

**BOARD OF  
ADJUSTMENT  
JANUARY 4, 2022  
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 February 2, 2021
    - B. Approval of Minutes from March 2, 2021
    - C. Approval of Minutes from March 8, 2021
    - D. Approval of Minutes from July 13, 2021
  4. Oath of Office
  5. 2022-01 (SUP) - Orchard Lake Campground Expansion, Kirk Hall
  6. 2022-02 (SUP) - Susie Q Boarding, Susan Collins
  7. Other Business
  8. Public Comments
  9. Adjournment

POLK COUNTY BOARD OF ADJUSTMENT

**AGENDA ITEM**

JANUARY 4, 2022 REGULAR MEETING

**Agenda Item#:** A.

**ATTACHMENTS:**

Description	Type	Upload Date
BOA Minutes 2.2.2021 - DRAFT	Exhibit	11/22/2021

BOARD OF ADJUSTMENT  
February 2, 2021 - 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 5:10 pm. He explained due to COVID-19 the meeting will be recessed and continued on Tuesday, March 2, 2021 at 5:00pm. There was no business conducted.

2. Approval of Agenda

No business conducted.

3. Approval of Minutes from November 10, 2020

A. Approval of Minutes from November 10, 2020

No business conducted.

4. Variance - Thorpe 2021-01 (VA)

No business conducted.

5. Conditional Use - Smith 2021-02 (CU)

No business conducted.

6. Other Business

None.

7. Public Comments

None.

8. Adjournment

Meeting was recessed to Tuesday, March 2, 2021 at 5:00 PM.

POLK COUNTY BOARD OF ADJUSTMENT

**AGENDA ITEM**

JANUARY 4, 2022 REGULAR MEETING

**Agenda Item#:** B.

**ATTACHMENTS:**

Description	Type	Upload Date
BOA Minutes 3.2.2021 - DRAFT	Exhibit	11/22/2021



BOARD OF ADJUSTMENT  
Continuation of February 2, 2021 meeting  
March 2, 2021 - 5:00 PM  
Bryant H. Womack Building  
40 Courthouse Street  
Columbus, NC 28722  
MINUTES

Members Present: Frank Monterisi (Chair), Hal Green, Paul Weidman, Robert Lariscey, Joshua Collier  
Staff Present: Cathy Ruth (Administrator), Hannah Lynch (Secretary), and Jana Berg (County Attorney via Zoom)  
Others Present to Testify: Arthur (Skip) Williams (White Oak Mountain HOA), Payton Peters (Mosseller Construction)

1. Call to Order - Continuation of February 2, 2021 Meeting

This meeting was recessed from the meeting on February 2, 2021. Frank Monterisi reconvened the meeting at 5:04 PM.

2. Approval of Agenda

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

3. Approval of Minutes from November 10, 2020

A. Approval of Minutes from November 10, 2020

Paul Weidman made a motion to approve the November 10, 2020 minutes, seconded by Hal Green. A vote was taken and all were in favor. The motion passed unanimously.

4. Variance - Thorpe 2021-01 (VA)

- Frank Monterisi stated they are ready to proceed with an application for a Variance, case number 2021-01 (VA), applied for by Daniel Thorpe. He read an overview of the Board of Adjustment's procedures, expectations, and responsibilities as pertaining to the evidentiary hearing.
- Frank Monterisi asked the Board if there were any ex-parte communications or relationships with the applicant to be disclosed. There were none.
- Frank Monterisi swore in Cathy Ruth, Administrator, Arthur (Skip) Williams on behalf of the applicant and White Oak Mountain HOA, and Payton Peters on behalf of the applicant and Mosseller Construction.
- Cathy Ruth presented the staff report to the Board. She requested the packet be entered into evidence. Frank Monterisi accepted it as Zoning Administrator #1 (ZA-1). She went over the packet for the Board:
  - Exhibit XA - General Application Form and site plan drawing

- submitted by Payton Peters and Daniel Thorpe.
- Exhibit XB - Zoning permit/application and receipt of \$100.
- Exhibit XC - Recorded deed in the Register of Deeds Office dated April 22, 2019, Book 439 Page 2456.
- Exhibit XD - Recorded Instrument of Recombination in the Register of Deeds Office dated April 22, 2019, Book 439 Page 2479.
- Exhibit XE - Polk County Property Card tax record for P58-39.
- Exhibit XF - Tax Parcel Report for P58-39 from the Polk County GIS site with an aerial view.
- Exhibit XG - P58-39 from the Google site with an aerial view.
- Exhibit XH - Aerial view of the surrounding parcels' zoning and current uses around P58-39 from the Polk County GIS site.
- Exhibit XI - Pictures taken from the site.
- Cathy Ruth explained the address of the property is 1616 White Oak Mountain Rd, therefore the property is 1.6 miles up the mountain. The house is called "Hawk's View" and the property itself slopes off. There is a single family residence located next door to the property.
  - Frank Monterisi asked if Cathy Ruth had any concerns about the lack of accessibility to the site to be viewed due to a NCDOT road closure. Cathy Ruth explained it is still accessible and it is a temporary closure. Jana Berg also explained Staff is legally required to post notice to the site and mail out notices to adjacent property owners, and this was done, she does not think accessibility is an issue.
  - Paul Weidman asked Cathy Ruth about Exhibit XI, page 12 of the staff report, and where the property line is in relation to this picture. Cathy Ruth brought up the Google Earth image from Exhibit XG and the property lines from Exhibit XF to clarify this. She explained she would let Payton Peters testify more to this, but the images are a good representation of where the property lines fall.
  - Robert Lariscey asked about the buildings located on the neighbor's property. Cathy Ruth explained the next door property has a single family residence, garage, and metal building.
  - Hal Green asked Cathy Ruth if the next door neighbors had contacted her regarding the variance. She replied they had not contacted her. He asked if they were sent mailed notice. She replied they had been sent mailed notice.
- Cathy Ruth presented two Affidavits of Posting and two Affidavits of Mailing and requested they be accepted into evidence. Frank Monterisi accepted the Affidavit of Posting and the Affidavit of Mailing for the February meeting into evidence as Zoning Administrator #2, (ZA-2), and the Affidavit of Posting and the Affidavit of Mailing for the March meeting into evidence as Zoning Administrator #3 (ZA-3). Cathy Ruth explained as the February meeting was recessed to March, the site was reposted and mailings were resent to all adjacent neighbors notifying them of the change in date for the hearing.
- Cathy Ruth presented a notarized letter from the applicant Daniel Thorpe giving approval for Payton Peters to speak on his behalf as his contractor. She requested this be accepted into evidence. Frank Monterisi accepted the letter into evidence as Zoning Administrator #4 (ZA-4).

- Cathy Ruth presented the original building permit and zoning application for a garage/workshop which was applied for before the variance request. This was accepted by Frank Monterisi into evidence as Zoning Administrator #5 (ZA-5). She also presented the permit issued for that project and a list of inspections which have been completed up to the present. This was accepted by Frank Monterisi into evidence as Zoning Administrator #6 (ZA-6).
  - Cathy Ruth explained the project for a garage/workshop and a bathroom was originally applied for by Daniel Thorpe on October 28, 2020 and the permit was issued November 2, 2020. The application includes a drawing of the property with the property lines shown and the approximate distance of the addition to the property lines. She explained in 2019, Daniel Thorpe came to the Planning and Zoning Office to speak with her to establish what the side, front, and rear would be for setbacks on this property. She explained it is often difficult to determine this due to a curve in a road or the site topography. Cathy Ruth made the determination in 2019 of where the front and side of the property were located so it would be clear in the future for any development. When the application for the addition was submitted in October 2020, the drawings showed the 15' side setback would be met and thus the permit was issued. At this time, no variance was being requested. She explained the inspections done on the project up to present are of work that has been able to be done without encroaching into the setback for which the variance is being requested. She explained on December 28, 2020, Payton Peters submitted an application for a variance to the side setback of 5'.
- Payton Peters approached the Board to present. He began by reading a letter from homeowner Daniel Thorpe which explained he wished he could attend, but due to his father's health he was currently on a plane and unable to attend the hearing. The letter confirmed Payton Peters and Skip Williams were authorized to represent him and White Oak Mountain HOA.
- Payton Peters presented a timeline for the Board. He began by explaining the home was built in 2008 and it was not designed in a location on the site that was advantageous to build a two-car garage. Daniel Thorpe purchased the property and wanted to put in a garage on the side of the house. He explained the original plans for the location of the garage had it meeting the setbacks, however after visiting the site, Payton Peters discovered the porch and HVAC location were not included on the plan. Payton Peters passed out a drawing from an AutoCAD file to the Board and requested it be entered into evidence. Frank Monterisi accepted this as Applicant #1 (AP-1). The drawing shows the plan of the house with the proposed garage. He explained with the porch and HVAC locations, the way the garage was originally positioned on the site would make it ineffective as a two-car garage. He explained they would need to shift the garage by 3' to make it work as a two-car garage, which would then require the variance being requested. He also passed out pictures of the site showing the current work being done and the slope of the site. Frank Monterisi accepted these into evidence as Applicant #2 (AP-2). He passed out an additional photo to the Board showing the porch railing and

the work being done beyond that. This was accepted into evidence as Applicant #3 (AP-3). This picture shows the turn in the foundation which makes the garage inaccessible for a vehicle with the current plan. Payton Peters also handed out an updated plan of the site which was accepted into evidence as Applicant #4 (AP-4). This plan shows the garage with the HVAC location and porch, as well as the proposed foundation for the garage within the variance being requested.

- Robert Lariscey asked about the footage into the setback. Payton Peters explained he is requesting a 5' variance into the setback, but the foundation will actually sit 1'8" into the setback, and with the eaves, a total of 2'8" into the setback. He explained he is requesting a 5' variance to allow for wiggle room and to adjust for any slight measurement differences on site.
- Hal Green asked about the framing being shown in the photos and if this would be below the garage. Payton Peters explained yes, this is the extra storage below the garage. The original plans designed these walls as concrete filled with gravel, but it was going to be very expensive. They decided to make this a basement so the walls wouldn't need to be engineered as much. They were still engineered, but they were less involved. Hal Green asked if the top of the framing shown was the roofline, to which Payton Peters responded there would be one more story on top of the framing which would be for the garage.
- Paul Weidman asked Payton Peters to describe the topography of the lot in question in comparison to neighboring properties. Payton Peters explained this is a very steep lot. The property next door with the single family residence is sitting on a ridge, and the neighbor below the property on the mountain had to use dynamite to flatten out a building spot. Cathy Ruth pulled up an image from the Polk County GIS with contour lines being shown. Frank Monterisi accepted this into evidence as Zoning Administrator #7 (ZA-7) and Cathy Ruth explained she would get a copy of this to the Board for their review. Payton Peters showed the contour lines to the Board and explained the lines are closer together on the Thorpe property, showing it is steeper than surrounding properties. He explained had he been involved in the project when the Thorpe home was built, he would have positioned the home on the property so a garage would have fit within the setbacks. However because of where the home was placed, they cannot make the garage work without the requested variance. Frank Monterisi explained one of the requirements of a variance is for the property in question to be individually different from surrounding properties, and the Board is trying to determine if this property is in any way different from others around it. Payton Peters explained he feels this lot is significantly steeper, bordering on unbuildable, whereas surrounding building sites had flatter areas to build on.
- Joshua Collier asked if the whole issue is regarding the angle of entry into the garage. Payton Peters confirmed yes, that is the issue, as the original plan did not account for the HVAC and porch placement. He explained the original plan, even without accounting

for those placements, had the corner of the garage cut off to accommodate the setback.

- Hal Green referenced the adjoining property with the single family residence and asked if the home had been built on a ridge. Payton Peters confirmed it appeared to be built on a ridge by looking at the contour map (ZA-7). Hal Green stated it seems the Thorpe lot in particular then is literally on the side of the mountain, whereas surrounding lots have flatter areas and/or a ridge to build on. Payton Peters affirmed this, and stated they will have to grade the rest of the lot on the way out of the construction site because of the steepness of the lot. He also explained Skip Williams would be able to talk more about the individuality of the surrounding lots.
- Arthur (Skip) Williams approached the Board to present. He passed out a letter he wrote to the Board and requested it be added as evidence. Frank Monterisi accepted this into evidence as Applicant #5 (AP-5). He read from the letter, explaining he is the chairman of the White Oak HOA's architectural committee and he also serves on the Board of Directors as secretary for the HOA. He read Article 5 from the covenants and restrictions for the HOA. He continued to read from the letter and explained one of the requirements for the HOA to issue a variance is for agreement from the adjacent property owner. They did receive this agreement from the Simpsons who own the lot with the single family residence next door. This agreement stated there would be no impact on their land. Skip Williams stated he had physically walked the land of this property and has reviewed the detailed plans for the garage. He stated the amount needed for the variance was about the length of his arm, and was mostly in the airspace over the land in the eaves. He stated there would be no undue hardship to neighbors, and this property has been subject to special circumstances of the initial build and the extreme slope of the land. He believes the variance is minor and the neighbors and neighborhood would not be adversely affected. He stated he and the architectural committee exercised due diligence and ultimately sided with the undue hardship placed on the homeowner. They approved the 5' setback variance. He then stated after this, he was informed the Polk County Zoning Ordinance has precedence over the covenants and restrictions for issuing variances, but that the requirements are very similar.
  - Paul Weidman asked what conditions Skip Williams sees as peculiar or particular to this property that is not present in surrounding properties. Skip Williams stated it was the slope of the property. He stated standing on the street in front of the Thorpe home, the roof and gutter are at the eyeline. He stated surrounding properties, while on slopes, have slightly flatter areas while this property drops off severely.
  - Paul Weidman asked if Skip Williams agrees if the home had been originally built just a few feet back this would not be an issue. Skip Williams turned the question over to Payton Peters who responded yes, that would have solved the issue. He also explained before Daniel Thorpe spoke with Cathy Ruth about the designation of the front and side yards, the entire side was a front yard which was

subject to a larger setback. Had that stayed the case, they would not have ever been able to fit a garage in. He also explained the property in question is so steep, normally he would look at using dynamite to level out a building site, but since there was a neighbor below the property, this was not able to be done.

- Frank Monterisi asked Skip Williams if he agrees the majority of the encroachment into the setback is the eaves and soffits. Skip Williams agreed yes, and a portion of the foundation, but it is mainly in the airspace where the garage will be encroaching. Payton Peters then explained there will actually be 20" of foundation encroaching into the setback, with an additional 12" of eaves and overhang, therefore more foundation encroaching instead of the eaves, to which Skip Williams corrected himself and agreed.
- Frank Monterisi asked if there was any more questions or testimony. He then closed the testimony.
- Frank Monterisi explained the Board generally adjourns the meeting for a week or so to circulate a written draft of findings for the Board to later reconvene and go through these before making a final decision. The Board agreed this would be the best option for this hearing as they have not heard a variance in a while. They agreed to reconvene on Monday, March 8 at 3:30 PM. Frank Monterisi explained there would be no further testimony accepted at this time, and reminded the Board of no ex parte communication.

5. Application Withdrawn - Conditional Use - Smith 2021-02 (CU)

Application was withdrawn by the applicant. No business was conducted.

6. Other Business

None.

7. Public Comments

None.

8. Adjournment

Paul Weidman made a motion to adjourn the meeting at 6:50 PM, seconded by Robert Larissey. A vote was taken and all were in favor. The motion passed unanimously.

POLK COUNTY BOARD OF ADJUSTMENT

**AGENDA ITEM**

JANUARY 4, 2022 REGULAR MEETING

**Agenda Item#:** C.

**ATTACHMENTS:**

Description	Type	Upload Date
BOA Minutes 3.8.2021 - DRAFT	Exhibit	11/22/2021

BOARD OF ADJUSTMENT  
Continuation of March 2, 2021 Meeting  
March 8, 2021 - 3:30 PM  
Bryant H. Womack Building  
40 Courthouse Street  
Columbus, NC 28722  
MINUTES

Members Present: Frank Monterisi (Chair), Hal Green, Paul Weidman, Robert Lariscey, Joshua Collier

Staff Present: Cathy Ruth (Administrator) and Jana Berg

Paul Weidman moved to Motion, seconded by and the motion .

1. Call to Order

This meeting was recessed from the meeting on March 2, 2021. Frank Monterisi reconvened the meeting.

2. Continuation of Variance Application 2021-01 (VA)

A. Continuation of Variance Application 2021-01 (VA)

Frank Monterisi read the requirements for the variance from the Zoning Ordinance, Section 10.6.

When unnecessary hardships would result from carrying out the strict letter of the zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Frank Monterisi then asked Jana Berg how to proceed.

Jana Berg recommended following the same procedure for conditional use permits. Go through the criteria one by one and have the Board members cite the evidence, or lack of evidence, they heard or witnessed during the hearing.

Frank Monterisi stated they would go through the criteria one by one and



discuss. Frank Monterisi read criteria #1: Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

Hal Green asked if we were approving the draft minutes from March 2, 2021. He had a question about page 3, bullet 3. "Payton Peters presented a timeline for the Board. He began by explaining the home was built in 2008 and it was not designed in a location on the site that was advantageous to build a two-car garage." My recollection is he said, "It was not located in a location that was advantageous to build a two-car garage." This is important because it is where the house was physically located, not where it was designed.

Paul Weidman referred to his notes and read what he had documented. "Mr. Peters said the original design did not have a garage so the home was located closer to the setback line. He read it, and Paul said positioned closer to the setback line."

Frank Monterisi asked to make that adjustment in the minutes.

Frank Monterisi opened up the discussion to ask if there is any testimony pertaining to an unnecessary hardship. He sees the request as an inconvenience, not a hardship in this situation.

Hal Green asked since there was difficulty in determining the front and side setback, as Cathy Ruth explained, and the variance from 15' to approximately 10-12' is not a very large variance, would the size of the variance affect the determination, that it may be an inconvenience, but since it is small, it is a hardship?

Paul Weidman said no. He stated the degree of the variances does not make a difference, whether it is an inch or feet. The size does not matter; it still needs to meet the criteria of the variance to be granted.

Hal Green asked if #1 fails, then does each factor stand on its own as to whether it meets the criteria or not. Hal Green stated it appears that Frank's term as inconvenience, is more appropriate than hardship.

Paul Weidman said if two or more Board members says the criteria is not met, then the variance request fails. Josh Collier requested a clear definition between the difference of hardship and inconvenience.

Frank Monterisi agreed. One person can disagree with all four criteria and it could still pass, but if two people disagree with one or more of the criteria, then it does not pass. The Board still needs to go through the entire criteria to address any variations, concerns, or adjustments that the applicant might need to make, if any.

Paul Weidman said he thinks the more definitive word is unnecessary. There is a degree difference between hardship and inconvenience, but thinks the key

word is unnecessary.

Frank Monterisi said we do not have a definition on hardship or inconvenience.

Paul Weidman said we could look up its plain and ordinary meaning. I do not think that is going to change the application of unnecessary hardship and unnecessary inconvenience, unless you remove the word unnecessary.

Josh Collier said that helps clear it up.

Hal Green asked if they could still have a 1-car garage so they could still park two cars, one in the garage and one in their driveway.

Paul Weidman said his recollection from testimony was additional room into the setback would allow a second vehicle to make the turn and get them into the garage. Absent the variance, it would be either difficult or impossible to turn into and out of the garage.

Hal Green then asked if it is okay to have their second car parked in the driveway as opposed to the garage.

Paul Weidman said the actual hardship was around the ability to build, the process necessary and the associated expense. There was a lot of testimony around that, such as why they could not use dynamite, certain things they could not do with the grade, and what they could do and could not do due to the steep slope. He does not recall testimony about whether a car can be parked in the driveway.

Hal Green asked if in the event they do not get the variance will they build a garage, but the garage will have only space for one car.

Frank Monterisi said there was no testimony on that or what the garage will be utilized for. He said the house has been there for close to a dozen years, and they would have parked cars in the driveway.

Hal Green said he agrees with that. In that case, it is not an unnecessary hardship.

Josh Collier said if they did not receive the variance, they were going to make it into a one-car garage, because they would not be able to fit two cars or have that second car make that turn. He stated he is still trying to understand unnecessary hardship from everybody's point of view because they have already put money down, they started the project, and now they are going to be out what they have already done. "Unnecessary hardship", that is where he is teetering, who is receiving hardship.

Frank Monterisi said he had asked Mr. Peters if any of the construction that had taken place so far has encroached on the side yard, and he said no. He stated from what he understood with this testimony is everything they have done so far is in compliance, so they are not out anything that they want to do moving

forward. In addition, from his notes they would not be forced to build a one-car garage, only the structure they would accommodate one car with some storage down below. The actual construction of the garage would continue.

Paul Weidman said he broke it down; unnecessary hardship would result from the strict application of the ordinance. First, would a hardship result from the strict application of the ordinance. He believes there was abundant testimony that there would be hardship. Then is it unnecessary, and if it is, what makes it unnecessary? The strict application makes it unnecessary of the ordinance. If it was a less strict application it would no longer be a hardship, the strict application is creating the hardship. I would find it unnecessary because it falls from the strict application. I find that the variance request meets condition #1. That is why there is a variance procedure, because in the absence of the request, you just apply the requirements. It is the variance request that is seeking to relax the strict application. Their extensive testimony of what they could not do and what they are proposing to do, that they could not do what they want to do if the ordinance was strictly applied.

Bob Lariscey said unnecessary hardship would result in strict application of the ordinance. The testimony of Peyton Peters that if not variance, the garage would have to be reengineered, footings realigned, opening of garage would have to be smaller, and turning radius would not be sufficient. The variance request is 2.6 inches and is a small encroachment. The variance request meets the conditions of #1.

Frank Monterisi asked Hal Green. He has a problem with this being a hardship however, but Paul Weidman helped him understand. He stated it was 51% hardship, not an extreme hardship. He agrees with Paul Weidman and Bob Lariscey and their evidentiary positions. The variance request meets the condition of #1.

Josh Collier agrees it meets criteria for #1 because of the slope, terrain, and financial hardship and location of home. Even though the space is still usable they had the understanding they were going to get a two car garage, and for resale value. When the project started they were under the understanding they could have a two car garage.

Frank Monterisi stated it is an inconvenience, not a hardship. It may a little bit of an inconvenience not having two cars in the garage, but not a hardship. Depending on what types of cars you want to put in the garage makes a difference. Two Suburban's is one thing, two Mini Coopers would not have an issue. The money spent is not lost. The testimony was that they had not done any construction based on any infringement on the property. In addition, the engineer should have considered the porch and HVAC units in design to construct from the start. Cars have been parked in the driveway since no garage existed. The variance request does not meet the conditions of #1.

Meets requirements for criteria #1: 4-yes, 1-no (Frank Monterisi).

Frank Monterisi read criteria #2: The hardship results from conditions that are

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

Paul Weidman said there a lot of testimony on this one and felt like the Board understood that this was going to critical in making a determination. He read and reread the testimony, but went with a dictionary definition of "peculiar is strange or odd, unusual, or particular or special, or belonging exclusively to". Testimony of both Mr. Williams and Mr. Peters was the topography of the neighboring properties were steeply sloped. There was testimony that because of the steep slope, the neighbor had to make the garage detached. There was also testimony that all the neighboring lots sloped heavily. There was testimony that this lot was steeper than some of the others. He asked if that was peculiar, strange or odd, unusual or particular or special, or belonging exclusively to and he gave a basketball example. A guard is 6'6", the two forwards are 6'8", and the center is 6'10". Is the center strange or odd, unusual, or particular or special? Is being tall an exclusive characteristic? There he does not think so. It is steep, but it is not steep which would be strange or odd if comparing it to level. He said the conditions are more common than peculiar to this area. The criteria for #2 is not met.

Frank Monterisi said there were a number of questions to try to ascertain information on these criteria specifically. The topographic map presented at the meeting indicated the topography to that lot was not unique to the area. He visited the lot and there was nothing outstanding on that lot that was not found in other areas of that particular mountain. This was based on testimony, including asking about neighboring property constructed on a ridge and asking why the neighbor's garage was separated. We could physically see that the neighbor built his garage unattached. Testimony given for other construction obstacles in that area brought him to the same conclusion that it is not peculiar to that lot. The criteria for #2 is not met.

Bob Lariscey considered the size and the hardship results from conditions that are peculiar to the property, such as location, size, or topography. He stated that is the only thing that makes it different. He visited it and said a mountain goat could not get up it. The criteria for #2 is met based on the size of the lot, which makes it unique, and there is no other buildable property or land on that lot.

Hal Green referred to the topography map. He stated the actual buildings on lots tend to be on contour lines that are not as close as they are on this lot. There was testimony that blasting for this lot would be impossible and there are water discharge problems. He said there is a certain peculiarity for this lot forty-four years after this subdivision was established. This lot is unusually steep based on the topography map. The criteria for #2 is met.

Josh Collier agreed with Hal Green. It is peculiar because of the size of the lot and the topography lines on the map. The map has eleven contour lines on this lot, and four, five or six on the other lots. Because of the location of the house on lot, there is no other useable land except what is left for the house. The

criteria for #2 is met.

Frank Monterisi made a point of clarification the topography map. For the contour lines to the right and left of the driveway, there is not much difference between them; and the right of the driveway seems to be a little less steep. The lot on the left in the curve is substantially smaller than the lot we are talking about. He encouraged the board members to physically go to the site on any application.

