

State of North Carolina

Minutes

County of Madison

The Madison County Board of Adjustment met in regular session on Tuesday, August 28, 2023, at 6:30 p.m. at the Madison County Public Library Marshall Branch, 1335 N. Main Street, Marshall, North Carolina.

In attendance were Chair Karen Kiehna, Vice-Chair Rick Molland, member Hart Barnhill, County Planning and Zoning Attorney John Noor, Development Services Director Brad Guth, and Clerk Mandy Bradley. Members Darlyne Rhinehart, Ernest Ramsey, and Robert Briggs were not in attendance.

The meeting was called to order at 6:35 p.m. by Chair Kiehna.

Welcome

Chair Kiehna welcomed those in attendance to the meeting.

Approval of the Minutes

Chair Kiehna requested to table the item until the next meeting of the Board.

Special Use Permit Applications (Continuation of Quasi-Judicial Evidentiary Hearing)

Special Use Application from Mitchell Davis of Travelin Light, LLC for a Special Event Facility in the RA District at 91 Duckett Top Tower Road, Hot Springs

Chair Kiehna opened the public hearing and called for the presentation of any witness with standing in attendance. Counsel was provided by Attorney Noor regarding administering the oath to those with standing with Chair Kiehna administering the oath to witness Dwight Plemmons.

Counsel was provided by Attorney Noor regarding the continuation of the hearing from the previous meeting and testimony from those with standing who qualify to testify. Chair Kiehna called for further witnesses with standing with none being received.

Mitchell Davis, representative of Travelin Light, LLC addressed the Board regarding the request for the issuance of a special use permit for Rare Bird Farm, proposed special event facility located in Hot Springs, North Carolina as well as presented evidence including photographs of buildings and property with Attorney Noor noting that the evidence would be entered into the record as Exhibit 1 and Chair Kiehna accepting the exhibit into the record. (Attachment 1.1)

Discussion was had regarding the proposed use for several buildings on the property including the Tug Fork Barn-proposed area for a stage and audience seating; Hare Cabin-proposed to accommodate a music space, library, porch, and bunk house for entertainers or volunteers; Terrace Barn-proposed as a general use classroom; portable restroom facility; and The Coop-structure to be built out with a proposed kitchen for farm products. Exhibit 1 also included information regarding proposed short-term rentals on the property which were not considered pursuant to this special use permit for the proposed special event facility.

Photographs of landscape and buffers were also presented in Exhibit 1 and discussed by Mr. Davis with discussion being had regarding the distance from the property boundary to proposed parking areas in the front and back parking lots with each having proposed parallel parking on each side. Additionally, Mr. Davis presented information regarding proposed traffic flow, crowd control, and guest check in areas to the Board as well as estimated capacity with Development Services Director Brad Guth noting that venue capacity would be dependent on guidance for compliance from the County's Building Inspector.

Mr. Guth discussed information with the Board regarding conditions to be met for consideration of the issuance of the special use permit for the venue. Information included sketch plans; landscaping and buffer requirements; use separation; noise compliance; structural, parking, and signage requirements.

Marvin Mercer with Mercer Design Group appeared before the Board to clarify questions from board members. Counsel was provided by Attorney Noor regarding expert witness testimony with Mr. Mercer noting that he possesses a Civil Engineering Degree with an expertise in Structural and Civil Engineering himself while working with other members of the firm who have backgrounds in traffic studies.

Mr. Davis requested consideration of the Board that Mr. Mercer be expertly qualified as the Civil Engineer. Upon motion by Vice-Chair Molland and second by member Barnhill, the Board voted unanimously to approve.

Mr. Mercer discussed proposed property ingress and egress, grade, visibility, and the North Carolina Department of Transportation driveway permitting process for the facility as well as answered questions from members of the Board regarding the information. Additional information discussed included a recent inspection of the flat top bridge on the property that is large enough to accommodate a tractor and that was proven to be structurally sound, but that requires railings; and ADA compliance requirements for parking.

Counsel was provided by Attorney Noor regarding special conditions that could be placed by the Board prior to the issuance of the special use permit.

Farrah Hoffmire venue representative addressed the Board regarding ADA accessibility for those utilizing the venue and discussed the addition of handicapped placards for designated parking.

Dwight Plemmons, witness addressed the Board to discuss the history of the venue noting that it was once his family's farm.

With no further testimony from the applicant, upon motion by member Barnhill and second of Vice-Chair Molland, the Board voted unanimously to close the hearing.

Discussion was had by the Board with counsel being provided by Attorney Noor regarding the special use application and special conditions in consideration of the special use permit.

Upon motion by Vice-Chair Molland and second by member Barnhill, the Board voted unanimously to approve the special use permit pursuant to the following conditions:

- Rails being placed on the bridge
- Handicapped parking placards placed as required
- North Carolina Department of Transportation driveway permit issuance
- 1:50 security standard

Other Announcements/Updates

Mr. Guth discussed a special use permit application to come before the Board at a future meeting.

