

**Town of Seven Devils**  
**Planning Board Agenda**  
**Organizational & Regular Meeting**  
**February 18, 2020 5:30pm**

- 1) Call to Order – Town Manager
- 2) Oath of Office – Administered by Town Clerk
- 3) Election of Chair and Vice-Chair
- 4) Adopt Agenda
- 5) Approve Minutes of Planning Board Meeting – June 18, 2019
- 6) Town Manager/Zoning Administrator Comments
  
- 7) New Business
  - A. Application for Planning Board – Joan Streightiff
  - B. Howe Property – 205 Devils Lake Drive – Request to divide lot
    - (i) 2020
    - (ii) 2014
    - (iii) 2006
  - C. Rezoning Application Form– Change – UDO, Figure 4.1 – *Future Public Hearing -TBD*
    - (i) Current Application
    - (ii) Proposed Application
  - D. Nuisance Ordinance – Changes/Additions
    - (i) Prohibited Noises – Discharge of Firearms
    - (ii) Prohibited Noises – Construction Noise
    - (iii) Addition - Article 13 – Recreational Vehicles Prohibited
  
- 8) Old Business
  - A. Nuisance Ordinance – Addition – Article 12
    - (i) Damage to Town Roads & ROW

The following items of Future Business to UDO will require a future Public Hearing – TBD

- 9) Future Business – UDO
  - A. STR (Short Term Rentals) in UDO – Addition
  - B. NC GS 160A transition to 160D in UDO – Change
  
- 10) Citizen Comments
- 11) Planning Board Member Comments
- 12) Adjourn

OATH OF OFFICE

I, (state your name), do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties as a Member of the Planning Board, so help me God.

On this 18<sup>th</sup> day of February 2020.

\_\_\_\_\_  
Frank Sell

\_\_\_\_\_  
George Ehlinger

\_\_\_\_\_  
Bert Valery

\_\_\_\_\_  
John Wells IV

\_\_\_\_\_  
Butch McLean, Alternate

\_\_\_\_\_  
Administered by Hillary Gropp  
Town Clerk

**Town of Seven Devils  
Planning Board Minutes  
Regular & Organizational Meeting  
June 18, 2019**

The Seven Devils Planning Board met on Tuesday, June 18, 2019 at 5:30pm at Town Hall. Members present were Jack Byrnes, George Ehlinger, Walt Hogan, Jim Jones & Jeffrey Williams. Absent Members -Bob Haugh, Frank Sell & Butch McLean-Alternate; quorum was met. Also, in attendance was Town Manager-Zoning Administrator Debbie Powers & Town Clerk Hillary Gropp recorded the minutes.

**Call to Order**

Debbie Powers called the meeting to order at 5:30pm.

**Oath of Office**

Town Clerk Gropp administered the Oath of Office to New/Reappointed members - Jack Byrnes, Walt Hogan, Jim Jones & Jeffrey Williams.

**Election of Chair & Vice Chair**

Town Manager Powers opened the floor for nominations of Chair of the Planning Board. Member Ehlinger nominated Jack Byrnes as Chair; Member Jones seconded the nomination. There were no other nominations.

Member Ehlinger made the motion to elect Jack Byrnes as Chair; Member Jones seconded the motion. All members agreed.

The meeting procedures were handed to Chair Byrnes from Town Manager Powers. Chair Byrnes asked for nominations for Vice Chair. Member Jones nominated George Ehlinger as Vice Chair; Member Williams seconded the nomination. There were no other nominations. Member Jones made the motion to elect George Ehlinger as Vice Chair; Member Williams seconded the motion. All members agreed.

**Adopt Agenda**

Vice Chair Ehlinger made a motion to adopt the agenda; Member Hogan seconded the motion. All members agreed.

**Approve Minutes July 17, 2018**

Vice Chair Ehlinger made a motion to approve the minutes of July 17, 2018; Member Hogan seconded the motion. All members agreed.

### Administrative Comments

Town Manager-Zoning Administrator Powers welcomed the Planning Board members. She explained the role of the Planning Board is advisory and to make recommendations to the Town Council.

### Old Business-None

### New Business

A. Damage to Town Roads/ROW – The Town’s current ordinance only specifies damage to roads as a result of new construction and lacks language for all other types of vehicle traffic. Due to the complexity of creating a new ordinance to address all vehicle traffic, the Planning Board has tabled this item for future review & discussion. Zoning Administrator Powers will write language.

B. Drones/Unmanned Aircraft Systems – Due to the lack of an existing Town ordinance, discussion occurred about the necessity for having an ordinance as a method of enforcement, otherwise the Town does not have the ability to regulate Drones or Unmanned Aircraft Systems. Member Jones made a motion for Zoning Administrator Powers to write a new ordinance for Drones/Unmanned Aircraft Systems; Violations will be fined beginning at \$250.00 and increase for repeat offenses. Member Hogan seconded the motion; All members agreed.

C. Dog Waste – Due to the lack of a penalty outlined in the Nuisance Ordinance – Article 4 – ANIMAL CONTROL, Member Jones made the motion to establish a Penalty chart for violations of the existing Nuisance Ordinance-Article 4-ANIMAL CONTROL. Member Hogan seconded the motion; All members agreed.

D. Unreasonable & Disturbing Noises – Nuisance Ordinance  
Due to lack of language for a specified timeframe in the existing Nuisance Ordinance – Article 5 – UNREASONABLE AND DISTURBING NOISES – 5.1 Prohibited Noises 7) a motion was made to amend. Member Hogan made the motion to amend as follows:

7) *Shouting, yelling, or crying* of any persons or group of persons that disturbs the peace and quiet of the Town **between the hours of 10pm and 7am.**

Member Williams seconded the motion; All members agreed.

E. Sexually Oriented Businesses –

Member Jones made a motion to amend the UNIFIED DEVELOPMENT ORDINANCE (UDO) – Article 5 – USE REGULATIONS – TABLE 5.1 TABLE OF PERMITTED USES and include a line under **Commercial Uses** – Sexually Oriented Businesses “C” Conditional Use Permit required on column GB.

Member Ehlinger seconded the motion; All members agreed.

F. Short Term Rentals – Zoning Administrator Powers provided information about regulations for STR that have occurred in other Towns; more updates expected in upcoming months regarding recent legislation. Item tabled for future review & discussion.

**Citizens Comments**

Larry Fontaine -127 West Rocky Top – commented on the good discussions & productivity at tonight’s meeting. He made suggestions to educate STR owners/renters about the Town’s ordinances. The STR properties are well maintained and visitors to the Town might buy a house. The TDA uses funds collected for Occupancy Tax to benefit the Town.

**Member Comments**

Member Hogan agreed with the Citizen’s comments about the discussion and actions of the Planning Board at tonight’s meeting.

**Adjourn**

Member Jones made the motion to adjourn; Vice Chair Ehlinger seconded the motion. The members agreed unanimously. The meeting adjourned at 6:33pm.

