Berg: That's fine.
Chris Jones: So then for clarification if you ever wanted to bring it out of that custom exempt status then he would have to come back before the Board?
Jana Berg: If this is a condition, then in order to do away with that as a condition, you have to come back before the Board, yes.
Hal Green: I think that is our intent right there.
Jana Berg: Okay.
Chris Jones: Limiting him to that going to the next level there's more

governance on that. Correct?
Frank Monterisi: Correct. That's a state level and then a federal level directly.
Chris Jones: I'm just wondering what does that get us in the circumstances? I understand Lisa said the size but that really doesn't play into that with the example you just gave about me being able to bring my 100 cattle, by limiting to that what are we truly getting out of that?
Hal Green: I would argue that what we are getting practically speaking is a scale argument. Secondly, from a practical standpoint what he said while certainly legally and theoretically true, is probably unlikely. That's what life is all about, probabilities
Frank Monterisi: Chris, it's also his presentation to us.
Chris Jones: I am not trying to be argumentative. So, I guess my question is when you asked him if he was okay with these that was exactly what he went to there's obviously a reason for that and we can't ask that question.
Frank Monterisi: Oh, yeah, we can he said to us that he wanted to know our reason for putting on that condition.
Chris Jones: But we can't ask him why that was a concern right?
Jana Berg: We can ask him if the conditions applied are acceptable and if not then he can give us his reasons why.
Craig Taffaro: The reason I ask about that is maybe two parts one is it sounded like there was a scale consideration in your reasoning. In my reasoning that doesn't stop me from adding another building to expand custom exempt processing we go from maybe 400 animals a year to 2000 animals, if you're okay with that great the other part of my question or concern about it was that I've had a number of local farmers who have asked when are you going to become state inspected by the USDA? So that you can process and then I can retail my product. My answer is to them so far, "I don't currently have plans to really with what the extra cost is and the necessary expansion that is required to have an inspector on the site". And so, it's not something that I'm hoping to venture in the immediate future but but to be in harmony with the neighborhood potentially, at some point that would be a desirable addition which is why that one jumped out at me.
Frank Monterisi: Well, I think that being the case take that would have been better presented to us in that nature. So, it is a scale differential and a different set of conditions with USDA inspection consultant. So not the limiting what you what you what you have currently proposed to us and we are in agreement with that and it doesn't affect the scale of the operation which is the type of operation and I'm not sure whether going to tier one or tier two is going to involve having to come back before the Board, Cathy would have to answer that.
Jana Berg: If he put that as a condition that he has a maintained status as a custom exempt processor and he decided to become a tier 1 or tier 2, it would require him to come back before the Board.
Hal Green: Can I interject a point here? Normally, the way you market cattle, if that's the reason you're selling, what you're essentially doing is running a maternity ward for calves that, once they get up to a certain size, they're then sold and the person who buys it then goes and buys the meat. So, what he was referencing would be a sort of interesting disaffiliation where the farmer has to pay for it and then goes into the business of selling it. And all I can tell you is none of my family, they're very happy putting their cattle on trucks and into a market selling the cattle and getting a payment for it. And what happens to the

beef cattle beyond that point is no longer a problem. Yeah, and so to the extent degree, the testimony indicated that local farmers would like to do this, it seems like the normal means is just you sell the animal, and the new owner brings it to this gentleman who then butchers it and so forth. All I can say is I have done that simply because I bought the cattle from a family member, butchered it and my family ate on it for months from just one cow.
Frank Monterisi: The fact that so many of our board members at the hearing got a real education can from this presentation, there's a lot that I personally don't know in terms of what became a North Carolina facility or if it became a federal facility. I don't know what other conditions are things that the state puts on and with the federal government. Maybe there's different setbacks or rules of disposal none of that was presented to the Board, there's just a lot that I don't know in terms of that. If he decided to do that I don't think anyone here is in opposition to what was going through based on what we voted so far. I don't think it would be a hard process for him to come back and presenting it in the same professional fashion that he did with this presentation. It’s not something he wants to do in January.
Hal Green: Right, so I'll say, amen.
Frank Monterisi: You okay with that?
Craig Taffaro: Yes, thank you. I'll be happy to come chat with you again.
Frank Monterisi: All right, so this Special Use Permit is also granted by vote of five to zero.
Lisa Krolak: Sure, so the site plan, he talked about if he wanted to increase the volume of animals coming through, he'd add another building.
Frank Monterisi: If he wants to add another building, again the addition of the building we're not restricting the scale of his operation just restricting the type of operation. So, if you want to put up another building and it conforms with the application process and is approved by that without having to come back before us again, Cathy or Chelsea would have to get to that.
Lisa Krolak: Okay. Thank you for clarifying that.
Frank Monterisi: He just goes through the building folks here in the the county. So again, same process, turning this approval into legalese for a couple weeks and I'll sign it. If anyone's going to make an objection to this they would have 30 days from that date, but based on the attendance and show of support that night I wouldn't be too concerned about it. Any other business to report before the Board?
Chris Jones: Yes, I would like to have a discussion. This was all extremely educational through this process of these two cases right during the two cases. There are a couple things that I wasn't clear on. I would like to ask Jana. Is there any kind of training or ongoing education?
Jana Berg: Yes, the school of government has several publications with respect to training boards, with the Board of Adjustment being an in-depth technical process and involving issues of Quasi-judicial proceedings. Typically, when that's put on together with a board attorney there to help answer questions and you go over what type of evidence was sufficient, relevant expert testimony versus lay opinion testimony. So, it does help a lot and we do have some new board members. So, it might be advantageous for us to take a look at that again. If you'd like me to, I prefer to do it after the first of the year, I'm willing to do that. I can order some materials from the School of Government and put on a class for you all.

Frank Monterisi: Great. I know there was one not too long ago. Chelsea, was there, and Cathy, they were on an then Lisa too. There were a couple of us that participated in the last one that was given as a video presentation. It was very, very helpful.
Jana Berg: I'll see if I can't get a replay of that and then be there to help.
Frank Monterisi: Okay, the meeting is now adjourned.

4. Other Business

   None.

5. Public Comments

   None.

6. Adjournment

   Meeting adjourned at 6:55 pm.

POLK COUNTY BOARD OF ADJUSTMENT

AGENDA ITEM

FEBRUARY 6, 2024 REGULAR MEETING

Agenda Item#: 4.

ATTACHMENTS:

Description	Type	Upload Date
Nuckle Staff Report	Cover Memo	1/29/2024

To: Zoning Board of Adjustment

From: Cathy Ruth, Zoning Administrator

Date: February 6, 2024

Re: In the Matter of the Application of Mike Nuckles on behalf of Christy Pond for a Special Use Permit, Docket No. 2024-01 (SU)

A. Action Requested by Board of Adjustment
   1. Review all currently available information prior to meeting
   2. Consider Special Use Permit Request

B. Background
   1. In November 2023, Mike Nuckles met with staff regarding an Event Venue at 1261 River Crest Parkway, Rutherfordton, NC 28139, identified as Tax Parcel ID P114-31 in the tax records of Polk County, and consisting of approximately 2.00 acres. The property is located in the Multiple Use (MU) zoning district. Event Venue is defined in the Polk County Zoning Ordinance as *a facility that is leased or operated for special events that are typically private in nature, including but not limited to weddings, reunions, retreats, and organized gatherings*.

   2. Mike Nuckles provided a completed application, applied to the Board of Adjustment for a Special use Permit for an Event Venue on December 4, 2023. The hearing was scheduled for February 6, 2024 at 5:00 p.m.

   3. The property, comprised of 2.00 acres, is identified as Tax Parcel P114-31 on the tax records of Polk County. The property is located in the Multiple Use zoning district.

   4. Exhibits included:
      -Exhibits XA consists of the General Application Form and site plan.
      -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 August 5, 2022, Book 472, Page 66.

-Exhibit XD consists of the recorded plat in the Register of Deeds Office dated September 4, 2002, Book E, Page 345.
-Exhibit XE consists of the Polk County Property Card tax record for P114-31.
-Exhibit XF consists of Polk County Geographic Information System (GIS) map, P114-31.
-Exhibit XG consists Google Map of parcel area.
-Exhibit XH consists of P114-31 and surrounding parcels' zoning from the Polk County GIS site.
-Exhibit XI consists of P114-31 and surrounding parcels' current uses from the Polk County GIS site, tax record.
-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.
-Exhibit XL consists of pictures taken by staff of the parcel and sign posting.

GENERAL APPLICATION FORM

Docket No: 2024-01 ISUP Date: 11-27-23

Permit Fee: $100.00 Receipt #: LOC0483

Permit or Relief Requested: Appeal* Variance (Special Use Permit)

Applicant Mike Nuckles Owner: Christy Pond / Mike Nuckles

Address 1261 River Crest Parkway, Rutherfordton, N.C. 28139 Address 61 Cross Ridge DR, Rutherfordton, N.C.

Telephone 828-429-9321 Telephone 239-691-5116 / 828-429-9321

Legal Relationship of Applicant to Property Owner: Partner

Purpose of Request: ~~Partner~~ Special use Permit / ~~Use~~ Event venue

Property Location: ~~Special use Permit~~ 1261 River Crest Parkway

Street Address: _____

Tax Map & Parcel Number: P114-31 Lot Size: 2 acres Zoning District: _____

Number Of Buildings To Remain: 2 Gross Floor Area To Remain: 280 sq FT

Number Of Buildings Proposed: 1 Gross Floor Area Of Proposed Buildings: 140 sq FT

Total Square Footage Of Land To Be Disturbed: N/A Estimated Cost Of Project: N/A

Please provide clear directions (with landmarks) to the property: ~~From~~ East on Cox RD - Left on Rivercrest Parkway Property approx 2 miles on left across from Zachary RD

