

**BOARD OF
ADJUSTMENT
MARCH 1, 2022
5:00 PM**



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

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1. Call to Order
 2. Approval of Agenda
 3. Approval of Minutes
 - A. Approval of Minutes from January 4, 2022
 - B. Approval of Minutes from January 11, 2022
 4. 2022-03 (SUP) - Susie Q Boarding, Susan Collins
 5. Other Business
 6. Public Comments
 7. Adjournment

POLK COUNTY BOARD OF ADJUSTMENT

AGENDA ITEM

MARCH 1, 2022 REGULAR MEETING

Agenda Item#: A.

ATTACHMENTS:

Description	Type	Upload Date
BOA Minutes 1.4.2022 - DRAFT	Exhibit	2/18/2022

BOARD OF ADJUSTMENT
January 4, 2022 - 5:00 PM
Bryant H. Womack Building
40 Courthouse Street
Columbus, NC 28722
MINUTES

Members Present: Frank Monterisi (Chair), Paul Weidman, Betty Hill, Lisa Krolak, Alexander Hagerty

Staff Present: Hannah Lynch (Zoning Administrator), Chelsea Allen (Secretary), Cathy Ruth (County Planner), Jana Berg (County Attorney via Zoom)

1. Call to Order

Frank Monterisi called the meeting to order at 5:01pm.

2. Approval of Agenda

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

3. Approval of Minutes

A. Approval of Minutes from February 2, 2021

Paul Weidman made a motion to approve the February 2, 2021 minutes, seconded by Lisa Krolak. A vote was taken and all were in favor. The motion passed unanimously.

B. Approval of Minutes from March 2, 2021

Paul Weidman made a motion to approve the March 2, 2021 minutes, seconded by Lisa Krolak. A vote was taken and all were in favor. The motion passed unanimously.

C. Approval of Minutes from March 8, 2021

Frank Monterisi called for a motion to approve the March 8, 2021 minutes. Paul Weidman noted a transposed statement and asked that the sentence be rewritten. With the correction noted, Paul Weidman made a motion to approve the March 8, 2021 minutes, seconded by Lisa Krolak. A vote was taken and all were in favor. The motion passed unanimously.

D. Approval of Minutes from July 13, 2021

Paul Weidman made a motion to approve the July 13, 2021 minutes, seconded by Lisa Krolak. A vote was taken and all were in favor. The motion passed unanimously.

4. Oath of Office

Chelsea Allen swore in the board members, notarized and signed public Oaths of Office.

5. 2022-01 (SUP) - Orchard Lake Campground Expansion, Kirk Hall

Present to Testify on Behalf of Applicant: Kirk Hall, Konnie Hall, Hannah Hall, Emily Hall, Alan Duke, Amy Wood

Present to Testify in Neutrality (informational only): Bonnie Williamson, Gail O'Kelly

Present to Testify in Opposition: Louise Harvey, Charles Harvey

- Frank Monterisi stated the Board is ready to proceed with an application for the Orchard Lake Campground expansion. Frank Monterisi read an overview of the Board of Adjustment's procedures, expectations, and responsibilities for evidentiary hearings.
- Frank Monterisi asked the Board if there were any ex-parte communications or relationships with the applicant to be disclosed. Frank Monterisi disclosed that he was approached in his place of business and asked if he was part of the Orchard Lake Campground Expansion hearing, at which time he ended the conversation immediately. There were no other disclosures made from the Board.
- Frank Monterisi swore in Hannah Lynch (Zoning Administrator); Kirk Hall, Konnie Hall, Hannah Hall and Emily Hall (Orchard Lake Campground); Alan Duke (previous owner of Orchard Lake Campground); Amy Wood (Realtor with Beverly Hanks Real Estate); Bonnie Williamson, Gail O'Kelly, Louise Harvey, and Charles Harvey (neighbors).
- Hannah Lynch 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:
 - EX-A. General Application Form, site plans, and letter from Cathy Jackson Realty submitted by Kirk A. Hall.
 - EX-B. Zoning Permit / Application and receipt of \$100.00.
 - EX-C. Notice of public hearing and signed and notarized Affidavit of Mailing to adjacent property owners, property owner, and applicant.
 - EX-D. Signed and notarized Affidavit of Posting of notice of public hearing.
 - EX-E. Recorded deed in the Register of Deeds Office for Tax Parcel P7-24, dated July 24, 2015, Book 414, Page 570-572.
 - EX-F. Recorded deed in the Register of Deeds Office for Tax Parcel P7-27, dated February 7, 2016, Book 417, Page 1571-1572.
 - EX-G. Polk County Property Card tax record for P7-24.
 - EX-H. Polk County Property Card tax record for P7-27.
 - 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.
 - EX-J. Tax Parcel Report for P7-24 from the Henderson County

- GIS site with an aerial view.
 - EX-K. Aerial view of the surrounding parcels' current uses and zoning around P7-24 and P7-27 from the Polk County GIS site.
 - EX-L. Sign posting locations and photos taken from the site.
 - EX-M. Aerial view of P7-24 and P7-27 showing Watershed II-P, Colt Creek District.
- She also handed out an Affidavit of Mailing and requested it be added to evidence. Frank Monterisi accepted this into evidence as Zoning Administrator #2 (ZA-2).
- Hannah Lynch informed the Board Cathy Ruth received a call from Kirk Hall regarding a possible expansion of the Orchard Lake Campground. The application consists of two parcels of land, 2.78 acres and 9.05 acres. Both parcels are in the Multiple Use district and are in Watershed II-P, Colt Creek area. The proposed plan meets the requirements for the Watershed Protection Ordinance. Aerial photos showing the existing campground and the proposed extension area with two site plan options, including septic location with repair area were presented. She explained the Hall presentation would go further into the details about the property and property lines.
- Frank Monterisi asked Hannah Lynch to show EX-L9 from AP-1 which was a photo of a neighboring home and property. He asked if there were any improvements made on the Henderson County side. Hannah Lynch explained there was no information submitted with the application for the proposal that suggested any improvements would be made on the property located on the Henderson County side. There were no further questions from the Board.
- Hannah Hall approached the Board to present. She began by passing out a campground brochure, campground map, and her presentation. She requested they be accepted into evidence. Frank Monterisi accepted the campground brochure into evidence as Applicant #1 (AP-1), the campground map with guest guidelines as Applicant #2 (AP-2) and the presentation as Applicant #3 (AP-3).
- Hannah Hall stated she has been assisting in the operation of the campground since 2016 and it just completed its twenty-sixth year in business. She listed multiple groups and local associations the campground is part of and how that closely ties them into the community. The family environment created by her family at the campground has greatly impacted her over the years. The campground was originally started by the Pace Family in the 1960's by Gene and Wally Pace who still live in close proximity to the campground. Her parents bought the campground in 1996 when she was four years old and they still live on property in close proximity to the campground.
- The campground currently has 140 rental sites and 8 rental cabins. Sites 101-104 have become very popular due to their larger sizes and pull-throughs. She said the campground is a member of AAA, RVIC, CARVIC, Polk, Henderson and Saluda Business Associations, and are able to give discounts to guests and offer invaluable resources to better serve the guests and community. They have been voted best of the best on several occasions and were featured in a multi-page article in the August 2019 edition of Life in Our Foothills. She also read over a list of

positive guest reviews for the Board.

- She explained the need for the extension to the campground. She referenced the growing interest and number of people who are now camping, as well as the use of larger campers and RVs are on the rise. The presentation included several graphs showing the rise in camping from 2020 to 2021, the significant increase in campers and reservations over the last year, and the top amenities most requested by guests.
- She pointed out the GIS lines with the survey lines and how they were not matching up perfectly. She presented images of property pins on the right property line of P7-24. Frank Monterisi asked if she was referring to a line in the survey of the property and which line was she referring to. Hannah Hall stated it is the eastern line on the survey. Lisa Krolak asked where the bottom pin was in the photo and Frank Monterisi asked if Hannah Hall was only referencing the one eastern line in the survey. She agreed and it was to show this line is included in their property, but GIS does not show it accurately. Hannah Hall presented a GIS image overlaying the survey to show the discrepancy, but stated they do own the cleared space.
- Hannah Hall stated 25 new sites and 4 park models are requested in their application and this parcel's topography is relatively flat and will accommodate their growing customer base. She explained the new extension will comply with all requirements from NCDOT and safety requirements.
- Hannah Hall presented a letter from Bobby Arledge, Fire Marshal, and requested it be entered into evidence. Frank Monterisi accepted the letter into evidence as Applicant #4 (AP-4). Frank Monterisi asked about whether they could accept the letter since Bobby Arledge was not present for cross examination. Jana Berg explained because Bobby Arledge is a government official, it is an exception to the hearsay rule and can be entered into evidence despite his absence.
- Hannah Hall stated they would ensure the required setbacks are met and new sites will be sized to accommodate the new industry standards. She stated Bobby Arledge's letter verifies that all safety and emergency standards for emergency vehicle access will be complied with. Hannah Hall continued to go through the safety protocols the campground takes to keep a safe and family friendly environment, including the rules of the campground.
- Hannah Hall addressed the question of whether the expansion will be injurious to surrounding properties. She stated her family's properties and her property are adjoined to the campground and they have steadily increased in property value over the years. She presented a letter from a real estate agent, Cathy Jackson, and asked for it to be accepted into evidence. Paul Weidman stated this letter probably does not meet the hearsay exemption that Jana Berg mentioned earlier. Frank Monterisi asked Jana Berg if this was the case and stated Cathy Jackson is not on the sworn in list to testify. Hannah Hall clarified that Cathy Jackson was not at the hearing. Jana Berg confirmed it is not admissible and would be considered hearsay. Frank Monterisi declined the letter from Cathy Jackson as evidence.
- Frank Monterisi asked how the new site's density compares to the old site's density. Hannah Hall stated they currently have 140 existing sites,

and Kirk Hall confirmed those sites are located on 40-50 acres. Frank Monterisi asked how many campsites are being proposed on the expansion to which Hannah Hall replied it would contain 25 campsites and 4 park models. Betty Hill asked what park models are and Hannah Hall stated they are similar to little cabins. Kirk Hall clarified that park models fall under recreational vehicle standards and must be less than 400 square feet, but are built according to RV standards.

- Frank Monterisi asked how many acres will be included in the entire expansion and Kirk Hall replied it would be 11.8 or 11.9 acres. Frank Monterisi reiterated Kirk's statement the expansion would be just less than 12 acres total.
- Lisa Krolak asked if the campground would own the park models and rent them out or if campers would be driving them in. Hannah Hall said they would be stationary.
- Frank Monterisi asked if there was a reason why none of the other property lines were pointed out. Hannah Hall stated it was because just the one line was incorrect on GIS. Kirk Hall said they could not get GIS to show the level field included in their parcel correctly and they wanted to clarify that it was their property. He stated he met with his neighbor, Harrison Rhodes, to discuss pin locations and ownership of the property in question. He stated the point is to clarify they own the field and wanted to prove that in case the question was brought up during this hearing.
- Frank Monterisi asked how the size of the new expansion sites would compare with the existing sites. Hannah Hall said the existing sites are 60-70 ft. long and 35-40 ft. wide. She noted campers with larger RVs have commented on how much they appreciated the extra space allowing them room to maneuver and fit a vehicle into the same site as the RV. The size of the new sites would also be around 60-70 ft. long, but 40-45 ft. in width to better accommodate larger camping vehicles.
- Frank Monterisi said the current health department standards will remain in existence in the new expansion. He asked about the surrounding area of the campground. Hannah Hall showed the surrounding neighbors' houses and properties including the property owned by her and her family. Paul Weidman asked Hannah Hall to reference EX-K1 from ZA-1 as she describes the surrounding property. Hannah Hall proceeded to point out the surrounding neighbors and properties. Hannah Lynch stated she left out one parcel between P6-52 and P7-13 that does have one single family residence on it. Frank Monterisi asked if it is a mixture of residential and vacant land. Hannah Hall replied yes, and also land for sale. Paul Weidman asked if Hannah Hall could outline the current property line on the screen which she did. Paul Weidman asked if the stars denoted the property in question, and Hannah Lynch confirmed they did. Lisa Krolak asked where the knoll on the map (AP-2) is located. Hannah Hall pointed this out, and Lisa Krolak asked if there will be RV camping on the proposed site. Hannah Hall stated the proposed site is for transient RV camping and they are not planning on any tent camping in that area. Betty Hill asked if the section being added was adjacent to the existing campground by crossing the road. Hannah Hall said yes, the new property is directly across from the Palmetto Trail trailhead. Frank Monterisi asked if there were any additional questions for Hannah Hall. No further

questions at this time.

- Amy Wood approached the board and asked for her presentation to be accepted into evidence, as well as a document showing listings and a market analysis. Frank Monterisi accepted the presentation as Applicant #5 (AP-5), the property listings as Applicant #6 (AP-6), and the market analysis as Applicant #7 (AP-7).
- Amy Wood testified she was not benefiting in any way from this proposed expansion; Kirk Hall was not her client and she had not sold him anything. She did disclose he was her accountant. She said she has been caring about Saluda since the 1990's and has been living in Saluda full time since 2001, basically since she was a teen. She became a realtor in 2004 and has only specialized in the sale of land around the Saluda area. She stated if you asked her to sell you land in Brevard, Hendersonville, Asheville, or elsewhere, she will tend to refer you out. She sells more property in Saluda, since Cathy Jackson retired, than anyone else has in years. Amy Wood said out of the 15 million she sold last year, 14 million was from the Saluda zip code. Also, she said she is vice president of the Saluda Business Association (SBA).
- Amy Wood provided data of listings closest to Orchard Lake Campground. The first property was one of her own personal listings from November 2020 in which she recommended it would sell for \$400,000 but the seller wanted to push the envelope and list it at \$420,000. The property sold for the asking price of \$420,000 within three days of being on the market. The buyers thought it was a benefit once they realized the close proximity to the campground.
- The second property was from a fellow realtor she works with, Shena Mintz. Amy Wood disclosed that Shena Mintz and Amy Wood discussed the selling price. Shena Mintz was concerned the listing was too high at \$550,000 which was requested by the seller. Amy confirmed the property sold for \$570,000, stating the listing featured this property was across from Orchard Lake Campground.
- The third property mentioned was not sold by Amy Wood's office. She said she thought they listed it too high, but it sold within 1% of its listing price. The realtor who sold it also put in the property's features that it was just a golf cart's ride away from Orchard Lake Campground.
- The fourth property shown, Amy stated she had not been inside yet, but the sellers are asking \$400,000 for it, which is \$400.00 per square foot. It is the going rate on the market right now. She stated it has not currently sold yet, but it is under contract. The realtor listed in the property features that the property is just a few minutes away from Orchard Lake Campground.
- Amy Wood explained the reason why the realtors describe the nearness to Orchard Lake Campground in their listing is it is perceived as a benefit for close by homeowners. This has been a successful long-term business because they have provided added amenities for the community such as the Palmetto Trail, day passes to the lake for only \$8.00, and neighbors going for walks on the campground trails. Also, community events, such as the Fourth of July celebration each year, which she has personally attended, and birthday parties for children. She has not yet stayed

overnight at the campground.