\_\_\_\_\_  
Jack Byrnes, Chair

\_\_\_\_\_  
Hillary Gropp, Town Clerk

**Town Manager/Zoning Administrator Comments:****Tonight's meeting consists of two parts:**

1. Changes or additions to the **Nuisance Ordinance** can be approved and recommended tonight by the Planning Board and be presented to the Town Council at their next meeting for approval.
2. Changes to the **UDO** will require a Public Hearing before presenting a recommendation to the Town Council. Two items on the agenda are for future consideration, as State legislation is still pending on *STR regulations* and the *160D transition* is brand new and not effective until January 1, 2021. I just wanted to start the conversation on these items, which will be continued at meetings later this year. The *Rezoning Application* changes are straight forward and can be approved tonight.

**DEBBIE'S NOTES:**

The changes and/or additions to the **Nuisance Ordinance** are necessary to give staff (myself and Police) the power to address an urgent situation immediately for quick resolution, with warnings and/or violation notices. The items to be changed and/or added to the **UDO** require a Public Hearing before presenting to the Town Council for approval. The UDO focuses more on the construction side of the Town's regulations, and therefore, the warnings and/or violations require more administrative time to process, such as Zoning Administrator or Police writing a 30-day letter, sent via Certified Mail, before issuing a warning and/or fine.

**Items under New Business – Mr. Howe’s request to divide his property:** You, as the Planning Board, are welcome to ask him any questions you feel necessary to make an informed decision.

We have received an application from Joan Streightiff, Villas 1D, to sit on the Planning Board. Tonight, the Board should consider her application, to recommend to the Town Council. We have a full Board at this time, but it would be prudent to have a candidate to fulfill a future vacancy.

Thank you all, for your service to the Town. You are appreciated!

Debbie Powers

Town Manager and Zoning Administrator

TOWN OF SEVEN DEVILS APPLICATION FOR APPOINTMENT  
FOR: BOARD OR COMMITTEE

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request without notice. If there is any information you do not want released to the public, please do not include it.

FULL NAME: Joan Streightiff

LOCAL ADDRESS: 1267 Seven Devils Rd. Unit 1D

EMAIL ADDRESS: jstr8iff@gmail.com, TELEPHONE: 904-517-9898

FULL-TIME RESIDENT of the Town of Seven Devils  YES  NO

If part-time, approximately how many months in a year do you live in Seven Devils? \_\_\_\_\_

HOW LONG HAVE YOU BEEN A RESIDENT OF SEVEN DEVILS? Nov. 2019

NAME OF BOARD OR COMMITTEE FOR WHICH APPOINTMENT IS SOUGHT:

- Board of Adjustment
- Public Works Committee
- TDA-Tourism Development Authority
- Planning Board
- Recreation Commission
- ABC Board

WHY DO YOU WANT TO SERVE ON THIS BOARD/COMMITTEE?

I want to get involved in the community and volunteer in any way I am needed.

ARE YOU FAMILIAR WITH THE TOWN'S COMPREHENSIVE LAND USE PLAN AND THE VISION STATEMENT OF THE TOWN CONTAINED THEREIN? (It can be accessed at [www.sevendevils.net](http://www.sevendevils.net))

Yes. I have read both

RATE YOUR SUPPORT FOR THE VISION STATEMENT AND COMPREHENSIVE LAND USE PLAN

(with "1" signifying no support and "10" signifying great support): 10

WHAT SKILLS, EDUCATION, TRAINING, EXPERIENCE OR AREA(S) OF EXPERTISE WOULD YOU BRING TO THIS APPOINTMENT?

I spent 30+ years in Credit related jobs. I bring strong managerial, project implementation experience and negotiation skills.

HAVE YOU TAKEN THE OPPORTUNITY TO ATTEND ANY PREVIOUS BOARD MEETINGS PRIOR TO THE NOTICE OF THIS VACANCY?  YES  NO

DESCRIBE EXTENT AND MEETINGS ATTENDED: I have attended the last 2 town council meetings

IF APPOINTED, DO YOU ANTICIPATE ANY CONFLICT OF INTEREST?  YES  NO

IF YES, PLEASE EXPLAIN: \_\_\_\_\_



PLEASE LIST ANY CURRENT OR PREVIOUS SERVICE TO THE COMMUNITY, CIVIC ORGANIZATIONS, ACTIVITIES AND ANY SPECIAL TALENTS:

BOARDS/CIVIC ORGANIZATIONS/TALENTS:	DATE FROM:	DATE TO:
<u>Volunteer <sup>Coordinator</sup> Manager of</u>	<u>2012-2019</u>	<u>          </u>
<u>The Caring Canine</u>	<u>          </u>	<u>          </u>
<u>Program - Mayo Clinic</u>	<u>          </u>	<u>          </u>

ADDITIONAL COMMENTS WHY YOU SHOULD BE APPOINTED TO THIS BOARD/COMMITTEE:

Although I have little/no background in planning at the town level, I have a strong desire to serve and will dedicate the time to research and study to become a strong, contributing member  
**I certify this information is correct. I understand that this is an application to be considered for appointment to a Town Board or Committee and that final appointment is made by the Town Council of Seven Devils. I also understand that any service, if appointed, would be without compensation. This application will remain on file for a period of 12 months form the date of application.**

Gender: Female

Signature: *Janet Streightiff* Date: 2/12/20

Please fill out the form completely and return it to the Town Clerk at Town Hall.

If you have any questions, call 828-963-5343



**Debbie's Notes on Howe Property (previously Mark & Tina Bailey's property) @ 205 Devils Lake Drive**

**Historical Recap:**

Originally, a portion of Bailey Subdivision contained Lots 1, 2, and 3 which are located between Alpine Drive and Devils Lake Drive, containing a total of 3.901 acres. I have pulled the deed and plat from 2006, which confirms this.

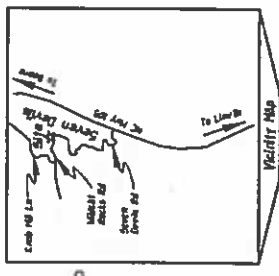
Then in 2014, the Baileys combined lot 2 (1.030 acres) and lot 3 (1.508 acres), for a total of 2.538 acres.

Now, in 2020, Mr. Howe and his surveyor are requesting to divide back into Lot 2 (increasing size to 1.222 acres) and Lot 3 (decreasing to 1.316 acres), for a total of 2.538 acres.

His surveyor, Donald McNeil, at Appalachian Professional Land Surveyors & Consultants, PA, has said of their intent is "to sell or build on the re-created Lot 3".

**Decision Needed:** (if positive, Motion needed and Approval)

If the Planning Board approves this division, the Chair will need to sign the Official Boundary Division Survey, in order for it to be recorded at the County Register of Deeds.