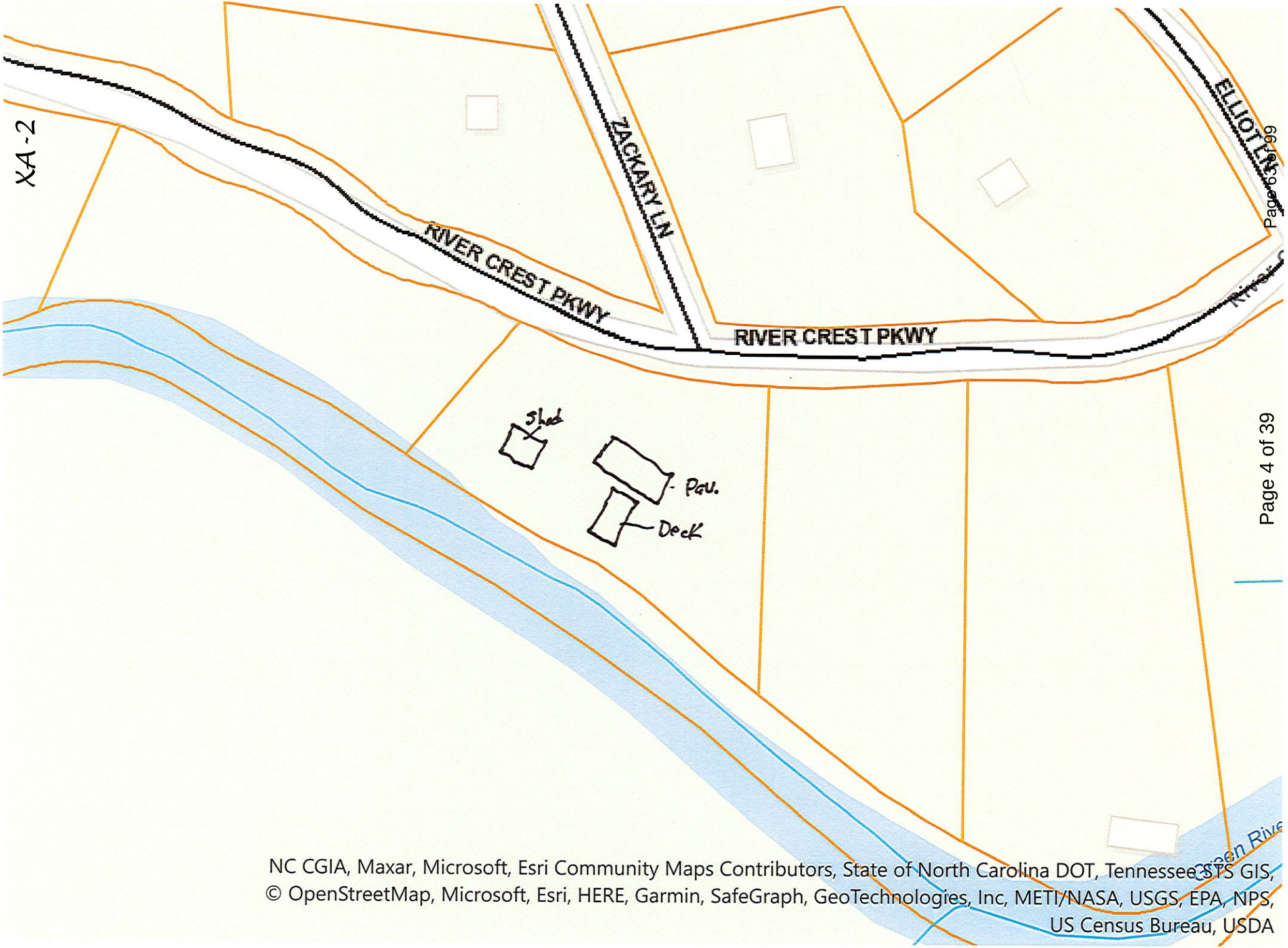
If needed to illustrate the appeal, or to request a variance or a special use permit, please attach a plot plan.

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.

Mike Nuckles

Signature of Applicant

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


XA-2
RIVER CREST PKWY
ZACKARY LN
RIVER CREST PKWY
ELLIOT LN
Shed
Pav.
Dock
Green Rive
NC CGIA, Maxar, Microsoft, Esri Community Maps Contributors, State of North Carolina DOT, Tennessee STS GIS,
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US Census Bureau, USDA

XB-1

DATE 12/04/23 POLK COUNTY PAGE 1
TIME 13:59:07 APPLICATION AND PERMIT PROG# PT2000
USER PLCHELS

PERMIT NUMBER ZP 25848 ZONING PERMIT APPLIED 12/04/2023
WORK ORDER# 49249 TYPE ZONING BOARD OF ADJUSTMNT ISSUED 12/04/2023
LOCATION 1261 RIVER CREST PKWY EXPIRES 6/01/2024
PIN HEALTH
PARCEL ID P114-31 RUTHERFORDTON REFERENCE
TOWNSHIP 5 GREEN CREEK ACREAGE 2.000 CENSUS TRACT
WATERSHED NOT IN WATERSHED FLOOD PLAIN? Y SBC#
DIRECTIONS US 74 E; UNION RD EX; R/ OFF RAMP; R/ COXE RD; 2 MI. R/ GREEN RIVER HGHLDS; STAY ON RIVER CREST PKWY ON LEFT

POND CHRISTY OWNER ID 51831
PHONE

61 CROSS RIDGE DR

RUTHERFORDTON NC 28139

APPLICANT NUCKLES, MIKE 828.429.9321
OCCUPANT POND, CHRISTY 239-691-5116

SUBDIVISION GREEN RIVER HIGHLANDS
M/ HOME PARK LOT #:
ZONING DISTRICT MU
COND/ SPECIAL USE
SETBACK FRONT: 25 REAR: 25 RIGHT: 15 LEFT: 15
PARKING SPACES
SIGNS/ PAVING
TYPE WATER/ SEWER
DESCRIPTION SPECIAL USE PERMIT - EVENT VENUE

SURVEYOR
GENERAL

SITE PLAN

PERMIT ISSUED: 12/04/2023 BY: PLCHELS PERMIT EXPIRES: 6/01/2024 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 12/4/2023
SIGNATURE OF OWNER/ AGENT DATE

Chelsea Allen
CODE ENFORCEMENT OFFICIAL

DATE 12/04/23 POLK COUNTY PAGE 2
TIME 13:59:07 BILLING NOTICE PROG# PT2000
USER PLCHELS

PERMIT NUMBER ZP 25848 ZONING PERMIT APPLIED 12/04/2023
WORK ORDER# 49249 TYPE ZONING BOARD OF ADJUSTMNT ISSUED 12/04/2023
LOCATION 1261 RIVER CREST PKWY EXPIRES 6/01/2024
PIN HEALTH
PARCEL ID P114-31 RUTHERFORDTON REFERENCE
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POND CHRISTY OWNER ID 51831
PHONE

61 CROSS RIDGE DR

RUTHERFORDTON NC 28139

APPLICANT NUCKLES, MIKE 828.429.9321
OCCUPANT POND, CHRISTY 239-691-5116

SERVICE	QUANTITY	RATE	FEE AMOUNT	FEE PAID	FEE DUE
MISCZ	1	100.00	100.00	100.00	
PAID BY: NUCKLE, MIKE			CK#:	1200 PAID BY CHECK	
TRANSACTION 904438 TOTALS			100.00	100.00	

CASH RECEI PT

XB-3

POLK COUNTY

User I D : PLCHELS
Todays Dat e : 12/ 04/ 2023
For : ZONI NG PERMI TS

Collected By : PLCHELS
Transaction Date 12/ 04/ 2023 Number 904438

Received From : NUCKLE, MI KE PMT# ZP00025848 CK# 0000001200

Total Transaction Amt 100. 00 CK#: 1200

Type: CONSOLIDATED REAL PROPERTY
Recorded: 8/5/2022 3:34:30 PM
Fee Amt: $86.00 Page 1 of 3
Revenue Tax: $60.00
Polk, NC
Sheila Whitmire Register of Deeds

BK 472 PG 66 - 68

XC-1

Excise Tax $60.00 Recording Time, Book and Page Assessor JC
Collector JC
Tax Map No. _____ Parcel Identifier No. #P114-31 _____ Land Use JC
Verified by _____ County on the _____ day of _____, _____
by _____

Mail after recording to _____
This instrument was prepared by **JARALD N. WILLIS**
Brief description for the index: 0 River Crest Parkway, Rutherfordton, NC 28139

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 3rd day of August, 2022 , by and between

GRANTOR	GRANTEE
Walter M. Hughey, single	Christy Pond (single)
615 Laurel Lake Drive Apt #A142 Columbus, NC 28722	61 Cross Ridge Drive Rutherfordton, NC 28139

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 Green Creek Township, Polk County, North Carolina and more particularly described as follows:

NO TITLE SEARCH REQUESTED OR RENDERED

Submitted electronically by "Arledge Law Firm, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Polk County Register of Deeds.

XC-2

NO TITLE SEARCH REQUESTED OR RENDERED

Situate, lying and being in Green Creek Township, Polk County, North Carolina, and being the same and identical property described in Deed in Lieu recorded in Deed Book 415, Page 235, Polk County Registry, and being described according to said Deed as follows:

Situate, lying and being in Green Creek Township, Polk County, North Carolina, and being the same and identical property described in Deed recorded in Deed Book 290, Page 876, Polk County Registry and being described according to said Deed as follows:

Situate, lying and being in Green Creek Township, Polk County, North Carolina and being all of the 2.00 acre tract shown as Lot #27 on plat entitled "Green River Highlands, Phase I" as shown on plat of record in Card File E, at Page 345, Polk County Registry.

Being a portion of the property which was conveyed by B.J Ash, widow, et als to Mtn. Creek Land Co., Inc., a North Carolina Corporation by deed dated April 17, 2002 and of record in Book 283, at Pages 1480 &1483, Polk County Registry.

SUBJECT TO all notes shown on plat hereinabove referred to and further subject to any restrictions or rights of way of record and SUBJECT FURTHER TO all provisions and restrictions of record as set forth in Declaration of Covenants and Restrictions of Green River Highlands dated August 8, 2002 and of record in Book 287, at Page 503, Polk County Registry.

MTN. CREEK LAND CO., INC. SPECIFICALLY CONVEYS HEREWITH a non-exclusive perpetual easement and right of way over that sixty (60) foot wide easement and right of way, which was acquired by it by the Deeds of record in Book 283, at Pages 1480 & 1483, Polk County Registry, and which right of way is shown on the subdivision plat hereinabove referred to.

SUBJECT TO the rights of other in and to the use of said sixty (60) foot wide easement and right of way as reserved in the deeds to Mtn. Creek Land Co., Inc. hereinabove referred to.

Being the same and identical property which was conveyed by Billy Gene Johnston and wife, Kathleen Louise Johnston to Walter M. Hughey, by deed dated May 11, 2016, and of record in Deed Book 419, Pages 525-527, Rutherford County Registry.

The grantee is responsible for paying the 2022 taxes.

XC-3

NO TITLE SEARCH REQUESTED OR RENDERED

All or a portion of the property herein conveyed ___ includes or __XX__ does not include the primary residence of a Grantor.

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:

1. Any and all easements, rights of way and restrictions of record.
2. Any and all zoning and planning ordinances.
3. Any discrepancies as an accurate survey of the premises might reveal.
4. Any and all other matters of record.

IN WITNESS WHEREOF, the Grantors herein have set their hands and seals, the day and year first above written.

_____(SEAL)
Walter M. Hughey

STATE OF NORTH CAROLINA
COUNTY OF RUTHERFORD

I, Christi Shive, a Notary Public for the State and County aforesaid, do hereby certify that Walter M. Hughey, personally came before me this day and acknowledged the execution of the foregoing instrument.

CHRISTI SHIVE NOTARY PUBLIC RUTHERFORD COUNTY, NC

Witness my hand and notarial seal, this 3rd day of August, 2022.

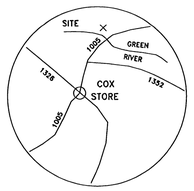
Christi Shive
Notary Public

My Commission Expires: 10-28-2023

XD

36"

GREEN RIVER HIGHLANDS
PHASE I



VICINITY MAP
(NOT TO SCALE)

REFERENCE BEARING

I, PAM THOMAS, the County Clerk of Polk County, North Carolina, do hereby cetify that on the 3rd day of September 2002, the Board of Commissioners of Polk County approved this plat for recording.

9/4/02 Date

Pam Thomas County Clerk

I, Nathan Odom, Registered Land Surveyor No. L-2718, certify to one or more of the following as indicated thus, ☒ or ☐ :

☒ A. That this plat is of a survey that creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

Nathan Odom
NATHAN ODOM, REGISTERED LAND SURVEYOR NO. L-2718

REMAINING LANDS OF MTN. CREEK LAND CO., INC.

STATE OF NORTH CAROLINA
COUNTY OF POLK

I, Jon E. Cabaniss, Jr., Review Officer of Polk County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Jon E. Cabaniss, Jr.
Review Officer
August 12, 2002
Date:

North Carolina, Polk County

FILED FOR REGISTRATION IN THE OFFICE OF THE REGISTER OF DEEDS FOR POLK COUNTY, NORTH CAROLINA ON 4th DAY OF September 2002 AT 11:09 O'CLOCK M. AND RECORDED IN SAID OFFICE, AT 11:09 O'CLOCK AM. ON THE DAY OF 4th, September, 2002 IN PLAT BOOK E card file PAGE 345 AND VERIFIED.

