

State of North Carolina

Minutes

County of Madison

The Madison County Planning Board met in regular session on Tuesday, March 19, 2024, at 6:30 p.m. at the Madison County Public Library Marshall Branch, 1335 N. Main Street, Marshall, North Carolina.

In attendance were Chairman Jered Silver; members Jackie Ball, Daniel Rice, Clayton Honeycutt, Lee Wilde, and Kenneth Kashuba; Development Services Director Brad Guth; and Clerk Mandy Bradley. County Planning and Zoning Attorney John Noor joined the meeting at 6:34 p.m. Members Wesley Keith, Mary Rice, and Kevin Morton were not in attendance.

The meeting was called to order at 6:33 p.m. by Chairman Silver who welcomed those in attendance.

Agenda Approval

Chairman Silver requested that that the agenda be amended to change Section 4 to the last half of the agenda and move Section 5 up which contains the Legislative Public Hearings to the first half of the agenda. Additionally, he requested to remove Item 5.II-Neighborhood Commercial Rezoning PIN 8799-19-4448.

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

Attorney John Noor entered the meeting at 6:34 p.m.

Approval of the Minutes-February 20, 2024 (Regular Meeting)

Upon motion by member Ball and second by member Daniel Rice, the Board voted unanimously to approve.

Public Comment

Chairman Silver called for public comment with none being available to be heard by the Board.

Legislative Public Hearings

I. Application: Residential Agriculture (R-A) Rezoning-PIN 9769-87-1970

a. Presentation of Application-Brad Guth, Development Services Director

Brad Guth, Development Services Director presented and discussed the application for proposed rezoning from Residential Business (RB) to Residential Agriculture (RA). Information discussed included the staff findings report, traffic considerations, public service impacts, rural development, community impact, and consistency with the County's Comprehensive Plan.

Counsel was provided by Attorney Noor. (Attachment 4.1)

b. Public Comment

Chairman Silver opened public comment at 6:38 p.m. with none being received and public comment being closed at 6:39 p.m. by Chairman Silver.

c. Discussion

Discussion was had by the Board regarding the proposed change with counsel being provided by Attorney Noor.

d. Consideration of Approval

Upon motion by member Wilde and second by member Honeycutt the Board voted unanimously to approve the rezoning. Attorney Noor requested consideration of the Board to note in a revised motion, approval of the rezoning as in the board packet, consistent with the Comprehensive Plan. Upon motion by member Wilde and second by member Honeycutt, the Board voted unanimously to approve to reword the motion.

II. Application: Land Use Ordinance Amendment-Biomass Facility as Special Use

a. Presentation of Application-Brad Guth, Development Services Director

Brad Guth, Development Services Director presented and discussed proposed Land Use Ordinance amendments for inclusion of Biomass Facilities as a Special Use noting that the item had been continued from the previous regular meeting of the Board pending additional changes at the recommendation of the Board.

Mr. Guth discussed changes to the definitions from the previous meeting, reduction in standards for plant size including a decrease in energy production, capital investment, employees. Additionally, the County's current Moratorium on development of biomass facilities was discussed by Mr. Guth. (Attachment 4.2)

b. Public Comment

Chairman Silver opened public comment at 6:47 p.m. and counsel was provided by Attorney Noor.

Barbara Zimmerman spoke regarding identifying Biomass. Discussion was had by members of the Board.

Jim Tibbetts spoke regarding additional changes to the language.

Elaine Robbins spoke regarding the language contained in draft 8 of the document.

Chris Kelly spoke regarding the language contained in the Biomass document.

Chairman Silver called for additional comment with none being received and public comment being closed at 7:00 p.m. by Chairman Silver.

c. Discussion

Discussion was had by the Board and Mr. Guth regarding the language contained in the proposed amendment to the LUO with comment being provided by members of the audience. Counsel being provided by Attorney Noor and Chairman Silver reopened public comment at 7:18 p.m. with the following individuals addressing the Board.

Jim Tibbetts spoke regarding language included in the proposed amendment.

Elaine Robbins spoke regarding requirements included in the proposed amendment.

Counsel was provided by Attorney Noor and Chairman Silver closed public comment at 7:25 p.m.

d. Consideration of Approval

Additional discussion was had by the Board and Mr. Guth with counsel being provided by Attorney Noor and the Board requesting the following changes to the amendment:

- Change of standards to apply to all biomass facilities;
- Removal of the wording large and small regarding facilities and apply standards equally to all.

Motion was placed on the floor by member Wilde with second provided by member Honeycutt to make the above apply equally to all. Further discussion was had by the Board regarding section 8.11.12.2 electrical code with member Wilde requesting to strike the wording, "or equivalent" after UL-Listed and additional counsel was provided by Attorney Noor. Upon reaffirmation of the motion by members Honeycutt and Wilde, the Board voted unanimously to recommend to the County Commissioners. Counsel was provided by Attorney Noor who requested consideration of language that notes it is consistent with the Comprehensive Plan and the Board requesting that the language be included.

III. Application: Land Use ordinance Amendment-Data Processing Facility as Special Use

a. Presentation of Application-Brad Guth, Development Services Director

Brad Guth, Development Services Director presented and discussed the proposed Land Use Ordinance Amendment for inclusion of Data Processing Facilities as a Special Use. Information discussed included proposed language, infrastructure needs, requirement standards, and additional provisions including noise, reporting, utilities access, security fencing, and perimeter buffer strips. (Attachment 4.3)

b. Public Comment

Chairman Silver opened public comment at 7:37 p.m.

Elaine Robbins spoke regarding water usage of data processing facilities. Discussion was had by Chairman Silver.

Barbara Zimmerman spoke regarding water usage of data processing facilities. Discussion was had by Chairman Silver.

Illa Teague spoke regarding issues in a neighboring county.

Chris Kelly spoke regarding water and potential waste as well as issues in a neighboring county.

Jim Tibbetts spoke regarding neighboring counties and specifications to the proposed language.

With no further comment being available for consideration of the Board, Chairman Silver closed public comment at 7:47 p.m.

c. Discussion

Discussion was had by the Board and Mr. Guth regarding utilities and geothermal cooling utilized by such facilities as well as compliance with the County's Noise Ordinance with counsel being provided by Attorney Noor.

d. Consideration of Approval

Upon motion by member Honeycutt and second by member Wilde, the Board voted unanimously to recommend to the County

Commissioners and find consistent with the Comprehensive Plan.

Quasi-Judicial Evidentiary Public Hearings

I. Application: Protected Ridge Building Permit-PIN 9852-81-2696

Counsel was provided by Attorney Noor regarding the process for quasi-judicial hearings. Chairman Silver administered the oath to applicant John Innis and Development Services Director Brad Guth as witnesses with standing with no other witnesses presenting.

a. Presentation of Application-Brad Guth, Development Services Director

Development Services Director Brad Guth presented the application for consideration of a protected ridge building permit from the applicant, continued from the previous regular meeting of the Board. Additionally, standards of the County's Mountain Ridge Protection Ordinance were discussed by Mr. Guth. (Exhibit 5.1)

b. Presentation of Witness with Standing

John Innis, applicant addressed the Board regarding the proposed components of the project including the road and retaining wall and discussed the need to determine if they are structures as defined in the Ordinance. Additionally, he noted that the carport height has been updated in the application and that all other structures of the project comply with the ordinance.

Mr. Guth discussed that previous questions regarding where the height of the building should be measured on the ridge could be determined by the crest definition of the Ordinance. Mr. Guth also provided an overview of the Ordinance noting that it may require that anything built or constructed for the project build or erected such as a road or retaining wall be considered as a structure as defined by the ordinance.

Counsel was provided by Attorney Noor regarding the application of the ordinance for all applications presented before the Board and discussion was had by the Board and Attorney Noor regarding standards and compliance with additional counsel being provided by Attorney Noor regarding the ability of the Board to enter into closed session to obtain legal advice if necessary.

Attorney Noor called for additional witnesses with standing with none being presented and additional counsel being provided by Attorney Noor.

Upon motion by Chairman Silver and second by member Danny Rice, the Board voted unanimously to enter into closed session for legal counsel on the definition of our ordinances at 8:13 p.m.

Upon motion by Chairman Silver and second by member Danny Rice, the Board voted unanimously to return to open session at 8:42 p.m.

Chairman Silver clarified that the previous motion to enter into closed session was pursuant to N.C.G.S. 143-318.11 (a)(3) to consult with the attorney regarding legal advice.

Counsel was provided by Attorney Noor regarding the process of the hearing.

Member Wilde requested clarification of the height of the proposed retaining wall with Mr. Innis noting that it is four (4) feet.

c. Discussion

Chairman Silver opened deliberation of the matter at 8:44 p.m.

Discussion was had by the Board regarding interpretation of the standards outlined in the ordinance in determining buildings and structures as set forth in the definitions of the ordinance and discussion was had by the Board with counsel being provided by Attorney Noor.

Additional discussion was had by the Board regarding provisions of the ordinance including the fifty (50) feet setback requirement and how provisions apply to the current application with additional counsel being provided by Attorney Noor.

The applicant, Mr. Innis provided additional information at the request of the Board regarding the proposed driveway noting that it will be placed in an existing logging/farm roadbed that will be graveled.

Additional discussion was had by the Board with counsel being provided by Attorney Noor.

d. Consideration of Approval

Upon motion by member Wilde and second by Chairman Silver, the Board voted in favor to approve Mr. Innis' application with

Chairman Silver and members Ball, Daniel Rice, Honeycutt, and Wilde voting in favor and member Kashuba voting opposed.

II. Application: Campground Special Use Permit-PIN 9705-56-5273

a. Presentation of Application-Brad Guth, Development Services Director

Development Services Director Brad Guth presented the application submitted by Salulah Lahlou for consideration of a special use permit for a campground proposed for 112 Munaya Way, Marshall continued from the previous regular meeting of the Board.

Mr. Guth discussed the application and environmental health compliance, the County's Land Use Ordinance requirements, special requirements for campgrounds, noise, Mountain Ridge Protection Ordinance compliance, and watershed compliance as well as discussed the staff findings report and noted that it is compliant with the County's Comprehensive Plan. (Exhibit 5.2)

b. Presentation of Witnesses with Standing

Counsel was provided by Attorney Noor regarding Mr. Guth currently being under oath from the previous hearing and called for additional witnesses with standing as well as provided information regarding standing. Witnesses Brian Roberts, Illa Teague, Scott Moore, and Frank Tedone presented as witnesses with standing along with applicant Salulah Lahlou and Chairman Silver administered the oath to the witnesses.