Meets requirements for criteria #2: 3-yes, 2-no (Frank Monterisi and Paul Weidman).

Frank Monterisi read criteria #3: The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

Frank Monterisi stated nothing presented into testimony indicated hardship was a result of action taken by applicant. The testimony indicated there was no encroachment and construction had stopped. The criteria for #3 is met.

Hal Green agreed with Frank Monterisi. The criteria for #3 is met.

Josh Collier agreed with Frank Monterisi and Hal Green. The criteria for #3 is met.

Bob Lariscey agreed with Frank Monterisi, Hal Green and Bob Lariscey. The criteria for #3 is met.

Paul Weidman agreed with the other members. Paul Weidman stated since it is a subsequent purchaser, and they want to add the garage, the criteria is the act of purchasing property with knowledge that circumstances exist that may justify the granting of variance shall not be regarded as a self-created hardship. That applies to this lot. The criteria for #3 is met.

Meets requirements for criteria #3: 5-yes.

Paul Weidman asked, clarified it is not in reference to this case, if the Commissioners and Planning Board are aware there is a potential loophole here. A builder buys and builds, and knows they cannot build a garage on a site, then sells to a subsequent owner, and now has the ability to do something through a variance that the original builder could not do because he caused that condition?

Jana Berg said you go to the first sentence of criteria #3. The builder cannot get a variance for that.

Frank Monterisi stated in a prior variance application the Board determined they could not grant the variance because it was the action of the builder.

Frank Monterisi read criteria #4: The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Frank Monterisi said there was no indication in testimony that this would not be consistent with the spirit, purpose, and intent of the ordinance, public safety and justice. There was a lack of testimony in opposition and believes that criteria #4 was met.

Hal Green agrees with Frank Monterisi, and added this is not a large adjustment of setback, and it is off the road along the property line. The criteria for #4 was met.

Bob Lariscey agreed with Hal Green. He asked if it would be appropriate to get a letter from the property owner next door that he agrees with the variance.

Paul Weidman said that is why there are posting and mailing requirements, and the neighbor would need to be present so they can be included in presenting evidence and testimony. An affidavit would not be sufficient; as they have to be present so they are subject to cross-examination.

Jana Berg agreed.

Paul Weidman said there was testimony on this. There was public notice and no appearance by opposing neighbors except the neighborhood association supported the variance. The effect of granting the variance would be mostly indistinguishable. The criteria for #4 was met.

Josh Collier agrees with Paul Weidman. No testimony against it. The effects of granting the variance are minimal. The criteria for #4 was met.

Meets requirements for criteria #4: 5-yes.

Frank Monterisi asked if anyone else has questions or comments prior to summarizing. No responses. He explained since this is for a variance there is a requirement of a super majority of 4 to 1, criteria #2 was not been met with a super majority. The variance request has been denied. The applicant has a 30-day period with which to appeal once the attorney writes up the findings and the Chair signs them.

Paul Weidman clarified on condition #1, all agreed except Frank Monterisi, which would have been sufficient on that condition to grant the variance. On condition #3 and #4 everyone agreed, which would have been sufficient on that condition to grant the variance. Its condition #2, where three members agreed, but Paul Weidman and Frank Monterisi were in disagreement. That one makes the variance request fail.

Frank Monterisi agreed.

Paul Weidman stated this is one of the difficulties presented to this Board.

There was a lot of testimony establishing hardship to try to meet the strict requirements of the variance. There was testimony that suggested granting the variance would not be a big deal to the surrounding neighbors, so if you were just to look at it on that, is it a hardship? You could say it is a hardship and it is not a big deal to grant the variance, but the problem is the people on this Board are not allowed to interpret it, it is the standard statement read in the beginning. We do not interpret the ordinance, we apply it. We have to apply the variance conditions and if it fails any one of them, then it fails.

3. Other Business

Frank Monterisi asked if there was anything else to discuss.

Cathy Ruth said there are no hearings in April proposed.

Jana Berg discussed site visit. She asked the members to disclose if you visited and what you observed, and anything pertinent. Make sure its in the record of things you observed throughout the hearing.

Paul Weidman said one time Jana Berg gave an example if you see a large oak tree on the property, you can ask the applicant, is there a large oak tree on the property, and it is then included into testimony.

Jana Berg agreed or it can be disclosed to everyone for example, that you went to the site and saw a large vegetative buffer between wehre the cell tower will be located and teh property line.

Frank Monterisi recalls in this particular case that the applicant had asked if any one of us had visited this proeprty. Those of us that did acknowledge it.

Jana Berg said it was difficult to hear at the hearing on Zoom. The minutes helped her.

4. Public Comments

No comments.

5. Adjournment

Paul Weidman made a motion to adjourn, Bob Lariscey seconded. All in favor.

POLK COUNTY BOARD OF ADJUSTMENT

**AGENDA ITEM**

JANUARY 4, 2022 REGULAR MEETING

**Agenda Item#:** D.

**ATTACHMENTS:**

Description	Type	Upload Date
BOA Minutes 7.13.2021	Exhibit	11/22/2021



BOARD OF ADJUSTMENT  
July 13, 2021 - 5:00 PM  
Bryant H. Womack Building  
40 Courthouse Street  
Columbus, NC 28722  
MINUTES

Members Present: Frank Monterisi (Chair), Michael Axelrod, Neal Barton, Hal Green, Lisa Krolak, and Paul Weidman  
Staff Present: Cathy Ruth (Administrator)  
Special Guest: Tommy Melton, Chairman of County Commissioners

1. Call to Order

Frank Monterisi called meeting to order.

2. Approval of Agenda

Paul Weidman made a motion to approve agenda, second by Hal Greene. All in favor.

3. Chairman, Vice-Chairman, Clerk Appointments

Frank Monterisi asked Cathy Ruth to address the Chairman, Vice-Chairman and Clerk Appointments. Cathy Ruth explained the procedure for these positions. Cathy Ruth called for nominations for Chairman. Hal Greene nominated Frank Monterisi as Chairman, Neal Barton seconded. All in favor. Nominations were called for Vice-Chairman, Frank Monterisi nominated Paul Weidman, seconded by Hal Greene. All in favor. Cathy Ruth requested to wait on appointment of clerk/secretary until the next meeting. The Board agreed.

4. Amended/Updated Ordinances

Cathy Ruth explained the Land use regulations in North Carolina have been modernized for the first time in decades. A new chapter was created in the North Carolina General Statutes that updated the development regulations. Chapter 160D places these statutes into a more logical, coherent organization. The new law provides many clarifying amendments and consensus reforms that are required to be incorporated into local development regulations. Local governments have until July 1, 2021 for the development, consideration, and adoption of necessary amendments to conform local ordinances to this new law. The ordinances have been adopted and we have prepared a folder for the Board members.

5. Conflict of Interest

Cathy Ruth explained this is newly adopted by the Board of County Commissioners. Cathy Ruth requested the Board members review.

6. Handouts

Cathy Ruth requested the Board review the handouts that are presented to applicants for Special Use Permits, Variances or Appeals. These documents breakdown the process for the public. Cathy Ruth also commented the Quasi Judicial Rules will need to be updated, and will be brought to the board for review.

7. Other Business

A. Recognitions

Tommy Melton, Chairman of the Board of County Commissioners presented recognition to the Board of Adjustment Members and thanked them for their service to the County. Neal Barton, board member since 2014; Lisa Krolak, board member since 2019; Hal Greene, board member since 2013; Michael Axelrod, board member since 2008; Frank Monterisi, board member since 2005, and Paul Weidman, board member since 2003. He also thanked the board members that were not available to attend.

8. Public Comments

No public comments.

9. Adjournment

Frank Monterisi adjourned the meeting.

POLK COUNTY BOARD OF ADJUSTMENT

**AGENDA ITEM**

JANUARY 4, 2022 REGULAR MEETING

**Agenda Item#: 5.**

**ATTACHMENTS:**

Description	Type	Upload Date
Staff Report - 2022-01 SUP	Cover Memo	12/27/2021
A1-7	Exhibit	12/27/2021
B1-3	Exhibit	12/27/2021
C1	Exhibit	12/28/2021
C2	Exhibit	12/28/2021
D1	Exhibit	12/27/2021
D2	Exhibit	12/27/2021
E1-3	Exhibit	12/27/2021
F1-2	Exhibit	12/27/2021
G1	Exhibit	12/27/2021
H1	Exhibit	12/27/2021
I1	Exhibit	12/27/2021
I2	Exhibit	12/27/2021
J1	Exhibit	12/27/2021
J2	Exhibit	12/27/2021
K1-4	Exhibit	12/27/2021
L1-23	Exhibit	12/27/2021
M1	Exhibit	12/27/2021
M2	Exhibit	12/27/2021



To: Zoning Board of Adjustment

From: Hannah Lynch, Zoning Administrator

Date: January 4, 2022

Re: In the Matter of the Application of Kirk A. Hall for a Special Use Permit, Docket No. 2022-01 (SUP)

---

A. Action Requested by Board of Adjustment

1. Review all currently available information prior to meeting.
2. Consider Special Use Permit Application

B. Background

1. In November 2021, Kirk A. Hall spoke with Cathy Ruth, County Planner, in reference to expanding the existing Orchard Lake Campground. She explained the process for a Special Use Permit and directed him to speak with Hannah Lynch, Zoning Administrator.
2. On November 18, 2021, Mr. Hall submitted a completed application along with his site plans for a Special Use Permit for a *Recreational Vehicle Park and/or Camp Area* on two parcels off Fork Creek Road in Saluda, NC.
3. The property is comprised of two parcels, identified as Tax Parcel Number P7-24, 9.05 acres, and P7-27, 2.78 acres, in the tax records of Polk County. The property is located in the Multiple Use (MU) Zoning District.
4. The property is located within the Watershed II-P, Colt Creek District.
5. Exhibits included:
  - (Pg. 26-32) EX-A. General Application Form, site plans, and letter from Cathy Jackson Realty submitted by Kirk A. Hall.
  - (Pg. 33-35) EX-B. Zoning Permit / Application and receipt of \$100.00.
  - (Pg. 36-38) EX-C. Notice of public hearing and signed and notarized Affidavit of Mailing to adjacent property owners, property owner, and applicant.
  - (Pg. 39-40) EX-D. Signed and notarized Affidavit of Posting of notice of public hearing.
  - (Pg. 41-43) EX-E. Recorded deed in the Register of Deeds Office for Tax Parcel P7-24, dated July 24, 2015, Book 414, Page 570-572.

- (Pg. 44-45) EX-F. Recorded deed in the Register of Deeds Office for Tax Parcel P7-27, dated February 7, 2016, Book 417, Page 1571-1572.
- (Pg. 46) EX-G. Polk County Property Card tax record for P7-24.
- (Pg. 47) EX-H. Polk County Property Card tax record for P7-27.
- (Pg. 48-49) EX-I. Tax Parcel Reports for P7-24 and P7-27 from the Polk County GIS site with an aerial view, and an aerial view from Google Earth.
- (Pg. 50-51) EX-J. Tax Parcel Report for P7-24 from the Henderson County GIS site with an aerial view.
- (Pg. 52-55) EX-K. Aerial view of the surrounding parcels' current uses and zoning around P7-24 and P7-27 from the Polk County GIS site.
- (Pg. 56-78) EX-L. Sign posting locations and photos taken from the site.
- (Pg. 79-80) EX-M. Aerial view of P7-24 and P7-27 showing Watershed II-P, Colt Creek District.

EX-A1



## GENERAL APPLICATION FORM

Docket No: 2022-01 SUP

Date: 11-18-21

Permit Fee: \$100.00

Receipt #: MP 22764

Permit or Relief Requested: Appeal\*

Variance: Conditional Use Permit

Applicant: Kirk A. Hall

Owner: Kirk A. and Kennia Hall Joint Living Trust  
Kirk A. Hall IRAAddress: 4456 Fork Creek Road  
Saluda, NC 28773Address: 4456 Fork Creek Road  
Saluda, NC 28773

Telephone: Telephone 828 273-8316

Legal Relationship of Applicant to Property Owner: Same / Trustee

Purpose of Request: Expand RV Park - Orchard Lake Campground

Property Location: Off Fork Creek Road Saluda, NC 28773

Street Address: 460 Orchard Lake Road Saluda, NC 28773

Tax Map & Parcel Number: P7-24  
P7-27 Lot Size: 9.05 Acres  
2.78 Acres Zoning District: 7

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

Number Of Buildings Proposed: 4 Park/Campsites  
models 25-29 Gross Floor Area Of Proposed Buildings: 1600Total Square Footage Of Land To Be Disturbed: \* Estimated Cost Of Project: \$50,000 - \$100,000  
excluding Park Models

Please provide clear directions (with landmarks) to the property: Hwy 176 N to left on

Pearson Fork Road. 1st left on Fork Creek Road. Property is just past and adjoins  
Hill Fork Creek Road. Across from campground exit.

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

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

\* It is expected to be &lt; 1 acre of disturbance.

Kirk A. Hall

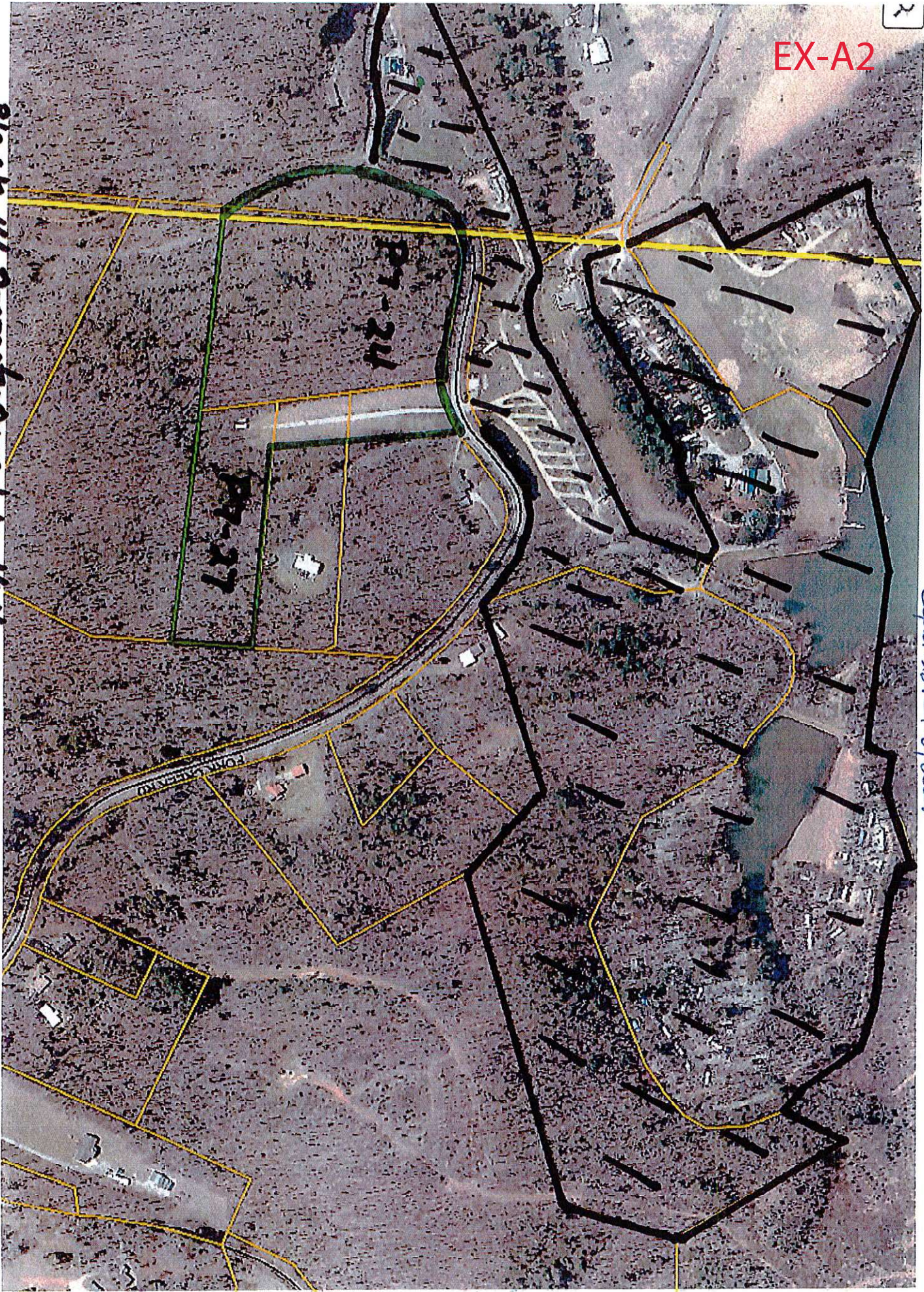
Signature of Applicant

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



EX-A2

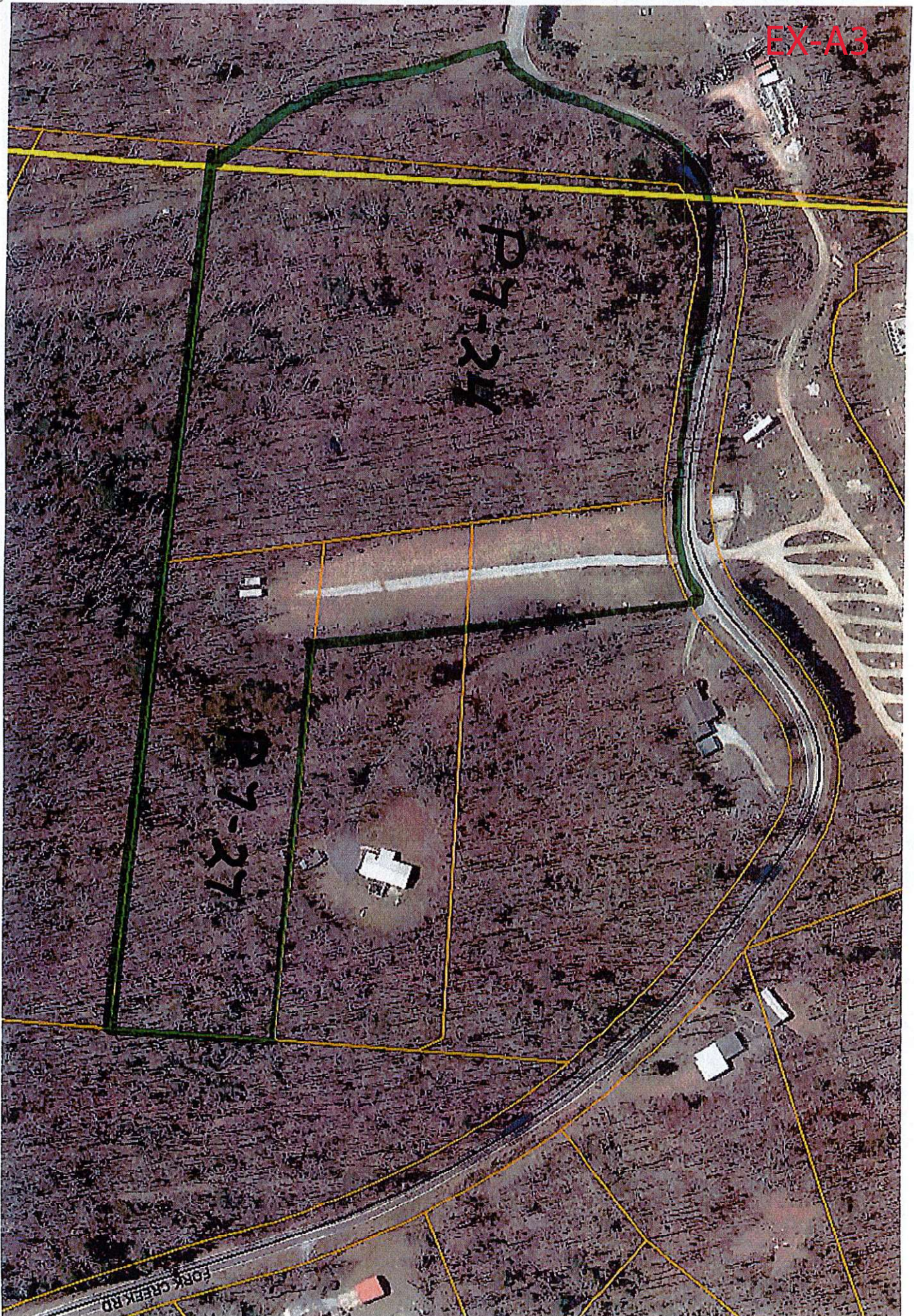
Orchard Lake Campground  
Expansion Proposal



Black /// Property owned by H&J's  
Green Properties Development



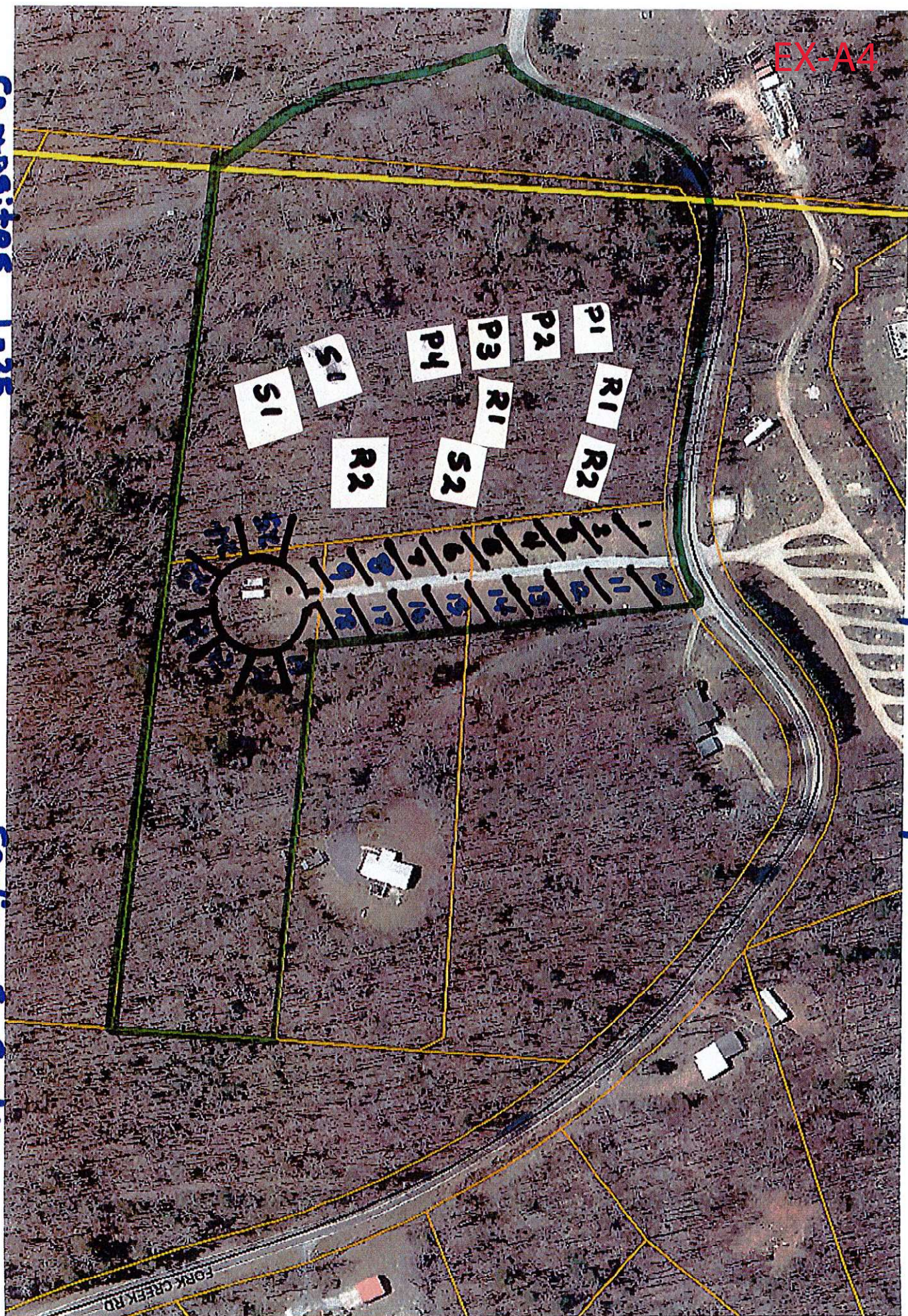
EX-A3





EX-A4

# Orchard Lake Campground Expansion Proposal



Compositing  
Park models  
1-25  
P1-P4

Septic

S- System  
R- Repair



Oxley Lake Campground

EX-A5

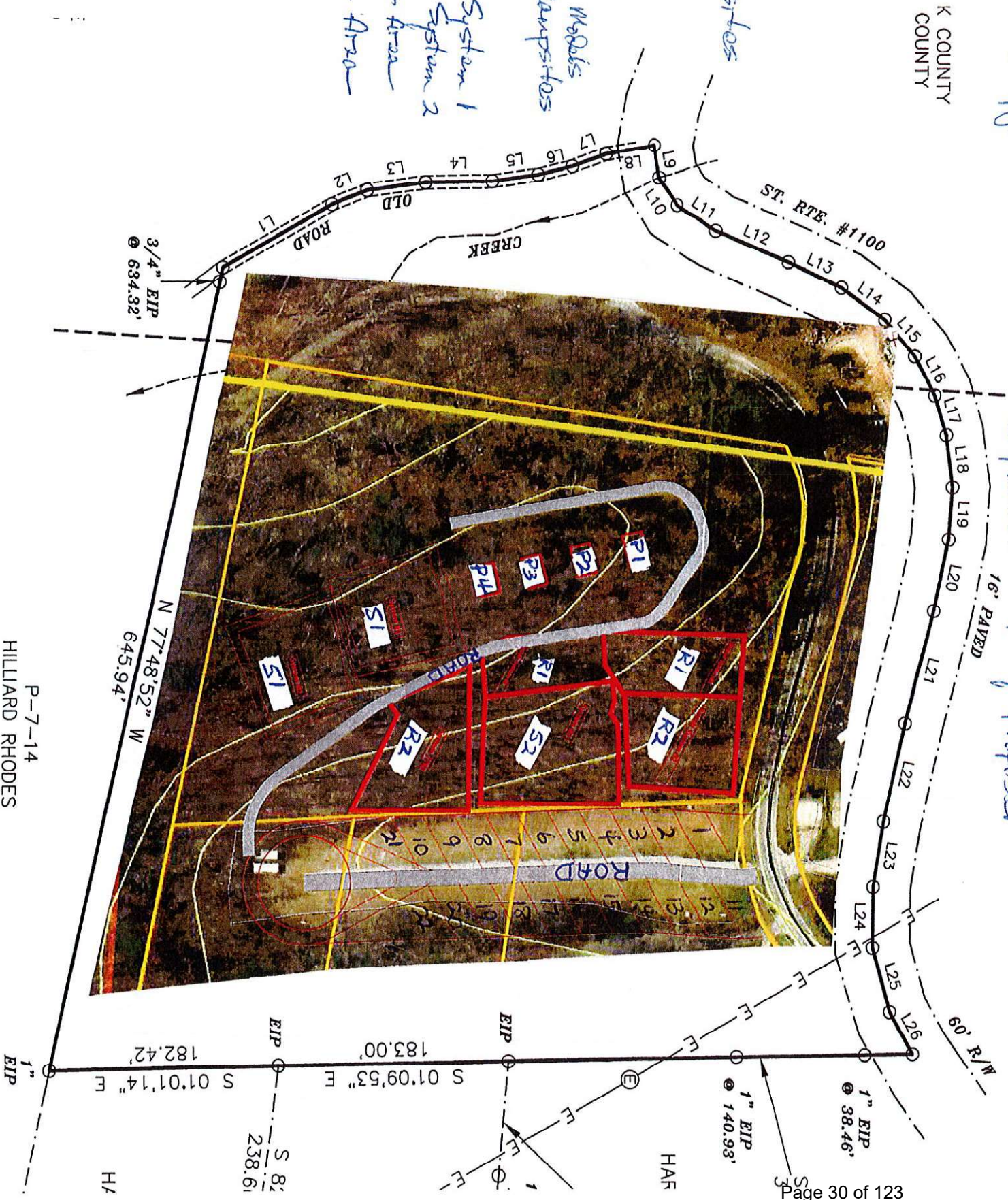
K COUNTY  
COUNTY

1-22 Campsites

P1-4 - Pit Models  
and/or Campsites

S1 - Septic System 1  
S2 Septic System 2  
R1 Repair Area  
R2 Repair Area

Expansion Property Proposal



P-7-14  
HILLIARD RHODES

Orchard Lake Campground

EX-A6

K COUNTY  
COUNTY

ST. RTE. #1100

CREEK

HENDERSON COUNTY  
POLK COUNTY

16' PAVED

Survey of Expansion Property

9.36 ACRES

3/4" EIP  
@ 634.32'