Sheila W. Whitmire — REGISTER OF DEEDS
Sheila S. Ford asst. — DEPUTY REGISTER OF DEEDS

I, Nathan Odom, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Deed Book ___, Page ___); that the boundaries not surveyed are clearly indicated as drawn from information found in Book ___, Page ___; that the ratio of precision as calculated is 1:10000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my hand and seal this 8th day of August A.D 2002.

Signature
Land Surveyor
Registered Number L-2718

NORTH CAROLINA PROFESSIONAL SEAL L-2718 LAND SURVEYOR NATHAN ODOM

I hereby certify that I am (we are) the owner(s) of the property shown and described hereon, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, and dedicate all roads and other sites and easements to public use as noted in the Disclosure of Private Roadways, where applicable.

8.8.02
Date

Owner(s)

MEANDER CALLS ALONG CENTER OF GREEN RIVER, CENTER OF RIVER THE LINE.

LINE	DIRECTION	DISTANCE
R21A	N00°09'53"W	92.59'
R21B	N52°23'57"W	63.57'
R21	N56°26'04"W	75.17'
R22	N79°02'52"W	90.95'
R23	S88°36'26"W	144.46'
R24	S88°36'26"W	67.31'
R25	S76°18'47"W	114.37'
R26	S65°59'25"W	69.62'
R27	S65°59'25"W	268.44'
R28	S65°59'25"W	40.71'
R29	S09°32'03"W	69.16'
R30	S09°32'03"W	131.75'
R32	S23°04'24"W	74.85'
R34	S14°04'48"W	93.60'
R36	S14°04'48"W	42.65'
R37	S17°07'23"W	125.77'
R37A	S18°12'27"W	62.91'
R38	S18°12'27"W	144.68'
R39	S38°40'37"W	145.29'
R40	S38°40'37"W	60.07'
R41	S55°59'42"W	221.48'
R42	S55°59'42"W	305.54'
R43	S55°59'42"W	31.88'
R44	S52°59'39"W	336.24'
R45	S52°59'39"W	64.80'
R46	N89°25'25"W	104.24'
R47	N56°59'27"W	128.44'
R48	N56°59'27"W	115.90'
R49	N49°37'54"W	129.60'
R50	N49°37'54"W	95.02'
R51	N56°55'51"W	339.40'
R52	N56°55'51"W	70.95'
R53	N57°13'02"W	225.98'
R54	S73°30'50"W	114.37'
R55	S73°30'50"W	150.63'
R57	S65°44'48"W	144.53'
R58	N74°11'50"W	107.94'

CALLS ALONG CENTER OF MILE END. CALLS ARE CENTER LINE OF A 45 FEET WIDE RIGHT OF WAY, 22.5 FEET EITHER SIDE OF LINE. MILE END IS A PRIVATE ROAD.

R166	N39°27'10"W	79.04'
R167	N33°40'52"W	230.23'
R168	N42°14'59"W	65.04'
R169	N50°59'02"W	75.22'

CALLS ALONG CENTER OF MILE END. CALLS ARE CENTER LINE OF A RIGHT OF WAY AND A COMMON BOUNDARY WITH MOHR. 22.5 FEET IS RESERVED FOR RIGHT OF WAY SOUTH OF THE CENTER LINE. MILE END IS A PRIVATE ROAD.

R170	N56°40'11"W	134.97'
R171	N47°29'24"W	59.50'
R172	N35°23'44"W	56.45'
R173	N27°34'35"W	107.22'
R174	N50°10'23"W	33.78'

CALLS ALONG CENTER OF BEECH TREE CIRCLE. CALLS ARE THE CENTER OF A 45 FEET WIDE RIGHT OF WAY, 22.5 FEET EITHER SIDE OF LINE. BEECH TREE CIRCLE IS A PRIVATE ROAD.

R175	S73°16'06"W	65.11'
R176	S77°43'17"W	158.61'
R177	S85°59'05"W	54.86'
R178	N85°44'31"W	57.15'
R179	N80°52'04"W	43.72'
R180	N72°15'23"W	120.31'
R181	N07°15'04"W	57.55'
R182	N18°45'32"W	80.41'
R183	N18°45'32"W	59.51'
R184	N17°49'40"W	69.31'
R185	N10°50'28"W	44.53'
R186	N07°24'47"W	46.27'
R187	N05°19'20"W	54.71'
R188	N11°00'34"W	63.82'
R189	N15°58'54"W	58.56'
R190	N04°07'21"W	57.69'
R191	N08°24'18"E	47.89'

CALLS ALONG CENTER OF RIVER CREST PARKWAY, 60 FEET WIDE RIGHT OF WAY, 30 FEET EITHER SIDE OF CENTER LINE. RIVER CREST PARKWAY IS A PRIVATE ROAD.

LINE	DIRECTION	DISTANCE
R59	N46°30'13"W	172.70'
R60	N39°59'32"W	74.31'
R61	N31°22'38"W	118.58'
R62	N33°46'47"W	105.76'
R63	N36°35'55"W	229.55'
R64	N37°10'09"W	325.27'
R65	N34°53'58"W	96.17'
R66	N29°35'23"W	87.61'
R67	N31°50'39"W	72.03'
R68	N34°42'44"W	51.20'
R69	N51°15'10"W	33.74'
R70	N36°46'49"W	131.23'
R71	N34°09'46"W	72.46'
R72	N29°00'33"W	109.66'
R73	N21°57'34"W	81.04'
R74	N25°07'34"W	89.90'
R75	N22°23'20"W	65.30'
R76	N19°16'06"W	118.72'
R77	N15°05'08"W	46.87'
R78	N07°06'19"W	52.54'
R79	N04°39'11"E	57.25'
R80	N08°06'20"E	43.37'
R81	N04°48'45"W	98.99'
R82	N05°03'09"E	40.26'
R83	N12°58'36"E	62.82'

CALLS ALONG CENTER OF RIVER CREST PARKWAY, 45 FEET WIDE RIGHT OF WAY, 22.5 FEET EITHER SIDE OF CENTER LINE. RIVER CREST PARKWAY IS A PRIVATE ROAD.

LINE	DIRECTION	DISTANCE
R84A	N01°52'44"E	10.78'
R84	N01°52'44"E	50.98'
R85	N12°39'56"W	72.30'
R86	N26°52'01"W	73.29'
R86	N38°17'50"W	150.88'
R87	N46°47'50"W	140.24'
R88	N52°09'57"W	124.35'
R89	N52°09'57"W	32.52'
R90	N61°11'43"W	69.43'
R91	N76°22'20"W	38.35'
R92	N85°16'56"W	47.62'
R93	N89°52'03"W	79.40'
R94	N82°09'53"W	46.88'
R95	N67°56'02"W	40.11'
R96	N62°18'05"W	43.60'
R97	N63°26'03"W	51.11'
R98	N71°39'16"W	60.92'
R99	N78°48'45"W	67.15'
R100	N78°25'31"W	53.19'
R101	N86°03'02"W	59.82'
R102	S88°10'09"W	47.25'
R103	S71°24'38"W	54.73'
R104	S61°08'12"W	6.94'
R105	S61°08'12"W	48.32'
R106	S57°07'57"W	101.92'
R107	S53°30'10"W	116.30'
R108	S54°58'28"W	16.23'
R109	S56°16'15"W	19.97'
R110	S65°45'47"W	38.77'
R111	S84°04'33"W	37.43'
R112	N86°13'42"W	58.07'
R113	S81°24'27"W	35.58'
R114	S64°35'48"W	42.33'
R115	S47°37'13"W	41.29'
R116	S34°22'56"W	46.49'
R117	S23°32'21"W	31.86'
R118	S05°00'46"W	71.55'
R119	S05°50'23"E	52.29'
R120	S14°04'21"E	172.22'
R121	S14°04'21"E	40.82'
R122	S16°24'48"E	156.31'
R123	S09°02'06"E	31.57'
R123A	S09°02'06"E	19.23'
R124	S09°02'06"E	25.71'
R125	S09°02'06"E	21.66'
R126	S03°24'32"E	61.94'
R127	S01°21'28"E	43.95'
R128	S01°21'28"E	28.08'
R129	S05°14'24"W	58.24'
R130	S12°53'46"W	65.49'
R131	S22°39'28"W	47.93'
R132	S24°57'04"W	38.19'
R134	S24°57'04"W	83.42'
R135	S44°46'30"W	43.25'
R136	S81°59'18"W	52.49'
R137	S85°35'04"W	93.75'
R138	S75°07'15"W	56.05'
R139	S50°34'14"W	32.18'
R140	S50°34'14"W	32.02'
R141	S45°18'09"W	47.20'
R142	S36°36'29"W	66.37'
R143	S40°53'07"W	59.17'
R144	S48°09'43"W	49.36'
R145	S59°43'47"W	74.16'
R146	S58°30'20"W	93.56'
R147	S74°24'48"W	67.32'
R148A	N83°47'10"W	14.95'
R148	N83°47'10"W	60.11'
R149	S88°36'26"W	48.05'
R150	S84°21'03"W	102.76'
R151	N88°41'16"W	88.59'
R152	N84°41'10"W	54.22'
R153	N78°05'26"W	101.68'
R154	N63°14'30"W	72.39'
R155	N63°14'30"W	72.47'
R156	N73°45'07"W	80.30'
R157	N52°39'30"W	116.98'
R158	N72°39'16"W	62.67'
R159	N58°34'20"W	74.67'
R160	N66°26'05"W	37.10'
R161	N75°15'32"W	118.45'
R162	N64°33'15"W	59.66'
R163	N54°27'50"W	61.58'
R164	N46°31'56"W	86.70'
R165	N41°26'09"W	40.96'

*** PLAT NOTES ***

1. There is a 45 feet right of way along all roads except as noted. The cul de sac rights of way shown have a 50 feet radius.
2. There are 52 total lots. Lot 10 is the smallest lot with 1.22 acres. The subdivision has 125.20 total acres. The common area is 1.56 acres.
3. The linear feet of new road is 17,850 feet.
4. Minimum setbacks are as follows:
   - 20' from road right of way lines
   - 20' from rear lot lines
   - 20' from outside boundary lines
   - 15' from side lot lines
   - 30' from creek and river boundary lines
5. The average lot size is 2.36 acres.
6. References: Deed Book 283, page 1480; Deed Book 283, page 1483; Deed Book 285, page 1664; Deed Book 286, page 1609; and Card File E, page 206 all of the Polk County Registry.

Subdivison Streets Disclosure Statement

Under and pursuant of Section 136-102.6(f) of the North Carolina General Statutes, prospective purchasers of lots in this Subdivision are hereby advised that:

1) the roads and streets in the subdivision are private roads and streets and have not been and will not be constructed to minimum standards sufficient to allow their inclusion on the State Highway System for maintenance.

2) responsibility for the construction and maintenance of said private roads and streets rests with the owners of lots within the subdivison;

3) any subsequent inclusion of the subdivision roads and streets in the State Highway System may be upon the condition that lot owners participate in the cost of initial improvement of the roads and streets sufficient to meet minimum State standards.

I, Joseph E. Coleman Jr. Chairman of the Planning Commission hereby certify that the said Commission has conditionally approved the final plat and has delegated the County Planner or Chief Building Inspector to review successful completion of these conditions and to sign the final approval.

Jack Coleman Jr.
Chairman
Admin.

PARTS OF LOTS 6, 8, 10, 13, 14, 17, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, AND THE COMMON AREA ARE IN A FLOOD HAZARD AREA AS DELINEATED ON HUD/FIA FLOOD MAP COMMUNITY PANEL NUMBER 370194 0004A DATED MAY 19, 1978. NO BASE FLOOD ELEVATION HAS BEEN SET FOR THIS AREA. THESE LOTS ARE SUBJECT TO ALL THE RESTRICTIONS THAT THE BUILDING INSPECTORS OFFICE OF POLK COUNTY MAY REQUIRE.