Brian Roberts, witness presented information to the Board regarding being an adjoining property owner and discussed the location of his property as reflected on the map provided during the hearing by Mr. Guth with counsel being provided by Attorney Noor regarding the location of the witness' property on the conceptual site plan. Mr. Roberts discussed the type of facility that would be housed at the proposed location. Counsel was provided to the Board by Attorney Noor who discussed the process of the hearing and the applicant's ability to cross examine witnesses. Ms. Lahlou, applicant, questioned the witness regarding the source for his information and noted that she is a health coach. Counsel was provided by Attorney Noor regarding the witness, Mr. Roberts' request for standing, with the applicant noting that she would take no position. Additional counsel was provided by Attorney Noor regarding the standing of Mr. Roberts relating to special damages. Upon motion by Chairman Silver and second by member Honeycutt, the Board voted unanimously that the witness has standing.

Illa Teague, witness presented information to the Board regarding the property that she is representing as being Laurel Fork Church acting as the church representative. She discussed the location of the church property, which is located across the road, facing the proposed campground and discussed the type of facility that would be housed at the proposed campground, activities, noise levels, slope of the property, and parking, noting concerns with unauthorized use of the church property. The witness was questioned by Attorney Noor regarding the location of the church and Ms. Teague's capacity to represent the church with Ms. Teague noting that the church had authorized her to speak by way of vote of church members present at the hearing. Ms. Lahlou, applicant, addressed the witness to discuss parking, noise control, and functions of the proposed campground with Ms. Teague discussing state licensure that may be held by the facility and the potential change to the neighborhood. Ms. Lahlou requested to dispute the witnesses request for standing. Upon motion by Chairman Silver and second by member Honeycutt, the Board voted unanimously that the church has standing.

Frank Tedone, witness, presented information to the Board noting that he only had questions and could not prove special damages. Counsel was provided by Attorney Noor regarding the process of the hearing and Mr. Tedone requested to withdraw as a witness with standing.

Scott Moore, witness, presented information to the Board regarding his petition for standing noting that he owns property overlooking the proposed site. Mr. Moore noted that noise, light pollution, and traffic would decrease property values and change the outlook of the neighborhood. Counsel was provided by Attorney Noor. Ms. Lahlou, applicant, requested to dispute the witness request for standing. Upon motion by Chairman Silver and second by member Ball, the Board voted unanimously that the witness has standing considering he is overlooking the property.

With no further witnesses being received, Attorney Noor provided counsel regarding which witnesses were given standing including Brian Roberts, Laurel Fork Church, and Scott Moore.

Counsel was provided by Attorney Noor regarding the process of the hearing and discussion was had by the Board, Mr. Guth, and Attorney Noor regarding the volume of hearings to be scheduled for the next regular meeting and the possibility of continuance of the current hearing with the applicant requesting to proceed with the hearing tonight.

The applicant discussed the functions of her profession noting that she is a life coach for women dealing with nutrition, wellness, and mediation through holistic approach noting that the facilities target audience would be professional women. She discussed the proposed parking plan containing eight (8) spaces with expansion for an additional eight (8) spaces adjacent noting that the plan also includes seven (7) campsites for affordability of attendees.

Discussion was had by the Board regarding the standards of a campground special use permit as determined by the County's Land Use Ordinance with Ms. Lahlou noting that there would be seven (7) campsites with three (3) additional structures located on the property that would not be for camping. Mr. Guth noted that the campground definition best fits the use request from the applicant and counsel was provided by Attorney Noor.

The applicant provided information to questions from members of the Board noting that a typical attendee would use each unit from two (2) to four (4) nights as a retreat to connect with nature and nutrition.

Additional counsel was provided by Attorney Noor regarding questions from witnesses with standing.

Illa Teague, witness and representative of Laurel Branch Church questioned the applicant who provided information to the questions noting that the proposed facility would have outside lighting for paths as well as inside lights and that participants would only be authorized to use her property which she noted is marked with signage and addressing. Counsel was provided by Attorney Noor regarding the process of the hearing and Ms. Teague continued with her questioning with Ms. Lahlou noting the recent name change to the proposed location's road and signage marking the road. She also discussed the three (3) structures located on the property that were not for the camp and noted that they could be used for Air BnB Rentals with Ms. Teague discussing the potential capacity of the property. Additional counsel was provided by Attorney Noor regarding the process of the hearing and that Ms. Teague would have an opportunity to present evidence at a later time.

Brian Roberts, witness questioned the applicant who provided information to the questions noting that retreats would be three to four times per year and that additional camping for shorter stays would be allowed at other times based upon approval by submitting a request.

Scott Moore, witness, questioned the applicant who provided information to questions noting that the original plan has been scaled back due to the cost of the septic drip system that is needed and that it would only be approved for three (3) structures, not fifty (50) as before. Counsel was provided by Attorney Noor who noted that the site plan as submitted for the current hearing would be the capacity for the project if approved. The applicant provided additional information regarding activities at the proposed facility including meditation and camp fires.

Discussion was had by the Board with counsel being provided by Attorney Noor regarding possible restrictions that could be applied if the Board chose to issue a special use permit.

The Board took recess from 10:07 p.m. until 10:10 p.m.

Counsel was provided by Attorney Noor regarding testimony for quasi-judicial hearings and the process for witness testimony at the hearing.

Scott Moore, witness made a motion for continuance so we can evaluate what's been brought tonight and bring experts. Clarification was requested by Attorney Noor and the applicant discussed the duration of time that has already been spent on the project, noting that she does not want to continue any longer.

Discussion was had by the Board. Upon motion by Chairman Silver and second by member Ball, the Board voted in favor to continue until the next regular board meeting with Chairman Silver and members Ball, Daniel Rice, and Honeycutt voting in favor and members Wilde and Kashuba voting opposed.

Further discussion was had regarding the updated project plan and availability to obtain such via request to Mr. Guth.

c. Discussion

No further discussion was had.

d. Consideration of Approval

No further discussion was had.

Planning Matters

Chairman Silver discussed the request from the County's Economic Development Advisory Board for consideration of a joint meeting with the Planning Board. Discussion was had by the Board and Mr. Guth with counsel being provided by Attorney Noor regarding scheduling a meeting.

Announcements/Updates

No discussion was had.

Adjournment

Upon motion by Chairman Silver and second by member Daniel Rice, the Board voted unanimously to adjourn at 10:23 p.m.

This the 19th day of March 2024.

MADISON COUNTY

1.1

**Madison County Planning Board
Agenda
March 19, 2024**

6:30 P.M.

**Meeting Called to Order
Welcome**

- 1. Agenda Approval**
- 2. Approval of Minutes-February 20, 2024 (Regular) Meeting**
- 3. Public Comment**
- 4. Legislative Public Hearings**
 - I. Application: Residential Agriculture (R-A) Rezoning- PIN 9769-87-1970**
 - a. Presentation of Application-Brad Guth, Development Services Director**
 - b. Public Comment**
 - c. Discussion**
 - d. Consideration of Approval**
 - II. Application: Land Use Ordinance Amendment-Biomass Facilities As Special Use**
 - a. Presentation of Application-Brad Guth, Development Services Director**
 - b. Public Comment**
 - c. Discussion**
 - d. Consideration of Approval**
 - III. Application: Land Use Ordinance Amendment-Data Processing Facility as Special Use**
 - a. Presentation of Application-Brad Guth, Development Services Director**
 - b. Public Comment**
 - c. Discussion**
 - d. Consideration of Approval**
- 5. Quasi-Judicial Public Hearings**
 - I. Application: Protected Ridge Building Permit-PIN 9852-81-2696**
 - a. Presentation of Application-Brad Guth, Development Services Director**
 - b. Presentation of Witnesses with Standing**
 - c. Discussion**
 - d. Consideration of Approval**
 - IV. Application: Campground Special Use Permit-PIN 9705-56-5273**
 - a. Presentation of Application-Brad Guth, Development Services Director**
 - b. Presentation of Witnesses with Standing**
 - c. Discussion**
 - d. Consideration of Approval**
- 6. Planning Matters**
- 7. Announcements|Updates**
- 8. Adjournment**



4.1

Madison County Planning Board

Staff Findings Report

Rezoning Application: Request to change the Land Use of PIN # 9769-87-1970 Holland Creek Road Mars Hill from RB-Retail Business to RA-Residential Agriculture

Location: PIN# 9769-87-1970

Applicant: Phil and Stephanie Webb

Representative: Ward Enterprises

Date: 3.19.2024

Prepared by: Brad J. Guth

Staff Recommendation: Approve Rezoning to Residential Agriculture

Introduction

Phil and Stephanie Webb, represented by Ward Enterprises, have applied for a zoning map amendment for the parcel identified by PIN # 9769-87-1970. The request is to change the zoning designation from Residential-Business (RB) to Residential-Agricultural (RA) to accommodate the development of a single-family residence consistent with the RA zoning district standards. This report evaluates the proposed zoning change's compatibility with the Madison County Land Use Ordinance and its potential impacts on the surrounding area.

Objectives of the Rezoning

The primary objective of the rezoning is to ensure that the property's zoning aligns with the applicants' intended use, which includes developing a single-family residence more in line with the RA zoning designation.

Analysis of the Proposed Rezoning

Advantages:

Promotes Agricultural and Rural Development: Changing the zoning from RB to RA supports Madison County's goals of encouraging agricultural activities and preserving the rural character of the area. This rezoning aligns with community and countywide visions for sustainable rural development and the preservation of open spaces.

Enhanced Environmental Stewardship: RA zoning supports land use practices more likely to conserve natural resources and protect environmental quality than more intensive commercial or business uses permitted under RB zoning. This could lead to improved water quality, preservation of wildlife habitats, and a reduction in land development pressures.

Reduces Potential Land Use Conflicts: By rezoning the property to RA, potential conflicts between business activities and surrounding agricultural or residential uses can be minimized. This change can create a more cohesive community fabric and ensure that land uses within the area are compatible.

Disadvantages:

Limits Business Development Opportunities: The rezoning to RA restricts the property's potential for business development, which could limit economic growth opportunities for the property owner and the local community. This is a disadvantage in areas where commercial development is needed to meet community services and employment demands.