N 77°48'52" W  
645.94'

P-7-14  
HILLIARD RHODES

1" EIP @ 38.46'

1" EIP @ 140.93'

HAF

S 01°09'53" E 183.00'

S 01°01'14" E 182.42'

S 82° 238.61'

H/

1" EIP





All Your Real Estate Needs for  
Yesterday, Today, Tomorrow

EX-A7

PO Box 742, Saluda, North Carolina 28773

To Whom it May Concern:

This letter serves as an affidavit to report on the property value of the property tax parcel #P7-24, approx. 9.05 acres owned by Konnie and Kirk Hall Trust.

To serve both the Saluda community and Polk County, it is my professional opinion that extending the number of campgrounds to this property is the best and highest value to increase property values. Tourism and especially outdoor tourism are a major economic industry for Polk County. By extending the number of campgrounds, it will increase our tourism industry benefiting all of the businesses in Saluda and Polk County.

Orchard Lake Campground is the only RV and campground in the Saluda area and has an excellent reputation as a well-run operation. Campers and outdoor enthusiasts depend on this campground and return year after year. Here are some comments from guests:

*I love this campground so much! There's so much to do. I love it!" - C. Miller*  
*"Orchard Lake Campground is like coming home. It's like family." - B. Allman*  
*"Really enjoyed our stay there this past weekend. The kids had a blast with the lake, bike riding, kayaking and Zip Line. Thanks for such a great place!" - M. Houston*  
*"Really enjoyed our stay there this past weekend. The kids had a blast with the lake, bike riding, kayaking and Zip Line. Thanks for such a great place!" - M. Lee*  
*"The May Family had an AWESOME time at you Camp Ground. Thank you so much. We will see you again Promise that. Very Family oriented Nice ppl there. Clean Bathrooms Laundry reasonably priced. A really AWESOME place to take the family." - E. May*  
*"I definitely have recommended this place to all my friends. We have been twice this summer with our 3 kids and we love it. We will be back as often as possible. The staff are super friendly and there is so much to do. It's a camping haven." - M. Green*  
*"We were passing thru NC and the Lord blessed us with this spot to stop for the night. Wonderful people and the place are so peaceful." - G. Brandon*  
*"Family oriented, safe, and tons of fun! Loved our stay here!" - J. Eslick*  
*"Very Peaceful and Relaxing! The Zipline was fun too!" - B. Beaty*  
*"Beautiful place, great people." - S. Fendley*  
*"Thank you for a great time this weekend. Our Cub Scout group had a lot of fun fishing, boating, and using the zip line. Your place was beautiful and Becky went out of her way to be helpful to our group. We will look forward to returning." - J. Gillespie*

I trust that this affidavit will be helpful in making your decision about a zoning variance to permit the extension of Orchard Lake Campground. Thank you for your service to Polk County.

Sincerely,

A handwritten signature in cursive script that reads "Cathy Jackson".

Cathy Jackson  
Broker-in-Charge  
Cathy Jackson Realty

DATE 11/18/21  
TIME 10:04:24  
USER PLBCONNER

POLK COUNTY  
APPLICATION AND PERMIT

EX-B1

PAGE 1  
PROG# PT2000

PERMIT NUMBER ZP 22764 ZONING PERMIT APPLIED 11/18/2021  
WORK ORDER# 41061 TYPE ZONING BOARD OF ADJUSTMNT ISSUED 11/18/2021  
LOCATION FORK CREEK RD EXPIRES 5/17/2022  
PIN P7 24 HEALTH  
PARCEL ID P7-24 SALUDA REFERENCE M00022764  
TOWNSHIP 7 SALUDA-OUTSIDE ACREAGE 9.050 CENSUS TRACT  
WATERSHED COLT CREEK FLOOD PLAIN? N SBC#  
DIRECTIONS HWY 108 TO R/HWY 176; L/PEARSON FALLS; L/FORK CREEK RD; PROP  
JUST PAST AND ADJOINS 4011 FORK CREEK ROAD

HALL, KIRK A

OWNER ID 26272

PHONE 828.273.8316

4456 FORK CREEK ROAD

SALUDA NC 28773

OWNER HALL KIRK A CO TRUSTEE  
OCCUPANT HALL, KIRK A

828-749-3903

SUBDIVISION  
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 APPLICATION FOR BOA HEARING FOR SPECIAL USE PERMIT - RV PARK  
EXTENSION - ORCHARD LAKE CAMPGROUND - 2022-01 SUP, 1.4.2022

SURVEYOR  
GENERAL

SITE PLAN

\*\*\*\*\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*\*\*\*\*

PERMIT ISSUED: 11/18/2021 BY: PLCATHYR PERMIT EXPIRES: 5/17/2022 or 12  
months from last inspection

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

SIGNATURE OF OWNER/AGENT

DATE

CODE ENFORCEMENT OFFICIAL

DATE 11/18/21  
TIME 10:04:24  
USER PLBCONNER

POLK COUNTY  
BILLING NOTICE

EX-B2

PAGE 2  
PROG# PT2000

PERMIT NUMBER ZP 22764 ZONING PERMIT APPLIED 11/18/2021  
WORK ORDER# 41061 TYPE ZONING BOARD OF ADJUSTMNT ISSUED 11/18/2021  
LOCATION FORK CREEK RD EXPIRES 5/17/2022  
PIN P7 24 HEALTH  
PARCEL ID P7-24 SALUDA REFERENCE M00022764  
TOWNSHIP 7 SALUDA-OUTSIDE ACREAGE 9.050 CENSUS TRACT  
WATERSHED COLT CREEK FLOOD PLAIN? N SBC#  
DIRECTIONS HWY 108 TO R/HWY 176; L/PEARSON FALLS; L/FORK CREEK RD; PROP  
JUST PAST AND ADJOINS 4011 FORK CREEK ROAD

HALL, KIRK A

OWNER ID 26272

PHONE 828.273.8316

4456 FORK CREEK ROAD

SALUDA NC 28773

OWNER HALL KIRK A CO TRUSTEE  
OCCUPANT HALL, KIRK A

828-749-3903

SERVICE	QUANTITY	RATE	FEE	AMOUNT	FEE PAID	FEE DUE
ZBA	1	100.00		100.00	100.00	
PAID BY: HALL KIRK A CO TRUSTEE				CK#:	10443	PAID BY CHECK
TRANSACTION 853142		TOTALS		100.00	100.00	

CASH RECEIPT

POLK COUNTY

EX-B3

User ID : PLBCONNER  
Collected By : PLBCONNER  
Todays Date : 11/18/2021  
Transaction Date 11/18/2021 Number 853142  
For : ZONING PERMITS

Received From : HALL KIRK A CO TRUSTEE PMT# ZP00022764 CK# 0000010443

Total Transaction Amt 100.00 CK#: 10443

Building Inspections  
Environmental Health  
(828) 894-3739



EX-C1

Economic Development  
(828) 894-2895  
Planning & Zoning  
(828) 894-2732

## Community Development

### BOARD OF ADJUSTMENT

IN THE MATTER OF THE  
APPLICATION OF KIRK A. HALL  
FOR A SPECIAL USE PERMIT

DOCKET NO. 2022-01 (SUP)

#### NOTICE OF BOARD OF ADJUSTMENT HEARING

On November 18, 2021, Mr. Kirk A. Hall applied for a Special Use Permit for a *Recreational Vehicle Park and/or Camp Area* located off Fork Creek Road, Saluda, NC 28773. The property is comprised of two parcels, identified as Tax Parcel Number P7-24, 9.05 acres and P7-27, 2.78 acres, in the tax records of Polk County. The property is located in the Multiple Use (MU) zoning district.

A copy of the written application is available for review in the Office of the County Manager in the Womack Building, 40 Courthouse Street, Columbus, NC 28722, and the Planning Office, 35 Walker Street, Columbus, NC 28722.

The Board of Adjustment will hold a public hearing on the request for a Special Use Permit on Tuesday, January 4, 2022 at 5:00 P.M. (local time) in the R. Jay Foster Hall of Justice in the Womack Building, 40 Courthouse Street, Columbus, NC 28722. The Board of Adjustment shall conduct an evidentiary hearing on the request and shall allow any interested party to appear, either in person or by agent or attorney.

December 15, 2021

Hannah B. Lynch, Zoning Administrator  
Polk County Board of Adjustment



## POLK COUNTY Adjacent Property Owners to P7-24, P7-27

P7-24

Hall Kirk A Co Trustee  
Hall Konnie F Co Trustee  
Joint Living Trust  
460 Orchard Lake Road  
Saluda, NC 28773

✓ CVA

## Mailings to Adjacent Property Owners

P7-27

American IRA LLC  
F/B/O Kirk Hall IRA  
460 Orchard Lake Road  
Saluda, NC 28773

✓ CVA

P7-13

Hall Kirk A Trustee  
Kirk A Hall and Konnie Hall  
Joint Living Trust  
460 Orchard Lake Road  
Saluda, NC 28773

✓ CVA

P7-12

Harrison Reece Rhodes Jr.  
4011 Fork Creek Road  
Saluda, NC 28773

✓ CVA

P7-23

Gail P OKelley  
Donald OKelley Heirs  
4035 Fork Creek Road  
Saluda, NC 28773

✓ CVA

P7-14

Hilliard Rhodes  
110 Barnett Street  
E Flat Rock, NC 28756

✓ CVA

P7-17

Greenville Water System  
PO Box 687  
Greenville, SC 29602

✓ CVA

## HENDERSON COUNTY Adjacent Property Owners to P7-24

REID: 601793

HALL, KIRK A. A. TRUSTEE;  
KIRK A HALL AND KONNIE HALL  
JOINT LIVING TRUST  
460 ORCHARD LAKE RD  
SALUDA NC 28773

Duplicate CVA

REID: 9965735  
MANUEL MEDINA JR  
PO BOX 838  
SALUDA NC 28773

✓ CMA

## AFFIDAVIT OF POSTING

State of North Carolina  
County of Polk

Re: Notice of Public Hearing

Hannah B. Lynch of Polk County, North Carolina, being duly sworn, states that on the 21<sup>st</sup> day of December 2021, she personally posted the attached photographed notice that reads, "Public Hearing Board of Adjustment Hearing 5PM January 4, 2022 40 Courthouse St. Polk County Call 828-894-2732."

Hannah B. Lynch

Hannah B. Lynch

Subscribed and sworn to before me this 27<sup>th</sup> day of December 2021.

Brooke M. Conner

Notary Public

My Commission Expires: 01/14/2026







EX-E1

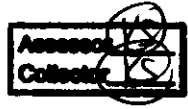
Doc ID: 004520130003 Type: CRP  
Recorded: 07/24/2015 at 03:25:32 PM  
Fee Amt: \$222.00 Page 1 of 3  
Revenue Tax: \$196.00  
Polk, NC  
Sheila Whitmire Register of Deeds  
BK 414 PG 570-572

Parcel Number: P7-24

Doc Stamps \$ 196.00

STATE OF NORTH CAROLINA

COUNTY OF POLK



GENERAL WARRANTY DEED

\* PYM  
Prepared by: B.B. Massagee III  
Deed Preparation Only  
2403-d Aven.  
Hendersonville, N.C.

THIS DEED, made and entered into this 24<sup>th</sup> day of July, 2015, by and between Brenda C. Gregory and husband, Furman L. Gregory, and Faye C. Kiser and husband, Grover Kiser, Jr. (herein collectively referred to as the "party of the first part" and having a mailing address of 409 N. Silver Ridge Drive, Greer, S.C. 29651) and Kirk A. Hall and Konnie F. Hall, Co-Trustees of the Kirk A. Hall and Konnie Hall Joint Living Trust Dated March 6, 2015 (the "party of the second part" and having a mailing address of 400 Orchard Lake Road, Saluda, N.C. 28773);

WITNESSETH:

The said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and Other Valuable Consideration to them in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does bargain, sell, and convey in fee simple unto said party of the second part, their successors and assigns, a certain tract or parcel of land lying and being in Henderson County and Polk County, North Carolina, more particularly described as follows:

Beginning at the point of intersection of the centerline of Fork Creek Road and the centerline of the old road running along the common boundary line of that property conveyed to Manual Madina, Jr. by deed recorded in Deed Book 1011, Page 391, Henderson County Registry, and that property conveyed to Atlas Rhodes Collins by deeds recorded in Deed Book 917, Page 386, Henderson County Registry, and in Deed Book 248, Page 866, Polk County Registry, said point of beginning further being located at the westernmost corner of the property identified as 9.05 acres and as the "Eighth Tract" and "Tract 8" of the Division of the H.R. Rhodes Estate as described in the Report recorded in Deed Book 498, Page 299 and as shown on that plat recorded in Deed Book 498, Page 306, Henderson County Registry, and running thence from said beginning point generally in a northeasterly and then easterly direction with the centerline of Fork Creek Road, S.R. 1100, North 81 deg. 5 min. 32 sec. East 25.75 feet, North 56 deg. 39 min. 14 sec. East 25.67 feet, North 32 deg. 59 min. 14 sec. East 37.09 feet, North 23 deg. 08 min. 12 sec. East 62.91 feet, North 25 deg. 16 min. 31 sec. East 47.02 feet, North 35 deg. 58 min. 56 sec. East 43.13 feet, North 49 deg. 38 min. 15 sec. East 37.68 feet, North 61 deg. 31 min. 35 sec. East 34.80 feet, North 71 deg. 17 min. 02 sec. East 32.71 feet, North 82 deg. 31 min. 35 sec. East 41.56 feet, South 85 deg. 56 min. 23 sec. East 40.93 feet, South 77 deg. 21 min. 02 sec. East 57.42 feet, South 75 deg. 24 min. 47 sec. East 91.90 feet, South 77 deg. 20 min. 06 sec. East 79.19 feet, South 80 deg. 49 min. 37 sec. East 51.60 feet, North 89 deg. 58 min. 06 sec. East 47.71 feet, North 74 deg. 23 min. 44 sec. East 52.14 feet, and North 60 deg. 36 min. 52 sec. East 37.67 feet; thence leaving the right-of-way of Fork Creek Road and running South 01 deg. 07 min. 46 sec. East (passing a one-inch iron pin at 38.46 feet) a total distance of 323.59 feet to an established iron pin; running thence South 01 deg. 10 min. 11 sec. East 51.21 feet; running thence South 01 deg. 09 min. 46 sec. East 131.79 feet to an established iron pin; running thence South 01 deg. 01 min. 14 sec. East 182.42 feet to a one-inch established iron pin located at the southwest corner of



EX-E2

the said Tract 8 of the Division of the H.R. Rhodes Estate as shown on that plat recorded in Deed Book 498, Page 306, Henderson County Registry; running thence North 77 deg. 48 min. 52 sec. West (passing a one-half inch iron rod at 241.76 feet) a total distance of 645.94 feet to the centerline of the old road running along the western boundary of the said Tract 8 of the Division of the H.R. Rhodes Estate as shown on that plat recorded in Deed Book 498, Page 306, Henderson County Registry; running thence in a northerly direction with the centerline of the said old road, North 29 deg. 52 min. 58 sec. West 99.35 feet, North 21 deg. 22 min. 21 sec. West 30.01 feet, North 07 deg. 23 min. 21 sec. West 46.83 feet, North 01 deg. 02 min. 09 sec. West 52.91 feet, North 07 deg. 39 min. 34 sec. West 36.69 feet, North 14 deg. 36 min. 08 sec. West 27.78 feet, North 20 deg. 05 min. 52 sec. West 28.41 feet and North 09 deg. 05 min. 38 sec. West 39.97 feet to the centerline of Fork Creek Road, the point and place of beginning, containing 9.36 acres, more or less, and being that property depicted on that survey by Butler Associates entitled "Minor Subdivision For Atlas R. Collins" dated February 9, 2009.

Also conveyed herewith is a non-exclusive right-of-way along and across the road running along the southwestern boundary of the subject property as depicted on the plat recorded in Deed Book 498, Page 306, Henderson County Registry.

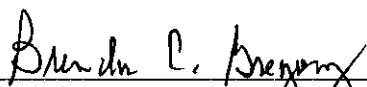
TO HAVE AND TO HOLD the aforesaid tract or parcel of land, together with all privileges and appurtenances thereunto belonging, to the said party of the second part, their successors and assigns, in fee simple forever.

And said party of the first part does covenant that they are seized of said lands in fee simple and have the right to convey the same in fee simple, that title to same is marketable and free and clear of all encumbrances, and that they will warrant and defend the title herein conveyed against the lawful claims of all persons whomsoever. This conveyance and these warranties are made subject to the rights-of-way of Fork Creek Road and the private road running along the western boundary as depicted on that plat recorded in Deed Book 498, Page 306, Henderson County Registry, to the utility easements and restrictive covenants of record, and to 2015 Henderson County and Polk County ad valorem property taxes.

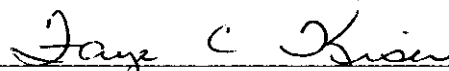
No party dealing with the Trustee(s) in relation to the property in any manner whatsoever and (without limiting the foregoing) no party to whom the property or any part thereof or any interest therein shall be conveyed, contracted, to be sold, leased or mortgaged by the Trustee(s), shall be obliged: (a) to see to the application of any purchase money, rent, or money borrowed or otherwise advanced on the property; (b) to see that the terms of the Trust have been complied with; (c) to inquire into the authority, necessity or expediency of any act of the Trustee(s); or (d) be privileged to inquire into any of the terms of the Trust Agreement.

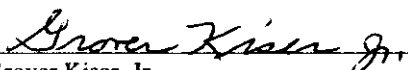
The real property conveyed herein does not constitute the primary residence of the Grantors.

IN TESTIMONY WHEREOF, said party of the first part has hereunto set their respective hands and seals the day and year first above written.

 (SEAL)  
Brenda C. Gregory

 (SEAL)  
Furman L. Gregory

 (SEAL)  
Faye C. Kiser

 (SEAL)  
Grover Kiser, Jr.

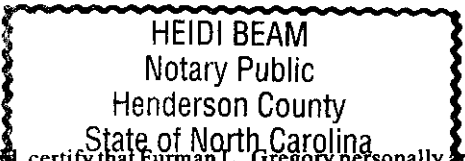
STATE OF NC  
COUNTY OF Henderson

EX-E3

I, a Notary Public of the County and State aforesaid, certify that Brenda C. Gregory personally appeared before me this day and acknowledged the voluntary execution of the foregoing instrument for the purpose stated therein. Witness my hand and official stamp or seal, this 24 day of July, 2015.

My Commission Expires: 11-24-17 Heidi Beam  
Notary Public

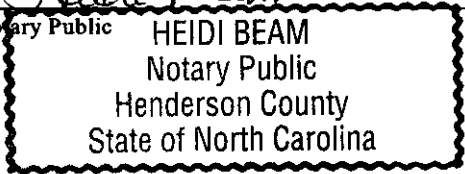
STATE OF NC  
COUNTY OF Henderson



I, a Notary Public of the County and State aforesaid, certify that Furman L. Gregory personally appeared before me this day and acknowledged the voluntary execution of the foregoing instrument for the purpose stated therein. Witness my hand and official stamp or seal, this 24 day of July, 2015.

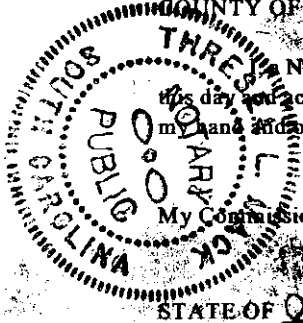
My Commission Expires: 11-24-17 Heidi Beam  
Notary Public

STATE OF South Carolina  
COUNTY OF Cherokee



I, a Notary Public of the County and State aforesaid, certify that Faye C. Kiser personally appeared before me this day and acknowledged the voluntary execution of the foregoing instrument for the purpose stated therein. Witness my hand and official stamp or seal, this 23 day of July, 2015.

My Commission Expires: 08-22-2023 J L Mack  
Notary Public



STATE OF South Carolina  
COUNTY OF Cherokee

I, a Notary Public of the County and State aforesaid, certify that Grover Kiser, Jr. personally appeared before me this day and acknowledged the voluntary execution of the foregoing instrument for the purpose stated therein. Witness my hand and official stamp or seal, this 23 day of July, 2015.

My Commission Expires: 08-22-2023 J L Mack  
Notary Public



EX-F1



Doc ID: 004592270002 Type: CRP  
Recorded: 02/17/2016 at 11:10:59 AM  
Fee Amt: \$68.00 Page 1 of 2  
Revenue Tax: \$42.00  
Polk, NC  
Sheila Whitmire Register of Deeds  
BK **417** PG **1571-1572**

Excise Tax	\$42.00	Recording Time, Book and Page
Tax Lot No.	P7-27	
Verified By	Polk County	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Assessor <u>SL</u> Collector <u>SL</u></div>

Mail after recording to See Below ✕  
This instrument was prepared by Feagan Law Firm, PLLC, Post Office Box 309, Columbus, NC 28722  
Brief description for the Index

2.89 acres, Saluda Township

**NORTH CAROLINA GENERAL WARRANTY DEED**

THIS DEED made this 17<sup>th</sup> day of February, 2016, by and between

GRANTOR	GRANTEE
<b>HARRISON R. RHODES, JR. and SANDRA METCALF RHODES, his wife</b>	<b>AMERICAN IRA, LLC, fbo KIRK HALL IRA</b>
<b>Mailing Address: 4011 Fork Creek Road Saluda, NC 28773</b>	<b>Mailing Address: 460 Orchard Lake Road Saluda, NC 28773</b>

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

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

BEGINNING on an iron pin which is the southeastern corner of the 9.117 acre tract denominated SEVENTH TRACT in the description of that Report of Commissioners recorded in Book 157 at Page 130, Polk County Registry; and running thence from said iron pin North 78 degrees 33 minutes 06 seconds West 615.67 feet to a new iron pin in the line of property now or formerly belonging to Collins; thence with said line North 1 degree 06 minutes 26 seconds West 182.69 feet to a new iron pin in the line of property now or formerly belonging to O’Kelley; thence with said line South 82 degrees 33 minutes 47 seconds East 635.08 feet to a new iron pin; thence South 5 degrees 50 minutes 34 seconds West to the point and place of BEGINNING, containing 2.89 acres, more or less.