- Amy Wood concluded with additional supporting data regarding the overall sales of properties within close proximity to the campground. She stated the properties in this area are selling just slightly over the current market value and the average days on the market is 12.25 days, whereas the average days on the market within Saluda is 50 days. The proximity of the campground does not appear to be negatively impacting property values or the ability to sell residential homes, but in fact realtors are highlighting the campground in the listing descriptions. She presented some land asking \$25,000 an acre in the Fork Creek area, and a second piece of property that just went live four days ago and has already had multiple offers. She called the agent who listed the property to ask if the campground had anything to do with the interest and speed of the offers, to which the agent replied there was no way to be sure, but the fact that it was unzoned had more of an effect, but the campground definitely did not hurt it. Listing prices for parcels of land in the neighborhood are generally higher than rural properties further from Orchard Lake Campground in her expert opinion. Amy Wood asked if there were any questions.
- Frank Monterisi asked her what real estate firm she was with. Amy Wood replied Beverly Hanks Realtors. Betty Hill asked if the same home further away from the campground would sell for less than the same home closer to the campground. Amy Wood responded in the two cases she presented where her firm represented the clients, the properties did sell for more than she and the other agent expected them to. She explained she couldn't say for sure it was due to the campground, but she could say properties are not selling for less.
- Frank Monterisi asked for the previous sale prices on the same houses which Amy Wood responded she could get. Alexander Hagerty asked if the houses being presented sold with the knowledge that the campground was increasing in density, to which Amy Wood replied they did not have knowledge of that prior to the sale. Frank Monterisi asked if there were any additional questions. No further questions at this time.
- Allen Duke approached the Board to testify. He stated his property is 250 ft. from the campground and he is in favor of expansion. He stated he was the original owner and said every once in a while you might hear a siren, but it usually is from the helicopter landing in the field for rescues in the area. Frank Monterisi asked Allen Duke to point out his home on EX-K1 from AP-1. Allen Duke stated it would be on the top left of the map, but he is located in Henderson County. Frank Monterisi asked if there were any additional questions. No further questions at this time.
- Louise Harvey approached the Board to testify. She passed out a binder of papers and asked for it to be entered into evidence. Frank Monterisi accepted the binder into evidence as Opposition #1 (OP-1).
- Louise Harvey stated she owns 3.4 acres of land surrounded by the campground. She stated that she had great enjoyment of her property in the early years with minimal to no problems with the campground, but in 2014, she and her husband Charles Harvey noticed an overall decline in the maintenance of the property. She began going through OP-1. She

presented maps and images from Tab A. She said the applicant claimed to be disturbing less than one acre, but there will be more than that disturbed. She stated there would be too many units per acre, referencing section 6.12.14 of the Polk County Zoning Ordinance. She presented GIS views of adjoining properties and surveys to show an overlap of the campsites to neighboring properties. Frank Monterisi asked for clarification on the overlap, and Louise Harvey referenced page A-11 from OP-1. Betty Hill asked how much of a difference is there, and Louise stated the survey shows a line at 645.3 ft., but only 521 ft. on the GIS. Hannah Lynch stated the GIS is not to be assumed to be more accurate than an actual survey. Paul Weidman stated this would be a question for the surveyor and land owners, and not for the Board to determine.

- Paul Weidman asked about the density issue she questioned, and Hannah Lynch explained section 6.12.14 of the Polk County Zoning Ordinance is not a requirement for the Multiple Use zoning district. According to the Permitted Use Table in the Zoning Ordinance for a RV Park in Multiple Use zoning district is a "S," meaning a Special Use Permit is required, and 6.12.14 is for the zoning districts marked with "P*," which includes the Equestrian and Equestrian Village districts.
- Louise Harvey presented a survey and a satellite view of the eastern edge of their property to show an infringement of a campground road into their property. Jana Berg confirmed the Harvey property is P6-52 and the properties abutting that property consist of the already existing campsites. Jana Berg stated the two properties in question for the expansion are not touching the Harvey property. Louise Harvey stated she is pointing out an existing boundary infringement with what potentially may be a boundary infringement on the proposed area of construction which speaks to historical behavior. Jana Berg stated the alleged boundary infringement on P6-52 has no bearing on the issue of the current Special Use Permit request and would instead be a civil matter between property owners. She stated the Board would not weigh in on the accuracy of the GIS or a survey for the two parcels for the expansion as that would be between the applicant and adjacent property owner and is beyond the Board's scope.
- Louise Harvey presented a slope analysis showing a red section of 60% or greater grade on a portion of the site and pointed out the Saluda grade is only 6%. She then suggested more analysis be done on the matter due to her concerns about development, deforestation, and what this means about landslides and mudslides if roadways are built on that portion of the property. Lisa Krolak asked where the red part of the slope map in reference to the property in question is. Louise Harvey answered it is between the Henderson County and Polk County lines. Paul Weidman asked if the Board could get an overlay of the slope map with the property, and Frank Monterisi asked if Hannah Lynch or Louise Harvey had an overlay. Hannah Lynch pulled up the Polk County GIS site on the computer and turned on the 20' and 100' contour layers.
- Louise Harvey stated there needs to be additional landslide studies presented to the Board to protect the safety of the neighborhood. Lisa Krolak pointed out the applicants aren't building on the steeper slopes, and Paul Weidman asked if there is something forbidding someone from building on a certain slope percentage and if the Board has the authority to

overstep that regulatory agency. Frank Monterisi stated there was no such restriction in the Zoning Ordinance and therefore the Board cannot enforce such a requirement. Lisa Krolak stated the Planning Board investigated this matter in the past and discovered the state is the deciding agency on this matter.

- Louise Harvey presented the Polk County Solid Waste Ordinance and showed pictures of solid waste on the existing property by her home. She presented a Google Earth image of her home which was then under construction for an addition from page 2.17 of OP-1 which was from the perspective of looking across Fork Creek Road. This image showed a pile of debris in close proximity to her home. Paul Weidman asked what the structures are in the satellite images, and Louise Harvey stated they might be the repair areas. She referenced an image which displayed a "suspicious burning debris pile." She stated there was a citation issued for the location of the fire because it was less than 500 ft. from a house and a second citation from NCDEQ. Jana Berg stated the Board is focusing on the future proposed use and proposed plans which concerns the two undeveloped parcels, and not on the history of the campground. Louise Harvey stated she is looking at past behavior to question if that will continue into the future on the expansion sites.
- Louise Harvey cited a riparian buffer violation and an animal control citation for unleashed animals. She stated that she incurred a \$12,000 hospital bill for Rabies and Tetanus shots due to a cat scratch from a campground cat wandering on her property. She questioned if the current campground policies are not being observed now, how they could be assumed to be observed in the future.
- Louise Harvey described 44 incidents of trespassing within one year. She and her husband Charles have spent thousands of dollars putting up fences and boulders, and people are constantly climbing over them. She stated she knows this will continue and get worse if the campground extension is approved.
- Louise Harvey went on to present tax values of surrounding properties, and stated single-family homes in the area contribute more to the Polk County tax base than the campground. Frank Monterisi stated the Board cannot consider taxation.
- Louise Harvey presented negative reviews regarding the campground from review websites. She stated dumpsters on the site are not being emptied and they have a horrible smell on hot days. Betty Hill asked when she moved into the area, and Louise Harvey stated she moved there in 2006. Betty Hill asked about Louise Harvey's earlier statement about it being a very pleasant first few years when she first bought the property. Louise Harvey answered yes, it was ideal, but it changed over the years and has now become year-round living facilities and is very unpleasant to deal with and look at.
- Paul Weidman asked if the dogs in the images are the dogs Louise Harvey was referencing that were trespassing on her property from the campground, and asked if Louise Harvey had been able to verify if any of the dogs referenced in the images were proven to be from the campground and not from other neighboring homes. Louise answered yes and referenced a brown dog on one page they had verified belonging

- to caretakers from Orchard Lake Campground. She stated they reported it to Animal Control and the owners were cited for having an unleashed dog.
- Louise Harvey referenced other images in her binder which showed photos of trespassers she described as creepy. She stated she would be very concerned for property owners on that side of the road especially if they are elderly because there is no supervision.
 - Louise Harvey presented an image of the current bath house with debris and a tarp around it, and stated they are expecting whole campground to use just this one unit. She questioned if you can't look at historical documentation as means of determining how the future expansion will go then how you can expect it to be any better. Frank Monterisi assured her that it will all be considered but within the scope of the four questions that must be met to approve a Special Use Permit.
 - Louise Harvey stated anyone can print a brochure with rules, but the laws in it are not enforced. She stated the increased trespassers and the extra traffic brought into the area will cause a major demographic shift and will affect property values.
 - Louise Harvey also stated that these are not normal campers who come for a weekend of enjoyment and reside somewhere else, but rather permanent residents who come and bring truckloads of things and scatter them all around. She stated she doesn't see the difference between that and a trailer park. Frank Monterisi asked if the campers are staying year-round and Charles Harvey replied there are some that are easy going people, and others who stay all year around and are unpleasant. Frank Monterisi asked if there were any additional questions. No further questions at this time.
 - Charles Harvey approached the Board to testify. He stated he has concerns over the open-ended boundary question, the hilltop, neighbors who live near those campsites, industrial mowers, larger populations, and the brush fire on May 31st of this past year. He stated the State and Saluda Fire Department both alleged they did not see how that fire was started by accident. Charles Harvey stated that it burned and smoked for eight days and now the same area has more debris and trash building up again. He said the survey shows the closest point of fire was 140 ft. from their home, not 500 ft., which is required for a burn pile. He stated this information does contribute to the determining factor of harmony of the neighborhood aspect of the Special Use Permit. Frank Monterisi asked if there were any additional questions. No further questions at this time.
 - Kirk Hall clarified the main point is that the field on the properties in question is the primary development area and that is what they are asking for and already own. Kirk Hall asked Gail O'Kelly if there was any question to whether he owned the field. Gail O'Kelly stated there is no question about who owns the land that was in question. Kirk Hall asked for the landslide layer to the GIS be displayed. Cathy Ruth stated the state created these landslide maps recently and they were added to the GIS

site. According to the GIS map with the landslide layers, the area for the proposed site does not indicate potential landslides.

- Frank Monterisi asked Gail O’Kelly how she felt about the Harvey’s concerns, and she said she is happy with her property and likes it being secluded. Bonnie Williamson (Gail O’Kelly’s daughter) stated she was worried because her mother lives alone, and she was initially concerned about her well water being contaminated. Since she has now found out the facts about the extension and the Health Department requirements, she is no longer concerned with the contamination.
- Betty Hill asked Hannah Hall if camping was allowed for a whole year, and the Board discussed the question among themselves. Frank Monterisi stated there is nothing in the ordinance about length of stay for campgrounds. Lisa Krolak asked if there was a maximum length of stay at Orchard Lake Campground, to which Hannah Hall replied the maximum stay for rigs without bathrooms, such as pop-up campers, is no longer than one week. Other larger RVs with pumps and bathrooms can stay for longer periods, but they require very thorough background checks for those campers.
- Louise Harvey referred to section 6.12.14 of the Polk County Zoning Ordinance regarding length of stay in campgrounds, stating the ordinance does not permit stays longer than 6 months. Hannah Lynch explained section 6.12.14 does not include required standards for campgrounds and RV parks within the Multiple Use zoning district. Frank Monterisi asked if there were any additional questions. No further questions.
- Frank adjourned the evidentiary part of the hearing. He explained the Board generally adjourns the meeting for a week or so. The Board agreed to reconvene on Tuesday, January 11, 2022 at 5:00 PM. He explained there would be no further testimony accepted at this time and reminded the Board of no ex-parte communication. Frank Monterisi recessed the meeting for 20 minutes.

6. 2022-02 (SUP) - Susie Q Boarding, Susan Collins

Present to Testify on Behalf of Applicant: Susan Collins, Craig Collins, Cathy Toomey

Present to Testify in Opposition: None.

- Paul Weidman (Acting Chair) called the Board back to order at 8:52 PM.
- Paul Weidman read an overview of the Board of Adjustment's procedures, expectations, and responsibilities for evidentiary hearings.
- Paul Weidman asked the Board if there were any ex-parte communications or relationships with the applicant to be disclosed to which there were none.

Paul Weidman swore in Hannah Lynch (Zoning Administrator), Susan and Craig Collins, and Cathy Toomey.

- Hannah Lynch presented the staff report to the Board. She requested the packet be entered into evidence. Paul Weidman accepted it as Zoning Administrator #1 (ZA-1). She went over the packet for the Board:
 - EX-A. General Application Form and site plan submitted by Susan Collins.
 - EX-B. Zoning Permit / Application and receipt of \$100.00.
 - EX-C. Notice of public hearing and signed and notarized Affidavit of Mailing to adjacent property owners, property owner, and applicant.
 - EX-D. Signed and notarized Affidavit of Posting of notice of public hearing.
 - EX-E. Recorded deed in the Register of Deeds Office for Tax Parcel P131-99, dated July 14, 1999, Book 256, Page 584-586.
 - 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.
 - EX-G. Polk County Property Card Tax Record for P131-99.
 - 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.
 - EX-I. Aerial view of the surrounding parcels' current uses and zoning around P131-99 from the Polk County GIS site.
 - EX-J. Sign posting locations and photos taken from the site.
- Hannah Lynch handed out an Affidavit of Mailing and requested it be added to evidence. Paul Weidman accepted this into evidence as Zoning Administrator #2 (ZA-2).
- Hannah Lynch explained the property is located in a watershed district, however as the project will be disturbing less than an acre of land, the project is exempt from the Watershed Ordinance. Frank Monterisi asked if there were any questions. No questions.
- Susan Collins approached the board to testify. She requested her presentation be entered into evidence. Paul Weidman accepted it as Applicant #1 (AP-1). She began her presentation by going over her mission statement and a brief history of her interests and background. She stated her project is needed because people have more pets and are spending more money on them than ever before. She stated 67% of US households include a pet. She said she spoke with a veterinarian in Rutherford County who informed her that 72% of their residents owned pets, however she was unable to obtain a percentage for Polk County.
- Susan Collins presented example pictures of indoor suites for the Board

and stated noise control is one of her top priorities. She will be using the most effective noise canceling insulation possible. She spoke to NCDOT and they told her she did not need a driveway permit from them since she will be using her own personal driveway for the business. Parking will be small because of scheduled pick up times and due to the small number of dogs that will be able to be boarded there. There will be outside fencing for moving and allowing playtime for animals, and the three outdoor dog lots will be facing the house and not the road.