Possible Decrease in Tax Revenue: Commercial properties typically generate higher tax revenues than agricultural or low-density residential properties. Rezoning from RB to RA might decrease the potential tax revenue that could have been generated if the property were developed for commercial use.

Impact Analysis

The proposed rezoning from RB to RA is anticipated to have several key impacts across various categories:

Traffic Impact: Likely to reduce traffic volume and congestion due to the lower density and intensity of use associated with RA zoning compared to commercial activities, thereby improving road safety and infrastructure longevity.

Public Service Impact: Expected to lower the demand for certain public services, such as emergency and utility services, as agricultural and low-density residential uses typically require fewer resources than commercial developments.

Impact on Surrounding Property Values: The desirability of living near open, agricultural spaces and natural settings may positively influence surrounding property values, enhancing the appeal of the area to potential buyers seeking a rural lifestyle.

Community Impact: It supports preserving the area's rural character, aligning with community preferences for maintaining agricultural landscapes and open spaces, and contributing to the community's identity and quality of life.

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.

Conclusion and Recommendation

After thorough analysis and consideration, it is recommended that the Planning Board approve the rezoning to Residential-Agricultural (RA) to align the property's zoning with the applicants' intended use and support county-wide goals related to agricultural activities and rural character preservation.

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 the property identified by PIN # 9769-87-1970 from RB to RA and that the rezoning is consistent with the objectives outlined in the 2030 Madison County Comprehensive Plan."

PAID
2/8/2024

RECEIVED
FEB 08 2024
BY: Sylvia Shelton



P.O. Box 873
Marshall, N.C. 28753

COUNTY OF MADISON
ZONING APPLICATION

Check Appropriate Item(s):

- *AMENDMENT TO ZONING MAP -- ZONING CHANGE REQUEST
- *CONDITIONAL USE or SPECIAL USE
- *APPEAL OF ADMINISTRATIVE DECISION
- *VARIANCE

To be completed by staff
Date Received: 2/8/24
Fees Rec'd: \$540.00

PART 1 – To be completed by ALL Applicants

I-A IDENTIFICATION OF PROPERTY

No Address Holland Creek Rd.

1) Number and Street:

RB

19.36

9769-87-1970

2) Present Zoning:

3) Acres:

4) Pin Number:

Open Field Owner would like to build single family home.

5) Legal Description of Property (Omit for zoning text amendment) – Attach if necessary.

I-B PROPERTY

1) The deed restrictions, covenants, trust indentures, etc. on said property are as follows (or copy attached): if NONE so state:

None

2) (a) Has this property or any part thereof ever been considered for Variance, Special Use, Appeal of Administrative Decision or Amendment to the Zoning Map before? *YES *NO

(b) Date: ~~02/08/24~~

(c) What was the disposition of the case? _____

(d) Former Applicant Name: _____

Former Applicant Address: _____

Former Phone: _____

Paid

I-C

IDENTIFICATION OF APPLICANT – All applicants must have standing (an interest in property that will be directly affected by requested action)

1) Applicant:

Name: Phil + Stephanie Webb
Address: 1 Clarks Chapel Ridge Rd. Weaverville, NC 28787
Phone: (828) 488-3073

Agent (if any):

Name: Hunter Ward - Ward Enterprises
Address: 20 Holly Hill Dr Candler, NC 28715
Phone: (828) 712-4076

2) Owners of all property included in this application:

Name: Phil + Stephanie Webb
Address: 1 Clarks Chapel Ridge Rd. Weaverville, NC 28787
Phone: (828) 488-3073

3) If the applicant is a Land Trust, Partnership, Corporation, or LLC, etc.. or if the subject property is owned or controlled by a Land Trust, Partnership, Corporation or LLC. List name and interest of all Land Trust Beneficiaries or Partners and attach evidence that the person submitting the application on behalf of the Land Trust or Partnership is authorized to do so.

NAME/ADDRESS PHONE INTEREST

Trustee/Partner: _____

Beneficiary/Partner: _____

Beneficiary/Partner: _____

Beneficiary/Partner: _____

5) Does the applicant have a proprietary interest in the land or land improvements? YES NO

If YES, state interest and attach documentation: New single family home

If NO, state what interest otherwise qualifies the applicant to apply:

6) Names of the owners of the improvement(s) on the property in this applicant if different from above:

NAME Address

7) If the applicant is a corporation or LLC etc., attach evidence that the person submitting the application on behalf of the corporation is authorized to do so.

2-C

VARIANCE

To the Madison County Board of Adjustment:

I, hereby petition the Board of Adjustment for a Variance from the provisions of the Madison County Ordinance because, under the interpretation given to me by the Zoning Administrator, I am Prohibited from using the parcel of land described in the application in a manner shown by the plot plan attached. I request a variance from the following provision(s) of the ordinance:

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The board must find there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit, and that in granting of the variance the public safety and welfare have been assured and substantial justice has been done. Please attach any proof, evidence or other documentation to show why this variance is being applied for.

2-D Appeal of an Administrators Decision


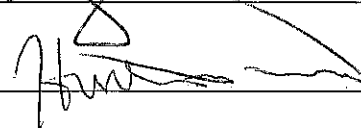
An appeal must be taken within 30 days after the date of the decision or order appealed from.

I, the undersigned, do hereby respectfully make application and petition the Board of Adjustment of Madison County as hereinafter requested, and in support of this application, the following facts are shown:

- 1. Reasons for appeal.
- 2. Decision rendered by Zoning Office

PART 3 – TO BE COMPLETED BY ALL APPLICANTS

To the best of my knowledge, I hereby affirm that all information in this application and any attached material and documents are true and accurate:

- a) Signature of Applicant: 
- b) Signature of Agent (if any): 
- c) Date 2/8/24

Part 2 - Request Type

2-A REZONING – (AMENDMENT TO THE ZONING MAP) – Application for amendments to the Zoning District Map are heard by the Planning Board which makes a recommendation to the County Commissioners. Only the County Commissioners has authority or grant or deny amendments to the Zoning District Map.

- 1) (a) Existing Zoning: RB
- (b) Proposed Zoning: RA
- (c) Existing Use: None
- (d) Proposed Use: Single family Home

Zoning Designations:

AO	Agriculture Open-Space District	RA	Residential Agriculture
R-1	Residential District	R-2	Residential-Resort District
I-D	Industrial District	C	Commercial
N-C	Neighborhood Commercial	CMU	Commercial Mixed Use

2) The following must be submitted with this application:

- *Preliminary Site Plan - prepared by a register design professional
- *Rendering or Perspective – depicting possible uses
- *Other – please describe

3) Please list names, addresses, and phone numbers of the adjoining property owners.

2-B SPECIAL USE REQUEST or CONDITIONAL USE– Conditional Use requests are heard by the Board of Adjustment which will make a decision. Special Use requests are heard by the Planning Board.

1) Are development plans submitted with this application? *YES NO

2) Parking requirements:

a) Proposed number of parking spaces to be provided: None

b) Number of parking spaces required of Zoning Ordinance:

Other

a) Attach tabulation of total land area and percentage thereof designated for various uses

b) Are there any land use intensity requirements? *YES NO If yes, attach data.

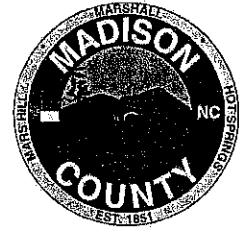
INVOICE

Madison County Inspections & Zoning

5707 US Hwy 25-70
Suite 5
PO Box 579, 28753, Marshall

Phone: (828) 649-3766

Email: inspections@madisoncountync.gov



Bill to
Ward Enterprises & Ventures
20 Holly Hill Drive , 28715 Candler

Invoice No.: 24-200-000089
Date: 2/8/2024
Due date: 2/8/2024
Payment status: Paid

#	Item	Quantity	Unit price	Tax	Discount	Total
1	Application for Zoning Change (map ammendment)	1	500.00	---	0.00%	500.00
2	Zoning Permit	1	40.00	---	0.00%	40.00

Total	\$540.00
--------------	-----------------

Payment method:

Credit Card: \$540.00
Paid amount: \$540.00
Amount due: \$0.00

Phil & Stephanie Webb
Zoning Change from R-B to R-A



**Madison County
Inspections & Zoning**

5707 US Hwy 25-70
Suite 5
PO Box 579

28753, Marshall
(828) 649-3766

inspections@madisoncountync.gov

Receipt No.: 24-200-000089

2/8/2024 10:39:41 AM

User: Sylvia Shelton

Order No.: 4555

Customer:

Ward Enterprises & Ventures

Address:

20 Holly Hill Drive
28715 Candler

Tax No.:

Application for Zoning Change (map
ammendment)

1 x 500.00 500.00

Zoning Permit
1 x 40.00 40.00

Items count: 2

TOTAL: 540.00

Credit Card: 540.00

Paid amount: 540.00

Phil & Stephanie Webb

Zoning Change from R-B to R-A

Have a Blessed day!