- Legend**
- Corner Description
  - Existing Iron Pin
  - Corner Monument
  - Control Monument
  - 6.00" Steel Rod Set
  - Classified Point
  - Fire Hydrant
  - Power Pole
  - Gate Valve
  - Survey Van Hole
  - Survey Van Hole
  - Water Meter

The Lakes Community Property  
 Owners Association, Inc.  
 Book of Records 613  
 at page 107

Boundary Division Survey  
 Lot 2 Revised in Bailey Subdivision  
 For

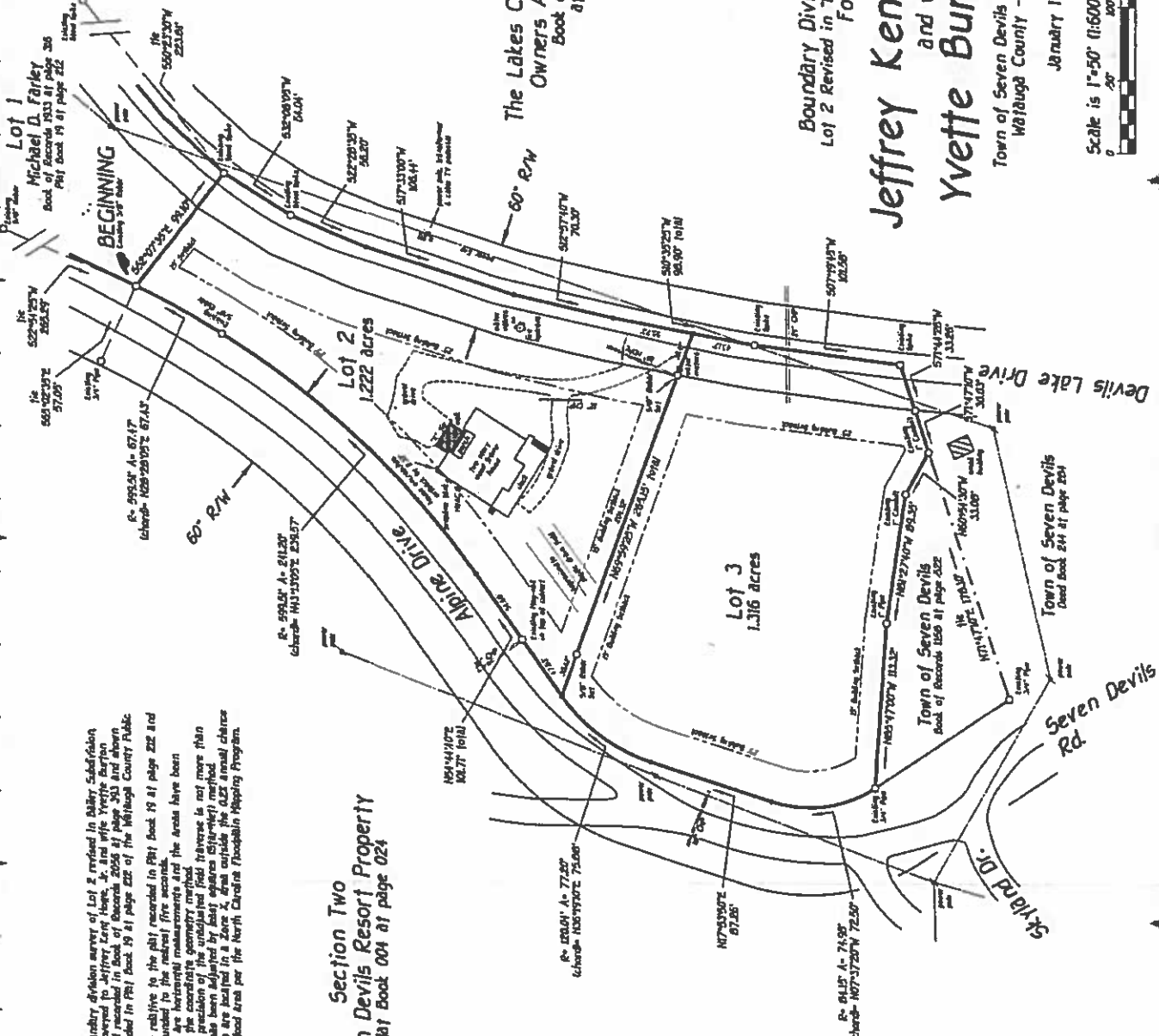
**Jeffrey Kent Howe**  
 and wife  
**Yvette Burton Howe**

Town of Seven Devils - Watauga Township  
 Watauga County -- North Carolina

January 15, 2020



Job No. 20006



- Notes:**
1. This is a boundary division survey of Lot 2, revised in Bailey Subdivision the final covered by Jeffrey Kent Howe and wife, Yvette Burton Howe, as shown on Plat Book 613 at page 107 and the final covered by Michael D. Farley as shown on Plat Book 19 at page 22 of the Watauga County Public Records.
  2. Bearings are relative to the platt recorded in Plat Book 19 at page 22 and have been rounded to the nearest five seconds.
  3. All distances are horizontal measurements and the areas have been calculated by the coordinate geometry method.
  4. The ratio of precision of the unadjusted field traverse is not more than 1:50,000.
  5. The survey was conducted in a Zone 18, which is outside the GRS annual closure of readings, fixed area per the North Carolina Triangulation Mapping Program.

Section Two  
 Seven Devils Resort Property  
 Plat Book 004 at page 024



**SURVEYOR'S CERTIFICATE**

I, Donald H. Kneifel, State of North Carolina, a duly Licensed Professional Land Surveyor, do hereby certify that the boundaries and acreage shown on the above plat were surveyed and measured in accordance with the laws of the State of North Carolina and the rules and regulations of the Board of Surveying and Mapping, and that the same comply with the laws of the State of North Carolina and the rules and regulations of the Board of Surveying and Mapping, and that the same are true and correct.

*Donald H. Kneifel*  
 DONALD H. KNEIFEL  
 PROFESSIONAL LAND SURVEYOR  
 STATE OF NORTH CAROLINA  
 License No. 1-0088

Certificate of Approval by the Town of Seven Devils Planning Board

I, \_\_\_\_\_, Chairman of the Town of Seven Devils Planning Board, do hereby certify that the above plat was approved by the Planning Board of the Town of Seven Devils on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Chairman of the Town of Seven Devils Planning Board

State of North Carolina  
 County of Watauga

I, \_\_\_\_\_, State of North Carolina, a duly Licensed Professional Land Surveyor, do hereby certify that the above plat was prepared in accordance with the laws of the State of North Carolina and the rules and regulations of the Board of Surveying and Mapping, and that the same are true and correct.

\_\_\_\_\_  
 State of North Carolina

Appalachian Professional Land Surveyors & Consultants, PA: C-2199  
 180 US Highway 421 South / Boone, North Carolina 28607 / (828) 264-9290

## Debbie Powers

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**From:** Debbie Powers  
**Sent:** Wednesday, January 29, 2020 3:05 PM  
**To:** Donald McNeil  
**Subject:** RE: division of lot

Mr. McNeil – Thank you for your email; I have reviewed your attachment & have pulled the deeds and plats from 2006 when the property was originally Lots 1, 2, and 3; then in 2014, the Baileys combined Lots 2 and 3. Now it appears that the Howes desire to increase the size of Lot 2, and decrease the size of Lot 3; am I correct?

This will need to be approved and signed by the Planning Board of the Town; they will definitely ask what is the purpose of this change before approval.

The next Planning Board meeting is scheduled for February 18<sup>th</sup> at 5:30 pm at Town Hall; either the Howes, or you, as their representative will need to attend the meeting. Please let me know if you want to proceed, and I will get you on the agenda.