- She presented a letter from Bobby Arledge and requested it be accepted into evidence. Paul Weidman accepted it as Applicant #2 (AP-2). She stated Bobby Arledge determined there was significant room for emergency vehicles to access the property.
- Susan Collins testified she spoke with Joshua James, State Inspector, about waste management. She will be picking up the animal waste and disposing of it in the trash, which is permitted.
- Susan Collins stated there would be no detriment to property values around her location. She showed images of all sides of the property and neighbors' locations relative to her proposed business. They would only need to remove a few pine trees and the building will blend with the neighborhood. She presented several images of possible building styles.
- Paul Weidman requested Susan Collins characterize her surrounding neighbors. He asked if she would agree that the area is mostly residential in nature, to which she agreed. Paul Weidman asked about waste disposal and if it only needs to be in bags in the trash by state law, to which Susan Collins stated yes. Paul Weidman asked at what point would it be required to have a different waste management type and she replied she was not sure.
- Betty Hill asked if there would be only three dog runs outside. Susan Collins said that is correct. Betty Hill asked if she would be monitoring how long the dogs are outside. Susan Collins stated yes, the time the dogs are outside will be monitored and tailored to fit each animal's needs. Frank Monterisi asked if there were any additional questions. No further questions at this time.
- Craig Collins gave supportive testimony of his wife's project. He acknowledged how well the Board was handling the procedures.
- Cathy Toomey approached the Board to testify. She stated she is a licensed realtor and has sold properties in both North Carolina and South Carolina since 2006. She stated she began her own real estate company in 2010 and it has seven real estate brokers. Since 2016 her team has sold 297 properties with a value of 70 plus million dollars. She handles mostly residential properties in Polk, Henderson, Spartanburg, Greenville, and Rutherford counties. Cathy Toomey said she visited the property in question on December 29, 2021. Cathy Toomey described surrounding properties, including many that are vacant and many that have low tax values on them. She stated there are a wide mix of property types there, anywhere from 2-20 acres, and it is a very multi-use type of area. Cathy Toomey showed via a GIS image the surrounding neighbors of the property and how the facility is rather secluded. Cathy stated she thinks

this is a nice setting for the proposed business and if there is a conscious effort to keep the noise down it should not harm property values surrounding it. She stated the kennel Susan Collins had referred to in her presentation was located about one mile away at 171 Sassy Lane and is off Chesnee Road. She said there have been a few sales around that kennel, but it has been a crazy market and that is why she can't say what effect dollar wise it's going to have on anybody's property. She stated because it is such a wide variety of property, the proposed kennel will not harm property values. She then stated that this is going to be a nice structure and from a real estate point of view it will be a plus and it is a needed business in the area.

- Frank Monterisi stated that Cathy Toomey had a somewhat contradictory statement in her testimony where at one point she said it should not affect property values and at a later point she said it will not affect property values. Cathy Toomey then clarified her statement and said it should not affect property values.
- Paul Weidman asked about additional permitting requirements if Susan Collins decided to expand in the future. Jana Berg said it could be a condition added to the permit, if the Board chose to do so, to require the applicant to come back before the Board of Adjustment for an expansion.
- Lisa Krolak asked if she spoke to any of her neighbors about the project. Susan Collins stated she had talked to several surrounding neighbors and they were all excited about the project, especially once she explained it to them in more detail. Jana Berg clarified that this statement could not be considered by the Board as it was hearsay. Paul Weidman asked if there were any additional questions. No questions.
- Paul Weidman closed the evidentiary part of the hearing. He explained the Board generally adjourns the meeting for a week or so. The Board agreed to reconvene on Tuesday, January 11, 2022 at 5:00 PM. He explained there would be no further testimony accepted at this time, and reminded the Board of no ex-parte communication.

7. Other Business

None.

8. Public Comments

None.

9. Adjournment

Frank Monterisi adjourned the meeting at 9:15 p.m.

POLK COUNTY BOARD OF ADJUSTMENT

AGENDA ITEM

MARCH 1, 2022 REGULAR MEETING

Agenda Item#: B.

ATTACHMENTS:

Description	Type	Upload Date
BOA Minutes 1.11.2022 - DRAFT	Exhibit	2/18/2022

BOARD OF ADJUSTMENT
Continuation of January 4, 2022 meeting.
January 11, 2022 - 5:00 PM
Bryant H. Womack Building
40 Courthouse Street
Columbus, NC 28722
MINUTES

Members Present: Frank Monterisi (Chair), Paul Weidman, Betty Hill, Lisa Krolak, Alexander Hagerty

Staff Present: Hannah Lynch (Zoning Administrator), Chelsea Allen (Secretary), Cathy Ruth (County Planner), Jana Berg (County Attorney via Zoom)

1. Call to Order

Frank Monterisi called the meeting to order at 5:01pm.

2. 2022-01 (SUP) - Orchard Lake Campground Expansion, Kirk Hall - Board Deliberation

Frank Monterisi explained there would be no further testimony or evidence accepted in this portion of the hearing, and no public comment taken. The Board went through each requirement for a Special Use Permit.

1. The proposed use complies with the standards for such use, if any, contained in this Zoning Ordinance.

- Frank Monterisi stated the Zoning Administrator's staff report (ZA-1) showed the requirements have been met.
- Paul Weidman agreed the Zoning Administrator's report showed all those statutory requirements and regulatory requirements have been met. He finds it meets the first requirement for the SUP and voted in favor of it.
- Lisa Krolak stated she agreed with Paul Weidman and Frank Monterisi and she finds the application meets the Zoning Ordinance requirements.
- Betty Hill and Alexander Hagerty stated they agree the application meets the Zoning Ordinance requirements because of the Zoning Administrator's Staff Report.
- Frank Monterisi affirmed the first requirement for the Special Use Permit was met with a vote of 5 members for, 0 against.

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

- Frank Monterisi stated there was substantial testimony given to the Board regarding the way the campsite is currently being run by some of the neighbors in the area, but it is not in the purview of this board to discuss what is currently going on. He stated he thought the Board should only be concerned with the addition being requested. Frank Monterisi stated nothing was presented to the Board to show the additional sites would

adversely affect the health and safety of those residing in the neighborhood. He said there are conditions that can be proposed at the end of the hearing, but based on no evidence being presented that the addition will affect those residing in the area, the application does meet the requirement.

- Lisa Krolak stated she called and visited the campground on Saturday January 8, 2022 from 11:15am-12:15pm. She stated when she got to the campground she checked in at the campground office and walked around the new area of the property where the proposed expansion would be located as well as the existing campground. Frank Monterisi asked Lisa Krolak if she engaged in any conversation while she was at the campground or with any of the neighbors, and Lisa Krolak confirmed that she did not engage in any conversation while at the campground and she walked the site alone.
- Paul Weidman asked Jana Berg if information from Lisa Krolak's visit could be used in deliberation as findings of fact since it was not presented during the open hearing. Jana Berg stated the evidentiary portion of the hearing has been closed so the Board's decision must be based on what was presented at the hearing. Frank Monterisi stated he agrees, but he sees no harm in Lisa Krolak presenting if she is not entering anything into evidence. Lisa Krolak stated she was not presenting any evidence that wasn't shown during the evidentiary portion of the hearing. She stated she observed the flat area where the proposed expansion of twenty-five additional spots seems like a good place to put the camping sites. She questioned how campers will know where the campground ends and the neighbor's property begins, and will campers stay within the confines of the campground?
- Lisa Krolak stated the letter from Bobby Arledge (AP-4) showed the safety of the neighborhood was met.
- Betty Hill stated she has concerns regarding the fire on the existing campground and trespassing but if they are addressed in requirement number four, she agreed this requirement was met.
- Alexander Hagerty stated he was concerned with the fire on the existing campground, and it was so severe that neighbors felt it necessary to call for help because they thought it was a danger and risk to property. He stated he didn't think by allowing more even more usage of the campground that this risk would be lessened.
- Lisa Krolak asked Jana Berg about the citation that was sent to Orchard Lake Campground regarding the fire, and if they could consider that as evidence in this section. Jana Berg responded it was evidence that was pertinent to health and safety. She stated if the Board has concerns that could be mitigated by adding conditions to the special use permit, they could do so.
- Frank Monterisi asked in regard to the burning issue, a burning permit was not required in Polk County, therefore how would they go about getting a permit that couldn't be issued. Jana Berg stated the condition could be worded that the campground shall abide by the regulations pertaining to burning, whether it's a permit or distance from property line and certain times that you can't burn because there is a burning ban. But ultimately that would be up to the Board to decide.

- Lisa Krolak drew the Board's attention to Exhibit 2.18 from OP-1 which included burning requirements. Alexander Hagerty presented page 2.21 from OP-1, which included a letter from North Carolina Department of Environmental Quality. Lisa Krolak stated a fire must be five hundred feet from a house, which she knows from personal experience. An application must be filled out online with the date of the planned fire and the material being burned, and this is considered a burning permit.
- Alexander Hagerty stated the Board doesn't know how the fire started on the existing campground, so they do not know how it can be mitigated in the future. Frank Monterisi asked how that affects the new parcels of land and Alexander Hagerty stated because it will be contributing to that fire load. Paul Weidman stated NCDEQ citation infers responsibility and not causation, and Alexander Hagerty stated he is trying to determine if the Board needs to decide who caused the fire or just who that responsibility falls on. He stated even if there had not been a prior fire, it would still be this Board's responsibility to mitigate such risks in the future and to make a condition around that.
- Frank Monterisi stated he wasn't sure about that conclusion because that is based on the operation of the existing campground, not on the operation of the proposed expansion. Alexander Hagerty stated it shows the current business activity has already led to one fire, to which Frank Monterisi asked if the Board is here to judge the overall operation of the campground. Alexander Hagerty stated the Board was there to reasonably make an inference on past behavior, as the expansion will be handled in the same way. Frank Monterisi replied then the Board is here to judge the overall operation of the campground.
- Betty Hill stated it would not hurt to have something about fires as a condition. Alexander Hagerty stated the letter says the campground will have to list how they will respond to fires, and maybe the Board could make that part of the records. Frank Monterisi stated he did not see any evidence as to what the campground's response was.
- Lisa Krolak suggested the Board add a condition to the permit to follow Polk County burning requirements.
- Paul Weidman stated if there is going to be a condition around burning, is it better to adopt an existing regulation on it such as the one submitted in OP-1, page 2.18. Lisa Krolak stated she meant the campground should refer to Polk County for the whole process, and if they don't then the fire does not meet the regulations and they get cited.
- Frank Monterisi stated Polk County does not just issue a permit, but rather it is a notification to the Fire Marshal that burning will take place. He asked the Board if that is the condition we want the campground to follow or meet. Betty Hill replied yes, and Paul Weidman cautioned that page 2.18 of OP-1 is under subsection number two which refers to burning conducted for the purpose of land clearing or right of way maintenance. He was not sure if that contemplates burning a debris pile.
- Cathy Ruth stated the Board could just say the campground must follow North Carolina state laws and burning regulations for the county, and allow Jana Berg to draft it for the permit. The Board agreed.
- Frank Monterisi asked Alexander Hagerty if that condition was applied, would he agree the requirement was met. Alexander Hagerty stated with

that condition applied his vote is yes for requirement number two.

- Frank Monterisi affirmed the second requirement for the Special Use Permit was met, with the proposed condition, with a vote of 5 members for, 0 against.
- Jana Berg reminded the Board they will need to ask the applicant if they are willing to accept the conditions once they were all decided on.

3. The proposed use will not be detrimental or injurious to property, property uses or property values, or to public improvements, in the neighborhood of such proposed use.

- Frank Monterisi stated there was a substantial amount of evidence presented by Amy Wood. He stated in the original hearing, he requested more information from her, but it was not presented until after the evidentiary hearing was closed. He informed the Board he would not be presenting that evidence.
- Frank Monterisi stated substantial real estate listings were provided (AP-5, AP-6, AP-7) and therefore he found it meets the third requirement.
- Paul Weidman stated the realtor testified as an expert witness and indicated that real estate comparison values for properties closer to the campground versus those farther away were as great as, or greater than others. He stated she pointed to that many of the area real estate listings highlighted the close proximity to the campground. This proves the use is not detrimental to the value and the proposed use complies with the third requirement. The use will not be detrimental to surrounding property values.
- Lisa Krolak stated she agrees with Paul Weidman's statement and the campground is a selling point for real estate agents. She agreed it is not detrimental to property values and voted the use meets the third requirement.
- Betty Hill stated she agreed for the same reasons, and the real estate agent was an expert witness who proved the use would not hurt property values. She stated the real estate agent showed values were not going down, but rather they were improving. Betty Hill clarified the Board doesn't actually know that because it wasn't presented as evidence, but we do know properties are selling for the market asking price and market value. She stated real estate agents do a market analysis before putting a price on the house and she does feel the campground will not be injurious to the property values.
- Alexander Hagerty stated he voted the use meets the third requirement because the properties listings presented showed it was not lowering the property values. He stated no opposing evidence was presented to the contrary.
- Frank Monterisi stated he agreed with that, and no refuting evidence was presented to the Board.
- Frank Monterisi affirmed the third requirement for the Special Use Permit was met with a vote of 5 members for, 0 against.

4. The proposed use is designed and will be operated in such a manner as to be in harmony with the neighborhood in which it is to be located.

- Frank Monterisi stated a lot of photos and discussions under oath were

presented to the Board on how the campground was currently being ran and how it has affected the neighborhood in regard to people trespassing and dogs being off leash (OP-1). He stated he felt the Board could possibly vote the requirement was met, but there would need to be a number of conditions added to the permit to help protect the neighbors.

- Lisa Krolak referenced a citation for a riparian buffer in 2018 (OP-1). She stated the incident reported was 25' of a bank which had vegetation and vines removed from it. Since that holds that bank up they had plans to plant something else there, so there was no malicious intent. She stated maybe the Board could or should address this by adding a condition. Lisa Krolak added the State has a requirement for an Erosion Control Plan if more than one acre is being disturbed. She stated the area for the twenty-five campsites, the septic and repair areas, and area where the cabins are to be located seems to be over an acre. She suggested putting a condition in the permit to follow State regulations.
- Frank Monterisi asked if the application has the amount of land to be disturbed on it. Cathy Ruth replied is included on the application and if it is over one acre they do have to get a permit from North Carolina Department of Environmental Quality (NCDEQ). Lisa Krolak stated she was satisfied with the soil and erosion permitting process and there was no further need to address that concern.
- Paul Weidman stated with respect to trespassers, both animal and human, and the burning and accumulation of waste debris, these are off premises effects. He stated it is not uncommon for the Board to add stipulations and conditions to the permit to control and fix these effects.
- Betty Hill stated she thinks some conditions are needed, and she is worried about the trespassing issue. She stated it needs to be emphasized and made clear to the campers when they are leaving the campground property, and there needs to be clear mention in the campground rules regarding the leash law in Polk County. The riparian buffer concern, the applicant said they were going to plant grass in that location, it must be maintained. She stated after reading the ordinance she learned that sometimes an accumulation of debris can occur, and it must be picked up because grass is planted there. She requested putting a time restriction on the accumulation of waste.
- Frank Monterisi asked if there was a leash law in Polk County. Cathy Ruth stated there is an Animal Control Ordinance. Paul Weidman asked if it is a matter of the animals being under control or where they're located, to which Jana Berg replied animals do not have to be on a leash on their own property. If the animal is within the campground because that is where the owner is currently residing, they would not have to be on a leash. If the Board wanted to require animals to be leashed everywhere on the property, that would need to be added as a condition to the permit.
- Frank Monterisi stated he believes this is stated in the campground's rules. Jana Berg reiterated that may be the case, but just being in the rules is not the same thing. She stated it puts the issue between the campers and the campground. If it is made as one as one of the conditions for the permit and it is violated, then the permit can be revoked. There are different implications for each scenario.
- Frank Monterisi stated he was not sure there was concern for the animals

while on the campground, but only those who left the campground property. He he was not sure how the Board would stipulate on the campground versus off the campground when there was no evidence brought before the Board regarding animal behavior while on the campground itself.