The above described property is conveyed TOGETHER WITH a right of way and easement thirty (30) feet in width, the same being particularly described by metes and bounds as follows:

BEGINNING on an iron pin which lies North 5 degrees 50 minutes 34 seconds East 223.82 feet from an iron pin which is the southeastern corner of the 9.117 acre tract denominated SEVENTH TRACT in the description of that Report of Commissioners recorded in Book 157 at Page 130, Polk County Registry and running thence North 5 degrees 50 minutes 34 seconds East 178.65 feet, crossing a concrete monument in line at 170.12 feet, a total distance of 178.65 feet to an iron pin located in the margin of NCSR #1100; thence with the margin of said NCSR #1100 North 24 degrees 31 minutes 05 seconds West 35.63 feet to an iron pin; thence South 5 degrees 50 minutes 34 seconds West to a point in the northern boundary line of the above described property; thence South 82 degrees 33 minutes 47 seconds East approximately 30 feet to the point and place of BEGINNING.



EX-F2

Reference in aid of the foregoing description of the 2.89 acre tract and the thirty (30) foot right of way and easement is hereby made to a plat designated "Harrison R. & Sandra M. Rhodes, (Jr.)," Saluda Township, Polk County, North Carolina, dated November 15, 1983, as prepared by Sam T. Marlowe & Associates, RLS L-1329.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 157, Page 130, Polk County Registry

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

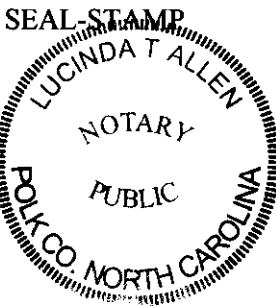
And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons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

- a. Subject to any applicable provisions of Polk County zoning ordinances;
- b. Subject to such road and utility easements as may appear by reference to the public records of the Polk County Registry and/or by reference to a physical inspection of the subject property;

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

Harrison R. Rhodes Jr. (SEAL)  
HARRISON R. RHODES, JR.

Sandra Metcalf Rhodes (SEAL)  
SANDRA METCALF RHODES



State of North Carolina, County of Polk

I, a Notary Public of the County and State aforesaid, certify that **HARRISON R. RHODES, JR. and SANDRA METCALF RHODES, his wife**, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 17th day of February, 2016.

My commission expires: 07/05/2017 Sandra J Allen  
Notary Public

HALL KIRK A CO TRUSTEE  
SR1100

N2 FOUND

YR 2021 P7-24

9.05 AC

PIN: P7 24

DISTRICT: 7 SALUDA TOWNSHIP

POLK COUNTY

ACCOUNT#: 26272

NBHD: 200

Plat Bk/Pg

200 COUNTY RURAL

APPR: RV6 APPR DT: 4/26/2019

EXCD: NOTICE: 21 2/01/2021

EX-G1

PAGE 1

Bldg No.					Exempt Code	LAND VALUE	38,700
Imp Desc:		EYB:				MISC VALUE	0
Grade :		AYB:		Finished Area:		BLDG VALUE	0
# of Units	Rms	Bedrms	Bathrms	HBaths		TOTAL VALUE	38,700

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

PROPERTY NOTES:

PERMIT NO	TYPE	DATE	BOOK	PAGE	DT	DATE	QS	SALES PRICE
			414	570	WD	7/24/2015		98,000
AMOUNT			239	55	DEATH	3/13/2015	X	
AMOUNT								

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

#	ZONE	TYPE/CODE	LAND	QTY	LAND RATE	DPTH	DPT%	TOP%	LOC%	SIZ%	SHP%	OTH%	ADJ	FMV	EXMPT
1		AC WD		6.450	6,000.00		.00	.00	.00	.00	.00	.00	.00	38,700	

P7-24

SR1100

REQUESTED BY JERRY

RUN 12/09/21 TIME 20:35:32

AMERICAN IRA LLC  
4011 FORK CREEK RD  
ESTATES  
2.780 AC TWSP: 007

N2 FOUND YR 2021 **P7-27**  
PART OF H.R. RHODES  
PIN:  
**DISTRICT:** 7 SALUDA TOWNSHIP

POLK COUNTY

**ACCOUNT#:** 53828  
**NBHD:** 200  
Plat Bk/Pg

200 COUNTY RURAL  
APPR: RV6 APPR DT: 4/26/2019  
EXCD: NOTICE: 21 2/01/2021

EX-H1

PAGE 1

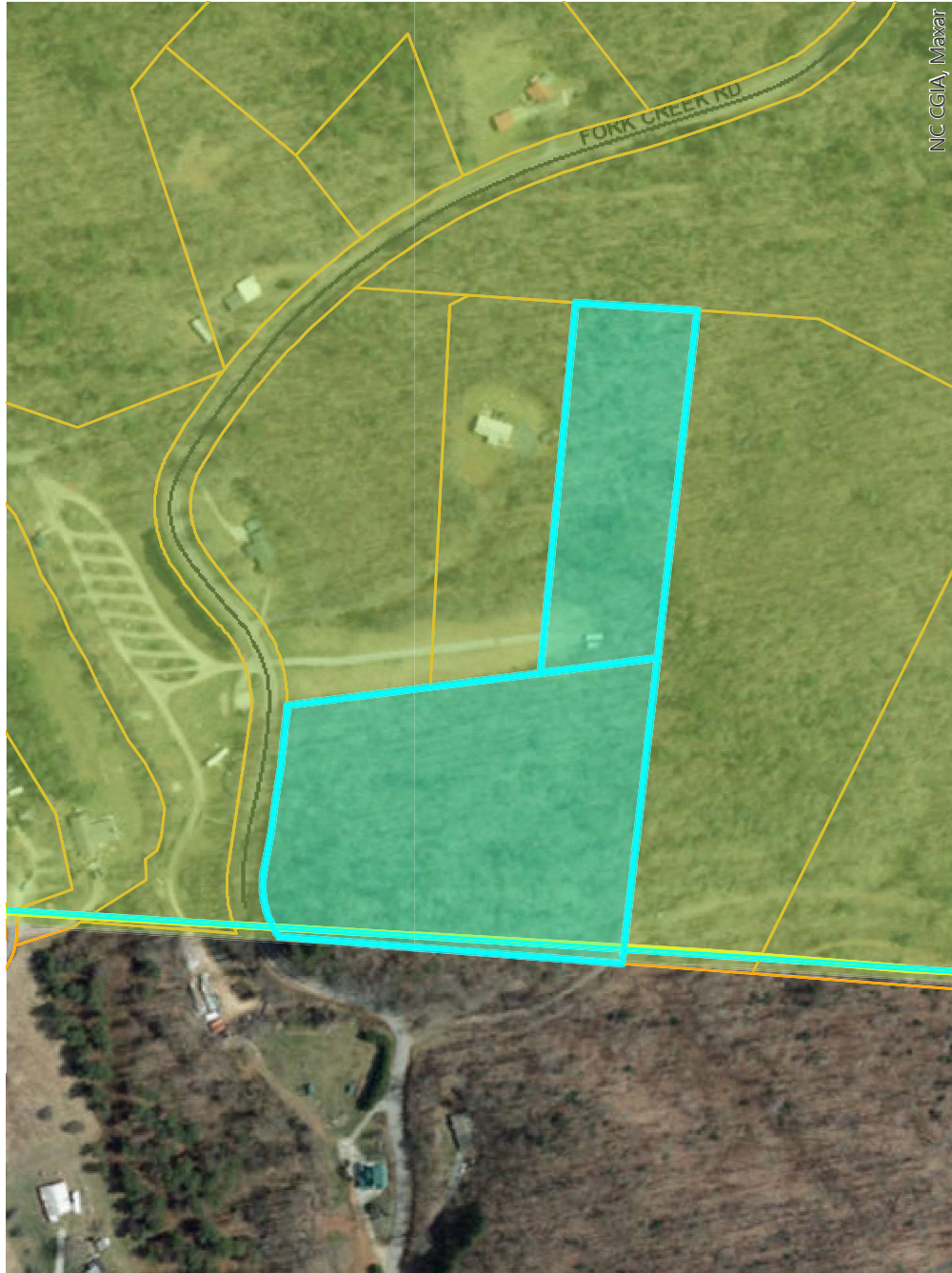
Bldg No.					Exempt Code	LAND VALUE	20,850
Imp Desc:		EYB:				MISC VALUE	0
Grade :		AYB:		Finished Area:		BLDG VALUE	0
# of Units	Rms	Bedrms	Bathrms	HBaths		TOTAL VALUE	20,850

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

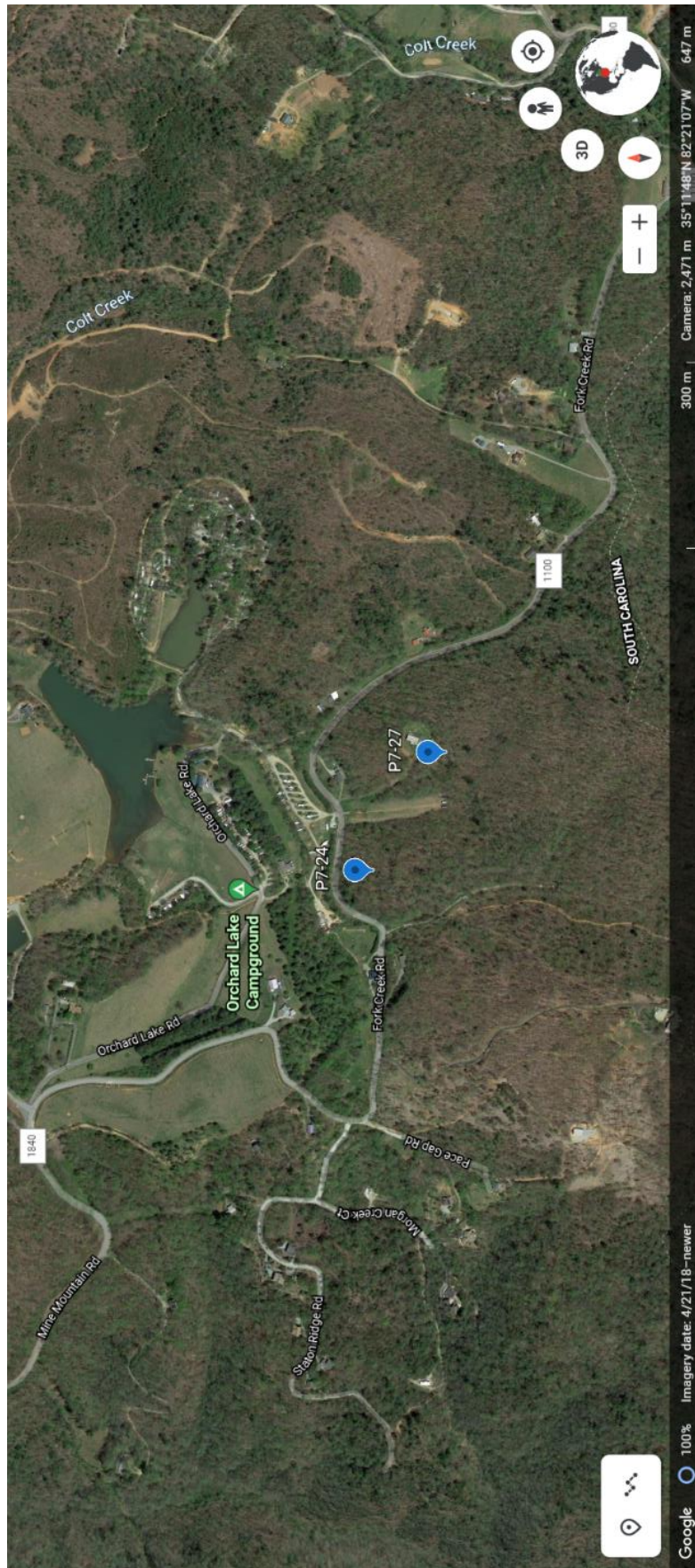
PROPERTY NOTES:	PERMIT NO	TYPE	DATE	BOOK	PAGE	DT	DATE	QS	SALES	PRICE
				417	1571	WD	2/17/2016			21,000
	AMOUNT			157	130	COM	8/09/1972	E		
	AMOUNT									

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

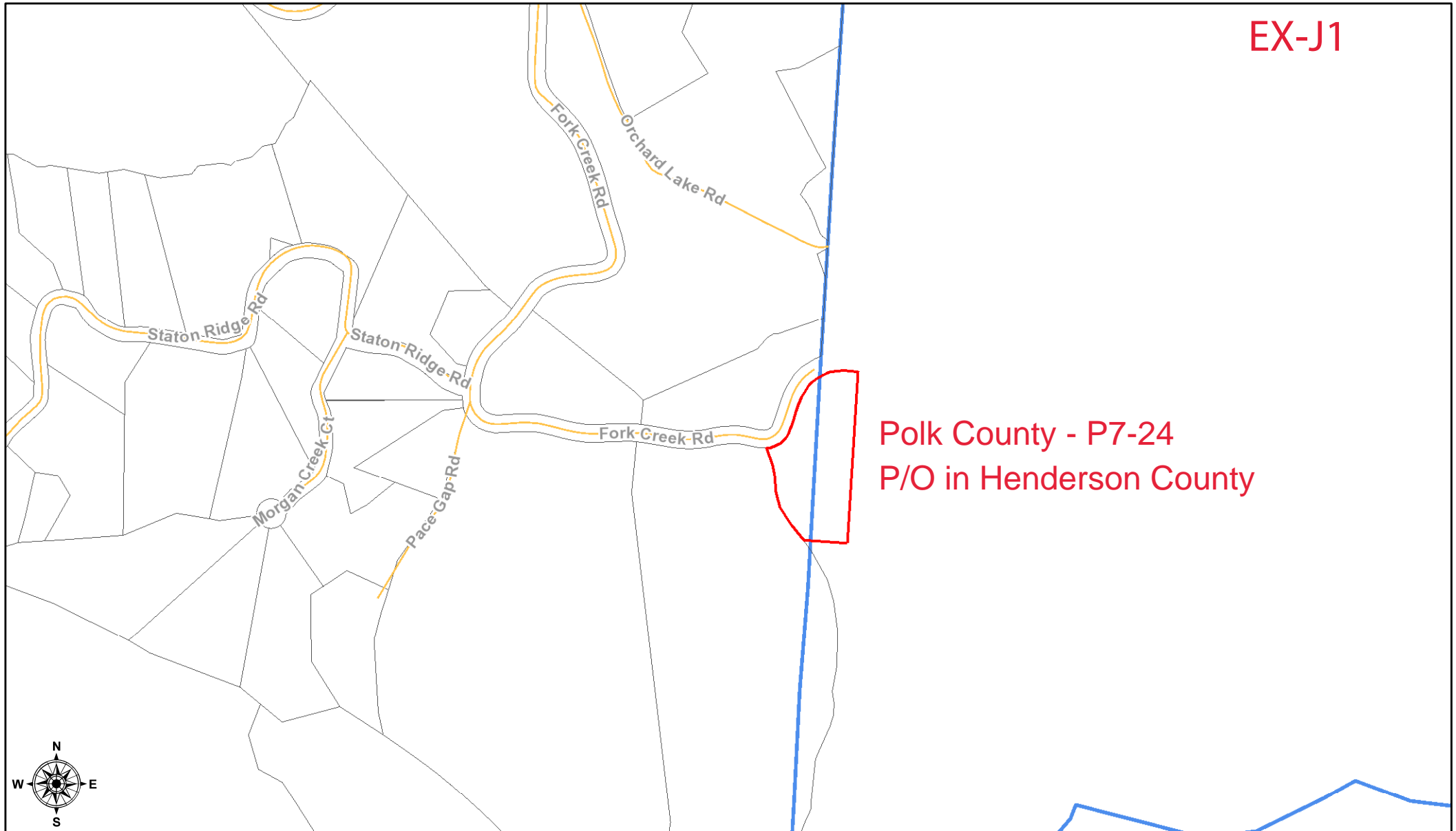
#	ZONE	TYPE/CODE	LAND	QTY	LAND RATE	DPTH	DPT%	TOP%	LOC%	SIZ%	SHP%	OTH%	ADJ	FMV	EXMPT
1		AC RES		2.780	6,000.00		.00	.00	.00	.00	.00	125.00	125.00	20,850	







EX-J1



December 16, 2021

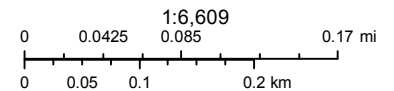
**Streets and Highways**

- |  |            |  |              |
|--|------------|--|--------------|
|  | FREEWAY    |  | THOROUGHFARE |
|  | INTERSTATE |  | COLLECTOR    |
|  | BOULEVARD  |  | Local Roads  |
|  | Parcels    |  |              |

**THIS IS NOT A SURVEY.**

All information or data provided, whether subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk. Henderson County makes no warranties or guarantees, including the warranties of merchantability or of fitness for a particular purpose. Map data is not appropriate for, and is not to be used as, a geodetic, legal, or engineering base system. The data is not intended as a substitute for surveyed locations such as can be determined by a registered Public Land Surveyor, and does not meet the minimum accuracy standards of a Land Information System/Geographic Information System Survey in North Carolina (21 NCAC 56.1608).

Page 506 of 123





EX-J2



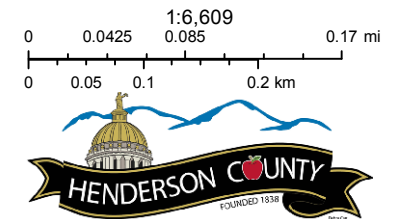
December 27, 2021

**Streets and Highways**

- |  |            |  |              |
|--|------------|--|--------------|
|  | FREEWAY    |  | THOROUGHFARE |
|  | INTERSTATE |  | COLLECTOR    |
|  | BOULEVARD  |  | Local Roads  |
|  |            |  | Parcels      |

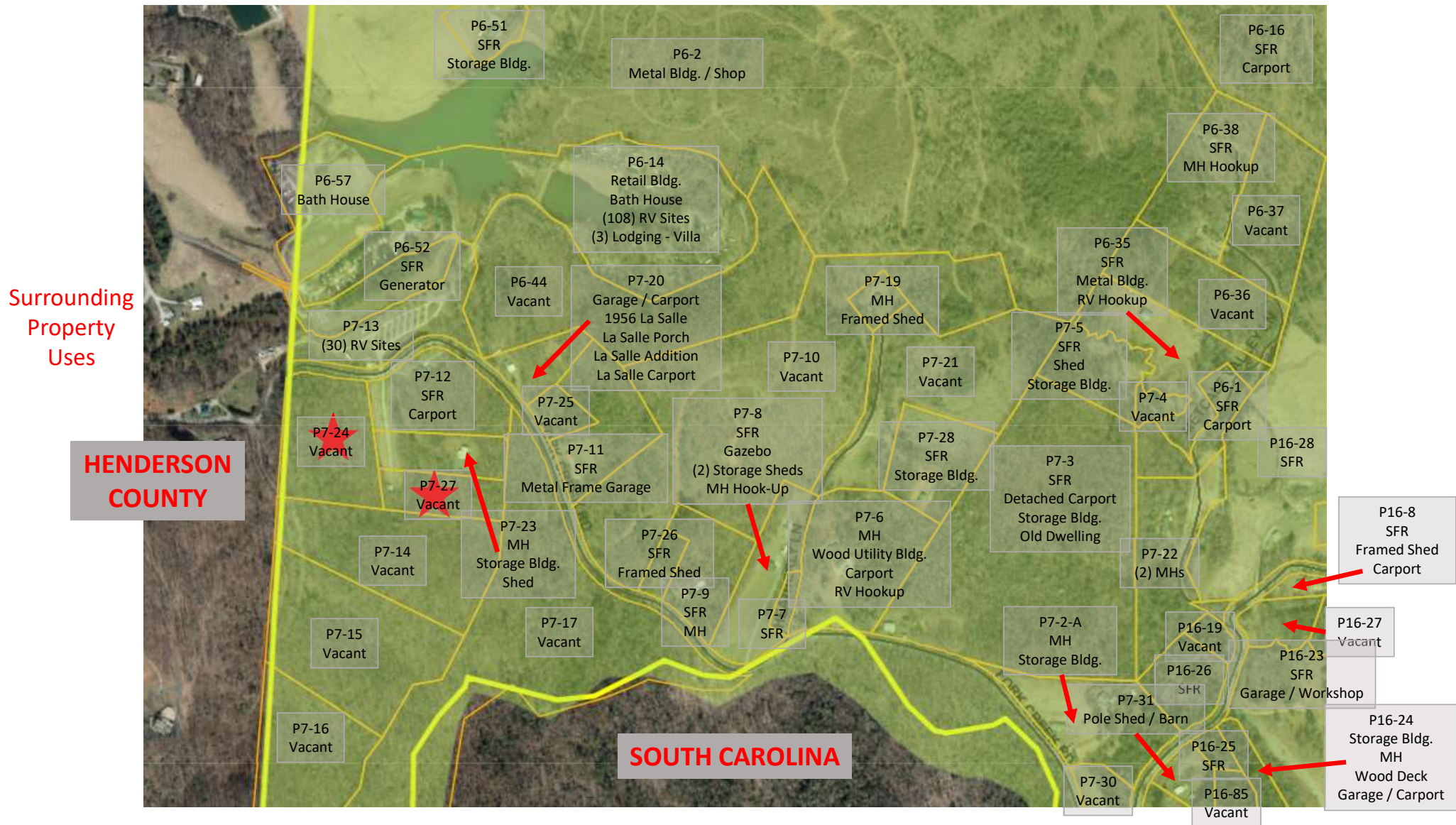
**THIS IS NOT A SURVEY.**

All information or data provided, whether subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk. Henderson County makes no warranties or guarantees, including the warranties of merchantability or of fitness for a particular purpose. Map data is not appropriate for, and is not to be used as, a geodetic, legal, or engineering base system. The data is not intended as a substitute for surveyed locations such as can be determined by a registered Public Land Surveyor, and does not meet the minimum accuracy standards of a Land Information System/Geographic Information System Survey in North Carolina (21 NCAC 56.1608).