Thank you,

*Debbie Powers*  
Town Manager  
Town of Seven Devils  
157 Seven Devils Road  
Seven Devils, NC 28604  
828-963-5343  
[www.sevendevils.net](http://www.sevendevils.net)

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**From:** Donald McNeil <[dhmac@bellsouth.net](mailto:dhmac@bellsouth.net)>  
**Sent:** Tuesday, January 28, 2020 10:01 AM  
**To:** Debbie Powers <[townmanager@sevendevils.net](mailto:townmanager@sevendevils.net)>  
**Subject:** division of lot

Good morning Mrs. Powers,  
Attached is a pdf for a proposed division of a parcel on Devils Lake Drive for Mr. Jeffrey Howe, Jr. This is a re-division of the revised lot 2 of the old 3 lot division known as the Bailey Subdivision. This is recorded in Plat Book 19 at page 212 if you wish to review. Lots 2 & 3 were combined and now they wish to divide again.  
Please review and let me know if there are any issues. If this is approved, I will plot the mylar and get by to be signed and we will record this for Mr. Howe. If you have any questions, you can reach me via phone or email.

Thank you  
Donald

Donald H. McNeil, P.L.S.  
Appalachian Professional Land Surveyors & Consultants, P.A.  
1480 US Hwy. 421 South  
Boone, NC 28607  
Ph. (828) 264-0290  
fax (828) 264-7876  
[dhmac@bellsouth.net](mailto:dhmac@bellsouth.net)  
[aplsc.net](http://aplsc.net)

BK 2056 PG 393 - 395 (3)

DOC# 683936

This Document eRecorded:

10/25/2019 01:03:12 PM

Fee: \$26.00

Tax: \$981.00

Watauga County, North Carolina

Amy J. Shook, REGISTER OF DEEDS

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$981.00

Parcel Identifier No. 1878-37-7527-000

Mail/Box to: Grantee

Prepared by: Moffatt & Moffatt, PLLC, P.O. Box 233-DTS, Boone, NC 28607

Brief description for the Index:

THIS DEED made this 24<sup>th</sup> day of October, 2019, by and between

<u>GRANTOR</u>	<u>GRANTEE</u>
J. Mark Bailey and wife, Christina F. Bailey	Jeffrey Kent Howe, Jr. and wife, Yvette Burton Howe
205 Devils Lake Dr. Seven Devils, NC 28604	3641 Augusta Ct. Gastonia, NC 28056

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of Seven Devils, Watauga Township, Watauga County, North Carolina and more particularly described as follows:

BEING ALL of Lot 2 Revised, being a 2.538-acre tract, more or less, and comprising all of original Lot 2 (a 1.030-acre tract) and all of original Lot 3 (a 1.508-acre tract) of the Bailey Subdivision, as shown and described on that minor subdivision plat recorded in Plat Book 19 at Page 212 of the Watauga County Public Registry, North Carolina and described in that

Submitted electronically by "Moffatt & Moffatt, PLLC"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Watauga County Register of Deeds.

Instrument of Combination recorded in Book 1775 at Page 717 of the  
Watauga County Public Registry, North Carolina.

The property hereinabove described was acquired by Grantor by instrument recorded in  
Book 1198, Page 91.

All or a portion of the property herein conveyed \_\_\_ includes or X does not include the  
primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book 19, Page 212.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and  
appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee  
simple, has the right to convey the same in fee simple, that title is marketable and free and clear of  
all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of  
all persons whomsoever, other than the following exceptions:

1. Ad Valorem property taxes for the current year and subsequent years.
2. Any local, county, state or federal laws, ordinances, rules or regulations relating to  
zoning, environment, subdivision, occupancy, use, construction or development of the  
herein-described property, any improvements thereon or privileges and appurtenances  
thereto, including existing violations of said laws, ordinances, rules or regulations.
3. Any conditions, restrictions, easements, rights-of-way or other matters stated in or  
shown on the description of the herein-described.

[REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK, SIGNATURE PAGE TO  
FOLLOW]

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

J. Mark Bailey (SEAL)  
J. Mark Bailey

Christina F. Bailey (SEAL)  
Christina F. Bailey

STATE OF North Carolina

COUNTY OF Watauga

Personally appeared before me, a Notary Public in and for said County and State, the within named Grantor(s), J. Mark Bailey and wife, Christina F. Bailey, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged that he/she/they executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and seal, this the 24<sup>th</sup> day of October, 2019.

(SEAL)

[Signature], Notary Public  
Notary's Name: Amanda C. Moffatt

My Commission Expires: 9-21-2020



AGENDA ITEM 7) B. (ii)

FILED JoAnn Townsend  
Register of Deeds, Watauga Co, NC  
Fee Amt: \$25.00

Bk 1775 Pg 717 (4)  
Recorded: 10/21/2014 at 09:46:35 AM  
Doc No: 631153 Kind: COMBO



STATE OF NORTH CAROLINA

INSTRUMENT OF COMBINATION

COUNTY OF WATAUGA

This Instrument of Combination is made and executed this the 20th day of October, 2014 by J. MARK BAILEY ("Bailey"), a North Carolina resident; whose address is 290 Alpine Drive Seven Devils, NC 28604;

WITNESSETH:

THAT WHEREAS, Bailey, as the maker of this Instrument of Combination, owns certain properties (the "Lots") in the Town of Seven Devils, Watauga County, NC now known as Lot 2 and Lot 3 of the Bailey Subdivision, as the Lots are shown on that certain minor subdivision plat (the "Plat") recorded in Plat Book 19 at Page 212 of the Watauga County Registry, which Lots were part of a parent tract acquired by Bailey by the following deed:

General Warranty Deed duly recorded in Book of Records 1198, Page 91, Watauga County Registry.

WHEREAS, Bailey wishes to combine the above-mentioned properties into a single tract of land for the purpose of complying with all applicable provisions of the Watauga County and Town of Seven Devils Watershed, Zoning and Subdivision Ordinances; and,

WHEREAS, this is a limited special purpose instrument for the purposes specified above and is not a conveyance or modification of the ownership interests in the property hereinafter described;

WHEREAS, upon execution and recordation of this instrument, the Lots shall be, and are hereby, combined and shall hereafter be described according to the description in Exhibit "A", attached hereto and hereby incorporated by reference;

✓ Prepared By and Return To: TURNER LAW OFFICE, PA  
136 N. Water Street, Boone, NC 28607



IN WITNESS WHEREOF, Bailey, the maker, has executed this instrument as of the day and year first written above.

J. Mark Bailey (SEAL)  
J. Mark Bailey

STATE OF NORTH CAROLINA  
COUNTY OF WATAUGA

I, John A. Turner, a Notary Public do hereby certify that J. MARK BAILEY, personally appeared before me this day and acknowledged the execution of the foregoing Instrument of Combination.

This the 20<sup>th</sup> day of October, 2014.

