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Waynesville, NC 28786
March 23, 2022

Subject: “Consistency Statements” from Maggie Valley Board of Aldermen. WTF?

The following are “Consistency Statements” from the Mayor of Maggie Valley, **Mike Eveland**, and his two rouge Aldermen, **John Hinton** and **Jim Owens**. These “consistency statements” presumably justify why these three people, **Mike Eveland**, **John Hinton** and **Jim Owens** denied three (3) property owners a request to change their property to an R-3 designation/district. These “consistency statements” are for the following properties, at:

- Consistency Statement 217 Campbell Creek Road
- Consistency Statement 751 Soco Road
- Consistency Statement Playhouse Road

These “consistency statements” were presumed to have been approved at the Aldermen Board Meeting on 3/8/2022. See the audio + video on www.haywoodtp.net, to see if you can find it.

<https://www.haywoodtp.net/pubII/220308MaggieValleyAldermenMeeting%20Part%204.mp4>

Wait a minute!

WTF is a “consistency statement”? I’ve never heard of this before. What is sounds to me like, it is a “cover your ass statement”. These take the form of a Resolution. All three follow this piece.

***** NEWS FLASH *****

It was announced at the Town of Maggie Valley Planning Board Meeting last night that Connie Lee Dennis, significant other to Jim Blyth, resigned her position from the board.

Monroe A. Miller, Jr.
Haywood County Taxpayer.

GOVERNING BOARD CONSISTENCY AND REASONABLENESS STATEMENT

Property PIN NO. 7686-17-4633: Rezoning from R-2 to R-3

WHEREAS, in accordance with N.C. Gen. Stat. § 160D-701, the following is stated:

Zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.

WHEREAS, the Planning Board of the Town of Maggie Valley determined that the Town's current Land Use Map from 2007 identifies the property as High Density Residential. Consistent with the Future Land Use Map, the Planning Board unanimously recommends rezoning the property from R-2 to R-3.

WHEREAS, R-3 is the Town's High Density Residential district; and

WHEREAS, as directed above, Town Board of Aldermen must approve a Plan Consistency and Reasonableness Statement with regard to each adoption or rejection of a zoning amendment;

NOW THEREFORE, based the record of the proceedings related to the rezoning request, **THE BOARD OF ALDERMEN OF THE TOWN OF MAGGIE VALLEY HEREBY STATES:**

Section 1: The proposed zoning amendment is **consistent** with the Future Land Use Map and Comprehensive Plan adopted by the Town of Maggie Valley which identifies the property as High Density Residential.

Section 2: The proposed zoning amendment is **not reasonable and not in the public interest**; and therefore is **not approved based on the following**:

- 1) Adjacent Zoning is R-1.
- 2) The property under consideration is adjacent to single family residences.
- 3) The requested R-3 Zoning would allow Manufactured Home Parks as a Special Exception by the Zoning Board of Adjustment.

GOVERNING BOARD CONSISTENCY AND REASONABLENESS STATEMENT

Property PIN NOs. 7696-77-7475 & 7696-88-0432: Rezoning from R-1 & C-1 to R-3

WHEREAS, in accordance with N.C. Gen. Stat. § 160D-701, the following is stated:

Zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.

WHEREAS, the Planning Board of the Town of Maggie Valley determined that the Town's current Land Use Map from 2007 identifies the property as Soco Road Mixed Use. Consistent with the Future Land Use Map, the Planning Board recommends (3-1) rezoning the property from C-1 and R-1 to R-3.

WHEREAS, R-3 is the Town's High Density Residential district; and

WHEREAS, as directed above, Town Board of Aldermen must approve a Plan Consistency and Reasonableness Statement with regard to each adoption or rejection of a zoning amendment;

NOW THEREFORE, based the record of the proceedings related to the rezoning request, **THE BOARD OF ALDERMEN OF THE TOWN OF MAGGIE VALLEY HEREBY STATES:**

Section 1: The proposed zoning amendment is **consistent** with the Future Land Use Map and Comprehensive Plan adopted by the Town of Maggie Valley which identifies the property as Soco Road Mixed Use.

Section 2: The proposed zoning amendment is **not reasonable and not in the public interest**; and therefore **is not approved based on the following**:

- 1) The subject property is adjacent to single family homes.
- 2) The topography of the property does not support high density development.
- 3) The requested R-3 Zoning would allow Manufactured Home Parks as a Special Exception by the Zoning Board of Adjustment, a use which is incompatible with the surrounding neighborhood.

GOVERNING BOARD CONSISTENCY AND REASONABLENESS STATEMENT

5.65 Portion of Property PIN NO. 7686-18-3030: Rezoning from R-1 to R-3

WHEREAS, in accordance with N.C. Gen. Stat. § 160D-701, the following is stated:

Zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.

WHEREAS, the Planning Board of the Town of Maggie Valley determined that the Town's current Land Use Map from 2007 identifies the property as High Density Residential. Consistent with the Future Land Use Map, the Planning Board unanimously recommends rezoning the R-1 portion of the property to R-3.

WHEREAS, R-3 is the Town's High Density Residential district; and

WHEREAS, as directed above, Town Board of Aldermen must approve a Plan Consistency and Reasonableness Statement with regard to each adoption or rejection of a zoning amendment;

NOW THEREFORE, based the record of the proceedings related to the rezoning request, **THE BOARD OF ALDERMEN OF THE TOWN OF MAGGIE VALLEY HEREBY STATES:**

Section 1: The proposed zoning amendment is **consistent** with the Future Land Use Map and Comprehensive Plan adopted by the Town of Maggie Valley which identifies the property as High Density Residential.

Section 2: The proposed zoning amendment is **not reasonable and not in the public interest**; and therefore **is not approved based on the following**:

- 1) Adjacent Zoning is R-1.
- 2) The property under consideration is adjacent to single family residences.
- 3) The requested R-3 Zoning would allow Manufactured Home Parks as a Special Exception by the Zoning Board of Adjustment.