- Paul Weidman stated if the Board is concerned with off premise effects, then a requirement for signage and enforcement around animals being leashed if they leave the campground may address the leash law. He stated signage, rather than a campground rule, could reference the Polk County Animal Control Ordinance.
- Alexander Hagerty stated he had some ambivalence about Mr. Hall and Orchard Lake Campground. They are obviously good corporate citizens; their community services are exemplary and they are an asset to the community, but they have also been a nuisance to their nearest neighbor. He believes that needs to be addressed. He stated what Paul Weidman has suggested is good but the excess debris and building material needs to be addressed as well. Paul Weidman referenced the Polk County Solid Waste Ordinance on page 2.15 from OP-1. He stated a time boundary could be helpful regarding the accumulation of debris. He stated he wasn't sure what the magic number would be for the time limit, but from the pictures presented of the debris accumulation, it indicates the debris pile had been there longer than two weeks. He stated he believes that is what lead to the fire.
- Jana Berg read through the conditions she currently had drafted for the permit. The first condition was regarding the appropriate requirements for burning of any debris, the second requires the boundaries of the campground to be clearly marked, the third states guests and their animals shall not trespass on the neighboring or abutting properties, and the fourth requires all guest's animals be leashed when off premises. She stated the last condition was dealing with solid waste, construction and demolition debris, and asked the Board to clarify how they want it to read.
- Frank Monterisi stated the campground needs to follow the Polk County Solid Waste Ordinance.
- Frank Monterisi read additional drafted conditions from the SUP Worksheet. These included the development of all parcels shall comply with all specifications found within the Polk County Zoning Ordinance, and all parcels shall be constructed in accordance to the site plan as submitted.
- Lisa Krolak asked if the Board wanted to consider the riparian buffer issue. Paul Weidman stated if it is already a statutory requirement, he does not believe the Board should have to enforce compliance with conditions from an existing statutory requirement.
- Lisa Krolak stated she had a concern regarding the campground only having one bath house on the property, and that in the future with the additional camp sites they may need to add another. She asked if adding that would require the applicant to come back before the Board since it would change the existing site plan which was submitted for this Special Use Permit. Frank Monterisi replied they would have to come back before the Board to add another bath house. Cathy Ruth stated the Board could put a provision on the permit that the applicant could change the site plan

within five to ten percent to allow for such a change, and she asked Jana Berg if adding a bathhouse would affect the changes.

- Jana Berg explained that since the hypothetical new bath house was not on the existing site plan, it would be a material deviation and she believes it would need to come back before the Board. She stated if it is a minor modification, the applicant could go through the Zoning office to submit the plans and it could be decided at that time if it is a material change or immaterial change.
- Frank Monterisi stated it would rest in the Zoning Administrator's hands, and Cathy Ruth asked if the Board could put it into the permit what would be allowed. Jana Berg answered yes, but it was more of a case by case basis and will be based on exactly what they plan to do regarding size and details of project. She stated the applicant will have to obtain a building permit and at that time the Zoning Administrator can decide if it is an immaterial change or not. If it is a major change then it will have to come back before the Board.
- Frank Monterisi requested a vote on whether requirement four, with all the conditions stipulated, was met. He stated his vote was yes.
- The rest of the Board voted, and Frank Monterisi affirmed the fourth requirement for the Special Use Permit was met with a vote of 5 members for, 0 against.

Frank Monterisi addressed the applicant and asked if the conditions were acceptable. Kirk Hall asked if the conditions were applicable to the whole campground or just the new expansion. Frank Monterisi stated the conditions are applicable to the entire campground and that will reflect on how the new addition will be operated as well. Kirk Hall asked if he needed to give an answer tonight or if he could have time to sleep on it. Frank Monterisi stated if he doesn't agree with the conditions then the Board could all go ahead and vote no now and it would be over.

Paul Weidman asked Jana Berg to weigh in upon the question posed by Kirk Hall. Jana Berg stated the simplest thing that could happen if the applicant does not agree to the imposed conditions then it would be best to withdraw the application. If they didn't withdraw it the Board could vote no and then it would be a period before they could bring it back before the Board.

Hannah Lynch asked Jana Berg if the imposed conditions of the new permit apply to the whole campground or just the new section. She stated the Special Use Permit was just for the new section, and asked if the Board could then apply conditions to the whole campground on a permit for just the expansion. Jana Berg stated this is a material modification of the entire existing use, therefore Kirk Hall is required to come before the Board. He stated he is exchanging his existing use for the new use which includes the expansion and the existing campground. She stated should they decide they don't want to agree with the conditions they will still have their original use and could continue to operate in it in the manner it was originally granted. She stated since it is a material expansion of an existing use, the conditions can be applicable for the whole campground.

Cathy Ruth stated if the applicant withdraws their request they cannot appeal the decision, and Jana Berg agreed.

Jana Berg stated the applicant should be present during decision making because that is the time when conditions may be imposed if the Board chooses to do so. If the applicant chooses to not to comply with the conditions then the permit is revoked.

Lisa Krolak asked if the applicant can appeal the decision of the Board. Jana Berg stated they could appeal the decision to higher court within 30 days of the decision being signed. The Board asked if they could appeal a condition of the permit or the whole denial of the permit. Jana Berg informed the Board the applicant could appeal a condition imposed by the Board on a Special Use Permit if they thought it was unrelated to the requirement under which it was imposed, for example the health and safety or harmony requirement. They could say the Board has overstepped their bounds and the imposed condition does not relate to the requirement. She stated in her legal opinion, the conditions the Board set forth are reasonably related to each of the requirements and the facts supported their conclusions.

Frank Monterisi stated the Board has approved the application and the ball is in the applicant's court in regard to accepting the proposed conditions.

Kirk Hall stated the campground supports dogs and campers staying on their property and have communicated that over the years. He stated his concern is if in the future a camper or a dog steps off of the campground's property, the permit would be automatically revoked. He ask for clarification regarding this. Paul Weidman stated the nature of a Special Use Permit condition is that it imposes a certain amount of burden on the applicant. Frank Monterisi stated he doesn't think that will cause the permit to be revoked but instead the campground may be faced with a violation from the Zoning Department. Cathy Ruth asked Jana Berg for advice on how to handle this concern. Kirk Hall stated the campground already advises the guests of these things, and Jana Berg replied that was a good practice, but asked about clearly marking the boundaries of the campground. She suggested the Board have the campground warn and advise their guests of all the conditions and have the campground do what is needed to do to make sure the campers abide by those requirements. She stated she didn't want to see the owner of the campground punished for a camper's action and have the permit revoked for something like that, but clarified that it was the repeat situations that the Board is concerned about. She suggested adding to the requirement the campground continues to advise guests of these rules, and the Board can also add that they put up clear signage around the boundaries of the campground.

Frank Monterisi stated the campground should warn or advise their guests about dogs and human trespassing and make sure their campers are abiding by them. He stated if guests continue to not comply with campground rules put in place by these conditions, the Board could assume the campground is not taking action against offenders.

Paul Weidman stated the evidence demonstrates there are significant off premise offenses, and if there is not something put into the conditions that burdens the applicant with enforcement, he wasn't sure that continued reliance on something that didn't work in the past, such as the campground rules, was going to work in the future. Jana Berg suggested the Board charge the owner of the campground with enforcing the no trespassing and no off-leash requirements. If they receive a complaint, they will need to investigate and enforce that to make sure it doesn't happen again. Jana Berg asked if that would be satisfactory to the Board, to which the Board agreed it would be.

Konnie Hall asked how a neighbor would know if an animal on their property is from the campground. She stated there are other wandering dogs in the neighborhood. Frank Monterisi stated the obligation would rest with the Animal Control Officer to find out who the owner was. Paul Weidman stated he asked that question during the evidentiary portion of the hearing and the opposing party testified the dogs were not from the neighborhood, but weren't able to say for sure that it was campers' dogs either. Frank Monterisi stated pictures presented to the Board by the opposing parties showed campers and campers with their dogs walking along the road, and Paul Weidman responded without knowing for certain where the dogs in those pictures came from, he thought it was reasonable to impose an investigation and enforcement requirement on the control of campers and animals who go off campground property.

Kirk Hall stated they already do that when they are aware, or other people make them aware of such occurrence. Alexander Hagerty stated they would have to step up their game a little bit because it hasn't worked. He asked the Board if he was speaking fairly when he stated it that way. Frank Monterisi and Paul Weidman both replied yes, which is why there was extra language in the conditions regarding the enforcement of such violations.

Hannah Hall stated it was the campground's desire to take care of such issues when they were made aware of them, but a lot of the evidence the Board is operating on is regarding instances the campground was not always made aware of. She stated it is hard to make a judgment on what the campground did about an issue if they weren't made aware of it. She asked if the Board can judge the campground off instances they were not made aware of or given the chance to rectify.

Cathy Ruth asked the Board if they could include in the conditions something that would specify when the owner receives the complaint from the neighbor so it's clear that it is going to them. Paul Weidman stated he thought the Board should settle this to prevent an ongoing back and forth between the adjacent property owners and the applicant, but to the point the campground can't be aware of every incident a camper or an animal steps off site. What the Board would look for is a pattern and the evidence certainly indicated there was a pattern.

Kirk Hall stated he accepted the conditions. Frank Monterisi stated for the record the applicant has been made aware of the conditions and has agreed to meet them. He stated the permit has been approved.

Frank Monterisi stated the deliberation process is now adjourned, and Frank Monterisi read the appeal rights and stated the applicants or opponents have 30 days after the decision was signed to appeal to superior court.

3. 2022-02 (SUP) - Susie Q Boarding, Susan Collins - Board Deliberation

Paul Weidman reconvened the hearing at 6:42 PM. He explained there would be no further testimony or evidence accepted in this portion of the hearing, and no public comment taken. The Board went through each requirement for a Special Use Permit.

1. The proposed use complies with the standards for such use, if any, contained in this Zoning Ordinance.

- Paul Weidman stated the Zoning Administrator's staff report (ZA-1) indicated all requirements for the Zoning Ordinance had been met, finding the first requirement for a Special Use Permit was met.
- Lisa Krolak, Betty Hill, Alexander Hagerty, and Frank Monterisi agreed the application meets the first requirement for a Special Use Permit.
- Paul Weidman affirmed the first requirement for the Special Use Permit was met with a vote of 5 members for, 0 against.

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

- Paul Weidman stated the applicant testified there would be twelve kennels, and they would be facing away from the road and surrounding properties.
- Lisa Krolak added the applicant also testified there would be noise cancelling insulation added into the construction of the kennel.
- Betty Hill referenced Bobby Arledge's letter (AP-2) showing all safety requirements were met for emergency access.
- Paul Weidman found the testimony and evidence submitted by the applicant does meet requirement number two for a Special Use Permit and voted in favor.
- Lisa Krolak, Betty Hill, Alexander Hagerty, and Frank Monterisi agreed the application meets the second requirement for a special use permit.
- Paul Weidman affirmed the second requirement for the Special Use Permit was met with a vote of 5 members for, 0 against.

3. The proposed use will not be detrimental or injurious to property, property uses or property values, or to public improvements, in the neighborhood of such proposed use.

- Paul Weidman reminded the Board of Frank Monterisi's question to Kathy Toomey, Real Estate Agent, from the evidentiary hearing regarding if the proposed use would or would not hurt property values. Paul Weidman stated he noted that at one point Kathy Toomey stated that the proposed use would definitely not harm property values, then later stated the proposed use should not harm property values. When Frank Monterisi asked her more specifically to clarify "will not or should not", Kathy Toomey stated it should not.

- Betty Hill asked the Board about evidence specifically submitted to the Board. Lisa Krolak stated Kathy Toomey had presented a list of property values to the Board.
- Paul Weidman recounted that Kathy Toomey stated she was licensed to sell in both North and South Carolina, she has sold two hundred seventy properties since 2017, her office had seventy million dollars in sales and there are twenty-one parcels in the surrounding area of which six are vacant. He did not know if she had hard numbers supporting the real estate values in the area and because this is a prospective application. Unlike the campground which was existing and could show the Board its effect on surrounding property values, this was not the case with this application. Kathy Toomey was not able to show the Board what has happened.
- Alexander Hagerty stated Kathy Toomey pointed out the reason why she could not show such evidence was due to the area being such a diverse area of properties.
- Betty Hill stated Susan Collins had testified she had spoken with the neighbors to her property and her property is rather secluded.
- Paul Weidman asked Frank Monterisi to clarify his concerns that were previously asked to Kathy Toomey regarding harm to property values. Frank Monterisi stated he did not see any evidence presented at the hearing that the kennel would not harm property values. When he tried to get Kathy Toomey to clarify her conflicting statements, she said it should not harm property values. Frank Monterisi stated the Board has had instances in the past where should not is not a good enough reason, therefore there is no evidence in this instance that it would not be injurious to property values. Frank Monterisi voted the application did not meet the third requirement for a Special Use Permit.
- The Board discussed there was evidence missing in reference to the third requirement, and Frank Monterisi stated he did not recall any data presented to support it.
- Paul Weidman stated even if there were no sales on the surrounding twenty parcels of land, the applicant must rely on Kathy Toomey as an expert witness to make a definitive statement that the proposed use will definitely not harm property values. When asked by Frank Monterisi, Kathy Toomey stated twice that it should not harm surrounding properties. Frank Monterisi stated the issue is the third requirement states the proposed use “will not” be detrimental or injurious to property values rather than “should not.” Frank Monterisi stated Kathy Toomey did not present any evidence proving that point other than a litany of what she has done in real estate.
- Paul Weidman asked Hannah Lynch if she had Kathy Toomey’s specific testimony. Frank Monterisi read Kathy Toomey’s testimony regarding her statements in question from the Board of Adjustment’s draft minutes taken on January 4, 2022 during the evidentiary hearing.
- Paul Weidman reiterated that Kathy Toomey had an unequivocal statement when asked by Frank Monterisi that the use “should not” be injurious to property values.
- Jana Berg asked the Board if the applicant failed to meet the burden of proof as to that particular criteria for the third requirement. Frank Monterisi

stated to his recollection yes, the applicant had failed to do so. Jana Berg stated that the applicant has the burden of proof for a Special Use Permit.