John A. Turner (SEAL)  
Notary Public

My Commission Expires: 6.4.2018

John A Turner  
Notary Public  
Watauga County, NC  
My Commission Expires 6.4.2018

**EXHIBIT "A" TO INSTRUMENT OF COMBINATION**

BEING ALL of Lot 2 Revised, being a 2.538-acre tract, more or less, and comprising all of original Lot 2 (a 1.030-acre tract) and all of original Lot 3 (a 1.508-acre tract) of the Bailey Subdivision, as shown and described on that minor subdivision plat recorded in Plat book 19 at Page 212 of the Watauga County Registry and as also shown re-mapped for illustrative purposes on the attached Exhibit A-1. The former boundary between the two component Lots, as described above, and the building setback lines associated with said boundary, are hereby abolished, and the property herein described shall henceforth constitute a single residential lot.



Lot 2 Revised  
(A recombination of original Lots 2 and 3 of the Bailey Subdivision)

- Notes:
1. This is a survey and plat of the lots described in and recorded in Book of Records 299
  2. All lots are subject to the provisions of the North Carolina State Constitution.
  3. All lots are subject to the provisions of the North Carolina State Constitution.
  4. The plat is subject to the provisions of the North Carolina State Constitution.
  5. The plat is subject to the provisions of the North Carolina State Constitution.

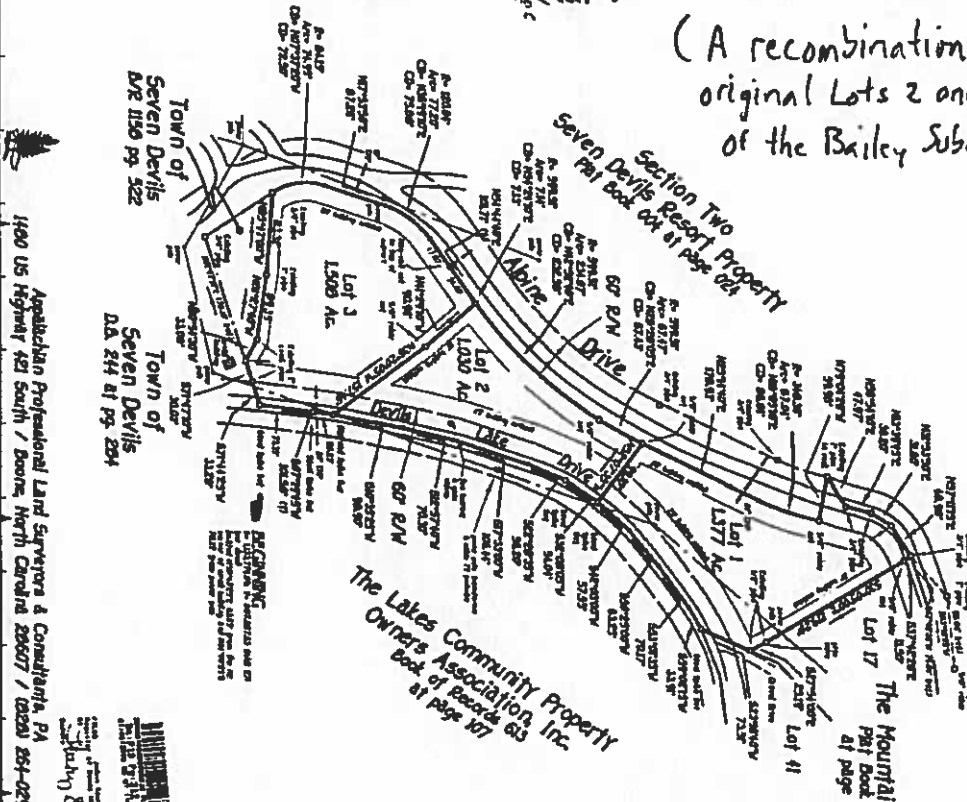
Certificate of Approval by the Town of Seven Devils, North Carolina, for the proposed subdivision of the land shown on this plat.

*Marty Bailey*



State of North Carolina  
County of Watauga  
Town of Seven Devils

Copyright



This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations

Total Area  
3,916 Acres



Final Plan of Division  
**Bailey Subdivision**  
A Development by Marty Bailey  
Town of Seven Devils — Watauga Township  
Watauga County — North Carolina

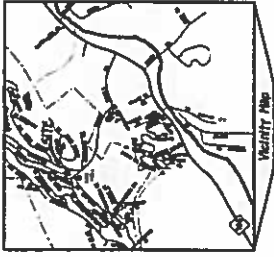
May 10, 2006  
Revised June 01, 2006

Scale is 1"=100' (AS2000)

Job No. 05311

Application Professional Land Surveyors & Consultants, PA  
1400 US Highway 421 South / Boone, North Carolina 28607 / (828) 864-0290

EXHIBIT A-1 TO  
INSTRUMENT OF COMBINATION



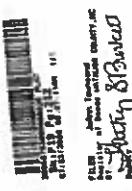
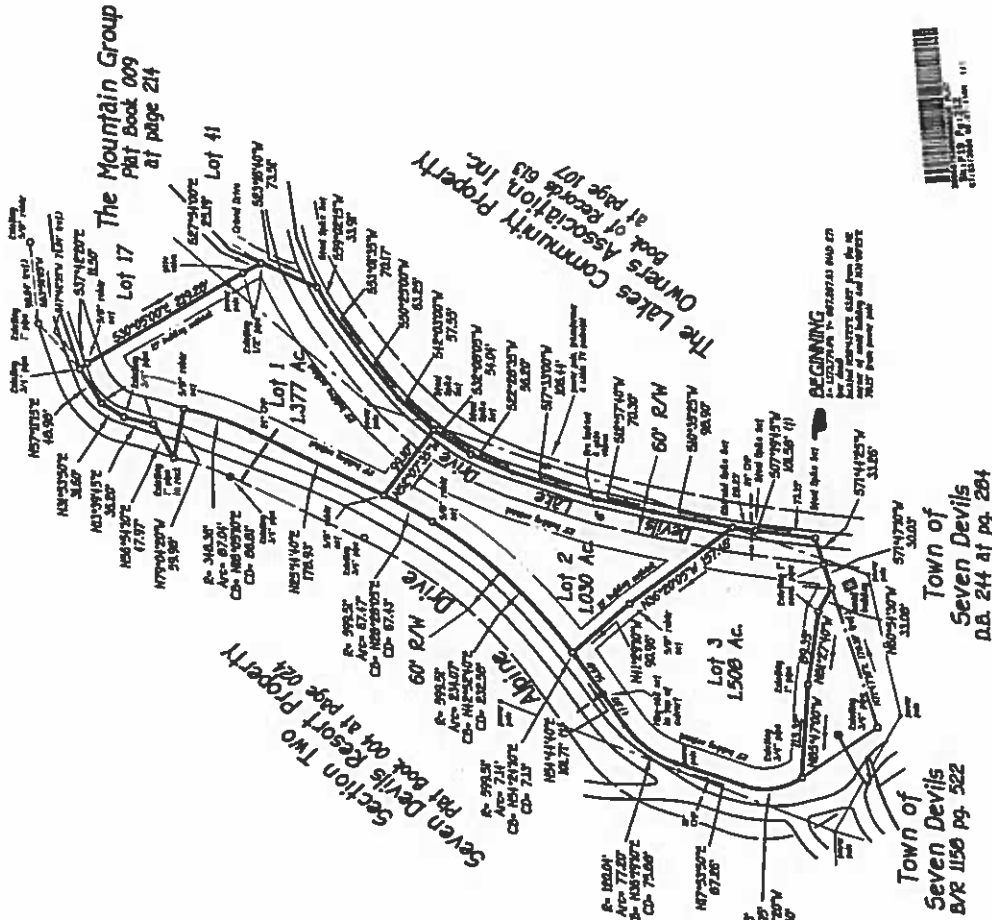
Total Area  
3.916 Acres