MADISON COUNTY
5707 US 25-70 HWY STE 5
MARSHALL, NC 28753
(828)649-3766

SALE

Store: 4053

REF#: 00000001

Batch #: 011 RRN: 403915003570
02/08/24 10:37:20

Trans ID: 304039562408956

APPR CODE: 08581G

VISA Contactless
*****6163 **/**

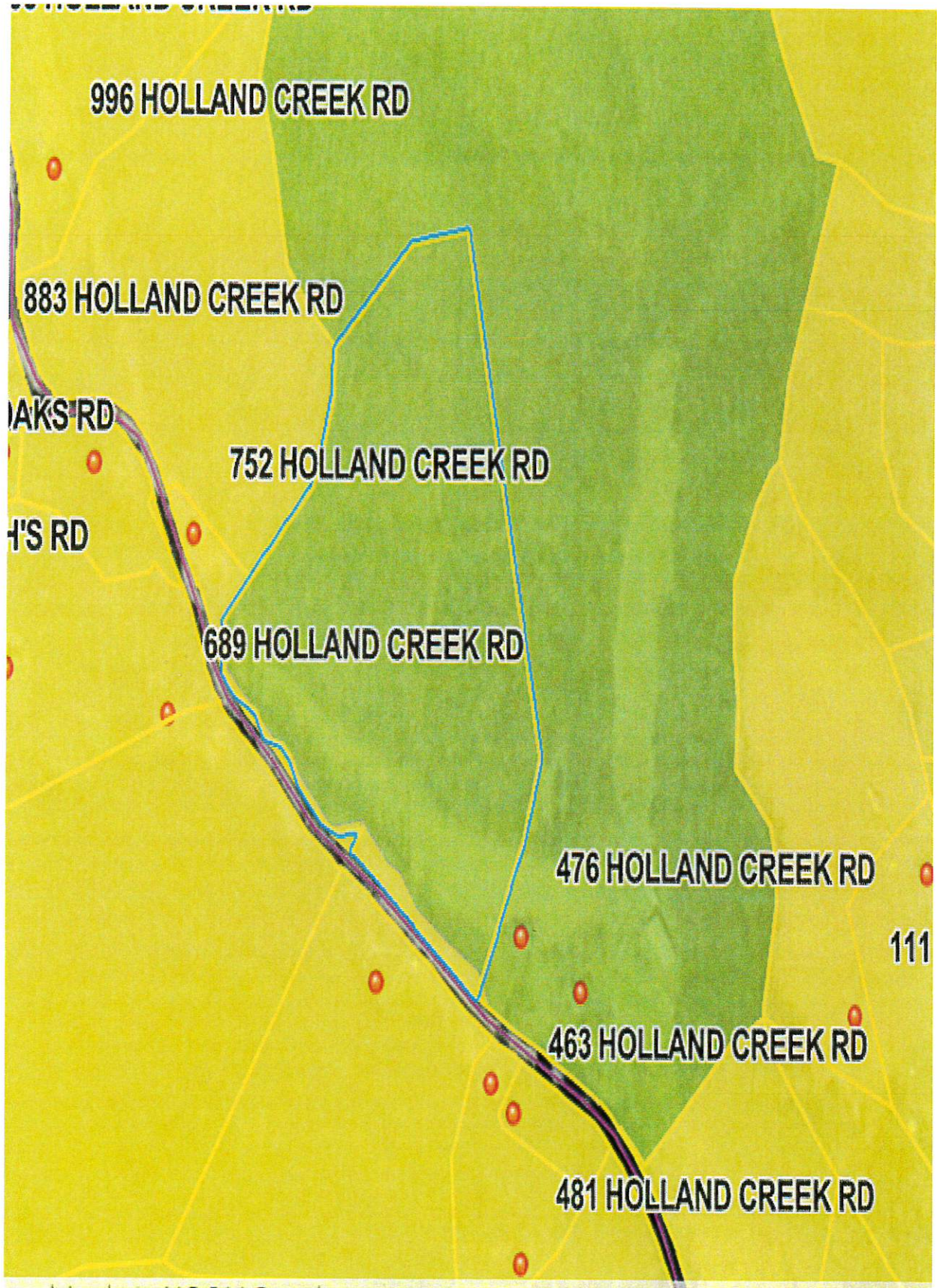
AMOUNT \$540.00

APPROVED

VISA CREDIT
AID: A0000000031010
TVR: 00 00 00 00 00

THANK YOU

CUSTOMER COPY



1 4.2

**Madison County Land Use Ordinance
Biomass Facility
DRAFT 8 2/22/23
Land Use Ordinance Amendments**

[Chapter 2 Definitions]

Biomass Facility Definition

A facility that converts biomass sources into ~~value-added products~~ **energy** for public or private use. Biomass includes but is not limited to, wood and wood processing waste, wood pellets, agricultural crops and waste materials, biogenic materials in municipal solid waste, animal manure, and human sewage.

Large Biomass Facility:

- 1. Annual Biomass Throughput:** A large biomass facility processes over ~~10,000~~ **5,000** metric tons of biomass per year; or
- 2. Energy Production:** A large biomass facilities generate over ~~25,000MWh~~ **10,000** MWh or more energy annually; or
- 3. Number of Employees:** A large biomass facility has over ~~100~~ **50** employees; or
- 4. Capital Investment Threshold:** A large biomass facility requires an investment of over ~~\$10~~ **\$5** million.

Small Biomass Facility:

- 1. Annual Biomass Throughput:** A small biomass facility processes under ~~10,000~~ **5,000** metric tons of biomass per year; or
- 2. Energy Production:** A small biomass facility generates less than ~~25,000~~ **10,000** MWh of energy annually; or
- 3. Number of Employees:** a small biomass facility has under ~~100~~ **50** employees; or

4. Capital Investment Threshold: A small biomass facility requires an investment of less than ~~\$40~~ \$5 million

Annual Biomass Throughput refers to the total quantity or volume of biomass materials processed or used by a facility within one year. It represents the biomass brought into the facility for conversion, processing, or utilization.

Biomass throughput includes various organic materials such as wood, agricultural crops, waste materials, and other biogenic substances. This measure is essential for assessing the capacity and productivity of biomass facilities, whether they are focused on energy generation, biofuel production, or the manufacturing of value-added products from biomass sources.

Typically, annual biomass throughput is measured in units like metric tons or cubic meters per year, depending on the type of biomass and the facility's specific objectives. It provides valuable data for evaluating biomass processing operations' efficiency, environmental impact, and economic performance.

[Chapter 3 Establishment of Districts]

Large Biomass Facility Land Use Districts: Special Use in [I] Industrial

Small or Temporary Biomass Facility Land Use Districts: Special Use in [AO] Agricultural-Open Space; [RA] Residential Agriculture; [C] Commercial [RB] Retail Business

[Chapter 8 Special Requirements]

8.11 Large Biomass Facility

The development of a Large Biomass Facility shall go before the Board of Adjustment for a special use permit and shall conform to all applicable standards. Any property used for a Large Biomass Facility shall also comply with the following standards:

8.11.1 Special Use Standards

8.11.1.1.Compatibility: The proposed use must be compatible with the surrounding area and not have a negative impact on the surrounding properties or the community. It should not create excessive noise, traffic congestion, or other adverse effects that could disrupt the neighborhood.

8.11.1.2 Public Health and Safety: The proposed use must meet health and safety standards. This can include compliance with fire codes, building codes, and other regulations related to public health and safety.

8.11.1.3 Environmental Impact: The proposed use shall not have an adverse impact on the environment. This may involve considerations such as stormwater management, erosion control, slope stability, natural resource conservation, energy consumption, and emissions discharged from the proposed use.

8.11.1.4 Traffic and Parking: The proposed use should not significantly increase traffic congestion or parking demands beyond what the infrastructure can accommodate. Adequate parking spaces and access points should be provided to ensure safe and efficient circulation of vehicles.

8.11.1.5 Neighborhood Impact: The proposed use should not disrupt the rural character or quality of the surrounding neighborhood. Factors such as aesthetics, scale, design, and landscaping may be considered to ensure the proposed use blends well with the existing built environment.

8.11.2 Purpose. The purpose of this section is to establish a set of special regulations applicable exclusively to Large Biomass Facilities. These regulations are in addition to all other provisions of this ordinance. In adopting these standards, Madison County finds that Large Biomass Facilities have the potential to be incompatible with surrounding residential uses, thereby having the potential for a deleterious effect on adjacent residents. Special regulations for Large Biomass Facilities are necessary to ensure they will be compatible with surrounding uses and will not act to harm or alter the area they are located in.

8.11.3 Permit Any person, firm, or corporation wanting to construct or expand a Large Biomass Facility shall first submit an application and site plan to the Madison County Zoning Office. An application will not be complete until it contains all the required and requested information and is certified complete by the Zoning Administrator in writing to the applicant, notifying them that the application has been forwarded to the Board of Adjustment

8.11.4 Submittal Requirements

8.11.4.1 A narrative describing the proposed Large Biomass Facility, including an overview of the project;

8.11.4.2 A **site plan** showing the proposed location and dimensions of all existing and proposed structures, screening, fencing, property lines, access roads, turnout locations, ancillary equipment, transmission lines, and the location of any residence within 100 feet of the perimeter of the facility;

8.11.4.3 Standard **drawings** of the Large Biomass Facility system components;

8.11.4.4 Copies of any **unredacted lease agreement and easement(s)**;

8.11.4.5 Evidence that the electrical utility provider has been informed of the customer's intent to install an interconnected, customer-owned generator (off-grid systems shall be exempt from this requirement);

8.11.4.6 Other relevant studies, reports, certifications, and approvals as may be reasonably requested by Madison County to ensure compliance with this Article; such as a Traffic Impact Analysis; Stormwater Management Plan; Grading Plan; Appraisal of Impact of Proposed Use on properties within 100 yards of the proposed use; final approvals of all permits required from environmental regulators; Geotechnical analysis if the site contains slopes in excess of 18%

8.11.4.7 Decommissioning plans that describe the anticipated life of the facility, the estimated decommissioning costs in current dollars, and the anticipated manner in which the facility will be decommissioned and the site restored; and

8.11.4.8 Signature of the property owner(s) and the owner/operator of the facility (if different than the property owner).

8.11.5 Hours of Operation The hours of operation allowed shall be compatible with the land uses adjacent to the facility. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 7 am.

8.11.6 Landscaping Buffers The facility and area associated with the use shall be screened from adjoining properties by a buffer strip of a minimum of 150 feet. The planting materials shall comply with the requirements in the definition of a buffer strip.

8.11.7 Screening Facilities shall be enclosed by a sight-obstructing screen of at least 6 feet in height adjacent to public roads and 8 feet in height adjacent to properties of a residential, educational, or institutional nature. All such screens must be maintained in a

sound and stable manner for the life of the operation. If state or federal requirements for screening are more stringent, such requirements shall be applicable.

8.11.8 Open Space Requirements A minimum of 15 percent of the gross site area shall be landscaped open space.

8.11.9 Use Separation Two hundred feet minimum from any property line; Four hundred feet minimum from any residence.

8.11.10 Noise All Large Biomass Facilities shall adhere to the Madison County Noise Ordinance. Additionally, Equipment-producing noise or sound up to 70 decibels shall be located no closer than 1000 feet to the nearest residence.

8.11.11 Disturbances The facility shall meet all requirements of the State of North Carolina regarding noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.

8.11.12 Structural Requirements

8.11.12.1 Compliance with Building Code: The facility shall meet all requirements of the North Carolina State Building Code.

8.11.12.2 Electric Code: All components must comply with the current edition of the National Electric Code and be UL-listed (or equivalent).