CALLS ALONG CENTER OF BRANCH OR BRANCH BED. THE CENTER OF THE BRANCH IS THE LINE.

LINE	DIRECTION	DISTANCE
B1	S11°35'28"E	34.90'
B2	S09°47'55"E	66.05'
B3	S02°52'59"E	27.87'
B4	S07°24'56"W	44.06'
B5	S21°42'57"W	75.60'
B6	S10°51'34"W	77.99'
B7	S11°57'12"E	66.98'
B8	S49°50'16"E	84.03'
B9	S48°16'46"E	79.19'
B10	S58°27'04"E	142.76'
B11	S36°01'05"E	27.41'
B12	N73°32'30"E	53.96'
B13	S84°08'25"E	32.25'
B14	S05°20'00"W	41.04'
B15	S42°35'26"E	16.42'
B16	N75°57'16"E	44.44'
B17	S04°30'24"E	59.83'
B18	S32°06'51"W	49.32'
B19	S61°17'33"W	41.85'
B20	S24°09'37"E	133.84'

CALLS ALONG CENTER OF ZACHARY LANE. CALLS ARE THE CENTER OF A 45 FEET WIDE RIGHT OF WAY, 22.5 FEET EITHER SIDE OF LINE. THE CUL DE SAC RIGHT OF WAY RADIUS IS 50 FEET. ZACHARY LANE IS A PRIVATE STREET.

R213	N19°37'17"W	156.82'
R214	N22°13'30"W	153.25'
R215	N22°13'30"W	88.96'
R216	N22°23'08"W	159.03'
R217	N23°00'34"W	121.87'
R218	N23°00'34"W	53.66'
R219	N16°31'07"W	49.15'
R220	N01°51'39"W	66.80'
R221	N00°12'29"E	54.69'
R222	N00°12'29"E	60.85'
R223	N03°13'37"E	54.08'
R224	N03°13'37"E	55.93'
R225	N12°40'31"W	65.54'

CALLS ALONG CENTER OF ELLIOTT LANE. CALLS ARE THE CENTER OF A 45 FEET WIDE RIGHT OF WAY, 22.5 FEET EITHER SIDE OF LINE. ELLIOTT LANE IS A PRIVATE STREET.

R192	N32°33'05"W	82.71'
R193	N27°16'06"W	98.15'
R194	N33°32'58"W	43.80'
R195	N40°02'47"W	62.38'
R196	N47°09'30"W	46.19'
R197	N49°14'34"W	78.12'
R198	N45°29'00"W	48.92'
R199	N38°52'37"W	64.04'
R200	N20°29'11"W	49.11'
R201	N04°56'58"W	61.49'
R202	N01°26'55"W	55.28'
R203	N01°26'55"W	122.99'
R204	N04°32'48"W	41.60'
R205	N02°21'25"W	44.70'
R206	N07°42'12"W	34.15'
R207	N26°47'47"E	70.85'
R208	N41°31'18"E	67.51'
R209	N38°41'09"E	115.39'
R210	N35°22'23"E	55.49'
R211	N24°53'34"E	92.83'
R212	N24°53'34"E	106.45'

CALLS ALONG CENTER OF ETHAN DRIVE. CALLS ARE THE CENTER OF A 45 FEET WIDE RIGHT OF WAY, 22.5 FEET EITHER SIDE OF LINE. THE CUL DE SAC RIGHT OF WAY RADIUS IS 50 FEET. ETHAN DRIVE IS A PRIVATE STREET.

R226	N19°30'40"E	165.97'
R227	N14°24'08"E	79.98'
R228	N14°24'08"E	108.30'
R229	N06°27'05"E	64.65'
R230	N03°31'13"W	52.75'
R231	N03°31'13"W	39.58'
R232	N27°03'03"W	60.05'
R233	N34°16'21"W	193.20'

THE COMMON AREA CONTAINS 1.56 ACRES, 67830 SQ. FT.

CONTROL CORNER
W. CANTRELL 233-1071

CONTROL CORNER
W. CANTRELL 233-1071

W. CANTRELL 233-1071

CONTROL CORNER

CONTROL CORNER

CONTROL CORNER

OUT PARCEL D. MOHR 166-2427

OWNER OF SUBDIVISION
MTN. CREEK LAND CO., INC.
DAVE MYERS
131 HERITAGE DRIVE
RUTHERFORDTON, NC 28139
PHONE: 828-286-1636

MTN. CREEK LAND CO., INC.

GREEN CREEK TOWNSHIP POLK COUNTY NORTH CAROLINA
FIELD: N. ODOM MAP: N. ODOM
DATE: JULY 5, 2002 MAP NUMBER: 20612 B

GRAPHIC SCALE
200 0 100 200 400 800
1 INCH = 200 FEET

PROFESSIONAL SURVEYING SERVICES
206 N. MAIN STREET
P.O. BOX 1161
RUTHERFORDTON, NC 28139
PHONE: (828) 287-7059

PROPERTY CORNER LEGEND
- ● EXISTING IRON PIN (EIP)
- ○ NEW IRON PIN (NIP)
- • POINT
- △ NAIL OR RAILROAD SPIKE
- ⊠ CONCRETE MONUMENT
- ⊠ RIGHT OF WAY MONUMENT
- ◒ STONE

E/345

XE

POLK COUNTY

POND CHRISTY | YR 2024 **P114-31** | **ACCOUNT#:** 51831 | PAGE 1
1261 RIVER CREST RD | LOT #27 | **NBHD:** 0G05 GREEN RIVER HIGHLANDS
PHASE I | PIN: | Plat Bk/Pg E | 345 APPR: RV5 APPR DT: 5/13/2019
2.000 AC TWSP: 005 | **DISTRICT:** 5 GRN CRK TWNSHP- | EXCD: NOTICE:

Bldg No. | Exempt Code | **LAND VALUE** 68,000
Imp Desc: | EYB: | **MISC VALUE** 0
Grade : | AYB: | Finished Area: | **BLDG VALUE** 0
# of Units | Rms | Bedrms | Bathrms | HBaths | **TOTAL VALUE** 68,000

TYPE/CODE/DESCRIPTION	PCT	%CMP	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	COST

PROPERTY NOTES:

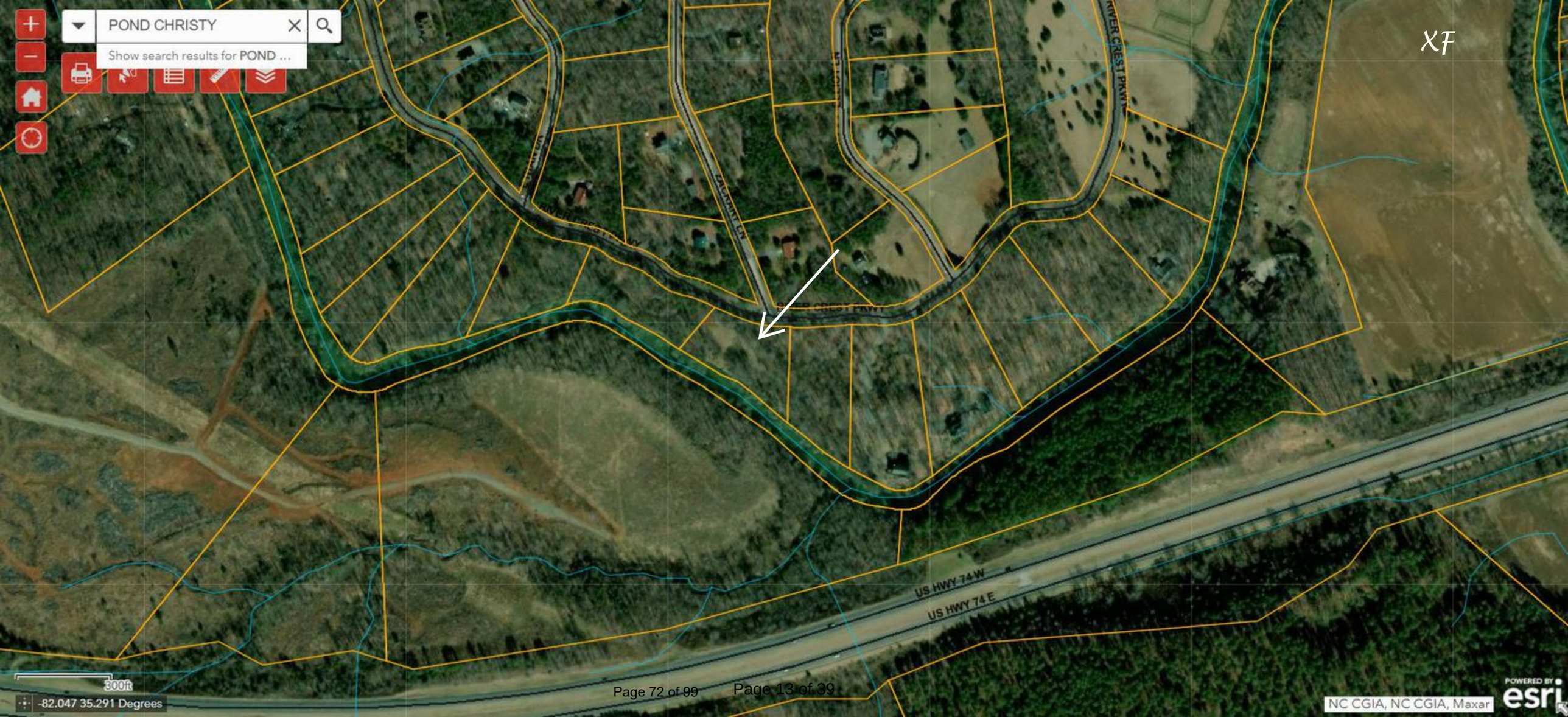
PERMIT NO	TYPE	DATE
AMOUNT		
AMOUNT		

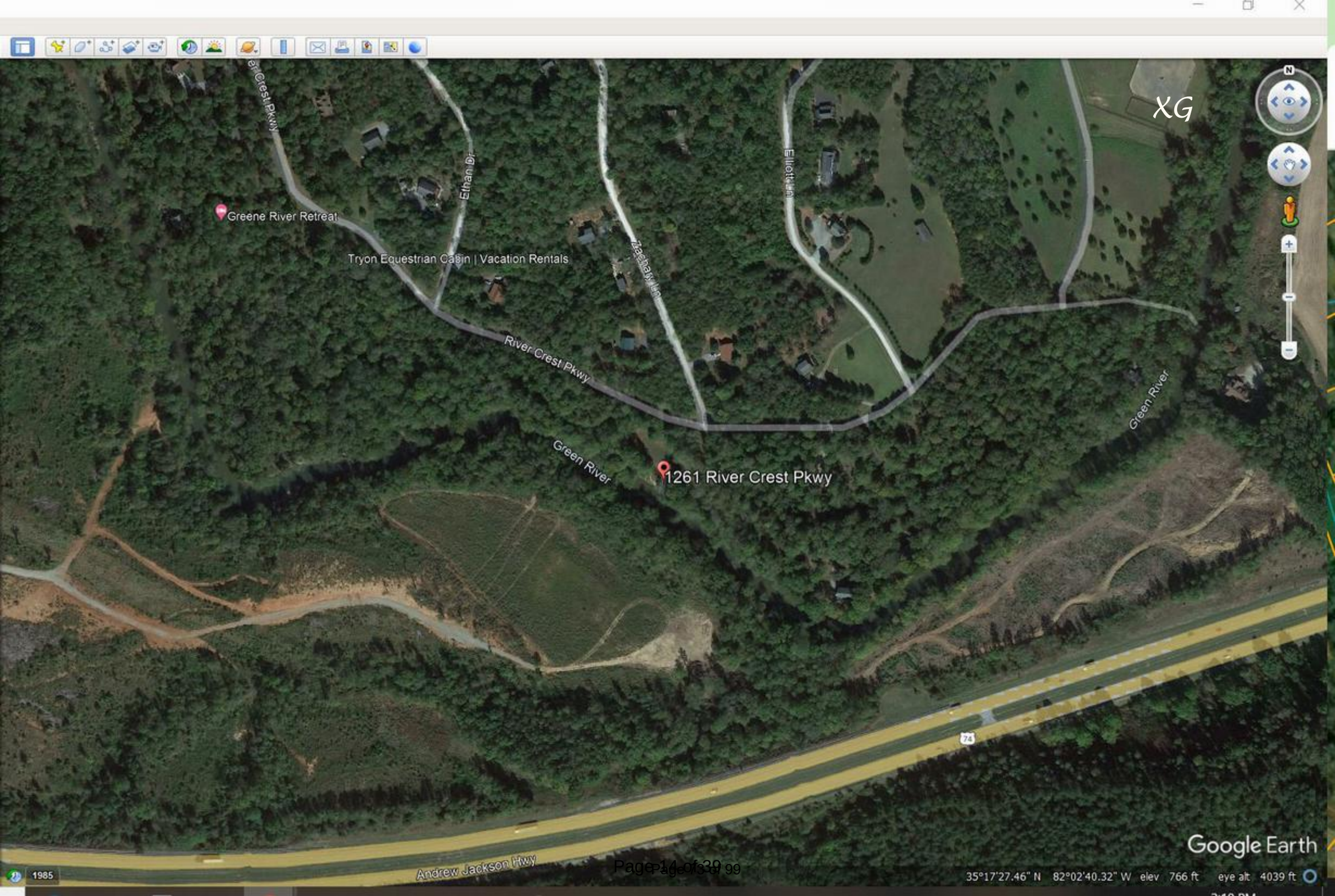
BOOK	PAGE	DT	DATE	QS	SALES PRICE
472	66	WD	8/05/2022		30,000
419	525	WD	5/11/2016		80,000
415	235	FORE	9/18/2015	P	
409	1614	WD	11/10/2014		75,000

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	DPTH	DPT%	TOP%	LOC%	SIZ%	SHP%	OTH%	ADJ	FMV	EXMPT
1		AC BS1	1.000	60,000.00		.00	.00	.00	.00	.00	.00	.00	60,000	
2		AC RES	1.000	8,000.00		.00	.00	.00	.00	.00	.00	.00	8,000	

P114-31 1261 RIVER CREST RD REQUESTED BY JERRY RUN 1/01/24 TIME 16:33:40


POND CHRISTY
Show search results for POND ...
XF
CALDWELL LN
RIVER CREST PKWY
US HWY 74 W
US HWY 74 E
300ft
-82.047 35.291 Degrees
NC CGIA, NC CGIA, Maxar
esri


XG
Greene River Retreat
Tryon Equestrian Cabin | Vacation Rentals
River Crest Pkwy
Ethan Dr
Zachary Ln
Elliott Ln
Green River
Green River
1261 River Crest Pkwy
Andrew Jackson Hwy
74
Google Earth
1985
35°17'27.46" N 82°02'40.32" W elev 766 ft eye alt 4039 ft

p114-31
Show search results for p114-31
Multiple Use Zoning District
XH
US HWY 74 W
US HWY 74 E
300ft
-82.043 35.291 Degrees

XI
P114-45
SFR
P114-31
SFR, Storage Bldg,
Lean-to, Patio
P114-32
Vacant
P114-31
Vacant
P114-30
Vacant
P115-34
Vacant

AFFIDAVIT OF MAILING

State of North Carolina
County of Polk

Re: Notice of Board of Adjustment Hearing

Sarah Zoellers of Polk County, North Carolina, being duly sworn, states that on the 18th day of January 2024, she personally mailed, first class the attached photographed notice that reads, "Board of Adjustment Notice of Adjustment Hearing 5:00 PM February 6, 2024 at 40 Courthouse St. Columbus NC 28722 Call 828-894-2732." to the following property owner and adjacent property owners:

LIST ATTACHED

Sarah Zoellers
Sarah Zoellers

Subscribed and sworn to before me
this 18th day of January, 2024.

Chelsea Victoria Allen
Notary Public

My Commission Expires: September 19, 2026

CHELSEA VICTORIA ALLEN NOTARY PUBLIC POLK COUNTY, N.C. MY COMMISSION EXPIRES 9/19/2026

ROBERT HARDWICK
KENDELL HARDWICK
16 MAGNOLIA DUNES CIRCLE
ST AUGUSTINE, FL 32080

ALBERT TROUTMAN
GINA TROUTMAN
34 ZACHARY LANE
RUTHERORDTON, NC 28139

GARY CHARLES ALERTE SR
13261 SW 99TH ST
MIAMI, FL 33186

TODD ALLEN WISEGARVER
PO BOX 1838
DAVIDSON, NC 28036

EVE L MCCRAW TRUSTEE
700 ISLAND WAY
#103
CLEARWATER, FL 33767

CHRISTY POND
61 CROSS RIDGE DR
RUTHERFORDTON, NC 28139

POLK COUNTY GIS NORTH CAROLINA

N

Adjacent Property Owners

Current Time: 12/06/2021 2:04 PM

0 75 150 300 Feet

0 0.01 0.03 0.05 Miles

AFFIDAVIT OF POSTING

State of North Carolina

County of Polk

Re: Notice of Public Hearing

Chelsea Allen of Polk County, North Carolina, being duly sworn, states that on the 12th day of January 2024, she personally posted the attached photographed notices that read, "Public Hearing Board of Adjustment Hearing Tuesday February 6, 2024 5:00 PM 40 Courthouse St. Columbus NC 28722 Call 828-894-2732" at the entries to parcel P114-31 and the intersection of Zackary Lane and River Crest Parkway.

Chelsea Allen

Subscribed and sworn to before me
this 18th day of January, 2024.

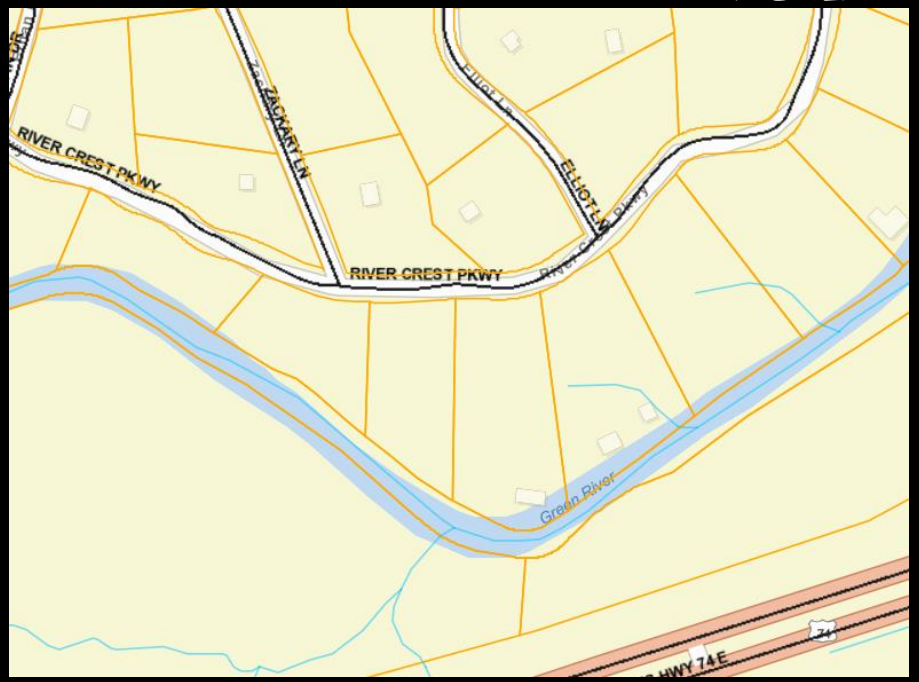
Notary Public

My Commission Expires: January 11, 2028

Sarah Zoellers
NOTARY PUBLIC
Polk County, NC
My Commission Expires January 11, 2028

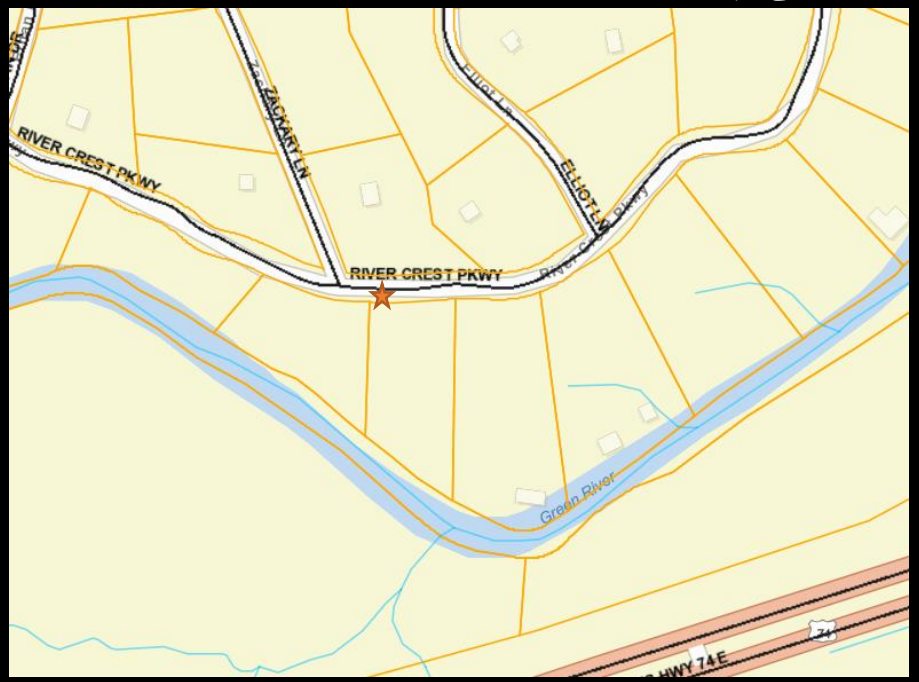
Public Hearing
BOARD OF ADJUSTMENT HEARING
TUESDAY FEB 6, 2024 5:00 PM
40 COURTHOUSE ST.
COLUMBUS, NC 28722
Polk County
Call 828-894-2732