Final Plan of Division  
of  
**Bailey Subdivision**  
A Development by Mark Bailey  
Town of Seven Devils — Watauga Township  
Watauga County — North Carolina

May 10, 2006  
Revised June 01, 2006



Job No. 06141



Appalachian Professional Land Surveyors & Consultants, PA  
1480 US Highway 421 South / Boone, North Carolina 28607 / (828) 264-0290

- Notes:
- This is a survey and division of the Block described in deed recorded in Book of Records 289 at page 282 of the Watauga County Public Registry.
  - Boundaries are relative to actual north and have been rounded to the nearest five seconds.
  - Horizontal measurements and the area has been calculated by the coordinate geometry method.
  - The ratio of precision of the unadjusted field traverse is not more than 1:60,000 and has been adjusted by the least squares method.
  - The parcel is located in a Zone X area outside the 500 ft. flood plain, flood area per the Federal Emergency Management Agency's Flood Insurance Rate Map for Watauga County.



Certificate of Approval by the Town of Seven Devils Planning Board  
I, Mark Bailey, the undersigned, being duly sworn, depose and say that I am the owner of the above described property and that I am the author of the above described plat and that the same is true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me on this 10th day of May, 2006.

Notary Public for Watauga County, North Carolina  
Mark Bailey

SURVEYORS CERTIFICATE  
I, Mark Bailey, being duly sworn, depose and say that I am the owner of the above described property and that I am the author of the above described plat and that the same is true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me on this 10th day of May, 2006.

Notary Public for Watauga County, North Carolina  
Mark Bailey



State of North Carolina  
County of Watauga  
I, Mark Bailey, being duly sworn, depose and say that I am the owner of the above described property and that I am the author of the above described plat and that the same is true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me on this 10th day of May, 2006.

Notary Public for Watauga County, North Carolina  
Mark Bailey

NO Plat

2006072300000010 DEED  
Bk:BR1186 Pg:81  
07/03/2006 09:07:16AM 1/4

FILED JoAnn Townsend  
Register of Deeds WATAUGA COUNTY, NC  
BY: *Kathy S. Porter*  
Deputy

Watauga County NC 07/03/2006  
State of North Carolina  
Real Estate Excise Tax  
Excise Tax: \$330.00

**GENERAL WARRANTY DEED**

**Excise Tax: \$ 330**

**Brief Description for the index: 3.901 acre, Alpine Drive, Seven Devils**

**NC PIN#: a portion of 1878-37-5397-000**

**Mail after recording to: Richard E. Mattar, PO Box 447, Blowing Rock, NC 28605.**

**This instrument prepared by: Richard E. Mattar, Atty at Law, PO Box 447, Blowing Rock, NC 28605.**

**[[C:\Documents and Settings\Ric\My Documents\DEEDS\June 2006\Porter to Bailey.deed.wpd:]]**

THIS DEED made this June 27, 2006, by and between

**JEAN S. PORTER,**  
**Trustee of the JEAN S. PORTER REVOCABLE TRUST**  
**dated December 22, 1992**  
**(hereinafter known as "Grantor")**

and

✓  
**J. MARK BAILEY, married**  
**1343 Deep Water Drive**  
**Mt. Pleasant, NC 29464**  
**(hereinafter known as "Grantee")**

TAX INFORMATION  
RECORDED  
*July 03-06 BC*  
TALS... rrvsor

*As referred to herein, the terms "Grantor" and "Grantee" shall be masculine singular, but shall include the above parties, their heirs, personal representatives, successors and assigns, and each term shall include the singular, plural, masculine, feminine or neuter, and any combination thereof, as required by the context.*

**WITNESSETH:** that Grantor, for a valuable consideration paid by Grantee, the receipt, adequacy and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee, in fee simple, all that certain lot or parcel of land situated in Town of Seven Devils, Watauga Township, Watauga County, North Carolina, described as follows:

**BEING** a 3.901 acre tract or parcel of land as more particularly described on the attachment hereto, which is marked **EXHIBIT A** and is incorporated herein by this reference.

The property hereinabove described was acquired by Grantor by instrument recorded in Book of Records 289, Page 265, Watauga County, North Carolina, Public Registry, and excepts out Book of Records 1158, Page 522, Watauga County, North Carolina, Public Registry.

**TO HAVE AND TO HOLD** the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to Grantee in fee simple, subject, however, to any exceptions stated herein.

And Grantor covenants with Grantee, that Grantor is seized of the premises in fee simple and has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

1. Ad Valorem property taxes for the current year.
2. Road rights-of-way and utility easements of record.
3. Any conditions, restrictions, easements, rights-of-way or other matters stated in or shown on the description of the property herein.

IN WITNESS WHEREOF, Grantor has hereunto set his hand, the month, day and year first above written.

*Jean S. Porter, Trustee of Jean S. Porter RLT*  
JEAN S. PORTER, Trustee of the JEAN S. PORTER  
REVOCABLE TRUST dated December 22, 1992

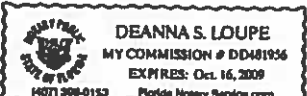
ACKNOWLEDGMENT FOR NATURAL PERSON OR PERSONS	
STATE OF <u>Florida</u>	COUNTY OF <u>Seminole</u>
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein: <b>JEAN S. PORTER, Trustee of the JEAN S. PORTER REVOCABLE TRUST dated December 22, 1992</b>	
Date: <u>June 20, 2006</u>	
Official Signature of Notary Public: <u>Deanna S. Loupe</u>	
Notary's Printed/Typed Name: <u>Deanna S. Loupe</u>	
My Commission Expires: <u>October 16, 2009</u>	
	

