

State of North Carolina

Minutes

County of Madison

The Madison County Planning Board met in regular session on Thursday, December 19, 2023, at 6:30 p.m. at the Madison County Public Library Marshall Branch, 1335 N. Main Street, Marshall, North Carolina.

In attendance were Chairman Jared Silver; members Jackie Ball, Mary Rice, Wesley Keith, Clayton Rice, Daniel Rice, Lee Wilde, and Kevin Morton; Development Services Director Brad Guth; and Clerk Mandy Bradley.

### **Welcome**

Chairman Silver opened the meeting at 6:30 p.m.

### **Approval of the Minutes**

Upon motion by member Keith and second by member Daniel Rice, the Board voted unanimously to approve the November 21, 2023 (Regular) Meeting Minutes.

### **Public Address to the Board**

Chairman Silver opened the floor for public comment.

Jim Tibbetts spoke regarding biomass facilities.

Chairman Silver called for others in attendance wishing to address the Board with none being received.

### **Consideration and Adoption of the 2024 Planning Board Meeting Schedule**

Upon motion by member Daniel Rice and second by member Keith, the Board voted unanimously to approve. (Attachment 1.1)

### **Application for Special Use Permit for Vacation Rentals**

- 1. Application from Gravel Pit Properties LLC Stephen C. Williams, Jesse Swords Representative for a Special Use Permit to Develop Four (4) Vacation Rental Cabins at 544 Gravel Pit Road Marshall, NC. PIN# 9726709364 in the (R-A) Residential Agriculture Land Use District on 67 Acres**

Upon motion by member Wilde and second by member Keith, the Board voted unanimously to continue the application until the next Planning Board meeting.

### **Application for Rezoning**

- 1. Application from Johnny Moore to Rezone PIN# 8799-19-4448 from (R-A) Residential Agriculture to (NC) Neighborhood Commercial**

Development Services Director Brad Guth presented information and discussed the rezoning request with the Board as well as answered questions from board members. Information discussed included the location of the proposed rezoning on NC Highway 25/70, previous commercial rezoning request, neighborhood analysis, current use, traffic considerations, community impact, alignment with the Madison County Comprehensive Plan and Land Use Ordinance, and staff report. (Attachment 1.2)

Deanna Ponder, representative for Mr. Moore addressed the Board to discuss the request.

Chairman Silver opened the floor for public comment.

Andrea Clarke spoke regarding traffic concerns.

Danny Wyatt spoke regarding the property, use, development, and zoning.

Chairman Silver called for additional comment with none being received at which time he closed public comment. (Attachment 1.3)

Discussion was had by the Board and Mr. Guth regarding the previous zoning of the property, present use, and zoning districts that apply for present use.

Deanna Ponder, representative for Mr. Moore addressed the Board to discuss current uses of the property, zoning of neighboring property, and zoning history noting that the property owner's request is that the property be zoned R-B instead of Neighborhood Commercial.

Discussion was had by the Board and Mr. Guth with Mr. Moore confirming that the request would be for the parcel to be zoned R-B. Further discussion being had by the Board.

Upon motion by Chairman Silver and second member Wilde, the Board voted unanimously to table the decision.

#### **Application for Ordinance Text Amendment**

##### **1. (Continued Hearing) Application from Russell Blevins to Amend the Mountain Ridge Protection Ordinance**

The application to amend the Mountain Ridge Protection Ordinance was continued for consideration of the Board from the previous meeting. Chairman Silver addressed those in attendance regarding the Mountain Ridge Protection Ordinance and process for public comment being continued from the prior meeting. (Attachment 1.4)

Thomas Charles-not present to speak.

RS-not present to speak.

Allison Snow-not present to speak.

Tahna Flaherty-not present to speak.

Carl Batchelder declined to speak.

Jim Tibbetts declined to speak.

Darshan Wariabharaj spoke regarding property, restrictions, and Mountain Ridge Protection Ordinance requirements.

Cliff Parker-declined to speak.

Dareen Akers-not present to speak.

Nancy Larken spoke regarding the proposed ordinance amendment.

Bill Kaiser spoke regarding development and environmental impacts.

Carol Marks spoke regarding property development.

Anthony Willis spoke regarding development and the Mountain Ridge Protection Ordinance.

Andrea Clark spoke regarding development.

Gwynn McTagert spoke regarding development of slopes.

Tony Ponder spoke regarding ridgetop development.

Barbara Fant spoke regarding ridgetop development.

Stephen Botten spoke regarding protection of ridges.

Chris Flaherty spoke regarding ridgetop building in the County.