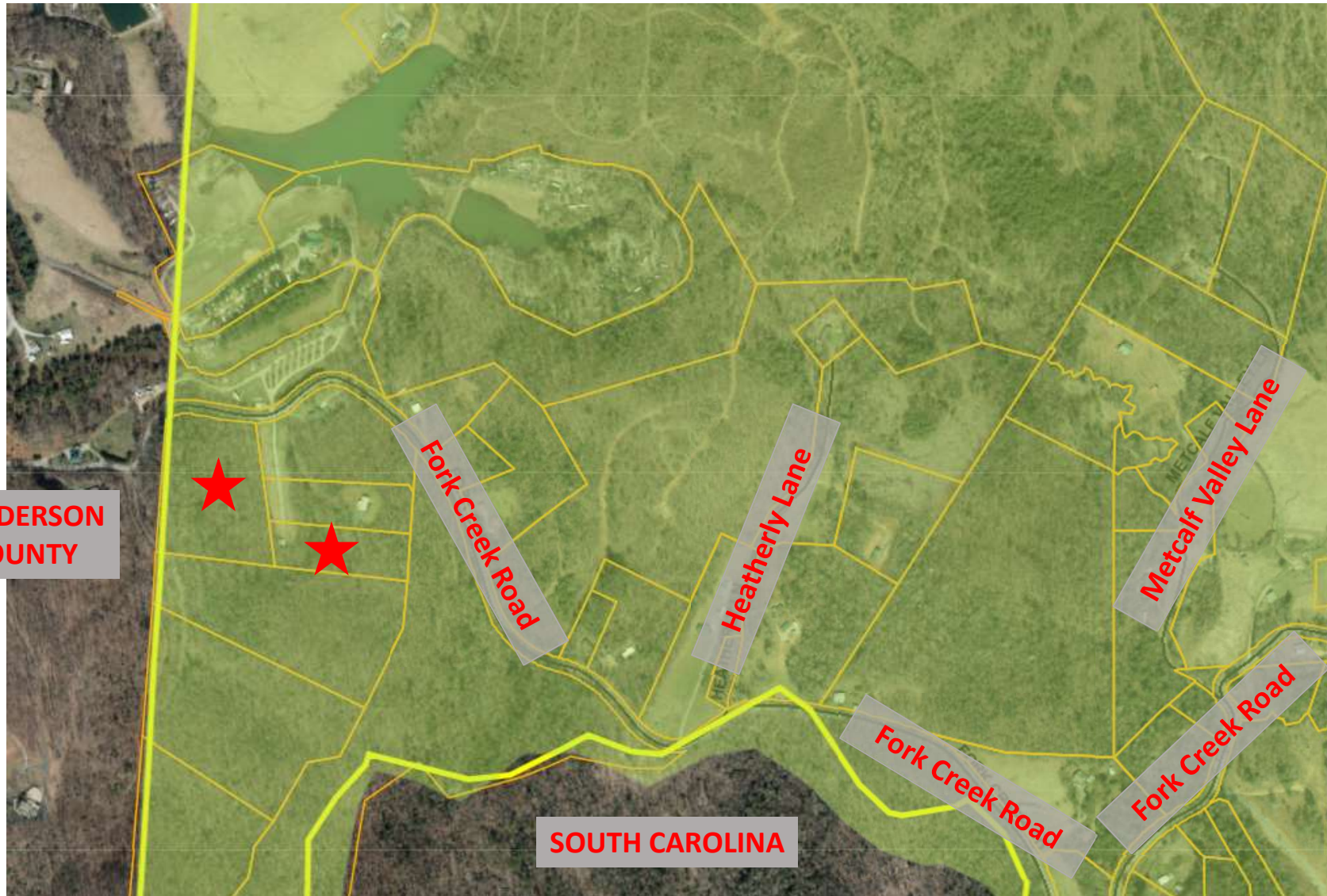
EX-K1



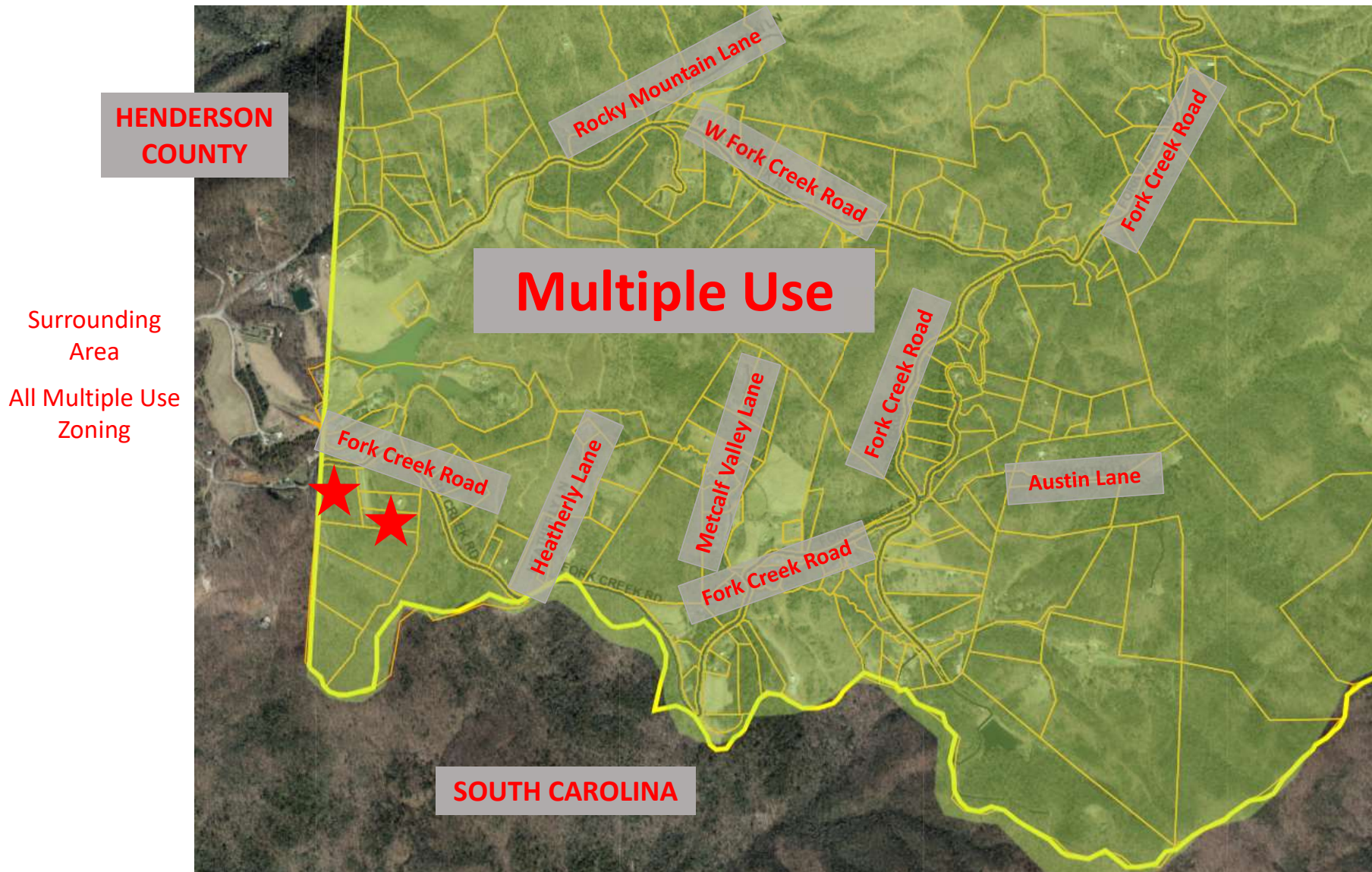


Surrounding  
Roads  
All Multiple  
Use Zoning

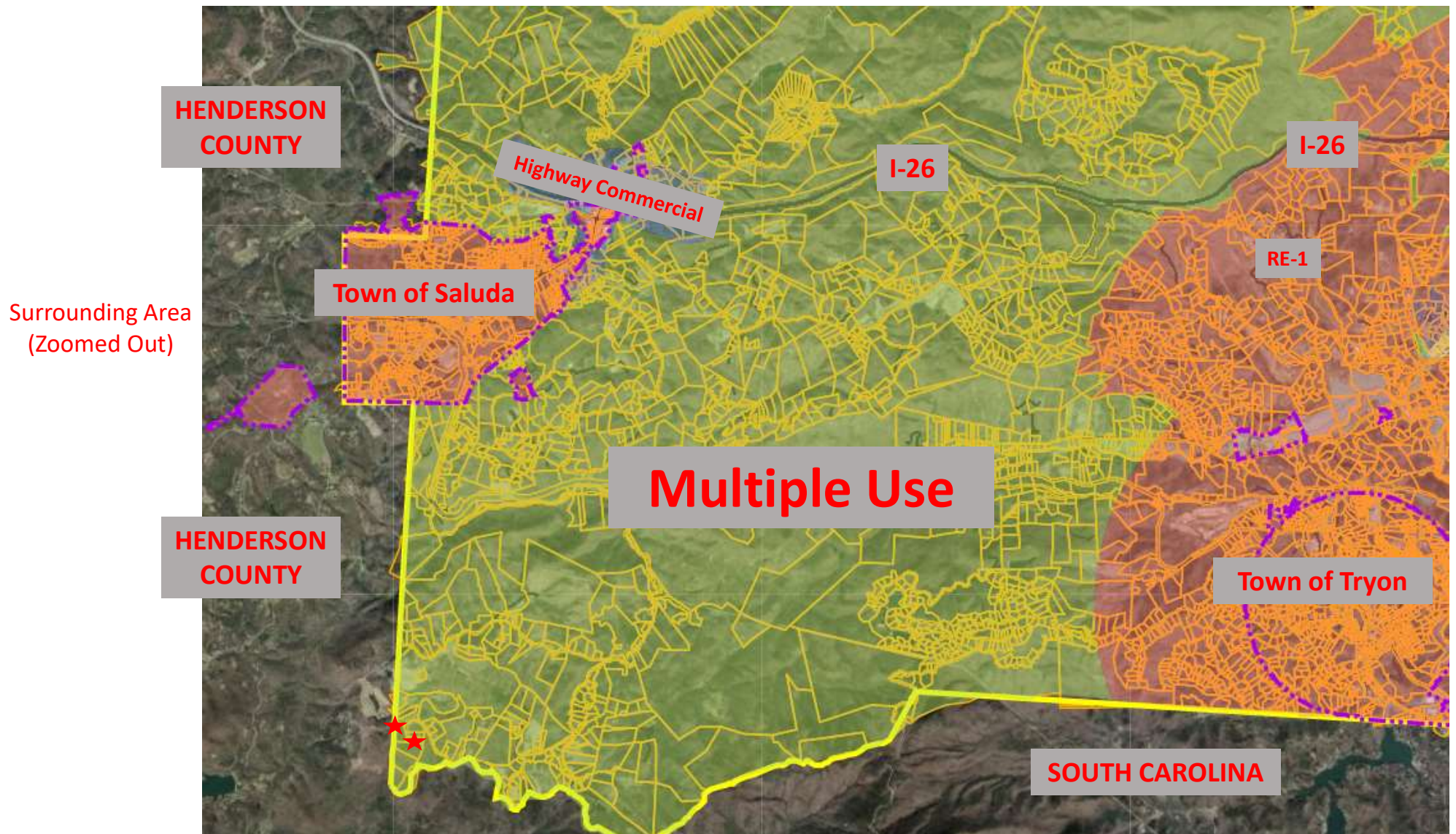
HENDERSON  
COUNTY













EX-L1

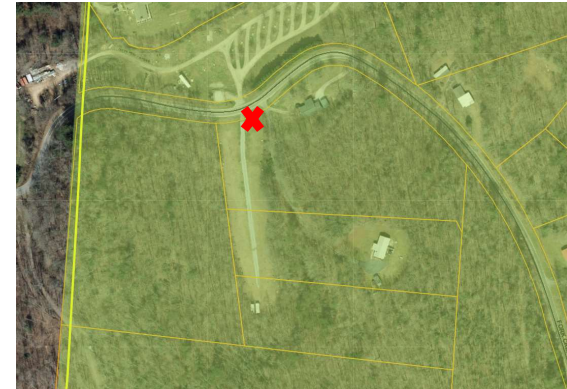
Sign  
Posting  
Locations





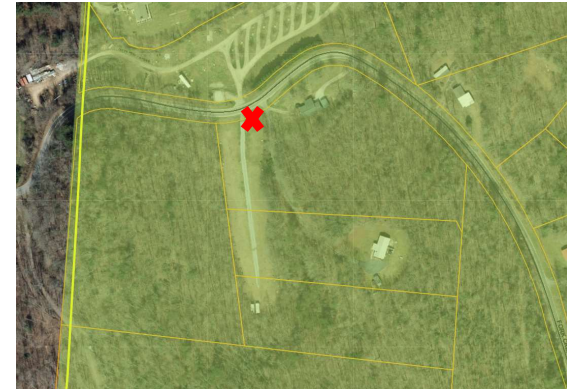
EX-L2

Standing on property, looking  
across road at entrance to  
existing Orchard Lake  
Campground.



EX-L3

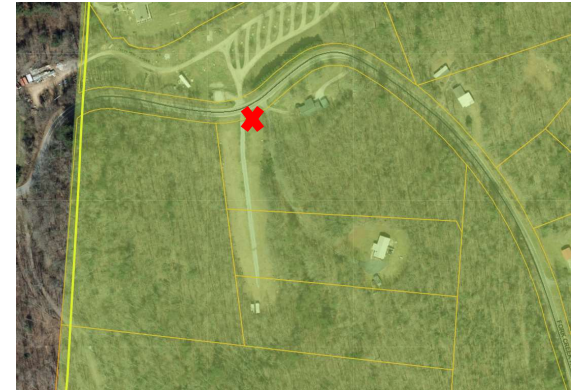
Standing on property, looking  
across road at entrance to existing  
Orchard Lake Campground.





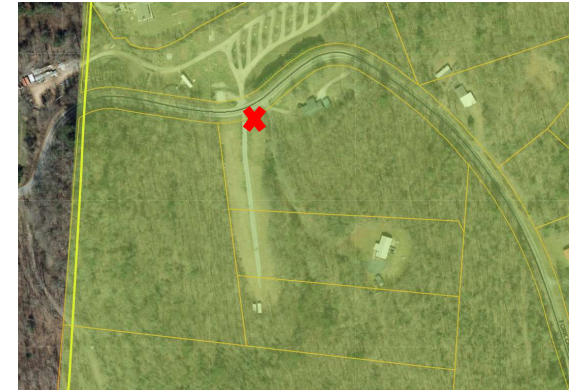
EX-L4

Standing on property, looking  
across road at entrance to existing  
Orchard Lake Campground.



EX-L5

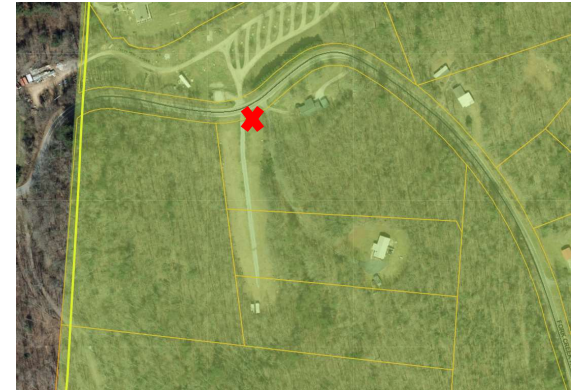
Standing on property, looking  
down Fork Creek Road toward  
Pearson Falls Road.





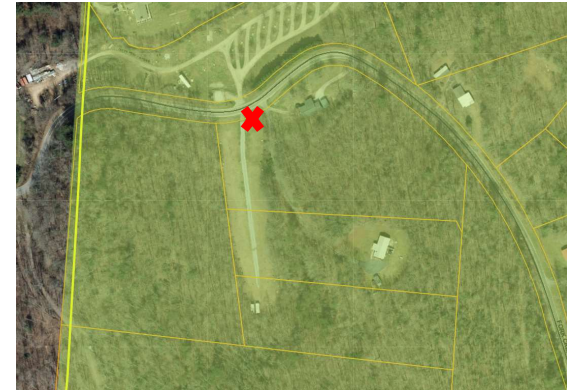
EX-L6

Standing on property, looking  
down Fork Creek Road toward  
Pearson Falls Road.



EX-L7

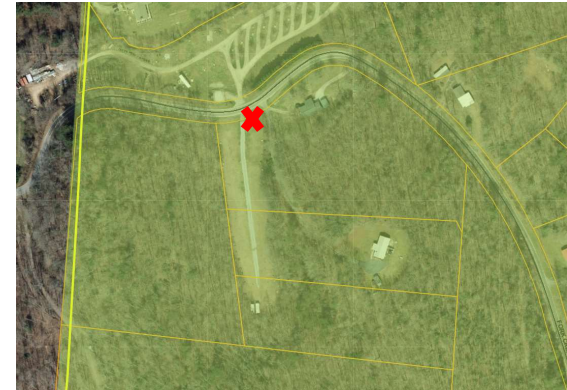
Standing on property, looking  
toward neighboring property.





EX-L8

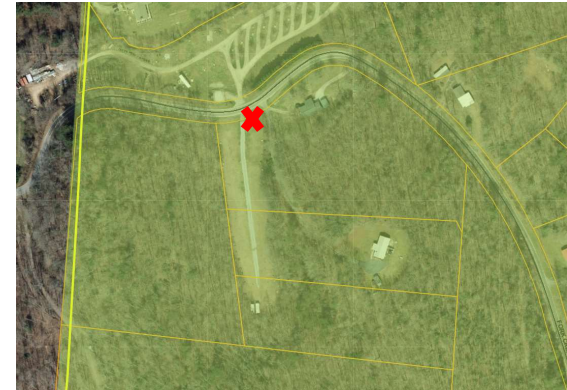
Standing on property, looking  
toward neighboring property.





EX-L9

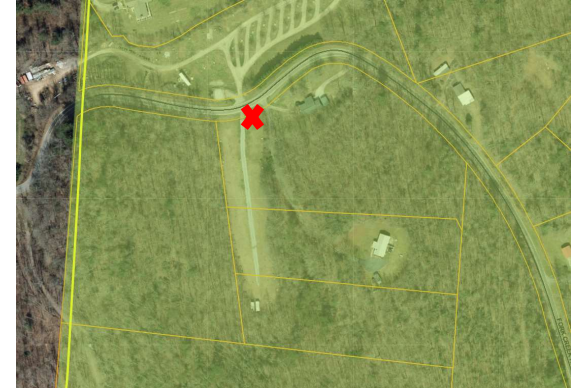
Standing on property, looking  
toward neighboring property.





EX-L10

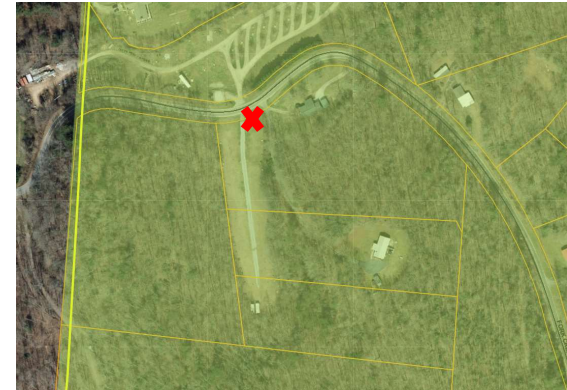
Standing on property, looking toward neighboring property and existing entry gate to property.





EX-L11

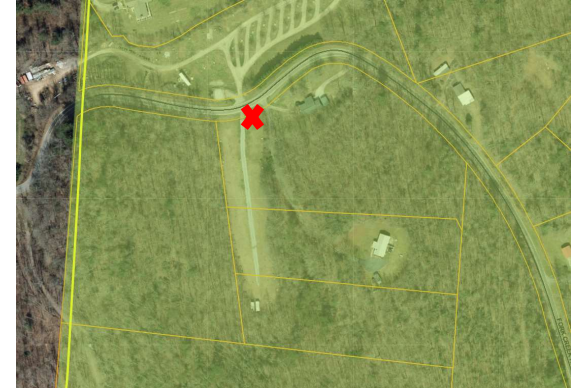
Standing on property, looking at  
existing entry gate and road on  
property.





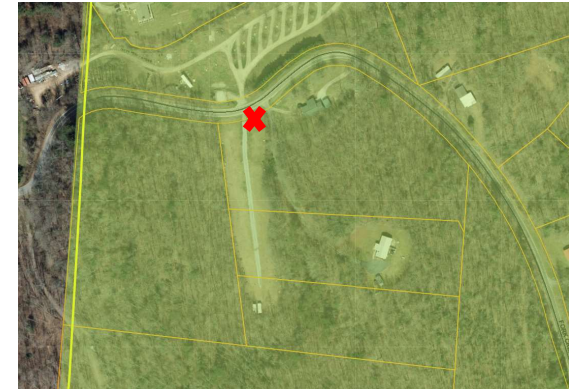
EX-L12

Standing on property, looking at existing entry gate and road on property.



EX-L13

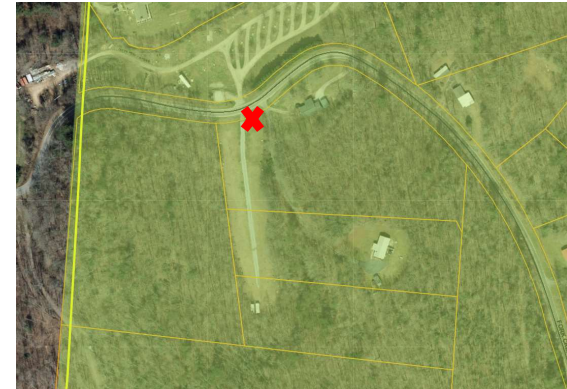
Standing on property, looking at  
existing road on property.





EX-L14

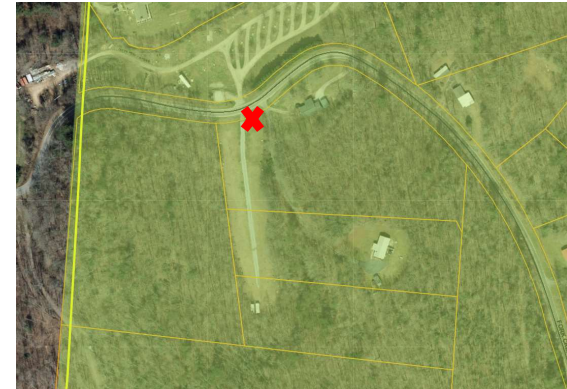
Standing on property, looking onto property.





EX-L15

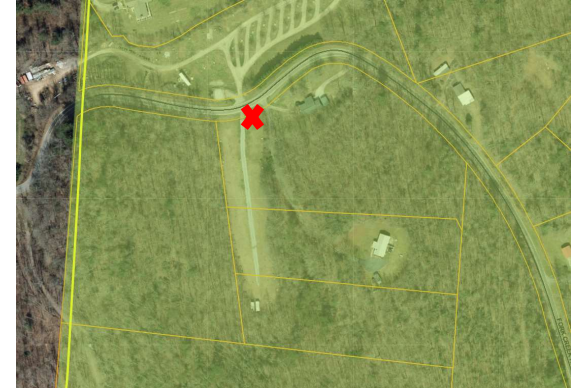
Standing on property, looking  
onto property.





EX-L16

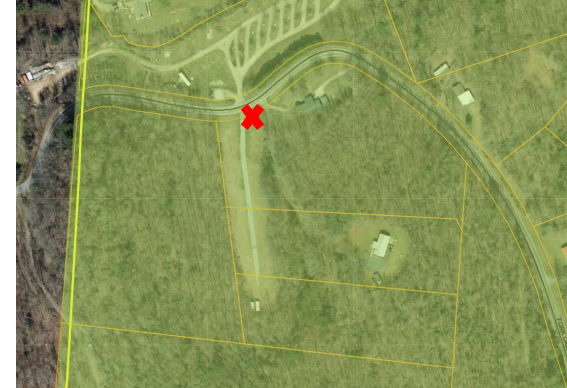
Standing on property, looking  
down Fork Creek Road toward  
Henderson County.





EX-L17

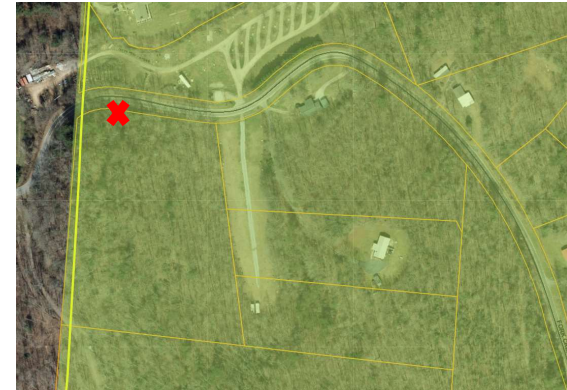
Standing on property, looking  
down Fork Creek Road toward  
Henderson County.





EX-L18

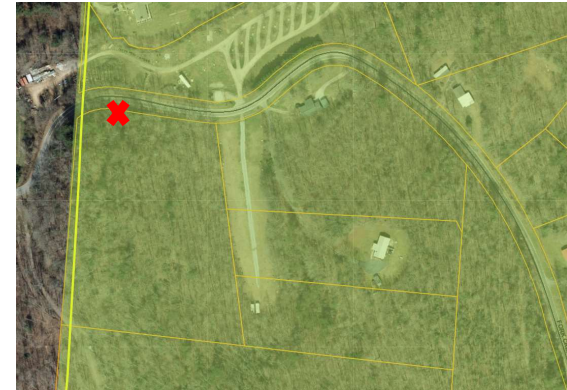
Standing at end of property,  
looking down Fork Creek Road  
toward Pearson Fall Road.





EX-L19

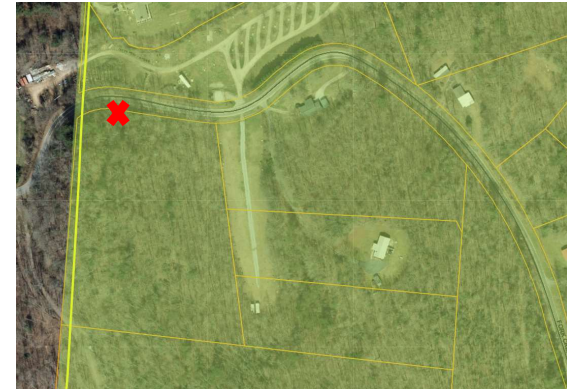
Standing at end of property,  
looking down Fork Creek Road  
toward Pearson Fall Road.