EXHIBIT A - Page One of Two

BEGINNING on a P.K. nail in the center of Devils Lake Drive, said BEGINNING POINT being a corner with that property belonging to The Town of Seven Devils, a deed of which is recorded at Deed Book 244, at Page 284, in the Watauga County, North Carolina, Public Registry, and said BEGINNING POINT being located North 37°42'15" West 3,446.45 feet from the N.C.G.S. Station "Fox" (AND 27), said BEGINNING POINT having the N.C. Grid Coordinates of North 887,287.63; East 1,173,774.09; thence from the POINT OF BEGINNING and with the Town of Seven Devils property South 71°44'23" West, passing a 3/4-inch pipe on line at a distance of 33.26 feet and continuing on the same bearing 207.98 feet, for a total distance along this bearing of 241.24 feet to a 1/2-inch iron pipe on the east right of way of SR 1151; thence with the east right of way of SR 1151 North 33°10'33" West 111.68 feet to a 1/2-inch iron pipe at a point of curve on the east right of way of Alpine Drive; thence with the east right of way of Alpine Drive for 7 calls: (1) with a curve convex to the southwest, having a radius of 84.18 feet, an arc of 74.98 feet and a chord of North 7°39'33" West 72.53 feet to a point of tangency; (2) North 17°51'36" East 87.30 feet to a point of curve; (3) with a curve convex to the northwest, having a radius of 120.09 feet, an arc of 77.23 feet, and a chord of North 36°16'57" East 75.91 feet to a point of tangency; (4) North 54°42'27" East 101.75 feet to a point of curve; (5) with a curve convex to the southeast, having a radius of 599.75 feet, an arc of 308.79 feet and a chord of North 39°57'27" East 305.39 feet to a point of tangency; (6) North 25°12'27" East 179.00 feet to a 1/2-inch iron pipe at a point of curve; and (7) with a curve convex to the southeast having a radius of 348.50 feet, an arc of 87.08 feet and a chord of North 18°02'57" East 86.85 feet to a 1/2-inch iron pipe on the east right of way of Alpine Drive; thence crossing Alpine Drive North 79°06'33" West 60.00 feet to a 1/2-inch iron pipe on the west right of way of Alpine Drive; thence North 57°37'46" East 47.72 feet to a 1/2-inch iron pipe in the center of Alpine Drive; thence continuing with the center of Alpine Drive for 3 calls: (1) North 14°00'46" East 36.02 feet to a 1/2-inch iron pipe; (2) North 33°00'46" East 32.00 feet to a 1/2-inch iron pipe; and (3) North 56°19'46" East 48.40 feet to a 1/2-inch iron pipe in the center of Alpine Drive, said point being a corner with that property belonging to Denise Walker, a deed of which is recorded at Deed Book 85, at Page 737, and a corner with that property belonging to Dempsey Leather, a deed of which is recorded at Deed Book 225, at Page 200, both as recorded in the Watauga County Registry; thence with the Leather property for 2 calls: (1) South 37°44'14" East 11.50 feet to a 1/2-inch iron pipe; and (2) South 29°51'26" East, passing a 3/4-inch iron pipe on line at a distance of 219.91 feet, and continuing on the same bearing 24.59 feet, for a total distance along this bearing of 244.44 feet to a 1/2-inch iron pipe, a corner with the Leather property and that property belonging to Douglas Lee, a deed of which is recorded at Deed Book 33, at Page 371, in the Watauga County Registry; thence with the Lee property South 23°16'34" West, passing a 1/2-inch iron pipe on line at a distance of 27.73 feet and continuing on the same bearing 45.78 feet, for a total distance along this bearing of 73.51 feet to a point in the center of Devils Lake Drive; thence with the center of Devils Lake Drive for 10 calls: (1) South 59°02'10" West 33.91 feet; (2) South 53°01'27" West 70.17 feet; (3) South 50°24'55" West 63.25 feet; (4) South 42°02'54" West 57.55 feet; (5) South 32°07'59" West 54.04 feet; (6) South 22°28'26" West 56.20 feet; (7) South 17°32'53" West 106.44 feet; (8) South 12°57'13" West 70.30 feet; (9) South 10°35'36" West 98.90 feet; and (10) South 07°19'36" West 101.58 feet to the POINT OF BEGINNING, containing 4.17 acres gross, by coordinates.

Subject to right-of-way for Alpine Drive and Devils Lake Drive, and subject to a cemetery located on the property.

There is an encroachment from the Town of Seven Devils in the form of a paved area, as shown on the accompanying plat. (see exception below)

As surveyed by Western Carolina Surveyors, PA; T.R. Bishop, RLS, this the 13th day of November, 1990, and being their JOB # 3105-TH.

Said property, with the exception below taken out, is also described in that certain plat of survey entitled "Final Plan of Division of Bailey Subdivision" dated May 10, 2006, revised June 1, 2006 by Donald H. McNeil, PLS No. L-2809, of Appalachian Professional Land Surveyors and Consultants, PA in Job No. 06141.

**EXHIBIT A - Page Two of Two**

**EXCEPTED AND NOT CONVEYED** is that 0.269 acre tract or parcel of land which was deeded to the Town of Seven Devils by deed recorded in Book of Records 1158, Page 522, Watauga County, North Carolina, Public Registry, which is more particularly described as follows:

Being a portion of that same parcel of land quit claimed by WILLIAM L. WHITWORTH and wife, ANN WHITWORTH, THOMAS C. NELSON and wife, ELIZABETH J. NELSON and BRADFORD W. PORTER and wife, JEAN S. PORTER to JEAN S. PORTER, Trustee for the Jean S. Porter Revocable Living Trust dated December 22, 1992, and more particularly described as follows:

BEGINNING on a 3/4" iron pipe set in the line of the Town of Seven Devils (Deed Book 244, Page 284), said point being located, South 71° 44' 23" West, 63.49 feet from a point, a common corner of the Town and Porter in the center of Devils Lake Drive which has N.C.G.S. coordinates of North 887,287.63' and East 1,173,774.09' (NAD 27) and is located, North 37° 42' 15" West, 3,446.45 feet from N.C.G.S. Monument "FOX"; THENCE with the common line of the Town and Porter, South 71° 44' 23" West, crossing an asphalt parking lot, 177.74 feet to a 1/2" iron pipe found on the north side of a rock column and in the northeast right-of-way line of Seven Devils Road, N.C.S. R. 1151 having a 60' right-of-way; THENCE with said right-of-way line, North 33° 10' 33" West, 111.68 feet to a 1/2" iron pipe found, an older corner; THENCE leaving the road and with three (3) new lines through Porters' property the following courses and distances, 1.) South 85° 43' 05" East, 113.33 feet to a 3/4" iron pipe set, 2.) South 81° 25' 06" East, 89.27 feet to a 3/4" iron pipe set, and 3.) South 60° 46' 51" East, 32.78 feet to the POINT OF BEGINNING. As surveyed and platted by LESLIE COLE, P.L.S., P.A. on 10/19/2005. Containing 0.259 acres, more or less.

Situated, lying and being in The Town of Seven Devils, Watauga Township, Watauga County, North Carolina.

Subject to all agreements, conditions, easements, reservations, rights-of-way and all other matters of record.



**Figure 4.1: Application for Change in Zoning Classification of Property in the Town of Seven Devils**

Town of Seven Devils  
 1356 Seven Devils Road  
 Seven Devils, NC 28604  
 Phone: (828) 963-5343  
 Fax: (828) 963-7418

**Description of Property**

Location of Property: \_\_\_\_\_

Size of Property \_\_\_\_\_ County \_\_\_\_\_ PIN # \_\_\_\_\_

Current Zoning District \_\_\_\_\_ Change Current Zoning to \_\_\_\_\_

The property is best suited for the requested change for the following general reason(s):  
 \_\_\_\_\_  
 \_\_\_\_\_

**Applicant Information**

**Property Owner Information**

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Phone # (s): \_\_\_\_\_

Phone # (s): \_\_\_\_\_

E-mail: \_\_\_\_\_

E-mail: \_\_\_\_\_

In order for this application to be complete, the applicant must submit the following:

- Two (2) copies of this completed form, typed, or filled out in black ink.
- Two (2) copies of current zoning map with location of property indicated.
- Two (2) copies of any additional information the applicant intends to present at the public hearing.
- A list of names and addresses of the owners of property within 100 feet of the property in question.
- Personal or Certified Check in the amount determined by the current Fee Schedule for each application for a zoning classification change to cover the necessary administrative costs.