Chairman Silver called for additional comment.

Carl Batchelder spoke regarding ordinance variances.

Alan Shelton spoke regarding property development.

Laura Bogges spoke regarding ridgetops and steep slopes.

Chairman Silver called for additional comment.

Barbara Zimmerman requested to address the Board with Chairman Silver noting that Ms. Zimmerman had already spoken in public comment previously.

Patty Walase spoke regarding development. (Attachment 1.5)

Chairman Silver closed public comment.

Russell Blevins requested to address the Board again after public comment with no further comment being taken from Mr. Blevins by the Board.

The Board took recess from 7:58 p.m. to 8:11 p.m.

Members of the Board discussed the Mountain Ridge Protection Ordinance, current provisions of the Ordinance, potential additional provisions to be considered in the future, and the proposed amendment request with Mr. Guth answering questions

from board members.

Additional comments were provided by members of the audience with Mr. Guth noting that public comment was previously closed.

Discussion was had by the Board.

Upon motion by member Honeycutt and second by member Danny Rice, the Board voted unanimously to approve the elimination of the fifty (50) foot setback request and set up a work group to work on development in the UDO.

**Planning Matters**

**Update on Biomass Moratorium Workgroup**

Mr. Guth provided an update on the Biomass Moratorium workgroup.

**Other Announcements/Updates**

No discussion was had.

**Adjournment**

Upon motion by member Daniel Rice and second by member Wilde, the Board voted unanimously to adjourn at 8:35 p.m.

This the 19th day of December 2023.

MADISON COUNTY

**RESOLUTION OF THE MADISON COUNTY PLANNING BOARD  
ESTABLISHING THE 2024 REGULAR MEETING SCHEDULE**

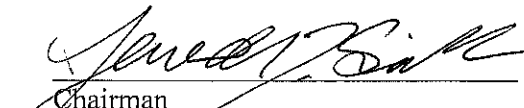
**WHEREAS**, N.C.G.S. 143-318.12 provides for a resolution establishing regular meeting dates of the Board of Adjustment.


**NOW, THEREFORE, BE IT RESOLVED** that the Madison County Board Planning Board hereby establishes the 2024 regular meeting schedule, which is incorporated herein by reference, and that Board meetings will be held on the third Tuesday of each month at 6:30 p.m.; and that the meetings will be held in the Madison County Public Library-Marshall Branch located at 1335 N. Main Street, Marshall, North Carolina; and the Board directs the Clerk to the Board to provide such notice of the Meeting Schedule as set forth hereinabove. All regular meetings of the Board after calendar year 2024 will be held on the third Tuesday of each month at 6:30 p.m. at the Madison County Public Library-Marshall Branch located at 1335 N. Main Street, Marshall, North Carolina until subsequently modified by board resolution. Special meetings will be scheduled as needed.

REGULAR MEETING SCHEDULE

- JANUARY 16, 2024 at 6:30 p.m.
- FEBRUARY 20, 2024 at 6:30 p.m.
- MARCH 19, 2024 at 6:30 p.m.
- APRIL 16, 2024 at 6:30 p.m.
- MAY 21, 2024 at 6:30 p.m.
- JUNE 18, 2024 at 6:30 p.m.
- JULY 16, 2024 at 6:30 p.m.
- AUGUST 20, 2024 at 6:30 p.m.
- SEPTEMBER 17, 2024 at 6:30 p.m.
- OCTOBER 15, 2024 at 6:30 p.m.
- NOVEMBER 19, 2024 at 6:30 p.m.
- DECEMBER 17, 2024 at 6:30 p.m.

Adopted this the 19th day of December 2023.

  
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 Chairman  
 Madison County Planning Board

ATTEST:  
  
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 Clerk  
 Madison County Planning Board



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## Madison County Planning Board

### Staff Findings Report

**Rezoning Application:** Request to change the Land Use of 13490 US Hwy 25/70 from RA-Residential Agriculture to NC Neighborhood Commercial

**Location:** PINs # 8799-19-4448

**Applicant:** Johnny Moore

**Representative:** Johnny Moore

**Date:** 12.19.2023

**Prepared by:** Brad J. Guth

**Staff Recommendation:** Approve Rezoning to Neighborhood Commercial

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### Introduction

The rezoning is proposed to correct a former non-conforming use and existing zoning violation by rezoning the property to a land use district that allows the current use of the property.

### Objectives of the Rezoning

The primary objective of the rezoning is to bring the property into compliance with existing land use regulations, as the current use of the property does not conform to the [RA] Residential Agriculture land use designation. It will also facilitate a broader range of commercial activities, which are more aligned with the property's current use.