- Paul Weidman clarified Kathy Toomey originally stated the use will definitely not harm property values and then later said it should not harm property values, to which Frank Monterisi questioned her on. She replied, "Should not." Paul Weidman stated Kathy Toomey could have stated "will not harm values," but when she had the chance failed to do so. Betty Hill stated that is because Kathy Toomey did not have facts to back up the statement.
- Paul Weidman stated no one appeared to testify in opposition and there was no evidence submitted indicating that it would harm property value, however the affirmative burden is on the applicant to demonstrate that it will not.
- Alexander Hagerty asked if an expert real estate agent could testify to that fact. The Board answered yes, an expert real estate agent could testify to that fact, but Paul Weidman reiterated if she had stopped her testimony with "it will definitely not harm property values" that it could have been sufficient. She went on in the same statement to say that it "should not," and when Frank Monterisi asked her to clarify "should not or will not," she answered "should not."
- The Board openly discussed whether the applicant met the burden of proof for the third requirement.
- Jana Berg advised the Board on the type of evidence they should be looking for in a case like this. She explained that typically, in her experience, a real estate agent retained to testify would look for a comparable situation where they could obtain pre- and post-installation of kennel property values and base their testimony off the data obtained. Frank Monterisi pointed out the applicant mentioned two other kennels in the area during her presentation. He stated he himself brought up the topic of the Green Creek Hounds Kennel, but Kathy Toomey did not address these kennels. Frank Monterisi stated he did not see any evidence to foster this application on this particular requirement.
- Paul Weidman stated he thought it was insufficient. The ordinance states the burden of proof falls to the applicant to demonstrate that they meet the conditions, and he didn't think there was sufficient basis to say the condition was met. Paul Weidman voted the application did not meet the third requirement for a Special Use Permit.
- Lisa Krolak stated she also voted no for the third requirement.
- Betty Hill stated she did not see any reason as to why the applicant could not present solid evidence, and also voted no.
- Alexander Hagerty stated that he too would rather see more evidence and also voted no.
- Paul Weidman affirmed the third requirement for the Special Use Permit was not met with a vote of 0 members for, 5 against.

4. The proposed use is designed and will be operated in such a manner as to be in harmony with the neighborhood in which it is to be located.

- Paul Weidman recalled evidence applicable to this requirement, such as the character of the area, another kennel located nearby, the use being fenced in and facing away from the road and other structures. The

applicant's characterization of how she was going to operate it with the removal of waste, care of the animals and where the animals are and are not allowed to go. He stated he thought there was enough evidence to show the design and operation of the use would be in harmony with neighborhood.

- Lisa Krolak agreed and voted the application does meet the fourth requirement for a Special Use Permit.
- Betty Hill stated the applicant talked to her neighbors, but it would have been helpful to have some of her neighbors show up in support and testify. She stated that by looking at the whole neighborhood, she thought it would be in harmony and voted the application did meet the fourth requirement.
- Alexander Hagerty voted yes, the proposed use is in harmony with the neighborhood.
- Frank Monterisi stated the applicant's presentation (AP-1) was complete and thorough, specifically pointing to the State regulations and instructions that she would have to comply with. He voted the application does meet the fourth requirement.
- Paul Weidman affirmed the fourth requirement for the Special Use Permit was met with a vote of 5 members for, 0 against.

Paul Weidman recapped the votes for the Board, being 5 for and 0 against for requirement number one, 5 for and 0 against for requirement number two, 0 for and 5 against for requirement number three, and 5 for and 0 against for requirement number four. For that reason the Special Use Permit is denied and that final decision is a zero for and five against because the Board all agreed that the conditions for requirement number three were not met.

Paul Weidman stated in the case of a denial, the decision can be appealed to higher court within thirty days of the time that the decision is signed, or the applicant can reapply.

Paul Weidman asked if there were any further statements before adjournment. He stated the decision will be official when signed by himself.

4. Other Business

None.

5. Public Comments

None.

6. Adjournment

Paul Weidman adjourned the meeting at 7:06pm.

POLK COUNTY BOARD OF ADJUSTMENT

AGENDA ITEM

MARCH 1, 2022 REGULAR MEETING

Agenda Item#: 4.

ATTACHMENTS:

Description	Type	Upload Date
Staff Report - 2022-03 SUP	Cover Memo	2/18/2022
EX-A	Exhibit	2/18/2022
EX-B	Exhibit	2/18/2022
EX-C1	Exhibit	2/18/2022
EX-C2	Exhibit	2/18/2022
EX-D1	Exhibit	2/18/2022
EX-D2	Exhibit	2/18/2022
EX-E	Exhibit	2/18/2022
EX-F	Exhibit	2/18/2022
EX-G	Exhibit	2/18/2022
EX-H	Exhibit	2/18/2022
EX-I	Exhibit	2/18/2022
EX-J	Exhibit	2/18/2022
EX-K	Exhibit	2/18/2022
EX-L	Exhibit	2/18/2022
EX-M	Exhibit	2/18/2022
EX-N	Exhibit	2/18/2022
EX-O	Exhibit	2/18/2022



To: Zoning Board of Adjustment

From: Hannah Lynch, Zoning Administrator

Date: March 1, 2022

Re: In the Matter of the Application of Susan Collins for a Special Use Permit, Docket No. 2022-03 (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

Kennels. Any premises, except where accessory to an agricultural use, where domestic animals, such as dogs and cats, are boarded, trained, or bred.

1. On January 24, 2022, 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.
2. The property is comprised of one parcel, identified as Tax Parcel Number P131-99, 6.86 acres, in the tax records of Polk County. The property is located in the Multiple Use (MU) Zoning District.
3. Exhibits include:
 - EX-A. General Application Form and site plan submitted by Susan Collins.
 - EX-B. Zoning Permit / Application and receipt of \$100.00.
 - EX-C. Notice of public hearing and signed and notarized Affidavit of Mailing to adjacent property owners, property owner, and applicant.
 - EX-D. Signed and notarized Affidavit of Posting of notice of public hearing.
 - EX-E. Recorded deed in the Register of Deeds Office for Tax Parcel P131-99, dated July 14, 1999, Book 256, Page 584-586.

- EX-F. Recorded deed in the Register of Deeds Office for portion of Tax Parcel P131-66, dated January 14, 2022, Book 466, Page 2170-2172.
- EX-G. Recorded deed in the Register of Deeds Office for portion of Tax Parcel P131-99, dated January 14, 2022, Book 466, Page 2173-2175.
- EX-H. 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.
- EX-I. Polk County Property Card Tax Record for P131-99.
- EX-J. Tax Parcel Report for P131-99 from the Polk County GIS site with an aerial view.
- EX-K. Aerial view from Google Earth of Tax Parcel P131-99.
- EX-L. Aerial view of the surrounding parcels' current uses and zoning around P131-99 from the Polk County GIS site.
- EX-M. Sign posting locations and photos taken from the site.
- EX-N. Septic Permit dated November 29, 2021.
- EX-O. Authorization for Wastewater System Construction & Well Construction from Polk County Environmental Health, dated January 31, 2022.



GENERAL APPLICATION FORM

Docket No: 2022-03 (SNP) Date: 1/24/2022 ^{HBL}
 Permit Fee: \$100.00 Receipt #: EP 22998
 Permit or Relief Requested: Appeal* Variance: Conditional Use Permit
 Applicant: Susan Collins Owner: Susie Q Boarding
 Address: 727 Tanner Rd. Address: 727 Tanner Rd.
Rutherfordton Rutherfordton
 Telephone: (828) 817-0432 Telephone: (828) 817-0432
 Legal Relationship of Applicant to Property Owner: Same
 Purpose of Request: Dog boarding business 12 Kennels
 Property Location: Same address as above
 Street Address: 727 Tanner Rd.
 Tax Map & Parcel Number: _____ Lot Size: _____ Zoning District: _____
 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: _____ 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.

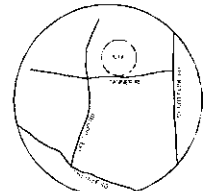
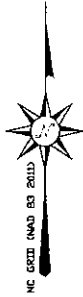
Susan Collins
 Signature of Applicant

* 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

loc. 2406

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-1922



VICINITY MAP
 (NOT TO SCALE)

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

NO TITLE SEARCH PERFORMED BY BUTLER ASSOCIATES

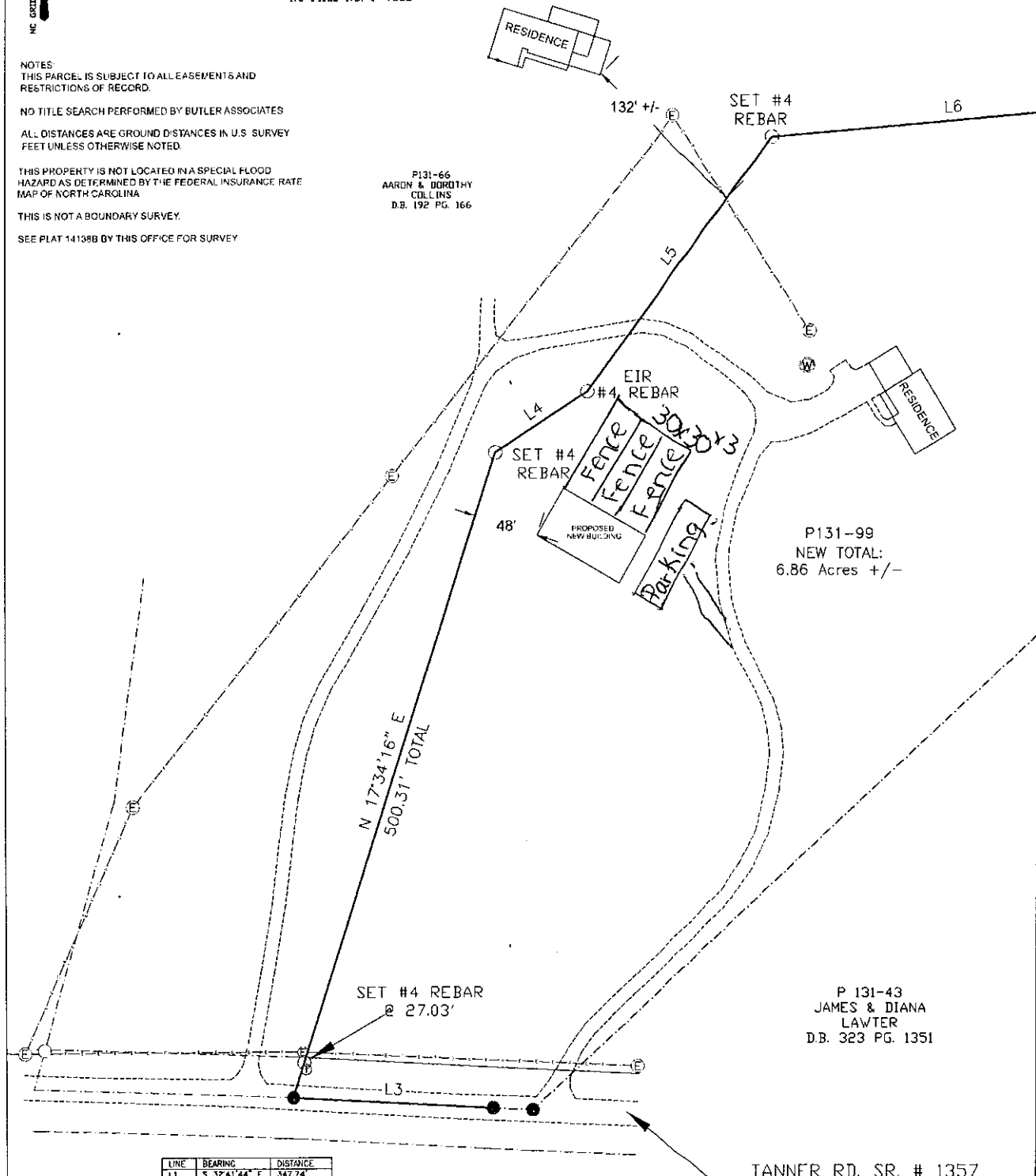
ALL DISTANCES ARE GROUND DISTANCES IN U.S. SURVEY
 FEET UNLESS OTHERWISE NOTED.

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

LINE	BEARING	DISTANCE
L1	S 32°41'44" E	347.74
L2	S 47°18'22" W	350.30
L3	N 88°58'20" W	190.10
L4	N 56°33'48" E	82.11
L5	N 36°28'44" E	234.84
L6	N 85°08'35" E	278.14
L7	S 58°28'24" E	247.09
L8	N 84°05'03" W	49.91
L9	S 20°18'27" W	151.84
L10	N 79°12'35" W	190.31



NC FIRM LICENSE NO. P-1922
 RATIO OF PRECISION 1:10,000
 D-162-93

PORTION OF
 TAX PARCEL
 P131-66
 P131-99

14138BSITEPLAN

DATE 1/25/22
TIME 12:29:23
USER PLHLYNCH

POLK COUNTY
APPLICATION AND PERMIT

PAGE 1
PROG# PT2000

PERMIT NUMBER ZP 22998 ZONING PERMIT APPLIED 1/24/2022
WORK ORDER# 41399 TYPE ZONING BOARD OF ADJUSTMENT ISSUED 1/24/2022
LOCATION TANNER RD EXPIRES 7/24/2022
PIN HEALTH
PARCEL ID P131-99 RUTHERFORDTON REFERENCE Z00022806
TOWNSHIP 5 GREEN CREEK ACREAGE 6.860 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
W 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 - 3.1.2022 - DOG BOARDING
BUSINESS, SPECIAL USE PERMIT

SURVEYOR
GENERAL

SITE PLAN

*
*
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*
*
*
*
*
*
*

PERMIT ISSUED: 1/24/2022 BY: PLHLYNCH PERMIT EXPIRES: 7/24/2022 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

1/24/2022

SIGNATURE OF OWNER/AGENT

DATE

Hannah B. Lynch

CODE ENFORCEMENT OFFICIAL

DATE 1/25/22
TIME 12:29:23
USER PLHLYNCH

POLK COUNTY
BILLING NOTICE

PAGE 2
PROG# PT2000

PERMIT NUMBER ZP 22998 ZONING PERMIT APPLIED 1/24/2022
WORK ORDER# 41399 TYPE ZONING BOARD OF ADJUSTMENT ISSUED 1/24/2022
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PIN HEALTH
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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#:	9224	PAID BY CHECK
TRANSACTION		TOTALS		100.00	100.00	

Building Inspections
Environmental Health
(828) 894-3739



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. 2022-03 (SUP)

NOTICE OF BOARD OF ADJUSTMENT HEARING

On January 24, 2022, 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, 6.86 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, March 1, 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.

February 9, 2022

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

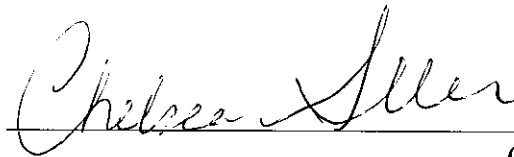
AFFIDAVIT OF MAILING

State of North Carolina
County of Polk

Re: Notice of Board of Adjustment Hearing

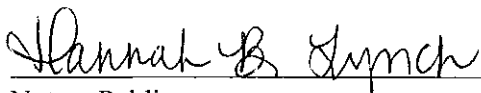
Chelsea Allen of Polk County, North Carolina, being duly sworn, states that on the 9th day of February 2022 she personally mailed, first class the public notice that reads, "Notice of Board of Adjustment Hearing" to the following property owner and adjacent property owners:

SEE ATTACHED LIST



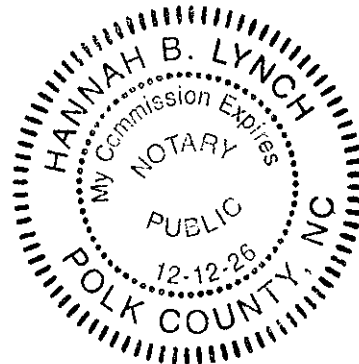
Chelsea Allen

Subscribed and sworn to before me this 10th day of February 2022.



