

**Town of Seven Devils  
Board of Adjustment**

Regular Scheduled Meeting  
'Conditional Use Permit' Public Hearing

August 23, 2010

**I. Call to Order**

The meeting was called to order at 5:35 p.m. by Chairman Bill Wilkinson. Other Board Members present were: Vice-Chair Richard DeMott, Bobbye Hurlbrink, Carol Isquith, George Ehlinger, Kathy Copley and Lois Dodson. Also present was Town Manager and Zoning Administrator Ed Evans. Beth Taylor and Town Manager Ed Evans recorded the minutes.

**II. Adopt Agenda**

Chair Bill Wilkinson asked for a motion to adopt the agenda. Member Copley made a motion to adopt the agenda. Vice-Chair DeMott seconded the motion. The members agreed unanimously. Agenda was adopted.

**III. Approval of Minutes – January 25, 2010- Regular Meeting**

Chair Bill Wilkinson asked for a motion to approve the minutes of the last meeting. Vice-Chair DeMott made a motion to approve the January 25, 2010 minutes as submitted. Member Hurlbrink seconded the motion. The members agreed unanimously. Minutes were approved.

Chair Bill Wilkinson asked for a motion to be made appointing Town Manager and Zoning Administrator Ed Evans as Town Clerk for this meeting. Member Copley made the motion. Vice-Chair DeMott seconded the motion. The Members agreed unanimously. Town Manager and Zoning Administrator Ed Evans was appointed as Town Clerk for the purpose of this meeting.

Chair Bill Wilkinson made mention that any who wish to speak must first sign in and be sworn in by Mayor Bob Dodson.

Evans, along with Lannie Thomas were asked to stand so they may be sworn in to give testimony. Mayor Bob Dodson swore them in.

**IV. Public Hearing- Conditional Use of Old Saddle Up Ranch Property**

Chair Bill Wilkinson asked for a motion to open the Public Hearing. Vice-Chair DeMott made a motion to open the Public Hearing. Member Copley seconded the motion. The

members agreed unanimously. Public Hearing was opened.

### **Zoning Administrator's Findings**

Town Manager and Zoning Administrator Ed Evans introduced Mr. Lannie Thomas, who requested the conditional use permit of Saddle Up Ranch for personal use, to the Board and Citizens. Evans pointed out that the application and all necessary information was received in a time and the Public Hearing Notice was issued in the newspaper, meeting all requirements listed in Article 12, section 12.3.1 of the Zoning Ordinance.

Evans stated that the Saddle Up Ranch Property was used as a stable 5-10 years ago, which is consistent with the conditional use proposed by Mr. Thomas intends to use the land for. Evans pointed out that this conditional use permit applies only to the 5.04 acres being purchased by Mr. Thomas and does not apply to the additional 7 acres he plans to purchase.

Evans stated that some had citizens had expressed concern over potential contamination of water. In answer to the question:

Evans spoke with the Town Manager of Blowing Rock who informed him there has been no water contamination as a result of the stables in Blowing Rock. Watauga County Environmental Health Division also reported that there have been no problems relating to water contamination due to stabling horses nearby.

Evans handed out a statement to all Board Members prior to the Public Hearing, per the requirement. In his opinion as Zoning Administrator, all necessary steps have been taken.

### **The Hearing was open for Mr. Lannie Thomas to present his petition to the Board Members.**

Mr. Thomas started by thanking everyone for the opportunity to speak tonight. After a brief background on his business history, Mr. Thomas addressed how he planned on using the Saddle Up Ranch Property. His immediate plans involve having Ronnie Ducksworth Landscaping clean up the property and take care of all landscaping (which they would continue to do year round when Mr. Thomas is not living on the property) including cleaning out the stream. He also plans to build new signs and fences around the entire 6 acres, install two new gates between horses and roads, pave the driveway providing emergency access, and renovate the barn.

In response to Member Ehlinger's concern about water contamination, Mr. Thomas stated that he plans on composting all waste, which will also eliminate odors, then using it as fertilizer. Mr. Thomas also explained that in order to prevent flies he not only will keep the stalls cleaned daily but also plans to employ the use of Orkin Air, a mister that keeps flies away and which is not harmful to ones health. All horses will be kept in a riding ring during bad weather to prevent the pasture from eroding.

In closing, Mr. Thomas added that the stables will be for personal use only—they will not be available to the public. He will never have the horses on town roads, unless asked by the town specifically (i.e.: in a parade). The Saddle Up Ranch will be self-contained therefore it will not be a burden on the Town. It is Mr. Thomas' hope that it

will be seen as an amenity and therefore will enhance the town.

Chair Bill Wilkinson asked for a motion to be made to close the Public Hearing. Vice-Chair DeMott made the motion to close. Member Copley seconded the motion. The Members agreed unanimously. The Public Hearing was closed at 6:25 p.m.

## **V. Old Business**

None

## **VI. New Business**

Member Isquith questioned whether the horses will be there year round. Mr. Thomas responded that the horses would only be there 3 or 4 months out of the year and only when he himself would be there to tend to them.

Member Dodson was concerned if the Coggins Health requirements will be met. Mr. Thomas assured her that all his horses are current on their vaccinations, so there will be no problem transporting them from Florida, as he has his Coggins papers.

Member Copley wanted to know if there was a second driveway to provide emergency vehicle access if necessary. According to Mr. Thomas, he is planning on re-paving the second drive. A map was shown to the Board Members outlining where the drive would be and to show that it is accessible for emergency vehicles.

Chair Bill Wilkinson mentioned that there will be no stipulation issued regarding how many horses per acre there will be since the barn has only 8 stalls.

### **Chair Bill Wilkinson moved to proceed to voting at 6:35 p.m.**

*When hearing a case, a vote of 4/5 of the membership of the BOA (6 of the 7 members) shall be necessary to decide a case.*

The voting went as follows:

The Board of Adjustment shall issue a Conditional Use Permit unless it concludes; based upon information submitted at the public hearing that one (1) or more of the following is true:

#### **1. The application is incomplete.**

- *False: Unanimous*

**2. The proposed use will be located, designed, and/or operated in a way that will endanger the public health, safety, or general welfare.**

- *False: Unanimous*

**3. The proposed use will seriously interfere with existing uses on adjacent properties, with the character of the area, or with the purpose of the zone in which it is proposed.**

- *False: Unanimous*

**4. The proposed use will impose an undue burden on any public improvements, facilities, utilities, or services available to the area.**

- *False: Unanimous*

**5. The proposed use will substantially injure the value of adjoining or abutting property.**

- *False: Unanimous*

**6. The proposed use will not be in general conformity with the Vision Statement, Comprehensive Land Use Plan or other plan officially adopted by the Town Council.**

- *False: Unanimous*

Chair Bill Wilkinson made a motion to approve the Conditional Use Permit. Member Copley seconded the motion. The Members agreed unanimously. The Conditional Use Permit was approved.

## **VII. Adjourn**

There being no further business to bring before the Board, Chairman Wilkinson made a motion to adjourn. Member Copley seconded the motion. The members agreed unanimously. At 6:40 p.m., the meeting was adjourned.

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Bill Wilkinson, Chairman

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Ed Evans, Town Manager