### Analysis of the Proposed Rezoning

#### Advantages:

**1. Correct Non-Compliance:** The rezoning will rectify the existing non-compliance issue and align the property's current land use with the proper land use district.

**2. Supports Current Use:** The [NC] Neighborhood Commercial Land Use district allows for a broader range of commercial activities, which will accommodate the property's existing use.

**Disadvantages:**

**1. Potential Traffic Impact:** The change in land use to Neighborhood Commercial may lead to increased traffic in the area, potentially affecting nearby residential neighborhoods and road infrastructure.

**2. Community Impact:** Various impacts on the local community, including changes in the visual environment.

## **Impact Analysis**

**1. Traffic Impact:**

The rezoning may lead to increased traffic due to potential commercial activity.

**2. Public Services Impact:**

The change in land use could affect the demand for public services, such as law enforcement, or emergency services, as a result of the rezoning.

**3. Impact on Surrounding Property Values:**

The rezoning could have effects on the property values in the surrounding area.

**4. Community Impact:**

The rezoning may have various impacts on the local community, including neighboring residents and businesses.

## **Comparison with Existing Policies/Laws**

The proposed rezoning was compared with the following documents:

1. Madison County Land Use Ordinance (Amended October 2023): The rezoning aligns with the regulations outlined in the local land use ordinance. Adjoining properties include RA and RB uses.

2. 2030 Madison County Comprehensive Plan (Adopted July 2022): The rezoning is consistent with the goals and objectives outlined in the comprehensive plan. 5.2.5 Steer commercial development to occur along existing roadways and near existing communities. 6.3.2 Modify existing zoning regulations to encourage more business activity. 11.4.1 Allow a variety of medium to high-density uses along portions of main roads as shown on the Future Land Use Map

Application from Johnny Moore to Rezone 13490 US Hwy 25/70 PIN # 8799-19-4448 commonly known as the Lonesome Mountain Market

## **Conclusion and Recommendation**

After thorough analysis and consideration of the advantages and disadvantages, it is recommended that the Planning Board approve the rezoning to Neighborhood Commercial.

## **References**

1. Madison County Land Use Ordinance (Amended October 2023).
2. 2030 Madison County Comprehensive Plan (Adopted July 2022).

## **Suggested Motion**

"I move that the Planning Board make a favorable recommendation to the Board of Commissioners on the application to rezone 13490 US Hwy 25/70 from RA-Residential Agriculture to NC-Neighborhood Commercial and that the rezoning is consistent with the 2030 Madison County Comprehensive Plan."



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## Legislative Hearing Sign-Up Sheet

### Rezoning Application: Johnny Moore

Instructions: Please provide your name, contact details, and address, and indicate whether you are for or against the application if you wish to speak at the hearing. **Each speaker is limited to 3 minutes.**

Name	Address	For or Against
<del>NANDY LARKIN</del>		
Andrea Clark	White Rock	concerned
Danny Wyatt	1409 Stackhouse Rd	against







## Madison County Planning Board

### Staff Findings Report

**Text Amendment Application:** Eliminate the 50-foot setback requirement in the Mountain Ridge Protection Ordinance

**Location:** Countywide

**Applicant:** Russell Blevins

**Representative:** Russell Blevins

**Date:** 11.21.2023

**Prepared by:** Brad J. Guth

**Staff Recommendation:** Approve

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### Introduction

This report presents the findings of the staff evaluation regarding the application for a text amendment to eliminate the setback requirements in the Mountain Ridge Protection Ordinance applicable countywide. The evaluation is based primarily on reducing local land use regulations and enhancing property rights.

### Objectives of the Text Amendment

- To align local ordinance with state Mountain Ridge Protection regulations.
- To enhance property development opportunities and increase property values.
- To maintain a balance between development flexibility and environmental protection.

### Analysis of the Proposed Text Amendment

#### Advantages

**Simpler Rules and Better State Law Match:** The changes would make the rules less complicated and more in line with state regulations.

**More Chances for Building and Economic Growth:** Allowing more development could boost the economy and increase the value of properties.

**Easier Building Process for Owners and Builders:** Property owners and developers would find it easier to start and complete building projects.

## **Disadvantages**

**Environmental Risks in Ridge Areas:** More buildings in areas near mountain ridges could harm the environment.

**Changes in Scenery and More Buildings:** The area's natural beauty might change, and there could be more buildings around.

**Extra Demand on Services Like Roads and Utilities:** More development might mean that services like roads, water, and electricity have to handle more use.