8.11.12.3 Underground Wiring: Any electric wiring shall be located underground, except where wiring is brought together for interconnection to system components and/or the local utility power grid.

8.11.13 Parking Large Biomass Facilities shall comply with the parking requirements of the Madison County Land Use Ordinance and the maximum occupancy according to the North Carolina State Building Code. Parking surfaces are not required to be paved. The Zoning Administrator should not grant the permit unless it is determined the parking generated by the facility can be accommodated without undue disruption or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.

8.11.14 Access Access to the facility shall be by way of a collector or higher classified road and shall be controlled with gates, chains, fences, ditches, and/or vegetation to prevent unregulated access.

8.11.15 Dust All unpaved areas shall be maintained in a manner that prevents dust from leaving the property.

8.11.16 Signage No signage shall be permitted on the perimeter fence, with the exception of one (1) sign not to exceed 32 square feet that displays the name, address, and emergency contact information of the facility as well as appropriate warning signs.

8.11.17 Permit Requirements The facility shall obtain all applicable state and federal permits. The facility must comply with all requirements as set forth by the North Carolina Division of Environmental Quality.

8.11.18 Disposal of Toxic/Hazardous Matter Disposal of toxic/hazardous matter at any Biomass Facility shall be expressly forbidden.

8.11.19 Violation of Special Use Permit or Section 8.11

In the event of a violation of a special use permit or Section 8.11 for a Biomass Energy Facility, the following actions and procedures shall be followed:

8.11.19.1 Initial Warning: If it is determined that the conditions and agreements specified in the special use permit have not been fulfilled or there is a violation of Section 8.11, the zoning administrator will issue a warning. The permit holder will have ten (10) days to bring their operations into compliance with all permit and ordinance requirements.

8.11.19.2 Subsequent Violations: In case of any subsequent violations, the County will issue a notice of violation indicating non-compliance with the permit or ordinance.

8.11.19.3 Appeal Process: The permit holder has the right to appeal the notice of violation to the Board of Adjustment, following the procedures outlined in this ordinance.

8.11.19.4 Termination of Special Use Permit: If a notice of violation leads to the termination of the special use permit, the permit may only be reinstated through the following processes:

a. Public Hearing: A public hearing will be held before the Board of Adjustment to reconsider the permit. During this hearing, the notice of violation will be reviewed and evaluated.

b. Reversal or New Application: If the notice of violation is reversed during the public hearing, the original special use permit will be reinstated. Alternatively, if the notice is affirmed or not appealed, a new special use permit application must be submitted and approved by the Board of Adjustment.

Please note that these procedures are applicable unless specifically stated otherwise in this ordinance.

Madison County Land Use Ordinance

Data Processing Facility

Proposed Amendments

DRAFT 2 2/29/24

4.3

[Chapter 2 Definitions]

Definition:

"A Data Processing Facility is a site designed and used primarily for hosting computer systems and associated components, such as telecommunications and storage systems. It includes data centers dedicated to processing, storing, and distributing data. Facilities may vary in size from small server rooms to large data farms."

Size Classifications:

Small: Facilities with up to 10,000 square feet of server space.

Large: Facilities exceeding 10,001 square feet of server space.

[Chapter 3 Establishment of Districts]

Land Use Districts:

Small Data Processing Facilities are permissible in commercial districts. **Large Data Processing Facilities are permissible** in industrial districts, subject to specific criteria that address infrastructure needs, including access to high-capacity power lines and highspeed telecommunications networks.

[Chapter 8 Special Requirements]

Special Requirements:

8.12 Data Processing Facility

8.12.1 Special Use Standards

8.12.1 Height

8.12.1.1 Systems, equipment, and structures (excluding electric transmission lines and utility poles) shall not exceed 35 feet in height.

8.12.2 Use Separation

8.12.2.1 All equipment and structures shall be a minimum of fifty feet from the facility's boundary as delineated on the site plan, and one-quarter mile (1,320 feet) from any church, school, or residence.

8.12.3. Submittal Requirements

8.12.3.1 A narrative describing the proposed data processing facility, including an overview of the project;

8.12.3.2 A site plan showing the proposed location and dimensions of all equipment, existing and proposed structures, screening, fencing, property lines, access roads, turnout locations, ancillary equipment, and the location of any church, school, or residence within one-quarter mile (1,320 feet) of the perimeter of the facility;

8.12.3.3 A study prepared by an acoustical engineer that describes the anticipated noise level of the facility and any proposed mitigation efforts such as sound walls, baffles, ventilation silencers, additional separation from surrounding uses, etc.;

8.12.3.4 Other relevant studies, reports, certifications, and approvals as may be reasonably requested by Madison County to ensure compliance with this Article; and

8.12.3.5 Signature of the property owner(s) and the owner/operator of the facility (if different than the property owner).

8.12.4 Structural Requirements

8.12.4.1 The facility shall meet all North Carolina State Building Code requirements

8.12.4.2 Any electric wiring shall be located underground, except where wiring is brought together for interconnection to system components and/or the local utility power grid.

8.12.5 Access

8.12.5.1 All roads shall be of sufficient width to accommodate emergency vehicle access as determined by the Madison County Fire Marshal.

8.12.6 Security Fencing

8.12.6.1 Security fencing, a minimum of eight feet in height, shall be provided along the entire perimeter of the facility.

8.12.6 Screening

8.12.6.1 The entire perimeter of the facility shall be screened from adjoining properties by a buffer strip. The buffer strip is defined in Chapter 2 Definitions

8.12.7 Utility Notification

8.12.7.1 No grid-connected data processing system shall be installed until the operator has provided evidence that all utility providers have approved the system's installation.

8.12.8 Signage

8.12.8.1 No signage shall be permitted on the perimeter fence, except for one (1) sign not to exceed 32 square feet that displays the facility's name, address, and emergency contact information, as well as appropriate warning signs.

8.12.7 Noise

8.12.7.1 The amount of noise generated by the facility shall comply with the requirements of the Madison County Noise Ordinance and shall not disrupt the activities of the adjacent land uses.



5.1

Madison County Planning Board

Staff Findings Report

Mountain Ridge Protection Ordinance Application:

Location: Brothers Lane Mars Hill

Applicant: John Kyle Innis

Representative: Kyle Innis

Date: 2.20.2024

Prepared by: Brad J. Guth

Introduction

This report provides a comprehensive analysis of the "Blue Smoke" project in North Carolina, USA, focusing on its compliance with the Mountain Ridge Protection Ordinance of Madison County, North Carolina. The analysis is based on various documents, including site plans, elevation details, and additional elevation information specific to the project's interaction with the ridge line.

Ordinance Requirements

The Mountain Ridge Protection Ordinance aims to regulate the construction of tall buildings or structures on mountain ridges to preserve natural beauty, ensure safety, and protect the environment. Key requirements include:

- 1. Height Restrictions:** No building shall exceed a vertical height of more than 40 feet from the foundation or protrude more than 35 feet above the ridge crest.
- 2. Protected Mountain Ridges Definition:** Applies to ridges at least 3,000 feet in elevation and 500 feet above the adjacent valley floor.
- 3. Setbacks and Clearing Limits:** Structures must be 50 feet from the ridge center, and clearing must be limited to 25% of the lot.
- 4. Lot Size:** Minimum of 2 acres within protected ridge boundaries.

5. Permit Requirements: Detailed development plans and permits are required before construction.

Compliance Analysis

1. Height Restrictions: The project's elevation documents reveal that the highest point of the building (+4139'-11 13/32") protrudes approximately 3 feet 11 13/32 inches above the ridge crest (+4136'-0"), complying with the ordinance's limit of not protruding more than 35 feet above the ridge crest.

2. Protected Mountain Ridges: The provided documents indicate the project is located within a protected mountain ridge area, as defined by the ordinance, with various elevation points significantly above 4,000 feet.

3. Setbacks and Clearing Limits: The site plan indicates structures like the proposed house, carport and solar panels are outside of the 50-foot required setback from the ridge center.

4. Lot Size: The project's lot size of 8.99 acres substantially exceeds the minimum 2-acre requirement, ensuring compliance.

5. Permit Requirements: The review included a detailed review of the development plan as outlined by the ordinance. Compliance in this area is verified.

Conclusion

Based on the documents reviewed, the "Blue Smoke" project fully complies with all standards outlined in the Mountain Ridge Protection Ordinance of Madison County, North Carolina. The adherence to height restrictions, protected ridge definitions, setbacks, and lot size requirements positions the project well within the ordinance's compliance framework.

Attachments

Site Plans, Elevation Profiles, Landscape Plans, etc.

RECEIVED

DEC 08 2023

BY: Sylvia D. Shelton



Land Use Permit Application

Property Information:

Property Address: No 911 Address - 99999 Brothers Lane Mars Hill, NC 28754

Parcel/Tax ID Number: 9852-81-2696

Land Use Classification: A-O RA R-1 R-2 NC CMU RB C I

Lot Size: 8.99 acres Lot Width: 528 ft Lot Coverage Percentage _____

Current Use: Vacant

Proposed Use: Residential Single-home

Accessory Buildings: Carport

Site Plan: The attached site plan should include property boundaries, setbacks, dimensions, and the placement of any buildings or structures. Including the following:

Flood Plain: Yes No

Watershed: Yes No

Protected Ridge: Yes No

Elevation: 4120

Building Height: 30ft Carport 22' 11 3/8"
Top of Foundation 13ft 11 1/4"

Applicant Information:

Full Name of Applicant: John Kyle Innis Date 12/8/2023

Phone Number: 828 775 2255 Email Address: Kyle@tynerconstruction.com

Mailing Address: 1610 Lickskillet Rd Burnsville NC 28714

Is the applicant the owner: Yes No

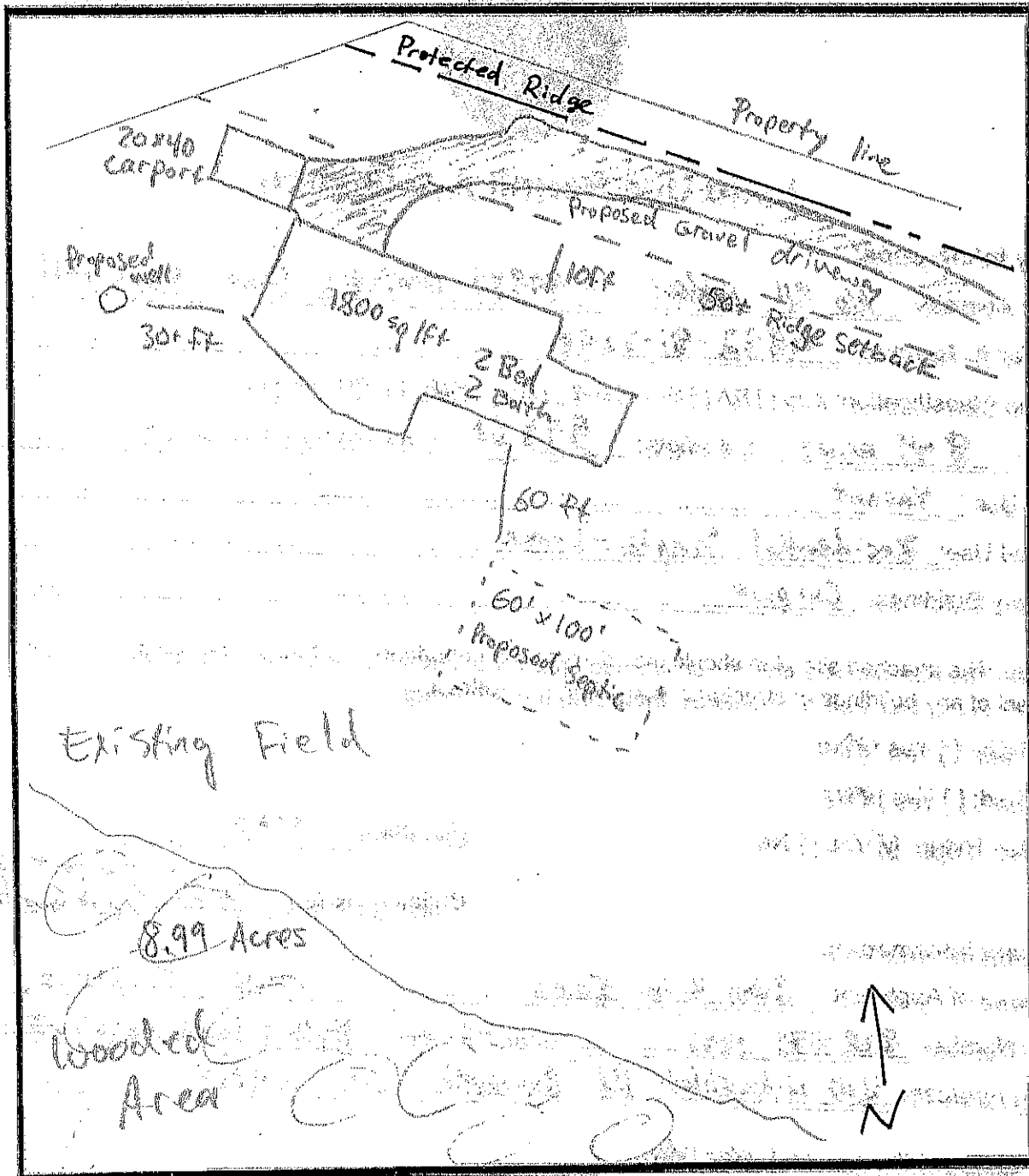
Certifications:

If a permit is granted, I/We, the undersigned, agree to conform to all county ordinances and codes. Furthermore, we agree to meet all state-mandated standards such as health, building safety, and fire. I hereby swear that the above information is truthful and accurate to the best of my understanding.

Signature of Applicant: John K Innis Date: 12/8/2023

#OVER#

Site Plan Not Shown to Scale



Certification:

I, the undersigned applicant/property owner, certify that the information provided is accurate and that I have included all the required items in the site plan. I understand that any changes may void this site plan.

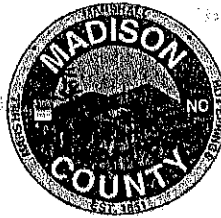
Signature of Authorized Agent/Owner:

John K. Lewis

Date: 12/8/2023

#End#

RECEIVED
DEC 08 2023
BY: Sylva Shelton



Residential Permit Application
Protected Mountain Ridges (3,000 Foot Elevation)

Applicant Information:

Full Name of Applicant: John Kyle Innis
Phone Number: 828 775 2255
Email Address: Kyle@tynerconstruction.com
Mailing Address: 1610 Lickskillet Rd Burnsville NC 28714

Property Information:

Property Address: No 911 Address - 99999 Brothers Lane Mars Hill, NC 28754
Parcel/Tax ID Number: 9852-81-2696

Proposed Construction Details:

1. Type of Construction (e.g. Single-family dwelling, addition, renovation):

2. Description of Proposed Work:

Construction of .4 mile Road from existing Right-of-way, new home single-family custom home, 2-bed, 2-bath, with new well and septic. Detached carport with solar panels

3. Estimated Project Cost: \$ 1,500,000

4. Proposed Start Date: March 2024
Proposed Completion Date: March 2025

Site Plan/Elevation Drawings Information:

Please attach a professional site plan that consolidates all the information about the site on one sheet.

1. Property Boundaries and Dimensions
2. Existing Site Conditions
3. Building Footprints
4. Water and Sewer Layouts:
5. Easements and Rights-of-Way:
6. Perimeter Treatment:
7. Adjacent Land Areas:
8. Road Access: Showing road and driveway locations
9. Building Elevation Profiles:
10. Accurate Measurements and Scales
11. North Arrow for Orientation
12. Any Required Setbacks and Ordinance Requirements

Additional Sheets or Drawings: Certain elements may be detailed on separate sheets or drawings for clarity and detail. For example:

- Elevation Drawings: These focus on building elevation profiles and may be separate from the main site plan.
- Topography Maps: If the topography is complex, a separate topography map might be used.

Declaration:

I hereby certify that the information provided in this application is true and accurate to the best of my knowledge. I understand that any false or misleading information may result in the rejection of this application.

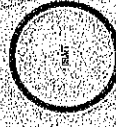
Applicant's Signature: John K Lewis Date: 12/8/2023

INNOVATION
 ARCHITECTURE
 1000 W. 10th Street
 Suite 100
 Minneapolis, MN 55402
 Phone: 612.338.1111
 Fax: 612.338.1112
 www.innovationarch.com



BLUE SHROVE

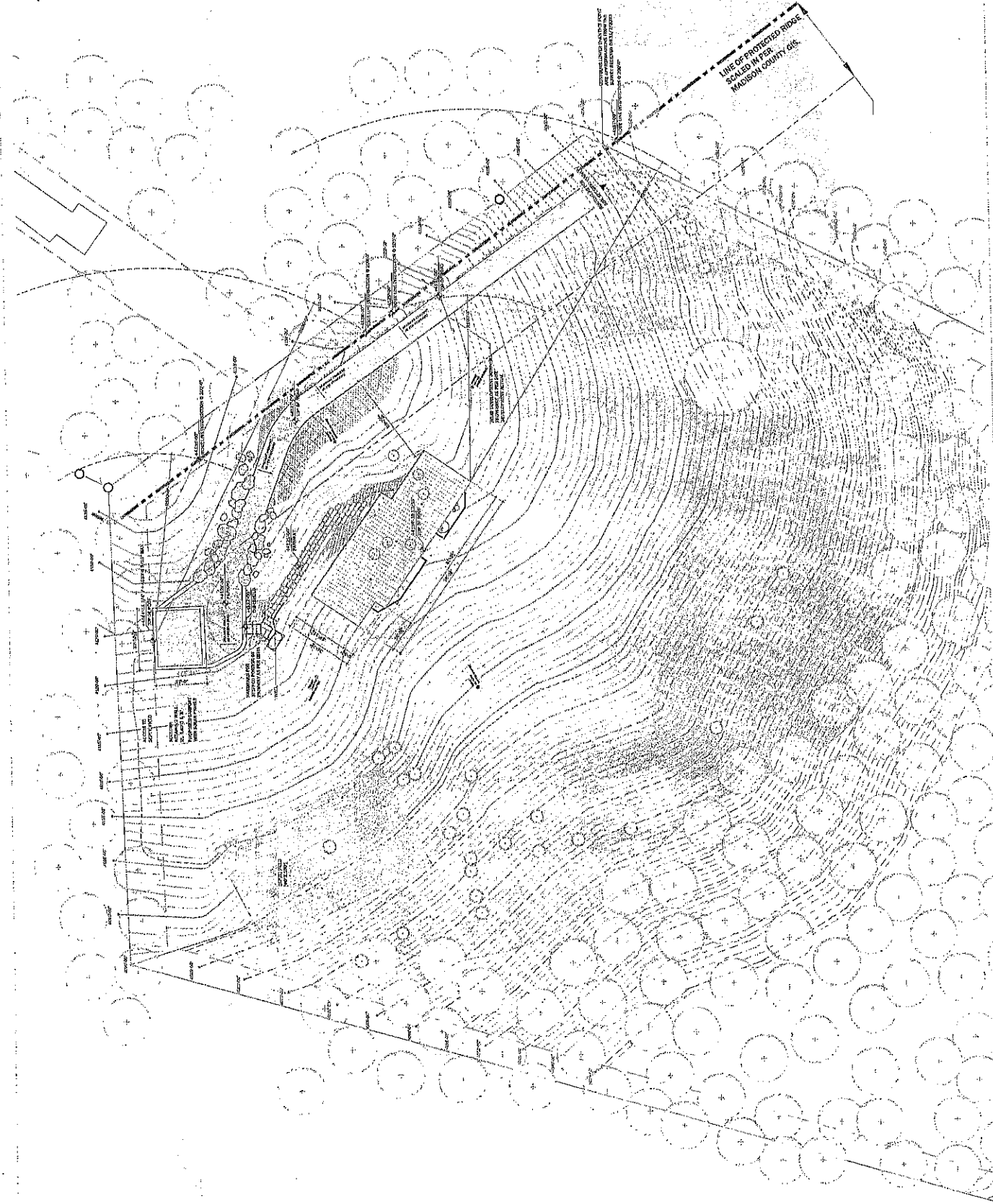
PROJECT: BLUE SHROVE
DATE: 10/15/11
SCALE: AS SHOWN
DESIGNED BY: INNOVATION ARCHITECTURE
CHECKED BY: [Signature]
DATE: 10/15/11