Discussion was had by the Board, Mr. Guth, and Attorney Noor regarding the process utilized for consideration of special use permit applications and tools available for utilization of the Board during the decision making process.

Counsel was provided by Attorney Noor regarding training and the future meeting of the Board.

Adjournment

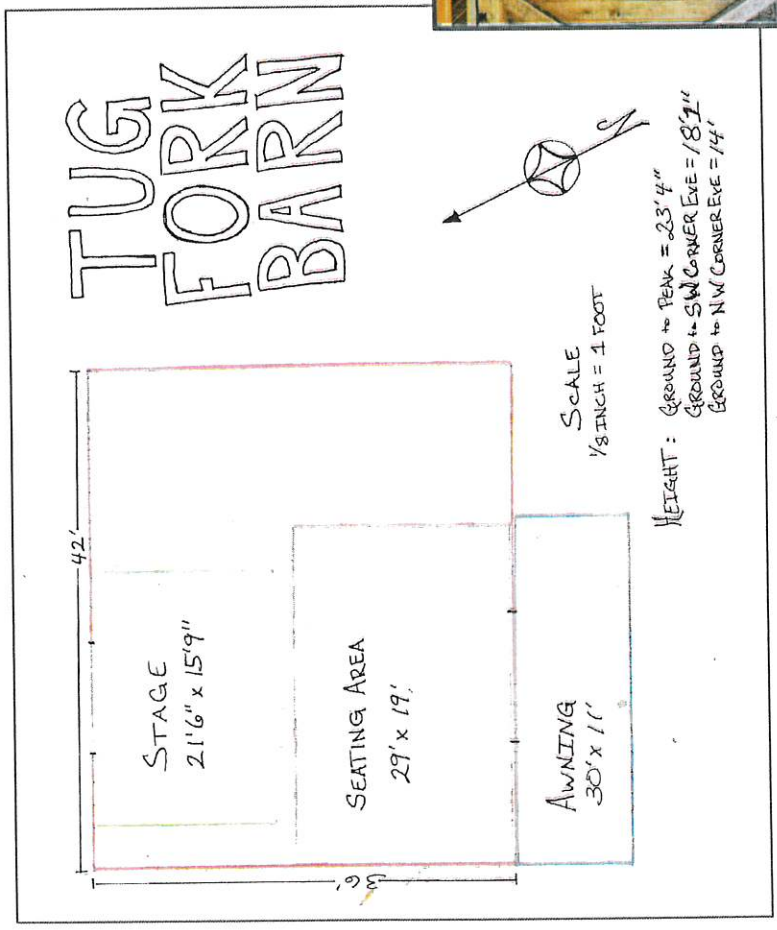
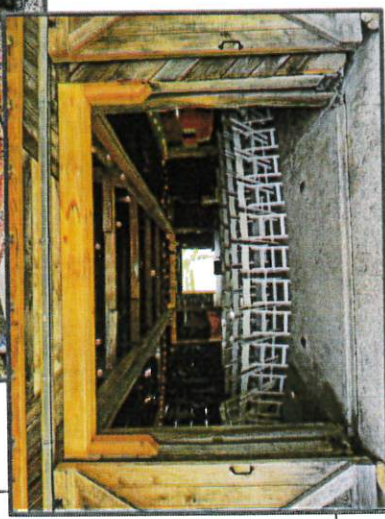
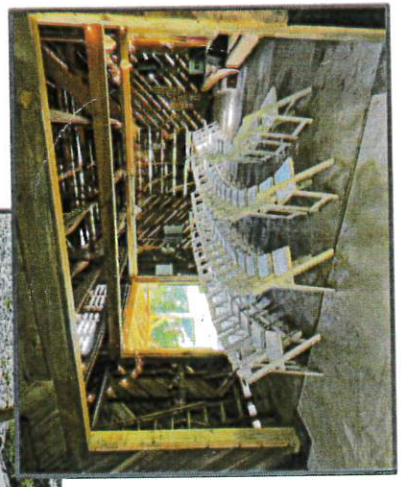
Upon motion by member Barnhill and second by Vice-Chair Molland, the Board voted unanimously to close the meeting at 7:51 p.m.

This the 28th day of August 2023.