**Community Character Might Change:** The overall appearance and atmosphere of the community could be different from what residents are used to.

## **Stakeholder Analysis**

**Local Residents:** They have concerns about potential environmental damage and changes in the character of their neighborhoods due to more development.

**Developers:** They stand to benefit from the more relaxed development rules, which could make building projects easier and more profitable.

**Environmental Advocates:** They are worried about how reducing the setback requirements might negatively affect natural landscapes and ecosystems.

**Board of Commissioners:** They aim to cut down on development regulations and strengthen property rights, with the goal of boosting economic growth and prioritizing individual property freedoms.

## **Comparison with Existing Policies/Laws**

Aligns with state regulations but represents a shift from existing local regulations

## **Evidence and Research**

Mountain Ridge Protection Ordinance

Mountain Ridge Protection Act

2030 Comprehensive Plan

Board of Commissioners Goals

## **Recommendations for Further Research**

Studies on the specific environmental impacts of reduced setbacks in ridge areas.

Surveys to assess public opinion and potential impacts on local communities.

## **Conclusion and Recommendation**

After a thorough evaluation, it is clear that eliminating the 50-foot setback requirement in the Madison County Ridge Protection Ordinance aligns with state regulations and the Board of Commissioners' goals to simplify development regulations and bolster property rights. This change is anticipated to offer significant economic benefits and simplify development processes, although it does raise certain environmental and community concerns.

Therefore, **staff recommends approving the proposal to eliminate the 50-foot setback requirement**, acknowledging its potential to stimulate local development and enhance property values, while aligning with broader regulatory frameworks.

## **Suggested Motion**

Based on the staff's evaluation, I move to approve the elimination of the 50-foot setback requirement in the Mountain Ridge Protection Ordinance as a step towards aligning with state regulations and supporting local economic growth.

## **References**

- Current Madison County Ridge Protection Ordinance.
- State Mountain Ridge Protection regulations.
- Zoning and environmental impact research relevant to ridge development.