Notary Public

My Commission Expires: December 12, 2026



Adjacent Property Owners to P131-99

P131-99

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

P131-66

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

P131-41

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

P131-44

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

P131-49

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

P131-43

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

P131-26

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

P131-27

Michelle L. Reynolds
730 Tanner Road
Rutherfordton, NC 28139

P131-107

Carol I. Barnes & Michelle Reynolds
730 Tanner Road
Rutherfordton, NC 28139

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 10th day of February 2022, she personally posted the attached photographed notice that reads, "Public Hearing Board of Adjustment Hearing 5PM March 1, 2022 40 Courthouse St. Polk County Call 828-894-2732."

Hannah B. Lynch

Hannah B. Lynch

Subscribed and sworn to before me this 10th day of February 2022.

Chelsea Victoria Allen

Notary Public

My Commission Expires: September 19, 2026





EX-E

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)

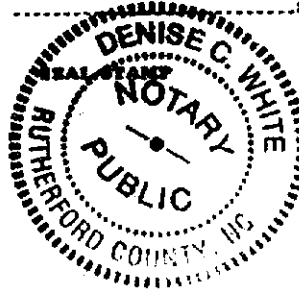
USE BLACK INK ONLY

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 Grantor,
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.

EX-F

Doc ID: 004886970003 Type: CRP
 Recorded: 01/14/2022 at 12:35:34 PM
 Fee Amt: \$26.00 Page 1 of 3
 Revenue Tax: \$0.00
 Polk, NC
 Sheila Whitmire Register of Deeds
 BK **466** PG **2170-2172**

Excise Tax \$0.00 Recording Time, Book and Page
 Tax Lot No.: p.o. P131-66
 Verified by Polk County:

Mail after recording to: See Below

✓ This instrument was prepared by: Feagan Law Firm, PLLC, P.O. Box 309, Columbus, North Carolina 28722
 Brief description for the Index

Tracts A & B, Tanner Road

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 12th day of January, 2022, by and between

GRANTOR	GRANTEE
<p>AARON R. COLLINS and wife, DOROTHY J. COLLINS</p> <p>Address: 725 Tanner Road Rutherfordton, NC 28139</p>	<p>AARON C. COLLINS and wife, SUSAN M. COLLINS</p> <p>Address: 727 Tanner Road Rutherfordton, NC 28139</p>

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

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

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

The property hereinabove described is a portion of the property acquired by Grantor by instrument recorded in Book 192, Page 166 of the Polk County Registry.

A map showing the above-described property is recorded in Card File G, Page 108.

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

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

- a. Subject to all rights of way for public utilities;
- b. Subject to all rights of way for public streets, roadways, and/or easements;
- c. Subject to any applicable provisions of the Polk County zoning ordinances.

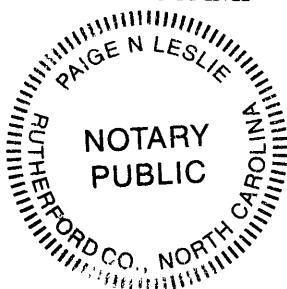
IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

 (SEAL)
AARON R. COLLINS

 (SEAL)
DOROTHY J. COLLINS

SEAL-STAMP

STATE OF NORTH CAROLINA, COUNTY OF POLK



I, a Notary Public of the County and State aforesaid, certify that Aaron R. Collins and wife, Dorothy J. Collins, Grantors, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 12th day of January, 2022.

My commission expires: March 8, 2025 Paige N. Leslie Notary Public

EXHIBIT "A"

BEING all those certain tracts or parcels of land designated as Tract (A), containing 2.59 acres, more or less; and Tract (B), containing 0.80 of an acre, more or less, as shown and delineated upon a Plat entitled "Survey For Aaron C. & Susan M. Collins", Green Creek Twp., Polk Co., No. Car., dated November 23, 2021, and prepared by Butler Associates Land Surveying, PLLC, Professional Land Surveyor (L-5135), Tryon, North Carolina, which Plat is duly recorded in Card File G, Page 108, in the Office of the Register of Deeds for Polk County, North Carolina; reference being made to said recorded Plat for a full and complete metes and bounds description of said tracts, pursuant to North Carolina General Statutes Section 47-30(g).

This being a portion of the property conveyed by Jerry M. Waddell and wife, Barbara J. Waddell to Aaron R. Collins and wife, Dorothy J. Collins by deed dated September 15, 1986 and recorded in Book 192, Page 166 of the Polk County Registry.

EX-G



Doc ID: 004886980003 Type: CRP
 Recorded: 01/14/2022 at 12:36:10 PM
 Fee Amt: \$26.00 Page 1 of 3
 Revenue Tax: \$0.00
 Polk, NC
 Sheila Whitmire Register of Deeds
 BK **466** PG **2173-2175**

Excise Tax \$0.00 Recording Time, Book and Page
 Tax Lot No.: p.o. P131-99
 Verified by Polk County:

Mail after recording to: See Below

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

Brief description for the Index

Tract C, Tanner Road

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 13th day of January, 2022, by and between

GRANTOR	GRANTEE
AARON C. COLLINS and wife, SUSAN M. COLLINS	AARON R. COLLINS and wife, DOROTHY J. COLLINS
Address: 727 Tanner Road Rutherfordton, NC 28139	Address: 725 Tanner Road 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 Green Creek Township, Polk County, North Carolina and more particularly described as follows:

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

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

The property hereinabove described is a portion of the property acquired by Grantor by instrument recorded in Book 256, Page 584 of the Polk County Registry.

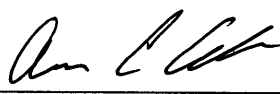
A map showing the above-described property is recorded in Card File G, Page 108.

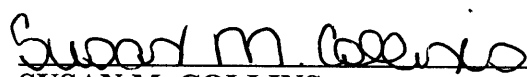
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

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

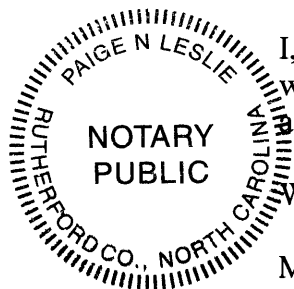
- a. Subject to all rights of way for public utilities;
- b. Subject to all rights of way for public streets, roadways, and/or easements;
- c. Subject to any applicable provisions of the Polk County zoning ordinances.

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.


_____(SEAL)
AARON C. COLLINS


_____(SEAL)
SUSAN M. COLLINS

SEAL-STAMP STATE OF NORTH CAROLINA, COUNTY OF POLK



I, a Notary Public of the County and State aforesaid, certify that Aaron C. Collins and wife, Susan M. Collins, Grantors, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

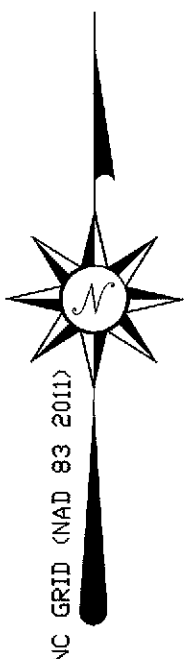
Witness my hand and official stamp or seal, this 13th day of January 2022.

My commission expires: MARCH 8, 2025 Paige N. Leslie Notary Public

EXHIBIT "A"

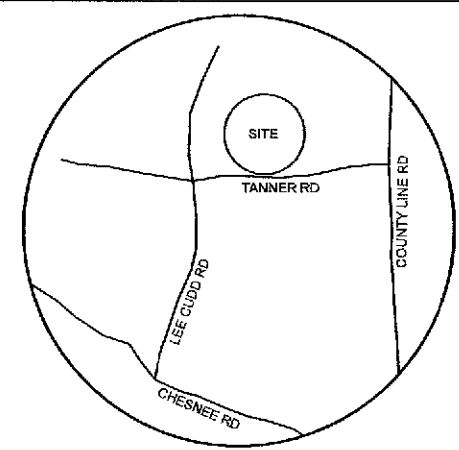
BEING all those certain tracts or parcels of land designated as Tract (C), containing 0.08 of an acre, more or less, as shown and delineated upon a Plat entitled "Survey For Aaron C. & Susan M. Collins", Green Creek Twp., Polk Co., No. Car., dated November 23, 2021, and prepared by Butler Associates Land Surveying, PLLC, Professional Land Surveyor (L-5135), Tryon, North Carolina, which Plat is duly recorded in Card File G, Page 108, in the Office of the Register of Deeds for Polk County, North Carolina; reference being made to said recorded Plat for a full and complete metes and bounds description of said tracts, pursuant to North Carolina General Statutes Section 47-30(g).

This being a portion of the property conveyed by Aaron R. Collins and wife, Dorothy J. Collins to Aacon C. Collins and wife, Susan M. Collins by deed dated July 2, 1999 and recorded in Book 256, Page 584 of the Polk County Registry.



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

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
 - (A) - AREA LIGHT
 - (W) - WELL/WATER METER
 - (●) - CALCULATED/UNMARKED POINT

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

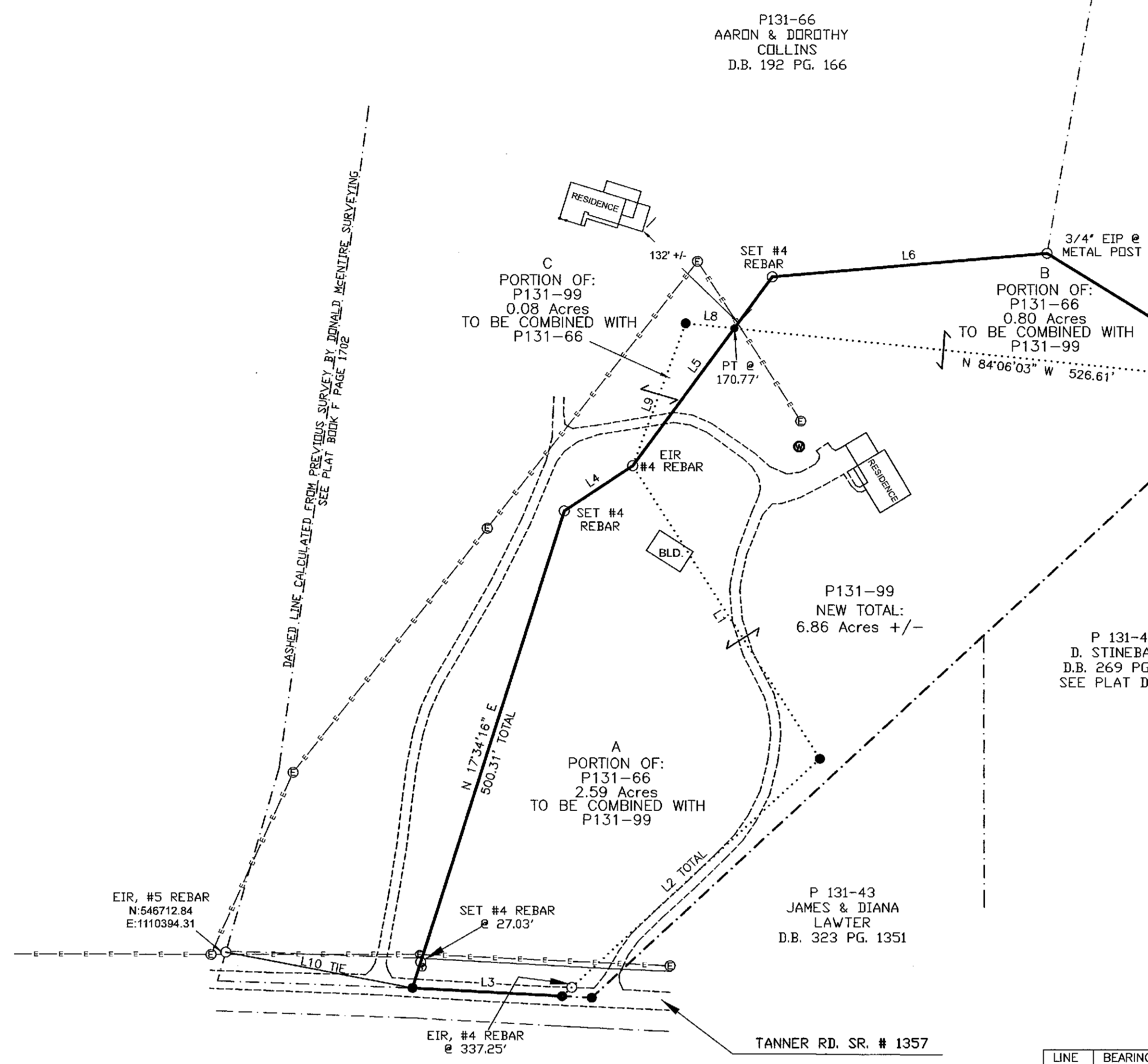
REVIEW OFFICER CERTIFICATION
STATE OF NORTH CAROLINA
COUNTY OF POLK

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



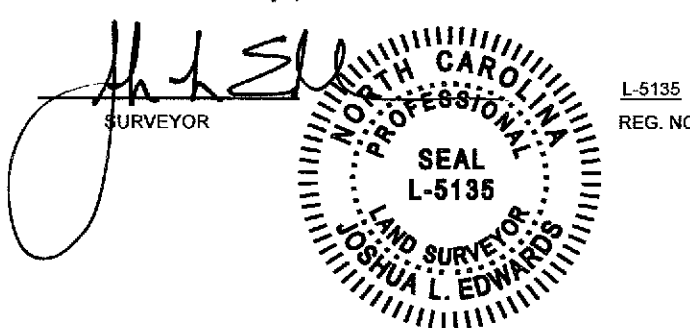
STATE OF NORTH CAROLINA

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**

REGISTER OF DEEDS
By Sheila Whitmire
P 131-41
PAUL F. MACARY
D.B. 440 PG. 1342
SEE PLAT F/1446

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 21st DAY OF November, 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

EX-1

COLLINS AARON C
727 TANNER RD

N2 FOUND

YR 2022 P131-99

6.86 ACRES

PIN:

DISTRICT: 5 GRN CRK TWNSHP- SWF

POLK COUNTY

ACCOUNT#: 26810

NBHD: 610

Plat Bk/Pg G

1.00

GREEN CREEK RURAL

108

APPR: RV6 APPR DT: 4/24/2019

EXCD:

NOTICE:

PAGE 1

6.860 AC TWSP: 005

Bldg No.	1	Imp Desc:	R01	SINGLE FAMILY RESIDENTIAL	EYB:	1357 SR	Exempt Code		LAND VALUE	71,020
Grade :	C	RESID C GRADE		AYB:	2000	Finished Area:	1,747.00	MISC VALUE	3,168	
# of Units	5 Rms	3 Bedrms		2.0 Bathrms		1 HBaths		BLDG VALUE	214,752	
								TOTAL VALUE	288,940	