MADISON COUNTY

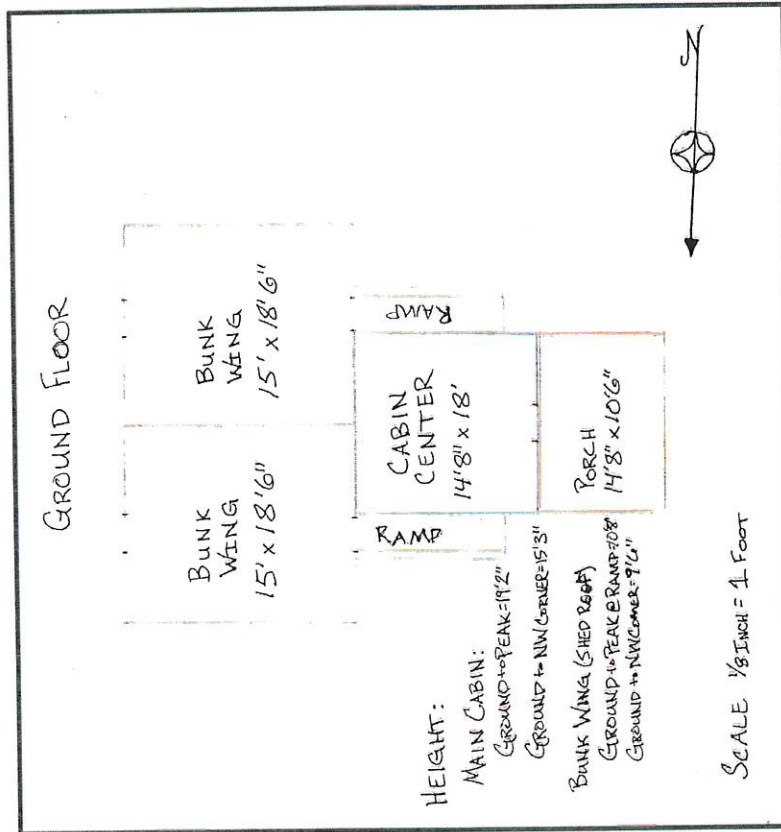
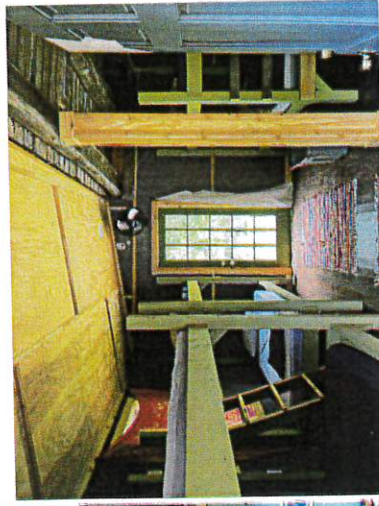
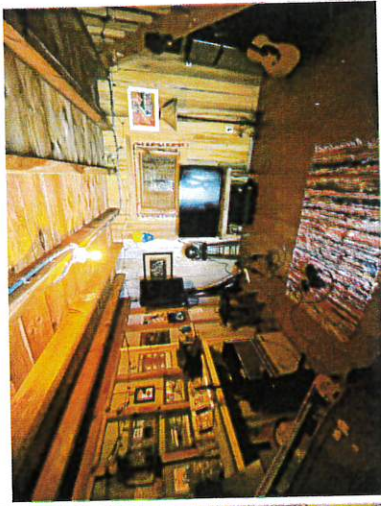
Ex, 1, 1