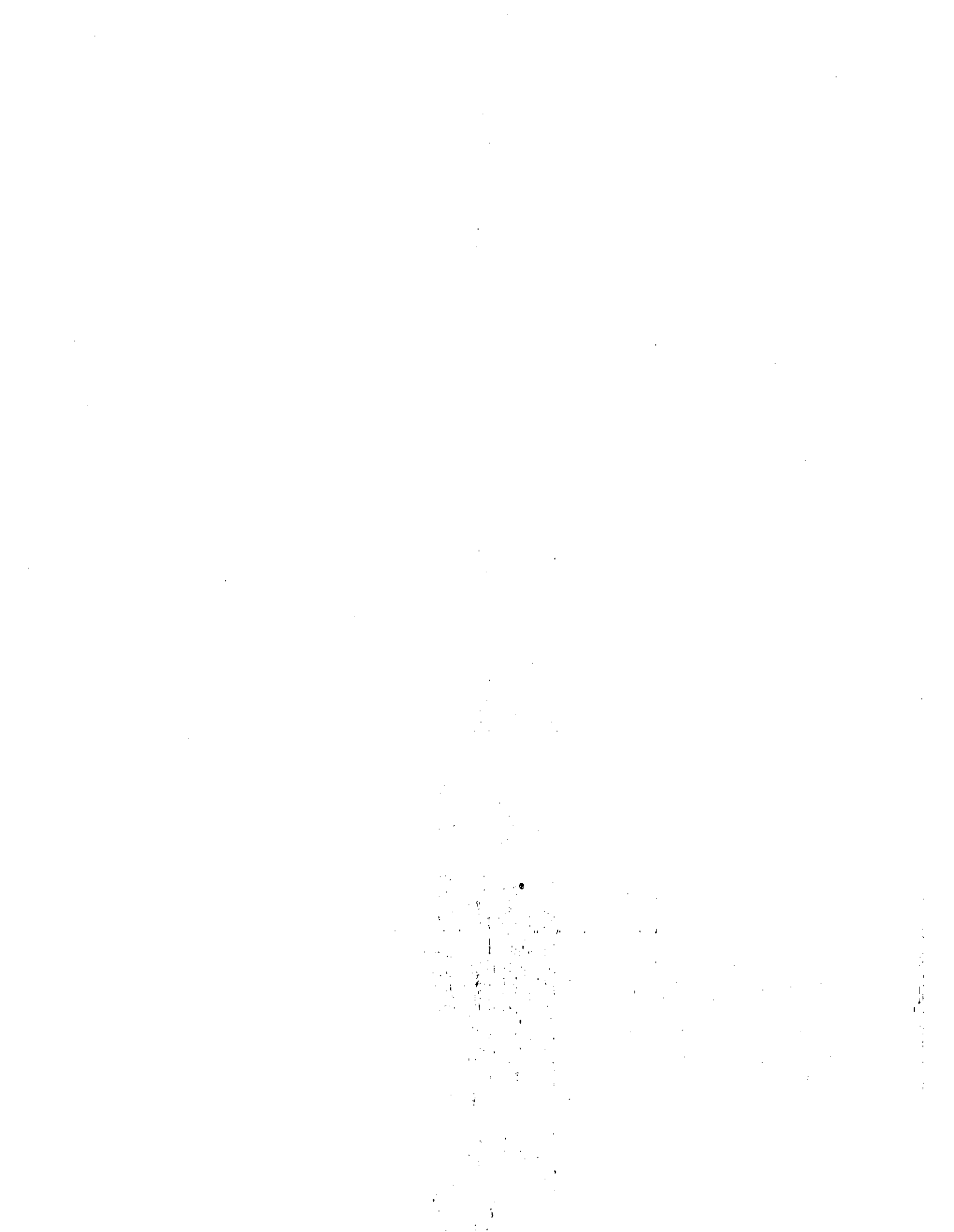


## Legislative Hearing Sign-Up Sheet

### Text Amendment Application: Russell Blevins

Instructions: Please provide your name, contact details, and address, and indicate whether you are for or against the application if you wish to speak at the hearing. **Each speaker is limited to 3 minutes.**

Name	Address	For or Against
✓ NANCY LARKIN	MARS HILL	AGAINST
✓ CAROL MARKS	MARS HILL	AGAINST
✓ Anthony Willis	Mars Hill	FOR
✓ DARSHAN WARIABHARAS	WHITE ROCK	AGAINST
✓ Andrea Clarke	White rock	Concerned
✓ Gwen McTaggart	Mars Hill	Against
✓ Tony Ponder	Mars Hill	Against
✓ Barbara G. Fant	Marshall, Spring Creek Mtn, ridge line	"
✓ Stephen Botter	MARS HILL	AGAINST
✓ CHRIS FLAHERTY	MARSHALL	"
✓ Alan Shelten	Lauriel	
✓ Kara Boyess		
✓ Patty Walase		





## Legislative Hearing Sign-Up Sheet

### Text Amendment Application: Russell Blevins

Instructions: Please provide your name, contact details, and address, and indicate whether you are for or against the application if you wish to speak at the hearing. **Each speaker is limited to 3 minutes.**

Name	Address	For or Against
✓ MARTIN FLYNN MD	907 JORDAN BRANCH RD MARS HILL	AGAINST
Bill Kaczer	5335 EAST FORK RD	AGAINST
✓ Laura Boggess	501 Bailey St., Mars Hill, NC	Against
✓ Barbara	2461 Revere Rd. Marshall	Against
Elizabeth Gullum	2281 Franklin Mt. Rd. Marshall	Against
Sam Larko	4794 Revere Rd Marshall	Against?
Elizabeth Mook	3364 Crooked Creek Rd, Mars Hill	Against
FRANK BLACKOCK	5051 E FORK RD	AGAINST



# Madison County Planning Board Meeting

Public Hearing-Application for Text Amendment

Mountain Ridge Protection Ordinance

## Public Comment

November 21, 2023

6:30pm

Marshall Public Library

----- Public Comment Sign-In Sheet -----

	Name	Signature
✓1.	Jim Thorson	James B. Thorson
✓2.	SIA CANE	Sam Cane
✓3.	Barbara Zimmerman	Barbara Zimmerman
✓4.	<del>Barbara Zimmerman</del>	<del>Barbara Zimmerman</del>
✓5.	Karen Draper	Karen Draper
✓6.	Asia Sull	Asia Sull
✓7.	Virginia Dupre	Virginia Dupre
✓8.	Casey Jennings	Casey Jennings
✓9.	Cliff Parker	Cliff Parker
✓10.	Christine Joshi	Christine Joshi
11.	Cliff Parker	
12.		
13.	Boys Charles	Boys Charles
14.		
15.	Alison Snow	Alison Snow
16.	Tahne Flaherty	Tahne Flaherty
17.	CARL BATCHELDER	Carl Batchelder
18.	Jim Tibbitts	Jim Tibbitts
19.	DARSHAN WARIABHARAJ	Darshan Waribharaj
20.	Daneen Alcers	Daneen Alcers
		Bill Kaczor