XL-1



Neighborhood Entrance
River Crest Parkway and Coxe Road

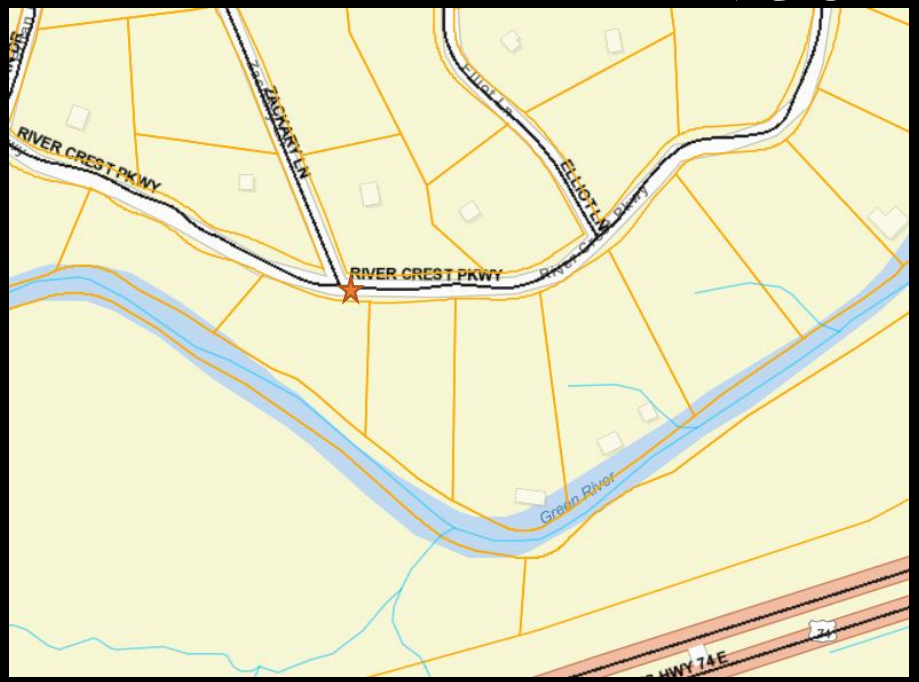
XL-2



On River Crest Parkway
Approaching Property on Left
Zackary Lane on Right

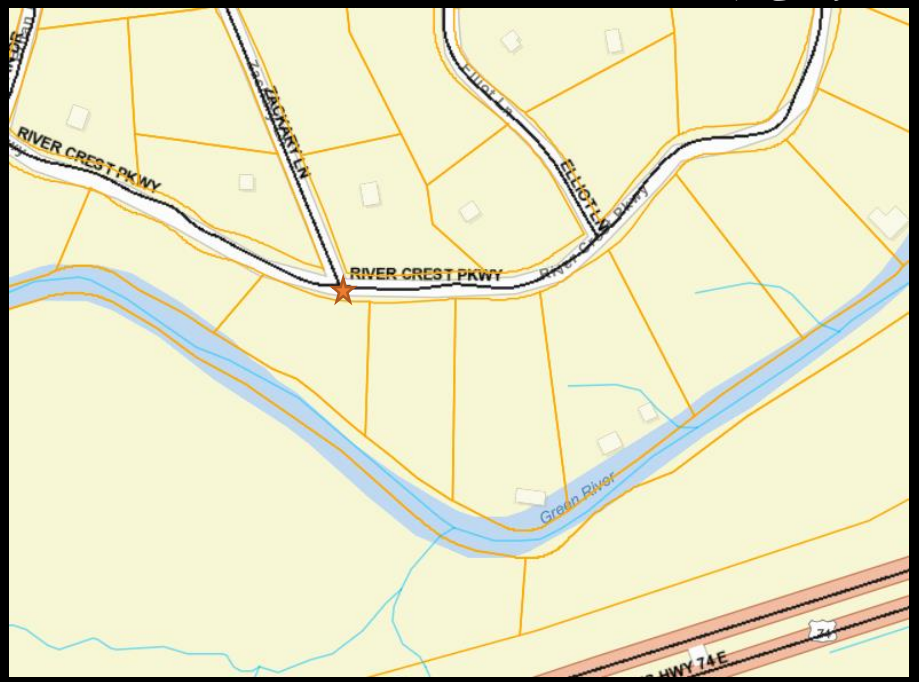
Page 82 of 99

XL-3



On River Crest Parkway
Approaching Property on Left

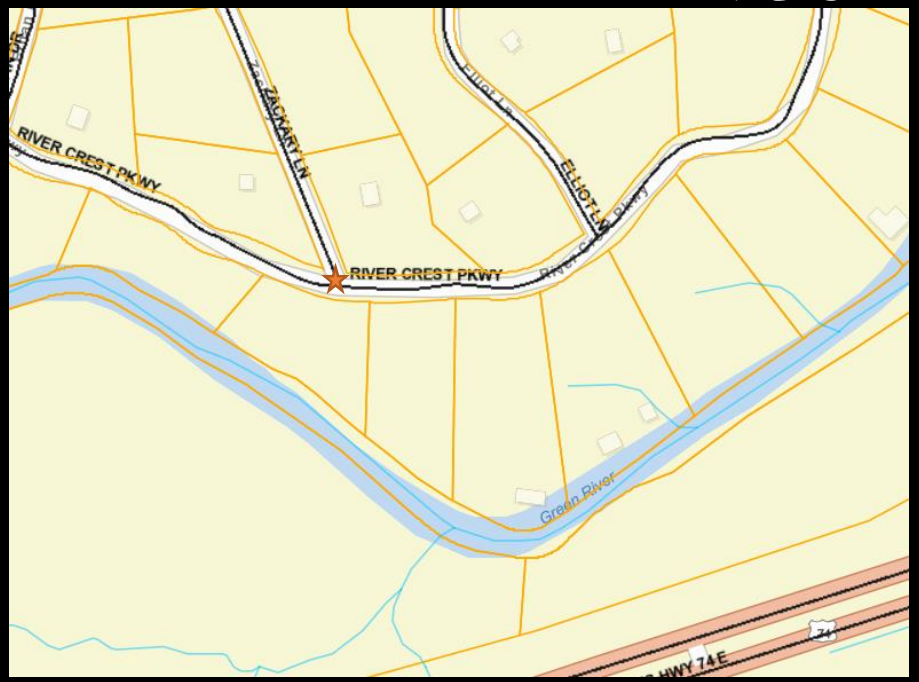
XL-4



On River Crest Parkway
Zackary Lane to Right
Property on Left

Sign Posted

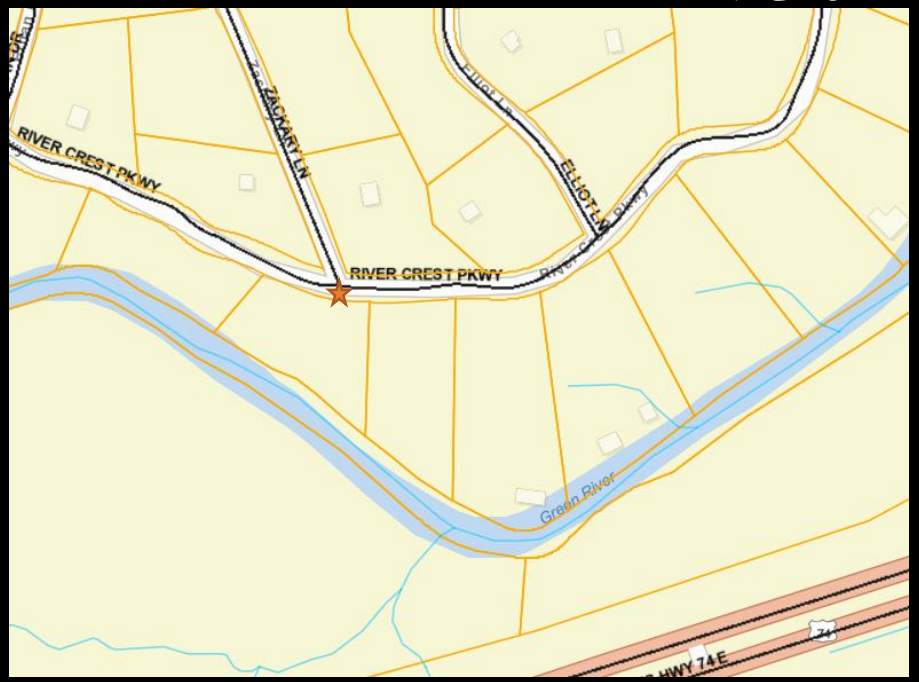
XL-5



At Intersection of Zackary Lane
and River Crest Parkway
Looking up River Crest Parkway
Facing Property on Left