TUG FORK BARN General Use



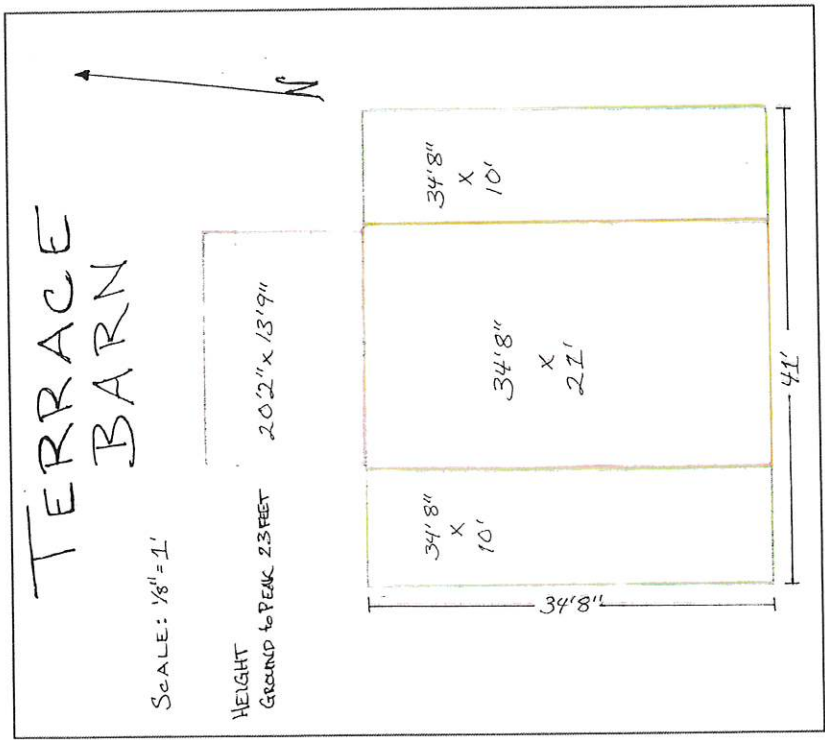
HARE CABIN

General Use / Artist & Volunteer Housing



TERRACE BARN

General Use / Classroom



SERVICED BATHROOM FACILITY

Current ADA compliant Port-O-John

Proposed additional Port-o-John



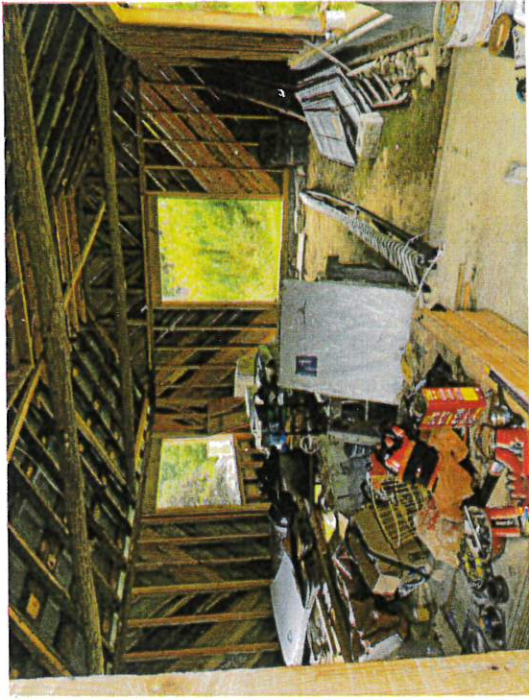
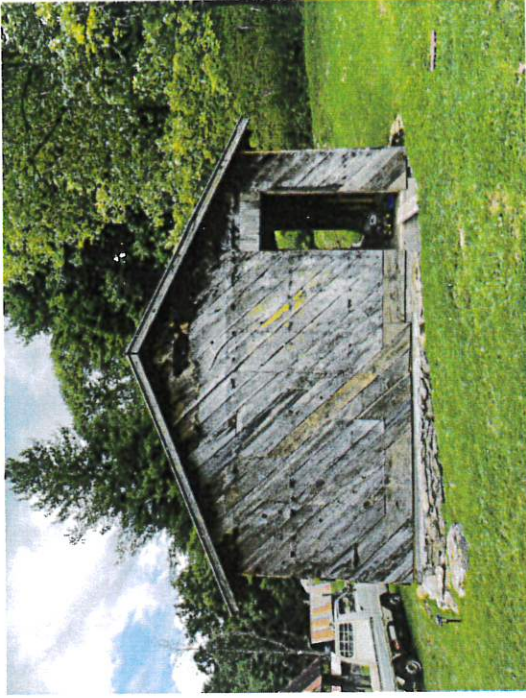
THE COOP
Value Add Kitchen for Farm Products

COOP

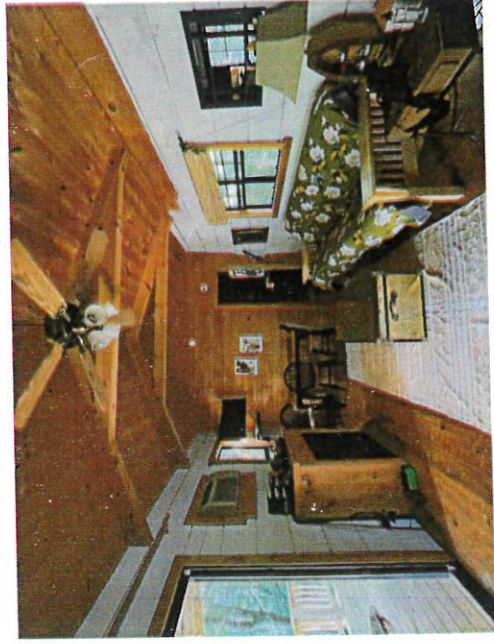
30'2" x 20'6"