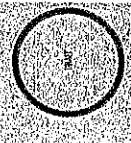


SITE PLAN
AT ROOF LEVEL

A.01

- BOUNDARY
- EASEMENT
- DRIVEWAY
- EASEMENT
- EASEMENT

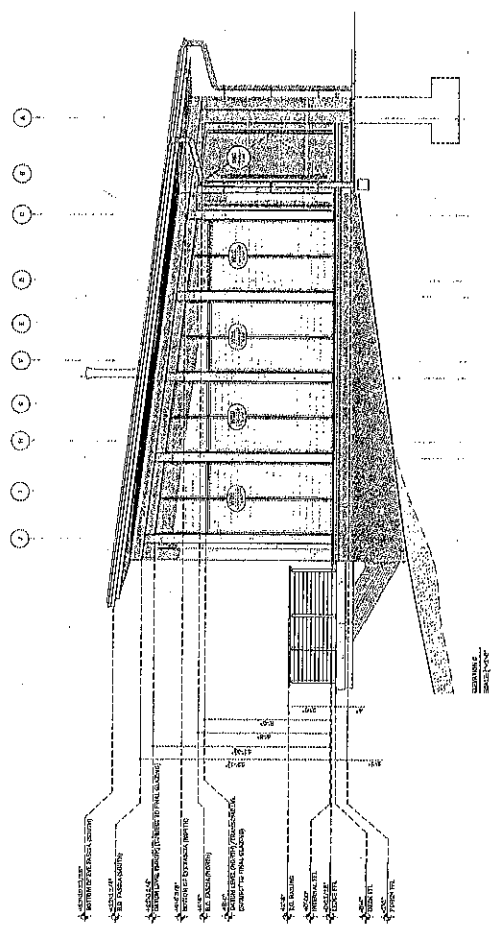
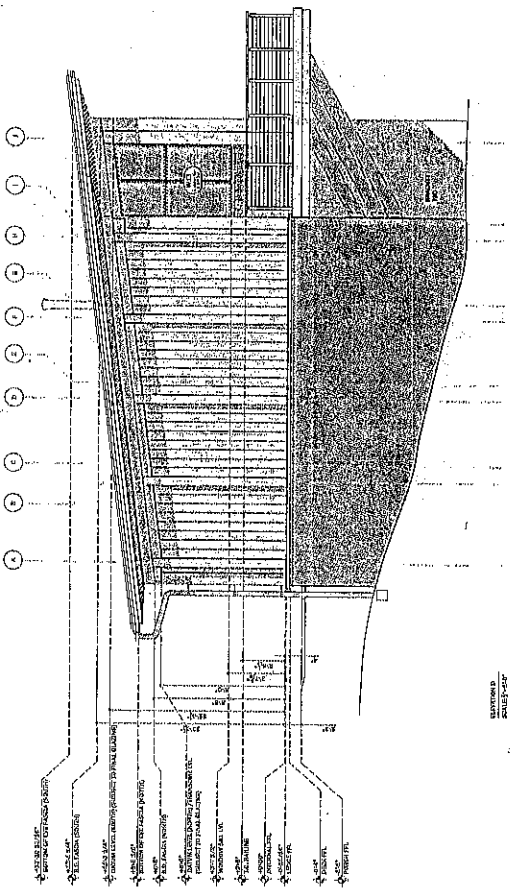
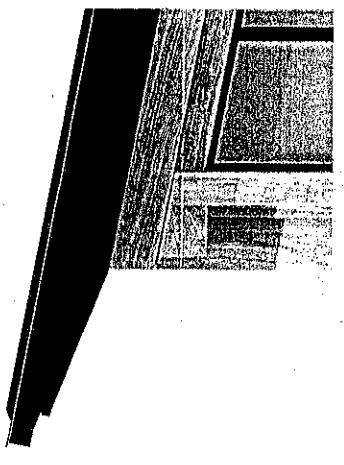
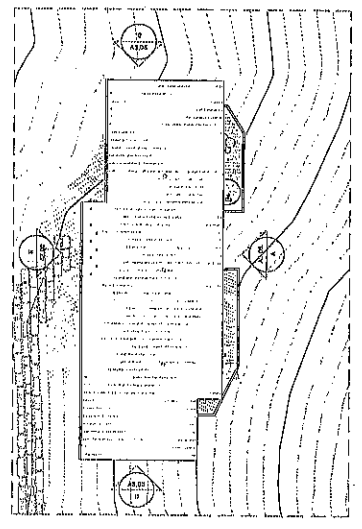




1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

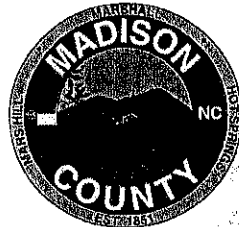
BLUE SHROVE

MANAGIN
MANAGIN ARCHITECTS
1150 11th Street, NW
Seattle, WA 98107
Phone: 206.461.1111
Fax: 206.461.1112
www.managin.com



NOTE:
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

PERMITTED COPY
ARTIST'S PRELIMINARY DRAWING



5.2

Madison County Planning Board

Staff Findings Report

Special Use Permit Application:

Location: 112 Munaya Way Marshall

Applicant: Saloua Lahlou

Representative: Saloua Lahlou

Date: 2.20.2024

Prepared by: Brad J. Guth

Introduction

This report presents the findings of the staff evaluation regarding the application for a Special Use Permit for a campground at 112 Munaya Way Marshall. The evaluation is based on the criteria outlined in the Madison County Land Use Ordinance and relevant local ordinances.

Evaluation

1. Public Health and Safety:

- Ensures safe access and egress routes: **Compliant**
- Adequate emergency services access: **Compliant**
- No significant hazards to public health: **Compliant**
- Environmental Health Compliance: **Compliant**

2. Compliance with Local Ordinances:

- Meets land use requirements in R-A Residential-Agriculture Land Use District: **Compliant**
- Meets special requirements for Campground in Chapter 8 Section 1.6 MCLUO: **Compliant**
- Adheres to noise ordinance: **Compliant**
- Adheres to Mountain Ridge, Watershed, and Floodplain Protection Ordinances: **Compliant**

3. Impact on Property Value and Public Necessity:

- No substantial injury to the value of adjoining properties: **Compliant**

(The Board may request a Comparative Market Analysis, Appraisal or Impact Study)

- Serves a public necessity: **Not Evaluated**

4. Harmony with Surrounding Area:

- Architectural compatibility: **Compliant**
(The Board may request elevation drawings)
- Does not create a nuisance: **Compliant**
(The Board may request impact assessment studies ie noise, light, traffic, etc.)
- Maintains neighborhood character and aesthetics: **Compliant**
(The Board may request a landscape plan, renderings or photos)

5. Compliance with the Comprehensive Plan:

- Conforms to Madison County comprehensive plan: **Compliant**

Suggested Motion

Suggested Motion for Approval

Based on the comprehensive evaluation of the staff and considering the application's compliance with the Madison County Land Use Ordinance, public health, safety standards, and environmental health compliance, I recommend the approval of the Special Use Permit for Saloua Lahlou's proposed project at 112 Munaya Way, Marshall. The applicant must meet all zoning, legal compliance, and operational standards as outlined in the staff findings report.

Suggested Motion Against Approval

Given the incomplete fulfillment of required evaluations and standards, I recommend delaying the approval of the Special Use Permit until all conditions outlined by the Madison County Land Use Ordinance are met. This cautious approach ensures the proposed project fully adheres to established guidelines concerning public health, safety, and environmental standards, safeguarding community interests and maintaining regulatory integrity.

Project Narrative for Munaya Retreat Center

At the heart of our vision for the Munaya Retreat Center is the creation of a space where the beauty of Madison County can be fully appreciated, offering our guests an immersive experience in nature without compromising on comfort. Our unique geodesical dome accommodations are central to this vision, blending modern architectural beauty with the natural surroundings.

Project Design and Compliance with Chapter 8 - Campgrounds:

Our commitment to exceeding the standards set by the Madison County Land Use Ordinance is reflected in our thoughtful planning and design:

Overall Space Allocation: Each of our geodesical dome sites is designed with the spirit of the ordinance in mind, ensuring that we not only provide the solid foundation of approximately 201 square feet for the dome itself but also meet the overall requirement of a minimum of 1,500 square feet per unit. This allocation includes the dome, its deck, and the surrounding area, offering our guests ample space for relaxation and enjoyment of the outdoors.

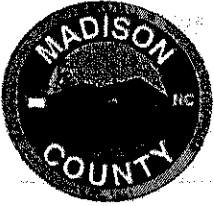
Natural Setback and Buffer: We understand the importance of maintaining a natural buffer for privacy and environmental preservation. To this end, all our dome sites, including their decks, will respect the minimum setback of 200 feet from property lines, preserving the natural landscape and ensuring a serene retreat experience.

Sanitation and Accessibility: Aligning with the standards for campgrounds, we will provide easy access to sanitation facilities from every dome, ensuring the health and safety of our guests while minimizing environmental impact.

Detailed Planning: Our submission includes a preliminary plat, showcasing the careful placement of each dome within its allocated space, the strategic positioning of decks, and the integration of natural buffers.

The Munaya Retreat Center is more than just a place to stay; it's an invitation to connect with nature in a respectful, sustainable manner. By carefully planning each aspect of our development to align with both the letter and the spirit of the Madison County Land Use Ordinance, we are creating a retreat that offers an unparalleled experience to our guests while contributing positively to the local community and environment.

We are excited about the potential to bring this vision to life and welcome any further questions or the opportunity to provide additional information as needed.



P.O. Box 873
Marshall, N.C. 28753

COUNTY OF MADISON ZONING APPLICATION

Check Appropriate Item(s):

- *AMENDMENT TO ZONING MAP -- ZONING CHANGE REQUEST To be completed by staff:
- *CONDITIONAL USE or SPECIAL USE Date Received: _____
- *APPEAL OF ADMINISTRATIVE DECISION Fees Rec'd _____
- *VARIANCE

PART I - To be completed by ALL Applicants

1-A IDENTIFICATION OF PROPERTY

112 Munaya Way Marshall, NC 28753

- 1) Number and Street: _____
- 2) Present Zoning: RA 3) Acres: 10.51 4) Pin Number: 97 05 56 52 73

5) Legal Description of Property (Omit for zoning text amendment) - Attach if necessary.