TYPE/CODE/DESCRIPTION	PCT	%CMP	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	COST
AC 11 BASEMENT - UNFINISHE	100		1747	26.00						45,422
AC 35 CARPORT	100		576	21.00						12,096
AC 50 PORCH	100		125	30.00						3,750
MA R01 RES-SINGLE FAMILY	100		1747	112.00	1.00		97.00			189,794
- AR 01 CENTRAL AIR	100		1747	.00						0
- AR 02 CENTRAL HEAT	100		1747	.00						0
- DS EC10 SIDING	100		1747	.00						0
- DS FN 07 REINFORCED CONCRETE	100		1747	.00						0
- DS RM01 ASPHALT SHINGLE	100		1747	.00						0
- DS RT04 GABLE	100		1747	.00						0
- PL 04 2.5 BATHS	100		1	14063.00						14,063

RCN...	PCT COMPLETE	100	x	265,125
QUAL...		100.00	x	265,125
DEPR.. AVC		19.00	-	50,373
--ASV...				214,752

PROPERTY NOTES:

PERMIT NO	TYPE	DATE	BOOK	PAGE	DT	DATE	QS	SALES	PRICE
			256	584	CMB	7/14/1999			
AMOUNT			256	584	ONE	7/14/1999	U		
			256	584	SPL	7/14/1999			
AMOUNT			192	166	SPLIT	7/14/1999	U		

MISC CODE	DESC	UNITS	RATE	AYB	EYB	DT	PCT	%CMP	ADD.DEPR	PCT	VALUE	EXMPT
2 084	RUNIN SD 24 X 30	720.00	10.00	1990	1990	FR2	45.00	100			3,168	
							.00					
							.00					
							.00					

#	ZONE	TYPE/CODE	LAND	QTY	LAND RATE	DPTH	DPT%	TOP%	LOC%	SIZ%	SHP%	OTH%	ADJ	FMV	EXMPT
1		AC BS		1.000	30,000.00		.00	.00	.00	.00	.00	.00	.00	30,000	
2		AC RES		5.860	7,000.00		.00	.00	.00	.00	.00	.00	.00	41,020	