HEIGHT GROUND TO PEAK: 13 FEET

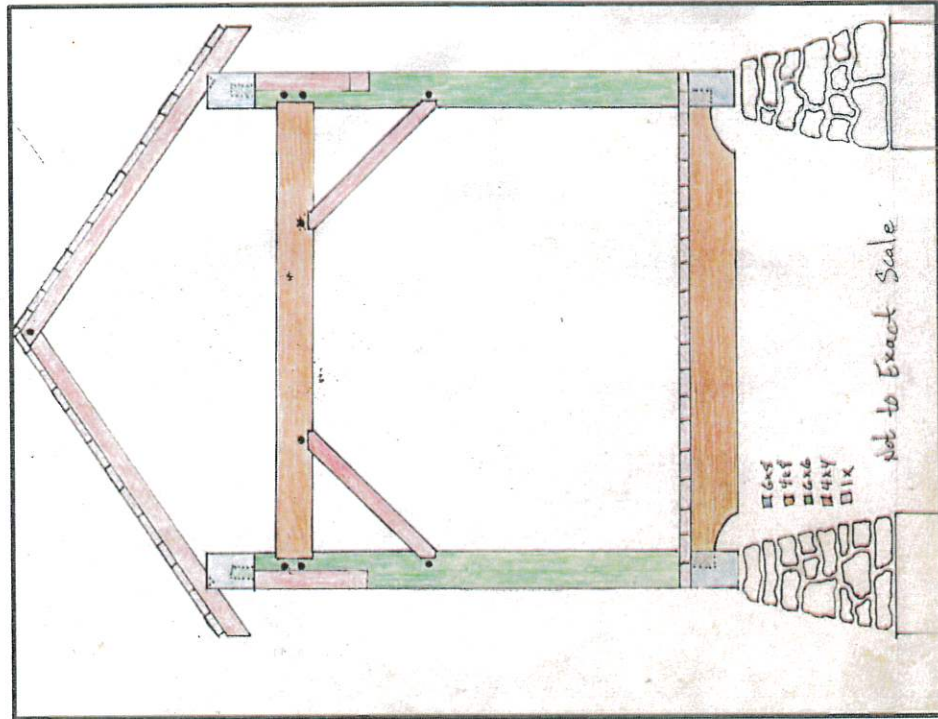
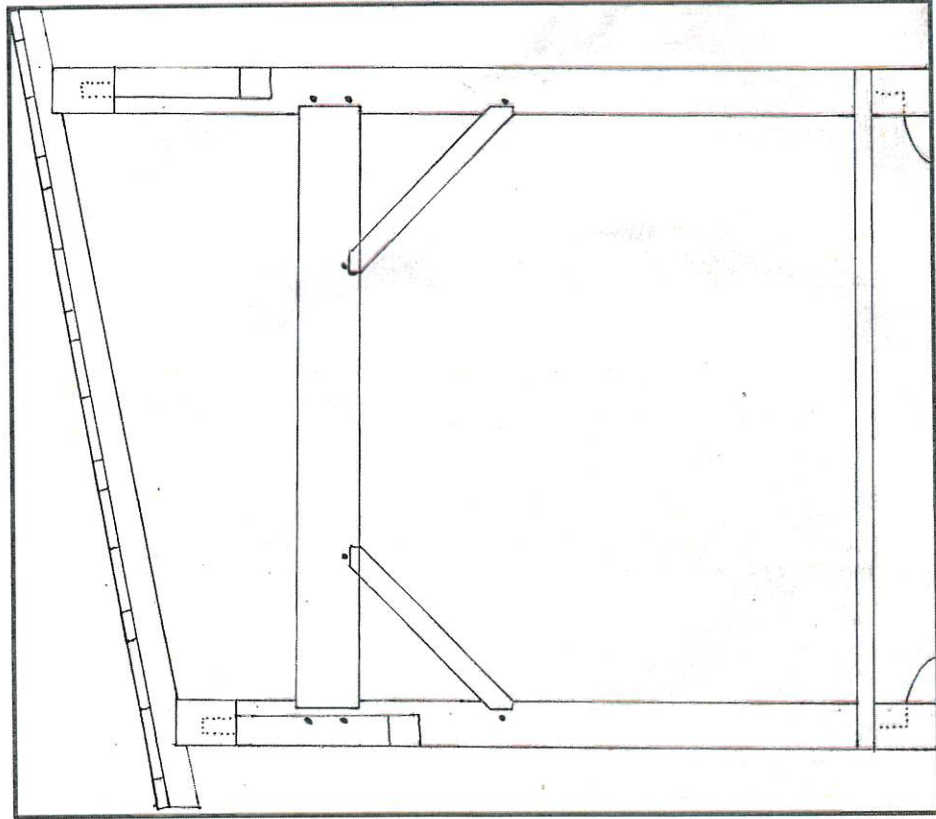
SCALE 1/4" = 1'