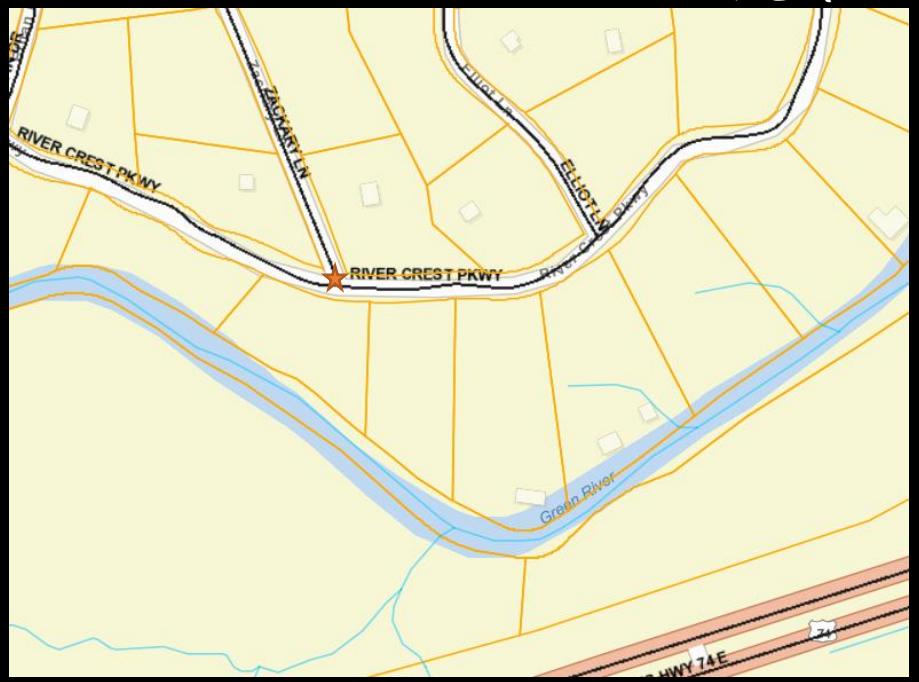
Sign Posted

XL-6



On River Crest Parkway
NE Driveway
Facing Property

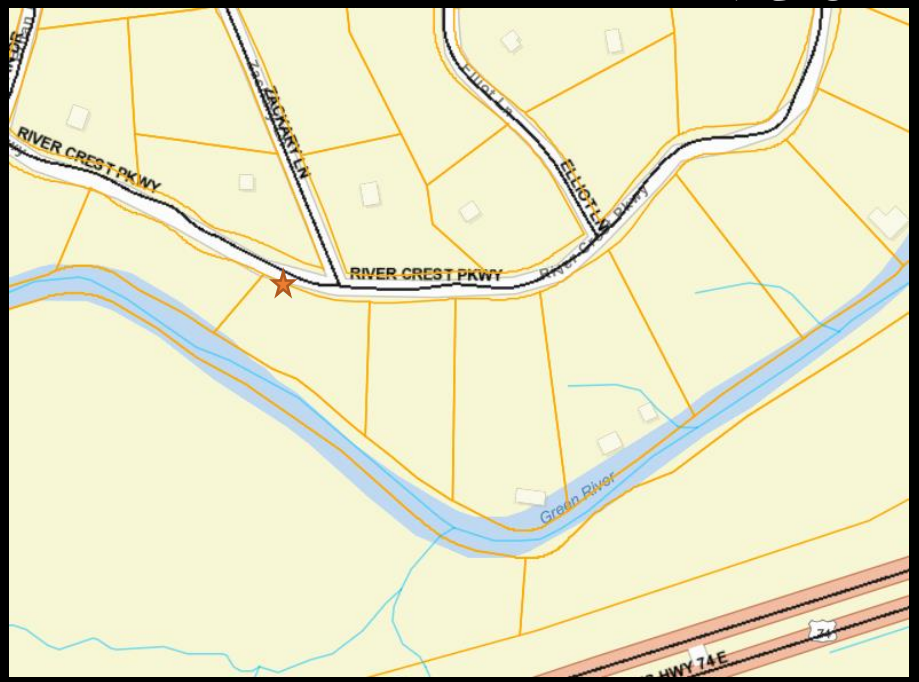
XL-7



Intersection of Zackary Lane
and River Crest Parkway
Facing Property

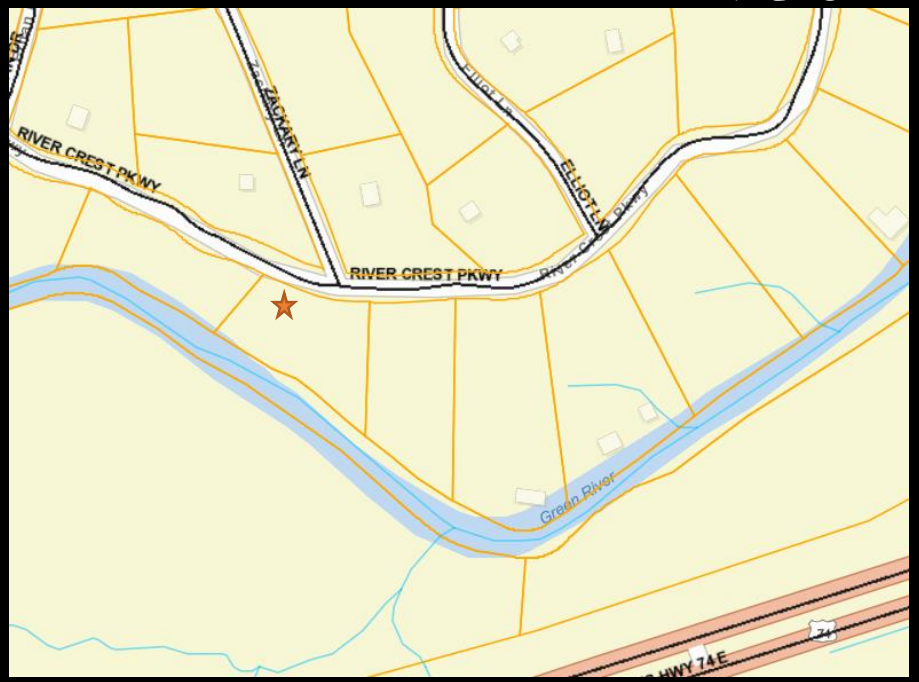
Page 27 of 39

XL-8



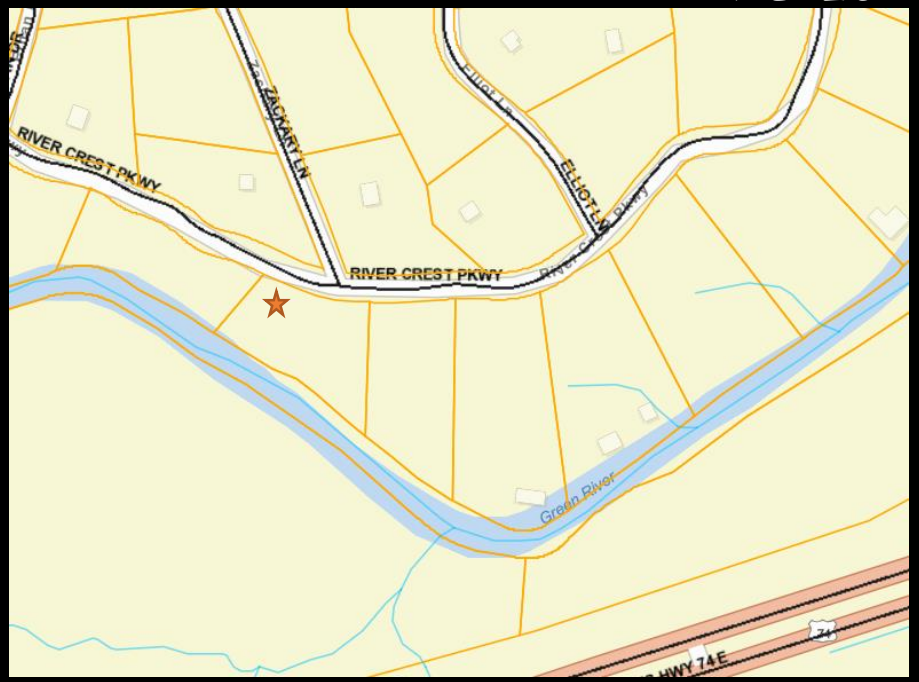
NW Driveway into Property

XL-9



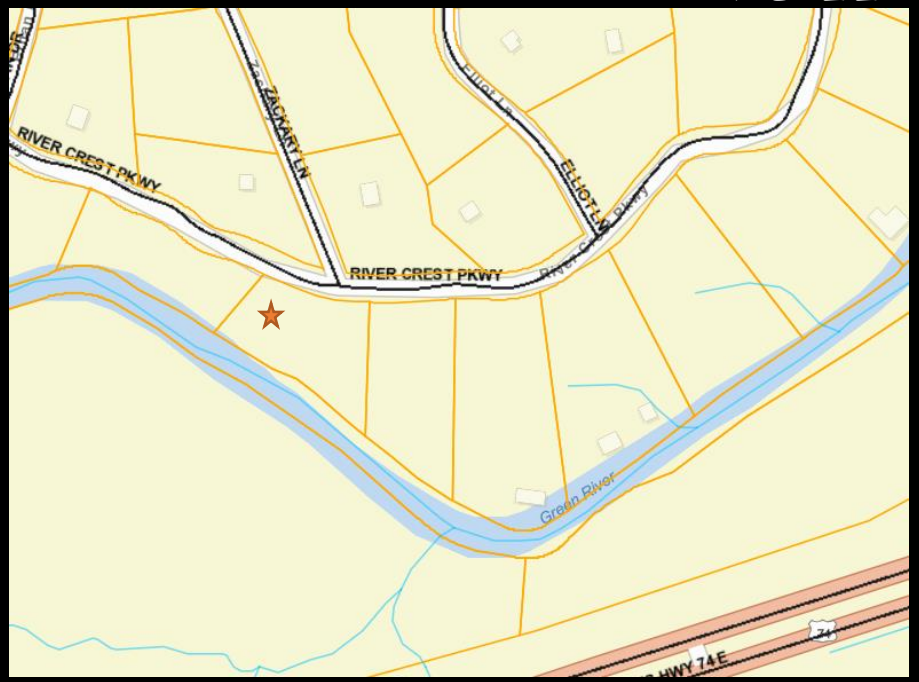
On Property
Facing West

XL-10



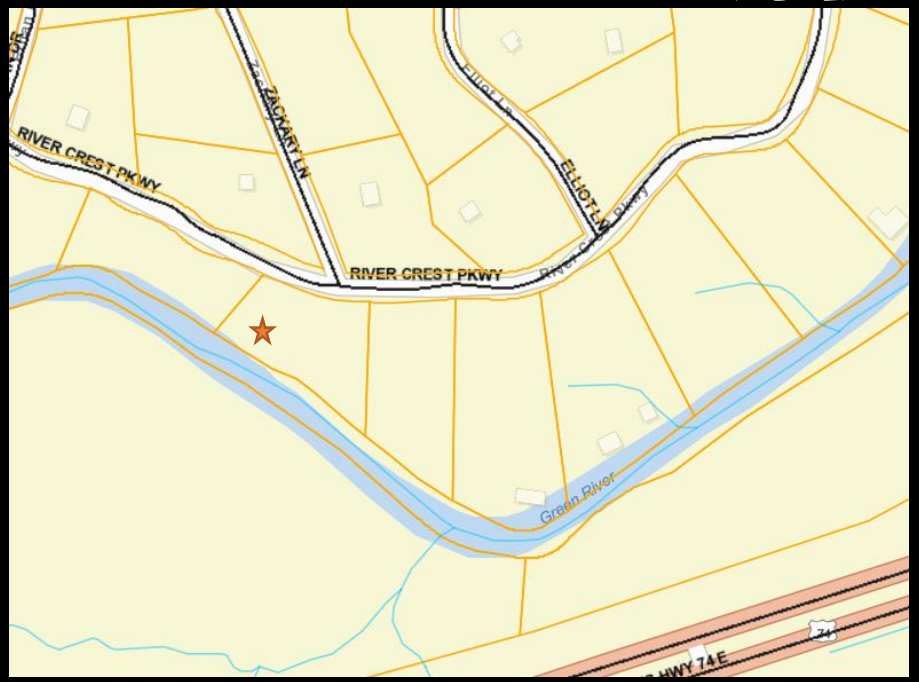
On Property
Facing Pavilion and Deck

XL-11



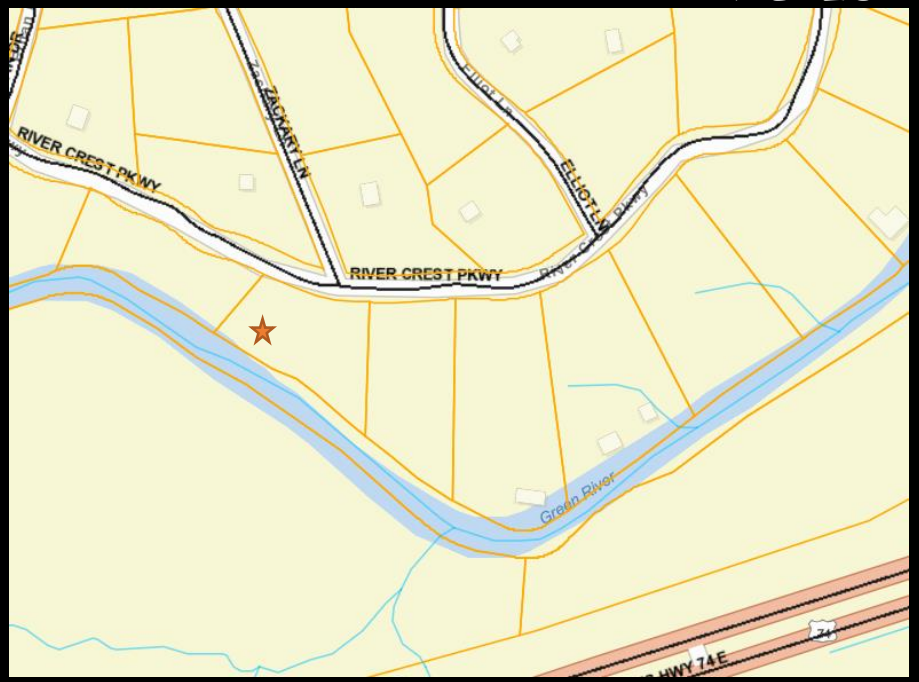
On Property
Steps to Green River

XL-12



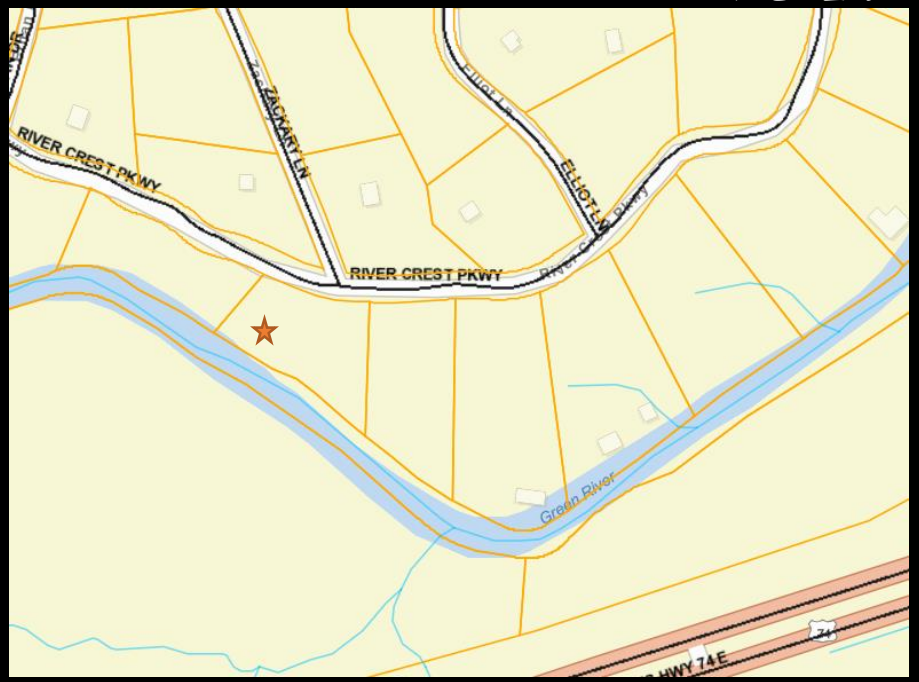
On Property
Steps to Green River

XL-13