1-B PROPERTY

1) The deed restrictions, covenants, trust indentures, etc. on said property are as follows (or copy attached): if NONE so state:

NONE

2) (a) Has this property or any part thereof ever been considered for Variance, Special Use, Appeal of Administrative Decision or Amendment to the Zoning Map before? *YES *NO

(b) Date: _____ (c) What was the disposition of the case? _____

(d) Former Applicant Name: _____
Former Applicant Address: _____
Former Phone: _____

I-C IDENTIFICATION OF APPLICANT – All applicants must have standing (an interest in property that will be directly affected by requested action)

1) Applicant:

Name: SALOUA LAHLOU
Address: 118 Munaya way Marshall, NC 28753
Phone: 856-417-3800

Agent (if any):

Name: _____
Address: _____
Phone: _____

2) Owners of all property included in this application:

Name: SALOUA LAHLOU
Address: 118 Munaya way Marshall, NC 28753
Phone: 856 417 3800

3) If the applicant is a Land Trust, Partnership, Corporation, or LLC, etc.. or if the subject property is owned or controlled by a Land Trust, Partnership, Corporation or LLC. List name and interest of all Land Trust Beneficiaries or Partners and attach evidence that the person submitting the application on behalf of the Land Trust or Partnership is authorized to do so.

NAME/ADDRESS	PHONE	INTEREST
Trustee/Partner: _____		
Beneficiary/Partner: _____		
Beneficiary/Partner: _____		
Beneficiary/Partner: _____		

5) Does the applicant have a proprietary interest in the land or land improvements? YES NO

If YES, state interest and attach documentation: I own the land.

If NO, state what interest otherwise qualifies the applicant to apply:

6) Names of the owners of the improvement(s) on the property in this applicant if different from above:

NAME	Address
_____	_____
_____	_____

7) If the applicant is a corporation or LLC etc., attach evidence that the person submitting the application on behalf of the corporation is authorized to do so.

Part 2 - Request Type

2-A REZONING -- (AMENDMENT TO THE ZONING MAP) -- Application for amendments to the Zoning District Map are heard by the Planning Board which makes a recommendation to the County Commissioners. Only the County Commissioners has authority to grant or deny amendments to the Zoning District Map.

- 1) (a) Existing Zoning: RA
- (b) Proposed Zoning: _____
- (c) Existing Use: _____
- (d) Proposed Use: _____

Zoning Designations:

AO Agriculture Open-Space District	RA Residential Agriculture
R-1 Residential District	R-2 Residential-Resort District
I-D Industrial District	C Commercial
N-C Neighborhood Commercial	CMU Commercial Mixed Use

- 2) The following must be submitted with this application:
- *Preliminary Site Plan - prepared by a register design professional
 - *Rendering or Perspective - depicting possible uses
 - *Other - please describe
- 3) Please list names, addresses, and phone numbers of the adjoining property owners.

2-B SPECIAL USE REQUEST or CONDITIONAL USE-- Conditional Use requests are heard by the Board of Adjustment which will make a decision. Special Use requests are heard by the Planning Board.

- 1) Are development plans submitted with this application? *YES *NO
- 2) Parking requirements:
- a) Proposed number of parking spaces to be provided: 12
- b) Number of parking spaces required of Zoning Ordinance: _____
- Other
- a) Attach tabulation of total land area and percentage thereof designated for various uses
- b) Are there any land use intensity requirements? *YES *NO If yes, attach data.

2-C

VARIANCE

To the Madison County Board of Adjustment:

I, hereby petition the Board of Adjustment for a Variance from the provisions of the Madison County Ordinance because, under the interpretation given to me by the Zoning Administrator, I am Prohibited from using the parcel of land described in the application in a manner shown by the plot plan attached. I request a variance from the following provision(s) of the ordinance:

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The board must find there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit, and that in granting of the variance the public safety and welfare have been assured and substantial justice has been done. Please attach any proof, evidence or other documentation to show why this variance is being applied for.

2-D Appeal of an Administrators Decision

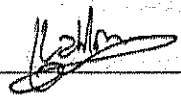
An appeal must be taken within 30 days after the date of the decision or order appealed from.

I, the undersigned, do hereby respectfully make application and petition the Board of Adjustment of Madison County as hereinafter requested, and in support of this application, the following facts are shown:

- 1. Reasons for appeal.
- 2. Decision rendered by Zoning Office

PART 3 - TO BE COMPLETED BY ALL APPLICANTS

To the best of my knowledge, I hereby affirm that all information in this application and any attached material and documents are true and accurate:

- a) Signature of Applicant: 
- b) Signature of Agent (if any): _____
- c) Date 12/26/23

CONCEPTUAL SITE PLAN ADOPION 1A

ROBERTO BRIAN ET AL
PIN 9735-56-2104
DB 678187 TRACT 2

LAHLOU, SALOHA &
BOEDICKER, NICHOLAS
PIN 9705-56-2143
DB 745761

LAHLOU, SALOHA &
BOEDICKER, NICHOLAS
PIN 9705-56-2143
DB 745761

WEBB, DANIE M
JOHNNY'S MARLOR LIFE EST.
PIN 9706-55-1751
DB 631923
PB 868 TRACT 2

ROBERTS
RELLY & LYNN
PIN 9705-55-5584
DB 127295

45°58' M. 00°11' W. 455.30'

52°06' M. 57°01' S. 915.50'

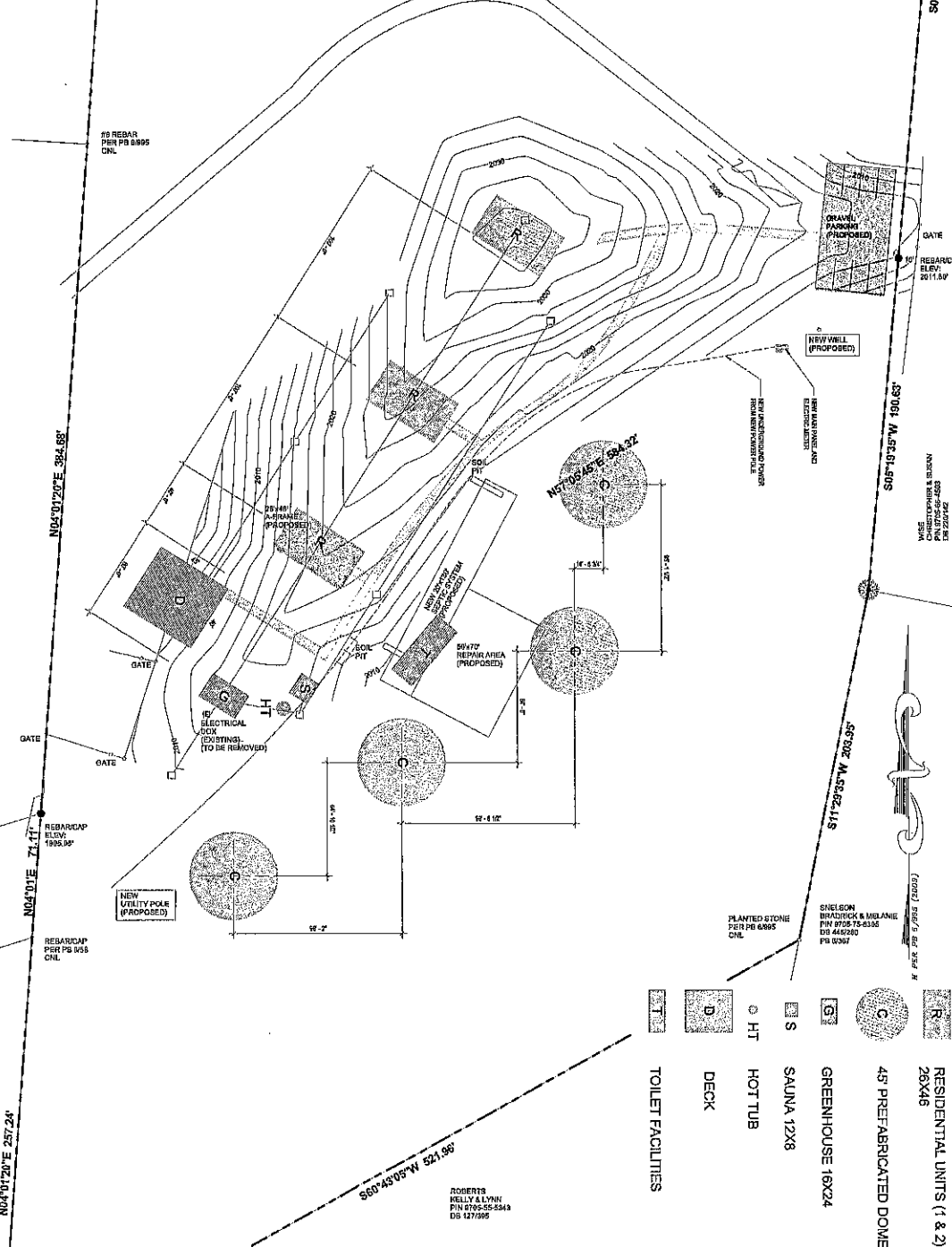
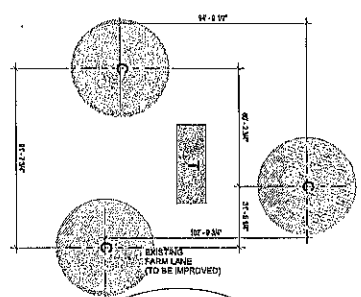
52°03' M. 52°22' 11.5

SHIELSON
BRADRICK & MELANIE
PIN 9705-75-8136
DB 644293
PB 93067

N04°01'20"E 384.68'

N04°01'20"E 714.11'

N04°01'20"E 257.24'



- RESIDENTIAL UNITS (1 & 2)
26X46
- GREENHOUSE 16X24
- SAUNA 12X8
- HOT TUB
- DECK
- TOILET FACILITIES
- 45' PREFABRICATED DOME

DRAWING TITLE
**PROPOSED
CONCEPTUAL SITE PLAN
OPT 4A**

SALOHA LAHLOU
11 LAUREL BRANCH RD
MARSHALL, NC
MARSHALL VACATION RENTALS

ROBERT E. STEFFEN, PhD, PE
STRUCTURAL ENGINEERING CONSULTING
858-275-9668
robert@robertsteffen.com
ASHEVILLE, NC

SCALE
1/5