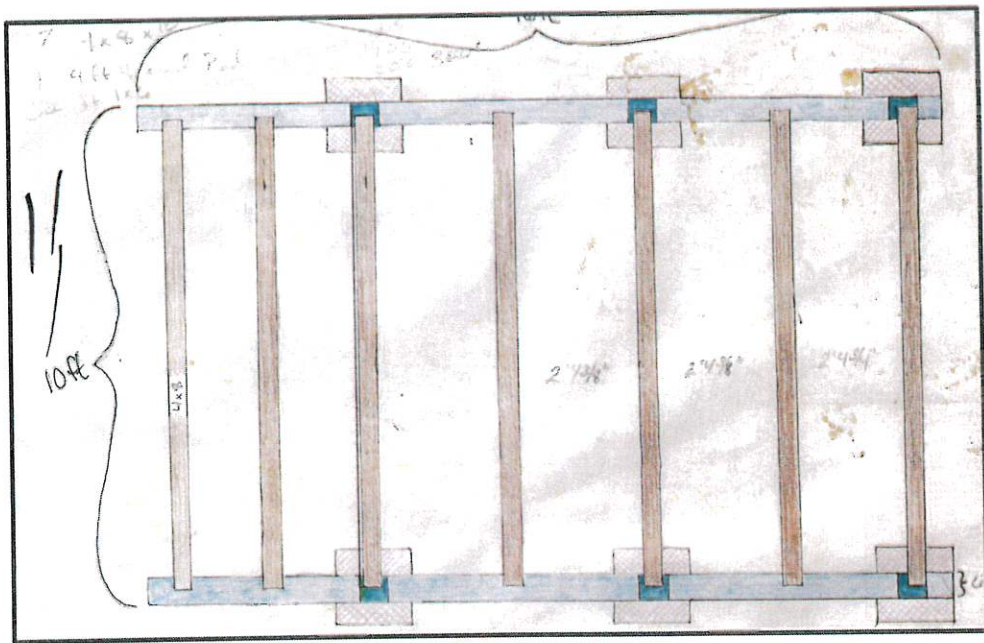
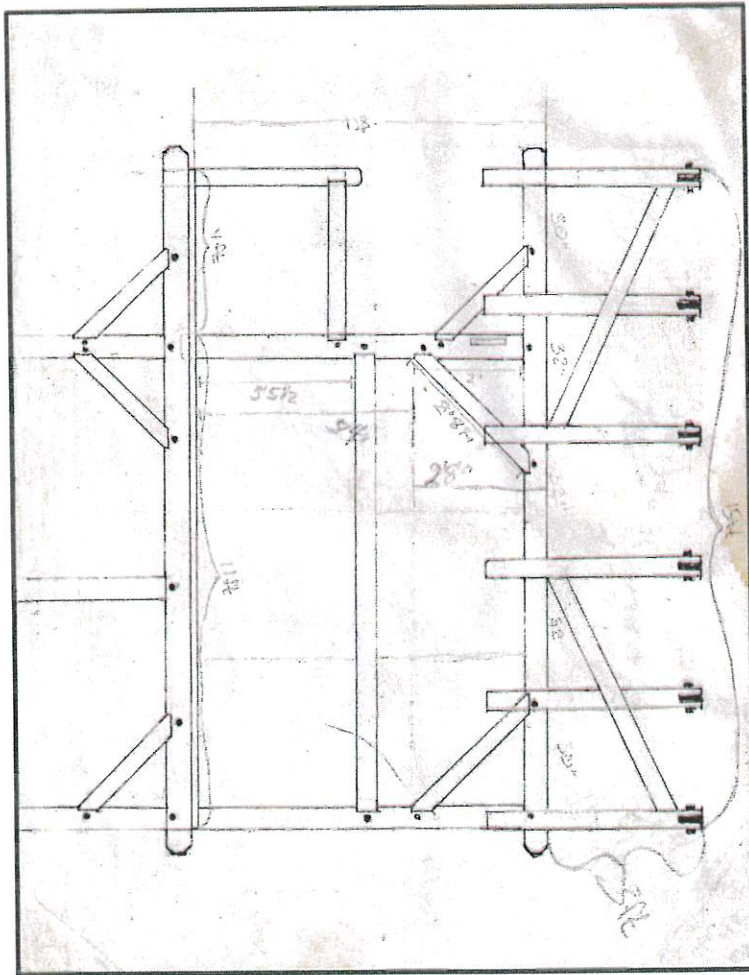
185 DUCKETT TOP TOWER RD. CABIN
Proposed Short Term Rental



Proposed STR Cabins (3)