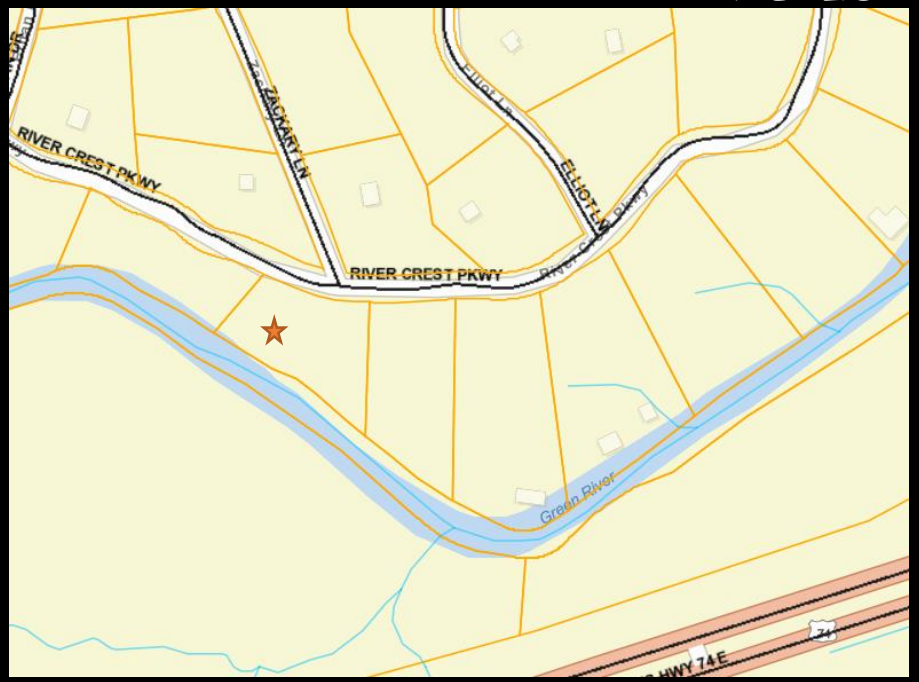
On Property
Steps to Green River

XL-14



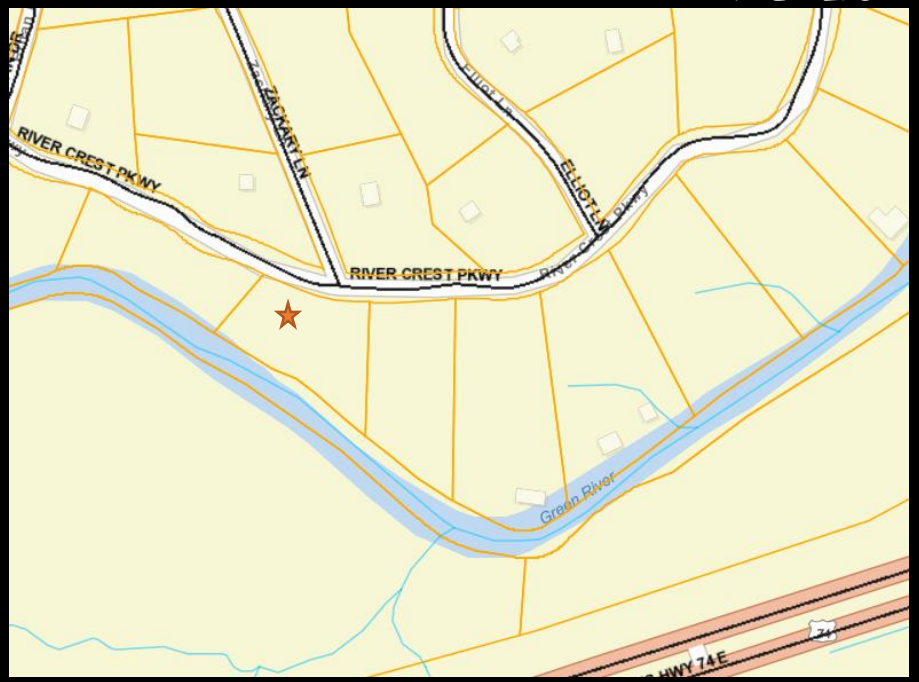
On Property
Facing Deck and Pavilion
Green River Behind (not shown)

XL-15



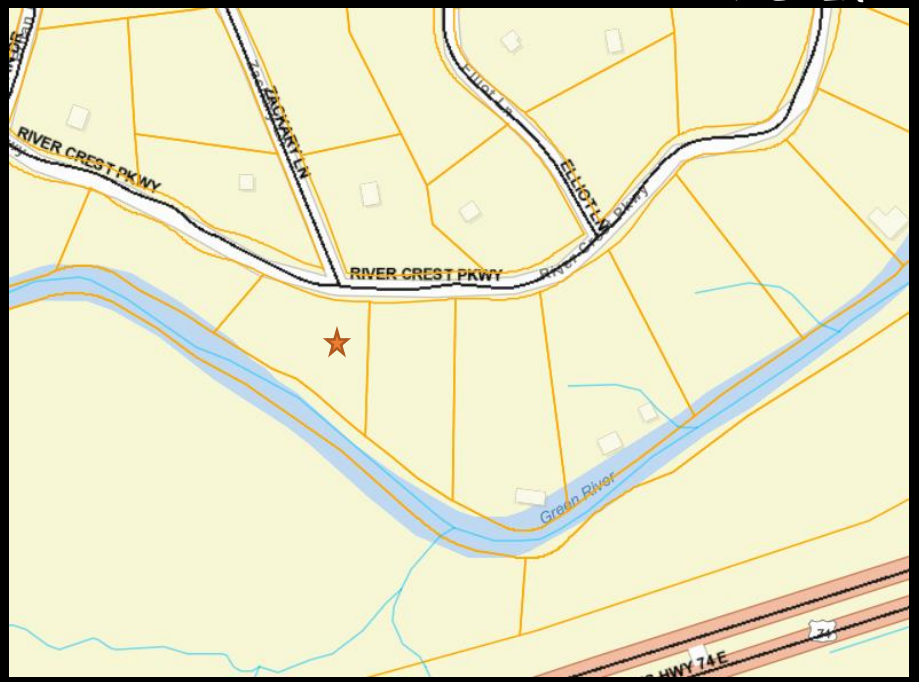
On Property
Facing Deck and Pavilion
Green River Behind (not shown)

XL-16



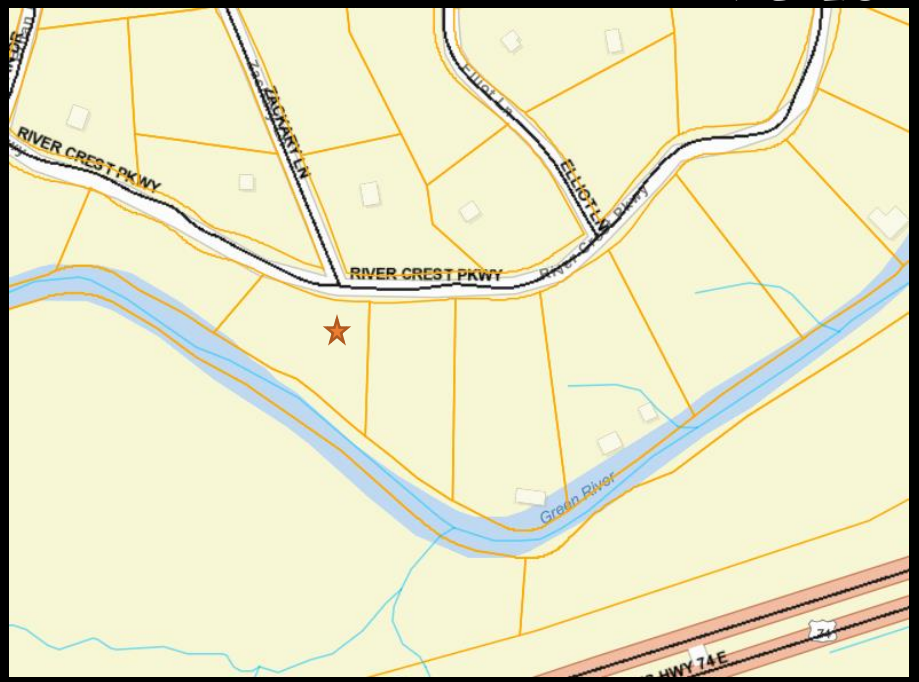
On Property
Facing Pavilion, Deck, and Green River

XL-17



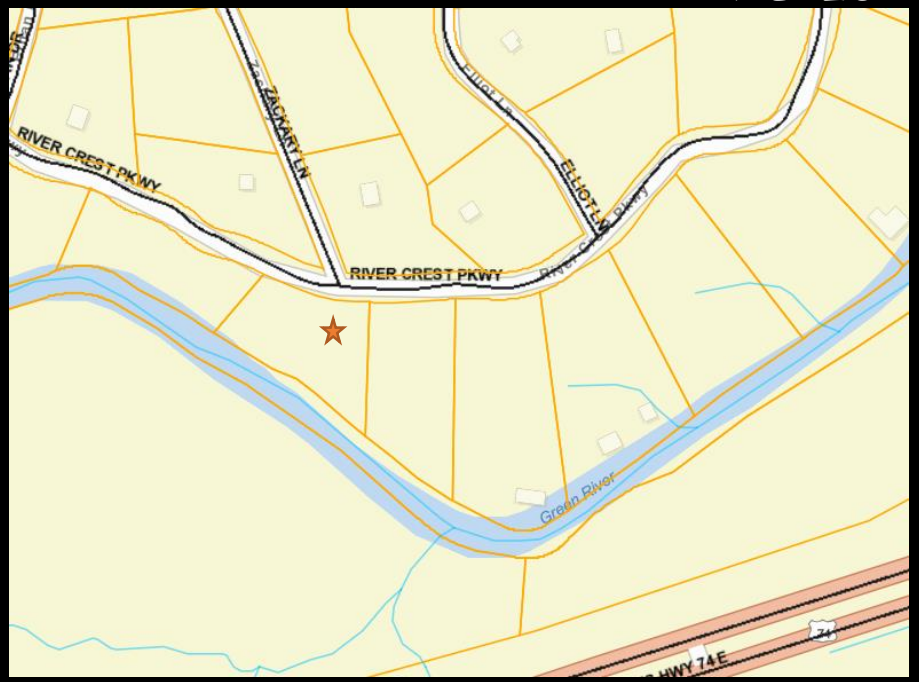
On Property
Facing River Crest Parkway
Pavilion on Left

XL-18



On Property
Facing East
Pavilion Behind (not shown)
Green River to Right (not shown)

XL-19



On Property
Facing East
Green River on Right
Pavilion Behind (not shown)