To be placed on the agenda, completed applications, fees, and all accompanying materials must be presented no less than thirty (30) days before the next scheduled meeting of the Planning Board.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Amount Paid \_\_\_\_\_ Received by \_\_\_\_\_ Date \_\_\_\_\_

**AGENDA ITEM 7)C.(ii) Proposed Application**

**Figure 4.1 – Application for Change in Zoning Classification of Property in the Town of Seven Devils**

Town of Seven Devils  
157 Seven Devils Road  
Seven Devils, NC 28604  
828-963-5343  
[www.sevendevils.net](http://www.sevendevils.net)

**Description of Property:**

Location of Property (street address) \_\_\_\_\_

Size of Property \_\_\_\_\_ County \_\_\_\_\_ PIN# \_\_\_\_\_

Current Zoning District \_\_\_\_\_ Change Current Zoning to: \_\_\_\_\_

This property is best suited for the requested change for the following general reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Applicant/Property Owner Information:**

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Cell Number \_\_\_\_\_

Email \_\_\_\_\_

**Required Documents:**

- Two (2) copies of this completed form
- Two (2) copies of current zoning map, with property clearly marked
- Two (2) copies of any additional information the applicant intends to submit to Board(s)
- Two (2) copies of recent survey of property which has been recorded at Register of Deeds
- Two (2) copies of proposed site plan prepared and certified by Engineer.
- Personal or Certified Check in the amount determined in the current Budget Ordinance for each application for a zoning classification change to cover the necessary administrative costs.

To be placed on the agenda, completed application, fee, and all accompanying documents must be presented no less than thirty (30) days before the next regularly scheduled meeting of the Planning Board. No exceptions.

\_\_\_\_\_  
Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Amount Paid \_\_\_\_\_ Check # \_\_\_\_\_ Received by \_\_\_\_\_ Date \_\_\_\_\_

AGENDA ITEM 7) D. - New Business

AGENDA ITEM 8) A. Old Business

# NUISANCE ORDINANCE



## TOWN OF SEVEN DEVILS NORTH CAROLINA

*Adopted: November 14, 2006*  
*Amended: 12/14/09, 10/08/12, 7/9/19*

## NUISANCE ORDINANCE

### TABLE OF CONTENTS

Article 1 – Title and Purpose

Article 2 – Authority and Jurisdiction

Article 3 – Definitions

Article 4 – Animal Control

Article 5 – Unreasonable and Disturbing Noises – *Proposed Addition/Change* 7)D.(i)  
7)D.(ii)

Article 6 – Brush, Waste, Garbage and Refuse

Article 7 – Nuisance Vehicles

Article 8 – Other Nuisances

Article 9 – False Alarms

Article 10 – Fire Pits and Recreational Fires

Article 11 – Drones and Unmanned Aircraft Systems

Article 12 – Damage to Town Roads or Right of Ways – *Proposed Addition* 8)A.(i)

Article 13 – Recreational Vehicles Prohibited – *Proposed Addition* 7)D.(iii)

Article 14 - Enforcement

***\*\*NOTE\*\****

***Item Attached with corresponding Item of Business on Agenda Outline***

## ARTICLE 5 – UNREASONABLE AND DISTURBING NOISES

### 5.1 Prohibited Noises

Current:

- 4) *Firearms* except by permit from the Department of Public Safety

***Proposed Change - Replace with:***

- 4) Discharging a *firearm* on any property inside Town limits, with the exception to defend himself/herself or a third person from what he/she reasonably believes to be the use, or imminent use of deadly physical force, or by permit from the Department of Public Safety.

**ARTICLE 5 – UNREASONABLE AND DISTURBING NOISES**

**5.1 Prohibited Noises**

- 8) Any and all construction noises on a Federally recognized Holiday.

**ARTICLE 13 - RECREATIONAL VEHICLES PROHIBITED**

**Purpose.**

Due to the limited size and width and grade of the Town roads, all Recreational Vehicles are prohibited in the Town of Seven Devils Town Limits.

**Definitions.**

Recreational vehicle means a motorhome, bus, semi-trailers, travel trailer, truck camper, camping trailer, boat trailer, van camper, van conversion, horse trailers, with or without motive power, designed or altered for human habitation for recreational, emergency, or other human occupancy.

**Parking prohibited**

It is unlawful for a person to park or leave standing any recreational vehicle on any public street, park, square, avenue, alley or public way in the city, or parked on any vacant lot, or parked in any private yard or driveway.

**Exceptions**

Commercial work trailers operated by contractors (i.e. landscapers, tree arborists, handyman, etc.) during normal work hours. Buses or RVs visiting Commercially Zoned (GB Zone) and Recreational Business (RB Zone) businesses during normal business hours.

**Violations**

Unless otherwise specified, all violations of this chapter shall be an infraction and such persons shall be subject to citation, towing or both. First Violation shall be a \$500 fine, and each subsequent day shall be an additional \$500 fine. Violations may be issued by the Town Manager, Zoning Administrator, Police Chief, Police Officer on Duty, or Public Works Director.

## **Article 12. DAMAGE TO TOWN ROADS OR RIGHT OF WAYS**

### **Section 1. Purpose**

The purpose of this ordinance is to avoid damages and repairs of roadways in the Town of Seven Devils and provide safety to the citizens, the citizen's property and the preservation of Town maintained roadways.

### **Section 2. Conditions**

All persons shall notify Town Hall prior to entering any Town roads with excessive vehicles and/or overweight equipment and shall request a police escort to their destination. Signage is posted at the intersection of NC Hwy 105 and Seven Devils Road, indicating this requirement.

### **Section 3. Violation**

Any person(s) doing damage to Town roads, Town Right-of-ways, or ditches while in the process of delivering, constructing, hauling, or any other activities or services shall be issued a violation in an amount of no less than \$ 500.00. The Town will make the necessary repairs, or hire the work to be done, and all costs or related bills will be forwarded to the responsible party for collection.

### **Section 4. Enforcement – see Article 13.**

Violations may be issued by the Zoning Administrator, the Police Chief and/or the Police on Duty. Any complaint regarding damage to Town roads or Right-of-ways delivered to Town Hall will be investigated by the appropriate Town personnel, and a written determination made of damages. Violators will be held responsible and will be charged for full restitution to remedy the damages.



## Section 5. Restitution

Violators will have ten (10) calendar days to pay the fine, and twenty (20) days to make full restitution of damages, payable to the Town of Seven Devils, and delivered to Town Hall at 157 Seven Devils Road, Seven Devils, NC 28604. Failure to comply with any of the above shall constitute a misdemeanor, punishable as provided in the NC General Statute 14.4. Appeals may be made to the Board of Adjustment.