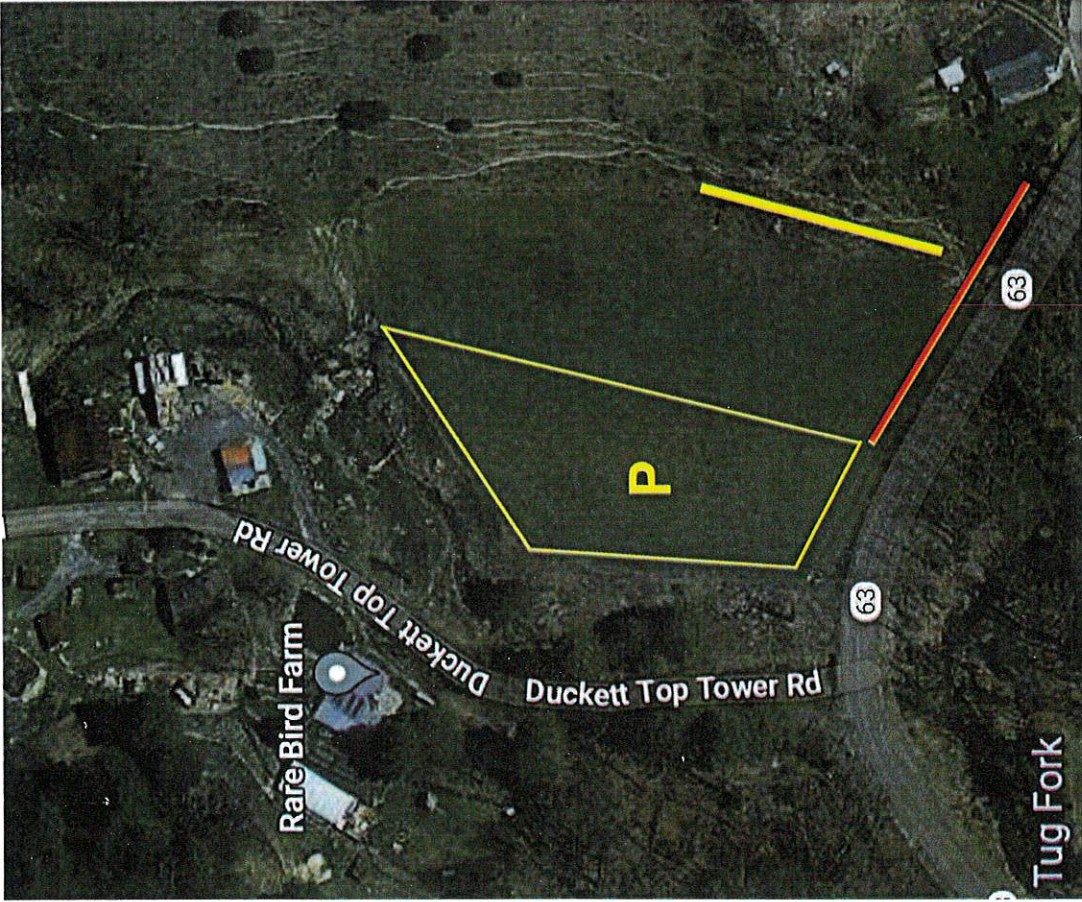


Proposed STR Cabins (3)

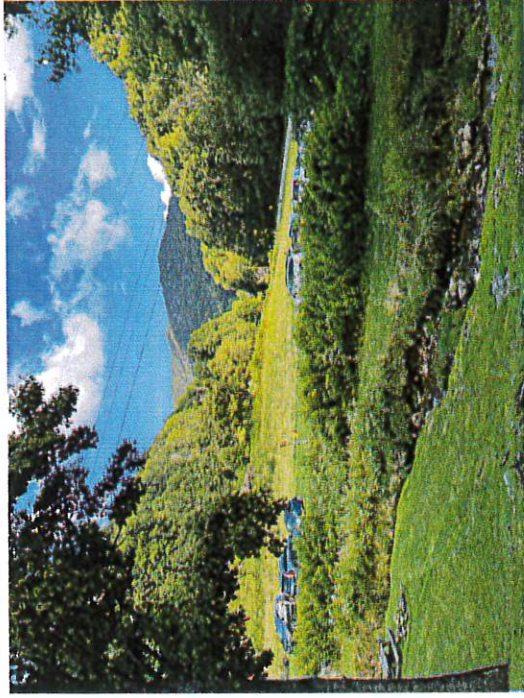


LANDSCAPING BUFFERS
Front Parking Lot

Gate to property boundary
corner: 166' (red line)