EX-L20

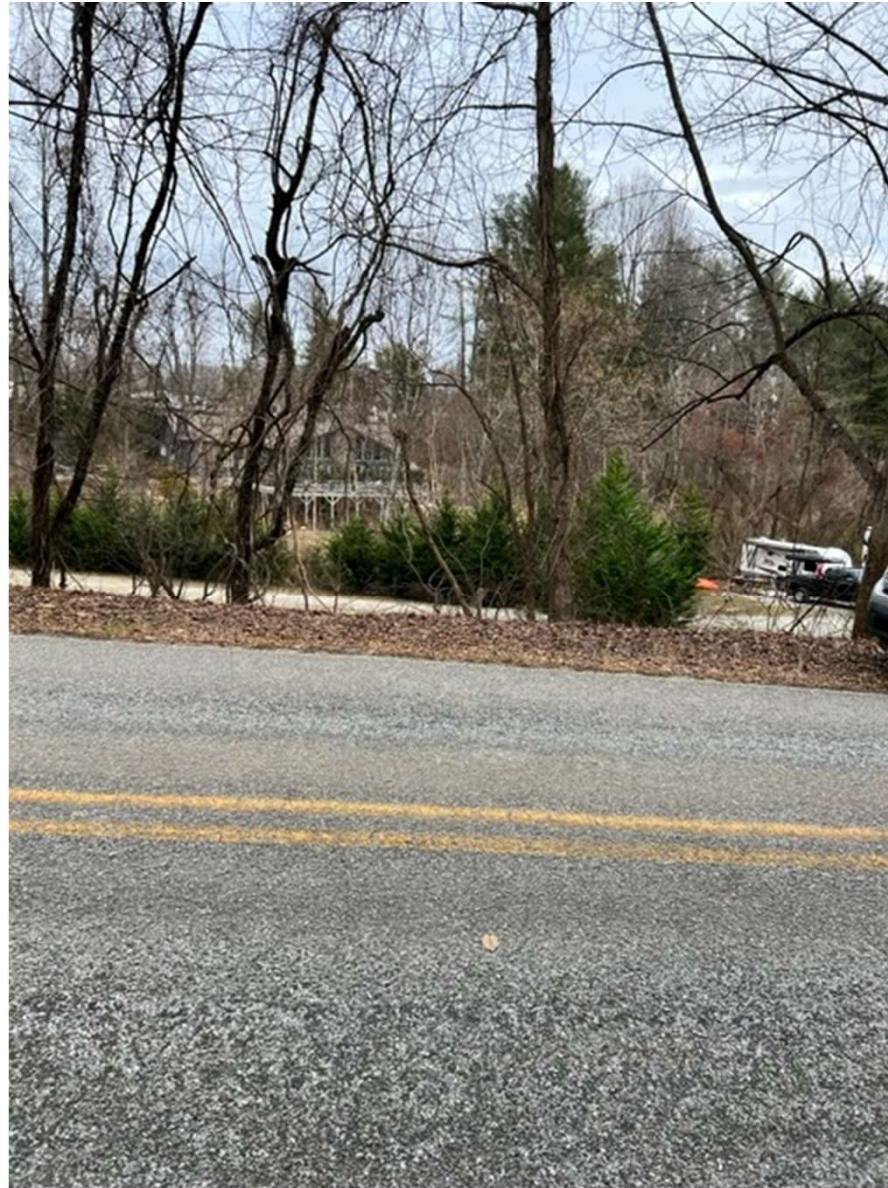
Standing at end of property,  
looking down Fork Creek Road  
toward Pearson Fall Road.





EX-L21

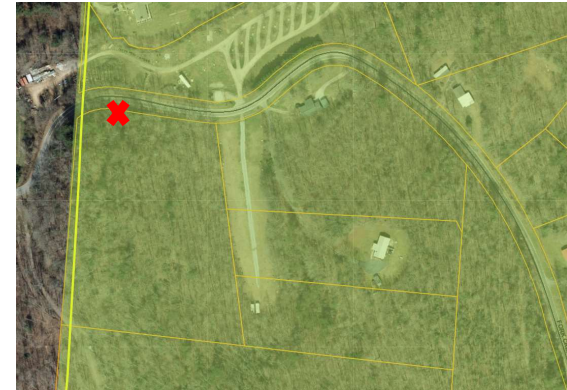
Standing at end of property,  
looking across road at existing  
Orchard Lake Campground.





EX-L22

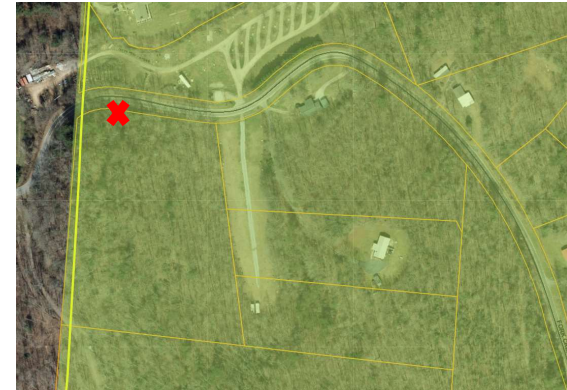
Standing at end of property,  
looking down Fork Creek Road  
toward Henderson County.



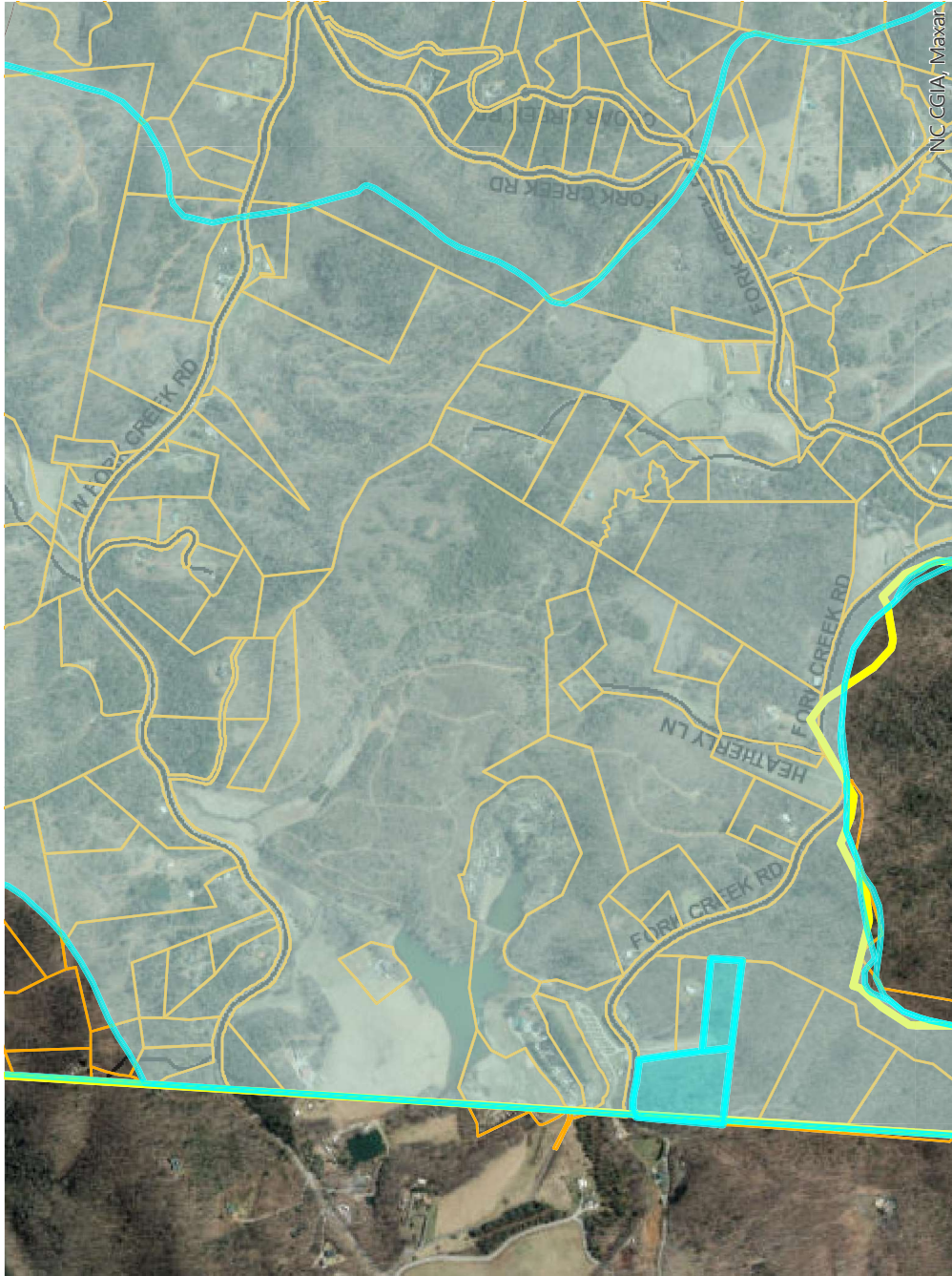


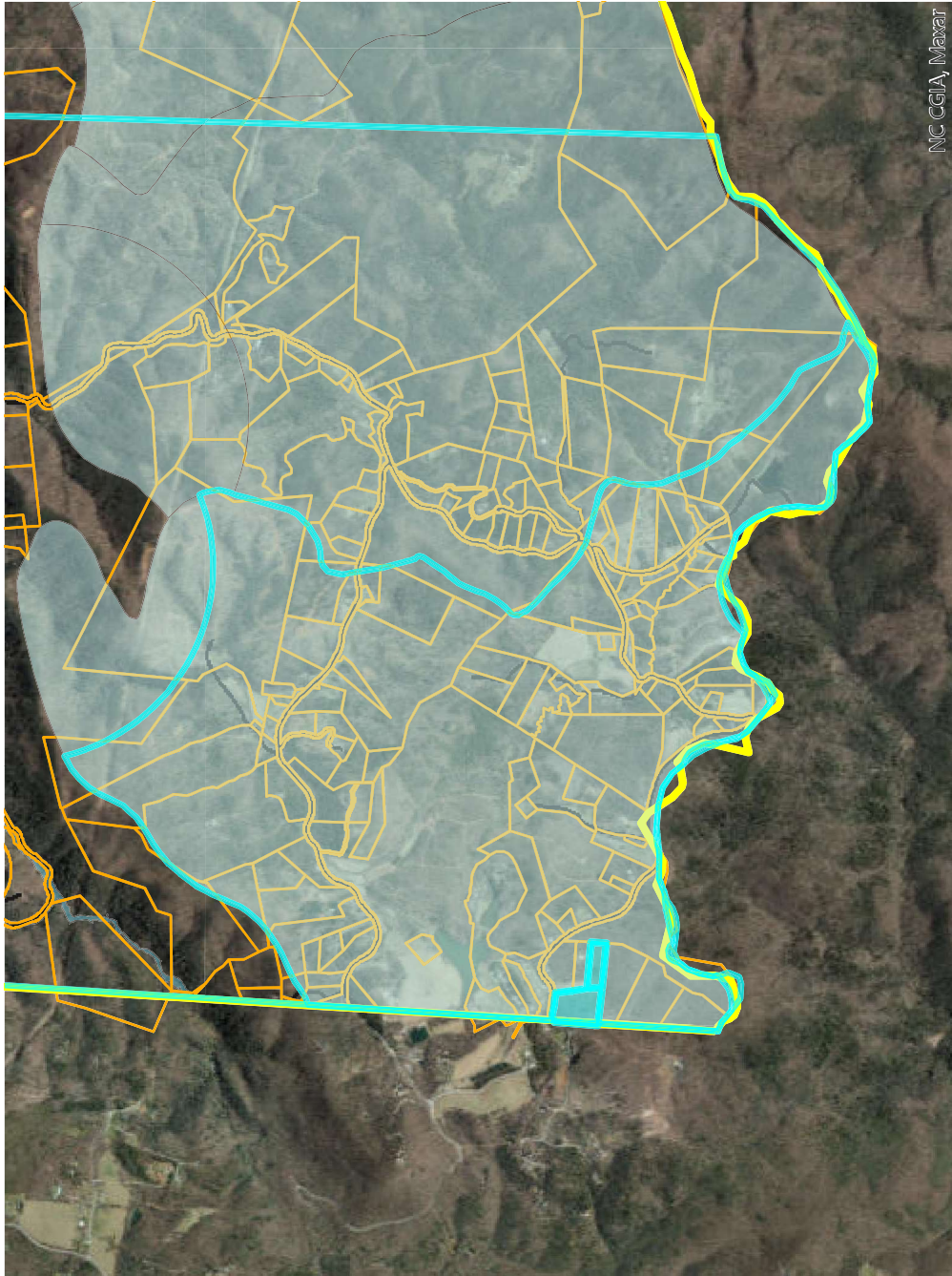
EX-L23

Standing at end of property,  
looking down Fork Creek Road  
toward Henderson County.











POLK COUNTY BOARD OF ADJUSTMENT

**AGENDA ITEM**

JANUARY 4, 2022 REGULAR MEETING

**Agenda Item#: 6.**

**ATTACHMENTS:**

Description	Type	Upload Date
Staff Report - 2022-02 SUP	Cover Memo	12/27/2021
A1-4	Exhibit	12/27/2021
B1-3	Exhibit	12/27/2021
C1	Exhibit	12/28/2021
C2	Exhibit	12/28/2021
D1	Exhibit	12/27/2021
D2	Exhibit	12/27/2021
E1-3	Exhibit	12/27/2021
F1	Exhibit	12/27/2021
G1-2	Exhibit	12/27/2021
H1	Exhibit	12/27/2021
H2	Exhibit	12/27/2021
I1-4	Exhibit	12/27/2021
J1-17	Exhibit	12/27/2021



To: Zoning Board of Adjustment

From: Hannah Lynch, Zoning Administrator

Date: January 4, 2022

Re: In the Matter of the Application of Susan Collins for a Special Use Permit, Docket No. 2022-02 (SUP)

---

A. Action Requested by Board of Adjustment

1. Review all currently available information prior to meeting.
2. Consider Special Use Permit Application

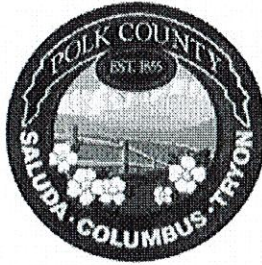
B. Background

1. In November 2021, Ms. Susan Collins spoke with Cathy Ruth, County Planner, in reference to creating a *kennel* containing twelve enclosures for a dog boarding business on her property.
2. On November 30, 2021, Ms. Collins submitted a completed application along with her site plan for a Special Use Permit for a *kennel* on her property located at 727 Tanner Road, Rutherfordton, NC 28139.
3. The property is comprised of one parcel, identified as Tax Parcel Number P131-99, 3.56 acres, in the tax records of Polk County. The property is located in the Multiple Use (MU) Zoning District.
4. Exhibits included:
  - (Pg. 84-87) EX-A. General Application Form and site plan submitted by Susan Collins.
  - (Pg. 88-90) EX-B. Zoning Permit / Application and receipt of \$100.00.
  - (Pg. 91-92) EX-C. Notice of public hearing and signed and notarized Affidavit of Mailing to adjacent property owners, property owner, and applicant.
  - (Pg. 93-94) EX-D. Signed and notarized Affidavit of Posting of notice of public hearing.
  - (Pg. 95-97) EX-E. Recorded deed in the Register of Deeds Office for Tax Parcel P131-99, dated July 14, 1999, Book 256, Page 584-586.



- (Pg. 98) EX-F. Recombination survey in the Register of Deeds Office for Tax Parcels P131-99 and P131-66, dated December 14, 2021, Plat Book G, Page 108.
- (Pg. 99-100) EX-G. Polk County Property Card Tax Record for P131-99.
- (Pg. 101-102) EX-H. Tax Parcel Report for P131-99 from the Polk County GIS site with an aerial view, and an aerial view from Google Earth.
- (Pg. 103-106) EX-I. Aerial view of the surrounding parcels' current uses and zoning around P131-99 from the Polk County GIS site.
- (Pg. 107-123) EX-J. Sign posting locations and photos taken from the site.

EX-A1



## GENERAL APPLICATION FORM

Docket No: 2022-02 SUP

Date: 11/30/2021

Permit Fee: \$100.00

Receipt #: ZP 22806

Permit or Relief Requested: Appeal \*

Variance Conditional Use Permit <sup>HBL</sup>

Applicant Susan Collins

Owner: Susie Q Boarding

Address 727 Tanner Rd.  
Rutherfordton

Address 727 Tanner Rd.  
Rutherfordton

Telephone (828)817-0432

Telephone (828)817-0432

Legal Relationship of Applicant to Property Owner: Same

Purpose of Request: New business Dog boarding business 12 Kennels

Property Location: Same address as above

Street Address: 727 Tanner Rd.

Tax Map & Parcel Number: P131-99 <sup>HBL</sup> Lot Size: \_\_\_\_\_ Zoning District: MU <sup>HBL</sup>

Number Of Buildings To Remain: \_\_\_\_\_ Gross Floor Area To Remain: \_\_\_\_\_

Number Of Buildings Proposed: 1 Gross Floor Area Of Proposed Buildings: 30x70

Total Square Footage Of Land To Be Disturbed: < 1 acre <sup>HBL</sup> Estimated Cost Of Project: \$100K

Please provide clear directions (with landmarks) to the property: \_\_\_\_\_

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

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

Susan Collins

Signature of Applicant

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

Planning Department \* P.O. Box 308 \* Columbus, NC 28722 \* 828-894-2732 \* 828-894-2913 (fax)  
www.polknc.org

WIS

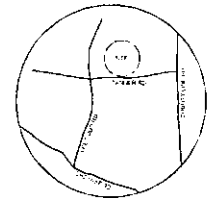
Loc. 7406

IV-P

Page 84 of 123

SITE PLAN FOR  
**AARON C & SUSAN M COLLINS**  
 GREEN CREEK TWP., POLK CO., NO. CAR.  
 LEGAL REFERENCE: D.B. 256 PG. 584, D.B. 192 PG. 166  
 NOVEMBER 23, 2021  
**BUTLER ASSOCIATES**  
 LAND SURVEYING, PLLC.  
 28 NORTH TRADE ST.  
 TRYON, NC 28782  
 828-859-5390  
 NC FIRM NO. P-1822

EX-A2



VICINITY MAP  
 (NOT TO SCALE)

**NOTES**

THIS PARCEL IS SUBJECT TO ALL EASEMENTS AND  
 RESTRICTIONS OF RECORD.

NO TITLE SEARCH PERFORMED BY BUTLER ASSOCIATES

ALL DISTANCES ARE GROUND DISTANCES IN U.S. SURVEY  
 FEET UNLESS OTHERWISE NOTED.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD  
 HAZARD AS DETERMINED BY THE FEDERAL INSURANCE RATE  
 MAP OF NORTH CAROLINA

THIS IS NOT A BOUNDARY SURVEY.

SEE PLAT 14138B BY THIS OFFICE FOR SURVEY

P131-66  
 AARON & DOROTHY  
 COLLINS  
 D.B. 192 PG. 166

P131-99  
 NEW TOTAL:  
 6.86 Acres +/-

P 131-43  
 JAMES & DIANA  
 LAWTER  
 D.B. 323 PG. 1351

TANNER RD. SR. # 1357

**PORTION OF  
 TAX PARCEL**

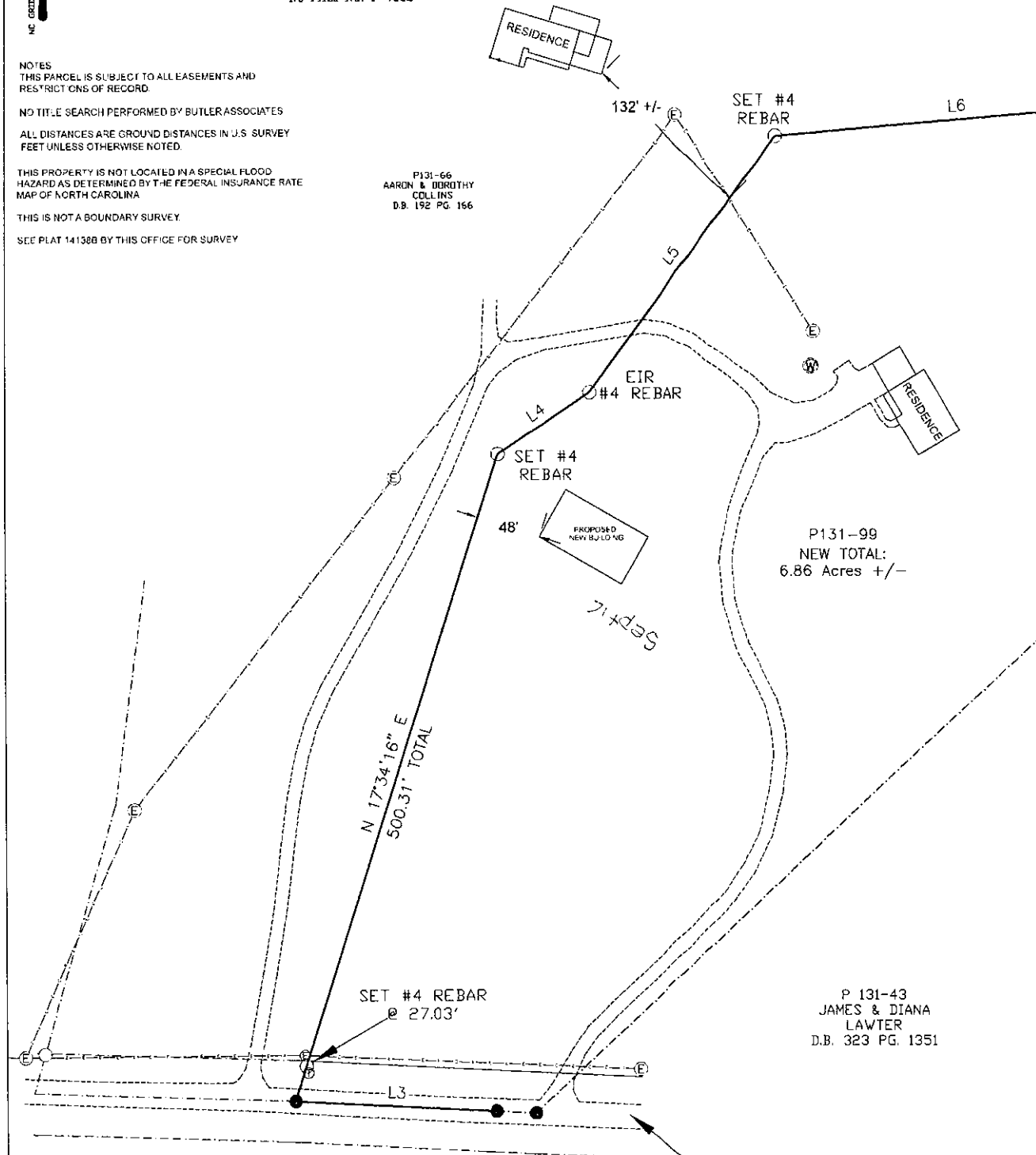
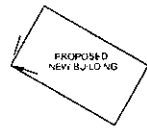
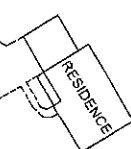
P131-66

P131-99

**14138BSITEPLAN**

NC FIRM LICENSE NO. P-1822  
 RATIO OF PRECISION 1:10,000  
 D-62-83

LINE	BEARING	DISTANCE
L1	S 32°41'44" E	347.74'
L2	S 47°19'22" W	350.30'
L3	N 86°50'20" W	150.10'
L4	N 56°35'48" E	82.11'
L5	N 36°29'44" E	234.84'
L6	N 85°09'55" E	278.14'
L7	S 58°28'24" E	247.09'
L8	N 84°08'03" W	49.01'
L9	S 20°18'27" W	151.84'
L10	N 79°18'35" W	190.31'

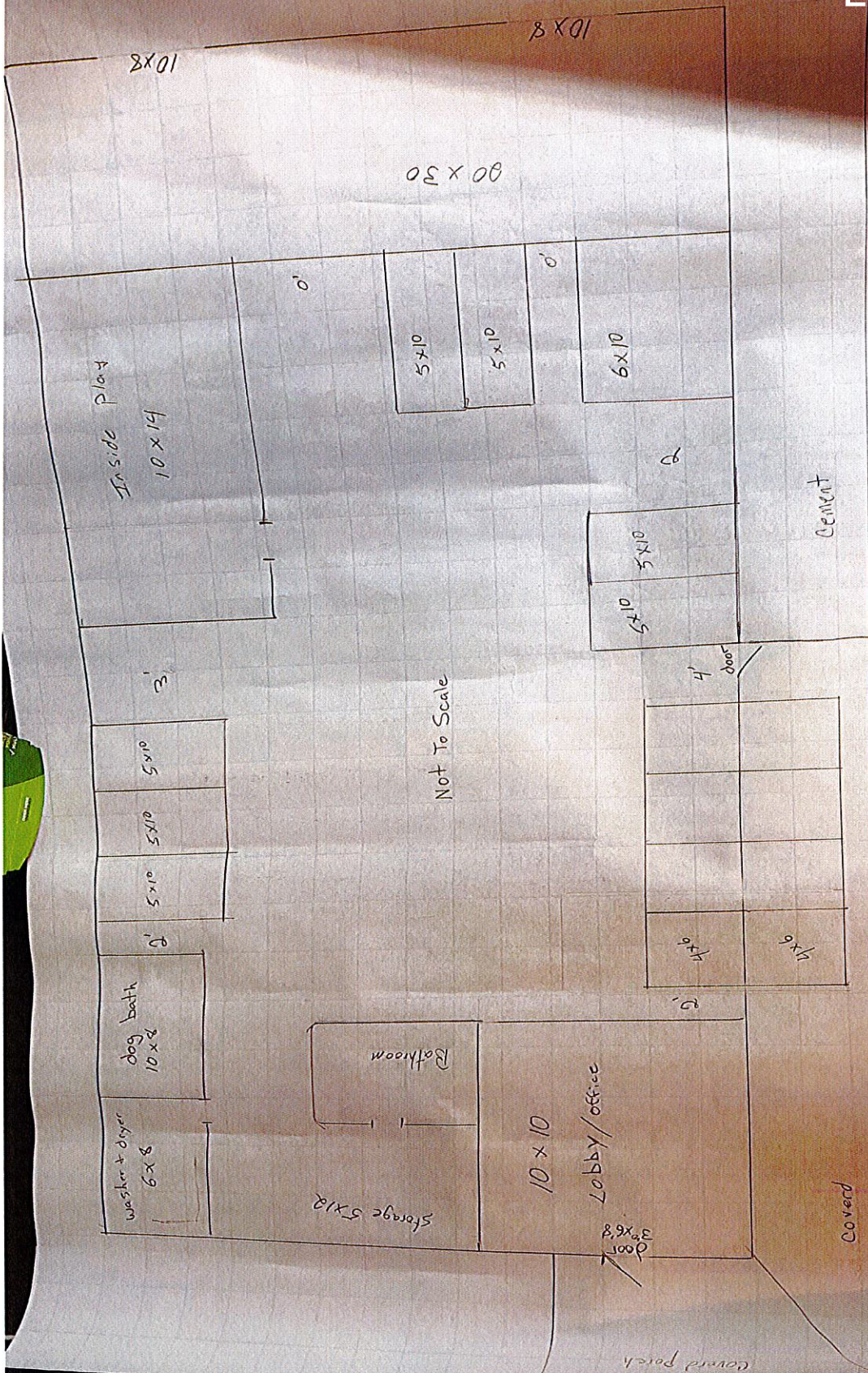








EX-A4



30 x 70 x 10 pole building



DATE 11/30/21  
TIME 13:27:29  
USER PLBCONNER

POLK COUNTY  
APPLICATION AND PERMIT

EX-B1

PAGE 1  
PROG# PT2000

PERMIT NUMBER ZP 22806 ZONING PERMIT APPLIED 11/30/2021  
WORK ORDER# 41121 TYPE ZONING BOARD OF ADJUSTMNT ISSUED 11/30/2021  
LOCATION TANNER RD EXPIRES 5/29/2022  
PIN HEALTH  
PARCEL ID P131-99 RUTHERFORDTON REFERENCE  
TOWNSHIP 5 GREEN CREEK ACREAGE 3.560 CENSUS TRACT  
WATERSHED BROAD RIVER FLOOD PLAIN? N SBC#  
DIRECTIONS R/108, R/US 74, EXIT 167, R/HWY 9, L/CHESNEE RD, GO 3.7 MI L  
/TANNER RD, 0.8 MI TO PROPERTY