P131-99

727 TANNER RD

REQUESTED BY JERRY

RUN 1/28/22 TIME 17:01:19

A= MA R01

1,747.00 RES-SINGLE FA

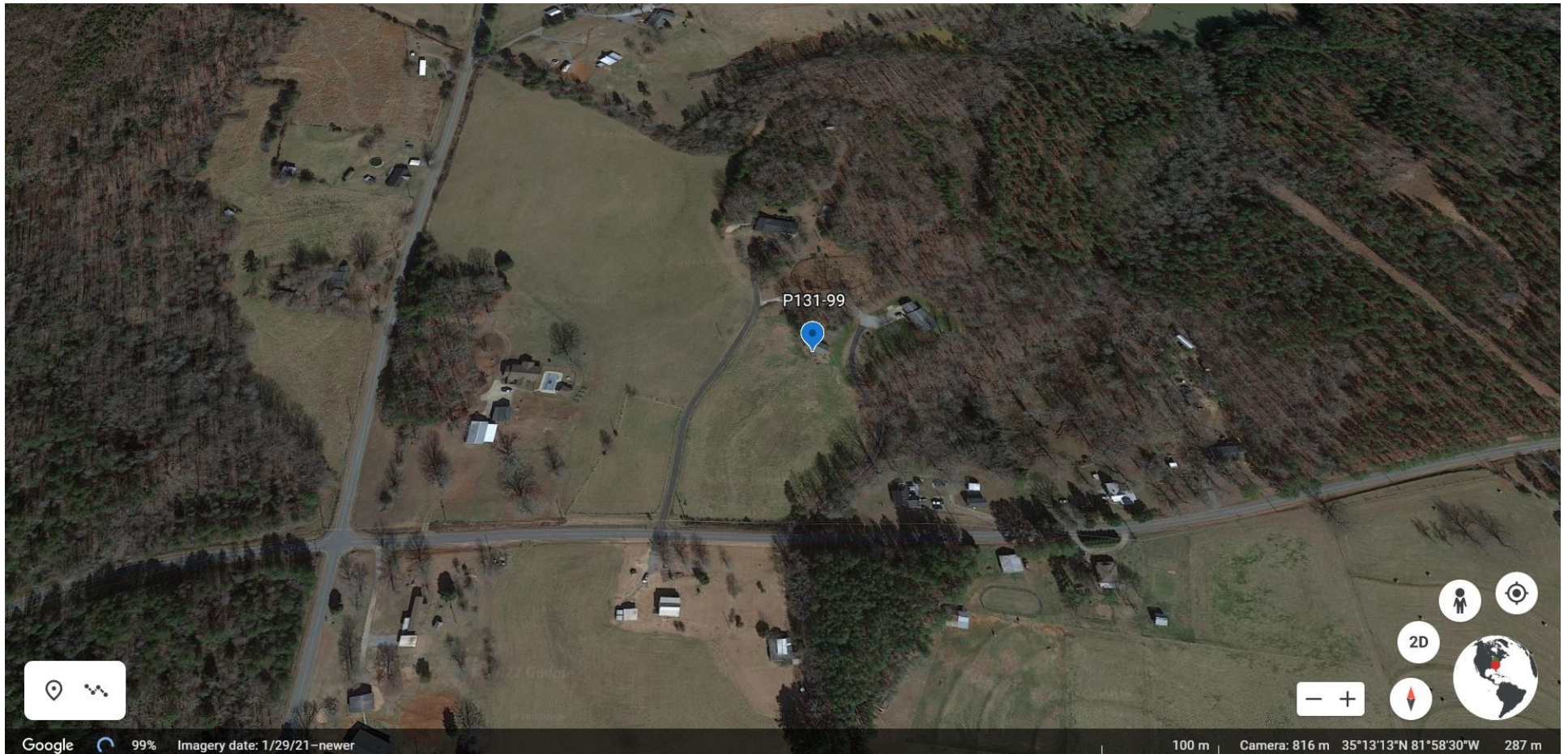
$$B = AC \quad 50$$

125.00 PORCH

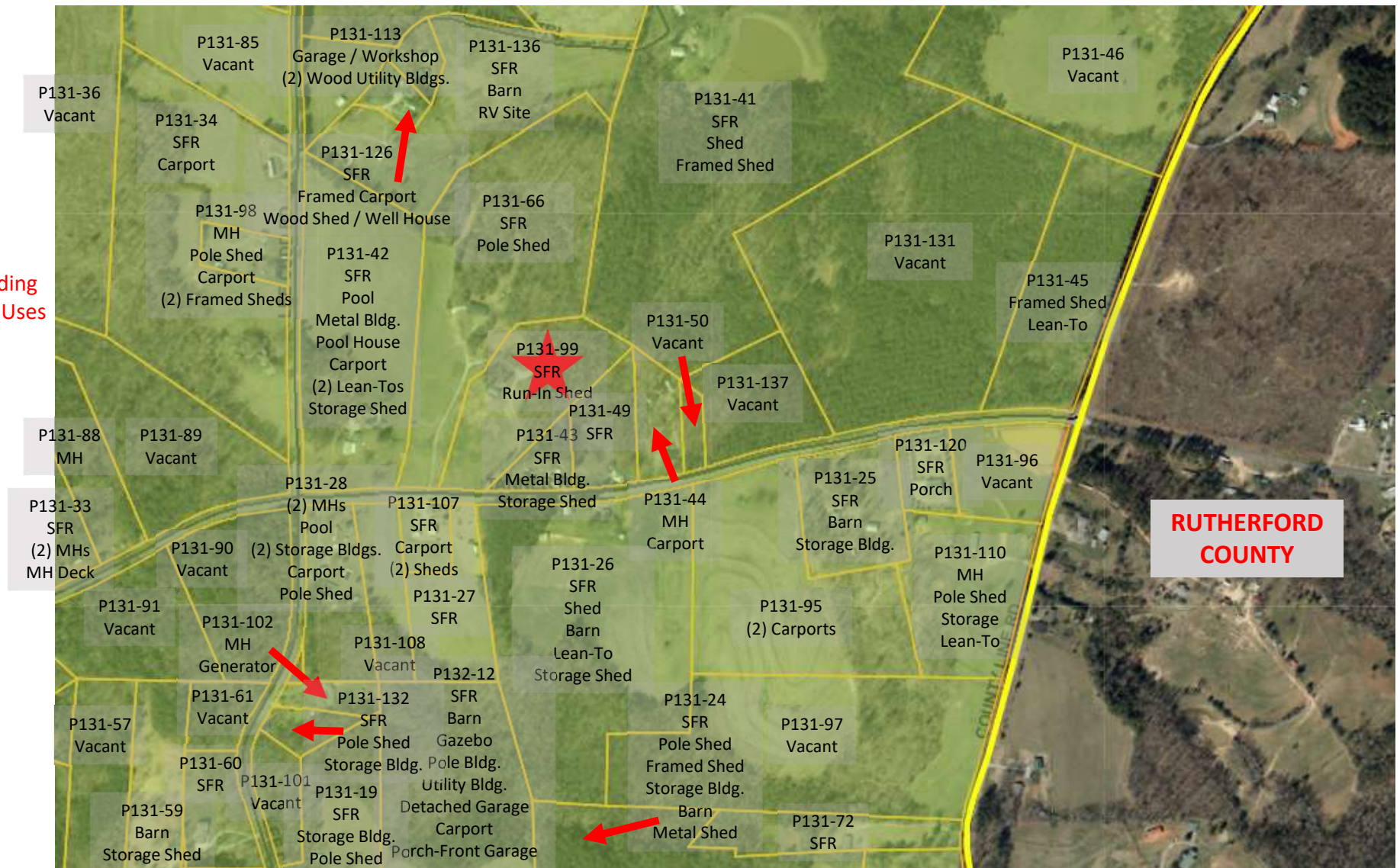
C= AC 35

576.00 CARPORT





Surrounding
Property Uses



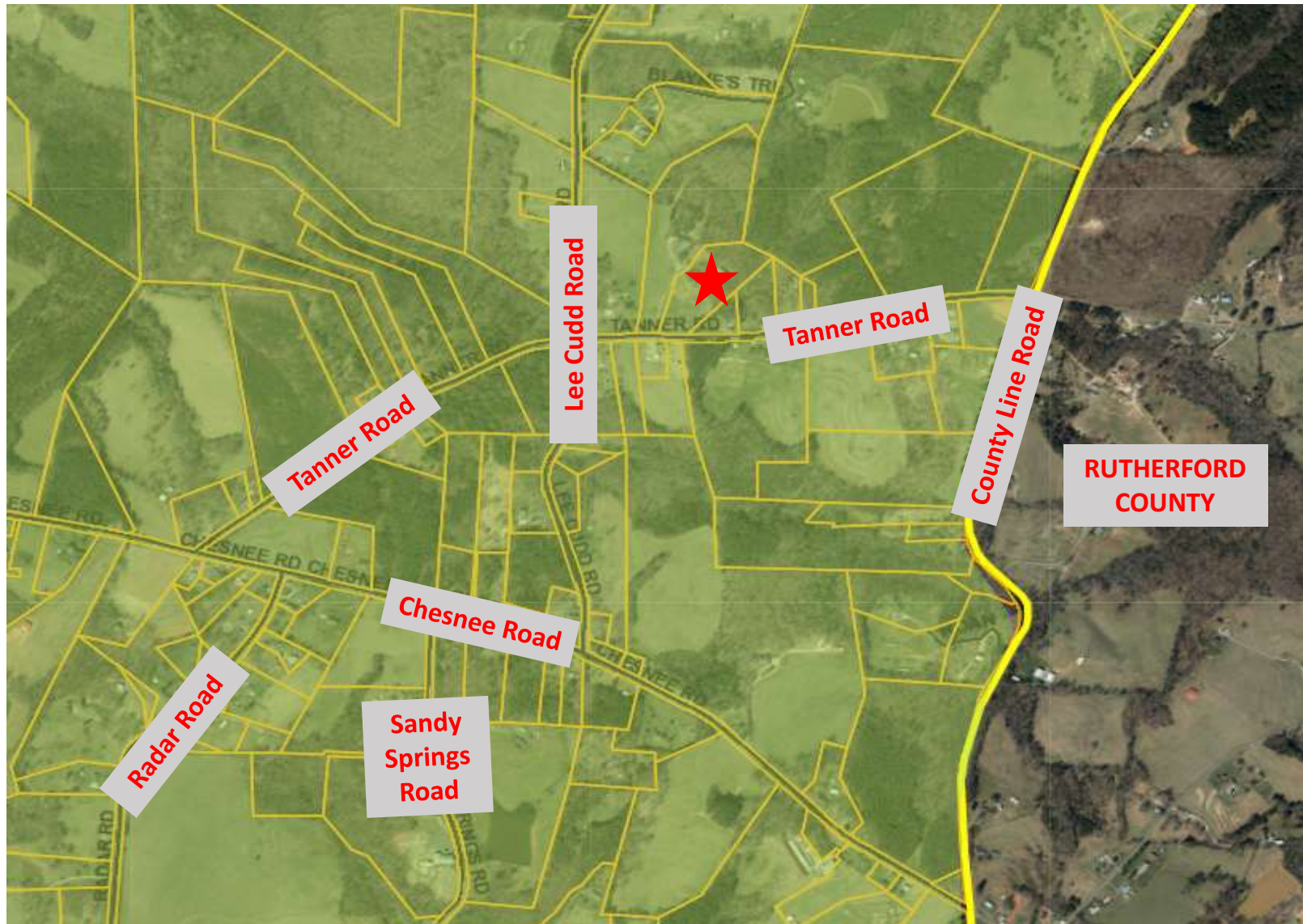
Surrounding
Roads

All Multiple
Use Zoning



Surrounding
Area

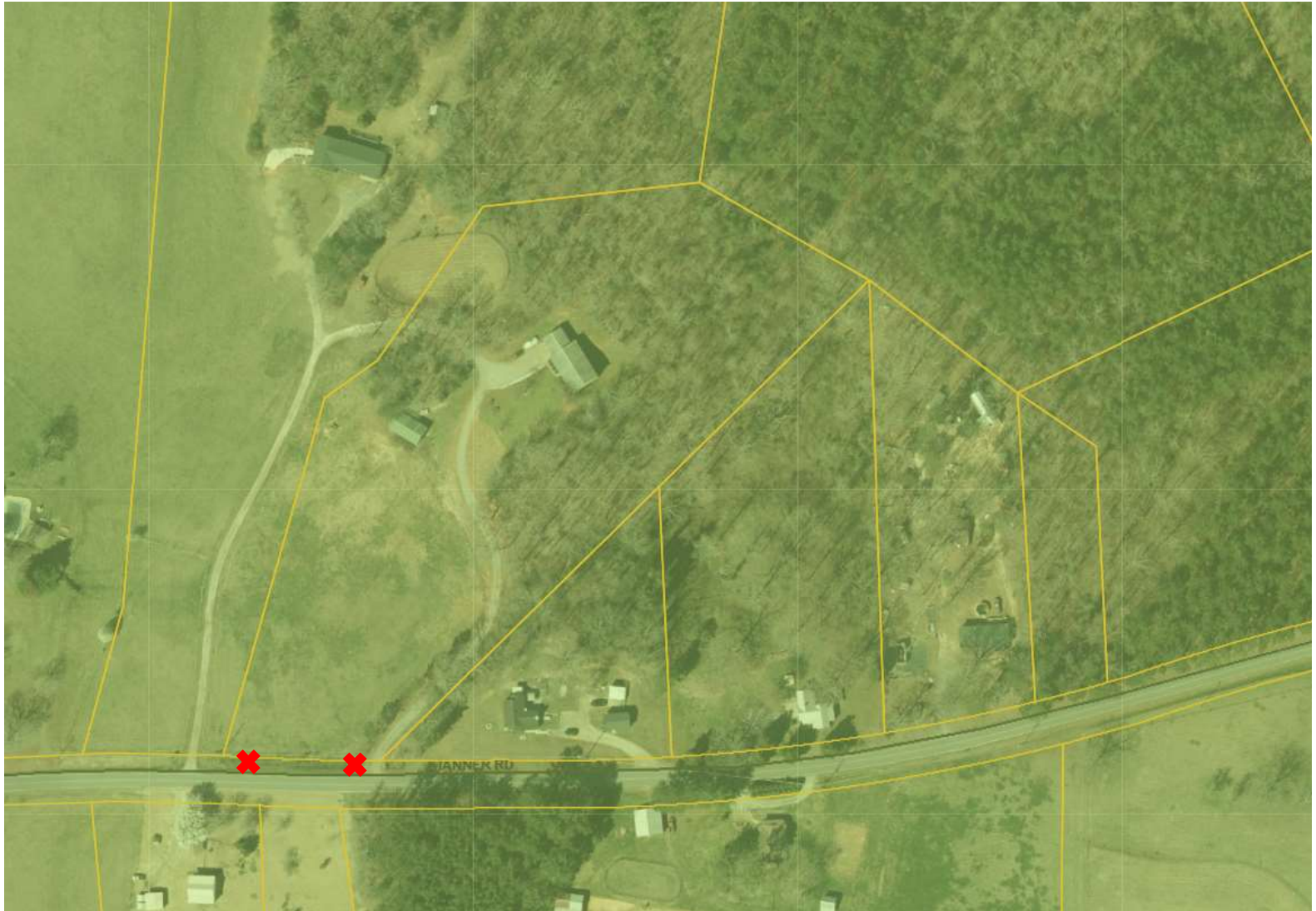
All Multiple
Use Zoning



Surrounding
Area
(Zoomed Out)



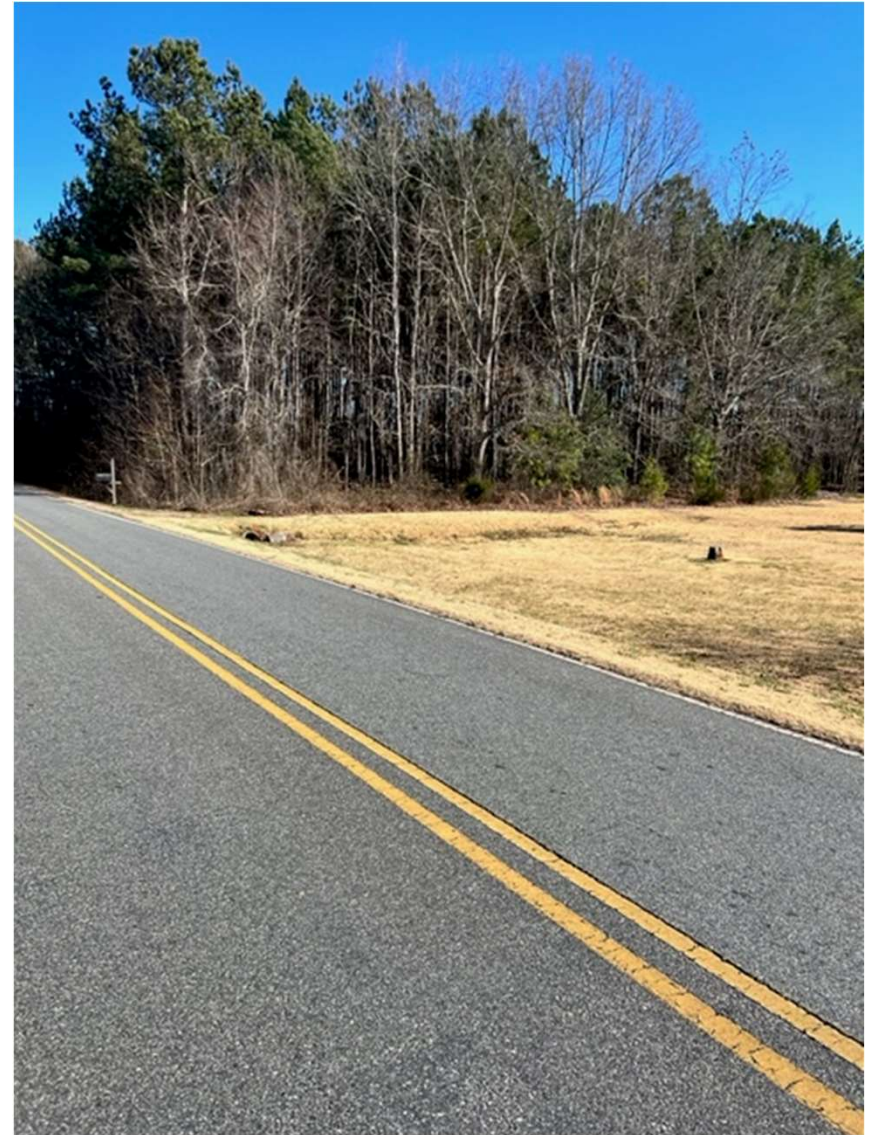
Sign Posting
Locations



















DATE 2/10/22
TIME 11:09:21
USER PLHLYNCH

POLK COUNTY
APPLICATION AND PERMIT

PAGE 1
PROG# PT2000

PERMIT NUMBER EH 22800 APPLIED 11/29/2021
WORK ORDER# 41114 TYPE NEW PERMIT SEPTIC ISSUED 11/29/2021
LOCATION TANNER RD EXPIRES 11/29/2022
PIN HEALTH
PARCEL ID P131-99 RUTHERFORDTON REFERENCE
TOWNSHIP 5 GREEN CREEK ACREAGE 6.860 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 M L
/TANNER RD, 0.8 M TO PROPERTY

COLLINS AARON C
COLLINS SUSAN M
727 TANNER ROAD

OWNER ID 26810
PHONE

RUTHERFORDTON NC 28139

APPLICANT COLLINS, SUSAN 828.817.0432
OCCUPANT COLLINS, SUSAN 828.817.0432

SUBDIVISION
W/ 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
PLANNED USE

CONST TYPE VALUE
FOUNDATION SQFT
DESCRIPTION NEW SEPTIC INSTALL FOR KENNELS
ON SLAB FOUNDATION
BATHS: BEDROOMS: STORIES: FI REPLACES: 00
AREA TOTAL: HEATED: UNHEATED:
NUMBER OF OCCUPANTS TYPE OF BUSINESS
NUMBER OF EMPLOYEES 1ST SHIFT 2ND SHIFT 3RD SHIFT
LETTER SENT DATE
REPAIR Y/N REPAIR DATE
DISPOSITION CODE AUTHORIZATION DATE
INSPECTION STATUS

PERMIT ISSUED: 11/29/2021 BY: PLMALEJO PERMIT EXPIRES: 11/29/2022 or 12
months from last inspection

I HEREBY CERTIFY THAT ALL INFORMATION IN THIS APPLICATION IS CORRECT AND ALL
WORK WILL COMPLY WITH THE STATE BUILDING CODE AND ALL OTHER APPLICABLE STATE
AND LOCAL LAWS, ORDINANCES, AND REGULATIONS. THE INSPECTION DEPARTMENT WILL
BE NOTIFIED OF ANY CHANGES IN THE APPROVED PLANS AND/ OR ANY CHANGES IN GENERAL
OR SUB- CONTRACTORS FOR THIS PROJECT.

SIGNATURE OF OWNER/ AGENT

DATE

CODE ENFORCEMENT OFFICIAL

DATE 2/10/22
TIME 11:09:21
USER PLHLYNCH

POLK COUNTY
BILLING NOTICE

PAGE 2
PROG# PT2000

PERMIT NUMBER EH 22800
WORK ORDER# 41114 TYPE NEW PERMIT SEPTIC
LOCATION TANNER RD
PIN
PARCEL ID P131-99 RUTHERFORDTON
TOWNSHIP 5 GREEN CREEK ACREAGE 6.860
WATERSHED BROAD RIVER FLOOD PLAIN? N
DIRECTIONS R/108, R/US 74, EXIT 167, R/HWY 9, L/CHESNEE RD, GO 3.7 M L
/TANNER RD, 0.8 M TO PROPERTY

APPLIED 11/29/2021
ISSUED 11/29/2021
EXPIRES 11/29/2022
HEALTH
REFERENCE
CENSUS TRACT
SBC#

COLLINS AARON C
COLLINS SUSAN M
727 TANNER ROAD

OWNER ID 26810
PHONE

RUTHERFORDTON NC 28139

APPLICANT COLLINS, SUSAN 828.817.0432
OCCUPANT COLLINS, SUSAN 828.817.0432

SERVICE	QUANTITY	RATE	FEE AMOUNT	FEE PAID	FEE DUE
S4					
PAID BY:					
S8					
PAID BY:					
WSEN	1	400.00	400.00	400.00	
PAID BY: COLLINS SUSAN			CK#:	9223	PAID BY CHECK
TRANSACTION	TOTALS		400.00	400.00	

Case Number: EH 22800PIN: P131-99**AUTHORIZATION FOR WASTEWATER SYSTEM CONSTRUCTION & WELL CONSTRUCTION**

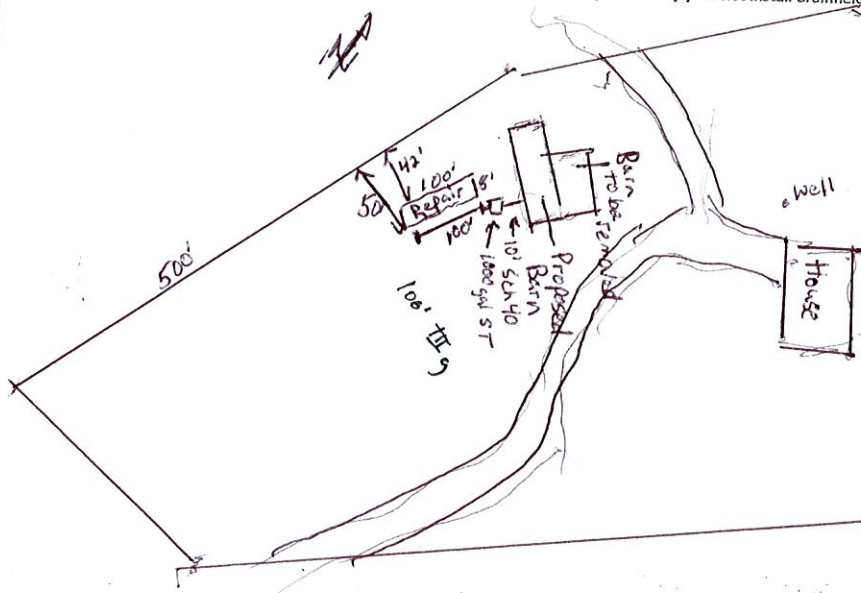
Polk County Health & Human Services Environmental Health Services (828-894-3739)

CODE(S): S-4, S-8Property Owner: Collins, Aaron + SusanProperty Location: 727 Turner Rd, Rather FordonDirections: R/108, R/US 74, R/Hwy 9, L/Chesnee Rd, 3.7 miles L/TannerApplication Date: 11/29/21

Subdivision: _____ Phase/section: _____ Lot#: _____

Water Supply: ☐ Community/Public ☐ Private Well ☐ Single Family Dwelling Well ☒ Shared Well Existing Wells: ☒ Yes ☐ No ☐ SpringWell Design: ☐ New ☐ Repair ☐ Abandonment Minimum Separation Distance to Well (Include System and Repair Area): 100 ftSystem Design: ☒ New System ☐ Repair ☐ Reevaluation/Addition Multiple Unit Dwelling: # of Units _____ # Bedrooms/per unit _____ Max. # of occupants/per unit _____Residential: ☐ House ☐ Mobile Home ☐ Modular Home ☐ RV # of Bedrooms 2 Max. # of occupants 4 Basement: ☐ Yes ☒ No Basement Plumbing: ☐ Yes ☒ NoCommercial/Other (Describe): Barn with water fixtures and bathroom / sized for 2BR SFD per owner conversationDesign Flow & Basis: 240 gpd 120 Gallons / day / bedroom Property Size: 3.56 Acres 1/31/22Initial System Specifications: LTAR: 0.6 Soil Group: III Pump System Required: ☐ Yes ☒ No ☐ Dependent upon final elevation or gradeTrenches: Length: 100 ft No. of Trenches: 1 Width: 36 in Spacing: 9'00" ft Installation Depth: 30 in (lower sidewall) Aggregate Depth: 12 inDistribution: ☒ Equal Gravity DIRECT PUMP ☐ Pressure Manifold ☐ Serial Tank Size: Septic 1000 Pump Tank N/AInitial System Type & Classification: III g 25% reduction (Gallons) (Gallons)Repair System Type & Classification: III g 25% reduction Repair System LTAR: 0.6 Soil Group: III Pump System Required: ☐ Yes ☒ No

Conditions: (1) No grading, cutting or filling or other site disturbance in the indicated septic areas, unless specified and approved. (2). Install drain field on contour of land. (3). Divert gutters and other surface water away from septic system. (4) System is to be installed in accordance with the conditions of this permit and NC sewage rules 15A NCAC 18A .1900. (5) Modifications to the indicated design must be approved in advance by the department. (6) Do not install drainfield system during wet weather or saturated soil conditions.

☒ Drawing Not to Scale☐ Attached Drawing and/or Comment SheetImprovement Permit Date of Issuance: 1/31/22 ☐ This document shall be considered issuance of an Improvement Permit with all required information.

This document authorizes the property owner to construct a type III G: 25% reduction ground Absorption Sewage Disposal System. The owner MAY CONSIDER installing other types of accepted systems if compatible with site and soil conditions and approved by the department. Changes or modifications from the indicated design or disturbances in the proposed system areas may result in revocation of the Authorization to Construct. The Authorization to Construct Permit is not affected by a change in ownership of the property. This permit was issued in compliance with the provisions of the North Carolina Laws and Rules for Sewage Treatment and Disposal Systems (15A NCAC 18A .1900).

Issued By: [Signature] AME #1417 [Signature]

(Registered Environmental Health Specialist)

Date: 1/31/22

THE VALIDITY FOR THIS CONSTRUCTION AUTHORIZATION IS FOR 5 YEARS FROM THE DATE OF ISSUANCE UNLESS AN IMPROVEMENT PERMIT WAS PREVIOUSLY ISSUED ON A DIFFERENT DATE, THEN VALIDITY OF THE CONSTRUCTION AUTHORIZATION IS EQUAL TO 5 YEARS FROM THE DATE OF ISSUANCE OF THE IMPROVEMENT PERMIT.