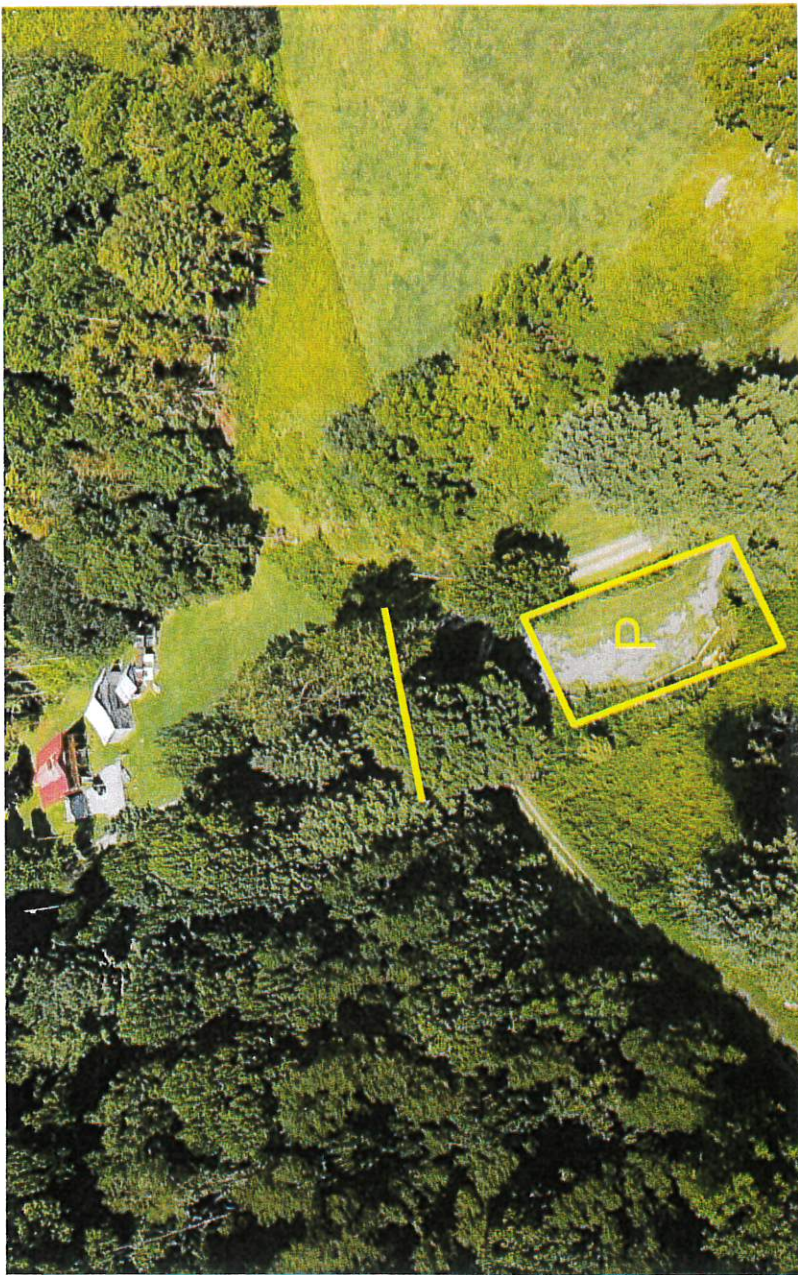
LANDSCAPING BUFFERS
Front Parking Lot



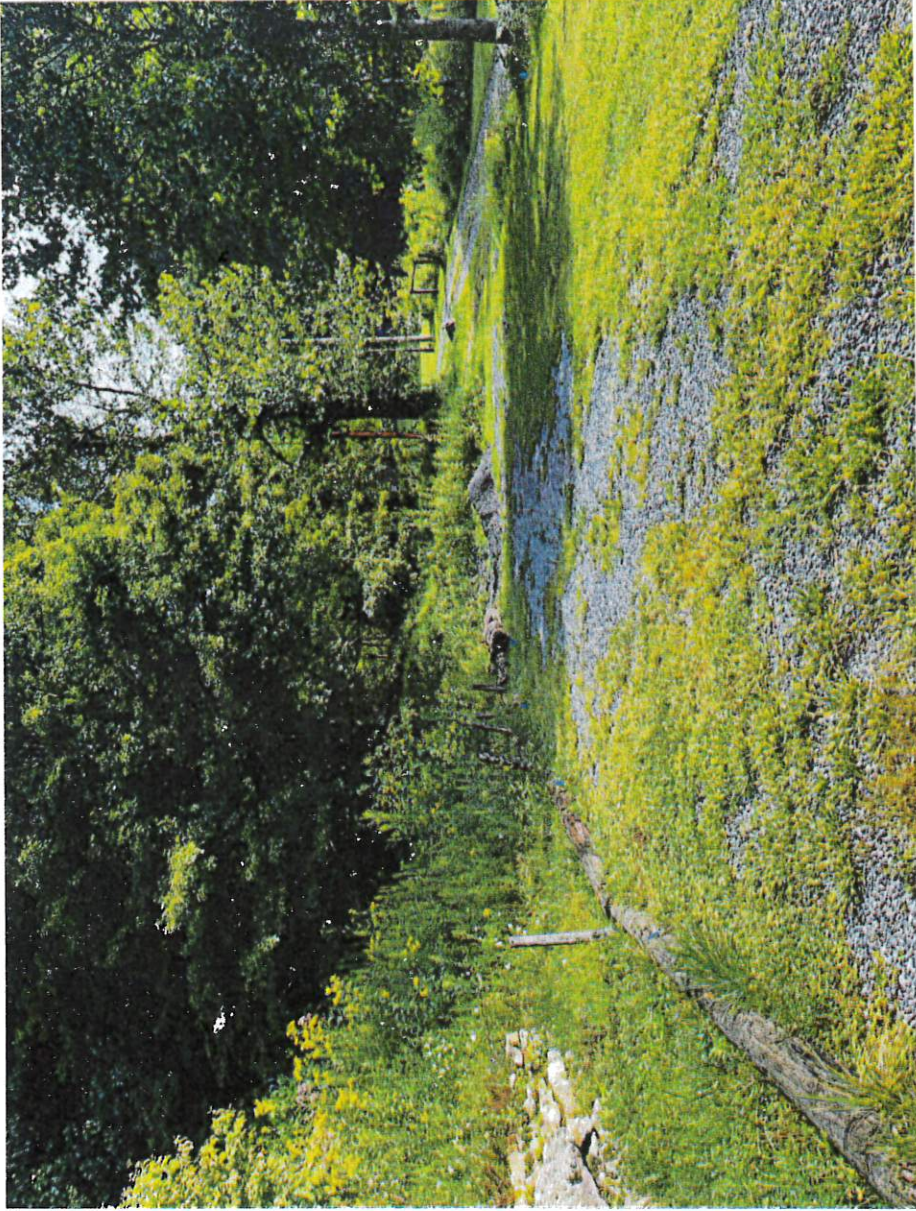
LANDSCAPING BUFFERS
Back Parking Lot

Distance from outside edge to property boundary: 46'

Distance from middle or parking lot to property boundary: 65'



LANDSCAPING BUFFERS
Back Parking Lot



**Rare Bird Farm
Intermittent EVENT TRAFFIC FLOW**

- Check point in parking lot
- Check in at Tug Fork Barn
- Bracelets after check in

Tug Fork Barn Max Occupancy
(Seating area + Covered Awning):

176 @ 5 ft. per person

We intend to operate at 60 seated
and 40-50 standing.