COLLINS, SUSAN

OWNER ID 26810

PHONE 828.817.0432

727 TANNER RD

RUTHERFORDTON NC 28139

OWNER COLLINS AARON C  
OCCUPANT COLLINS, SUSAN

SUBDIVISION  
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 BOARD OF ADJUSTMENT HEARING - 1.4.2022 - DOG BOARDING  
BUSINESS, SPECIAL USE PERMIT

SURVEYOR  
GENERAL

SITE PLAN

\*\*\*\*\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*\*\*\*\*

PERMIT ISSUED: 11/30/2021 BY: PLHLYNCH PERMIT EXPIRES: 5/29/2022 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

11/30/2021

SIGNATURE OF OWNER/AGENT

DATE

*Dannah B. Lynch*

CODE ENFORCEMENT OFFICIAL



DATE 11/30/21  
TIME 13:27:29  
USER PLBCONNER

POLK COUNTY  
BILLING NOTICE

EX-B2

PAGE 2  
PROG# PT2000

PERMIT NUMBER ZP 22806 ZONING PERMIT APPLIED 11/30/2021  
WORK ORDER# 41121 TYPE ZONING BOARD OF ADJUSTMNT ISSUED 11/30/2021  
LOCATION TANNER RD EXPIRES 5/29/2022  
PIN HEALTH  
PARCEL ID P131-99 RUTHERFORDTON REFERENCE  
TOWNSHIP 5 GREEN CREEK ACREAGE 3.560 CENSUS TRACT  
WATERSHED BROAD RIVER FLOOD PLAIN? N SBC#  
DIRECTIONS R/108, R/US 74, EXIT 167, R/HWY 9, L/CHESNEE RD, GO 3.7 MI L  
/TANNER RD, 0.8 MI TO PROPERTY

COLLINS, SUSAN

OWNER ID 26810

PHONE 828.817.0432

727 TANNER RD

RUTHERFORDTON NC 28139

OWNER COLLINS AARON C  
OCCUPANT COLLINS, SUSAN

SERVICE	QUANTITY	RATE	FEE	AMOUNT	FEE PAID	FEE DUE
ZBA	1	100.00		100.00	100.00	
PAID BY: COLLINS AARON C				CK#:	9221 PAID BY CHECK	
TRANSACTION 853640 TOTALS				100.00	100.00	

CASH RECEIPT

POLK COUNTY

EX-B3

User ID	:	PLBCONNER	Collected By	:	PLBCONNER
Todays Date	:	11/30/2021	Transaction Date	:	11/30/2021 Number 853640
For	:	ZONING PERMITS			

Received From : COLLINS AARON C PMT# ZP00022806 CK# 0000009221

Total Transaction Amt	100.00	CK#:	9221
-----------------------	--------	------	------

Building Inspections  
Environmental Health  
(828) 894-3739



EX-C1

Economic Development  
(828) 894-2895  
Planning & Zoning  
(828) 894-2732

## Community Development

### BOARD OF ADJUSTMENT

IN THE MATTER OF THE  
APPLICATION OF SUSAN COLLINS  
FOR A SPECIAL USE PERMIT

DOCKET NO. 2022-02 (SUP)

#### NOTICE OF BOARD OF ADJUSTMENT HEARING

On November 30, 2021, Ms. Susan Collins applied for a Special Use Permit for a *kennel* containing 12 enclosures for a dog boarding business located at 727 Tanner Road, Rutherfordton, NC 28139. The property is comprised of one parcel, identified as Tax Parcel Number P131-99, 3.56 acres, in the tax records of Polk County. The property is located in the Multiple Use (MU) zoning district.

A copy of the written application is available for review in the Office of the County Manager in the Womack Building, 40 Courthouse Street, Columbus, NC 28722, and the Planning Office, 35 Walker Street, Columbus, NC 28722.

The Board of Adjustment will hold a public hearing on the request for a Special Use Permit on Tuesday, January 4, 2022 at 5:00 P.M. (local time) in the R. Jay Foster Hall of Justice in the Womack Building, 40 Courthouse Street, Columbus, NC 28722. The Board of Adjustment shall conduct an evidentiary hearing on the request and shall allow any interested party to appear, either in person or by agent or attorney.

December 15, 2021

Hannah B. Lynch, Zoning Administrator  
Polk County Board of Adjustment



**Adjacent Property Owners to P131-99**

P131-99

Aaron C. Collins & Susan M. Collins  
727 Tanner Road  
Rutherfordton, NC 28139

✓ CVA

**Mailings to Adjacent Property Owners**

P131-49

Stinebaugh D – Trustee  
Tanner Road Trust  
PO Box 499  
Lynn, NC 28750

✓ CVA

P131-41

Paul F Macary & Bridget B. Macary  
340 Blaynes Trail  
Rutherfordton, NC 28139

✓ CVA

P131-66

Aaron R. Collins & Dorothy J. Collins  
725 Tanner Road  
Rutherfordton, NC 28139

✓ CVA

P131-43

James D. Lawter & Diana L. Lawter  
805 Tanner Road  
Rutherfordton, NC 28139

✓ CVA

P131-26

Danny E. Barefield & Gary Barefield  
864 Tanner Road  
Rutherfordton, NC 28139

✓ CVA

P131-44

Jason K. Williams, Amber J. Williams, & Neil K. Williams  
919 Tanner Road  
Rutherfordton, NC 28139

✓ CVA

P131-27

Michelle L. Reynolds  
730 Tanner Road  
Rutherfordton, NC 28139

✓ CVA

## AFFIDAVIT OF POSTING

State of North Carolina  
County of Polk

Re: Notice of Public Hearing

Hannah B. Lynch of Polk County, North Carolina, being duly sworn, states that on the 21<sup>st</sup> day of December 2021, she personally posted the attached photographed notice that reads, "Public Hearing Board of Adjustment Hearing 5PM January 4, 2022 40 Courthouse St. Polk County Call 828-894-2732."

Hannah B. Lynch

Hannah B. Lynch

Subscribed and sworn to before me this 27<sup>th</sup> day of December 2021.

Brooke M. Conner

Notary Public

My Commission Expires: 01/14/2026







EX-E1

FILED  
Jul 14 1999 @ 12:11:10 PM  
Pam Miller  
Register of Deeds Polk COUNTY  
BOOK 256 Page 584

Excise Tax \$ GIFT

Recording Time, Book and Page

Tax Lot No. .... Parcel Identifier No. ....  
Verified by ..... County on the ..... day of ....., 19.....  
by *ppp* .....

Mail after recording to MITCHELL AND WILLIS LAW FIRM, P.O. BOX 466, SPINDALE, NC 28160

This instrument was prepared by T. EUGENE MITCHELL, ATTORNEY AT LAW

Brief description for the Index

## NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 2nd day of July, 1999, by and between

### GRANTOR

AARON R. COLLINS AND WIFE,  
DOROTHY J. COLLINS

### GRANTEE

AARON C. COLLINS AND WIFE,  
SUSAN M. COLLINS

Route 7, Box 1126A  
Rutherfordton, NC 28139

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

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

SEE ATTACHED SCHEDULE "A" FOR DESCRIPTION OF PROPERTY.

The property hereinabove described was acquired by Grantor by instrument recorded in .....

A map showing the above described property is recorded in Plat Book ..... page.....

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

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

1999 ad valorem taxes.

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

.....  
(Corporate Name)

By: .....

..... President

ATTEST: .....

..... Secretary (Corporate Seal)

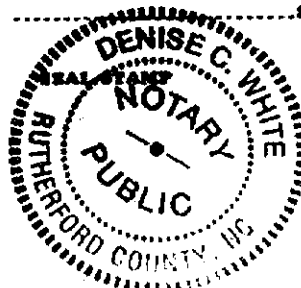
USE BLACK INK ONLY

*Aaron R. Collins* ..... (SEAL)  
AARON R. COLLINS

*Dorothy G. Collins* ..... (SEAL)  
DOROTHY G. COLLINS

..... (SEAL)

..... (SEAL)



NORTH CAROLINA, ..... BUTHERCORD ..... County.

I, a Notary Public of the County and State aforesaid, certify that AARON R. COLLINS AND WIFE, DOROTHY J. COLLINS

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 2nd day of July 1999.

My commission expires: 10-1-99 *Denise C. White* Notary Public

SEAL-STAMP

NORTH CAROLINA, ..... County.

I, a Notary Public of the County and State aforesaid, certify that ..... personally came before me this day and acknowledged that he is ..... Secretary of

..... a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by ..... as its Secretary.

Witness my hand and official stamp or seal, this ..... day of ....., 19.....

My commission expires: ..... Notary Public

The foregoing Certificate(s) of *Denise C. White*

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

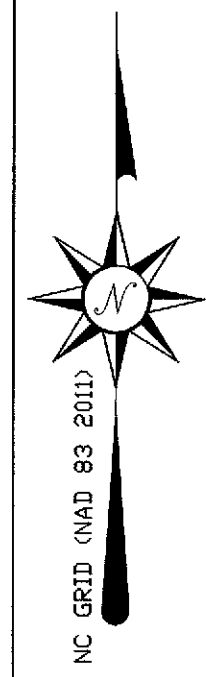
*Pamela D. Miller* ..... REGISTER OF DEEDS FOR *Polk* ..... COUNTY  
By *Shirley S. Ford* ..... Deputy/Assistant - Register of Deeds

**SCHEDULE "A"**

Situate, lying and being in Green Creek Township, Polk County, North Carolina and being a portion of the property now owned by the Grantor as described and recorded in Deed Book 192 at Page 166 and Deed Book 164 at Page 1399, Polk County Registry and being more particularly described by metes and bounds from survey entitled "Aaron C. & Susan M. Collins, dated May 14, 1999, by Robert Barry Butler, RLS as follows:

BEGINNING at an existing iron pin in the centerline of State Road #1357, said existing iron pin being the Southwestern most corner of the property now or formerly owned by M. Cacioppo as described and recorded in Deed Book 230 at Page 496, Polk County Registry, from said BEGINNING point and running along and with the centerline of said State Road North 88 degrees 25 minutes 47 seconds West 29.59 feet to a new iron pin; thence leaving the centerline of said State Road a new line North 45 degrees 55 minutes 08 seconds East (crossing a new iron pin at 13.21 feet) a total distance of 350.30 feet to a new iron pin; thence another new line North 34 degrees 05 minutes 06 seconds West (crossing a new iron pin at 162.08 feet) a total distance of 347.73 feet to a new iron pin; thence another new line North 18 degrees 52 minutes 52 seconds East 151.78 feet to a new iron pin; thence another new line South 85 degrees 29 minutes 27 seconds East 576.33 feet to an existing iron pin in the line of the property now or formerly owned by B. McMurray as described and recorded in Deed Book 166 at Page 848, Polk County Registry, said existing iron pin being the Northwestern most corner of the property now or formerly owned by C. B. Green as described and recorded in Deed Book 165 at Page 752, Polk County Registry; thence running along and with the line of Green South 45 degrees 51 minutes 50 seconds West 371.73 feet to an existing iron pin, said existing iron pin being the Northwestern most corner of the aforementioned Cacioppo property; thence leaving the line of Green and running along and with the line of Cacioppo South 45 degrees 55 minutes 08 seconds West 534.64 feet to the point and place of BEGINNING, containing 3.56 acres more or less.

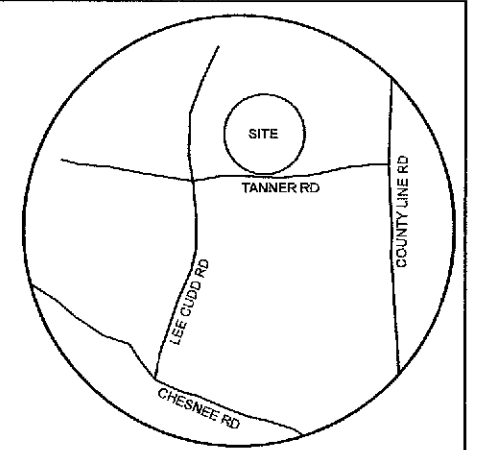




**SURVEY FOR**  
**AARON C & SUSAN M COLLINS**  
**GREEN CREEK TWP., POLK CO., NO. CAR.**  
**LEGAL REFERENCE: D.B. 256 PG. 584, D.B. 192 PG. 166**  
**NOVEMBER 23, 2021**  
**BUTLER ASSOCIATES**  
**LAND SURVEYING, PLLC.**  
**28 NORTH TRADE ST.**  
**TRYON, NC 28782**  
**828-859-5390**  
**NC FIRM NO. P-1922**

EX-F1

Doc ID: 004882290001 Type: CRP  
Recorded: 12/14/2021 at 01:42:38 PM  
Fee Amt: \$21.00 Page 1 of 1  
Polk, NC  
Sheila Whitmire Register of Deeds  
BK **G** Pg **108**



**VICINITY MAP**  
(NOT TO SCALE)

NOTES:  
THIS PARCEL IS SUBJECT TO ALL EASEMENTS AND  
RESTRICTIONS OF RECORD.

NO TITLE SEARCH PERFORMED BY BUTLER ASSOCIATES.

ALL DISTANCES ARE GROUND DISTANCES IN U.S. SURVEY  
FEET UNLESS OTHERWISE NOTED.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD  
HAZARD AS DETERMINED BY THE FEDERAL INSURANCE RATE  
MAP OF NORTH CAROLINA.

- LEGEND:**
- NIR - NEW IRON ROD
  - CM - CONCRETE MONUMENT
  - EIP - EXISTING IRON PIPE
  - EIR - EXISTING IRON ROD
  - MN - MAG NAIL
  - AG - ABOVE GRADE
  - BG - BELOW GRADE
  - (E) - ELECTRICAL
  - (H) - FIRE HYDRANT
  - (L) - AREA LIGHT
  - (W) - WELL/WATER METER
  - (●) - CALCULATED/UNMARKED POINT

- DRIVE/ROAD
- APPROX. ADJOINING LINE
- R/W
- OVERHEAD UTILITIES
- BOUNDARY LINE

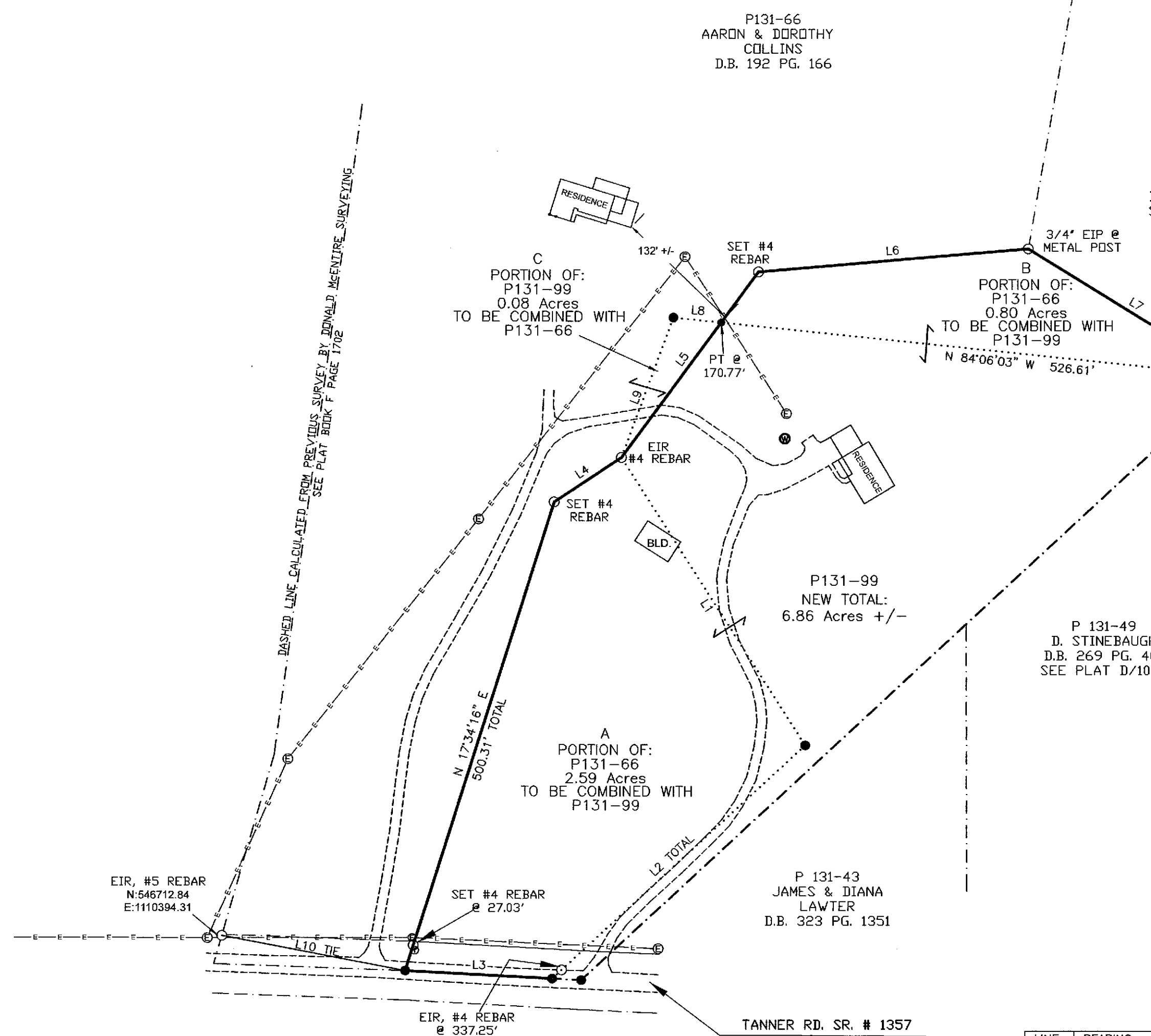
**REVIEW OFFICER CERTIFICATION**

STATE OF NORTH CAROLINA  
COUNTY OF POLK

I, Cathy Roth, REVIEW OFFICER OF  
POLK COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH  
THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY  
REQUIREMENTS FOR RECORDING.

Cathy Roth  
REVIEW OFFICER  
12/14/2021  
DATE

NC FIRM LICENSE NO. P-1922  
RATIO OF PRECISION: 1:10,000  
D-162-83



STATE OF NORTH CAROLINA  
POLK COUNTY  
OFFICE OF REGISTER OF DEEDS  
FILED FOR RECORD THIS THE 14th DAY  
OF Dec 2021 AT 1:42 O'CLOCK A.M.  
AND DULY REGISTERED IN SAID OFFICE  
CARD FILE **G** PAGE **108**  
Sheila Whitmire  
REGISTER OF DEEDS  
By Sheila Ford

P 131-41  
PAUL F. MACARY  
D.B. 440 PG. 1342  
SEE PLAT F/1446

P 131-44  
JASON K WILLIAMS  
D.B. 410 PG. 714

P 131-49  
D. STINEBAUGH  
D.B. 269 PG. 400  
SEE PLAT D/1059

P 131-43  
JAMES & DIANA  
LAWTER  
D.B. 323 PG. 1351

P 131-66  
AARON & DOROTHY  
COLLINS  
D.B. 192 PG. 166

P 131-99  
NEW TOTAL:  
6.86 Acres +/-

PORTION OF:  
P131-99  
0.08 Acres  
TO BE COMBINED WITH  
P131-66

PORTION OF:  
P131-66  
0.80 Acres  
TO BE COMBINED WITH  
P131-99

PORTION OF:  
P131-66  
2.59 Acres  
TO BE COMBINED WITH  
P131-99

EIR, #5 REBAR  
N:546712.84  
E:1110394.31

SET #4 REBAR  
@ 27.03'

SET #4 REBAR  
@ 337.25'

EIR, #4 REBAR  
@ 337.25'

3/4" EIP @  
METAL POST

RESIDENCE

BLD.

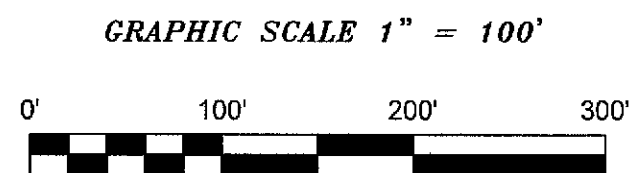
RESIDENCE

TANNER RD. SR. # 1357

DASHED LINE CALCULATED FROM PREVIOUS SURVEY BY DONALD MCENTIRE SURVEYING  
SEE PLAT BOOK F PAGE 1702

NOTE:  
THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE  
RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED  
SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF  
SUBDIVISION. G.S.47-30 (11)(D).

STATE OF NORTH CAROLINA, POLK COUNTY, I JOSHUA L. EDWARDS  
CERTIFY THAT THIS MAP WAS (DRAWN UNDER MY SUPERVISION)  
FROM (AN ACTUAL SURVEY MADE UNDER MY SUPERVISION)-DEED  
DESCRIPTION RECORDED IN BOOK 192 PAGE 166 BOOK 256 PAGE  
584, ETC., THAT THE RATIO OF PRECISION AS CALCULATED  
BY LATITUDES AND DEPARTURES IS 1/10,000; THAT THE BOUNDARIES  
NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM  
INFORMATION FOUND IN BOOK N/A PAGE N/A; THAT THIS MAP WAS  
PREPARED IN ACCORDANCE WITH G.S.47-30 AS AMENDED. WITNESS  
MY HAND AND SEAL THIS 14th DAY OF December, 2021.

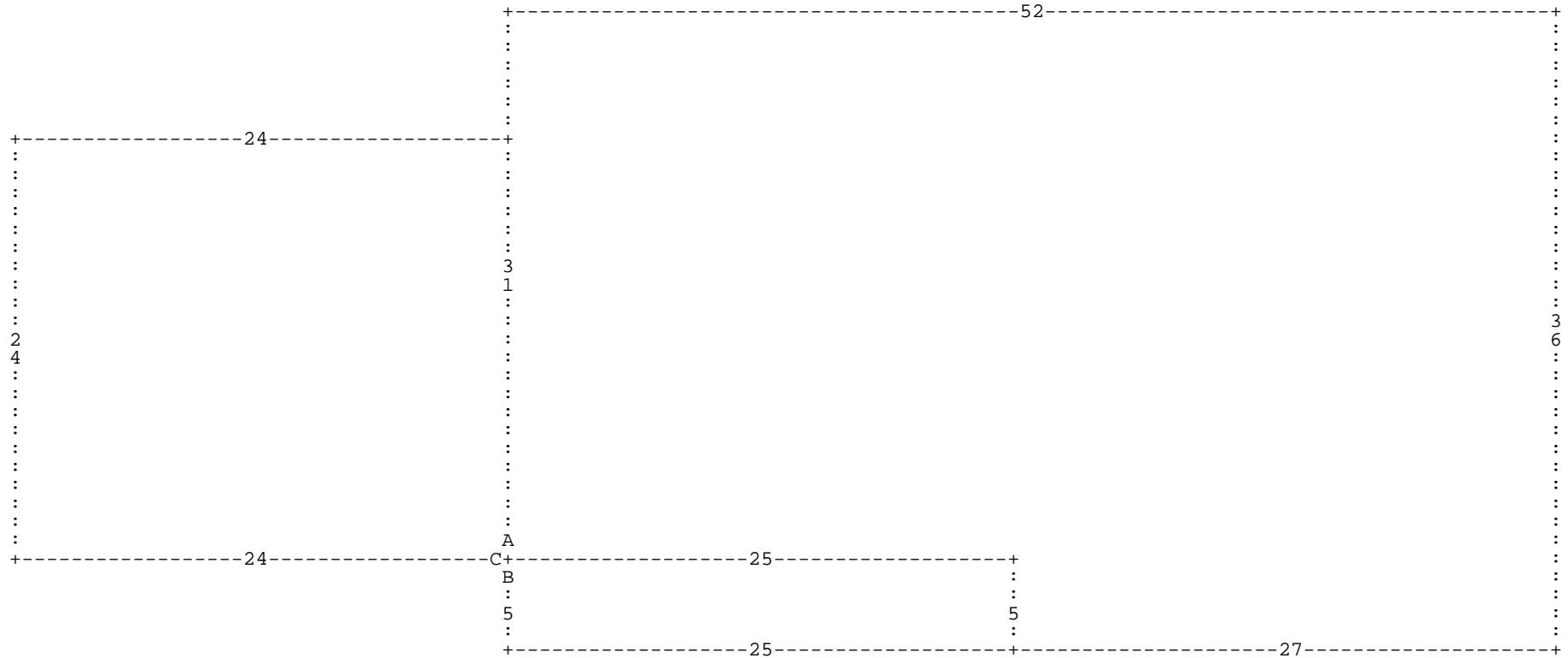


LINE	BEARING	DISTANCE
L1	S 32°41'44" E	347.74'
L2	S 47°19'22" W	350.30'
L3	N 86°58'20" W	150.10'
L4	N 56°35'48" E	82.11'
L5	N 36°26'44" E	234.84'
L6	N 85°06'35" E	276.14'
L7	S 58°28'24" E	247.09'
L8	N 84°06'03" W	49.01'
L9	S 20°18'27" W	151.84'
L10	N 79°18'35" W	190.31'

**PORTION OF  
TAX PARCEL  
P131-66  
P131-99**

14138B

Page 99 of 123



**A=** MA R01

1,747.00 RES-SINGLE FA

$$B = AC \quad 50$$

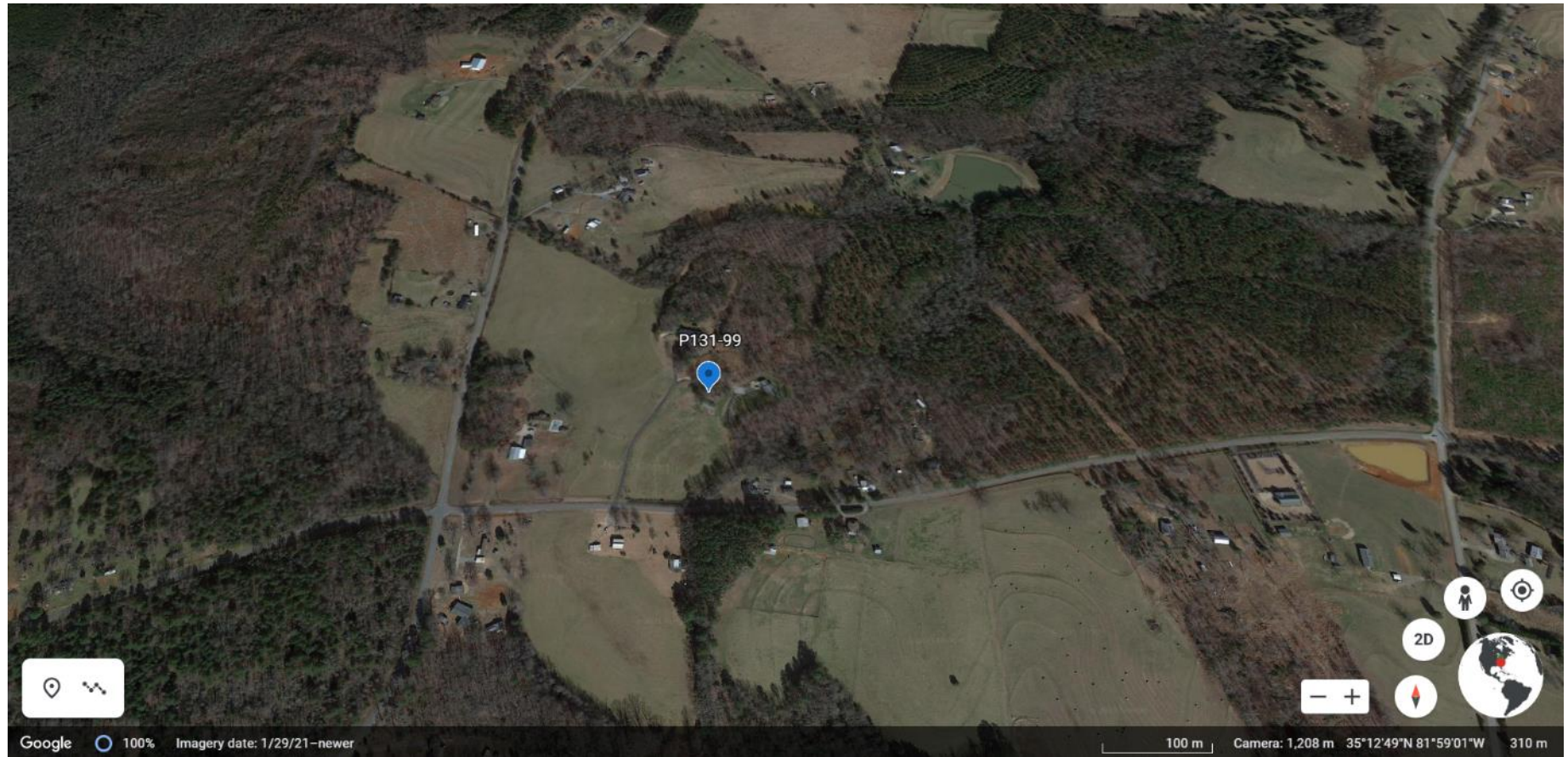
125.00 PORCH

C= AC 35

576.00 CARPORT

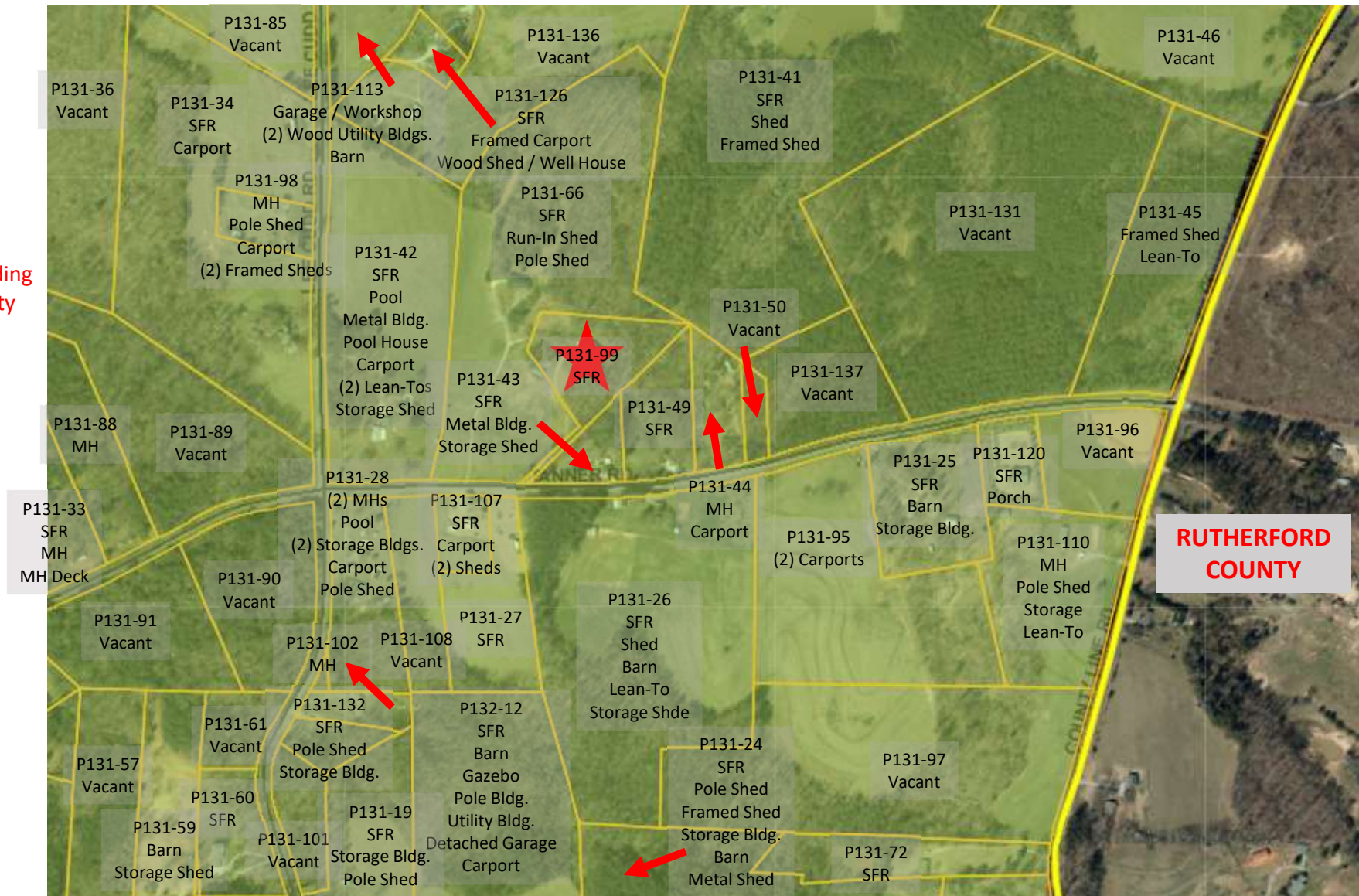








Surrounding  
Property  
Uses

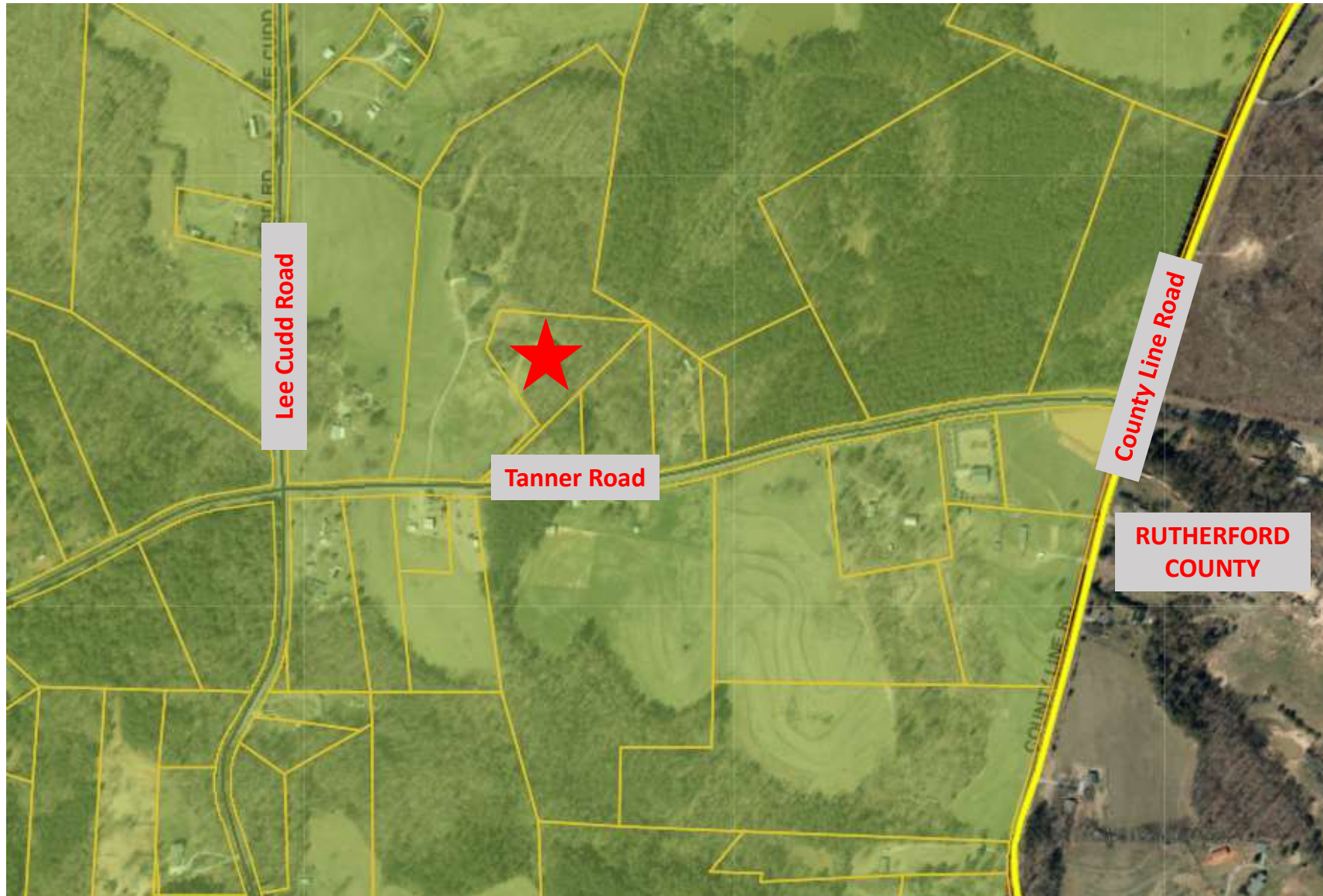




EX-I2

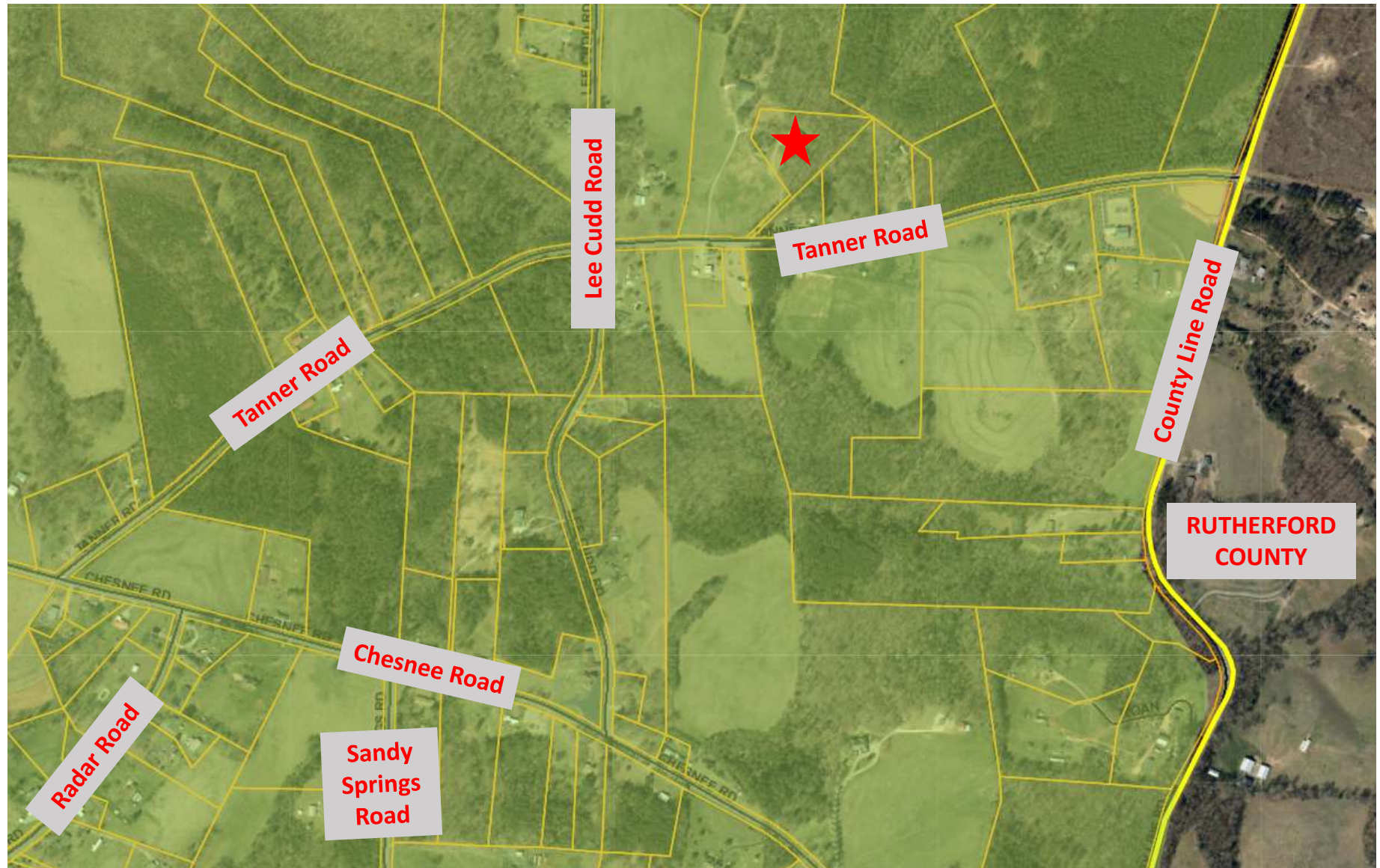
Surrounding  
Roads

All Multiple  
Use Zoning





EX-13

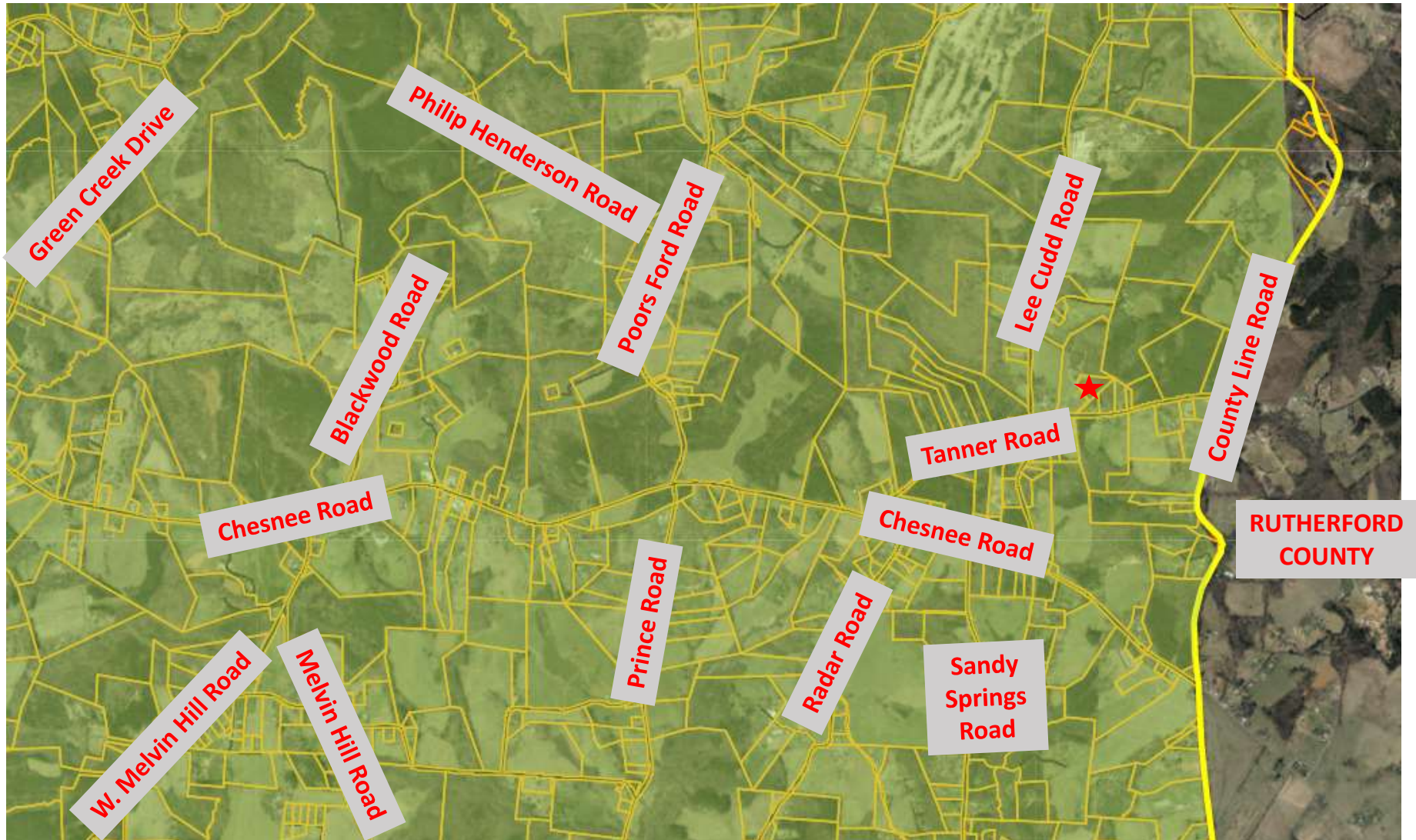


Surrounding  
Area

All Multiple  
Use Zoning



Surrounding Area  
(Zoomed Out)





EX-J1

Sign Posting  
Locations



EX-J2

Standing by property, looking  
toward Lee Cudd Road.





EX-J3

Standing by property, looking  
across Tanner Road.





EX-J4

Standing by property, looking  
across Tanner Road and toward  
Lee Cudd Road.



EX-J5

Standing by property, looking  
onto adjacent property and  
toward Lee Cudd Road.





EX-J6

Standing by property, looking  
onto property.





EX-J7

Standing by property, looking  
onto property.



EX-J8

Standing by property, looking  
onto property toward building  
site.





EX-J9

Standing by property, looking  
onto property toward driveway.





EX-J10

Standing by property, looking  
onto property toward building  
site.



EX-J11

Standing by property, looking  
across Tanner Road.





EX-J12

Standing by property, looking  
across Tanner Road.





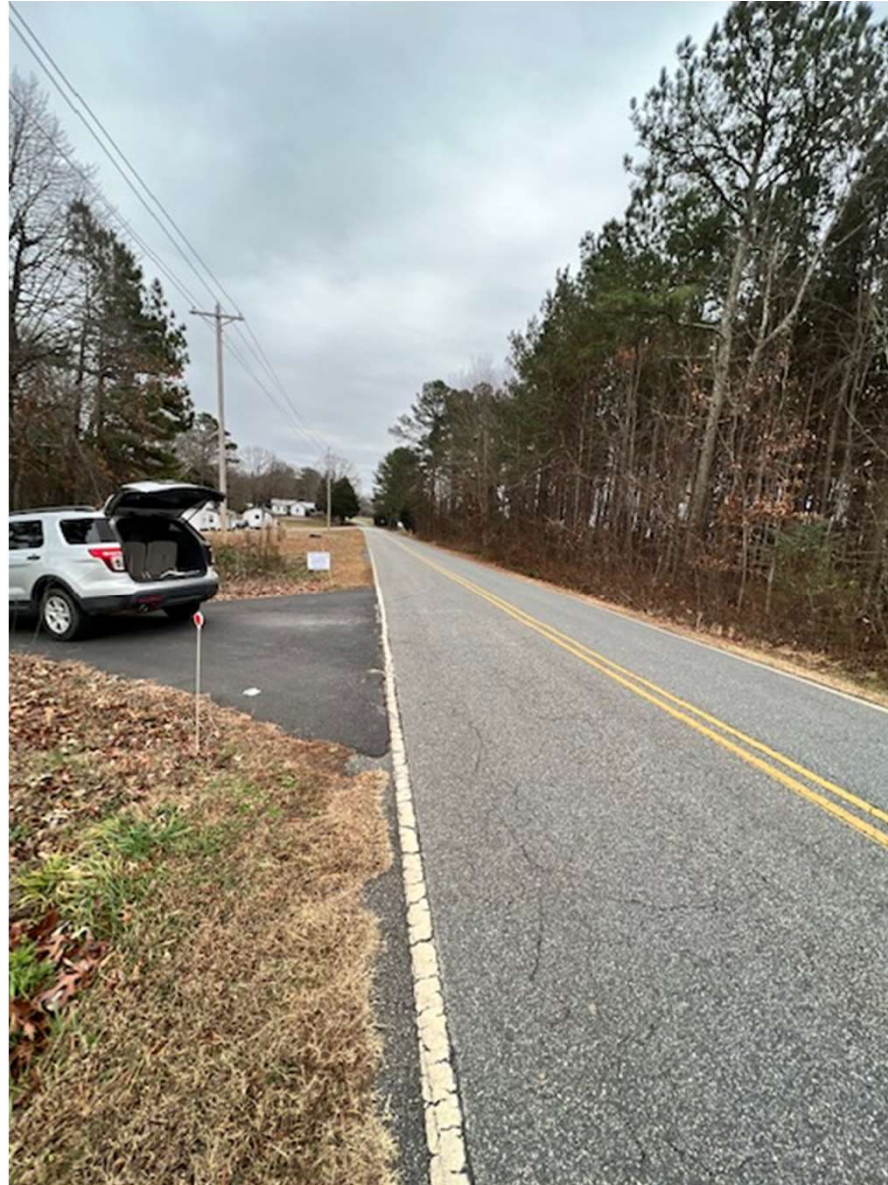
EX-J13

Standing by property, looking  
toward County Line Road.



EX-J14

Standing by property, looking  
toward County Line Road.





EX-J15

Standing by property, looking  
onto property at driveway.  
Building site in background.



EX-J16

Standing by property, looking  
onto adjacent property to the  
right of the driveway.





EX-J17

Standing by property, looking  
onto adjacent property toward  
County Line Road.

